



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: October 2, 2019

TO: Hearing Officer

SUBJECT: Variance #11903

LOCATION: 1419 Wellington Avenue

APPLICANT: Kathleen Ferguson

ZONING DESIGNATION: RS-4-HD (Single-Family Residential, 0-4 units per acre, Hillside Overlay District)

GENERAL PLAN DESIGNATION: Low Density Residential

CASE PLANNER: Kristen Johnston

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Variance #11903 and the Minor Variance with the conditions in Attachment B.

PROJECT PROPOSAL: Variance: To allow construction of an accessory structure (swimming pool and spa) within the front yard, where an accessory structure is required to be located behind the rear wall plane of the primary structure; and

Minor Variance: To allow construction of a five-foot high fence, with a combination of steel, wood, and concrete block materials, along the east and north property lines, within the front yard of a single-family residence, where the maximum allowed height is four feet.

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. Section 15303 exempts construction of small structures from environmental review, including accessory structures and fences.

BACKGROUND:

Site characteristics: The subject site is an irregular shaped parcel measuring 19,916 square-feet in area. The site is located on the west side of Wellington Avenue, north of Lida Street. The site is developed with a 4,305 square-foot, single-family residence and attached two-car garage constructed in 1937, situated at the rear of the site. The site has a gradual upward slope from Wellington Avenue to rear property line. The average slope of the property is less than 15 percent.

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

Adjacent Zoning: North – RS-4-HD (Single-Family Residential, 0-4 units per acre, Hillside Overlay District)
South – RS-4 (Single-Family Residential, 0-4 units per acre)
East – RS-4-HD (Single-Family Residential, 0-4 units per acre, Hillside Overlay District)
West – RS-4-HD (Single-Family Residential, 0-4 units per acre, Hillside Overlay District)

Previous zoning cases on this property: None.

PROJECT DESCRIPTION:

The applicant, Kathleen Ferguson on behalf of Ledis Family Revocable Trust, has submitted the following applications to facilitate construction of an accessory structure (swimming pool and spa), and construction of a five-foot high fence within the front yard: A Variance application to allow construction of a swimming pool and spa within the front yard, where an accessory structure is required to be located behind the rear wall plane of the primary structure; and a Minor Variance application to allow replacement of a six-foot high wood fence with a five-foot high fence, with a combination of steel, wood, and concrete block materials, along the east and north property lines, within the front yard of a single-family residence, where the maximum allowed height is four feet.

The proposed project involves the demolition of existing site improvements within the front yard, including a brick walkway and concrete ramp, stone patio, and five raised planters which terrace from the building pad to the front yard, to facilitate the construction of an infinity edge swimming pool and spa within the front yard of the existing single-family residence. The plans provided by the applicant demonstrate the swimming pool and spa would be constructed in front of the existing residence and situated approximately 33'5" from the front (east) property line, 9'3" from the side (north) property line, 69 feet from the rear (west) property line, and 19 feet from the residence.

In addition to constructing a swimming pool and spa, the project includes the replacement of an existing six-foot high wood fence with a new five-foot high fence, with a combination of steel, wood, and concrete block materials. The new fence would be located along the north side property line, from the street property line to the occupancy frontage, with a length of approximately 61 linear feet. The fence would also be located along the front (east) property line, from the north side property line for 89 linear feet to the south. A new five-foot high pedestrian gate would also be installed to connect two existing six-foot high masonry walls, which separates the driveway from the front yard.

ANALYSIS:

The existing 4,305 square-foot single-family residence and attached two-car garage are situated toward the rear of the site. The existing residence is 61'11" from the front property line, 14'1" from the rear property line, and 20 feet from the north and south side property lines.

The proposed project would include the construction of a swimming pool and spa within the front yard of the existing single-family residence. In addition, the project includes replacement of a six-foot high wood fence with a new five-foot high fence along the north and east property lines.

The subject site is located in the within the RS-4-HD (Single-Family Residential, 0-4 units per acre, Hillside Overlay District) zoning district. Properties located within the RS-4-HD zoning district are required to comply with all of the development standards of the RS-4 zoning district provided in Section 17.22.040 (RS and RM-12 Residential District Development Standards). Additionally, properties located within the Hillside Overlay are required to comply with additional standards beyond those applicable to the base single-family residential zoning district (RS). These additional standards are intended in part, to preserve and protect views to and from hillside areas, maintain an environmental equilibrium by preserving and protecting existing natural resources, prohibit features that would create or increase fire, flood, landslide or other safety hazards to public health and safety, and preserve significant natural topographic features.

In addition to the development sections provided above, the proposed swimming pool and spa and five-foot high fence, within the front yard of the existing single-family residence, are subject to development standards provided in Section 17.29.060 (Building Design Standards), Section 17.40.180 (Walls and Fences), and Section 17.50.250 (Residential Uses – Accessory Uses and Structures) of the Zoning Code.

Pursuant to Section 17.29.060(C) of the Zoning Code, an accessory structure located within the HD and HD-SR districts shall comply with the size and location limitations which requires an accessory structure, except for detached garages, to be located behind the rear wall plane(s) of the primary structure. Moreover, pursuant to Section 17.50.250(F) of the Zoning Code, pools, hot tubs, and related equipment, and all mechanical equipment shall not be closer than five feet from a property line.

The proposed swimming pool and spa would be located in front of the primary structure, situated approximately 33'5" from the front (east) property line, 9'3" from the side (north) property line, 69 feet from the rear (west) property line, and 19 feet from the residence. The proposed swimming pool and spa would comply with the separation setback requirements. However, the swimming pool and spa would be located in front of the primary structure. Therefore, a Variance is required to allow deviation from the accessory structure placement requirement.

Walls and fences are subject to the development standards provided in Section 17.40.180 (Walls and Fences) of the Zoning Code, which states that a wall or fence within the RS or RM-12 zoning district located within the front yard (between the front property line and the occupancy frontage) shall have a maximum height of four feet and be at least 50 percent open and any concrete block materials shall have a finished stucco appearance. Walls and fences shall be set back a minimum of 18" from the front property line.

As previously noted, the project includes the replacement of an existing six-foot high fence, with a five-foot high fence along the north side property line and front (east) property line, within the front yard. The plans provided demonstrate that the proposed five-foot high fence would be set back 4'6" from the front property line and would be 50 percent open. However, the proposed height of five-feet exceeds the maximum height allowed by one-foot. Therefore, as proposed requires the approval of a Minor Variance.

Variance: To allow construction of an accessory structure (swimming pool and spa) within the front yard of an existing single-family residence, where an accessory structure is required to be located behind the rear wall plane of the primary structure

A Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. A Variance may only be granted when, because of special circumstances applicable to the subject property, the strict application of the Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards. In order to approve a Variance, five findings must be made in the affirmative. These findings relate to the project's compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties.

As established above, the existing single-family residence is situated toward the rear of the subject site, 61'11" from the front property line, 14'1" from the rear property line, and 20 feet from the north and south side property lines.

Pursuant to Section 17.29.060(C) of the Zoning Code, accessory structures, except for detached garages, must be located behind the rear wall plane(s) of the primary structure. As previously discussed, the project proposes to construct a swimming pool and spa within the front yard; approximately 19 feet from the residence, 33'-5" from the front (east) property line, 9'3" from the side (north) property line, and 69 feet from the rear (west) property line. Therefore, the applicant must obtain the approval of a Variance in order to deviate from the accessory structure placement requirement.

The existing single-family residence maintains a shallow 14'1" setback from the rear property line, leaving the site without a useable back yard for recreational purposes, such as a swimming pool. Therefore, constructing an accessory structure that complies with the development standards, specifically accessory structure placement, poses unusual circumstances that a typical single-family residential property does not encounter. As such, staff's analysis concludes that the proposed swimming pool and spa location, within the front yard, would allow the applicant to enjoy accessory uses and structures that single-family residential properties are typically afforded. Furthermore, the proposed location of the swimming pool and spa would not be inconsistent with development in the immediate area for properties that are developed with a single-family

residence toward the rear of the property. Specifically, three properties were identified within the immediate neighborhood of the subject site that have accessory structures (swimming pool and spa) within the front yard, including: 1400 Arroyo View Drive, 1491 Wellington Avenue, and 1499 Wellington Avenue.

If the Variance were to be approved, it would allow the applicant to construct a swimming pool and spa within the front yard of a single-family residence. With the exception of the requested Variance, the proposed swimming pool and spa complies with all other applicable development standards.

Minor Variance: To allow construction of a five-foot high fence within the front yard, where the maximum allowed height is four feet

A Minor Variance application allows the City to review whether a deviation from the Zoning Code can be granted for a project. A Minor Variance may only be granted when, because of special circumstances applicable to the subject property, the strict application of the Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards. In order to approve a Minor Variance, five findings must be made in the affirmative. These findings relate to the project's compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties.

Section 17.40.180 of the Zoning Code states that a wall or fence within the RS or RM-12 zoning district located within front yard (between the front property line and the occupancy frontage) shall have a maximum height of four feet and be at least 50 percent open.

Plans provided by the applicant show replacement of a six-foot high wood fence along the north and east property lines, with a five-foot high fence, utilizing a combination of steel, wood, and concrete block materials that would be 50 percent open. Along the front property line, concrete pillars would be placed at each side of a steel framed, wood-slatted entry gate with the remaining fence consisting of open iron. A chain-link fence would be utilized along the north side property line. Additionally, the proposed fence would be set back 4'6" from the front property line.

The five-foot high fence is necessary to meet the minimum Building Code requirements for a pool enclosure. The proposed five-foot high fence along the side (north) property line would be 61 linear feet, measured from the occupancy frontage to the front (east) property line, and continue for approximately 89 linear feet along the front (east) property line. In addition, a five-foot high pedestrian gate would be installed, connecting two existing six-foot masonry walls to fully enclose the front yard and provide a code compliant pool enclosure.

Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district. The subject site is a regularly shaped lot with the existing single-family residence situated at the rear of the site. As a result of the residence location, providing a 14'1" setback from the rear property line, and location of the proposed swimming pool and spa within front yard, the site would not be permitted to construct a five-foot high fence to secure the site and comply with the pool enclosure requirement, creating special circumstances that are unique to the subject site. The construction of a fence that complies with the maximum four-foot height within a front yard would create an

unnecessary hardship for the property, as the primary structure's configuration on the site, limits the ability to construct a code compliant swimming pool and spa on the subject site, as it pertains to structure placement, and results in the site having a rear yard that is not useable.

Tree Protection Ordinance and Preliminary Landscape Plan

The tree inventory report and plan submitted by the applicant identifies 13 trees located on the subject site. Of the 13 trees, one tree is protected, a Toyon (*Heteromeles arbutifolia*), based on the species, size, and location on the property. Additionally, the tree inventory report indicates that there are three American Sweet Gum (*Liquidambar styraciflua*) street trees, which will be protected throughout construction activities. No protected trees will be removed as part of this project.

New landscaping is also proposed throughout the project site, including replacement of an existing hedge along the front property line with Carolina Laurel Cherry (*Prunus caroliniana*) hedging to be planted along the front (east) and side (north) property lines, which will screen the proposed five-foot fence.

As a condition of approval, the Planning Department will require the submittal of a Final Landscape Plan in compliance with Chapter 17.44 (Landscaping) of the Zoning Code, and a Tree Protection Plan for the protected trees on public and private property.

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. Section 15303 exempts construction of small structures from environmental review, including accessory structures and fences.

GENERAL PLAN CONSISTENCY:

The subject site is designated as Low Density Residential in the General Plan Land Use Element. The use of the site will remain a single-family residence; therefore, the character of the single-family neighborhood will be maintained. The accessory structure (swimming pool and spa), within the front yard of a single-family residence will 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 of a swimming pool and spa will not alter the existing character of the neighborhood, as the proposed accessory structure (swimming pool and spa) will not be visible from the street with landscaping proposed along the front and side property lines to reduce any potential visibility, and the swimming pool and spa will maintain the required setbacks, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Wellington Avenue. The project will comply with all the applicable development standards of the Zoning Code except for the Variance requested to allow the accessory structure (swimming pool and spa) within the front yard of the existing single-family residence.

Additionally, the proposed five-foot fence, within the front yard would not change the existing use of the property. The property will maintain consistency with the General Plan Land Use Policy 21.7 (Safety) which encourages residential developments to facilitate and enhance neighborhood

safety with elements such as front porches, large front windows, and property improvements such as fences. The proposed five-foot fence, within the front yard of the subject site would comply with pool enclosure requirements applicable to the subject site in order to maintain safety for the occupants of the subject site and adjacent properties. Therefore, the applicant's request is consistent with the goals, policies, and objectives of the General Plan.

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 Public Works provided comments that are included as recommended conditions of approval in Attachment B. The Building and Safety Division, Fire Department, Department of Transportation and Design and Historic Preservation Section had no comments at this time and would review the project through the plan check process.

CONCLUSION:

Staff concludes that the findings necessary for approving the Variance and Minor Variance to allow the construction of an accessory structure (swimming pool and spa) and five-foot high fence, within the front yard can be made. With the exception of the required accessory structure placement, the proposed swimming pool and spa meets all other applicable development standards required by the Zoning Code. The approval of the Variance and Minor Variance request would allow the property owner enjoyment of typical residential activities, while protecting impacts such as health and safety to the surrounding residential neighborhood. In addition, conditions of approval would ensure that the project is compatible with the surrounding area. Therefore, staff recommends approval of both the Variance and Minor Variance, subject to the findings in Attachment A and recommended conditions of approval in Attachment B.

Attachments:

- Attachment A: Variance and Minor Variance Findings
- Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR VARIANCE #11903

To allow construction of an accessory structure (swimming pool and spa) within the front yard of an existing single-family residence, where an accessory structure is required to be located behind the rear wall plane of the primary structure

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 existing single-family residence is situated toward the rear of the subject site, 61'11" from the front property line, 14'1" from the rear property line, and 20 feet from the north and south side property lines. As such, the location of the existing residence limits accessory structures from being constructed behind the rear wall plane of the primary structure, where the Section 17.29.060(C) of the Zoning Code states that accessory structures, except for detached garages, must be located behind the rear wall plane(s) of the primary structure. Therefore, constructing an accessory structure that complies with the development standards, specifically structure placement, poses unusual circumstances that a typical single-family residential property does not encounter. The proposed swimming pool and spa, within the front yard, will allow the applicant to enjoy accessory uses and structures that single-family residential properties are typically afforded. Additionally, the proposed location of the swimming pool and spa will not be inconsistent with development in the immediate area for properties that are developed with a single-family residence toward the rear of the property, as there are at least three properties identified with accessory structures within the front yard of the primary structure.
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 subject site does not maintain a useable rear yard for recreational purposes, such as a swimming pool, due to the location of the existing single-family residence, situated at the rear of site, set back 14'1" from the rear property line. Constructing an accessory structure that complies with the development standards, specifically structure placement, poses unusual circumstances that a typical single-family residential property does not encounter. The proposed swimming pool and spa location, within the front yard, will allow the applicant to enjoy accessory uses and structures that single-family residential properties are typically afforded. As such, staff finds that granting of the Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
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. Conditions of approval will ensure that the project remains compatible with the surrounding area in that it would maintain the required setbacks and will comply with all other development standards applicable to a swimming pool and spa.
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 will remain a single-family residence; therefore, the character of the single-family neighborhood will be maintained. The proposed accessory structure (swimming pool and spa), within the front yard of a single-family residence will 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 of a swimming pool and spa will not alter the existing character of the neighborhood, as the proposed accessory structure (swimming pool and spa) will not be visible from the street with landscaping proposed along the front and side property lines to reduce any potential visibility, and the swimming pool and spa will maintain the required setbacks, thus maintaining the character of the streetscape and same visual appearance as the existing homes along Wellington Avenue. The project will comply with all the applicable development standards of the Zoning Code except for the Variance requested to allow the accessory structure (swimming pool and spa) within the front yard of the existing single-family residence.

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.

Minor Variance: To allow construction of a five-foot high fence within the front yard, where the maximum allowed height is four feet

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 located within the RS-4-HD (Single-Family Residential, Hillside Overlay District) zoning district. The applicant is requesting to replace an existing six-foot high wood fence along the north side property line and front property line with a five-foot high fence, utilizing a combination of steel, wood, and concrete block materials. Staff finds that there are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning district, with the existing single-family residence situated at the rear of the site. As a result of the residence location, providing a 14'1" setback from the rear property line, and location of the proposed swimming pool and spa within front yard, the site will not be permitted to construct a five-foot high fence to secure the site and comply with the pool enclosure requirement, creating special circumstances that are unique to the subject site. The construction of a fence that complies with the maximum four-foot height within a front yard will create an unnecessary hardship for the property, as the primary structure's configuration on the site, limits the ability to construct a code compliant accessory structure on the subject site, as it pertains to structure placement, and results in the site having a rear yard that is not useable.
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 applicant is requesting to replace an existing six-foot high wood fence along the north side property line and front (east) property lines with a five-foot high fence. The location of the residence on the site, providing a 14'1" setback from the rear property line, and the location of the proposed swimming pool and spa within the front yard, creates special circumstances unique to the subject site. As such, the subject site will be unable to replace the existing fencing with a five-foot high fence within the front yard in order to comply with pool enclosure requirements for swimming pool and spas on the subject site, creating an unnecessary hardship. Granting of the Minor Variance would allow the property owner to replace the existing fencing with a five-foot high fence, in compliance with pool enclosure requirements.

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 and zoning permits ensuring that the construction will comply with the approved fence height. Granting the applicant's request to allow a five-foot high fence within the front yard would not be detrimental or injurious to property or improvements in the vicinity of the project site, given that the purpose of constructing the fence is to provide a pool enclosure compliant with the building code for the occupants of the site and the adjacent properties. Conditions of approval will ensure that the project remains compatible with the surrounding area.
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 property is designated Low Density Residential in the Land Use Element of the General Plan. The existing use of the site is a single-family residence. The proposed five-foot high fence within the front yard will not change the existing use of the property. The property will maintain consistency with the General Plan Land Use Policy 21.7 (Safety) which encourages residential developments to facilitate and enhance neighborhood safety with elements such as front porches, large front windows, and property improvements such as fences. The proposed five-foot high fence, within the front yard of the subject site will comply with pool enclosure requirements applicable to the subject site in order to maintain safety for the occupants of the subject site and adjacent properties. Therefore, the applicant's request is consistent with the goals, policies, and objectives of the General Plan.
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 VARIANCE #11903

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 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 this application authorizes the construction of an accessory structure (swimming pool and spa), and five-foot fence along the north side property line and front (east) property line, within the front yard of a single-family residence.
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 **PLN2018-00694** 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), 17.29 (Hillside Overlay District), 17.40 (General Property Development and Use Standards), and 17.50 (Standards for Specific Land Uses) that relate to residential development, specifically accessory structures, in RS-4-HD (Single-Family Residential, Hillside Overlay District) zoning district.
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. The applicant shall plant a Carolina Laurel Cherry (*Prunus Caroliniana*) hedge, or similar hedge plant species, as depicted in the approved plans. The plants shall be spaced a minimum of three feet on-center and a maximum of five feet on-center and be a minimum size of 15-gallon at planting.

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.

Public Works Department

13. The existing house sewer connection for 1430 Arroyo View Drive (APN 5704-023-013) to the main sewer line on Wellington Avenue traverses across the subject property. In accordance with Section 13.24.270 entitled "Connections through adjoining property" of the Pasadena Municipal Code, the house sewer connection shall be placed in a recorded public easement. The applicant and the owner of 1430 Arroyo View Drive shall file and record a public easement to be dedicated to the City for sewer purposes. The applicant shall be responsible for all the costs required to complete the dedication. The dedication documents and processing fee/deposit shall be submitted to this office, at least three to four (3-4) months prior to the issuance of any permits. The dedication documents shall be executed and recorded prior to the issuance of a Certificate of Occupancy.
14. The limits and location of the easement shall be determined by the Department of Public Works. The house sewer lateral (Sta. 2+95) serving 1430 Arroyo Drive is approximately 295 feet north from the sewer manhole at the intersection of Lida Street and Wellington Avenue and traverses parallel to the northerly property line, based on the records shown on Sewer Plan 2074 (attached herein for reference). The applicant shall complete the easement dedication prior to permit issuance and be responsible for all costs required in completing the public easement. The easement will require the approval of the City.
15. In order to provide pedestrian safety, the proposed motorized sliding steel gate (vehicular-entry gate) shall have a minimum of 20-foot setback from the property line.
16. The proposed drive approach shall be constructed in accordance with Standard Drawing No. S-403 and 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.
17. 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.
18. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for

review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at:

<https://ww5.cityofpasadena.net/public-works/engineering-and-construction/engineering/forms-and-applications/>. A non-refundable flat fee, based on the current General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way (and the private street) including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction truck idling or staging, material storage, or construction trailer are allowed in the public right-of-way.

19. 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/> .

20. 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 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 http://cityofpasadena.net/PublicWorks/Engineering_Division/ 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.