



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: September 19, 2018

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6660

LOCATION: 445 E. Colorado Boulevard (Donut Bar)

APPLICANT: Le Chocolat (Jennifer Le)

ZONING DESIGNATION: CD-4 (Central District Specific Plan, Pasadena Playhouse)

GENERAL PLAN DESIGNATION: High Mixed Use

CASE PLANNER: Kent Lin

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Conditional Use Permit #6660 with the Conditions in Attachment B.

PROJECT PROPOSAL: Conditional Use Permit: To allow the onsite sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of a new restaurant use.

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). This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The addition of limited alcohol sales in conjunction with the operation of a new restaurant use is consider a negligible expansion to an existing commercial building located within an urbanized area.

BACKGROUND:

Site characteristics: The subject site is located on the northeast corner of Colorado Boulevard and Los Robles Avenue. The lot is approximately 17,441 square feet in size and is develop with a commercial building. The new restaurant use would occupy an existing 2,656 square-foot tenant space located on the ground floor fronting Colorado Boulevard.

Adjacent Uses:
North – Commercial Restaurant
South – Commercial Retail
East – Commercial Restaurant
West – Commercial Restaurant

North – CD-4 (Central District Specific Plan, Pasadena Playhouse)
South – CD-4 (Central District Specific Plan, Pasadena Playhouse)
East – CD-4 (Central District Specific Plan, Pasadena Playhouse)
West – PD-26 (Plan Development, Colorado – Los Robles)

- Previous Cases:**
- Variance #75V-8742: To allow the establishment of a Television Repair Shop. Approved January 30, 1975.
 - Variance #75-V8819: To allow Television Repair Services of similar electronic components. Approved August 14, 1975.
 - Variance #78-V9437: To allow the continuation of the Television Repair Services use. Approved November 16, 1978.

PROJECT DESCRIPTION:

The applicant, Jennifer Le, has submitted a Conditional Use Permit to allow the onsite sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of a new restaurant use (Donut Bar). The 2,656 square-foot tenant space consists of a 575 square-foot dining area, a 25 square-foot outdoor dining area, a 175 square-foot serving and beverage bar area, and a 445 square-foot kitchen. A Conditional Use Permit is required for the onsite sale and consumption of limited alcohol in conjunction with the operation of a restaurant use within the CD-4 (Central District Specific Plan, Pasadena Playhouse) zoning district.

ANALYSIS:

Conditional Use Permit: Onsite Sale and Consumption of Limited Alcohol (beer and wine) in Conjunction with the Operation of a New Restaurant Use

Staff’s review of a Conditional Use Permit for alcohol sales entails an analysis of whether the proposed location of alcohol sales would affect the general welfare of the surrounding property owners and whether the proposed use would result in an aggravation of existing alcohol-related problems such as loitering, public drunkenness, sales to minors, noise, and littering. The Hearing Officer may consider existing calls for police response to make a determination of whether there is an undesirable concentration of alcohol uses in the vicinity of the project site.

The site is located within the CD-4 zoning district where a restaurant use is permitted by right. However, serving of limited alcohol for onsite consumption in conjunction with a new restaurant

use requires the review and approval of a Conditional Use Permit. A restaurant use is defined as an establishment that sells prepared food or beverages either indoors or outdoors in non-disposable containers. A restaurant with a bar area exceeding 500 square feet or 30 percent of the dining area, whichever is smaller, shall be classified as a bar. The total floor area is 2,656 square feet. The designated indoor dining area is approximately 595 square feet. The project also consists of a 175 square foot bar and service area. The bar area does not exceed 500 square feet in size and is less than 30 percent of the dining area at 29 percent of the total dining area, as such the use is classified as a restaurant.

As indicated by the applicant, Donut Bar is a restaurant where donuts and associated food would be served in non-disposable containers for dine-in customers and food is served in disposable containers for to-go orders. In addition, alcoholic beverages will only be served in conjunction with food service for onsite consumption only. The onsite sales and consumption of limited alcohol (beer and wine) would be ancillary use to the restaurant use. The sale of alcoholic beverages for off-site consumption is not proposed nor permitted as part of this application. In addition, there are no limited live entertainment (performance area of not more than 75 square feet) proposed onsite as part of this application. Furthermore, the sale of alcohol in disposable containers is prohibited. Cover charges, age restrictions, and amplified music conducive of a night club atmosphere are also prohibited so that this establishment remains a restaurant, and does not deviate from the approved restaurant use.

The site is located within the CD-4 zoning district, which encourages a diverse mix of land uses and services consistent with the office, retail, mixed-use, personal services, and restaurant uses existing in the area. The onsite sale and consumption of limited alcohol in conjunction with the operation of a new restaurant would be consistent with similar restaurant uses within the immediate area. The new restaurant would enhance the commercial atmosphere of the Pasadena Playhouse.

Hours of Operation:

The proposed hours of operation are from 7:00 AM to 11:00 PM daily. The subject site is situated within the Central District Specific Plan and therefore the proposed restaurant is not subject to the limited hours of operation as prescribed in Section 17.40.070.A.4 of the Zoning Code. The proposed hours of operation are consistent with other existing restaurant uses in the Pasadena Playhouse of the Central District Specific Plan area. As conditioned in this report, alcohol sales would be required to cease one-half hour prior to closing.

Off-Street Parking Requirements

The applicant proposes to convert a vacant commercial space, which was previously used for retail purposes, into a restaurant. A restaurant use has a higher parking ratio than a retail use; thus, the change in use would require additional off-street parking spaces. A retail use requires three parking spaces per 1,000 square feet of gross floor area and a restaurant use requires 10 spaces per 1,000 square feet of gross floor area, including any outdoor dining area not located in the public right-of-way. The subject site is located within the Transit Oriented overlay district and the minimum number of required off-street parking spaces shall be reduced by 10 percent, with an optional reduction up to 20 percent. Based on the requirements above, the parking requirement for the 2,656 square-foot restaurant would be 22 parking spaces. The parking requirement for the previous retail sales use was seven spaces. The difference, 15 spaces, would be the number of parking spaces that would need to be provided for the change in use and Transit Oriented reduction. As conditioned in this report, the applicant would be required to secure the 15

parking spaces through a parking lease agreement prior to the issuance of Certificate of Occupancy.

Concentration of Alcohol Sales

The restaurant site is located within Census Tract #4622.02. According to the State Department of Alcoholic Beverage Control (ABC), a maximum of two alcohol licenses for onsite consumption are allowed in this Census Tract; currently there are 13 onsite licenses within the census tract. The applicant is proposing to add one additional license to an area that has an “undue concentration” of alcohol licenses, as determined by ABC. As such, a finding of public convenience or necessity is required to be made by the applicant to obtain the alcohol license from ABC. Further, if a project is for a public premises, such as a bar or lounge, or for off-site sale of alcohol, ABC requires the findings be made by the governing body. Because this alcohol license application is for a restaurant and not for a bar or off-site sale of alcohol, these findings are not required to be made by the City.

The Conditional Use Permit application for limited alcohol sales in conjunction with a restaurant use requires the applicant to identify all uses that sell alcohol for either onsite or off-site consumption within 1,000 feet of the site. Based on the information provided by the applicant, Jennifer Le, there are currently 13 establishments within 1,000 feet of the subject site that sell alcohol, as indicated in Table 1.0 below:

Table 1.0: Alcohol License Types for Existing Business within 1,000 feet

Site	Business Name	Address	License Type
1	The Mix	443 E. Colorado Blvd.	47 Onsite
2	Rotisserie Chicken	26 N. Los Robles	41 Onsite
3	California Pizza Kitchen	99 N. Los Robles	47 Onsite
4	Alexanders Steakhouse	111 N. Los Robles	47 Onsite
5	The Westin	191 N. Los Robles	47 Onsite
6	Women’s Club	160 N. Oakland Avenue	41 Onsite
7	Pasadena Center	300 E. Green Street	41 Onsite
8	Winebee	572 E. Green Street	42 Onsite
9	Tender Greens	621 E. Colorado Blvd.	41 Onsite
10	Settebellow	625 E. Colorado Blvd.	47 Onsite
11	New School of Cooking	525 E. Colorado Blvd.	47 Onsite
12	Ruth Chris	369 E. Colorado Blvd.	47 Onsite
13	Arclight	336 E. Colorado Blvd.	47 Onsite

The project is located in the Pasadena Playhouse of the Central District Specific Plan, which is a pedestrian-oriented, commercial area, including regional office space and local shopping. Although an undue concentration of alcohol establishments (as defined by ABC) exists in the area, most of the existing alcohol establishments are restaurants. Unlike nightclubs or bars, restaurants are not typically a problematic use. The approval of this request would add to the number of alcohol licenses; however, serving beer and wine at a restaurant would be an added amenity to the mixed-use neighborhood. Therefore, the project would not contribute negatively to the undue concentration of alcoholic establishments in the Census Tract.

Proximity to Sensitive Uses

The subject site is not located within immediate proximity of parks, playgrounds, or schools. The nearest public park, Memorial Park, which includes the Pasadena Senior Center, is approximately 2,100 feet northwest of the site. The nearest school, Fuller Seminary, is 500 feet north of the subject site. The subject site is located within close proximity of a religious facility. First United Methodist Church of Pasadena, is approximately 160 feet southeast of the site. However, the religious facility would not be significantly impacted by the new restaurant with limited alcohol sales because onsite sales and consumption of limited alcohol (beer and wine) would be ancillary use to the primary restaurant use. The sale of alcoholic beverages for off-site consumption is not proposed nor permitted as part of this application. In addition, there are no limited live entertainment (performance area of not more than 75 square feet) proposed onsite as part of this application. Furthermore, the sale of alcohol in disposable containers is prohibited. Cover charges, age restrictions, and amplified music conducive of a night club atmosphere are also prohibited so that this establishment remains a restaurant, and does not deviate from the approved restaurant use. The activities of the restaurant, as conditioned, would not negatively impact the adjacent religious facilities use. The new restaurant use is abutting an existing restaurant use to the immediate north, east, and west of the tenant space, and by Paseo Colorado to the southwest. Conditions of approval identified in Attachment B of this report would ensure the new restaurant use with ancillary limited alcohol sales would not be detrimental to the surrounding uses.

As proposed, the onsite sale and consumption of limited alcohol would be ancillary to the primary restaurant use. . The proposed hours of operation are from 7:00 a.m. to 11:00 p.m., daily. Staff recommends that the sale of alcohol shall cease one-half hour prior to closing.

After giving consideration to the location and nature of the proposed use with respect to sensitive uses in the general area, it is staff's assessment that the onsite sale and consumption of limited alcoholic beverages (beer and wine) in conjunction with the restaurant would not detrimentally affect the surrounding area.

GENERAL PLAN CONSISTENCY:

The Conditional Use Permit is consistent with General Plan Land Use Element Policy 12.1, Vital Commercial Districts, which is to enhance commercial districts to create quality shopping and dining experiences. The onsite sale and consumption of limited alcohol in conjunction with the operation of a restaurant land use, along with the implementation of the conditions of approval, would enhance the existing commercial district by creating a quality dining experience. A restaurant with ancillary onsite alcohol sales is a pedestrian oriented use that is consistent with the surrounding uses within the Central District Specific Plan. The new restaurant would enhance the commercial atmosphere of the Pasadena Playhouse.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposal was reviewed by the Department of Transportation, Fire Department, Department of Public Works, Public Health Department, Building Section, Design and Historic Preservation (DHP) Section, and the Police Department. The Department of Transportation, Fire Department, Public Health Department, Building Section, DHP Section, and the Police Department had no comments and would review the project during the Building Permit plan check process to ensure compliance with applicable code requirements. The Public Works Department has provided recommended conditions of approval in Attachment B of this report.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Conditional Use Permit for the sale of limited alcohol for onsite consumption in conjunction with a new restaurant can be made. The site is located within the Central District Specific Plan, Pasadena Playhouse, which encourages a mix of retail, office, personal services, and commercial uses designed to serve the local community. The new restaurant would provide a food menu at all hours of operation, and the sale of limited alcohol would be incidental to food sales. Conditions of approval and periodic condition monitoring would ensure that the use would not deviate from the planned operation reviewed under this application. Therefore, staff recommends that the Hearing Officer approve the Conditional Use Permit application for the onsite sales and consumption of limited alcohol in conjunction with a new restaurant use.

Attachments:

Attachment A: Recommended Specific Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6660

Approval of Conditional Use Permit: Onsite Sale and Consumption of Limited Alcohol (beer and wine) in Conjunction with the Operation of a New Restaurant.

1. *The proposed location of the site for the Conditional Use Permit would not adversely affect the general welfare of the surrounding property owners.* The onsite sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of a new restaurant is consistent with the land use and activities of the surrounding uses. The subject site is located within the CD-4 (Central District Specific Plan, Pasadena Playhouse) zoning district, where a restaurant use is allowed by right. The onsite sale and consumption of limited alcohol is subject to the review and approval of this Conditional Use Permit. The restaurant will operate in accordance with all City laws, ordinances and conditions of approval to ensure the continuity of the compatible coexistence of this use with the surrounding area.
2. *The proposed location of the site for the Conditional Use Permit would not result in an undesirable concentration of premises for the sale of alcoholic beverages, including wine, in the area.* The project is located in the Pasadena Playhouse of the Central District Specific Plan, which is a vibrant mixed-use environment that encompasses cultural and arts activities, centered on Colorado Boulevard and the Pasadena Playhouse. Although an undue concentration of alcohol establishments (as defined by ABC) exists in the area, most of the existing alcohol establishments are restaurants. Unlike nightclubs or bars, restaurants are not typically a problematic use. The approval of this request will add to the number of alcohol licenses; however, serving beer and wine at a privately owned restaurant will be an added amenity to the mixed-use neighborhood. Therefore, the project will not contribute negatively to the undue concentration of alcoholic establishments in the Census Tract.
3. *The proposed location of the site for the Conditional Use Permit would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to the following: a. Residential uses and residential districts; b. Hospitals, park and recreation facilities, places of public assembly, public or private schools, and religious assembly uses that attract minors and other similar uses; and c. Other establishments offering alcoholic beverages (including wine) for sale for consumption both on- and off-site.* The subject site is not located within immediate proximity of parks, playgrounds, or schools. The nearest public park, Memorial Park, which includes the Pasadena Senior Center, is approximately 2,100 feet northwest of the site. The nearest school, Fuller Seminary, is 500 feet north of the subject site. The subject site is located within close proximity of a religious facility. First United Methodist Church of Pasadena is approximately 160 feet southeast of the site. However, the religious facility would not be significantly impacted by the new restaurant with limited alcohol sales because onsite sales and consumption of limited alcohol (beer and wine) would be ancillary to the primary restaurant use. The sale of alcoholic beverages for off-site consumption is not proposed nor permitted as part of this application. In addition, there are no limited live entertainment (performance area of not more than 75 square feet) proposed onsite as part of this application. Furthermore, the sale of alcohol in disposable containers is prohibited. Cover charges, age restrictions, and amplified music conducive of a night club atmosphere are also prohibited so that this establishment remains a restaurant, and does not deviate from the approved restaurant use. The activities of the restaurant, as conditioned, will not negatively impact the adjacent religious facilities use.

4. *The proposed location of the site for the Conditional Use Permit would not aggravate existing problems created by the sale of alcohol (e.g., littering, loitering, noise, public drunkenness, and sales to minors).* Restaurant uses with ancillary onsite sales and consumption of limited alcohol are not considered a problematic use and do not result in littering, loitering, noise, public drunkenness within the project vicinity area. With this approval, the project is subject to the City's Condition Monitoring Program. Noncompliance with any of the conditions of approval or any of the provisions of the Zoning Code may result in the revocation of the Conditional Use Permit. The onsite sale and consumption of limited alcohol in conjunction with the operation of a new restaurant use will not detrimentally affect the surrounding area.

5. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The Conditional Use Permit is consistent with General Plan Land Use Element Policy 12.1, Vital Commercial Districts, which is to enhance commercial districts to create quality shopping and dining experiences. The onsite sale and consumption of limited alcohol in conjunction with the operation of a restaurant land use, along with the implementation of the conditions of approval, would enhance the existing commercial district by creating a quality dining experience. A restaurant with ancillary onsite alcohol sales is a pedestrian oriented use that is consistent with the surrounding uses within the Central District Specific Plan. The new restaurant would enhance the commercial atmosphere of the Pasadena Playhouse.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6660

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

General

1. The site plan, floor plan, and bar area submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Approved at Hearing, September 19, 2018," except as modified herein.
2. The approval of this application authorizes the onsite sales and consumption of limited alcohol (beer and wine) in conjunction with the operation of a new restaurant.
3. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
4. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
5. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
6. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
7. The proposed project, Activity Number **PLN2018-00346**, is subject to the City's Condition Monitoring Program and Final Zoning inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy or its equivalent. In addition, the project requires Condition Monitoring. Contact the Planning Case Manager, Kent Lin at (626) 744-6817 to schedule an inspection appointment time and set up monitoring fees.
8. 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.

Planning Division

9. The applicant or successor in interest shall secure a minimum of 15 off-site parking spaces through a recorded parking lease agreement prior to the issuance of the Certificate of Occupancy permit for the restaurant use.
10. The business operator shall obtain the proper approvals and licenses from the California Department of Alcohol and Beverage Control.
11. The primary use shall be a dine-in bona-fide restaurant with ancillary limited alcohol (beer and wine) sales for onsite consumption only. The sale of alcoholic beverages shall be in conjunction with food service. Food menu shall be made available during all hours of business operation.

12. Onsite food service shall be served in non-disposable dishware only. Disposable dishware is only permitted for take-out only.
13. All alcohol sales shall cease one-half hour before closing, but no later than 1:30 a.m., whichever is earlier
14. Any live entertainment shall be limited to 75 square feet of floor area. Dancing by customers shall be prohibited at all times.
15. The off-site sale and/or consumption of alcohol is strictly prohibited at all times.
16. Alcoholic beverages shall not be served in disposable containers.
17. No cover charges, entry fees, or minimum drink orders shall be charged/required of patrons. There shall be no restrictions on the age of customers.
18. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
19. Amplification of music shall comply with the regulations of Chapter 9.36 of Pasadena Municipal Code.
20. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.
21. The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
 - a. Taxicab phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers;
 - b. All employees selling or serving alcohol shall be required to participate in an alcohol training program offered by the Alcoholic Beverages Control prior to the operation of selling/serving alcohol;
 - c. The availability of a variety of non-alcoholic beverages shall be made known and offered to customers, and
 - d. No more than four video games shall be permitted.
22. These conditions of approval must be posted in a conspicuous location for public viewing within the restaurant on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
23. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that should appear on the site shall be removed within 48 hours.
24. Compliance with the City of Pasadena Refuse Storage regulations, (Section 17.40.120 of the Pasadena Municipal Code) shall be maintained at all times.

Public Works Department

25. 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.

26. Onsite drainage, such as roof drain, area drain and subterranean garage discharge, shall be contained onsite per LA County Regional Water Quality Control Board's current permit.
27. This application does not permit sidewalk dining in the public right-of-way. If the applicant intends to serve any food or beverages in the public right-of-way, an application shall be filed with the Department of Public Works for a sidewalk dining occupancy permit to establish or maintain a sidewalk dining area within the public right-of-way on East Colorado Boulevard. Sidewalk dining shall comply with all the requirements of Chapter 12.13, entitled "Sidewalk Dining on Public Walkways", of the Pasadena Municipal Code.
28. No private improvements may be placed within the public right-of-way, including, but not limited to, soldier beams, tie-backs, utility conduits, backflow preventers, transformers, fire sprinkler valve, decorative sidewalk and applicable parade post holes on Colorado Boulevard per Standard Drawing S-419. Private improvements may only be placed in the public right-of-way by submitting a license agreement, which must be approved by the City. The license agreement application for any private improvement within the public right-of-way shall be submitted to the Department of Public Works for review and shall be approved by the City before any permits are granted. The applicant shall submit the application, plan and processing fee/deposit, associated with processing the license agreement, at least three to four (3-4) months prior to the issuance of any building or demolition permits. An approved license agreement will allow the applicant to install and maintain the private improvements within the public right-of-way with conditions.
29. 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.
30. 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.

31. 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.
32. 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.
33. Prior to issuance of any permit, a sundry deposit in the amount of the applicant's total liabilities based on the aforementioned approved 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.
34. 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/>.
35. 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:

- 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.
- 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.