



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: February 17, 2016

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6384

LOCATION: 527 South Lake Avenue
(The Arbour)

APPLICANT: David Weisglass

ZONING DESIGNATION: CD-5 (Central District Specific Plan, Lake Avenue)

GENERAL PLAN DESIGNATION: Central District Specific Plan

CASE PLANNER: Kent Lin

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** the Conditional Use Permit #6384 with the Conditions in Attachment B.

PROJECT PROPOSAL: Conditional Use Permit: To allow the on-site sale and consumption of full alcohol (beer, wine, and distilled spirits) in conjunction with the operation of a new restaurant use (The Arbour).

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 full alcohol sales in conjunction with the operation of a new restaurant use is considered a negligible expansion to an existing commercial building.

BACKGROUND:

Site characteristics: The subject site is located west of Lake Avenue and north of California Boulevard. The lot is approximately 15,120 square feet in size and is developed with a two-story commercial building. The new restaurant use (The Arbour) occupies a ground floor space measuring 5,218 square feet.

Adjacent Uses:
North – Commercial Retail
South – Commercial Retail, Personal Services
East – Commercial Retail, Personal Services
West – Surface Parking Lot

Adjacent Zoning:
North – CD-5 (Central District Specific Plan, Lake Avenue)
South – CD-5 (Central District Specific Plan, Lake Avenue)
East – CD-5 (Central District Specific Plan, Lake Avenue)
West – CD-5 (Central District Specific Plan, Lake Avenue)

Previous Cases: ZPC #224: Zoning Parking Credit to purchase 37 parking credits in the South Lake Avenue boundary for new bona-fide restaurant use (The Arbour).

PROJECT DESCRIPTION:

The applicant, David Weisglass, has submitted a Conditional Use Permit to allow the on-site sale and consumption of full alcohol in conjunction with the operation of a new restaurant. The existing commercial tenant space consists of 5,290 square feet of total gross floor area, which includes a 350 square foot indoor bar area and a 657 square foot outdoor dining area. The new restaurant will be a bona-fide dine-in eating establishment and a Conditional Use Permit is required for the on-site sale and consumption of full alcohol in conjunction with the operation of a restaurant use within the CD-5 (Central District Specific Plan, Lake Avenue) zoning district.

ANALYSIS:

Conditional Use Permit: On-Site Sale and Consumption of Full Alcohol (beer, wine, and distilled spirits) 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-5 zoning district where a restaurant use is permitted by right. However, serving of full alcohol for on-site 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 gross floor area of

the new restaurant tenant space is 5,290 square feet. Approximately 1,833 square feet of the total floor area is designated as indoor dining area and 657 square feet is proposed for outdoor patio dining for a total dining area of 2,490 square feet. The project also consists of a new 350 square foot bar area. The bar area will not exceed 500 square feet in size and is less than 30 percent of the dining area, at 14 percent of the total floor area, as such the primary use is classified as a restaurant.

As indicated by the applicant, The Arbour Restaurant is a modern and elegant California dining experience restaurant where food are served on non-disposable containers only and alcoholic beverages are served only in conjunction with food service. The on-site sales and consumption of full alcohol is proposed to be an ancillary use to the primary restaurant use. The sale of alcoholic beverages for off-site consumption is not proposed as part of this application. In addition, the proposal will not be operated as a live entertainment use although limited live entertainment (performance area of not more than 75 square feet) is allowed. 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 bona-fide restaurant, and does not deviate from its approved use.

The site is located within the CD-5 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 on-site sale and consumption of full alcohol in conjunction with the operation of a new restaurant would be consistent with the surrounding uses within the Central District Specific Plan. The new restaurant would enhance the commercial atmosphere of the South Lake Avenue commercial corridor area. The introduction of on-site sale of full alcohol is not viewed as a conflict with the surrounding commercial uses. The proposed restaurant is designated as a bona-fide, dine-in restaurant with non-disposable dishware and the introduction of full alcohol sales and consumption will occur on-site and in conjunction with food sales only.

Hours of Operation:

The proposed hours of operation for the new restaurant are from 11:00 am to 12:00 am seven days a week. The subject site is situated within the Central District Specific Plan and therefore is not subject to the limited hours of operation as prescribed in Section 17.40.070.A.4 of the Zoning Code. There are no residential zoning districts within a distance of 150 feet from the subject site. The nearest residential multi-family use is 250 feet west of the subject site along Hudson Avenue. The proposed hours of operation are consistent with other existing restaurant uses in the Lake Avenue Central District area.

Concentration of Alcohol Sales

The restaurant site is located within Census Tract #4636.01. According to the State Department of Alcoholic Beverage Control (ABC), a maximum of five alcohol licenses for on-site consumption are allowed in the census tract as a function of the population in the census tract. Currently there are 20 on-site licenses within the census tract. The applicant is proposing to add an additional license to an existing area where an undue concentration of alcohol licenses already exists as determined by ABC. A letter of public convenience or necessity is required from the applicant to comply with ABC licensing requirements. These findings are not required to be made by the City since the off-site sale of alcohol is not proposed in this application and the use is not classified as Bar or Tavern Use.

A Conditional Use Permit application for alcohol sales requires the applicant to identify all uses that sell alcohol for either on-site or off-site consumption within 1,000 feet of the project site that are located within the CD-5 zoning district. Based on the information provided by the applicant, there are currently nine businesses that sell alcoholic beverages within 1,000 feet of the subject site, as indicated in Table 1.0 below:

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

Site	Business Name	Address	License Type
1	Tokyo Shabu Shabu	345 S. Lake Avenue #101	Type 47 On-site Full Alcohol
2	Trader Joes	345 S. Lake Avenue #204	Type 21 Off-Sale General
3	Magnolia Lounge	492 S. Lake Avenue	Type 47 On-site Full Alcohol
4	Burger Continental	535 S. Lake Avenue	Type 47 On-site Full Alcohol
5	Noda Sushi	546 S. Lake Avenue	Type 41 On-site Beer & Wine
6	Fresh & Easy Market	603 S. Lake Avenue	Type 21 Off-Sale General
7	Pavilions	845 E. California Blvd.	Type 21 Off-Sale General
8	Gary's Mini Mart	885 E. California Blvd.	Type 20 Off-Sale Beer & Wine
9	Pie N Burger	913 E. California Blvd.	Type 41 On-site Beer & Wine

Proximity to Sensitive Uses

The subject site is not located within immediate proximity of parks, playgrounds, schools, or religious facilities. The nearest public park (McKinley Park) is 690 feet northwest of the site. The nearest school (Rose City High School) is 735 feet northwest of the subject site. The nearest religious facility (Throop Unitarian Universalist Church) is 2,500 feet northwest of the site. The property is surrounded by other general commercial uses to the north, south, and east of the site with a surface commercial parking lot to the west. The nearest residential use is 250 feet west along Hudson Avenue and would not be greatly impacted by the new restaurant with full alcohol sales since the hours of operation are consistent with other existing restaurant uses in the South Lake Avenue area. Conditions of approval identified in Attachment B of this report would ensure the new restaurant use with ancillary full alcohol sales would not be detrimental to the surrounding use. As proposed, the on-site sale and consumption of full alcohol would be ancillary to the primary restaurant use. Off-site sale of alcohol would be prohibited at all times. In addition, no live entertainment is proposed with the operation of the restaurant. It is staff's determination that the on-site sale and consumption of full alcohol in conjunction with the operation of a new restaurant use would not detrimentally affect the surrounding area.

Off-Street Parking Requirements

The required off-street parking for a restaurant use with non-disposable dishware is 10 spaces per 1,000 square feet of gross floor area. Based on a 5,290 square foot tenant space, the new restaurant is required to provide 53 spaces. Off-street parking requirements were met by securing 37 parking credits from the South Lake Avenue Zoning Parking Credit Program (ZPC#224). The remaining 16 spaces will be provided on-site at the surface parking lot immediately west of the tenant space. As a result, the new restaurant use is in compliance with the off-street parking requirement of the zoning code.

GENERAL PLAN CONSISTENCY:

The Conditional Use Permit is consistent with Objective 10, Diverse Economy, of the General Plan Land Use Element in that the on-site sale and consumption of full alcohol in conjunction

with the operation of a new restaurant would promote a diverse economy base and long-term economic contribution to the City and to the South Lake Avenue, which encourages a diverse mix of land uses and services consistent with office, retail, mixed use, and restaurant uses in the area. The on-site sale and consumption of full alcohol in conjunction with the operation of a new restaurant 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 South Lake Avenue commercial corridor area. The introduction of on-site sale of full alcohol is not viewed as a conflict with the surrounding land uses.

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 Police Department. The Department of Transportation, Fire Department, Public Health Department, Building Section, DHP Section, and Police Department had no comments and will 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 beer, wine and distilled spirits for on-site consumption in conjunction with a new restaurant use can be made. The site is located within the Central District Specific Plan, Lake Avenue area, which encourages a mix of retail, office, personal services, and commercial uses designed to serve the local community. The bona-fide dine-in restaurant will provide a full-service food menu at all hours of operation, and the sale of beer, wine and distilled spirits would be incidental to food sales. Conditions of approval and periodic condition monitoring will 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 on-site sales and consumption of beer, wine and distilled spirits 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 #6384

Approval of Conditional Use Permit: On-Site Sale and Consumption of Full Alcohol (beer, wine, and distilled spirits) 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 operation of a new restaurant use in conjunction with on-site sale and consumption of full alcohol (beer, wine, and distill spirits) is consistent with the land use and activities of the surrounding uses. The subject site is located within the Central District Specific Plan, Lake Avenue (CD-5) zoning district, where a restaurant use is allowed by right. The on-site sale and consumption of full 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.* An overconcentration of alcohol establishments, as defined by ABC, will be augmented in the Census Tract by the addition of this request. However, an additional restaurant providing incidental sale of beer, wine and distilled spirits will be an added amenity to the area and will not have a negative impact. It has been found that alcohol sales in conjunction with a bona-fide eating establishment typically will not encourage activities that cause negative effects on the surrounding areas. The on-site sale and consumption of full alcohol is classified as an ancillary to the primary restaurant use. The sale of alcoholic beverages for off-site consumption is not proposed as part of this application. No live entertainment is proposed in conjunction with this application and 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 bona-fide restaurant, and does not transform into a different operation than what is proposed. The proposed 350 square foot bar area also functions as a service area and is in compliance with the maximum bar size for a restaurant use. Additionally, conditions of approval have been included that will limit the potential for negative impacts.

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, schools, or religious facilities. The property is surrounded by other general commercial uses to the north, south, and east of the site with a surface commercial parking lot to the west. The on-site sale and consumption of alcohol in conjunction with the operation of a new restaurant use is a pedestrian oriented use that is consistent with the surrounding uses within the Central District Specific Plan Lake Avenue sub-district. No live entertainment is proposed with the operation of the restaurant. The on-site sale and consumption of full alcohol in conjunction with the operation of a new restaurant use will not detrimentally affect the surrounding land uses in the immediate area.

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). Primary restaurant uses with ancillary on-site sales and consumption of full alcohol are not considered a problematic use and do not contribute to an aggravation of existing problems in the vicinity. 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 on-site sale and consumption of full 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. As conditioned, the proposed use is consistent with Objective 10, Diverse Economy, of the General Plan Land Use Element. The on-site sale and consumption of full alcohol in conjunction with the operation of a new restaurant use along with the implementation of the conditions of approval will promote a diverse economy base and long-term economic contribution to the City.*

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6384

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 "Received at Hearing, February 17, 2016," except as modified herein.
2. The approval of this application authorizes the on-site sales and consumption of full alcohol (beer, wine, and distilled spirits) in conjunction with the operation of a new restaurant (The Arbour).
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 **PLN2015-00597**, 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 business operator shall obtain the proper approvals and licenses from the California Department of Alcohol and Beverage Control.
10. The primary use shall be a dine-in bona-fide restaurant with ancillary full alcohol (beer, wine, and distilled spirits) sales for on-site 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.
11. On-site food service shall be served in non-disposable dishware only. Disposable dishware is only permitted for take-out only.

12. A total of 53 off-street parking spaces are required for the restaurant use. Zoning Parking Credit application ZPC #224 shall secure 37 parking credits for the restaurant use within the South Lake Parking Credit Program area and 16 parking spaces shall be provided on-site at the rear surface parking lot.
13. Any live entertainment shall be limited to 75 square feet of floor area. Dancing by customers shall be prohibited at all times.
14. The indoor bar area shall not exceed 350 square feet in size.
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. Outdoor amplified music and/or sound shall be prohibited at all times.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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

26. 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 South El Molino Avenue. Sidewalk dining shall comply with all the requirements of Chapter 12.13, entitled "Sidewalk Dining on Public Walkways", of the Pasadena Municipal Code.
27. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection tape submitted to the Department of Public Works for 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.
28. 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 \$1,000 deposit with the Department of Public Works prior to the issuance of any 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 and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
29. 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: http://www.ci.pasadena.ca.us/PublicWorks/Engineering_Division/ . A deposit, based on the 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 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 staging, material storage, or trailer in the public right-of-way.

30. In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12.24.100 and City Policy. In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period. The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N. Garfield Avenue, Pasadena, CA 91109, or at the following link: http://cityofpasadena.net/PublicWorks/Engineering_Division/
31. 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 will 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 sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of \$5,000 pertaining to occupancy or construction on the property 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 approval of the Urban Forestry Advisory Committee.

Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC

The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at <http://cityofpasadena.net/PublicWorks/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:

- a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
- b. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.