



**CITY OF SOUTH PASADENA
PLANNING COMMISSION
REGULAR MEETING AGENDA**

Tuesday, August 11, 2020 at 6:30 p.m.

South Pasadena Planning Commission Statement of Civility

As your appointed governing board we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the Planning Commission for July 14, 2020 will be conducted remotely and held by video conference. The Meeting will be broadcast live on the City's website (https://www.spectrumstream.com/streaming/south_pasadena_pc/live.cfm) and local cable channels.

Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chambers will not be open for the meeting. Commission members will be participating remotely and will not be physically present in the Council Chambers.

The Planning Commission welcomes your input. If you would like to comment on an agenda item, members of the public may submit their comments in writing for the Planning Commission consideration, by emailing comments or questions to PlanningComments@southpasadenaca.gov by **12:00 p.m. on Tuesday, August 11, 2020** to ensure adequate time to compile and post. Please provide: 1) your name and address; and 2) agenda item for the comments/questions. All comments/questions received will be distributed to the Commission for consideration and will also be posted on the City's website prior to the meeting.

CALL TO ORDER:

Chair Janet Braun

ROLL CALL:

Laura Dahl, Commissioner, Richard Tom, Commissioner, Lisa Padilla, Secretary, John Lesak, Vice-Chair and Janet Braun, Chair

COUNCIL LIAISON:

Diana Mahmud, Mayor Pro Tem, Council Liaison

STAFF PRESENT:

Teresa L. Highsmith, City Attorney
 Joanna Hankamer, Planning & Community Dev. Director
 Kanika Kith, Planning Manager
 Margaret Lin, Manager of Long Range Planning &
 Economic Development
 Malinda Lim, Associate Planner

<p>APPROVAL OF AGENDA</p>

<p>Majority vote of the Commission to proceed with Commission business.</p>

<p>DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS</p>

<p>Disclosure by Commissioners of site visits and ex-parte contact for items on the agenda.</p>

<p>PUBLIC COMMENTS AND SUGGESTIONS</p>

<p>If you wish to address the Planning Commission on items not on the agenda and within the subject-matter jurisdiction of the Planning Commission, members of the public may submit their comments in writing to PlanningComments@southpasadenaca.gov by 12:00 p.m. on Tuesday, August 11, 2020 to ensure adequate time to compile and post. The public should be aware that the Planning Commission may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on a future agenda.</p>
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<p>PUBLIC HEARING</p>

1. **Moffat Street, Project No. 2191-HDP/TRP- Hillside Development Permit to install a private roadway extending westward approximately 600 feet from the terminus of the existing Moffat Street, with connection to the northern end of Lowell Avenue only, and Tree Removal Permit for the removal of 5 protected trees. This private road will provide access to 7 lots in the City of Los Angeles through an easement in South Pasadena (continued).**

Recommendation

Approve, subject to conditions of approval.

2. **804 Valley View Road, Project No. 2298-HDP/DRX- Hillside Development Permit and Design Review for the construction of a new tri-level, 3,125 square-foot single-family residence including a 2-car garage designed in a modern architectural style located at 804 Valley View Road, Assessor’s Parcel Number 5310-020-900.**

Recommendation

Continued to the Regular Planning Commission Meeting of September 8, 2020.

DISCUSSION**3. 2021 Housing Element Update – Preliminary Sites Analysis (Continued from July 21, 2020) - Inclusionary Housing and Accessory Dwelling Unit Ordinances**Recommendation

Provide direction regarding a potential Inclusionary Housing Ordinance and Update to the Accessory Dwelling Unit Ordinance

ADMINISTRATION**4. Comments from City Council Liaison****5. Comments from Planning Commissioners****6. Comments from Staff****ADJOURNMENT****7. Adjourn to the regular Planning Commission meeting scheduled for September 8, 2020.****PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS**

Planning Commission meeting agenda packets are available online at the City website: <https://www.southpasadenaca.gov/government/boards-commissions/planning-commission/test-planning-commission-agendas-minutes-copy>

Agenda related documents provided to the Planning Commission are available for public review on the City's website. Additional documents, when presented to Planning Commission, will also be uploaded and available on the City's website.

The meeting will be broadcast live on the local cable channels (Spectrum Channel 19 and AT&T Channel 99) and on the City's website, and a recording of the meeting will be available within 48 hours of adjournment at the following links:

- Live Stream: https://www.spectrumstream.com/streaming/south_pasadena_pc/live.cfm
- Recorded meeting: https://www.spectrumstream.com/streaming/south_pasadena_pc/

AGENDA NOTIFICATION SUBSCRIPTION

Individuals can be placed on an email notification list to receive forthcoming agendas by emailing CityClerk@southpasadenaca.gov or calling the City Clerk's Division at (626) 403-7230.

ACCOMMODATIONS

The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior

to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's website as required by law.

8/6/20



Date

Elaine Serrano,
Administrative Secretary



Planning Commission Agenda Report

ITEM NO. 1

DATE: August 11, 2020

TO: Chair and Members of the Commission

FROM: Joanna Hankamer, Director of Planning and Community Development
Kanika Kith, Planning Manager

VIA: Malinda Lim, Associate Planner

SUBJECT: Project No. 2191-HDP/TRP (Continued) – A Hillside Development Permit for the street extension of Moffat Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in the City of Los Angeles and a Tree Removal Permit (APN No's: 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004)

Recommendation

It is recommended that the Planning Commission adopt a resolution approving Project 2191-HDP/TRP Hillside Development Permit for the street design of the private street portion of Moffat Street connecting only to Lowell Avenue and Tree Removal Permit of five trees, subject to conditions of approval.

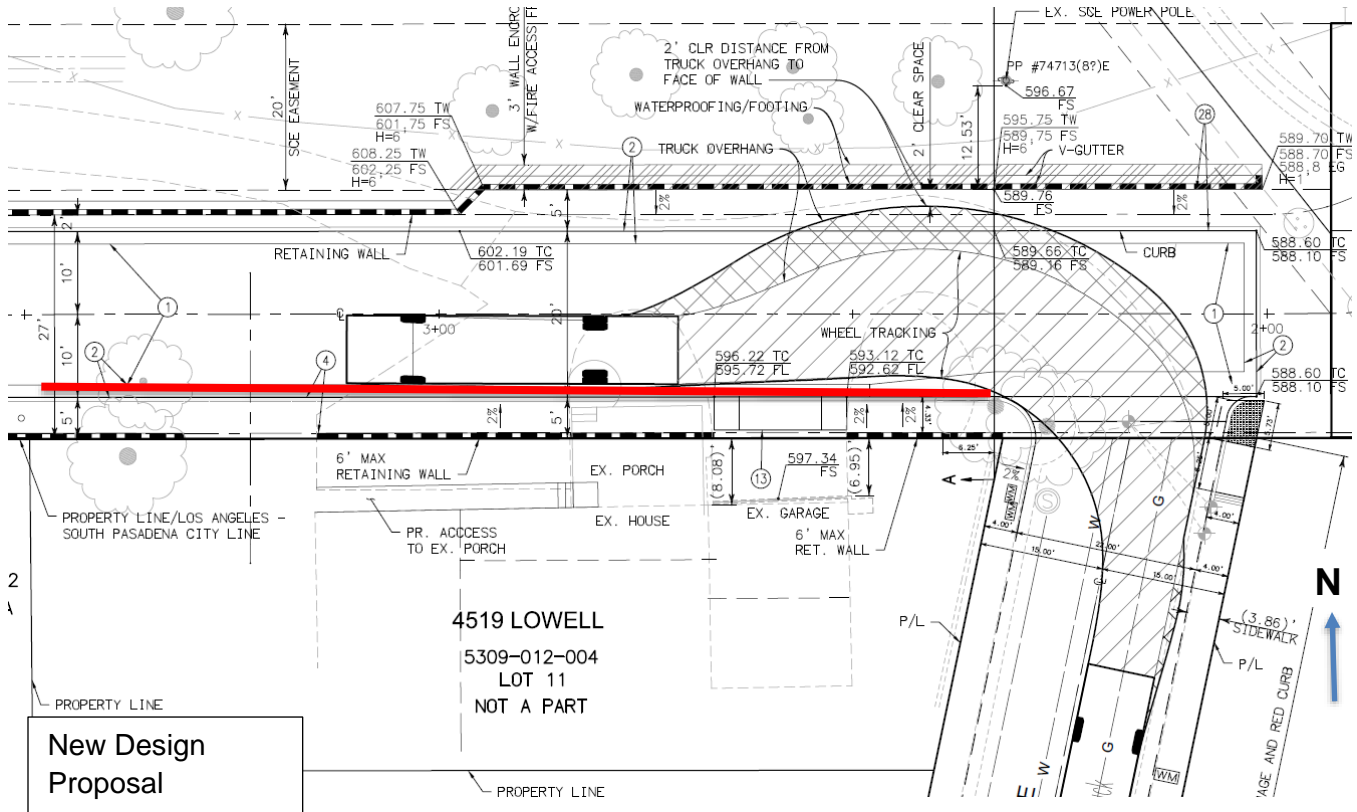
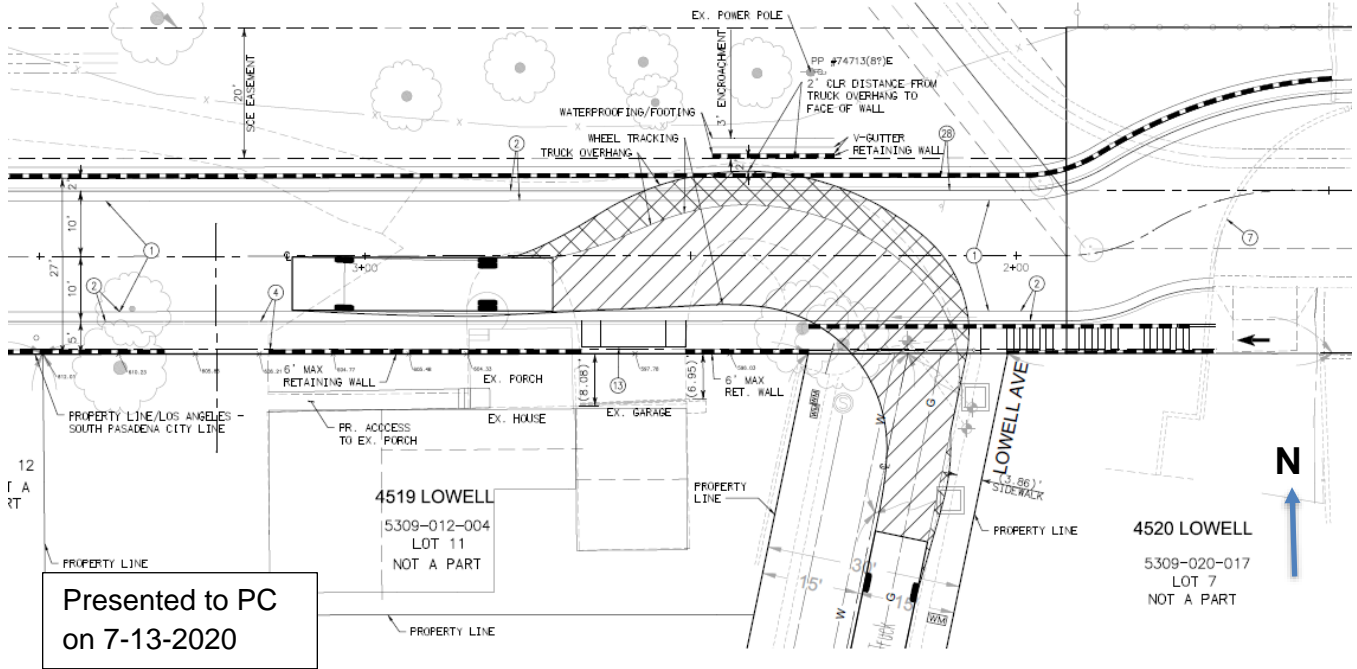
Background

This project was continued from the July 13, 2020 Planning Commission meeting; the staff report is included as **Attachment 2**. At that meeting, the Applicant provided the Commission an exhibit illustrating a scenario for a fire truck to make a left turn from Lowell Avenue onto the proposed private access street. The Commission continued the project and directed the Applicant to submit an alternative street alignment design with access to the seven landlocked lots from Lowell Avenue.

Discussion

The Applicant's engineer has provided a revised street alignment design with access to the seven landlocked lots from Lowell Avenue illustrating that a 40-foot long pumper fire truck is able to make the left turn from Lowell Avenue onto the proposed private street. Our Fire Chief has reviewed the exhibit and confirmed that the right fire truck turning template was used. According to scenario in the revised drawing, an approximately 60-foot long and 6-foot high retaining wall with a 5-foot sidewalk is located right at the boundary line between the access easement and Southern California Edison's easement. This design would not connect to the existing public Moffat Street and would not require any grade changes in the public portion. **Figure 1** below is a comparison between the turning exhibit provided to the Commission at the July 13, 2020 meeting and the new proposal for the street access.

Figure 1: Turning Radius if Private Street were to Connect to Lowell Avenue



Staff recommends approval of this alternative street alignment design because it has several advantages to the prior design as listed below.

1. Continues to provide access from Lowell Avenue to the garage of the resident on the corner of Lowell and Moffat
2. Routes all construction traffic and future car traffic serving the seven Los Angeles properties within the City of Los Angeles' streets.
3. Does not require our Fire Chief to approve a slope of higher than 20% for fire access since the new alignment will be connected from Lowell Avenue which does not require any grading in the vacant dirt area on the public portion of Moffat Street.

In summary, this revised design provides access to the landlocked parcels in the City of Los Angeles as requested by the easement owner while maintaining existing circulation from Lowell Avenue, and not modifying the public portion of Moffat Street.

Revised Conditions of Approval

For Planning Commission consideration, if the Commission moves to approve the project with access to the 7 landlocked lots from Lowell Avenue, Staff requests the addition of the following conditions:

- P-2. No construction traffic relating to the project shall occur on South Pasadena streets except for the proposed private street.
- P-22. The applicant shall provide documentation demonstrating approval from the City of Los Angeles for the private street connection to Lowell Avenue.

Staff would also like a change to condition P-15 for the Applicant to submit revised street design plans. The revised condition P-15 would read:

- P-15. Provide revised *street improvement plans for the private street* for review and approval by the Planning Director and Public Works Director. The plans *shall show and demonstrate the following: sidewalk, curb, and gutter connecting with the existing sidewalk, curb, and gutter located in front of the apartment building at 4520 Lowell Avenue.*
- Change the 5-foot wide sidewalk adjacent to the 6-foot high retaining wall along the Southern California Edison (SCE) easement at the northern portion of the street to be a 2-foot wide landscape area with climbing vines;
 - Provide landscaping with climbing vines for the entire length of the northern retaining wall;
 - A red, "No Parking" curb along the southern side at the eastern end of the private street (adjacent to 4519 Lowell Avenue). The length of the red curb shall be determined by the City of South Pasadena Public Works Director and the City of Los Angeles/City of South Pasadena Fire Department to ensure appropriate clearance for fire truck access;
 - The street design shall not create more surcharge load where the existing curved retaining wall (north of the apartment complex) would fail; and
 - There shall be no grade change in the western end of the public portion of Moffat Street which abuts the private portion of the street.

If the Planning Commission agrees with Staff's recommendation for the private street to connect to Lowell Avenue, Conditions PW-30, PW-34, and PW-36 through PW-38 would not be applicable and will need to be removed from the Conditions of Approval.

A new clean set of all proposed conditions has been provided as Exhibit A under **Attachment 1** and a new redlined version of all changes to the original conditions is included as **Attachment 3**.

The findings for approval of this project are included in the attached resolution as **Attachment 1** for the Commission to consider.

Alternatives to Consider

If the Planning Commission does not agree with staff's recommendation to approve the alternative street design, the following option is available:

1. The Planning Commission can Approve the street design as submitted with additional changes to the plans and/or conditions;
2. The Planning Commission can Approve the original street design with the private street connecting to the public portion of Moffat Street; or
3. The Planning Commission can Continue the project.

Next Steps

1. If continued, Staff will continue to work with the Applicant and return to Planning Commission with more information.
2. If approved, the project will proceed to the Building Division and Public Works Department for plan check and permits, subject to conditions of approval.

Fiscal Impact

Not Applicable.

Environmental Analysis

This project qualifies for a categorical exemption from any California Environmental Quality Act (CEQA) analysis based on State CEQA Guidelines Section 15303, Class 3 – New Construction or Conversion of Small Structures. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction. The reasons for exemption are as follows:

- The project site is a vacant land surrounded by single-family residences and unoccupied land.
- According to the City's GIS mapping system, the project site is not located within a liquefaction or landslide zone.
- A biological survey of the project site was conducted to document the existing conditions and assess the potential for special status plant or wildlife species or other regulated biological resources occurring on the project site. The report concluded that the project site contains no suitable habitat for special status plants and wildlife, and does not occur within any federal U.S. Fish and Wildlife Services Critical Habitat boundaries. A copy of the report is available as **Attachment 2**.

Public Notification of Agenda Item

At the July 13, 2020 Planning Commission meeting, the Commission notified the public that the project was continued to the August 11, 2020 meeting. In addition, the public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda and posting of the same agenda and reports on the City's website.

At the time of writing this staff report, Staff received one public comment with concerns to a street tree further east on the public portion of Moffat Street. The concern was that the construction vehicles for the private street would destroy the branches of the tree. With Staff's recommendation of the new street alignment, the street tree of concern in the public comment will not be impacted.

Attachments

1. New Draft P.C. Resolution
 - a. Exhibit "A" – New Revised Conditions of Approval
2. New Redline Version of Conditions of Approval
3. Staff Report for the July 13, 2020 Meeting ([Click Here](#))
4. Revised Street Design Exhibit Connecting from Lowell Avenue
5. Public Comment

ATTACHMENT 1
New Draft Resolution

P.C. RESOLUTION NO. 20-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA APPROVING AN APPLICATION FOR HILLSIDE DEVELOPMENT PERMIT AND TREE REMOVAL PERMIT (PROJECT NO. 2191-HDP/TRP) FOR THE EXTENSION OF MOFFAT STREET WHICH WILL BE A PRIVATE STREET EXTENDING WESTWARD FROM THE NORTHERN END OF LOWELL AVENUE TO ALLOW ACCESS TO SEVEN LOTS IN THE CITY OF LOS ANGELES (ASSESSOR'S PARCEL NUMBERS 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004)

WHEREAS, in 1923, Tract No. 5643 was recorded in the City of Los Angeles and includes the seven landlocked legal lots south of the proposed private street off of Moffatt Street; and

WHEREAS, on July 12, 1961, the South Pasadena City Council adopted Ordinance 1373 for the vacation and abandonment of a portion of Moffatt Street as a public street, pursuant to an Act of Legislature of the State of California set forth in Sections 8300 et. Seq. of the Streets and Highway Code; and

WHEREAS, on April 4, 1962, the Community Redevelopment Agency of the City of South Pasadena approved an easement for ingress and egress to the owners of the seven lots located in the City of Los Angeles abutting on the southern boundary line of Moffatt Street and the southern city boundary for the City of South Pasadena; and

WHEREAS, on November 15, 2018, Planet Home Living, (developer), submitted an application for a Hillside Development Permit for the extension of Moffatt Street westward and a Variance for a +/- 18 foot high retaining wall; and

WHEREAS, in December 2020, the applicant decided not to pursue a variance for the high retaining wall along the northern boundary of the private street and proposed retaining walls to be a maximum height of six feet; and

WHEREAS, the proposed project is considered a "Project" as defined by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.; and

WHEREAS, the project site is a vacant land surrounded by single-family residences and unoccupied land. According to the City's GIS mapping system, the project site is not located within a liquefaction or landslide zone. The Director of Planning and Community Development determined that a biological constraints survey of the project site was required to document the existing conditions and assess the potential for special status plant or wildlife species or other regulated biological resources occurring on the project site. The report concluded that the project site contains no suitable habitat for special status plants and wildlife, and does not occur within any federal U.S. Fish and Wildlife Services Critical Habitat boundaries.; and

WHEREAS, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 15303, Class 3 – New Construction or Conversion of Small Structures. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction; and

WHEREAS, the Planning Department evaluated the project for consistency with the City’s General Plan, City of South Pasadena Municipal Code, the City’s Design Guidelines, and all other applicable state and local regulations; and

WHEREAS, on February 26, 2020, notices regarding the tree removals were sent to those within a 100-foot radius of the project site; and

WHEREAS, on February 27, 2020, the public hearing notice indicating the date, time, and location of the public hearing was published outside City Hall and said public hearing notice was mailed to each property owner within a 300-foot radius of the project site in accordance with the requirements of South Pasadena Municipal code declaring the project review by the Planning Commission for the hearing on March 10, 2020; and

WHEREAS, on February 28, 2020, the City of South Pasadena Planning Division, published a legal notice in the *South Pasadena Review*, a local newspaper of general circulation, indicating the date, time, and location of the public hearing in compliance with state law concerning Project No. 2191-HDP/TRP; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on March 10, 2020, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2191-HDP/TRP and continued the proposed Hillside Development Permit and Tree Removal Permit for the extension of Moffatt Street which will be a private street; and

WHEREAS, on May 28, 2020, the public hearing notice indicating the date, time, and location of the public hearing was published outside City Hall and said public hearing notice was mailed to each property owner within a 300-foot radius of the project site in accordance with the requirements of South Pasadena Municipal code declaring the project review by the Planning Commission for the hearing on June 9, 2020; and

WHEREAS, on May 29, 2020, the City of South Pasadena Planning Division, published a legal notice in the *South Pasadena Review*, a local newspaper of general circulation, indicating the date, time, and location of the public hearing in compliance with state law concerning Project No. 2280-HDP/TRP; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on June 9, 2020, at which time continued the proposed Hillside Development Permit and Tree Removal Permit for the extension of Moffatt Street which will be a private street at the request of the applicant to allow additional time for the public to comment; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on July 16, 2020, at which time continued the public hearing and directed the Applicant to submit an alternative street alignment design connecting the private street to Lowell Avenue; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on August 11, 2020, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2191-HDP/TRP and approved the proposed Hillside Development Permit for the street design of Moffatt Street which will be a private street extending westward from the northern end of Lowell Avenue and Tree Removal Permit.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1: The Planning Commission has determined that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Article 19 Section 15303, Class 3 – New Construction or Conversion of Small Structures of the California Guidelines for Implementation of CEQA. Class 3 exemption includes water main, sewage, electrical, gas, and other utility extensions, including street improvements, of reasonable length to serve such construction. Specifically, the project involves street improvements of an access easement to landlocked properties in Los Angeles.

SECTION 2: DESIGN REVIEW FINDINGS

The Planning Commission finds that the proposed project is consistent with all applicable findings for approval of a Design Review Permit pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.040(I), as follows:

- 1. Is consistent with the General Plan, any adopted design guidelines and any applicable design criteria for specialized areas (e.g., designated historic or other special districts, plan developments, or specific plans);**

The General Plan land use designation of the site is Altos De Monterey Residential which allows one single-family unit per lot. The proposed project is a private street within an access easement for seven landlocked properties in Los Angeles and does not involve the addition of another dwelling unit therefore, it is consistent with the General Plan.

- 2. Will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards;**

The location of the proposed project is within the hillside. With the development of the private street, it will create an easier access for the nine properties it serves and for emergency services to reach the properties. A 4-foot wide sidewalk is proposed on the south side of the private street and a condition was added for the

installation of street lighting for better visibility. Therefore, the proposed project will have no negative impact to the existing pedestrian or traffic circulation.

- 3. Is compatible with the existing character of the surrounding neighborhood and that all reasonable design efforts have been made to maintain the attractive, harmonious, and orderly development contemplated by this Section, and the General Plan; and**

The proposed project was designed to reduce the number of trees proposed for removal and to improve the street access for multiple properties. The height of the retaining wall is conditioned not to exceed six feet in height and will have landscaping to help blend the wall into the hillside.

- 4. Would provide a desirable environment for its occupants and neighbors, and is aesthetically of good composition, materials, and texture that would remain aesthetically appealing with a reasonable level of maintenance and upkeep.**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. An abundance of landscaping is proposed to help screen the wall. A condition was added for the properties utilizing the private street to maintain the street to be aesthetically appealing.

SECTION 3: ALTOS DE MONTEREY FINDINGS

The Planning Commission finds that the proposed project is consistent with all applicable findings for the Altos de Monterey zone pursuant to South Pasadena Municipal Code (SPMC) Section 36.250.030(E), as follows:

- 1. The scale of the proposed building, design, height and mass in relation to the street frontage, to all setbacks and surrounding existing property; and**
Not applicable; no building is proposed for this project.
- 2. The relation of existing adjoining building heights and their views; and**
The maximum height of the retaining wall may not exceed 6 feet in height and must be separated by a minimum length equal to the height of the wall, not to exceed six feet. In addition, the locations of the proposed walls are lower than the existing neighboring homes.
- 3. The relation of proposed building heights to the existing topography; and**
Not applicable; no building is proposed for this project.
- 4. The impact on surrounding properties; and**
The proposed private street will have a positive impact on the surrounding properties. The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. The proposed project will create an easier access for the nine properties it serves for emergency services to reach the properties.
- 5. The obstruction of sunlight to the existing adjoining residences.**

The proposed retaining walls help to retain the existing hillside and will be a lower elevation than the existing property at 2051 La Fremontia Street. The existing homes on Atlas Street within the City of Los Angeles are at the top of the slope; the proposed development of the single-family homes on the vacant lots would be the cause of sunlight obstruction.

SECTION 4: HILLSIDE DEVELOPMENT PERMIT FINDINGS

The Planning Commission finds that the proposed project is consistent with all applicable findings for approval of a Hillside Development Permit pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.065(F), as follows:

1. The proposed use complies with the requirements of Division 36.340 (Hillside Protection) and all other applicable provisions of this Zoning Code.

Within the AM zone, walls may not exceed six feet in height. As proposed, the concrete block retaining walls are maximized at six feet in height plus a 3'8" cable safety rail on top. A condition is added for the retaining wall height to not exceed six feet and for the retaining walls to be separated a distance equal to the height of the retaining walls, not to exceed six feet. The conceptual landscape plans show the addition of 16 required replacement trees for the removal of five (5) trees. Toyon, California sycamore, and coast live oak are the proposed replacement trees. Rosmarinus prostrates and creeping fig will be planted over the retaining wall to help disguise and blend the wall into the natural landscape. For ground cover, twin peaks and deer grass are proposed. Due to the size of the project, the landscaping will require compliance with the City's Water Efficient Landscape Ordinance. A condition was added for the applicant to submit construction landscape and irrigation plans in compliance with the City's Water Efficient Landscape Ordinance.

2. The proposed use is consistent with the General Plan and any applicable specific plan;

The General Plan land use designation of the site is Altos De Monterey Residential which allows one single-family unit per lot. The proposed project is a private street within an access easement for seven landlocked properties in Los Angeles and does not involve the addition of another dwelling unit therefore, it is consistent with the General Plan.

3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood of the proposed use;

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. The proposed project will create an easier access for the nine properties it serves for emergency services to reach the properties. The project is conditioned to install stop signs, stop pavement legends, and limit lines for the north and south approaches on Maycrest Avenue to improve traffic safety.

4. **The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and**

According to the Preliminary Geotechnical Report, the project site is suitable to be developed as proposed and will be safe against hazard from landslides, settlement, or slippage and will have no adverse effect on the geologic stability of the adjacent properties provided that the recommendations outlined in the report are implemented.

5. **The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, and view protection.**

The proposed project would provide a paved access road to the seven landlocked properties within the City of Los Angeles, 4519 Lowell Avenue, and 2051 La Fremontia Street. An abundance of landscaping is proposed to help screen the wall. A condition was added for the properties utilizing the private street to maintain the street to be aesthetically appealing.

SECTION 5: RECORD OF PROCEEDING

The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's decision is based, which include, but are not limited to, the staff reports, as well as all materials that support the staff reports for the proposed project, and are located in the Planning and Building Department of the City of South Pasadena at 1414 Mission Street, South Pasadena, CA 91030. The custodian of these documents is the City Clerk of the City of South Pasadena.

SECTION 6. DETERMINATION

Based upon the findings outlined in Sections 1 through 6 above and provided during the public hearing, the Planning Commission of the City of South Pasadena hereby approves the application for a Hillside Development Permit for the extension of Moffatt Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in Los Angeles and a Tree Removal Permit for the removal of five trees (Project No. 2191-HDP/TRP) (APN No's: 5310-006-039, 5310-006-038, 5310-005-010, 5310-005-011, and 5310-005-004), subject to the Conditions of Approval that are attached hereto as Exhibit "A."

SECTION 7: APPEALS

Any interested person may appeal this decision or any portion of this decision to the City Council. Pursuant to the South Pasadena Municipal Code, any such appeal must be filed with the City, in writing, and with appropriate appeal fee, no later than (15) days, following the date of the Planning Commission's final action.

SECTION 8: CERTIFICATION OF THE RESOLUTION

The Secretary shall certify that the foregoing Resolution was adopted by the Planning Commission of the City of South Pasadena at a duly noticed regular meeting held on the 11th day of August 2020.

PASSED, APPROVED, AND ADOPTED this 11th day of August 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Janet Braun, Chair

ATTEST:

Lisa Padilla, Secretary to the Planning Commission

APPROVED AS TO FORM:

Teresa L. Highsmith, City Attorney

**EXHIBIT “A”
CONDITIONS OF APPROVAL
PROJECT NO. 2191-HDP/TRP
Moffat Street Extension**

PLANNING DIVISION:

General Conditions

- P-1. The following approvals are granted as described below and as shown on the development plans submitted to and approved by the Planning Commission on August 11, 2020:
- A. **Hillside Development Permit** for the street design of an extension of Moffat Street, which will be a private street extending westward from the northern end of Lowell Avenue to allow access to seven lots in Los Angeles; and
 - B. **Tree Permit** for the removal of five (5) trees and planting of 16 trees for the proposed private street development. The Tree Permit was reviewed by the Public Works Department and was recommended for approval to the Planning Commission.
- P-2. No construction traffic relating to the project shall occur on South Pasadena streets except for the proposed private street.
- P-3. This approval and all rights hereunder shall terminate within twelve (12) months of the effective date of their approval by the Planning Commission unless otherwise conditioned and/or unless action is taken to secure Building Permits and maintain active Building Permits with the Building Division beginning with the submittal of the plans for Plan Check review.
- P-4. Approval by the Planning Commission does not constitute a building permit or authorization to begin any construction. All appropriate permits issued by the South Pasadena Public Works Department and Building Division must be obtained prior to construction, enlargement, relocation, conversion or demolition of any building or structure on any of the project site.
- P-5. All other requirements of any law, ordinance, or regulation of the State of California, City of South Pasadena, and any other government entity shall be complied with.
- P-6. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining any final inspection clearance and/or prior to obtaining any final clearance.
- P-7. The applicant and each successor in interest to the property which is the subject of this project approval, shall defend, indemnify and hold harmless the City of South Pasadena and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside,

void or annul any approval of the City, City Council or City Planning Commission concerning this use.

- P-8. The applicant shall be responsible for all costs incurred by the City for the use of professional services or consultants in the review and investigation by Planning and Public Works, which include landscape plans, construction management plan, traffic control plans, and street and off-site improvement plans. The initial Building Construction plan check fee will cover the initial plan check and one recheck only. Additional review required beyond the first recheck shall be paid for on an hourly basis in accordance with the current fee schedule. The applicant shall deposit monies into an approved project account from which the City shall draw funds to pay for said professional services.
- P-9. If subsurface artifacts are unearthed during construction activities, the Applicant shall comply with California Public Resources Code (PRC) Section 21083.2, which specifies the protocol to be followed should cultural resources be discovered during excavation, grading, or construction activities. Should that process determine that any artifacts found are tribal in origin, ground-disturbance activity shall cease, and the City shall notify the tribes known to be affiliated with the Project area to initiate development of a tribal cultural resource (TCR) monitoring plan. Construction of the proposed Project shall adhere to California Health and Safety Code Section 7050.5, which states that if human remains are encountered, no further disturbance shall occur until the Los Angeles County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The Los Angeles County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.
- P-10. The hours of construction shall be limited to 8:00 am through 7:00 pm Monday through Friday; 9:00 am through 7:00 pm on Saturday; and 10:00 am through 6:00 pm on Sunday.
- P-11. The clearing, grading, earth moving, or excavation operations that cause excessive fugitive dust emissions shall be controlled by regular water or other dust preventive measures using the following procedures:
- a. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferable in the late morning and after work is done for the day;
 - b. All material transported on-site or off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
 - c. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust; and
 - d. Visible dust beyond the property line emanating from the project shall be

prevented to the maximum extent feasible.

Prior to Issuance of Grading Permit

- P-12. The developer shall post a bond in a sufficient amount for maintaining, monitoring, and securing the private road for ten (10) years, or until the applicant demonstrates certificates of occupancy for the seven (7) properties (Tract 5643 Lot 26 APN:5309-012-019, Lot 24 APN: 5309-012-017, Lot 22 APN: 5309-012-015, Lot 20 APN: 5309-012-013, Lot 18 APN: 5309-012-011, Lot 18 APN: 5309-012-009, and Lot 16 APN: 5309-012-007) in either of the following combinations:
- a. Three (3) of the seven (7) lots listed above as long as one of the parcels is Lot 26,
or
 - b. Any four (4) of the seven (7) lots listed above.
- P-13. The developer shall submit preliminary development plans (site plan and elevations) for the construction of either combination of properties reference in Condition P-11 to the City of Los Angeles Planning and provide documentation from the City of Los Angeles confirming that the plans as presented will not be subject to discretionary review.
- P-14. In the event that no homes are built on the properties listed above (Condition P-11) after ten (10) years, the bond shall be used by the bonding company for the removal of the street improvements.
- P-15. Provide revised street improvement plans for the private street for review and approval by the Planning Director and Public Works Director. The plans shall show and demonstrate the following:
- Change the 5-foot wide sidewalk adjacent to the 6-foot high retaining wall along the Southern California Edison (SCE) easement at the northern portion of the street to be a 2-foot wide landscape area with climbing vines;
 - Provide landscaping with climbing vines for the entire length of the northern retaining wall;
 - A red, "No Parking" curb along the southern side at the eastern end of the private street (adjacent to 4519 Lowell Avenue). The length of the red curb shall be determined by the City of South Pasadena Public Works Director and the City of Los Angeles/City of South Pasadena Fire Department to ensure appropriate clearance for fire truck access;
 - The street design shall not create more surcharge load where the existing curved retaining wall (north of the apartment complex) would fail; and
 - There shall be no grade change in the western end of the public portion of Moffat Street which abuts the private portion of the street.
- P-16. Retaining walls shall not exceed more than six (6) feet in height and must be separated a distance equal to the height of the retaining walls, not to exceed six (6) feet.

- P-17. The applicant shall submit a construction management plan for approval by the Building, Planning, and Public Works Departments. The construction management plan shall include, but not be limited to:
- a. A proposed haul route and location of a proposed off-site construction staging area where project construction workers and/or subcontractors will park and equipment will be stored. Equipment and construction staging area shall be located away from adjacent residential uses. Any construction activity that may require closing public roadways shall be identified and mitigation identified as part of the staging plan. The applicant shall obtain input from Public Works to identify haul route and staging area.
 - b. A plan for dust control techniques to be implemented during project construction which shall include, but not be limited to, plans for daily watering of the construction site, limitations on construction hours, and adherence to standard construction practices such as watering of inactive and perimeter areas.
 - c. A traffic control plan for the duration of the construction prepared by a licensed civil engineer for approval by the City Engineer. The applicant shall notify businesses and residents impacted by any parking restrictions during construction.
 - d. A list of construction equipment, fixed or mobile, showing that all equipment will be equipped with properly operating and maintained mufflers and other state-required noise-attenuation devices.
 - e. A plan for limiting the number of noise-generating, heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, rollers, etc.) simultaneously used on the project site within 50 feet of adjacent residential uses surrounding the site to no more than one or two pieces of heavy-duty, off-road equipment to reduce construction noise levels.
 - f. A sign, legible at a distance of 50 feet, shall be posted at the Project construction site providing a contact name and a telephone number where residents can inquire about the construction process and register complaints. This sign shall indicate the dates and duration of construction activities. In conjunction with this required posting, a noise disturbance coordinator shall be identified to address construction noise concerns received. The contact name and the telephone number for the noise disturbance coordinator shall be posted on the sign. The coordinator shall be responsible for responding to any local complaints about construction noise and shall notify the City to determine the cause and implement reasonable measures to the complaint, as deemed acceptable by the City.
- P-18. If vegetation removal is scheduled during the nesting season (typically February 1 to September 1), then a focused survey for active nests shall be conducted by a qualified biologist (as determined by a combination of academic training and professional experience in biological sciences and related resource management activities) no more than five (5) days prior to the beginning of project-related

activities (e.g., excavation, grading, vegetation removal, etc.). Surveys shall be conducted in proposed work areas, staging and storage areas, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys shall be conducted within a 250-foot radius surrounding the work area (in non-developed areas and where access is feasible). For larger raptors, such as those from the genus *Buteo*, the survey area shall encompass a 500-foot radius. Surveys shall be conducted during weather conditions suited to maximize the observation of possible nests and shall concentrate on areas of suitable habitat. If a lapse in project-related work of five (5) days or longer occurs, an additional nest survey shall be required before work can be reinitiated. If nests are encountered during any preconstruction survey, a qualified biologist shall determine if it may be feasible for construction to continue as planned without impacting the success of the nest, depending on conditions specific to each nest and the relative location and rate of construction activities. Any nest(s) within the Project Site shall be monitored by a qualified biologist during active construction if work is occurring directly adjacent to the pre-determined no-work buffer. If the qualified biologist determines construction activities have potential to adversely affect a nest, the biologist shall immediately inform the construction manager to halt construction activities within a minimum exclusion buffer, depending on species and location. Construction activities within the no-work buffer may proceed after a qualified biologist determines the nest is no longer active due to natural causes (e.g. young have fledged, predation, or other non-anthropogenic nest failure).

- P-19. The applicant shall reimburse the City for any damage to City property associated with clearing, grading, earth moving, or excavation operations. Prior to the issuance of a grading permit, the applicant will deposit funds or bond for an amount as determined by the Director of Public Works.
- P-20. The applicant shall provide details on the street light pole design to the satisfaction of the Planning Director.
- P-21. The applicant shall participate in a pre-construction meeting with property owners directly adjacent to the private street, the City of South Pasadena Planning and Building Divisions and Public Works Department, and Southern California Edison, to ensure all parties involved are aware of when construction will occur, what to expect, and to identify potential conflicts to eliminate otherwise unanticipated problems prior to the start of grading.
- P-22. The applicant shall provide documentation demonstrating approval from the City of Los Angeles for the private street connection to Lowell Avenue.

Prior to Final Inspection

- P-23. The applicant shall install all landscaping and irrigation per the approved final landscape plans pursuant to the City's Water Efficient Landscape Ordinance (SPMC Section 35.50). The applicant shall provide documentations as required under SPMC Section 35.50, which shall include, but not limited to the following:

- a. A Certification of Completion certifying that landscape and irrigation have been installed per the approved final landscape plan and complies with the City Water Efficient Landscape Ordinance.
 - b. A Landscape Irrigation Audit Report from a certified landscape irrigation auditor shall be submitted to the City. The landscape irrigation audit shall not be conducted by the person who designed the landscape or installed the landscape irrigation.
- P-24. The applicant shall record a covenant or other instrument acceptable to the City that runs with the land specifying the following:
- a. All common open space areas, both residential and commercial, including all courts, paseos, pedestrian access, all private water, drainage, and sewer, facilities; storm water treatment devices, landscaping within designated landscape areas (including irrigation system), and community mailboxes, etc. shall be maintained in perpetuity by a designated entity.

PUBLIC WORKS DEPARTMENT

General Conditions

- PW-1. The applicant shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned.
- PW-2. The applicant shall provide a copy of a current Title Report (within the last 60 days). The applicant shall show all easements per the Title Report to the satisfaction of the Public Works Department. Any conflict with existing easements resulting in the site being redesigned potentially requires a minor change or amendment approval by Planning Commission.
- PW-3. The applicant shall pay all applicable City and Los Angeles County fees, including Public Works Department permit fees per the current adopted Master Fee Schedule which can be found on the City's website. The applicant shall provide receipts of all applicable fees paid prior to the issuance of permits.
- PW-4. The applicant shall be responsible for all costs incurred by the City for the use of professional services or consultants in the review, investigation, and or plan check by Planning and Building, and Public Works Departments, which include construction plans, landscape plans, improvement plans, construction management plan, traffic control plans, and street improvement plans. The applicant shall deposit monies into an approved project account from which the City shall draw funds to pay for said professional services.

Grading Conditions

- PW-5. The applicant shall provide a detailed drainage plan signed and stamped by a CA licensed civil engineer. Cross lot drainage is not permitted. Provide a copy of the

approved plan from the Building & Safety Department. The street improvement plan needs to address storm water runoff from the road.

- PW-6. The applicant shall comply with all requirements of the City of South Pasadena Low Impact Development (LID) Ordinance. The applicant shall include the necessary Best Management Practices (BMP) measures and a Standard Urban Storm Water Mitigation Plan (SUSMP) for construction and post-construction phases as part of the LID plan per SPMC Section 23.14. Provide a copy of the approved plan from the Building & Safety Department.
- PW-7. The applicant shall provide a copy of the Notice of Intent (NOI), a Waste Discharge Identification Number (WDID), and a Storm Water Pollution Prevention Plan (SWPPP) developed by a certified Qualified SWPPP Developer (QSD) per SPMC Section 23.12(b). Provide a copy of the approved plan from the Building & Safety Department.
- PW-8. Prior to issuance of a grading permit, the applicant shall provide an erosion control plan for dust control techniques to be implemented during project construction which shall include, but not be limited to, use of appropriate BMPs, plans for daily watering of the construction site, limitations on construction hours, and adherence to standard construction practices such as watering of inactive and perimeter areas.

Utility Conditions

- PW-9. Provide a 24-hour emergency contact number for the applicant and contact information of all utility agencies involved/impacted/potentially impacted by this project on the title sheet of the plans.
- PW-10. Water and sewer utilities shall be provided by the City of Los Angeles. Show the location and area of trench sections for the proposed sewer and water lines connection within the private street including trench restoration detail and all utility points of connections (POC). The City of South Pasadena will not provide water and sewer utilities.
- PW-11. Provide a copy of an approval letter and receipt for the sewer connection fee from the Los Angeles County Sanitation District (LACSD). A copy of the receipt for any fees to be paid must be submitted before permit issuance.
- PW-12. Provide clearance letter from utility companies for any proposed relocation of utility lines that encroach on the properties prior to obtaining permits for the project.
- PW-13. Improvement plans for underground utilities (i.e. water, sewer, gas, electrical, telecommunications, etc.) to be placed in the private street or easement that will be owned and maintained by other entities shall be reviewed by the City prior to Utility Agency approval.
- PW-14. The Developer shall execute and provide to the City, a written statement from the water, sewer, electrical, and gas purveyor indicating that each system will be owned, operated, and maintained by the purveyor and that under normal

condition, the system(s) will meet the requirements for the development and that each service will be provided to each building.

Street Improvements Conditions

- PW-15. Show the existing grade, location, and dimensions of all existing and proposed conditions within street improvements including, but not limited to: curb and gutter, sidewalk, driveway, traffic striping, signage, utilities, lighting, landscaping, storm drain facilities, trees, and other features.
- PW-16. The proposed street improvement plans shall be prepared by a Registered Civil Engineer and provide the proposed cross slope for Moffat Street and the plan and profile for Moffat Street including center of the street, northerly curb and flow lines, southerly curb and flow lines. The applicant shall submit a final geotechnical report with the street improvement plans.
- PW-17. All flood control plans to be reviewed by the City or the Los Angeles County Flood Control District shall be submitted through the City of South Pasadena, unless otherwise directed by the City Engineer. For projects requiring LACFCD review, the developer shall pay the appropriate fees to LACFCD.
- PW-18. The applicant shall record a covenant or other instrument acceptable to the City that runs with the land for the private street including sidewalks, lighting, trees, landscaping (including irrigation system), irrigation, curb, gutter, drainage, utilities, storm water treatment devices, etc. shall be maintained in perpetuity by a designated entity. This covenant other instrument acceptable to the City shall be reviewed and approved by the Public Works Department and the City Attorney and a fully executed covenant, in recordable form, shall be provided to the City prior to obtaining a permit.
- PW-19. The street improvement plan shall include street lighting for the street and sidewalk in accordance with the most recent edition of the Illuminating Engineering Society of North America (IESNA) and American Association of State Highway and Transportation Official (AASHTO) Roadway Lighting Design Guide standards. The level of outdoor lighting to shall have no direct light or excess glare onto the adjacent neighbors.
- PW-20. Prior to final inspection, provide a street name sign at the property line stating the name of the street, range of address, and a clear indicator that this is a private street.
- PW-21. Prior to final inspection, the applicant shall submit a letter from the Engineer and Landscape Architect of record that the final street improvements, drainage, street lighting, and landscaping conforms to the approved plans.

Tree Conditions

- PW-22. Show all existing and proposed trees (including parkway trees), including size and species, and indicate their disposition. The applicant shall show methods of protecting existing onsite and on the parkway trees during construction on the

plans. The applicant shall submit an arborist report for all trees (including parkway trees) at project completion to the City, demonstrating that all protection methods were followed and document the tree disposition after construction.

- PW-23. Tree removals associated with development shall only be conditionally approved subject to the applicant receiving their development building permit, paying all fees associated with the tree removal as established by resolution of the city council, and paying a deposit in the amount of \$5,360 for the 16 replacement trees. Upon the planning review authority's approval of the development application and satisfaction of all conditions of approval, and payment of all required fees, the applicant shall be issued a tree removal permit.
- PW-24. Replacement trees shall be planted per SPMC section 34.12-5 (b). The applicant is required to plant 16 replacement trees based on the trees proposed for removal. The South Pasadena Public Works Department shall inspect the replacement trees before being planted.
- PW-25. Upon the applicant's proof to the city's satisfaction that the applicant has complied with the approved tree replacement plan, the city shall reimburse the applicant's replacement tree deposit. Should the applicant fail to plant any replacement trees per the approved replacement tree plan, the city shall retain the amount of the replacement tree deposit necessary to cover the cost to plant any required replacement trees in alternative locations within the city (public right-of-way, park, etc.), as permitted by SPMC chapter 34.
- PW-26. No trees shall be removed from the site until Tree Removal Permits are issued.
- PW-27. Trees planted adjacent to the private street will be private trees to be maintained (including trimming) under the recorded covenant or other instrument acceptable to the City.

Encroachment Conditions

- PW-28. The applicant shall provide a construction schedule for each stage of any major activities (i.e. demolition, grading, material delivery, etc.) and the timing of special access if necessary, as it relates to site staging, traffic, and access. If there are any changes to the construction schedule, the applicant shall submit a revised schedule to the Public Works Department.
- PW-29. The applicant shall provide a haul route map, traffic control plan, on-site staging plan, and indicate a contractor parking location to the Public Works Department for review and approval prior to issuance of permits. All vehicles including workers' vehicles shall not be parked near the construction site. Provide a shuttle service if necessary. Any construction activity that may require roadway closures will require a traffic control plan prepared by a CA licensed civil or traffic engineer or a C-31 licensed contractor to be submitted for review. All street closures will require an encroachment permit from the Public Works Department.

- PW-30. The applicant shall post temporary "No Parking " signs along the entire length of the property prior to the start of any construction. The temporary "No Parking" signs shall be covered at the end of each working day and uncovered at the start of the following working day prior to any construction activity. If two-way traffic cannot be accommodated, a traffic control plan depicting the use of flagmen and/or detouring shall be submitted for review.
- PW-31. No overnight storage of materials or equipment within the public right-of-way shall be permitted.
- PW-32. Temporary bins (low boy) will be "roll off" style to be provided by Athens Services. Athens Services has an exclusive agreement with the City for the provision of trash removal services: only Athens dumpsters can be used. Any dumpsters placed on the roadway shall require a protective barrier underneath (such as plywood) to protect the pavement. The applicant shall obtain dumpster permit from the Public Works Department.
- PW-33. The applicant shall be responsible for posting a project sign at the entrance to the project site displaying the City's construction hours per SPMC Section 19A.13. The project sign shall be 24" x 36" and made of durable weather-resistant material. The applicant shall provide a 24-hour emergency contact number for the designated contact who will be responsible for maintaining the project site during the all stages of construction until the project is complete.

BUILDING AND SAFETY DIVISION:

General conditions

- BD-1. The second sheet of building and grading plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
- BD-2. Prior to the application of a building or grading permit, a preliminary Geotechnical report that specifically identifies and proposes mitigation measures for any soils or geological problems that may affect site stability or structural integrity shall be approved by the Building Official or his/her designee. The applicant shall reimburse the City for all costs incurred to have the project soils report evaluated by an independent, third-party, peer-level soils and /or geological engineer. Approval letter of the geotechnical report review shall be copied and pasted on the first sheet of building and grading plans.
- BD-3. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
- a) Observation of cleared areas and benches prepared to receive fill;
 - b) Observation of the removal of all unsuitable soils and other materials;

- c) The approval of soils to be used as fill material;
 - d) Inspection of compaction and placement of fill;
 - e) The testing of compacted fills; and
 - f) The inspection of review of drainage devices.
- BD-4. The geotechnical and soils engineer shall review and approve the project grading and foundation plans to show compliance that their recommendations have been properly implemented.
- BD-5. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by Building Division, a new Preliminary Soils and/or Geotechnical Investigation.
- BD-6. At the time of plan submittal, the PDF copy of the soils report shall be provided by the applicant.
- BD-7. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from the existing development in the subject site is carried to the public right-of-way or drainage structure approved to receive storm water.
- BD-8. Grading work and drainage shall be designed and constructed in accordance with applicable provisions in Appendix J as part of Los Angeles County Building Code.
- BD-9. Drainage patterns within the proposed street shall be designed to the extent possible to resemble those in the pre-development stage and be supported by hydrology/hydraulic calculations based on the current Los Angeles County 50-Year, 24 Hour Isohyet. Should the drainage flows cross property lines or city boundaries which existed prior to grading, the post-development drainage shall continue to follow this pattern without exceeding the existing drainage flow in accordance with Section J109.4. Excess or concentrated drainage and its disposal at the existing segment of the Moffat Street is strictly prohibited.
- BD-10. Separate plan review and permit is required for each detached retaining wall.
- BD-11. Retaining wall structural calculations prepared under the direction of a civil engineer or structural engineer shall be provided.
- BD-12. In accordance with paragraph 5538(b) of the California Business and Professions Code, grading and retaining wall plans are to be prepared and stamped by a licensed civil engineer.

- BD-13. The building/grading permit will not be issued until all project property boundaries affected by the proposal has been surveyed and marked by a land surveyor licensed by the State of California.
- BD-14. Rough grading inspection will not be made until the excavation has been surveyed and the easement boundaries have been determined in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
- BD-15. No form work or other construction materials will be permitted to encroach into adjacent property without written approval of the affected property owner.
- BD-16. Prior to the issuance of building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).

FIRE DEPARTMENT:

- FD-1. The private street shall meet the following slope requirements:
 - a. The turn-around landing at the west end of the street cannot have a slope greater than 3%; and
 - b. The average slope of the entire private street cannot be greater than 17% from the top of the turn-around landing to the bottom of the private street; and
 - c. The maximum slope for any portion of the private driveway shall not exceed 20%.

ATTACHMENT 2
New Redline Version of Conditions of Approval

**EXHIBIT “A”
CONDITIONS OF APPROVAL
PROJECT NO. 2191-HDP/TRP
Moffat Street Extension**

PLANNING DIVISION:

General Conditions

- P-1. The following approvals are granted as described below and as shown on the development plans submitted to and approved by the Planning Commission on ~~July 16~~ August 11, 2020:
- A. **Hillside Development Permit** for the street design of an extension of Moffat Street, which will be a private street extending westward from the ~~terminus of the existing Moffat Street~~ northern end of Lowell Avenue to allow access to seven lots in Los Angeles; and
 - B. **Tree Permit** for the removal of five (5) trees and planting of 16 trees for the proposed private street development. The Tree Permit was reviewed by the Public Works Department and was recommended for approval to the Planning Commission.
- P-2. No construction traffic relating to the project shall occur on South Pasadena streets except for the proposed private street.
- P-3. This approval and all rights hereunder shall terminate within twelve (12) months of the effective date of their approval by the Planning Commission unless otherwise conditioned and/or unless action is taken to secure Building Permits and maintain active Building Permits with the Building Division beginning with the submittal of the plans for Plan Check review.
- P-4. Approval by the Planning Commission does not constitute a building permit or authorization to begin any construction. All appropriate permits issued by the South Pasadena Public Works Department and Building Division must be obtained prior to construction, enlargement, relocation, conversion or demolition of any building or structure on any of the project site.
- P-5. All other requirements of any law, ordinance, or regulation of the State of California, City of South Pasadena, and any other government entity shall be complied with.
- P-6. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining any final inspection clearance and/or prior to obtaining any final clearance.
- P-7. The applicant and each successor in interest to the property which is the subject of this project approval, shall defend, indemnify and hold harmless the City of South Pasadena and its agents, officers and employees from any claim, action or

proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council or City Planning Commission concerning this use.

- P-8. The applicant shall be responsible for all costs incurred by the City for the use of professional services or consultants in the review and investigation by Planning and Public Works, which include landscape plans, construction management plan, traffic control plans, and street and off-site improvement plans. The initial Building Construction plan check fee will cover the initial plan check and one recheck only. Additional review required beyond the first recheck shall be paid for on an hourly basis in accordance with the current fee schedule. The applicant shall deposit monies into an approved project account from which the City shall draw funds to pay for said professional services.
- P-9. If subsurface artifacts are unearthed during construction activities, the Applicant shall comply with California Public Resources Code (PRC) Section 21083.2, which specifies the protocol to be followed should cultural resources be discovered during excavation, grading, or construction activities. Should that process determine that any artifacts found are tribal in origin, ground-disturbance activity shall cease, and the City shall notify the tribes known to be affiliated with the Project area to initiate development of a tribal cultural resource (TCR) monitoring plan. Construction of the proposed Project shall adhere to California Health and Safety Code Section 7050.5, which states that if human remains are encountered, no further disturbance shall occur until the Los Angeles County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The Los Angeles County Coroner must be notified of the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.
- P-10. The hours of construction shall be limited to 8:00 am through 7:00 pm Monday through Friday; 9:00 am through 7:00 pm on Saturday; and 10:00 am through 6:00 pm on Sunday.
- P-11. The clearing, grading, earth moving, or excavation operations that cause excessive fugitive dust emissions shall be controlled by regular water or other dust preventive measures using the following procedures:
- a. All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage, preferable in the late morning and after work is done for the day;
 - b. All material transported on-site or off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;
 - c. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized so as to prevent excessive amounts of dust; and

- d. Visible dust beyond the property line emanating from the project shall be prevented to the maximum extent feasible.

Prior to Issuance of Grading Permit

- P-12. The developer shall post a bond in a sufficient amount for maintaining, monitoring, and securing the private road for ten (10) years, or until the applicant demonstrates certificates of occupancy for the seven (7) properties (Tract 5643 Lot 26 APN:5309-012-019, Lot 24 APN: 5309-012-017, Lot 22 APN: 5309-012-015, Lot 20 APN: 5309-012-013, Lot 18 APN: 5309-012-011, Lot 18 APN: 5309-012-009, and Lot 16 APN: 5309-012-007) in either of the following combinations:
- Three (3) of the seven (7) lots listed above as long as one of the parcels is Lot 26, or
 - Any four (4) of the seven (7) lots listed above.
- P-13. The developer shall submit preliminary development plans (site plan and elevations) for the construction of either combination of properties reference in Condition P-11 to the City of Los Angeles Planning and provide documentation from the City of Los Angeles confirming that the plans as presented will not be subject to discretionary review.
- P-14. In the event that no homes are built on the properties listed above (Condition P-11) after ten (10) years, the bond shall be used by the bonding company for the removal of the street improvements.
- P-15. Provide revised \$street improvement plans for the private street for review and approval by the Planning Director and Public Works Director. The plans shall show and demonstrate the following: sidewalk, curb, and gutter connecting with the existing sidewalk, curb, and gutter located in front of the apartment building at 4520 Lowell Avenue.
- Change the 5-foot wide sidewalk adjacent to the 6-foot high retaining wall along the Southern California Edison (SCE) easement at the northern portion of the street to be a 2-foot wide landscape area with climbing vines;
 - Provide landscaping with climbing vines for the entire length of the northern retaining wall;
 - A red, "No Parking" curb along the southern side at the eastern end of the private street (adjacent to 4519 Lowell Avenue). The length of the red curb shall be determined by the City of South Pasadena Public Works Director and the City of Los Angeles/City of South Pasadena Fire Department to ensure appropriate clearance for fire truck access;
 - The street design shall not create more surcharge load where the existing curved retaining wall (north of the apartment complex) would fail; and
 - There shall be no grade change in the western end of the public portion of Moffat Street which abuts the private portion of the street.

- P-16. Retaining walls shall not exceed more than six (6) feet in height and must be separated a distance equal to the height of the retaining walls, not to exceed six (6) feet.
- P-17. The applicant shall submit a construction management plan for approval by the Building, Planning, and Public Works Departments. The construction management plan shall include, but not be limited to:
- a. A proposed haul route and location of a proposed off-site construction staging area where project construction workers and/or subcontractors will park and equipment will be stored. Equipment and construction staging area shall be located away from adjacent residential uses. Any construction activity that may require closing public roadways shall be identified and mitigation identified as part of the staging plan. The applicant shall obtain input from Public Works to identify haul route and staging area.
 - b. A plan for dust control techniques to be implemented during project construction which shall include, but not be limited to, plans for daily watering of the construction site, limitations on construction hours, and adherence to standard construction practices such as watering of inactive and perimeter areas.
 - c. A traffic control plan for the duration of the construction prepared by a licensed civil engineer for approval by the City Engineer. The applicant shall notify businesses and residents impacted by any parking restrictions during construction.
 - d. A list of construction equipment, fixed or mobile, showing that all equipment will be equipped with properly operating and maintained mufflers and other state-required noise-attenuation devices.
 - e. A plan for limiting the number of noise-generating, heavy-duty off-road construction equipment (e.g., backhoes, dozers, excavators, loaders, rollers, etc.) simultaneously used on the project site within 50 feet of adjacent residential uses surrounding the site to no more than one or two pieces of heavy-duty, off-road equipment to reduce construction noise levels.
 - f. A sign, legible at a distance of 50 feet, shall be posted at the Project construction site providing a contact name and a telephone number where residents can inquire about the construction process and register complaints. This sign shall indicate the dates and duration of construction activities. In conjunction with this required posting, a noise disturbance coordinator shall be identified to address construction noise concerns received. The contact name and the telephone number for the noise disturbance coordinator shall be posted on the sign. The coordinator shall be responsible for responding to any local complaints about construction noise and shall notify the City to determine the cause and implement reasonable measures to the complaint, as deemed acceptable by the City.

- P-18. If vegetation removal is scheduled during the nesting season (typically February 1 to September 1), then a focused survey for active nests shall be conducted by a qualified biologist (as determined by a combination of academic training and professional experience in biological sciences and related resource management activities) no more than five (5) days prior to the beginning of project-related activities (e.g., excavation, grading, vegetation removal, etc.). Surveys shall be conducted in proposed work areas, staging and storage areas, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys shall be conducted within a 250-foot radius surrounding the work area (in non-developed areas and where access is feasible). For larger raptors, such as those from the genus *Buteo*, the survey area shall encompass a 500-foot radius. Surveys shall be conducted during weather conditions suited to maximize the observation of possible nests and shall concentrate on areas of suitable habitat. If a lapse in project-related work of five (5) days or longer occurs, an additional nest survey shall be required before work can be reinitiated. If nests are encountered during any preconstruction survey, a qualified biologist shall determine if it may be feasible for construction to continue as planned without impacting the success of the nest, depending on conditions specific to each nest and the relative location and rate of construction activities. Any nest(s) within the Project Site shall be monitored by a qualified biologist during active construction if work is occurring directly adjacent to the pre-determined no-work buffer. If the qualified biologist determines construction activities have potential to adversely affect a nest, the biologist shall immediately inform the construction manager to halt construction activities within a minimum exclusion buffer, depending on species and location. Construction activities within the no-work buffer may proceed after a qualified biologist determines the nest is no longer active due to natural causes (e.g. young have fledged, predation, or other non-anthropogenic nest failure).
- P-19. The applicant shall reimburse the City for any damage to City property associated with clearing, grading, earth moving, or excavation operations. Prior to the issuance of a grading permit, the applicant will deposit funds or bond for an amount as determined by the Director of Public Works.
- P-20. The applicant shall provide details on the street light pole design to the satisfaction of the Planning Director.
- P-21. The applicant shall participate in a pre-construction meeting with property owners directly adjacent to the private street, the City of South Pasadena Planning and Building Divisions and Public Works Department, and Southern California Edison, to ensure all parties involved are aware of when construction will occur, what to expect, and to identify potential conflicts to eliminate otherwise unanticipated problems prior to the start of grading.
- P-21, P-22. The applicant shall provide documentation demonstrating approval from the City of Los Angeles for the private street connection to Lowell Avenue.

Prior to Final Inspection

~~P-22~~P-23. The applicant shall install all landscaping and irrigation per the approved final landscape plans pursuant to the City's Water Efficient Landscape Ordinance (SPMC Section 35.50). The applicant shall provide documentations as required under SPMC Section 35.50, which shall include, but not limited to the following:

- a. A Certification of Completion certifying that landscape and irrigation have been installed per the approved final landscape plan and complies with the City Water Efficient Landscape Ordinance.
- b. A Landscape Irrigation Audit Report from a certified landscape irrigation auditor shall be submitted to the City. The landscape irrigation audit shall not be conducted by the person who designed the landscape or installed the landscape irrigation.

~~P-23~~P-24. The applicant shall record a covenant or other instrument acceptable to the City that runs with the land specifying the following:

- a. All common open space areas, both residential and commercial, including all courts, paseos, pedestrian access, all private water, drainage, and sewer, facilities; storm water treatment devices, landscaping within designated landscape areas (including irrigation system), and community mailboxes, etc. shall be maintained in perpetuity by a designated entity.

PUBLIC WORKS DEPARTMENT

General Conditions

- PW-1. The applicant shall obtain City approval for any modifications or revisions to the approval of this project. Deviations not identified on the plans may not be approved by the City, potentially resulting in the need for the project to be redesigned.
- PW-2. The applicant shall provide a copy of a current Title Report (within the last 60 days). The applicant shall show all easements per the Title Report to the satisfaction of the Public Works Department. Any conflict with existing easements resulting in the site being redesigned potentially requires a minor change or amendment approval by Planning Commission.
- PW-3. The applicant shall pay all applicable City and Los Angeles County fees, including Public Works Department permit fees per the current adopted Master Fee Schedule which can be found on the City's website. The applicant shall provide receipts of all applicable fees paid prior to the issuance of permits.
- PW-4. The applicant shall be responsible for all costs incurred by the City for the use of professional services or consultants in the review, investigation, and or plan check by Planning and Building, and Public Works Departments, which include construction plans, landscape plans, improvement plans, construction management plan, traffic control plans, and street improvement plans. The applicant shall deposit monies into

an approved project account from which the City shall draw funds to pay for said professional services.

Grading Conditions

- PW-5. The applicant shall provide a detailed drainage plan signed and stamped by a CA licensed civil engineer. Cross lot drainage is not permitted. Provide a copy of the approved plan from the Building & Safety Department. The street improvement plan needs to address storm water runoff from the road.
- PW-6. The applicant shall comply with all requirements of the City of South Pasadena Low Impact Development (LID) Ordinance. The applicant shall include the necessary Best Management Practices (BMP) measures and a Standard Urban Storm Water Mitigation Plan (SUSMP) for construction and post-construction phases as part of the LID plan per SPMC Section 23.14. Provide a copy of the approved plan from the Building & Safety Department.
- PW-7. The applicant shall provide a copy of the Notice of Intent (NOI), a Waste Discharge Identification Number (WDID), and a Storm Water Pollution Prevention Plan (SWPPP) developed by a certified Qualified SWPPP Developer (QSD) per SPMC Section 23.12(b). Provide a copy of the approved plan from the Building & Safety Department.
- PW-8. Prior to issuance of a grading permit, the applicant shall provide an erosion control plan for dust control techniques to be implemented during project construction which shall include, but not be limited to, use of appropriate BMPs, plans for daily watering of the construction site, limitations on construction hours, and adherence to standard construction practices such as watering of inactive and perimeter areas.

Utility Conditions

- PW-9. Provide a 24-hour emergency contact number for the applicant and contact information of all utility agencies involved/impacted/potentially impacted by this project on the title sheet of the plans.
- PW-10. Water and sewer utilities shall be provided by the City of Los Angeles. Show the location and area of trench sections for the proposed sewer and water lines connection within the private street including trench restoration detail and all utility points of connections (POC). The City of South Pasadena will not provide water and sewer utilities.
- PW-11. Provide a copy of an approval letter and receipt for the sewer connection fee from the Los Angeles County Sanitation District (LACSD). A copy of the receipt for any fees to be paid must be submitted before permit issuance.
- PW-12. Provide clearance letter from utility companies for any proposed relocation of utility lines that encroach on the properties prior to obtaining permits for the project.

- PW-13. Improvement plans for underground utilities (i.e. water, sewer, gas, electrical, telecommunications, etc.) to be placed in the private street or easement that will be owned and maintained by other entities shall be reviewed by the City prior to Utility Agency approval.
- PW-14. The Developer shall execute and provide to the City, a written statement from the water, sewer, electrical, and gas purveyor indicating that each system will be owned, operated, and maintained by the purveyor and that under normal condition, the system(s) will meet the requirements for the development and that each service will be provided to each building.

Street Improvements Conditions

- PW-15. Show the existing grade, location, and dimensions of all existing and proposed conditions within street improvements including, but not limited to: curb and gutter, sidewalk, driveway, traffic striping, signage, utilities, lighting, landscaping, storm drain facilities, trees, and other features.
- PW-16. The proposed street improvement plans shall be prepared by a Registered Civil Engineer and provide the proposed cross slope for Moffat Street and the plan and profile for Moffat Street including center of the street, northerly curb and flow lines, southerly curb and flow lines. The applicant shall submit a final geotechnical report with the street improvement plans.
- PW-17. All flood control plans to be reviewed by the City or the Los Angeles County Flood Control District shall be submitted through the City of South Pasadena, unless otherwise directed by the City Engineer. For projects requiring LACFCD review, the developer shall pay the appropriate fees to LACFCD.
- PW-18. The applicant shall record a covenant or other instrument acceptable to the City that runs with the land for the private street including sidewalks, lighting, trees, landscaping (including irrigation system), irrigation, curb, gutter, drainage, utilities, storm water treatment devices, etc. shall be maintained in perpetuity by a designated entity. This covenant other instrument acceptable to the City shall be reviewed and approved by the Public Works Department and the City Attorney and a fully executed covenant, in recordable form, shall be provided to the City prior to obtaining a permit.
- PW-19. The street improvement plan shall include street lighting for the street and sidewalk in accordance with the most recent edition of the Illuminating Engineering Society of North America (IESNA) and American Association of State Highway and Transportation Official (AASHTO) Roadway Lighting Design Guide standards. The level of outdoor lighting to shall have no direct light or excess glare onto the adjacent neighbors.
- PW-20. Prior to final inspection, provide a street name sign at the property line stating the name of the street, range of address, and a clear indicator that this is a private street.

- PW-21. Prior to final inspection, the applicant shall submit a letter from the Engineer and Landscape Architect of record that the final street improvements, drainage, street lighting, and landscaping conforms to the approved plans.

Tree Conditions

- PW-22. Show all existing and proposed trees (including parkway trees), including size and species, and indicate their disposition. The applicant shall show methods of protecting existing onsite and on the parkway trees during construction on the plans. The applicant shall submit an arborist report for all trees (including parkway trees) at project completion to the City, demonstrating that all protection methods were followed and document the tree disposition after construction.
- PW-23. Tree removals associated with development shall only be conditionally approved subject to the applicant receiving their development building permit, paying all fees associated with the tree removal as established by resolution of the city council, and paying a deposit in the amount of \$5,360 for the 16 replacement trees. Upon the planning review authority's approval of the development application and satisfaction of all conditions of approval, and payment of all required fees, the applicant shall be issued a tree removal permit.
- PW-24. Replacement trees shall be planted per SPMC section 34.12-5 (b). The applicant is required to plant 16 replacement trees based on the trees proposed for removal. The South Pasadena Public Works Department shall inspect the replacement trees before being planted.
- PW-25. Upon the applicant's proof to the city's satisfaction that the applicant has complied with the approved tree replacement plan, the city shall reimburse the applicant's replacement tree deposit. Should the applicant fail to plant any replacement trees per the approved replacement tree plan, the city shall retain the amount of the replacement tree deposit necessary to cover the cost to plant any required replacement trees in alternative locations within the city (public right-of-way, park, etc.), as permitted by SPMC chapter 34.
- PW-26. No trees shall be removed from the site until Tree Removal Permits are issued.
- PW-27. Trees planted adjacent to the private street will be private trees to be maintained (including trimming) under the recorded covenant or other instrument acceptable to the City.

Encroachment Conditions

- PW-28. The applicant shall provide a construction schedule for each stage of any major activities (i.e. demolition, grading, material delivery, etc.) and the timing of special access if necessary, as it relates to site staging, traffic, and access. If there are any changes to the construction schedule, the applicant shall submit a revised schedule to the Public Works Department.

PW-29. The applicant shall provide a haul route map, traffic control plan, on-site staging plan, and indicate a contractor parking location to the Public Works Department for review and approval prior to issuance of permits. All vehicles including workers' vehicles shall not be parked near the construction site. Provide a shuttle service if necessary. Any construction activity that may require roadway closures will require a traffic control plan prepared by a CA licensed civil or traffic engineer or a C-31 licensed contractor to be submitted for review. All street closures will require an encroachment permit from the Public Works Department.

~~PW-30. Street closures are only allowed between 8:30 am and 2:00 pm. Whenever there will be a street closure exceeding thirty minutes in duration, the applicant shall provide written notification about the street closure to all impacted businesses and resident at least 48 hours in advance of the street closure.~~

~~PW-31.~~ PW-30. The applicant shall post temporary "No Parking " signs along the entire length of the property prior to the start of any construction. The temporary "No Parking" signs shall be covered at the end of each working day and uncovered at the start of the following working day prior to any construction activity. If two-way traffic cannot be accommodated, a traffic control plan depicting the use of flagmen and/or detouring shall be submitted for review.

~~PW-32.~~ PW-31. No overnight storage of materials or equipment within the public right-of-way shall be permitted.

~~PW-33.~~ PW-32. Temporary bins (low boy) will be "roll off" style to be provided by Athens Services. Athens Services has an exclusive agreement with the City for the provision of trash removal services: only Athens dumpsters can be used. Any dumpsters placed on the roadway shall require a protective barrier underneath (such as plywood) to protect the pavement. The applicant shall obtain dumpster permit from the Public Works Department.

~~PW-34. The applicant shall obtain oversize/overload permits from the Public Works Department for any oversized equipment used during the stages of construction, including, but not limited to: demolition; clearing and grubbing; grading; material disposal; drilling for piles and/or caissons; trenching for footings; excavation for retaining walls; core sampling of soils; etc.~~

~~PW-35.~~ PW-33. The applicant shall be responsible for posting a project sign at the entrance to the project site displaying the City's construction hours per SPMC Section 19A.13. The project sign shall be 24" x 36" and made of durable weather-resistant material. The applicant shall provide a 24-hour emergency contact number for the designated contact who will be responsible for maintaining the project site during the all stages of construction until the project is complete.

Traffic Conditions

~~PW-36. Contractor shall maintain access to existing driveways along Moffat Street during construction.~~

- ~~PW 37. The applicant shall provide a traffic sight distance study prepared by a CA licensed civil engineer for vehicular ingress and egress from the proposed driveway entrance. The applicant shall be responsible for implementing safety measures based on the sight distance study.~~
- ~~PW 38. The applicant shall submit a plan to install the STOP signs, "STOP" pavement legends, and limit lines for the north and south approaches on Mayercrest Avenue subject to Public Works Department approval prior to permit issuance. Prior to final inspection, the applicant shall install the improvements per the approved plan.~~

BUILDING AND SAFETY DIVISION:

General conditions

- BD-1. The second sheet of building and grading plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
- BD-2. Prior to the application of a building or grading permit, a preliminary Geotechnical report that specifically identifies and proposes mitigation measures for any soils or geological problems that may affect site stability or structural integrity shall be approved by the Building Official or his/her designee. The applicant shall reimburse the City for all costs incurred to have the project soils report evaluated by an independent, third-party, peer-level soils and /or geological engineer. Approval letter of the geotechnical report review shall be copied and pasted on the first sheet of building and grading plans.
- BD-3. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
- a) Observation of cleared areas and benches prepared to receive fill;
 - b) Observation of the removal of all unsuitable soils and other materials;
 - c) The approval of soils to be used as fill material;
 - d) Inspection of compaction and placement of fill;
 - e) The testing of compacted fills; and
 - f) The inspection of review of drainage devices.
- BD-4. The geotechnical and soils engineer shall review and approve the project grading and foundation plans to show compliance that their recommendations have been properly implemented.
- BD-5. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site

preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by Building Division, a new Preliminary Soils and/or Geotechnical Investigation.

- BD-6. At the time of plan submittal, the PDF copy of the soils report shall be provided by the applicant.
- BD-7. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from the existing development in the subject site is carried to the public right-of-way or drainage structure approved to receive storm water.
- BD-8. Grading work and drainage shall be designed and constructed in accordance with applicable provisions in Appendix J as part of Los Angeles County Building Code.
- BD-9. Drainage patterns within the proposed street shall be designed to the extent possible to resemble those in the pre-development stage and be supported by hydrology/hydraulic calculations based on the current Los Angeles County 50-Year, 24 Hour Isohyet. Should the drainage flows cross property lines or city boundaries which existed prior to grading, the post-development drainage shall continue to follow this pattern without exceeding the existing drainage flow in accordance with Section J109.4. Excess or concentrated drainage and its disposal at the existing segment of the Moffat Street is strictly prohibited.
- BD-10. Separate plan review and permit is required for each detached retaining wall.
- BD-11. Retaining wall structural calculations prepared under the direction of a civil engineer or structural engineer shall be provided.
- BD-12. In accordance with paragraph 5538(b) of the California Business and Professions Code, grading and retaining wall plans are to be prepared and stamped by a licensed civil engineer.
- BD-13. The building/grading permit will not be issued until all project property boundaries affected by the proposal has been surveyed and marked by a land surveyor licensed by the State of California.
- BD-14. Rough grading inspection will not be made until the excavation has been surveyed and the easement boundaries have been determined in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
- BD-15. No form work or other construction materials will be permitted to encroach into adjacent property without written approval of the affected property owner.

- BD-16. Prior to the issuance of building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).

FIRE DEPARTMENT:

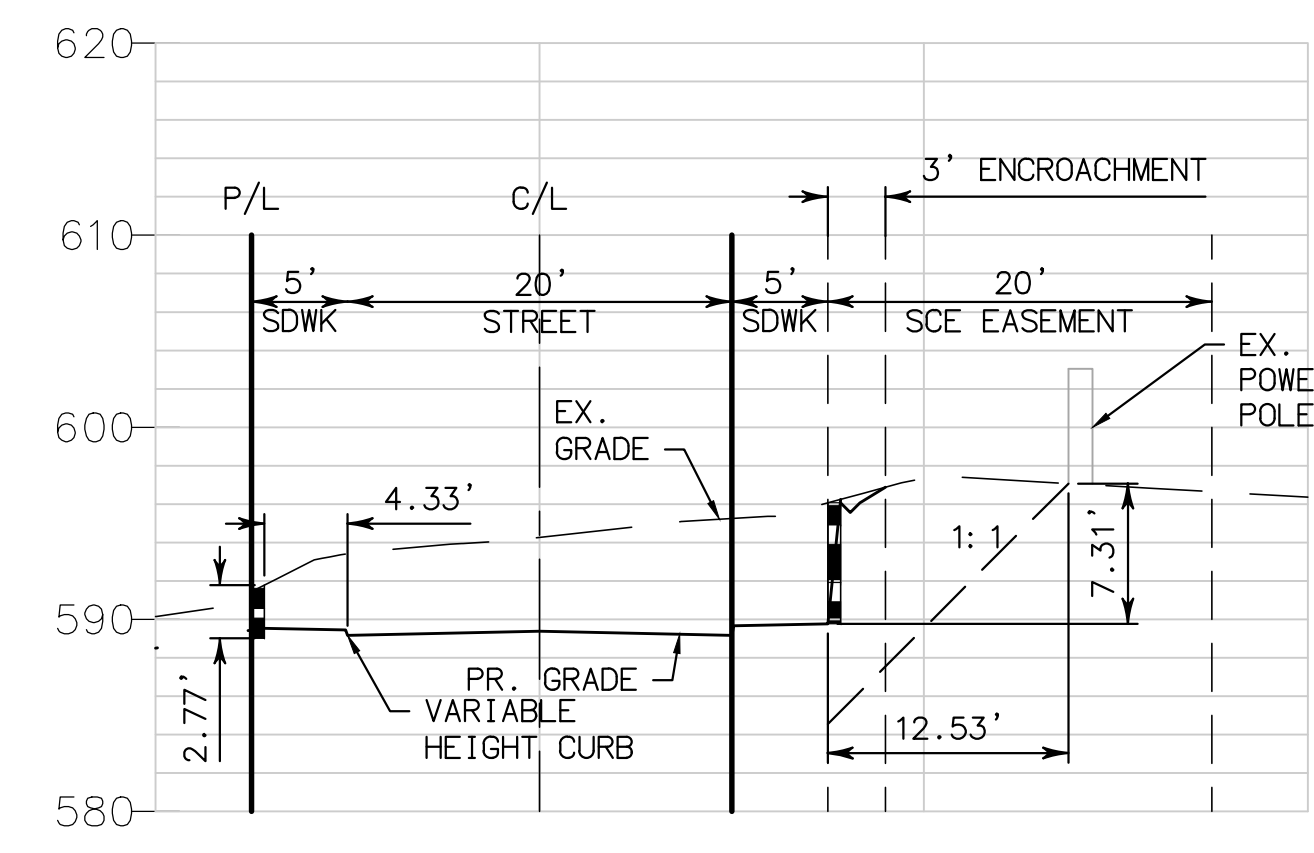
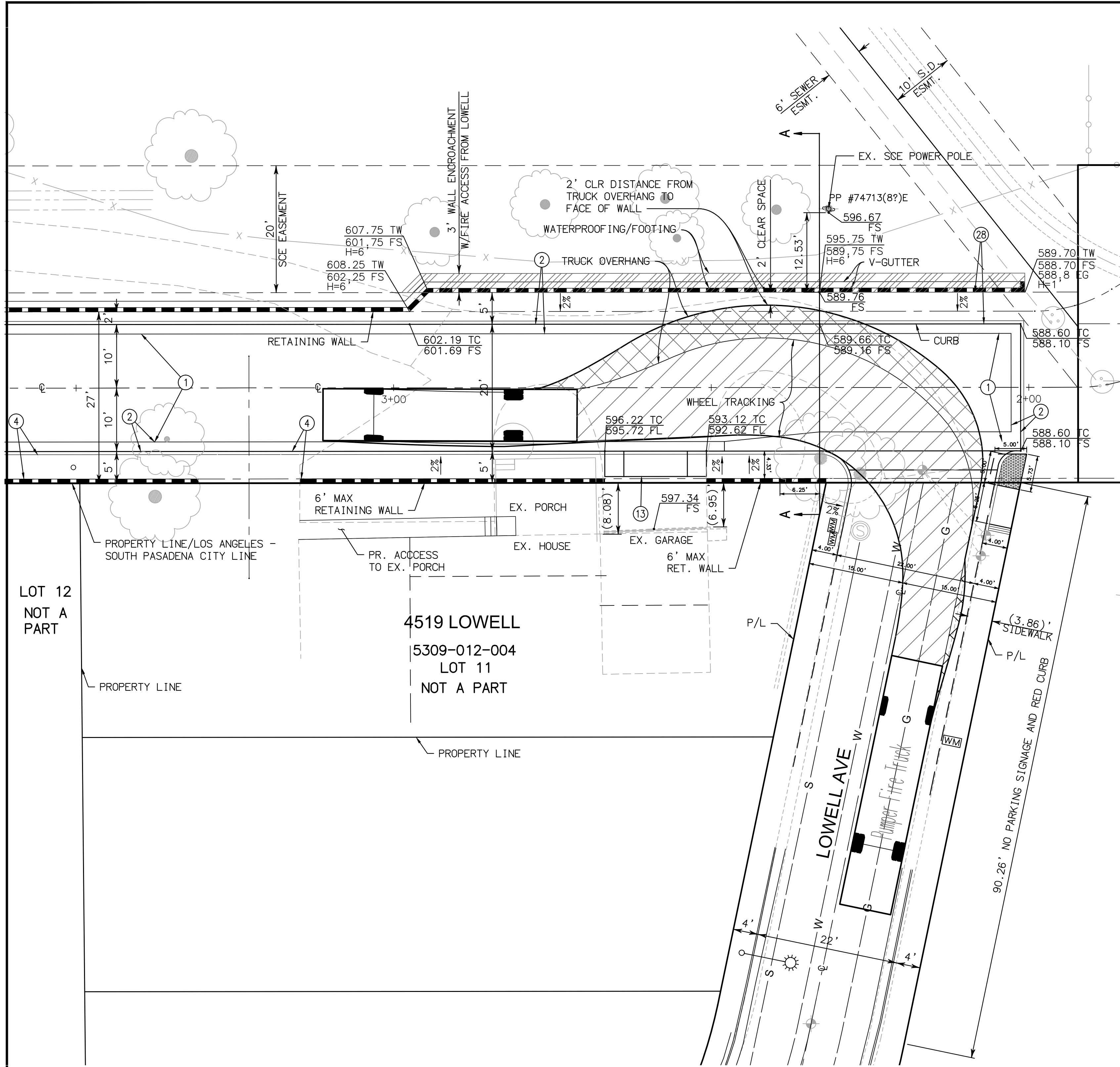
- FD-1. The private street shall meet the following slope requirements:
- a. The turn-around landing at the west end of the street cannot have a slope greater than 3%; and
 - b. The average slope of the entire private street cannot be greater than 17% from the top of the turn-around landing to the bottom of the private street; and
 - c. The maximum slope for any portion of the private driveway shall not exceed 20%.

ATTACHMENT 3

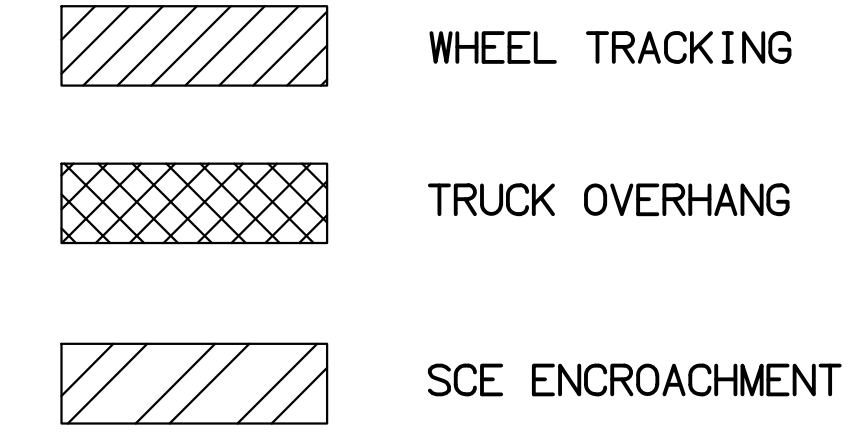
Staff Report for the July 13, 2020 Meeting

[\(Click Here\)](#)

ATTACHMENT 4
Revised Street Design Exhibit
Connecting from Lowell Avenue



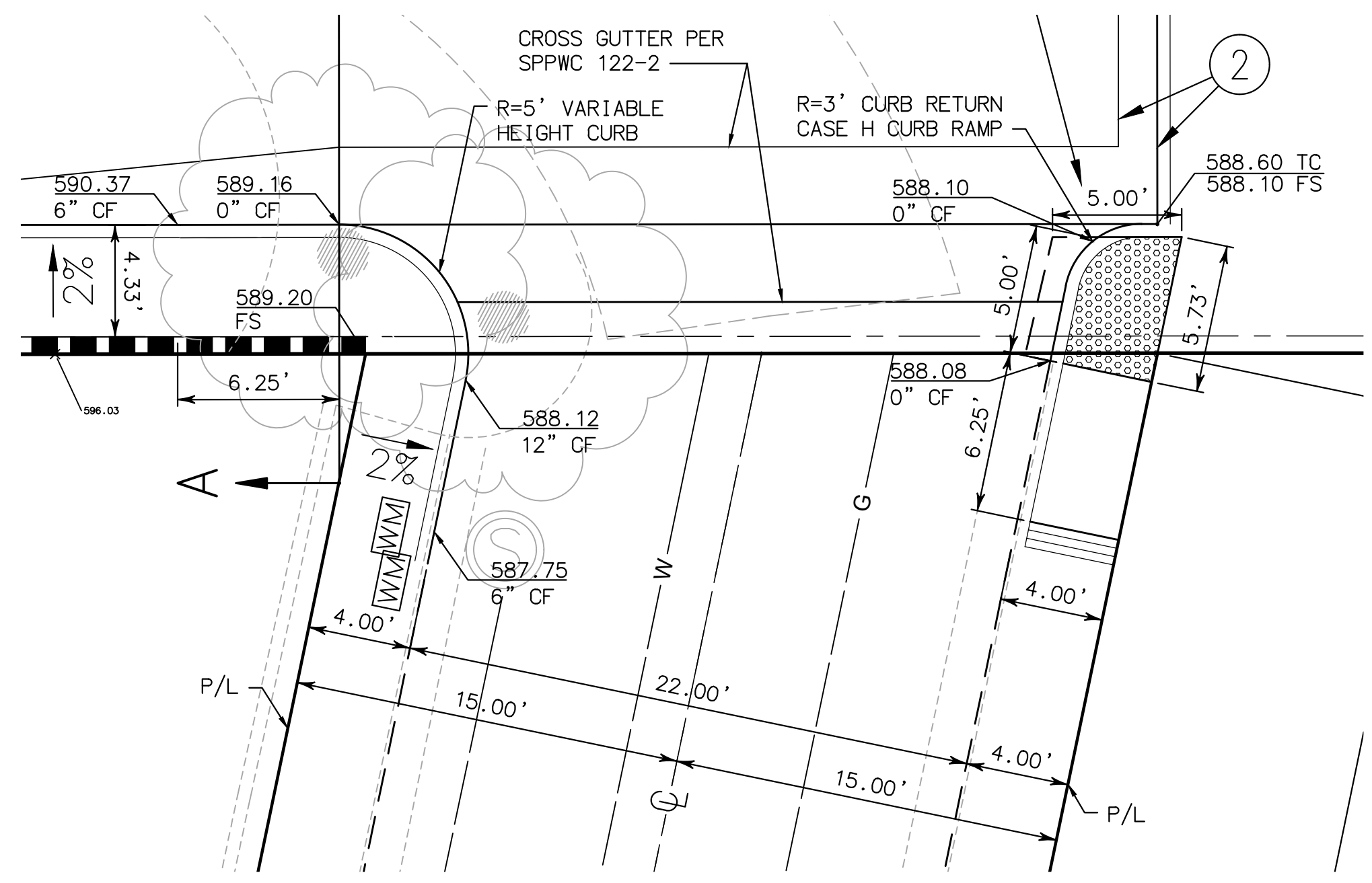
POWER POLE SECTION A-A
1"=5'



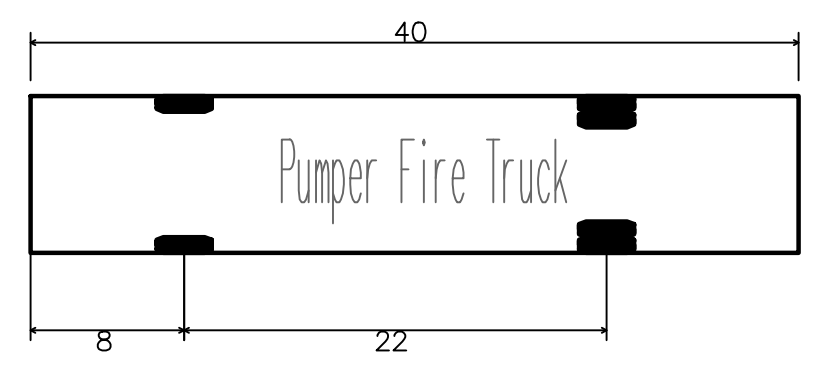
CONSTRUCTION NOTES

- ① CONSTRUCT 4" AC PAVEMENT OVER 6" CMB PER SPPWC 133-3 CASE 2
- ② CONSTRUCT 6" CURB AND GUTTER PER PER SPPWC 120-2
- ④ CONSTRUCT 3" CONCRETE WALK OVER 4" CMB PER SPPWC 113-2
- ⑦ DEMOLISH
- ⑬ CONSTRUCT TYPE A DRIVEWAY APPROACH PER SPPWC 110-2
- ⑳ GRADE ONLY; 2:1 MAX. LANDSCAPING BY OTHERS

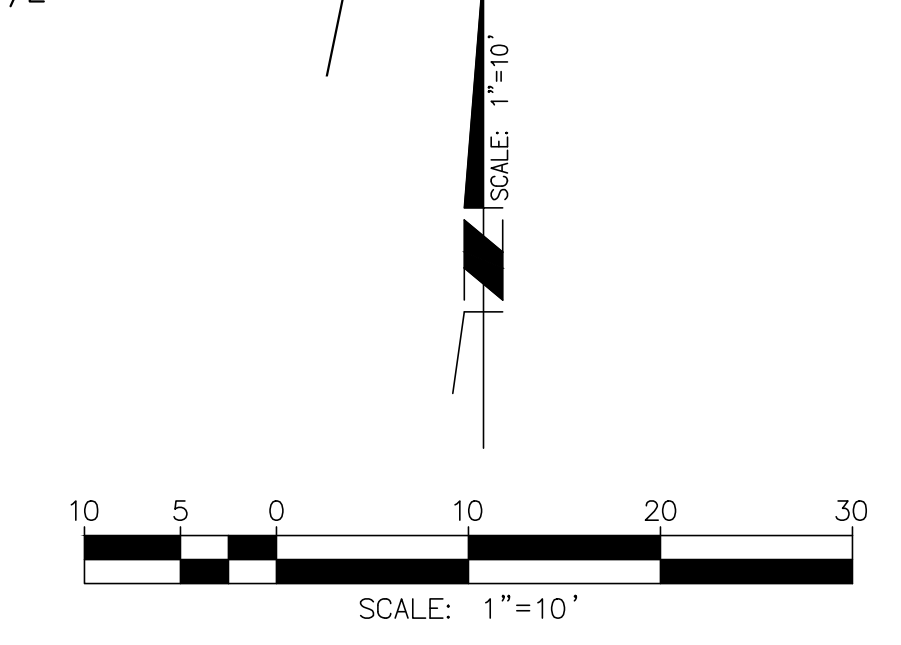
4520 LOWELL
5309-020-017
LOT 7
NOT A PART



CURB RAMP DETAIL
1"=5'



Pumper Fire Truck	40.000ft
Overall Length	8.167ft
Overall Width	7.745ft
Overall Body Height	0.656ft
Min Body Ground Clearance	8.167ft
Track Width	5.00s.
Lock-to-lock time	45.00°
Max Wheel Angle	



CONSULTANT:
DELANE ENGINEERING

2812 SANTA MONICA BLVD, SUITE 206
SANTA MONICA, CA 90404
PHONE: 310.646.5711 - WWW.DELANEENGINEERING.COM



REVISIONS:

OWNER:
PLANET HOME LIVING
1451 QUAIL STREET, STE. 204
NEWPORT BEACH, CA 92660

PROJECT:
MOFFAT STREET

5350, 5342, 5340, 5336, 5332,
5326, 5322 MOFFAT ST,
LOS ANGELES, CA 90032
LOTS 14, 16, 18, 20, 22, 24, 26

SCALE:

SHEET:
ALTERNATE TRUCK TURN EX.

NUMBER:
EX20_ALT

ATTACHMENT 5
Public Comment

Malinda Lim

From: Ben Oswald [REDACTED]
Sent: Thursday, July 23, 2020 12:24 PM
To: Malinda Lim
Subject: Re: Moffat St. Development / Oak Tree

CAUTION: This email originated from outside of the City of South Pasadena. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you Malinda for your time and attention to this issue.

Much obliged.

Ben Oswald
Production Supervisor
[REDACTED]

Begin forwarded message:

From: Ben Oswald [REDACTED]
Subject: Fwd: Moffat St. Development / Oak Tree
Date: July 23, 2020 at 11:54:01 AM PDT
To: mlim@southpasadenaca.gov

Begin forwarded message:

From: Ben Oswald [REDACTED]
Subject: Fwd: Moffat St. Development / Oak Tree
Date: May 8, 2020 at 1:51:27 PM PDT
To: jhankamer@southpasadenaca.gov
Cc: AskPlanning@southpasadenaca.gov

Hi Joanna & Co

I've been trying to raise awareness of this amazing Oak tree that could be in harms way during the construction of the Moffat St. Development the Planet Home Living folks are

proposing. I know the homes are in El Sereno, and the tree in questions is too,
but I understand
there is a road being extended in South Pasadena?

Kindly review my un-returned correspondence to both the developer and the
South Pasadena City Council below,
and maybe the health of this tree (that's older than each of us) can be taken into
consideration?

Thank You

Ben Oswald
El Sereno

[REDACTED]

Begin forwarded message:

From: Ben Oswald [REDACTED]
Subject: Moffat St. Development
Date: April 22, 2020 at 3:45:04 PM PDT
To: cco@southpasadenaca.gov
Cc: [REDACTED]

Hello from an El Sereno Neighbor on Earth Day

Wanted to share a concern from this side of the border about this
development.
Any construction of the road extension proposed by this
development could endanger this epic tree if not done properly.
Although it's in City of LA, any damage to this tree would be bad
for everyone.

My email to the developers about this concern have not been
returned.

Thanks for your time & consideration.

Ben Oswald
El Sereno

[REDACTED]

From: Ben Oswald [REDACTED]

Subject: El Sereno - Moffat St Development /

Oak Tree

Date: February 22, 2020 at 9:53:33 AM PST

To: info@planethomeliving.com

Hi There

Thanks for the information & presentation at the LA City Council District 32 Land Use meeting last week.

I thought of question, and maybe/hopefully this was part of your traffic study or construction mgmt plan

-

There is an absolutely amazingly mature relict species of Coastal Live Oak (*Quercus agrifolia*) on the SE corner of Maycrest Ave & E. Moffatt St.

Has consideration been made to ensure it's safety with the additional construction egress your project will produce?

It amazing decades, or maybe century old, canopy shades half of the street and would hate to see it damaged in any way.

Pics attached.

Thank You

Ben Oswald
El Sereno





Planning Commission Agenda Report

ITEM NO. 2

DATE: August 11, 2020

TO: Chair and Members of the Commission

FROM: Joanna Hankamer, Director of Planning and Community Development
Kanika Kith, Planning Manager

VIA: Nick Pergakes, AICP, Contract Planner
Malinda Lim, Associate Planner

SUBJECT: Project No. 2298- DRX/HDP/TRP –Design Review and Hillside Development
Permit for a New Single-Family Residence on a Hillside Lot and Tree
Removal Permit Located at 804 Valley View Road (APN 5310-020-029)

This item will be continued and will be re-noticed to include the appropriate California Environmental Quality Act (CEQA) determination and proposed tree removals information.



Planning Commission Agenda Report

ITEM NO. 3

DATE: August 11, 2020

FROM: Joanna Hankamer, Director of Planning and Community Development
Margaret Lin, Manager of Long Range Planning and Economic Development

SUBJECT: **2021 Housing Element Update – Preliminary Sites Analysis
(Continued from July 21, 2020) - Inclusionary Housing and Accessory Dwelling Unit Ordinances**

Recommendation

It is recommended that the Commission provide direction regarding a proposed Inclusionary Housing Ordinance and modifications to the City's existing Accessory Dwelling Unit (ADU) Ordinance.

Commission Review

On July 21, 2020 the Commission received a presentation regarding the 2021 Housing Element Update Preliminary Sites Analysis. Due to the lengthy discussion regarding the analysis and proposed recommendation to increase the building height limit in specific locations, the Commission did not have sufficient time to discuss the Inclusionary Housing and ADU Ordinances. The Commission requested that the Inclusionary Housing and ADU discussion be continued to the next meeting.

Discussion/Analysis

Inclusionary Housing Ordinance

An Inclusionary Housing Ordinance can help promote the construction of affordable housing units for moderate and low income households in new residential projects by requiring the development of a percentage of affordable units as a condition of development of multi-family housing or subdivision development; because the mandated development of affordable housing through an inclusionary housing ordinance will trigger a density bonus, the cost of construction of affordable housing can be offset through the incentives and additional market-rate units developed pursuant to the density bonus. In 2019, the state legislators passed Assembly Bill 1505 which authorized cities to adopt inclusionary housing ordinances and required cities to provide alternative means of compliance. Inclusionary Housing Ordinances typically include the following program elements:

- Percentage of units for affordable housing
- Alternatives (i.e., building units on-/off-site, or in-lieu fees)
- Incentives/Bonuses (i.e. density bonus, waived/reduced fees, or reduced parking requirements)

Inclusionary Housing and ADU Ordinances

August 11, 2020

Page 2 of 7

Timing of the Inclusionary Housing Ordinance is critical to the 2021 Housing Element in being able to demonstrate that up to approximately 370 units from the redevelopment of the best candidate sites in the city could be counted as Lower Income units.

The City Council, Planning Commission and community at large have requested that an Inclusionary Ordinance be developed for the city to promote the inclusion of affordable housing units in new residential projects. Based on community outreach conducted in 2019 and previous Council discussions, Staff recommends that the Planning Commission discuss the applicability of the following initial provisions regarding the development of an Inclusionary Housing Ordinance:

- Apply to all new residential developments of five or more units.
- Require a minimum number of lower income units to be included in each new residential development project depending on development size:

<u>Number of Units in Residential Development</u>	<u>Extremely Low Income</u>	<u>Very Low Income</u>	<u>Lower Income</u>
5–10	-	-	10%
11–25	-	5%	10%
26+	5%	10%	15%

- Allow developers to meet their inclusionary housing requirements by converting market-rate units within the city to affordable housing units:

<u>Number of Units in Residential Development</u>	<u>Extremely Low Income</u>	<u>Very Low Income</u>	<u>Lower Income</u>
5–10	-	-	20%
11–25	-	10%	20%
26+	10%	20%	30%

- Require the inclusionary housing units to be dispersed throughout the project.
- Require the inclusionary housing units to be compatible with the design and materials of the market-rate units.
- Require an inclusionary housing agreement/deed restriction reserving the affordable housing units for a minimum of 55 years to run with the land and be recorded in the County Recorder's Office.
- Establish an administrative fee to hire additional staff to administer an affordable housing program.

Many local cities (e.g., Pasadena, West Hollywood, and Santa Monica) have already established Inclusionary Housing Ordinances, please *Attachment Local Inclusionary Housing Ordinances* for more detailed information. Other cities such as Azusa, Sierra Madre, and Monrovia do not have Inclusionary Housing Ordinances but point to voluntary programs such as the State Density Bonus.

Accessory Dwelling Unit Ordinance

ADUs are smaller, independent residential dwelling units located on the same lot as an existing housing unit. On December 18, 2019, the City Council amended the City's ADU ordinance to comply with recent state legislation. The amendments included:

- Eliminate minimum lot size requirements;
- Permit ADUs in the Residential High Density zoning district;
- Permit ADUs on parcels with multi-family residences;
- Shorten the ministerial review period;
- Limit discretionary approval of ADU applications that meet state requirements;
- Prohibit ownership or sale of ADUs separately from the primary dwelling;
- Amend height and setback requirements;
- Set a minimum floor area for ADUs;
- Relax replacement parking requirements if ADUs in a single-family property;
- Create ADU permit termination and revocation conditions and procedures; and
- Clarify the fees that may be charged to ADU applicants.

Staff recommends amending the ordinance to provide additional incentives to make ADUs affordable in addition to design standards to preserve and protect the character of our City. In an effort to maximize capacity for City to meet its RHNA obligations, the Housing Element Sites Analysis includes an assumption that the ADU Ordinance will be updated as part of the Housing Element to provide aggressive incentives for ADU production and affordability.

The City can adopt additional ADU requirements as long as they do not conflict with the State requirements. Recent legislation has reduced local control over the approval of ADUs, including discretionary approval. Specific local enhancements to the City's existing ADU Ordinance beyond the state regulations should be considered to ensure adequate community input. An update to the City's ADU Ordinance could include the following provisions:

- Change the maximum ADU size and/or allowable bedrooms.
- Establish design guidelines.
- Establish incentives for affordable housing deed restrictions.
- Create pre-approved ADU plans.
- Coordinate with non-profit organizations or other funding resources to help subsidize ADU construction for homeowners.

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Staff requests that the Commission consider and provide direction on the following possible modifications:

<u>Category</u>	<u>Existing Requirements</u>	<u>State Requirements</u>	<u>Possible Modifications to Preserve Design Quality and Incentivize ADU affordability</u>
Eligible Zones	Properties containing single-family or multi-family residences within the RE, RS, RM and RH zoning districts.	Only properties with single-family or multi-family residences within residential or mixed use zones	Consider allowing ADUs in the Mission Street Specific Plan, specifically for: <ul style="list-style-type: none"> • Properties with existing single-family residence • Properties with existing multi-family residences • Properties with mixed-use
Maximum ADU Size	Detached ADUs shall not exceed 1,200 square feet.	Maximum of 850–1,200 square feet or 50% of the existing living area*	
Minimum Lot Size	No minimum lot size	Prohibits cities from imposing requirements on minimum lot size	
Location on Site	Attached to or detached from the primary dwelling on the same lot. Shall not be located above a garage, unless it is a conversion or a JADU (attached to the main house).	No state requirement	Consider allowing ADUs over detached garage if they meet objective design standards

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<u>Category</u>	<u>Existing Requirements</u>	<u>State Requirements</u>	<u>Possible Modifications to Preserve Design Quality and Incentivize ADU affordability</u>
Height and Setback	<ul style="list-style-type: none"> • Maximum height of a detached new accessory dwelling unit shall not exceed 16 feet and shall not be greater than one story. • Shall comply with the setback requirements of the applicable zoning district. • No setback shall be required for conversion of an existing structure. • A setback of no more than 4 feet from the side and rear lot lines shall be required for new construction or replacement structures. 	Prohibits cities from denying ADUs with 16-foot heights or 4-foot side and rear yard setbacks	<p>Consider allowing ADUs over detached garage if meet objective design standards</p> <p>Consider setback aligned with primary structure or 4', whichever is less.</p>
Interior Facility	Include living, sleeping, cooking and bathroom facilities. Limited to one bedroom.	Must include permanent provisions for living, sleeping eating, cooking, and sanitation*	Consider 2 bedroom maximum to encourage affordability of unit
Entrance and Visibility	Separate entrance from the primary dwelling unit, entrance shall not be visible from the public right-of-way	Required to have a separate entrance from the primary dwelling unit.	Consider removing requirement that entrance not be visible from the public right-of-way.
Utilities	Shall not have separate utility service	Allows local agencies to require a new or separate utility connection.	Consider allowing or requiring for separate utilities to encourage rental units.

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<u>Category</u>	<u>Existing Requirements</u>	<u>State Requirements</u>	<u>Possible Modifications to Preserve Design Quality and Incentivize ADU affordability</u>
Exterior Design	Consistent with the primary dwelling unit	Allows local agencies to impose standards including design, development, and historic standards	Consider adopting objective design standards to preserve character and expedite design and review of compliant ADUs. Consider providing standards plans to expedite design and review of ADUs.
Parking	Minimum of one off-street parking space for each second dwelling unit. ADUs located within historic districts or ½ mile of transit are exempt	Prohibits cities from requiring replacement of off-street parking for the primary dwelling*	Note: Parking is not required for most ADUs since most of the City is within ½-mile from a transit stops.
Street Address	Allows for a separate street or unit address.	No state requirement	
Rental	Cannot be rented for a period less than 30-days	ADUs may be rented separate from the primary residence but may not be sold separate from the primary residence.	Maintain prohibition of short-term rentals of ADUs.
Owner-Occupancy	No requirement for owner-occupancy.	Prohibits cities from imposing owner-occupancy requirements*	
<i>* Different requirements exist for junior accessory dwelling units</i>			

Background Regarding ADUs Ordinance

On January 28, 2019, the Planning Commission discussed and provided guidance regarding proposed housing policies to improve the accessibility of affordable housing and to improve the condition of the City’s rental housing stock. These policies included amendments to the ADU ordinance, inclusionary housing, and tenant protection programs. In September 2019, the City held a series of housing workshops regarding tenant protections, ADUs, and Inclusionary Housing. The purpose of the meetings was to introduce and discuss potential housing policies with community members to obtain public input. During these meetings participants were receptive to increasing the number of affordable housing units for young professionals and senior

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relatives through more less restrictive ADU requirements. Participants were supportive of increasing affordable housing units for moderate to low-income households, but expressed concerns regarding impacts on parking and specific program requirements.

Next Steps

1. September/October 2020 - Draft Inclusionary Housing and ADU Ordinance presentations to the Planning Commission
2. October 2020 - Public outreach/workshops.
3. November 2020 - First reading and introduction of Inclusionary Housing and ADU Ordinances by City Council
4. December 2020 - Second Reading and Adoption of Inclusionary Housing and ADU Ordinances by City Council

Legal Review

The City Attorney has reviewed this item.

Fiscal Impact

There is no fiscal impact.

Public Notification of Agenda Item

At the July 21, 2020 Planning Commission meeting, the Commission notified the public that the project was continued to the August 11, 2020 meeting. In addition, the public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda and posting of the same agenda and reports on the City's website.

Attachment: Local Inclusionary Housing Ordinances

ATTACHMENT 1
Local Inclusionary Housing Ordinances

Local Inclusionary Housing Ordinances:

<u>Program Element</u>	<u>Pasadena</u>	<u>West Hollywood</u>	<u>Santa Monica</u>	<u>Alhambra (Draft)</u>	<u>Duarte (Suspended)</u>
Applicable Residential Projects	10 units or more	All non-single family residential projects	All non-single family residential projects	New residential development of 10 or unit	New residential developments of 4 or more single-family ownership (condos); or 10 or more for multi-family units
Percentage of Affordable Housing Units	Units for Rent: 20% of total number of units to low and moderate income, of which: 5% to very low; 5% to very low or low; and 10% to very low, low or moderate income. Units for Sale: 20% of total number of units to very low, low or moderate income	2 – 10 Units: 1 unit for low or moderate income 11-20 Units: 20% of total number of units to low or moderate income 21-40 Units: 20% of total number of units to low or moderate income; 30% of total number of units if the units are smaller 41+ Units: 20% of total number of units to low or moderate income; 20% of total floor area if the units are smaller	4-15 Units: Rent: 20% low, 10% very low, or 5% extremely low income Sale: 20% moderate income 16+ Units: Rent: 25% low, 15% very low, or 10% extremely low income Sale: 25% moderate income	15% of the total new dwelling units shall be developed for low and moderate income households (9% for low, 6% moderate).	15% of rental units, 40% of which should be for very low income.
In-Lieu Fee	Rent: \$1.19 - \$33.76/square foot Sale: \$16.86 - \$63.89/square foot	\$13.63 – \$29.23/square foot (depends on the number of units)	Rent: \$35.70/square foot Sale: \$41.70/square foot	If the development has 20 units or less, an in-lieu fee, as established by the City Council can be paid by the developer. Land donation and building units off-site is also allowed.	
Incentives/Bonuses	Density bonus Reduced fees	Density bonus Parking requirement reductions	Density bonus Reduced fees		