

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** APRIL 25, 2004

**FROM:** CITY MANAGER

**SUBJECT:** CALL FOR REVIEW OF SUBDIVISION COMMITTEE DECISION FOR VESTING TENTATIVE TRACT MAP #062356 LOCATED AT 635-41 SOUTH LAKE AVENUE

## RECOMMENDATION

It is recommended that the City Council adopt the environmental determination and approve Vesting Tentative Tract Map (VTTM) #062356 with the Specific Findings in Attachment A and the conditions in Attachments B, C, D, E, and F.

## BACKGROUND

On March 9, 2005, the Subdivision Committee approved VTTM #062356, an application to allow the creation of 12 air parcels on one land lot for condominium purposes located at 635-41 South Lake Ave. The site consists of two residential lots that are currently developed with seven rental units. The site is located in the RM-32 zoning district which allows multi-family residential development at a maximum density of 32 dwelling units per acre. There are single-family residences abutting to the west, a parking lot and commercial building to the north, two- to three- story multi-family residential to the east and multi-family to the south.

The proposed project includes the development of a two- to three-story condominium building designed around a common open garden courtyard. Parking for the project will be located in a fully subterranean parking garage below the dwelling units. Each of the units will have a fully enclosed garage located directly beneath each unit with direct accessibility to the garage from the unit.

The property is being designed under the City of Gardens development standards. Based on a lot size of 19,473 square feet, the site is allowed a maximum of 14 dwelling units, but the applicant is proposing 12 units (eight 3-bedroom & four 2-bedroom). This is two units below the maximum allowable and five units more than what is currently on the site. The project was reviewed through Preliminary Plan Check in 2003 and the City has determined that the proposal meets the City of Gardens Development Standards (i.e. Main Garden area, Total Garden area, building separation, height, etc.). The

Department of Transportation reviewed and accepted the traffic and parking analysis. This analysis revealed no significant traffic impact would be generated by the project. No variances were required in the approval of this project. None of the trees identified for removal qualify as native, landmark, or specimen trees. The project has also been submitted for Design Review. Hearings were held on February 28, and March 28, 2005. At the March 28 hearing, the Design Commission evaluated the revisions to the project and continued the case for redesign.

## **ANALYSIS**

The application for this VTTM was called for review by the City Council on March 21, 2005. Concerns were raised about the compatibility of the project with the surrounding neighborhood and in particular the three-story portion on the project. The site is in an area that was approved for rezoning that would limit new multi-family housing to two stories. If this VTTM is approved, the project would be vested under the City's regulations that were in effect on February 1, 2005. It would not be subject to the new requirement limiting buildings to a two-story height limit that was adopted on April 4, 2005.

At the Subdivision Hearing on March 9, 2005, a neighbor to the rear of the property raised concerns about the project. The concern was that the three-story portion of the building blocked views and had an impact on adjacent properties. Concerns were also raised because the project was not subject to the two-story height limit being proposed for this block as part of the rezoning study. The abutting property owner recommended that the project be delayed until the zone change became effective. This neighboring property owner also raised concerns about the undergrounding of the utilities along the rear utility easement and whether or not they would have to upgrade their utilities and be inconvenienced as a result of utility undergrounding.

The Subdivision Committee could not delay the project as applications for tentative tract or parcel maps are required to be processed within 50 days of the determination that the application is complete.

The Subdivision Committee approved the project and determined that the project was consistent with the General Plan policies and consistent with the surrounding neighborhood. The proposed building has a 20-foot front setback similar to existing buildings in the area. The building maintains a side yard setback ranging from 3'-8" to 7'-8", and a rear yard setback ranging from 5'-0" to 6'-6." These setbacks are appropriate to the character and setting and allow the residents a greater sense of privacy than the zero setback permitted under the City of Gardens requirements.

All units have private street-facing balconies and/or courtyard entries. The height and massing of the building complies with the intent of the City of Gardens requirements. The City of Gardens standards only permit a third story to be located in the rear 40% of the site to reduce the mass and bulk of the buildings from the street. The building volume along the west elevation (rear yard facing single-family residences) does not

maximize the allowable third story. The third story portion is located at the corners and separated by a two-story segment. The third floor has an increased set back and is approximately 12 feet from the rear property line. The three story element consists of the third floor for six units. The two units facing the rear property line are the third bedrooms (with bathrooms) for the units below while the remaining four units are the second bedrooms (with bathrooms) for four units below. The total square footage of the third floor is approximately 2,748 square feet with the individual bedrooms (with bathrooms) between 401 and 503 square feet.

The proposed project is in scale and character with its neighborhood, as across the street are two- to three-story condominiums that are higher than the proposed project. The project's building height is 34 feet (including the third story), two feet higher than the allowable 32 feet for the adjacent single-family district.

Regarding the issue of the undergrounding of the utilities, the Subdivision Committee addressed the issue by adding a condition that would allow for the utilities to be undergrounded but only with the permission of those adjacent property owners impacted by the undergrounding.

### **INCLUSIONARY HOUSING**

The proposal includes the construction of 12 new residential units and is subject to the City's Inclusionary Housing Ordinance, which applies to projects of ten or more units. At this time, the applicant is working with the Housing Division to ensure compliance. The applicant is proposing to meet the inclusionary requirements with on-site units.

### **TENANT PROTECTION ORDINANCE**

The subject site consists of two residential lots with seven rental units. Since tenants may be displaced as a result of the project, this application is subject to the Tenant Protection Ordinance (Ordinance #6992). A condition of approval has been added to Attachment B requiring that this project comply with this ordinance.

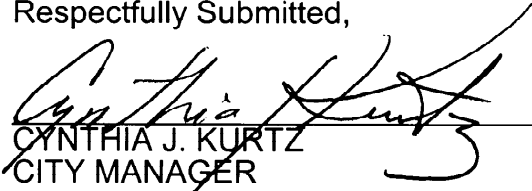
### **ENVIRONMENTAL DETERMINATION**

This project has been determined to be Categorically Exempt (Class 32) from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines, Section 15332. This class exemption applies to in-fill development projects that are consistent with the general plan designation, all applicable general plan policies, and the applicable zoning designation and development standards. The property is less than five acres and substantially surrounded by urban uses. The site has no value as habitat for endangered rare or threatened species. Approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site and proposed project can be adequately served by all required utilities and public services.

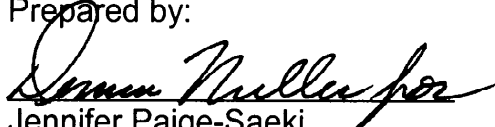
**FISCAL IMPACT**

There will be no fiscal impacts associated with the approval of the proposed condominium project. The fees for the processing have been paid by the owner and cover the cost of processing the application. No appeal fees were paid as this project was a call for review by the City Council.

Respectfully Submitted,

  
CYNTHIA J. KURTZ  
CITY MANAGER

Prepared by:

  
Jennifer Paige-Saeki  
Senior Planner

Approved by:

  
Richard J. Bruckner  
Director of Planning and Development

**Attachments:**

- A. Findings for approval of Tentative Tract Map #062016
- B. Conditions of Approval for Tentative Tract Map #062016
- C. Department of Public Works Conditions of Approval
- D. Department of Transportation Conditions of Approval
- E. Power Department Conditions of Approval
- F. Water Department Conditions of Approval

## ATTACHMENT A

### SPECIFIC FINDINGS FOR VESTING TENTATIVE TRACT MAP #062356

1. *The proposed subdivision is consistent with the objectives, policies, general land use, and programs specified in the amended General Plan.* Specifically, the proposed density of the Vesting Tentative Tract Map is below the maximum residential density allowed for the Medium-High Density Residential classification under the General Plan, and is consistent with the size and character of other residential lots in the vicinity of the site. The Vesting Tentative Tract Map is also consistent with the following General Plan Objectives and Policies; Objective 15 (Housing Conditions), Policy 15.1, (Size and Types), and Policy 15.2 (Increase Supply).

2. *The design and improvements of the proposed subdivision will be in character with the existing developments in the area.* Specifically, the residential units proposed on the subject site will be developed in accordance with the development standards of the Pasadena Municipal Code. These development standards have been established to ensure that residential development is consistent with the traditional scale and character of the community. The proposed buildings have a 20-foot front setback similar to the existing buildings in the area. The building maintains a side yard setback ranging from 3'-8" to 7'-8", and a rear yard setback ranging from 5'-0" to 6'-6." These setbacks are appropriate to the character and setting and allow the residents a greater sense of privacy than the zero setback permitted under the City of Gardens requirements. The height and massing of the building complies with the intent of the City of Gardens requirements. In particular, the building volume along the west elevation (rear yard facing single-family residences) is setback from the property line. The street elevation is two stories tall with third stories located at the back of the site. The City of Gardens standard only permits a third story to be located in the rear 40 percent of the site to reduce the mass and bulk of the buildings from the street. The proposed project is in scale and character with its neighborhood, as across the street are two- to three-story condominiums that are taller than the proposed project.

3. *The site is physically suited for the type and density of the proposed development.* The proposed subdivision is within the minimum standards for lot area, width and is below the maximum density allowed in the RM-32 district. Moreover, the size and scale of the proposed residential development is moderate in size, is compatible with the existing development in the neighborhood, and is in full compliance with the development standards of the Zoning Code.

4. *The design of the subdivision will not cause substantial environmental damage or substantially and avoidably endanger fish, wildlife, or their habitat.* The property and surrounding area is in an urbanized area and is developed with commercial, and multi-family dwellings.

5. *The design of the subdivision will not cause serious public health problems in that this is a residential in-fill development is not known to result in serious public health*

problems. The site does not have a history of having uses on it that could have contaminated the soil. The site has residential units on it which were built in the 1920's.

*6. The design of the subdivision will not conflict with easements, acquired by the public at large, for access or use of the property within the proposed subdivision in that easements acquired for the public at large do not transverse the site of the proposed subdivision.*

*7. The design of the subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities. Specifically, the residential development standards of the Pasadena Municipal Code provides standards that will result in unpaved areas which allow for passive or natural heating and cooling to continue on the site.*

## **ATTACHMENT B**

### **CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP #062356**

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

1. The final map to be recorded with the Los Angeles County Recorder shall substantially conform to the Vesting Tentative Tract Map submitted with this application and stamped "Received for Hearing March 9, 2005" except as modified herein.
2. The development of the resulting lot and air parcels shall occur substantially as shown on the submitted plans, except as modified herein and shall comply with the applicable land use regulations and development standards of the Pasadena Municipal Code subject to the approval of the Zoning Administrator.
3. The subdivision shall comply with the Tenant Protection Ordinance (Ord. No. 6992).
4. No overnight Parking Permits shall be issued to residents of this project.
5. If the loading and unloading of furniture and household goods for residential dwelling units is to occur on the street, it shall be limited to the hours of 9:00 a.m. to 2 p.m. and 7:00 p.m. to 10:00 p.m. on weekdays, and 9:00 a.m. to 10:00 p.m. on weekends.
6. The common area portion of the site shall be maintained and kept in good condition at all times.
7. All utility substructures shall be subsurface if applicable.
8. The applicant or successor in interest shall comply with the conditions of the Design Review approval.
9. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
10. The proposed project, Case No. PLN2005-00022, shall comply with all conditions of approval, subject to a Final City of Gardens Inspection. Contact the City of Gardens Planner in Current Planning at (626) 744-6777 to set up a final inspection.



## ATTACHMENT C

### MEMORANDUM - CITY OF PASADENA DEPARTMENT OF PUBLIC WORKS

**DATE:** February 24, 2005

**TO:** Denver Miller, Zoning Administrator  
Planning and Development Department

**FROM:** City Engineer  
Department of Public Works

**RE:** Vesting Tentative Tract Map No. 062356  
635 and 641 South Lake Avenue

The Department of Public Works has reviewed the application for Vesting Tentative Tract Map No. 062356 at 635 and 641 South Lake Avenue. The applicant is proposing to create twelve air parcels on one land lot for condominium purposes. It is the applicant's intent to develop twelve town homes over a subterranean parking garage. The approval of this vesting tentative tract map should be based upon satisfying all of the following conditions:

1. The applicant shall obtain a license agreement from the City for the installation of any private improvements in the public right-of-way, including, but not limited to, soldier beams and tie-backs. The license agreement will allow the applicant to install and maintain the private improvements within the public right-of-way with conditions.

A license agreement for shoring requires that all steel rods in every tie-back unit be relieved of all tension and stresses, and any portion of soldier beams and any portion of the tie-backs located less than ten (10) feet below grade be removed from the public right-of-way.

The license agreement application for any private improvement in the public right-of-way shall be submitted to the Department of Public Works for review and must be approved by the City Council prior to the construction of the private improvement.

2. Excavations in the street for utility connections shall be as close as possible to each other and the pavement shall be restored contiguously between extreme excavations.
3. The applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk and shall repair any existing or newly damaged curb, gutter and sidewalk,

without cutting the asphalt pavement along the subject frontage prior to the issuance of a Certificate of Occupancy. Sawcutting shall be done along the flow line. Existing street trees shall be protected using the City's Tree Protection Standards available from the Parks and Natural Resources Division (744-4514).

4. The applicant shall construct any one-way entry/exit drive approach a minimum of 12 feet in width and two-way entry/exit drive approach a minimum of 24 feet in width and in accordance with Standard Drawing No. S-403. The existing gutter shall be cut near the flow line and the paving shall not be disturbed. The existing street trees, which shall remain in place, shall not be damaged by the construction of the drive approach.
5. The applicant shall remove the Ivy vegetation cover from the base of the street trees.
6. Plans must be submitted to the Department of Public Works for approval showing any structures, irrigation, footings grading or plantings that impact City street trees. The plans must conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters and actual canopies as well as any trees to be planted with their canopy at mature size.
7. If drainage patterns are altered, the applicant shall provide an approved method of controlling storm water runoff. Approval shall be made by the Planning and Development Department and the Department of Public Works prior to issuance of a grading or building permit for this site.
8. If water is pumped from the subterranean parking garage before discharging into the public right-of-way, the applicant shall install a drainage structure in private property to dissipate energy from the pumped water.
9. If the proposed improvement drains to the driveway, the applicant shall construct a non-sump grate drain in the driveway at the back of the sidewalk. The drain shall discharge to the street in a curb outlet at an angle approved by the Department of Public Works.
10. The existing street lighting system on Lake Avenue is substandard. In order to improve pedestrian and traffic safety, the applicant shall install a maximum of one (1) new street light on or near the frontage of the property, including conduits, conductors, electrical service (if necessary), pull boxes, and miscellaneous appurtenant work. The type and hardware shall conform to current policies approved by the City Council, and the locations shall be as approved by the Department of Public Works. The cost of the street light is the applicant's responsibility.
11. Unless otherwise arranged, the applicant is responsible for design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above improvements shall be prepared by an engineer, registered in the State of California. Upon submission of improvement plans to the Public Works and Transportation Department for checking, the applicant will be required to place a deposit with the department to cover the cost of plan checking and construction inspection of the

improvements. The amount of deposit will be determined when the plans are submitted and will be based upon the estimated cost to the department for the work.

12. A sewer study is not required for the development. The development will be served by the City's sewer on south Lake Avenue, for which a sewer study was recently completed and approved. Several segments of the sewer line were found to be, or will soon be, deficient. The developer shall pay \$9,500 to the City for sewer capacity mitigation that will go toward the correction of sewer deficiencies.
13. The proposed development shall be connected to the public sewer by a method approved by the Department of Public Works. The sewer connection shall be six-inch diameter vitrified clay or cast iron pipe with a minimum slope of two percent. The existing house sewer connections shall not be re-used.
14. The applicant shall submit the following plan and form which can be obtained from the Recycling Coordinator, (626) 744-4721, of the Department of Public Works for approval prior to the request for a building permit:
  - a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the grading permit. A list of Construction and Demolition Recyclers can be obtained from the Recycling Coordinator.
  - b. Monthly reports must be submitted throughout the duration of the project.
  - c. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. This deposit is fully refundable upon compliance with Chapter 8.62 of the Pasadena Municipal Code. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

15. The applicant shall advertise the availability of salvage materials. A listing can be made at no charge in the CALMAX Quarterly Catalog at [www.ciwmb.ca.gov/CALMAX](http://www.ciwmb.ca.gov/CALMAX) or through LACOMAX at [www.dpw.co.la.ca.us/epd/lacomax](http://www.dpw.co.la.ca.us/epd/lacomax) or through preservation groups or web or newspaper advertising.
16. The project shall be subject to the use of deconstruction techniques. A deconstruction manual is available free of charge by downloading it from [www.ciwmb.ca.gov/publications](http://www.ciwmb.ca.gov/publications) or by requesting a copy from the Recycling Coordinator, (626) 744-4721, of the Department of Public Works.
17. Past experience has indicated that projects such as this tend to damage the abutting street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain

a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$20,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. A processing fee will be charged against the deposit.

18. Upon submission of the final tract map to the City for approval by the City Council, the applicant shall supply the City with 24 blue-line copies of the final map.
19. The applicant's engineer shall be required to set boundary monuments on the proposed subdivision per Pasadena Municipal Code, Section 16.24.060, and furnish to the City a set of original field notes.
20. Upon submission of the final tract map to the City for approval, the applicant shall pay a flat fee of \$100 to have appropriate record quality copies of the recorded map made by the City for public record purposes and a deposit (based on the current General Fee Schedule) to cover the cost of processing the final map.
21. Currently, the County of Los Angeles Department of Public Works is utilizing the computer to update and digitize the countywide land use base. If the tract map is prepared using a computerized drafting system, it is recommended that the applicant's engineer submit a map in digital graphic format with the final Mylar map to the County of Los Angeles Department of Public Works for recordation and to the City of Pasadena Department of Public Works for incorporation into its GIS land use map. The City of Pasadena's GIS Coordinate System must be used for the digital file.
22. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.

DANIEL A. RIX  
City Engineer

DAR:jo

ATTACHMENT D

**MEMORANDUM - CITY OF PASADENA**

**Department Of Transportation**

**DATE:** February 24, 2005

**TO:** Denver Miller, Zoning Administrator  
Planning and Development Department

**FROM:** Transportation Administration  
Department of Transportation

**RE:** Vesting Tentative Tract Map No. 062356  
635 & 641 South Lake Avenue

The Department of Transportation has reviewed the application for Vesting Tentative Tract Map No. 062356 at 635 and 641 South Lake Avenue. The applicant is proposing to create twelve air parcels on one land lot for condominium purposes. It is the applicant's intent to develop twelve town homes over a subterranean parking garage. The approval of this vesting tentative tract map should be based upon satisfying all of the following conditions:

1. The project will generate approximately 23 net new daily trips. In order to address the addition of new trips, the project shall **contribute \$5,000** to the neighborhood traffic management program prior to the issuance of a building permit.
2. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works and Department of Transportation for review and approval. A deposit of \$600, subject to refund or additional billing, is required for plan review.

This plan shall show the impact of the various construction stages on the public right-of-way including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the Department of Public Works for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the MUTCD and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction

Staging and Traffic Management Plan to the two departments for review and approval.

BAHMAN JANKA  
Transportation Administrator

## ATTACHMENT E

### WATER DIVISION

VESTING TENTATIVE TRACT MAP NO.: 062356  
DATE TENTATIVE MAP RECEIVED: February 2, 2005  
LOCATION: 635 & 641 S. LAKE AVENUE  
DATE CHECK OF TENTATIVE MAP AND ACCOMPANYING DATA COMPLETED: February 25, 2005

	YES	NO
Can the City serve the area in accordance with Water Rate Ordinance No. 4583?	X	
Are any easements or rights of way required?		X
Are special contracts required for reservoirs, pumping plants, or other uses?		X

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**REMARKS:**

The Pasadena Water and Power Department, Water Division, can serve water to this project. There is a 12- inch water distribution main located in Lake Avenue, 7-feet east of the west property line of Lake Avenue

Verify with The Public Works Department regarding any construction moratorium affecting this project.

The approximate water pressure range at the project site is 75-85 psi (pounds per square inch). The uniform plumbing code recommends the installation of a pressure regulator when water pressure exceeds 80 psi.

There is one 1-inch and one ¾-inch existing water service to this site. These existing water services may not be sufficient for the proposed development. The size of the single service necessary will be determined per the Uniform Plumbing Code when final building plans are submitted. PWP will install any new service at the Pasadena Water Service Rate Ordinance in effect at the time of application and installation.

A fire flow test in the vicinity of your project was conducted on January 8, 2005. Fire flow results are valid for six months from when the test was taken. The Pasadena Fire Department has jurisdiction and establishes the requirements for fire protection within the City of Pasadena. They must be consulted in this regard. Any cost incidental to providing adequate fire protection for the project must be paid for by the owner/developer. If you would like to request a fire flow test for your site, please contact Larry Vasquez at (626) 744-4387.

All city cross-connection prevention policies must be adhered to. Please note that water lines are not permitted to cross lot lines to serve adjoining lots. Each parcel must have a separate water service.

**Michael Tse**  
Assistant Engineer, Water Division

**ATTACHMENT F**  
**POWER DIVISION**

Tentative Tract Map No. 062356  
 Date Tentative Map Received February 3, 2005  
 Date check of Tentative Map and accompanying data completed February 17, 2005

	YES	NO
<b><i>The Water &amp; Power Department, Power Division can serve the area in Accordance with the Light &amp; Power Rate Ordinance?</i></b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>Are underground installations specified?</i></b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b><i>Are easements required?</i></b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

***This proposed 12 unit development for condominium purposes will be served by the Pasadena Water and Power Department, Power Delivery Unit.***

***The power department has an electrical system vault (station 39+69) located in S. Lake Avenue as shown on attached tentative map.***

***The owner/developer is to extend the department's, 1-3" electric lateral stubbed, at the curb line of this development and install with new 2-4" PVC, concrete encased, conduits westward, feeding into a new private property electric vault (installed at their expense); 1-4: conduits to remain stubbed at the curb line for future.***

***Exact placement of this new underground electric vault is to be coordinated with the department's Engineering and Utility Advisory Staff for their requirements.***

***There is a rear property, electric pole line located at the west property line of said development with an existing power pole No. 8972MP, located inside this development and located at the southwest corner of the lot. This pole has a recorded easement for its protection to maintain electric service to the power poles. Therefore, this pole and electric overhead wires must remain to maintain continuity of service.***

***According to the tentative map the proposed building site is within a 2 foot, setback clearance from the department's overhead electrical facilities.***

***There is required, a minimum setback of 5 feet for clearance of this pole for new construction and 4 foot setback clearance for overhead wires from building, as per Department's Regulation #21.***

***Therefore, the department request that the owner/subdivider relocate he building site further eastward to maintain adequate clearances for maintenance of services.***

***No bonds or certificates of deposit will be required for Power Department facilities.***

***SBC should be contacted for their requirements.***



***Subject to the approval of the Power Department and the adjacent properties, the applicant may underground the existing overhead electrical facility in the rear of the property to provide landscaping in the power department easement area.***