

PLANNING COMMISSION STAFF REPORT

July 25, 2017 Meeting

Applicant:

Mary Chou
Overhaul Architecture
530 S. Lake Avenue #380
Pasadena, CA 91101

Case Type / Numbers:

Hillside Development Permit 16-35
Second-Floor Review 16-22
Setback Modification 17-03

Property Owner:

Johanna Ong
3987 Chevy Chase Drive
La Cañada Flintridge, CA 91011

Project Location:

3987 Chevy Chase Drive

Project Planner:

Gary Yesayan



Recommendation:

Staff recommends approval of the Hillside Development Permit, Second-Floor Review and the Setback Modification, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

1. Request:

The request is for a Second-floor Review of a 742 square foot second-floor addition above an existing single-story residence. Since the subject lot is designated as "hillside" due to its average slope of 30-percent, a Hillside Development Permit is also required. Additionally, since the new second-floor encroaches within the required front-yard setback, a Setback Modification is being sought.

2. Location:

The project is located at 3987 Chevy Chase Drive. The project site is a corner lot, with its boundary along Stratford Drive, Chevy Chase Drive and Windsor Place. The lot is within the R-1-40,000 zone and qualifies as "Hillside". Due to the unique orientation of the existing residence and where the property is accessed from, the lot's logical frontage is determined to be along Windsor Place. The site is upslope from Chevy Chase Drive but below the neighboring properties that are located to the south.

3. General Plan / Zoning / Existing Land Use:

The General Plan Land Use Map identifies the site as Estate Residential (maximum one dwelling unit per acre). The property is zoned R-1-40,000 (Single Family Residential – 40,000 Square Foot Minimum Lot Size). The site is developed with a single-story residence and a carport. The zoning within the general neighborhood is R-1-40,000 and the size of the project site is consistent with adjacent lots.

4. Environmental Impact Review:

Staff has determined that the proposed second-floor addition is Categorically Exempt from the California Environmental Quality Act, under Section 15301(e)(1), Additions to Existing Structures where the addition is not more than 50-percent of the existing floor area, or 2,500 square feet, whichever is less. The existing floor area is 3,343 square feet and the proposed new floor area is 742 square feet. This is 22.2-percent of the existing floor area, therefore, this exemption is applicable and appropriate.

5. Previous Action:

July 25, 2013 – Approval of Director’s Hillside Development Permit (HDP 13-34) for a 188 square foot single-story addition.

August 12, 2014 – Approval of Director’s Hillside Development Permit (HDP 14-12) for a new pool, deck and pool equipment.

6. Pending and Potential Actions:

Building and Safety Plan Check and issuance of building permits subject to Planning Commission approval.

7. Staff Analysis:

A. Context:

The project site is a hillside lot located at 3987 Chevy Chase Drive. Most of the houses within the immediate neighborhood are two-story, located behind numerous mature trees. The unique location and the orientation of the subject residence provides privacy, while significantly reducing the structure’s visibility when observed from Windsor Place, Stratford Drive and Chevy Chase Drive. Although addressed on Chevy Chase Drive, the residence faces southwest, with its elevated and heavily wooded back-yard along Chevy Chase Drive, which completely screens the residence. Neighboring properties abutting the project to the southwest are located above the subject site, with views over and beyond the subject residence. Most of the views from neighboring homes are screened by dense trees. The zoning of the project site and the neighboring properties is R-1-40,000, allowing for single family residential development.

B. Project Description:

Floor Area:

The project includes a 684 square-foot second-floor addition atop an existing 3,343 square-foot residence. The new second-floor will include a rear-yard facing balcony, contributing 58 square foot of additional floor area to the site. This 23,940 square-foot lot has an average slope of 30-percent. The combination of the site's average hillside slope percentage and its area result in a maximum permitted buildable floor area of 5,884 square feet. This is shown in detail within the Project Floor Area Table below. The total floor area of all enclosed structures after the proposed addition will be 4,085 square feet, remaining below the 5,884 square-foot maximum.

Project Floor Area Table:

Lot Area:	23,940 sq. ft.
Existing Residence:	2,741 sq. ft.
Existing Carport and Storage:	602 sq. ft.
Total Existing Floor Area:	3,343 sq. ft.
Proposed 2 nd -floor Addition:	684 sq. ft.
New Floor Area Under Balcony:	58 sq. ft.
Total New Floor Area:	742 sq. ft.
Total Floor Area after the Addition:	4,085 sq. ft.
Average Slope and SFG Factor	30% / 0.9
Maximum Permitted Buildable Area:	(6,538 sq. ft. x 0.9) = 5,884 sq. ft.
Floor Area Ratio (FAR):	17%

Setbacks:

Based on provided data of the neighboring properties' average front-yard setbacks, the subject lot's minimum front-yard setback requirement is 58'-2". The existing residence includes a carport built as part of the original structure. The carport is located along Windsor Place, 15-feet from the front property line. The house is setback 32'-11" from the front property-line. Both the carport and the residence include existing front-yard encroachments. Since the proposed second-floor addition does not include new bedrooms and will not result in more than 30-percent of existing roofed area removal, construction of a compliant garage is not required as the Zoning Code permits retention of the existing carport.

Given the topography of the lot, the floorplan and the placement of the existing residence, the proposed location of the second-floor addition in staff's estimation is reasonable. While the new second-floor encroaches 25'-3" within the required 58'-2" front-yard setback, it remains 18-feet behind the existing carport and in-line with the existing residence. Placing the new second-floor further away from the front property line and toward the center of the residence will affect the symmetry of the existing structure. All other standards are in conformance with the Zoning Code.

Project Setback and Height Figures:

	Standard	Existing	Proposed
Front Setback (Windsor Place):	58'-2"	Carport: 15'-0" Residence: 32'-11"	32'-11"
Street Side-Yard Setback (Stratford Drive):	20'-0"	26'-0"	N/A
Interior Side-Yard Setback (southwest PL):	19'-0"	34'-6"	44'-0"
Rear-Yard Setback (west-southwest PL):	15'-0"	14'-2"	N/A
Height:	28'-0"	16'-0"	24'-0"

C. Hillside Development Permit and General Plan:

Discussion:

The project's size and design would uphold the goals and policies of the General Plan, as follows:

Goal 4 of the General Plan Land Use Element: Maintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources.

General Plan Policy 4.1.2 (neighborhood compatibility): Ensure that land divisions or new development in hillside areas do not alter the character of existing neighborhoods.

The bulk and the height of the addition is modest. While the overall size of the house will increase, it would remain appropriate for the site and area. Visibility of the addition would be minimal as it will be substantially buffered by existing trees within the area. Views would not be affected by the proposal and excessive massing is not proposed. There will be no grading on site as part of the project. In general, the project would expand the profile of the existing residence in a sensitive manner, without significantly disturbing the site, and would not introduce unreasonable bulk or impact the character of the area, thus achieving consistency with the Hillside Ordinance and upholding the intent of the hillside goals and policies as contained within the General Plan.

Findings:

- The project, through elements of architectural and landscape design, will enhance its setting** since the design and the architecture of the second-floor addition visually is harmonious with the existing structure. The low roof pitch of the existing residence and the raised position of the house hides the actual ridgeline of the roof when observed from ground level. The addition, that incorporates a parapet, preserves the visual character of the main structure. Existing ample mature oaks provide substantial buffer of the overall building mass. *Staff supports the finding.*

2. **The project will maximize potential for sensitive use and effective preservation of open space** as there will be no grading or alteration of the existing open space. The addition will result in an increase of total floor/roofed area but would remain well within code requirements. *Staff supports the finding.*
3. **The project will not be detrimental to the public health, safety, or general welfare** since the addition is atop the existing residence that has already been established within the site. No new grading will take place. No aspects of the improvement would be detrimental to the public health, safety, or welfare. *Staff supports the finding.*
4. **The project will not adversely affect the orderly development of property within the City** since the addition is consistent with the single-family character of the property, is residential in nature and consistent with the density standards of the General Plan and compatible with the immediate area. *Staff supports the finding.*
5. **The project will conform to the goals and policies set forth in the General Plan** because the proposed project does not involve grading that would alter the hillside nature of the site. The scope of the addition is reasonable, while the hillside setting would be completely maintained. This is consistent with the goals and policies of the City's General Plan. *Staff supports the finding.*
6. **The project will not create a nuisance, hazard or enforcement problem within the neighborhood or the City or require the City to provide an unusual or disproportionate level of public service** since the addition will be consistent with the existing development on site, which does not include any elements that would potentially create nuisance, hazard or enforcement issues. *Staff supports the finding.*
7. **There are special conditions or unique characteristics of the subject property and its location or surrounding which justify exceeding one or more of the provisions set forth in this Chapter to permit project development.** The second-floor addition will maintain the required height and size per the Zoning Code. An existing front-yard encroachment is requested to remain. This is further discussed within the Setback Modification discussion section. *Staff supports the finding.*
8. **Any potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics** since the second-floor addition will be screened by ample mature trees on site. Additionally, due to the structure's placement below its abutting neighbors, any visual impact will be minimal in nature. *Staff supports the finding.*

9. **The project does not create an avoidable or unreasonable impairment of the view from any other property**, since the project site is situated down slope from most of the adjacent properties to the southwest, while neighboring view-sheds are oriented above or away from the subject residence and would not be significantly impacted. *Staff recommends the finding.*

D. Second-Floor Review:

Discussion:

The immediate neighborhood includes a variety of single story and two-story homes. The location of the residence in relation to the neighboring homes allows the proposed second-floor addition to have a minimal visual impact. While the new second-floor will have a parapet, the aesthetics and the architectural design of the house will be preserved. Since the existing carport will remain, the new second-floor addition will be visually symmetrical and uniform with the carport. Although the proposed addition will encroach within the front-yard setback, it will be consistent with the existing encroachment of the first floor. A Setback Modification is requested for the mentioned encroachment. The new second-floor will achieve a height of 24-feet. This is four feet lower than the maximum permitted height.

The second floor will include a loft, a playroom, bath and a balcony overlooking the back-yard (north side). Overall, the new second-floor and the balcony will contribute an additional 742 square-feet of floor area to the residence. The photo below shows the story poles indicating the location, height and visibility of the proposed second-floor addition. With this review of the proposal and evaluation of the project site, staff makes the following findings:



Findings:

- 1. The two-story design includes adequate setbacks, screening and modulation** consistent with the existing residence, atop which the addition is proposed. While the second-floor will include a front-yard encroachment of 25'-3", it will be in line with the existing first-floor footprint. The residence includes an existing legal non-conforming carport built within the required front-yard setback; however, the existing first floor and the second-floor addition are located further from the front property line than the carport. The addition will be substantially screened from private and public views by ample mature trees throughout the site. *Staff supports the finding.*
- 2. The two-story design preserves the existing scale and character of the surrounding neighborhood** since most of the neighboring homes are two-story. Additionally, the height of the addition is four-feet below the maximum allowed per the Zoning Code to further reduce any potential visual impact. The addition preserves the scale and the character of its surrounding neighborhood. *Staff supports the finding.*
- 3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors** since the site is heavily wooded with ample trees that would screen the addition. Property values would not be negatively impacted as no off-site views are impacted. The addition will increase the habitable floor area, therefore increasing the property value on site. *Staff supports the finding.*
- 4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council.** The scale, massing and materials utilized by the project relate well with the site and area and would be consistent with the primary directives of the City's Residential Design Guidelines. *Staff supports the finding.*

E. Setback Modification:

Discussion:

Due to the hillside nature of the neighborhood, two of the neighboring homes along Windsor Place are accessed through steep driveways leading to the residences located over 70-feet from the front property line. The last property along the same side of the street has a front-yard setback of 27-feet. Based on the average of these figures, the minimum front-yard setback requirement of the project site is determined to be 58'-2". The subject residence is oriented in a unique way where its front and front entry face the southeast (side) property line. An existing carport is located 15-feet from the front property line, while the residence is set back 32'-11", encroaching 25'-3" into the front setback. The proposed second-floor addition will be in-line with the existing structure at 32'-11". Alternate options and locations were discussed with

the engineer and the project architect. Due to the hillside slope a single-story addition would require retaining walls for site stability and would result in slope alteration. Additionally, because of the open floor-plan and the absence of supporting beams at the center of the existing residence, placing the second floor further away from the front property line and toward the center of the residence would require substantial structural reinforcements and potential modification of the existing floor plan. The proposed location of the second-floor is the most optimal considering both structural and visual impacts. Subject to this review and site evaluation, staff makes the following findings.

Findings:

1. **The proposed project is compatible with existing development on the site, and is consistent with other developments in the immediate vicinity** since the second floor will follow the existing footprint of the first floor and will be consistent with the existing front-yard encroachment. Additionally, taking account of the setbacks of the neighboring homes, this project does not indicate an excessive encroachment. All other setbacks and Zoning Standards are code compliant. *Staff supports this finding.*
2. **The Modification would not be a grant of special privilege that is inconsistent with the limits placed on other properties in the area and in the R-1 zone** since the requested encroachment is less than what is currently existing on site. The encroachment will be aligned with the existing footprint of the first-floor and is done so to preserve the hillside slope and reduce the amount of demolition and alteration of the existing structure. *Staff supports this finding.*
3. **Strict application of the R-1 zoning standards results in practical difficulties or unnecessary hardships inconsistent with the general purpose of the R-1 zone regulations and standards** as in order to comply with the required 58'-2" front-yard setback, the addition would have to be placed within the center of the existing single-story residence. Per engineering evaluations and assessment, major structural reinforcement would have to occur to support the second-floor at the center of the house. The proposed location would utilize the outer supporting walls and foundation of the existing structure, minimizing demolition and cost associated with the project. *Staff supports this finding.*
4. **The Modification will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property located in the vicinity** since the addition will be atop the existing residence and behind ample mature trees. The project does not indicate any potential to impact public health, safety or general welfare. *Staff can support this finding.*

5. **The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetics and other property values in such neighborhoods in a manner which is consistent with the residential design guidelines as adopted by resolution of the city council and compatible with development of the subject lot** since most of the homes within the area are two-story, the addition would remain consistent with its neighboring homes. No public views are impacted as the addition is screened with existing landscaping. *Staff can support this finding.*

F. Recommendation:

Based on the above discussion, the project is designed with neighborhood compatibility and scale in mind. The addition is reasonable in size while preserving the existing hillside slope of the lot. Staff therefore recommends that the Second-floor Review, Setback Modification and the Hillside Development Permit **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

Cc:

*Mary Chou
Overhaul Architecture
530 S. Lake Avenue # 380
Pasadena, CA 91101*

*Johanna Ong
Property Owner
3987 Chevy Chase Drive
La Cañada Flintridge, CA 91011*

CITY OF **LA CAÑADA FLINTRIDGE**

RESOLUTION NO. 17-xx

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING HILLSIDE DEVELOPMENT PERMIT 16-35
SECOND-FLOOR REVIEW 16-22 AND SETBACK MODIFICATION 17-03
FOR A NEW SECOND-FLOOR AT 3987 CHEVY CHASE DRIVE
AS REQUESTED BY
JOHANNA ONG**

WHEREAS, a request by Johanna Ong has been received for a Hillside Development Permit, Second-Floor Review and a Setback Modification to allow a new 742 square foot second-floor addition to an existing single-story residence, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on July 25, 2017, held a public hearing and conducted a review of the request; and

WHEREAS, the Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act, under Section 15301(e)(1), Additions to Existing Structures where the addition is not more than 50% of the existing floor area, or 2,500 square feet, whichever is less. The existing floor area is 3,343 square feet and the proposed new floor area is 742 square feet. This is 22.2% of the existing floor area. Therefore, the exemption is applicable and appropriate and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated July 25, 2017 regarding the application for a Hillside Development Permit, Second-Floor Review and Setback Modification at 3987 Chevy Chase Drive, and heard and considered the testimony of the applicant and the public; and

WHEREAS, based on the evidence presented by the application materials, staff report, and public testimony, the Planning Commission finds the following:

Section 1:

Hillside Development:

1. The project, through elements of architectural and landscape design, will enhance its setting since the design and the architecture of the second-floor addition visually is harmonious with the existing structure. The low roof pitch of the existing residence and the raised position of the house hides the actual ridgeline of the roof when observed from ground level.

The addition, that incorporates a parapet, preserves the visual character of the main structure. Existing ample mature oaks provide substantial buffer of the overall building mass.

2. The project will maximize potential for sensitive use and effective preservation of open space as there will be no grading or alteration of the existing open space. The addition will result in an increase of total floor/roofed area but would remain well within code requirements.
3. The project will not be detrimental to the public health, safety, or general welfare since the addition is atop the existing residence that has already been established within the site. No new grading will take place. No aspects of the improvement would be detrimental to the public health, safety, or welfare.
4. The project will not adversely affect the orderly development of property within the City since the addition is consistent with the single-family character, is residential in nature and consistent with the density standards of the General Plan and compatible with the immediate area.
5. The project will conform to the goals and policies set forth in the General Plan because the proposed project does not involve grading that would alter the hillside nature of the site. The scope of the addition is reasonable, while the hillside setting would be completely maintained. This is consistent with the goals and policies of the City's General Plan.
6. The project will not create a nuisance, hazard or enforcement problem within the neighborhood or the City or require the City to provide an unusual or disproportionate level of public service since the addition will be consistent with the existing development on site, which does not include any elements that would potentially create nuisance, hazard or enforcement issues.
7. There are special conditions or unique characteristics of the subject property and its location or surrounding which justify exceeding one or more of the provisions set forth in this Chapter to permit project development. The second-floor addition will maintain the required height and size per the Zoning Code. An existing front-yard encroachment is requested to remain. This is further discussed within the Setback Modification discussion section.
8. Any potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics since the second-floor addition will be screened by ample mature trees on site. Additionally, due to the structure's placement below its abutting neighbors, any visual impact will be minimal in nature.
9. The project does not create an avoidable or unreasonable impairment of the view from any other property, since the project site is situated down

slope from most of the adjacent properties to the southwest, while neighboring view-sheds are oriented above or away from the subject residence and would not be significantly impacted.

Second-floor Review:

1. The two-story design includes adequate setbacks, screening and modulation consistent with the existing residence, atop which the addition is proposed. While the second-floor will include a front-yard encroachment of 25'-3", it will be in line with the existing first-floor footprint. The residence includes an existing legal non-conforming carport built within the required front-yard setback; however, the existing first floor and the second-floor addition are located further from the front property line than the carport. The addition will be substantially screened from private and public views by ample mature trees throughout the site.
2. The two-story design preserves the existing scale and character of the surrounding neighborhood since most of the neighboring homes are two-story. Additionally, the height of the addition is four-feet below the maximum allowed per the Zoning Code to further reduce any potential visual impact. The addition preserves the scale and the character of its surrounding neighborhood.
3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors since the site is heavily wooded with ample trees that would screen the addition. Property values would not be negatively impacted as no off-site views are impacted. The addition will increase the habitable floor area, therefore increasing the property value on site.
4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council. The scale, massing and materials utilized by the project relate well with the site and area and would be consistent with the primary directives of the City's Residential Design Guidelines.

Setback Modification:

1. The proposed project is compatible with existing development on the site, and is consistent with other developments in the immediate vicinity since the second floor will follow the existing footprint of the first floor and will be consistent with the existing front-yard encroachment. Additionally, taking account of the setbacks of the neighboring homes, this project does not indicate an excessive encroachment. All other setbacks and Zoning Standards are code compliant.
2. The Modification would not be a grant of special privilege that is inconsistent with the limits placed on other properties in the area and in

the R-1 zone since the requested encroachment is less than what is currently existing on site. The encroachment will be aligned with the existing footprint of the first-floor and is done so to preserve the hillside slope and reduce the amount of demolition and alteration of the existing structure.

3. Strict application of the R-1 zoning standards results in practical difficulties or unnecessary hardships inconsistent with the general purpose of the R-1 zone regulations and standards as in order to comply with the required 58'-2" front-yard setback, the addition would have to be placed within the center of the existing single-story residence. Per engineering evaluations and assessment, major structural reinforcement would have to occur to support the second-floor at the center of the house. The proposed location would utilize the outer supporting walls and foundation of the existing structure, minimizing demolition and cost associated with the project.
4. The Modification will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property located in the vicinity since the addition will be atop the existing residence and behind ample mature trees. The project does not indicate any potential to impact public health, safety or general welfare.
5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetics and other property values in such neighborhoods in a manner which is consistent with the residential design guidelines as adopted by resolution of the city council and compatible with development of the subject lot since most of the homes within the area are two-story, the addition would remain consistent with its neighboring homes. No public views are impacted as the addition is screened with existing landscaping.

Section 2:

NOW, THEREFORE, be it resolved that the Planning Commission approves the Hillside Development Permit, Second-Floor Review and Setback Modification request at 3987 Chevy Chase Drive, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 25th day of July, 2017.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT 16-35
SECOND-FLOOR REVIEW 16-22
SETBACK MODIFICATION 17-03

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.
2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Hillside Development Permit 16-35, Second-Floor Review 16-22 and Setback Modification 17-03.
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the project plans labeled Hillside Development Permit 16-35, Second-Floor Review 16-22 and Setback Modification 17-03, except as otherwise stated in these conditions.
5. This approval will expire unless "start of construction" is commenced within 24 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:
 - a. All zoning and related approvals are effective; and
 - b. All required building and grading permits for the project have been issued; and
 - c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition

shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this project. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
11. Any subsequent substantive change to these approved plans by the Fire Department or any other agency having subsequent approval authority shall cause these plans to be returned to the Planning Commission for additional review and approval prior to permit issuance.
12. All construction/contractor parking shall be on-site only. If it is deemed by the Director of Community Development that sufficient on-site parking may not be available, then on-street parking in front of the site will be permitted if it can be demonstrated that such parking will not interfere with the immediate neighbors, and will not interfere with the public's use of the surrounding streets. If this cannot be found, then any additional construction vehicle or equipment parking must occur off-site at a location approved by the Director of Community Development. Approval of the off-site location shall be based on the submittal of a Parking Management

Plan by the applicant that demonstrates that the site shall not interfere with the neighbors in the area or hinder the public's use of the surrounding streets. Contractors and construction workers will be required to carpool to the construction site. No construction, no deliveries and no movement of construction materials shall occur on Sundays or City recognized holidays.

Public Works Conditions:

13. The applicant shall submit drainage study and identify onsite runoff to public right of way and prevent any mud flow to public roadway.
14. Should this project disturb less than one acre of land, the project is subject to the following minimum construction requirements:

Sediments from areas disturbed by construction shall be retained on site, using structural drainage controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities, or adjacent properties via runoff, vehicle tracking, or wind.

Construction-related materials, wastes, spills or residues shall be retained on site to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.

Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediments and pollutants.

15. Provide Covenants for decorative driveway approach.
16. Any proposed mailbox structure shall be approved and permitted by Public Works.
17. Prior to any construction (including, but not limited to, drive approaches, sidewalks, curb and gutter, etc.), trenching or grading within public or private street right-of-way, the applicant shall submit a street improvement plan consistent with the approved Site Plan and conditions of approval and obtain encroachment permits from the Engineering Division.

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