

# CITY OF LA CAÑADA FLINTRIDGE

## PLANNING COMMISSION STAFF REPORT September 11, 2018 Meeting

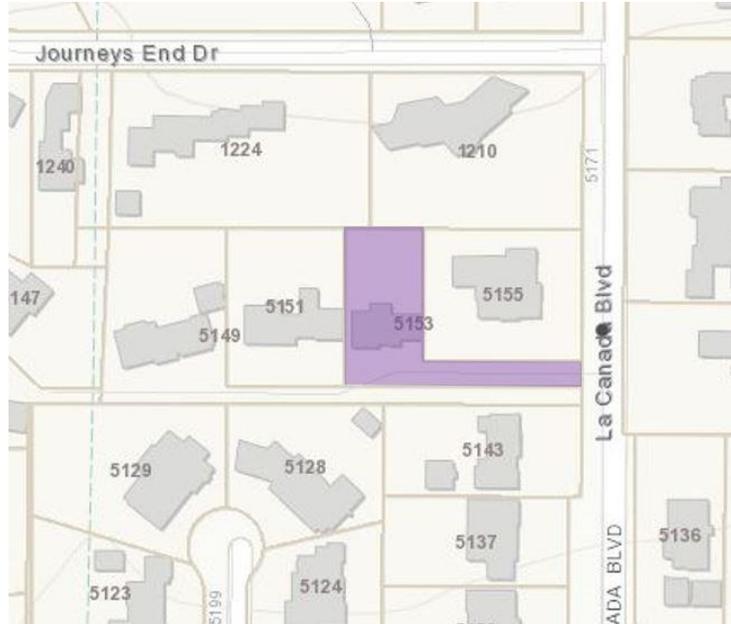
Case Type / Number:  
Second-Floor Review 18-09  
Setback Modification 18-04

Applicant:  
Jong Joo Kim  
611 S. Catalina Street, Suite 417  
Los Angeles, CA 90005

Property Owner:  
Jung Hee Lim  
5153 La Canada Blvd.  
La Canada Flintridge, CA 91011

Site Address:  
5153 La Canada Blvd.

Case Planner:  
Chris Gjolme ~ Planner



### 1. Request:

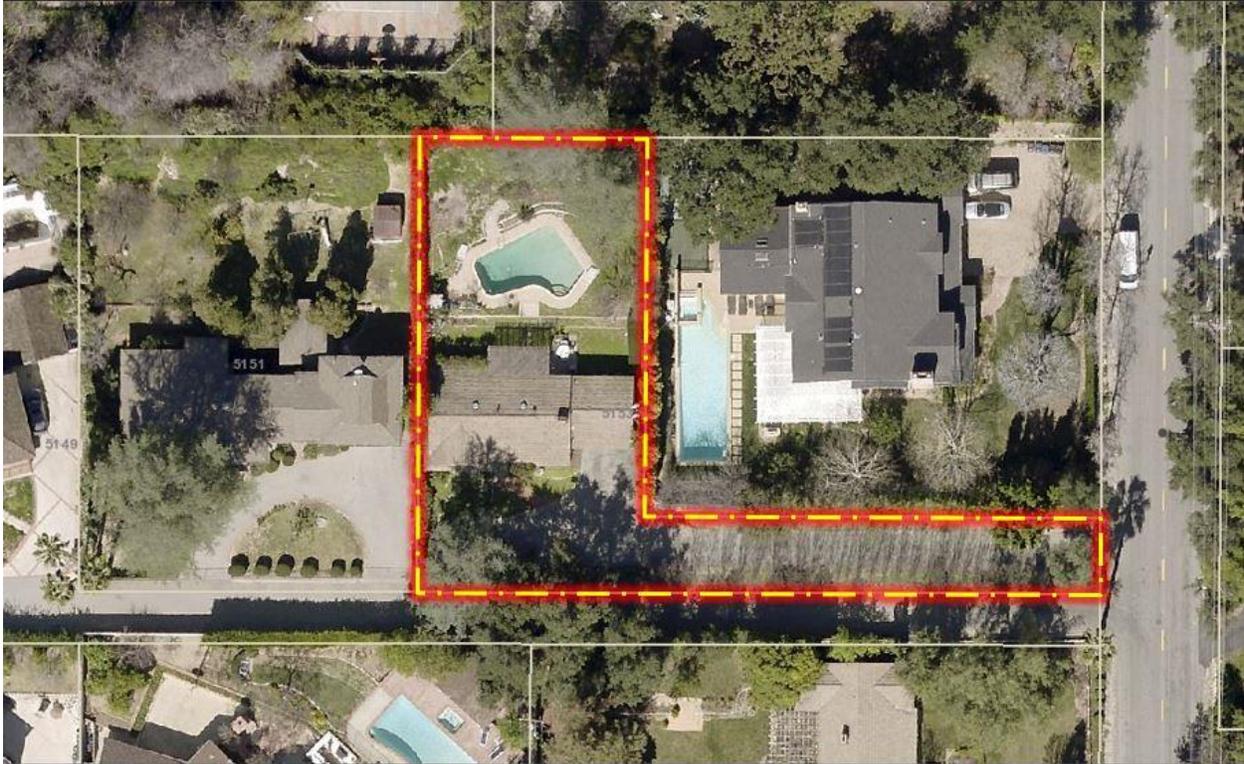
The request is for Second-floor Review to allow first and second-floor expansion of an existing single-story residence, including a new 1,477 square-foot second floor. A Setback Modification is also requested to retain the **home's east and west side setbacks**, which, at **3'-2" and 5'-6"**, are less than the **7'-6"** requirement for the lot. Pursuant to the City of La Cañada Flintridge Zoning Ordinance, the removal of more than 30 percent of the existing roofed-area to accommodate the second-floor addition qualifies the existing **structure as "new"**. **As such, any nonconformities on site must be brought into compliance with current code through removal or approval through the Setback Modification process.**

### 2. Location:

The project site is a flag lot along the west side of La Canada Boulevard, midway between **its intersection with Lavender Lane to the south and Journey's End Drive to the north**, in the R-1-15,000 zone.



The neighborhood is characterized by parcels and houses of varying sizes and configurations, including several flag-lots along the west side La Canada Boulevard, one of which is the subject lot. It is an eclectic area where newer and older two-story residences are commonplace. The subject home is isolated and removed from the street, as is typical of most flag lots. While flanked by houses that front on La Canada Boulevard to the north



and east, the site is bounded by flag lots to south and west. It is a tightly clustered area with the subject home separated from the neighboring home to the west by approximately ten feet. Similarly, a lengthy rear yard pool on the adjacent lot to the east is proximate to the subject home, though screened by tall landscaping along the property line. The neighboring home to the west at 5151 La Canada Boulevard has a two-story wing at the east end, along the common property line shared with the subject residence. The home to the east at 5155 La Canada Boulevard is also a two-story residence that comprises over 5,000 square feet, larger than both the proposal and 5151 home.

With its flag-lot configuration, a default 25-foot front setback is required and provided by the current home (36 feet). The subject residence is considered legal non-conforming since it exhibits encroachments into the required east and west side setbacks. Again, these setbacks are sought for retention as part of the request.

#### B. Project Description:

The existing single-story residence would be expanded by 2,289 square feet, most notably through introduction of a new 1,477 square-foot second floor. Accordingly,

Second-floor Review is required. Retention of setback encroachments at the first-floor level is also proposed as part of the project; as such a Setback Modification is included as part of the application.

At the first-floor level, expansion is proposed mainly to the rear where a new bedroom, kitchen and dining room would be created. Lesser expansion would also occur at the front of the residence where a new entry is proposed. In addition, the garage would be **expanded minimally to create a compliant 20'x20' garage, as required for new residences. In all, 812 square feet would be added, increasing the home's footprint to 2,467 square feet.** The first-floor additions would provide compliant side setbacks in excess of the 7'-6" requirement for the lot, with exception of the minor garage addition, which would **match the existing 3'-2"** east side setback. Although the new entry structure would project forward, a front setback of 29 feet would be provided, above the 25-foot requirement for the subject flag lot.

A new second-floor totaling 1,477 square feet is proposed and would include three bedrooms, an upstairs family room and central volume space. Total floor and roofed area for the home would be 3,944 square feet, well within the 4,500 square foot adjusted limit for the lot (with less than 80 feet of average width, 4,500 square feet is the maximum allowance without Floor Area Review). **The lot's 75-foot average width yields a 15-foot side setback requirement at the second-floor level. Side setbacks of 15'-2" and 16'-1"** would be provided to the east and west thereby satisfying the requisite.

As a result of the second-floor addition and an increased 10-foot plate height at the first-floor level, the overall height of the building will increase to 28 feet as seen from the front and sides. The subject lot comprises more than 10,000 square feet and achieves a width in excess of 65 feet at the front setback line. Thus, maximum allowed building height for this property is 32 feet. The proposal would be four feet below this limit.

As already mentioned, more than 30 percent of the existing roof/floor area will be removed to accommodate the second floor and associated first-floor expansion. As such, **the project constitutes "new" construction, an implication of which involves remediation of the home's existing encroachments into the side setbacks.** The existing **3'-2" and 5'-6" east and west side setbacks are below the 7'-6" requirement** for the lot. These setbacks would be retained as part of the project and require Setback Modification approval. In all, the project compares with code standards as follows (next page):

	STANDARD	EXISTING	PROPOSED
Floor Area:	4,799 sf*	1,655 sf	3,944 sf
Front SB:	25 feet	36 feet	29 feet
West Side SB			
1 <sup>st</sup> floor:	7'-6"	5'-6"	5'-6"
2 <sup>nd</sup> floor:	15 feet	n/a	16'-1"
East Side SB			
1 <sup>st</sup> floor:	7'-6"	3'-2"	3'-2"
2 <sup>nd</sup> floor:	15 feet	n/a	15'-2"
Rear SB:	15 feet	73 feet	68 feet
Height:	32 feet	16 feet	28 feet

\*Floor Area Review required for floor area > 4,500 square feet.

C. Second Floor Review:

Discussion

Given the development pattern apparent along La Canada Boulevard and nearby streets and immediacy of other two-story residences, the introduction of a Traditional-style two-story structure, with its tasteful massing, is consistent with the character of the area. The structure is adequately modulated and detailed, most notably evident in the recesses between floor levels along the sides and use of wood siding throughout the facades. The expanded **residence would be built in proportion to the lot's size** while the second floor is positioned to respect all setback constraints.

The **home's front entry** would employ a single gable achieving a 17-foot ridge height, albeit measured from the raised level of the porch. At over 12 feet in height, the entry **'structure'** falls within the scope of Second-floor Review. Staff regards the entry favorably, noting its 13-foot stand-alone height and well-proportioned accent to the front elevation.

As already noted, the adjacency of multiple flag lots invariably results in tight clustering of existing homes, as evidenced by the proximity of the adjacent home to the west and pool to the east. The project takes this consideration into account by offering a second floor that is reasonable in size, provides compliant setbacks, and would be built four feet below the allowable height limit.

With this said, additional scrutiny is warranted with regard to second-floor windows since the potential for privacy and view impacts is often heightened with flag lots. To the east, four windows are proposed, two bedroom windows and two bathroom windows. The bathroom windows are positioned behind a tub and toilet and are clearly intended for light and ventilation. The two bedrooms windows are positioned further to the south on the east elevation, with potential views buffered to an extent by existing tall landscaping that **intervenes along the east side property line. To the west, seven small windows (2'x3') are**

proposed. However, three of these windows serve bathrooms and a laundry room, with the remaining four appropriate in size and location for the two bedrooms served. Other than somewhat repetitive fenestration, the west array is also regarded as reasonable.

In summary, staff has no major concerns with the scale and design of the expanded home, which respects the size and constraints of the lot and integrates well with the character of the immediate area. Positive findings are accordingly recommended.

### *Findings*

1. The two-story design includes adequate setbacks, screening and modulation.

The project offers front and rear setbacks in excess of code requirements and compliant side setbacks to the east and west at the second-floor level to afford visually adequate separation from adjacent homes. Building modulation is apparent in the footprint, recession between floor levels, well-proportioned roof form and central front porch. The flag lot configuration of the site removes the proposed house from street view while existing landscaping provides some screening to the east and west. Staff supports the finding.

2. The two-story design preserves the existing scale and character of the surrounding neighborhood.

The area is characterized by numerous two-story homes of varied size and design, including adjacent homes to the east and west, **while the home's position on** a flag lot and lack of visibility would not affect the prevailing street setting along La Canada Boulevard. Staff supports the finding.

3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors.

**The project's scale is not excessive given the character of the area and public views would** not be significantly compromised while the second-floor window arrangements are reasonable in size and location and sensitive to neighboring properties. The second-floor deck to the front is of modest size and is not anticipated to experience an excessive level of use or lend to problematic views. 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 and design of the project, with its efficient form, Traditional massing and detail, is appropriate for both the site and area, and would be consistent with the primary

directives of the City's Residential Design Guidelines as related to neighborhood compatibility. Staff supports the finding.

D. Setback Modification:

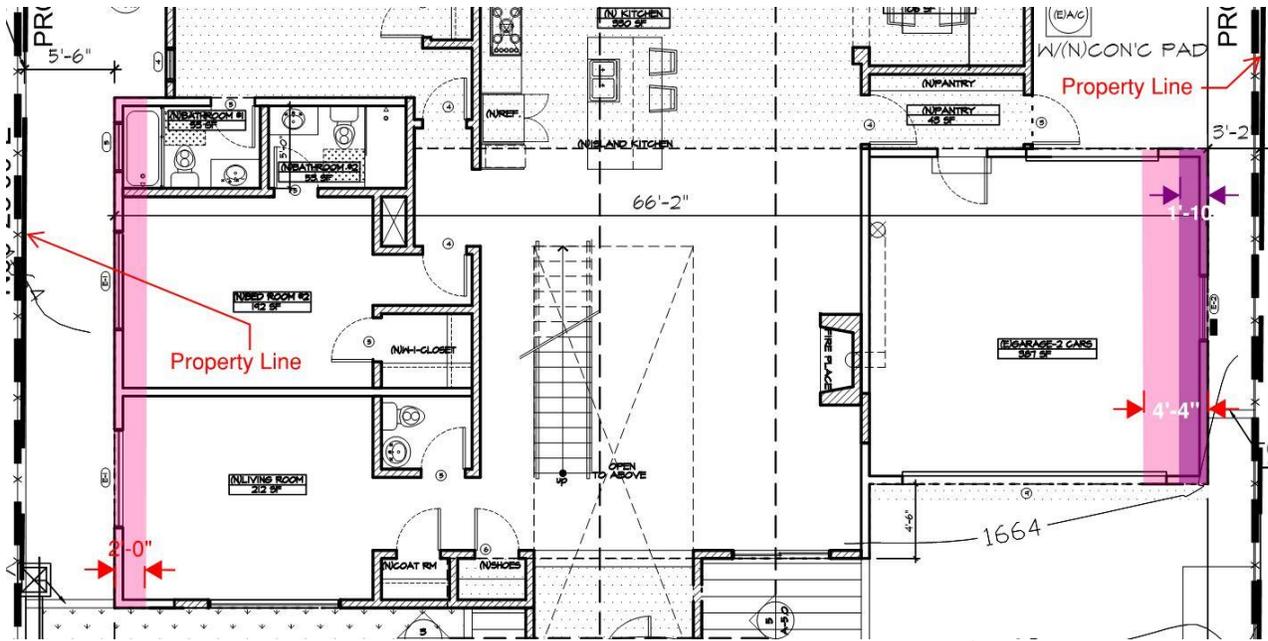
*Discussion*

The existing residence/structure exhibits two encroachments; **the garage is set back 3'-2" from the east side property line, 4'-4" below the** requirement for the lot. To the west, **existing bedrooms provide a 5'-6" side setback**, two feet below the requirement. Said encroachments are highlighted in the exhibit below.

Due to removal of more than 30 percent of the existing roofed-area to accommodate the **second floor, the entire project is considered "new"**. Based on this, the applicant is required to bring the existing legal nonconforming portions of the house into compliance with current code through provision of increased setbacks or seek relief through the Setback Modification process, which the applicant has chosen to pursue.

**With regard to the west side of the structure, retention of the existing 5'-6" setback is** regarded as reasonable by staff. Importantly, the absolute five-foot minimum setback (typically sought by the Fire Department) would continue to be provided, which is consistent with the siting of several nearby homes, including the adjacent home to the **west. Provision of a compliant 7'-6" setback would require** the width of two existing rooms to be reduced by two feet and would also preclude the provision of two new equally sized bathrooms integral to first-floor bedrooms #1 and #2. Thus, imposition of the side setback requirement to the west is regarded as somewhat restrictive by staff, an evaluation made more pertinent since no appreciable offsite view, use or massing benefit would result.

To the east, however, retention of the existing **garage's 3'-2" side setback is more** problematic. This stems from the fact that the five-foot absolute minimum would continue to be absent, despite reasonable remedy being available. Shifting the garage **1'-10" to the west would increase the east side setback to five feet** (highlighted in darker purple in the following diagram). Staff acknowledges that some adjacent living room space would be lost, and a fireplace would be shifted inward, but nonetheless regards increasing the east side setback as a critical project objective. **Though less than the 7'-6" requirement for the lot, a five-foot side setback** meets the minimum setback requisite and is appropriate in the case of the project.



In all, staff regards retention of minimum five-foot side setbacks as appropriate for the subject flag lot, consistent with the intent of the R-1 zone and associated standards, and void of adverse offsite impacts.

*Findings:*

1. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity.

The Setback Modification would allow retention of an existing encroachments into the required east and west side setbacks. Retention of these setbacks is compatible with existing development on the site and with other development in the immediate vicinity, in particular nearby flag lots, homes upon which are considered non-conforming due to similar setback deficiencies. The proposed additions, with exception of minor garage expansion, will be consistent with current codes with respect to setbacks and will not create any new encroachments. Staff supports the 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.

The requested Setback Modification would allow retention of two existing encroachments that are largely unapparent from offsite. No new structural encroachments beyond minor garage expansion, needed to provide a compliant two-car garage, are proposed as part of the project. This will not grant a special privilege since other flag lots in the immediate vicinity are developed with primary and accessory structures that present similar set back

encroachments. As such, the request is considered to be consistent with the development within the neighborhood. Staff supports the 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.

The Setback Modification is being reviewed in conjunction with a proposal to expand the existing structure at the first and second-floor levels. The existing front setback for the house will be reduced, but will remain compliant, while the first and second-floor additions will be code compliant with regard to setbacks, height, angle plane, total floor area and all other applicable zoning standards. Mandating conformance to the required setback for the east and west sides of the house at the first-floor level would entail significant demolition and likely result in non-conforming parking, which represents a practical difficulty and unnecessary hardship. Since minimum five-foot side setbacks would be provided as a condition of project approval, the encroachments are largely unapparent **from offsite, and the project is only considered "new" due to removal of more than 30 percent of the existing roof/floor area to accommodate the second floor, retention of the existing encroachments is regarded as reasonable.** Staff supports the 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.

There is no evidence to suggest any impacts to public health, safety or general welfare currently exist due to the existing encroachments. The Setback Modification is being requested to maintain these encroachments in conjunction with new construction; however, no new encroachments are proposed beyond minimal garage expansion. An increased setback to the east will ensure provision of minimum five-foot side setbacks around both sides of the house to facilitate access if needed. Therefore, retention of side setbacks **at less than the 7'-6" requirement** for the lot will have no significant impact on the use or enjoyment of adjacent properties. Staff supports the finding.

5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood.

The **subject home is visually isolated and has no contribution to the area's streetscape,** as is the case with most, if not all, flag lots. The encroachments sought for retention will have no significant impact on the scale and character of the expanded residence or the surrounding neighborhood due to the longstanding and isolated siting of the house, and its lack of offsite exposure/visibility. Beyond minor garage expansion, new encroachments are not proposed as part of the first or second-floor additions. As such, **given the Setback Modification's** specific scope in relation to the overall project, the

existing scale and character of the surrounding neighborhood will be preserved and there will be no significant impacts to public views or aesthetics. Staff supports the finding.

E. Summary/Recommendation:

Based on the preceding review and project evaluation, all findings for the Second-Floor Review and Setback Modification (as conditioned) can be made **in staff's estimation**. Staff therefore recommends that the project BE APPROVED, subject to the conditions of approval listed in Exhibit "A", attached to the draft resolution.

C: Jong Joo Kim / 611 S. Catalina Street, Suite 417 / Los Angeles, CA / 90005  
Jung Hee Lim / 5153 La Canada Blvd. / La Canada Flintridge, CA / 91011

Attachments

1. Application cover page
2. Draft Resolution and conditions of approval
3. Draft Notice of Exemption

# CITY OF LA CAÑADA FLINTRIDGE

## RESOLUTION NO. 18-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE APPROVING SECOND-FLOOR REVIEW 18-09 AND SETBACK MODIFICATION 18-03 FOR FIRST AND SECOND-FLOOR EXPANSION OF AN EXISTING SINGLE-STORY RESIDENCE AND RETENTION OF ENCROACHMENTS INTO THE REQUIRED EAST AND WEST SIDE SETBACKS AT 5153 LA CANADA BLVD. AND ADOPTING A NOTICE OF EXEMPTION PURSUANT TO SECTIONS 15301 AND 15305 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES

WHEREAS, an application for Second-floor Review 18-09 and Setback Modification 18-03 was filed by Jung Joo Kim (**hereinafter the "Applicant"**) with the City of La Cañada Flintridge; and

WHEREAS, Second-floor Review 18-09 and Setback Modification 18-03 is a request to allow first and second-floor expansion of an existing residence and retention of encroachments into the required east and west side setbacks by said residence located at 5153 La Canada Blvd. (**hereinafter referred to as "Application"**), said request attached hereto and incorporated herein by reference; and

WHEREAS, the subject site has a General Plan Land Use designation of Low Density Residential (up to four dwelling units per acre) and is located within the R-1-15,000 Zone designation; and

WHEREAS, the subject site is a 15,246-square foot parcel that contains an existing single-family residence that would be expanded and remodeled to accommodate the project; and

WHEREAS, it has been determined that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines and Section 15301(Existing Facilities) for expansion of the existing structure and Section 15305(Minor Alterations in Land Use Limitations) for retention of existing setback encroachments in conjunction with expansion; and

WHEREAS, on September 11, 2018, a duly noticed public hearing on the Application was held before the City of La Cañada Flintridge Planning Commission at the City Council Chamber within City Hall, 1327 Foothill Boulevard, La Cañada Flintridge; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated September 11, 2018, regarding the Application for Second-floor Review and a Setback Modification, and heard and considered the testimony of the Applicant and the

public; including any written correspondence received, with all testimony received being made a part of the public record; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of La Cañada Flintridge does resolve as follows:

Section 1. *Findings for Second-floor Review*

1. The two-story design includes adequate setbacks, screening and modulation because the project offers front and rear setbacks in excess of code requirements and compliant side setbacks to the east and west at the second-floor level to afford visually adequate separation from adjacent homes. Building modulation is apparent in the footprint, recession between floor levels, well-proportioned roof form and central front porch. The flag lot configuration of the site removes the proposed house from street view while existing landscaping provides some screening to the east and west.

2. The two-story design preserves the existing scale and character of the surrounding neighborhood because the area is characterized by numerous two-story homes of varied size and design, including adjacent homes to the east and west, while **the home's position on** a flag lot and lack of visibility would not affect the prevailing street setting along La Canada Blvd.

3. The two-story design protects public views, aesthetics, privacy and property **values of the neighbors because the project's scale is not excessive given the character** of the area and public views would not be significantly compromised while the second-floor window arrangements are reasonable in size and location and sensitive to neighboring properties. The second-floor deck to the front is of modest size and is not anticipated to experience an excessive level of use or lend to problematic views.

4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council because the scale and design of the project, with its efficient form, Traditional massing and detail, is appropriate for both the site and area, and would be consistent **with the primary directives of the City's Residential Design** Guidelines as related to neighborhood compatibility.

Section 2. *Findings for Setback Modification*

1. The proposed project is compatible with existing development on the site and is consistent with other development in the immediate vicinity because the Setback Modification would allow retention of an existing encroachments into the required east and west side setbacks. Retention of these setbacks is compatible with existing development on the site and with other development in the immediate vicinity, in

particular nearby flag lots, homes upon which are considered non-conforming due to similar setback deficiencies. The proposed additions, with exception of minor garage expansion, will be consistent with current codes with respect to setbacks and will not create any new encroachments.

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 because the requested Setback Modification would allow retention of two existing encroachments that are largely unapparent from offsite. No new structural encroachments beyond minor garage expansion, needed to provide a compliant two-car garage, are proposed as part of the project. This will not grant a special privilege since other flag lots in the immediate vicinity are developed with primary and accessory structures that present similar set back encroachments. As such, the request is considered to be consistent with the development within the neighborhood.

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 because the Setback Modification is being reviewed in conjunction with a proposal to expand the existing structure at the first and second-floor levels. The existing front setback for the house will be reduced, but will remain compliant, while the first and second-floor additions will be code compliant with regard to setbacks, height, angle plane, total floor area and all other applicable zoning standards. Mandating conformance to the required setback for the east and west sides of the house at the first-floor level would entail significant demolition and likely result in non-conforming parking, which represents a practical difficulty and unnecessary hardship. Since minimum five-foot side setbacks would be provided as a condition of project approval, the encroachments are largely unapparent from offsite, and the project is only considered **"new" due to removal of more than 30 percent of the existing roof/floor area to accommodate the second floor**, retention of these existing encroachments is regarded as reasonable.

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 because there is no evidence to suggest any impacts to public health, safety or general welfare currently exist due to the existing encroachments. The Setback Modification is being requested to maintain these encroachments in conjunction with new construction; however, no new encroachments are proposed beyond minimal garage expansion. An increased setback to the east will ensure provision of minimum five-foot side setbacks around both sides of the house to facilitate access if needed. Therefore, **retention of side setbacks at less than the 7'-6" requirement for the lot will have no significant impact on the use or enjoyment of adjacent properties.**

5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood because the subject home is visually isolated and has no

**contribution to the area's streetscape, as is the case with most, if not all, flag lots.** The encroachments sought for retention will have no significant impact on the scale and character of the expanded residence or the surrounding neighborhood due to the longstanding and isolated siting of the house, and its lack of offsite exposure/visibility. Beyond minor garage expansion, new encroachments are not proposed as part of the first or second-floor additions. **As such, given the Setback Modification's specific scope** in relation to the overall project, the existing scale and character of the surrounding neighborhood will be preserved and there will be no significant impacts to public views or aesthetics.

Section 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT. Based upon the foregoing facts and based upon substantial evidence, the Planning Commission hereby finds as follows:

A. The project is not subject to the California Environmental Quality Act ("**CEQA**") pursuant to **CEQA Guidelines** Section 15301(Existing Facilities) for expansion of the existing structure and Section 15305(Minor Alterations in Land Use Limitations) for retention of existing setback encroachments in conjunction with expansion; and the Planning Commission hereby adopts the Notice of Exemption for Second-floor Review 18-09 and Setback Modification 18-03.

Section 4. Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves Second-floor Review 18-09 and Setback Modification 18-03 for first and second-floor expansion of an existing residence with retention of encroachments into the required east and west side setbacks at 5153 La Canada Blvd., subject to the conditions of approval **listed in Exhibit "A"**, attached to this resolution.

PASSED, APPROVED AND ADOPTED this 11<sup>th</sup> day of September, 2018.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission

State of California            )  
County of Los Angeles        )        ss.  
City of La Cañada Flintridge    )

I, Susan Koleda, Secretary to the Planning Commission of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 18-XX was duly adopted by the Planning Commission of the City of La Cañada Flintridge at a Regular Meeting held on the 11<sup>th</sup> day of September 2018, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Dated: September xx, 2018

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Susan Koleda  
Secretary to the Planning Commission

EXHIBIT "A"  
CONDITIONS OF APPROVAL  
Second-floor Review 18-09  
Setback Modification 18-03  
5153 La Canada Blvd.

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 Second-floor Review 18-09 and Setback Modification 18-03.
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 Second-floor Review 18-09 and Setback Modification 18-03, except as otherwise stated in these conditions.
5. This approval **will expire unless "start of construction" is commenced within** 12 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 Department 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 Second-floor Review and Setback Modification. 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 Department of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
11. 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.

12. A landscape and associated irrigation plan shall be prepared and shall comply with **the City's Water Efficient Landscaping Ordinance (Municipal Code Section 4.23)** and the County of Los Angeles Fire Department Fuel Modification requirements. All landscaping shall be installed on site and certified prior to Building Permit final and occupancy.
13. 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.
14. Primary wall, roof and accent colors shall be reviewed and approved by staff prior to issuance of any building permits.
15. The east side setback at the first-floor level (garage) shall be increased to a minimum of 5 feet, with a minimum interior garage width of 20 feet also provided. Revised plans to this effect shall be submitted for review and approval prior to submittal for project plan check.
16. Unless this approval is appealed to the City Council, story poles shall be removed promptly (within one week) after expiration of the 15-day appeal period. Verification of this shall be required prior to submittal of the project for plan check **OR prior to issuance of building permits for those projects where "at-risk" plan check is in process or has already been completed.**

Public Works Conditions:

17. A drainage plan shall be provided. All onsite surface runoff shall be clarified prior to discharging to the public storm drain channel.
18. The **Project shall comply with the City's Low Impact Development (LID) Standards.**
19. As this project disturbs less than one acre of land, the project is subject to the following minimum construction requirements:
  - a. 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.
  - b. 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.

- c. Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediments and pollutants.
- 20. **A covenant shall be recorded with the Los Angeles county Registrar/Recorder's office for the maintenance of the Best Practice Management Practices (BMPs) per the City's Low Impact Development (LID) prior to the issuance of any permits.**
- 21. Prior to final clearance, the existing damaged AC driveway apron shall be replaced per City standards.
- 22. Prior to any construction (including, but not limited to, drive approaches, sidewalks, curb and gutter, etc.), trenching or grading within the 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 permit(s) from the Public Works Department.
- 23. No above ground structures shall be constructed within the public ROW.

#### CONSTRUCTION & DEMOLITION (C&D) DEBRIS

- 24. **Project shall comply with City's Construction and Demolition (C&D) Ordinance 313, per Chapter 9.14 of the City Municipal Code to satisfy the City's Debris Management requirement.**
- 25. Prior to Demolition and/or Building Permit issuance, the Applicant shall submit a Performance Security, calculated as the lesser of three percent (3%) of the total project valuation or \$10,000. The Performance Security is refunded upon **Applicant's submittal and approval of a Building Debris Management Report** indicating that at least 50% of the total debris generated by the project was reused or recycled.
- 26. Prior to Final Building Inspection, Applicant shall submit a Building Debris Management Report and obtain Public Works approval. The Building & Safety Department will not complete Final Building Inspection until the Public Works Department makes a determination regarding refund or forfeiture of the Performance Security.
- 27. Applicant must use a City authorized and permitted waste hauler for all debris, including soil import/export, resulting from construction and demolition activities on the project. A list of authorized waste haulers will be provided to the Applicant.
- 28. Self-hauling of C&D debris must be authorized by the Department of Public Works prior to Building & Safety issuance of Demolition or Building permit(s). Applicant

must submit a Debris Management Plan and a Haul Route Plan, execute a self-haul agreement, as well as fund a Haul Route Manager for monitoring of all self-hauling activities. Self-hauling approval must be acquired from the Public Works Department prior to issuance of any permit(s).

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