

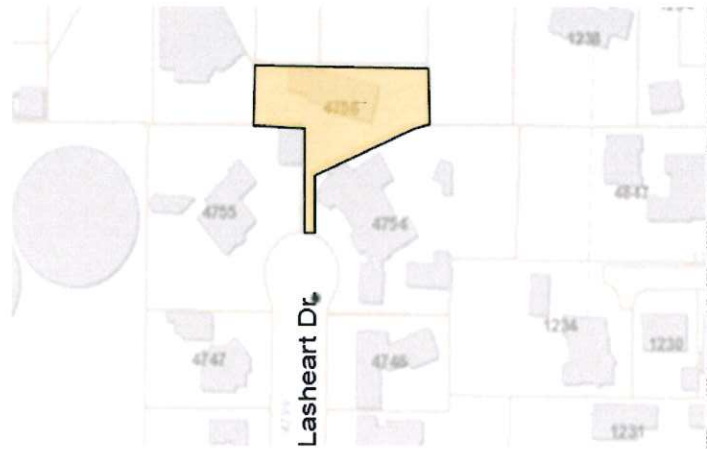
PLANNING COMMISSION STAFF REPORT
 May 22, 2018 Meeting

Case Type / Numbers:
 Second-Floor Review 17-30
 Setback Modification 18-04

Applicant / Property Owners:
 Jack and Sima Hovannessian
 4754 Lasheart Drive
 La Cañada Flintridge, CA 91011

Project Location:
 4756 Lasheart Drive

Project Planner:
 Yalini Siva – Consulting Planner
 Gary Yesayan – Assistant Planner *BY*



1. Request:

The project involves demolition of an existing single-family residence to construct a new two-story house on a “non-hillside” lot at 4756 Lasheart Drive. The request for a Setback Modification is to keep an existing inward facing retaining wall located within the front-yard setback, with a height ranging from 38-inches to 72-inches, along with an existing retaining wall at the west side of the flag-strip with a maximum height of 54-inches.

2. Location:

The project site is located at the north end of the cul-de-sac, Lasheart Drive, which is located north of Flanders Road, between Alta Canyada Road and La Cañada Boulevard. The site address is 4756 Lasheart Drive.

3. Staff Recommendation:

Staff recommends **approval** of Second-Floor Review 17-30 and Setback Modification 18-04, subject to the conditions listed in Exhibit “A”, attached to the draft resolution.

4. Project Size:

Lot Area (Gross):	14,990 S.F.
Lot Area (Net - exclusive of 614 square foot flag-strip):	14,376 S.F.
Proposed first-floor (including garage):	3,196 S.F.
Proposed second-floor:	1,385 S.F.
Total:	4,581 S.F.

5. General Plan / Zoning / Existing Land Use:

The General Plan Land Use Map identifies the site as Low Density Residential (up to four dwelling units per acre). The property is zoned R-1-10,000 (Single Family Residential, 10,000 square foot minimum lot size). The lot is currently developed with a single-story residence, a detached garage and a guest house. Existing retaining walls are located within the front-yard setback and immediately adjacent to the driveway within the flag strip.

6. California Environmental Quality Act Review:

Staff has determined that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301(I)(1) (Existing Facilities) for the demolition of the existing single-family residence and Section 15303(a) (New Construction) for construction of the new residence.

7. Previous Actions:

None

8. Pending and Potential Actions:

Plan check and issuance of building permits.

9. Staff Analysis:

A. Context:

Lasheart Drive slopes down to Flanders Road from the north point of the subject cul-de-sac. Lasheart Drive includes a variety of one-story and two-story homes. The proposal would introduce a new two-story home on a flag lot at the most northern point of Lasheart Drive. The average slope of the area is less than ten percent and qualifies the subject lot as non-hillside. The new residence would be the fourth two-story house on the cul-de-sac. The project site is presently owned by the same property owner as 4754 Lasheart Drive, which is located immediately south of the subject site. Said neighboring property at 4754 Lasheart Drive includes an apparent encroaching paved area with a gate-access extending within the front yard of the project site at 4756 Lasheart Drive.

B. Project Description and Discussion:

The proposed development will introduce a two-story house with habitable floor area of 4,048 square feet and a detached 533 square-foot garage. The residence would include a basement, to be located under the proposed foyer and an outdoor trellis patio which would not contribute to floor-area. The front façade would provide an arched entryway and a varied frontage of the living areas.

The project site allows for a maximum buildable floor area of 5,396 square feet. With the

inclusion of the 533 square-foot garage, the proposed project would comply with the maximum buildable area for the net lot area.

The project also includes construction of new inward-facing retaining walls along the portions of west (side) and north (rear) property lines. The height of the new inward facing retaining walls would not exceed 5'-6", which is the maximum permitted per the Zoning Code. An existing retaining-wall along the west side of the flag-strip has a height of 5'-6" and gradually levels off with the project site's natural grade where the exposed part of the retaining wall becomes 2'-7". Along the east side of the flag-access, an existing 5'-7" wall/fence combination separates the neighboring properties. The retaining wall within the front yard of the subject site has a maximum height of 6'-0". The retention of the existing retaining wall within the front yard and those within the first 25-feet of the flag strip, are included within the Setback Modification.

Setbacks:

Per the Zoning Code, the front-yard setback of a flag-lot is not subject to neighbor averaging and the front setback shall be 25-feet. Consistent with the City's Zoning Code, flag-strips with a width of 20-feet or less are excluded from net lot area. As such, the front-yard setback is measured beyond the excluded flag-strip. For this lot, the angled south property line was determined to be the front, with a minimum 25-foot front-yard setback requirement. The proposed residence would be located 30-feet from the front property line at its closest point, with an attached trellis at 25-feet from the front property line.

The proposed two-story residence is designed to comply with all development standards applicable to the R-1 zone. The first-floor would be located 30-feet from the front property line at its closest point. The second-floor would be 31'-11" from the front property line. This is 6'-11" beyond the 25-foot minimum setback. A 15-foot rear yard, 34'-10" west side-yard and a 37'-11" east side-yard setback is also provided. All setbacks of the main residence would meet or exceed minimum code requirements.

The subject property includes an existing retaining wall along the south (front) property line and along the flag portion of the lot that exceed 42 inches in height. Due to the proposed new construction, retention of the existing walls requires the Setback Modification application. As such, in conjunction with the Second-Floor Review, a request for Setback Modification is also proposed to retain the existing walls.

The neighboring property at 4754 Lasheart Drive includes a paved and gated area beyond its northern property line that encroaches within the front yard of the project property at 4756 Lasheart Drive (outlined in blue). The property at 4754 Lasheart Drive and the project site are currently under the same ownership. Considering the longstanding nature of this condition and the potential of creation of new Zoning Code nonconformities that would be created if a lot line



adjustment were proposed, staff believes that requiring a private limited-use easement of said encroaching area would be appropriate. Since the property at 4754 Lasheart Drive already includes a standard driveway access directly from Lasheart Drive, the gated encroaching area would not be allowed as a secondary access. As the area is not required for access, the encroachment area has not been deducted from the gross lot area and will not impact that total permitted floor area. A condition of approval has been included requiring the recordation of the easement prior to the issuance of any building permit for the proposed new residence.

The new two-story residence would include a detached two-car garage located in the rear portion of the parcel, where compliant five-foot side and rear-yard setbacks are provided in conformance with Section 11.11.050(C)(7)(c) of the Zoning Code.

Setbacks to Residence and Height:

	Standard	Proposed
Front Setback:	25'-0"	House 30'-0" / Trellis 25'-0"
First-Floor Side-Yard Setback: (Average Lot Width 140-feet)	14'-0"	West 34'-10" / East 37'-11"
Second-Floor Side-Yard Setback: (Average Lot Width 140-feet)	20'-0"	West 34'-10" / east 87'-0"
Rear-Yard Setback:	15'-0"	15'-0"
Height:	32'-0"	28'-0"

Floor-Area Data:

Lot Area (Gross):	14,990 S.F.
Lot Area (Net - exclusive of 614 sq. ft. flag-strip):	14,376 S.F.
Maximum Allowed Floor-Area:	5,396 S.F.
First-Floor:	2,663 S.F.
Second-Floor:	1,385 S.F.
Garage:	533 S.F.
Volume Space: (5% of total floor-area exemption) 222 S.F. < 295 S.F.	(222 S.F.)
Total Proposed Floor-Area:	4,581 S.F.

C. Second-Floor Review Findings:

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

The project would provide a front setback of 31'-11" to the two-story residence and a 25-foot setback to the trellis patio, a rear setback of 15-feet, east side setback of 37'-11" and a west side setback of 34'-10". All setbacks to the second-floor portion of the proposed residence exceed the 20-foot side yard required. Articulation and modulation between the floor levels are provided on all sides of the structure, with the proposed project incorporating multiple rooflines to provide an aesthetically pleasing design. Existing neighboring landscaping along the rear and side property lines would provide screening of the residence. *Staff supports the finding.*

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

The existing neighborhood includes houses with a variety of architectural styles. Lasheart Drive currently includes a combination of single and two-story homes; therefore, the construction of a new two-story residence will not be inconsistent with the character of the neighborhood. The new house, proposed at a maximum height of 28-feet, is four-feet lower in overall building height than what is permitted by code for the R-1 zone. The architectural style, incorporating clay tile roofing, a stucco wall finish, exposed rafter tails and trellis patios on the front and east side elevation, fits well within this eclectic neighborhood. *Staff supports the finding.*

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

Public views would not be impacted by the proposed two-story residence since the site is not hillside and project's location on a flag lot at the end of a cul-de-sac provides minimal visibility. The proposed 28-foot height of the two-story residence is four-feet less than the 32-foot maximum height permitted under the R-1 zone development standards. To protect privacy of the neighbors, the proposed two-story design provides minimal number of windows along the north property line where it is the most exposed to potential neighboring views. The floor plan at the second-floor along the rear includes bedrooms, staircase, closet and bathrooms. Windows of these areas are mainly intended to provide light and emergency ingress and egress and not for views. Lack of second-floor balconies throughout the project further provide privacy protection. The proposal would improve the previously undermaintained property; improving overall neighborhood aesthetics. *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 project is consistent with the primary directives of the City's Residential Design Guidelines and complies with all four of its main sections; Neighborhood Compatibility, Site Development, Physical Design Components and Landscaping.

Neighborhood compatibility is achieved through simple and minimal design. The main residence is setback from the front property line 30-feet where the minimum requirement is 25'-0". Additionally, given the flag-lot configuration of the lot where the flag-strip access is not counted as part of the lot's frontage, the residence would be situated behind existing homes and approximately 120-feet from the street. The overall height would be 4'-0" below the maximum allowed 32'-0" with a ridge height at 28'-0". The new residence would alleviate a major rear-yard setback encroachment presented by the original structure

and would provide a code compliant rear-yard setback at 15'-0". The proposed new two-story residence maintains horizontal and vertical proportions as well as sloped roof forms.

Although a substantial grade change is evident between the neighboring lots, no major grading has been proposed and the new residence would be built on the existing pad. Potential neighboring privacy impact, and building bulk reduction is achieved through physical design components of the structure. Neighboring privacy is preserved through exclusion of second-story balconies along the structure's rear elevation. A front-facing second-floor balcony is proposed but would only be partially visible from the street given the shape of the lot.

As indicated on the survey, and confirmed through site inspection, the area does not include protected oak or Sycamore trees. The site in its present conditions does not include substantial vegetation and is somewhat bare. However, existing trees and landscaping along the property lines of neighboring properties provide reasonable screening. New landscaping would be subject to review and approval by the Director of Community Development for Residential Design Guidelines consistency and compliance with the water efficient landscape ordinance.

To minimize visual impact, the height of the building was reduced to 28-feet, four-foot below the code maximum of 32-feet. While the new house would still be visible, it would be seen as an attractive and articulated mass that reflects the character of the street. The main bulk of the house would be placed away from the street, at the north end of the subject flag lot. The project meets the Residential Design Guidelines. *Staff supports this finding.*

D. Setback Modification 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 is for retention of an existing retaining walls up to six-feet in height located within the front yard setback of the project site. This is to maintain the existing grade level and current drainage pattern between the project and the neighboring properties at 4753 Lasheart Drive. Existing retaining walls up to five-feet in height also exist along the west side of the flag strip and will be maintained, allowing the retention of the existing hedge that screens the project site from the adjacent neighbor at 4755 Lasheart Drive. Therefore, the retention of the over height retaining wall is compatible with existing development proposed on-site and with other development in the immediate vicinity. *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.

The retention of the existing over height retaining walls on the project site will not alter the use of the property, which will be maintained as a single-family use. The retention of the existing retaining wall would not grant special privilege, as evidenced by other existing retaining walls within the immediate vicinity, utilized to accommodate the grade change between adjacent properties. The retention of the existing grades and maintenance of the existing drainage pattern will minimize impacts of the redevelopment of the project site from a single-story to a larger, two-story residence. The use of retaining walls to accommodate change in grade is consistent with the development pattern exhibited by other properties within the area and is not a grant of special privilege that is inconsistent with the limits placed on other properties within the same zone and within the vicinity. *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.

The R-1 zone does not allow structures exceeding 42-inches in height to be located within the front-yard of the property unless approved through a Setback Modification review process. The request is to maintain existing retaining walls that were constructed as part of the original development of the flag-lot. The existing retaining walls accommodates the change in grade between the subject lot and its neighbor at 4754 Lasheart Drive. Removing the walls or reducing the height would create an unnecessary hardship by requiring grading of the lot to match the neighboring elevation. *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.

The retention of the existing retaining wall would maintain the elevation change and existing drainage pattern between the project site at 4756 Lasheart Drive and adjacent neighbor at 4754 Lasheart Drive. There are no building code violations or outstanding code enforcement actions associated with the existing retaining wall. The new structures proposed as part of the project are compliant with current setback requirements and no new encroachments are presented. Therefore, the retention of the existing retaining wall 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. *Staff supports 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.

The retention of the existing retaining walls would preserve the scale and character of the surrounding neighborhood since it will maintain the existing grade change between the project site and the adjacent neighbor. All new structures being proposed as part of the project are compliant with all current setbacks for structures within the R-1 zone and are not included within the Setback Modification request. *Staff supports this finding.*

E. Recommendation:

Based on the above discussion and findings, staff recommends **APPROVAL** of the Second-Floor Review and Setback Modification subject to the conditions listed in Exhibit "A", attached to the draft resolution.

Attachments:

1. Draft Resolution and Conditions of Approval

Attachment 1

RESOLUTION NO. 18-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE APPROVING SECOND-FLOOR REVIEW 17-30 FOR A NEW TWO-STORY RESIDENCE AND SETBACK MODIFICATION 18-04 FOR RETENTION OF EXISTING RETAINING WALLS WITHIN THE FRONT YARD AT 4756 LASHEART DRIVE AND ADOPTING A NOTICE OF EXEMPTION

WHEREAS, an application for Second-Floor Review 17-30 and Setback Modification 18-04 was filed by Jack and Sima Hovannessians (hereinafter the “Applicant”) with the City of La Cañada Flintridge; and

WHEREAS, Second-Floor Review 17-30 is a request to construction of a new two-story, 4,581 square foot residence located at 4756 Lasheart Drive (AIN: 5812-010-019) and Setback Modification 18-04 is a request to allow retention of an existing retaining walls within the front-yard and along the flag strip of the subject property (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-1-10,000 Zone designation; and

WHEREAS, the subject site is a 14,990-square foot parcel that contains and existing single-family residence that would be demolished 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 15301 (Existing Facilities) for the demolition of the existing structure and the retention of the existing retaining walls and Section 15303 (New Construction or Conversion of Small Facilities) for the new single-family residence; and

WHEREAS, on May 22, 2018, a duly noticed public hearing on the Application was held before the City of La Cañada Flintridge Planning Commission at the 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 May 22, 2018, regarding the Application for a Second-Floor Review and 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:*

A. The two-story design includes adequate setbacks, screening and modulation since the project would provide a front setback of 31'-11" to the two-story residence and a 25-foot setback to the trellis patio, a rear setback of 15-feet, east side setback of 37'-11" and a west side setback of 34'-10". All setbacks to the second-floor portion of the proposed residence exceed the 20-foot side yard required. Articulation and modulation between the floor levels are provided on all sides of the structure, with the proposed project incorporating multiple rooflines to provide an aesthetically pleasing design. Existing neighboring landscaping along the rear and side property lines would provide adequate screening of the new residence.

B. The two-story design preserves the existing scale and character of the surrounding neighborhood since existing neighborhood includes houses with a variety of architectural styles. Lasheart Drive currently includes a combination of single and two-story homes; therefore, the construction of a new two-story residence will not be inconsistent with the character of the neighborhood. The new house, proposed at a maximum height of 28-feet, is four-feet lower in overall building height than what is permitted by code for the R-1 zone. The architectural style, incorporating clay tile roofing, a stucco wall finish, exposed rafter tails and trellis patios on the front and east side elevation, fits well within this eclectic neighborhood.

C. The two-story design protects public views, aesthetics, privacy and property values of the neighbors where the site is not hillside and project's location on a flag lot at the end of a cul-de-sac provides minimal visibility. The proposed 28-foot height of the two-story residence is four-feet less than the 32-foot maximum height permitted under the R-1 zone development standards. To protect privacy of the neighbors, the proposed two-story design provides minimal number of windows along the north property line where it is the most exposed to potential neighboring views. The floor plan at the second-floor along the rear includes bedrooms, staircase, closet and bathrooms. Windows of these areas area mainly intended to provide light and emergency ingress and egress and not for views. Lack of second-floor balconies throughout the project further provide privacy protection. The proposal would improve the previously undermaintained property; improving overall neighborhood aesthetics.

D. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council since neighborhood compatibility is achieved through simple and minimal design. The main residence is setback from the front property line 30-feet where the minimum requirement is 25'-0". Additionally, given the flag-lot configuration of the lot where the flag-strip access is not counted as part of the lot's frontage, the residence would be situated behind existing homes and

approximately 120-feet from the street. The overall height would be 4'-0" below the maximum allowed 32'-0" with a ridge height at 28'-0". The new residence would alleviate a major rear-yard setback encroachment presented by the original structure and would provide a code compliant rear-yard setback at 15'-0". The proposed new two-story residence maintains horizontal and vertical proportions as well as sloped roof forms. Although a substantial grade change is evident between the neighboring lots, no major grading has been proposed and the new residence would be built on the existing pad. Potential neighboring privacy impact, and building bulk reduction is achieved through physical design components of the structure. Neighboring privacy is preserved through exclusion of second-story balconies along the structure's rear elevation. A front-facing second-floor balcony is proposed but would only be partially visible from the street given the shape of the lot. As indicated on the survey, and confirmed through site inspection, the area does not include protected Oak or Sycamore trees. The site in its present conditions does not include substantial vegetation and is somewhat bare. However, existing trees and landscaping along the property lines of neighboring properties provide reasonable screening. New landscaping would be subject to review and approval by the Director of Community Development for Residential Design Guidelines consistency and compliance with the water efficient landscape ordinance.

Section 2. *Findings for Setback Modification:*

A. The proposed project is compatible with existing development on the site, and is consistent with other development in the immediate vicinity since the setback modification is for retention of an existing six-foot high retaining wall located within the front yard setback of the project site. This is to maintain the existing grade level and current drainage pattern between the project and the neighboring property, 4753 Lasheart Drive. Existing retaining walls up to five-feet in height also exist along the west side of the flag strip and will be maintained, allowing the retention of the existing hedge that screens the project site from the adjacent neighbor at 4755 Lasheart Drive. Therefore, the retention of the over height retaining wall is compatible with existing development proposed on-site and with other development in the immediate vicinity.

B. 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 retention of the existing over height retaining wall on the project site will not alter the use of the property, which will be maintained as a single-family use. The retention of the existing retaining wall would not grant special privilege, as evidenced by other existing retaining walls within the immediate vicinity, utilized to accommodate the grade change between adjacent properties. The retention of the existing grades and maintenance of the existing drainage pattern will minimize impacts of the redevelopment of the project site from a single-story to a larger, two-story residence. The use of retaining walls to accommodate change in grade is consistent with the development pattern exhibited by other properties within the area and is not a grant of special privilege that is inconsistent with the limits placed on other properties within the same zone and within the vicinity.

C. 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 R-1 zone does not allow structures exceeding 42-inches in height to be located within the front-yard of the property unless approved through a Setback Modification review process. The request is to maintain an existing retaining wall that was constructed as part of the original development of the flag-lot. The existing retaining wall accommodates the change in grade between the subject lot and its neighbor at 4754 Lasheart Drive. Removing the wall or reducing its height would create an unnecessary hardship by requiring grading of the lot to match the neighboring elevation.

D. 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 retention of the existing retaining wall would maintain the elevation change and existing drainage pattern between the project site at 4756 Lasheart Drive and adjacent neighbor at 4754 Lasheart Drive. There are no building code violations or outstanding code enforcement actions associated with the existing retaining wall. The new structures proposed as part of the project are compliant with current setback requirements and no new encroachments are presented. Therefore, the retention of the existing retaining wall 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.

E. 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 the retention of the existing retaining wall would preserve the scale and character of the surrounding neighborhood maintaining the existing grade change between the project site and the adjacent neighbor. All new structures being proposed as part of the project are compliant with all current setbacks for structures within the R-1 zone and are not included within the Setback Modification request.

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 the demolition of the existing structure and the retention of the existing retaining walls and Section 15303 (New Construction or Conversion of Small Facilities) for the new single-family residence. The Planning Commission hereby adopts the Notice of Exemption for Second-floor Review 17-30 and Setback Modification 18-04.

Section 4. Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves the Second-Floor Review 17-30 and Setback

Modification 18-04 for a new 4, project at 4756 Lasheart Drive, subject to the conditions of approval listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 22nd day of May 2018.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

**EXHIBIT A
CONDITIONS OF APPROVAL
SECOND-FLOOR REVIEW 17-30
SETBACK MODIFICATION 18-04
4756 LASHEART DRIVE**

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 SFR 17-30 and MOD 18-04.
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 SFR 17-30 and DM 18-04, 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 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 and assessments to the City of La Cañada Flintridge, as established by Resolution of the City Council.
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 Hillside Development Permit and Second-floor Review. 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. Prior to building permit issuance, a Landscape Plan in conformance with La Cañada Flintridge Municipal Code, Chapter 4.23 Water Efficient Landscaping shall be submitted subject to review and approval by the Director of Community Development. Prior to final inspection, a Certificate of Completion for Water Efficient Landscaping shall be submitted and approved.

13. Prior to issuance of a building permit, an easement agreement shall be prepared, notarize and recorded allowing for use and providing for maintenance of the area south of the existing retaining wall by 4754 Lasheart Drive and the use and maintenance of the area north of the existing retaining wall by 4756 Lasheart Drive. If the retaining wall and existing improvements are removed in the future, the recorded easement may be terminated with the approval of the Director of Community Development.

Public Works Conditions:

- 14. Provide hydrology study and identify all drainage areas that are tributary to the project site and method of discharging onsite runoff to public right of way.
- 15. Project shall comply with the City's Low Impact Development Standards.
- 16. Prior to the issuance of any permits, the applicant shall record a covenant with the Los Angeles County Registrar/Recorder's office for the maintenance of the Best Management Practices (BMPs) per the City's Low Impact Development (LID).
- 17. 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.
- 18. 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 permit(s) from the Public Works Department.
- 19. No above ground structures are to be constructed within the public ROW.

CONSTRUCTION & DEMOLITION (C&D) DEBRIS

20. 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.
21. 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.
22. 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.
23. 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.
24. 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).

#