

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

October 24, 2017 Meeting

Applicant:

Jay Johnson
1125 Foothill Blvd.
La Canada Flintridge, CA 91011

Case Types / Numbers:

Second-Floor Review 17-16
Setback Modification 17-09

Property Owner:

Seth Ovanespour
401 W. Los Feliz Road #C
Glendale, CA 91204

Site Address:

4636 Crown Avenue

Case Planner:

Chris Gjolme ~ Planner

1. Request:

The request is for Second-floor Review to allow 1st and 2nd-floor expansion of an existing residence. Total floor area for the expanded home would be 4,840 sq. ft. Encroachments by the existing structure and a new garage into the required front setback warrant a Setback Modification as part of the project.

2. Location:

The site is on the east side of Crown Avenue, opposite its intersection with Nancy Way, in the R-1-7,500 zone.

3. Staff Recommendation:

Staff recommends that the request **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

4. Project Size:

Lot area:	15,950 sf
Existing Residence:	2,020 sf
Main level expansion:	2,205 sf
Lower level garage:	615 sf
Total	4,840 sf

5. General Plan / Zoning / Existing Land Use:

The Land Use Map identifies the site as Medium Density Residential – Up to 4 Dwelling Units per Acre. The property is designated R-1-7,500 (Single Family Residential – 7,500 Square Foot Minimum Lot Size). The site is occupied by an existing house.

6. Environmental Impact Review:

Staff has determined that the proposed project is Categorically Exempt from the California Environmental Quality Act, under Section 2.5(c)(1)(new construction) and Section 2.5(e)(1)(minor yard and setback variances) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

7. Previous Action: None

8. Pending and Potential Actions:

Plan check and issuance of building permit.

9. Staff Analysis:

A. Context:

The lower end of Crown Avenue is nearly flat, and characterized by a fairly uniform pattern of subdivision and house design dating from the immediate postwar era. With the street ascending to the north at only around 2%-4%, the site and its neighbors are at similar levels. Two-story houses are becoming more common in the neighborhood, generally additions showing a graceful approach to relating to the ground floor and other houses along the street.

The subject property is atypical for the block; its 110-foot width exceeds all others, as does its 15,950 sq. ft. size. Adjacent to the north is the stepped home at 4642 Crown Avenue, largely unseen from the street considering its unusually deep front setback and partially screened frontage. The



The neighboring home to the south is a larger two-story structure, the front setback of which matches that of the proposed project (40 feet). To the rear, a wide County horse trail separates the site from properties that front on Almar Avenue to the east.

The following mix of properties and houses was used to establish the general development pattern found in the area:

Address	Lot Size	House Size*	FAR	Stories
4609 Crown Avenue	18,360 sf	1,850 sf	0.10	1
4614 Crown Avenue	8,690 sf	1,354 sf	0.16	1
4618 Crown Avenue	7,770 sf	1,333 sf	0.17	1
4621 Crown Avenue	10,020 sf	2,820 sf	0.28	2
4622 Crown Avenue	7,880 sf	1,641 sf	0.21	1
4626 Crown Avenue	14,340 sf	3,544 sf	0.25	2
4641 Crown Avenue	7,400 sf	1,647 sf	0.22	1
4642 Crown Avenue	7,200 sf	1,602 sf	0.22	2
4646 Crown Avenue	7,080 sf	1,527 sf	0.22	1
4650 Crown Avenue	6,930 sf	1,541 sf	0.22	1
300 Baptiste Way	7,630 sf	1,979 sf	0.26	1
308 Nancy Way	7,230 sf	1,945 sf	0.27	2
309 Nancy Way	9,890 sf	1,748 sf	0.18	1
312 Nancy Way	8,340 sf	2,627 sf	0.31	2
Average:	9,197 sf	1,940 sf	0.21	n/a
4636 Crown Avenue	15,950 sf	4,225 sf	0.26	2

**Above figures exclude garages and other exterior covered areas and are intended for general comparison only.*

As the table shows, the neighborhood reflects the lower density more typical of midcentury. Thus, the density of this new development is near the top of the range, though exceeded by several other homes given their smaller lot size. However, as discussed further on, this does not necessarily indicate any issue of neighborhood compatibility.

B. Project Description:

The request involves significant expansion and remodel of an existing single-story residence, including creation of a 2-story garage wing to the north which requires Second-floor Review. Associated demolition and roof removal will qualify the project as “new construction”. The home’s existing 40-foot front setback would be retained, while the new garage would provide a 48-foot front setback, below the 63-foot requirement for the lot and necessitating a Setback Modification.

The main level of the home would be expanded to the north and south. To the south, bedroom space would be reconfigured and increased; a 4-bedroom wing would be created, with the new master bedroom at the southeast corner of the house. The home’s existing south side yard setback would be decreased several feet; however, a 16’-8” setback would remain along the entirety of the south façade, well above the 11-foot requirement for the lot.

More extensive expansion would occur to the north where the lot steps down, affording creation of a 2-story addition, the result of which would be a split-level residence as seen from the front and along Crown Avenue.



North end of existing structure and two-level pad as seen from front.

A lower-level 2-car garage is proposed. Beyond, a mud room and storage room are also proposed. A stairwell would lead upward from the mudroom to the main/upper level, where a new kitchen and family room would be added. A laundry room is also proposed. Although this space is integral to the main level/first-floor of the house, the kitchen would achieve a 2-story height with its position atop the garage. As such, a 20-foot north side setback is required and provided (20'-11"). The family room and laundry room would be developed on the upper portion of the pad and achieve a one-story height. As such, the back "half" of the north addition is subject to a 1st-floor setback of 11 feet, with 11'-7" provided per plan.

To accommodate the new floor area, an 824-sq. ft. detached garage at the southeast corner of the lot would be removed. In so doing, setback encroachments into the south side and rear setbacks would be eliminated. Total floor area added would be 2,830 sq. ft., increasing the home's size to 4,840 sq. ft., 100 sq. ft. less than the 4,940-sq. ft. maximum for the site.

The lot's existing topography favors the location and configuration of the additions. However, some grading would be required to create the respective floor levels for the additions to the north. Although the precise extent is not known, the new garage would be sunken and would establish a low-datum point for the project. As the house rises and extends to the south, a maximum overall height of 31'-10" would be achieved, within the

32-foot limit for the lot. Primary building height for a majority of the structure would be much lower at 22 feet.

With removal of the detached garage, the existing driveway along the south side property line would also be removed. It would be replaced with a semi-circular driveway, as allowed given the lot's frontage in excess of 100 feet, with ample access provided to the new garage to the north.

The project would conform to code requirements as follows:

	STANDARD	EXISTING	PROPOSED
Floor Area:	4,940 sf	2,844 sf	4,840 sf
Front SB:	63 feet	40 feet	40 feet
North Side SB			
1st floor:	11 feet	38 feet	11'-7"
2nd floor:	20 feet	n/a	20'-11"
South Side SB			
1st floor:	11 feet	19'-6"	16'-8"
2nd floor:	20 feet	n/a	n/a
Rear SB:	15 feet	44 feet	32'-7"
Height:	32 feet	n/a	31'-10" max.

C. Second-Floor Review:

Discussion

The building's architectural style is sufficiently interesting and of traditional scale and form. Retention of a majority of the home's single-story plan and profile and creation of a 2-story component to the north, where existing grades are conducive, are positive features of the project. It is also key to neighborhood compatibility in a setting where nearby two-story houses exhibit recessed or stepped 2nd floors. This compatibility is apparent with the neighboring house to the south at 4626 Crown Avenue, which presents itself as a typical 2-story Mediterranean structure. It is also evident to the north, where the neighboring home is composed of distinct one and two-story components, inclusive of a 2-story garage wing to the north similar to that of the project.



Interface with two-story residence to the south (above); 2-story garage wing to the north (below)



Although the project's maximum overall height of almost 32 feet would exceed the height of most 2-story homes in the area, a much lesser height of 22 feet would be presented along a majority of the home's perimeter, including the entirety of the south and rear elevations. Upon completion, the primary north-south ridge of the new home would be approximately 2 feet above the existing ridge. Visually referencing this at the site is feasible, and, since a majority of the expansion scheme is single-story, story-pole installation was waived as a project requirement.

Lastly, staff acknowledges the raised position of the existing structure and similar siting of the new home. While the stepped pad accommodates the lower-level garage, it also elevates the structure to an extent. Should the Commission be concerned with the project's increased prominence as seen from the street, the "island" area fronting the new semi-circular driveway could be utilized for additional tree screening to buffer the residence.

Window usage along the one-story south elevation correlates well to the respective bedrooms. Combined with a south side setback in excess of the requirement and adjacency of a 2-story home, no issues are apparent. To the north, a similarly negligible effect is anticipated; only one window is proposed for the forward portion of the kitchen, where atop the garage. Remaining windows further east along the north elevation are proposed for the stairwell and one-story laundry room. Thus, the most sensitive interfaces, the sides, raise no particular Second-Floor Review issues beyond what is conventionally handled through sideyard setbacks and screening.

Findings

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

The proposed second floor is limited mainly to a new kitchen above a lower-level garage and would have visually adequate setbacks to the front, north side and rear. Modulation is provided in the home's stepped design, which utilizes existing topography, and varied roof form. The home's single-story profile as presented to the south side and rear, and, in part, to the front and north side, preclude the need for additional screening beyond that already in place. Staff supports the finding.

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

The project is adjacent to 2-story homes on both sides, and would present to the street and neighboring properties a well-modulated and adequately detailed building of stepped massing, preserving the scale and character of the street in a sensitively designed manner. The finding can be made.

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

The second floor is limited to kitchen space atop a garage and would respect the aesthetic values of the existing property as well as its surroundings, and due to adequate distances and reasonable window usage to the sides, would not have any detriment to privacy or other neighbor concerns. 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 design, scale and materials used by the project relate well to the site and surroundings, and would be consistent with the primary directives of the City's Residential Design Guidelines as related to Site Design, Physical Design Components and Neighborhood Compatibility. Staff supports the finding.

D. Setback Modification:

Discussion

Typically, a significant encroachment into the front setback by a new structure on a large site is difficult to support. However, in this instance, the unusual siting of the adjacent home to the north and resultant skewing of the requirement for the site lends credence to the request.

The remodeled and expanded home would retain its 39'-11" front setback, with the new garage providing an increased front setback of 48 feet. An average front setback of 44 feet would result. However, based on the average of the adjacent two lots, the requirement for the site is approximately 63.5 feet. Thus, the project would present a 23.5-foot encroachment into the front setback.

The home on the lot to the north (4642 Crown Avenue) is an anomaly in the area; the residence is situated well to the rear, resulting in the provision of an 87-foot front setback, twice the front setback demonstrated by most other homes along this section of the street. In fact, 40-foot front setbacks are fairly common as the adjacent diagram shows. This setback skews the average considerably and results in the requirement for the site (87+40/2=63.5').



Despite the numeric significance of the encroachment, the proposed 40-foot setback represents approximately 28% of the lot's available 145-foot average depth, which staff regards as reasonable, especially when considering the actual 'new' construction would provide 8 feet of additional front setback. In short, the proposed front setback for the project is reasonable given current site conditions, parameters of the project and composition of the immediate area, and would

not be discordant with the character of the Crown Avenue streetscape.

Findings

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

Provision of a compliant front setback for the new residence is overly restrictive given current site conditions, the scope of the project and siting of most neighboring homes. The project's front setback is consistent with other proximate homes and reasonable given the available depth of the subject pad, and is adequate considering the siting and design of the expanded residence. 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 project maintains the existing single-family use of the property and provides a front setback proportionate to available lot depth and consistent with the front setbacks demonstrated by most other homes in the area. 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 substandard front setback is directly related to the extreme position of an adjacent home from which the requirement is derived. Provision of a compliant front setback would devote almost half of the lot's area to the front setback, which would preclude appropriate development on the site as proposed, and is unreasonable since most other homes in the area are not held to a similar requirement. Staff recommends 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.**

The home's front setback would be proportionate to the depth of the lot and would accommodate expanded driveway access to a new garage, without a disruptive massing or crowding effect on the street setting. Staff can support 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 encroachment presented is attributable to marked contrast in the siting/position of structures on adjacent properties as opposed to arbitrary design decisions or flagrant code excesses. The setbacks provided are regarded as appropriate for the project and adequate to safeguard the scale and character of the area. Staff supports the finding.

E. Recommendation:

Based on the above discussion, the proposed design, subject to Second-Floor Review and Setback Modification findings, is appropriate for the site and area. Therefore, staff recommends that the request **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

*C; Jay Johnson / 1125 Foothill Blvd. / La Canada Flintridge, CA / 91011
Seth Ovanespour / 401 W. Los Feliz Road #C / Glendale, CA / 91204*

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 17-xx

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING SECOND-FLOOR REVIEW 17-16
AND SETBACK MODIFICATION 17-09
FOR CONSTRUCTION OF A SPLIT-LEVEL 2-STORY RESIDENCE
WITH ENCROACHMENTS INTO THE REQUIRED FRONT YARD SETBACK
AND RELATED SITE WORK
AT 4636 CROWN AVENUE
AS REQUESTED BY
JAY JOHNSON
ON BEHALF OF
SETH OVANESPOUR**

WHEREAS, a request by Jay Johnson, on behalf of Seth Ovanespour, has been received for Second-floor Review and a Setback Modification to allow the construction of a split-level two-story residence with encroachments into the required front setback and related site improvements, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on October 24, 2017, after notification in the prescribed manner, held a public hearing and conducted a review of the request; and

WHEREAS, the Planning Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorical Exempt from the California Environmental Quality Act, under Section 2.5(c)(1)(new construction) and 2.5(e)(1)(minor yard and setback variances) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated October 24, 2017 regarding the application for Second-floor Review and a Setback Modification at 4636 Crown Avenue, 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:

Second-floor Review:

1. The two-story design includes adequate setbacks, screening and modulation because the proposed second floor is limited mainly to a new kitchen above a lower-level garage and would have visually adequate setbacks to the front, north side and rear. Modulation is provided in the home's stepped design, which utilizes existing topography, and varied roof form. The home's single-story profile as presented to the south side and rear, and, in part, to the front and north side, preclude the need for additional screening beyond that already in place.
2. The two-story design preserves the existing scale and character of the surrounding neighborhood because the project is adjacent to 2-story homes on both sides, and would present to the street and neighboring properties a well-modulated and adequately detailed building of stepped massing, preserving the scale and character of the street in a sensitively designed manner.
3. The two-story design protects public views, aesthetics, privacy, and property values of the neighbors because the second floor is limited to kitchen space atop a garage and would respect the aesthetic values of the existing property as well as its surroundings, and due to adequate distances and reasonable window usage to the sides, would not have any detriment to privacy or other neighbor concerns.
4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council because the design, scale and materials used by the project relate well to the site and surroundings, and would be consistent with the primary directives of the City's Residential Design Guidelines as related to Site Design, Physical Design Components and Neighborhood Compatibility.

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 provision of a compliant front setback for the new residence is overly restrictive given current site conditions, the scope of the project and siting of most neighboring homes. The project's front setback is consistent with other proximate homes and reasonable given the available depth of the subject pad, and is adequate considering the siting and design of the expanded residence.
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 project maintains the existing single-family use of the property and provides a front setback proportionate to available lot depth and consistent with the front setbacks demonstrated by most other homes in the area.

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 substandard front setback is directly related to the extreme position of an adjacent home from which the requirement is derived. Provision of a compliant front setback would devote almost half of the lot's area to the front setback, which would preclude appropriate development on the site as proposed, and is unreasonable since most other homes in the area are not held to a similar requirement.
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 the home's front setback would be proportionate to the depth of the lot and would accommodate expanded driveway access to a new garage, without a disruptive massing or crowding effect on the street setting.
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 encroachment presented is attributable to marked contrast in the siting/position of structures on adjacent properties as opposed to arbitrary design decisions or flagrant code excesses. The setbacks provided are regarded as appropriate for the project and adequate to safeguard the scale and character of the area.

Section 2:

NOW, THEREFORE, be it resolved that the Planning Commission approves Second-floor Review 17-16 and Setback Modification 17-09 at 4636 Crown Avenue for a split-level 2-story residence and related site improvements, subject to the conditions listed in Exhibit "A", attached to this resolution

PASSED, APPROVED AND ADOPTED this 24th day of October, 2017.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
SECOND-FLOOR REVIEW 17-16
SETBACK MODIFICATION 17-09
4636 Crown Avenue

Standard Conditions:

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 17-16 Setback Modification 17-09.
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 17-16 and Setback Modification 17-09, Sheets A-1.0 thru A-5.1, 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 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 Second-Floor Review and/or 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 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. All construction/contractor parking shall be on-site only. If it is deemed 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. 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.

Planning Conditions:

13. Applicable tree protection guidelines shall be strictly adhered to during all phases of construction.
14. Chain-link protection barriers of the requisite size shall be installed around all protected trees within the construction zone to be retained as part of the project. Said fencing shall be installed and inspected by the City prior to issuance of any grading or building permits, and shall remain in place during all phases of construction.
15. Prior to permit issuance, primary wall, roof and accent colors shall be reviewed and approved by staff.

Public Works Conditions:

16. Provide drainage plan. All onsite surface runoff shall be filtered prior to discharging to public right of water.
17. Project shall comply with City's Low Impact Development Standards.
18. Record 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) prior to the issuance of any permits.
19. This project **disturbs 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.
20. Close existing driveway and new Circle Driveway approaches is subject to comply with 11.11.050 Section of Municipal Code for Circular Driveway.
 21. Existing mailbox structure is within the public right-of-way. Unless permitted by City, and constructed as a break-away structure, mailbox shall be replaced per City's standard requirements. Mailbox structure shall be approved and permitted by the Public Works Department.
 22. 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.
 23. No above ground structures are to be constructed within the public ROW.
 24. The ROW behind the new curb shall have a 2% to 4% slope graded to drain towards the street.

CONSTRUCTION & DEMOLITION (C&D) DEBRIS

25. 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.
26. 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.
27. 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.
28. 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.

29. 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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