

## RESOLUTION NO. 07-08

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE APPROVING AMENDMENTS TO CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 403, TENTATIVE PARCEL MAP 066491, ZONE CHANGE 06-01 AND TREE REMOVAL PERMIT 06-16 AT THE NORTHEAST CORNER OF FOOTHILL BOULEVARD AND ANGELES CREST HIGHWAY AS REQUESTED BY LA CAÑADA PROPERTIES**

WHEREAS, a request by La Cañada Properties has been received for approval to amend two conditions of approval (#70 & #90) regarding site drainage for the project site at the northeast corner of Foothill Boulevard and Angeles Crest Highway (collectively, the "Project"), said request attached hereto and incorporated herein by reference; and

WHEREAS, the City Council, on August 7, 2006, following public notice in the prescribed manner, held a public hearing and conducted a review of the request and approved the project with 129 conditions; and

WHEREAS, the City Council, on March 19, 2007, following public notice in the prescribed manner, held a public hearing and conducted a review of the request; and

WHEREAS, in compliance with the California Environmental Quality Act, the City Council reviewed the original Project, Initial Study Questionnaire and related technical studies and materials as well as the Mitigated Negative Declaration incorporating same, and

WHEREAS, the City Council, on July 17, 2006, certified the Mitigated Negative Declaration, and

WHEREAS, the City Council finds that the project as amended creates no new impacts and is consistent with the certified Mitigated Negative Declaration, and

WHEREAS, the City Council has reviewed the facts contained in the staff reports dated March 19, 2007, and all associated attachments regarding the application for Zone Change, Conditional Use Permit, Tentative Parcel Map, and Tree Removal Permit and heard and considered the testimony of the applicant and the public; and

NOW THEREFORE, based on the evidence presented by the application materials, staff report, the other documents referred to hereinabove, and public testimony, the City Council makes the following findings:

#### Section 1. Exemption from Fish and Game Code:

The Project will have no potential for substantial and avoidable injuries to fish and wildlife or their habitat because the area of the proposed development is entirely urbanized and has been previously developed with City streets, residential housing and commercial businesses and is therefore exempt from Section 711.4 of the California Fish and Game Code.

Section 2. California Environmental Quality Act:

The Project as amended, will have no significant impact on the environment.

Section 3. Tree Removal Permit:

1. Trees have been found to interfere with a structure or building and there is no feasible alternative to mitigate the interference.
2. Taking into account the size, shape, topography and existing trees upon the lots, the denial of the permit would create an unreasonable hardship on the property owner.

Section 4. Conditional Use Permit:

1. The proposed amended conditions at the location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare, because of the site's offsite drainage will not increase beyond that which already exists and will not impact the capacity of the existing drainage system located in Foothill Boulevard.
2. The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and other development features of the Project, because the requested amendments will not change the project layout and the proposed drainage system is adequate to handle the runoff capacity.
3. The site is adequately served by highways or streets of sufficient width and improved, as necessary, to carry the kind and quantity of traffic such use would generate, because the proposed amendments will not change the project's requirement to add two new streets in compliance with the DVSP and incorporate offsite improvements to lane configuration and signalization as determined appropriate by the City Traffic Engineer following analysis of the submitted traffic study.
4. The proposed Project preserves the existing scale and character of the surrounding neighborhood and protects public views, aesthetic values, and other property values in the neighborhood, because the proposed amendments are mainly below grade modifications which will not impact public views or property values. The project will still comply with the following:
  - a. The Zone Change would revise the traditional low-scale Foothill street wall allowing higher wall and roof heights, using suitable design and suitably detailed buildings, as conditioned for final design review.
  - b. Its landscaping would enhance and screen views into the site.
  - c. As required for final design review, its mechanical equipment would be effectively screened.

- d. Its interface with the residential neighborhood would be gentle, with a one-story building behind landscape screening serving as a buffer to parking, and the park exposure to the residential neighborhood maximized.

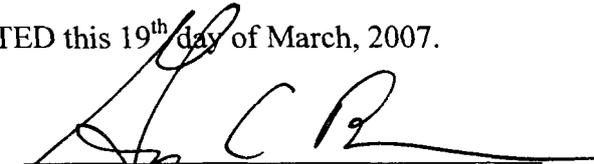
Section 5. Tentative Parcel Map:

1. The design and improvements of the proposed parcel map (Tentative Parcel Map 066491), as conditioned, are consistent with the General Plan, because the proposed amendments would comply with the Los Angeles County Public Works Department requirements. The project would still comply with the following:
  - a. The parcel map supports the North Road and street front development that are essential to the DVSP component of the General Plan.
  - b. Parcel sizes far exceed the minimum stipulated in the General Plan, with consolidation of smaller lots within a commercial area to provide larger building sites and areas for future parking.
  - c. Circulation, aesthetics, and other offsite effects as conditioned meet the objectives of the General Plan.
2. The site is physically suited for the type and density of development, because the proposed amendments are mainly underground drainage facilities that will not change or impact the following:
  - a. The parking to be provided has been demonstrated through application of accepted shared parking standards to meet the projected demands of the uses while maintaining a compact plan.
  - b. As conditioned, the loading and service areas are reasonably well-located so as not to disrupt onsite or offsite circulation or to disturb users of the Project's businesses.
  - c. Landscaping has been provided to effectively screen unwanted views and to frame and enhance desired views, and has been refined through design review in order to provide variety in zones within the project.
  - d. The project will have no significant impact on the environment as conditioned, and hereby adopts the Mitigated Negative Declaration with the mitigation measures as modified from the draft measures through the public hearing process and incorporated within the conditions of approval for the project attached to this resolution.
  - e. Upon consideration of submitted information and public testimony, the City Council hereby determines that the project would have no potential for adverse effect on wildlife resources, and is therefore exempt from Section 711.4 of the California Fish and Game Code; and,

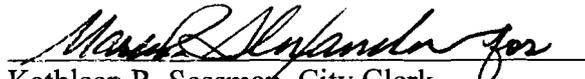
3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish and wildlife or their habitat, because the area of the proposed development is entirely urbanized and has been previously developed with City streets, residential housing, and commercial businesses and the proposed amendments will use existing drainage facilities.
4. The proposed amendments and the type of improvements are not likely to cause serious public health problems since the amendments still comply with the drainage requirements for the project as reviewed and approved by the Los Angeles County Public Works Department and the modifications to not create any new impacts already identified in the Mitigated Negative Declaration prepared for the original Project, and which have either been deemed insignificant or, where deemed significant, have been reduced to a level of insignificance through project mitigation measures.
5. The discharge of waste from the proposed subdivision will not result in violations of existing waste discharge requirements prescribed by the California Regional Water Quality Control Board, because the Project will be required to connect to the existing sewer system and incorporate all requirements of the Los Angeles County Department of Health Services for offsite sewage disposal.
6. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public-at-large, for access through or use of property within the proposed subdivision. By condition, street dedications and easements will be granted for the purpose of providing improved street access in the area including the widening of Foothill Boulevard, and a proposed new North Road public right-of-way through the Project site which will serve the Project area and future development of properties located to the east.
7. The dedication of real property within the subdivision for streets, alleys, drainage, public utility easements and other public easements is not excessive, because:
  - a. A new public road (the North Road) is being required to fulfill the objectives of the City's Circulation Element and Downtown Village Specific Plan, providing a future circulation component necessary to facilitate current and future development of properties located in the Specific Plan.
  - b. The two connector streets required by the General Plan from Foothill Boulevard to the North Road have been reduced to one, through a Zone Change component.
  - c. The vacation of public streets and alleys will allow for the development of the Project site in a manner which is consistent with the Circulation Element goal of providing adequate circulation within the general Project area.

NOW, THEREFORE, based on the foregoing findings, be it resolved that the City Council certifies that the amended conditions create no new impacts and is consistent with the previously certified Mitigated Negative Declaration, and approves amended Conditions #70 and #90 at the northeast corner of Foothill Boulevard and Angeles Crest Highway, in each case, subject to the conditions attached to this resolution as Exhibit "A".

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of March, 2007.

  
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Gregory C. Brown, Mayor

ATTEST:

  
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Kathleen R. Sessman, City Clerk

(SEAL)

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

I, Kathleen R. Sessman, City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 07-08 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 19<sup>th</sup> day of March, 2007, by the following vote:

AYES:            COUNCILMEMBERS: Del Guercio, Olhasso, Voss, Spence, Brown  
NOES:            COUNCILMEMBERS: None  
ABSENT:         COUNCILMEMBERS: None  
ABSTAIN:        COUNCILMEMBERS: None

Dated: March 19, 2007

  
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Kathleen R. Sessman, City Clerk

**EXHIBIT "A"**

**CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT 403  
TENTATIVE PARCEL MAP 066491  
ZONE CHANGE 06-01  
AND TREE REMOVAL PERMIT 06-16  
Northeast Corner of  
Foothill Boulevard and Angeles Crest Highway**

1. This project shall be subject to all the conditions listed herein and as established by the conditions of approval of Conditional Use Permit 403, Tentative Parcel Map 066491, Zone Change 06-01 and Tree Removal 06-16 as approved by City Council Resolution 06-25 on August 7, 2006 except as modified hereinbelow.
2. Condition no. 70 shall be modified as follows:
  70. The proposed drainage system shall be constructed and designed to discharge no more runoff to Foothill Boulevard than the pre-development storm flows. The Developer shall process the hydrology and hydraulic analysis for approval by the Los Angeles County Department of Public Works (LACDPW). The analysis shall include the determination of the 2-year (24-hour), 10-year (24-hour), and 25-year (24-hour) storm flows from the existing site prior to the specified date and for the proposed development. All flow from the proposed development that exceeds the approved pre-development hydrology flows shall be retained on site and recharged to the ground. Nuisance flow from site irrigation and incidental water use shall also be retained on site. Flows that existed prior to this proposed development may discharge onto Foothill Boulevard upstream of the existing catch basins through a system of curb and/or parkway drains as approved by the City Engineer. One of the drains in Foothill Boulevard is owned and operated by Caltrans, and connection to it shall be approved by the California Department of Transportation.
3. Condition no. 90 shall be modified as follows:
  90. An Urban Storm Water Mitigation Plan (USWMP) shall identify the pollutants of concern as identified in the Regional Boards Resolution and shall provide for Best Management Practices (BMPs) to treat the storm water runoff from the property. If the treatment system for the storm water runoff is provided for off-site, then said treatment system shall be maintained by the County or by the developer through assessment or deposit. The preliminary hydrology report is NOT adequate for this purpose. The Developer shall process the hydrology and hydraulic for approval by the Los Angeles County Department of Public Works (LACDPW).

The applicant shall prepare and implement an USWMP for this project that addresses the issues of storm water pollution generated on the site and limits the discharge of storm water to that flow that existed prior to the issuance of the building permit. The plan shall identify those construction Best Management Practices (BMPs) and post construction BMPs that apply to this project. The applicant shall obtain the City Engineer's approval of the USWMP plan prior to the issuance of grading or building permits.