

RESOLUTION NO. 07-28

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING AN APPEAL OF A CONDITION OF APPROVAL FOR SECOND-
FLOOR REVIEW 07-35 FOR A NEW TWO-STORY RESIDENCE AT 4404
BEULAH DRIVE AS REQUESTED BY GREG FRAME**

WHEREAS, a request by Greg Frame has been received for a new two-story residence, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on July 24, 2007, held a public hearing and conducted a review of the request: and

WHEREAS, the Planning Commission, on September 11, 2007, heard a request to reconsider the proposal: and

WHEREAS, the Planning Commission, on September 25, 2007, held a public hearing and conducted a review of the request: and

WHEREAS, the Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act, under Section 2.5(a)(4)(i)(additions) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

WHEREAS, upon consideration of submitted information and public testimony, the Planning Commission 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

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated September 25, 2007 regarding the application for a Second Floor Review at 4404 Beulah Drive, and heard and considered the testimony of the applicant and the public; and

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

Second-floor Review:

Findings

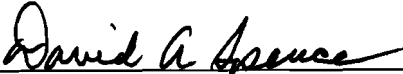
1. The two-story design includes adequate setbacks, screening and modulation. The proposed house has compliant setbacks in accordance with the requirements of the Zoning Code. The elevations of the proposed house have significant modulation and create an attractively designed house

2. The two-story design preserves the existing scale and character of the surrounding neighborhood. The existing residences in the area have both one and two-stories with a variety of architectural styles. The proposed house would add to the character and scale of the neighborhood by having an attractive design. While no one architectural style dominates the area, there is a partial wood shingled house located on the west side of Beulah Drive adjacent to the subject property.
3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors. Proposed front, side and rear setbacks protect neighboring properties and minimize the impacts of the proposed house on the neighborhood. The proposed house is of an attractive design and is compatible with the mixture of designs for houses in the neighborhood.
4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council. The scale, massing and use of materials proposed for project relate well with the site and are consistent with the directives of the City's Single Family Residential Design Guidelines.

Section 2:

NOW, THEREFORE, be it resolved that the City Council **APPROVES** the appeal of the Condition of Approval for the Second Floor Review request at 4404 Beulah Drive, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2007.



David A. Spence, Mayor

ATTEST:



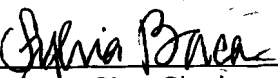
Sylvia Baca, City Clerk

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

I, Sylvia Baca, City Clerk of the City of La Cañada Flintridge, California, do hereby certify that the foregoing Resolution No. 07-28 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 19th day of November, 2007, by the following vote:

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

Dated: November 20, 2007



Sylvia Baca, City Clerk

EXHIBIT "A"
CONDITIONS OF APPROVAL
SECOND FLOOR REVIEW 07-35

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 07-35.
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 Second Floor Review 07-35, 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 and assessments to the City of La Cañada Flintridge, as established by ordinance, resolution or policy 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 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 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. At the time of approval, if it is deemed by the Planning Commission 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. Applicable tree protection guidelines for all oak trees proximate to the residence shall be strictly adhered to during all phases of construction, including installation of chain link protection barriers prior to the issuance of building permits.
13. All work shall comply with City Ordinance 313 (Chapter 9.14 of the Municipal Code). A Building Debris management Report (BDMR) is required to provide documentation that verifies a minimum of fifty (50) percent of the debris or material generated was diverted from a landfill. A performance security is required prior to the issuance of the grading and building permits.
14. The City Engineer shall approve a drainage plan for this project.

15. 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.
16. The applicant shall provide a haul route plan which shall be approved by the Director of Public Works prior to issuance of a building permit.
17. All existing structures on site shall be demolished prior to issuance of a building permit for the new house.
18. The chimney located on the north side of the house needs be moved in order to comply with the 5' minimum side yard setback.
19. Project to comply with the landscape plan dated September 25, 2007 provided by the applicant at the Planning Commission meeting. Landscape plan is to be included as part of the plans submitted by the applicant for plan check prior to the issuance of building permits.
20. The location of all second story side windows shall be 5 feet above the floor of the second story in order to reduce impacts on neighboring properties immediately to the north and south of the subject property. All windows shall be in compliance with the requirements of the Uniform Building Code. Applicant is to provide revised plans to be reviewed and approved by the Director of Community Development prior to the issuance of building permits.

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