

**RESOLUTION NO. 08-03**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
DENYING AN APPEAL OF PLANNING COMMISSION  
APPROVAL OF SECOND-FLOOR REVIEW 07-17,  
AND HILLSIDE DEVELOPMENT PERMIT 07-16  
FOR A TWO-STORY ADDITION TO AN EXISTING  
ONE-STORY RESIDENCE AT  
4224 BERESFORD WAY AS REQUESTED BY  
MILLICENT REYNOLDS AND KEVIN EFTING**

WHEREAS, a request by Roobin Ghazarian and Arax Baghramian has been received for a Second Floor Review and Hillside Development Permit to allow construction of a two-story addition to an existing one-story residence, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on September 11, 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, on September 11, 2007, after the Planning Commission reviewed the facts contained in the staff report dated September 11 regarding the application for a Second Floor Review and Hillside Development Permit at 4424 Beresford Way, and heard and considered the testimony of the applicant and the public, the Planning Commission approved the applications; and

WHEREAS, neighbors of the subject site appealed the Planning Commission approval to the City Council; and

WHEREAS, the City Council has reviewed the facts contained in the staff report dated November 19, 2007 regarding the appeal and heard and considered the testimony of the appellants and public and continued the item until the December 3, 2007 Council meeting where it was continued to the January 22, 2008 meeting; and

WHEREAS, the City Council has reviewed the facts contained in the staff report dated January 22, 2008 regarding the appeal and heard and considered the testimony of the appellants and public; and

NOW THEREFORE, based on the evidence presented by the application materials, staff report, and public testimony, the City Council finds the following:

Section 1:

*Hillside Development Permit:*

1. The project, through elements of architectural and landscape design, will uphold the policies of this chapter, and will be harmonious with the better aspects of the built and natural setting. The proposed additions will result in a house generally within the guidelines and development standards for hillside houses. The proposed additions will result in a house that is significantly less than the maximum FAR permitted for a lot of its size (6,905 sf proposed; 9,446 sf permitted and a SFG of 8,974 sf). Existing landscaping helps reduce the impact of the house on the neighboring properties. The remodeled house is of a Spanish-Mediterranean architectural style with a mix of modulations incorporated into the design.
2. The project will maximize potential for sensitive use and effective preservation of open space. The existing house is located on the level portion of a hillside lot and maintains existing landscaping. The proposed addition will follow the slope of the lot and have a maximum height of 28'. Existing landscaping will be maintained on the 38,484 sf parcel.
3. The project will not be detrimental to the public health, safety, or general welfare as it is a proposal for an addition to and remodel of an existing house on a hillside lot.
4. The project will not adversely affect the orderly development of property within the City. The city's General Plan Land Use Element included this site as part of the orderly future residential development of the city.
5. The project will conform to the goals and policies set forth in the General Plan. The house respects the lot and terrain of the site by using the flat portion of the lot on which it is located and following the slope of the parcel for the addition.. The size of the proposed remodeled and expanded house is generally larger than neighboring houses but it has an FAR less than the neighborhood average for livable space. The compatibility of the house upholds the General Plan Land Use Element Goal 4 to "(m)aintain hillside areas for the purpose of preserving the visual quality of the City, protecting the public from safety hazards, and conserving natural resources," and the applicable Policy (4.5) to "(e)nsure that land divisions or new development in hillside areas do not alter the character of existing neighborhoods." .
6. The project will not create a nuisance, hazard or enforcement problem within the neighborhood or the City or require the City to provide an unusual or disproportionate level of public services. The project will not result in a change in anticipated use or intensification of development beyond that allowed in the General Plan and Zoning Code. Infrastructure is already in place to provide water, fire protection, and utilities to the site. Because the site was included in the Land Use Element Map of the General Plan, it was anticipated in the scope and deployment of safety services to the city. Staff supports this finding.

7. There are special conditions or unique characteristics of the subject property and its location or surroundings, such as minimal views or the potential for reducing effectively viewed bulk, which justify exceeding the provisions of one or more of the provisions set forth in this chapter to permit project development. This proposed remodeled and expanded house generally meets the Guidelines set forth in the Hillside Development Chapter of the Zoning Code.
8. Any potential for the project to present visibly excessive bulk from any vantage point, near or far, is mitigated by screening or siting characteristics. The house is separated from close view from the west, east, north and south through the variations in topography, and existing landscaping. The proposed addition will have a maximum height of 28' which is permitted by the Zoning Code. In addition, adequate setbacks are provided from neighboring properties to the east, south and north. The main addition is not visible from the properties to the south. Staff supports this finding.
9. The project does not create an avoidable or unreasonable impairment of the view from any other property. There are no houses in the immediate vicinity of this lot that could have their views blocked significantly as a result of the construction of the proposed house. The houses to the north south and east are located on lower elevations than the subject house while the property to the west has significant existing vegetation. Staff supports the finding.

*Second-floor Review:*

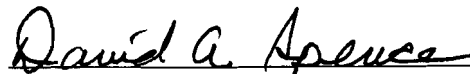
1. The two-story design includes adequate setbacks, screening and modulation. Compliant setbacks are provided for both the first and second floors for the proposed expansion of the house. The existing part of the house has a nonconforming front and side setback. However, less than 30% of the roof is being demolished and the nonconforming status is not affected. The proposed lower level is less in size compared with the upper level and significant modulation is provided for the building elevations..
2. The two-story design preserves the existing scale and character of the surrounding neighborhood. The neighborhood has a mix of architectural styles and sizes of houses. The proposed Spanish-Mediterranean design of the proposed remodeled and expanded house adds to the mix styles in the neighborhood. The house is larger in size than neighboring houses but the FAR is less than the area average as the lot size is above the neighborhood average. .
3. The two-story design protects public views, aesthetics, privacy, and property values of the neighbors. The Spanish-Mediterranean design and the materials proposed integrate well with the mix of architectural styles of the neighboring houses. While the addition has two-stories the house appears to be a one and a half story house from the street. The properties to the north, east and south are at lower elevations than the subject house and are protected by existing vegetation and setbacks.

4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council. The scale, massing and materials utilized for the proposed remodeled and expanded house relate well with the site and area and are generally consistent with the City's Residential Design Guidelines.

Section 2:

NOW, THEREFORE, be it resolved that the City Council **DENIES** the appeal of the Second Floor Review and Modification request at 4424 Beresford Way, and upholds the Planning Commission approval subject to the conditions listed in Exhibit "A", attached to this resolution.

**PASSED, APPROVED AND ADOPTED** this 22<sup>nd</sup> day of January 2008.

  
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David A. Spence, Mayor

ATTEST:

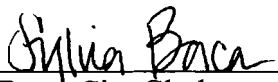
  
\_\_\_\_\_  
Sylvia Baca, City Clerk

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. 08-03 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 22<sup>nd</sup> day of January 2008, by the following vote:

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

Dated: January 23, 2008

  
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Sylvia Baca, City Clerk

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**SECOND FLOOR REVIEW 07-17**  
**HILLSIDE DEVELOPMENT PERMIT 07-16**  
4224 Beresford Way

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 07-17 and Hillside Development Permit 07-16.
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 07-17 and Hillside Development Permit 07-16 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 and Hillside Development Permit. 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. 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 Weekends or City recognized holidays.
12. Provide an Urban Storm Water Mitigation Plan per Chapter 9.20 of the Municipal Code.
13. 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.
14. 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.
15. The City Engineer shall approve a drainage plan for this project.

16. 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.
17. Primary wall and roofs colors shall comply with Light Reflectance Value (LRV) limitations. Prior to issuance of building permits, colors samples substantiating compliance shall be submitted to and approved by the City prior to issuance of a building permit.
18. All driveway approaches shall be not less than 10 feet wide nor greater than 20 feet wide.
19. No construction materials or equipment may be placed in the street without prior approval by the Public Works Department.
20. A Haul Route Plan shall be submitted to the City for approval that identifies the proposed truck route, origin and destination, estimated quantity of materials to be delivered and/or removed from the job site, and frequency and times of hauling operations. Hauling and material delivery shall not occur on weekends or City recognized holidays. Flaggers shall be required for any loading operations conducted within the public street.
21. All construction/contractor parking shall be on-site or on off-site private property only.
22. Vehicular and pedestrian access to existing residences shall be provided at all times, unless otherwise approved by the Public Works Department. The property owner or contractor shall provide advance notice to all affected residents of any approved road closure. A traffic control plan shall be submitted for City approval for any lane or road closures.
23. The Contractor shall post and maintain "Temporary No Parking" signs on one or both sides of Beresford Way if so required by the Public Works Department at any time during construction.
24. A minimum of 50% of the front yard setback shall be landscaped.
25. Landscaping shall be installed according to the approved landscape plan prior to final occupancy.
26. All Right-of-way encroachments shall be removed according to the requirements of the Public Works Department.
27. A revised landscaping shall be reviewed and approved by the Director of Community Development showing additional landscaping on the west side of the property adjacent to the neighboring house in order to provide screening prior to the issuance of a building permit.



28. An arborist shall be retained by the applicant and an arborist's report for the on-site trees shall be prepared and reviewed and approved by the Director of Community Development prior to the issuance of building permits.
29. The applicant shall remove invasive plants from the project site prior to issuance of a certificate of occupancy.
30. New plans shall be reviewed and approved by the Director of Community Development showing the proposed balcony on the front elevation removed prior to issuance of building permits.
31. A traffic plan shall be prepared and reviewed and approved by the Director of Public Works prior to the issuance of building permits detailing how deliveries will be made to and from the project site including the use of flag men.
32. A soils study shall be prepared and reviewed and approved by the Director of Community Development prior to the issuance of building permits.

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