

**RESOLUTION NO. 09-04**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF LA CAÑADA FLINTRIDGE, CALIFORNIA  
APPROVING HILLSIDE DEVELOPMENT PERMIT 05-63  
FOR A NEW HOUSE AT 3800 DOMAL LANE  
REQUESTED BY BRIAN GREEN**

WHEREAS, a request by Brian Green, was received for a Hillside Development Permit for a new house and related site work on a hillside lot, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on January 23, 2007, and April 24, 2007, after publication and posting of notice in the prescribed manner, held a public hearing and approved the project; and

WHEREAS, the City Council, on June 18, 2007 held a public hearing on an appeal of the project, after publication and posting of notice in the prescribed manner ; and

WHEREAS, in compliance with the California Environmental Quality Act, the Planning Commission reviewed the Mitigated Negative Declaration and related materials and determined that the project, as conditioned, would not have a significant impact on the environment, and certified the Mitigated Negative Declaration under the provisions of the California Environmental Quality Act and the City of La Cañada Flintridge Guidelines for the Implementation of CEQA, and the City Council reaffirms the certification; and,

WHEREAS, the City Council finds that all the facts contained in the staff report dated April 24, 2007, regarding the application for a Hillside Development Permit at 3800 Domal Lane are true and correct, and the City Council hereby adopts said staff report as its own findings of facts.

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

1. The project, through elements of architectural and landscape design, will enhance its setting. The project has been modified though downsizing and redesign to enhance its setting. The removal of balconies, requirement for increased landscaping, movement of the garage northward off the building and pitched roof have cumulatively worked to enhance the site.
2. The project will maximize potential for sensitive use and effective preservation of open space. The house has been designed to use a small footprint on the lot and meet the setback requirements for the lot. Parts of the lot will remain open and unbuildable as a result of the lot's shape and size.
3. The project will not be detrimental to the public health, safety, or general welfare. The project will be constructed to current engineering standards including on-site septic disposal, drainage and structure. The driveway is conventional in terms of access. The

use is residential as intended for the site. This project is similar to that of all the other houses in the vicinity.


4. The project will not adversely affect the orderly development of property within the City. This site was designated single-family residential in the Land Use Element of the General Plan and appropriately zoned for single family residential development. This proposal is following the intent and the letter of the regulations for this site.
5. The project will conform to the goals and policies set forth in the General Plan. As noted above, the visible bulk of the project has been reduced through redesign. The down-slope wall height has been reduced so that the visual character of the site is not imposing.
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. As a single-family residence, the site is similar in its use as the uses around it. The residence would not be expected to create any more noise, nuisance or hazard than any of the surrounding residences.
7. There are special conditions or unique characteristics of the subject property and its location or surrounding which justify exceeding one or more of the provisions set forth in this Chapter to permit project development. The project does not exceed the guidelines for floor area based on the slope criteria. The project, as designed, addresses the issues of visible bulk and appearance with its semi-subterranean design and no balconies. The roof pitch, if matched to the slope would negatively impact the use of the site and therefore should not be followed. A revised landscape plan will adequately screen the project from off-site view.
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 re-design of the project provides a semi-subterranean feel for the site. The downslope side of the site will be screened with vegetation. In addition, a standard six-foot fence along the property line and the difference in elevation between the project and the houses to the east reduce the view impacts from close view. There is no far vantage point from which the project can be seen.
9. The project does not create an avoidable or unreasonable impairment of the view from any other property. As noted in the staff report, the house is situated into the side of a hill. The semi-subterranean design affords a very limited view of the house on the lot. The house is not silhouetted against the sky, it is also not placed in front of another house where it can cause view blockage. The design is such that it cannot impair any other view.
10. Additionally, for any project on a lot or parcel with an average slope of forty (40) percent or greater:
  - a. The height of the project, or any part of the project, does not present visibly excessive bulk from any vantage point, near or far. The re-designed project

presents as little visible bulk to the neighbor to the east as is possible and still result in a reasonable house on the site. The additional landscape screening, the reduction in height of the downhill walls, and the project fencing eliminate excessive bulk.


- b. The project will not create an undue fire, flood, mudslide, subsidence, seismic safety, or other environmental risk for any persons or their property. The project is located in the residential zone in the city in which the area is and has been protected by the County Police and Fire units since incorporation. The construction will be approved according to the required codes and inspected for adequacy by official inspectors. The design will be reviewed and approved by the city's engineers and designed so that there will be minimal risk of fire, flood, mudslides, subsidence, seismic activity or other environmental risks.
- c. The privacy of the residents of other properties will not be unreasonably compromised. With the elimination of the balconies, the project affords privacy to the neighboring downhill residences. The screening proposed by a revised landscape plan will also be adequate for the task.

Section 2. Based on the above findings, the City Council of the City of La Cañada Flintridge hereby approves Hillside Development Permit 05-63 for a new house on a lot at 3800 Domal Lane.

PASSED, APPROVED AND ADOPTED this 16<sup>th</sup> day of March, 2009.

  
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Stephen A. Del Guercio, Mayor

ATTEST:

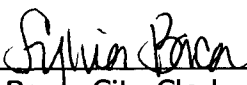
  
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Sylvia Baca, City Clerk

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. 09-04 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 16<sup>th</sup> day of March 2009, by the following vote:

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

Dated: March 17, 2009

  
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Sylvia Baca, City Clerk

**CONDITIONS OF APPROVAL  
HILLSIDE DEVELOPMENT PERMIT 05-63  
3800 Domal Lane**

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 plot plan submitted March 7, 2007, labeled HDP 05-63, Sheet A1.
3. Prior to obtaining a building permit and within 30 days hereof, 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. In addition, a new set of plans corrected in accordance with this approval shall be provided for city files.
4. All buildings, fences, signs, roadways, parking areas, landscaping and other facilities or features shall be located and maintained substantially as shown on the site plan and landscape plans submitted March 7, 2007 labeled HDP 05-63, Sheets A-1 through A-4, and L-1, except as otherwise modified through these conditions.
5. All buildings and structures shall be substantially of the design as shown on the elevation drawings labeled HDP 05-63, Sheets A-3 and A-4, except as modified by conditions herein.
6. Unless start of construction is commenced not later than 24 months after this approval is granted and is diligently pursued thereafter, this approval will automatically become null and void. However, if the approved plot plan, elevation plans, and adjacent areas are unaffected by changes to the Zoning Ordinance, 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 the original expiration. 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.

7. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
8. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as required by Ordinance, Resolution or policy.
9. 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 shall be required 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.
10. 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. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
11. 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.
12. The Light Reflectance Values (LRV) shall not exceed City guidelines of 30% for roofs and 50% for primary walls, retaining walls, and fences. All colors shall be subject to approval by the Director of Community Development or his designee.
13. The City Engineer shall approve a detailed drainage plan prior to issuance of any permits of any kind. Drainage shall be carried to the street or other approved disposal area in a non-erosive device. This condition shall be tied into condition no. 24 below. In all cases, the applicant shall ensure that all Best Management Practices are followed in accordance with the law.
14. The applicant shall submit revised landscaping plans for review and approval by the Community Development Director. All existing trees shall be protected and remain on site. The existing, on-site tree population shall be analyzed to determine the types and sizes of additional trees that shall be added to accommodate compliance with the ordinance guideline of twenty-five (25) percent of trees being either mature or of minimum thirty-six (36) inches box size at planting. Approval is given to remove the one pine tree in the proposed driveway. The landscaping plan shall integrate with the Urban Storm Water Management Plan to maximize on-site infiltration and hillside stability (see condition nos. 13, 15 and 24). Any trees not surviving the first two years after final inspection shall be replaced at the owner's expense. The landscape plan shall concentrate on providing screening for the lots to the east and south of the building.

15. Since the project is a hillside lot as defined by City ordinance, an Urban Storm Water Mitigation Plan (USWMP) must be prepared and recorded prior to issuance of grading permits for the project. The approval of the USWMP by the Public Works Department and the recordation of a covenant and restriction by the property owner are required. The USWMP shall address issues including, but not limited to, landscape and hardscape maintenance; fertilizer, herbicide, and pesticide applications; and sediment, oil, and grease discharges from the property. The plan shall be submitted to the City Engineer for review and approval and the necessary deposit shall be paid to the City Finance Department.
16. All construction/contractor parking shall be on-site only. If it is deemed by the Community Development Director 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.
17. The applicant shall provide new elevations that provide architectural details for the windows and the east and south elevations of the building. The architectural details shall meet the guidance requirements of the Hillside Development Chapter of the Zoning Ordinance. The plans shall be submitted to the Community Development Department for review and approval by the Director. No permits of any kind shall be issued until said plans are approved by the Director.
18. The applicant shall prepare a Haul Route Management Plan. The plan will describe the route, queuing and destination of the trucks for movement of dirt and construction materials to and from the site, as well as the frequency of operation. Frequency of operation shall include days of operation, time of operation and the time spacing of vehicles between pickups. The Haul Route Management Plan shall be reviewed by the Director of Public Works and the Director of Community Development. In particular, the plan shall prohibit hauling operations on Saturdays and Sundays, and on days when other large trucks are scheduled to be in the area (trash on Mondays). Times of operation shall also address local school operations and any other similar activities that would be affected by the movement of large trucks. No permits of any kind shall be issued until the Haul Route Management Plan is approved by both Directors. Neighbors along Rosebank Drive south of Foothill shall be notified of construction and delivery schedules, to avoid disruption of travel to and from their homes.
19. The property fronts on a public street. Street improvements shall be limited to curb and gutter for this project.

20. Construction activity for development of the site shall be restricted to the following schedule:
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|-------------------------|--|
| Saturdays -             | 9:00 a.m. to 4:30 p.m.                       |
| Monday through Friday - | 7:00 a.m. to 4:30 p.m.                       |
| Sundays and Holidays -  | no construction and/or movement of equipment |
21. All on-site fencing shall be limited to that shown on the site plans for the property. The fencing for the site is hereby approved as presented on the plans dated March 7, 2007. No additional fencing shall be permitted unless approved through a Fence Review.
22. 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.
23. The pad for the additional on-site parking spaces in front of the house shall measure 20' x 20'.
24. The city shall select, and the applicant shall pay for, an independent, third-party, registered civil engineer to perform a peer review of the engineering and hydrology for the site. The project shall be reviewed to ensure that there is minimal risk of slope failure and that erosion from the site is eliminated. In conjunction with review of the French drain system, the engineer shall also address the possibility of connecting all or part of the storm water collection system directly to the city's drop drain that crosses the lot south of the house site. Connection to this drainage system in whole or in part shall be preferable to using the French drain system alone. This condition shall be complied with prior to receiving final approval of the project. In the event that the results of the review necessitate construction of additional works on the property that were not reviewed by the Planning Commission or City Council, the applicant shall be required to go back to the Planning Commission for approval.

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