

**RESOLUTION NO. 09-39**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING PLANNED DEVELOPMENT PERMIT 08-01  
VARIANCES 09-03 & 09-04 AND TENTATIVE PARCEL MAP 71186  
FOR A NEW TWO-STORY 3-UNIT CONDOMINIUM BUILDING  
AT 2197 ROCKRIDGE TERRACE AS REQUESTED BY  
KEUN MIN LEE**

WHEREAS, a request by Keun Min Lee has been received for a Planned Development Permit, for a two-story three-unit condominium building with a Tentative Parcel Map, and with Variances for parking and an overheight wall in the side setback, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on July 28, 2009, held a public hearing and conducted a review of the request and where it was continued to September 22, 2009 and then to October 13, 2009 where it was approved; and

WHEREAS, on October 26, 2009, an appeal of the Planning Commission's determination was filed with the City; 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 Class 2.5(c)(1) (new construction) 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 City Council has reviewed the facts contained in the staff report dated December 7, 2009 regarding the application for a Planned Development Permit, Variances and Tentative Parcel Map at 2197 Rockridge Terrace, 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 City Council finds the following:

Section 1

Planned Development Permit

1. That the proposed development complies with the general plan and with the intent of the development standards of the R-3 zone for protection of neighborhood character and preservation of the general welfare of the community. The proposed three unit apartment building complies with the intent of the development standards of the Zoning Designation. The proposed building has an attractive design and is being developed at a density significantly less than the average density of other multi-family developments in the immediate neighborhood. In addition, it is being developed under stringent Zoning Code development standards which require guest parking and landscaping. The

setbacks provided are in excess of the requirements of the Zoning Code. The proposed building is an attractive addition to an established multi-family area of the city. The proposal adds to the multi-family housing stock and assists in meeting the Housing Element goal of providing varied housing types in the city.

2. That the site plans, architectural design and landscaping plans of the project contribute to the R-3 zone goals of:

A. Compatibility with the density, character and design of any surrounding neighborhoods, particularly where adjacent to single-family residences:

The density of the proposed project is 9 units per acre which is significantly less than the 15.5 units per acre density of existing multi-family development in the neighborhood and well below the High Density Residential Land use of 30 du/ac. Permitted . The property is a corner lot which delineates a boundary between two contiguous single and multi-family neighborhoods to the south and north, respectively. The proposed building is an attractive structure with three townhomes which provide a transition between the single family homes to the south of the site and the more traditional apartment type buildings to the north. The proposal has been reviewed by the Design Commission which voted to recommend that the Planning Commission approve the project.

B. Internal compatibility of the project's architecture, landscaping, and use of open space to achieve a high quality residential environment:

The 3-unit townhouse project has an attractive design and complies with the requirements of the Zoning Code in regards to architecture with landscaping and open space provided in excess of the requirements of the Zoning Code. The three units have a consistent architectural style but also have a variety of planes and heights creating a more varied building. Landscaping and open space are included on all four sides of the building and significant setbacks in excess of Zoning Code requirements.

C. Sufficient open space provided for both private and common areas to maintain a low density or semi-rural character for the project as a whole.

The proposed project has a building lot coverage of 28% which is significantly less than the 50% permitted by the Zoning Code. Landscaped areas comprise 38.9% of the total site which is greater than the 35% required. Plants and vegetation are provided on all sides of the proposed building. Existing mature trees will remain which provide screening of the proposed building from neighboring properties. The proposed project is consistent with other multi-family developments in the neighborhood and is being developed using current Zoning Code requirements.

3. That any departure from guidelines permitted by the Planning Commission should be utilized to effectively achieve quality and compatibility with the surrounding neighborhoods. The proposal has no significant departures from the guidelines and no variances are included as part of the application packet. The proposed Conditions of Approval require the height of the building and the roof be lowered to mitigate the impacts on views for the neighboring triplex to the north of the subject property. The applicant has redesigned the project by lowering the size of one unit which enabled the building to be setback an additional 6' 5" more than the requirement of the zoning Code. This allows the project to be built as a two-story building similar to the other multi-family buildings in the neighborhood.

4. That 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.
5. That any potential for the project to present visibly excessive bulk from any nearby vantage point is mitigated by screening or siting characteristics. The proposed project has landscaping provided on all of the four sides. Existing cypress trees will be removed as part of the project. However, other existing mature trees including pine, ash, elm, pepper and oak trees will remain and continue to provide screening from neighboring properties. The building has variety in planes and elevations which reduce the bulkiness of the building from neighboring properties. However, Rockland Place has a slope and the proposed building is on a parcel which is at a higher elevation than properties located to the south of it. A Condition of Approval requiring the height of the building and the pad elevation be reduced is recommended in order to reduce bulkiness and impacts on views.

#### Tentative Parcel Map

- a. That the proposed map is not consistent with applicable general and specific plans. The proposed condominium project is consistent with the Housing Element of the General Plan.
- b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans. The proposed condominium project is consistent with the Housing Element of the General Plan by providing for variety in the type of housing available in the city.
- c. That the site is not physically suitable for the type of development. The site is a 14,500 sf property that is able to contain the proposed three units similar to other properties in the neighborhood and is being developed at a lower density than the area average and well below the allowed density.
- d. That the site is not physically suitable for the proposed density of development. The proposed development is being proposed at a density of 9 units per acre which is significantly less than the permitted density of 30 units per acre.
- e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The proposal is located on a site which previously contained a single family house in the middle of residential neighborhood. There are no fish or wildlife habitats in the area.
- f. That the design of the subdivision or the type of improvements is likely to cause serious public health problems. No public health problems would be created by the proposed three-unit condominium project as it is on a site that previously contained a single family house. The project will be connected to the local sewer and utilize existing storm water facilities.

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. The proposed three-unit condominium project does not conflict with easements and has been reviewed by the City's Public Works Department.

#### Variance - Parking

- A. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. In reviewing the proposed project, staff has noted that the irregular shape and the slope of the parcel significantly impact the potential development of the site. The shape and the hillside have resulted in unusable areas of the site that restrict the location of the building and potential parking spaces. It is the shape and slope of the lot that has deprived the property from meeting the development standards for parking. The project is proposed at a density significantly less than that of other multi-family development in the neighborhood and with a parking per unit ratio significantly greater than the neighborhood.
- B. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The Variance is for a reduction in the number of covered parking spaces from 9 to 6. The project provides a total of 3 parking spaces per unit compared to 1.68 for the neighborhood, or nearly double the area average which is a significant difference. All other development standards are met as proposed except for wall heights in the setbacks which is being considered in a separate Variance application. The project is proposed at a density significantly less than that of other multi-family development in the neighborhood and with a parking per unit ratio significantly greater than the neighborhood.
- C. That strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards. This site qualifies for a Variance due to its shape, and topography and strict application of the zoning ordinance would result in practical difficulties in developing a multi-family project on the site similar to other properties in the neighborhood. The project is proposed at a density significantly less than that of other multi-family development in the neighborhood and with a parking per unit ratio significantly greater than the neighborhood.
- D. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity. The reduction in parking is not detrimental to the neighborhood and will not be materially detrimental to area property values. The project provides more parking spaces than similar developments in the neighborhood with both covered and uncovered parking spaces provided at a higher rate than existing development in the area.
- E. That the proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values in the neighborhood. The proposed three unit townhouse development is an attractive

building which adds to the predominantly multi-family neighborhood. There are other multi-family developments in the neighborhood which were developed over time. The reduced number of parking spaces proposed is not significant enough to detract from the overall scale and character of the development, or detract from public views or aesthetic values of the area. The project is proposed at a density significantly less than that of other multi-family development in the neighborhood and with a parking per unit ratio significantly greater than the neighborhood.

#### Variance – Wall Heights

- A. That because of special circumstances or exceptional characteristics applicable to the property, the strict application of this code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. The project site has a non-rectangular shape and a 19.5% slope which significantly impacts potential development of the site. There are significant changes in elevation between the property and its neighborhood properties which require overheight retaining walls in order to develop the site with useable flat yard area for recreation and other uses. These walls have been screened to the maximum extent possible but are necessary to develop the site.
- B. That the adjustment authorized will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The Variance is for an increase in the maximum height of side and rear retaining walls in order to develop a three-unit condominium project. These proposed overheight walls face inward to the site and have significant landscaping which provides screening of the walls from public view.
- C. That strict application of zoning regulations as they apply to such property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations and standards. This site qualifies for a wall height Variance because of its shape and topography, strict application of the zoning ordinance would result in practical difficulties in developing the parcel and be inconsistent with other development in the area..
- D. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity. The proposed increased wall heights would not be detrimental to the neighborhood. The proposed three-unit townhouse is attractive and would be a good addition to the neighborhood and increase adjacent property values.
- E. That the proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values in the neighborhood. The proposed three unit townhouse development is an attractive structure which adds to the neighborhood. The increased wall height would not detract from the overall scale and character of the development or detract from public views or aesthetic values of the area. Significant landscaping is provided for screening on the site in order to reduce its visual impacts. In addition, the project is being developed at a density significantly less than the existing density for the neighborhood which protects the scale of the neighborhood.

Section 2:

NOW, THEREFORE, be it resolved that the City Council denies the appeal of the Planning Commission approval of the Planned Development Permit, Variances and Tentative Parcel Map request at 2197 Rockridge Terrace, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 7<sup>th</sup> day of December, 2009.

  
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Laura Olhasso, Mayor

ATTEST:

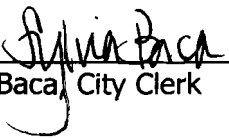
  
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Sylvia Baca, City Clerk

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. 09-39 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 7th day of December 2009, by the following vote:

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

Dated: December 10, 2009

  
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Sylvia Baca, City Clerk

**CONDITIONS OF APPROVAL  
PLANNED DEVELOPMENT PERMIT 09-01, VARIANCE 09-03,  
VARIANCE 09-04 AND TENTATIVE PARCEL MAP 71186  
2197 Rockridge Terrace**

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 PDP 09-01, VAR 09-03, VAR 09-04 and TPM 71186.
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 PDP 09-01, VAR 09-03, VAR 09-04 and TPM 71186, except as otherwise stated in these conditions.
5. This approval will expire unless "start of construction" is commenced within 24 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 Planned Development Permit, Variances or Tentative Parcel Map. 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 the 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 prior to issuance of a building permit.
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. All protected trees on site shall be protected during the construction phase of the project. A plan showing this shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.
17. The trash enclosure shall be removed to the end eastern end of the internal driveway to the proposed units. Revised plans showing this change shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.
18. Revised plans shall be submitted including any changes required by the Design Commission and shall be reviewed and approved by the Director of Community Development prior to the issuance of building permits.
19. Show sewer connection on plans in accordance with Public Works Department requirements.
20. Construct 5' sidewalk on Rockridge terrace in accordance with Public Works Department requirements.
21. Construct turnaround at eastern end of Rockridge Terrace in accordance with Public Works Department and Fire Department requirements.
22. Developer to install street lights along Rockridge Place and Rockridge Terrace subject to Public Works Department approval.
23. Plant trees on Rockland Place in accordance with Design Commission requirements.
24. Construct parkway drains, curb and gutter on Rockridge Terrace in accordance with Public Works Department requirements.
25. Construct parkway drains along Rockland Place in accordance with Public Works Department requirements.
26. Developer shall submit public right-of-way improvement to Public Works Department for approval.
27. Bonds shall be posted with Public Works Department for off-site improvements and potential damage to existing improvements.
28. Applicant shall comply with recommendations contained within the arborist report dated August 31, 2009 regarding the existing oak trees.
29. Substantive engineered fence or wall shall be installed on the top of the proposed wall along the northern property line in order to prevent vehicles from parcel to the north falling down the slope. Plans for the fence or wall shall be reviewed and approved by the Director of Community Development prior to the issuance of building permits.
30. Trees to be preserved during demolition, grading and construction shall have a temporary construction fence installed five feet beyond the drip line of the tree to be protected or the farthest distance from the tree trunk possible. The fence shall be anchored by galvanized steel fence posts and shall be six feet tall and shall be composed of chain-link with orange plastic fencing attached to the chain-link. The placement of the fence shall be approved by

an I.S.A. Certified Arborist or the designated representative of the City of La Cañada Flintridge.

31. Protective fencing shall remain around the tree until written authorization is received from the City. The fencing shall be maintained in a vertical position throughout the construction and shall not be removed or relocated without written authorization from the City and the relocation of the fences shall be done under the supervision of an I.S.A. Certified Arborist.
32. Prohibit dumping of all paints, solvents, stucco, cement, concrete, mortar, excess soil and other foreign materials within the area defined as five feet beyond the drip line of the trees to be preserved.
33. Avoid or at least minimize grading (cutting or adding soil), storage of vehicles and building materials within the area defined as five feet beyond the drip line or fenced areas of trees to be preserved.
34. Prohibit trenching or continuous digging for utilities, i.e. sewer, plumbing or electrical or building footings and foundations defined as five feet beyond the drip line of trees to be protected. If footings encroach on a tree's drip line, Pier and beam footings should be used within the root protection zone. Such footings or foundations must be hand-dug avoiding large roots one inch diameter and larger. Consult an I.S.A. Certified Arborist for root care.
35. Roots, which are encountered during excavation, should be avoided if possible. Roots, which are cut, torn or damaged, must be pruned back to the side of the excavation with a clean, sharp pruning tool. Where possible cover the root ends with burlap or cloth until back-fill can occur. Keep burlap and root ends moist until back-fill can occur to prevent the roots from dying out.
36. Pruning of tree branches should be done under the supervision of an I.S.A. certified Arborist. Pruning may be necessary to provide building clearance and clearance for building scaffolding. Pruning should attempt to dead wood, enhance the structure, eliminate defects and provide building clearance. In general, the goal is avoid unnecessary cuts over 2 inches in diameter and not remove more than one-third of the tree's foliage at one-time. In the case of Coast Live Oak trees, they should have no more than 10% of the live oak removed at the time of pruning. Tree pruning must conform to International Society of Arboriculture Guidelines and ANSI 300 Pruning Standards.

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