

**RESOLUTION NO. 09-40**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING SECOND-FLOOR REVIEW 08-15 AND  
DIRECTOR'S MISCELLANEOUS REVIEW 09-01 (FLAT ROOF)  
FOR CONSTRUCTION OF A NEW TWO-STORY  
SINGLE-FAMILY RESIDENCE  
AT 5180 PRINCESS ANNE ROAD  
AS REQUESTED BY  
MR. AND MRS. CHRIS LEE**

WHEREAS, a request by Mr. and Mrs. Chris Lee has been received for Second-floor Review and Director's Misc. Review (flat roof) to allow the construction of a new two-story residence, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on February 10, 2009, after publication and posting of the request in the prescribed manner, held a public hearing and conducted a review of the request and voted to approve the request; and

WHEREAS, on February 24, 2009, an appeal of the Planning Commission's determination was filed with the City; and

WHEREAS, the City Council, on April 20, 2009, after publication and posting of the request in the prescribed manner, held a public hearing on the Second-floor Review and Director's Miscellaneous Review request and voted to return the project to the Planning Commission for further review; and

WHEREAS, the Planning Commission, on July 28, 2009, after publication and posting of the request in the prescribed manner, held a public hearing and conducted a review of the revised request and voted to continue the project for further redesign; and

WHEREAS, the Planning Commission, on October 13, 2009, after publication and posting of the request in the prescribed manner, held a public hearing and conducted a review of the request and voted to approve the request; and

WHEREAS, on October 27, 2009, an appeal of the Planning Commission's determination was filed with the City; and

WHEREAS, the City Council, on December 7, 2009, after publication and posting of the request in the prescribed manner, held a public hearing on the Second-floor Review and Director's Miscellaneous Review request and voted to deny the appeal thereby upholding the Planning Commission's determination; and

WHEREAS, the Planning 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(c)(1)(new construction) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA; and

WHEREAS, the City Council has reviewed the facts contained in the agenda report dated December 7, 2009 and original staff report dated February 10, 2009, regarding the application

for Second-floor Review and Director's Misc. Review (flat roof) at 5180 Princess Anne Road, 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:

*Second-floor Review:*

1. The two-story design includes adequate setbacks, screening and modulation because the proposed residence would be well articulated and tastefully detailed in a manner representative of the Tudor style. Compliant and ample side and rear setbacks are provided at both floor levels, including substantial first and second-floor setbacks to the south, which would be augmented by installation of 11 new trees. An average front setback of 145 feet would be provided, visually enhanced through retention of numerous mature trees.
2. The two-story design preserves the existing scale and character of the surrounding neighborhood because although the proposed home is large, it has been reduced in size and remains sensitively massed, and would not convey an excessive visual scale. Other mid-to-large two-story homes are found in the immediate area while the subject home would not be viewed in totality considering the configuration of the site, position of the home at the rear 1/3 of the lot and distant arrangement of neighboring homes, the most proximate of which is a comparably-sized structure. The rustic design and materials would integrate well within the neighborhood, which is defined by a mixture of single and two-story homes and a lack of architectural uniformity.
3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors because the new home would be sited toward the rear of a spacious and visually insulated site and, as such, would not be readily visible from numerous vantage points. Neighboring homes are adequately separated and would retain views away from the site while elimination of a sizeable deck would mitigate potential privacy impacts to the south.
4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council because the reduced scale, massing and materials utilized by the project relate well with the site and are sensitive to the character of the immediate area and would be consistent with the primary directives of the City's Residential Design Guidelines, the foremost consideration of which is neighborhood compatibility.

*Director's Misc. Review (flat roof):*

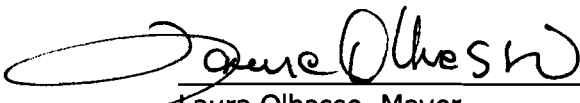
1. The roof configuration accommodates an architectural objective, as dictated by style, scale, and/or architectural consistency with the subject structure because the Tudor style is readily apparent in the project's use of deep hips that create a substantial and focal roof form. However, extension of these hips to a central ridge would result in considerable and excess building height beyond code limits, thus demonstrating the need for a flat roof element within the overall roof scheme.

2. The proposed project preserves the existing scale and character of the surrounding neighborhood, and protects public views, and is sensitive to private views and aesthetics and other property values in such neighborhoods in a manner compatible with development of the subject lot and with the residential design guidelines because the roof design is consistent with the Tudor style and eases overall massing through presentation of significant sloping planes. No scale, compatibility or privacy issues attributable to the project's roof design are apparent.

Section 2:

NOW, THEREFORE, be it resolved that the City Council approves the Second-floor Review and Director's Misc. Review (flat roof) requests at 5180 Princess Anne Road, 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.

  
\_\_\_\_\_  
Laura Olhasso, 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. 09-40 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: Del Guercio, Spence, Voss, Olhasso  
NOES:            COUNCILMEMBERS: Brown  
ABSENT:          COUNCILMEMBERS: None  
ABSTAIN:        COUNCILMEMBERS: None

Dated: December 9, 2009

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

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**  
**SECOND-FLOOR REVIEW 08-15**  
**DIRECTOR'S MISC. REVIEW (FLAT ROOF) 09-01**  
5180 Princess Anne Road

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 08-15 and Director's Misc. Review (flat roof) 09-01.
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 labeled Second-floor Review 08-15 and Director's Misc. Review (flat roof) 09-01, Sheets A-01 thru A-08, 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 Second-floor Review and Director's Misc. Review (flat roof). 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. 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.
13. The 2<sup>nd</sup>-floor deck and access door along the south side of the house shall be eliminated from the project and replaced by an extension of the adjacent roof. Said roof shall be designed and constructed to prevent both its use as a deck and future conversion into a deck. Prior to submittal of the project for plan check, revised plans to this effect shall be submitted for review and approval by the Director of Community Development.
14. Non-permitted rear yard structures, including the sports court and lighting shall be removed in conjunction with demolition of the existing residence.
15. Existing site landscaping is required as view mitigation for the project. Therefore, prior to issuance of building permits, a landscape plan inventorying all mature landscaping on site and addressing screening deficiencies along the south side property line where

adjacent to the neighboring pool/patio at 907 Valley Crest Street shall be submitted for the review and approval by the Director of Community Development.

16. Existing site landscaping is required as view mitigation for the project. Therefore, all mature front, rear and side yard trees shall be preserved and protected. If damaged or removed during construction, comparable replacement plantings in terms of species, height and density shall be required.
17. All work within the street right-of-way shall require approval from the Public Works Department.
18. Applicable tree protection guidelines for the five (5) front yard deodar cedars and 12-inch oak tree indicated on the site plan shall be strictly adhered to during all phases of construction. Furthermore, installation of a 6-foot high chain link protection barrier that bisects the lot along a course parallel to the proposed driveway and completely separates the aforementioned trees from the construction zone shall be required prior to the issuance of demolition or building permits. Said barrier shall provide 10 feet of minimum separation between the western edge of the driveway and two proximate deodar cedars.
19. Prior to issuance of any permits, a topographical survey of the subject property shall be submitted to confirm the existing pad elevation. Furthermore, the project site plan shall be revised to include elevation points and confirm that the new house will be constructed at the lowest point of the existing pad level. Any grading or alteration to the pad that results in an increased pad elevation shall be strictly prohibited.
20. Unless this approval is appealed to the City Council, story poles shall be removed promptly (within one week) after expiration of the 15-day appeal period. Verification of this shall be required prior to submittal of the project for plan check OR prior to issuance of building permits for those projects where "at-risk" plan check is in process or has already been completed.
21. Prior to final clearance and issuance of occupancy, installation of all landscaping indicated on the final landscape plan labeled Second-floor Review 08-15 and Director's Misc. Review 09-01 shall be confirmed by staff.
22. The three front yard trees indicated on the landscape plan shall have a minimum planting size of 60-inches and shall be of an evergreen/non-deciduous species.
23. A 6-foot high block wall shall be installed along the south side property line in accordance with applicable fence/wall regulations. Said wall shall extend from the southeast corner of the site to the required front setback and shall be indicated on a revised site plan. Said wall shall be constructed prior to issuance of any permits for the new residence.
24. Brick veneer and timber/stucco shall be utilized at the 1<sup>st</sup> and 2<sup>nd</sup>-floor levels, respectively, throughout the front elevation. Angled brickwork on the 2<sup>nd</sup>-floor front bays shall be eliminated and replaced with stucco. Prior to submittal of the project for plan check, revised plans to this effect shall be submitted for review and approval by the Director of Community Development.

25. The applicant shall prepare a Haul Route Management Plan. The plan will describe the route, queuing and destination of the trucks for removal of dirt 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. As part of the plan, the applicant shall fund a temporary city employee to act as the Haul Route Manager for the city. This person shall be responsible for managing the plan and shall report directly to the City Engineer or the Director of Public Works. No permits of any kind shall be issued until the Haul Route Management Plan is approved by both Directors and the Plan Manager hired.
26. The attic roof shall be supported by a permanent truss system with the bottom chord less than 6 feet above the attic's finished floor level. The trusses shall be spaced no farther than 4 feet on center.
27. Overall building height shall be reduced to the maximum extent possible through a reduction of plate heights and/or alteration to roof pitch, and shall not exceed 29 feet at any point.
28. The home shall be shifted to the northeast in order to maximize south side setbacks at the 1<sup>st</sup> and 2<sup>nd</sup>-floor levels, which, at minimum, shall be 17 feet and 34 feet, respectively.
29. 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.

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