

RESOLUTION NO. 10-22

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING SECOND FLOOR REVIEW 09-32,
AND MODIFICATION 09-13
FOR A NEW TWO-STORY RESIDENCE AT 1225½ FLANDERS ROAD
AS REQUESTED BY CHENGXING ZHAI and HUI SU**

WHEREAS, a request by Chengxing Zhai and Hui Su has been received for a Second Floor Review and Setback Modification to allow construction of a new 2-story residence with the first floor south side setback encroachment, said request attached hereto and incorporated by reference; and

WHEREAS, after publication and posting of the request in the prescribed manner, the Planning Commission, on February 23, 2010, held a public hearing and approved the project; and

WHEREAS, on March 10, 2010, an appeal of the Planning Commission's determination was filed with the City; and

WHEREAS, the City Council, on May 3, 2010 and June 7, 2010, after publication and posting of the request in the prescribed manner, held a public hearing on the Second-floor Review and Modification request and voted to deny the appeal thereby upholding the Planning Commission's determination with modified conditions of approval; and

WHEREAS, the City Council determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act (CEQA) under Class 2.5(a)(4)(i) and 2.5(e)(1) 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 reports dated June 7, 2010 and May 3, 2010 and original staff report dated February 23, 2010, regarding the application for Second-floor Review and Modification at 1225 ½ Flanders 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 proposed second-floor has compliant setbacks in accordance with the requirements of the Zoning Code. The elevations of the proposed house have sufficient modulation and building materials to create a house that is consistent with its architectural style. Existing mature trees in front of the house provides visual buffering.
2. The existing residence's Minimal Traditional style will be incorporated in to the second-floor addition. The second-floor addition's visual scale, generous front, side and rear setbacks, existing mature landscaping, and screening helps preserve the character and scale of the neighborhood.

3. The proposed second-floor front, side and rear setbacks protect neighboring properties and minimize the impacts of the proposed house on the neighborhood. The proposed house is of Minimal Traditional architectural style and is compatible with the designs of houses in the neighborhood.
4. 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.

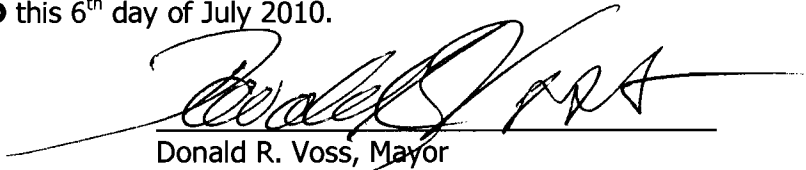
Modification:

1. The addition itself demonstrates sufficient setbacks; however, since the addition requires the removal of greater than 30-percent of the roofed area, the project is regarded as a new house. The first-floor southerly side setback is longstanding and will not be altered. As conditioned, the setback encroachment would not add any visible mass and is consistent with other development in the immediate vicinity.
2. The project maintains the existing single-family use of the property while comparable encroachments are presented by structures on other properties in the immediate area.
3. The south side setback is longstanding. Requiring a compliant 15'-0" south side setback would entail complete demolition of the existing house, causing unreasonable and an unnecessary hardship inconsistent with the purpose of zoning regulations.
4. Existing encroachments would not be intensified. Thus, the project would not significantly impact the public health, safety or welfare.
5. The second-floor addition would be sensitively integrated into the existing structure, would not cause any view blockage, and would achieve a scale consistent with both the subject home and surrounding neighborhood.

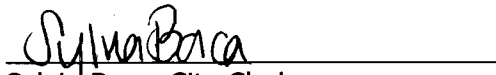
Section 2.

Based on the above findings, the City Council of the City of La Cañada Flintridge hereby approves the Second Floor Review and Modification (SB) for a new 2-story residence and related site work at 1225½ Flanders Road, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 6th day of July 2010.


Donald R. Voss, 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. 10-22 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 6th day of July 2010, by the following vote:

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

Dated: July 7, 2010



Sylvia Baca, City Clerk

EXHIBIT "A"
CONDITIONS OF APPROVAL
SECOND FLOOR REVIEW 09-32
MODIFICATION 09-13
1225½ Flanders 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 09-32 and Modification 09-13.
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 plans labeled Second Floor Review 09-32 and Modification 09-13, 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 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.
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 Resolution 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 Modification. 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 Department 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. 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.
13. The location and dimensions of mechanical equipment shall be clearly shown on plans and shall be located outside of required setbacks. Roof mounted mechanical equipment shall require review and approval by the Director of Community Development prior to installation.
14. The entire wall and roof along the south side of the house (garage) shall be retained prior to and throughout the construction process.
15. The second floor bathroom windows located on the south elevation shall be revised to clerestory. The clerestory windows shall be installed no lower than 6-feet high as measured from the floor. The revised plans shall be submitted to the Planning Department prior to plan check submittal.
16. Three Queen Anne Palms with a minimum height of 15 feet as measured from grade shall be installed on the northwesterly side of the rear driveway, approximately 10 feet away from the proposed residence subject to review and approval of the Director of Community Development prior to building permit final and occupancy.
17. A series of potted/boxed Queen Anne Palms with a minimum height of 15 feet as measured from grade shall be temporarily placed along the southerly property line/hedge and shall remain in place until such time as the Director of Community Development determines that the property line hedge has grown to a height that sufficiently screens the two-story house from views from 1215 Flanders Road. The

potted/boxed Queen Anne Palms shall be placed onsite and inspected by the Director of Community Development or his designee prior to building permit issuance.

18. The hedge along the southerly property line shall be preserved and protected, and if necessary replaced. The hedge shall be maintained and kept at least 15 feet in height except to the extent required by the Fire Code. The property owners shall sign a covenant agreeing to the perpetual protection, maintenance and preservation of the said hedge prior to the issuance of any building permits and the covenant shall be recorded in Los Angeles County Recorder's office prior to occupancy.

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