

RESOLUTION NO. 10-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA CAÑADA FLINTRIDGE DENYING ALL APEALS AND APPROVING HILLSIDE DEVELOPMENT PERMIT 06-55 AND SECOND FLOOR REVIEW 07-10 FOR A NEW HOUSE ON A HILLSIDE LOT AT LOT 8 OF TRACT NO. 8882 REQUESTED BY PHILLIP MERRITT

WHEREAS, a request by Dr. Phil Merritt for a Hillside Development Permit (HDP 06-55) and a Second Floor Review (SFR 07-10) for a new house on a hillside lot was approved by the Planning Commission on April 27, 2010 and subsequently appealed to the City Council; and

WHEREAS, the City Council, on July 19, August 2, and October 18, 2010, after publication and posting in the prescribed manner, held public hearings on the appeal; and

WHEREAS, in compliance with the California Environmental Quality Act (CEQA), the City Council reviewed the Initial Study Questionnaire and related materials and hereby determined that the project would have no significant impact on the environment as mitigated, and hereby adopts a Mitigated Negative Declaration for the project; and

WHEREAS, the City Council has reviewed the facts contained in and attachments to the Planning Commission staff report dated April 27, 2010, and the City Council staff reports dated July 19, August 2, and October 18, 2010, and has reviewed all submitted materials and evidence regarding the application for a Hillside Development Permit and Second Floor Review on Lot 8 of Tract No. 8882, 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, public testimony, and submitted materials, the City Council finds the following:

Section 1. Hillside Development Permit:

1. The project, through elements of architectural and landscape design, will enhance its setting. The project uses stepped massing, is set down into the hillside below the top of the slope it is on, is screened by proposed landscaping, and uses colors and materials that meet the Light Reflectance Value standards to blend with its environment.
2. The project will maximize potential for sensitive use and effective preservation of open space. The project establishes a relatively compact building footprint of 4,224 sf (roof plan) on a 41,382 sf lot (10.2%) pushed generally to the center of the lot with generous front, sides and rear landscaped setbacks, and uses sensible grading to enhance the amount of usable open space.
3. The project will not be detrimental to the public health, safety, or general welfare. The project provides code-compliant parking and Fire Department required on-site hammerhead, twenty-foot wide driveway access, and fire safe landscaping, as conditioned, to address safety issues. Development of the site will conform to the requirements of the Engineering Geologist, the civil engineer's requirements, and the

city's regulations for all aspects of construction. The project does not pose any issues relative to health or general welfare.

4. The project will not adversely affect the orderly development of property within the City. The project site allows development of a single family home as it is an existing subdivided lot that is zoned and intended for development of a single family house as resolved by the General Plan Land Use Element and specifically identified by the Zoning Ordinance.
5. The project will conform to the goals and policies set forth in the General Plan. The single house maintains and enhances the City's character as a low density, wooded, predominately single-family residential and hillside community. The character and size of this new development does not detrimentally alter the character and size of the existing neighborhood as it is built to standards and designs identical to those that surround it. The development does not impact ridgelines and complements the natural landform of the lot. Appropriate environmental analysis and review has been performed which indicates that the project will not detrimentally impact circulation capacities or recreation resources as mitigated. The house has been re-designed to reduce its bulk and fit well within its large lot.
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, consisting of a single-family residential use, will contain a single family unit as determined by the General Plan Land Use Element and the Zoning ordinance. Single family residences are not generally prone to the creation of nuisance, hazard or enforcement problems as they are the nucleus of stability for a city. Activities are limited to normal family development, including boarding, learning and growing.
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 exceeds only one provision of the Hillside Development Chapter of the Zoning Ordinance – the slope factor guideline for total floor area. This guideline may be exceeded if the Planning Commission or City Council can support its justification. In this case, the house design has employed stepped massing, placed the house completely into the side of the hill well below its crown, maintained large setbacks, and developed on a lot that is 1½ times the size of the average surrounding lot with a Floor Area Ratio that is only 2% more than the average of the surrounding lots. The resulting house is about 2,500 sf smaller than allowed by 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 may be visible from long-range views, but would be substantially screened from shorter range views with the conditioned improvements to the landscape plan. The LRV in conjunction with the landscaping would also mitigate much of the longer-range views.

9. The project does not create an avoidable or unreasonable impairment of the view from any other property. None of the houses in the area is oriented or elevated so as to have primary views that could be affected (blocked) by the project. The house sits well below the crown of the hill (Hampstead Road) and is not situated in front of other houses.
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 revised house has been reduced in height to reduce its 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 has been reviewed by engineering geologists, geologists, civil engineers, and the Fire Department to address all these issues. These professionals have addressed all the issues and provided specific directions and requirements that must be met in order to develop safely on the site. Such requirements are standard for development.
 - c. The privacy of the residents of other properties will not be unreasonably compromised. The landscape screening plan, as conditioned, has addressed additional screening along the driveway and along the front of the house. The additional screening will prevent unreasonable compromise of the privacy of adjacent residences.

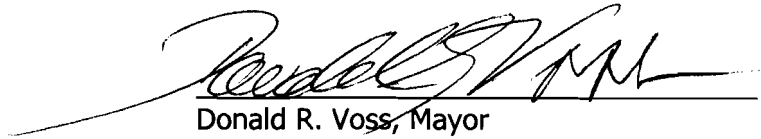
Section 2. Second Floor Review:

1. The two-story design includes adequate setbacks, screening and modulation. Setbacks meet or exceed the code requirements and take advantage of the large size of the lot. The building design contains extensive modulation with much of the second floor under hipped roofs. Landscape screening will be enhanced throughout the site.
2. The two-story design preserves the existing scale and character of the surrounding neighborhood. Two-story houses are numerous in the immediate vicinity and the wider area, and the massing and detailing of the house will more than match the quality of architecture in the neighborhood.
3. The two-story design protects public views, aesthetics, privacy and property values of the neighbors. The design and central location of the new house on the lot meet required setbacks and utilize the size of the lot to separate the building from the adjacent neighbors. Augmented landscaping throughout the site, but especially along the south and eastern boundaries of the site where neighboring houses lie below the elevation of the proposed house would provide adequate privacy and provide aesthetic appeal without disrupting the views of the neighbor. The remaining sides of the house are secluded by distance, existing landscaping, and topography.

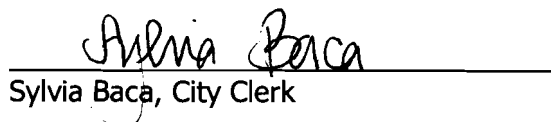
4. The two-story design is consistent with the Residential Design Guidelines as adopted by resolution of the City Council. The Guidelines encourage careful massing and detail, as illustrated but not limited to a number of instructive styles. Compatibility of design details as well as massing and siting is a major Guidelines concern met by the project, which is also consistent with the Guidelines in general. As reflected in the other findings, the design fulfills the Guidelines' major sections: neighborhood compatibility, site development, physical design components, and landscaping.

NOW, THEREFORE, based on the above findings, the City Council of the City of La Cañada Flintridge hereby denies all appeals and approves the Hillside Development Permit and Second Floor Review for a new house at Lot 8 of Tract No. 8882, subject to the conditions attached to this resolution.

PASSED, APPROVED AND ADOPTED this 1st day of November, 2010.


Donald R. Voss, Mayor

ATTEST:

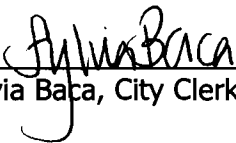

Sylvia Baca, City Clerk

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. 10-41 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 1st day of November 2010, by the following vote:

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

Dated: November 2, 2010



Sylvia Baca, City Clerk

**CONDITIONS OF APPROVAL
HILLSIDE DEVELOPMENT PERMIT 06-55
SECOND FLOOR REVIEW 07-10
Lot 8 of Tract No. 8882**

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 architectural plot plans submitted, labeled HDP 06-55/SFR 07-10, Sheets A1 through A11 excluding Sheet A3, and stamped Final Approved except as otherwise stated in these conditions, and the Windermere Place street plans as approved by the Director of Public Works.
3. Prior to obtaining a building permit, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on a form to be provided by the Community Development Department along with the notice of approval. Any revisions to project drawings required through these conditions of approval shall also be submitted prior to permit issuance.
4. All buildings, fences, signs, roadways, parking areas, landscaping and other facilities or features shall be located and maintained as shown on the architectural plot plans submitted, labeled HDP 06-55/SFR 07-10, Sheets A1 through A11 excluding Sheet A3, and stamped Final Approved except as otherwise stated in these conditions.
5. All buildings and structures shall be of the design as shown on the elevation drawings labeled HDP 06-55/SFR 07-10, Sheet A7 and stamped Final Approved.
6. Unless start of construction is commenced not later than thirty-six months after this approval is granted and is diligently pursued thereafter, this approval will automatically become null and void. However, if no revisions to the Zoning Code have been implemented since the project approval that would result in zoning nonconformity, 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. 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/Second Floor Review. 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 or City Council does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Building and Safety Division 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. 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 adjacent to 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, away from the 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.
14. Since the project is a hillside lot as defined by City ordinance, a final 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 plans by the Public Works Department and the recordation of a covenant and restriction by the property owner are required prior to the issuance of any grading and/or building permits. 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. Any necessary deposits to cover review costs shall be paid to the City Finance Department prior to the City Engineer's review and approval.

15. This project will require the improvement of Windermere Place. Final plans for Windermere Place, a city street, shall be submitted to the Department of Public Works for review and approval. The plans shall conform to the plans approved by the City Council during their deliberations. If further studies are necessary to attain the final design, they shall be the responsibility of the applicant. After the final design is approved by Public Works, the applicant shall submit the plans to the California Department of Fish and Game for approval, if necessary, with oversight by the city. The applicant shall be responsible for the construction of all improvements within the Windermere Place right-of-way in accordance with the approved plans and the regulations of the city. Trees on or near the Windermere Place street right-of-way that are identified by city to be preserved shall be protected in accordance with the regulations in the Municipal Code. The applicant shall prepare a protection plan, including a root system protection plan, for the trees identified to be preserved. An arborist, contracted by the city and paid for by the applicant, shall review for sufficiency the final design for Windermere Place and the protection plan prepared by the applicant. The applicant shall modify and implement the protection plan as recommended and approved by the arborist. Should the protected trees not survive for a period of five (5) years from the completion of Windermere Place, replacement tree(s) shall be required. The number, size, species and location of replacement tree(s) shall be determined by the Community Development Director. Any trees lost or to be removed shall be replaced with equivalent value trees or multiple trees to equate to equivalent value. The location of the replacement tree(s) may be on a different property if the property owner does not cooperate or allow the replacement tree(s). Applicant shall post a bond or security for the cost to replace trees that do not survive the five year period. The bond or security shall be in the amount and form as approved by the city. The applicant shall post a bond or security for the completion of Windermere Place and any requirements of the Department of Fish and Game prior to the issuance of any building or grading permit. The bond or security shall be in the amount and form as approved by the city. In addition to the bond or security, prior to the start of work on the house, applicant shall submit an erosion/drainage plan for review and approval by the Department of Public Works.
16. Due to the grade and alignment of the proposed driveway, it will be critical that the Los Angeles County Fire Department provide final approval of the access to the home. Alternate fire protection methods may be needed during the interim construction period if equipment access cannot be provided to within 150 feet of all portions of the building.
17. Approval is conditioned upon the ability to build and operate an on-site waste treatment system approved by the Los Angeles County Environmental Health Department. Approval of an adequate on-site waste treatment system designed to accommodate all

the fixtures of the proposed house shall be obtained prior to the issuance of any building permits for the residential construction.

18. 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 Construction and Demolition Recycling Tool Kit with the BDMR is available at the Public Works Department. A performance security is required prior to the issuance of the grading and building permits.
19. The applicant shall be required to provide a revised landscape plan that encompasses his lot and Windermere Place. The landscape plan shall account for the requirements of the final Streambed Alteration Agreement from the Department of Fish and Game, and the proposed drainage system through Windermere Place. The applicant shall provide the city with a sufficient deposit to hire an arborist to report the status and value of all trees covered by this landscape plan. Any trees to be removed shall be replaced with equivalent value trees or multiple trees to equate to equivalent value. The landscape plan shall be reviewed and approved by the Planning Commission, Community Development Director and the Public Works Director prior to the issuance of any permits for the site. The revised landscape plan shall incorporate appropriately sized specimens for screening to the east and south, and as directed by the Planning Commission or City Council, and the Fire Department's Fuel Modification Plan Guidelines. The design shall fully screen the driveway and maximize screening of the house. The plans shall also include planting details, irrigation details and an analysis of how the plants will root in the soils that are on-site. No occupancy shall be granted until the Director of Community Development or his designee confirms that the landscaping installation is complete and consistent with the approved plan.
20. 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 (e.g. trash trucks). 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.
21. 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.
22. This Hillside Development Permit/Second Floor Review does not authorize construction of any fencing over forty-two inches in height in the front setback or within the twenty-five foot setback of a through lot (this is a through lot). Any fencing/gates over forty-

two inches in height in either of these locations shall be subject to a separate Fence Review permit which may be applied for at the Community Development Department.

23. Construction activity for development of the site shall be restricted to the following schedule:

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
24. A dry sewer shall be installed in Windermere Place as part of its design.
25. Driveway walls shall be adequately designed and constructed to block impact from vehicle headlights onto the living areas of the neighboring homes. The "as-built" height, length and location of the driveway walls shall be approved by the Director of Community Development to achieve the headlight mitigation measures.
26. The house shall be reduced 800 square feet from the Planning Commission approved house as proposed by the applicant. Revised elevation and floor plans reflecting this change shall be submitted to the Community Development Department for the Planning files prior to submittal for any type of building or grading permits. These revised elevations and floor plans shall reflect the further reductions from the plans originally approved by Planning Commission.
27. The driveway and driveway walls, and the landscaping in at least the northern and northeast portion of the site, shall be constructed and installed to the approval of the Director of Community Development prior to building permit issuance for the home.
28. A separate final grading and drainage plan addressing all private drainage from the site and from Windermere Place shall also be prepared. Approval of the grading & drainage plans by the Building & Safety Division are required prior to the issuance of any grading and/or building permits. The drainage plans shall address all private drainage from the site, including the capture of drainage at the junction of the four lots (1218 Inverness Drive/3848 Hampstead Road/3842 Hampstead Road/Merritt lot).

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