

RESOLUTION NO. 07-31

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING VARIANCE 07-05
FOR A REDUCTION IN THE AMOUNT OF PARKING
REQUIRED FOR A COMMERCIAL CENTER (LOS GRINGOS LOCO)
AT 458-468 FOOTHILL BOULEVARD
AS REQUESTED BY BENT HANSEN**

WHEREAS, a request by Bent Hansen, agent for property owner Saied Isaacson, has been received for a Variance to allow a reduction in the number of parking spaces required for expansion of a restaurant use on a commercial site. The site requires 92 parking spaces, but only has room for 43, said request attached hereto and incorporated herein by reference; and,

WHEREAS, the Planning Commission, on September 25, 2007, after publication and posting of notice in the prescribed manner, held a public hearing on the Variance and approved the request subject to seventeen conditions; and

WHEREAS, the City Council, on December 3, 2007, after publication and posting of notice in the prescribed manner, held a public hearing on the appeal of the Variance; and

WHEREAS, the City Council has reviewed the facts contained in the staff reports dated September 25, 2007 and December 3, 2007 regarding the application for a Variance at 458-468 Foothill Boulevard, and heard and considered the testimony of the applicant and the public; and

WHEREAS, in compliance with the California Environmental Quality Act, the City Council hereby determines that the project will have no impact on the environment, which is Categorically Exempt from the provisions of the California Environmental Quality Act, under Section 2.5(c) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

NOW, THEREFORE, the City Council hereby finds and determines as follows:

- 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 city has non-conforming parking situations existing at almost every commercial location within the city. This is a result of the city's age. The commercial areas were laid out and largely developed in the 1920s-1950s with little regard to the need or demand for automobile parking. Later imposed parking standards have not accounted for these early limitations, and the lack of redevelopment of the sites over time. The Downtown Village Specific Plan contains reduced parking standards for commercial uses, but those standards do not apply until a parking district has been formed for the downtown area. No parking district has yet been formed. Because the reduced standards do not yet apply, similar variances for parking have been granted in the past for Taylor's Steak House, the former Rubio's Restaurant, Sweatz gym, La Canada Presbyterian Church, St. Bedes Church and others. These sites

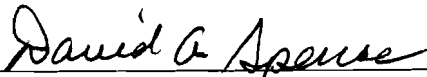
were also not able to meet their parking requirements due to the exceptional characteristics of the site. For these reasons, this site should be treated no differently, and a reduction in parking should be permitted.

- 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 reductions granted to Taylor's Steak House, Rubio's Restaurant, the La Canada Presbyterian Church, and St. Bedes Church were all in the range of around twenty spaces making the reduction in parking approximately the equivalent of the reductions granted to other properties in the area under similar zoning. The parking was also generally commensurate with the actual need. In this case, there is a need to provide at least seven additional spaces (as conditioned) to capture the incremental difference between the current parking and future parking. The adjustment takes into consideration the restriction of use of the expansion area so that parking becomes available for this area after other uses in the center are closed. This adjustment would therefore be consistent with the adjustments allowed on other sites in the commercial areas (time displacement).
- 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. The only way that the current parking standards could be met would be to close off the mezzanine and close one of the retail stores. This would result in a practical legal difficulty and an unnecessary hardship to the property owner, and to the city which promotes commercial activities in the downtown. This is a hardship that the city is not willing to impose on private property. This variance restricts the use of the expansion area until such time as other uses in the center have closed. This decreases the demand for parking during the day, and as more parking becomes available from other closed businesses on the site, the parking situation is not exacerbated.
- 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 design of the parking lot will be in accordance with all the city standards for access, size of spaces, landscaping, etc. The existing number of spaces will not change, however, the demand for space will decrease slightly with the barber shop area closed during the typical 9 a.m. to 5 p.m. time period. As the other retail establishments close, more parking will be available for the restaurant. Nothing about the design would have a detrimental effect upon public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity as conditioned.
- 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 as conditioned. The parking lot will be subject to review and approval by the Design Commission. This will include the addition of required landscaping, correct striping, trash enclosure, fencing, signage and access to buildings. The lot will remain a parking lot, thereby not upsetting the existing character of the area. The current and future design

does not block or interfere with any public views or aesthetic values in the area, when completed.


BASED ON THE ABOVE FINDINGS, the City Council of the City of La Cañada Flintridge hereby approves the Variance for parking, subject to the conditions attached herein as Exhibit A.

PASSED, APPROVED AND ADOPTED this 17th day of December, 2007.



David A. Spence, 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. 07-31 was duly adopted by the City Council of the City of La Cañada Flintridge at a Regular Meeting held on the 17th day of December 2007, by the following vote:

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

Dated: December 26, 2007



Sylvia Baca, City Clerk

**CONDITIONS OF APPROVAL
Variance 07-05
458-468 Foothill Boulevard**

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, except as specifically conditioned herein. 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 Variance 07-05, or as modified by conditions herein or by the Design Commission.
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 site plan labeled Variance 07-05, Site Plan, 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 as they pertain to this project 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, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or 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 Conditional Use Permit and/or 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. The expanded seating area requested for the restaurant shall be closed to patrons until 5:00 p.m. everyday except Sunday. The kitchen portion of the expansion area shall be available at all times.
12. The rear parking lot area shall be cleared of all lean-to structures, all interior fencing and illicit storage areas. A trash enclosure shall be constructed in accordance with Downtown Village Specific Plan standards. A walled, fire-proof cooking oil/grease storage area shall also be constructed in the rear parking lot. The grease storage shall be within an approved enclosure with appropriate floor design. No grease or liquids shall be permitted to flow out of the trash enclosure or the cooking oil/grease enclosure, or otherwise leave the site.
13. A six-foot concrete block wall shall be constructed along the southern boundary of the southern (rear) parking lot. The wall shall be a muted color that blends with the building. Landscaping shall be included between the wall and the asphalt parking surface. The parking lot shall subsequently be re-stripped to maximize the number of spaces on-site. The parking lot design and improvements shall be subject to approval by the Traffic Engineer, the Design Commission and the Community Development Director. The improvements within this condition shall be completed by July 1, 2008.
14. Signage within the rear parking lot shall meet the requirements of the previous lot line adjustment approval (1986).

15. The rear of the building shall be painted to minimize the appearance of conduits, unify the color scheme, and reduce reflected glare onto adjacent residential properties. This condition shall be completed by July 1, 2008.
16. The rear parking lot shall be limited to motor vehicles exclusively, but shall exclude vehicles over two-ton rated capacity. [Zoning Ordinance Section 11.11.030.C.7.]
17. The applicant shall provide a shared parking agreement for restaurant employee parking on adjacent non-impacted parking lots, subject to approval of the Community Development Director. If a parking agreement cannot be obtained, the applicant shall devise and execute an on-site parking program for employees that may include tandem parking in the rear lot, or other suitable arrangement. In no case shall employees park on streets within the neighboring residential areas.
18. The City may process the formation and creation of a parking district pursuant to and as permitted by state or local law for the purpose of reducing the need for on-site parking that would serve this property and proposed project. As a condition of the parking variance approval, upon issuance of a building permit and construction started on this project, applicant/property owner agrees to and waives any protest to the formation of such parking district. Further, the parking variance approved herein is granted until such time as a parking district covering this property is formed, upon which the in-lieu fee established by the parking district shall be paid by applicant/property owner for each parking space required under the district and not provided on-site or on a City approved off-site location.

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