

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON JANUARY 29, 2013**

- I. CALL TO ORDER:** Chairman Der Sarkissian called the meeting to order at 6:04 p.m.
- II. ROLL:** Chairman Der Sarkissian, Vice Chairman Jain, Commissioner Gunter, Commissioner Walker, Director Stanley, Senior Planner Buss, Planner Clarke, Planner Gjolme, Assistant Planner Harris, and Assistant Planner Parinas were present. Commissioner Curtis was absent.
- III. PLEDGE OF ALLEGIANCE:** Chairman Der Sarkissian led the flag salute.
- IV. COMMENTS FROM THE PUBLIC:** No public comments were offered.
- V. REORDERING OF THE AGENDA -** Chairman Der Sarkissian reordered the agenda: item VIIIID was reordered to be heard before item VIIIC and item VIIA was reordered to be heard after item VIIIC.
- VI. CONSENT CALENDAR**
- A. **Minutes:** January 8, 2013 – Vice Chairman Jain motioned to approve the minutes as corrected and Commissioner Walker seconded, 4-0.

VII. CONTINUED PUBLIC HEARINGS

- A. **Zone Change 12-03; City-Wide except in Downtown Village Specific Plan:** Consideration to amend the parking standards [Section 11.14.030.D. Parking] of the City's Zoning Ordinance. More specifically, the amendment would simplify the restaurant parking requirement to a flat ten spaces per one thousand square feet of floor area, reduce the number of parking spaces required for general commercial uses from five spaces per one thousand square feet to four spaces per one thousand square feet, and establish a shared parking provision through a Conditional Use Permit process. Staff is recommending that a Draft Negative Declaration be approved for this project. (Senior Planner Buss)

Senior Planner Buss presented the project in accordance to the staff report.

Chairman Der Sarkissian opened the public hearing.

No public comments were offered.

Chairman Der Sarkissian closed the public hearing.

Chairman Der Sarkissian provided a survey of restaurants in La Canada Flintridge. He stated that the zoning code does not have a definition of restaurant. He believes that up to 10 seats should not be considered a restaurant and should be considered retail. He does not have a problem with staff parking recommendations because of the survey results because most restaurants in the City share parking.

Commissioner Gunter clarified the concept of a shared parking agreement and explained that it is different from businesses located within the same shopping center utilizing the same parking lot.

Vice Chairman Jain suggested adding language to allow for a parking reduction instead of going through a variance.

Senior Planner Buss stated that the CUP process could be expanded to allow for parking reductions.

Commissioner Gunter agreed that a parking reduction should be done through a CUP process.

Commissioner Gunter motioned to continue Zone Change 12-03 to February 26, 2013, Chairman Der Sarkissian seconded, 4-0.

VIII. PUBLIC HEARINGS:

- A. **Conditional Use Permit 463 (Amendment); Rodney Kahn/Melzar LLC; 823 Foothill Boulevard:** Request to allow instructional tastings within an existing liquor store. The project is located in the Mixed Use I zone of the Downtown Village Specific Plan area. Staff has determined that this project is exempt from CEQA. (Assistant Planner Harris)

Commissioner Jain recused himself because he owns property within 500 feet from the project site.

Assistant Planner Harris delivered the power point presentation in accordance to the staff report.

Commissioner Walker asked if there are requirements for public restrooms.

Assistant Planner Harris stated that she did not see any requirements from the Alcohol Beverage Control for public restrooms.

Chairman Der Sarkissian asked if there were any violations of the current Conditions of Approval.

Assistant Planner Harris responded that the Conditions of Approval have not been violated by the current owner.

Chairman Der Sarkissian opened the public hearing.

Rodney Kahn, applicant, stated that there is a restroom available within the business. He clarified the operation of the proposed tastings. He agrees with the conditions of approval.

Commissioner Walker asked Mr. Kahn about how he felt about moving the tasting from 4:00 p.m. to 5:00 p.m.

Mr. Kahn stated that he does not see a need for it.

Pat Anderson, representing the Chamber of Commerce, supports the applicant. She stated that the proposal is a new trend in upscale liquor stores and it will boost retail sales in town.

Chairman Der Sarkissian closed the public hearing.

Commissioner Walker stated that the proposal would bring added value to the liquor store and town. She is concerned with parking. She stated that the business owner cannot count on the Wells Fargo off-street parking.

Director Stanley pointed out the condition of approval about a 6 month parking review.

Commissioner Walker suggested limiting the amount of tastings.

Chairman Der Sarkissian asked the applicant to go over his experience with the Glendale store.

Mr. Kahn stated that the La Canada Flintridge would serve approximately 1 customer for every 8-10 minutes. He explained that the alcohol tasting is new at the Glendale store. The Glendale store is a part of a shopping center and the alcohol tasting has produced a very small increase in the number of participants and has not impacted parking. The Glendale store serves approximately 8-10 people in 2 hours.

Commissioner Gunter stated that the proposal is a good idea and promotes upscale business to reinvigorate retail sales. He understands the concerns for parking. He explained that there is a process for a 6-month parking review. He recommends approval as presented to the Planning Commission.

Chairman Der Sarkissian stated that he supports the project.

Commissioner Gunter motioned to approve Conditional Use Permit 463 (Amendment), Commissioner Walker seconded, 3-0.

Commissioner Jain returned to the meeting

B. Conditional Use Permit 484; Hello Pizza / GTR Reality LLC; 2261 Foothill Boulevard: Request to allow the on-sale of beer and wine within an existing restaurant. The project is located in the Community Planned Development (CPD) zone. Staff has determined that this project is exempt from CEQA. (Assistant Planner Harris)

Assistant Planner Harris delivered the power point presentation in accordance to the staff report.

Chairman Der Sarkissian opened the public hearing.

Brandon Tak, applicant, discussed the hours of operation and nature of his business.

Harriet Hammons, La Canada Chamber of Commerce Area Ambassador, stated that the proposal will enhance the business and she supports the request.

Pat Anderson, Chamber of Commerce CEO, stated that she supports the request. The proposal will benefit the business and the community. She added that the business owner has tremendously contributed to the community.

Commissioner Der Sarkissian closed the public hearing.

Commissioner Jain stated that the proposed wine and beer sales will enhance the business. He is concerned with advertising and the possibility that the nature of the business will change.

Commissioner Gunter stated that he supports the project. He pointed out that the ABC Type 41 liquor license requires a bonafide eating facility and an added condition of approval is not needed.

Chairman Der Sarkissian and Commissioner Walker both support the request as presented.

Commissioner Jain motioned to approve Conditional Use Permit 484, Commissioner Gunter seconded, 4-0.

- C. **Hillside Development Permit 12-47/Second Floor Review 12-24/Conditional Use Permit 482/Setback Modification 12-14/Tree Removal Permit 12-51; De Angelis/Liang; 1248 Inverness Drive:** Request to construction of a 12,952 sq. ft. residence, inclusive of a 1,325 sq. ft. garage and 2,300 sq. ft. of covered patios, and related site work including reconfiguration and expansion of an existing driveway and construction of a front yard swimming pool. A Conditional Use Permit is also requested to allow total floor area in excess of 10,000 sq. ft. A Setback Modification would allow over-height retaining walls within the required west and south side yard setbacks. Lastly, a Tree Removal Permit is requested to remove two deodar cedars and an oak tree. Staff is recommending that a Draft Negative Declaration be approved for this project. (Planner Gjolme)

Planner Gjolme presented the project in accordance to the staff report.

Commissioner Jain asked if the project site is considered a through lot. He pointed out that the 50% landscaping is not satisfied to the north along Hampstead Road from the street.

Planner Gjolme stated that the driveway court is not visible and can be exempt from the 50% landscaping requirement.

Chairman Der Sarkissian asked if the Hampstead Road access could be used for primary site access.

Planner Gjolme stated deferred the question to the applicant.

Mr. Liang, property owner, stated that they have contacted all the adjacent neighbors to discuss the plans, impacts and mitigation. He explained the complications with using the Hamstead Road frontage for access.

Dave DeAngelis, architect - 650 Foothill Blvd. Suite H, stated that they completed plan check with the Fire Department. They have been working with the neighbors and have

agreed to lower the proposed pad by 12". He stated that the driveway on Hampstead Road is required to be 20' minimum by the Fire Department, which would require retaining walls that are 14-20 feet tall which is not a viable option. The hydrant from the Inverness side meets the fire flow requirement. He explained the entitlement requests.

Commissioner Jain asked if there are any retaining walls along the proposed outside edge of the new driveway.

Mr. De Angelis stated that the existing retaining walls would be replaced with 1-3 feet tall walls.

Chairman Der Sarkissian asked about floor construction.

Mr. De Angelis stated that the floor would be raised.

Chairman Der Sarkissian asked about the material of the retaining wall.

Mr. De Angelis stated that the retaining wall would be a block wall stuccoed to match the color of house.

Chairman Der Sarkissian asked about the possibility of moving the house away from the south side neighbor.

Mr. De Angelis responded that if he is able to use the 3.5 x trunk diameter standard for a potentially impacted Oak tree, the house could be moved approximately four feet.

Fred Engler, 1244 Inverness Drive, stated that he likes the project, but would like the house moved north if the tree issue could be worked out. He suggested that the replacement Oak trees be located further up the slope to the front in order to preserve his view.

Brian Muirhead, 3874 Hampstead Road, stated that the proposal would be a beautiful addition to the city. He is concerned with grading. He expressed the importance of proper landscaping.

Ralf Persson, 3854 Hampstead Road, supports the project. He was concerned with potential view impacts, but based on the story poles views are not obstructed.

Alan Litman stated that he worked with the property owner and architect. He stated that the house would be a great addition to the neighborhood. He is in support of the project.

Chairman Der Sarkissian closed the public hearing

Commissioner Gunter supports the project. He stated that the design is thoughtful. He is not concerned with the Hillside Development Permit, Second Floor Review, and Conditional Use Permit. He stated that the entitlements that need more attention are the Setback Modifications and the Tree Removal Permit. He has no problem with the Setback Modification for the walls because it is the right decision. He could make the findings for the Tree Removal Permit because the Oak tree would be a hardship to save. He added that the 6 replacement trees will be a benefit to the community.

Commissioner Walker concurred with Commissioner Gunter. She feels that the project is the right house for the right site. She thanked the property owners and architect for working with the neighbors and addressing the concerns.

Commissioner Jain stated that the project is well-designed project. He stated that the lowering of the pad solved problems that could have arisen. He added that moving the house to the north may be useful but the proposed location of the house will not hurt since the pad will be lowered. He can support the project as is.

Chairman Der Sarkissian stated he believes that moving the house north will be a positive benefit for the neighbor to the south.

Commissioner Gunter motioned to approve Hillside Development Permit 12-47, Second Floor Review 12-24, Conditional Use Permit 482, Setback Modification 12-14, and Tree Removal Permit 12-51 with the following changes: strike-out Condition of Approval #30 and add a condition of approval to lower the finished floor by 12" to 1498.5, add Condition #41 to allow the new home's separation from Tree #4 to be 3.5x the trunk diameter, Commissioner Walker seconded, 4-0.

D. Hillside Development Permit 12- 54 & Directors Miscellaneous 12-42(SB); Gropper/Caire; 5240 Pizzo Ranch Road: Request to allow a retaining wall up to 10' tall for a proposed swimming pool and patio to be located in the rear of an existing residence on a hillside lot with the pool equipment to be located within the side setback. Staff is recommending that a Categorical Exemption be approved for this project. (Planner Clarke)

Planner Clarke presented the project in accordance to the staff report.

Commissioner Walker asked about the changes in the revised resolution.

Director Stanley explained that the changes has to do with the "how, what, and who;" its purpose to make the conditions of approval more specific.

Planner Clarke went over the changes in conditions of approval #14, #15, #18, and #19.

Commissioner Gunter asked about including the Best Management Practices in the conditions of approval. He also asked why a grading plan was not submitted.

Planner Clarke clarified that the project proposes 40 c/y of grading and a haul route plan would be required.

Chairman Der Sarkissian asked if the pool could be drained naturally in to the street.

Planner Clarke stated that the pool contents would get pumped in to the street.

Chairman Der Sarkissian suggested that the proposed solid chimney is only for aesthetics.

Chairman Der Sarkissian opened the public hearing.

John Caire, applicant, stated that the existing landscaping was installed at the request of the Trails Council. He spoke about the construction of the proposed retaining wall. He stated that no more than 40 c/y of dirt will be moved.

Commissioner Jain asked about the finishes of the wall.

Mr. Caire stated that the wall will be stuccoed an earth tone color.

Commissioner Jain stated that the plans do not show the freeboard wall.

Commissioner Gunter asked if there is 50 c/y of movement.

Mr. Caire stated that the project would exceed 50 c/y of movement.

Director Stanley read the definition of grading.

Chairman Der Sarkissian closed the public hearing.

Commissioner Walker stated that the project is low profile and unobtrusive. She added that the proposed color needs to be addressed and specified in the Resolution. She would like to enhance the condition of approval to include the protection of existing trees. She does not have a problem with project if the engineering works out.

Commissioner Gunter stated that he visited site and does not have a problem with the project in general. His concern is the need for a grading plan because the height of the wall may change. He believes that the pool equipment setback encroachment is not necessary because the lot is big and it can be moved. The pool equipment should be screened. He supports a continuance.

Commissioner Jain stated that he visited site and observed existing retaining walls. He is concerned with erosion, drainage, and the height of wall. He does not have a problem with the fireplace and deck. He supports continuance of the project.

Chairman Der Sarkissian concurred with his fellow Commissioners.

Commissioner Gunter motioned to continue Hillside Development Permit 12- 54 & Directors Miscellaneous 12-42 to February 26, 2013, Commissioner Walker seconded, 4-0.

IX. OTHER BUSINESS:

- A. Zone Change 09-04; Tree Ordinance Revision discussion (Assistant Planner Harris)

Assistant Planner Harris informed the Planning Commission on the changes to the Tree Ordinance. She informed the Planning Commission that the Tree Ordinance is expected to be heard at the February 19th City Council Meeting.

Commissioner Jain suggested requiring projects to add protected trees.

Commissioner Gunter suggested requiring replacement trees for protected trees that are removed and changing the words "other reason" to "other difficulty" on Finding #6.

Deputy City Attorney Guerra stated that the provision to replace protected trees is already written in the draft Tree Ordinance.

Commissioner Walker asked for clarification in instances that the tree is dead.

Deputy City Attorney Guerra stated that if the tree is dead it does not need a permit to remove.

Commissioner Walker commented that the emergency process is extensive.

Assistant Planner Harris stated that the emergency process is for notification purposes.

Commissioner Walker asked if the required distance from the tree to structures allow for growth.

Assistant Planner Harris stated that the arborist originally recommended 5-times the trunk diameter but the City Council wanted 3.5-times the trunk diameter.

Commissioner Gunter stated that there should be no "after-the-fact" Tree Removal Permit applications.

Commissioner Walker clarified that the copy of the Planning Commission Resolution is available on City's website.

X. REPORT OF DIRECTOR'S REVIEWS

XI. COMMENTS FROM THE COMMISSIONERS

XII. COMMENTS FROM THE DIRECTOR

Director Stanley informed the Planning Commission about the Planner's Institute in Pasadena. Commissioners Jain, Der Sarkissian, and Gunter were interested in attending.

Director Stanley stated that the Notice of Preparation was sent for Flintridge Sacred Heart and the Scoping Meeting will be held February 11th at 6:30 p.m.

XIII. ADJOURNMENT – 10:47 p.m.