

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON FEBRUARY 9, 2010**

- I. CALL TO ORDER:** Called to order at 6:01
- II. ROLL: Present** were Chairman Davitt, Commissioners Cahill (6:07), Curtis, Gelhaar, and Hill, Director Stanley, City Attorney Guerra, Senior Planner Buss, Planner Clarke, Assistant Planner Lang and Assistant Planner Parinas.
- III. PLEDGE OF ALLEGIANCE** – Chair Davitt lead the Pledge.
- IV. COMMENTS FROM THE PUBLIC:** At this time, members of the audience may address the Commission regarding matters that are not on the agenda or matters that are on the Consent Calendar.

Wes Seastrom, representing the Chamber of Commerce, stated that Pat Anderson's house was badly damaged but that it may be rebuilt. He addressed the ordinance for rebuilding of properties greater than 50% destroyed. There was an issue of insurance companies paying to rebuild properties to new standards. No company will compensate property owner if they are not able to build to the old standard. He requested that the issue be put on a future Commission agenda. He said that if you ask insurance companies if they will pay to rebuild to new that the answer is no. He noted that the special City Council meeting today suspended standards for flood victims for one year.

- V. REORDERING OF THE AGENDA-** Moved item 8A to front of agenda.
- VI. CONSENT CALENDAR**

- A. Minutes:** January 12, 2010

Commissioner Gelhaar had minor changes to minutes which he gave to staff.
M/S/C Gelhaar/Hill
Vote: 5-0 to approve.

- VII. CONTINUED PUBLIC HEARINGS**

- A. Conditional Use Permit 411/Variance 07-02; Zentmyer; 1434 Foothill Boulevard:** A request to consider an application for a Conditional Use Permit to allow a 4,301 square foot retail/office structure, consisting of two stories and a partial basement (storage), in the CPD Zone. The Conditional Use Permit is required for office uses. The requested Variance is required because the project would not meet the minimum requirements for front setback, minimum parking stall size and aisle width, or

the parking space quantity requirements. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Senior Planner Buss)

Planner Buss gave an overview of the project.

Commissioner Curtis asked staff how many spaces are going to be on the property (16) and how many will be used by the workout facility use permitted by the original CUP.

Senior Planner Buss said that in the original CUP he looked at the total project using ITE standards. He included time of use as the uses vary during the day. A parking study was reviewed and approved by the city traffic engineer for the project for a total of 35 spaces.

Commissioner Curtis asked if the shared parking issue needed a Variance and if the applicant would give up the existing CUP on the other parcels.

Planner Buss replied that there was an assumption that the lot stands on its own and adheres to its own standards. There is not an analysis of all the other lots following review with the City Attorney.

Commissioner Curtis asked if the other projects were approved based on not using the subject lot.

Commissioner Hill asked if the parcels are owned by a single person and whether there is shared parking.

Director Stanley said that the applicant at the time was not Mr. Zentmeyer but his tenant, Taix Workout Studio, who requested a CUP but that the owner had to sign the application. Their understanding was that they would have reciprocal parking agreements.

Commissioner Cahill said that the property owner and not the tenant is ultimately the applicant.

Planner Buss said that the owner must sign an application affidavit

Commissioner Curtis asked if there was a misrepresentation on the application for parking.

Commissioner Gelhaar asked if it would help if it was conditioned to tie the lots together.

Planner Buss replied no.

Attorney Guerra said that he could look into the issue but it was not on the agenda on this meeting.

Commissioner Cahill said that the case was presented as a single lot. He asked if it had 16 parking spaces before, or had the parking availability in the other 2 lots changed?

Planner Buss said that the old CUP had a reduction in parking for the workout studio and allowed for parking on any of the 3 lots as they acted as one entity. The old CUP request was for retail parking for the first floor which had a higher standard. Staff was recommending denial of the CUP due to parking issues. The applicant pressed on the issue and the City Attorney gave an opinion that the city assumed that it was a single unit but that legally they are separate parcels.

Commissioner Curtis asked if Taix was the only business on the CUP application.

Planner Buss noted other businesses and changes in tenants over time and some vacancies. The corner building was smashed by a car and was demolished.

Commissioner Curtis asked how many parking spaces were on the Taix parcel and how many were required as he needed to know the context for the community.

Planner Buss said that he did not look at it on a parcel by parcel basis and that the information was not shown in prior staff reports as such.

Commissioner Curtis stated that the old staff report from 2007 had an analysis of the parking standards.

Planner Buss counted the spaces on the different parcels with 36 spaces total.

Commissioner Curtis asked if this was close to the Zoning Code requirement.

Planner Buss noted that the square footages and spaces did not work under the Code requirements. There is no parking standard in the Code for fitness studios. There is also an offset due to time uses differentials for the different uses.

Director Stanley said that they were still looking at a condition of approval requiring a reciprocal access and parking agreement.

Commissioner Cahill asked that if 1314 Foothill Boulevard was sold to new owner, would the 16 parking spaces continue.

Director Stanley said that a reciprocal agreement rode with the land.

Commissioner Davitt asked if the parking agreements would in essence tie the lots together and if the covenants would be valid over time.

Director Stanley stated that uses change over time and that standards could be different. The 2007 report stated that there were a total of 36 stalls on all lots. There are 16 parking spaces on the subject lot. The parking code will be changed at Council's direction as it's included as part of the parking study.

Commissioner Curtis asked how much of the parking deficiency was based on square footage.

Director Stanley said that there were 16 parking spaces proposed.

Planner Buss stated that if the basement square footage was removed, that 15 spaces would be required.

Commissioner Curtis asked if other cities used gross or net square footage for parking.

Director Stanley said that La Cañada Flintridge used gross square footage for determining parking requirements.

Planner Buss noted that other cities varied between gross and net square footages.

Commissioner Curtis noted that the parking got close to Code requirements if some of the square footage was excluded.

Commissioner Curtis asked about access from Foothill Boulevard, car/pedestrian conflict, and egress.

Planner Buss said that it would be one-way travel due to parking stall location and aisle width and appropriate signage would be installed.

Director Stanley said this is why there was a condition of approval for reciprocal access.

Commissioner Curtis said that the front yard setback can be justified if other buildings had no setback, but its difficult finding to make. City codes do not mean much if we always break them.

Planner Buss noted that in the Foothill Master Plan there are 6 zones in the old town district and that it was appropriate to have 5' setbacks in other parts of district but not on this block. Other buildings have setbacks up to property lines. He then read the standards directly from the plan. Plans should look at how a building works in terms of other buildings around it.

Commissioner Curtis asked if a Zone Change should be used instead of a Variance.

Planner Buss said that the zone change would apply to the entire code and may not be appropriate in this case. Changes could be made to the Zone but they may not work everywhere in the same zoning district.

Commissioner Gelhaar asked about property ownership and if the entire project came to the Commission, what setback would be recommended by staff.

Planner Buss said that that there were varied setbacks on the block.

Commissioner Gelhaar asked if applicants could tear down buildings one by one and get variances to justify no setback for all the buildings over time. He also asked if the second floor had to be setback 12.5' and if there were other two story buildings in the area.

Planner Buss said that the building had to be setback due to its height.

Commissioner Gelhaar asked is there was a 2-story structure on the block.

Planner Buss said that Magpies restaurant was next door and that the proposed structure was the only 2-story on this block

Director Stanley said that there were others on the street. The former Berkshire Travel building is further up the street but in a different district.

Commissioner Gelhaar asked if this was the only two-story building proposed.

Director Stanley noted that there were two story buildings on the north side of Foothill and elsewhere in the area. Some of these buildings are setback and some are angled to the street.

Commissioner Hill asked about the drawing on Page 3 and if it was to scale.

Planner Buss checked the plan and responded no. The drawing was used only to show how wide the building on Foothill Boulevard was.

Commissioner Hill asked how much higher this building was than others such as the Huntington Ironworks building

Planner Buss said that the windows of the proposed building were at the second story height of the neighboring building.

Commissioner Gelhaar asked about mixed use for the second floor.

Planner Buss said that he had a discussion with the applicant about providing 2-3 residential units upstairs. The R3 standards would apply with the 1,800 sf minimum

unit size requirement applying which would only allow one unit. There could be an additional Variance to make the units smaller. In addition, there is a parking requirement of one space per bedroom and a guest space per two units.

Commissioner Gelhaar asked if this applied to all mixed use areas in the city.

Planner Buss responded yes and mentioned the Housing Element and its review by the State of California.

Commissioner Curtis mentioned an email received regarding parking adjacent to Salisbury.

Planner Buss spoke about the island landscaping along Foothill Boulevard which provides access to and from Loma Vista but does not allow access to this side of the street.

Commissioner Curtis mentioned parking issues from other uses such as Magpies.

Commissioner Buss noted concerns by neighbors about Lupe's and Magpies.

Director Stanley noted Condition # 19 by the Public Works Department for all doors not to open on the public right-of-way which may require doors to be setback.

Chair Davitt asked a procedural question if emails get put into the official record.

Attorney Guerra said yes and that the name of the sender can be read into the record.

Chair Davitt mentioned that Brad Barker sent an email.

Public Hearing opened:

The applicant, Mr. Gary Zentmeyer, of 5106 Earl Drive, said that he hoped to get retail on the ground floor. When the City changes the parking code requirement from 5 to 4:1,000 square feet, he will put retail there rather than the office uses as proposed. He noted that he would like to put 3-one bedroomed apartments upstairs but that parking requirements made it impossible. He said that he told the architect to be code compliant but that he would need Variances. He was surprised at basement square footage used for parking standards. He said that he would pull out the basement if necessary.

Commissioner Gelhaar asked if two residential units instead of three would work.

Applicant Zentmeyer said that it may work.

Applicant said that he could come back when the shell of the building was started. He said that he asked Taix to go back to City to talk about parking. He said that he was

told that it was not a hard and fast requirement that Taix used the approved stalls and that they can't be used by other uses. He spoke to his architect as the building was okay for setbacks except for Variances and the basement square footage. He said that he could get rid of the basement or just use as storage as he did not know that square footage was used for parking calculations.

Commissioner Gelhaar asked if the applicant preferred office or retail tenants.

Applicant Zentmeyer said that he had various types of businesses asking about the project including a beauty parlor and food uses. He asked about the timing of the changes to the parking regulations.

Director Stanley said that it will be done by staff when they can get to it given existing and future workloads. The change may be made by the time that the building is constructed which would be a year.

Commissioner Gelhaar asked if the project could be approved as retail tonight at this meeting with the proposed parking.

Director Stanley said that the Commission can reduce the parking with the CUP and there is a Variance application also. The General Plan update will ultimately allow for residential uses and smaller units with less parking required. He noted that it's hard to make multi-family work in La Cañada Flintridge.

Applicant Zentmeyer said that he has built many 600 sf apartments in La Crescenta and that the minimum required 1,800 sq ft. size here is too large.

Commissioner Cahill asked if there could there be a break with plantings at the front of the building.

Applicant Zentmeyer said that he liked the planter look and that it was like something you would see in Europe. He thought that it was a Design Commission issue. He said that it makes sense to keep the same scheme as other businesses such as Magpies.

Commissioner Cahill noted that the Magpies building was at an angle.

Applicant Zentmeyer said that store fronts were set back up to 18" to allow for plantings.

Ms. Majorie Cates (neighbor) said that she had sent a letter earlier to the Commission. She said that the current Commission members were new to her but she knew Director Stanley and Planner Buss. She has lived at 4471 Indiana for 53 years. She would vote no on project because of the Variance. She did not like the setback as it changes the tenor of the area and loses the old town appearance. She would prefer no setback as it was in original old town. The plan is a good idea as long as parking is

adequate. She lives in 1,100 sf and with the exception of closet space, its fine. She is concerned about the height of the proposed building.

Planner Buss said that the height of the proposed building is 27' 11", while the adjacent building is 15' or 16' tall.

Ms. Cates stated that she withdrew most of her objections to the project.

Closed public hearing.

Commissioner Gelhaar said that it was a complicated case. He had a problem with the applicant asking for decisions on assumption that lots were connected. He loved the idea of mixed use and would look at Variances for them more aggressively than others. In this case, he has no problem approving it for retail given the economy. He would prefer retail on the first floor. He can make the necessary findings. He wanted to include conditions for parking and reciprocal access.

Planner Buss asked if Commissioner Gelhaar would recommend retail on first floor of the proposed building with an affirmative answer.

Chair Davitt asked if the parking issue would be eliminated if the basement was removed from the proposal.

Planner Buss said that based on square footages it would work if the elevator and stairwells were also removed from calculations.

Chair Davitt asked if the basement was removed, would the need for parking variance go away.

Planner Buss said that the parking Variance was still needed.

Commissioner Hill said that actuarial tables will eventually bring buildings into conformance. He did not think that a two story and not old style design was not consistent with the area. He can not make the required Variance or CUP findings.

Commissioner Cahill understood the parking issues and did not have a problem with them. He understood the retail issue but was struggling with the setback issue. He did not think it was a continuation of the building but a new building and that it created more of a wall appearance to the street.

Commissioner Curtis said that he would like to see some kind of setback. It was a challenge reviewing the project as the Commission was seeing it before Design Commission review. He would like to get input from the Design Commission prior to making a final decision.

Chair Davitt said that he saw a mixed bag of issues with the project with which he had concerns. He did not mind the proposed zero setbacks. In this case the building was new and starting from scratch. He believed that the parking was adequate if the basement was removed. He thought that retail would be fine on the first floor.

Commissioner Gelhaar asked Commission members how big a setback was needed.

Planner Buss reminded the Commissioners about not losing parking spaces but losing square footage instead.

Director Stanley asked if story poles would help the Commission.

Commissioner Curtis said that the project could be sent to the Design Commission for input and for an attempt to solve the design issues. He asked if there could be a condition to go to the Design Commission with a range of setbacks up to 4'. He spoke about the district and about the existing buildings there.

Attorney Guerra said that he would not recommend a range of setbacks as a condition of approval.

Direct Stanley said that things typically go to the Design Commission prior to the Planning Commission for a preliminary review. He stated that the project could be sent to the Design Commission for a quick preliminary review.

Commissioner Gelhaar said that they were close to a decision and that the Commission should just pick a setback.

Commissioner Davitt said that the applicant was fighting for square footage for the project. He asked what impacts a reduction in the size of the project would have on it.

Applicant Zentmeyer said that he would like a vote which takes into consideration the concerns of Commissioners. He understood that the Commission was concerned not just with the setback but also with landscaping.

Commissioner Cahill said that a setback with landscaping was needed.

Applicant Zentmeyer asked if the building could be partially setback.

Planner Buss showed the floor plans of the building to the Commission showing glass insets.

Commissioner Cahill said that store fronts could be setback 3' with plantings.

Commissioner Gelhaar asked if the Commission had the authority to require this.

Director Stanley said that the Commission could approve a range of setbacks which would allow the Design Commission some latitude within a range. The windows are not flush with the street and could be offset like Magpies.

Commissioner Cahill said that it could have an overhang of second floor with 3' of greenery.

Commissioner Davitt suggested a setback range of 2'-4'.

Commissioner Hill said that the project had to comply with required setbacks or the Commission would have to make findings.

Commissioner Gelhaar also supported a setback range of 2'-4'.

Planner Buss suggested an average of 2' of the front of the building could be used.

Commissioner Gelhaar said that the driveway section had a 60' setback.

Applicant Zentmeyer asked for the project to be continued until preliminary review by the Design Commission could be completed.

Chair Davitt said that the project will return to the Commission following review by the Design Commission.

Motion: Gelhaar/Curtis 5-0 to continue to date uncertain.

VIII. PUBLIC HEARINGS

- A. **Variance 05-10; Jacobs; 720 Foothill Boulevard:** A request for an amendment to an approved Variance to allow the project's approval to be extended for an additional 24 months. The project's approval is scheduled to expire on February 27, 2010 and construction has yet to commence. No aspects of the approved project, which involves a new single-story retail building and related site work, have changed. The amendment request would simply modify a condition of approval by establishing a new project expiration date. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Planner Gjolme)

No staff report was given. No public speakers and the public hearing was closed.

Commissioner Gelhaar asked before the motion if the applicant would reconsider second floor with mixed use and spoke to him before the meeting about that issue.

Director Stanley clarified that the approval was for 2 years with a possible 1 year after that for a total of 3 years.

Commissioner Curtis asked if there were any code changes since approval that will affect the structure

Director Stanley replied that there were no code changes that affect it significantly, except for parking changes which improves the situation.

M/S/C: Gelharr/Hill

Vote: 5-0 to approve.

B. Conditional Use Permit 448/Second Floor Review 09-28 (Director's)/Hillside Development Permit 09-42 (Admin); Novarian/Onany; 2101 Highrim Road:

A request to consider a Conditional Use Permit, Hillside Development Permit (Admin), and Second Floor Review (Director's) to allow the construction of a 27-square foot front porch, 167-square foot entry foyer, 487-square addition to the kitchen and family room, 209-square foot master bedroom balcony, 161-square foot living room deck, an infinity edge swimming pool, an extension of the lower patio area consisting of a 6'-0" high outward facing retaining wall with a 3'-6" high guardrail on top, and the construction of two terraced inward facing deflection retaining walls (4'-0" and 6'-0" high). A Conditional Use Permit is required because the proposal would increase the total floor area on the property to more than 10,000 square feet. A Second Floor Review application is required because the proposed entry porch is greater than 12'-0" in height and a portion of the addition results in an exterior wall height greater than 12'-0". Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Parinas)

Chair Davitt said that three Commissioners did not visit the site due to weather conditions and that the Commission may have to continue the case in order to allow members the opportunity to visit the site.

Planner Parinas gave an overview of the project.

Commissioner Hill said that he could not visit site due to the flooding. He asked if the balcony and deck overlooked other properties.

Director Stanley said that there are not many views from the decks and balconies of this secluded site. Additions will not be seen by any neighboring houses. He said that he had visited the site a few times. There was a big hillside to the east and that it was a huge property with no east and north views and minimal views to south and west.

Commissioner Hill said that he remembered the site and that High Rim Road was only 300' long.

Commissioner Curtis asked if there are any changes to the property with the fire and flooding.

Director Stanley said that the work is being done behind the property lines and that there were no off-site issues.

Commissioner Curtis asked if there would be any future fire or mud problems.

Director Stanley said that the property had survived the fire and that there were no drainage issues.

Commissioner Cahill asked about lighting issues mentioned in the email from a neighbor.

Planner Parinas said that the applicant could answer those questions.

Director Stanley stated that he did not see any high intensity lights on the property.

Commissioner Curtis noted that no lighting was shown on the plans and that the applicant can respond.

Franco Novarian, architect for the project, gave an overview of project and said that the owner would talk about the lighting. He asked about the need for CUP if the garage was removed. The closest neighbor is 1,000' away from the house. Other than entry lighting, there were no other lights for the project. He suggested that the previous owner may have had lights.

Director Stanley said that lighting for the pool would be obscured from views given the trees on site and the location of the pool.

Mr. Onany, the property owner, stated that nothing has changed since the house was built in 1977. He was in Europe during the fires. He had copies of original plans and photographs of construction. He said that neighbors are up to 1,000' away across a canyon and that he will plant trees. He believed that concerns will be taken care of through this method.

Commissioner Gelhaar asked if there were any floodlights shining on the house?

Owner said that there may be one floodlight on northwest side of the house.

Commissioner Gelhaar asked it was used to provide light to the yard.

Mr. Onany said that he does not need it on all the time and that it could be a motion detector.

Commissioner Cahill said that he had visited the site. It was a remote, private and large lot and could accommodate a house of this size. The walls at the back will not

be visible but some landscaping could be provided to hide other walls near the pool. He was prepared to approve as proposed.

Commissioner Gelhaar agreed but would like to do something with the lighting through a condition of approval.

Director Stanley said that the location of lights was important and that lighting standards could be set for the project similar to sports courts. He thought that security lighting may not be a problem for the site.

Commissioner Hill said that he was uncomfortable to vote on projects that he has not visited but that he knows the house and area from many visits. It is a large and secluded property and will not affect neighbors. He said that it was an excellent staff report and was prepared to make the findings.

Commissioner Curtis said that he had tried to visit the site twice but was not successful. He said that it was a fantastic staff report and that he was prepared to vote yes. In other circumstances he would have abstained but given the size of the lot and minor changes he could vote to approve.

Commissioner Davitt said that it was an appropriate size and could make the findings and supported adding lighting condition to be approved by the Director of Community Development.

M/S/C Curtis/Gelhar
Vote 5-0 to approve.

A condition of approval was added requiring that a lighting plan be submitted and approved by the Director of Community Development.

- B. Setback Modification 10-01; Chandramohan; 1946 Lamp Post Lane:** A request to consider a Setback Modification request to construct a 6'-0" high, wrought iron fence with pilasters within the required front-yard setback. The fence would achieve an overall height of 7'-1" at the driveway gates. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Lang)

Planner Lang gave an overview of the project to the Commission.

Commissioner Gelhaar asked if the decorative fence review was reviewed at the staff level.

Dave DeAngelis, architect for the project, gave an overview of fence replacement and walls.

Commissioner Curtis stated that he had visited the site. He noted that it was a large lot and that a smaller fence would not work and was fully supportive of the application.

Commissioner Cahill agreed and stated that the lamps were oversized and that the wall would fit in nicely.

Commissioner Hill also agreed with Commissioner Curtis and said that he would support the proposal.

Commissioner Gelhaar agreed and was willing to make a motion.

Chair Davitt noted that it was an improvement over existing conditions.

M/S/C Gelhaar/Cahill
Vote 5-0 to approve.

IX. OTHER BUSINESS

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Curtis asked that when cases go to the Design Commission that the Planning Commission be informed and maybe this issue could be put on an agenda for future discussion.

Director Stanley said that all commercial projects go to the Design Commission for preliminary review like Vons and Ralph's. Vons has a TI permit, but exterior changes to the building need to go to the Design Commission.

Commissioner Cahill said that owners have to be on board with tenants.

Chair Davitt agreed.

Commissioner Curtis wanted total parking count for Zentmeyer project when it returns to the Commission.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley reported that the appeal of the Lashart case will go to the City Council next week and that there would be a second reading of the good neighbor fence changes. He noted that the number of planning cases received was up and that we were seeing more activity at the building counter.

Commissioner Gelhaar mentioned comments regarding insurance.

Director Stanley said that item will return to the Commissioner at a later date.

A. Report of Director's Approvals since the last meeting:

1. **Director's Miscellaneous 09-30; Corrente; 4928 Del Monte Road:** The Director approved a new 3'-0" retaining wall with a 3'-0" fence on top, 3' of fill of a 20' x 20' area also located in the southeast corner of the house to meet the natural grade of the lot, and a 288 sq. ft. bedroom addition to the south west corner of subject home. The addition would create a 5'-0" side yard setback on the south side of the residence. A 45 sq. ft. addition was also approved on the north side of the residence. This addition will have a 5'-0" side yard setback. A new driveway apron is being proposed to the northern side of the front property line. The maximum allowable floor area for the residence is 2,808 sq. ft. The new addition will create a total floor area of 2,724 sq. ft.

B. Other Comments

XII. ADJOURNMENT: The meeting was adjourned at 8:28 pm.