

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON MARCH 8, 2016**

- I. CALL TO ORDER** – Chairman McConnell called the meeting to order at 6:03 p.m.
- II. ROLL:** Also present were Commissioners Jain and Hazen. Commissioner Gunter arrived at 6:06 p.m. and Vice Chairman Smith was absent.
- III. PLEDGE OF ALLEGIANCE** The Flag Salute was recited.
- 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. There were none.
- V. REORDERING OF THE AGENDA** – Chairman McConnell recommended reordering the agenda with item VIII. A first.
- VI. CONSENT CALENDAR**
- A. **Minutes:** December 8, 2015 and January 12, 2016 meetings. M/S/C – McConnell/Jain to approve the minutes. Approved 3-0. Smith was absent and Gunter had not arrived yet.

VII. CONTINUED PUBLIC HEARINGS

- A. **Second Floor Review 15-24/Categorical Exemption; Liou; 5465 La Forest Drive:** request to allow 1st and 2nd-floor additions to an existing single-story residence. Staff is recommending approval of a Categorical Exemption for this project. (Consulting Planner/Architect Cantrell).

No staff report was given. The Commission asked Assistant Planner, Parinas, whether she trusted the results of the survey that was conducted for the property.

Ms. Parinas indicated, "yes."

Pertaining to the survey, the Commission asked staff about Contour 102 which they indicated appeared to make its way across the property. It is shorter than Contour 100 and 106.

The Public Hearing was opened for public comment.

Applicant Gavin Liao indicated that there were significant changes made to the property over the years involving removal of trees and a pool that had been moved.

The Commissioners stated that the second floor setback is incorrectly reflected in the plans which Ms. Parinas confirmed was the case. She stated that the corrected plan was not included. The Commissioners indicated that there was uncertainty about the dimensions referred to on page 3 of the staff report. The Commissioners said that they had difficulty discerning some of the information.

Deputy Director Susan Koleda stated that the 2nd floor setback is 20 feet, 1 inch which is in compliance with setback requirements.

At the direction of Deputy City Attorney Guerra the Commissioners discussed requiring as part of a motion that a memo to file be attached to the staff report clarifying the second floor setback dimensions.

M/S/C – Gunter/Hazen to approve with the additional condition that a memo to file be attached to the staff report clarifying the second floor setback dimensions. Approved 4 – 0.

VIII. PUBLIC HEARINGS

- A. **Second-floor Review 15-35/Tree Removal Permit 15-18; Yee/Chin; 2064 Lyans Drive:** request to construct a new compliant 2-story residence and attached garage comprising 4,230 sq. ft. and remove one 26" oak tree. Staff is recommending approval of a Categorical Exemption for this project. (Consulting Planner/Architect Cantrell)

Staff recommended that this item be continued to the meeting of March 22, 2016.

The Public Hearing was opened. No members of the public spoke.

The Public Hearing was closed.

M/S/C – McConnell/Hazen to continue the item to March 22, 2016. Continued 4-0.

IX. OTHER BUSINESS

- A. **Downtown Village Specific Plan Use Determination; Estate Jewelry Collection/Aposhian; 836 Foothill Blvd.** Comparable use request for a pawnshop to be located within an existing jewelry store.

Deputy Director Susan Koleda presented a staff report. The owner of Estate Jewelry Collection possesses a pawn broker's license and wishes to take jewelry and estate pieces in pawn from within his existing jewelry store. Currently, pawnshops are not a permitted use in the DVSP Mixed Use 1 zone. The applicant requested that pawnshops be determined to be comparable to retail uses within the DVSP Mixed Use 1 zone.

Commissioner Hazen asked staff to clarify Paragraph four of the staff report and whether the use was found to be comparable with other uses in the zone and whether it could be allowed with a CUP.

Deputy Director Koleda indicated that under State Law that no discretionary approval or conditions of approval could be imposed. Thus, if the use was found to be comparable to retail uses which are permitted as of right by the Commission and allowed in the zone, staff could not require a CUP.

Commissioner Jain asked that if it could be regulated with a CUP, what would the steps be?

Deputy Director Koleda stated that an amendment to the DVSP would need to be recommended for City Council approval. A pawnshop was not considered as an allowable use at the time the DVSP was drafted and implemented. If the use is not listed in the code, it is not allowed.

The Commissioners asked for clarification regarding service uses on the ground floor of businesses.

Staff clarified that service uses are only allowed on the 2nd floor within the Mixed Use 1 zone.

The Commission asked about the process for permitting a pawn business.

Deputy Director Koleda explained how the uses are regulated through the state and county level. Businesses must comply with certain requirements. She also explained that the DVSP is scheduled to be updated in the following year and-a-half. During that time, matters involving use will be addressed.

The Commission asked for further clarification on comparable uses and if a use is not listed in the code, then would it be allowed?

Deputy Director Susan Koleda indicated, that, "yes," the jewelry store is allowed but that a pawnshop use would not be allowed in the zone

without a comparable use determination by the Commission. She described that State law regulates pawnshops.

The Commission asked staff what the Commission's options were regarding the item before them. Could a CUP be obtained for a pawnshop use, whether it could be conditioned in any possible way, and if there is any case law on pawnshops?

Deputy Director Koleda said that the Commission had the option to either permit or not permit pawnshop uses in the DVSP (Downtown Village Specific Plan) Zone. She explained that granting comparable use would allow pawnshops as of right and that a CUP could not be required. If the Commission decided to permit them in the Zone, then, pawnshops would need to be treated like any other service or retail use that operated in that zone. No additional conditions or restrictions could be placed on the business. The effects could be far reaching as the use would be allowed in all parts of the City with the DVSP zoning designation.

Deputy City Attorney Guerra said that there is case law for this type of business and zoning. If the Commission were not to make the determination, then, this could be appealed to the City Council.

The Commissioners discussed, at the suggestion of the Deputy City Attorney, how they felt with regards to pawnshops in the City and whether they'd like to consider allowing them in retail areas of the City. They conveyed that they did not wish to make a comparable use determination at this time and that in the future they'd like to revisit the item when the zoning code update is underway.

Staff confirmed that the issue will be addressed in the future during the zoning code update process.

The Commission indicated that they were not prepared to make a determination that a pawnshop is comparable to retail uses in the Mixed Use 1 zone of the DVSP.

M/S/C – McConnell/Hazen – Pawnshops are not comparable uses to retail or services in the DVSP Zone. 4-0.

X. REPORT OF DIRECTOR'S REVIEWS- Was reported.

A. Hillside Development Permit 15-41 (Dir.); 3757 Normandy Drive;
Mu: allowed a series of patio improvements including a covered patio, outdoor fireplace, pool equipment enclosure and 3-foot tall retaining wall.

XI. COMMENTS FROM THE COMMISSIONERS

The Chairman asked staff a question about the Model Water Efficient Landscaping Ordinance.

Deputy Director Koleda said that the Ordinance was updated at the end of last year and applies to new projects.

XII. COMMENTS FROM THE DIRECTOR

Deputy Director Susan Koleda informed the Commission that the second reading of a request for Zone Change within the Downtown Village Specific Plan will be going before the City Council on March 15, 2016; told them of a recent conference she attended; and thanked Jo-Anne Parinas for all of her years of service to the City and wished her well in her new job.

XIII. ADJOURNMENT The meeting was adjourned at 6:49 p.m.