

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON APRIL 12, 2011**

- I. **CALL TO ORDER:** Chairman Cahill called the meeting to order at 6:00 p.m.
- II. **ROLL:** Present were Chairman Cahill, Vice Chair Curtis, Commissioners Der Sarkissian, Jain, Director of Community Development Stanley, Assistant City Attorney Guerra, Planner Gjolme and Assistant Planners Lang and Parinas.
- III. **PLEDGE OF ALLEGIANCE** - The Flag Salute was recited.
- VI. **COMMENTS FROM THE PUBLIC:** There were no comments
- V. **REORDERING OF THE AGENDA:** The agenda was not reordered.
- VI. **CONSENT CALENDAR:** There were no items.
- VII. **CONTINUED PUBLIC HEARINGS:** None.
- VIII. **PUBLIC HEARINGS**

A. Conditional Use Permit 465; Chase PLM Limited Partnership/Vartanian/Samkian; 1033 Foothill Boulevard: A request to allow Real Estate and professional office uses in an existing building and conversion of an existing garage to an office in the Mixed Use 2 Zone of the Downtown Village Specific Plan. Staff is recommending that the Planning Commission approve a Categorical Exemption for this project. (Assistant Planner Lang)

Assistant Planner Lang reviewed the request in accord with the staff report and gave a Power Point presentation.

Commissioner Curtis confirmed that a record store was at 1043 Foothill Blvd and that a dental office was in the space at 1037 Foothill Blvd. He asked if any other city approvals had been recently granted that required parking in the upper lot and inquired about the possibility of installing signage in the upper lot to better identify the allocation of available spaces relative to their respective businesses.

Assistant Planner Lang commented on condition of approval #15, which had recently been drafted and required installation of signage in the parking lot to identify owners and lessees of the parking lot.

Commissioner Curtis inquired if there had been any discussion on specifying individual parking spaces for the various businesses that use the lot.

Director Stanley responded that only parking for the subject business would be specified since this was the issue before the Commission. Said business will be required to have 7 spaces in the upper lot since the site is under-parked. Further, the City can impose a deed restriction as long as the proposed office use is maintained so the associated parking cannot be sold or leased.

Commissioner Curtis asked if Building & Safety will require handicapped parking in conjunction with the project.

Director Stanley responded that a handicap access aisle would be shared by two stalls so no spaces will be lost.

Chairman Cahill confirmed that covered patio area does not count toward floor area in commercial zones.

Director Stanley noted that a condition to screen roof equipment was included in the revised resolution.

Chairman Cahill commented on the proposed exterior changes to the building.

Planner Gjolme responded that the project had already been to the Design Commission for initial review and would be reviewed again at the next DC meeting. He distributed color/material samples to the Commission for review.

Commissioner Der Sarkissian asked if the upper lot was zoned for parking. He found it odd that the property was comprised by a parking lot only and not an associated building.

Director Stanley responded that parking lots are allowed in the Mixed-Use 2 zone, but only with prior approval of a Conditional Use Permit. However, this lot predates adoption of the Specific Plan and, as such, is considered a grandfathered use.

Commissioner Der Sarkissian inquired about the front planters shown on the plans and if landscaping was proposed.

Planner Gjolme confirmed that planting was proposed and that the Design Commission would specify the type of planting at their next meeting.

Applicant Rick Samkian noted that handicapped parking is already provided in the upper lot and questioned whether he needed to provide additional handicapped parking.

Director Stanley responded that based on the value of the proposed improvements and lot size, the applicant will need to provide an additional handicapped space.

Commissioner Jain added that if you do not alter the entire parking lot, you need only delineate the subject spaces and provide 1 handicapped space therein.

Commissioner Curtis asked about the number of employees for the business.

Mr. Samkian responded that 4 full-time and 1 part-time employee were proposed.

Commissioner Jain questioned the need for the covered patio to the rear.

Mr. Samkian responded that it was simply a covered exterior space for coffee breaks, etc.

Commissioner Jain was concerned that the site is being overbuilt. He did recognize that the covered patio did not technically count as floor area but was concerned nonetheless.

Commissioner Der Sarkissian clarified that a 3-hour fire wall will be required for the patio cover considering its adjacency to other structures. He also noted that ADA requirements will have to be met and that the project may have issues during the plan check process.

Director Stanley added that 20% of the cost of the overall changes proposed must be devoted to handicapped improvements.

Director Stanley noted that the City's CPD Ordinance applies in this instance since the site is located outside of the Village Center. Said Ordinance stipulates that open-air roofed space counts toward open space, not actual coverage.

Commissioner Jain preferred to see the patio removed and the detached garage moved forward and attached to the main building.

Commissioner Der Sarkissian reiterated his concern with the upcoming plan check process and felt the project may need revisions along the way.

Director Stanley informed the Commission that depending on the extent of changes required through plan check, the item could be brought back to the Planning Commission for further review.

Pat Anderson - representing the Chamber of Commerce - commented that Valley Sun lane was becoming increasingly busy with traffic. She just wanted the Commission to be aware of parking and circulation issues.

Commissioner Curtis noted condition of approval #11 and felt that better language was needed to identify all occupants of the building with regard to parking. He commented that 7 spaces for employees leave no parking for customers. Reducing it to 6 spaces would leave 1 space for visitors and might be a better option.

Assistant Planner Lang noted that the business is associated with very little traffic and office visits so the wording of the condition was not an issue in staff's estimation.

Commissioner Curtis also noted condition of approval #13 and preferred to replace the term parking "shares" with "spaces". He wanted to tie the parking spaces specifically to the subject property and felt the language change was necessary.

Assistant City Attorney Guerra concurred with the suggested change.

Commissioner Curtis was pleased that the Design Commission had reviewed the request. The handicapped parking issue has been addressed to his satisfaction. He commended Assistant Planner Lang on the parking analysis and was satisfied with the report. His only issue was the wording of condition #11 and #13 as already noted. He felt the proposed office use would complement nearby retail uses and lend to a good commercial mix.

Chairman Cahill asked for clarification of Commissioner Curtis' change to condition of approval #11.

Commissioner Curtis clarified that parking would be for all business occupants, not just employees, in order to capture the owners if also onsite.

Commissioner Der Sarkissian shared Commissioner Curtis' comments but objected to condition of approval #11 since he did not believe it was enforceable. He was more concerned with the design improvements proposed for the building, especially the front façade given its presence along Foothill Blvd. He felt the parking count and related issues were somewhat of a moot point. Overall, he was supportive of the project.

Commissioner Jain agreed with the other Commissioners. He wanted to add a covenant to keep the patio open and prevent future enclosure. He also felt that one parking space should be available for customers.

Commissioner Cahill also supported the request and agreed that a covenant was necessary. He also did not feel that condition of approval #11 was necessary to regulate parking.

Commissioner Curtis was also amenable to removing condition of approval #11 since the parking requirement for the project is basically met.

M/S/C Curtis/Der Sarkissian to approve the request subject to modification of condition of approval #13, elimination of condition of approval #11 and addition of a condition requiring a covenant for the patio and screening of rooftop equipment. Unanimous 4-0.

B. Zone Change 10-05; City: A request to consider an amendment to the City's Zoning Ordinance pertaining to setbacks and development standards for fireplaces and chimneys. More specifically, the amendment would require fireplaces/chimneys to maintain a minimum 10'-0" setback and would require a Variance for proposed structures with setbacks less than 5'-0." This is an amendment to the City's Zoning Ordinance, which requires a future City Council public hearing and City Council approval. Staff is recommending that the Planning Commission approve a Negative Declaration for this project. (Assistant Planner Parinas)

Assistant Planner Parinas outlined the proposed code change in accord with the staff report.

Chairman Cahill noted that the most substantive change proposed is the 10-foot setback requirement for chimneys. The remaining changes are mainly organizational and cleanup items.

Ms. Parinas added that the requirement of a Variance for setbacks of less than 5 feet was also a major change.

Chairman Cahill was concerned that the proposed code amendment seemed to be based on a singular and isolated problem, but could have unintended consequences for narrower lots. He was hopeful that conditions could be imposed on projects that do not necessarily violate the Fire Code.

Commissioner Curtis asked if the scope of the code change addressed gas-only fireplaces as well.

Director Stanley noted that all fireplaces are captured by the code regardless of their type.

Commissioner Curtis asked if there had been any thought to some discretionary middle ground - Director's Reviews - if a setback of less than 10 feet was proposed.

Director Stanley acknowledged that staff did not consider the consequences of the proposed code change in relation to two-story homes with taller chimneys, but noted that proximate trees could still become issues over time as they grow taller.

Commissioner Jain stated that it was very important to make a distinction between fireplaces and chimneys. Wood fireplaces are already banned in California, so the issue is how to best regulate the chimney.

Commissioner Der Sarkissian agreed with Chairman Cahill and was concerned with the unintended consequences of the changes as proposed. He felt that more thought and analysis was needed at this stage and noted that there is a major difference in application of the code with respect to new homes and additions.

Chairman Cahill preferred to review the exact wording of the Fire Code prior to further study of the matter.

Commissioner Curtis felt that a Director's Review component within the process was critical to alleviate the potential burden on home owners. He also mentioned the setback requirement for pool equipment and noted that a reduced requirement might be more beneficial to neighbors. Noise from pool equipment is actually buffered more effectively when the equipment is adjacent to a property line wall rather than 5 feet away from it.

Commissioner Jain felt that freestanding fireplaces in the backyard, away from the residence, are more critical to this particular issue.

Commissioner Der Sarkissian referenced the prior case before the Commission where a condition requiring screening of rooftop equipment was imposed. He explained that the Building Code requires clearances that often mandate a much larger enclosure that looks worse than the equipment itself. His comments served as an example of the unintended consequences than can result when a "one-size fits all" regulation is developed and imposed.

Chairman Cahill stressed that Variances have very high performance standards. His preference was to continue the allowance of Setback Modifications for all encroachment requests.

Commissioner Curtis concurred and felt that Variances were inappropriate for minor code deviations.

The Commission recognized the importance of the issue but agreed that more research was necessary at this point.

M/S/C Der Sarkissian/Jain to continue the item to a date uncertain for further review. Unanimous 4-0.

IX. OTHER BUSINESS:

There was no other business.

X. COMMENTS FROM THE COMMISSIONERS

Commissioner Jain remarked that the Variance requirement to repave existing circular driveways on lots with less than 100 feet of frontage was a severe burden and some relief should be considered.

Director Stanley responded that staff was already looking into the issue.

Commissioner Curtis inquired about the status of the Unocal 76 project.

Planner Gjolme explained that concept approval from the Design Commission had been granted and that permits would be issued shortly. However, final approval from the Design Commission would be required prior to the projects' first inspection.

XI. COMMENTS FROM THE DIRECTOR

Director Stanley commented that 7-11 is possibly taking over La Canada Imports. The transfer of the ABC liquor license has been challenged and is currently under review. The City will likely not be involved in the challenge unless the ABC refers the matter to the City.

XII. ADJOURNMENT:

The meeting was adjourned at 7:25 pm.