

**PLANNING COMMISSION MINUTES**  
**Tuesday, September 9, 2014**

- I. **CALL TO ORDER.** The Meeting was called to order at 6:02 p.m.
- II. **ROLL:** Present were Chairman Walker, Vice Chairman Jain, Commissioners Gunter, McConnell and Smith, Director Stanley, Deputy Attorney Guerra, Assistant Planners Harris and Parinas.
- III. **PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was led by Commissioner McConnell.
- IV. **COMMENTS FROM THE PUBLIC:** There were no comments from the public.
- V. **REORDERING OF THE AGENDA** The agenda was not reordered.
- VI. **CONSENT CALENDAR**
  - A. **Minutes:** May 13, 2014
  - B. **Minutes:** May 27, 2014
  - C. **Minutes:** July 22, 2014

The Commission had only received the July 22, 2014 minutes and expressed that they would like notification when other minutes won't be available for action.

M/S/C Jain/Smith to approve the minutes of July 22, 2014. 5-0 Unanimous.

**VII. CONTINUED PUBLIC HEARINGS**

**VIII. PUBLIC HEARINGS**

- A. **1004 Foothill Boulevard:**  
Conditional Use Permit 494  
Um/Lim – Hill Street Cafe

Request to allow continued alcohol sales in conjunction with restaurant remodel and expansion. A new bar area and covered patio comprising approximately 1,600 sq. ft. would be added to the restaurant. The restaurant does not have a current CUP for the sale of alcohol as required in the Mixed-Use 2 zone of the Downtown Village Specific Plan (DVSP). Thus, expansion as proposed necessitates CUP review and approval. Existing onsite parking would be reduced from 57 spaces to 52 spaces in order to accommodate the expansion and parking lot stall and landscape improvements. Staff is recommending approval of a Categorical Exemption for this project. (Planner Gjolme)

Director Stanley gave a presentation in accordance with the staff report. He stated that prior to Hill Street Café the restaurant was Lloyd's, predating Cityhood and thus never subject to a City CUP for the alcohol use. The ABC License also predated Cityhood. He noted that the CUP will also address the parking count. He reviewed the plans, noting the addition of handicap access. He noted that six parking spaces would be eliminated as part of the expansion. He noted several special conditions, dealing with parking and tree removal on the west side of the building to be dealt with through design review. New conditions dealt with lighting and roof vents, though staff was unable to confirm a noise problem during repeated visits. He noted a requirement of 60 parking spaces and provision of 52. The project would incorporate required landscaping, and a parking study did not find it significantly underparked.

Commissioner Smith commented that the spillover from the lights was obvious. He recalled that the owner indicated that the County replaces the lights when broken. Commissioner Smith hadn't noticed noise issues but is concerned about the noise anyway, and recalled that the neighbor was concerned about the noise from the grease interceptor since it was moving closer to him.

Commissioner Gunter sought clarification on how adding a bar area doesn't add more customers. Director Stanley noted that it is a patio and may not get used with bad weather, as at Taylor's and Los Gringos Locos. Mr. Gunter noted that the parking in those examples wasn't deficient; Mr. Stanley stated that in fact it was.

Commissioner Gunter recommended adding a condition that patio not get enclosed later. Director Stanley endorsed that idea, adding that it might make sense to require the project to find more parking, or be subject to a review in the future. Commissioner Gunter asked if the City has ever gone back and removed an addition if it turned out to have problems in the future. Director Stanley responded that it has not occurred, and that the City would likely require shared parking or other mitigation if the future review warranted it.

Commissioner McConnell asked if valet parking was investigated. Mr. Stanley stated that it was not, but could be an option.

City Traffic Engineer Erik Zandvliet reviewed the traffic plan and parking arrangement. He stated that, since the project does not add as many as 50 new trips in am or pm hours, it would not trigger a parking study. He reviewed aisle width and back up constraints, the reduction of driveways, stacking, and parking quantity. Chair Walker asked how the revised code formula for parking at restaurants was developed. Mr. Zandvliet stated that the ITE standards also avoid the detailed floor area calculations that the previous code contained. Director Stanley recalled that a consultant other than Mr. Zandvliet conducted a parking analysis, concluding at 1 space/100 sq. ft. of floor area as a compromise.

Chair Walker noted that the City's report did cite that parking was an issue for Hill Street Café. Mr. Zandvliet stated that a concern was the possible need for parking on Chevy Chase Drive. Chair Walker added that ingress would be near the most impacted intersection. Commissioner McConnell noted a potential problem if the light turns red while a car is in the intersection waiting to go into the parking lot. Commissioner Smith asked about the basis for revising the parking code; Mr. Stanley responded that it was simplification, and that other cities use the 10:1,000 ratio.

Commissioner Smith asked if the cafe will have to abandon the curb cut. Mr. Zandvliet explained that Public Works will require rebuilding the Foothill frontage, including decorative sidewalks, street trees, and decorative light fixtures per the Downtown Village Specific Plan.

Commissioner McConnell asked what time of the year the study was done. Director Stanley recalled that it was over a long time period, approximately 6 months, with the parking count on the weekend. Mr. Zandvliet noted that shared parking was a recommendation resulting from the parking study, with one-side parking on Chevy Chase.

Chair Walker opened the public hearing.

Binny Um, project architect, mentioned three issues: parking lot lighting, noise, and the grease interceptor. He stated that the grease interceptor work was completed, that noise from Foothill would be reduced by the placement of the patio, and that the lighting is Edison's responsibility.

Director Stanley recommended a condition to reverse the plan so that the patio is in front and the bar to the rear. Chair Walker stated that she would not be comfortable with such a revision without seeing a revised plan. Commissioner Smith stated that relocating the grease inceptor could be advisable. Commissioner Gunter asked if Mr. Um had considered expanding forward. Mr. Um responded in the negative, adding that they had wanted to create more landscaping.

Chair Walker closed the public hearing.

Vice-Chair Jain asked if the porch encroaches into the landscape area. Mr. Jain stated his main concern as parking. He stated that the lighting can be resolved, as could the noise because of distance. He noted the bottleneck at Foothill, stating that he was comfortable with the parking reduction but concerned with circulation and the Foothill entry.

Commissioner McConnell identified parking as his main issue. He suggested using valet parking during Saturday and Sunday brunch and dinner hours with secured off-site parking at another location.

Commissioner Smith stated that it is a good project; he liked the layout but was concerned with parking. He endorsed shared parking as a condition, suggesting that the Community Center could be a recipient site.

Chair Walker noted that during peak weekend hours the Community Center was also impacted.

Commissioner Gunter stated that he had no problem with the alcoholic beverage service, and that noise and lighting can be addressed through conditions. However, he could not find the hardship or compelling reason to justify approving the parking deficiency. No compelling reason. He expressed doubt about a valet condition and stated that a shared parking arrangement is not for the Commission to devise but rather for the applicant to propose.

Chair Walker noted that she was comfortable with the bar and patio, but concerned about the parking. She sought a motion for approval.

Commissioner McConnell stated that he could approve the project with a valet or 60 parking spaces, and so moved. Chair Walker stated that she could second the motion.

Commissioner Gunter stated that it is not a good idea to approve a redesign without seeing it.

Chair Walker asked the Commissioners if there is a hardship or a compelling reason with regard to parking, noting that there are other options on the site.

Vice-Chair Jain suggested that the applicants return with other options that haven't been explored, stating that redesign is a better option.

Commissioner Gunter RG clarified that the motion on the table is for the expansion as submitted with either valet parking or 60 parking spaces.

Motion failed 2-3. Ayes: McConnell, Walker. Noes: Gunter, Jain, Smith.

Vice-Chair Jain stated that the applicant should redesign the proposal.

Chair Walker asked if the applicant is agreeable to a continuance for redesign no new fees required, and how much time is needed.

Mr. Um stated that 3 to 4 weeks would be required.

Director Stanley identified October 28 as a possible continuance date.

M/S/C McConnell/Jain to continue the project to the date certain of October 28, 2014. 5-0

**B. 942 Descanso Drive:**  
Modification 14-15  
Ward/Haynes

Request to construct a 580-square foot (total) outdoor patio addition. The proposed addition would encroach 9'-10" into the required 10'-0" southwest side setback. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave a presentation in accordance with the staff report.

Vice-Chair Jain ask if a photo in the PowerPoint was taken at eye level. Assistant Planner Parinas answered affirmatively.

Commissioner Smith confirmed with Ms. Parinas that the view was of the patio cover.

Vice-Chair Jain asked about the easement ownership and why the setback could not be taken from the property line. Director Stanley responded that the code excludes the easement from land area and setbacks.

Commissioner McConnell confirmed with Ms. Parinas that the shed is legal non-conforming.

Commissioner Smith stated that it is a good project, appreciating the style. Commissioners Gunter, Jain, and McConnell concurred, noting a difficult site. Chair Walker concurred.

M/S/C Gunter/Jain to approve as submitted. 5-0

**IX. OTHER BUSINESS:**

- A. **Building & Safety Verification:** Discussion regarding in-field validation of building setbacks, heights, drainage, conditions of approval, etc. by building inspectors.

This item was not discussed at this time.

**X. REPORT OF DIRECTOR'S REVIEWS**

- A. **204 Mariners View:**  
DM 14-17 (roof equip.)  
Gilmore

Approved installation of new condenser units on the 1st-floor roof of a new single story addition of an existing 2-story residence. According to the project plans, the condenser unit would be located at the east side-yard of the lot on top of a single story addition currently under construction. The addition complies with the minimum side-yard setback requirements and provides adequate distance for screening of the condenser unit atop. The roof equipment will not be visible from the street as it is concealed by the main residence and existing mature landscaping.

- B. **4544 Palm Drive:**  
DM 14-19 (SB)  
Abramian

Approved a 4'-0" encroachment into the required 11'-0" side-yard setback (7'-0" from the north property line). The project is outside of the required 15-foot rear-yard setback. The proposed addition does not encroach further into the side setback than the existing structure to which the addition will be attached.

- C. **4349 Cobblestone Lane:**  
DM 14-22 (SB)  
Gans

Approved a 3'-11" sideyard encroachment to allow 857 sq. ft. of new addition to an existing single-story residence. The new addition does not encroach further into the side-yard setbacks than the existing structure to which it will be attached.

- D. **172 Starlight Crest Drive:**  
DM 14-24 (SB)  
Schumacher

Approved an encroachment of 1'-3" into the required 7'-6" side-yard setback located 6'-3" from the north property line. The proposed addition does not encroach further into the side setback than the existing structure to which the addition is to be attached.

**E. 846 Wiladonda Drive:**

DM 14-28 (SB)

Mester

Approved a deck encroachment of 4'-6" into the required 9'-6" side-yard setback, that is in-line with the existing structure which is also at 5-feet from the east property line.

**F. 2316 Pickens Canyon Road:**

DM 14-29 (SB)

Munoor

Approved an addition that will be located 5'-11" from the north property line, encroaching 7-inches into the required 6'-6" north side-yard setback.

**G. 5702 Catherwood Drive:**

HDP 14-17 (Dir.) (Amend.)

Szebelledy

Approved an amendment for a newly proposed 30-inch tall retaining wall to be constructed around the pool equipment. The location of the pool equipment and the pool will remain unchanged from the original approval.

**H. 1946 Lamp Post Lane:**

HDP 14-29 (Dir.)

Chandramohan

Approved the legalization and repair of a retaining wall with a wrought iron fence atop, located along the rear property line. The retaining wall has a height of 2'-0" at its highest with the wrought iron fence atop not exceeding 6'-0" in total height. The fence spans 142'-5".

**I. 3870 Chevy Chase Drive:**

HDP 13-56 (Amend) & SFR 14-31 (Dir.)

Dabbah/Temianka

Approved removal of an existing dormer at the second-floor level within the rear of the residence. The removal alleviates a sloping ceiling which prevents the full use of the second-floor bathroom. There will be no additional floor area as a result of this change; however, due to an interior height increase, 70 cubic feet of volume space is added requiring the Second Floor Review as part of this amendment.

**XI. COMMENTS FROM THE COMMISSIONERS**

Chair Walker requested that staff double-check that minutes are included in the packets.

Vice-Chair Jain advised that he would be out of town on November 25. Commissioners Smith and McConnell also noted that they would be absent. Director Stanley noted that there would be no quorum, and that the normal first Tuesday in November would fall on Veteran's Day. He recommended that the single November meeting be moved to Thursday November 13.

Commissioner McConnell requested that he be removed from the "reply all" list for the Sacred Heart project.

Commissioner Smith noted that he had not gotten many emails; Vice-Chair Jain stated that he had received none.

## **XII. COMMENTS FROM THE DIRECTOR**

Director Stanley reminded the Commission about the upcoming special meeting for public comments on the Sacred Heart EIR on September 30, at Lanterman Auditorium, at 6pm. He stated that there would be a full presentation and public comment.

Commissioner McConnell stated that he hadn't gotten a message. Commissioner Smith asked if Commission action would be taken that night; Deputy City Attorney Guerra answered that it would be possible.

## **XIII. ADJOURNMENT 7:45 pm**