

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE
CITY OF LA CAÑADA FLINTRIDGE
HELD OCTOBER 12, 2004**

I. CALL TO ORDER:

Chairwoman Mehranian called the meeting to order at 6:00 p.m.

II. ROLL CALL:

Present were Commissioners Cahill, Davitt, Engler and Gelhaar, City Attorney Steres, Director of Community Development Stanley, Assistant Planner Gjolme and Planning Aide Shimazu.

III. PLEDGE OF ALLEGIANCE

Chairwoman Mehranian led the salute to the flag.

IV. COMMENTS FROM THE PUBLIC:

Comments were not offered.

V. CONSENT CALENDAR:

A. M/S/C Davitt/Engler to approve the minutes of September 28, 2004 as modified by Commissioner Gelhaar. 4 Ayes; Mehranian abstaining.

B. M/S/C Davitt/Gelhaar to approve Lot Line Adjustment 04-06.
Unanimous.

VI. PUBLIC HEARINGS:

A. Hillside Development Permit 03-62 (amendment) and Modification 03-67 (amendment); Yang; 3769 Berwick Drive:

Chairwoman Mehranian was recused from this matter as she resides within 500 ft of the project.

Assistant Planner Gjolme recalled that the Planning Commission had approved a residential expansion in November '03. The instant request it to allow retaining walls to the side and rear of the addition and to allow a new staircase to the side of a new approved garage for Fire Department access.

The walls would provide clearance from the rear yard slope and would, for the most part, face inward. The primary wall would extend approximately 70 ft at a height of 7 ft for most of its course before reaching the side property line. A section of the wall would exceed the 6-ft maximum allowed for walls located within the side yard setback. Other walls would facilitate the remaining grade

change between the primary wall and the approved addition. Assistant Planner Gjolme noted that the addition would serve to screen the walls and that both components would be isolated along the north side of the property – distant and screened by existing dense landscaping from the neighboring home to the north.

Staff concluded that the project is sensitively designed and would not detract from the street setting, nor does it raise the typical concerns to views or of massing associated with hillside projects. Staff recommended positive findings and project approval.

Commissioner Engler confirmed that facing Berwick, the stairs would be located to the far right. Only the staircase would be visible from the street.

Project architect Eric Sautter, stated that Staff clearly defined the request and explained that the Fire Department needs access to the entire building. He intends to use split-face concrete block for the walls so they recede into the hillside.

Vice-Chair Gelhaar opened the public meeting. Comments were not offered and the public hearing was closed.

Commissioner Cahill remarked that he did not have concerns with the request and noted that the project would not be visible from other projects. He concurred with Staff's recommendations and findings.

The Commissioners agreed.

Commissioner Engler noted that the was the first project that has been returned to the Commission for review due to modifications made by another agency.

M/S/C Davitt/Engler to approve the requested amendments to Hillside Development Permit 03-52 and Modification 03-67. 4 Ayes.

Chairwoman Mehranian returned to the table.

B. Conditional Use Permit; Chevron/Extra Mile; 623 Foothill Boulevard:
Director Stanley requested that the agenda be reordered pending arrival of the City's Traffic Engineer for this request.

C. Modification 04-55; Jesmok; 1619 Alta Park Lane:
Assistant Planner Gjolme described the applicant's request to allow a first-floor encroachment into the front setback and a second-floor side yard encroach-

ment on the west side. Additionally, a section of a new inward-facing retaining wall would exceed the 42-inch maximum height for walls located within the front setback.

The project site is located on the north side of Alta Park Lane, west of its intersection with Alta Canyon Road, in the R-1-20,000 Zone. Alta Park Lane accommodates ten lots developed with 1950 vintage homes.

The design proposes a first-floor perimeter expansion and a new second-floor wing on the east side. The Modification addresses several encroachments, including a bedroom addition that qualifies for Administrative Review. It would provide a 7'-6" west side yard, below the 11-ft requirement, but greater than the existing 6-ft setback. A new garage would extend the home 13'-6" forward and while it would maintain the building line of the east wing, it would reduce the required 32-ft required neighborhood average to 28 ft. A new retaining wall at the east end of the garage would extend into the front setback and exceed the 42-inch-maximum height for front yard walls; the existing garage would be converted to habitable space. A 565-sf guest room is proposed over the garage and mirror the expanded first-floor. It would meet all setbacks with the exception of the east side, where an 11-ft setback would be provided compared with the 20-ft, second-floor setback required for the lot.

The 1,365-sf addition yields 4,432-sf of floor and roofed area on the 17,950-sf lot. Maximum height would reach 24 ft at the two-story guest room addition, which is adjacent to the lower driveway grade. Staff viewed the side yard encroachments as reasonable and a result of the home's orientation on a slightly irregularly shaped lot. The requested front yard encroachment by the garage was difficult to justify, since a slight reconfiguration would result in a compliant setback. Assistant Planner Gjolme noted however, that existing dense landscaping would visually screen the encroachment from the eastern views off Alta Park Lane.

The applicant was in the audience to respond to any questions.

Commissioner Gelhaar stated that he could make all the findings and was delighted with what was essentially a single-story project.

Commissioner Cahill concurred with Staff's findings and reported of having spoken with the applicant. He did not view the front yard encroachment as problematic, however the applicant did mention that shrubbery would be removed. He preferred that it remain as a visual buffer and requested an added condition reflecting that.

Property owner Rick Jesmond commented that his intent was to only thin the shrubbery.

Commissioner Engler supported the request, as did Commissioner Davitt, who also supported Commissioner Cahill's request for an added condition to maintain the landscaping.

Chairwoman Mehranian expressed appreciation for the sensitive design.

M/S/C Gelhaar/Engler to approve Modification 04-55, eliminating condition #12 and replacing it with a requirement that the existing landscape screening be maintained. Unanimous.

D. Floor Area Review 04-12; Park; 4844 Hampton Road:

Assistant Planner Gjolme described the applicants' request to exceed the floor area standard their lot, but remain within the 4% "window" allowed through Floor Area Review. Proposed total floor area of 3,115-sf, exceeds the 2,807-sf standard for the 7,797-sf lot. He pointed out that the existing floor area exceeds code.

The project site is located on the east side of Hampton Road, south of its intersection with Houseman Street, in the R-1-7,500 Zone. It is developed with three detached structures: a garage at the front of the lot, a 2-story residence 33 ft to its rear and a 322-sf recreation room at the southeast corner. A large balcony extends at the rear from the 2nd-floor and encroaches into the rear setback. Its legality is questionable, since permits have not been located; however, the applicant is willing to demolish the balcony concurrent with project approval.

The proposal is to add 146-sf at the center of the home where the north and south wings form an alcove to add closet space on both floors. Assistant Planner Gjolme noted that the existing appearance and profile of the home would not change and demolition of the rear balcony would decrease existing floor area.

Considering the minimal size and location of the project and the threshold for review considers only overall visual effect and reasonable compatibility with the immediate area, Staff regarded the request as reasonable, and recommended positive findings and project approval.

Commissioner Gelhaar reported that he made a site visit and had a concern regarding the sq footage. His calculations total 3,227-sf of total floor area, not

counting the 138-sf front balcony. He advised that the rear balcony had been removed.

Assistant Planner Gjolme stated he would revisit the numbers. He suggested that the Commission add a condition that the front balcony be removed if the numbers "do not add up", as it was not included in the 3,115-sf of total floor/roofed area.

Commissioner Engler made a motion to continue the matter pending Staff's submittal of accurate numbers.

Director Stanley suggested adding a condition stating that the project may not be larger than what was presented.

Commissioner Gelhaar preferred to add a condition rather than a continuance.

Commissioner Engler's motion died for lack of a second.

Chairwoman Mehranian remarked that until the facts are known, hearing from the applicant would not help her decision-making.

Commissioners Cahill and Davitt preferred to allow the process to move forward by adding a condition.

Chairwoman Mehranian explained the issue at hand to applicant Laura Park. She then opened the public hearing. Comments were not offered, and the public hearing was closed.

Commissioner Gelhaar reiterated his concerns with the sq ft. If the 138-sf front balcony was removed, allowing the applicant to tuck-in the second-floor, he could support the request.

Commissioner Davitt concurred with the benefit derived from removing the front balcony, but suggested consulting with the applicant, since that was not part of the submittal.

Commissioner Engler preferred a continuance so Staff could submit accurate measurements. He felt it would be unfair to make the applicant remove the balcony when it might not be necessary.

Commissioner Cahill confirmed that the rear balcony was not included in the figures submitted by Staff. He noted that the expansion would be at the rear

and tucked, so visual impact was not an issue. He added that with demolition of both balconies, there would be no net gain, regardless what the numbers are.

Chairwoman Mehranian concurred with Commissioner Engler and preferred a continuance for definitive information.

Commissioner Davitt confirmed that if the project was approved with a condition limiting floor area, Staff would recalculate the figures. He asked what would happen if the recalculated sq footage fell between Staff's original figures and those calculated by Commissioner Gelhaar.

Assistant Planner Gjolme stated that anything over 3,115-sf would trigger the need for a Variance.

With that information, Commissioner Davitt changed his mind and felt that clarification of the numbers was essential.

M/S/C Davitt/Engler to continue Floor Area Review 04-12 to October 26th, by which time Staff would re-evaluate and advise regarding the correct floor area. Unanimous.

VII. Conditional Use Permit 387; Chevron/Extra Mile; 623 Foothill Boulevard:

The Chair proceeded with this item, noting that the City's Traffic Engineer had not yet arrived.

Director Stanley reported that Chevron was seeking to demolish existing service bays and replace them with a larger building dedicated to a 24-hour cashier's station and convenience store. There would be a net increase of 378-sf over the buildings to be demolished. Sale of beer and wine for off-site consumption is also requested.

The 23,097-sf site is located at the northwest corner of Foothill and Rinetti Lane, immediately west of the post office, in the Mixed Use 2 Zone of the Downtown Village Specific Plan (DVSP). Since the existing use preceded incorporation, there is no CUP on record. The nearest homes are on Woodleigh to the south, La Porte to the northwest and across the freeway to the north.

Two preliminary reviews by the Design Commission resulted in relocating the open space from the interior to the more prominent northeast corner. Since the canopy and pump islands would remain where located, the project does not attain a street front presence as called for in the DVSP. Further Design Review would be required if the building construction is approved.

Director Stanley cited nearby retail uses that sell alcohol for offsite consumption: Vons, Ralphs, Trader Joe's and Alcorn Liquor. Nearby service stations – Arco, Shell and 76 - do not sell alcohol. He advised that state law bars municipalities from prohibiting these types of requests based on general objections to sale of alcohol or to the combination of gasoline and alcohol sales. A denial must be based on evidence that the proposed site is particularly unsuited for such a use, as found in the Business and Professions Code, Section 23790.5. Should the Commission approve this component of the request, the applicant is required to obtain a license from the state Board of Alcohol Beverage Control (ABC). State law prohibits alcohol sales between 2:00 a.m. and 6:00 a.m. as well as alcohol beverage advertising on the pump islands or any illuminated alcohol advertising on the building or in windows. The CUP review is intended to ensure that the request would not adversely affect surrounding permitted uses or the character of the zone. Through long use, the site has been found to be adequate for the purpose of gasoline sales, automotive repair and limited retail sales. It is distant from residential uses and there is no evidence that the sale of beer and wine would introduce a level of disturbance to the neighborhood. Neither the proposed store nor the sale of beer and wine are anticipated to generate significant traffic.

Lastly, Director Stanley advised that the DV SP requires a curb extension where the easterly driveway on Foothill is located. The City's Traffic Engineer reviewed that aspect and provided his recommendations to close the easterly driveway. The intent is to restrict or limit the number of driveways on major streets. The applicant opposes that suggestion.

Staff determined the modification for the service station use as straightforward and given the state-imposed limitations regarding the sale of beer and wine, Staff could not conclude that the site is particularly unsuited for such sales.

Director Stanley distributed a plan recently submitted by the applicant showing a curb extension and maintaining the easterly driveway. The Traffic Engineer had concerns that the radius for the extension was not clearly shown.

Staff recommended approval as conditioned, including compliance with the state's Business and Professions Code 23790.5 and replacement of the easterly driveway with a curb extension.

Commissioner Engler asked that Staff convey his concern to the Design Commission that the plan shows the canopy to remain "as is"; he strongly believed that its appearance should be compatible with the new building.

Since the Traffic Engineer had not arrived, Commissioner Gelhaar asked Director Stanley to be certain that closure of the most easterly driveway was carefully analyzed. The Foothill/Rinetti corner is frequently congested due to traffic entering the post office driveway and he was concerned that closing the east driveway would exacerbate the problem.

Director Stanley remarked that he and the Traffic Engineer discussed that point extensively.

Chairwoman Mehranian confirmed that if approved, Chevron would be the only gas station on Foothill selling beer and wine for off site consumption. She shared Commissioner Gelhaar's concerns and believed that as proposed, the project would generate more traffic. She asked if a traffic count was taken.

Director Stanley advised that a traffic study was not conducted; estimates were made using the standards of the Institute of Traffic Engineers manual.

Commissioner Engler asked for dates and information regarding the most recent traffic study for the Foothill/Rinetti intersection.

Responding to a question from Commissioner Cahill, Commissioner Gelhaar advised that he had spoken with the applicants. The door to the convenience store would close at 10:00 p.m. for walk-in customers; thereafter, merchandise would be sold through a window. The main door would re-open around 5:30 a.m.

Commissioner Cahill inquired if other venues selling alcohol remain open past 9:00 p.m.

Director Stanley responded that Vons and Ralphs are open 24 hours.

Commissioner Davitt confirmed that Rite-Aid also sells alcohol and is adjacent to Vons. He asked if there were any statutes addressing concentration of use.

Director Stanley responded that ABC issues the licenses and he believed that concentration of alcohol was part of the process.

City Attorney Steres provided an overview of the legal parameters for approving or denying CUPs for the sale of alcohol. In the late 1980's, around the time when the concept of mini-marts became popular, many cities were denying requests to include the sale of alcohol based on their

disapproval of mixing the sale of gasoline with sale of alcohol. Thereafter, the state legislature passed the Business and Professions Code 23790.5, which blocked cities from prohibiting the sale of alcohol for off site consumption if the site is located in a zone that allows retail to do so. It also allowed cities to adopt a CUP process and sets forth certain parameters including a public hearing, the right of appeal and requires that a decision be based on evidence submitted to the Commission – the same standards applied for any CUP application. The Commission must similarly consider this request as other approved CUPs in the same area, that allow alcohol for off site consumption.

Project architect Larry Tidball responded to an earlier question from Commissioner Cahill and advised that the service bays have not been operational for approximately one year. When they were, they closed at 8:00 p.m. The station will be owned by corporate and operated by Chevron employees; the Extra Mile concept is only used at flagship sites. He related that the Design Commission expressed appreciation for Chevron's efforts in redesign efforts and to make this a good 'fit' in the community.

Parking – Mr. Tidball reported that this type of operation needs 6 parking spaces based on parking analysis of similar sites. A reduction in parking from the required 12 to 8 spaces was being requested. Staff and the Design Commission were satisfied that 8 parking spaces were adequate and pointed out that more landscaping opportunities would be available.

He stated that he had no concerns with the draft conditions until he read #21, which calls for closing the easterly driveway and installing a landscaped curb extension. He commented that throughout numerous discussions with Staff, he only learned of the DVSP's requirement for a curb extension upon receiving a copy of the staff report the previous Friday. Mr. Tidball stated that closing the east driveway raises a significant concern with circulation. The majority of customers pull into the site heading west, which is the logical flow at this facility. Closing the east driveway on Foothill would force motorists to pull into the far driveway, necessitating a U turn to enter the station. This would require a driver to reduce his speed, affecting traffic on Foothill. Rather than a logical traffic flow in a single direction, some motorists would end up facing each other at the pumps and have to back up to exit. Also, tanker trucks currently use the easterly driveway to exit the site.

The City's Traffic Engineer arrived at this point. Mr. Tidball briefly summarized his concern with the city's proposed closure of the easterly driveway.

Regarding their hastily submitted counter proposal, Mr. Tidball advised that they were working off the Beulah Drive concept that Staff recently provided him. He believed that with further study, a solution could be found to accommodate the curb extension and maintain the driveway.

Responding to a question from Commissioner Gelhaar, Mr. Tidball advised that the fuel trucks enter via the first driveway on Rinetti and exit at the west driveway on Foothill.

Commissioner Engler remarked that he was not convinced with the applicant's argument to maintain the easterly driveway. He believed that gasoline prices dictate whether a motorist pulls into a station. "If the price is right, motorists use any driveway." He asked if the applicant would consider "redoing" the island canopy to match the building and explained the purpose of the DVSP; something more than the average convenience market is expected.

Mr. Tidball responded that his options are limited, given that he cannot build a new canopy. He was confident that he could design a roof treatment that would not impose new loads on the structure, adding that his budget is based on economic return.

Responding to a question from Commissioner Cahill, Mr. Tidball explained the Extra Mile concept is a relatively new concept and design. Two sites nearest La Cañada Flintridge are Monterey Park on Atlantic Boulevard and another under construction in Alhambra.

Mike Lucey, Development Specialist for Chevron, responded to previous questions. Other gas stations in town do not sell food with the exception of Shell, which has a snack shop and is not corporately owned and verified that ABC does regulate licenses based on population densities. He related that Extra Mile stores are typically 45,000-sf to 55,000-sf, and sometimes as large as 70,000-sf. Having built Chevron sites since 1985, he advised that the most common thread in a successful station is on site traffic flow. The stations with the most volume are those with the best on site traffic flow. Mr. Lucey advised of having visited the site numerous times and for over an hour before the meeting; motorists traveling east on Foothill make a left on Rinetti and enter at the first driveway; those traveling west on Foothill enter the easterly driveway. He concurred with Mr. Tidball that closing the easterly driveway would result in a "50/50" situation, where cars would be facing each other at the islands and pointed out that one island has only one gas dispenser. He explained that an empty tanker truck full of gas vapor is

equally as dangerous as a full tanker; their drivers need the ability to deliver and exist the safest way.

Lastly, he reported that cashier's receive a week's training and annual certification related to the sale of anything that is related to age. He noted that there is more control, given that this is a corporate-run site.

Commissioner Gelhaar asked if there was a corporate concern with having the doors open 24 hours a day, 7 days a week.

Mr. Lucey responded that the Head of Security will make a site visit and his findings would determine whether the doors should remain open 24/7.

He confirmed for Commissioner Engler that all cashiers are at least 21 years of age and offered to check with corporate if that restriction applies to all store employees.

Commissioner Davitt asked about the average number of cars that use the station and whether Chevron expects more business from a combination of gas and store sales, or are expectations that the store itself would generate more business?

Mr. Lucey responded that the average car intakes just under ten gallons and that the project site sells 200,000 gallons a month. Chevron anticipates a gradual increase of volume; the project's profitability is based on the convenience store. He related that each site is different, some customers will only use the store, some will never use the store and others will shop at both.

Commissioner Engler verified that the station is currently operated by corporate and asked if they intended to continue selling beverages from the islands. He did not believe that merchandise displayed in public areas was appropriate for this community and asked that if Chevron would be willing to remove them if the CUP was approved.

Mr. Lucey advised that it is a new merchandising tactic used by almost all convenience stores. He was willing to discuss removal of merchandise from the islands.

Chairwoman Mehranian opened the public hearing.

Janine Bonn, 4457 Oakwood Avenue, stated that as a high school counselor for 19 years, she has learned that the location of choice for youth to

purchase alcohol is gas stations mini-marts. While she was pleased to see the site improved and recognized that the cashiers carefully check I.D., transactions among adolescents and an older persons to purchase alcohol are conducted outside the mini mart. She believes the community has an obligation to make the city as safe as possible and as a member of the community, a counselor and a parent, the sale of alcohol at this location concerned her.

Greg Bonn reported when he first moved into his home, there was a corporate-run gas station on Foothill, immediately adjacent to his home (Panda Express now occupies the site) and they were excellent neighbors. He stated that the Planning Commission has incrementally changed the lifestyle of neighbors on Oakwood; there is a pre-school across his home on Oakwood and a coffee shop/internet café a few blocks away, that is frequented by customers over the age of 21 and remains open late. Upon closing, its clientele congregates in the parking lot adjacent to his home -- sometimes as late as 2:00 a.m., where there is more drinking and drug use. He expressed concerned with what he felt "would be another place that makes it easy for young folks to purchase alcohol". He did not believe that prohibiting the sale of beer and wine was a big issue for Chevron, given that they want to be a part of the community and not all Extra Miles stores sell beer and wine. He added that the requested reduction in parking was a serious issue for him.

He described the ways he tries to deter loitering in the parking lot and confirmed that he does call the Sheriff.

Further comments were not offered and the public hearing was closed

Mr. Lucey responded to concerns and explained that there is a good deal of employee training to preclude what Mr. Bonn described. He deals with every individually and if 35% gross profit loss in store sales doesn't make the project work, "then we don't do it".

Director Stanley advised that the Traffic Engineer had arrived and recommended that he be allowed to speak.

Eric Zandvliet, contract Traffic Engineer explained his recommendation to close the easterly driveway on Foothill. He recognized there would be fewer point of access, but determined that closing the driveway would resolve traffic conflicts on and off site and would facilitate the traffic flow. He noted that motorists could continue to access the station from all directions. His preference was to use Rinetti Lane to access the station

chiefly because a motorist can slow down without the fear of a rear end collision. The bulb out required by the Downtown Village Specific Plan precludes retention of the easterly driveway due to the 35-ft turning radius for Rinetti. Chevron's proposal for a 20-25-ft radius at the corner would be too sharp a turn for vans and larger cars. He acknowledged that tankers would have to enter the westerly driveway, circulate around the back of the pumps and exit on Rinetti.

Regarding trip calculation, he advised that the Institute of Traffic Engineers has, for many years, published a trip generation handbook with a collection of trip rates taken from gas stations across the United States. The studies are finite and provide the difference in trips between gas stations with and without convenience stores, with and without service bays, the number of bays and pumps. Replacing the service bays with a convenience store would result in a small incremental increase in trip rates (less than half a percent of existing traffic on Foothill. That increase would easily be absorbed in the existing street capacity and would not significantly alter any intersections or street segments along Foothill.

Commissioner Gelhaar commented that he frequently uses the post office and has observed traffic stacked in all directions. He was puzzled by the statement that closing the east driveway would not impact traffic.

Chairwoman Mehranian stated that these things are quantifiable and that she was having a difficult time hearing that these things are insignificant, when the Commission is aware the degree of change it represents.

Mr. Zandvliet clarified that he did not say traffic patterns would not change - they would, but there would be fewer conflicts of turning movements on and off site. He advised that entering the station from Rinetti is a safer movement than entering it from Foothill and that a certain amount of congestion is created when two driveways are near each other. Customers would have the option of entering from Rinetti or from the west driveway on Foothill and choose which side of the pump to use.

Commissioner Engler asked how the curb extension that is part of the DVSP be handled.

Mr. Zandvliet advised that the curb extension would begin as a continuation of the curb radius from Rinetti, sweep around the corner approximately 8 ft from the existing curb line and then reverse curb into the existing curb line. He added that he is working with the post office to improve its circulation.

Commissioner Engler noted that the curb extension was not shown on the overhead plan.

Director Stanley advised that Public Works and the Design Commission would address that component as noted in draft condition 21.

Mr. Tidball distributed a drawing showing a 35-ft radius and maintaining the easterly driveway, though somewhat reduced in size.

Chairwoman Mehranian asked if the project would go forward if the two CUP issues were separated.

Mr. Tidball stated that is an economic issue that he could not respond to.

Responding to a question from Mr. Lucey, Mr. Zandvilet advised that Rinetti/Foothill is one of the top ten accident intersection in the city.

Mr. Lucey assured him that his plan would result in traffic vehicles facing each other on site.

Chairwoman Mehranian requested comments from the Commissioners.

Commissioner Cahill commented that the application is to change the use from the now defunct service bays to a convenience store. Notwithstanding the Engineer's comments, he recognized Mr. Lucey's point that closing the driveway would significantly change the traffic flow. He stated that he could support Mr. Lucey's preferred route if the turning radius could be worked out.

Regarding the Bonn's concerns with parking, he pointed out that the use does not require a lot of spaces and the community wouldn't want cars parked there for long periods of time. What's being given in return is more landscaping. The concept of a convenience store, which would be consistent with the commercial area was not problematic for him. The issue that raises questions is the sale of beer and wine; he noted that it is very available. From an economic point of view it would bring in ancillary sales, but from a community point of view there is a lot of availability as pointed out by Mrs. Bonn. After a certain hour, there is not much call for alcohol purchases and suggested a condition limiting liquor sales to 10:00 p.m. He regarded the design as extremely important, describing it as a 50-year-event. He echoed Commissioner Engler's concerns with the appearance of the canopy and asked that the Design Commission look closely at that component. In conclusion, he stated that he was comfortable

with approving the change of use, leaving the traffic pattern as is and limiting the sale of alcohol to 10:00 p.m.

Commissioner Gelhaar concurred with restricting the hours for alcohol sales and asked that Chevron devise a way to lock the doors between 10:00 pm and 5:00 am and sell merchandise through a window. His concern was with the customer safety as robberies tend to occur between those hours.

Commissioner Engler observed that in reading the Business and Professions Code, it appears that an employee younger than 21 could sell beer and wine before 10:00 pm.

Attorney Steres concurred that as written, someone could infer.

Commissioner Engler agreed with Commissioners Cahill and Gelhaar to impose a condition regarding the sale of alcohol, but he preferred to limit sales from 9:00 a.m. to 9:00 p.m. He reiterated his concerns with the appearance of the canopy and believed that the intersection requires more study. He asked what the fallback position is if the problems alluded to by the applicant come to fruition. He also wanted to prohibit the display of merchandise on the islands, stating that they did were not appropriate in this community.

Director Stanley advised that such sales are prohibited by Ordinance as that he would have Code Enforcement check it out.

Commissioner Davitt stated that most of his issues were addressed. The traffic data and flow was a concern from a safety standpoint; general statistics were provided, but there is not a lot of information for this specific site. He was concerned with imposing a myriad of restrictions on the sale of beer and wine; however, he could not make Findings 1 and 2 as they relate to the sale of beer and wine. While he supported the project and Chevron, he believed there is sufficient alcohol sold within 50 ft of the site.

Chairwoman Mehranian stated that she had issues with the design, the flow of traffic, parking, and sale of liquor at this site. She read several quotes from the staff report with which she disagreed and stated that she could not support any part of this project.

Commissioner Cahill noted that Commissioner Engler proposed suspending beer and wine sales at 9:00 pm; Commissioner Gelhaar suggested 10:00 pm. He suggested that stopping all sale of alcohol at 9:00 pm would give Chevron plenty of time to sell alcohol and respond to their

concern of revenue justification and avert the nuisance reported by Mr. and Mrs. Bonn. Suspending liquor sales at 9:00 pm and allowing only window sales after 11:00 pm should respond to safety issues. Lastly, he considered this project as a 50-year-event and believed that the Commission should send a signal to the Design Commission that every design feature should be closely reviewed.

Commissioner Gelhaar concurred.

Attorney Steres advised that it would be preferable to have a resolution and conditions submitted at the next meeting so that everyone is clear on what was approved or denied.

Commissioner Cahill noted the Traffic Engineer's finding that there would be no harm if the east driveway were closed; he asked if there would be a significant benefit in closing it.

Mr. Zandvliet responded there would be fewer points of conflict near a high accident intersection, smoother circulation flow on site and a better opportunity for an appropriate bulb-out and landscaping – the greater the bulb-out, the greater effects on traffic.

Commissioner Engler commented on his nearly daily experience with traffic at the post office; traffic extends into the intersection from customers waiting in line to drop-off mail. He tended to agree with Mr. Lucey.

Mr. Zandvliet advised that he is working with the post office to smooth its traffic flow, which includes creating lanes inside the parking lot and adding a secondary drop-off point to preclude entering the parking lot.

Commissioners Engler and Gelhaar preferred to defer this item to the Public Works Commission.

Attorney Steres noted that draft condition 21 would be revised – decision whether to close the east driveway and where to locate the bulb-out would be referred to the Public Works and Design Commissions for final approval. The driveway may or may not remain, depending on the Public Works Commission.

Commissioner Engler asked Attorney Steres to research whether anyone under 21 years of age can sell liquor. He preferred to add a condition that all employees shall be 21 years of age or older during the hours that alcohol is sold.

Director Stanley summarized the modifications requested: no alcohol sales between 9 pm and 9 am, the door to retail shall close at 11:00 pm; window sales are allowed afterwards and until 5:00 am; requesting the Design Commission to carefully review the station canopy, so that it matches the building design, employees must be at least 21 years of age during the hours that alcohol is sold, closure of the east driveway and location of the bulb-out is referred to the Public Works and Design Commissions for review.

M/S/C Cahill/Gelhaar to approve Conditional Use Permit 387 as conditioned. 3 Ayes; No: Davitt and Mehranian.

Director Stanley advised the applicant that the 15-day appeal period would start after adoption of the Resolution at the next meeting.

VIII. COMMENTS FROM THE COMMISSIONERS:

Commissioner Davitt asked Planning Aide Shimazu to review what he found out about the home on Gould with ambulances in the driveway. Planning Aide Shimazu reported that there is no evidence that a business is being conducted from the property. The homeowner advises that their business, located in Tujung, is short on room to park the ambulances.

Director Stanley advised that Code does not prohibit the homeowner from parking the ambulances on site, but they could not dispatch ambulances from there.

Commissioner Engler advised that the street trees in front of St. Bede's Church are lacking grates; the trees were installed as a condition of the recent school construction. He asked that Staff check with Public Works if there are standard requiring grates.

Commissioner Cahill remarked that the diagrams included in the staff reports are very helpful. He asked if Staff could have applicant submit smaller versions of their plans as well, since he was looking for an overview prior to his site visits.

Commissioner Gelhaar stated that he issue was not with the size of plans, as long as they are to scale.

Chairwoman Mehranian asked that Staff be more specific with their reports; the Commission needs an idea of how projects would in reality affect its

surrounding. She added that her comments on the Chevron projects were not rhetorical; the report was not helpful to her.

IX. COMMENTS FROM THE DIRECTOR:

Director Stanley advised that draft R-1 revisions will be presented at the next meeting.

Commissioner Engler asked if the Commission could have them a week ahead, as it represents a considerable amount of reading.

Director Stanley advised that he and the Senior Planner would be at the APA conference the following week.

IX. ADJOURN

M/S/C Davitt/Cahill to adjourn at 8:40 pm. Unanimous.

Secretary to the Planning Commission