

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON OCTOBER 13, 2015**

- I. CALL TO ORDER:** Chair McConnell called the meeting to order at 6:02 pm.
- II. ROLL:** Also present were Vice Chair Smith and Commissioners Gunter, Hazen, and Jain.
- III. PLEDGE OF ALLEGIANCE:** The Flag Salute was recited.
- IV. COMMENTS FROM THE PUBLIC:** None
- V. REORDERING OF THE AGENDA:** None
- VI. CONSENT CALENDAR**

- A. **Minutes:** *7/14/2015 Meeting*

- B. **Lot Line Adjustment 14-01
2388 Foothill Boulevard
Kazemi/Shayfar**

Request to simplify multiple property lines to redefine the overall property as two coherent and code-compliant parcels

M/S/C Jain/Smith to adopt Consent Calendar: 4-0-1 Item A (Gunter abstaining); 5-0 Item B

- VII. CONTINUED PUBLIC HEARINGS**

- A. **Setback Modification 15-09
5300 Alta Canyada Road
Aslanian/Riverside Investors Inc.**

Request to allow conversion of an existing detached garage structure into an open cabana with a roof composed of individual trellis beams. The change would require removal and reconstruction of the structure's roof, which qualifies the structure as 'new.' The Setback Modification would allow the remodeled structure to retain encroachments into the required north side and rear setbacks.

Staff is recommending continuance of this item to a date uncertain.

Chair McConnell opens the public hearing. With no comments offered, he closes the public hearing.

M/S/C McConnell/Smith to continue the project to a date uncertain: 5-0

VIII. PUBLIC HEARINGS

A. **Minor Conditional Use Permit 519** **965 Foothill Boulevard, Unit A** La Canada Retail, LLC

Request to allow for the sale of beer and wine for consumption within a restaurant. The project is located in the Downtown Village Specific Plan, Mixed Use 1 zone.

Assistant Planner Parinas confirms that the Commission does not need a full presentation.

Commissioner Smith asks about the parking count. Ms. Parinas replies that restaurant use is permitted by right, and if there's no parking deficiency or other entitlements sought, it would require no Commission review. She states that there is no issue with parking because a Variance was approved at time of Town Center approval. Chair McConnell notes that when it was approved, the City counted required parking spaces differently. He asks whether the extent of deficiency allowed has been changed. Ms. Parinas recalled a discussion with the Deputy City Attorney that concluded that there was no language in the Variance approval resolution that the approval would be invalidated if there would be changes to the site or code. Mr. McConnell states his belief that the City Council approved a count that was applied for, rather than a specific shortfall, so that calculation should be per applicant's count, not a 223-space deficit. Ms. Parinas notes that the number of spaces onsite hasn't changed. Deputy City Attorney Guerra states that the methodology has changed, but based on the Variance number this use is consistent. Mr. McConnell states that the problem is the use of one set of calculations for the first number and another for the second number, not a concern about the specifics for the case. Mr. Guerra states that one thought is to bring the Variance back and amend it so it's consistent with present policy, which would be tedious and possibly undesirable to the applicant. Commissioner Gunter concludes that the issue may be relevant to center in general, but not to the current specific request for alcohol.

Chair McConnell notes the adjacent childcare center, and asks if there are any code provisions about such an adjacency. Ms. Parinas replies that there is not, although Alcoholic Beverage Control may have some regulation in that regard.

Commissioner Smith asks what happens if the City approves the CUP but the applicant does not obtain the liquor license. Mr. Guerra replies that the CUP would become null and void. He recommends that Condition 12 stipulate contingency on ABC approval.

Chair McConnell opens the public hearing. With no comments offered, he closes the public hearing.

Commissioner Gunter reports a visit to the site, and states his agreement with the findings.

Commissioner Hazen notes that he also visited the site and can make positive findings.

Commissioner Jain asks staff about hour limits. Ms. Parinas notes that there are other restaurants in the area that serve alcohol late, and per ABC they can only serve alcohol if they're serving food. Mr. Jain states that he can make the findings.

Commissioner Smith states that he has visited the site and can make the findings.

Chair McConnell states that he also visited the site and can make the CUP findings. He suggests one change to the resolution, to refer to adequate tenant space are without referencing the parking lot. He cites the previously stated amendment of Condition 12 to add contingency on ABC approval.

Deputy City Attorney Guerra recommend that "during established hours of operation" be deleted from Condition 11.

M/S/C Gunter/Jain to approve the project with conditions revised as summarized by Mr. McConnell and Mr. Guerra: 5-0

B. Minor Conditional Use Permit 518
468 Foothill Boulevard, Unit A
Scott Mueller – Ucode

Request to allow tutoring in an existing building in the Mixed Use 2 Zone of the Downtown Village Specific Plan.

Planning Aide Yesayan notes the location at the southeast corner of Foothill and Gould, previously retail space. He states that the business would involve software programming instructions and tutoring, with hour of Monday-Friday 2pm-6:30pm, Saturday 9am-2pm, and Sunday Noon to 2pm.

Mr. Yesayan displays the site plan and the area. He notes the parking at the rear for employees, noting that Ordinance 380 requires 59 spaces, while the site has 45. Mr. Yesayan states the Variance 07-05 allowed for 59 spaces out of 92 then required.

Planning Aide Yesayan states that circulation impact was discussed with the City Traffic Engineer, who provided Conditions 12 through 15 pertaining to circulation. Mr. Yesayan concludes that staff recommends positive findings and approval.

Commissioner Hazen confirms the parking distribution of 14 spaces in rear and 31 in front.

Commissioner Smith states that he is trying to understand the business model. Mr. Yesayan states that classes are not set at individual times, instead tutoring one-to-one are scheduled by appointment. He notes a condition to have 10-minute intervals between students. Mr. Smith asks if there are any drop-ins; Mr. Yesayan recommends asking the applicant.

Commissioner Gunter asks how the condition would be measured or enforced. Mr. Yesayan replies that the City can request a schedule from the business owner in the event of a complaint. Mr. Gunter asks if the City would monitor traffic circulation over a 6-month period. Mr. Yesayan replies that a staff member would visit the site, take photos, and discuss it with the

City Engineer. Mr. Gunter states that 8 to 10 hours would be required for monitoring, and the vagueness of the condition makes him uncomfortable. He adds that the peak hours are key to understanding the situation, and that the City does not seem to have considered what enforcement would really involve. Mr. Gunter confirms with Mr. Yesayan that the parking requirement is the same for retail use.

Commissioner Smith asks if the use is covered in the Zoning Code. Mr. Yesayan replies that it falls under general commercial. Mr. Smith asks about mitigation measures, noting that in the 2007 resolution, valet parking was discussed.

Chair McConnell refers to Resolution No. 07-101, Condition 2, for land use, asking if it would void the Variance, Condition 11 to close the expanded eating area at 5pm Monday through Saturday, and Condition 16, the shared parking agreement. Deputy City Attorney Guerra states that the use is consistent with the Resolution, and that the Commission can make its own determination.

Assistant Planner Parinas addresses Condition 16, stating that Los Gringos Locos did not obtain approval for a shared parking agreement, and instead submitted a proposal for employees to park in the back, including some tandem spaces, and that this arrangement was approved.

Commissioner Smith asks if the "land or land use" allowed for the change; Mr. Guerra replies that it does. Mr. Smith asks about Condition 15, referring to determination of a nuisance. Mr. Guerra replies that complaints from other businesses with adequate evidence would trigger such a review.

Commissioner Jain states concern with the possibility of queuing blocking other businesses or the street, since the use is almost like a school. Planning Aide Yesayan replies that the situation was discussed with the City Traffic Engineer, resulting in conditions to address the issue. Commissioner Hazen confirms that reserved spaces are not allowed. Chair McConnell confirms with Ms. Parinas that cleaners are an exception to that limitation.

Chair McConnell opens the public hearing.

Applicant Nick Marx introduces himself as the director of operations. Commissioner Gunter requests a walk through the operations. Mr. Marx replies that parents can schedule one- or two-hour blocks, similar to Mission Renaissance, and that parents don't need to come in with their children. He states that the receiving is quite quick. Mr. Gunter asks if there are no appointments within 10 minutes of each other. Mr. Marx replies that it might average at that interval, but that it would be difficult to ensure compliance, with some parents coming in 10 minutes early as an example. Mr. Gunter confirms with Mr. Marx that the listed hours are estimates based on the past performance of other centers.

Commissioner Hazen asks about the capacity. Mr. Marx replies that there are 12 workstations. Commissioner Jain notes that 24 workstations are indicated on the diagram. Mr. Marx replies that they hope to get to that level. Mr. Jain comments that there is no control over parents' arrival times. Mr. Marx states that they try to limit teachers to a 1:4 ratio. Mr. Jain confirms that there are four instructors. Mr. Gunter asks if the lease indicates tandem parking. Mr. Marx states that he does not know. Commissioner Smith notes the 1- and 2-hour blocks, and asks

the minimum time. Mr. Marx states that the minimum is one hour. Chair McConnell asks the age range. Mr. Marx replies that it is from 6 to 18, and adds that there is a waiting area for parents. He states that in Beverly Hills, Torrance, and Hermosa Beach, the students are typically from a 3-mile radius. Mr. Jain asks if licenses are required; Mr. Marx replies that they are not, but that they live-scan screen the teachers. Mr. Smith asks if other locations are in strip centers. Mr. Marx replies that Hermosa Beach is in a center with only 16 spaces, with no parking conflicts with two real estate offices and a drycleaners. He adds that his business is in it for long haul, and open to more conditions. He notes hours Saturday 9-6 and Sunday 12-2. Chair McConnell asks about flexible hours, and Mr. Marx replies that he would love to say yes, but it is not possible.

Chair McConnell closes the public hearing.

Commissioner Gunter recalls a site visit and states his concerns. The information varies among the applicant, the staff report, and the Variance. Mr. Gunter is concerned about overloading the center, and where cars would go in that situation. He states that traffic engineer conditions cannot be guaranteed by the operator. Mr. Gunter further notes that 16-18 year old students drive their own cars, and the applicant didn't know how many seats there are. Commissioner Gunter states his assent to a continuance to work through the issues, noting that if the decision were today he would say no. He concludes that he is not convinced that density of classes is acceptable at the location, with circulation at Gould a potential problem.

Commissioner Smith recalls visiting the site, and states his sharing of other Commissioners' concerns. He notes the tight parking area, and questions the applicant's ability to control drop-off times. He states that he would be more comfortable if he could be certain that the use was okay from an ITE standpoint. He further states that it is not a great location for use, and there should be a discussion with the applicant about what he's facing if there are complaints. Mr. Smith concludes that he is reluctant to approve the request.

Commissioner Hazen states that he has also visited the site, which he describes as always crowded no matter who's there. He notes that the City can't change the environment, and notes the need to know how many student drivers would be involved.

Chair McConnell reopens the public hearing.

Mr. Marx states that the students are primarily 7-11 year olds, and that currently there are no 17 or 18 year olds.

Commissioner Hazen states his reason for the question as concern with drivers. He notes that there is a red-curbed section on Gould, and wonders if it could become a drop-off zone, perhaps with a white curb.

Commissioner Jain states his familiarity with the site, noting that it's a struggle to park. He states that he is also familiar with the business type, with its primary age group from 9 to 13 year olds. He comments that there is no way to control time, such as appointments 10 minutes apart. He concludes that parking is a major problem and will always be. He comments favorably on the use, and suggests that the applicant go back to the landlord to work out parking.

Chair McConnell recalls his site visits and comments that it appears to be open and operating. He states having gone several times to see the parking. He describes it as totally full during the peak hours of the Proper restaurant, with overflow parking. Mr. McConnell states concern with non-compliance. He notes that Commissioner Hazen's passenger loading zone should be evaluated by the City. Mr. McConnell states that the property owner needs to secure additional spaces in the area to deal with hours of operation and parking arrangement issues. He states that Commissioner Smith makes a good point about "land or land use", and recommends that staff and Commission look at what was submitted for the Variance.

Chair McConnell notes that the hearing is looking like continuance, or the Commission could deny it outright. He suggests that the Commission ask the applicant how much time will be needed.

Commissioner Gunter suggests to also ask staff to reconcile the previous Variance and to check the suggestions of Commissioners Hazen and Jain.

Mr. Marx replies to Chair McConnell's statement, stating that they are teaching now. Mr. McConnell notes to staff that the situation indicates that the case should be made a priority to get back on agenda as soon as possible. He states that the applicant needs to get the property owner involved. He asks about the first meeting in December or second meeting in November.

Mr. Marx thanks the Commission for the continuance, noting his awareness of safety concerns. He states that he could work with the landlord to get spaces in front. Mr. Gunter notes that it would have to be analyzed in the context of the Variance.

Deputy City Attorney Guerra notes that a November 10 hearing would give 2-1/2 weeks. Mr. Yesayan states that it would be adequate.

Chair McConnell closes the public hearing.

M/S/C McConnell/Gunter to continue the project to the date certain of November 24, 2015: 5-0

C. **Hillside Development Permit 15-14, Second-floor Review 15-14, Setback Modification 15-08**
4528 El Camino Corto
Sada

Request to allow 1st and 2nd-floor expansion totaling 1,162 sq. ft. to an existing single-story residence. A Setback Modification is also requested since the additions would encroach up to 3 feet into the required west side yard setback at the 1st-floor level and 6 feet at the 2nd-floor level. As part of the request, a non-conforming carport would be replaced by a compliant 2-car garage.

Planner Gjolme introduces the proposal to allow 2-story expansion of an existing one-story house. He displays the site plan with the 1,162-square-foot addition highlighted, noting it would result in total area of 3,267 square feet, well below the 4,600 square feet allowed. He states that the requested Setback Modification would allow encroachment on the west side at both levels. Mr. Gjolme notes that the west property line juts in twice, resulting in limited

opportunity for expansion to the west, replacing the existing carport. He displays the encroachment with the jogging west property line, adding that a surplus setback is provided at forward portion. Mr. Gjolme concludes that, as a flag lot with constraints and without street view, the encroachments are reasonable.

Planner Gjolme continues by noting houses flanking the flag strip with second-floor encroachments. He states consistency with the scale and character of neighborhood.

Mr. Gjolme displays the elevations, describing them as strongly contemporary, isolated visually, and with the addition blending well with the house. He states no concerns with basic massing and articulation, but on the west side recommends additional clerestory windows. He notes that these were shown on revised plans, as well as carrying forward existing rafter tails to the second-floor roofline.

Mr. Gjolme display story poles. He recalls being contacted by Mr. Kim, owner of the second property to the south, with a rear yard adjacent to the side yard of the subject property. He states that Mr. Kim was concerned about second floor, glass doors and terrace potentially having downward views into his rear yard. Mr. Gjolme displays views from Mr. Kim's property, noting that staff sees partial views into his yard, but didn't see them as especially problematic, and didn't regard view into windows as a concern with the oblique orientation relative to the subject lot. He displays photos from the applicant's property, including views of Mr. Kim's house. Mr. Gjolme notes that the higher the vantage point, the less the view of Mr. Kim's house due to landscaping, concluding that there is adequate mitigation through landscaping.

Planner Gjolme states staff's belief that positive findings would be possible as submitted, but that the applicant and Mr. Kim have worked out a compromise, reflected in revised elevations that Mr. Gjolme displays with modified south windows and doors, as well as a plan for additional trees to be planted on Mr. Kim's property. He concludes that a condition should be included for the revised rear elevation, and that the Modification is more difficult to endorse, but made reasonable through circumstances.

Chair McConnell asks how the City calculates side vs rear yards. Planner Gjolme replies that the flag strip is deleted, and the remaining narrow frontage is considered the front lot line. He notes that the code states a single front and a single rear, so the rest are considered sides. In this case, side yards of 8 and 16 feet are required on the two stories.

Mr. McConnell confirms that the tree adjacent to the new bedroom is on the applicant's property, and that minimum garage width is 18 feet interior for existing garages and 20 feet for new.

Commissioner Gunter confirms that the southwest corner of the balcony is 5 feet from the property line, and that there was no staff input on second-floor layout.

Commissioner Smith asks if the 5-foot setback was increased with the revised balcony. Mr. Gjolme replies that it was, to at least 7 or 8 feet.

Commissioner Hazen confirms Mr. Kim's address as 4518.

Chair McConnell opens the public hearing.

Owner Marcelo Sada states that it is a big lot but awkward for opportunities to expand. He recalls approximately 18 months of going back and forth with the City and working with neighbors. He states that the original house was built in 1954. He confirms that he will be adding plants for Mr. Kim, which he describes as being of mutual benefit. He distributes the revised landscape plan to the Commission.

Commissioner Smith confirms with Mr. Sada that added clerestory windows and detail were added to the west elevation.

Chair McConnell asks if there is any reason for garage to be as wide as it is. Mr. Sada replies that it includes stairway width. Commissioner Smith confirms that Mr. Sada has looked at alternative stair designs.

Mr. Sab Kim, 4518 El Camino Corto, states his disagreement with Mr. Gjolme regarding privacy issues. He notes that the back patio is not currently in line of sight, but will be. He states that more than half his back yard will be under direct sight, and distributes photos from his yard to the Commission. Mr. Kim states that privacy screens should be close to the terrace and windows, not along the fence line. He notes the reduced window sizes, stating that the second floor windows could be clerestory.

Commissioner Jain asks Mr. Kim how long he has lived there; Mr. Kim replies that it has been seven years. Mr. Jain asks if Mr. Kim has noticed the applicant in his back yard. Mr. Kim replies that he has, and has planted privacy trees couple of years which are effective for the first floor, but not for 10 to 12 years effective for the second floor. He notes that he used to have a large oak tree which completely blocked that view, but it fell in 2010. Commissioner Jain asks if Mr. Kim has ever felt uncomfortable in the bathroom due to privacy; Mr. Kim replies that he has, frequently. He adds that it is reasonable with the applicant's house at one-story, but over exposed at two stories.

Chair McConnell closes the public hearing.

Commissioner Hazen recalls visiting the site, and describes the lot as challenging. He states satisfaction with the neighbors working together to address privacy, which would have been his concern. Mr. Hazen concludes that he can approve the findings.

Commissioner Jain recalls a site visit and discussion with the applicant. He states that it makes sense for an L-shaped landscaping plan to limit the view corridor. He suggests buying larger trees in box sizes to help all neighboring properties. Mr. Jain states that he can make all the findings with at least two 24"-box trees to be added.

Commissioner Smith states that he visited the site twice. He notes the long back yard in having no Hillside issues. With regard to the Second-Floor Review request, he did not see new significant view or privacy impacts. He notes that the existing living room windows see nearly the entire back yard, but that it is still good to see neighbors working out screening. Mr. Smith states his greatest issue as the requested Modification, noting that the project could easily conform, and that room sizes are not a compelling reason. Mr. Smith notes a further

opportunity to look at the orientation of staircase to use space more efficiently. He states that he cannot make the unique characteristics Setback Modification finding.

Commissioner Gunter agrees with Commissioner Smith. Further, he states that it is not fair for someone with an existing 2-story house to prevent another from having two stories. Mr. Gunter states that with the flag lot, the balcony encroachment is uncomfortably close to the neighboring rear yard.

Chair McConnell states that he also visited the site, and agrees with Commissioners Smith and Gunter with the difficulty of making Modification findings. Mr. McConnell sites additional concerns with the Second-Floor Review request. He states appreciation of Mr. Kim's visit, noting however that the other neighbor is more directly affected. Mr. McConnell states that he would prefer not seeing any balcony on south-facing portion, and agrees with Commissioner Smith that the project could comply with required setbacks.

Chair McConnell reopens the public hearing to discuss continuance.

Chair McConnell asks Mr. Sada if he would be amenable to a continuance, and if so, how much time would be needed to work with the neighbor and staff. Mr. Sada replies that the work with the neighbor would be quick, and that he can meet with the City anytime, perhaps in a week or so. Mr. McConnell confirms with Mr. Sada that a continuance date of November 24 would be acceptable.

Chair McConnell closes the public hearing.

M/S/C Gunter/Smith to continue the project to the date certain of November 24, 2015: 5-0

Commissioner Gunter leaves at 8:11 pm.

IX. OTHER BUSINESS: None

X. REPORT OF DIRECTOR'S REVIEWS:

- A. Hillside Development Permit 15-25 / Director's Misc. Review 15-36 (SB); Esmailian; 5554 Vista Canada Place: Allowed a 65 sq. ft. enclosure of existing roofed area. The new wall would encroach 3 feet into the required 11-foot side setback, though no closer than the existing structure.
- B. Hillside Development Permit 15-23 (Dir.) / Second-floor Review 15-27; Kosco; 4595 Leir Drive: Allowed a 54 sq. ft. balcony enclosure at the 2nd-floor level of an existing 2-story residence.
- C. Hillside Development Permit 15-09; Merritt; 1204 Inverness Drive: allowed a new pool, spa, equipment and retaining walls under 3 feet in height on a hillside lot.

With regard to Item C, Commissioner Smith asks if an oversize retaining wall resulted from the removal of the stair. Planner Gjolme replies that it did not. Mr. Smith asks if anything further is required. Mr. Gjolme replies that some of the lower walls were built illegally and the property

owner needs new Hillside Development Permit approval for those, along with the pool and spa.

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner Smith asks about the circumstances of a business operating before its CUP is approved. Planning Aide Yesayan replies that the applicant first applied for a Director's Review, appropriate to an existing use such as retail. He explains that once the City discovers a different use, staff takes it to the Planning Commission, and that as long as it's in process, code enforcement will be delayed.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley stated that Deputy Director Koleda would be attending the October 22 City Council meeting where second reading of Mills Act Amendments will be conducted.

XIII. ADJOURNMENT M/S/C Smith/Jain to adjourn meeting at 8:15pm: 4-0