

**MINUTES OF A MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA CANADA FLINTRIDGE  
HELD ON DECEMBER 10, 2013**

- I. CALL TO ORDER:** 6:05 p.m.
- II. ROLL:** Chairman Gunter, Vice Chairman Jain, Commissioners Der Sarkissian, McConnell and Walker, Community Development Director Stanley, Assistant City Attorney Guerra, Senior Planner Buss, Planners Gjolme and Clarke and Assistant Planner Parinas.
- III. PLEDGE OF ALLEGIANCE**
- IV. COMMENTS FROM THE PUBLIC:** At this time, members of the audience may address the Commission regarding matters that are not on the agenda or matters that are on the Consent Calendar.

Steve Brown gave a PowerPoint presentation about 3745 Normandy Drive. He spoke about the rear lot line and the 15' setback with an encroachment. He said that the information on the plans was wrong or missing and that the City passed an ordinance requiring all easements to be drawn on plans. He said that the house is in violation of the rear setback requirement. He gave a history of lot lines and change in rear lot determination. He said that 17 months is too long for a violation and that 2 months have passed since Commission approval. He said its time for the City to enforce the rules and not be for developers.

- V. REORDERING OF THE AGENDA:** Item 8A first, Item B second, Item 7A third, Item 7B fourth, and Item 7C last.

**VI. CONSENT CALENDAR**

**VII. CONTINUED PUBLIC HEARINGS**

- A. General Plan Amendment 13-01; City of La Cañada Flintridge; Housing Element Update:** Update of the Housing Element for fifth cycle review. A technical update addressing increased Regional Housing Needs Assessment (RHNA) requirements of the State. (Senior Planner Buss and staff)

Chair Gunter said that they would cover a lot of the same ground at this meeting like they did at the first meeting and that the process would be the same for the three components. The Commission will then recommend certain actions to the City Council.

Commissioner Walker said that she would have to recuse herself for the portion of the meeting that addresses a property she has a financial interest in.

Commissioner Walker asked Assistant Attorney Guerra about the resolution being tied together for the zoning.

Assistant Attorney Guerra said that this was addressed by having two new separate resolutions.

Chair Gunter said that Commissioner McConnell would return to the meeting after attending to a personal matter.

He presented a PowerPoint presentation clarifying the issues. There are three types of revisions: 1. R-1 and CPD zoning to R3 zoning; 2. Addition of new uses to the CPD zone only; 3. write down regulations

regarding transitional housing in accordance with State law. He showed slides of the subject zone change areas using aerial photographs. He noted that shelters have to be allowed in one zone in the city. If they are not allowed in one area they can go anywhere in the city. The City could limit it so that they wouldn't go in residential areas. The ordinance proposal has no changes to transitional and supportive housing – which continue to be allowed only in residential zones. The Commission does not approve the ordinance proposal but makes recommendations to the City Council. There will be at least 3 public hearings. The City Council will go through the same process.

Senior Planner Buss introduced the consulting team and gave an overview of the presentation.

Consultant Bill Trimble (Veronica Tam & Associates) spoke about the history and process of the two housing elements.

Chair Gunter asked about income levels and density.

Mr. Trimble said that the State of California has tables for different parts of the state showing income levels and housing costs which correspond to density. He noted that high density can be high cost and not affordable.

Chair Gunter asked the speakers to talk about the housing element and not the zoning [due to the presence of Commissioner Walker].

Tom Knudson asked about the large number of units (343 units) for a small city compared to similar cities such as San Marino (17 units) and Palos Verdes (31).

Currently there are 112 units allocated, but 241 units have been added from the past which were not constructed.

Mr. Trimble responded that the numbers are based on the history of growth and jobs in the city.

Mr. Knudson asked why was there a difference between San Marino and La Canada Flintridge?

Mr. Trimble notes the numbers are generated by a computer model. The Southern California Association of Governments (SCAG) uses vacancy rates and demolitions and also employment to determine the number of assigned units. The SCAG numbers are provided by the State Department of Finance. He noted the difficulty of appealing numbers.

Mr. Knudson asked who publishes the numbers at the State level.

Mr. Trimble spoke about the process and how the numbers are reviewed by three bodies of elected officials over a year period.

Director Stanley stated the City appealed the original numbers assigned by SCAG and went through three hearings, but were denied in the end. Each time the City provided additional supportive materials (to reduce the number).

Mr. Knudson asked if the numbers were assigned by SCAG (yes). Were the original numbers appealed (yes). He asked if the new numbers were appealed (no). He asked if he could review the appeal process (yes, but the process is now closed so there is no appeal to pursue). Do the numbers in the Housing Element match the SCAG assignment (yes).

Mr. Roman (4601 Ocean) asked about the 343 units and who is accountable.

Chair Gunter gave background on how long the General Plan process took and that the assigned numbers need to be addressed.

Director Stanley gave an overview of the General Plan Advisory Committee (GPAC) and the timing for the process. It was a six year process to develop the element.

Mr. Roman asked if the Commission wanted 343 low income housing units in the city or million dollar homes.

Chair Gunter gave his personal history of living in La Cañada Flintridge. He said that the community was similar to how he grew up. He said that the changes proposed will not impact the character of the community. He noted undergrounding of power lines, more places to eat and bigger homes as changes over time. Market forces are key and will decide the future.

Commissioner Der Sarkissian said that other cities promote housing. He did not understand the answers given earlier by the consultant. He spoke about the process and how many elements there were to it. There are so many discretionary groups in the process with politics involved.

Mr. Roman asked why similar cities have lower numbers than La Cañada Flintridge.

Commissioner McConnell returned to the meeting at 8:11 p.m.

Chair Gunter noted that Commissioner McConnell had heard the staff report before and was there for public comments.

Other things from the State are not always clear and items are very complex and take a long time to understand. There is no quick answer as to why the other cities got lower numbers. He went over the appeal process and noted that the City lost. We did not meet the criteria to get an appeal approved. There are repercussions if not approved. The benefits for addressing now are that the RHNA numbers don't stack over time. But if the plan is not executed and filed with the State then they do add up. The effort is to minimize the impacts on the city.

Gisela G. Hernandez (310 Knight Way) read the housing element the consulting firm did for San Marino and noted it was a lot different. For example, the use of vacancy rates and the analysis in the element were different. They used Craig's List for house prices. She used an example of senior housing in two cities and how the two elements are different. The plan does not reflect the love of the city, or what people want. She cited prices for housing and the dates used. She urged people to read San Marino's element.

Priscilla Luther Heft (4546 Rockland Place) asked what the population of the city was (under 21,000) and how many units there were in the city (7,000 units, approximate total). She asked if there were provisions for the elderly included in 343 units.

Mr. Trimble said that there was no distinction and that it depended on the needs of the city.

Ms. Luther Heft asked about the senior population in the city.

Mr. Trimble said that senior population will grow over time but this does not affect the RHNA numbers.

Ms. Luther Heft asked about second units being counted and how many exist now.

Mr. Trimble spoke about Census count.

Director Stanley spoke about unit types and changes in numbers over time as shown in the element. Granny flats were not called out. He noted that they are allowed and used.

Ms. Luther Heft asked about granny flats. Is there a way to encourage development of mother-in-law units and make it easier? Some of the goals could be met with granny units in existing houses.

Karineh Minassian (5038 Castle Road ) asked about second units. She has two extra units and they were not counted by the County Assessors. If they were counted we would have more than we need. Fifty percent of her friends have them but they are not legal and are used as game rooms as they have no kitchens. She legalized a unit in Burbank and marketed it as such. She asked to use existing units in the city and allocate them as units by adding kitchenettes. She asked that people be allowed to make minor changes like in Burbank.

Senior Planner Buss gave an overview of second unit requirements under State law. The same process is here as in Burbank. Building permits are required. He spoke about the Census process and lack of Census staff. People may or may not self-report second units. They become second units when a kitchen is added.

Ms. Minassian asked that second units get more publicity. She asked if the City had any representation on SCAG committees. She also asked about the three levels of committees.

Mr. Trimble said that the mayor of La Cañada Flintridge is on the SCAG housing committee now, but may not have been on it when the RHNA was going through the review process.

Chair Gunter said that we did not meet the criteria to appeal the RHNA allocation.

Ms. Minassian asked about a multi-jurisdictional agreement.

Senior Planner Buss said that was attempted but that no other city was interested.

Mr. Trimble was not aware of any city doing this since it's so strict to do it.

Ms. Minassian spoke about the ongoing Sage Brush school boundary issue. She was in favor of any strategy that can be used with Glendale.

Chair Gunter said they don't have the means or the ability to do it. There is no trade involved – it is one sided.

Commissioner Der Sarkissian gave an example of units on a site or rezoning other properties. We could have the units on a couple of properties or we could have them all over the city.

Ms. Minassian said that she would not rent out units – no mention of emergency shelters or rehab.

Commissioner Der Sarkissian spoke about students in the school district.

Mr. Roman asked about the second appeal and what else the City was doing. He is not getting answers. He was just trying to understand.

Chair Gunter said that this process has been going on for six years with many meetings (30 meetings advertised) and with a lot of hard work. The City appealed the original RHNA number but lost. The process was open. Some things cannot be changed at this point. For example, we don't get to choose taxes or other things in life. This is required by law. He has no answer why San Marino's RHNA number is different.

Mr. Roman wanted to know what the City had done.

Commissioner Walker asked about why the City wants to pass it now and what would happen if it wasn't passed.

Chair Gunter noted the City has to have the capability to accommodate but it does not necessarily need to be developed. If the Housing Element is executed on time, the numbers received will be good. If the element is not certified, then the old numbers will be added to new future numbers.

Director Stanley also noted that not adopting now would shorten the time period needed to provide for the units.

Paul Lee (5032 Stardust) said that he was not at the first meeting but said that the issues were complex. The Commission should not assume that everyone was at the last meeting. He would appreciate more information to make a better decision.

Caroline Baron (5126 Green Press Road realtor and owner) said that she understood the criteria. She asked if the City has to meet that number. She asked if we can we make it difficult to develop at the local level. That would be effective.

Chair Gunter said that the State has strict laws regarding that issue. We can't allow it and then make it hard and we cannot discriminate. The City can control the appearance, height and setbacks, etc. of how projects look. But we are not permitted to say no. The housing that gets built may not be affordable, but we are required to provide the density.

Senior Planner Buss said that the State has an assumption that high density multi-family housing could be affordable but that this is not necessarily so. We are allowing for the capability, but there is no guarantee of affordability. Only 149 units out of the 343 are lower income units – those are the target for the density change. We have this larger carry-over number because the zoning was not done the last time around.

Ms. Luther Heft asked about the San Marino vacancy rate and guest houses. Can we count them now?

Mr. Trimble said that the San Marino vacancy rate is not the problem. It's the projection that counts most. He was not aware of any uncounted second units in the city. Existing units cannot be counted toward the RHNA.

Ms. Luther Heft asked if they can be used in the future.

Consultant Veronica Tan said that future numbers are based on past performance – e.g. granny units. It would be hard to convince the State that the City would suddenly have a large number of new proposed second units based on our past activity. That would be an unbelievable drastic change.

Chair Gunter said that second units are not that popular with a lot of people.

Mr. Knudson referenced the Housing Element that 3,400 could potentially be used for second units. The City of Portola Valley encouraged second units and school teacher housing on school grounds.

Chair Gunter said that the Housing Element has to be reviewed by others.

Mr. Trimble said that the State is also reviewing the element and that it makes the final decision.

Windy Shore asked why we are different from San Marino.

Consultant Tan disagreed about the quality of the element. Elements are different from city to city. Rent data used in San Marino was the American Community Survey and Realtor.com for current rents, the same as Craig's List. It is used by more people than other places, particularly in smaller cities. There are other data sources pre-approved by the State for cities to use.

Commissioner McConnell asked Ms. Tan if the MLS would be a better data base given the number of single family homes in the city.

Consultant Tan said that the MLS did not include many rentals. Its use would not impact the number of units required. She spoke about the vacancy rate and the allowance of people to move as based on Census data.

Chair Gunter asked if SCAG would read the Housing Element.

Ms. Tan said that Housing Elements are written about 18 months after the RHNA is given.

The public hearing was closed.

Chair Gunter asked the Commission for options - recommend approval, denial or continuation.

Commissioner Walker asked about the timeline and noticing requirements before falling into the penalty range.

Mr. Trimble said it would go to the City Council by 2/12/2014. He outlined the process ahead and what changes may be made.

Commissioner Walker gave her background having lived in the city for 33 years, and noting that there will be changes over time. If the Housing Element and Zone Changes are not adopted now, things will get worse in the future. She discussed the amount of work done by many people over the last six years. She did not want to waste time and be responsible for an even bigger number in the future. She was ready to recommend to the City Council that the Housing Element be adopted as proposed.

Commissioner Jain said he shared the same comments on the long journey over the past six years. He would rather deal with issues intelligently. He does not see a big influx of new development coming to the city. If it did happen, the Zoning Code would control it. He would recommend to the council that it be adopted.

Commissioner Der Sarkissian echoed his colleague's comments. He sees high-end units being built. He supports the element as proposed. The City cannot miss the bus. It's a political process and it requires participation. He has not personally participated in the process so far outside the Commission.

Commissioner McConnell said that he was not around during the process as he did not live in the city, and he was not on the Commission. He wanted to see the city protected. It has to meet State requirements. He was comfortable with the element as drafted.

Chair Gunter said that Commissioner Walker captured his sentiments and recommended adoption of the Housing Element to the City Council.

M/S/C Gunter/Der Sarkissian Approved 5-0.

- B. **Zone Change 13-07; City of La Cañada Flintridge; Downtown Village Specific Plan and Zoning Ordinance Text and Partial Map Update to Implement Housing Element Policies:** Update of the Zoning Ordinance, to include, but not limited to, addressing development standards for multi-family residential development, mixed use development, single room occupancies, transitional housing, emergency shelters, reasonable accommodation, supportive housing, senior/workforce housing, and other updates to support these areas of development. Properties within the City will be rezoned to include, but not be limited to, R-3 and Mixed Use to be consistent with the adopted General Plan Land Use Element Map. This item excludes the rezoning of the Curran Street/Indiana Avenue proposed R-3 zoning site. (Senior Planner Buss and staff)

Consultant Claudia Tedford spoke about changes made since the last meeting as shown in the staff report – minimal residential component; no residential along Foothill mainly; pedestrian friendly, 3 stories maximum; 4600 Ocean Boulevard to be removed from proposed rezoning; no changes to the R-3 amendments; emergency shelters – eventual overlay zone to identify areas where they can be located and consider sensitive uses; and procedure for reasonable accommodation through hearings.

Chair Gunter talked about the State's requirements regarding emergency shelters and SROs to be allowed in one zone in cities. Creating these is a financial decision as the City has no money available. Foothill commercial locations would have the least impact. Proponents would have to meet many requirements. Affordable housing is unlikely in high cost areas or where there is no identified need or population. It can't be prohibited altogether but development of this type is unlikely to be constructed.

Commissioner Der Sarkissian asked if the height maximum could be increased.

Commissioner McConnell asked about change to the mixed use section of the Code. He did not recall the 50% standard being discussed. Can it be changed?

Ms. Tedford answers yes, the standard is based on other cities' standards.

Commissioner McConnell asked if the provision for 50' tall architectural extensions was needed.

Senior Planner Buss said that additional height was allowed in other parts of the city for architectural features.

Director Stanley said it was allowed in the DVSP and that it can be changed. The Design Commission likes it as it gives character. The Commission can make it consistent with the entire city or remove it completely.

Commissioner McConnell asked about the permitted height of accessory structures. He thought that the Commission may not want an accessory structure in a mixed use district. Could we create a zoning district for shelters (probably not an adequate one). Can we use the PS zone (not designated)? He also asked about vehicle parking locations and use in pedestrian areas. Do the zone changes need to be approved prior the element going to the State.

Commissioner Jain asked about 2,500 sq. ft. minimum lot size for commercial properties and can it be increased in size.

Senior Planner Buss said it can be increased but 2,500 sq. ft. was the City's minimum commercial lot size. It would not harm the City if the minimum lot size was increased.

Commissioner Jain stated that the 25% non-residential uses minimum percentage was too low. This would not encourage mixed use.

Senior Planner Buss said capacity was needed. In order to accommodate the fifth cycle, Mixed Use is needed for some residential. The numbers can be changed. Staff had wanted at least 50% residential.

Commissioner Jain asked if commercial zoning increased the money raised for the city and asked it to be raised to 50% for commercial.

Commissioner McConnell said the low commercial rate protects the housing portion. It can be changed later if necessary.

Mr. Trimble said that the size of a building envelope was key. If 50% of the building is commercial, the units may not be achieved or they would be very small units. This may not be the intent of the Commission.

Commissioner Jain said that if they can control the size of the units, he is okay with 50% commercial. There is need for greater setbacks. This needs to be thought-through as an urban design issue.

Chair Gunter asked what percentage of housing is needed in the mixed use area.

Ms. Tam spoke about the 30 units per acre standard. A higher percentage of non-residential could result in smaller sized units. In other cities, 30%-35% is typical, 50%.

Ms. Tam spoke about the housing workshop with two people that wanted more residential.

Senior Planner Buss said that they were trying to protect the ability to provide residential.

Commissioner McConnell said that there was no discussion of bicycle parking. He was willing to give up a parking space for bicycle parking spaces.

Senior Planner Buss said there is a standard in the DVSP.

Ms. Tam said they looked at the issue.

Commissioner Der Sarkissian did not want commercial uses to turn to side streets from Foothill Boulevard adjacent to residential areas. Retail spaces are turning into service spaces. At 40%, the commercial is too high and this encourages commercial into side streets and residential areas. The trend is from retail to service.

Chair Gunter verified that we are enumerating State law. Our changes are in accordance with State law. Mixed use projects will also go to the Design Commission for review.

Senior Planner Buss verified that there will be Design Commission review.

The public hearing was opened.

Mr. Tom Knudson (4600 Indiana Avenue) wanted to know what we will do with the 343 units. What process was used to look at rezoning.

Chair Gunter referenced the Land Use Element in the General Plan and the sites were determined by the General Plan Advisory Committee (GPAC). He spoke about transition in uses over time.

Mr. Knudson asked who had a say on the General Plan and was the Commission involved in preparing the plan.

Chair Gunter said that the Commission was (not Commissioners Walker and McConnell) involved in the process.

Mr. Knudson asked about zoning for the potential of development.

Chair Gunter said we cannot have an opinion on transitional housing because it is now allowed. As to lower income development – cannot say now but we can say how it works.

Mr. Knudson asked about the emergency shelter overlay zone.

Senior Planner Buss would do suffix zone applied to areas of the CPD zone so as to be away from certain uses.

Mr. Knudson asked about discrimination for emergency shelters.

Chair Gunter gave an overview of overlay zoning and gave examples of how they can't be too close to each other.

Ms. Tam said that setting distances can work with overlay zones and is suggested by the State Department of Housing and Community Development.

Ross Mitchell (4606 Rockland Place) had attended meetings over the years and thanked all for their work. He was aware that the issue has been kicked down the road. The rezonings were on the west side of the city but they could have used the east side of city. He asks why the changes are exclusive to the west side.

Chair Gunter said that decisions were made by members of the GPAC. Rockland Place is adjacent to multi-family zoning and uses.

Mr. Mitchell said that Vons could be changed just as easily.

Mr. Roman asked about changes to 4600 Ocean View. He would like it left as is. Big Lots is already changing.

Dan Kimbell (3532 Rockland Place) spoke about previous owners of the vacant lot. It is the lowest priced land in the city and what impacts would that have on property values.

Senior Planner Buss said that the City had had a proposal to create seven lots from the existing three lots. It was difficult to develop the properties. Maybe the best thing is that the neighbors buy the lot. The Commission could take it off the Mixed Use list and leave it as R-1.

Chair Gunter said that it could be revisited another time separately.

Ms. Priscilla Luther-Heft, 4546 Rockland Place, asked about the designation of land by use in the Mixed Use and the number of units per acre (20-30). She spoke about the small size of the units at 30 units per acre. It is unlikely that these units will be expensive.

Mr. Trimble said that properties would have building envelope and other restrictions on size.

Ms. Luther-Heft stated that the units would be small at 30 per acre. The west side of the city is in the Glendale Unified School District boundaries. There is less of an incentive for the City to annex to the school district.

Commissioner Der Sarkissian said that they need to have high standard for any multi-family units. Quality development is required.

Gloria Chen (4609 Rockland Place) thanked all for the hard work. The final decision will have long term impacts. The removal of 4600 Ocean View is a good decision. Also the change to mixed use with a cap and disallow commercial uses to face side streets.

Senior Planner Buss said the code can be changed to not allow entrances on side streets.

Commissioner Jain said that there was only one parcel with this designation. The mix should not be changed.

Ms. Luther-Heft discussed the issue with the Commission – removing constraints. She had a letter from Governor Arnold Schwarzenegger in 2010 regarding affordable housing and the provision of condos.

Mr. Kimbell asked about options.

Senior Planner Buss said they cannot discriminate by age.

Ms. Tam said senior housing is allowed but cannot exclude families.

Mr. Kimbell asked if it was counted against the total.

Ms. Tam said they can if they meet requirements.

Senior Planner Buss said that seniors will be more likely for affordable housing. Smaller units are not that available in the city.

Mr. Kimbell asked about cities providing housing for teachers.

Chair Gunter said that was not considered. The City has no plan to provide housing.

Senior Planner Buss said that funding was not available and redevelopment does not exist anymore. He also spoke about developers requiring profits and being required to pass high city standards. It needs to be looked at the best way even though it's being forced down our throats. Some people would like to downsize. It will be a developer and not the City which would do that. The City will not consider funding but does some rehabilitation. The City helps many seniors with sewer connection grants and house repairs.

Mr. Kimbell stated he was concerned about transitional housing and how it's connected to mixed use.

Chair Gunter stated that emergency shelters are not permitted in single family zones or single occupancy uses. Group housing is currently permitted by State law. The City is doing what the State requires us to do, including transitional housing, so there are no changes.

Commissioner McConnell said that zone changes do change the possible location.

Mr. Kimbell said that the City is not required to build units. He cited an example in San Gabriel where low income housing was required.

Chair Gunter spoke about density bonuses and how they work.

Commissioner Der Sarkissian said that cities can have that (inclusionary zoning) as a requirement but that does not exist in La Cañada Flintridge.

Senior Planner Buss said that there was no inclusionary zoning in the city.

The public hearing was closed.

Commissioner McConnell said he was okay with the architectural exchanges. He felt strongly about vehicle parking behind businesses. He will wait for bicycle information from staff. He wanted articulation on upper stories and a step back of 25%.

Senior Planner Buss spoke about guidelines in the code and whether that would work rather than standards. He stated that staff would like to give the Design Commission flexibility in individual projects.

Director Stanley mentioned that they encouraged developers to build up front in the Downtown Village Specific Plan (DVSP) area. Setback averaging is also used in the DVSP.

Commissioner McConnell was concerned about possible tunnel impacts.

Commissioner Jain mentioned averaging used in Beverley Hills.

Commissioner McConnell asked for altering the commercial to a minimum of 30% of floor area (11.17.030 Subsection D).

Commissioner Jain wanted minimum lot size of 5,000 sq. ft. There is a need for more substantial space and 30% is too low; he prefers 35%. Height is addressed and averaging of setbacks is good.

Chair Gunter asked about upper stories and how to get units. He was comfortable with the 30% minimum.

Commissioner Jain said that 30% is okay as long as the upper floors are set back. Street facing uses would enhance features on the street. Outside dining is a good idea.

Director Stanley asked if Commissioner Jain wanted upper floors to step back from the first.

Commissioner Der Sarkissian preferred 30%. A garage at 4' above grade with a lot of concrete showing negates commercial aspect. Use the front of the property for commercial and the back for parking.

Commissioner Walker agreed with the change to 5,000 sq. ft. minimum lot size. She supports Mixed Use (eliminate 1) at 30% minimum commercial and asks that staff look into consistency with the DVSP. She liked the setback averaging on upper floors but not sure about design issues on first floor. She was in favor of encouraging sidewalk dining. Reasonable accommodations – application or letter? - preferred the use of an application compared to a letter. Page 8 – fee waiving – is okay but should apply for approvals.

Assistant City Attorney Guerra said that the attorney general had written about this issue

Director Stanley asked about accessory structure height.

Chair Gunter asked if the Commission would like standards.

Commissioner Jain was not in support as it is prone to interpretations.

Chair Gunter said we did not do a good job on finer points but a good on guidelines.

Commissioner McConnell said they could use guidelines.

Commissioner Jain said that the burden would be with the Planning Department.

Chair Gunter stated that he liked the commercial use at 30%; minimum lot size at 5,000 sq. ft.; minimum 50% housing eliminated; liked the setbacks and setback averaging for upper levels; parking "shall" be located away from street; architectural elements to be consistent with DVSP; reasonable accommodation through application and not letter; and, provision for landscaping on street frontages.

Assistant City Attorney Guerra spoke about the resolution and referenced the staff report as amended in the meeting.

M/S/C Gunter/Jain to approve 5-0 (Resolution for Zone Change 13-07) A and B only as amended and as listed.

Commissioner Walker left the dais and the room.

- C. **Zone Change 13-08; Curran Street/Indiana Avenue:** Rezoning of the Curran Street/Indiana Avenue area to R-3 (Multi-family residential) to be consistent with the Land Use and Housing Elements of the adopted General Plan. [See reports from item B. above] (Senior Planner Buss and staff)

Senior Planner Buss gave a short overview.

Commissioner McConnell asked if homeless shelters were allowed in R-3.

Senior Planner Buss verified that they were not. Also that the existing uses can be used as-is in perpetuity.

Commissioner Jain asked Mr. Trimble whether public land was included in the study.

Mr. Trimble verified that it was.

The public hearing was opened.

Mr. Kimbell spoke about Memorial Park and its centrality to the city. What is the potential impact if a building is constructed across the street from it. Are there potential traffic problems?

Senior Planner Buss said any project will be reviewed for environmental issues through CEQA. The General Plan has an EIR at the program level so this site was included in the EIR. No significant environmental impacts were found. It still has to be addressed at the project level.

Chair Gunter noted that commercial projects have more traffic impacts.

Mr. Kimbell was still concerned about the effects if all the units were constructed. He also asked if the sheriff was asked for impacts and was told they are not significant. Any input from LCUSD.

Senior Planner Buss verified yes and that they had a representative on the GPAC.

Mr. Kimbell asked if residential use can be converted to transitional housing.

Senior Planner Buss said there was no difference between your house and transitional housing.

Mr. Kimbell mentioned a legal case in Costa Mesa. He mentioned other sites in the city that could be better. He asked the Commission if this was the least harmful place to have 106 units.

Mr. Trimble said it also included the Jo-Ann's Fabrics site.

Ms. Hernandez said she spoke to Senior Planner Buss at length. She came up with over 500 units. Why so many? Why not the maximum density?

Mr. Trimble said that in the real world density is not 100% of what is permitted when constructed.

Chair Gunter said that HCD has written the laws to close loopholes as all cities across the state are trying to reduce the numbers.

Senior Planner Buss mentioned the letter from HCD saying that the zoning changes need to be made to comply and finish the Housing Element project.

Commissioner Walker re-entered the room as a resident and not as a commissioner. She said it was a difficult decision and no one wanted this in their backyard. It was easy to look at it as a negative but it could be good for some people in the city who need support such as seniors or teenagers. Homeless shelters are built where there are services for them which do not exist in the city. She has heard the rumors of USC housing or use as a rehab center. She spoke of being a property owner on Curran Street when she first moved to the city. Her father started a business 50 years ago which is now run by her and her husband. She gave motion sensor lighting as an example of her desire to keep the property and has no intention to sell. She noted the new Zentmyer building next door. He has no intention of tearing down that building. We need to look at the business sense. She believed that the City needs to comply with State law but that it was hugely unlikely that multi-family dwellings would be built.

Commissioner Walker left the room again.

Marjorie Cates (4471 Indiana Avenue) has lived there for 56 years on the smallest property on the block. Her lot is only 3,000 sq. ft. in size. The neighbor gave an easement to the City. All the backyards are only 50' as there is an Edison easement behind them. She may be untouched but she is affected by what could happen on Curran Street. The 7 Eleven was not wanted and there are problems with it. There are only five lots on Curran Street. There is a sound wall planned for the street. The best protection is not to sell your property. She thanked the Commission for its work. She asked for a ride home.

Ms. Luther-Heft asked if they would consider other options.

Chair Gunter said they had considered many other options over time. They did not have the option this night to change things. He mentioned certification from HCD.

Ms. Luther-Heft spoke about the 2008 San Luis Obispo Housing Element and how it used zoning based on income.

Chair Gunter asked her how it would work.

Ms. Luther-Heft said it could be downtown. She lived in Latin America. She referenced high density and gang problems.

Chair Gunter sited zoning changes and not low income housing. Allocation and zoning are two different things.

Ms. Gates noted how big the Curran Street area was (3.5 acres).

Chair Gunter asked staff for relevant feedback to be included.

M/S/C Gunter/McConnell to approve ZC 13-08 with resolution, 4-0. [Commissioner Walker not in the room.]

#### **VIII. PUBLIC HEARINGS:**

Commissioner Walker returned to the Council Chambers.

- A. **Second Floor Review 13-22/Categorical Exemption; Reinoso; 4634 Lasheart Drive:** Request to allow 1st-floor expansion of a single story residence and construction of a new 425 sq. ft. second floor. Demolition to accommodate the new second floor would exceed 30% and, as such, the project qualifies as new construction. Staff is recommending approval of a Categorical Exemption for this project. (Planner Gjolme)

Planner Gjolme asked if full report was required and gave an overview of the project.

Commissioner Der Sarkissian asked about structural members in the attic as a Condition of Approval (COA).

Planner Gjolme said it was an oversight that it was not included and that it can be added

Chair Gunter asked for comments.

Craig Stoddard (architect) thanked staff and said he would answer any questions.

Public hearing closed:

Commissioner Der Sarkissian said that he had visited the site but that no one was home but that he did walk around. It's a successful two story house and complements the neighborhood. It has a very steep roof which potentially yields a large attic – 250-300 sq. ft. He asked if a COA could be added that requires that the structure trusses of the attic space be designed so that they are not removable and eeds trusses and small members which do not support walking. The size of the house is close to the maximum for the neighborhood. The floor cannot support walking.

Commissioner Walker visited the site and found the design compatible to the neighborhood. She did not share a concern about the attic. In a worst case scenario, it would be hidden.

Commissioner McConnell agreed with Commissioner Walker and thought it fitted in with the neighborhood. He asked about mechanical equipment on the roof and what will happen to it.

Director Stanley said that they would have to comply with City codes regarding equipment.

Commissioner Jain visited the site and thought that it was nicely designed with minimal impacts. Large roofs are not pleasant. He was concerned about converting the attic to usable area and supports adding a COA to prevent future conversion.

Chair Gunter agreed with the others on the design and can make the findings. He thought that commissioners would favor a standard COA regarding the attic.

Commissioner Der Sarkissian said that the house was pushing the maximum limit and it's a small lot. The attic could be easily converted to useable space with 350 sq. ft. with very little effort or construction required. He wanted a COA for the project so that owners would have to return to the City if changes proposed.

Director Stanley explained the code requirements regarding the attic and that COA will be added.

Motion: Gunter/Walker approve 4-1 as submitted (Der Sarkissian).

With Condition of Approval # 16 added for attic.

Motion: McConnell/Walker 5-0 to reconsider.

Public hearing reopened:

Chair Gunter asked if the applicant wanted to speak.

Kira Teshima represented Donna and Dana Saraceno who live to the rear of the project. She wanted to hand over her written legal arguments. She said that the neighbor spends her time at home and is concerned about privacy. She asked for increased landscape buffering and the removal of a window. She felt they were easy redesigns of the project. She submitted a letter to the clerk for the record.

Chair Gunter said the Commission would make a decision tonight. She could ask for a continuance. She can tell the Commission why it should be continued. Two-story homes are permitted in the City. Window locations are considered by the Commission.

The privacy issue was the most important and he felt that COAs could solve the issues. The applicant may not be the future resident.

Commissioner Der Sarkissian asked if the attorney knew the site. There is a green wall on the north side. Would that take care of her concerns if duplicated?

Planner Gjolme went over photos of rear yard showing screening and fences. It's a heavily buffered view and a garage when constructed would provide further screening. One window on a small bedroom with adequate screening.

Chair Gunter said that Planner Gjolme addressed the relevant points.

Commissioner Walker spoke about screening on the south side in the staff report. She found the screening to be dense and adequate. She can make the findings.

Commissioner Der Sarkissian said that the garage will be a blocking element. Some plants could be put in front of the fence. He would not change the window as it's in the center of the building. Garage will be 15' and a blocking element. He would propose that some planting be included.

Commissioner McConnell said the roof line of the garage would screen and that he could make the findings.

Commissioner Jain agreed that there was no need for additional landscaping.

Chair Gunter did not think that additional landscaping was required.

M/S/C Gunter/Walker to approve 5-0 unanimously.

- B. **Conditional Use Permit 492/Categorical Exemption; Leverett/Schaefer Funds, LLC; 2384 & 2388 Foothill Boulevard:** Request to allow expansion of an existing convenience store facility to replace existing automotive service bays. While new convenience stores are not among allowable uses within the CPD Zone, expansion of existing convenience stores is allowed within the existing building area. Staff is recommending approval of a Categorical Exemption for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave an overview of the staff report. She noted that the plans were not showing clearly on the screen but that the Commissioners have copies with their packets.

Commissioner Der Sarkissian asked about the 7 parking spaces required and where they were shown on drawings.

Assistant Planner Parinas said they were shown on the floor plans.

Commissioner Der Sarkissian said that the site and floor plans were not consistent and asked where the parking spaces were shown.

Assistant Planner Parinas identified the spaces.

Commissioner Der Sarkissian said that there were not 7 spaces shown as 90 degrees versus angled parking spaces. They are not legal parking spaces as they don't have code-compliant back-up space. The spaces were not drawn to scale.

Chair Gunter said that the plan does not show adequate parking.

Director Stanley said they can continue or use appropriate COAs.

Commissioner Jain asked about display versus storage areas. He wanted display area outlined so that it is identified in perpetuity.

Director Stanley said that it was a retail store that does not sell alcohol. They would have to come back for a CUP for any plans to sell alcohol in the future.

Commissioner Jain asked about limiting the area.

Chair Gunter asked Director Stanley about convenience stores and gas stations.

Director Stanley said that the City did not differentiate between them.

Assistant City Attorney Guerra said that the City can regulate the business end and not the owners.

Commissioner McConnell agreed about who holds the CUP.

Director Stanley said that it goes with the land.

Public hearing opened:

Angela (designer) apologized for the site plan. She said that she can submit new plans with information missing provided. Opening provided for handicapped accessibility.

Joseph Schaeffer owner of the property asked about the hours proposed. They will add coffee and will be competing with Starbucks so need earlier hours. Less noise from proposed business. Six month review is difficult as he needs to know as its not feasible to have business when he does not know all potential costs.

Chair Gunter asked what brand name will be used.

Mr. Schaeffer said that Union 76 will be used. He will run their store for now. They are talking to Union 76 for a 10 year extension and with Chevron also.

Commissioner Jain asked if limiting the size of the display would be a problem.

Mr. Schaeffer said that there was very limited storage – all prepackaged and for sale.

The public hearing was closed.

Commissioner McConnell asked about potential COAs in the future and who will impose them

Director Stanley said they will bring back to the Commission after review for a vote by the Commission.

Assistant Attorney Guerra said that they would get comments from the public.

Director Stanley said that they will have to get Design Commission approval and costs may be associated with that process.

Chair Gunter did not think that the drawings were adequate. Code requirements needed to be shown and shown accurately. The different plans have to match. There were too many inconsistencies to approve.

Commissioner Der Sarkissian advised the applicant to put grades on the plans regarding HC parking and other things and to talk to the Building Dept. before coming back to the Commission.

Director Stanley said that transportation will look at the plans and other things such as landscaping will be shown on the revised plans.

Chair Gunter asked about a new Commission date for the proposal.

Commissioner Jain asked about display areas.

Commissioner Walker said that the hours of operation needed to be clarified.

Reopen public hearing.

Angela Everett (Designer) thought that the concept plans were okay. She will get plans in by the end of the year.

Director Stanley said it would be on the January 28, 2014 Commission agenda.

Mr. Schaeffer asked why there was a recommendation to tie the lots together.

Director Stanley said that it was required for other projects in the past.

Mr. Schaeffer said that the property was large and he did not want to tie all the parcels together.

Commissioner Jain spoke about lot ties.

Owner said they have a survey and will submit it.

M/S/C to continue. Der Sarkissian/Jain 5-0 approved to continue to January 28, 2014.

**IX. OTHER BUSINESS:**

**X. REPORT OF DIRECTOR'S REVIEWS:** No Comments

- A. **Hillside Development Permit 13-52; Joyner; 5140 Redwillow Lane:** Approved construction of a new pool on an existing hillside lot.

**XI. COMMENTS FROM THE COMMISSIONERS**

**XII. COMMENTS FROM THE DIRECTOR**

**XIII. ADJOURNMENT:** 11:55 p.m.