

**MINUTES OF A MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA CANADA FLINTRIDGE
HELD ON DECEMBER 11, 2012**

- I. **CALL TO ORDER** The meeting was called to order at 6:00 p.m.
- II. **ROLL:** Chair Der Sarkissian, Vice Chairman Jain, Commissioners Gunter, Walker and Curtis (arrived late 6:40 p.m.), Director Stanley, Deputy City Attorney Guerra, Senior Planner Buss, Planner Clarke, Assistant Planners Parinas and Harris.
- III. **PLEDGE OF ALLEGIANCE** Vice Chairman Jain led the 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.

Mr. Brown, of 3757 Normandy Drive, gave a slide presentation regarding the work at his neighbor's property, at 3745 Normandy Drive. He identified the main issues as they relate to the project across the steep driveway from his home: safety, view blockage privacy, non-conformance with the community standards, elimination of off-street parking, imposition on adjacent neighbors, as well as, a decrease in the front setback. He stated that the first traffic study allowed for the use of other people's property as turn-around for access to the new garages. He requested that the project be elevated to a Planning Commission hearing so that neighboring property could be protected and the project fairly and impartially reviewed.

Chair Der Sarkissian asked Deputy City Attorney Guerra if he would like explain the next steps to Mr. Brown since this has been an on-going issue.

Deputy City Attorney explained that since the item has not been agendized it would be inappropriate to discuss at this time.

V. REORDERING OF THE AGENDA

The Commission reordered the agenda as follows:

The public hearings for 462-464 Foothill Boulevard (Item B) and 1975 Verdugo Boulevard (Item C) were moved to the front of the agenda.

VI. CONSENT CALENDAR

A. Minutes: (1) September 25, 2012; (2) October 9, 2012 (delivered separately) Commissioner Walker had minor changes the minutes of September 25, 2012 and clarified that on page 7 of 8 of the October 9, 2012 minutes that the house addition encroachment was approved but not the arbor.

Chair Der Sarkissian also indicated that he forwarded minor changes to the September 25, 2012 minutes to staff.

M/S/C Gunter/Jain to approve the minutes with minor changes. 4-0 Unanimous.

VII. CONTINUED PUBLIC HEARINGS

VIII. PUBLIC HEARINGS:

- A. Setback Modification 12-12, Hillside Development Permit 12-44 (Adm) and Second Floor Review 12-23 (Dir); Hutchins/Weinstein; 4130 Hampstead Road:** Request to allow a 1,048 sf (first floor 658 sq. ft. and 390 sq. ft. second floor) addition and a 73 sq. ft. deck to an existing two-story residence on a 29,195 sf hillside parcel with a side yard encroachment and a 25' front yard setback. Staff is recommending that a Categorical Exemption be approved for this project. (Planner Clarke)

Planner Clarke gave a presentation in accordance with the staff report. He clarified that a low stone wall was mislabeled on the plans as a new retaining wall but it was an existing wall and the applicants had no intention of changing it. The addition qualifies as second floor because the addition's wall height was over 12'-0" high.

Commissioner Walker asked Planner Clarke to address the two oak trees.

Planner Clarke informed the Commission that there is a pending Tree Removal Permit request. The trees have not been removed yet because they are waiting for a decision on this project.

Chair Der Sarkissian asked if the brick walls designated on the plans were to remain.

Planner Clarke replied that the walls are not brick and already exist.

Mark Hutchins, the project architect, explained that this is the fourth Spanish revival house in La Cañada Flintridge he's worked on in 18 years. He explained that this is the first house built by Senator Flint in Flintridge. It was built as a model home for the original tract. The heating and electrical systems were all old and existing when the

current owners purchased the home. The kitchen and a few of the bathrooms have been upgraded since they bought the home. He described the existing layout of the home. The owners were limited to a first-floor master bedroom which that qualifies as a second floor. He explained that the siting of the addition was difficult because of the lot's terrain. The brick wall callout on the plan was an error. There is no brick wall there.

Chair Der Sarkissian reminded Mr. Hutchins about Mills Act Ordinance that addresses historic homes. He also saw another solution for an addition. He thought an entire wing could be added.

Mr. Hutchins stated that his training was in historic preservation and he felt this was the best solution for the project. He added that the neighbors across the street recently voiced their support of the project to the property owners. They were not planning to apply for Mills Act contract.

Commissioner Curtis felt that these were unusual circumstances and that the project would have no impacts to the neighbors. He can make the findings.

Vice Chairman Jain felt that this was the only logical place for the addition and suggested using the under-floor area as storage. He also supports the project.

Commissioner Gunter felt that this was a sensitive addition and that he could make all the findings. He added that this is why our ordinance allows for modifications.

Commissioner Walker concurred with her fellow Commissioners. She encouraged the applicants to look into the Mills Act Ordinance.

Chair Der Sarkissian stated that the addition was well done and could make all the findings. He was not sure he could support a future Mills Act designation?? because this addition was substantial.

M/S/C Jain/Gunter to approve the project as presented. 5-0 Unanimous.

- B. Minor Conditional Use Permit 483; Flintridge Proper Partners, Inc./ Eshaghzadeh Family Limited Partnership; 462-464 Foothill Boulevard:** Request to allow expanded hours of alcoholic beverage sales. The site has a prior approval for on-site alcoholic beverage sales in conjunction with a restaurant. Staff is recommending that a Categorical Exemption be approved for this project. (Assistant Planner Parinas)

Assistant Planner Parinas gave an abbreviated staff report. She explained that the applicant proposed to extend the hours of operation for alcohol sales beyond what was

approved in the original CUP approval for Los Gringos Locos. The proposed hours would be Sunday through Thursday 7:00 a.m. to 12:00 a.m. and Friday through Saturday 7:00 a.m. to 1:00 a.m.

Vice Chairman Jain wanted to know what kind of food they would be serving. He wanted clarification if they are using the rear parking lot and why they need valet parking.

Assistant Planner Parinas explained that the CUP amendment is only for extend hours. She explained that a variance was previously approved on this site for the parking shortage when the original Los Gringos Locos restaurant was expanded. She indicated that the applicant has submitted a separate Director's Review application for the valet parking request that is currently under review by staff and the Traffic Engineer. They are proposing a shared parking agreement at another location to accommodate the valet. A separate application for a CUP and Variance for parking will have to be submitted to address it.

Director Stanley clarified that rear parking area does belong to the subject property. He also clarified that this request is only for the expanded hours for alcohol sales.

Vice Chairman Jain wanted all applications to be heard together. He expressed concerns.

Assistant Planner Parinas stated that there was a condition of approval in the previous variance approval that the rear parking lot be used only for employee parking.

Commissioner Walker asked for a summary of other restaurants in the area that serve alcohol and what their hours are. She asked for clarification of who arrives at the conditioned hours of operation.

Director Stanley replied that the applicant typically requests the hours they would like to be open. However, the ABC only allows alcohol sales until 2:00 a.m. Staff also considers proximity to residential uses. We did not receive any complaints when it was Los Gringos Locos.

Commissioner Walker stated that Los Gringos Locos was only open until 9:00 p.m.

Brett Engstrom, the applicant representing the owner, indicated that they were offering free valet service to help with the circulation of cars and cars will be parked on-site behind the center. Traffic and noise will be directed towards Foothill Boulevard. The door in the back would not be used for patrons.

Brady Caverly, a local resident and owner of the Flintridge Proper Restaurant, stated that the restaurant would only serve quality cuisine. They will offer breakfast, lunch and dinner. Half of the store will be an upscale family restaurant and the other half will be fine dining. This is not a bar. They want to be able to serve alcohol during the times they are serving food. He clarified that the 9:00 p.m. limitation in the previous CUP was for the restaurant that preceded Los Gringos Locos. Los Gringos Locos was operating until 11:00 p.m. or midnight. They are just asking for expanded hours on Friday and Saturday night and they will be serving food late.

Chair Der Sarkissian asked if he had brought any menus that they could see.

Mr. Caverly presented a rough draft of the proposed menu.

Director Stanly pointed out to the Commissioners that there was a rendering on the screen.

Mr. Caverly explained that the restaurant will be divided into two halves - the café side and the lounge side. Décor will include memorabilia from each of the schools and other landmarks in La Cañada.

Chair Der Sarkissian welcomed Mr. Caverly as a new business in town.

Mr. Caverly stated that they are trying to create a community gathering place in town.

Vice Chairman Jain welcomed the new restaurant in town. He is uncomfortable with the expanded hours based on other restaurants close by. He liked the idea of a breakfast place in town. He is concerned about adjacent residents since the back parking lot will eventually be used for the valet parking. He felt that alcohol service should end at least half an hour before closing and start half an hour later than opening for breakfast. He could support the expanded hours of 7:00 a.m. to 11:00 p.m.

Commissioner Gunter thanked the applicant for bringing a nice restaurant to town. He felt it brings more choices to the town and it's a nice idea to have a few places that are open late. He supported the extended hours of operation. He felt that all parts of the menu, including alcohol, should be offered during the hours that they are open and he also supported a review in six months. He felt that the Commission was only reviewing the extended hours of operation at this time and the applicant may or may not come back with a parking application in the future. He could support the project as submitted.

Commissioner Walker also liked the idea of a new restaurant and gathering place in La Cañada. She felt that there was not a consistency of operating hours among other

restaurants in town. She cautioned the owner that when Los Gringos Locos was at that location, there were concerns about parking and littering on Gould Avenue.

Chair Der Sarkissian also supported the project as presented. He felt that most people would not start drinking at 7:00 a.m. but they should have the option.

M/S/C Gunter/Walker to approve the project as submitted. 4-0 Unanimous.

- C. Conditional Use Permit 485; Vebel/Howard; 1975 Verdugo Boulevard:**
Request to allow alcohol to be served within a new restaurant, and to allow adjustment in the way that parking is calculated for an additional restaurant on the site. Staff is recommending that a CEQA Exemption be approved for this project. (Senior Planner Buss)

Commissioner Curtis arrived at 6:40 p.m.

Senior Planner Buss gave an abbreviated presentation in accordance with the staff report. He reported that our current parking standards are old fashioned. He stated that staff reevaluated the parking in the DVSP for restaurant parking. He reported that at the next Commission meeting in January the Commission will be reviewing the expansion of the same parking standards in the CPD Zone. This change could, however, take some time. Our CUP process allows for a reduction in parking sooner than the new ordinance would be approved. The request is also to sell beer and wine within a restaurant. An alcohol use is already permitted within another restaurant space in this center.

Commissioner Walker asked why the new parking standards in the DVSP were not carried over to the CPD yet.

Director Stanley explained that the original parking study was only for the DVSP area. Staff will now propose to apply it in the rest of the city.

Chair Der Sarkissian asked for clarification if a restaurant was still proposed in the front lease space. He also asked what the menu would include as he was not familiar with the restaurant Wing Stop.

Senior Planner Buss stated that the applicant can better address the question of the other lease space. He added that the restaurant serves primarily chicken wings.

Jerry Uebel, the franchise owner, stated that Wing Stop is a franchise that serves boneless chicken wings, sliders sandwiches and sides dishes. He concluded by saying that 70% of their business is take out and they are just asking for a beer and wine on-sale license. He did not bring a menu but he would happy to provide one later.

Chair Der Sarkissian acknowledged a letter from the upslope neighbor that is concerned about traffic flow exiting the site.

Brad Howard, the developer of the site, stated that he is currently looking for a restaurant that is a quality restaurant and is appropriately sized for the site. He addressed the traffic and exiting issue by stating that a right turn only is allowed onto Verdugo Boulevard from the site. This was in the original conditions of approval for the shopping center. He also stated that the lower level is for employee parking only and will be kept locked. He concluded by stating that two parking spaces will be reserved for take-out orders.

Commissioner Gunter stated that he visited the site and had no concerns. He was OK with the parking reduction that will be eventually adopted in the future. He felt that the resident concerns could be addressed by the City in the future, if necessary.

Commissioners Walker and Vice Chairman Jain concurred.

Commissioner Curtis stated that it was a nice addition to the city. He was OK with the parking reduction as it is consistent with other jurisdictions. He felt that the concern of the resident is addressed in the original approval for the center by limiting to right-turns only when exiting the center.

Chair Der Sarkissian concurred.

M/S/C Walker/Curtis motion to approve the project as presented. 5-0 Unanimous.

- D. Zone Change 12-02; City of La Cañada Flintridge; Within the Downtown Village Specific Plan:** Consideration of an amendment to the Downtown Village Specific Plan that would permit drive-through facilities for food establishments in the Mixed Use zones and establish development standards and findings for approval. Staff is recommending that a Negative Declaration be approved for this project. (Senior Planner Buss)

Senior Planner Buss gave a presentation in accordance with the staff report.

Director Stanley indicated that this is not just a staff generated proposal. It originally came from a subcommittee of the City Council. A request came in from a property owner to have a drive-through coffee place.

Commissioner Curtis asked if there was a specific site.

Director Stanley said the focus was on freeway-oriented uses and showed on the Downtown Village Specific Plan (DVSP) map that the areas would be limited. The goal

is to protect the residential areas from noise, the primary complaint of other drive-through facilities.

Chair Der Sarkissian asked how many drive throughs are currently in the City of La Cañada Flintridge.

Commissioner Gunter noted it was not appropriate to characterize the Jiffy Lube and the car wash as drive-through facilities.

Commissioner Walker called the Chamber of Commerce and they had never heard of the request. She asked if the request was property owner driven.

Director Stanley replied yes, but that it was also based on past similar requests.

Chair De Sarkissian asked for clarification if we are just addressing such uses in the DVSP.

Senior Planner Buss noted that the existing drive-through uses predate the DVSP ordinance.

Commissioner Curtis commented that all existing drive-through uses have issues. Those are examples of why not to allow them.

Director Stanley stated that the proposed standards would alleviate some of those problems.

Vice Chairman Jain asked if staff studied which parcels might be good candidates for drive-through facilities. He stated the standards should specify a minimum lot size.

Director Stanley offered to come back with an analysis on what sites would work, noting that the draft requirements are fairly specific.

Commissioner Gunter asked staff how they arrived at the stacking limits in the ordinance, why staff prohibited dual lanes, what other jurisdictions were doing, and were the other jurisdiction's standards this specific.

Senior Planner Buss responded that the standards were derived from other ordinance examples, and from the traffic engineer.

Commissioner Walker asked whether one table and one chair qualify as a restaurant. She asked for clarification as to what is the definition of a restaurant.

Chair Der Sarkissian clarified that a building could have up to ten seats before it is considered a restaurant under the Building Code.

Mr. Bill Koury, operator of La Cañada Shell gas station for 25 years, supports the amendment, as it is pro-business. The proposed ordinance requires that you meet the conditions or you can't have the drive-through facility. If this ordinance is approved, the owners would make an application to remodel the Shell station to make it a state of the art service station with a drive through facility.

Commissioner Curtis asked Mr. Koury why the service station would need a drive through.

Mr. Koury indicated that he was in discussions with the Coffee Bean and Tea Leaf, and that they indicated they need a drive-through window facility in order to locate in the City.

Vice Chairman Jain, noted that there is already a carwash asked how the drive-through window would be accessed.

Mr. Koury stated that they would be keeping the carwash. He did not elicit any details about the drive-through facility.

Commissioner Gunter stated it would not be appropriate to discuss one property owner since the ordinance covers the whole DVSP area.

Mr. Koury stated he would have to meet the adopted development standards, whatever they were.

Commissioner Walker noted that the DVSP was meant to maintain a village atmosphere. Drive-through facilities would be contrary to that.

Commissioner Gunter stated that the DVSP was intended to have a pedestrian-oriented "village" feel. The DVSP went so far as to even prohibit offices on the ground floor. Other cities have gotten rid of drive-through facilities. Not getting out of your car is the polar opposite to the pedestrian feel.

Vice Chairman Jain concurred with the others. Drive-through facilities would destroy the pedestrian-oriented activity. It was not the intent of DVSP. Existing facilities could remain.

Commissioner Curtis concurred that it was not consistent with goals of the DVSP. Some of the standards may not work. He thought it would hurt business. Such facilities can also affect air quality. He was concerned about trying to deny a Conditional Use Permit

if the proposed use could technically meet the requirements but the use should not go into a particular location. This was not something we should promote.

Chair Der Sarkissian concurred with his fellow Commissioners with one exception: a gas station is the epitome of an auto-oriented business. The gas station is not part of the "village" and not pedestrian oriented. These drive-through facilities might work on the gas station site. He does not like that drive-through facilities are associated with fast food restaurants. He would prefer non-national unique chains with single operators for variety. He reminded the audience that this is recommendation to the City Council not a decision.

Chair Der Sarkissian noted that the Commission appears not to be in support of the request.

Director Stanley stated that staff would bring back a resolution for denial to the next meeting.

M/S/C Curtis/Gunter motion to recommend denial of the Zone Change and list the concerns of the Planning Commission as to why it should not be allowed. 5-0 Unanimous.

Chair Der Sarkissian noted that he would like to see some accommodation in the future if a good plan is proposed. A gas station could be a good place for a drive-through facility.

IX. OTHER BUSINESS: There was no other business to discuss.

X. REPORT OF DIRECTOR'S REVIEWS:

- A. **Director's Miscellaneous Review (Setback) 12-40; Dietrich; 4854 Hampton Road:** The applicant requests permission to add a new 514 sq. ft. attached garage and laundry room that encroaches into the 38'-4" required front-yard setback. The proposed setback would be 34'-6" which represents a 3'-10" encroachment into the front-yard setback. The side setback would be compliant. The applicant is proposing additions to the rear of the property that would have compliant setbacks. In all, the floor area would increase to 3,445 sq. ft. which is under the 3,991 maximum allowed for the lot. The project was approved.

Assistant Planner Harris clarified that there was a condition of approval that was imposed on the previous Planning Commission case that required the applicant go thorough the Director's Review process to allow the new garage to encroach into the front-yard setback requirement but not beyond the existing house.

XI. COMMENTS FROM THE COMMISSIONERS

Commissioner Gunter asked what the procedures for call up are. He'd like to know under what circumstances the Planning Commission could recommend a case to the City Council for additional review.

Director Stanley stated that they do not have a current process but he could add it to the work program.

Commissioner Gunter asked when the appropriate time is to address the issue and what the procedure would be to discuss an action taken by the Director. He asked which types of cases could be called up by the Commission and which one's could not be called up.

Director Stanley indicated that Commissioner Gunter could ask that the topic be agendaized for future discussion. He explained that call-up procedures are different in that he could make a decision and the Planning Commission could call it up for additional review. He explained that they would be discussing the RV ordinance and Call-Up procedures at the next City Council meeting. He stated that he prepared a chart for the City Council that would likely answer Commissioner Gunter's questions.

Commissioner Curtis asked Director Stanley if staff analyzed all the various types of reviews and who would have purview to make the decision on them.

Director Stanley explained that the chart and report were currently in draft form but would be going out to the City Council on Thursday of this week and would be available for review after that time. The staff report and accompanying chart would contain all the types of reviews and which ones were appealable and to whom. The staff report also makes recommendations as to which one's should be changed and which ones should not be changed. His discussion also includes ministerial actions and Director's determinations. He explained that the City Council will develop a policy direction and then the topic will be presented the Planning Commission at a later date to work out the ordinance details.

Commissioner Curtis asked if the Council would also determine which items decided at the Planning Commission level could not be appealed further to the City Council.

Director Stanley stated that all Planning Commission cases would be appealable to the City Council. He added that some Director's reviews that are currently not appealable might be in the future. He was also looking at which types of cases would be able to be called up by the Planning Commission and/or the City Council. Currently, the City Council is only allowed to call up Tract Maps, Parcel Maps and certain Conditional Use Permits.

Commissioner Curtis asked if Public Works items would also be addressed.

Director Stanley replied no - only Planning Department items.

Chair Der Sarkissian indicated that he would always like to see a menu in relation to alcohol CUP requests. He explained that he would like to see if they are proposing a bar with limited food service or a serious restaurant with a full menu. It is required when Health Department permits are pursued. He indicated that he would have a difficult time supporting an alcohol related CUP if they do not provide a menu with their application.

Director Stanley asked for clarification if the Chair would like to add that to the application requirements. He explained that not all restaurants will have menus prepared in advance of the public hearing.

Commissioner Curtis asked if applicants have to have their CUP before they can get their ABC license.

Director Stanley replied that applicants do have to have their CUP before the ABC will issue a liquor license. He also clarified that the Flintridge Proper restaurant will be using the existing CUP that was approved for Los Gringos Locos for their ABC license and have it transferred. Today they were asking to expand their operating hours.

Commissioner Gunter added that the CUP would run with the land and apply to successor businesses. The next use might not be a restaurant

Chair Der Sarkissian asked to see what the valuation is of the tree to be removed on the 4138 Hampstead Road project.

Director Stanley said he would look into it. It may have been an emergency removal.

XII. COMMENTS FROM THE DIRECTOR

Director Stanley added that the City Council would be discussing RV Storage and Call-UP provisions at their December 17, 2012 meeting.

Director Stanley also indicated that the January Planning Commission meeting will be move to January 29 from January 22 because of the Martin Luther King holiday and the moved City Council meeting.

Commissioner Curtis asked what happened with the General Plan.

Director Stanley indicated that it was basically approved by the City Council but they didn't like that some of the requirements were made mandatory that were really

voluntary. They didn't want to put additional burdens on property owners. The plan is to take it back to City Council on January 22, 2013.

Senior Planner Buss confirmed that the final document would be presented at the January 22 meeting.

Director Stanley asked the Commissioners if they wanted to attend the Planning Commissioners Academy in Pasadena which will be put on by the League of California Cities. It will be from February 27 through March 1. There is money in the budget for it. He hoped all could attend as it is conveniently located. Some of the Commissioner requirements could be satisfied by attending. He directed the Commissions to the website.

Director Stanley reported that staff is working with a City Council Subcommittee to revise the tree ordinance. The City Council wanted to simplify the ordinance and take some of the burden off the property owners. They also want to modify the protected tree list.

Commissioner Gunter hoped that the Council would address the tree valuation issue.

XIII. ADJOURNMENT The meeting was adjourned at 8:11 p.m.