



**City of South Pasadena
Planning Commission
Meeting Minutes
Tuesday, September 8, 2020, 6:30 PM
Via Zoom Teleconference**

CALL TO ORDER

A regular meeting of the South Pasadena Planning Commission was called to order by Chair Janet Braun on Tuesday, September 8, 2020, at 6:32 pm. This meeting was held via Zoom teleconference, in accordance with AB 361.

ROLL CALL

Present: Chair: Janet Braun
Vice-Chair: John Lesak
Commissioners: Laura Dahl, Richard Tom and Lisa Padilla

City Staff

Present: Joanna Hankamer, Planning and Community Development Director
Teresa L. Highsmith, City Attorney
Kanika Kith, Planning Manager
Margaret Lin, Manager of Long-Range Planning & Economic Development
Malinda Lim, Associate Planner

Council

Present: Council Liaison Diana Mahmud, Mayor Pro Tem

APPROVAL OF AGENDA

Motion carried, 5-0.

DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS

Chair Braun, Vice-Chair Lesak and Commissioner Padilla visited 804 Valley View Road, Item 1 on tonight's agenda. Chair Braun also visited 901 Fair Oaks Avenue, the Chipotle site, Item 2.

PUBLIC COMMENTS AND SUGGESTIONS

Planning Manager Kith reported that one verbal comment was received from Sally Kilby, which was posted on the website and played at the meeting.

PUBLIC HEARING

1. **804 Valley View Road, Project No. 2298-DRX/HDP/TRP – A Design Review and Hillside Development Permit for a new single-family residence on a hillside lot and Tree Removal Permit located at 804 Valley View Road (APN 5310-020-029) (continued).**

Recommendation:

1. Adopt an addendum to a Negative Declaration for the proposed project, Project No. 2298-DRX/HDP/TRP, Design Review and Hillside Development Permit; and
2. Approve Project No. 2298-DRX/HDP/TRP, Design Review and Hillside Development Permit for the construction of a new 3,125 square-foot tri-level single-family residence and Tree Removal Permit located at 804 Valley View Road, subject to conditions of approval.

Staff Presentation:

Planning Manager Kith introduced the PowerPoint presentation.

Questions for Staff:

The Commissioners had a robust discussion regarding the previous 2017 approved plans on this site, including consideration of requesting an updated historic resources report and an updated arborist report to identify if there are any historic trees on the property before approval of the new plans.

City Attorney Highsmith recommended that the Commissioners gather the information before proceeding because they must approve the Negative Declaration first before they could take action on the project and because of CEQA reasons.

Commissioner Padilla asked for a process clarification from staff. Planning Manager Kith explained that because this project is a new hillside development project and is for new home construction, it does not go before the Design Review Board. Because this project deals with vacant land where the applicant wants to put up a new home, it is under the Planning Commission.

Public Comments:

Staff received six (6) written comments and three (3) public comments submitted by phone regarding this item. The voicemail messages were played for the Commissioners.

Applicant's Presentation:

Staff introduced the PowerPoint presentation from the Applicant, DKY Architects.

Applicant's Rebuttal:

Principal Architect David Streshinsky of DKY Architects addressed the public comments.

Questions for Applicant:

Commissioner Dahl asked if the architect was still involved with the neighboring site and requested any updated status. The architect confirmed his firm was still involved and reported that the project had a new owner. The plans were approved in 2017 and are currently in plan check.

Discussion:

The Commissioners had a robust discussion regarding the previous 2017 approved plans and documentation, including the CEQA historic resource analysis and prior arborist report. They agreed the Applicant’s presentation was very helpful. The Commissioners thought it is prudent that new reports be provided before a decision was made because of the potential CEQA impact, the concern from residents in the area, and taking into consideration the City Attorney’s comments.

Decision:

Commissioner Tom motioned, seconded by Commissioner Padilla, to continue this item to the next monthly hearing of the Planning Commission or until such time as the cultural resource and tree survey or vegetation survey recommended by staff are completed. If the studies are not completed, this item would continue until such time as those studies are completed.

Roll call:

Vice-Chair Lesak	Aye
Commissioner Dahl	Aye
Commissioner Tom	Aye
Commissioner Padilla	Aye
Chair Braun	Aye

Motion passed, 5-0.

Amendment to the above motion includes instructions to address the cultural resource question; trees questions; the wall between 808 and 804 Valley View; the layout of the design, including a site plan relative to other properties; the historical Sanborn map; and the issue of traffic plan. With regard to design, the Commissioners requested clarification and additional justification of the form, scale and massing – to explain how those are compatible with the surrounding neighborhood - to help the Commissioners make the required finding.

Roll call:

Vice-Chair Lesak	Aye
Commissioner Dahl	Aye
Commissioner Tom	Aye
Commissioner Padilla	Aye
Chair Braun	Aye

Motion passed, 5-0.

2. **901 Fair Oaks Avenue, Project No. 2290-CUP-A Conditional Use Permit for sales of beer and wine for on-site consumption (Type 41 License) as an ancillary use to the main restaurant operation at 901 Fair Oaks Suite B and the adjacent patio and shared patio areas. (APN 5315-003-058).**

Recommendation:

Approve as submitted by staff, subject to the conditions of approval.

Staff Presentation:

Associate Planner Lim presented the PowerPoint presentation. She also presented a proposed Amendment requested by the Applicant to expand the area where alcohol consumption can be. The original proposal was for the Chipotle patio. The request is to expand it to all the patio area, which is along Mission Street and Fair Oaks Avenue.

Questions for Staff:

Vice-Chair Lesak inquired about the ramifications of exceeding the Department of Alcohol Beverage Control (ABC) limits set per the census tract.

Commissioner Padilla asked if there have been other instances where an applicant has asked for an exterior zone for consumption of alcoholic beverages beyond the storefront area and if there was a precedent for that.

Commissioner Tom asked if staff had knowledge if other occupants were going to also seek to have a license for beer and alcohol.

The Commissioners, staff and City Attorney Highsmith discussed that the CUP license is not specific to a user. The license runs with the land. Further, if the license is approved for the tenants to sell alcohol in all the patio areas, ABC would also be reviewing it and putting in restrictions or regulations for compliance, including identifying the boundary of the alcohol sale area or serving area and putting up proper signage.

Commissioner Braun asked if Chipotle was going to sell beer and wine – if that patio is truly shared among the tenants.

City Attorney Highsmith commented that that would be their burden. She mentioned that in the agenda packet, staff included an internal document from Chipotle explaining all of the staff rules for enforcement of the conditions of an ABC permit.

Public Comment:

One (1) written comment in support of this project was received and provided to the Commissioners as an additional document.

Applicant Presentation:

None. Brett Engstrom, representing the Applicant, thanked the Commissioners. He clarified when a letter of public convenience or necessity (PCN letter) in the case of a Type 41 License or a Type 47 License might be required by the ABC. He also addressed the question about outside areas beyond the vision of the restaurant tenant.

Commissioner Dahl asked about Chipotle’s reference to its alcohol as beer and margarita – and if the reference is to some kind of a wine or beer margarita, not a tequila margarita. Mr. Engstrom explained that for this particular application, it is a beer and wine only license being applied for, a Type 41 License, and so it will be for beer and wine only – no margaritas.

Commissioner Discussion:

The Commissioners voiced support for the project and its Amendment.

Decision:

Vice-Chair Lesak motioned, seconded by Commissioner Tom, to approve the CUP for the sale of beer and wine for on-site consumption, a Type 41 License, at 901 Fair Oaks Avenue, Suite B, and with the Amendment that the exterior area be extended to all the patio areas available for 901 Fair Oaks. Additionally, that they adopt the findings as included in Section 2 of the Draft Resolution.

Roll call:

Vice-Chair Lesak	Aye
Commissioner Dahl	Aye
Commissioner Tom	Aye
Commissioner Padilla	Aye
Chair Braun	Aye

Motion passed, 5-0.

DISCUSSION

3. Regional Housing Needs Assessment Appeal.

Recommendation:

- a. Review and provide comments regarding the City’s Regional Housing Needs Assessment (RHNA) allocation appeal efforts;
- b. Appoint two members of the Planning Commission to participate in the temporary RHNA Appeal Ad Hoc Committee to work with staff on matters related to the City’s RHNA allocation appeal.

Staff Presentation:

Manager Lin presented a PowerPoint presentation.

Questions for Staff:

Vice-Chair Lesak inquired about the transportation study delay and if the subcommittee would hold any public working sessions.

Director Hankamer responded that the subcommittee had 45 days to compile, research and put together the best appeal they could. There was no time within that period to have a public working session. They anticipate reporting the status of their work at regularly scheduled meetings.

Commissioner Tom asked who exactly in SCAG (Sothern California Association of Governments) considers the appeal. Manager Lin responded that initially SCAG staff would review the appeals and provide a recommendation to the subcommittee. The RHNA subcommittee is comprised of elected officials that participate within the SCAG Board.

Commissioner Tom asked if there had been discussion or effort amongst the jurisdictions to do things together or is everybody in this for themselves. Director Hankamer responded that they had not reached out to other cities to join in their efforts to put together an appeal.

Council Liaison Mahmud shared that the 45-day time period was established by statute, not by SCAG.

Chair Braun remarked that there were many residents that have been very focused on this issue. The City will have a better effort with the collective input of staff and residents. In addition, the City Council has made this an official ad hoc committee which will be more powerful to SCAG – the concerted effort among City Council, the Planning Department and the residents.

Public Comment:

Three (3) written comments and one (1) voicemail comment from Josh Albrektson, which was played for the Commission, were received.

Chair Braun, Commissioner Tom and Commissioner Dahl volunteered to be on the Ad Hoc Committee. Vice-Chair Lesak also volunteered after discussion of the schedule and time expectations.

Decision:

Commissioner Tom motioned, seconded by Commissioner Padilla, that Chair Braun and Vice-Chair Lesak serve as members of the Committee to work on the RHNA appeal.

Roll call:

Vice-Chair Lesak	Aye
Commissioner Dahl	Aye
Commissioner Tom	Aye
Commissioner Padilla	Aye
Chair Braun	Aye

Motion passed, 5-0.

4. Accessory Dwelling Unit Policies and Programs:

Recommendation:

Provide direction regarding additional Accessory Dwelling Unit (ADU) policies and programs for consideration:

- a. To update the ADU Ordinance this fall, and
- b. For future ADU policies and programs for consideration in the 2021 Housing Element Update to meet the City's Regional Housing Needs Assessment (RHNA) allocations.

Staff Presentation:

Manager Lin presented a PowerPoint presentation.

Questions for Staff:

Vice-Chair Lesak asked if staff planned to have the design standards as part of the updated ordinance or would that come later. Director Hankamer replied that they would bring forward some initial design standards for inclusion in the ordinance and welcomed feedback.

Commissioner Dahl asked about the number of projected ADU units. Director Hankamer explained the methodologies and calculations used by HCD. PlaceWorks Senior Associate Amy Sinsheimer also spoke on this topic.

Commissioner Tom asked about the process and the timing with regard to the Housing Element.

Commissioner Padilla asked about the ADU policy mentioned in the presentation that would allow two ADUs or a duplex on a lot. Director Hankamer responded that there was a lot more interest from residents in JADUs and in ADUs.

Commissioner Padilla also asked for clarification of the phrase *without Code Enforcement action* mentioned in the proposed Amnesty Program. Director Hankamer answered that it referred to without penalty or being barred from applying for any permits, planning approvals or permits for five years. She mentioned that in the Amnesty Program they could extend the Amnesty Program beyond the five years that State law has provided for and they can streamline the process by which they work with a property owner to actually lower the life safety standard.

Chair Braun spoke about the need at some point to address the parking issues, some of which are not necessarily created by ADUs.

The Commissioners had a robust discussion regarding staff's presentation and offered several suggestions to augment staff's recommendations.

ADMINISTRATION

5. Comments from City Council Liaison:

Mayor Pro Tem Mahmud reported that SCAG does not anticipate issuing final RHNA numbers until February of 2021. The RHNA Appeals Committee has the same composition as the original committee that developed the RNHA numbers. She thanked the RHNA Ad Hoc Committee volunteers. On behalf of the entirety of the City Council, she thanked the Commissioners for their service and remarked that it is a very experienced and dedicated Planning Commission and our community can only benefit from it.

6. Comments from Planning Commissioners:

All of the Commissioners expressed concern about the number of pages in this month's agenda packet and the challenge to manage the information on their computers. They recommended inserting digital tabs or having each staff report be a separate pdf to make it easier to review the information.

Chair Braun thanked everyone, including residents, City Council and Commissioners.

7. Comments from Staff:

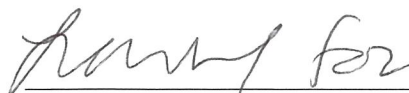
Director Hankamer announced that there would be two community meetings on the Housing Element – September 23rd at 6:30 pm and September 26th at 10:00 am. These workshops will be more participatory for people in consideration of being a Zoom meeting and the difficulty of the public being able to participate.

Planning Manager Kith announced that Chipotle is opening next month as well as the Habit Burgers. She also reported that City Council approved alfresco dining to allow restaurants to have outdoor dining in parking lots and now also on the parking lanes.

Director Hankamer added that with regard to alfresco dining, there will be concrete barriers going up on Mission Street soon. Staff is very grateful for the help from the Chamber of Commerce and their work with businesses.

ADJOURNMENT

Chair Braun adjourned the Planning Commission meeting at 9:45 pm to the next regularly scheduled Planning Commission meeting on October 13, 2020 at 6:30 pm.



Janet Braun, Chair