



**Tuesday, April 09, 2019**  
**Minutes of the Regular Planning Commission Meeting**

**CALL TO ORDER**

A Regular Meeting of the South Pasadena Planning Commission was called to order by Chair Kelly M. Koldus on Tuesday, April 09, 2019, at 6:30 p.m., in the Amedee O. "Dick" Richards, Jr., City Council Chamber, located at 1424 Mission Street, South Pasadena, California.

**ROLL CALL**

**Present:** Kelly M. Koldus, Chair; Janet Braun, Vice-Chair; Steven Dahl, Commissioner; John Lesak, Commissioner; and Richard Tom, Commissioner

**City Staff**

**Present:** David Bergman, Interim Director of Planning and Building; Teresa L. Highsmith, City Attorney; and Edwar Sissi, Associate Planner were present at roll call.

**Council**

**Present:** Richard D. Schneider, MD, Council Liaison

**PLEDGE OF ALLEGIANCE:**

Kelly M. Koldus

**PUBLIC COMMENTS**

Gavin Wasserman, 1622 Bank St., requested that the Commission seek training, regarding compliance with the California's political format of 1974 and best practices, regarding recusals due to conflicts of interest. Christina Vogel, 1616 Bank St. also requested training for the Commission, regarding the Conflict of Interest Code, the Code of Ethics and Values, California's Conflict of Interest Laws, and Best Practices. She read aloud the first section of the Code of Ethics and Values.

## CONTINUED HEARINGS

### **1. 817 Orange Grove Place (Appeal)**

This item was continued from the March 25, 2019 meeting. Edwar Sissi, Associate Planner, reviewed the history and the details of the project and the appeal. Mr. Sissi noted that all of the units were decreased in size. At the Conclusion of his presentation, Comm. Tom asked Mr. Sissi to review the dimensions of the back units. Mr. Sissi noted that the rear units were reduced to 17,033 sq.ft. and one of the units consisted of two bedrooms and a bath the other one consisted of one bedroom and two baths. Mr. Sissi reviewed the parking plan for the two units and what designates a bedroom. Regarding the alleyway encroachment, Fire Department staff and the Code Enforcement officer are working together to clear the alleyway. Comm. Lesak inquired if the dimensions of the carport are sufficient. Mr. Sissi noted that 20 x 20 is the requirement for the carport.

Chair Koldus declared the public hearing open. The architect, Mr. De Maria, addressed the Commission. Mr. De Maria noted that it has been a challenging road to acquire project approval and that he has worked tirelessly with staff and the neighbors to arrive at a project that is suitable for the neighborhood and the City. The following speakers spoke in opposition to the project: 1) Elizabeth Hollingsworth, 815 Orange Grove Pl., requested to have all bedrooms identified as such and have staff analyze the project's compliance with the neighborhood compatibility, city codes and requirements, specifically onsite parking; 2) Judith Hoyt, 813 Orange Grove, noted that her privacy will be decreased and parking/traffic problems will occur. She requested to have the project turned into a triplex; 3) Mike Hollingsworth, 813 Orange Grove Pl., expressed his concerns about overcrowding the alleyway, since it cannot provide two way access. He requested to have a permanent barrier built to separate the front and rear parking; 4) Robert Bridges, 1040 Orange Grove Pl., expressed his concerns about an increase in traffic and parking; 5) Ashlyn Kawakami, 825 Orange Grove Pl., noted that rooms can easily be converted to bedrooms. She requested to have the front unit decreased in size and to have the back units comply with the design guidelines. She noted that the project was not compatible with the neighborhood. She requested to have this item continued to the next regularly scheduled meeting; 6) Ana Uehara, 1050 Orange Grove Ave., expressed her concerns about the illegal activity that occurs in the alleyway at night time. In response to the aforementioned concerns, Patrick Perry, the owner's representative, noted that only one person located at 815 Orange Grove Pl. uses the alleyway. The through driveway on the property will reduce the amount of traffic in the alleyway and two-way traffic will not occur in the alleyway. Chair Koldus declared the public hearing closed.

Richard Tom reviewed the unit room type and dimensions with Mr. Sissi. Chair Koldus reviewed the traffic pattern for the rear guest parking spaces with Comm. Lesak. Comm. Dahl hypothetically reviewed parking requirement with Mr. Sissi if all of the rooms were designated as bedrooms. Vice-Chair Braun noted that the project is located in a Medium Residential area and the applicant has complied with the zoning requirements. Vice-Chair Braun also noted that the proposed project was reduced in size at the direction of the Commission and at the request of the neighbors; therefore, the developer has worked with the Commission, staff and the neighbors

to arrive a project that may be approved. Comm. Tom felt that the developer was not being forth coming regarding bedroom spaces. Chair Koldus and Comm. Tom discussed how to ensure that non-designated bedrooms will stay as they are designated in the plans. Comm. Lesak noted that older homes in South Pasadena are not compliant with today's parking requirements. Comm. Dahl thanked the appellant for making the requested changes to the project, such as the hybrid roof, nice porches, the reduction in unit size, the addition of trellises/greenery, the rear parking space, trash and storage placement, smaller rear units and the lowering of the project height. The parking will work as proposed.

Terry Highsmith, City Attorney, noted that project approval cannot occur if the project is under parked; therefore, all bedrooms need to be designated as such, and meet the definition of a bedroom in the Building Code and Fire Code. Vice-Chair Braun verified with Comm. Lesak that bedrooms are not defined in the Building Code and Fire Code but they have requirements.

Discussion ensued as to how to ensure that the proposed rooms are being used in the manner that they are designated to be used as noted in the plans, but Comm. Dahl pointed out that such strict regulations are inappropriate and could be dangerous. Discussion ensued, regarding solving possible parking problems for the units, in relationship to bedrooms.

Chair Koldus suggested the following condition of approval: prior to the issuance of a building permit for either building, the applicant shall provide a revised floor plan demonstrating compliance with the Municipal Code by depicting one or two bedroom units by eliminating excess shower stalls or bathtubs, removing full height walls and doors or other means to the satisfaction of the chair or the chair's delegate. Comm. Tom did not agree with the condition as a solution to the issue. Vice-Chair Braun noted that the applicant has complied and made all of the requested changes; therefore, the project should be approved.

City Attorney Highsmith pointed out that the charge before the Commission is to approve or deny the project as submitted by staff and not to look at how the rooms may be used in the future. Attorney Highsmith gave the Commission the following choices: 1) have the applicant submit for a chair review; 2) continue the project; or 3) deny the project.

The Commission took a small break to provide Mr. Sissi with time to confer with the applicant to see if he was amenable to a continuance for the project. Mr. Sissi noted that the applicant was amenable to a chair review, if the only two outlining issues were parking and bedroom locations. Chair Koldus verified with City Attorney Highsmith that if the Chair is not satisfied with the changes made to the project, the project will be remanded to the Planning Commission.

After considering the staff report and draft resolution, a motion was made by Vice-Chair Braun, seconded by Comm. Lesak to grant the appeal with the condition of approval that the project is to be built in a consistent manner with the revised drawings for the proposed demolition and new triplex development with the additional condition of CP5. CP5 was read aloud by Chair Koldus as follows: prior to the issuance of a building permit for either building, the applicant shall provide a revised floor plan demonstrating compliance with the Municipal Code, Building Code and Fire Code by depicting one or two bedroom units by eliminating excess shower stalls or

bathtubs, removing full height walls and doors or by other means to the satisfaction to the chair or their delegate.

Comm. Tom did not agree with the motion because he noted that this action will set a poor precedence for chair reviews, since the scope of work for this project is beyond what has previously been allowed for chair reviews 2) he did not agree with the design of the project.

The motion carried 3-2.

Resolution 19-06

The dissenting parties were Comm. Dahl and Comm. Tom

## **2. 1337 Oak Hill Place (Hillside Development Permit)**

This item was continued from the March 25, 2019 meeting. Edwar Sissi, Associate Planner, reviewed the history and the details of the project and the appeal. At the Conclusion of his presentation, the Commission did not have questions for Mr. Sissi.

The applicant, Robert Weide, addressed the Commission and noted that he and his father have complied with the requests of the Commission, which has resulted in a smaller project and at a considerable increase in expense to the applicant. Mr. Weide noted that the highest point of the house is a 7.2 ft. lower than the code allows. He pointed out a neighboring house with three stories and that the awning dimensions, flower box and wall texture were included in the project. The following speakers spoke in opposition to the project: 1) Robert Conte, 1335 Oak Hill Pl., expressed his concerns about the proposed front viewing deck, which would infringe upon his privacy. He requested to have it turned into a balcony. He also noted that the scale and massing of the project is too large for the neighborhood; 2) Kelly Conte, 1335 Oak Hill Pl., noted that all of the homes except for one on Oak Hill Pl. are one story homes. She also pointed out that the three viewing decks in front facade were egregious. She requested to have the largest front viewing deck turned into a balcony. She also noted that the plans did not match the renderings; 3) Satsuki Yamashita, 1339 Oak Hill Pl., expressed her concerns, regarding lack of privacy because of the two outdoor viewing decks. The architect, Jim Pajuhesh, 6826 Louise Ave., in response to neighbor concerns, noted that the modulation on the façade was a code requirement and that the front façade complies with the code; therefore, he could not change any of the decks into balconies. Robert Weide, the applicant, noted that two of the front facing decks are an architectural feature and not a functional part of the project. The back deck will be utilized for events and viewing purposed instead of the front decks. He also noted that the architectural drawings are accurate. Mr. Weide pointed out that the pictures that Mr. Conte provided were not accurate. Seeing that there were no other speakers in favor of or in opposition to the project, Chair Koldus declared the public hearing closed.

Mr. Sissi clarified the differences between outdoor decks and balconies with Chair Koldus.

Comm. Lesak had parapet questions regarding drainage, which were answered by the Architect.

Comm. Dahl thanked the applicant for making the requested changes to the plans, such as follows: 1) the home was moved further back; 2) a front planter was included; and 3) the addition of redwood tongue/grove decking under the eaves, the expansion stucco joints and stonework. Comm. Dahl noted that the changes were a definite improvement.

After considering the staff report and draft resolution, a motion was made by Chair Koldus, seconded by Comm. Dahl to approve the project as submitted by staff.

The motion carried 5-0.

Resolution 19-07

## **PUBLIC HEARINGS**

### **3. 1326 Fair Oaks Avenue – Administrative Use Permit**

Comm. Dahl recused himself from participating and voting on this item and left the City Council chambers, since he is the architect for this project.

Associate Planner, Edwar Sissi reviewed the details and the history for the project. At the conclusion of his presentation, the Commission did not have questions for Mr. Sissi. Mr. Sissi noted that an Administrative Use Permit (AUP) is needed for outdoor dining. In response to neighborhood concerns, the applicant removed the second story element and included a bump out on the South/East side of the building to serve as a buffer between outdoor dining, the parking lot and the residential neighborhood. Mr. Sissi reviewed the conditions of approval for outdoor dining.

David Bergman, Director of Planning and Building reviewed the reasons why this item was presented to the Planning Commission and noted the following: the original two-story project, which was presented to the Design Review Board (DRB) was significantly reduced in size by the time it was presented to the Planning Commission. Mr. Bergman presented the Commission's charge, regarding this item, which is as follows: Is outdoor dining an appropriate use for this restaurant and does it meet the General Plan guidelines? Comm. Lesak inquired as to how the seating was determined for the outdoor dining. Mr. Bergman noted that the seating was scaled down in relationship to the reduction of the building size. At the inquiry of Vice-Chair Braun, Mr. Sissi noted that the corner Monument sign will be removed and Mr. Bergman noted that the proposed seating capacity is at 48 spaces.

Chair Koldus declared the public hearing open. Linda Hames, a representative from Dahl Architects, addressed the Commission and reviewed the design history of the proposed project noting that the original design was a two-story structure in addition to a tower. The Design Review Board requested that the architect scale down the project, which resulted in a one story structure. The Outdoor dining is located on Fair Oaks Ave. and wraps around to Bank St. The outdoor dining will blend in well in a mixed-use area. There are 26 seats on Bank St., 20 seats on Fair Oaks Ave. and 4 seats on the interior wall against the building. The following speakers spoke in opposition to the project: 1) Christina Vogel, 1616 Bank St., expressed her concerns about traffic, parking, safety,

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outdoor seating, evening hours, and suggested a continuance and a traffic study; 2) Gavin Wasserman, 1622 Bank St., expressed his concerns about evening hours, evening noise, traffic and an incompatible design with the neighborhood; and 3) Andrew Vogel, 1616 Bank St. expressed his concerns about the impact of the outdoor dining on the residential area adjacent to Hi Life burgers.

In response to the neighbor's concerns, Niko Tsianos, 1326 Fair Oaks Ave., (part owner) noted that the size of the project was scaled down considerably, due to neighbor input. He noted that 20% of sales comes from "to go" orders. Ms. Hames noted that Sr. Fish, and Grand Avenue have outdoor wrap around dining and that the outdoor dining impact at HiLife will be minimal to the community. Seeing that there were no other speakers in favor of or in opposition to the project, Chair Koldus declared the public hearing closed.

The Commission was in support of the project but continued discussing, parking, seating capacity, outdoor dining hours, traffic, and project use.

City Attorney, Teresa Highsmith and Mr. Bergman reiterated that the configuration of the project was approved by the DRB; therefore, the Planning Commission's task was limited to voting on the outdoor dining.

Regarding outdoor dining hours, Comm. Lesak suggested restricting the outdoor eating hours to 8:00 p.m. The Commission discussed outdoor evening dining hours that would be best for the proposed restaurant and neighborhood. Chair Koldus summarized their discussion as follows: and changed Cond. 1 to hours of operation for outdoor dining from 7:00 a.m. – 8:00 p.m. Monday – Thursday, Fridays and Saturdays from 7:00 a.m. – 9:00 p.m. and 8:00 a.m. – 8:00 p.m. on Sunday.

Mr. Bergman suggested adding the following condition: outdoor lighting should end when the outdoor seating is closed.

Chair Koldus and Comm. Tom suggested landscaping along Bank Street. Mr. Bergman and Vice-Chair Braun discussed parking solutions.

After considering the staff report and draft resolution, a motion was made by Comm. Tom, seconded by Comm. Lesak to amend condition #1 as follows: hours to operation for outdoor dining from 7:00 a.m. – 8:00 p.m. Monday – Thursday, Fridays and Saturdays from 7:00 a.m. – 9:00 p.m. and 8:00 a.m. – 8:00 p.m. on Sundays and to have outdoor lighting operate in unison with the outdoor seating area's hours of operation.

Comm. Braun clarified that Comm. Tom's motion includes condition 2,3,4 & 5

Comm. Tom suggested that staff review, whether there needs to be a parking requirement associated with outdoor dining.

The motion carried 5-0.

Resolution 19-08

**ADMISISTRATION**

**4. Planning Commission Minutes January 28, 2019 and February 25, 2019 meetings.**

The January minutes were approved with minor corrections. 5-0

The February minutes were approved as submitted. 4-0 with 1 abstention

**5. Comments from Council Liaison**

Dr. Richard D. Schneider noted that the city of South Pasadena has parking issues. Some residents have applied for preferential parking. Dr. Schneider inquired as to what is the criteria is for people whom have financial hardships. Comm. Lesak noted that unpermitted work done a long time ago, such as the demolition of dilapidated structures; may be related to property rights, regarding development. The CHC ordinance includes the definition of financial hardship.

**6. Comments from Planning Commissioners**

Comm. Lesak pointed out that he would like to have the Commission re-evaluate the development standards.

**7. Comments from Staff**

Mr. Bergman thanked everyone for a job well done. Comm. Lesak noted that staff did a good job turning the two projects around.

**ADJOURNMENT**

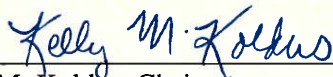
**8.** Chair Koldus adjourned the meeting at 10:28 p.m. to the regular Planning Commission meeting scheduled on May 14, 2019.

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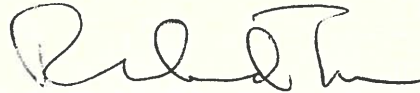
**-SIGNATURES TO FOLLOW ON THE NEXT PAGE-**

I HEREBY CERTIFY that the foregoing minutes were adopted by the Planning Commission of the City of South Pasadena at a regular meeting held on June 09, 2019.

**AYES: DAHL, KOLDUS, LESAK & TOM**  
**NOES: NONE**  
**ABSENT: BRAUN**  
**ABSTAIN: NONE**




Kelly M. Koldus, Chair



Richard Tom, Secretary to the Planning Commission

ATTEST



Elaine Serrano, Recording Secretary