

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, March 9, 2021, 7:00 p.m.

COVID-19 NOTICE

As part of the City of Arcadia's COVID-19 transmission mitigation efforts, this meeting of the Arcadia Planning Commission will be conducted virtually. Per the Brown Act, the public will still be provided the ability to make public comments. For members of the public who would like to participate virtually, the meeting will be held via Zoom.

How to Submit Public Comment:

1. **Email:** Please submit your comments via email to planning@ArcadiaCA.gov at least 30 minutes prior to the posted meeting time. Your comments should be 300 words or less.
2. **Zoom:** To join the meeting from a phone, tablet, or internet browser please select the meeting link below and enter your name and email.

Meeting Link: <https://us02web.zoom.us/j/86559297824>

You may view the meeting live via Zoom as an Attendee; however, if you wish to provide a public comment, you will need a microphone enabled device. You will remain muted until you are recognized for public comment.

3. **Phone:** A dial-in number has been also established for public comment for those without internet access. Your call will be recognized in the order it was received. You will remain muted until you are recognized for public comment.

Dial-in Number: 1(669) 900 6833

Meeting ID: 865 5929 7824

Please contact the Planning Division at planning@ArcadiaCA.gov or at (626) 574-5423 for more information.

新型冠状病毒（COVID-19）通知

作为阿凯迪亚市政府缓解 COVID-19 传播工作的一部分，本次阿凯迪亚市议会会议将以虚拟方式举行。根据《布朗法案》，仍将向公众提供发表评论意见的机会。对于希望以虚拟方式参加会议的公众，会议将在 Zoom 网站上进行现场直播。

如何提交公众评论意见：

1. **电子邮件：**请通过向 planning@ArcadiaCA.gov 发电子邮件的方式提交您的评论意见，须在公布的会议时间至少提前 30 分钟收到提交的评论意见。您的电子邮件不得超过 300 个字。
2. **Zoom：**请通过电话，电脑或网路浏览器点选下面的会议链接即可加入会议，连结后请输入您的姓名和电子邮件。

会议链接：<https://us02web.zoom.us/j/86559297824>

您将以观众身分在 Zoom 上收看会议；若您希望提供公众意见，则需要启用麦克风的设备。在公众评论时段开始以前，您将被保持静音状态。

3. **电话：**已经为公众提交评论意见设立一条会议专线。公众打来的电话按先后顺序接听。您应当将您的电话设为“静音”，直至轮到您提出评论意见。

会议专线： 1(669) 900 6833

接入代码： 865 5929 7824

详情请洽 ☐ ☐ ☐，电子邮件 planning@ArcadiaCA.gov，电话号码 (626) 574-5423。

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from Planning Services at (626) 574-5423. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》的规定，需要提供残障相关调整或便利设施才能参加会议的残障人士（包括辅助器材或服务），可向规划服务部请求获得此类调整或便利设施。电话号码 (626) 574-5423。请在会前 48 小时通知规划服务部，以便作出合理安排，确保顺利参加会议。

Pursuant to the City of Arcadia's Language Access Services Policy, limited-English proficient speakers who require translation services in order to participate in a meeting may request the use of a volunteer or professional translator by contacting the City Clerk's Office at (626) 574-5455 at least 72 hours prior to the meeting.

根据阿凯迪亚市的语言便利服务政策，英语能力有限并需要翻译服务才能参加会议的人可与市书记官办公室联系（电话：626-574-5455），请求提供志愿或专业翻译服务。请至少在会前 72 小时提出请求。

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

Marilynne Wilander, Chair
Zi Lin, Vice Chair
Kenneth Chan, Commissioner
Brad Thompson, Commissioner
Vincent Tsoi, Commissioner

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

PUBLIC COMMENTS (5 minute time limit per person)

Each speaker is limited to three (5) minutes per person, unless waived by the Planning Commission. Under the Brown Act, the Commission or Board Members are prohibited from discussing or taking action on any item not listed on the posted agenda.

PUBLIC HEARING

All interested persons are invited to appear at a public hearing and to provide evidence or testimony concerning any of the proposed items set forth below for consideration. Separate and apart from the applicant (who may speak longer in the discretion of the Commission) speakers shall be limited to **five (5) minutes per person**. The applicant may additionally submit rebuttal comments, at the discretion of the Commission.

You are hereby advised that should you desire to legally challenge in court or in an administrative proceeding any action taken by the City Council regarding any public hearing item, you may be limited to raising only those issues and objections you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the public hearing.

- 1. Resolution No. 2073** – Approving Conditional Use Permit No. CUP 20-16 with a Categorical Exemption under the California Environmental Quality Act (CEQA) to allow a new wine and spirits retail store at 1108 S. Baldwin Avenue, Units #B1 & B2

Recommendation: Adopt Resolution No. 2073

Applicant: Giano Nguyen

There is a ten day appeal period after the adoption of the Resolution. If adopted, appeals are to be filed by 4:30 p.m. on March 19, 2021.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Commission, staff, or the public request that specific items be removed from the Consent Calendar for separate discussion and action.

2. Minutes of the February 23, 2021 Regular Meeting of the Planning Commission

Recommendation: Approve

MATTERS FROM CITY COUNCIL LIASION

MATTERS FROM PLANNING COMMISSIONERS

MATTERS FROM ASSISTANT CITY ATTORNEY

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

ADJOURNMENT

The Planning Commission will adjourn this meeting to Tuesday, March 23, 2021, at 7:00 p.m.



STAFF REPORT

Development Services Department

DATE: March 9, 2021

TO: Honorable Chairman and Planning Commission

FROM: Lisa L. Flores, Planning & Community Development Administrator
By: Edwin Arreola, Assistant Planner

SUBJECT: RESOLUTION NO. 2073 – APPROVING CONDITIONAL USE PERMIT NO. CUP 20-16 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ALLOW A NEW WINE AND SPIRITS RETAIL STORE AT 1108 S. BALDWIN AVENUE, UNITS #B1 & B2
Recommendation: Adopt Resolution No. 2073

SUMMARY

The Applicant, Giano Nguyen, is requesting approval of Conditional Use Permit Application No. CUP 20-16 to allow a new wine and spirits retail store at 1108 S. Baldwin Avenue, Units #B1 & B2 within the Baldwin Plaza Shopping Center (d.b.a. Uncle Fossil Wine and Spirits). It is recommended that the Planning Commission adopt Resolution No. 2073 (Attachment No. 1) and find that the project is Categorically Exempt under CEQA and approve Conditional Use Permit No. CUP 20-16, subject to the conditions listed in this staff report.

BACKGROUND

The subject business is located within the Baldwin Plaza, which is a 28,184 square foot multi-tenant commercial center located on a 2.2 acre irregularly shaped lot (see Figure 1). The property is located along S. Baldwin Avenue, between Arcadia Avenue and W. Duarte Road, and has driveway access from either S. Baldwin Avenue or W. Duarte Road. The site has a total of 154 parking spaces. The wine and spirits store will be located within one of the improved units that is approximately 2,525 square feet at the northwest corner of the property. The unit was formerly occupied by a financial institution and has been vacant since October of 2019.

The property is zoned C-G (General Commercial) and has a General Plan Land Use Designation of Commercial. The site is surrounded by other commercial properties to the

north, east, south and west - refer to Attachment No. 2 for an Aerial Photo with Zoning Information.

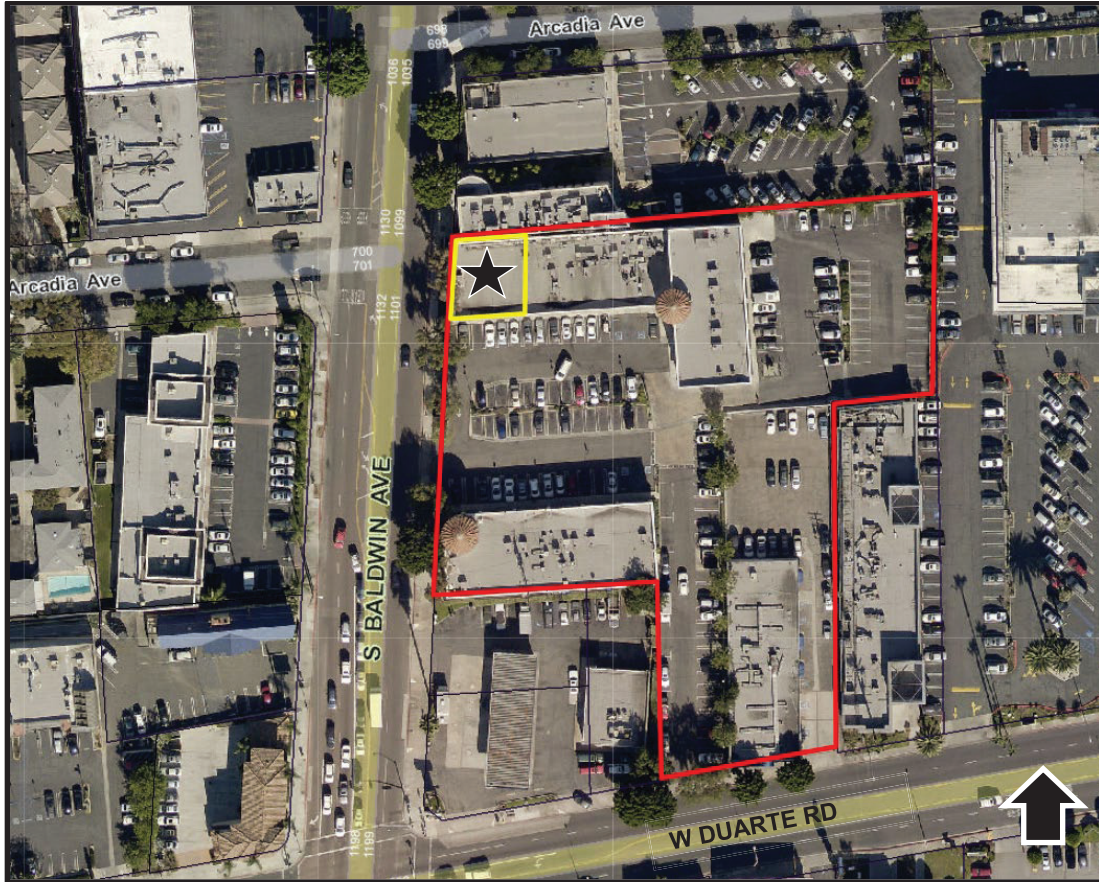


Figure 1 - Aerial of subject site

PROPOSAL

Uncle Fossil Wine & Spirits is a local retail chain specializing in wine and spirits and offers exclusive wine and distilled spirits. The chain currently has four other locations with three locations in the City of San Gabriel and one location in the City of Diamond Bar. The Applicant is requesting approval of a Conditional Use Permit (CUP) to allow the sale of wine and distilled spirits with a Type 21 (Off-Sale General) license from the California Department of Alcoholic Beverage Control (ABC). There will be no serving of alcohol for consumption or taste testing at the store. A total of three (3) full-time employees will be working at the location at any given time. The business will consist of an open floor retail space and a storage room as shown on the floor plan below and under Attachment No. 3 – Architectural Plans with Photos of the Subject Property. The proposed business hours will be from 10:00 a.m. to 7:00 p.m., everyday.

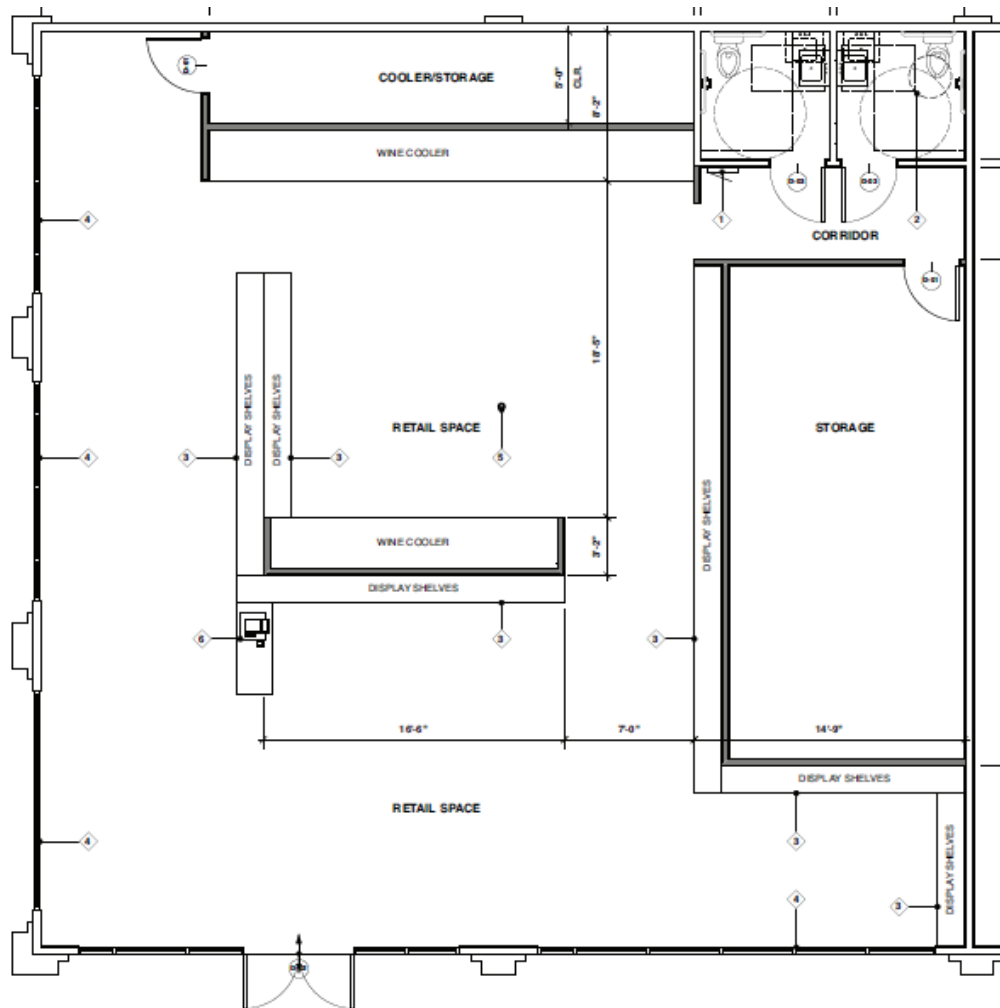


Figure 2 – Proposed Floor Plan

The project site will require some tenant improvements to accommodate this retailer, such as installation of walk-in refrigeration, wall racks and shelves, and new storage space. Exterior alterations to the existing building are not proposed and any signage for the tenant will be handled under a separate Sign Design Review application, as noted in the conditions of approval.

ANALYSIS

Any retail sale of alcohol is subject to a Conditional Use Permit in the C-G, General Commercial zone. The purpose of the CUP is to ensure that the proposed sale of alcohol is an appropriate use for the property and is compatible with other uses in the surrounding neighborhood.

The existing parking lot has a total of 154 parking spaces and six (6) disabled parking spaces for all the tenants within the commercial center. According to the Code, the wine and spirits store is considered a retail use. A total of 13 parking spaces are required at a parking rate of 1 parking space for every 200 square feet of floor area for the 2,525 square foot unit. The center has sufficient parking for this use since it was parked for retail, office and restaurant uses on site, therefore proposed use complies per Code.

The wine and spirits store is consistent with the C-G zoning of this site. Allowing this use would not result in an adverse impact to the neighboring businesses or properties since all development standards will be met and on-site consumption will not be permitted. Furthermore, there are no residential properties adjacent to the subject site. The retail use will serve a public convenience and the Applicant will be required to comply with ABC regulations. With regards to public safety issues, the Fire Department, Police Department, and Building Services have reviewed the CUP application and no objections or concerns were raised by any of the departments for the proposed use.



Figure 3 – Photo of an Uncle Fossil retail store in Diamond Bar

FINDINGS

Section 9107.09.050(B) of the Development Code requires that the Planning Commission may approve a Conditional Use Permit only if it first makes all of the following findings:

- 1. The proposed use is consistent with the General Plan and any applicable specific plan.**

Facts to Support This Finding: Approval of the retail sale of alcohol is consistent with the Commercial Land Use Designation of the site and it will not adversely impact the objectives of the General Plan. The Commercial designation is intended to permit a wide range of commercial uses, which serve both neighborhood and citywide markets. This retail use will provide the general public with goods typically or often found in commercial zoned properties. Therefore, the retail sale of alcohol will be consistent with the City's General Plan, and the following General Plan policy.

Land Use and Community Design Element

- Policy LU-6.7: Encourage a balanced distribution of commercial development throughout the City, ensuring that neighborhoods and districts have adequate access to local-serving commercial uses.

2. The proposed use is allowed within the applicable zone, subject to the granting of a Conditional Use Permit, and comply with all other applicable provisions of the Development Code and the Municipal Code.

Facts to Support This Finding: The proposed retail sale of alcohol will be located within an existing commercial shopping center and it will complement the other existing businesses at this center, as it adds a greater shopping experience to the customers with the ability to purchase multiple goods at the center. The use is in compliance with all applicable development standards and land use regulations of the C-G, General Commercial zone, it will be located within one of the existing buildings at this site, and will not change the characteristics of the existing commercial center. The retail store complies with the required parking per Code. Therefore, the proposed location is not anticipated to be detrimental to any of the existing or future uses at this center.

3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity.

Facts to Support This Finding: The proposed wine and spirits store will occupy an existing 2,525 square foot commercial unit at the Baldwin Plaza shopping center. The site has adequate access from both Baldwin Avenue and Duarte Road. The Arcadia Municipal Code currently requires 153 parking spaces for all of the commercial uses on site and the site has 154 spaces. Additionally, the proposed business hours will be from 10:00 a.m. to 7:00 p.m., everyday which closes before most retail or restaurant uses in the area. Therefore, the proposal is compatible with the existing and future land uses in the vicinity.

4. The site is physically suitable in terms of:

- a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;**

Facts to Support This Finding: The site is physically suitable for the proposed wine and spirits store because the business will be located within an existing shopping center that has been there since 1999. The site is improved with ample surface parking and six (6) ADA parking spaces to accommodate the proposed

use and existing business. The site is also developed with adequate landscaping, lighting, and other features typical of commercial developments. No additional exterior construction is being proposed for occupation of this site.

b. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access.

Facts to Support This Finding: The site is an irregular shaped lot that fronts Baldwin Avenue, between Arcadia Avenue and Duarte Road, and has access from either Baldwin Avenue or Duarte Road. These streets are adequate in width and pavement type to carry emergency vehicles and traffic generated by the proposed use and existing uses on the site. Therefore, the proposed use will not impact these rights-of-way.

c. Public protection services (e.g., fire protection, police protection, etc.).

Facts to Support This Finding: The Fire and Police Department have reviewed the Project and determined that no additional improvements are needed to provide adequate protection services to the subject site.

d. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

Facts to Support This Finding: The subject property is developed with three (3) existing commercial buildings, therefore no additional improvements are needed to provide adequate utilities to service the site.

5. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

Facts to Support This Finding: As a commercial use, the retail sale of alcohol is consistent with the zoning of this site. Allowing the Project will serve a “public convenience and necessity” and is in accordance with the City’s policies to attract new businesses to enhance the economic base. It will not result in an adverse impact to the neighboring businesses or properties; nor will it create a public nuisance. The Applicant will be required to comply with the California Department of Alcoholic Beverage Control (“ABC”) regulations. In addition, the Arcadia Police and Fire Departments have reviewed the Project and did not have any concerns. Therefore, the Project will not adversely affect the public convenience, health,

interest, safety, or general welfare of adjacent uses in the vicinity and zone of the subject property.

ENVIRONMENTAL ANALYSIS

It has been determined that the project qualifies as a Class 1 Categorical Exemption per the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines for the use of an existing facility (refer to Attachment No. 4).

PUBLIC NOTICE

Public hearing notices for this item were mailed to the owners of those properties that are located within 300 feet of the subject property and published in the *Arcadia Weekly* on February 25, 2021. As of March 5, 2021, staff did not receive any public comments on this project.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2073 approving Conditional Use Permit No. CUP 20-16 to allow the retail sale of alcohol at a new wine and spirits store and find that the project is Categorically Exempt under the California Environmental Quality Act (CEQA), subject to the following conditions of approval:

1. The approved Conditional Use Permit No. CUP 20-16 is limited to the retail sale of alcohol (wine and spirits) under a Type 21 ABC license for the sale of beer, wine, and distilled spirits for off-site sales within an existing 2,525 square foot commercial unit. No on-site consumption or taste testing is permitted with this approval. The business shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 20-16, and shall be subject to periodic inspections, after which the provisions of this Conditional Use Permit may be adjusted by the Planning & Community Development Administrator, or designee, after due notice in order to address any adverse impacts it may have to the adjacent businesses at this center.
2. No exterior changes to the existing building are permitted with this approval. Any new exterior signs shall comply with the Baldwin Plaza sign program and subject to the City's Sign Design Review Permit.
3. There shall be no excessive loitering in front of the business.
4. The plans submitted for Building plan check shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code

- b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
 - i. Arcadia Municipal Code
5. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with to the satisfaction of the Building Official, City Engineer, Planning & Community Development Administrator, Fire Marshal, and Public Works Services Director. Any changes to the existing facility may be subject to having fully detailed plans submitted for plan check review and approval by the aforementioned City officials and employees, and may be subject to building permits.
 6. Noncompliance with the plans, provisions and conditions of approval for CUP 20-16 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of this business.
 7. The Applicant/Property Owner shall defend, indemnify, and hold harmless the City of Arcadia and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City of Arcadia, its officials, officers, employees or agents to attack, set aside, void, or annul any approval or conditional approval of the City of Arcadia concerning this project and/or land use decision, including but not limited to any approval or conditional approval of the City Council, Planning Commission, or City Staff, which action is brought within the time period provided for in Government Code Section 66499.37 or other provision of law applicable to this project or decision. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and/or land use decision and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees, and agents in the defense of the matter.
 8. Approval of CUP 20-16 shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

PLANNING COMMISSION ACTION

Approval

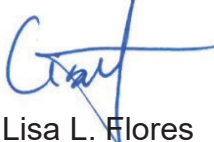
If the Planning Commission intends to approve this proposal, the Commission should approve a motion to approve Conditional Use Permit No. CUP 20-16, stating that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2073 that incorporates the requisite environmental and Conditional Use Permit findings and the conditions of approval as presented in this staff report, or as modified by the Commission.

Denial

If the Planning Commission intends to deny this proposal, the Commission should approve a motion to deny Conditional Use Permit No. CUP 20-16, stating that the finding(s) of the proposal does not satisfy with reasons based on the record, and direct staff to prepare a resolution for adoption at the next meeting that incorporates the Commission's decision and specific findings.

If any Planning Commissioner, or other interested party has any questions or comments regarding this matter prior to the March 9, 2021, hearing, please contact Assistant Planner, Edwin Arreola, at (626) 821-4334, or earreola@ArcadiaCA.gov.

Approved:



Lisa L. Flores
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2073
- Attachment No. 2: Aerial Photo with Zoning Information
- Attachment No. 3: Architectural Plans with Photos of the Subject Property
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2073

RESOLUTION NO. 2073

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP 20-16 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ALLOW A NEW WINE AND SPIRITS RETAIL STORE AT 1108 S. BALDWIN AVENUE, UNITS #B1 & B2

WHEREAS, on October 26, 2020, an application for Conditional Use Permit No. CUP 20-16 was filed by Giano Nguyen (“Applicant”) to allow a new wine and spirits retail store within an existing 2,525 square foot unit at the Baldwin Plaza commercial center at 1108 S. Baldwin Avenue, Units #B1 & B2 (“Project”); and

WHEREAS, on February 10, 2021, Planning Services completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (“CEQA”) and determined the Project is exempt under Class, 1, Section 15301 of the CEQA Guidelines pertaining to the use of an existing facility; and

WHEREAS, on March 9, 2021, a duly noticed public hearing was held before the Planning Commission on said application, at which time all interested persons were given full opportunity to be heard and to present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The factual data submitted by the Community Development Division in the staff report dated March 9, 2021 are true and correct.

SECTION 2. This Commission finds that based upon the entire record, pursuant to Section 9107.09.050 of the Development Code, all of the following findings can be made.

1. The proposed use is consistent with the General Plan and any applicable specific plan.

FACT: Approval of the retail sale of alcohol is consistent with the Commercial Land Use Designation of the site and it will not adversely impact the objectives of the General Plan. The Commercial designation is intended to permit a wide range of commercial uses, which serve both neighborhood and citywide markets. This retail use will provide the general public with goods typically or often found in commercial zoned properties. Therefore, the retail sale of alcohol will be consistent with the City's General Plan, and the following General Plan policy:

Land Use and Community Design Element

- Policy LU-6.7: Encourage a balanced distribution of commercial development throughout the City, ensuring that neighborhoods and districts have adequate access to local-serving commercial uses.

2. The proposed uses are allowed within the applicable zone, subject to the granting of a Conditional Use Permit, and complies with all other applicable provisions of the Development Code and the Municipal Code.

FACT: The proposed retail sale of alcohol will be located within an existing commercial shopping center and it will complement the other existing businesses at this center, as it adds a greater shopping experience to the customers with the ability to purchase multiple goods at the center. The use is in compliance with all applicable development standards and land use regulations of the C-G, General Commercial zone, it will be located within one of the existing buildings at this site, and will not change the characteristics of the existing commercial center. The retail store complies with the

required parking per Code. Therefore, the proposed location is not anticipated to be detrimental to any of the existing or future uses at this center.

3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity.

FACT: The proposed wine and spirits store will occupy an existing 2,525 square foot commercial unit at the Baldwin Plaza shopping center. The site has adequate access from both Baldwin Avenue and Duarte Road. The Arcadia Municipal Code currently requires 153 parking spaces for all of the commercial uses on site and the site has 154 spaces. Additionally, the proposed business hours will be from 10:00 a.m. to 7:00 p.m., everyday which closes before most retail or restaurant uses in the area. Therefore, the proposal is compatible with the existing and future land uses in the vicinity.

4. The site is physically suitable in terms of:

a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;

FACT: The site is physically suitable for the proposed wine and spirits store because the business will be located within an existing shopping center that has been there since 1999. The site is improved with ample surface parking and six (6) ADA parking spaces to accommodate the proposed use and existing business. The site is also developed with adequate landscaping, lighting, and other features typical of commercial developments. No additional exterior construction is being proposed for occupation of this site.

b. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;

FACT: The site is an irregular shaped lot that fronts Baldwin Avenue, between Arcadia Avenue and Duarte Road, and has access from either Baldwin Avenue or Duarte Road. These streets are adequate in width and pavement type to carry emergency vehicles and traffic generated by the proposed use and existing uses on the site. Therefore, the proposed use will not impact these rights-of-way.

c. Public protection services (e.g., fire protection, police protection, etc.); and

FACT: The Fire and Police Department have reviewed the Project and determined that no additional improvements are needed to provide adequate protection services to the subject site.

d. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

FACT: The subject property is developed with three (3) existing commercial buildings, therefore no additional improvements are needed to provide adequate utilities to service the site.

5. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

FACT: As a commercial use, the retail sale of alcohol is consistent with the zoning of this site. Allowing the Project will serve a "public convenience and necessity" and is in

accordance with the City's policies to attract new businesses to enhance the economic base. It will not result in an adverse impact to the neighboring businesses or properties; nor will it create a public nuisance. The Applicant will be required to comply with the California Department of Alcoholic Beverage Control ("ABC") regulations. In addition, the Arcadia Police and Fire Departments have reviewed the Project and did not have any concerns. Therefore, the Project will not adversely affect the public convenience, health, interest, safety, or general welfare of adjacent uses in the vicinity and zone of the subject property.

6. This Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines pertaining to the use of an existing facility.

SECTION 3. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt per Class 1, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, and approves Conditional Use Permit No. CUP 20-16 to allow a new wine and spirits retail store within an existing 2,525 square foot unit at the Baldwin Plaza commercial center at 1108 S. Baldwin Avenue, Units #B1 & B2, subject to the conditions of approval attached hereto.

SECTION 4. The Secretary shall certify to the adoption of this Resolution.

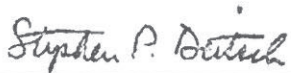
Passed, approved and adopted this 9th day of March, 2021.

Marilynne Wilander
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Stephen P. Deitsch
City Attorney

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RESOLUTION NO. 2073

Conditions of Approval

1. The approved Conditional Use Permit No. CUP 20-16 is limited to the retail sale of alcohol (wine and spirits) under a Type 21 ABC license for the sale of beer, wine, and distilled spirits for off-site sales within an existing 2,525 square foot commercial unit. No on-site consumption or taste testing is permitted with this approval. The business shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 20-16, and shall be subject to periodic inspections, after which the provisions of this Conditional Use Permit may be adjusted by the Planning & Community Development Administrator, or designee, after due notice in order to address any adverse impacts it may have to the adjacent businesses at this center.
2. No exterior changes to the existing building are permitted with this approval. Any new exterior signs shall comply with the Baldwin Plaza sign program and subject to the City's Sign Design Review Permit.
3. No exterior changes to the existing building are permitted with this approval. Any exterior changes to the building and/or on-site improvements to the parking lot area shall be subject to a Site Plan and Design Review application.
4. There shall be no excessive loitering in front of the business.
5. The plans submitted for Building plan check shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
 - i. Arcadia Municipal Code
6. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with to the satisfaction of the Building Official, City Engineer, Planning & Community Development Administrator, Fire Marshal, and Public Works Services Director. Any changes to the existing facility may be subject to having fully detailed plans submitted for plan check review and approval by the aforementioned City officials and employees, and may be subject to building permits.

7. Noncompliance with the plans, provisions and conditions of approval for CUP 20-16 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of this business.
8. The Applicant/Property Owner shall defend, indemnify, and hold harmless the City of Arcadia and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City of Arcadia, its officials, officers, employees or agents to attack, set aside, void, or annul any approval or conditional approval of the City of Arcadia concerning this project and/or land use decision, including but not limited to any approval or conditional approval of the City Council, Planning Commission, or City Staff, which action is brought within the time period provided for in Government Code Section 66499.37 or other provision of law applicable to this project or decision. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and/or land use decision and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees, and agents in the defense of the matter.
9. Approval of CUP 20-16 shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

Attachment No. 2

Aerial Photo and Zoning Information

Site Address: 1104 S BALDWIN AVE

Property Owner(s): SOO PROPERTIES LLC



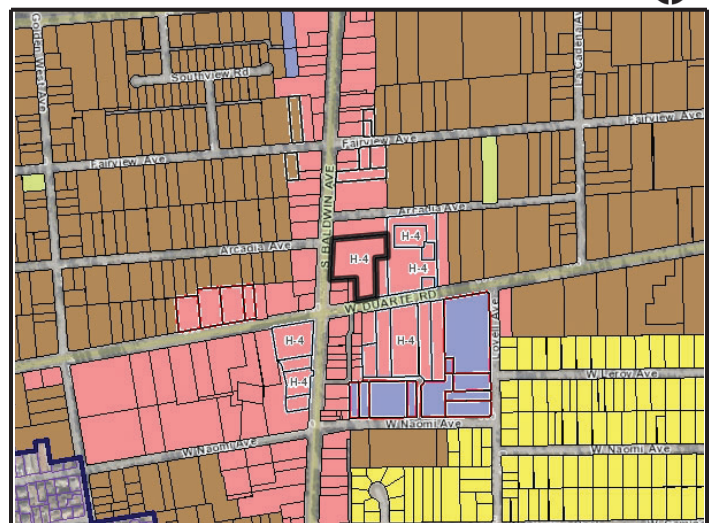
Property Characteristics

Zoning:	C-G
General Plan:	C
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	4,004
Year Built:	2018
Number of Units:	3

Overlays

Architectural Design Overlay:	N/A
Downtown Overlay:	N/A
Downtown Parking Overlay:	N/A
Parking Overlay:	N/A
Racetrack Event Overlay:	N/A
Residential Flex Overlay:	N/A
Special Height Overlay:	H-4

Selected parcel highlighted



Parcel location within City of Arcadia

Attachment No. 3

Architectural Plans with Photos of
the Subject Property

TENANT SUMMARY

	USE	USE TYPE	SIZE IN SQ.FT.
BUILDING A: 1130 S. BALDWIN AVE.			
A1&A2	CALIFORNIA BANK AND TRUST	FINANCIAL	2,614
A3&A4	JJ BAKERY	RETAIL	2,634
A5	BEST TAKASHIMA	RETAIL	1,341
A6	KAI RAMEN	SMALL RESTAURANT	1,245
BUILDING B: 1108 S. BALDWIN AVE.			
B1&B2	UNCLE FOSSIL	RETAIL	2,625
B4&B5	VACANT	LARGE RESTAURANT	2,566
B3	PHOENIX FOOD BOUTIQUE	SMALL RESTAURANT	1,283
B8	LUCKY PHARMACY	RETAIL	1,224
B7	CITEA DRINKS	RETAIL	977
B6	VACANT	LARGE RESTAURANT	2,274
	VG PROPERTIES 1ST&2ND FLOOR	OFFICES	5,467
BUILDING C			
C1	STERLING BANK	FINANCIAL	3,900

SITE PLAN



PROJECT DATA

PROJECT DESCRIPTION: TENANT IMPROVEMENT FOR A WHOLESALE LIQUOR STORE. NO EXTERIOR MODIFICATIONS (TO REMAIN AS IS).

ADDRESS: 1108 S. BALDWIN AVE, ARCADIA, CA 91007

BUILDING TYPE: YES

FIRE SPRINKLER: YES

NO. OF STORIES: 1 STORY

EXIST. USE: OFFICE

PROPOSED USE: RETAIL

SQUARE FOOTAGE: 2,525 SQ.FT.

TENANT OCCUPANCY: M-MERCANTILE

TOTAL OCCUPANT: 31

EXIT REQUIRED: 1

EXIT PROVIDED: 1

TOTAL PARKING PROVIDED: 154

TOTAL ADA PARKING PROVIDED: 6

INDEX

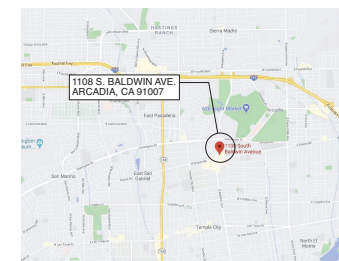
- A1 COVER SHEET
- A2 SITE PLAN
- A3 FLOOR PLAN
- A4 EXTERIOR ELEV.

CODES

APPLICABLE CODES - THIS PROJECT SHALL COMPLY WITH:

- 2019 CALIFORNIA BUILDING CODE
- 2019 CALIFORNIA MECHANICAL CODE
- 2019 CALIFORNIA PLUMBING CODE
- 2019 CALIFORNIA ELECTRICAL CODE
- 2019 CALIFORNIA GREEN BUILDING CODE

VICINITY MAP



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 Santa Ana, CA 92704
 714.617.5035 T.
 www.nn-arch.com



PROJECT



1108 S. BALDWIN AVE.
 #B1 & B2
 ARCADIA, CA 91007

NO.	DATE	REVISION NOTES

NO.	DATE	ISSUE NOTES

A	10/22/20	CUP SUBMITTAL
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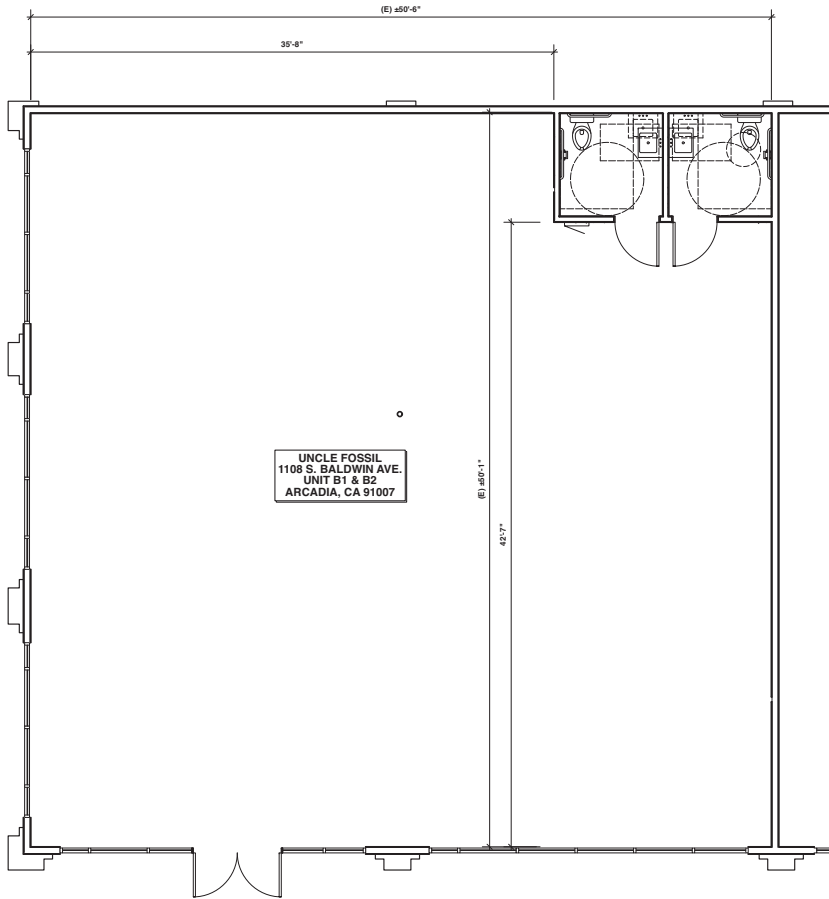
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 DATE:

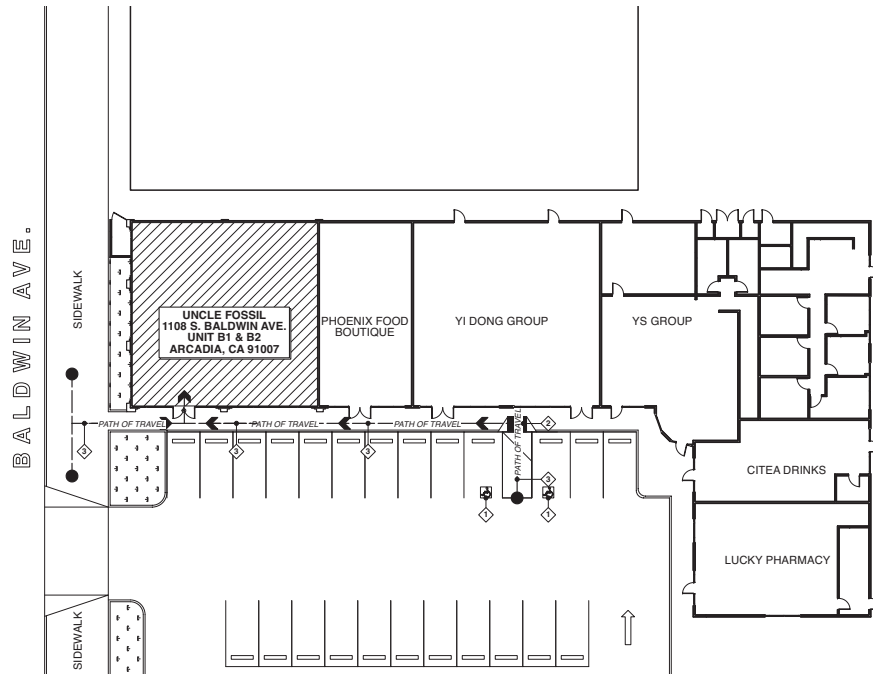


COVER SHEET

A1



2 EXIST. FLOOR PLAN
SCALE: 1/4"=1'-0"



1 SITE PLAN
SCALE: 1/16"=1'-0"

KEY NOTES

1. (E) ACCESSIBLE PARKING
2. (E) DETECTABLE WARNINGS TO REMAIN
3. (E) PATH OF TRAVEL FROM A PUBLIC WAY. NO ABRUPT CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL SHOWN. THE SLOPE AND CROSS-SLOPE ALONG THE PATH OF TRAVEL SHALL NOT BE EXCEED 5% AND 2% RESPECTIVELY.



P R O J E C T



1108 S. BALDWIN AVE.
#B1 & B2
ARCADIA, CA 91007

NO.	DATE	REVISION NOTES

NO.	DATE	ISSUE NOTES

A	10/22/20	CUP SUBMITTAL
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PROJECT NO: _____
DATE: _____



SITE PLAN

A2



P R O J E C T



1108 S. BALDWIN AVE.
 #B1 & B2
 ARCADIA, CA 91007

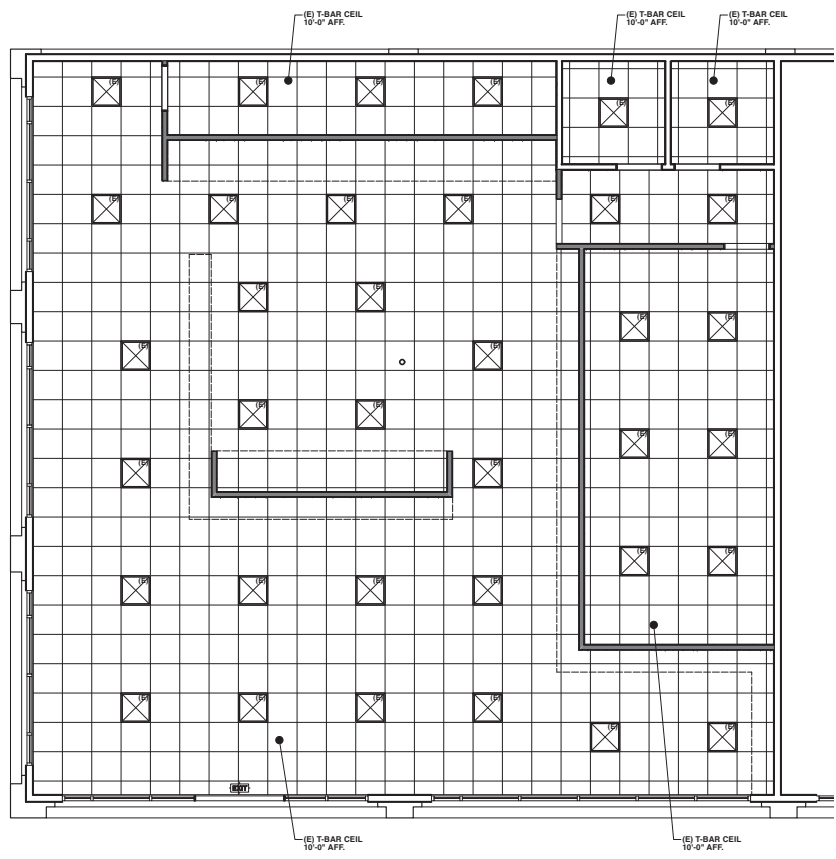
NO.	DATE	REVISION NOTES

NO.	DATE	ISSUE NOTES

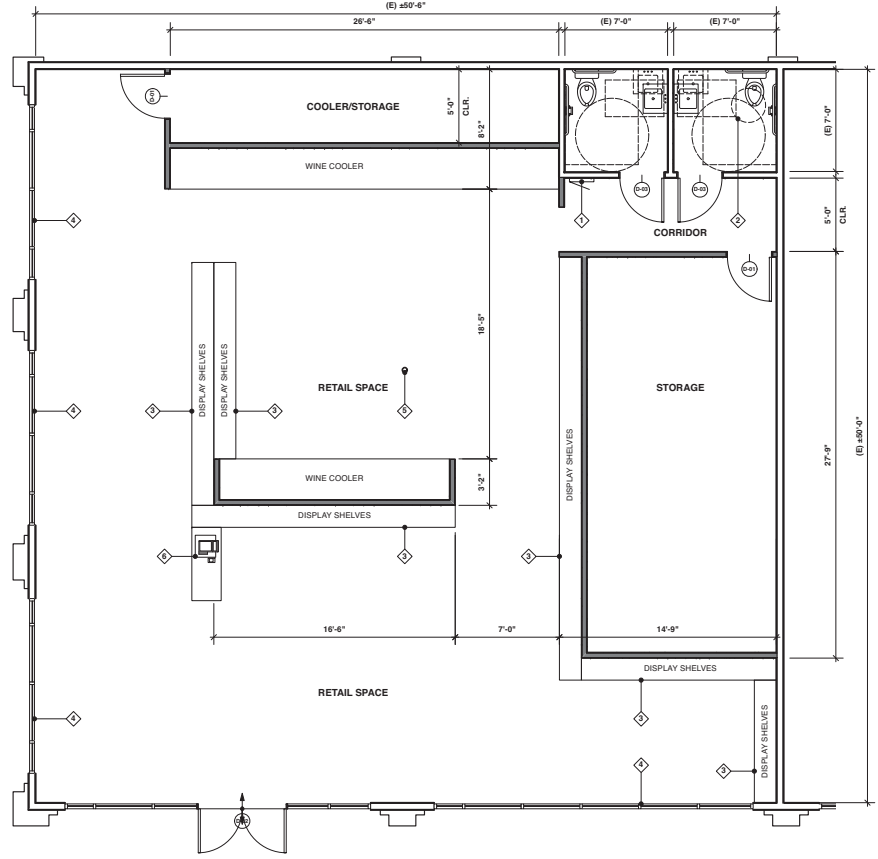
A | 10/22/20 | CUP SUBMITTAL

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 PROJECT NO: 00-00
 DATE:



2 REF. CEIL. PLAN
 SCALE: 1/4" = 1'-0"



1 PROPOSED FLOOR PLAN
 SCALE: 1/4" = 1'-0"

LEGEND

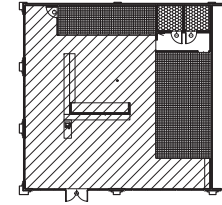
- (E) WALL TO REMAIN
- (N) NON-LOAD BEARING WALL
- REFER TO KEY NOTES
- FLOOR FINISH TRANSITION
- CEILING MOUNTED EXIT LIGHT FIXTURE, FLAT BLACK FIN.

KEY NOTES

1. (E) ELECT. PANEL
2. (E) WATER HEATER
3. NEW CUSTOM DISPLAY SHELVES
4. (E) STOREFRONT
5. (E) STRUCT. COL.
6. CASH REGISTER/CHECKOUT

OCCUPANT LOAD ANALYSIS

DESCRIPTION	AREA	RATIO	TOTAL
MERCANTILE	1,698 S.F.	1/60	29
STORAGE	632 S.F.	1/500	2
RESTROOM	95 S.F.	N/A	-
CORRIDORS	67 S.F.	N/A	-
TOTAL	2,492 S.F.		31



N
 FLOOR PLAN

A3

SHEET NOTES

A. NO EXTERIOR MODIFICATIONS (TO REMAIN AS-IS).

◇ **KEY NOTES**

1. (E) STOREFRONT TO REMAIN.
2. (E) CANOPY TO REMAIN.
3. UNCLE FOSSIL LOGO & SIGNAGE, UNDER SEPARATE PERMIT.

↑ (E) T.O. PARAPET
±19'-0"

↑ (E) B.O. BULKHEAD
±12'-10"

↑ (E) T.O. STOREFRONT
±9'-11"

↑ (E) FIN. FLR.
±0"

↑ (E) T.O. PARAPET
±19'-0"

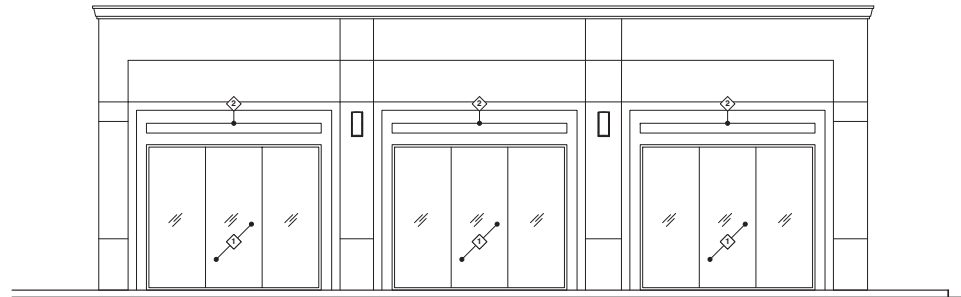
↑ (E) B.O. BULKHEAD
±12'-10"

↑ (E) T.O. STOREFRONT
±9'-11"

↑ (E) FIN. FLR.
±0"



1 EXTERIOR ELEV. - SOUTH
SCALE 1/4" = 1'-0"



2 EXTERIOR ELEV. - WEST
SCALE 1/4" = 1'-0"



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P R O J E C T



1108 S. BALDWIN AVE.
#B1 & B2
ARCADIA, CA 91007

NO.	DATE	REVISION NOTES

NO.	DATE	ISSUE NOTES
A	10/22/20	CUP SUBMITTAL

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DRAWN BY: INITIAL
PROJECT NO: 00-00
DATE:

EXTERIOR ELEV.

A4

Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 20-16 Conditional Use Permit with a Categorical Exemption under the California Quality Act ("CEQA") Section 15301(a) to allow the sale of beer, wine, and distilled spirits for off-site consumption.
2. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	1108 S. Baldwin Avenue #B1 & B2 – The business is located along S. Baldwin Avenue, between Arcadia Avenue and W. Duarte Road.
3. Entity or person undertaking project:	A.
	B. Other (Private)
	(1) Name Giano Nguyen, Applicant
	(2) Address 3621 W. MacArthur Blvd. Ste. 117 Santa Ana, CA 92704
4. Staff Determination:	
<p>The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:</p>	
a. <input type="checkbox"/>	The proposed action does not constitute a project under CEQA.
b. <input type="checkbox"/>	The project is a Ministerial Project.
c. <input type="checkbox"/>	The project is an Emergency Project.
d. <input type="checkbox"/>	The project constitutes a feasibility or planning study.
e. <input checked="" type="checkbox"/>	The project is categorically exempt.
	Applicable Exemption Class: 15301(a) – Class 1 (Use of an existing facility)
f. <input type="checkbox"/>	The project is statutorily exempt.
	Applicable Exemption:
g. <input type="checkbox"/>	The project is otherwise exempt on the following basis:
h. <input type="checkbox"/>	The project involves another public agency which constitutes the Lead Agency.
	Name of Lead Agency:

Date: February 10, 2021

Staff: Edwin Arreola, Assistant Planner



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 23, 2021**

CALL TO ORDER Chair Wilander called the meeting to order at 7:00 p.m. on Zoom.

She informed the public of Zoom's "raise hand" feature for public comments.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Chair Wilander
PRESENT Vice Chair Lin, Chan, Thompson, and Tsoi
ABSENT: None

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

Planning & Community Development Administrator Lisa Flores informed the Commission that we received two late correspondences for item no. 1 through email and that they will be read into the public record under public comments.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

1. **Resolution No. 2072** – Text Amendment No. TA 20-01 to amend and update various sections of the City's Development Code and the Tree Preservation Ordinance with a Categorical Exemption under the California Environmental Quality Act ("CEQA")

Recommendation: Adopt Resolution No. 2072 and Recommend Approval to the City Council

Chair Wilander introduced the item and turned it over to Associate Planner Vanessa Quiroz to present the staff report.

Chair Wilander opened the public hearing.

There were no callers for the item; however, Ms. Flores read two emails that were received prior to the meeting. The first email was from Kirk Olsen, a resident who was opposed to the increase in size for real estate signs on residential properties; and the second was from the Downtown Arcadia Improvement Association (DAIA), who supported the proposed changes as long as it encourages personal service uses such as med-spa and day-spa services and does not allow massage uses standalone.

MOTION- PUBLIC HEARING

It was moved by Commissioner Thompson, seconded by Vice Chair Lin to close the public hearing. Without objection, the motion was approved.

DISCUSSION

Commissioner Chan inquired as to whether standalone massage places would no longer be allowed per the request made by the Downtown Arcadia Improvement Association (DAIA).

Ms. Flores confirmed that the DAIA is not in favor of standalone uses such as a massage parlor, however if they are a day spa that provides other services and amenities then they would be supportive of this type of use.

Commissioner Thompson raised several questions related to floor area ratio and lot coverage as it pertains to Accessory Dwelling Units, the minimum density in the R-3 zone versus the General Plan, and the backup area to smaller multi-family lots.

Staff responded.

He commented that the larger garage sizes in multi-family units are a welcomed change. With regard to real estate signage, the average industry signage is 5 square feet; but it varies by City and the proposed 6 square feet regulation seems reasonable.

According to Table 3.3 under Off-Street Parking Requirements, the proposed text amendment requires one parking space per studio and one-bedroom unit. Commissioner Thompson recommended limiting the requirement to only studios.

In reference to Parking Area Design Standards Applicable to All Zones, the new 75-degree unobstructed back-up angle regulation for garage egress should be subject to the review and discretion of the Director or City Engineer to provide additional oversight, and to ensure developers do not take advantage of the regulation and reduce the backup area.

Commissioner Tsoi inquired about the setback requirement for real estate signs. The size of the sign seems relative to the distance it is set back; a larger sign that is set further back from the sidewalk may not look as big.

Ms. Quiroz responded that the City requires clearance from public sidewalks, the sign be setback from the sidewalk and comply with the visibility regulations. The City does have larger lots and the proposed amendment takes that into account.

Commissioner Tsoi agreed that the proposed change to increase the size of multi-family garages to 10 feet by 20 feet is a positive change and recommended that the required width of garage doors should be also increased to aid in vehicle maneuverability.

Vice Chair Lin stated that his questions were addressed, and he had no additional comments.

Chair Wilander inquired as to who is responsible for enforcing real estate size regulations.

Ms. Flores stated that the City enforces the regulation and if the signs are not in compliance the City's Code Services Division will enforce it. Mr. Kruckeberg, Assistant City Manager/Development Services Director also added that the City previously allowed 4 square feet signs with two additional 1-foot riders, which resulted in a general allowance for 6 square feet signs. Staff worked with the Board of Realtors to ensure the proposed change is consistent with standard industry signage and the allowable size in neighboring cities.

Chair Wilander inquired as to why a parking modification is not required when there is a change in use in the Downtown area.

Ms. Flores and Ms. Quiroz explained how the Downtown Parking Overlay is currently being applied to some of the businesses and how it will change under the text amendment. A parking modification would not be required as uses change over time, unless the development was approved with an environmental review that analyzed traffic and parking. The intent of this change is to promote active uses in the Downtown area, provide additional flexibility to small businesses, and allow new uses to utilize existing buildings.

Chair Wilander expressed concerns over the statements “the Director may modify, waive, increase, or reduce the tree replacement requirement” and “the cutting of root should be avoided” under the Division 10 Tree Preservation regulations. She recommended adding the words “When it is appropriate” to the end of the sentence since there are times when a replacement tree may not be necessary.

The Commission discussed the parking space requirements for studio and one-bedroom units in the Mixed Use Zone. Commissioner Thompson recommended limiting the one space requirement to studios only. There was no consensus to change this proposed amendment.

Recommendations

Chair Wilander summarized the recommendations which were brought forward by the Commissioners. And Mr. Maurer read the recommendations into the record. There was a consensus that the following recommendations will be forwarded to the City Council:

- Chair Wilander’s recommendation to add “when it is appropriate” to the end of the sentence “the Director may modify, waive, increase, or reduce the tree replacement requirement.” (Section 9110.01.080.1.)
- Add “subject to the discretion of the Director” at the end of the sentence “if the site does not have a back-out clearance of 25 feet straight, it may be measured from a seventy-five (75) degree angle, as measured from the garage door, or opening, in the direction of the back-up (Section 9103.07.080)
- Regarding the comment raised earlier in the meeting by Commissioner Tsoi, Ms. Flores stated that the Code currently limits the garage opening to 16 feet in width. The Commissioners recommended this be revised from a *maximum* to a *minimum* of 16 feet in length to aid in maneuverability into and out of garages (Section 9103.07.050)

Commissioner Thompson also made a recommendation to amend Table 3.3 under Off-Street Parking Requirements to limit the one space parking requirement to studios only, not one-bedroom units *and* studios as it is currently proposed. There was no consensus on this recommendation, therefore it will be put forth as an individual comment.

MOTION

It was moved by Commissioner Chan, seconded by Vice Chair Lin to adopt Resolution No. 2072 and recommend approval with three (3) additional recommendations to the City Council:

1. **Section 9103.07.050 Off-Street Parking for Residential Uses:** Revise the garage door width regulation from a maximum to a minimum size of 16 feet in order to aid in maneuverability into and out of garages.

2. **Section 9103.07.080 Parking Area Design Standards Applicable to All Zones:** Add that the new 75-degree unobstructed back-up angle regulation for garage egress will be subject to the discretion of the Director.
3. **Section 9110.01.080.1 Tree Replacement:** Add “when it is appropriate” at the end of the sentence “the Director may modify, waive, increase, or reduce the tree replacement requirement.” Commissioner Thompson also made an individual recommendation to amend Table 3.3 under Off-Street Parking Requirements as it pertains to parking requirements for mixed use units and revise it to limit the one space parking requirement to studios only, not studios and one-bedroom units.

ROLL CALL

AYES: Chair Wilander, Vice Chair Lin, Chan, Thompson, and Tsoi
NOES: None
ABSENT: None

CONSENT CALENDAR

2. Minutes of the February 9, 2021 Regular Meeting of the Planning Commission

Recommendation: Approve

It was moved by Commissioner Tsoi, seconded by Vice Chair Lin to approve the minutes of the February 9, 2021 Planning Commission Regular Meeting.

ROLL CALL

AYES: Chair Wilander, Vice Chair Lin, Chan, Thompson, and Tsoi
NOES: None
ABSENT: None

MATTERS FROM CITY COUNCIL LIAISON

City Council Liaison Cheng reported that a total of 600 doses of Moderna vaccines will be arriving in Arcadia on Thursday and Friday. The City will prioritize those vaccines to Arcadia residents that are over 65 years old. Residents can contact City Hall or the Herald Christine Health Center at (626)557-5360 to reserve an appointment by tomorrow afternoon.

Additionally, there will be a mask and clothing donation event at the Santa Anita Convalescent Hospital located at 5522 Gracewood Drive on Thursday afternoon. Everyone is welcomed to participate.

MATTERS FROM THE PLANNING COMMISSONERS

Commissioner Chan inquired about the bill in the City of Sacramento that looks to eliminate R-1 zoning.

Mr. Maurer stated that eliminating R-1 zoning has been a growing trend and that Sacramento is the first City in California to pass such a bill.

Mr. Kruckeberg added that Mayor Chandler has signed a letter to be sent to the legislature to express opposition to SB 9, which would allow lot splits and by-right duplex and tri-plex developments on single family lots.

MATTERS FROM ASSISTANT CITY ATTORNEY

Assistant City Attorney Maurer reported two bills pertaining to virtual meetings and teleconferences, AB 361 and AB 703, are pending legislative approval. It will be interesting to see if this type of virtual meetings is still be an option going forward.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores announced that there is one (1) item scheduled for the March 9, 2021 meeting and the Text Amendment is tentatively scheduled to appear before the City Council on March 16, 2021. There are three (3) items scheduled for the March 23, 2021 meeting, including a 13-unit condominium development, an appeal of Staff's decision on a single-family house, and a new mixed-use project on Live Oak Avenue.

ADJOURNMENT

The Planning Commission adjourned the meeting at 8:45 p.m. to Tuesday, March 9, 2021 at 7:00 p.m. on Zoom for the next virtual meeting.

Marilynne Wilander
Chair, Planning Commission

ATTEST: _____
Lisa Flores
Secretary, Planning Commission