

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, November 8, 2022, 7:00 p.m.

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

ROLL CALL

Brad Thompson, Chair
Vincent Tsoi, Vice Chair
Angela Hui, Commissioner
Domenico Tallerico, Commissioner
Marilynne Wilander, 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. 2105** – Approving Conditional Use Permit No. CUP 22-09 with a Categorical Exemption under the California Environmental Quality Act (CEQA) to allow the sale of beer and wine within the existing convenience store at the Valero service station located at 102 E. Duarte Road

Recommendation: Adopt Resolution No. 2105

Applicant: Jerry and Steve Madain

There is a ten day appeal period after the adoption of the Resolution. If adopted, appeals are to be filed by 5:30 p.m. on Monday, November 21, 2022.

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 October 11, 2022, 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, November 22, 2022, at 7:00 p.m.

Welcome to the Arcadia Planning Commission Meeting!

The Planning Commission encourages public participation, and invites you to share your views on City business.

MEETINGS: Regular Meetings of the Planning Commission are held on the second and fourth Tuesdays of each month at 7:00 p.m. in the City Council Chambers. A full Planning Commission agenda packet with all backup information is available at City Hall, the Arcadia Public Library, and on the City's website at www.ArcadiaCA.gov. Copies of individual Agenda Reports are available via email upon request (Planning@ArcadiaCA.gov). Documents distributed to a majority of the Planning Commission after the posting of this agenda will be available for review at the Planning Services Office in City Hall, 240 W. Huntington Drive, Arcadia, California.

CITIZEN PARTICIPATION: Your participation is welcomed and invited at all Planning Commission meetings. Time is reserved at each regular meeting for those in the audience who wish to address the Planning Commission. The City requests that persons addressing the Planning Commission refrain from making personal, slanderous, profane, or disruptive remarks. When the Chair asks for those who wish to speak please come to the podium and state your name and address for the record. Please provide a copy of any written materials used in your address to the Planning Commission as well as a copy of any printed materials you wish to be distributed to the Planning Commission.

MATTERS NOT ON THE AGENDA should be presented during the time designated as "PUBLIC COMMENTS." In general, each speaker will be given (5) minutes to address the Planning Commission; however, the Chair, at his/her discretion, may shorten the speaking time limit to allow all speakers time to address the Planning Commission. **By State law, the Planning Commission may not discuss or vote on items not on the agenda. The matter will automatically be referred to staff for appropriate action or response, or will be placed on the agenda of a future meeting.**

PUBLIC HEARINGS AND APPEALS are items scheduled for which public input is either required or desired. Separate and apart from an applicant or appellant (who may speak longer at the discretion of the Planning Commission), speakers shall be limited to (5) minutes per person. The Chair, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the Planning Commission. The applicant or appellant may also be afforded an additional opportunity for rebuttal comments.

AGENDA ITEMS: The Agenda contains the regular order of business of the Planning Commission. Items on the Agenda have generally been reviewed and investigated by the City Staff in advance of the meeting so that the Planning Commission can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine by the Planning Commission and may be acted upon by one motion. There will be no separate discussion on these items unless a member of the Planning Commission, Staff, or the public so requests. In this event, the item will be removed from the Consent Calendar and considered and acted on separately.

DECORUM: While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the Planning Commission or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including, but not limited to, conduct that prevents other members of the audience from being heard when it is their opportunity to speak, or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. All persons attending the meeting are expected to adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation, or age. The Chief of Police, or such member or members of the Police Department, may serve as the Sergeant-at-Arms of the Planning Commission meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official for the purpose of maintaining order and decorum at the meeting. Any person who violates the order and decorum of the meeting may be placed under arrest and such person may be prosecuted under the provisions of Penal Code Section 403 or applicable Arcadia Municipal Code section.



STAFF REPORT

Development Services Department

DATE: November 8, 2022

TO: Honorable Chairman and Planning Commission

FROM: Lisa L. Flores, Planning & Community Development Administrator
By: Alison MacCarley, Assistant Planner

SUBJECT: RESOLUTION NO. 2105 – APPROVING CONDITIONAL USE PERMIT NO. CUP 22-09 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ALLOW THE SALE OF BEER AND WINE WITHIN THE EXISTING CONVENIENCE STORE AT THE VALERO SERVICE STATION LOCATED AT 102 E. DUARTE ROAD

Recommendation: Adopt Resolution No. 2105

SUMMARY

The Applicant, Jerry and Steve Madain, the owners of the Valero service station are requesting approval of Conditional Use Permit Application No. CUP 22-09 to allow the sale of beer and wine within the existing convenience store that is located at 102 E. Duarte Road. It is recommended that the Planning Commission adopt Resolution No. 2105 (refer to Attachment No. 1) and find that the project is Categorically Exempt under CEQA and approve CUP 22-09, subject to the conditions listed in this staff report.

BACKGROUND

The property is located at the corner of East Duarte Road and South First Avenue and has access from either street. The project site is zoned General Commercial, C-G, with a General Plan Land Use Designation of Commercial - refer to Attachment No. 2 for an Aerial Photo with Zoning Information and Photos of the subject property. The property is surrounded by single family residences to the south and east, with commercial uses to the west and north.

The service station has been at this site since 1965, which included a repair shop with two service bays and a convenience store. In 2018, the owners installed electric vehicle chargers at the rear of the property and expanded the 1,120 square foot convenience store by another 500 square feet to increase the retail and storage space, add a new

office and bring the restroom into ADA compliant. Figures 1 and 2 show an aerial perspective and street view perspective of the service station. The current owner, Jerry Madain of Jerry's Union has owned and operated at this location since 1984. Although the gasoline brand has changed through the years, it has been Valero's gasoline since 2020. The existing business hours are from 6:00 a.m. to 10:00 p.m. Monday through Friday, 7:00 a.m. to 9:00 p.m. on Saturdays, and 8:00 a.m. to 8:00 p.m. on Sundays. No changes are proposed business hours.



Figure 1 - Aerial of subject site



Figure 2 - View from Duarte Road

PROPOSAL

The Applicant is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer and wine with a Type 20 (Off-Sale General) license from Alcoholic Beverage Control (ABC) within the existing convenience store.

The proposed floor plan (refer to Attachment No. 3) shows the interior layout of the store with the beer and wine section in the western corner within the new expanded retail space and fridge area (see Figure 3).

ANALYSIS

The Development Code requires a Conditional Use Permit (CUP) for the sale of any alcoholic beverages in the C-G zone and is located less than 150 feet from residentially zoned property. The purpose of the CUP is to ensure that the proposed beer and wine sales is an appropriate use for the property and is compatible with other uses in the surrounding area.



Figure 3 – Photo of Inside the Valero Convenience Store

The sale beer and wine for off-site sales can be found at several service station convenience stores in Arcadia. By allowing this use it would not result in an adverse impact to the neighboring businesses as the beer and wine will not change the use to a liquor store and it will be limited to two fridges. The Applicant will be required to comply with the California Department of Alcoholic Beverage Control (“ABC”) regulations and all the employees will be required to complete the State of California’s ABC Responsible Alcoholic Beverage Service (RBS) training. RBS training includes looking for signs of intoxication, property identification checking, procedures for dealing with various situations, as well as general behavior observation training. With regards to public safety concerns, the Fire Department, Police Department, and the City’s Building Official have reviewed the CUP application and no concerns were raised by any of the departments for the proposed sale of beer and wine. The Applicants are no longer proposing any changes to the business hours therefore the business hours will remain the same.

In terms of parking, the subject property has a total of nine (9) on-site parking spaces, and it will remain the same as there is no expansion proposed to the convenience store under this proposal.

FINDINGS

Section 9107.09.050 of the Arcadia Municipal Code requires that for a Conditional Use Permit to be granted, it must be found that all of the following prerequisite conditions can be satisfied:

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

Facts to Support This Finding: Approval of the sale of beer and wine within a service station convenience store 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 the local neighborhood and the city at large. The sale of beer and wine will be incidental to the retail operation of the convenience store. Therefore, the sale of beer and wine is consistent with the General Plan and the following 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 complies with all other applicable provisions of the Development Code and the Municipal Code.

Facts to Support This Finding: The subject property is zoned C-G, General Commercial, which allows for a variety of retail and commercial uses. Since the sale of beer and wine is incidental to the convenience store and will only occupy a small area in the entire convenience store, the proposed request will not change the characteristics of the business that is typically found in a neighborhood commercial zone. There are several other service stations with a convenience store in the City that also sell beer and wine, as well as retail goods and pre-packaged food, primarily oriented for the automobile customers. Therefore, granting this CUP will comply with all the applicable provisions of the Development Code and Municipal Code.

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 sale of beer and wine will be located within an existing commercial building and limited to two fridges and one shelf space for wine bottles inside the convenience store. The proposed sale of beer and wine will not affect nor change the way the convenience store is operated. The project will not modify the site or building. Conditions of approval in the resolution which address

safety and security and the sale of beer and wine will not be detrimental or injurious to the property, or the public health safety, and general welfare of the City. 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 subject site is physically suitable to accommodate the proposed use because the sale of beer and wine will take place inside the existing commercial building as part of the convenience store use. There will be a designated area in the southwest corner of the store where the beer and wine will be displayed. There will be no changes or impacts to parking since the current site has adequate parking.

- 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 property is located at the corner of East Duarte Road and South First Avenue and has access from either East Duarte Road or South First Avenue. Both streets are adequate in width and pavement type to carry the traffic generated by the proposed use and emergency vehicles. 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 proposed use has been reviewed by the Arcadia Fire and Police Departments and no safety concerns were raised from the previous use and under this new potential tenant.

- 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 within an existing commercial building. There are adequate utilities to service this site and business, so the proposed use will not impact the existing infrastructure as the site is capable of handling this type of demand. Therefore, no impacts to the provision of utilities are anticipated.

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: The purpose of the C-G, General Commercial Zone, is to provide a wide range of retail sales primarily oriented to the automobile customer to provide for the general needs of the City. The sale of beer and wine will not adversely affect the public convenience, health, interest, safety, or general welfare since it will be limited to no more than two fridges and one shelf space within the convenience store, and it will not change the overall operation or its use. The Conditions of approval in the resolution also address safety and security to ensure it will not be detrimental or injurious to the property, or the public health safety, and general welfare of the City. Therefore, this finding can be met.

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, as the proposed use will be located within 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 Arcadia Weekly on October 27, 2022. As of November 8, 2022, staff has not received any comments or concerns from the public.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2105 and find that this project is Categorically Exempt under the California Environmental Quality Act (CEQA), and approve Conditional Use Permit No. CUP 22-09 subject to the following conditions of approval:

1. The use approved by Conditional Use Permit No. CUP 22-09 is limited to the sale of beer and wine (Type 20 ABC license), for off-site consumption within an existing 1,620 square foot commercial unit and must be incidental to the convenience store. No on-site consumption is permitted with this approval. The business 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 to address any adverse impacts to the neighboring businesses and properties.

2. No exterior changes to the existing building are permitted with this approval. Any exterior changes to the building or window signage shall be subject to the City's review and approval.
3. There shall be no excessive loitering in front of the business.
4. 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.
5. Noncompliance with the plans, provisions and conditions of approval for CUP 22-09 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of the sale beer and wine.
6. To the maximum extent permitted by law, Property Owner/Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Property Owner/Applicant's activities in connection with Conditional Use Permit No. CUP 22-09 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Property Owner/Applicant's contractors, agents, tenants, employees or any other persons acting on Property Owner/Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will promptly notify the Property Owner/Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Property Owner/Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any

such action, Property Owner/Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Property Owner/Applicant shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. City shall only refund to Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Property Owner/Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Property Owner/Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether or not at the request of the Property Owner/Applicant.

7. Approval of CUP 22-09 shall not be of effect unless on or before 30 calendar days after Planning Commission adoption of the Resolution, the property owner and Applicant have executed and filed with the Planning & Community Development Administrator or designee an Acceptance Form available from the Development Services Department to indicate awareness and acceptance of these conditions of approval.

PLANNING COMMISSION ACTION

Approval

If the Planning Commission intends to approve this proposal, the Commission should pass a motion to approve Conditional Use Permit No. CUP 22-09, stating that the proposal satisfies the requisite findings, and adopt the attached Resolution No. 2105 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 pass a motion to deny Conditional Use Permit Application No. CUP 22-09; state the finding(s) that 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.

Resolution No. 2105 - CUP 22-09
102 E. Duarte Rd.
November 8, 2022
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If any Planning Commissioner, or other interested party has any questions or comments regarding this matter prior to the November 8, 2022, hearing, please contact Assistant Planner Alison MacCarley at (626) 574-5447, or Amaccarley@ArcadiaCA.gov.

Approved:



Lisa L. Flores
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2105
- Attachment No. 2: Aerial Photo with Zoning Information & Photos of the Subject Property
- Attachment No. 3: Architectural Plans
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2105

RESOLUTION NO. 2105

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP 22-09 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) TO ALLOW THE SALE OF BEER AND WINE WITHIN THE EXISTING CONVENIENCE STORE AT THE VALERO SERVICE STATION LOCATED AT 102 E. DUARTE ROAD

WHEREAS, on September 22, 2022, an application for Conditional Use Permit No. CUP 22-09 was filed by the business owners, Jerry and Steve Madain, (“Applicant”) to allow the sale of beer and wine at an existing Valero service station convenience store at 102 E. Duarte Road; and

WHEREAS, on October 25, 2022, Planning Services completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (“CEQA”) and recommends that the Planning Commission determine that the Project qualifies as a Class 1 Categorical Exemption under CEQA pursuant to Section 15301(a) of the CEQA Guidelines as the use of an existing facility; and

WHEREAS, on October 24, 2022, 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 November 8, 2022, are true and correct.

SECTION 2. This Commission finds that based upon the entire record, pursuant to Section 9107.09.050 of the Arcadia 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 sale of beer and wine within a service station convenience store 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 the local neighborhood and the city at large. The sale of alcohol will be incidental to the retail operation of the convenience store. Therefore, the sale of beer and wine is consistent with the General Plan and the following 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 complies with all other applicable provisions of the Development Code and the Municipal Code.

FACT: The subject property is zoned C-G, General Commercial, which allows for a variety of retail and commercial uses. Since the sale of beer and wine is incidental to the convenience store of a service station and it will only occupy a small area (two fridge doors) in the entire convenience store, the proposed request will not change the

characteristics of the business that is typically found in a commercially zoned area adjacent to residential. There are several other service stations with a convenience store in the City that also sell beer and wine, as well as retail goods and pre-packaged food, primarily oriented for the automobile customers. Therefore, granting this CUP will comply with all the applicable provisions of the Development Code and Municipal Code.

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 sale of alcohol will be located within an existing commercial building and limited to two fridges inside the convenience store. The proposed sale of beer and wine will not affect nor change the way the convenience store is operated. The project will not modify the site or building. Conditions of approval in the resolution which address safety and security, the sale of beer and wine will not be detrimental or injurious to the property, or the public health safety, and general welfare of the City. 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 subject site is physically suitable to accommodate the proposed use because the sale of alcohol will take place inside the existing commercial building as part of the convenience store use. There will be a designated area in the southwest corner

of the store where the beer and wine will be displayed. There will be no changes or impacts to parking since the current site has adequate parking.

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

FACT: The property is located at the corner of East Duarte Road and South First Avenue and has access from either East Duarte Road or South First Avenue. Both streets are adequate in width and pavement type to carry the traffic generated by the proposed use and emergency vehicles. 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 proposed use has been reviewed by the Arcadia Fire and Police Departments and no safety concerns were raised from the previous use and under this new potential tenant.

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 within an existing commercial building. There are adequate utilities to service this site and business, so the proposed use will not impact the existing infrastructure as the site is capable of handling this type of demand. Therefore, no impacts to the provision of utilities are anticipated.

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: The purpose of the C-G, General Commercial Zone, is to provide a wide range of retail sales primarily oriented to the automobile customer to provide for the general needs of the City. The sale of beer and wine will not adversely affect the public convenience, health, interest, safety, or general welfare since it will be limited to no more than two fridges within the convenience store, and it will not change the overall operation or its use. The conditions of approval in the resolution also address safety and security to ensure it will not be detrimental or injurious to the property, or the public health safety, and general welfare of the City. Therefore, this finding can be met.

6. 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, as the proposed use will be located within an existing facility.

SECTION 3. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt per Class 1, Section 15301 (a) of the California Environmental Quality Act (CEQA) Guidelines and approves Conditional Use Permit No. CUP 22-09 to allow the sale of beer and wine at the existing convenience store of the Valero Service Station located at 102 E. Duarte Road, 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 8th day of November 2022.

Brad Thompson
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



for
Stephen P. Deitsch
City Attorney

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RESOLUTION NO. 2105

Conditions of Approval

It is recommended that the Planning Commission adopt Resolution No. 2105 and find that this project is Categorically Exempt under the California Environmental Quality Act (CEQA), and approve Conditional Use Permit No. CUP 22-09 subject to the following conditions of approval:

1. The use approved by Conditional Use Permit No. CUP 22-09 is limited to the sale of beer and wine (Type 20 Alcoholic Beverage Control (ABC) license), for off-site consumption within an existing 1,620 square foot commercial unit and must be incidental to the convenience store. No on-site consumption is permitted with this approval. The business 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 to address any adverse impacts to the neighboring businesses and properties.
2. No exterior changes to the existing building are permitted with this approval. Any exterior changes to the building or window signage shall be subject to the City's review and approval.
3. There shall be no excessive loitering in front of the business.
4. 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.
5. Noncompliance with the plans, provisions and conditions of approval for CUP 22-09 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of the sale beer and wine.
6. To the maximum extent permitted by law, Property Owner/Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Property Owner/Applicant's activities in connection with Conditional Use Permit No. CUP 22-09 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Property Owner/Applicant's contractors, agents, tenants, employees

or any other persons acting on Property Owner/Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will promptly notify the Property Owner/Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Property Owner/Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, Property Owner/Applicant shall provide to City a cash deposit to cover legal fees, costs, and expenses incurred by City in connection with defense of any legal action in an initial amount to be reasonably determined by the City Attorney. City may draw funds from the deposit for such fees, costs, and expenses. Within 5 business days of each and every notice from City that the deposit has fallen below the initial amount, Property Owner/Applicant shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. City shall only refund to Developer any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice that the Property Owner/Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Property Owner/Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether or not at the request of the Property Owner/Applicant.

7. Approval of CUP 22-09 shall not be of effect unless on or before 30 calendar days after Planning Commission adoption of the Resolution, the property owner and Applicant have executed and filed with the Planning & Community Development Administrator or designee an Acceptance Form available from the Development Services Department to indicate awareness and acceptance of these conditions of approval.

Attachment No. 2

Aerial Photo and Zoning Information
and Photos of the Subject Property and
Surrounding Properties

Site Address: 102 E DUARTE RD

Property Owner(s): Property Owner



Property Characteristics	
Zoning:	C-G
General Plan:	C
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	1,120
Year Built:	1966
Number of Units:	0
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:	N/A

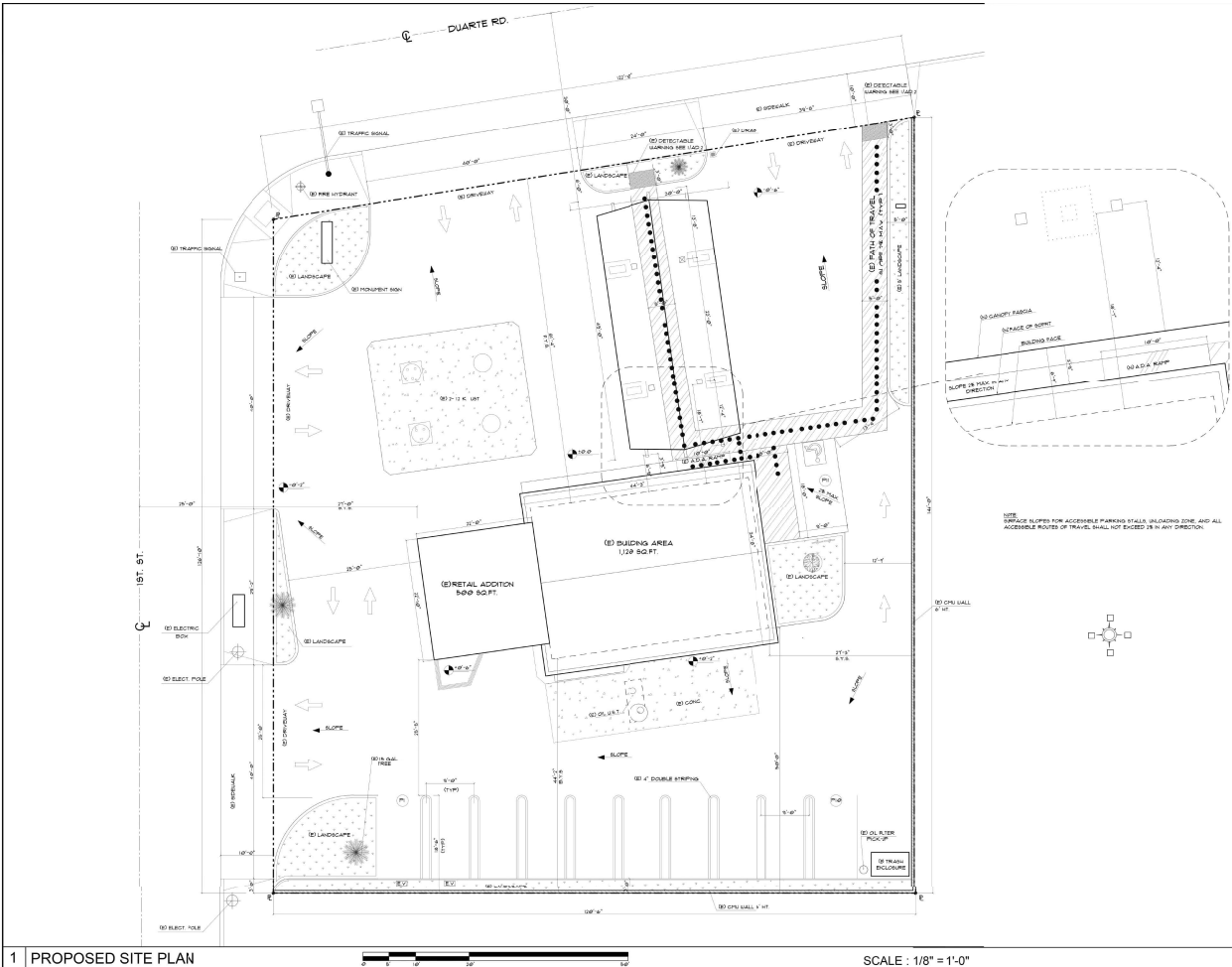
Selected parcel highlighted



Parcel location within City of Arcadia

Attachment No. 3

Architectural Plans



VICINITY MAP

LOT AREA	16,415 SQ. FT.
(E) BUILDING AREA	1,120 SQ. FT.
(E) MECHANICAL SHOP	180 SQ. FT.
(E) RETAIL	300 SQ. FT.
(E) STORAGE	30 SQ. FT.
(E) BUILDING AREA	1,620 SQ. FT.
(E) ADD. RETAIL	500 SQ. FT.
CANOPY AREA	50 SQ. FT.
(E) LOT COVERAGE	9.4%
(E) PARKING	11 SPACES
REGULAR	11 SPACES
A.D.A.	11 SPACES
PARKING REQUIRED:	
SERVICE BILING STATION	4.3 SPACES
1 PARKING PER SERVICE BAY	2 SPACES
TOTAL REQUIRED	1 SPACES
TOTAL PARKING PROVIDED	11 SPACES
3 1.5'x4.0'x7' E.V. CHARGERS	
LANDSCAPING	
(E) LANDSCAPE AREA	332 SQ. FT.
PROPOSED LANDSCAPE AREA	1,440 SQ. FT.
(E) LANDSCAPE COVERAGE	10.9%

GROUP OCCUPANCY:	
RETAIL: M	
MECHANICAL SHOP: S	
OCCUPANT LOAD:	
RETAIL	604 (200' x 0.94' x 1) OCC.
STORAGE	170 (200' x 0.84' x 1) OCC.
MECHANICAL SHOP	180 (200' x 3.3' x 1) OCC.
TOTAL OCCUPANTS	954 OCC.
TYPE OF CONSTRUCTION	V-B

PROJECT DATA	
CITY OF ARCADIA, LA COUNTY	
AREA	5.00 ACRES (212)
ZONING	COMMERCIAL/INDUSTRIAL
LEGAL DESCRIPTION	
Other than 1/4 (1/4) off-site beer and wine sales No new construction required	

JERT'S UNION
DEVELOPED FOR
JUNION
102 E. DUARTE RD.
ARCADIA, CA 91006

TITLE SHEET

PROPOSED SITE PLAN

S T A M P

D A T E	
JOB NO.	A1821
BID SET	/ /
PLAN CHECK	/ /
PERMIT SET	/ /
PRINT DATE	10/29/19

A1.1

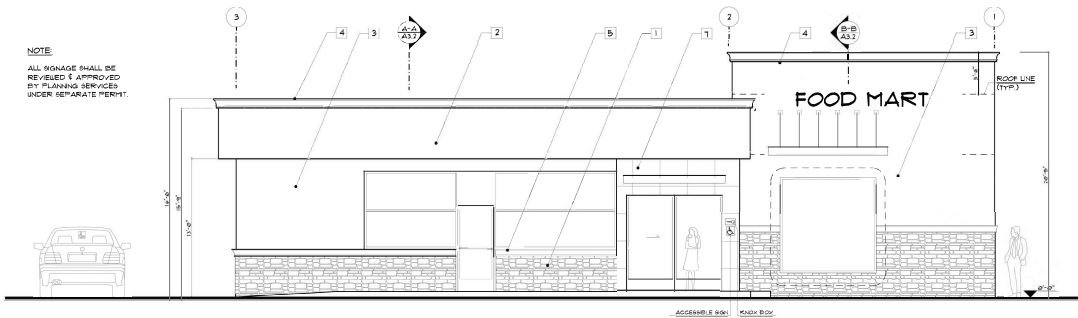
S H E E T

1 PROPOSED SITE PLAN

SCALE : 1/8" = 1'-0"

SCOPE OF WORK

NOTE:
ALL SIGNAGE SHALL BE REVEALED & APPROVED BY PLANNING SERVICES UNDER SEPARATE PERMIT.



- ATTIC AREA 500 SQ.FT.
- REQUIRED VENTILATION ARE 500/100 = 5.0 SQ.FT. = 475 SQ.IN.
- PROVIDED VENTILATION TYPE LOUVERS
- PROVIDED OPENING SIZE 80" X 14" = 112 SQ.IN.
- PROVIDED VENTILATION AREA 12 X 5 = 540 SQ.IN.

SEE LOCATION: 2/143 WEST ELEVATION, 3/143 EAST ELEVATION

ATTIC VENTILATION NOTES

1. EXTERIOR OPENINGS INTO THE ATTIC SPACE OF ANY BUILDING INTENDED FOR HUMAN OCCUPANCY SHALL BE PROTECTED TO PREVENT THE ENTRY OF BIRDS, SQUIRRELS, RODENTS, SNAKES AND OTHER SIMILAR CREATURES.
2. OPENINGS FOR VENTILATION HAVING A LEAST DIMENSION OF NOT LESS THAN 1/4 INCH (6.4 MM) AND NOT MORE THAN 1/4 INCH (6.4 MM) SHALL BE PERMITTED.
3. OPENINGS FOR VENTILATION HAVING A LEAST DIMENSION LARGER THAN 1/4 INCH (6.4 MM) SHALL BE PROVIDED WITH CORROSION-RESISTANT WIRE CLOTH SCREENING, SQUARE GRID PERFORATED METAL OR SIMILAR MATERIAL WITH OPENINGS HAVING A LEAST DIMENSION OF NOT LESS THAN 1/16 INCH (1.6 MM) AND NOT MORE THAN 1/4 INCH (6.4 MM).

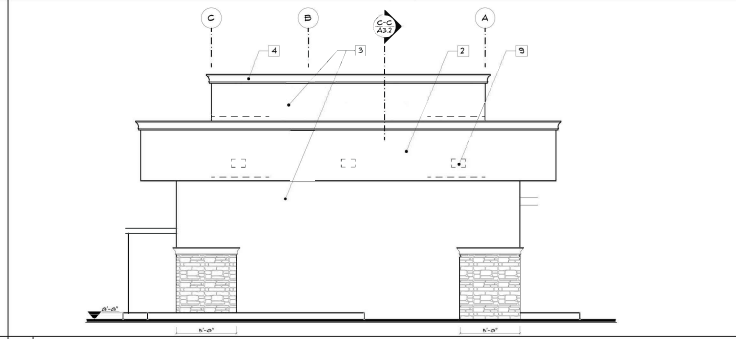
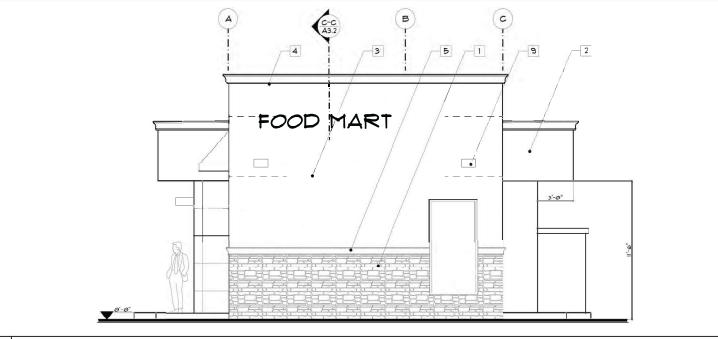


PLANNING ENGINEERING, CONSTRUCTION SERVICES
WWW.HABITATCLASSICS.COM
100 E. ARROWHAY, SAN DIMAS, CA 91773
PHONE: (909) 384-0028 FAX: (909) 384-0011

JERRY'S UNION
DEVELOPED FOR
JUNION
100 E. QUARTER RD.
ARCADIA, CA 91006

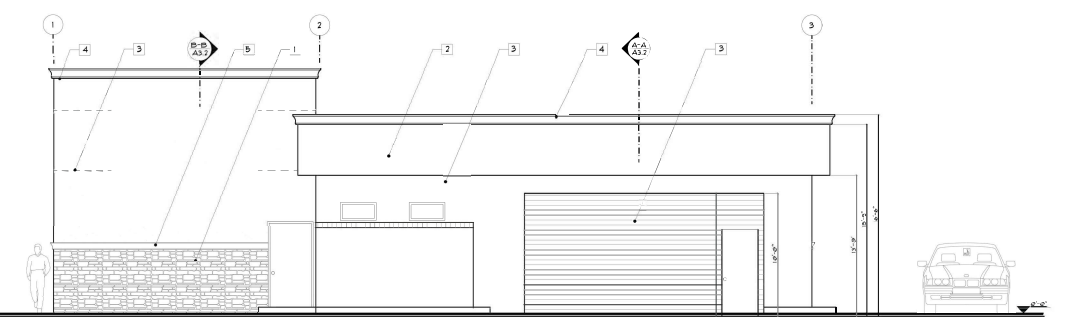
1 NORTH ELEVATION SCALE: 1/4" = 1'-0"

5 ATTIC VENTILATION



2 WEST ELEVATION SCALE: 1/4" = 1'-0"

3 EAST ELEVATION SCALE: 1/4" = 1'-0"



1. MSI INTERNATIONAL LEDGESTONE VENEER - CALIFORNIA GOLD PANEL - SIFFURFACE OR EQ.
2. DUNN-EDWARDS PAINT COBLESTONE PATH DE6-068 OVER EXTERIOR CEMENT PLASTER OVER METAL LATH OVER 2 LAYERS OF GRADE "D" BUILDING PAPER OR APPROVED EQ.
3. DUNN-EDWARDS PAINT SAHARA DEC-141 OVER EXTERIOR STUCCO OVER METAL LATH OVER 2 LAYERS OF GRADE "D" BUILDING PAPER OR APPROVED EQ.
4. 8" MDC FOAM CORNICE MOULDING PAINTED DUNN-EDWARDS SWISS CORNICE DEBUSH OR EQ.
5. 22 5/8" X 1" REALSTONE SYSTEMS GREYSTONE GOLD WAIRSCOT SILL CAP ABOVE TILE OR EQ.
6. NEW PASS DOOR FOR ROLLING STEEL DOOR TO BE MANUFACTURED BY KRDOORS INC. SPECS SHEET A4.0 OR EQ.
7. HORIZ. AND VERT. METAL REVEAL PER DETAIL 5/AD.2
8. IMPERIAL MARQUEE AWNING WITH 8" WIDE FLAT PANELS ROOF PANEL COLOR IVORY BRACES COLOR SLATE GRAY SPECS SHEET 2/AD.1 OR EQ.
9. ATTIC VENTILATION OPENING

NOTE:
FINAL COLOR SCHEME SHALL BE APPROVED BY PLANNING DEPARTMENT DURING BUILDING PLAN CHECK & CONSTRUCTION.

4 SOUTH ELEVATION SCALE: 1/4" = 1'-0"

TITLE SHEET

PROPOSED ELEVATIONS

S T A M P

D	A	T	E
JOB NO.	A1621		
BID SET	/ /		
PLAN CHECK	/ /		
PERMIT SET	/ /		
PRINT DATE	10/29/19		
CONCEPTUAL PLAN	/ /		
SCHEMATIC DESIGN	/ /		
PERMITTING	06/28/18		
SCHEMATIC DESIGN	11/29/18		
SCHEMATIC DESIGN	05/21/19		
SCHEMATIC DESIGN	09/17/19		

A3.1

S H E E T

Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 22-09 Conditional Use Permit with a Categorical Exemption under the California Quality Act ("CEQA") Section 15301(a) to allow the sale of beer and wine for off-site consumption at 102 E. Duarte Rd												
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):	102 E Duarte Rd. – The business is located along at the south-east corner of Duarte Rd. and S. First Ave.												
3. Entity or person undertaking project:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; padding: 2px;">A.</td> <td colspan="2" style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">B. Other (Private)</td> <td colspan="2" style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">(1) Name</td> <td style="width: 15%; border-left: 1px dotted black;"></td> <td style="padding: 2px;">Jerry Madain</td> </tr> <tr> <td style="padding: 2px;">(2) Address</td> <td style="border-left: 1px dotted black;"></td> <td style="padding: 2px;">102 E Duarte Rd, Arcadia, CA 91006</td> </tr> </table>	A.			B. Other (Private)			(1) Name		Jerry Madain	(2) Address		102 E Duarte Rd, Arcadia, CA 91006
A.													
B. Other (Private)													
(1) Name		Jerry Madain											
(2) Address		102 E Duarte Rd, Arcadia, CA 91006											
4. Staff Determination:	<p>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, as the proposed use will be located within an existing facility.</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"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is categorically exempt.</td> </tr> <tr> <td style="padding: 2px;">Applicable Exemption Class:</td> <td style="padding: 2px;">15301 – Class 1 (Use of an existing facility)</td> </tr> </table>	The project is categorically exempt.		Applicable Exemption Class:	15301 – Class 1 (Use of an existing facility)								
The project is categorically exempt.													
Applicable Exemption Class:	15301 – Class 1 (Use of an existing facility)												
f. <input type="checkbox"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is statutorily exempt.</td> </tr> <tr> <td style="padding: 2px;">Applicable Exemption:</td> <td style="padding: 2px;"></td> </tr> </table>	The project is statutorily exempt.		Applicable Exemption:									
The project is statutorily exempt.													
Applicable Exemption:													
g. <input type="checkbox"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">The project is otherwise exempt on the following basis:</td> <td style="padding: 2px;"></td> </tr> </table>	The project is otherwise exempt on the following basis:											
The project is otherwise exempt on the following basis:													
h. <input type="checkbox"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project involves another public agency which constitutes the Lead Agency.</td> </tr> <tr> <td style="padding: 2px;">Name of Lead Agency:</td> <td style="padding: 2px;"></td> </tr> </table>	The project involves another public agency which constitutes the Lead Agency.		Name of Lead Agency:									
The project involves another public agency which constitutes the Lead Agency.													
Name of Lead Agency:													

Date: October 19, 2022

Staff: Alison MacCarley, Planning Assistant



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 11, 2022**

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

ROLL CALL

PRESENT: Chair Thompson, Vice Chair Tsoi, Hui, Tallerico, and Wilander

ABSENT: None

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

Ms. Flores provided a revised copy of Resolution No. 2104 with minor changes requested by the City Attorney.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

1. **Resolution No. 2104** – Administrative Architectural Design Review No. Admin ADR 22-321 with a Statutory Exemption from the California Environmental Quality Act (“CEQA”) for the request to install a standing seam metal roof on an existing two-story house at 1231 S. 4th Avenue

Recommendation: Adopt Resolution No. 2104

Applicant: Julie Tokushige

MOTION- PUBLIC HEARING

Chair Thompson introduced the item. Community Development & Planning Administrator Lisa Flores provided background information on the item, and Associate Planner Vanessa Quiroz presented the staff report.

Commissioner Tallerico asked for clarification on whether the standing seam metal roof was discouraged or prohibited by the City’s Design Guidelines. Ms. Quiroz confirmed that the style is discouraged. Commissioner Tallerico asked why the Applicant purchased the materials before getting City approval, and Ms. Quiroz answered that the Applicant was not aware that they needed approval of the roof material.

Commissioner Wilander asked Ms. Flores to provide additional information on the process for obtaining approval to use materials that are not supported by the Design Guidelines. Ms. Flores explained that the Applicant would obtain approval from the Planning division administratively, and then obtain a building permit. She added that while the standing seam roof is discouraged, it could be supported on the right style of home and added that the material is typically only used as the sole material type on commercial buildings and used only as an accent material to another roof type on single-family homes. Ms. Flores reiterated that this item was brought to the Planning

Commission for the Commissioners to provide input on how Staff should handle similar requests in the future, and whether or not the Commission would be receptive to approving this type of roof on the right style of home.

Commission Hui asked if any neighboring cities allow standing seam metal roofs. Ms. Quiroz answered that San Marino does not allow metal roofs, but research of all surrounding cities and their policies on metal roofs was not done. Commission Hui asked if the Applicant provided an explanation for why they wanted to metal roof material and inquired about the cost of the material. Ms. Quiroz replied that the owner saw the roof style in other areas and liked the look and design of the material. Ms. Flores added that the cost of materials cannot be taken into consideration when deciding on the item, as cost is not a factor that can be used when making the findings for a project.

There were no further questions by the Commissioners.

There were three speakers in support of the item.

David Seiler represented the Applicant and provided background on the property owners and the renovations they have done to their home over the years. Mr. Seiler noted that the Applicant was unaware that their choice of roof material needed to be approved by the Planning staff until after they attempted to obtain a building permit. He stated that in addition to the style and look of the metal roof, the material was chosen due to its durability and sustainability compared to other materials. Mr. Seiler provided the Commission with a copy of his statement and a list of approximately ten signatures of neighboring residents that are in support of the metal roof material.

Commissioner Wilander asked if the Applicant consulted with a professional roofer before purchasing the materials. Mr. Seiler replied that they did not.

Commissioner Hui asked if there are additional renovations being done in addition to the roof. Mr. Seiler answered that they are also doing landscape work.

Chair Thompson asked if the signatures were obtained specifically for the Planning Commission meeting, and not prior to the purchase of the materials. Mr. Seiler confirmed that is correct.

Glenn Tokushige, Applicant, provided more history on his family's experience as long time Arcadia residents, the renovations done to their home over many years, and restated why they chose the standing seam metal roof material.

Ivan Leung, neighbor, added that the Applicant has done extensive work to improve and modernize their existing home so that it continues to support their family's changing needs, and added that he feels the Commission should support these efforts by approving the metal roof material.

It was moved by Commissioner Wilander, seconded by Commissioner Tallerico, to close the public hearing. Without objection, the motion was approved.

DISCUSSION

Commissioner Tallerico was not in favor of denying the request and felt that consideration of metal roof materials should be discussed in further detail at a later date.

Commissioner Wilander touched on the importance of the City's design guidelines and how they are an important part of maintaining the aesthetics of neighborhoods around the city. She added that with consideration of the design guidelines and style of the home, she does not feel that the metal roof is the right material or style for this house and is in support of denying the request.

Vice Chair Tsoi explained that while metal roofs are discouraged, they may be supported when designed with the right style of home, but that this particular roof style was not suitable with this home, particularly due the steep roof pitch that does not match the overall design of the home. Vice Chair Tsoi provided some examples of how design changes to either the roof or home may make the material more compatible but was not in support of the material and design as presented.

Commissioner Hui agreed that the metal roof presented did not match the overall style of the neighboring homes.

Chair Thompson commended the Applicant for wanting to improve their existing home, and is supportive of metal roofs in general, but agreed that this style was not appropriate for this home. He added that the Commissioners must consider the City's Development Code and Design Guidelines when making the findings for their decision, and that they cannot take cost or financial hardship into consideration. Chair Thompson ultimately agreed with Staff's recommendation to deny the metal roof.

Commissioner Tallerico added that he did not find the overall style of neighboring homes to be incompatible with the metal roof, and that felt that there were more reasons provided to be in support of metal roofs than there were to deny use of the material. He was in favor of approving the material.

MOTION

2. It was moved by Commissioner Wilander, seconded by Commission Tallerico to deny Administrative Architectural Design Review No. Admin ADR 22-321 with a Statutory Exemption from the California Environmental Quality Act ("CEQA") for the request to install a standing seam metal roof on an existing two-story house at 1231 S. 4th Avenue and Adopt Resolution No. 2104

ROLL CALL

AYES: Chair Thompson, Vice Chair Tsoi, Hui, Wilander
NOES: Tallerico
ABSENT: None

There is a ten day appeal period after the adoption of the Resolution. If adopted, appeals are to be filed by 5:30 p.m. on Monday, October 24, 2022.

CONSENT CALENDAR

3. Minutes of the September 27, 2022, Regular Meeting of the Planning Commission

Recommendation: Approve

It was moved by Vice Chair Tsoi, seconded by Commissioner Wilander to approve the minutes of the September 27, 2022, Planning Commission Regular Meeting.

ROLL CALL

AYES: Chair Thompson, Vice Chair Tsoi, Hui, Tallerico, Wilander
NOES: None
ABSENT: None

MATTERS FROM CITY COUNCIL LIAISON

Council Member Tay reminded everyone to be aware of various sources of information during the election season and to consider information about candidates and policies carefully.

MATTERS FROM THE PLANNING COMMISSONERS

Vice Chair Tsoi asked Council Member Tay if there were any upcoming events to meet the council candidates. Council Member Tay was not aware of any upcoming events.

Commissioner Wilander commented that decisions to deny the Applicant's projects and material choices such as tonight are not pleasant, but that it is important for the Commission to make decisions based on the right considerations and City development guidelines and requirements.

MATTERS FROM ASSISTANT CITY ATTORNEY

Mr. Mauer had nothing to report.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores informed the Commission that this will be Associate Planner Vanessa Quiroz's last meeting as she is leaving the city. She added that there are no items for the next meeting, and currently two items scheduled for the November 22nd meeting. There might be one item for the November 8th meeting.

The Commissioners confirmed their availability for the November 22nd meeting to ensure a quorum will be present. The Commission agreed to cancel the December 27, 2022, Planning Commission meeting.

ADJOURNMENT

The Planning Commission adjourned the meeting at 8:05 p.m., to Tuesday, October 25, 2022, at 7:00 p.m. in the City Council Chamber.

Brad Thompson
Chair, Planning Commission

ATTEST: _____
Lisa Flores
Secretary, Planning Commission