

# CITY OF ARCADIA

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## Arcadia Planning Commission Regular Meeting Agenda



**Tuesday, December 13, 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。

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### 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. 2108** – Approving Conditional Use Permit No. CUP 22-10 to allow the operation of a secondhand store for a non-profit animal rescue organization, Homeless to Forever Foundation, at 515 N. First Avenue  
**Recommendation:** Adopt  
**CEQA:** Determine to be Exempt

**Applicant:** Catherine Macias

*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 Friday, December 23, 2022.*

2. **Resolution No. 2109** – Approving Conditional Use Permit No. CUP 21-06 and Architectural Design Review No. ADR 21-21 for the replacement of two existing canopies with one large canopy, 16 fuel dispensers, and a new convenience store for Conserv Fuel at 701 W. Huntington Drive  
**Recommendation:** Adopt  
**CEQA:** Determine to be Exempt

**Applicant:** Ben Steckler

*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 Friday, December 23, 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.

3. **Resolution No. 2111** – A resolution of the Planning Commission of the City of Arcadia, California, approving Homeowners' Association Appeal No. HOA 22-05, and overturning the Santa Anita Oaks Homeowners' Association Architectural Review Board approval of a new two-story, Cape Cod style house with an attached four-car garage at 1225 Oaklawn Road  
**Recommendation:** Adopt
4. Minutes of the November 22, 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, January 10, 2023, 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](http://www.ArcadiaCA.gov). Copies of individual Agenda Reports are available via email upon request ([Planning@ArcadiaCA.gov](mailto: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:** December 13, 2022

**TO:** Honorable Chair and Planning Commission

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

**SUBJECT:** RESOLUTION NO. 2108 – APPROVING CONDITIONAL USE PERMIT NO. CUP 22-10 TO ALLOW THE OPERATION OF A SECONDHAND STORE FOR A NON-PROFIT ANIMAL RESCUE ORGANIZATION, HOMELESS TO FOREVER FOUNDATION, AT 515 N. FIRST AVENUE  
**Recommendation: Adopt**  
**CEQA: Determined to be Exempt**

## SUMMARY

The Applicant, Catherine Macias, on behalf of the non-profit animal rescue organization, Homeless to Forever Foundation, is requesting approval of Conditional Use Permit Application No. CUP 22-10 for a secondhand store to occupy an existing 621 square foot unit within a one-story multi-tenant commercial building at 515 N. 1st Avenue. It is recommended that the Planning Commission adopt Resolution No. 2108 (Attachment No. 1) and find this project Categorical Exempt under CEQA and approve Conditional Use Permit No. CUP 22-10, subject to the conditions listed in this staff report.

## BACKGROUND

The subject property is located on the northwest corner of North 1<sup>st</sup> Avenue and East Colorado Boulevard and the unit is approximately square feet in area. The property is developed within a one-story 4,151 square foot, multi-tenant commercial building which has a rear parking lot that is accessed from Colorado Boulevard.. The property is zoned C-G, General Commercial 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 commercial uses to the north and east, and multifamily residential properties to the south and west – see Figure 1.

The existing building has three units that consists of a liquor store on the corner, a pet groomer, and a vacant unit that the Applicant would like to occupy. This vacant unit was previously occupied by a beauty place for eyelash extensions.



**Figure 1 - Aerial of Subject Site**

## **PROPOSAL**

The Applicant is requesting approval of a Conditional Use Permit (CUP) to operate a secondhand store (dba: Homeless to Forever Foundation) that sells unique antique and vintage items as well as clothes and other items. Homeless to Forever Foundation is a nonprofit organization and an animal rescue organization that serves the Southern California Region. All the profits from this business will help expand their rescue efforts and provide health/medical care for animals in need. The employees are all volunteers, and approximately two to three people will volunteer during their business hours. The proposed business hours will be from 4:00 p.m. to 8:00 p.m. on Fridays, and from 10:00 a.m. to 5:00 p.m. on Saturdays and Sundays. They might expand their business hours depending on the volunteer's availability and business productivity.

The proposed floor plan consists of a main room for merchandise sales and a gender-neutral restroom (see Figure 2). No interior or exterior changes are being proposed.

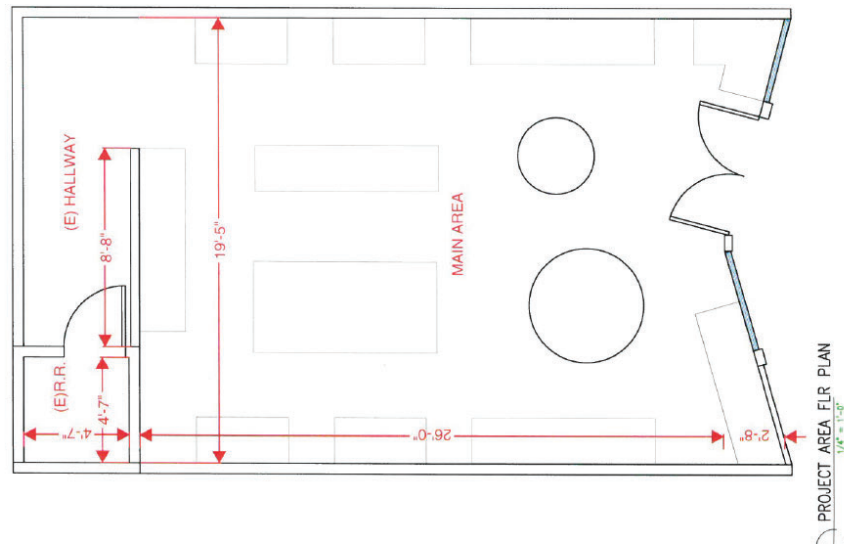


Figure 2 – Proposed Floor Plan

In terms of donations, the volunteers will collect them from other volunteers and families. They will not have any donation boxes on the premises and nor will they accept any donations from the public.

In 2018, the City Council approved a Microenterprise Fee Assistance program that allows the City to reduce the planning fees up to 100% for independently owned and small businesses with 10 or less employees. The goal of the program was to reduce barriers for opening and expanding small businesses in Arcadia. The Applicant was able to take advantage of this program, and the fee for this application was entirely waived.

## ANALYSIS

The Arcadia Development Code allows secondhand stores in the C-G zone, subject to a Conditional Use Permit. The proposed secondhand store would be located in a multi-tenant building with two other businesses, an existing liquor store and pet groomer. The subject unit is only 621 square feet and given the nature of the business, the limited business hours, and it is a relatively small business, the proposed use would not create an adverse impact on the adjacent tenants.

The retail activity will allow residents an opportunity to purchase unique vintage and antique items that may not be found elsewhere and a new shopping experience beyond the typical big box store or what can be typically found in the regional shopping center. The proposed business is at the topmost corner of the commercial downtown corridor where the City seeks to expand commercial activity and promote small businesses in this corridor per the General Plan goals and policies. In addition, due to the secondhand nature of the store where there may be a wide variety of products at different price points,

the store will also allow residents to enjoy an unique shopping experience. There are currently four (4) other thrift/secondhand stores in the City, and this one is smallest one compared to all of them.

The store will not have a donation box nor accept donations during the operating hours of the store. This will limit any potential impacts associated with secondhand stores such as loitering, scavenging, and illegal dumping. The store will not accept any donations received as they wish to maintain high quality and curated vintage and antique items rather than just used, utility items more commonly associated with other thrift stores.

### Parking

The proposed secondhand store is taking over a vacant tenant space that was previously occupied beauty and lash salon. The parking is provided on an adjacent site where there are currently nine (9) parking spaces available for all of the tenants, and there is no issue with parking since the proposed use has the same parking requirement as the previous use, which is 1 parking space per 200 square feet of gross floor area, a total of three (3) parking spaces. Thus, the change in business will not impact parking as the new business does not require more parking spaces than the previous use or what the Code requires.

### FINDINGS

Section 9107.09.050(B) of the Development 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:** The proposed secondhand store will be consistent with the Arcadia General Plan and the commercial general zone which allows for a wide-range of commercial uses which serve both neighborhood and citywide markets. The Commercial General designation allows a broad array of commercial uses, including retail uses such as secondhand stores. The proposed use will occupy a vacant commercial unit and is a use that is complementary to the nearby commercial corridor and downtown corridor by providing additional retail opportunities to residents. The use is consistent with the General Plan, as well as the following General Plan goal and 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 site is zoned C-G, General Commercial. Arcadia Development Code Section 9102.03.020, Table 2-8, allows secondhand stores in the C-G zone subject to the review and approval of a Conditional Use Permit. The use will be consistent with the intended commercial use of the property and will inhabit an existing unit that has been vacant for over a year. The store will not change the characteristics of the surrounding neighborhood or other businesses that are typically found in a commercial zone since the secondhand store is relatively small in size and they are limiting their hours of operation to three days a week. The business will not be accepting any donation on-site. Therefore, the proposed project complies with all other applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code. **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 secondhand store will occupy a 621 square foot unit within an existing one-story multi-unit commercial building. No exterior changes nor tenant improvement is required to accommodate the use. The proposed use will be compatible with the existing commercial uses as it will have similar operational characteristics to other retail businesses along either Colorado Boulevard and First Avenue and with the other businesses on the property. There will be no drop off donations nor any donation boxes allowed at the premise which will limit potential negative impacts such as illegal dumping or scavenging at the site. The secondhand store will be compatible with the various commercial uses that exist on the property. The proposed use will not require more parking than the previous use, therefore, there is adequate parking on the property to accommodate the proposed use and the existing uses. Therefore, the proposed use will be compatible with the existing and future land uses in the vicinity. .

**3. 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 to accommodate the proposed secondhand store. The use will occupy a unit within an existing multi-tenant commercial building on the subject site. The site is adjacent to a surface parking lot that will provide parking for the proposed business. The existing parking is sufficient to meet the needs of all existing and proposed commercial uses. No exterior improvements are required for the secondhand store. Therefore, the proposed use is suitable for 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 property is located at the corner of North First Avenue and East Colorado Boulevard and has access from either East

Colorado Boulevard or North 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 unit is located within an existing commercial building, which is adequately serviced by existing utilities. The request includes neither new construction, nor will be operated in a manner that will impact the provision of utilities. Therefore, no impacts to the provision of utilities are anticipated.

**4. 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 proposed secondhand store will not be detrimental to the public health or welfare, or to the surrounding properties. The size and nature of the operation of the use will not negatively affect the existing uses in the surrounding properties.

**ENVIRONMENTAL IMPACT**

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 COMMENTS/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 November 28, 2022. As of December 13, 2022, staff did not receive any public comments on this project.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt Resolution No. 2108 approving Conditional Use Permit No. CUP 22-10 for a new secondhand 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 use approved by Conditional Use Permit No. CUP 22-10 is limited to a secondhand store for Homeless to Forever Foundation Animal Rescue Organization, non-profit organization and it shall be operated and maintained in a manner that is consistent with the approved plans and may be subject to periodic inspections to ensure that the business is operated per the approval. This use shall terminate when the business closes. Any new secondhand store that is operated by a different business owner shall be subject to a new Conditional Use Permit.
2. There shall be no on-site donations or donation box allowed on site or within the parking lot for this property.
3. Any changes to the hours of operation and/or days shall be subject to review and approval by the Planning & Community Development Administrator, or designee.
4. 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.
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 22-10 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of the business.
7. To the maximum extent permitted by law, Property Owner/Applicant shall 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 22-10 ("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 notify the Property Owner/Applicant of the claim, action, or proceedings and will cooperate in the defense of the matter. 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. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any 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.

8. Approval of CUP 22-10 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 Application No. CUP 22-10, stating that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2108 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 Application No. CUP 22-10, 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 December 13, 2022, hearing, please contact Assistant Planner, Alison MacCarley at (626) 574-5447, or by email at Amaccarley@ArcadiaCA.gov.

Approved:

A handwritten signature in blue ink, appearing to read 'Lisa L. Flores', with a stylized flourish extending to the right.

Lisa L. Flores  
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2108
- Attachment No. 2: Aerial Photo and Zoning Information and Photos of the Subject Property
- Attachment No. 3: Architectural Plans
- Attachment No. 4: Preliminary Exemption Assessment

# Attachment No. 1

Resolution No. 2108

RESOLUTION NO. 2108

RESOLUTION NO. 2108 – APPROVING CONDITIONAL USE PERMIT NO. CUP 22-10 TO ALLOW THE OPERATION OF A SECONDHAND STORE FOR A NON-PROFIT ANIMAL RESCUE ORGANIZATION, HOMELESS TO FOREVER FOUNDATION, AT 515 N. FIRST AVENUE

WHEREAS, on October 6, 2022, an application for Conditional Use Permit No. CUP 22-10 was filed by the business owner, Catherine Macias, on behalf of the non-profit animal rescue organization Homeless to Forever Foundation (“Applicant”) to allow the for the operation of a secondhand store within the multi-tenant commercial building at 515 N. First Avenue (“Project”); 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 December 13, 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 28, 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: The proposed secondhand store will be consistent with the Arcadia General Plan and the commercial general zone which allows for a wide-range of commercial uses which serve both neighborhood and citywide markets. The Commercial General designation allows a broad array of commercial uses, including retail uses such as secondhand stores. The proposed use will occupy a vacant commercial unit and is a use that is complementary to the nearby commercial corridor and downtown corridor by providing additional retail opportunities to residents. The use is consistent with the General Plan, as well as the following General Plan goal and 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 site is zoned C-G, General Commercial. Arcadia Development Code Section 9102.03.020, Table 2-8, allows secondhand stores in the C-G zone subject to the review and approval of a Conditional Use Permit. The use will be consistent with the intended commercial use of the property and will inhabit an existing unit that has been vacant for over a year. The store will not change the characteristics of the surrounding neighborhood or other businesses that are typically found in a commercial zone since the

secondhand store is relatively small in size and they are limiting their hours of operation to three days a week. The business will not be accepting any donation on-site. Therefore, the proposed Project complies with all other applicable provisions of the Arcadia Development Code and the Arcadia 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 proposed secondhand store will occupy a 621 square foot unit within an existing one-story multi-unit commercial building. No exterior changes or tenant improvement is required to accommodate the use. The proposed use will be compatible with the existing commercial uses as it will have similar operational characteristics to other retail businesses along either East Colorado Boulevard or North First Avenue and to the other businesses on the property. There will be no drop off donations nor any donation boxes allowed at the premises which will limit potential negative impacts such as illegal dumping or scavenging at the site. The secondhand store will be compatible with the various commercial uses that exist on the property. The proposed use will not require more parking than the previous use, therefore, there is adequate parking on the property to accommodate the proposed use and the existing uses. Therefore, the proposed use will be 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 to accommodate the proposed secondhand store. The use will occupy a unit within an existing multi-tenant commercial building on the subject site. The site is adjacent to a surface parking lot that will provide parking for the proposed business. The existing parking is sufficient to meet the needs of all existing and proposed commercial uses. No exterior improvements are required for the secondhand store. Therefore, the proposed use is suitable for 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 property is located at the corner of North First Avenue and East Colorado Boulevard and has access from either East Colorado Boulevard or North 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 unit is located within an existing commercial building, which is adequately serviced by existing utilities. The request includes neither new construction, nor will be operated in a manner that will impact the provision of utilities. 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 proposed secondhand store will not be detrimental to the public health or welfare, or to the surrounding properties. The size and nature of the operation of the use will not negatively affect the existing uses in the surrounding properties.

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 proposed secondhand store is Categorically Exempt per Class 1, Section 15301 (a) of the California Environmental Quality Act (CEQA) Guidelines and approves Conditional Use Permit No. CUP 22-10 to allow the operation of a secondhand store for a non-profit animal rescue organization, Homeless to Forever Foundation, at 515 N. First Avenue., 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 13th day of December 2022.

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Brad Thompson  
Chair, Planning Commission

ATTEST:

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Lisa L. Flores  
Secretary

APPROVED AS TO FORM:



for

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Stephen P. Deitsch  
City Attorney

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## RESOLUTION NO. 2108

### **Conditions of Approval**

It is recommended that the Planning Commission adopt Resolution No. 2108 and find that this project is Categorically Exempt under the California Environmental Quality Act (CEQA), and approve Conditional Use Permit No. CUP 22-10 subject to the following conditions of approval:

1. The use approved by Conditional Use Permit No. CUP 22-10 is limited to a secondhand store for Homeless to Forever Foundation Animal Rescue Organization, non-profit organization and it shall be operated and maintained in a manner that is consistent with the approved plans and may be subject to periodic inspections to ensure that the business is operated per the approval. This use shall terminate when the business closes. Any new secondhand store that is operated by a different business owner shall be subject to a new Conditional Use Permit.
2. There shall be no on-site donations or donation box allowed on site or within the parking lot for this property.
3. Any changes to the hours of operation and/or days shall be subject to review and approval by the Planning & Community Development Administrator, or designee.
4. 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.
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 22-10 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of the business.
7. To the maximum extent permitted by law, Property Owner/Applicant shall 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 22-10 (“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 notify the Property Owner/Applicant of the claim, action, or proceedings and will cooperate in the defense of the matter. 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. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any 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.

8. Approval of CUP 22-10 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.

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# Attachment No. 2

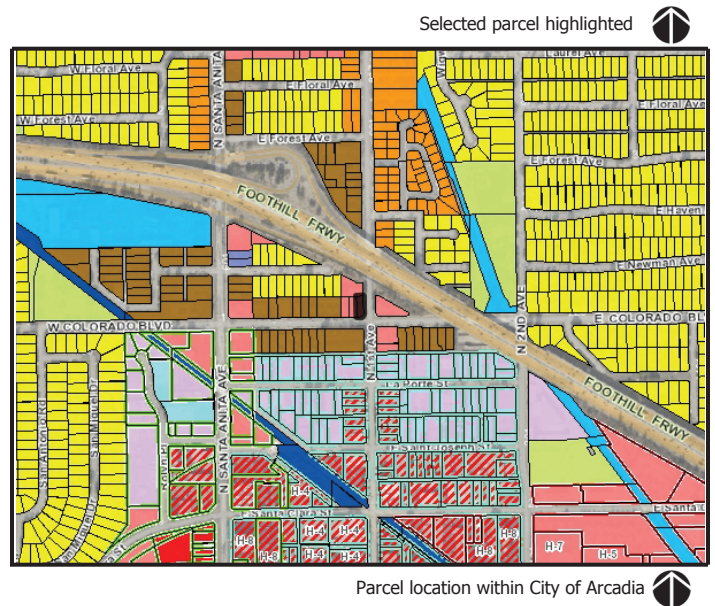
Aerial Photo and Zoning Information and  
Photos of the Subject Property

**Site Address:** 511 N 1ST AVE

**Property Owner(s):** Property Owner

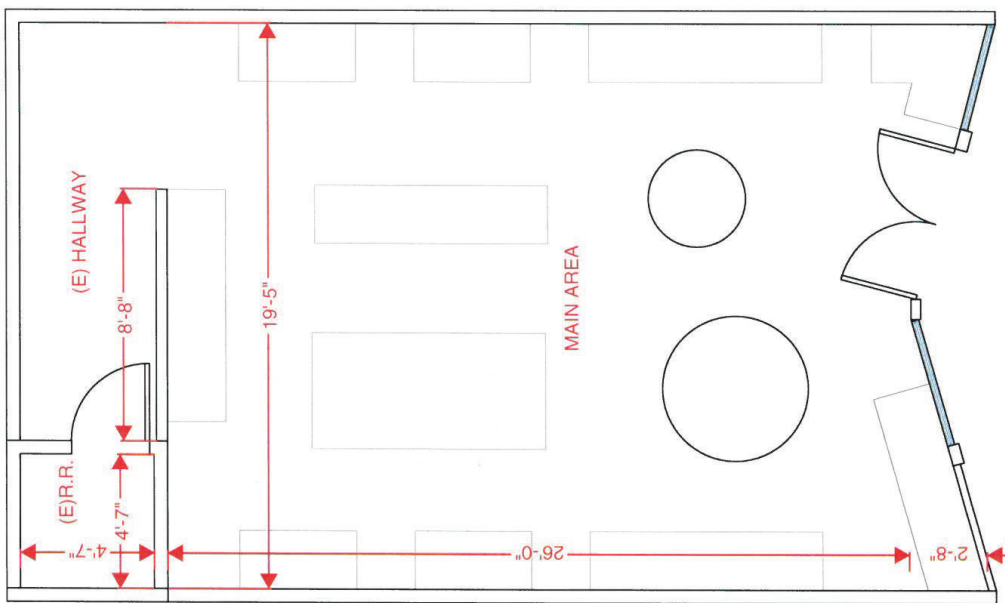


Property Characteristics	
<b>Zoning:</b>	C-G
<b>General Plan:</b>	C
<b>Lot Area (sq ft):</b>	
<b>Main Structure / Unit (sq. ft.):</b>	4,151
<b>Year Built:</b>	1948
<b>Number of Units:</b>	0
Overlays	
<b>Architectural Design Overlay:</b>	N/A
<b>Downtown Overlay:</b>	N/A
<b>Downtown Parking Overlay:</b>	N/A
<b>Parking Overlay:</b>	N/A
<b>Racetrack Event Overlay:</b>	N/A
<b>Residential Flex Overlay:</b>	N/A
<b>Special Height Overlay:</b>	N/A

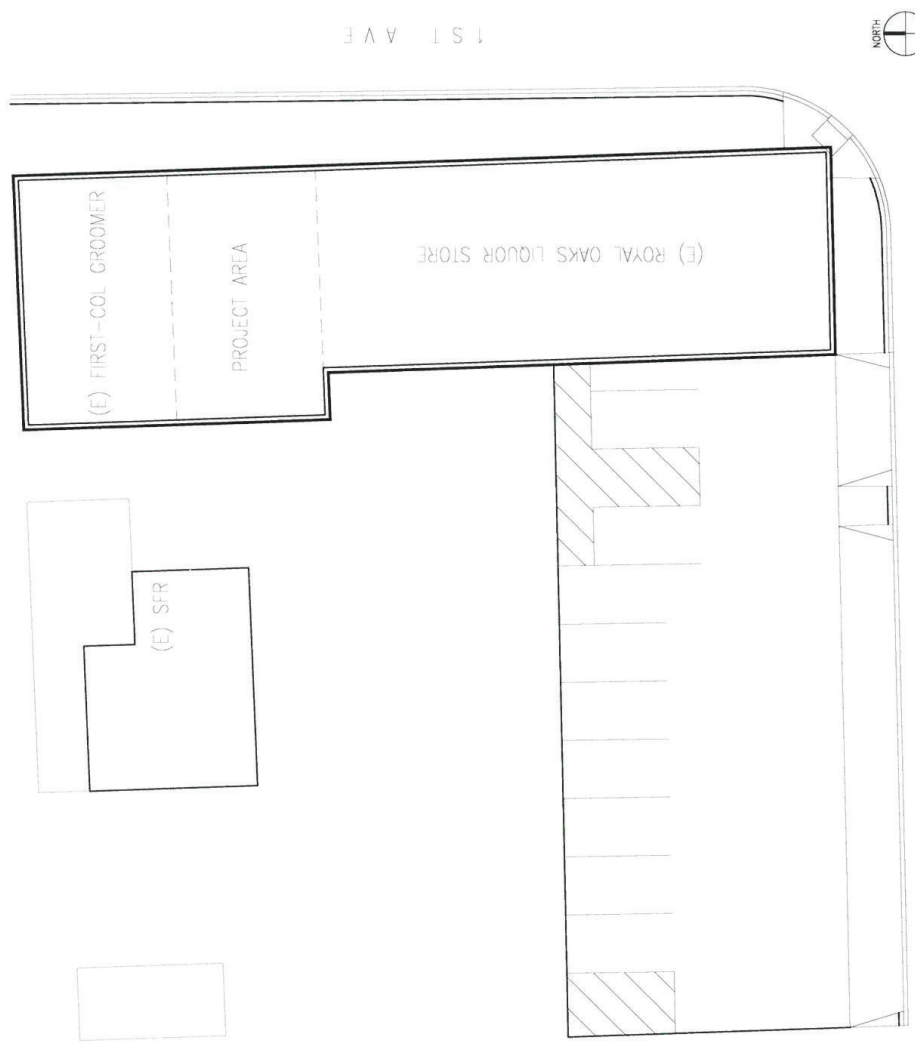


# Attachment No. 3

## Architectural Plans



2 PROJECT AREA FLR PLAN  
1/4" = 1'-0"



NORTH  
 1  
 SITE & FLR PLAN  
 1/4" = 1'-0"

# 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 operation of a secondhand store at 515 N. First Avenue												
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):	515 N. First Avenue. – The business is located along at the north-west corner of Colorado Blvd. and N. 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 dashed black; padding: 2px;"></td> <td style="padding: 2px;">Catherine Macias</td> </tr> <tr> <td style="padding: 2px;">(2) Address</td> <td style="border-left: 1px dashed black; padding: 2px;"></td> <td style="padding: 2px;">515 N. First Ave, Arcadia, CA 91006</td> </tr> </table>	A.			B. Other (Private)			(1) Name		Catherine Macias	(2) Address		515 N. First Ave, Arcadia, CA 91006
A.													
B. Other (Private)													
(1) Name		Catherine Macias											
(2) Address		515 N. First Ave, Arcadia, CA 91006											
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"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is categorically exempt.</td> </tr> <tr> <td style="width: 45%; 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)								
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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="width: 45%; 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="width: 45%; 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="width: 45%; 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: November 28, 2022

Staff: Alison MacCarley, Planning Assistant



# STAFF REPORT

Development Services Department

**DATE:** December 13, 2022

**TO:** Honorable Chair and Planning Commission

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

**SUBJECT:** RESOLUTION NO. 2109 – APPROVING CONDITIONAL USE PERMIT NO. CUP 21-06 AND ARCHITECTURAL DESIGN REVIEW NO. ADR 21-21 FOR THE REPLACEMENT OF TWO EXISTING CANOPIES WITH ONE LARGE CANOPY, 16 FUEL DISPENSERS, AND A NEW CONVENIENCE STORE FOR CONSERV FUEL AT 701 W. HUNTINGTON DRIVE

**Recommendation: Adopt**  
**CEQA: Determine to be Exempt**

## SUMMARY

The Applicant, Ben Steckler of Fielder Group, on behalf of the property owner, Moller Retail, Inc., is requesting approval of Conditional Use Permit No. CUP 21-06 and Architectural Design Review No. ADR 21-21 to replace two existing canopies and 16 fuel dispensers with one large canopy that will cover 16 new fuel dispensers, and demolish an existing 1,568 square foot convenience store/service bay building for a new 3,120 square foot, one-story convenience store (dba: Conserv Fuel) at 701 W. Huntington Drive. It is recommended that the Planning Commission adopt Resolution No. 2109 (Attachment No. 1) and find that the project is Categorically Exempt under CEQA and approve Conditional Use Permit No. CUP No. 21-06 and Architectural Design Review No. ADR 21-21, subject to the conditions listed in this staff report.

## BACKGROUND

The project site is 33,893 square feet and is located on the northwest corner of W. Huntington Drive and Baldwin Avenue. Currently, the existing service station is developed with two canopies, eight (8) fuel dispensers under each canopy totaling 16 fuel dispensers, and a 1,568 square foot, one-story convenience store with service bays at the rear of building that was built in 1967. The site is zoned C-O, Professional Office, and has 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 site is

surrounded by medical office uses to the west which are zoned C-O, a financial institution use to the south (Chase Bank) which is zoned C-G, General Commercial, the City’s Fire Department site to the east zoned PF, Public Facilities, and multi-family residences to the north which are zoned R-3-R, Restricted High Density Residential (see Figure 1).

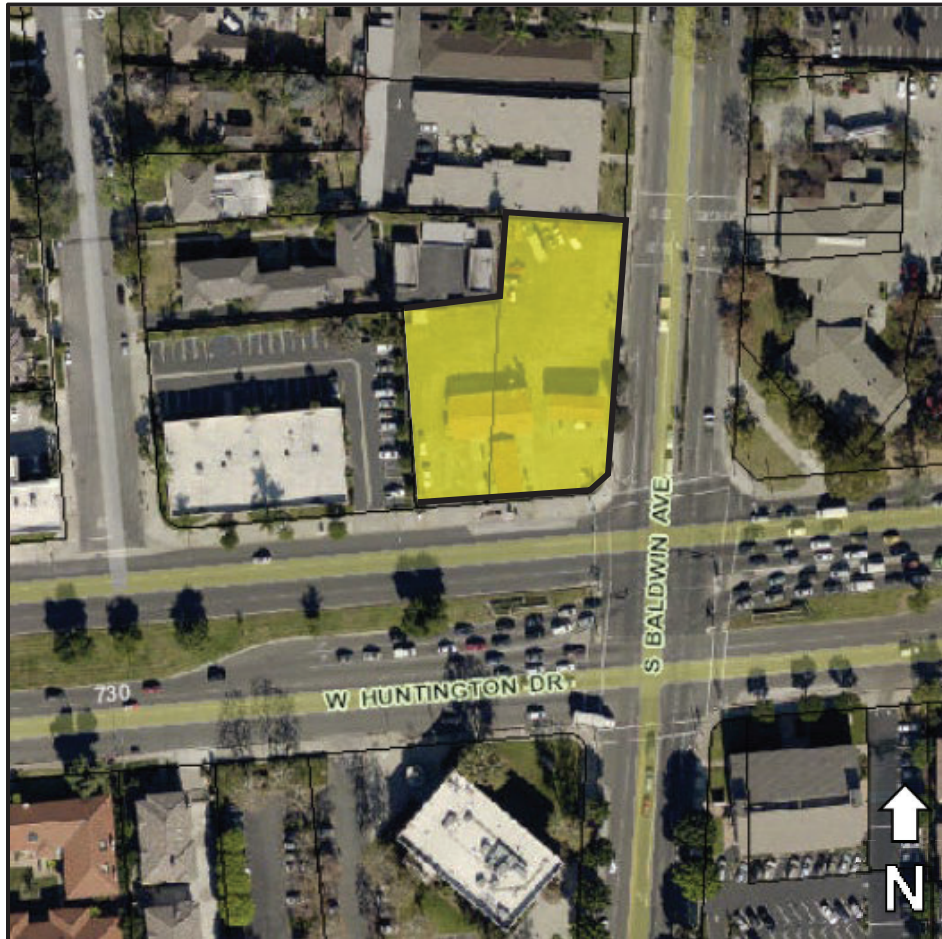


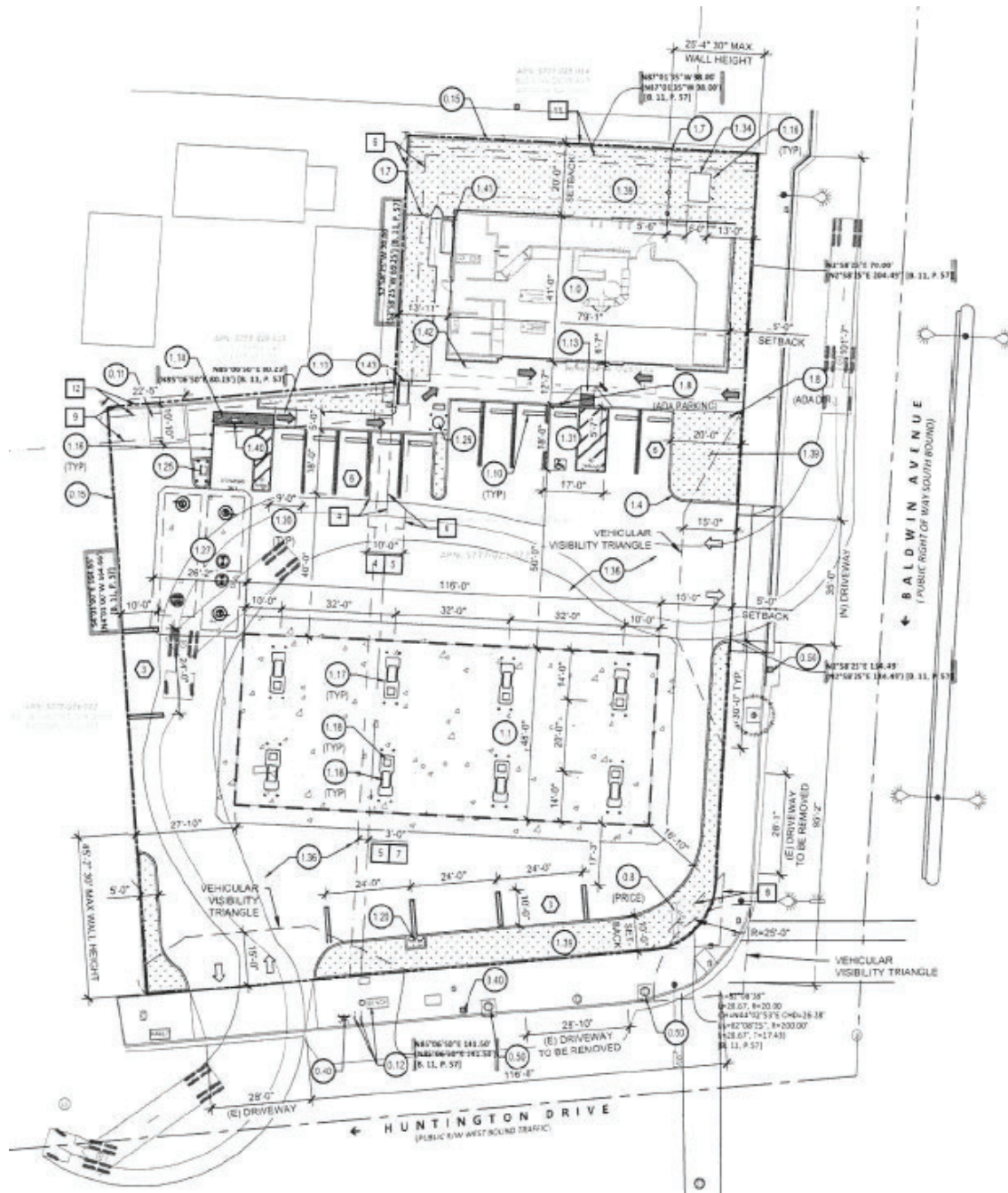
Figure 1 - Aerial of Subject Site

## **PROPOSAL**

The proposed development is to redevelop the site by demolishing all the existing structures and construct a new 7,308 square foot canopy with 16 new fuel dispensers underneath it and a new 3,120 square foot, one-story convenience store. The total floor area ratio for the site will be 9.2% with a maximum of 50% allowed in the C-O zone. The proposed canopy will be constructed over the current location of the convenience store/service bay building and the proposed convenience store will be pushed further north on the subject property – refer to Attachment No. 3 for the Architectural Plans and Figure 2 below.

The design of the proposed convenience store will be a Mid-Century Modern style and will be 24'-0" tall at the highest roof ridge and the canopy will be 19'-6" high. The interior of the convenience store will consist of retail space, restrooms, storage area, and an

office. Pedestrian access to the convenience store will be provided directly off N. Baldwin Avenue and vehicular access will be provided off both W. Huntington Drive and N. Baldwin Avenue (see Figure 2).



legally without a Conditional Use Permit but once the property owner demolishes the existing structures, the entire site must be brought up into compliance with the current code, including all the proper entitlements for it.

The Applicant requests that fuel sales be open for 24 hours, which is typical of most service stations. The Applicant would like to have the convenience store also open for 24 hours, however Staff is recommending that the hours should be limited from 5:30 AM to midnight, seven days a week due to the close proximity to residential. In addition to these general uses, the business will offer air and water service for vehicles, a propane exchange program, and electric vehicle charging units. The maximum number of employees at any given time will be three which include one manager and two customer service associates.

### **ANALYSIS**

The project site is zoned C-O, which allows service stations subject to the approval of a Conditional Use Permit. The purpose of the Conditional Use Permit is to ensure compatibility with the surrounding uses and to ensure that the proposed business is an appropriate use for the property. Retail uses, such as the proposed convenience store, are permitted in conjunction with service stations as an ancillary use. Currently, the service station is a legal non-conforming service station, which was allowed by-right under the old zoning regulations in the 1960's when the site was established. Under the current code, the use requires a Conditional Use Permit for the site to be reconstructed and to allow the existing use to continue. The proposed service station will have the same amount of fuel dispensers as the existing business and will only be updating the configuration of those dispensers under a new larger, single canopy. Additionally, the size of the convenience store will be increased and moved further north on the property. The orientation of the convenience store will face away from the residential uses to the north and provide a buffer between those properties and the fuel dispenser area. This is an improvement to the site's layout because the fuel dispensers and parking areas are currently visible to those properties. Since this is a compatible continuation of the use, the service station will still be compatible with the surrounding uses.

The business hours of the proposed use are subject to review under this Conditional Use Permit. The hours for fuel sales at a service station are typically 24 hours due to the ability to pay for fuel at the fuel dispenser with credit card. However, the convenience store hours will be limited due to the proximity of residential uses to the north and northwest of the site and the hours will be typical of many service stations which allow 24-hour fuel and close the convenience store for late night hours. The permitted convenience store hours will be from 5:30 AM to 12:00 AM, seven days a week. Additionally, since the business abuts residential properties, the Development Code limits any delivery hours between 7:00 AM to 10:00 PM.

Parking for the proposed business is required at a ratio of one (1) parking space per 200 square feet of office and retail space on site. Based off the size of 3,120 square feet for the convenience store, a total of 16 parking spaces are required, which are provided on the site plan. This includes one accessible parking space and at least one electric vehicle

charging space. Additionally, the project will provide two bicycle parking spaces in front of the convenience store, as required per the Development Code. Since the property is within 100 feet of residential properties, the parking lot lighting will be limited to 15 feet in height and will need to comply with the Development Code regulations for parking lot lighting, which includes providing hoods on the light fixtures and arranging the lighting to reflect away from the adjoining properties and streets to prevent any potential light and glare. Therefore, the proposed project complies with all the requirements.

In terms of the design, the Applicant first proposed a Spanish architectural style which consisted of neutral tone stucco with stone veneer and ceramic roof tile. Staff, however, felt that the architectural style did not fit in with the existing buildings in the vicinity and proposed the Applicant provide a more timeless design for the prominent street corner. To assist in the redesign, Staff had the City's architectural design consultant, Onyx Architects, provide feedback in terms of a more appropriate architectural style for the convenience store. Onyx proposed that the building be more aligned to the surrounding low-slung Mid-Century style buildings and made suggestions which included reconfiguring the stone veneer and providing wood siding, an exposed beam at the gable roof, and a low-pitched mansard roof configuration which would hide the mechanical equipment, offer a more horizontal design, and mimic the surrounding buildings. The proposed Mid-Century architectural style was executed with an array of exterior finishes consisting of plaster stucco, shiplap siding, stone veneer, stone cap, and decorative metal elements (see Figure 3). A balanced colors and materials palette was proposed to provide neutral colors and accent finishes. On the east elevation which fronts Baldwin Avenue, a metal landscape trellis will be attached to the wall which will allow climbing vines and, along with the landscaping, will create visual interest to vehicular and pedestrian traffic along the busy corridor. The proposed overall design is consistent with the City's Design Guidelines and is compatible with the surrounding area. Staff has worked with the Applicant's designer on several design iterations to achieve consistency with the City's Design Guidelines and compatibility with the surrounding neighborhood as well as the existing streetscape. This portion of N. Baldwin Avenue consists of many single-story, multi-family buildings in similar Mid-Century architectural styles. The proposed convenience store was designed to continue that architectural design to the corner of Baldwin Avenue and Huntington Drive.

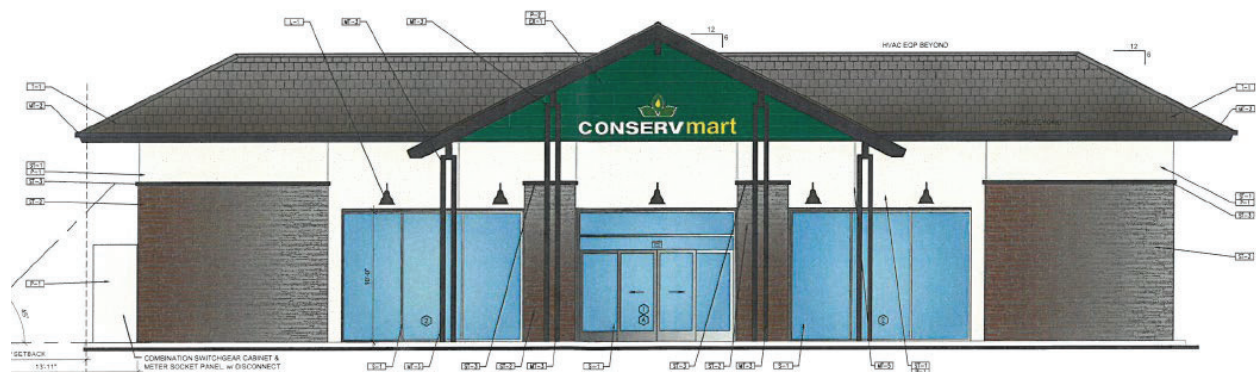


Figure 3 - Front Elevation of Convenience Store

The C-O zone allows a maximum building height of 40 feet and the proposed development will be in compliance with a proposed height of 24'-0" for the convenience store and 19'-6" for the canopy. The project will also comply with the additional development standards of the C-O zone, including but not limited to the setbacks, floor area ratio, landscaping, and bicycle parking.

## **FINDINGS**

### ***Conditional Use Permit***

Section 9107.09.050(B) of the Development Code requires that the Planning Commission may approve a Conditional Use Permit if all of the following findings can be made:

- 1. The proposed use is consistent with the General Plan and any applicable specific plan and 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 proposed service station will be consistent with the Arcadia General Plan which allows for a wide-range of commercial uses that serve both neighborhood and citywide markets. The site is zoned C-O (Professional Office) which under Development Code Section 9102.03.020, Table 2-8, allows service stations, subject to the review and approval of a Conditional Use Permit. The proposed business will comply with all other applicable provisions of the Development Code and the Municipal Code. The use will be consistent with the intended commercial use of the property and will be required to comply with all other State or County safety requirements. The proposed use will remain as a service station. Therefore, approval of the service station will not adversely affect the comprehensive General Plan, and it is consistent with the following General Plan policy:

#### **Land Use and Community Design Element**

- Policy LU-1.1: Promote new infill and redevelopment projects that are consistent with the City's land use and compatible with surrounding existing uses.
  - 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 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 business will occupy a site that has been used as a service station since 1967. The proposed operating

characteristics will be similar to the existing use on site. Additionally, the site is being improved and reconfigured to make better use of the site and the proposed uses. The service station will offer 16 fuel dispensers and a convenience store for customers, in which all operations are to be contained on site. The proposed business will meet the minimum required parking and will continue being compatible with the existing uses in the vicinity. Therefore, the proposed service station use will be consistent with the existing and future land uses in the vicinity.

**3. 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, site improvements, loading, and parking.**

**Facts to Support This Finding:** The service station will consist of a large canopy with 16 fuel dispensers and a 3,120 square foot convenience store. The site is physically suitable to accommodate the proposed use and structures since the amount of fuel dispensers is the same amount as there are currently on-site and the convenience store will have the minimum required amount of parking spaces on site, including accessible parking. Additionally, the new construction is meeting all of the requirements in the Development Code in regard to landscaping, parking area, walls, and other features. Service stations are typically located on busy corridors or intersections in order to provide fuel to commuters, such as at the subject site. Therefore, the service station with a convenience store is suitable for the proposed use in terms of its design, location, shape, size, and operating characteristics.

- b. Streets and highways adequate to accommodate public and emergency vehicle (e.g., fire and medical) access.**

**Facts to Support This Finding:** The site is located on the northwest corner of W. Huntington Drive and Baldwin Avenue. The site has access off both major thoroughfares. 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. 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 application 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:** As part of the development, new utility connections, including connections for potable water, sewer, and storm drainage, will be required. Implementation of best management practices during construction and operation would ensure impacts to water quality do not occur. The site can be adequately served by all required utilities through interconnection with existing utilities within City right-of-way along W. Huntington Drive and Baldwin Avenue.

4. **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 proposed business will provide a commercial service to the general public in compliance with and pursuant to the Arcadia Development Code and Arcadia Municipal Code standards. The proposed use will not be detrimental to the public health or welfare, or the surrounding properties, as the site is currently being used as a legal non-conforming service station and is located on a commercial corridor with a diverse type of businesses that serve the surrounding communities. The size and nature of the proposed use will be compatible with the other existing uses in the vicinity and is not expected to affect the property or uses in the vicinity since it will generally be the same use that is currently existing on site, meets the required parking, and will be designed to be oriented away from the residential uses to the north of the property. Therefore, the site is suitable for the proposed use and is not expected to adversely affect the public convenience, safety, or general welfare.

### ***Service/Fueling Stations***

Section 9104.02.280(B.1.) of the Development Code requires that the Planning Commission may permit a service/fueling station if all of the following findings can be made:

- a. **The proposed use complies with all requirements set forth for the issuance of a Conditional Use Permit.**

**Facts to Support This Finding:** The findings for a Conditional Use Permit for the proposed service station have all been made. The proposed use is consistent with the Commercial General Plan land use designation of this site and meets all the requirements of the Development Code and Municipal Code. The proposed use will be compatible with the land uses in the vicinity and the site is physically suitable

for the proposed use. Additionally, the service station will not adversely affect the public or constitute a nuisance.

**b. The proposed use will not substantially increase vehicular traffic on any street in a residential zone.**

**Facts to Support This Finding:** The Project site is currently used as a service station with 16 fuel dispensers and a convenience store. The proposed use will not increase the amount of available fuel dispensers, as it also will consist of 16 fuel dispensers, and the new convenience store will not be substantially increased in size. The site will be accessed off of two primary thoroughfares in the City, W. Huntington Drive and Baldwin Avenue, which are not residential streets. Therefore, the Project is not expected to substantially increase vehicular traffic on any street in a residential zone than the current use of the site.

**c. The proposed use will not lessen the suitability of any nearby commercially zoned property for commercial use by interfering with pedestrian traffic.**

**Facts to Support This Finding:** The proposed development intends to update the facilities and layout of the existing service station. As part of the development, the two driveway aprons closest to the street intersection will be removed and will not interfere with pedestrian traffic in the public right-of-way. Additionally, sidewalk improvements will be required as part of this Project. The suitability of all nearby commercially zoned properties will remain without additional interferences to pedestrian traffic.

**d. The proposed use will not create increased traffic hazards to pedestrians when located near a school, place of religious assembly, auditorium, theater, or other place of assembly.**

**Facts to Support This Finding:** The proposed service station is located on the corner of two major thoroughfares, W. Huntington Drive and Baldwin Avenue, which primarily consist of commercial and multi-family residential uses within the vicinity of the site. No schools, places of religious assembly, auditoriums, theaters, or other places of assembly are located within the vicinity of the site and, therefore, no increased traffic hazards will be created for those uses as a result of this proposed use.

### ***Architectural Design Review***

The proposed commercial development is consistent with the City's Design Guidelines and all the applicable findings under Site Plan and Design Review can be made since the proposed mass, scale, and design are compatible with the existing developments along this portion of Baldwin Avenue and W. Huntington Drive. The proposed Mid-Century architectural style incorporates a variety of finishes and materials plaster stucco, shiplap siding, stone veneer, stone cap, and decorative metal elements, which provide visual

interest along Baldwin Avenue and at this prominent intersection. The project has been designed in a manner to maintain compatibility with the surrounding neighborhood and existing streetscape. This portion of N. Baldwin Avenue consists of many single-story, multi-family buildings in similar Mid-Century architectural styles. The proposed convenience store was designed to continue that architectural design to the corner of Baldwin Avenue and Huntington Drive.

The Project is in compliance with the Development Code and all other applicable City regulations and policies. The Project is also consistent with the General Plan land use designation of Commercial for the property which allows for a wide-range of commercial uses that serve both neighborhood and citywide markets. Additionally, the site layout of the service station is being reconfigured from the existing layout to more efficiently provide a buffer between the residential properties to the north and the commercial activity on site and also provide efficient access, vehicular circulation, parking, and landscaping on the property. Since this is a compatible continuation of the use, the service station will still be compatible with the surrounding uses. Therefore, the design of the proposed development is consistent with the City's Design Guidelines and all the applicable findings under Site Plan and Design Review.

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 by the Property Owner/Applicant to the satisfaction of the Building Official, City Engineer, Planning & Community Development Administrator, Fire Marshal, and Public Works Services Director, or their respective designees.

### **ENVIRONMENTAL ASSESSMENT**

It has been determined that the project site is less than five (5) acres; the project site has no value as a habitat for endangered, rare or threatened species; the proposed project will not have any significant effects upon the environment, and the site can be adequately served by all the required utilities and public services. The site was listed on the hazardous material database, however the site has been cleaned-up and the case was closed in 1993. Therefore, the project is exempt under Class 32 (In-Fill Development Projects) pursuant to Section 15332 of the CEQA Guidelines (refer to Attachment No. 4).

### **PUBLIC COMMENTS/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 December 1, 2022. As of December 9, 2022, staff did not receive any public comments on this project.

### **RECOMMENDATION**

It is recommended that the Planning Commission adopt Resolution No. 2109 approving Conditional Use Permit No. CUP 21-06 and ADR 21-21 for the replacement of two existing

canopies and 16 fuel dispensers with one large canopy and 16 new fuel dispensers and for the demolition of an existing convenience store and service bay building and construction of a new convenience 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 use approved by CUP 21-06 shall be limited to a service station with 16 fuel dispensers and an ancillary convenience store, and it shall be operated and maintained in a manner that is consistent with the approved plans and may be subject to periodic inspections to ensure that the business is operated per the approval. Alcohol sales are not permitted under this approval. Any changes to the operations shall be subject to review and approval of the Planning Commission.
2. The operating hours shall be limited to 5:30 AM to 12:00 AM, seven days a week. Any changes to the hours of operation shall be subject to review and approval by the Planning Commission.
3. The project shall be developed and maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for CUP No. 21-06 and ADR 21-21, subject to the satisfaction of the Planning & Community Development Administrator or designee.
4. All deliveries shall be limited between the hours of 7:00 AM and 10:00 PM. The operator of the business shall ensure that loitering does not occur around the entryways of the convenience store or in the parking areas.
5. The parking lot lighting shall be limited to 15 feet in height and shall comply with the Development Code regulations for Parking Lot Lighting. The lighting shall be hooded and arranged to reflect away from the adjoining properties and streets.
6. The plans submitted for plan check in Building Services 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
7. Prior to issuance of a Certificate of Occupancy, the existing ADA ramp on the corner of W. Huntington Drive and N. Baldwin Avenue shall be replaced with the most current standard per the Engineering Division. Any portion of the ADA ramp

that is not within the public right-of-way shall be dedicated to the City of Arcadia. This shall be subject to review and approval by the City Engineer or designee.

8. The existing curb, gutter, and sidewalk shall be replaced from property line to property line. The sidewalk shall be installed for the full public parkway except for tree wells. Existing tree wells shall be expanded where possible and maintained with a minimum 4'-0" wide sidewalk around the tree wells. The changes shall be subject to review and approval by the City Engineer.
9. Install electrical conduit infrastructure for up to a maximum of four future pedestrian lights along Baldwin Avenue. The exact number and placement of infrastructure will be determined during plan check.
10. Install one pedestrian light next to the bus stop on W. Huntington Drive. The exact location of the pedestrian light will be determined during plan check.
11. Street trees are required to be planted on both parkway frontages, subject to review and approval by the Streets Superintendent from Public Works Services Department. The new street trees must be planted prior to issuance of a Certificate of Occupancy.
12. The driveway approaches that serve the subject property shall be replaced and brought into compliance with the City's current standards for driveway approaches. A permit is required by Engineering Services.
13. Any damages to the asphalt street frontages, from property line to property line, that was caused by the development shall be repaired. This shall be left to the discretion of the City Engineer and Street Superintendent, and it must be completed prior to issuance of a Certificate of Occupancy or within a timeframe agreed upon by the City.
14. The proposed development is required to comply with Low Impact Development (LID) and provide permanent treatment of the stormwater runoff and a SWPPP for the stormwater runoff during construction. The LID plan may include infiltration trenches, bioretention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.
15. An automatic fire sprinkler system shall be installed within the convenience store and it shall be monitored by a UL listed central station per the City of Arcadia Fire Department.
16. A knox box shall be provided adjacent to the main entrance of the convenience store.
17. The Applicant/Property Owner shall provide calculations to determine the maximum commercial demand and maximum fire demand in order to verify the required water service size required.

18. A separate landscape water meter is required for common area landscape irrigation. The backflow preventer on the common area irrigation shall be of a Reduced Pressure Backflow Assembly, as required by the Public Works Services Department.
19. Separate commercial water service shall be provided by a common master meter installed within the public right-of-way. An approved Reduce Pressure Backflow Assembly shall be installed for meter services protection and approved by the Public Works Services Department.
20. A Water Meter Permit Application shall be submitted to the Public Works Department for review and approval prior to permit issuance. New water service installations shall be installed by the Applicant/Property Owner. Abandonment of existing water services, if necessary, shall be carried out by the Property Owner/Applicant.
21. If connecting to a City sewer main, the Applicant/Property Owner shall utilize existing sewer lateral(s), if any.
22. 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 subject to building permits.
23. Noncompliance with the plans, provisions and conditions of approval for CUP 21-06 and ADR 21-21 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of this CUP.
24. To the maximum extent permitted by law, the Applicant shall defend, indemnify, and hold the 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 Applicant’s activities in connection with Conditional Use Permit No. CUP 21-06 and Architectural Design Review No. ADR 21-21 (“Project”) on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant’s contractors, agents, tenants, employees or any other persons acting on 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 notify the Applicant of the claim, action, or proceedings and will cooperate in the defense of the matter. The 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, 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, 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. The parties hereby agree to cooperate in defending such action. 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 Applicant.

25. Approval of CUP 21-06 and ADR 21-21 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 21-06 and Architectural Design Review No. ADR 21-21, stating that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2109 that incorporates the requisite environmental, Conditional Use Permit, and Site Plan and Design Review 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 21-06 and Architectural

Design Review No. ADR 21-21, 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 December 13, 2022, hearing, please contact Associate Planner, Edwin Arreola, at (626) 821-4334, or by email at [earreola@ArcadiaCA.gov](mailto:earreola@ArcadiaCA.gov).

Approved:



Lisa L. Flores  
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2109
- Attachment No. 2: Aerial Photo and Zoning Information and Photos of the Subject Property
- Attachment No. 3: Architectural Plans
- Attachment No. 4: Preliminary Exemption Assessment

# Attachment No. 1

Resolution No. 2109

RESOLUTION NO. 2109

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP 21-06 AND ARCHITECTURAL DESIGN REVIEW NO. ADR 21-21 FOR THE REPLACEMENT OF TWO EXISTING CANOPIES WITH ONE LARGE CANOPY, 16 FUEL DISPENSERS, AND A NEW CONVENIENCE STORE FOR CONSERV FUEL AT 701 W. HUNTINGTON DRIVE

WHEREAS, on October 21, 2021, Conditional Use Permit No. CUP 21-06 and Architectural Design Review No. ADR 21-21 applications, collectively referred to as the “Project,” were filed by the Applicant, Ben Steckler of Fielder Group, on behalf of the Property Owner, Moller Retail, Inc., to replace two existing canopies and 16 fuel dispensers with one large canopy that will cover 16 new fuel dispensers, and demolish an existing 1,568 square foot convenience store/service bay building for a new 3,120 square foot, one-story convenience store at 701 W. Huntington Drive; and

WHEREAS, on November 10, 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 the Project is exempt under CEQA per Section 15332 of the CEQA Guidelines because the Project is considered an in-fill development project; and

WHEREAS, on December 13, 2022, a duly noticed public hearing was held before the Planning Commission on said Project, 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 December 13, 2022, are true and correct.

SECTION 2. This Commission finds that based upon the entire record, pursuant to Sections 9107.09.050, 9104.02.280, & 9107.19.040 of the Development Code, all of the following findings can be made:

Conditional Use Permit

1. The proposed use is consistent with the General Plan and any applicable specific plan and 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 Project will be consistent with the Arcadia General Plan which allows for a wide-range of commercial uses that serve both neighborhood and citywide markets. The site is zoned C-O (Professional Office) which under Development Code Section 9102.03.020, Table 2-8, allows service stations, subject to the review and approval of a Conditional Use Permit. The Project will comply with all other applicable provisions of the Development Code and the Municipal Code. The use will be consistent with the intended commercial use of the property and will be required to comply with all other State or County safety requirements. The proposed use will remain as a service station. Therefore, approval of the Project will not adversely affect the comprehensive General Plan, and it is consistent with the following General Plan policies:

Land Use and Community Design Element

- Policy LU-1.1: Promote new infill and redevelopment projects that are consistent with the City’s land use and compatible with surrounding existing uses.

- 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 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 Project will occupy a site that has been used as a service station since 1967. The proposed operating characteristics will be similar to the existing use on site. Additionally, the site is being improved and reconfigured to make better use of the site and the proposed uses. The Project will offer 16 fuel dispensers and a convenience store for customers, in which all operations are to be contained on site. The Project will meet the minimum required parking and will continue being compatible with the existing uses in the vicinity. Therefore, the Project will be consistent with the existing and future land uses in the vicinity.

3. 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, site improvements, loading, and parking.

FACT: The Project will consist of a large canopy with 16 fuel dispensers and a 3,120 square foot convenience store. The site is physically suitable to accommodate the proposed use and structures since the amount of fuel dispensers is the same amount as there are currently on-site and the convenience store will have the minimum required amount of parking spaces on site, including accessible parking. Additionally, the Project is meeting all of the requirements in the Development Code in regard to landscaping, parking area, walls, and other features. Service stations are typically located on busy

corridors or intersections in order to provide fuel to commuters, such as at the subject site. Therefore, the service station with a convenience store is suitable for the proposed use in terms of its design, location, shape, size, and operating characteristics .

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

FACT: The site is located on the northwest corner of W. Huntington Drive and Baldwin Avenue. The site has access off both major thoroughfares. 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. The Project will not impact these rights-of-way.

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

FACT: The Fire and Police Department have reviewed the application 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: As part of the development, new utility connections, including connections for potable water, sewer, and storm drainage, will be required. Implementation of best management practices during construction and operation would ensure impacts to water quality do not occur. The site can be adequately served by all required utilities through interconnection with existing utilities within City right-of-way along W. Huntington Drive and Baldwin Avenue.

4. 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 Project will provide a commercial service to the general public in compliance with and pursuant to the Arcadia Development Code and Arcadia Municipal Code standards. The Project will not be detrimental to the public health or welfare, or the surrounding properties, as the site is currently being used as a legal non-conforming service station and is located on a commercial corridor with a diverse type of businesses that serve the surrounding communities. The size and nature of the Project will be compatible with the other existing uses in the vicinity and is not expected to affect the property or uses in the vicinity since it will generally be the same use that is currently existing on site, meets the required parking, and will be designed to be oriented away from the residential uses to the north of the property. Therefore, the site is suitable for the Project and is not expected to adversely affect the public convenience, safety, or general welfare.

#### Service/Fueling Stations

5. The proposed use complies with all requirements set forth for the issuance of a Conditional Use Permit.

FACT: The findings for a Conditional Use Permit for the Project have all been made. The proposed use is consistent with the Commercial General Plan land use designation of this site and meets all the requirements of the Development Code and

Municipal Code. The Project will be compatible with the land uses in the vicinity and the site is physically suitable for the proposed use. Additionally, the Project will not adversely affect the public or constitute a nuisance.

6. The proposed use will not substantially increase vehicular traffic on any street in a residential zone.

FACT: The Project site is currently used as a service station with 16 fuel dispensers and a convenience store. The proposed use will not increase the amount of available fuel dispensers, as it also will consist of 16 fuel dispensers, and the new convenience store will not be substantially increased in size. The site will be accessed off of two primary thoroughfares in the City, W. Huntington Drive and Baldwin Avenue, which are not residential streets. Therefore, the Project is not expected to substantially increase vehicular traffic on any street in a residential zone than the current use of the site.

7. The proposed use will not lessen the suitability of any nearby commercially zoned property for commercial use by interfering with pedestrian traffic.

FACT: The Project intends to update the facilities and layout of the existing service station. As part of the Project, the two driveway aprons closest to the street intersection will be removed and will not interfere with pedestrian traffic in the public right-of-way. Additionally, sidewalk improvements will be required as part of this Project. The suitability of all nearby commercially zoned properties will remain without additional interferences to pedestrian traffic.

8. The proposed use will not create increased traffic hazards to pedestrians when located near a school, place of religious assembly, auditorium, theater, or other place of assembly.

FACT: The Project is located on the corner of two major thoroughfares, W. Huntington Drive and Baldwin Avenue, which primarily consist of commercial and multi-family residential uses within the vicinity of the site. No schools, places of religious assembly, auditoriums, theaters, or other places of assembly are located within the vicinity of the Project and, therefore, no increased traffic hazards will be created for those uses as a result of this Project.

### Design Review

9. The proposal is consistent with the City's Commercial Design Guidelines.

FACT: The Project is consistent with the City's Design Guidelines and all the applicable findings under Site Plan and Design Review can be made since the proposed mass, scale, and design are compatible with the existing developments along this portion of Baldwin Avenue and W. Huntington Drive. The proposed Mid-Century architectural style incorporates a variety of finishes and materials plaster stucco, shiplap siding, stone veneer, stone cap, and decorative metal elements, which provide visual interest along Baldwin Avenue and at this prominent intersection. The Project has been designed in a manner to maintain compatibility with the surrounding neighborhood and existing streetscape. This portion of N. Baldwin Avenue consists of many single-story, multi-family buildings in similar Mid-Century architectural styles. The proposed convenience store was designed to continue that architectural design to the corner of Baldwin Avenue and Huntington Drive.

The Project is in compliance with the Development Code and all other applicable City regulations and policies. The Project is also consistent with the General Plan land use designation of Commercial for the property which allows for a wide-range of commercial

uses that serve both neighborhood and citywide markets. Additionally, the site layout of the service station is being reconfigured from the existing layout to more efficiently provide a buffer between the residential properties to the north and the commercial activity on site and also provide efficient access, vehicular circulation, parking, and landscaping on the property. Since this is a compatible continuation of the use, the service station will still be compatible with the surrounding uses. Therefore, the design of the Project is consistent with the City's Design Guidelines and all the applicable findings under Site Plan and Design Review.

SECTION 3. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), this Project is a Class 32 Categorical Exemption as an infill-development project per Section 15332 of the CEQA Guidelines.

SECTION 4. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt under the California Environmental Quality Act ("CEQA") Section 15332, Class 32, and approves Conditional Use Permit No. CUP 21-06 and Architectural Design Review No. ADR 21-21 to replace two existing canopies and 16 fuel dispensers with one large canopy that will cover 16 new fuel dispensers, and demolish an existing 1,568 square foot convenience store/service bay building for a new 3,120 square foot, one-story convenience store at 701 W. Huntington Drive, subject to the conditions of approval attached hereto.

SECTION 5. The Secretary shall certify to the adoption of this Resolution.

Passed, approved and adopted this 13<sup>th</sup> day of December, 2022.

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Brad Thompson  
Chair, Planning Commission

ATTEST:

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Lisa L. Flores  
Secretary

APPROVED AS TO FORM:



for

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Stephen P. Deitsch  
City Attorney

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RESOLUTION NO. 2109

**Conditions of Approval**

1. The use approved by CUP 21-06 shall be limited to a service station with 16 fuel dispensers and an ancillary convenience store, and it shall be operated and maintained in a manner that is consistent with the approved plans and may be subject to periodic inspections to ensure that the business is operated per the approval. Alcohol sales are not permitted under this approval. Any changes to the operations shall be subject to review and approval of the Planning Commission.
2. The operating hours shall be limited to 5:30 AM to 12:00 AM, seven days a week. Any changes to the hours of operation shall be subject to review and approval by the Planning Commission.
3. The project shall be developed and maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for CUP No. 21-06 and ADR 21-21, subject to the satisfaction of the Planning & Community Development Administrator or designee.
4. All deliveries shall be between the hours of 7:00 AM and 10:00 PM. The operator of the business shall ensure that loitering does not occur around the entryways of the convenience store or in the parking areas.
5. The parking lot lighting shall be limited to 15 feet in height and shall comply with the Development Code regulations for Parking Lot Lighting. The lighting shall be hooded and arranged to reflect away from the adjoining properties and streets.
6. The plans submitted for plan check in Building Services 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
7. Prior to issuance of a Certificate of Occupancy, the existing ADA ramp on the corner of W. Huntington Drive and N. Baldwin Avenue shall be replaced with the most current standard per the Engineering Division. Any portion of the ADA ramp that is not within the public right-of-way shall be dedicated to the City of Arcadia. This shall be subject to review and approval by the City Engineer or designee.

8. The existing curb, gutter, and sidewalk shall be replaced from property line to property line. The sidewalk shall be installed for the full public parkway except for tree wells. Existing tree wells shall be expanded where possible and maintained with a minimum 4'-0" wide sidewalk around the tree wells. The changes shall be subject to review and approval by the City Engineer.
9. Install electrical conduit infrastructure for up to a maximum of four future pedestrian lights along Baldwin Avenue. The exact number and placement of infrastructure will be determined during plan check.
10. Install one pedestrian light next to the bus stop on W. Huntington Drive. The exact location of the pedestrian light will be determined during plan check.
11. Street trees are required to be planted on both parkway frontages, subject to review and approval by the Streets Superintendent from Public Works Services Department. The new street trees must be planted prior to issuance of a Certificate of Occupancy.
12. The driveway approaches that serve the subject property shall be replaced and brought into compliance with the City's current standards for driveway approaches. A permit is required by Engineering Services.
13. Any damages to the asphalt street frontages, from property line to property line, that was caused by the development shall be repaired. This shall be left to the discretion of the City Engineer and Street Superintendent, and it must be completed prior to issuance of a Certificate of Occupancy or within a timeframe agreed upon by the City.
14. The proposed development is required to comply with Low Impact Development (LID) and provide permanent treatment of the stormwater runoff and a SWPPP for the stormwater runoff during construction. The LID plan may include infiltration trenches, bioretention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.
15. An automatic fire sprinkler system shall be installed within the convenience store and it shall be monitored by a UL listed central station per the City of Arcadia Fire Department.
16. A Knox box shall be provided adjacent to the main entrance of the convenience store.
17. The Applicant/Property Owner shall provide calculations to determine the maximum commercial demand and maximum fire demand in order to verify the required water service size required.
18. A separate landscape water meter is required for common area landscape irrigation. The backflow preventer on the common area irrigation shall be of a

Reduced Pressure Backflow Assembly, as required by the Public Works Services Department.

19. Separate commercial water service shall be provided by a common master meter installed within the public right-of-way. An approved Reduce Pressure Backflow Assembly shall be installed for meter services protection and approved by the Public Works Services Department.
20. A Water Meter Permit Application shall be submitted to the Public Works Department for review and approval prior to permit issuance. New water service installations shall be installed by the Applicant/Property Owner. Abandonment of existing water services, if necessary, shall be carried out by the Property Owner/Applicant.
21. If connecting to a City sewer main, the Applicant/Property Owner shall utilize existing sewer lateral(s), if any.
22. 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 subject to building permits.
23. Noncompliance with the plans, provisions and conditions of approval for CUP 21-06 and ADR 21-21 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of this CUP.
24. To the maximum extent permitted by law, the Applicant shall defend, indemnify, and hold the 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 Applicant's activities in connection with Conditional Use Permit No. CUP 21-06 and Architectural Design Review No. ADR 21-21 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on 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 notify the Applicant of the claim, action, or proceedings and will cooperate in the defense of the matter. The 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, 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, 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. The parties hereby agree to cooperate in defending such action. 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 Applicant.

25. Approval of CUP 21-06 and ADR 21-21 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.

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# Attachment No. 2

Aerial Photo and Zoning Information and  
Photos of the Subject Property

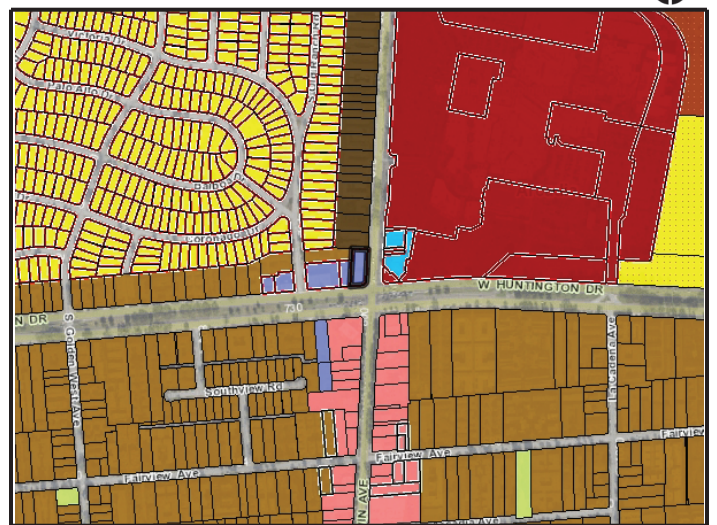
**Site Address:** 701 W HUNTINGTON DR

**Property Owner(s):** Property Owner



Property Characteristics	
<b>Zoning:</b>	C-O
<b>General Plan:</b>	C
<b>Lot Area (sq ft):</b>	
<b>Main Structure / Unit (sq. ft.):</b>	1,568
<b>Year Built:</b>	1967
<b>Number of Units:</b>	1
Overlays	
<b>Architectural Design Overlay:</b>	Yes
<b>Downtown Overlay:</b>	N/A
<b>Downtown Parking Overlay:</b>	N/A
<b>Parking Overlay:</b>	N/A
<b>Racetrack Event Overlay:</b>	N/A
<b>Residential Flex Overlay:</b>	N/A
<b>Special Height Overlay:</b>	N/A

Selected parcel highlighted



Parcel location within City of Arcadia



# Attachment No. 3

## Architectural Plans











NO.	DATE	REVISION/DESCRIPTION
1	10/26/2021	ISSUE FOR PERMIT
2	10/26/2021	ISSUE FOR PERMIT
3	10/26/2021	ISSUE FOR PERMIT
4	10/26/2021	ISSUE FOR PERMIT
5	10/26/2021	ISSUE FOR PERMIT
6	10/26/2021	ISSUE FOR PERMIT
7	10/26/2021	ISSUE FOR PERMIT
8	10/26/2021	ISSUE FOR PERMIT
9	10/26/2021	ISSUE FOR PERMIT
10	10/26/2021	ISSUE FOR PERMIT

**WOLLER INVESTMENT GROUP, INC.**  
 PROPOSED  
 CANOPY &  
 C-STORE

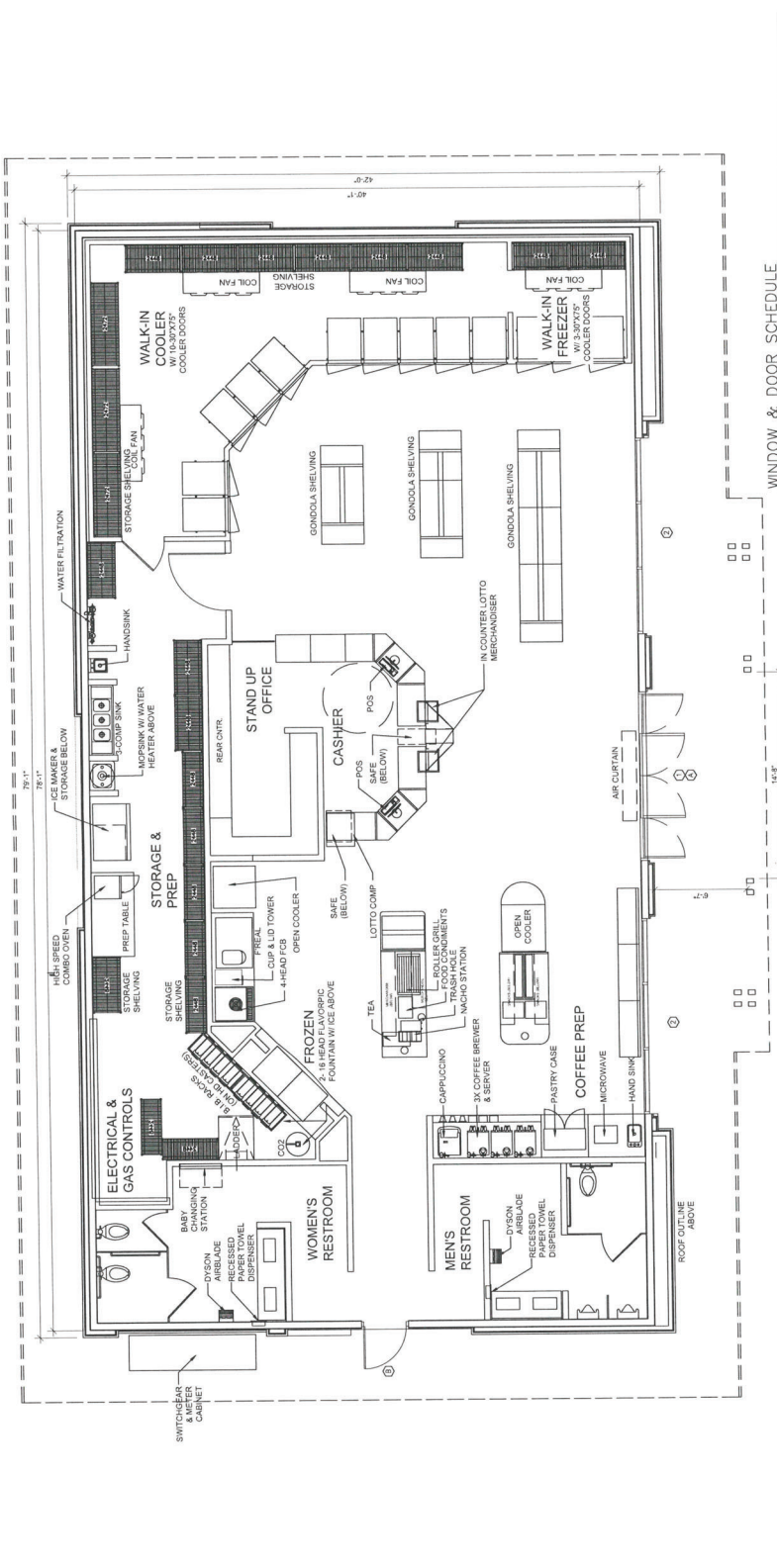
701 W. HUNTINGTON DR  
 PASADENA, CA 91101

PROJECT NO. 16489  
 DATE: 10/26/2021

PROPOSED  
 CANOPY &  
 C-STORE

701 W. HUNTINGTON DR  
 PASADENA, CA 91101

PROPOSED  
 C-STORE  
 FLOORPLAN  
 A1.0



**WINDOW & DOOR SCHEDULE**

SYM	SIZE	TYPE	MFR	NOTES
①	12'-0" x 2'-0"	TRANSOM	STAINLESS STL	100% TAINA HIGH GLOSS FINISH
②	13'-10" x 10'-0"	STOREFRONT	100% TAINA	HIGH GLOSS FINISH
③	12'-0" x 2'-0"	STOREFRONT	STAINLESS STL	100% TAINA HIGH GLOSS FINISH
④	12'-0" x 2'-0"	STOREFRONT	GENERIC	100% TAINA HIGH GLOSS FINISH
⑤	12'-0" x 2'-0"	STOREFRONT	HOLLOW METAL	GENERIC

STOREFRONT WINDOW SYSTEM GLAZING TO BE RECESSED A MINIMUM OF TWO INCHES FROM THE BUILDING EXTERIOR WALL.



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

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NO.	DATE	REVISION DESCRIPTION
1	10/05/21	CLIENT REVIEW
2	10/05/21	CITY PERMITS REVIEW
3	10/05/21	PLANNING CORRECTIONS
4	10/05/21	PLANNING CORRECTIONS
5	10/05/21	PLANNING CORRECTIONS
6	10/05/21	PLANNING CORRECTIONS
7	10/05/21	PLANNING CORRECTIONS
8	10/05/21	PLANNING CORRECTIONS
9	10/05/21	PLANNING CORRECTIONS
10	10/05/21	PLANNING CORRECTIONS

CONSENTED TO BY CLIENT  
 THIS PLAN IS THE PROPERTY OF FIEDLER GROUP AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF FIEDLER GROUP.

DEVELOPER INFORMATION  
**MOLLER INVESTMENT GROUP, INC.**  
 PROPOSED  
 CANOPY &  
 C-STORE

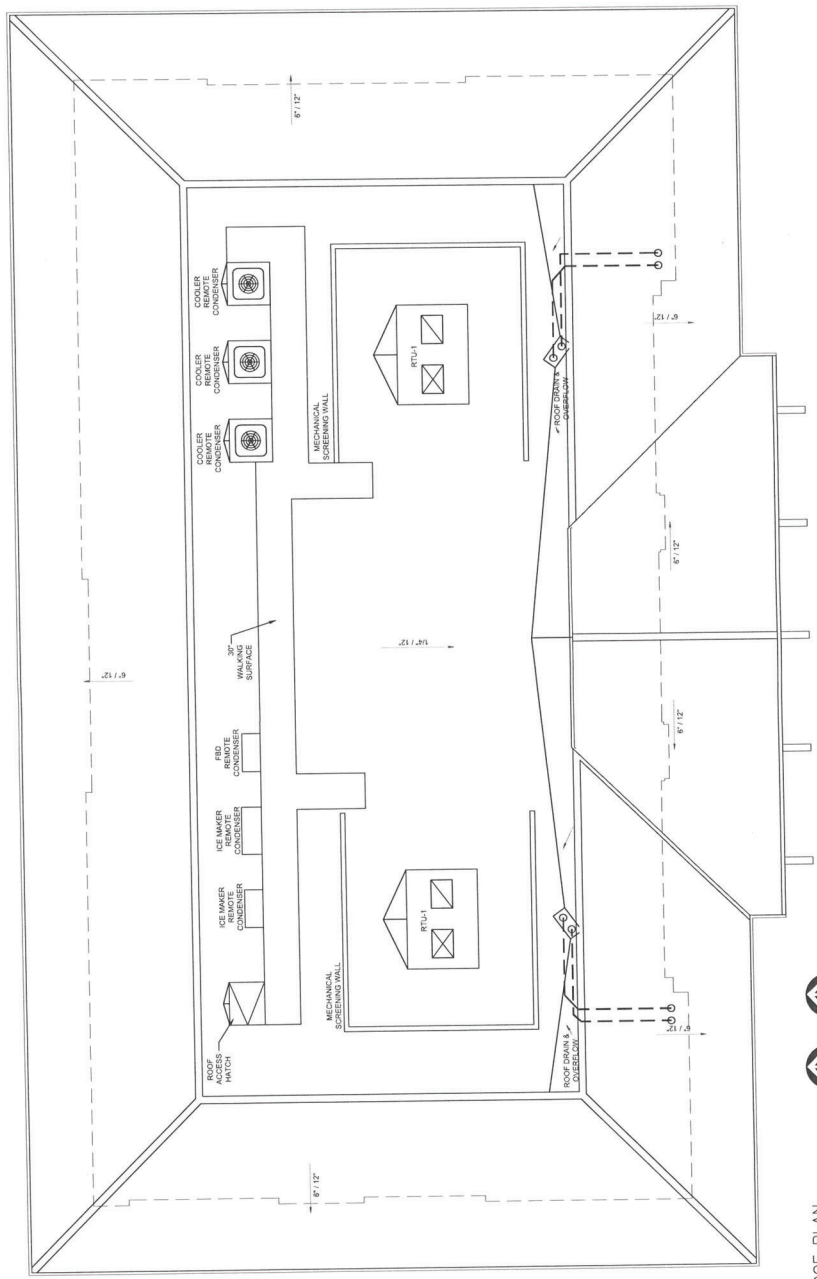
SITE ADDRESS  
 701 W HUNTINGTON DR  
 88 S BALDWIN AVE  
 ARCADER, CA 91007

REVISION NO.	DATE	DESCRIPTION
1	10/05/21	164189

DATE PLOTTED: 10/06/2021 164189  
 PROJECT FILE: 164189

**PROPOSED  
 C-STORE  
 ROOF PLAN**

SHEET NO: **A1.1**

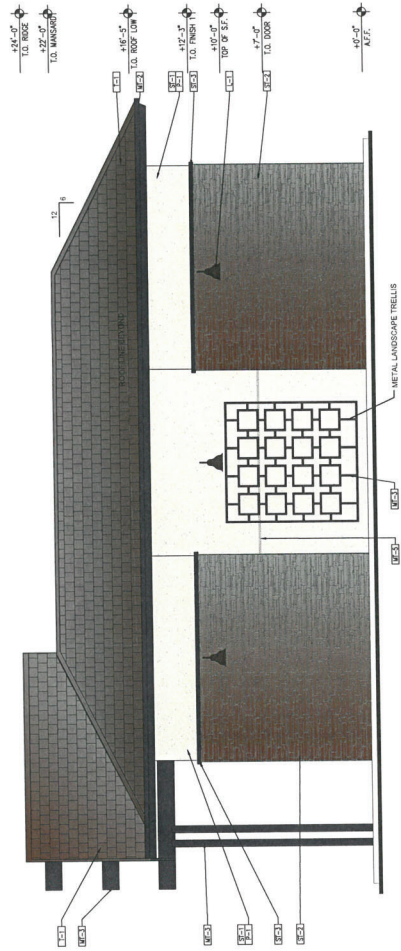


1 PROPOSED ROOF PLAN  
 SCALE: 1/4" = 1'-0"

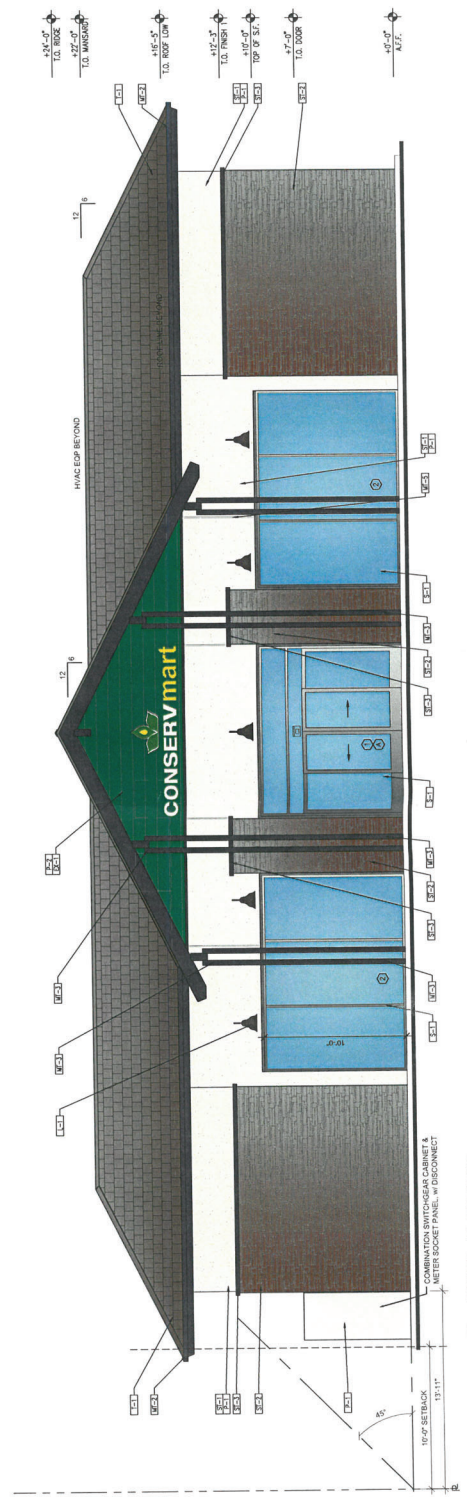
WINDOW & DOOR SCHEDULE

SYM	SIZE	TYPE	MAT	MFR	NOTES
①	12'-0" x 6'-0"	TRANSOM	STAINLESS STL	CRL TAAMA	HIGH GLOSS FINISH
②	13'-0" x 10'-0"	STOREFRONT	STAINLESS STL	CRL TAAMA	HIGH GLOSS FINISH
③	12'-0" x 7'-0"	STOREFRONT	STAINLESS STL	CRL TAAMA	HIGH GLOSS FINISH
④	3'-0" x 7'-0"	SINGLE-HINGE	HOLLOW METAL	GENERIC	HOLLOW METAL

STOREFRONT WINDOWS SYSTEM GLAZING TO BE RECESSED A MINIMUM OF TWO INCHES FROM THE BUILDING EXTERIOR WALL.



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



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

FINISH & MATERIAL LEGEND

SYM	DESCRIPTION	COLOR
P-1	EXTERIOR FINISH COLOR	WHITE FLOUR SW 7102
P-2	EXTERIOR FINISH COLOR	CONSERV GREEN PMS 349
P-3	EXTERIOR FINISH COLOR BOLLARD	YELLOW PMS 123
ST-1	EXTERIOR PLASTER STUCCO	SANTA BARBARA FINISH LA HABRA
ST-2	STONE VENER	VIRGINIA LEDGE - CAPE COD GREY
ST-3	STONE CAP	CONSERV GREEN PMS 349
T-1	CONCRETE TILE ROOF	IRIDALITE SANDY TRO SLATE
MT-2	PREFINISHED METAL OUTER	CORBLESTONE, NEWPORT, WESTLAKE
MT-3	PAINTED METAL FINISH	STATUARY BRONZE A-01 GAF OR EDV
MT-4	PAINTED METAL COPING	BLACK OR DARK BRONZE, OR EDV
MT-5	1 INCH GALV METAL REVEAL	PAINTED WHITE FLOUR SW 7102
L-1	UNVERSE LUS SMALL SOB HOOD	ARCHITECTURAL AREA LIGHTING - DBT
S-1	STAINLESS STEEL STOREFRONT	HIGH GLOSS METAL FINISH
EC-1	SHUPLAP SIDING	CRL TAAMA PROSTEEL
EC-2		JAMES HARDIE ASPRE ARTISAN OR EDV


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ROSELAND, NJ 07068  
10/06/2021, 16489  
PROPOSED EXTERIOR COLOR ELEVATIONS  
SHEET NO. **A3.0**





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A Division of Huntington

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1	11/19/2021	CLIENT REVIEW
2	11/19/2021	ADDITIONAL COMMENTS
3	11/19/2021	PLANNING CONNECTIONS
4	11/19/2021	PLANNING CONNECTIONS
5	11/19/2021	PLANNING CONNECTIONS
6	11/19/2021	PLANNING CONNECTIONS
7	11/19/2021	PLANNING CONNECTIONS
8	11/19/2021	PLANNING CONNECTIONS
9	11/19/2021	PLANNING CONNECTIONS
10	11/19/2021	PLANNING CONNECTIONS

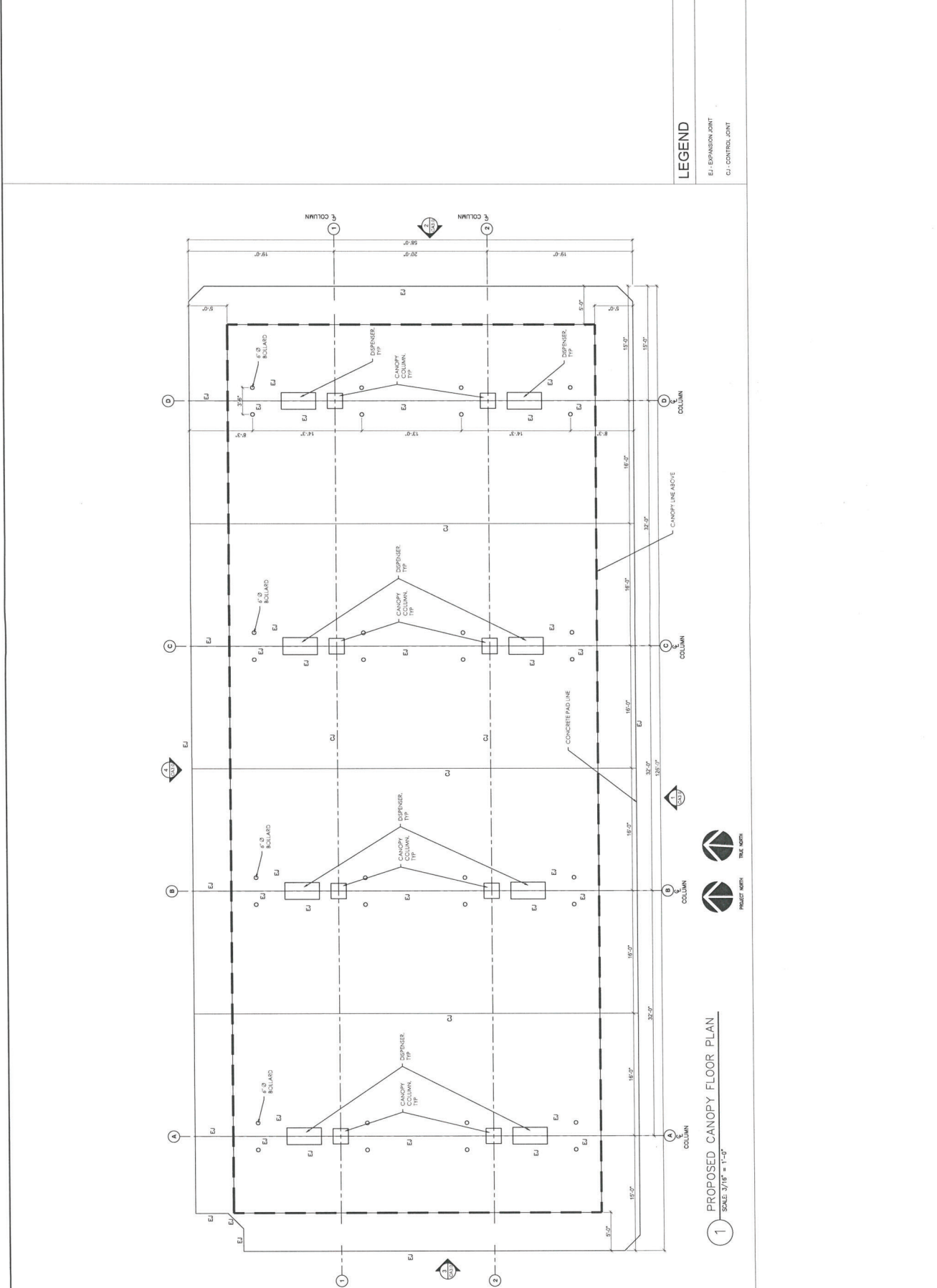
**MULLER INVESTMENT GROUP, INC.**  
PROPOSED  
FENCED  
CANOPY &  
C-STORE

701 W HUNTINGTON DR  
8 S BALDWIN AVE  
PASADENA, CA 91107

DATE: 10/06/2021  
SCALE: 1/8" = 1'-0"  
DRAWING NO.: 154489

**PROPOSED  
CANOPY  
FLOOR PLAN**

PROJECT NO.: **CA1.0**







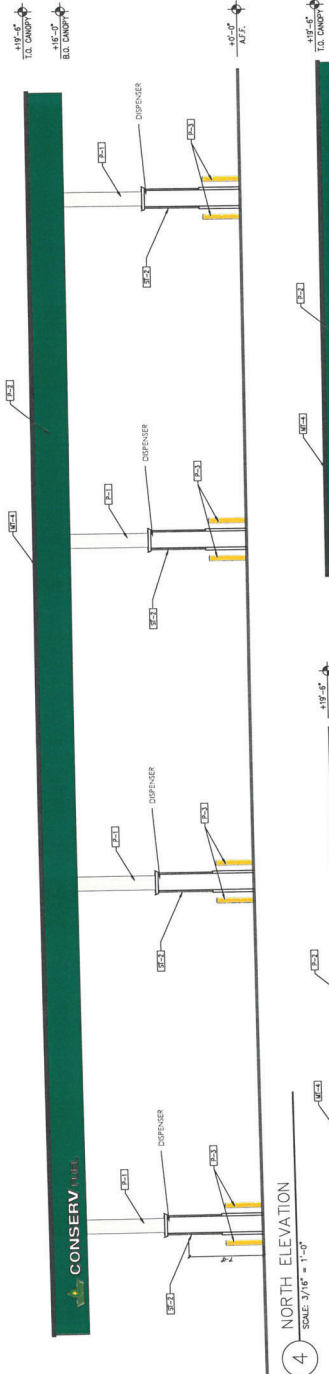
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**FINISH & MATERIAL LEGEND**

SYM	DESCRIPTION	COLOR
P-1	EXTERIOR FINISH COLOR	WHITE FLOOR SW 7102
P-2	EXTERIOR FINISH COLOR	CONSERV GREEN PMS 349
P-3	EXTERIOR FINISH COLOR	YELLOW PMS 123
ST-1	EXTERIOR PLASTER STUCCO	SANTA BARBARA FINISH LA HERRA
ST-2	STONE VENEER	MORNING GLORY STONE CAPE COD GREY
ST-3	STONE CAP	CHESSED STONE BELL CONCRETE CONCRETE STONE
T-1	CONCRETE TILE ROOF	QUARTZITE SMOXY 700 SLATE CORALSTONE, NEWPORT, WESTLAKE
MT-2	PREFINISHED METAL GUTTER	STADIARY BRONZE A-DI DAF OR EDV
MT-3	PAINTED METAL FINISH	INKWELL SW992 SHERWIN WILLIAMS
MT-4	PREFINISHED METAL COPING	BLACK OR DARK BRONZE, OR EDV
MT-5	1 INCH GALV METAL REVEAL	PAINTED WHITE FLOOR SW 7102
L-1	UNVERSE LUCH SMALL SIB HOOD	ARCHITECTURAL AREA LIGHTING - DBT
S-1	STAINLESS STEEL STOREFRONT	HIGH GLOSS METAL FINISH CRL TAINIA PROSTEL
EX-1	SHUPLAP SOUND	JAMES HARDE ASPREZ ARTISAN DR EDV



CONTRACTOR'S STATEMENT  
I hereby certify that the information furnished on this drawing is true and correct to the best of my knowledge and belief, and that I am a duly Licensed Professional Engineer in the State of California, No. 44889, and that I am the Designer of the above described project.

REGISTERED PROFESSIONAL ENGINEER  
MOLLER INVESTMENT GROUP, INC.  
PROPOSED  
CANOPY &  
C-STORE

701 W HUNTINGTON DR  
PASADENA, CA 91107

DATE: 10/06/2021  
PROJECT NO.: 16489

PROPOSED  
CANOPY &  
ELEVATIONS

CA3.0

# Attachment No. 4

## Preliminary Exemption Assessment



CITY OF  
ARCADIA

## PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 21-06 and ADR 21-21 Conditional Use Permit and Architectural Design Review with a Categorical Exemption under the California Environmental Quality Act ("CEQA") Section 15332 for the replacement of two existing canopies with one large canopy, 16 fuel dispensers, and a new 3,120 square foot convenience store.								
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):	701 W. Huntington Drive – The Project is located on the northwest corner of N. Baldwin Avenue and W. Huntington Drive.								
3. Entity or person undertaking project:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">A.</td> </tr> <tr> <td colspan="2" style="padding: 2px;">B. Other (Private)</td> </tr> <tr> <td style="width: 15%; padding: 2px;">(1) Name</td> <td style="padding: 2px;">Ben Steckler, Fielder Group, on behalf of the property owner, Moller Retail, Inc.</td> </tr> <tr> <td style="padding: 2px;">(2) Address</td> <td style="padding: 2px;">299 N. Euclid Avenue, Ste. 550 Pasadena, CA 91101</td> </tr> </table>	A.		B. Other (Private)		(1) Name	Ben Steckler, Fielder Group, on behalf of the property owner, Moller Retail, Inc.	(2) Address	299 N. Euclid Avenue, Ste. 550 Pasadena, CA 91101
A.									
B. Other (Private)									
(1) Name	Ben Steckler, Fielder Group, on behalf of the property owner, Moller Retail, Inc.								
(2) Address	299 N. Euclid Avenue, Ste. 550 Pasadena, CA 91101								
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"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is categorically exempt.</td> </tr> <tr> <td style="width: 40%; padding: 2px;">Applicable Exemption Class:</td> <td style="padding: 2px;">15332 – Class 32 (Infill Development)</td> </tr> </table>	The project is categorically exempt.		Applicable Exemption Class:	15332 – Class 32 (Infill Development)				
The project is categorically exempt.									
Applicable Exemption Class:	15332 – Class 32 (Infill Development)								
f. <input type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is statutorily exempt.</td> </tr> <tr> <td style="width: 40%; 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 border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is otherwise exempt on the following basis:</td> </tr> <tr> <td style="width: 40%; padding: 2px;"></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 border="1" 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="width: 40%; 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: November 10, 2022

Staff: Edwin Arreola, Associate Planner

RESOLUTION NO. 2111

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING HOMEOWNERS' ASSOCIATION APPEAL NO. HOA 22-05, AND OVERTURNING THE SANTA ANITA OAKS HOMEOWNERS' ASSOCIATION ARCHITECTURAL REVIEW BOARD APPROVAL OF A NEW TWO-STORY, CAPE COD STYLE HOUSE WITH AN ATTACHED FOUR-CAR GARAGE AT 1225 OAKLAWN ROAD

WHEREAS, on September 26, 2022, an appeal application for Homeowners' Association Appeal No. HOA 22-05 was filed by Shirly Chi (owner of 1215 Oaklawn Road), Jill and Steve Hisey (owners of 515 Arbolada Drive), Feizhi Chen and Angela P. Lin (owner of 521 Arbolada Drive), Dr. Gary and Karen Jacobsen (owners of 1201 Oaklawn Road), Maurice and Beverly Stewart (owners of 1212 Oaklawn Road), Drs. Hymavathi and Narandranath Reddy (owners of 1220 Oaklawn Road), and Dr. David and Keppie Sullivan (owners of 1320 Oaklawn Road), collectively referred to as the "Appellants", requesting to overturn the Santa Anita Oaks Homeowners' Association Architectural Review Board's approval of a new 6,138 square foot, two-story Cape Cod style residence with an attached four-car garage, and several covered porches totaling 1,075 square feet at 1225 Oaklawn Road ("Project"); and

WHEREAS, on November 9, 2022, Planning Services completed an environmental assessment for the Project in accordance with the California Environmental Quality Act ("CEQA") and recommended that the Planning Commission determine that the Project qualifies as a Class 1 Categorical Exemption under CEQA pursuant to Section 15303(a) of the CEQA Guidelines for the construction of a new single-family house; and

WHEREAS, on November 22, 2022, a duly noticed public hearing was held before the Planning Commission on said appeal, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, following consideration of all testimony and evidence including staff reports and attachments, the Planning Commission overturned the Homeowners' Association approval and approved Homeowners' Association Appeal No. HOA 22-05 with a 3-2 vote on the basis that the Project was not consistent with the Single-Family Residential Design Guidelines in terms of mass, scale, and overall design and that they could not make three of the five required findings. The Planning Commission directed Staff to prepare a Resolution incorporating the Planning Commission's findings for the Project; and

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

SECTION 1. This Commission finds that based upon the entire record, pursuant to Section 9107.19.050 of the Arcadia Development Code, not all of the following findings can be made.

1. The proposed development will be in compliance with all applicable development standards and regulations in the Development Code.

FACT: The subject site is zoned R-0, Very-Low Density Residential Zone, which allows for the development of a single-family residence. The new two-story house will not change the use or density allowed in this zone and meets all of the development standards and regulations required, including but not limited to setbacks, height, and floor

area ratio. Therefore, the new development will be in compliance with all the applicable standards and regulations in the Development Code.

2. The proposed development will be consistent with the objectives and standards of the applicable Design Guidelines.

FACT: The proposed Project will not be consistent with the objectives and standards of the City's Single Family Residential Design Guidelines. The Single-Family Residential Design Guidelines aim to ensure compatibility between a new house and the neighborhood in which it is located. Oaklawn Road contains primarily single-story Ranch style houses and the proposed house, in terms of style, mass, and design as a two-story Cape Cod style home would not be harmonious with the character of the neighborhood. The proposed house will be substantially taller than the adjacent houses with a steeper roof pitch than nearby Ranch houses. The house will be disproportionate in size and scale compared to neighboring properties and does not incorporate sufficient setbacks to create consistency with smaller houses in the vicinity. The second-floor mass should be located to the rear of the house, but is not so located as proposed, to minimize the appearance of a two-story house. Therefore, the proposed Project is not consistent with the objectives and standards of the Single-Family Residential Guidelines.

3. The proposed development will be compatible in terms of scale and aesthetic design with surrounding properties and developments.

FACT: The majority of the Planning Commission determined that the proposed Project would not be compatible with the other houses in the neighborhood in terms of the overall mass, scale and design. The proposed house is not visually harmonious with nearby properties as Oaklawn Road, which are predominately single-story Ranch style

houses, and the proposed two-story Cape Cod style house would not transition well into this existing neighborhood. The second story should be pushed further back toward the rear of the house to minimize the appearance of a two-story house. The architectural style incorporates a steeply pitched roof which is not consistent with the predominate roof forms found on the street. Therefore, the proposed Project is not compatible in terms of scale and aesthetic design with the surrounding properties and developments.

4. The proposed development will have an adequate and efficient site layout in terms of access, vehicular circulation, parking and landscaping.

FACT: The proposed house will have an adequate and efficient site layout with regard to access, vehicular circulation, parking and landscaping. The circular driveway will provide efficient access to the four-car garage at the northern side of the property. Parking is accessible from the new driveway and will allow for vehicular ingress and egress to the site. The proposed landscaping is adequate.

5. The proposed development will be in compliance with all of the applicable criteria identified in Subparagraph 9107.19.040.C.5 for a Site Plan and Design Review application.

FACT: The proposed Project would not be in compliance with all the applicable criteria set forth in Subparagraph 9107.19.040.C.5, as the proposed house is not compatible with the surrounding neighborhood in terms of mass, scale and architectural style. The site layout and design are not harmonious with the neighborhood even though the house meets or exceeds all required setbacks. The mass of the house will remain visible from the street and adjacent properties, with the second story massing not setback towards the rear of the house. The design will not adequately ensure the privacy of the

adjacent property at 1215 Oaklawn Road. Therefore, the proposed house is inconsistent with the City's Single-Family Residential Design Guidelines and General Plan and is not in compliance with Subparagraph 9107.19.040.C.5 of the Development Code.

SECTION 2: For the foregoing reasons, the Planning Commission approves the appeal to deny the proposed Project and to overturn the Santa Anita Oaks Homeowners' Association Architectural Review Board approval of a new two-story, Cape Cod style house with an attached four-car garage at 1225 Oaklawn Road.

SECTION 3. The Secretary shall certify to the adoption of this Resolution.

Passed, approved and adopted this 13<sup>th</sup> day of December, 2022.

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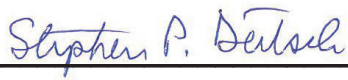
Brad Thompson  
Chair, Planning Commission

ATTEST:

---

Lisa L. Flores  
Secretary

APPROVED AS TO FORM:

---

Stephen P. Deitsch  
City Attorney



**ARCADIA PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, NOVEMBER 22, 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**

There were none.

**PUBLIC COMMENTS (5 minute time limit per person)**

There were none.

**PUBLIC HEARING**

1. **Resolution No. 2105** – Approving Conditional Use Permit No. CUP 22-08 for a new tattoo shop at 1010 S. Baldwin Avenue #203  
**Recommendation:** Adopt  
**CEQA:** Determine to be Exempt

**Applicant:** Everett Lara

**MOTION- PUBLIC HEARING**

Chair Thompson introduced the item and Associate Planner Edwin Arreola presented the staff report.

The Commissioners had no questions for staff.

Everett Lara, Applicant, introduced himself and provided some background on his experience in the tattoo industry and his interest in opening his own shop in Arcadia.

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

**DISCUSSION**

Commissioner Tallerico had no issues with the project.

Commissioner Wilander appreciated the Applicant's enthusiasm for opening a business in the city and positive experience working in another city. She had no concerns with the project.

Vice Chair Tsoi agreed with the other Commissioners.

Commissioner Hui had no questions and added that she was pleased to hear the Applicant has fifteen years of experience in the industry.

Chair Thompson agreed with the rest of the Commission and was in support of the item, adding that there have been no outstanding issues with the business in other cities, and that there is sufficient parking for the use.

## MOTION

It was moved by Commissioner Wilander, seconded by Chair Tsoi to adopt Resolution No. 2105, thereby approving Conditional Use Permit No. CUP 22-08 for a new tattoo shop at 1010 S. Baldwin Avenue #203, and that the proposal satisfies the requisite findings.

## ROLL CALL

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

*There is a 10 day appeal period after the adoption of the Resolution. Appeals are to be filed by 5:30 p.m. on Monday, December 5, 2022.*

- 2. Resolution No. 2106** – Homeowner’s Association Appeal No. 22-05 appealing the Santa Anita Oaks Homeowners’ Association Architectural Review Board’s approval of a new two-story, Cape Cod style home with an attached four-car garage at 1225 Oaklawn Road  
**Recommendation:** Adopt and Deny the Appeal  
**CEQA:** Determine to be Exempt

**Appellants:** Shirly Chi, Jill and Steve Hisey, Feizhi Chen and Angela P Lin, Dr. Gary and Karen Jacobsen, Maurice and Beverly Stewart, Drs. Hymavathi and Narandranath Reddy, and Dr. David and Keppie Sullivan

## MOTION- PUBLIC HEARING

Chair Thompson introduced the item and Planning Manager Fiona Graham presented the staff report.

Commissioner Tallerico asked for details on the findings for the project that the Homeowners Association Architectural Review Board (ARB) was not able to support. Ms. Graham replied that while some of the findings were not supported, the majority of the Board Members voted to approve the project.

Commissioner Wilander asked Ms. Graham to confirm that while the ARB did not make all findings required for the project, did they approve the project? Ms. Graham replied they did.

City Attorney Steve Deitsch added that since three of the ARB members voted to approve the project, it can be assumed that they made all the findings for the project. He added that the Planning Commissioners should review the project tonight and determine if they can make all five findings for the project.

Commissioner Hui asked if the ARB's decision regarding the findings would be discussed tonight. Mr. Deitsch answered that the reasonings behind the ARB's findings should not be considered, and that it is up to the Commissioners to determine if they are able to make the findings themselves.

There were no further questions by the Commissioners.

Three speakers spoke on behalf of all the Appellants – Shirley Chi, Kevin Lai, and Mike Stewart.

Dr. Chi is a homeowner at 1215 Oaklawn Road and next-door neighbor to the proposed project, introduced herself and provided additional documents to the Commissioners.

Mr. Stewart whose parents live at 1212 Oaklawn Road, was first to speak and introduced himself as the son of a neighbor. Representing his parents who live across the street from the project site. Mr. Stewart explains he does not oppose the project but disapproves the size of the home. He explains a trend appears to be allowing bigger and bigger homes, which will increase the footprint of homes over time. He mentions the Oak Trees in the front of the property will be spared but can be difficult to do construction around the trees.

Mr. Li spoke next, a licensed civil engineer for Cal Land Engineers. Mr. Li explained that his team conducted a building height survey, and that the average height of existing homes is 15 feet. The plans depicting this was presented to the Planning Commission. The roof pitch on the house will be higher than the elevation of the existing home. Based on his analysis and calculations he concluded the proposed two-story property does not conform to neighbors' homes along Oaklawn Road.

Commissioner Tallerico asked if there was anything that was shown in the plans not in compliance with the Code?

Mr. Li responded that he was not aware of any code violations for this project.

Commissioner Tallerico agreed and he did not think there were any violations based on the Staff Report.

Dr. Chi made the following points:

1. According to the General Plan Guidelines: "No development exists in isolation every act of construction affects and is affected by it's surroundings. Every development should be evaluated for its compatibility the area of influence may be considered as small as to include buildings directly next door." Dr. Chi asked the Planning Commission to not consider the project as a stand-alone building but in relation to the neighborhood.
2. The renderings do not match the renderings and the top of the gable roof appears to be at the same level or higher than the ridge of the house.
3. The property owner is an investment group, a Limited Liability Company (LLC) and that an investment group usually wants to maximize their profit in their investment by building a large building.
4. The ARB findings were not consistent with the guidelines in four (4) areas: Site Planning Principles and Neighborhood Context, Forms and Mass Guidelines, Frontage Conditions, and

Height, Bulk and Scale. Given the incongruence of the ARB report and the fact that so many neighbors expressed concerns about the mass of this proposed home, she felt the Architect and the LLC group should go back and look for ways to redesign the home so that it would be harmonious in their neighborhood.

5. The Santa Anita Oaks ARB Findings and Actions were not included in the staff report and provided a copy of it to the Planning Commission.

Chair Thompson asks if the Commissioners have any questions for Dr. Chi.

Ms. Flores, Planning & Community Development Administrator stated that Dr. Chi mentioned a couple of times that the Santa Anita Oaks ARB Findings and Action form was not included in the staff report. Ms. Flores stated it was attached, and it can be found under Attachment No. 4.

Chair Thompson asked if there were any other Appellants who would like to speak.

Dr. David Sullivan who resides at 1320 Oaklawn Road, supports the comments of the other Appellants regarding the mass and scale, especially for the Santa Anita Oaks area. Dr. Sullivan and his wife feel they live in a community of investment properties and vacant homes, and they do not make good neighbors. He asked that the Commission listen to the voices of the people who live in the immediate vicinity of these properties.

Jill Hisey who lives directly behind the property at 515 Arbolada Drive, has lived there for 26 years. Their concern was the easement and privacy issue from the balcony. Overall concern is that this project would not invite long term neighbors and may disrupt the environment they currently have.

Chair Thompson asked if there was anyone who would like to speak in favor of the proposal.

The Applicant and Architect of the project, Philip Chan from PDS Studio spoke on behalf of the property owner. Mr. Chan presented some images and renderings of the proposed project. He explained that they have changed the design several times since January based on the ARB comments to decrease the mass and scale of the appearance. Mr. Chan described the timeline of the process and how it eventually got approved. He even made the second floor smaller to make the size of the house less noticeable. In response to Commissioner Tallerico's earlier question, not only did they meet the existing code, but the project also exceeds the minimum requirements. As an Architect not only do they focus on the numbers but also on design, and all the factors that will make a design successful to blend in with the neighborhood. He believes the Cape Cod style is architecturally consistent with the neighborhood. Though Cape Cod style was not the homeowners desired design, it was the best option to satisfy both the homeowner and the ARB.

Commissioner Tallerico asked Mr. Chan if there was anyone in favor of the project? Mr. Chan said neighbors tend to be more vocal when they are not in favor of a project. So, they have not come across someone who was in favor of the design.

Chair Thompson asked Ms. Flores if the drawings in attachment No. 5 were the most current. Ms. Flores confirmed they were. Chair Thompson stated the roof pitch appears to be higher on the drawings than the rendering. Ms. Flores stated that renderings are perspectives, so they are not always a true depiction of what an elevation looks like. Commissioner Tsoi added that elevation can be very misleading because they are flat, whereas the renderings are drawn in perspective.

Commissioner Wilander asked how far the new building will be from the property line is. Mr. Chan responded that it is approximately 10-12 feet away from the property line.

Jack Ing, representing the homeowners, is long time Arcadia resident who lives at 1729 Alta Oaks Drive. He clarifies that the owner is not an investment group but are local and longtime residents who are building their dream home. They are more than willing to accommodate neighbors as much as possible.

Chair Thompson asked if the representatives from the ARB would like to speak on this project. None chose to spoke.

Chair Thompson asked if the Appellants would like to respond to any of the comments before they close the public hearing.

Dr. Chi responded and provided additional information on the LLC. According to the documents, the property is owned by an LLC with more than two owners.

Mr. Li added that the roof is 12.5 feet higher than the original elevation and the ARB did not think it conformed to the neighborhood.

Commissioners did not have any additional questions for the Appellants.

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

## **DISCUSSION**

Mr. Deitsch, the City Attorney, emphasized how important it was to make the five (5) required findings. This is a du novo hearing, a new hearing, and to forget everything about the ARB. The Commission must determine if they can make the five findings (or not) based on the facts and evidence presented at the hearing. If one or more findings cannot be made based on facts that are set forth tonight, then an explanation must be provided why the findings cannot be made. This is a land use decision; they must meet zoning and land use requirements of the City. The Commission cannot base their decision on who owns the property or speculate whether the home may become vacant or not. He reiterated that the five findings are for land use considerations only.

Commissioner Tallerico asked Mr. Deitsch about the massiveness of the home in term of the law.

Mr. Deitsch responded that there is some subjectivity involved in terms of what the Development Code alludes to, and what the finding alludes to in whether this house is compatible with the neighborhood. For example, the neighbors pointed out the home on either side of the project property are Ranch style homes, however the staff report states there are also two-story and newly developed homes on the street. Staff also pointed out there is no view ordinance in the City of Arcadia, however the Appellants pointed out there are provisions in the Development Code that allow some flexibility in regard to things like that which are more subjective.

Commissioner Wilander said although the code allows for two-story homes, in driving through the neighborhood she felt it was primarily one-story homes. She further stated that although the Oak trees that will cover the front of the house, the size and mass will still be visible when driving from the north to south on this street. The mass and scale of the house does seem inconsistent with the rest of the neighborhood.

Vice Chair Tsoi stated there are subjective and objective standards when considering whether new homes are compatible with the neighborhood. And based on subjective standards a home is never going to be found compatible, but if a homeowner must build a two-story home this architectural style is probably the most compatible. He believes the Architect tried very hard to address the neighbors' concerns, and he has shown that he has modified the design. One of the challenges is the elevation change between lots and the situation does not help when trying to determine the compatibility of the proposed home. If both lots were level, the ridgeline of neighboring homes would appear less massive for some neighbors and greater for others depending on the difference in elevation. Having the 12-foot hedges is a good addition to help mitigate the difference. Last, he mentioned the Oak trees will help conceal the scale as the view will mostly be trees.

Commissioner Hui agreed with Vice Chair Tsoi. She drove by the neighborhood and noticed the newer two-story houses with lesser setback on the second floor. But the progress the Architect made to the design does show the effort that was made to make the house more compatible. In terms of the LLC, it does not necessarily determine whether the property owners will live in the house or not. Some people choose to make it an LLC for privacy reasons, and there are other benefits to putting a home into an LLC and not just for investment purposes.

Chair Thompson believes the HOA's and ARB's are here to help protect a harmonious development within the neighborhoods. He further stated he can certainly make two findings. The first is finding no. 1 that the proposed development will be in compliance of all applicable development standards and regulations in the Development Code. The second one is finding no. 4 and that is the proposed development will have the adequate and efficient site layout in terms of access vehicular circulation in parking and landscaping. However, he could not make the other three findings based on the General Plan guidelines and the Single-Family Residential Guidelines in terms of architectural styles, scale, mass, and features, as stated below:

1. Item A. the location, configuration, and size of new buildings and structures for the alteration or enlargement of existing structures should be visually harmonious with respective sites and compatible with the character of their surroundings.
2. Item F, in neighborhoods with existing smaller homes, new homes should be designed with a greater first floor area with additional setbacks in the second story in the new structure.
3. Item I, construction of new homes and additions to existing homes should consider the potential for impacts on privacy of neighbors. A new second-story home or addition is proposed within the predominantly one-story neighborhood, second-story massing should be located to the rear side of the home to minimize appearance of a second story.
4. Finally, the proposed height and bulk should respect the existing structures on neighboring properties and not overwhelm them with disproportionate size and scale.

Chair Thompson mentioned the average size of the home on Oaklawn Road is 3,718 square feet. There are three homes that are larger than the proposed home, two of which are at the very north-end of the cul-de-sac and both homes are on approximately one-acre lots that are double the size of subject lot.

There is only one property larger than the subject site that is not on a one-acre lot. Chair Thompson broke down the proposed square footage of the subject site and it is much larger than the average square footage in the neighborhood. However, he believes this lot can sustain a living area that was proposed, it just needs some work. Because he found this design is compatible with the design guidelines, he could not make findings no. 2, 3, and 5.

Commissioner Wilander pointed out there were six out of ten neighbors who were in opposition of the project. She said despite allowing two-story homes in the neighborhood, the opposition of neighbors should be considered.

Chair Thompson pointed out the property approved at 1311 Oaklawn Road pushed the second floor back and has a setback 30 feet. This project did more to mitigate the mass and scale.

Vice Chair Tsoi mentioned that it is probably the case because of the architectural style that they chose. He mentions the subject site has done enough to conceal the mass, because looking at the sides of the house he cannot tell the size of the house, even though from the front the size and mass are visible. But compared to homes proposed 10 years ago, this project is appealing and while the house is large the property is also very big.

## **MOTION**

It was motioned by Commissioner Hui and seconded by Vice Chair Tsoi to deny the appeal and uphold the ARB approval of the proposal which is to deny the Appeal HOA 22-05 stating that the proposed project is exempt under California Environmental Quality Act (CEQA) in consistent with the City Design Guidelines for Resolution 7272 and adopt Resolution 2106.

## **ROLL CALL**

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

Motion failed.

Chair Thompson made a new motion to approve appeal and overturn ARB approval and find project is inconsistent with the City's design guidelines and findings 2, 3, and 5 cannot be made. Seconded by Commissioner Tallerico.

## **ROLL CALL**

AYES: Tallerico, Wilander, Chair Thomson  
NOES: Hui, Tsoi  
ABSENT: None

Motion is approved.

Ms. Flores stated the new resolution will be brought back to the Commission at their next Planning Commission meeting for adoption, followed by a 10-day appeal period.

## **CONSENT CALENDAR**

### **3. Minutes of the November 8, 2022, Regular Meeting of the Planning Commission**

**Recommendation:** Approve

It was moved by Commissioner Wilander, seconded by Commissioner Tallerico to approve the minutes of the November 8, 2022, Planning Commission Regular Meeting.

## **ROLL CALL**

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

The motion was approved.

## **MATTERS FROM CITY COUNCIL LIAISON**

Council Member Tay had left early.

## **MATTERS FROM THE PLANNING COMMISSONERS**

Commissioner Tallerico asked Ms. Flores if they can discuss the findings and reconsider their decision before they adopt the Resolution.

Mr. Deitsch pointed out Robert's Rules of Order, which allows for a motion to reconsider under certain circumstances. Robert's Rules says you can only entertain a motion to reconsider at the meeting of the action at the next meeting, but not thereafter. The motion to reconsider the decision has to be made by one of the Commissioners that voted in the majority. But it can be seconded by any Commissioner.

Commissioner Wilander asked why there are so many tattoo shops proposed in Arcadia.

Ms. Flores stated that these were all evaluated by the Planning Commission on a case-by-case basis through a CUP, and the ones that are active were found to be an appropriate use in that location.

Commissioner Hui asked about the appeal period for the appeal.

Ms. Flores explained that the 10-day appeal period does not begin until after the Resolution has been adopted, which is at the December 13, 2022, meeting.

## **MATTERS FROM ASSISTANT CITY ATTORNEY**

Mr. Deitsch had nothing to report.

## **MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS**

Ms. Flores informed the Commission that before them were hard copies of the updated Development Code from the recent text amendments.

There will be two items for the December 13 meeting, a CUP for a thrift shop and a CUP for a larger canopy, gas pumps, and a new convenience store.

Ms. Flores also informed tonight was Janessa's last meeting as she has accepted a new position for Public Works Department. She introduced Administrative Assistant, Ivette Torres who will take on Janessa's role.

This is also Mr. Deitsch last Planning Commission meeting as he is retiring at the end of December.

Mr. Wray, our City Engineer is also retiring, and his last day is December 29, 2022.

**ADJOURNMENT**

The Planning Commission adjourned the meeting at 8:54 p.m., to Tuesday, December 13, 2022, at 7:00 p.m. in the City Council Chamber.

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Brad Thompson  
Chair, Planning Commission

ATTEST: \_\_\_\_\_  
Lisa Flores  
Secretary, Planning Commission