

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, February 22, 2022, 7:00 p.m.

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

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

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

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

CALL TO ORDER

ROLL CALL

Zi Lin, Chair
Kenneth Chan, Vice Chair
Brad Thompson, Commissioner
Vincent Tsoi, 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. 2089** – Approving Conditional Use Permit No. CUP 21-04 with a Categorical Exemption under the California Environmental Quality Act (“CEQA”) to allow a day spa and massage business at 204 E. Live Oak Avenue

Recommendation: Adopt Resolution No. 2089

Applicant: Qing Geng

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 Firday, March 4, 2022.

CONSENT CALENDAR

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

2. Minutes of the January 25, 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, March 8, 2022, at 7:00 p.m.



STAFF REPORT

Development Services Department

DATE: February 22, 2022

TO: Honorable Chairman and Planning Commission

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

SUBJECT: RESOLUTION NO. 2089 – APPROVING CONDITIONAL USE PERMIT NO. CUP 21-04 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) TO ALLOW A DAY SPA AND MASSAGE BUSINESS AT 204 E. LIVE OAK AVENUE
Recommendation: Adopt Resolution No. 2089

SUMMARY

The Applicant, Qing Geng, is requesting approval of Conditional Use Permit No. CUP 21-04 to allow a new day spa and massage business (dba: VIP Massage and Skin Care) at 204 E. Live Oak Avenue. The proposed business would offer spa treatments such as full body massages, facials, and eyelash extensions. It is recommended that the Planning Commission adopt Resolution No. 2089 (Attachment No. 1) and find this project Categorical Exempt under CEQA and approve Conditional Use Permit No. CUP 21-04, subject to the conditions listed in this staff report.

BACKGROUND

The subject site is located within a commercial center at the southeast corner of Tyler Avenue and E. Live Oak Avenue. The existing 5,668 square foot, one-story commercial building has four units (200-206 E. Live Oak Avenue – refer to Attachment No. 3 for the Site Plan and Floor Plan. The site has three (3) driveways for ingress/egress, one off of Live Oak Avenue, and the other two off of Tyler Avenue and a total of 29 parking spaces. The business will be located in one of the four units that is approximately 948 square feet at 204 E. Live Oak Avenue (formerly occupied by a dry cleaner business). The unit has been vacant since August of 2017. The adjacent units consist of a convenience store (200 E. Live Oak Avenue), a nail salon (202 E. Live Oak Avenue), and a cellular retail store (206 E. Live Oak Avenue).

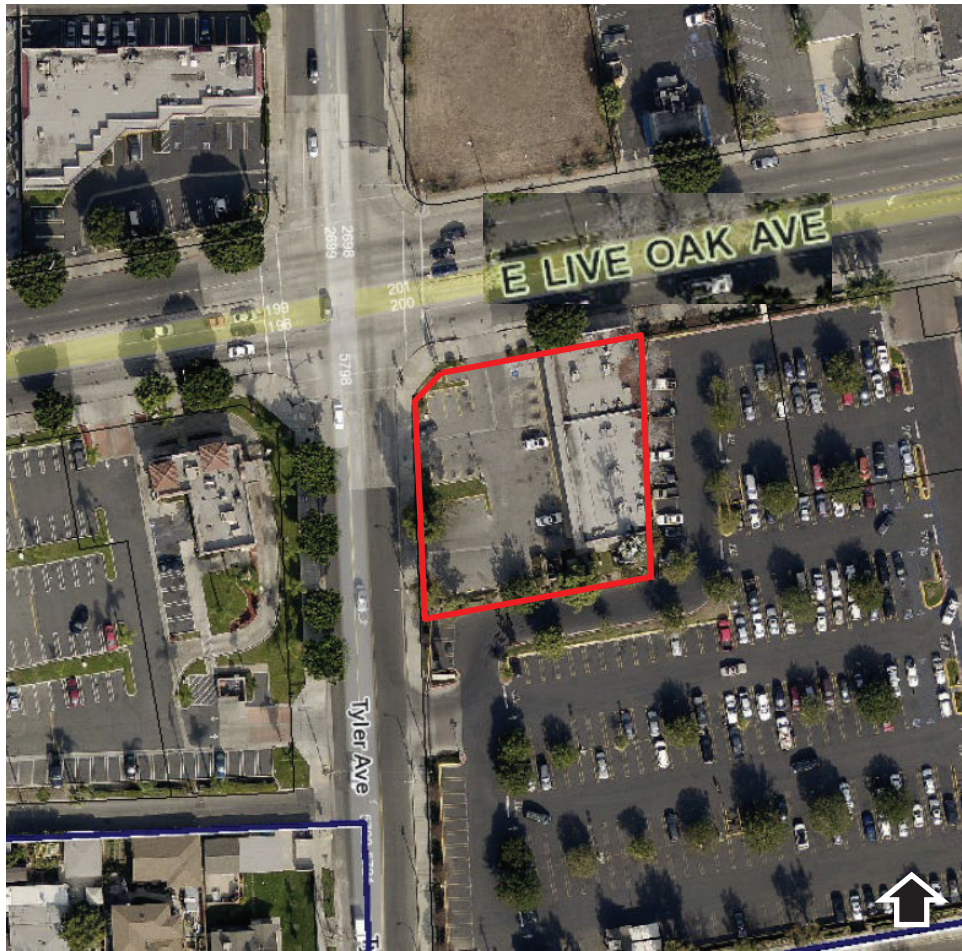


Figure 1 – Aerial of Subject Site

The property is zoned MU (Mixed-Use) and has a General Plan Land Use Designation of Mixed-Use. The site is surrounded by other commercial properties zoned MU to the east, south and west and a property zoned C-G (General Commercial) with an office building to the north - refer to Attachment No. 2 for an Aerial Photo with Zoning Information and Photos of the subject property.

PROPOSAL

The proposed day spa and massage business will provide full body massages such as hot stone, warm towel, and oil massages to be conducted in two private rooms. In addition to massages, the business will offer HydraFacial treatments, whitening facials, acne clearing treatments, and eyelash extensions. Day spa and massage businesses are considered a *Personal Restricted Use* under the City's Development Code and are only allowed through a Conditional Use Permit. There will be a total of three (3) employees, two massage therapists and an esthetician, at any given time. Customers will be assigned to a room after they check-in. When a massage therapist or esthetician is with another client, the customer(s) will be allowed to remain in the waiting area until they can be attended.

The business floor plan will consist of a reception/waiting area, two (2) private treatment rooms, and a restroom as shown on the floor plan below and under Attachment No. 3 - Site Plan and Floor Plan. No foot massages are proposed under this permit as those are usually out in an open room with several massage beds side-by-side. The proposed business hours are from 10:00 a.m. to 9:00 p.m., everyday.

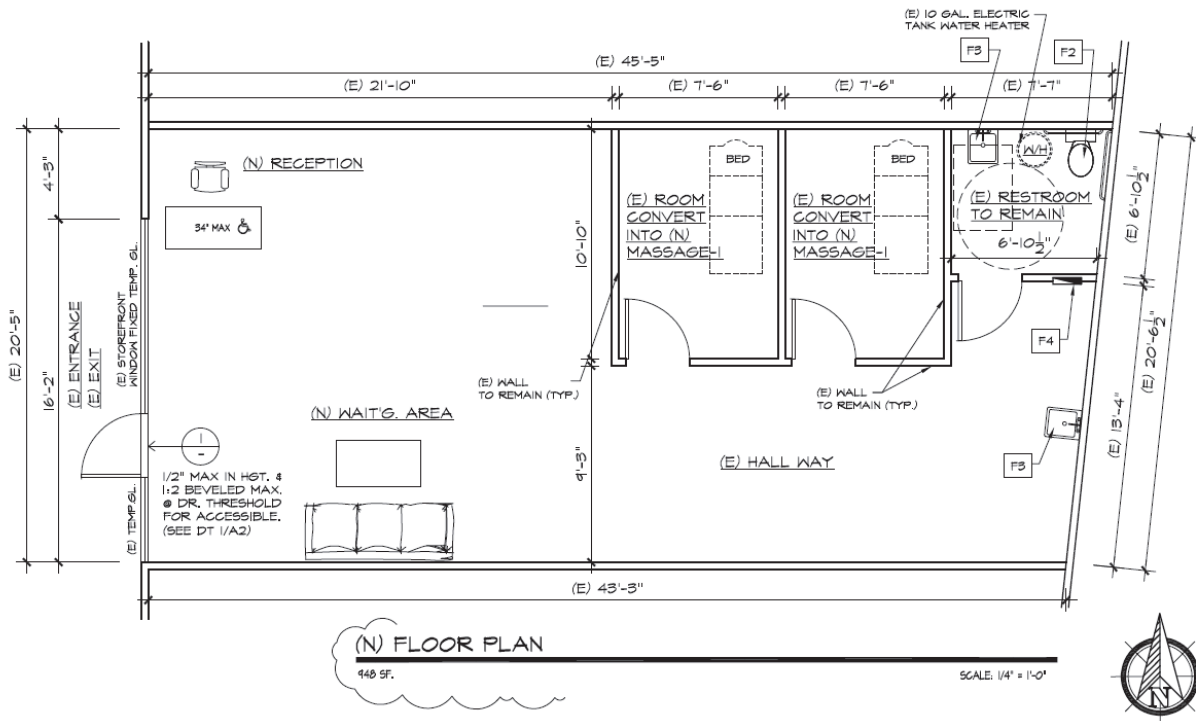


Figure 2 – Proposed Floor Plan

ANALYSIS

Any personal restricted services are subject to a Conditional Use Permit in the MU, Mixed-Use zone. Day spa and massage establishments are considered “restricted” and are not allowed by-right.

The Arcadia Police Department reviewed this request and had no issues with the proposed project. Additionally, no issues were reported at the Applicant’s previous business location in Rosemead by the City of Rosemead and the Los Angeles County Sheriff’s Department. As part of the City’s process, periodic inspections will occur to ensure the operator is complying with the City’s regulations and process, and to ensure each masseuse is a licensed by the State.

The existing parking lot has 29 parking spaces for all uses in the commercial center. Since the previous business was a personal service use and parked at the same rate as the proposed business at one (1) parking space per 200 square feet, no change in parking is required. However, the parking on site is still sufficiently provided as the proposed business requires five (5) parking spaces, the convenience store requires 13 spaces, the nail salon requires six (6) spaces, and the cellular retail store requires five

(5) spaces for a total of 29 required parking spaces. Of those spaces, there are two (2) accessible parking spaces for all businesses.

FINDINGS

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

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

Facts to Support This Finding: The proposed use is a day spa and massage business that is in compliance with all regulations in the Mixed-Use land use designation. The Mixed-Use designation is intended to provide opportunities for commercial and residential mixed-use development that provides complementary mixes of uses and encourage shared use of parking areas, pedestrian movement, and interaction of uses within a mixed-use district. The proposed business is a service that will be located within a commercial center with shared parking consisting of a mix of other uses and is consistent with the Mixed-Use designation of the site. Therefore, the massage business will not adversely affect the comprehensive General Plan, and is consistent with the following General Plan policy:

Land Use and Community Design Element

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

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

Facts to Support This Finding: The site is zoned Mixed-Use (MU). Arcadia Development Code Section 9102.03.020, Table 2-8, allows personal restricted services, such as the proposed business in the MU zone subject to the review and approval of a Conditional Use Permit. The proposed business operations and improvements will comply with the Massage Therapist regulations as set forth in the Arcadia Municipal Code. The proposed use will be located on a commercial corridor along Live Oak Avenue that includes small businesses of diverse uses and types. The lot will continue to accommodate the required parking for all uses on this site. Therefore, the proposal is in compliance with all 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.

Facts to Support This Finding: The proposed day spa and massage business will occupy an existing 948 square foot commercial unit within the existing four-unit building. Access and circulation on site will not be an issue because the property is a corner lot with multiple driveway approaches. Adequate parking will be provided for the proposed business and three other businesses on site. The Arcadia Municipal Code currently requires 29 parking spaces for all four uses on site and 29 spaces will be provided. The use of the site as a day spa and massage business is compatible and not detrimental to the other existing personal service and retail businesses located on site and along Live Oak Avenue.

4. The site is physically suitable in terms of:

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

Facts to Support This Finding: The site is physically suitable for the proposed day spa and massage business because the property is an improved site with an existing commercial building. The site is improved with ample surface parking and two ADA parking spaces to accommodate the new use and existing businesses. The site is also developed with adequate landscaping, lighting, and other features typical of commercial developments. No additional exterior construction is being proposed for occupation of this site.

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

Facts to Support This Finding: The site is located on the corner of Tyler Avenue and Live Oak Avenue with direct access from both sides of the streets. 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: The subject property is developed with one commercial building that consists of four (4) commercial units. The Building and Fire Department have reviewed the application and determined that no additional

improvements are needed to provide adequate utilities to service the site. There will be no impact to utilities or the City's infrastructure from the proposed use.

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

Facts to Support This Finding: The proposed use is a day spa and massage business providing full body massages, facial treatments, eyelash extensions 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 of the surrounding properties, as the site is located on a commercial corridor with a diverse type of businesses that serve the surrounding communities. The subject site has viable access from two streets, is providing adequate parking for both the existing tenants and proposed business, and will not adversely affect access or cause inconvenience to surrounding businesses or properties. The small size and nature of the proposed business will be contained on the existing site in terms of parking and operations, will not require any exterior construction and will not negatively affect the subject site or any surrounding properties. Additionally, the City conducts periodic inspections of massage businesses to ensure that all City regulations are being met so that massage businesses do not pose a nuisance.

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 February 10, 2022. As of February 17, 2022, staff did not receive any public comments on this project.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2089 approving Conditional Use Permit No. CUP 21-04 for a new day spa and massage business and find that the project is Categorical Exempt under the California Environmental Quality Act (CEQA), subject to the following conditions of approval:

1. The use approved by CUP 21-04 shall be limited to a day spa and massage business providing massage services and beauty services such as facials and non-surgical facial enhancements. Its hours of operation shall be limited to the hours of 10:00 a.m. to 9:00 p.m., everyday. The business shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 21-04, and shall be subject to periodic inspections, after which the conditions of this Conditional Use Permit may be adjusted after due notice to address any adverse impacts to the adjacent streets, rights-of-way, and/or the neighboring businesses and properties.
2. The facility shall consist of two (2) private treatment rooms with a maximum of one customer and one employee in each room at any one time. All services shall be provided in a fully enclosed room and should not be conducted in the reception/waiting area. All masseuses or massage therapists must be a licensed by the State and comply with all the regulations of the Massage Ordinance in the City's Municipal Code. Beds, floor mattresses, table showers, and waterbeds are not permitted. Any increase to the number of private treatment rooms permitted shall be subject to review and approval by the Planning & Community Development Administrator, or designee, unless significant modifications are proposed; in which case, the application may be referred to the Planning Commission.
3. The plans submitted for Building plan check shall comply with the 2022 Building and Fire 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
4. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with by the Property Owner/Applicant to the satisfaction of the Building Official, City Engineer, Planning & Community Development Administrator, Fire Marshall, and Public Works Services Director, or their respective designees. Improvements to the existing facility may be subject to building permits after having fully detailed plans submitted for plan check review and approval by the aforementioned City officials.
5. Noncompliance with the plans, provisions and conditions of approval for CUP 21-04 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of this business.

6. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City (“Indemnitees”) harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant’s activities in connection with CUP 21-04 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 promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, 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 that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether or not at the request of the Applicant.

7. Approval of CUP 21-04 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

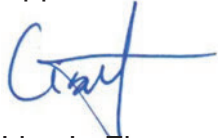
If the Planning Commission intends to approve this proposal, the Commission should approve a motion to approve Conditional Use Permit No. CUP 21-04, stating that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2089 that incorporates the requisite environmental and Conditional Use Permit findings and the conditions of approval as presented in this staff report, or as modified by the Commission.

Denial

If the Planning Commission intends to deny this proposal, the Commission should approve a motion to deny Conditional Use Permit No. CUP 21-04, 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 February 22, 2022 hearing, please contact Assistant Planner, Edwin Arreola, at 626-821-4334, or by email at earreola@ArcadiaCA.gov.

Approved:



Lisa L. Flores
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2089
- Attachment No. 2: Aerial Photo and Zoning Information and Photos of the Subject Property
- Attachment No. 3: Site Plan and Floor Plan
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2089

RESOLUTION NO. 2089

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP 21-04 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") TO ALLOW A DAY SPA AND MASSAGE BUSINESS AT 204 E. LIVE OAK AVENUE

WHEREAS, on August 18, 2021, an application for Conditional Use Permit No. CUP 21-04 was filed by the business owner, Qing Geng ("Applicant"), to allow a new day spa and massage business within one of the existing units at a commercial center located at 204 E. Live Oak Avenue ("Project"); and

WHEREAS, on February 4, 2022, Planning Services completed an environmental assessment for the Project in accordance with the California Environmental Quality Act ("CEQA") and determined that the Project is exempt under Section 15061(b)(3) of the CEQA Guidelines (Review for Exemption) because the Project has no potential to cause a significant effect on the environment, and qualifies as a Class 1 Categorical Exemption under Section 15301 of the CEQA Guidelines pertaining to the use of an existing facility; and

WHEREAS, on February 22, 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 February 22, 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 use is a day spa and massage business that is in compliance with all regulations in the Mixed-Use land use designation. The Mixed-Use designation is intended to provide opportunities for commercial and residential mixed-use development that provides complementary mixes of uses and encourage shared use of parking areas, pedestrian movement, and interaction of uses within a mixed-use district. The proposed business is a service that will be located within a commercial center with shared parking consisting of a mix of other uses and is consistent with the Mixed-Use designation of the site. Therefore, the Project will not adversely affect the comprehensive General Plan, and is consistent with the following General Plan policy:

Land Use and Community Design Element

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

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

FACT: The site is zoned Mixed-Use (MU). Arcadia Development Code Section 9102.03.020, Table 2-8, allows personal restricted services, such as the proposed

business in the MU zone subject to the review and approval of a Conditional Use Permit. The proposed business operations and improvements will comply with the Massage Therapist regulations as set forth in the Arcadia Municipal Code. The proposed use will be located on a commercial corridor along Live Oak Avenue that includes small businesses of diverse uses and types. The lot will continue to accommodate the required parking for all uses on this site. Therefore, the proposal is in compliance with all 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 day spa and massage business will occupy an existing 948 square foot commercial unit within the existing four-unit building. Access and circulation on site will not be an issue because the property is a corner lot with multiple driveway approaches. Adequate parking will be provided for the proposed business and three other businesses on site. The Arcadia Municipal Code currently requires 29 parking spaces for all four uses on site and 29 spaces will be provided. The use of the site as a day spa and massage business is compatible and not detrimental to the other existing personal service and retail businesses located on site and along Live Oak Avenue.

4. The site is physically suitable in terms of:

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

FACT: The site is physically suitable for the proposed day spa and massage business because the property is an improved site with an existing commercial building. The site is improved with ample surface parking and two ADA parking spaces to accommodate the new use and existing businesses. The site is also developed with adequate landscaping, lighting, and other features typical of commercial developments. No additional exterior construction is being proposed for occupation of this site.

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

FACT: The site is located on the corner of Tyler Avenue and Live Oak Avenue with direct access from both sides of the streets. 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.); and

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: The subject property is developed with one commercial building that consists of four (4) commercial units. The Building and Fire Department have reviewed the application and determined that no additional improvements are needed to provide adequate utilities to service the site. There will be no impact to utilities or the City's infrastructure from the proposed use.

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 use is a day spa and massage business providing full body massages, facial treatments, eyelash extensions 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 of the surrounding properties, as the site is located on a commercial corridor with a diverse type of businesses that serve the surrounding communities. The subject site has viable access from two streets, is providing adequate parking for both the existing tenants and proposed business, and will not adversely affect access or cause inconvenience to surrounding businesses or properties. The small size and nature of the proposed business will be contained on the existing site in terms of parking and operations, will not require any exterior construction and will not negatively affect the subject site or any surrounding properties. Additionally, the City conducts periodic inspections of massage businesses to ensure that all City regulations are being met so that massage businesses do not pose a nuisance.

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

SECTION 3. For the foregoing reasons the Planning Commission determines that the Project is Categorical Exempt per Class 1, Section 15301 of the California

Environmental Quality Act (CEQA) Guidelines, and approves Conditional Use Permit No. CUP 21-04 to allow a new day spa and massage business at 204 E. Live Oak 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 22nd day of February, 2022.

Zi Lin
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Stephen P. Deitsch
City Attorney

Page Intentionally Left Blank

RESOLUTION NO. 2089

Conditions of Approval

1. The use approved by CUP 21-04 shall be limited to a day spa and massage business providing massage services and beauty services such as facials and non-surgical facial enhancements. Its hours of operation shall be limited to the hours of 10:00 a.m. to 9:00 p.m., everyday. The business shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 21-04, and shall be subject to periodic inspections, after which the conditions of this Conditional Use Permit may be adjusted after due notice to address any adverse impacts to the adjacent streets, rights-of-way, and/or the neighboring businesses and properties.
2. The facility shall consist of two (2) private treatment rooms with a maximum of one customer and one employee in each room at any one time. All services shall be provided in a fully enclosed room and should not be conducted in the reception/waiting area. All masseuses or massage therapists must be a licensed by the State and comply with all the regulations of the Massage Ordinance in the City's Municipal Code. Beds, floor mattresses, table showers, and waterbeds are not permitted. Any increase to the number of private treatment rooms permitted shall be subject to review and approval by the Planning & Community Development Administrator, or designee, unless significant modifications are proposed; in which case, the application may be referred to the Planning Commission.
3. The plans submitted for Building plan check shall comply with the 2022 Building and Fire 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
4. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with by the Property Owner/Applicant to the satisfaction of the Building Official, City Engineer, Planning & Community Development Administrator, Fire Marshall, and Public Works Services Director, or their respective designees. Improvements to the existing facility may be subject to building permits after having fully detailed plans submitted for plan check review and approval by the aforementioned City officials.

5. Noncompliance with the plans, provisions and conditions of approval for CUP 21-04 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of this business.
6. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City (“Indemnitees”) harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant’s activities in connection with CUP 21-04 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 promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, 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 that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, whether or not at the request of the Applicant.

7. Approval of CUP 21-04 shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar

days after the Planning Commission has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

Attachment No. 2

Aerial Photo and Zoning Information and
Photos of the Subject Property

Site Address: 200 E LIVE OAK AVE

Property Owner(s): Property Owner



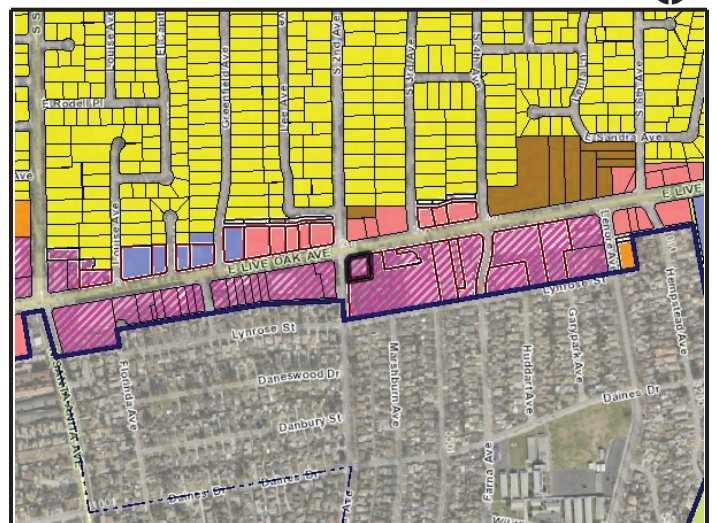
Property Characteristics

Zoning:	MU
General Plan:	MU
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	5,776
Year Built:	1985
Number of Units:	0

Overlays

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

Selected parcel highlighted



Parcel location within City of Arcadia



Commercial Center from the Corner of Live Oak Ave and Tyler Ave



Commercial Center from Tyler Avenue



Subject Unit

Attachment No. 3

Site Plan and Floor Plan

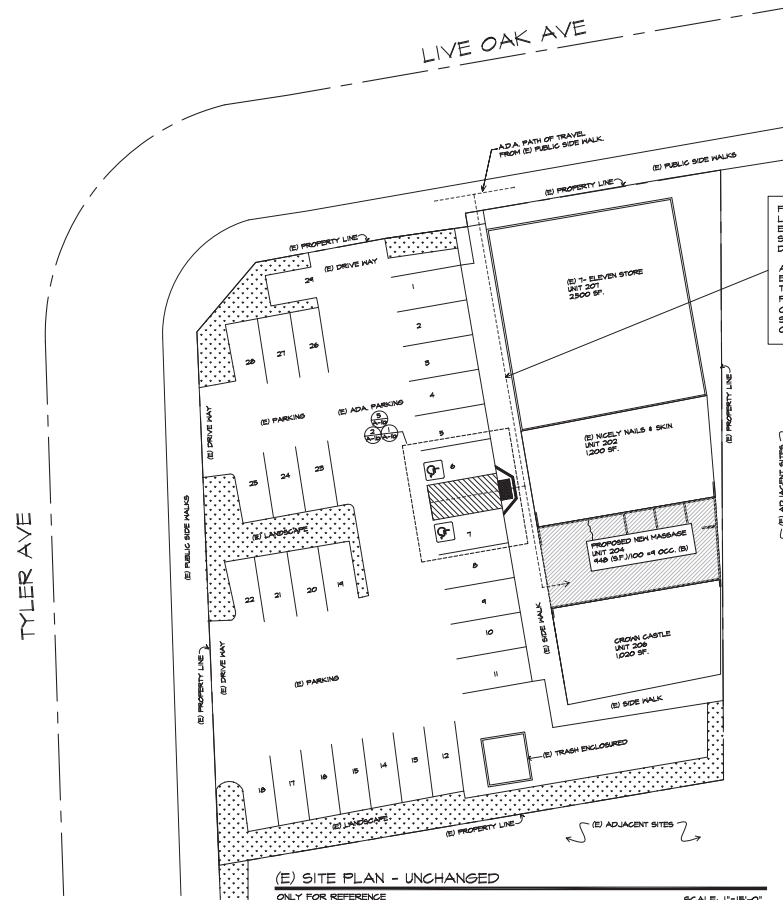
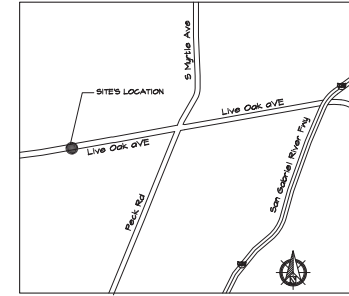
SCOPE OF WORK:

Two existing rooms become to new massage rooms, use the curtain to make one room for facial room. The cashier and waiting area in the front.

VIP MASSAGE & SKIN CARE

204 E LIVE OAKS AVE
ARCADIA, CA 91006.

VICINITY MAP



FOR ADA, AT LOADING ZONES AND AT DOOR LANDINGS, THIS SHALL HAVE NO ABRUPT CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL. SHOWN SLOPE IS 2% MAX CROSS SLOPE, 2% IN EACH DIRECTION. SEE SHT. A10 FOR MORE INFORMATION.

ADA, PATH OF TRAVEL, NO ABRUPT CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL SHOWN. IF THERE IS ANY RAMP THEN THE SLOPE ALONG THE PATH OF TRAVEL SHALL NOT EXCEED 5% (ALSO CALLED THE RUNNING SLOPE CAN NOT EXCEED 5%). SEE SHT. A10 FOR MORE INFORMATION, AND THE CROSS SLOPE CAN NOT EXCEED 2%.

PARKING SUMMARY	
BUSINESS NAME:	SF:
# 207 ELEVEN STORE & SALON	2,500
# 202 NICELY NAILS & SKIN	1,200
# 204 VIP MASSAGE & SKIN CARE	948
# 208 CROWN CASTLE	1,020
TOTAL:	29

PARKING PROVIDED:	
STANDARD:	27
ADA PARKING:	2
TOTAL:	29

(E) SITE PLAN - UNCHANGED
ONLY FOR REFERENCE

SCALE: 1"=15'-0"

REVISIONS	
1	PLAN CHECK CORRECTION
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	
41	
42	
43	
44	
45	
46	
47	
48	
49	
50	
51	
52	
53	
54	
55	
56	
57	
58	
59	
60	
61	
62	
63	
64	
65	
66	
67	
68	
69	
70	
71	
72	
73	
74	
75	
76	
77	
78	
79	
80	
81	
82	
83	
84	
85	
86	
87	
88	
89	
90	
91	
92	
93	
94	
95	
96	
97	
98	
99	
100	

CENTRAL PACIFIC
 DESIGN/BUILD
 COMMERCIAL AND RESIDENTIAL
 VINCENT TRAM 714-719-4588

VIP MASSAGE & SKIN CARE
 204 LIVE OAK AVE
 ARCADIA, CA 91006.

EXISTING SITE PLAN UNCHANGE
 NOVEMBER - 2021

SHEET : 1
A-1
 OF:
 204 LIVE OAK AVE
 ARCADIA, CA 91006.

Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 21-04 Conditional Use Permit with a Categorical Exemption under the California Environmental Quality Act ("CEQA") Section 15301(a) to allow a new day spa and massage business.	
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):	204 E. Live Oak Avenue – The business is located on the southeast corner of E. Live Oak Ave. and Tyler Ave.	
3. Entity or person undertaking project:	A.	
	B. Other (Private)	
	(1) Name	Qing Geng, Business Owner
	(2) Address	241 E. Emerson Ave. Monterey Park, CA 91755
4. Staff Determination:		
<p>The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:</p>		
a. <input type="checkbox"/>	The proposed action does not constitute a project under CEQA.	
b. <input type="checkbox"/>	The project is a Ministerial Project.	
c. <input type="checkbox"/>	The project is an Emergency Project.	
d. <input type="checkbox"/>	The project constitutes a feasibility or planning study.	
e. <input checked="" type="checkbox"/>	The project is categorically exempt.	
	Applicable Exemption Class:	15301(a) – Class 1 (Use of an existing facility)
f. <input type="checkbox"/>	The project is statutorily exempt.	
	Applicable Exemption:	
g. <input type="checkbox"/>	The project is otherwise exempt on the following basis:	
h. <input type="checkbox"/>	The project involves another public agency which constitutes the Lead Agency.	
	Name of Lead Agency:	

Date: February 4, 2022

Staff: Edwin Arreola, Assistant Planner



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JANUARY 25, 2022**

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

ROLL CALL

PRESENT: Chair Lin, Vice Chair Chan, Thompson, Wilander
ABSENT: Tsoi

It was moved by Commissioner Thompson, seconded by Commissioner Wilander to excuse Commissioner Tsoi from the meeting. Without objection, the motion was approved.

Vice Chair Chan joined the meeting at 7:06 p.m.

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

Planning & Community Development Administrator Lisa Flores informed the Commissioners that three late correspondences were received for Agenda Item No. 2 – Housing Element Update. All the correspondences were distributed to the Commission through email earlier in the day.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

- Resolution No. 2088** – Approving Conditional Use Permit No. CUP 21-08 with a Categorical Exemption under the California Environmental Quality Act (“CEQA”) to allow a writing center with up to six students at 411 East Huntington Drive, Suite 211

Recommendation: Adopt Resolution No. 2088

Applicant: Vicki Chang

Chair Lin introduced the item and Assistant Planner Edwin Arreola presented the staff report.

Vice Chair Chan was concerned with student safety given that the restroom is located outside of the unit, in the adjacent hallway. He suggested adding a condition of approval that would require staff to escort students to the restroom. He mentioned a previous Conditional Use Permit application that had a similar condition.

Ms. Flores confirmed that there was a project for a similar use, which included a similar condition of approval.

Chair Lin asked the age range of the students.

Mr. Arreola responded and stated that the students are of middle to high school age.

Chair Lin asked if the Applicant would like to speak on the item.

Applicant Vicki Chang responded. She also took no issue if a condition were added to require that students shall be escorted to the restroom.

Chair Lin opened the public hearing and asked if there were any speakers in support or opposition to the item.

There were no speakers in support or opposition to the proposal.

MOTION- PUBLIC HEARING

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

DISCUSSION

The Commissioners found the project to meet the requirements of the Conditional Use Permit, and that the facts to support the findings render approval.

Commissioner Thompson, while in support of the application and use, does not support the condition of approval to require staff to escort students to the restroom, which is onerous.

Ms. Flores stated that the previous Conditional Use Permit application, referred to earlier, applied to elementary aged students and not to middle to high school aged students.

In answer to a question from Commissioner Wilander about the City's legal obligations in this matter, Assistant City Attorney Maurer added that while the operator may have certain legal requirements, the City does not have a legal obligation to require that the applicant provide staff supervision during student restroom visits.

Commissioner Chan would prefer a cautious approach to the situation, and to prevent any issues in the future.

Chair Lin understands the concerns and is in favor of student safety. Ultimately, he stated that if the Applicant is willing to comply with the requirement, then he would support a new condition. If the Applicant does not agree, then he would not be inclined to add it because the City is not legally required to enforce it.

Ms. Chang said that she would agree with the new condition of approval, as proposed by Commissioner Chan and read into the record by Ms. Flores. She also asked if remote supervision could be an option.

After some additional discussion, it was determined that the proposed condition of approval would allow for the option of remote supervision, at the discretion of the Planning & Community Development Administrator. Commissioner Chan revised his motion to include the option of remote supervision, as included below:

Amended Condition No. 5:

For the safety of the students, adult supervision shall be required at all times for students using the restroom that is located outside of the unit. Alternatively, a surveillance camera may be installed outside of the restrooms that observes the path from the unit to the restroom with the landlord's approval. Either one of these options shall be approved by

the Planning & Community Development Administrator prior to issuance of a Business License.

MOTION

It was moved by Vice Chair Chan, seconded by Commissioner Wilander to adopt Resolution No. 2088, approving Conditional Use Permit No. CUP 21-08 with a Categorical Exemption under the California Environmental Quality Act (“CEQA”) to allow a writing center with up to six students at 411 East Huntington Drive, Suite 211, as amended, and that the proposal satisfies the requisite findings

ROLL CALL

AYES: Chair Lin, Vice Chair Chan, Wilander
NOES: Commissioner Thompson
ABSENT: Commissioner Tsoi

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, February 4, 2022.

- 2. Resolution No. 2087** – Recommending that the City Council Approve General Plan Amendment No. GPA 21-02 with a Negative Declaration under the California Environmental Quality Act updating the General Plan’s Housing Element for the 2021-2029 housing cycle

Recommended Action: Adopt Resolution No. 2087

Chair Lin introduced the item and Ms. Flores, Assistant City Manager/Development Services Director Jason Kruckeberg, and consultant Matt Horton of Kimley Horn presented the report.

Mr. Kruckeberg answered several questions from the Commissioners regarding the requirements of the proposed programs, policies, rezone strategies, affordable housing, impact of new housing units on existing fire and police resources, and the Regional Housing Needs Assessment (RHNA).

Chair Lin opened the public hearing and asked if there were any speakers for the item.

Four speakers provided comments:

- 1. Carolyn Iga, Business Owner:** The Housing Element reflects the community’s values well; supports the preservation of single-family housing as well as the mixed-use expansion and R-3 rezone strategies, supports affordable housing policies particularly for low and very low income, and inclusionary housing policy especially for those who live and work in Arcadia.
- 2. Allison Henry, LA Forward & San Gabriel Valley Tenants Alliance:** Supportive of the proposed inclusionary housing policy; offered a list of several potential community partnerships; offered ways to strengthen Element regarding to tenant protections.
- 3. Mike Veerman, Resident:** Strongly supports the 20% inclusionary housing policy; supports affordable housing for growing population which can also have a positive environmental impact.
- 4. Ted Jimenez, Southcoast Regional Council of Carpenters:** New projects will be generated as a result of the Housing Element; suggested that language should be added to the Element to support the local hiring of a skilled and trained workforce.

MOTION- PUBLIC HEARING

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

DISCUSSION

Commissioner Thompson critiqued the State RHNA mandates and the recent State limits to local land use control. Arcadia is a built-out city, and given the burden of the State requirements, staff and consultants have done a good job with the Housing Element. He had some concerns with the 80-unit density and the inclusion of the Par 3 golf course as one of the proposed strategies to meet RHNA. He cited the General Plan Parks and Recreation Element regarding the goals that promotes the maintenance of existing parks and recreation facilities and to preserve park acreage within the City (Policies PR-1.1 and PR-1.2). The loss of the Par 3 golf course site decreases the City's overall park acreage and would be a loss to the City in terms of available recreational facilities and park space.

Commissioner Wilander was also concerned about a permanent loss of park acreage and recreational green space because of the sale and development of the Par 3 golf course. The Inclusionary Housing policy makes sense, but she would like the option of projects that allow for priority of affordable housing units for City residents.

Mr. Kruckeberg responded and stated that in order for the City to prioritize units for City residents, the City would need to fund or be involved with the funding of such projects. Generally, restrictions cannot be placed on privately funded projects.

Vice Chair Chan also would like to see the Par 3 golf course used as a family-oriented recreation space, and for family use rather than as a golf course use alone. Also, he urged the City Council to appoint a representative in District 5 to the City Council to allow for equal representation of all districts when this item comes before the Council.

Chair Lin understands the perspective of those who want to move to Arcadia and raise their families here, but he also understands the desire to preserve the quality of life for existing residents and property owners. Staff has done a good job with the Housing Element, despite the State mandates. He also understands the concerns regarding the Par 3 golf course, and more conversations should occur to see if there is a way to achieve housing goals while retaining the golf course site, and if this makes the most sense economically. He recalls that discussions to sell the golf course have occurred prior to this process. He would not encourage the Commission to pursue an action that would result in State sanctions or negative actions against the City.

Mr. Kruckeberg confirmed that the discussions of the Par 3 site were discussed prior to the Housing Element Update, and that the current proposals do include preservation of substantial open space.

Lastly, based upon a statement from Commissioner Chan, Commissioner Thompson stated that the Par 3 offers recreational opportunities/activities aside from golf.

MOTION

It was moved by Vice Chair Lin, seconded by Commissioner Thompson to adopt Resolution No. 2087, recommending that the City Council approve General Plan Amendment No. GPA 21-02 with a Negative Declaration under the California Environmental Quality Act updating the General Plan's

Housing Element for the 2021-2029 housing cycle, and forward their individual comments to the City Council

ROLL CALL

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

CONSENT CALENDAR

3. Minutes of the December 14, 2021 Regular Meeting of the Planning Commission

Recommendation: Approve

It was moved by Commissioner Wilander, seconded by Commissioner Thompson to approve the minutes of the December 14, 2021 Planning Commission Regular Meeting.

ROLL CALL

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

MATTERS FROM CITY COUNCIL LIAISON

Council Member Beck supported a stronger Historic Preservation Ordinance and values the protection of the City's historic resources. He is impressed with the Housing Element Update. He informed the Commissioners that the Citizens Financial Advisory Committee advised the Council to sell the Par 3 based on the City's financial situation related to unfunded pension liabilities. The sale is for consideration, and it was his understanding is that a portion of the 3 Par could be maintained as a park or driving range. It is an asset or resource, but the City's financial issues also need to be considered. The Council is working on the process to fill Rodger Chandler's seat and thus fill the District 5 vacancy.

MATTERS FROM THE PLANNING COMMISSIONERS

There were none.

MATTERS FROM ASSISTANT CITY ATTORNEY

Mr. Maurer had nothing to report but thanked staff and consultants for their work on the Housing Element Update.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores announced that there is one item pending for either the February 8 or February 22, 2022 Planning Commission meeting and that she would update the Commissioners next week. Also, she announced that the Planning Commissioner Academy will be taking place this Spring and that she will email the Commission more information about the upcoming conference.

ADJOURNMENT

The Planning Commission adjourned the meeting at adjourned at 9:06 p.m., to Tuesday, February 8, 2022 at 7:00 p.m. in the City Council Chamber.

Zi Lin
Chair, Planning Commission

ATTEST: _____
Lisa Flores
Secretary, Planning Commission