

# CITY OF ARCADIA

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## Arcadia Planning Commission Regular Meeting Agenda



**Tuesday, April 12, 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**

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. 2091** – Approving Conditional Use Permit No. CUP 22-01 with a Categorical Exemption Under the California Environmental Quality Act (“CEQA”) to allow the operation of a tutoring center with up to 20 students at 1 East Foothill Boulevard, Unit 1A

**Recommendation:** Adopt Resolution No. 2091

**Applicant:** Brenda Esfandiary

*There is a ten day appeal period after the adoption of the Resolution. if adopted, appeals are to be filed by 5:30 p.m. on Monday, April 25, 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 March 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, April 26, 2022, at 7:00 p.m.

## Welcome to the Arcadia Planning Commission Meeting!

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

**MEETINGS:** Regular Meetings of the Planning Commission are held on the second and fourth Tuesdays of each month at 7:00 p.m. in the City Council Chambers. A full Planning Commission agenda packet with all backup information is available at City Hall, the Arcadia Public Library, and on the City's website at [www.ArcadiaCA.gov](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:** April 12, 2022

**TO:** Honorable Chair and Planning Commission

**FROM:** Lisa L. Flores, Planning & Community Development Administrator  
By: Fiona Graham, Planning Services Manager

**SUBJECT:** RESOLUTION NO. 2091 – APPROVING CONDITIONAL USE PERMIT NO. CUP 22-01 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) TO ALLOW THE OPERATION OF A TUTORING CENTER WITH UP TO 20 STUDENTS AT 1 EAST FOOTHILL BOULEVARD, UNIT 1A  
**Recommendation: Adopt Resolution No. 2091**

## **SUMMARY**

The Applicant, Brenda Esfandiary, is requesting approval of Conditional Use Permit Application No. CUP 22-01 for a tutoring center (dba: My Learning Center) to occupy an existing 1,248 square foot unit within a one-story commercial building at 1 E. Foothill Boulevard. The proposed tutoring center will accommodate up to 20 students (kindergarten through 8<sup>th</sup> grade) and three instructors. It is recommended that the Planning Commission adopt Resolution No. 2091 (Attachment No. 1) and find this project Categorical Exempt under CEQA and approve Conditional Use Permit No. CUP 22-01, subject to the conditions listed in this staff report.

## **BACKGROUND**

The subject property is located on the northeast corner of E. Foothill Boulevard and N. Santa Anita Avenue and is approximately 21,526 square feet in lot area. The property is developed with a one-story 11,316 square foot commercial building which has vehicular access from N. Santa Anita Avenue and pedestrian access from E. Foothill 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 east, south, and west, and single-family residential properties to the north – see Figure 1.

The existing businesses on-site consist of a retail store, a fitness facility, and a bank. The 1,248 square foot unit for the proposed tutoring center is located at the corner of the existing one-story commercial building, is currently vacant, and was previously occupied by a professional office use, SMK Insurance Agency.

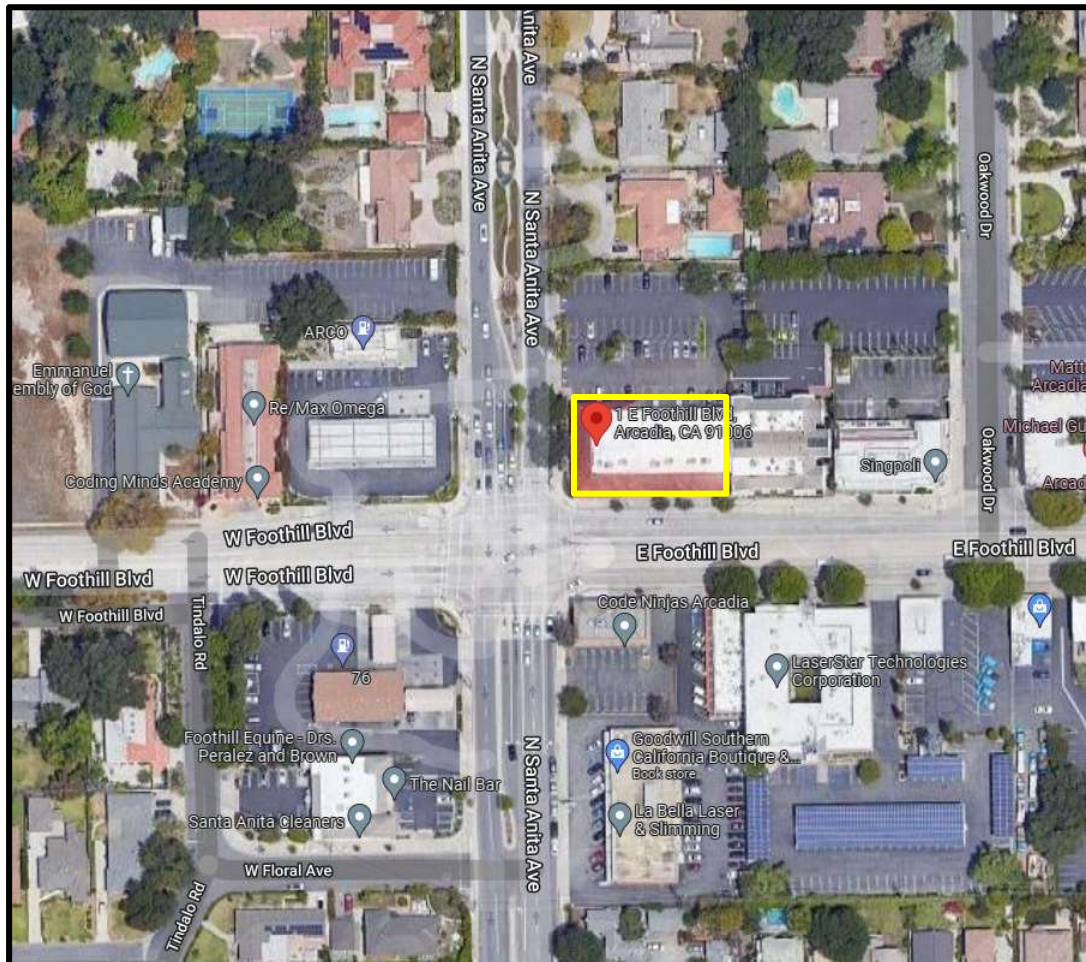


Figure 1 - Aerial of Subject Site

## **PROPOSAL**

The Applicant is requesting approval of a Conditional Use Permit (CUP) to operate a tutoring center (dba: My Learning Center) for kindergarten through 8<sup>th</sup> grade students. My Learning Center opened their first location in San Dimas in 2018 and is now looking to open their second location in Arcadia. The tutoring center will offer group and individual tutoring in subjects such as mathematics, history, science, social studies, and reading. The proposed floor plan for the tutoring center consists of a main room for group sessions, a tutoring room for focused individual instruction, a private office room for staff consultations, and a gender-neutral restroom (see Figure 2).

There will be two instructors on-site at any given time and each instructor will either provide group instruction or individual tutoring, for a total of 20 students in the center at any given time. The proposed business hours for the tutoring center are from 1:00 PM to 6:00 PM, Monday through Friday, and on Saturdays from 8:00 AM to 4:00 PM. As a courtesy, the tutoring center will offer a shuttle service to students for pick up and drop off. Parents will have the option for the shuttle service to and from school and drop them off at home after they are done with their session.

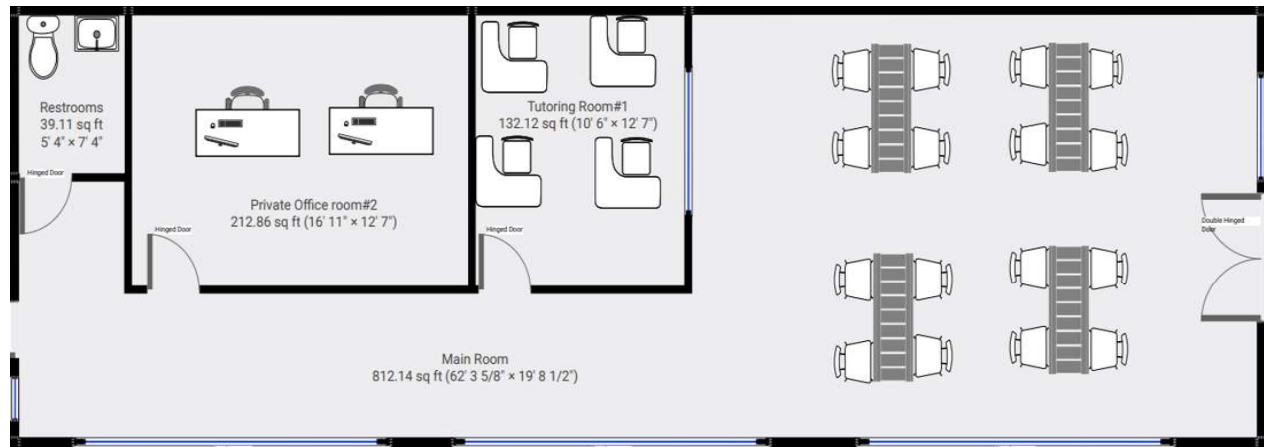


Figure 2 – Proposed Floor Plan

## ANALYSIS

The Arcadia Development Code allows tutoring and educational centers in the C-G zone, subject to the review and approval of a Conditional Use Permit. The proposed tutoring center will have up to 20 students and two employees on site at any given time. As required by Code, each private room will have windows on the doors to allow for unobstructed visibility into the rooms. A condition of approval has been placed on the project with this requirement (refer to Condition No. 4). The CUP request has been reviewed by the various City Departments and no concerns were raised.

### Parking

For a tutoring center that serves students under high school age, the Development Code requires one parking space for every five students and one space for every employee. Based on the proposed operation of the tutoring center, a total of six parking spaces are required for 20 students and two employees. The previous insurance office required five parking spaces, so the proposed use requires one additional parking space.

The tutoring center is also proposing to offer shuttle services for the students. The shuttles will pick-up students from their various schools and transport them to the tutoring center. At the end of the tutoring session, the shuttles can drop students to their homes if parents are unable to pick up their children. In terms of the shuttles, the Applicant will be using their own vehicle that is a sports utility vehicle (SUV) or something similar in size. Since it is their own vehicle there will be no overnight parking needed on-site. The business

owner will travel to and from the site with the SUV, so no additional parking is required for the SUV.

There are a total of 62 existing parking spaces on site that serve the three existing businesses in the building. A 3,091 square foot unit is occupied by a bank and requires 13 parking spaces. A 5,053 square foot unit is occupied by a fitness facility and requires 19 parking spaces (based on CUP 17-07). A 1,694 square foot unit is occupied by a retail store and requires 9 parking spaces. The last remaining vacant unit is the space that the proposed tutoring center will occupy. Based on the parking requirements for the existing uses and the proposed tutoring center, there will be a surplus of 15 spaces since only 47 parking spaces are required for all the businesses. Therefore, parking will not be negatively impacted by the proposed use as there would be abundant amount of parking available on the property.

## **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:** Approval of the tutoring center is consistent with the Commercial land use designation of the site. The Commercial land use designation is intended to permit a wide range of commercial uses which serve both neighborhood and citywide markets. The designation allows a broad array of commercial uses, including neighborhood-serving uses such as tutoring and educational centers. The proposed use will occupy a vacant commercial unit and is a use that is complementary to the nearby residential neighborhoods. In addition, the proposed use is a use allowed in the C-G (General Commercial) zone, subject to the approval of a Conditional Use Permit. It will not adversely affect the comprehensive General Plan, and it is consistent with 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 tutoring centers in the C-G zone subject to the review and approval of a Conditional Use Permit. The site has

an adequate number of parking spaces. Therefore, there should be no impacts to the adjacent commercial uses and properties. Lastly, the proposal 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.**

**Facts to Support This Finding:** The proposed tutoring center will occupy a 1,248 square foot unit within an existing one-story commercial building. The tutoring center will be compatible with the various commercial uses that exist on the property. Although the use will require more parking than the previous use, there is adequate parking on the property to accommodate the proposed use and the existing uses. The uses in the near vicinity of the property include a mix of commercial uses, including two gas stations and a variety of services uses. The proposed tutoring center will be similar to other, nearby commercial uses. The properties to the north of the subject site are zoned R-1 and abut the parking area. An existing, landscaped setback provides a buffer between the commercial uses to the south and residential uses to the north. As such, the use is compatible with the existing and future land uses in the vicinity.

**4. The site is physically suitable in terms of:**

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

**Facts to Support This Finding:** The site is physically suitable to accommodate the proposed tutoring center. The use will occupy a vacant unit within an existing multi-tenant commercial center on an improved site. The site is improved with a surface parking lot and a one-story commercial building that will provide ample parking for the proposed business. The existing parking is more than sufficient to meet the needs of all existing and proposed commercial uses. No exterior improvements are required for the tutoring center. 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 project site is located on the north side of E. Foothill Boulevard at the intersection of N. Santa Anita Avenue and E. Foothill Boulevard, which are designed with the capacity to accommodate both public and emergency vehicles. All adjacent and nearby streets are adequate in width and pavement type to carry the traffic that could be generated by the tutoring center and to support emergency vehicle access.

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

**Facts to Support This Finding:** The proposed tutoring center will be located within an existing commercial unit. Conditions of approval have been included to ensure the tutoring center will be operated in a safe manner, and not impact public protection services. The request has been reviewed by the Fire Department and no concerns were raised. Therefore, no impacts to public protection services are anticipated.

**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.

**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 tutoring center 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. In addition, conditions of approval have been included to mitigate any potential impacts, such as requiring each classroom door to have a window to allow observation from outside of the rooms, and that the use be subject to periodic inspections.

**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 March 31, 2022. As of April 7, 2022, staff did not receive any public comments on this project.

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt Resolution No. 2091 approving Conditional Use Permit No. CUP 22-01 for a new tutoring center with up to 20 students 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 22-01 is limited to a tutoring center and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 22-01. The use shall be subject to periodic inspections, after which the conditions of this Conditional Use Permit may be adjusted after due notice in order to address any adverse impacts to the adjacent streets, rights-of-way, and/or the neighboring businesses, nearby residential uses and properties.
2. No more than 20 students shall be permitted on site at any given time. Any changes to the number of students 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 learning center shall not operate outside of the following hours: 1:00 PM to 6:00 PM, Monday through Friday, and on Saturdays from 8:00 AM to 4:00 PM. Any changes to the hours of operation, 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.
4. The private office room and the private tutoring room doors shall have unobscured glass windows to allow easy viewing from the hallway. The final design and specifications of the door with a glass window shall be reviewed by the Planning & Community Development Administrator, or designee, prior to submitting their plan to Building Services for plan-check.
5. Prior to the issuance of a Certificate of Occupancy from the Building Services, one (1) Automated External Defibrillator (AED) shall be installed. The location of the AED shall be shown on the plans submitted for plan check review with the Building Services and is subject to review and approval by the Planning & Community Development Administrator, or designee.
6. The Project shall provide an accessible path of travel from the parking lot to the entrance of the building in accordance with CBC 11B-206.
7. The Project shall provide the required number of accessible parking spaces on site in accordance with 11B-208.

8. Review and ensure compliance with Arcadia Municipal Code Private School and Tutoring Center Requirements. Group E occupancy requirements will apply to this project as the occupancy exceeds six persons.
9. The plans submitted for Building plan check shall comply with the 2021 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
  - i. Arcadia Municipal Code
10. The proposed unit the business will be occupying shall comply with the requirements of all applicable codes for the new occupancy classification. Complete plans, calculations and other specifications shall be submitted to Building Services for review, approval and subsequent permit issuance. The plans, calculations and other specifications shall be prepared by an Architect or Registered Civil/Structural Engineer licensed in the State of California who is qualified to perform said work.
11. A full coverage fire alarm system is required for Group E occupancies with more than one classroom. The two classrooms shown shall either be combined or else provide a fire alarm system.
12. A minimum rated 2A:10BC fire extinguisher shall be provided at an approved location.
13. The main exit door shall be equipped with panic or lever type hardware. Latched or key operated locks are not permitted.
14. A knox box shall be provided at an approved location.
15. A full coverage fire alarm system shall be provided.
16. 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. The changes 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.

17. Noncompliance with the plans, provisions and conditions of approval for CUP 22-01 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the tutoring center.
18. 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 22-01 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.

19. Approval of CUP 22-01 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 22-01, stating that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2091 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 22-01, 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 April 12, 2022, hearing, please contact Planning Services Manager, Fiona Graham, at (626) 574-5442, or by email at [fgraham@ArcadiaCA.gov](mailto:fgraham@ArcadiaCA.gov).

Approved:



Lisa L. Flores  
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2091
- 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. 2091

RESOLUTION NO. 2091

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP 22-01 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) TO ALLOW THE OPERATION OF A TUTORING CENTER WITH UP TO 20 STUDENTS AT 1 EAST FOOTHILL BOULEVARD, UNIT 1A

WHEREAS, on January 31, 2022, an application for Conditional Use Permit No. CUP 22-01 was filed by the business owner, Brenda Esfandiary (“Applicant”), for a new tutoring center (dba: My Learning Center LLC) at 1 E. Foothill Drive, Unit 1A (the “Project”); and

WHEREAS, on April 5, 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 April 12, 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 April 12, 2022 are true and correct.

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

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

FACT: Approval of the tutoring center is consistent with the Commercial land use designation of the site. The Commercial land use designation is intended to permit a wide range of commercial uses which serve both neighborhood and citywide markets. The designation allows a broad array of commercial uses, including neighborhood-serving uses such as tutoring and educational centers. The proposed use will occupy a vacant commercial unit and is a use that is complementary to the nearby residential neighborhoods. In addition, the proposed use is a use allowed in the C-G (General Commercial) zone, subject to the approval of a Conditional Use Permit. It will not adversely affect the comprehensive General Plan, and it is consistent with 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 uses are allowed within the applicable zone, subject to the granting of a Conditional Use Permit, and complies with all other applicable provisions of the Development Code and the Municipal Code.

FACT: The site is zoned C-G, General Commercial. Arcadia Development Code Section 9102.03.020, Table 2-8, allows tutoring centers in the C-G zone subject to the review and approval of a Conditional Use Permit. The site has an adequate number of parking spaces. Therefore, there should be no impacts to the adjacent commercial uses

and properties. Lastly, the proposal 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 tutoring center will occupy a 1,248 square foot unit within an existing one-story commercial building. The tutoring center will be compatible with the various commercial uses that exist on the property. Although the use will require more parking than the previous use, there is adequate parking on the property to accommodate the proposed use and the existing uses. The uses in the near vicinity of the property include a mix of commercial uses, including two gas stations and a variety of services uses. The proposed tutoring center will be similar to other, nearby commercial uses. The properties to the north of the subject site are zoned R-1 and abut the parking area. An existing, landscaped setback provides a buffer between the commercial uses to the south and residential uses to the north. As such, the use is compatible with the existing and future land uses in the vicinity.

4. The site is physically suitable in terms of:

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

FACT: The site is physically suitable to accommodate the proposed tutoring center. The use will occupy a vacant unit within an existing multi-tenant commercial center on an improved site. The site is improved with a surface parking lot and a one-story commercial

building that will provide ample parking for the proposed business. The existing parking is more than sufficient to meet the needs of all existing and proposed commercial uses. No exterior improvements are required for the tutoring center. 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 project site is located on the north side of E. Foothill Boulevard at the intersection of N. Santa Anita Avenue and E. Foothill Boulevard, which are designed with the capacity to accommodate both public and emergency vehicles. All adjacent and nearby streets are adequate in width and pavement type to carry the traffic that could be generated by the tutoring center and to support emergency vehicle access.

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

FACT: The proposed tutoring center will be located within an existing commercial unit. Conditions of approval have been included to ensure the tutoring center will be operated in a safe manner, and not impact public protection services. The request has been reviewed by the Fire Department and no concerns were raised. Therefore, no impacts to public protection services are anticipated.

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 tutoring center 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. In addition, conditions of approval have been included to mitigate any potential impacts, such as requiring each classroom door to have a window to allow observation from outside of the rooms, and that the use be subject to periodic inspections.

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

SECTION 3. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt per Class 1, Section 15301 (a) of the California Environmental Quality Act (CEQA) Guidelines, and approves Conditional Use Permit No. CUP 22-01 for a new tutoring center within an existing commercial unit (dba: My Learning Center) at 1 E. Foothill Boulevard, Unit 1A, 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 12<sup>th</sup> day of April, 2022.

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Zi Lin  
Chair, Planning Commission

ATTEST:

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Lisa L. Flores  
Secretary

APPROVED AS TO FORM:

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Stephen P. Deitsch  
City Attorney

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RESOLUTION NO. 2091

**Conditions of Approval**

1. The use approved by CUP 22-01 is limited to a tutoring center and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 22-01. The use shall be subject to periodic inspections, after which the conditions of this Conditional Use Permit may be adjusted after due notice in order to address any adverse impacts to the adjacent streets, rights-of-way, and/or the neighboring businesses, nearby residential uses and properties.
2. No more than 20 students shall be permitted on site at any given time. Any changes to the number of students 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 learning center shall not operate outside of the following hours: 1:00 PM to 6:00 PM, Monday through Friday, and on Saturdays from 8:00 AM to 4:00 PM. Any changes to the hours of operation, 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.
4. The private office room and the private tutoring room doors shall have unobscured glass windows to allow easy viewing from the hallway. The final design and specifications of the door with a glass window shall be reviewed by the Planning & Community Development Administrator, or designee, prior to submitting their plan to Building Services for plan-check.
5. Prior to the issuance of a Certificate of Occupancy from the Building Services, one (1) Automated External Defibrillator (AED) shall be installed. The location of the AED shall be shown on the plans submitted for plan check review with the Building Services and is subject to review and approval by the Planning & Community Development Administrator, or designee.
6. The Project shall provide an accessible path of travel from the parking lot to the entrance of the building in accordance with CBC 11B-206.
7. The Project shall provide the required number of accessible parking spaces on site in accordance with 11B-208.
8. Review and ensure compliance with Arcadia Municipal Code Private School and Tutoring Center Requirements. Group E occupancy requirements will apply to this project as the occupancy exceeds six persons.
9. The plans submitted for Building plan check shall comply with the 2021 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
  - i. Arcadia Municipal Code
10. The proposed unit the business will be occupying shall comply with the requirements of all applicable codes for the new occupancy classification. Complete plans, calculations and other specifications shall be submitted to Building Services for review, approval and subsequent permit issuance. The plans, calculations and other specifications shall be prepared by an Architect or Registered Civil/Structural Engineer licensed in the State of California who is qualified to perform said work.
  11. A full coverage fire alarm system is required for Group E occupancies with more than one classroom. The two classrooms shown shall either be combined or else provide a fire alarm system.
  12. A minimum rated 2A:10BC fire extinguisher shall be provided at an approved location.
  13. The main exit door shall be equipped with panic or lever type hardware. Latched or key operated locks are not permitted.
  14. A knox box shall be provided at an approved location.
  15. A full coverage fire alarm system shall be provided.
  16. 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. The changes 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.
  17. Noncompliance with the plans, provisions and conditions of approval for CUP 22-01 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the tutoring center.
  18. 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 22-01 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.

19. Approval of CUP 22-01 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 with Zoning Information and  
Photos of the Subject Property and Vicinity

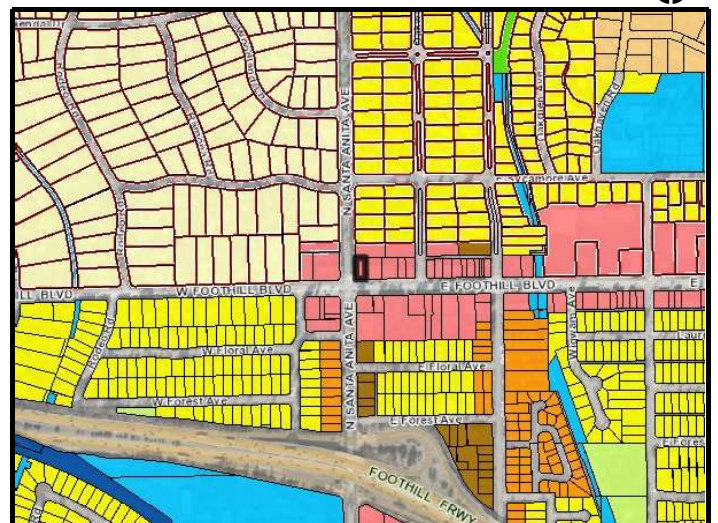
**Site Address: 1 E FOOTHILL BLVD**

**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>	11,316
<b>Year Built:</b>	1979
<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

Selected parcel highlighted



Parcel location within City of Arcadia



The tutoring center space as seen from E. Foothill Blvd.



The tutoring center space as seen looking east from N. Santa Anita Ave.



The rear of the tutoring center as seen from the center parking lot to the north.

# Attachment No. 3

## Architectural Plans

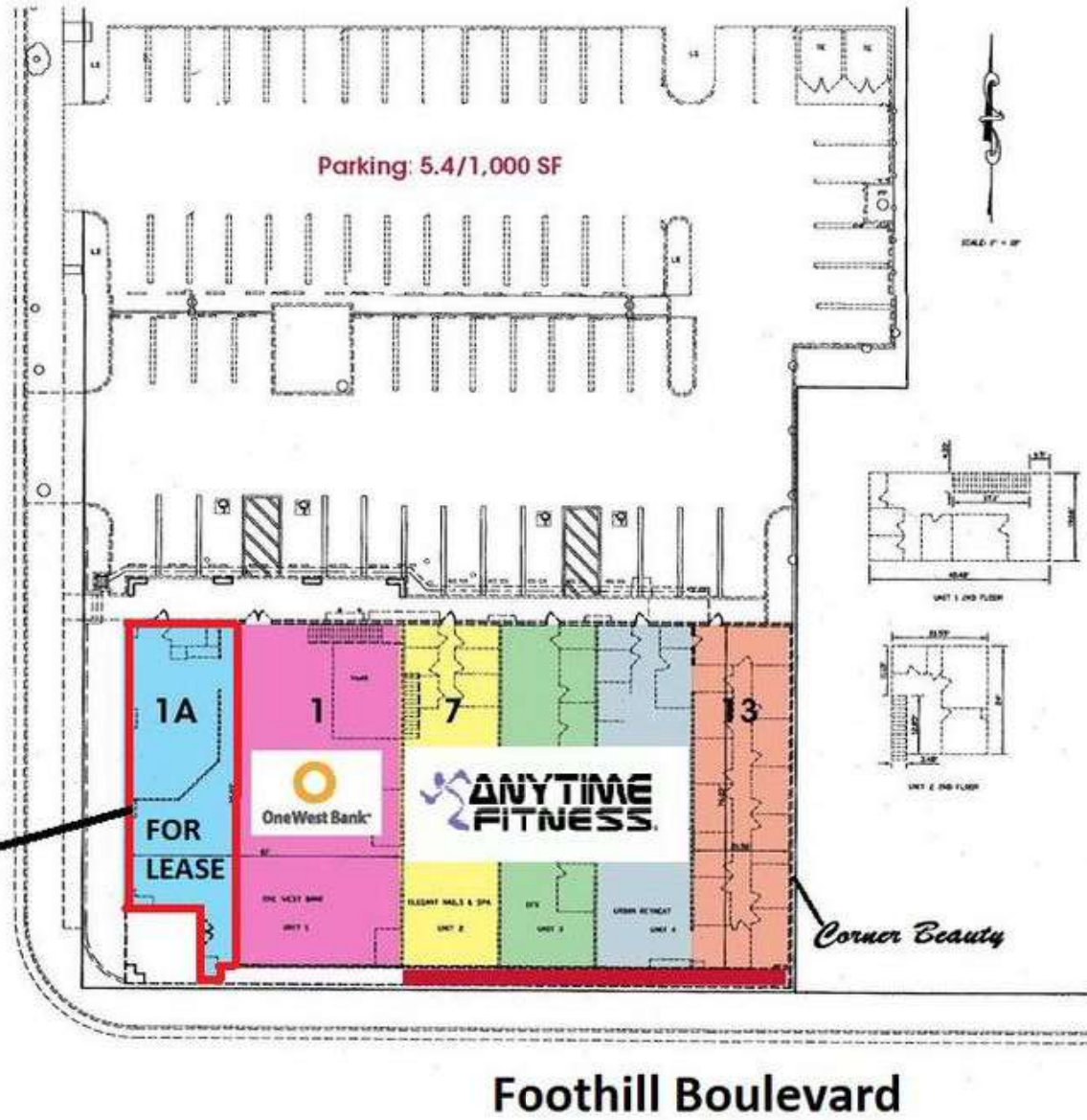
# Site Plan

Unit	Tenant	SF
1A	FOR LEASE	1,248
1	One West Bank	3,091
7	Anytime	5,053
	Fitness	
13	Corner Beauty	1,694

Santa Anita Avenue

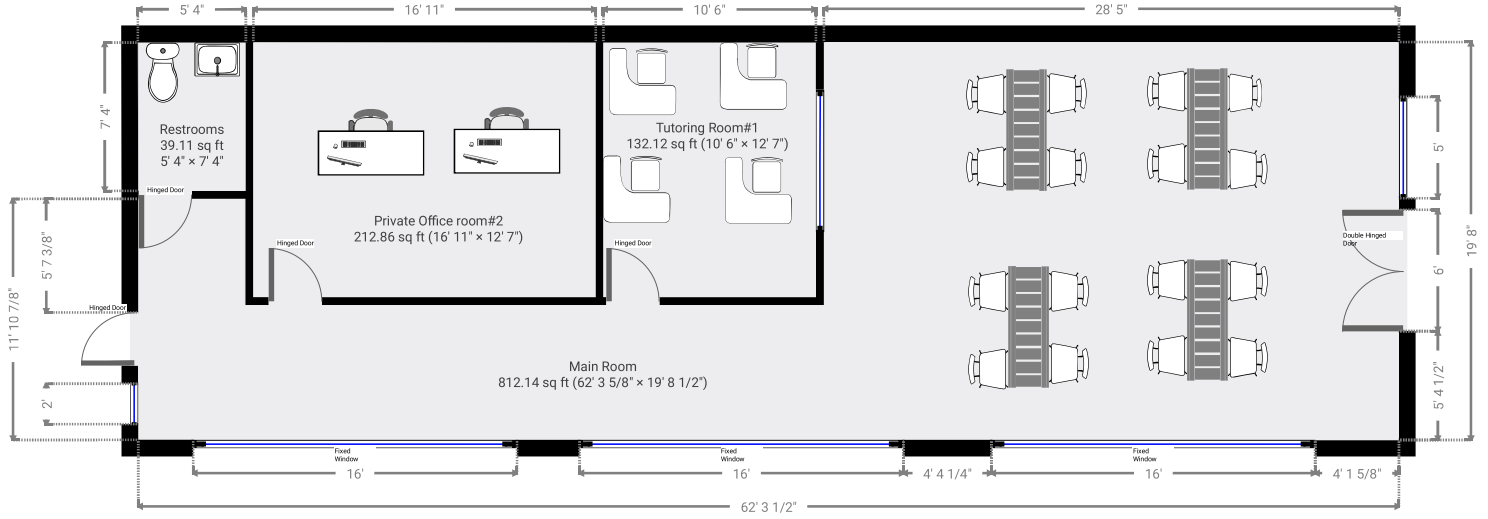
Santa Anita Avenue

FOR LEASE  
1,248 SF



## ▼ Ground Floor

TOTAL AREA: 1361.09 sq ft • LIVING AREA: 1361.09 sq ft • ROOMS: 4



# Attachment No. 4

## Preliminary Exemption Assessment



CITY OF  
ARCADIA

## PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 22-01 Conditional Use Permit to allow a tutoring center.												
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):	1 E. Foothill Blvd. – The business is located along at the north-east corner of Foothill Blvd. and N. Santa Anita Ave.												
3. Entity or person undertaking project:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; padding: 2px;">A.</td> <td colspan="2" style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">B. Other (Private)</td> <td colspan="2" style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">(1) Name</td> <td style="width: 15%; border-left: 1px dotted black; padding: 2px;"></td> <td style="padding: 2px;">Brenda Esfandiary</td> </tr> <tr> <td style="padding: 2px;">(2) Address</td> <td style="border-left: 1px dotted black; padding: 2px;"></td> <td style="padding: 2px;">1622 Old Oak Lane Arcadia, CA 91006</td> </tr> </table>	A.			B. Other (Private)			(1) Name		Brenda Esfandiary	(2) Address		1622 Old Oak Lane Arcadia, CA 91006
A.													
B. Other (Private)													
(1) Name		Brenda Esfandiary											
(2) Address		1622 Old Oak Lane 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: 40%; 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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Applicable Exemption Class:	15301 – Class 1 (Use of an existing facility)												
f. <input type="checkbox"/>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is statutorily exempt.</td> </tr> <tr> <td style="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 style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; 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: 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: April 5, 2022

Staff: Fiona Graham, Planning Services Manager



**ARCADIA PLANNING COMMISSION  
REGULAR MEETING MINUTES  
TUESDAY, MARCH 22, 2022**

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

**ROLL CALL**

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

**SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS**

There was no supplemental information.

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

There were none.

**PUBLIC HEARING**

1. **Resolution No. 2090** – Approving Conditional Use Permit No. CUP 21-05 with a Categorical Exemption under the California Environmental Quality Act (“CEQA”) for a new adult day care center with up to 210 adults at 253 E. Foothill Boulevard

**Recommendation:** Adopt Resolution No. 2090

**Applicant:** Mailian and Associates

Chair Lin introduced the item and Associate Planner Vanessa Quiroz presented the staff report.

Commissioner Thompson asked if any of the participants will drive themselves to the day care center, and staff responded that very few patrons will drive themselves and that most attendees will either be dropped-off and picked-up or rely on transportation services provided by the business.

Commissioner Wilander asked if the existing North Hollywood location has a shuttle service in place, which staff confirmed they did.

Chair Lin opened the public hearing and asked if the Applicant would like to speak on the item.

Argineh Mailian, representative for the Applicant, spoke briefly and explained that they chose Arcadia as their next location since according to the California Department of Aging (“CDA”) there is a need for this type of service in this area.

Commissioner Thompson asked how many of the attendees at their existing location currently utilize the shuttle service. The Applicant responded that about ninety percent of their patrons use this service.

Commissioner Tsoi asked for clarification on the location of the main entrance into the proposed facility, and the Applicant responded that the main entrance is at the southwest corner of the building.

Vice Chair Chan expressed concern over the four ADA parking spaces, noting that while the Applicant expects majority of the users will use their shuttle service, some will still arrive by car, therefore he felt more ADA spaces should be provided. The Applicant responded that they worked extensively with City staff on the parking, and that there are sixty parking spaces designated exclusively for the proposed business, and that in addition to the four ADA spaces, the six spaces designated for the shuttles are also ADA spaces, bringing a total to 10 ADA spaces. Chan asked how many ADA spaces are required for the facility. Staff responded and said two spaces are required, but four are being proposed excluding the six van/shuttle ADA spaces.

Commissioner Wilander asked for clarification on the how the shuttle parking spaces will be utilized. The Applicant responded and explained that when the ADA parking spaces for the shuttles are not in use that they may be used by the patrons and they can park their shuttles at the rear of the property, but this parking arrangement would have to be approved by the City.

Vice Chair Chan followed up Commissioner Wilander's question by asking if the shuttles will be parked in those spaces throughout the day, or if they will only be there for drop-off and pick-up. The Applicant responded that with the current proposal the shuttles will remain in those spaces when not in use, but they are open to working with City staff on an alternative location for the shuttles to make more ADA parking spaces available for their patrons.

Chair Lin invited the public to speak on the item, and one speaker spoke.

**Donna Perez, Resident:** Expressed concern that adult day care centers create increased foot traffic in the area that would produce congestion and problems in the shopping center and nearby crosswalks. She added that the additional traffic caused by employees of the facility and the shuttles coming in and out throughout the day would cause problems for the businesses and residents in the area. The Speaker proposed alternative businesses for the space, including food and drink establishments or another drug store, and encouraged the Commission to consider traffic congestion and other impacts to the nearby businesses and safety of the attendees of the business and students at the nearby middle school.

The Applicant responded to the concerns regarding increased foot traffic by stating that participants will not be allowed to leave the building per CDA regulations, so they will not be walking around the shopping center or nearby areas as mentioned in the public comment. She responded to the concern regarding increased vehicle traffic by noting that the parking spaces available for the facility exceed the code requirements, and that ensuring shuttles have designated parking spaces will also help alleviate impacts on traffic congestion.

Chair Lin asked the Applicant if the business would provide day trips out of the facility for the attendees to which she responded that they would not provide such activities, and their programs will be on-site and within the building.

Vice Chair Chan asked City staff if there were any traffic studies done for this project. Deputy Development Services Director/City Engineer Phil Wray responded that the proposed project generates considerably less traffic than the previous business, Walgreens, and that there were no foreseeable traffic impacts from the proposed use. Wray noted that the possible traffic caused by drop-off and pick-up of day care attendees will not likely cause issues for school drop-off and pick-up traffic as it would not be at the same time.

## **MOTION- PUBLIC HEARING**

It was moved by Commissioner Wilander, 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 supported the project and commented that the Applicant may need to provide additional shuttle vans in the future to help transport participants more easily, which can be determined by the Planning & Community Development Administrator after the business is in operation.

Vice Chair Chan shared his concern that while he thinks the business should provide more ADA parking spaces, it may not be an issue if the shuttle vans do not occupy the ADA parking spaces when they are not in-use or they provide additional ADA spaces on the property. He will leave that to City Staff to work it out with the Applicant. He agreed with the traffic assessment provided by the City Engineer that the proposed facility would likely generate less traffic than a food establishment or drug store and noted that traffic caused by the facility should not overlap with traffic from the nearby middle school since the drop-off and pick-up times do not overlap. Chan strongly favored the project.

Commissioner Wilander felt the proposed project will be a good use of the existing property as well as for the community. She was in favor of the project.

Commissioner Tsoi agreed with the rest of the Commissioner's comments and expressed his support for the project.

Chair Lin agreed that there is a need in the community for the proposed services and was in favor of the project.

## **MOTION**

2. It was moved by Vice Chair Chan, seconded by Commissioner Tsoi to adopt Resolution No. 2090, approving Conditional Use Permit No. CUP 21-05 with a Categorical Exemption under the California Environmental Quality Act ("CEQA") for a new adult day care center with up to 210 adults at 253 E. Foothill Boulevard.

## **ROLL CALL**

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

*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, April 1, 2022.*

## **CONSENT CALENDAR**

1. Minutes of the February 22, 2022, Regular Meeting of the Planning Commission

**Recommendation:** Approve

It was moved by Vice Chair Chan, seconded by Commissioner Wilander to approve the minutes of the February 22, 2022, Planning Commission Regular Meeting.

**ROLL CALL**

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

**MATTERS FROM CITY COUNCIL LIAISON**

Council Member Beck was not present for this meeting.

**MATTERS FROM THE PLANNING COMMISSIONERS**

The Commissioners had nothing to report.

**MATTERS FROM ASSISTANT CITY ATTORNEY**

Mr. Maurer had nothing to report.

**MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS**

Ms. Flores informed the Commission know that there are two items tentatively scheduled for the next meeting.

**ADJOURNMENT**

The Planning Commission adjourned the meeting at adjourned at 7:27 p.m., to Tuesday, April 12, 2022, at 7:00 p.m. in the City Council Chamber.

\_\_\_\_\_  
Zi Lin  
Chair, Planning Commission

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