

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, June 14, 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. 2099** – Approving Conditional Use Permit No. CUP 22-05 with a Categorical Exemption under the California Environmental Quality Act (“CEQA”) to allow massage services at an existing facial and skin care business located at 111 E. Huntington Drive

Recommendation: Adopt Resolution No. 2099

Applicants: Isabella Choi and Rebecca Speiltogel

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, June 24, 2022.

2. **Resolution No. 2094** – Approving an amendment to Conditional Use Permit No. CUP 16-03 with a Categorical Exemption under the California Environmental Quality Act (CEQA) to allow the service of food at Vendome Wine & Spirits located at 103 E. Santa Clara Street

Recommendation: Adopt Resolution No. 2094

Applicant: Charles Tran

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, June 24, 2022.

3. **Resolution No. 2098** – Approving Mutli-Family Architectural Design Review No. MFADR 21-01, and Administrative Modification No. PC AM 21-03 with a Categorical Exemption under the California Environmental Quality Act (CEQA) for a new second multi-family unit at 525 S. Second Avenue

Recommendation: Adopt Resolution No. 2098

Applicant: Mitzi Linscott

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, June 24, 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.

4. Minutes of the May 24, 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, June 28, 2022, at 7:00 p.m.



STAFF REPORT

Development Services Department

DATE: June 14, 2022

TO: Honorable Chairman and Planning Commission

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

SUBJECT: RESOLUTION NO. 2099 – APPROVING CONDITIONAL USE PERMIT NO. CUP 22-05 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) TO ALLOW MASSAGE SERVICES AT AN EXISTING FACIAL AND SKIN CARE BUSINESS LOCATED AT 111 E. HUNTINGTON DRIVE
Recommendation: Adopt Resolution No. 2099

SUMMARY

The Applicants, Isabella Choi and Rebecca Speiltogel, are requesting approval of Conditional Use Permit No. CUP 22-05 to allow massage services at an existing facial and skin care business (dba: 111 Day Spa) at 111 E. Huntington Drive. It is recommended that the Planning Commission adopt Resolution No. 2099 (Attachment No. 1) and find this project Categorical Exempt under CEQA and approve Conditional Use Permit No. CUP 22-05, subject to the conditions listed in this staff report.

BACKGROUND

The subject site is located in Downtown Arcadia on the north side of E. Huntington Drive between 1st and 2nd Avenue (see Figure 1). The existing 2,365 square foot, one-story commercial building has four units (105-111 E. Huntington Drive – refer to Attachment No. 3 for the Site Plan and Floor Plan). The existing business is located in one of the four units that is approximately 588 square feet at 111 E. Huntington Drive. The business provides facial and skin care services such as eyelash extensions, facial, oxygen hydrating, weight loss, and skin care treatments, and it has been operating since February of this year. The unit was previously occupied by a professional office use until November of 2021. The site has no parking spaces or driveways but utilizes public parking on the street and public parking lots to the north of the site. The adjacent units consist of a computer store (105 E. Huntington Drive), a florist shop (107 E. Huntington Drive), and a jewelry repair store (109 E. Huntington Drive).

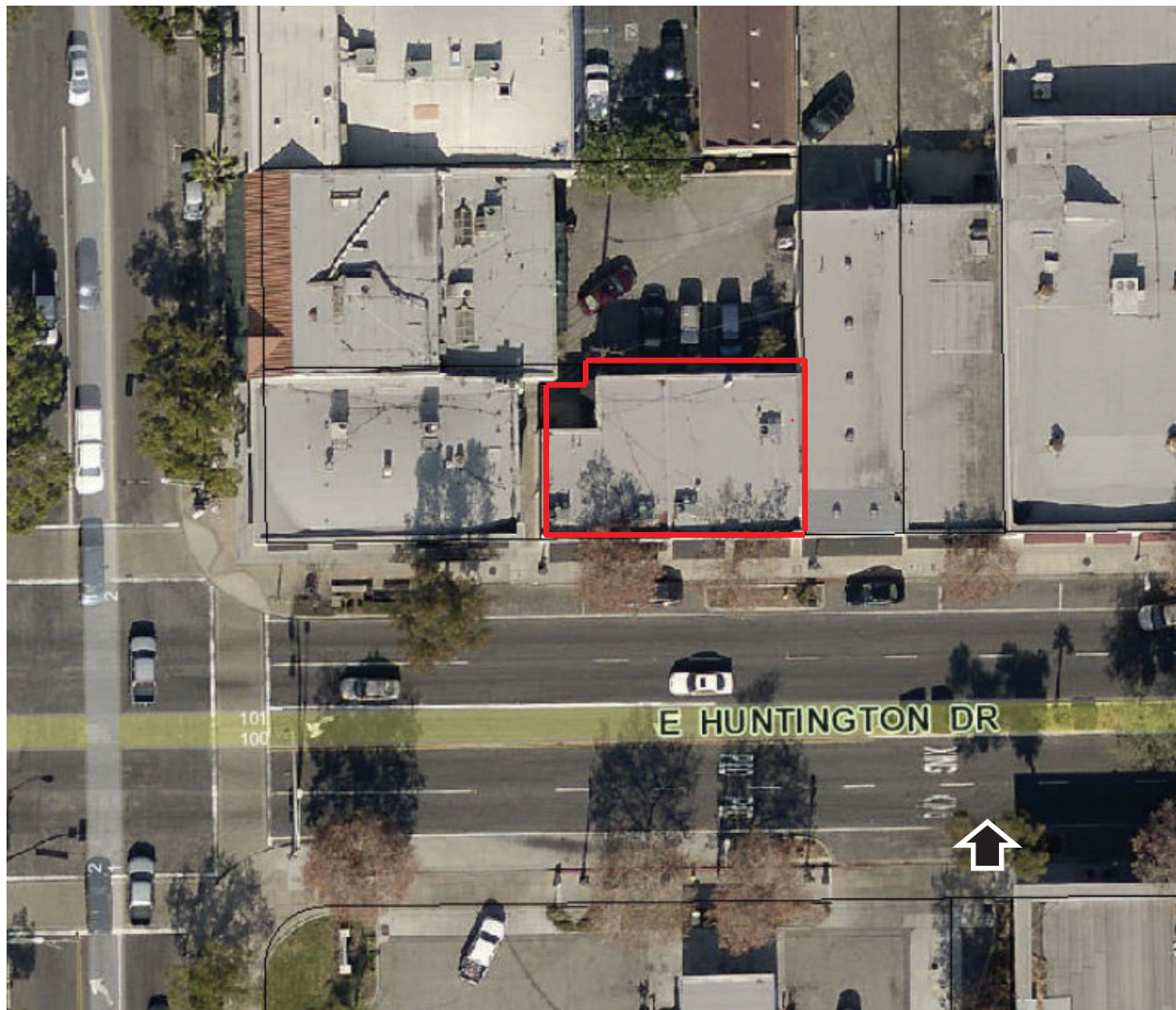


Figure 1 – Aerial of Subject Site

The property is zoned CBD (Commercial Business District) and has a General Plan Land Use Designation of Commercial. The site is surrounded by other commercial properties zoned CBD to the north, east, west, and across the street to the south - refer to Attachment No. 2 for an Aerial Photo with Zoning Information and Photos of the subject property. The property is also within the Downtown Parking Overlay Zone.

The Applicants currently operate a massage and spa business in the City of South Pasadena at 1008½ Fair Oaks Avenue. The location has been in operation since November 2011.

PROPOSAL

The Applicants are proposing to provide full body massages such as deep tissue, Swedish, and Thai massages to be conducted in one of the two private rooms. The

existing business currently offers various facial treatments, oxygen hydrating skin treatments, weight loss inducing treatments and eyelash extensions. These services are classified as *Personal General Uses* under the City's Development Code and are permitted by right. Massage services are considered a *Personal Restricted Use* and are only allowed through a Conditional Use Permit. There will be a total of four (4) employees, two massage therapists and two estheticians, 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 consists of a lobby, three (3) private treatment rooms, and a restroom as shown below and under Attachment No. 3 - Site Plan and Floor Plan. Foot massages are not proposed under this permit. The proposed business hours are from 9:30 a.m. to 8:00 p.m., everyday.

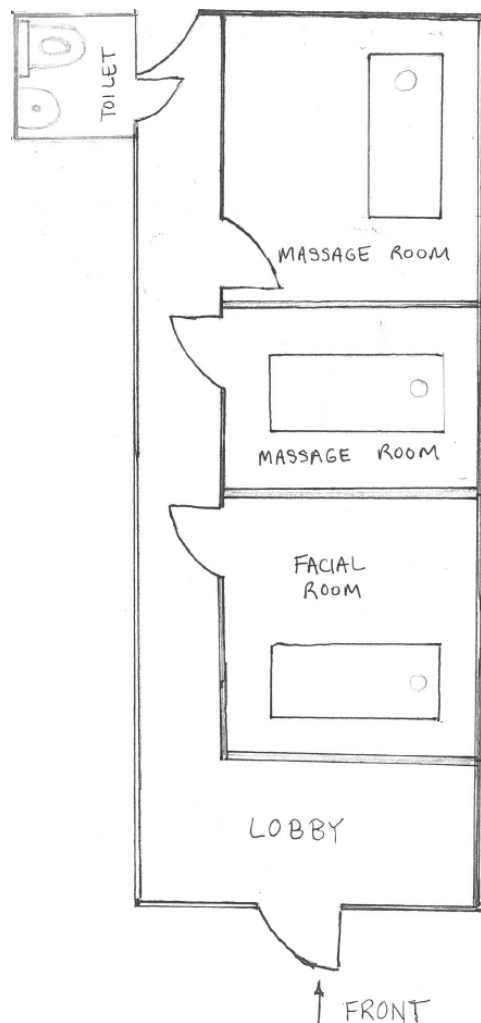


Figure 2 – Proposed Floor Plan

ANALYSIS

Personal restricted services are subject to a Conditional Use Permit in the CBD, Commercial Business District zone. Massage services are considered “restricted” and are not allowed by-right.

No issues were reported with the Applicants’ other massage business in South Pasadena by the City’s Police Department. Additionally, the Arcadia Police Department reviewed this request and had no issues with the proposed addition of massage services. 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 site has never had any parking on the property and was developed this way. Like the other businesses on this block, they either utilize street parking and/or the City’s public parking lots. In terms of on-street parking, two-hour parking is available from 9:00 a.m. to 6:00 p.m. on E. Huntington Drive and they are not restricted after 6:00 p.m. Also, one of the City’s public parking lots is located towards the rear of this property and offers all day parking. The additional massage services are not expected to impact the demand for parking within Downtown Arcadia and the public parking should adequately serve the business.

FINDINGS

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

- 1. The proposed use is consistent with the General Plan and any applicable specific plan; and is allowed within the applicable zone, subject to the granting of a Conditional Use Permit, and comply with all other applicable provisions of the Development Code and the Municipal Code.**

Facts to Support This Finding: The proposed massage use is consistent with the Commercial land use designation of the site. The Commercial designation within the Downtown area is intended to provide opportunities for a wide range of complementary commercial uses, including personal services, which serve both neighborhood and citywide markets. The site is zoned Commercial Business District (CBD) and Arcadia Development Code Section 9102.05.020, Table 2-10, allows personal restricted services, such as the proposed use, in the CBD zone subject to the review and approval of a Conditional Use Permit. The proposed massage use operations and improvements will comply with the Massage Therapist regulations as set forth in the Arcadia Municipal Code and is a service typically found in a facial and/or skin care facility. Therefore, the massage use will not adversely affect the comprehensive General Plan, is in compliance with all applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code, 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 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 massage use will be a new service to the existing facial and skin care business. The business will utilize three treatment rooms with two rooms dedicated to massage services with one massage bed in each room and the remaining room dedicated to skin and facial treatments. After four months of operating as solely a skin and facial treatment business, the designated rooms should be able to sufficiently handle the expected demand for services for this business. The proposed use is in compliance with all the applicable development standards and land use regulations of the CBD zone and meets the parking requirement since the site is located within the City's Downtown Parking Overlay and does not require additional parking for a change in use. The use is compatible and not detrimental to the other existing retail businesses located on site and along E. Huntington Drive. Therefore, the Project is compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, site improvements, loading, and parking.

Facts to Support This Finding: The site is physically suitable and adequately developed for the proposed massage use because the property is an improved site with an existing commercial building. Additionally, the proposed massage use will occur within an existing business and within two of the three rooms dedicated for this service. This additional service will not require any additional site improvements or construction. There is no additional parking required for the proposed use and there is sufficient parking available on Huntington Drive and within the City's public parking lots.

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

Facts to Support This Finding: The property is located on the north side of E. Huntington Drive. Huntington Drive is adequate in width and pavement type to carry the traffic generated by the proposed use and emergency vehicles. Therefore, the Project 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 change in use will not require any new plumbing fixtures or new improvements; therefore the utilities and infrastructure will continue to adequately service the site.

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

Facts to Support This Finding: The proposed massage use is in compliance with the Arcadia Development Code standards. The proposed use will not be detrimental to the public health or welfare of the surrounding properties, as the use is complementary to the existing facial and skin care business. Also, the site is located in Downtown Arcadia which has a mix of businesses that serve the surrounding communities. The subject site is supported by public parking, and it 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, 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 June 2, 2022. As of June 10, 2022, staff did not receive any public comments on this project.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2099 approving Conditional Use Permit No. CUP 22-05 to allow massage services at an existing facial and skin care business 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 22-05 shall be limited to a business providing massage services and beauty services, such as facials, non-surgical facial enhancements, and skin care treatments. Its hours of operation shall be limited to the hours of 9:30 a.m. to 8:00 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 22-05, 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 three (3) 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 intensification 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
 - i. Arcadia Municipal 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 22-05 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, the Applicant must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with CUP 22-05 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 22-05 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 22-05, stating that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2099 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 22-05, 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 June 14, 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. 2099
- 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. 2099

RESOLUTION NO. 2099

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP 22-05 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") TO ALLOW MASSAGE SERVICES AT AN EXISTING FACIAL AND SKIN CARE BUSINESS LOCATED AT 111 E. HUNTINGTON DRIVE

WHEREAS, on March 10, 2022, an application for Conditional Use Permit No. CUP 22-05 was filed by the business owners, Isabella Choi and Rebecca Spielfogel ("Applicants"), to allow massage services at an existing facial and skin care business located at 111 E. Huntington Drive ("Project"); and

WHEREAS, on June 1, 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 June 14, 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 June 14, 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; and 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.

FACT: The proposed massage use is consistent with the Commercial land use designation of the site. The Commercial designation within the Downtown area is intended to provide opportunities for a wide range of complementary commercial uses, including personal services, which serve both neighborhood and citywide markets. The site is zoned Commercial Business District (CBD) and Arcadia Development Code Section 9102.05.020, Table 2-10, allows personal restricted services, such as the proposed use, in the CBD zone subject to the review and approval of a Conditional Use Permit. The proposed massage use operations and improvements will comply with the Massage Therapist regulations as set forth in the Arcadia Municipal Code and is a service typically found in a facial and/or skin care facility. Therefore, the massage use will not adversely affect the comprehensive General Plan, is in compliance with all applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code, 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 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 massage use will be a new service to the existing facial and skin care business. The business will utilize three treatment rooms with two rooms dedicated to massage services with one massage bed in each room and the remaining room dedicated to skin and facial treatments. After four months of operating as solely a skin and facial treatment business, the designated rooms should be able to sufficiently handle the expected demand for services for this business. The proposed use is in compliance with all the applicable development standards and land use regulations of the CBD zone and meets the parking requirement since the site is located within the City's Downtown Parking Overlay and does not require additional parking for a change in use. The use is compatible and not detrimental to the other existing retail businesses located on site and along E. Huntington Drive. Therefore, the Project is compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, site improvements, loading, and parking;

FACT: The site is physically suitable and adequately developed for the proposed massage use because the property is an improved site with an existing commercial building. Additionally, the proposed massage use will occur within an existing business

and within two of the three rooms dedicated for this service. This additional service will not require any additional site improvements or construction. There is no additional parking required for the proposed use and there is sufficient parking available on Huntington Drive and within the City's public parking lots.

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

FACT: The property is located on the north side of E. Huntington Drive. Huntington Drive is adequate in width and pavement type to carry the traffic generated by the proposed use and emergency vehicles. Therefore, the Project 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 change in use will not require any new plumbing fixtures or new improvements; therefore the utilities and infrastructure will continue to adequately service the site.

4. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be

materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

FACT: The proposed massage use is in compliance with the Arcadia Development Code standards. The proposed use will not be detrimental to the public health or welfare of the surrounding properties, as the use is complementary to the existing facial and skin care business. Also, the site is located in Downtown Arcadia which has a mix of businesses that serve the surrounding communities. The subject site is supported by public parking, and it 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, 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.

SECTION 3. Pursuant to the provisions of the California Environmental Quality Act (“CEQA”), this Project is a Class 1 Categorical Exemption pertaining to the use of an existing facility per Section 15301 of the CEQA Guidelines.

SECTION 4. For the foregoing reasons, the Planning Commission determines that the Project is Categorically Exempt under the California Environmental Quality Act (CEQA) Section 15301, Class 1, and approves Conditional Use Permit No. CUP 22-05 to allow massage services at an existing facial and skin care business located at 111 E. Huntington Drive, subject to the conditions of approval attached hereto.

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

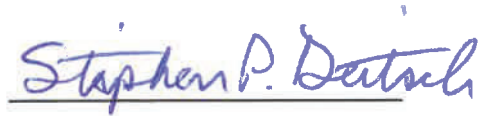
Passed, approved and adopted this 14th day of June, 2022.

Zi Lin
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink that reads "Stephen P. Deitsch". The signature is written in a cursive style and is positioned above a horizontal line.

Stephen P. Deitsch
City Attorney

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RESOLUTION NO. 2099

Conditions of Approval

1. The use approved by CUP 22-05 shall be limited to a business providing massage services and beauty services, such as facials, non-surgical facial enhancements, and skin care treatments. Its hours of operation shall be limited to the hours of 9:30 a.m. to 8:00 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 22-05, 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 three (3) 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 intensification 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
 - i. Arcadia Municipal 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 22-05 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, the Applicant must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City (“Indemnitees”) harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant’s activities in connection with CUP 22-05 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 22-05 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

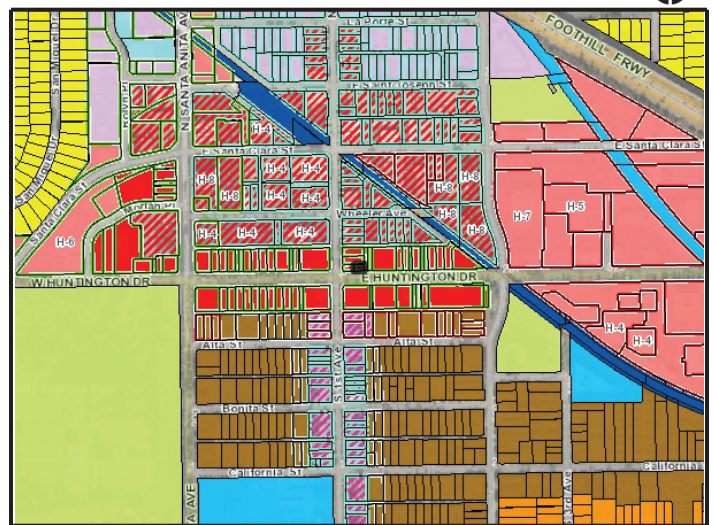
Site Address: **105 E HUNTINGTON DR**

Property Owner(s): Property Owner



Property Characteristics	
Zoning:	CBD
General Plan:	C 1.0
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	2,365
Year Built:	1926
Number of Units:	0
Overlays	
Architectural Design Overlay:	N/A
Downtown Overlay:	Yes
Downtown Parking Overlay:	Yes
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



Subject Site from E. Huntington Drive



Front of Existing Unit



Interior of Existing Unit



Existing Treatment Room

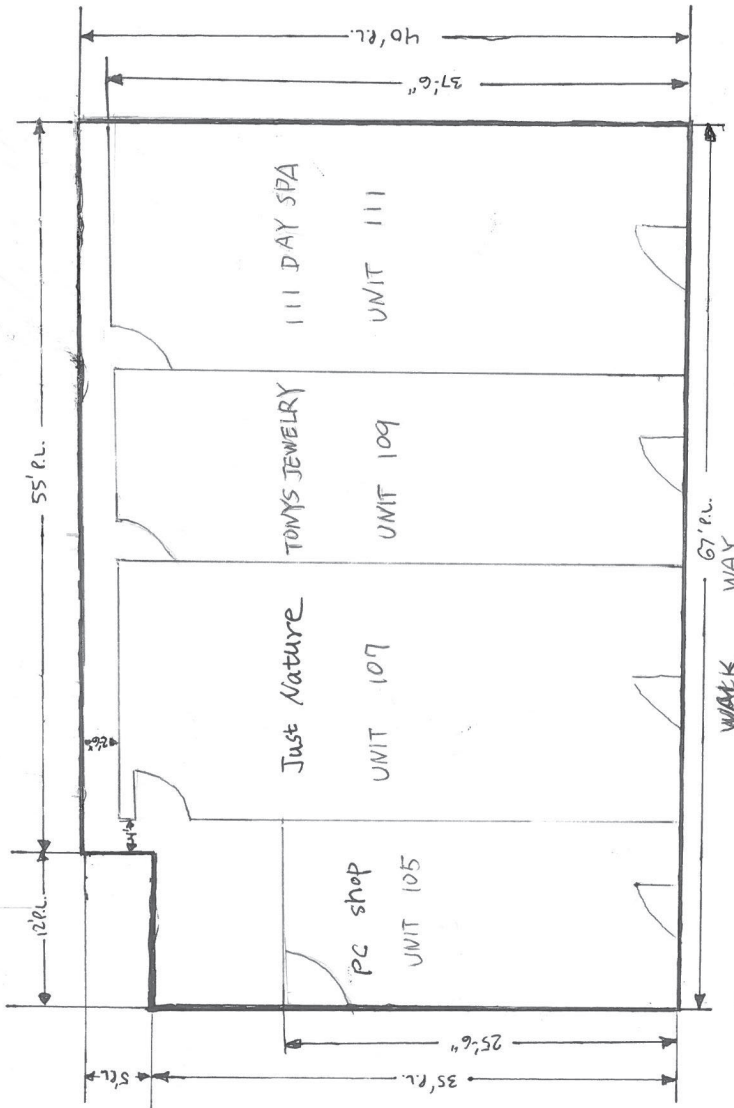


Restroom

Attachment No. 3

Site Plan and Floor Plan

SITE PLAN



Public Parking Spaces
← HUNTINGTON DR →

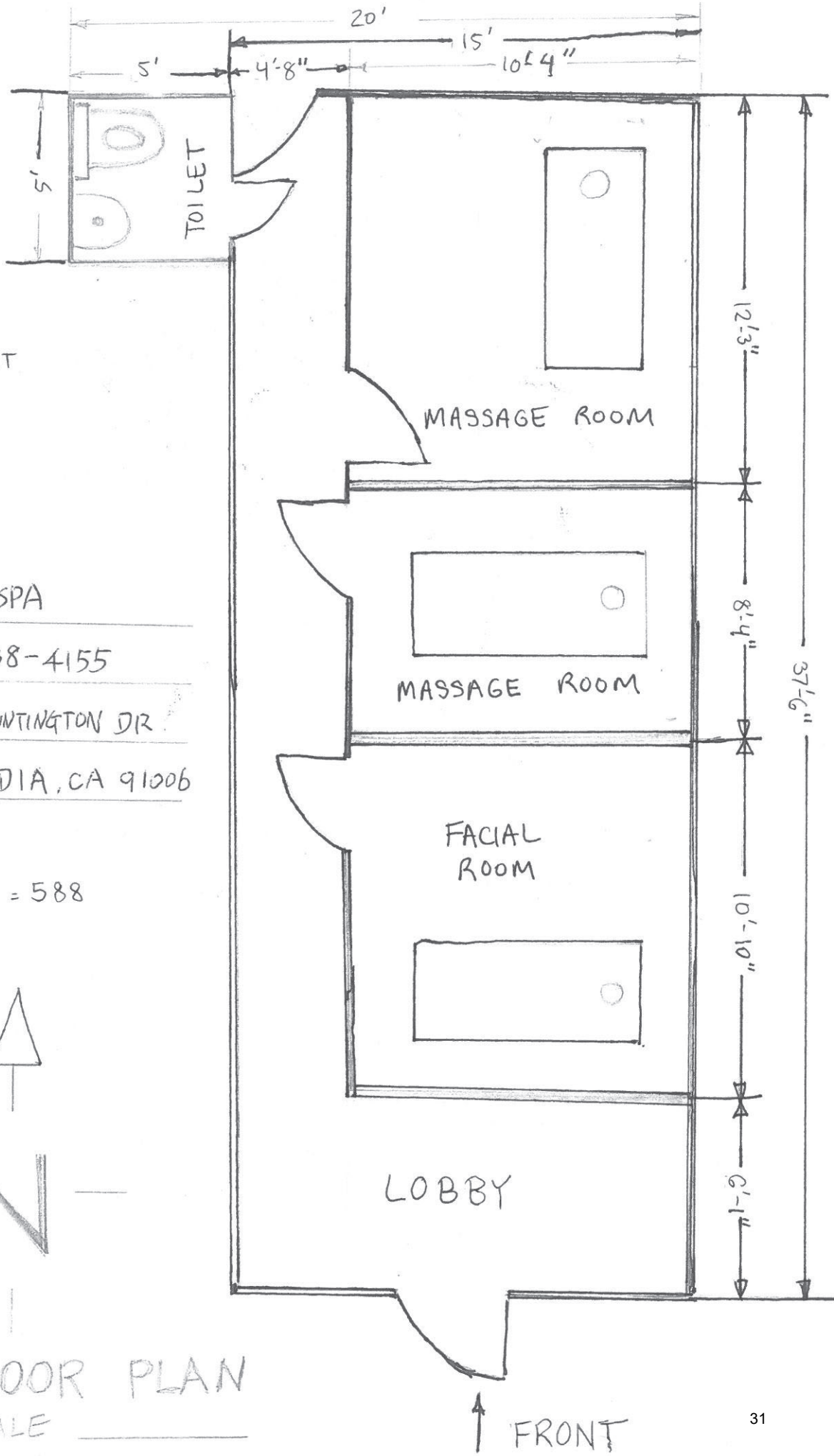
111 DAY SPA

626-538-4155

111 E HUNTINGTON DR

ARCADIA, CA 91006

UNIT: FEET



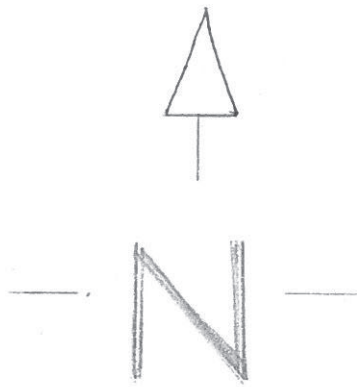
UNIT : FEET

NAME: 111 DAY SPA

PHONE: 626-538-4155

ADDRESS: 111 HUNTINGTON DR.
ARCADIA, CA 91006

TOTAL SF = 588



FLOOR PLAN
SCALE _____

↑ FRONT

Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 22-05 Conditional Use Permit with a Categorical Exemption under the California Environmental Quality Act ("CEQA") Section 15301(a) to allow massage services at an existing facial and skin care 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):	111 E. Huntington Dr. – The business is located on the north side of E. Huntington Dr. between 1 st Ave. and 2 nd Ave.	
3. Entity or person undertaking project:	A.	
	B. Other (Private)	
	(1) Name	Isabella Choi and Rebecca Speiltogel, Business Owners
	(2) Address	111 E. Huntington Dr. 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"/>	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: June 1, 2022

Staff: Edwin Arreola, Assistant Planner



STAFF REPORT

Development Services Department

DATE: June 14, 2022

TO: Honorable Chairman and Planning Commission

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

SUBJECT: RESOLUTION NO. 2094 – APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT NO. CUP 16-03 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ALLOW THE SERVICE OF FOOD AT VENDOME WINE & SPIRITS LOCATED AT 103 E. SANTA CLARA STREET
Recommendation: Adopt

SUMMARY

The Applicant, Mr. Charles Tran, is requesting approval to amend Conditional Use Permit No. CUP 16-03 to allow the service of food at the existing Vendome Wine & Spirits store and tasting room located at 103 E. Santa Clara Street. It is recommended that the Planning Commission adopt Resolution No. 2094 (Attachment No. 1), and find this project Categorically Exempt under CEQA and approve amendment to Conditional Use Permit No. CUP 16-03, subject to the conditions listed in this staff report.

BACKGROUND

The subject property is zoned DMU, Downtown Mixed-Use, and is developed with three commercial buildings that have been interconnected as one development totaling 15,413 square feet. There are five ground floor units and two second-story office units. The ground floor tenants consist of a 3,200 square-foot dance studio (CUP 09-15), a 1,495 square foot tea house/cafe, two units totaling 3,218 square feet of unoccupied space, and the subject 5,300 square-foot unit. The second-story offices total 2,200 square feet. There is a 15-space surface parking lot at the Santa Clara Street frontage which will remain unchanged. Refer to Attachment No. 3 for an Aerial Photo with Zoning Information, and photos of the subject property and surrounding properties.

On May 10, 2016, the Planning Commission approved CUP 16-03, a boutique wine and spirits store with a tasting room and live entertainment within the existing 5,300 square foot unit – refer to Attachment No. 2. The business, Vendome Wine & Spirits, has been

operating at the site since 2017. The store is part of a family-owned and operated business, and the Applicant has several other stores in the Los Angeles region. The business sells rare and high-end wines, beers and ales, spirits, and cigars. The business also has regular tasting events, with occasional live acoustic music.

PROPOSAL

The proposal is for an Amendment to Conditional Use Permit No. CUP 16-03 to allow for the preparation and service of food within Vendome’s tasting room since the condition (condition no. 4) limits the use to only the sale of wine and spirit and a tasting room with no food service – refer to Figure 1. As a result of this food service, the Applicant is also changing the Alcoholic Beverage License (ABC) from Type 42 (On-sale beer and wine – public premises) to Type 41 (On-sale beer and wine – Eating Place). The food service will consist of a variety of appetizers such as egg rolls, individual pizzas, cheese and meat boards, charcuterie, and sandwiches. The food will be prepared in small appliances. Very minimal food preparation is required since many of the items are pre-made and just needs to be warmed up – refer to Attachment No. 4 – Site and Floor Plans. The existing operating hours are 9:00 a.m. to 12:00 midnight, seven days a week will remain the same.



Figure 1 – Proposed Floor Plan

ANALYSIS

The business has been in operation since 2017 and is primarily a retail store with a tasting room that has occasional live entertainment. Over time, the tasting room became more popular and there has been a demand to have food be accompanied with the wine or spirit tasting. But since the CUP limited the operation to a tasting room only, with no food service, the Applicant is requesting to amend this condition of approval to allow this.

The proposed menu will be limited to light meals that can be prepared through the use of a microwave, flash oven or similar, small-scale equipment. The existing storage room adjacent to the tasting area will be converted into a food preparation area. The primary use at the site will remain the sale of wine and spirits; the business is not transitioning to a restaurant or café. It is not anticipated that the service of food will draw significant additional or different patrons from those already visiting the business, but rather will provide an additional service to existing customers. As such, no notable increase in traffic or parking is expected.

The food service will be similar to that found at many other tasting rooms throughout Southern California. It is customary for tasting rooms to provide light meals and appetizers for customers to enjoy with their beer, wine or spirit tasting. Vendome Wine & Spirits will similarly provide finger food for customers to enjoy with their tasting.

The Amendment to the Conditional Use Permit has been reviewed by the various City Departments, including the Arcadia Police Department, and there were no objections or comments regarding the proposed addition of food service at the existing business.

To allow for the service of food at the boutique wine and spirits store, Condition No. 4 of Resolution No. 1963 will be amended to read:

4. The use approved by CUP 16-03 is limited to a boutique wine and spirits store with a tasting room, ~~and~~ occasional live entertainment, **and the service of food**, and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 16-03, and shall be subject to periodic inspections, after which the provisions 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.

No additional conditions of approval are proposed and Resolution No. 1963 will remain in effect with the aforementioned changes to Condition No. 4.

FINDINGS

Section 9107.09.050(B) of the Arcadia Municipal Code requires that for an amendment to a Conditional Use Permit to be granted, the Planning Commission must make the following findings:

- 1. The proposed use is consistent with the General Plan and any applicable specific plan; and is allowed within the applicable zone, subject to the granting of a Conditional Use Permit, and complies with all other applicable provisions of this Development Code and the Municipal Code;**

Facts to Support the Finding: The proposed amendment to allow the service of food within the tasting room area of the existing Vendome Wine & Spirits store is consistent with the Downtown Mixed Use Land Use Designation of the site. The designation is intended to permit a range of commercial uses consistent with a mixed-use commercial-residential district. Food service as part of a tasting room is common across Southern California. The addition of this ancillary use at the existing wine and spirits retailer is subject to an amendment to Conditional Use Permit No. CUP 16-03. Including food service within the existing store will not adversely affect the comprehensive General Plan, is in compliance with all applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code, and is consistent with the following General Plan goal and policies:

Land Use and Community Design Element

- Goal LU-6: Attractive and vibrant commercial corridors that provide for the retail, commercial, and office needs of Arcadia with extended opportunities for mixed-use development.
 - 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.
 - Policy LU-10.4: Establish commercial uses that complement the vision of the Downtown core with opportunities for more intense, quality development at key intersections that are unique from the regional offerings at the regional mall.
- 2. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;**

Facts to Support the Finding: The proposed addition of food service at the existing Vendome Wine & Spirits store will occur entirely within the tasting room area. The primary use of the business will remain retail, and the service of food consisting of light meals or finger food will not change the operating characteristics, nor the core nature of the business. The inclusion of food service within the existing tasting room is a complementary use both with the existing retail store and within the Downtown Mixed Use Zone more broadly. Furthermore, the proposal is in compliance with all applicable provisions of the City's

Development Code. Therefore, the Project is compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

- a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, site improvements loading, and parking.**

Facts to Support the Finding: The site is physically suitable to accommodate the addition of food service at Vendome Wine & Spirits. The existing boutique wine and spirits store is contained within a 5,300 square foot unit, of which approximately 1,200 square feet is used for the tasting room area. The food service will be provided within the tasting room area. No additional floor area is required to accommodate the food service which will primarily consist of light meals and appetizers to go along with the tasting of an alcoholic beverage. No improvements to the site are required or proposed as part of the Project. The proposed amendment will not change the characteristics of the business or the site. The site is developed with adequate landscaping, lighting, and other features typical of commercial developments.

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

Facts to Support the Finding: The subject property is a corner lot located on First Avenue and Santa Clara Street. Both streets can accommodate any public and emergency vehicles. The proposed addition of food service at Vendome Wine & Spirits will not affect the existing condition.

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

Facts to Support the Finding: The proposed amendment to provide food service to the existing retail business will not require the increase of public protection services. The City's Fire and Police Departments have reviewed the project and did not have any concerns or special conditions;

- 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 the Finding: There are adequate utilities to service this site. The site and building are in compliance with current health and safety requirements. No changes to the building or lot are proposed as part of the project. There will be negligible impact to utilities or the City's infrastructure from the proposed addition of food service within the tasting room area at the existing Vendome Wine & Spirits store.

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

Facts to Support the Finding: The proposed addition of food service at Vendome Wine & Spirits is in compliance with the Arcadia Development Code standards. The food service will be limited to the tasting room area and, as such, will occur entirely within the existing 5,300 square foot commercial space. The addition of food service will not generate any adverse impacts as this is a use anticipated in the Downtown Mixed-Use Zone. The use is consistent with other uses in the Downtown Arcadia commercial district and is complementary to the existing use and surrounding commercial uses. The size and nature of the food service will not result in a substantial change to the operations of the existing retail store and therefore will not negatively affect the subject lot nor the surrounding uses and properties. The on-site parking and public parking in the vicinity are adequate to accommodate the business and are consistent with the provisions of the Downtown Parking Overlay Zone and General Plan vision and goals for the area.

ENVIRONMENTAL ANALYSIS

It has been determined that the project qualifies as a Class 1 Categorical Exemption per the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines for the use of an existing facility. See Attachment No. 5 for the Preliminary Exemption Assessment.

PUBLIC NOTICE

Public hearing notices for Amendment to CUP 16-03 were mailed on June 2, 2022, to the property owners of those properties that are within 300 feet of the subject site. A notice was published in the *Arcadia Weekly* on June 2, 2022. As of June 10, 2022, no comments were received in response to the public hearing notices.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2094 approving an Amendment to Conditional Use Permit No. CUP 16-03 to allow the service of food at the existing Vendome Wine & Spirits store and tasting room and find this project Categorical Exempt under the California Environmental Quality Act (CEQA), subject to the amendment of condition of approval no. 4 of Resolution No. 1963. The remaining conditions of approval under Resolution No. 1963 remains the same.

- 4. The use approved by CUP 16-03 is limited to a boutique wine and spirits store with a tasting room, occasional live entertainment, and the service of food, and shall be operated and maintained in a manner that**

is consistent with the proposal and plans submitted and approved for CUP 16-03, and shall be subject to periodic inspections, after which the provisions 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.

PLANNING COMMISSION ACTION

Approval

If the Planning Commission intends to approve this proposal, the Commission should approve a motion to approve Amendment to Conditional Use Permit No. CUP 16-03 stating that the proposal satisfies the requisite findings, and adopt the attached Resolution No. 2094 that incorporates the requisite environmental and Conditional Use Permit findings and the amended 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 Amendment to Conditional Use Permit Application No. CUP 16-03, stating the finding(s) that the proposal does not satisfy, with reasons based on the record, and direct staff to prepare a resolution for adoption at the next meeting that incorporates the Commission's decision and specific findings.

If any Planning Commissioner, or other interested party has any questions or comments regarding this matter prior to the June 14, 2022 hearing, please contact Planning Services Manager, Fiona Graham at (626) 574-5442, or FGraham@ArcadiaCA.gov.

Approved:



Lisa Flores
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2094
- Attachment No. 2: Resolution No. 1963 – Conditional Use Permit No. CUP 16-03
- Attachment No. 3: Aerial Photo with Zoning Information & Photos of the Subject Property and Surrounding Properties
- Attachment No. 4: Site Plan and Floor Plan
- Attachment No. 5: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2094

RESOLUTION NO. 2094

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT NO. CUP 16-03 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ALLOW FOOD SERVICE AT AN EXISTING 5,300 SQUARE FOOT BOUTIQUE WINE AND SPIRITS STORE WITH A TASTING ROOM AND OCCASIONAL LIVE ENTERTAINMENT AT 103 E. SANTA CLARA STREET

WHEREAS, on March 4, 2022, an application was filed by Mr. Charles Tran for an amendment to Conditional Use Permit No. CUP 16-03 to allow food service at an existing 5,300 square foot boutique wine and spirits store with a tasting room and occasional live entertainment at 103 E. Santa Clara Street (this application is hereafter referred to as the "Project"); and

WHEREAS, on June 1, 2022, Planning Services completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and recommended that the Planning Commission determine the Project is exempt under CEQA pursuant to Section 15301 of the CEQA Guidelines pertaining to the use of an existing facility; and

WHEREAS, on June 14, 2022, a duly noticed public hearing was held before the Planning Commission on said Project, at which time all interested persons were given full opportunity to be heard and to present evidence.

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

SECTION 1. That the factual data submitted by the Community Development Division in the staff report dated June 14, 2022, are true and correct.

SECTION 2. This Commission finds, 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; and is allowed within the applicable zone, subject to the granting of a Conditional Use Permit, and complies with all other applicable provisions of this Development Code and the Municipal Code.

FACT: The proposed amendment to allow the service of food within the tasting room area of the existing Vendome Wine & Spirits store is consistent with the Downtown Mixed Use Land Use Designation of the site. The designation is intended to permit a range of commercial uses consistent with a mixed-use commercial-residential district. Food service as part of a tasting room is common across Southern California. The addition of this ancillary use at the existing wine and spirits retailer is subject to an amendment to Conditional Use Permit No. CUP 16-03. Including food service within the existing store will not adversely affect the comprehensive General Plan, is in compliance with all applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code, and is consistent with the following General Plan goal and policies:

Land Use and Community Design Element

- Goal LU-6: Attractive and vibrant commercial corridors that provide for the retail, commercial, and office needs of Arcadia with extended opportunities for mixed-use development.

- 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.

- Policy LU-10.4: Establish commercial uses that complement the vision of the Downtown core with opportunities for more intense, quality development at key intersections that are unique from the regional offerings at the regional mall.

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

FACT: The proposed addition of food service at the existing Vendome Wine & Spirits store will occur entirely within the tasting room area. The primary use of the business will remain retail, and the service of food consisting of light meals or finger food will not change the operating characteristics, nor the core nature of the business. The inclusion of food service within the existing tasting room is a complementary use both with the existing retail store and within the Downtown Mixed Use Zone more broadly. Furthermore, the proposal is in compliance with all applicable provisions of the City's Development Code. Therefore, the Project is compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, site improvements loading, and parking;

FACT: The site is physically suitable to accommodate the addition of food service at Vendome Wine & Spirits. The existing boutique wine and spirits store is contained

within a 5,300 square foot unit, of which approximately 1,200 square feet is used for the tasting room area. The food service will be provided within the tasting room area. No additional floor area is required to accommodate the food service which will primarily consist of light meals and appetizers to go along with the tasting of an alcoholic beverage. No improvements to the site are required or proposed as part of the Project. The proposed amendment will not change the characteristics of the business or the site. The site is developed with adequate landscaping, lighting, and other features typical of commercial developments.

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

FACT: The subject property is a corner lot located on First Avenue and Santa Clara Street. Both streets can accommodate any public and emergency vehicles. The proposed addition of food service at Vendome Wine & Spirits will not affect the existing condition.

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

FACT: The proposed amendment to provide food service to the existing retail business will not require the increase of public protection services. The City's Fire and Police Departments have reviewed the project and did not have any concerns or special conditions;

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

FACT: There are adequate utilities to service this site. The site and building are in compliance with current health and safety requirements. No changes to the building or lot

are proposed as part of the project. There will be negligible impact to utilities or the City's infrastructure from the proposed addition of food service within the tasting room area at the existing Vendome Wine & Spirits store.

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

FACT: The proposed addition of food service at Vendome Wine & Spirits is in compliance with the Arcadia Development Code standards. The food service will be limited to the tasting room area and, as such, will occur entirely within the existing 5,300 square foot commercial space. The addition of food service will not generate any adverse impacts as this is a use anticipated in the Downtown Mixed Use Zone. The use is consistent with other uses in the Downtown Arcadia commercial district and is complementary to the existing use and surrounding commercial uses. The size and nature of the food service will not result in a substantial change to the operations of the existing retail store and therefore will not negatively affect the subject lot nor the surrounding uses and properties. The on-site parking and public parking in the vicinity are adequate to accommodate the business and are consistent with the provisions of the Downtown Parking Overlay Zone and General Plan vision and goals for the area.

5. That 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 pursuant to Section 15301 of the CEQA Guidelines, and approves an amendment to Conditional Use Permit No. CUP 16-03 to allow food service at an existing 5,300 square foot boutique wine and spirits store with a tasting room and occasional live entertainment at 103 E. Santa Clara Street, 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 14th day of June, 2022.

Chairman, Planning Commission

ATTEST:

Secretary

APPROVED AS TO FORM:

Stephen P. Deitsch

Stephen P. Deitsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §:
CITY OF ARCADIA)

I, Lisa Flores, Secretary of the Planning Commission of the City of Arcadia, hereby certify that the foregoing Resolution No. 2094 was passed and adopted by the Planning Commission of the City of Arcadia, signed by the Chair and attested to by the Secretary at a regular meeting of said Planning Commission held on the 14th day of June, 2022, and that said Resolution was adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

Secretary of the Planning Commission

RESOLUTION NO. 2094

Amended Conditions of Approval of CUP 16-03

1. The business hours shall be limited to 9:00 a.m. to 12:00 midnight, seven days a week.
2. The parking lot shall be redesigned to provide a vehicular connection between the two parking areas, subject to the review and approval by the Community Development Administrator or designee.
3. Live entertainment events shall be restricted to indoor areas and shall comply with the City's noise regulations.
4. The use approved by CUP 16-03 is limited to a boutique wine and spirits store with a tasting room, ~~and~~ occasional live entertainment, **and the service of food**, and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 16-03, and shall be subject to periodic inspections, after which the provisions 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.
5. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall comply with all Public Works Services Department's water service, sewer, and NPDES requirements, subject to the review and approval of the Public Works Services Director, or designee.
6. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall comply with all Fire Department-Fire Prevention Bureau requirements, subject to the satisfaction of the City Fire Marshal or designee, including but not limited to the following:
 - a. A minimum of two exits shall be provided. Exits shall be separated by a distance equal to one-third of the diagonal distance of the area served. All exit doors shall swing in the direction of travel. All exits shall be equipped with lever- or panic-type hardware. The main entry may be provided with keyed hardware provided that a sign stating, "THIS DOOR TO REMAIN UNLOCKED WHILE THE BUILDING IS OCCUPIED" is provided.
 - b. All existing fire sprinklers shall be changed out to quick-response type.
 - c. Illuminated exit signage shall be provided above all exit doors.
 - d. Emergency lighting shall be provided along all paths of egress.
 - e. The rear exit path shall not be allowed to pass through any storage areas.

7. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall comply with all Building Services requirements, subject to the satisfaction of the City Building Official, or designee, including but not limited to the following:
 - a. There shall be fully ADA accessible men's and women's restrooms within the subject commercial unit with a minimum of three fixtures each.
 - b. The new ADA van-accessible handicap parking space and path(s) of travel shall comply with current California Building Code standards.
8. Noncompliance with the plans, provisions and conditions of approval for CUP 16-03 shall be grounds for immediate suspension or revocation of any approvals.
9. The applicant shall defend, indemnify, and hold harmless the City of Arcadia and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City of Arcadia, its officials, officers, employees or agents to attack, set aside, void, or annul any approval or conditional approval of the City of Arcadia concerning this project and/or land use decision, including but not limited to any approval or conditional approval of the City Council, Planning Commission, or City Staff, which action is brought within the time period provided for in Government Code Section 66499.37 or other provision of law applicable to this project or decision. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and/or land use decision and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees, and agents in the defense of the matter.
10. Approval of CUP 16-03 shall not be of effect unless on or before 30 calendar days after Planning Commission adoption of the Resolution, the property owner and applicant have executed and filed with the Community Development Administrator or designee an Acceptance Form available from the Development Services Department to indicate awareness and acceptance of these conditions of approval.

- - -

Attachment No. 2

Resolution No. 1963

RESOLUTION NO. 1963

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP 16-03 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ALLOW A 5,300 SQUARE FOOT BOUTIQUE WINE AND SPIRITS STORE WITH A TASTING ROOM AND OCCASIONAL LIVE ENTERTAINMENT IN AN EXISTING 15,413 SQUARE FOOT COMMERCIAL-INDUSTRIAL DEVELOPMENT AT 103 E. SANTA CLARA STREET

WHEREAS, on March 11, 2016, an application was filed by Mr. Charles Tran for a Conditional Use Permit to Permit to allow a 5,300 square foot boutique wine and spirits store with a tasting room and occasional live entertainment in an existing 15,413 square foot commercial-industrial development at 103 E. Santa Clara Street, Development Services Department Case No. CUP 16-03 (this application is hereafter referred to as the "Project"); and

WHEREAS, on April 7, 2016, Planning Services completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and recommended that the Planning Commission determine the Project is exempt under CEQA per Section 15303 of the CEQA Guidelines for conversion of an existing facility; and

WHEREAS, on May 10, 2016, a duly noticed public hearing was held before the Planning Commission on said Project, at which time all interested persons were given full opportunity to be heard and to present evidence.

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

SECTION 1. That the factual data submitted by the Community Development Division in the staff report dated May 10, 2016, are true and correct.

SECTION 2. This Commission finds, based upon the entire record:

1. That the granting of such Conditional Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

FACT: The project will not be detrimental in any way to the public health or the surrounding area. A boutique wine and spirits store with a tasting room and occasional live entertainment is consistent with the Zoning and General Plan Land Use Designations of the site and will not conflict with the other existing uses at the site, or in the neighborhood.

2. That the use applied for at the location indicated is properly one for which a Conditional Use Permit is authorized.

FACT: In the DMU, Downtown Mixed Use Zone, a boutique wine and spirits store with a tasting room and occasional live entertainment is allowed as a retail use with alcoholic beverage sales for on-site and off-site consumption with an approved Conditional Use Permit per Section 9267.10 of the Arcadia Municipal Code.

3. That the site for the proposed use is adequate in size and shape to accommodate said use, and all yards, spaces, walls, fences, parking, loading, landscaping, and other features required to adjust said use with the land and uses in the neighborhood.

FACT: The boutique wine and spirits store with a tasting room and occasional live entertainment will occupy a portion of an existing commercial-industrial building. The parking lot is required to be altered to connect the two parking areas and be fully ADA compliant. The property features parking, landscaping, and other improvements

typical of commercial and industrial developments, and will be able to accommodate the proposed use.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

FACT: The site is located at the northeast corner of Santa Clara Street and First Avenue. These streets are adequate to serve the proposed use.

5. That the granting of such Conditional Use Permit will not adversely affect the comprehensive General Plan.

FACT: A boutique wine and spirits store with a tasting room and occasional live entertainment is a commercial use that is consistent with the General Plan Land Use Designation of the site.

6. That a public convenience or necessity would be served by the issuance of a license to sell alcoholic beverages at the premises where undue concentrations exists.

FACT: Allowing the sale of beer and wine for on-site and off-site consumption will serve a "public convenience and necessity" and is in accordance with the City's policies to ensure the vitality of established businesses and preserve the City's economic base. It will allow the proposed business to open in an active commercial area of the City adjacent to a mass transit light rail station and will not result in an adverse impact to the neighboring businesses or properties or create a public nuisance.

SECTION 3. For the foregoing reasons the Planning Commission determines that the Project is Categorical Exempt per Section 15303 of the CEQA Guidelines, and approves Conditional Use Permit No. CUP 16-03 to allow a 5,300 square foot boutique wine and spirits store with a tasting room and occasional live entertainment in an existing

15,413 square foot commercial-industrial development at 103 E. Santa Clara Street, subject to the conditions of approval attached hereto.

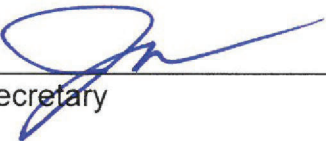
SECTION 4. The Secretary shall certify to the adoption of this Resolution.

Passed, approved and adopted this 10th day of May, 2016.



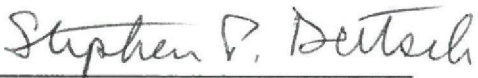
Chairman, Planning Commission

ATTEST:



Secretary

APPROVED AS TO FORM: .



Stephen P. Deitsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §:
CITY OF ARCADIA)

I, Jim Kasama, Secretary of the Planning Commission of the City of Arcadia, hereby certify that the foregoing Resolution No. 1963 was passed and adopted by the Planning Commission of the City of Arcadia, signed by the Chairperson and attested to by the Secretary at a regular meeting of said Planning Commission held on the 10th day of May, 2016, and that said Resolution was adopted by the following vote, to wit:

AYES: Commissioners Thompson, Chan, Lewis and Chiao

NOES: None

ABSENT: Vice Chairman Lin



Secretary of the Planning Commission

RESOLUTION NO. 1963

Conditions of Approval

1. The business hours shall be limited to 9:00 a.m. to 12:00 midnight, seven days a week.
2. The parking lot shall be redesigned to provide a vehicular connection between the two parking areas, subject to the review and approval by the Community Development Administrator or designee.
3. Live entertainment events shall be restricted to indoor areas and shall comply with the City's noise regulations.
4. The use approved by CUP 16-03 is limited to a boutique wine and spirits store with a tasting room and occasional live entertainment, and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 16-03, and shall be subject to periodic inspections, after which the provisions 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.
5. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall comply with all Public Works Services Department's water service, sewer, and NPDES requirements, subject to the review and approval of the Public Works Services Director, or designee.
6. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall comply with all Fire Department-Fire Prevention Bureau requirements, subject to the satisfaction of the City Fire Marshal or designee, including but not limited to the following:
 - a. A minimum of two exits shall be provided. Exits shall be separated by a distance equal to one-third of the diagonal distance of the area served. All exit doors shall swing in the direction of travel. All exits shall be equipped with lever- or panic-type hardware. The main entry may be provided with keyed hardware provided that a sign stating, "THIS DOOR TO REMAIN UNLOCKED WHILE THE BUILDING IS OCCUPIED" is provided.
 - b. All existing fire sprinklers shall be changed out to quick-response type.
 - c. Illuminated exit signage shall be provided above all exit doors.
 - d. Emergency lighting shall be provided along all paths of egress.

- e. The rear exit path shall not be allowed to pass through any storage areas.
7. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall comply with all Building Services requirements, subject to the satisfaction of the City Building Official, or designee, including but not limited to the following:
 - a. There shall be fully ADA accessible men's and women's restrooms within the subject commercial unit with a minimum of three fixtures each.
 - b. The new ADA van-accessible handicap parking space and path(s) of travel shall comply with current California Building Code standards.
 8. Noncompliance with the plans, provisions and conditions of approval for CUP 16-03 shall be grounds for immediate suspension or revocation of any approvals.
 9. The applicant shall defend, indemnify, and hold harmless the City of Arcadia and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City of Arcadia, its officials, officers, employees or agents to attack, set aside, void, or annul any approval or conditional approval of the City of Arcadia concerning this project and/or land use decision, including but not limited to any approval or conditional approval of the City Council, Planning Commission, or City Staff, which action is brought within the time period provided for in Government Code Section 66499.37 or other provision of law applicable to this project or decision. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and/or land use decision and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees, and agents in the defense of the matter.
 10. Approval of CUP 16-03 shall not be of effect unless on or before 30 calendar days after Planning Commission adoption of the Resolution, the property owner and applicant have executed and filed with the Community Development Administrator or designee an Acceptance Form available from the Development Services Department to indicate awareness and acceptance of these conditions of approval.

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Attachment No. 3

Aerial Photo with Zoning Information and
Photos of the Subject Property and Vicinity

Site Address: 214 N 1ST AVE

Property Owner(s): Property Owner



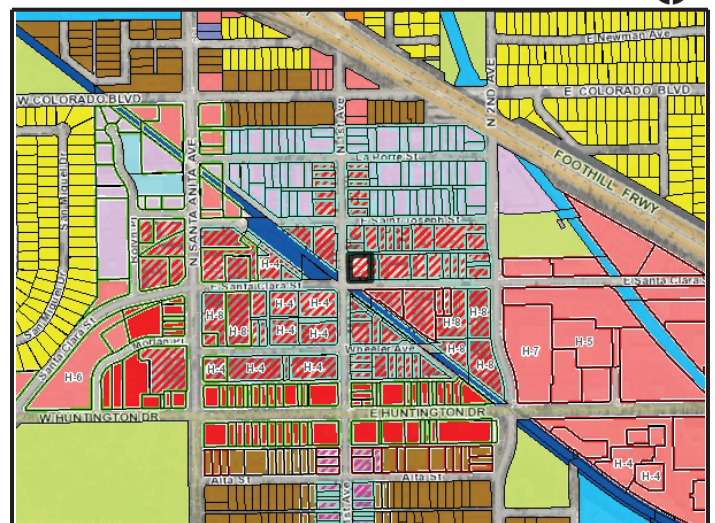
Property Characteristics

Zoning:	DMU
General Plan:	DMU
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	8,250
Year Built:	1960
Number of Units:	1

Overlays

Architectural Design Overlay:	N/A
Downtown Overlay:	N/A
Downtown Parking Overlay:	Yes
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



Vendome Wine & Spirits – 103 E. Santa Clara Street



Goki Cafe - 214 N. First Avenue



Alley to the rear of Vendome Wine & Spirits (see on the left), looking towards N. First Avenue



Looking south-east across the intersection of N. First Avenue and Santa Clara Street. The Metro light rail line can be seen in the foreground.

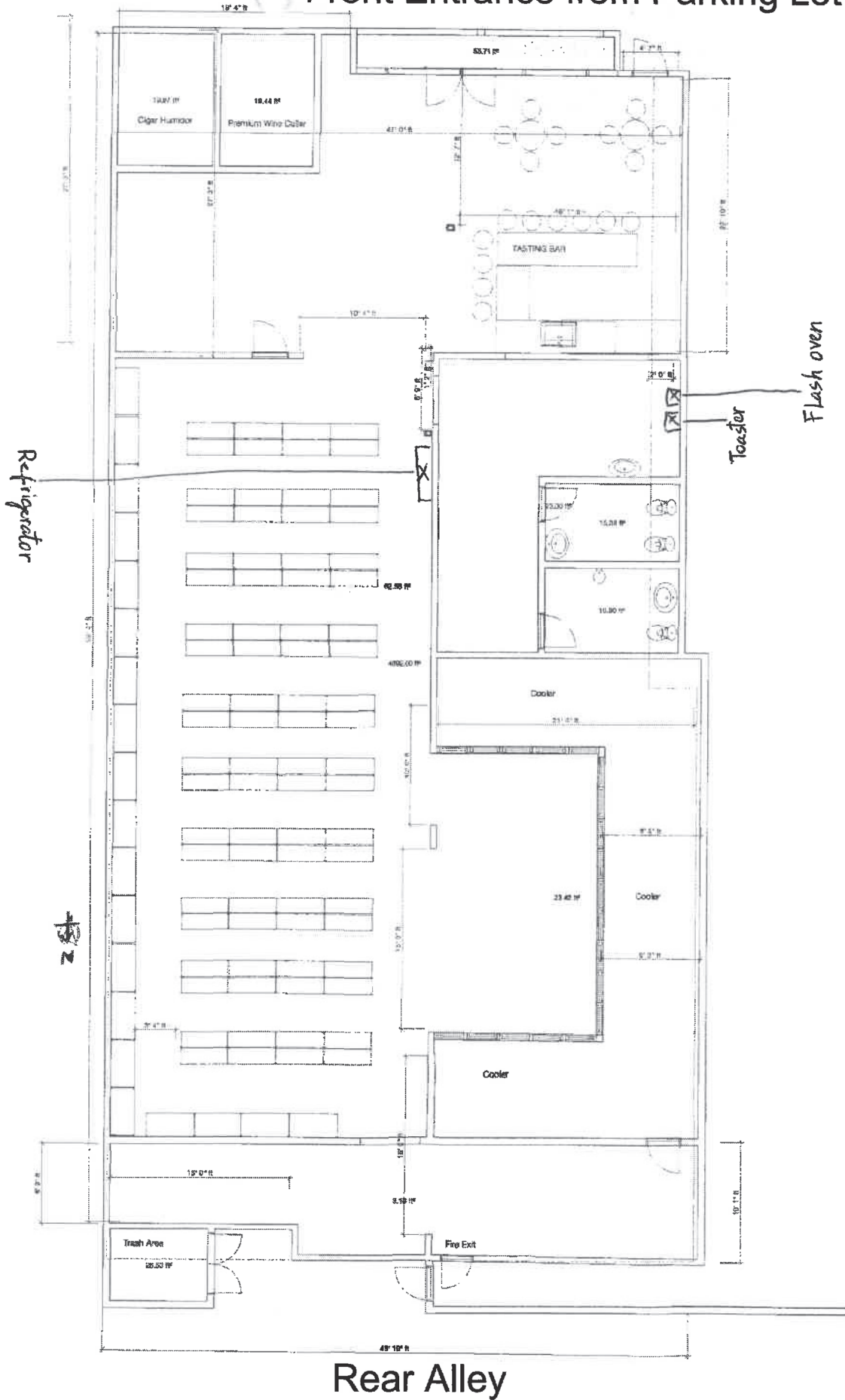


120 E. Santa Clara Street and the Metro light rail line. Opposite Vendome Wine & Spirits.

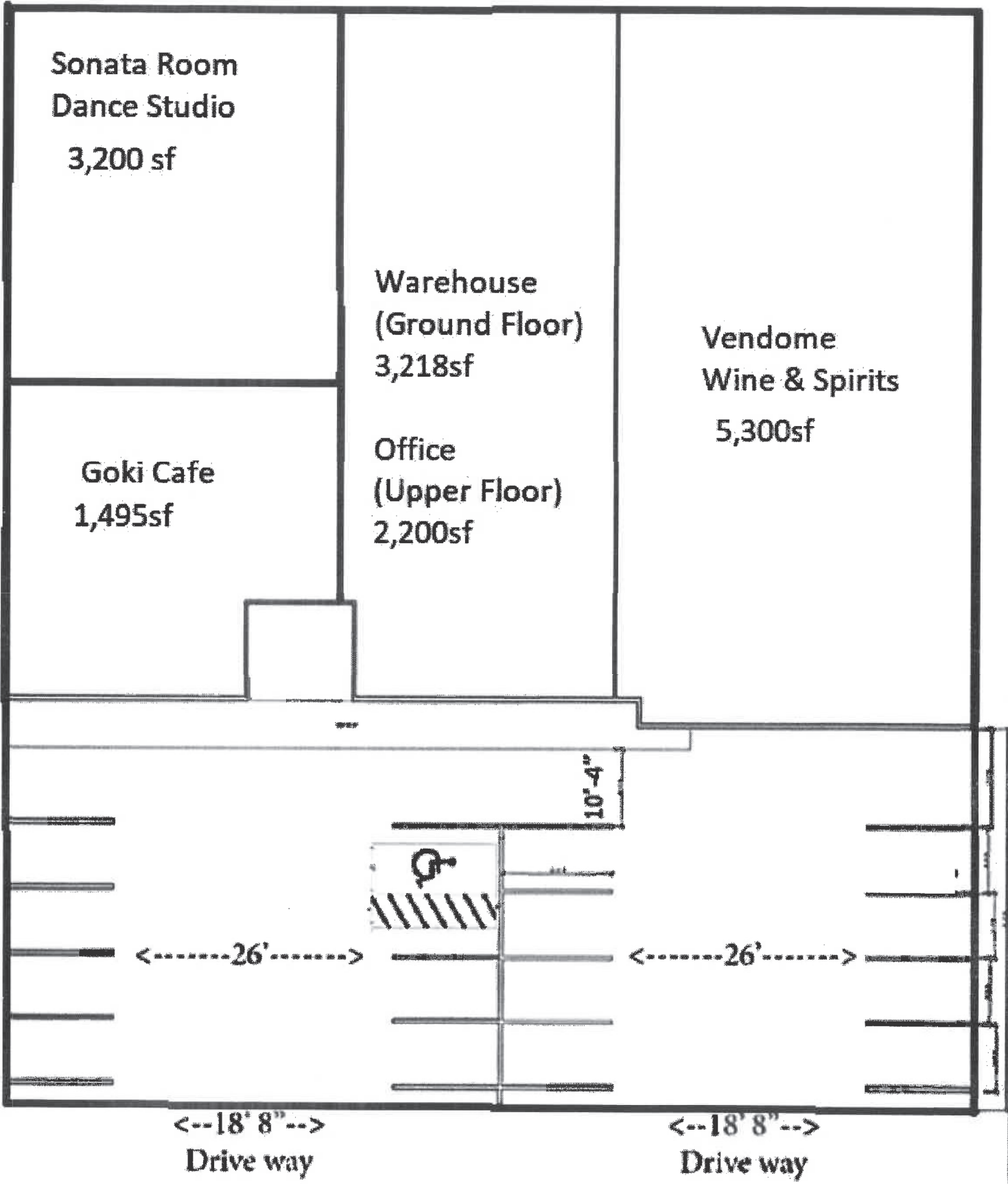
Attachment No. 4

Floor and Site Plans

Front Entrance from Parking Lot



Rear Alley



Attachment No. 5

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Amendment to Conditional Use Permit 16-03 to allow food service at an existing boutique wine and spirits store with a tasting room and occasional live entertainment.	
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):	103 E. Santa Clara Street – The business is located in an existing commercial center at the north-east corner of N. First Avenue and E. Santa Clara Street.	
3. Entity or person undertaking project:	A.	
	B. Other (Private)	
	(1) Name	Charles Tran
	(2) Address	103 E. Santa Clara Street, 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"/>	The project is categorically exempt.	
	Applicable Exemption Class:	15301 – 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: June 1, 2022

Staff: Fiona Graham, Planning Services Manager



STAFF REPORT

Development Services Department

DATE: June 14, 2022

TO: Honorable Chair and Planning Commission

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

SUBJECT: RESOLUTION NO. 2098 – APPROVING MUTLI-FAMILY ARCHITECTURAL DESIGN REVIEW NO. MFADR 21-01 AND ADMINISTRATIVE MODIFICATION NO. PC AM 21-03 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR A NEW SECOND MULTI-FAMILY UNIT AT 525 S. SECOND AVENUE
Recommendation: Adopt

SUMMARY

The Applicant and Property Owner, Mitzi Linscott, is requesting approval of Multi-Family Architectural Design Review No. MFADR 21-01 and Administrative Modification No. PC AM 21-03 to construct a new second multi-family unit at 525 S. Second Avenue. The proposed unit will be attached to an existing residence, resulting in the development of a duplex. The proposed project is subject to several modifications to reduce the minimum density from three units to two units, reduce the required street-side yard setback from 25 feet to 24'-2" - 10 feet; and eliminate the one required guest parking space for the site. It is recommended that the Planning Commission adopt Resolution No. 2098 (refer to Attachment No. 1), find that the project is Categorically Exempt under the California Environmental Quality Act (CEQA), and approve MFADR 21-01 and PC AM 21-03, subject to the conditions listed in this staff report.

BACKGROUND

The subject property is a 7,518 square foot corner lot, currently improved with a 1,016 square foot, single-story residence and a detached two-car garage that was built in 1949 (see Figure 1). The property is zoned R-3, High Density Residential with a General Plan Land Use Designation of High Density Residential – refer to Attachment No. 2 for an Aerial Photo with Zoning Information and Photos of the Subject Property. The property is

surrounded by other R-3 (High Density Residential) zoned properties to the north, south, and west, and R-2 (Medium Density Residential) zoned property to the east.



Figure 1 – Existing Residence

PROPOSAL

The Applicant is proposing to construct a new, two-story unit that will be attached to the rear of the existing single-family residence, resulting in the development of a duplex. To accommodate the construction, the existing one car detached garage and detached accessory structure will be demolished.

The existing residence is 1,016 square feet and comprises of a living room, kitchen, bathroom and three bedrooms. The home is legal nonconforming because the house currently does not comply with the minimum side yard setback of five (5) feet, whereas 10 feet is required or the street side yard setback of 10 feet, whereas 25 feet is required.

The existing residence will be retained largely intact. An existing enclosed porch and stairs to the rear will be demolished to allow for the construction of a new, shared entry court for both residences. The home's interior will remain unchanged except that some

windows will be removed and a new 70 square foot bathroom, contained within the new unit, will be attached to an existing rear bedroom. The house will subsequently become a part of a duplex as part of the multi-family development of the property.

The proposed second unit, and garages, will be constructed to the rear of the existing house and attached to it. A new, shared entry courtyard, constructed between the two units along the Fano Street frontage, will provide for a front entry for the new unit, and a rear entry to the existing residence. The new 1,518 square foot, two-story unit will include a bedroom, den/office, and bathroom on the ground floor and a master bedroom, kitchen, living and dining room on the second floor. Two, 400 square foot two-car garages will be constructed on the ground floor under the new unit with each garage serving one of the residences. The garages will be accessed by a split driveway fronting Fano Street. At the Fano Street property line, each of the two driveways will be 12 feet wide and are separated by a 12-foot-wide landscaped area. The driveways widen towards the garage doors, providing vehicle access to each two-car garage. Bicycle parking for each unit is to be maintained on the site, within the setback areas.

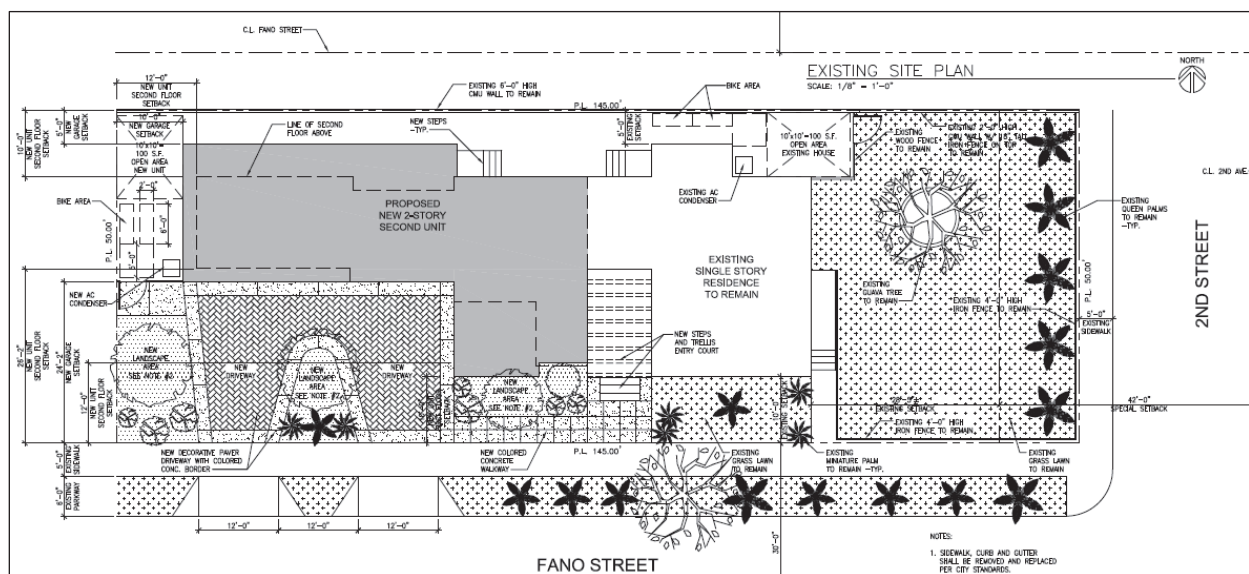


Figure 2 – Proposed two-unit development – site plan

The interior side yard setback is five (5) feet to the new garages and 10 feet to the ground floor living areas and second story. The Development Code requires a minimum 10 foot side yard setback except that an enclosed single-story garage may encroach a maximum of five feet into the required interior side setback when a lot is less than 65 feet wide. The new unit complies with this exception. The project includes a modification for the street side yard setback. The existing front yard and some side yard landscaping will be retained, however the rear yard will have new landscaping. Additionally, each unit will provide the minimum required 100 square feet of open space in the setback areas.

The proposed development will have an overall building height of 24'-11", which is below the maximum height limit of 33'-0" with a pitched roof. The development complies with the front, rear and interior side yard setback requirements. It should be noted that Second Avenue has a special setback requirement which the project also meets. The special setback requires that the front setback is measured from 42 feet from the centerline of the street on Second Avenue. A dedication of 12 feet will be required for future widening of this street and to all properties along Second Avenue. The house will still comply with the minimum front yard setback after the dedication. Condition of approval No. 13 requires that the property owner dedicate the first 12 feet of the property to the City for right-of-way.

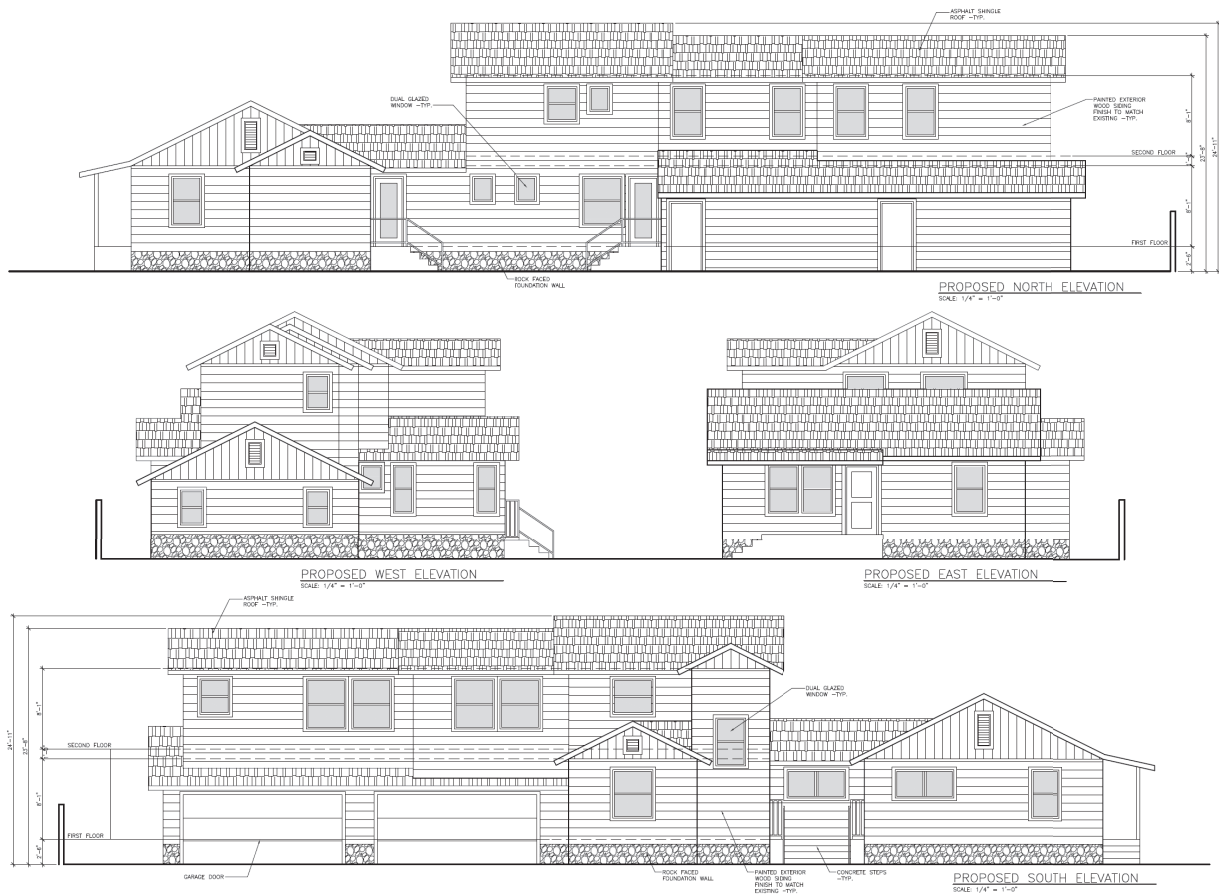


Figure 3 – Proposed two-unit development – elevations

The property does not have any protected trees. The existing front yard landscaping will be retained as part of the project. The Applicant is proposing a few new trees and drought-tolerant landscaping throughout the property.

ANALYSIS

The project is subject to a Multi-Family Architectural Design Review and Administrative Modification for the new multi-family unit. The proposed second unit has been designed to match the architectural style of the existing house, which is a traditional style design. The new unit continues the horizontal board cladding, and roof style and pitch. To accommodate the development on the site, the proposal includes three modifications as follows:

- 1) Reduce the minimum density from three units to two units per the underlying R-3 zone.
- 2) Reduce the street side yard setback from 25 feet to 10 feet.
- 3) Eliminate the required guest parking space.

According to Arcadia Development Code Section 9107.05.050, an Administrative Modification may be approved if at least one of the following findings can be made:

- 1. Secure an appropriate improvement of a lot;**
- 2. Prevent an unreasonable hardship; or**
- 3. Promote uniformity of development**

The proposed modifications will secure an appropriate improvement of the lot, prevent an unreasonable hardship, and promote uniformity of development.

Each modification is discussed separately below:

- **Reduce the minimum density** - The first modification is to reduce the minimum density from three (3) units to two (2) units and add a new second unit to the existing single-family residence, thereby creating a duplex. In the R-3 zones, the minimum density is one (1) unit per 2,200 square feet of lot area with a maximum density of 1,450 square feet of lot area. As such, the minimum density for this site requires three (3) units and the maximum density is five (5) units. However, the Development Code allows a lot width of 50 feet or less to be developed with less than the required density but not less than two dwelling units on the lot through a modification process – Development Code Section 9102.01.100.A.1. The modification is warranted to reduce the minimum density since the property owner plans to retain the existing single-family residence and convert it into a multi-family unit and the remaining area of the lot would not be large enough to accommodate two more units and comply with all the zoning requirements since it is a corner narrow lot. Therefore, the modification to allow a reduced density of two units is an appropriate improvement to the lot given that the owner is increasing the number of units on this property than what was previously there, and duplexes are common in the multi-family zones.

- **Reduce the Required Street-Side Yard Setback** - The second modification is to reduce the required street-side yard setback from 25 feet to 24'-2" to 10 feet to accommodate a new multi-family unit. This modification is necessary since the property lot width is 50 feet wide and if all the setbacks were to be applied, it would only leave a buildable area of 15 feet. Having a building footprint that is only 15 feet wide would be incongruous with the existing home which has a building width of 35 feet. Also, a narrow building of 15 feet would limit the size of living areas in the proposed unit and restrict the ability to add any building articulation. The existing residence on this property currently has a 10 feet street-side setback so it would be a compatible continuation since the proposed multi-family unit will be attached to the residence. This is the only setback the project cannot comply with, and it is a reasonable request given the constraints of the size of the lot, it has greater setbacks because it is a corner lot, and any development would have to request for a modification regardless to have a reasonable sized building. Therefore, the modification is warranted since it will promote uniformity of development.
- **Eliminate the required guest parking space** - The last modification is to eliminate the one required guest parking space. The Development Code requires one (1) guest parking space for every two (2) units. Due to the lot size, width, and the location of the existing unit, the remaining area does not have any space area outside of the setback area to provide a guest parking space and the 10-foot setback area adjacent to the garages is not wide enough since an 11'-6" wide parking space is required when it is adjacent to a wall, and that area is being utilized for the required bike parking and open space area. Furthermore, the garages cannot be reduced in size since they are already proposed at the minimum interior dimension of 20 feet by 20 feet, and if the livable space on the ground floor was to reduce it would leave that area with very small bedrooms/bathrooms. The lot is having further constraints because it is a corner lot with greater setback requirements and the lot is only 50 feet wide. For these reasons, the site is not able to provide a guest parking space on the site in addition to the residential garages and provide sufficient living space in the second unit. Although on-street parking cannot be counted as guest parking, there are parking available on Fano Street and Second Avenue. Therefore, the elimination of a guest parking space will allow for an appropriate improvement of the lot, without unreasonably limiting the size of the second unit, or restricting private open space or landscaping.

The modifications for the development of a second multi-family unit will secure an appropriate improvement of a lot, prevent an unreasonable hardship, and promote uniformity of development. Approval of these modifications will allow for the construction of a two-unit, multi-family development, which includes the retention of the existing house fronting Second Avenue. The development of the second unit that architecturally complements the existing home and provides sufficient living space, necessitates a

reduction in the minimum density, street side setback, and on-site guest parking. As such, the modifications will allow for an appropriate improvement of the lot and will promote uniformity of development. Strict application of all Development Standards would result in reduced living space and architectural incompatibility between the existing unit and proposed unit, which is an unreasonable hardship.

Architectural Design Review

Concurrent with the modification application, the Planning Commission must approve, conditionally approve, or deny the architectural design of the project. The project is designed in a Traditional architectural style – refer to Attachment No. 3.

The proposed development is located within the High Density Residential (R-3) Zone, which is intended to provide a variety of medium to high density residential development. The proposed design of the two-unit multi-family project is compatible with existing multi-family developments in the surrounding neighborhood in terms of massing, and scale. The traditional style architecture is compatible with other multi-family developments in the surrounding area. The area has a mix of architectural styles including traditional and Spanish. The proposed development will also be similar in height to the other multi-family developments on this street and retention of the existing, single-story home will reduce the overall mass. Identifiable design features of the existing house which are being carried through to the new unit include the roof style and pitch, the use of gables with vertical battens, horizontal cladding, stone-clad raised elevation, and the window and door styles. The site will remain accessible to vehicular and pedestrian traffic from Fano Street. In addition, the proposed design is consistent with the City's Multifamily Residential Design Guidelines.

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

ENVIRONMENTAL ASSESSMENT

The proposed project qualifies as a Class 3 exemption, for new construction or the conversion of small structures relating to the development of a duplex, under the California Environmental Quality Act (CEQA) pursuant to Section 15303(b) of the CEQA Guidelines. Refer to Attachment No. 4 for the Preliminary Exemption Assessment.

PUBLIC NOTICE/COMMENTS

A public hearing notice for this item was published in the *Arcadia Weekly* newspaper and mailed to the property owners located within 300 feet of the subject property on June 2, 2022. As of June 10, 2022, no comments were received regarding this project.

RECOMMENDATION

It is recommended that the Planning Commission approve MFADR 21-01 and PC AM 21-03, find that the project is Categorically Exempt from the California Environmental Quality Act (CEQA), and adopt Resolution No. 2098, subject to the following conditions of approval:

1. The project shall be developed and maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for MFADR 21-01 and PC AM 21-03, subject to the approval of the Planning & Community Development Administrator or designee.
2. Any required mechanical equipment, such as backflow devices, visible from the public right-of-way shall be screened from public view. Screening may include landscaping, solid walls or other methods deemed appropriate for the development. The placement and height of said screening shall subject to review and approval by the Planning & Community Development Administrator, or designee.
3. The plans submitted for Building plan check shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
 - i. Arcadia Municipal Code
4. No utilities or fixtures shall be located on the exterior walls of the building that face a street.
5. The Applicant/Property Owner shall install separate water meter for each unit. A common water meter for each unit can be used to supply both domestic water services and fire services. The Applicant/Property Owner shall separate the fire service from domestic water service with an approved back flow device.
6. All residential units shall require a separate water service and meter for common area landscape irrigation.

7. A Water Meter Permit Application shall be submitted to the Public Works Services Department prior to permit issuance of a building permit for the new residential unit
8. New water service installations shall be by the Applicant/Property Owner. Installation shall be according to the specifications of the Public Works Services Department, Engineering Section. Abandonment of existing water services, if necessary, shall be carried out by the Applicant/Property Owner, according to Public Works Services Department, Engineering Division specifications.
9. Applicant/Property Owner shall utilize existing sewer lateral, if possible.
10. If any drainage fixture elevation is lower than the elevation of the next upstream manhole cover (457.78), an approved type of backwater valve is required to be installed on the lateral at the right of way.
11. The Applicant/Property Owner shall provide, and accommodate for, a total of three trash containers per unit, one each for trash, recycling and greenwaste/foodwaste, to the satisfaction of the Public Works Services Director, or designee. The Applicant/Property Owner shall size the trash enclosure areas accordingly per the trash provider requirements.
12. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall dedicate to the City twelve (12'-0") feet of private land that fronts Second Avenue for City's right-of-way. The dedication can be made through an Offer of Dedication, subject to review and approval by the City's Development Services Department – Engineering Division.
13. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall remove and replace existing sidewalk, curb and gutter from property line to property line, including additional sidewalk to provide adequate ADA clearance around all obstacles.
14. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall construct a new driveway approach per the City standard plan.
15. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall replace the street trees along Fano Street per the City's Street Tree Master Plan. The landscape plans shall be subject to review and approval by the Public Works Department prior to planting any new street trees.
16. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall repair any damages caused by the development to the asphalt street frontages from property line to property line including but not limited to trench cuts and construction traffic, per the direction of the City Engineer.

17. All structures (new and existing) shall be provided with an automatic fire sprinkler system per the City of Arcadia Fire Department's Multi-Family Dwelling Sprinkler Standard.
18. The Applicant/Property Owner shall comply with all City requirements regarding building safety, fire prevention, detection, suppression, emergency access, public right-of-way improvements, parking, water supply and water facilities, sewer facilities, trash reduction and recycling requirements, and National Pollutant Discharge Elimination System (NPDES) measures to the satisfaction of the Building Official, Fire Marshal, Public Works Services Director, and Planning & Community Development Administrator, or their respective designees. Compliance with these requirements is to be determined by having fully detailed construction plans submitted for plan check review and approval by the foregoing City officials and employees.
19. To the maximum extent permitted by law, Applicant/Property Owner 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 MFADR 21-01 and PC AM 21-03 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will 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 five (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 Applicant/Property Owner 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.

20. Approval of MFADR 21-01 and PC AM 21-03 shall not be in effect unless the Applicant/Property Owner has executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has approved the Resolution. The executed Acceptance Form submitted 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 project, the Commission should move to approve Multi-Family Architectural Design Review No. MFADR 21-01 and Administrative Modification No. PC AM 21-03, state that the proposal satisfies the requisite findings, and adopt the attached Resolution No. 2098 that incorporates the requisite environmental and subdivision findings, and the conditions of approval as presented in this staff report, or as modified by the Commission.

Denial

If the Planning Commission is to deny this project, the Commission should state the specific findings that the proposal does not satisfy based on the evidence presented with specific reasons for denial and move to deny Multi-Family Architectural Design Review No. MFADR 21-01 and Administrative Modification No. PC AM 21-03, 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 June 14, 2022, hearing, please contact Planning Services Manager, Fiona Graham, at (626) 574-5442, or by email at FGraham@ArcadiaCA.gov.

MF ADR 21-01 and PC AM 21-03
525 S. Second Avenue
June 14, 2022
Page 12 of 12

Approved:



Lisa L. Flores
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2098
- Attachment No. 2: Aerial Photo and Zoning Information and Photos of the Subject Property
- Attachment No. 3: Architectural Plans
- Attachment No. 4: Preliminary Environmental Assessment

Attachment No. 1

Resolution No. 2098

RESOLUTION NO. 2098

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING MULTI-FAMILY ARCHITECTURAL DESIGN REVIEW NO. MFADR 21-01, AND ADMINISTRATIVE MODIFICATION NO. PC AM 21-03 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR A NEW SECOND MULTI-FAMILY UNIT AT 525 S. 2ND AVENUE

WHEREAS, on February 8, 2021 and September 13, 2021, applications for Multi Family Architectural Design Review No. MFADR 21-01 and Administrative Modification PC AM No. 21-03, were filed, respectively, by Mitzi Linscott, the property owner, for a new second multi-family unit with three modifications to reduce the minimum density from three units to two units, reduce the street-side yard setback from 25 feet to 10 feet; and eliminate the required guest parking space for the site at 525 S. Second Avenue (collectively, "Project"); and

WHEREAS, on June 1, 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 3 Categorical Exemption under CEQA pursuant to section 15303(b) of the CEQA Guidelines as new construction or the conversion of small structures relating to the development of a duplex; and

WHEREAS, on June 14, 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 June 14, 2022 are true and correct.

SECTION 2. This Commission finds that based upon the entire record:

A. Pursuant to Section 9107.05.050 of the Arcadia Development Code, at least one of the following findings can be made.

1. Secure an appropriate improvement of a lot;
2. Prevent an unreasonable hardship; or
3. Promote uniformity of development

FACT: The Project will secure an appropriate improvement of the lot, prevent an unreasonable hardship, and promote uniformity of development.

Reduce the minimum density - The first modification is to reduce the minimum density from three (3) units to two (2) units and add a new second unit to the existing single-family residence, thereby creating a duplex. In the R-3 zones, the minimum density is one (1) unit per 2,200 square feet of lot area with a maximum density of 1,450 square feet of lot area. As such, the minimum density for this site requires three (3) units and the maximum density is five (5) units. However, the Development Code allows a lot width of 50 feet or less to be developed with less than the required density but not less than two dwelling units on the lot through a modification process – Development Code Section 9102.01.100.A.1. The modification is warranted to reduce the minimum density since the property owner plans to retain the existing single-family residence and convert it into a multi-family unit and the remaining area of the lot would not be large enough to accommodate two more units and comply with all the zoning requirements since it is a corner narrow lot. Therefore, the modification to allow a reduced density of two units is an appropriate improvement to the lot given that the owner is increasing the number of

units on this property than what was previously there, and duplexes are common in the multi-family zones.

Reduce the Required Street Side Yard Setback. The second modification is to reduce the required street-side yard setback from 25 feet to 24'-2" to 10 feet to accommodate a new multi-family unit. This modification is necessary since the property lot width is 50 feet wide and if all the setbacks were to be applied, it would only leave a buildable area of 15 feet. Having a building footprint that is only 15 feet wide would be incongruous with the existing home which has a building width of 35 feet. Also, a narrow building of 15 feet would limit the size of living areas in the proposed unit and restrict the ability to add any building articulation. The existing residence on this property currently has a 10 feet street-side setback so it would be a compatible continuation since the proposed multi-family unit will be attached to the residence. This is the only setback the project cannot comply with, and it is a reasonable request given the constraints of the size of the lot, it has greater setbacks because it is a corner lot, and any development would have to request for a modification regardless to have a reasonable sized building. Therefore, the modification is warranted since it will promote uniformity of development.

Eliminate the required guest parking space - The last modification is to eliminate the one required guest parking space. The Development Code requires one (1) guest parking space for every two (2) units. Due to the lot size, width, and the location of the existing unit, the remaining area does not have any space area outside of the setback area to provide a guest parking space and the 10-foot setback area adjacent to the garages is not wide enough since an 11'-6" wide parking space is required when it is adjacent to a wall, and that area is being utilized for the required bike parking and open space area. Furthermore, the garages cannot be reduced in size since they are already

proposed at the minimum interior dimension of 20 feet by 20 feet, and if the livable space on the ground floor was to reduce it would leave that area with very small bedrooms/bathrooms. The lot is having further constraints because it is a corner lot with greater setback requirements and the lot is only 50 feet wide. For these reasons, the site is not able to provide a guest parking space on the site in addition to the residential garages and provide sufficient living space in the second unit. Although on-street parking cannot be counted as guest parking, there are parking available on Fano Street and Second Avenue. Therefore, the elimination of a guest parking space will allow for an appropriate improvement of the lot, without unreasonably limiting the size of the second unit, or restricting private open space or landscaping.

The modifications for the development of a second multi-family unit will secure an appropriate improvement of a lot, prevent an unreasonable hardship, and promote uniformity of development. Approval of these modifications will allow for the construction of a two-unit, multi-family development, which includes the retention of the existing house fronting Second Avenue. The development of the second unit that architecturally complements the existing home and provides sufficient living space, necessitates a reduction in the minimum density, street side setback, and on-site guest parking. As such, the modifications will allow for an appropriate improvement of the lot and will promote uniformity of development. Strict application of all Development Standards would result in reduced living space and architectural incompatibility between the existing unit and proposed unit, which is an unreasonable hardship.

B. The proposal is consistent with the City's Multifamily Residential Design Guidelines:

FACT: The proposed development is located within the High Density Residential (R-3) Zone, which is intended to provide a variety of medium to high density residential development. The proposed design of the two-unit multi-family project is compatible with existing multi-family developments in the surrounding neighborhood in terms of massing, and scale. The traditional style architecture is compatible with other multi-family developments in the surrounding area. The area has a mix of architectural styles including traditional and Spanish. The proposed development will also be similar in height to the other multi-family developments on this street and retention of the existing, single-story home will reduce the overall mass. Identifiable design features of the existing house which are being carried through to the new unit include the roof style and pitch, the use of gables with vertical battens, horizontal cladding, stone-clad raised elevation, and the window and door styles. The site will remain accessible to vehicular and pedestrian traffic from Fano Street. In addition, the proposed design is consistent with the City's Multifamily Residential Design Guidelines.

SECTION 3. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), this Project qualifies as a Class 3 Categorical Exemption under CEQA pursuant to section 15303(b) of the CEQA Guidelines as new construction or the conversion of small structures relating to the development of a duplex.

SECTION 4. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt per Section 15303(b) of the California Environmental Quality Act (CEQA) Guidelines, and approves Multi Family Architectural Design Review No. MFADR 21-01 and Administrative Modification No. PC AM 21-03 for a new second multi-family unit with three modifications to reduce the minimum density from three units to two units, reduce the street-side yard setback from 25 feet to 10 feet; and eliminate the

required guest parking space at 525 S. Second Avenue, subject to the conditions of approval attached hereto.

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

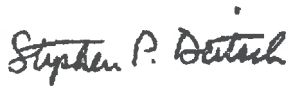
Passed, approved and adopted this 14th day of June, 2022.

Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Stephen P. Deitsch
City Attorney

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RESOLUTION NO. 2098

Conditions of Approval

1. The project shall be developed and maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for MFADR 21-01 and PC AM 21-03, subject to the approval of the Planning & Community Development Administrator or designee.
2. Any required mechanical equipment, such as backflow devices, visible from the public right-of-way shall be screened from public view. Screening may include landscaping, solid walls or other methods deemed appropriate for the development. The placement and height of said screening shall subject to review and approval by the Planning & Community Development Administrator, or designee.
3. The plans submitted for Building plan check shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
 - i. Arcadia Municipal Code
4. No utilities or fixtures shall be located on the exterior walls of the building that face a street.
5. The Applicant/Property Owner shall install separate water meter for each unit. A common water meter for each unit can be used to supply both domestic water services and fire services. The Applicant/Property Owner shall separate the fire service from domestic water service with an approved back flow device.
6. All residential units shall require a separate water service and meter for common area landscape irrigation.
7. A Water Meter Permit Application shall be submitted to the Public Works Services Department prior to permit issuance of a building permit for the new residential unit
8. New water service installations shall be by the Applicant/Property Owner. Installation shall be according to the specifications of the Public Works Services

Department, Engineering Section. Abandonment of existing water services, if necessary, shall be carried out by the Applicant/Property Owner, according to Public Works Services Department, Engineering Division specifications.

9. Applicant/Property Owner shall utilize existing sewer lateral, if possible.
10. If any drainage fixture elevation is lower than the elevation of the next upstream manhole cover (457.78), an approved type of backwater valve is required to be installed on the lateral at the right of way.
11. The Applicant/Property Owner shall provide, and accommodate for, a total of three trash containers per unit, one each for trash, recycling and greenwaste/foodwaste, to the satisfaction of the Public Works Services Director, or designee. The Applicant/Property Owner shall size the trash enclosure areas accordingly per the trash provider requirements.
12. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall dedicate to the City twelve (12'-0") feet of private land that fronts Second Avenue for City's right-of-way. The dedication can be made through an Offer of Dedication, subject to review and approval by the City's Development Services Department – Engineering Division.
13. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall remove and replace existing sidewalk, curb and gutter from property line to property line, including additional sidewalk to provide adequate ADA clearance around all obstacles.
14. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall construct a new driveway approach per the City standard plan.
15. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall replace the street trees along Fano Street per the City's Street Tree Master Plan. The landscape plans shall be subject to review and approval by the Public Works Department prior to planting any new street trees.
16. Prior to issuance of a Certificate of Occupancy, the Applicant/Property Owner shall repair any damages caused by the development to the asphalt street frontages from property line to property line including but not limited to trench cuts and construction traffic, per the direction of the City Engineer.
17. All structures (new and existing) shall be provided with an automatic fire sprinkler system per the City of Arcadia Fire Department's Multi-Family Dwelling Sprinkler Standard.
18. The Applicant/Property Owner shall comply with all City requirements regarding building safety, fire prevention, detection, suppression, emergency access, public right-of-way improvements, parking, water supply and water facilities, sewer facilities, trash reduction and recycling requirements, and National Pollutant

Discharge Elimination System (NPDES) measures to the satisfaction of the Building Official, Fire Marshal, Public Works Services Director, and Planning & Community Development Administrator, or their respective designees. Compliance with these requirements is to be determined by having fully detailed construction plans submitted for plan check review and approval by the foregoing City officials and employees.

19. To the maximum extent permitted by law, Applicant/Property Owner 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 MFADR 21-01 and PC AM 21-03 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will 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 five (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 Applicant/Property Owner 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.

20. Approval of MFADR 21-01 and PC AM 21-03 shall not be in effect unless the Applicant/Property Owner has executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has approved the Resolution. The executed Acceptance Form submitted to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

Attachment No. 2

Aerial Photo with Zoning Information and
Photos of the Subject Property and Vicinity

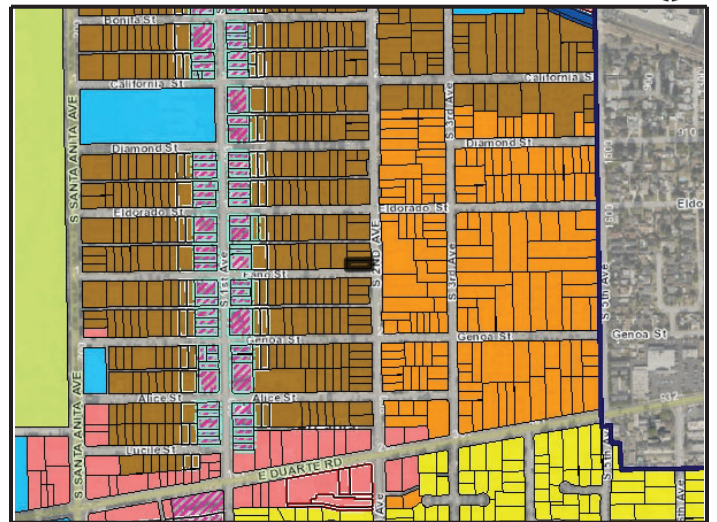
Site Address: **525 S 2ND AVE**

Property Owner(s): Property Owner



Property Characteristics	
Zoning:	R-3
General Plan:	HDR
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	1,016
Year Built:	1949
Number of Units:	1
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



PHOTO - EAST SIDE - 2ND AVENUE



PHOTO - SOUTH SIDE - FANO STREET



PHOTO - SOUTH SIDE - FANO STREET



PHOTO - NORTH EAST SIDE - 2ND AVENUE

Photos of the surrounding area



Condominiums at 153 – 157 Fano Street. Subject property is to the immediate east.



601 S. Second Avenue (south-west corner of S. Second Avenue and Fano Street, opposite the subject property)



506 – 588 S. Second Avenue – Spanish style townhouse development constructed in 2015



519 S. Second Avenue (left) and 515 & 517 S. Second Avenue (right). Subject property is to the immediate south of 519 S. Second Avenue.

Attachment No. 3

Architectural Plans

NEW TWO STORY UNIT LINSCOTT RESIDENCE

525 SOUTH 2ND STREET, ARCADIA, CA 91006

Revisions



ARCHITECT:
SIAMAK SAHAND
1044 N. MAR VISTA AVE.
PASADENA, CA 91104
626-824-0045

GENERAL NOTES

- The scope of this project includes:
CONSTRUCTION OF NEW 2-STORY ADDITION AND NEW 2-CAR GARAGE.
- This project shall be designed, and all work shall be performed in accordance with the following codes:
2019 County of Los Angeles:
• Residential Building Code
• Electrical, Mechanical, Plumbing, T-24 Energy and Green Codes.
- The intent of the drawings and specifications is to construct the indicated addition and to alter the existing building in accordance with the contract documents and regulating governing codes. Should any conditions emerge not covered by the Contract Documents, wherein the Finished Work will not comply with said drawings and governing codes, a change order detailing and specifying the required work shall be submitted to and approved by the owner before proceeding with the work.
- All work shall be in accordance with the above-referenced design standards. All installation procedures shall be as established by manufacturer's published specifications or trade standards.
- Drawings are not to be scaled. Use referenced or noted dimensions only. Large scale details govern over smaller scale details, but in case of conflict the most stringent design/detail shall prevail unless otherwise directed in writing.
- Work shall be constructed in accordance with the Architectural and Engineering drawings. If discrepancies are found, it shall be noted immediately. The Contractor shall be solely responsible for correction of work not installed in accordance with the Contract Documents.
- The division of the work into categories is for convenience only. It shall not be construed as limiting the Contractor in any way regarding division of the Work.
- Construction of conditions or assemblies not explicitly shown shall be built in accordance with details of conditions or assemblies similar in nature or intent.
- All new utilities, cabinetry, equipment and other components shall be anchored in conformance with the governing codes. Wall-mounted items (cabinetry, equipment, grab bars and handrails, plumbing fixtures, etc.) shall be anchored to appropriate in-wall backing and stud work, or other devices as shall be detailed.
- Prior to commencement of work, Contractor shall have evidence of current Workers' Compensation on file with the Building Section.
- The plan check and general building permit, including plumbing, mechanical and electrical permits, shall be secured and paid for by the owner.
- The owner may order changes to the work by addition, alteration, or deduction. The Contract Sum shall be adjusted accordingly, prior to starting any changes in the work.
- Verify location and status of all electrical wiring prior to bidding and coordinate with the Electrical Contractor before removal and/or disconnection of any electrical wires or power equipment. All electrical work shall be performed by a qualified Electrician.
- The Contractor shall repair all existing construction damaged during demolition or construction, including buildings and site work, at no additional cost to the Owner.
- Do not penetrate the roof membrane for utilities except as specifically allowed. Not all roof penetrations are shown on the roof plan. Refer to the utility plans for conduit and piping. Properly flash all penetrations as required per roofing manufacturer specifications.
- The Contractor shall be responsible for all temporary utilities. The Contractor shall familiarize himself with existing site utilities.
- The Contractor shall maintain a complete set of drawings and specifications on the job site at all times, including copies of all instruction bulletins, requests for information, change orders, reviewed shop drawings and submittals.
- All wood in contact with concrete or masonry shall be pressure treated to prevent infestation.
- All work shall be performed in strict accordance with the recommendations and specifications of the manufacturer of the product being used for a complete and proper installation.
- No equipment or material containing asbestos or other hazardous materials shall be used in this project.
- Glass doors, adjacent panels, and all glazed openings within 18" of the floor shall of glass approved for impact hazards (tempered or wire glass). Glass in protected partitions shall be as per Sections 1004.3.4.3.2 and 2406.
- A legible property address number shall be in front of the residence per LA County standards.

BUILDING DATA

LOT SIZE: APPROX. 7,250 SQ. FT.
EXISTING STRUCTURES:
EXISTING 1-STORY RESIDENCE = 1,016 SQ. FT.
ADD NEW BATHROOM TO EXISTING HOUSE = 70 S.F.

CODE ANALYSIS:
MAXIMUM GROSS STRUCTURAL AREA & LOT COVERAGE ALLOWED: UNLIMITED

PROPOSED DEVELOPMENT:
PROPOSED NEW TWO STORY UNIT = 525 S.F. (FIRST FLOOR) + 993 S.F. (SECOND FLOOR) = 1,518 S.F.
PROPOSED NEW TWO CAR GARAGES FOR NEW UNIT AND EXISTING HOUSE = 852 S.F.

TOTAL SITE COVERAGE (EXISTING + PROPOSED) = 1,016 (EXISTING HOUSE) + 70 (NEW BATHROOM) + 525 (NEW UNIT FIRST FLOOR) + 852 (NEW GARAGES) = 2,463 S.F.
LOT COVERAGE = 34 %

SHEET INDEX

- ARCHITECTURAL
- T-1 GENERAL NOTES, SHEET INDEX, LEGAL DESCRIPTION, BUILDING DATA, PROPOSED ROOF PLAN
 - A-1 EXISTING SITE PLAN, PROPOSED SITE PLAN
 - A-2 EXISTING HOUSE FLOOR PLAN, ROOF PLAN, EXTERIOR ELEVATIONS
 - A-3 PROPOSED FIRST AND SECOND FLOOR PLANS
 - A-4 PROPOSED EXTERIOR ELEVATIONS
 - L-1 EXISTING/PROPOSED LANDSCAPE PLAN

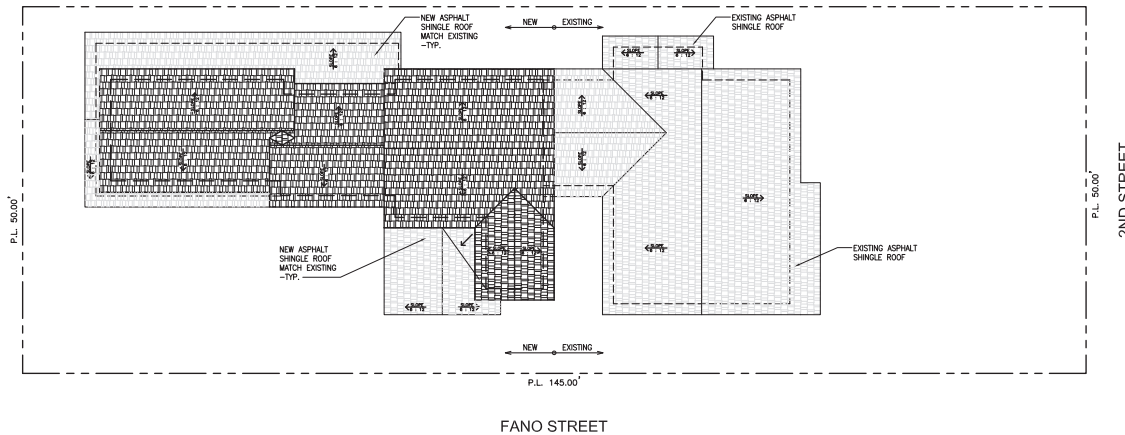
LEGAL DESCRIPTION

TRACT # 866 LOT 16 BLK 63 1/2 - ASSESSOR'S ID NO. 5779-010-015

CONSTRUCTION TYPE / ZONING:

CONSTRUCTION TYPE: V-B
ZONE: R3

SITE MAP WITH ADJACENT PROPERTIES

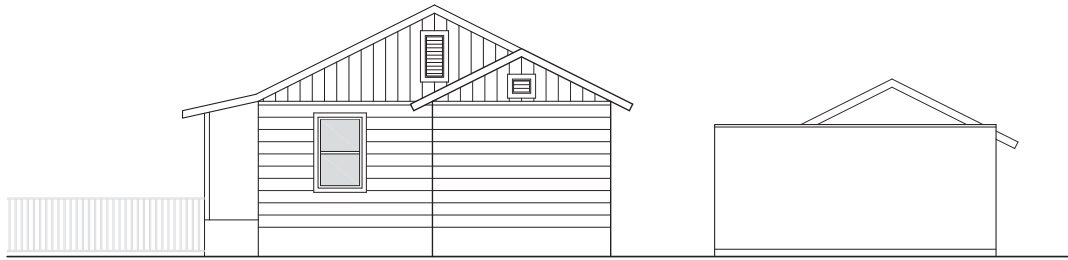


PROPOSED ROOF PLAN
SCALE: 1/8" = 1'-0"

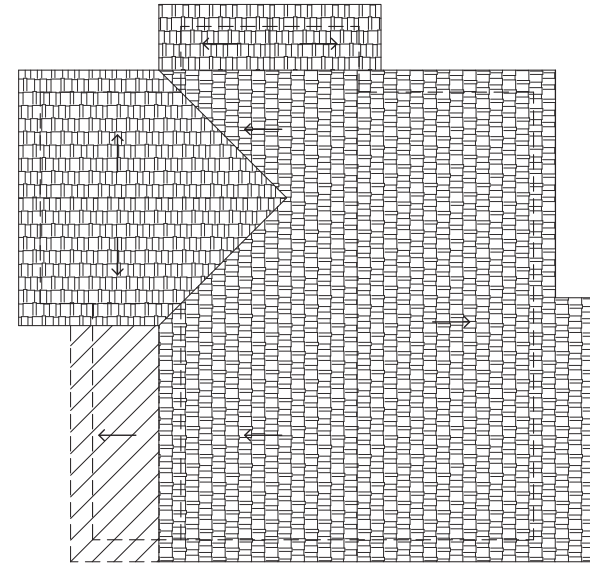


GENERAL NOTES, SHEET INDEX, BLDG. DATA,
LEGAL DESCRIPTION, PROPOSED ROOF PLAN
NEW TWO STORY UNIT
LINSCOTT RESIDENCE
525 SOUTH 2ND STREET, ARCADIA, CA 91006

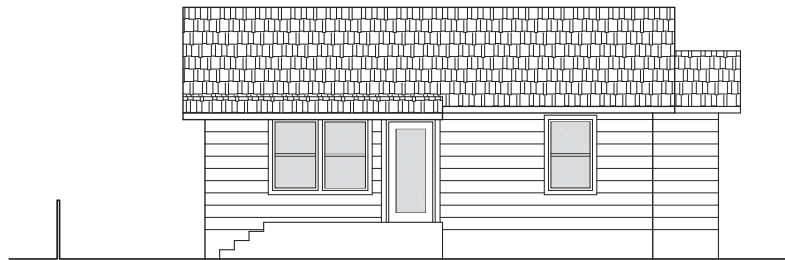
Drawn
Checked
Date 02-14-2022
Job No.
Sheet No.
T-1
of sheets



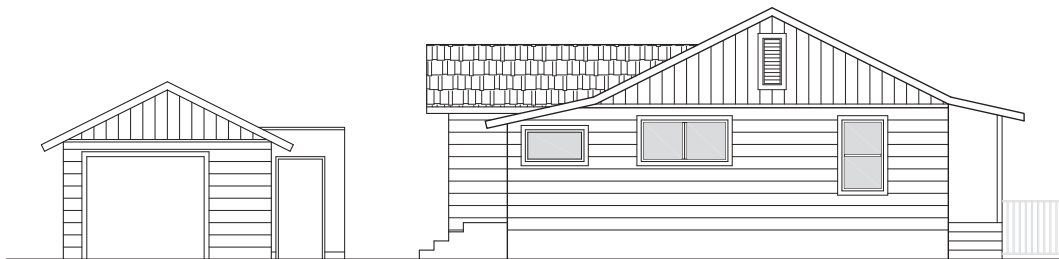
EXISTING HOUSE NORTH ELEVATION
SCALE: 1/4" = 1'-0"



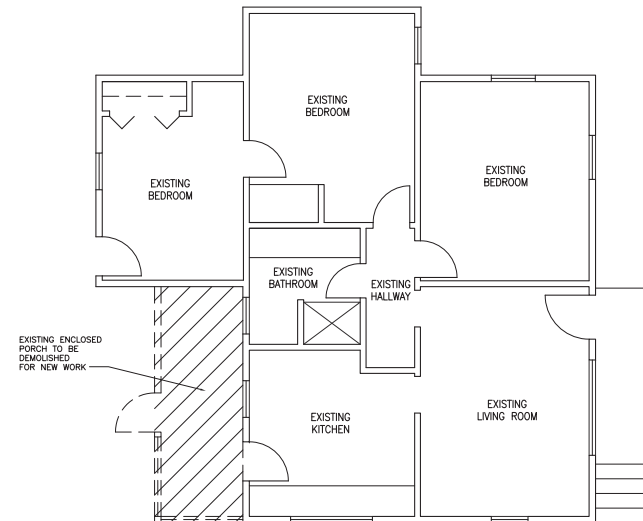
EXISTING HOUSE ROOF PLAN
SCALE: 1/4" = 1'-0"



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



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



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

Revisions



ARCHITECT:
SIAMAK SAHAND
1044 N. MAR VISTA AVE.
PASADENA, CA 91104
626-824-0045

EXISTING HOUSE FLOOR PLAN,
ROOF PLAN, EXTERIOR ELEVATIONS
NEW TWO STORY UNIT
LINSOTT RESIDENCE
525 SOUTH 2ND STREET, ARCADIA, CA 91706

Drawn

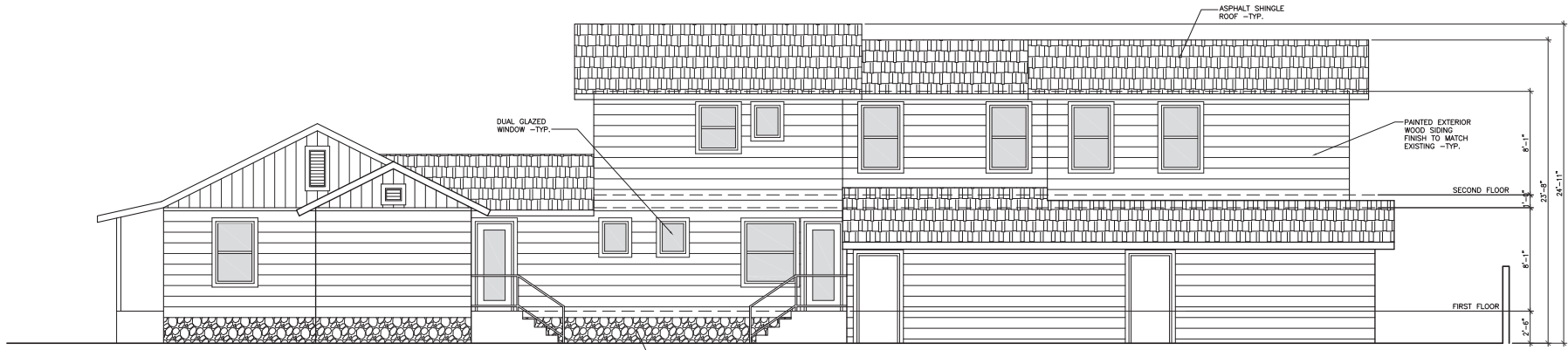
Checked

Date 02-14-2022

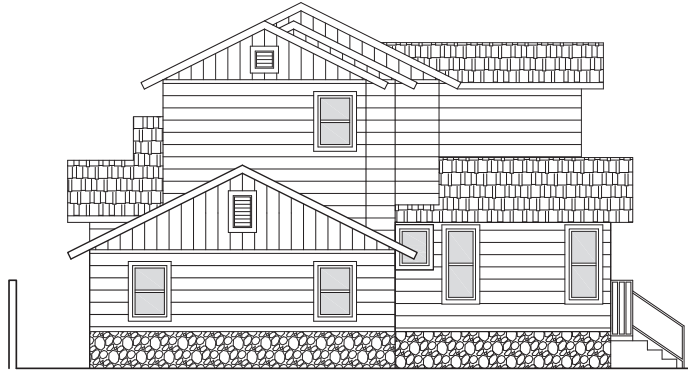
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Sheet No.

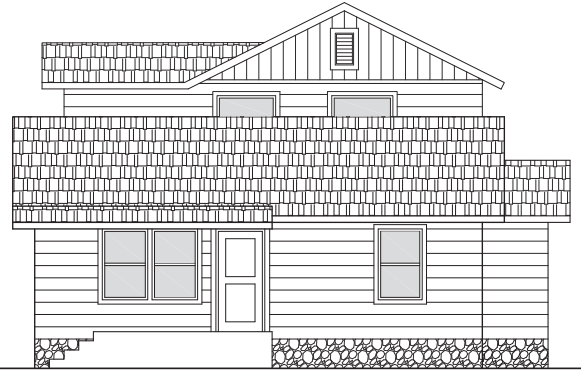
A-2
of sheets



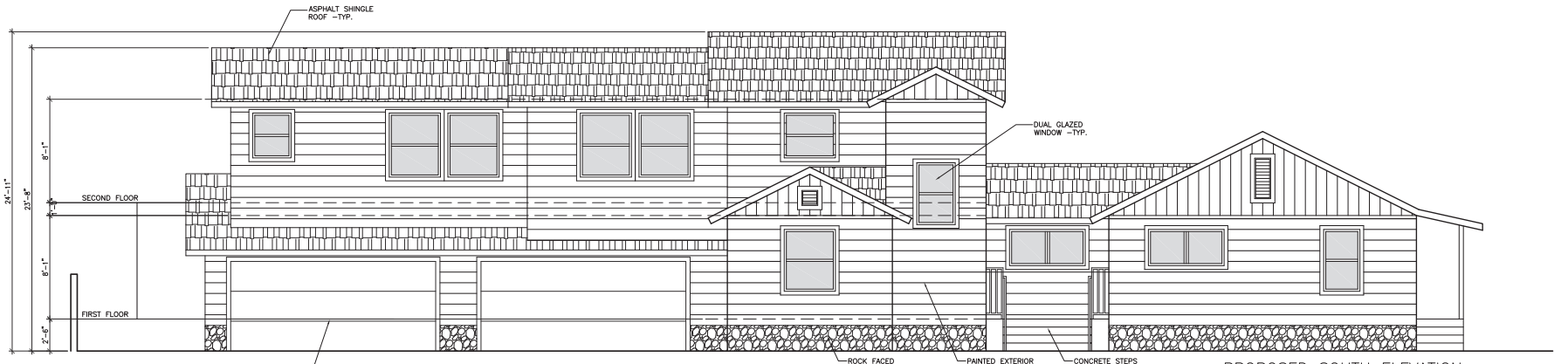
PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

Revisions



ARCHITECT:
SIAMAK SAHAND
1044 N. MAR VISTA AVE.
PASADENA, CA 91104
626-824-0045

PROPOSED EXTERIOR ELEVATIONS
NEW TWO STORY UNIT
LINSOTT RESIDENCE
525 SOUTH 2ND STREET, ARCADIA, CA 91006

Drawn

Checked

Date 02-14-2022

Job No.

Sheet No.

A-4
of sheets

Revisions



ARCHITECT:
SIAMAK SAHAND
1044 N. MAR VISTA AVE.
PASADENA, CA 91104
626-824-0045

EXISTING/PROPOSED LANDSCAPE PLAN

NEW TWO STORY UNIT
LINSOTT RESIDENCE
525 SOUTH 2ND STREET, ARCADIA, CA 91706

Drawn

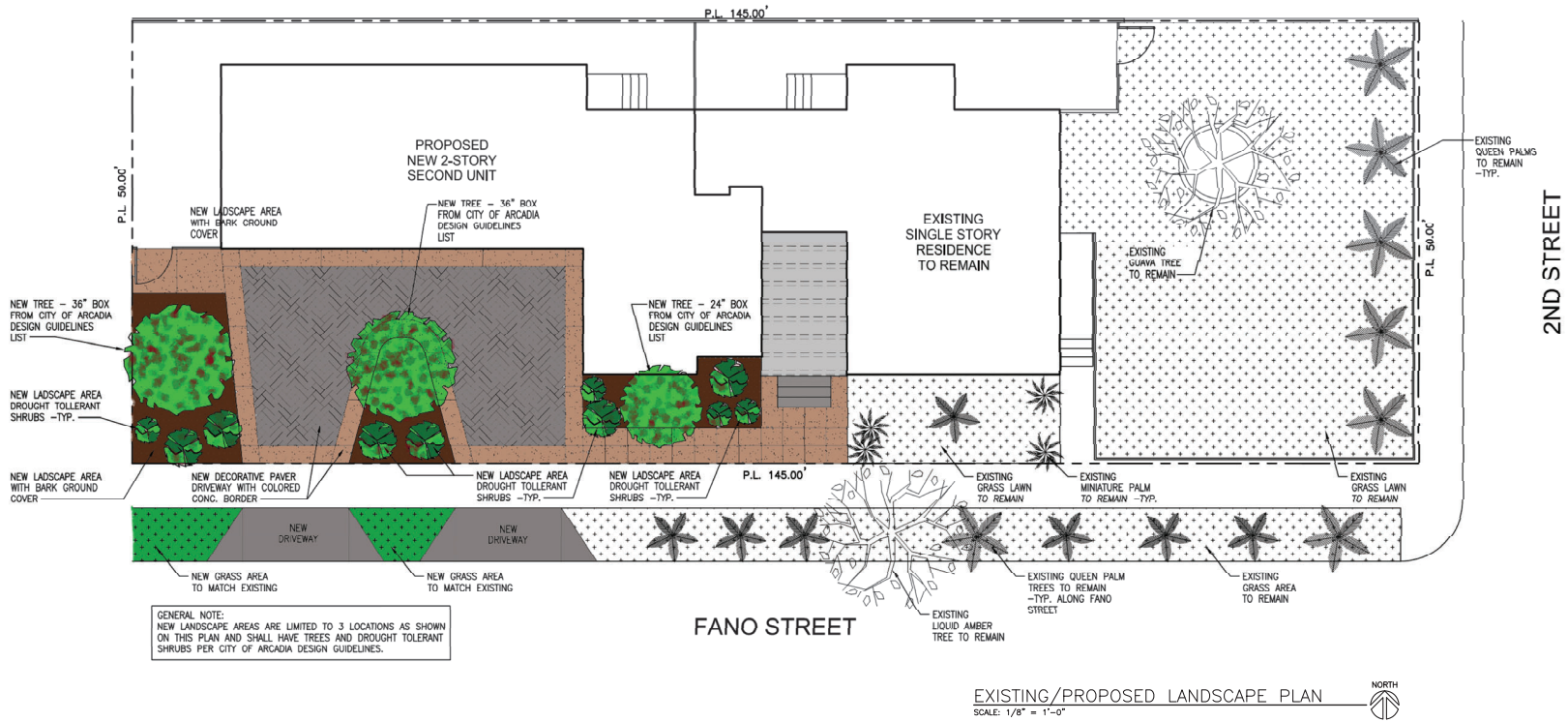
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Date 02-14-2022

Job No.

Sheet No.

L-1
of sheets



**EXTERIOR MATERIAL SELECTION AND COLOR LIST
FOR PROPOSED ADDITION
525 SOUTH 2ND AVENUE, ARCADIA, CA 91006**

1. EXISTING HOUSE EXTERIOR FINISH:

WOOD SIDING AND COLOR TO REMAIN - NEW PAINT TO BE APPLIED ENTIRELY

2. PROPOSED ADDITION EXTERIOR FINISH:

MATCH EXISTING WOOD SIDING AND COLOR.

3. PROPOSED ADDITION ROOF FINISH:

ASPHALT SHINGLES - GAF TIMBERLINE HD - SLATE

4. PROPOSED WINDOWS:

VINYL FRAME - WHITE FACTORY FINISH - BASED ON MILGARD WINDOWS OR EQUAL.

5. PROPOSED TRIM COLOR:

WHITE TO MATCH EXISTING TRIM COLOR

SEE ATTACHED CUT SHEETS FOR THE LISTED ITEMS



TIMBERLINE HD

LIFETIME HIGH DEFINITION SHINGLES

TIMBERLINE® LIFETIME SHINGLES

Color Shown:
Pewter Gray



U.S. only



*StainGuard® algae protection is available only on shingles sold in packages bearing the StainGuard® logo. Products with StainGuard® algae protection are covered by a 10-year limited warranty against blue-green algae discoloration. See *GAF Shingle & Accessory Ltd. Warranty* for complete coverage and restrictions.

Note: It is difficult to reproduce the color clarity and actual color blends of these products. Before selecting your color, please ask to see several full-size shingles.



TIMBERLINE® LIFETIME
SHINGLES — NORTH AMERICA'S
#1 — SELLING ROOF

Value & Performance In A Genuine Wood-Shake Look

- **Great Value...** Architecturally stylish but practically priced — with a Lifetime Ltd. warranty.¹
- **Dimensional Look...** Features GAF proprietary color blends and enhanced shadow effect for a genuine wood-shake look.
- **Highest Roofing Fire Rating...** UL Class A, Listed to ANSI/UL 790.
- **StainGuard® Algae Protection...** Helps ensure the beauty of your roof against unsightly blue-green algae.²
- **High Performance...** Designed with Advanced Protection® Shingle Technology, which reduces the use of natural resources while providing excellent protection for your home (visit gaf.com/aps to learn more).
- **Stays In Place...** Dura Grip™ Adhesive seals each shingle tightly and reduces the risk of shingle blow-off. Shingles are warranted to withstand winds up to 130 mph (209 km/h).³
- **Peace Of Mind...** Lifetime Ltd. transferable warranty with Smart Choice® Protection (non-prorated material and installation labor coverage) for the first ten years.¹
- **Perfect Finishing Touch...** Use Timbertex® Premium Ridge Cap Shingles or TimberCrest™ Premium SBS-Modified Ridge Cap Shingles (visit www.gaf.com/ridgecapavailability for availability in your area).

¹ See GAF Shingle & Accessory Ltd. Warranty for complete coverage and restrictions. The word "Lifetime" refers to the length of coverage provided by the GAF Shingle & Accessory Ltd. Warranty and means as long as the original individual owner(s) of a single-family detached residence [or the second owner(s) in certain circumstances] owns the property where the shingles are installed. For owners/structures not meeting the above criteria, Lifetime coverage is not applicable.

² StainGuard® algae protection is available only on shingles sold in packages bearing the StainGuard® logo. Products with StainGuard® algae protection are covered by a 10-year limited warranty against blue-green algae discoloration. See GAF Shingle & Accessory Ltd. Warranty for complete coverage and restrictions.

³ This wind speed coverage requires special installation; see GAF Shingle & Accessory Ltd. Warranty for details.

⁴ Limited availability.

⁵ Rated by the Cool Roof Rating Council (CRRCC) and can be used to comply with 2016 Title 24, Part 6, Cool Roof Requirements of the California Code of Regulations.

⁶ Timberline HD® White is ENERGY STAR® certified (U.S. only). Energy cost savings are not guaranteed and the amount of savings may vary based on climate zone, utility rates, radiative properties of roofing products, insulation levels, HVAC equipment efficiency, and other factors.

Most Popular High Definition® Shingle Colors

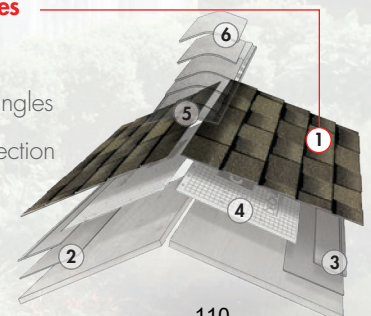
Regional High Definition® Shingle Colors

See chart on page 14 for color availability.

Where They Fit Within The Lifetime Roofing System

1. Lifetime Shingles

2. Leak Barrier
3. Starter Strip Shingles
4. Roof Deck Protection
5. Cobra® Attic Ventilation
6. Ridge Cap Shingles



110

13



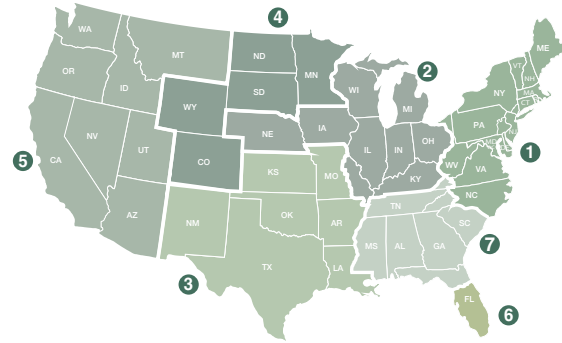
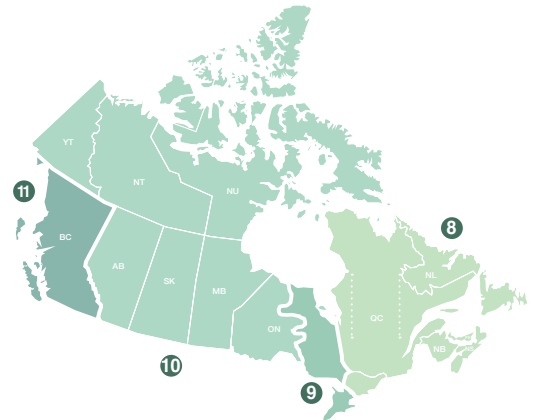
TIMBERLINE
LIFETIME HIGH DEFINITION SHINGLES

Color Availability

TIMBERLINE HD

LIFETIME HIGH DEFINITION SHINGLES

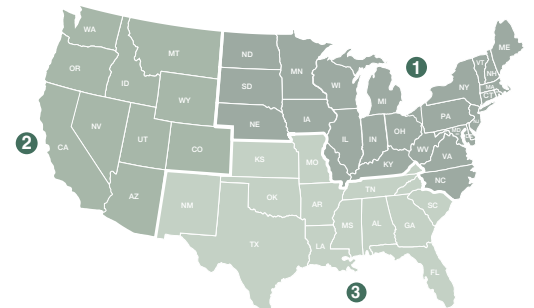
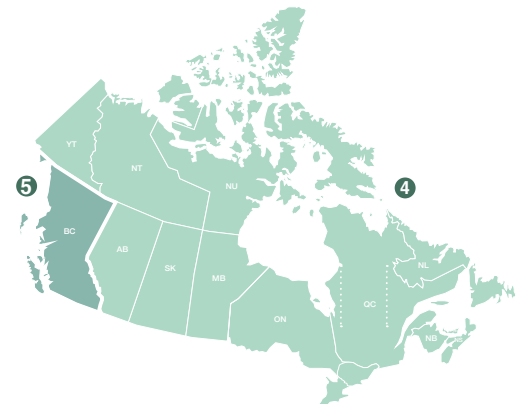
	1	2	3	4	5	6	7	8	9	10	11
Most Popular Colors:											
Barkwood	●	●	●	●	●	●	●	●	●	●	●
Birchwood	●	●	●	●	●	●	●	●	●	●	●
Charcoal	●	●	●	●	●	●	●	●	●	●	●
Hickory	●	●	●	●	●	●	●	●	●	●	●
Hunter Green	●	●	●	●	●	●	●	●	●	●	●
Mission Brown	●	●	●	●	●	●	●	●	●	●	●
Pewter Gray	●	●	●	●	● ¹	●	●	●	●	●	●
Shakewood	●	●	●	●	●	●	●	●	●	●	●
Slate	●	●	●	●	●	●	●	●	●	●	●
Weathered Wood	●	●	●	●	●	●	●	●	●	●	●
Regional Colors:											
Biscayne Blue	●										
Canadian Driftwood							●	●	●	●	
Copper Canyon					●						
Driftwood						●	●				
Fox Hollow Gray	●	●									
Golden Amber ¹					●						
Oyster Gray	●					●	●				
Patriot Red	●										
Sunset Brick						●					
White ^{2,3}						●	●				
Williamsburg Slate	●	●									



TIMBERLINE ULTRAHD

LIFETIME HIGH DEFINITION SHINGLES

	1 ⁴	2	3	4 ⁴	5
Most Popular Colors:					
Barkwood	●	●	●	●	●
Charcoal	●	●	●	●	●
Hickory	●	●		●	●
Pewter Gray	●		● ¹	●	
Shakewood	●	●	● ¹	●	●
Slate	●	●	● ¹	●	●
Weathered Wood	●	●	●	●	●
Regional Colors:					
Fox Hollow Gray	●			●	
Hunter Green	●			●	
Patriot Red	●			●	



¹Limited availability.

²Rated by the Cool Roof Rating Council (CRRC) and can be used to comply with 2016 Title 24, Part 6, Cool Roof Requirements of the California Code of Regulations.

³Timberline HD® White is ENERGY STAR® certified (U.S. only). Energy cost savings are not guaranteed and the amount of savings may vary based on climate zone, utility rates, radiative properties of roofing products, insulation levels, HVAC equipment efficiency, and other factors.

⁴Timberline Ultra HD® Shingles / Timberline® UHD Shingles in these areas have the Dual Shadow Line feature. For complete product specifications, visit gaf.com.

Most Popular

High Definition® Shingle Colors

(See chart at left for availability)



Regional

High Definition® Shingle Colors

(See chart at left for availability)



* StainGuard Plus™ Time-Release Technology is available only on Timberline Ultra HD® Shingles sold in packages bearing the StainGuard Plus™ logo. Products with StainGuard Plus™ Time-Release Technology are covered by a 25-year limited warranty against blue-green algae discoloration. See *GAF Shingle & Accessory Ltd. Warranty* for complete coverage and restrictions.

** StainGuard® algae protection is available only on shingles sold in packages bearing the StainGuard® logo. Products with StainGuard® algae protection are covered by a 10-year limited warranty against blue-green algae discoloration. See *GAF Shingle & Accessory Ltd. Warranty* for complete coverage and restrictions.

Note: It is difficult to reproduce the color clarity and actual color blends of these products. Before selecting your color, please ask to see several full-size shingles.

1, 2, 3 See footnotes on previous page



TUSCANY® SERIES MONTECITO® SERIES

Premium Vinyl Windows
& Patio Doors

Architectural Manual



About Tuscany® & Montecito® Series

Differences between Tuscany and Montecito Series

Tuscany Series and Montecito Series windows and doors are aesthetically the same but there are some important differences:

New Construction vs. Retrofit

Tuscany Series can be used for new construction or retrofit applications as it offers block frame and Z-bar frames in addition to nail fins.

Montecito Series is only available with nail fins and used for new construction exclusively (see page 5).

Screens

PureView® premium mesh screens with a pull rail frame are available on Tuscany Series only. Montecito Series come with standard screens.

Awning and Casement Hardware

Tuscany Series awning and casement windows come with folding nesting hardware while Montecito Series comes with standard hardware (see page 8).

Warranty

Both products come standard with the Full Lifetime Warranty, and only Tuscany Series comes with Glass Breakage Coverage.

Components

Available Operating Styles

Find frame styles for each operating style:

Awning

Fixed Awning

Casement

Fixed Casement

Horizontal Sliding (Half Vent)

Double Horizontal Sliding

Single Hung

Double Hung

Picture/Radius

Bay/Bow

Cable Bay

Sliding Patio Door

Swing Patio Door

*Not all operating styles available at all Milgard locations.
Contact your sales representative for more information.*

Frame

Tuscany Series and Montecito Series frame components are made of a high performance uPVC, rigid polyvinyl chloride material, custom compounded for superior impact resistance, color retention and weather resistance. The frame and sash corners are all precision mitered and fusion welded for a lifetime of air and water resistance.

The Tuscany Series and Montecito Series meets or exceeds the AAMA/WDMA/CSA 101/I.S.2/A 440-05 Industry Specification for Windows and Doors. They are also tested for Forced Entry Resistance to the ASTM F588-97 standard, Grade 20 level. Each window is labeled with the NFRC Energy Star performance information, based on the type of glazing you select.

Frame Differences

Tuscany and Montecito have the same aesthetic design but there are differences in the frame and the applications they are used. Montecito Series is primarily used in new construction applications and comes with various nail fins. Tuscany Series can also be used in new construction with the same nail fin options, but is also available in retrofit applications such as block frame and Z-bar.

Here are the details on each:

Block Frame

(Tuscany only)

The block frame style is a window frame profile without a nail fin. The block frame allows an installer to insert the replacement window into the existing frame, without disturbing the home's internal or external wall surfaces. Installation method includes carefully drilling through the jamb.

Z-Bar (Standard and Wide)

(Tuscany only)

Two extruded Z-bar frame choices are available with Tuscany series, standard (1-5/8") and wide (2-1/8"). Z-bar installation, the method of removing the aluminum or steel sash but leaving the frame in place, is ideal with aluminum retrofit in stucco applications and can save a significant amount on installation costs.

Nail-On Fin

(Tuscany and Montecito)

1-1/4" or 2" fin widths available.

A pre-punched nail flange extends around the perimeter frame, securing the window in rough openings and acting as a part of the flashing system.

Fin Setbacks

(Tuscany and Montecito)

- 1-3/8" nail fin setback (1-1/4" or 2" pre-punched nail flange)
- 1" nail fin setback with stucco key (1-1/4" pre-punched nail flange)

The 2" pre-punched nail flange frame also has an exterior accessory groove which allows for optional J-channel trim:

- 2" Brickmold
- 1" Contour
- 3/4" Flat

The 2" brickmold is applied in the field on the window, and snapped in-place after window installation. The 1" contour and 3/4" flat J-channel options are welded in place at the factory.

All trim options are extruded by Milgard and are available in white and tan.

Weep System

Hollow sill construction and offset weep baffles release any accumulated moisture from the sill pockets and help prevent blow back, and helps control the water flow caused by a combination of wind and rain.

Glazing Material

AAMA-approved glazing tape adheres glass to the fixed and vent panel frames which seals and cushions the glass. Rigid vinyl setting blocks are used to support the unit above the sill, preventing glass shear (glass in the insulated unit becomes offset). Extruded vinyl glazing (snap-in) bead is applied around the interior edge.

“Interior glazing” makes replacement of glazing unit convenient; bead is mitered at 45 degree for a finished look. Insulating dual glazed panes have a 7/8” overall glass thickness (3/4” for double hungs), are dual seal equivalent, sealed for optimal energy efficiency. All Tuscany and Montecito windows currently meet or exceed ENERGY STAR® performance in all climate zones with a 0.35 u-factor or lower. Specialty glass options are available upon request which can help achieve as much as a 26% improvement in u-factor. Specialty glass options for privacy, noise abatement and aesthetics are available upon request.

Vent Panel

The vent panel has an “L” shaped lip that fully interlocks with the vertical meeting rail, adding security and preventing air and water penetration. Its roller assembly rides on a monorail reversible track for easy operation and durability. This raised track in the frame sill helps keep the vent panel free from interference by foreign particles that may collect in the sill.

The Tuscany Series has been designed with equal sight lines resulting in the same size glazing unit for both the fixed and vent panels. This is not only visually appealing but offers simplified field maintenance and can often result in common-sized window screens for

window systems of more than two units.

Weatherstripping

Silicone-treated water-repellent polypropylene fin seal weatherstripping provides a durable, weather tight seal. Two continuous rows of weatherstripping around the vent panel provide a superior weather-tight seal. The first row is a flexible TPE leaf seal that acts as the primary water barrier. The second row is a compression style, TPV wrapped closed-cell foam, bulb seal that provides exceptional protection against air infiltration.

Roller Assembly

Self-lubricating, wear resistant, dual nylon rollers with stainless steel axles provide flexible, free-wheeling, smooth and silent operation. The adjustable rollers are engineered for reduction of friction and torque on operable vent frames.

Locking Assembly

Milgard’s exclusive patented SmartTouch® direct action lock mechanism provides security and finger-tip operation. The lock engages when the window is closed. The lock offers a visual indicator that when the window is closed, it is also locked. The SmartTouch® lock is unlike most locking mechanisms available today as it requires no squeezing or twisting to operate, making it ideal in universal design.

Screen

Milgard’s exclusive PureView® screen frames are cambered aluminum, assembled with rigid nylon corner clips. Rolled pull rail provides simple installation and removal. Screens come standard with matching frame color. PureView’s innovative screen uses smaller diameter yarn, improving

the interior view. The finer mesh also reduces the appearance of a screen, enhancing curb appeal. PureView's fiberglass charcoal screen mesh is strong, durable and easy to replace. All screens are under one year warranty. PureView screen with pull rail are available only on Tuscany Series.

Energy Packages

Milgard adheres to ENERGY STAR® v6 requirements to meet or exceed U-Factor and Solar Heat Gain Coefficient (SHGC) criteria for all ENERGY STAR® zones.

Milgard also offers high energy performance options for the ultimate in energy efficiency. Energy efficient windows could include one or more of the following features based on your climate.

- SunCoat® or SunCoatMAX®
- EdgeGardMAX®
- Argon or Krypton
- 4th Surface
- Triple Glaze

For more details on Milgard Energy Efficient packages, visit www.milgard.com/learn/energy-efficiency/energy-efficient-components

To check the energy performance of all Milgard windows and doors, use our Energy Calculator at:

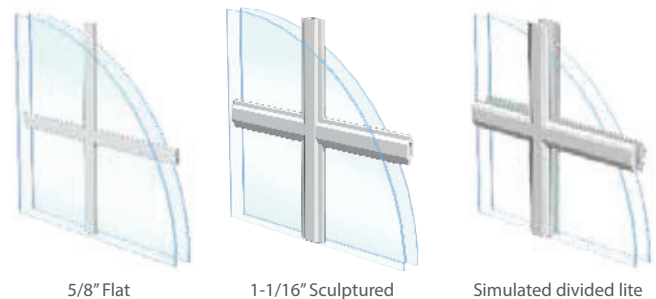
milgard.com/energy-calculator

Options

Grids

Available in 5/8" flat or 1-1/16" sculptured aluminum profiles. Simulated divided lite (SDL) grids are also available in some locations, using 5/8" grids between the glass panes for three dimensional shadowing as well as 7/8" contoured vinyl grid applied to the interior and exterior glass panes.

All grids are color matched to frame in white or tan.



Full Lifetime Warranty and Glass Breakage Coverage

Full Lifetime Warranty is available on both Tuscany and Montecito Series with Glass Breakage Coverage available on Tuscany only. For complete warranty details visit milgard.com.

Caution: The use of petroleum based fuels or solvents as release agents in stucco wall installations or glass cleaning will chemically attack materials used in seals and other components, and voids the Milgard Warranty. The use of wax-based release agents is recommended.

Expanding foam for insulation purposes should not be used. Backer rod or loose packed fiberglass bat insulation is recommended.

Window Hardware

SmartTouch® Lock

Horizontal Slider - Single Hung - Double Hung

It's the easiest, smartest way to lock and unlock a window or door, and also assures you that when your window is closed, it's locked.

Responding to consumer needs for products that are easy to operate and maintain, Milgard developed the innovative SmartTouch window lock and door handle.

The SmartTouch window lock won a prestigious IDEA award (International Design Excellence) from the Industrial Designers Society of America in 2008. The SmartTouch door handle won the same IDEA award in 2012.



Tuscany Awning/Casement Handle

Folding, nesting operator handle



Montecito Awning/Casement Handles

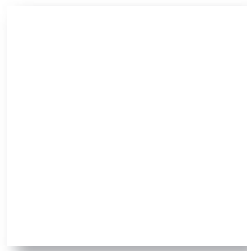
Operator handle (standard)



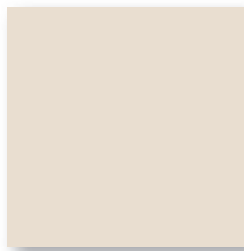
Folding operator handle (upgrade)

Premium Exterior Vinyl Finishes

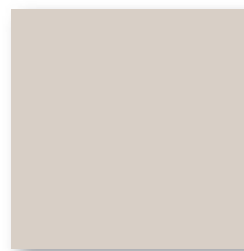
Standard - Matching interior



White



Tan



Clay
 (available in select regions)

Premium - White interior only



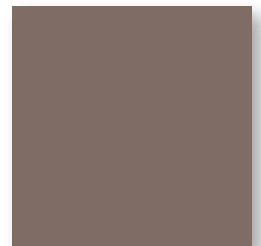
Bronze



Espresso



Classic Brown



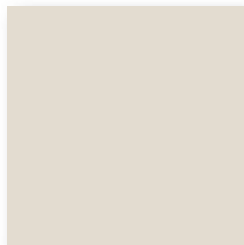
Tweed



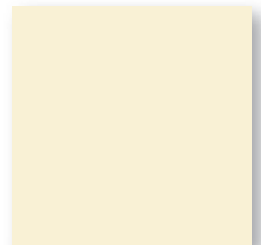
Silver



Fog



Sand



Ivory

Full Lifetime Warranty

At Milgard, we build our windows and doors to last. With the dedication to quality that we put into building the best windows in the business, it wouldn't make sense to back them with anything but the best warranty in the business. That's why we back every properly installed window and door for as long as the homeowner owns their home—including parts and labor. Tuscany Series windows and doors also come standard with Glass Breakage Coverage. It's why you can be sure you won't find any windows better than Milgard.

For complete warranty details, visit milgard.com.



Why Milgard?

Milgard is one of the largest and most trusted names in windows and doors. For the last 50 years, we've demonstrated our commitment to innovation, quality and service.

While our coverage is extensive, our service is local. Milgard has multiple locations throughout the Western U.S. and Western Canada. Our belief is that by being close to our customers, we can provide them better service. This means faster lead and delivery time, as well as faster response to any warranty situations. We're there for you long after the job has been completed. Milgard also has a comprehensive network of qualified dealers and offers some of the best training in the industry.

Awards give you added assurances and Milgard has been named "Best Quality in the Nation" eight times and the nation's "Most Used Vinyl Window" four times by Builder magazine. Both Professional Remodeler and Professional Builder magazines have named us "Most Preferred Vinyl Window" three times.

Horizontal Sliding and Double Horizontal Sliding Window



The Tuscany® Series and Montecito® Series horizontal sliding window is designed as an inside slider (the sliding panel, or “vent,” slides inside the stationary panel). Horizontal sliding windows can be used alone or in combination units with radius, gable or picture windows for vent below and vent above configurations.



The Tuscany Series and Montecito Series vinyl horizontal sliding window offers the outstanding insulating properties, low maintenance, and contemporary aesthetic appeal only vinyl can provide. Available in white, tan, and clay (select regions), as well as premium painted exteriors. The windows will maintain their color and shape and can be constructed to your exact size specifications, subject to engineering review.

Please also see:

[Horizontal Sliding Hardware](#)

[Premium Exterior Vinyl Finishes](#)

[Full Lifetime Warranty](#)

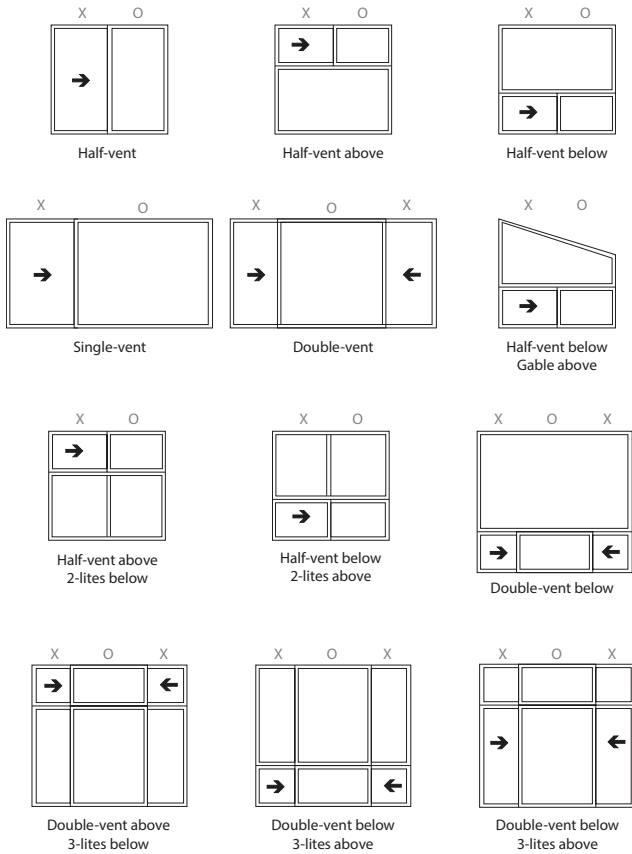
[Energy Packages](#)

[Accessories](#)



Horizontal Sliding Window

Hz Configurations



Hz Minimum/Maximum Sizes

HALF-VENT

- Min 2⁰1⁶ Max 6⁰6⁰

HALF-VENT ABOVE

- Min 2⁰3⁰ Max 6⁰6⁰

HALF-VENT BELOW

- Min 2⁰3⁰ Max 6⁰6⁰

DOUBLE-VENT

- Min 3⁰1⁶ Max 12⁰6⁰

DOUBLE-VENT BELOW

- Min 4⁰3⁰ Max 8⁰6⁰

DOUBLE-VENT ABOVE

- Min 4⁰3⁰ Max 8⁰6⁰

Minimum egress for half-vent is 4⁰4⁰

Minimum egress for double-vent is 8⁰4⁰ with a 24" vent.

Hz Available Frame Styles

NO NAIL-ON FIN:

8120T Block Frame

8170T 1-5/8" Narrow Z-Bar (Tuscany only)

8140T 2-1/8" Wide Z-Bar (Tuscany only)

INCLUDES NAIL-ON FIN:

8120T 1-3/8" Nail Fin Setback

8130T 1" Nail Fin Setback with Stucco Key

8140T 1-3/8" Nail Fin Setback, 2" Long Nail Fin

8140T 1-3/8" Nail Fin Setback, 2" Long Nail Fin with optional:

- 3/4" Flat J-channel
- 1" Contoured J-channel
- 2" Brickmold-style J-channel
- Welded Brickmold

NOTE: For engineering approval contact your Milgard representative for any configuration over 40 square feet. Each Milgard Manufacturing plant reserves the right to alter or change sizes and configurations according to location capabilities. Ask your Milgard rep about specialty applications. Windows over 40 square feet shipped open for field glazing. Varies by location.

Not all frame styles available at all Milgard locations. Contact your Milgard Representative for more information.

Single Hung and Double Hung Window

Single Hung



On the Tuscany Series and Montecito® Series single hung window, the bottom sash slides upward—the top sash is permanently fixed. The double hung window gives you its unique high and low ventilation with both sashes operable. They can be ordered as individual windows, in double or triple wide combinations or even with a center fixed lite.

The Tuscany Series and Montecito Series vinyl single and double hung windows offer the outstanding insulating properties, low maintenance, and contemporary aesthetic appeal only vinyl can provide. Available in white, tan, and clay (select regions), as well as premium painted exteriors. The windows will maintain their color and shape and can be constructed to your exact size specifications, subject to engineering review.

Double Hung



Please also see:

[Single and Double Hung Hardware](#)

[Premium Exterior Vinyl Finishes](#)

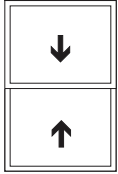
[Full Lifetime Warranty](#)

[Energy Packages](#)

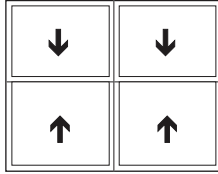
[Accessories](#)

Double Hung Window

DH Configurations



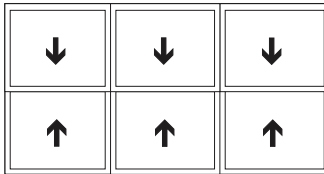
Double Hung



Double Double Hung



Double Double-Hung/Center Lite



Triple Double-Hung

DH Minimum/Maximum Sizes

DOUBLE-HUNG

- Min 1'6"
- Max 4'7"

DOUBLE DOUBLE-HUNG

- Min 3'2"
- Max 6'7"

TRIPLE DOUBLE-HUNG

- Min 4'2"
- Max 9'7"

Minimum egress is 3'6" with a center bar set or 2'6" with a center bar set.

DH vent set: 1/2 window height

DH Available Frame Styles

NO NAIL-ON FIN:

- 8225T Block Frame
- 1-5/8" Narrow Z-Bar
- 2-1/8" Wide Z-Bar

INCLUDES NAIL-ON FIN:

- 8225T 1-3/8" Nail Fin Setback
- 1-3/8" Nail Fin Setback, 2" Long Nail Fin with optional:
 - 3/4" Flat J-channel
 - 1" Contoured J-channel
 - 2" Brickmold-style J-channel
 - Welded Brickmold

NOTE: For engineering approval contact your Milgard representative for any configuration over 40 square feet. Each Milgard Manufacturing plant reserves the right to alter or change sizes and configurations according to location capabilities. Ask your Milgard rep about specialty applications. Windows over 40 square feet shipped open for field glazing. Varies by location.

Not all frame styles available at all Milgard locations. Contact your Milgard Representative for more information.

Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Multi-family Architectural Design Review No. MFADR 21-01, and Administrative Modification No. PC AM 21-03 for a new second multi-family unit.	
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):	525 S. Second Avenue, Arcadia, located on the north-west corner of S. Second Avenue and Fano Street.	
3. Entity or person undertaking project:	A.	
	B. Other (Private)	
	(1) Name	Mitzi Linscott
	(2) Address	525 S. Second Avenue, 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"/>	The project is categorically exempt.	
	Applicable Exemption Class:	15303(b) – Class 3 (Development of a Duplex)
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: June 1, 2022

Staff: Fiona Graham, Planning Services Manager



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, MAY 24, 2022**

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

ROLL CALL

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

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

Ms. Flores provided the Commission with revised inclusions for Resolution No. 2096 for Item No. 2, Text Amendment TA 22-01 amending the Arcadia Development Code.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

- 1. Resolution No. 2097** – Denying the Appeal of Single-Family Architectural Design Review No. SFADR 21-13 for a proposed two-story residence with a Categorical Exemption Under the California Environmental Quality Act (CEQA) at 26 E Santa Anita Terrace

Recommendation: Adopt Resolution No. 2097

Applicant: Yang Liu and Jun Dai, Maxine McClellan, Bingbing Zhang, Wei Cong, Marianne Martin, Li Chen and Chi Liang, and Lesley Ma

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

Commissioner Thompson asked what the height of the hedges being proposed for the easterly side of the property would be. Mr. Arreola responded that they are required to be six-foot in height when planted and maintained at or above that height. Commissioner Thompson then asked for clarification on a difference in the street width on the plat map compared to the parcel map, which City Engineer Phil Wray explained was due to an additional five feet on either side of the street that is sometimes added to the standard 50-foot street width. He then asked if there was a Southern California Edison (SCE) easement along the easterly side of the property and if their approval would be required to work in the easement area. Mr. Arreola confirmed that there is an easement, and the owner will need permission from SCE to encroach on the easement.

Vice Chair Chan asked if a parking study was conducted for this project. Mr. Arreola explained that the Appellants mentioned the need for a parking study because they were concerned that the new house would utilize their on-street parking. This is not a consideration or reason for a parking study since on-street parking are not designated spaces and they are available to other vehicles besides homeowners, including visitors such as friends, gardeners, pool cleaners, etc.

Commissioner Tsoi asked if the half cul-de-sac is included in the recorded map and if the property owner of the project would be required to construct the cul-de-sac as a part of their project. Mr.

Arreola answered that the half cul-de-sac area is currently private property, and it can be dedicated to the City in order to build a cul-de-sac, but that is not currently the plan with this project. Ms. Flores added that constructing the cul-de-sac was originally planned with the project but was replaced with the driveway in response to concerns of the Appellants.

Commissioner Thompson asked for clarification on the slight discrepancy between the second floor square footage included in the staff report compared to the number listed on the plans. Mr. Arreola explained that the staff report includes an additional sixty-five square feet for the high ceiling area because that is counted toward the FAR. Commissioner Thompson then asked if the neighboring parcel were to be developed in the future and that property dedicated their portion of the cul-de-sac to the City, would there be any compensation from the City to the property owner for the improvements done in this project. Mr. Wray explained that there would be no compensation, but that the new improvements would be completed by the City.

Before opening the public comments, due to the large number of Appellants, Chair Lin asked their representative, Jason Feazell, if he would be speaking on behalf of the Appellants or if they would like to each speak on the item. Mr. Feazell answered that he would be speaking on their behalf. Chair Lin opened the public comments.

Mr. Feazell explained that his clients are appealing the City's approval of this project because of the lack of notice of the Tentative Parcel Map and the Appellants had concerns with aesthetic, privacy, and safety impacts the development may have on the neighborhood. He stated that although the single-family home project was noticed in October of 2021, the initial Parcel Map process actually began in 2009, which meant that any neighbors who purchased their home after 2009 were unaware that the cul-de-sac at the end of the street was not guaranteed to be permanent and that at some point in the future the empty lot behind it would be developed. In terms of aesthetics, the Appellants feel the proposed home does not comply with the symmetry guidelines for single family homes due to its overall size, and the proposed two-story home would stand out in comparison to the single-story homes in the neighborhood. Further, they believe the project will cause privacy concerns for the immediate neighbors because the proposed two-story home will make it possible for the occupants to see into the neighboring yards. He added that the construction of the driveway for the project would impact the driveway of the neighbor at 28 E. Santa Anita Terrace, causing them to lose part of their driveway area and creating blind spots that will make it difficult to see when backing out of the property. Mr. Feazell added that the Appellants have an overall concern that since the overall safety of the project is the responsibility of the Applicant, not the City, that they may not have any recourse should they have issues with the project during construction.

There were two speakers in opposition of the appeal.

David Ngo, the Applicant and Property Owner of this project, explained that he is building this home for his family and that they have worked extensively with his Architect and City Staff to complete the project, meet all the requirements of the City, and address the Appellants concerns.

Erik Leggio, the Property Owner's attorney, stated that several of the issues raised by the Appellants are unfounded, including the issue of reduced on-street parking as a result of this project. He added that there has been no evidence provided to show a loss of parking, adding that Santa Anita Terrace and neighboring streets have ample parking available. He noted that in addition to the reasons addressed by Mr. Feazell, the Appellant's letter of appeal included that the project would disrupt the feng-shui of the neighborhood, and that feng-shui is not a valid argument since is not a matter of consideration for the City's design review process. Further, the

Applicant and their designers have made several changes to the project design in order to address the Appellant's concerns, including increasing setbacks to create greater distances between the homes, changing the design to add a fake window that cannot be seen in or out of, but promotes the aesthetics of the home and adding tall hedges around the perimeter to add privacy for both the home and neighbors. Addressing the issue of neighborhood symmetry, Mr. Leggio noted that there are existing two-story homes in the neighborhood including two on Louise Avenue. In regard to the safety concerns, Mr. Leggio stated that the hammerhead driveway design was added so that vehicles can maneuver within the property to turn around and exit onto Santa Anita Terrace facing forward, reducing the safety concern of a vehicle backing out of the driveway. To further address safety concerns during and after construction, a six-foot concrete wall along the westerly side of the property will be built first once construction begins, providing privacy and protection for both the property owner and neighbors. In addition, every effort will be made to have all construction vehicles parked and materials stored on the property, and neighbors will be provided a two-weeks' notice before any grading work begins. Mr. Leggio concluded that the Appellants were properly notified of the project and parcel map changes as it went through City procedures, and that the Applicant has addressed all of the Appellant's reasonable concerns through redesigns to the project, while still complying with the Development Code standards and design guidelines.

There were no further comments.

MOTION- PUBLIC HEARING

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

DISCUSSION

Commissioner Thompson noted that many of the Appellant's concerns are regarding the property's driveway entrance on Santa Anita Terrace, however the decision to give the property a Santa Anita Terrace address was done when the Parcel Map was approved. He added that the concerns of the mass and scale of the proposed house are not as concerning considering the second floor is half the size of the main floor and the house is set back into the property where it may not be visible from the street. Commissioner Thompson concluded that the proposed design represents the best available option to adding the project's entrance to the street, and he is in support of denying the appeal.

Vice Chair Chan asked for clarification on the ability of vehicles to turn around within the property in order to exit driving forward, and staff confirmed that the addition of the hammerhead driveway allows vehicles to back up and proceed forward to exit the driveway onto the street.

Commissioner Wilander added that after visiting the site, she observed ample street parking options, but acknowledged that the Appellants may feel differently having had the ability to park where the project site driveway will be placed. Regarding the concerns about safety and privacy, she agreed that the approved project design has addressed those items.

Commissioner Tsoi agreed with the other Commissioners that the project design has been modified to address the privacy concerns. He added concerns about the property driveway being built in the public right-of-way and therefore on City's property. Assistant City Attorney Mike Maurer clarified that the dedication of that portion of land remains an "option" of the City, unless the City chooses to vacate the land for a development project, but that the parcel of land of the

half cul-de-sac has not yet been dedicated to the City so therefore it is not the public right-of-way at this time.

Chair Lin agreed with the other Commissioner's statements and added that although the development may not be what the neighbors want, the property owner has followed the proper procedures and regulations as required by the Development Code and applicable laws in the design of this project.

Commissioner Thompson asked if it would be feasible to add a requirement for planting shrubs in height of eight to ten feet instead of the proposed six-foot hedges. Ms. Flores explained that based on past experience, it has been difficult to find suitable hedges taller than six-feet, and that most often, the species of that height does not adapt well to their new soil and does not have a good survival rate.

MOTION

It was moved by Commissioner Thompson, seconded by Commission Wilander to deny the Appeal of Single-Family Architectural Design Review No. SFADR 21-13 for a proposed two-story residence with a Categorical Exemption Under the California Environmental Quality Act (CEQA) at 26 E Santa Anita Terrace and adopt Resolution No. 2097

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 5:30 p.m. on Monday, June 6, 2022.

- 2. Resolution No. 2096** – Recommending that the City Council approve Text Amendment No. TA 22-01 (Ordinance No. 2388) amending Divisions 2 and 5 of Chapter 1, Article IX, of the Arcadia Development Code related to urban lot splits and two-unit projects and with a Statutory Exemption from the California Environmental Quality Act

Recommendation: Adopt Resolution No. 2096

Applicant: City of Arcadia

MOTION- PUBLIC HEARING

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

Commissioner Thompson asked if there was a reliable way to enforce the requirement that the property owner live in one of the units for a minimum of three years when utilizing the Senate Bill 9 provisions to split or develop their parcel. Ms. Graham answered that the owner is required to sign an affidavit and that enforcement may done through the Code Enforcement Division if properties are found to be advertised outside of this requirement.

Vice Chair Chan asked if the same setback requirements and floor area ratio limits of the subject property would be applicable to the two lots after a lot split or a two-unit development. Ms. Graham confirmed that in both cases, they would be subject to the same setback requirements as the original lot. She added that the same floor area ratio limits would apply to the new lot, provided it does not prohibit the development of two 800 square foot units.

Commissioner Tsoi asked why the lot split requirement is explicitly straight down the middle and front to back of the property, and if a property is split under the SB9 provisions would the property owner be restricted to building 800 square foot units on each property. Fiona answered that the lot split under these provisions is outlined as straight down the middle of the property and that the units built after the lot split can only be a maximum of 800 square feet. Ms. Flores added that there is an additional component of affordability that should be considered with these provisions, and that only projects submitted under these provisions would be subject to the regulations within this Text Amendment. Also, it is not the City's desire to allow flag lots and change the land use patterns after prohibiting it since the early 1970's.

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

DISCUSSION

Commissioner Thompson asked Mr. Maurer to clarify the administrative approval process. Mr. Maurer clarified that if applications meet the requirements for approval, they must be approved by the Director, unless they do not meet the requirements based on the specific reasons for denial outlined in the Text Amendment. Commissioner Thompson then stated that the proposed amendment adequately meets the requirements of SB9 while preserving the characteristics and aesthetics of the neighborhoods and he recommends approval and recommendation to the City Council.

Vice Chair Chan asked Staff to clarify whether garage space is included in the total living space calculation. Ms. Graham confirmed that it is not.

Commissioner Wilander agreed that the proposed amendment is a good effort in including the state requirements for ministerial approval of projects under these two provisions while maintaining some ability to keep neighborhood characteristics the City is known for.

Commissioner Tsoi and Chair Lin agreed with the other Commissioner's comments and supported the recommendation to City Council.

MOTION

It was moved by Commissioner Wilander, seconded by Commissioner Tsoi to Recommending that the City Council approve Text Amendment No. TA 22-01 (Ordinance No. 2388) amending Divisions 2 and 5 of Chapter 1, Article IX, of the Arcadia Development Code related to urban lot splits and two-unit projects and with a Statutory Exemption from the California Environmental Quality Act and Adopt Resolution No. 2096

ROLL CALL

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

ABSENT: None

CONSENT CALENDAR

- 3. Minutes of the May 10, 2022, Regular Meeting of the Planning Commission

Recommendation: Approve

It was moved by Commissioner Tsoi, seconded by Commissioner Tsoi to approve the minutes of the May 10, 2022, Planning Commission Regular Meeting.

ROLL CALL

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

MATTERS FROM CITY COUNCIL LIAISON

Council Member Sho Tay was not present.

MATTERS FROM THE PLANNING COMMISSONERS

The Commissioners had nothing.

MATTERS FROM ASSISTANT CITY ATTORNEY

Mr. Mauer had no updates for the Commission.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores informed the Commission that there will be Planning Commission reorganization at one of the June meetings. She added that Chair Lin and Vice Chair Chan’s last meeting will be on June 28, 2022, but Commissioner Wilander will be absent from that meeting. There will be two new Commissioners beginning with the July 12, 2022, meeting. Ms. Flores advised the Commission that there are three tentative items for the next meeting.

ADJOURNMENT

The Planning Commission adjourned the meeting at 8:32 p.m., to Tuesday, June 14, 2022, at 7:00 p.m. in the City Council Chamber.

Zi Lin
Chair, Planning Commission

ATTEST: _____
Lisa Flores
Secretary, Planning Commission