

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, June 28, 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. 2100** – Approving Conditional Use Permit No. CUP 22-06 with a Categorical Exemption under the California Environmental Quality Act (“CEQA”) to reconvert an existing building back to a residence for Our Savior Lutheran Church’s parsonage at 512 W. Duarte Road

Recommendation: Adopt Resolution No. 2100

Applicants: Don Klabunde

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, July 8, 2022.

CONSENT CALENDAR

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

2. Minutes of the June 14, 2022, Regular Meeting of the Planning Commission

Recommendation: Approve

PLANNING COMMISSION REORGANIZATION

3. Planning Commission Reorganization

Recommended Action: It is recommended the Secretary initiate the procedure for the reorganization of the Planning Commission.

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, July 12, 2022, at 7:00 p.m.



STAFF REPORT

Development Services Department

DATE: June 28, 2022

TO: Honorable Chairman and Planning Commission

FROM: Lisa L. Flores, Planning & Community Development Administrator
By: Vanessa Quiroz, Associate Planner

SUBJECT: RESOLUTION NO. 2100 - APPROVING CONDITIONAL USE PERMIT NO. CUP 22-06 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") TO RECONVERT AN EXISTING BUILDING BACK TO A RESIDENCE FOR OUR SAVIOR LUTHERAN CHURCH'S PARSONAGE AT 512 W. DUARTE ROAD

Recommendation: Adopt Resolution No. 2100

SUMMARY

The Applicant, Don Klabunde, on behalf of, Our Savior Lutheran Church, is requesting approval of Conditional Use Permit Application No. CUP 22-06 to allow the reconvert an existing building (the "Quint House") back to a residence for Our Savior Lutheran Church parsonage at 512 W. Duarte Road. It is recommended that the Planning Commission adopt Resolution No. 2100 (Attachment No. 1) and find this project Categorically Exempt under CEQA and approve Conditional Use Permit No. CUP 22-06, subject to the conditions listed in this staff report.

BACKGROUND

The subject site is 2.54 acres in size and is zoned High Density Residential (R-3) with a High Density Residential (HDR) Land Use Designation. The site is surrounded by multi-family zoned parcels to the east and north, Professional Commercial (C-O) zoned properties to the west, and single-family residential properties to the south - refer to Attachment No. 2 for an Aerial Photo with Zoning Information and Photos of the subject property.

Our Savior Lutheran Church has been part of the City of Arcadia community since 1957 and was originally approved under Variance No. V 56-8 in 1956. The church has expanded their uses throughout the years under several Conditional Use Permits (CUP) and the currently has a sanctuary, fellowship hall, a youth facility, storage building, and the Quint House – refer to Figure No. 1 for an aerial view of the site. The site has a total of 113 parking spaces, four (4) ADA spaces and 109 standard parking spaces—refer to Attachment No. 3 - Architectural Plans.

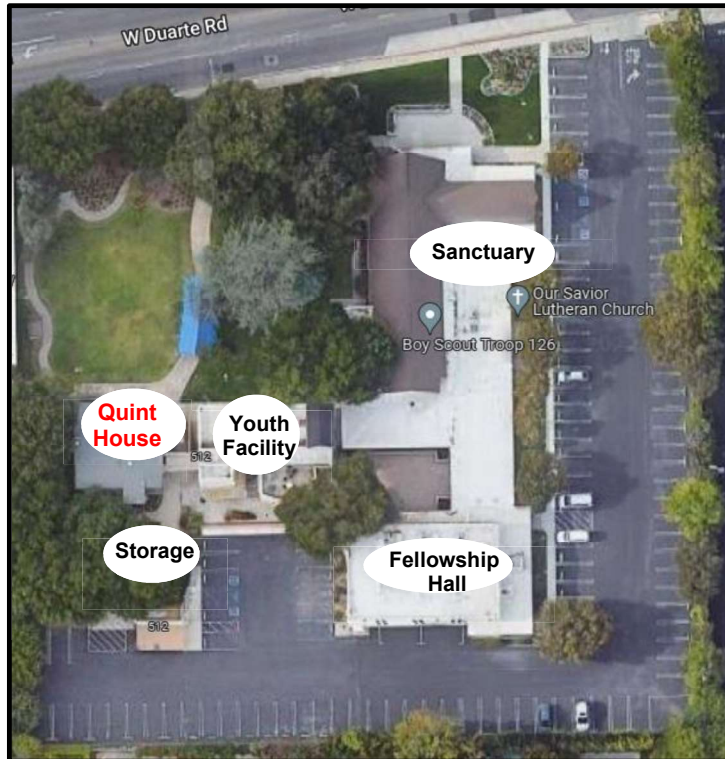


Figure No. 1 - An aerial view of the site.

The Quint House was previously part of a separate property that was purchased by the church in 1961 and the lot was tied to the church site under a covenant – refer to Figure No. 2 below for a picture of the house. The Quint House was originally a residence, but was repurposed by the church for classrooms, offices, and for the use of other church functions in 1962. The residential layout and the exterior appearance of the building has been retained throughout the years. The original garage for the house was converted into a storage building under the approval of the youth facility.



Figure No. 2 - Quint House

PROPOSAL

The church is now requesting to reconvert the 2,512 square foot, two-story building back to a residence for the new Pastor and his family. The congregation feels it is more ideal to have their pastor reside on the premises than to live off-site. With the decline in enrollment at the church due to the pandemic, the church is able to downsize some of their classrooms and relocate them into another building, therefore freeing up the space to allow them to use the Quint House as a residence once again.

The conversion will only require minor interior updates to reconnect the kitchen cooking appliances, update the bathrooms, and to replace the mechanical equipment. No changes to the building layout or the exterior of the building are proposed. The house will consist of four (4) bedrooms, three (3) bathrooms, a sitting room, living room, dining room, and kitchen – refer to Attachment No. 3 to view the floor plans and elevations of the building. The house will have two parking spaces in the parking lot that will be dedicated for this residence.

ANALYSIS

The request to reconvert the Quint House into a residence is subject to a CUP for any minor expansion to an existing church operation. The residence will be an ancillary use to the church. The reconversion of the Quint House will be a seamless change since the façade and layout of the original house were retained throughout the years.

The Arcadia Fire Department conducted an inspection of the building and determined that the building does not require any upgrades due to the change in use. Building Services has also reviewed the proposal and did not have any concerns. The change in use will not change the character of the neighborhood as the building has also appeared as a house.

Due to the decline with in-person service because of the pandemic and the services are now being streamed online, the site has plenty of ample parking to accommodate two spaces for the residence. Staff visited the site and confirmed that it is underutilized. Therefore, there is ample parking all of the uses on-site.

FINDINGS

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

- 1. The proposed use is consistent with the General Plan and any applicable specific plan 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 request to allow a residence for the church is consistent with the goals and provisions of the Arcadia General Plan and the

Development Code. The site is zoned High-Density Residential (R-3) and has a High-Density Residential (HDR) Land Use Designation that allows a residential use as an ancillary use within a church, subject to the review and approval of a Conditional Use Permit. The request is to reconvert an existing building that was originally built and used as a residence (the “Quint House”) back to a residence for the church Pastor and his/her family. The expansion of use to allow a residence on the church site will not impact the operations of the church or impact the parking since only two parking spaces are required for the residence and the site has ample parking. Also, the church has the capacity to accommodate the classrooms and office space within other buildings on the site. Therefore, the residence 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:

Housing Element

- Policy H-2.2: Encourage development of residential uses in strategic proximity to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

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 reconversion of the residence will be an ancillary use and a minor expansion to the overall church operation. The existing building still appears as a residential home since very minor alteration to the building occurred over the years since it was a residence. The change in use will have little to no impact to the operation of the church. The church has the capacity to accommodate the classrooms and office space within other buildings on the site. The church will continue to operate as a ministry and will continue to provide the religious educational services to the community. It has been proven that the site has the capacity to accommodate the parking required for residence and will continue to have sufficient parking for the existing uses at the church site. Therefore, in terms of the design, scale and characteristics of the residence, it will be compatible with existing uses on the site and future land uses in the vicinity.

3. The site is physically suitable in terms of:

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

Facts to Support This Finding: The site is suitable for the expansion in use to allow for the reconversion of the building (the “Quint House”) back to a residence since it will remain in the same location, the building already has an appearance of a single-family house since 1960’s, and it will not change the characteristic or

the operation of the church. Only minor upgrades are required to the existing building. The change in use of the building will not impact the existing function of the church or to the parking, and this use will remain ancillary. Therefore, the site is physically suitable to support the residence.

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

Facts to Support This Finding: The site is located along the south side of Duarte Road between Lovell Avenue and Holly Avenue. These streets are adequate in width and pavement type to carry the traffic generated by the existing uses at the church, the reconversion of the residence, and any emergency vehicle. Therefore, the proposed use will not impact these streets.

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

Facts to Support This Finding: The application was reviewed by the Fire Department, and it was determined that no additional improvements to the building are needed to provide adequate protection service as a result in the change of use. Therefore, no impacts to public protection services are anticipated.

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

Facts to Support This Finding: The existing building was built with adequate utilities. No expansion or additional square footage is proposed to this building. Therefore, no impacts to utilities are anticipated.

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

Facts to Support This Finding: The proposal to reconvert the existing building back to a residential use will provide housing to the church Pastor and his/her family. The residence will be an ancillary use to the existing church's operation. As such, the change in use will appear as a seamless change that will not create a nuisance or be materially injurious to the improvements, persons, property and uses within the site and vicinity, or the other surrounding residential and commercial properties. The church will continue to operate as a ministry and will continue to provide the religious educational services to the community. Therefore, the expansion in use to allow the reconversion of the building to a residence will not be detrimental to the public health or welfare, or the surrounding properties.

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 Class 1, Section 15301 of the CEQA Guidelines for the use of an existing facility - refer to Attachment No. 4 for the Preliminary Exemption Assessment.

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 16, 2022. As of June 24, 2022, no public comments have been received.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2100 approving Conditional Use Permit No. CUP 22-06 to reconvert an existing building into a residence, and find that the project is Categorical Exempt under Section 15301 of the California Environmental Quality Act (CEQA), subject to the following conditions of approval:

1. The use approved by CUP 22-06 is limited to reconversion of an existing building back to a residence at church's site and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 22-06.
2. Two (2) parking spaces within the church's parking lot shall be dedicated to the Pastor's residence (the "Quint House"). The designated spaces shall be located closest to the Quint House. A sign shall be posted in front of the parking spaces or marked on the ground. This shall be subject to review and approval by the Planning & Community Development Administrator, or designee and verified prior to occupancy.
3. All improvements such as upgrades to plumbing, electrical, and mechanical work shall be subject to a building permit by the Building Division.
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 Marshal, and Public Works Services Director, or their respective designees. The changes to the existing facility may be subject to building permits after having fully detailed plans submitted for plan check review and approval by the aforementioned City officials.
5. Noncompliance with the plans, provisions and conditions of approval for CUP 22-06 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the preschool.

6. To the maximum extent permitted by law, Property Owner/Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City (“Indemnitees”) harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Property Owner/Applicant’s activities in connection with Conditional Use Permit No. CUP 22-06 (“Project”) on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Property Owner/Applicant’s contractors, agents, tenants, employees or any other persons acting on Property Owner/Applicant’s behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

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

7. Approval of CUP 22-06 shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has adopted the Resolution. The Acceptance

Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

PLANNING COMMISSION ACTION

Approval

If the Planning Commission intends to approve this proposal, the Commission should approve a motion to approve Conditional Use Permit Application No. CUP 22-06 stating that the proposal satisfies the requisite findings and adopting the attached Resolution No. 2100 that incorporates the requisite environmental and Conditional Use Permit findings and the conditions of approval as presented in this staff report, or as modified by the Commission.

Denial

If the Planning Commission intends to deny this proposal, the Commission should approve a motion to deny Conditional Use Permit Application No. CUP 22-06, 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 28, 2022, hearing, please contact Associate Planner, Vanessa Quiroz, at 626-574-5422, or by email at vquiroz@ArcadiaCA.gov.

Approved:



Lisa L. Flores
Planning & Community Development Administrator

- Attachment No. 1: Resolution No. 2100
- Attachment No. 2: Aerial Photo and Zoning Information and Photos of the Subject Property and Surrounding Properties
- Attachment No. 3: Architectural Plans
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2100

RESOLUTION NO. 2100

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP 22-06 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") TO RECONVERT AN EXISTING BUILDING BACK INTO A RESIDENCE FOR THE OUR SAVIOR LUTHERAN CHURCH'S PARSONAGE AT 512 W. DUARTE ROAD

WHEREAS, on May 3, 2022 an application for Conditional Use Permit No. CUP 22-06 was filed by Don Klabunde ("Applicant"), on behalf of Our Savior Lutheran Church, to reconvert an existing building (the "Quint House") back to a residence for the Our Savior Lutheran Church's parsonage at 512 W. Duarte Road; and

WHEREAS, on June 1, 2022, Planning Services completed an environmental assessment for the request to reconvert an existing building back to a residence in accordance with the California Environmental Quality Act ("CEQA") and determined that the residential use is exempt under Class 1, Section 15301 of the CEQA Guidelines pertaining to the use of an existing facility; and

WHEREAS, on June 28, 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 28, 2022, are true and correct.

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

1. The proposed use is consistent with the General Plan and any applicable specific plan 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 request to allow a residence for the church is consistent with the goals and provisions of the Arcadia General Plan and the Development Code. The site is zoned High-Density Residential (R-3) and has a High-Density Residential (HDR) Land Use Designation that allows a residential use as an ancillary use within a church, subject to the review and approval of a Conditional Use Permit. The request is to reconvert an existing building that was originally built and used as a residence (the "Quint House") back to a residence for the church Pastor and his/her family. The expansion of use to allow a residence on the church site will not impact the operations of the church or impact the parking since only two parking spaces are required for the residence and the site has ample parking. Also, the church has the capacity to accommodate the classrooms and office space within other buildings on the site. Therefore, the residence 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:

Housing Element

- Policy H-2.2: Encourage development of residential uses in strategic proximity to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

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 reconversion of the residence will be an ancillary use and a minor expansion to the overall church operation. The existing building still appears as a residential home since very minor alteration to the building occurred over the years since it was a residence. The change in use will have little to no impact to the operation of the church. The church has the capacity to accommodate the classrooms and office space within other buildings on the site. The church will continue to operate as a ministry and will continue to provide the religious educational services to the community. It has been proven that the site has the capacity to accommodate the parking required for residence and will continue to have sufficient parking for the existing uses at the church site. Therefore, in terms of the design, scale and characteristics of the residence, it will be compatible with existing uses on the site and future land uses in the vicinity.

3. The site is physically suitable in terms of:

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

spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;

FACT: The site is suitable for the expansion in use to allow for the reconversion of the building (the "Quint House") back to a residence since it will remain in the same location, the building already has an appearance of a single-family house since 1960's, and it will not change the characteristic or the operation of the church. Only minor upgrades are required to the existing building. The change in use of the building will not impact the existing function of the church or to the parking, and this use will remain ancillary. Therefore, the site is physically suitable to support the residence.

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

FACT: The site is located along the south side of Duarte Road between Lovell Avenue and Holly Avenue. These streets are adequate in width and pavement type to carry the traffic generated by the existing uses at the church, the reconversion of the residence, and any emergency vehicle. Therefore, the proposed use will not impact these streets.

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

FACT: The application was reviewed by the Fire Department, and it was determined that no additional improvements to the building are needed to provide adequate protection service as a result in the change of use. Therefore, no impacts to public protection services are anticipated.

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

FACT: The existing building was built with adequate utilities. No expansion or additional square footage is proposed to this building. Therefore, no impacts to utilities are anticipated.

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

FACT: The proposal to reconvert the existing building back to a residential use will provide housing to the church Pastor and his/her family. The residence will be an ancillary use to the existing church's operation. As such, the change in use will appear as a seamless change that will not create a nuisance or be materially injurious to the improvements, persons, property and uses within the site and vicinity, or the other surrounding residential and commercial properties. The church will continue to operate as a ministry and will continue to provide the religious educational services to the community. Therefore, the expansion in use to allow the reconversion of the building to a residence will not be detrimental to the public health or welfare, or the surrounding properties.

SECTION 3. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), this Project is a Class 1 Categorical Exemption per Section 15301 of the CEQA

Guidelines as the use of an existing facility.

SECTION 4. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt per Class 1, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines and approves Conditional Use Permit No. CUP 22-06 to allow the reconversion of an existing building into a residence for the minister of the Our Savior Lutheran Church at 512 W. Duarte Road, subject to the conditions of approval attached hereto.

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

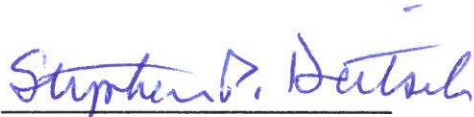
Passed, approved and adopted this 28th day of June 2022.

Zi Lin
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Stephen P. Deitsch
City Attorney

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RESOLUTION NO. 2100

Conditions of Approval

1. The use approved by CUP 22-06 is limited to reconversion of an existing building back to a residence at church's site and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 22-06.
2. Two (2) parking spaces within the church's parking lot shall be dedicated to the Pastor's residence (the "Quint House"). The designated spaces shall be located closest to the Quint House. A sign shall be posted in front of the parking spaces or marked on the ground. This shall be subject to review and approval by the Planning & Community Development Administrator, or designee and verified prior to occupancy.
3. All improvements such as upgrades to plumbing, electrical, and mechanical work shall be subject to a building permit by the Building Division.
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 Marshal, and Public Works Services Director, or their respective designees. The changes to the existing facility may be subject to building permits after having fully detailed plans submitted for plan check review and approval by the aforementioned City officials.
5. Noncompliance with the plans, provisions and conditions of approval for CUP 22-06 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the preschool.
6. To the maximum extent permitted by law, Property Owner/Applicant must defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Property Owner/Applicant's activities in connection with Conditional Use Permit No. CUP 22-06 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Property Owner/Applicant's contractors, agents, tenants, employees or any other persons acting on Property Owner/Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City

prepared, supplied, or approved the plans, specifications, or other documents for the Project.

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

7. Approval of CUP 22-06 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 and
Surrounding Properties

Site Address: 512 W DUARTE RD

Property Owner(s): Our Savior Lutheran Church



Property Characteristics

Zoning:	R-3
General Plan:	HDR
Lot Area (sq ft):	2.54 acres
Main Structure / Unit (sq. ft.):	2,512
Year Built:	1919
Number of Units:	0

Overlays

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

Selected parcel highlighted



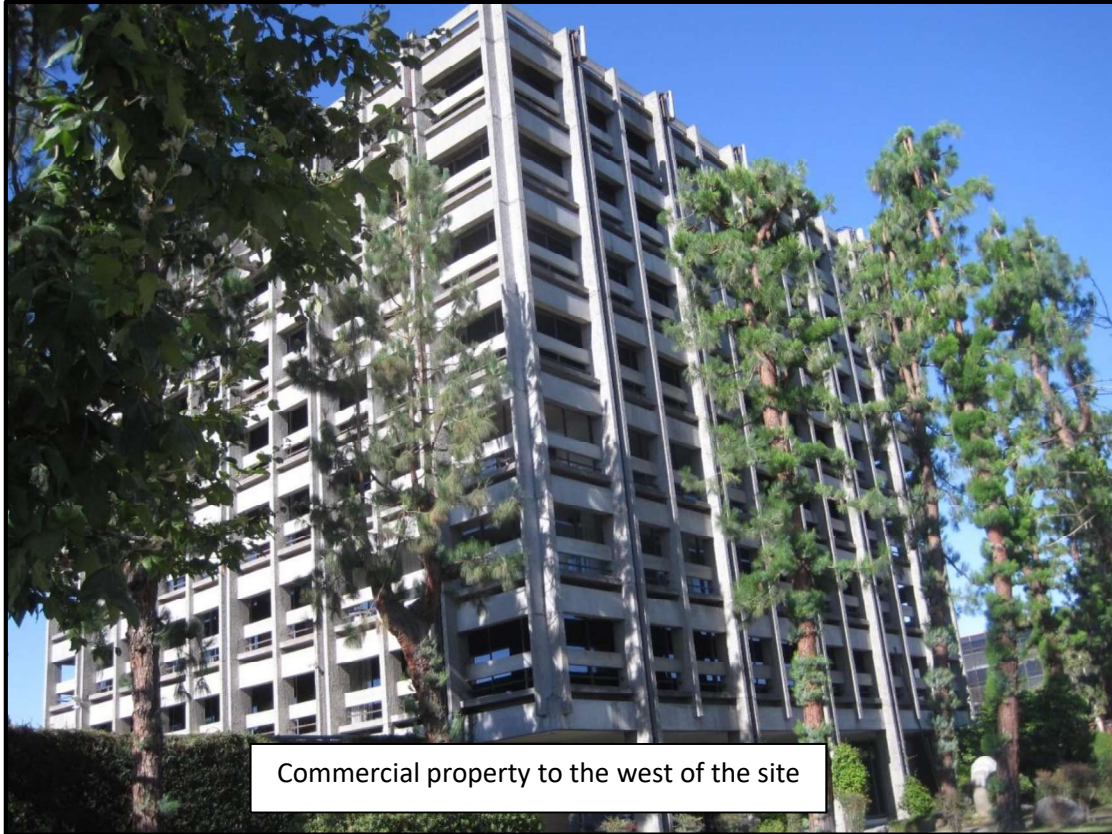
Parcel location within City of Arcadia



Subject Site: Our Savior Lutheran Church



Commercial property to the west of the site





Multi-family property to the east to the site



Multi-family property across the street to the north





Single-family residential property to the rear of the site



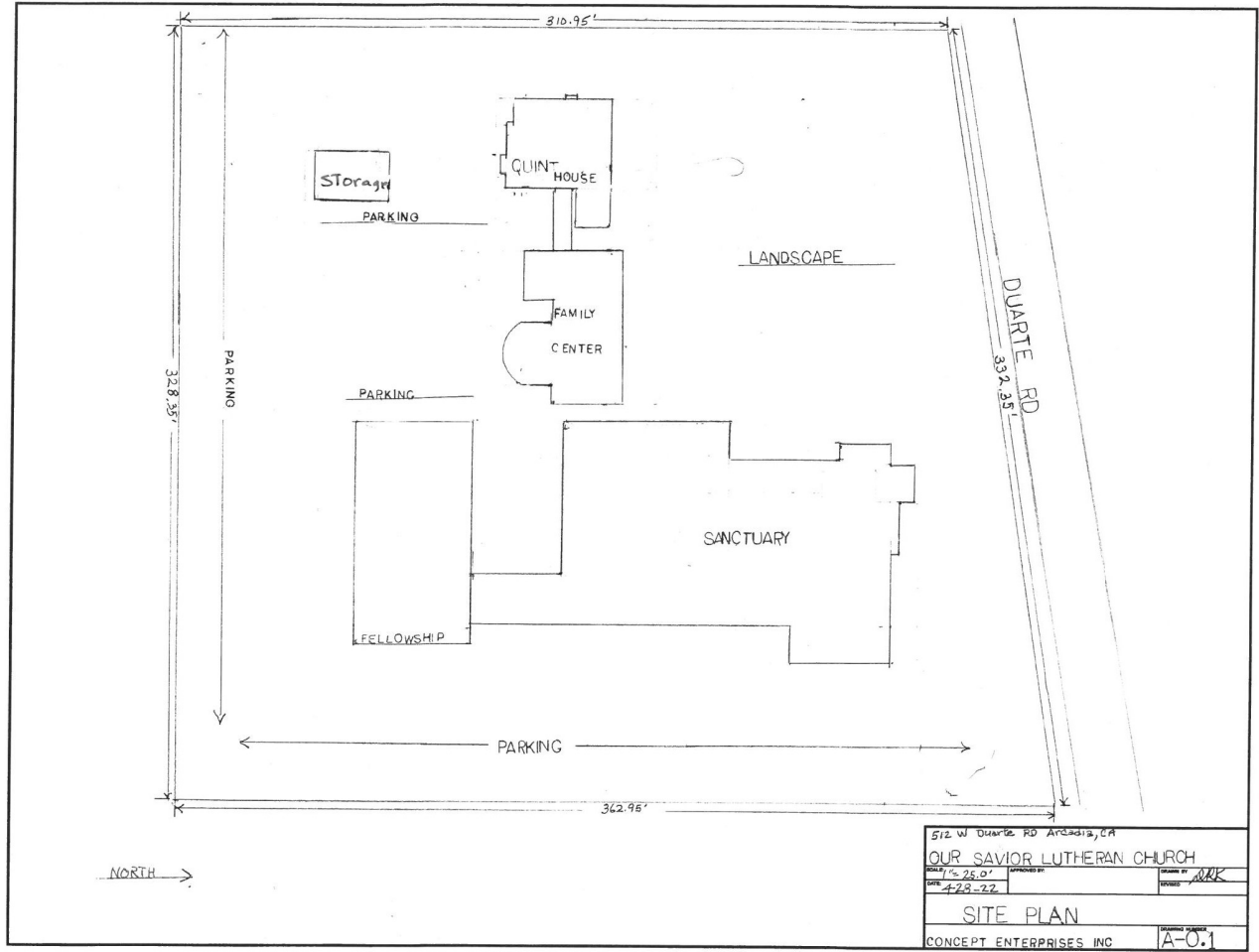
Single-family residential property to the rear of the site

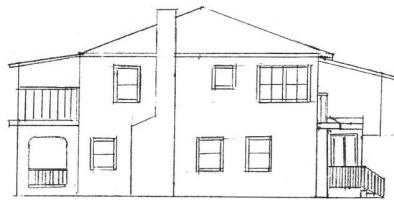


Single-family residential property to the rear of the site

Attachment No. 3

Architectural Plans





WEST ELEVATION



NORTH ELEVATION

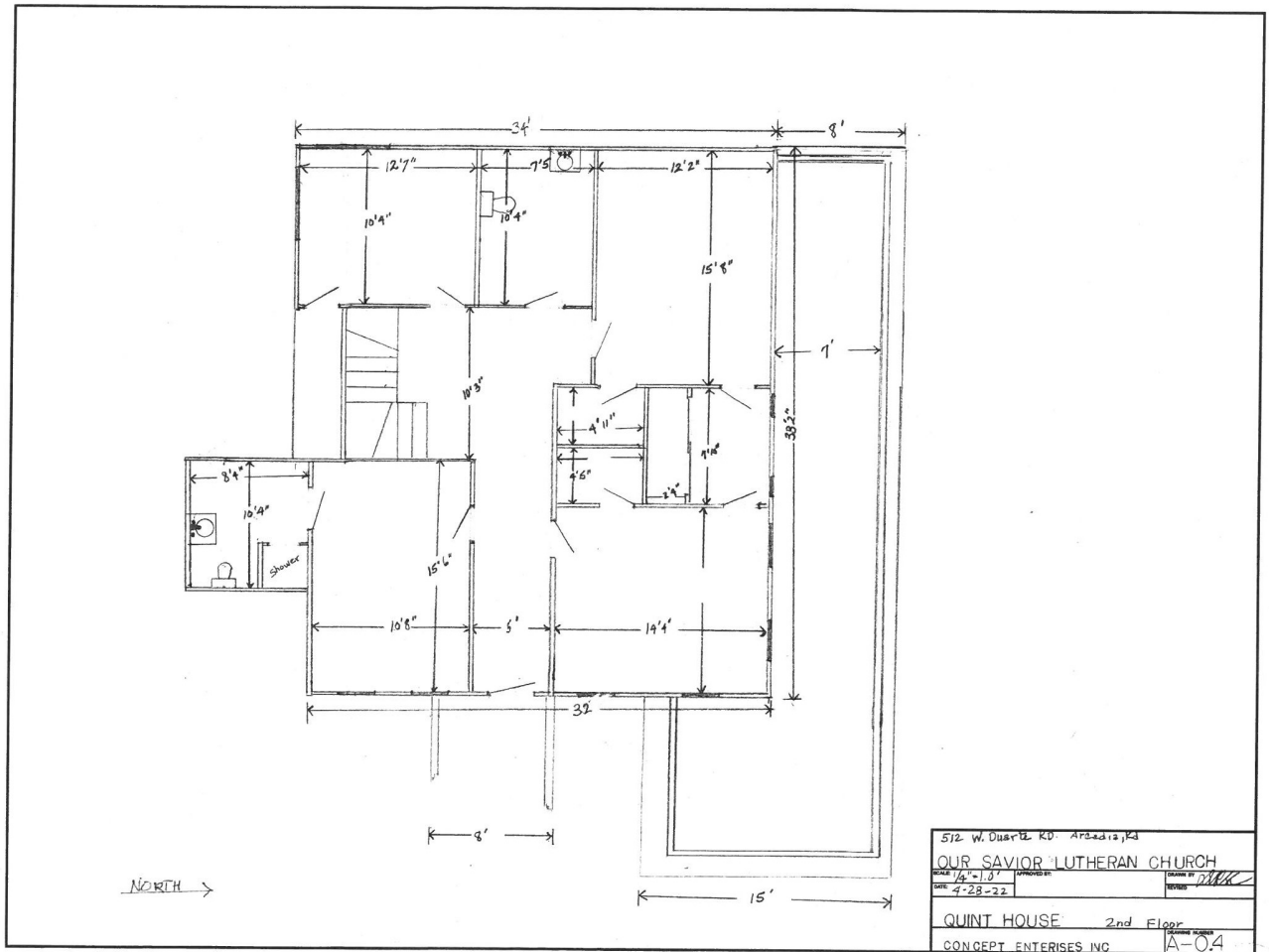


EAST ELEVATION



SOUTH ELEVATION

512 W Duverle RD Arcadia, CA	
OUR SAVIOR LUTHERAN CHURCH	
SCALE: 1/8" = 1'-0"	DATE: 4-28-22
ELEVATIONS - QUINT HOUSE	
CONCEPT ENTERPRISES INC	A-0.2



Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 22-06 Conditional Use Permit to allow the reconversion of an existing building back to a residence for a church parsonage at 512 W. Duarte Road	
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):	512 W. Duarte Road – South side of W. Duarte Road between Lovell Avenue and Holly Avenue	
3. Entity or person undertaking project:	A. Don Klabunde	512 W. Duarte Road, Arcadia CA 91007
	B. Other (Private)	
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: Vanessa Quiroz, Associate Planner



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JUNE 14, 2022**

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

ROLL CALL

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

It was moved by Commissioner Wilander and seconded by Commissioner Thompson to excuse Vice Chair Chan from the meeting. Without objection, the motion was approved.

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

There was none.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

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

Applicant: Isabella Choi and Rebecca Speiltogel

MOTION- PUBLIC HEARING

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

The Commissioners had no questions for Staff.

Isabella Choi, one of the Applicants, explained that she would like to expand the services to include massages, and that her and her business partner has many years of owning a massage business since they had this service at previous location in South Pasadena.

Commissioner Thompson asked the Applicant why she did not offer massage services when they first opened the Arcadia location. Ms. Choi responded that they had initially wanted to focus on facial care services, but they were not generating enough income therefore they need to increase their services.

Commissioner Wilander asked what the proposed massage rooms are currently used for, and Mr. Arreola answered they are currently used for facials.

There were no further questions and no public comments.

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

DISCUSSION

Commission Thompson commented that the Applicant has sufficient experience in running a massage business and that the use is a good compliment to the services that are currently being offered. He added that this location has adequate space to support massage services.

Commissioner Tsoi asked for clarification on how many rooms will be allowed for massages. Mr. Arreola responded that they will be limited to two rooms.

Commissioner Wilander agreed that adding massage services is a good use of the space and will be a good addition to the services currently offered.

Chair Lin agreed with the other Commissioner's statements and added that adding massage services would be beneficial to attracting more business.

MOTION

It was moved by Commissioner Wilander, seconded by Commission Thompson to approve 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

ROLL CALL

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

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

MOTION- PUBLIC HEARING

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

The Commissioners had no questions for Staff.

The Applicant, Charles Tran, explained that he would like to offer small appetizers of pre-prepared foods to compliment the wine and spirit tastings currently offered.

There were no other public comments, and the Commissioners had no questions for the Applicant.

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

DISCUSSION

Commissioner Thompson was in favor of approving the Amendment, commenting that the addition of small food offerings is a logical progression for the business and would be good for the downtown mixed-use area overall.

Commissioners Tsoi and Wilander both agreed, and Chair Lin was also in support of approving the Amendment.

MOTION

It was moved by Commissioner Thompson, seconded by Commissioner Wilander to 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

ROLL CALL

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

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 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. Second Avenue

Recommendation: Adopt Resolution No. 2098

Applicant: Mitzi Linscott

MOTION- PUBLIC HEARING

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

Commissioner Thompson asked if the special setback on Second Avenue is due to potential future street widening need. Ms. Graham confirmed that is correct.

There were no further questions for Staff.

Mitzi Linscott, the Applicant and Property Owner, explained that she is the original owner of the home and has been working with her Architect and City Staff for two years to find best way to expand her home in a way that follows the City's design standards and is economically feasible. She added that because of the property being located on a corner lot and how the house was originally built, it is necessary to ask for modifications in order to create the desired duplex.

There were no further comments, and the Commissioners did not have any questions for the Applicant.

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

DISCUSSION

Commissioner Thompson commented that the design of the additional unit combined with the redesign elements to the existing home such as redoing the roof will offer more uniformity in the look of the finished product. He added that the requested modifications are reasonable and necessary for the project to promote uniformity of development in the area and was in favor of the proposal.

Commissioner Tsoi agreed with Commissioner Thompson and added that the special setback and corner lot location make it difficult to build the required three-units and that there is adequate street parking to allow the modification to remove the required guest parking space.

Commissioner Wilander and Chair Lin agreed with their fellow Commissioners and were in favor of the project.

Commissioner Thompson added that the addition of a garage for each unit was a good improvement for the property.

MOTION

It was moved by Commissioner Wilander, seconded by Commissioner Thompson 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. Second Avenue

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

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

4. Minutes of the May 24, 2022, Regular Meeting of the Planning Commission

Recommendation: Approve

It was moved by Commissioner Wilander, seconded by Commissioner Tsoi to approve the minutes of the May 24, 2022, Planning Commission Regular Meeting.

ROLL CALL

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

MATTERS FROM CITY COUNCIL LIAISON

Council Member Sho Tay was not present.

MATTERS FROM THE PLANNING COMMISSIONERS

The Commissioners had nothing.

MATTERS FROM ASSISTANT CITY ATTORNEY

Mr. Mauer updated the Commission on two potential ballot measure regarding the City's abilities to impose certain fees and land use provisions, and two pending bills, AB 2011 that would allow certain projects as a matter of right on properties zoned for office and retail, and AB 2053 that would create a state level housing authority to identify local areas to build housing.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores informed the Commission that there will be three items at the next meeting, including the reorganization of the Commission. Ms. Flores added that the house at Santa Anita Terrace at the end of the cul-de-sac that was before the Planning Commission on May 24, 2022, was appealed to City Council. It is tentatively scheduled to the July 19, 2022, meeting.

ADJOURNMENT

The Planning Commission adjourned the meeting at 7:33 p.m., to Tuesday, June 28, 2022, at 7:00 p.m. in the City Council Chamber.

Zi Lin
Chair, Planning Commission

ATTEST: _____
Lisa Flores
Secretary, Planning Commission