

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, January 10, 2023, 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

Brad Thompson, Chair
Vincent Tsoi, Vice Chair
Angela Hui, Commissioner
Domenico Tallerico, Commissioner
Marilynne Wilander, Commissioner

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

PUBLIC COMMENTS (5 minute time limit per person)

Each speaker is limited to three (5) minutes per person, unless waived by the Planning Commission. Under the Brown Act, the Commission or Board Members are prohibited from discussing or taking action on any item not listed on the posted agenda.

PUBLIC HEARING

All interested persons are invited to appear at a public hearing and to provide evidence or testimony concerning any of the proposed items set forth below for consideration. Separate and apart from the applicant (who may speak longer in the discretion of the Commission) speakers shall be limited to **five (5) minutes per person**. The applicant may additionally submit rebuttal comments, at the discretion of the Commission.

You are hereby advised that should you desire to legally challenge in court or in an administrative proceeding any action taken by the City Council regarding any public hearing item, you may be limited to raising only those issues and objections you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the public hearing.

1. **Resolution No. 2110** – Approving Conditional Use Permit No. CUP 22-16 to allow the operation of an after-school coding school with up to 15 students at 24 E. Duarte Road
Recommendation: Adopt
CEQA: Determine to be Exempt

Applicant: Brilliant Education Incorporated

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, January 20, 2023.

2. **Resolution No. 2113** – Approving Conditional Use Permit No. CUP 22-13 to allow an indoor virtual golf simulator facility with a bar serving beer and wine for onsite consumption at 288 N. Santa Anita Avenue, Suites 2 & 3
Recommendation: Adopt
CEQA: Determine to be Exempt

Applicant: Bobby Luo

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, January 20, 2023.

CONSENT CALENDAR

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

3. Minutes of the December 13, 2022, Regular Meeting of the Planning Commission

Recommendation: Approve

MATTERS FROM CITY COUNCIL LIASION

MATTERS FROM PLANNING COMMISSIONERS

MATTERS FROM ASSISTANT CITY ATTORNEY

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

ADJOURNMENT

The Planning Commission will adjourn this meeting to Tuesday, January 24, 2023, at 7:00 p.m.

Welcome to the Arcadia Planning Commission Meeting!

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

MEETINGS: Regular Meetings of the Planning Commission are held on the second and fourth Tuesdays of each month at 7:00 p.m. in the City Council Chambers. A full Planning Commission agenda packet with all backup information is available at City Hall, the Arcadia Public Library, and on the City's website at www.ArcadiaCA.gov. Copies of individual Agenda Reports are available via email upon request (Planning@ArcadiaCA.gov). Documents distributed to a majority of the Planning Commission after the posting of this agenda will be available for review at the Planning Services Office in City Hall, 240 W. Huntington Drive, Arcadia, California.

CITIZEN PARTICIPATION: Your participation is welcomed and invited at all Planning Commission meetings. Time is reserved at each regular meeting for those in the audience who wish to address the Planning Commission. The City requests that persons addressing the Planning Commission refrain from making personal, slanderous, profane, or disruptive remarks. When the Chair asks for those who wish to speak please come to the podium and state your name and address for the record. Please provide a copy of any written materials used in your address to the Planning Commission as well as a copy of any printed materials you wish to be distributed to the Planning Commission.

MATTERS NOT ON THE AGENDA should be presented during the time designated as "PUBLIC COMMENTS." In general, each speaker will be given (5) minutes to address the Planning Commission; however, the Chair, at his/her discretion, may shorten the speaking time limit to allow all speakers time to address the Planning Commission. **By State law, the Planning Commission may not discuss or vote on items not on the agenda. The matter will automatically be referred to staff for appropriate action or response, or will be placed on the agenda of a future meeting.**

PUBLIC HEARINGS AND APPEALS are items scheduled for which public input is either required or desired. Separate and apart from an applicant or appellant (who may speak longer at the discretion of the Planning Commission), speakers shall be limited to (5) minutes per person. The Chair, at his/her discretion, may shorten the speaking time limit to allow all speakers to address the Planning Commission. The applicant or appellant may also be afforded an additional opportunity for rebuttal comments.

AGENDA ITEMS: The Agenda contains the regular order of business of the Planning Commission. Items on the Agenda have generally been reviewed and investigated by the City Staff in advance of the meeting so that the Planning Commission can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine by the Planning Commission and may be acted upon by one motion. There will be no separate discussion on these items unless a member of the Planning Commission, Staff, or the public so requests. In this event, the item will be removed from the Consent Calendar and considered and acted on separately.

DECORUM: While members of the public are free to level criticism of City policies and the action(s) or proposed action(s) of the Planning Commission or its members, members of the public may not engage in behavior that is disruptive to the orderly conduct of the proceedings, including, but not limited to, conduct that prevents other members of the audience from being heard when it is their opportunity to speak, or which prevents members of the audience from hearing or seeing the proceedings. Members of the public may not threaten any person with physical harm or act in a manner that may reasonably be interpreted as an imminent threat of physical harm. All persons attending the meeting are expected to adhere to the City's policy barring harassment based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, sexual orientation, or age. The Chief of Police, or such member or members of the Police Department, may serve as the Sergeant-at-Arms of the Planning Commission meeting. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding official for the purpose of maintaining order and decorum at the meeting. Any person who violates the order and decorum of the meeting may be placed under arrest and such person may be prosecuted under the provisions of Penal Code Section 403 or applicable Arcadia Municipal Code section.



STAFF REPORT

Development Services Department

DATE: January 10, 2023

TO: Honorable Chair and Planning Commission

FROM: Lisa L. Flores, Deputy Development Services Director
Fiona Graham, Planning Services Manager
By: Alison MacCarley, Assistant Planner

SUBJECT: RESOLUTION NO. 2110 – APPROVING CONDITIONAL USE PERMIT NO. CUP 22-16 TO ALLOW THE OPERATION OF AN AFTER-SCHOOL CODING SCHOOL WITH UP TO 15 STUDENTS AT 24 E. DUARTE ROAD
Recommendation: Adopt
CEQA: Determine to be Exempt

SUMMARY

The Applicant, Brilliant Education Incorporated, is requesting approval of Conditional Use Permit Application No. CUP 22-16 for an after-school coding school within an existing 1,000 square foot unit in a multi-tenant commercial building at 24 E. Duarte Road. The proposed coding school will have up to 15 students, from elementary to high school, and two instructors. It is recommended that the Planning Commission adopt Resolution No. 2110 (Attachment No. 1), find this project Categorical Exempt under the California Environmental Quality Act (CEQA), and approve Conditional Use Permit No. CUP 22-16, subject to the conditions listed in this staff report.

BACKGROUND

The subject unit is within a multi-unit commercial building located on the south side of E. Duarte Road and is approximately 1,000 square feet in size. The subject property is developed with a one-story 14,551 square foot commercial building which has vehicular access from S. Santa Anita Avenue and E. Duarte. The property is zoned C-G, General Commercial with a General Plan Land Use Designation of Commercial – refer to Attachment No. 2 for an Aerial Photo with Zoning Information and Photos of the subject property. The property is surrounded by commercial uses to the east, north, and west, and multifamily residential properties to the south – see Figure 1.

There are ten existing units on the property with three vacant units, including the subject unit. The subject unit was previously used as an after-school tutoring and consulting center that closed in 2022; A2 Arcadia Academy.

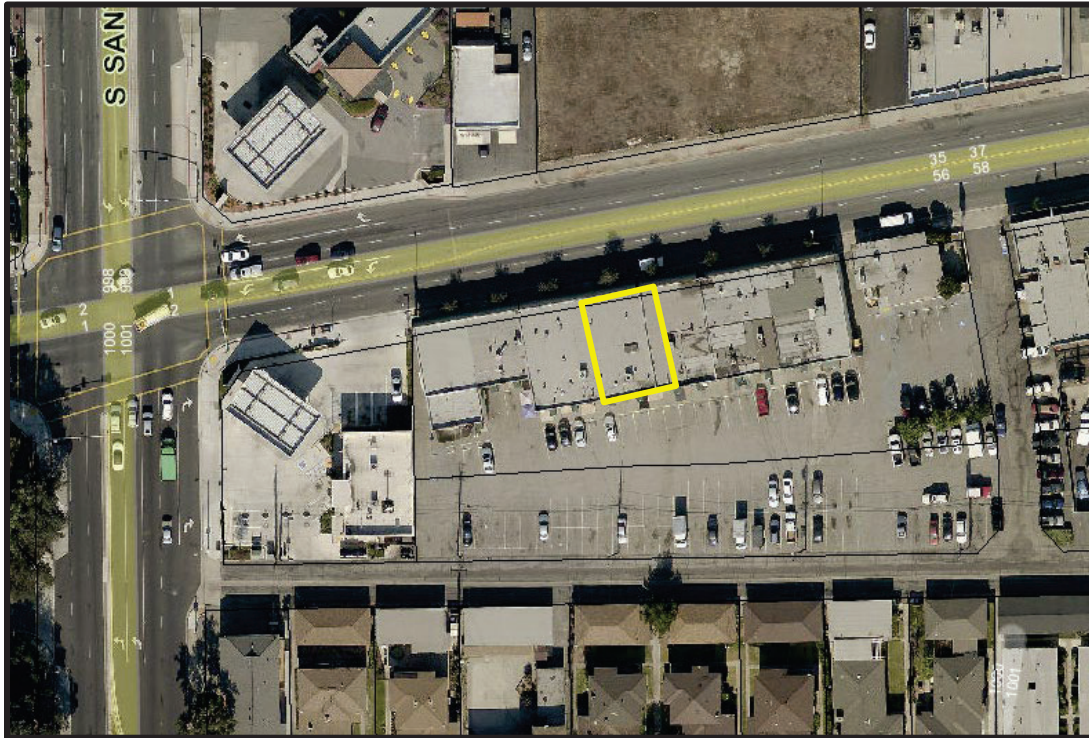


Figure 1 - Aerial of Subject Site

PROPOSAL

The Applicant is requesting approval to operate a coding school for children in grades one through twelve. Coding refers to computer languages used to develop apps, websites, and software. There are a variety of different coding languages that are used for different types of computer programming activities. The classes will focus on teaching students different coding and computer programming languages such as Java, Python, and Scratch.

The Applicant has previous experience running after school education centers. The Applicant currently owns and operates an after school tutoring center in Temple City called Brilliant Elite Academy. Their students are from Temple City and Arcadia Unified School Districts.

The use will include two classrooms, a gender -neutral restroom, and storage room (See Figure 2). Classroom #1 can accommodate up to eight (8) students and classroom #2 can accommodate up to seven (7) students; with a total of 15 students and two (2) instructors present at any given time. No additional staff are proposed to operate the business. The classes will be mixed levels where students will have instructors' help on self-paced learning projects. There will not be a formal lecturing class for any level. The

coding school will offer one-hour class sessions on weekdays and two-hour class sessions on weekends with one-half hour breaks between class sessions to accommodate pick-up and drop-off of students and classroom clean up.

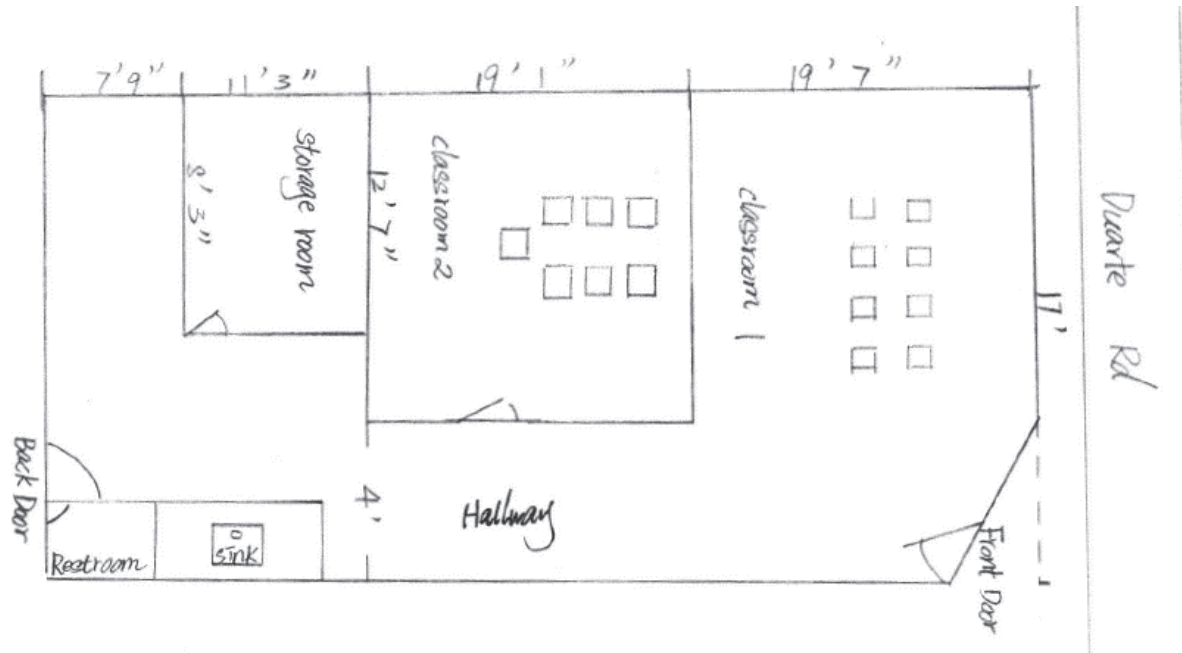


Figure 2: Floor Plan of Coding School

The proposed business hours are from 3:30 PM to 7:30 PM Monday, Tuesday, Thursday, and Friday and 10:00 AM to 6:00 PM on Saturday and Sunday. For each day, there will be three class sessions. The hours of operation will not change for the summer.

ANALYSIS

The Arcadia Development Code allows tutoring and educational centers in the General Commercial (C-G) zone, subject to the review and approval of a Conditional Use Permit. The proposed coding school will have up to fifteen (15) students and two (2) employees on site at any given time and will provide additional educational opportunities for children in Arcadia. The proposed coding school will be occupying a unit that was previously used by a tutoring center; there are no exterior or interior changes being proposed as the unit was previously used as a tutoring center and has all the necessary facilities to operate as a coding school. The application was reviewed by the building, fire, and police department and no concerns were raised.

Parking

For an educational center that serves high school age students, the Development Code requires one parking space for every three students and one space for every employee. With up to 15 students and two (2) employees, a total of seven (7) parking spaces are required. There are a total of 99 existing parking spaces on site that serve the ten units within the commercial building. Based on the parking requirements for the existing uses,

Figure 3: Floor Plan of Coding School

including the two vacant units, and the proposed coding school, 85 parking spaces are needed. As such, there will be an excess of 14 parking. Therefore, there is enough parking to accommodate the proposed use and seven (7) additional parking spaces will be available on the property to handle the additional demand.

Unit	Occupant	Type	Unit Size	Parking Spaces
8	Sofit Social	Gym	1900	12
12	Fashion Salon	Personal Services	720	4
14	Crumpets Bakery	Restaurant	585	3
16	Global Art	Art Studio	900	9
18-20	Lightbulb City Inc	Retail	2100	11
22	Vacant		1200	6
24	Proposed Coding School	Education Center	1000	7
26	Vacant		1060	5
26 ½	LA Fruit Kingdom	Retail	1200	6
28	Arcadia Spa	Personal Services	1080	5
30	Yoshantea	Restaurant	1080	5
32	Arcadia Music	Music Studio	1200	6
34	Peacock Donuts	Restaurant	1150	6
Total Parking Required				85

FINDINGS

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

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

Facts to Support This Finding: Approval of a coding school is consistent with the Commercial land use designation of the site. The Commercial land use designation is intended to permit a wide range of commercial uses which serve both neighborhood and citywide markets. The designation allows a broad array of commercial uses, including tutoring and educational centers. The proposed use will occupy a vacant commercial unit and the use is complementary to the surrounding commercial uses. The use is consistent with the following General Plan goals and policies:

Land Use and Community Design Element

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

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

Facts to Support This Finding: The site is zoned C-G, General Commercial. Arcadia Development Code Section 9102.03.020, Table 2-8, allows tutoring centers in the C-G zone subject to the review and approval of a Conditional Use Permit. The site was previously used as a tutoring center prior to this application, so no exterior or interior changes are needed. The site has an adequate number of parking spaces to accommodate the proposed use and the site's existing uses. The use will be consistent with the intended commercial use of the property and will utilize an existing unit that has been vacant for over six months. Therefore, the proposed use complies with all other applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code.

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

Facts to Support This Finding: The proposed coding school will occupy a 1,000 square foot unit within an existing one-story commercial building. The coding school's hours of operation will not be unusual for this shopping center and will be limited to weekday afternoon and weekend hours. In addition, the coding school will have a maximum of 17 persons on premise at one time including up to 15 students. There has been other tutoring or educational centers at this site. The property is immediately north of existing high-density residential uses and is separated by both the parking lot and an alley which will limit any potential noise or traffic impacts. Therefore, the coding school will be compatible with the various commercial uses that exist on the property. There is also ample parking at this site for the proposed use and all existing uses. As such, the use is compatible with the existing and future land uses in the vicinity.

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

- a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, and other features required to adjust the use with the land and uses in the neighborhood;**

Facts to Support This Finding: The site is physically suitable to accommodate the proposed coding school. The use will occupy a vacant unit within an existing multi-tenant commercial center. The unit was previously used for a tutoring center and therefore no interior changes are required to accommodate the proposed use. The operating hours are limited to weekday afternoons and weekends and will be similar to the operating hours of the other existing businesses on site and nearby. The site has a surface parking lot that will provide sufficient parking for the proposed business and existing business. No exterior or interior improvements are required for the coding school. Therefore, the site is suitable to accommodate the proposed use.

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

Facts to Support This Finding: The subject unit is located on a site on south side of East Duarte Road with access from both East Duarte Road and South Santa Anita Avenue, which are designed with the capacity to accommodate both public and emergency vehicles. There is access to the site's parking via an alley that connects Santa Anita Avenue and 1st Avenue. All adjacent and nearby streets are adequate in width and pavement type to carry the traffic that could be generated by the coding school and to support emergency vehicle access.

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

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

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

Facts to Support This Finding: The subject unit is located within an existing commercial building, which is adequately serviced by existing utilities. The request does not require new construction and will not be operated in a manner that will impact the provision of utilities. Therefore, no impacts to the provision of utilities are anticipated.

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

Facts to Support This Finding: The proposed coding school will not be detrimental to the public health or welfare, or to the surrounding properties. The size and nature of the operation of the use will not negatively affect the existing uses in the surrounding properties.

ENVIRONMENTAL ANALYSIS

It has been determined that the proposed use 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 December 29, 2022. As of January 6, 2023, staff did not receive any public comments on this project.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2110 approving Conditional Use Permit No. CUP 22-16 for a new coding school with up to 15 students and find that the project is Categorically Exempt under the California Environmental Quality Act (CEQA), subject to the following conditions of approval:

1. The use approved by CUP 22-16 is limited to a coding school and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 22-16.
2. No more than 15 students shall be permitted on site at any given time. Any changes to the number of students being tutored on the site at one time shall be subject to review and approval by the Deputy Development Services Director, or designee, unless significant modifications are proposed; in which case, the application may be referred to the Planning Commission.
3. The existing fire alarm system shall be evaluated by the City's Fire Marshall and if the system requires upgrades or modifications, then the system shall be certified by a qualified contractor prior to occupancy.
4. The main exit door shall be equipped with panic or lever type hardware. Latched or key operated locks are not permitted. A minimum rated 2A:10BC fire extinguisher shall be provided at an approved location, as determined by the City's Fire Marshal.
5. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with 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.
6. Noncompliance with the plans, provisions and conditions of approval for CUP 22-16 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the coding school.
7. To the maximum extent permitted by law, Applicant shall defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City,

and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City (“Indemnitees”) harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant’s activities in connection with CUP 22-16 on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant’s contractors, agents, tenants, employees or any other persons acting on Applicant’s behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

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

8. Approval of CUP 22-16 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 22-16, stating

that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2110 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 22-16, 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 January 10, 2023, hearing, please contact Assistant Planner, Alison MacCarley at (626) 574-5447, or by email at amaccarley@ArcadiaCA.gov.

Approved:

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

Lisa L. Flores
Deputy Development Services Director

- Attachment No. 1: Resolution No. 2110
- Attachment No. 2: Aerial Photo and Zoning Information and Photos of the Subject Property
- Attachment No. 3: Architectural Plans
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2110

RESOLUTION NO. 2110

RESOLUTION NO. 2210 – APPROVAL OF CONDITIONAL USE PERMIT NO. CUP 22-16 TO ALLOW THE OPERATION OF AN AFTER-SCHOOL CODING SCHOOL WITH UP TO 15 STUDENTS AT 24 EAST DUARTE ROAD

WHEREAS, on November 31, 2022, an application for Conditional Use Permit No. CUP 22-16 was filed by the business owner, Brilliant Education Incorporated (“Applicant”), for a new coding school at 24 E. Duarte Rd; and

WHEREAS, on December 20, 2022, Planning Services completed an environmental assessment for the proposed coding school in accordance with the California Environmental Quality Act (“CEQA”) and recommends that the Planning Commission determine that the proposed coding school qualifies as a Class 1 Categorical Exemption under CEQA pursuant to Section 15301(a) of the CEQA Guidelines as the use of an existing facility; and

WHEREAS, on January 10, 2023, 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 January 10, 2023 are true and correct.

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

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

FACT: Approval of a coding school is consistent with the Commercial land use designation of the site. The Commercial land use designation is intended to permit a wide range of commercial uses which serve both neighborhood and citywide markets. The designation allows a broad array of commercial uses, including tutoring and educational centers. The proposed use will occupy a vacant commercial unit and the use is complementary to the surrounding commercial uses. The use is consistent with the following General Plan goals and policies:

Land Use and Community Design Element

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

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

FACT: The site is zoned C-G, General Commercial. Arcadia Development Code Section 9102.03.020, Table 2-8, allows tutoring centers in the C-G zone subject to the review and approval of a Conditional Use Permit. The site was previously used as a tutoring center prior to this application, so no exterior or interior changes are needed. The site has an adequate number of parking spaces to accommodate the proposed use and the site's existing uses. The use will be consistent with the intended commercial use of the property and will utilize an existing unit that has been vacant for over six months.

Therefore, the proposed use complies with all other applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code.

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

FACT:

The proposed coding school will occupy a 1,000 square foot unit within an existing one-story commercial building. The coding school's hours of operation will not be unusual for this shopping center and will be limited to weekday afternoon and weekend hours. In addition, the coding school will have a maximum of 17 persons on premise at one time including up to 15 students. There has been other tutoring or educational centers at this site. The property is immediately north of existing high-density residential uses and is separated by both the parking lot and an alley which will limit any potential noise or traffic impacts. Therefore, the coding school will be compatible with the various commercial uses that exist on the property. There is also ample parking at this site for the proposed use and all existing uses. As such, the use is compatible with the existing and future land uses in the vicinity.

4. The site is physically suitable in terms of:

A. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, and other features required to adjust the use with the land and uses in the neighborhood;

FACT: The site is physically suitable to accommodate the proposed coding school. The use will occupy a vacant unit within an existing multi-tenant commercial center. The unit was previously used for a tutoring center and therefore no interior changes are

required to accommodate the proposed use. The operating hours are limited to weekday afternoons and weekends and will be similar to the operating hours of the other existing businesses on site and nearby. The site has a surface parking lot that will provide sufficient parking for the proposed business and existing business. No exterior or interior improvements are required for the coding school. Therefore, the site is suitable to accommodate the proposed use.

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

FACT: The subject unit is located on a site on south side of East Duarte Road with access from both East Duarte Road and South Santa Anita Avenue, which are designed with the capacity to accommodate both public and emergency vehicles. There is access to the site's parking via an alley that connects Santa Anita Avenue and 1st Avenue. All adjacent and nearby streets are adequate in width and pavement type to carry the traffic that could be generated by the coding school and to support emergency vehicle access.

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

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

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

FACT: The subject unit is located within an existing commercial building, which is adequately serviced by existing utilities. The request does not require new construction and will not be operated in a manner that will impact the provision of utilities. Therefore, no impacts to the provision of utilities are anticipated.

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

FACT: The proposed coding school will not be detrimental to the public health or welfare, or to the surrounding properties. The size and nature of the operation of the use will not negatively affect the existing uses in the surrounding properties.

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

SECTION 3. For the foregoing reasons the Planning Commission determines that the proposed coding school is Categorically Exempt per Class 1, Section 15301 (a) of the California Environmental Quality Act (CEQA) Guidelines and approves Conditional Use Permit No. CUP 22-16 for a new coding school within an existing commercial unit at 24 E. Duarte Road, 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 January, 2023.

Brad Thompson
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Mike Maurer
City Attorney

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RESOLUTION NO. 2110

Conditions of Approval

1. The use approved by CUP 22-16 is limited to a coding school and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 22-16.
2. No more than 15 students shall be permitted on site at any given time. Any changes to the number of students being tutored on the site at one time shall be subject to review and approval by the Deputy Development Services Director, or designee, unless significant modifications are proposed; in which case, the application may be referred to the Planning Commission.
3. The existing fire alarm system shall be evaluated by the City's Fire Marshall and if the system requires upgrades or modifications, then the system shall be certified by a qualified contractor prior to occupancy.
4. The main exit door shall be equipped with panic or lever type hardware. Latched or key operated locks are not permitted. A minimum rated 2A:10BC fire extinguisher shall be provided at an approved location, as determined by the City's Fire Marshal.
5. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with 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.
6. Noncompliance with the plans, provisions and conditions of approval for CUP 22-16 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the coding school.
7. To the maximum extent permitted by law, Applicant shall defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with CUP 22-16 on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This

indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

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

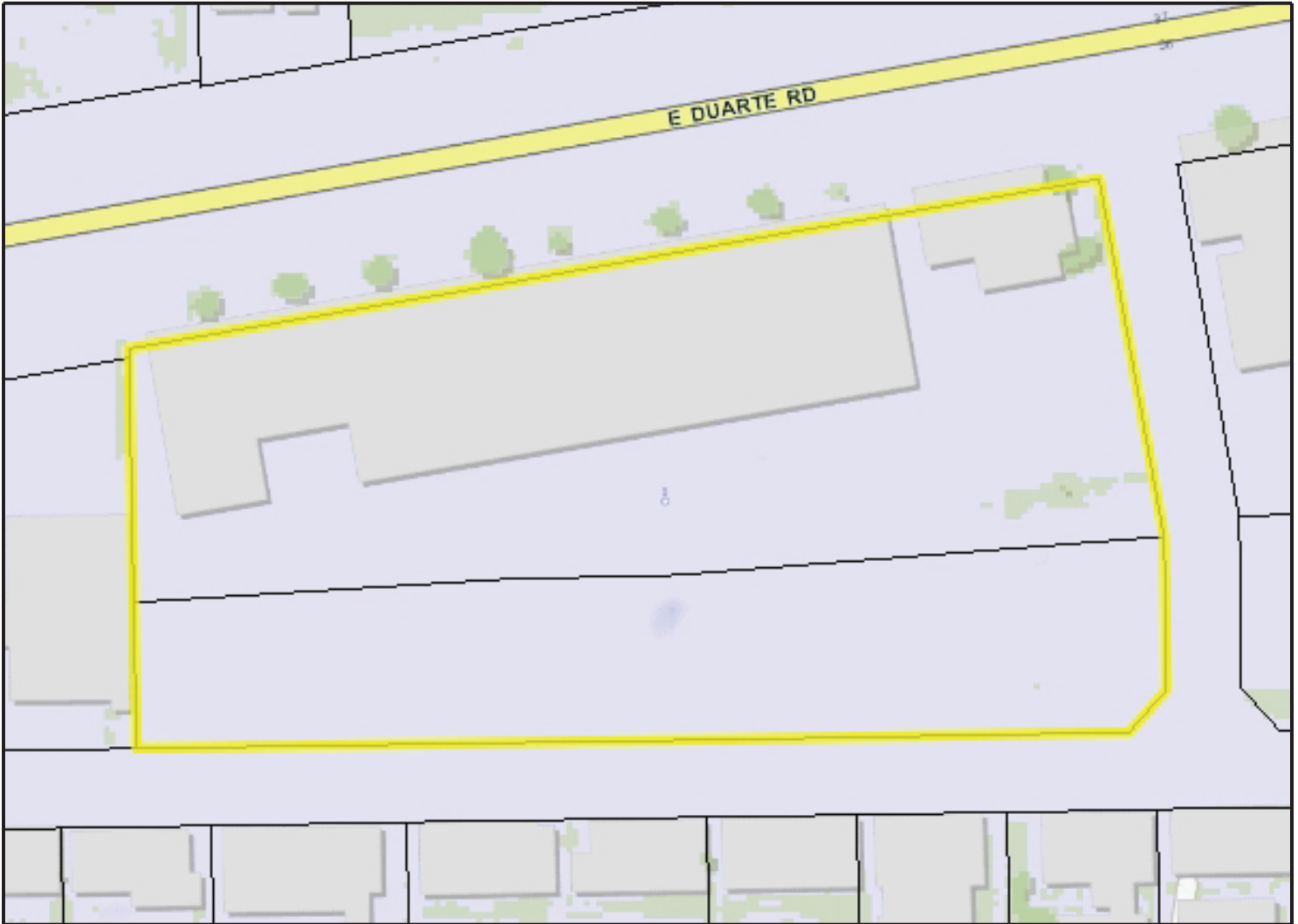
8. Approval of CUP 22-16 shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

Attachment No. 2

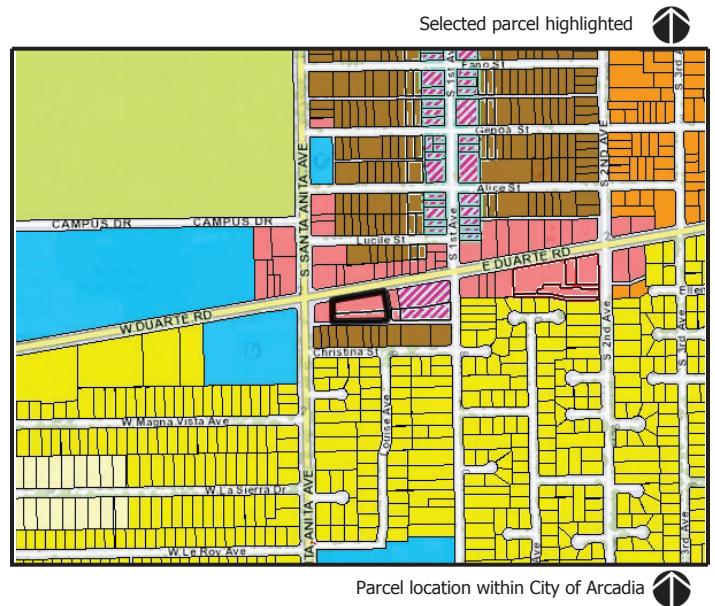
Aerial Photo with Zoning Information and
Photos of the Subject Property and Vicinity

Site Address: **8 E DUARTE RD**

Property Owner(s): Property Owner



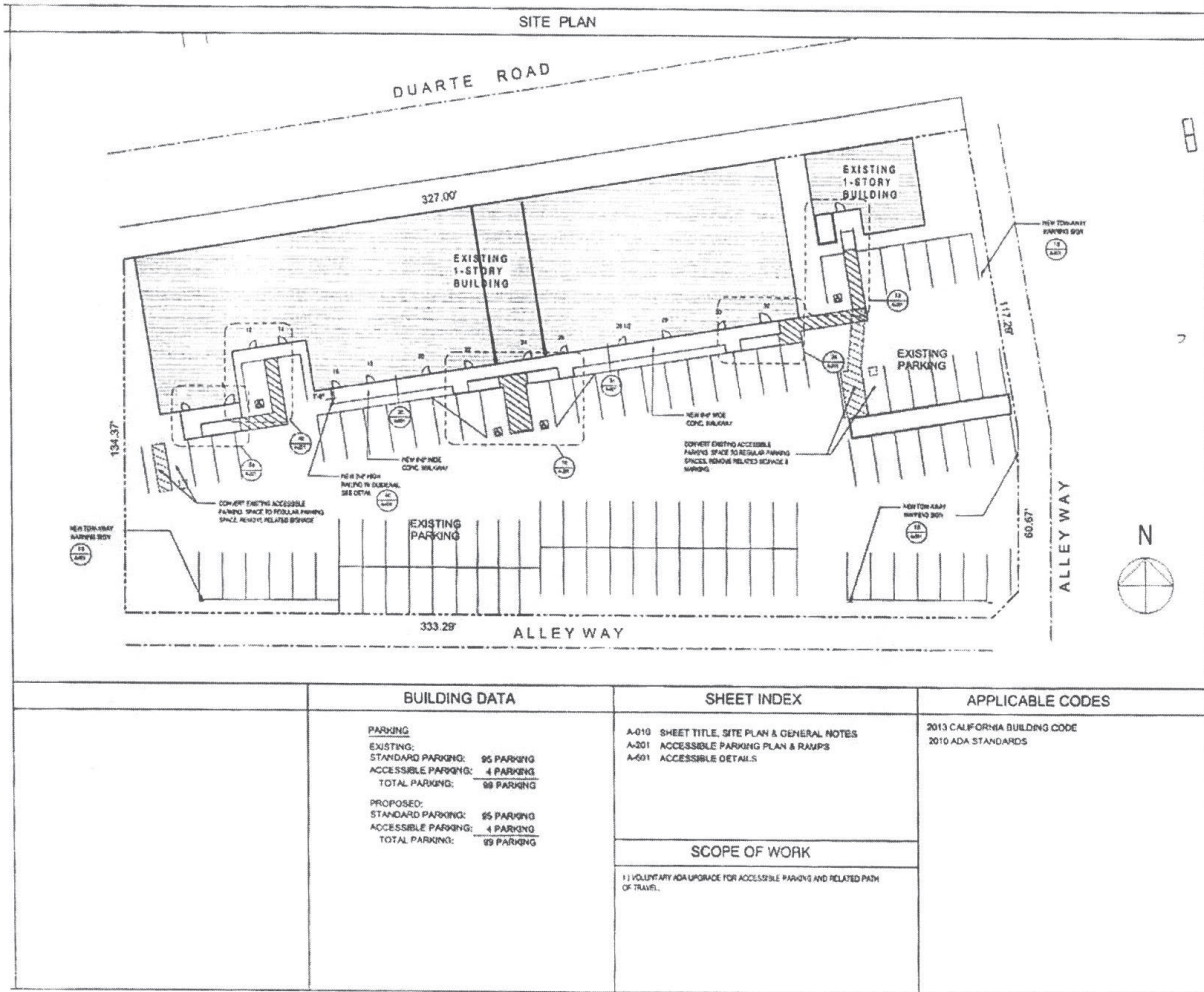
Property Characteristics	
Zoning:	C-G
General Plan:	C
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	3,183
Year Built:	1948
Number of Units:	0
Overlays	
Architectural Design Overlay:	N/A
Downtown Overlay:	N/A
Downtown Parking Overlay:	N/A
Parking Overlay:	N/A, Yes
Racetrack Event Overlay:	N/A
Residential Flex Overlay:	N/A
Special Height Overlay:	N/A



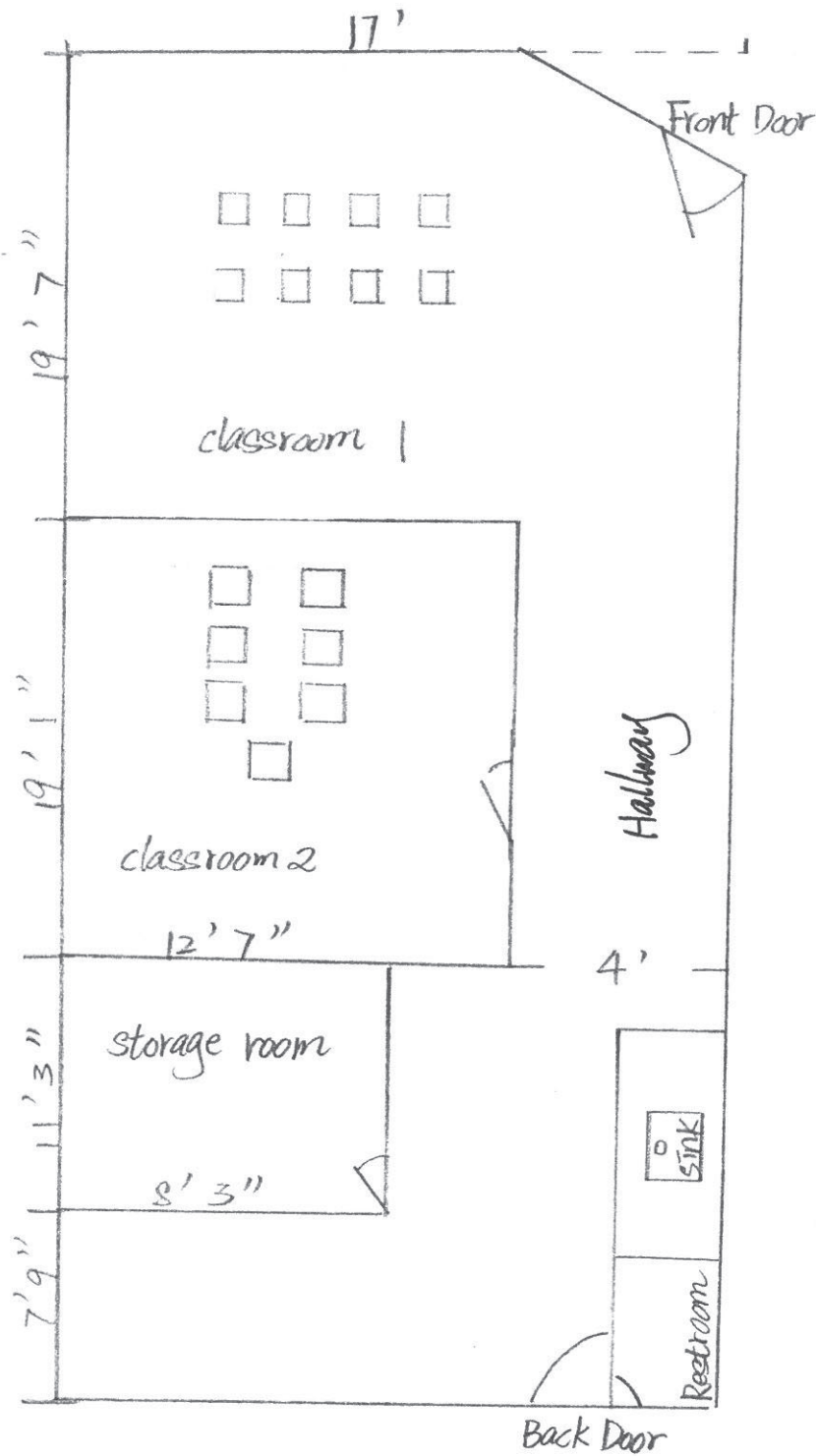
Attachment No. 3

Architectural Plans

8 - 34 E. Duarte Road, Arcadia, California 91007



Duarte Rd



24 E Duarte Rd , Arcadia , CA 91006

Existing Floor Plan 1000 sq ft

Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 22-16 Conditional Use Permit to allow an after school coding school.												
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):	24 E. Duarte Road. – The business is located along at the south-east corner of E Duarte Rd and S. Santa Anita Ave.												
3. Entity or person undertaking project:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; padding: 2px;">A.</td> <td colspan="2" style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">B. Other (Private)</td> <td colspan="2" style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">(1) Name</td> <td style="width: 15%; border-right: 1px dashed black;"></td> <td style="padding: 2px;">Brilliant Education, Incorporated</td> </tr> <tr> <td style="padding: 2px;">(2) Address</td> <td style="border-right: 1px dashed black;"></td> <td style="padding: 2px;">9447 Las Tunas Drive, Temple City CA 91780</td> </tr> </table>	A.			B. Other (Private)			(1) Name		Brilliant Education, Incorporated	(2) Address		9447 Las Tunas Drive, Temple City CA 91780
A.													
B. Other (Private)													
(1) Name		Brilliant Education, Incorporated											
(2) Address		9447 Las Tunas Drive, Temple City CA 91780											
4. Staff Determination:	<p>The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:</p>												
a. <input type="checkbox"/>	The proposed action does not constitute a project under CEQA.												
b. <input type="checkbox"/>	The project is a Ministerial Project.												
c. <input type="checkbox"/>	The project is an Emergency Project.												
d. <input type="checkbox"/>	The project constitutes a feasibility or planning study.												
e. <input checked="" type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is categorically exempt.</td> </tr> <tr> <td style="padding: 2px;">Applicable Exemption Class:</td> <td style="padding: 2px;">15301 – Class 1 (Use of an existing facility)</td> </tr> </table>	The project is categorically exempt.		Applicable Exemption Class:	15301 – Class 1 (Use of an existing facility)								
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Applicable Exemption Class:	15301 – Class 1 (Use of an existing facility)												
f. <input type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is statutorily exempt.</td> </tr> <tr> <td style="padding: 2px;">Applicable Exemption:</td> <td style="padding: 2px;"></td> </tr> </table>	The project is statutorily exempt.		Applicable Exemption:									
The project is statutorily exempt.													
Applicable Exemption:													
g. <input type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project is otherwise exempt on the following basis:</td> </tr> <tr> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> </table>	The project is otherwise exempt on the following basis:											
The project is otherwise exempt on the following basis:													
h. <input type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">The project involves another public agency which constitutes the Lead Agency.</td> </tr> <tr> <td style="padding: 2px;">Name of Lead Agency:</td> <td style="padding: 2px;"></td> </tr> </table>	The project involves another public agency which constitutes the Lead Agency.		Name of Lead Agency:									
The project involves another public agency which constitutes the Lead Agency.													
Name of Lead Agency:													

Date: December 20, 2022

Staff: Alison MacCarley, Assistant Planner



STAFF REPORT

Development Services Department

DATE: January 10, 2023

TO: Honorable Chair and Planning Commission

FROM: Lisa L. Flores, Deputy Development Services Director
By: Fiona Graham, Planning Services Manager

SUBJECT: RESOLUTION NO. 2113 – APPROVING CONDITIONAL USE PERMIT NO. CUP 22-13 TO ALLOW AN INDOOR VIRTUAL GOLF SIMULATOR FACILITY WITH A BAR SERVING BEER AND WINE FOR ONSITE CONSUMPTION AT 288 N. SANTA ANITA AVENUE, SUITES 2 & 3

Recommendation: Adopt

CEQA: Determine to be Exempt

SUMMARY

The Applicant, Bobby Luo for GenG Golf, is requesting approval of Conditional Use Permit No. CUP 22-13 to allow a 2,758 square foot indoor golf facility with four simulator golf bays, a bar serving beer and wine for onsite consumption, and a small area for retail sales. The proposed use will occupy two of the four units on the ground floor units of the relatively new commercial building located at 288 N. Santa Anita Avenue. It is recommended that the Planning Commission adopt Resolution No. 2113 (Attachment No. 1) and find this project Categorical Exempt under the California Environmental Quality Act (CEQA) and approve Conditional Use Permit No. CUP 22-13, subject to the conditions listed in this staff report.

BACKGROUND

The subject property is located on the southeast corner of North Santa Anita Avenue and East St. Joseph Street. The property is developed within a relatively new 31,160 square foot, four-story, multi-tenant commercial building that was built and completed in 2022, with parking on the 2nd and 3rd levels of the building, medical office on the 4th floor, and commercial use on the ground floor. Access to parking within the building is provided via N. Santa Anita Avenue and E. St. Joseph Street. The property is zoned DMU, Downtown Mixed Use with a General Plan Land Use Designation of Mixed Use – refer to Attachment No. 2 for an Aerial Photo with Zoning Information and Photos of the subject property. The property is surrounded by a building materials business to the north, an on-site parking

lot and retail store (R.E.I.) to the south, a restaurant and medical offices to the west across N. Santa Anita Avenue and a parking lot and public parking garage to the east – see Figure 1.

The existing multi-tenant building has four ground floor units (two of which will be occupied by GenG Golf) and 24,000 square feet of medical and general office uses on the 4th floor. The other two units on the ground floor will be occupied by an optical retailer. With the approval of this CUP, the entire building will be fully leased.

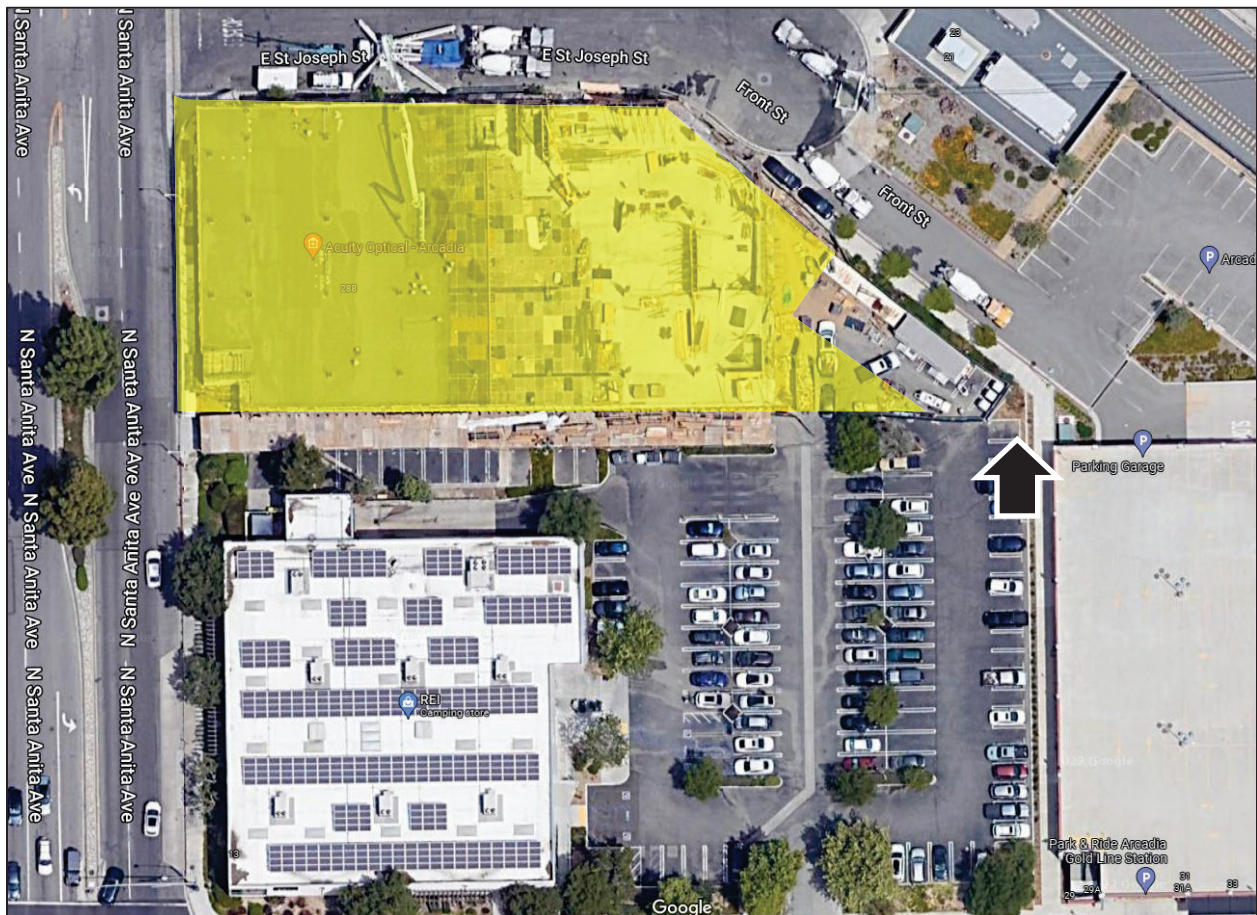


Figure 1 - Aerial of Subject Site

PROPOSAL

The Applicant is requesting approval of a Conditional Use Permit (CUP) to operate an indoor golf facility with four simulator bays, a bar area serving beer and wine only for onsite consumption (Type 42 Alcoholic Beverage Control license), and a small retail area. The proposed business hours are Monday through Thursday from 10:00 a.m. to 10:00 p.m. and Friday through Sunday from 10:00 a.m. to midnight. There will be a maximum of four (4) staff at any given time during business hours. The business is comprised of simulated game software that allows for golf tournaments, real time scoring, and statistical breakdown of golf games. This will be the first indoor golf facility in Arcadia. The Applicant indicates that each simulator can accommodate up to six players with a game duration of

approximately two hours for 18 holes of golf. Simulators may be reserved via online or by phone. Golf lessons are also provided on an appointment basis. The Applicant was previously a professional golfer in China and has experience as a manager and caddie. GenG Golf will be the Applicant's first business of this type. Sales of beer and wine is proposed as an accessory use for golf customers. Food service is not proposed however, pre-packaged foods and snacks would be available for purchase. The business will also include accessory retail sales of golf equipment, primarily aimed at patrons utilizing the golf simulators.

The proposed floor plan consists of four golf simulator bays which can each accommodate up to six (6) players at one time, a bar area seating up to nine (9) patrons, three restrooms, an office, waiting area, and retail display area (Figure 2). No exterior changes to the building are proposed.

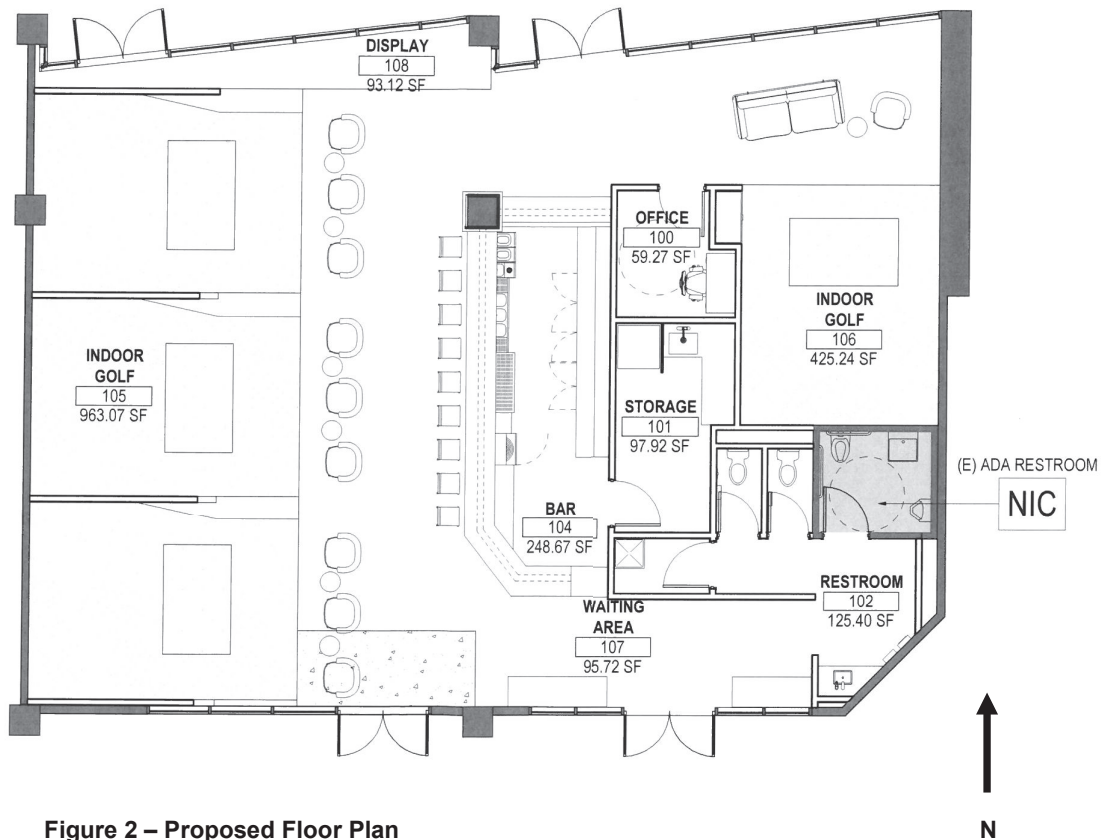


Figure 2 – Proposed Floor Plan

ANALYSIS

The Arcadia Development Code allows Commercial Recreation uses such as an indoor golf simulator facility in the DMU zone, subject to a Conditional Use Permit. In addition, on-site sales of beer and wine as an accessory use is also permitted in conjunction with this use subject to a Minor Use Permit. An additional Minor Use Permit application will not be required as the sale of beer and wine is being considered as part of this CUP

application. The proposed use would not create an adverse impact on the adjacent tenants as it would operate completely within the proposed tenant space.

The retail portion of the business would allow customers to purchase golf related items such as polos, gloves, or golf towels. The proposed business is within the Downtown Mixed-Use Zone which is intended to provide opportunities for complementary service and retail commercial businesses, professional offices, and residential uses located within the City’s downtown.

The Development Code does not specifically provide parking requirements for this use. Therefore, staff referred to the requirements of “Other Permitted Uses” (pursuant to Section 9103.07.060, Table 3-9 of the Development Code). This provision requires 1 space per 200 square feet of space meaning the business requires a total of 14 spaces.

A total of 146 parking spaces are provided on the site. Based on anticipated uses for the building as analyzed and approved in 2019, the site would have 37 excess parking spaces, which includes a 25 percent reduction in parking as allowed by Code and previously applied to this site (Development Code Section 9103.07.060(D) *A 25 percent reduction will be applied to the off-street parking requirement for any commercial use that is located within 1/4 mile of a light rail station.*). Therefore, the proposed golf simulator facility is unlikely to impact parking in the vicinity as the building provides excess parking for all current and future uses planned for the building.

Use	Parking Ratio	Required Parking
Gen G Golf	2,758 SF / 200	14
Suite 103 (2 x units) (Future Optical Retailer)	4,402 SF / 200	22
Level 3 – General Office	10,000 SF / 250	40
Level 4 – Medical Office	14,000 SF / 200	70
Total parking required prior to 25% reduction		146
<i>25% reduction (9103.07.060(D))</i>		-37
Total Parking Required		109
Total Parking Provided		146

The City’s Police and Fire Department reviewed the proposal and did not have any concerns regarding the proposed use.

FINDINGS

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

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

Facts to Support This Finding: The proposed indoor golf simulator facility would be consistent with the Arcadia General Plan Mixed Use designation and the DMU zone which allows for a broad range of retail and service commercial, office and entertainment uses. The proposed use would occupy two vacant commercial units and is a use that is complementary to the nearby commercial corridor and downtown corridor by providing additional commercial recreation opportunities to residents. The use is consistent with the General Plan, as well as the following General Plan goals and policies:

Land Use and Community Design Element

- Policy LU-1.2: Promote new uses of land that provide diverse economic, social, and cultural opportunities, and that reinforce the characteristics that make Arcadia a desirable place to live.
- 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.
- Policy LU-10.5: Encourage the transformation of Santa Anita Avenue into a premier office corridor by offering incentives for development while at the same time requiring the high-quality amenities that will attract the kinds of businesses the City would like to see.

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

Facts to Support This Finding: The site is zoned DMU, Downtown Mixed Use. Arcadia Development Code Section 9102.05.010, Table 2-10, allows the proposed virtual golf simulator facility in the DMU zone subject to the review and approval of a Conditional Use Permit. The use would be consistent with the intended commercial and office uses for the property. The proposed indoor golf simulator facility would not change the characteristics of the surrounding area or other businesses that are typically found in the DMU zone. Therefore, the proposed project complies with all other applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code.

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

Facts to Support This Finding: The proposed indoor golf simulator facility would occupy two units comprising 2,758 square feet on the ground floor of an existing four-

story multi-unit commercial building. No exterior changes are required to accommodate the use. The proposed use would be compatible with the existing commercial uses in the vicinity as it will provide a mix of recreation and entertainment services with a bar. The hours of operation are consistent with other commercial uses nearby. The primary use, being a golf simulator facility, is not anticipated to create any noise or other off-site impacts. The bar component will be small, seating nine (9) patrons, and is ancillary to the golf simulator use. The hours of operation are similar to other commercial uses in the vicinity. Therefore, the proposed golf simulator facility will be compatible with existing and future land uses in the vicinity.

4. The site is physically suitable in terms of:

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

Facts to Support This Finding: The site is physically suitable to accommodate the proposed indoor golf simulator facility with a bar serving beer and wine. The use would occupy two ground floor units within an existing multi-tenant commercial building on the subject site. The site contains surface parking and parking within the building on the second and third levels of the structure. The parking provided is more than sufficient to meet the needs of all existing and proposed office, medical, and commercial uses. No exterior improvements are required for the indoor golf simulator facility. Therefore, the proposed use is suitable for this site.

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

Facts to Support This Finding: The property is located at the southeast corner of North Santa Anita Avenue and East St. Joseph Street and is accessed from both streets. Both streets are adequate in width and pavement type to carry the traffic generated by the proposed use and emergency vehicles. Therefore, the proposed use would not impact emergency vehicle access.

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

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

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

Facts to Support This Finding: The subject unit is located within an existing commercial building, which is adequately serviced by existing utilities. The use will not be operated in a manner that will impact the provision of utilities. Therefore, no impacts to the provision of utilities are anticipated.

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

Facts to Support This Finding: The proposed virtual golf simulator facility would not be detrimental to the public health or welfare, or to the surrounding properties as it is a use permitted through review and consideration of a conditional use permit. The proposed use is contained entirely within an existing commercial suite and will require only interior changes. The business is a commercial use and is surrounded by a mix of other commercial uses. The nature of proposed business, being an indoor golf simulator facility with a bar, is not anticipated to create any off-site impacts. The size and scale of the operation is consistent with other commercial uses nearby, will not utilize any hazardous substances, nor create an unreasonable noise, and will be conducted entirely indoors, within the proposed tenant space. The bar component of the business will not operate independently and will primarily serve patrons utilizing the golf simulator equipment.

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 December 29, 2022. As of January 6, 2023, staff did not receive any public comments on this project.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2113 approving Conditional Use Permit No. CUP 22-13 for an indoor golf simulator facility with a bar serving beer and wine and find that the project is Categorical Exempt under the California Environmental Quality Act (CEQA), subject to the following conditions of approval:

1. The use approved by Conditional Use Permit No. CUP 22-13 is limited to a virtual golf simulator facility with a bar serving beer and wine for on-site consumption

(Type 42 Alcoholic Beverage Control license) and accessory retail sales of golfing merchandise and shall be operated and maintained in a manner consistent with approved plans and may be subject to periodic inspections to ensure that the business is operated per the approval.

2. Beer and Wine sales shall not be allowed until Alcoholic Beverage Control (ABC) has issued the appropriate licensing (Type 42 License).
3. The operating hours shall be limited to 10:00 AM to 10:00 PM, Monday through Thursday and 10:00 AM to midnight Friday through Sunday. Any changes to the hours of operation shall be subject to review and approval by the Deputy Development Services Director, or designee.
4. The project shall be maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for Conditional Use Permit No. CUP No. 22-13, subject to the satisfaction of the Deputy Development Services Director, or designee.
5. No exterior changes to the existing building are permitted with this approval. Any exterior changes to the building or signage shall be subject to the City's review and approval.
6. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with to the satisfaction of the Building Official, City Engineer, Deputy Development Services Director, Fire Marshal, and Public Works Services Director. Any changes to the existing facility may be subject to having fully detailed plans submitted for plan check review and approval by the aforementioned City officials and employees and may be subject to building permits.
7. Noncompliance with the plans, provisions, and conditions of approval for Conditional Use Permit No. CUP 22-13 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of the business.
8. To the maximum extent permitted by law, Property Owner/Applicant shall defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Property Owner/Applicant's activities in connection with Conditional Use Permit No. CUP 22-13 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Property Owner/Applicant's contractors, agents, tenants, employees or any other persons acting on Property Owner/Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision

applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

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

9. Approval of Conditional Use Permit No. CUP 22-13 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 22-13, stating that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2113 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 22-13, 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 January 10, 2023, hearing, please contact Planning Services Manager, Fiona Graham at (626) 574-5445, or by email at fgraham@ArcadiaCA.gov.

Approved:

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

Lisa L. Flores
Deputy Development Services Director

- Attachment No. 1: Resolution No. 2113
- Attachment No. 2: Aerial Photo and Zoning Information and Photos of the Subject Property
- Attachment No. 3: Site and Floor Plans
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2113

RESOLUTION NO. 2113

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. CUP 22-13 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ALLOW AN INDOOR GOLF SIMULATOR FACILITY WITH A BAR SERVING BEER AND WINE AT 288 N. SANTA ANITA AVENUE, SUITES 2 AND 3

WHEREAS, on October 19, 2022, an application was filed by Mr. Bobby Luo for a Conditional Use Permit No. CUP 22-13 to allow a 2,758 square foot indoor golf simulator facility with a bar serving beer and wine and accessory retail sales of golfing merchandise at 288 N. Santa Anita Avenue, Suites 2 and 3 (this application is hereafter referred to as the "Project"); and

WHEREAS, on December 28, 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(a) of the CEQA Guidelines pertaining to the use of an existing facility; and

WHEREAS, on January 10, 2023, 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 January 10, 2023, 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;

FACT: The proposed indoor golf simulator facility would be consistent with the Arcadia General Plan Mixed Use designation and the DMU zone which allows for a broad range of retail and service commercial, office and entertainment uses. The proposed use would occupy two vacant commercial units and is a use that is complementary to the nearby commercial corridor and downtown corridor by providing additional commercial recreation opportunities to residents. The use is consistent with the General Plan, as well as the following General Plan goals and policies:

Land Use and Community Design Element

Policy LU-1.2: Promote new uses of land that provide diverse economic, social, and cultural opportunities, and that reinforce the characteristics that make Arcadia a desirable place to live.

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.

Policy LU-10.5: Encourage the transformation of Santa Anita Avenue into a premier office corridor by offering incentives for development while at the same time requiring the high-quality amenities that will attract the kinds of businesses the City would like to see.

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

FACT: The site is zoned DMU, Downtown Mixed Use. Arcadia Development Code Section 9102.05.010, Table 2-10, allows commercial recreation use, such as the proposed virtual golf simulator facility, in the DMU zone subject to the review and approval of a Conditional Use Permit. The use would be consistent with the intended commercial and office uses for the property. The proposed indoor golf simulator facility would not change the characteristics of the surrounding area or other businesses that are typically found in the DMU zone. Therefore, the proposed project complies with all other applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code.

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

FACT: The proposed indoor golf simulator facility would occupy two units comprising 2,758 square feet on the ground floor of an existing four-story multi-unit commercial building. No exterior changes are required to accommodate the use. The proposed use would be compatible with the existing commercial uses in the vicinity as it will provide a mix of recreation and entertainment services with a bar. The hours of operation are consistent with other commercial uses nearby. The primary use, being a

golf simulator facility, is not anticipated to create any noise or other off-site impacts. The bar component will be small, seating nine (9) patrons, and is ancillary to the golf simulator use. The hours of operation are similar to other commercial uses in the vicinity. Therefore, the proposed golf simulator facility will be compatible with existing and future land uses in the vicinity.

4. The site is physically suitable in terms of:

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

FACT: The site is physically suitable to accommodate the proposed indoor golf simulator facility with a bar serving beer and wine. The use would occupy two ground floor units within an existing multi-tenant commercial building on the subject site. The site contains surface parking and parking within the building on the second and third levels of the structure. The parking provided is more than sufficient to meet the needs of all existing and proposed office, medical, and commercial uses. No exterior improvements are required for the indoor golf simulator facility. Therefore, the proposed use is suitable for this site.

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

FACT: The property is located at the southeast corner of North Santa Anita Avenue and East St. Joseph Street and is accessed from both streets. Both streets are adequate in width and pavement type to carry the traffic generated by the proposed use and

emergency vehicles. Therefore, the proposed use would not impact emergency vehicle access.

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

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

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

FACT: The subject unit is located within an existing commercial building, which is adequately serviced by existing utilities. The use will not be operated in a manner that will impact the provision of utilities. Therefore, no impacts to the provision of utilities are anticipated.

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

FACT: The proposed virtual golf simulator facility would not be detrimental to the public health or welfare, or to the surrounding properties as it is a use permitted through review and consideration of a conditional use permit. The proposed use is contained

entirely within an existing commercial suite and will require only interior changes. The business is a commercial use and is surrounded by a mix of other commercial uses. The nature of proposed business, being an indoor golf simulator facility with a bar, is not anticipated to create any off-site impacts. The size and scale of the operation is consistent with other commercial uses nearby, will not utilize any hazardous substances, nor create an unreasonable noise, and will be conducted entirely indoors within the proposed tenant space. The bar component of the business will not operate independently and will primarily serve patrons utilizing the golf simulator equipment.

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

SECTION 3. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt pursuant to Section 15301 of the CEQA Guidelines and approves Conditional Use Permit No. CUP 22-13 to allow an indoor golf simulator facility with a bar serving beer and wine at 288 N. Santa Anita Avenue, Suites 2 and 3, 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 January 2023.

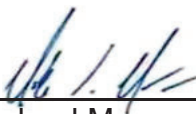
Chair, Planning Commission

Brad Thompson

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael Maurer
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. 2113 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 10th day of January, 2023, and that said Resolution was adopted by the following vote, to wit:

AYES:

NOES:

ABSENT:

Secretary of the Planning Commission

RESOLUTION NO. 2113

Conditions of Approval of CUP 22-13

1. The use approved by Conditional Use Permit No. CUP 22-13 is limited to a virtual golf simulator facility with a bar serving beer and wine for on-site consumption (Type 42 Alcoholic Beverage Control license) and accessory retail sales of golfing merchandise and shall be operated and maintained in a manner consistent with approved plans and may be subject to periodic inspections to ensure that the business is operated per the approval.
2. Beer and Wine sales shall not be allowed until Alcoholic Beverage Control (ABC) has issued the appropriate licensing (Type 42 License).
3. The operating hours shall be limited to 10:00 AM to 10:00 PM, Monday through Thursday and 10:00 AM to midnight Friday through Sunday. Any changes to the hours of operation shall be subject to review and approval by the Deputy Development Services Director, or designee.
4. The project shall be maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for Conditional Use Permit No. CUP No. 22-13, subject to the satisfaction of the Deputy Development Services Director, or designee.
5. No exterior changes to the existing building are permitted with this approval. Any exterior changes to the building or signage shall be subject to the City's review and approval.
6. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with to the satisfaction of the Building Official, City Engineer, Deputy Development Services Director, Fire Marshal, and Public Works Services Director. Any changes to the existing facility may be subject to having fully detailed plans submitted for plan check review and approval by the aforementioned City officials and employees and may be subject to building permits.
7. Noncompliance with the plans, provisions, and conditions of approval for Conditional Use Permit No. CUP 22-13 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of the business.
8. To the maximum extent permitted by law, Property Owner/Applicant shall defend, indemnify, and hold City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for

damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Property Owner/Applicant's activities in connection with Conditional Use Permit No. CUP 22-13 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Property Owner/Applicant's contractors, agents, tenants, employees or any other persons acting on Property Owner/Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

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

9. Approval of Conditional Use Permit No. CUP 22-13 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 with Zoning Information and
Photos of the Subject Property and Vicinity

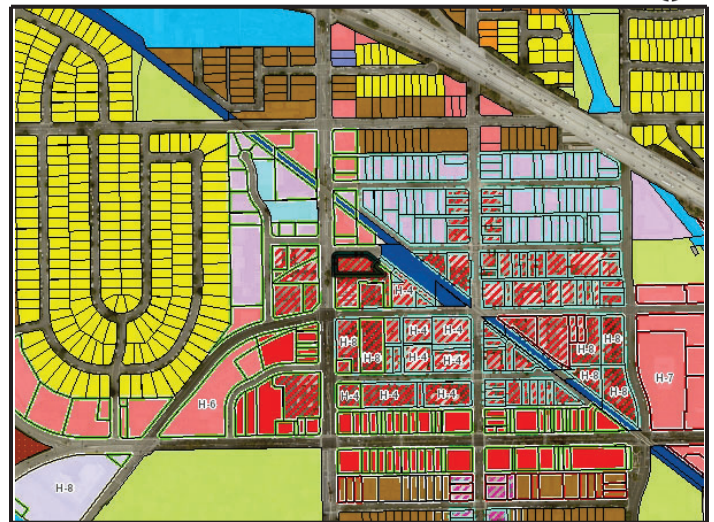
Site Address: **288 N SANTA ANITA AVE**

Property Owner(s): Property Owner



Property Characteristics	
Zoning:	DMU
General Plan:	C 1.0
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	
Year Built:	
Number of Units:	0
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



Entrance to the rear of the units from the parking lot



Interior of the units



Looking south on N. Santa Anita Ave toward 288 N. Santa Anita Ave and the two units facing St. Joseph Street.



The front of Suites 2 & 3 where GenG Golf will be housed.



Looking north on N. Santa Anita Ave. towards 288 N. Santa Anita Ave.

Attachment No. 3

Floor and Site Plans

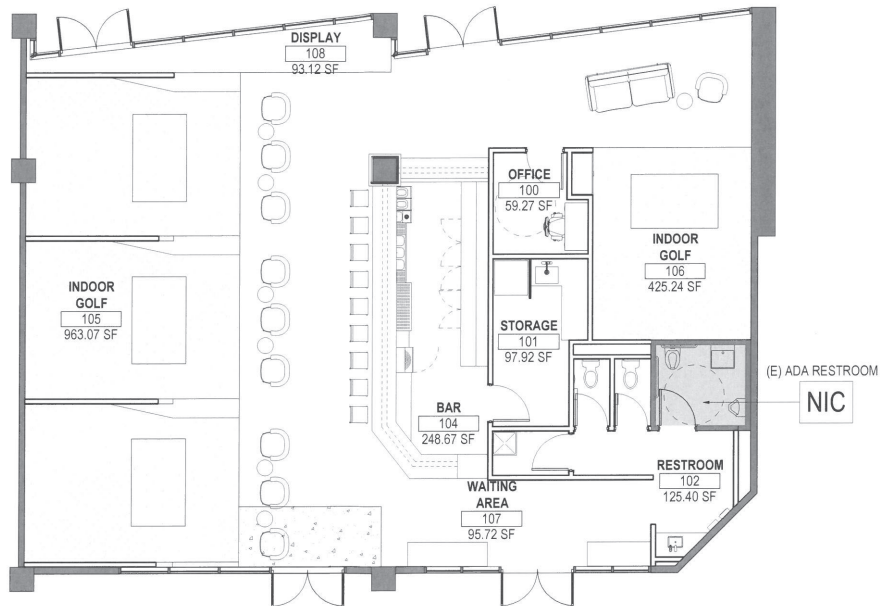
Sketch Number
CUP-A2.100

Project
GENG TENANT IMPROVEMENTS

Description
FURNITURE PLANS

Prepared by
STUDIO ASSEMBLY

Scale
1/8" = 1'-0"



01 FURNITURE PLAN

SCALE: 1/8" = 1'-0"



Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Conditional Use Permit 22-13 to allow a 2,758 square foot indoor golf simulator facility with a bar serving beer and wine within two-ground floor units of an existing commercial building.	
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):	288 N. Santa Anita Avenue, Suites 2 & 3 – The business is located in a multi-tenant commercial building at the southeast corner of N. Santa Anita Avenue and E. St. Joseph Street.	
3. Entity or person undertaking project:	A.	
	B. Other (Private)	
	(1) Name	Bobby Luo
	(2) Address	339 N. Palm Drive #104 Beverly Hills, CA 90210
4. Staff Determination: 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:		
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: December 28, 2022

Staff: Fiona Graham, Planning Services Manager



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, December 13, 2022**

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

ROLL CALL

PRESENT: Chair Thompson, Vice Chair Tsoi, Hui, Tallerico, and Wilander

ABSENT: None

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

Planning & Community Development Administrator Ms. Flores informed the Commission there were two revised documents that were distributed tonight. The first was a revised Resolution to Item No. 1 and the second document reflects minor changes to the Planning Commission Minutes. The proposed changes will be mentioned under its applicable item.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

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

MOTION- PUBLIC HEARING

Chair Thompson introduced the item and Associate Planner Alison MacCarley presented the staff report.

Commissioner Tallerico asked why the business already had a sign in front of the building.

Ms. MacCarley explained that the Applicant did not realize a permit was required and has applied for the City's small business grant to help pay the fees and legalize the non-permitted sign.

Commissioner Wilander asked what the parking requirements were for the last business that was an eyelash extension salon.

Ms. MacCarley explained that it was the same parking requirements as the previous use.

Commissioner Wilander asked if the law states the Commission cannot ask for more parking. Ms. Flores explained the parking requirements is based on the gross floor area of the use, and the number of parking required for this use is the same as it is for retail.

Ms. MacCarley went over the changes to Resolution No. 2108 at the request of Commissioner Wilander. The changes were some minor grammatical corrections and a change to one of the dates.

Chair Thompson asked about the parking based on the aerial photograph of the parcel overlay.

Ms. MacCarley explained there is an agreement with the unit to provide parking for the building.

Chair Thompson opened the public hearing.

Catherine Macias, the Applicant, introduced herself and provided some background about her experience with charity work with other organizations that rescue animals and with her own rescue operation. Ms. Macias explained her purposes for opening a secondhand store and how she plans to rescue animals in need and what type of merchandise she plans to sell.

Chair Thompson asked if anyone else wanted to speak in favor of the proposal.

Belen Estrada spoke in favor of the proposal and talked about her experience working with the Applicant and it was all positive.

No one else spoke in favor or in opposition of the project.

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

DISCUSSION

Commissioner Tallerico was supportive of the project.

Commissioner Wilander was also in favor of the project. She expressed pride to be a resident of Arcadia which is supportive of small businesses.

Vice Chair Tsoi agreed with the other Commissioners. He explained this business should do well because of the uniqueness of the business' location, and it is among other multi-use buildings in the area.

Commissioner Hui said she was in favor of the project.

Chair Thompson agreed with the rest of the Commission and was in support of the project. He added the use is consistent with the General Commercial Zone which of course is subject to a Conditional Use Permit, and there is enough parking.

MOTION

It was moved by Commissioner Tallerico, seconded by Vice Chair Tsoi to adopt Resolution No. 2108, thereby approving Conditional Use Permit No. CUP 22-10 to allow the operation of a secondhand store for a non-profit animal rescue organization, Homeless to Forever Foundation, at 515 N. First Avenue, which satisfies the CEQA requirements and which they are exempt. Additionally, incorporating the conditions of approval and findings.

ROLL CALL

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

There is a 10 day appeal period after the adoption of the Resolution. Appeals are to be filed by 4:30 p.m. on Friday, December 23, 2022.

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

Applicant: Ben Steckler

MOTION- PUBLIC HEARING

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

Commissioner Tallerico asked how long the project will take to complete.

Mr. Arreola responded it is currently in the design phase and they will not know until they obtain a permit.

Commissioner Tallerico asked if there are any comparable constructions to gage how long it will take to complete this project.

Ms. Flores responded that it would probably be best if that is answered by the Applicant.

Commissioner Tallerico asked if there is some historical reason the site has a lot of parking.

Mr. Arreola said there was none that they could find.

Commissioner Wilander commented on the large propane tank on the site and asked what the plans are for it.

Mr. Arreola said he believes the propane tank will be removed.

Commissioner Hui asked if the new 16 fuel dispensers will be in a similar location as the current ones and if a soil study will be required.

Mr. Arreola explained there are two canopies with 8 fuel dispensers each which will be removed, and the new canopy will be built at the center of the property. A soil study will be required when they submit their plans into Building for plan-check.

Commissioner Hui asked if contaminants are found will the project be stopped?

Ms. Flores explained that this was analyzed as part of the environmental review to ensure that the proposed project will not create any potential impacts to the environment. The site did have leakage from the previous underground storage tanks, but the site has since been cleaned up and the case was closed in 1993. She explained that the state law requires any new storage tank cannot leak into the ground and create any soil contamination. Therefore, the project was exempt.

Commissioner Hui adds that it has been 30 years since then and if there might be any possible contaminants remaining.

Ms. Flores assures the state law is very strict and that there are not any contaminants and has been removed from the active list. But it would be stopped if contaminants were found.

Commissioner Hui asked if the same name brand remains.

Mr. Arreola confirmed it will remain as Conserv Fuel.

Vice Chair Tsoi asked if there is any guideline in the code that allows the new canopy to be bigger than the existing canopy which also houses 16 fuel pumps.

Mr. Arreola explained that there is no specific guideline but the reason why it is proposed to be bigger is to provide more space for cars to pull in and out of their space.

Chair Thompson commented that based on his experience a Phase One environmental assessment is usually done and possibly a Phase Two and those studies will determine if there is any on-site contamination exist. This is usually done and required by lenders as a condition of approval. He also mentioned that he would refer the 16 fuel dispensers as 8 double-sided dispensers with sixteen fueling positions.

Chair Thompson asked why there were not proposing the sale of alcohol within the convenience store.

Mr. Arreola did ask the Applicant the same question and they simply did not want to sell any alcohol. If they would like to sell alcohol in the future, they will need to apply for an amendment to this Conditional Use Permit, which is subject to review by the Planning Commission.

There were no further questions by the Commissioners.

Ben Steckler, the Applicant, spoke on behalf of the Fiedler Group who represents Moller Fuels and Conserv Fuels. Mr. Steckler introduced himself and thanked City staff for all their assistance during the application process. The Applicant requested consideration to modify condition No. 2 to extend the business hours of the convenience store to 24 hours. He explained they designed the gas station and convenience store in a manner that shields the neighboring residential properties from noise and light pollution. He adds the extended service hours will support local residents, hospital staff, and visitors.

Commissioner Wilander asked Mr. Steckler what they are requesting in terms of hours.

Mr. Steckler responded with their request to operate the convenience store 24 hours, every day.

Commissioner Tallerico asked how much time the project might take to complete.

Mr. Steckler said the typical construction would take about six months to complete. He added that it also depends on various factors like availability of inspectors and the weather conditions. Mr. Steckler added that the Certified Unified Program Agency regulates the fuel and provided some history on the agency's early procedures regarding fuel regulation. He explained that modern tanks are double-walled and provide leak protection.

Vice Chair Tsoi asked if there are any guidelines for the canopy and its accommodation for vehicles. With its proposed height at 20 feet, he asked if it can be lower.

Ben Steckler explained Building Code requires 13 feet, but beyond that is up to the builder. The height was decided in order to provide clearance for RV vehicles.

Commissioner Hui asked if there was a reason for not applying for alcohol sales at this location.

Mr. Steckler explained that this is a family-owned operation, and they simply did not want to sell alcohol.

Vice Chair Tsoi asked if there is any lighting on the façade of the canopy.

Mr. Steckler said the sign will be backlit and there will be lighting underneath in order to provide a safe and secure fueling area. Regarding a previous question about the size of the canopy Mr. Steckler added that it is for safety and traffic circulation. He noted it is a standard in the industry to provide enough space for vehicles when pulling in and out of the fueling station.

Vice Chair Tsoi asked what type of light fixture will be used for the lighting and Mr. Steckler said they will use LED lights which are safety rated for under gas station canopies. Mr. Tsoi added the current light is very bright and given the height that is proposed for the canopy, he is concerned about the glare the light may produce and affecting the residents in the area.

Mr. Steckler is unsure about the code in the City of Arcadia, but he said in most cities there is a limitation luminescence per square foot, called the "foot candle" which requires a photometric plan that shows how much each square foot on the ground is illuminated by a number in value. He assured that they will conform to the City's code and any requirements imposed by the City.

Chair Thompson asked if his characterization of the fuel dispensers was correct, and Mr. Steckler confirmed that it is because there are eight pits where the fuel dispensers come up which are double-sided to allow fueling on both sides. Additionally, they are multi-fuel, or multi-product dispenser for multiple fuel grades including diesel.

The Commissioners did not have any additional questions for the Applicant.

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

DISCUSSION

Chair Thompson asked staff about the operation hours and if there are other comparable gas stations to reference to.

Mr. Arreola said there are certain convenience stores that provide 24-hour services like 7/11 and AM/PM mini marts. He went on to explain there are also gas stations with convenience stores that only offer full services for a certain schedule and then operate limited services out of a window during late hours. Mr. Arreola added that the hours were recommended by staff to be considerate to the adjacent residents.

Chair Thompson asked Mr. Arreola if he knew the hours of the AM/PM on Foothill Boulevard and Santa Anita Avenue.

Mr. Arreola said AM/PM usually operates 24 hours a day, but when he went out to the site it was not due to staff shortages.

Commissioner Tallerico asked if this convenience store was not following the Development Code if it was open for 24-hours now.

Mr. Arreola said it is not.

Commissioner Tallerico asked if another Conditional Use Permit is required in order to approve 24-hours service for the convenience store.

Mr. Arreola said it would be permitted under this Conditional Use Permit if the Commission wishes to change the hours.

Commissioner Tallerico liked the idea of the 24-hour service at the convenience store. He said it would help the other businesses in the area like the hospital which has people who are there throughout the night. Additionally, he believed there are not that many residents who would be affected, therefore he was open to letting the Applicant operate 24 hours a day especially because they will not offer alcohol.

Commissioner Tallerico added his concerns for the construction timeline. He said it seems like a large project but understands unpredictable obstacles can occur. While it is not impossible for the project to take two years to complete, he knows it is unlikely that it will take that long and is just concerned for residents in case that happens.

Commissioner Wilander concurred with Commissioner Tallerico's comments. She said that as a business she can understand the problems it will alleviate to not sell alcohol. She stated having a convenience store open 24 hours allows residents to go there instead of a grocery store. Commissioner Wilander commented on the aesthetic of the building and the closing of two driveways.

Vice Chair Tsoi was not too concerned about the idea of the convenience store operating for 24 hours. Vice Chair Tsoi was more concerned about the size of the canopy and the lighting. He asked if a condition can be added for the Applicant to provide the minimum level of lighting required because he believed the current lighting of the gas station is very bright.

Chair Thompson brought up one of the conditions which states the light should be hooded and arranged away from the nearby properties.

Mr. Arreola confirmed the lighting will be approved at plan-check level, and it must meet certain requirements of the Development and Building Code to ensure there is no potential light and glare.

Commissioner Hui had no comments and was fine with the recommended hours of 5:30 a.m. to 12 a.m. service in the staff report and other than that she was in favor of the proposal.

Chair Thompson was also in favor of the proposal he believes the project is consistent with the City's General Plan. He believed all the findings for the proposed service station have been made. He believed the staff's recommended design is consistent with the neighboring properties. He was not opposed to the proposed 24-hour operation because this project is subject to a Conditional Use Permit and can be revisited by staff.

Assistant City Attorney Mike Mauer suggested revising Condition of Approval No. 2 to say, "The operating hours may be 24 hours a day, seven days a week" as opposed to the first sentence that is provided in the Staff Report. The second sentence should state, "The hours of operation shall be subject to reevaluation and modification by the Planning Commission if a Conditional Use Permit to serve alcohol is considered." Mr. Mauer added a suggestion to change Condition of Approval No. 1 to say, "8 double-sided fuel dispensers instead of 16 fuel dispensers."

Commissioner Wilander asked if the re-evaluation of the Conditional Use Permit will be subject to the Planning Commission's review.

Assistant City Attorney Mike Mauer said if the Conditional Use Permit needed to be modified it would be subject to the Planning Commission's re-evaluation. Additionally, if the Applicant were to apply for Alcohol use it would also be brought to the Commission.

MOTION

It was motioned by Commissioner Wilander and seconded by Commissioner Tallerico to recommend approving the Conditional Use Permit No. CUP 21-06 and Architectural Design Review No. ADR 21-21 because the proposal satisfies the requisite findings adopting Resolution No. 2109 that incorporates the requisite environmental Conditional Use Permit with the amended conditions of approval.

ROLL CALL

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

Motion was approved.

There is a 10 day appeal period after the adoption of the Resolution. Appeals are to be filed by 4:30 p.m. on Friday, December 23, 2022.

CONSENT CALENDAR

3. Resolution No. 2111 – A resolution of the Planning Commission of the City of Arcadia, California, approving Homeowners' Association Appeal No. HOA 22-05, and overturning the Santa Anita Oaks

Homeowners' Association Architectural Review Board approval of a new two-story, Cape Cod style house with an attached four-car garage at 1225 Oaklawn Road

Recommendation: Adopt

It was motioned by Commissioner Tallerico, seconded by Chair Thompson to approve Resolution No. 2111, a resolution of the Planning Commission of the City of Arcadia, California, approving Homeowners' Association Appeal No. HOA 22-05, and overturning the Santa Anita Oaks Homeowners' Association Architectural Review Board approval of a new two-story, Cape Cod style house with an attached four-car garage at 1225 Oaklawn Road

ROLL CALL

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

Motion was approved.

There is a 10 day appeal period after the adoption of the Resolution. Appeals are to be filed by 4:30 p.m. on Friday, December 23, 2022.

4. Minutes of the November 22, 2022, Regular Meeting of the Planning Commission

Recommendation: Approve

Some edits to the Minutes of the November 22, 2022, Regular Meeting of the Planning Commission were made. There was a minor change on page three, bottom of the page number two, the word "renderings" was changed to "drawings," and the word "not" was added to the top of page seven.

Vice Chair Tsoi motioned to approve the minutes as amended and seconded by Commissioner Hui.

ROLL CALL

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

The Motion was approved.

MATTERS FROM CITY COUNCIL LIAISON

Due to the recent reorganization of the City Council, a City Council Liaison has not been appointed.

MATTERS FROM THE PLANNING COMMISSONERS

The Commissioners had nothing to report.

MATTERS FROM ASSISTANT CITY ATTORNEY

City Attorney Mike Mauer reported that the City Council approved for him to be the City's next City Attorney, effective January 1st, 2023. Therefore, an Assistant City Attorney will be assigned to take his place.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores reported that there will be two items at the January 10, 2023, Planning Commission meeting. There will be no meeting on December 26, 2022.

Ms. Flores announced that this was the City Engineer Phil Wray last meeting as he is retiring, and his last day with the City is on December 29, 2022.

Phil Wray shared a few words and thanked the Commissioners.

Ms. Flores wished everyone Happy Holidays.

ADJOURNMENT

The Planning Commission adjourned the meeting at 8:24 p.m., to Tuesday, January 10, 2023, at 7:00 p.m. in the City Council Chamber.

Brad Thompson
Chair, Planning Commission

ATTEST: _____
Lisa Flores
Secretary, Planning Commission