

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, November 14, 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《美国残疾人法案》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

Vincent Tsoi, Chair
Marilynne Wilander, Vice Chair
David Arvizu, Commissioner
Angela Hui, Commissioner
Domenico Tallerico, Commissioner

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

PUBLIC COMMENTS (5 minute time limit per person)

Each speaker is limited to five (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 at 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.

- Resolution No. 2138** – Approving Conditional Use Permit No. CUP 23-04 and Planning Commission Administrative Modification No. PC AM 23-03 to allow a tutoring center with a maximum of seven students at 909 S. Santa Anita Avenue, Unit J
CEQA: Exempt
Recommendation: Adopt

Applicant: Infinite Academy

There is a ten day appeal period. Appeals are to be filed by 5:30 p.m. on Monday, November 27, 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.

- Minutes of the October 24, 2023, Regular Meeting of the Planning Commission

Recommendation: Approve

MATTERS FROM CITY COUNCIL LIAISON

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, November 28, 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.

欢迎来到阿卡迪亚规划委员会会议！

规划委员会鼓励公众参与并诚邀您分享对市政业务的看法。

会议：规划委员会的例会于每月的第二个及第四个星期二下午七时在市议会会议厅举行。可在市政厅、阿卡迪亚公共图书馆 (Arcadia Public Library) 和市政网站 (www.ArcadiaCA.gov) 上查阅包含所有备份信息的完整的规划委员会议程包。个人议程报告的副本可通过电子邮件的方式 (Planning@ArcadiaCA.gov) 索取。本议程发布后，分发至大多数规划委员会的文件可在规划服务办公室 (地址：City Hall, 240 W. Huntington Drive, Arcadia, California) 查阅。

公民参与：欢迎并邀请您参加规划委员会的所有会议。每次例会都为希望向规划委员会发表意见的听众预留时间。本市政要求向规划委员会发表意见的个人不得发表人身攻击、诽谤、褻渎或破坏性言论。当主持人邀请想要发言之人上台发言时，请说出自己的姓名和地址，以便记录。请向规划委员会提供您所在地址所使用的任何书面材料的副本，以及您希望分发给规划委员会的任何印刷材料的副本。

未列入日程的事项应在“公众征求意见”所指定的时间提出。一般而言，每位发言者都将获得 (5) 分钟的时间来向规划委员会表达自己的意见；但是主持人可以酌情缩短发言时间，以便可以让所有发言者都可以向规划委员会表达自己的想法。**根据州法律，规划委员会不得讨论或就议程外事项进行投票。此事项将自动提交至工作人员采取适当地行动或回应，或将列入今后会议的议程。**

公众听证会或上诉是需要或希望公众发表意见的计划项目。除了申请人或上诉人（规划委员会可酌情延长其发言时间）外，每位发言者的发言时间不得超过 (5) 分钟。市长可以酌情缩短发言时间，确保所有发言者都可以向市议会表达意见。申请人或上诉人也可获得额外的反驳意见机会。

议程事项：该议程包括规划委员会的正常议事日程。市政工作人员一般会在会议前审查和调查议程内事项，以便规划委员会在作出决定前充分了解有关事项。

获准日历：“获准日历”上所列事项被规划委员会视为例行公事，可通过一项动议采取行动。除非规划委员会成员、工作人员或公众要求，否则不会单独讨论这些事项。若出现这一情况，则该事项将从“获准日历”中删除，并对其进行单独审议和行动。

礼节：虽然公众可以自由地批评城市政策以及规划委员会或其成员的行动或拟议的行动，但公众不得采取破坏诉讼有序进行的行为，包括但不限于阻止其他听众在有机会发言时发表意见的行为，或阻止听众听到或看到诉讼进程。公众不得以人身伤害威胁任何人，或以可合理地解释为迫在眉睫的人身伤害威胁的方式行事。所有参加会议的人都应遵守本市的政策，禁止基于个人的种族、宗教信仰、肤色、国籍、血统、身体残疾、医疗状况、婚姻状况、性别、性取向或年龄而进行骚扰。警务处处长或警务处的此类成员可担任规划委员会会议的警卫官。警卫官应执行主持会议的官员为维持会议秩序和礼仪而发出的所有命令和指示。任何违反会议秩序和礼仪的人均可被逮捕，并可根据《刑法典》第403条或适用的《阿卡迪亚市政法典》相关部分的规定对其提起诉讼。



STAFF REPORT

Development Services Department

DATE: November 14, 2023

TO: Honorable Chair and Planning Commission

FROM: Lisa L. Flores, Deputy Development Services Director
By: Gary Yesayan, Associate Planner

SUBJECT: RESOLUTION NO. 2138 – APPROVING CONDITIONAL USE PERMIT NO. CUP 23-04 AND PLANNING COMMISSION ADMINISTRATIVE MODIFICATION NO. PC AM 23-03 TO ALLOW A TUTORING CENTER WITH A MAXIMUM OF SEVEN STUDENTS AT 909 SOUTH SANTA ANITA AVENUE, UNIT J

CEQA: Exempt

Recommendation: Adopt

SUMMARY

The Applicant, Infinity Academy, is requesting approval of Conditional Use Permit No. CUP 23-04 and Planning Commission Administrative Modification No. PC AM 23-03, for a tutoring center within a multi-tenant commercial building located at 909 S. Santa Anita Ave., Unit J. The tutoring center will have two instructors and up to seven students. It is recommended that the Planning Commission adopt Resolution No. 2138 (Attachment No. 1), find this project Categorical Exempt under the California Environmental Quality Act (CEQA), and approve the Conditional Use Permit No. CUP 23-04 and Planning Commission Administrative Modification No. PC AM 23-03, subject to the conditions listed in this staff report.

BACKGROUND

The subject site is a 28,355 square foot corner lot that fronts Campus Drive and Santa Anita Avenue. The site is zoned General Commercial (C-G) and developed with a one-story 11,826 square foot commercial building that has two driveways (See Figure 1). The commercial building has 11 units and three of those units are currently vacant. The properties to the west, south, and east of the subject site are all zoned General Commercial (C-G), and across the street to the north is the Santa Anita Golf Course. Refer to Attachment No. 2 for an aerial image with zoning information of the subject property.

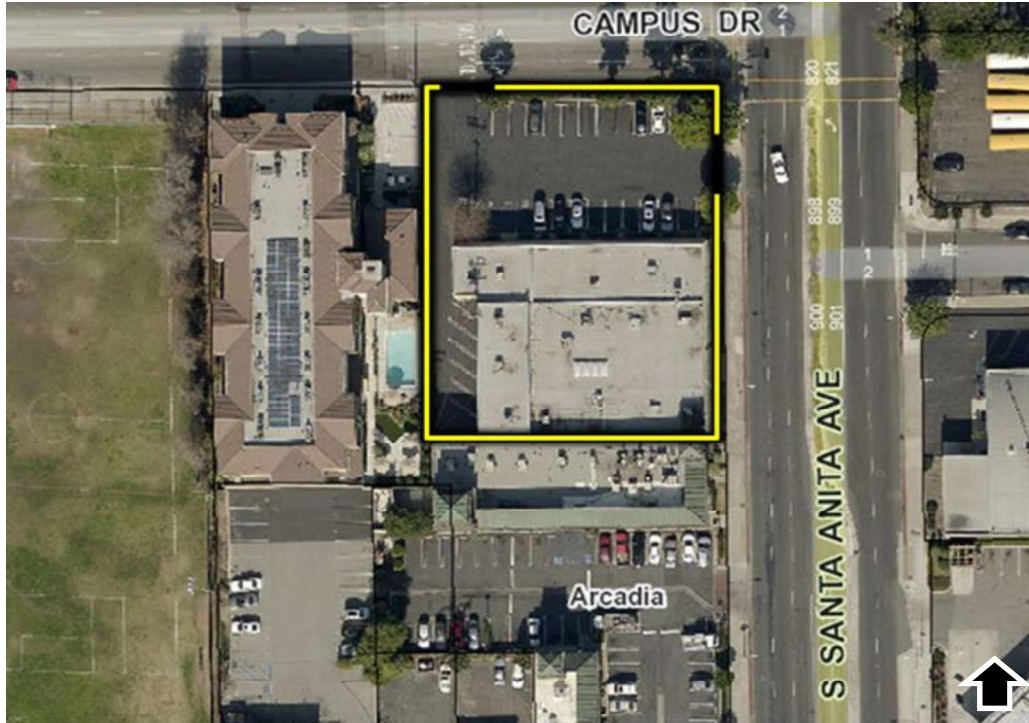


Figure 1 - Aerial of Subject Site

Infinity Academy was previously located in the City at 21 W. Duarte Road, Unit B from January of 2022 through May 2023, but due to the expansion of a tenant into Unit B the lease was not renewed.

PROPOSAL

The Applicant is proposing to occupy one of the smallest units within this multi-tenant office building that is approximately 520 square feet. Infinity Academy is proposing up to seven (7) students. The center will provide homework help with school assignments and will offer new lessons based on students' grade levels. The unit already has two rooms that will be used as classrooms. One classroom will serve the students that are not in high school, and the other classroom will be only for high school students (refer to Figure 2 for the floor plan on the next page). One of the classrooms will be in an open area adjacent to the front reception area, and the second classroom will be within a room. A condition of approval has been placed on this project that requires either a window on the door or on the demising wall of the classroom that is enclosed, and the window shall always be clear, and unobstructed (refer to Condition No. 3).

The unit does not have its own restroom inside the unit; however, there are private restrooms adjacent to this unit, in which all the students and instructors will have access to and for safety reasons every student will be escorted by one of the instructors - Refer to site plan - Attachment No. 3.

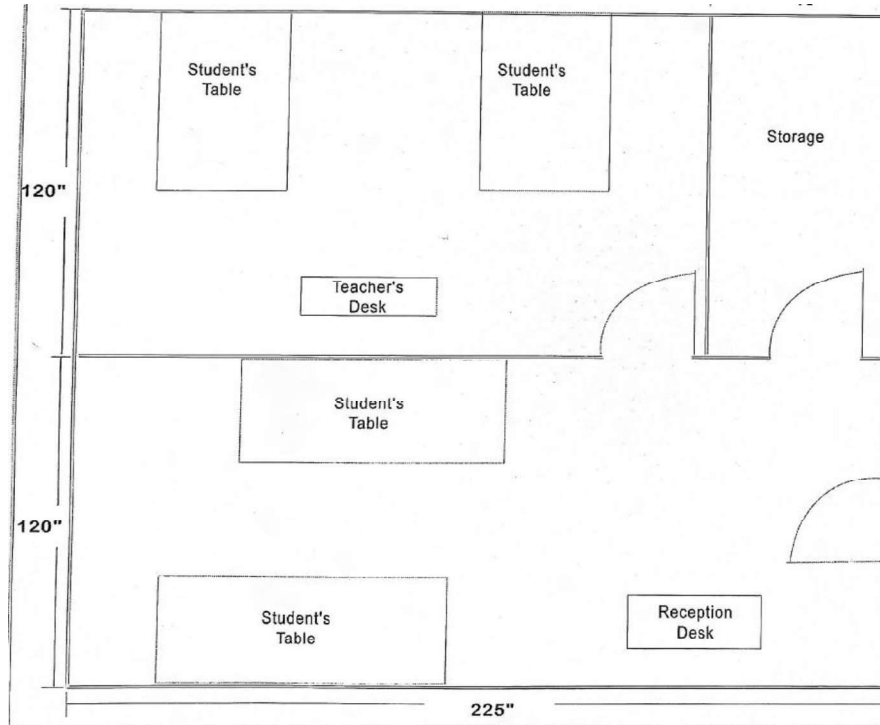


Figure 2 - Floor Plan

Infinity Academy will operate Monday through Friday from 3:00 p.m. to 6:00 p.m. during the regular academic school year. During the summer months, they will operate from 9:00 a.m. to 6:00 p.m. They will also provide transportation service (pick-up and drop-off) for all their students, but due to the close proximity to Arcadia High most or all of the high school students will walk to this site. Infinity Academy will serve students from the following Elementary schools: Holly Avenue, Baldwin Stocker, and Longley Way.

The proposal is subject to a parking modification to maintain the existing 30 parking spaces in lieu of the required 45 spaces for all the uses. However, the parking demand shows that at no given time 17 spaces are being utilized and the additional two parking spaces this use requires will not create a parking impact on this site.

ANALYSIS

The Arcadia Development Code allows tutoring and education centers in the General Commercial (C-G) zone, subject to review and approval of a Conditional Use Permit. The proposed tutoring center will have seven (7) students and two (2) instructors at any given time, and it will occupy the smallest units within the building.

Parking

Per the Development Code parking regulations, the various businesses within this building require a total of 45 parking spaces (refer to the parking table below), which includes the proposed use. This was based on several parking modifications that were approved over the years since this site has been underutilized for the last several years.

A parking survey was conducted by the Applicant to determine if the proposed parking supply of 30 parking spaces will meet the demand at any given time. A survey was conducted from September 20-22, and September 25-26, 2023, during the week from 3:00 p.m. to 6:00 p.m. The parking survey showed there was at least 13 available parking spaces every hour, and there was plenty of ample parking. Staff visited the site multiple times and at no point did the parking demand reach the current capacity of 30 parking spaces and this use that requires two more parking spaces than the previous office use within this unit will not create a potential parking problem.

Furthermore, the Applicant will be providing transportation service (pick-up and drop-off) to all their students, and this will help further alleviate any impacts on the site. The proposed tutoring center is a relatively small-scale operation. Therefore, based on the existing parking conditions the existing parking supply of 30 spaces will be able to accommodate the proposed use.

Table 1 – Uses and Parking Requirements

Unit	Business / Use Type	Unit Area	Parking Requirements
A	Physical Therapy / Medical	1,600 SF	Reduced from 8 to 6 spaces in 2022
B	Acupuncture / Medical	1,500 SF	Reduced from 8 to 6 spaces in 2022
D	Dental Clinic / Medical	1,560 SF	Reduced from 8 to 6 spaces in 2021
F1	Consulting / General Office	570 SF	2
F2	Vacant / (General Office)	610 SF	2
G	Vacant / (General Office)	665 SF	3
H	Optometry / Medical	740 SF	Reduced from 4 to 3 spaces in 2022
I	Consulting / General Office	630 SF	3
J	(Proposed New Tutoring)	520 SF	4
K	Vacant / (General Office)	775 SF	3
L	Tutoring / Educational	580 SF	7
Total required parking as adjusted per approved parking modifications = 45			

Parking Requirement: Medical = 1 space per 200 SF. General Office = 1 per 250 SF (also used for all vacant units). Tutoring = 1 space per employee + 1 space for every 5 students under high school age + 1 space for every 3 students high school age or older.

All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with by the Applicant/Property Owner to the satisfaction of the Building Official, City Engineer, Deputy Development

Services Director, Fire Marshal, and Public Works Services Director, or their respective designees.

FINDINGS

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

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

Facts to Support This Finding: The proposed tutoring center is consistent with the Commercial Land Use designation, and it is consistent with the objectives of the General Plan. The Commercial land use designation is intended to permit a wide range of commercial uses which serve both neighborhood and citywide markets. The designation allows a broad array of commercial uses, including neighborhood-serving uses such as educational centers. The proposed tutoring center will occupy one of the vacant units on the property and will operate during regular business hours consistent with the other existing office uses and another tutoring center within the building. The site provides an adequate number of parking spaces to handle the demand for the proposed and existing uses. The proposed tutoring center complies with all other applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code and is complementary to the surrounding commercial uses. The proposed use is consistent with the following General Plan and policy:

Land Use and Community Design Element

- Policy LU-6.7: Encourage a balanced distribution of commercial development throughout the City, ensuring that neighborhoods and districts have adequate access to local-serving commercial uses.
- 2. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity.**

Facts to Support This Finding: The proposed tutoring center will occupy one of the units that is approximately 520 square feet, located within the existing multi-tenant commercial building. The educational center's hours of operation will be limited to Monday through Friday from 3:00 PM to 6:00 PM during the regular school year, and 9:00 AM to 6:00 PM during the summer months. The building also includes an existing tutoring center that was approved and has been in operation since 2012, without any known issues. There is sufficient parking on-site based on the demand for this use. Therefore, the proposed tutoring use will be compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

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

Facts to Support This Finding: The site is physically suitable to accommodate the proposed tutoring center since the tutoring use will occupy one of the smallest units within the existing multi-tenant commercial office building with a maximum of two instructors and seven students. The operating hours are limited to weekdays and closed on weekends. The site has adequate parking to serve all existing uses and will also allow the tutoring center to meet its minimum required four (4) parking spaces. The tutoring center will also provide pick-up and drop-off services to all their students. 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 site is located on a corner lot with access from two separate streets (Campus Drive and South Santa Anita Avenue). Both streets have the capacity to accommodate public and emergency vehicles, as well as provide adequate access for all existing, and proposed tutoring use.

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

Facts to Support This Finding: The proposed tutoring center will be located within an existing multi-tenant commercial office building. Conditions of approval have been included to ensure the educational center will be operated in a safe manner, and not impact public protection service. The request has been reviewed by the Fire Department and Police Department, and neither department raised concerns. 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 office building, which is adequately serviced by existing utilities. The request does not include new construction that will impact the provision of utilities, nor will it be operated in a manner that will impact the provisions of utilities. Therefore, no impacts to the provision of utilities are anticipated.

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

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

Facts to Support This Finding: Given the scope of the proposed tutoring use negative impacts are not identified that may affect the existing uses in the commercial office building, or the surrounding businesses and properties. The tutoring center will have hours of operation that are consistent with other commercial uses in the vicinity and are not expected to cause any excessive noise or nuisance. Additionally, a condition of approval is included requiring classroom doors to provide a clear, and unobstructed view into each classroom from outside of the rooms at all times. The proposed tutoring center will not be detrimental to the public health or welfare, or to the surrounding properties. The size and nature of the operation will not negatively affect the existing uses in the surrounding properties.

FINDINGS: Administrative Modification

Section 9107.05.050(B) of the Development Code requires that for an Administrative Modification to be granted, at least one of the following findings must be made.

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

The proposed parking modification will secure an appropriate improvement to the site since the parking demand only requires 21 parking spaces at any given time for all the uses, including the proposed use, and the site has 30 available parking spaces, even though the Development Code requires 45 parking spaces. Several parking modifications have been approved at this site, and the City is not aware of any issues regarding parking at this site. Additionally, the Applicant will be providing transportation services to all their students (pick-up and drop-off) which is anticipated to reduce the need for parking spaces, and they are occupying the smallest unit within this building. Therefore, a reduction in the on-site parking supply from 45 parking spaces to 30 spaces is not anticipated to cause any adverse potential impacts, instead it would be an appropriate modification for this use.

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 (See Attachment No. 5).

PUBLIC COMMENTS/NOTICE

A public hearing notice for this item was posted at the City Clerk's Office, City Council Chambers, at the Arcadia Library, and on the City's website on November 2, 2023. It was also mailed to the property owners located within 300 feet of the subject property. At the time of the completion of this report, no comments were received regarding this project.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2138 approving Conditional Use Permit No. CUP 23-04 and Planning Commission Administrative Modification No. PC AM 23-03 for a proposed tutoring center with up to seven (7) 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 23-04 is limited to a tutoring center for up to seven (7) students from elementary to high school grades only and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 23-04.
2. Noncompliance with the plans, provisions, and conditions of approval for CUP 23-04 and Planning Commission Administrative Modification No. PC AM 23-03 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of this use.
3. A clear and unobstructed window shall be required either on the classroom door or wall in order to view into each classroom from outside of the rooms at all times. This shall be approved by the Planning Division prior to issuance of a Certificate of Occupancy from the Building Division.
4. The business hours may be adjusted at the discretion of the Deputy Development Services Director, or designee.
5. The Applicant shall be required to install a fire alarm system and the main exit door shall be equipped with panic or lever type hardware. A latched or key operated locks are not permitted. The unit must have a fire extinguisher with a minimum rating of 2A:10BC. The shall be verified and approved by the City's Fire Marshall prior to issuance of a Certificate of Occupancy from the Building Division.
6. Prior to the issuance of a Certificate of Occupancy from the Building Division, one (1) Automated External Defibrillator (AED) shall be installed. The location of the AED shall be identified on the plans submitted for plan check in Building Services and is subject to review and approval by the Deputy Development Services Director, or designee.
7. The Project shall comply with the latest adopted edition of the following codes as applicable:

- a. California Building Code
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
 - i. Arcadia Municipal Code
8. 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, Deputy Development Services Director, 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.
9. Noncompliance with the plans, provisions, and conditions of approval for CUP 23-04 and Administrative Modification No. PC AM 23-03 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the educational center.
10. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with CUP 23-04 and PC AM 23-03 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will notify the Applicant of the claim, action, or proceedings and will cooperate in the defense of the matter. The Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the

Indemnitees in relation to such action. Within 15 days' notice from the City of any such action, the Applicant shall provide to the 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. The 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. The City shall only refund to the 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, at the request of the Applicant or not.

Approval of CUP 23-04, and PC AM 23-03 shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

PLANNING COMMISSION ACTION

Approval

If the Planning Commission intends to approve this proposal, the Commission should approve a motion to approve Conditional Use Permit No. CUP 23-04, and Planning Commission Administrative Modification No. 23-03 stating that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2138 that incorporates the requisite environmental, Conditional Use Permit, and Administrative Modification findings and the conditions of approval as presented in this staff report, or as modified by the Commission.

Denial

If the Planning Commission intends to deny this proposal, the Commission should approve a motion to deny Conditional Use Permit No. CUP 23-04, and Planning Commission Administrative Modification No. 23-03 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 November 14, 2023, hearing, please contact Associate Planner, Gary Yesayan, at (626) 574-5422, or by email at gyesayan@ArcadiaCA.gov.

Approved:



Lisa L. Flores
Deputy Development Services Director

- Attachment No. 1: Resolution No. 2138
- Attachment No. 2: Aerial Image, Photos and Zoning Information of the Subject Property
- Attachment No. 3: Site Plan & Floor Plan
- Attachment No. 4: Parking Study Dated September 27, 2023.
- Attachment No. 5: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2138

RESOLUTION NO. 2138

RESOLUTION NO. 2138 – APPROVAL OF CONDITIONAL USE PERMIT NO. 23-04 AND PLANNING COMMISSION ADMINISTRATIVE MODIFICATION NO. PC AM 23-03 TO ALLOW A TUTORING CENTER WITH UP TO SEVEN STUDENTS AT 909 S. SANTA ANITA AVENUE, UNIT-J

WHEREAS, on June 9, 2023, and July 24, 2024, applications for Conditional Use Permit No. CUP 23-04 and Planning Commission Administrative Modification No. PC AM 23-03 were filed by Infinity Academy, for a proposed tutoring center with up to seven (7) students and two (2) instructors, located at 909 S. Santa Anita Avenue, Unit J; and

WHEREAS, on October 18, 2023, Planning Services completed an environmental assessment for the proposed tutoring center in accordance with the California Environmental Quality Act (“CEQA”) and recommends that the Planning Commission determine that the proposed tutoring center qualifies as a Class 1 Categorical Exemption under CEQA pursuant to Section 15301 of the CEQA Guidelines as the use of an existing facility; and

WHEREAS, on November 14, 2023, a duly noticed public hearing was held before the Planning Commission on said applications, 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 November 14, 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 for the Conditional Use Permit can be made.

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

FACT: The proposed tutoring center is consistent with the Commercial Land Use designation, and it is consistent with the objectives of the General Plan. The Commercial land use designation is intended to permit a wide range of commercial uses which serve both neighborhood and citywide markets. The designation allows a broad array of commercial uses, including neighborhood-serving uses such as educational centers. The proposed tutoring center will occupy one of the vacant units on the property and will operate during regular business hours consistent with the other existing office uses and another tutoring center within the building. The site provides an adequate number of parking spaces to handle the demand for the proposed and existing uses. The proposed tutoring center complies with all other applicable provisions of the Arcadia Development Code and the Arcadia Municipal Code and is complementary to the surrounding commercial uses. The proposed use is consistent with the following General Plan and policy:

Land Use and Community Design Element

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

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

FACT: The proposed tutoring center will occupy one of the units that is approximately 520 square feet, located within the existing multi-tenant commercial building. The educational center's hours of operation will be limited to Monday through Friday from 3:00 PM to 6:00 PM during the regular school year, and 9:00 AM to 6:00 PM during the summer months. The building also includes an existing tutoring center that was approved and has been in operation since 2012, without any known issues. There is sufficient parking on-site based on the demand for this use. Therefore, the proposed tutoring use will be compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

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

FACT: The site is physically suitable to accommodate the proposed tutoring center since the tutoring use will occupy one of the smallest units within the existing multi-tenant commercial office building with a maximum of two instructors and seven students. The operating hours are limited to weekdays and closed on weekends. The site has adequate parking to serve all existing uses and will also allow the tutoring center to meet its minimum required four (4) parking spaces. The tutoring center will also provide pick-up and drop-off

services to all their students. 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 site is located on a corner lot with access from two separate streets (Campus Drive and South Santa Anita Avenue). Both streets have the capacity to accommodate public and emergency vehicles, as well as provide adequate access for all existing, and proposed tutoring use.

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

FACT: The proposed tutoring center will be located within an existing multi-tenant commercial office building. Conditions of approval have been included to ensure the educational center will be operated in a safe manner, and not impact public protection service. The request has been reviewed by the Fire Department and Police Department, and neither department raised concerns. 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 office building, which is adequately serviced by existing utilities. The request does not include new construction that will impact the provision of utilities, nor will it be operated in a manner that will impact the provisions of utilities. Therefore, no impacts to the provision of utilities are anticipated.

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

FACT: Given the scope of the proposed tutoring center negative impacts are not identified that may affect the existing uses in the commercial office building, or the surrounding businesses and properties. The tutoring center will have hours of operation that are consistent with other commercial uses in the vicinity and are not expected to cause any excessive noise or nuisance. Additionally, a condition of approval is included requiring classroom doors to provide a clear, and unobstructed view into each classroom from outside of the rooms at all times. The proposed tutoring center will not be detrimental to the public health or welfare, or to the surrounding properties. The size and nature of the operation will not negatively affect the existing uses in the surrounding properties.

SECTION 3. This Commission finds that based upon the entire record, pursuant to Section 9107.05.050(B) of the Arcadia Development Code, at least one of the following findings for the Administrative Modification can be made.

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

FACT: The proposed parking modification will secure an appropriate improvement to the site since the parking demand only requires 21 parking spaces at any given time for

all the uses, including the proposed use, and the site has 30 available parking spaces, even though the Development Code requires 45 parking spaces. Several parking modifications have been approved at this site, and the City is not aware of any issues regarding parking at this site. Additionally, the Applicant will be providing transportation services to all their students (pick-up and drop-off) which is anticipated to reduce the need for parking spaces, and they are occupying the smallest unit within this building. Therefore, a reduction to the on-site parking supply from 45 parking spaces to 30 spaces is not anticipated to cause any adverse potential impacts, instead it would be an appropriate modification for this use.

5. 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 4. For the foregoing reasons the Planning Commission determines that the proposed tutoring center is Categorically Exempt per Class 1, Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines and approves Conditional Use Permit No. CUP 23-04, and Planning Commission Administrative Modification No. PC AM 23-03 for a new tutoring center within an existing commercial unit located at 909 S. Santa Anita Avenue, Unit J, subject to the conditions of approval attached hereto.

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


Passed, approved and adopted this 14th day of November, 2023.

Vincent Tsoi
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

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RESOLUTION NO. 2138

Conditions of Approval

1. The use approved by CUP 23-04 is limited to a tutoring center for up to seven (7) students from elementary to high school grades only and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 23-04.
2. Noncompliance with the plans, provisions, and conditions of approval for CUP 23-04 and Planning Commission Administrative Modification No. PC AM 23-03 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of this use.
3. A clear and unobstructed window shall be required either on the classroom door or wall in order to view into each classroom from outside of the rooms at all times. This shall be approved by the Planning Division prior to issuance of a Certificate of Occupancy from the Building Division.
4. The business hours may be adjusted at the discretion of the Deputy Development Services Director, or designee.
5. The Applicant shall be required to install a fire alarm system and the main exit door shall be equipped with panic or lever type hardware. A latched or key operated locks are not permitted. The unit must have a fire extinguisher with a minimum rating of 2A:10BC. The shall be verified and approved by the City's Fire Marshall prior to issuance of a Certificate of Occupancy from the Building Division.
6. Prior to the issuance of a Certificate of Occupancy from the Building Division, one (1) Automated External Defibrillator (AED) shall be installed. The location of the AED shall be identified on the plans submitted for plan check in Building Services and is subject to review and approval by the Deputy Development Services Director, or designee.
7. The Project shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code

- g. California Green Building Standards Code
 - h. California Existing Building Code
 - i. Arcadia Municipal Code
8. 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, Deputy Development Services Director, 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.
 9. Noncompliance with the plans, provisions, and conditions of approval for CUP 23-04 and Administrative Modification No. PC AM 23-03 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the educational center.
 10. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City (“Indemnitees”) harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant’s activities in connection with CUP 23-04 and PC AM 23-03 (“Project”) on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant’s contractors, agents, tenants, employees or any other persons acting on Applicant’s behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will notify the Applicant of the claim, action, or proceedings and will cooperate in the defense of the matter. The Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days’ notice from the City of any such action, the Applicant shall provide to the 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. The 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. The City shall only refund to the 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, at the request of the Applicant or not.

11. Approval of CUP 23-04, and PC AM 23-03 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 Image, Photos & Zoning Information

Site Address: 909 S SANTA ANITA AVE

Property Owner(s): Property Owner



Property Characteristics	
Zoning:	C-G
General Plan:	C
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	11,826
Year Built:	1955
Number of Units:	0
Overlays	
Architectural Design Overlay:	N/A
Downtown Overlay:	N/A
Downtown Parking Overlay:	N/A
Parking Overlay:	N/A
Racetrack Event Overlay:	N/A
Residential Flex Overlay:	N/A
Special Height Overlay:	N/A

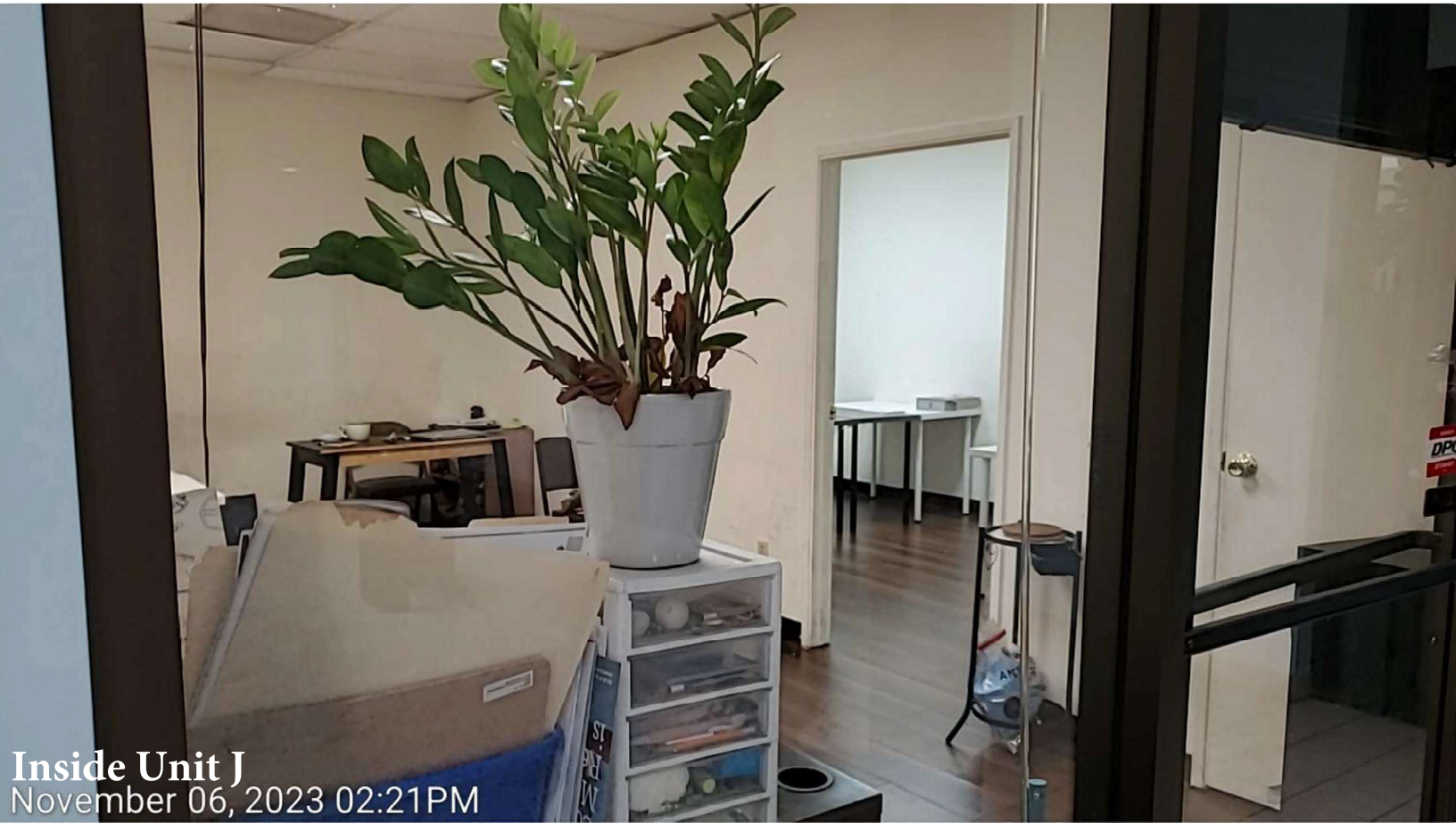
Selected parcel highlighted



Parcel location within City of Arcadia



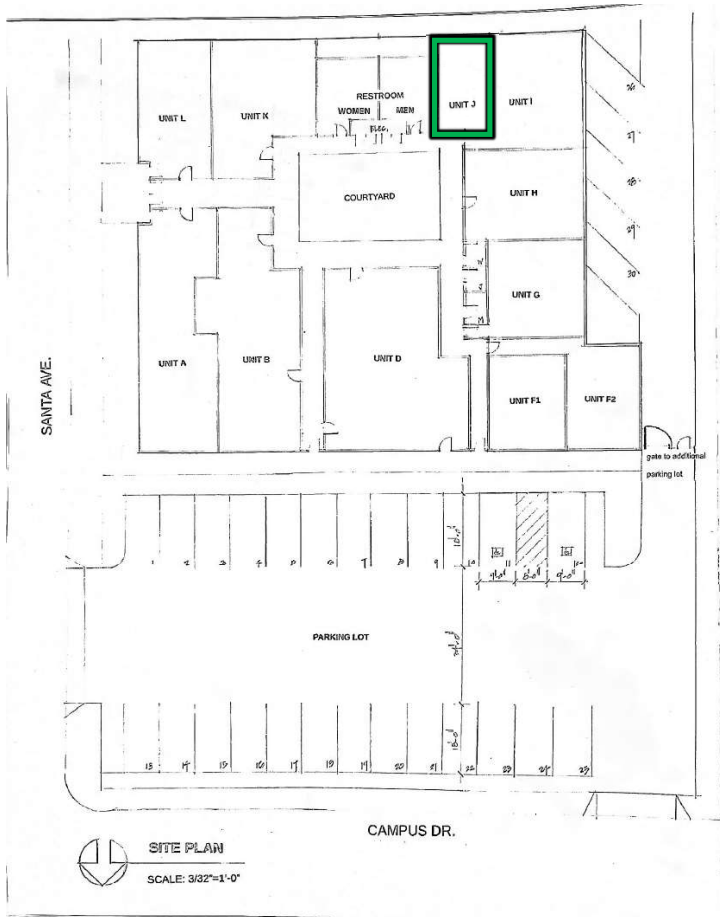
Unit J - View from Lobby
November 06, 2023 02:25PM



Inside Unit J
November 06, 2023 02:21PM

Attachment No. 3

Site Plan and Floor Plan



GENERAL INFORMATION:
 OWNER'S NAME:
 CKD INVESTMENT LLC
 ADDRESS:
 713 CARRIAGE HOUSE DR.
 ARCADIA CA 91006
 PROPERTY ADDRESS:
 909 S. SANTA ANITA AVE.
 ARCADIA CA 91006
 ZONING: ARC2
 A/RAL: 5779-014-013
 BLDG. AREA: 11,826 S.F.
 TOTAL LOT SIZE: 28,355 S.F.
 TOTAL PARKING STALLS: 30

BUILDING FLOOR AREA TABULATION:

UNIT #	SQ. FT.
A	1500
B	1500
D	1560
F1	579
F2	618
G	665
H	740
I	629
J	823
K	775
L	610
TOTAL:	9780

ANALYST/CDP
 PROJECT NO.
 201801733
 909 S. SANTA ANITA AVE.
 ARCADIA, CA 91006
 E-MAIL: JAMES@JYKGROUP.COM

CKD INVESTMENT LLC
 909 S. SANTA ANITA AVE. ARCADIA, CA 91006



909 S. Santa Anita Ave.
 Unit J Arcadia CA 91006
 Unit J Area Tabulate
 The total area is 520 SQ.FT

Attachment No. 4

Parking Study Conducted from
09/20/23 to 09/26/23
(Excluding Weekends)

909 Santa Anita Number of available parking spaces:

	Wednesday 09/20	Thursday 09/21	Friday 09/22	Monday 09/25	Tuesday 09/26
3pm	17	19	15	15	16
4pm	13	16	15	13	13
5pm	17	14	16	13	14
6pm	15	20	21	14	24

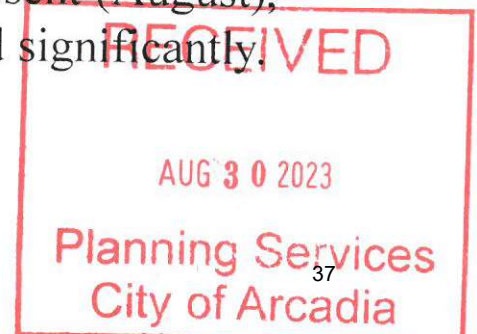
RECEIVED
SEP 27 2023
Planning Services
City of Arcadia

Parking Spaces Analysis at 909 South Santa Anita Avenue, Unit J

Number of Vacant Spaces from March 27
to 31 (Monday to Friday) 3pm - 6pm

	3/27, Mon	3/28, Tues	3/29, Wed	3/30, Thur	3/31, Fri
3-4pm	16	14	17	16	16
4-5pm	13	18	17	21	22
5-6pm	17	13	20	19	22

The photos we provided are from March 27th (Monday) to March 31st (Friday), 3pm to 6pm. We made a table based on these photos, listing numbers of vacant parking spaces in the parking lot during the stated period of time each day. To summarize it, there are at least 13 vacant parking spaces for all time periods (For example: Monday 4-5pm, Mar27), and at most 22 vacant parking spaces during the time period (For example, Friday 4-5pm, Mar 31). It turned out that this parking lot only parked 17 cars at most from 3:00 pm to 6:00 pm during which time we use the parking lot. During the busiest time, there are still 13 vacant spaces. Therefore the request to reduce the number of parking spaces by 16 from the original minimum number of parking spaces of 46 is justified. According to our observation, from March to present (August), the situation of the parking lot has not changed significantly.



Attachment No. 5

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Conditional Use Permit No. CUP 23-04 and Planning Commission Administrative Modification No. PC AM 23-03 to allow a tutoring center within an existing commercial center.								
2. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	The project site is located at 909 S. Santa Anita Ave., at the intersection of S. Santa Anita Avenue and Campus Drive. The proposed tutoring center will occupy Unit J within an existing multi-tenant commercial building.								
3. Entity or person undertaking project:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="padding: 2px;">A.</td> </tr> <tr> <td colspan="2" style="padding: 2px;">B. Other (Private)</td> </tr> <tr> <td style="width: 10%; padding: 2px;">(1) Name</td> <td style="padding: 2px;">Infinity Academy</td> </tr> <tr> <td style="padding: 2px;">(2) Address</td> <td style="padding: 2px;">P.O. Box 1921, Temple City, CA 91780</td> </tr> </table>	A.		B. Other (Private)		(1) Name	Infinity Academy	(2) Address	P.O. Box 1921, Temple City, CA 91780
A.									
B. Other (Private)									
(1) Name	Infinity Academy								
(2) Address	P.O. Box 1921, 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"/>	The project is categorically exempt.								
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; padding: 2px;">Applicable Exemption Class:</td> <td style="padding: 2px;">15301 – Class 1 (Use of an existing facility)</td> </tr> </table>	Applicable Exemption Class:	15301 – Class 1 (Use of an existing facility)						
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: October 18, 2023

Staff: Gary Yesayan, Associate Planner



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, OCTOBER 24, 2023**

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

ROLL CALL

PRESENT: Vice Chair Wilander, Arvizu, and Tallerico

ABSENT: Chair Tsoi and Hui

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

There were none to report.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

1. **Resolution No. 2137**– Approving Tentative Tract Map No. TTM 23-02 (82513) to subdivide the airspace for an approved mixed-use development with four residential condominium units and one commercial condominium, unit at 405 S. 1st Avenue

CEQA: Exempt

Recommendation: Adopt

Applicant: First Arch LLC

MOTION - PUBLIC HEARING

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

The Commissioners had no questions for staff.

The public hearing was opened.

No one spoke in favor of the proposal.

Vice Chair Wilander asked if there were any speakers in opposition of the proposal.

No one spoke in opposition to the proposal.

It was moved by Commissioner Tallerico, seconded by Commissioner Arvizu, to close the public hearing.

Without objection, the motion was approved.

DISCUSSION

Commissioner Tallerico said the proposal is straightforward, meets all the findings and had no concerns.

Commissioner Arvizu had no concerns about the proposal.

Vice Chair Wilander concurred with the Commission and was in favor of approving the proposal.

MOTION

It was moved by Commissioner Tallerico, seconded by Commissioner Arvizu to adopt Resolution No. 2137 to approve Tentative Tract Map No. TTM 23-02 (82513) to subdivide the airspace for an approved mixed-use development with four residential condominium units and one commercial condominium units at 405 S. First Avenue in which the findings were made and is CEQA exempt.

ROLL CALL

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

The motion was approved.

There is a 10-day appeal period. Appeals are to be filed by 5:30 p.m. on Monday, November 6, 2023.

PUBLIC HEARING

- Resolution No. 2136** – To allow a second drive-through lane and a parking modification at a McDonald's restaurant located at 143 East Foothill Boulevard

CEQA: Exempt

Recommendation: Adopt

Applicant: McDonald's Corporation

MOTION - PUBLIC HEARING

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

Commissioner Tallerico asked if the Applicant considered changing their hours of operation to 24 hours a day.

Mr. Arreola said the hours of operation were not part of the proposal.

Commissioner Arvizu asked for clarification about the number of parking spaces.

Mr. Arreola clarified the number of parking spaces that trigger the requirement for a modification and explained why this proposal required the Planning Commission Administrative Modification.

The Commissioners had no further questions for staff.

The public hearing was opened.

Carlos Madrigal introduced himself and spoke on behalf of the Applicant.

Commissioner Tallerico expressed his interest in a 24-hour restaurant.

Commissioner Arvizu asked Mr. Madrigal for the reason for the proposal.

Mr. Madrigal explained the drive-through usage at the restaurant increased and it was determined a second drive-through was necessary to alleviate the queuing of cars spilling out into the street.

Commissioner Arvizu asked where the restaurant employees currently park, and Mr. Madrigal explained that the employees park in the stalls north of the drive-through. Since those will be removed, employees will need to park elsewhere. However, only 3-4 employees drive to work and the remaining employees use alternative modes of transportation, therefore parking will not be affected.

Commissioner Arvizu asked if the dual-lane drive-through will increase business at the restaurant and therefore increase the need for more staff, consequently increasing the need for more parking spaces.

Mr. Madrigal explained the focus will be directed to the drive-through service and that does not require additional employees therefore the impact will be minimal.

The Commissioners had no further questions for the Applicant.

No one else spoke in favor of the proposal.

Vice Chair Wilander asked if there were any speakers in opposition of the proposal.

No one spoke in opposition to the proposal.

It was moved by Commissioner Tallerico, seconded by Commissioner Arvizu, to close the public hearing.

Without objection, the motion was approved.

DISCUSSION

Commissioner Arvizu's biggest concern was the loss of the nine parking spaces and the impact it would have on the surrounding area but ultimately was convinced there will not be a negative impact on parking.

Commissioner Tallerico shared the same concern over the reduction of parking spaces but has never seen parking issues at this center and was ultimately in favor of the proposal.

MOTION

It was moved by Commissioner Arvizu, seconded by Commissioner Tallerico to adopt Resolution No. 2136 to allow a second drive-through lane and a parking modification at the McDonald’s restaurant located at 143 E. Foothill Boulevard in which the findings were made and is exempt from CEQA.

ROLL CALL

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

The motion was approved.

There is a 10-day appeal period. Appeals are to be filed by 5:30 p.m. on Monday, November 6, 2023.

CONSENT CALENDAR

- 1. Minutes of the September 12, 2023, Regular Meeting of the Planning Commission

Recommended: Approve

Commissioner Tallerico recommended that the minutes be amended under Item no. 1. Under the Discussion section, line-item no. 2 remove the part that Commissioner Tallerico was in favor of the proposal since it was mentioned in the statement before this.

Commissioner Arvizu made a motion to approve the minutes as amended and seconded by Commissioner Tallerico.

ROLL CALL

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

The motion was approved.

MATTERS FROM CITY COUNCIL LIAISON

Vice Chair Wilander welcomed City Council Member Sharon Kwan. Council Member Kwan provided the Commission with an update on the Zero-Bail policy bill.

MATTERS FROM THE PLANNING COMMISSONERS

Vice Chair Wilander reported that the ice cream social for the League of Women Voters was a success and was proud to have had a great turn out from Arcadia representatives.

Commissioner Arvizu commented on the newly passed Zero-Bail Policy in Los Angeles County and commended Mayor Verlatto for her response.

MATTERS FROM ASSISTANT CITY ATTORNEY

Assistant City Attorney Yeo had nothing to report.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores reported that there will be one item for a tutoring center at the November 14 Planning Commission meeting.

Ms. Flores reported the Derby Mixed-Use project will be scheduled for the November 28 meeting and announced the Final and Draft Environmental Impact Reports will be distributed a month in advance of the hearing to allow the Commissioners enough time to review it.

Ms. Flores reported the Text Amendment for artificial turf was tabled by the City Council to conduct more public outreach and seek additional comments. The item will be heard again in early 2024.

ADJOURNMENT

The Planning Commission adjourned the meeting at 7:46 p.m., to Tuesday, November 14, 2023, at 7:00 p.m. in the City Council Chamber.

Chair Tsoi, Planning Commission

ATTEST: _____
Lisa L. Flores
Secretary, Planning Commission