

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, April 25, 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

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 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 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.

- Resolution No. 2126** – Approving Multiple Family Architectural Design Review No. MFADR 22-08, Tentative Tract Map No. TTM 23-01 (84023), and a Diseased Tree Removal No. TRD 23-08 for an eight-unit, Contemporary style, multi-family residential condominium development and the removal of a diseased protected Camphor tree at 826-830 Sunset Boulevard

CEQA: Exempt

Recommendation: Adopt

Applicant: Eric Tsang

There is a ten day appeal period. Appeals are to be filed by 5:30 p.m. on Monday, May 8, 2023.

- Resolution No. 2123** – Approving Conditional Use Permit No. CUP 23-01 for the sale of beer, wine, and liquor within the existing specialty market store (DBA: Hey Den Market) located at 1304 S. Baldwin Avenue

CEQA: Exempt

Recommendation: Adopt

Applicant: Calvin Chan

There is a ten day appeal period. Appeals are to be filed by 5:30 p.m. on Monday, May 8, 2023.

- Resolution No. 2125** – Approving Conditional Use Permit No. CUP 23-02 to allow a tutoring center with up to 45 students at 22 E. Duarte Road

CEQA: Exempt

Recommendation: Adopt

Applicant: Eileen Wang

There is a ten day appeal period. Appeals are to be filed by 5:30 p.m. on Monday, May 8, 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 April 11, 2023, Regular Meeting of the Planning Commission

Recommendation: Approve

MATTERS FROM CITY COUNCIL LIASION

MATTERS FROM PLANNING COMMISSIONERS

MATTERS FROM ASSISTANT CITY ATTORNEY

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

ADJOURNMENT

The Planning Commission will adjourn this meeting to Tuesday, April 25, 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: April 25, 2023

TO: Honorable Chairman and Planning Commission

FROM: Lisa L. Flores, Deputy Development Services Director
Prepared By: Alison MacCarley, Assistant Planner

SUBJECT: RESOLUTION NO. 2126 - APPROVING MULTIPLE FAMILY ARCHITECTURAL DESIGN REVIEW NO. MFADR 22-08, TENTATIVE TRACT MAP NO. TTM 23-01 (84023), AND A DISEASED TREE REMOVAL NO. TRD 23-08 FOR AN EIGHT-UNIT, CONTEMPORARY STYLE, MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT AND THE REMOVAL OF A DISEASED PROTECTED CAMPHOR TREE AT 826-830 SUNSET BOULEVARD
CEQA: Exempt
Recommendation: Adopt

SUMMARY

The Applicant, Eric Tsang, on behalf of the property owner, 828 Sunset LLC, is requesting approval of Multiple Family Architectural Design Review No. MFADR 22-08, Tentative Tract Map No. TTM 23-01 (84023), and Diseased Tree Removal Permit No. TRD 23-08 for an eight (8) unit, three-story, Contemporary style multi-family residential condominium development, and the removal of a protected Camphor tree that is diseased in the front yard area at 826-830 Sunset Boulevard. The proposed development and subdivision are consistent with the City's General Plan, Development Code, and Subdivision Map Act. It is recommended that the Planning Commission adopt Resolution No. 2126 (refer to Attachment No. 1) and find that the Project is Categorically Exempt under CEQA and approve Multiple Family Architectural Design Review No. MFADR 22-08, Tentative Tract Map No. TTM 23-01 (84023), and Diseased Tree Removal Permit No. TRD 23-08, subject to the conditions listed in this staff report.

BACKGROUND

The subject site consists of two parcels: 826 Sunset Boulevard which is a 5,900 square foot lot and 830 Sunset Boulevard which is 9,292 square foot lot. The combined square footage of both lots will be 15,192 square feet. The interior lots are located on the east

side of Sunset Boulevard, between Okoboji Drive and Fairview Avenue with a shared driveway between them. The property is zoned R-3, High Density Multiple Family Residential, with a General Plan Land Use Designation of High Density Residential. The property is surrounded by other R-3 zoned properties to the north, south, east, and west.

Each of the lots are currently improved with two, single-story, detached residential structures. At 830 Sunset, the front unit was built in 1928 (830 Sunset Boulevard) and the rear unit was built in 1963 (832 Sunset Boulevard). At 826 Sunset, the front unit was built in 1940 (826 Sunset) and the rear unit was built in 1961 (828 Sunset) – refer to Attachment No. 2 for an Aerial photo with Zoning Information and Photos of the Subject Properties and Figure 1.

Based on the evaluation by an Architectural Historian, the properties do not meet any of the minimum requirements for designation as a historical resource under federal, state and local criteria. The residences are not a good example of any particular architectural style and are not representative of or associated with any important historical events or people. The structures have not yet been demolished due to the City’s replacement policy for residential projects, which requires approval of a new project prior to demolition of the structures on site.



PROPOSAL

The Applicant is requesting to demolish all four structures on the properties, merge the two properties together, and to construct eight (8) new condominium units that will be three-stories with garage parking at grade level – refer to Attachment No. 3 for the Tentative Tract Map and Attachment No. 4 for the proposed Architectural Plans. The proposed architectural style will be Contemporary. Although there is no dominant architectural style in the area, the design would be compatible with the existing multi-family developments in the neighborhood, as it incorporates elements seen on nearby

homes such as neutral toned stucco, tile roofing, clean lines, and stone veneer (see Figure 2).



Figure 2 – 826-830 Sunset Blvd. Rendering

Units 1,4,5, and 8 will consist of 1,660 square feet in floor area and contain three (3) bedrooms per unit. Units 2,3,6, and 7 will consist of 1,666 square feet in floor area and contain three (3) bedrooms per unit. Each of the units will have pedestrian access off of Sunset Boulevard through a walkway on each side of the property.

Each of the units will have a 20' x 20' two-car garage that will be accessed from the shared driveway the divides the property in the middle. Each of the garages will meet the required 25'-0" backout space. The site will also comply with the minimum guest parking spaces of four (4) parking spaces, and a bike rack for two (2) spaces will be located on the south side of the property adjacent to the guest parking.

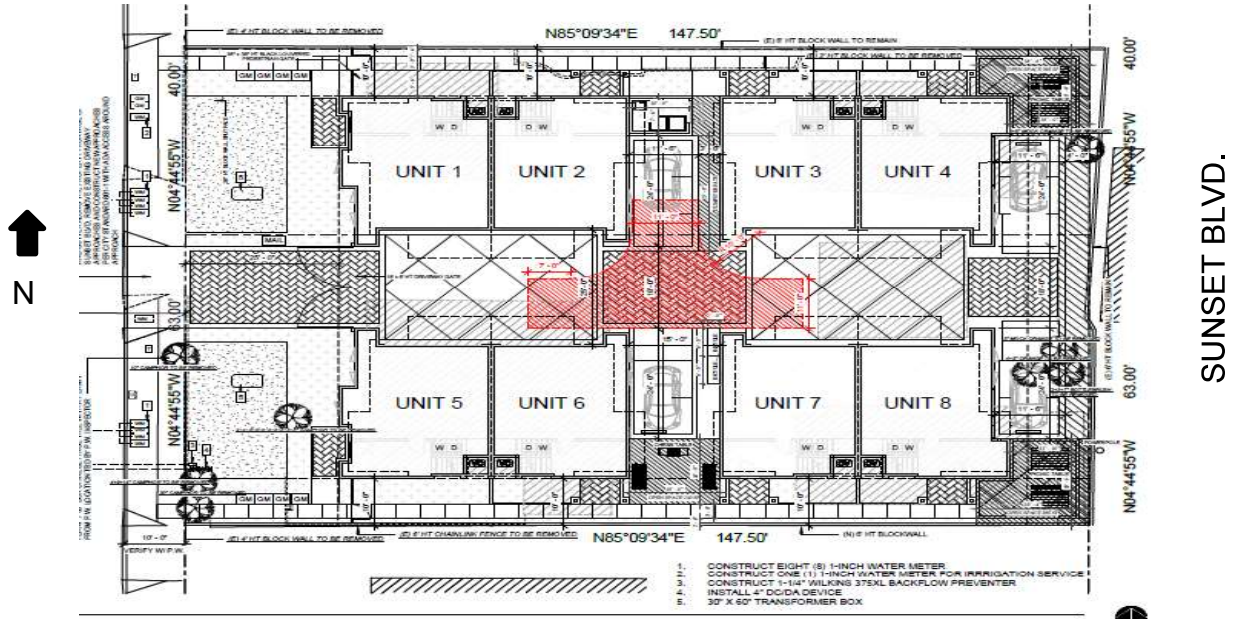


Figure 3 – Site Plan

The proposed development will have an overall building height of 33', which is the maximum allowed height for a building with a pitched roof. The development complies with all the minimum setback requirements. Additionally, the Project will provide the minimum required open space through shared common open space areas along the south side of the property, and both rear corners. All existing landscaping on site will be removed to allow for the project. The project includes the removal of one diseased (1) Camphor tree within the front yard setback at 830 Sunset Boulevard.

ANALYSIS

The R-3 zone requires a minimum density of one dwelling unit per 2,200 square feet of lot area, and a maximum density of one unit per 1,450 square feet of lot area. This calculates to a minimum density of six (6) units and a maximum of ten (10) units for the subject site; therefore, the proposed eight (8) unit development complies with the minimum density requirements of the underlying R-3 zone. The project complies with the development standards of the R-3 zone, including, but not limited to setbacks, height, and open space. Also, the proposed project complies with the minimum parking requirements for each of the units, guest parking, and bicycles spaces.

Concurrent with the subdivision application, the Planning Commission must approve, conditionally approve, or deny the architectural design of the proposed project. The project is designed in a Contemporary architectural style – refer to Attachment No. 4 and Figure 4. The exterior walls of the building are proposed to be finished with an off-white stucco and stone veneer which will be used to accent some exterior walls as well khaki brown vertical siding and brown horizontal molding. The roof would consist of grey colored roofing tiles. The proposed Contemporary style development would be compatible to other existing multi-family developments along Sunset Boulevard and in the vicinity despite there being no dominant architectural style in the area, as the elements incorporated in this design, such as the neutral tone stucco with complimentary stone veneer, pitched roof, clean lines,

and articulation between the different stories. All of these elements help the project blend in with developments in the vicinity that have similar features. The project will also provide adequate landscaping throughout the property to enhance the design.



Street and Driveway Elevations



Rear and side

Figure 4 - Elevations

The massing and scale of this project will be compatible with the other multi-family developments found within this immediate neighborhood. The height of the new development will not be out of character with the existing developments on Sunset Boulevard and other multi-family developments with similar lot sizes in the vicinity. In fact, it will be at the same height as the new three-story multi-family building that was recently approved nearby at 903 Sunset Boulevard by the Planning Commission at its February 28, 2023 meeting. The proposed project will be compatible with the other multi-family developments within the vicinity even with the two-story developments that have building heights at approximately 30'-0". Additionally, there will be landscaping that would provide a buffer between the subject property and the single-story homes to the south and a minimum of 10 feet setback from all the adjacent properties. The landscape buffers will include tall hedges to provide screening in the rear and additional landscaping shrubs on the sides to the adjacent properties on the sides. Therefore, the proposed development

and subdivision of condominiums would be consistent with the City's General Plan, Multiple-Family Residential Design Guidelines, the Development Code, the State Subdivision Map Act, and would not violate any requirements of the California Regional Water Quality Control Board.

Tree Removal

The Applicant is requesting to remove a total of one (1) protected diseased Camphor tree on site. The tree is located in the front setback at the south-west corner at 830 Sunset Boulevard and has a trunk diameter of 30 inches. Due to its species, location and size, the tree is protected per the City's Protected Tree Ordinance. However, the Certified Arborist found that the tree has been severely topped, the tree has root and fungus infestation, and that the canopy is composed of trunk sprouts which is an indicator of severe stress of the tree. As a result, the tree is in poor health as noted in the Arborist Report – refer to Attachment 5 of the Arborist Report.

In this case, there is sufficient justification for the removal of the tree. As a remedial measure, the project will be subject to Condition No. 4, which requires that two (2) replacement trees be planted as part of the project. The Applicant is proposing to plant a total of three (3) 36-inch Bay Laurel trees along the front and side yards in order to meet and exceed the required replacement trees.

FINDINGS

Tentative Tract Map

The proposal to subdivide the airspace for eight (8) residential condominium units requires a subdivision through the Tentative tract map process – see Attachment No. 3 for Tentative Tract Map No. TTM 23-01 (84023). The proposed subdivision complies with the subdivision regulations of the Arcadia Municipal Code and the Subdivision Map Act and would not violate any requirements of the California Regional Water Quality Control Board. The following findings are required for approval of a Tentative tract map:

A. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and the Subdivisions Division of the Development Code.

Facts in Support of the Finding: The proposed tentative tract map for an eight (8) unit multi-family residential condominium development and subdivision of the airspace has been reviewed for compliance with the City's General Plan, Development Code, and the State's Subdivision Map Act. It has been determined that the proposed subdivision is consistent with the General Plan High Density Residential Land Use designation and the R-3, High Density Multiple Family Residential zoning designation. These designations are intended to accommodate high density, attached or detached residential units such as condominiums, within the appropriate neighborhoods. The proposed tentative tract map complies with the Subdivision Map Act regulations, and there is no specific plan applicable to this

Project. The site is physically suitable for this type of development, and the approval of the architectural design for the development is compatible with the scale and character of the existing neighborhood. The Project would not adversely affect the comprehensive General Plan and is consistent with the following General Plan goals and policies:

Land Use and Community Design Element

- Policy LU-1.1: Promote new infill and redevelopment projects that are consistent with the City’s land use and compatible with surrounding existing uses.
- Policy LU-4.1: Require that new multi-family residential development be visually and functionally integrated and consistent in scale, mass, and character with structures in the surrounding neighborhood.
- Policy LU-4.2: Encourage residential development that enhances the visual character, quality, and uniqueness of the City’s neighborhoods and districts.

B. The site is physically suitable for the type and proposed density of development.

Facts in Support of the Finding: The R-3 Zone requires a minimum density of one dwelling unit per 2,200 square feet of lot area, and a maximum density of one unit per 1,450 square feet of lot area. Based on the new lot area of 15,192 square feet, a minimum of six (6) units and a maximum of ten (10) units can be developed at this site. Therefore, the proposed eight (8) unit development complies with the density requirements of the underlying zone, as well as all other applicable zoning requirements including but not limited to parking, setbacks, height, and open space. The site is physically suitable for the proposed eight (8) unit multi-family residential development.

C. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Facts in Support of the Finding: The proposed tentative tract map for eight (8) multi-family residential units is a subdivision of an infill site within an urbanized area and does not serve as a habitat for endangered or rare species. The Project would not cause substantial environmental damage or impact wildlife.

D. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems.

Facts in Support of the Finding: The proposed subdivision is to subdivide the airspace of eight (8) units for condominium purposes. The construction would be in compliance with all applicable Building and Fire Codes to ensure public health and safety. The proposed density would be below the maximum allowed by the R-3

Zone, and the City's existing infrastructure would adequately serve the new development. Therefore, the Project would not cause any public health or safety problems.

- E. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision (This finding shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision).**

Facts in Support of the Finding: There is an existing five-foot wide easement for utility purposes at the rear of both properties. The proposed design of the subdivision does not conflict with the existing easement, as acquired by the public at large for access through or use of property within the proposed subdivision.

- F. The discharge of sewage from the proposed subdivision into the community sewer system would not result in violation of existing requirements specified by the California Regional Water Quality Control Board.**

Facts in Support of the Finding: The Arcadia Public Works Services Department determined that the City's existing infrastructure would adequately serve the new development, and the requirements of the California Regional Water Quality Control Board would be satisfied.

- G. The proposed design and site improvements of the subdivision conform to the regulations of the City's Development Code and the regulations of any public agency having jurisdiction by law.**

Facts in Support of the Finding: The proposed design of the multi-family development is in conformance with the City's Development Code, as all development standards are being met, and all of the improvements required for the site and each unit would comply with the regulations in the City's Development Code.

Architectural Design Review

The proposed development is located within the High Density Residential (R-3) Zone, which is intended to provide a variety of medium to high density residential developments. The proposed design of the eight (8) unit condominium project is compatible with existing multi-family developments in the surrounding neighborhood in terms of design, massing, and scale. The proposed Contemporary architectural style would be compatible with other existing multi-family developments along Sunset Boulevard as the neighborhood is eclectic with no dominant architectural style. The architectural elements incorporated in this design, such as neutral toned stucco, tile roofing, stone veneer, and decorative brown molding, are consistent with developments in the vicinity that have similar features. Additionally, the

massing and scale of the new development will not be out of character with developments in the vicinity as many of the existing multi-family developments, despite being two-stories, are around 30'-0" in height. In addition, another three-story multi-family project at 33' in height was recently approved across the street in February, 2023. The proposed buildings have articulation on all facades, providing visual interest and reducing massing. The proposed design is therefore consistent with the City's Multi-family Residential Design Guidelines.

All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with by the 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.

ENVIRONMENTAL ASSESSMENT

It has been determined that the project site is less than five (5) acres; the project site has no value as a habitat for endangered, rare or threatened species; the proposed project would not have any significant effects upon the environment, and the site can be adequately served by all the required utilities and public services. Therefore, the project is exempt under Class 32 (In-Fill Development Projects) pursuant to Section 15332 of the State California Environmental Quality Act (CEQA) Guidelines. Refer to Attachment No. 5 for the Preliminary Exemption Assessment.

PUBLIC NOTICE/COMMENTS

A public hearing notice for this item was published in the Arcadia Weekly and mailed to the property owners located within 300 feet of the subject property on April 13, 2023. As of April 25, 2023, staff has not received any comments from the public.

RECOMMENDATION

It is recommended that the Planning Commission approve Multiple Family Architectural Design Review No. MFADR 22-08, Tentative Tract Map No. TTM 23-01 (84023), and Protected Diseased Tree Removal Permit No. TRD 23-08, subject to the following conditions, find that the project is Categorical Exempt from the California Environmental Quality Act (CEQA), and adopt Resolution No. 2126, subject to the following conditions of approval:

1. The project shall be developed and maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for MFADR 22-08, TTM 23-01 (84023), and TRD 23-08, subject to the approval of the Deputy Development Services Director, or designee.

2. Any required mechanical equipment, such as backflow devices, visible from the public right-of-way shall be screened from public view. Screening may include landscaping, solid walls or other methods deemed appropriate for the development. The placement and height of said screening shall be subject to review and approval by the Deputy Development Services Director, or designee.
3. All windows shall be recessed a minimum of two (2) inches from the building wall. A construction detail indicating the 2-inch recess shall be included on the plans submitted to the Building Division for plan check.
4. A total of three (3) 36-inch box trees shall be planted on the subject property as replacement trees, and all three trees shall be planted within the side yard and/or front yard area, as recommended by the Certified Arborist. The trees shall be shown on the final landscape plan that is submitted to Building Services for plan check, subject to review by the Deputy Development Services Director, or designee, to ensure compliance with this condition.
5. 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
6. The project shall comply with Chapter 35A Multiple Family Construction Standards as amended in the Arcadia Municipal Code Section 8130.20.
7. All utility conductors, cables, conduits and wiring supplying electrical, cable and telephone service to a multiple family building shall be installed underground except risers which are adjacent to and attached to a building.
8. A grading plan shall be prepared by a registered civil engineer and approved by the City prior to issuance of a building permit. The grading plans shall indicate all on- and off-site improvements and shall indicate complete drainage paths of all drainage water run-off.
9. A demolition permit shall be obtained from Building Services prior to the removal and/or demolition of the structures on site.
10. Prior to approval of the Tract Map, the Applicant/Property Owner shall:

- a. Submit a separate demolition and erosion control plan prepared by a registered civil engineer.
 - b. Remove and replace existing sidewalk, curb and gutter along the property frontage of Sunset Blvd.
 - c. Remove existing driveway approaches and construct new approaches per City Standard 801-1 with ADA access around approach.
 - d. Coordinate with the Engineering Division on the relocation and installation of a new streetlight.
11. The Applicant/Property owner shall submit a Low Impact Development (LID) plan for this project, and it shall comply with the Los Angeles County Department of Public Works 2014 LID standard Manual and show the selected measures on the grading plan. These selected measures include, but are not limited to using infiltration trenches, bio-retention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.
 12. Prior to receiving a Certificate of Occupancy, the Applicant/Property Owner shall repair any damages caused by the development to the asphalt street frontages from property line to property line including but not limited to trench cuts and construction traffic, as determined by the City Engineer and Streets Superintendent.
 13. There is a 12-inch ductile iron water main with 80 psi static pressure that the development shall connect to on Sunset Blvd. for domestic water and/or fire services. The Applicant/Property Owner shall provide calculations to the Public Works Services Department to determine the total combined maximum domestic and fire demand and verify the water service size required prior to issuance of a Building Permit.
 14. The Applicant/Property Owner shall install a common master water meter for the residential multi-family development. The water meter for each unit can be used to supply both domestic water services and fire services. The Applicant/Property Owner shall separate the fire service from domestic water service with an approved back flow device.
 15. A separate water service and meter shall be required for common area landscape irrigation. A reduced pressure backflow device shall be installed.
 16. Fire protection requirements shall be as stipulated by the Arcadia Fire Department and shall be conformed to Arcadia Standard Plan. A separate fire service with Double Check Detector Assembly (DCDA) shall be installed for fire service if required.
 17. A Water Meter Permit Application shall be submitted to the Public Works Services Department prior to issuance of a building permit for the new development.
 18. New water service installations shall be by the Applicant/Property Owner. Installation shall be according to the specifications of the Public Works Services Department, Engineering Section. Abandonment of existing water services, if necessary, shall be by the Applicant/Property Owner, according to Public Works Services Department.

19. An 8" Vitrified Clay Pipe (VCP) sewer line is available on Sunset Boulevard to provide sanitary sewer service for the project. The Applicant/Property Owner shall utilize the existing sewer lateral, if possible. If there are any changes to the existing sewer lateral, the Applicant/Property Owner shall obtain approval from the Los Angeles County Sanitation District to connect to the existing sewer main prior to commencing work any work, and an encroachment permit from City of Arcadia.
20. If any drainage fixture elevation is lower than the elevation of next upstream manhole cover (539.981'), an approved type of backwater valve is required to be installed on the lateral at the right-of-way and it shall be reviewed and approved by the Public Works Department prior to issuance of a building permit.
21. The Applicant/Property Owner shall remove the existing Camphor tree in the parkway and plant one (1) 36" box Chinese Fringe tree with a permit from Public Works Department prior to the issuance of a Certificate of Occupancy. The location of the new street tree is to be determined by the Public Works Inspector.
22. All structures shall be provided with an automatic fire sprinkler system per the City of Arcadia Fire Department Single & Multi-Family Dwelling Sprinkler Standard.
23. The pedestrian and vehicle entry gate shall be openable without a key or special knowledge. A Knox box shall be provided adjacent to one of the gates.
24. The Applicant/Property Owner shall comply with all City requirements regarding building safety, fire prevention, detection, suppression, emergency access, public right-of-way improvements, parking, water supply and water facilities, sewer facilities, trash reduction and recycling requirements, and National Pollutant Discharge Elimination System (NPDES) measures to the satisfaction of the Building Official, Fire Marshal, Public Works Services Director, and Deputy Development Services Director, or their respective designees. Compliance with these requirements is to be determined by having fully detailed construction plans submitted for plan check review and approval by the foregoing City officials and employees.
25. 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 MFADR 22-08, TTM 23-01 (84023), and TRD 23-08 ("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/Property Owner 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 Applicant/Property Owner any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice. 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.

26. Approval of for Multiple Family Architectural Design Review No. MFADR 22-08, Tentative Tract Map No. TTM 23-01 (84023), and Diseased Tree Removal No. TRD 23-08 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 executed Acceptance Form submitted to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

PLANNING COMMISSION ACTION

Approval

If the Planning Commission intends to approve this Project, the Commission should move to approve Multiple Family Architectural Design Review No. MFADR 22-08, Tentative Tract Map No. TTM 23-01 (84023), and Protected Diseased Tree Removal Permit No. TRD 23-08 and state that the proposal satisfies the requisite findings, and adopt the attached Resolution No. 2126 that incorporates the requisite environmental and subdivision findings, and the conditions of approval as presented in this staff report, or as modified by the Commission.

Denial

If the Planning Commission is to deny this Project, the Commission should state the specific findings that the proposal does not satisfy based on the evidence presented with specific reasons for denial, and move to deny Multiple Family Architectural Design Review No. MFADR 22-08, Tentative Tract Map No. TTM 23-01 (84023), and Diseased Tree Removal Permit No. TRD 23-08 and direct staff to prepare a resolution for adoption at the next meeting that incorporates the Commission’s decision and specific findings.

If any Planning Commissioner, or other interested party has any questions or comments regarding this matter prior to the April 25, 2023, Planning Commission Meeting, please contact Assistant Planner, Alison MacCarley, at (626) 547- 5447, or amaccarley@ArcadiaCA.com.

Approved:



Lisa L. Flores
Deputy Development Services Director

- Attachment No. 1: Resolution No. 2126
- Attachment No. 2: Aerial Photo with Zoning Information and Photos of the Subject Property and Vicinity
- Attachment No. 3: Tentative Tract Map No. TTM 23-01 (84023)
- Attachment No. 4: Architectural Plans
- Attachment No. 5: Arborist Reported Dated March 13, 2023
- Attachment No. 6: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2126

RESOLUTION NO. 2126

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING MULTIPLE FAMILY ARCHITECTURAL DESIGN REVIEW NO. MFADR 22-08, TENTATIVE TRACT MAP NO. TTM 23-01 (84023), AND A DISEASED TREE REMOVAL NO. TRD 23-08 FOR AN EIGHT-UNIT, CONTEMPORARY STYLE, MULTI-FAMILY RESIDENTIAL CONDOMINIUM AND THE REMOVAL OF A DISEASED PROTECTED CAMPHOR TREE AT 826-830 SUNSET BOULEVARD

WHEREAS, on September 16, 2022, applications for Multiple Family Architectural Design Review No. MFADR 22-08, Tentative Tract Map No. TTM 23-01 (84023), and a Diseased Tree Removal No. TRD 23-08 were filed by Eric Tsang on behalf of the property owner, 828 Sunset LLC, for four (4) detached buildings with two (2) units each for a total of eight (8) units, three-story, Contemporary style multi-family residential condominium development, a tentative tract map subdivision, and removal of a protected Camphor tree that is diseased in the front yard setback at 826-830 Sunset Boulevard (collectively, "Project"); and

WHEREAS, on April 5, 2023, Planning Services completed an environmental assessment for the Project in accordance with the California Environmental Quality Act ("CEQA"), and recommends that the Planning Commission determine the Project is exempt under CEQA per Section 15332 of the CEQA Guidelines because the Project is considered an in-fill development project; and

WHEREAS, on April 25, 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. The factual data submitted by the Community Development Division in the staff report dated April 25, 2023, are true and correct.

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

A. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and the Subdivisions Division of the Development Code:

FACT: The proposed tentative tract map for an eight (8) unit multi-family residential condominium development and subdivision of the airspace has been reviewed for compliance with the City's General Plan, Development Code, and the State's Subdivision Map Act. It has been determined that the proposed subdivision is consistent with the General Plan High Density Residential Land Use designation and the R-3, High Density Multiple Family Residential zoning designation. These designations are intended to accommodate high density, attached or detached residential units such as condominiums, within the appropriate neighborhoods. The proposed tentative tract map complies with the Subdivision Map Act regulations, and there is no specific plan applicable to this Project. The site is physically suitable for this type of development, and the approval of the architectural design for the development is compatible with the scale and character of the existing neighborhood. The Project would not adversely affect the comprehensive General Plan and is consistent with the following General Plan goals and policies:

Land Use and Community Design Element

- Policy LU-1.1: Promote new infill and redevelopment projects that are consistent with the City’s land use and compatible with surrounding existing uses.
- Policy LU-4.1: Require that new multi-family residential development be visually and functionally integrated and consistent in scale, mass, and character with structures in the surrounding neighborhood.
- Policy LU-4.2: Encourage residential development that enhances the visual character, quality, and uniqueness of the City’s neighborhoods and districts.

B. The site is physically suitable for the type and proposed density of development:

FACT: The R-3 Zone requires a minimum density of one dwelling unit per 2,200 square feet of lot area, and a maximum density of one unit per 1,450 square feet of lot area. Based on the new lot area of 15,192 square feet, a minimum of six (6) units and a maximum of ten (10) units can be developed at this site. Therefore, the proposed eight (8) unit development complies with the density requirements of the underlying zone, as well as all other applicable zoning requirements including but not limited to parking, setbacks, height, and open space. The site is physically suitable for the proposed eight (8) unit multi-family residential development.

C. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:

FACT: The proposed tentative tract map for eight (8) multi-family residential units is a subdivision of an infill site within an urbanized area and does not serve as a habitat

for endangered or rare species. The Project would not cause substantial environmental damage or impact wildlife.

D. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems:

FACT: The proposed subdivision is to subdivide the airspace of eight (8) units for condominium purposes. The construction would be in compliance with all applicable Building and Fire Codes to ensure public health and safety. The proposed density would be below the maximum allowed by the R-3 Zone, and the City's existing infrastructure would adequately serve the new development. Therefore, the Project would not cause any public health or safety problems.

E. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision (This finding shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to the review authority to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision):

FACT: There is an existing five-foot wide easement for utility purposes at the rear of both properties. The proposed design of the subdivision does not conflict with the existing easement, as acquired by the public at large for access through or use of property within the proposed subdivision.

F. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements specified by the California Regional Water Quality Control Board:

FACT: The Arcadia Public Works Services Department determined that the City's existing infrastructure would adequately serve the new development, and the requirements of the California Regional Water Quality Control Board would be satisfied.

G. The proposed design and site improvements of the subdivision conform to the regulations of the City's Development Code and the regulations of any public agency having jurisdiction by law:

FACT: The proposed design of the multi-family development is in conformance with the City's Development Code, as all development standards are being met, and all of the improvements required for the site and each unit would comply with the regulations in the City's Development Code.

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

FACT: The proposed development is located within the High Density Residential (R-3) Zone, which is intended to provide a variety of medium to high density residential developments. The proposed design of the eight (8) unit condominium project is compatible with existing multi-family developments in the surrounding neighborhood in terms of design, massing, and scale. The proposed Contemporary architectural style would be compatible with other existing multi-family developments along Sunset Boulevard as the neighborhood is eclectic with no dominant architectural style. The architectural elements incorporated in this design, such as neutral toned stucco, tile roofing, stone veneer, and decorative brown molding, are consistent with developments in the vicinity that have similar features. Additionally, the massing and scale of the new development will not be out of character with developments in the vicinity as many of the

existing multi-family developments, despite being two-stories, are around 30' 0" in height. In addition, another three-story multi-family project at 33' in height was recently approved across the street in February, 2023. The proposed buildings have articulation on all facades, providing visual interest and reducing massing. The proposed design is therefore consistent with the City's Multi-family Residential Design Guidelines.

SECTION 3. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), this Project is a Class 32 Categorical Exemption as an infill-development project per Section 15332 of the CEQA Guidelines.

SECTION 4. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt under the California Environmental Quality Act ("CEQA") Section 15332, Class 32, and approves Multiple Family Architectural Design Review No. MFADR 22-08, Tentative Tract Map No. TTM 23-01 (84023), and Diseased Tree Removal Permit No. TRD 23-08 for an eight (8) unit multi-family residential condominium development at 826-830 Sunset Boulevard, subject to the conditions of approval attached hereto.

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

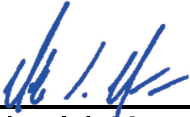
Passed, approved and adopted this 25th day of April, 2023.

Brad Thompson
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

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RESOLUTION NO. 2126

Conditions of Approval

1. The project shall be developed and maintained by the Applicant/Property Owner in a manner that is consistent with the plans submitted and conditionally approved for MFADR 22-08, TTM 23-01 (84023), and TRD 23-08, subject to the approval of the Deputy Development Services Director, or designee.
2. Any required mechanical equipment, such as backflow devices, visible from the public right-of-way shall be screened from public view. Screening may include landscaping, solid walls or other methods deemed appropriate for the development. The placement and height of said screening shall be subject to review and approval by the Deputy Development Services Director, or designee.
3. All windows shall be recessed a minimum of two (2) inches from the building wall. A construction detail indicating the 2-inch recess shall be included on the plans submitted to the Building Division for plan check.
4. A total of three (3) 36-inch box trees shall be planted on the subject property as replacement trees, and all three trees shall be planted within the side yard and/or front yard area, as recommended by the Certified Arborist. The trees shall be shown on the final landscape plan that is submitted to Building Services for plan check, subject to review by the Deputy Development Services Director, or designee, to ensure compliance with this condition.
5. 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
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6. The project shall comply with Chapter 35A Multiple Family Construction Standards as amended in the Arcadia Municipal Code Section 8130.20.
7. All utility conductors, cables, conduits and wiring supplying electrical, cable and telephone service to a multiple family building shall be installed underground except risers which are adjacent to and attached to a building.
8. A grading plan shall be prepared by a registered civil engineer and approved by the City prior to issuance of a building permit. The grading plans shall indicate all on-

and off-site improvements and shall indicate complete drainage paths of all drainage water run-off.

9. A demolition permit shall be obtained from Building Services prior to the removal and/or demolition of the structures on site.
10. Prior to approval of the Tract Map, the Applicant/Property Owner shall:
 - a. Submit a separate demolition and erosion control plan prepared by a registered civil engineer.
 - b. Remove and replace existing sidewalk, curb and gutter along the property frontage of Sunset Blvd.
 - c. Remove existing driveway approaches and construct new approaches per City Standard 801-1 with ADA access around approach.
 - d. Coordinate with the Engineering Division on the relocation and installation of a new streetlight.
11. The Applicant/Property owner shall submit a Low Impact Development (LID) plan for this project, and it shall comply with the Los Angeles County Department of Public Works 2014 LID standard Manual and show the selected measures on the grading plan. These selected measures include, but are not limited to using infiltration trenches, bio-retention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.
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17. A Water Meter Permit Application shall be submitted to the Public Works Services Department prior to issuance of a building permit for the new development.
18. New water service installations shall be by the Applicant/Property Owner. Installation shall be according to the specifications of the Public Works Services Department, Engineering Section. Abandonment of existing water services, if necessary, shall be by the Applicant/Property Owner, according to Public Works Services Department.
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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/Property Owner 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 Applicant/Property Owner any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice. 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.

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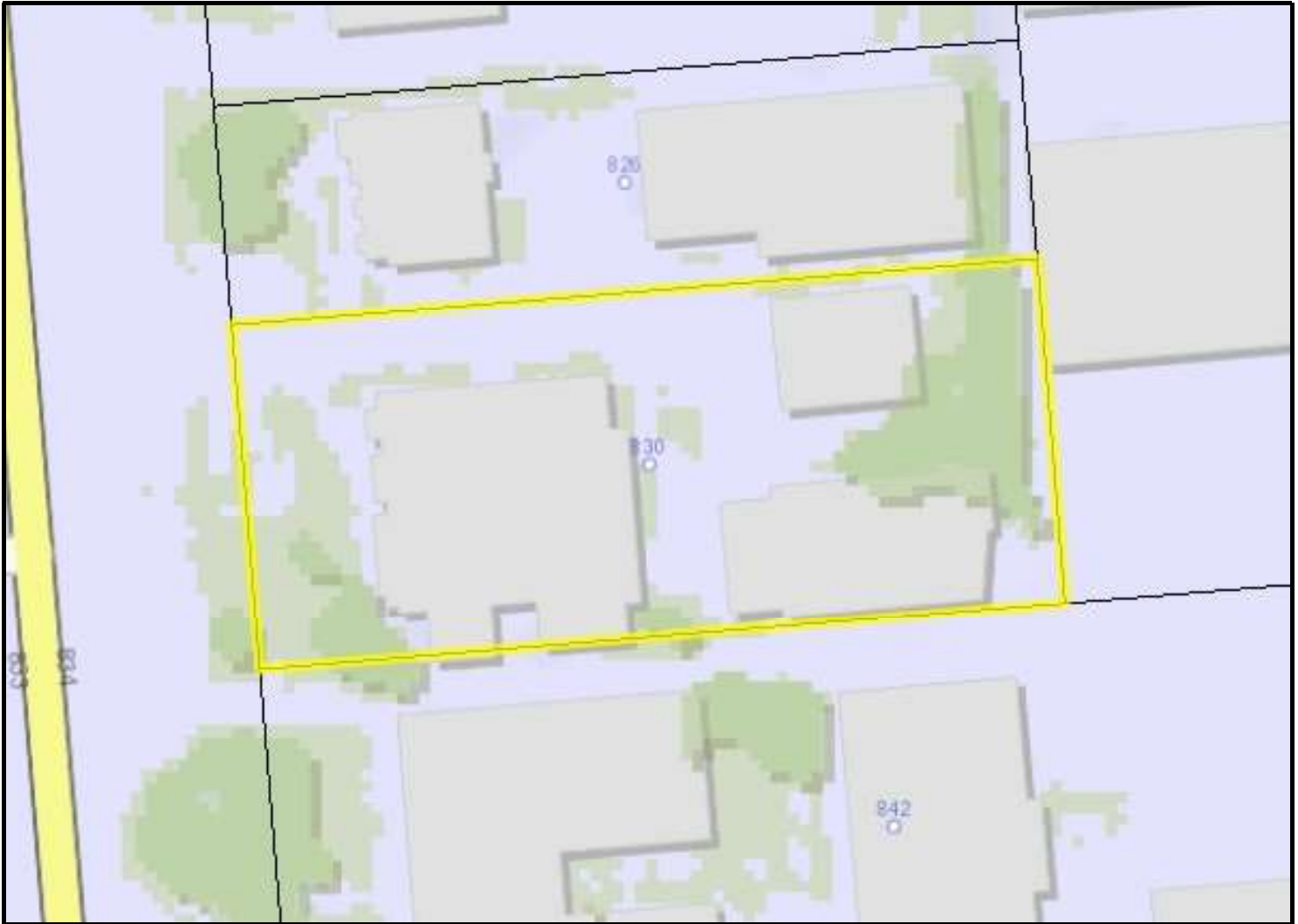
submitted to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

Attachment No. 2

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

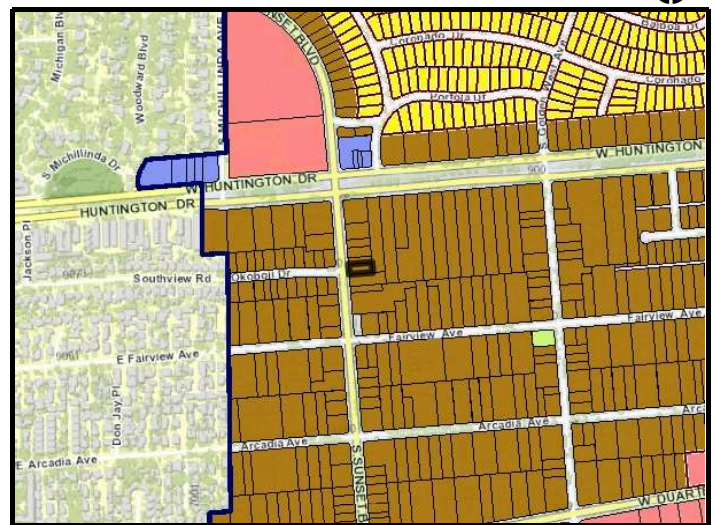
Site Address: 830 SUNSET BLVD

Property Owner(s): Property Owner



Property Characteristics	
Zoning:	R-3
General Plan:	HDR
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	772
Year Built:	1963
Number of Units:	2
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

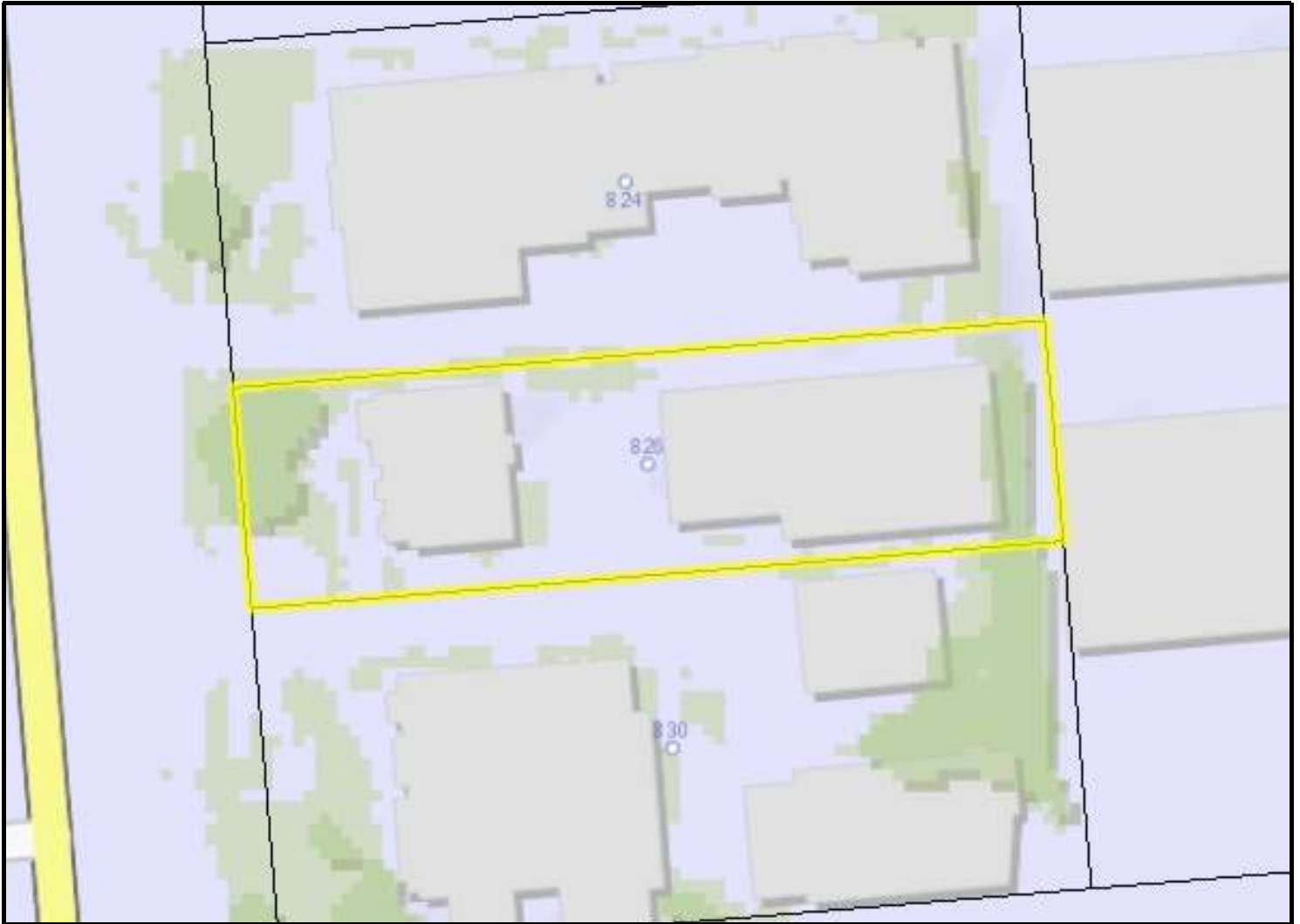
Selected parcel highlighted



Parcel location within City of Arcadia

Site Address: 826 SUNSET BLVD

Property Owner(s): Property Owner



Property Characteristics	
Zoning:	R-3
General Plan:	HDR
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	525
Year Built:	1940
Number of Units:	2
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

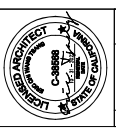
Attachment No. 3

Tentative Tract Map No. TTM 23-01
(84023)

Attachment No. 4

Architectural Plans

Eric Tsang Architects
 ERIC CHANG TSANG, AIA
 ARCHITECT
 1000 CHINA GATE
 SUITE 1000
 SAN FRANCISCO, CA 94102
 TEL: 415.774.8888
 FAX: 415.774.8889
 WWW.ERICTSANG.COM



NO.	DESCRIPTION	DATE

SUNSET CONDOMINIUMS

826-830 SUNSET BLVD.
 ARCADIA, CA 91006

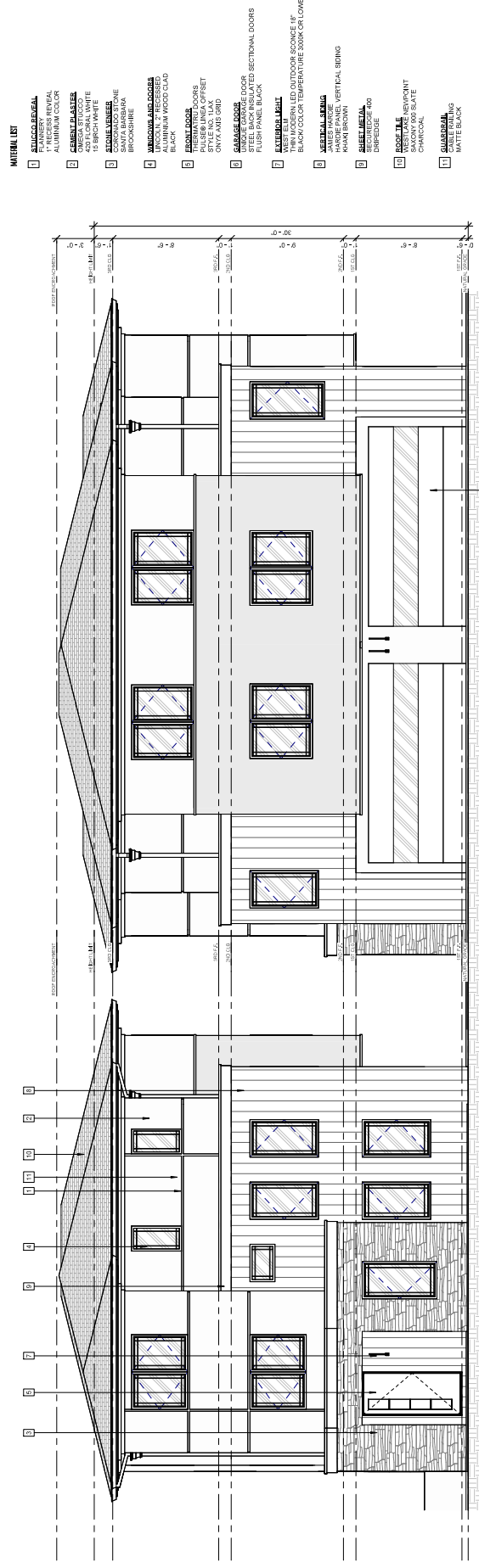
ELEVATION

DATE: _____

SCALE: _____

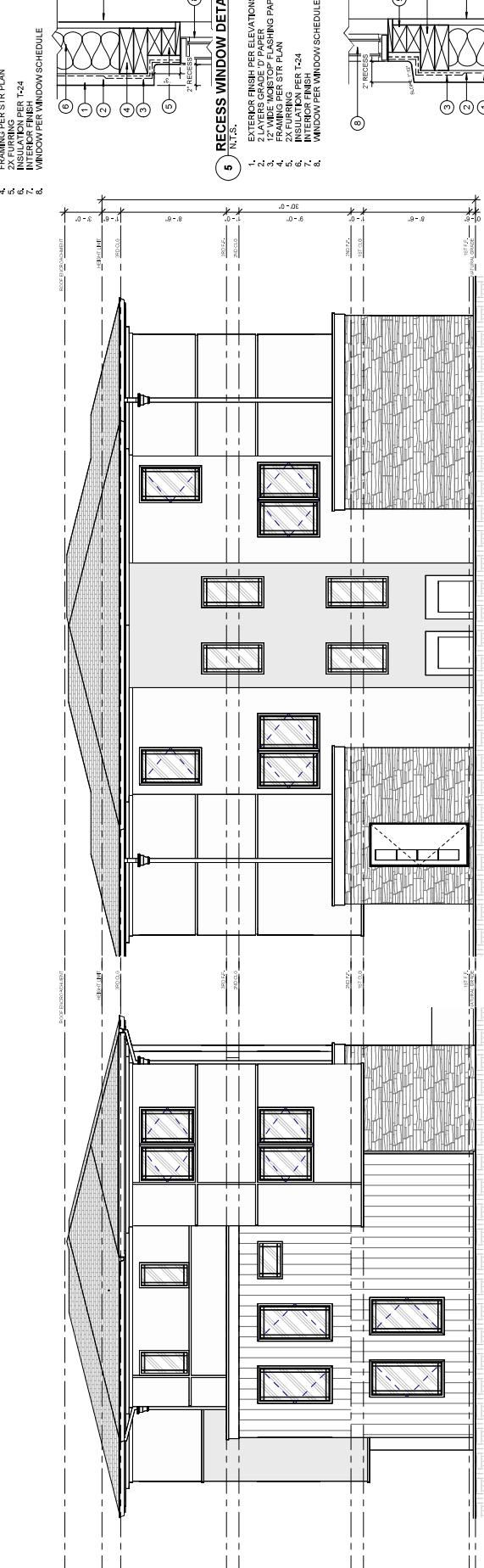
PROJECT: _____

NO. _____



1 STREET ELEVATION
 1/4" = 1'-0"

2 DRIVE WAY ELEVATION
 1/4" = 1'-0"

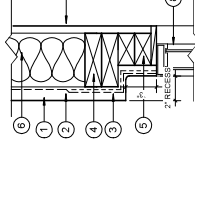


3 REAR ELEVATION
 1/4" = 1'-0"

4 SIDE ELEVATION
 1/4" = 1'-0"

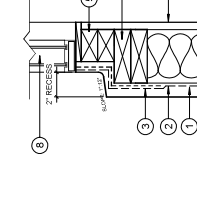
- MATERIAL LIST**
- 1 EXTERIOR FINISH PER ELEVATIONS
 - 2 LAYERS GRADE D PAPER
 - 3 1/2" WIDE MOIST STOP FLASHING PAPER
 - 4 2X FLOORING PER STR PLAN
 - 5 INSULATION PER T-24
 - 6 WINDOW PER WINDOW SCHEDULE

- EXTERIOR FINISH PER ELEVATIONS**
- 1 EXTERIOR FINISH PER ELEVATIONS
 - 2 LAYERS GRADE D PAPER
 - 3 1/2" WIDE MOIST STOP FLASHING PAPER
 - 4 2X FLOORING PER STR PLAN
 - 5 INSULATION PER T-24
 - 6 WINDOW PER WINDOW SCHEDULE



5 RECESS WINDOW DETAIL
 N.T.S.

- EXTERIOR FINISH PER ELEVATIONS**
- 1 EXTERIOR FINISH PER ELEVATIONS
 - 2 LAYERS GRADE D PAPER
 - 3 1/2" WIDE MOIST STOP FLASHING PAPER
 - 4 2X FLOORING PER STR PLAN
 - 5 INSULATION PER T-24
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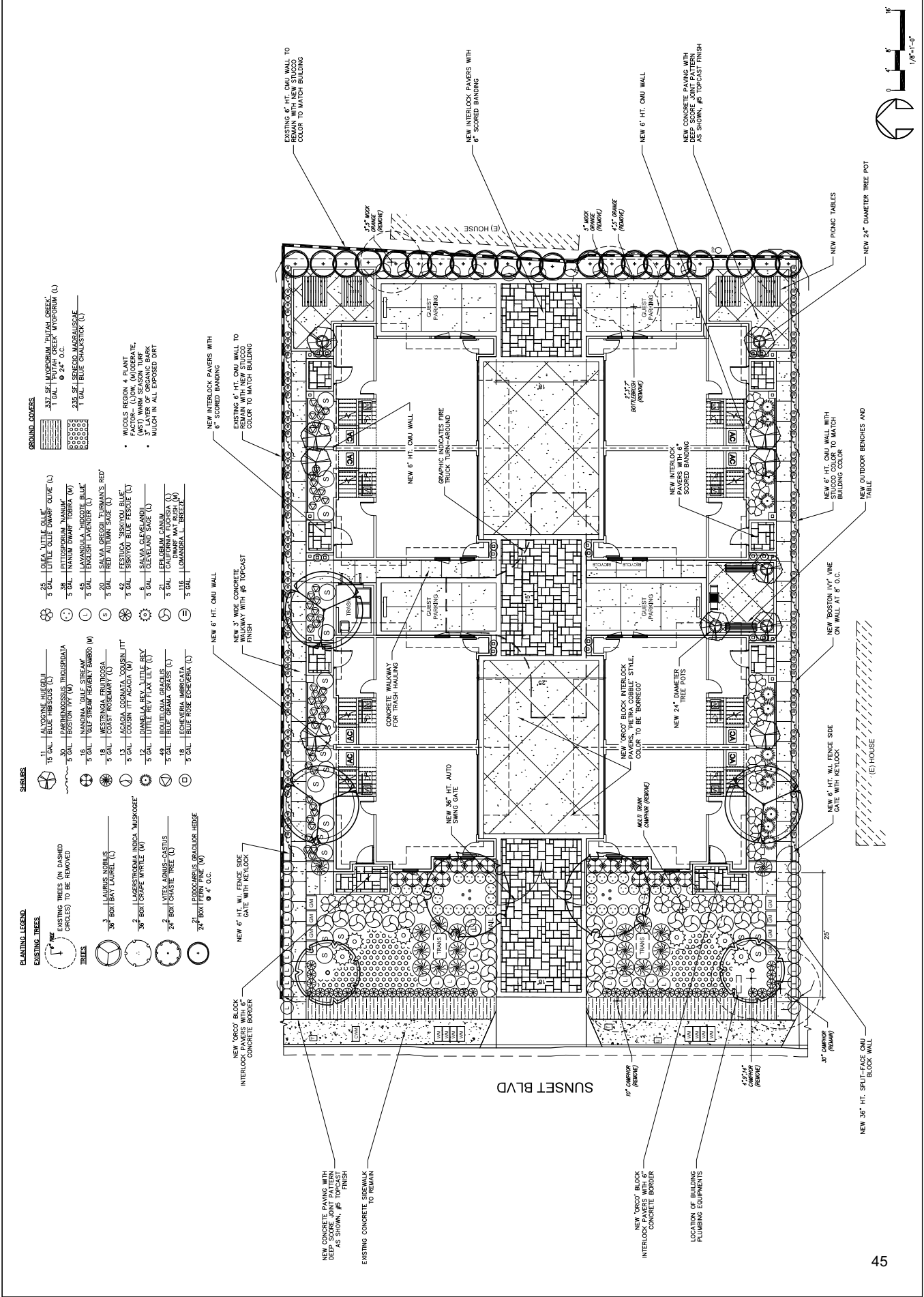


6 WINDOW SILL
 N.T.S.

- EXTERIOR FINISH PER ELEVATIONS**
- 1 EXTERIOR FINISH PER ELEVATIONS
 - 2 LAYERS GRADE D PAPER
 - 3 1/2" WIDE MOIST STOP FLASHING PAPER
 - 4 2X FLOORING PER STR PLAN
 - 5 INSULATION PER T-24
 - 6 WINDOW PER WINDOW SCHEDULE

WINDOW SILL
 N.T.S.

CONCEPTUAL LANDSCAPE PLAN



- GROUND COVERS**
- 327 SF. MICROSLIM ZULIHAH CREEK (L)
 - 1 GAL. PUTIAT CREEK WYOPORUM (L)
 - 24" O.C.
 - 225 SF. SENECA MADRALISAE
 - 1 GAL. BLUE CHALKSTICK (L)
- PLANTING LEGEND**
- EXISTING TREES**
- 1" TREE
 - 2" TREE
 - 3" TREE
 - 4" TREE
 - 5" TREE
 - 6" TREE
 - 7" TREE
 - 8" TREE
 - 9" TREE
 - 10" TREE
 - 12" TREE
 - 14" TREE
 - 16" TREE
 - 18" TREE
 - 20" TREE
 - 24" TREE
 - 30" TREE
 - 36" TREE
 - 42" TREE
 - 48" TREE
 - 54" TREE
 - 60" TREE
 - 72" TREE
 - 84" TREE
 - 96" TREE
 - 108" TREE
 - 120" TREE
 - 144" TREE
 - 168" TREE
 - 192" TREE
 - 216" TREE
 - 240" TREE
 - 288" TREE
 - 360" TREE
 - 432" TREE
 - 504" TREE
 - 576" TREE
 - 648" TREE
 - 720" TREE
 - 864" TREE
 - 1008" TREE
 - 1152" TREE
 - 1344" TREE
 - 1584" TREE
 - 1872" TREE
 - 2208" TREE
 - 2688" TREE
 - 3264" TREE
 - 3912" TREE
 - 4608" TREE
 - 5376" TREE
 - 6240" TREE
 - 7200" TREE
 - 8280" TREE
 - 9480" TREE
 - 10800" TREE
 - 12240" TREE
 - 13728" TREE
 - 15360" TREE
 - 17160" TREE
 - 19104" TREE
 - 21192" TREE
 - 23424" TREE
 - 25800" TREE
 - 28320" TREE
 - 30960" TREE
 - 33720" TREE
 - 36600" TREE
 - 39504" TREE
 - 42528" TREE
 - 45600" TREE
 - 48720" TREE
 - 51960" TREE
 - 55360" TREE
 - 58896" TREE
 - 62544" TREE
 - 66312" TREE
 - 70200" TREE
 - 74160" TREE
 - 78240" TREE
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 - 91200" TREE
 - 95760" TREE
 - 100440" TREE
 - 105240" TREE
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 - 115080" TREE
 - 120120" TREE
 - 125280" TREE
 - 130560" TREE
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 - 141600" TREE
 - 147240" TREE
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 - 164920" TREE
 - 171000" TREE
 - 177120" TREE
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Attachment No. 5

Arborist Reported Dated March 13, 2023

826-830 Sunset Ave. Arcadia, CA 91007

Prepared for:

**Eric Tsang Architects
440 E Huntington Dr. Suite 356
Arcadia, CA 91006**

March 13, 2023

Prepared by:

Javier Cabral Consulting Arborist
International Society of Arborists # WE- 8116A

1390 El Sereno Ave
Pasadena, California 91103
(626)818-8704
jctcabral@sbcglobal.net



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Summary

Mr. Tsang,

You have retained my consulting arborist services to provide a tree inventory and tree protection plan for the property described as 826-830 Sunset Blvd. Arcadia, CA 91006. You are in the planning and permitting stages of constructing 8 new units on the property.

Background and assignment

Mr. Tsang has requested that I provide the following arboricultural services.

- 1) Identify all trees on the property and label them on the architectural drawings as provided to the arborist by Mr. Eric Tsang.
- 2) Evaluate the current health of the trees and make recommendations based on their health
- 3) Provide a protection plan for all protected trees.

The following report is based on my site visit on March 11, 2023 and my analysis of the trees, site plan, and the surrounding landscape. For the purpose of this report I will address these trees as on-site **Trees # 1 thru 8**.

Site conditions

(4) one-story single-family units currently exist on this property located at 826-830 Sunset Blvd. Arcadia, CA 91006.

There is a total of (8) trees on site, of which (1) is protected by the City of Arcadia Tree Protection Ordinance. No off-site trees are expected to be impacted.

Google Earth Image



A) - Healthy, vigorous tree, reasonably free of disease, with good structure and form typical of the species.

B) - A tree with slight decline in vigor, small amount of twig dieback, minor structural defects that could be corrected.

C) - A tree with moderate vigor, moderate twig and small branch dieback, thinning crown, poor leaf color, moderate structural defects that might be mitigated.

D) - A tree in decline, epicormics growth, extensive dieback of medium to large branches, significant structural defects that cannot be abated.

F) - A tree in severe decline, dieback of scaffold branches and or trunk, mostly epicormics growth, extensive structural defects that cannot be abated.

List Inventory Pg. 1

Tree #	Common name	Botanical name	Diameter at 4.5 feet in inches	Height (in feet)	Spread (in feet)	Health condition rating	Protection status	REMOVE or Preserve	Comments
1	Camphor	Cinnamomum camphora	30	25	21	F	Yes	REMOVE	Tree topped at 6 ft., canopy composed of trunk sprouts, severe trunk and root decay
2	Camphor	Cinnamomum camphora	4+9+14	25	12	F	No	REMOVE	Tree topped at 6 ft., canopy composed of trunk sprouts.
3	Camphor	Cinnamomum camphora	10	16	11	F	No	REMOVE	Severe deadwood & severely topped
4	Camphor	Cinnamomum camphora	2+4+5+5+5+5+5+5+5+5	25	27	B	No	REMOVE	
5	Mock orange	Pittosporum camphora	3+5	15	8	B	No	REMOVE	
6	Mock orange	Pittosporum camphora	5	15	8	B	No	REMOVE	
7	Orange	Citrus sinensis	4+5	15	12	B	No	REMOVE	
8	Bottlebrush	Callistemon citrinis	2+3+7	17	10	B	No	REMOVE	

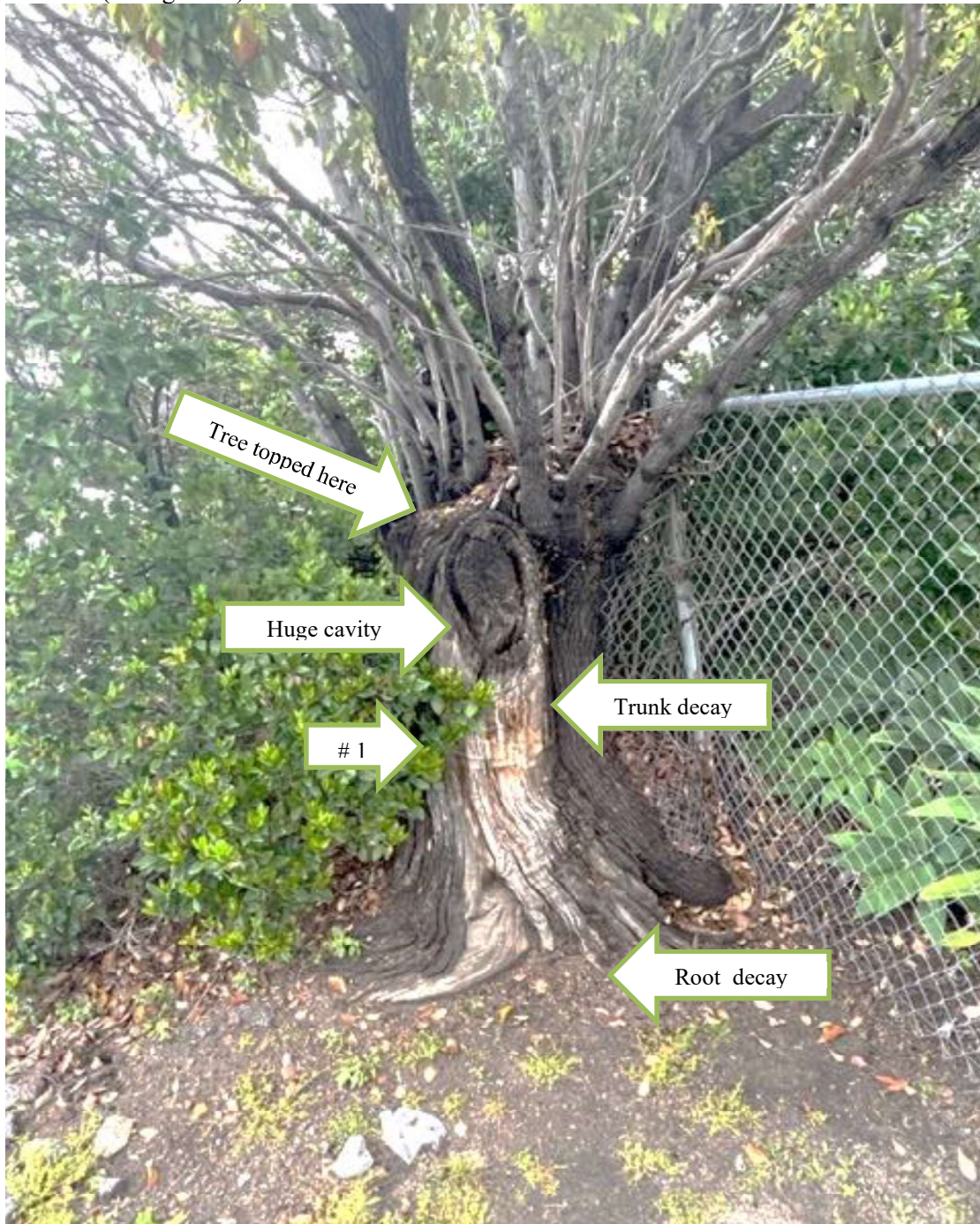
Site Plan With Trees (full scale)



Eric Tsang 826-830 Sunset Blvd. Arcadia, CA 91007
Javier Cabral / Consulting Arborist

March 13, 2023
Pg. # 6

Tree # 1 (facing north)



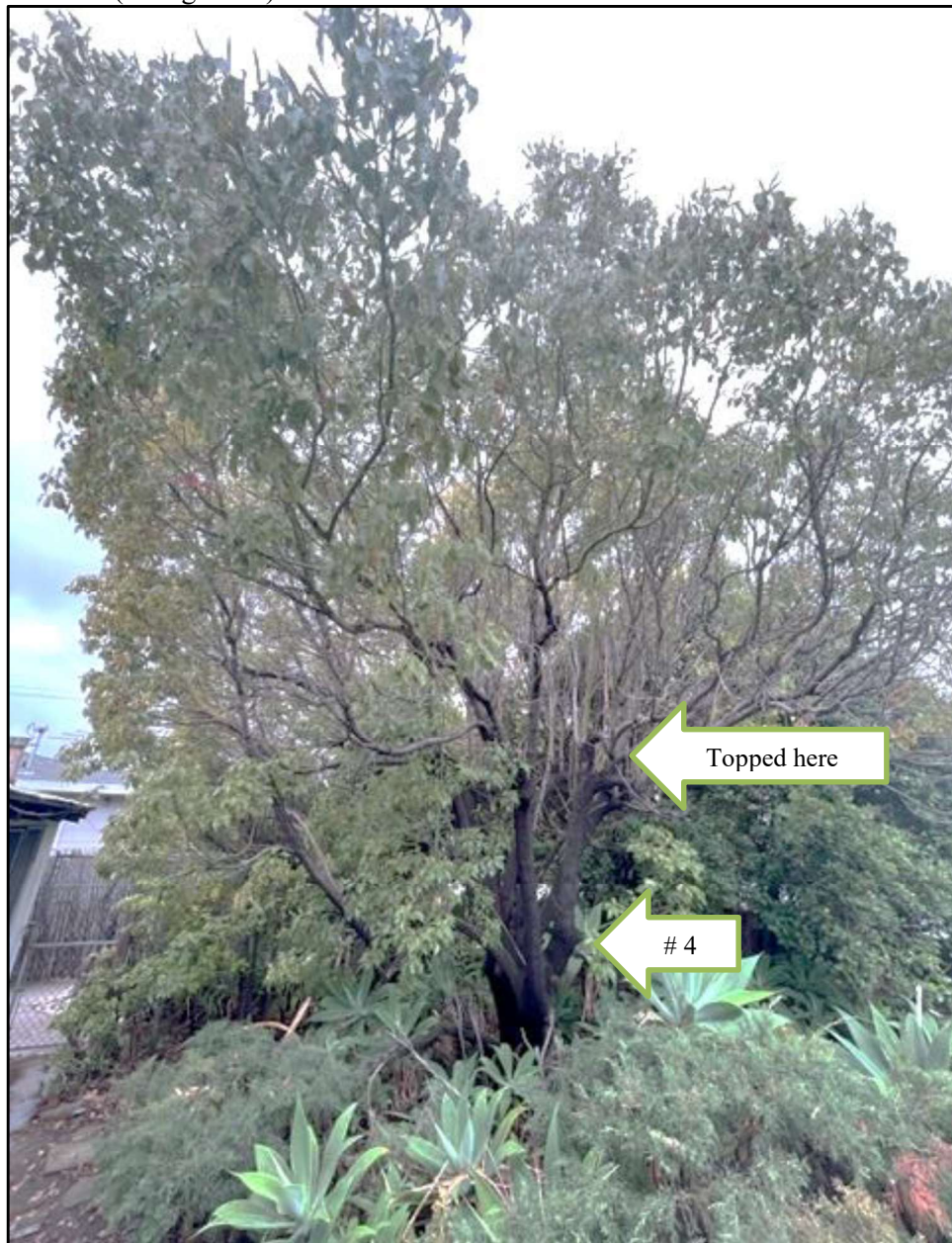
Tree # 2 (facing south)



Tree # 3 (facing south)



Tree # 4 (facing south)



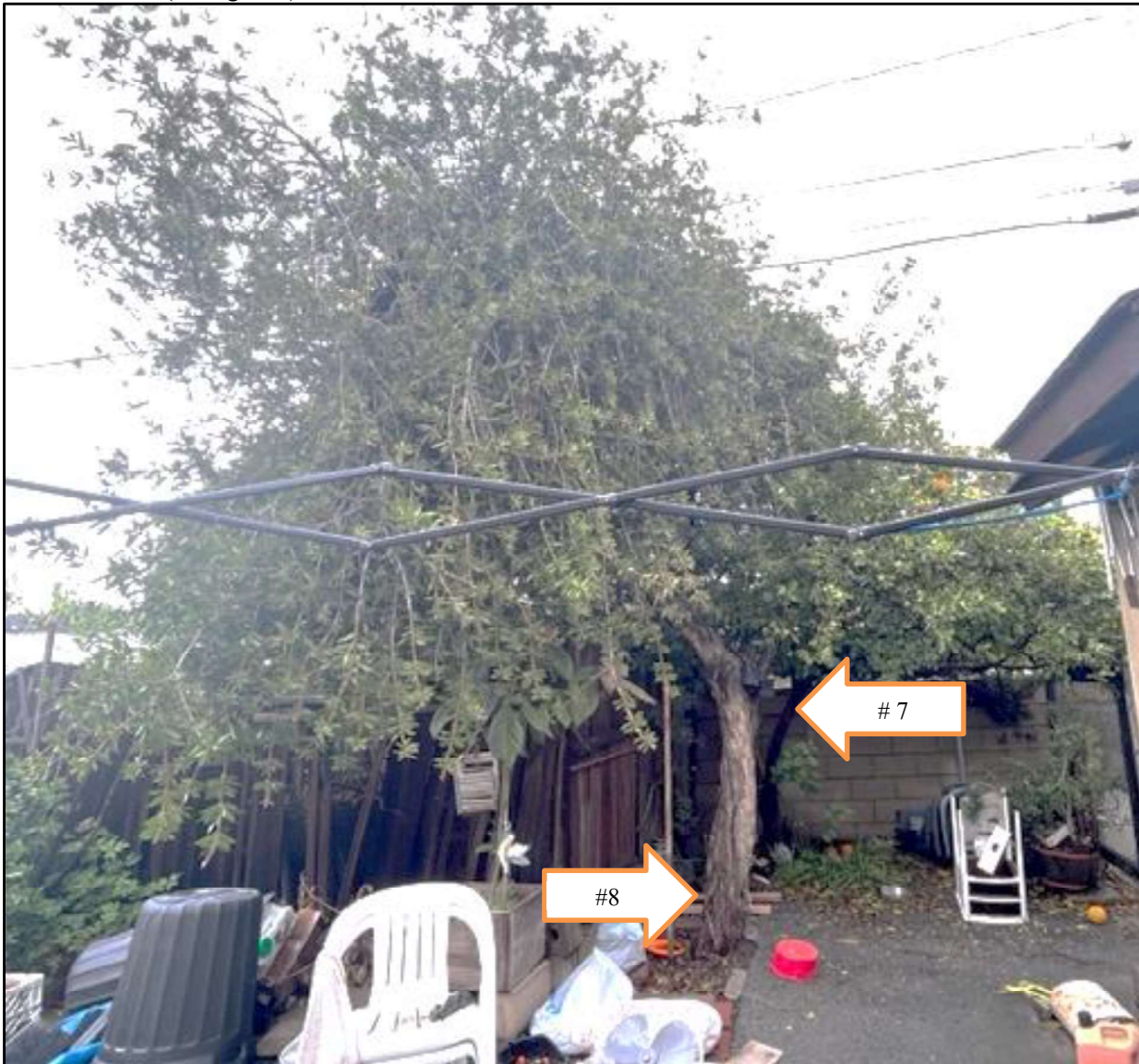
Tree # 5 (facing north)



Tree # 6 (facing east)



Trees # 7 & 8 (facing east)



Hazardous or Diseased Removal (Application Pg. 1)



TRD _____

**PROTECTED TREE PERMIT
REMOVAL OF DEAD, DISEASED AND/OR HAZARDOUS TREES**

PLEASE COMPLETE THE FOLLOWING INFORMATION (REQUIRED) :

PROJECT ADDRESS _____

APPLICANT(S) NAME _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

E-MAIL ADDRESS _____

TELEPHONE NO. _____

PROPERTY OWNER(S) NAME _____

MAILING ADDRESS _____

CITY _____ STATE _____ ZIP _____

E-MAIL ADDRESS _____

TELEPHONE NO. _____

PLEASE ANSWER THE FOLLOWING:

ACCORDING TO AN INDEPENDENT EVALUATION BY A CERTIFIED ARBORIST, THE SUBJECT PROTECTED TREE(S) IS/ARE:

DISEASED
 HAZARDOUS
 DEAD

THE APPLICANT AND PROPERTY OWNER HEREBY DECLARE UNDER PENALTY OF PERJURY THAT ALL THE INFORMATION SUBMITTED FOR THIS APPLICATION IS TRUE AND CORRECT.

APPLICANT'S SIGNATURE _____	DATE _____
PROPERTY OWNER'S SIGNATURE _____	DATE _____

ACTION TAKEN

APPROVED
 CONDITIONALLY APPROVED
 DENIED

CONDITIONS/REASONS FOR DENIAL: _____

BY: _____ DATE: _____ EXPIRATION: _____

THERE IS A TEN (10) DAY APPEAL PERIOD FOR THIS APPLICATION. APPEALS MUST BE SUBMITTED IN WRITING TO THE COMMUNITY DEVELOPMENT DIVISION WITH A \$600.00 APPEAL FEE BY _____ P.M. ON _____.

DATE FILED _____ RECEIVED BY _____

Hazardous or Diseased Removal (Application Pg. 1)

FILING REQUIREMENTS

In order for this application to be processed without any delay, the application must include all of the following materials. To ensure that your application package is complete, please check-off the boxes next to the required application materials.

Completed application form

An Ownership Disclosure is required if the property is owned by a corporation, partnership, trust, or non-profit. The disclosure must reveal the agent for service of process or an officer of the ownership entity. The disclosure must list the names and addresses of all the owners and you must attach a copy of the current corporate articles, partnership agreement, trust, or non-profit document, as applicable.

One (1) PDF and one (1) hard copy of a report completed by an independent Certified Arborist.¹ The report must include an evaluation and determination regarding the condition/health of all Protected tree(s) that are to be removed. Recommendations for replacement tree(s) should also be incorporated. The application will not be accepted without the Arborist's report.

¹ The Arborist must be certified by the International Society of Arboriculture. A list of local Certified Arborists is available from Planning Services.

Photographs of the subject tree(s)

A scaled site plan (11" x 17" maximum size) and a PDF version that shows the following:

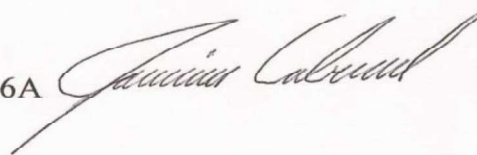
The location of the Protected tree(s) with their diameters and circumferences at a height of approximately 54 inches above the root crown. The driplines/canopy edges of the Protected tree(s) must be accurately depicted.

All existing and proposed improvements on the subject site.

Thank you and feel free to contact me if you have any questions or concerns.

Yours truly,

Javier Cabral / Consulting arborist
1390 El Sereno Ave Pasadena, Ca 91103
International Society of Arboriculture # WE 8116A

A handwritten signature in black ink that reads "Javier Cabral". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Certificate of Performance & Limiting Conditions

I Javier Cabral certify the following:

- No warranty is made, expressed or implied, that problems or deficiencies of the trees or the property will not occur in the future, from any cause. The Arborist shall not be responsible for damages or injuries caused by any tree defects and assume no responsibility for the correction of defects or tree related problems.
- The owner and client of the trees may choose to accept or disregard the recommendations of the Arborist or seek additional advice if the owner decides not to accept the Arborists findings or recommendations.
- The Arborist has no past, present or future interest in the removal or preservation of any tree. The opinions contained in the Arborist report are independent and objective judgements of the Arborist.
- The findings, opinions, and recommendations of the Arborist are based on based on the physical inspection of said property. The opinions are based on knowledge, experience, and education.
- The Arborist shall not be required to provide testimony, provide site monitoring, provide further documentation for changes beyond the control of the Arborist, be deposed, or to attend any meeting without contractual arrangements for additional fees to the Arborist.
- The Arborist assumes no responsibility for verification of ownership or location of property lines, or for any recommendations based on inaccurate information.
- This Arborist report may not be reproduced without the expressed written permission of the Arborist and the client to whom the report was provided to. Any changes or alteration of this report invalidates the entire report.
- Arborists are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, make recommendations to prevent or minimize damage to trees during and after construction projects, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.
- Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.
- Treatment, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.
- Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.

Attachment No. 6

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	MFADR 22-08, TTM 23-01 (84023), and TRD 23-08 – A tentative tract map for an eight-unit residential condominium development with a Categorical Exemption under the California Environmental Quality Act (“CEQA”)
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):	826-830 Sunset Boulevard (across from Okoboji Dr)
3. Entity or person undertaking project:	A.
	B. Other (Private)
	(1) Name Eric Tsang on behalf of 828 Sunset LLC
	(2) Address 150 N. Santa Anita Avenue #300 Arcadia, CA 91006
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: 15332 – Class 32 (Infill Development)
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: April 5, 2023

Staff: Alison MacCarley, Assistant Planner



STAFF REPORT

Development Services Department

DATE: April 25, 2023

TO: Honorable Chairman and Planning Commission

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

SUBJECT: RESOLUTION NO. 2123 –APPROVING CONDITIONAL USE PERMIT NO. CUP 23-01 FOR THE SALE OF BEER, WINE, AND LIQUOR WITHIN THE EXISTING SPECIALTY MARKET STORE (DBA: HEY DEN MARKET) LOCATED AT 1304 S. BALDWIN AVENUE
CEQA: Exempt
Recommendation: Adopt

SUMMARY

The Applicant, Calvin Chan, owner of the Hey Den Market is requesting approval of Conditional Use Permit Application No. CUP 23-01 to allow the sale of beer, wine, and liquor within the existing specialty market store located at 1304 S. Baldwin Avenue (“Project”). It is recommended that the Planning Commission adopt Resolution No. 2123 (refer to Attachment No. 1) and find that the project is Categorically Exempt under CEQA and approve CUP 23-01, subject to the conditions listed in this staff report.

BACKGROUND

The property is located midblock on the east side of South Baldwin Avenue with the closest intersection being South Baldwin and West Naomi Avenue. The market has access from South Baldwin Avenue and an alley to the immediate north of the site. The project site is zoned General Commercial, C-G, 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 in every direction.

Hey Den is a specialty market that carries unique and exotic products from around the world such as wagyu beef, seasonal and exotic fruits and vegetables, and unique snacks

and drinks from Japan. The market is within a standalone commercial building of approximately 3,432 square feet and is located on a 15,680 square foot commercial parcel as shown in Figure 1. The market has been operating at this site since 2021, and the store frontage is shown in Figure 2. Their current business hours are 10:00 a.m. to 6:00 p.m. daily and is not proposed to be changed with this application.

The market was previously occupied by Lohas Fresh Mart, also a specialty grocery store, from 2018 to 2020. Lohas was granted Conditional Use Permit No. CUP 16-08 for the sale of beer and wine in 2016. A subsequent specialty market, Asia Connection, operated on the site from January 2020 to June 2021, but did not sell alcohol. Therefore, it has been over three years since alcohol was sold at the site, and the previous Conditional Use Permit (CUP) has expired.



Figure 1 - Aerial of subject site



Figure 2 – View from Duarte Road

PROPOSAL

The Applicant is requesting approval of a Conditional Use Permit to allow the sale of beer, wine, and liquor with a Type 21 (Off-Sale General) license from Alcoholic Beverage Control (ABC) within the existing market.

The proposed floor plan (refer to Attachment No. 3) shows the interior layout of the store with the beer, wine, and liquor section in the north-west corner as well as behind the register within the existing market space. Figure 3 shows the existing shelving space and fridge area that would be used to for alcohol sales.

ANALYSIS

The Development Code requires a CUP for the sale of any alcoholic beverages on a property in the C-G Zone. The purpose of the CUP is to ensure that the proposed beer, wine, and liquor sales is an appropriate use for the property and is compatible with other uses in the surrounding area.

The sale beer, wine, and liquor for off-site sales is common for many markets

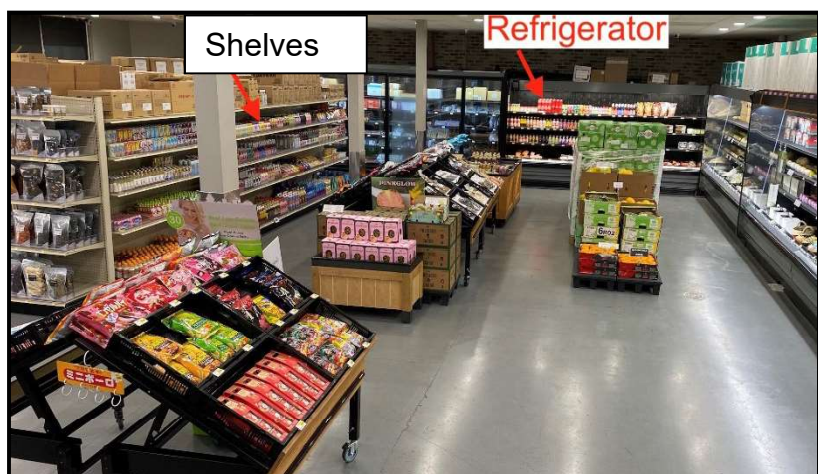


Figure 3 – Photo of Inside Hey Den Market

and grocery stores in Arcadia. Allowing this use would not result in an adverse impact to the neighboring businesses as the beer, wine, and liquor will be for off-site consumption only, the hours of operation are not proposed to change, and the area dedicated to alcohol sales within the store is limited two shelving areas and one fridge area. The Applicant will be selling primarily specialty alcohol from international brands from Asia.

The Applicant will be required to comply with the California Department of Alcoholic Beverage Control (“ABC”) regulations and all the employees will be required to complete the State of California’s ABC Responsible Alcoholic Beverage Service (RBS) training. RBS training includes looking for signs of intoxication, properly identification checking, procedures for dealing with various situations, as well as general behavior observation training. With regards to public safety concerns, the Fire Department and Police Department have reviewed the CUP application and no concerns were raised by any of the departments for the proposed sale of beer, wine, and liquor.

In terms of parking, the subject property has a total of 17 on-site parking spaces and the market requires 17 spaces. The sale of alcohol will not change the number of parking spaces required for the market use.

FINDINGS

Section 9107.09.050 of the Arcadia Municipal 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 this Development Code and the Municipal Code.**

Facts to Support This Finding: The sale of beer, wine, and liquor within a market or grocery store is consistent with the Commercial Land Use Designation of the site and will not adversely impact the objectives of the General Plan. The Commercial designation is intended to permit a wide range of commercial uses, which serve both the local neighborhood and the City at large. The sale of beer, wine, and liquor will be incidental to the existing retail operation of the market. Therefore, the sale of beer, wine, and liquor is consistent with the General Plan and the following 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 sale of beer, wine, and liquor will be located within an existing commercial building and is limited to one fridge and two shelf spaces. The proposed sale of beer, wine, and liquor will not affect nor change the way the specialty market store is operated and will not require modification of the site or building. Conditions of approval in the Resolution which address safety and security will ensure that the sale of beer, wine, and liquor will not be detrimental or injurious to the property, or the public health and safety, and general welfare of the City. Therefore, the proposal is compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

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

Facts to Support This Finding: The subject site is physically suitable to accommodate the proposed use because the sale of beer, wine, and liquor will take place inside the existing commercial building as part of the existing specialty market. There will be designated areas in the northwest corner and behind the cash register of the store where the beer, wine, and liquor will be displayed. There will be no changes or impacts to parking since the current site has adequate parking and the proposed changes to the market will not require additional parking.

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

Facts to Support This Finding: The property is located midblock on South Baldwin Avenue which is adequate in width and pavement type to carry the traffic generated by the proposed use and emergency vehicles. There is also a paved alley that connects South Baldwin Avenue with West Duarte Road in the north and West Naomi Avenue to the southwest, and which is available for use by the public and emergency vehicles. Therefore, the proposed use is serviced by streets adequate in width and pavement type to accommodate public and emergency vehicles.

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

Facts to Support This Finding: The market is located within an existing commercial unit. Conditions of approval have been included to ensure the addition of alcohol sales at the market will 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 property is developed within an existing commercial building. There are adequate utilities to service this site and business. The sale of alcohol within the market will not change the nature of the business and will not impact the existing infrastructure servicing the site. 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: The purpose of the C-G, General Commercial Zone, is to provide a wide range of retail sales primarily oriented to provide for the general needs of the City. The sale of beer, wine, and liquor will not adversely affect the public convenience, health, interest, safety, or general welfare since it will be limited to no more than two fridges and two shelf spaces within the specialty market, and it will not change the overall operation or use of the existing market. The conditions of approval in Resolution No. 2123 also address safety and security to ensure the sale of alcohol will not be detrimental or injurious to the property, or the public health or safety, and general welfare of the City. Therefore, this finding can be met.

ENVIRONMENTAL ANALYSIS

It has been determined that the project qualifies as a Class 1 Categorical Exemption per the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, as the proposed use will be located within an existing facility (refer to Attachment No. 4).

PUBLIC 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 Arcadia Weekly on April 13, 2023. As of April 20, 2023, staff has not received any comments or concerns from the public.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2123 and find that this project is Categorically Exempt under the California Environmental Quality Act (CEQA), and approve Conditional Use Permit No. CUP 23-01 subject to the following conditions of approval:

1. The use approved by Conditional Use Permit No. CUP 23-01 is limited to the sale of beer, wine, and liquor (Type 21 ABC license), for off-site consumption within an existing 3,432 square foot commercial unit and must be incidental to the market. No on-site consumption is permitted with this approval. The business shall be subject to periodic inspections, after which the provisions of this Conditional Use Permit may be adjusted by the Deputy Development Services Director, or designee, after due notice to address any adverse impacts to the neighboring businesses and properties.
2. Noncompliance with the plans, provisions and conditions of approval for CUP 23-01 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of the sale beer, wine, and liquor.
3. No exterior changes to the existing building are permitted with this approval. Any exterior changes to the building or window signage shall be subject to a separate review and approval.
4. There shall be no excessive loitering in front of the business as determined by the Arcadia Police department.
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 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.
6. 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 Conditional

Use Permit No. CUP 23-01 (“Project”) on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant’s contractors, agents, tenants, employees or any other persons acting on Applicant’s behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days’ notice from the City of any such action, 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 that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, at the request of the Applicant or not.

7. Approval of Conditional Use Permit No. CUP 23-01 shall not be of effect unless on or before 30 calendar days after Planning Commission adoption of the Resolution, the property owner and Applicant have executed and filed with the Deputy Development Services Director or designee an Acceptance Form available from the Development Services Department to indicate awareness and acceptance of these conditions of approval.

PLANNING COMMISSION ACTION

Approval

If the Planning Commission intends to approve this proposal, the Commission should pass a motion to approve Conditional Use Permit No. CUP 23-01, stating that the proposal satisfies the requisite findings, and adopt the attached Resolution No. 2123 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 pass a motion to deny Conditional Use Permit Application No. CUP 23-01; state the finding(s) that the proposal does not satisfy with reasons based on the record, and direct staff to prepare a resolution for adoption at the next meeting that incorporates the Commission's decision and specific findings.

If any Planning Commissioner, or other interested party has any questions or comments regarding this matter prior to the April 25, 2023, hearing, please contact Assistant Planner Alison MacCarley at (626) 574-5447, or amaccarley@ArcadiaCA.gov.

Approved:

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

Lisa L. Flores
Deputy Development Services Director

- Attachment No. 1: Resolution No. 2123
- Attachment No. 2: Aerial Photo with Zoning Information & Photos of the Subject Property
- Attachment No. 3: Architectural Plans
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2123

RESOLUTION NO. 2123

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT NO. CUP 23-01 FOR THE SALE OF BEER, WINE, AND LIQUOR WITHIN THE EXISTING SPECIALTY MARKET STORE (DBA: HEY DEN MARKET) LOCATED AT 1304 S. BALDWIN AVENUE

WHEREAS, on February 2, 2023, an application for Conditional Use Permit No. CUP 23-01 was filed by the business owner, Calvin Chan, (“Applicant”) to allow the sale of beer, wine, and liquor (Type 21 Off-Sale General) license from Alcoholic Beverage Control (ABC) within the existing specialty market store (DBA: Hey Den Market) at 1304 S. Baldwin Avenue; and

WHEREAS, on March 30, 2023, Planning Services completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (“CEQA”) and recommends that the Planning Commission determine that the Project qualifies as a Class 1 Categorical Exemption under CEQA pursuant to Section 15301(a) of the CEQA Guidelines as the use of an existing facility; and

WHEREAS, on April 25, 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 April 25, 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; and is allowed within the applicable zone, subject to the granting of a Conditional Use Permit, and complies with all other applicable provisions of this Development Code and the Municipal Code:

FACT: The sale of beer, wine, and liquor within a market or grocery store is consistent with the Commercial Land Use Designation of the site and will not adversely impact the objectives of the General Plan. The Commercial designation is intended to permit a wide range of commercial uses, which serve both the local neighborhood and the City at large. The sale of beer, wine, and liquor will be incidental to the existing retail operation of the market. Therefore, the sale of beer, wine, and liquor is consistent with the General Plan and the following 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 would be compatible with the existing and future land uses in the vicinity.

FACT: The sale of beer, wine, and liquor will be located within an existing commercial building and is limited to one fridge and two shelving spaces. The proposed sale of beer, wine, and liquor will not affect nor change the way the specialty market store

is operated and will not require modification of the site or building. Conditions of approval in the Resolution which address safety and security will ensure that the sale of beer, wine, and liquor will not be detrimental or injurious to the property, or the public health and safety, and general welfare of the City. Therefore, the proposal is compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

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

FACT: The subject site is physically suitable to accommodate the proposed use because the sale of beer, wine, and liquor will take place inside the existing commercial building as part of the existing specialty market. There will be designated areas in the northwest corner and behind the cash register of the store where the beer, wine, and liquor will be displayed. There will be no changes or impacts to parking since the current site has adequate parking and the proposed changes to the market will not require additional parking.

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

FACT: The property is located midblock on South Baldwin Avenue which is adequate in width and pavement type to carry the traffic generated by the proposed use and emergency vehicles. There is also a paved alley that connects South Baldwin Avenue with West Duarte Road in the north and West Naomi Avenue to the southwest, and which is available for use by the public and emergency vehicles. Therefore, the proposed use is

serviced by streets adequate in width and pavement type to accommodate public and emergency vehicles.

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

FACT: The market is located within an existing commercial unit. Conditions of approval have been included to ensure the addition of alcohol sales at the market will 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 property is developed within an existing commercial building. There are adequate utilities to service this site and business. The sale of alcohol within the market will not change the nature of the business and will not impact the existing infrastructure servicing the site. 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 would 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 purpose of the C-G, General Commercial Zone, is to provide a wide range of retail sales primarily oriented to provide for the general needs of the City. The sale of beer, wine, and liquor will not adversely affect the public convenience, health,

interest, safety, or general welfare since it will be limited to no more than one fridge and two shelving areas within the specialty market, and it will not change the overall operation or use of the existing market. The conditions of approval in Resolution No. 2123 also address safety and security to ensure the sale of alcohol will not be detrimental or injurious to the property, or the public health or safety, and general welfare of the City. Therefore, this finding can be met.

5. 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, as the proposed use would be located within an existing facility.

SECTION 3. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt per Class 1, Section 15301 (a) of the California Environmental Quality Act (CEQA) Guidelines and approves Conditional Use Permit No. CUP 23-01 to allow the sale of beer, wine and liquor at the existing specialty store of the Hey Den Market located at 1304 S. Baldwin Avenue, 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 25th day of April, 2023.

Brad Thompson
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

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RESOLUTION NO. 2123

Conditions of Approval

It is recommended that the Planning Commission adopt Resolution No. 2123 and find that this project is Categorically Exempt under the California Environmental Quality Act (CEQA), and approve Conditional Use Permit No. CUP 23-01 subject to the following conditions of approval:

1. The use approved by Conditional Use Permit No. CUP 23-01 is limited to the sale of beer, wine, and liquor (Type 21 ABC license), for off-site consumption within an existing 3,432 square foot commercial unit and must be incidental to the market. No on-site consumption is permitted with this approval. The business shall be subject to periodic inspections, after which the provisions of this Conditional Use Permit may be adjusted by the Deputy Development Services Director, or designee, after due notice to address any adverse impacts to the neighboring businesses and properties.
2. No exterior changes to the existing building are permitted with this approval. Any exterior changes to the building or window signage shall be subject to a separate review and approval.
3. There shall be no excessive loitering in front of the business as determined by the Arcadia Police department.
4. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with 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.
5. Noncompliance with the plans, provisions and conditions of approval for CUP 23-01 shall be grounds for immediate suspension or revocation of any approvals, which could result in termination of the sale of beer, wine, and liquor.
6. 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 Conditional

Use Permit No. CUP 23-01 (“Project”) on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant’s contractors, agents, tenants, employees or any other persons acting on Applicant’s behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, or any other supporting document relating to the Project, the City will promptly notify the Applicant of the claim, action, or proceedings and will fully cooperate in the defense of the matter. Once notified, the Applicant must indemnify, defend and hold harmless the Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City or any of the Indemnitees in relation to such action. Within 15 days’ notice from the City of any such action, 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 that the Applicant reasonably approves. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s) or take any position adverse to the Applicant in connection with such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, at the request of the Applicant or not.

7. Approval of Conditional Use Permit No. CUP 23-01 shall not be of effect unless on or before 30 calendar days after Planning Commission adoption of the Resolution, the property owner and Applicant have executed and filed with the Deputy Development Services Director or designee an Acceptance Form available from the Development Services Department to indicate awareness and acceptance of these conditions of approval.

Attachment No. 2

Aerial Photo with Zoning Information &
Photos of the Subject Property

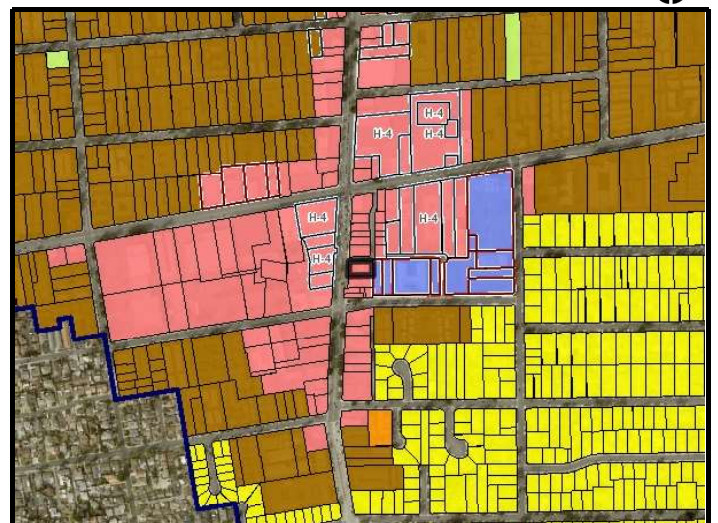
Site Address: 1304 S BALDWIN AVE

Property Owner(s): Property Owner



Property Characteristics	
Zoning:	C-G
General Plan:	C
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	3,432
Year Built:	1937
Number of Units:	1
Overlays	
Architectural Design Overlay:	N/A
Downtown Overlay:	N/A
Downtown Parking Overlay:	N/A
Parking Overlay:	N/A
Racetrack Event Overlay:	N/A
Residential Flex Overlay:	N/A
Special Height Overlay:	N/A

Selected parcel highlighted



Parcel location within City of Arcadia

Attachment No. 3

Architectural Plans

Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 23-01 Conditional Use Permit with a Categorical Exemption under the California Quality Act ("CEQA") Section 15301(a) to allow the sale of beer, wine, and liquor within the existing specialty market store (dba: Hey Den Market) located at 1304 S. Baldwin Avenue.								
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):	1304 S. Baldwin Avenue. – The business is located on the east side of South Baldwin Avenue, south of West Duarte Road and North of West Naomi Avenue.								
3. Entity or person undertaking project:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="border-bottom: 1px solid black;">A.</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">B. Other</td> </tr> <tr> <td style="width: 10%; border-right: 1px dotted black; padding: 2px;">(1) Name</td> <td style="padding: 2px;">Calvin Chan</td> </tr> <tr> <td style="border-right: 1px dotted black; padding: 2px;">(2) Address</td> <td style="padding: 2px;">1304 S. Baldwin Avenue, Arcadia, CA 91007</td> </tr> </table>	A.		B. Other		(1) Name	Calvin Chan	(2) Address	1304 S. Baldwin Avenue, Arcadia, CA 91007
A.									
B. Other									
(1) Name	Calvin Chan								
(2) Address	1304 S. Baldwin Avenue, Arcadia, CA 91007								
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"/>	<p>The project is categorically exempt.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; border-right: 1px dotted black; 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"/>	<p>The project is statutorily exempt.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; border-right: 1px dotted black; padding: 2px;">Applicable Exemption:</td> <td style="padding: 2px;"></td> </tr> </table>	Applicable Exemption:							
Applicable Exemption:									
g. <input type="checkbox"/>	<p>The project is otherwise exempt on the following basis:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; border-right: 1px dotted black; padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> </table>								
h. <input type="checkbox"/>	<p>The project involves another public agency which constitutes the Lead Agency.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; border-right: 1px dotted black; padding: 2px;">Name of Lead Agency:</td> <td style="padding: 2px;"></td> </tr> </table>	Name of Lead Agency:							
Name of Lead Agency:									

Date: March 30, 2023

Staff: Alison MacCarley, Planning Assistant



STAFF REPORT

Development Services Department

DATE: April 25, 2023

TO: Honorable Chair and Planning Commission

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

SUBJECT: RESOLUTION NO. 2125 – APPROVING CONDITIONAL USE PERMIT NO. CUP 23-02 TO ALLOW A TUTORING CENTER WITH UP TO 45 STUDENTS AT 22 E. DUARTE ROAD
CEQA: Exempt
Recommendation: Adopt

SUMMARY

The Applicant and Councilmember, Eileen Wang is requesting approval of Conditional Use Permit No. CUP 23-02 for a tutoring center within an existing 1,200 square foot unit in a multi-tenant commercial building at 22 E. Duarte Road. The tutoring center will have up to 45 students, from elementary to high school, and up to four staff members onsite. It is recommended that the Planning Commission adopt Resolution No. 2125 (Attachment No. 1), find this project Categorical Exempt under the California Environmental Quality Act (CEQA), and approve Conditional Use Permit No. CUP 23-02, subject to the conditions listed in this staff report.

BACKGROUND

The subject unit is within the multi-tenant, one-story commercial building located on the south side of East Duarte Road, between Code Lions Coding School and LBC Lighting, and is approximately 1,200 square feet in size. The 14,551 square foot commercial building has 13 units which have vehicular access from S. Santa Anita Avenue through an alley, and E. Duarte Road. The property has a shared parking lot at the rear of the building with 99 spaces. 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 multi-family residential properties to the south – see Figure 1.

There are 13 existing units on the property with two 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. The Applicant has previous experience running tutoring centers and has operated Little Stanford at other locations throughout Arcadia for over ten years including at 66 E. Duarte Road and 2617 S. Santa Anita Avenue. Little Stanford has been operating at 22 E. Duarte Road since June 2022 and the Applicant is requesting to legalize the use. The tutoring center currently has approximately 15 students, which is below the requested maximum capacity.

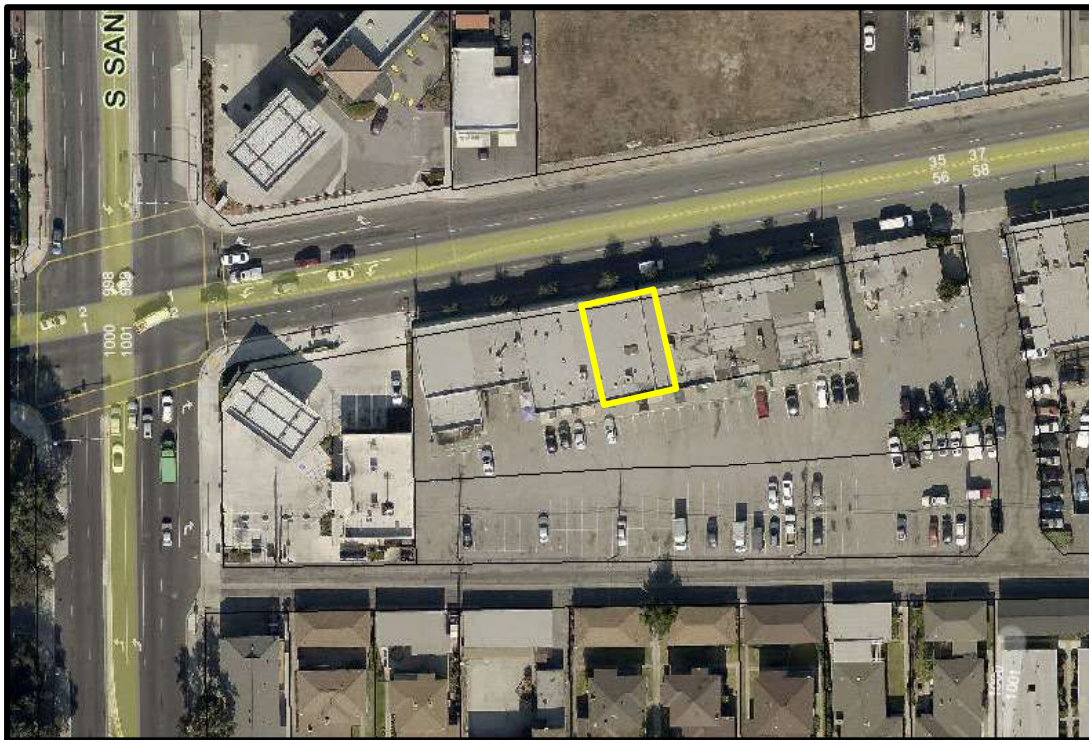


Figure 1 - Aerial of Subject Site

PROPOSAL

The Applicant is requesting approval to operate a tutoring center (DBA: Little Stanford Academy) for children in grades first through 12. Little Stanford most recently operated at 66 W. Duarte Road, but has relocated to 22 E. Duarte Road since their lease was up and chose to relocate. Tutoring school will involve homework help, college preparatory courses, and education services.

The use will include four (4) classrooms, two (2) restrooms, a lobby and an office - refer to Figure 2 below and Attachment No. 3 for the Floor Plan and Site Plan. As the unit was previously used for a tutoring center, each of the classrooms has a glass window to be viewed from the hallway, and a condition of approval has been included that these shall be maintained. The classrooms will be separated by grade levels or by courses, however the total number of students on the site will not exceed 45. Up to four (4) staff will be

onsite at any time. The classes will consist of college preparatory courses, and/or homework help.

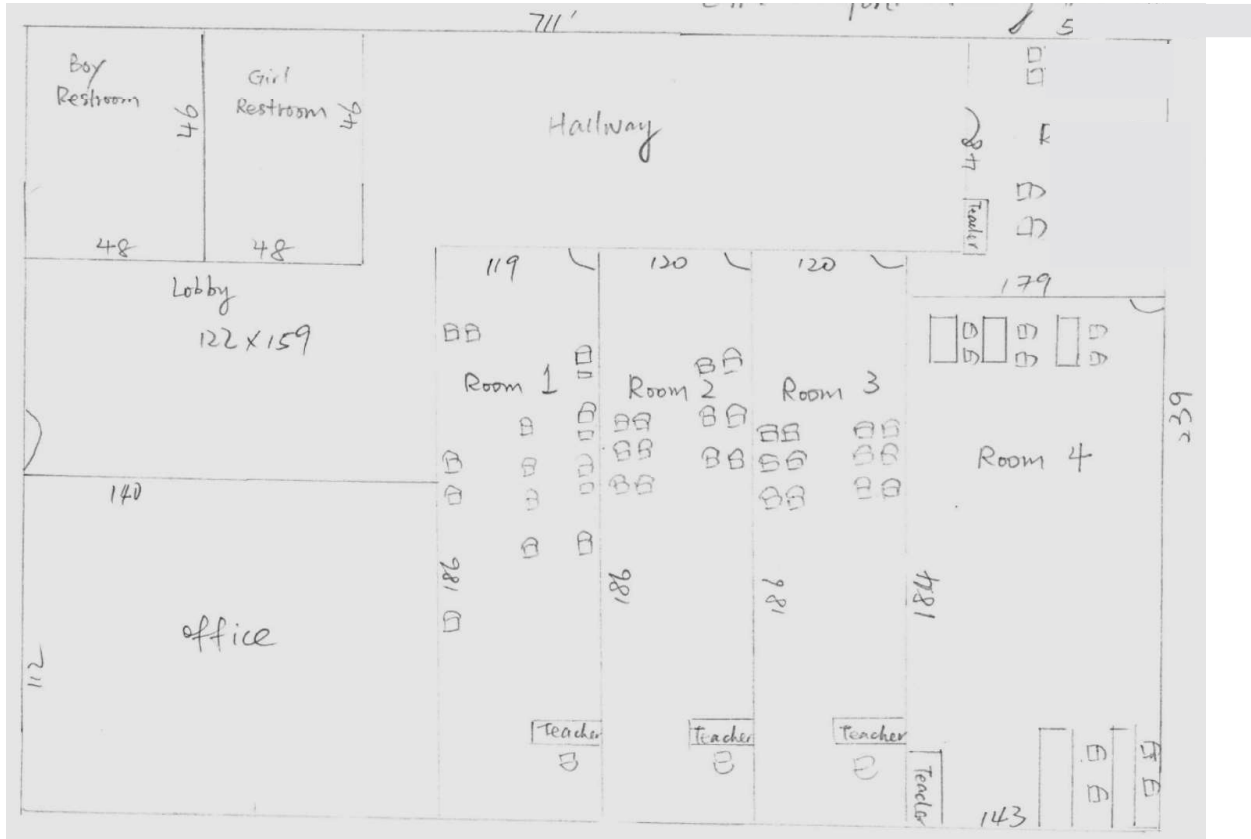


Figure 2: Floor Plan of Tutoring Center

The proposed business hours are from 12:00 p.m. to 7:00 p.m. Monday through Friday, 9:30 a.m. to 5:30 p.m. on Saturdays, and 9:30 a.m. to 12:30 p.m. on Sundays during the school year. During summer and winter breaks, the Monday to Friday hours is from 8:00 a.m. to 7:00 p.m., Monday through Friday and weekends will remain the same.

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 tutoring center will have up to 45 students and four (4) employees on site at any given time and will provide additional educational opportunities for children in Arcadia. The unit has a maximum capacity of 49 people per the Arcadia Fire Department. Of the 49 students, approximately 25 will be of elementary school age, 15 middle schoolers, and five (5) high schoolers. This is based on the Applicant's recent enrollment. The proposed tutoring center will be occupying a unit that was previously used by a tutoring center; and there are no exterior or interior changes being proposed. The application was reviewed

by the Fire Department and the unit was brought into compliance in March 2023. The Police Department had no concerns with the proposal.

Parking

For an educational/tutoring center, the Development Code requires 1 parking space for every 3 high school students, 1 parking space for every 5 elementary or middle school students, and one space for every employee. The Applicant anticipates the majority of the students will be elementary and middle schoolers and, at most, there will be 10 high schoolers onsite.

With up to 45 students, 10 of which are high schoolers, and four (4) employees, a maximum of 14 parking spaces are required. There are a total of 99 existing parking spaces on site that serve the 13 units within the commercial building. Based on the parking requirements for the existing uses, including the vacant unit, and the proposed tutoring center, 93 parking spaces are required, as shown in Table 1 below. None of the existing uses on the site have required a parking modification, including the computer coding school at 24 E. Duarte Road, which was approved by the Planning Commission on January 10, 2023. As such, there will be an excess of six (6) parking spaces. Therefore, there is enough parking to accommodate the proposed use. Furthermore, this use is currently in operation and based on Staff’s observation there has always been sufficient parking throughout the day.

Table 1 – Parking

Unit	Occupant	Type	Unit Size	Parking Spaces
8	Sofit Socal	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	Proposed Tutoring Center	Education Center	1200	14
24	Coding School	Education Center	1000	7 (Approved by Planning Commission on January 10, 2023).
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				93

Parents will not stay at the tutoring center while their children are in attendance. Parents can access the unit through the rear of the building and the parking lot in the rear is available for student pick-up and drop-off. The location is also within short walking distance from Arcadia High School, so it is anticipated some of the students will walk to the tutoring center after school.

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. 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: Approval of a tutoring center is consistent with the Commercial land use designation of the site. The Commercial land use designation is intended to permit a wide range of commercial uses which serve both neighborhood and citywide markets. The designation allows a broad array of commercial uses, including tutoring and educational centers. 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 proposed use will occupy a vacant commercial unit that was previously used as a tutoring center, and no exterior or interior changes are proposed. The site has an adequate number of parking spaces to accommodate the proposed use and the site's existing uses. Therefore, the proposed use 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 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 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 ten units at this existing multi-tenant, commercial center that is approximately 1,200 square feet. The tutoring center's hours of operation are similar to the other uses at this center and will be limited to weekday afternoons during the school year, Saturdays, and Sundays, and with extended weekday hours during the summer and

winter breaks. The hours of operation are similar to other commercial uses in the vicinity. The tutoring center will have a maximum of 49 persons – 45 students and four (4) staff – on the premises at any given time, per the maximum occupancy allowed by the Fire Department. There has been other tutoring or educational centers at this site in the past and the Planning Commission recently approved a computer coding school for students in the adjacent unit. 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 tutoring center will be compatible with the various commercial uses that exist on the property. There is also sufficient 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.

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. The use will occupy a vacant unit within an existing multi-tenant commercial center which was previously used for a tutoring center. Therefore, no interior changes are required to accommodate the proposed use. The operating hours are limited to weekday afternoons, Saturdays, and Saturdays during the school year, while during school holidays, hours will be from 8:00 a.m. to 7:00 p.m. during weekdays. These hours are 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. Most of the parents will drop off and pick up at the rear of the unit in the surface parking lot, and there is sufficient onsite parking for the use per the Development Code requirements. 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 tutoring center and to support emergency vehicle access.

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

Facts to Support This Finding: The proposed tutoring center will be located within an existing commercial unit. Conditions of approval have been included to ensure the tutoring center will be operated in a safe manner, and not impact public protection services. The request has been reviewed by the Fire Department and 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.

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

Facts to Support This Finding: The proposed tutoring center will not be detrimental to the public health or welfare, or to the surrounding properties. The business has been operating at this location since June 2022. The City has not received any complaints from neighboring property owners or tenants regarding the business in that time. The hours of operation will be similar to other commercial uses in the vicinity. Students will be separated between four classrooms, each with a teacher/tutor overseeing activities who will limit noise to regular classroom discussions. The site has sufficient parking to meet the needs of the tutoring center and other businesses at the site. Therefore, 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

April 13, 2023. As of April 20, 2023, staff did not receive any public comments on this project.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2125 approving Conditional Use Permit No. CUP 23-02 for a new tutoring center with up to 45 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 23-02 is limited to an academic tutoring center for students from Kindergarten to 12th grade and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 23-02.
2. No more than 49 people, a maximum of 45 students and four (4) staff, shall be permitted on site at any given time, as this is the maximum occupancy allowed by the City's Fire department. The number of high school students shall be limited to 10 high schoolers onsite at any one time. Any changes to the operation and parking shall be subject to review and approval by the Deputy Development Services Director. The Deputy Development Services Director has the ability to remand this issue back to the Planning Commission for review and consideration.
3. The classrooms shall maintain a clear window or other openings that allow for observation outside of the room.
4. 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.
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, 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.
6. Noncompliance with the plans, provisions and conditions of approval for CUP 23-02 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the tutoring center.
7. 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 23-02 (“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.

8. Approval of CUP 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 Application No. CUP 23-02, stating

that the proposal satisfies the requisite findings, and adopting the attached Resolution No. 2125 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 23-02, stating that the finding(s) of the proposal does not satisfy with reasons based on the record, and direct staff to prepare a resolution for adoption at the next meeting that incorporates the Commission's decision and specific findings.

If any Planning Commissioner or other interested party has any questions or comments regarding this matter prior to the April 25, 2023, hearing, please contact Planning Services Manager, Fiona Graham at (626) 574-5442, or by email at fgraham@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. 2125
- Attachment No. 2: Aerial Photo and Zoning Information and Photos of the Subject Property
- Attachment No. 3: Site Plan and Floor Plan
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2125

RESOLUTION NO. 2125

RESOLUTION NO. 2125 – APPROVAL OF CONDITIONAL USE PERMIT NO. 23-02 TO ALLOW A TUTORING CENTER WITH UP TO 45 STUDENTS AT 22 EAST DUARTE ROAD

WHEREAS, on February 23, 2023, an application for Conditional Use Permit No. CUP 23-02 was filed by the business owner, Eileen Wang (“Applicant”), for a new tutoring center with up to 45 students and 4 staff members at 22 E. Duarte Road (DBA: Little Stanford); and

WHEREAS, on April 3, 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(a) of the CEQA Guidelines as the use of an existing facility; and

WHEREAS, on April 25, 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 April 25, 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. 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: Approval of a tutoring center is consistent with the Commercial land use designation of the site. The Commercial land use designation is intended to permit a wide range of commercial uses which serve both neighborhood and citywide markets. The designation allows a broad array of commercial uses, including tutoring and educational centers. 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 proposed use will occupy a vacant commercial unit that was previously used as a tutoring center, and no exterior or interior changes are proposed. The site has an adequate number of parking spaces to accommodate the proposed use and the site's existing uses. Therefore, the proposed use 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 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 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 ten units at this existing multi-tenant, commercial center that is approximately 1,200 square feet. The tutoring center's hours of operation are similar to the other uses at this center and will be limited to weekday afternoons during the school year, Saturdays, and Sundays, and with extended weekday hours during the summer and winter breaks. The hours of operation are similar to other commercial uses in the vicinity. The tutoring center will have a maximum of 49 persons – 45 students and four (4) staff – on the premises at any given time, per the maximum occupancy allowed by the Fire Department. There has been other tutoring or educational centers at this site in the past and the Planning Commission recently approved a computer coding school for students in the adjacent unit. 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 tutoring center will be compatible with the various commercial uses that exist on the property. There is also sufficient 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.

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. The use will occupy a vacant unit within an existing multi-tenant commercial center which was previously used for a tutoring center. Therefore, no interior changes are required to accommodate the proposed use. The operating hours are limited to weekday afternoons, Saturdays, and Saturdays during the school year, while during school holidays, hours will be from 8:00 a.m. to 7:00 p.m. during weekdays. These hours are 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. Most of the parents will drop off and pick up at the rear of the unit in the surface parking lot, and there is sufficient onsite parking for the use per the Development Code requirements. 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 tutoring center and to support emergency vehicle access.

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

FACT: The proposed tutoring center will be located within an existing commercial unit. Conditions of approval have been included to ensure the tutoring center will be operated in a safe manner, and not impact public protection services. The request has

been reviewed by the Fire Department and 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.

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

FACT: The proposed tutoring center will not be detrimental to the public health or welfare, or to the surrounding properties. The business has been operating at this location since June 2022. The City has not received any complaints from neighboring property owners or tenants regarding the business in that time. The hours of operation will be similar to other commercial uses in the vicinity. Students will be separated between four classrooms, each with a teacher/tutor overseeing activities who will limit noise to regular classroom discussions. The site has sufficient parking to meet the needs of the tutoring center and other businesses at the site. Therefore, the size and nature of the operation of the use will not negatively affect the existing uses in the surrounding properties.

5. This Project is Categoricaly 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 tutoring center is Categoricaly Exempt per Class 1, Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines and approves Conditional Use Permit No. CUP 23-02 for a new tutoring center within an existing commercial unit at 22 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 25th day of April, 2023.

Brad Thompson
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

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RESOLUTION NO. 2125

Conditions of Approval

1. The use approved by CUP 23-02 is limited to an academic tutoring center for students from Kindergarten to 12th grade and shall be operated and maintained in a manner that is consistent with the proposal and plans submitted and approved for CUP 23-02.
2. No more than 49 people, a maximum of 45 students and four (4) staff, shall be permitted on site at any given time, as this is the maximum occupancy allowed by the City's Fire department. The number of high school students shall be limited to 10 high schoolers onsite at any one time. Any changes to the operation and parking shall be subject to review and approval by the Deputy Development Services Director. The Deputy Development Services Director has the ability to remand this issue back to the Planning Commission for review and consideration.
3. The classrooms shall maintain a clear window or other openings that allow for observation outside of the room.
4. 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.
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, 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.
6. Noncompliance with the plans, provisions and conditions of approval for CUP 23-02 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the tutoring center.
7. 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 23-02 ("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.

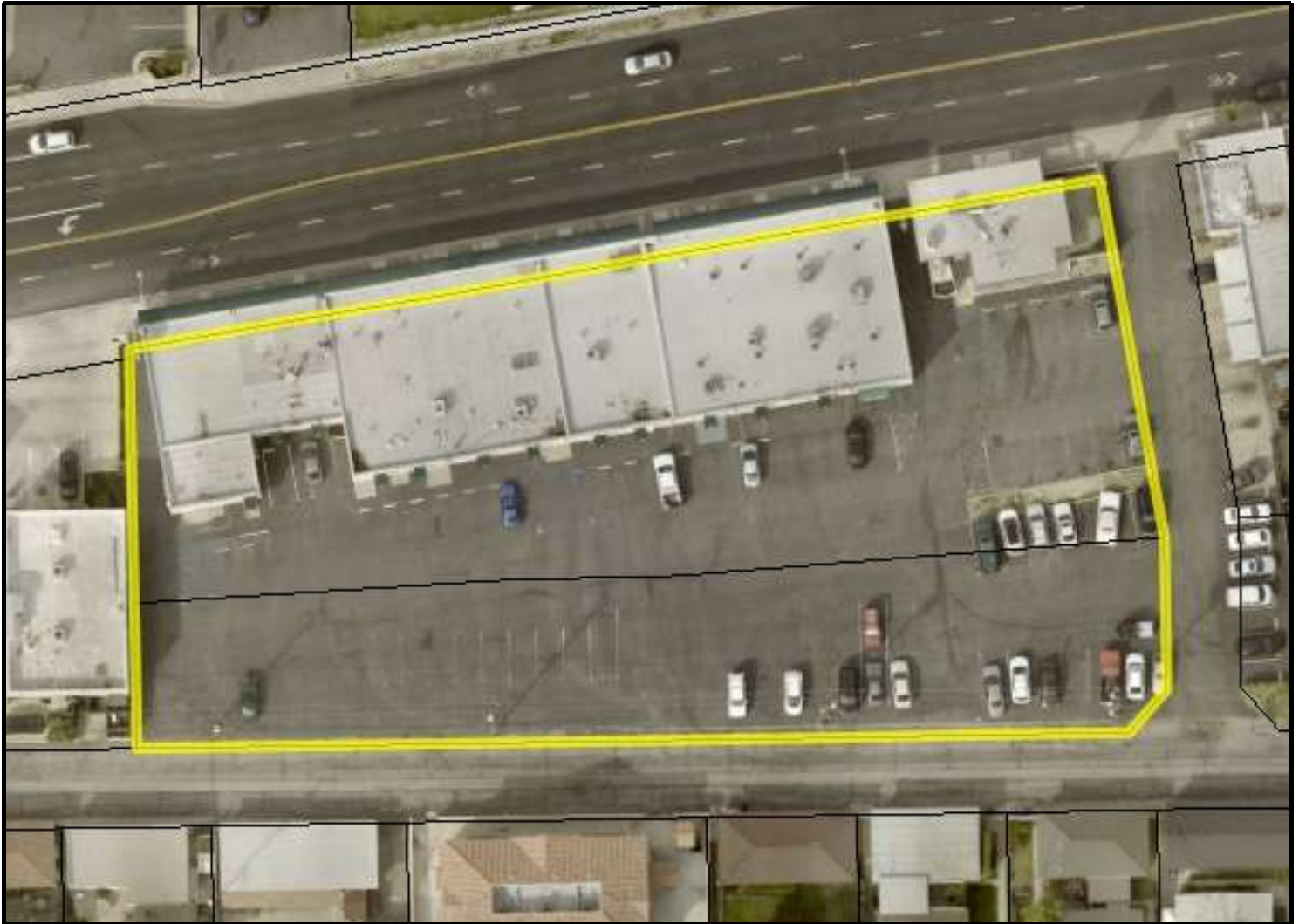
8. Approval of CUP 23-03 shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate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

Attachment No. 2

Aerial Photo with Zoning Information and
Photos of the Subject Property

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:	Yes, N/A
Racetrack Event Overlay:	N/A
Residential Flex Overlay:	N/A
Special Height Overlay:	N/A

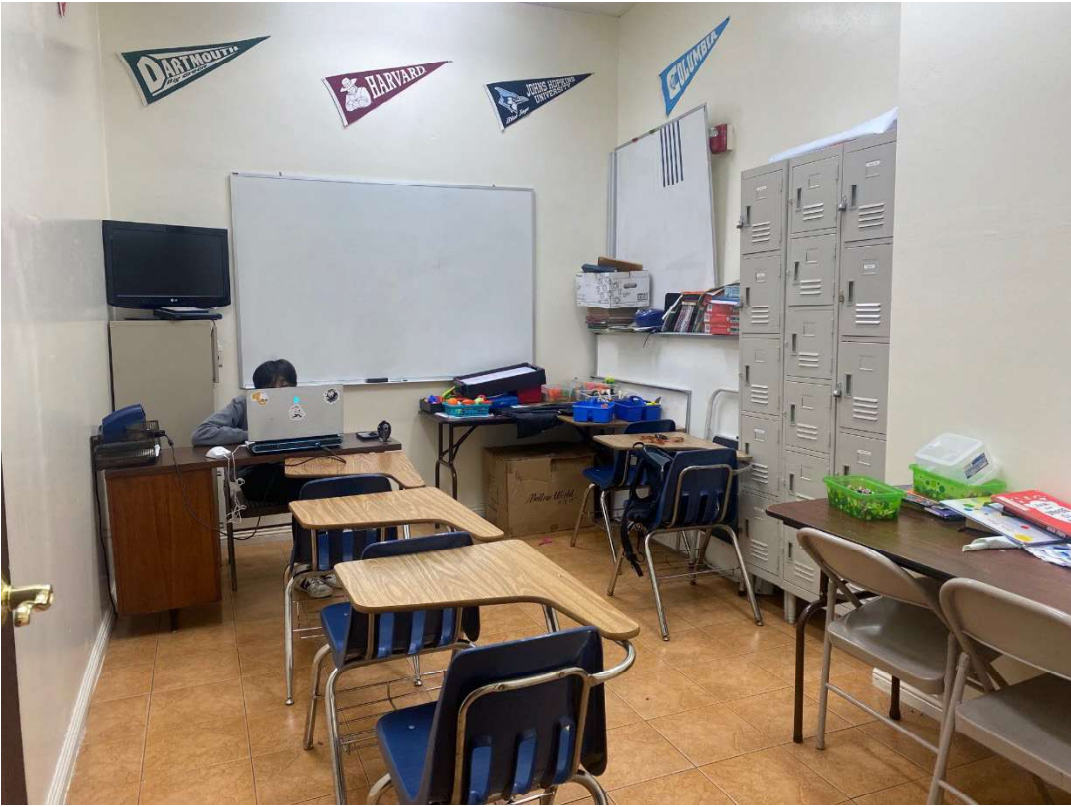
Selected parcel highlighted



Parcel location within City of Arcadia



Classroom interior



Classroom interior



Front lobby area

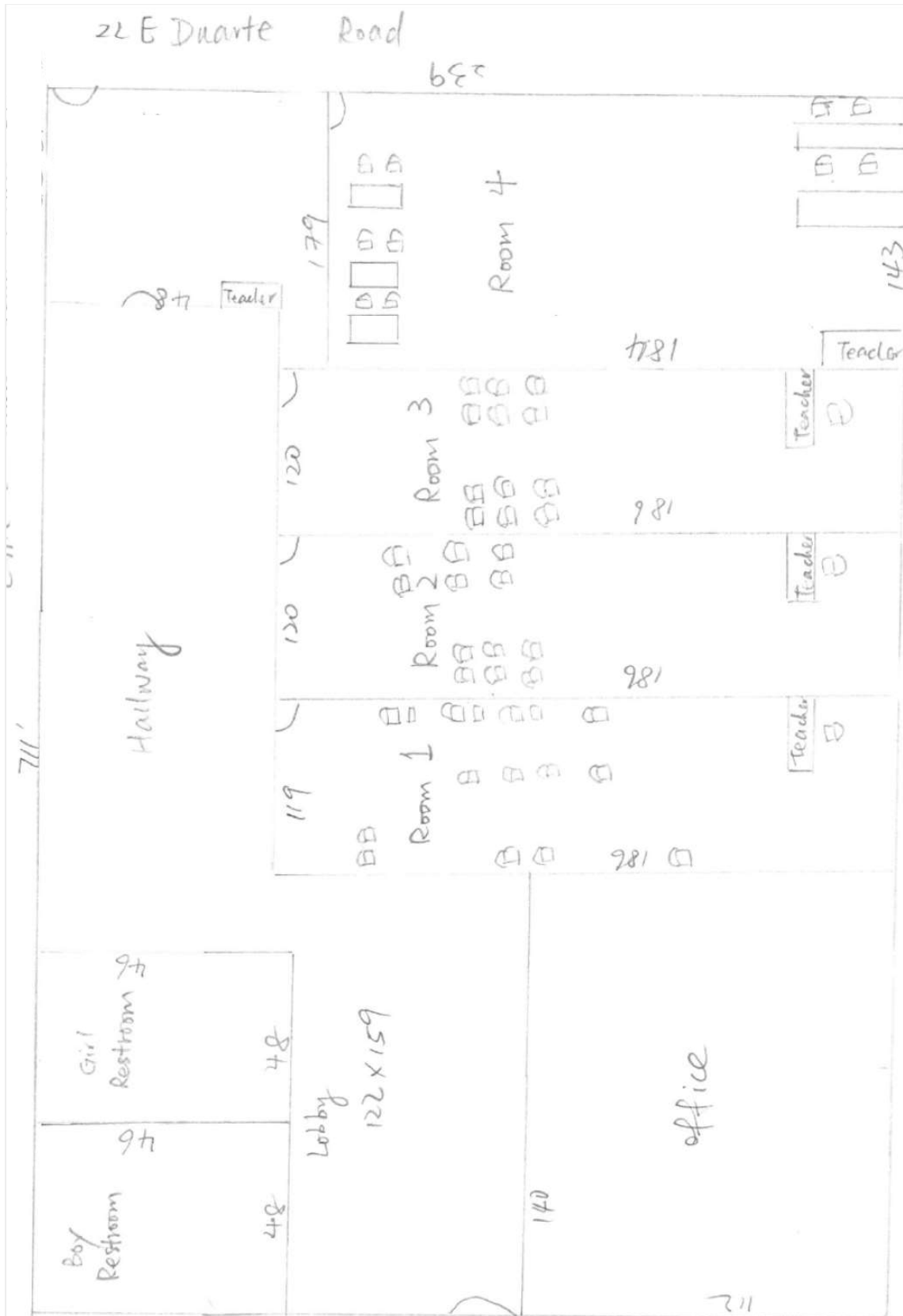


Interior hallway showing classroom entrances with existing windows into classrooms

Attachment No. 3

Floor and Site Plans

Floor Plan



Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	CUP 23-02 Conditional Use Permit to allow a tutoring center for up to 45 students from Kindergarten to 12 th Grade.								
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):	22 E. Duarte Road. – The business is located along near the south-east corner of E. Duarte Rd. and S. Santa Anita Ave.								
3. Entity or person undertaking project:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; padding: 2px;">A.</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">B. Other (Private)</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">(1) Name</td> <td style="padding: 2px;">Eileen Wang</td> </tr> <tr> <td style="padding: 2px;">(2) Address</td> <td style="padding: 2px;">1000 W. Huntington Drive #D Arcadia, CA 91007</td> </tr> </table>	A.		B. Other (Private)		(1) Name	Eileen Wang	(2) Address	1000 W. Huntington Drive #D Arcadia, CA 91007
A.									
B. Other (Private)									
(1) Name	Eileen Wang								
(2) Address	1000 W. Huntington Drive #D Arcadia, CA 91007								
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"/>	<p>The project is categorically exempt.</p> <table 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"/>	<p>The project is statutorily exempt.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; padding: 2px;">Applicable Exemption:</td> <td style="padding: 2px;"></td> </tr> </table>	Applicable Exemption:							
Applicable Exemption:									
g. <input type="checkbox"/>	<p>The project is otherwise exempt on the following basis:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> </table>								
h. <input type="checkbox"/>	<p>The project involves another public agency which constitutes the Lead Agency.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; padding: 2px;">Name of Lead Agency:</td> <td style="padding: 2px;"></td> </tr> </table>	Name of Lead Agency:							
Name of Lead Agency:									

Date: April 3, 2023

Staff: Fiona Graham, Planning Services Manager



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, April 11, 2023**

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

ROLL CALL

PRESENT: Chair Thompson, Hui, Tallerico, and Wilander

ABSENT: Vice Chair Tsoi

It was moved by Commissioner Wilander, seconded by Commissioner Tallerico to excuse Vice Chair Tsoi from the meeting.

Without objection, the motion was approved.

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

There was no supplemental information.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

- 1. Resolution No. 2124** – Approving Conditional Use Permit No. CUP 22-12 and Planning Commission Administrative Modification No. PC AM 23-01 to allow a new massage business and a parking modification at 51 E. Foothill Boulevard

CEQA: Exempt

Recommendation: Adopt

Applicant: Michelle Wu

MOTION- PUBLIC HEARING

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

Commissioner Wilander asked about handicap parking regulation for the building, she also asked what the capacity is of the beauty salon in the building.

Mr. Arreola explained that the site would be subject to additional ADA parking space requirements only if the building undergoes major improvements. Regarding the capacity of the beauty salon, Mr. Arreola believes it operates by appointment only and it is not open on Saturday or Sundays. Mr. Arreola referenced the parking analysis and explained there was sufficient parking throughout the day.

Deputy Development Services Director, Lisa Flores, added that most customers prefer to park on the street because it is more convenient since the business' front door faces Foothill Boulevard.

Commissioner Tallerico asked if Snips Salon was still in business.

Edwin and the Applicant's husband confirmed the beauty salon is still in business. Snips Salon and Spa was previously located in another building and moved into a unit next door. Chair Thompson asked what triggered the parking modification.

Mr. Arreola confirmed the change in use triggered the requirement for a parking modification.

Commissioner Hui asked how the massage machine works but deferred her question to the Applicant.

Mr. Arreola provided some explanation of the operative functions of the massage machine.

The Applicant Michelle Wu introduced herself as a certified public accountant and long-time resident of Arcadia. Ms. Wu explained her business operation.

Commissioner Wilander asked Ms. Wu where on the site she plans to sell the machine.

Ms. Wu and her husband, Yuwei Liang, explained that some of the machines will be stored on-site, and if necessary, they can pick up more machines that same day since their supplier is close by.

Commissioner Wilander also asked if there will be cameras monitoring the entrance and exit doors.

Mr. Liang and Ms. Wu confirmed the entire building, including this unit, is already wired with a security camera system.

Commissioner Hui asked how many other health spas in the City or in the San Gabriel Valley use this machine.

Ms. Wu said she knows there are people that use these machines, but she is not sure how many other businesses in the City does.

The Commissioners had no further questions for the Applicant.

Chair Thompson asked if there were any other speakers in favor of the proposal.

Chair Thompson asked if there were any other speakers in opposition of the proposal.

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

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

Without objection, the motion was approved.

DISCUSSION

Commissioner Tallerico said it sounds like a fascinating business and had no concerns with parking or anything else. Mr. Tallerico said he was in favor of approving the project.

Commissioner Wilander agreed with Commissioner Tallerico and that her parking concerns were resolved therefore, was in favor of approving the project.

Commissioner Hui liked the proposal and was in favor of approving the project.

Chair Thompson said the proposal is consistent with the General Plan, the operations comply with the massage therapist regulations of the Municipal Code, it is consistent with the Development Code, and the parking lot and available parking spaces will meet the demand of the business. Therefore, he was in favor of the project.

MOTION

It was moved by Commissioner Wilander, seconded by Commissioner Hui to approve Conditional Use Permit No. CUP 22-12 and Planning Commission Administrative Modification No. PC AM 23-01 to allow a new massage business and a parking modification at 51 E. Foothill Boulevard

ROLL CALL

AYES: Chair Thompson, Hui, Tallerico, and Wilander

NOES: None

ABSENT: Vice Chair Tsoi

There is a 10 day appeal period. Appeals are to be filed by 5:30 p.m. on Monday, April 24, 2023.

CONSENT CALENDAR

1. Minutes of the March 14, 2023, Regular Meeting of the Planning Commission

Recommendation: Approve

Commissioner Tallerico motioned to approve the minutes and seconded by Commissioner Wilander.

ROLL CALL

AYES: Chair Thompson, Hui, Tallerico, and Wilander

NOES: None

ABSENT: Vice Chair Tsoi

The Motion was approved.

MATTERS FROM CITY COUNCIL LIAISON

Dr. Cao reported that the Santa Anita 5k Derby was very successful and they had about five thousand participants.

On May 6, the Arcadia Firefighter's Association will host their annual pancake breakfast at Fire Station No. 106.

Dr. Cao provided an update on Congress Woman Judy Chu's presentation of a Federal Funding Award for the Colorado Boulevard complete street project.

MATTERS FROM THE PLANNING COMMISSONERS

Commissioners had nothing to report.

MATTERS FROM ASSISTANT CITY ATTORNEY

Assistant City Attorney Grace Yeo had nothing to report.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores provided an update on the City Council Appeal of 1225 Oaklawn Road.

Ms. Flores informed the Commission she will not be present at either Planning Commission meetings in May and Planning Services Manager, Fiona Graham, will be at those meetings on her behalf. She also introduced the Planning Division's new Associate Planner, Gary Yesayan.

There will be three items at the April 25 meeting. Ms. Flores informed the Commissioners that we will have an item at each of the meetings in May.

Ms. Flores informed the Commission that Chair Thompson will term out out after eight years as a Planning Commissioner. Mr. Thompson's last meeting will be June 27.

ADJOURNMENT

The Planning Commission adjourned the meeting at 7:32 p.m., to Tuesday, April 25, 2023, at 7:00 p.m. in the City Council Chamber.

Brad Thompson
Chair, Planning Commission

ATTEST: _____
Lisa Flores
Secretary, Planning Commission