

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, March 14, 2023, 7:00 p.m.

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from Planning Services at (626) 574-5423. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残疾人法案》的规定，需要提供残障相关调整或便利设施才能参加会议的残障人士（包括辅助器材或服务），可向规划服务部请求获得此类调整或便利设施。电话号码 (626) 574-5423。请在会前 48 小时通知规划服务部，以便作出合理安排，确保顺利参加会议。

Pursuant to the City of Arcadia's Language Access Services Policy, limited-English proficient speakers who require translation services in order to participate in a meeting may request the use of a volunteer or professional translator by contacting the City Clerk's Office at (626) 574-5455 at least 72 hours prior to the meeting.

根据阿凯迪亚市的语言便利服务政策，英语能力有限并需要翻译服务才能参加会议的人可与市书记官办公室联系（电话：626-574-5455），请求提供志愿或专业翻译服务，请至少在会前 72 小时提出请求。

CALL TO ORDER

ROLL CALL

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

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

PUBLIC COMMENTS (5 minute time limit per person)

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

PUBLIC HEARING

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

You are hereby advised that should you desire to legally challenge in court or in an administrative proceeding any action taken by the City Council regarding any public hearing item, you may be

limited to raising only those issues and objections you or someone else raised at the public hearing or in written correspondence delivered to the City Council at, or prior to, the public hearing.

- 1. Resolution No. 2122** – Approving a subsequent one-year time extension for the approved senior assisted living care facility at 1150 W. Colorado Boulevard
CEQA: Not a Project
Recommendation: Adopt

Applicant: Artis Senior Living of Arcadia, LLC

There is a ten day appeal period. Appeals are to be filed by 5:30 p.m. on Monday, March 27, 2023.

CONSENT CALENDAR

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

- 2. Minutes of the February 28, 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, March 28, 2023, at 7:00 p.m.

Welcome to the Arcadia Planning Commission Meeting!

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

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

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

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

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

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

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

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

欢迎来到阿卡迪亚规划委员会会议！

规划委员会鼓励公众参与并诚邀您分享对市政业务的看法。

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

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

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

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

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

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

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



STAFF REPORT

Development Services Department

DATE: March 14, 2023

TO: Honorable Chairman and Planning Commission

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

SUBJECT: RESOLUTION NO. 2122 – APPROVING A SUBSEQUENT ONE-YEAR TIME EXTENSION FOR THE APPROVED SENIOR ASSISTED LIVING CARE FACILITY AT 1150 W. COLORADO BOULEVARD

CEQA: Not a Project

Recommendation: Adopt

SUMMARY

The Applicant, Artis Senior Living of Arcadia, LLC, is requesting approval of Extension No. 23-03, extending the approvals of Architectural Design Review No. ADR 18-22, Conditional Use Permit No. CUP 19-03, Administrative Modification No. AM Minor 19-22, and Protected Tree Encroachment Permit No. TRE 20-04 for the approved senior assisted living care facility (known as “Artis Senior Living”) at 1150 W. Colorado Boulevard (referred to as the “Project”). It is recommended that Planning Commission adopt Resolution No. 2122 (Attachment No. 1) approving the extension.

BACKGROUND

On August 18, 2020, the City Council approved a senior assisted living facility at 1150 W. Colorado Boulevard (former Coco’s Restaurant property). The approved entitlements for the Project were: Zone Change No. ZC 19-01, Architectural Design Review No. ADR 18-22, Conditional Use Permit No. CUP 19-03, Administrative Modification No. AM Minor 19-22, and Protected Tree Encroachment Permit No. TRE 20-04. City Council Resolution No. 7330 approved all entitlements except for the Zone Change to remove the design overlay, which was approved by Ordinance No. 2372. The Ordinance went into effect October 2, 2020, and has no bearing on this extension as the overlay has already been removed permanently.

The Project was approved during the COVID-19 pandemic. Soon after the pandemic began, on May 5, 2020, the City Council adopted Resolution No. 7308 which suspended the deadlines applicable to land development approvals due to the local emergency. This Resolution gave the Project an automatic time extension and an expiration of March 18, 2022. Under normal circumstances, the approval expiration would have been August 18, 2021.

On March 3, 2022, a one-year time extension was approved administratively by Planning as allowed by the process under the Development Code, which extended the approval to March 18, 2023. The reason for the extension was due to the ongoing impacts of the COVID-19 pandemic on the Applicant's operations and uncertainty surrounding the assisted living industry. The Applicant had made a good faith effort to continue with the Project, and there was an unusual hardship created by the pandemic.

In July of 2022, the Applicant decided it was unlikely they would be able to pursue the Project due to the ongoing impacts from the COVID-19 pandemic on its business and the assisted living industry, and general uncertainty about the future. For these reasons, the Applicant decided to list the property for sale and has been actively marketing it since that time.

TIME EXTENSION REQUEST

The request is for an Extension from the Artis Senior Living care facility to keep all the approvals active for one additional year because the Applicant has been significantly impacted by the COVID-19 pandemic and has had to halt the Project. Information provided by the Applicant states that its operations were impacted in locations throughout the country and that the pandemic continues to affect the assisted living industry. Artis Senior Living believes an assisted living facility at this location would meet the objectives of the community and neighborhood and is interested in selling the property, with the entitlements, to an assisted living operator.

The approval was for a new, 80 room, 44,192 square foot, two-story senior assisted living care facility at 1150 W. Colorado Boulevard – refer to Attachment No. 3, the City Council Staff Report, dated August 18, 2020. The approval will expire on March 18, 2023, but a subsequent one-year time extension would extend all the approvals to March 18, 2024.



Figure 1: Rendering of the approved Project. A view from the corner of W. Colorado Boulevard and Michillinda Avenue.

ANALYSIS

Upon good cause, the Development Code allows additional time extensions to be granted by the Planning Commission where there have been no changes in circumstances that would preclude the development, the Applicant has made a good faith effort to continue with the Project, and there is an unusual hardship.

The assisted living industry was significantly impacted by the COVID-19 pandemic. Without knowing how the pandemic was going to affect their industry the Applicant chose to hold onto the property, as this was their only property in California. The company, as well as many other assisted living care companies, has not fully recovered from the pandemic and due to the rising cost of construction and increasing interest rates, they chose to put this property on the market. It has been on the market since July 2022, and although the Applicant may still move ahead with the Project depending on improvements in the assisted living industry, the property remains listed for sale. The potential buyers may include an assisted living facility, therefore the Applicant wishes to keep the Project approval active - refer to Attachment No. 2 for the Applicant's letter for a time extension.

FINDINGS

This Commission finds that based upon the entire record, pursuant to Section 9108.11.090(F) of the Arcadia Development Code, all of the following findings can be made.

- 1. There have been no changes in circumstances or law that would preclude the Review Authority from making the findings upon which the original approval was based; and**

Facts to support finding: There have been no changes to the circumstances of law that would preclude the Planning Commission from making the findings upon which the original approval was based. The City's General Plan, Development Code, and applicable Design Guidelines have not changed in a manner which would preclude or otherwise require a change to the Project. At the time of approval, the Project included a Zone Change to remove two overlays covering the property. The Zone Change went into effect in October of 2020. The surrounding neighborhood has remained substantially the same since the Project was approved, consisting of single-family residences to the rear of the property. Therefore, this finding can be made.

- 2. Appropriate evidence has been provided by the applicant to document that:**

- a) A good faith intent to exercise the permit or approval has been demonstrated.**

Facts to support finding: The Applicant has made a good faith effort to continue the Project. The assisted living industry has been significantly disrupted by the COVID-19 pandemic, with lowered occupancies and restricted operations. Due to the impacts of the COVID-19 pandemic, the Applicant has determined the Project may not be feasible and is looking to possibly sell the property with entitlements. The Applicant has been actively working with local commercial real estate brokers to identify an appropriate buyer for the site, which may include an assisted living operator. The Applicant may also choose to proceed with the Project, depending on improvements in the assisted living industry as it recovers from COVID-19 continues. Therefore, the

Applicant has continued to make a good faith effort to move the Project forward despite challenges caused by the pandemic.

b) The extension is required due to an unusual hardship that was not the result of personal action(s) undertaken by the applicant.

Facts to support finding: The extension is required due to an unusual hardship created by the COVID-19 pandemic, which was not a result of personal action(s) undertaken by the Applicant. The COVID-19 pandemic affected all aspects of society, placing restrictions on the operation of assisted living facilities and changing potential residents' plans for their future care. As a result of the COVID-19 pandemic, Artis Senior Living was prevented from taking new residents and had disrupted and curtailed operation of the business. The impacts of the COVID-19 pandemic continue to effect Artis Senior Living and the assisted living industry more broadly. Furthermore, inflation and increased interest rates have made construction increasingly expensive requiring Artis Senior Living to suspend new development and construction across their portfolio. Due to these reasons, which constitute an unusual hardship outside the control of the Applicant, an extension of the Project is warranted.

ENVIRONMENTAL ASSESSMENT

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the City has determined that the extension to the Project will not change the environmental findings that were previously adopted in the Initial Study/Mitigated Negative Declaration, and thus, no further CEQA review is required as an extension is not a project under CEQA Guidelines Section 15061(b)(3). Refer to Attachment No. 4 for a 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 March 2, 2023. As of March 9, 2023, staff has not received any comments from the public.

RECOMMENDATION

It is recommended that the Planning Commission approve Extension No. EXT 23-02 extending the approvals of Architectural Design Review No. ADR 18-22, Conditional Use Permit No. CUP 19-03, Administrative Modification No. AM Minor 19-22, and Protected Tree Encroachment Permit No. TRE 20-04 for the approved senior assisted living care facility at 1150 W. Colorado Boulevard for one year from the expiration date, and adopt Resolution No. 2122.

PLANNING COMMISSION ACTION

Approval

If the Planning Commission intends to approve this extension, the Commission should move to approve Extension No. EXT 23-02, state that the extension satisfies the requisite findings, find that no further review is required under the California Environmental Quality Act (CEQA) as this is not a project, and adopt the attached Resolution No. 2122.

Denial

If the Planning Commission is to deny this extension, 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 Extension No. EXT 23-02 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 March 14, 2023, Planning Commission Meeting, please contact Planning Services Manager, Fiona Graham at (626) 574-5442, or fgraham@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. 2122
- Attachment No. 2: Applicant's letter, dated February 17, 2023
- Attachment No. 3: Resolution No. 7330 and City Council Staff Report with the architectural plans only, dated August 18, 2020
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2122

RESOLUTION NO. 2122

APPROVAL OF A SUBSEQUENT ONE-YEAR TIME EXTENSION FOR THE APPROVAL OF ARCHITECTURAL DESIGN REVIEW NO. ADR 18-22, CONDITIONAL USE PERMIT NO. CUP 19-03, ADMINISTRATIVE MODIFICATION NO. AM MINOR 19-22, AND PROTECTED TREE ENCROACHMENT NO. TRE 20-04 FOR A SENIOR ASSISTED LIVING CARE FACILITY WITH MEMORY CARE AT 1150 W. COLORADO BOULEVARD

WHEREAS, on August 18, 2020, the City Council approved Architectural Design Review No. ADR 18-22, Conditional Use Permit No. CUP 19-03, Minor Administrative Modification No. AM Minor 19-22, and Protected Tree Encroachment No. TRE 20-04, with a Mitigated Negative Declaration in accordance with the California Environmental Quality Act (CEQA) for a new senior assisted living facility with memory care at 1150 W. Colorado Boulevard, hereinafter individually and collectively referred to as the “Project”; and

WHEREAS, on May 5, 2020, the City Council approved Resolution No. 7308 suspending deadlines applicable to land development approvals due to the local COVID-19 Emergency, which gave the Project an initial expiration date of March 18, 2022; and

WHEREAS, on March 3, 2022, a one (1) year time extension to the Project entitlements was approved administratively by Planning as all applicable findings could be made under 9108.11.090, and gave the Project an expiration of March 18, 2023; and

WHEREAS, on February 23, 2023, Angelina Fuller on behalf of Artis Senior Living of Arcadia, LLC (“Applicant”) applied for a subsequent, one (1) year time extension to the existing, approved entitlements for the Project; and

WHEREAS, on March 1, 2023, Planning Services staff completed an environmental assessment for the proposed Project in accordance with the California Environmental Quality Act (“CEQA”) and determined that the extension will not change

the environmental impact findings of the previously adopted Mitigated Negative Declaration for the site under Resolution No. 7330. Therefore, no further CEQA review is required pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, on March 14, 2023, a duly noticed public hearing was held before the Planning Commission on said extension request, 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 March 14, 2023, are true and correct.

SECTION 2. This Commission finds that based upon the entire record, pursuant to Section 9108.11.090(F) of the Arcadia Development Code, all of the following findings can be made.

1. There have been no changes in circumstances or law that would preclude the Review Authority from making the findings upon which the original approval was based; and

FACT: There have been no changes to the circumstances of law that would preclude the Planning Commission from making the findings upon which the original approval was based. The City's General Plan, Development Code, and applicable Design Guidelines have not changed in a manner which would preclude or otherwise require a change to the Project. At the time of approval, the Project included a Zone Change to remove two overlays covering the property. The Zone Change went into effect in October of 2020. The surrounding neighborhood has remained substantially the same since the

Project was approved, consisting of single-family residences to the rear of the property. Therefore, this finding can be made.

2. Appropriate evidence has been provided by the applicant to document that:

a) A good faith intent to exercise the permit or approval has been demonstrated.

FACT: The Applicant has made a good faith effort to continue the Project. The assisted living industry has been significantly disrupted by the COVID-19 pandemic, with lowered occupancies and restricted operations. Due to the impacts of the COVID-19 pandemic, the Applicant has determined the Project may not be feasible and is looking to possibly sell the property with entitlements. The Applicant has been actively working with local commercial real estate brokers to identify an appropriate buyer for the site, which may include an assisted living operator. The Applicant may also choose to proceed with the Project, depending on improvements in the assisted living industry as it recovers from COVID-19 continues. Therefore, the Applicant has continued to make a good faith effort to move the Project forward despite challenges caused by the pandemic.

b) The extension is required due to an unusual hardship that was not the result of personal action(s) undertaken by the applicant.

FACT: The extension is required due to an unusual hardship created by the COVID-19 pandemic, which was not a result of personal action(s) undertaken by the Applicant. The COVID-19 pandemic affected all aspects of society, placing restrictions on the operation of assisted living facilities and changing potential residents' plans for their future care. As a result of the COVID-19 pandemic, Artis Senior Living was prevented from taking new residents and had disrupted and curtailed operation of the business. The impacts of the COVID-19 pandemic continue to effect Artis Senior Living and the assisted living

industry more broadly. Furthermore, inflation and increased interest rates have made construction increasingly expensive requiring Artis Senior Living to suspend new development and construction across their portfolio. Due to these reasons, which constitute an unusual hardship outside the control of the Applicant, an extension of the Project is warranted.

3. This Extension requires no further California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of the CEQA Guidelines, as this is not a Project as defined per CEQA.

SECTION 3. For the foregoing reasons the Planning Commission approves a subsequent one-year time extension for the approval of Architectural Design Review No. ADR 18-22, Conditional Use Permit No. CUP 19-03, Minor Administrative Modification No. AM Minor 19-22, and Protected Tree Encroachment No. TRE 20-04 for the senior assisted living facility with memory care at 1150 W. Colorado Boulevard.

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


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

Brad Thompson
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

Attachment No. 2

Applicant's letter, dated February 17, 2023



February 17, 2023

Lisa Flores, Planning & Community Development
Administrator City of Arcadia, Planning Division
240 West Huntington Drive
P.O Box 60021
Arcadia, CA 91066

Dear Ms. Flores,

Artis Senior Living of Arcadia, LLC received the following approvals for an assisted living memory care community at 1150 W. Colorado Boulevard, pursuant to Resolution No. 7330:

- Architectural Design Review No. ADR 18-22
- Conditional Use Permit No. CUP 19-03
- Minor Administrative Modification No. AM Minor 19-22
- Protected Tree Encroachment No. TRE 20-04
- Mitigated Negative Declaration

The approvals were extended administratively in 2022 and expire on March 18, 2023. Artis is formally requesting another one-year extension to these approvals.

Artis, formed in 2012, was still in a start-up with a robust development pipeline when COVID-19 struck. Eleven of 27 communities opened during the pandemic. This meant some communities were prevented from taking residents while every community experience some level of curtailment or outright prohibition of family visitation. Move-ins came to a halt leading to far lower occupancy and net operating income than expected. While the virus is under control, the pandemic's financial impacts continue. Labor is in very short supply and expensive and construction costs remain high, while assisted living providers aggressively compete for residents. Interest rates have skyrocketed to levels not seen in decades, making Artis' existing floating rate debt harder to carry and new financing prohibitively expensive. It's the "perfect storm."

Artis was forced, like many assisted living providers, to suspend new development and construction. This includes selling many of its development sites where approvals were secured, including the Arcadia site that was listed for sale in July 2022.



While interest in the Arcadia site has dropped with rising interest rates and added economic uncertainty, potential buyers proposing a variety of uses remain. Artis is interested in finding a purchaser that meets Artis' own objectives as well as those of the community and neighborhood. Senior living serves that purpose and Artis continues to receive interest from assisted living providers, so it is mutually beneficial to maintain the existing assisted living approvals. It signals a municipal commitment to a senior use, a source of added comfort for a potential purchaser leading up to and during contractual due diligence. It is also a reasonable assumption that administrative efficiency comes with a contract assisted living purchaser pivoting off an existing assisted living approval.

It is not lost of us that the sale has required a significant dedication of time and energy from the staff. We appreciate your continued support, cooperation, and patience. We look forward to continued collaboration.

Best regards,

Angelina Rotella Fuller

Angelina Fuller, on behalf of Artis Senior Living of Arcadia,
LLC Senior Development Manager



Attachment No. 3

Resolution No. 7330 and City Council Staff
Report with the architectural plans only,
dated August 18, 2020

RESOLUTION NO. 7330

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING ARCHITECTURAL DESIGN REVIEW NO. ADR 18-22, CONDITIONAL USE PERMIT NO. CUP 19-03, ADMINISTRATIVE MODIFICATION NO. AM MINOR 19-22, AND PROTECTED TREE ENCROACHMENT NO. TRE 20-04 WITH A MITIGATED NEGATIVE DECLARATION FOR A NEW SENIOR ASSISTED LIVING CARE FACILITY WITH MEMORY CARE AT 1150 W. COLORADO BOULEVARD

WHEREAS, applications were filed by Artis Senior Living, LLC (“Property Owner”), for Architectural Design Review No. ADR 18-22, Conditional Use Permit No. CUP 19-03, Minor Administrative Modification No. AM Minor 19-22, and Protected Tree Encroachment No. TRE 20-04, and a Mitigated Negative Declaration in accordance with the California Environmental Quality Act (“CEQA”) for a new senior assisted living facility with memory care at 1150 W. Colorado Boulevard, hereinafter individually and collectively referred to as the “Project”; and

WHEREAS, the additional application was filed with this project for the City Council to consider under Ordinance No. 2372 for a Zone Change No. ZC 19-01 and Zoning Map Amendment to remove the two existing zoning overlays (Architectural Design (D) overlay zone and Automobile Parking (P) overlay zone) at 1150 W. Colorado Boulevard with the Project; and

WHEREAS, on April 23, 2020, the Draft Initial Study/Mitigated Negative Declaration for the Project was circulated for public review and comments for 29 days from April 23, 2020 to May 22, 2020. Due to COVID-19, the IS/MND circulation period was extended from 20 to 29 days to give additional time for comments because of the pandemic. During this time period, public agencies, organizations, and the public in

general were afforded the opportunity to review the Draft IS/MND, and submit written comments regarding the documents and the Project; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that the implementation of the Project will have less than significant impacts with mitigation measures for the following categories: Biological Resources, Cultural Resources, Geology and Soils, Noise, and Tribal Cultural Resources; and

WHEREAS, on July 14, 2020, 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.

WHEREAS, after the public hearing on July 14, 2020 the Planning Commission adopted Resolution No. 2058 with a 5-0 vote to recommend approval of the Project to the City Council; and

WHEREAS, on August 18, 2020, a duly-noticed public hearing was held before the City Council on said applications, including the Initial Study/Mitigated Negative Declaration (“IS/MND”) at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have been fulfilled.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The factual data submitted by the Development Service Department in the staff report dated August 18, 2020 are true and correct.

SECTION 2. The City Council finds that based upon the entire record, pursuant to 9107.09.050(B) of the Development Code, all of the following findings are satisfied:

Conditional Use Permit

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

FACT: Approval of the Project will be consistent with the General Plan Land Use Designation of Commercial. The underlying zone allows a broad array of commercial uses that serve both the neighborhood and citywide. The Project will allow a business that can serve the aging population of the City, specifically those with Alzheimer's disease and related memory delays. The residential care facility is a use permitted in the General Commercial ("C-G") Zone subject to the approval of a Conditional Use Permit. It will not adversely affect the comprehensive General Plan, and is consistent with the following General Plan goals and policies:

- Goal LU-1: A balance of land uses that preserves Arcadia status as a Community of Homes and a community of opportunity.
- 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-1.2: Promote new uses of land that provide diverse economic, social, and cultural opportunities, and that reinforce the characteristics that make Arcadia a desirable place to live.

- Policy LU-1.5: Require that effective buffer areas be created between land uses that are of significantly different character or that have operating characteristics which could create nuisances along common boundary.

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

FACT: The site is zoned General Commercial (“C-G”) and pursuant to the Arcadia Development Code Section 9102.03.020, Table 2-8, allows a Large-Residential Care Facility in the General Commercial C-G Zone subject to the review and approval of a Conditional Use Permit. With the removal of the two existing overlays, the Project complies with all the development standards of the General Commercial C-G Zone. In addition, as required by the California Environmental Quality Act (“CEQA”), the Development Services Department prepared an Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Project, which determined that the Project, with mitigation measures, will have less-than-significant impacts. Lastly, the Project complies with all other applicable provisions of the Development Code.

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

FACT: The Project is a well thought out design that is not only compatible in scale and design with the adjacent residential properties to the east and south, but will also complement the other commercial properties along the commercial corner intersection of West Colorado Boulevard and Michillinda Avenue. The Project building will be placed more than 75 feet from the adjacent residential properties with a parking and landscape

buffer between the facility and the residential uses. The Project will redevelop the site with a senior assisted living care facility with an appropriate use and development that will not impact adjacent properties. With the exception of the perimeter fence that exceeds the maximum height limit, the Project complies with all related zoning requirements as set forth in the Development Code and all applicable regulations and requirements set forth by various City Departments. The site will be adequately served by all the required utilities and public services. Therefore, the Project site is adequate in size and shape to accommodate the Project. Parking for the Project is above the minimum Code requirement and, thus, no parking impacts are expected. Additionally, the Project will result in an overall reduction of vehicular traffic as compared to the existing use and nearly any other use that could be considered for the property. Thus, the Project will be compatible with the existing and future uses in the vicinity.

4. The site is physically suitable in terms of:

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

FACT: The site measures approximately 2.79 acres. The subject site can physically support the Project. At 44,192 square feet the building is 16,574 square feet below the maximum permitted Floor Area Ratio for the site. The Project will provide more than the required amount of parking, which will be dedicated to employees and visitors in order to prevent any parking issues. Lastly, the new building has been placed over 75 feet away from the side and rear setbacks in order to be sensitive to the adjacent residential

properties to the east and south and to provide an adequate buffer. Therefore, the site is adequate in size to accommodate the new senior assisted living care facility.

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

FACT: The Project will be located at the southeast corner of West Colorado Boulevard and Michillinda Avenue. Although the Project will only have an access point off of West Colorado Boulevard, both streets have been designated and designed with the capacity to accommodate both normal public vehicular travel and emergency vehicles. These streets are adequate in width and pavement type to carry the traffic that would be generated by the Project, and to support emergency vehicle access. The streets will be able to handle the demand from this new use since the Project would actually generate less traffic than the previous use.

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

FACT: The construction of the Project will comply with all Building and Fire Codes, and all other applicable regulations to ensure the safety of the residents as well as help reduce the creation of fire hazards and facilitate emergency response. As part of the environmental review process, the Initial Study/Mitigated Negative Declaration ("IS/MND") determined that Fire and Police protection services can handle the demand for the Project.

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

FACT: It has been determined that the existing infrastructure and public utilities can handle the demand for the Project, and that no upgrades are necessary. The Project

is required to comply with the Low Impact Development (“LID”) requirements for stormwater discharge.

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

FACT: The Project is not expected to be detrimental to the public health or welfare, or the surrounding residential and commercial properties. The Project will be compatible in terms of scale and design with the adjoining residential properties to the east and south. The Project includes setbacks that far exceed the minimum requirement, and provide a large landscape and parking buffer. The Project proposes to maintain all existing mature trees along the perimeter to minimize any potential impacts to the adjacent residents. The Project will provide more than the required amount of parking, which will be dedicated to employees and visitors in order to prevent any parking issue. The delivery hours will be limited to certain hours to in order to be considerate of the adjacent neighbors. The construction of the Project will meet all Building and Fire Codes, and all other applicable regulations. The Initial Study/Mitigated Negative Declaration (“IS/MND”) prepared for the senior assisted living care facility analyzed all the potential impacts, and all the Project impacts are less than significant or can be reduced to less than significant level with the implementation of the recommended mitigation measures. Therefore, the Project will not adversely affect the public in general, nor will it impact to the uses in the vicinity and zone in which the property is located.

SECTION 4. With respect to the proposed perimeter fence height modification for the Project, the City Council finds that based upon the entire record, pursuant to Section 9107.05.050 of the Arcadia Development Code, at least one of the following findings can be made.

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

FACT: The proposed 8'-0" tall fence along the perimeter of the building and outdoor open space will secure an appropriate improvement of the lot because the additional height of 2'-0" will properly secure the site as necessary to protect the residents. The residents are expected to be individuals with memory issues and this requires additional security measures. To help soften the appearance of the fence from the street, a condition has been placed on the project that some hedges and/or trees shall be spread out in front of the fence (refer to condition no. 6). In addition, because the fence will be substantially set back from the street frontage, its overall appearance will be diminished.

SECTION 5. The Project has been thoughtfully designed to complement the adjoining residential properties, and enhances commercial intersection along W. Colorado Boulevard and Michilinda Avenue. The selected Traditional/Cape Cod Architectural-style helps to blend the senior assisted living care facility with the adjoining residential properties. The design contains architectural features and materials that are commonly found within the Traditional and Cape Cod architectural styles as well as decorative features, such trellises, corbels under the eaves of the building, and a decorative cupola at the top of the building that increases visual interest of the development. The building

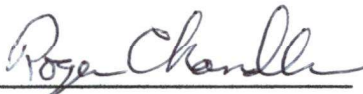
was strategically placed away from residential properties to the east and south to minimize any potential impacts to the adjacent residential properties and was pushed back to from the street to maintain a comparable streetscape with the residential properties. The overall design has a balanced and aesthetically pleasing design that will complement the surrounding residential properties and the general vicinity.

SECTION 6. The Project requires a protected tree encroachment application to allow site improvements such as new hardscape, fencing, and a minor grade change to encroach underneath the dripline of nine (9) protected trees that consist of five (5) Fern Pine trees, two (2) Carrotwood trees, one (1) South Magnolia tree, and one (1) Japanese Pear tree. Per the Arcadia Tree Protection Ordinance, these trees are considered protected as they are located within the required setbacks and meet the minimum trunk diameters. The Certified Arborist determined that the proposed encroachments will not adversely affect the long-term health of the protected trees as long as the mitigations and recommendations listed in the Arborist Report are followed. Therefore, it has been determined that the proposed encroachments of the protected trees will not adversely affect the long-term health of the trees.

SECTION 7. For the foregoing reasons and based on all information in the record, the City Council approves Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program in accordance with the California Environmental Quality Act ("CEQA"), and approves Architectural Design Review No. ADR 18-22, Conditional Use Permit No. CUP 19-03, Minor Administrative Modification No. AM Minor 19-22, and Protected Tree Encroachment No. TRE 20-04 for new senior assisted living facility with memory care at 1150 W. Colorado Boulevard.

SECTION 8. The City Clerk shall certify to the adoption of this Resolution.

Passed, approved and adopted this 18th of August, 2020.



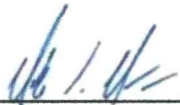
Mayor of the City of Arcadia

ATTEST:




City Clerk

APPROVED AS TO FORM:


_____ for
Stephen P. Deitsch
City Attorney

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

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Resolution No. 7330 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 18th day of August, 2020 and that said Resolution was adopted by the following vote, to wit:

AYES: Cheng, Tay, and Chandler

NOES: Verlato

ABSTAIN: Beck


City Clerk of the City of Arcadia

Intentionally Left Blank

RESOLUTION NO. 7330

Conditions of Approval

1. The project shall be developed and maintained by the Property Owner/Applicant in a manner that is consistent with the plans submitted and conditionally approved for ZC 19-01, ADR 18-22, CUP 19-03, AM Minor 19-22, and TRE 20-04, subject to the satisfaction of the Planning & Community Development Administrator or designee.
2. The Property Owner/Applicant shall submit an official ALTA survey of the property to the City prior to submitting plans into Building Services for plan check. The City shall retain all access and other rights over the sanitary sewer easement and storm drain easement that are located on and under the subject property, and the Property Owner/Applicant shall make any adjustment, modifications, and/or abandon the sewer line in its development of the property, or amendments to current easement of record, deemed by the City to reasonably necessary for the City to maintain such infrastructure and access. All new or existing manholes to remain on the site as part of the new development shall be within a paved area. Final placement of the manholes shall be subject to review and approval of the Public Works Department. Any agreement that is required by the City to allow the development to occur over the easements shall be prepared by the Property Owner/Applicant and shall be subject to approval by the City Attorney prior to recordation in the Los Angeles County Recorder's Office. For purposes of the City Attorney review of any such document, the Property Owner/Applicant shall submit to the City a deposit of \$5,000, of which any funds remaining after review and approval by the City shall be returned to the Property Owner/Applicant.
3. Prior to the issuance of the Certificate of Occupancy, the Property Owner/ Applicant shall submit to Planning Services a copy of the form of lease or occupancy agreement that will be utilized for the proposed senior living facility. The form of such agreement must require all future residents to acknowledge the potential health risk associated with living within 500 feet of a freeway. Such acknowledgment shall be placed in all such future agreements for the senior living facility.
4. The Property Owner/Applicant shall submit a haul route map and construction staging plan to Planning Services prior to issuance of a Demolition permit.
5. The Property Owner/Applicant shall be responsible for the repair of all damage to public improvements in the public right-of-way resulting from construction related activities, including, but not limited to, the movement and/or delivery of equipment, materials, and soils to and/or from the site. The need for such repair shall be determined by the Planning & Community Development Administrator and the Public Works Director, or designees, during construction and up until issuance of a Certificate of Occupancy.

6. The final landscape plan that is submitted to Building Services for plan-check shall be revised to include hedges and/or trees spread out in front of the 8-foot wooden fence along Michillinda Avenue.
7. The plans that are submitted to Building Services for plan check shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
8. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-off.
9. Prior to the issuance of a building permit from Building Services, the Property Owner/Applicant shall irrevocably dedicate to the City 4 feet along the frontage of West Colorado Boulevard for a total parkway width of 12- feet, as measured from curb to property line. A corner cutback at Michillinda Avenue/Colorado Boulevard is also required to accommodate an ADA curb per Caltrans standard A88A. Both dedications shall be subject to review and approval by the Deputy Development Services Director/Engineer.
10. The Property Owner/Applicant shall be required to remove and replace existing sidewalk, curb and gutter along the property frontage of Michillinda Avenue and West Colorado Boulevard.
11. Prior to the issuance of the Certificate of Occupancy by Building Services, the Property Owner/Applicant shall modify the median island left turn pocket to accommodate the driveway approach on West Colorado Boulevard in accordance with plans which shall be subject to approval by the Deputy Development Services Director/Engineer, or designee.
12. The Property Owner/Applicant shall be required to remove the existing driveway approaches and construct a new driveway approach along West Colorado Boulevard per City Standard with ADA access around the approach.
13. A Low Impact Development (“LID”) plan is required for this development. It shall comply with the Los Angeles County Department of Public Works 2014 LID standard manual, and the measurements must be shown on the grading plan. These measurements shall include using infiltration trenches, bioretention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.

14. The Property Owner/Applicant shall coordinate with the Public Works Services Department on the replacement and/or protection of street trees prior to issuance of a grading permit from Building Services.
15. The building shall be fully fire sprinklered per the City of Arcadia Fire Department Commercial Sprinklers Standards.
16. The Property Owner/Applicant shall install three (3) new fire hydrants, two along the City's right-away and one on the site as part of the project. The location shall be depicted on the site plan and shall be subject to review and approval by the Fire Marshall prior to issuance of a building permit for the project.
17. Knox boxes shall be provided at the front entry and exterior doors at the southeast and southwest stairwells. Stairwell doors shall be keyed to provide for exterior emergency access.
18. In order to verify the required water service size for the project, the Property Owner/Applicant shall submit to the Public Works Department prior to the issuance of a building permit calculations for the maximum commercial use demand and maximum fire demand.
19. The Property Owner/Applicant shall provide separate water services and meters for the Residential Care Facility and outdoor irrigation system. A reduced pressure backflow device shall be installed for each water service.
20. Prior to the issuance of a building permit, the Property Owner/Applicant shall submit a Water Meter Permit Application to the Public Works Services Department.
21. The Property Owner/Applicant shall provide a new water service installation. Installation shall be according to the specifications of the Public Works Services Department, Engineering Division. Abandonment of existing water services, if necessary, shall be completed by the Property Owner/Applicant, according to Public Works Services Department, Engineering Section specifications.
22. Prior to the issuance of a Building permit, the Property Owner/Applicant shall provide a Sewer Area Study to determine whether or not the existing 8-inch Vitrified Clay Pipe ("VCP") City sewer line on the site is capable of meeting all anticipated demands of the proposed project.
23. The Property Owner/Applicant shall utilize existing sewer lateral(s) if possible.
24. If any drainage fixture elevation is lower than the elevation of the next upstream manhole cover, the Property Owner/Applicant shall be required to use an approved type of backwater valve.
25. Prior to the issuance of a grading permit, the Property Owner/Applicant shall prepare a Storm Water Pollution Prevention Plan ("SWPPP") and shall obtain a Waste Discharge Identification ("WDID") number from the State.

26. The project shall be subject to Industrial Waste management requirements and a grease interceptor is required for the kitchen facility. This shall be subject to the review and approval by the Public Works Services Department.
27. The trash enclosure area shall be installed the Property Owner/Applicant and shall comply with the following:
 - a. A minimum interior width of 9'-7" in order to accommodate three (3) 3-yard bin.
 - b. Shall include a trash, recycling and organics recycling bins.
 - c. Provide a minimum of one (1) foot clearance around the trash bin/recycling bin/organics bin.
28. The Property Owner/Applicant 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, all to the satisfaction of the Building Official, Fire Marshal, Public Works Services Director, and Planning & Community Development Administrator. 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.
29. The Owner/Applicant shall defend, indemnify, and hold harmless the City of Arcadia and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City of Arcadia, its officials, officers, employees or agents to attack, set aside, void, or annul any approval or conditional approval of the City of Arcadia concerning this project and/or land use decision, including but not limited to any approval or conditional approval of the City Council, Planning Commission, or City Staff, which action is brought within the time period provided for in Government Code Section 66499.37 or other provision of law applicable to this project or decision. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and/or land use decision and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees, and agents in the defense of the matter.
30. Approval of ZC 19-01, ADR 18-22, CUP 19-03, AM MINOR 19-22, and TRE 20-04 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 City Council has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.
31. All the windows shall be recessed at least 2 inches from the exterior walls.

32. All the parking lot lighting shall be shielded downward and/or have a cutoff insert in the fixture to minimize any potential light and glare to the adjacent residential properties.

Mitigation Measures as Conditions of Approval

The following conditions are found in the Mitigation Monitoring and Reporting Program (“MMRP”). They are recorded here to facilitate review and implementation. More information on the timing and responsible parties for these mitigation measures are detailed in the MMRP.

Biological Resources

33. **BIO-1:** Tree removal shall not occur during the local nesting season (February 1 to September 15 for nesting birds and February 1 to June 30 for nesting raptors), to the extent practicable. If any construction or tree removal occurs during the nesting season, a nesting bird survey shall be conducted by a qualified biologist prior to commencement of grading or removal of any trees on the property. If the biologist determines that nesting birds are present, restrictions may be placed on construction activities in the vicinity of the nest observed until the nest is no longer active, as determined by the biologist based on the location of the nest, type of the construction activities, the existing human activity in the vicinity of the nest, and the sensitivity of the nesting species. Grading and/or construction may resume in this area when a qualified biologist has determined that the nest is no longer occupied, and all juveniles have fledged. This measure shall be implemented to the satisfaction of the City of the Planning & Community Development Administrator or Designee.
34. **BIO-2:** Prior to issuance of a building permit, the applicant shall demonstrate that the Project landscaping plan and planned construction are consistent with the City’s Tree Protection Ordinance and the Protected Tree Study. The tree protection activities shall include the following:
 - a. Prior to demolition, the contractor and consulting arborist shall meet on-site to make sure tree protection zones are established around all protected trees to be preserved and to review the goals for the tree protection plan.
 - b. Tree protection zone fences shall be placed around each protected tree. Fences shall be at least 4 feet tall and constructed of chain-link fencing secured on metal posts. Where fences are not feasible (e.g., in haul routes or areas where workers will need frequent access), soil and root protection material can be installed.
 - c. The contractor shall maintain the fences and/or soil protection material throughout the completion of the Project. No staging of materials or equipment or washing out shall occur within the fenced protected zones.
 - d. Trees should be irrigated throughout the year. A deep watering that provides good soil moisture to a depth of 16 inches is optimal. The trees shall be deeply

water once every 21 to 28 days during the summer and fall seasons when rain is unlikely.

- e. For Tree No. 49, a protected deodar cedar located on the Project Site's Colorado Boulevard frontage, the deadwood shall be removed to prevent the dead branches from falling. However, no reduction pruning in the live crown of the tree is required. The tree shall be monitored for its health during the life of the Project, and irrigation shall occur at the same frequency of the other trees.
- f. The arborist shall monitor a few critical phases of the Project, including pre-demolition, to direct the installation of protective fences and soil protection measures; grading and excavation; any utility or drainage trenching that is required within a tree protection zone; and a final evaluation during the landscape installation phase.
- g. Additional construction best practices described in the Protected Tree Report shall be implemented.

Cultural Resources

- 35. **CUL-1:** Treatment of previously unidentified archaeological deposits: If suspected prehistoric or historical archaeological deposits are discovered during construction, all work within 25 feet of the discovery shall be redirected and a Secretary of the Interior Professional Qualified archaeologist and/or Registered Professional Archaeologist shall assess the situation and make recommendations regarding the treatment of the discovery. Impacts to significant archaeological deposits shall be avoided if feasible, but if such impacts cannot be avoided, the deposits shall be evaluated for their eligibility for the California Register of Historical Resources. If the deposits are not eligible, no further protection of the find is necessary. If the deposits are eligible, impacts shall be avoided or mitigated. Acceptable mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits, recording the resource, preparation of a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility.

Geology and Soils

- 36. **GEO-1:** Paleontological Resource Monitor: If paleontological resources (fossils) are discovered during Project grading, work shall be halted in that area until a qualified paleontologist can be retained to assess the significance of the find. The Project paleontologist shall monitor remaining earth-moving activities at the Project Site and shall be equipped to record and salvage fossil resources that may be unearthed during grading activities. The paleontologist shall be empowered to temporarily halt or divert grading equipment to allow recording and removal of the unearthed resources. Any fossils found shall be evaluated in accordance with the CEQA Guidelines and offered for curation at an accredited facility approved by the City of Arcadia. Once grading activities have ceased or the paleontologist determines that monitoring is no longer necessary, monitoring activities shall be discontinued.

Noise

37. **NOI-1:** Prior to issuance of a Grading Permit, the Project applicant shall demonstrate, to the satisfaction of the City of Arcadia Planning Division, that the Project complies with the following:
- a. Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State-required noise attenuation devices.
 - b. The contractor shall provide evidence that a construction staff member will be designated as a noise disturbance coordinator and will be present on-site during construction activities. The noise disturbance coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the noise disturbance coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early or bad muffler) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Planning & Community Development Administrator (or designee). All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the noise disturbance coordinator. All necessary signage and notices shall be posted on or sent to residential units immediately surrounding the construction site no less than two weeks prior to the start of noise-generating construction activities on the Project Site.
 - c. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
 - d. Prior to issuance of any Grading or Building Permit, the Project applicant shall demonstrate to the satisfaction of the Planning & Community Development Administrator (or designee) that construction noise reduction methods shall be used where feasible. These reduction methods may include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and utilizing electric air compressors and similar power tools.
 - e. Construction haul routes shall be designed to avoid noise-sensitive uses (e.g., residences and convalescent homes) to the extent feasible.

Tribal Cultural Resources

38. **TCR-1:** Retain a Native American Monitor/Consultant. The Project Applicant shall be required to retain and compensate for the services of a tribal monitor/consultant, who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and listed under the Native American Heritage Commission's ("NAHC") Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant shall only be present on-site during the

construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project area. The tribal Monitor/consultant shall complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project Site grading and excavation activities are completed or when the tribal representatives and monitor/consultant have indicated that the site has a low potential for impacting tribal cultural resources.

39. **TCR-2:** Upon discovery of any tribal cultural or archaeological resources, construction activities shall cease in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the Project Site while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources. For unique archaeological resources, preservation in place is the preferred manner of treatment in accordance with PRC Section 21083.2(b). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the tribe or a local school or historical society in the area for educational purposes.
40. **TCR-3:** Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains

to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.

Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant shall immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) shall then notify the tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the NAHC as mandated by State law, who will then appoint a Most Likely Descendent (“MLD”). If the Gabrieleño Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the tribe, the term “human remains” encompasses more than human bones. In ancient, as well as, historic times, tribal traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

41. **TCR-4:** Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The tribe shall make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials shall be removed. The tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery are approved by the tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the tribe and the NAHC. The tribe does not authorize any scientific study or the utilization of any

invasive and/or destructive diagnostics on human remains. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project Site but at a location agreed upon between the tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.



STAFF REPORT

Development Services Department

DATE: August 18, 2020

TO: Honorable Mayor and City Council

FROM: Jason Kruckeberg, Assistant City Manager/Development Services Director
By: Lisa L. Flores, Planning & Community Development Administrator
Prepared By: Vanessa Quiroz, Associate Planner

SUBJECT: RESOLUTION NO. 7330 AND ORDINANCE NO. 2372 RELATED TO A ZONE CHANGE, ARCHITECTURAL DESIGN REVIEW, CONDITIONAL USE PERMIT, ADMINISTRATIVE MODIFICATION, AND PROTECTED TREE ENCROACHMENT PERMIT WITH A MITIGATED NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") FOR A NEW SENIOR ASSISTED LIVING FACILITY WITH MEMORY CARE AT 1150 W. COLORADO BOULEVARD

RESOLUTION NO. 7330 APPROVING ARCHITECTURAL DESIGN REVIEW NO. ADR 18-22, CONDITIONAL USE PERMIT NO. CUP 19-03, ADMINISTRATIVE MODIFICATION NO. AM MINOR 19-22, AND PROTECTED TREE ENCROACHMENT NO. TRE 20-04 WITH A MITIGATED NEGATIVE DECLARATION FOR A NEW SENIOR ASSISTED LIVING CARE FACILITY WITH MEMORY CARE AT 1150 W. COLORADO BOULEVARD

Recommendation: Adopt

ORDINANCE NO. 2372 APPROVING ZONE CHANGE NO. ZC 19-01 AND ZONING MAP AMENDMENT TO REMOVE THE TWO EXISTING ZONING OVERLAYS (ARCHITECTURAL DESIGN (D) OVERLAY ZONE AND AUTOMOBILE PARKING (P) OVERLAY ZONE) AT 1150 W. COLORADO BOULEVARD

Recommendation: Introduce

SUMMARY

The Applicant, Artis Senior Living, LLC, is requesting approval of Zone Change No. ZC 19-01, Architectural Design Review No. ADR 18-22, Conditional Use Permit No. CUP 19-03, Administrative Modification No. AM Minor 19-22, and Protected Tree Encroachment Permit No. TRE 20-04 for a new two-story, 44,192 square foot senior assisted living care facility (known as Artis Senior Living) with 80 rooms at 1150 W. Colorado Boulevard. It is recommended that City Council adopt Resolution No. 7330 (Attachment No. 1) and introduce Ordinance No. 2372 (Attachment No. 2) approving the proposed project and the Mitigated Negative Declaration in accordance with the California Environmental Quality Act (“CEQA”).

BACKGROUND

The subject site is located at the southeast corner of West Colorado Boulevard and Michillinda Avenue at 1150 W. Colorado Boulevard. The property has been developed with and occupied by a restaurant (Coco’s Bakery and Restaurant) since 1976. The site is surrounded by the 210 Freeway to the north, commercial uses to the west in the Los Angeles County area, and single-family residential properties to the east and south. The residential properties that directly abut this site along North Altura Road and Altura Terrace are not within the Lower Rancho Homeowners Association - refer to Figure No.1 for an aerial view of the area below and Attachment No. 3 for the Aerial Photo and Zoning Information and Photos of the Subject Property.

The subject property is zoned General Commercial (“C-G”) and has a General Plan Land Use Designation of Commercial (.50 FAR). The project site is approximately 2.83 acres in size and has two existing zoning overlays. The first overlay is an Architectural Design (D) overlay zone that was placed over the building area in 1972 that limits the building height to 30 feet and to a maximum floor area of 19,500 square feet, as well as other limitations on the exterior materials, roof pitch, window size, signage, and landscaping. The second overlay is the Automobile Parking Overlay (P) that was placed over the parking lot area to restrict that area to parking only. A commercial building cannot expand beyond the area of the Architectural Design Overlay. These types of overlays were common practice during that time to

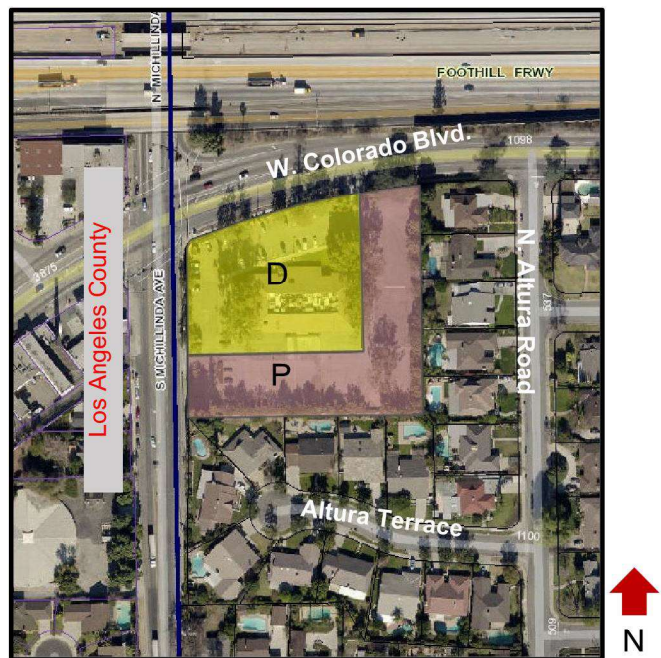


Figure No.1
(D): Architectural Design overlay zone
(P): Automobile Parking overlay zone

ensure compatibility with the adjacent resident properties and to provide a significant buffer between the commercial building and the adjoining residential properties to minimize any potential impacts.

DISCUSSION

The Applicant is requesting a Zone Change to eliminate the existing zoning overlays – the Architectural Design (D) overlay zone and the Automobile Parking (P) overlay zone – in order to accommodate the new senior assisted living facility. The senior living facility will be operated by Artis Senior Living, and will consist of a new two-story, 44,192 square foot, Traditional/Cape Cod Architectural-style facility that will be entirely dedicated to patients with Alzheimer’s and related memory delays - refer to Attachment No. 4 for the Architectural Plans and Renderings.

Artis Senior Living is a national senior living care facility company established in 2012. The company has over 18 facilities within the Midwest and East Coast of the United States. Currently, there are 20 additional facilities under construction throughout the country, including this facility.



Figure No. 2 Rendering from the corner of W. Colorado Blvd. and Michillinda Avenue

A total of 80 rooms are proposed with 40 rooms on each floor. The rooms will range between 216 square feet and 302 square feet in size. Each room will include a bed, a closet, and a bathroom. Each floor will include a dining room, a family room, employee

offices and areas, and a kitchen. The facility will also provide onsite amenities for the residents such as a community center, a gallery, a café, and a barber/beauty shop. A small health center will also be able to provide medical services for the residents. The project will also include a trellis with seating in the front yard area of the building and a private outdoor area along the west and south side of the building, which includes walkways and an outdoor gazebo for residents and visitors. The Applicant will be limiting the delivery hours from 7:00 a.m. to 10:00 p.m.

With the removal of the overlays, the proposed senior living facility will comply with the General Commercial (“C-G”) development standards. As part of the new development, a 4-foot dedication along W. Colorado Boulevard will be granted to the City for future sidewalk purposes. As a result, the size of the lot will be reduced from 2.83 to 2.79 acres. With the reduction to the overall size of the lot, the proposed project will still comply with the maximum Floor Area Ratio (“FAR”) of .50 or 60,766 square feet; the proposed project at 44,192 square feet is 16,574 square feet below the maximum.

The proposed development will have a side yard setback of 76’-7”, where 10’-0” is required, and a rear yard setback of 94’-0”, where 20’-0” is required. The Development Code allows for a maximum height of 40 feet within the General Commercial (“C-G”) Zone. The majority of the building will extend up to approximately 30’-0” in height, with a tower element in the middle portion of the building extending to approximately 37’-5” in height.

Vehicular entry to the site will be off West Colorado Boulevard, which leads into the parking lot along the east side of the site. Additionally, a roundabout driveway in front of the building’s entrance is provided to accommodate passenger loading and unloading for the residents. In terms of parking, the project site will provide a total of 58 surface parking spaces, of which 50 will be standard parking stalls seven (7) handicap parking spaces, and one (1) loading space – refer to the site plan (Figure No. 3) and Attachment No. 4 for the Architectural Plans.

The Development Code requires one (1) parking space for every three (3) licensed beds for a residential care facility. With a total of 80 beds proposed, the project requires a total of 27 parking spaces for the residents and visitors. Although the Code does not require additional parking for the employees, the Applicant is proposing 32 more parking spaces to ensure there is sufficient parking for the entire staff (up to 24 employees) at any given time. As part of the facility’s operation, transportation shall be provided for the residents for doctor visits and supervised outings.

The Applicant is also proposing an 8-foot-tall wooden fence around the perimeter of the building to enclose outdoor garden area – refer to the blue line on the site plan above for the location of the fence. The fence exceeds the maximum permitted height of 6’-0” by two additional feet. The purpose for the taller fence is to secure the site properly and

ensure protection of the residents, who have memory care needs and require extra security. With the exception of the fence height, the proposed project complies with all of the regulations set forth by the Development Code. The west and east sides of the fencing will be significantly distanced from the property lines, which will reduce the overall appearance of its height. Along the southern property line, the tall fence will provide a sufficient buffer for the nearby residences.

The Development Code allows a large-residential care facility within the General Commercial ("C-G") Zone subject to the approval of a Conditional Use Permit. In order to accommodate the proposed facility, the Applicant is requesting removal of two existing overlays on the project site - Architectural Design (D) overlay zone and the Automobile Parking (P) overlay zone. The purpose of the overlays when they were established was to ensure that any development would be in scale and compatible with the adjacent residential properties and for the parking lot to act as a buffer between the commercial use and the adjacent residential properties. Under the current Architectural Design (D) overlay zone, the maximum permitted building size is 19,500 square feet, which calculates to 16% of the lot area. The underlying General Commercial ("C-G") zone allows a maximum Floor Area Ratio of .50 which calculates to 60,766 square feet. The proposed senior assisted living care facility is proposed at 44,192 square feet which is 16,574 square feet below the maximum and calculates to 36% of the lot size.

Although the proposed facility is larger than the existing building as well as what is currently allowed with the overlay, the Applicant proposes a design that will maintain the overall intent of the existing overlays. The proposed development will be placed at a minimum of 76'-7" away from the adjoining residential properties to the south, and 94'-0" from the residential properties to the east. Between the facility and the residential properties, a parking and landscape buffer is proposed. Additionally, the Applicant is proposing to maintain all of the mature trees along the property lines to screen the project from the adjacent residential properties. Therefore, the proposed removal of the existing overlays will not have a significant impact to the adjacent properties as the applicant has put a lot of consideration into the design and layout of the project.

The Artis senior facility is a well thought out design that will allow for a financially feasible project while minimizing building height and providing significant setbacks in order to be sensitive to the adjacent residential properties. The project will provide housing options to the aging population of the region, and assistance for those with memory care needs. With all of the recent retraction in commercial uses throughout the region, changes in use from "typical" retail and commercial uses are becoming common. The City has been supportive of these "marginal" commercial sites transitioning to residential or pseudo-commercial uses such as this over time.

As proposed, the proposed senior living care facility is consistent with the following goals and policies of the Land Use Element of the Arcadia General Plan:

- Goal LU-1: A balance of land uses that preserves Arcadia’s status as a Community of Homes and a community of opportunity.
- 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-1.2: Promote new uses of land that provide diverse economic, social, and cultural opportunities, and that reinforce the characteristics that make Arcadia a desirable place to live.
- Policy LU-1.5: Require that effective buffer areas be created between land uses that are of significantly different character or that have operating characteristics which could create nuisances along common boundary.

Architectural Style

The Artis Senior Living Facility has been designed to complement the adjoining residential properties and will enhance the overall streetscape – refer to the rendering below and Attachment No. 4 for the Architectural Plans and Renderings. The proposed Traditional/Cape Cod Architectural style helps blend the senior living care facility with the adjoining residential properties. The design includes a large and prominent front entry porch. The building is designed in a W-shaped layout with a tower element in the center to provide variation to the building height and visual appeal. The design contains architectural features such as white colored vertical and horizontal cement fiber board siding, black wooden shutters, black walnut-colored asphalt shingles, and brick stonework at the base of the building that are commonly found within the Traditional and Cape Cod architectural styles and are present features in nearby residential uses. The design also includes decorative features, such as white colored trellises along the sides, white-wooden corbels under the eaves of the screen porches along the sides of the building,



Figure No. 4 Rendering from W. Colorado Blvd.

and a small, decorative cupola at the top of the building. The windows will be recessed from the exterior walls by 2 inches to provide depth to the exterior façade – refer to Condition # 31. The use of varied massing and materials with articulation on each of the building façades increases the visual interest of the development. The overall design has a balanced and aesthetically pleasing design that will complement the surrounding residential properties and the general vicinity.

Lastly, the location provides a focal westerly entry point to the City. Although commercial buildings are encouraged to be placed closer to the street, the proposed senior living care facility acts more like a residential building, and will provide a comparable streetscape with the surrounding residential properties that have large front or street side yard setbacks along Colorado Boulevard.

Protected Tree Encroachment Permit

The project requires a protected tree encroachment application to allow site improvements such as new hardscape, fencing, and a minor grade change to encroach underneath the dripline of nine (9) protected trees that consist of five (5) Fern Pine trees, two (2) Carrotwood trees, one (1) South Magnolia tree, and one (1) Japanese Pear tree. Per the Arcadia Tree Protection Ordinance, these trees are considered protected as they are located within the required setbacks and meet the minimum trunk diameters. The Certified Arborist determined that the proposed encroachments will not adversely affect the long-term health of the protected trees as long as the mitigations and recommendations listed in the Arborist Report are followed. Additionally, prior to demolition of the existing structure, the contractor will be required to meet and consult with the Certified Arborist onsite to ensure all measures are applied and to review the goals for the tree protection plan. A tree protection zone fence shall be required around

all protected trees throughout the construction of the project. Therefore, it has been determined that the proposed encroachments of the protected trees will not adversely affect the long-term health of the trees.

FINDINGS

Pursuant to Section 9108.03.060(B) of the Development Code, an amendment to the Arcadia Zoning Map may be approved only if the following finding is satisfied:

1. The proposed Zoning Map Amendment is consistent with the General Plan and any applicable specific plan(s).

Facts to Support the Finding: The proposed Zone Change and Zoning Map Amendment to remove the two existing overlays (Architectural Design (D) Overlay Zone and Automobile Parking (P) Overlay Zone) are consistent with the General Plan in that the underlying land use of Commercial will remain the same, and the change will allow the property owner to redevelop the site to its full potential without negatively impacting adjacent properties. The proposed Zone Change and Zoning Map Amendment will not have any detrimental effect upon the health, safety and general welfare of the City, nor will it have an effect on the conditions of the built environment since the amendments only consist of removing two overlays while maintaining the existing zoning classification and General Plan Land Use designation. The proposed Zone Change and Zoning Map Amendment are consistent with the goals, objectives, and policies of the Arcadia General Plan. The proposed Zone Change will be consistent with the following General Plan goals and policies:

Land Use and Community Development Element

- Policy LU-1.6: Establish consistency between the Land Use Plan and the Zoning Code.
- 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.

Conditional Use Permit

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 findings can be satisfied:

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

Facts to Support This Finding: Approval of the proposed senior assisted living care facility will be consistent with the General Plan Land Use Designation of Commercial. The underlying zone allows a broad array of commercial uses that serve both the neighborhood and citywide. The proposed senior assisted living care facility will allow a business that can serve the aging population of the City, specifically those with Alzheimer's disease and related memory delays. The residential care facility is a use permitted in the General Commercial ("C-G") Zone subject to the approval of a Conditional Use Permit. It will not adversely affect the comprehensive General Plan, and is consistent with the following General Plan goals and policies:

- Goal LU-1: A balance of land uses that preserves Arcadia's status as a Community of Homes and a community of opportunity.
- 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-1.2: Promote new uses of land that provide diverse economic, social, and cultural opportunities, and that reinforce the characteristics that make Arcadia a desirable place to live.
- Policy LU-1.5: Require that effective buffer areas be created between land uses that are of significantly different character or that have operating characteristics which could create nuisances along common boundary.

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

Facts to Support This Finding: The site is zoned General Commercial ("C-G") and pursuant to the Arcadia Development Code Section 9102.03.020, Table 2-8, allows a Large-Residential Care Facility in the General Commercial C-G zone subject to the review and approval of a Conditional Use Permit. With the removal of the two existing overlays, the proposed project complies with all the development standards of the General Commercial C-G Zone. In addition, as required by the California Environmental Quality Act ("CEQA"), the Development Services Department prepared an Initial Study/Mitigated Negative Declaration ("IS/MND") for the proposed project, which determined that the project, with mitigation measures, will have less-than-significant impacts. Lastly, the proposed residential care facility complies with all other applicable provisions of the Development Code.

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

Facts to Support This Finding: The Artis senior living facility is a well thought out design that is not only compatible in scale and design with the adjacent residential properties to the east and south, but will also compliment the other commercial properties along the commercial corner intersection of West Colorado Boulevard and Michillinda Avenue. The proposed development will be placed over 75 feet from the adjacent residential properties with a parking and landscape buffer between the facility and the residential uses. The project will redevelop the site with a senior assisted living care facility with an appropriate use and development that will not impact adjacent properties. With the exception of the perimeter fence that exceeds the maximum height limit, the project complies with all related zoning requirements as set forth in the Development Code and all applicable regulations and requirements set forth by various City Departments. The site will be adequately served by all the required utilities and public services. Therefore, the project site is adequate in size and shape to accommodate the proposed development. Parking for the project is above the minimum Code requirement and, thus, no parking impacts are expected. Additionally, the proposed project will result in an overall reduction of vehicular traffic as compared to the existing use and nearly any other use that could be considered for the property. Thus, the proposed senior assisted living care facility will be compatible with the existing and future uses in the vicinity.

4. The site is physically suitable in terms of:

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

Facts to Support This Finding: The site measures approximately 2.79 acres. The subject site can physically support the proposed senior living care facility. At 44,192 square feet the building is 16,574 square feet below the maximum permitted Floor Area Ratio for the site. The project will provide more than the required amount of parking, which will be dedicated to employees and visitors in order to prevent any parking issues. Lastly, the new building has been placed over 75 feet away from the side and rear setbacks in order to be sensitive to the adjacent residential properties to the east and south and to provide an adequate buffer. Therefore, the site is adequate in size to accommodate the new senior assisted living care facility.

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

Facts to Support This Finding: The project will be located at the southeast corner of West Colorado Boulevard and Michillinda Avenue. Although the project will only have an access point off of West Colorado Boulevard, both streets have been designated and designed with the capacity to accommodate both normal public vehicular travel and emergency vehicles. These streets are adequate in width and pavement type to carry the traffic that would be generated by the proposed senior facility, and to support emergency vehicle access. The streets will be able to handle the demand from this new use since the proposed project would generate less traffic than the previous use.

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

Facts to Support This Finding: The construction of a senior assisted care facility will comply with all Building and Fire Codes, and all other applicable regulations to ensure the safety of the residents as well as help reduce the creation of fire hazards and facilitate emergency response. As part of the environmental review process, the Initial Study/Mitigated Negative Declaration (“IS/MND”) determined that Fire and Police protection services can handle the demand for the proposed senior assisted living care facility.

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: It has been determined that the existing infrastructure and public utilities can handle the demand for the proposed senior assisted living care facility, and that no upgrades are necessary. The proposed project is required to comply with the Low Impact Development (“LID”) requirements for stormwater discharge.

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

Facts to Support This Finding: The proposed senior facility is not expected to be detrimental to the public health or welfare, or the surrounding residential and commercial properties. The project will be compatible in terms of scale and design with the adjoining residential properties to the east and south. The project includes setbacks that far exceed the minimum requirements and provide a large landscape and parking buffer. The project proposes to maintain all existing mature trees along the perimeter to minimize any potential impacts to the adjacent residents. The delivery

hours will be limited to certain hours to in order to be considerate of the adjacent neighbors. The project will provide more than the required amount of parking, which will be dedicated to employees and visitors in order to prevent any parking issue. The construction of the project will meet all Building and Fire Codes, and all other applicable regulations. The Initial Study/Mitigated Negative Declaration (“IS/MND”) prepared for the senior assisted living care facility analyzed all the potential impacts, and all the project impacts are less than significant or can be reduced to less than significant level with the implementation of the recommended mitigation measures. Therefore, the proposed project will not adversely affect the public in general nor will it impact to the uses in the vicinity and zone in which the property is located.

Administrative Modification

The project requires a modification to allow a fence to exceed the permitted height. Pursuant to Section 9107.05.050(B) of the Development Code, it is required that the City Council make at least one of the following findings in order to approve the subject modification request:

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

The proposed 8'-0" tall fence along the perimeter of the building and outdoor open space will secure an appropriate improvement of the lot because the additional height of 2'-0" will properly secure the site that is necessary to protect the residents. The residents are expected to be individuals with memory issues, and this requires additional security measures. To help soften the appearance of the fence from the street, a condition has been placed on the project that some hedges and/or trees shall be spread out in front of the fence (refer to Condition no. 6). In addition, because the fence will be substantially set back from the street frontage, its overall appearance will be diminished.

All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with by the property owner/applicant to the satisfaction of the Building Official, City Engineer, Planning & Community Development Administrator, Fire Marshal, and Public Works Services Director, or their respective designees.

PLANNING COMMISSION

This project was presented to the Planning Commission at their regular meeting on July 14, 2020, for their consideration and recommendation to the City Council - refer to Attachment No. 5 for the Planning Commission Minutes, dated July 14, 2020, and Attachment No. 6 for Planning Commission Staff Report, dated July 14, 2020, which includes public comments. After discussion, the Commission voted unanimously to recommend approval of the project to the City Council with the following additional conditions and recommendations:

1. All windows shall be recessed at least two inches from the exterior wall; and
2. All the parking lot lighting shall be shielded downward and/or have cutoff inserts in the fixture to minimize any potential light and glare to the adjacent residential properties.
3. The Applicant should distribute a bilingual, Chinese-translated notice to neighboring residents to alleviate any potential confusion over the proposed height and project characteristics;
4. Require additional disabled, ADA compliant parking spaces in excess of the four currently proposed; and
5. Restrict the hours for deliveries from 7 a.m. to 10 p.m.

In an effort to address the recommendations provided by the Planning Commission, the Applicant revised the parking layout and provided three more ADA parking spaces for a total of seven spaces in the front parking lot near the building entry – refer to Attachment No. 4. This reduced the overall parking count from 59 to 58 parking spaces, which still exceeds the Code requirements. Lastly, the Applicant had all the public outreach materials and website translated into Chinese (www.ArtisArcadia.com).

ENVIRONMENTAL ASSESSMENT

Pursuant to the provisions of the California Environmental Quality Act (“CEQA”), the Development Services Department prepared the attached Initial Study/Mitigated Negative Declaration (“IS/MND”) for the proposed project - refer to Attachment No. 7. The project with mitigation measures will have less-than-significant impacts in the following areas: Biological Resources, Cultural Resources, Geology and Soils, Noise, and Tribal Cultural Resources. A detailed review is included in the IS/MND. The mitigation measures have been added as conditions of approval (Condition of Approval Nos. 33-41) for the project. The City has prepared a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program (“MMRP”).

In accordance with Section 21091 of the California Environmental Quality Act (“CEQA”) and Section 15073 of the CEQA Guidelines, the Draft Initial Study/Mitigated Negative Declaration (“IS/MND”) for the senior living care facility was circulated for public review and comments for 30 days from April 23, 2020, to May 22, 2020. Due to Covid-19, the IS/MND circulation period was extended from 20 to 29 days to give additional time for comments. During this time period, public agencies, organizations, the residents within a 300-foot radius, and the public in general were afforded the opportunity to review the Draft IS/MND and submit written comments regarding the documents and the proposed project.

During the comment period, two comment letters were received from the following agencies:

- South Coast Air Quality Management District (“SCAMD”), dated May 5, 2020. SCAQMD recommended that the City perform a mobile source health risk assessment (“HRA”) to disclose the potential health risks in the Final MND and incorporate strategies to reduce exposures by senior residents to toxic air contaminants from vehicles and trucks traveling on I-210.
- California Department of Fish and Wildlife, dated May 21, 2020. The agency determined that the project is deemed to have a potential impact on fish and wildlife, and, a CEQA filing fee is required to be paid to the Los Angeles County Clerk’s Office upon submittal of Notice of Determination for the environmental document.

The City Council is required to consider the IS/MND together with any comments received during the public review process (attached). Following receipt of the comment submitted by SCAQMD, Staff consulted with the CEQA consultant and City Attorney and it was determined that the analysis was not necessary for this type of project nor did the determination of the Initial Study require any changes. With regard to the Fish and Wildlife comment, upon the filing of the Notice of Determination with the Los Angeles County of Clerk’s Office, the CEQA filing fee shall be paid to the California Department of Fish and Wildlife.

PUBLIC NOTICE/COMMENTS

The public hearing notices for this City Council meeting were mailed to the owners of those properties that were located within 300 feet of the subject property and published in the Arcadia Weekly on July 30, 2020. As of August 13, 2020, the City has not received any additional comments from the public.

FISCAL IMPACT

The proposed project will increase the assessed value of the subject property, which will result in some additional property taxes to the City. The project will not have a significant impact on City services.

RECOMMENDED CONDITIONS OF APPROVAL

The following Conditions of Approval and Mitigation Measures are recommended and are included as part of Resolution No. 7330:

1. The project shall be developed and maintained by the Property Owner/Applicant in a manner that is consistent with the plans submitted and conditionally approved for ZC 19-01, ADR 18-22, CUP 19-03, AM Minor 19-22, and TRE 20-04, subject to the satisfaction of the Planning & Community Development Administrator or designee.
2. The Property Owner/Applicant shall submit an official ALTA survey of the property to the City prior to submitting plans into Building Services for plan check. The City shall retain all access and other rights over the sanitary sewer easement and storm drain easement that are located on and under the subject property, and the Property Owner/Applicant shall make any adjustment, modifications, and/or abandon the sewer line in its development of the property, or amendments to current easement of record, deemed by the City to reasonably necessary for the City to maintain such infrastructure and access. All new or existing manholes to remain on the site as part of the new development shall be within a paved area. Final placement of the manholes shall be subject to review and approval of the Public Works Department. Any agreement that is required by the City to allow the development to occur over the easements shall be prepared by the Property Owner/Applicant and shall be subject to approval by the City Attorney prior to recordation in the Los Angeles County Recorder's Office. For purposes of the City Attorney review of any such document, the Property Owner/Applicant shall submit to the City a deposit of \$5,000, of which any funds remaining after review and approval by the City shall be returned to the Property Owner/Applicant.
3. Prior to the issuance of the Certificate of Occupancy, the Property Owner/ Applicant shall submit to Planning Services a copy of the form of lease or occupancy agreement that will be utilized for the proposed senior living facility. The form of such agreement must require all future residents to acknowledge the potential health risk associated with living within 500 feet of a freeway. Such acknowledgment shall be placed in all such future agreements for the senior living facility.
4. The Property Owner/Applicant shall submit a haul route map and construction staging plan to Planning Services prior to issuance of a Demolition permit.
5. The Property Owner/Applicant shall be responsible for the repair of all damage to public improvements in the public right-of-way resulting from construction related activities, including, but not limited to, the movement and/or delivery of equipment, materials, and soils to and/or from the site. The need for such repair shall be determined by the Planning & Community Development Administrator and the Public

Works Director, or designees, during construction and up until issuance of a Certificate of Occupancy.

6. The final landscape plan that is submitted to Building Services for plan check shall be revised to include hedges and/or trees placed in front of the 8-foot wooden fence along Michillinda Avenue to the satisfaction of the Planning & Community Development Administrator.
7. The plans that are submitted to Building Services for plan check shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
8. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-off.
9. Prior to the issuance of a building permit from Building Services, the Property Owner/Applicant shall irrevocably dedicate to the City 4 feet along the frontage of West Colorado Boulevard for a total parkway width of 12 feet, as measured from curb to property line. A corner cutback at Michillinda Avenue/Colorado Boulevard is also required to accommodate an ADA curb per Caltrans standard A88A. Both dedications shall be subject to review and approval by the Deputy Development Services Director/Engineer.
10. The Property Owner/Applicant shall be required to remove and replace existing sidewalk, curb and gutter along the property frontage of Michillinda Avenue and West Colorado Boulevard.
11. Prior to the issuance of the Certificate of Occupancy by Building Services, the Property Owner/Applicant shall modify the median island left turn pocket to accommodate the driveway approach on West Colorado Boulevard in accordance with plans which shall be subject to approval by the Deputy Development Services Director/Engineer, or designee.

12. The Property Owner/Applicant shall be required to remove the existing driveway approaches and construct a new driveway approach along West Colorado Boulevard per City Standard with ADA access around the approach.
13. A Low Impact Development (“LID”) plan is required for this development. It shall comply with the Los Angeles County Department of Public Works 2014 LID standard manual, and the measurements must be shown on the grading plan. These measurements shall include using infiltration trenches, bioretention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.
14. The Property Owner/Applicant shall coordinate with the Public Works Services Department on the replacement and/or protection of street trees prior to issuance of a grading permit from Building Services.
15. The building shall be fully fire sprinklered per the City of Arcadia Fire Department Commercial Sprinklers Standards.
16. The Property Owner/Applicant shall install three (3) new fire hydrants, two along the City’s right-away and one on the site as part of the project. The location shall be depicted on the site plan and shall be subject to review and approval by the Fire Marshal prior to issuance of a building permit for the project.
17. Knox boxes shall be provided at the front entry and exterior doors at the southeast and southwest stairwells. Stairwell doors shall be keyed to provide for exterior emergency access.
18. In order to verify the required water service size for the project, the Property Owner/Applicant shall submit to the Public Works Department prior to the issuance of a building permit calculations for the maximum commercial use demand and maximum fire demand.
19. The Property Owner/Applicant shall provide separate water services and meters for the Residential Care Facility and outdoor irrigation system. A reduced pressure backflow device shall be installed for each water service.
20. Prior to the issuance of a building permit, the Property Owner/Applicant shall submit a Water Meter Permit Application to the Public Works Services Department.
21. The Property Owner/Applicant shall provide a new water service installation. Installation shall be according to the specifications of the Public Works Services Department, Engineering Division. Abandonment of existing water services, if necessary, shall be completed by the Property Owner/Applicant, according to Public Works Services Department, Engineering Section specifications.
22. Prior to the issuance of a Building permit, the Property Owner/Applicant shall provide a Sewer Area Study to determine whether or not the existing 8-inch Vitrified Clay

Pipe (“VCP”) City sewer line on the site is capable of meeting all anticipated demands of the proposed project.

23. The Property Owner/Applicant shall utilize existing sewer lateral(s) if possible.
24. If any drainage fixture elevation is lower than the elevation of the next upstream manhole cover, the Property Owner/Applicant shall be required to use an approved type of backwater valve.
25. Prior to the issuance of a grading permit, the Property Owner/Applicant shall prepare a Storm Water Pollution Prevention Plan (“SWPPP”) and shall obtain a Waste Discharge Identification (“WDID”) number from the State.
26. The project shall be subject to Industrial Waste management requirements and a grease interceptor is required for the kitchen facility. This shall be subject to the review and approval by the Public Works Services Department.
27. The trash enclosure area shall be installed the Property Owner/Applicant and shall comply with the following:
 - a. A minimum interior width of 9’-7” in order to accommodate a three 3-yard bin.
 - b. Shall include trash, recycling and organics recycling bins.
 - c. Provide a minimum of one (1) foot clearance around the trash bin/recycling bin/organics bin.
28. The Property Owner/Applicant 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, all to the satisfaction of the Building Official, Fire Marshal, Public Works Services Director, and Planning & Community Development Administrator. 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.
29. The Owner/Applicant shall defend, indemnify, and hold harmless the City of Arcadia and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City of Arcadia, its officials, officers, employees or agents to attack, set aside, void, or annul any approval or conditional approval of the City of Arcadia concerning this project and/or land use decision, including but not limited to any approval or conditional approval of the City Council, Planning Commission, or City Staff, which action is brought within the time period provided for in Government Code Section 66499.37 or other provision of law applicable to this project or

decision. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and/or land use decision and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees, and agents in the defense of the matter.

30. Approval of ZC 19-01, ADR 18-22, CUP 19-03, AM MINOR 19-22, and TRE 20-04 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 City Council has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.
31. All the windows shall be recessed at least 2 inches from the exterior walls.
32. All the parking lot lighting shall be shielded downward and/or have a cutoff insert in the fixture to minimize any potential light and glare to the adjacent residential properties.

Mitigation Measures as Conditions of Approval

The following conditions are found in the Mitigation Monitoring and Reporting Program (“MMRP”). They are recorded here to facilitate review and implementation. More information on the timing and responsible parties for these mitigation measures are detailed in the MMRP.

Biological Resources

33. **BIO-1:** Tree removal shall not occur during the local nesting season (February 1 to September 15 for nesting birds and February 1 to June 30 for nesting raptors), to the extent practicable. If any construction or tree removal occurs during the nesting season, a nesting bird survey shall be conducted by a qualified biologist prior to commencement of grading or removal of any trees on the property. If the biologist determines that nesting birds are present, restrictions may be placed on construction activities in the vicinity of the nest observed until the nest is no longer active, as determined by the biologist based on the location of the nest, type of the construction activities, the existing human activity in the vicinity of the nest, and the sensitivity of the nesting species. Grading and/or construction may resume in this area when a qualified biologist has determined that the nest is no longer occupied, and all juveniles have fledged. This measure shall be implemented to the satisfaction of the City of the Planning & Community Development Administrator or Designee.

34. **BIO-2:** Prior to issuance of a building permit, the applicant shall demonstrate that the Project landscaping plan and planned construction are consistent with the City's Tree Protection Ordinance and the Protected Tree Study. The tree protection activities shall include the following:
- a. Prior to demolition, the contractor and consulting arborist shall meet on-site to make sure tree protection zones are established around all protected trees to be preserved and to review the goals for the tree protection plan.
 - b. Tree protection zone fences shall be placed around each protected tree. Fences shall be at least 4 feet tall and constructed of chain-link fencing secured on metal posts. Where fences are not feasible (e.g., in haul routes or areas where workers will need frequent access), soil and root protection material can be installed.
 - c. The contractor shall maintain the fences and/or soil protection material throughout the completion of the Project. No staging of materials or equipment or washing out shall occur within the fenced protected zones.
 - d. Trees should be irrigated throughout the year. A deep watering that provides good soil moisture to a depth of 16 inches is optimal. The trees shall be deeply water once every 21 to 28 days during the summer and fall seasons when rain is unlikely.
 - e. For Tree No. 49, a protected deodar cedar located on the Project Site's Colorado Boulevard frontage, the deadwood shall be removed to prevent the dead branches from falling. However, no reduction pruning in the live crown of the tree is required. The tree shall be monitored for its health during the life of the Project, and irrigation shall occur at the same frequency of the other trees.
 - f. The arborist shall monitor a few critical phases of the Project, including pre-demolition, to direct the installation of protective fences and soil protection measures; grading and excavation; any utility or drainage trenching that is required within a tree protection zone; and a final evaluation during the landscape installation phase.
 - g. Additional construction best practices described in the Protected Tree Report shall be implemented.

Cultural Resources

35. **CUL-1:** Treatment of previously unidentified archaeological deposits: If suspected prehistoric or historical archaeological deposits are discovered during construction, all work within 25 feet of the discovery shall be redirected and a Secretary of the Interior Professional Qualified archaeologist and/or Registered Professional Archaeologist shall assess the situation and make recommendations regarding the treatment of the discovery. Impacts to significant archaeological deposits shall be avoided if feasible, but if such impacts cannot be avoided, the deposits shall be

evaluated for their eligibility for the California Register of Historical Resources. If the deposits are not eligible, no further protection of the find is necessary. If the deposits are eligible, impacts shall be avoided or mitigated. Acceptable mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits, recording the resource, preparation of a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility.

Geology and Soils

36. **GEO-1:** Paleontological Resource Monitor: If paleontological resources (fossils) are discovered during Project grading, work shall be halted in that area until a qualified paleontologist can be retained to assess the significance of the find. The Project paleontologist shall monitor remaining earth-moving activities at the Project Site and shall be equipped to record and salvage fossil resources that may be unearthed during grading activities. The paleontologist shall be empowered to temporarily halt or divert grading equipment to allow recording and removal of the unearthed resources. Any fossils found shall be evaluated in accordance with the CEQA Guidelines and offered for curation at an accredited facility approved by the City of Arcadia. Once grading activities have ceased or the paleontologist determines that monitoring is no longer necessary, monitoring activities shall be discontinued.

Noise

37. **NOI-1:** Prior to issuance of a Grading Permit, the Project applicant shall demonstrate, to the satisfaction of the City of Arcadia Planning Division, that the Project complies with the following:
- a. Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State-required noise attenuation devices.
 - b. The contractor shall provide evidence that a construction staff member will be designated as a noise disturbance coordinator and will be present on-site during construction activities. The noise disturbance coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the noise disturbance coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early or bad muffler) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Planning & Community Development Administrator (or designee). All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the noise disturbance coordinator. All necessary signage and notices shall be posted on or sent to residential units immediately surrounding the construction site no less than two weeks prior to the start of noise-generating construction activities on the Project Site.
 - c. During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.
 - d. Prior to issuance of any Grading or Building Permit, the Project applicant shall demonstrate to the satisfaction of the Planning & Community Development Administrator (or designee) that construction noise reduction methods shall be used where feasible. These reduction methods may include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and utilizing electric air compressors and similar power tools.
 - e. Construction haul routes shall be designed to avoid noise-sensitive uses (e.g., residences and convalescent homes) to the extent feasible.

Tribal Cultural Resources

38. **TCR-1:** Retain a Native American Monitor/Consultant. The Project Applicant shall be required to retain and compensate for the services of a tribal monitor/consultant, who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal

Government and listed under the Native American Heritage Commission's ("NAHC") Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant shall only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the Project area. The tribal Monitor/consultant shall complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project Site grading and excavation activities are completed or when the tribal representatives and monitor/consultant have indicated that the site has a low potential for impacting tribal cultural resources.

39. **TCR-2:** Upon discovery of any tribal cultural or archaeological resources, construction activities shall cease in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the Project Site while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources. For unique archaeological resources, preservation in place is the preferred manner of treatment in accordance with PRC Section 21083.2(b). If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. All tribal cultural resources shall be returned to the tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to the tribe or a local school or historical society in the area for educational purposes.

40. **TCR-3:** Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC and PRC 5097.98 shall be followed.

Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant shall immediately divert work at minimum of 150 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) shall then notify the tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the NAHC as mandated by State law, who will then appoint a Most Likely Descendent (“MLD”). If the Gabrieleño Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the tribe, the term “human remains” encompasses more than human bones. In ancient, as well as, historic times, tribal traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

41. **TCR-4:** Prior to the continuation of ground disturbing activities, the landowner shall arrange a designated site location within the footprint of the Project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The tribe shall make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials shall be removed. The tribe

shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the tribe and the NAHC. The tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains. Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project Site but at a location agreed upon between the tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

RECOMMENDATION

It is recommended that the City Council take the following actions to approve the project.

- a. Adopt Resolution No. 7330 approving Architectural Design Review No. ADR 18-22, Conditional Use Permit No. CUP 19-03, Administrative Modification No. AM Minor 19-22, and Protected Tree Encroachment No. TRE 20-04 with a Mitigated Negative Declaration under the California Environmental Quality Act ("CEQA") for a new senior assisted living care facility with memory care at 1150 W. Colorado Boulevard; and
- b. Introduce Ordinance No. 2372 approving Zone Change No. ZC 19-01 and Zoning Map Amendment to remove the two existing overlays (Architectural Design (D) Overlay Zone and Automobile Parking (P) Overlay Zone) at 1150 W. Colorado Boulevard.

Approved:



Dominic Lazzaretto
City Manager

- Attachment No. 1: Resolution No. 7330
- Attachment No. 2: Ordinance No. 2372
- Attachment No. 3: Aerial Photo and Zoning Information and Photos of the Subject Property
- Attachment No. 4: Architectural Plans and Renderings
- Attachment No. 5: Excerpt of Planning Commission Minutes, dated July 14, 2020
- Attachment No. 6: Planning Commission Resolution No. 2058 and Planning Commission Staff Report dated July 14, 2020 including all attachments and public comments
- Attachment No. 7: Draft IS/MND, Response to Comments, and MMRP – Technical Studies (Appendix A –E) can be found at www.Arcadica.gov/projects

Attachment No. 4

Architectural Plans and Renderings

AS5.0

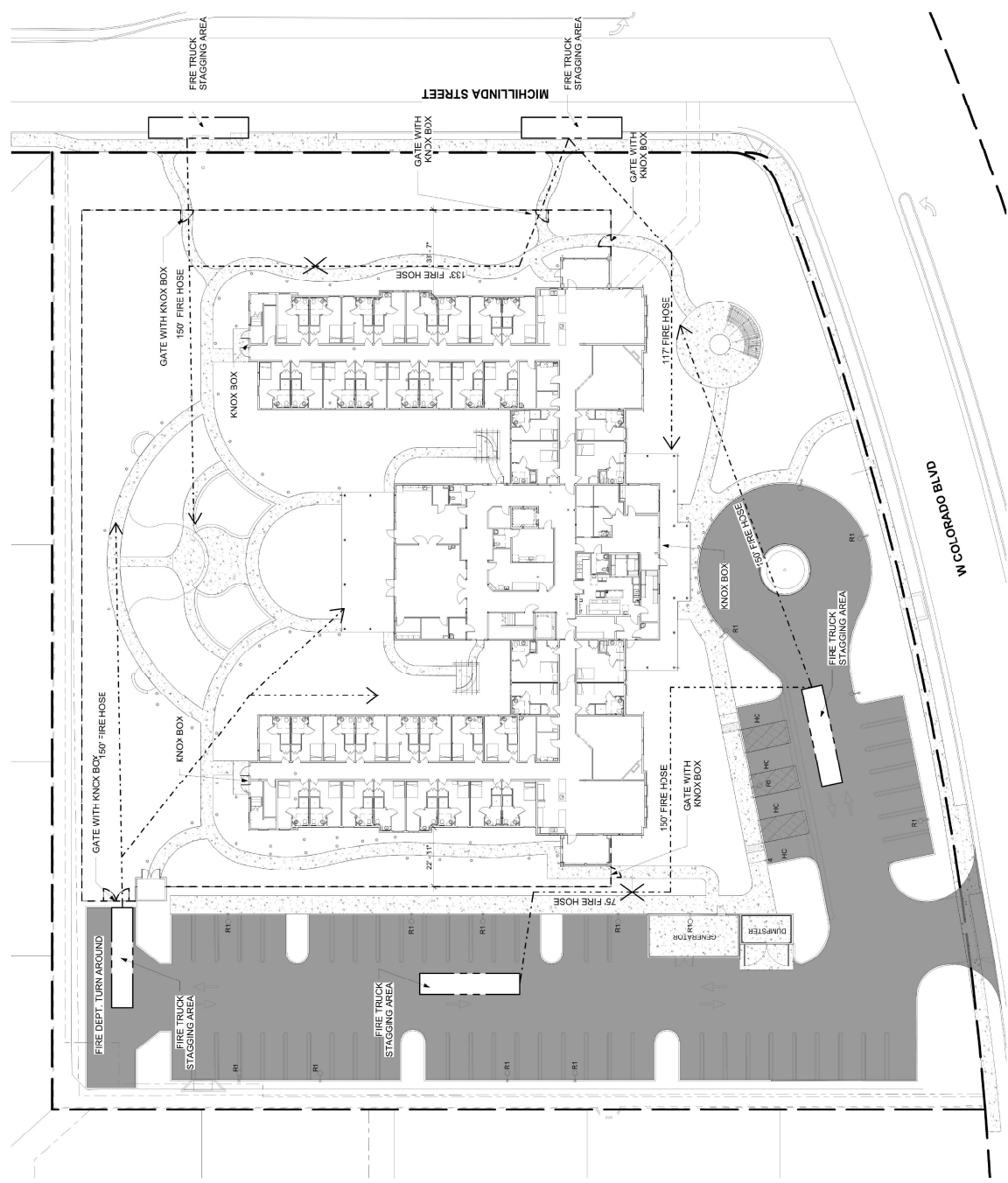
Scale: 1" = 20'-0"
Drawn: Author
Checked: Checker

FIRE PLAN

Project: 17005.17
Issued: 08.30.19
ENTITLEMENT
REVISIONS

Artis Senior Living of Arcadia
1150 W. COLORADO BLVD.
ARCADIA, CA 91007

architecture
incorporated
1802 Camino Commerce Drive
Suite 110
Redwood City, CA 94061
Tel: 703.475.2900
Fax: 703.242.0733
www.aarch.com



1 FIRE PLAN
1" = 20'-0"

A1.1

FIRST FLOOR PLAN

Scale: 3/32" = 1'-0"
 Drawn: MM
 Checked: WBO

Project: 17005.17
 Issued: 08.30.19
 ENTIREMENT
 REVISIONS

Artis Senior Living of Arcadia
 1150 W. COLORADO BLVD.
 ARCADIA, CA 91707

architecture
 incorporated
 182 CAMERON COMMONS DRIVE
 SUITE 100
 REDLANDS, CA 91241
 Tel: 714.475.2000
 Fax: 714.475.2033
 www.archic.com



FIRST FLOOR PLAN
 3/32" = 1'-0"
 FIRST FLOOR AREA = 23,806 GSF
 SECOND FLOOR AREA = 20,465 GSF
 TOTAL FLOOR AREA = 44,271 GSF
 FIRST FLOOR UNIT COUNT = 40 UNITS
 SECOND FLOOR UNIT COUNT = 40 UNITS
 TOTAL BUILDING UNIT COUNT = 80 UNITS



architecture
incorporated
1022 Cambridge Ave. Suite 101
Reston, Virginia 20191
Tel: 703.244.7733
Fax: 703.244.7732
www.artstho.com

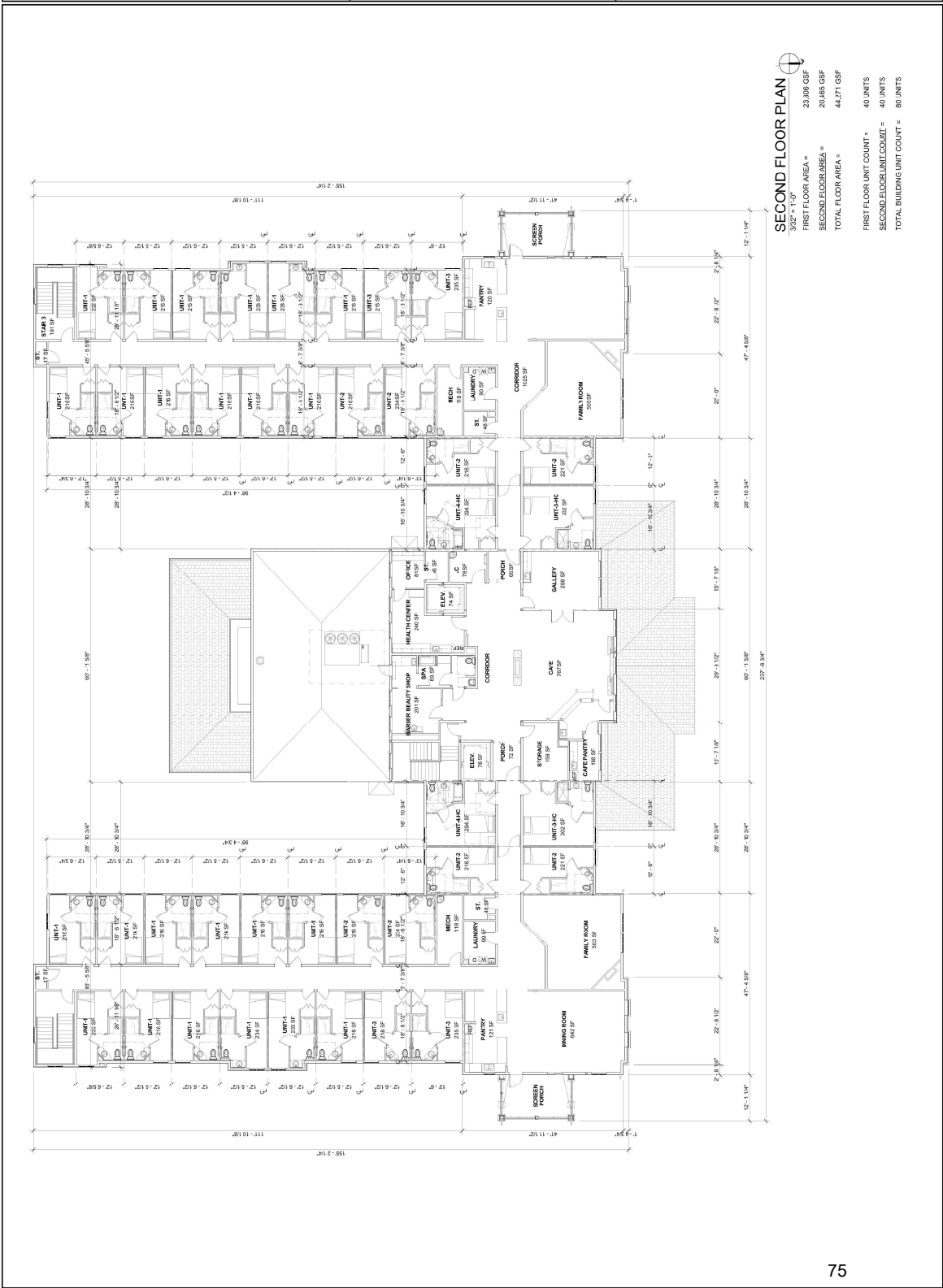
Artis Senior Living of Arcadia
1159 W. COLCAGO BLVD.
ARCADIA, CA 91007

Project: 17005.17
6/8/2017
ENTITLEMENT
REVISIONS

SECOND FLOOR PLAN

Scale: 3/32" = 1'-0"
Drawn: Author
Checked: Director

A1.2

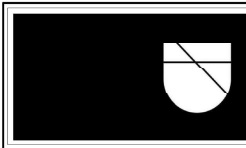


SECOND FLOOR PLAN

3382' x 710'

FIRST FLOOR AREA = 23,308 GSF
SECOND FLOOR AREA = 20,465 GSF
TOTAL FLOOR AREA = 44,771 GSF

FIRST FLOOR UNIT COUNT = 40 UNITS
SECOND FLOOR UNIT COUNT = 40 UNITS
TOTAL BUILDING UNIT COUNT = 80 UNITS



architecture
 incorporated
 182 camden commons drive
 suite 111
 rockville, md 20851
 Tel: 703.438.2001
 Fax: 703.244.0731
 www.archinc.com

Artis Senior Living of Arcadia
 1150 W. COLORADO BLVD.
 ARCADIA, CA 91707
 1150 W. COLORADO BLVD.
 ARCADIA, CA 91707

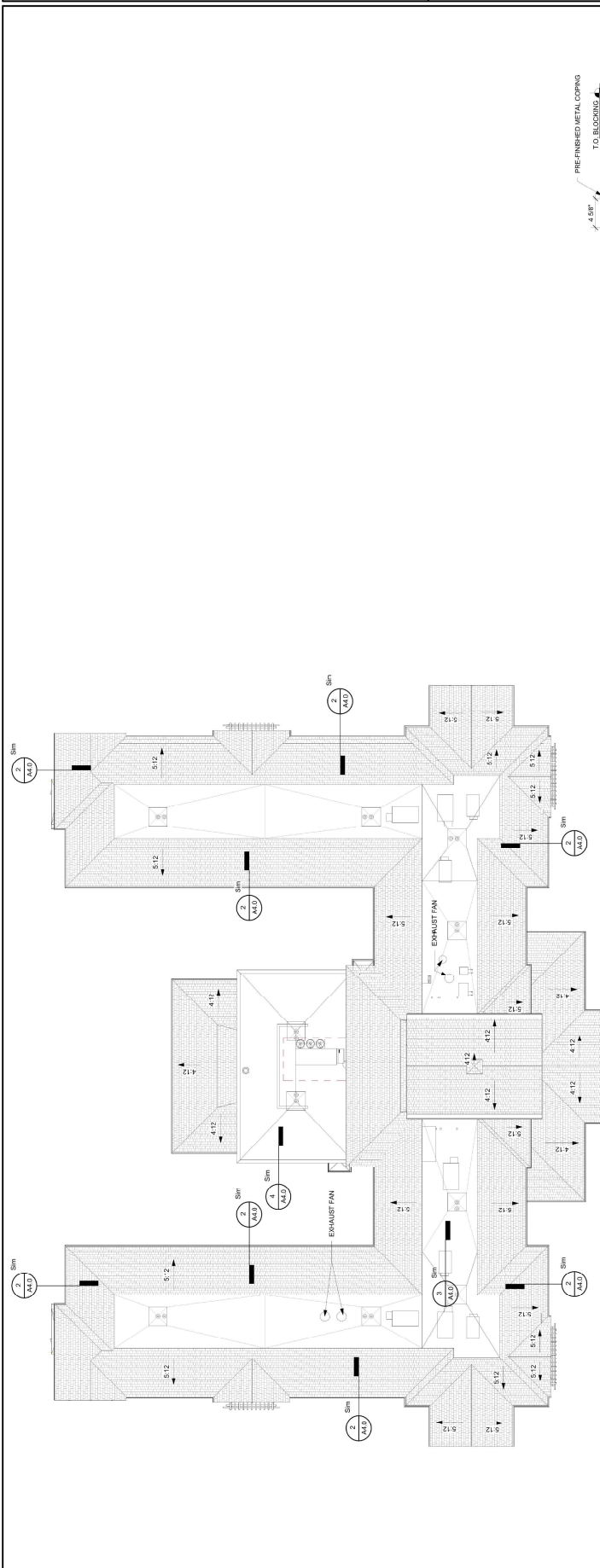
Project: 1005.1'

Issued	08/30/19
ENTITLEMENT	
REVISIONS	

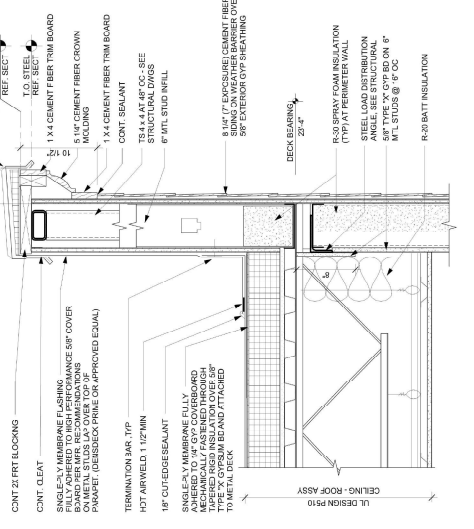
ROOF PLAN

Scale: As Indicated
 Drawn: MM
 Checked: WJO

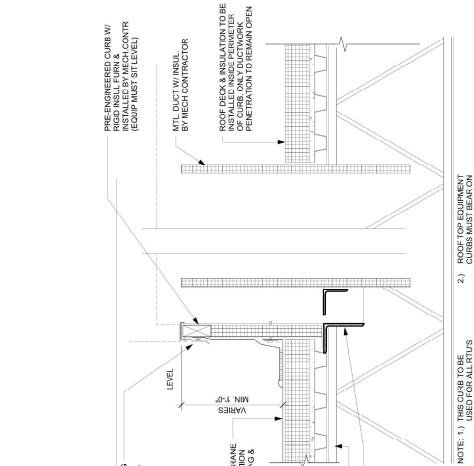
A4.0



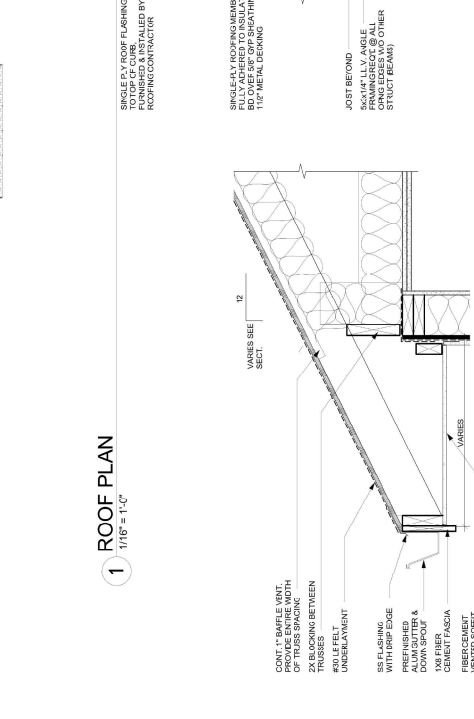
1 ROOF PLAN
 1/16" = 1'-0"



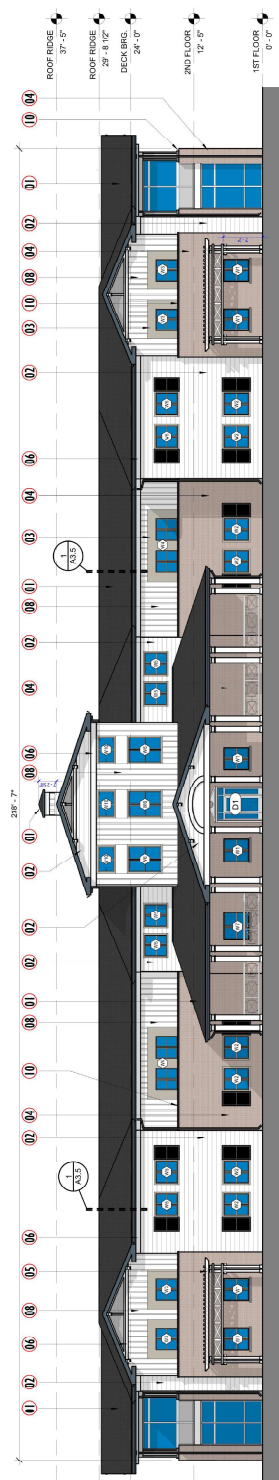
4 PARAPET DETAIL
 1/12" = 1'-0"



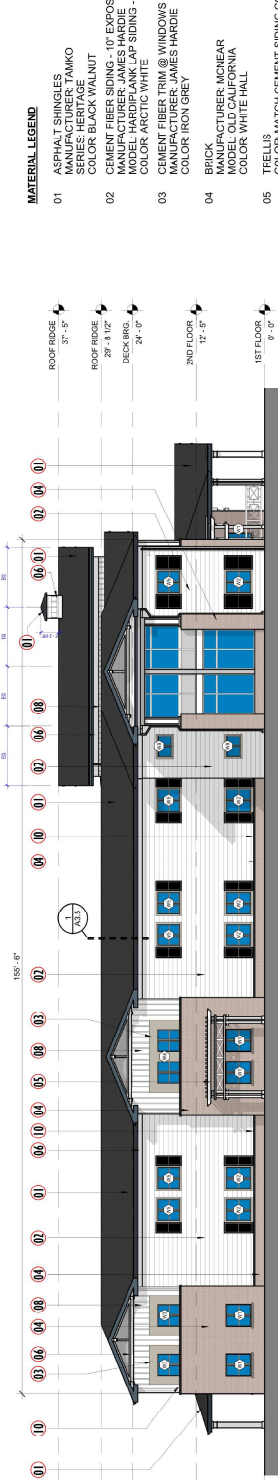
3 ROOF CURB PRE ENGINEERED
 1/12" = 1'-0"



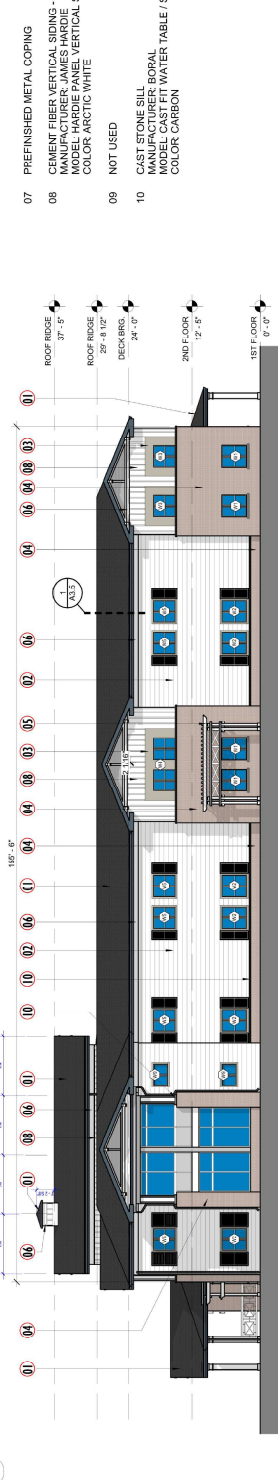
2 SOFFIT DETAIL
 1/12" = 1'-0"



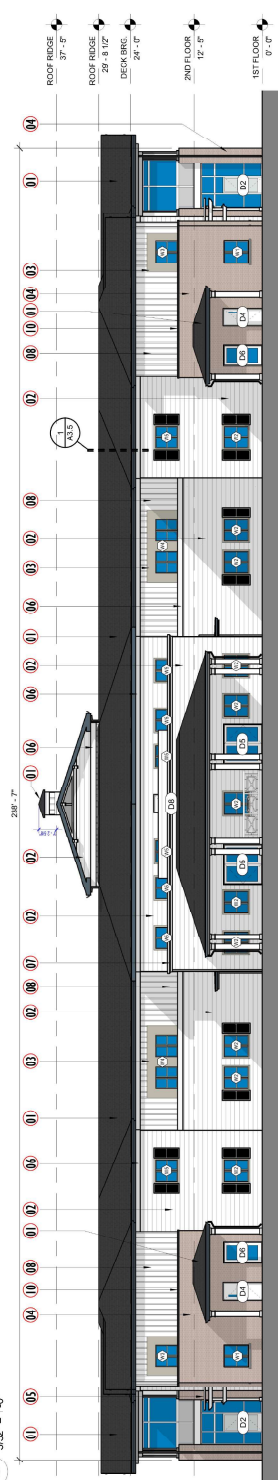
1 FRONT ELEVATION
3/32" = 1'-0"



2 SIDE ELEVATION
3/32" = 1'-0"



3 SIDE ELEVATION
3/32" = 1'-0"



4 REAR ELEVATION
3/32" = 1'-0"

MATERIAL LEGEND

- 01 ASPHALT SHINGLES
MANUFACTURER TAMKO
SERIES HERITAGE
COLOR BLACK WALNUT
- 02 CEMENT FIBER SIDING - 10' EXPOSURE
MANUFACTURER JAMES HARDIE
MODEL HARDIPANK LAP SIDING - SMOOTH
COLOR ARCTIC WHITE
- 03 CEMENT FIBER TRIM @ WINDOWS & DOORS
MANUFACTURER JAMES HARDIE
COLOR IRON GREY
- 04 BRICK
MANUFACTURER MCNEAR
MODEL COLUMBIA
COLOR WHITE HALL
- 05 TIEBLLS
COLOR MATCH CEMENT SIDING COLOR
- 06 CEMENT FIBER TRIM @ WALLS
MANUFACTURER JAMES HARDIE
COLOR ARCTIC WHITE
- 07 PREFINISHED METAL COPING
- 08 CEMENT FIBER VERTICAL SIDING - BOARD & BATTEN - 12' WIDE
MANUFACTURER JAMES HARDIE
MODEL HARDIE PANEL VERTICAL SIDING - SMOOTH
COLOR ARCTIC WHITE
- 09 NOT USED
- 10 CAST STONE SILL
MANUFACTURER BORAL
MODEL CAST FIT WATER TABLE / SILL
COLOR CARBON

architecture
incorporated
192 caminus commons drive
suite 171
denver, colorado 80202
tel: 703.435.3901
fax: 703.264.0731
www.archinc.com

Artis Senior Living of Arcadia
1150 W. COLORADO BLVD.
ARCADIA, CA 91607
1150 W. COLORADO BLVD.
ARCADIA, CA 91607

Project: 17005.1'

Issued	08.20.2019
ENTITLEMENT	
REVISIONS	

EXTERIOR ELEVATIONS

Scale: 3/32" = 1'-0"
Drawn: Author
Checked: Checker

A3.1

ENTITLEMENT

A3.3

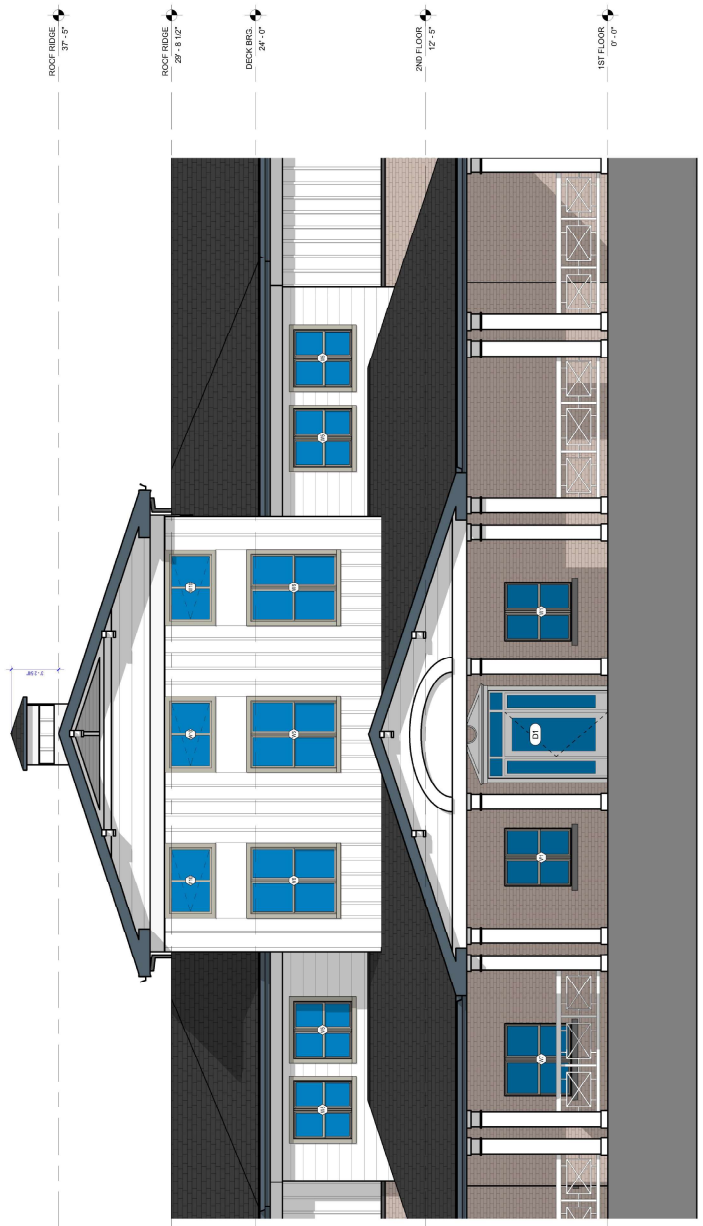
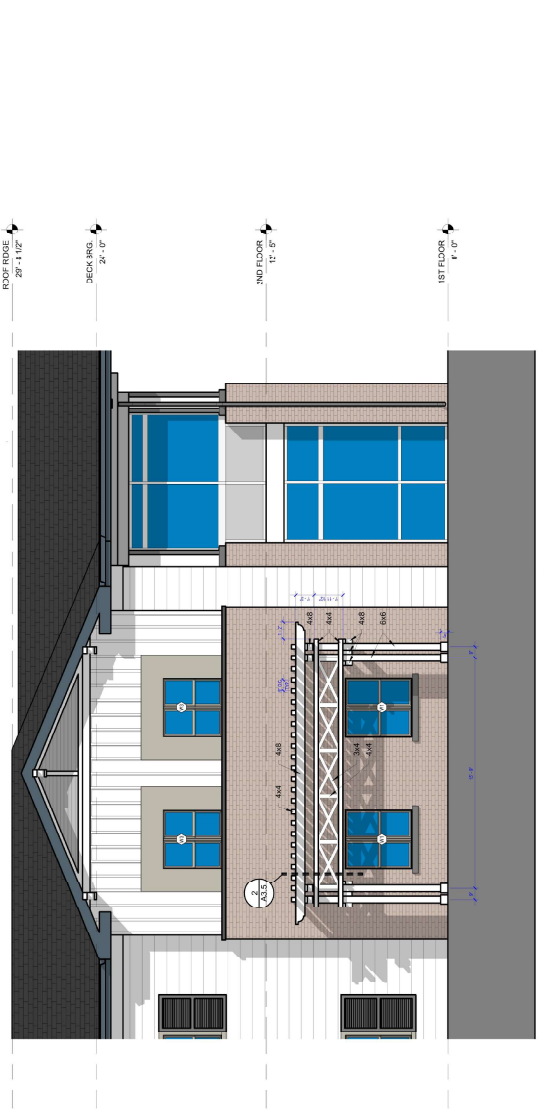
Scale: 1/4" = 1'-0"
Drawn: Author
Checked: Checker

ENLARGED ELEVATIONS

Project: 1005.1"
Issued: 08.09.2019
ENTITLEMENT
REVISIONS

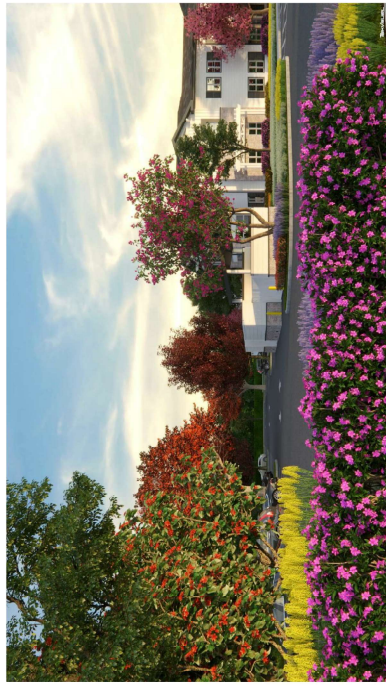
Artis Senior Living of Arcadia
1150 W. COLORADO BLVD.
ARCADIA, CA 91007
ARCADIA, CA 91007

architecture
incorporated
1922 camelia commons drive
jules 171
redondo beach ca 90466
tel: 703.435.3901
fax: 703.264.0731
www.artisinc.com

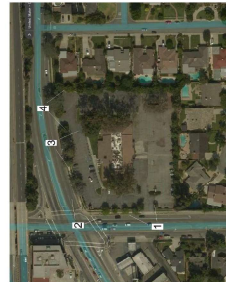




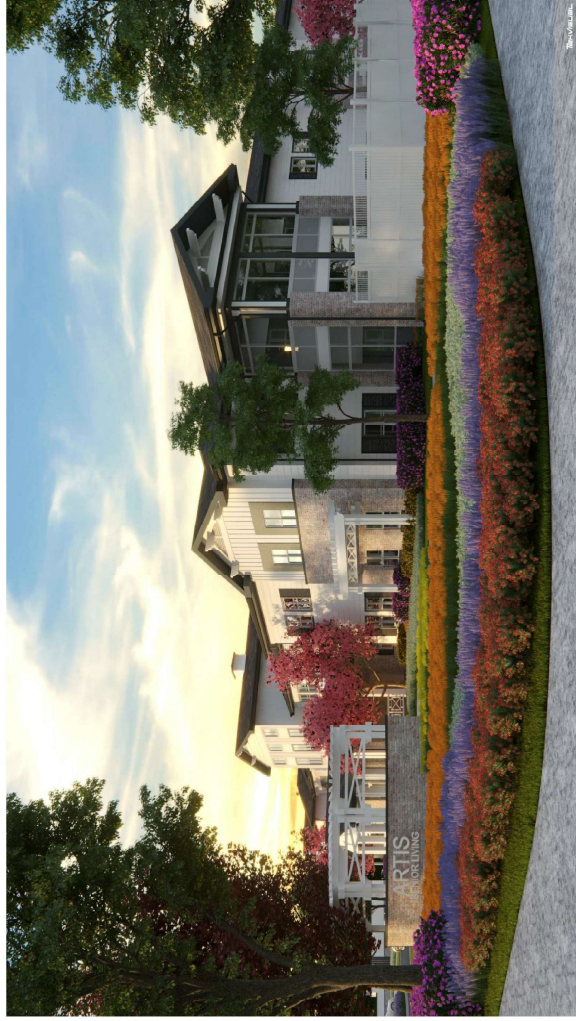
1 VIEW 1
N.T.S.



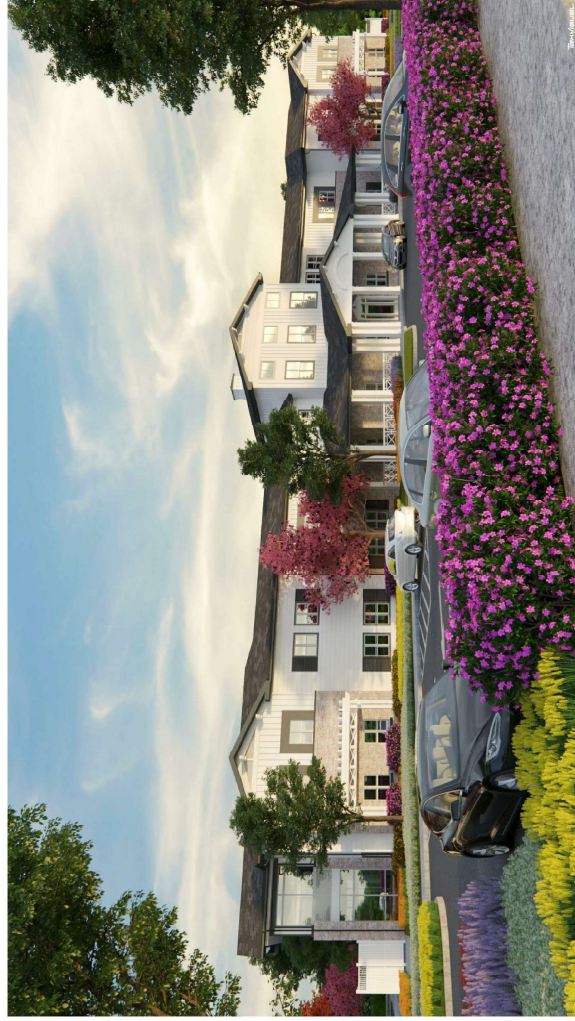
4 VIEW 4
N.T.S.



View Key
N.T.S.



2 VIEW 2
N.T.S.



3 VIEW 3
N.T.S.



architecture
incorporated
1802 camina commons drive
suite 110
san jose, ca 95128
tel: 408.425.2800
fax: 408.425.2802
www.archinc.com

Artis Senior Living of Arcadia
ARTIS SENIOR LIVING
1150 W. COLORADO BLVD.
ARCADIA, CA 91007

Project: 17005.17

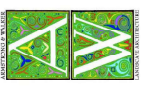
Issued: 08.30.19
ENTITLEMENT

REVISIONS

RENDERINGS

Scale: As Indicated
Drawn: Author
Checked: Checker

A3.2



ARMSTRONG A&E
ARCHITECTS & ENGINEERS
150 W. COLORADO BLVD
ARCADIA, CA 91007
TEL: (909) 535-8699
WWW.ARMSTRONGA&E.COM



DATE: _____
DESCRIPTION: _____
REV: _____
DATE: _____

ARTIS SENIOR LIVING
150 W. COLORADO BLVD
ARCADIA, CA 91007
SCHEMATIC Landscape Plan



- PARKING LOT AREA - 35,948 S.F.
- PARKING LOT LANDSCAPE - 7,190 S.F.
- PERCENTAGE LANDSCAPE - 20%
- LAWN AREA
- TYPICAL SYMBOL
- DECOMPOSED GRANITE PAD WITH BENCH
- METAL GAZEBO
- OUTDOOR PLAZA WITH 16" HIGH SEAT WALL
- DECORATIVE COLORED CONCRETE
- FLOWERING ACCENT TREE AT REAR COVERED PATIO
- LOW DROUGHT TOLERANT GROUND COVER TYP. SYMB.
- FLOWERING ACCENT TREE TYPICAL SYMBOL
- EXISTING SCREENING TREES AND PLANTS TO REMAIN
- DROUGHT TOLERANT FOUNDATION SHRUBS TYP.
- TRELLIS COVERED PATIO WITH 16" HIGH SEAT WALL
- LOW DROUGHT TOLERANT GROUND COVER TYP. SYMB.
- DECIDUOUS CANOPY TREE TYPICAL SYMBOL
- EXISTING TREES TO REMAIN TYPICAL SYMBOL
- VERTICAL EVERGREEN TREE TYPICAL SYMBOL
- DROUGHT TOLERANT ACCENT PLANTS AT ENTRY
- 3' HIGH SHRUBS TO SCREEN PARKING AREA
- EXISTING SCREENING TREES AND PLANTS TO REMAIN
- FRUIT TREES TYPICAL SYMBOL
- D.G. WALKWAY TO R.O.W. AREA
- RAISED FLOWER AND FRAGRANT PLANT GARDEN
- MEANDERING CONCRETE WALKWAY
- FLOWERING ACCENT TREE WITH SEASONAL COLOR
- 3' HIGH BUFFER SHRUBS TYPICAL SYMBOL
- FOUNDATION PLANTS TYPICAL SYMBOL
- LOW DROUGHT TOLERANT GROUND COVER TYP. SYMB.
- CONCRETE WALKWAY TO R.O.W. AREA
- DECORATIVE COLORED CONCRETE
- SMALL LAWN AREA AT ENTRY
- DROUGHT TOLERANT ACCENT PLANTS AT SIGN
- ROSES IN FRONT OF DECORATIVE SIGN
- 3' HIGH BUFFER SHRUBS TYPICAL SYMBOL
- EXISTING BUS STOP TO REMAIN
- 2 NEW 36" BOX CEDAR CEDAR TREES TO REPLACE EXISTING DYING CEDARS PER THE CITY OF ARCADIA LOCATION
- EXISTING DEODAR CEDAR TO REMAIN
- EXISTING TREE TO BE REMOVED - TYPICAL SYMB.

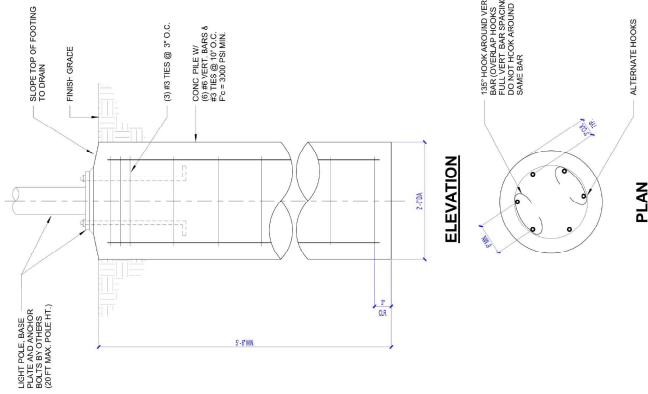


SEE SHEET L-2 FOR PLANT LIST

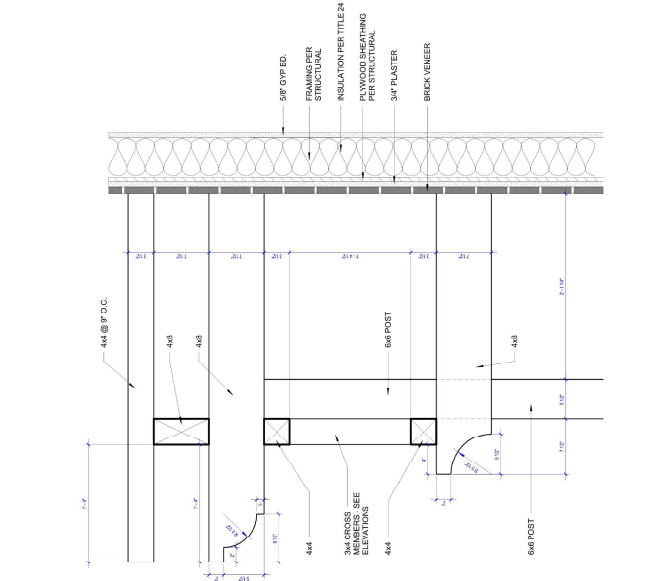
L-1 2

WINDOW SCHEDULE

Type Mark	Type
W1	SINGLE HUNG 48(w) x 54(h)
W2	SINGLE HUNG 48(w) x 54(h)
W3	SINGLE HUNG 48(w) x 48(h)
W4	SINGLE HUNG 48(w) x 48(h)
W5	SINGLE HUNG 48(w) x 48(h)
W6	SINGLE HUNG 54(w) x 72(h)
W7	SINGLE HUNG 60(w) x 54(h)
W8	SLIDING 48(w) x 72(h)
W9	SLIDING 48(w) x 32(h)
W10	SLIDING 54(w) x 36(h)

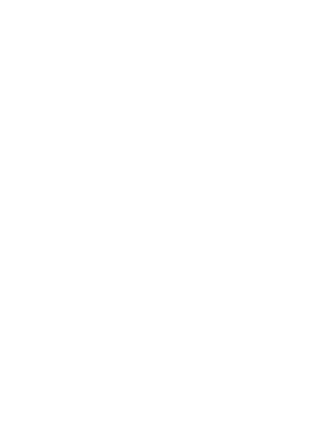


3 SITE POLE LIGHT FOOTING
1 1/2" = 1'-0"

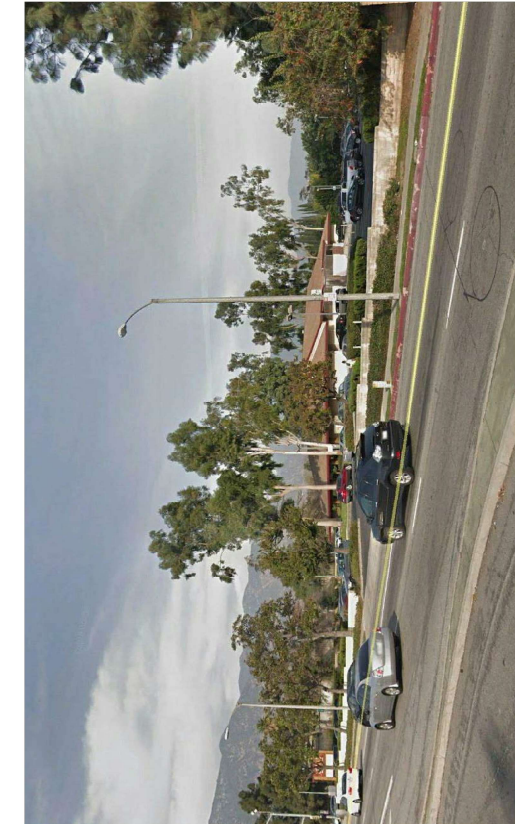


2 TYPICAL TRELLIS SECTION DETAIL
1 1/2" = 1'-0"

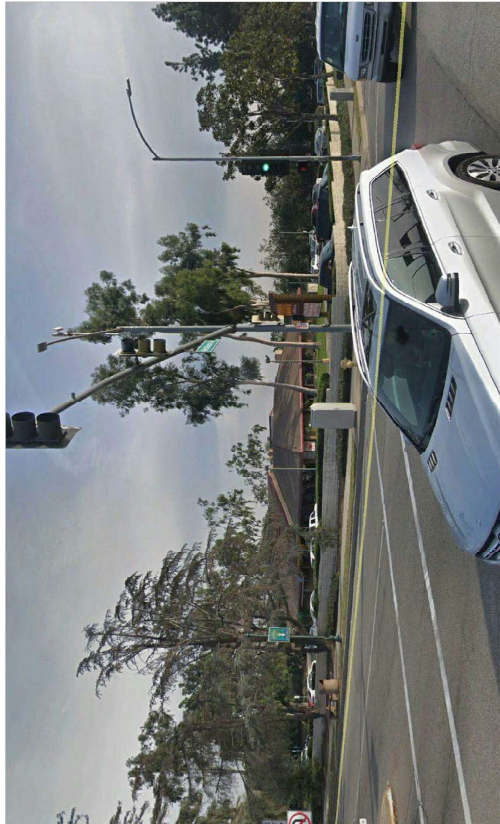
Type Mark	Type	Width	Height
D1	ENTRY DOOR WITH SIDELIGHTS	3' - 0"	7' - 0"
D2	STOREFRONT DOOR	3' - 0"	7' - 0"
D3	ONE PANEL WOOD AND GLASS FRENCH DOOR	3' - 7"	7' - 0"
D4	FLUSH DOOR W/ VISION LITE	3' - 0"	7' - 0"
D5	GLASS DOUBLE DOOR	7' - 0"	7' - 0"
D6	GLASS DOOR	3' - 7"	7' - 0"
D7	GLASS DOOR WITH SITE LIGHT	3' - 0"	7' - 0"
D8	FLUSH DOOR	3' - 0"	6' - 2"



1 TYPICAL EAVE SOFFIT
1 1/2" = 1'-0"



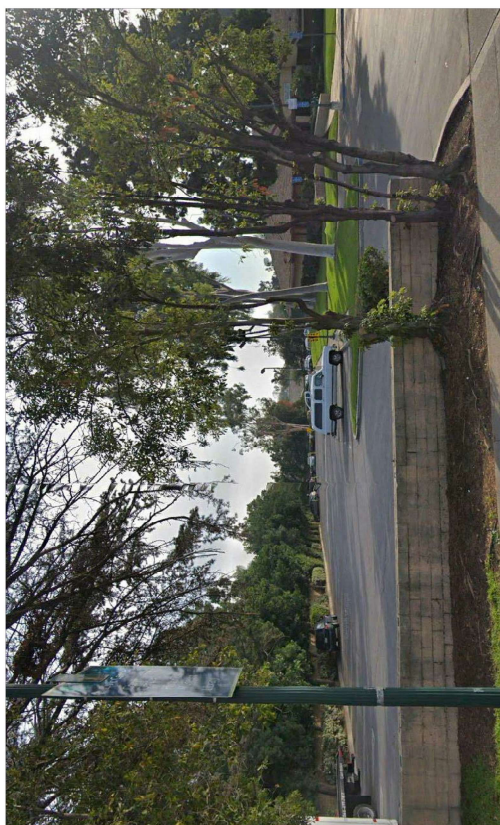
1 Site View 1
N.T.S.



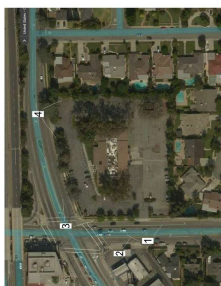
3 Site View 3
N.T.S.



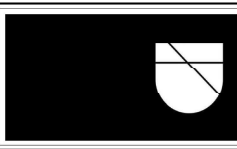
2 Site View 2
N.T.S.



4 Site View 4
N.T.S.



View Key
N.T.S.



architecture
incorporated
1802 Camarillo Commons Drive
Suite 110
Arcadia, CA 91707
Tel: 703.475.2802
Fax: 703.264.0733
www.archinc.com

Artis Senior Living of Arcadia
1150 W. COLORADO BLVD.
ARCADIA, CA 91707
Project: 17005.17

Project: 17005.17

08.30.19
ENTITLEMENT

ISSUED

REVISIONS

SITE VIEWS

Scale: As Indicated
Drawn: Author
Checked: Checker

A5.0

A5.1

Scale: As Indicated
Drawn: Author
Checked: Checker

SITE VIEWS

Project: 17005.17
08.30.19
ENTITLEMENT
REVISIONS

Artis Senior Living of Arcadia
1150 W. COLORADO BLVD
ARCADIA, CA 91007

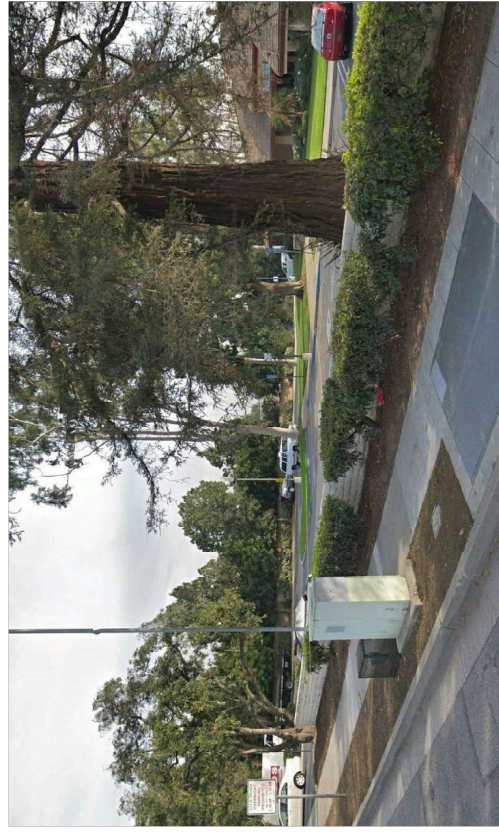
architecture
incorporated
1802 Camino Commerce Drive
Suite 110
Redwood City, CA 94061
Tel: 703.475.2800
Fax: 703.244.0733
www.artisrc.com



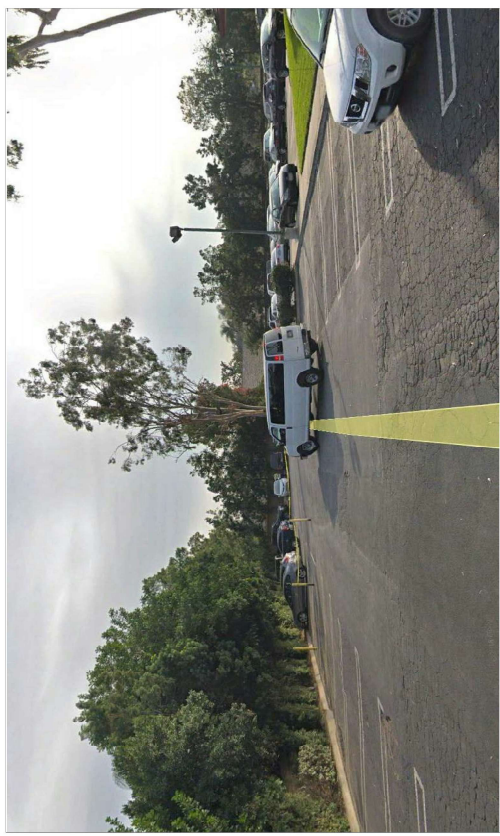
View Key
N.T.S.



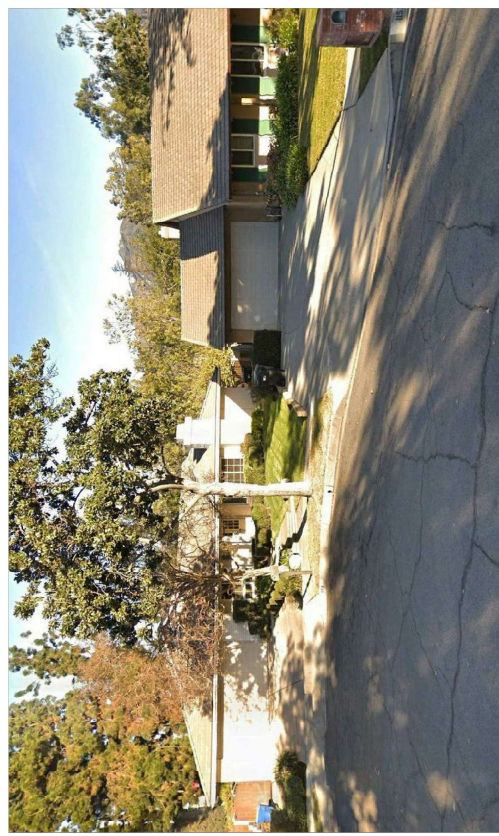
3 Site View 7
N.T.S.



1 Site View 5
N.T.S.

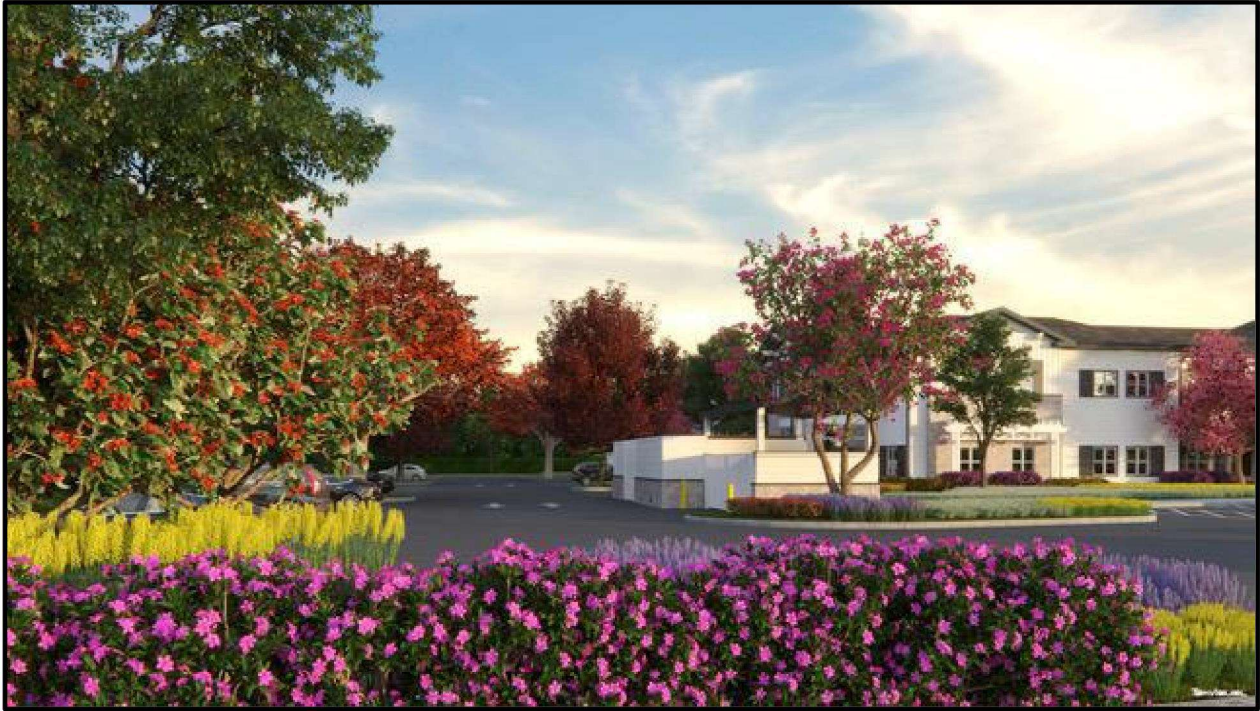


4 Site View 8
N.T.S.



2 Site View 6
N.T.S.









Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	EXT 23-02 - APPROVING A SUBSEQUENT ONE-YEAR TIME EXTENSION FOR THE APPROVED SENIOR ASSISTED LIVING CARE FACILITY AT 1150 W. COLORADO BOULEVARD	
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):	1150 W. Colorado Boulevard, Arcadia	
3. Entity or person undertaking project:	A.	
	B. Other (Private)	
	(1) Name	Artis Senior Living of Arcadia, LLC
	(2) Address	1651 Old Meadow Road, Suite 100 McLean, VA 22102
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 type="checkbox"/>	The project is categorically exempt.	
	Applicable Exemption Class:	
f. <input type="checkbox"/>	The project is statutorily exempt.	
	Applicable Exemption:	
g. <input checked="" type="checkbox"/>	The project is otherwise exempt on the following basis:	15061(b)(3) - a Project extension does not have the potential to cause a significant environmental effect
h. <input type="checkbox"/>	The project involves another public agency which constitutes the Lead Agency.	
	Name of Lead Agency:	

Date: March 1, 2023

Staff: Fiona Graham, Planning Services Manager



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, February 28, 2023**

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

ROLL CALL

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

ABSENT: None

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

There was no supplemental information.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

1. **Resolution No. 2116** – Approving a four-unit, Spanish-style multi-family residential condominium development and Tentative Parcel Map Subdivision at 903-905 Sunset Boulevard

CEQA: Exempt

Recommendation: Adopt

Applicant: Eric Tsang

MOTION- PUBLIC HEARING

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

The Commissioners had no questions for staff.

Chair Thompson opened the public hearing.

Eric Tsang, the Applicant and Architect for the project introduced himself and was open for questions.

The Commissioners had no questions for the Applicant.

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

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

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

Without objection, the motion was approved.

DISCUSSION

Commissioner Tallerico had no concerns about the proposal and believed all the findings were made.

Commissioner Wilander was in favor of the project.

Commissioner Hui liked the architecture design of the project and asked if the units will be for sale or for rent.

Eric Tsang confirmed the building will be subdivided and the condominiums will be sold separately.

Vice Chair Tsoi concurred with the consensus of the design and was in favor of the project.

Chair Thompson believed the proposal meets the design guidelines, zoning, and the General Plan. Mr. Thompson also agreed the design was nice.

MOTION

It was moved by Commissioner Tallerico, seconded by Commissioner Hui to approve the four-unit, Spanish-style multi-family residential condominium development and Tentative Parcel Map Subdivision at 903-905 Sunset Boulevard

ROLL CALL

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

There is a 10 day appeal period. Appeals are to be filed by 5:30 p.m. on March 13, 2023.

- 2. Resolution No. 2119** – Approving a Starbucks Café with a drive-through and extended hours of operation from 4:00 AM to 10:00 PM everyday, outdoor seating, and a parking modification to allow 37 parking spaces instead of 53 spaces at 747 West Duarte Road

CEQA: Exempt

Recommendation: Adopt

Applicant: Kaidence Group

MOTION- PUBLIC HEARING

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

Commissioner Wilander asked about all the unused space in the building.

Ms. Graham explained the rear of building will not be accessible from the interior of the building or from the outside unless it is to access the roof because the mechanical room will be toward the back of the building.

Vice Chair Tsoi asked about the driveways and the direction cars can exit.

Ms. Graham clarified the drive-through exit will be right-turn only and the two-way driveway on the east side of the property will allow both left and right turn exits.

Vice Chair Tsoi asked about the material that will be used to cover the openings on the exterior of the building that serviced the ATMs. Ms. Graham confirmed the material will be required to match the existing material and new color of the building.

Chair Thompson asked if the traffic and queuing study was conducted by City staff. Ms. Graham confirmed it was requested by City staff for the Applicant to provide that study.

Chair Thompson referenced the size and drive-through capacity at the Starbucks Café at Santa Anita Avenue and West Live Oak Avenue.

Chair Thompson opened the public hearing.

The Applicant, Katie Rounds who is part of the Kaidence Group, introduced herself and the proposed project. Ms. Rounds explained their plans for the project and the renovations while preserving the architectural style.

Chair Thompson asked for the size of the property lot and Ms. Fiona Graham confirmed it is 31,680 square feet.

Commissioner Hui asked for the reason a new Starbucks Café was proposed in an area where there are multiple cafés.

Ms. Rounds explained Starbucks conducts an analysis for demand and they determined that the demand in the area is high.

Commissioner Hui asked about the ceiling height. Ms. Rounds explained the mezzanine will be removed allowing for the café to have high ceilings. The height of the ceiling will be approximately 19-20 feet high. Ms. Hui also asked if this will be a franchised location, but Ms. Rounds clarified that Starbucks is not franchised and it is all corporate owned.

Commissioner Wilander expressed concern about the energy consumption given the very high ceiling.

Ms. Rounds explained the renovations will comply with the 2022 Building Code and they are proposing solar panels on the roof. Additionally, the skylights that will be installed will be energy efficient. The appliances will also be energy efficient.

Vice Chair Tsoi pointed out the escape lane and asked for a little more information about that. Ms. Rounds explained it is Starbucks standard to include an escape lane, and especially at this location given the long length of this drive-through it gives the customer an opportunity to turnaround and not enter into the drive-through lane.

No one else spoke in favor of the project.

There was one person who spoke in opposition of the project. James Fox expressed concern for the traffic and the left-turn exit out of the property.

It was moved by Vice Chair Tsoi, seconded by Commissioner Wilander, to close the public hearing.

Without objection, the motion was approved.

DISCUSSION

Commissioner Tallerico expressed some concern about noise and traffic.

Commissioner Wilander agreed that the left-turn onto Duarte Road was concerning.

Deputy Development Services Director Lisa Flores informed the Commission that the City Engineer reviewed the left-turn ingress to the site carefully and it was determined it would not be a safety issue. However, the Commissioners were advised once Starbucks is in operation, the Planning Division can initiate a no left-turn policy if there are substantial problems.

Commissioner Hui was in favor of the project.

Vice Chair Tsoi said this is a good use of the building and really liked the proposal.

Chair Thompson said the right-turn only exit from the drive-through was a good decision. Mr. Thompson also commented on the use of the building and liked the fact that the existing building will be reused, and therefore was in favor of the proposal.

MOTION

It was motioned by Commissioner Wilander and seconded by Commissioner Tallerico to approve the Conditional Use Permit No. CUP 22-07, Architectural Design Review No. ADR 22-08, and Planning Commission Administrative Modification No. PC AM 22-04 and adopt Resolution No. 2119 that incorporates the requisite environmental, Conditional Use Permit findings, and the conditions of approval.

ROLL CALL

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

Motion was approved.

There is a 10-day appeal period. Appeals are to be filed by 5:30 p.m. on March 13, 2023.

- 3. Resolution No. 2120** – Approving a height variance of 50’-4” in lieu of the maximum height of 48’-0” to accommodate a new rooftop bar and restaurant to the main tower at the Hilton Hotel at 123 W. Hunting Drive
CEQA: No Additional CEQA Analysis is Required
Recommendation: Adopt

Applicant: Kevin Sund of AXIS GFA

MOTION- PUBLIC HEARING

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

Commissioner Tallerico asked about the history of the site and how the Indigo Hotel became a Hilton Hotel.

Ms. Flores provided some history on the changes of the hotel. She explained the Indigo Hotel was approved in 2019. The owner was then approached by the Hilton Brand and decided to make the change.

Commissioner Tallerico pointed out that the Le Meridian Hotel first wanted a roof top bar. Mr. Tallerico asked why that changed.

Ms. Flores explained the Le Meridian decided not to proceed as the rooftop proposal because it was too cost prohibitive for structural reasons.

Vice Chair Tsoi asked how the height of the 7-foot wall was determined and if the noise study made that recommendation.

Mr. Arreola explained the height was proposed at that height to reduce the noise and provide privacy.

Chair Thompson asked for clarification about the location of the wall and if the original plans of the hotel included a rooftop bar.

Mr. Arreola confirmed the wall is located around the seating area and it will also help conceal the mechanical equipment. Regarding the original proposal, Mr. Arreola explained there was a proposed café on top of the first floor of the adjacent tower but has since been removed from the Hilton plans.

Chair Thompson asked about the timeline of the project and Ms. Flores explained plans have been submitted to Building Code Services for plan check, as well as a demo plan.

Chair Thompson asked if staff has any administrative review of the operating hours. Mr. Arreola clarified that they are within the allowed hours of operation unless they go past midnight.

Vice Chair Tsoi asked about the material of the rooftop walls on the south end. Mr. Arreola confirmed it will be a parapet wall.

Chair Thompson opened the public hearing.

The Applicant, Kevin Sund, introduced himself, explained the proposed project and that the variance will be less than 3'-0" to accommodate the covered roof over the bar area.

Mr. Sund answered Vice Chair Tsoi's question about the wall on the south end of the rooftop. He verified it will be a parapet wall and it will be used as a guardrail too, as required by the Building Code.

Chair Thompson asked the Applicant about construction schedule. Mr. Sund said they are currently taking bids for general contractors. He said construction will take approximately 18 months.

No one else spoke in favor of the project.

Mr. James Fox, a resident, spoke in opposition of the proposal. He mentioned he did not receive a notice for this proposed project, and expressed concerns about the noise from the rooftop bar and additional traffic that the project may create.

Mr. Bob Kimball, a resident, also spoke in opposition of the proposal. He expressed his concerns about the noise from the rooftop bar.

No one else spoke in opposition of the project.

It was moved by Vice Chair Tsoi, seconded by Commissioner Tallerico, to close the public hearing.

Without objection, the motion was approved.

DISCUSSION

Commissioner Tallerico addressed the noise concerns and referenced the Staff Report which states the noise will be less than significant.

Mr. Arreola explained that the environmental consultant, Dudek, studied the noise levels of amplified music, and television monitors. Additionally, they studied any noise that could be generated from the rooftop bar and because of the wall and other barriers the noise levels were determined to be less than significant.

Chair Thompson asked if the hotel is permitted to have loud music.

Ms. Flores explained that a condition of approval was already in place that requires the Applicant to apply for a Live Entertainment Permit if they plan to have live music, and the City can add other conditions that are necessary to ensure there will be no potential impacts, including revoking their request if it becomes an issue.

Commissioner Tallerico asked if the City requested and contracted the noise study. Ms. Flores confirmed the City required the noise study.

Commissioner Wilander asked what happens if the noise exceeds the decibel level, what will happen?

Ms. Flores responded and said that the City can either conduct a noise reading from the property line to measure the decibel level or require a noise reading, at the expense of the Applicant/Owner. She also clarified that a notice was sent to all the neighbors within a 300-foot radius of the project site, and it was published in the newspaper.

Commissioner Hui said she understands the noise concerns and asked if there is sufficient control of the noise.

Ms. Flores said the noise study analyzed the operation noise of vocal sound from all the customers at full occupancy within the rooftop bar area and the amplified background music and/or tv. The resulting sound would be less than the existing ambient noise levels.

Vice Chair Tsoi commented that some of the noise will dissipate because of the height of the rooftop bar. He also asked if the noise study provided some recommendation for the height of the wall in order to provide the adequate barrier. Ms. Flores said the height of the wall was decided because of the study. Additionally, the wall serves as another purpose, to conceal the mechanical equipment.

Chair Thompson asked for more information about the Live Entertainment Permit. Ms. Flores provided further information about the parameters of the permit.

Commissioner Wilander asked if there is a consequence for exceeding the noise levels. Ms. Flores confirmed the City has the equipment to measure noise levels and can act accordingly if those levels exceed the maximum decibel level.

Chair Thompson liked the proposal and said there are enough regulations in place to control the noise levels. Additionally, the property is zoned General Commercial and therefore a commercial development is permitted. He said the Staff Report provides enough facts to support the findings and therefore is in support of the proposal.

MOTION

It was motioned by Commissioner Tallerico and seconded by Commissioner Hui to approve Resolution 2120 approving the height variance of 50'-4" in lieu of the maximum height of 48'-0" to accommodate a new rooftop bar and restaurant at the Hilton Hotel at 123 W. Huntington Drive with no additional CEQA analysis required and all the requisite findings were made.

ROLL CALL

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

Motion was approved.

There is a 10-day appeal period. Appeals are to be filed by 5:30 p.m. on March 13, 2023.

CONSENT CALENDAR

1. Minutes of the February 14, 2022, Regular Meeting of the Planning Commission

Recommendation: Approve

Vice Chair Tsoi motioned to approve the minutes and seconded by Commissioner Wilander.

ROLL CALL

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

ABSENT: None

The Motion was approved.

MATTERS FROM CITY COUNCIL LIAISON

Dr. Cao reported the Community Center will have a Kid's Night Out event on March 10th.

On March 12th the adult basketball league opens for registration.

On March 14th the coed volleyball league opens for registration.

On March 14th Congress woman Judy Chu will be present a Federal Funding Award for the Colorado Boulevard complete street project.

MATTERS FROM THE PLANNING COMMISSIONERS

The Commissioners had nothing to report.

MATTERS FROM ASSISTANT CITY ATTORNEY

Assistant City Attorney Grace Yeo introduced herself to the Commission.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores reported that the City Council considered the 1225 Oaklawn Road Appeal and continued the meeting to the April 4 meeting to allow the Appellant to resolve the design issues with the neighbors and members of Architectural Review Board.

There will be three items for the March 14th Planning Commission meeting. The first item will be an Extension for the Artis Assisted Living Facility Project. The second and third items will for 4-unit multi-family condominium developments.

ADJOURNMENT

The Planning Commission adjourned the meeting at 8:21 p.m., to Tuesday, March 14, 2023, at 7:00 p.m. in the City Council Chamber.

Brad Thompson
Chair, Planning Commission

ATTEST: _____
Lisa Flores
Secretary, Planning Commission