

CITY OF ARCADIA

Arcadia Planning Commission Regular Meeting Agenda



Tuesday, July 9, 2024, 7:00 p.m.

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

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

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

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

CALL TO ORDER

ROLL CALL

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

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

PUBLIC COMMENTS (5 minute time limit per person)

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

PUBLIC HEARING

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

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

1. **Resolution No. 2148**– Approving Conditional Use Permit No. CUP 24-02 to allow an educational center for robotics and coding at the “The Shoppes at Highlands Center” located at 139 East Foothill Boulevard
CEQA: Exempt
Recommendation: Adopt

Applicant: Wendy and Spencer Mo

There is a ten day appeal period. Appeals are to be filed by 4:30 p.m. on Friday, July 19, 2024.

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.

1. Minutes of the June 11, 2024, Regular Meeting of the Planning Commission

Recommendation: Approve

MATTERS FROM CITY COUNCIL LIAISON

MATTERS FROM PLANNING COMMISSIONERS

MATTERS FROM ASSISTANT CITY ATTORNEY

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

ADJOURNMENT

The Planning Commission will adjourn this meeting to Tuesday, July 23, 2024, 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: July 9, 2024

TO: Honorable Chair and Planning Commission

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

SUBJECT: RESOLUTION NO. 2148 – APPROVING CONDITIONAL USE PERMIT NO. CUP 24-02 TO ALLOW AN EDUCATIONAL CENTER FOR ROBOTICS AND CODING AT “THE SHOPPES AT HIGHLANDS CENTER” LOCATED AT 139 EAST FOOTHILL BOULEVARD
CEQA: Exempt
Recommendation: Adopt

SUMMARY

The Applicants, Wendy and Spencer Mo, are requesting approval of Conditional Use Permit No. CUP 24-02 for an educational center for robotics and coding for students of elementary to high school age (dba Magikid). The educational center will have a maximum of 12 students and three (3) instructors at any one time, and the business will be located within one of the existing multi-tenant units at The Shoppes at the Highlands Center at 139 E. Foothill Boulevard. It is recommended that the Planning Commission adopt Resolution No. 2148 (Attachment No. 1), find this project Categorical Exempt under the California Environmental Quality Act (CEQA), and approve the Conditional Use Permit No. CUP 24-02, subject to the conditions listed in this staff report.

BACKGROUND

The 1,200 square foot commercial unit is located at The Shoppes at the Highlander Center that is located off of Foothill Boulevard, the same center with Grocery Outlet. The multi-tenant shopping center is zoned C-G, General Commercial. The center has a total of 279 on-site surface parking spaces. The subject unit was previously approved for an indoor playground for children (CUP No.17-03) and had a requirement of six parking spaces. The McDonald's and former Bank of America are located on the adjacent lots and are not a part of this shopping center; they are under separate ownership. The parking lots of the two adjoining properties connect with the parking lot of the subject properties for access, however no shared parking agreement exists, and therefore the parking is considered separate for code requirement purposes. Figure-1 below shows the

outline of the subject site and unit(See Attachment No. 2 for an aerial image, photos and zoning information of the subject property).

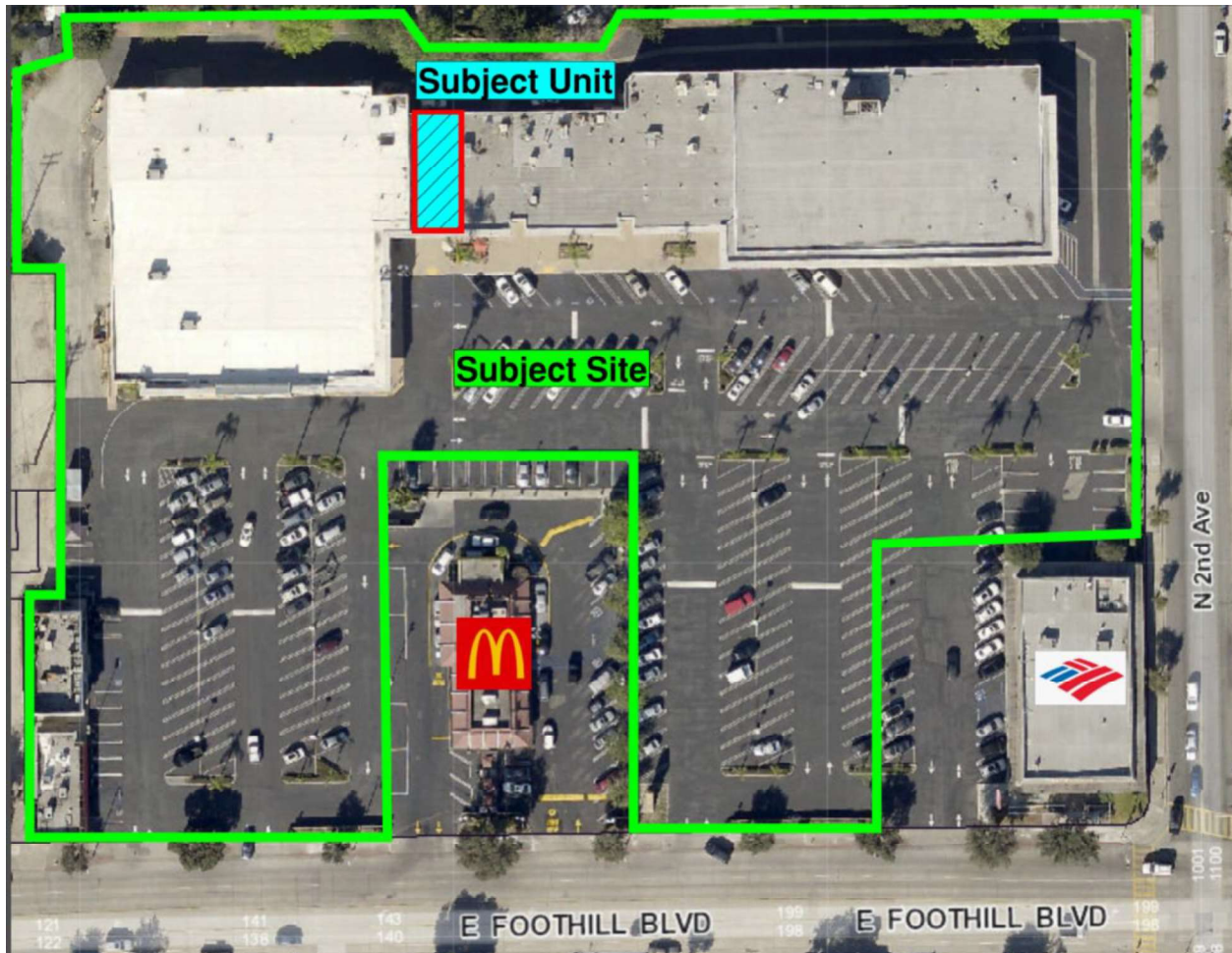
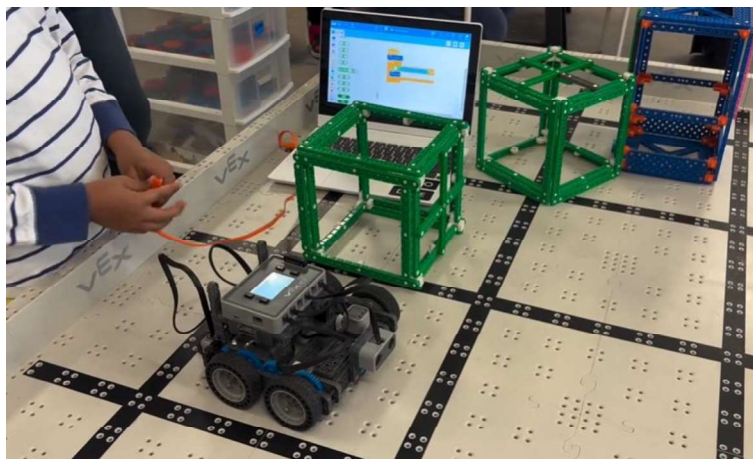


Figure 1 - Subject Site and Unit

PROPOSAL

Magikid was established in 2009 and currently has multiple locations throughout California, including one in the City of San Marino and La Cañada Flintridge. Magikid provides robotics courses in engineering, artificial intelligence (AI) programming, web design, training for robotics competitions, and other similar coding instructions. During the regular school year, the center will offer three (3) different classes at



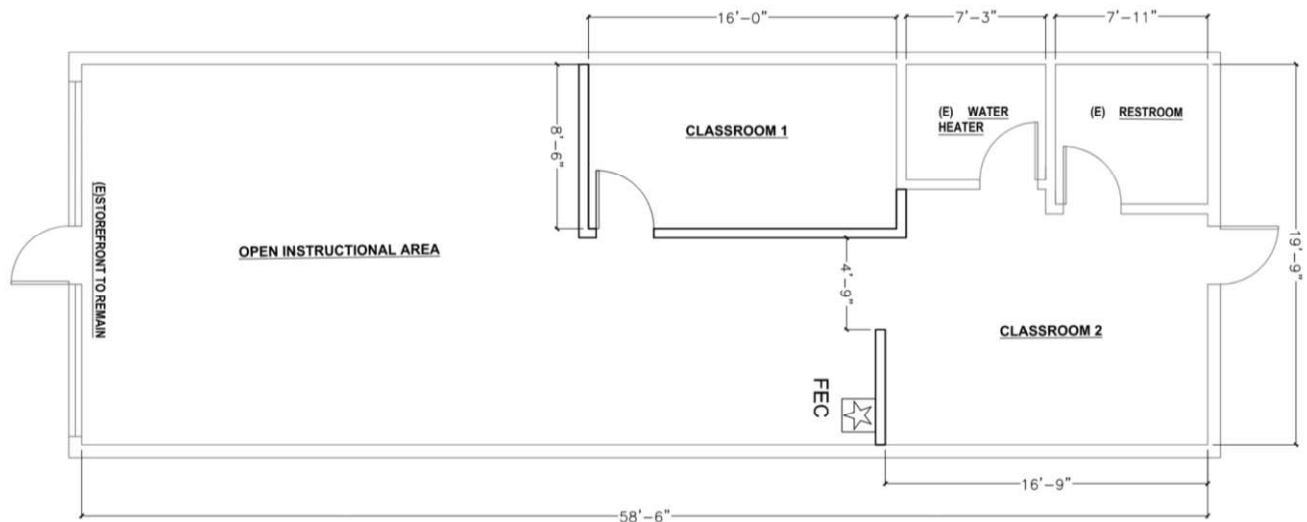
the same time with a maximum of four (4) under high school age students per class and one instructor per class during the hours of 2:00 p.m. to 6:00 p.m. Monday through Friday, and 10:00 a.m. to 3:00 p.m. on weekends. As such, there will be a maximum of twelve (12) under high school age students and three (3) instructors at any one time. After the classes end at 6:00 p.m., Magikid will then offer Robotics competition training for up to four (4) high school students with one (1) instructor from 6:30 p.m. to 7:30 p.m. Monday through Friday, and from 3:30 p.m. to 6:00 p.m., on weekends.

During the holidays and breaks, classes for under high school age students will be Monday through Friday from 9:00 a.m. to 3:00 p.m. and on weekends from 10:00 a.m. to 3:00 p.m. Classes for high school students will be Monday through Friday from 3:30 p.m. to 7:30 p.m., and on weekends from 3:30 p.m. to 6:00 p.m. There will be no overlap with the classes and competition to ensure there will be sufficient parking for this use and at this center.

ANALYSIS

The educational center will have the three classes at the same time within the two enclosed classrooms and the large open area will be for hands-on instructional sessions. As conditioned, for safety, a clear and unobstructed window will be required either on the classroom door or wall in order to view into each classroom from outside of the rooms at all times. The center may occasionally hold birthday celebrations for under high school age students with attendance limited to a maximum of ten (10) students. Figure-2 below shows the proposed floor plan and Attachment No. 3 provides the Site and Floor Plan.

Figure 2 - Proposed Floor Plan



The Arcadia Development Code allows an educational center in the General Commercial (C-G) zone, subject to review and approval of a Conditional Use Permit. The proposed educational center will have a maximum of 12 students and three (3) instructors at any given time. The site provides convenient and ample access for visitors, as well as the first responders in case of emergencies. The shopping center has a variety of businesses such as a grocery store, pet grooming, Kumon tutoring, and a Martial Arts center. The

site provides a large, open, surface parking area for all the tenants. As such, the proposed educational center will be an appropriate, and a fitting use in terms of the site's characteristics, and the other businesses within the vicinity.

Parking

For tutoring and educational centers, the Development Code requires a minimum of one (1) parking space for each employee, one (1) parking space for every five under high-school age students, and one (1) parking space for every three students that are high-school age or older. With the 12 under high-school aged students and three (3) instructors, the minimum parking required per code is five (5) spaces. For the separate session that will include a maximum of four (4) high school students and one (1) instructor, the minimum required parking per code is two (2) parking spaces. Since classes for students that are not of high school age have a higher parking requirement, the use was based on five (5) parking spaces. As such, the proposed educational center will require less parking than the previous use of six (6) parking spaces for an indoor playground. The site has 279 parking spaces. Staff conducted several site visits throughout the day, and the center's parking lot is usually only half occupied. Some of it has to do with vacancies, but even at full occupancy the center would provide the minimum required parking for the proposed educational center. Therefore, no parking deficiency has been identified.

FINDINGS

Section 9107.09.050(B) of the Development Code requires that the Planning Commission may approve a Conditional Use Permit if all the following findings can be made:

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

Facts to Support This Finding: The proposed educational center for robotics and coding is consistent with the Arcadia General Plan which allows for a wide-range of commercial uses, including neighborhood-serving uses such as educational centers. The site is zoned C-G (General Commercial) which under Development Code Section 9102.03.020, Table 2-8, allows tutoring and educational centers such as a proposed use, subject to review and approval of a Conditional Use Permit. The proposed educational center will occupy one of the vacant units within an existing neighborhood shopping center known as The Shoppes at Highlands Center and the proposed business will comply with all the applicable provisions of the Development Code and the Municipal Code. The proposed educational center is complementary to the surrounding commercial uses as there are other similar businesses serving the same age group such as a Martial Arts Studio, educational or tutoring centers nearby, such as Kumon, Code Ninjas, and My Learning Center located within close proximity from the subject site. The proposed use is consistent with the following General Plan and policy:

Land Use and Community Design Element

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

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

Facts to Support This Finding:

The proposed educational center will occupy a vacant 1,200 square foot unit within an existing multi-tenant commercial building. The commercial center includes several other similar businesses such as the Kumon tutoring center and a Tae Kwon Do martial arts studio. Such uses are consistent with the City's General Plan for development in the General Commercial (C-G) zones. The education center will have a maximum of 15 people at any given time: 12 elementary to jr. high students, and three (3) instructors. Classes with under high-school age students and high school students will not overlap as conditioned. The educational center will require interior tenant improvement subject to building permits. No exterior changes are proposed to accommodate the use. As such, the proposed activity will be compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

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

Facts to Support This Finding: The proposed educational center for robotics and coding will be located within an existing multi-tenant building that has other freestanding buildings. The site can accommodate this use as there are plenty of available parking spaces throughout the day, the proposed business hours will be compatible with the hours of the adjacent uses, and no exterior modifications are proposed. Therefore, the unit and site are suitable for the proposed educational center.

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

Facts to Support This Finding: The site is located along E. Foothill Boulevard with access to the shopping center parking lot from both E. Foothill Boulevard and N. Second Avenue. These streets are adequate in width and pavement type to carry the traffic that will be generated by the proposed educational use, including adequate access for emergency vehicles. The proposed educational center will not impact these rights-of-ways.

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

Facts to Support This Finding: The Fire and Police Departments have reviewed the application and determined that no additional improvements are needed to provide adequate protection services to the subject site.

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

Facts to Support This Finding: The subject unit is located within an existing commercial building, in a multi-tenant shopping center which is adequately serviced by existing utilities. The request does not include new construction that will impact the provision of utilities, nor will it be operated in a manner that will impact the provisions of utilities. Therefore, no impacts to the provision of utilities are anticipated.

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

Facts to Support This Finding: The proposed educational center for robotics and coding will provide a service in compliance with and pursuant to the Arcadia Development Code. The proposed business will not be detrimental to the public health or welfare, or the surrounding properties, as the site is located on a commercial corridor with a diverse type of businesses that serve the surrounding communities. The size and nature of the proposed educational center will be compatible with the other uses as there are other educational or fitness facility for students of the same age. Therefore, the site is suitable for such use.

ENVIRONMENTAL IMPACT

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

PUBLIC COMMENTS/NOTICE

A public hearing notice for this item was posted at the City Clerk's Office, City Council Chambers, at the Arcadia Library, and on the City's website on June 27, 2024. It was also mailed to the property owners located within 300 feet of the subject property. At the time of the completion of this report, no comments were received regarding this project.

RECOMMENDATION

It is recommended that the Planning Commission adopt Resolution No. 2148 approving Conditional Use Permit No. CUP 24-02 for a proposed educational center at 139 E.

Foothill Boulevard, and find that the project is Categorically Exempt under the California Environmental Quality Act (CEQA), subject to the following conditions of approval:

1. The use approved by CUP 24-02 shall be limited to a maximum of twelve (12) students. Of the 12 students, eight (8) of them shall not be of high school age. There shall be a maximum of three (3) instructors at any given time.
2. A clear and unobstructed window shall be required either on the classroom doors or walls in order to provide visibility into each classroom from outside of the rooms at all times. This shall be approved by the Planning Division prior to issuance of a Certificate of Occupancy from the Building Division.
3. The sessions for high school students shall not be held at the same time as the classes for the students not of high school age. The business hours or classes may be adjusted at the discretion of the Deputy Development Services Director, or designee.
4. The Applicant shall be required to install a fire alarm system and the main exit door shall be equipped with panic or lever type hardware. A latched or key operated locks are not permitted. The unit must have a fire extinguisher with a minimum rating of 2A:10BC. They shall be verified and approved by the City's Fire Marshall prior to issuance of a Certificate of Occupancy from the Building Division.
5. A knox box shall be provided at an approved location by the Fire Department.
6. Prior to the issuance of a Certificate of Occupancy from the Building Division, one (1) Automated External Defibrillator (AED) shall be installed. The location of the AED shall be identified on the plans submitted for plan check in Building Services and is subject to review and approval by the Deputy Development Services Director, or designee.
7. The Project shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
 - i. Arcadia Municipal Code
8. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with by the property owner/Applicant to the satisfaction of the Building Official, City Engineer, Deputy Development Services Director, Fire Marshal, and Public Works Services

Director, or their respective designees. The changes to the existing facility may be subject to building permits after having fully detailed plans submitted for plan check review and approval by the aforementioned City officials.

9. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City ("Indemnitees") harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant's activities in connection with CUP 24-02 ("Project") on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant's contractors, agents, tenants, employees or any other persons acting on Applicant's behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

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

10. Noncompliance with the plans, provisions, and conditions of approval for CUP 24-02 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the educational center.

11. Approval of CUP 24-02 shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

PLANNING COMMISSION ACTION

Approval

If the Planning Commission intends to approve this proposal, the Commission should approve a motion to approve Conditional Use Permit No. CUP 24-02 stating that the proposal satisfies the requisite findings and adopting the attached Resolution No. 2148 that incorporates the requisite environmental, Conditional Use Permit findings and the conditions of approval as presented in this staff report, or as modified by the Commission.

Denial

If the Planning Commission intends to deny this proposal, the Commission should approve a motion to deny Conditional Use Permit No. CUP 24-02 stating that the finding(s) of the proposal does not satisfy with reasons based on the record, and direct staff to prepare a resolution for adoption at the next meeting that incorporates the Commission's decision and specific findings.

If any Planning Commissioner, or other interested party has questions or comments regarding this matter prior to the July 9, 2024, hearing, please contact Associate Planner, Gary Yesayan, at (626) 574-5422, or by email at gyesayan@ArcadiaCA.gov.

Approved:



Lisa L. Flores
Deputy Development Services Director

- Attachment No. 1: Resolution No. 2148
- Attachment No. 2: Aerial Image, Zoning Information, and Photos of the Subject Property
- Attachment No. 3: Site and Floor Plans
- Attachment No. 4: Preliminary Exemption Assessment

Attachment No. 1

Resolution No. 2148

RESOLUTION NO. 2148

APPROVAL OF CONDITIONAL USE PERMIT NO. CUP 24-02 TO ALLOW AN EDUCATIONAL CENTER FOR ROBOTICS AND CODING AT “THE SHOPPES AT HIGHLANDS CENTER” THAT IS LOCATED AT 139 E. FOOTHILL BOULEVARD

WHEREAS, on April 9, 2024, an application for Conditional Use Permit No. CUP 24-02 was filed by Wendy and Spencer Mo, for a proposed educational center (dba Magikid) for robotics and coding classes for elementary to high-school age students with up to twelve (12) students and three (3) instructors at any one time, located at 139 East Foothill Boulevard; and

WHEREAS, on June 18, 2024, Planning Services completed an environmental assessment for the proposed educational center in accordance with the California Environmental Quality Act (“CEQA”) and recommends that the Planning Commission determine that the proposed educational center qualifies as a Class 1 Categorical Exemption under CEQA pursuant to Section 15301 of the CEQA Guidelines as the use of an existing facility; and

WHEREAS, on July 9, 2024, a duly noticed public hearing was held before the Planning Commission on said application, at which time all interested persons were given full opportunity to be heard and to present evidence.

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

SECTION 1. The factual data submitted by the Community Development Division in the staff report dated July 9, 2024, are true and correct.

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

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

FACT: The proposed educational center for robotics and coding is consistent with the Arcadia General Plan which allows for a wide-range of commercial uses, including neighborhood-serving uses such as educational centers. The site is zoned C-G (General Commercial) which under Development Code Section 9102.03.020, Table 2-8, allows tutoring and educational centers such as a proposed use, subject to review and approval of a Conditional Use Permit. The proposed educational center will occupy one of the vacant units within an existing neighborhood shopping center known as The Shoppes at Highlands Center and the proposed business will comply with all the applicable provisions of the Development Code and the Municipal Code. The proposed educational center is complementary to the surrounding commercial uses as there are other similar businesses serving the same age group such as a Martial Arts Studio, educational or tutoring centers nearby, such as Kumon, Code Ninjas, and My Learning Center located within close proximity from the subject site. The proposed use is consistent with the following General Plan and policy:

Land Use and Community Design Element

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

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

FACT: The proposed educational center will occupy a vacant 1,200 square foot unit within an existing multi-tenant commercial building. The commercial center includes several other similar businesses such as the Kumon tutoring center, and a Tae Kwon Do martial arts studio. Such uses are consistent with the City's General Plan for development in General Commercial (C-G) zones. The education center will have a maximum of 15 people at any given time: 12 elementary to jr. high students, and three (3) instructors. Classes with under high-school age students and high school students will not overlap as conditioned. The educational center will require interior tenant improvement subject to building permits. No exterior changes are proposed to accommodate the use. As such, the proposed activity will be compatible with the existing and future land uses in the vicinity.

3. The site is physically suitable in terms of:

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

FACT: The proposed educational center for robotics and coding will be located within an existing multi-tenant building that has other freestanding buildings. The site can accommodate this use as there are plenty of available parking spaces throughout the day, the proposed business hours will be compatible with the hours of the adjacent uses, and

no exterior modifications are proposed. Therefore, the unit and site are suitable for the proposed educational center.

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

FACT: The site is located along E. Foothill Boulevard with access to the shopping center parking lot from both E. Foothill Boulevard and N. Second Avenue. These streets are adequate in width and pavement type to carry the traffic that will be generated by the proposed educational use, including adequate access for emergency vehicles. The proposed educational center will not impact these rights-of-ways.

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

FACT: The Fire and Police Departments have reviewed the application and determined that no additional improvements are needed to provide adequate protection services to the subject site.

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

FACT: The subject unit is located within an existing commercial building, in a multi-tenant shopping center which is adequately serviced by existing utilities. The request does not include new construction that will impact the provision of utilities, nor will it be operated in a manner that will impact the provisions of utilities. Therefore, no impacts to the provision of utilities are anticipated.

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

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

FACT: The proposed educational center for robotics and coding will provide a service in compliance with and pursuant to the Arcadia Development Code. The proposed business will not be detrimental to the public health or welfare, or the surrounding properties, as the site is located on a commercial corridor with a diverse type of businesses that serve the surrounding communities. The size and nature of the proposed educational center will be compatible with the other uses as there are other educational or fitness facilities for students of the same age. Therefore, the site is suitable for such use.

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

SECTION 3. For the foregoing reasons the Planning Commission determines that the proposed educational center is Categorically Exempt per Class 1, Section 15301(a) of the California Environmental Quality Act (“CEQA”) Guidelines and approves Conditional Use Permit No. CUP 24-02 for a new educational center within an existing commercial unit located at 139 E. Foothill Blvd., subject to the conditions of approval attached hereto.

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

[SIGNATURES ON NEXT PAGE]

Passed, approved and adopted this 9th day of July, 2024.

Vincent Tsoi
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

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RESOLUTION NO. 2148

Conditions of Approval

1. The use approved by CUP 24-02 shall be limited to a maximum of twelve (12) students. Of the 12 students, eight (8) of them shall not be of high school age. There shall be a maximum of three (3) instructors at any given time.
2. The sessions for high school students shall not be held at the same time as the classes for the students not of high school age. The business hours or classes may be adjusted at the discretion of the Deputy Development Services Director, or designee
3. A clear and unobstructed window shall be required either on the classroom doors or walls in order to provide visibility into each classroom from outside of the rooms at all times. This shall be approved by the Planning Division prior to issuance of a Certificate of Occupancy from the Building Division.
4. The Applicant shall be required to install a fire alarm system and the main exit door shall be equipped with panic or lever type hardware. A latched or key operated locks are not permitted. The unit must have a fire extinguisher with a minimum rating of 2A:10BC. They shall be verified and approved by the City's Fire Marshall prior to issuance of a Certificate of Occupancy from the Building Division.
5. A knox box shall be provided at an approved location by the Fire Department.
6. Prior to the issuance of a Certificate of Occupancy from the Building Division, one (1) Automated External Defibrillator (AED) shall be installed. The location of the AED shall be identified on the plans submitted for plan check in Building Services and is subject to review and approval by the Deputy Development Services Director, or designee.
7. The Project shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
 - i. Arcadia Municipal Code
8. All City requirements regarding disabled access and facilities, occupancy limits, building safety, health code compliance, emergency equipment, environmental regulation compliance, and parking and site design shall be complied with by the property owner/Applicant to the satisfaction of the Building Official, City Engineer,

Deputy Development Services Director, Fire Marshal, and Public Works Services Director, or their respective designees. The changes to the existing facility may be subject to building permits after having fully detailed plans submitted for plan check review and approval by the aforementioned City officials.

9. To the maximum extent permitted by law, Applicant must defend, indemnify, and hold the City, any departments, agencies, divisions, boards, and/or commissions of the City, and its elected officials, officers, contractors serving as City officials, agents, employees, and attorneys of the City (“Indemnitees”) harmless from liability for damages and/or claims, actions, or proceedings for damages for personal injuries, including death, and claims for property damage, and with respect to all other actions and liabilities for damages caused or alleged to have been caused by reason of the Applicant’s activities in connection with CUP 24-02 (“Project”) on the Project site, and which may arise from the direct or indirect operations of the Applicant or those of the Applicant’s contractors, agents, tenants, employees or any other persons acting on Applicant’s behalf, which relate to the development and/or construction of the Project. This indemnity provision applies to all damages and claims, actions, or proceedings for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for the Project.

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

10. Noncompliance with the plans, provisions, and conditions of approval for CUP 24-02 shall be grounds for immediate suspension or revocation of any approvals, which could result in the closing of the educational center.

11. Approval of CUP 24-02 shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar days after the Planning Commission has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

Attachment No. 2

Aerial Image with Zoning Information &
Photos of the Subject Site

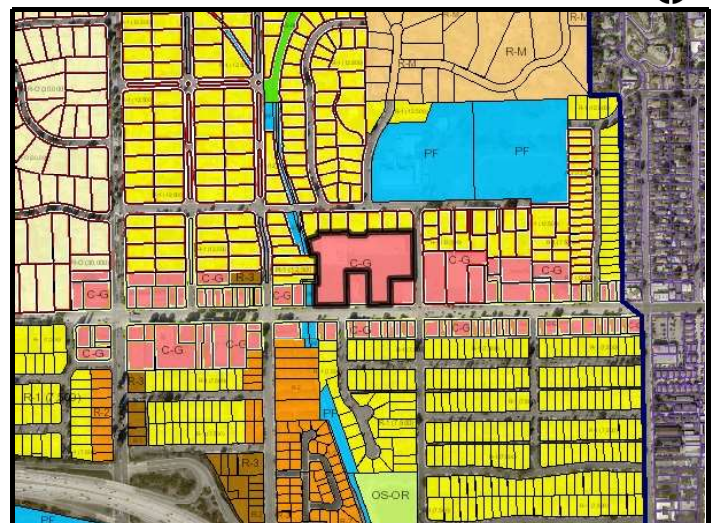
Site Address: 121 E FOOTHILL BLVD

Property Owner(s): Property Owner



Property Characteristics	
Zoning:	C-G
General Plan:	C
Lot Area (sq ft):	
Main Structure / Unit (sq. ft.):	17,000
Year Built:	1966
Number of Units:	0
Overlays	
Architectural Design Overlay:	Yes
Downtown Overlay:	N/A
Downtown Parking Overlay:	N/A
Parking Overlay:	N/A
Racetrack Event Overlay:	N/A
Residential Flex Overlay:	Yes
Special Height Overlay:	N/A

Selected parcel highlighted



Parcel location within City of Arcadia

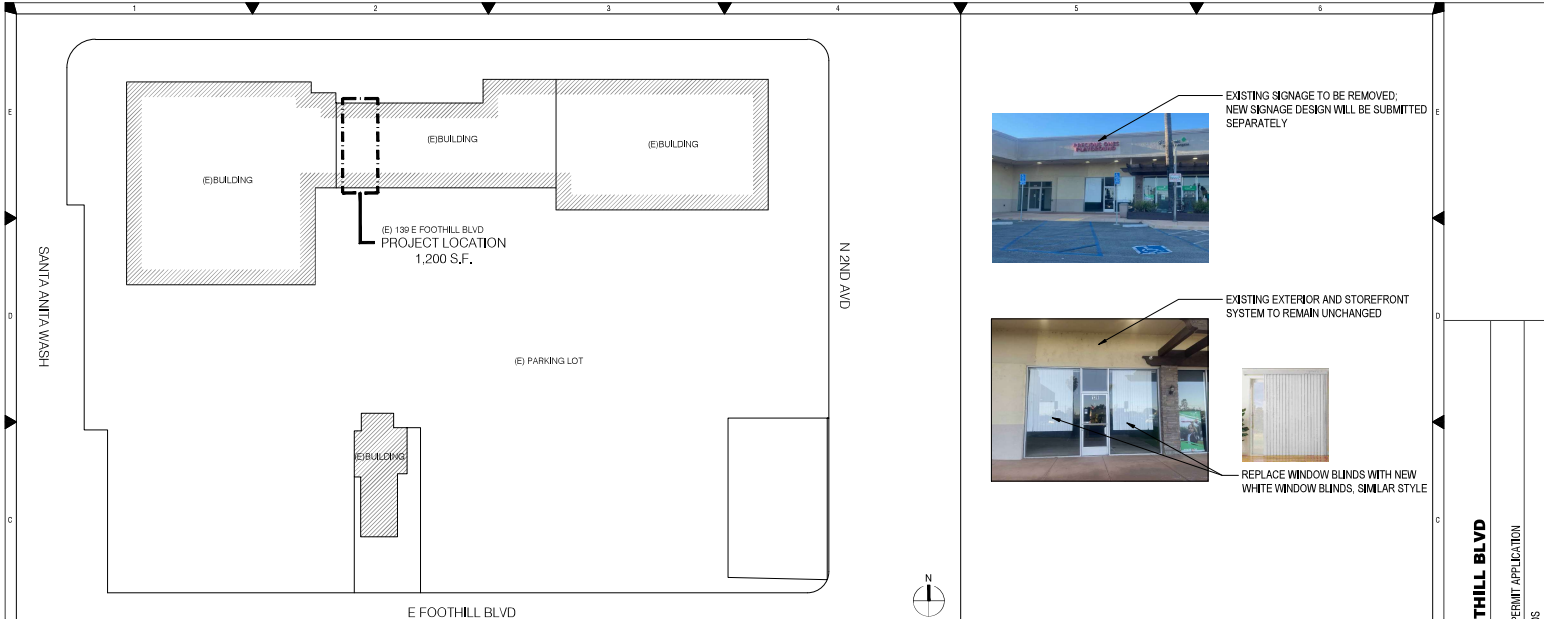






Attachment No. 3

Site Plan and Floor Plan



EXISTING SIGNAGE TO BE REMOVED;
NEW SIGNAGE DESIGN WILL BE SUBMITTED
SEPARATELY



EXISTING EXTERIOR AND STOREFRONT
SYSTEM TO REMAIN UNCHANGED



REPLACE WINDOW BLINDS WITH NEW
WHITE WINDOW BLINDS, SIMILAR STYLE



SCALE
1/2" = 1'-0"

A2 SITE PLAN



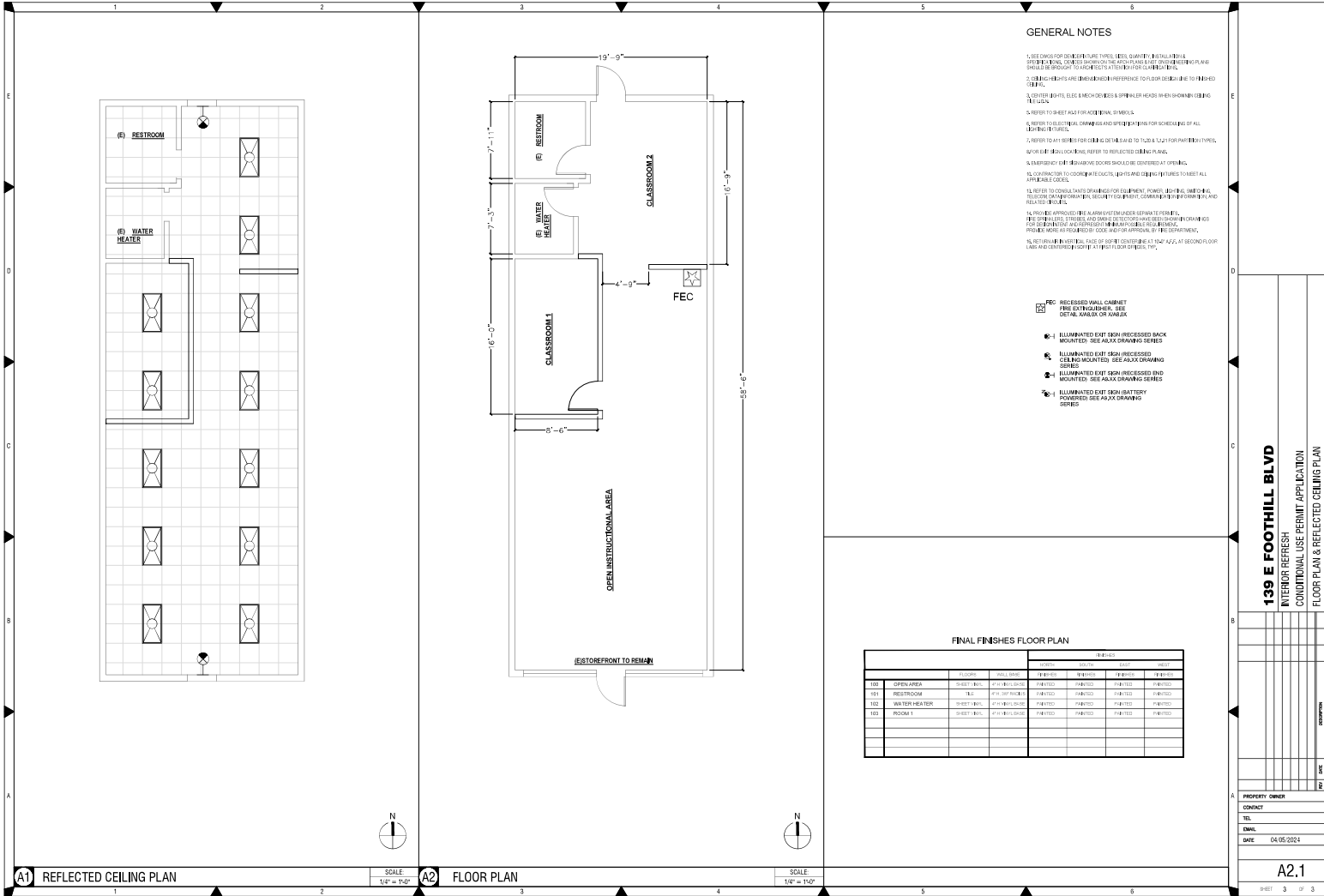
A1 SITE PHOTOS



SCALE
N/A

139 E FOOTHILL BLVD
INTERIOR REFRESH
CONDITIONAL USE PERMIT APPLICATION
SITE PLAN & PHOTOS

PROPERTY OWNER	
CONTACT	
TEL	
EMAIL	
DATE	04/05/2024
A1.0	
SHEET	2 OF 3



GENERAL NOTES

1. USE DATA FOR DIMENSIONS, LEVEL, QUANTITY, INSTALLATION, AND FINISHES. VERIFY DIMENSIONS AND FINISHES WITH THE CEILING PLAN SHOULD BE BROUGHT TO ARCHITECT AT MEETING FOR CLARIFICATION.
2. VERIFY ROOMS AND DIMENSIONS REFERENCED TO LOCATIONS ARE TO FINISH CEILING.
3. VERIFY PANELS, ELEC & MECH SYMBOLS & SPEAKER HEADS WHEN SHOWN TO FIT THE LAYOUT.
4. REFER TO SHEET A11 FOR ARCHITECTURAL SYMBOLS.
5. REFER TO ELECTRICAL DRAWINGS AND SPECIFICATIONS FOR SCHEDULES FOR ALL ELECTRICAL SYMBOLS.
6. REFER TO ARCH SERIES FOR ELEC & MECH SYMBOLS TO USE A LAYOUT FOR PANEL IDENTIFICATION.
7. REFER TO ARCH SERIES FOR ELEC & MECH SYMBOLS TO USE A LAYOUT FOR PANEL IDENTIFICATION.
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18. REFER TO ARCH SERIES FOR ELEC & MECH SYMBOLS TO USE A LAYOUT FOR PANEL IDENTIFICATION.
19. REFER TO ARCH SERIES FOR ELEC & MECH SYMBOLS TO USE A LAYOUT FOR PANEL IDENTIFICATION.
20. REFER TO ARCH SERIES FOR ELEC & MECH SYMBOLS TO USE A LAYOUT FOR PANEL IDENTIFICATION.

- RECESSED WALL CABINET
FREE EXHIBIT/SEE, SEE
DETAIL, KANEXA OR KANEXA
- ILLUMINATED EXIT SIGN (RECESSED BACK
MOUNTED) SEE ARCH DRAWING SERIES
- ILLUMINATED EXIT SIGN (RECESSED
CEILING MOUNTED) SEE ARCH DRAWING
SERIES
- ILLUMINATED EXIT SIGN (RECESSED END
MOUNTED) SEE ARCH DRAWING SERIES
- ILLUMINATED EXIT SIGN (BATTERY
POWERED) SEE ARCH DRAWING
SERIES

FINAL FINISHES FLOOR PLAN

NO.	ROOM NAME	SHEET NO.	FINISHES			
			FLOOR	CEILING	WALL	DOOR
100	CLASSROOM 1	4-11 (REV) 05/24	PAINTED	PAINTED	PAINTED	PAINTED
101	CLASSROOM 2	4-11 (REV) 05/24	PAINTED	PAINTED	PAINTED	PAINTED
102	RESTROOM	4-11 (REV) 05/24	PAINTED	PAINTED	PAINTED	PAINTED
103	WATER HEATER	4-11 (REV) 05/24	PAINTED	PAINTED	PAINTED	PAINTED
104	ROOM 3	4-11 (REV) 05/24	PAINTED	PAINTED	PAINTED	PAINTED

139 E FOOTHILL BLVD
INTERIOR REFRESH
 CONDITIONAL USE PERMIT APPLICATION
 FLOOR PLAN & REFLECTED CEILING PLAN

PROPERTY OWNER
 CONTACT
 TEL
 EMAIL
 DATE 04/05/2024

A2.1
 SHEET 3 OF 3

Attachment No. 4

Preliminary Exemption Assessment



CITY OF
ARCADIA

PRELIMINARY EXEMPTION ASSESSMENT

1. Name or description of project:	Conditional Use Permit No. CUP 24-02 to allow a tutoring center within an existing commercial center.	
2. Project Location	The project site is located at 139 E. Foothill Blvd. The proposed tutoring center will be located in one of the units within an existing multi-tenant commercial center located at the northwest corner of N. Second Ave., and E. Foothill Blvd.	
3. Entity or person undertaking project:	A.	
	B. Other (Private)	
	(1) Name	Magikid Tutoring of Robotics and Coding
	(2) Address	150 N. Santa Anita Ave. # 300
4. Staff Determination:	<p>The Lead Agency's Staff, having undertaken and completed a preliminary review of this project in accordance with the Lead Agency's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:</p>	
a. <input type="checkbox"/>	The proposed action does not constitute a project under CEQA.	
b. <input type="checkbox"/>	The project is a Ministerial Project.	
c. <input type="checkbox"/>	The project is an Emergency Project.	
d. <input type="checkbox"/>	The project constitutes a feasibility or planning study.	
e. <input checked="" type="checkbox"/>	The project is categorically exempt.	
	Applicable Exemption Class:	15301 – Class 1 (Use of an existing facility)
f. <input type="checkbox"/>	The project is statutorily exempt.	
	Applicable Exemption:	
g. <input type="checkbox"/>	The project is otherwise exempt on the following basis:	
h. <input type="checkbox"/>	The project involves another public agency which constitutes the Lead Agency.	
	Name of Lead Agency:	

Date: June 18, 2024

Staff: Gary Yesayan, Associate Planner



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, JUNE 11, 2024**

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

ROLL CALL

PRESENT: Chair Tsoi, Arvizu, Hui, and Tallerico

ABSENT: Vice Chair Wilander

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

Without objection, the motion was approved.

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

Planning Services Manager Fiona Graham informed the Commission that we received three letters regarding Consent Item No. 1, and they were forwarded to the Commissioners via email and a hard copy was provided on the dais.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

- 1. Resolution No. 2147**– Approving Conditional Use Permit No. CUP 24-03 for a new tattoo shop at 617 S. First Avenue

CEQA: Exempt

Recommendation: Adopt

Applicant: Shihao Zhao

MOTION - PUBLIC HEARING

Chair Tsoi introduced the item and Associate Planner Gary Yesayan presented the staff report.

Commissioner Tallerico asked if the Applicant was previously unaware that a Conditional Use Permit (CUP) is required to operate a tattoo shop due to the fact that the Applicant had previously operated a tattoo shop at a different location in the City without the necessary approval.

Mr. Yesayan confirmed that the Applicant was unaware that a CUP is required to operate a tattoo shop.

Commissioner Tallerico asked if an applicant can apply for a CUP after they have been in violation of the Municipal Code.

Mr. Yesayan said yes, they may retroactively apply for a CUP if the location is appropriate for the use.

Commissioner Arvizu asked about the doors in the front and rear of the unit, and which doors will be used for emergency purposes.

Mr. Yesayan stated that the double doors off First Avenue will be used as the main entrance and the rear doors will serve as ingress and egress from the rear parking lot.

Commissioner Arvizu asked if the awning on the front exterior will cover the entire entrance of the unit.

Mr. Yesayan said the awning will cover the entire entrance of the unit.

The public hearing was opened.

Qian Ding, also known as Jasmine, the Applicant's spouse, introduced herself and their business. Ms. Ding stated she has lived in Arcadia for 10 years and she and her husband are excited to open their business in Arcadia. Mr. Zhao has been a tattoo artist for nine (9) years and previously worked at a tattoo shop in El Monte.

Commissioner Arvizu asked Ms. Ding what their plan is for the front façade of the unit, specifically regarding the existing window signage from the previous tenant.

Ms. Ding stated they will work with neighboring businesses to clean up the exterior and make the building look uniform and seamless.

Commissioner Hui asked if Secret Tattoo on Foothill Boulevard was their previous business.

Ms. Ding stated that was their previous location and they are working with Google to remove their business' name from the Foothill Boulevard address and add it to their new location once approved for the CUP.

Chair Tsoi asked if they will be installing a sign for their business.

Ms. Ding said yes, they will be applying for a sign permit once approved to operate.

Commissioner Arvizu asked if there will be a privacy curtain to shield customers from being observed from First Avenue.

Ms. Ding said they would like to leave the windows uncovered and will rearrange the tattoo stations in a way that will conceal the customers from public view, but that they also had a privacy screen that they could move around the tattoo shop as required.

No one spoke in favor of the proposal.

No one spoke in opposition to the proposal.

Commissioner Arvizu made a motion to close the public hearing. Commissioner Tallerico seconded the motion.

Without objection, the motion was approved.

DISCUSSION

Commissioner Arvizu's concern was privacy and he wanted to ensure customers were adequately screened from the public view from First Avenue. He had no further concerns.

Commissioner Tallerico said the proposed business meets all the requirements and therefore had no concerns about the tattoo shop.

Commissioner Hui had no concerns.

MOTION

It was moved by Commissioner Tallerico, seconded by Commissioner Arvizu to adopt Resolution No. 2147 approving Conditional Use Permit No. CUP 24-03 for a new tattoo shop at 617 S. First Avenue in which the findings were made and is CEQA exempt.

ROLL CALL

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

The motion was approved.

There is a ten day appeal period. Appeals are to be filed by 4:30 p.m. on Friday, June 21, 2024.

CONSENT CALENDAR

1. A Resolution of the Planning Commission of the City of Arcadia, California, recommending that the City Council deny Architectural Design Review No. ADR 23-13 with a Density Bonus and Conditional Use Permit No. CUP 23-09 for the revised, three-story senior assisted living care facility known as "The Ivy Arcadia" at 1150 W. Colorado Boulevard.

Recommendation: Approve

It was moved by Commissioner Arvizu, seconded by Commissioner Tallerico to consider Item No. 1 from the Consent Calendar for further discussion.

Without objection, the motion was approved.

The Applicant, Carrissa Savant, shared a presentation and discussed some modifications that were made to the Project's design to address the concerns of neighboring property owners. The modifications included rearranging the parking spaces, lowering the finished grade, and the provision of additional perimeter landscaping to increase privacy for adjacent properties. Ms. Savant also reported that they conducted a community meeting with the neighbors per recommendation of the Planning Commission at the previous public hearing.

Chair Tsoi asked if the highest point of the previously approved project and the Ivy project were relatively close in height.

Ms. Savant confirmed that it is the case.

Commissioner Arvizu asked for clarification on the difference in height between the previously approved project and the proposed project.

Ms. Savant said that the Artis project had approximately 15-foot floor plates and was approximately 37'-5" and 40'-1" at its highest point due to a design element at the front of the building. The Ivy project was about 39'-6".

Commissioner Arvizu asked Ms. Savant what the height of their floor plates are.

Ms. Savant said the floor plates of the Ivy will be 10-feet on each floor with some additional ceiling height in the common dining room on the third floor.

Commissioner Tallerico requested clarification on the backyard simulations created by the Applicant to show the visibility of the proposed building from neighboring properties. Mr. Tallerico wanted to know the difference between the simulations showing current conditions and those showing the simulated view once the building is constructed, because he did not see any major differences.

Ms. Savant said the simulations demonstrate the current backyard views and the trees between the properties are very tall and dense, therefore they will screen the proposed project making it difficult to see in many cases.

Chair Tsoi asked for clarification on the original grade.

Ms. Savant explained why there was a discrepancy between the approved plans for the Artis project and the proposed the Ivy plans.

Acting Senior Planner Edwin Arreola explained that the Artis project had used an existing grade level six feet higher than the Ivy project, the reason being that the projects were measured from different starting points which explained the discrepancy.

Commissioner Arvizu asked what the final height of the Ivy project versus the Artis project would be.

Mr. Hills said the finished main level ground floor of the project will be 18 inches lower than the Artis project, and the final overall height of the Ivy will be approximately four feet higher.

Commissioner Arvizu asked what amenities will be on the third floor.

Mr. Hills stated that the main kitchen, main dining area, and a few resident units will be on the third floor.

Commissioner Arvizu asked what the plate heights of the third floor are.

Mr. Hills said the plate heights throughout the three floors in the development will be 10-feet with the dining room on the third floor having a higher plate and ceiling height.

Full sets of plans with the new modifications shown were distributed to the Planning Commissioners.

Commissioner Arvizu asked what the plate heights will be on the second and first floors. He also asked what amenities will be on those floors.

Mr. Hills said the second floor will also have a 10-foot plate. This floor will consist of residential units, a laundry room, a staff lounge, offices, storage rooms, and a utility room.

Mr. Hills stated that the first floor will have all the memory care resident units, assisted care resident units, and all their amenities including a dining room and laundry room. Additionally, the first floor will consist of the reception area, a library, and a small café.

Commissioner Arvizu asked why the project will have 10'-11' foot plate heights.

Mr. Hills explained that the plate heights will be 11- feet high, however, in the residential units the ceilings will be about 8'-8" high due to the heating, ventilation, and air conditioning mechanisms in the ceilings.

Commissioner Hui requested to be excused to leave the meeting at 8:05 p.m.

Chair Tsoi said the changes are an improvement, but the total footprint of the development will still be significantly larger than the original approved project.

Mr. Hills explained the building will only be two floors from the perspective of the south and east neighboring properties. The third floor will be visible on the north and west side and the setback will be about 60'-70' feet from the adjacent neighbors.

Chair Tsoi commented on the slope of the lot and asked what the average maximum height limit is.

Mr. Arreola said the height limit is 40 feet. He explained the height limit is measured by taking the average of the highest existing grade and the lowest existing grade.

Mr. Hills said the grade was lowered but the building height was not raised, and therefore meets the maximum height limit of 40 feet.

Chair Tsoi pointed out that the east and south sides were raised according to the plans and asked Mr. Hills for the average of the proposed grade levels.

Mr. Hills did not have the grade heights on hand.

The Public Hearing was opened.

No one spoke in favor of the proposal.

James Wheeler introduced himself as a resident located adjacent to the project site. Mr. Wheeler acknowledged the Applicant's efforts to communicate with him and his neighbors about the modifications of their plans. Mr. Wheeler believed the project would obstruct the view of the mountains from his home. Mr. Wheeler also remained concerned that the balconies on the east

side of the building will have an impact on his privacy especially because the wall between properties will remain the same height.

Commissioner Tallerico asked Mr. Wheeler if his main concerns were privacy and the existing views of the mountains.

Mr. Wheeler confirmed and said those are a significant portion of his concerns.

Commissioner Tallerico asked if he would be in favor of the project if the Developer were to address his concerns.

Mr. Wheeler said yes and clarified that he was not opposed to the Artis project, but the new proposal is significantly larger and will impact his life.

Commissioner Arvizu asked Mr. Wheeler where his home is located adjacent to the subject site.

Mr. Wheeler said his house is located on the southeast corner adjacent to the project property.

Commissioner Arvizu asked Mr. Wheeler if one of his concerns was noise impacts from the development.

Mr. Wheeler agreed that was one of the concerns, but the developer has since removed some of the parking spaces that were proposed to be behind his rear wall.

Catherine Gornto introduced herself as a neighbor on the east side of the project site and said her previous concerns remain the same, specifically privacy and noise impacts. Ms. Gornto stated she would like to see a rendering of the Artis and the Ivy side by side to understand the difference in height between the two projects.

Craig Tom, a neighbor adjacent to the subject property on the west side, spoke in opposition to the project and stated he is concerned his privacy will be impacted.

Commissioner Tallerico asked if the Density Bonus allows the Developer to exceed the City's requirements.

Ms. Graham confirmed and explained that the California Density Bonus Law allows the project to exceed the maximum permitted Floor Area Ratio because they are providing senior housing.

Ray Gornto spoke in opposition to the project due to its height and size. Mr. Gornto said he values his privacy, security, and the views of the mountains and said they will all be impacted by the proposed project.

Commissioner Arvizu made a motion to close the public hearing. Commissioner Tallerico seconded the motion.

Without objection, the motion was approved.

DISCUSSION

Commissioner Tallerico acknowledged the Developer's efforts to appease the neighbors' concerns but ultimately stood by his original vote to deny recommendation.

Commissioner Arvizu said he understands the need for a senior development in the community but also acknowledged the neighbors' concerns. Mr. Arvizu said the modifications to the plans were not significant and the size of the building is still too large. Mr. Arvizu expressed his opposition to the proposed project.

Chair Tsoi agreed with the Commissioners and said that he remains concerned about the height and scale of the development. Mr. Tsoi acknowledged the letters from the housing advocates who stated the project must be approved if no options for mitigation are agreed upon. He said that this project has options for compromise. Mr. Tsoi suggested the third floor can be eliminated by rearranging the amenities and residential units throughout the second and first floor.

MOTION

It was moved by Commissioner Tallerico, seconded by Commissioner Arvizu to adopt Resolution No. 2146 recommending denial to the City Council of Architectural Design Review No. ADR 23-13 with a Density Bonus and Conditional Use Permit No. CUP 23-09 for the revised, three-story, senior assisted living care facility known as "The Ivy Arcadia" at 1150 W. Colorado Boulevard.

ROLL CALL

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

The motion was approved.

2. Minutes of the June 11, 2024, Regular Meeting of the Planning Commission

Recommendation: Approve

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

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

The motion was approved.

MATTERS FROM CITY COUNCIL LIAISON

City Council Member Kwan had nothing to report.

MATTERS FROM THE PLANNING COMMISSIONERS

Commissioner Arvizu thanked the neighbors for coming out and voicing their concerns.

Commissioner Tallerico shared he would like to make a recommendation to the City Council about Hostile Architecture.

City Attorney Michael Maurer informed him that this cannot be initiated by the Planning Commission, and it can only be initiated by the City Council or by staff.

Commissioner Tallerico asked what his options are to add Hostile Architecture onto the agenda for discussion or recommendation to the City Council.

Mr. Maurer said he may comment at the City Council meeting during public comments as a resident or Commissioner. However, it is up to the City Council to initiate discussion for the item.

Commissioner Tallerico asked if the Planning Commission and City Council can meet to discuss various topics.

Mr. Maurer said they can, but it must be placed on an agenda and be opened to the public.

Chair Tsoi asked for more information about the letters from the California Housing Defense Fund (CalHDF) and Californians for Homeownership regarding the Housing Accountability Act (HAA).

Mr. Maurer explained that the HAA limits the reasons for denial of a project when housing is involved in a project proposal.

Commissioner Arvizu asked if the letters can be considered an opinion and the organization's interpretation of the law.

Mr. Maurer said yes, that is the case, however, they are still important and should be considered as a public comment.

MATTERS FROM CITY ATTORNEY

Mr. Maurer had nothing to report.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Graham reported that there were no items scheduled for the June 25, 2024, Planning Commission meeting.

ADJOURNMENT

The Planning Commission adjourned the meeting at 9:11 p.m., to Tuesday, June 25, 2024, at 7:00 p.m. in the City Council Chamber.

Chair Tsoi, Planning Commission

ATTEST: _____
Lisa L. Flores
Secretary, Planning Commission