



CITY OF ARCADIA

ARCADIA PLANNING COMMISSION REGULAR MEETING AGENDA

Tuesday, May 12, 2026, 7:00 PM

Location: City Council Chambers, 240 W. Huntington Drive

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 the City Clerk at (626) 574-5455. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

根据《美国残障人法案》，需要调整或提供便利设施才能参加会议的残障人士（包括辅助器材或服务）可与市书记官办公室联系（电话：(626) 574-5455）。请在会前 48 小时通知市书记官办公室，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:

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

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

PUBLIC COMMENTS (5 minute time limit per person)

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

PUBLIC HEARING

All interested persons are invited to appear at a public hearing and to provide evidence or testimony concerning any of the proposed items set forth below for consideration. Separate and apart from the applicant (who may speak longer 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. 2187** – Denying Multi-Family SB 330 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal Permit No. TRH 26-02 for a new 30 unit, multi-family residential condominium development located at 514 Fairview Avenue
Recommendation: Adopt

Applicant: Eric Tsang on behalf of 518 Fairview, LLC

There is a ten day appeal period. Appeals are to be filed by 4:30 p.m. on Friday, May 22, 2026.

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 April 28, 2026, 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, May 26, 2026, 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、亵渎或破坏性言论。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。



CITY OF ARCADIA

STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT

DATE: May 12, 2026

TO: Honorable Chairperson and Planning Commission

FROM: Lisa Flores, Development Services Director

SUBJECT: RESOLUTION NO. 2187 – DENYING MULTI-FAMILY SB 330 APPLICATION NO. SB 330 25-01, TENTATIVE TRACT MAP NO. TTM 26-01 (84910), AND PROTECTED HEALTHY TREE REMOVAL PERMIT NO. TRH 26-02 FOR A NEW 30 UNIT, MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT LOCATED AT 514 FAIRVIEW AVENUE

Recommendation: Adopt per the Planning Commission's Direction

SUMMARY

At the April 28, 2026, the Planning Commission meeting, the Commission considered a proposed 30-unit, contemporary style, multi-family residential condominium project at 514 Fairview Avenue ("Project"). The project includes a Multi-Family SB 330 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal Permit No. TRH 26-02 for the removal of 11 protected trees.

There was significant discussion regarding SB 330, requests for waivers from the City's objective development and design standards under the Development Code, and neighborhood compatibility. As stated during the meeting, the waiver provisions referenced are not part of SB 330 but instead were established by the City through its own Development Code.

These provisions were intentionally created as a local process to allow limited flexibility from certain objective development/design standards to achieve higher quality, more aesthetically cohesive building designs where strict application of all standards may not produce the best outcome. Under this process, an Applicant may request a waiver with supporting justification, and the Review Authority (the Director or designee, which is the Planner) evaluates the request in accordance with the City's adopted criteria.

The Development Services Director and the Assistant City Attorney informed the Planning Commission that the Housing Accountability Act (HAA) limits a local agency's ability to deny or reduce the density of a housing development that complies with all the applicable, objective standards. The only way a project can be denied is if there is evidence that the project would result in a specific, adverse impact on public health or safety, and there is no feasible method to mitigate or avoid the impact.

After hearing the two residents who were opposed to the project including the five (5) letters that were submitted to the Planning Commission prior to the meeting, the Commission expressed concerns regarding the project's height and mass, finding it incompatible with the surrounding development. The Commission subsequently voted 4-1 to deny the project, with Commissioner Wilander dissenting, and directed staff to return with a revised Resolution at the May 12 meeting (refer to Attachment No. 1).

Following the Planning Commission meeting, the City was contacted by the California Department of Housing and Community Development (HCD), which indicated it had been informed of a potential violation of the Housing Accountability Act (HAA) related to the Commission's action. The City has a meeting with HCD to discuss this matter and they further state that they will continue to monitor the matter going forward.

In a letter dated May 7 to the Planning Commission, the City Manager explained that denying an SB 330 project on subjective grounds - such as perceived scale or neighborhood character - is generally not supported under State law and may expose the City to significant legal and financial risks, including potential impacts to the City and its taxpayers (refer to Attachment No. 2).

In addition to the revised Resolution for denial, the agenda packet also includes the original approval version of the Resolution – refer to Attachment No. 3. At the May 12 meeting, the Planning Commission will have the opportunity to reconsider its prior action considering the applicable legal standards and the administrative record.

If the Commission elects to deny the Project, it must identify specific adverse health or safety impacts and include objective, quantifiable facts in the record to support those findings. If such findings cannot be made, approval of the Project would be warranted.

RECOMMENDATION

It is recommended that the Planning Commission re-evaluate the project based on applicable objective development standards and applicable State housing laws. Concerns

related to perceived building mass, scale, or neighborhood character do not generally constitute legally sufficient grounds for denial under SB 330 or the Housing Accountability Act (HAA). Any recommendation for denial would need to be supported by substantial evidence demonstrating a specific, adverse impact upon public health or safety that cannot be feasibly mitigated.

If any Planning Commissioners have questions or would like to discuss this matter further, please contact the City Manager, as noted in his letter to the Planning Commissioners, at domlazz@arcadiaca.gov or (626) 574-5401; the City Attorney's Office; or me at lflores@arcadiaca.gov or (626) 574-5445.

Approved:



Lisa L. Flores

Development Services Director

Attachment No. 1: Resolution No. 2187 – Denial per the Planning Commission's recommendation

Attachment No. 2: Letter from the City Manager, dated May 7, 2026

Attachment No. 3: Resolution No. 2187 - Approval

Attachment No. 1

Resolution No. 2187 – Denial per the
Planning Commission's recommendation

RESOLUTION NO. 2187

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, DENYING MULTI-FAMILY SB 330 APPLICATION NO. SB 330 25-01, TENTATIVE TRACT MAP NO. TTM 26-01 (84910), AND PROTECTED HEALTHY TREE REMOVAL PERMIT NO. TRH 26-02 FOR A NEW 30 UNIT, MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT LOCATED AT 514 FAIRVIEW AVENUE

WHEREAS, on October 21, 2025, January 2, 2026, and February 13, 2026, applications for Multi-Family SB 330 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal Permit No. TRH 26-02 were filed, respectively, by Eric Tsang on behalf of the property owner, 518 Fairview LLC, for a new 30 unit, contemporary style, multi-family residential condominium development and the removal of 12 protected trees at 514 Fairview Avenue (collectively, "Project"); and

WHEREAS, on April 28, 2026, a duly noticed public hearing was held before the Planning Commission on said Project, at which time all interested persons were given full opportunity to be heard and to present evidence. At this hearing, the Planning Commission determined the Project was out of character with the adjacent neighborhood in terms of massing and, therefore, the waiver for the massing requirement under the multifamily objective development standards is not granted. The Planning Commission voted 4-1 to deny the Project, and directed Staff to return with a revised resolution at the next Planning Commission meeting; and

WHEREAS, on May 12, 2026, a revised resolution was presented to the Planning Commission for consideration.

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

SECTION 1. The factual data submitted by the Development Services Department in the staff report dated April 28, 2026, are true and correct.

SECTION 2. This Commission finds that based upon the entire record, pursuant to Sections 9105.03.060(A) and 9107.19.050(F) of the Development Code, all of the following findings cannot be made:

Tentative Tract Map

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

FACT: The Project is in compliance with all of the provisions of the City's General Plan, Subdivisions Division of the Development Code, and the State Subdivision Map Act. It has been determined that the proposed subdivision is consistent with the General Plan High Density Residential Land Use designation and the R-3, High Density Multiple Family Residential zoning designation. These designations are intended to accommodate high density, attached or detached

residential units such as condominiums, within the appropriate neighborhoods. The proposed Tentative Parcel Map complies with the Subdivision Map Act regulations, and there is no specific plan applicable to this Map. The site is physically suitable for the approved condominium project. The Map would not adversely affect the comprehensive General Plan and is consistent with the following General Plan goal and policy:

Land Use and Community Design Element

- Policy LU-1.1: Promote new infill and redevelopment projects that are consistent with the City's land use and compatible with surrounding existing uses.
- Policy H-2.3: Encourage compatible residential development in areas on underutilized land.
- Policy H-2.4: Maintain development standards, regulations, and design features that are flexible to provide a variety of housing types and facilitate housing that is appropriate for the neighborhoods in which they are located.
- Policy H-4.4: Support infill development at appropriate locations in the City.

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

FACT: The R-3 Zone requires a minimum density of one dwelling unit per 2,200 square feet of lot area, and a maximum density of one unit per 1,450 square feet of lot area. Based on the lot area of 57,795 square feet, a minimum of 26 units and a maximum of 39 units could be developed at this site. Therefore, the proposed 30 unit development complies with the density requirements of the underlying zone, as well as all other applicable zoning requirements including but not limited to parking, setbacks, height, and open space. Therefore, the site is physically suitable for the Project.

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

FACT: The Project is a subdivision of an infill site within an urbanized area and does not serve as a habitat for endangered or rare species. The Project will not cause substantial environmental damage or impact wildlife.

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

FACT: The Project is to subdivide the airspace of the proposed multi-family development. The Project will be in compliance with all applicable Building and Fire Codes to ensure public health and safety. The proposed density will comply with the

allowed density by the R-3 zone and the City's existing infrastructure will adequately serve the Project. Therefore, the Project will not cause any public health or safety problems.

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

FACT: The proposed design of the subdivision does not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. There are no known easements on the subject property. Therefore, the Project will not conflict with any such easements.

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

FACT: The Arcadia Public Works Services Department determined that the City's existing infrastructure will adequately serve the Project. The discharge of

sewage from the Project into the community sewer system will not result in violation of existing requirements specified by the California Regional Water Quality Control Board.

7. The proposed subdivision, its design, density, and type of development and improvements conforms to the regulation of the Development Code and the regulations of any public agency having jurisdiction by law:

FACT: The Project is not in conformance with the City's Development Code. The Project is subject to the multifamily objective development standards established in Division 2 of the Development Code and shall comply with all objective development standards except for up to three standards which may be waived subject to the review of the Planning Commission. It has been determined that the Project is not compatible with the adjacent neighborhood in terms of massing due to many of the surrounding developments being two stories or two stories with semi-subterranean garages while the Project is three stories. Therefore, the objective development standard for massing is not granted and the Project is not in conformance with the regulations of the Development Code.

Removal of a Healthy Protected Tree

8. The removal of the trees is necessary:

FACT: The Project will require the removal of 12 protected trees on site which includes 11 Coast Live Oak trees and one California Sycamore tree. The removal of these protected trees is necessary as they are located at the center of the site and within the footprint of the proposed building foundations and driveway areas. Additionally, five of the oak trees exhibit unbalanced canopies, and one Sycamore tree is in poor health.

A Certified Arborist evaluated the potential to retain the trees on site; however, due to the proximity to proposed building foundations, it was determined that the protected trees would not have sufficient space to support healthy growth if preserved. Therefore, the Arborist has recommended their removal.

9. The removal of the trees is more desirable than alternative project designs:

FACT: The location of many of the protected trees near the center of the site limits the feasibility of alternative project designs that would avoid their removal. The trees are distributed throughout the central portion of the site, leaving limited access to the interior of the lot, while only the rear portion remains free of protected trees.

Additionally, because most of the protected trees are Coast Live Oak trees, they require substantial protection areas to accommodate root and canopy growth. These

protection requirements would significantly reduce the buildable area of the site and may restrict development to projects that only meet the minimum allowable density.

10. Mitigation measures will be applied for the removal of the trees:

FACT: The Certified Arborist who reviewed the protected trees on site has recommended that the Applicant plant a minimum of four (4) 36-inch box Coast Live Oak trees, five (5) 24-inch box Forest Pansy trees, and five (5) 24-inch box Crape Myrtle trees for the removal of the protected trees.

The site can only accommodate up to four Coast Live Oak trees within the front yard of the site, providing sufficient space for their root and canopy extension. Additionally, the Certified Arborist recommended installing root barriers along the driveways, walkways, and building foundations to prevent potential root damage from the growth of the replacement trees. Based on these measures, the removal of the healthy protected trees is warranted to accommodate the proposed development.

SECTION 3. For the foregoing reasons the Planning Commission finds that the Project is not in compliance with the findings of the Development Code and that the Project is incompatible with the neighborhood in terms of massing. Therefore, the Planning Commission denies Multi-Family SB 330 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal

Permit No. TRH 26-02 for a new 30 unit, contemporary style, multi-family residential condominium development and the removal of 12 protected trees at 514 Fairview Avenue.

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

Passed, approved and adopted this 12th day of May, 2026.

Domenico Tallerico
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

Attachment No. 2

Letter from the City Manager,
dated May 7, 2026



CITY OF
ARCADIA

Dominic Lazzaretto

City Manager

240 W Huntington Dr, Arcadia, CA 91007

(626) 574-5401

May 7, 2026

Dear Planning Commissioners:

At the April 28, 2026, Planning Commission meeting, the Commission considered a proposed 30-unit multi-family residential condominium development at 514 Fairview Avenue. The project includes several entitlements, including a preliminary SB 330 application, and staff recommended approval.

Following discussion, the Planning Commission voted 4–1 to deny the project, citing concerns that its massing was not compatible with surrounding neighborhood development. As noted during the meeting by the Development Services Director and the Assistant City Attorney, this proposed action raises significant concerns regarding compliance with State housing law.

The Housing Accountability Act (HAA) limits a local agency's ability to deny or reduce the density of a housing development that complies with applicable, objective standards. A denial may only be supported if there is a preponderance of evidence in the record demonstrating that the project would result in a specific, adverse impact on public health or safety, and that there is no feasible method to mitigate or avoid that impact other than denial or approval at a lower density.

While broader policy discussions regarding development standards are appropriate, they must not influence decisions on individual projects that comply with objective standards. Denial on subjective grounds - such as perceived scale or neighborhood character - is ***not*** supported under State law for SB 330 projects and exposes the City to significant legal risk, including financial impacts to the City and taxpayers.

Serving on the Planning Commission carries the responsibility of making decisions grounded in the law and supported by the record, even when those decisions may be difficult or unpopular. We understand that this can be a challenging and sometimes difficult position

for Commissioners. Nonetheless, upholding these obligations is essential to ensuring fair, consistent, and legally defensible outcomes. As public officials, we have a duty to rule based on the law as it exists, not as we wish it to be.

A revised Resolution reflecting the denial will be presented to the Planning Commission for consideration at the May 12 meeting, per your direction at the past meeting. However, we are also including in the agenda packet the original approval version of the Resolution. At that time, the Commission will have the opportunity to reconsider its prior action in light of the applicable legal standards and the administrative record. If the Commission wishes to adopt a resolution for denial, it will need to identify specific health and safety reasons for the denial and include objective and quantifiable facts that support those findings. If it cannot make such findings, then approval would be warranted.

I am available to speak with any of you individually if you would like to discuss this further. Feel free to reach out to me by email at domlazz@arcadiaca.gov or by phone at (626) 574-5401. I would also make the City Attorney's office available to you to explore these issues further, if needed.

Sincerely,



Dominic Lazzeretto
City Manager

CC: City Council, City Attorney

Attachment No. 3

Resolution No. 2187 - Approval

RESOLUTION NO. 2187

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING MULTI-FAMILY SB 330 APPLICATION NO. SB 330 25-01, TENTATIVE TRACT MAP NO. TTM 26-01 (84910), AND PROTECTED HEALTHY TREE REMOVAL PERMIT NO. TRH 26-02 WITH A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR A NEW 30 UNIT, MULTI-FAMILY RESIDENTIAL CONDOMINIUM DEVELOPMENT LOCATED AT 514 FAIRVIEW AVENUE

WHEREAS, on October 21, 2025, January 2, 2026, and February 13, 2026, applications for Multi-Family SB 330 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal Permit No. TRH 26-02 were filed, respectively, by Eric Tsang on behalf of the property owner, 518 Fairview LLC, for a new 30 unit, contemporary style, multi-family residential condominium development and the removal of 11 protected trees at 514 Fairview Avenue (collectively, "Project"); and

WHEREAS, on March 5, 2026, Planning Services completed an environmental assessment for the Project in accordance with the California Environmental Quality Act ("CEQA") and recommends that the Planning Commission determine that the Project qualifies as a Class 32 Categorical Exemption under CEQA pursuant to Section 15332 of the CEQA Guidelines because the Project is considered an in-fill development project; and

WHEREAS, on April 28, 2026, a duly noticed public hearing was held before the Planning Commission on said Project, at which time all interested persons were given full opportunity to be heard and to present evidence. The Planning Commission expressed concerns regarding the project's height and mass, finding it incompatible with the surrounding development. The Planning Commission subsequently voted 4-1 to deny the project, with Commissioner Wilander dissenting, and directed staff to return with a revised Resolution at the May 12, 2026, Planning Commission meeting; and

WHEREAS, on May 12, 2026, the Planning Commission re-evaluated the Project based on all applicable objective development standards and applicable State housing laws and determined all the following findings could be made to approve the Project.

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

SECTION 1. The factual data submitted by the Development Services Department in the staff report dated April 28, 2026, are true and correct.

SECTION 2. This Commission finds that based upon the entire record, pursuant to Sections 9105.03.060(A) and 9107.19.050(F) of the Development Code, all of the following findings can be made:

Tentative Tract Map

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

FACT: The Project is in compliance with all of the provisions of the City's General Plan, Subdivisions Division of the Development Code, and the State Subdivision Map Act. It has been determined that the proposed subdivision is consistent with the General Plan High Density Residential Land Use designation and the R-3, High Density Multiple Family Residential zoning designation. These designations are intended to accommodate high density, attached or detached residential units such as condominiums, within the appropriate neighborhoods. The proposed Tentative Parcel Map complies with the Subdivision Map Act regulations, and there is no specific plan applicable to this Map. The site is physically suitable for the approved condominium project. The Map would not adversely affect the comprehensive General Plan and is consistent with the following General Plan goal and policy:

Land Use and Community Design Element

- Policy LU-1.1: Promote new infill and redevelopment projects that are consistent with the City's land use and compatible with surrounding existing uses.
- Policy H-2.3: Encourage compatible residential development in areas on underutilized land.
- Policy H-2.4: Maintain development standards, regulations, and design features that are flexible to provide a variety of housing types and facilitate housing that is appropriate for the neighborhoods in which they are located.
- Policy H-4.4: Support infill development at appropriate locations in the City.

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

FACT: The R-3 Zone requires a minimum density of one dwelling unit per 2,200 square feet of lot area, and a maximum density of one unit per 1,450 square feet of lot area. Based on the lot area of 57,795 square feet, a minimum of 26 units and a maximum of 39 units could be developed at this site. Therefore, the proposed 30 unit development complies with the density requirements of the underlying zone, as well as all other applicable zoning requirements including but not limited to

parking, setbacks, height, and open space. Therefore, the site is physically suitable for the Project.

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

FACT: The Project is a subdivision of an infill site within an urbanized area and does not serve as a habitat for endangered or rare species. The Project will not cause substantial environmental damage or impact wildlife.

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

FACT: The Project is to subdivide the airspace of the proposed multi-family development. The Project will be in compliance with all applicable Building and Fire Codes to ensure public health and safety. The proposed density will comply with the allowed density by the R-3 zone and the City's existing infrastructure will adequately serve the Project. Therefore, the Project will not cause any public health or safety problems.

5. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision (This finding shall apply only to easements

of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision):

FACT: The proposed design of the subdivision does not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. There are no known easements on the subject property. Therefore, the Project will not conflict with any such easements.

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

FACT: The Arcadia Public Works Services Department determined that the City's existing infrastructure will adequately serve the Project. The discharge of sewage from the Project into the community sewer system will not result in violation of existing requirements specified by the California Regional Water Quality Control Board.

7. The proposed subdivision, its design, density, and type of development and improvements conforms to the regulation of the Development Code and the regulations of any public agency having jurisdiction by law:

FACT: The approved development and the proposed subdivision of the airspace for the multi-family development is in conformance with the City's Development Code, as all development standards are being met, and all of the improvements required for the site would comply with the regulations in the City's Development Code and requirements of any public agency having jurisdiction by law.

Removal of a Healthy Protected Tree

8. The removal of the trees is necessary:

FACT: The Project will require the removal of 11 protected trees on site which includes 10 Coast Live Oak trees and one California Sycamore tree. The removal of these protected trees is necessary as they are located at the center of the site and within the footprint of the proposed building foundations and driveway areas. Additionally, five of the oak trees exhibit unbalanced canopies, and one Sycamore tree is in poor health.

A Certified Arborist evaluated the potential to retain the trees on site; however, due to the proximity to proposed building foundations, it was determined that the protected trees would not have sufficient space to support healthy growth if preserved. Therefore, the Arborist has recommended their removal.

9. The removal of the trees is more desirable than alternative project designs:

FACT: The location of many of the protected trees near the center of the site limits the feasibility of alternative project designs that would avoid their removal. The trees are distributed throughout the central portion of the site, leaving limited access to the interior of the lot, while only the rear portion remains free of protected trees.

Additionally, because most of the protected trees are Coast Live Oak trees, they require substantial protection areas to accommodate root and canopy growth. These protection requirements would significantly reduce the buildable area of the site and may restrict development to projects that only meet the minimum allowable density.

10. Mitigation measures will be applied for the removal of the trees:

FACT: The Certified Arborist who reviewed the protected trees on site has recommended that the Applicant plant a minimum of four (4) 36-inch box Coast Live Oak trees, five (5) 24-inch box Forest Pansy trees, and five (5) 24-inch box Crape Myrtle trees for the removal of the protected trees.

The site can only accommodate up to four Coast Live Oak trees within the front yard of the site, providing sufficient space for their root and canopy extension. Additionally, the Certified Arborist recommended installing root barriers along the driveways, walkways, and building foundations to prevent potential root damage from the growth of the replacement trees. Based on these measures, the removal of

the healthy protected trees is warranted to accommodate the proposed development.

SECTION 3. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), it has been determined that the project site is less than five (5) acres; the project site has no value as a habitat for endangered, rare or threatened species; the proposed project will not have any significant effects upon the environment, and the site can be adequately served by all the required utilities and public services. Therefore, this Project is a Class 32 Categorical Exemption as an infill-development project per Section 15332 of the CEQA Guidelines.

SECTION 4. For the foregoing reasons the Planning Commission determines that the Project is Categorically Exempt under the California Environmental Quality Act ("CEQA") Section 15332, Class 32, and approves Multi-Family SB 330 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal Permit No. TRH 26-02 for a new 30 unit, contemporary style, multi-family residential condominium development and the removal of 11 protected trees at 514 Fairview Avenue, subject to the conditions of approval attached hereto.

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

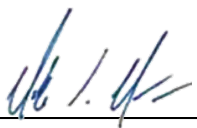
Passed, approved and adopted this 12th day of May, 2026.

Domenico Tallerico
Chair, Planning Commission

ATTEST:

Lisa L. Flores
Secretary

APPROVED AS TO FORM:



Michael J. Maurer
City Attorney

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RESOLUTION NO. 2187

Conditions of Approval

Planning

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 Multi-Family SB 330 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal Permit No. TRH 26-02, subject to the satisfaction of the Development Services Director or designee.
2. Prior to final inspection, a minimum of four (4) 36-inch box Coast Live Oak trees, five (5) 24-inch box Forest Pansy trees, and five (5) 24-inch box Crape Myrtle trees shall be planted on the subject site as replacement trees. A Landscape Plan in compliance with the City's Water Efficient Landscape Ordinance shall be prepared and provided with the building plan-check submittal. Said replacement trees must be shown on the Landscape Plan and are subject to review and approval by the Planning Division. A follow-up report by a Certified Arborist confirming the replacement trees have been planted shall be submitted to the City prior to issuance of a Certificate of Occupancy.
3. Any required mechanical equipment, such as backflow devices and transformers, visible from the public right-of-way shall be screened from public view. Screening may include landscaping, solid walls or other methods deemed appropriate for the development.
4. The proposed perimeter hedges shall be a minimum of six (6) feet in height at the time of planting and shall be planted prior to issuance of a Certificate of Occupancy. All landscaping shall be installed in accordance with the approved landscape plans and shall comply with the Water Efficient Landscape Ordinance (WELO).

Building

5. 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 (CBC)
 - b. California Electrical Code
 - c. California Mechanical Code
 - d. California Plumbing Code
 - e. California Energy Code
 - f. California Fire Code
 - g. California Green Building Standards Code
 - h. California Existing Building Code
 - i. Arcadia Municipal Code

6. Grading plans shall be submitted with the building plan-check submittal, and are to be approved by Engineering, Planning and Building Services prior to the issuance of building permits. The grading plans shall indicate all site improvements and shall indicate complete drainage paths of all drainage water run-off.
7. A demolition permit shall be obtained from Building Services prior to the removal and/or demolition of the structures on site.

Engineering

8. 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 Development Services Director, the Public Works Services Director, City Engineer, or designees, during construction and up until issuance of a Certificate of Occupancy.
9. The proposed development will be required to adhere to Los Angeles County Low Impact Development (LID) requirements. All LID measures must be implementable within the property. A LID plan, showing the selected measures, shall be provided along with the grading and drainage plan. A Master Covenant for the LID and Maintenance Plan shall be recorded with the Los Angeles County Recorder prior to occupancy.
10. A hydrology report and a soils/geotechnical report shall be submitted with the plan check submittal to Building Services.
11. Prior to recordation of the final tract map, the Property Owner/Applicant shall complete the construction of or execute and provide a Subdivision Map Agreement and bond to the City for the following off-site improvements:
 - a. Remove the existing driveway approaches and construct new driveway approaches per the City Standard. Ensure Americans with Disabilities Act (ADA) access is provided around all driveway approaches within City right-of-way and development property lines. Improvements shall not encroach into neighboring properties/frontages.
 - b. Remove the existing sidewalk and construct a new sidewalk per City Standard providing adequate path of travel in compliance with ADA. Ensure locations around obstructions provide necessary clearances.
12. Prior to issuance of a certificate of occupancy, the Property Owner/Applicant shall repair any damages caused by the development to the asphalt street frontages from property line to property line including but not limited to trench cuts and construction traffic, per the direction of the City Engineer.

Fire Department

13. All structures shall be provided with an automatic fire sprinkler system per the City of Arcadia Fire Department's Single & Multi-Family Dwelling Sprinkler Standard.

Public Works

14. The Property Owner/Applicant shall utilize the existing sewer lateral(s) if possible. If any drainage fixture elevation is lower than the elevation of the next upstream manhole cover, an approved backwater valve will be required.
15. In order to verify the required water service size for the Project, the Property Owner/Applicant shall submit to the Public Works Services Department calculations for the maximum domestic use demand and maximum fire demand prior to the issuance of a building permit. Fire protection requirements shall be as stipulated by the Arcadia Fire Department and shall conform to the Arcadia Standard Plan.
16. 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.
17. 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.
18. The Applicant/Property Owner shall comply with the General Construction National Pollutant Discharge Elimination System (NPDES) Permit, submit a Notice of Intent (NOI) and pay applicable fees to the State Water Resources Control Board, and prepare a Storm Water Pollution Prevention Plan (SWPPP).

General

19. 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 Deputy Development Services Director. 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.
20. 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 SB 330 25-01, TTM 26-01, and TRH 26-02 ("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 the City that the deposit has fallen below the initial amount, Applicant/Property Owner shall replenish the deposit each and every time in order for City's legal team to continue working on the matter. The City shall only refund to the Applicant/Property Owner any unexpended funds from the deposit within 30 days of: (i) a final, non-appealable decision by a court of competent jurisdiction resolving the legal action; or (ii) full and complete settlement of legal action. The City shall have the right to select legal counsel of its choice. The parties hereby agree to cooperate in defending such action. The City will not voluntarily assist in any such third-party challenge(s). In consideration for approval of the Project, this condition shall remain in effect if the entitlement(s) related to this Project is rescinded or revoked, at the request of the Applicant or not.

21. Approval of Multi-Family SB 330 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal Permit No. TRH 26-02 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.



**ARCADIA PLANNING COMMISSION
REGULAR MEETING MINUTES
TUESDAY, APRIL 28, 2026**

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

ROLL CALL

PRESENT: Chair Tallerico, Vice Chair Tsoi, Commissioners Arvizu, Hui, and Wilander (arrived at 7:01 p.m.)

ABSENT: None

SUPPLEMENTAL INFORMATION FROM STAFF REGARDING AGENDA ITEMS

Development Services Director, Lisa Flores, reported that five (5) emails in opposition to Item No. 1 were received prior to the meeting and forwarded to the Commissioners. She further reported that revisions were made to both Resolutions, and redlined copies were provided.

PUBLIC COMMENTS (5 minute time limit per person)

There were none.

PUBLIC HEARING

1. **Resolution No. 2187** – Approving Multi-Family SB 330 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal Permit No. TRH 26-02 for a new 30 unit, multi-family residential condominium development located at 514 Fairview Avenue
CEQA: Categorically Exempt
Recommendation: Adopt

Applicant: Eric Tsang on behalf of 518 Fairview, LLC

MOTION - PUBLIC HEARING

Chair Tallerico introduced the item and Senior Planner, Edwin Arreola, presented the staff report.

Vice Chair Tsoi said since this is a thorough lot which street is considered the rear yard area.

Mr. Arreola stated it will be Arcadia Avenue since it has no access.

Vice Chair Tsoi asked whether the green open spaces on the plans are considered common or private spaces and what is the requirement for multi-family developments.

Mr. Arreola confirmed they are all common open spaces and it is 100 square feet per unit.

Commissioner Arvizu asked how many trees are required to replace the removal of one protected tree.

Mr. Arreola stated two trees are required to replace each removed protected tree unless deemed infeasible by a Certified Arborist.

Commissioner Arvizu asked if the replacement trees must be planted on the property.

Mr. Arreola confirmed yes.

Ms. Flores added that the requirement for replacement trees was one of the three waivers requested by the Applicant.

Commissioner Arvizu asked about the number of units proposed and if they are proposing density bonus.

Mr. Arreola clarified that they are not proposing density bonus and the project meets the minimum density per the Development Code.

Chair Tallerico asked what are the requirements for Senate Bill (SB) 330.

Mr. Arreola explained that any multi-family project of 2 or more units or any mixed-use project providing two thirds of residential, is subject to SB 330. He further explained that such projects are required to comply with a set of objective development standards set forth in the code. If they comply with the standards, they are entitled to no more than five (5) public hearings, and the design may be evaluated based on the objective standards. Therefore, the project cannot be denied if it complies with the objective development standards.

Chair Tallerico stated that SB 330 really limits the Planning Commission's to comment on design.

Ms. Flores confirmed that is correct and that the project is permitted by right.

Chair Tallerico asked how the height of the proposed project differs from those of neighboring developments.

Mr. Arreola stated that most buildings on Fairview Avenue are two stories, and there are a couple of developments that have semi subterranean garages.

Chair Tallerico asked if the development will appear taller than neighboring structures.

Mr. Arreola stated that the height of the proposed project complies with the Development Code, however, it will be slightly taller than the tallest buildings in the area, which are the developments with semi subterranean parking garages.

Chair Tallerico asked if there are any traffic concerns.

City Engineer Kevin Merrill stated that this project will not generate more traffic than is typical for multi-family developments and, therefore, does not raise any traffic-related concerns. He acknowledged residents' concerns regarding the intersection of La Cadena Avenue and Duarte Road and noted that the intersection was identified in 2016 as a location that may warrant a traffic signal. The intersection will be evaluated further as part of this project to determine whether it may meet the requirements for a traffic signal in the near future.

Chair Tallerico asked if traffic would be more noticeable because of the project.

Mr. Merrill said that given that each unit has a two-car garage the traffic in the area should not be impacted.

Commissioner Wilander asked if the Applicant used one of the waivers for the height of the buildings.

Mr. Arreola clarified that he did not because the height complies with the maximum height limit per the Development Code.

The public hearing was opened.

Eric Tsang, the project's architect and applicant, introduced himself and spoke on behalf of the property owner. He stated that they accept the conditions of approval and were available to answer any questions.

Commissioner Arvizu asked if hedges will be planted on both the west and east side of the property.

Mr. Tsang said yes and added that the hedges on the west side will be continuous along the property line while the hedges on the east will be broken up to allow back-up space for the garages of units no. 25 -30.

Vice Chair Tsoi asked how many waivers are being requested.

Mr. Tsang stated that they are requesting the three waivers permitted under the Development Code process, which they are entitled to, for replacement trees, building massing, and windows.

Vice Chair Tsoi asked for clarification about the waivers and why they are being granted if no low-income housing is being proposed.

Ms. Flores clarified that these waivers are for the objective development standards in the City's Development Code and not for density bonus.

Vice Chair Tsoi asked why they requested a waiver for the massing of the buildings.

Mr. Tsang explained that, because of the third-floor step-back, the stairways could not remain in that location because they would have to jog inward and relocating them elsewhere was not feasible due to the ground-floor garage.

Commissioner Arvizu asked if he could request the developer to donate trees to a City park to make up for the trees that will not be replaced at the project site.

Assistant City Attorney, Kellan Martz, clarified it could be a request but not a requirement. Ms. Flores added that if they agree, they must coordinate with the City's Public Works Department.

Commissioner Arvizu therefore asked the Applicant if the developer would be open to the suggestion to donate trees to a City park.

Mr. Tsang said he will discuss it with the developer.

Vice Chair Tsoi asked if the number of units feasible for a project is determined by the minimum or maximum density.

Mr. Martz stated that per SB 330 it is based on the project as presented so long as it complies with the Development Code.

Dr. Lorelee MacPike, a resident on Fairview Avenue, spoke in opposition to the project stating concerns with the height of the building, the coyotes that will be displaced from the vacant lot, and the proposed driveways of the development that will only have an entrance and exit on Fairview Avenue.

Susan Rogers, a resident on Fairview Avenue, spoke in opposition to the project specifically for the placement of the windows and the removal of the trees. She also cited concerns

about potential asbestos in the buildings that will be demolished and any exterior lights on the third floor that may shine through her windows.

Mr. Tsang addressed the concerns from the residents stating that a construction sign with the contractor's contact information will be posted on site for neighbors who wish to inquire about the project's construction timeline and any questions they may have. He also addressed privacy concerns and said they are willing to make the windows overlooking the adjacent properties opaque to mitigate potential privacy impacts.

Vice Chair Tsoi made a motion to close the public hearing.

Commissioner Arvizu seconded the motion.

Without objection, the motion was approved.

DISCUSSION

Commissioner Wilander understood the public's concerns and said she shared some of the same concerns. She said however, it is clear the Commission is limited to reject the project and instead encouraged the public to write to their State officers about their objections to the laws that are limiting local governments. With that said, she was inclined to approve the project because it was an attractive design and an improvement from the existing conditions.

Vice Chair Tsoi said he disagreed with the design of the common open spaces because it is not big enough or functional for residents to use. Additionally, he is concerned that there are four (4) parking spaces facing Arcadia Avenue and that it is being treated as a rear yard setback. He said SB 330 was intended to streamline the review process to address the housing shortage and not a tool to maximize projects.

Mr. Martz reminded him that the project must be reviewed as presented and that no design changes could be suggested. Ms. Flores confirmed that the Development Code does not require common open space to include amenities. She also addressed Mr. Tsoi's concern regarding the visibility of the parking spaces along Arcadia Avenue, stating that they will not be visible from the street because they will be screened by a 6-foot wall.

Mr. Martz stated that objective standards are intended not only to streamline the review process, but also to inform applicants about the Development Code and what they can expect.

Vice Chair Tsoi disagreed, stating that he is basing his objections on the Development Code which is law.

Mr. Martz clarified that the project follows the Development Code and the reasons for opposition are subjective and not objective.

Vice Chair Tsoi stated that the proposed common open space does not fulfill the definition of common open space because it does not have any amenities or it is not functional for the residents.

Mr. Martz stated that the objective definition of common open space would be as it is defined in the Development Code and if amenities are not explicitly mentioned, they are not required to provide them.

Vice Chair Tsoi said that the proposed open spaces look like private areas, and he cannot tell the difference. He asked how common open spaces are defined.

Mr. Martz stated that open space according to the code shall be in the form of private or common open space via balconies, courtyards, at-grade patios, rooftop decks, gardens or terraces.

Vice Chair Tsoi said private and common space is different.

Mr. Martz clarified the code states it can be "either" private or common open space and 100 square feet per unit must be provided.

Commissioner Arvizu said he would not be in favor of approving a project like this under different circumstances. He addressed the public and stated that these laws are limiting local governments on what they are allowed to do.

Commissioner Arvizu referred to the public's concerns about the potential toxins within the old structures such as asbestos and lead and asked how the project is exempt from California Environmental Quality Act (CEQA) should they be found.

Ms. Flores explained that the project does not pose a threat to the environment and that, if asbestos were present, it would be contained within the building and properly abated. She stated that these issues would be addressed during the plan check process, during which the applicant would be required to submit a demolition plan and properly treat any hazardous materials identified prior to demolition of the buildings.

Commissioner Arvizu stated that the proposed building is not compatible with the neighborhood because of its massing and its height.

Commissioner Wilander asked Mr. Martz to speak about other cities or local governments who have challenged the State's requirements.

Mr. Martz said other cities have challenged the State's housing requirements and it has been difficult to win.

Chair Tallerico asked if SB 330 over rules CEQA.

Ms. Flores said that it does not overrule it, but it is exempt from its requirements.

Chair Tallerico said he had concerns about the windows on the third floor, the parking and potential impacts on traffic in the area. He also stated that he does not approve of the massing of the project and does not agree with the granting the waiver for it.

Mr. Martz reminded the Commission that if the waivers are within reason, they must grant them.

Chair Tallerico asked if they must grant the three waivers.

Mr. Martz explained that they are entitled to three waivers according to the Development Code.

Chair Tallerico stated that he agreed to grant two of the waivers but not the third for massing and will not approve the project for that reason.

Vice Chair Tsoi agreed with the Chair.

Commissioner Arvizu asked if the next course of action following denial was for the Applicant to appeal the decision and then it would be heard by the City Council.

Mr. Kellan agreed that is the procedure but strongly discouraged the Commissioners from denying the project.

Commissioner Arvizu stated that he is in favor of denying the project and making the City Council aware of their concerns.

Mr. Martz recommended they do not deny it for those reasons because if City Council were to agree with that decision it would make the City vulnerable to a lawsuit. Moreover, they have not cited legitimate reason for denial, and their comments would be used against the City in court.

Chair Tallerico stated that he takes legal advice seriously, however, as an advisory board to the City Council he believes it is the Commission's responsibility to inform them about the residents' concerns as well as theirs.

Commissioner Hui commented on the limitations on her ability to disagree, noting that she must approve the project because it complies with the objective development standards required under SB 330.

Ms. Flores acknowledged their concerns regarding objective standards and stated that Staff shares similar concerns about various State laws. However, she noted that Staff is currently working on updating the objective development standards and plans to bring forward revised standards. She also encouraged the Commission to approve the project, noting that denial could place the City Council in a difficult position in the event of a challenge.

Commissioner Wilander asked if it would be possible to inform City Council about the project while still approving it.

Mr. Martz confirmed that is possible.

Commissioner Arvizu asked Mr. Martz what he thinks City Council would decide if an appeal for a denial was brought before them.

Mr. Martz stated that he cannot predict what they decide but hopes they will listen to their legal counsel.

Commissioner Arvizu said that this would only go to court if the City Council were to deny the project.

Mr. Martz said he should not count on what City Council will do. He also said he was concerned that the Commission had not articulated a reason for denial.

Vice Chair Tsoi stated his reasons for denial are that common open spaces and the rear yard setback along Arcadia Avenue do not meet the code setback.

Chair Tallerico asked if those reasons can be cited as health and safety concerns.

Vice Chair Tsoi disagreed however, he stood by the fact that the common open space was not functional.

MOTION

It was moved by Commissioner Wilander to adopt Resolution No. 2187 approving Multi-Family SB 30 Application No. SB 330 25-01, Tentative Tract Map No. TTM 26-01 (84910), and Protected Healthy Tree Removal Permit No. TRH 26-02 for a new 30 unit, multi-family residential condominium development located at 514 Fairview Avenue in which the findings were made and is categorically exempt from CEQA.

No second was received and the motion failed.

It was moved by Commissioner Tallerico, seconded by Commissioner Arvizu to deny Resolution No. 2187 because project was not found to be compatible with the neighborhood, specifically the massing.

ROLL CALL

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

The motion was approved.

PUBLIC HEARING

1. **Resolution No. 2188** – Approving Planning Commission Administrative Modification No. PC AM 25-05 for an updated parking plan at the Arcadia Hub Shopping Center located at 1201 to 1325 S. Baldwin Avenue, and 733, 745, and 815 W. Naomi Avenue

CEQA: Categorically Exempt

Recommendation: Adopt

Applicant: Baldwin Arcadia Center, L.P.

MOTION - PUBLIC HEARING

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

Commissioner Hui asked if the parking plan would have to be done again if a new tenant was found for the former Burlington Coat Factory.

Ms. Graham stated that the property management has been looking for a tenant, but it has been a challenging space to fill, and it is difficult to project what the future tenant will be. She explained that they analyzed three different uses that could potentially occupy a portion of the space. If a tenant were to use the entire unit, they would analyze the parking requirements independently.

Commissioner Hui asked if the property could be used for housing.

Ms. Graham stated that is a possibility and if that were the case, a new parking study must be conducted.

Commissioner Arvizu asked if the property is zoned Mixed Use.

Ms. Graham stated that it is zoned General-Commercial, with a residential flex overlay.

The public hearing was opened.

Firas Aboulhosen introduced himself and said he represents the property owner. He informed the Commission that the property owner was considering their options, including redevelopment, and was open to suggestions from the public.

There were no other speakers for this item.

Commissioner Wilander made a motion to close the public hearing.

Chair Tallerico seconded the motion.

Without objection, the motion was approved.

DISCUSSION

Chair Tallerico stated that he had concerns about the modification before reading the staff report, however it made sense and felt the proposal was straightforward and had no issues with it.

MOTION

It was moved by Chair Tallerico, seconded by Commissioner Wilander to adopt Resolution No. 2188 approving Planning Commission Administrative Modification No. PC AM 25-05 for an updated parking plan at the Arcadia Hub Shopping Center located at 1201 to 1325 S. Baldwin Avenue, and 733, 745, and 815 W. Naomi Avenue in which the findings were made and is categorically exempt from CEQA.

ROLL CALL

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

The motion was approved.

There is a ten (10) day appeal period. Appeals are to be filed by 4:30 p.m. on Friday, May 8, 2026.

CONSENT CALENDAR

1. Minutes of the April 14, 2026, Regular Meeting of the Planning Commission

Recommendation: Approve

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

ROLL CALL

AYES: Tallerico, Tsoi, Arvizu, Hui, and Wilander

NOES: None

ABSENT: None

The motion was approved.

MATTERS FROM CITY COUNCIL LIAISON

Councilmember David Fu was not in attendance.

MATTERS FROM THE PLANNING COMMISSONERS

There were none.

MATTERS FROM ASSISTANT CITY ATTORNEY

Mr. Martz had nothing to report.

MATTERS FROM STAFF INCLUDING UPCOMING AGENDA ITEMS

Ms. Flores stated that the revised Resolution No. 2187 will be before the Commission on May 12.

Ms. Flores reported that former Mayor, George Fashing, passed away recently.

Ms. Flores reported that The Derby Mixed Use Project will not be moving forward because the owner will no longer pursue the project.

Ms. Flores informed the Commission that a new housing bill, Senate Bill (SB) 79, will go into effect July 1 and gave a brief background on the proposed changes.

ADJOURNMENT

The Planning Commission adjourned the meeting at 9:03 p.m., to Tuesday, May 12, 2026, at 7:00 p.m. in the City Council Chamber.

Chair Tallerico, Planning Commission

ATTEST: _____
Lisa L. Flores
Secretary, Planning Commission