

PLANNING COMMISSION AGENDA REPORT

February 9, 2016 Hearing

Property Owner:

St. George's Episcopal Church

Case Types/Numbers:

Zone Change 16-01
Minor Conditional Use Permit 521

Applicant:

St. George's Episcopal Church
4467 Commonwealth Avenue
La Cañada Flintridge, CA 91011

and

Ruben Esparza
320 Arden Avenue #110
Glendale, CA 91203

Project Planner:

Susan Koleda

Recommendation:

Zone Change (ZC) 16-01 - Adopt the Resolution recommending that the City Council amend the DVSP to reflect a land use designation of Mixed Use 1



Minor Conditional Use Permit (MCUP) - Approval with conditions

1. REQUEST:

ZC 16-01 is an application to amend the Downtown Village Specific Plan (DVSP) by modifying the land use district of 814 and 820 Foothill Boulevard from "Institutional" to "Mixed Use 1" as shown in Figure 6.1: Land Use Districts.

MCUP 521 is an application to establish a commercial school/ tutoring center use within an existing 1,940 square foot tenant space at 820 Foothill Boulevard.

2. LOCATION:

ZC 16-01 applies to 814 and 820 Foothill Boulevard. MCUP 521 applies only to 820 Foothill Boulevard. The subject properties are located on the south side of Foothill Boulevard, between Beulah Drive and Commonwealth Avenue.

3. PROJECT PARAMETERS:

	814 Foothill	820 Foothill	Total
Lot area (net)	4,087 sq.ft.	5,810 sq.ft.	0.23 acres
Existing building(s) floor area	2,217 sq.ft.	1,940 sq.ft.	4,157 sq.ft.
Total Floor Area Ratio (FAR)	0.54	0.33	0.42
Parking Required (4/1,000 gsf)	9	8	17
Parking Provided	3 on-site 9 shared	8 (shared)	81 (shared)

4. GENERAL PLAN/ZONING/LAND USE:

The General Plan Land Use Map designates the project site as Downtown Village Specific Plan. The existing land use district, as shown on Figure 6.1: Land Use Districts within the DVSP, is Institutional, with the current application requesting to amend the land use district to Mixed Use 1. Both 814 and 820 Foothill Boulevard are currently developed with commercial buildings. 814 Foothill Boulevard contains three parking spaces; 820 Foothill Boulevard does not include any on-site parking. Both parcels are currently owned by St. George's Episcopal Church, which is located immediately to the south of the subject parcels, and there is a shared parking arrangement between the church and commercial parcels. A fitness studio use is currently located at 814 Foothill Boulevard, while 820 Foothill Boulevard is vacant but was utilized on a long-term basis by St George's Dragon Thrift Shop.

5. CEQA REVIEW:

An Environmental Initial Study was prepared for ZC 16-01 and MCUP 521 in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines and circulated between January 21, 2016, and February 9, 2016, for a 20-day review. It has been determined that the project will not have a significant effect on the environment and a Draft Negative Declaration has been prepared. Copies of all relevant documents are on file in the City Offices, 1327 Foothill Boulevard, for review during normal business hours.

6. PREVIOUS ACTIVITIES:

814 Foothill Boulevard

Architectural Review (AR) 86-10; a sign was approved in by the Planning Commission on May 27, 1986.

CUP 187; a 2,000 square foot personal fitness studio was approved by the Planning Commission by adoption of Resolution 94-34 on September 27, 1994.

Design Review (DR) 94-32; a sign for a fitness studio within the Community Planned Development (CPD) zone as approved on Design Review Board on September 13, 1994.

820 Foothill Boulevard

No previous entitlements were found.

4467 Commonwealth Avenue (St. George's Episcopal Church)

In December 2000, the Planning Commission approved Conditional Use Permit 307 and Variance 00-09, an application for a new 11,887 square foot church building. The two commercial buildings on the site (814 and 820 Foothill Boulevard) were to be demolished. The land use entitlement expired prior to inauguration of the project.

7. PENDING AND POTENTIAL ACTIONS:

City Council public hearing and potential adoption of the Zone Change ordinance.

Building Permits associated with tenant improvements for 820 Foothill Boulevard.

STAFF ANALYSIS:

1. Background:

The DVSP was adopted by the City Council in November 2000. At the time of adoption all parcels located on the south side of Foothill Boulevard between Beulah Drive and Commonwealth Avenue, with the exception of 806 Foothill Boulevard (JSB Motors), were designated Institutional. During preparation of the specific plan, discussions between the City and the subject property owner revealed a desire to have all properties owned by St George's Episcopal Church, including those containing existing commercial uses that fronted Foothill Boulevard, to have an Institutional designation. During this same time period, St. George's was processing a CUP application to redevelop their site, including removal of the commercial buildings at 814 and 820 Foothill Boulevard. That land use entitlement has since expired.

In 2015, the long-term commercial use of 820 Foothill Boulevard by St George's Dragon Thrift Shop was terminated. Discussion with the property owner identified a desire to maintain commercial use of the building; however, the Institutional land use designation under the DVSP provides for limited uses which are associated with the church but are "customary incidental educational and social activities" or "Schools through grade 12, accredited, which offer instruction required by the State Education Code". Based upon information obtained from St George's Episcopal Church, the proposed tutoring center use was not a non-profit affiliated with the Church and the associated instruction was not required by the State Education Code. Therefore, the Zone Change to Mixed Use 1 is necessary prior to a commercial use not affiliated with the church being permitted to operate from the location.

2. Context:

The project site is located on the south side of Foothill Boulevard, between Beulah Drive and Commonwealth Avenue. 814 Foothill Boulevard is a 4,087 square foot parcel containing an

approximately 2,217 square foot single-story commercial building. An on-site customer parking area containing three parking spaces is located at the rear. The commercial building has been utilized consistently as a fitness studio since approval of CUP 187 in 1994.

820 Foothill Boulevard is a 5,810 square foot parcel containing an approximately 1,940 square foot single-story commercial building with no on-site parking. Until early 2015, the building had been utilized by Dragon Thrift Shop, a use that was associated with St. George's Episcopal Church, the underlying property owner. The building has been vacant since the thrift shop ceased operation.

The subject parcels are centrally located within the Downtown Village Specific Plan. The existing buildings are consistent with small-scale pedestrian-oriented street front businesses located on the south side of Foothill located between Chevy Chase Drive and Oakwood Avenue. Access to the two commercial buildings is from Foothill Boulevard, to both the east and west of the buildings. Across the street is a similarly low-scale, consistent row of street front businesses.

To the east and west of the subject parcels are similar small-scale businesses designated Mixed Use 1 within the DVSP. In 2007, the City Council adopted Ordinance No. 365 amending the use designation within the DVSP of 834, 836, 838½, 840, 846, 850, 852, 858 Foothill Boulevard, and the parking area behind said addresses, from Institutional to Mixed Use 1. These properties are located adjacent to parcels owned by St George's Episcopal Church and had been designation Institutional under the DVSP due to a mapping error, although the historic use of the properties was commercial. To the south of the subject parcels is St. George's Episcopal Church.

3. Project Description:

ZC 16-01 is a request by St. George's Episcopal Church to amend the land use district on two parcels, 814 and 820 Foothill Boulevard, from Institutional to Mixed Use 1.

MCUP 521 is a proposal to establish a commercial school /tutoring center to be located at 820 Foothill Boulevard. With a Mixed Use 1 use designation, the tutoring center use is permitted subject to approval of the Minor Conditional Use Permit, pursuant to DVSP Table 6.1 – Permitted Uses in the Mixed Use 1 and Mixed Use 2 Districts.

Stepping Stones Learning, the proposed tutoring center use, offers academic tutoring for grades K-12, and has been operating within San Marino for 45 years. Based on their history within San Marino, Stepping Stones anticipates that during the school year a maximum of seven students and seven staff members will be on-site at any one time. Over any one day it is open, the use is likely to see up to 50 tutoring sessions; however, it is rare for more than four students to be on-site at any one time. During the summer the tutoring center offers workshops and there is the likelihood that ten students and between three and five staff members may be present.

4. Zone Change Analysis

Consistency with Downtown Village Specific Plan

As previously noted, the project is located within the DVSP. As such, the following sections of the DVSP are applicable to the proposed project:

DVSP Section 3.5 – Specific Plan Policies, includes the following general policies:

- Support mixed-use character by promoting development of street-front retail buildings, attractive architectural design, low scale signage, landscape design, open spaces and parks, outdoor plazas and other pedestrian amenities.
- Preserve and enhance existing terrain, vegetation and mountain views.
- Encourage mutual access easements, shared parking and public parking lots or subterranean parking to improve parking and circulation along the Boulevard.
- Encourage local-serving commercial uses and low density development consistent with the small town character of the community.

DVSP Section 3.6 – Vision for the Village Center, notes that the vision for the Village Center was the outgrowth of a number of factors, including that “the area between Angeles Crest Highway and Rinetti Lane was observed to be the geographic center of the Downtown Village Specific Plan area and also contains a concentration of existing, viable small-scale retail users”.

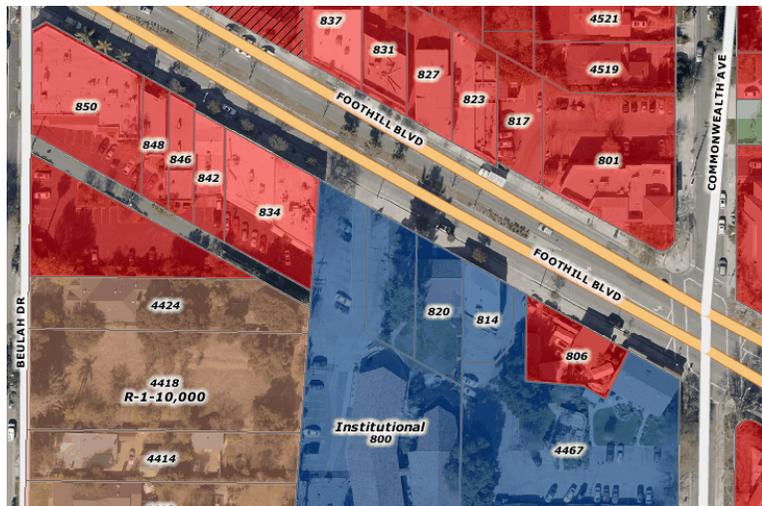
DVSP Chapter 4: Urban Design Concepts, Section 4.1 Village Center states:

“The heart of the pedestrian-oriented environment of the Specific Plan area is the Village Center. The Village Center is a five block long, pedestrian-oriented and scaled area located between Angeles Crest Highway and Rinetti Lane. The length of the Village Center along Foothill Boulevard is approximately 2,400 feet, allowing one to easily walk its entire length in approximately ten minutes.

Pedestrian amenities are focused in the Village Center, including a variety of pedestrian pathways, mid-block crosswalks, streetscape improvements and two public parks. The Village Center is also the heart of the retail/mixed use environment.

The Village Center is envisioned as a walkable, outdoor environment with retail anchors at the west, near Angeles Crest Highway, and at the east, near Oakwood Avenue. The area in between is envisioned to be infilled with smaller scale retail stores that will encourage pedestrian circulation between Beulah Drive and Oakwood Avenue along both Foothill Boulevard and the North Road.”

The vacancy created by the departure of Dragon Thrift Shop has resulted in difficulties for the underlying property owner, St. George’s Episcopal Church, in leasing the existing commercial building located at 820 Foothill Boulevard. A similar situation is likely to occur if the existing legal non-conforming use (fitness studio) located within 814 Foothill Boulevard is discontinued. Although 814 and 820 Foothill Boulevard have historically been occupied by commercial and service type uses, the land use district under the DVSP is Institutional. The Institutional district was established to provide for areas for a variety of public, quasi-public and institutional facilities (DVSP Section 6.1.3).



In contrast, the Mixed Use 1 district was established to provide opportunities for mixtures of retail, office and residential uses in the same building. The district was designed primarily to create and enhance retail, pedestrian-focused environments, such as the Village Center (DVSP Section 6.1.1). With just a few exceptions, the Village Center is zoned Mixed Use 1, and the areas outside the Village Center are zoned Mixed Use 2.

The proposed amendment to the DVSP is consistent with the above referenced general policies and the intent of the Village Center in that the historic and proposed use of 814 and 820 Foothill Boulevard is as a street-front retail building. The use of the buildings under the Institutional district would likely result in the loss of the retail buildings due to the extremely limited range of permitted uses.

The proposed amendment is also consistent with an amendment to the specific plan that was adopted by the City Council in 2007. At that time, seven parcels containing 11 businesses and a parking area, located immediately to the west of the subject parcels and on the south side of Foothill Boulevard, east of Beulah Drive were modified from "Institutional" to "Mixed Use 1". This has permitted the on-going use of these buildings consistent with the purpose of the DVSP.

The proposed amendment would allow for future redevelopment of the parcels; however, the existing development standards contained within the DVSP would place limits on the type of development. Due to the size and frontage of the parcels on Foothill Boulevard, any new development would most likely be limited to one-story in height (preserving mountain views), the front setback would be contiguous to Foothill Boulevard or up to an average of ten feet from the front property line, parking must be located to the side or rear of any new building (encouraging low-density pedestrian oriented design). This is consistent with DVSP Figure 7.2: Development Standards and Design Guidelines to Create a Pedestrian Friendly Environment identifies that the subject parcels should "maintain retail or active public uses on the ground level and located buildings at, or adjacent to, sidewalk and/or park edges".

Based on the historic, proposed and potential future use of the subject parcels, the proposed amendment to the land use district is consistent with the Downtown Village Specific Plan policies.

Findings for Approval of Amendment of Specific Plan

A specific plan may be amended as often as necessary by the local legislative body pursuant to Government Code (GC) §65453(a), in this case the City Council. However, the proposed specific plan amendment must be consistent with the general plan (GC §65454).

Under State law, legislative acts, such as Zone Changes, do not require findings. Nevertheless, Section 11.42.080 of the Zoning Ordinance – Zone Change – requires the Commission to make the following findings regarding its recommendation relative to a proposed Zone Change. Staff has provided the following support for the findings:

- A. That modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration.**

At the time of the adoption of the Downtown Village Specific Plan, St. George's Episcopal Church requested that 814 and 820 Foothill Boulevard have an Institutional land use district under the DVSP. This was consistent with the land use entitlement that was being processed at the time (CUP 187) for redevelopment of the church's parcels, including the two commercial parcels. Since that land use entitlement expired without being inaugurated, the two parcels have been utilized for commercial purposes.

The amendment is consistent with the policies contained within the DVSP for the Village Center, including DVSP Section 3.5 – Specific Plan Policies, DVSP Section 3.6 – Vision for the Village Center, and DVSP Chapter 4: Urban Design Concepts, Section 4.1 Village Center. The amendment will permit the use of the parcels for street-front retail buildings. To allow for the on-going use of the parcels consistent with their historic use and consistent with adjacent parcels to the east and west, the modification of the DVSP to amend the land use district for 814 and 820 Foothill Boulevard from Institutional to Mixed Use 1 is warranted.

B. That a need for the proposed zone classification exists within such area or districts.

The historic use of 814 and 820 Foothill Boulevard has been identified as commercial. Although 814 Foothill Boulevard has been utilized on an on-going basis as a fitness studio since the approval of a CUP in 1994, the discontinuation of the use of the legal non-conforming use could result in a similar situation as currently being experienced with 820 Foothill Boulevard, whereby the Institutional land use district prevents the use of the building for commercial purposes unrelated to the adjacent Institutional use, St. George's Episcopal Church. The amendment of the land use district to Mixed Use 1 is necessary to permit the on-going use of the parcels for street-fronting retail use, consistent with the intent of the DVSP Village Center location.

C. That the particular property under consideration is a proper location for said zone classification within such area or district.

The subject parcels are located on the south side of Foothill Boulevard, between Beulah Drive and Commonwealth Avenue. This area is identified on DVSP Figure 6.1: Land Use Districts as being within the Village Center. The size of the existing parcels and the buildings they contains, as well as the historic use of the parcels, is consistent with the purpose of the Village Center in providing street-facing retail and is consistent with adjacent uses that include small-scale retail uses. Therefore, the proposed project is the proper location for the proposed amendment of the DVSP.

D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practice.

The proposed amendment is consistent with the existing land use district designations on properties to the east and west of the subject parcels. In 2007, the land use district under the DVSP was modified from Institutional to Mixed Use 1 for 834, 836, 838½, 840, 846, 850, 852, 858 Foothill Boulevard, and the parking area behind said addresses. Those parcels are located on the south side of Foothill Boulevard, east of Beulah Drive. Additionally, the parcel to the east

(806 Foothill Boulevard – JSM Motors) has an existing designation of Mixed Use 1. This modification will permit commercial retail businesses to continue to occupy the existing buildings, which were built for retail commercial uses. This is consistent with the General Plan and the policies and intent of the Downtown Village Specific Plan and will not negatively impact public health, safety and general welfare and is in the interest of good zoning practice.

Based upon consistency with the provision of the Downtown Village Specific Plan, the historic use of the subject parcels and consistency with adjacent uses, staff recommends the modification of the land use district be modified from Institutional to Mixed Use 1 for 814 and 820 Foothill Boulevard.

5. Conditional Use Permit Analysis:

Compliance with Downtown Village Specific Plan

Per Table 6.1 of the Downtown Village Specific Plan, tutoring is classified under “commercial schools” which requires a Conditional Use Permit. As proposed the use will offer academic instruction to children within grades K-12, the majority of who will be dropped-off and picked-up at the location.

The proposed hours of operation proposed by Stepping Stones Learning are as follows:

During School Year		Summer	
Monday-Thursday	1:00 p.m. to 9:00 p.m.	Monday -Thursday	10:00 a.m. to 6:00 p.m.
Friday	1:00 p.m. to 6:00 p.m.	Friday - Sunday	Closed
Saturday	9:00 a.m. to 1:00 p.m.		
Sunday	Closed		

Parking

According to Ordinance No. 380, adopted on November 2, 2009, the minimum parking requirement for general commercial uses is four parking space per 1,000 square feet of gross floor-area. Based on the existing 1,940 square foot building area of 820 Foothill Boulevard, a total of 8 parking spaces are required.

The commercial building is owned by and shares parking with St. George’s Episcopal Church, which is located immediately to the south of the project site. A total of 81 existing parking spaces are provided to the west and south of the project site. In accordance with Zoning Code Section 11.14.030(g) (Ordinance No. 380), shared parking may be permitted by the Planning Commission through a Conditional Use Permit if it can be found that the shared parking would provide sufficient parking during the peak parking demand period.

The chart below shows the hours of existing businesses located within three commercial buildings owned by St. George’s Episcopal Church that share parking, with the church and associated preschool, and the proposed operating hours of the tutoring center.

Establishment	Hours						
	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
St. George's Preschool	9:00 a.m. -1:00 p.m.	Closed	Closed				
St. George's Episcopal Church -4467 Commonwealth							8:00 a.m. - 12:00 p.m.
Fitness Studio (Gracie Barra Jiu- jitsu) - 814 Foothill	12:00 p.m. -7:30 p.m.	12:00 p.m. -6:45 p.m.	12:00 p.m. -7:30 p.m.	12:00 p.m. -6:45 p.m.	12:00 p.m. -8:00 p.m.	9:00 a.m. - 11:00 a.m.	Closed
Tranquility – 804 Foothill	9:00 a.m. -9:00 p.m.	9:00 a.m. -9:00 p.m.	9:00 a.m. -9:00 p.m.	9:00 a.m. -9:00 p.m.	9:00 a.m. -5:00 p.m.	9:00 a.m. – 5:00 p.m.	Closed
Outlook Newspaper – 800 Foothill	9:00 a.m. -5:00 p.m.	Closed	Closed				
Stepping Stones – School Year	1:00 p.m. -9:00 p.m.	1:00 p.m. - 9:00 p.m.	Closed				
Stepping Stones– Summer	10:00 a.m. -6:00 p.m.	Closed	Closed				

As can be seen by the various hours of operation, the establishments that are open a full day are Tranquility spa and Outlook Newspaper. One establishment, the preschool, is generally open during the AM hours, while the fitness studio and proposed tutoring center are generally open during the PM and evening hours. On Sunday during heavy use of the parking by St. George's Episcopal Church, none of the other establishments are open.

In addition to the existing 81 parking spaces, St. George's Episcopal Church also has an informal agreement with Citizens Bank (858 Foothill Boulevard) to allow use of the parking lot outside of banking hours, as well as a tradition of allowing nearby business users to park on its property. The Citizens Bank lot is 200 to 300 feet west of the subject portion of the site, and contains ten spaces directly behind the bank.

The commercial building located at 820 Foothill Boulevard is located on a separate parcel than the church and does not contain any on-site parking. Being a separate parcel, the underlying property owner has the ability to sell the property at any time, though there is no indication that St. George's Episcopal Church intends to sell. Based on the potential for the separate ownership of the subject parcel and the parcels on which parking is provided, staff recommends that a shared parking agreement be required to ensure the on-going viability of the commercial use of 820 Foothill Boulevard.

Findings for Conditional Use Permit

The Planning Commission may approve an application for a conditional use permit where the information submitted by the applicant and/or presented at public hearing substantiates the following findings:

A. That the proposed use will not be in substantial conflict with the adopted general plan for the area. Where no general plan has been adopted, this subsection shall not apply.

The proposed project is consistent with the General Plan Land Use designation of the site as Downtown Village Specific Plan upon approval of Zone Change 16-01. The project is consistent with LUE Objective 1.2: "Encourage the development of an attractive and balanced commercial base of the community that meets the needs of the residential without negatively impacting the circulation network, infrastructure capacity or existing residential neighborhoods", LUE Policy 1.2.2: "Retain a mix of land uses that provides employment opportunities for City residents that are compatible with the community's character", LUE Policy 1.2.3: "Encourage a mix of commercial land uses that serves the needs of the local community" and LUE Policy 1.2.4: "Maintain sufficient flexibility in the types of uses allowed in commercially designated areas to address changes in market conditions and encourage competition". The proposed tutoring center will encourage a balanced commercial base within the City, will contribute to the diversity of business types along Foothill Boulevard and within the Village Center of the Downtown Village Specific Plan. The Village Center has a variety of businesses which may benefit as a result of parents and children visiting these establishments while awaiting for pick-up and drop-off. Staff supports the finding.

B. That the requested use at the location proposed will not:

- 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area:**
- 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site:**
- 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.**

There is no evidence that approval and operation of the proposed tutoring center use will adversely affect the surrounding area. The project is located along the south side of Foothill Boulevard within a building historically utilized for commercial purposes and within an area designated for such uses within both the City's General Plan and the Downtown Village Specific Plan, as modified under Zone Change 16-01. The use is not anticipated to result in significant impacts associated with traffic, noise, litter, loitering or other nuisances. The proposed tutoring center is for children who will primarily be dropped-off and picked-up during afterschool hours. This is not anticipated to result in increased parking demand in relation to the previous retail use of the site. Additionally, given the existing shared parking agreement with St. George's Episcopal Church, and the formalization of the shared parking through an agreement required as a condition of approval, any potential increase in parking can be accommodated. Staff supports the finding.

C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The existing commercial building is approximately 1,940 square feet, and an increase is not proposed in relation to this application. The existing building is consistent with current setbacks and development standards contained in the Downtown. With regard to parking for the proposed use, the underlying property owner is St. George's Episcopal Church, which also owns property to the east and south, including parking areas utilized by any tenant located within 820 Foothill Boulevard. Given the shared parking arrangement with St. George's Episcopal Church, which will be formalized as a condition of this approval, sufficient parking is available to accommodate the proposed use. Staff supports the finding.

D. That the proposed site is adequately served:

- 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate.**
- 2. By other public or private service facilities as are required;**

The project site is located on the south side of Foothill Boulevard, between Beulah Drive and Commonwealth Avenue. The roadways within the vicinity of the project site are fully improved to their ultimate width and are of sufficient size to accommodate any increase in traffic associated with the project. The existing structure is fully served by all required public service facilities and no construction, other than tenant improvements, is proposed or anticipated as part of the proposed project. Any increase in parking resulting in the establishment and operation of the tutoring center use can be accommodated within the existing parking area shared with St. George's Episcopal Church and no new parking is required to support the use. Staff supports the finding.

E. That the proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic values in the neighborhood.

The proposed tutoring center would occupy a tenant space within the existing 1,940 square foot, one-story building. No construction, with the exception of tenant improvements, is proposed or anticipated in relation to the application. 820 Foothill Boulevard has historically been utilized for commercial purposes, consistent with uses to the east, west and north, within the Downtown Village Specific Plan. The use of the existing building by the tutoring center is also consistent with the character of the immediate area, which supports a number of small-scale commercial establishments. Staff supports the finding.

6. Summary/Recommendation:

If the Planning Commission can make the findings for the proposed amendment to the Downtown Village Specific Plan, the Zone Change application will be forward to the City Council for adoption of an ordinance amending the specific plan. In addition, if the Planning Commission can make the findings to approve MCUP 521, a resolution can be adopted approving the use, subject to City Council approval of the Zone Change. The MCUP approval would not be effective until the ordinance amending the DVSP was effective.

Based on the above analysis, staff recommends that the Planning Commission adopt the resolution recommend the City Council approve ZC 16-01 and adopt the resolution approving MCUP 521, subject to the approval conditions listed in Exhibit "A", attached to the draft resolution.

Attachments:

1. Draft Resolution for Zone Change 16-01
2. Draft Resolution and Conditions of Approval for MCUP 521
3. Initial Study/Draft Negative Declaration

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 16-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE APPROVING MINOR CONDITIONAL USE PERMIT 521 FOR A COMMERCIAL SCHOOL / TUTORING USE AT 820 FOOTHILL BOULEVARD

WHEREAS, a request by Reuben Esparza has been received for a Minor Conditional Use Permit to establish and operate a commercial school/ tutoring center use within an existing 1,940 square foot building located at 820 Foothill Boulevard; and

WHEREAS, the application for MCUP 521 was filed in conjunction with Zone Change 16-01, an application to amend the Downtown Village Specific Plan land use district on 814 Foothill Boulevard (APN 5814-018-019) and 820 Foothill Boulevard from "Institutional" to "Mixed Use 1"; and

WHEREAS, 820 Foothill Boulevard contains an existing 1,940 square foot building that has historically been utilized for commercial purposes; and

WHEREAS, after publication and posting of the request in the prescribed manner, the Planning Commission, on February 9, 2016, held a public hearing on the project and concluded said hearing on that date; and

WHEREAS, an Initial Study was prepared for Zone Change 16-01 and MCUP 521 in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines and circulated for public review between January 21, 2016 and February 9, 2016, for a 20-day review. Based on the Initial Study, it has been determined that the project will not have a significant effect on the environment and a draft Negative Declaration has been prepared for the project; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff reports dated February 9, 2016, regarding the application for MCUP 521, and heard and considered the testimony of the applicant and the public; and

NOW, THEREFORE, based on the evidence presented by the application materials, staff report, and public testimony the Planning Commission hereby finds and determines as follows:

Section 1. With respect to Minor Conditional Use Permit 521:

1. The proposed use will not be in substantial conflict with the adopted General Plan for the area or the Downtown Village Specific Plan upon approval of the related application, Zone Change 16-01, modifying the land use district from Institutional to Mixed Use 1. The project is consistent with LUE Objective 1.2: "Encourage the development of an attractive and balanced commercial base of the community that meets the needs of the residential without negatively impacting the circulation network, infrastructure capacity or existing residential neighborhoods", LUE Policy 1.2.2: "Retain a mix of land uses that provides employment opportunities for City residents that are compatible with the community's character", LUE Policy 1.2.3: "Encourage a mix of commercial land uses that serves the needs of the local community" and LUE Policy 1.2.4: "Maintain sufficient flexibility in the types of uses allowed in commercially designated areas to address changes in market conditions and encourage competition". The proposed tutoring center will encourage a balanced commercial base within the City, will contribute to the diversity of business types along Foothill Boulevard and within the Village Center of the. The Village Center has variety of businesses which may benefit as a result of parents and children visiting these establishments while awaiting for pick-up and drop-off.
2. There is no evidence that approval and operation of the proposed tutoring center use will adversely affect the surrounding area. The project is located along the south side of Foothill Boulevard within a building historically utilized for commercial purposes and within an area designated for such uses within both the City's General Plan and the Downtown Village Specific Plan, as modified under Zone Change 16-01. The use is not anticipated to result in significant impacts associated with traffic, noise, litter, loitering or other nuisances. The proposed tutoring center is for children who will primarily be dropped-off and picked-up during afterschool hours. This is not anticipated to result in increased parking demand in relation to the previous retail use of the site. Additionally, given the existing shared parking agreement with St. George's Episcopal Church, and the formalization of the shared parking through an agreement required as a condition of approval, any potential increase in parking can be accommodated.
3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features to integrate said use with the uses in the surrounding area because the existing commercial building is approximately 1,940 square feet, and an increase in building area is not proposed in relation to this application. The existing building is consistent with current setbacks and development standards contained within the Downtown Village Specific Plan. With regard to parking for the propose use, the underlying property owner is St. George's Episcopal Church, which also owns property to the east and south, including parking areas utilized by any tenant located within 820 Foothill Boulevard. Given the shared parking arrangement with St. George's Episcopal Church, which will be formalized as a condition of this approval, sufficient parking is available to accommodate the proposed use.
4. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the traffic such use would generate, and other public and private service facilities as are required. The project site is located on the south side of Foothill Boulevard, between Beulah Drive and Commonwealth Avenue. The roadways

within the vicinity of the project site are fully improved to their ultimate width and are of sufficient size to accommodate any increase in traffic associated with the project. The existing structure is fully served by all required public service facilities and no construction, other than tenant improvements, is proposed or anticipated as part of the proposed project. Any increase in parking resulting in the establishment and operation of the tutoring center use can be accommodated within the existing parking area shared with St. George's Episcopal Church and no new parking is required to support the use.

5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood because the proposed tutoring center would occupy a tenant space within the existing 1,940 square foot, one-story building. No construction, with the exception of tenant improvements, is proposed or anticipated in relation to the application. 820 Foothill Boulevard has historically been utilized for commercial purposes, consistent with uses to the east, west and north, within the Downtown Village Specific Plan. The use of the existing building by the tutoring center is also consistent with the character of the immediate area, which supports a number of small-scale commercial establishments.

Section 2. With respect to the Initial Study and Negative Declaration prepare for the project:

1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's Local CEQA Guidelines, the City staff prepared an Initial Study for the project. City staff determined that there was no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration.
2. The Planning Commission has reviewed the Initial Study and Negative Declaration and all comments received regarding the Negative Declaration and, based on the whole record before it, finds: (i) that the Negative Declaration was prepared in compliance with CEQA; and (ii) that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission further finds that the Negative Declaration reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby adopts the Negative Declaration.
3. The custodian of records for the Initial Study, Negative Declaration and all other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, is the Director of Community Development of the City of La Cañada Flintridge. Those documents are available for public review in the Planning Department of the City of La Cañada Flintridge located at 1327 Foothill Boulevard, La Cañada Flintridge, California, 91011, telephone (818) 790-8881.

Section 3. Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby approves Minor Conditional Use Permit 521, subject to the City Council adoption of an ordinance approving Zone Change 16-01, allowing the establishment and operation of a commercial school/ tutoring use at 820 Foothill Boulevard, subject to the conditions attached to this resolution.

PASSED, APPROVED AND ADOPTED this 9th day of February, 2016.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT A
CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT 521
820 FOOTHILL BOULEVARD

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.
2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled Minor Conditional Use Permit 521.
3. This approval shall not become effective until the City Council of the City of La Cañada Flintridge has adopted an ordinance approving Zone Change 16-01, an amendment to the Downtown Village Specific Plan amending the land use district for 814 and 820 Foothill Boulevard from "Institutional" to "Mixed Use 1".
4. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
5. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the project plans labeled Minor Conditional Use Permit 521, except as otherwise stated in these conditions.
6. This approval will expire unless the use is commenced within 12 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to expiration of the original approval if the approved project and applicable zoning standards are unchanged.
7. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
8. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the City.
9. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees,

incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.

10. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this request. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
11. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
12. Signage shall be subject to Design Commission review and approval as part of a separate application and building permit.
13. Prior to initiation of the use, a shared parking agreement between St. George's Episcopal Church and the underlying property owner of 820 Foothill Boulevard shall be executed. Such agreement shall be submitted to the City Attorney for review and approval. In the event that the shared parking agreement is not executed or terminated and a parking deficit results, the MCUP 521 shall be subject to review at a public hearing pursuant to Chapter 11.50 of the City of La Cañada Flintridge Municipal Code.
14. Any deviation from the proposed use or any other substantial change as determined by the Director of Community Development may require an amendment of MCUP 521 subject to applicable review processes and fees.
15. Failure to conform to the conditions listed above, or if the proposed use is found to be detrimental to the public health or safety, or determined to be a nuisance, pursuant to Chapter 11.50.010 (D) and (E) of the City of La Cañada Flintridge Municipal Code, the Planning Commission reserves the right to revoke or modify the approval of Minor Conditional Use Permit 521.

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CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 16-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGE 16-01 AMENDING CHAPTER 6 OF THE DOWNTOWN VILLAGE SPECIFIC PLAN

WHEREAS, a request by St. George's Episcopal Church has been received for a Zone Change to amend the Downtown Village Specific Plan, said request attached hereto and incorporated herein by reference; and

WHEREAS, the request applies to two parcels, 814 and 820 Foothill Boulevard, located within the Downtown Village Specific Plan, referred to on the County Assessor's roles as APN 5814-018-018 and 5814-018-019 respectively; and

WHEREAS, the Downtown Village Specific Plan was adopted by the City Council in November 20, 2000 through adoption of Ordinance No. 312. The purpose of the Downtown Village Specific Plan was to combine the goals of the General Plan and Foothill Boulevard Master Plan to develop a village atmosphere, enhance economic vitality, and create an attractive pedestrian environment; and

WHEREAS, pursuant to Downtown Village Specific Plan Section 1.7 - Amendments to the Specific Plan, the plan may be amended in the time and manner prescribed by applicable State law; and

WHEREAS, after publication and posting of the request in the prescribed manner, the Planning Commission, on February 9, 2016, held a public hearing on the project and concluded said hearing on that date; and

WHEREAS, an Initial Study was prepared for Zone Change 16-01 in compliance with the California Environmental Quality Act (CEQA) and CEQA Guidelines and circulated for public review between January 21, 2016 and February 9, 2016, for a 20-day review. Based on the Initial Study, it has been determined that the project will not have a significant effect on the environment and a draft Negative Declaration has been prepared for the project; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff reports dated February 9, 2016, regarding the application for Zone Change 16-01, and heard and considered the testimony of the applicant and the public; and

NOW, THEREFORE, based on the evidence presented by the application materials, staff report, and public testimony the Planning Commission hereby finds and determines as follows:

Section 1. With respect to Zone Change 16-01:

- A. Modified conditions warrant a revision in the zoning plan as it pertains to the area or district under consideration. At the time of the adoption of the Downtown Village Specific Plan, St. George's Episcopal Church requested that 814 and 820 Foothill Boulevard have an Institutional land use district under the DVSP. This was consistent with the land use entitlement that was being processed at the time (CUP 187) for redevelopment of the church's parcels, including the two commercial parcels. Since that land use entitlement expired without being inaugurated, the two parcels have been utilized for commercial purposes.

The amendment is consistent with the policies contained within the DVSP for the Village Center, including DVSP Section 3.5 – Specific Plan Policies, DVSP Section 3.6 – Vision for the Village Center, and DVSP Chapter 4: Urban Design Concepts, Section 4.1 Village Center. The amendment will permit the use of the parcels for street-front retail buildings. To allow for the on-going use of the parcels consistent with their historic use and consistent with adjacent parcels to the east and west, the modification of the DVSP to amend the land use district for 814 and 820 Foothill Boulevard from Institutional to Mixed Use 1 is warranted.

- B. A need for the proposed zone classification exists within such area or districts because the historic use of 814 and 820 Foothill Boulevard has been identified as commercial. Although 814 Foothill Boulevard has been utilized on an on-going basis as a fitness studio since the approval of a CUP in 1994, the discontinuation of the use of the legal non-conforming use could result in a similar situation as currently being experienced with 820 Foothill Boulevard, whereby the Institutional land use district prevents the use of the building for commercial purposes unrelated to the adjacent Institutional use, St. George's Episcopal Church. The amendment of the land use district to Mixed Use 1 is necessary to permit the on-going use of the parcels for street-fronting retail use, consistent with the intent of the DVSP Village Center location.
- C. The particular property under consideration is a proper location for said zone classification within such area or district because the subject parcels are located on the south side of Foothill Boulevard, between Beulah Drive and Commonwealth Avenue. This area is identified on DVSP Figure 6.1: Land Use Districts as being within the Village Center. The size of the existing parcels and the buildings they contains, as well as the historic use of the parcels, is consistent with the purpose of the Village Center in providing street-facing retail and is consistent with adjacent uses that include small-scale retail uses. Therefore, the project is the proper location for the proposed amendment to the Downtown Village Specific Plan.
- D. That placement of the proposed zone at such location will be in the interest of public health, safety and general welfare and in conformity with good zoning practice because the proposed amendment is consistent with the existing land use district designations on properties to the east and west of the subject parcels. In 2007, the land use district under the DVSP was modified from Institutional to Mixed Use 1 for 834, 836, 838½, 840, 846, 850, 852, 858 Foothill Boulevard, and the parking area behind said addresses. Those parcels are located on the south side of Foothill Boulevard, east of Beulah Drive. Additionally, the parcel to the east (806 Foothill Boulevard – JSM Motors) has an existing designation of Mixed Use 1. This modification will permit commercial retail businesses

to continue to occupy the existing buildings, which were built for retail commercial uses. This is consistent with the General Plan and the policies and intent of the Downtown Village Specific Plan.

Section 2. With respect to the Initial Study and Negative Declaration prepare for the project:

- A. Pursuant to the California Environmental Quality Act ("CEQA") and the City's Local CEQA Guidelines, the City staff prepared an Initial Study for the project. City staff determined that there was no substantial evidence that the project would have a significant effect on the environment. Based on that determination, a Negative Declaration was prepared. Thereafter, the City staff provided public notice of the public comment period and of the intent to adopt the Negative Declaration.
- B. The Planning Commission has reviewed the Initial Study and Negative Declaration and all comments received regarding the Negative Declaration and, based on the whole record before it, finds: (i) that the Negative Declaration was prepared in compliance with CEQA; and (ii) that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission further finds that the Negative Declaration reflects the independent judgment and analysis of the Planning Commission. Based on these findings, the Planning Commission hereby adopts the Negative Declaration.
- C. The custodian of records for the Initial Study, Negative Declaration and all other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, is the Director of Community Development of the City of La Cañada Flintridge. Those documents are available for public review in the Planning Department of the City of La Cañada Flintridge located at 1327 Foothill Boulevard, La Cañada Flintridge, California, 91011, telephone (818) 790-8881.

Section 3. Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby recommends that the City Council adopt an ordinance approving Zone Change 16-01, modifying the Downtown Village Specific Plan land use district for 814 and 820 Foothill Boulevard from "Institutional" to "Mixed Use 1".

PASSED, APPROVED, AND ADOPTED this 9th day of February, 2016.

Attest:

Chair, Planning Commission

Secretary to the Planning Commission