

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

September 23, 2014 Hearing

Property Owner:

Leonard & Lynn Totta
10746 Wheatland Avenue
Sunland, CA 91040

Case Type/No:

Minor Conditional Use Permit 502

Applicant:

Partners Trust
9378 Wilshire Blvd. #200
Beverly Hills, CA 90212

Project Address:

964 Foothill Blvd.

Project Planner:

Roger Cantrell, Consulting Architect/Planner



1. Request

The applicant is requesting a Minor Conditional Use Permit (MCUP) to permit a real estate office use within an existing tenant space in the Downtown Village Specific Plan (DVSP) zone).

2. Location

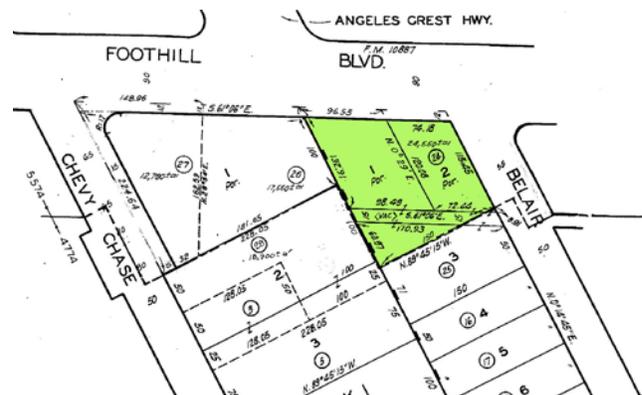
The site is located along the south side of Foothill Boulevard, just west of Bel Air Avenue.

3. Staff Recommendation

It is recommended that the request **BE APPROVED**, subject to the attached conditions.

4. Project Area

Project Site:	24,546 sf
Building Area:	9,930 sf
Existing tenant space:	3,960 sf



5. General Plan/Zoning/Existing Land Use

The General Plan Land Use Map designates the site as Commercial. The site is zoned Mixed Use 2 within the DVSP Zone. The property is developed with a commercial building.

6. Environmental Impact Review

Based on the review of the Initial Study Questionnaire and related materials, staff has determined that the site is Categorically Exempt from the provisions of the California Environmental Quality Act under Class 2.5(a)(1) of the City Guidelines for the Implementation of CEQA.

7. Previous Actions

Variance 05-06 (attached) was granted in 2005, allowing the existing parking to apply to future uses within the entire building.

8. Pending and Potential Actions

Business license issuance and Design Review approval for signage.

9. Staff Analysis

A. Context:

The existing one-story building is a familiar focal point as one enters the city from Angeles Crest Highway, which it faces directly. For many decades it housed Totta Auto Repair, and it continues to be leased by the Totta family. It is flanked by other tenant spaces on the same property: a nail shop to the east and a tailor to the west. At 4,000 square feet, the subject tenant space is the largest on the property.

The rear parking lot has 30 parking spaces, and is accessed from Bel Air Avenue. Previously, the subject tenant space was occupied by Gilmore Bank. Surrounding land uses include commercial uses to north, east, and west, and single-family residences to the south.

B. Project Description:

The request would allow a real estate office use, for which a Minor Conditional Use Permit is required by code. The size of the subject tenant space would remain at 4,000 square feet with no new square footage added and no external changes proposed for the building, beyond signage.

The one-story commercial building is divided into five units ranging in size from 440 square feet to the subject 3,960 square feet. The other uses onsite are:

- boutique: 570 square feet
- wine shop: 3,654 square feet
- tailor: 440 square feet
- hair salon: 578 square feet
- nail shop: 728 square feet

C. Minor Conditional Use Permit:

Objectives

When the Mixed Use zone requirements were formulated for the Downtown Village Specific Plan, the City determined that office uses should be allowed only with the discretionary approval of a Conditional Use Permit. This was intended to ensure that the vibrancy of the district would not be compromised by such uses, which can create unwelcome lulls in retail areas. Conditional Use Permit review is also intended to ensure against nuisance effects such as excessive parking

impacts on neighboring uses.

The relevant goals of the Specific Plan are:

- Create an attractive pedestrian environment that accommodates open spaces
- Enhance economic viability
- Develop a village atmosphere
- Create a workable street system with a smooth flow of traffic and circulation

Vibrancy

In distinguishing between the more central (Mixed Use 1) and the more peripheral areas (Mixed Use 2) of the zone, the DVSP recognized that more flexibility is appropriate farther away from the center. The less intense Mixed Use 2 zone includes the project site along with all of the south side of Foothill save the most centrally located block, from Commonwealth to Oakwood.

This particular location is highly visible upon entry to the city from Angeles Crest Highway. It is also near venerable businesses that are local draws, particularly Hill Street Café just to the west, and Flintridge Bookstore and Coffee House farther west. Both of those businesses have ample parking concealed from street view. Newer businesses within the Town Center are just across the street, giving the subject property better linkage to a retail district than ever before.

Nevertheless, staff does not envision this portion of the Boulevard developing into such an intense retail area that an office frontage would pose a significant vitality problem. At best, any foot traffic between uses would result from proximity and convenience, as contrasted with a truly vibrant pedestrian district in which people just like to stroll and look at the storefronts. The aforementioned nearby uses are self-sufficient in parking, which reinforces staff's view that the development of a truly vibrant pedestrian zone in this location is remote at best. Also, staff notes that the previous use, a bank, as a permitted use in the zone, hardly qualifies as a vibrant use.

Parking

A parking lot at the rear of property provides 30 parking spaces; this count was approved for continuing retail uses through Variance 05-06 in 2005. At that time, retail uses at 5 spaces required for every 1000sf of floor area, a higher requirement than office uses at 4:1000. Current code has both at 4:1000. In any event, there is no basis for concern about the proposed use with regard to parking. The Variance also precludes any future need for special parking approval in the event that a more intense use replaces the proposed office use.

Use	Fir Area (sf)	Park rate 1 sp/(sf)	Spaces Required
New Realty	3,960	250	15.84
Tailor	440	250	1.76
Nail Salon	728	250	2.91
Hair Salon	578	250	2.31
Wine Shop	3,654	250	14.61
Boutique	570	250	2.28
9,930		Total:	39.71

In addition to the Variance for this site, any Conditionally Permitted Use has a flexible parking requirement as "the Director of Community Development finds adequate to prevent traffic congestion and excessive on-street parking. The 4:1000 standard should be used as a basis for parking evaluation, since the DVSP also states that "wherever practical, such determination shall be based upon the requirements of the most comparable use specified in this section". Realty offices vary greatly in their actual parking demands, since some have more of a culture

of agents occupying the offices than others. In general, realty offices have low parking demands because most of the meetings among agents and with clients occur in the field. Therefore staff regards the 4:1000 requirement as ample.

An exception is the circumstance of a companywide staff meeting to occur at the office. Previous realty CUPs have included conditions limiting the hours of such meetings, particularly when parking is tight or adjacent to residences, both of which occur in this case. Therefore a draft condition is included to limit such meetings to one per week, between the hours of 6pm and 9pm. Such hours are usually reasonable for both the nearby businesses and the adjacent residences, pending any information obtained through the hearing process to indicate that adjustment would be appropriate.

D. Findings

1. *The proposed use will not be in substantial conflict with the adopted general plan for the area.*

The proposed real estate office use will not be in substantial conflict with the adopted general plan for the area. The real estate office use is consistent with the General Plan policy of encouraging a balanced commercial base. The real estate office use complements the existing uses in the surrounding area. Staff supports the finding.

2. *The requested use of the location proposed will not:*
 - a. *Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or*
 - b. *Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or*
 - c. *Jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare.*

There is no evidence that any detrimental effects could be anticipated in terms of noise, litter, or other nuisances. Traffic and parking impacts would be reasonable, given that the proposed real estate office use would not change the required parking onsite. The finding is reasonable.

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.*

No change in square footage is proposed for the building. The proposed real estate office use integrates well with the surrounding uses. The parking lot would be unaffected, and is amply justified in parking count by its Variance approval. Staff supports the finding.

4. *The proposed site is adequately served:*
 - a. *by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and*
 - b. *other public and private service facilities as are required.*

No effect on required infrastructure would result from the requested office use. The proposed real estate office use is not anticipated to increase the amount of traffic to an unreasonable level. The finding can be made.

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:*

The proposed real estate office use would utilize the space in an existing building with no new square footage added as part of the proposal. In addition, no exterior improvements are proposed, while the use is consistent with the character of the immediate area. Staff supports the finding.

10. Recommendation

Based on the above analysis, staff recommends that the amendment request **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

*cc: Leonard & Lynn Totta / 10746 Wheatland Ave. / Sunland, CA 91040
Partners Trust / 9378 Wilshire Blvd. / Beverly Hills, CA 90212*

attachments: Variance 05-06 staff report and resolution

RESOLUTION NO. 14-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING MINOR CONDITIONAL USE PERMIT 502
PERMITTING THE ESTABLISHMENT OF A REALTY OFFICE
AT 964 FOOTHILL BOULEVARD
AS REQUESTED BY PARTNERS TRUST**

WHEREAS, a request by Partners Trust has been received for a Minor Conditional Use Permit to allow the establishment of an office use for a realty; and

WHEREAS, the Planning Commission, on September 23, 2014, after publication and posting of notice in the prescribed manner, held a public hearing and approved the Minor Conditional Use Permit for the establishment of a realty office; and

WHEREAS, the Planning Commission has reviewed the facts contained in the staff report dated September 23, 2014 regarding the application for a Minor Conditional Use Permit at 964 Foothill Boulevard, and heard and considered the testimony of the applicant and the public; and

WHEREAS, upon consideration of the environmental questionnaire, related information and public testimony, the Planning Commission hereby determines that the project would have no potential for adverse effect on wildlife resources, and is therefore exempt from Section 711.4 of the California Fish and Game Code; and

WHEREAS, in compliance with the California Environmental Quality Act, the Planning Commission reviewed the Initial Study Questionnaire and related materials and hereby determines that the project will have no significant impact on the environment, and a negative declaration has been prepared.

NOW, THEREFORE, the Planning Commission hereby finds and determines as follows:

1. The proposed use will not be in substantial conflict with the adopted general plan for the area, because the proposed real estate office use will not be in substantial conflict with the adopted general plan for the area. The real estate office use is consistent with the General Plan policy of encouraging a balanced commercial base. The real estate office use complements the existing uses in the surrounding area.
2. The requested use of the location proposed will not:
 - Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - Jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare,

because there is no evidence that any detrimental effects could be anticipated in terms of noise, litter, or other nuisances. Traffic and parking impacts would be reasonable, given that the proposed real estate office use would not change the required parking onsite.

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 no change in square footage is proposed for the building. The proposed real estate office use integrates well with the surrounding uses. The parking lot would be unaffected, and is amply justified in parking count by its Variance approval.
4. The proposed site is adequately served:
by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
other public and private service facilities as are required,
because no effect on required infrastructure would result from the requested office use. The proposed real estate office use is not anticipated to increase the amount of traffic to an unreasonable level.
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 real estate office use would utilize the space in an existing building with no new square footage added as part of the proposal. In addition, no exterior improvements are proposed, while the use is consistent with the character of the immediate area.

BASED ON THE ABOVE FINDINGS, the Planning Commission of the City of La Cañada Flintridge hereby approves the Minor Conditional Use Permit for a realty office, subject to the conditions listed in Exhibit "A", attached to this resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of September, 2014.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

**CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT 502
964 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 502.
3. 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.
4. 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 plan labeled Minor Conditional Use Permit 502, except as otherwise stated in these conditions.
5. This approval will expire unless the office 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.
6. All applicable requirements of any law, ordinance, or regulation of the City of La Cañada Flintridge shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of La Cañada Flintridge, as established by ordinance, resolution or policy of the City Council.
8. 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.
9. 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.
10. 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.

11. General staff meetings shall not exceed one per week, and shall be conducted between the hours of 6pm and 9pm. This condition may be modified by the Director of Community Development, or the Planning Commission, without formal CUP amendment, provided that the modified hours are consistent with required CUP findings.

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