

# CITY OF LA CAÑADA FLINTRIDGE

## PLANNING COMMISSION STAFF REPORT

February 23, 2016 Meeting

To: Planning Commission

From: Jo-Anne Parinas, Assistant Planner

Subject: Continued Proposal for 2384/2388 Foothill Blvd (76 Gas Station)

Case Number: Minor Conditional Use Permit 492; Conditional Use Permit 416 (Amendment)

### 1. **Background:**

#### ***Minor Conditional Use Permit 492:***

Minor Conditional Use Permit 492 was initially considered at the December 10, 2013 and January 28, 2014 Planning Commission meetings. The request was to allow expansion of an existing convenience store facility to replace existing automotive service bays.

Following discussion by the Planning Commission, the project was continued to a date certain of January 28, 2014 to allow the applicant to submit the required materials. At the December 10, 2013 meeting, the Planning Commission asked the applicant to provide information on the property owner/business owner's desired hours of operation, information on the square footage of proposed display area/storage area, a survey, and a revised plan indicating the proposed parking area, back-up space, and landscaping. At the January 28, 2014 Planning Commission meeting, the applicant asked for a continuance to allow him more time to prepare the requested materials. The Planning Commission continued the item to a date uncertain.

#### ***Conditional Use Permit 416 (Amendment):***

Conditional Use Permit 416 (Amendment) was initially considered at the January 26, 2016 Planning Commission meeting. The request was to amend Condition of Approval #14 to allow the wall enclosure to be retained and used as storage. During the Planning Commission meeting there was a question as to whether the storage use would be allowed because the Zoning Code does not allow permanent storage as an accessory use. Chair McConnell questioned if the proposed storage is an accessory use, or simply a part of the function of the gas station and convenience store. The Deputy City Attorney indicated that a Director's determination could be made to reflect that the proposed storage use is a part of the gas station and convenience store function. Since the Director of Community Development was not present at the January 26, 2016 meeting, the Planning Commission continued the project to a date certain of February 23, 2016.

## 2. Update:

- On October 13, 2015 the Planning Commission approved Lot Line Adjustment 14-01 to simply multiple fractured property lines and redefine the overall property to two coherent and code compliant parcels. When MCUP 492 was initially reviewed by the Planning Commission on December 10, 2013 the property lines on the assessor's parcel map and survey did not match. The assessor's parcel map showed that the property was made up of multiple parcels. Lot Line Adjustment 14-01 addressed this issue.
- On Friday, February 5, 2016, the Director of Community Development made a determination that the wall enclosure would be an accessory structure with storage use that is a part of the function of the gasoline station and convenience store, and therefore, allowed by the Code. A condition of approval has been added to the draft resolution for CUP 416 (Amendment) clarifying that items stored within the enclosure shall be limited to convenience store merchandize or nonhazardous materials essential to the function of the gasoline station.
- The required parking for the convenience store expansion is seven parking spaces (1,673 s.f. @ one space per 250 s.f. of floor area). The wall enclosure is approximately 527 square feet, which would require two additional parking spaces. The revised plan satisfies the code requirement with the nine parking spaces provided onsite. The landscaping code requirement for the parking lot is addressed through the proposed planters at each end of the parking space aisle. The type of plants and required trees would be determine/approved by the Design Commission. In addition, the Design Commission is also required to review and approve the changes to the building (convenience store and wall enclosure).
- The proposed hours of operation are: Sunday through Monday, 6:00 a.m. to 11:00 p.m.
- The area within the convenience store would comprise of the following:
  - a) Area available for merchandize display: 1,001 s.f.
  - b) Storage: 480 s.f.
  - c) Restroom: 71 s.f.

### *CUP 416 Findings:*

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

The proposed use will not be in substantial conflict with the general plan, because the General Plan allows for commercial use in the area and the existing gas station is an allowed use within the CPD zoning designation. The remediation equipment, which preserved the gas station, has been removed. The wall enclosure will remain and serve as storage space for the gas station. 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.**

The remediation facilities were mandated for restoration of water quality. The soil contamination remediation has been completed and the mechanical equipment has been removed. The wall enclosure will remain and be used as storage for the gas station. The wall's storage use will not adversely affect the health, peace comfort or welfare of persons 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 the wall enclosure was constructed with building permits and was determined to be structurally acceptable when it was constructed, in addition, the wall enclosure is screened from Foothill Boulevard by the existing gas station building and the proposed storage use is not conducive of noise or a disruptive environment. Staff supports the finding.

- 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.**

The service station is a longstanding facility and was constructed with building permits. The wall enclosure meets the development standards. Staff finds that the project is well accommodated by the lot area. 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.**

In the vicinity of the site, Foothill Boulevard is of ample width and without obstructions, functioning well as a major commercial highway. Access to the site is ample, with two wide driveways on Foothill Boulevard and one on Briggs Avenue. Said street and access from the street would not be taxed by the use of the existing walled enclosure as storage. Staff supports the finding.

- 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 wall enclosure is existing, therefore, preserves the existing scale and character of the neighborhood. The walled enclosure does not impact public views and is screened from Foothill Boulevard by the existing gas station building. Staff supports the finding.

### ***MCUP 492 Findings***

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

The convenience store is consistent with the General Plan policy of encouraging a balanced commercial base. The use is consistent with the General Plan designation of the area as suitable for commercial use. 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.**

The project simply expands an existing use and based on its observation of use, there is no evidence that any detrimental effects could be anticipated in terms of noise, or other nuisances. The store site is separated generously by distance and topography from any nearby residential uses. Staff supports the finding.

**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.**

The building and service station are longstanding facilities and were constructed with building permits. The project meets the development standards and design guidelines set forth for the CPD Zone, including building size, building height, parking and access and landscaping. Staff finds that the project is well accommodated by the lot area. 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.**

In the vicinity of the site, Foothill Boulevard is of ample width and without obstructions, functioning well as a major commercial highway. Access to the site is ample, with two wide driveways on Foothill Boulevard and one on Briggs Avenue. Said street and access from the street would not be taxed by the use of the existing service bay floor area for retail sales. Staff supports the finding.

**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 project would involve minimal exterior revision to the building and would not impact public views. As conditioned, the architecture would have to be reviewed and approved by the Design Commission. Staff supports the finding.

**4. Recommendation:**

Based on the above analysis, staff recommends that the requested Conditional Use Permit (CUP) Amendment and Minor Conditional Use Permit (MCUP) **BE APPROVED**, subject to the conditions of approval listing in Exhibit “A” attached to the draft resolutions.

CITY OF **LACANADA FLINTRIDGE**

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING AN AMENDMENT TO  
CONDITIONAL USE PERMIT 416  
TO MODIFY CONDITION #14  
AND ALLOW THE WALLED ENCLOSURE TO REMAIN  
AT THE UNOCAL STATION AT 2384/2388 FOOTHILL BOULEVARD  
FOR LA CANADA ENTERPRISES**

**WHEREAS**, a request by the Joseph Shayfar has been received to amend Conditional Use Permit 416 to allow the soil contamination remediation facility walled enclosure to remain, said request attached hereto and incorporated herein by reference; and

**WHEREAS**, the Planning Commission, on July 24, 2007, held a public hearing and conducted a review of the request; and

**WHEREAS**, on December 16, 2015, a request by Joseph Shayfar was received to amend the project's approval to remove condition of approval #14 and allow the soil contamination remediation facility walled enclosure to remain; and

**WHEREAS**, the Planning Commission, on January 26, 2016, after posting and publishing in a prescribed manner, held a public hearing, conducted a review of the amendment request; and

**WHEREAS**, the Planning Commission, on February 23, 2016, held a continued public hearing and conducted a review of the request; 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 no significant impact on the environment will result from the project, which is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA), under CEQA Section 15330(b)(4), as "onsite treatment of contaminated soils or sludges provided treatment system meets Title 22 requirements and local air district requirements"; and

**WHEREAS**, the Planning Commission finds that all the facts contained in the staff reports dated January 26, 2016 and February 23, 2016 regarding the application for an amendment to Conditional Use Permit 416 at 2384/2388 Foothill Boulevard are true and correct, and the Planning Commission hereby adopts said staff report as its own findings of facts; and

**WHEREAS**, based on the evidence presented by the application materials, staff report, and public testimony, the Planning Commission finds the following:

1. The proposed use will not be in substantial conflict with the general plan, because the General Plan allows for commercial use in the area and the existing gas station is an allowed use within the CPD zoning designation. The remediation equipment, which preserved the gas station, has been removed. The wall enclosure will remain and serve as storage space for the gas station.
2. The remediation facilities were mandated for restoration of water quality. The soil contamination remediation has been completed and the mechanical equipment has been removed. The wall enclosure will remain and be used as storage for the gas station. The wall's storage use will not adversely affect the health, peace comfort or welfare of persons 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 the wall enclosure was constructed with building permits and was determined to be structurally acceptable when it was constructed, in addition, the wall enclosure is screened from Foothill Boulevard by the existing gas station building and the proposed storage use is not conducive of noise or a disruptive environment.
3. The service station is a longstanding facility and was constructed with building permits. The wall enclosure meets the development standards.
4. In the vicinity of the site, Foothill Boulevard is of ample width and without obstructions, functioning well as a major commercial highway. Access to the site is ample, with two wide driveways on Foothill Boulevard and one on Briggs Avenue. Said street and access from the street would not be taxed by the use of the existing walled enclosure as storage.
5. The walled enclosure is existing, therefore, preserves the existing scale and character of the neighborhood. The walled enclosure does not impact public views and is screened from Foothill Boulevard by the existing gas station building.

NOW, THEREFORE, be it resolved that the Planning Commission approves the amendment to Conditional Use Permit 416 at 2384/2388 Foothill Boulevard, with said approval and recommendation subject to the conditions attached to this resolution.

PASSED, APPROVED AND ADOPTED this 23<sup>rd</sup> day of February, 2016.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission

EXHIBIT "A"  
**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT - CUP 416**  
**2384 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 plot plan submitted, labeled Conditional Use Permit 416, Sheet 1.
3. Prior to occupancy, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgement of the conditions stated herein on forms provided by the Planning Department.
4. All site work and other facilities or features shall be located and maintained substantially as shown on the plan labeled Conditional Use Permit 416, Sheet 1 except as otherwise stated in these conditions.
5. Unless the conditionally permitted use is commenced not later than 12 months after this approval is granted and is diligently pursued thereafter, this approval will automatically become null and void. However, if no revisions to the Zoning Code have been implemented since the project approval that would result in zoning nonconformity, 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.
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 required by Ordinance.
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 shall be required 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 Conditional Use Permit. 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 Department of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
11. Prior to any issuance of required permits for installation of the equipment or enclosure, approval by the California Regional Water Quality Control Board and South Coast Air Quality Management District shall be documented to the satisfaction of the Director of Community Development.
12. Prior to final inspection clearance, a field test shall be made to demonstrate to the Director of Community Development or his designee that the project conforms to the stated 55dB noise level.
13. Amended approval shall be required in the event that operation of the facility extends to more than 24 months.
14. Following soil contamination remediation, the facilities shall be removed and pavement repaired, subject to inspection clearance by the Director of Community Development or his designee. The wall enclosure may remain and be used as storage, subject to design review approval for the exterior changes to the building.

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CITY OF **LACAÑADA FLINTRIDGE**

RESOLUTION NO.  
A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF LA CAÑADA FLINTRIDGE  
APPROVING MINOR CONDITIONAL USE PERMIT 492  
EXPANSION OF AN EXISTING CONVENIENCE STORE  
AT 2384/2388 FOOTHILL BOULEVARD  
AS REQUESTED BY ANGELA LEVERETT  
AS AN APPLICANT REPRESENTING SCHAEFER FUNDS, LLC

**WHEREAS**, a request by Angela Leverett as an applicant representing Schaefer Funds LLC has been received for a Minor Conditional Use Permit (MCUP) to allow the expansion of an existing convenience store within an existing building, said request attached hereto and incorporated herein by reference; and

**WHEREAS**, the Planning Commission, on December 10, 2013, after publication and posting of notice in the prescribed manner, held a public hearing on the MCUP request; and

**WHEREAS**, the Planning Commission, on February 23, 2016, held a continued public hearing and conducted a review of the request; 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, which is Categorically Exempt from the provisions of the California Environmental Quality Act, under Section 2.5(a)(1) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

**WHEREAS**, the Planning Commission finds that all the facts contained in the staff reports dated December 10, 2013 and February 23, 2016, regarding the application for a MCUP at 2384/2388 Foothill Boulevard are true and correct, and the Planning Commission hereby adopts said staff report as its own findings of facts; and

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

Section 1.

*Conditional Use Permit:*

1. The convenience store is consistent with the General Plan policy of encouraging a balanced commercial base. The use is consistent with the General Plan designation of the area as suitable for commercial use.
2. The project simply expands an existing use and based on its observation of use,

there is no evidence that any detrimental effects could be anticipated in terms of noise, or other nuisances. The store site is separated generously by distance and topography from any nearby residential uses.

3. The building and service station are longstanding facilities and were constructed with building permits. The project meets the development standards and design guidelines set forth for the CPD Zone, including building size, building height, parking and access and landscaping. Staff finds that the project is well accommodated by the lot area.
4. In the vicinity of the site, Foothill Boulevard is of ample width and without obstructions, functioning well as a major commercial highway. Access to the site is ample, with two wide driveways on Foothill Boulevard and one on Briggs Avenue. Said street and access from the street would not be taxed by the use of the existing service bay floor area for retail sales.
5. The project would involve minimal exterior revision to the building and would not impact public views. As conditioned, the architecture would have to be reviewed and approved by the Design Commission.

## Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby APPROVES the Minor Conditional Use Permit to allow the expansion of an existing convenience store at 2384/2388 Foothill Boulevard, subject to the conditions attached to this resolution.

PASSED, APPROVED AND ADOPTED this 23<sup>rd</sup> day of February 2016.

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Chair of the Planning Commission

ATTEST:

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Secretary to the Planning Commission

EXHIBIT "A"  
CONDITIONS OF APPROVAL  
MINOR CONDITIONAL USE PERMIT 492  
2384/2388 Foothill Blvd.

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 492.
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 492, except as otherwise stated in these conditions.
5. This approval will expire unless "start of construction" 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. Start of construction is defined as:
  - a. All zoning and related approvals are effective; and
  - b. All required building and grading permits for the project have been issued; and
  - c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.
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. Building elevation revisions and signage to accommodate the convenience store use, along with landscaping associated with parking lot revisions, shall be subject to approval by the Design Commission prior to building permit issuance.
12. Store hours shall be limited to 6:00 a.m. to 11:00 p.m., daily.
13. The Director of Community Development shall review the operations of the convenience store use within 6 months of building permit final in order to validate that there are no impacts. The Director of Community Development will determine if additional mitigation measures would be required and/or review by the Planning Commission.
14. The convenience store is a part of the gasoline station use. The convenience store approval shall no longer be valid and the convenience store shall close, if the gasoline station closes.

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