

CITY OF LA CAÑADA FLINTRIDGE

MEMORANDUM

February 24, 2015 Hearing

To: Planning Commission

From: Roger Cantrell, Consulting Architect/Planner

Subject: **Reconsideration: Minor Conditional Use Permit 509**
Harcourts USA Crown Jewel Homes
965 Foothill Boulevard

The project was denied 2-1 at the January 13, 2015 Planning Commission meeting, with Commissioners Gunter and McConnell absent and Commissioner Jain dissenting. At the January 27, 2015 meeting, Harcourts owner Dawna Thibodeau requested that the Planning Commission reconsider the item on a future agenda. The Commission voted 4-0 to reconsider the case (Commissioner Jain absent).

The owner cited inaccuracies in the previous application as a factor in the denial. Those inaccuracies pertained to the business hours and number of employees - now clarified as 8 am to 8pm, seven days a week. The initial indication of two employees remains; this is the extent of permanent staff at the location, with the understanding that the office is a resource for the agents who would be present on a sporadic basis.

The January 13 meeting minutes and staff report, with ~~strikeout~~ and underline to reflect the applicant's business hours revision, are attached.

CITY OF **LACANADA FLINTRIDGE**
PLANNING COMMISSION STAFF REPORT
January 13, 2015 Hearing

Property Owner:
La Canada Retail LLC
515 S. Figueroa St. #1600
Los Angeles, CA 90071

Case Type/No:
Minor Conditional Use Permit 509

Applicant:
RED Architectural Group
3436 Verdugo Road #200
Glendale, CA 91208

Project Planner:
Roger Cantrell
Consulting Architect/Planner

Proposed Tenant:
Harcourts USA Crown Jewel Homes
27372 Aliso Creek Road #100
Aliso Viejo, CA 92656

Project Address:
965 Foothill Blvd.

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

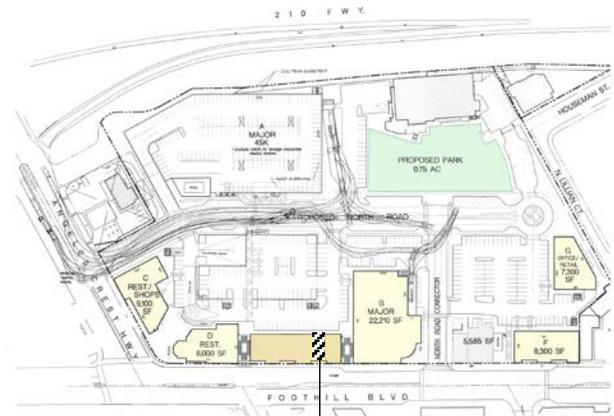
The site is located in the Town Center, Building E, on the north side of Foothill Boulevard between Angeles Crest Highway and Sport Chalet Drive.

3. Staff Recommendation

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

4. Project Area

Project Site: 492,228 sf (11.3 acres)
Building Area: 10,696 sf
Existing tenant space: 1,985 sf



5. General Plan/Zoning/Existing Land Use

The General Plan Land Use Map designates the site as Downtown Village. The site is zoned Mixed Use 1 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

Town Center:

Conditional Use Permit 403 / Tentative Parcel map 066491 / Zone Change 06-01:

Approved by the City Council January 2007

8. Pending and Potential Actions

Design Review approval by the Design Commission for signage

Building Permits for the signage and tenant improvements

9. Staff Analysis

A. Context:

The project site is in the City's Downtown Village Specific Plan and is zoned Mixed Use 1. The new realty would be located in Building "E" in the Town Center, next to the easternmost of its five tenants. It would be between Canada Jewelers and Caterpillar Kids Place. The building has Foothill Boulevards frontage east of Sakura Restaurant and west of Home Goods.

The majority of the center's parking is internal to the Town Center and was previously approved as part of the Center's original approval in August of 2006. The parking lot takes access from Town Center Drive and Sport Chalet Way. Immediately behind the tenant space is a row of parking stalls and a second level of parking atop a semi-subterranean parking structure that takes advantage of the change in grade from Town Center Drive (in front of the Sport Chalet store) to Foothill Boulevard.

B. Project Description:

The request would allow a realty to occupy the 1,985 sf existing tenant space in the Town Center. No floor area would be added. The use would be partitioned into front and rear lobbies, two conference rooms, a training room, two private offices, and a central circulation space along with supporting rooms. The Foothill frontage would be divided between the front lobby (12 feet wide and 8 feet deep) and the large conference room (10'-3" wide and 13'-6" deep).

The proposed hours of operation would be: ~~Monday through Friday 9 a.m. to 5 p.m.~~ seven days a week from 8am to 8pm. Staff would consist of two employees.

C. Minor Conditional Use Permit:

The two potential effects of office use to be addressed in CUP review are on retail vibrancy and on parking.

Retail Vibrancy

The Downtown Village Specific Plan lists office uses as subject to a Conditional Use Permit because one of the goals of the specific plan is to create a pedestrian-oriented village atmosphere that enhances retail viability. Visiting this type of office is usually a single-purpose pursuit that requires planning and not something that one casually shops around for. Also, the street presence of an office use can be an unwanted interruption in an actual or potential procession of vibrant retail experiences along the street. Therefore one of the primary concerns is the effect of this use within the "Village Center." The Downtown Village Specific Plan contains the following section (page 20) regarding the Village Center:

4.1 Village Center

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.

It is clearly intended that the Village Center, which includes the Town Center, is the location for smaller scale retail stores. A point of concern is the dilution of the Village Center through the introduction of non-retail uses. Of the 143,637 sq. ft. of retail floor area in the center, this project would constitute 1.4% -- a minor infiltration. A more important index would be the Town Center's 626-foot length of Foothill Boulevard frontage, of which the subject tenant space's 36 feet comprises 5.8%, also statistically insignificant. Of course, incremental effects of such small breaks in the retail procession could eventually undermine the district's potential for an enhanced pedestrian retail experience, so reliance on numbers alone is not advisable.

Beyond the numbers, the more subjective considerations also tend to alleviate concerns about the use. A realty is different from most other office uses in that it is in a sense a selling place, with a product that can capture the imagination of window shoppers, like a retail store - but not exactly like a retail store, since the realty's "products" can't be sampled within the store. Yet it is apparent that a realty, with its colorful photo-illustrated listings in the window, can be an appealing and essential part of a town, even a defining feature of a retail district.

This brings the City to the unusual point of encouraging temporary signage in the windows (within the limits set by the Sign Ordinance). Again, the consideration is subjective, but in any event the window postings of a realty tend to be interesting and tasteful, while temporary photoillustrated flyers posted in the window of, for example, a grocery, do not hold that promise

and are instead likely to be detrimental to the retail scene.

Finally, the store has a slightly recessive quality to it, due to a greater setback than its neighbors, limited window space, and a nearby street tree. An office use is more appropriate for such a street frontage than it would be elsewhere, e.g. in either neighboring tenant space.

Because of the consideration of a realty's "retail" appeal, combined with the minimal and recessive street frontage, staff is not concerned about this use creating an unwelcome lull in a potentially vibrant retail procession.

Parking

An essential part of Conditional Use Permit review is the determination that adequate parking is provided for any use proposed now or in the future. Since the Village Center Parking District has not yet been established, the current parking provision listed in the Community Planned Development (CPD) Zone section of the zoning code will apply. That involves a parking requirement of 4 spaces per 1,000 square feet of floor area – the same for retail as for office use. Thus the proposed use has no effect as far as parking analysis is concerned as compared with the retail use initially envisioned.

The existing shopping center has 574 parking spaces. An analysis of the parking necessary for the Town Center was conducted in 2006 that evaluated the proposed uses as compared to industry standards and shared parking for the uses. The study concluded that the parking demand for weekday and weekend would be 516 and 498 respectively. These numbers are well below the 574 spaces provided by the developer.

In general, realty offices have particularly 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 for everyday occupancy. 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. Neither of those circumstances are evident in this case, and any concern is even more remote because of the modest size of the office. It is not suited to great numbers of agents, even during a general staff meeting. Therefore staff does not recommend any special conditions with regard to parking.

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 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 or tenant space. 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. 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 request **BE APPROVED**, subject to the conditions listed in Exhibit "A", attached to the draft resolution.

cc: La Canada Retail LLC / 515 S. Figueroa St. #1600 / Los Angeles, CA 90071
RED Architectural Group / 3436 Verdugo Road #200 / Glendale, CA 91208
Harcourts USA Crown Jewel Homes / 27372 Aliso Creek Road #100 / Aliso Viejo, CA 92656

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 15-

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING MINOR CONDITIONAL USE PERMIT 509
PERMITTING THE ESTABLISHMENT OF A REALTY OFFICE
AT 965 FOOTHILL BOULEVARD
AS REQUESTED BY HARCOURTS USA**

WHEREAS, a request by RED Architectural Group, as agent for tenant Harcourts USA, 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 January 13, 2015, after publication and posting of notice in the prescribed manner, held a public hearing on the Minor Conditional Use Permit for the establishment of a realty office, with three Commissioners present, voted 2-1 to deny the project; and

WHEREAS, the Planning Commission, on January 13, 2015, after publication and posting of notice in the prescribed manner, held a public hearing on the Minor Conditional Use Permit for the establishment of a realty office; and

WHEREAS, a request by Harcourts USA was made at the January 27, 2015 Planning Commission meeting for reconsideration of the project; and

WHEREAS, the Planning Commission, on January 27, 2015, with four Commissioners present, voted 4-0 to reconsider the item on a date uncertain; and

WHEREAS, the Planning Commission, on February 24, 2015, after publication and posting of notice in the prescribed manner, held a public hearing on 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 memorandum dated February 24, 2015 and staff report dated January 13, 2015 regarding the application for a Minor Conditional Use Permit at 965 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, the Commission reviewed the project and determined that no significant environmental impacts would result from the project, which is Categorically Exempt from the California Environmental Quality Act, under Class 2.5(a)(1)(minor interior work) of the City of La Cañada Flintridge Guidelines for the implementation of CEQA;

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 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.
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 24th day of February, 2015.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT 509
965 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 509.
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 509, 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.

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