

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

February 23, 2016

Applicant:

John Thomas
C2 Educational Systems, Inc.
6465 E. Johns Crossing, Suite 100
Duluth, GA 30097

Case Type/No: MCUP 520

Property Owner:

Al Cabraloff
Felikian Family Trust
909 E. Green St.
Pasadena, CA 91106

Project Address:

522 Foothill Boulevard

Project Planner:

Gary Yesayan - Planning Aide

1. Request

The request is for a Minor Conditional Use Permit to establish a tutoring center at 522 Foothill Boulevard. The subject location was previously utilized as a video rental store with a retail use designation. Per City's Downtown Village Specific Plan, tutoring uses within the Mixed Use 2 Zone require Planning Commission review and approval through a Minor Conditional Use Permit.

2. Location

The property is a commercial lot on the south side of Foothill Boulevard, west of Gould Avenue. The location is within the Mixed Use 2 zone of the Downtown Village Specific Plan.

3. Staff Recommendation

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

4. Project Area (APN# 5820-001-002)

Project Site:	19,200 sq. ft.
Parking Spaces:	28 total - 12 front / 16 rear
Subject Property (C2 Education):	1,360 sq. ft.

5. General Plan/Zoning/Existing Land Use

The General Plan Land Use Map designates the site as Downtown Village Specific Plan (DVSP). The subject lot, located within the Mixed Use 2 Zone, is developed by a commercial building with a variety of businesses. The establishment has designated parking areas at the front and rear.

6. Environmental Impact Review

Based on the review of the application and the submitted plans, staff has determined that the proposal is Categorically Exempt from the provisions of the California Environmental Quality Act under Class 2.5 (a) (1) (Interior/exterior alterations) of the City Guidelines for the implementation of CEQA.

7. Previous Actions:

C2 Tutoring sign approval through Design Commission Review. (10/01/15 - DR 15-16)

Façade, business signs and parking area renovations for the entire center. (09/05/13 - DR 13-10)

8. Pending and Potential Actions: Issuance of building permits for interior tenant improvements.

9. Staff Analysis

A. Context:

The project site is located on the south side of Foothill Boulevard, west of Gould Avenue. The commercial center is located on two individual lots. C2 Tutoring will be located on Lot 2 (APN# 5820-001-002). Lot 2 includes approximately 5,153 sq. ft. of commercial property with 28 total parking spaces. 863 sq. ft. is designated for restaurant use and 4,290 sq. ft. is general commercial. The entire commercial center is occupied by Round Table Pizza, Golden Donut, T-Mobile, Fine Art Classes, Foothill Tile and Stone, Palace Dry Cleaners, La Cañada Pool and Patio supplies, Subway Restaurant and Private Fitness. The proposed C2 Education tutoring center would add to the existing business variety within the commercial plaza. Access to the commercial complex is provided from Gould Avenue which exits to Foothill Boulevard. The surrounding land uses include Mixed Use 2 to the north, east and west, and Residential at the south.



B. Project Description:

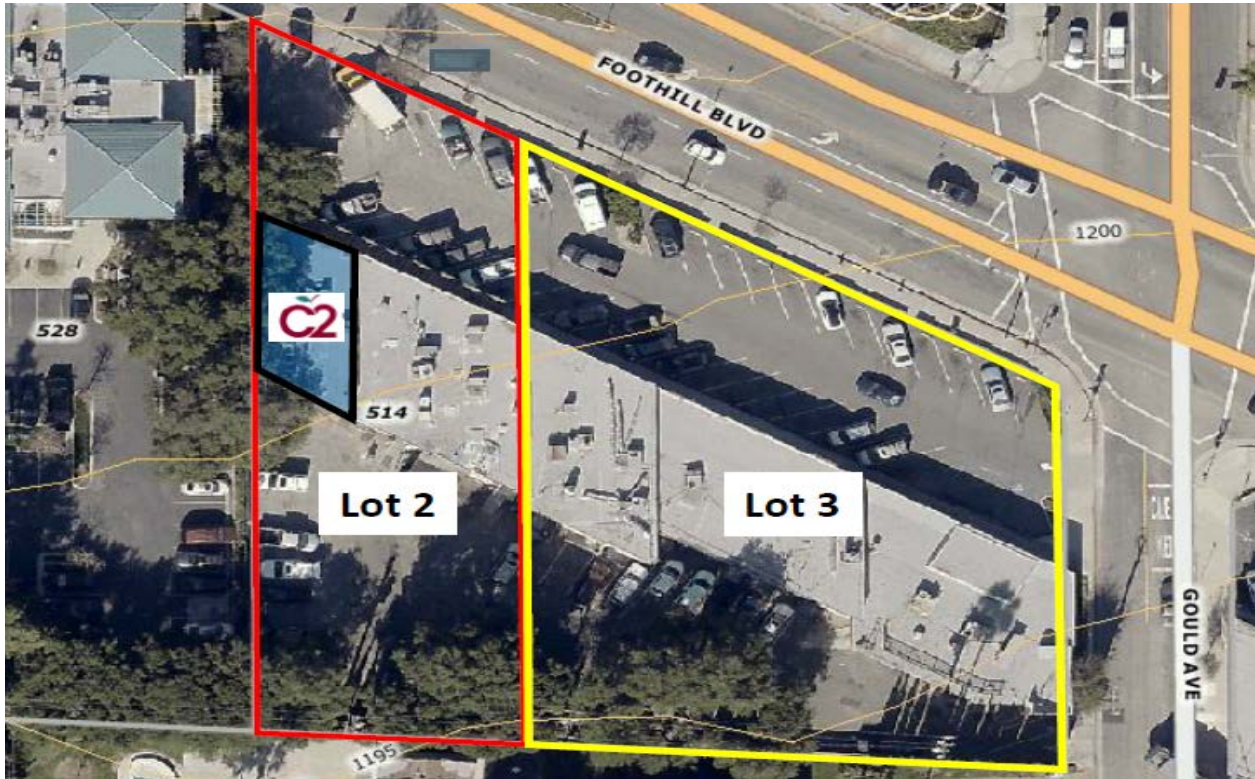
The proposed tutoring center is to be located within the westernmost tenant space of the 502-522 Foothill Boulevard Commercial Center. The subject property is in the Mixed Use 2 Zone with a "Retail" use designation. Per City's Downtown Village Specific Plan, a Minor Conditional Use Permit (MCUP) is required for tutoring centers within Mixed Use 2 Zones.

C2 Education’s goal is to teach, tutor and provide guidance to students from grades K-through 12. SAT/ACT test preparation classes will also be offered. As described, approximately 60% of C2’s students are between ages of 14 to 17 who will generally be dropped-off and picked-up by parents. By design, C2 will not include waiting areas for parents within the center to encourage a rush-free learning experience for students. This will also lower the parking demand within the site. Parents who do park will potentially utilized their wait-time by shopping or dining within the commercial plaza. C2’s staff will include one full-time manager, one part-time receptionist and three to four part time instructors. The number of students, as conditioned will not exceed 14 at this location. The hours of operation during the regular school year will be Monday through Thursday from 1:00 pm to 9:00 pm. and Saturdays 9:00 am to 6:00 pm. The center will not be operating on Sundays. During summer recess the operating hours will be Monday through Thursday from 9:00 am to 5:00 pm and Saturdays 9:00 am to 5:00 pm.

C. Parking Requirement:

The commercial plaza at 502-522 Foothill Boulevard was established during 1961, prior to City’s incorporation. The existing parking arrangement and the number of businesses in general have remained consistent. The double sided front parking area, despite its narrow profile has been successfully serving the center for decades. The subject location at 522 Foothill Boulevard was previously a video-rental store. The proposed tutoring center in contrast with the video-rental does not indicate any potential evidence of significantly increased parking demands. The City Traffic Engineer, based on field investigation and his professional expertise evaluated the subject site for potential negative traffic effects. Taking into account C2’s operating hours, staff and student attendance, concluded that the center is not anticipated to have parking overflow or adverse traffic impacts as a result of the proposed tutoring center. Moreover, C2 Tutoring will be located at the westernmost side of Lot 2 and given the lengthy parking aisle, could accommodate remote instances of overflow. According to Ordinance No. 380, adopted November 2nd, 2009, (see attached), the minimum parking requirement for general commercial use is four parking spaces per 1000 square feet of gross floor-area, and ten parking space per 1000 square feet of gross floor-area for restaurants. Per this requirement, as the table below shows, the minimum required parking for all the existing and proposed businesses on Lot-2 is 26 spaces. Lot-2 presently has 28 total parking spaces which meets the minimum parking requirement for the subject lot.

Lot	Business	Category	Min. Parking Requirement	Floor-area	Required Parking Spaces	
Lot 2	La Cañada Pool & Patio	General Commercial	1 per 250 S.F.	1,940 S.F.	8	Required 27 Existing 28
	Subway Restaurant	Restaurant	1 per 100 S.F.	863 S.F.	9	
	Private Fitness	General Commercial	1 per 250 S.F.	990 S.F.	4	
	C2 Education / Tutoring	General Commercial	1 per 250 S.F.	1,360 S.F.	6	
Lot 3	<i>Round Table Pizza</i>	<i>Restaurant</i>	<i>1 per 100 S.F.</i>	<i>3,396 S.F.</i>	34	Required 56 Existing 36
	<i>Golden Donut</i>	<i>General Commercial</i>	<i>1 per 250 S.F.</i>	<i>1,067 S.F.</i>	5	
	<i>T-Mobile</i>	<i>General Commercial</i>	<i>1 per 250 S.F.</i>	<i>1,126 S.F.</i>	5	
	<i>Fine Art Classes</i>	<i>General Commercial</i>	<i>1 per 250 S.F.</i>	<i>873 S.F.</i>	3	
	<i>Foothill Tile & Stone</i>	<i>General Commercial</i>	<i>1 per 250 S.F.</i>	<i>1,577 S.F.</i>	6	
	<i>Palace Dry Cleaners</i>	<i>General Commercial</i>	<i>1 per 250 S.F.</i>	<i>853 S.F.</i>	3	



D. Minor Conditional Use Permit:

Issues

Per Table 6.1 of The Downtown Village Specific Plan, tutoring is classified under “commercial schools” which requires a Minor Conditional Use Permit. C2 Education as proposed, will provide tutoring and guidance to students from grades K-through 12, who will mainly be dropped-off and picked-up at the location. Per City Traffic Engineer’s evaluation of C2’s operating hours and field observations, no potential traffic impacts are evident, despite a parking count deficit for the entire center independent of parcelization.

C2’s tutoring staff as mentioned, will include one full-time manager, one part-time receptionist and three to four part-time instructors. This is total of six employees with a required parking space of six for this establishment only. However, Lot-2 has twelve total shared parking stalls at the front allowing additional parking area for parent drop-off and pick-up. Moreover, employees would utilize the available parking at the rear. This will increase parking availability at the front.

Findings

- 1. The proposed use will not be in substantial conflict with the adopted General Plan for the area.**

The tutoring center is consistent with the General Plan policy of encouraging a balanced commercial base. The tutoring center would contribute to the diversity of business types within the commercial center and will not change the existing level of use to an unreasonable extent. The center has variety of businesses which may benefit as a result of parents and children visiting these establishments while waiting for pick-up and drop-off. 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. The subject lot has sufficient parking available. Additionally, the proposed tutoring center is for children who will primarily be dropped-off and picked-up during afterschool hours. This should not result in increased parking demand in relation to the previous retail use of the site. 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.**

No change in square footage is proposed for the tenant space and building. The new “tutoring” use is not anticipated to increase the parking demand from the previous “retail” use. Students will generally be dropped-off and picked-up on site throughout the hours of operation of the establishment. 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 tutoring center use. The proposed tutoring center use is not anticipated to increase parking demand which has access to and from two main streets to an unreasonable level. 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 proposed tutoring center would utilize the space within the existing building. There will be no 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.

E. Summary/Recommendation:

Based on the above analysis, staff recommends that the MCUP 520 **BE APPROVED**, subject to the conditions listed in Exhibit “A”, attached to the draft resolution.

F. Attachments:

1. Draft Resolution and Conditions of Approval
2. Ordinance No. 380 - Parking Requirement
3. Rear Parking Diagram
4. Site and Floor Plans for C2 Education
5. Petitions in favor of C2 Tutoring from businesses within the center

RESOLUTION NO. 16 - xx

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING MINOR CONDITIONAL USE PERMIT 520
FOR A COMMERCIAL SCHOOL / TUTORING USE
AT 522 FOOTHILL BOULEVARD
IN THE MIXED USE II ZONE
AS REQUESTED BY
JOHN THOMAS / C2 EDUCATIONAL SYSTEMS INC.**

WHEREAS, a request by John Thomas has been received for a Minor Conditional Use Permit (MCUP 520) to allow C2 Educational Systems Inc., Tutoring Center as a commercial school use in an existing retail building, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on February 23, 2016 after publication and posting of notice in the prescribed manner, held a public hearing on the MCUP 520 request; and

WHEREAS, in compliance with the California Environmental Quality Act, the Planning Commission reviewed the related materials and reports and hereby determined that the project would have no significant impact on the environment, which is Categorical 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 found that all the facts contained in the Staff Report dated February 23, 2016, regarding the application for the MCUP 520 at 522 Foothill Boulevard are true and correct, and the Planning Commission hereby adopts said Staff Report and as its own findings of facts; and

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

Section 1.

Conditional Use Permit - Findings

1. The proposed use will not be in substantial conflict with the adopted General Plan for the area, since the tutoring center is consistent with the General Plan policy of encouraging a balanced commercial base. The tutoring center would contribute to the diversity of business types within the commercial center and will not change the existing level of use to an unreasonable extent. The 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. 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. There is no evidence that any detrimental effects could be anticipated in terms of noise, litter, or other nuisances. The subject lot has sufficient parking available. Additionally, the proposed tutoring center is for children who will primarily be dropped-off and picked-up during afterschool hours. This should not result in increased parking demand in relation to the previous retail use of the site.
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 tenant space and building. The new “tutoring” use is not anticipated to increase the parking demand from the previous “retail” use. Students will generally be dropped-off and picked-up on site throughout the hours of operation of the establishment.
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. No effect on required infrastructure would result from the requested tutoring center use. The proposed tutoring center use is not anticipated to increase parking demand which has access to and from two main streets 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, since the proposed tutoring center would utilize the space within the existing building. There will be no 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.

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 tutoring use at 522 Foothill Boulevard, subject to the conditions attached to this resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of February, 2016.

Chair of the Planning Commission

ATTEST:
Secretary to the Planning Commission

EXHIBIT - A

CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT 520
522 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 520.
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 plans labeled Minor Conditional Use Permit 520, except as otherwise stated in these conditions.
5. 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.
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, 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.
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. The maximum capacity shall not exceed 14 students during tutoring or any other related activity. Any event resulting in arrival of large groups exceeding this limitation shall require a Special Event Permit.
12. Any deviation from the proposed use, hours of operation, number of employees or any other substantial change as determined by the Director of Community Development may require an amendment of MCUP 520 subject to applicable review processes and fees.
13. 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 this Minor Conditional Use Permit (MCUP 520).
14. Planning staff will monitor parking and traffic impacts at the subject site one year after the Minor Conditional Use Permit 520 approval. Staff will report back to the Planning Commission the results of the review.

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