

PLANNING COMMISSION STAFF REPORT

June 27, 2017 Hearing

Applicant:

Alex Varga – Varga Associates
224 N. Fair Oak Avenue
Pasadena, CA 91103

Case Type/No: MCUP 526

Property Owner:

Doyle Zak Johnson
177 N. Encinitas Avenue
Monrovia, CA 91016

Project Address:

440 Foothill Boulevard

Project Planner:

Gary Yesayan

1. Request:

The request is to consider a Minor Conditional Use Permit (MCUP) to allow conversion of a commercial property previously utilized as an automotive service center, into a children's gymnastic area; Club Champion Gymnastics.

2. Location:

The commercial property is located along the south side of Foothill Boulevard, between Vineta Avenue and Hampton / Georgian Road, across from an existing McDonald's restaurant. The subject property is located within the Mixed Use 2 zone of the Downtown Village Specific Plan.

3. Staff Recommendation:

Staff recommends **APPROVAL** of the Minor Conditional Use Permit (MCUP 526) subject to conditions attached to the draft Resolution.

4. Project Area:

Lot Size: 9,795 S.F.
Building Size: 3,584 S.F.

5. General Plan / Zoning / Existing Land Use:

The General Plan Land Use Map designates the site as Downtown Village Specific Plan. The site is zoned as Mixed Use 2. The property is developed with a single commercial building with designated parking area at the front.

6. Environmental Impact Review:

Based on the review of the application and the submitted plans, staff has determined that the project 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 and CEQA Guideline’s Section 15301(a), which allows for the permitting, operation and minor alteration of existing facilities.

7. Previous Actions: None

8. Pending and Potential Actions:

Design Commission review for sign and landscaping.

Structural review and Building Permit issuance for interior tenant improvements.

9. Staff Analysis:

A. Context:

The project site at 440 Foothill Boulevard is in the City's Downtown Village Specific Plan and zoned as Mixed Use 2. The site is located directly across from a McDonald’s restaurant and within a walking distance of a variety of businesses. The 9,795 square foot lot contains a single commercial building, approximately 3,584 square feet in area. The site currently includes ten parking spaces at the front, which will be reconfigured to provide four additional parking spaces. Entrance and exit to the site is provided from Foothill Boulevard. The zoning designation west, north and east of the subject site is Mixed Use 2. A residential property is located directly behind the subject site within an R-1-20,000 zone. Although a rear-yard setback is not provided, the rear wall of the subject commercial building, as shown below, and as indicated on the provided elevation drawings, includes a solid block wall without any windows. This existing condition is common for the adjoining commercial and residential properties within this area. The lack of windows and the solid block wall will limit potential noise to the residence at 441 Richmond Road. Additionally, the change of use from automotive service to children’s gym should further reduce ambient noise levels.



B. Project Description:

The applicant is proposing to offer children's gymnastics instructions within the 3,584 square foot tenant space located at 440 Foothill Boulevard. Per City's Downtown Village Specific Plan, a Minor Conditional Use Permit (MCUP) is required for gymnasiums and similar uses within Mixed Use 2 zone. The overall footprint of the building and its area will not change. Only interior reconfiguration and exterior façade improvements are proposed. The gymnasium would have an open floor plan except for the office and parent viewing area at the 2nd-floor level. The gymnastic studio would cater to children who are between 2 and 12-years old. The applicant is proposing to install gymnastics equipment such as bars, tumble tracks, trampolines, bars, rope climbing and provide open area for exercise and group instructions. The hours of operation as proposed are Monday through Friday from 9:00 am to 8:00 pm with the following class breakdown:

9:00 am – 10:00 am – Parent and Me. (7 Students)
10:15 am – 11:00 am – Instructions for 2 - year-olds. (7 Students)
11:15 am – 12:15 pm – Instructions for 3 - 4-year olds. (7 Students)

3:20 pm – 4:20 pm – Instructions for ages 5 and up (3 classes – 15 students max.)
4:35 pm – 5:35 pm – Instructions for ages 5 and up (3 classes – 15 students max.)
5:50 pm – 6:50 pm – Instructions for ages 5 and up (2 classes – 10 students max.)
7:00 pm – 8:00 pm – Instructions for ages 5 and up (2 classes – 10 students max.)

10 to 15-minute time interval will be provided between classes to allow for drop-off, pick-up and parking.

Based on the business model and existing locations, it is estimated that 30-40% of students will be dropped-off and picked-up. Club Champion Gymnastics has partnered with ride sharing services, which most of their students will utilize. Additionally, having siblings in different classes during the same hour is also common. This will further reduce the need for parking. Club Champion Gymnastics currently has two locations. The Pasadena location currently accommodates 120 students per hour with 32 available parking spaces. The Monrovia location currently accommodates 30 students per hour with 25 available parking spaces. The proposed La Cañada Flintridge location will have a maximum of 15 students per hour with 14 total parking spaces. Minimum parking requirement is discussed in the following section.

C. Minor Conditional Use Permit:

Discussion

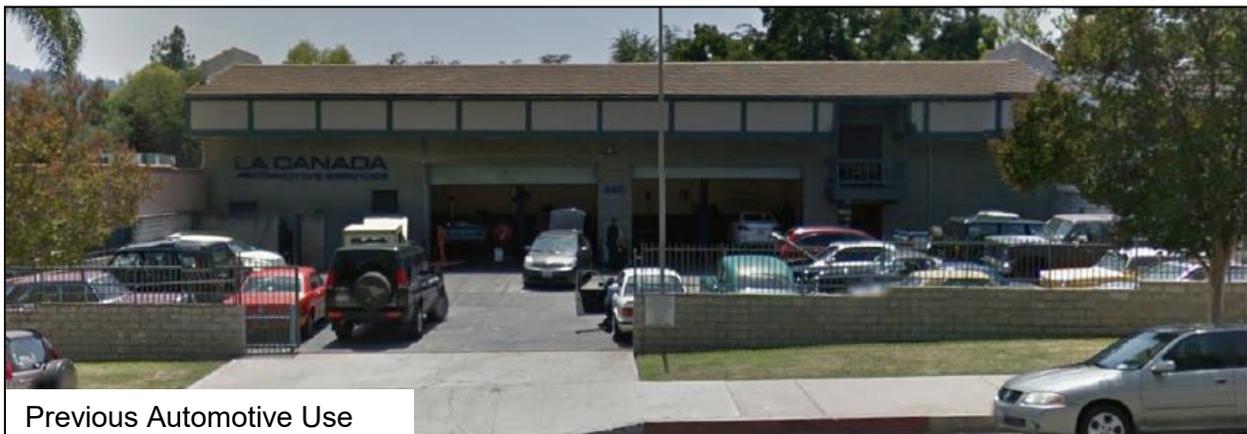
The Downtown Village Specific Plan specifically lists health clubs and gymnasium as uses that require a Minor Conditional Use Permit because one of the visions of the specific plan is to create a pedestrian-friendly village atmosphere that enhances retail viability. Visiting this type of gym is usually a single-purpose pursuit that requires planning and not something that one casually shops around for, therefore one of the primary concerns is the affect of this use within the Downtown Village Specific Plan. Although the

proposed children's gym use is not regarded as a pedestrian-oriented "small scale retail store," the presence of a gymnasium would not discourage a pedestrian-oriented atmosphere considering the tenant space is nearby an array of shopping centers and restaurants where visitors to the gym may find it convenient to utilize those surrounding establishments. Additionally, the change of use from the previous automotive service to a children's gymnasium would enhance the overall condition of the area.

Parking Requirement:

The parking requirement within the Downtown Village Specific Plan, (DVSP) is subject to the Community Planned Development (CPD) standards of the Zoning Code, per Chapter 7.3 of the DVSP. Chapter 11.14.030, (D), of the Zoning Code, provides minimum parking requirements for specific uses. However, "children's gymnasium" is not one of the listed uses. As such, per Chapter 11.14.030, (D)(1)(f), when the parking ratio for the most restrictive use, "an auditorium" is applied, the minimum parking requirement becomes excessive for the site – (*one automobile parking space for each thirty-five (35) square feet of the usable floor area of such auditorium where seats are not fixed*). With a usable space of 1,210 square feet (excluding office and restroom areas), the requirement would be 35-spaces for the subject site.

As previously mentioned, the proposed children's gymnasium will include maximum of 15-students during one hour of instruction (3-classes with 5 students each) and 4 part-time employees. It is anticipated that majority of children will be dropped-off and picked-up and will not utilize parking spaces. Additionally, based on current trends, it is common for siblings to be part of different classes during the same hour of instruction. In such instance, one parking space will be utilized for multiple attendees if parents were to stay and observe. Thereby, comparing this use with an auditorium designed for large public events would not be reasonable. Per Chapter 11.14.030, (D)(1)(a) of the Zoning Code, applying the parking requirement for "General Commercial Use" would be the most reasonable. This would require one parking space per two hundred fifty square feet of gross floor area. With 3,584 square foot of total floor area the requirement would be 15 spaces ($3,584 / 250 = 14.3$). While, the anticipated 15 maximum students with 4 part-time staff exceeds the provided 14 total spaces, comparing the previous automotive service use, serving the community for numerous years, staff believes that 14 parking spaces would be sufficient for this new use.



Moreover, a condition of approval will be included to monitor any potential parking and traffic impacts for a 12-month period after the MCUP approval. If approved, the condition will require amendment of the MCUP to reduce number of students, revise operating hours or mitigate any aspect of the use if parking, traffic or any other issues are identified. All conditions would be subject to applicant's acknowledgment and appeal procedures.

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 adopted General Plan for the area. The children's gym is consistent with the General Plan policy of encouraging a balanced commercial base. The existing businesses within the neighboring area will not be adversely impacted and would potentially benefit from the new 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.**

There is no evidence that any detrimental effects could be anticipated in terms of noise, litter, or other nuisances due to the change of use. Onsite parking will be improved in contrast to the previous automotive service use. 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 subject site and the existing building is adequate in size to accommodate sufficient parking and its customers. The existing 10 parking spaces will be reconfigured to include total of 14 spaces with ADA compliance. The interior floorplan of the building will be redesigned for greater efficiency and building code compliance. The landscaping is updated to meet all the required code standards. 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 children's gym use. The proposed children's gym use is not anticipated to increase the amount of traffic 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 children's gym would utilize the space in an existing building with no new square footage added. Other than signage, no exterior improvements are proposed and the use is consistent with the character of the immediate area. Staff supports the finding.

D. Summary/Recommendation:

Based on the above analysis, staff recommends **APPROVAL** of the Minor Conditional Use Permit (MCUP 526) subject to the conditions listed in Exhibit "A", attached to the draft resolution.

RESOLUTION NO. 17 -

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING MINOR CONDITIONAL USE PERMIT 526
FOR A CHILDREN'S GYMNASIUM
AT 440 FOOTHILL BOULEVARD
AS REQUESTED BY
DOYLE ZAK JOHNSON**

WHEREAS, a request by Doyle Zak Johnson has been received for a Minor Conditional Use Permit (MCUP) to allow a children's gym use in an existing building, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on June 27, 2017, after publication and posting of notice in the prescribed manner, held a public hearing on the MCUP 526 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 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 found that all the facts contained in the Staff Report dated June 27, 2017, regarding the application for the MCUP 526 at 440 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 - Findings

1. The proposed use will not be in substantial conflict with the adopted General Plan for the area. The children's gym is consistent with the General Plan policy of encouraging a balanced commercial base. The existing businesses within the neighboring area will not be adversely impacted and would potentially benefit from the new use.

2. There is no evidence that any detrimental effects could be anticipated in terms of noise, litter, or other nuisances due to the change of use. Onsite parking will be improved in contrast to the previous automotive service use.
3. The subject site and the existing building is adequate in size to accommodate sufficient parking and its customers. The existing 10 parking spaces will be reconfigured to include total of 14 spaces with ADA compliance. The interior floorplan of the building will be redesigned for greater efficiency and building code compliance. The landscaping is updated to meet all the required code standards.
4. No effect on required infrastructure would result from the requested children's gym use. The proposed children's gym use is not anticipated to increase the amount of traffic to an unreasonable level.
5. The proposed children's gym would utilize the space in an existing building with no new square footage added. Minor exterior improvements and a new sign will be subject to Design Commission review. Overall, the proposed project will preserve the existing scale and character of the surrounding neighborhood without any impact on public views.

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 a children's gym use at 440 Foothill Boulevard, subject to the conditions attached to this resolution.

PASSED, APPROVED AND ADOPTED this 27th day of June, 2017.

Chair of the Planning Commission

ATTEST: _____
Secretary to the Planning Commission

EXHIBIT – A

CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT 526
440 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 526.
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 526, 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 City will monitor traffic and parking for potential impacts at the subject site every six (6) months from the approval date of MCUP 526 for a period of two years. Should any negative impacts be identified due to this use, as determined by the Director of Community Development, Director of Public Works or the City Traffic Engineer, this approval shall be subject to reevaluation and amendment to the satisfaction of the City, subject to applicable review processes and fees.
12. Any deviation from the proposed use, hours of operation, number of employees, number of students or any other substantial change as determined by the Director of Community Development may require an amendment of MCUP 526 subject to applicable review processes and fees.
13. 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 526) if the proposed use is found to be detrimental to the public health or safety, or determined to be a nuisance.
14. Signage, building façade updates and landscaping is subject to Design Commission review as part of separate Planning application and building permits.

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