

## **SAN GABRIEL PLANNING COMMISSION**

# **Agenda**

**REGULAR MEETING**  
**Monday, August 8, 2016**  
**6:30 p.m., City Hall Council Chamber**  
**425 South Mission Drive**

**CALL TO ORDER**

**6:30 p.m.**

**PLEDGE OF  
ALLEGIANCE**

**ROLL CALL OF  
MEMBERS**

**CHAIRMAN GARDEN, VICE CHAIR KLAUTER, AND  
COMMISSIONERS LOU, VERA, AND ZAWODNY**

**APPROVAL OF  
MINUTES**

**Minutes of the Planning Commission meetings on June 13, 2016  
and July 8, 2016.**

**PUBLIC  
COMMENT**

**Pursuant to Government Code Section 54954.3, this is the time  
approved for members of the public to address the Planning  
Commission on items of interest that are within the subject  
matter jurisdiction of the Planning Commission of the City of  
San Gabriel. The Commission cannot take action on such  
comment but may put an item on a future agenda.**

**PUBLIC HEARING ITEMS:**

- 1. 518 W. Las Tunas Dr.  
Case No. PL-16-088 (Amendment to Conditional Use Permit)  
Applicant: Sophia Lau (Newport Seafood)**

**PROJECT SUMMARY:** The applicant is requesting to amend an existing Conditional Use Permit to serve liquor (Type 47 ABC License) within an existing restaurant at 518 W. Las Tunas Drive in the C-1M (The Market Place) zone within the Mission District Specific Plan. The existing restaurant currently has a Type 41 ABC License to serve beer and wine.

**ENVIRONMENTAL DETERMINATION:** The project was reviewed for compliance with the California Environmental Quality Act (CEQA). This project is exempt from the requirements of the California Environmental Quality Act, per Guidelines Section 15301, Class 1 (Existing Facilities)

**RECOMMENDATION:** The Planning Commission **APPROVE** Case number **PL-16-088**, subject to the recommended conditions of approval.

**Jo Anne Burns, Associate Planner**

- 2. 251 S. San Gabriel Blvd.  
Planning Case No. PL-16-061 (Amendment to Conditional Use Permit)  
Applicant: Mark Chan (Data for Children)**

**PROJECT SUMMARY:** The applicant is proposing an amendment to an existing Conditional Use Permit to allow for an after-school tutoring center to expand to an existing adjacent commercial building located in the C-1 (Retail Commercial) zone.

**ENVIRONMENTAL DETERMINATION:** The project was reviewed for compliance with the California Environmental Quality Act (CEQA). This project is exempt from the requirements of the California Environmental Quality Act, per Guidelines Section 15301, Class 1 (Existing Facilities).

**RECOMMENDATION:** The Planning Commission **APPROVE** Planning Case No. **PL-16-061**, subject to the recommended conditions of approval.

**Nick Bezanson, Assistant Planner**

**3. 306 San Marcos St.  
Planning Case No. PL-15-045 (Tentative Tract Map)  
Applicant: Gantcho Batchkarov (San Gabriel Summit Homes)**

**PROJECT SUMMARY:** The applicant is requesting a Tentative Tract Map to allow construction of an eight-unit residential condominium project at 306 San Marcos in the R-3 Arroyo Residential zone within the Mission District Specific Plan.

**ENVIRONMENTAL DETERMINATION:** In accordance with the California Environmental Quality Act (CEQA) guidelines Section 15063(a), the City of San Gabriel determined that a Mitigated Negative Declaration (MND) would be required for this project, after preparation of an Initial Study. A Notice of Proposed Mitigated Negative Declaration of Environmental Impact was prepared and filed with the Los Angeles County Clerk on July 14, 2016 and was also made available for public review.

**RECOMMENDATION:** The Planning Commission **APPROVE** Planning Case No. PL-15-045, subject to the recommended conditions of approval.

**Larissa De La Cruz, Senior Planner**

**STAFF ITEMS:**

**PLANNING COMMISSION ITEMS:**

**ADJOURNMENT: THE REGULAR PLANNING COMMISSION MEETING ON SEPTEMBER 12, 2016 IS CANCELLED DUE TO A LACK OF BUSINESS. THE PLANNING COMMISSION WILL MEET WITH THE CITY COUNCIL AND DESIGN REVIEW COMMISSION ON SEPTEMBER 13, 2016 AT 5:30 P.M. AT CITY HALL, 425 SOUTH MISSION DRIVE, SECOND FLOOR, SAN GABRIEL, CA.**

**AVAILABILITY OF REPORTS:** Staff reports are available for public inspection in the Planning Division office of City Hall, during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, and 8:00 a.m. to 6:30 p.m. Tuesdays; Telephone (626) 308-2806, Press 4. The agenda is also available on the City's website and can be downloaded at the following address: <http://sangabrielcity.com/index.aspx?nid=335>

**ACCESS FOR THE DISABLED:** City Hall is accessible to the disabled. Audio devices for the hearing impaired are available from the planning staff during each meeting.

**APPEAL PERIOD: All decisions made by the Planning Commission may be appealed to the City Council within (10) business days of the decision by filing a letter with the City Clerk and paying an appeal fee of \$565, plus noticing fees. If no appeal is filed, decisions are final (except for legislative actions that are recommendations to the City Council).**

**CITY OF SAN GABRIEL**

**MINUTES OF THE PLANNING COMMISSION REGULAR MEETING AND  
DESIGN REVIEW COMMISSION SPECIAL MEETING**

**June 13, 2016**

The regular meeting of the Planning Commission and a special meeting of the Design Review Commission of the City of San Gabriel were held in the City Council Chambers at City Hall, 425 S. Mission Drive, San Gabriel, California, on Monday, June 13, 2016.

Chairman Garden called the meeting to order at 6:30 p.m. and led the pledge of allegiance.

**Meeting Called to Order;  
Pledge of Allegiance**

**ROLL CALL**

**ROLL CALL**

**PLANNING COMMISSION**

**PRESENT:** Chairman Norman Garden, Vice-Chair Thomas Klawiter, Commissioner Jingbo Lou, Commissioner Camelia Vera and Commissioner Vincent Zawodny

**EXCUSED:** None

**DESIGN REVIEW COMMISSION**

**PRESENT:** Chairperson Marla Nadolney and Vice-Chair Raymond Cheng

**EXCUSED:** None

**STAFF PRESENT:** City Attorney Robert L. Kress, Interim Planning Manager Mark Gallatin, Senior Planner Larissa De La Cruz, Associate Planner Jo-Anne Burns, and Planning Commission Secretary Jackie Wong

**CONSENT ITEMS**

**Minutes of the regular meeting on May 9, 2016.**  
Vice-Chair Klawiter moved to approve the minutes. Commissioner Vera seconded the motion. There being no objections, the minutes were approved.

**PUBLIC COMMENTS**

Chairman Garden asked that speakers come forward who wish to address the Planning Commission on non-agenda items.

No one came forward to speak; therefore, he closed this portion of the meeting.

**EXPLANATION OF PUBLIC HEARING PROCEDURES**

City Attorney Kress explained the public hearing procedures for the items on this evening's agenda.

At this point, Commissioner Vera recused herself for a potential conflict of interest due to her profession in real estate.

**CONSENT ITEMS**

**Minutes of the regular  
Planning Commission meeting  
on May 9, 2016  
Approved.**

**PUBLIC COMMENTS**

**None.**

**EXPLANATION OF PUBLIC  
HEARING PROCEDURES**

**Explained by City  
Attorney Kress**

**PUBLIC HEARING ITEM: PLANNING COMMISSION AND DESIGN REVIEW COMMISSION**

- 1. 101 E. Valley Blvd.  
Planning Case No. PL-14-118  
Applicant: G.E. Property (Stephen Chan)**

This item was presented by Interim Planning Manager Mark Gallatin for a request of a Tentative Tract Map (Planning Commission) and a Precise Plan of Design (Design Review Commission) for a mixed-use development.

**ENVIRONMENTAL DETERMINATION:** The project was reviewed for compliance with the California Environmental Quality Act (CEQA). Staff determined that it also required a Mitigated Negative Declaration of Environmental Impact, which was prepared on May 17, 2016. This was posted with the Los Angeles County Clerk on May 18, 2016 and was included in the staff report.

**RECOMMENDATION:** Staff recommended that the Planning Commission approve the Tentative Tract Map for Planning Case No. PL-14-118 and that the Design Review Commission approve the Precise Plan of Design for PL-14-118.

The project architect presented a PowerPoint presentation to the Commissioners. Landscape Architect James Dean, spoke about replacing the existing trees that are not doing well and adding low planters that are drought tolerant as part of the streetscape.

DRC Vice-Chair Cheng inquired about elevation, railing, material board, colors and handrails. He also suggested adding a vertical art element that would help deter people running into the driveway.

PC Chairman Garden recommended use of low bollards and landscaping on the buffer zone.

PC Commissioners Zawodny and Lou inquired about trash loading and handling for residents and commercial businesses. The project architect stated that the residential and commercial components of the project will have their own trash chutes and separate trash bins.

DRC Chairperson Nadolney inquired if there will be a median on Valley and, if so, will it be landscaped. PC Chairman Garden stated that there will be one along Valley Blvd between Del Mar and Palm.

Mr. Stephen Chan, project owner and leasing agent, stated that his goal is to attract national chain retailers.

**Testimonies:**

1. Charles Sances, 1808 S. California St., stated his concerns about:
  - Traffic, noise, pollution and crime increase;
  - Residents giving up quality of life vs. quality of place; and
  - Increased use of water, potentially increasing water rates.
2. Anna Battaglia, resident, stated he agreed with Mr. Sances. She also voiced her concerns about:
  - Not a family-friendly project with having 2/3 of the units being sold as studio units; suggested to reduce number of units; and
  - Traffic nightmare in the area.
3. Drew Lawler, resident on Roses Rd., stated she agreed with Mr. Sances and Ms. Battaglia. She also stated that so many streets are narrowed due to bike lanes, and traffic will increase. That corner currently has major traffic and it will get worse after the project is

**PUBLIC HEARING ITEM:  
PLANNING COMMISSION  
AND DESIGN REVIEW  
COMMISSION**

- 1. 101 E. Valley Blvd.  
Planning Case No.  
PL-14-118  
Applicant: G.E.  
Property (Stephen  
Chan)  
Approved.**

**Testimonies**

done.

4. Marina Burkemeyer, resident, was concerned about the modern design. It doesn't fit with the City's existing architecture.

At this point, PC Chairman Garden closed the public hearing portion.

Commissioners' Discussion

Commissioners' Discussion

**Planning Commissioners**

Commissioner Zawodny was concerned about the loading site where trash trucks would stop on Del Mar, which has lots of traffic. He also recommends to carefully choose the best national chain stores because this corner is one of the few and best retail site locations in the City.

Vice-Chair Klawiter praised the design and recommended that the trash pickup process be streamlined. He encouraged the project team to follow the Valley Blvd Specific Plan (VBSP) as a guideline and work hard to get good quality retail tenants.

Commissioner Lou echoed his thoughts with those of Vice-Chair Klawiter and Commissioner Zawodny. He encouraged the developers to be good neighbors.

Chairman Garden was concerned about the trash servicing process. He recommended considering looking at parking B level and using a smaller service vehicle to service trash. He also suggested that the enclosed dumpster area be sized correctly. He stated that it is a very nice project and that its location leads directly to the freeway HOV lane. He empathized with the residents about their concerns; however, he reminded them that the VBSP was created to guide developers in meeting the City's requirements. He suggested that the developers use good quality materials and do not cut corners so that everyone will be proud of this development.

Chairman Garden made the motion to approve the Tentative Tract Map for PL-14-118.  
Vice-Chair Klawiter seconded the motion.

Ayes: Garden, Klawiter, Lou and Zawodny  
Noes: None

4-0 vote

**Design Review Commissioners**

Vice-Chair Cheng stated that the design has improved tremendously from previous renditions; important elements are being considered from both the Planning and Design Review Commissions for a very important corner property in the City. He suggested refining details during the final stages. He recommends that an art program be included in the courtyard area into the traffic area. He wants the residents of the City to be proud of this project.

Chairperson Nadolney stated that the DRC has seen about three versions of this project and was pleased to see the improvements made to it. She recommended bringing back the art program for further review.

Vice-Chair Cheng made the motion to approve the Precise Plan of Design for PL-14-118.  
Chairperson Nadolney seconded the motion.

Ayes: Nadolney and Cheng  
Noes: None

2-0 vote. Motion carried.

The Design Review Commission adjourned to a special meeting on June 20, 2016 at 7:00 p.m. at City Hall, 425 S. Mission Drive, Second Floor, San Gabriel, CA.

**PUBLIC HEARING ITEMS: OLD BUSINESS**

**1. 1237 S. San Gabriel Blvd.**

**Planning Case No. PL-16-001**

**Applicant: Shyn Hae Wu/Xue Wen Ma (Angel Massage, Inc.)**

This item was continued from the May 9, 2016 Planning Commission meeting. This report was presented by Associate Planner Jo-Anne Burns regarding a request for a CUP to allow an existing massage establishment to continue operating with new ownership. This location has been occupied by a massage business since 2009.

**ENVIRONMENTAL DETERMINATION:** The project was reviewed and exempted for compliance with the California Environmental Quality Act (CEQA) requirements, per Guidelines Section 15301, Class 1 (Existing Facilities).

**RECOMMENDATION:** Staff recommended that the Planning Commission approve Planning Case No. PL-16-001.

Mr. Xue Wen Ma, applicant, spoke using a friend to translate for him. He stated that he has read and agrees with all of the recommended conditions of approval. He also briefly shared that it is his dream to own his own business after coming from another country and has worked hard to making it come true.

Commissioner Lou was provided a recording of last month's meeting and listened to the entire meeting. He stated that he understands the issues and questions about the item.

Commissioner Vera asked about CUP timelines.

**Testimonies**

1. Applicant's translator – stated that she's a regular customer and that the establishment is always kept clean and is pleased with their service.
2. Charles Sances, 1808 S. California St., stated his concerns regarding:
  - Compliance
  - Past violations such as excessive signs, badges not worn

Chairman Garden clarified that those minor violations have all been fixed in 2015.

3. Isella Bowles, 1038 Kendall, stated her concerns regarding:
  - Oversaturation of massage businesses in the City
  - Noisy environment in massage parlors based on online customer reviews
  - Many massage parlors are places that often have lewd activities
4. Suzanne Paine, resident, stated her concerns regarding:
  - Proximity to school(s)
  - Oversaturation of massage businesses in the City

At this point, Chairman Garden closed the public hearing portion of the meeting.

**PUBLIC HEARING ITEMS:  
OLD BUSINESS**

**1. 1237 S. San Gabriel Blvd.**

**Planning Case No. PL-16-001**

**Applicant: Shyn Hae Wu/Xue Wen Ma (Angel Massage, Inc.)  
Approved.**

**Testimonies**

Commissioners' Discussion

Commissioner Lou stated that he understands the residents' concerns. However, he stated that the business has been there for some time and its past violations were not severe enough to punish the applicant. He added that he would support this item.

Commissioner Vera voiced her concern regarding oversaturation of massage businesses within close proximity to each other. She feels that the Planning Commissioners should listen to the will of the people and are failing to implement the General Plan if they don't do that.

Commissioner Zawodny stated that this is a moral issue where one person comes to this country and realize his dream. He stated that he appreciates the applicant working hard to achieve his dream in opening his own business. However, he stated that he's not too keen with oversaturation of massage businesses in the City.

Vice-Chair Klawiter expressed his concern about the oversaturation of massage businesses in the City.

Chairman Garden stated that he understands the concerns brought up but also understands the therapeutic benefits of massages. He added that with Police and Code Enforcement staff working together that they will be able to catch future violations. The violations that were mentioned were past violations that were already taken care of. He stated that the community is transforming where immigrants are learning English and are working to get better at it. He said that staff did their job and recommended staff to review this item in three months.

Chairman Garden made the motion to approve PL-16-033. Commissioner Lou seconded the motion.

Ayes: Garden, Lou, and Zawodny

Noes: Vera and Klawiter

3-2 vote. Motion carried.

**PUBLIC HEARING ITEMS: NEW BUSINESS**

1. 1045 E. Valley Blvd., Unit A215  
Planning Case No. PL-15-121  
Applicant: Gui Qiang Cao

This item was presented by Associate Planner Jo-Anne Burns regarding a CUP to allow a new massage establishment in a Mixed-Use Corridor zone within the Valley Boulevard Specific Plan.

**ENVIRONMENTAL DETERMINATION:** The project was reviewed and exempted for compliance with the California Environmental Quality Act (CEQA) requirements, per Guidelines Section 15301, Class 1 (Existing Facilities).

**RECOMMENDATION:** Staff recommended that the Planning Commission DENY Planning Case No. PL-15-121

Mr. Cao, spoke using his friend to translate for him. He stated that he has been working as a massage parlor manager for seven years and would like to open his own massage business. He added that he has a license and would only employ male employees.

Testimonies

1. Suzanne Payne, resident, was concerned about the proximity of this business to another massage business in the area.

Chairman Garden stated that he lives in this City, too, and that there's a massage parlor

Commissioners' Discussion

**PUBLIC HEARING ITEMS:  
NEW BUSINESS**

1. 1045 E. Valley Blvd.,  
Unit A215  
Planning Case No.  
PL-15-121  
Applicant: Gui Qiang  
Cao  
Denied.

Testimonies

within 200 feet from his house. As Planning Commissioners, he said that they are here to do the right thing under the law.

2. Charles Sances, 1808 S. California St., suggested that the City should publish a list of all massage parlors twice a year so he doesn't have different numbers each time.
3. Isella Bowles, 1038 Kendall, was concerned about property values in the City depreciating due to oversaturation of massage parlors and that many people she knows agree with her.

Chairman Garden encouraged Ms. Bowles and the other speakers opposing the project to talk to the City Council about their concerns.

Ms. Bowles stated that she has done so during the Massage Ordinance hearing but the City Council wasn't supportive. She wants the Commissioners to listen to what the people want. She added that she's in favor of immigrants but also wants San Gabriel to be a better City.

At this point, Chairman Garden closed the public hearing portion of the meeting.

#### Commissioners' Discussion

Commissioner Lou stated that the building where the massage business is located is meant to be used as an office building. He feels that it's not suited for this purpose. It also has visibility challenges from the outside. He added that Commissioners can't change the law and that citizens should voice their concerns to the City Council. He also said that it is hard for him to support another new massage business in the City.

Commissioner Vera commented on the individual room setup and feels that it is not conducive to what that building is meant to be. She pointed out that there are already five massage parlors and an acupuncturist in the area.

Both Vice-Chair Klawiter and Commissioner Zawodny stated that they agreed with the staff report proposed findings.

Chairman Garden made the motion to DENY PL-15-121 based on finding #4 of the CUP, which is incompatibility and oversaturation of use in that property. Vice-Chair Klawiter seconded the motion.

Ayes: Garden, Klawiter, Vera, Lou and Zawodny  
Noes: None

5-0 vote. Motion carried to DENY.

#### STAFF ITEM

1. **2015-2016 through 2019-2020 Capital Improvement Program  
Planning Case No. PL-16-083  
Applicant: City of San Gabriel**

This item was presented by Public Works Director Daren Grilley. He explained about the City's Capital Improvement Program (CIP) which identifies the capital improvements and special projects to be undertaken over a five-year horizon. He also explained that the CIP indicates potential funding sources for those projects. The draft CIP scheduled for Council adoption this month covers fiscal years 2015-16 through 2019-20. California State law requires that the proposed projects in the CIP be found consistent with the City's General Plan before they may be approved.

#### Commissioners' Discussion

#### STAFF ITEM

1. **2015-2016 through  
2019-2020 Capital  
Improvement  
Program  
Planning Case No.  
PL-16-083  
Applicant: City of San  
Gabriel  
Approved.**

**ENVIRONMENTAL DETERMINATION:** Environmental review will be conducted on each individual project in the Capital Improvements Program as required by the California Environmental Quality Act (CEQA).

**RECOMMENDATION:** Staff recommends that the Planning Commission:

- A. Review the 2015-16 through 2019-20 Capital Improvement Program;**
- B. Adopt Planning Commission Resolution No. 16-01, certifying that the 2015-16 through 2019-20 Capital Improvement Program is consistent with the City's adopted General Plan.**

Commissioners' Discussion

The Planning Commissioners conceptualized and discussed the project. They all agreed to support staff's recommendations.

Commissioners' Discussion

ADJOURNMENT

There being no further business to discuss, Chairman Garden moved to adjourn to the Regular Meeting of the Planning Commission on Monday, July 11, 2016 at 6:30 p.m. in the Council Chambers, City Hall, 2<sup>nd</sup> Floor, 425 S. Mission Drive, San Gabriel, CA.

ADJOURNMENT

\* \* \* \* \*

The Planning Commission meetings are available on tape and may be reviewed within 90 days after the meeting in the Community Development Department office at City Hall during regular business hours.

\_\_\_\_\_  
Chairman Norman Garden  
City of San Gabriel  
Planning Commission

ATTEST: \_\_\_\_\_  
Jackie Wong, Secretary  
City of San Gabriel Planning Commission

**CITY OF SAN GABRIEL**

**MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**

**July 11, 2016**

The regular meeting of the Planning Commission of the City of San Gabriel was held in the City Council Chambers at City Hall, 425 S. Mission Drive, San Gabriel, California, on Monday, July 11, 2016.

Chairman Garden called the meeting to order at 6:30 p.m. and led the pledge of allegiance.

**Meeting Called to Order;  
Pledge of Allegiance**

**ROLL CALL**

**ROLL CALL**

**PRESENT:**

Chairman Norman Garden, Commissioner Jingbo Lou, Commissioner Camelia Vera and Commissioner Vince Zawodny

**ABSENT:**

Vice-Chair Thomas Klawiter (excused)

**STAFF PRESENT:**

City Attorney Robert L. Kress, Senior Planner Larissa De La Cruz, Associate Planner Jo-Anne Burns, Assistant Planner Nicholas Bezanson, and Planning Commission Secretary Jackie Wong

**PUBLIC COMMENTS**

Chairman Garden asked that speakers come forward who wish to address the Planning Commission on non-agenda items.

**PUBLIC COMMENTS**

**None.**

No one came forward to speak; therefore, he closed this portion of the meeting.

**EXPLANATION OF PUBLIC HEARING PROCEDURES**

City Attorney Kress explained the public hearing procedures for the items on this evening's agenda.

**EXPLANATION OF PUBLIC HEARING PROCEDURES**

**Explained by City Attorney Kress**

**PUBLIC HEARING ITEM**

- 1. 302 E. Marshall St.  
Planning Case No. PL-16-054 (Variance)  
Applicant: Wayne Lei**

**PUBLIC HEARING ITEMS**

- 1. 302 E. Marshall St.  
Case No. PL-16-054  
(Variance)  
Applicant: Wayne Lei  
Approved.**

This item was presented by Assistant Planner Nicholas Bezanson regarding a Variance for the development of a single family residence. The Variance of the required rear yard setback is being reduced from 25'-0" to 11'-8". This project is located in the Residential Neighborhood Conservation (R-N/C) zone within the boundaries of the Valley Blvd. Specific Plan area, with an underlying zone of R-3 (Multiple Family Residence).

**ENVIRONMENTAL DETERMINATION:** The project was reviewed and exempted for compliance with the California Environmental Quality Act (CEQA) requirements, per Guidelines Section 15303, Class 3 (Small Structures).

**RECOMMENDATION:** Staff recommended approval of Planning Case No. PL-16-054, subject to the recommended conditions of approval.

Mr. Wayne Lei, project designer, stated that he understands and accepts all conditions of approvals.

No one spoke from the audience; therefore, Chairman Garden closed the public hearing portion of this meeting.

Commissioners' Discussion

The Planning Commissioners discussed the project and unanimously supported it. However, they suggested that the project's landscape architect work with staff regarding replacing existing and/or planting new trees.

Chairman Garden made the motion to approve PL-16-054 subject to the recommended conditions of approval. Commissioner Lou seconded the motion.

Ayes: Garden, Lou, Vera and Zawodny  
Noes: None

4-0 vote. Motion carried.

**2. 305-307 S. Arroyo St.  
Planning Case No. PL-15-085 (Tentative Parcel Map)  
Applicant: Thomas Lin (SLS Design)**

This item was presented by Associate Planner Jo-Anne Burns regarding a Tentative Parcel Map request for a construction of a new three-unit residential condominium project in the R-3 Arroyo Residential zone within the Mission District Specific Plan.

**ENVIRONMENTAL DETERMINATION:** The project was reviewed and exempted for compliance with the California Environmental Quality Act (CEQA) requirements, per Guidelines Section 15315, Class 15 (Subdivision of properties into four or fewer parcels).

**RECOMMENDATION:** Staff recommended approval of Planning Case No. PL-15-085, subject to the recommended conditions of approval.

Commissioner Vera commented that the landscaping requirement does not meet what the City Arborist requires. Ms. Burns explained that there are seven trees that need to be replaced but the landscape architect determined that there is not enough space for all of them onsite or on the parkway due to the development. Ms. De La Cruz added that Condition #65 states that Public Works will plant three trees along Arroyo Drive.

Chairman Garden asked why the existing curb cut is being moved to the north side. Mr. Lin, project architect, stated that the property is very narrow, and that the existing driveway is already 12 ft. wide and is pushed to the property limit.

Chairman Garden stated that the den showed on the plans looks sizeable. He suggested adding a condition of approval that would restrict the use and prohibits the creation of a bedroom in that space. Ms. De La Cruz stated that staff will add it as a condition.

Testimonies

1. John Adams, 301 S. Arroyo Dr. #5, voiced his concerns about:
  - New neighbors can see over his bedroom or smell smoke when he barbecues; suggested to have a buffer in place;
  - Increased noise, traffic, and dust are all over the area due to construction; and
  - Noise from loading heavy equipment where, at times, starts as early as 5:30 a.m.; and
  - Lack of parking onsite; visitors will compete for street parking.

Commissioners' Discussion

**2. 305-307 S. Arroyo St.  
Planning Case No.  
PL-15-085 (Tentative  
Parcel Map)  
Applicant: Thomas  
Lin (SLS Design)  
Approved.**

Testimonies

2. Charles Sances, 1808 S. California St., inquired if this project was ever taken up by the Design Review Commission. Ms. De La Cruz explained the development submittal process.  
Mr. Sances stated that this project and the item prior are both not compatible in the neighborhood.

At this time, Chairman Garden closed the public hearing portion.

#### Commissioners' Discussion

#### Commissioners' Discussion

Commissioner Zawodny stated that this project fits the pattern of the area and encourages increased family count to the City. He understands the concerns mentioned. He added that the conditions of approval are in place, and that it's a thoughtful development for this site.

Chairman Garden was concerned about cars going on the north side of the driveway which might bother the neighbors next door. He stated that the applicant was very considerate of only building three units instead of the allowed five based on the property's size. He explained that the applicant created airspace between the properties as a buffer but is unsure if that would be enough for the adjacent neighbors.

Commissioner Lou stated that he liked the driveway being on the north side to create more space between the properties. He suggested relocating the trees towards the west of the property. He pointed out that there is limited traffic impact because there is enough parking onsite: 7 for tenants/residents and 1 for visitor.

Commissioner Vera was concerned about Mr. Adams' privacy and suggested to have landscaping added to act as a buffer between the properties. She also suggested posting a sign on the property about the project. Mr. Adams said that there was one and that someone must have taken it down. Ms. De La Cruz confirmed that there was a sign and it might have fallen over.

Commissioner Vera found the design being plain. She suggested seeing more embellishments on the design like decorative shutters to make it look more appealing.

Chairman Garden recommended that the project architect work with staff, the City Architect and City Landscape Architect regarding the overall design and landscape.

Chairman Garden made the motion to approve PL-15-085 with an added condition regarding standard Covenant requirements. Commissioner Lou seconded the motion.

Ayes: Garden, Lou, Vera and Zawodny  
Noes: None

4-0 vote. Motion carried.

#### STAFF ITEM

#### STAFF ITEM

1. Community Development Director Arminé Chaparyan formally announced to the Planning Commissioners of her return from her maternity leave.

#### PLANNING COMMISSION ITEMS

1. Chairman Garden praised staff for the ACE Walk Tour with Councilmembers visting the trench project. He suggested that it would be great to have a future vision in improving the City in that corridor where the train tracks are for linear pathway or open space. Per Ms. Chaparyan, staff will look into the agreement and update the Planning Commission.
2. Commissioner Vera brought up parking issues for all developments. She stated that residents get frustrated and that as Planning Commissioners, they should encourage residents to voice their concerns to City Council.

**ADJOURNMENT**

There being no further business to discuss, Chairman Garden moved to adjourn to a Regular Meeting of the Planning Commission on Monday, August 8, 2016 at 6:30 p.m. in the Council Chambers, City Hall, 2<sup>nd</sup> Floor, 425 S. Mission Drive, San Gabriel, CA.

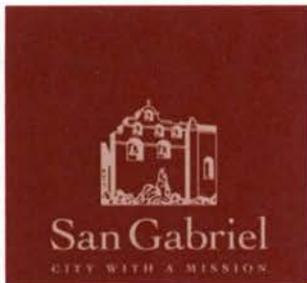
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Chairman Norman Garden  
City of San Gabriel  
Planning Commission

ATTEST: \_\_\_\_\_  
Jackie Wong, Secretary  
City of San Gabriel Planning Commission



# City of San Gabriel STAFF REPORT

DATE: Monday, August 8, 2016

TO: Chairman Garden and Planning Commissioners

FROM: Jo-Anne Burns, Associate Planner *JB*

SUBJECT: **518 W. Las Tunas Drive**  
**Planning Case PL-16-088 (Amendment to Conditional Use Permit)**  
**Applicant: Sophia Lau (Newport Seafood Group)**

## SUMMARY

This is a request for an amendment to a Conditional Use Permit (CUP) to allow the sales of beer, wine, and distilled spirits (Type 47 ABC License) for on-site consumption (on-sale) within an existing restaurant (Newport Seafood) in conjunction with their food service at 518 W. Las Tunas Drive. The existing restaurant currently has a Type 41 ABC License to serve beer and wine. Staff reviewed the application request, at which time the Community Development Department and Police Department addressed the following concerns:

- ▶ Hours of Operation
- ▶ Security
- ▶ Compatibility of Uses

All staff concerns have been addressed in the attached recommended conditions of approval. Based on the facts and findings of the project, staff recommends that the Planning Commission APPROVE Planning Case No. PL-16-088 (Conditional Use Permit), subject to the recommended conditions of approval.

## INTRODUCTION

### A. BACKGROUND

The subject property is located on the south side of Las Tunas Drive between Mission Drive and Santa Anita Avenue. This property is zoned C-1M (The Market Place) within the boundaries of the Mission District Specific Plan area. The business owner is requesting permission to sell beer, wine, and distilled spirits (Type 47 ABC License) in conjunction with food service within the existing restaurant (Newport Seafood).



Vicinity Map

Newport Seafood has occupied 518 W. Las Tunas Drive since 2008. Prior to Newport Seafood, the building was occupied by Favorite Grill, whom received the original Conditional Use Permit (CUP) that was approved by the Planning Commission in 2005 (PL-05-132) and allowed for the sales of beer and wine within the restaurant (Type 41 ABC License). Since CUPs run with the land, Newport Seafood was able to obtain a Type 41 ABC License for beer and wine service without going through the CUP process when they opened in 2008.

In response to customer requests, Newport Seafood submitted an application to the California Department of Alcoholic Beverage Control (ABC) to allow them to serve distilled spirits in addition to beer and wine (Type 47 license). However, ABC only allows for the issuance of 25 new Type 47 licenses throughout Los Angeles County this year. If ABC receives more applicants than the 25 available licenses, the licensees are selected through a lottery system where a drawing is held to determine who is issued the license. Newport Seafood was selected in the drawing. Since the CUP for 518 W. Las Tunas Drive only allowed for beer and wine service, an amendment to the original CUP is required prior to ABC's issuance of the Type 47 license.

#### B. GENERAL INFORMATION

Table 1 summarizes the general information concerning this project.

ITEM	DESCRIPTION
<b>APN</b>	5362-003-029 and 5362-003-030
<b>LOCATION</b>	South side of W. Las Tunas Drive between Mission Drive and Santa Anita Avenue
<b>ZONING AND LAND USE</b>	The property is zoned C-1M (The Market Place – Mission District Specific Plan) with a General Plan land use designation of Commercial Specific Plan.
<b>SURROUNDING LAND USES AND ZONING</b>	<p><b>North:</b> Commercial/Retail (C-1 Retail Commercial)</p> <p><b>South:</b> Single-Family Residential Homes (R-1 Villa Residential within the Mission District Specific Plan)</p> <p><b>West:</b> Commercial/Office (C-1M The Market Place within the Mission District Specific Plan)</p> <p><b>East:</b> Vacant Lot and Retail (Medical Facilities within the Mission District Specific Plan)</p>
<b>CURRENT DEVELOPMENT</b>	A 6,723-square foot restaurant building
<b>ENVIRONMENTAL REVIEW</b>	The project was reviewed for compliance with the California Environmental Quality Act (CEQA). This project is exempt from the requirements of the California Environmental Quality Act, Guidelines Section 15301, Class 1 (Existing Facilities).

## **ANALYSIS**

### **A. HOURS OF OPERATIONS**

According to the applicant, Newport Seafood's hours of operation are: Newport Seafood's hours of operation are: Sunday through Thursday, 11:30 a.m. to 9:30 p.m. and Friday through Saturday, 11:30 a.m. to 10:00 p.m. A condition of approval has been included to establish the above hours of operation (Condition #5).



**Newport Seafood Restaurant**

### **B. SECURITY**

The conditional use permit application, plans, and related materials were reviewed by the San Gabriel Police Department. To ensure the safety of the restaurant, its patrons, the neighborhood, and the general public, the Police Department is requiring Newport Seafood to consider and/or comply with the following mitigation measures:

- The Police Department is recommending the installation of a centrally monitored alarm system.
- The management shall maintain all video surveillance systems in good working order at all times. The systems shall have the ability to record all cameras for later playback in the event of an incident at the location. The recording media shall be stored a minimum of 10 days before destruction or reuse and must be made available to law enforcement agencies for law enforcement purposes upon request. The system shall be capable of providing an image sufficient to identify faces under all lighting conditions. The camera shall have clear view of the cash register and interior entrance/exit.
- The management shall immediately notify the San Gabriel Police Department of any crimes that occur inside the location, or in any areas under the control of the management, or to any patrons of the location, or at the request of any patrons of the location.
- The Police Department will continuously monitor for criminal activity, loitering, noise/other nuisance complaints, and violation of any conditions of approval.
- The doors of the business shall remain unlocked at all times during normal business hours.
- The storefront windows shall not be tinted. There shall be no opaque coverings of any nature, or painted signs covering more than 25-percent (25%) of the store front window area.
- The business shall allow the Police Department to conduct an inspection of the location at its discretion during normal business hours.

### C. COMPATIBILITY OF USES

The project site is located on Las Tunas Drive, which is a principal arterial street. This portion of Las Tunas Drive contains a mixture of commercial uses. The restaurant abuts a vacant commercial lot along its east side, is adjacent to an office building at its west, is across a retail building (market) to its north, and is bordered by single-family homes along its south. Section 153.162(A)(3)(a) states that in determining whether to approve a CUP application for alcoholic beverage sales, the Planning Commission shall consider the nature and use of real property within 500 feet of the use, and in particular, the location of similar nearby uses and the location of residences, parks, schools and churches.



Los Tacos Restaurant and Vacant Lot to the East



Office Building to the West

The existing single-family homes on Padilla Street that border the southerly portion of the site have rear yards that backs up to the restaurant's rear parking lot and are buffered by a block wall located along the rear property line. In addition, there are also single-family homes on Bradbury Drive, Rosemond Boulevard, and North Santa Anita Street located within 500 feet north of the project site. Since the restaurant faces Las Tunas Drive, has its sole driveway access along Las Tunas Drive, and is buffered by Las Tunas Drive and a row of commercial properties from the single-family residential homes to its north, the sale of distilled spirits in addition beer and wine is not expected to pose a threat to public health, safety, and welfare.

Many other restaurants along Valley Boulevard and San Gabriel Boulevard sell beer and wine as a convenience to their customers. Conditions of approval have been included prohibiting the sale of beer and wine without food, and prohibiting the sale of beer and wine to minors.

According to the State Department of Alcoholic Beverage Control (ABC), there are 7 active on-sale alcohol licenses (including Newport Seafood) within census tract 4811.01, which had a population of 4,168 as of the 2010 Census. There is currently an "undue concentration" of licenses in this census tract. The census tract allows for three establishments to have an "on-sale" alcoholic beverage license; therefore, ABC is requiring the business owner to provide a letter of public convenience or necessity (PCN) in order to justify the need for the alcohol license "upgrade."



Census Tract 4811.01 Map

The sales of alcohol could be considered a "public convenience" because Newport Seafood is a restaurant specializing in Chinese style seafood which is a fairly unique type of cuisine in comparison to the other restaurants in the area with an alcohol license.

In this case, this census tract exceeds the county average concentration of ABC licenses because it covers stretches of the Las Tunas Drive and Mission Drive commercial corridors that are home to many restaurants that serve alcohol, including: Casa Calderon, Pulcianos Deli, Lunas Restaurant, Newport Seafood (applicant), Vietnam House, Pizza Place California, and Mission 261. Among the 7 restaurants with active alcohol licenses, only 2 restaurants (Lunas Restaurant and Mission 261) have Type 47 licenses and are allowed to serve distilled spirits in addition to beer and wine. There are 8 restaurants within the City of San Gabriel with Type 47 licenses (Lunas Restaurant, Mission 261, Restaurant Floral, Cheers Bar & Grill, Red Rose Room, Hilton, Five Star Seafood Restaurant, and Bear Bear Restaurant & Lounge). Given that Newport Seafood already has an alcohol license and has been serving beer and wine for approximately 8 years without major alcohol related incidents, allowing Newport Seafood to upgrade their ABC license from Type 41 to Type 47 is not expected to have negative impacts to the public. Security and safety concerns are addressed in the conditions of approval.

### **ENVIRONMENTAL REVIEW**

This project is exempt from the requirements of the California Environmental Quality Act, per Guidelines Section 15301, Class 1 (Existing Facilities).

### **PUBLIC NOTICE**

A notice regarding the CUP was sent to all property owners within 500 feet of this property, which exceeds the legal requirement for public hearing notification. This hearing was also advertised in the *San Gabriel Sun* on July 28, 2016. Notices were also posted at City Hall, the San Gabriel Post Office, the San Gabriel Library, at the project site, and on the City's website.

### **III. CONDITIONAL USE PERMIT FINDINGS**

**In order to grant an amendment to a Conditional Use Permit for beer, wine, and distilled spirit sales within an existing restaurant, the Planning Commission must make all of the following findings related to the property:**

**1. That the proposed use is consistent with the General Plan:**

Alcohol sales within a restaurant are permitted in the C-1M (The Market Place) zone within the Mission District Specific Plan subject to approval of a Conditional Use Permit, and are consistent with the Commercial Specific Plan land use designation in the General Plan

**2. That the site is adequate in size, shape, topography, and location to accommodate the proposed use:**

The size, shape, and topography of the site are adequate to accommodate the service of beer, wine, and distilled spirits in the existing restaurant. The proposed use will not increase the floor area of the existing building. Furthermore, the addition of distilled spirit sales is not expected to impact the parking and circulation at this site.

**3. That there will be adequate street access to and from the site for the proposed use, and the proposed use will not create hazardous traffic conditions:**

The City's General Plan designates Las Tunas Drive as a four-lane secondary arterial in the vicinity of the subject property. This street provides adequate access to this site. Vehicles enter and exit the site via a driveway on Las Tunas Drive along its northern boundary. Therefore, no hazardous traffic conditions are expected with the additional service of distilled spirits at the premises.

**4. That the proposed use is compatible with surrounding properties and uses:**

As conditioned, the proposed use is compatible with the commercial uses on site and with neighboring residential uses. Newport Seafood restaurant does not have any direct exposure to any adjacent residential uses as the restaurant frontage is oriented toward Las Tunas Drive. The addition of distilled spirit service at this restaurant would be a public convenience, similar to what is offered at other restaurants in the vicinity. The hours of operation for the business and the proposed conditions of approval will mitigate public safety and security concerns of this use to nearby residences and businesses.

**5. That the proposed use is not detrimental to the public health, safety, or general welfare:**

With the recommended conditions of approval, the proposed use will not be detrimental to the public health, safety, or general welfare.

**RECOMMENDATION**

The Community Development Department recommends that the Planning Commission:

**Approve Planning Case No. PL-16-088, subject to the recommended conditions of approval.**

**ATTACHMENTS**

1. Recommended Conditions of Approval
2. Staff Report for PL-05-132
3. Site and Floor Plans

**Attachment 1**

## RECOMMENDED CONDITIONS OF APPROVAL

PROJECT ADDRESS: **518 W. LAS UNAS DRIVE**  
 PROJECT NO.: **PLANNING CASE NO. PL-16-088**  
 PROJECT DESCRIPTION: **(CONDITIONAL USE PERMIT AMENDMENT FOR BEER, WINE, AND DISTILLED SPIRIT SALES WITHIN A RESTAURANT)**

***The following conditions shall be made a part of the approval of the project, and shall be complied with in their entirety and copied on the revised sets of plans for construction plan check:***

No.	CONDITION	VERIFIED BY
<b>General Notices Required by Law</b>		
1.	<b>Right to Appeal:</b> You have the right to appeal this decision within ten (10) days by filing a letter of appeal with the City Clerk and paying the appeal fee of \$565 + \$400 (advertising) + \$150 (sign posting). This appeal period expires on August 22, 2016 after which an appeal may not be filed.	
2.	<b>Conditions are Binding:</b> Once the appeal period has expired, all conditions of approval are final. No approval shall be valid until the applicant has signed the affidavit at the bottom of this document stating that (he/she) has received, read, understands, and accepts the conditions of approval. All conditions are binding, and the City retains continuing jurisdiction to ensure that all requirements of an approved permit are met.	
3.	<b>Follow the Law:</b> The City's approval of your application does not relieve you from compliance with other Federal, State, or City requirements. Failure to comply with any of the above conditions shall result in the review and possible revocation of the CUP by the Planning Commission.	
<b>Planning Division Conditions (please call 626-308-2806)</b>		
4.	<b>Changes Must Be Approved:</b> Any revisions to an approved application shall be resubmitted to the Community Development Department for review and approval.	

5.	<b>Hours of Operation:</b> The restaurant shall open no earlier than 11:30 a.m. and close no later than 10 p.m., Sunday through Saturday. Alcohol service shall only be available during the restaurant's normal business hours and shall only be served with food. Any changes to the hours of operation shall be reviewed and approved by the Community Development Director. The Community Development Director may require the Amendment of the Conditional Use Permit in order to change the hours of operation if staff determines that Planning Commission review is necessary.	
6.	<b>Property Maintenance:</b> The applicant shall operate and maintain the subject property in a neat and orderly fashion; the site shall be free of junk, litter and debris; and all graffiti shall be removed at the expense of the applicant and/or owner within twenty-four (24) hours of receiving written notice.	
7.	<b>Business License:</b> The business shall maintain an active business license at all times.	
8.	<b>Additional Conditions:</b> The Planning Division reserves the right to add additional conditions of approval based on subsequent submittals.	
<b>Police Department Conditions (please call 626-308-2846)</b>		
9.	<b>Security Ordinance:</b> Applicant shall comply with the City of San Gabriel's security ordinance (SGMC Sec. 150.210 – 150.223). For more information, see SGMC Sec. 150.210 – 150.219.	
10.	<b>Cooperation with Law Enforcement:</b> The management shall immediately notify the San Gabriel Police Department of any crimes that occur inside the location, or in any areas under the control of the management, or to any patrons of the location, or at the request of any patrons of the location. The managers or employees of the location shall fully cooperate with any law enforcement agency that is conducting any lawful investigation in regard to that location.	
11.	<b>Permit Review:</b> The Police Department shall seek a review of any conditional use permit, and may request additional security measures at any time that it appears to be in the best interest of public safety. The following circumstances will be specifically monitored: <ul style="list-style-type: none"> <li>a. Criminal activity occurring inside or as a result of the location.</li> <li>b. Loitering occurring as a result of the location.</li> <li>c. Noise and/or other nuisance complaints occurring as a result of the location.</li> <li>d. Violation of any condition of approval in the conditional use permit.</li> </ul>	
12.	<b>Alarm System:</b> An alarm system is recommended.	

13.	<p><b>Video Surveillance:</b> All video surveillance systems shall be properly maintained in good working order at all times.</p> <ul style="list-style-type: none"><li>a. All systems shall have the ability to record all cameras for later playback in the event of an incident at the location.</li><li>b. The recording media shall be stored a minimum of 10 days before destruction or reuse and must be made available to law enforcement agencies for law enforcement purposes upon request.</li><li>c. Recording media shall be periodically replaced so that image deterioration does not occur due to excessively worn media.</li><li>d. The system used shall be capable of providing an image sufficient to identify faces under all lighting conditions at the location.</li><li>e. Minimum coverage/camera locations shall cover the following:<ul style="list-style-type: none"><li>i. Clear view of cash register.</li><li>ii. Interior entrance and exit.</li></ul></li></ul>	
14.	<p><b>Visibility:</b> Visibility into the interior of the premises shall not be blocked by window tinting, opaque coverings of any nature that does not allow a clear and unobstructed view into the interior or the business by passing vehicles and pedestrians during the hours the business is in operation; or by painted signs covering more than 25 percent of any window pane.</p>	
15.	<p><b>Inspection:</b> The Police Department has the right to conduct an inspection of the location at its discretion during normal business hours.</p>	

*Property Owner and Applicant Affidavit*

I have received, read, accept and understand the conditions of approval contained on the Standard List of Conditions for Planning Case No. PL-16-088 (Conditional Use Permit).

PROPERTY OWNER NAME (PLEASE PRINT) \_\_\_\_\_

PROPERTY OWNER SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ PHONE NO. \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

APPLICANT NAME (PLEASE PRINT) \_\_\_\_\_

APPLICANT SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ PHONE NO. \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

13.	<b>Cooperation with Law Enforcement:</b> The management shall immediately notify the San Gabriel Police Department of any crimes that occur inside the location, or in any areas under the control of the management, or to any patrons of the location, or at the request of any patrons of the location. The managers or employees of the location shall fully cooperate with any law enforcement agency that is conducting any lawful investigation in regard to that location.	
14.	<b>Permit Review:</b> The Police Department shall seek a review of any conditional use permit, and may request additional security measures, at any time that it appears to be in the best interest of the public safety. The following circumstances will be specifically monitored: Criminal activity occurring inside or as a result of the location. Loitering occurring as a result of the location. Noise and/or other nuisance complaints occurring as a result of the location. Violation of any condition of approval in the conditional use permit.	
15.	<b>Interior Doors:</b> No interior doors shall be capable of being locked with the exclusion of the restroom facilities, if no locking stalls are provided.	
16.	<b>Interior Visibility:</b> Visibility into the interior of the premises shall not be blocked by window tinting, opaque coverings of any nature, or by painted signs covering more that twenty-five percent (25%) of any windowpane area.	
17.	<b>Buzzer Alarms and Intercoms:</b> There shall be no buzzer alarm or intercom system.	
18.	<b>Unlock Doors:</b> The doors of the business shall remain unlocked at all times during normal business hours.	
19.	<b>Inspection:</b> The business shall be available for inspection by the San Gabriel Police Department during business hours.	
20.	<b>Service:</b> There shall be no sale of beer and wine for consumption unless said items are served in conjunction with food.	



# STAFF REPORT

Date: December 12, 2005

To: Chairman Garden and Planning Commissioners

From: Larissa De La Cruz

Subject: 518 West Las Tunas Dr.  
Planning Case PL-05-132 (Conditional Use Permit)  
Applicant: James Ta / Favorite Grill Restaurant

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## **SUMMARY**

This application is a conditional use permit request to sell beer and wine within an existing restaurant located in the C-1 (The Market Place) zone. The *San Gabriel Municipal Code Section 153.151* requires the approval of a conditional use permit for all businesses serving alcohol. Staff reviewed the project, at which time the Community Development and Police Departments addressed the following concerns:

- ▶ Hours of Operation
- ▶ Security
- ▶ Compatibility of Uses

This report discusses these concerns and mitigates their impacts through the conditions of approval; therefore, staff recommends APPROVAL of Conditional Use Permit PL-05-132 subject to the recommended conditions of approval.

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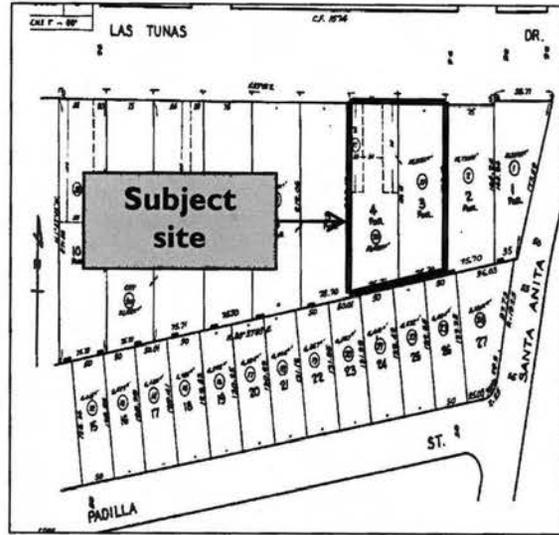
## **I. INTRODUCTION**

### **A. BACKGROUND**

Favorite Grill Restaurant is located on the south side of Las Tunas Drive between Mission Drive and Santa Anita Ave. The building was constructed in 1969 and has always been used as a restaurant. It is currently undergoing remodeling and a tenant improvement. The remodeling work will include the repaving and re-stripping of the parking lot to allow for the required 53 parking spaces and additional landscaping.



**Favorite Grill will occupy the former Marie Calendars restaurant.**



**Subject Property Map**

**B. GENERAL INFORMATION**

Table 1 summarizes the general information concerning this project.

ITEM	DESCRIPTION
LOCATION	South side of Las Tunas Drive between Mission Drive and Santa Anita Ave. (See subject property map above).
ZONING AND LAND USE	The property is zoned C-1 (The Market Place) and is within the boundaries of the Mission District Specific Plan.
SURROUNDING LAND USE	The site is bounded by Mitsuwa Market place to the north, Los Tacos Grill to the east, multifamily residential to the south, and Medical offices to the west.
CURRENT DEVELOPMENT	A 6,610 square foot restaurant built in 1969.
ENVIRONMENTAL REVIEW	This project is exempt from the requirements of the California Environmental Quality Act, per Guidelines Section 15301, Class 1 (Existing Facilities).

## **II. ANALYSIS**

The following sections address the concerns of the Community Development and the Police Departments about this project.

### **A. HOURS OF OPERATION**

According to the applicant, the restaurant is open seven days a week between the hours of 11:00 A.M. and 10:30 P.M. Currently, the City requires a conditional use permit for all restaurants open between the hours of 2:00 A.M. and 6:00 A.M. Based on the applicant's request, the business will close at 1:30 A.M.; therefore, the business will not be affected by the late night ordinance. However, if the closing time is changed to a time later than 2:00 A.M., a new conditional use permit will be required, and could raise additional concerns related to safety and security (Condition #5).

### **B. SECURITY**

To minimize the potential for illegal activity and to ensure proper security measures, the Police Department recommends that a video surveillance system be installed (Condition #8). In addition, the Police Department recommends that the applicant install an alarm system monitored by a central facility. Because these conditions are recommended rather than required, it is not included in the draft conditions as written; however, the Planning Commission may add it if determined that it is necessary.

### **C. COMPATIBILITY OF USES**

According to the State Department of Alcoholic Beverage Control (ABC), within census tract 4811.01 there are five on-site sales of beer and wine licenses. ABC does not anticipate any problem if Favorite Grill is granted permission to sell beer and wine, as there is not an over-concentration of such licenses in the census tract. Staff believes that the sale of beer and wine at the existing restaurant will be compatible with the commercial uses that surround the subject site on three sides and with the multifamily residential neighborhood to the south.

### **D. PUBLIC NOTICE**

As required by law, a notice regarding the CUP request was sent to all property owners within 300 feet of this property. This hearing was also advertised in the *Pasadena Star News* on December 2, 2005. No comments from the public regarding this application have been received.

### III. FINDINGS

In order to grant a conditional use permit, the Planning Commission must make all of the following findings related to the property:

- (a) That the proposed use is consistent with the General Plan:

*Alcohol sales within a bona fide restaurant is permitted in the C-1 (The Market Place) zone subject to approval of a Conditional Use Permit, and is consistent with the General Commercial land use designation in the Mission District Specific Plan.*

- (b) That the site is adequate in size, shape, topography, and location to accommodate the proposed use:

*The size, shape, and topography of the site are adequate to accommodate the service of alcohol in an existing restaurant. The proposed use will not increase the floor area of the existing building. Furthermore, the site contains adequate parking and onsite circulation to accommodate this modification in use.*

- (c) That there will be adequate street access to and from the site for the proposed use, and the proposed use will not create hazardous traffic conditions:

*The City's General Plan designates Las Tunas Drive as a secondary arterial street. This four-lane street provides adequate street access to and from this site. Therefore, no hazardous traffic conditions are expected with the service of alcohol at the premises.*

- (d) That the proposed use is compatible with surrounding properties and uses:

*As conditioned, the proposed use should be compatible with other neighboring commercial uses. The property lies within a census tract that has only five existing on-site sales of alcohol licenses issued to surrounding businesses. This site has existing commercial uses surrounding it on three sides with multifamily residential to the south. The limited hours of operation and the proposed conditions of approval will mitigate the impact of this use on the nearby residents and will be compatible with surrounding uses.*

- (e) That the proposed use is not detrimental to the public health, safety, or general welfare:

*With the recommended conditions of approval addressing business hours, security, and fire safety, the proposed use should not be detrimental to the public health, safety, or general welfare.*

#### **IV. RECOMMENDATION**

The Community Development Department recommends that the Planning Commission:

- A. Approve Planning Case No. PL-05-132, subject to the recommended conditions of approval.**

**ATTACHMENT 1**  
***Recommended Conditions of Approval***  
 City of San Gabriel

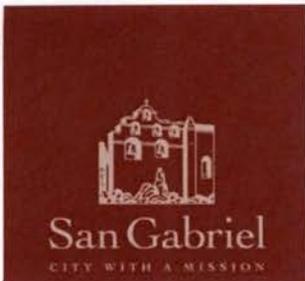
<b>CASE NO:</b>	<b>Planning Case No. PL-05-132</b>
<b>ADDRESS:</b>	<b>523 S. San Gabriel Blvd.</b>
<b>APPLICANT:</b>	<b>James Ta/ Favorite Grill Restaurant</b>

*All projects approved by the City of San Gabriel shall meet the standard conditions marked by each department. These conditions, along with any other conditions imposed by a decision-making body such as the Planning Commission or City Council, must be met before the Building Division can issue building permits.*

*Please feel free to call the appropriate department to ask about the meaning of any condition.*

No.	CONDITION	VERIFIED BY
<b>General Notices Required by Law</b>		
1.	<b>Right to Appeal:</b> You have the right to appeal this decision within 10 business days by filing a letter of appeal with the Community Development Department and paying the appeal fee of \$705. This appeal period expires on December 26, 2005 after which an appeal may not be filed.	
2.	<b>Conditions are Binding:</b> Once the appeal period has expired, all conditions of approval are final. No approval shall be valid until the applicant has signed the affidavit at the bottom of this document stating that (he/she) has received, read, understands, and accepts the conditions of approval. All conditions are binding, and the City retains continuing jurisdiction to ensure that all requirements of an approved permit are met.	
3.	<b>Follow the Law:</b> The City's approval of your application does not relieve you from compliance with other Federal, State, or City requirements. Failure to comply with any of the above conditions shall result in the review and possible revocation of the CUP by the Planning Commission.	
<b>Planning Division Conditions (please call 626-308-2806)</b>		
4.	<b>Changes Must Be Approved:</b> Any revisions to an approved application shall be resubmitted to the Community Development Department for review and approval.	

5.	<b>Hours of Operation:</b> If the business hours change to hours between 2:00A.M. and 6:00A.M., an additional conditional use permit shall be required.	
6.	<b>Property Maintenance:</b> The applicant shall operate and maintain the subject property in a neat and orderly fashion; the site shall be free of litter; and all graffiti shall be removed at the expense of the applicant and/or owner within twenty-four (24) hours of receiving written notice.	
7.	<b>Landscaping:</b> The applicant shall landscape the open space area at the southwestern and southeastern portions of the property.	
<b>Police Department Conditions (please call 626-308-2846)</b>		
8.	<b>Security Ordinance:</b> Applicant shall comply with the City of San Gabriel's security ordinance (SGMC Section 150.210 – 150.223). For more information call the Police Department at 626-308-2846.	
9.	<p><b>Video:</b> A video surveillance system shall be  <input checked="" type="checkbox"/> Recommended  <input type="checkbox"/> Required</p> <p>All video surveillance systems shall be properly maintained in good working order at all times.</p> <p>All systems shall have the ability to record all cameras for later playback in the event of an incident at the location.</p> <p>The recording media shall be stored a minimum of 10 days before destruction or reuse and must be made available to law enforcement agencies for law enforcement purposes upon request.</p> <p>Recording media shall be periodically replaced so that image deterioration does not occur due to excessively worn media.</p> <p>The system used shall be capable of providing an image sufficient to identify faces under all lighting conditions at the location.</p>	
10.	<p><b>Alarm Systems:</b> Alarm systems are  <input checked="" type="checkbox"/> Recommended  <input type="checkbox"/> Required</p> <p>All alarm systems must be UL approved and must be properly maintained in good working order at all times.</p> <p>The Police Department recommends that the system be monitored by a central monitoring facility.</p> <p>If the system includes a local "exterior" warning device, the system must have an automatic reset feature.</p> <p>Applicant should be aware that the City has a "false alarm" ordinance by which repeated false alarms may subject the owner or tenant to a fine.</p>	
11.	<b>Private Rooms:</b> No private rooms for public use shall be allowed (with the exception of restrooms). All public areas of the facility must allow visibility into the room from other areas of the interior of the facility.	
12.	<b>VIP Rooms:</b> "VIP rooms" in restaurant uses shall have clear, unobstructed visibility in the room determined on the individual layout. As a rule of thumb, 75% unobstructed visibility of the upper half of any interior wall would be sufficient visibility.	



City of San Gabriel  
**STAFF REPORT**

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DATE: August 8, 2016

TO: Chairman Garden and Planning Commission

FROM: Nick Bezanson, Assistant Planner *NBS*

SUBJECT: **251 S. SAN GABRIEL BLVD.**  
**PLANNING CASE PL-16-061**  
**(AMENDMENT TO A CONDITIONAL USE PERMIT, PL-09-006)**  
**APPLICANT: MARK CHAN**  
**PROPERTY OWNER: THE WONG FAMILY TRUST**  
**LESSEE: DATA FOR CHILDREN**

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**SUMMARY**

The applicant is requesting to amend an existing Conditional Use Permit (CUP) allowing for an afterschool tutoring center to expand into an adjacent existing commercial building located in the C-1 (Retail Commercial) zone. The San Gabriel Municipal Code (SGMC), under section 153.151(D) requires the approval of a CUP for educational uses. Staff has reviewed the project, as well as the previously approved CUP, at which time the Community Development Department, Fire Department, and Police Department addressed the following concerns:

- Parking/Circulation
- Landscaping
- Storefront Treatment
- Parking Lot Condition
- Security
- Hours of Operation
- Number of Students
- Compatibility of Uses

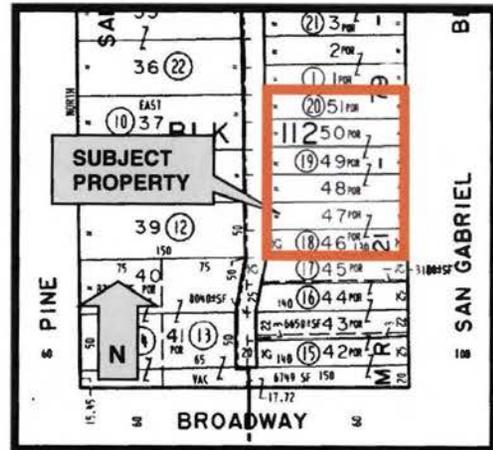
The report addresses each area of concern and mitigates their impacts through the attached conditions of approval. For this reason, staff recommends APPROVAL of planning case number PL-16-061, subject to the recommended conditions of approval.

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## INTRODUCTION

### A. BACKGROUND

In April 2009, a CUP was approved for Planning Case PL-09-006, allowing the operation of Distinguished Academic Teaching Academy (D.A.T.A.), an afterschool tutoring center located within an existing commercial structure at 253 S. San Gabriel Blvd. The business serves elementary school children, with office hours offered Monday through Friday, from 10:00 a.m. – 6:30 p.m. The tutoring center holds their classtimes Monday through Friday between the hours of 3:10 p.m. – 6:00 p.m.



**Vicinity Map**

Later that year, in September 2009, an amendment to the CUP was approved, allowing for the tutoring center to expand into an adjacent existing commercial building, located at 255 S. San Gabriel Blvd. This expansion allowed the tutoring center to increase the tenant space from 3,300 square feet to 5,600 square feet, providing a total of 7 classroom spaces.

If approved, the applicant would make tenant improvements to the interior space of 251 S. San Gabriel Blvd, consisting of the construction of full-height partition walls to create three classrooms, two restrooms, and a staff area. The previously incorporated addresses, 253-255 S. San Gabriel Blvd. would remain unchanged.

### B. GENERAL INFORMATION

The table below summarizes general information concerning this project.

ITEM	DESCRIPTION
<b>LOCATION</b>	West side of San Gabriel Boulevard between Live Oak Street and Broadway.
<b>ZONING AND LAND USE</b>	The property is zoned C-1 (Retail Commercial) and has a general Plan designation of General Commercial.
<b>SURROUNDING LAND USE</b>	North: Commercial retail and restaurant East: Mixed use and commercial South: Existing tutoring center (commercial) West: Multi-family residential

<b>CURRENT DEVELOPMENT</b>	The project site is currently developed with a 1,875 square foot commercial building that was previously occupied by a chiropractic office which closed in 2012.
<b>ENVIRONMENTAL REVIEW</b>	This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Guidelines Section 15301, Class 1 (Existing Facilities).

## **ANALYSIS**



*Left: Existing tutoring center located at 253-255 S. San Gabriel Blvd. Center: View of the proposed expansion at 251 S. San Gabriel Blvd. looking towards the existing tutoring center. Right: Parking lot of neighboring B's Sports Bar in which parking is to be leased.*

### **A. PARKING AND CIRCULATION**

Tutoring centers require one parking space per employee plus one for every five students, based on maximum classroom capacity. The Building Code allows an occupancy of one person for every 20 square feet in a classroom. The existing tutoring center employs seven staff and maintains 1,768 square feet of classroom space. Therefore, the parking required for the existing tutoring center totals 25 (7 for staff and 18 for students). The parking plan provided for the existing tutoring center allows for 26 parking spaces, providing one surplus parking space to be used towards the expansion requirements.

The proposed expansion would include three classroom spaces, totaling 940 square feet; thus, up to 47 students could occupy the classrooms within the expansion of the tutoring center. The tutoring center expansion requires 10 additional parking space for the students, and an additional 3 parking spaces for the proposed number of new staff, a total of 13 new parking spaces.

The proposed tenant improvement for the expansion includes the re-striping of two new parking spaces (one of which is handicap accessible parking), within the rear lot at 251 S. San Gabriel Blvd. An additional 10 parking spaces have been obtained through a parking lease agreement with B's Land Sports Bar located at 243 S. San Gabriel Blvd, two tenant spaces north 251 S. San Gabriel Blvd.

B's Land maintains a parking lot providing 42 parking spaces, which contains an excess of 22 parking spaces beyond the 20 parking spaces which are required per the use. Thus, the reduction of 10 parking spaces at B's Land would not impact the required parking at the address. A condition of approval has been added requiring a covenant to be signed regarding the leasing of the ten parking spaces. The 10 leased parking spaces, along with the 1 excess parking space provided at the existing portion of the tutoring center, and the 2 additional parking spaces added at 251 S. San Gabriel, all parking requirements have been met; 38 parking spaces for the entire tutoring center (25 spaces for the existing and 13 spaces for the expansion).

## **B. LANDSCAPING**

The original conditional use permit at 253-255 S. San Gabriel Blvd. included the addition of approximately 500 square feet of new landscaped planter areas along the parking lot. A recent inspection found a portion of the planter areas to be currently empty of any vegetation, while the other planters appear to be generally well-maintained. A condition of approval has been added requiring planting of additional landscaping within the empty portions of the planters, and the maintenance of all landscaping.



*One of the empty planter boxes within the existing parking lot.*

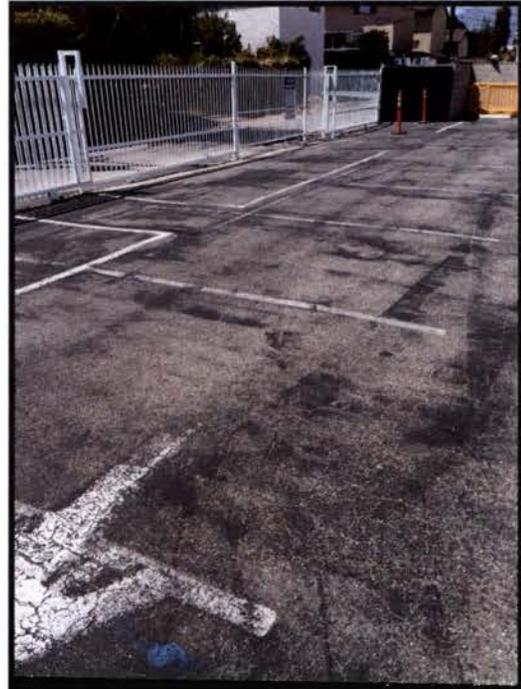
## **C. STOREFRONT TREATMENT**

The previously existing chiropractic office located at 251 S. San Gabriel Blvd. maintains a much different storefront aesthetic than the storefront along 253-255 S. San Gabriel Blvd, the existing portion of the tutoring center. Tenant improvement plans have been submitted to alter the façade of 251 S. San Gabriel Blvd. in order to create a sense of continuity between store frontages.

Previous Planning Commission conditions allowed for the classroom windows facing San Gabriel Boulevard to be covered, so long as pedestrian visibility into the room and daylighting are maintained. This was accomplished by the application of an opaque film on approximately the lower four feet of the exterior windows. Upon a recent inspection of the site, staff had found interior blinds installed, eliminating all transparency between the classrooms and the street. The property manager was notified and has agreed to the removal of the blinds. Staff continues to concur with the Planning Commission's desire to prevent storefronts from "turning their backs" to the street and recommend that the condition for window visibility contained in the original conditional use permit be applied to the proposed expansion.

**D. PARKING LOT CONDITION**

A recent inspection of the site revealed the portion of the parking lot along the existing tutoring center to be in a general state of deterioration, containing large cracks and fading paint lines. Out of a concern for safety among visitors and employees, a condition of approval has been added requiring improvements to the parking lot, including the sealing of cracks and the restriping of the parking stalls.



*Parking lot striping is faded, leading to confusion of designated parking stalls*

**E. SECURITY**

Conditions concerning safety are being continued from both the original approved CUP as well as the approved amendment to the CUP. Among these conditions are the following:

- No interior doors (except restrooms) shall be capable of being locked.
- All classroom doors shall have spring latch handles. Solid core doors shall be equipped with a window, minimum dimensions of 8" wide by 16" high, to allow clear visibility into the classrooms.
- The doors of the business shall remain unlocked at all times during normal business hours.

Staff believes that with the continuation of these conditions, concerns about security will be met and the tutoring center can continue operation as a safe environment for employees and students.

**F. HOURS OF OPERATION**

Currently, the tutoring center is approved to operate during the following hours;

<b>School Year (September through June)</b>	
Office Hours	Monday-Friday 8:00 a.m. – 6:30 p.m.
	Saturday 9:00 a.m. – 4:00 p.m.
Tutoring Hours	Monday-Friday 3:00 p.m. – 6:00 p.m.
	Saturday 9:00 a.m. – 12:00 p.m.
<b>Summer (July and August)</b>	
Office Hours	Monday-Friday 7:30 a.m. – 6:30 p.m.
	Saturday 9:00 a.m. – 3:00 p.m.
Tutoring Hours	Monday-Friday 9:00 a.m. – 12:00 p.m. and 1:00 p.m. – 4:00 p.m.

Following the expansion, the tutoring center would continue to operate during the previously approved hours, as noted in the table. A condition of approval has been included to continue the allowed hours of operation, approved in the first amendment to the CUP on September 14, 2009. Furthermore, an additional condition of approval has been added for the posing of signage on the leased parking spaces, noting that parking is reserved for the tutoring center during these hours of operation.

#### **G. NUMBER OF STUDENTS**

The building code allows one person for every 20 square feet of classroom area. The existing tutoring center has an occupancy limit of 90 students. The three proposed new classrooms would add an additional 47 new students to the occupancy limit. Thus, the expansion would allow the tutoring center to serve up to 137 elementary school children.

#### **H. COMPATIBILITY OF USES**

Located in a one-story commercial building, the applicant's tutoring center is bordered by commercial retail uses to the north and the south. To the west, a 20-foot wide alley buffers 251 S. San Gabriel Blvd. from adjacent multi-family residential units. Since the tutoring center began operating in June of 2009, staff has received no complaints from neighbors, and therefore expects that if the expansion is approved, the center would continue to maintain compatibility with adjoining uses.

#### **I. ENVIRONMENTAL REVIEW**

The project was reviewed for compliance with the California Environmental Quality Act (CEQA) and is categorically exempt under Guidelines Section 15301, Class 1 (Existing Facilities).

#### **J. PUBLIC NOTICE**

As required by law, a notice regarding the CUP request was sent to all property owners within 300 feet of this property. This hearing was also advertised in the *San Gabriel Sun* on July 28, 2016. Notices were also posted on the property and at City Hall, San Gabriel Post Office, and the San Gabriel Public Library, as well as on the City's website.

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## **CONDITIONAL USE PERMIT FINDINGS**

In order to grant a Conditional Use Permit for a tutoring center business, the Planning Commission must make all of the following findings related to the property:

- a) That the proposed use is consistent with the General Plan:

*Tutoring centers are a permitted activity in the C-1 (Retail Commercial) zone, subject to the approval of a Conditional Use Permit, and are consistent with the General Commercial land use designation in the General Plan.*

- b) That the site is adequate in size, shape, topography, and location to accommodate the proposed use:

*The business after the proposed expansion would occupy 7,475 square feet of commercial building located on a flat, rectangular lot of 19,500 square feet. The size, shape, and topography of the site are adequate to accommodate the expansion of the tutoring center, with the exception of parking. However, due to the surplus of parking provided at an adjacent tenant space, and the obtainment of a parking lease agreement, parking requirements can be adequately met.*

- c) That there will be adequate street access to and from the site for the proposed use, and the proposed use will not create hazardous traffic conditions:

*The subject site is located on the west side of San Gabriel Boulevard between Live Oak Street and Broadway. It is served by a two-way driveway on San Gabriel and a two-way driveway from the alley to the west. The City's General Plan designates San Gabriel Boulevard as a major arterial street. These driveways provide adequate access to and from the site and the risk of hazardous traffic conditions are reduced by the presence of the alley access, which allows drivers to enter and exit the site without turning onto or off of San Gabriel Boulevard.*

- d) That the proposed use is compatible with surrounding properties and uses:

*Given the tutoring center's proposed hours of operation, as conditioned, and the ability to provide parking, the proposed use should be compatible with neighboring commercial and residential uses.*

- e) That the proposed use is not detrimental to the public health, safety, or general welfare:

*With the recommended conditions of approval regulating landscaping, storefront treatment, security, and hours of operation, the proposed use should not be detrimental to the public health, safety, or general welfare.*

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**RECOMMENDATION**

The Community Development Department recommends that the Planning Commission:

**A. Approve Planning Case No. PL-16-161, subject to the recommended conditions of approval.**

- Attachments:
1. Recommended Conditions of Approval
  2. Planning Commission Staff report of April 13, 2009 (Conditional Use Permit at 253 S. San Gabriel Blvd.)
  3. Planning Commission Staff report of September 14, 2009 (Amendment to Conditional Use Permit for expansion to 255 S. San Gabriel Blvd.)
  4. Site Plan and Floor Plan

Cc: CUP Binder  
Arminé Chaparyan, Community Development Director  
Larissa De La Cruz, Senior Planner  
Joe Chen, Building Official  
Clayton Anderson, Neighborhood Improvement Services Manager  
Angelica Frausto-Lupo, Economic Development Manager  
Art Stafford, Deputy Fire Marshal  
Stacy Gutierrez, Crime Prevention Specialist  
Janet Sherman, Revenue Collection Administrator  
Project Case File

**Attachment I****RECOMMENDED CONDITIONS OF APPROVAL**

PROJECT ADDRESS: **251 S. SAN GABRIEL BLVD.**  
 PROJECT NO.: **PLANNING CASE NO. PL-16-061**  
**(AMENDMENT TO A CONDITIONAL USE PERMIT)**  
 APPLICANT: **MARK CHAN**

The following conditions shall be made a part of the approval of the project, and shall be complied with in their entirety:

No.	<b>CONDITION</b>	<b>VERIFIED BY</b>
<b>General Notices Required by Law</b>		
1.	<b>Right to Appeal:</b> You have the right to appeal this decision within 10 business days by filing a letter of appeal with the City Clerk and paying the appeal fee of \$565 plus the public hearing advertising fee of \$400 and sign posting fee of \$150. This appeal period expires on August 22, 2016 after which an appeal may not be filed.	
2.	<b>Conditions are Binding:</b> Once the appeal period has expired, all conditions of approval are final. No approval shall be valid until the applicant has signed the affidavit at the bottom of this document stating that (he/she) has received, read, understands, and accepts the conditions of approval. All conditions are binding, and the City retains continuing jurisdiction to ensure that all requirements of an approved permit are met.	
3.	<b>Follow the Law:</b> The City's approval of your application does not relieve you from compliance with other Federal, State, or City requirements. Failure to comply with any of the above conditions shall result in the review and possible revocation of the CUP by the Planning Commission.	
4.	<b>All Improvements Must Be Finished to Occupy:</b> No occupancy permit can be granted, nor any building permit "finalized," until all improvements required by this approval have been properly constructed, inspected, and approved.	
5.	<b>Changes Must Be Approved:</b> Any revisions to an approved application shall be resubmitted to the Community Development Department for review and approval.	

<b>Planning Division Conditions (please call 626-308-2806)</b>	
6.	<b>Use Permit Within 6 Months:</b> Approval of a conditional use permit shall be used within six months from the effective date of approval. The effective date of approval occurs 10 business days after your application has been acted on, assuming no appeals are filed.
7.	<b>Construction Must Follow the Plans:</b> All construction and development shall conform to the approved plans on file in the Community Development Department.
8.	<b>Trash and Debris:</b> All properties shall be kept in a neat, clean and orderly condition, free of weeds and debris. No merchandise, equipment, used furniture or other items may be stored in a setback or yard area except to the extent expressly permitted by the San Gabriel Municipal Code.
9.	<b>Light Fixtures:</b> Design and placement of exterior light fixtures shall be reviewed and approved by the Community Development Department.
10.	<p><b>Hours of Operation:</b> The hours of operation are to be maintained from the previously approved amendment to the conditional use permit. The hours of operation shall be as follows:</p> <p>School Year (September through June)</p> <p>Monday – Friday:</p> <ul style="list-style-type: none"> <li>• Office Hours: 8:00 a.m. – 6:30 p.m.</li> <li>• Tutoring Hours: 3:00 p.m. – 6:00 p.m.</li> </ul> <p>Saturday</p> <ul style="list-style-type: none"> <li>• Office Hours: 9:00 a.m. – 4:00 p.m.</li> <li>• Tutoring Hours: 9:00 a.m. – 12:00 p.m.</li> </ul> <p>Summer (July and August)</p> <p>Monday – Friday:</p> <ul style="list-style-type: none"> <li>• Office Hours: 7:30 a.m. – 6:30 p.m.</li> <li>• Tutoring Hours: 9:00 a.m. – 12:00 p.m. and 1:00 p.m. – 4:00 p.m.</li> </ul> <p>Saturday:</p> <ul style="list-style-type: none"> <li>• Office Hours: 9:00 a.m. – 3:00 p.m.</li> </ul>
11.	<b>Previous Conditions:</b> Comply with all previous conditions of the Conditional Use Permit (PL-09-006) as approved by the Planning Commission April 13, 2009; furthermore, comply with all previous conditions of the amendment to the Conditional Use Permit (PL-09-006) as approved by the Planning Commission September 14, 2009.
12.	<b>Landscaping:</b> Additional landscaping shall be added to the empty portions of the planter areas. All parking lot landscaping shall be continuously maintained.

13.	<b>Window Coverings:</b> Window coverings shall be allowed on the window facing San Gabriel Boulevard, so long as pedestrian visibility into the room and daylighting are maintained. Any existing blinds which eliminate the transparency between the interior and exterior shall be removed.	
14.	<b>Parking Lot Improvements:</b> The parking lot adjacent to 253-255 S. San Gabriel Blvd. is to be improved, including the sealing of major cracks and the restriping of parking stalls.	
15.	<b>Leased Parking Signs:</b> Signage shall be installed adjacent to the leased parking spaces, noting their reservation for the tutoring center during the approved hours of operation.	
16.	<b>Leased Parking Agreement:</b> A covenant shall be recorded stating the leasing of ten parking spaces located at 243 S. San Gabriel for use of the tutoring center located at 251 S. San Gabriel Blvd. A notarized copy of the covenant shall be submitted to the Planning Division prior to building permit issuance.	
17.	<b>Additional Conditions:</b> The Planning Division reserves the right to add additional conditions of approval based on subsequent submittals.	
<b>Building Division Conditions (please call 626-308-2806)</b>		
18.	<b>Tenant Improvement:</b> The applicant shall complete the Tenant Improvement prior to the issuance of a business license.	
19.	<b>Fire Sprinklers:</b> Fire sprinklers may be required. Contact Fire Department for requirements.	
20.	<b>Demolition Work:</b> Demolition work shall be subject to AQMD notification and removed via the city's franchise hauler or otherwise approval and deposit will be taken.	
21.	<b>Plumbing Fixtures:</b> The plumbing fixture count shall be consistent with CPC T-4-1.	
22.	<b>Drinking Fountain:</b> Drinking fountain shall be in an alcove protected by rails.	
23.	<b>2013 CBC:</b> The 2013 California Building Codes apply and shall be adhered to.	
24.	<b>Structural Analysis:</b> A complete structural analysis is required and related details by a licensed civil or structural engineer or architect in California. A complete structural analysis will be made at plan submittal along with structural calculations; more comment will follow at that time.	
25.	<b>Preliminary Review:</b> This is a preliminary review for any concerns from the Building Division, not a detailed plan review. The plan checker will review after all of the items on this sheet have been added to the plans and 3 completed sets submitted to the Building Division. More comments may follow pending information on revised plan submittal.	

26.	<b><u>These building comments shall be attached with the plan check submittal for the plan checkers review.</u></b>	
27.	<p><b>In addition, are standardized submittal requirements and dependent on scope of work may or may not all apply.</b></p> <p>a. All construction projects, regardless of the scope of work, must be routed through the Planning Division <u>first</u>, prior to submitting plans to the Building Division for the Plan Check or Permit process.</p> <p>b. Upon the Planning Division's approval, <u>three</u> complete dimensioned and scaled drawings <u>no smaller than 18" x 24" &amp; no larger than 2' x 3'</u> shall be submitted to the Building Department for either Plan Check or Permit issuance (as applicable – a few minor projects may be handled over the counter, such as block walls, channel letter signs, minor structure additions, etc.) An "electronic" version will be required at permit issuance time.</p>	
28.	<p><b>The following shall be included on plans submitted for Plan Check:</b></p> <p>a. Cover page with vicinity map, applicable codes, building data including occupancy group, type of construction, fire ratings, and occupancy separations.</p> <p>b. Floor plan – show all door and window sizes and location, label the use of and show dimensions of all rooms.</p> <p>c. Framing plans, building sections and related detailing.</p> <p>d. Mechanical, Electrical, and Plumbing plans.</p> <p>e. Building Elevations</p> <p>f. Structural Calculations (2 sets of wet stamped at signed Ch. 23 CBC)</p> <p>g. Title 24, Energy Calculations (2 sets).</p>	
29.	<p><b>Additional Structures:</b> All additional structures (block walls, patio covers, decks, etc.), shall be identified as part of the submittal on the title sheet. Lineal footage and height of block walls and dimensions of additional structures shall be shown on the plans. Construction details for such additional structures, such as footings and materials used shall also be shown.</p>	

<b>Police Department Conditions (please call 626-308-2846)</b>	
30.	<p><b>Alarm System:</b> An alarm system is recommended for all retail businesses. The alarm system(s), if installed, shall meet the following requirements:</p> <ol style="list-style-type: none"> <li>All alarm systems must be UL approved and must be properly maintained in good working order at all times.</li> <li>The Police Department recommends that the system be monitored by a central monitoring facility.</li> <li>If the system includes a local "exterior" warning device, the system must have an automatic reset feature.</li> <li>Applicant should be aware that the City has a "false alarm" ordinance by which repeated false alarms may subject the owner or tenant to a fine.</li> </ol>
31.	<p><b>Security Ordinance:</b> Applicant shall comply with the City of San Gabriel's security ordinance (SGMC Sec. 150.210 – 150.223).</p>
32.	<p><b>Cooperation with Law Enforcement:</b> The management shall immediately notify the San Gabriel Police Department of any crimes that occur inside the location, or in any areas under the control of the management, or to any patrons of the location, or at the request of any patrons of the location. The managers or employees of the location shall fully cooperate with any law enforcement agency that is conducting any lawful investigation in regard to that location.</p>
33.	<p><b>Permit Review:</b> The Police Department shall seek a review of any conditional use permit, and may request additional security measures, at any time that it appears to be in the best interest of the public safety. The following circumstances will be specifically monitored:</p> <ol style="list-style-type: none"> <li>Criminal activity occurring inside or as a result of the location.</li> <li>Loitering occurring as a result of the location.</li> <li>Noise and/or other nuisance complaints occurring as a result of the location.</li> <li>Violation of any condition of approval in the conditional use permit.</li> </ol>
34.	<p><b>Property Maintenance Program:</b> A property maintenance program shall include removal of graffiti within one working day (24 hours); maintenance of all landscape areas; maintenance, repair and security of all trash enclosures; maintenance of parking lot area, free from litter at all times and all inoperative lights repaired immediately. That landscaping shall not obscure any security lighting or any windows or view of the building.</p>

35.	<b>Additional Requirements:</b> These requirements are based upon the submitted plans, and the Police Department reserves the right to add additional recommendations, as needed, based upon the types of businesses that will occupy the premises upon completion of the project as well as based upon the final plans submitted.	
36.	<b>Interior Doors:</b> No interior doors shall be capable of being locked with the exclusion of the restroom facilities.	
37.	<b>Classroom Doors:</b> All classroom doors shall have spring latch handles. Solid core doors shall be equipped with a window a minimum of 8" wide by 16" high to allow clear visibility into the classrooms.	
38.	<b>Doors to Business:</b> The doors to the business shall remain unlocked at all times during normal business hours.	
39.	<b>Business Alert Network Program:</b> The applicant shall enroll in the Police Department's Business Alert Network program.	
<b>Fire Department (please call 626-308-2846)</b>		
40.	<b>Emergency Lighting:</b> Emergency lighting shall comply with the provisions of 2013 California Building Code Sec. 1006. The means of egress illumination shall not be less than one (1) foot-candle at the walking surface level. In the event of a power supply failure, an emergency electrical system shall automatically illuminate all areas for a duration of not less than 90 minutes.	
41.	<b>Exit Signs:</b> All exit signs shall be marked by an approved exit sign readily visible from any direction of egress travel. All exit signs shall be internally illuminated at all times. Fully illuminated signs shall have a backup power supply capable of supplying a minimum of 90 minutes of illumination.	
42.	<b>Occupant Load:</b> The occupant load for the classrooms shall be as established on the submitted plans. An approved sign displaying the occupant load will be displayed above the exit of each classroom and shall be of a durable sign having a contrasting color background that will be maintained in a legible manner.	
43.	<b>Fire Extinguisher:</b> A fire extinguisher shall be required within the building. The fire extinguisher shall meet the San Gabriel Municipal Code rating of 3A40BC and shall be mounted on the wall 3' to 5' from the floor to the top of the fire extinguisher.	
44.	<b>Reference Standards (Utilize Latest Editions Available):</b> a. 2013 California Fire Code b. 2013 California Building Code c. 2013 California Electrical Code	

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## **Applicant Affidavit**

I have received, read, accept and understand the conditions of approval contained on the Standard List of Conditions for 251 S. San Gabriel Blvd. Planning Case No. PL-16-061 (Amendment to a Conditional Use Permit).

PROPERTY OWNER NAME (PLEASE PRINT) \_\_\_\_\_

PROPERTY OWNER SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ PHONE NO. \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

APPLICANT NAME (PLEASE PRINT) \_\_\_\_\_

APPLICANT SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ PHONE NO. \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_



## ATTACHMENT 2

Community Development Department

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# STAFF REPORT

Date: April 13, 2009

To: Chairman Garden and Planning Commissioners

From: Mark Gallatin, AICP, City Planner

Subject: 253 South San Gabriel Boulevard  
Planning Case No. PL-09-006 (Conditional Use Permit)  
Applicant: Wayne W. Chow

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### SUMMARY

This application is a request for a Conditional Use Permit to allow an after-school tutoring center in an existing commercial building located in the C-1 (Retail Commercial) zone. *San Gabriel Municipal Code Section 153.151(D)* requires the approval of a conditional use permit for educational uses (i.e. education centers, trade or vocational schools, nursery schools, etc.). Staff reviewed the project, at which time the Community Development, Fire and Police Departments addressed the following concerns:

- ▶ Parking/Circulation
- ▶ Landscaping
- ▶ Storefront Treatment
- ▶ Security
- ▶ Fire Safety
- ▶ Hours of Operation
- ▶ Number of Students
- ▶ Compatibility of Uses

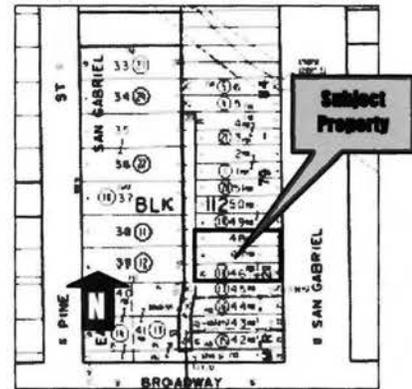
This report discusses these concerns and mitigates their impacts through the conditions of approval; therefore, staff recommends APPROVAL of Planning Case PL-09-006, subject to the recommended conditions of approval.

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## I. INTRODUCTION

### A. BACKGROUND

The applicant is proposing to operate the Distinguished Academic Teaching Academy (D.A.T.A.), an after-school children's tutoring center, in an existing commercial building on South San Gabriel Boulevard. The business intends to serve elementary school aged children, maintaining office hours Monday through Friday, from 10:00 a.m.-6:30 p.m. and holding classes Monday through Friday, from 3:10 p.m.-6:00 p.m. If approved, the applicant would make tenant improvements to the interior of the space, consisting of the construction of full-height partition walls to create classrooms, offices, storage areas, and three handicapped-accessible restrooms.



Vicinity Map

### B. GENERAL INFORMATION

The table below summarizes general information concerning this project.

ITEM	DESCRIPTION
LOCATION	West side of San Gabriel Boulevard between Live Oak Street and Broadway.
ZONING AND LAND USE	The property is zoned C-1 (Retail Commercial) and has a General Plan designation of General Commercial.
SURROUNDING LAND USE	The subject site is bordered by multifamily residential to the west, by a medical office to the north, by a commercial building to the east and by a window store to the south.
CURRENT DEVELOPMENT	The site is currently developed with a 5,600 sq. ft. one-story commercial building built in 1925. The proposed tutoring center space is 3,300 sq. ft, while the remaining 2,300 sq. ft. is occupied by a bridal shop.
ENVIRONMENTAL REVIEW	An environmental analysis was conducted and found that the project is categorically exempt under Guidelines Section 15301, Class 1, Existing Facilities.

## II. ANALYSIS

### A. PLANNING ISSUES

After-school tutoring centers, such as the one proposed, can play an important role in supplementing the elementary and secondary education provided by public and private schools in the community. The additional instruction they provide can help young people to better meet the rising academic demands necessary to make them competitive in today's global economy.

The most common planning issues associated with tutoring centers and similar uses tend to be parking, traffic and circulation (mobility), and the use of potential retail storefronts for what is essentially an office use that generally does not engage the commercial thoroughfare on which it sits. As detailed in the following sections of this report, the proposed use, as conditioned, will address these issues. The project will also result in an increase in on-site landscaping from none at present to at least 500 square feet (3% of the total site area).

## **B. MOBILITY**

The 5,600 square foot building in which the tutoring center proposes to open, is divided into two lease spaces. The space the center proposes to occupy has 3,300 square feet and was previously used by a furniture store. The remaining 2,300 square feet in the building is used by a bridal store. The bridal store requires 10 parking spaces (1 space/250 square feet of floor area). Unlike a retail use, the parking requirement for a tutoring center is based on the number of employees and the maximum capacity of the classroom areas as allowed by the Building Code. One parking space is required per employee plus one for every five students, based on maximum classroom capacity. This tutoring center has three (3) employees. Classrooms will occupy 956 square feet of this space. The Building Code allows one person for every 20 square feet in a classroom. Thus, up to 48 students would be permitted in the classrooms. The tutoring center, therefore, would require 13 parking spaces (3 + 10 (48/5)). The total parking requirement for all the uses on this site is 23 spaces.

At present, the subject site is striped for 22 parking spaces, including seven parallel spaces around the perimeter. With the restriping proposed for this use, the number of parking spaces will increase to 23 and all but one of the parallel spaces will be eliminated. Furthermore, the location of the handicapped accessible parking will be moved from behind the building to the front of the property, greatly reducing the path of travel between the parking spaces and the entrance to the building.

Access to the parking lot is available from two-way driveways on both San Gabriel Blvd. and a 20-foot wide alley that runs along the back of the property. This dual access improves pedestrian and vehicular safety by giving drivers the option of entering and exiting from the alley rather than turning into or from heavily-traveled San Gabriel Blvd.

## **C. LANDSCAPING**

The subject site is currently devoid of landscaping. With the restriping of the parking lot for this use comes the opportunity to add landscaped planters in those areas not devoted to parking or vehicle maneuvering. There are three such areas, next to parking spaces #1 and #13 and along the south wall of the building. Together, these planters will provide approximately 500 square feet of new landscaping, representing about 4.5% of the total site area. The Municipal Code requires that a minimum of 6% of the site area be landscaped. There is a proposed outdoor waiting area with bench seating next to the rear door. This area is 20 feet x 22 feet (440 square feet). A condition of approval has been included to give the applicant the option of landscaping this area, which would bring the on-site landscaping into compliance or, to maximize the visual impact of new landscaping for pedestrians and motorists, planting three (3) street trees.

#### **D. STOREFRONT TREATMENT**

While tutoring centers and similar kinds of educational establishments have proven to be popular uses in the city, one of the concerns about their proliferation is their tendency to “turn their back” to busy commercial streets, thus failing to help “activate” the street with pedestrian activity or visually interesting storefronts. Often, when such uses have storefront windows facing a commercial street, the windows are covered by blinds, drapes or other materials, giving the passing pedestrian or motorist no clue as to the activity taking place inside.

In this case, the tutoring center has two storefront windows, one for its administrative office and the other for a classroom. A condition of approval has been included to prohibit these windows from being covered in window coverings such as drapes, curtains or blinds.

#### **E. SECURITY**

As part of the review of the conditional use permit application, a number of conditions of approval are being recommended to ensure the safety of the building’s occupants. Among these are the following:

- No interior doors (except restrooms) shall be capable of being locked.
- All classroom doors shall have spring latch handles. Solid core doors shall be equipped with a window a minimum of 8” wide by 16” high to allow clear visibility into the classrooms.
- The doors of the business shall remain unlocked at all times during normal business hours.

Staff believes that with these conditions in place, concerns about security will be met and the tutoring center can operate in an environment safe for both employees and the young people they serve.

#### **F. FIRE SAFETY**

Due to the use of this space as a tutoring center with classrooms, the Fire Department is recommending several conditions of approval relating to fire safety:

- Provide fire sprinkler tenant improvement plans.
- Maintain a fire alarm system.
- Provide a key for the Knox Box.

#### **G. HOURS OF OPERATION**

The tutoring center proposes to maintain office hours from 10:00 a.m. to 6:30 p.m. Monday through Friday and to offer tutoring from 3:10 p.m. to 6:00 p.m. Monday through Friday. A condition of approval has been included to limit the center’s operation to these times only.

## H. NUMBER OF STUDENTS

Based on the size of the three proposed classrooms and the occupancy limits imposed by the Building Code, maximum class sizes would be 16 students per classroom. The applicant has indicated that total enrollment at the tutoring center will be approximately 45-48 elementary school age students.

## I. COMPATIBILITY OF USES

The applicant's business is located in a one-story commercial building constructed in 1925. The site is bordered on two sides by commercial uses (a medical office and a window store) and by multifamily residential uses to the west. A 20-foot wide alley separates this property from the adjoining residential uses. Across San Gabriel Blvd. is a one-story commercial building containing offices and service uses. Given the proposed hours of operation, as conditioned, the availability of parking and the types of adjoining uses, it is expected that the tutoring center at this location would be a compatible use.

## J. ENVIRONMENTAL REVIEW

The project was reviewed for compliance with the California Environmental Quality Act (CEQA) and is categorically exempt under Guidelines Section 15301, Class 1, Existing Facilities.

## K. PUBLIC NOTICE

As required by law, a notice regarding the CUP request was sent to all property owners within 300 feet of this property. This hearing was also advertised in the *Pasadena Star News* on April 3, 2009. Staff has not received any comment from the public regarding this application.

## III. CONDITIONAL USE PERMIT FINDINGS

In order to grant a Conditional Use Permit, the Planning Commission must make all of the following findings related to the property:

- (a) That the proposed use is consistent with the General Plan:

*Tutoring centers are a permitted activity in the C-1 (Retail Commercial) zone subject to approval of a Conditional Use Permit, and are consistent with the General Commercial land use designation in the General Plan.*

- (b) That the site is adequate in size, shape, topography, and location to accommodate the proposed use:

*The size, shape, and topography of the site are adequate to accommodate the tutoring center. This business occupies 3,300 square feet in a commercial building with 5,600 square feet of floor area on a flat, rectangular lot of 16,250 square feet.*

- (c) That there will be adequate street access to and from the site for the proposed use, and the proposed use will not create hazardous traffic conditions:

*The subject site is located on the west side of San Gabriel Boulevard between Live Oak Street and Broadway. It is served by a two-way driveway on San Gabriel and a two-way driveway from the alley to the west. The City's General Plan designates San Gabriel Boulevard as a major arterial street. These driveways provide adequate access to and from the site and the risk of hazardous traffic conditions are reduced by the presence of the alley access, which allows drivers to enter and exit the site without turning onto or from busy San Gabriel Boulevard. The restriping of the parking lot to all but eliminate the existing parallel parking spaces around the lot's perimeter should also improve circulation and safety on site.*

- (d) That the proposed use is compatible with surrounding properties and uses:

*Given the tutoring center's proposed hours of operation, as conditioned, and the availability of parking, the proposed use should be compatible with neighboring commercial and residential uses.*

- (e) That the proposed use is not detrimental to the public health, safety, or general welfare:

*With the recommended conditions of approval regulating parking, landscaping, storefront treatment, security, fire safety, and hours of operation, the proposed use should not be detrimental to the public health, safety, or general welfare.*

## V. RECOMMENDATION

The Community Development Department recommends that the Planning Commission:

- A. Approve Planning Case No. PL-09-006, subject to the recommended conditions of approval.**

Respectfully submitted,

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**Mark Gallatin, AICP**  
City Planner

Attachments:           1.     Recommended Conditions of Approval  
                                  2.     Site Plan and Floor Plans

Cc:     CUP Binder  
          Steven A. Preston, FAICP, Deputy City Manager  
          Carol D. Barrett, FAICP, Planning Manager  
          Evan Zeisel, Senior Building Inspector

Bruce Mattern, City Engineer  
Joseph Nestor, Fire Chief  
Don Berry, Deputy Fire Marshal  
David Lawton, Chief of Police  
Alex Acosta, Crime Prevention Specialist  
Jackie Wong, Planning Commission Secretary  
Finance Department  
Project File

## RECOMMENDED CONDITIONS OF APPROVAL

PROJECT ADDRESS:                   **253 S. SAN GABRIEL BLVD.**  
 PROJECT NO.:                       **PLANNING CASE NO. PL-09-006**  
    **(CONDITIONAL USE PERMIT)**  
 APPLICANT:                         **WAYNE W. CHOW**

The following conditions shall be made a part of the approval of the project, and shall be complied with in their entirety:

No.	CONDITION	VERIFIED BY
<b>General Notices Required by Law</b>		
1.	<b>Right to Appeal:</b> You have the right to appeal this decision within 10 business days by filing a letter of appeal with the City Clerk and paying the appeal fee of \$790. This appeal period expires on April 27, 2009 after which an appeal may not be filed.	
2.	<b>Conditions are Binding:</b> Once the appeal period has expired, all conditions of approval are final. No approval shall be valid until the applicant has signed the affidavit at the bottom of this document stating that (he/she) has received, read, understands, and accepts the conditions of approval. All conditions are binding, and the City retains continuing jurisdiction to ensure that all requirements of an approved permit are met.	
3.	<b>Follow the Law:</b> The City's approval of your application does not relieve you from compliance with other Federal, State, or City requirements. Failure to comply with any of the above conditions shall result in the review and possible revocation of the CUP by the Planning Commission.	
4.	<b>All Improvements Must Be Finished to Occupy:</b> No occupancy permit can be granted, nor any building permit "finalized," until all improvements required by this approval have been properly constructed, inspected, and approved.	
<b>Planning Division Conditions (please call 626-308-2806)</b>		
5.	<b>Changes Must Be Approved:</b> Any revisions to an approved application shall be resubmitted to the Community Development Department for review and approval.	
6.	<b>Construction Must Follow the Plans:</b> All construction and development shall conform to the approved plans on file in the Community Development Department.	
7.	<b>Parking Lot:</b> The parking lot shall be resurfaced and restriped to provide 23 parking stalls, including eight (8) compact stalls and two (2) accessible stalls as shown on the site plan received February 13, 2009.	
8.	<b>Landscaping:</b> Landscaped and irrigated planters shall be installed next to parking spaces #1 and #13 and along the south wall of the building (five feet wide). The applicant shall have the option of landscaping and irrigating the outdoor waiting area behind the building or, alternatively, planting three (3) street trees on San Gabriel Blvd.. The applicant shall prepare landscape and irrigation plans for review and approval by the City Landscape Architect.	

9.	<b>Window Coverings:</b> No window coverings, including but not limited to, drapes, curtains or blinds shall be allowed on the storefront windows facing San Gabriel Boulevard.	
10.	<b>Hours of Operation:</b> Office hours for the tutoring center shall be 10:00 a.m. to 6:30 p.m. Monday through Friday, and tutoring hours shall be 3:10 p.m. to 6:00 p.m. Monday through Friday.	
<b>Building Division Conditions (please call 626-308-2806)</b>		
11.	<b>Fees:</b> Building permits shall not be issued until all fees (plan check, building permit, processing or impact fees) are paid in full. This includes school impact fees. The applicant shall supply proof of payment of school fees from the San Gabriel Unified School District.	
12.	<b>NPDES:</b> Applicant is required to observe NPDES and other stormwater management permit regulations. Please contact the Building Division for further details.	
13.	<b>Dust Control:</b> The applicant shall implement dust control measures in accordance with the City's Storm water Management Ordinance. The City's Building inspectors will monitor the site for dust control on a daily basis. All construction activities shall comply with the City's Storm water Management Ordinance. Construction activities shall require installation of "Best Management Practices" to minimize impacts to storm water runoff.	
14.	<b>ADA:</b> The applicant is advised that this project may be subject to the Americans with Disabilities Act (ADA). ADA requires that public and private facilities be designed to provide reasonable accommodations for disabled persons. For more information, contact your architect.	
15.	<b>Construction Hours:</b> Construction activities shall be limited to between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and between the hours of 8:00 a.m. to 5:00 p.m. Saturday. No construction activity is allowed on Sunday and holidays.	
16.	<b>Keep the Jobsite Clean:</b> The applicant shall provide for the timely removal of construction debris from the site. Accumulation of construction debris is prohibited. The City's Building inspectors will monitor the site for debris removal on a daily basis.	
17.	<b>Use Classification:</b> Clearly identify this use to be a "separated use" or a "non-separated use" as required by Section 508 CBC.	
18.	<b>Accessible Path of Travel:</b> Plans show, on Sheet 2, an "accessible path of travel", please verify that all components are clearly identified and slopes shown for ramps and walks to verify compliance as required by Section 1133B CBC. NOTE: It appears the accessible path of travel from the accessible spaces is not to the entrance of the space under consideration.	
19.	<b>Accessible Parking:</b> Parking area is being restriped, verify the accessible parking spaces are dispersed as required by Section 1129B.3.3 CBC.	
20.	<b>Trash Enclosure:</b> Verify accessible route of travel is provided to proposed trash enclosure. Section 1127B.1 CBC.	
21.	<b>Exterior Wall Ratings:</b> Verify exterior wall rating requirements are in compliance with Section 703 CBC and Table 602 CBC.	

22.	<b>Accessible Common Area:</b> There is a common public area shown with an outdoor seating area (table), verify this area is accessible and that table height meets accessible requirements and knee clearances.	
23.	<b>Chapter 4 Compliance:</b> When plans are submitted for review, verify all applicable sections of Chapter 4 Starting with Section 442.1 CBC have been addressed and shown compliance on plans.	
<b>Police Department Conditions (please call 626-308-2846)</b>		
24.	<b>Security Ordinance:</b> Applicant shall comply with the City of San Gabriel's security ordinance (SGMC Sec. 150.210 – 150.223) or more information, call the Police Department at 626-308-2846.	
25.	<p><b>Alarm Systems.</b> Alarm systems are:</p> <p><input type="checkbox"/> Required</p> <p><input checked="" type="checkbox"/> Recommended</p> <ul style="list-style-type: none"> <li>• All alarm systems must be UL approved and must be properly maintained in good working order at all times.</li> <li>• The Police Department recommends that the system be monitored by a central monitoring facility.</li> <li>• If the system includes a local "exterior" warning device, the system must have an automatic reset feature.</li> <li>• Applicant should be aware that the City has a "false alarm" ordinance by which repeated false alarms may subject the owner or tenant to a fine.</li> </ul>	
26.	<b>Private Rooms:</b> No private rooms for public use shall be allowed (with the exception of restrooms). All public areas of the facility must allow visibility into the room from other areas of the interior of the facility.	
27.	<b>Cooperation with Law Enforcement.</b> The management shall immediately notify the San Gabriel Police Department of any crimes that occur inside the location, or in any areas under the control of the management, or to any patrons of the location, or at the request of any patrons of the location. The managers or employees of the location shall fully cooperate with any law enforcement agency that is conducting any lawful investigation in regard to that location.	
28.	<p><b>Permit Review:</b> The Police Department shall seek a review of any conditional use permit, and may request additional security measures, at any time that it appears to be in the best interest of the public safety. The following circumstances will be specifically monitored:</p> <ul style="list-style-type: none"> <li>• Criminal activity occurring inside or as a result of the location.</li> <li>• Loitering occurring as a result of the location.</li> <li>• Noise and/or other nuisance complaints occurring as a result of the location.</li> <li>• Violation of any condition of approval in the conditional use permit.</li> </ul>	
29.	<b>Interior Doors:</b> No interior doors shall be capable of being locked with the exception of the restroom facilities.	
30.	<b>Classroom Doors:</b> All classroom doors shall have spring latch handles. Solid core doors shall be equipped with a window a minimum of 8" wide by 16" high to allow clear visibility into the classrooms.	
31.	<b>Unlocked Doors:</b> The doors of the business shall remain unlocked at all times during normal business hours.	
<b>Fire Department Conditions (please call 626-308-2883)</b>		
32.	<b>Fire Sprinklers:</b> Provide fire sprinkler tenant improvement plans.	

33.	<b>Fire Alarm:</b> Maintain a fire alarm system.	
34.	<b>Knox Box:</b> Provide a key for the Knox Box.	
35.	<b>Fire Department Requirements:</b> All Fire Department requirements shall be noted on the building plans	
36.	<b>Further Regulations:</b> Pending review of final plans, the San Gabriel Fire department reserves the right to implement further regulations.	
37.	<b>Final Inspection:</b> Fire Department final inspection is required before the buildings are to be occupied.	
<b>Finance Department (please call 626-308-2800, ext. 4612)</b>		
38.	<b>Licenses:</b> The applicant shall comply with the City's business license ordinance, and shall cooperate with the City to obtain compliance from contractors and subcontractors.	

## *Applicant Affidavit*

I have received, read, accept and understand the conditions of approval contained on the Standard List of Conditions for Planning Case No. PL-09-006 (Conditional Use Permit).

PROPERTY OWNER NAME (PLEASE PRINT) \_\_\_\_\_

PROPERTY OWNER SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ PHONE NO. \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

APPLICANT NAME (PLEASE PRINT) \_\_\_\_\_

APPLICANT SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ PHONE NO. \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_



## ATTACHMENT 3

Community Development Department

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# STAFF REPORT

Date: September 14, 2009

To: Chairman Garden and Planning Commissioners

From: Mark Gallatin, AICP, City Planner

Subject: 255 South San Gabriel Boulevard  
Planning Case No. PL-09-006 (Amendment to Conditional Use Permit)  
Applicant: Wayne W. Chow

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### SUMMARY

This application is a request to amend a Conditional Use Permit to allow an existing after-school tutoring center to expand in an existing commercial building located in the C-1 (Retail Commercial) zone. *San Gabriel Municipal Code Section 153.151(D)* requires the approval of a conditional use permit for educational uses (i.e. education centers, trade or vocational schools, nursery schools, etc.). Staff reviewed the project, at which time the Community Development, Fire and Police Departments addressed the following concerns:

- ▶ Parking/Circulation
- ▶ Landscaping
- ▶ Storefront Treatment
- ▶ Security
- ▶ Fire Safety
- ▶ Hours of Operation
- ▶ Number of Students
- ▶ Compatibility of Uses
- ▶ Economic Development

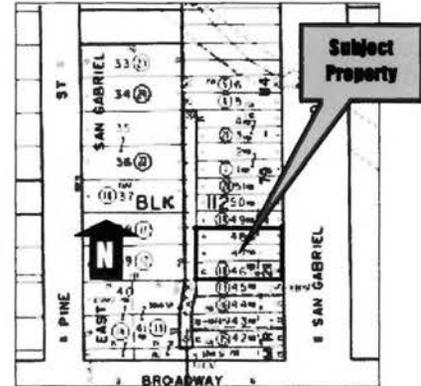
This report discusses these concerns and mitigates their impacts through the conditions of approval; therefore, staff recommends APPROVAL of Planning Case PL-09-006, subject to the recommended conditions of approval.

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## I. INTRODUCTION

### A. BACKGROUND

In April 2009, the applicant received approval of a conditional use permit to operate the Distinguished Academic Teaching Academy (D.A.T.A.), an after-school children's tutoring center, in an existing commercial building at 253 South San Gabriel Boulevard. The business serves elementary school-aged children, maintaining office hours Monday through Friday, from 10:00 a.m.-6:30 p.m. and holding classes Monday through Friday, from 3:10 p.m.-6:00 p.m. This request to amend the conditional use permit proposes to expand the tutoring center into the southern part of the building (255 South San Gabriel) and increase the number of classrooms, faculty, and the hours during which tutoring would be offered. If approved, the applicant would make tenant improvements to the interior of the space, consisting of the construction of full-height partition walls to create classrooms, an office, a storage area, a kitchenette, a recreation room, and a handicapped-accessible restroom.



Vicinity Map

### B. GENERAL INFORMATION

The table below summarizes general information concerning this project.

ITEM	DESCRIPTION
<b>LOCATION</b>	West side of San Gabriel Boulevard between Live Oak Street and Broadway.
<b>ZONING AND LAND USE</b>	The property is zoned C-1 (Retail Commercial) and has a General Plan designation of General Commercial.
<b>SURROUNDING LAND USE</b>	The subject site is bordered by multifamily residential to the west, by a medical office to the north, by a commercial building to the east and by a window store to the south.
<b>CURRENT DEVELOPMENT</b>	The site is currently developed with a 5,600 sq. ft. one-story commercial building built in 1925. The tutoring center currently occupies 3,300 sq. ft., and proposes to occupy the remaining 2,300 sq. ft. previously occupied by a bridal shop.
<b>ENVIRONMENTAL REVIEW</b>	An environmental analysis was conducted and found that the project is categorically exempt under Guidelines Section 15301, Class 1, Existing Facilities.

## II. ANALYSIS

### A. PLANNING ISSUES

The issues surrounding the proposed expansion of this tutoring center are similar to those addressed in the original conditional use permit. This report shows how parking is being met, landscaping is being maintained, window treatments are dealt with, security and fire safety is addressed, hours of operation and number of students is expanding, as well as the economic development implications of the expansion.

### B. MOBILITY

Presently, the tutoring center occupies 3,300 square feet of this 5,600 square foot building. The remaining 2,300 square feet in the building was most recently used by a bridal store. Tutoring centers require one parking space per employee plus one for every five students, based on maximum classroom capacity. This tutoring center currently has three (3) employees. Classrooms occupy 956 square feet of space. The Building Code allows one person for every 20 square feet in a classroom. Thus, up to 48 students are currently permitted in the classrooms. The tutoring center, therefore, now requires 13 parking spaces (3 + 10 (48/5)). The bridal store required 10 parking spaces (1 space/250 square feet of floor area). Thus, the total parking requirement for all the uses on this site was 23 spaces.

As part of the improvements made to the site as a result of the original conditional use permit, the parking lot was restriped for 26 parking spaces. With the proposed expansion, the tutoring center's staffing would increase to seven employees and the amount of classroom space would rise to 1,768 square feet, accommodating up to 90 students. Therefore the parking requirement for the expanded center would be 25 spaces (7 + 18 (90/5)).

### C. LANDSCAPING

When the conditional use permit was originally approved, the applicant installed approximately 500 square feet of new landscaping in the parking lot, representing about 4.5% of the total site area, where previously there was none. A recent site inspection revealed that while these landscaped areas are generally well-maintained, two planter areas (in the southwest corner of the parking lot and adjacent to the rear door) did have some dead vegetation. A condition of approval has been added to require the



*Some parking lot landscaping has died and needs replacement.*

replacement of the dead landscaping and continuous maintenance of all landscaping.

#### D. STOREFRONT TREATMENT

Driven by a desire to help “activate” the street with visually interesting storefronts, while also balancing the applicant’s stated concerns about privacy, the Planning Commission conditioned the original conditional use permit such that window coverings shall be allowed on the classroom window facing San Gabriel Boulevard, so long as pedestrian visibility into the room and daylighting are maintained. This was accomplished by the applicant placing an opaque film on approximately the lower four

feet of these windows. A recent site inspection revealed that the upper portion of the windows had been treated with a reflective tinted film that totally obscured visibility into the rooms, in direct violation of the condition of approval. This film was removed after staff made the applicant aware of the violation. Staff concurs with the Planning Commission’s desire to prevent storefronts that “turn their backs” to the street and recommends that the condition for window visibility contained in the original conditional use permit also be applied to the proposed expansion.



*Reflective tinted film was added to the upper portion of the storefront windows.*

#### E. SECURITY

As part of the review of the conditional use permit amendment, a number of conditions of approval are being recommended to ensure the continued safety of the building’s occupants. Among these are the following:

- No interior doors (except restrooms) shall be capable of being locked.
- All classroom doors shall have spring latch handles. Solid core doors shall be equipped with a window a minimum of 8” wide by 16” high to allow clear visibility into the classrooms.
- The doors of the business shall remain unlocked at all times during normal business hours.

Staff believes that with these conditions in place, concerns about security will be met and the tutoring center can continue to operate in an environment safe for both employees and the young people they serve.

**F. FIRE SAFETY**

Fire sprinklers and a fire alarm system were added to the building when the tutoring center moved into 253 S. San Gabriel. The Fire Department has no additional conditions of approval as a result of this proposed expansion.

**G. HOURS OF OPERATION**

Currently, the tutoring center maintains office hours from 10:00 a.m. to 6:30 p.m. Monday through Friday and offers tutoring from 3:10 p.m. to 6:00 p.m. Monday through Friday. Along with the expansion of space proposed, the tutoring center would also expand its hours of operation as follows:

<b>School Year (September through June)</b>	
Office Hours	Monday-Friday 8:00 a.m. – 6:30 p.m.
	Saturday 9:00 a.m. – 4:00 p.m.
Tutoring Hours	Monday-Friday 3:00 p.m. – 6:00 p.m.
	Saturday 9:00 a.m. – 12:00 p.m.
<b>Summer (July and August)</b>	
Office Hours	Monday-Friday 7:30 a.m. – 6:30 p.m.
	Saturday 9:00 a.m. – 3:00 p.m.
Tutoring Hours	Monday-Friday 9:00 a.m. – 12:00 p.m. and 1:00 p.m. – 4:00 p.m.

A condition of approval has been included to limit the center's operation to these times only.

**H. NUMBER OF STUDENTS**

The proposed expansion would take the tutoring center from its current three classrooms to seven. The Building Code allows one person for every 20 square feet of classroom area. The existing tutoring center has an occupancy limit of 16 students per classroom or a total of 48 students. The four proposed new classrooms have occupancy limits ranging from eight to 15 and totaling 42 students. Thus, the expansion would allow the tutoring center to serve up to 90 elementary school age students.

**I. COMPATIBILITY OF USES**

The site is bordered on two sides by commercial uses (a medical office and a window store) and by multifamily residential uses to the west. A 20-foot wide alley separates this property from the adjoining residential uses. Since the tutoring center began operating in June, staff

has received no complaints from neighbors and expects that if expanded as proposed, it would continue to be compatible with adjoining uses.

#### **J. ECONOMIC DEVELOPMENT**

Given the current recessionary state of the economy, it is very encouraging to see that the tutoring center is one of the few local businesses in an expansion mode. To the extent that the proposed expansion brings more students and their parents to the site, it increases the possibility that they will patronize nearby restaurants, supermarkets and other businesses, thereby having a positive spin-off effect on the local economy.

#### **K. ENVIRONMENTAL REVIEW**

The project was reviewed for compliance with the California Environmental Quality Act (CEQA) and is categorically exempt under Guidelines Section 15301, Class 1, Existing Facilities.

#### **L. PUBLIC NOTICE**

As required by law, a notice regarding the CUP request was sent to all property owners within 300 feet of this property. This hearing was also advertised in the *Pasadena Star News* on September 4, 2009. Staff has not received any comment from the public regarding this application.

### **III. CONDITIONAL USE PERMIT FINDINGS**

In order to grant a Conditional Use Permit, the Planning Commission must make all of the following findings related to the property:

- (a) That the proposed use is consistent with the General Plan:

*Tutoring centers are a permitted activity in the C-1(Retail Commercial) zone subject to approval of a Conditional Use Permit, and are consistent with the General Commercial land use designation in the General Plan.*

- (b) That the site is adequate in size, shape, topography, and location to accommodate the proposed use:

*The size, shape, and topography of the site are adequate to accommodate the expansion of the tutoring center. This business occupies a 5,600 square foot commercial building on a flat, rectangular lot of 16,250 square feet which includes space for parking sufficient to serve this use.*

- (c) That there will be adequate street access to and from the site for the proposed use, and the proposed use will not create hazardous traffic conditions:

*The subject site is located on the west side of San Gabriel Boulevard between Live Oak Street and Broadway. It is served by a two-way driveway on San Gabriel and a two-way driveway from the alley to the west. The City's General Plan designates San Gabriel Boulevard as a major arterial street. These driveways provide adequate access to and from the site and the risk of hazardous traffic conditions are reduced by the presence of the alley access, which allows drivers to enter and exit the site without turning onto or from busy San Gabriel Boulevard.*

- (d) That the proposed use is compatible with surrounding properties and uses:

*Given the tutoring center's proposed hours of operation, as conditioned, and the availability of parking, the proposed use should be compatible with neighboring commercial and residential uses.*

- (e) That the proposed use is not detrimental to the public health, safety, or general welfare:

*With the recommended conditions of approval regulating landscaping, storefront treatment, security, and hours of operation, the proposed use should not be detrimental to the public health, safety, or general welfare.*

## **V. RECOMMENDATION**

The Community Development Department recommends that the Planning Commission:

- A. Approve Planning Case No. PL-09-006, subject to the recommended conditions of approval.**

Respectfully submitted,

---

**Mark Gallatin, AICP**  
**City Planner**

- Attachments:
1. Recommended Conditions of Approval
  2. Planning Commission Staff report of April 13, 2009
  3. Planning Commission Minutes of April 13, 2009
  4. Site Plan and Floor Plans

Cc: CUP Binder  
Steven A. Preston, FAICP, Deputy City Manager  
Carol D. Barrett, FAICP, Planning Manager  
Evan Zeisel, Senior Building Inspector  
Bruce Mattern, City Engineer  
Joseph Nestor, Fire Chief  
Don Berry, Deputy Fire Marshal  
David Lawton, Chief of Police  
Alex Acosta, Crime Prevention Specialist  
Jackie Wong, Planning Commission Secretary  
Finance Department  
Project File

## RECOMMENDED CONDITIONS OF APPROVAL

PROJECT ADDRESS:                           **255 S. SAN GABRIEL BLVD.**  
 PROJECT NO.:                               **PLANNING CASE NO. PL-09-006**  
    **(AMENDMENT TO CONDITIONAL USE**  
    **PERMIT)**  
 APPLICANT:                                 **WAYNE W. CHOW**

The following conditions shall be made a part of the approval of the project, and shall be complied with in their entirety:

No.	CONDITION	VERIFIED BY
<b>General Notices Required by Law</b>		
1.	<b>Right to Appeal:</b> You have the right to appeal this decision within 10 business days by filing a letter of appeal with the City Clerk and paying the appeal fee of \$790. This appeal period expires on September 28, 2009 after which an appeal may not be filed.	
2.	<b>Conditions are Binding:</b> Once the appeal period has expired, all conditions of approval are final. No approval shall be valid until the applicant has signed the affidavit at the bottom of this document stating that (he/she) has received, read, understands, and accepts the conditions of approval. All conditions are binding, and the City retains continuing jurisdiction to ensure that all requirements of an approved permit are met.	
3.	<b>Follow the Law:</b> The City's approval of your application does not relieve you from compliance with other Federal, State, or City requirements. Failure to comply with any of the above conditions shall result in the review and possible revocation of the CUP by the Planning Commission.	
4.	<b>All Improvements Must Be Finished to Occupy:</b> No occupancy permit can be granted, nor any building permit "finalized," until all improvements required by this approval have been properly constructed, inspected, and approved.	
<b>Planning Division Conditions (please call 626-308-2806)</b>		
5.	<b>Changes Must Be Approved:</b> Any revisions to an approved application shall be resubmitted to the Community Development Department for review and approval.	
6.	<b>Construction Must Follow the Plans:</b> All construction and development shall conform to the approved plans on file in the Community Development Department.	
7.	<b>Previous Conditions:</b> Comply with all previous conditions of the conditional use permit (PL-09-006) as approved by the Planning Commission April 13, 2009.	
8.	<b>Landscaping:</b> All dead landscaping in the planters next to parking spaces #13 and #19 shall be replaced. All parking lot landscaping shall be continuously maintained.	
9.	<b>Window Coverings:</b> Window coverings shall be allowed on the window facing San Gabriel Boulevard, so long as pedestrian visibility into the room and daylighting are maintained.	

10.	<b>Hours of Operation:</b> Office hours for the tutoring center shall be 8:00 a.m. to 6:30 p.m. Monday through Friday, 9:00 a.m. – 4:00 p.m. Saturday (September through June) and 7:30 a.m. – 6:30 p.m. Monday through Friday, 9:00 a.m. – 3:00 p.m. Saturday (July through August). Tutoring hours shall be 3:00 p.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. – 12:00 p.m. Saturday (September through June) and 9:00 a.m. – 12:00 p.m. and 1:00 p.m. – 4:00 p.m. Monday through Friday (July through August).	
<b>Building Division Conditions (please call 626-308-2806)</b>		
11.	<b>Fees:</b> Building permits shall not be issued until all fees (plan check, building permit, processing or impact fees) are paid in full. This includes school impact fees. The applicant shall supply proof of payment of school fees from the San Gabriel Unified School District.	
12.	<b>NPDES:</b> Applicant is required to observe NPDES and other stormwater management permit regulations. Please contact the Building Division for further details.	
13.	<b>Dust Control:</b> The applicant shall implement dust control measures in accordance with the City's Storm water Management Ordinance. The City's Building inspectors will monitor the site for dust control on a daily basis. All construction activities shall comply with the City's Storm water Management Ordinance. Construction activities shall require installation of "Best Management Practices" to minimize impacts to storm water runoff.	
14.	<b>ADA:</b> The applicant is advised that this project may be subject to the Americans with Disabilities Act (ADA). ADA requires that public and private facilities be designed to provide reasonable accommodations for disabled persons. For more information, contact your architect.	
15.	<b>Construction Hours:</b> Construction activities shall be limited to between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday, and between the hours of 8:00 a.m. to 5:00 p.m. Saturday. No construction activity is allowed on Sunday and holidays.	
16.	<b>Keep the Jobsite Clean:</b> The applicant shall provide for the timely removal of construction debris from the site. Accumulation of construction debris is prohibited. The City's Building inspectors will monitor the site for debris removal on a daily basis.	
17.	<b>Use Classification:</b> Clearly identify this use to be a "separated use" or a "non-separated use" as required by Section 508 CBC.	
18.	<b>Exterior Wall Ratings:</b> Verify exterior wall rating requirements are in compliance with Section 703 CBC and Table 602 CBC.	
19.	<b>Travel Distance:</b> Verify the "travel distance requirement" is clearly shown on the plans per Section 1016 CBC.	
20.	<b>Corridors:</b> Verify all corridors are specified to be provided with a minimum of "1-HR" fire resistive material/assemblies (section details to be provided).	
21.	<b>Chapter 4 Compliance:</b> When plans are submitted for review, verify all applicable sections of Chapter 4 Starting with Section 442.1 CBC have been addressed and shown compliance on plans.	
<b>Police Department Conditions (please call 626-308-2846)</b>		

22.	<b>Security Ordinance:</b> Applicant shall comply with the City of San Gabriel's security ordinance (SGMC Sec. 150.210 – 150.223) or more information, call the Police Department at 626-308-2846.	
23.	<b>Alarm Systems.</b> Alarm systems are: <input type="checkbox"/> Required <input checked="" type="checkbox"/> Recommended <ul style="list-style-type: none"> <li>• All alarm systems must be UL approved and must be properly maintained in good working order at all times.</li> <li>• The Police Department recommends that the system be monitored by a central monitoring facility.</li> <li>• If the system includes a local "exterior" warning device, the system must have an automatic reset feature.</li> <li>• Applicant should be aware that the City has a "false alarm" ordinance by which repeated false alarms may subject the owner or tenant to a fine.</li> </ul>	
24.	<b>Private Rooms:</b> No private rooms for public use shall be allowed (with the exception of restrooms). All public areas of the facility must allow visibility into the room from other areas of the interior of the facility.	
25.	<b>Cooperation with Law Enforcement.</b> The management shall immediately notify the San Gabriel Police Department of any crimes that occur inside the location, or in any areas under the control of the management, or to any patrons of the location, or at the request of any patrons of the location. The managers or employees of the location shall fully cooperate with any law enforcement agency that is conducting any lawful investigation in regard to that location.	
26.	<b>Permit Review:</b> The Police Department shall seek a review of any conditional use permit, and may request additional security measures, at any time that it appears to be in the best interest of the public safety. The following circumstances will be specifically monitored: <ul style="list-style-type: none"> <li>• Criminal activity occurring inside or as a result of the location.</li> <li>• Loitering occurring as a result of the location.</li> <li>• Noise and/or other nuisance complaints occurring as a result of the location.</li> <li>• Violation of any condition of approval in the conditional use permit.</li> </ul>	
27.	<b>Interior Doors:</b> No interior doors shall be capable of being locked with the exception of the restroom facilities.	
28.	<b>Classroom Doors:</b> All classroom doors shall have spring latch handles. Solid core doors shall be equipped with a window a minimum of 8" wide by 16" high to allow clear visibility into the classrooms.	
29.	<b>Unlocked Doors:</b> The doors of the business shall remain unlocked at all times during normal business hours.	
<b>Finance Department (please call 626-308-2800, ext. 4612)</b>		
30.	<b>Licenses:</b> The applicant shall comply with the City's business license ordinance, and shall cooperate with the City to obtain compliance from contractors and subcontractors.	

## *Applicant Affidavit*

I have received, read, accept and understand the conditions of approval contained on the Standard List of Conditions for Planning Case No. PL-09-006 (Conditional Use Permit).

PROPERTY OWNER NAME (PLEASE PRINT) \_\_\_\_\_

PROPERTY OWNER SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ PHONE NO. \_\_\_\_\_

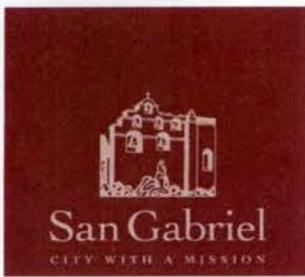
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APPLICANT NAME (PLEASE PRINT) \_\_\_\_\_

APPLICANT SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ PHONE NO. \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_



# City of San Gabriel STAFF REPORT

DATE: Monday, August 8, 2016

TO: Chairman Garden and Planning Commissioners

FROM: Larissa De La Cruz, Senior Planner *LD*

SUBJECT: **306 San Marcos St., Planning Case PL-15-045**  
**(Tentative Tract Map No. 73968)**  
**Applicant/Architect: Gantcho Batchkarov**

## SUMMARY

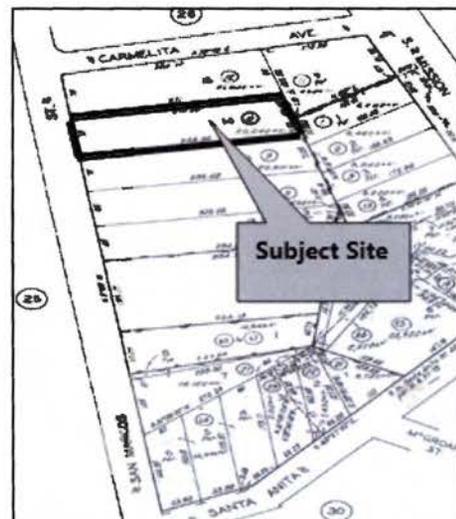
The proposed project is a request for a Tentative Tract Map for an 8-unit condominium development. Parking for each unit will be at grade, within an enclosed garage, along with 3 guest parking spaces on-site. The project also includes 6,300 square feet of open space. The property is designated as High Density Residential in the General Plan, and zoned R-3 (Arroyo Residential) within the Mission District Specific Plan area. The project will also require a Precise Plan of Design review by the Design Review Commission.

Based on the facts and findings of the project, staff recommends that the Planning Commission **APPROVE** Planning Case No. PL-15-045, subject to the recommended conditions of approval.

## INTRODUCTION

### A. Proposed Development

The property is located on the east side of San Marcos St between Carmelita St. and Santa Anita Ave., and within the boundaries of the Mission District Specific Plan. The properties are zoned R-3 (Arroyo Residential) and developed with a single family residence. Additionally, the properties contain several mature and protected trees, some of which will be removed and others retained on site. The applicant has applied for a Tentative Tract Map to subdivide the airspace for the proposed 8 condominium units.



Vicinity Map

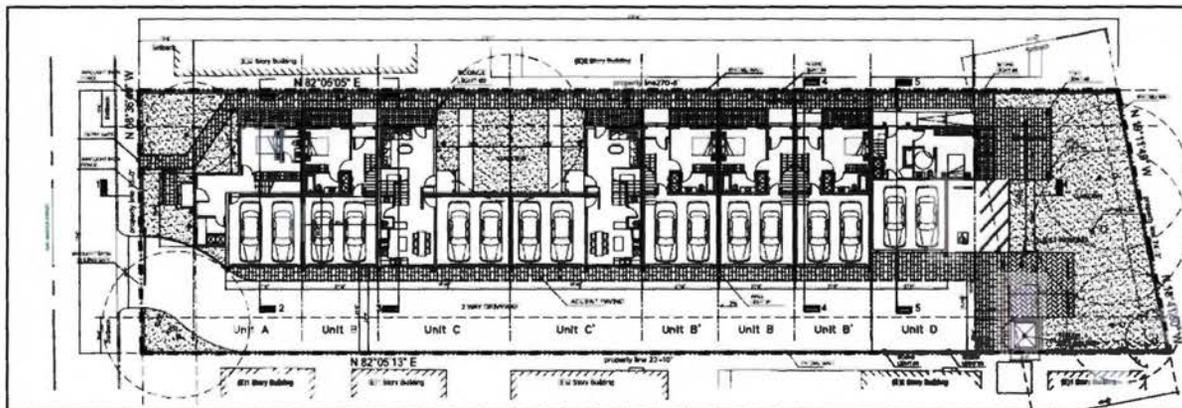
## B. General Information

Table 1 summarizes the general information concerning this project.

ITEM	DESCRIPTION
APN	5346-027-012
LOCATION	East side of San Marcos St., between Carmelita St. and Santa Anita Ave.
ZONING AND LAND USE	The property is zoned R-3 Arroyo Residential and has a General Plan designation of High Density Residential.
SURROUNDING LAND USES AND ZONING	North: Multi Family Residential (R-3 Arroyo Residential zone) South: Multi Family Residential (R-3 Arroyo Residential zone) West: Multi Family Residential (R-3 Arroyo Residential zone) East: Commercial Building (Mission District Village)
CURRENT DEVELOPMENT	A single family residence.
ENVIRONMENTAL REVIEW	In accordance with the California Environmental Quality Act (CEQA) guidelines Section 15063(a), the City of San Gabriel determined that a Mitigated Negative Declaration (MND) would be required for this project, after preparation of an Initial Study. A Notice of Proposed Mitigated Negative Declaration of Environmental Impact was prepared and filed with the Los Angeles County Clerk on July 14, 2016 and was also made available for public review.

## ANALYSIS

This project is a condominium subdivision. The project is designed with 8 units that are attached. The units are designed with two and three bedrooms. Each unit will have an attached two-car garage at-grade.

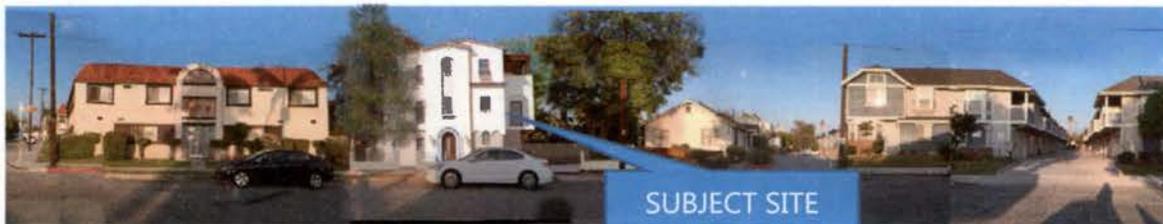


**PROPOSED SITE PLAN**

The project will consist of 6,300 sq. of common and private open space spread out throughout the site. Common areas will be owned in equal shares by each of the six owners and will be maintained by a homeowner's association.

### **CONTEXT AND COMPATIBILITY**

The project is located in the R-3 (Arroyo Residential) zone. The development regulations for this zone allow one unit per 1,742 square feet of net lot area, which amounts to a maximum of 11 units for this property. The applicant proposes to develop 8 units and stay below the allowable number of units.



View of multifamily developments to north and south of subject site

The project is bordered by a single story residential duplex to the south and two story multifamily developments to the north. This proposed design will maintain a Spanish style architecture, in line with the requirements of the Mission District Specific Plan. The project is designed to be sensitive and complimentary to those surrounding designs. The project will also preserve several trees onsite, which will serve as an amenity for the future residents of this project.

Staff has no concerns with regard to the compatibility of the density. This area of San Gabriel has seen similar multi-family residential developments in recent years, which is the intent of the Mission District Specific Plan as well as the city's General Plan.

### **PARKING**

The project meets the City's parking requirements, providing all required parking on-site. Parking for each unit will be at grade, within an enclosed garage, along with three guest parking spaces on-site.

### **CONDITIONS, COVENANTS, AND RESTRICTIONS**

The developer will prepare Conditions, Covenants, & Restrictions (CC&R's) that will govern the new units. The CC&R's will address the establishment of a homeowner's association with a mechanism for collecting fees. The City will not process the final map until the City Attorney, City Engineer, and the project planner have approved the CC&R's and they are recorded by the developer.

### **TRIBAL CONSULTATION**

Assembly Bill 52 (AB52) requires that the city offer Native American tribes with an interest in tribal cultural resources located within its jurisdiction the opportunity to consult on CEQA documents. In compliance with AB 52, Staff consulted with the Gabrieleno Band of Mission Indians-Kizh Nation. The tribe member indicated that the entire San Gabriel area has significance and each site is unique in its contribution to the Los Angeles Basin and the project is within the Village area of Toviscanga. During the consultation process, it was agreed that the applicant would coordinate with the Gabrieleno Tribe to ensure that there is adequate monitoring during any ground disturbing events. This will be included as part of the conditions of approval and is included as part of the mitigation monitoring program.

### **ENVIRONMENTAL REVIEW**

An environmental analysis was conducted and a Mitigated Negative Declaration of Environmental Impact was prepared. Staff filed a Notice of Proposed Mitigated Negative Declaration with the Los Angeles County Clerk on July 14, 2016, which is included as an attachment to this report.

### **PUBLIC NOTICE PROCESS**

A notice regarding this project was sent to all property owners and occupants within 500 feet of this property. This notice was also published the *San Gabriel Sun* on July 28, 2016. Notices were also posted on the property and at City Hall, the San Gabriel Post Office, the San Gabriel Library, and on the City's website. Staff has not received any comment from the public regarding this application.

### **TENTATIVE TRACT MAP FINDINGS**

**Subdivision Map Act Findings:** Section 66473 of the Subdivision Map Act requires the City of San Gabriel to deny approval of a tentative map, if it makes any of the required findings for denial. **Based on the application, staff did not make any of the findings for denial; therefore, staff recommends that the Planning Commission approve Planning Case PL-15-045 (Tentative Tract Map No. 73968 subject to the recommended conditions of approval.**

1. That the proposed Tentative Tract Map, design or improvement of the proposed subdivision are not consistent with applicable general and specific plans.

*The Land Use Element in the City's General Plan, Ingredients for Success, along with the Mission District Specific Plan, permits multifamily residential development at this location.*