



PLANNING COMMISSION STAFF REPORT

APPLICATION: CUP2016-07

AGENDA ITEM: PH-2

PREPARED BY: Teresa Santilena
Assistant Planner

MEETING DATE: April 13, 2016

SUBJECT: Conditional Use Permit CUP2016-07
612 South Myrtle Avenue

REQUEST: Allow an indoor children's play center within an existing 5,400 square foot commercial building in the Historic Commercial Downtown Zone.

APPLICANT: Cristina Cordeiro, "Dream Big Children's Center"

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: The Applicant is requesting approval of a Conditional Use Permit (CUP) to establish an indoor children's play center, "Dream Big Children's Center" in the Historic Commercial Downtown (HCD) Zone. The proposed business will offer several play areas, family classes, and private parties. There will also be a small retail area in the lobby offering products for children. Given the various components of the proposed operation, this business is not easily defined as a specific use, and has been defined as an "Other" use. Section 17.14.020 of the Monrovia Municipal Code allows for "Other" uses to be established in the HCD Zone with the approval of a Conditional Use Permit.

SUBJECT PROPERTY: The subject property is located on the east side of South Myrtle Avenue between East Colorado Boulevard and East Olive Avenue. The subject property measures 50' wide by approximately 110' deep and is developed with a 5,400 square foot commercial building, which was originally built in 1902, according to the Los Angeles County Assessor's records. Pinkberry currently occupies approximately 1,400 square feet in the front portion of the building, with its storefront facing Myrtle Avenue. Dream Big Children's Center would occupy the remaining 4,000 square feet behind Pinkberry, with its primary access located in the pedestrian breezeway along the south property line. The indoor children's play center will not have frontage on Myrtle Avenue. All of the surrounding parcels are also in the HCD Zone.

DISCUSSION/ANALYSIS: The proposed indoor children's play center will be geared toward children from infant to 10 years old. Dream Big Children's Center will not operate a childcare facility, as parents and caregivers will accompany the children while they are in the facility. It will operate Monday through Friday from 10:00 AM to 6:00 PM, Saturdays from 9:00 AM to 7:00 PM, and Sundays from 12:00 PM (noon) to 7:00 PM.

Monday through Friday, Saturday mornings, and occasionally during other weekend hours, Dream Big Children's Center will offer "open play" hours, in which children and caregivers can come at any time to take advantage of themed playrooms, toys, and games. Saturday

and Sunday afternoons and evenings will primarily be dedicated to private parties, which will be booked in advance. Dream Big Children's Center will also offer family classes 4 – 6 times per week, such as yoga, arts and crafts, and music. The Applicant anticipates an average of six to eight children being in attendance at one time. During private parties, the Applicant anticipates no more than 25 children using the facility at one time.

Site Plan/Floor Plan

The location of the proposed indoor children's play center was previously used as office space, and has been divided into several small offices arranged around a large central room. The Applicant proposes to use most of the smaller rooms as themed play areas, featuring themes such as construction, baking, and the beach. There will also be one room dedicated specifically to children ages infant to two years old. The smaller rooms will also include the office for Dream Big Children's Center, as well as a storage room, a parent's lounge, and a kitchen. The kitchen will be used to keep perishable items, such as birthday cakes, but no cooking will take place on site. The larger central room will have a stage to allow children to perform and play instruments, and an interactive projection gaming system.

Parking

Parking in the Old Town area can be found on the street and in the public parking lots. The parking lot directly behind the subject property has 108 parking spaces (seven handicap stalls, 83 8-hour spaces, and 18 3-hour parking spaces). In addition to the public parking lot behind the subject parcel, approximately 200 parking spaces are provided within the Colorado Commons and Paragon parking structures, which are located within a ¼ mile of the proposed indoor children's play center. As a condition of approval, the Applicant is required to distribute maps of the public parking opportunities in Old Town to her patrons. Additionally, a proposed condition of approval would require the Development Review Committee (DRC) to review this use six months after the date business commences to assess any traffic and parking impacts to the surrounding properties caused by the Dream Big Children's Center's operations.

Conclusion

Given the unique components of the proposed operation, the indoor children's play area has been defined as an "Other" use, and therefore, requires approval of a CUP in the Historic Commercial Downtown Zone. Dream Big Children's Center will support the retail nature of Old Town by offering families and caregivers with children who frequent Old Town an alternative play area to the local parks. Additionally, the subject location does not have street frontage on Myrtle Avenue, and therefore does not interrupt the retail storefront corridor. Conditions of approval will mitigate traffic and parking impacts associated with this use.

RECOMMENDATION: Staff and the Development Review Committee recommend approval of CUP2016-07. If the Planning Commission concurs with this recommendation then, following the public hearing, the following actions would be:

1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the Planning Commission in the exercise of its independent judgment finds that CUP2016-07 is categorically exempt from CEQA under Class 1.
2. The Planning Commission finds that the custodian of records for all other materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California, 91016.

3. The Planning Commission in the exercise of its independent judgment hereby makes the findings listed on attached Data Sheet No. 3 for CUP2016-07, which are incorporated herein by this reference.
4. The Planning Commission approves CUP2016-07, subject to the attached Planning Conditions on Data Sheet No. 1, and recommendations in the Staff Report, all of which are incorporated herein by this reference.

MOTION:

Approve CUP2016-07 pursuant to the recommendations in the Staff Report.



DATA SHEET 1

Planning Conditions

CUP2016-07

612 South Myrtle Avenue

Development of the subject property and operations on the site must remain in substantial conformance at all times with the request and application forms and plans for CUP2016-07, allowing an indoor children's play area to locate in a 4,000 square foot unit in an existing 5,400 square foot commercial building submitted by the applicant, as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval.

DEVELOPMENT STANDARDS

1. All exterior signs shall be submitted for review by the Development Review Committee and no exterior sign may be installed without prior approval of the Development Review Committee.

BUSINESS OPERATION

2. All activities shall be conducted entirely within an enclosed building.
3. All supplies, products, materials, and equipment shall be stored within the building. Outdoor storage of supplies, products, materials, and equipment is prohibited.
4. The Applicant shall distribute a map of available parking locations within the Historic Commercial Downtown zone to patrons.
5. The Development Review Committee (DRC) shall review the use six months from the date the business commences. The review shall focus on compliance with the conditions of approval and whether there are any impacts upon surrounding properties, including but not limited to, traffic and parking impacts.
6. Hours of operation shall be limited to 9:00 AM to 7:00 PM, seven day per week. Before any change is made in these hours of operation, approval by the DRC shall be obtained by Applicant. Alternatively, the DRC may refer the matter to the Planning Commission for its review, in which case no change in the hours of operation shall be made without Planning Commission approval.
7. If it is determined by the Community Development Director or Public Services Director that patrons are littering the surrounding streets, sidewalks, parking lots, parks, or adjoining private properties as a result of their coming or leaving the establishment, the business will provide employees to pick-up and properly dispose of all litter.

GENERAL REQUIREMENTS

8. Any violation of these conditions of approval or the Monrovia Municipal Code may be subject to the Administrative Fine Ordinance, other available remedies and/or revocation or modification of this permit at the discretion of the City Attorney and City Prosecutor.
9. In addition to Planning (Data Sheet No. 1) and Public Works (Data Sheet No. 2) conditions of approval, the Applicant shall also comply with all requirements of the Monrovia Municipal Code, Building Division and Fire Department that are directly applicable to the project.
10. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this conditional use permit.
11. This CUP may be called for review, including modification or revocation, at any time by City Staff, the City Council, or Planning Commission if a violation of the approved conditions or the Monrovia Municipal Code (MMC) is alleged, or if it is alleged that the establishment, or its patrons, are creating a public nuisance, and such violation or public nuisance is verified as valid by the Police Department, Code Enforcement, or other City department. In addition to any other remedy available to the City, security measures may be required such as adding an employee to monitor the area where problems are occurring.
12. Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, or proceeding against the City, its officers, officials, employees, agents and/or volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at Applicant's expense.
13. The Applicant shall, within 30 days after approval by the Planning Commission, submit to the Community Development Department his/her written consent to all of the conditions of approval contained in Data Sheet Numbers 1 and 2. This CUP shall be void and of no force or effect unless such written consent is submitted to the City within the 30 day period.
14. The use or development associated with this CUP shall begin within one (1) year after its approval or it will expire without further action by the City.

15. All of the above conditions shall be complied with prior to commencement of the operation, unless an earlier compliance period is specified as part of a condition.



DATA SHEET 3

Findings

CUP2016-07

612 South Myrtle Avenue

CONDITIONAL USE PERMIT

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. CUP2016-07 for an indoor children's play center in the Historic Commercial Downtown (HCD) zone located at 612 South Myrtle Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for the proposed indoor children's play center. *The parcel is rectangular shape and the topography of this commercial area is relatively flat. The use will be located in an existing 4,000 square foot building that is oriented to face the pedestrian alley at the south property line. The use will not have frontage on Myrtle Avenue.*
- B. The project site where the indoor children's play center will be located has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. *The proposed use is located in a commercial area, which is suited to support the use and traffic loads it will generate. The existing site provides a clearly marked pedestrian and accessible walkway from the public sidewalk and parking area. The site is located within the Historic Commercial Downtown parking district. Conditions of approval require the business owner to distribute maps of parking facilities within the HCD zone to patrons of the indoor children's play center. Families will drive to and from the site via personal vehicles throughout the day.*
- C. The indoor children's play center is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The General Plan encourages well-designed, pedestrian-oriented commercial uses in the HCD zone. The conditions of approval will further ensure compatibility with the surrounding uses by limiting the hours of operation, requiring all activities to be conducted within the building, and implementing a review of the use after six months of operations to address any impacts to the surrounding properties, in particular, those impacts related to traffic and parking,*
- D. The indoor children's play center will comply with the applicable provisions of the zoning ordinance. *The zoning ordinance provides regulations to promote the historic role of the Historic Commercial Downtown zone as the downtown retail business district of the city. The proposed use will preserve the historic value of the building, as no exterior alterations are proposed. Additionally, the zoning ordinance requires the Planning Commission to find that the use is compatible with other uses permitted in the zone.*
- E. The granting of the conditional use permit for an indoor children's play center and the conditions under which it will be operated or maintained will not be detrimental

to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. *The applicant will be required to adhere to the conditions of approval on Data Sheet No. 1 to ensure the indoor children's play center is not detrimental or injurious to the public and surrounding uses. Children will be accompanied by an adult at all times they are in the indoor play center.*

- F. The proposed project will not result in the demolition of a residential structure built prior to January 1, 1940, with architectural or known historic value. *The existing structure is a commercial structure. No exterior alterations of the existing structure are proposed.*



DATA SHEET 4

Surrounding Land Uses

CUP2016-07

612 South Myrtle Avenue

Property Description:

Located on the east side of South Myrtle Avenue, between East Colorado Boulevard and East Olive Avenue. The lot measures 50 feet wide and approximately 110 feet deep, for a total lot area of 5,500 square feet. The parcel is developed with a 5,400 square foot commercial building, consisting of two tenant spaces. The proposed use will occupy one tenant space that totals 4,000 square feet.

Zoning

Subject site: HCD (Historic Commercial Downtown)

Surrounding pattern:

north: HCD (Historic Commercial Downtown)

south: HCD (Historic Commercial Downtown)

east: HCD (Historic Commercial Downtown)

west: HCD (Historic Commercial Downtown)

Land Use

Subject site: Commercial Building

Surrounding pattern:

north: Restaurant (Copper Still Grill)

south: Restaurant (Chang Thai Bistro)

east: Parking Lot

west: Commercial Building (Santa Anita Family Services)

Environmental Determination: Categorical Exemption Class 1

Applicable Ordinance Regulations: MMC 17.52.020 Planning Commission Authority for CUP

NOTICE OF PUBLIC HEARING

MONROVIA PLANNING COMMISSION
415 South Ivy Avenue
Monrovia, CA 91016

This Notice is to inform you of a public hearing to determine whether or not the following request should be granted under Title 16 and/or 17 of the Monrovia Municipal Code:

APPLICATION: Conditional Use Permit CUP2016-07
REQUEST: Allow an indoor children's play center in an existing 5,400 square foot Commercial building in the Historic Commercial Downtown (HCD) Zone.

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

APPLICANT: Cristina Cordeiro, "Dream Big Children's Center"

PROPERTY ADDRESS: 612 South Myrtle Avenue

DATE AND HOUR OF HEARING: Wednesday, April 13, 2016 at 7:30 PM

PLACE OF HEARING: Monrovia City Hall, Council Chambers, 415 South Ivy Avenue, Monrovia, California

AREA MAP:



If you challenge this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Division at, or prior to, the public hearing. This application will not alter the zoning status of your property. For further information regarding this application, please contact the Planning Division at (626) 932-5565.

Staff Report pertaining to this item will be available on Thursday, April 7, 2015 after 4 p.m. at:
Monrovia City Hall
415 South Ivy Avenue
Monrovia, CA 91016

Este aviso es para informarle sobre una junta pública acerca de la propiedad indicada más arriba.

Si necesita información adicional en español, favor de ponerse en contacto con el Departamento de Planificación al número (626) 932-5565.

Sheri Bermejo
Planning Division Manager

PLEASE PUBLISH ON MARCH 31, 2015