



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** November 3, 2021

**TO:** Hearing Officer

**SUBJECT:** Conditional Use Permit #6917

**LOCATION:** 23 North Meridith Avenue, Suite #M200

**APPLICANT:** Adrian Lazaro on behalf of Grey Theory Studio

**ZONING DESIGNATION:** ECSP-CG-2 (East Colorado Specific Plan, Commercial General, Subarea 2, The College District area)

**GENERAL PLAN DESIGNATION:** Medium Mixed Use

**CASE PLANNER:** Katherine Moran

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #6917 with the conditions in Attachment B

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**PROJECT PROPOSAL:** Conditional Use Permit: to establish a Personal Services, Restricted land use (Grey Theory Studio) within an existing tenant space.

**ENVIRONMENTAL DETERMINATION:** This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances. This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The establishment of a Personal Services, Restricted land use in an existing tenant space is a negligible expansion of use.

**BACKGROUND:**

**Site characteristics:**

The subject site is located on the north side of the East Colorado Boulevard between North Meridith Avenue on the east and North Bonnie Avenue on the west. The 63,461 square-foot property is developed with multiple commercial buildings and a shared parking lot to serve the buildings' tenants. The proposed Personal Services, Restricted use (Grey Theory Studio) will be located in suite M200, within an existing 2,160 square-foot second floor tenant space (previously occupied by an office).

**Adjacent Uses:**

North: Residential  
South: Commercial  
East: Commercial  
West: Commercial

**Adjacent Zoning:**

North: RM-32-PK (Multi-Family Residential,0-32 dwelling units per acre, Parking Overlay)  
South: ECSP-CG-2 (East Colorado Specific Plan, Commercial General, Subarea 2, The College District area)  
East: ECSP-CG-2 (East Colorado Specific Plan, Commercial General, Subarea 2, The College District area)  
West: ECSP-CG-2 (East Colorado Specific Plan, Commercial General, Subarea 2, The College District area)

**Previous Cases:**

Exception #6266 - A Variance to allow a chain link fence to replace a block wall to separate the parking area from residential. Approved on May 18, 1961.

Conditional Use Permit #4307 - To allow extended hours of operation for a Starbucks Coffee shop. The hours of operation established were 5:00 AM to 12:00 AM seven days a week. Approved on March 3, 2004.

Modification to Conditional Use Permit #4307 - To modify a condition requiring a security guard from 11:00 PM until closing time if the restaurant is open after 11:00 PM. Approved on June 2, 2004.

Minor Conditional Use Permit #4572 - To allow shared parking for a mix of retail and restaurant uses. The "Campus Village" project will demolish several existing buildings and add 14,670 square feet of new commercial floor area to an existing 10,850 square feet of floor area to remain. The proposed mix of uses required 120 parking spaces and 97 are proposed. Approved October 21, 2005.

Tentative Parcel Map #065893 - To consolidate five parcels into one parcel for address 1687, 1713, 1719, 1733 E Colorado and 29 North Meridith Ave. Approved April 13, 2006.

Minor Conditional Use Permit #6006 - To allow the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with an existing restaurant use (Z Pizza). Approved August 7, 2013.

Modification to Minor Conditional Use Permit #4572 - To allow shared parking with a tenant space previously proposed for office. Approved December 16, 2009.

Conditional Use Permit #6871 - To allow the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of a new restaurant (Chipotle Mexican Grill) and to allow a walk-up window in conjunction within an existing restaurant tenant space. Approved February 19, 2020.

## **PROJECT DESCRIPTION:**

The applicant, Grey Theory Studio, has submitted a Conditional Use Permit application to allow the establishment of a Personal Services, Restricted land use (tattoo studio) located in the ECSP-CG-2 (East Colorado Specific Plan, Commercial General, Subarea 2, The College District area) zoning district. The existing tenant space is 2,160 square feet in interior floor area, located on the second floor of the commercial building. The proposed hours of operation are Tuesday through Saturday from 12:00 p.m. to 9:00 p.m. daily. A Conditional Use Permit is required for Personal Services, Restricted land uses within the ECSP-CG-2 zoning district.

## **ANALYSIS:**

### Conditional Use Permit – To Allow a Personal Services, Restricted Use

The Hearing Officer may approve a CUP to establish a Personal Services, Restricted use only after making six findings identified in the Zoning Code. The general purpose is to evaluate compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses. In this case staff's review entails an analysis of whether the proposed location of the use would affect the general welfare of surrounding properties or would result in a concentration of existing specific 'Personal Services, Restricted' land uses, pawnshops, and massage establishments. Personal Services, Restricted uses include check cashing businesses, tattooing, piercing and similar services, and massage services or parlors.

### *Zoning and Land Use*

The subject property is located in the ECSP-CG-2 (East Colorado Specific Plan, Commercial General, Subarea 2, The College District area) zoning district. Approval of a Conditional Use Permit is required to establish a Personal Services, Restricted use pursuant to Zoning Code Section 17.31.040 (East Colorado Specific Plan Land Uses and Permit Requirements). The

College District sub-area extends from Holliston Avenue to Allen Avenue and includes Pasadena City College frontage. College and neighborhood serving uses are typical within the area.

According to the applicant, the tattoo studio would have five body art stations and would only offer tattoo services. The proposed use would be compatible with surrounding uses within the ECSP-CG-2 zoning district including, but not limited to, a mix of restaurants, retail, a hotel, and a gas station.

### *Parking*

The previous use located at the subject tenant space was an office, business administrative land use, which required three parking spaces for every 1,000 square feet of gross floor area. The proposed Personal Services, Restricted use is subject to the same parking ratio, three parking spaces for every 1,000 square feet of gross floor area. Thus, there would be no intensification in parking requirements and no additional parking is required. The business patrons will continue to make use of the commercial center's existing parking lot, which would adequately accommodate the use. Further, a limited number of patrons are anticipated based on the small number of booths proposed.

### *Hours of Operation*

Section 17.40.070 (Limited Hours of Operation) of the Zoning Code limits the hours of operation of the proposed use to 7:00 a.m. and 10:00 p.m., daily, when located within 150 feet of a residential zoning district. The subject site adjoins a residential zoning district to the north that is within 150 feet. The proposed hours of operation are Tuesday to Saturday 12:00 p.m. to 9:00 p.m. and comply with the Zoning Code.

### *Separation Requirements*

Per Section 17.50.200 (Personal Services – Restricted and Pawnshops), there shall be a 500-foot separation distance between a Personal Services, Restricted use and another Personal Services, Restricted use, pawnshop or massage establishment. Separation shall be measured in a straight line, without regard to intervening structures, from the closest property line of the structure used as a Personal Services, Restricted use to the closest property line of another structure used as a Personal Services, Restricted use, pawnshop or massage establishment.

The applicant provided an inventory of Personal Services, Restricted uses, pawnshops, and massage establishments in the vicinity that concluded none were located within a 500-foot radius of the project site. In addition, staff confirmed that no other 'Personal Services, Restricted' uses, pawnshops, or massage establishments were found within a 500 foot radius of the site via digital mapping databases and through walking the neighborhood.

It is important to note that the tenant space is on the second floor of the existing commercial building and is separated from adjacent residential uses by a large parking lot. The proposed business activity would be completely located within the interior of the tenant suite.

Proposed conditions of approval identified in Attachment B of this report would ensure that the tattoo studio would not be detrimental to the surrounding uses. In order to prevent negative impacts, staff proposed a condition that requires the tenant to maintain the site and surrounding area in a litter and graffiti free manner. When the Personal Services, Restricted use is not open, the door would be locked and secured with an alarm system. The Police Department had no

comments or recommended conditions of approval regarding the Personal Services, Restricted use.

After giving consideration to the location and nature of the proposed project with respect to sensitive uses in the general area, it is staff's determination that the Personal Services, Restricted use would not detrimentally affect the surrounding area.

#### **GENERAL PLAN CONSISTENCY:**

As conditioned, the proposed use is consistent with General Plan Land Use *Policy 11.1, Business Expansion and Growth*, which supports the growth and success of businesses that create new job opportunities and productive and satisfying employment for Pasadena residents. It would bolster a diverse economy base and would be a long-term economic contribution to the City and ECSP-CG-2 zoning district which encourages a full range of retail and service businesses.

The site is located within the ECSP-CG-2 zoning district, also known as the "College District," which encourages a focus on pedestrian activity and serving Pasadena City College and the surrounding neighborhoods. As conditioned, the Personal Services, Restricted use would provide a commercial use consistent with the surrounding uses in the vicinity. The introduction of the Personal Services, Restricted use (tattoo studio) provides variation in land uses.

#### **ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances. This section specifically applies to the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of the use. The Personal Services, Restricted use (tattoo studio) is a negligible expansion of use.

#### **REVIEW BY OTHER CITY DEPARTMENTS:**

The proposal was reviewed by the Health Department, Building Division, Fire Department, Design and Historic Preservation (DHP) Section, Police Department, Water and Power Division (Water), Water and Power Division (Power), and Department of Transportation. The Fire Department, Design and Historic Preservation (DHP) Section, Water and Power Division (Water), Water and Power Division (Power), and Department of Transportation did not have any comments at this time and would review the use during any applicable future building permit plan check processes. The Police Department also had no recommended conditions of approval regarding the proposed operation. The Health Department and Building Division provided comments that are included as recommended conditions of approval in Attachment B.

#### **CONCLUSION:**

It is staff's recommendation that the findings necessary for approval of the Conditional Use Permit can be made. The proposed Personal Services, Restricted use would be consistent with other existing uses in the vicinity. The proposed Personal Services, Restricted use (tattoo studio) is located on the second floor of an existing commercial building. The tenant suite is buffered from adjacent residential uses by the commercial center's existing parking lot. All proposed activities will occur indoors and between the hours of 12:00 p.m. and 9:00 p.m. which is within the allowed

hours for businesses adjacent to residential uses. No exterior changes to the tenant are proposed and the existing commercial building will not be altered in terms of aesthetics, character, scale, etc. Conditions of approval would ensure that the use would not deviate from the planned operation reviewed under this application. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B

**ATTACHMENTS:**

Attachment A: Recommended Specific Findings

Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6917**

Conditional Use Permit – To Allow a Personal Services, Restricted Use.

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code* in that the operation of the proposed Personal Services, Restricted use (tattoo studio) is a conditionally permitted use within the ECSP-CG-2 zoning district and complies with the 500-foot separation requirement for ‘Personal Services, Restricted’ land uses.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district* in that the proposed Personal Services, Restricted use is allowed by the Zoning Code following a review of potential impacts on the surrounding businesses. The College District of the East Colorado Specific Plan is an area that promotes a mix of uses. The proposed use would be compatible with surrounding uses within the ECSP-CG-2 zoning district including, but not limited to, a mix of restaurants, retail, a hotel, and a gas station, and will provide a variation in land uses.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan* in that the City’s General Plan advocates that active uses be located in Zoning Districts that promote such uses. As conditioned, the proposed use is consistent with General Plan Land Use *Policy 11.1, Business Expansion and Growth*, which supports the growth and success of businesses that create new job opportunities and productive and satisfying employment for Pasadena residents. It would bolster a diverse economy base and would be a long-term economic contribution to the City and ECSP-CG-2 zoning district which encourages a full range of retail and service businesses. The ECSP-CG-2 zoning district, also known as the “College District,” encourages a focus on pedestrian activity and serving Pasadena City College and the surrounding neighborhoods. As conditioned, the Personal Services, Restricted use provides a commercial use consistent with the surrounding uses in the vicinity. The introduction of the Personal Services, Restricted use provides a variety in land uses and will allow for the establishment of a new business in Pasadena and provide the tax revenue, employment opportunities, and services inherent in a new business. Therefore, the use is in conformance with the General Plan and purpose and intent of the East Colorado Specific Plan.
4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use* in that the operation of the Personal Services, Restricted use (tattoo studio) is consistent with the activity of the surrounding commercial area on East Colorado Boulevard. The proposed operation will occur at the second level in an existing multitenant commercial building and will consist of a limited number of stations. All activities will occur indoors in a location that is at a substantial distance from adjacent residential zoning districts. The proposed use will be conducted in accordance with the City’s laws and ordinances ensuring continuing compatibility and protecting other businesses in the area from adverse impacts. Further, the Police Department had no comments or recommended conditions of approval regarding the Personal Services, Restricted use (tattoo studio). The provided conditions of approval will regulate the operation of the business to ensure that it does not negatively impact the surrounding area.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City* in that the operation of the 'Personal Services, Restricted use (tattoo studio) is consistent with the activity of the surrounding commercial area on East Colorado Boulevard. The proposed use will be conducted in accordance with the City's laws and ordinances ensuring continuing compatibility and protecting other businesses in the area from adverse impacts. Further, the Police Department had no comments or recommended conditions of approval regarding the Personal Services, Restricted use (tattoo studio). The provided conditions of approval will regulate the operation of the business to ensure that it does not negatively impact the surrounding area.
  
6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection* in that the proposed Personal Services, Restricted use (tattoo studio) is located on the second floor of an existing commercial building. The tenant suite is buffered from adjacent residential uses by the commercial center's existing parking lot. All proposed activities will occur indoors and between the hours of 12:00 p.m. and 9:00 p.m. which is within the allowed hours for businesses adjacent to residential uses. No exterior changes to the tenant are proposed and the existing commercial building will not be altered in terms of aesthetics, character, scale, etc.



**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6917**

The applicant or successor in interest shall meet the following conditions:

General

1. The site/floor plans submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Approved at Hearing, November 3, 2021," except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. The approval of this application authorizes the establishment of a Personal Services, Restricted land use (tattoo studio) in an existing 2,160 square-foot tenant space, as depicted in the approved floor plan.
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number **ZENT2021-00102**, is subject to a **Final Zoning Inspection**. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy. Contact the Planning Case Manager, Katherine Moran at (626) 744-6740 to schedule an inspection appointment time.

Planning Division

9. These conditions of approval must be posted in a conspicuous location for public viewing at all times.
10. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that should appear on the site shall be removed within 48 hours.
11. Truck loading, unloading, and trash pick-up for the premises are allowed only between the hours of 7:00 a.m. to 9:00 p.m., Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. No truck loading, unloading, or trash pick-up is allowed on Sundays, as specified in Section 17.40.070.C. (Limited Hours of Operation) of the Zoning Code. Loading and unloading activities shall be within the permitted hours and shall not continue afterwards.

Health Department

12. Applicant must receive Environmental Health approval for the body art facility.

Building and Safety Division

13. Comply with the current, governing of California Building standards.