



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: December 1, 2021

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6905

LOCATION: 2180 East Walnut Street

APPLICANT: FE Design and Consulting, on behalf of AA Brothers LLC

ZONING DESIGNATION: CG (Commercial General)

GENERAL PLAN DESIGNATION: Low Commercial

CASE PLANNER: Jennifer Driver

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #6905 with the conditions in Attachment B

PROJECT PROPOSAL: Conditional Use Permit: To establish an adult day care use (Adult Day Care, General land use) within an existing 5,318 square-foot tenant space within an approximately 11,495 square-foot commercial building.

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 there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances. Section 15301 specifically exempts the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of use. The previous use of the tenant space within the existing commercial building was a Retail Sales land use. There is no new square footage proposed and the change in use from Retail Sales land use to Adult Day-Care, General land use is considered a negligible expansion of the use within an existing commercial building.

BACKGROUND:

Site characteristics: The 29,747 square-foot site is located on the southwest corner of East Walnut Street and North Grand Oaks Avenue and consists of one parcel. The site is currently improved with a one-story, approximately 11,495 square-foot building, with two tenant spaces, and a surface parking lot with 36 parking spaces. One of the tenant spaces is occupied by an existing, to remain, 5,697 square-foot gym. The other 5,318 square-foot tenant space is proposed to be occupied by the subject Adult Day Care use and was formally occupied by a retail land use. Existing vehicular access is available from both East Walnut Street and North Grand Oaks Avenue.

Adjacent Uses: North: Vehicle Repair and Commercial
South: Multi-family Residential
East: Commercial and Multi-family Residential
West: Multi-family Residential

Adjacent Zoning: North: CG (Commercial General)
South: RM-32-PK (Multi-family Residential, 32 units per acre, Parking District Overlay)
East: RM-32-PK (Multi-family Residential, 32 units per acre, Parking District Overlay) and CG (Commercial General)
West: RM-32-PK (Multi-family Residential, 32 units per acre, Parking District Overlay) and RM-32 (Multi-family Residential, 32 units per acre)

Previous Cases: Variance #8252: The Variance was a request to construct a wholesale retail store that extended onto a property zoned for residential (R-3 zone) and parking (P zone). Approved March 4, 1971.

PROJECT DESCRIPTION:

The applicant, FE Design and Consulting, on behalf of AA Brothers LLC, proposes to establish an Adult Day Care, General land use within an existing one-story 5,318 square-foot tenant space in an 11,495 square-foot commercial building on the subject property. The day care center would be licensed by the State of California (Department of Public Health, Department of Aging) and would provide daytime community-based programs to the elderly. Programs would include games, arts and crafts, exercise and meals. Hours of operation would be limited to between 8:00 a.m. and 2:30 p.m., Monday through Friday. The day care center would operate with a maximum capacity of 150 participants at peak levels. Participants would either drive to the facility or be picked up by a shuttle, with drop-off occurring in the proposed on-site loading zone at the rear of the site. Participant entry and exit would occur through the primary building entrance on Grand Oaks Avenue. The project site currently has 36 parking spaces and the project includes the restriping of the parking lot to accommodate 40 parking spaces and one new loading space. A Conditional Use Permit is required to establish an Adult Day Care, General land use in the Commercial General zoning district.

ANALYSIS:

The subject property is located in the Commercial General (CG) zoning district. Pursuant to Table

2-5 of Zoning Code Section 17.24.030 (Commercial and Industrial District Land Uses and Permit Requirements), Adult Day Care, General land use requires approval of a Conditional Use Permit. By definition, this land use provides non-medical care for seven or more persons on a less than 24-hour basis. The classification includes day care centers for adults.

The proposed day care center would operate between 8:00 a.m. to 2:30 p.m., Monday through Friday, providing non-medical care to the elderly. There would be no residential care or overnight care provided. According to the applicant, the day care center would operate with an average of seven employees at any one time. The number of participants would fluctuate throughout the week, with a peak level of 150 participants, and most attending five days a week.

Participants would mainly be shuttled to-and-from the site in two company vans and medical transports. Participants may also arrive via Access Services, Dial-a-Ride, public transit services for persons with disabilities or a Pasadena Transit bus when possible. Participants with driver's licenses could drive to the site. Loading and unloading will occur in the designated loading parking space to the rear of the site, with building access through the parking lot and from Grand Oaks Avenue. No drop-offs or pick-ups will occur on Walnut Street or Grand Oaks Avenue.

The applicant proposes to accommodate the adult day care use by rehabilitating the existing tenant space through an interior remodel. The 5,318 square-foot tenant space would provide one main activity area with many tables and chairs, a kitchen, a physical therapy room and several administrative offices. Primary entry to the facility would be available from the east entrance on Grand Oaks Avenue and secondary access would be from the southern side from the surface parking lot. All activities and services associated with the operation would be contained within the interior of existing building. There would be no outdoor activities. Activities would generally include games, arts and crafts, exercise and meals.

Conditional Use Permit

The Hearing Officer may approve a Conditional Use Permit to allow the establishment of an Adult Day Care, General 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. The Conditional Use Permit process allows the City to specify development standards and may result in recommended conditions or requirements associated with the operation of the use.

Parking:

Every use, including a change or expansion of a use or structure, shall have appropriately maintained off-street parking areas in compliance with the regulations identified in Zoning Code Section 17.46.020 - Basic Requirements for Off-Street Parking and Loading. The site is improved with a building that is divided into two tenant spaces, with one as an existing, to remain, gym, a Personal Improvement Service land use, and the other as the proposed Adult Day Care land use. The site is currently improved with a surface parking lot with 36 parking spaces.

Pursuant to Table 4-6, Zoning Code Section 17.46.040 (Number of Off-Street Parking Spaces Required), the existing gym (Personal Improvement Service land use) requires three parking spaces per 1,000 square feet of floor area, or 17 spaces for the 5,697 square-foot tenant space. The proposed Adult Day Care land use requires two parking spaces for every 1,000 gross square feet of floor area, or 11 spaces for the 5,318 square-foot tenant space. The applicant proposes to

restripe the existing parking lot to accommodate 40 parking spaces; thus the site accommodates the 28 spaces required by both uses.

In addition, and as explained above, the day care center plans to provide transportation to and from the location via two company vans. Participants will also use community transportation services such as Access Services, Dial-A-Ride, or a Pasadena Transit bus when possible.

Loading:

Pursuant to Zoning Code Section 17.80.020 (Definitions), the proposed use, adult day care, is a Public and Semi-Public land use. Pursuant to Zoning Code Section 17.46.260 (Number, Location, and Design of Off-street Loading Spaces), the change to a Public and Semi-Public land use from a retail land use requires one loading space. The proposed project includes a new loading space in the southwest corner of the site. As required by Zoning Code Section 17.46.260, the loading space will maintain a minimum dimension of 12 feet by 30 feet, will provide a 45-foot turning radius and will be screened by a new six-foot tall masonry wall on the north side and by existing six-foot tall masonry walls on the west and south sides. As a result, the proposed loading space will comply with loading space requirements as stated in Zoning Code Section 17.46.260.

Hours of Operation:

Although the Zoning Code exempts Public and Semi-Public land uses from limits on hours of operation (7:00 a.m. to 10:00 p.m.), the applicant is proposing hours of operation that would otherwise comply, 8:00 a.m. to 2:30 p.m., Monday through Friday. It is worth noting however that due to the nature of the use, the proposed hours of operation are less intensive than a typical commercial use, and thus, will not result in an adverse impact to nearby residential uses. In addition, all activities will occur indoors as there is no outdoor space. Further, the residential properties to the west, east and south are buffered from the proposed interior space by the existing parking lot and masonry walls, and little, if any, noise would be heard by the residences.

Based on these characteristics and the hours of operation, it is anticipated that the day care facility could coexist with surrounding uses. In addition, to prevent any unanticipated noise impacts and to safeguard nearby residential uses, recommended conditions of approval prohibit outdoor activity of any kind, require that the applicant comply with the City's Noise Ordinance (Chapter 9.36), supply adequate, appropriately located litter and recycling receptacles, and keep all doors closed during specified hours of operation. In addition, State regulations for adult day care centers would further ensure that the applicant operates consistent with characteristics in their application.

GENERAL PLAN CONSISTENCY:

The subject property is designated Low Commercial Use in the Land Use Element of the General Plan. The proposed adult day care center is consistent with General Plan Policies 2.7 (Civic and Community Services) and 3.2 (Care Facilities). Policy 2.7 provides for diverse uses and services supporting Pasadena's residents such as facilities for seniors. Policy 3.2 is part of a broader goal of supporting the welfare of the population and allows for the development of senior day care facilities, and other care facilities where they can be located, designed, and managed to ensure compatibility with and the safety of adjoining uses, consistent with adopted specific plans, Community Places policies, and in accordance with state legislation.

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; therefore, there are no unusual circumstances. Section 15301 exempts the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of use. The previous use of the tenant space within the existing commercial building was a Retail Sales Land Use. There is no new square footage proposed and the change in use from Retail Sales use to General Adult Day Care Facility use is considered a negligible expansion of the use within an existing commercial building.

REVIEW BY OTHER CITY DEPARTMENTS:

The Departments of Public Works, Transportation, Police, Fire, Pasadena Water and Power (Power and Water Divisions), the Building and Safety Division and Design and Historic Preservation Section reviewed the proposed project. The Departments of Public Works, Health, and the Building and Safety Division provided recommended conditions of approval which are incorporated in this report under Attachment B "Recommended Conditions of Approval." No other departments provided comments.

CONCLUSION:

It is staff's assessment that the findings necessary to approve the Conditional Use Permit for the establishment of an Adult Day Care, General land use can be made. Residential uses at the rear of the site are at a distance and in a location that would generally remain unaffected. The day care center and associated activities would be confined to the interior of an existing building. Furthermore, the City's General Plan promotes a variety of services, including care facilities and social improvement facilities for the City's diverse population. 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: Specific Findings of Approval

Attachment B: Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6905

Conditional Use Permit – To Establish an Adult Day Care, General 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.* The subject property is located in the Commercial General (CG) zoning district. Table 2-5 of Zoning Code Section 17.24.030 (Commercial and Industrial District Land Uses and Permit Requirements), permits Adult Day Care, General land uses subject to the approval of a Conditional Use Permit. The proposed operation will comply with applicable provisions of the Zoning Code.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The purpose of the CG zoning district is to provide opportunities for a full range of retail and service businesses, to minimize impacts of commercial developments on adjacent residential districts, and to provide sites for public and semi-public uses. The proposed day care center is a public and semi-public use that will be located within an existing commercial building fronting East Walnut Street in an area that is generally concentrated with other commercial development through the corridor. In addition, the activities associated with the use will occur indoors and between the hours of 8:00 a.m. to 2:30 p.m. and would not be impactful to the abutting residential districts to the east, west and south. Therefore, the proposed use is consistent with the intent and purpose of the CG zoning district.
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.* The subject property is designated Low Commercial in the Land Use Element of the General Plan. The proposed day care center is consistent with General Plan policies 2.7 (Civic and Community Services) and 3.2 (Care Facilities). Policy 2.7 provides for diverse uses and services supporting Pasadena's residents such as facilities for seniors. Policy 3.2 is part of a broader goal of supporting the welfare of the population and allows for the development of senior day care facilities, and other care facilities where they can be located, designed, and managed to ensure compatibility with and the safety of adjoining uses, consistent with adopted specific plans, policies and in accordance with state legislation. The proposed day care center for seniors is consistent with the adopted policies.
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.* The proposed day care center will operate between 8:00 a.m. to 2:30 p.m., Monday through Friday, providing non-medical care to the elderly. There would be no residential care or overnight care provided. Nonresidential uses currently surround the property to the north, west and east, and includes retail, office and auto repair. Multi-family dwellings are located to the east, west and south of the property but are separated by the surface parking lot, masonry walls and landscaping. Operational activities will be confined to the interior of the building and the absence of outdoor activities will limit potential detriment or injury to day care center participants or nearby property owners. The hours of operation further limit any impacts to nearby uses. Day care center activities do not occur during the evening peak traffic period, and will always occur when there is daylight. Therefore, the proposed day care center will be compatible with the mix of existing uses in the vicinity and not injurious to the neighborhood. Further, loading and unloading of patrons will occur in the designated loading area to the rear of the site. Lastly,

State regulations for adult day care centers and recommended conditions of approval will ensure that the applicant operates consistent with characteristic in their application.

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.* The existing parking lot offers sufficient parking for employees and patrons, and the drop-off and pick-up location in the designated on-site loading area will provide a readily available area for safe drop-off and pick-up. Further, the facility will be operated in accordance with the conditions of approval, City and State law, and ordinances that will ensure compatibility with surrounding uses. Several departments including Building and Safety and Public Works reviewed the proposed operation and have included recommended conditions of approval.
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.* The day care center will operate within an existing commercial building and modifications to the site are limited to an interior renovation and the restriping of the existing surface parking lot to provide additional parking and a loading space. The proposed changes and the operation of the day care center will comply with all the applicable standards and requirements of the Zoning Code.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6905

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

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, December 1, 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, except where an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions – Extensions of Time).
3. The approval of this application authorizes an Adult Day Care, General land use within an existing building. Any change from the approved use would require a new Conditional Use Permit.
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 may 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 **ZENT2021-00084** is subject to the City's Condition Monitoring Program and Final Zoning inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy or its equivalent. Contact the Planning Case Manager, Jennifer Driver at (626) 744-6756 to schedule an inspection appointment time and set up monitoring fees.

Planning Division

9. The day care center shall be limited to a maximum of 150 participants on-site at any one time.
10. The site shall maintain at least one loading space in accordance with Zoning Code Section 17.46.260.
11. New signage shall comply with Chapter 17.48 (Signs) of the Zoning Code.
12. The day care center shall be licensed by the State of California (Department of Public Health, Department of Aging).

13. The day care center shall operate in compliance with applicable local and state regulations at all times including the Pasadena Municipal Code and Zoning Code.
14. All activities associated with the day care center shall be contained indoors..
15. All employees of the day care center shall park on-site.
16. All participant drop-off shall occur in the designated loading zone on-site, as depicted on the approved plans.
17. Any food services associated with the operation of the day care center shall be provided to participants only. Meals shall not be made available to the public.
18. The day care center shall be open to registered participants only..
19. No mechanical equipment shall be permitted on any roof unless properly screened, or in an enclosure designed to be architecturally compatible with the building. All screening must be reviewed and approved by the Zoning Administrator.
20. A refuse storage area for the collection of trash and recycled goods shall be provided prior to issuance of a Certificate of Occupancy. Refuse storage shall comply with Zoning Code Section 17.40.120 (Refuse Storage Facilities) at all times.
21. The premises, sidewalk, and street shall be maintained in a litter and graffiti free manner. Any graffiti that should appear on the site shall be removed within 48 hours. If at any time the Zoning Administrator determines that trash, litter, and debris have become a problem, the operator shall be required to submit a litter clean-up plan. The litter clean-up plan shall address litter clean-up on-site and off-site and shall include, but not be limited to, a litter pick-up schedule and a map of the clean-up area. Upon approval of the plan by the Zoning Administrator, the measures of the plan shall be implemented.
22. To alleviate potential noise impacts, all exterior doors shall remain closed while the use is in operation and open to the public.
23. The use shall comply with Municipal Code Chapter 9.36 (Noise Restrictions).
24. The applicant or successor in interest shall take all reasonable steps to prevent visitors from congregating or loitering outside of the adult day care facility at any time. Signage containing this information shall be installed in a location outside of the building (facing Walnut Street and Grand Oaks Avenue) to the satisfaction of the Zoning Administrator and prior to issuance of a Certificate of Occupancy.
25. These conditions of approval must be posted in a conspicuous location for public viewing within the religious facility on a continuous basis for the life of this Conditional Use Permit, beginning on the date the occupancy commences.

Building and Safety Division

26. Governing Codes: Comply with the Current Edition of California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Green Building Standard Code and the City of Pasadena Municipal Code.

The governing edition is based on the date in which the project is submitted to the City of Pasadena for review.

27. Building Code Analysis: Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Descriptive scope of work, occupancy, assessor's parcel number, number of stories, type of construction, fire sprinklers, floor area, height, and allowable floor area.
28. Provide an egress plan and occupant load analysis. Remove the "Day Care 1-4 Occupancy" note from plans.
29. Provide plumbing fixture analysis per the current plumbing code.
30. Best Management Practices: Photocopy to plans and complete the Best Management Practice page 1 (form must be signed). Photocopy any other applicable pages and cross reference the location at the site plan, i.e. the material storage, the concrete waste management, etc. These forms can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applicationsforms/#informational-handouts>
31. Green Code: Photocopy to plans and complete the 2019 California Green Building Standards Code with City of Pasadena amendments forms. These forms are being provided attach and can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applicationsforms/#informational-handouts>.
32. Means of Egress (Exiting):
 - a. Clearly label and identify on plans fire-resistive corridors, exit enclosures, exit passageways, horizontal exits, occupancy separation walls and floors, fire resistive shafts, and fire walls, along with their fire-resistive ratings as applicable.
 - b. Primary accessible path of travel shall include a primary entrance to the building or facility; toilet and bathing facilities serving the area; drinking fountains serving the area; public telephones serving the area, and signs.
33. Fire and Smoke Protection Features: Show materials, systems and assemblies used for structural fire resistance and fire-resistance rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
34. Accessibility:
 - a. Provide compliance with accessibility per CBC 11B accordingly.
 - b. Provide an analysis for the minimum required parking spaces. Label the accessible parking spaces.
 - c. Show on plans all accessible routes and signage.
35. Required Plans and Permit(s):
 - a. In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, PV systems and grading plans as required. No deferred submittal.

- b. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.

Public Works Department

36. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection video submitted to the Department of Public Works for review. At the time of the video submittal, a non-refundable flat fee, per the current General Fee Schedule, shall be placed by the applicant to cover the staff cost of video review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.
37. The applicant shall protect all existing public facilities and maintain the right of way in good clean condition during the construction. If any damage is proven to be caused by the subject development, the applicant is responsible for replacing and/or repairing the facilities to the satisfaction of the City, prior to the issuance of Certificate of Occupancy.
38. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met.
39. In addition to the above conditions, the requirements of all applicable Pasadena Municipal Code (PMC) will apply and be implemented during the corresponding plan review and permitting. They may include but not limited to:
 - a. Sidewalk Ordinance - Chapter 12.04
 - b. Sewer Facility Charge – Chapter 4.53
 - c. Residential Impact Fee – Chapter 4.17
 - d. City Trees and Tree Protection Ordinance - Chapter 8.52
 - e. Construction and Demolition Waste Ordinance - Chapter 8.62
 - f. Holiday Moratorium of activities within public right-of-way – Chapter 12.24.100

Public Health

40. Ability First's food service is typically regulated by DSS, not Environmental Health Services. Please provide a copy of the DSS license to Environmental Health Services.
 - a. If this facility's food service is not regulated by DSS, plan submittal to the Health Department will be required for construction of/changes to any food facility within this development. Information must be provided to the Health Department any time a food service operation changes due to construction. Plan review applications/fees must be

submitted directly to the Health Department. All food and beverage facilities must comply with PMC 8.12 and the California Retail Food Code. Refer to the Plan Check Construction Guidelines. This document provides an overview of the plan check process and an outline of the structural requirements that the California Retail Food Code requires for all retail food facilities. Contact Food Facility Plan Check Specialist Carly Williams at CWilliams@cityofpasadena.net or at (626) 744-6061 for details.

41. If new pools or spa construction or changes to existing pools or spas is planned in this development, plan submittal to Environmental Health is likely to be required. Contact Pool Plan Check Specialist Elaine Zita at EZita@cityofpasadena.net or at (626) 744-6026 for details.