



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: January 19, 2022

TO: Hearing Officer

SUBJECT: Minor Conditional Use Permit #6906

LOCATION: 50 N. Mentor Avenue

APPLICANT: Shaun Szameit

ZONING DESIGNATION: CD-5-AD-2 (Central District Specific Plan, Lake Avenue Subdistrict, Alcohol Overlay District 2)

GENERAL PLAN DESIGNATION: High Mixed Use (0.0 – 3.0 FAR, 0-87 DU/Acre)

CASE PLANNER: Ivan Galeazzi

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #6906 with the Conditions in Attachment B.

PROJECT PROPOSAL:

Minor Conditional Use Permit: To establish a 1,250 square-foot “Work/Live” unit on the ground floor of an existing 2,400 square-foot two-story commercial building. The site is located within the CD-5-AD-2 (Central District Specific Plan, Lake Avenue subdistrict, Alcohol Overlay District 2) zoning district. A Minor Conditional Use Permit is required for “Work/Live” use within the CD-5-AD-2 zoning district.

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; therefore, there are no unusual circumstances. Section 15301 exempts repair and maintenance of existing private structures where negligible or no expansion of use beyond that existing on site. The

work/live use is considered a negligible change to an existing commercial structure. Therefore, the proposal is exempt from environmental review.

BACKGROUND:

Site characteristics:

The subject 1,367 square-foot site is located on the east side of Mentor Avenue, north of Colorado Boulevard, and south of Union Street. The property is developed with an existing two-story 2,400 square-foot commercial building. The property does not provide any off-street parking.

Adjacent Uses

- North - Commercial Uses
- South - Commercial Uses
- East - Commercial Uses
- West - Commercial Uses

Adjacent Zoning:

- North - CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Overlay District 2)
- South - CD-5-AS-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Overlay District 2)
- East - CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Overlay District 2)
- West - CD-5-AD-2 and PD-10-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Overlay District 2) and Planned Development-10 (Colorado/Lake, Alcohol Overlay District 2)

Previous Zoning Cases on this Property:

25-TTM19027 – Zone Change C to B Granted 1/30/1925.

54-V4479 – Permission to develop property for a parking lot without having to erect an ornamental fence or wall – Case withdrawn 12-2-1954.

PROJECT DESCRIPTION:

The applicant, Shaun Szameit, has submitted a Minor Conditional Use Permit (MCUP) application to establish a work/live use within an existing two-story 2,400 square-foot commercial building. The Zoning Code defines the “Work/Live” use as *“an integrated dwelling unit and working space, in which the work component is the primary use and the residential component is secondary, occupied by a single housekeeping unit in a structure, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the Building Code; and Working space reserved for and regularly used by one or more occupants of the unit.”* A Minor Conditional Use Permit is required to establish a “Work/Live” use within the CD-5 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Overlay District 2). The proposal includes the renovation of the existing 1,250 square-foot commercial space on the ground floor level, for the creation of a 370 square-foot residential unit and an 880 square-foot commercial office/studio.

ANALYSIS:

Minor Conditional Use Permit: to allow the establishment of a “Work/Live” use

The MCUP process allows the City to review a project and its configuration, design, location, and potential impacts of the use in order to evaluate if the project would be compatible with the surrounding uses, and the suitability of the use to the site. The Hearing Officer may approve a Minor Conditional Use Permit only after making six findings identified in the Zoning Code Section 17.61.050 (Conditional Use Permits and Master Plans). 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 site is located within the CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Overlay District 2) zoning district, where a “Work/Live” use is permitted subject to the review and approval of a Minor Conditional Use Permit. In addition, specific development standards for “Work/Live” units have been identified in Section 17.50.370 of the Zoning Code and included as part of the analysis of the project in this report.

The subject use is located on the east side of Mentor Avenue with other general commercial uses within the general vicinity. To the north, east, south, and west of the site there are existing commercial uses, such as office, retail, and theater uses. According to the applicant, the commercial business proposed as part of the work/live unit, Szameit Holdings Company, focuses on speculative real estate acquisitions and commercial asset management.

In a Work/Live use the work component is the primary use and the residential component is secondary. Accordingly, the proposed work/live unit has been designed so the work component is the primary use and the residential portion the secondary. The proposed floor plan for the commercial use is consistent with commercial offices, with seating areas, reception area, meeting room, and office equipment. As previously stated the majority of the tenant space is dedicated to the commercial use, therefore making it the primary component of the work/live unit. In addition, the dwelling unit is separated by a door and is subordinate in size and location. The proposed hours of operation are from 10:00 a.m. until 6:00 p.m. and are consistent with surrounding commercial uses.

The project has also been conditioned to comply with the Noise Ordinance regulations of Chapter 9.36 of the Municipal Code (condition #10). These conditions, along with other conditions of approval identified in Attachment B of this report will ensure that the “Work/Live” unit will not be detrimental to the surrounding uses, including the residential uses to the north east of the subject site.

Parking:

Table 4-6 (Off-Street Parking Space Requirements) of Section 17.46.040 of the Zoning Code identifies the number of off-street parking spaces required for the use. The parking requirements of Table 4-6 are expressed as minimum standards. 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 Work/Live 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 on-street parking and the adjacent parking

structure located at 2 N. Lake Avenue, which would adequately accommodate the use. Further, a limited number of patrons is anticipated based on the size of the commercial office proposed.

Hours of Operation:

The proposed work/live unit would not have a set hours of operation since the use incorporates a residential component. Section 17.40.070.A.2 of the Zoning Code sets limited hours of operation regulations for businesses located within 150 feet of a residential zoning district, however uses within the Central District are exempt from limitations on the hours of operation, except for loading, unloading, and trash-pick up limitations. The subject site is within the Central District, and therefore exempt from the limited hours of operation. As stated above, the subject site is surrounded by other commercial uses, which have similar and compatible hours of operation as the office use proposed as part of the work component of the work/live unit.

Work/Live Design Standards:

Section 17.50.370.B of the Zoning Code identifies specific design standards for proposed "Work/Live" units. Section 17.50.370.B.1 of the Zoning Code requires that all "Work/Live" units have a minimum floor area of at least 1,250 square feet. In addition, the maximum size of the residential portion of the "Work/Live" unit shall be 30 percent of the unit or 400 square feet, whichever is less, in order to ensure that the residential portion remains an accessory to the primary commercial use. In this case, the proposed work/live unit is 1,250 square feet; with the residential portion totaling 370 square feet, or 30 percent of the unit, therefore in compliance with this standard.

Section 17.50.370.3 of the Zoning Code requires direct access between the working and living spaces within the unit. There shall be no separate entrance to the living space by a separate door. As depicted on the submitted floor plans, the residential portion of the unit takes direct access from the commercial portion of the unit, therefore in compliance with this standard. There is one entrance to the commercial unit and it is only accessible from Mentor Avenue. In addition, there is an external door located at the rear of the residential unit that leads to an enclosed and walled off patio area. Conditions of approval, identified in Attachment B of this report, will ensure compliance with these requirements.

Land Use:

Section 17.50.370.D. prohibits Sexually Orientated Businesses, Motor Vehicle Maintenance and Repair, and Welding and/or Machining in a Work/Live unit. All proposed land uses associated with the commercial portion of the "Work/Live" unit shall be established in accordance with Section 17.30.030 of the Zoning Code. The project has also been conditioned to comply with the Work/Live Units land use regulations of Section 17.50.370.D (condition #12).

GENERAL PLAN CONSISTENCY:

As conditioned, the proposed project is consistent with the General Plan Land Use Element Policy 4.3 - An Active Central District, which encourages the Central District to continue and to be reinforced as a vital, pedestrian-oriented place, linked to local and regional transit designed for all ages and serving as the focal point of community identity, business activity, employment, living, governance, and culture. The proposed "Work/Live" use along with the implementation of the conditions of approval will continue to reinforce pedestrian oriented businesses that promote a vital destination place. Due to the location of the proposed used; the business operator removes

the need to commute to and from their workplace. In addition, the business operator can take their clients to nearby restaurants, shops, or other places of enjoyment within the Lake Avenue District and continue to reinforce the Central District as a vital, pedestrian oriented place. Conditions of approval have been added that relate to the proposed use will ensure the use is operating consistent with and in harmony with surrounding uses.

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; therefore, there are no unusual circumstances. Section 15301 exempts repair and maintenance of existing private structures where negligible or no expansion of use beyond that existing on site. The work/live use is considered a negligible change to the existing commercial structure. Therefore, the proposal is exempt from environmental review.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposal was reviewed by the Department of Transportation, Department of Public Works, Building and Safety Division, and the Design and Historic Preservation Section. The Department of Transportation, Department of Public Works, and Design and Historic Preservation Section had no comments and will review the project once more during the building permit plan check process to ensure compliance with applicable code requirements. The Building and Safety Division included conditions that have been incorporated into the Recommended Conditions of Approval found in Attachment B.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Conditional Use Permit for the construction of a "Work/Live" use (Attachment A) can be made. Conditions of approval and periodic condition monitoring will ensure that the use would not deviate from the planned operation reviewed under this application. Therefore, staff recommends that the Hearing Officer approve the Conditional Use Permit application to allow the construction of a "Work/Live" use.

Attachments:

Attachment A: Recommended Specific Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #6906

Approval of Minor Conditional Use Permit: To allow the establishment “Work/Live” Use.

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* A Minor Conditional Use Permit is required for “Work/Live” use within the CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Overlay District 2) zoning district. The proposal meets the purpose of the CD-5 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Overlay District 2) zoning district. This area is intended to support Lake Avenue as a pedestrian-oriented high-end commercial street, including regional office space and local shopping. provide opportunities to the full range of retail and service businesses deemed suitable for location in Pasadena. The “Work/Live” unit will provide a new business and residential opportunity in this area of the City that is walkable and supports Lake Avenue. In addition, the “Work/Live” use meets all the applicable provisions of the CD-5 Lake Avenue sub-district Alcohol Overlay District 2, and the “Work/Live” unit specific development standards set forth in the Zoning Code. The use will operate in accordance with the City’s laws, ordinances, and with conditions of approval that will ensure the compatible coexistence of this use with the surrounding area.

2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* Section 17.50.370.B. of the Zoning Code identifies specific design standards that all “Work/Live” units shall comply with. Section 17.50.370.B.1 of the Zoning Code requires that all “Work/Live” units have a minimum floor area of at least 1,250 square feet. In addition, the maximum size of the residential portion of the “Work/Live” unit shall be 30 percent of the unit or 400 square feet, whichever is less, in order to ensure that the residential portion remains an accessory to the primary commercial use. In this case, the proposed project meets these standards as the unit totals 1,250 square feet, with the residential portion totaling 370 square feet and the commercial portion totaling 880 square feet. The unit is required by Section 17.50.370.3 of the Zoning Code to provide direct access between the working and living spaces within the unit. There shall be no separate entrance to the living space by a separate door. The proposal complies with this requirement as the residential portion of the unit takes direct access from the commercial portion and only one entrance is proposed for the unit. Given the urbanized location and mix of commercial, retail, and service uses in the vicinity, the “Work/Live” use, as conditioned, will not be detrimental or incompatible with the surrounding uses in the general vicinity.

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.* To permit the establishment of a “Work/Live” use on the subject site will meet at least one Objective of the General Plan. As conditioned, the proposed project is consistent with the General Plan Land Use Element Policy 4.3 - An Active Central District, which encourages the Central District to continue and to be reinforced as a vital, pedestrian-oriented place, linked to local and regional transit designed for all ages and serving as the focal point of community identity, business activity, employment, living, governance, and culture. The proposed “Work/Live” use along with the implementation of the conditions of approval will continue to reinforce pedestrian oriented businesses that promote a vital destination place. Due to the location of the proposed used; the business operator removes the need to commute to and from their workplace. In addition, the business operator can take their clients to nearby restaurants, shops, or other places of enjoyment within the Lake Avenue District and continue to reinforce the Central District as a

vital, pedestrian oriented place. Conditions of approval have been added that relate to the proposed use will ensure the use is operating consistent with and in harmony with surrounding uses. Therefore, this proposed use is consistent with the Goals and policies, and objectives of the General Plan and the purpose and intent of the applicable 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.* The proposed project will allow for the establishment of a “Work/Live” through the approval of a Minor Conditional Use permit within the CD-5-AD-2 (Central District Specific Plan, Lake Avenue sub-district, Alcohol Overlay District 2) zoning district. The subject site is surrounded by a mix of commercial and residential developments. Since the use is a combination of both residential and commercial use, it is anticipated that there will be no detrimental effects to the public health, safety and welfare in large. The site is located within 150 feet of a property zoned residential. The property, located at 50 N. Mentor is surrounded to the north and east by the adjacent lot. The property is attached to the adjacent buildings to the north, a theater, and to the south another commercial use. At the rear of the property is the large parking lot that serves the theater. The proposal includes one residential unit for the proposed Work/Live, and due to the site conditions and existing buffers staff believes that the proposed use will not cause any adverse negative impacts to the neighborhood or adjacent residential use. Conditions of Approval have been added to ensure that any potential impacts that the proposed use could have to persons residing in the neighborhood, would be mitigated. In addition, the project is subject to the City’s Condition Monitoring Program. Noncompliance with any of the conditions of approval or any of the provisions of the Zoning Code may result in the revocation of the Conditional Use Permit. Therefore, the “Work/Live” use, as conditioned, will not detrimentally affect 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.* The proposed “Work/Live” use will occupy an existing 2,400 square-foot two-story commercial building. The project meets all the development of the Central District Specific Plan (CD-5 Lake Avenue sub-district, Alcohol Overlay District 2) zoning district. The proposed project complies with all of the requirements of the Zoning Code. The project will be conditioned to comply with the Noise Ordinance regulations of Chapter 9.36 of Pasadena Municipal Code (condition#10). Section 17.50.370.D. identifies uses that are prohibited in conjunction with a “Work/Live” land uses. The specific prohibited uses include Sexually Orientated Businesses, Motor Vehicle Maintenance and Repair, and Welding and/or machining. All proposed land uses associated with the commercial component of the “Work/Live” unit shall be established in accordance with Section 17.30.030 and 17.50.370 of the Zoning Code. Additional measures have been added through conditions of approval to address any potential concerns regarding the proposed use. As such, the proposed use as described and conditionally approved would not be injurious to property and improvements in the 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.* The project involves interior renovation of the ground floor unit for an existing 2,400 square-foot two-story commercial building, to accommodate a “Work/Live” use. The proposal does not include of any proposed additional area and the exterior of the existing building will remain as is. Therefore, the design, location, operational characteristics, and size are compatible with the existing and future land use in the vicinity in terms of aesthetic values, character, scale, and view protection.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6906

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

General

1. The site plan, and floor plan submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Approved at Hearing, January 19, 2022" 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 "Work/Live" unit within the ground floor of an existing 2,400 square-foot two-story commercial building, located at 50 N. Mentor Ave in accordance with the plans on file with the Planning Division.
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 **ZENT2021-00088**, is subject to the Final Zoning inspection prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact the Planning Case Manager, Ivan Galeazzi at (626) 744-7124 or igaleazzi@cityofpasadena.net to schedule an inspection appointment time.
9. The project shall comply with all standards of Section 17.50.370 (Work/Live Units) of the Zoning Code.
10. The applicant shall be required to comply with the Noise Ordinance regulations of Chapter 9.36 of Pasadena Municipal Code.
11. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti on the site shall be removed within 48 hours.
12. All proposed land uses associated with the commercial component of the "Work/Live" unit shall be established in accordance with Section 17.30.030 of the Zoning Code. Sexually Orientated Businesses, Motor Vehicle Maintenance and Repair, and Welding and/or machining are prohibited land uses in the Work/Live unit.

13. The applicant shall remove or obtain a building permit for the unpermitted storage structure attached to the rear of the building. The storage structure shall comply with all Zoning Development Codes and all Building and Safety regulations. The storage structure may be reviewed simultaneously with the tenant improvements for the creation of the Work/Live unit.

Design and Historic Preservation Section

14. Any future exterior alterations or signs require Design Review approval.

Building and Safety Division

15. Governing Codes:

- a) 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.

16. Building Code Analysis:

- a) 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.
- b) Clearly state the type of occupancies and separations at each area/level as applicable.
- c) Fully disclosed the existing and proposed layouts. Provide a wall legend to identify.

17. Best Management Practices:

- a) 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-applications-forms/#informational-handouts>

18. Green Code:

- a) 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-applications-forms/#informational-handouts>.

19. 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 firewalls, 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.
- c) Provide an Egress plan and occupant load analysis.

20. Fire and Smoke Protection Features:

- a) 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.
- b) Clearly state the type of occupancies and separations at each area/level as applicable.

21. Accessibility:

- a) Provide compliance with accessibility per CBC 11B accordingly.
- b) Show kitchen and bathroom accessibility as applicable.
- c) Photocopy to plans and complete the Summary of Accessibility Upgrades for Commercial Projects. These forms are being provided attach and can be found at <https://www.cityofpasadena.net/wp-content/uploads/sites/30/Accessibility-Upgrades-Summary-2020.pdf?v=1604090009185>

22. 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.