



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: May 18, 2022

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6943

LOCATION: 859 South Raymond Avenue

APPLICANT: Emily Laguna, Hart Preschool

ZONING DESIGNATION: IG-SP-2 HL-56 (South Fair Oaks Specific Plan, Industrial General, Height Limit Overlay District – 56)

GENERAL PLAN DESIGNATION: High Mixed-Use (0.0 – 3.0 FAR, 0-87 dwelling units per acre)

CASE PLANNER: Jennifer Driver

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #6943 with the conditions in Attachment B

PROJECT PROPOSAL: Conditional Use Permit: To establish a Child Day-Care Center land use within an existing 5,180 square-foot office 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 an Administrative Business Professional Office land use. There is no new square footage proposed and the change in use from Office land use to Child Day-Care Center land use is considered a negligible expansion of the use within an existing commercial building.

BACKGROUND:

Site characteristics: The project site is located on the west side of Raymond Avenue between Fillmore Avenue and Glenarm Street and consists of one parcel; Edmondson Alley abuts the site on the west. The approximate 18,258 square-foot site is currently improved with a one-story, 5,180 square-foot building, including a 460 square-foot mezzanine and a surface parking lot with 23 parking spaces. Existing vehicular access is available from Raymond Avenue and from Edmondson Alley. The property was previously occupied by an Administrative Business Professional Office use and is currently vacant.

Adjacent Uses: North: Light Manufacturing (Rose Palace)
South: Maintenance and Service Facility
East: College – Traditional Campus Setting (Art Center College of Design South Campus)
West: Commercial Parking Lot

Adjacent Zoning: North: IG-SP-2 HL-56 (South Fair Oaks Specific Plan, Industrial General, Height Limit Overlay District – 56)
South: IG-SP-2 HL-56 (South Fair Oaks Specific Plan, Industrial General, Height Limit Overlay District – 56)
East: IG-SP-2 HL-56 (South Fair Oaks Specific Plan, Industrial General, Height Limit Overlay District – 56)
West: IG-SP-2 (South Fair Oaks Specific Plan, Industrial General)

Previous Cases: None.

PROJECT DESCRIPTION:

The applicant, Hart Preschool, has submitted a Conditional Use Permit application to establish a Child Day-Care Center within an existing commercial building. The site is currently developed with a 5,180 square-foot commercial building and 23 parking spaces in a surface parking lot. As a part of this project, the applicant proposes interior modifications to the building, installation of an outdoor play area in the existing parking lot, revitalization of the existing landscaping, creation of a new loading space, and the construction of fencing around the playground for screening. No new square-footage to the building is proposed.

The Child Day-Care Center would be licensed by the State of California (Department of Social Services, Community Care Licensing Division) and would provide day-care and preschool activities for children between the ages of six months and five years. In order to comply with the State of California’s day-care staffing ratio requirements, which requires one qualified child care provider per four infants ages 6 to 23 months and one qualified child care provider per eight children over the age of 24 months, the day-care will maintain a maximum enrollment of 42 children. In addition to the required day-care staff, there will be an on-site Director and one lead teacher resulting in a total of nine staff members. Hours of operation would be from 7:30 a.m. to 6:00 p.m., Monday through Friday, with no operating hours on Saturday and Sunday.

A Conditional Use Permit is required to establish a child day-care center in the IG-SP-2 HL-56 (South Fair Oaks Specific Plan, Industrial General, Height Limit Overlay District – 56) zoning district.

ANALYSIS:

Conditional Use Permit: To Allow the Operation of a Child Day-care Center within an Existing Commercial Building

The subject property is located in the South Fair Oaks Specific Plan, Industrial General (IG-SP-2 HL-56) zoning district. Pursuant to Zoning Code Section 17.35.030.A (SP-2 Allowable Land Use and Permit Requirements), all land uses allowed in the base zoning district, Industrial General (IG), as permitted or conditional uses may be allowed in the SP-2 overlay district in compliance with the land use permit requirements of the applicable base zoning district. Pursuant to Table 2-5 in Zoning Code Section 17.24.030 (Allowed Uses and Permit Requirements for Commercial and Industrial Zoning Districts), in the Industrial General zoning district, a Child Day-Care Center land use requires approval of a Conditional Use Permit. The proposed day-care center would operate between 7:30 a.m. to 6:00 p.m., Monday through Friday.

The Hearing Officer may approve a Conditional Use Permit to allow the establishment of a Child Day-Care Center 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 evaluate compliance with development standards and operational requirements set forth in Zoning Code Section 17.50.080.B (Child Day-Care Centers), as described below, and may result in recommended conditions or requirements associated with the operation of the use, as described below, unless noted otherwise.

Outdoor Play Space – Size:

The total area of outdoor play space shall be a minimum of 75 square feet per child. The child day-care center proposes a maximum enrollment of 42 children, which therefore requires a minimum outdoor play space of 3,150 square feet. The child day-care center will renovate a portion of the existing surface parking lot, to the immediate west, in order to accommodate the outdoor play area, including play equipment.

Outdoor Play Space – Location:

Per the Zoning Code, outdoor play space cannot be within 25 feet of a residential structure on an abutting lot in an RS (Single-Family Residential) or RM (Multi-Family Residential) zoning district. This requirement is not applicable to the proposed child day-care center, as the site is not adjoining any RS or RM zoning district.

Outdoor Play Space – Screening Fence:

Also, per the Zoning Code, a wall or fence shall surround the outdoor play area. The minimum height of the wall or fence shall be equivalent to the maximum height of a wall or fence in the zoning district in which the site is located or six feet, whichever is less. If a fence with perforations through more than 50 percent of the surface area is provided, vertical landscaping shall be provided to screen the outdoor play area from adjacent properties. The applicant intends on maintaining the existing six-foot tall chain link fence that surrounds the proposed playground on the south and west sides and to install a new six-foot tall chain link fence with privacy slats in the parking lot to provide screening and security for the proposed outdoor playground.

Side and Rear Landscape Buffers:

When adjacent to RS zoning districts, Child day-care centers are required to provide landscaping to buffer noise in side and rear setback areas of adjacent residential structures. This requirement is not applicable to the child day-care center, as the site is not adjoining any RS zoned properties.

Parking and Vehicle Loading:

Section 17.46.040 of the Zoning Code requires that a child day-care center provide two spaces per 1,000 square feet of gross floor area. Based on the size of the existing building (5,180 square feet), the child day-care center is required to provide 11 parking spaces. After the renovation of the existing surface parking lot to accommodate the required outdoor playground area, 12 of the existing 23 parking spaces will be removed, with 11 parking spaces remaining; therefore, the project complies with the required number of parking spaces.

In addition, a Child Day-Care Center (land use) is classified as a Public and Semi-Public Land Use in the Zoning Code (Section 17.80.020 'Land Use'). Per Zoning Code Section 17.46.260, Table 4-15, a 5,180 square-foot public and semi-public requires one vehicle loading space whereas the previous use of the building as an office use required no loading space. Section 17.46.020.E further clarifies that off-street loading shall be provided in compliance with the current Zoning Code only when the change of the occupancy on a site is to a use classification that requires greater loading requirements. As a result, the proposed change of use to a Child Day-Care Center requires one loading space designed in compliance with Zoning Code Section 17.46.260. The proposed project proposes one loading space along the northern property line with access from Edmondson Alley and complies with the size, location and screening development standards for a loading space as outlined in Zoning Code Section 17.46.260.

Outdoor Lighting:

The hours of operation are from 7:30 a.m. to 6:00 p.m., Monday through Friday, withno nighttime activities proposed. Staff is recommending a condition of approval that requires the existing outdoor lighting be subject to Section 17.40.080 (Outdoor Lighting) of the Zoning Code to ensure its compliance with the requirements, in order to avoid glare and reflection impacts on adjoining properties and public rights-of-way.

Outdoor Activities:

The Zoning Code restricts outdoor activities for child day-care centers to the hours of 6:00 a.m. to 7:00 p.m. in non-residential zoning districts. The subject property is located within the IG-SP-2 HL-56 zoning district, a non-residential zoning district. According to the submitted "Schedule of Daily Activities" as part of the application materials, the earliest outdoor activity is scheduled for 10:00 a.m. with the latest at 4:15 p.m. Therefore, the proposed daily outdoor activities are scheduled within the restrictive hours for non-residential zoning districts.

GENERAL PLAN CONSISTENCY:

The subject property is designated High Mixed Use in the Land Use Element of the General Plan. The proposed child 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 youth. Policy 3.2 is part of a broader goal of supporting the welfare of the population and allows for the development of child 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 an Administrative Business Professional Office Land Use. There is no new square footage proposed and the change in use from office use to Child Day-Care Center use is considered a negligible expansion of the use within an existing commercial building.

REVIEW BY OTHER CITY DEPARTMENTS:

The Departments of Public Health, Public Works, Transportation, 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 Transportation and Fire and the Building and Safety Division recommended conditions of approval that are incorporated in this report under Attachment B, "Recommended Conditions of Approval." All other departments had no conditions at this time.

CONCLUSION:

It is staff's assessment that the findings necessary for approving the Conditional Use Permit to allow the establishment of a child day-care center can be made. The site is located in an area with diverse uses and will provide supportive child-care services for Pasadena's residents. In addition, the center will support the goal of the development of child 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. Lastly, the proposed child day-care center complies with all the specific development standards for a child day-care center set forth in the City's Zoning Code. 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 of Approval

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6943

Conditional Use Permit – To Allow the Operation of a Child Day-Care Center within an Existing Commercial Building

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.* A child day-care center is a permitted use within the IG-SP-2 HL-56 (South Fair Oaks Specific Plan, Industrial General, Height Limit Overlay District – 56) zoning district with a Conditional Use Permit. The proposed child day-care center complies with all the applicable development standards 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 subject site is located in the IG-SP-2 HL-56 (South Fair Oaks Specific Plan, Industrial General) zoning district. The purpose of this district is to implement the South Fair Oaks Specific Plan and establish a district with an energetic mix of community serving retail, medical facilities and other service-oriented businesses that would support and attract biomedical and technology-based companies. The proposed use, child day-care, is a commercial use that will be located within an existing commercial building. Approval of the conditional use permit will not alter the commercial nature of the site nor allow the use to operate in a detrimental manner. Therefore, the proposed use is consistent with the intent and purpose of the IG-SP-2 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 High Mixed Use in the Land Use Element of the General Plan. The proposed child 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 youth. Policy 3.2 is part of a broader goal of supporting the welfare of the population and allows for the development of child 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. The proposed child day care center 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 child day-care center will occupy an existing commercial building. The proposed operation of the child day-care center will comply with all the applicable standards of the Zoning Code, and with the conditions of approval, the project will not adversely impact the general welfare of the City.
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 operation of the child day-care center will be operated in accordance with the conditions of approval, City’s law, State law, and ordinances that ensure the compatible coexistence of this use with surrounding uses.

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 will not result in physical or aesthetic changes to the site, except to accommodate the required outdoor playground and alterations to the parking lot. There will be no addition or alteration of the building or expansion of the site with this approval, unless otherwise required by the conditions of approval. The operation of the child day-care center will comply with all applicable standards and requirements of the Zoning Code.

ATTACHMENT B
RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6943

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

1. The proposed Child Day-Care Center shall substantially conform to the site plan submitted with this application and stamped "Approved at Hearing May 18, 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, 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 a Child Day-Care Center land use within an existing 5,180 square-foot 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 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 **ZENT2021-00130** 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 Child Day-Care Center shall be limited to a maximum enrollment of 42 children.
10. The Child Day-Care Center shall be licensed by the State of California for child day-care and preschool services..
11. The Child Day-Care Center shall operate in compliance with applicable local and state regulations at all times, including the Pasadena Municipal Code, as well as Section 17.50.080 ("Child day-care center) of the Zoning Code.

12. The existing and proposed outdoor lighting shall be subject to Section 17.40.080 (Outdoor Lighting) of the Zoning Code to ensure its compliance with the requirements to avoid glare and reflection impacts on adjoining properties and public-rights-of-way.
13. Any food services associated with the operation of the child day-care center shall be provided to children only. Meals shall not be made available to the public.
14. New signage shall comply with Chapter 17.48 (Signs) of the Zoning Code.
15. 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.
16. 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.
17. 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.
18. The use shall comply with Municipal Code Chapter 9.36 (Noise Restrictions).

Building and Safety Division

19. 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.
20. 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. Detail the sanitation facilities "restroom" for children.
21. 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-applicationsforms/#informational-handouts>

22. 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-applicationsforms/#informational-handouts>.

23. 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.
- b. Identify occupancy group and occupant load.
- c. Show compliance with Section 452 School facilities for kindergarten through 12th grade and group E day care occupancy as applicable.
- d. Locate the safe dispersal areas on the site plan.
- e. Indicate room with children under 2 years of age with min. of two exists per room.

24. 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.

25. Accessibility:

- a. Provide compliance with accessibility per CBC 11B.
- b. Provide a parking layout with assigned parking spaces.
- c. Locate accessible path of travel.

26. Required Plans and Permit(s):

- a. Provide complete Architectural plans to show compliance with change of occupancy. Include furniture layout.
- b. In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, PV systems and grading plans as required. No deferred submittal.
- c. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.

Department of Transportation

27. School Traffic Management Plan: A school traffic management plan for student drop-off and pick-up activities shall be submitted for review and approval prior to receipt of the Certificate

of Occupancy. The plan shall be designed to prevent queuing onto Raymond Avenue and contain, at minimum, the education and enforcement components of the plan to the patrons of the day-care/preschool.

28. The preparer should coordinate with the Department of Transportation for required information to be included in the submittals. For additional information, contact the Mobility, Planning, Engineering, and Operations Division at (626) 744-7526 for submittal requirements.

Fire Department

29. Plan shall comply with the requirements of California codes and Pasadena Municipal Code (PMC).

30. Automatic Fire Sprinkler System: An automatic sprinkler system per NFPA-13 shall be provided throughout building per CBC Section 903.2.1 and PMC amended CFC section 903.

31. Minimum Fire Flow/Fire Hydrants: All structures shall have the minimum fire flow (GPM) required by Appendix B Table B 105.1 and the quantity and spacing of fire hydrants as required by Appendix C Table C105.1 of Title 24, California Fire Code. Plans shall be submitted to the Pasadena Fire Department for review and approval prior the review and approval of the building plans.

- a. NOTE: A current fire flow report (not older than 6-months), performed by the Pasadena Water Department, shall be provided to the Fire Department when applying for building permits to construct or add to any structures.

32. Fire Department Fire Sprinkler Connections: Shall be comprised of:

- a. FDC shall be located a minimum of 25-feet from the building or surface mounted to 2-hours rated wall with no opening within 10 feet and FDC shall be located within 150 feet of a fire hydrant.
- b. (2) 2-1/2" CLAPPERED internal swivel outlet X 2-1/2" CLAPPERED internal swivel outlet X 4" FDC
- c. 4" CLAPPERED internal swivel outlet X 4" FDC
- d. Shall be clearly labeled to indicate FDC for Fire Sprinklers and Standpipes.
- e. A clear dimension of 3-feet shall be maintained around the perimeter of each fire department appliance.
- f. All fire appliances except for fire hydrants shall be cleaned, primed, and painted fire engine red enamel or krylon.
- g. FDC shall be located within 100 feet of public hydrant.

33. Automatic Fire Alarm/Detection System: An automatic fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system shall be installed in day care occupancy per CFC Section 907.2.3.