



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: June 15, 2022

TO: Hearing Officer

SUBJECT: Conditional Use Permit #7004

LOCATION: 75 W. Walnut Street, Unit 115

APPLICANT: Harold's Daughter Inc. LLC The NOW Pasadena

ZONING DESIGNATION: CD-1 (Central District Specific Plan, Old Pasadena subdistrict)

GENERAL PLAN DESIGNATION: Medium Mixed-Use

CASE PLANNER: Ivan Galeazzi

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Conditional Use Permit #7004 with the conditions in Attachment B.

PROJECT PROPOSAL: Conditional Use Permit: To establish a Massage Establishment land use (The NOW Pasadena) within an existing 2,476 square-foot 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 tenant space is currently vacant. A Restaurant land use was proposed to occupy this tenant space when the mixed-use building was constructed in 2018. There is no new square footage proposed and the change in use from a Restaurant land use to Massage Establishment land use is

considered a negligible expansion of the use within an existing commercial building.

BACKGROUND:

Site characteristics: The subject site is a triangular-shaped property located on the north side of West Walnut Street, bounded by Corson Street to the north and Walnut Street to the south. It is currently developed with a five-story mixed-use building, consisting of commercial uses on the ground floor, residential uses on the upper floors, and parking behind the ground floor commercial and within a subterranean garage.

Adjacent Uses: North: 210 Freeway
South: Mixed-Use
East: Restaurant, retail sales, hotel, school, office
West: Office

Adjacent Zoning: North: PS (Public and Semi-Public)
South: PD-34 (100 West Walnut Planned Development)
East: CD-1 (Central District Specific Plan, Old Pasadena Subdistrict)
West: CD-1 (Central District Specific Plan, Old Pasadena Subdistrict)

Previous Zoning Cases on this Property: None

PROJECT DESCRIPTION:

The applicant, Harold’s Daughter Inc. LLC, The NOW Pasadena, has submitted a Conditional Use Permit application to allow the establishment of a Massage Establishment located in the CD-1 (Central District Specific Plan, Old Pasadena subdistrict) zoning district. The existing tenant space is 2,476 square feet in interior floor area, located on the first floor of the mixed-use building. The proposed hours of operation are Monday through Sunday 10:00 a.m. to 10:00 p.m. daily. A Conditional Use Permit is required to establish a Massage Establishment land use within the CD-1 zoning district.

ANALYSIS:

Conditional Use Permit – To Allow a Massage Establishment

The Hearing Officer may approve a CUP to establish a Massage Establishment 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 massage establishments, personal services restricted land uses (check cashing businesses, tattooing, piercing and similar services), pawnshops, or sexually oriented businesses.

Zoning and Land Use

The subject property is located in the CD-1 (Central District Specific Plan, Old Pasadena subdistrict) zoning district. Approval of a Conditional Use Permit is required to establish a Massage Establishment pursuant to Zoning Code Section 17.30.030 (CD District Land Uses and Permit Requirements). The applicant proposes to convert an existing tenant space originally intended for a restaurant use into a high-end massage boutique with nine massage rooms. The proposed use would be compatible with surrounding land uses within the CD-1 zoning district, which includes a mix of retail, restaurant, a hotel, residential apartments, and office uses.

Parking

The building was constructed in 2018 and the intended use of the tenant space at the time of construction was a restaurant. As such, parking provided on-site was based on the uses at the time of construction. Restaurants require 10 spaces per 1,000 square feet of gross floor area. The proposed massage establishment is subject to a lower parking ratio of three parking spaces for every 1,000 square feet of gross floor area. Thus, there would be no intensification in parking requirements and the existing parking on-site would accommodate patrons and employees of the massage establishment.

Hours of Operation

The hours of operation proposed are from 10:00 a.m. to 10:00 p.m. Monday through Sunday. The Zoning Code does not restrict hours of operation in the CD zone. Therefore, the hours of operation comply.

Separation Requirements

Per Section 17.50.155 (Massage Establishments), a massage establishment shall be a minimum of 500 feet from another massage establishment, personal services restricted use, pawnshop or sexually oriented business. Further, a massage establishment shall be a minimum of 250 feet from a residential district.

The applicant provided maps indicating that the proposed massage establishment complied with the separation requirements. Staff confirmed that no other massage establishments, personal services restricted use, pawnshop, or sexually oriented business, were within a 500-foot radius of the site. In addition, staff confirmed the nearest residential district is approximately 1,000 feet north of the subject site, across the 210 Freeway.

Proposed conditions of approval identified in Attachment B of this report would ensure that the massage establishment would not be detrimental to the surrounding uses. After considering the location and nature of the proposed project with respect to sensitive uses in the general area, it is staff's determination that the massage establishment 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 CD-1 zoning district, which encourages a full range of retail and service businesses. The Old Pasadena subdistrict is intended to maintain and reinforce the historic character of the area and to support its long-term viability as a regional retail and entertainment attraction through development of complementary uses. As conditioned, the massage establishment would provide a commercial use that compliments the surrounding uses in the vicinity, while also providing 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 tenant space is currently vacant. A Restaurant land use was proposed to occupy this tenant space when the mixed-use building was constructed in 2018. There is no new square footage proposed and the change in use from a Restaurant land use to Massage Establishment land use is considered a negligible expansion of the use within an existing commercial building.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposal was reviewed by the Building and Safety Division, Police Department, Department of Transportation, Design and Historic Preservation (DHP) Section, and the Public Works Department. Conditions from the Building and Safety Division are incorporated in Attachment B of this report.

CONCLUSION:

It is staff's recommendation that the findings necessary for approval of the Conditional Use Permit can be made. The proposed massage establishment would be consistent with other existing uses in the vicinity. The proposed massage establishment is located on the first floor of an existing mixed-use building and all proposed activities will occur indoors and between the hours of 10:00 a.m. and 10:00 p.m. No exterior changes to the tenant space are proposed and the existing mixed-use building would not be altered in terms of aesthetics, character, scale, etc. Recommended 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: Specific Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #7004

Conditional Use Permit – To Allow a Massage Establishment

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 operation of the proposed massage establishment is a conditionally permitted use within the CD-1 zoning district and complies with the 500-foot separation requirement for massage establishment land uses and the 250-foot separation requirement from any residential district.
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 Old Pasadena subdistrict of the Central District Specific Plan is an area that promotes a mix of uses. The proposed use would be compatible with surrounding uses within the CD-1 zoning district including, but not limited to, a mix of restaurants, commercial, retail, and a hotel, 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.* 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 will bolster a diverse economic base and will be a long-term economic contribution to the City and CD-1 zoning district which encourages a full range of retail and service businesses. The Old Pasadena subdistrict is intended to maintain and reinforce the historic character of the area and to support its long-term viability as a regional retail and entertainment attraction through development of complementary uses. As conditioned, the massage establishment will provide a commercial use that compliments the surrounding uses in the vicinity, while also providing variation in land uses. The introduction of a new business in Pasadena will provide tax revenue, employment opportunities, and services that will support the growth and success of the City. Therefore, the use is in conformance with the General Plan and purpose and intent of the Central District 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 operation of the massage establishment is consistent with the activity of the surrounding commercial area on West Walnut Street. The proposed operation will operate entirely indoors on the first floor in an existing mixed-use building and will consist of nine massage rooms. 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.
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 massage establishment is consistent with the activity of the surrounding commercial area on West Walnut Street. 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. 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.* The proposed massage establishment is located on the first floor of an existing mixed-use building. All proposed activities will occur indoors and between the hours of 10:00 a.m. and 10:00 p.m. No exterior changes to the tenant are proposed and the existing mixed-use building will not be altered in terms of aesthetics, character, scale, etc.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #7004

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, June 15, 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 Zoning Code Section 17.64.040.C.
3. The approval of this application authorizes the establishment of a massage establishment in an existing 2,476 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 **ZENT2022-00036**, 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, Ivan Galeazzi at (626) 744-7124 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 Zoning Code Section 17.40.070.C. (Limited Hours of Operation). Loading and unloading activities shall be within the permitted hours and shall not continue afterwards.

Building and Safety Division

12. Comply with the current, governing California Building standards, Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review.
13. 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.
14. 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-applications-forms/#informational-handouts>
15. 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-applications-forms/#informational-handouts>
16. 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. Identify occupancy group and occupant load.
17. 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.
18. Accessibility:
 - a. Provide compliance with accessibility per CBC 11B accordingly.
 - b. Locate accessible path of travel.
19. Required Plans and Permit(s):
 - a. Provide complete Architectural plans to show compliance with proposed 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.