



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** June 21, 2023

**TO:** Hearing Officer

**SUBJECT:** Conditional Use Permit #7104

**LOCATION:** 32 N. Sierra Madre Boulevard

**APPLICANT:** Miriam Garcia (Habitat for Humanity)

**ZONING DESIGNATION:** EPSP-d1-CG (East Pasadena Specific Plan, Subarea d1 General Commercial district).

**GENERAL PLAN DESIGNATION:** Low Commercial

**CASE PLANNER:** Ivan Galeazzi

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Conditional Use Permit #7104 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Conditional Use Permit: To allow the establishment of a Charitable Institution land use in the EPSP-d1-CG zoning district. Retail uses, including the sale of second-hand goods, are permitted by-right; the Conditional Use Permit is only required for the Charitable Institution land use, which includes regularly staffed drop-off facilities for clothing and household goods.

**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 exempts the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of use.

The proposed Charitable Institutional use is consistent with the previous furniture retail use and there is no new square footage proposed. Therefore, the change in use is considered a negligible expansion of the use within an existing commercial building.

**BACKGROUND:**

**Site characteristics:** The subject site is approximately 26,944 square feet in size and is located on the east side of Sierra Madre Boulevard between Colorado Boulevard to the south, and Walnut Street to the north. The site is developed with a two-story, 23,203 square foot commercial building and surface parking. The proposed use will occupy the entire commercial building.

**Adjacent Uses:** North – Retail Sales  
South – Retail Sales and Restaurants  
East – Restaurant and Multi-Family Residential  
West – Retail Shopping Center

**Adjacent Zoning:** North – EPSP-d1-CG (East Pasadena Specific Plan, Subarea d1, General Commercial district)  
South – ECSP-CG-5-AD-2 (East Colorado Specific Plan, The Lamanda Park Area, Alcohol Density Overlay)  
East – ECSP-CG-5-AD-2 (East Colorado Specific Plan, The Lamanda Park Area, Alcohol Density Overlay) and EPSP-d1-IG (East Pasadena Specific Plan, subarea d1, General Industrial district)  
West – ECSP-CG-4 (East Colorado Specific Plan, The Route 66 Area)

**Previous zoning cases on this property:** Exception #8904 – To allow the installation of one light standard within an existing parking lot of a health spa facility. The light standard will be twenty-five feet high and will be located on the north property line 97 feet east of Sierra Madre Boulevard. Approved March 5, 1976.

Exception #6781 – To allow the construction of a 2-story health studio on the property without increasing the parking area. The proposed building would contain approximately 4,000 square feet. Approved April 25, 1963.

**PROJECT DESCRIPTION:**

The applicant, Miriam Garcia, has submitted a Conditional Use Permit application to establish a Charitable Institution (ReStore – Habitat for Humanity). The property is located within the EPSP-d1-CG (East Pasadena Specific Plan, Subarea d1 General Commercial district) zoning district. The facility would operate as a retail store with regularly staffed drop-offs of clothing, household goods, and related items during store hours. Retail uses, including the sale of secondhand goods, are permitted by right; the Conditional Use Permit is only required for the Charitable Institution use, which includes regularly staffed drop-off facilities for clothing and household goods. The proposed use would occupy an existing 23,203 square-foot commercial building on a 26,944

square-foot lot. The proposed hours of operation are Monday through Friday from 9:00 a.m. to 6:00 p.m. with donations accepted from 10:00 a.m. to 4:00 p.m. Only interior modifications are proposed in order to accommodate the new use.

## **ANALYSIS**

### Conditional Use Permit: To Allow the Establishment of a Charitable Institutions Use

#### *Zoning and Land Use*

A Charitable Institution use is permitted within the EPSP-d1-CG zoning district through the review and approval of a Conditional Use Permit. The Zoning Code defines Charitable Institution use as, “a not-for-profit use that distributes or facilitates the giving of goods and services for the relief of the needy. This use classification includes soup kitchens, regularly staffed drop-off facilities for clothing and household goods and food banks.” ReStore is primarily a retail use with a donation drop-off component and is a non-profit organization whose proceeds benefit the Habitat for Humanity.

Conditional Use Permits are intended to allow for activities and uses, which may be desirable in the applicable zoning district and compatible with adjoining land uses, but whose effect on a site and its surroundings cannot be determined before being proposed for a particular location. The Hearing Officer may approve a Conditional Use Permit to allow the establishment of a Charitable Institution 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. Staff’s review of a Conditional Use Permit includes assessment of the configuration, design, location, and potential impacts of the proposed use in order to evaluate its compatibility with surrounding uses, and the suitability of the use to the site.

The proposed use will occupy a building that was previously used by a furniture store. The existing building is surrounded by commercial uses, including a Vons grocery store, a Chase bank, fast food restaurants, and other retail businesses. The nearest residential use abuts the site’s parking lot to the east.

The charitable institution would only be accessible from Sierra Madre Boulevard on the west and would provide parking on-site for patrons. Items for sale include second-hand art, clothing, furniture, jewelry, and related household items. In addition to the sales floor, the tenant space contains various storage rooms, office rooms, and two restrooms. The sales floor would have two entrances both of which are located facing the parking area. The donation facility would also be accessible by staff from the interior of the building.

The items accepted for donation would include art, clothing, furniture, jewelry, and related household items. All donation transactions would take place within the building at the drop-off bay only. All donations would be received during business hours in-person by an employee, and no unattended drop-off boxes or windows are proposed. The donation facility would be staffed with two staff members. Following drop off, items would be moved to a storage room within the store to ensure the interior and exterior of the building remain clutter-free. There would be no outdoor storage or display of items. Customer vehicles may use the available parking spaces within the existing parking lot for item drop-offs. Additionally, there are five parking stalls directly adjacent to the rear entrance of the building where drop-offs, loading, and unloading may occur. As such, staff is recommending a condition of approval that these stalls be clearly marked as drop-off/loading spaces.

In order to deter after-hour and unattended drop-offs, loitering, or criminal activities, staff is recommending a condition of approval requiring confirmation of the installation of three security surveillance cameras. The security system shall be installed and verified by staff that it is in working condition prior to final of any building permits or business license. In addition, staff is also recommending a condition of approval that an informational sign be posted on the site indicating the hours of operation, a contact telephone number for complaints, that the drop-off of goods is prohibited during non-business hours, and that illegal dumping of trash and debris is strictly prohibited.

### *Hours of Operation*

The proposed hours of operation for the donation facility are 10:00 a.m. to 4:00 p.m. Monday through Saturday, and 9:00 a.m. to 6:00 p.m. Monday through Saturday for the retail store. Both the donation facility and retail store are closed Sundays.

Staff is recommending a condition of approval, limiting the hours of operation of the retail store and donation facility to 7:00 a.m. to 10:00 p.m., seven days a week, consistent with the hours of operation set forth in Zoning Code Section 17.40.070 (Limited Hours of Operation). This condition allows the applicant the flexibility to expand hours of operation within the hours allowed by the Zoning Code while ensuring that donation drop-off activities do not occur too early in the morning or late at night.

### *Parking*

The Zoning Code requires that the off-street parking requirements for a Charitable Institution use be specified through the Conditional Use Permit process. Applications are reviewed on a case by case basis, because each Charitable Institution project is unique in terms of the size of the land and facility, location, and proposed activities. The Zoning Code requires three parking spaces per 1,000 square feet of gross floor area for Retail Sales use. The subject Charitable Institutions use is consistent with Retail Sales as it includes the sale of second-hand goods and activities associated with the drop-off of donated household goods. Therefore, a requirement of three parking spaces per 1,000 square feet of gross floor area would be appropriate for the Charitable Institutions use.

The building where the project is proposed was previously occupied by a retail furniture store and as such had a parking requirement of three spaces per 1,000 square feet. Therefore, there would be no change in the parking requirement for the proposed use. The site currently provides 35 surface parking spaces and one loading space which serves the building. The size and location of the premises would be in comparison to a typical retail and personal services businesses. Furthermore, the Department of Transportation reviewed the proposal and expressed no concerns regarding parking. Therefore, it is staff's assessment that the existing parking lot would be adequate for the proposed use.

### **GENERAL PLAN CONSISTENCY:**

The Conditional Use Permit is consistent with Policy 4.7 (Strengthen Major Corridors) of the General Plan because the project would use a large vacant commercial building that will help by clustering a more intense use at a major intersection of Sierra Madre Boulevard and Colorado Boulevard. Further, the Conditional Use Permit is consistent with Policy 25.2 (Compact Infill Development) as it would encourage commercial uses along major corridors, in Neighborhood

Villages, and as infill development adjacent to existing commercial uses and on surface parking lots to improve commercial services and maximize revenue generation.

All proceeds from the retail sales benefit Habitat for Humanity's charitable activities consisting of building low-income housing projects. The primary use would remain as Retail Sales of second-hand goods with the ancillary use of collecting donated goods.

**ENVIRONMENTAL REVIEW:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Title 14, Chapter 3, Section 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. Class 1 exempts projects that involve negligible or no expansion of an existing use. The proposed Charitable Institutional use is consistent with the previous furniture retail use and since there is no new square footage proposed the change in 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 Department of Transportation, Department of Public Works, Building and Safety Division, and the Design and Historic Preservation Section. The departments had no comments and in addition to recommended conditions of approval, would review the project for compliance during the building permit plan review process.

**CONCLUSION:**

It is staff's conclusion that the findings necessary for approval of the Conditional Use Permit to establish a Charitable Institution use can be made. The project is in conformance with the purposes of the Zoning Code for properties within the EPSP-d1-CG zoning district. The project is also consistent with the goals and objectives of the East Pasadena Specific Plan and the General Plan.

The proposed use would occupy the entire portion of an existing vacant commercial building. With the retail component as the primary activity of the premises and the donation facility as secondary, the proposed use would be compatible with the neighborhood-service-oriented commercial districts. The applicant shall strictly adhere to the conditions recommended so that the use would not deviate from the planned operation as reviewed by staff. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

Attachments:

Attachment A: Recommended Specific Findings

Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #7104**

Conditional Use Permit – To Allow the Establishment of a Charitable Institutions 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 operation of a Charitable Institution use is allowed with the approval of a Conditional Use Permit within the applicable EPSP-d1-CG zone. The proposed project will not result in the enlargement of the existing building and will comply with the applicable 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 purposes of the EPSP zoning districts are to implement the East Pasadena Specific Plan by ensuring that the future development of East Pasadena balances the community needs of residents with the needs of businesses and commercial property owners, and preserves the quality of life in the area in terms of existing air quality, traffic, safety, and sense of community or place, and to strengthen the City's tax and employment base and the linkage of commercial districts to residential neighborhoods by continuing to support retail uses which serve the needs of local residents. The proposed Charitable Institution use provides additional employment opportunities and will add another business to strengthen the City's tax base. With strict adherence to the conditions of approval, the Charitable Institution use will be in conformance with the purposes of the 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 proposed use is consistent with Policy 4.7 (Strengthen Major Corridors) of the General Plan Land Use (GPLU) Element, because the project would utilize a large vacant commercial building that will help by clustering a more intense use at a major intersection of Sierra Madre Boulevard and Colorado Boulevard. In addition, the proposed use is consistent with GPLU Policy 25.2 (Compact Infill Development) as the project would encourage commercial uses along major corridors, in Neighborhood Villages, and as infill development adjacent to existing commercial uses and on surface parking lots to improve commercial services and maximize revenue generation. Further, the project is consistent with the goals of the East Pasadena Specific Plan in that strengthens the City's tax and employment base and the linkage of commercial districts to residential neighborhoods by continuing to support retail uses which serve the needs of local residents.
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 primary retail sales of second-hand goods in conjunction with ancillary collection of donated goods will not be detrimental to the health or safety of neighboring uses. There will be no drop-off box or window in order to prevent unregulated drop-off activities and all drop-offs will be attended by staff. The proposed use will comply with hours of operation as allowed in the Zoning Code and will be compatible with the activities of the surrounding commercial/retail uses. All parking will occur within an existing surface parking lot or via public parking along Sierra Madre Boulevard. With strict adherence to conditions of approval, the project will not adversely impact the surrounding neighborhood.
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.* With

the implementation of the recommended conditions of approval, the Charitable Institution use will not be detrimental to the general welfare of the City. Outdoor storage of donated goods and collected items will be prohibited on-site in order to eliminate any potential negative impact associated with the use. In addition, condition monitoring will ensure that any issues are addressed and the use will continue to operate in a manner that is compatible with surrounding uses in the neighborhood.

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 Charitable Institution use, and retail store will occupy an existing 23,302 square-foot commercial building previously occupied by a furniture store. The use will operate within the hours allowed in the Zoning Code and complies with other applicable standards. The proposed use will be compatible with the activities of the surrounding commercial/retail uses in the zoning district. No major changes to the exterior of the building are proposed.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #7104**

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 21, 2023," except as modified herein.
2. The approval of this application authorizes the establishment of a Charitable Institution land use (donation facility) within an existing commercial building.
3. 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 (Time Limits and Extensions – Extensions of Time).
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 **ZENT2023-00008**, 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. The Charitable Institution land use is permitted to accept personal and household items (clothing, shoes, books, accessories, consumer electronics, furniture, and related household items) for donations in addition to the retail sales of the collected secondhand goods on-site. Vehicles, automotive parts, chemicals, hazardous materials, and trash shall not be accepted.
10. The outdoor display of merchandise shall not be allowed at any time.
11. The hours of operation of the retail store and donation facility shall be limited to the hours of 7:00 a.m. to 10:00 p.m., seven days a week.
12. Donation drop-offs shall not occur at any time the store is closed.



13. Unattended drop-off boxes and/or drop-off windows are prohibited on the site.
14. A minimum of one employee shall be present at the drop-off area during business hours. Donated items shall be stored behind the drop-off counter or within the stockroom immediately after drop-offs occur.
15. Donated items shall not be stored or left outdoors or indoors where they are visible from outside.
16. The subject site shall be maintained free and clear of trash and debris at all times.
17. A security surveillance system shall be installed with security video cameras for the front of the building, main entrance, and donation areas of the premises supported by a recording system. The security system shall remain in working order for the duration of the use.
18. The minimum parking requirement for this Charitable Institution land use is three parking spaces per 1,000 square feet of gross floor area.
19. As shown on the site/floor plans stamped "Approved at Hearing, June 21, 2023," the five parking spaces adjacent to east property line and near the drop-off bay area shall be dedicated for the loading and unloading of donated goods. Permanent signs and/or striping shall be installed indicating this. A copy of the sign shall be provided to the Zoning Administrator for review and approval, as part of the plan check process.
20. An informational sign, no larger than two square feet in size, shall be posted by each entrance on the building indicating a) the hours of operation, b) a statement that the drop-off of goods is prohibited during non-business hours and the illegal dumping of trash and debris is strictly prohibited at all times, and c) a business contact telephone number to address any complaints for the property. The location of the signs shall be subject to review and approval by the Zoning Administrator.
21. No trash shall be stored in any area of the site except within an enclosed trash structure. The operator or property owner shall call for an immediate trash pickup when the trash enclosure is full.
22. If at any time it is determined by the Zoning Administrator that trash, litter, and debris has become a problem, the operator shall submit a litter clean-up plan to the Zoning Administrator for review. The litter clean-up plan shall include a schedule of time and frequency of litter clean-up activities. Upon approval of the plan by the Zoning Administrator, the measures of the plan shall be implemented. This condition may require the operator of the use to post a bond to ensure trash and litter compliance.
23. The applicant shall be responsible for all cost and expenses of all monitoring and inspection activities by the City.
24. The temporary and permanent storage of vehicles (automotive, trucks, trailers, boats, motorcycles, etc.) shall be prohibited on the subject site at all times as part of this use.
25. Truck loading, unloading, and trash pick-up for the premises are allowed only between the hours of 7:00 a.m. to 9:00 p.m., Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. No truck loading, unloading, or trash pick-up is allowed on Sundays, as

specified in Section 17.40.070.C. (Limited Hours of Operation) of the Zoning Code. Loading and unloading activities shall only be within the permitted hours.

26. All loading and unloading shall occur within the site and not within the public right of way (including the sidewalk).
27. The outdoor lighting shall be adequate and consistent with the standards of Section 17.40.080 (Outdoor Lighting) and Section 17.46.220 (Outdoor Parking Lighting) of the Zoning Code. All new lighting shall be properly shielded to avoid glare and spill of light to surrounding properties.