



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** August 2, 2023

**TO:** Hearing Officer

**SUBJECT:** Conditional Use Permit #7033

**LOCATION:** 3161 East Orange Grove Boulevard

**APPLICANT:** Craig Toma, Pasadena Nursery

**ZONING DESIGNATION:** OS (Open Space)

**GENERAL PLAN DESIGNATION:** Open Space

**CASE PLANNER:** Joseph Weaver

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Conditional Use Permit #7033 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Conditional Use Permit: To establish a Commercial Nursery land use on a Southern California Edison (SCE) property in the OS (Open Space) zoning district.

**ENVIRONMENTAL DETERMINATION:** This project has been determined to be Categorically Exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (CEQA) (Section 15303(c), Class 3, New Construction of Small Structures). Section 15303 exempts from environmental review the construction and location of up to four small structures not exceeding 10,000 square feet in floor area in an urbanized area. The project includes the establishment of a Commercial Nursery land use and the construction of four small structures totaling 880 square feet and would be less than 10,000 square feet. Additionally, the proposed structures would be accessory to and in support of the primary nursery activity. Therefore, the proposal is exempt from environmental review.

**BACKGROUND:**

**Site characteristics:** The project site consists of one double-frontage parcel located on the north side of East Orange Grove Boulevard and the south side of Paloma Street between Lomora Avenue to the east and Canyon Wash Drive to west. The parcel measures approximately 2.15 acres (93,781 square feet) in size. The project site is currently improved with six utility poles that are under the ownership of Southern California Edison (SCE).

**Adjacent Uses:** North – SCE Transmission Towers  
South – SCE Transmission Towers, Park  
East – Single-Family Residential  
West – Single-Family Residential

**Adjacent Zoning:** North – OS (Open Space)  
South – OS (Open Space)  
East – RS-6 (Single-Family Residential, 0-6 dwelling units per acre)  
West – PD-6 (Eaton Wash Residential)

**Previous zoning cases on this property:** Conditional Use Permit #6318: To allow the establishment of a Commercial Nursery land use within the boundaries of a property zoned OS (Open Space). Approved July 1, 2015. This permit has since expired for the subject property, as no nursery activity took place on-site.

**PROJECT DESCRIPTION:**

The applicant, Craig Toma, is proposing to establish a commercial nursery that would operate between the hours of 7:00 a.m. and 7:00 p.m., seven days a week. In support of the primary use, four small modular structures consisting of one 200 square-foot office structure, two 200 square-foot storage structures, and one 280 square-foot equipment storage structure are proposed along with 7,000 square feet of unenclosed shade structures. Pursuant to Pasadena Municipal Code Section 17.26.030, a Conditional Use Permit is required to establish a Commercial Nursery land use in the OS zoning district.

**ANALYSIS:**

Conditional Use Permit: To establish a Commercial Nursery land use.

Pursuant to Zoning Code Section 17.26.030 (Special Purpose District Land Uses and Permit Requirements), a Commercial Nursery land use requires approval of a Conditional Use Permit in the OS zoning district. The Hearing Officer may approve a Conditional Use Permit to allow the establishment of a Commercial Nursery land use only after making six specific findings identified in the Zoning Code. The general purpose is to evaluate compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and

compatibility of the operation with existing and future uses. The Conditional Use Permit process allows the City to specify development standards and may result in recommended conditions or requirements associated with the operation of the use.

### Zoning and Land Use

By definition, a Commercial Nursery (land use) is, “a horticulture establishment that sells plants, seeds, shrubs, and various gardening equipment. This includes garden centers. All merchandise other than the plants are kept within an enclosed structure or fully screened. Fertilizers of any type are stored and sold in package form only.”

The proposed commercial nursery would consist of a small office, three storage structures, the display, sale, storage of plants, flowers, shrubs, gardening equipment, and related items. Open space will be maintained which is consistent with the purpose of OS district. Major modifications or permanent improvements to the subject site would not result from the proposed project. Currently the site is improved with utility poles and both the subject site and structures are under the ownership of Southern California Edison (SCE). On June 20, 2023, SCE authorized the applicant to proceed with the Conditional Use Permit process to allow a Commercial Nursery land use on the subject site. All existing fencing would remain, and no permanent buildings would be constructed, as required by SCE. Access to the site would be served by an existing 15-foot-wide unpaved driveway which runs through the middle of the site. This driveway is accessed from the south by East Orange Grove Boulevard, and from the north by Paloma Street. The driveway and parking spaces (located adjacent to the driveway at the middle of the site) would be finished with gravel and/or decomposed granite, as accepted by SCE. The parking area would total approximately 1,000 square feet and include five parking spaces.

Zoning Code Section 17.26.040 (Special Purpose District General Development Standards) requires that properties in the OS zoning district be subject to the development standards of the most restrictive abutting zoning district (RS-6), unless otherwise specified in the Conditional Use Permit. The submitted site plan and structures are consistent with the development standards of the RS-6 zoning district and includes the installation of four modular structures: one 200 square-foot office, two 200 square-foot tool storage structures, and one 280 square-foot equipment, as well as seven 1,000 square-foot shade structures which would be located along the east and west side of the site. These shade structures would be no more than 12 feet in height and be predominately open and constructed with a mesh/fabric material and/or a clear plastic material over a metal support structure. All structures are proposed to maintain a minimum 20-foot side setback to the east and west side property lines, and a minimum 25-foot setback to both front property lines fronting East Orange Grove Boulevard and Paloma Street. The proposed structures comply with all provisions of the Zoning Code.

#### *Parking*

Per Section 17.46.040 (Number of Off-Street Parking Spaces Required), 2.5 parking spaces per 1,000 square feet of floor area are required for a Commercial Nursery land use. Based on the total size of proposed structures (880 square feet), a total of three parking spaces would be required. The temporary shade structures would not count towards the required parking since they are not enclosed and would not count as floor area. The applicant is proposing to provide five parking spaces which would exceed the minimum number of parking spaces required by the Zoning Code. A condition of approval has been included requiring that the parking spaces be permanently available, marked, and properly maintained for the duration of the proposed use.

### *Hours of Operation*

The proposed project is subject to Section 17.40.070 (Limited Hours of Operation), as the use is within 150 feet of a residential district. As such, the hours of operation are limited to between the hours of 7:00 a.m. and 10:00 p.m. by right and between the hours of 10:00 p.m. and 7:00 a.m. subject to the issuance of a Conditional Use Permit. There are additional requirements for truck loading and unloading within Section 17.40.070.C, which limits truck loading, unloading, and trash pick-up within 300 feet of a residential zoning district to between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on Saturdays. No truck loading, unloading, or trash pick-up is allowed on Sundays. The operation of large trucks on the site would be further regulated by Section 17.40.170 (Truck Trip Limitations), which limits large trucks trips to between the hours of 6:00 a.m. and 7:00 p.m.

The applicant is proposing to operate the commercial nursery between the hours of 7:00 a.m. and 7:00 p.m. seven days a week which is allowed by right. To avoid any potential impact to the abutting residential properties, staff is including a condition of approval that all truck loading and unloading activities comply with Section 17.40.070.C and Section 17.40.170 as noted above. After hours pick up and deliveries are not permitted and truck loading and unloading would not be allowed on Sundays. This is to ensure there would be minimal impacts to the adjacent residential districts.

### *Performance standards*

Conditions of approval have been added as part of staff's recommendation in order to ensure that the operational characteristics of the proposed project do not negatively impact surrounding uses. Specifically, nursery businesses tend to use fertilizer materials to help aide in the cultivation of plant material. To address concerns about unpleasant odors, staff is conditioning the project to comply with Zoning Code Section 17.40.090 (Performance Standards). These performance standards address issues such as odor, heat, and humidity. Additionally, staff is requiring that all fertilizers of any type be stored and sold in package form only. The sales and storage of loose fertilizer would not be allowed. However, other loose planting materials such as soil, gravel, etc. may be sold. Furthermore, Zoning Code Section 17.50.180 (Outdoor Display, Storage and Seasonal Sales) identifies specific development standards for the outdoor display of merchandise and the storage of materials, such as limiting unenclosed outdoor display and storage to plants or prohibiting the display and storage of equipment, materials or merchandise or storage bins within a parking space or lot.

### **GENERAL PLAN CONSISTENCY:**

As conditioned, the project is consistent with the goals and objectives of the General Plan and the Zoning Code. The project complies with General Plan Policy 10.12 (Urban Open Spaces), which promotes preservation and development of urban open spaces and ensures adequate public access to these open spaces. The proposed Commercial Nursery land use would be open to the public and would improve and maintain a vacant parcel of land while maintaining open space.

## **ENVIRONMENTAL REVIEW:**

This project has been determined to be Categorically Exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, §15303(c), Class 3, New Construction of Small Structures). Section 15303 exempts from environmental review the construction and location of up to four small structures not exceeding 10,000 square feet in floor area in an urbanized area. The project includes the establishment of a Commercial Nursery land use and the construction of four small structures totaling 880 square feet and would be less than 10,000 square feet. Additionally, the proposed structures would be accessory to and in support of the primary nursery activity. Therefore, the proposal is exempt from environmental review.

## **COMMENTS FROM OTHER DEPARTMENTS:**

The proposal was reviewed by the Department of Transportation, Fire Department, Department of Public Works, Building and Safety Division, Design and Historic Preservation Section, Community Planning Section, Housing Department, and the Department of Water and Power. The Building and Safety Division included conditions of approval for the project. No other comments were provided.

## **CONCLUSION:**

The proposed commercial nursery meets all the applicable requirements of the Zoning Code and the findings to approve the Conditional Use Permit can be made. Parking for the proposed use would occur on-site and exceed the minimum requirement of the Zoning Code. Operating conditions of approval have been included in order to ensure that the proposed project would not negatively impact the surrounding land uses. As conditioned, the Commercial Nursery land use can operate in harmony with the surrounding uses. 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 #7033**

Conditional Use Permit: To establish a Commercial Nursery land 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 proposed Commercial Nursery land use is permitted with the approval of a Conditional Use Permit within the Open Space (OS) zoning district. The proposed structures comply with all applicable development standards of the Zoning Code. Further, the project will be conditioned to comply with all other applicable requirements of the Zoning Code including, but not limited to, hours of operation, truck loading and unloading, performance standards, outdoor display, and parking.
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 Zoning Code allows the establishment of a Commercial Nursery land use within the OS zoning district, subject to the approval of a Conditional Use Permit. The OS zoning district applies to sites with open space, parks, and recreational facilities of a landscaped, open character having a minimum contiguous site area of two acres. The proposed commercial nursery will consist of a small office, three storage structures, the display, sale, storage of plants, flowers, shrubs, gardening equipment, and related items. Permanent improvements to the site will not result from the proposed use and open space will be maintained which is consistent with the purpose of OS district. Additionally, Section 17.26.040 (Special Purpose District General Development Standards) of the Zoning Code requires that properties in the OS zoning district be subject to the development standards of the most restrictive abutting zoning district (RS-6). The proposed office, storage, and shade structures are consistent with the development standards of the RS-6 zoning district and as specified in the conditions of approval. As such, the proposed use will comply with the special purposes of the Zoning Code and the purposes of the applicable 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 Commercial Nursery land use is consistent with General Plan Policy 10.12 (Urban Open Spaces), which promotes preservation and development of urban open spaces and ensures adequate public access to these open spaces. The proposed use will be open to the public and will improve and maintain a vacant parcel of land while maintaining open space.
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 Commercial Nursery land use will consist primarily of the display, sale, and storage of plants, flowers, shrubs, gardening equipment, and related items. No major alterations are proposed to the site to accommodate the use. All proposed structures comply with the development standards of abutting zoning district (RS-6) and will be setback from abutting properties and the public right of way. The proposed hours of operation are between the hours of 7:00 a.m. and 7:00 p.m. seven days a week. Additionally, the project will be conditioned to comply with Section 17.40.070.C and Section 17.40.170 which regulate the allowed hours of truck loading and unloading, as this is adjacent to residential zoning districts. Further, staff is conditioning the project to comply with Section 17.40.090 (Performance Standards) and 17.50.180 (Outdoor

Display, Storage and Seasonal Sales) of the Zoning Code, which address issues such as odor, heat, and humidity and identifies specific development standards for the outdoor display of merchandise and the storage of materials. Lastly, all parking will occur on-site and existing accessways will be maintained. As such, the establishment of the proposed use will not be detrimental to the health, safety, and general welfare of those in the immediate 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.* With the exception of the modular buildings and temporary shade structures, no permanent structures are proposed. Conditions of approval have been included to address any potential negative impacts associated with the establishment of a Commercial Nursery land use. As such, the proposed use as described and conditionally approved will 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 proposed Commercial Nursery land use will be located within a SCE parcel. The proposal does not involve the construction of any permanent building structures. The vacant lot will be used for the display, sale, and storage of plants, flowers, shrubs, gardening equipment, and related items. Fertilizers of any type will be stored and sold in package form only. Establishment of a new Commercial Nursery land use will improve a vacant lot and the aesthetic conditions of the neighborhood. As conditioned, the use will be in harmony with the surrounding uses.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #7033**

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, August 2, 2023" except as modified herein.
2. The approval of this application authorizes the establishment of a Commercial Nursery land use on the subject site. Four modular structures totaling 880 square feet, and seven shade structures totaling 7,000 square feet are approved with this application.
3. Any proposed signage shall receive separate approvals and permits.
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 ZENT2022-00105, 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 or its equivalent. Contact the Planning Case Manager, Joseph Weaver at (626) 744-3813 to schedule an inspection appointment time.
9. 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.

Planning Division

10. All proposed parking shall comply with the minimum provisions of Chapter 17.46 of the Zoning Code. The project shall provide a minimum of three parking spaces.
11. Parking and loading spaces shall be permanently available, marked, and properly maintained for parking or loading purposes for the use they are intended to serve, per Zoning Code Section 17.46.020. Standard parking space dimensions shall be 8.5 feet wide by 18 feet long.



12. The hours of operation of the Commercial Nursery use shall be limited from 7:00 a.m. to 7:00 p.m., seven days a week.
13. The proposed commercial nursery shall comply with the Performance Standards outlined in Zoning Code Section 17.40.090, specifically issues such as odor, heat, and humidity.
14. Pick-up and delivery vehicles will be subject to Zoning Code Section 17.40.070.C. which limits truck loading, unloading, and trash pick-up between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on Saturdays, with no truck loading, unloading, or trash pick-up on Sundays. After hours pick up and deliveries are not permitted.
15. Large truck trips will be subject to Zoning Code Section 17.40.170 (Truck Trip Limitations), which limits large trucks between the hours of 6:00 a.m. and 7:00 p.m., daily.
16. All loading and unloading shall occur within the subject site and not within the public right of way.
17. The sale and storage of the merchandise, materials, and/or equipment shall be limited and associated with the specific commercial nursery business located on the subject site.
18. The project shall comply with the City of Pasadena Refuse Storage regulations at all times (Zoning Code Section 17.40.120).
19. No trash shall be stored in any area of the site except within the designated trash structures. The tenant/operator shall call for an immediate trash pickup on the same day when the trash enclosure is full.
20. The temporary and permanent storage of delivery vehicles shall be prohibited on the subject site at all times.
21. Any proposed exterior lighting shall comply with the standards of Zoning Code Section 17.40.080 (Outdoor Lighting). All new lighting shall be properly shielded to avoid glare and spill of light to surrounding properties.
22. Outdoor display or storage of commercial nursery related equipment, materials, and/or merchandise, shall not be located within a parking space or parking lot.
23. All merchandise other than the plants are kept within an enclosed structure or fully screened.
24. Fertilizers of any type shall be stored and sold in package form only.
25. One loading space shall be provided on-site with a minimum dimension of 12 feet wide by 30 feet length.
26. The repair of automobiles, trucks, motorcycles, vehicles, lawnmowers and/or related equipment shall be prohibited on-site.

27. Overnight and/or long-term storage of automobiles, trucks, motorcycles, and/or non-commercial nursery related vehicles on the subject property shall be prohibited at all times.
28. The property shall be maintained free of trash, debris, and overgrown vegetation.

### Building and Safety

#### 29. 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.

#### 30. 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. Clarify the type of construction and occupancy for each structure shown on plans, i.e. the tools, offices, restroom, shades. Clarify if any of these metal containers will be condition. Provide complete set of plans.
- c. FYI: Shade cloth structures constructed for nursery or agricultural purposes, not including service systems are exempts from a building permit per CBC 105.2. Note on plans that these shade structures are not service systems and the type of construction (cloth) if using an exception.

#### 31. Best Management Practices:

- a. Photocopy to plans and complete the BEST MANAGEMENT PRACTICE page 1(form must be singed). 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>

#### 32. Accessibility:

- a. Provide compliance with accessibility per CBC 11B;
- b. Show accessible route within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; public transportation stops to the accessible building or facility entrances. Where more than one route is provide, all routes must be accessible. Accessible route shall be the most practical direct route feasible and may incorporate pedestrian ramps, curbs ramps, etc... All accessible routes shall comply unless there is an approved exception Section 11B-206. Also show compliance with 11B-402.
- c. Show how proposed restrooms comply with CBC 11B. Fully detail restroom.

#### 33. 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.
- c. If an exception is used, then referenced the exception (include code section and exception no.) and show how the design meets the exception's criteria/condition.