



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** August 16, 2023

**TO:** Hearing Officer

**SUBJECT:** Minor Conditional Use Permit #7116

**LOCATION:** 169 West Colorado Boulevard

**APPLICANT:** Rivian, LLC

**ZONING DESIGNATION:** CD-1-AD-1 (Central District Specific Plan, Old Pasadena Subdistrict, Alcohol Density Overlay)

**GENERAL PLAN DESIGNATION:** Medium Mixed Use

**CASE PLANNER:** Jason Van Patten

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Minor Conditional Use Permit #7116 with the conditions in Attachment B

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**PROJECT PROPOSAL:** Minor Conditional Use Permit: To establish a Vehicle Services - Sales and Leasing, Limited land use (Rivian) within an existing 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 establishment of a Vehicle Services - Sales and Leasing, Limited land use in an existing commercial tenant space would not result in an expansion of use.

**BACKGROUND:**

**Site characteristics:** The subject site is located on the north side of Colorado Boulevard between Pasadena Avenue on the west and De Lacey Avenue on the east. The property is developed with an approximate 5,386 square-foot, single-story, single-tenant commercial building. Access into the building is provided from Colorado Boulevard and the alley at the rear.

**Adjacent Uses:** North – Surface parking  
South – Restaurants  
East – Retail sales  
West – 710 freeway

**Adjacent Zoning:** North – CD-1-AD-1 (Central District Specific Plan, Old Pasadena subdistrict, Alcohol Density Overlay)  
South – CD-1-AD-1 (Central District Specific Plan, Old Pasadena subdistrict, Alcohol Density Overlay)  
East – CD-1-AD-1 (Central District Specific Plan, Old Pasadena subdistrict, Alcohol Density Overlay)  
West – PS (Public and Semi-Public)

**Previous Cases:** CUP #6757 – To allow a retail cannabis dispensary use within an existing 5,386 square foot retail building. Approved December 16, 2019.

CUP #1495 – To allow live entertainment and dancing Tuesday through Saturday evenings from 9:00 p.m. to 1:30 a.m. Approved January 2, 1985.

## **PROJECT DESCRIPTION:**

The applicant, Rivian, LLC, has submitted a Minor Conditional Use Permit to establish a Vehicle Services - Sales and Leasing, Limited land use (Rivian) within a commercial tenant space previously occupied by a retail use. Rivian is a seller of electric vehicles and would use the existing commercial tenant space as an automotive showroom and retail store. The proposed hours of operation are 10:00 a.m. to 8:00 p.m., daily.

## **ANALYSIS:**

### Minor Conditional Use Permit – To Allow a Vehicle Services - Sales and Leasing, Limited Use

The subject property is located in the CD-1-AD-1 zoning district (Central District Specific Plan, Old Pasadena subdistrict, Alcohol Density Overlay). Pursuant to Table 3-1 (Allowed Use and Permit Requirements for CD Zoning Districts), Zoning Code Section 17.30.030 (CD District Land Uses and Permit Requirements), a Minor Conditional Use Permit (MCUP) is required to establish a Vehicle Services – Sales and Leasing, Limited use. In addition, the ground floor along Colorado Boulevard is limited to pedestrian-oriented uses for at least 50 percent of a building’s street frontage.

A Vehicle Services – Sales and Leasing, Limited use is defined as *the sales and leasing of automobiles, motorcycles, or trucks within an enclosed structure without any incidental maintenance or repair work allowed. Vehicles shall not be displayed or stored outdoors.*

*Accessory part installation as part of the vehicle sale is permitted. This excludes uses that exclusively rent vehicles.* This proposed use qualifies as pedestrian-oriented pursuant to Table 3-1.

The Hearing Officer may approve a MCUP to establish a Vehicle Services – Sales and Leasing, Limited 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.

According to the applicant, the intent is to sell electric consumer vehicles within the enclosed showroom. Customers would have the ability to view and interact with vehicles on display, discuss pricing, order a vehicle, learn about charging equipment and Rivian's charging network, purchase merchandise, and conduct test drives. No service activities, including maintenance or repair work are proposed. All vehicle display would occur within the interior of the building. The ability to test drive a vehicle would occur during operating hours, with the vehicles stored off-site. Customers who test drive a vehicle would use public streets and be accompanied by a staff member.

The proposed use would operate within an existing structure that was previously used by a commercial business and improvements to the site would generally be limited to the interior. No increase in the size of the existing building is proposed and hours of operation would be similar to other establishments in the vicinity. The location of the proposed use would comply with applicable requirements of the zoning code.

#### *Parking*

The previous use of the site was a retail cannabis dispensary, which required three spaces for every 1,000 square feet of gross floor area. The proposed use is subject to a lower parking requirement of one space for every 1,000 square feet of gross floor area. As such, no additional parking is required to establish the new use.

#### *Hours of Operation*

The hours of operation are proposed from 10:00 a.m. to 8:00 p.m., daily. The Zoning Code does not restrict hours of operation in the CD zone. Therefore, the hours of operation comply.

#### **GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY:**

The subject site is designated Medium Mixed Use in the General Plan Land Use Element. The Medium Mixed Use land use designation is intended to support the development of multi-story buildings with a variety of compatible commercial (retail and office) and residential uses. The proposed use engages in the retail sales of electric vehicles and is compatible with existing retail sales and restaurant uses within the vicinity. The proposed use would be 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. The new business would bolster a diverse economy base and would be a long-term economic contribution to the City and CD-1-AD-1 zoning district which encourages a full range of retail and service businesses.

The Central District Specific Plan is the primary business, financial, retailing, and government center of the City. It emphasizes the concept of a higher density, mixed-use environment that will support transit- and pedestrian-oriented mobility strategies. 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 the development of complementary uses, including medium to high-density housing near light rail stations. The proposed use would function like a retail sales use and would encourage walk-in customers. The showroom would provide spontaneous draw from the sidewalk and street due to visual interest, high customer turnover, and social interaction, consistent with the purpose and intent of the Specific Plan.

**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 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 establishment of a Vehicle Services – Sales and Leasing, Limited land use in an existing commercial tenant space would not result in an expansion of use.

**REVIEW BY OTHER CITY DEPARTMENTS:**

The Building and Safety Division, Fire Department, Design and Historic Preservation Section, Public Works Department, Department of Transportation, and Pasadena Water & Power were provided with an opportunity to review the project. The Building and Safety Division, Pasadena Water & Power, and Department of Transportation provided comments that are included as recommended conditions of approval in Attachment B.

**CONCLUSION:**

It is staff's recommendation that the findings necessary for approval of the Minor Conditional Use Permit can be made. The proposed Vehicle Services – Sales and Leasing, Limited use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code. The location of the proposed use is within a commercial corridor that includes a mix of pedestrian-oriented uses and is consistent goals and objectives of the General Plan Land Use Element. Therefore, staff recommends that the Hearing Officer approve the application with findings in Attachment A and the Conditions of Approval in Attachment B.

**ATTACHMENTS:**

- Attachment A: Specific Findings for Minor Conditional Use Permit
- Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR MINOR CONDITIONAL USE PERMIT #7116**

Minor Conditional Use Permit – To Allow a Vehicle Services - Sales and Leasing, Limited 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 subject property is located in the CD-1-AD-1 zoning district (Central District Specific Plan, Old Pasadena subdistrict, Alcohol Density Overlay). Pursuant to Table 3-1 (Allowed Use and Permit Requirements for CD Zoning Districts), Zoning Code Section 17.30.030 (CD District Land Uses and Permit Requirements), a Minor Conditional Use Permit (MCUP) is required to establish a Vehicle Services – Sales and Leasing, Limited use. The proposed use will sell electric consumer vehicles within the enclosed showroom. Customers will have the ability to view and interact with vehicles on display, discuss pricing, order a vehicle, learn about charging equipment and Rivian’s charging network, purchase merchandise, and conduct test drives. No service activities, including maintenance or repair work are proposed. All vehicle display will be within the interior of the building. As such the use is allowed with a Minor Conditional Use Permit and complies with applicable provisions.
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 Central District is the primary business, financial, retailing, and government center of the City. It emphasizes the concept of a higher density, mixed-use environment that will support transit- and pedestrian-oriented mobility strategies. 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 the development of complementary uses, including medium to high-density housing near light rail stations. The proposed use functions similar to a retail sales use and is considered to be pedestrian-oriented because it encourages walk-in customers. The showroom would provide spontaneous draw from the sidewalk and street due to visual interest, high customer turnover, and social interaction. As such, the location of the use within a commercial corridor that includes a mix of pedestrian-oriented uses complies with the Zoning Code and purpose 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 use will be 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. The new business would bolster a diverse economy base and would be a long-term economic contribution to the City and CD-1-AD-1 zoning district which encourages a full range of retail and service businesses. 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 proposed use will operate within an existing structure that was previously used by a commercial business and function similar to a retail use. No increase in the size of the existing building is proposed and hours of operation will be similar to other establishments in the vicinity. No service activities, including maintenance or repair work are proposed. All vehicle display will occur within the interior of the building. The proposed test drives will occur along the public right-of-way on

routes approved by the Zoning Administrator. Therefore, it is anticipated that there will be no detrimental effects to the public health, safety, or general welfare of persons residing or working in the 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.* Operation of the proposed use will require minimal construction (interior tenant improvements only) that will be compatible with the site as well as the surrounding neighborhood. There will be no substantial impacts on views, light, or air in the vicinity. All changes to the building will be reviewed through the building plan check process. As such, the proposed use as described and conditionally approved would not be injurious to property and improvements in the neighborhood or to the general welfare of the City.
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 use is compatible with the surrounding pedestrian-oriented land uses as it will provide visual interest and a draw from the sidewalk. It will further turnover an existing tenant space that is vacant, resulting in an aesthetically pleasing storefront. The location of the use and operation proposed are compatible with the existing and future uses that encourage walk-in customers. The granting of this Minor Conditional Use Permit will allow the operation of the use with no expansion to the existing building and will not cause a view impact. Any exterior changes to the building will be reviewed through the City's Design Review process with the Design and Historic Preservation Section, which will ensure the building's appearance is compatible in in terms of aesthetics, character, scale, etc.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR MINOR CONDITIONAL USE PERMIT #7116**

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 16, 2023," except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. The approval of this application authorizes the establishment of a Vehicle Services – Sales and Leasing, Limited land use in an existing 5,386 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 Minor Conditional Use Permit if sufficient cause is given.
5. Any change to these conditions of approval or expansion of the use may require the modification of this Minor Conditional Use Permit or a new Minor 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 **ZENT2023-00039**, 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, Jason Van Patten at (626) 744-6760 to schedule an inspection appointment time.

Planning Division

9. Prior to issuance of a Certificate of Occupancy, a plan describing test drive route(s) shall be submitted for review and approval by the Zoning Administrator, subject to the following restriction: Test driving of vehicles shall be prohibited in residential zoning districts.
10. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.
11. 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.
12. Any outdoor lighting shall also meet Section 17.40.080 (Outdoor Lighting) of the Zoning Code.

## Building and Safety

### 13. 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.
- All construction documents shall be prepared by a **registered design professional**; stamp and sign all plans.
- Important: **New 2022 Codes will be in effect starting on January 1<sup>st</sup> 2023.**

### 14. 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.

### 15. 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>

### 16. Green Code:

- Photocopy to plans and complete the 2022 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>.

### 17. Means of Egress (Exiting):

- Provide an egress plan showing compliance with all requirements for the exit access, the exit and the exit discharged detailed in chapter 10.
- Primary accessible path of travel shall include a primary entrance to the building or facility; toilet and bathing facilities serving the area; drinking fountains serving the area; public telephones serving the area, and signs.

### 18. 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.

### 19. Accessibility:

- Provide compliance with accessibility per CBC Chapter 11B.
- The provisions of Section 11B-202.4 Exception 8 apply to existing buildings or facilities used as public buildings, public accommodations, commercial buildings or public housing. When these buildings or facilities undergo alterations, structural repairs, or additions, an accessible path of travel must be provided to the specific area of construction.



- Photocopy to plans and complete the Summary of ACCESSIBILITY UPGRADES FOR COMMERCIAL PROJECTS. These forms are being provided, attached, and can be found at <https://www.cityofpasadena.net/planning/wp-content/uploads/sites/30/Accessibility-Upgrades-Summary-2021.pdf?v=1655738023851/>

20. Required plans and Permit(s):

- In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, PV systems and grading plans as required. No deferred submittal.
- Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.
- New ePermitting services. Visit the city website at: <https://www.cityofpasadena.net/planning/permit-center/permit-center-online/>

Department of Water and Power

21. PWP records reflect that there is one 3/4-inch domestic service serving this property, the service was installed in 1973 (#15129). If the applicant or the Fire Department requests an upgrade, please reach out to Utility Services Planning at (626) 744-4495. Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at actual cost and paid for by the owner/developer. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes. The minimum sized service installed by PWP is 1-inch and any services 50 years and older require abandonment.

Department of Transportation

22. Loading: A loading zone will not be installed along the project frontage.

23. Operations Plan: Site Plan and Operations Plan for showroom vehicle access shall be reviewed and approved by the Department of Transportation prior to the issuance of the first permit for construction.