

6. Approve Conditional Use Permit #4923 for a restaurant/retail business (Rose Tree Cottage) to be located at 801 S. Pasadena Avenue within the Specialty Shop Overlay District with the required Findings (See Attachment 4) and Conditions of Approval (See Attachment 5).

PLANNING COMMISSION RECOMMENDATION

After a public hearing on August 8, 2007, the Planning Commission unanimously recommended approval of the proposed establishment of the "Specialty Shop Overlay District" and an amendment to the Zoning map to place the overlay district on two properties, and recommended approval of Conditional Use Permit #4923 with the Conditions of Approval shown in Attachment 5.

EXECUTIVE SUMMARY

The California Department of Transportation (Caltrans) is in negotiations with Edmund and Mary Fry to rent a vacant single-family historical residence at the north-west corner of Bellefontaine and Pasadena Avenue (801 S. Pasadena Avenue) and use it for the purpose of a retail/restaurant (Rose Tree Cottage) business. The Zoning Code does not currently allow these uses in a single family residential district.

To accommodate these uses, a zone change study was initiated by the Planning Commission on April 25, 2007. The study recommended the creation of an overlay district. At its May 23, 2007 meeting, the Planning Commission recommended that the area along the west side of Pasadena Avenue south of 669 S. Pasadena Avenue to Bellefontaine be considered in the proposed overlay zone, and at their August 8th meeting recommended approval of the zone map change and to limit the zone change to only the two parcels directly north of Bellefontaine and the text amendments. The intent of the proposed overlay district is to utilize historical resources while maintaining control and limited use of the structures ensuring that the new uses are compatible with their surroundings.

A neighborhood meeting was held on June 7, 2007 to discuss the proposed project. Two people attended the meeting, an attorney representing the Caltrans' tenants and one neighbor from St. John Avenue. Both spoke of their desire to narrow the focus of the overlay district to include only those parcels facing Pasadena Avenue and south of the Ronald McDonald House. The attorney was concerned about impacts to properties on St. John Avenue, and the neighbor was concerned about current activities on St. John by Caltrans. Both were in favor of the proposed Tea Room/retail use at the site. Staff has also received phone calls and letters in favor of the project and none in opposition to the project. However, concerns have been expressed about traffic on S. Pasadena Avenue.

The two parcels in question, 779 and 801 Pasadena Avenue are located on the west side of Pasadena Avenue, north of Bellefontaine and south of the Hospitality Home Overlay District. The parcels are zoned RS-4 with a General Plan designation of Low Density Residential. The surrounding uses are a combination of single family to the west and south, Ronald McDonald house to the north and Huntington Hospital to the east. The house at 779 Pasadena Avenue is used as a residence, and 801 is vacant.

The recommendation would amend the Zoning Code to: 1) provide for a new overlay district within the zoning code, 2) amend the zoning map to reflect the boundary of the overlay district, and 3) approve a conditional use permit, as required by the overlay, to use the house at 801 S. Pasadena Avenue for a restaurant/retail business (Rose Tree Cottage).

The analysis indicates that the proposed use will be consistent in zoning and land use with the surrounding neighborhood and would not be detrimental to those uses; therefore it is recommended that the Conditional Use Permit be approved.

PROJECT ANALYSIS

Overlay Proposal

The intent of the proposed overlay district is to utilize historical resources while maintaining control and limited use of the structures ensuring that the new uses are compatible with their surroundings.

The new overlay will be known as the "Specialty Shops" overlay district and will provide for the adaptive re-use of an historic resource with a combination of retail and food sales with a restaurant use business. The mix of uses cannot be more than approximately 60 percent retail and 40 percent restaurant of the net floor area.

These uses would be allowed within the Specialty Shop Overlay District with a Conditional Use Permit (CUP). The CUP will analyze the proposed use in respect to parking, hours of operation, signs, lighting and other performance standards as outlined in the new zoning code section. In addition the development standards of the base residential zoning district still apply.

Overlay Boundary

Staff recommends that the new overlay district apply only to those two parcels north of Bellefontaine Street (779 and 801 S. Pasadena Avenue) which are .70 acres. 779 S. Pasadena Avenue is occupied as a residence, and 801 is vacant. The Zoning Code does not require a minimum size requirement to create an overlay district. Limiting the overlay district reduces potential impacts from the

potential projects to the single family homes to the west of the proposed overlay district. On the south side of Bellefontaine Street and the southeast corner of Pasadena Avenue are vacant lots. Directly west of the project is a single-family residence which faces Bellefontaine. On the east side of Pasadena Avenue is a parking structure for Huntington Hospital. See Attachment 6 for the proposed Zoning Map.

The study area includes a mix of residential uses that buffer lower density single-family neighborhoods to the west and south from denser more active neighborhoods to the east such as Huntington Hospital. Operation of a small business within the overlay zone would fit well into the existing neighborhood. Review via a Conditional Use Permit will further ensure that any potential compatibility issues are addressed through the entitlement process.

General Plan Consistency

The proposed zone change for the subject site is consistent with the General Plan Land Use Element and will advance certain objectives and policies, such as **Policy 1.6 – Neighborhood Commercial:** Encourage the provision of businesses that serve residents within walking distances of homes. *The types of business that are proposed for the Overlay District could be a business that serves the neighborhood as well as one that is considered destination oriented.* **Policy 6.3 – Adaptive Reuse:** Encourage and promote the adaptive reuse of Pasadena's historic resources. *The proposed overlay district promotes the adaptive reuse of existing historic structures.*

Zoning Code Consistency

The proposal is consistent with the purposes of the Zoning Code as the base zoning will remain. The proposed businesses will be only allowed in areas with unique characteristics that make such uses appropriate and after consideration of a Conditional Use Permit by the Hearing Officer. The proposal will preserve the character and quality of the existing residential neighborhoods, while accommodating the potential uses.

CONDITIONAL USE PERMIT #4923

Project Description

The applicants, Edmund and Mary Fry have filed a Conditional Use Permit application to allow the establishment of a retail/restaurant tea room business in the Specialty Shop Overlay District. The proposed location is a single family residence located at 801 S. Pasadena Avenue at the northwest corner of Pasadena Avenue and Bellefontaine Street. The property is zoned RS-4 with a General Plan designation of Low Density Residential.

Analysis

The house is a two story residential structure. The applicant proposes to rent only the first floor which totals approximately 1,700 square feet. Attachment 7 shows the first floor site plan. No tenant storage will be permitted on the second floor and no other use will be permitted. The interior of the building would be divided into restaurant (Tea Room) and retail space. The applicant is required to provide ten parking spaces; eight spaces are required for the restaurant use and two spaces for the retail use. Parking will be provided on-site as well as at a lot currently leased by Huntington Hospital. The proposed hours of operation for the business are from 10:00 a.m. to 6:00 p.m. with tea being served at 1:00, 2:30 and 4:00 p.m. Minor changes proposed to the structure include the addition of a handicap ramp to the south side of the structure, replacement of a chain link fence and paving for parking spaces. Therefore, impacts to the site are less than significant.

The property is not located within the City's Governor Markham Landmark District; however it is within a group of houses identified in a historic resources survey (Caltrans, 1976) and updated in June 2001, as potentially eligible for listing in the National Register of Historic Places as a historic district. Caltrans architectural historians determined that the house was given its designation because it appears to be individually eligible for inclusion in the National Register of Historic Places as an excellent example of Federal Revival and Prairie School architecture and a good example of upper-middle class lifestyles in the early-to mid-20th century. Caltrans has received a letter from the State Office of Preservation giving them verbal authorization to change the use for the property (Attachment 8)

CONCLUSION FOR CONDITIONAL USE PERMIT

The proposed findings for approval of the Conditional Use Permit for the establishment of a restaurant/retail business in the Specialty Shop Overlay District are appropriate and are part of the staff recommendation. The proposed restaurant/retail business will not detrimentally affect the surrounding uses to the north or the residential uses to the west. Therefore, it is staff's recommendation that the project be approved subject to the conditions of approval included in Attachment 3.

ENVIRONMENTAL DETERMINATION

An Initial Environmental Study (IES), completed for the proposed zone change and text amendment determined that there will be no potential significant impact on the environment. A Negative Declaration has been prepared. Staff recommends that the City Council adopt the ND/IS and the appropriate CEQA findings, and that a Notice of Determination be filed. A CEQA Filing Fee No Effect Determination Form was filed with the Department of Fish and Game (Attachment 9)

FISCAL IMPACT

There will not be a fiscal impact as a result of approving the proposed Zone Change and text amendments.

Respectfully submitted


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Attachments:

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| Attachment 1 | Existing Zoning Map |
| Attachment 2 | Proposed Zoning Map |
| Attachment 3 | Existing General Plan and Land Use Maps |
| Attachment 4 | Specific Findings for Conditional Use Permit |
| Attachment 5 | Conditions of Approval for CUP 4923 |
| Attachment 6 | Letter from the California Department of Transportation to Cynthia Kurtz dated December 29, 2006 |
| Attachment 7 | Environmental Documents |