

Agenda Report

TO: CITY COUNCIL

DATE: SEPTEMBER 10, 2001

FROM: CITY MANAGER

SUBJECT: ZONING CODE AMENDMENT TO REMOVE THE TEMPORARY
CONDITIONAL USE PERMIT REQUIREMENT FOR LIVE
ENTERTAINMENT IN THE CITY HALL COURTYARD AREA
(INCLUDING ROTUNDA) AS REQUIRED UNDER SECTION 17.33.060

RECOMMENDATION: It is recommended that the City Council:

1. Approve the Initial Study (Attachment A) and adopt the Negative Declaration prepared for this zoning code amendment;
2. Adopt the de minimis finding of no impact to fish and wildlife;
3. Adopt a finding of consistency with the General Plan as contained in this report and approve the zoning code amendment to remove the temporary conditional use permit requirement for temporary live entertainment in the City Hall Courtyard as specified under Section 17.33.060;
4. Direct the City Clerk to file for the Notice of Determination, Negative Declaration, and Certificate of Exemption from Fish and Game fees with the Los Angeles County Registrar-Recorder/County Clerk.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed this amendment on May 9, 2001. They voted unanimously to recommend approval of this zoning code amendment. They had a lengthy discussion of the impact of the proposed amendment particularly as it relates to noise and impacts on adjacent residential uses.

BACKGROUND:

The City Hall Courtyard may be rented by the general public and non-profit organizations. Typical events for which this area has been rented include wedding ceremonies and/or receptions, fund raising events for non-profits, and City-sponsored events. On October 9th and December 18th, 2000 reports were presented to the City Council on issues related to the use of the courtyard, including, noise, alcohol permits and temporary conditional use permit (TCUP) requirements. It was determined that requiring a TCUP and a permit from Public Works and Transportation is repetitive and the two procedures overlap. The City Council initiated this zoning code amendment in an effort to streamline the existing process.

ANALYSIS:

Staff has reviewed the current process to determine if having both a Public Works Permit and a TCUP are appropriate for temporary events held in the City Hall courtyard. The TCUP requirement is triggered only when live entertainment is held in conjunction with events within the City Hall courtyard. Public Works has a broader review authority over the courtyard area. Their review includes hours of operation, alcohol availability, noise, use of the fountain, use of the bathrooms and clean up of the courtyard. Requiring a TCUP for live entertainment in the Courtyard results in two departments (Public Works and Planning and Development) reviewing activities for much the same purpose and imposing the same type of conditions. The TCUP process does not provide additional protection for properties surrounding the courtyard. Planning's review of uses in the courtyard is limited to entertainment and any conditions imposed are limited to that activity. The intent of the TCUP requirement is to impose any mitigation measures on the live entertainment to ensure its compatibility with surrounding properties. Public Works had the ability to impose such conditions without a TCUP. This proposal would eliminate the TCUP requirement and allow Public Works to review and condition permits for use of the courtyard.

To obtain a permit to rent these areas, the applicant must submit a completed application to Public Works, comply with all the established rules and regulations, and pay a rental fee for the time in which the applicant wishes to rent the area. This time must include both event set-up and clean up. Additional conditions may be required as a part of the application. The applicant may request that City Hall public restrooms be open for the event, if the event is after regular office hours. With such a request, a security guard is required to ensure that no building damage occurs and to control access to the building. The applicant may also request special operating times for the fountain and use of electrical outlets. All these activities, except the use of electrical outlets, require fees to cover associated staff costs. Additional special permits are required if alcohol is to be served, and for the use of candles or open flames and/or amplified sound.

An event monitor is assigned to all events in which there is amplified live entertainment or a service provided by the City such as electricity, special fountain arrangements, or bathrooms that need to be open. If the live entertainment consists of unamplified music such as a solo, a monitor is not required. An additional monitor is imposed when there is alcohol service. Activities within the courtyard are limited to 11 pm. However, the activities have been limited to 10 p.m. allowing an hour for clean up before 11 p.m. In addition, the serving of alcohol must stop one hour before the activity is to be completed.

Areas outside the City Hall Courtyard within the CD-3 Zoning District will still be subject to the TCUP requirement. This amendment only affects the City Hall Courtyard.

ENVIRONMENTAL DETERMINATION:

Staff conducted an initial study for the proposed zoning code amendment and found that there would be no significant impact as a result of the proposed zoning code amendment. A negative declaration was prepared and available with the initial study for public review from April 19 through May 9, 2001. Staff's recommendation is that the Planning Commission recommend to the Council adoption of the negative declaration for this amendment.

According to a Community Noise Study for the Pasadena City Courtyard noise levels from temporary events with live entertainment held in the City Hall Courtyard have not been found harmful to individuals or considered a public health problem. A monitor is present for noise (unless there is only a solo unamplified instrument) and one for alcohol consumption during temporary events with a permit for amplified sound and a permit for alcohol consumption. The Noise Restriction Ordinance (Pasadena Municipal Code 9.36.220 C.) limits amplified sound to

15 decibels above the ambient noise level (meaning the higher of either the actual ambient noise level or the presumed ambient daytime noise level of 60 dBA at City Hall). In past practice if the instantaneous noise reached 75 dBA at the top of the steps on the Euclid Ave. side of City Hall or 65 dBA at the Euclid Ave. sidewalk, the noise monitor had the amplified sound lowered. This instantaneous noise level is stricter than the median noise level for ambient noise averaged over a 15 minute period as defined in PMC 9.36.020 A.

GENERAL PLAN CONSISTENCY:

The General Plan Land Use Designation for City Hall is Central District Specific Plan-Civic Center Master (Specific) Plan Area. The 1994 Land Use Element of the City of Pasadena's General Plan lists the CD zoning district as one of the implementing zoning districts for the specific plan land use category within the Element. Within the Central District Specific Plan description, the 1994 Land Use Element states that the Civic Center Specific (Master) Plan implements the General Plan in Civic Center Master Plan strategy area. As amended July 11, 1994 the Civic Center Specific (Master) Plan states:

ACTION 5 Bring Pasadenans in contact with the Civic Center every day. Ground floor activities and uses in the area should be pursued that will make people want be there. For example, City Hall should be a place which all Pasadenans want to use. Refreshments served in the courtyard and planned but informal art, cultural or civic activities should be considered. It should be known that the dome is available for public use. Enhancing the Euclid Avenue entrance to City Hall would encourage more regular use by those in the eastern part of the Civic Center.

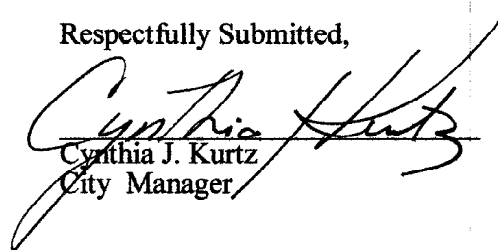
Action 5 above is to help implement the following goal of the Civic Center Specific (Master) Plan.

GOAL THREE Make the Civic Center an important destination in Pasadena. Make it more useful, useable, attractive and significant. Make the Civic Center a place to which all Pasadenans can come with ease.

FISCAL IMPACT:

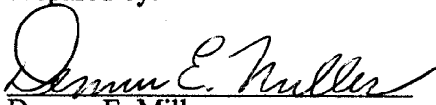
The approval of this code amendment will reduce the number of TCUP applications. Approximately 25 TCUPS a year are processed for live entertainment at City Hall. This will result in a loss of revenue of approximately \$5,871 and a corresponding reduction in staff workload.

Respectfully Submitted,



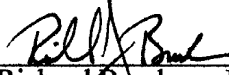
Cynthia J. Kurtz
City Manager

Prepared by:



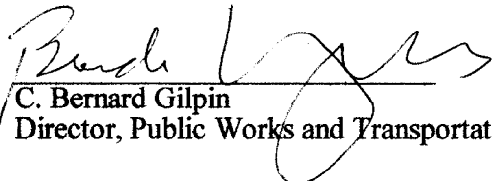
Denver E. Miller
Principal Planner

Approved by:



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Concurred by:

for 

C. Bernard Gilpin
Director, Public Works and Transportation