

Agenda Report

DATE: FEBRUARY 24, 2003
TO: CITY COUNCIL
FROM: CITY MANAGER
SUBJECT: CALL FOR REVIEW OF CONDITIONAL USE PERMIT #4095 TO
ALLOW FOR REPLACEMENT BLEACHERS AT 1030 E.
CALIFORNIA BOULEVARD – POLYTECHNIC SCHOOL

CITY MANAGER'S RECOMMENDATION: It is recommended that the City Council:

1. Acknowledge that this action is categorically exempt from CEQA; and
2. Approve the Conditional Use Permit, Specific Findings and adopt the Conditions of Approval as modified by mutual agreement between Polytechnic School and Mentor, Catalina, Cornell & Dale Neighborhood Association.

EXECUTIVE SUMMARY

In the process of improving the sports field, the Polytechnic School replaced the bleachers on the west side of the campus adjacent to Catalina Avenue without obtaining a building permit. The new bleachers were about one and a half feet higher and 42 feet longer than the original bleachers. In a series of discussions, the City also determined that the School would be required to apply for a Conditional Use Permit for those bleachers, since bleachers were not considered in the School's 1991 Master Development plan. The Zoning Hearing Officer approved the Conditional Use Permit with conditions, on November 6, 2002. This decision was appealed by the residents and heard by the Board of Zoning Appeals (BZA) on January 15, 2002. The BZA approved the project, but reduced the length of the bleachers from 84 feet to 42 feet.

Since the Board of Zoning Appeals Hearing on January 15, 2003, neighbors from the Mentor, Catalina, Cornell & Dale Neighborhood Association and Polytechnic School have met to discuss the issues, and have reached a mutually acceptable solution as

evidenced by the attached letter signed by a representative of the neighborhood and the Head of the School. Staff has drafted Conditions of Approval (Attachment B) reflecting this agreement should the City Council desire to implement the agreement (Attachment C).

The following is a summary of that agreement:

- The top three rows of the bleachers will be removed, including the back steel beams.
- The bleacher guardrail behind row four will be between 67 and 75 inches from the fence and the neighbors and the School will agree on the type of landscaping behind the bleachers.
- The top of the guardrail will stand no more than 2 feet, 2 inches above the current perimeter fence at the north end of the bleachers. Height on the south side of the bleachers still needs to be resolved.
- The School will oversee and monitor the following: The elimination of the storage of athletic equipment under the bleachers, maintenance of landscaping along the sports field, and prohibit the attachment of any signs or banners along the western fence or the guardrail of the bleachers.
- The School will meet with a local architect recommended by the neighborhood to discuss alternative materials that might enhance the appearance of the back railing, and during the master planning process the perimeter fence.

BACKGROUND:

In the summer of 2001, the Polytechnic School completed landscaping improvements to their sports field, including replacing the sports bleachers located on the west side of the campus. As the bleachers were being built concerned neighbors contacted the city to see if the new bleachers had permits and met design requirements. Staff found that the school had not pulled the necessary permits for the bleachers, however, a permit was issued the following day based on the finding that the bleachers were a replacement structure and met current safety codes.

After the building permit was issued, neighbors continued to express concern over the height and appearance of the new bleachers. After further investigation it was determined that the bleachers would require a CUP because they were considered a structure (as defined in the building and zoning code) and were not considered part of the Master Plan that was approved in December 1991. A CUP hearing was scheduled for November.

Prior to the CUP hearing, the neighbors and the school met many times to resolve the issues that were of concern to the neighbors, however they reached an impasse, and the project proceeded to the Hearing Officer on November 6, 2002.

Staff's recommendation to the Hearing Officer was approval of the bleachers. The School made design changes to the bleachers, which opened up the view of the field from

Catalina, which was one of the requests of the neighbors. At the hearing many speakers spoke on both sides of the issue. The arguments of speakers in favor of the project were that the bleachers have been in this location since the early 1980's, these are replacement bleachers; the design of the bleachers are based on new safety building codes; the increased height of the bleachers was to allow better viewing of the games; and that the increase in the number of seats was not significant.

The arguments in opposition of the project were based on the following: The height of the bleachers were one and a half feet higher than the previous bleachers; the steel beams for the bleachers were thicker and consequently more unsightly than the previous bleachers; the bleachers are longer than the previous bleachers by 42 feet and therefore can seat 52 more spectators.

After hearing the testimony of the neighbors and the school, the Hearing Officer approved the staff recommendation and added the following conditions: the entire frontage along the sports field abutting the fence shall be landscaped and subject to review and approval of the Zoning Administrator; no signs or banners shall be placed on either the perimeter fence or bleachers structure along Catalina; the overall height of the bleachers shall not exceed 14 feet 6 inches; and the overall width of the bleachers shall be 84 feet as built. The Hearing Officer asked each of the neighbors if they were concerned about the length of the bleachers. Their concern was the height of the bleachers not the length.

Some members of the Mentor, Catalina, and Cornell & Dale Neighborhood Association did not feel that the additional conditions met their concerns, and appealed the project to the Board of Zoning Appeals.

The Board of Zoning Appeals (BZA) heard the case on January 15, 2003, and both sides presented their arguments. The Board of Zoning Appeals' added two additional conditions: that the overall length of the bleachers shall not exceed 45 feet; and there shall be no storage of athletic equipment along the west side of the field, under the bleachers.

ENVIRONMENTAL DETERMINATION:

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, Chapter 3, §15301, Existing Facilities).


FISCAL IMPACT

The fees for the Conditional Use Permit and the Mitigation Monitoring Program will cover staff and code enforcement activities.

Respectfully submitted,


Cynthia J. Kurtz
City Manager

Prepared by:


Carol Hunt Hernandez
Planner

Approved by:


Richard J. Bruckner
Director Planning and Development

Attachment A - Findings for Conditional Use Permit #4095

Attachment B - Conditions of Approval

Attachment C - Agreement between the Polytechnic School and the Mentor, Catalina,
Cornell & Dale Neighborhood Association dated February 4, 2003.