

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** APRIL 9, 2007

**FROM:** CITY MANAGER

**SUBJECT:** CALL FOR REVIEW CONDITIONAL USE PERMIT #4253, 1200 E. CALIFORNIA BOULEVARD

## **CITY MANAGER'S RECOMMENDATION**

It is recommended that the City Council:

1. Acknowledge the Environmental Determination that the 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 1, §15301, Existing Facilities, and §15321, Enforcement Actions by Regulatory Agencies);
2. Find that implementation of Caltech's parking plan and the Preferential Permit Parking zone has substantially relieved the parking impacts on the neighboring residential streets; and based on this finding,
3. Reaffirm Conditional Use Permit #4253 (CUP #4253) as originally approved by the Hearing Officer on October 1, 2003; and
4. Reverse the Board of Zoning Appeals action to modify Conditional Use Permit #4253 (CUP #4253) with additional conditions.

## **SUMMARY**

Since the call of review of CUP #4253 by the City Council, Preferential Permit Parking Zone C has been expanded to include the neighborhood impacted by Caltech. Caltech has implemented a series of measures to their parking policies such that the parking related issues in the neighborhood have been substantially relieved.

The measures Caltech has implemented are: 1) Setting aside ten free 90-minute campus parking spaces near the gymnasium (to reduce the number of gymnasium visitors who might park along Arden Road); 2) Requiring that all future construction contractors and their employees and subcontractors be contractually required to use on-

campus parking; 3) Instructing contractors operating the vending service at the Athenaeum to park guests vehicles on campus spaces; and 4) Calling the City's parking enforcement if cars were reported or observed parked in red zones on neighboring streets, especially near driveways (Attachment G). Also consistent with the Master Plan parking strategy, Caltech has constructed sufficient parking to replace surface parking consumed by the construction of new facilities, and to meet the parking demand for future buildings.

Implementation of the above measures has relieved Caltech related parking in the neighborhood. With the expansion of the Preferential Permit Parking zone, Transportation staff has observed the elimination of non-local parking intrusion in the neighborhood. Also, no complaints about Caltech's parking have been received by City staff. Overall, Caltech's parking issues no longer justified the proposed modification to the CUP. Further, with the changed conditions, the Board of Zoning Appeals finding (that Caltech patrons were parking on the surrounding residential streets) can no longer be made; therefore, staff recommends that the City Council reaffirms the CUP as originally approved by the Hearing Officer in October 2003.

## **BACKGROUND**

On August 11, 2003 an application for a Conditional Use Permit was submitted by the California Institute of Technology (Caltech) to allow for the development of a three-level, fully subterranean parking structure of up to 700 parking spaces, and a Thermal Energy Storage (TES) system under the athletic field south of California Boulevard. On October 1, 2003, the case was heard and approved by the Hearing Officer.

The parking structure was completed in 2005 and is currently being utilized by patrons of Caltech (student, faculty, and visitors). The parking structure has been in operation since April 2005. In October 2005, Caltech implemented a parking fee for staff, faculty, and students utilizing all parking facilities on the campus. It appears that due to the fee requirements in new construction by Caltech, patrons and construction workers are choosing to park on the surrounding streets.

At the April 10, 2006 Design Commission hearing for the development of the Cahill Center for Astronomy and Astrophysics building (south of California Boulevard between Wilson Avenue and Arden Road), several residents expressed concern that if the 68-space parking lot would be removed for the new development, staff, faculty, and students of Caltech may park in the surrounding residential neighborhood. The Department of Transportation has also received letters and complaints that while the parking structure south of California Boulevard has been completed and in operation, patrons of Caltech continues to park on neighboring residential streets (Lombardy, Holladay, and Arden Roads).

As a result of these complaints and the fact that patrons of Caltech are parking on neighboring residential streets and not the parking structure, the Zoning Administrator called for a public hearing in front of the Hearing Officer to review whether there is

reasonable ground to require additional review of the application and modification of the conditions of approval for CUP #4253.

### **Modification of Existing Conditions**

According to Section 17.78.090 of the Zoning Code, a hearing is scheduled before the review authority which originally approved the permit if the Zoning Administrator finds that there are reasonable grounds for revocation or modification of a discretionary permit. Also Condition #2 of the CUP #4253, allowed the Zoning Administrator to schedule a notice public hearing at any time to review compliance with the conditions of approval, or modify existing conditions (Attachment C).

On June 21, 2006, a hearing was held in front of the Hearing Officer to review the conditions of approval of CUP #4253. At that hearing, several residents spoke about the parking problems on the neighboring residential streets and the need to develop a plan to require the full use of the new parking structure that would alleviate on-street parking on residential streets. The residents believed that the caused of the on-street parking problem was the new fee implemented by Caltech to park in its parking facilities. The Hearing Officer recommended approval of staff's recommendation to modify the CUP #4253 with added conditions (Attachment B). These conditions required that Caltech meet with the neighbors and address the parking situation in developing a plan that will insure the use of the new parking structure on the campus. Subsequent to the hearing, the decision was appealed by Caltech to the Board of Zoning Appeals (BZA).

### **Board Of Zoning Appeals Action**

On September 20, 2006, the Board of Zoning Appeals heard the case. At that hearing the BZA voted 5-0 to uphold the Hearing Officer's decision to modify CUP#4253 with the following actions. See also Attachment D.

1. Acknowledge the Environmental Determination that the 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 1, §15301, Existing Facilities, and §15321, Enforcement Actions by Regulatory Agencies).
2. Adopt the findings as shown in Attachment A and approve the modifications to the Conditions of Approval for Conditional Use Permit #4253 (CUP #4253) as shown in Attachment B, Conditions #10, 11, and 12.

On October 9, 2006, the City Council decided to call for review the CUP #4253 to set a future meeting date. At that meeting, the Council directed Caltech to meet with the neighbors in resolving the parking problems on neighboring residential streets.

## **Caltech - Neighborhood Meetings**

Caltech has held several neighborhood meetings to address the parking problems on the neighboring residential streets. At the September 14, 2006 meeting, Caltech presented to the neighbors the parking strategy changes that had been undertaken, in addition to the reasons why some suggested changes by the neighbors could not be pursued (Attachment E).

On March 5, 2007, Caltech hosted a neighborhood meeting to review the status of parking impacts in neighborhoods south of the Caltech campus and the steps that have been taken to resolve those impacts. At that meeting, Caltech also informed the residents that the preferential permit parking zone was expanded and approved by the City Council.

## **EXPANSION OF EXISTING PREFERENTIAL PARKING DISTRICT (DISTRICT C)**

On December 18, 2006, the City Council adopted a resolution to expand the Preferential Parking District, District C, on the south and southeast side of the Caltech campus. These streets include:

1. North and south sides of Arden Road between Wilson and Hill Avenues;
2. East and west sides of Rosalind Road between Arden Road and the south City Limit;
3. East and west sides of Cameron Drive between Arden Road and the south City Limit;
4. East and west sides of Holladay Road between Lombardy Road and the south City Limit; and
5. North and south sides of Lombardy Road between Arden Road and Hill Avenue (Attachment F).

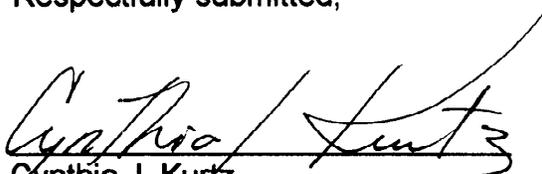
## **UTILIZATION OF THE SOUTH CALIFORNIA BOULEVARD PARKING STRUCTURE**

Caltech has stated that they have documented the growing utilization of the parking structure. The average weekday peak utilization rate for the 682-space parking structure (15 handicapped were excluded) was calculated for February 2006 and February 2007. In February 2006, the utilization rate was 50% and increased to 59% in February 2007. The resulting planned surplus will accommodate the new Astronomy and Astrophysics (Cahill Center) building construction contractors' vehicles, which are required to be parked on campus and which grows to 125 vehicles by late 2007, and the relocation of some long-term student spaces from elsewhere on campus. By late 2007, Caltech has estimated that the utilization should increase to roughly 80% for the duration of the Cahill Center construction. Staff will continue to monitor the parking situation in the neighborhood, and Caltech has committed to continue its effort to alleviate neighborhood parking problems.

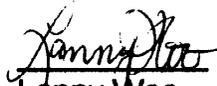
**FISCAL IMPACT**

If the recommendation is approved, there may be a minor fiscal impact associated with the monitoring of conditions by the City Code Compliance Section. The application fees collected for this project are intended to cover the additional workload that results from this project.

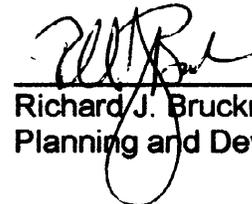
Respectfully submitted,

  
Cynthia J. Kurtz  
City Manager

Prepared by:

  
Lanny Woo  
Associate Planner

Approved by:

  
Richard J. Bruckner, Director  
Planning and Development Department

Attachments:

- A. Finding of Fact for Conditional Use Permit #4253
- B. Modifications to Conditions of Approval for Conditional Use Permit #4253
- C. Original Conditions of Approval for Conditional Use Permit #4253
- D. Decision Letter, Board of Zoning Appeals September 22, 2006
- E. Letter to the Caltech Neighbors, September 6, 2006
- F. Map of Preferential Permit Parking Program Expanded Boundary (District "C")
- G. Caltech's Letter to the City Council, March 23, 2007
- H. Measures Undertaken by Caltech