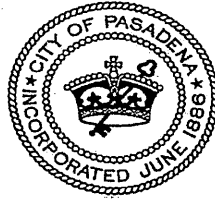


ATTACHMENT D
BOARD OF ZONING APPEALS STAFF REPORT
DECEMBER 16, 2015



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: DECEMBER 16, 2015
TO: BOARD OF ZONING APPEALS
FROM: KELVIN PARKER, PRINCIPAL PLANNER/ZONING ADMINISTRATOR
SUBJECT: APPEAL OF HEARING OFFICER'S DECISION:
CONDITIONAL USE PERMIT #6116 – 325 SOUTH OAK KNOLL AVENUE

RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

1. Adopt the Environmental Determination that the proposed project is 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, Class 1 §15301, Existing Facilities); and
2. Uphold the Hearing Officer's decision and approve Conditional Use Permit #6116.

EXECUTIVE SUMMARY:

On October 7, 2015, the Hearing Officer considered, at its regularly noticed hearing, Conditional Use Permit #6116. The request was to allow the establishment of a Parks and Recreation Facilities land use in the McKinley School gymnasium. Specifically, the Conditional Use Permit would allow the City of Pasadena's Department of Human Services and Recreation to use the gymnasium after school hours and on the weekends.

Staff's recommendation to the Hearing Officer was to approve Conditional Use Permit #6116. Specifically staff found that the proposed activities are consistent with activities that typically occur at a school. All activities would occur inside the gym, mitigating any potential noise impact. The hours of operation would be consistent with the surrounding multi-family uses, and the use of the gymnasium by the City would provide recreation opportunities the nearby residents. At the conclusion of the meeting, and after hearing public testimony, the Hearing Officer approved Conditional Use Permit #6116 (Attachment C).

On October 19, 2015, Hak Twenty-Eighth Street Corporation submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing a disagreement with the decision of the Hearing Officer. The hearing before the Board of Zoning Appeals is a *de novo* hearing where

the Board has no obligation to honor the prior decision and has the authority to make an entirely different decision.

Staff recommends that the Board of Zoning Appeals uphold the Hearing Officer's October 7, 2015 decision and approve Conditional Use Permit #6116 (Attachment A).

SITE BACKGROUND:

Existing Site Characteristics:

McKinley School is a Kindergarten through 8th grade school located on the city block bounded by Del Mar Boulevard on the north, El Molino Avenue to the west, and Oak Knoll Avenue to the east. The gymnasium at the McKinley School was recently reconstructed in addition to other improvements to the school campus. The gymnasium is approximately 14,000 square feet in size and is located along El Molino Avenue, south of the on-site parking lot containing 60 parking spaces.

Adjacent Uses:

North – Multi-Family Residential
South – Multi-Family Residential
East – General Commercial
West – Multi-Family Residential

Adjacent Zoning:

North – RM-48 HL-40(45) (Multi-Family Residential, 0-48 units/acre, 40-Foot Height Overlay District)
South – RM-48 HL-40(45) (Multi-Family Residential, 0-48 units/acre, 40-Foot Height Overlay District)
East – PD-24 (South Lake Avenue Development)
West – RM-32 HL-36 (Multi-Family Residential, 0-32 units/acre, 36-Foot Height Overlay District)

Project Description:

On February 21, 2012, the City Council approved an addendum to the Joint Use Facilities Agreement between the City of Pasadena and the Pasadena Unified School District for the construction and use of the McKinley School Gymnasium. One of the conditions of the approval of the addendum requires the City to obtain the required Conditional Use Permit.

As such, the City of Pasadena Human Services and Recreation Department submitted a Conditional Use Permit application to allow the establishment of a Parks and Recreation Facilities land use at the McKinley School gymnasium. The request would allow the City to utilize the gymnasium during after school hours and on the weekends. Activities and programs proposed include: competitive organized youth and adult sports, practice, games, clinics, tournaments, adult and youth fitness classes, along with open gym time.

The City would utilize the gymnasium between the hours of 5:00 p.m. and 9:00 p.m. Monday through Friday, and from 8:00 a.m. to 5:00 p.m. Saturday and Sundays. The City estimates to

utilize the gymnasium 48-50 weeks per calendar year. The estimated number of participants varies depending on the activity or program, as described below:

- Fitness and dance classes draw between 25-50 participants.
- Leagues draw about 20-25 participants for practices and 45-50 per game and for clinics.
- Teams consist of up to 15 players plus up to 5 coaches/officials with one team for practice in the gym and 2 teams for games.
- Clinics range from 50-100 participants. (Clinics will be limited to 50 participants)
- Adult sports are coordinated after week-day peak hours to accommodate working schedules.
- It is anticipated that the bulk of youth practicing and playing games during the week after school from 5:00 p.m. to 6:00 p.m. will be from McKinley School.

Public Hearing

The application was presented to the Hearing Officer at a public hearing on October 7, 2015. Staff's recommendation to the Hearing Officer was to approve Conditional Use Permit #6116 since the proposed activities would be consistent with activities that typically occur at a school. All activities would occur inside the gym, mitigating any potential noise impact. The hours of operation would be consistent with the surrounding multi-family uses, and the use of the gymnasium by the City would provide recreation opportunities and open space to the nearby residents.

At the hearing, four speakers expressed concerns regarding the use of the school gymnasium by the City's Human Services and Recreation Department. The concerns raised at the public hearing were:

- Safety concerns for the students as the use of the gymnasium would allow the general public on the school grounds;
- The environmental determination since the gymnasium is newly constructed and currently not in use. Specifically, the environmental determination states that the gymnasium is existing;
- That the school children should have an opportunity to utilize and enjoy the new gymnasium before it is open for public use;
- Parking and traffic concerns;
- Conflict between the programs and activities proposed with the school sponsored events; and
- Concerns regarding the safety of the immediate neighborhood due to the unknown type of crowd the proposed programs and activities would attract to the neighborhood.

Safety Concerns

Staff from Department of Human Services and Recreation (applicant) explained that the programs and activities would be limited to the gymnasium only and parking for the use of the gymnasium would occur mostly on the parking lot adjacent to the gymnasium, therefore the general public could not access to the remainder of the school campus. For tournaments, parking would occur at the Pasadena Unified School District parking lots located at 380 South Oak Knoll Avenue and 351 South Hudson Avenue, which are both located across South Oak Knoll Avenue. During tournaments, signs would be placed surrounding the site guiding the participants to the gymnasium and the applicant would patrol and monitor the surrounding area.

Regarding the safety concerns of the immediate neighborhood, the applicant explained that the Department hosts similar programs and activities throughout the City at other school campus and these activities programs have not been detrimental to the neighborhoods.

Environmental Determination

Zoning staff found that although this particular gymnasium is newly constructed, a gymnasium existed on campus. At the Pasadena Unified School District's Board of Education meeting of June 10, 2010, the Board of Education found that the renovation of the McKinley School campus, of which the construction of the new gymnasium is a portion of that plan, is 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, Class 14 (Minor Additions to Schools).

Zoning staff found that the use of the gymnasium after school hours and on the weekends is considered a negligible expansion of the use of the gymnasium. The School District is able to hold tournaments on the weekends without further review and approval. Similarly, the School District is able to utilize the gymnasium for after school programs without any further review and approval. Therefore, the use of the gymnasium by the City for similar activities constitutes a negligible increase of the use of the gymnasium.

Use of the Gymnasium

In regards to the comment that the school children should have an opportunity to utilize the gymnasium prior to the general public, the Addendum to the Joint Use Agreement appropriated funding for the construction of the new gymnasium. The funding for the gymnasium would be appropriated upon the approval of the Conditional Use Permit.

Parking and Traffic Concerns

As part of the proposed project, a traffic assessment was prepared by the City's Department of Transportation on July 2, 2015. The assessment estimated that the project would generate an estimated 280 weekday daily trips and 50 PM peak hour trips during the weekdays, and an estimated 590 weekend daily trips and 50 Mid-day peak hour trips.

The project-related vehicular increases in average daily traffic counts (ADT) along access or neighborhood connector street types are expected to exceed the street segment caps along Oak Knoll Avenue between Del Mar Boulevard and California Boulevard during the weekend activities. Therefore, the Department of Human Services and Recreation was required to develop and implement a targeted plan with input from the affected residents, council districts, and the Department of Transportation to encourage use of non-vehicular modes by patrons, and implement measures to discourage use of residential streets to-and-from the project site.

To satisfy this condition, an Event Management Plan was prepared by KOA Corporation in August 2015, concluding that with the implementation of these recommendations, the events held at the gymnasium by the City's Department of Human Services and Recreation should provide adequate circulation with minimal intrusion to the adjacent residential neighborhoods:

- Provide circulation maps for all users
- Temporary parking / traffic signage placement
- Continued coordination, monitoring and evaluation of the Event Management Plan

The primary goal of the plan is to provide traffic circulation and parking management strategies to better manage the events proposed to be held by the City at the McKinley gymnasium in order to minimize any potential traffic intrusions to the residential neighborhoods. Staff from the Department of Transportation, Department of Human Services and Recreation, Council Representative, and nearby residents met to discuss the Plan. Subsequently, the event management plan has been reviewed and approved by the City's Department of Transportation.

Conflict with School Sponsored Events

In order to address the concern regarding the conflict of the use of the gymnasium by the public with the school sponsored events, the applicant explained that the schedule for the programs and activities are coordinated with the after school sponsored events. The Hearing Officer added a condition of approval to require the Department of Human Services and Recreation to coordinate with the Pasadena Unified School District to ensure no conflicts occur.

At the conclusion of public testimony, the Hearing Officer approved the Conditional Use Permit #6116. This decision was based on the findings and the conditions of approval in Attachment C (Decision Letter) to this report. Furthermore, the Hearing Officer has provided an addendum with justification for the approval of the Conditional Use Permit (Attachment E).

On October 19, 2015, Hak Twenty-Eighth Street Corporation submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing a disagreement with the decision of the Hearing Officer. The effect of an appeal is that the prior decision of the Hearing Officer is vacated. The hearing before the Board of Zoning Appeals is a *de novo* hearing where the Board has no obligation to honor the prior decision and has the authority to make an entirely different decision.

The appellant cited the following issues as the basis for his appeal:

- Environmental Determination;
- Crowd control during tournaments;
- Concern of what could happen if a large crowd of spectators attend the events and are not be allowed to enter the tournament due to the condition limiting the number of participants to 100;
- Concern that the presence of a large crowd of unknown individuals in the neighborhood would make the streets unsafe;
- Registration for the events; and
- Parking.

Staff from Zoning Section and the applicant met in person and spoke on the telephone with the appellant a number of times to understand his concerns, explain, and clarify the programs and activities proposed, and explain how the conditions of approval address his concerns.

As discussed earlier, staff is of the opinion that the use of the gymnasium by the Department of Human Services and Recreation Department would constitute a negligible expansion of the gymnasium use since the activities and programs proposed are similar to the activities and programs that would otherwise occur at the gymnasium. The School District is able to hold tournaments on the weekends without further review and approval. Similarly, the School District is able to utilize the gymnasium for after school programs without any further review and approval. Therefore, the use of the gymnasium by the City for similar activities constitutes a negligible increase of the use of the gymnasium.

During the meetings with the appellant, the applicant explained to the appellant that staff from the Department of Human Services and Recreation is present at tournament events to patrol

and monitor the surrounding areas of the school to ensure crowd control and ensure the participants are parking at the designated locations.

Regarding the appellant's concern regarding the users' registration for the activities and programs proposed at the gymnasium, the applicant explained that some events would require registration, however during open gymnasium hours the users are not required to register.

The appellant expressed concerns about street parking, and staff explained that the event attendees would be required to park in designated parking lots. Flyers and information about the location of the designated parking would be included in the event information. Signs would also be posted on the designated parking lots. Conditions of approval have been added to the ensure the signs are posted, and during the larger events staff from Department of Human Services and Recreation would monitor the area to ensure participants are parking in the designated parking lots.

GENERAL PLAN CONSISTENCY:

As conditioned, the proposed recreation facility use is consistent with General Plan Land Use Element Policy 16.7: Shared Facilities, which encourages the sharing of facilities between various public service providers, as well as those offered by private entities, such as the joint use of school play areas for recreation, school facilities for child and after school day care, and libraries for civic and cultural events.. The use of the existing gymnasium as a recreation facility by the City's Human Services and Recreation Facility would provide the public and nearby residents with recreational opportunities and open space in a park-deficit area of the City while sharing an existing facility at a school.

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, Class 1 §15301, Existing Facilities). Section 15301 applies to the operation and permitting of uses in existing structures where there is negligible or no expansion of the use. The existing gymnasium is currently being used as a recreation facility by the School District and the additional use during after school hours and on the weekends is considered a negligible expansion of the use.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Conditional Use Permit to allow the establishment of a parks and recreation facility at the McKinley School gymnasium can be made. The proposed activities are consistent with activities that typically occur at a school. All activities would occur inside the gym, mitigating any potential noise impact. The hours of operation are consistent with the surrounding multi-family uses, and the use of the gymnasium by the City would provide recreation opportunities and open space to the nearby residents. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

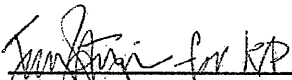
RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

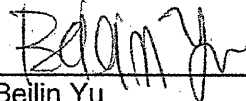
1. Adopt the Environmental Determination, that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities); and
2. Uphold the Hearing Officer's decision and approve Conditional Use Permit #6116.

Respectfully Submitted,

Prepared By:



Kelvin Parker
Principal Planner/Zoning Administrator



Bellin Yu
Planner

Attachments:

- Attachment A – Zoning Administrator Recommended Specific Findings
- Attachment B – Recommended Conditions of Approval
- Attachment C – Hearing Officer Decision Letter (October 7, 2015)
- Attachment D – Appeal Application (October 17, 2015)
- Attachment E – Hearing Officer Addendum

ATTACHMENT A
ZONING ADMINISTRATOR RECOMMENDED
FINDINGS FOR CONDITIONAL USE PERMIT #6116

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 proposed Parks and Recreation Facility use is allowed subject to the review and approval of a Conditional Use Permit in the PS (Public/Semi-Public) Zoning District. As detailed in this report, the proposal is to establish a use which is complimentary to the surrounding and that will not conflict with the provisions of the Zoning Code, which includes, but not limited to compliance with the hours of operation as well as parking requirements. As such the proposal will comply with all applicable provisions of the Zoning Code.

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 subject site is located in the PS (Public/Semi-Public) Zoning District. The PS District is intended to provide a specific base zoning district for large public or semi-public land uses. A Parks and Recreation Facilities use is included in the Public/Semi Public use classification, which are generally operated by public agencies. The proposed Parks and Recreation Facilities will be operated by the City's Human Services and Recreation Department to provide recreation opportunities to the nearby residents by jointly using an existing school gymnasium. The joint use of a facility is consistent with the intent of the PS 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.* General Plan Land Use Element Policy 16.7: Shared Facilities encourages the sharing of facilities between various public service providers, as well as those offered by private entities, such as the joint use of school play areas for recreation, school facilities for child and after school day care, and libraries for civic and cultural events. The use of the existing gymnasium as a recreation facility by the City's Human Services and Recreation Facility would provide the public and nearby residents with recreational opportunities and open space in a park-deficit area of the City, while sharing an existing facility at a school.

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 activities are consistent with the activities that typically occur on a school campus, such as practices, games, and recreation classes. All proposed activities will occur within the gymnasium, therefore mitigating any potential noise impact from the activities. The proposed hours for the gymnasium use by the City are consistent with the limited hours established in the Zoning Code, and therefore are consistent with the surrounding multi-family residential uses.

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.* The parking for the programs and activities hosted by the City's Human Services and Recreation Department can mostly be accommodated on-site, at the parking lot containing 60 spaces located adjacent to the north of the gymnasium. For some of the weekend activities, additional parking would be accommodated in the parking lots adjacent to the east of the school site. With the implementation of the recommendation in the Event Management Plan dated August 2015, minimal impact to the surrounding residential uses is expected.

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 in that the proposal does not convey an overdeveloped appearance in this area. No physical improvements to the gymnasium is proposed or approved as part of this Conditional Use Permit.*

**ATTACHMENT B
RECOMMENDED CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT #6116**

The applicant or successor in interest shall meet the following conditions:

1. The proposed project shall substantially conform to the site plan submitted with this application and dated "Received at Hearing October 7, 2015", except as modified herein.
2. The approval of this application authorizes the establishment of a Parks and Recreation Facilities land use at the McKinley gymnasium. This approval authorizes the City of Pasadena, Human Services and Recreation Department to utilize the McKinley gymnasium to hold programs and activities.
3. 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 Conditional Use Permit if sufficient cause is given.
4. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
5. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
6. The proposed project, Activity Number **PLN2013-00485** is subject to Condition Mitigation Monitoring.

Planning Division

7. The hours of use of the gymnasium by the City of Pasadena Human Services and Recreation Department is limited to Monday through Friday from 5:00 p.m. to 9:00 p.m., and Saturday and Sunday from 8:00 a.m. to 5:00 p.m.
8. The events are limited to operate no more than 50 weeks per calendar year.
9. Activities include practice, games, clinics, and tournaments; fitness and dance classes, as well as competitive organized youth and adult sports.
10. The attendance at any given time shall not exceed 100 participants.
11. The on-site parking lot containing 60 parking spaces shall be available during all hours of operation.
12. All activities shall comply with the City's Noise Ordinance in Chapter 9.36 of the City's Municipal Code.

Fire Department

13. The use of the gymnasium shall comply with Fire and California Building Codes.

Building and Safety Division

14. Means of Egress (exiting): Provide occupant load calculations for all areas, and provide an exit plan. Identify exit separation and travel distance.
15. California Disabled Access Requirement: Project must be accessible to the disabled in accordance with Chapter 11B of the California Building Code.

Department of Transportation

16. Provide Circulation Maps for All Users - Easy-to-read maps will be uploaded onto the City and PUSD websites. They will also be distributed as flyers to the event patrons and neighborhood residents. Two key maps have been prepared as part of the event management plan and have been attached to this report:
 - A location map identifying the designated parking lots, vicinity roadways, street crossing, and bus stops. The map also shows 1/4 mile radius as walking distance to the site.
 - A close-up map showing the vehicular and pedestrian circulation paths to and from the gymnasium site. As illustrated, the vehicular traffic for the gymnasium will be mostly restricted in the segments of Oak Knoll Avenue and El Molino Avenue towards Del Mar Boulevard. On street parking should not be allowed for gymnasium users.
17. Temporary Parking/Traffic Signage Placement - Parking and guidance signs are needed to direct the gymnasium traffic to the off-street on-site parking lot and the overflow parking lots. The following provides recommendations of temporary signage to increase the gymnasium parking compliance.
 - During hours of operation, Human Services and Recreation staff should set A-frame signs at the entrances and exits of driveways directing vehicles to overflow lot and not to park on the street. A-frame signs with the appropriate directional signage at the driveway apron across from 427 El Molino Avenue shall be provided to help guide gymnasium patrons from the overflow parking lots to the gymnasium entrance.
 - Human Services and Recreation staff should place a notice at the entrance to the gymnasium "No On-street Parking Allowed". Staff should also have ample hardcopies of parking maps at the gymnasium to provide to patrons.
 - Human Services and Recreation should have at least 1 staff member at the El Molino Avenue driveway during the first two weeks upon opening of the gym, directing patrons to the overflow parking locations and not on-street parking. This includes providing the patrons with a hard copy of the directional map.
18. Coordination, Monitoring and Evaluation - Continued engagement through the implementation stages will make for a smoother experience.
 - Human Services and Recreation shall coordinate with the McKinley Principal that the Oak Knoll Avenue pedestrian path be open during the 3-4 yearly tournament events.
 - Human Services and Recreation staff shall send nearby residents gymnasium schedules and times of events.
 - Human Services and Recreation shall provide a weekend telephone number with a staffed person to respond to weekend issues.
 - In order to determine the success or failure of Event Management Plan, Human Services and Recreation shall monitor parking for the first two weeks once a month thereafter.
 - After 6 months of the gymnasium opening (June 2016), Human Services and Recreation shall provide an update to the Council Office that evaluates the Event Management Plan

and measures its effectiveness to determine if further action is needed. If additional recommendations are made by the Council Office, Human Services and Recreation should endeavor that these recommendations are met.

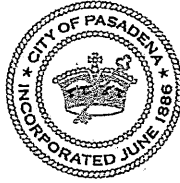
Conditions added at the Hearing

19. All activities and programs held by the City's Department of Human Services and Recreation shall be scheduled so they do not conflict with school sponsored events.

20. Prior to the first event, Human Services and Recreation Department shall submit a sign program as it relates to the parking and parking lots for review and approval by the Zoning Administrator.

21. At the conclusion of all City sponsored events, a staff member from the Department of Human Services and Recreation shall monitor the site and its surroundings and clean up any debris and trash.

**ATTACHMENT C
HEARING OFFICER DECISION LETTER**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

October 12, 2015

Kellee O'Rourke, Management Analyst IV
Human Services and Recreation Department
100 N. Garfield Ave, N256
Pasadena, CA 91101

Re: **Conditional Use Permit #6116**
325 S. Oak Knoll Ave
Council District #7

PLN2013-00485

Dear Ms. O'Rourke:

Your application for a **Conditional Use Permit** at **325 South Oak Knoll Avenue** was considered by the Hearing Officer on **October 7, 2015**.

CONDITIONAL USE PERMIT: To allow the establishment of a **Parks and Recreation Facilities land use in the McKinley School gymnasium, to allow the City of Pasadena to use the gymnasium after school hours and on the weekends.**

After careful consideration of this application, and with full knowledge of the property and vicinity, the Hearing Officer made the findings as shown on Attachment A to this letter.

Based upon these findings, it was decided by the Hearing Officer that the **Conditional Use Permit** be **approved** with the conditions in Attachment B and in accordance with submitted plans stamped **October 7, 2015**.

In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of the approval. This approval is eligible for two one-year extensions. Each one year extension is required to be reviewed and approved by the Hearing Officer at a noticed public hearing. In order for a project to be eligible for a time extension, the applicant is required to submit the required fee and time extension application to the Permit Center prior to the expiration date of the land use entitlement. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision **within ten days (October 19, 2015)**. The effective date of this case will be **October 20, 2015**. Prior to such effective date, a member of the City Council or Planning Commission may request

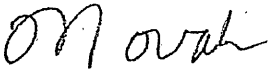
that it be called for review to the Board of Zoning Appeals. However, if there is a request for a call for review, the appeal period will continue to run. If the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The regular Appeal fee is \$272.95. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$136.48.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the appeal deadline has expired with the understanding that should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. A copy of this decision letter (including conditions of approval and any mitigation monitoring program) shall be incorporated into the plans submitted for building permits.

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, Class 1 §15301, Existing Facilities). Section 15301 applies to the operation and permitting of uses in existing structures where there is negligible or no expansion of the use. The gymnasium is used as a recreation facility by the School District, additional use during after school hours and on the weekends is considered a negligible expansion of the use.

For further information regarding this case please contact Beilin Yu at (626) 744-6726.

Sincerely,



Paul Novak
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C (site map)

xc: City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Enforcement-Jon Pollard, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6116

Conditional Use Permit – To allow the establishment of a Parks and Recreation Facilities land 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 proposed Parks and Recreation Facility use is allowed subject to the review and approval of a Conditional Use Permit in the PS (Public/Semi-Public) Zoning District. As detailed in this report, the proposal is to establish a use which is complimentary to the surrounding and that will not conflict with the provisions of the Zoning Code, which includes, but not limited to compliance with the hours of operation as well as parking requirements. As such the proposal will comply with all applicable provisions of the Zoning Code.
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 subject site is located in the PS (Public/Semi-Public) Zoning District. The PS District is intended to provide a specific base zoning district for large public or semi-public land uses. A Parks and Recreation Facilities use is included in the Public/Semi Public use classification, which are generally operated by public agencies. The proposed Parks and Recreation Facilities will be operated by the City's Human Services and Recreation Department to provide recreation opportunities to the nearby residents by jointly using an existing school gymnasium. The joint use of a facility is consistent with the intent of the PS 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.* General Plan Land Use Element Policy 16.7: Shared Facilities encourages the sharing of facilities between various public service providers, as well as those offered by private entities, such as the joint use of school play areas for recreation, school facilities for child and after school day care, and libraries for civic and cultural events. The use of the existing gymnasium as a recreation facility by the City's Human Services and Recreation Facility would provide the public and nearby residents with recreational opportunities and open space in a park-deficit area of the City, while sharing an existing facility at a school.
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 activities are consistent with the activities that typically occur on a school campus, such as practices, games, and recreation classes. All proposed activities will occur within the gymnasium, therefore mitigating any potential noise impact from the activities. The proposed hours for the gymnasium use by the City are consistent with the limited hours established in the Zoning Code, and therefore are consistent with the surrounding multi-family residential uses.
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.* The parking for the programs and activities hosted by the City's Human Services and Recreation Department can mostly be accommodated on-site, at the parking lot containing 60 spaces located adjacent to the north of the gymnasium. For some of the weekend activities, additional parking would be accommodated in the parking lots adjacent to the east of the school site. With

the implementation of the recommendation in the Event Management Plan dated August 2015, minimal impact to the surrounding residential uses is expected.

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 in that the proposal does not convey an overdeveloped appearance in this area.* No physical improvements to the gymnasium is proposed or approved as part of this Conditional Use Permit.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6116

The applicant or successor in interest shall meet the following conditions:

1. The proposed project shall substantially conform to the site plan submitted with this application and dated "Received at Hearing October 7, 2015", except as modified herein.
2. The approval of this application authorizes the establishment of a Parks and Recreation Facilities land use at the McKinley gymnasium. This approval authorizes the City of Pasadena, Human Services and Recreation Department to utilize the McKinley gymnasium to hold programs and activities.
3. 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 Conditional Use Permit if sufficient cause is given.
4. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
5. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
6. The proposed project, Activity Number **PLN2013-00485** is subject to Condition Mitigation Monitoring.

Planning Division

7. The hours of use of the gymnasium by the City of Pasadena Human Services and Recreation Department is limited to Monday through Friday from 5:00 p.m. to 9:00 p.m., and Saturday and Sunday from 8:00 a.m. to 5:00 p.m.
8. The events are limited to operate no more than 50 weeks per calendar year.
9. Activities include practice, games, clinics, and tournaments; fitness and dance classes, as well as competitive organized youth and adult sports.
10. The attendance at any given time shall not exceed 100 participants.
11. The on-site parking lot containing 60 parking spaces shall be available during all hours of operation.
12. All activities shall comply with the City's Noise Ordinance in Chapter 9.36 of the City's Municipal Code.

Fire Department

13. The use of the gymnasium shall comply with Fire and California Building Codes.

Building and Safety Division

14. Means of Egress (exiting): Provide occupant load calculations for all areas, and provide an exit plan. Identify exit separation and travel distance.
15. California Disabled Access Requirement: Project must be accessible to the disabled in accordance with Chapter 11B of the California Building Code.

Department of Transportation

16. Provide Circulation Maps for All Users - Easy-to-read maps will be uploaded onto the City and PUSD websites. They will also be distributed as flyers to the event patrons and neighborhood residents. Two key maps have been prepared as part of the event management plan and have been attached to this report:
 - A location map identifying the designated parking lots, vicinity roadways, street crossing, and bus stops. The map also shows 1/4 mile radius as walking distance to the site.
 - A close-up map showing the vehicular and pedestrian circulation paths to and from the gymnasium site. As illustrated, the vehicular traffic for the gymnasium will be mostly restricted in the segments of Oak Knoll Avenue and El Molino Avenue towards Del Mar Boulevard. On street parking should not be allowed for gymnasium users.
17. Temporary Parking/Traffic Signage Placement - Parking and guidance signs are needed to direct the gymnasium traffic to the off-street on-site parking lot and the overflow parking lots. The following provides recommendations of temporary signage to increase the gymnasium parking compliance.
 - During hours of operation, Human Services and Recreation staff should set A-frame signs at the entrances and exits of driveways directing vehicles to overflow lot and not to park on the street. A-frame signs with the appropriate directional signage at the driveway apron across from 427 El Molino Avenue shall be provided to help guide gymnasium patrons from the overflow parking lots to the gymnasium entrance.
 - Human Services and Recreation staff should place a notice at the entrance to the gymnasium "No On-street Parking Allowed". Staff should also have ample hardcopies of parking maps at the gymnasium to provide to patrons.
 - Human Services and Recreation should have at least 1 staff member at the El Molino Avenue driveway during the first two weeks upon opening of the gym, directing patrons to the overflow parking locations and not on-street parking. This includes providing the patrons with a hard copy of the directional map.
18. Coordination, Monitoring and Evaluation - Continued engagement through the implementation stages will make for a smoother experience.
 - Human Services and Recreation shall coordinate with the McKinley Principal that the Oak Knoll Avenue pedestrian path be open during the 3-4 yearly tournament events.
 - Human Services and Recreation staff shall send nearby residents gymnasium schedules and times of events.
 - Human Services and Recreation shall provide a weekend telephone number with a staffed person to respond to weekend issues.
 - In order to determine the success or failure of Event Management Plan, Human Services and Recreation shall monitor parking for the first two weeks once a month thereafter.
 - After 6 months of the gymnasium opening (June 2016), Human Services and Recreation shall provide an update to the Council Office that evaluates the Event Management Plan

and measures its effectiveness to determine if further action is needed. If additional recommendations are made by the Council Office, Human Services and Recreation should endeavor that these recommendations are met.

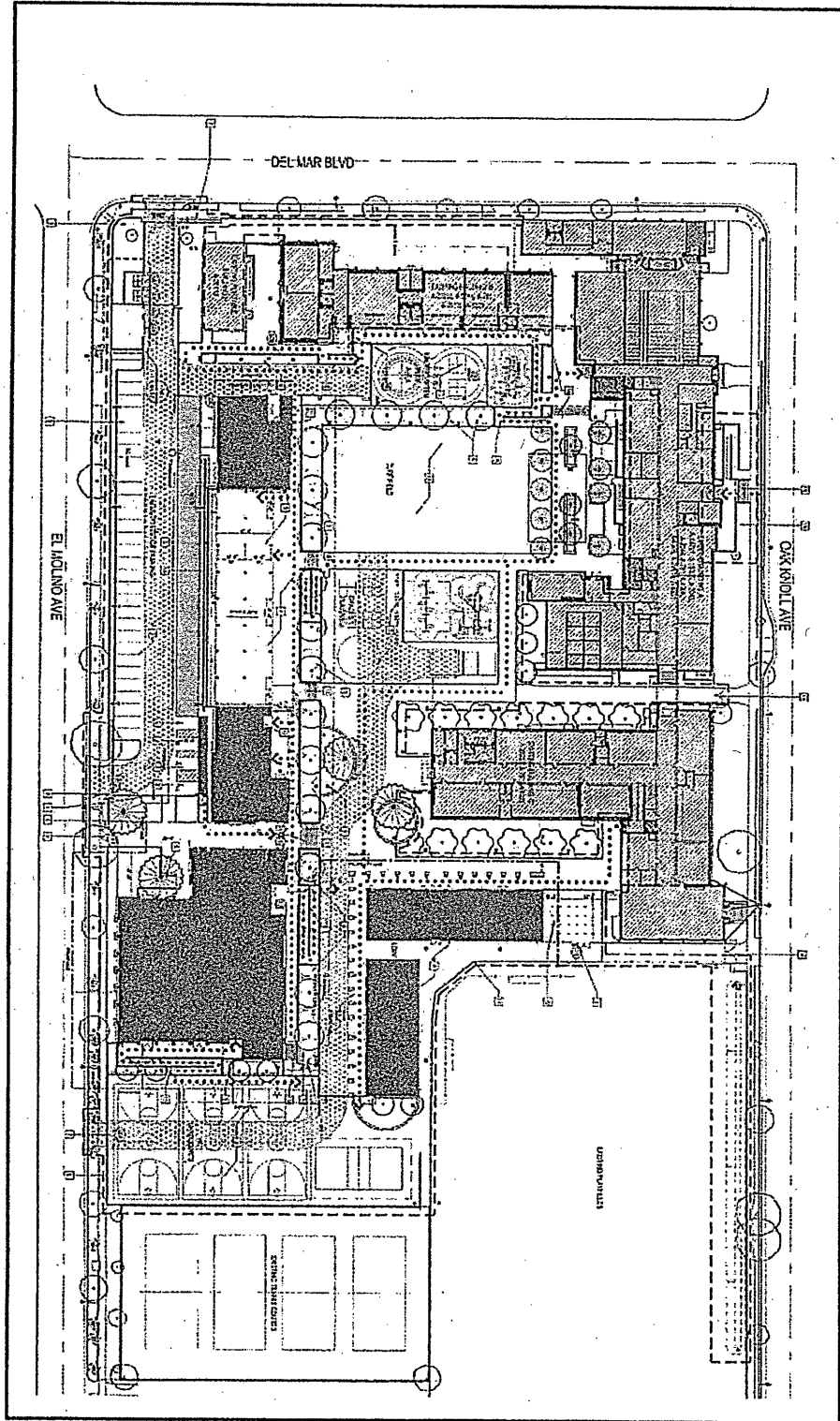
Conditions added at the Hearing

19. All activities and programs held by the City's Department of Human Services and Recreation shall be scheduled so they do not conflict with school sponsored events.

20. Prior to the first event, Human Services and Recreation Department shall submit a sign program as it relates to the parking and parking lots for review and approval by the Zoning Administrator.

21. At the conclusion of all City sponsored events, a staff member from the Department of Human Services and Recreation shall monitor the site and its surroundings and clean up any debris and trash.

ATTACHMENT C
SITE MAP



**ATTACHMENT D
APPEAL APPLICATION (OCTOBER 17, 2015)**



REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 325 S. ONE KNOLL (GYMNASIUM)

Case Type (MCUP, TTM, etc.) and Number: CUP #6116

Hearing Date: 10-7-15

Appeal Deadline: 10-19-15

APPELLANT INFORMATION

APPELLANT: THIRTY-EIGHTH STREET CORP. HOWARD KABAKOW

Telephone: (213) 797-2900

Address: PO Box 18410

Fax: []

City: ENCINO

State: CA

Zip: 91416-8410

Email: _____

APPLICANT (IF DIFFERENT): _____

I hereby appeal the decision of the:

Hearing Officer

Zoning Administrator

Design Commission

Director of Planning and Development

Historic Preservation

Film Liaison

CITY OF PASADENA
PERMIT CENTER
2015 OCT 19 PM 4:02

REASON FOR APPEAL

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

SEE ATTACHED BASILICALLY, INADEQUATE BASIS FOR WAIVER OF EIR + INADEQUATE MITIGATION

HOWARD KABAKOW
Signature of Appellant

10-19-15
Date

OFFICE USE ONLY		
PLN # <u>1015-00578</u>	CASE # <u>CUP #6116</u>	PRJ # _____
DESCRIPTION _____		
DATE APPEAL RECEIVED: _____	APPEAL FEES: \$ _____	RECEIVED BY: _____

To:
City of Pasadena
Planning & Community Development Department
Planning Division
175 N. Garfield Avenue
Pasadena, California 91101-1704

From:
HAK Twenty-Eighth Street Corporation, Appellant
PO Box 18410
Encino, California 91416-8410

Re:
Decision concerning Conditional Use Permit #6116
Planning File PLN2013-00485

Subject:
Appeal of Determination Letter and of Approval of Application

1. Standing:

Appellant is owner of a condominium unit located at 625 E. Del Mar Boulevard, at the corner of Del Mar and El Molino. Thus Appellant is an interested party.

2. General Objections:

Although no new construction is involved, under certain circumstances a change in the category of users under the new use, where it is likely to lead to a substantial change in the hardships affecting the neighbors, being in effect a substantial and not negligible change in use, is a valid reason to require an Environmental Impact Report. CRC 15301 (waiver applies to no or "negligible" change in use).

Here the change in use from a school facility used only by children, where every individual using the facility is under the direct and personal supervision of the school Principal, to a use permitting a large number of other people not known to nor under the supervision of the Principal nor, for that matter, of anyone else, can hardly be said to be negligible. There is no plan nor capability, for example, for vetting users of the facility to avoid the entry and attracting to the neighborhood of criminal elements. This is not a problem with school use, since the school is used only by registered students whose behavior both on campus and in the area surrounding the school is controlled by the principal. Moreover, the principal has the power to appropriately punish any misbehaving users of the facility when it is used only for school purposes. That can hardly be said to be true of unknown adults using the facility.

Therefore, an EIR should not be waived.

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CITY OF PASADENA
PERMIT CENTER

3. Specific Objections:

A. There is no description of the "tournaments" to be held. Since it appears from the application that "tournaments three to four times a year" would draw a larger than ordinary crowd, provisions should be made for crowd control.

B. While events are limited to 100 "participants" this term is undefined. Does that, for example, include spectators? What would happen if for a tournament or event of some interest to family and friends of participants, many teenagers from outside the area, several hundred spectators arrived and became angry when they could not be admitted. Under such circumstances, it would seem reasonably likely to expect damage in the neighborhood.

C. The streets around and just north of the school are generally populated by unescorted women walking their infants or dogs, the latter particularly during evening hours. The presence of a crowd or a large number of unknown individuals in the neighborhood may likely make these walks less appealing to such women, and also introduce an element of danger if the events are attended by the above-mentioned criminal element. No provisions have been made to increase security in the area surrounding the school, particularly during evening use. The City and the School District would clearly not want to be responsible for any violence nor harassment nor even fear of such difficulties affecting the neighborhood women.


D. There is no provision for registration of users, particularly for events.

E. The parking provisions are useless to the neighbors, since, despite the instructions given to participants, if a car is parked on the street, a parking officer has no way of determining whether it is a car of a gymnasium user or event participant, or the car of a neighbor or a neighbor's guest. This will be especially significant during weekends and evening hours, where many neighborhood residents entertain visitors.

CONCLUSION

The proposed change in use is obviously non-negligible with respect to its substance. The Appealed determination as written has a likely potential effect on the welfare of the neighborhood and neighbors. This project clearly requires a full environmental impact report. In addition, the other issues above should be addressed and realistic mitigations provided.

Respectfully submitted,
HAK TWENTY-EIGHTH STREET CORPORATION

By  , President

Telephone: (213) 747-2900

**ATTACHMENT E
HEARING OFFICER ADDENDUM**

I have reviewed the appeal of my original determination granting the CUP #6116 for the gymnasium at 325 South Oak Knoll Avenue.

This Addendum addresses, separately, each of the points raised in the appeal.

1. An Environmental Impact Report (EIR) should be required.

Although the appellant is correct that the nature of users is expanding, the fundamental use of the project (gymnasium) is unchanged. The Categorical Exemption is adequate and appropriate, and the appellant has not provided sufficient justification to warrant the preparation of an EIR.

2. There is "no plan nor capability . . . for vetting users of the facility and to avoid the entry and attracting to the neighborhood of criminal elements."

This line of appeal implies that there is a concerted effort to bring in some form of "criminal element" to use the gymnasium. The written record, as well as substantial testimony at the hearing, presented a very different characterization, that of a "neighborhood gymnasium" that would serve, largely, residents of Pasadena from existing after-school programs, senior citizen activities, youth athletic leagues, and day-care programs. The "criminal element" discussion, in and of itself, is a bit of a stretch . . . organized activities, sponsored by public and non-profit organizations, in a gymnasium based at a public school, would seem to be an unlikely "magnet" for a "criminal element."

3. "Provisions should be made for crowd control."

This portion of the appeal ignores Conditions 16-21—and, most especially, the Event Management Plan—which, collectively, institute numerous measures to address crowd control.

4. "No provisions have been made to increase security in the area surrounding the school, particularly during evening use"

As presented in the written record and testimony at the hearing, all of the events at the gymnasium are planned, scheduled, and organized by established public and non-profit organizations. The events are structured, staff, and monitored by adult leaders of such organizations. Additionally, Human Services and Recreation staff have certain oversight responsibilities, as outlined in the conditions of approval.

5. "No provision for registration of users, particularly for events."

Again, events at the gymnasium are structured, staff, and monitored by adult leaders of the organizations sponsoring each event. Events such as a dance or cheer competition, or a youth basketball tournament, are not "open to the public." These events involve weeks or months of planning, with advance registration required for participants. The appeal ignores the very nature of how such events are organized.

6. "Parking provisions are useless to the neighbors."

The parking requirements, as outlined in the conditions of approval, directly benefit the neighbors. The conditions include measures to insure that sufficient parking is available, that there is adequate signage to direct patrons to such parking, and that information about parking is communicated to users. All of these measures are intended to minimize the impacts of on-street parking associated with events at the gymnasium, which directly benefits individuals who live and work in the immediate vicinity of the gymnasium.

Conclusion

The appellant has failed to present adequate evidence in support of overturning the approval of CUP #6116.