

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 February 22, 2016", 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. There shall be as maximum of four tournaments per calendar year.
10. Activities include practice, games, clinics, and tournaments; fitness and dance classes, as well as competitive organized youth and adult sports. No boxing or adult soccer events shall be permitted.
11. The attendance at any given time shall not exceed 100 participants, except for four tournaments per calendar year.

12. The on-site parking lot containing 60 parking spaces shall be available during all hours of operation.
13. All activities shall comply with the City's Noise Ordinance in Chapter 9.36 of the City's Municipal Code.
14. 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.
15. 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.
16. At least 30 minutes prior to the start of a tournament event, and for at least 30 minutes after the conclusion of a tournament event, a staff member from the Department of Human Services and Recreation shall monitor and patrol the site and its surroundings. If necessary, the Police Department shall be contacted. Additionally, at the conclusion of all City sponsored events, a staff member from the Department of Human Services and Recreation shall clean up any debris and trash at the site and its surroundings.

Fire Department

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

Building and Safety Division

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

Department of Transportation

20. 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.

21. 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.

22. 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.

ATTACHMENT C
APPEAL APPLICATION OF BOARD OF ZONING APPEALS' DECISION
DECEMBER 28, 2015



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

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REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 325 S. ONE KNOLL AVE., PASADENA

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

Hearing Date: 12/14/2015

Appeal Deadline: 12/28/2015

RECEIVED
DEC 28 2015
BY: LXR

APPELLANT INFORMATION

APPELLANT: HAK TWENTY-EIGHTH STREET CORPORATION

Telephone: (213) 747-2900

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
- Design Commission
- Historic Preservation
- Zoning Administrator
- Director of Planning and Development
- Film Liaison

BOARD OF ZONING APPEALS

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 letter

HAK TWENTY-EIGHTH STREET CORPORATION

[Signature]
Signature of Appellant

12/28/2015
Date

* OFFICE USE ONLY

PLN # PLN 2015-00723 CASE # CUP 6116 PRJ # _____

DESCRIPTION _____

DATE APPEAL RECEIVED: 12/28/2015 APPEAL FEES: \$ 272.95 RECEIVED BY: LXR

APPEAL TO AND/OR REQUEST FOR CALL FOR REVIEW BY CITY COUNCIL OF
DECISION OF BOARD OF ZONING APPEALS CONCERNING CONDITIONAL USE
PERMIT #6116 AUTHORIZING AFTER SCHOOL, EVENING AND WEEKEND USES OF
THE GYMNASIUM AT MCKINLEY SCHOOL

December 28, 2015

Appellant: HAK Twenty-Eighth Street Corporation
PO Box 18410
Encino, California 91416-8410
Tel: (213) 747-2900

Appellee: Human Services and Recreation Department, City of Pasadena ("HSR")

Appellant is the owner of a condominium unit in Del Mar Court at 625 E. Delmar Blvd. Appellant's unit is in the corner of the building at the intersection of Del Mar Blvd. and El Molino Ave., substantially directly across the street from the subject Gymnasium and therefore has standing to raise this Appeal and/or Request for Call for Review.

Appellant respectfully requests the City Council consider this Appeal and/or Request for Call for Review of the Decision of the Board of Zoning Appeals as described in the Decision Letter, Exhibit 1 hereto, on the following grounds:

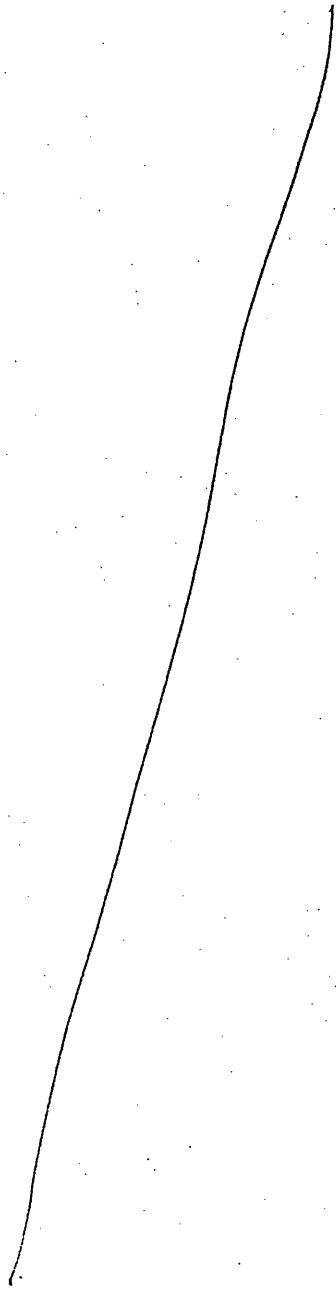
1. The Board of Zoning Appeals erroneously determined that "the project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act ["CEQA"], ... [particularly] ... California Administrative Code, Title 14, Chapter 3, Class 1 ... [Section] 15301, Existing Facilities". This determination was made on the basis the proposed use is "a negligible or no expansion of the [existing] use in an existing structure". (See Points and Authorities below for a skeleton legal argument).
2. The issue of number of attendees at the proposed events and the unenforceability of proposed parking arrangements were first raised by Appellant at the Planning Department's "Hearing Officer Hearing". The Planning Department responded to the attendance issue by reference to the Planning and Community Development Department's Staff Report, Exhibit 2 hereof, Attachment B, Paragraph 10, "the attendance at any given time shall not exceed 100 participants". Since the Paragraph is a bit ambiguous, the Appellant asked the staff members of HSR in the hallway after the hearing whether the attendance was to include both players and spectators in counting the 100 attendance limit. The staff members responded that both were included, so that not more than 100 people would be in the building at one time during events. The potential unenforceability of the parking arrangements was apparently disregarded by the hearing officer.
3. Appellant filed a timely Appeal of the Hearing Officer's Decision.

At a meeting between Appellant and various staff of Planning and HSR on December 1, 2015, subsequent to the initial hearing but prior to the hearing before the Board of Zoning Appeals, the

number of attendees was not in contention because of the prior assurance of HSR that the 100 attendees included both spectators and athletes. However, methods of counting the (presumably 100) attendees were discussed.

To Appellant's surprise, in response to a question from a member of the Board of Zoning Appeals, HSR responded that the "100 attendees" did not include potential spectators, and that HSR intended to allow up to the legal occupancy limit of the Gymnasium, 500 persons to be in the Gymnasium during events.

The apparent miscommunication among the HSR staff resulted in, presumably unintentional, misleading of the Appellant.



4. The surprisingly large number of proposed attendees at events would result in a serious security problem in an otherwise entirely residential area. It should be noted that commercial areas have a much higher level of private security than purely residential areas. Although the security provisions mentioned by Appellees at the private meeting were sufficient for 100 persons, they clearly were insufficient for 500 attendees. The result would be a potentially dangerous condition for an otherwise peaceful, quiet neighborhood. Noting that the events are not limited to K through 8 participants, and are intended to involve adult athletes in some events as well, it would seem likely the City does not wish to be responsible for the damage that can be done by such a large and possibly unruly crowd with very limited security (apparently proposed to be 2 or 3 Parks Department staff).

5. Several speakers in addition to the Appellant appeared at the Board of Zoning Appeals hearing, and were apparently outraged that the Appellee was requesting a use that clearly would make street parking impossible or extraordinarily inconvenient for their visitors, and inconvenient for residents themselves who often use street parking. It should be noted that the current school use employs no neighborhood parking, since the students, being K through 8th grade children do not drive and school staff presumably park in the school parking lot. There is no way to limit on attendees at Parks events to use only the proposed parking lots.

A proposed solution was limiting street parking to Permit Holders; however, that would inconvenience guests of the neighbors who would need to go through a "Rube Goldberg" procedure to obtain parking permits from their hosts, then park, then return after leaving their hosts' premises to return the permits. In addition, if a neighbor was having an evening meeting or party during the week, having perhaps a dozen guests he would need to have a large number of permits, which is impractical.

6. The aforesaid speakers also noted either at the hearing or in subsequent conversation that the late hours of the use, and the early hours of weekend use, would respectively result in significant evening and weekend morning noise in an otherwise quiet residential neighborhood.

7. The Appellee claimed at the hearing that no other school space was available for four "tournaments" per year proposed to be held at the Gymnasium. That is of course absurd. Pasadena has several high schools which could host the "tournaments" without disrupting neighborhood parking. Even if there is no technical agreement between the Appellee and those schools, surely an accommodation can be made by the School District with far less disruption than forcing the tournaments on neighbors of McKinley School.

8. As a general comment, Appellee appears determined to have its way even if it must do so by running roughshod over said neighbors. This is at best inconsistent with the generally friendly ambience of Pasadena.

MEMORANDUM OF POINTS AND AUTHORITIES

At the outset, it should be noted that due to the late delivery of the Decision Letter and the holiday weekend prior to the deadline for filing this Appeal and/or Request for Call for Review, there was little or no time (actually only one working day - the day before Christmas) to prepare

necessary legal arguments, not the 10 days as allowed by the ordinance. Accordingly, Appellant is not in a position to make technical legal arguments. However, briefly, as a general matter, laws are not interpreted individually when they are part of a body of law - they are interpreted in the context of the body of law.

Here, the mere fact that an existing building is proposed to be used for a purpose which can be partially described by the same wording as the existing use, in this instance, an exercise facility, does not make the proposed use substantially identical to the existing use as stated by the Decision Letter. Rather, the existing and proposed use must be compared in the context of the legal purpose of Environmental Impact Reports.

Here, the neighborhood parking situation and neighborhood safety, as well as the general livability of the neighborhood would be changed dramatically by the proposed use. Thus the proposed use, in the context of CEQA, can hardly be said to be a negligible change from the existing use.

Section 15301 can hardly be stretched to accommodate these changes - all of which are considered in EIRs - via a categorical exemption. Thus the waiver of an EIR cannot here be based upon Section 15301.

CONCLUSION

Appellant argues that the matter should be returned to the Planning Department to consider these factors in further detail and either concurrence of the neighbors, including specifically all the Homeowners' Associations, on these issues (when transparently presented) or an EIR should be ordered.

Appellant further requests an extension of time beyond the ten day limit to cure any technical deficiency in this Appeal and/or Request for Call for Review.

As a final comment, perhaps it should be suggested to the Appellee that these matters should be decided not adversarially, but by reasonable concurrence of all concerned. Such a use as Appellee is proposing will affect property values and quality of life for everyone in the neighborhood, and, although a few neighbors may use the facility, the likelihood is that virtually every neighbor will be negatively affected. The Appellee should be directed to finding ways to ameliorate these negative effects to the extent possible, rather than "winning" unilaterally.

Respectfully,

HAK Twenty-Eighth Street Corporation

by *H. Kabakow*
H. Kabakow, President