

ATTACHMENT E
APPEAL APPLICATION OF HEARING OFFICER'S DECISION
OCTOBER 19, 2015



REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 325 S. OAK KNOLL (GYMNASIUM)
Case Type (MCUP, TTM, etc.) and Number: CUP #6116
Hearing Date: 10-7-15 Appeal Deadline: 10-19-15

APPELLANT INFORMATION

APPELLANT: HAK TWENTY-EIGHTH STREET CORP. Telephone: (213) 797-2900
Address: PO BOX 18410 Fax: []
City: ENLINO 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

CITY OF PASADENA
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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 BASICALLY, INADEQUATE BASIS FOR WRIVER OF EIR & INADEQUATE MITIGATION

ASHE TRACY GIBSON ET ALIA vs. Delaney, Res. _____
Signature of Appellant Date 10-19-15

* 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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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

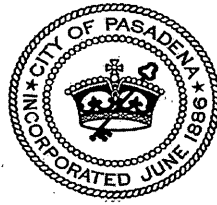
The proposed change in use is obviously non-negligible with respect to its substance. The Appealed determination as written has a likely potential effect on the welfare of the neighborhood and neighbors. This project clearly requires a full environmental impact report. In addition, the other issues above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

Respectfully submitted,
HAK TWENTY-EIGHTH STREET CORPORATION

By  , President

Telephone: (213) 747-2900

**ATTACHMENT F
HEARING OFFICER'S STAFF REPORT
OCTOBER 7, 2015**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: October 7, 2015

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6116

LOCATION: 325 South Oak Knoll Avenue

APPLICANT: City of Pasadena
Human Services and Recreation Department

ZONING DESIGNATION: PS (Public / Semi-Public)

GENERAL PLAN DESIGNATION: Institutional

CASE PLANNER: Beilin Yu

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Conditional Use Permit #6116 with the conditions in Attachment B.

PROJECT PROPOSAL: Conditional Use Permit: To allow the establishment of a Parks and Recreation Facilities land use in the McKinley School gymnasium.

ENVIRONMENTAL DETERMINATION: 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 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.

BACKGROUND:

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)

Previous cases on this property: None

PROJECT DESCRIPTION:

The applicant, City of Pasadena Human Services and Recreation Department, has 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 is to 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 to 50 participants
- Leagues draw about 20 to 25 participants for practices and 45 to 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 to 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.

ANALYSIS:

The City's Zoning Code defines a parks and recreation facilities use as a noncommercial park, playground, or other recreation facility, and/or open space officially designated as a public park or recreation facility. Parks and recreation facilities are included as a public/semi-public land use, and consistent with subject site's PS (Public/Semi-Public) zoning district.

As described earlier in the report, McKinley School is 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 is located along El Molino Avenue, south of the on-site parking lot containing 60 parking spaces. McKinley School is surrounded by multi-family residential uses to the north, across from Del Mar Boulevard, as well as to the west, across from El Molino Avenue. Some of the multi-family residential uses are located across the street from the gymnasium.

Staff's review of a Conditional Use Permit to allow the establishment of a land use entails an analysis of whether the proposed location of the use would affect the general welfare of the surrounding property owners. In reviewing the proposed Conditional Use Permit to allow the use of the McKinley gymnasium as an after-school recreation facility by the City, staff finds that 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, mitigating any potential noise impact from the activities.

Furthermore, McKinley School is located in a park-deficit area of the City, and it is one of the few schools located within the Central District Specific Plan area. Residents in this area of the City have limited access to recreational opportunities and open space. By establishing a recreation facility at this gymnasium, the public and nearby residents will have access to recreational opportunities in this part of the City.

Hours of Operation

The proposed hours of operation would be from 5:00 p.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on weekends. Section 17.40.070 of the City's Zoning Code limits the hours of operation for commercial uses located within 150 feet of a residential zoning district to 7:00 a.m. to 10:00 p.m. Although public/semi-public uses, such as the proposed recreation facility, are not subject to the limited hours of operation, the proposed hours for the gymnasium use by the City is consistent with the limited hours established in the Zoning Code, and therefore consistent with the surrounding multi-family residential uses.

Parking:

The City's Zoning Code parking requirement for a parks and recreation facility is 2.5 parking spaces for every 1,000 square feet of gross floor area. For the use of the 14,000 square foot gymnasium as a parks and recreations facility, a total of 35 parking spaces are required. The on-site parking lot located just north of the gymnasium contains 60 parking spaces and satisfies the Zoning Code parking requirement for the parks and recreation facility.

However, because of the proposed programing, staff identified that more than 60 parking spaces may be required to accommodate some of the events, especially the events during the weekends. The Department of Human Resources and Recreation identified two additional parking lots located adjacent to east of the school campus able to accommodate the parking demand for some of the larger events. The Education Center and Rose City South lot contains

141 parking spaces, and the North lot located on Hudson Avenue and Del Mar Boulevard has 95 parking spaces. Based on the highest participant event, which is expected to have a maximum of 100 participants, staff is of the opinion that these additional parking lots, in conjunction with the parking spaces available on-site are able to accommodate the parking demand.

Traffic Assessment:

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 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 Complete Streets Plan with input from the affected residents, council districts and Department of Transportation to encourage use of non-vehicular modes by the project's 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 three recommendations below, 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
- Coordination, monitoring and evaluation

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.

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.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposal was reviewed by the Department of Transportation, Fire Department, Department of Public Works, Public Health Department, Building and Safety Section, Design and Historic Preservation (DHP) Section, and Police Department. The Department of Public Works, Public Health Department, Design and Historic Preservation (DHP) Section, and Police Department had no comments. Comments from Department of Building and Safety Section, Fire Department, and Department of Transportation are incorporated in Attachment B of this report.

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 will 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 will 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.

Attachments:

Attachment A: Specific Findings of Approval
Attachment B: Conditions of Approval

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.