

Agenda Report

February 29, 2016

TO: Honorable Mayor and City Council

FROM: Planning and Community Development Department

**SUBJECT: APPEAL OF THE BOARD OF ZONING APPEALS' DECISION ON
CONDITIONAL USE PERMIT #6116
325 SOUTH OAK KNOLL AVENUE (MCKINLEY SCHOOL)**

RECOMMENDATION:

It is recommended that the City Council:

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 Board of Zoning Appeals' decision and approve Conditional Use Permit #6116.

EXECUTIVE SUMMARY:

On December 16, 2015, the Board of Zoning Appeals considered at its regularly noticed hearing, an appeal of the Hearing Officer's decision to approve Conditional Use Permit #6116. The request would allow the City of Pasadena's Human Services and Recreation Department to utilize the gymnasium at the McKinley School during after school hours and on the weekends. At the conclusion of the public hearing, the Board of Zoning Appeals made a motion to uphold the Hearing Officer's decision to adopt the environmental determination and to approve the Conditional Use Permit #6116. The motion resulted in a 3-1 vote by the four members present.

On December 28, 2015, Hak Twenty-Eighth Street Corporation submitted an appeal application (Attachment C) to the City Council. The hearing before the City Council is a de novo hearing where the Council has no obligation to honor the prior decisions and has the authority to make an entirely different decision.

Staff recommends that the City Council uphold the Board of Zoning Appeal's December 16, 2015 decision and approve Conditional Use Permit #6116 (Attachment A).

BACKGROUND:

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, from 8:00 a.m. to 5:00 p.m. on Saturday, and from 9:00 a.m. to 5:00 p.m. on Sundays. The City estimates to utilize the gymnasium 48-50 weeks per calendar year. Of these weeks, only four weekends would be utilized to host tournaments. The estimated number of participants varies depending on the activity or program, as described below. A typical weeknight and weekend program would consist of less than 100 participants; only the four tournaments per calendar year may consist of 100 participants or more. The number of participants does not include the number of spectators.

- 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.

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. At the conclusion of the meeting, and after hearing public testimony, the Hearing Officer approved Conditional Use Permit #6116. On October 19, 2015, Hak

Twenty-Eighth Street Corporation submitted an appeal application (Attachment E) to the Board of Zoning Appeals.

Staff from the Planning Zoning Section and Human Services and Recreation Department met with the appellant a number of times prior to the Board of Zoning Appeals hearing to understand his concerns. As a result of these meetings, the Zoning Administrator clarified two conditions of approval. One condition of approval clarified that boxing and adult soccer events are not allowed; and another condition clarified that 30 minutes prior and after the tournament events, a staff member from the Department of Human Services and Recreation would be required to monitor and patrol the site and its surroundings.

On December 16, 2015, the Board of Zoning Appeals considered the appeal of the Hearing Officer's decision to approve Conditional Use Permit #6116. During the Board of Zoning Appeals hearing, in addition to the appellant, three people spoke against request. The applicant spoke in favor of the request. Those speaking in opposition to the request had the following concerns:

- Traffic and parking concerns,
- Start time of the events on the weekends, and
- Total number of attendants at events.

The applicant explained that the events and programs proposed at McKinley School are also held at different school campuses throughout the City. The events are well coordinated and monitored to ensure minimum impact on the surrounding neighborhoods.

In response to the public's and the Board of Zoning Appeals question regarding the number of attendants, the applicant explained that there would be a maximum of 100 participants, however, the newly constructed gymnasium has a maximum capacity of 500 people.

At the conclusion of the public hearing, the Board of Zoning Appeals made a motion to uphold the Hearing Officer's decision to adopt the environmental determination and to approve Conditional Use Permit #6116. That motion resulted in a 3-1 vote by the four members present.

On December 28, 2015, Hak Twenty-Eighth Street Corporation submitted an appeal application (Attachment C) to the City Council. The hearing before the City Council is a de novo hearing where the Council has no obligation to honor the prior decisions and has the authority to make an entirely different decision.

APPEAL OF BOARD OF ZONING APPEALS DECISION:

The appellant cited the following issues as the basis of his appeal of the Board of Zoning Appeals' decision:

- Environmental Determination;
- Number of attendees;
- Parking;
- Hours of operation and noise.

In regards to the appellant's opinion that an Environmental Impact Report is required for the use of the gymnasium by the Human Services and Recreation Department, 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.

In order to clarify the number of attendees at the gymnasium, staff from Human Services and Recreation Department explained that a typical weekday and weekend event would consist of less than 100 attendees. There will be a maximum of four tournaments per calendar year, and these four tournaments could draw 100 attendees or more.

Regarding the appellant's concerns about street parking, a typical week night or weekend program occurring at the gymnasium would not involve a large number of participants or attendees, and parking for the majority of the programs can be accommodated at the parking lot adjacent to the gymnasium. For the four scheduled tournaments per calendar year, the event attendees would be required to park in designated parking lots along Oak Knoll Avenue. 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 ensure the signs are posted, and during these four larger events staff from Department of Human Services and Recreation would monitor the area to ensure participants are parking in the designated parking lots.

The proposed hours of operation were originally proposed to 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. In order to address the concerns from adjacent neighbors, Sunday events would only start at 9:00 a.m. 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. All events and programs would also be required to comply with the City's noise Ordinance.

Based on these findings, Staff recommends that the City Council uphold the Board of Zoning Appeal's decision to approve the proposed Conditional Use Permit.

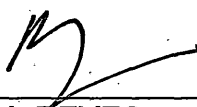
ENVIRONMENTAL ANALYSIS:

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.

FISCAL IMPACT:

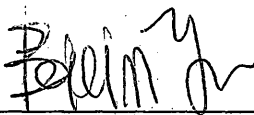
The cost of this action will be \$1,250,000. On February 21, 2012, when the City Council approved the addendum to the Joint Use Facilities Agreement between the City of Pasadena and the Pasadena Unified School District for the construction and use of the McKinley School Gymnasium, \$1,250,000 was appropriated from the General Fund Reserve for Designated Capital-Related Projects. This cost will be paid to the Pasadena Unified School District upon approval of the Conditional Use Permit.

Respectfully submitted,



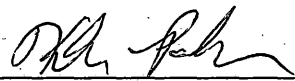
DAVID M. REYES
Interim Director of Planning and
Community Development

Prepared by:



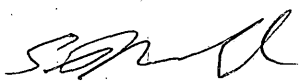
Beilin Yu
Planner

Reviewed by:



Kelvin Parker
Principal Planner

Approved by:



STEVE MERMELL
Interim City Manager

Attachments (6):

Attachment A – Specific Findings

Attachment B – Conditions of Approval

Attachment C – Appeal Application of Board of Zoning Appeals' decision dated December 28, 2015

Attachment D – Board of Zoning Appeals Staff Report dated December 16, 2015

Attachment E – Appeal Application of Hearing Officer's decision dated October 19, 2015

Attachment F – Hearing Officer Staff Report dated October 7, 2015