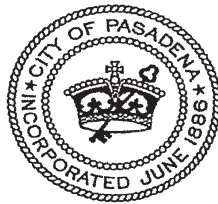


ATTACHMENT D
BOARD OF ZONING APPEALS STAFF REPORT
DATED FEBRUARY 15, 2017



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: FEBRUARY 15, 2017

TO: BOARD OF ZONING APPEALS

FROM: KELVIN PARKER, PRINCIPAL PLANNER/ZONING ADMINISTRATOR

SUBJECT: APPEAL OF HEARING OFFICER'S DECISION:
MODIFICATION TO EXPRESSIVE USE PERMIT #3537
490 EAST UNION STREET – PASADENA MUSEUM OF CALIFORNIA ART

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 Modification to Expressive Use Permit #3537.

EXECUTIVE SUMMARY:

On September 7, 2016, the Hearing Officer considered, at its regularly noticed hearing, Modification to Expressive Use Permit #3537. The request was to allow modifications to existing conditions of approval to allow 98 events per calendar year to occur on the open terrace located on the third floor of the existing structure. Of the proposed 98 events, 72 events would be large events with a maximum of 140 attendees at any one time and 26 events would be small events with a maximum of 75 attendees. The proposed hours for the events would be from 6:00 p.m. to 10:00 p.m. Sunday through Thursday, and 6:00 p.m. to 11:00 p.m. on Friday and Saturday. Additionally, a Minor Conditional Use Permit was also submitted to allow the off-site sharing of parking spaces located at 505 East Colorado Blvd. The proposed events would require a maximum of 77 parking spaces, while the subject site contains 35 parking spaces.

Staff's recommendation to the Hearing Officer was to approve with conditions Modification to Expressive Use Permit #3537 and Minor Conditional Use Permit, including a condition of approval limiting the number of large events to a maximum of 29 per calendar year, instead of the 72 large events proposed by the applicant. Specifically staff found that, with the limited number of large events, the proposed events would remain ancillary to the primary art gallery/museum use, while they would activate the surrounding area during the evenings by

promoting the Central District area of the City as a business activity area. Additionally, staff found that with the sharing of parking spaces, the number of attendees proposed could be accommodated off-site without resulting in an impact on the surrounding properties. Conditions of approval were recommended to limit the noise level in the open Event Terrace area in order to ensure their compatibility with the surrounding setting. At the conclusion of the meeting, and after hearing public testimony, the Hearing Officer approved Modification to Expressive Use Permit #3537, with the conditions as recommended by staff, including limiting the number of large events to 29 per calendar year (Attachment C).

On September 19, 2016, Strefan Fauble, on behalf of the Maryland Homeowner's Association, submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing disagreements 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 September 7, 2016 decision and approve Modification to Expressive Use Permit #3537 (Attachment A).

SITE BACKGROUND:

Existing Site Characteristics:

The subject site is a 12,650 square-foot rectangular lot, located on the south side of Union Street, east of Los Robles Avenue and west of Oakland Avenue. The site is developed with a three-story mixed-use building. The first level consists of a garage with 35 parking spaces, the second floor is an 11,850 square-foot gallery, and the third floor consists of a 5,420 square-foot single-family residence and a 6,400 square-foot open terrace. A private museum, the Pasadena Museum of California Art, operates on the second floor of the existing building.

Adjacent Uses:

North: Parking structure and Fuller Seminary
South: Parking lot and general commercial
East: Parking lot and general commercial
West: Parking lot and Pacific Asia Museum

Adjacent Zoning:

North: CD-3 (Central District Specific Plan, Walnut Housing subdistrict)
South: CD-4 (Central District Specific Plan, Pasadena Playhouse subdistrict)
East: CD-4 (Central District Specific Plan, Pasadena Playhouse subdistrict)
West: CD-4 (Central District Specific Plan, Pasadena Playhouse subdistrict)

Project Description:

Expressive Use Permit #3537 was approved in February 1999 to allow the establishment of a privately financed art gallery/museum, which was classified as a Commercial Entertainment land use. As part of the approval, nine conditions of approval were incorporated.

Specifically, condition #4 states: The hours of operation for the proposed art gallery/museum facility shall be from 10.00 am to 8:00 pm Wednesday through Sunday. Special public events in

the art gallery/museum, outside the above hours of operation, may occur not more than eight times a year

Further, condition #8 states: The maximum number of people allowed in the art gallery/museum during the hours of operation shall be 30 persons, except for special events and organized bus tours, which shall be limited to 40 persons.

The applicant, Bob Oltman, has submitted a Modification to Expressive Use Permit #3537 to modify the number of events and the number of attendees as outlined in the two existing conditions of approval above. The modification requests 98 events per calendar year as part of the existing art gallery/museum, of which 72 events would be large events consisting of a maximum of 140 attendees, and 26 events would be small events consisting of a maximum of 75 attendees. Of the 72 large events, 67 events would be rental events, such as private parties and weddings. The table below describes each type of event and which day of the week they would occur.

Type of Events (# attendees)	Small Events			Large Events			
	Family Day (75)	Educational (50)	Outreach (75)	Opening day (140)	Fundraising (140)	Rental (140)	
Weekday		5	1			10	16
Friday			1			10	11
Saturday	3	9	1	3	2	32	50
Sunday		4	2			15	21
Total per Type	3	18	5	3	2	67	98
Total per Size		26			72		

The proposed 72 large events are proposed to occur between 6:00 p.m. and 10:00 p.m. Sunday through Thursday, and 6:00 p.m. to 11:00 p.m. on Friday and Saturday. The 26 small events are proposed to occur mainly between 6:00 p.m. and 10:00 p.m., however some small events are proposed to occur during the weekday when the art gallery is closed to the public, such as on Monday from 9:00 a.m. to 11:00 a.m., and on Tuesday afternoons. No two events would occur at the same time on the same day, and the events would also not occur at the same time when the art gallery is open to the public. Although the hours of operation for the art gallery were approved to be between 10:00 a.m. to 8:00 p.m. Wednesday through Sunday, the current hours of operation are from 12:00 p.m. to 5:00 p.m. Wednesday through Sunday, except on the third Thursday of the month, when the art gallery is open from 12:00 p.m. to 8:00 p.m. A condition of approval is recommended that the events only occur when the art gallery is not open to the public to avoid any conflict with the operation of the art gallery.

The events are proposed to occur on the existing third floor of the structure and would include the new Event Hall/Gallery room which was previously part of the existing residential unit and measures 2,244 square feet, and the Event Terrace/Café, an existing open courtyard area, which measures 3,316 square feet. An additional 967 square feet is dedicated to the restrooms, pantry, storage, and refuse storage area. The total area used for the events would be 6,527 square feet. The remainder of the third floor space would remain as a single-family residence, measuring approximately 3,200 square feet.

A Minor Conditional Use Permit has also been submitted to allow the off-site sharing of parking spaces located at 505 East Colorado Boulevard. This parking lot is located just east of the subject site, on the southwest corner of Union Street and Oakland Avenue, and is part of the property located at 505 East Colorado Boulevard. This site is improved with a two-story

commercial building that is occupied by administrative business professional office and bank uses. The parking lot contains 58 parking spaces, 18 of which are in tandem configuration.

Public Hearing

The application was presented to the Hearing Officer at a public hearing on September 7, 2016. Staff's recommendation to the Hearing Officer was to approve with conditions Modification to Expressive Use Permit #3537. One recommended condition of approval limited the number of large events to a maximum of 29 per calendar year. Staff's recommendation was based on the fact that the events would be ancillary to the primary museum use, and the events would also be consistent with the Central District Specific Plan's purpose of accommodating a diverse mix of uses designed to create the primary business, financial, retailing, and government center of the City.

At the hearing, in addition to the applicant, two speakers spoke in support of the project, and four speakers expressed concerns regarding the proposed events. The concerns raised at the public hearing were:

- The number of events and the transformation of the use;
- Increase in traffic on a one-way street;
- Noise; and
- Parking.

At the conclusion of public testimony, the Hearing Officer approved Modification to the Expressive Use Permit #3537 with conditions, as recommended by staff. 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 September 19, 2016, Strefan Fauble, on behalf of the Maryland Homeowner's Association, submitted an appeal application (Attachment D) to the Board of Zoning Appeals citing disagreements 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 cites the following issues as the basis for his appeal:

- Finding that the project is exempt from CEQA;
- Disagreement that the increase in the number of events is ancillary to the main use;
- Project requires a noise study; and
- Traffic and parking problems.

APPEAL:

Exemption from California Environmental Quality Act (CEQA)

The appellant believes that the approved project by the Hearing Officer (55 events per calendar year) does not constitute a negligible expansion of the existing use, since the museum is currently approved to have eight events after hours with a maximum of 40 attendees at each event.

According to the applicant, since the opening of the art gallery/museum in 2002, its operation has expanded to include education programs for adults and children, with attendance between 25 to 100 attendees, outreach events with an attendance between 50 to 75 attendees, as well as family days with an attendance between 25 and 75 attendees. These events occur between 18 to 26 times per year. Additionally, five times per year the art gallery/museum hosts opening and fundraising events with an attendance between 150 to 200 people. Rental events with an attendance between 150 to 200 people have also occurred between 50 to 70 times since the opening of the art gallery/museum.

As such, the existing use currently consists of the art gallery/museum operation in addition to programs and events both related to the art gallery/museum as well as rental events. The modification requests approval of the programs and event which have been occurring at the site. The request consists of lower capacity events (less attendees) however with a higher frequency for the large rental events. Based on this existing condition, the proposed project would result in a negligible expansion of the use under CEQA. As a result, the project has been determined to be exempt from environmental review pursuant to CEQA. 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.

Events as Ancillary Use of the Museum

The appellant disagrees with the Hearing Officer that the approved 55 events would be ancillary to the art gallery/museum use. As described above, of the 55 events approved by the Hearing Officer, 26 events would be small events with a maximum attendance of 75 people, while 29 events would be large events with a maximum attendance of 140 people. All 26 small events would be related to the art gallery/museum operation, such as education programs, outreach events, and family days. Of the 29 large events, five events would also be related to the art gallery/museum operation, such as opening days and fundraising events. Of the approved 55 events, only 24 large events would be rental events, and not related to the art gallery/museum. This number of large rental events averages to two events a month. As such, staff is of the opinion that the approved events are considered ancillary to the art gallery/museum use.

Noise Study

The appellant argues that a noise study is required for the proposed increase in number of events and number of attendees as it has the potential to increase the ambient noise level by more than five decibels.

According to the adopted Noise Element of the City's General Plan, "noise generated by commercial operations, maintenance, truck deliveries and traffic can affect adjacent residential areas and other sensitive land uses. Future industrial and commercial development should generally be located away from existing and planned residential and other sensitive zones. Day and night activities and special events in the Central District and other mixed use areas are expected to generate urban noise throughout the year." Furthermore, Objective 6 of the City's Noise Element is "to minimize noise spillovers from commercial and industrial operations into adjacent residential neighborhoods and other sensitive uses, while maximizing the Land Use Element's objectives to encourage mixed-use development in the Central District and other Specific Plan areas as well as to promote economic vitality."

The subject property is located in the Central District Specific Plan, an area of the City where the urban noise is expected throughout the year. Residents living in the Central District Specific Plan are advised that they are living in an urban area and that noise levels may be higher than in a typical residential area.

The events are proposed on the third level of the existing structure, and would include the new Event Hall/ Gallery room which was previously part of the existing residential unit, and the Event Terrace/Café, an existing open courtyard area. Amplified music and sound may be utilized as part of some of the events.

The Event Terrace is open to the sky and to the west only. It is exposed to parking lots, the Pacific Asia Museum, commercial/retail uses and the normal inner-city noise level. Dining, speeches (amplified sound) and acoustic music, without amplification, would occur at the Event Terrace. The amplified music would be restricted to inside the Event Hall only and would be provided by a DJ for dancing. Dancing would not occur at the Event Terrace. Lastly, to further limit the noise impact of the events, a recommended condition of approval prohibits amplified sound on the Event Terrace after 10:00 p.m.

Additional conditions of approval are recommended restricting the noise level in the Event Terrace, limiting the hours of amplified sound in the Event Terrace, and restricting dancing in the Event Terrace. With the recommended conditions of approval, staff is of the opinion that the proposed events would be consistent with the City's Noise Element Objective 6.

Traffic and Parking

The appellant states that traffic increased significantly during the large events held by the art gallery/museum in the past. The appellant states that the curved design of East Union Street near the subject site contributes to the traffic problems that would increase with the frequency and intensity of the events. The appellant also believes that the large events would significantly impact the already inadequate street parking.

The Department of Transportation reviewed the request and determined that a Traffic Assessment is not required for the proposed modifications.

As part of the application, the applicant submitted a parking study that indicates that the maximum estimated parking demand during most of the events is 70 spaces. The study further states that typically, the parking supply would need to be approximately 10 percent more than the peak parking demand; hence the required parking supply for the events would be 77 spaces. This estimated parking demand is based on the proposed maximum number of 140 attendees.

In order to accommodate the parking required for the events, the applicant is proposing to utilize the existing parking spaces located at 505 East Colorado Boulevard in addition to the existing 35 parking spaces existing on ground level of the subject site. The parking lot at 505 East Colorado Boulevard is located to the east of the subject site, which is within the maximum 1,000 feet distance allowed within the Central District Specific Plan. This parking lot contains 58 parking spaces and is utilized by an office use whose hours of operation ceases by 6.00 p.m., as such the shared parking can occur without conflict and this meets the parking standards of the Zoning Code.

Based on the information provided in the parking study, staff concludes that the proposed off-site sharing of parking spaces to accommodate the proposed events is feasible and the events at the art gallery/museum would not result in a significant parking impact on the surrounding area.

REVISION REQUEST:

After the appeal was filed, the applicant submitted a letter to the City requesting six additional large events (named Music on the Terrace) in addition to the 55 events approved by the Hearing Officer. The newly requested revision would be large events with a maximum attendance of 140 people, would occur in two consecutive evenings per week from sunset to 10:00 p.m., and would feature jazz and classical music in the Event Terrace

After reviewing the revision request, staff is of the opinion that these six events can be accommodated by the 24 rental large events, as originally approved by the Hearing Officer. Staff is of the opinion that an average of two large rental events per month would not deviate from the approved art gallery/museum use. However, staff believes that any additional rental large event, not associated with the art gallery/museum use would be excessive.

GENERAL PLAN CONSISTENCY:

As conditioned, the proposed modifications to the art gallery use are consistent with General Plan Land Use Element Policy 4.3 (An Active Central District), which encourages development to continue and reinforce the Central District as a vital, pedestrian-oriented place, linked to local and regional transit designed for all ages and serving as the focal point of community identity, business activity, employment, living, governance, and culture. The modification of the conditions of approval to allow events at an existing art gallery/museum would attract more activity to the Central District area and promote the area as a focal point of business activity.

Additionally, the approval of Minor Conditional Use Permit to allow the off-site sharing of parking spaces is consistent with General Plan Land Use Element Policy 19.3 (Parking Management), which encourages management of parking to reduce the amount of land devoted to frequently vacant parking lots through parking management tools. The sharing of the existing parking spaces at 505 East Colorado Boulevard is a good practice, reducing the amount of land dedicated to surface parking. Lastly, lowering the number of off-street parking spaces is one way to promote non-vehicular modes of transportation.

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 Pasadena Museum of California Art has existed on the subject site since 2002, when the building was completed, and the events proposed would be ancillary to the art gallery/museum use and constitute a negligible expansion of the use.

CONCLUSION:

Staff concludes that the findings necessary for approval of the Modification to Expressive Use Permit to increase the number of events, as conditioned, and to increase the number of

attendees at the existing Pasadena Museum of California Art can be made. The proposed events would remain ancillary to the primary art gallery/museum use, and it would activate the surrounding area during the evenings by promoting the Central District area of the City as a business activity area. Additionally, the findings to approve the Minor Conditional Use Permit to allow the off-site sharing of parking spaces can also be made. With the sharing of parking spaces, the number of attendees proposed can be accommodated on site and on the adjacent parking lot without resulting in an impact on the other surrounding properties. Conditions of approval are recommended to limit the noise level in the open Event Terrace area in order to ensure their compatibility with the surrounding setting. 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:

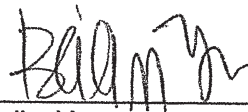
1. Adopt the Environmental Determination, that the proposed project is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Class 1 §15301, Existing Facilities); and
2. Uphold the Hearing Officer's decision and approve Modifications to Expressive Use Permit #3537 and Minor Conditional Use Permit.

Respectfully Submitted,

Prepared By:



Kelvin Parker
Principal Planner/Zoning Administrator



Beilin Yu
Planner

Attachments:

- Attachment A – Zoning Administrator Recommended Specific Findings
- Attachment B – Recommended Conditions of Approval
- Attachment C – Hearing Officer Decision Letter (September 7, 2016)
- Attachment D – Appeal Application (September 19, 2016)
- Attachment E – Hearing Officer Addendum

ATTACHMENT A
ZONING ADMINISTRATOR RECOMMENDED
FINDINGS FOR MODIFICATION FOR EXPRESSIVE USE PERMIT #3537

Modification of Expressive Use Permit #3537– To allow events at the existing art gallery/museum facility

1. *The proposed use is allowed with an Expressive Use Permit within the subject zoning district and complies with the applicable development and design requirements of the subject zoning district and with all applicable provisions of this Zoning Code.* The existing private art gallery/museum was established in 1999 with the approval of an Expressive Use Permit. The proposed events would be ancillary to the main art gallery/museum use. The proposed events are common ancillary activities in a typical art gallery/museum use. The improvements on the third level of the existing facility will be within the footprint of the existing facility and thereby within the design requirement of the Central District Specific Plan.
2. *The proposed use will provide and maintain wastewater to establish and maintain an unrestricted flow in sanitary sewers during average and peak conditions as established by the city's approved sewer master plan, as amended from time to time.* The subject site is in a developed urban area where wastewater service is readily available. The main use of the facility will remain unchanged, as an art gallery/museum. The proposed modification would allow ancillary events to occur at the existing facility. Because of this, significant changes to wastewater flows are not envisioned as there is no substantial change of use. Furthermore, any possible changes to wastewater flows will be reviewed by the Public Works Department during the plan check process. As such, the impacts on the sanitary sewer system are not expected to be significant.
3. *The proposed use will provide and maintain solid waste services to establish and maintain a level of service consistent with the city's approved source reduction and recycling element.* The existing solid waste service for the art gallery/museum use will be maintained. Additionally, a condition of approval will be added to this project to ensure that all solid waste complies with the Waste Management Plan requirements of the Central District. The Waste Management Plan will be reviewed by the Zoning Administrator and Public Works Director and will include trash specifications and recycling specifications.
4. *The proposed use will provide and maintain fire prevention and suppression services as established by the Uniform Fire Code to establish and maintain minimum response time for fire and emergency medical calls as established by the City's approved general plan.* The improvements to the third level of the existing structure will be required to comply with the current Fire Department and Building and Safety Division requirements. These items will be reviewed during the plan check process and verified at the time of inspection for occupancy.
5. *The proposed use will provide and maintain police services and crime prevention services to establish and maintain minimum response time for police calls for service as established by the city's approved general plan.* The proposed use can be serviced by the Police Department and is not anticipated to increase the levels of service. The Police Department reviewed the proposed project and did not express concerns regarding the proposed events.

Minor Conditional Use Permit – To allow the off-site sharing of parking spaces

6. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The Zoning Code allows shared parking agreements with a parking study in the Central District Specific Plan, subject to the approval of a Minor Conditional Use Permit. A Parking Study was prepared which concluded the shared parking arrangement will meet the peak parking demands for the project.
7. *The location of the proposed use complies with the special purposes of this Zoning Code and purposes of the applicable zoning district.* The parking lot located at 505 East Colorado Boulevard is located adjacent to the east of the subject site, which is within the maximum 1,000 feet distance allowed within the Central District Specific Plan. Additionally, this parking lot is utilized by an office use whose hours of operation ceases by 6:00 p.m., as such the shared parking can occur without conflict and this meets the parking standards of the Zoning Code.
8. *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 19.3 (Parking Management) encourages management of parking to reduce the amount of land devoted to frequently vacant parking lots through parking management tools. The sharing of available parking spaces at 505 East Colorado Boulevard is a good use of existing resources, and reduces the amount of land that would be devoted to parking lots. Lowering the number of off-street parking spaces is one way to promote non-vehicular modes of transportation, which is consistent with the purpose of the Central District Specific Plan to emphasize mixed-use environment to support transit- and pedestrian-oriented mobility strategies.
9. *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 parking study determined that the projected peak demand for the event parking will be met by the existing parking supply at the subject site and at 505 East Colorado Boulevard. Additionally, conditions of approval have been incorporated that prohibits more than one event to occur at the same time on the same day; or to occur while the art gallery/museum is in operation, which reduced the parking demand for the use. Lastly, conditions of approval have been incorporated to limit the number of attendees to ensure that the parking demand studied in the submitted parking study is current. Any further increase in parking requirements will require review though a modification to or an approval of a new Minor Conditional Use Permit.
10. *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 study determined that the projected peak demand for the event parking will be met by the existing parking supply at the subject site and at 505 East Colorado Boulevard. Any further increase in parking requirements will require review though a modification to or an approval of a new Minor Conditional Use Permit.
11. *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.* The parking study determined that the projected peak

demand for the event parking will be met by the existing parking supply at the subject site and at 505 East Colorado Boulevard. Furthermore, shared parking has successfully existed for other similar mixes of uses. The subject property and the parking locations are located within the Central District Transit Oriented Development Area, which encourages pedestrian activities. By sharing the available parking spaces, which are located adjacent to the site, the shared parking will encourage pedestrian activity in the area.

12. *The spaces to be provided will be available as long as the uses requiring the spaces lawfully exist.* The parking study documented that the parking spaces at 505 East Colorado Boulevard will be available for the events at the subject site and for their respective uses. Any further reduction will require modification to or an approval of a new Minor Conditional Use Permit.
13. *The quality and efficiency of the parking or loading utilization will exceed the level that is otherwise required.* According to the submitted parking study, the existing parking supply and availability on the adjacent lots is sufficient to accommodate the proposed parking demand for the events. Conditions of approval are incorporated to require invitations to the events to include information about the location of parking.

**ATTACHMENT B
RECOMMENDED CONDITIONS OF APPROVAL FOR
MODIFICATION OF EXPRESSIVE USE PERMIT #3537**

All conditions of approval for Expressive Use Permit #3537 shall remain in full force and effect unless modified herein.

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 15, 2017", except as modified herein.
2. The approval of this application authorizes no more than 55 events to occur per calendar year at the existing art gallery/museum facility. Specifically, there shall be no more than 29 large events with a maximum of 140 attendees, of which five events would be associated with the art gallery and a 24 would be rental events; and 26 small events with a maximum of 75 attendees.
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 Expressive Use Permit if sufficient cause is given.
4. The approval of this application authorized the off-site sharing of parking spaces located at 505 East Colorado Boulevard
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Expressive Use Permit or a new Expressive Use Permit, and/or a modification of this Minor Conditional Use Permit or a new minor Conditional Use Permit with the submittal of a new parking study.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The proposed project, Activity Number **PLN2015-00373** is subject to Condition Mitigation Monitoring.

Planning Division

8. All proposed events shall occur between 6:00 p.m. and 10:00 p.m. Sunday through Thursday, and 6:00 p.m. and 11:00 p.m. Friday and Saturday.
9. No two events shall occur at the same time on the same day.
10. There shall be no more than two large rental events between any Thursday and Sunday of the same week.
11. The events shall not occur at the same time when the museum is open to the public.

12. There shall be a museum employee on-site during the entire length of all rental large events. The contact information (including a phone number) of the on-site employee shall be made available for the surrounding residences/businesses.
13. No dancing shall be allowed in the Event Terrace
14. Any amplified music shall be limited to the interior of the Event Hall. Windows and doors for the Event Hall shall be closed after 10:00 p.m. No amplified music shall be permitted in the Event Terrace, only acoustic music is permitted. Amplified sound in the Event Terrace shall be limited to speeches. There shall be no acoustic music or amplified sound at the outdoor Event Terrace after 10:00 p.m.
15. The applicant or its successor shall maintain the lease agreement with 505 East Colorado Boulevard for the use of their parking spaces. In the event the location of the off-site parking is modified, the Zoning Administrator shall be notified, and if necessary, a modification to this Expressive Use Permit and Minor Conditional Use Permit shall be required. Copies of the lease shall be provided to the Zoning Administrator upon request.
16. All events approved under this Conditional Use Permit shall comply with the standards of the City's Noise Ordinance (P.M.C. Chapter 9.36).
17. All large and rental event invitations shall include instruction and directions to the parking locations. The instruction shall clearly state that no parking in the surrounding streets is permitted at any time. The applicant shall keep a copy of the parking instruction and directions for all large and rental events, which shall be available to the Zoning Administrator upon request.
18. All vendor loading and unloading for events shall occur on-site.
19. Truck loading, unloading, and trash pick-up is only allowed between the hours of 7:00 a.m. and 9:00 p.m., Monday through Friday, and between 9:00 a.m. and 5:00 p.m. on Saturdays. No truck loading, unloading, or trash pick-up shall be allowed on Sundays.
20. The premises and surrounding sidewalk and street shall be kept free of litter and debris at all times.
21. A Waste Management Plan shall be submitted for the review and approval by the Zoning Administrator and Public Works Director and shall include trash specifications and recycling specifications. The Waste Management Plan shall indicate how all solid waste complies with the Waste Management Plan requirements of the Central District.

Building and Safety Division

22. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review.
23. Building Code Analysis: Document on the plans the Allowable Height & Area, Occupancy Group(s), Type of Construction, and Height & Area Increases.

24. Means of Egress (Exiting): Provide Occupant Load Calculations for all areas, and provide an "Exit Plan". Identify exit separation and travel distance.
25. California Disabled Access Requirements: Project shall be accessible to the disabled in accordance with Chapter 11B of the CBC.
26. Permit(s): Separate permits are required for demolition, new building structure, fire sprinkler (if required), mechanical, electrical, and plumbing.
27. Change of occupancy shall comply with the requirements of the California Building & Fire Code
28. Clarify compliance with the following for the purpose of fire, life and safety: CBC 2013; Sections 1004.1.2, 1008, 1009, 1009 3.1.2, 1014, 1016, 1021, 1028.6, 3002.4, and T-508.4 for separation

Fire Department

29. The occupancy of 3rd floor approved for R3, any changes to occupancy shall comply with the requirements of California Fire Code, Building code, mechanical and electrical code, 2013 edition.
30. Exit and exit access shall comply with CBC Section 1014.
31. Stair shaft shall comply in accordance with CBC Section 1009.
32. Fire resistance rating of stairs shall comply with CBC Section 1009.3.1.2.
33. Exit door and panic hardware shall be accordance with CBC Section 1008.
34. Occupancy separation between A2 and R3 shall comply with requirements of CBC Table 508.4
35. Exit access travel distance shall comply with requirements of CBC Section 1016.
36. Number of exit shall comply with requirements of CBC Section 1021.
37. Means of egress illumination and emergency light shall comply with requirements of CBC Section 1006.
38. Elevator shall comply with the requirements of CBC Section 3002.4a for Gurney size
39. Building shall comply with the requirements of CFC Section 510 for Emergency Responder Radio Coverage
40. Occupant load shall comply with the requirements of CBC Table 1004 1 2
41. Width of means of egress for assembly occupancy shall comply with the requirements of CBC Section 1028.6.
42. Fire sprinkler and fire alarm system shall be updated for A2 occupancy.

Public Works Department

43. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: http://cityofpasadena.net/PublicWorks/Engineering_Division/
44. A deposit, based on the General Fee Schedule, is required for plan review and on-going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval. No construction staging, material storage, or trailer in the public right-of-way.
45. Past experience has indicated that projects such as this tend to damage the abutting street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$1,000 deposit with the Department of Public Works prior to the issuance of any permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/resurfacing, street trees, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. This deposit may also be used for charges due to damage to existing street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit
- 46 All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.

In addition to the above condition, the requirements of the following ordinances may apply to the proposed project.

- a. Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of \$20,000 pertaining to occupancy or construction on the property in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.

b City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC

The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the approval of the Urban Forestry Advisory Committee.