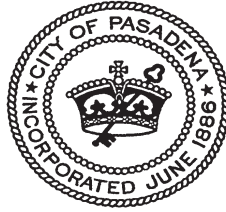


**ATTACHMENT F
HEARING OFFICER STAFF REPORT
DATED SEPTEMBER 7, 2016**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: September 7, 2016

TO: Hearing Officer

SUBJECT: Modification to Expressive Use Permit #3537

LOCATION: 490 East Union Street

APPLICANT: Bob Oltman

ZONING DESIGNATION: CD-4 (Central District Specific Plan, Pasadena Playhouse subdistrict)

GENERAL PLAN DESIGNATION: Medium Mixed-Use

CASE PLANNER: Beilin Yu

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Modification to Expressive Use Permit #3537 with the conditions in Attachment B

PROJECT PROPOSAL: Modification to Expressive Use Permit 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.

Minor Conditional Use Permit 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 site contains only 35 parking spaces.

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

BACKGROUND:

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)

Previous cases on this property: EUP #3537 – Expressive Use Permit to allow the establishment of a privately financed art gallery/museum (commercial entertainment land use). Approved on February 3, 1999.

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 request would allow 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

The parking lot located at 505 East Colorado Boulevard is located just east of the subject site, on the southwest corner of Union Street and Oakland Avenue It is part of the property that is 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

ANALYSIS:

When the existing art gallery/museum was approved in 1999, it was classified as a Commercial Entertainment use because the main purpose of the art gallery was to house the private collection of the owner. If the museum were operated by a non-profit organization, then the use would have been classified as a Cultural Institution use. The City's Zoning Code defines a Cultural Institution use as a nonprofit institution displaying or preserving objects of interest in one or more of the arts or sciences. This use includes libraries, museums, and art galleries. Although the art gallery/museum is privately owned, it operates similar to a museum in that it displays and preserves objects of interest in one or more of the arts and science. And similar to a museum, the applicant is requesting to host events at the facility, both related to the museum as well as private events. The main use of the facility would remain as an art gallery/museum, the proposed events would occur after hours, when the art gallery/museum is closed to the public.

Staff's review of a modification request to modify existing conditions of approval includes an analysis of whether the proposed modifications of the use would affect the general welfare of the surrounding property owners. In reviewing the requested modifications, staff finds that, as conditioned, the proposed events would not result in a detrimental impact on the surrounding properties.

Modification to Expressive Use Permit #3537

Number of Events

Existing condition #4 of Expressive Use Permit #3537 allows special public events in the art gallery/museum, outside the museum hours of operation, to occur not more than eight times a year. The applicant is requesting a modification to this condition of approval to allow 98 events per year. As described above, of the 98 proposed events, 72 events would be large events with a maximum of 72 attendees, and of these large events, 67 would be rental events, while 5 events would be related to the art gallery.

In reviewing the proposed number of events, staff finds that the proposed 26 small events and the 5 large events that are associated with the art gallery – three Opening Day events, two Big Fundraising Events – are consistent with the original intent of the Expressive Use Permit, and is consistent with the operation of similar museums and art galleries.

However, in reviewing the proposed 67 large rental events, staff finds that the number of events would be excessive, as it translates to more than 5 events per month. Staff is recommending that the number of large rental events be limited to 24, which is equivalent to two events per month. Additionally, in order to ensure that the events are not concentrated in a short period of time, staff is recommending a condition of approval that no more than two of such events may occur between a Thursday and a Sunday of the same week.

As such, staff recommends that instead of the proposed 98 events, a maximum of 55 events be permitted. Specifically, 29 large events with a maximum of 140 attendees, of which five events would be associated with the art gallery and 24 would be rental events, and 26 small events with a maximum of 75 attendees.

Although, as proposed, the majority of the events would occur on a Saturday night, the events would be spread throughout the week and enhance the activity in the surrounding neighborhood when the art gallery/museum facility is not open to the public. The added condition of approval would ensure that large events do not occur more than twice per weekend.

The art gallery/museum is located within the Central District Specific Plan, which purpose is to provide a diverse mix of land uses designed to create the primary business, financial, retailing, and government center of the City. It emphasizes the concept of a higher density, mixed-use environment that supports transit- and pedestrian-oriented strategies. More specifically, the site is located within the Pasadena Playhouse subdistrict of the Central District Specific Plan, which is intended to provide a vibrant mixed-use environment that encompasses cultural and arts activities, centered on Colorado Boulevard and the Pasadena Playhouse.

The proposed 26 small events and 5 of the large events are related to the programs and activities of the museum and would enhance the existing art gallery/museum facility, therefore in conformance with the purpose of the Pasadena Playhouse subdistrict of the Central District Specific Plan. The recommended 24 rental events would enhance the Central District area and support the purpose of the Central District Specific Plan as the primary business center of the city.

Number of Attendees

Existing condition of approval #8 limits the maximum number of people allowed in the art gallery/museum during the hours of operation to 30 persons, and the maximum number of people for special events and organized bus tours to 40 persons. The limitation on the maximum number of attendees allowed was placed due to the number of limited parking spaces available on-site. There are 35 parking spaces located on the first level of the existing structure, which is sufficient to accommodate 30 attendees to the art gallery/museum and the residents of the single-family residential unit on the third level.

The proposed modification requests small events up to 75 attendees and large events up to 140 attendees. The events would occur only when the gallery/museum is not open to the public. As discussed below, the project includes a Minor Conditional Use Permit request to allow the sharing of off-site parking spaces with the property located at 505 East Colorado Boulevard, adjacent to the east of the site. This parking lot contains 58 parking spaces. This shared parking arrangement is able to accommodate the parking demand for an event with a maximum attendance of 140 people.

According to a submitted Technical Memorandum prepared by Raju Associates, Inc., a transportation planning and engineering firm, it is estimated that a parking supply of 77 spaces is needed for the proposed events with a maximum of 140 participants. According to the parking supply inventory and a parking demand survey that was conducted to determine the currently available parking spaces, the PMCA and 505 E Colorado Blvd parking lot had 77 to 90 unoccupied spaces combined on a weekday and 90 to 92 unoccupied spaces combined on a Saturday after 6:00 p.m.

Based on this shared parking arrangement and the availability of parking spaces, staff is of the opinion that the condition of approval limiting the number of attendees can be modified.

As part of the project, the applicant is also proposing improvements to the third level to incorporate Fire Department and Building and Safety Division standards for occupancy load as an assembly area

Hours of Operation

The current hours of operation for the art gallery/museum are from 12 00 a m through 5 00 p m Wednesday through Sunday, except for the third Thursday of the month, which is open from 12 00 pm to 8 00 pm No change to the art gallery/museum hours of operation is proposed The current conditions of approval do not regulate the hours of operation for the public events

As proposed, the 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 Fridays and Saturday The small events are proposed to occur between 6 00 p m and 10 00 p m , although some small events could occur during the weekend when the museum is closed on Mondays and Tuesdays

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 , however properties within the Central District Specific Plan are not subject to the limited hours of operation, since the Central District is an urban area and the noise levels are generally higher than that in a typical residential area

There are multi-family structures located approximately 350 feet to the east of the site on the northwest corner of Union Street and Madison Avenue, and approximately 350 feet to the west of the site on the southwest corner of Los Robles Avenue and Union Street

The proposed hours of operation are consistent with the other commercial uses in the Central District Specific Plan, since the commercial uses are not subject to the limited hours of operation under Section 17 40 070

Noise

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 measures 2,244 square feet, and the Event Terrace/Café, an existing open courtyard area, which measures 3,316 square feet 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 Asian Museum, commercial /retail uses and the normal inner-city noise level Dining, speeches (amplified sound) and acoustical 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, no amplified sound would be allowed on the Event Terrace after 10 00 p m

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

Minor Conditional Use Permit for Shared Parking

The City's Zoning Code parking requirement for certain types of commercial entertainment use is determined during the Conditional Use Permit process. During the establishment of the art gallery/museum facility, the applicant provided a parking study that indicated that because the maximum number of attendees at the art gallery/museum at one time would be limited to 30 people, and the requirement for two car covered parking spaces for the residential unit on the third floor, that the provided 35 parking spaces on site would be sufficient to accommodate the parking for the art gallery/museum use.

Section 17.46.050 (Shared Parking) of the City's Zoning Code states that for any site where the hours of operation allow the shared use of parking spaces to occur without conflict, the number of parking spaces may be reduced. For the proposed events, the applicant submitted an updated parking study that indicated 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 located 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.

The submitted parking study summarized the existing parking supply inventory and parking demand surveys conducted, which determined that the subject site had 26 to 33 unoccupied spaces on a weekday and 33 to 34 unoccupied spaces on a Saturday after 6:00 p.m.; and the parking lot at 505 East Colorado Boulevard had 51 to 57 unoccupied spaces on a weekday and 57 to 58 unoccupied spaces on a Saturday after 6:00 p.m. As a result, between the subject site and the parking lot at 505 East Colorado Boulevard, there are 77 to 90 unoccupied spaces on a weekday and 90 to 92 unoccupied spaces on Saturday after 6:00 p.m.

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.

GENERAL PLAN CONSISTENCY:

As conditioned, the proposed modifications to the art gallery use is 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 museum use and constitute a negligible expansion of the museum use.

REVIEW BY OTHER CITY DEPARTMENTS:

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

CONCLUSION:

It is staff's assessment 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.

Attachments

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

ATTACHMENT A
SPECIFIC FINDINGS FOR MODIFICATION TO 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 through 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 through 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
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 September 7, 2016", 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 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 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

- 13 There shall be no amplified sound or acoustic music at the outdoor Event Terrace after 10 00 p m
- 14 No dancing shall be allowed in the Event Terrace
- 15 Any amplified sound 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
- 16 The applicant or its successor shall maintain the lease agreement with 505 East Colorado Boulevard and with 473 East Union Street 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
- 17 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)
- 18 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
- 19 All vendor loading and unloading for events shall occur on-site
- 20 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
- 21 The premises and surrounding gardens, sidewalk, and street shall be kept free of litter and debris at all times
- 22 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

- 23 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
- 24 Building Code Analysis. Document on the plans the Allowable Height & Area, Occupancy Group(s), Type of Construction, and Height & Area Increases
- 25 Means of Egress (Exiting) Provide Occupant Load Calculations for all areas, and provide an "Exit Plan" Identify exit separation and travel distance

- 26 California Disabled Access Requirements Project shall be accessible to the disabled in accordance with Chapter 11B of the CBC
- 27 Permit(s) Separate permits are required for demolition, new building structure, fire sprinkler (if required), mechanical, electrical, and plumbing
- 28 Change of occupancy shall comply with the requirements of the California Building & Fire Code
- 29 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

- 30 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
- 31 Exit and exit access shall comply with CBC Section 1014
- 32 Stair shaft shall comply in accordance with CBC Section 1009
- 33 Fire resistance rating of stairs shall comply with CBC Section 1009 3 1 2
- 34 Exit door and panic hardware shall be accordance with CBC Section 1008
- 35 Occupancy separation between A2 and R3 shall comply with requirements of CBC Table 508 4
- 36 Exit access travel distance shall comply with requirements of CBC Section 1016
- 37 Number of exit shall comply with requirements of CBC Section 1021
38. Means of egress illumination and emergency light shall comply with requirements of CBC Section 1006
- 39 Elevator shall comply with the requirements of CBC Section 3002 4a for Gurney size
- 40 Building shall comply with the requirements of CFC Section 510 for Emergency Responder Radio Coverage
- 41 Occupant load shall comply with the requirements of CBC Table 1004 1 2
- 42 Width of means of egress for assembly occupancy shall comply with the requirements of CBC Section 1028 6

Public Works Department

- 43 Fire sprinkler and fire alarm system shall be updated for A2 occupancy

- 44 This application does not permit sidewalk dining in the public right-of-way. If the applicant intends to serve any food or beverages in the public right-of-way, an application shall be filed with the Department of Public Works for a sidewalk dining occupancy permit to establish or maintain a sidewalk dining area within the public right-of-way on South El Molino Avenue. Sidewalk dining shall comply with all the requirements of Chapter 12.13, entitled "Sidewalk Dining on Public Walkways", of the Pasadena Municipal Code.
45. The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. All tree removal or relocation shown on the plans is subject to the approval of the Urban Forestry Advisory Committee (UFAC).
- 46 A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection tape submitted to the Department of Public Works for review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.
- 47 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, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. The deposit may be used for any charges resulting from damage to street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
- 48 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://www.ci.pasadena.ca.us/PublicWorks/Engineering_Division/. 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.

- 49 In preparation for the New Year Rose Parade and Rose Bowl Game, the Department of Public Works will suspend all works within the public right-of-way during the holiday season in accordance to PMC 12 24 100 and City Policy

In general, all public streets, sidewalks and parkways shall be free and clear of excavations and other construction related activities during the period of November through January of the following year. Specific dates will vary on an annual basis. Accordingly, contractors will be required to shut down construction operations which would impede traffic and pedestrian movements during these periods unless otherwise authorized by the City Engineer. Any existing excavations shall be backfilled, compacted and temporarily repaved before the beginning of the moratorium period.

The Holiday Moratorium Map, showing the appropriate shutdown period, and corresponding areas in the City, is available at the Department of Public Works Permit Counter (window #6), 175 N Garfield Avenue, Pasadena, CA 91109, or at the following link http://cityofpasadena.net/PublicWorks/Engineering_Division/

- 50 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. A Public Works permit is required for all construction and occupancies in the public right-of-way. If construction vehicles and equipment are parked off-site in the public right of way, the permit fee for street and sidewalk occupancy will be based on the area and duration corresponding to the current City's General Fee Schedule. For more information, please contact Yannie Wu at 626-744-3762.

In addition to the above conditions, the requirements of the following ordinances will apply to the proposed project

- 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 \$5,000 pertaining to occupancy or construction on the property in accordance with Section 12 04 031, entitled "Inspection required for Permit Clearance" of the PMC.
- 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.
- Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC

The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at [http //cityofpasadena.net/PublicWorks/](http://cityofpasadena.net/PublicWorks/) and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit

- a C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator
- b Summary Report with documentation must be submitted prior to final inspection

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less This deposit is fully refundable upon compliance with Chapter 8 62 of the PMC A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project