

Agenda Report

February 10, 2025

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: AN APPEAL OF THE BOARD OF ZONING APPEALS' DECISION TO APPROVE CONDITIONAL USE PERMIT #7114 TO ESTABLISH A CLUBS, LODGES, PRIVATE MEETING HALL LAND USE WITHIN AN EXISTING BUILDING (MAXWELL HOUSE) AT 55 SOUTH GRAND AVENUE

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the action proposed herein is categorically exempt from environmental review pursuant to State CEQA Guidelines Section 15301 (Class 1, Existing Facilities), and there are no features that distinguish the project from others in the exempt classes, and therefore, there are no unusual circumstances; and
2. Adopt the findings in Attachment A to uphold the Board of Zoning Appeals' decision and approve Conditional Use Permit #7114, with the conditions in Attachment B.

BACKGROUND:

Hearing Officer Public Hearing

Conditional Use Permit (CUP) #7114 was presented to the Hearing Officer on June 5, 2024, at a regularly notice public hearing. The original project proposal and analysis are contained within the Hearing Officer Staff Report (Attachment C). At the conclusion of the public hearing, and after public testimony, the Hearing Officer made the required findings in the affirmative and approved the CUP (Attachment D). On June 13, 2024, two requests were filed to appeal the Hearing Officer's decision to approve the CUP to the Board of Zoning Appeals (BZA). The first request was filed by Anita Yagjian (Attachment E). The second request was filed by Carl West, Anita Yagjian, and Michael Davis, in conjunction with the South Grand Residents and Grace Holbrook of the Mitchell M. Tsai Law Firm (Attachment F). Following the appeals, a Hearing Officer addendum was submitted which provided responses to each appeal (Attachment G).

BZA's Public Hearing

On October 10, 2024, the BZA considered an appeal of the Hearing Officer's decision to approve CUP #7114. Prior to the hearing, 17 public comments were received. During the public hearing 15 people spoke on the item. Responses to the appeals are contained within the BZA staff report (Attachment H). At the conclusion of the public hearing, the BZA made a motion to uphold the Hearing Officer's decision by a vote of 4-1 and approved CUP #7114 (Attachment I). The BZA added or modified the following conditions of approval to address concerns and issues raised at the public hearing, all of which are included in staff's recommendation:

- The project will be subject to periodic condition monitoring by Code Compliance staff, at cost to the Applicant. Inspections will occur at least four times per calendar year, without notice, to determine compliance with the conditions of approval.
- The maximum number of events per calendar year were reduced from 28 to 21.
- At least 75% of events per calendar year cannot exceed an attendance of 125 people, and the remaining 25% of events cannot exceed 150 people.
- A Western Justice Center representative shall attend each event to ensure compliance with conditions of approval and have a phone number listed with the City and available on a public website.
- All events will require a third-party security personnel to monitor all areas including outdoor patios to ensure compliance with conditions of approval. The security personnel must ensure windows and doors remain closed and that guests do not loiter within outdoor patio areas beyond the permitted times of use.
- To address the effectiveness of and compliance with conditions of approval, the CUP will be subject to a noticed twelve-month review from the date of the first event, and every twelve months thereafter. Conditions may be modified or added during the review.

On October 21, 2024, Richard A. McDonald, on behalf of Anita Yagjian and other adjacent neighbors, submitted an appeal application of the BZA's decision to the City Council (Attachment J).

Site Characteristics:

The project site measures approximately 35,978 square feet in size and has street frontage on South Grand Avenue, although no vehicular access exists. The property is developed with the Maxwell House (55 South Grand Avenue) and three other historic buildings (65, 75, and 85 South Grand Avenue), collectively known as the Western Justice Center Campus (WJC Campus). The Maxwell House is approximately 11,610 square feet in size with a 2,456 square foot basement. Two outdoor patios are located behind the Maxwell House, which are approximately 900 and 595 square feet in size.

Adjacent Uses:

- North – Multi-Family Residential
- South – United States Court of Appeals for the Ninth Circuit
- East – Multi-Family Residential
- West – Multi-Family Residential and United States Court of Appeals for the Ninth Circuit

Adjacent Zoning:

- North – PD-25 (Vista Del Arroyo Bungalows Planned Development)
- South – PS-1 (Public and Semi-Public)
- East – RM-16-1 (Multi-Family Residential, City of Gardens)
- West – PD-25 (Vista Del Arroyo Bungalows Planned Development) and PS-1 (Public and Semi-Public)

Previous Zoning Cases:

- CUP #2423: To allow: 1) CUP to establish an Office land use; 2) CUP to utilize a joint parking and loading arrangement; 3) Variance to allow off-street parking through a lease agreement; and 4) Variance to allow reduced parking as part of collective parking arrangement. Approved on October 16, 1991.
- CUP #4270: To allow a 400 square foot, one-story restroom addition to the existing Maxwell House building. Approved on February 4, 2004.
- CUP #5419: To allow an 896 square foot basement expansion beneath the existing Maxwell House building. Approved on May 19, 2010.

Project Description:

The Western Justice Center (WJC or Applicant) was founded in 1987 as a non-profit organization, whose main purpose is to advance alternative conflict resolution in education. The Maxwell House was built in 1929 and is a part of a series of four buildings located to the north of the former Vista Del Arroyo Hotel, which now serves as the United States Court of Appeals for the Ninth Circuit (Court of Appeals). The Maxwell House has served a variety of uses over the years, including residential uses in conjunction with the former hotel. The subject site is owned by the City of Pasadena and the City leases the site to WJC (Attachment K). The Applicant operates out of the Maxwell House and currently uses buildings on the WJC Campus as administrative offices for their nonprofit work. They also sublease office space to other local nonprofit organizations.

The WJC has been hosting ancillary special events for the last 15 years, without the benefit of a CUP or operational conditions. On average, 47 events were held per year. Due to complaints received from neighbors, the City became aware that a CUP had not been obtained to host such events. After being notified by the City, the Applicant submitted the CUP application. While the CUP was in process, the City issued two

Temporary Use Permits (TUPs) to allow weddings and events that had previously been scheduled for many months to occur. The TUPs included operational conditions related to hours of operation, days of use, noise, attendance capacities, on-site staffing, and other related conditions. The second TUP expired on December 7, 2024, and no additional approvals to host events have been granted.

The CUP application is to establish a Clubs, Lodges, Private Meeting Hall land use. The proposal would allow up to 21 special events per calendar year, a reduction from their current operations, including weddings, celebrations, and other private events, at the Maxwell House. The special events would be ancillary to the building's primary use as administrative offices.

Special events would occur on Saturdays and Sundays only. Events would be limited to the first floor interior of the Maxwell House between the hours of 9:00 a.m. and 11:00 p.m. The proposed events would primarily take place within the foyer, conference room, dining room, and library of the Maxwell House and would include activities such as ceremonies, dining, dancing, and gatherings associated with the events. An existing kitchen within the facility would be utilized for events with food service. Events may use two outdoor areas - a garden patio (to the west) and a small patio with an oak tree area (to the southwest). In addition, use of the outdoor areas would be limited to a three-hour period between the hours of 1:00 p.m. and 6:00 p.m. for ceremonies and photography only.

ANALYSIS:

Conditional Use Permit: To establish a Clubs, Lodges, Private Meeting Hall land use.

The subject site is located in the PS-1 (Public and Semi-Public) zoning district. The establishment of a Clubs, Lodges, and Private Meeting Hall that is accessory to a principal use requires a CUP within the PS-1 zoning district. The Zoning Code defines a Clubs, Lodges, Private Meeting Hall land use as "a meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests." The WJC is a non-profit organization, and the proposal would allow special events that would be accessory to the primary use. Those in attendance would be limited to invited guests of the private events, WJC staff, security, and vendors (not the general public). As such, the proposed use qualifies as a Clubs, Lodges, and Private Meeting Hall land use and would be accessory to the primary administrative offices use to remain.

The City Council may approve a CUP for a specific use only after making the six findings identified in Attachment A. The general purpose is to evaluate compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and whether the use's operation would be compatible with existing and future uses. The CUP process allows the City to specify operational standards and may result in recommended conditions or requirements associated with the operation of the use. Staff recommends a series of conditions of approval, as discussed in the analysis below, to minimize the impact of the proposed use.

Number of Events and Attendees

There shall be no more than 21 events per calendar year. The 21 events would occur throughout 14 weekends and events would not occur on consecutive weekends. This is to ensure that events are spaced out and do not occur too frequently. The events shall not exceed the number of events per month or weekends per month as identified in Table 1 and in Attachment B.

Table 1: Event Frequency

Month	Number of Weekends	Maximum Number of Events**
January	0	0
February	1	2
March	2*	4
April	2*	4
May	1	2
June	1	2
July	1	2
August	0	0
September	2*	4
October	2*	4
November	1	2
December	1	2
TOTAL	14 Weekends	21 Events

* Not on consecutive weekends ** Maximum one event at a time

To limit the maximum number of attendees, the following conditions are included:

- The Applicant shall maintain a record of the number of attendees for each event, which shall be made available upon request of the Zoning Administrator. At least 75% of the events per calendar year shall have a maximum attendance of 125 people. The remainder of events shall not exceed 150 people.

Days and Hours of Operation

The Applicant states that events such as weddings typically last up to six hours, not including set-up and clean-up. The following conditions are included:

- Days of operation: Saturdays and Sundays only.
- Hours: Limited between the hours of 9:00 a.m. and 11:00 p.m.
- Use of the outdoor areas: Limited to the two patios at the rear of the building and within a three-hour period between the hours of 1:00 p.m. and 6:00 p.m.
- Set-up and removal of equipment: Set-up shall not occur before 9:00 a.m. on the day of an event. Removal of equipment shall occur only between the hours of 9:00 a.m. and 5:00 p.m. the day of or the day after an event.

Noise

Since the site directly abuts residential uses to the west, potential noise impacts were closely reviewed. Limiting the frequency of events, number of attendees and hours of operation would help reduce potential noise impacts to adjacent properties. In addition, the outdoor patios are surrounded by walls, fences, and landscaping, which screen them from the adjacent properties to the west. To further reduce potential impacts, the following conditions are included:

- Use of amplified music: Doors and windows shall remain closed during events; amplified music shall be limited to indoor areas and shall cease at 10:00 p.m.
- Use of the outdoor areas: No amplified sound shall be allowed outside with the exception of the use of a microphone for the exchange of vows and ambient background music in compliance with the City's Noise Ordinance; speakers shall be directed to the east away from the rear property line.
- All events: WJC staff must be present during events to monitor conditions related to noise which must comply with the City's Noise Restrictions Ordinance at all times (Pasadena Municipal Code Chapter 9.36).

Security

To ensure compliance with conditions of approval, the following conditions related to third-party security are included:

- Security personnel (one employee) from a third-party shall be present at each event to monitor all areas and ensure compliance with conditions of approval, that windows and doors remain closed, and that guests do not gather in outdoor areas beyond the permitted times of use.
- For events that serve alcohol or exceed 125 people, an additional third-party security personnel (a second employee) shall be provided to supervise the event and ensure compliance with alcohol restrictions.

Community Outreach

A condition of approval is also included for the Applicant to maintain a public website or other form of notification, which shall include the days and hours of proposed events along with a contact person and phone number if the public has any questions or concerns regarding events.

REQUEST FOR APPEAL:

On October 21, 2024, Richard A. McDonald, on behalf of Anita Yagjian and other adjacent neighbors, submitted an appeal application of the BZA's decision to the City Council (Attachment J). The hearing before the City Council is a de novo hearing where the City Council has the authority to make an entirely different decision. The appellants cite the following reasons for the appeal:

1. The BZA failed to act in a quasi-judicial manner as required, instead preferring to play the role of “mediator” which it then did in a biased manner.
2. The BZA failed to address the Applicant’s Lease with the City that does not allow the proposed use.
3. The BZA failed to address the prior CUPs on the site that preclude the proposed use.
4. The BZA failed to address [Zoning Code] Section 17.26.030 that prohibits the proposed use.
5. The BZA failed to address the impermissibility of the proposed use under [the California Environmental Quality Act (CEQA)] for the categorical exemption.
6. The BZA failed to address the Applicant’s repeated violations of the City’s Noise Ordinance which constitutes substantial evidence of harm and detriment to the health, safety, and well-being of the adjacent property owners and neighborhood, which also violates the express language of the Applicant’s lease agreement with the City.

RESPONSE TO APPEAL:

In response to the appeal application, the following provides information regarding the project’s compliance with the zoning ordinance.

1. The BZA failed to act in a quasi-judicial manner as required, instead preferring to play the role of “mediator” which it then did in a biased manner.

Staff’s Response: The BZA acted according to Zoning Code Section 17.72.070.B, which states: “When reviewing an appeal or a call for review, the review authority may consider any issues associated with the decision being appealed or called for review, in addition to the specific grounds for the appeal or call for review; reverse, modify, or affirm, in whole or in part, the determination, decision, or action that is the subject of the appeal or call for review; and adopt additional conditions of approval that were not considered or imposed by the original applicable review authority, deemed reasonable and necessary.” At the conclusion of the public hearing, after careful consideration of the CUP and appeal application, with full knowledge of the property and vicinity, and, after public testimony, a motion was made to uphold the Hearing Officer’s decision. The BZA approved the CUP subject to modified conditions of approval.

2. The BZA failed to address the Applicant’s Lease with the City that does not allow the proposed use.

Staff’s Response: The lease agreement between the WJC and the City, and its enforcement, are not under the purview of the BZA. The BZA has authority to review a project’s consistency with the Zoning Code. The City’s Economic Development Department is responsible for enforcing the lease provisions. They have affirmed that the proposed use is not in violation of the lease terms. The

Department of Economic Development has concluded that the lease states that the Applicant is prohibited from allowing any for-profit activities during ordinary business hours. However, nothing precludes the Applicant from using the site for events and other purposes during non-business hours (i.e., Saturdays and Sundays). The activity is secondary to the primary use of the site as an office for WJC.

3. The BZA failed to address the prior CUPs on the site that preclude the proposed use.

Staff's Response: Three CUP's were previously issued for the site: CUP #2423 was approved in October of 1991 to establish an office use on the property, CUP #4270 was approved in February of 2004 to allow a restroom addition to the Maxwell House, and CUP #5419 was approved in May of 2010 to allow the expansion of the existing office use within the basement of the Maxwell House. The prior CUPs and conditions of approval do not preclude the applicant from applying for a CUP to establish the proposed use. The appellant does not specifically mention how prior CUPs on the site preclude the proposed use. The subject site is located within the PS-1 zoning district which permits the establishment of a Clubs, Lodges, and Private Meeting Hall land use that is accessory to a principal use with a CUP. As such, the Applicant may establish the proposed use with approval of a CUP.

4. The BZA failed to address Section 17.26.030 (of the Zoning Code) that prohibits the proposed use.

Staff's Response: The subject site is located within the PS-1 zoning district, and pursuant to Section 17.26.030, Table 2-7 (allowed land uses), the establishment of a Clubs, Lodges, and Private Meeting Hall that is accessory to a principal use is allowed with approval of a CUP. The Zoning Code defines a Clubs, Lodges, Private Meeting Hall land use as "a meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests." The WJC is a non-profit organization and the proposal would allow special events that would be accessory to a primary use. Those in attendance would be limited to invited guests of private events, WJC staff, security, and vendors (not the general public). As such, the proposed use qualifies as a Clubs, Lodges, and Private Meeting Hall land use and would be accessory to the primary administrative offices use.

5. The BZA failed to address the impermissibility of the proposed use under CEQA for the categorical exemption.

Staff's Response: The proposed Club, Lodges, and Private Meeting Hall use, as an accessory use, is permitted on the subject site with the approval of a CUP. CEQA requires the proposed project be compared to the existing conditions (i.e., the site as it exists when the application is submitted). The existing conditions are then considered the environmental baseline and are used to assess the environmental impacts of a project. In the case of WJC, special events have

occurred at the Maxwell House for approximately 15 years. On average, 47 events were held per year, without the benefit of a CUP or conditions of approval to address operations, such as, but not limited to, noise, outdoor amplified music, hours and frequency of use, and limitation on outdoor activities. A CEQA Class 1 (Existing Facilities) categorical exemption includes the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of use. The proposed use would not result in any alteration of the existing building or project site. The 21 events proposed under the CUP represent a reduction of the use when compared to previous years, and would be subject to the operational conditions in Attachment B.

6. The BZA failed to address the Applicant's repeated violations of the City's Noise Ordinance which constitutes substantial evidence of harm and detriment to the health, safety, and well-being of the adjacent property owners and neighborhood, which also violates the express language of the Applicant's lease agreement with the City.

Staff's Response: The BZA addressed noise by limiting the activity that is occurring at the site further reducing what has been occurring. Several conditions of approval were also added to specifically minimize noise impacts. Conditions 29 and 30 limit any amplified music to indoor areas which shall cease by 10:00 p.m. Conditions 25 and 27 require WJC staff and a third-party security personnel to be present at events to ensure compliance with conditions of approval and that doors and windows remain closed to limit sound from escaping the building to outdoor areas. Condition 18 limits the outdoor garden patio for wedding ceremonies and the small patio with oak tree area for photography only. Condition 19 limits outdoor activities within a three-hour period between the hours of 1:00 p.m. and 6:00 p.m. Condition 30 and 31 states that music in outdoor areas shall be limited to acoustic or soft background music which shall cease by 6:00 p.m. Condition 32 requires full compliance with the City's Noise Restrictions Ordinance (Pasadena Municipal Code Chapter 9.36). A CUP establishes required conditions that the applicant must comply with and the CUP can be revoked if they do not adhere to the PMC. Mandatory compliance hearings are included in the conditions of approval.

COUNCIL POLICY CONSIDERATION:

General Plan Consistency

As conditioned, the proposed Clubs, Lodges, and Private Meeting Hall land use is consistent with General Plan Policy 3.3 (Assembly Facilities). This policy requires that assembly facilities for social, cultural, educational, and religious organizations be located, designed, and managed to ensure compatibility and avoid traffic, noise, and other negative impacts with adjoining uses. The conditions of approval, such as, but not limited to, community outreach, noise, security, outdoor amplified music, parking, maximum attendees, hours and frequency of use, and limitation on outdoor activities will ensure that the use is compatible with adjoining uses.

ENVIRONMENTAL ANALYSIS:

This project has been determined to be exempt from environmental review pursuant to the CEQA guidelines (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities), and there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances. Section 15301 exempts the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of use. No expansion or alteration of the building or site is proposed with the project. The Western Justice Center has occupied the historic Maxwell House since 1989, and special events have occurred at the Maxwell House for approximately 15 years. The current request would allow a maximum of 21 events per with, with operational conditions of approval. The events proposed would be ancillary to the existing office use, occur during a limited time period on weekends, and represent an annual reduction when compared to previous years.

CONCLUSION:

Staff finds that the findings necessary for approving CUP #7114 to allow for the establishment of a Clubs, Lodges, Private Meeting Hall land use can be made. Therefore, staff recommends that the City Council approve CUP #7114 subject to the findings in Attachment A and recommended conditions of approval in Attachment B, that include the conditions added or modified by the BZA.

FISCAL IMPACT:

There is no direct fiscal impact as a result of this action.

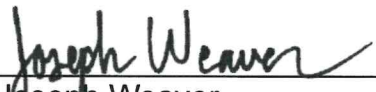
Respectfully submitted,



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Attachments: (11)

- Attachment A: Specific Findings
- Attachment B: Conditions of Approval
- Attachment C: Hearing Officer Staff Report (dated June 5, 2024, without attachments)
- Attachment D: Hearing Officer Decision Letter (dated June 10, 2024)
- Attachment E: Hearing Officer First Appeal Application (dated June 13, 2024)
- Attachment F: Hearing Officer Second Appeal Application (dated June 13, 2024)
- Attachment G: Hearing Officer Addendum (dated July 27, 2024)
- Attachment H: BZA Staff Report (dated October 10, 2024, without attachments)
- Attachment I: BZA Decision Letter (dated October 15, 2024)
- Attachment J: BZA Appeal Application (dated October 21, 2024)
- Attachment K: Lease Agreement (dated April 4, 1989)