

**PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT**

DATE: OCTOBER 10, 2024
TO: BOARD OF ZONING APPEALS
FROM: BEILIN YU, ZONING ADMINISTRATOR
SUBJECT: APPEAL OF HEARING OFFICER'S DECISION:
CONDITIONAL USE PERMIT #7114
55 SOUTH GRAND AVENUE

RECOMMENDATION:

It is recommended that the Board of Zoning Appeals:

1. Adopt the Environmental Determination, that the 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, §15301, Class 1, Existing Facilities). Section 15301 exempts from environmental review the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use; and
2. Uphold the Hearing Officer's decision and approve Conditional Use Permit #7114

EXECUTIVE SUMMARY:

On April 7, 2023, the Western Justice Center (WJC or Applicant) submitted an application for Conditional Use Permit #7114 to allow the establishment of a Clubs, Lodges, Private Meeting Hall land use within an existing building (the Maxwell House) in the PS-1 (Public and Semi-Public) zoning district. The Applicant proposed up to 28 special events per calendar year, including weddings, celebrations, and other private events that would be accessory to a primary use. Staff recommended the Hearing Officer approve the Conditional Use Permit, subject to conditions of approval.

On June 5, 2024, at a regularly notice public hearing, the Hearing Officer considered the Conditional Use Permit. At the conclusion of the public hearing, and after public testimony, the Hearing Officer made the required findings in the affirmative and approved the Conditional Use Permit (Attachment C). On June 13, 2024, two requests were filed to appeal the Hearing Officer's decision to the Board of Zoning Appeals. The first request was filed by Anita Yagjian (Appellant 1) (Attachment D). 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 (Appellant 2) (Attachment E).

The project was previously scheduled to be heard by the Board of Zoning Appeals on August 22, 2024. The Board of Zoning Appeals decided to continue the project to October 10, 2024.

Based on the previous analysis and the recommended conditions of approval, Staff recommends that the Board of Zoning Appeals uphold the Hearing Officer's decision and approve the Conditional Use Permit, based on the findings provided in Attachment A and conditions in Attachment B.

BACKGROUND:

Existing Site Characteristics:

The project site consists of an irregular shaped lot measuring approximately 35,978 square feet in size. The site 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 exist 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:

Conditional Use Permit #2423: To allow: 1) Conditional Use Permit to establish an Office land use, 2) Conditional Use Permit to utilize a joint parking and loading arrangement, 3) Variance to allow off-street parking through a lease agreement effective less than 10 years, and 4) Variance to allow reduced parking as part of collective parking arrangement. Approved October 16, 1991.

Conditional Use Permit #4270: To allow a 400 square foot, one-story restroom addition to the existing Maxwell House building. Approved February 4, 2004

Conditional Use Permit #5419: To allow an 896 square foot basement expansion beneath the existing Maxwell House building. Approved 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. Their mission is to increase the opportunity for peaceful conflict resolution in order to displace the power of violence

in society. They design, implement, evaluate, and promote innovative methods of conflict prevention and resolution for children, communities, and courts.

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, ranging from a residential bungalow in conjunction with the former hotel to an army hospital during World War II. The subject site is owned by the City of Pasadena. 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 lease office space to other local nonprofit organizations.

The Applicant submitted a Conditional Use Permit application to establish a Clubs, Lodges, Private Meeting Hall land use. The proposal would allow up to 28 special events per calendar year, including weddings, celebrations, and other private events at the Maxwell House. These private events are not associated with the WJC's primary business activities. The special events would be ancillary to the building's primary use as administrative offices. According to the Applicant, the revenue generated through events would allow them to offer below market rates to other nonprofit organizations and would facilitate the restoration, maintenance, and preservation of the historic buildings on the WJC Campus, as is required by the lease with the City.

Special events would occur on Saturdays and Sundays only. Events would be limited to the first floor interior of the Maxwell House and would occur 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 gathering 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 facing the rear property line) and a small patio with an oak tree area (to the southwest and facing the rear property line). In addition, use of the outdoor areas would be limited and may only occur within a three-hour period between the hours of 1:00 p.m. and 6:00 p.m. Outdoor areas would be limited to ceremonies and photography only.

HEARING OFFICER:

The application was presented to the Hearing Officer at a public hearing on June 5, 2024. Staff's recommended the Hearing Officer approve the Conditional Use Permit, as staff determined that the necessary findings could be made. Prior to the hearing, staff received six public comments, including five in support and one in opposition of the project, submitted on behalf of residents of the neighboring multi-family residential use directly west of the subject property (Appellant 2). During the public hearing, the Applicant made a presentation and five additional public comments were received, all in favor of the project.

At the conclusion of the public testimony, the Hearing Officer approved the Conditional Use Permit, based on findings in Attachment A. To supplement the decision, the Hearing Officer provided an addendum explaining his reasons for approving the application and responding to the appeal (Attachment F).

ANALYSIS:

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

The subject site is located in the PS-1 zoning district, which is intended for large public or semi-public land uses that may not be appropriate in other base zoning districts. The establishment of a Clubs, Lodges, and Private Meeting Hall that is accessory to a principal use requires a Conditional Use Permit 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 a primary use. Those in attendance would be limited to invited guests of private events, WJC staff, security, and vendors (and 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 Board of Zoning Appeals may approve a Conditional Use Permit 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 Conditional Use Permit process allows the City to specify development 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

Throughout the remainder of 2024, the Applicant is proposing 6 events which would occur on the dates specified in the table below.

Table 1. Schedule for Remainder of 2024

Month	Dates	Number of Events
October	26	1
November	2, 3, 16, 17	4
December	7	1
TOTAL	4 Weekends	6 Events

As a condition of approval, for 2025 and beyond, there shall be no more than 28 events per calendar year. The 28 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 in the table below and in Attachment B.

Table 2. Schedule for 2025 and Beyond

Month	Number of Weekends	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	28 Events

* Not on consecutive weekends

** Maximum one event at a time

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

- A majority of the events (over 50%) per calendar year shall not exceed 125 guests; the remaining events shall not exceed 175 people; these figures exclude WJC staff, security and vendors.
- A minimum one WJC representative shall be present during events; events with alcohol service or more than 125 guests shall include onsite security personnel to supervise the event and ensure compliance with alcohol restrictions.

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; however, some events may occur for a shorter period of time. While the proposed use is not subject to limited hours of operations in Zoning Code Section 17.40.070 (Limited Hours of Operation), the following conditions are recommended:

- Days of week: 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 (a garden patio and small patio with an oak tree area) and within a three-hour period between the hours of 1:00 p.m. and 6:00 p.m.
- Set-up and clean-up: The hours noted above shall include any time needed for set-up and clean-up. However, the removal of equipment shall occur the day after an event during business hours.

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 recommended:

- 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 the outdoor areas: No amplified sound shall be allowed outside; music shall be limited to acoustic or soft background music; the use of microphones shall be limited to the exchange of vows within the garden patio; 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; comply with the City's Noise Restrictions Ordinance at all times (Pasadena Municipal Code Chapter 9.36).

Parking

The WJC Campus currently uses a surface parking lot located approximately 250 feet to the southeast at 116 South Grand Avenue. The 150-space parking lot is shared with the Court of Appeals. In 1991, Conditional Use Permit #2423 was approved for the Applicant to establish administrative offices use at the site and authorized use of 30 spaces within the parking lot. In 2010, Conditional Use Permit #5419 was approved for a basement expansion beneath the Maxwell House and authorized the use of seven additional spaces within the parking lot. Therefore, a total of 37 parking spaces are available.

The Zoning Code requires Clubs, Lodges, and Private Meeting Hall uses provide a minimum of 10 spaces per 1,000 square feet of area used for assembly purposes. A total of 3,096 square feet of area within the Maxwell House would be used for assembly purposes, therefore the use would require 31 parking spaces. The proposed events would occur outside of normal business hours and without any interruption to the Court of Appeals use and WJC Campus. Since the proposed use would not occur at the same time as the primary administrative office uses, the hours of the two uses would not overlap. As such, the 37 available spaces within the parking lot would satisfy the Zoning Code requirement for the proposed use. To ensure parking is available at all times for special events, the following conditions are recommended:

- All events: Guests shall be provided with parking directions prior to the event to prevent confusion upon arrival; WJC staff shall be present at the Maxwell House entrance during the times guests are arriving to ensure that guests park in the designated lot.
- Events with more than 125 attendees: The Applicant shall notify the Court of Appeals prior to the event.

Community Outreach

Staff also added a condition of approval 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.

APPEALS:

On June 13, 2024, two requests were filed to appeal the Hearing Officer's decision to the Board of Zoning Appeals.

First Appeal:

The first request was filed by Anita Yagjian (Appellant 1) (Attachment D). Appellant 1 cites the following points:

1. Legal Issues.
 - a. The proposed use is prohibited under the lease and plan of public use.
 - b. The proposed use conflicts with WJC's mission and purpose.
 - c. The proposed wedding event schedule negatively impacts residents.

- d. The project constitutes a nuisance in violation of the Pasadena Municipal Code.
 - e. The applicant has failed to provide sufficient evidence to support the findings required under the Pasadena Municipal Code
 - f. The project requires additional environmental review and is ineligible for a categorical exemption under the California Environmental Quality Act (CEQA).
 - g. The zoning district under which the property is subject prohibits the existing use of the Maxwell House and the WJC has not justified its right to alter this zoning district.
2. Specific findings #4 and #5 are not supported by facts. The proposed use is detrimental to the health, safety and general welfare of persons residing in the neighborhood.
- a. The proposed use will have a significant impact on neighbors.
 - b. The proposed use will result in the loss of rental income.
 - c. The proposed use would result in the loss of use and quiet enjoyment of the appellant's property.
 - d. The proposed use would result in significant reduction in rental and sales value of the appellant's property.
 - e. The WJC lacks good faith and fair dealings in its communications with the appellant.
 - f. The WJC has failed to comply with the law.
 - g. The proposed use presents safety issues.
3. The conditions in the [Conditional Use Permit (CUP)] are not sufficient to reduce the significant impact on neighbors.
- a. The CUP fails to provide a process by which the WJC will notify the City and neighbors of the weekends on which the wedding will be scheduled.
 - b. The CUP lacks enforcement mechanisms for conditions of approval.
 - c. There are significant conflicts of interest issues.
 - d. The wedding venue business needs to be phased out over several years.
4. Specific finding #3 is not supported by facts. WJC's application merely asserts unsubstantiated claims.
- a. WJC has not provided adequate documentation concerning the use of local vendors.
 - b. WJC has not provided evidence to support it's claims that funds provided by weddings are necessary to support the WJC Campus.

Second Appeal:

The second appeal 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 (Appellant 2) (Attachment E). Appellant 2 cites the following points:

1. WJC is prohibited from operating the Property for profit (including for its "special events operation") pursuant to the April 4, 1989, Lease Agreement between the Pasadena Surplus Property Authority.

- a. The lease and WJC's function as a 501(c)(3) entity prohibit any for-profit use of the property.
 - b. WJC as a non-profit 501(c)(3) organization must operate the Maxwell House in line with its charter.
2. The use of the property for profit is detrimental to the health and general welfare of persons residing in the neighborhood. The conditions of approval do not mitigate the project's impacts.
 3. The Class 1 "Existing Facilities" Categorical Exemption does not apply due to the mischaracterization of the Project "no expansion of use".
 4. The for-profit use of the property violates the [Pasadena Municipal Code (PMC)].
 5. The for-profit use of the property violates WJC's "stated commitment to...sensitive re-use" of the Maxwell House.
 6. The project constitutes a nuisance in violation of the Pasadena Municipal Code.
 7. The zoning district PS-1 prohibits the existing use of the Maxwell House.

Response to Each Appeal:

Staff has provided responses to both Appellant's concerns in the section below. Additionally, the appeal applications were forwarded to the Hearing Officer for review. The Hearing Officer provided responses in the form of an Addendum (Attachment F), which are also included in the section below.

First Appeal

1. Legal Issues.
 - a. The proposed use is prohibited under the lease and plan of public use.

Staff's Response: *Per the City's Office of Economic Development, the lease states the Applicant is prohibited from allowing any for-profit activities during ordinary business hours. However, nothing precludes the Applicant from using the site for community meetings and other purposes during non-business hours (i.e., Saturdays and Sundays).*

Hearing Officer's Response: *"The lease (and its associated plan of use) is a contractual matter between the City of Pasadena (as the owner/landlord) and the Western Justice Center (WJC, as the tenant). This matter is not within the jurisdiction of the Hearing Officer."*
 - b. The proposed use conflicts with WJC's mission and purpose.

Staff's Response: *The WJC's mission and purpose are not related to the required findings for this Conditional Use Permit.*

Hearing Officer's Response: *"This is a matter more appropriately considered by the WJC's Board of Directors. This matter is not within the jurisdiction of the Hearing*

Officer.”

- c. The proposed wedding event schedule negatively impacts residents.

Staff's Response: *Conditions of approval are included to minimize potential impacts to adjacent residents. Conditions 10, 11 and 12 limit the number of events per calendar year, prohibit events on consecutive weekends, and limit the number of weekends, and events per month. Condition 13 limits the hours of operation. Condition 22 restricts the maximum number of guests to 125 people for most events and in no case over 175 people. Condition 24 requires the Applicant to maintain a public website or other form of notification to provide the public with information on future events and contact information if the public has any questions or concerns.*

Hearing Officer's Response: *“The CUP includes conditions of approval which: limit the number of events to no more than 28 events per year in Calendar Year 2025 and thereafter (Condition 10); prohibit events on consecutive weekends (Condition 11); establish a schedule/parameters for the hosting of events (Condition 12); proscribe hours for events (Conditions 13) and set-up/removal (Condition 14); set requirements for the use of the outdoor garden patio, outdoor small patio, and oak tree area (Conditions 18 and 19); establish parking requirements (Condition 20); require security for events where alcohol is served or that exceed 125 people (Condition 25); require WJC staff to be on-site and monitoring events (Conditions 26, 27, and 28); limit the hours of amplified music and microphones (Conditions 29, 30, and 31); and require the applicant to keep the site, street, sidewalk, and immediate vicinity to be clean of trash and debris (Condition 36). From my perspective, these and other conditions will ensure that the wedding event schedule does not negatively impact adjacent and nearby residents.”*

- d. The project constitutes a nuisance in violation of the Pasadena Municipal Code.

Staff's Response: *Appellant 1 provided a noise impact study dated November 20, 2023, which measured sound levels during events on Saturday November 4, 2023, and Sunday, November 12, 2023. At that time, the use was not subject to the conditions of approval proposed as part of this Conditional Use Permit. The Applicant is now required to comply with numerous conditions of approval to minimize sound impacts. Conditions 28 and 29 limit any amplified music to indoor areas which shall cease by 10:00 p.m. and require WJC staff be present to ensure doors and windows remain closed during events. 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 states that music in outdoor areas shall be limited to acoustic or soft background music. Lastly, Condition 32 requires full compliance with the City's Noise Restrictions Ordinance (Pasadena Municipal Code Chapter 9.36).*

Hearing Officer's Response: *“[Appellant 1] provides no evidence to substantiate the contention that the project is a nuisance.”*

- e. The applicant has failed to provide sufficient evidence to support the findings required under the Pasadena Municipal Code.

Staff's Response: *In the Conditional Use Permit application submitted by the Applicant, responses to each of the required six findings were provided. Further, staff included responses to each of the required findings in Attachment A.*

Hearing Officer's Response: "The Applicant provided significant written evidence in support of the findings. Separately, City staff drafted findings which I found to be sufficient for me to approve the CUP."

- f. The project requires additional environmental review and is ineligible for a categorical exemption under the California Environmental Quality Act (CEQA).

Staff's Response: 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, private weddings have occurred at the Maxwell House for approximately 15 years. A 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 weddings and similar events proposed under the Conditional Use Permit represent an annual reduction when compared to previous years.

Hearing Officer's Response: "The appellant provides no evidence to substantiate the contention that the project requires additional environmental review, nor that the project is ineligible for a categorical exemption under CEQA."

- g. The zoning district under which the property is subject prohibits the existing use of the Maxwell House and the WJC has not justified its right to alter this zoning district.

Staff's Response: The subject site is located within the PS-1 zoning district, which is intended for large public or semi-public land uses that may not be appropriate in other base zoning districts. The establishment of a Clubs, Lodges, and Private Meeting Hall that is accessory of a principal use requires a Conditional Use Permit 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 a primary use. Those in attendance would be limited to invited guests of private events, WJC staff, security, and vendors (and 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.

Hearing Officer's Response: "The WJC is located on property that is within the [PS-1] zoning district. As noted on Page 4 of the [Hearing Officer] staff report, 'The proposed Clubs, Lodges, Private Meeting Hall use is classified as a public and semi-public use, which is consistent with the purposes [of] the PS-1 zoning district and in conformance with the goals, policies, and objectives of the General Plan.'"

2. Specific findings #4 and #5 are not supported by facts. The proposed use is detrimental to the health, safety and general welfare of persons residing in the neighborhood.

- a. The proposed use will have a significant impact on neighbors.

Staff's Response: Appellant 1 cites noise impacts within this section of the appeal. As noted in the response to Appellant 1's Point 1d, the Applicant is required to comply with numerous conditions of approval to minimize sound impacts.

Hearing Officer's Response: "The CUP includes conditions of approval which: limit the

number of events to no more than 28 events per year in Calendar Year 2025 and thereafter (Condition 10); prohibit events on consecutive weekends (Condition 11); establish a schedule/parameters for the hosting of events (Condition 12); proscribe hours for events (Conditions 13) and set-up/removal (Condition 14); set requirements for the use of the outdoor garden patio, outdoor small patio, and oak tree area (Conditions 18 and 19) establish parking requirements (Condition 20); require security for events where alcohol is served or that exceed 125 people (Condition 25); require WJC staff to be on-site and monitoring events (Condition 26, 27, and 28); limit the hours of amplified music and microphones (Conditions 29, 30, and 31); and require the applicant to keep the site, street, sidewalk, and immediate vicinity to be clean of trash and debris. From my perspective, these and other conditions will ensure that the wedding event schedule does not negatively impact adjacent and nearby residents.”

- b. The proposed use will result in the loss of rental income.

Staff’s Response: *The loss in rental income is not related to the required findings for this Conditional Use Permit.*

Hearing Officer’s Response: *“[Appellant 1’s] narrative claims a loss of rental income when comparing a prior tenant to the next tenant, and attributes this reduced rental income to impacts caused by WJC. Other than the narrative of the appeal, there is no evidence to support the claim. Further, the change in rental income could be caused by a variety of factors unrelated to the WJC.”*

- c. The proposed use would result in the loss of use and quiet enjoyment of the appellant’s property.

Staff’s Response: *As noted in the response to Appellant 1’s Point 1d, Appellant 1 provided a noise impact study dated November 20, 2023, which measured sound levels during events on Saturday November 4, 2023, and Sunday, November 12, 2023. At that time, the use was not subject to the conditions of approval proposed as part of this Conditional Use Permit. The Applicant is now required to comply with numerous conditions of approval to minimize sound impacts.*

Hearing Officer’s Response: *“The CUP includes conditions of approval which: limit the number of events to no more than 28 events per year in Calendar Year 2025 and thereafter (Condition 10); prohibit events on consecutive weekends (Condition 11); establish a schedule/parameters for the hosting of events (Condition 12); proscribe hours for events (Conditions 13) and set-up/removal (Condition 14); set requirements for the use of the outdoor garden patio, outdoor small patio, and oak tree area (Conditions 18 and 19) establish parking requirements (Condition 20); require security for events where alco is served or that exceed 125 people (Condition 25); require WJC staff to be on-site and monitoring events (Condition 26, 27, and 28); limit the hours of amplified music and microphones (Conditions 29, 30, and 31); and require the applicant to keep the site, street, sidewalk, and immediate vicinity to be clean of trash and debris. From my perspective, these and other conditions will ensure that the neighbor (appellant) will not lose the quiet enjoyment of her property. Further, to the extent that that there are any impacts upon the appellant from events on the WJC property, these events are periodic, limited, and intermittent, and do not occur for most of the year.”*

- d. The proposed use would result in significant reduction in rental and sales value of the

appellant's property.

Staff's Response: *Reduction in rental and sales value of Appellant 1's property are not related to the required findings for this Conditional Use Permit.*

Hearing Officer's Response: *"[Appellant 1's] narrative claims a loss in the sales value of her home, due to impacts caused by WJC. Other than the narrative of the appeal, there is no evidence to support the claim. Further, the theoretical change in the value of the home could be caused by a variety of factors unrelated to the WJC."*

- e. The WJC lacks good faith and fair dealings in its communications with [Appellant 1].

Staff's Response: *Previous correspondence and dealings between Appellant 1 and the WJC are not related to the required findings for this Conditional Use Permit. Condition 24 requires the Applicant to maintain a public website or other form of notification to provide the public with information on future events and contact information if the public has any questions or concerns.*

Hearing Officer's Response: *"This matter is not within the jurisdiction of the Hearing Officer."*

- f. The WJC has failed to comply with the law.

Staff's Response: *Appellant 1 states that the WJC has "failed to comply with many legal requirements for a long period of time". However, there is no evidence provided to substantiate this claim.*

Hearing Officer's Response: *"The appeal contends that "WJC has failed to comply with many legal requirements for a long time" without providing any supporting documentation or evidence to substantiate the claim."*

- g. The proposed use presents safety issues.

Staff's Response: *Appellant 1 states that, "In the past, the WJC fire alarms have gone off during wedding events." However, the circumstances surrounding the activation of the fire alarm are not clear. This occurrence does not demonstrate that the proposed use presents safety issues. The proposal was routed to the City of Pasadena Fire Department for review. Condition 41 requires the Applicant to contact the Fire Department prior to each event for a determination on whether a Special Event Permit is required from the Fire Department, in addition to any other special permits such as Candle or Tent Permits.*

Hearing Officer's Response: *"The activation of fire alarms on the WJC property does not, in and of itself, demonstrate an on-going safety issue."*

3. The conditions in the CUP are not sufficient to reduce the significant impact on neighbors.

- a. The CUP fails to provide a process by which the WJC will notify the City and neighbors of the weekends on which the wedding will be scheduled.

Staff's Response: *Condition 24 requires 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.*

Hearing Officer's Response: "Condition 24 requires the applicant to 'maintain a public a public website which includes a schedule of events.'"

- b. The CUP lacks enforcement mechanisms for conditions of approval.

Staff's Response: *The City's Code Compliance Division handles noncompliance with conditions of Conditional Use Permits. Further, Condition 4 notes that 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 also revoke the Conditional Use Permit if sufficient cause is given.*

Hearing Officer's Response: "Condition 4 empowers the Zoning Administrator to call for a review of the approved conditions. This process involves the scheduled of a noticed public hearing, and the power to add or modify conditions of approval. If sufficient cause is demonstrated, the Zoning Administrator has the authority to revoke the CUP. Separately, Condition 8 subjects the project to Condition Monitoring."

- c. There are significant conflicts of interest issues.

Staff's Response: *Appellant 1 describes hypothetical claims of a conflict of interest within this section, as the City is the property owner of the WJC campus. Conditional Use Permits are approved based on the ability to make the required findings in the affirmative.*

Hearing Officer's Response: "This matter is not within the jurisdiction of the Hearing Officer."

- d. The wedding venue business needs to be phased out over several years.

Staff's Response: *Appellant 1 describes previous communication they had with WJC and discussions on phasing the events over time. This is not a valid basis for an appeal but rather a personal request by Appellant 1.*

Hearing Officer's Response: "The appeal addresses purported communications between WJC and neighbors. This matter is not within the jurisdiction of the Hearing Officer."

4. Specific finding #3 is not supported by facts. WJC's application merely asserts unsubstantiated claims.

- a. WJC has not provided adequate documentation concerning the use of local vendors.

Staff's Response: *A response to finding #3 is included in Attachment A. The WJC stated in their application that they intend to use local vendors during the proposed events. However, the exclusive use of local vendors for the proposed events is not a requirement by the City or necessary to make the required findings in the affirmative.*

Hearing Officer's Response: "Whether WJC uses local vendors (or "non local" vendors) is not relevant to the required findings necessary to approve the CUP. This matter is not within the jurisdiction of the Hearing Officer."

- b. WJC has not provided evidence to support its claims that funds provided by weddings are necessary to support the WJC Campus.

Staff's Response: A response to finding #3 is included in Attachment A. In their submitted application, the Applicant notes that they have the sole financial responsibility to maintain and operate the historic buildings on the WJC Campus and revenues from special events will support the costs associated with those efforts. Preserving Pasadena's historic resources is one of the Eight Guiding Principles of the City's General Plan. Nonetheless, how the revenues are generated or used are not related to the required findings for this Conditional Use Permit.

Hearing Officer's Response: "Although the record includes claims about economic issues faced by WJC, these claims are not germane to my authority as the Hearing Officer. The decision to approve (or deny) a CUP is based entirely upon whether the findings can or cannot be made. The WJC's claims about its fundings issues did not in any way contribute to the basis for my approval of the CUP."

Second Appeal

1. WJC is prohibited from operating the Property for profit (including for its "special events operation") pursuant to the April 4, 1989, Lease Agreement between the Pasadena Surplus Property Authority.

- a. The property must be used for purposes described in the plan of public use and other non-profit law related functions.

Staff's Response: Per the City's Office of Economic Development, the lease states the Applicant is prohibited from allowing any for-profit activities during ordinary business hours. However, nothing precludes the Applicant from using the site for community meetings and other purposes during non-business hours (i.e., Saturdays and Sundays).

Hearing Officer's Response: "The lease (and its associated plan of use) is a contractual matter between the City of Pasadena (as the owner/landlord) and the Western Justice Center (WJC, as the tenant). This matter is not within the jurisdiction of the Hearing Officer."

- b. WJC as a non-profit 501(c)(3) organization must operate the Maxwell House in line with its charter.

Staff's Response: The WJC's compliance with its charter is not related to the required findings for this Conditional Use Permit.

Hearing Officer's Response: "This matter is not within the jurisdiction of the Hearing Officer."

2. The use of the property for profit is detrimental to the health and general welfare of persons residing in the neighborhood.

Staff's Response: Conditions of approval are included to minimize potential impacts to adjacent residents. Conditions 10, 11 and 12 limit the number of events per calendar year, prohibit events on consecutive weekends and limit the number of weekends and events per month. Condition 13 limits the hours of operation. Condition 22 restricts the maximum number of guests to 125 people for most events and in no case over 175 people. Condition 24 requires the Applicant to maintain a public website or other form of notification to provide the public with information on future events and contact information if the public has any questions or concerns.

Hearing Officer's Response: "The CUP includes conditions of approval which: limit the number of events to no more than 28 events per year in Calendar Year 2025 and thereafter (Condition 10); prohibit events on consecutive weekends (Condition 11); establish a schedule/parameters for the hosting of events (Condition 12); proscribe hours for events (Conditions 13) and set-up/removal (Condition 14); set requirements for the use of the outdoor garden patio, outdoor small patio, and oak tree area (Conditions 18 and 19) establish parking requirements (Condition 20); require security for events where alcohol is served or that exceed 125 people (Condition 25); require WJC staff to be on-site and monitoring events (Condition 26, 27, and 28); limit the hours of amplified music and microphones (Conditions 29, 30, and 31); and require the applicant to keep the site, street, sidewalk, and immediate vicinity to be clean of trash and debris. From my perspective, these and other conditions will ensure that the wedding event schedule does not negatively impact adjacent and nearby residents."

3. The Class 1 "Existing Facilities" Categorical Exemption does not apply due to the mischaracterization of the Project "no expansion of use".

Staff's Response: 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, private weddings have occurred at the Maxwell House for approximately 15 years. A 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 weddings and similar events proposed under the Conditional Use Permit represent an annual reduction when compared to previous years.

Hearing Officer's Response: "From my perspective, staff has adequately addressed the Class 1 CEQA exemption issues (see the narrative on Pages 1 and 7 of the staff report.)"

4. The for-profit use of the property violates the PMC.

Staff's Response: The appeal does not specify which Section of the PMC the proposed use violates. The appeal asserts that the lease and the WJC's function as a 501(c)(3) entity prohibit any for-profit use of the property. As noted in the response to Appellant 2's Point 1a, nothing precludes the Applicant from using the site for community meetings and other purposes during non-business hours (i.e., Saturdays and Sundays).

Hearing Officer's Response: "This matter is not within the jurisdiction of the Hearing Officer."

5. The for-profit use of the property violates WJC's "stated commitment to...sensitive re-use" of the Maxwell House.

Staff's Response: It is not clear where this quotation was taken from. WJC's prior commitments are not related to the required findings for this Conditional Use Permit.

Hearing Officer's Response: "The appeal provides no context nor explanation of the quotation. Even making reasonable assumptions, any such assertion by a WJC representative is not germane to my authority as the Hearing Officer. The decision to approve (or deny) a CUP is based entirely upon whether the findings can or cannot be made. To the extent a WJC representative made such a claim, it did not in any way contribute to the basis for my approval of the CUP."

6. The project constitutes a nuisance in violation of the Pasadena Municipal Code.

Staff's Response: *Appellant 2 cites noise impacts within this section of the appeal. The Applicant is required to comply with numerous conditions of approval to minimize sound impacts. Conditions 28 and 29 limit any amplified music to indoor areas and that it ceases by 10:00 p.m. and require WJC staff be present to ensure doors and windows remain closed during events. Condition 18 limits the outdoor garden patio for wedding ceremonies and the oak tree patio 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 states that music in outdoor areas be limited to acoustic or soft background music. Lastly, Condition 32 requires full compliance with the City's Noise Restrictions Ordinance (Pasadena Municipal Code Chapter 9.36).*

Hearing Officer's Response: *"The appeal bases a nuisance determination solely upon noise impacts. There are several conditions which limit the use, hours of operation, number of events, scheduling of events, and significantly constrain the use of amplification. These conditions, in combination with restrictions and constraints found in other conditions of approval, will minimize the potential impacts to neighbors of events held on the WJC property. In this regard, the project does not constitute a nuisance as so defined in the Pasadena Municipal Code. Further, to the extent that there are any impacts upon the appellant from events on the WJC property, these events are periodic, limited, and intermittent, and do not occur for most of the year."*

7. The zoning district PS-1 prohibits the existing use of the Maxwell House.

Staff's Response: *The subject site is located within the PS-1, which is intended to provide a specific base zoning district for large public or semi-public land uses that may not be appropriate in other base zoning districts. The establishment of a Clubs, Lodges, and Private Meeting Hall that is accessory of a principal use requires a Conditional Use Permit 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 a primary use. Those in attendance would be limited to invited guests of private events, WJC staff, security, and vendors (and 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 office use to remain.*

Hearing Officer's Response: *The WJC is located on property that is within the PS-1 (Public and Semi-Public) zoning district. As noted on Page 4 of the [Hearing Officer] staff report, "The proposed Clubs, Lodges, Private Meeting Hall use is classified as a public and semi-public use, which is consistent with the purposes [of] the PS-1 zoning district and in conformance with the goals, policies, and objectives of the General Plan.*

GENERAL PLAN CONSISTENCY:

The proposed Clubs, Lodges, and Private Meeting Hall land use is consistent with General Plan Policy 8.9 (Maintenance), 11.1 (Business Expansion and Growth), and 14.1 (Tourism and Hospitality). Policy 8.9 promotes maintenance and upkeep of historic resources to avoid the need for major rehabilitation and to reduce the risk of demolition, loss through fire, deterioration by neglect, or impacts from natural disasters. Policy 11.1 promotes the growth and success of businesses that create new job opportunities and productive and satisfying employment for

Pasadena residents. Policy 14.1 encourages the growth of cultural assets and entertainment activities that attract visitors and conventioners.

The Applicant also assumes the financial responsibility to maintain and operate the Maxwell House and other historic buildings on the WJC Campus. Revenue from the special events will support the costs associated with those efforts and preserving Pasadena's historic resources is one of the Eight Guiding Principles of the General Plan.

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, §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. Therefore, there would be no substantial change in the significance of the Maxwell House. The events proposed would be ancillary to the existing office use and constitute a negligible expansion.

COMMENTS FROM OTHER DEPARTMENTS:

The proposal was reviewed by the Department of Transportation, Fire Department, Department of Public Works, Building and Safety Division, Design and Historic Preservation Section, Housing Department, Police Department, and the Department of Water and Power. The Fire Department included conditions of approval for the project. No other comments were provided.

CONCLUSION:


It is staff's assessment that the findings necessary for approval of the Conditional Use Permit to establish a Clubs, Lodges, and Private Meeting Hall land use can be made. As conditioned, the proposed use is consistent with all applicable provisions of the Zoning Code and the General Plan. Staff is recommending conditions of approval intended to address potential concerns relating to the use and to ensure that the proposed use would not be detrimental to surrounding uses. As conditioned, the Clubs, Lodges, and Private Meeting Hall land use can operate in harmony with the surrounding uses. Therefore, staff recommends that the Board of Zoning Appeals uphold the Hearing Officer's decision and approve Conditional Use Permit #7114 with the findings in Attachment A and the Conditions of Approval in Attachment B.

Respectfully Submitted,

Prepared By:



Beilin Yu
Zoning Administrator



Joseph Weaver
Associate Planner

Attachments:

- Attachment A – Conditional Use Permit Findings
- Attachment B – Conditions of Approval
- Attachment C – Hearing Officer Decision Letter (dated June 10, 2024)
- Attachment D – First Appeal Request (dated June 13, 2024)
- Attachment E – Second Appeal Request (dated June 13, 2024)
- Attachment F – Hearing Officer Addendum (July 27, 2024)