



Planning & Community Development Department

Appeal of Conditional Use Permit #7114 55 South Grand Avenue

City Council
February 10, 2025





Conditional Use Permit #7114

Planning & Community Development Department

- Conditional Use Permit #7114:
To allow the establishment of a Clubs, Lodges, Private Meeting Hall land use (Maxwell House) at the Western Justice Center (WJC).



Hearing Officer Public Hearing

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- **June 5, 2024 – Hearing Officer Meeting**
 - > Approved the CUP, with conditions, for 28 events.
- **June 13, 2024 – Appeals Submitted**
 - > Two appeals were submitted, by adjacent neighbors, opposing the decision of the Hearing Officer.



BZA Public Hearing

Planning & Community Development Department

- **October 10, 2024 – BZA Meeting**

- > Staff recommended upholding the Hearing Officer's Decision to approve the CUP.
- > The BZA approved the CUP by a vote of 4-1, with added and modified conditions. These conditions are included in staff's recommendation:
 - ❑ Reducing the maximum number of events from 28 to 21.
 - ❑ Requiring a WJC representative be present at each event to ensure compliance with conditions of approval.
 - ❑ Requiring all events to provide a third-party security personnel to monitor all areas and ensure compliance with conditions of approval.
 - ❑ Reducing the number of maximum guests from 175 to 150 and reducing the maximum number of events that can exceed 125 guests from 50% to no more than 25%.
 - ❑ Requiring WJC to have a phone number available on their website, for public use, to report concerns or ask questions.
 - ❑ Requiring periodic condition monitoring by Code Compliance staff, at cost to the Applicant, at least four times per calendar year, without notice.
 - ❑ Require a noticed annual review of the CUP with the Hearing Officer.



BZA Public Hearing cont.

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- **October 21, 2024 – Appeal Submitted**
 - > 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.



Project Description

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- **Background**

- > The WJC is a nonprofit organization who operates out of the Maxwell House and currently uses buildings on the property as administrative offices for their nonprofit work.
- > The WJC has been hosting ancillary special events for the last 15 years, without the benefit of a CUP or any 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.
- > After being notified by the City, the Applicant submitted the CUP application on 04/7/23 requesting 132 event per calendar year.
- > The CUP was originally scheduled for the 10/18/23 Hearing Officer meeting.
- > After the public hearing notice board was posted on the property, neighbors contacted the City expressing concerns regarding the request.
- > The Applicant requested the hearing be continued to allow them time to work with the neighbors.
- > After meeting with the neighbors, the applicant revised the project, including reducing the number of events from 132 to 28 events per calendar year.
- > The City has issued two TUPs to allow scheduled events to occur.



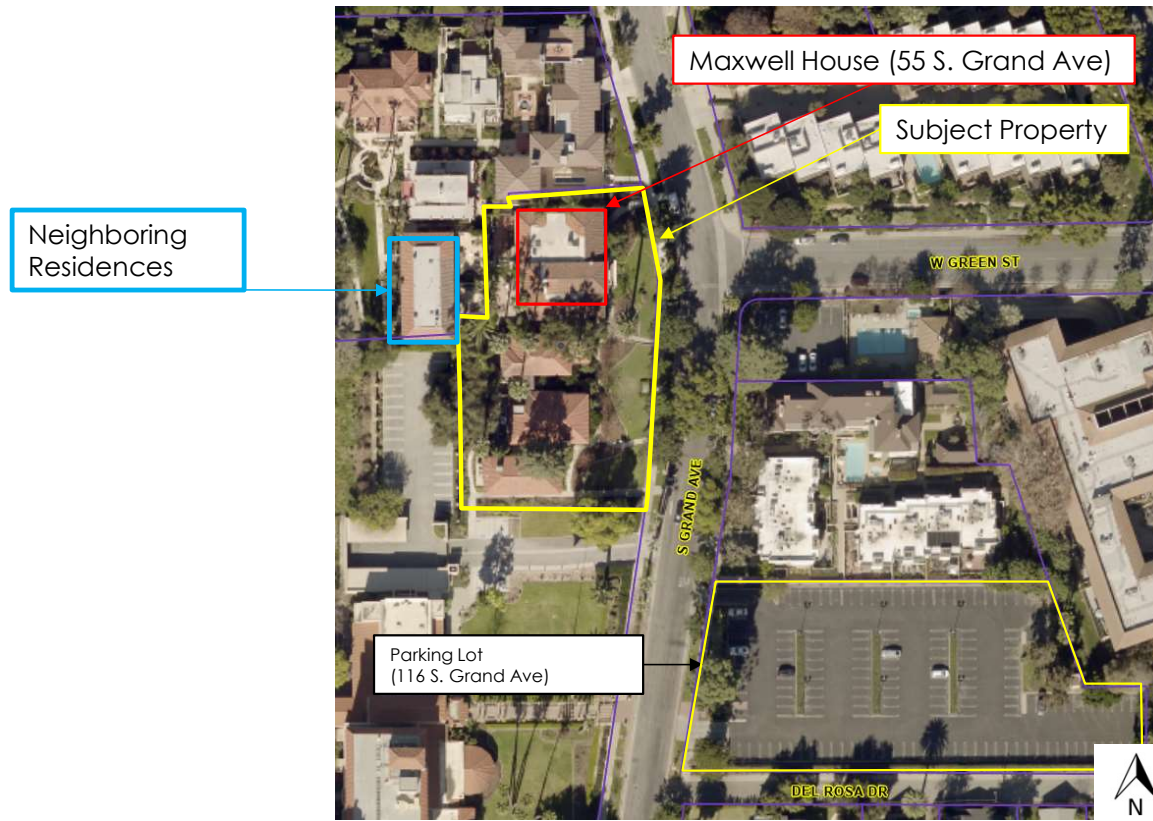
Project Description

Planning & Community Development Department

- Project Description
 - > Up to 21 special events per calendar year.
 - > Events include weddings, celebrations, and other private events.
 - > The special events would be ancillary to the building's primary use as administrative offices.
 - > Special events would occur on Saturdays and Sundays between the hours of 9:00 a.m. and 11:00 p.m.
 - > Events may use two outdoor patio areas which would be within a limited time frame.

Aerial Map

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Enlarged Aerial Map

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Events and Attendees

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- The 21 events can occur throughout 14 weekends and events can not occur on consecutive weekends. The events can not exceed the number of events per month or weekends per month as identified in the table below:

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

- Maximum number of attendees:
 - > At least 75% of the events shall have a maximum attendance of 125 people. The remainder of events shall not exceed 150 people (no more than 25%).



Operational Conditions

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- Days and Hours of Operation
 - > Saturdays and Sundays, only.
 - > Between the hours of 9:00 a.m. and 11:00 p.m.
 - > Use of outdoor areas limited to two patios within a three-hour period, between 1:00 p.m. and 6:00 p.m.
 - > 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
 - > Doors and windows shall remain closed during events; amplified music limited to indoor areas and shall cease at 10:00 p.m.
 - > No amplified sound 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.
 - > WJC staff must be present during events to monitor conditions related to noise.



Operational Conditions cont.

Planning & Community Development Department

- Security
 - > Security personnel 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 shall be provided to supervise the event and ensure compliance with alcohol restrictions.
- Community Outreach
 - > Applicant shall maintain a public website, which shall include the days and hours of proposed events along with a contact for questions or report concerns.



Appeal

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- In the appeal, the appellants cite the following:
 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. The proposed use would result in noise impacts on neighbors
 2. The BZA failed to address the Applicant's Lease with the City that does not allow the proposed use. Categorical Exemption under CEQA
 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

Planning & Community Development Department

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.
 - > *The BZA acted according to Zoning Code Section 17.72.070.B, which states they may review the decision and reverse, modify or affirm the action of the appeal and adopt additional conditions of approval .*
 - > *At the conclusion of the BZA public hearing, a motion was made to uphold the Hearing Officer’s decision. The BZA approved the CUP subject to modified conditions of approval.*



Response to Appeal cont.

Planning & Community Development Department

2. The BZA failed to address the Applicant's Lease with the City that does not allow the proposed use.
 - > *The lease agreement between the WJC and the City, and its enforcement, are not under the purview of the BZA, which has authority to review a project's consistency with the Zoning Code.*
 - > *The City's Economic Development Department has affirmed that the proposed use is not in violation of the lease terms.*



Response to Appeal cont.

Planning & Community Development Department

3. The BZA failed to address the prior CUPs on the site that preclude the proposed use.
 - > 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.
 - > CUP #5419 was approved in May of 2010 to allow the expansion of the existing office use within the basement.
 - > The prior CUPs and conditions of approval do not preclude the applicant from applying for a CUP to establish the proposed use.
 - > The subject site is located within the PS-1 zoning district which permits the establishment of the proposed use with a CUP. As such, the Applicant may establish the proposed use with approval of a CUP.



Response to Appeal cont.

Planning & Community Development Department

4. The BZA failed to address Section 17.26.030 (of the Zoning Code) that prohibits the proposed use.
 - > *In the PS-1 zoning district, 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 proposed use meets the Zoning Code definition a Clubs, Lodges, Private Meeting Hall land use.*
 - > *The proposal would allow special events that would be accessory to a primary use.*



Response to Appeal cont.

Planning & Community Development Department

5. The BZA failed to address the impermissibility of the proposed use under CEQA for the categorical exemption.
 - > *CEQA requires the proposed project be compared to the existing conditions (i.e., the conditions as they exist at the time the environmental analysis is commenced) which are considered the environmental baseline of a project.*
 - > *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.*
 - > *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 operational conditions.*



Response to Appeal cont.

Planning & Community Development Department

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.
 - > *The BZA addressed noise by limiting the activity that is occurring at the site.*
 - > *Several conditions of approval were also added to specifically minimize noise impacts. Conditions include limiting amplified music, requiring additional security to enforce conditions, and limiting the use of outdoor areas.*
 - > *Full compliance with the City's Noise Restrictions Ordinance (Pasadena Municipal Code Chapter 9.36) is required.*



Staff Recommendation

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- Staff recommends 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
 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.



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Facilities – Examples of Use

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Clubs, Lodges, Private Meeting Halls (land use).

A meeting, recreational, or social **facility** of a private or nonprofit organization primarily for use by members or guests.

Hotels, Motels (land use).

A commercial establishment offering overnight visitor accommodations, but not providing room rentals on an hourly basis. These uses include **facilities** available to the general public, including without limitation meeting and dining facilities, provided these are an integral part of the hotel or motel operations.

Medical Services - Hospital (land use).

A **facility** providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes incidental **facilities** for outpatient treatment, as well as training, research, and administrative services for patients and employees.

Animal Shelter (land use).

A **facility** operated for the purposes of impounding, harboring, selling, placing and retrieving seized, strayed, distressed, homeless, abandoned or unwanted animals.

Child Day Care Center (land use).

A child day-care **facility** other than a family day-care home which includes infant centers, preschools and extended day-care facilities.

Emergency Shelters (land use).

A nonprofit **facility** that provides short-term lodging without rent or fees on a first-come first-serve basis.

PS Zone and Example of Allowed Uses

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- Principal Uses:

Medical Office	Hospitals	Child Day Care Center
Government Offices	Colleges	Religious Facilities
Cultural Institutions	Schools	Residential Care

- Uses, Limited to accessory facilities of a principal use.

“(2) Limited to accessory facilities of a principal use.”

Administrative Offices	Restaurants	Alcohol Sales
Caretaker Quarters	Retail Stores	Conference Center
Clubs, lodges, private meeting halls		

Clubs, Lodges, Private Meeting Halls

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- Zoning Code Section 17.80.020 (Definitions).
- Clubs, Lodges, Private Meeting Halls (land use): A meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests.



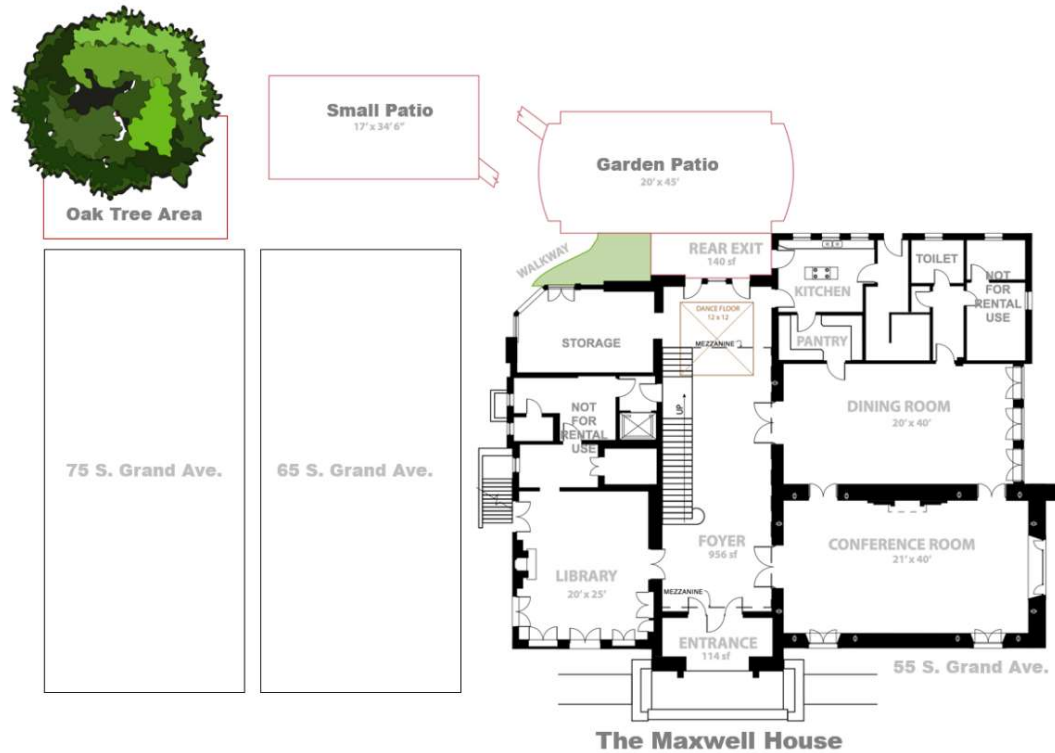
Accessory Uses

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- Zoning Code Section 17.80.020 (Definitions).
- Accessory or Incidental Uses (land use). A land use that is incidental and subordinate to the main use of the site and located on the same site as the main use. An accessory use may be located either in the principal structure or an accessory structure.

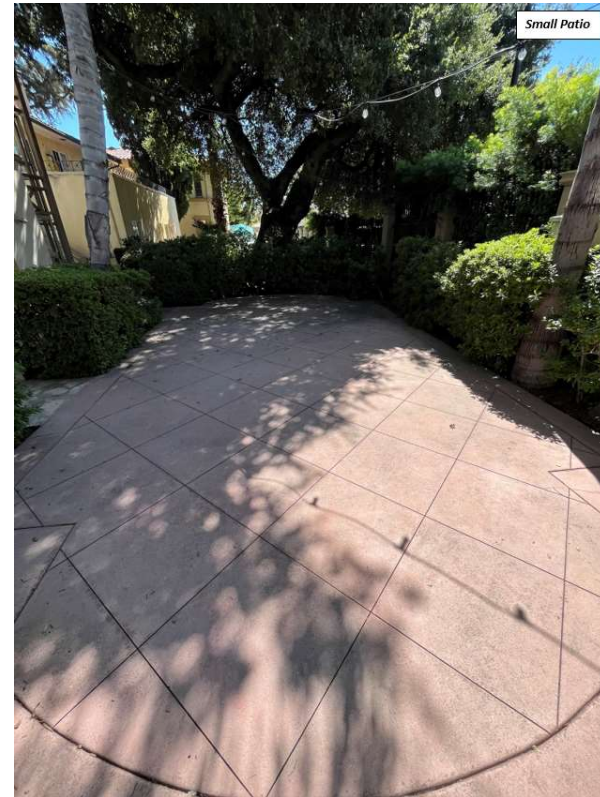
Floor Plan

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Outdoor Patios

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Photos from Appellant's Property

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Photos from Appellant's Property cont.

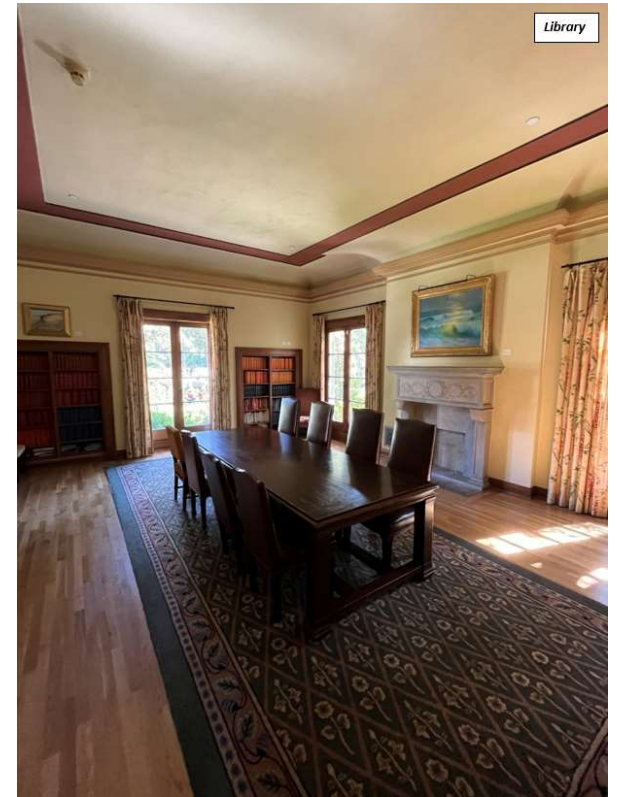
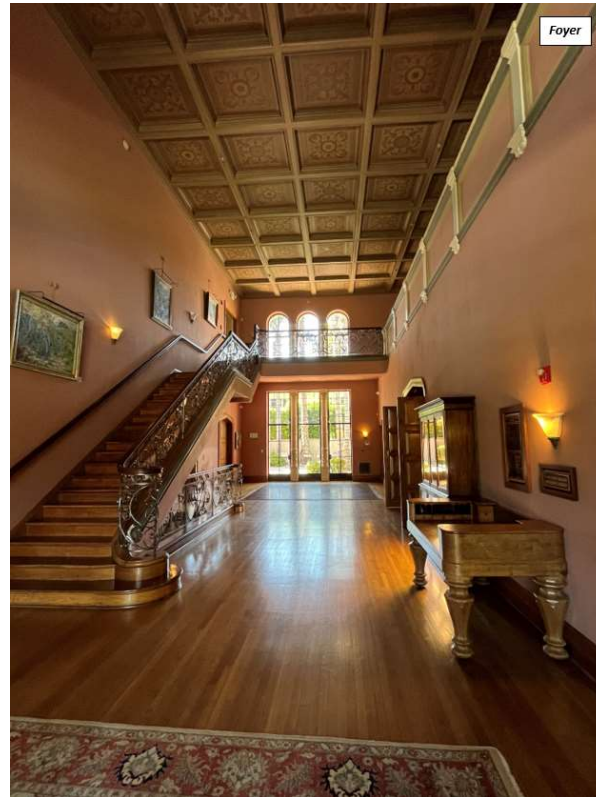
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Photos of Maxwell House

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Photos of Maxwell House cont.

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