



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: May 19, 2021

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6863

LOCATION: 3026 E. Orange Grove Boulevard

APPLICANT: City of Pasadena
Public Works Department

ZONING DESIGNATION: OS (Open Space)

GENERAL PLAN DESIGNATION: Open Space, Low Density Residential

CASE PLANNER: David Sinclair

STAFF RECOMMENDATION: Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment C) for the project; and the Specific Findings (Attachment A) to **approve** Conditional Use Permit #6863 with the conditions of approval (Attachment B).

PROJECT PROPOSAL: Conditional Use Permit: To allow the expansion of a 'Park and Recreation Facility' use (Viña Vieja Park) in order to facilitate the construction of 12 pickleball courts, and related facilities.

ENVIRONMENTAL DETERMINATION: An Initial Study was prepared for the project and concluded that there will be less than significant impacts on the environment with the incorporation of mitigation measures; a Mitigated Negative Declaration has therefore been prepared. Possible impacts on Biological Resources, Cultural Resources, and Recreation were identified in the Initial Environmental Study.

BACKGROUND:

Site characteristics: The project site is approximately 2.5 acres in area, immediately south of the existing 7.5-acre Viña Vieja Park. The site is located on vacant, undeveloped City-owned land. Local vehicular access is provided via

an entrance at the north end of the existing park on East Orange Grove Boulevard. Local pedestrian and bicyclist access is also available via a gated entrance near the intersection of Avocado Avenue and Las Lunas Street.

Adjacent Uses: North: Park, open space, and Single-Family Residential
South: Open space
East: Open space and Single-Family Residential
West: Open space and Single-Family Residential

Adjacent Zoning: North: OS (Open Space) and PD-6 (Eaton Wash Residential)
South: OS (Open Space)
East: OS (Open Space) and RS-6 (Residential, Single-Family, 0-6 dwelling units per acre)
West: OS (Open Space) and RS-6 (Residential, Single-Family, 0-6 dwelling units per acre)

Previous cases on this property: CUP#4464: To allow the establishment of a new city park. Approved with conditions (January 5, 2005).
CUP#4464 (modification): To incorporate a picnic shelter (approximately 1,700 square feet in size and 35 feet in height) into the approved city park. Approved with conditions (August 17, 2005).

PROJECT DESCRIPTION:

The applicant, City of Pasadena Department of Public Works, has submitted a Conditional Use Permit application to allow the expansion of a 'Park and Recreation Facility' land use (Viña Vieja Park) in order to facilitate the construction of 12 pickleball courts and related amenities in an undeveloped area (~2.5 acres) south of the existing ~7.5 acre park. Vehicular, pedestrian, and bicyclist access to Viña Vieja Park, and the new pickleball courts, will continue to be from E. Orange Grove Boulevard to the north; and pedestrian and bicyclist access will continue to be from a gated entrance at the corner of Avocado Avenue and Las Lunas Street to the east. A Conditional Use Permit is required for the expansion of a 'Park and Recreation Facility' in the OS (Open Space) zoning district.

Background:

Pickleball is a paddleball sport that combines elements of badminton, table tennis, and tennis. Two or four players use solid paddles to hit a plastic ball back-and-forth over a net. In response to an expressed desire in recent years from the Pasadena community for permanent dedicated pickleball facilities, the City's Public Works Department, in conjunction with a community Pickleball Advisory Group, has undertaken an effort to find suitable locations. The proposed location the south of Viña Vieja Park was identified in 2018 by the City Council as an appropriate location following a presentation to the Recreation and Parks Commission and a community meeting. The project was presented at a second community meeting in December 2019 and received support from the Recreation and Parks Commission in July 2020, following three design meetings with the Pickleball Advisory Group between February and July 2020.

The project was included in the City's fiscal year 2021-2025 Capital Improvement Program (CIP) for Parks and Landscaping – Park Project. Although the project itself is currently unfunded,

money was allocated by the City Council for the planning, design, and environmental analysis, which is the stage at which the project is currently at.

Project Elements:

The Project proposes construction of 10 standard-size pickleball courts (34 feet by 64 feet), two adaptive/wheelchair-accessible courts (44 feet by 74 feet), an approximate 900 square-foot restroom and storage building, and a warm-up and practice court with wall (8 feet high by 20 feet long) interconnected by paved walkways. Each pickleball court would be enclosed with a gated, eight-foot-high, vinyl-coated chain link fence with privacy screen where adjacent to walkways, and a gated, four-foot-high, vinyl-coated, chain link fence to separate parallel courts. Additional amenities include benches, picnic tables, shade canopies, drinking fountains, bike racks, signage, lighting, trash receptacles, landscaping, and utility connections.

At full buildout, the pickleball courts would be served by an 89-space surface parking lot accessed via the existing parking lot to the north. The lot would include 85 standard spaces and four Americans with Disabilities Act (ADA) compliant spaces. 22 of the 89 new parking spaces, would be located at the southern end of the existing parking lot serving Alice's Dog Park/Viña Vieja Park that is currently occupied by a circular vehicle turn-around and is not striped for parking. It has been observed that occasionally when Viña Vieja Park is heavily visited, the existing turnaround at the south end of the drive is sometimes used for parking. As such, the Project would be used as an opportunity to provide adequate parking not only for the pickleball courts but additional parking to serve the rest of Viña Vieja Park.

The boundary between the proposed pickleball courts and the existing Alice's Dog Park would remain separated by the existing fence at the south end of the dog park. The eastern and southern Project site boundaries would be enclosed by a six-foot-high solid vinyl fence, the same style as present in Viña Vieja Park/Alice's Dog Park. This solid fence would provide a barrier between on-site uses and potential vehicle headlight spill onto residences across Avocado Avenue.

As noted earlier, pedestrian and bicycle access to and from Viña Vieja Park is allowed through an existing pedestrian gate at the east side of the site, along Avocado Avenue, near Las Lunas Street. Currently, a white vinyl fence directs those entering the park towards the north (approximately 65 feet) when entering from the existing gate. As part of the Project, this north/south portion of the fence may be removed in order to allow direct east/west access to/from Avocado Avenue and the southern portion of the existing Viña Vieja Park.

It is anticipated that construction would occur over a period of approximately 14 months. Although it is expected that the entire project would be completed in a single phase, it is conceivable that depending on funding availability, construction could occur in multiple phases, in which case Viña Vieja Park and Alice's Dog Park, would remain open to the park users. Project construction is anticipated to occur from Monday through Friday, between the hours of 7:00 a.m. and 5:00 p.m., without activity on weekends or federal holidays.

ANALYSIS:

Conditional Use Permit – To expand a Parks and Recreational Facility Land Use

The City's Zoning Code defines a Parks and Recreation Facility as a noncommercial park, playground, or other recreation facility, and/or open space officially designated as a public park or recreation facility. The proposed project is the expansion of the existing Viña Vieja Park with new recreational amenities in the form of 12 pickleball courts and related amenities. The expanded park would continue to serve as a recreation facility to the general public. The entire site is zoned OS (Open Space) zoning district, and a Parks and Recreation Facility, including the expansion of one, is subject to the approval of a Conditional Use Permit within the OS zoning district.

The Conditional Use Permit process allows the City to review the project to determine if the proposed improvements will be compatible with the surrounding uses and require that the proposal adhere to specific conditions related to construction, operation, appearance, etc. In order to approve the Conditional Use Permit, six specific findings (Attachment A) must be made in the affirmative. These findings relate to the project meeting the intent and purpose of its Zoning District and the Zoning Code.

Park Operation

Viña Vieja is currently open from sunrise to sunset, consistent with other City parks without lighting. Parks with lighting close at 10:00 p.m. As proposed, the pickleball courts would be open daily for public use, from 7:00 a.m. to 10:00 p.m. Although not typically applicable to a Park and Recreation Facility, Zoning Code Section 17.40.070 (Limited Hours of Operation) does limit the hours operation for most land uses to these same hours, 7:00 a.m. to 10:00 p.m., when located within 150 feet of a residential zoning district. As such, the proposed hours of operation would be consistent with what would be expected near a residential neighborhood.

The courts are intended for individual use, such as planned and/or pick-up games. Although not currently contemplated, organized events such as tournaments would require prior review and approval by the City's Parks, Recreation, and Community Services Department to ensure they are consistent with the requirements of the Conditional Use Permit and other parameters of the project as analyzed in the Initial Study.

The in-court light fixtures would not be on after sunset unless turned on by park users. Each court's set of light fixtures would be connected to a push button timer, and would automatically shut off at 10:00 p.m. each day. Walkway/security lighting, and parking lot lighting would remain on during the night in order for security purposes.

The pickleball courts would be lighted with up to a total of 34 light fixtures, ranging in height from 25 feet to 35 feet, based on the concept that the taller the light fixtures the more the light can be directly vertically down, with less risk of light spill-over. Taller light fixtures also allow for fewer light fixtures than would otherwise be needed by shorter fixtures in order to provide adequate light. In addition to the court lighting, there would be up to 20 general light fixtures around the courts in order to provide adequate safety lighting for park users. In the new parking lot area, there would be nine light fixtures, which would be at a maximum height of 18 feet, as limited by Section 17.46.080 (Outdoor Parking Area Lighting) of the City's Zoning Code. All light fixtures would be shielded or recessed and would be directed downward and away from adjoining properties, as also required by the Zoning Code.

Parking

The City's Zoning Code parking requirement for a Park and Recreation Facility is 2.5 parking spaces for every 1,000 square feet of total structure area. As the existing Viña Vieja Park has already been constructed, only the park expansion and its construction will be considered in this Conditional Use Permit. As such, the minimum number of required parking spaces is based on the new restroom/storage building, approximately 900 square feet in size, which is two parking spaces. Two parking spaces would not be sufficient for the pickleball facility, so as noted above, 89 new parking spaces are proposed. In combination with the existing 57 spaces at Viña Vieja Park, an overall total of 146 spaces would be available between the entire park facility.

TREE PROTECTION ORDINANCE:

The City's Tree Protection Ordinance (Section 8.52 of the City's Municipal Code) provides for the preservation of mature trees and has a list of protected tree species. However, "public trees" are protected regardless of size or species. Such trees include those located in a place or area under ownership or control of the city including but without limitation streets, parkways, open space, parkland and including city-owned property under the operational control of another entity by virtue of a lease, license, operating or other agreement. Therefore, as the project site is City-owned, all trees on the site are therefore governed by the Tree Protection Ordinance. Any request to remove a public tree must be reviewed by the Urban Forestry Division in the Public Works Department.

Although no trees are proposed for removal, there are several coast live oak (*Quercus agrifolia*) trees whose trunks are situated at or immediately west (i.e., off-site) of the existing chain-link fence marking the western boundary of the site. To protect the long-term health of the oaks, the portion of the Project within the dripline or canopy of the trees, which is essentially synonymous with the extent of the root mass, would be minimally affected. There would be picnic tables and trash cans placed on the existing oak tree "duff" (i.e., accumulated leaf litter), which would be left in place as part of the Project. No excavation for footings or other construction activity would be conducted within the oak tree dripline. A decomposed granite path would follow along the western side of the site immediately outside the dripline.

Although not expected, should the need arise to remove any trees on the project site, any such removals must still be reviewed by the Urban Forestry Division in the Public Works Department.

GENERAL PLAN CONSISTENCY:

As proposed, the expanded Park and Recreation Facility is consistent with General Plan Land Use Element Policy 2.13 (Parks), which encourages the development of new parks and recreational facilities within walking distance of residents, supporting healthy lifestyles. The proposed park is also consistent with General Plan Land Use Element Policy 21.10 (Neighborhood Parks and Open Space Amenities) by adding to a diverse mix of parks and open spaces that are connected by trails, pathways, and bikeways and are within easy walking distance of residents.

The Project would also be consistent with the goals of the City's Green Space, Recreation and Parks Element of the General Plan. This Element promotes the City's vision of expanding additional parks and open spaces to meet the community's needs and desires for open space, parks, and recreation. Specifically, the project would address the Core Principle of 'Recreation Facility Use and Distribution' with a, "...balance between active and passive uses (including

casual, informal, or individual leisure activities), both citywide and within individual parks, to meet the recreation demands of residents.” In addition, the project would address Policy 8.5 (Recreation Needs) by providing a new recreation facility for an increasing popular sport. Policy 12.1 (Pedestrian and Bicycle Connectivity) would be maintained due to the continued use of the pedestrian and bicycle gate on Avocado Avenue and Las Lunas Street. Finally, although the project area has been disturbed and is not a ‘natural’ space, the project would meet the spirit of Policy 4.2 (Degraded Open Spaces), with the reclamation and restoration of this degraded area.

ENVIRONMENTAL REVIEW:

On behalf of the City, Psomas was hired to conduct the environmental review of the Project in compliance with the California Environmental Quality Act (CEQA). This analysis resulted in a Draft Initial Study / Mitigated Negative Declaration. As required by CEQA, the following environmental topics were analyzed:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

All impacts identified in the Initial Study were found to be less than significant, or less than significant with implementation of mitigation measures. The Initial Study identified potentially significant effects related to the following topics: Biological Resources, Cultural Resources, and Recreation. However, with incorporation of mitigation measures, it was determined in the Initial Study that all potentially significant effects would be reduced to a less-than-significant level.

Summarized below are the topics where it was determined that mitigation measures were necessary, as well as summaries of the relevant mitigation measures. The full analysis of these topics, as well as those found to have a less-than-significant impacts can be found in the Draft Initial Study / Mitigated Negative Declaration (IS/MND).

Biological Resources (Less than Significant with Mitigation)

The Biological Resources analysis in the Draft IS/MND found that although the Project would not have a substantial adverse impact on wildlife, there is suitable habitat for nesting migratory birds and raptors on both the project site and adjacent properties. Such nests are protected by the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, and as such, any impacts to such nests would be considered significant without mitigation. Therefore, Mitigation Measure BIO-1 will require that if construction occurs during the typical breeding season for nesting birds (i.e., March 1–September 15) and/or nesting raptors (i.e., January 1–July 31), that a pre-construction nesting bird/raptor survey be performed to ensure compliance with the MBTA. The survey must describe the processes for protecting any active nests identified while construction is ongoing.

With the inclusion of Mitigation Measure BIO-1, potential impacts were found to be less than significant.

Cultural Resources (Less than Significant with Mitigation)

The Cultural Resources analysis in the Draft IS/MND found that although the Project would not have a substantial adverse change in the significance of a known historical resource or could disturb human remains, there is the potential to unearth previously unknown archaeological resources during construction, which would cause a potentially substantial adverse change in the significance of an archaeological resource. Therefore, Mitigation Measure CUL-1 will require, prior to the initiation of any earthmoving activity in which native soil is disturbed, the City to retain a qualified Archaeologist to observe grading activities and to salvage and catalogue archaeological resources, as necessary. The Archaeologist shall be present at a pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the City or its designee, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of any discovered artifacts as appropriate.

Therefore, with the inclusion of Mitigation Measure CUL-1, potential impacts were found to be less than significant.

Recreation (Less than Significant with Mitigation)

The Recreation analysis in the Draft IS/MND found that although the Project would not, "...directly or indirectly increase the demand for or usage of existing parks and other recreational facilities." The Project would include construction new recreation facilities. However, it is not these elements themselves that could have an impact, it is the construction of the Project itself, which could have an impact on the environment. Therefore, with the inclusion of the relevant mitigation measures discussed previously and subsequent to this discussion, specifically Mitigation Measures BIO-1 and CUL-1, the Project would have a less than significant impact on the Recreation topic area.

CONCLUSION:

It is staff's assessment that the findings (Attachment A) necessary for approval of the Conditional Use Permit to allow the expansion of a Parks and Recreation Facility land use with 12 pickleball courts and related facilities can be made, subject to the recommended conditions of approval (Attachment B). The proposed project would provide for active recreation and facilitate the use of an underutilized area of the city by the general public and would be consistent with both the Land Use Element and Green Space, Recreation and Parks Element of the General Plan. Further, staff recommends that the Initial Environmental Study be adopted as it has analyzed the potential environmental impacts of the project as required by the California Environmental Quality Act. In conjunction with the Initial Environmental Study, staff recommends that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Attachment C) be adopted in order to reduce the potentially significant impacts in the Biological Resources, Cultural Resources, and Recreation topic areas to a less-than-significant level.

Therefore, staff recommends that the Hearing Officer adopt the environmental determination and approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

ATTACHMENTS:

Attachment A: Specific Findings of Approval

Attachment B: Conditions of Approval

Attachment C: Mitigation Monitoring and Reporting Program

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6863

Conditional Use Permit – To expand a Parks and Recreation Facilities land use

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The proposed expansion of the Park and Recreation Facility use is allowed subject to the review and approval of a Conditional Use Permit in the OS (Open Space) zoning district. The proposed recreational improvements, such as the pickleball courts and related facilities, are complimentary to the surrounding residential community and will not conflict with the provisions of the Zoning Code, such as hours of operation and parking. As such the proposal will comply with all applicable provisions of the Zoning Code.
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The subject site is located in the OS (Open Space) zoning district. The OS district is applied to sites with open space, parks, and recreational facilities of a landscaped, open character having a minimum contiguous site area of two acres. In this case, the expanded Parks and Recreation Facility will add approximately 2.5 acres to the existing 7.5 acre Viña Vieja Park, which will contribute to the physical environment and enhance the quality of life of the nearby residential neighborhoods. As such, the expanded Parks and Recreation Facility land use is consistent with the intent of the OS zoning district.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* As proposed, the expanded Park and Recreation Facility is consistent with General Plan Land Use Element Policy 2.13 (Parks), which encourages the development of new parks and recreational facilities within walking distance of residents, supporting healthy lifestyles. The proposed park is also consistent with General Plan Land Use Element Policy 21.10 (Neighborhood Parks and Open Space Amenities) by adding to a diverse mix of parks and open spaces that are connected by trails, pathways, and bikeways and are within easy walking distance of residents.

The project would also be consistent with the goals of the City's Green Space, Recreation and Parks Element of the General Plan. This Element promotes the City's vision of expanding additional parks and open spaces to meet the community's needs and desires for open space, parks, and recreation. Specifically, the project would address the Core Principle of 'Recreation Facility Use and Distribution' with a, "...balance between active and passive uses (including casual, informal, or individual leisure activities), both citywide and within individual parks, to meet the recreation demands of residents." In addition, the project would address Policy 8.5 (Recreation Needs) by providing a new recreation facility for an increasing popular sport. Policy 12.1 (Pedestrian and Bicycle Connectivity) would be maintained due to the continued use of the pedestrian and bicycle gate on Avocado Avenue and Las Lunas Street. Finally, although the project area has been disturbed and is not a 'natural' space, the project would meet the spirit of Policy 4.2 (Degraded Open Spaces), with the reclamation and restoration of this degraded area.

4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The features of the expanded Park and Recreation Facility, the pickleball courts and related amenities, are consistent with

those elements of a Neighborhood Park, as defined in the General Plan Land Use Element, "Generally, neighborhood parks provide informal, general-use areas developed with children's play areas, multi-purpose open turf areas, and other amenities used for smaller social gatherings. Some larger neighborhood parks may include active recreation elements such as ball fields. Neighborhood parks play an important role in providing neighborhood focus and identity." A neighborhood park can be a focal point for a local community, with recreational amenities. Although the proposed facility would tend to draw more than just local residents, its location on large underutilized City-owned land is ideal due to the relatively large buffer areas on either side; distances of approximately 150-170 feet to residences to the west and 170-180 feet to those to the east.

In addition, the environmental analysis conducted for the Initial Study concluded that all potentially significant environmental impacts would be mitigated to a less-than-significant level with the inclusion of mitigation measures, described in the Initial Study as relating to the topic areas of Biological Resources, Cultural Resources, and Recreation. For all other topics areas, it was concluded that the project would have less-than-significant impacts, even without the inclusion of mitigation measures.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. All elements of the expanded Park and Recreation Facility would be constructed on-site and will not necessitate any off-site construction, such as widened or resurfaced streets, while all construction staging and vehicle routes will be reviewed to ensure minimal disturbance to the nearby neighborhoods. The expanded Park and Recreation Facility will also provide site enhancements to the existing Viña Vieja through the addition of new parking spaces, and accessibility upgrades to allow use by multiple segments of the City's population. Therefore, as proposed and conditioned, the use of the site as an expanded neighborhood park will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.*
6. *The design location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection in that the proposal does not convey an overdeveloped appearance in this area. The expanded Park and Recreation Facility will be compatible with the existing Viña Vieja Park, as well as any future uses of the site that would be consistent with the Open Space zoning district. The pickleball courts, lighting, fencing, and restroom/storage building will not significantly alter views of the San Gabriel Mountains to the north, thereby not resulting in significant visual impact to the site or surrounding area. The restroom/storage building will be subject to the City's Design Review process for City projects, in order to ensure an appropriate and contextual design. As such, the expanded Park and Recreation Facility will not appear to be overdeveloped, and as such the neighborhood park will be compatible with the nearby residential neighborhoods and open space areas.*

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6863

The applicant or successor in interest shall meet the following conditions:

1. The proposed project shall substantially conform to the site plan submitted with this application and dated "Approved at Hearing May 19, 2021", except as modified herein.
2. The approval of this application authorizes the expansion of a Park and Recreation Facility land use. This approval authorizes the City of Pasadena Public Works Department to develop up to 12 public pickleball courts and related facilities.
3. In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of the approval. This approval is eligible for two one-year extensions. Each one year extension is required to be reviewed and approved by the Hearing Officer at a noticed public hearing. In order for a project to be eligible for a time extension, the applicant is required to submit the required fee and time extension application to the Permit Center prior to the expiration date of the land use entitlement.
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
5. Any change to these conditions of approval or expansion of the use may require the modification of this Conditional Use Permit or a new Conditional Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.

Planning Division

7. The hours of operation for the pickleball courts shall be limited to 7:00 a.m. to 10:00 p.m. daily.
8. Vehicle access to Viña Vieja Park, Alice's Dog Park, and/or the pickleball court facility for park users shall be limited the existing E. Orange Grove Boulevard entrance. No other vehicle access for park users to Viña Vieja Park, Alice's Dog Park, and/or the pickleball court facility, including from Avocado Avenue shall be allowed. The existing pedestrian gate on Avocado Avenue, near Las Lunas Street, shall be limited to pedestrian and bicycle users, or similar non-motorized users.
9. All lighting for the pickleball courts shall turn off automatically no later than 10:00 p.m.
10. The Avocado Avenue pedestrian gate and E. Orange Grove Boulevard vehicle gate shall be closed and secured when the park is closed.
11. Signage shall be installed, to the satisfaction of the Zoning Administrator, throughout the park facility, that shall include at a minimum the hours of operation, a contact phone number and/or email address to report concerns, and notice that camping and overnight parking are prohibited.

12. All trees shall be protected with adequate fencing and protection measures, consistent with the City's Tree Protection Ordinance, during all phases of project construction.
13. The proposed restroom and storage building shall be reviewed through the applicable Design Review process as required in Section 17.61.030 for all Public Projects.

**ATTACHMENT C
MITIGATED NEGATIVE DECLARATION AND
MITIGATION AND MONITORING REPORTING PROGRAM**

*Hearing Officer
May 19, 2021
Attachment C - Mitigated Negative Declaration/
Mitigation and Monitoring Reporting Program*

*Conditional Use Permit #6863
3026 E. Orange Grove Boulevard*

**CITY OF PASADENA
175 NORTH GARFIELD AVENUE
PASADENA, CA 91109**

MITIGATED NEGATIVE DECLARATION

PROJECT TITLE: Viña Vieja Park Pickleball Courts Project
PROJECT APPLICANT: City of Pasadena, Public Works Department
PROJECT CONTACT PERSON: David Sinclair, Planner, (626) 744-6766
City of Pasadena
Planning & Community Development Department
175 North Garfield Avenue
Pasadena, CA 91109
PROJECT LOCATION: 3026 E. Orange Grove Boulevard, Pasadena, Los Angeles County, CA

PROJECT DESCRIPTION: The applicant, City of Pasadena Department of Public Works, has submitted a Conditional Use Permit application to allow the expansion of a 'Park and Recreation Facility' land use (Viña Vieja Park) in order to facilitate the construction of 12 pickleball courts and related amenities in an undeveloped area (~2.5 acres) south of the existing ~7.5 acre park. Vehicular, pedestrian, and bicyclist access to Viña Vieja Park, and the new pickleball courts, will continue to be from E. Orange Grove Boulevard to the north; and pedestrian and bicyclist access will continue to be from a gated entrance at the corner of Avocado Avenue and Las Lunas Street to the east. A Conditional Use Permit is required for the expansion of a 'Park and Recreation Facility' in the OS (Open Space) zoning district.

FINDING: On the basis of the initial study on file in the Current Planning Office:

- The proposed project COULD NOT have a significant effect on the environment.
- The proposed project COULD have a significant effect on the environment; however there will not be a significant effect in this case because the mitigation measures described in the Mitigation Monitoring Program on file in the Planning Division Office were adopted to reduce the potential impacts to a level of insignificance.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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|-----------------------|-----------------------|------------------------|------------------|
| _____ | <u>5/19/2021</u> | _____ | <u>5/19/2021</u> |
| Completed By | Date | Determination Approved | Date |
| <u>David Sinclair</u> | <u>Senior Planner</u> | _____ | _____ |
| Printed Name | Title | Printed Name | Title |

PUBLIC REVIEW PERIOD: April 28, 2021 to May 19, 2021

COMMENTS RECEIVED ON DRAFT: Yes No

INITIAL STUDY REVISED: Yes No

MITIGATION MONITORING AND REPORTING PROGRAM

Section 21081.6 of CEQA and Section 15097 of the State CEQA Guidelines require a public agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) for assessing and ensuring the implementation of required mitigation measures applied to proposed projects. Specific reporting and/or monitoring requirements that will be enforced during Project implementation shall be adopted simultaneously with final Project approval by the responsible decision-making body.

The MMRP for the Viña Vieja Pickleball Courts Project (Project) below, consists of Mitigation Measures (MMs) identified in the IS/MND. The MMs are required to reduce or avoid significant environmental effects associated with Project implementation. The MMs for the Project are listed in the first column, with the timeframe for implementation in the second column, the agency or party with primary responsibility for implementation in the third column, and the agency or party with responsibility for monitoring compliance in the last column.

The City of Pasadena Public Works Department will confirm that all MMs are included in the Contractor Specifications and bid documents, as appropriate, and verified as part of MMRP implementation, consistent with Section 15097 of the State CEQA Guidelines.

| Mitigation Measure | Mitigation Monitoring Timing | Implementation Responsibility | Enforcement Responsibility |
|--|--|-------------------------------|-------------------------------------|
| Impact – Biological Resources | | | |
| <p>Mitigation Measure BIO-1 The Project shall be conducted in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code with methods approved by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) to protect active bird/raptor nests. As the Project requires that work be initiated during the breeding season for nesting birds (i.e., March 1–September 15) and nesting raptors (i.e., January 1–July 31), the City of Pasadena shall perform, or direct the performance of, a pre-construction survey for nesting birds and/or raptors shall be conducted by a qualified Biologist within three days prior to any construction activities on the Project site and in the immediately surrounding area (i.e., perform survey within 300 ft. for nesting birds and within 500 ft. for nesting raptors). A qualified Biologist shall be knowledgeable and experienced in conducting nesting bird surveys within Southern California and in determining appropriate buffer size to prevent bird nesting failure. If the Biologist does not find any active nests in or immediately adjacent to the Project site, the construction work shall be allowed to proceed, and no further mitigation is required.</p> <p>If the Biologist finds an active nest in or immediately adjacent to the Project site and determines that the nest may be impacted or breeding activities</p> | <ul style="list-style-type: none"> • All construction activity to be initiated between March 1–September 15 for nesting birds and January 1–July 31 for nesting raptors) • Prior to initiation of any construction activity • During construction if a nest buffer is implemented | Construction Contractor | Pasadena Department of Public Works |

| Mitigation Measure | Mitigation Monitoring Timing | Implementation Responsibility | Enforcement Responsibility |
|--|--|--------------------------------|--|
| <p>substantially disrupted due to planned construction activities, the Biologist shall delineate an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activity. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to construction activities shall be required until nests are no longer active, as determined by a qualified Biologist: (1) construction limits shall be established within a buffer around any occupied nest (the buffer shall be 25–100 ft. for nesting birds and 300–500 ft. for nesting raptors), unless otherwise determined by a qualified Biologist and (2) access and surveying shall be restricted within the buffer of any occupied nest, unless otherwise determined by a qualified Biologist. Encroachment into the buffer area around a known nest shall only be allowed if the Biologist determines that the proposed activity would not disturb the nest occupants. Construction in a buffer area can proceed when the qualified Biologist has determined that fledglings have left the nest or the nest has failed. These requirements shall be monitored by the City of Pasadena.</p> | | | |
| Impact – Cultural Resources | | | |
| <p>Mitigation Measure CUL-1 Prior to the initiation of any earthmoving activity in which native soil is disturbed, the City shall be responsible for retaining a qualified Archaeologist to observe grading activities and to salvage and catalogue archaeological resources, as necessary. The Archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the City or its designee, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of any discovered artifacts as appropriate. If archaeological resources are found to be significant pursuant to Section 15064.5 of the State CEQA Guidelines, the Archaeologist shall determine appropriate actions, in cooperation with the City or its designee, for exploration and/or recovery. The Archaeologist shall also prepare a report of findings. The report shall include the period of inspection, an analysis of any artifacts found, and the present repository of the artifacts. The Archaeologist shall prepare excavated material to the point of identification and curation. The City or its designee shall pay curatorial fees associated with the cost of curation.</p> | <ul style="list-style-type: none"> • Prior to initiation of native soil disturbance • At pre-grade conference • During grading activities, if artifacts are encountered | <p>Construction Contractor</p> | <p>Pasadena Department of Public Works</p> |