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From: Yu, Beilin <byu@cityofpasadena.net>
Sent: Wednesday, May 17, 2023 4:13 PM
To: [REDACTED]
Subject: RE: Tai ji Men Qigong Academy - Hearing

Hi Burke,

Would you like Staff to forward this email to the Hearing Officer for his consideration?

Please let me know.

Thank you,

Beilin Yu

From: Burke Farrar [REDACTED]
Sent: Wednesday, May 17, 2023 9:58 AM
To: Driver, Jennifer <jdriver@cityofpasadena.net>
Cc: Yu, Beilin <byu@cityofpasadena.net>; Rocha, Luis <lrocha@cityofpasadena.net>; 'Michael Selfridge' [REDACTED]; 'C. Han' [REDACTED]; 'Alan Shih' [REDACTED]; 'Effie Chen' <[REDACTED]>; 'Lily Chen' [REDACTED]
Subject: Tai ji Men Qigong Academy - Hearing

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Hi Jennifer,

Thank you for the staff report and recommendation of approval for Tai Ji Men Qigong Academy at 570 East Orange Grove Boulevard. We have gone through the staff report and conditions and have comments related to a number of the conditions recommended. In general, the comments are that the application is for a Religious Facility which must recognize limitations the City of Pasadena has on imposing government restrictions on practice of religion and in fairness to the Taoist community when compared to other religious organizations in operation within the City of Pasadena. Explanation of concerning conditions are as follows:

12. Uses accessory to the Religious Facility, as defined in Zoning Code Section 17.80.020, shall be limited to the hours of 9:00 a.m. to 9:00 p.m. Accessory uses may include religious education, ministry, clothing and food distribution, counseling, employment assistance, referral services, and support groups. *(Underline is added. We discussed this in our meeting a few*

weeks ago and had agreement that is also written into the body of the staff report, but the condition, as written, still places limitation on the practice of religious education and ministry. These are not "accessory" functions of the facility and should be removed from the wording of the condition.)

15. Within six months and twelve months of the issuance of a certificate of occupancy for the Religious Facility, or if none is issued, the effective date of this approval, the applicant shall file an application with the Planning Division for a Hearing Officer Review of this Conditional Use Permit, to be considered at a duly-noticed public hearing, to include written notice to all property-owners within five hundred feet (500') of the perimeter of the subject property, as well as any parties who request to be so notified. Said applications shall address in writing how the applicant has complied with all conditions of approval herein. This application and hearing shall be conducted at the applicants, or successor in interest, expense. *(The Pasadena Zoning Code and the conditions of approval allow the Zoning Administrator to call the conditional use permit if at any time the operation is not complying with conditions of approval. I doubt this mandatory condition to hold a review hearing has ever been imposed on any other Religious Facility operation in the history of Pasadena. What is it about the practice of Taoism that the City of Pasadena finds necessary to impose this condition on the Taoists when the condition had never been imposed on Christian, Muslim, Jewish, Hindu, Sikh or other faith? This condition should be removed)*

16. As shown on approved plans, stamped "Approved at Hearing May 17, 2023," a minimum of 30 vehicular parking spaces shall be provided on-site for the Religious Facility land use. *(We are presuming that this condition means that Tai Ji Men Qigong Academy will restripe the existing paved area to achieve 30 parking spaces recognizing the nonconforming aspects related to landscaping and other parking standards will remain).*

18. All facility and third-party loading and unloading shall be limited to 7:00 a.m. to 9:00 p.m., Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. No truck loading, unloading, or trash pick-up is allowed on Sundays. *(I believe this intent of this condition is more related to hours than to actual loading. However, what the condition suggests is that a caterer cannot deliver food for a religious event on a Sunday. I believe that there is a more amicable way of addressing the hours while still recognizing the religious event may require deliveries, such as simply stating loading and unloading shall be limited to 7:00 a.m. to 9:00 p.m. without reference to days).*

20. The operator of the religious facility shall publish a monthly schedule of scheduled events or activity on a public website. The website shall indicate the time of the event or activity and whether amplified music and/or sound is permitted for each event. The schedule of events on the website shall be updated regularly, but no less than once per week. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide the website address to the Zoning Administrator. *(We believe that operation of a website is a necessary function of any organization in our time, and Tai Ji Men Qigong Academy will operate a website. However, a government agency imposing a condition to regulate the content of the website for a religious organization oversteps the boundaries of what a government can do. This condition*

should be removed).

21. For any religious service or event occurring between the hours of 9:00 p.m. and 9:00 a.m., the applicant shall provide notice of such at least 48 hours in advance to the occupants of the adjacent parcels, with the exception of religious ceremonies related to death or sudden tragedy, in which case notice is required as soon as reasonably possible. Notice shall be posted prominently on the first page of the public website, and a flyer or other written notification shall be distributed to the occupants of adjacent parcels. Signage containing this information shall also be installed in a location (including the outside of the building) to the satisfaction of the Zoning Administrator. Prior to the issuance of a Certificate of Occupancy, a sample website notification, flyer and on-site sign shall be provided to the Zoning Administrator for review and approval. *(Like condition 20, a government agency imposing a condition to regulate the content of the website for a religious organization oversteps the boundaries of what a government can do. Like condition 15, what is it about the practice of Taoism that the City of Pasadena finds necessary to impose this condition on the Taoists when the condition had never been imposed on Christian, Muslim, Jewish, Hindu, Sikh or other faith? This condition should be removed).*

22. On its website, the applicant shall provide a telephone number (or telephone numbers) which individuals can call to express concerns about events or activities on the subject property. During all events on the subject property, the applicant shall have a live person answering this telephone. Signage containing this information shall be installed in a location (including the outside of the building) to the satisfaction of the Zoning Administrator and must be done prior to the issuance of the certificate of occupancy. *(Underline is added to emphasize the presumption that Taoists in this condition are being considered as objectionable people believed to regularly cause concerns amongst their neighbors which the City of Pasadena must regulate. Truth is that, yes, the website will exist; yes, a telephone number will be on the website; yes, someone will answer that telephone when the facility is in operation. However, the presumptions for this condition and the imposition of the condition by a government agency are reasons to have this condition removed).*

23. The applicant shall maintain a written record of all complaints. This record shall identify the complainant, the date and time the complaint was received, the nature of the complaint, how the complaint was addressed or resolved, and the date and time the complainant was notified of how the complaint was addressed/resolved. A copy of this record shall be provided to the Planning and Community Development Department on a quarterly basis. *(Like condition 22, the presumption of this condition is that Taoists are objectionable people who will regularly receive complaints from their neighbors to the point where a government agency must regulate the practice of the religion. Like condition 15, what is it about the practice of Taoism that the City of Pasadena finds necessary to impose this condition on the Taoists when the condition had never been imposed on Christian, Muslim, Jewish, Hindu, Sikh or other faith? This condition should be removed).*

24. No events or accessory activity shall occur outdoors at any time unless

approved in accordance with Zoning Code Section 17.61.040 (Temporary Use Permits). *(There is an existing courtyard between the buildings. Every religious organization has services that let out and the participants gather outside for community and fellowship. Such gathering and use of the outdoor space on a Religious Facility property is part of the life of the religious organization. The noise that may occur during these times has to comply with the Noise Ordinance, and in compliance with the Noise Ordinance, the purpose of this condition cannot be that the noise is considered excessive. Hence, the condition presumes that the public seeing Taoists gathered in the courtyard of their property is objectionable. Like condition 15, what is it about the practice of Taoism that the City of Pasadena finds necessary to impose this condition on the Taoists when the condition had never been imposed on Christian, Muslim, Jewish, Hindu, Sikh or other faith? This condition should be removed).*

27. There shall be no waiting or congregating of people outside of the establishment at any time. Signs indicating this shall be placed facing the street and in the parking lot in conspicuous locations. *(same response as condition 24. This condition should be removed).*

We would be happy to discuss these conditions before the hearing if you would like.

Thanks

Burke



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Development Services



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