



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: April 3, 2024

TO: Hearing Officer

SUBJECT: Conditional Use Permit #7193

LOCATION: 411 West Colorado Boulevard

APPLICANT: Norton Simon Museum of Art

ZONING DESIGNATION: OS (Open Space)

GENERAL PLAN DESIGNATION: Institutional

CASE PLANNER: Joseph Weaver

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Conditional Use Permit #7193 with the conditions in Attachment B.

PROJECT PROPOSAL: Conditional Use Permit: To allow the construction of walls, fences, and gates up to 8'-6" tall in conjunction with an existing Cultural Institution land use within in the OS (Open Space) zoning district.

ENVIRONMENTAL DETERMINATION: 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, §15303(e), Class 3, (New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Class 3 exempts the construction or conversion of accessory structures including garages, carports, patios, swimming pools, and fences. The proposal involves the construction of walls, fences, and gates on a property developed with an existing museum. Therefore, the proposal is exempt from environmental review.

BACKGROUND:

Site characteristics: The project site is located directly south of the 134 Freeway at the northeast corner of North Orange Grove Boulevard and West Colorado Boulevard. The parcel measures approximately 7.41 acres (323,211 square feet) in size and is currently improved with an existing art museum (Cultural Institution land use). The site is accessed by two driveways along West Colorado Boulevard.

Adjacent Uses: North – 134 Freeway
South – Elks Lodge, Bank, Commercial Offices
East – Car Dealership
West – 134 Freeway

Adjacent Zoning: North – PS (Public and Semi-Public)
South – WGSP-1C (West Gateway Specific Plan, Subdistrict 1C)
East – WGSP-1C (West Gateway Specific Plan, Subdistrict 1C)
West – PS (Public and Semi-Public)

Previous zoning cases on this property: Conditional Use Permit #4315: To allow the expansion of a conditionally permitted use in the OS zoning district and construct an 800 square-foot, one-story food service kiosk. Approved March 17, 2004.

PROJECT DESCRIPTION:

The applicant, Norton Simon Museum of Art, is proposing to construct walls, fences, and gates up to 8'-6" tall. The proposed improvements would be approximately 1,080 linear feet in length and located near the property lines along North Orange Grove Boulevard and West Colorado Boulevard. A new concrete wall would replace an existing iron fence to the west of the museum. New concrete walls, metal fencing, and driveway gates are proposed to the east of the museum between the parking lot and street property line. The proposed improvements are primarily located to the east and west of the existing museum building and the view of the building from the street will remain largely unobstructed. The project proposes a landscape plan including trees, hedges, vines, and understory plantings between the proposed improvements and street property lines. Pursuant to Pasadena Municipal Code Section 17.26.040.B.1, a Conditional Use Permit is required to establish development standards, including standards for walls, fences, and gates within the OS zoning district. No changes to the museum’s building and operation are proposed as part of this Conditional Use Permit.

ANALYSIS:

Conditional Use Permit: To allow the construction of walls, fences, and gates within the OS zone.

Pursuant to Zoning Code Section 17.26.040.B.1, development standards within the OS (Open Space) zoning district shall be specified by a Conditional Use Permit. Therefore, the development standards (height, location, and appearance) for the proposed walls, fences, and gates shall be established through this Conditional Use Permit. The Hearing Officer may approve a Conditional

Use Permit only after making six specific findings identified in the Zoning Code. 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 compatibility of the operation 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.

The subject property is approximately 7.41 acres (323,211 square feet) in size and developed with an existing art museum (Norton Simon Museum of Art) which was built in 1969. The existing use is classified as a Cultural Institution land use. As part of this Conditional Use Permit, there are no changes to the museum's building and operation. The proposed project involves the construction of walls, fences, and gates totaling 1,080 linear feet to the west and east of the museum near the street property lines. The proposed improvements vary in height to a maximum of 8'-6" tall from existing grade.

An existing eight-foot-tall metal fence would be replaced by an eight-foot-tall concrete wall along the west and southwest portions of the site. This wall would extend along the west side property line adjacent to North Orange Grove Boulevard, around an existing flagpole at the corner of North Orange Grove Boulevard and West Colorado Boulevard, and along West Colorado Boulevard connecting to the southwest portion of the museum building. This wall would be approximately 18 feet from the south property line.

The remainder of the proposed improvements would be located to the east of the museum building and to the south of the parking lot. Concrete walls and fences would connect the southeast portion of the museum building to east property line. Heights along this elevation vary between 6'-0" and 8'-6" tall. All walls and fences are measured in a continuum and at no point would exceed a height of 8'-6" from existing grade. Driveway gates, approximately eight feet tall, are proposed at each of the two driveways along West Colorado Boulevard. These improvements would be located approximately 34 to 65 feet from the south property line along West Colorado Boulevard. New landscaping with low concrete planter walls would be provided between the improvements and property lines.

The proposed improvements would provide improved property security, sound insulation in the sculpture garden, and aesthetic improvement of the museum along its public frontages. The proposed walls, fences, and driveway gates would result in a cohesive appearance along the property's street frontages. The height of the proposed improvements is appropriate given the location of the site at the intersection of two major thoroughfares, adjacency to the 134 Freeway, as well as the site's wide street frontages. Landscaping would be provided which would beautify and enhance this gateway into the city.

Tree Protection Ordinance and Landscaping:

The City's Tree Protection Ordinance (Municipal Code Section 8.52) provides for the preservation of protected trees, including public trees. A "public tree" means a tree 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. Since the subject property is owned by the city, all trees located onsite are considered public trees. Any request to remove a public tree must be reviewed by the Urban Forestry Section of the Public Works Department. A total of 18 protected trees are proposed to be removed. On February 21, 2024, the Urban Forestry Advisory Committee (UFAC) reviewed and recommended approval of the request to remove the

subject trees. A condition of approval has been included from the Urban Forestry Section requiring that the proposed landscape plan include more native tree and plant species which support biodiversity.

Preliminary landscape plans were included within the Conditional Use Permit submittal. Trees, hedges, vines, and understory plantings are proposed between the proposed improvements and the public right-of-way. Hedges and vines would be planted along the block wall located at the west and southwest portions of the site. A combination of hedges, trees, and understory plantings would be used near the driveway entrances to the south of the parking lot. The landscaping would soften the appearance and massing of the proposed improvements and would enhance the appearance of the site as viewed from the public right-of-way. A final landscape and irrigation plan, demonstrating compliance with Model Water Efficiency Ordinance (MWELo) and subject to Municipal Code Chapter 17.44 (Landscaping), would be required at the time of building permit submittal.

GENERAL PLAN CONSISTENCY:

The project is consistent with General Plan Policy 2.9 (Institutional Uses), which promotes the development of educational, religious, cultural, and similar facilities that enrich the lives of Pasadena's residents. The proposed project would provide site improvements including walls, fences, gates, and landscaping which would improve an existing cultural institution. Also, the project is consistent with Policy 4.9 (Gateways), which encourages defining prominent points of entry to the city with high quality, distinctive architecture or engineering (consider entry points like the intersection of South Orange Grove Boulevard and West Colorado Boulevard, the Colorado Street Bridge, or North Fair Oaks at Woodbury). Other elements, including art installations, landscaping, and light elements are also encouraged. The site is located at the northeast corner of North Orange Grove Boulevard and West Colorado Boulevard. Along with the proposed walls, fences, and gates, the project includes a comprehensive landscape design. The landscape design includes trees, hedges, vines, and understory plantings which would be of high quality and help enhance this gateway into the city.

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, §15303(e), Class 3, (New Construction or Conversion of Small Structures) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Class 3 exempts the construction or conversion of accessory structures including garages, carports, patios, swimming pools, and fences. The proposal involves the construction of walls, fences, and gates on a property developed with an existing museum. Therefore, the proposal is exempt from environmental review.

COMMENTS FROM OTHER DEPARTMENTS:

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

CONCLUSION:

The proposed walls, fences, and gates are allowed through a Conditional Use Permit within the underlying zoning district and would not adversely affect surrounding uses. The proposed improvements would provide improved security and reduce noise within the museum's interior garden. Landscaping would be provided which would beautify and enhance this gateway into the city. No changes to the museum's building and operation are proposed. The proposed improvements meet all the applicable requirements of the Zoning Code and the findings to approve the Conditional Use Permit can be made. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

Attachments:

Attachment A: Recommended Specific Findings for Conditional Use Permit

Attachment B: Recommended Conditions of Approval for Conditional Use Permit

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #7193

Conditional Use Permit: To allow the construction of walls, fences, and gates within the OS zone.

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 subject property is within the OS (Open Space) zoning district and is improved with an existing art museum (Cultural Institution land use). Pursuant to Zoning Code Section 17.26.040.B.1, development standards within the OS zone shall be as specified by a Conditional Use Permit. Therefore, development standards such as height, location, and appearance for the proposed walls fences, and gates shall be established through this Conditional Use Permit. The proposed improvements, including landscaping, 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 property is within the OS (Open Space) zoning district and is improved with an existing art museum (Cultural Institution land use). The OS zoning 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. The proposed walls, fences, and gates will function to secure the property and will be ancillary to the existing land use which has operated since 1969. The proposed improvements will be setback approximately 34 to 65 feet from the property line along Colorado Boulevard creating a large, landscaped area adjacent to the public right-of-way. As such, the proposed improvements will comply with the special purposes of the Zoning Code and the purposes of the applicable 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.* The project is consistent with General Plan Policy 2.9 (Institutional Uses), which promotes the development of educational, religious, cultural, and similar facilities that enrich the lives of Pasadena's residents. The proposed project will provide site improvements including walls, fences, gates, and landscaping which will improve an existing cultural institution. Also, the project is consistent with Policy 4.9 (Gateways), which encourages defining prominent points of entry to the city with high quality, distinctive architecture or engineering (consider entry points like the intersection of South Orange Grove Boulevard and West Colorado Boulevard, the Colorado Street Bridge, or North Fair Oaks at Woodbury). Other elements, including art installations, landscaping, and light elements are also encouraged. The site is located at the northeast corner of North Orange Grove Boulevard and West Colorado Boulevard. Along with the proposed walls, fences, and gates, the project includes a comprehensive landscape design. The landscape design includes trees, hedges, vines, and understory plantings which will be of high quality and help enhance this gateway into the city.
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 property is developed with an existing art museum (Cultural Institution land use) which has operated since 1969. No changes to the museum's building and operation are proposed as part of this Conditional Use Permit. The proposed improvements would provide improved property security, sound insulation in the sculpture garden, and aesthetic improvement of the museum along its public frontages. The proposed walls, fences, and gates will be located near the property lines along North Orange Grove Boulevard and West Colorado Boulevard. Surrounding uses consist of

the 134 Freeway to the north, a car dealership to the east, and the Elks Lodge, a bank, and commercial offices to the south. No residential uses directly abut the subject property. The proposed driveway gates will be open during the museum's hours of operation to allow access in and out of the site. The proposal has been reviewed by various City Departments and no concerns were raised. The applicant will be required to obtain all necessary permits and comply with all applicable city requirements. Therefore, the proposed improvements will not be detrimental to the health, safety, and general welfare of those in the immediate area.

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.* The property is developed with an existing art museum (Cultural Institution land use) which has operated since 1969. No changes to the museum's building and operation are proposed as part of this Conditional Use Permit. The proposed walls, fences, and gates will be located near the property lines along North Orange Grove Boulevard and West Colorado Boulevard and will range in height to a maximum of 8'-6" tall. Additionally, the project includes new landscaping between the proposed improvements and public right-of-way. The proposed landscaping consists of hedges, vines, and other plantings that will soften the appearance of the walls. The landscape design will be of high quality and enhance this gateway into the city. Therefore, the proposed improvements will not be detrimental or injurious to property and improvements in the area.

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.* The subject property is located within the OS (Open Space) zoning district. Surrounding zones include PS (Public and Semi-Public) to north and west and WGSP-1C (West Gateway Specific Plan, Subdistrict 1C) to the south and east. Surrounding uses consist of the 134 Freeway to the north, a car dealership to the east, and Elks Lodge, a bank, and commercial offices to the south. The proposed improvements consist of walls, fences, and gates up to 8'-6" in height. The improvements to the west of the museum will be replacing an existing eight-foot-tall fence with a solid eight-foot-tall block wall. The improvements to the east of the museum will range in height to a maximum of 8'-6" tall and will be setback approximately 34 to 65 feet from the property line along Colorado Boulevard. The proposed improvements are primarily located to the east and west of the existing museum and the view of the building from the street will remain largely unobstructed. Additionally, the project includes new landscaping consisting of hedges, vines, and other plantings that will soften the appearance of the walls and enhance the view of the site from the public right-of-way. Therefore, the proposed improvements will be compatible with existing and future land uses in the vicinity.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #7193

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

General

1. The site/floor plans submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Approved at Hearing, April 3, 2024" except as modified herein.
2. The approval of this application authorizes the construction of walls, fences, and gates up to 8'-6" tall. Any future walls, fences, and gates that are not part of this Conditional Use Permit may be allowed up to 8'-6" tall and shall be subject to the review and approval of the Zoning Administrator.
3. Any proposed signage shall comply with Zoning Code Chapter 17.48 and receive separate approvals and permits.
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 shall 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.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number ZENT2023-00135, is subject to a Final Zoning Inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy or its equivalent. Contact the Planning Case Manager, Joseph Weaver at (626) 744-3813 to schedule an inspection appointment time.
9. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C.

Planning Division

10. The driveway gates shall remain open at all times the museum is open to the public.
11. Proposed concrete walls shall be screened using hedges or vines as shown on the approved plans.
12. Proposed concrete walls shall have a finished appearance that complements existing finished materials.

13. The property shall be maintained free of trash, debris, and overgrown vegetation.
14. The applicant shall provide a tree protection plan for the sites trees to remain, to the satisfaction of the Public Works Department.
15. Any proposed exterior lighting shall comply with the standards of Zoning Code Section 17.40.080 (Outdoor Lighting).
16. Proposed landscaping shall comply with Zoning Code Section 17.44 (Landscaping).
17. The applicant or successor in interest shall submit landscape and irrigation plans as part of any building, grading, or zoning permits. Where proposing more than 2,500 square feet of new landscaping, the project shall meet the threshold for state-mandated water-efficient landscaping. Accordingly, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning and Community Development Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the Director of Planning and Community Development or his/her designee.

Public Works Department

18. The applicant shall provide additional tree and plant species that are native and support biodiversity as feasible, in response to the February 21, 2024 Urban Forestry Advisory Committee (UFAC) meeting. Approval of alternative tree species shall be approved by the Public Works Department Urban Forestry Section prior to the issuance of permits.

Fire Department

19. Install knox switches at electric gates. Locked pedestrian gates will require a knox box to be installed.