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From: DeLaCuba, Vannia  
Sent: Tuesday, January 16, 2007 11:25 AM  
To: Rodriguez, Jane  
Cc: Gordo, Victor  
Subject: Call for Review: CUP #4775  
Importance: High

Hi Jane,

By way of this email I wish to notify you that Councilmember Gordo would like to call up CUP #4775 - Tony's Restaurant, 843 E. Orange Grove Blvd. - for review.

Thank you,  
Vannia

Vannia De La Cuba  
Field Representative, District 5  
Office of Councilmember Victor M. Gordo

Jane/Mark:  
Please place this  
matter on the C. Council  
agenda for call-up  
consideration.  
Thank you,  
Victor Gordo



PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

January 4, 2007

Martha Gonzales  
843 E. Orange Grove Boulevard  
Pasadena, California 91103

**RE: Conditional Use Permit #4775  
841-43 E. Orange Grove Boulevard  
Council District 5**

Dear Ms. Gonzales:

Your application for a **Conditional Use Permit** at **841-43 E. Orange Grove Boulevard** was considered by the **Hearing Officer** on **January 3, 2007**.

**CONDITIONAL USE PERMIT:** To operate 24 hours per day at an existing restaurant, on property zoned CL-SP-1a (North Lake Specific Plan, Commercial Limited, Subarea 1a) and in the Northwest Programs area.

After careful consideration of this application, and with full knowledge of the property and vicinity, the Hearing Officer made the findings as shown on Attachment A to this letter.

Based upon these findings, it was decided by the Hearing Officer that the Conditional Use Permit be **approved** with conditions listed in Attachment B and in accordance with submitted plans stamped **January 3, 2007**.

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 two years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Zoning Administrator can grant a one-year extension of your approval. Such a request and the appropriate fee must be received before the expiration date. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently pursued prior to the expiration of this approval. It should be noted that the time frame within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (January 16, 2007)**. The effective date of this case will be **eleven days after the hearing date**. Prior to such effective date, a member of the City Council or Planning Commission may stay the decision and request that it be called for review to the Board of Zoning Appeals. However, if the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. No appeal fees apply as the site is within the Northwest Programs area.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the appeal deadline has expired with the understanding that should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. **You should call the Current Planning office at 626-744-6777 to find out if any appeal or call for review has been filed before you submit your building permit application.** A copy of this letter must be attached to all plans submitted for building permits.

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, Class 1 §15301, Existing Facilities).

For further information regarding this case please contact **Jason Mikaelian** at **(626) 744-6754**.

Sincerely,



Paul Novak  
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C

cc: City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Betty Anderson, Code Enforcement-Ellen Clark, Case File, Decision Letter File, Planning Commission (9)

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #4775**

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of the CL-SP-1a (North Lake Specific Plan, Commercial Limited, Subarea 1a) zoning district. The Zoning Code permits 24-hour businesses in proximity to residential neighborhoods with a Conditional Use Permit. The proposal complies with all other applicable requirements of the CL-SP-1a zoning district and 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 on Orange Grove Boulevard west of North Lake Avenue, a major commercial thoroughfare with predominately commercial uses. No new construction is proposed as part of the project. The proposal complies with all applicable requires of the CL-SP-1a zoning district and of the Zoning Code.*
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 the City's General Plan and the North Lake Specific Plan. The North Lake Specific Plan calls for uses that do not involve vehicle sales/service and uses that do not include drive-thru services. The existing restaurant is a sit-down restaurant and includes sidewalk dining and a rear patio area. No new construction is proposed as part of the project. The existing restaurant is located in a commercial district and is compatible with other uses in the neighborhood.*
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. A large commercial property separates the subject site from the nearest residential unit. In addition, the residential neighborhood is accessed from Elmira Street. Vehicles will not drive through the residential neighborhood to access the restaurant. Therefore, no new impacts on traffic, parking or the general welfare of the neighborhood will result.*
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. A large commercial property separates the subject site from the nearest residential unit. In addition, the residential neighborhood is accessed from Elmira Street. Vehicles will not drive through the residential neighborhood to access the restaurant. Therefore, no new impacts on traffic, parking or the general welfare of the neighborhood will result.*
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. No new construction is proposed as part of the project. The existing restaurant is located in a commercial district and is compatible with existing land uses and is visually in character with other developments in the vicinity.*

## ATTACHMENT B

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #4775

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

1. The site/floor plans to be submitted for building permits shall substantially conform to the site/floor plans stamped "Received at Hearing January 3, 2007", except as modified herein.
2. 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.
3. The approval of this application authorizes the existing restaurant to operate as a 24-hour use. Any change from the approved use of the proposed restaurant would require a new Conditional Use Permit.
4. The site and surrounding area shall be maintained free of litter and graffiti. Any graffiti that should appear on the site shall be removed within 48 hours.
5. The existing use does not have approval for the sale of alcoholic beverages. The sale of alcoholic beverages requires a new Conditional Use Permit.
6. No dancing shall be permitted on-site, and only up to a maximum of 75 square feet of performance area for live entertainment shall be allowed.
7. The use shall comply with the City of Pasadena Refuse Storage regulation at all times (Section §17.40.120 of the Pasadena Municipal Code).
8. The applicant or successor in interest shall comply with the code requirements of all other City Departments.