

**APPEAL AND
CORRESPONDENCE
RECEIVED FOR
COUNCIL APPEAL
HEARING**



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

REQUEST FOR APPEAL

APPLICATION INFORMATION

Project Address: 601 N. Raymond, Pasadena, Ca 91103
Case Type (MCUP, TTM, etc.) and Number: MCUP 2863
Hearing Date: 03/05/08 Appeal Deadline: 03/17/08

APPELLANT INFORMATION

APPELLANT: John Pena Telephone: 626 583-8483
Address: 601 N. Raymond Ave. Fax: 626 583-8016
City: Pasadena State: Ca Zip: 91103 Email: _____
APPLICANT (IF DIFFERENT): _____

I hereby appeal the decision of the:

- Hearing Officer
- Zoning Administrator
- Design Commission
- Director of Planning and Development
- Historic Preservation
- Film Liaison

REASON FOR APPEAL

The decision maker failed to comply with the provisions of the Zoning Code, General Plan or other applicable plans in the following manner (use additional sheets if necessary):

Residential neighbors would like the entertainment to stay within the constraints of the building. Moving to the outer section would disturb them. The residents were not aware this move and would like a chance to speak on the prospective move.

John Pena
Signature of Appellant

03/17/08
Date

* OFFICE USE ONLY			
PLN #	<u>2008-00149</u>	CASE #	PRJ #
DESCRIPTION	<u>APP</u>	DATE APPEAL RECEIVED:	<u>3/17/08</u>
APPEAL FEES: \$ <u>2800.33</u>		RECEIVED BY: <u>JPS</u>	

RECEIVED

'08 APR 16 P2:21

CITY CLERK
CITY OF PASADENA

City Clerk's Office
100 N. Garfield Ave.
Room S228
Pasadena, Ca. 91101

Subject: 61 N. Raymond Avenue, Appeal of Expressive Use Permit #4955

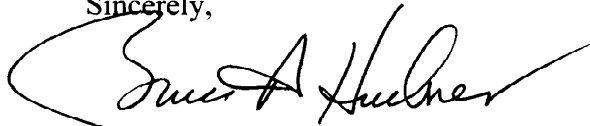
To Whom It May Concern:

The following is a summary of my comments concerning this appeal process for the Expressive Use Permit #4955.

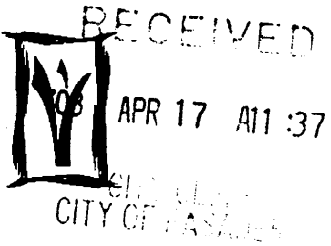
I agree with the original conclusion of the Hearing Officer's March 5 disapproval of Expressive Use Permit #4955 for the existing restaurant (Vive). I agree that the Vive Restaurant should not have the right to change the dance floor or to serve alcohol for extended hours on Sunday through Thursday. By definition, Vive is a restaurant/bar which is not a dance hall and bar. On weekends, this establishment can draw large crowds which results in excessive local noise from the dance music and then the departing crowd at 1-2 am in the morning. I do not want to see that same activity happen throughout the week.

Thank you for your attention to these comments.

Sincerely,



Bruce A. Huebner
80 N. Raymond Ave.
Pasadena, Ca. 91103



April 17, 2008

Dear Mr. Jason Mikaelian,

Regarding our hearing taking place on April 21, 2008, we would like to postpone our hearing until we receive all the information we have asked for. If you have any questions please feel free to call me at 626-705-4979. Thank you for your time.

John Pena
President



April 18, 2008

Mr. Mark Jomsky,

This is John Pera agreeing with the hearing to be postponed until June 9th. Thank you for your time.

John Pera

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 08 APR 18 PM 12:03
 CITY OF PASADENA

04/21/2008
6.D.

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'08 APR 18 P1:48

April 17, 2008

City Clerk's Office
100 N. Garfield Ave.
Room S228
Pasadena, Ca. 91101

CITY OF PASADENA
CITY OF PASADENA

Subject: 61 N. Raymond Avenue, Appeal of Expressive Use Permit #4955

To Whom It May Concern:

I wish to clarify my position from my previous letter concerning this Expressive Use Permit #4955.

I am not in favor of a dance floor in this facility period! If there is a dance floor it should be located in the most shielded area of the restaurant which will minimize noise in the community. Finally I am not in favor of extending the hours of service of alcohol on Sunday through Thursday as requested in the appeal.

Thank you for your attention to these comments.

Sincerely,



Bruce A. Huebner
80 N. Raymond Ave.
Pasadena, Ca. 91103

Jomsky, Mark

From: Mikaelian, Jason
Sent: Monday, April 21, 2008 5:33 PM
To: Jomsky, Mark
Cc: Jim Plotkin
Subject: Public Comments for Vive...

RECEIVED

'08 APR 21 P5:38

CITY OF PASADENA
CITY OF PASADENA

TO: Mark Jomsky, Assistant City Clerk
Please see the public comment below re: Vive. Thanks, Jason

Jason C. Mikaelian, AICP
Senior Planner
Planning and Development Department
City of Pasadena
(626) 744-6754 voice
(626) 396-7614 fax
jmikaelian@cityofpasadena.net

From: James Plotkin [mailto:jplotkin@pacbell.net]
Sent: Monday, April 21, 2008 5:29 PM
To: Mikaelian, Jason
Subject: Re: Information about Monday's Vive Hearing

I'm writing this because of the continuation of the Vive hearing before City Council this evening makes it again more difficult for me and the public to attend this hearing. The reason given this time, for the continuation, is that the Police Department cannot have a full report until sometime next month.

It is inconceivable that the police department needs more time to assemble the reports necessary for an effective and complete presentation to the applicant and the Council, as well as the public.

In addition to the Police report, there are a few issues that really need to be addressed by staff and the community at large. The first is when a business and its landlord openly violate city codes for a period of time, then applies for a permit to allow the "illegal" use is wrong on its face. I think that complying and operating within the code should be done first, and then apply for a modification. What happened is just the opposite. The illegally performing business applied for a modification, and through the public hearing process was denied. It was pointed out that the illegal use has been ongoing. Was or is there a fine, notice, penalty, or any other kind of administrative reprimand for past behavior? Additionally, after the hearing, in which the non permitted use was denied, the applicant continues to operate in an illegal manner. Isn't the obligation of the city staff to enforce the code by issuing citations, notices, revocations, etc.? Protecting the citizens of the community by enforcing the codes should be primary, especially in this situation. The failure of the City to act does all of us a disservice! How can we improve and change this behavior?

I look forward to your response concerning this issue.

Respectfully,

Jim Plotkin
12 S. Raymond Ave Suite D
Pasadena, CA 91105

4/21/2008

04/21/2008
6.D. 7:30 P.M.