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CITY OF PASADENA

MINUTES  
HEARING OFFICER  
FEBRUARY 20, 2008

JOHN SPALDING

Public Meeting 6:00 P.M.  
175 North Garfield Avenue  
Permit Center Hearing Room

*JAMES  
I WISH TO #4993  
AGENDAS CUP  
FOR CALL-UP IF ANY  
FURTHER INFO IS NEEDED,  
PLEASE ADVISE.  
JAMES MADISON*

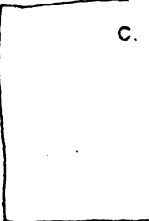
- 1. ROLL CALL AND READING OF PROCEDURES
- 2. PUBLIC HEARINGS

MINOR CASE

A. **MCUP #5002: 1590 Lombardy Road – Council District #7**  
 Minor Conditional Use Permit: For a Private Recreational Facilities with fencing and outdoor lighting for a sports court (half basketball court).  
**Staff Recommendation:** Approval with Conditions  
 Case Manager: Kent Lin  
**APPROVED WITH CONDITIONS**  
**APPEAL DATE: 3/3/2008**  
**EFFECTIVE DATE: 3/4/2008**

CONTINUED CASE

B. **EUP #4955: 61 North Raymond Avenue – Council District #3**  
 Expressive Use Permit: To relocate the dance floor area for an existing restaurant at 61 N. Raymond Avenue (Vive). The original Conditional Use Permit for live entertainment and dancing was approved in 1991 per Conditional Use Permit #2421 and modified per 1994 as Minor Conditional Use Permit #2863.  
 Modification to Conditional Use Permit #2051 (CUP# 2051 approved in 1989 and modified in 1991): To extend the hours of alcohol sales to 1:30 a.m. daily. The original Conditional Use Permit for alcohol sales was approved in 1989 and modified in 1991, which limited the hours of alcohol sales to 11:00 p.m. Sunday through Thursday and 1:00 a.m. Friday and Saturday.  
**Staff Recommendation:** Disapproval  
 Case Manager: Jason Mikaelian  
**CONTINUED TO MARCH 5, 2008**



C. **CUP #4993 – 22 Mills Place – Council District #6**  
 Conditional Use Permit: To allow the on-site sale and consumption of full alcohol (beer, wine, and distilled spirits) in conjunction with the operation of an existing restaurant (Equator Café).  
**Staff Recommendation:** Disapproval  
 Case Manager: Kent Lin  
**APPROVED WITH CONDITIONS**  
**APPEAL DATE: 3/6/2008**  
**EFFECTIVE DATE: 3/7/2008**

D. **TTM #69128: 58 S. Altadena Drive – Council District #7**  
 Tentative Tract Map: To consolidate two land lots and create twelve air parcels for condominium purposes. The project includes the demolition of four existing dwelling units.  
**Staff Recommendation:** Approval with Conditions  
 Case Manager: Jose Jimenez  
**CONTINUED INDEFINITELY**

03/10/2008

7.B.3.



PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

February 25, 2008

Brett Engstrom  
Art Rodriguez & Associates  
709 E Colorado Blvd, Suite 200  
Pasadena CA 91101

RE: **Conditional Use Permit #4993**  
**22 Mills Place**  
**Council District #6**

Dear Mr. Engstrom:

Your application for a **Conditional Use Permit at 22 Mills Place** was considered by the **Hearing Officer** on **February 20, 2008**.

**CONDITIONAL USE PERMIT: To allow the on-site sale and consumption of full alcohol (beer, wine, and distilled spirits) in conjunction with the operation of an existing restaurant (Equator Café).**

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 taken under advisement. The Hearing Officer **approved** the application on February 25, 2008 with the conditions listed in Attachments B and C and in accordance with submitted plans stamped **February 20, 2008**.

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.

**Conditional Use Permit #4993**

**Page 2**

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.

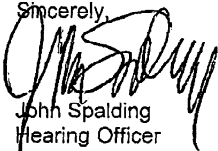
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (March 6, 2008)**. The effective date of this case will be **March 7, 2008**. Prior to such 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. The regular Appeal fee is \$2,935.76. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$1,467.88.

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 decision letter (including conditions of approval and any mitigation monitoring program) shall be incorporated into the plans submitted for building permits.

The Hearing Officer acknowledged the project is to be categorically exempt, Class 1, from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 1, §15301, Existing Facilities).

For further information regarding this case please contact **Kent Lin** at **(626) 744-6817**.

Sincerely,



John Spalding  
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C

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

ATTACHMENT A  
FINDINGS FOR CONDITIONAL USE PERMIT #4993

Conditional Use Permit: On-site sales and consumption of full alcohol service (beer, wine, and distilled spirits) in conjunction with the operation of a bonafide restaurant use.

1. *The proposed location of the Conditional Use Permit would not adversely affect the general welfare of the surrounding property owners.* The operation of an existing restaurant use with full alcohol sales (beer, wine, and distilled spirits) is consistent with the activity of the surrounding commercial and retail uses along Colorado Boulevard, Mills Place Alley and Green Street. The existing restaurant use is permitted out right within the Central District Specific Plan, Old Pasadena zoning district. The proposed on-site sale and consumption of full alcohol in conjunction with the operation of the restaurant use will be conducted in accordance with the City's laws and ordinances ensuring continuing compatibility and protecting other businesses in the area from any adverse impacts.
2. *The proposed location of the conditional use would not result in an undesirable concentration of premises for the sale of alcoholic beverages in the area.* The operation of a an existing restaurant with full alcohol sales (beer, wine, and distilled spirits) would provide for reasonable and responsible growth of a commercial business along Mills Place Alley, Colorado Boulevard, and Green Street of the Old Pasadena area. Alcohol will be sold and consumed on-site and in conjunction with food service only. It has been found that the sale of beer, wine, and distilled spirits in conjunction with a bonafide eating establishment typically would not encourage activities that cause negative affects on the surrounding area.
3. *The proposed location of the conditional use would not detrimentally affect the nearby surrounding area after giving consideration to the proximity and nature of the proposed use with respect to residential uses and districts, religious assembly uses, private or public schools, hospitals, parks and recreation facilities, places of public assembly which attract minors and other similar uses.* There are no religious assemblies, public schools or hospitals within close proximity to the existing restaurant use. The subject site is situated approximately 650 feet northwest of the nearest public park (Central Park). The subject site is situated approximately 1,560 feet south of the nearest private (Saint Andrew Elementary School). With the Conditions of Approval identified in Attachment B and C, the sale and consumption of alcohol will be restricted indoors and outdoor patio/dining area only and will not have detrimental affect to the surrounding uses, but instead will allow the general public, City residents and tourists the opportunity to engage in a different type of dining experience in the Old Pasadena area.
4. *The proposed location of the conditional use would not aggravate existing problems created by the sale of alcohol, such as loitering, public drunkenness, sales to minors, noise and littering.* It has been determined that the existing restaurant offering full alcohol sales on the subject site would not contribute to an aggravation of existing problems in and around the project site, based on the nature of the bonafide "fine-dining" restaurant use.
5. *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 conditioned, the project is consistent with Objective 10, Diverse Economy, of the Land Use Element of the General Plan in that the existing restaurant will allow for the increase of tax revenue with increased employment opportunities inherent in a restaurant business. Similarly, one of the purposes of the Central District Specific Plan is to provide a mix of land uses designed to create the primary business, financial, retailing, and government center of the City.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #4993**

**The Applicant or Successor in Interest shall comply with the following Conditions:**

1. The site plan and floor plan shall substantially conform to the plans submitted and stamped "Received at Hearing, February 20, 2008," except as modified herein.
2. The approval of this application authorizes the on-site sale of a full-line of alcoholic beverages (beer, wine and distilled spirits) at the associated restaurant in conjunction with the sale of food (full menu) during all hours of alcohol sales. Any expansion or modification from the approved use will require a modification to the Conditional Use Permit.
3. 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.
4. Food service shall remain available during all hours of operation. The subject use shall be maintained as a bona-fide eating establishment. There shall be no cover charge to enter the restaurant and there shall be no restrictions on the age of customers during all hours of operation.
5. The hours of alcohol sales for on-site consumption shall be limited to 10:00 a.m. to 1:00 a.m., seven days a week. The last alcoholic beverage shall be served no later than half hour before closing.
6. Alcoholic beverages shall be served in non-disposable containers.
7. The off-site sale and off-site consumption of alcohol is strictly prohibited.
8. The sale and consumption of alcoholic beverages independent of food service is strictly prohibited. There shall be no area of the restaurant designated directly or indirectly as a "bar area", to the satisfaction of the Zoning Administrator.
9. A minimum of 18 off-street parking spaces shall be provided in the form of Zoning Parking Credits for the existing restaurant use. Zoning Parking Application ZPC#202 shall be approved by the Department of Transportation prior the on-site sale and consumption of full alcohol on-site.
10. On and off-site sell and consumption of Hookah (tobacco) products shall be prohibited indoors and outdoor patio area at all times. The operator shall comply with all current and new tobacco control rules and regulations as enforced by the Department of Public Health.
11. There shall be no dancing or live entertainment on site.
12. Amplified music (indoor or outdoor) and/or live disc jockeys (DJs) shall be prohibited at all times.
13. Customized lighting and sound systems conducive of a nightclub atmosphere (indoor or outdoor) shall be prohibited at all times.
14. Video games or similar loitering attractions shall not be permitted on-site.

15. Signs advertising brands of alcoholic beverages or the availability of alcoholic beverages for sale shall not be displayed at the subject site. References to alcoholic beverages shall only be permitted in conjunction with the food service menu.
16. Alcoholic beverages shall be sold and consumed only in conjunction with food service. The sale and consumption of alcoholic beverages independent of food service is strictly prohibited.
17. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
18. The owner shall continually educate staff regarding alcohol laws.
19. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that should appear on the site shall be removed within 48 hours.
20. The following preventative measures shall be undertaken to reduce the potential for alcohol related problems:
  - a. Security guard service shall be provided at the site and in the immediate vicinity along Mills Place Alley from 8:00 p.m. to half hour after closing on Thursday, Friday and Saturday. The security guard shall hold a current Guard Card issued by the Bureau of Security (BSIS) and be employed by a security company licensed by the State of California working under contract with the owner. Security guard services are subject to the approval of the Zoning Administrator.
  - a. Taxicab phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers.
  - b. The availability of a variety of non-alcoholic beverages shall be made known and offered to customers.
21. The applicant shall obtain an approved license from the California Department of Alcoholic Beverage Control to allow the on-site sale of full alcohol (beer, wine, and distilled spirits) for a bona fide public eating place.
22. The sale of alcoholic beverages shall not exceed the sale of food and non-alcoholic beverages on a quarterly basis. To ensure the primary use of the premises to be maintained as a restaurant, a record shall be maintained at the premises at all times and be presented to the City agencies for review upon request.
23. The applicant or successor in interest shall comply with code requirements of all other City Departments.
24. These conditions of approval must be posted in a conspicuous location for public viewing within the restaurant on a continuous basis for the life of this Conditional Use Permit beginning the date the alcohol sales commences.
25. Any proposed outdoor dining in the public right-of-way shall require a separate approval and meeting of all conditions of the Public Works Department.
26. The proposed project, Activity Number **PLN2007-00579** is subject to the City's Condition/Mitigation Monitoring Program and is also subject to Final Zoning inspection. Condition Monitoring is required for your project. Under the Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the

conditions of approval. The Condition/Mitigation Monitoring inspection will occur during the term of the project. The Final Zoning Inspection will occur at the completion of the project. Required monitoring fees for inspections shall be paid on or after the effective date of this permit, but prior to the issuance of any building permits. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee. All fees are to be paid to the cashier at the Permit Center located at 175 N. Garfield Avenue. The cashier will ask for the activity number provided above. Failure to pay the required monitoring fees prior to initiating your approved land use entitlement may result in revocation proceedings of this entitlement.

ATTACHMENT C

**MEMORANDUM - CITY OF PASADENA  
DEPARTMENT OF PUBLIC WORKS**

**DATE:** January 3, 2008

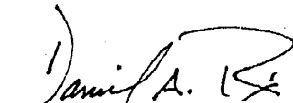
**TO:** Denver Miller, Zoning Administrator  
Planning and Development Department

**FROM:** City Engineer  
Department of Public Works

**RE:** Conditional Use Permit No. 4993  
22 Mills Place

The Department of Public Works has reviewed the application for Conditional Use Permit No. 4993 at 22 Mills Place. The application is to allow the full-time sales of alcoholic beverages for on-site consumption in conjunction with the operation of an existing restaurant (Equator Cafe). The approval of this Conditional Use Permit should be based upon satisfying all of the following conditions:

1. This application does not permit sidewalk dining in the public right-of-way. If the applicant intends to serve any food or beverages in the public right-of-way, an application shall be filed with the Department of Public Works for a sidewalk dining occupancy permit to establish or maintain a sidewalk dining area within the public right-of-way on the subject frontage. Sidewalk dining shall comply with all the requirements of Chapter 12.13, entitled "Sidewalk Dining on Public Walkways", of the Pasadena Municipal Code.

  
DANIEL A. RIX  
City Engineer

DAR:ss