

OFFICE OF THE MAYOR

October 27, 2008

TO: Mark Jomsky, City Clerk
FROM: Mayor Bill Bogaard
SUBJECT: CUP No. 5094 – La Huesteca Property

I am requesting that this matter, which was recently approved by a hearing officer, be scheduled for City Council consideration of calling for review before the Board of Zoning Appeals. The decision approves several variances and exceptions which deserve careful review and time available today, after I became aware of this decision, was not sufficient to allow me to fully understand the circumstances justifying the variances and exceptions.

Please let me know if you have any questions about this matter.

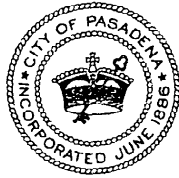
BB:jl

cc: Michael Beck
Richard Bruckner
Eric Duyshart
Jason Mikaelian
Hon. Steve Madison

A handwritten signature, likely of Mayor Bill Bogaard, consisting of a stylized 'B' and 'B'.

11/03/2008

7.B.1.



PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

October 20, 2008

Duke D. Jackels
Gonzales/Goodale Architects
135 West Green Street, Suite 200
Pasadena, CA 91105

Subject: Conditional Use Permit #5094 PLN#2008-00249
27-71 South Fair Oaks Avenue and 26-40 Mills Place
Council District #6

Dear Mr. Jackels:

Your application for a **Conditional Use Permit at 27-71 South Fair Oaks Avenue and 26-40 Mills Place** was considered by the **Hearing Officer** on **October 15, 2008**.

CONDITIONAL USE PERMIT: 1) Conditional Use Permit: To maintain five existing buildings totaling 20,190 square feet and construct a new three-story building totaling 56,029 square feet on a 39,763 square foot property. Three levels of underground parking structure with 125 parking spaces is also proposed. The total proposed floor area for the project is 76,219 square feet, excluding the underground parking structure. A Conditional Use Permit is required for new non-residential projects exceeding 25,000 square feet of gross floor area in the Central District.

2) Minor Conditional Use Permit: To allow a new non-residential project within the Transit Oriented Development (TOD) with over 15,000 square feet of gross floor area.

3) Minor Conditional Use Permit: To provide valet parking.

4) Minor Conditional Use Permit: To provide tandem parking spaces.

5) Variance: To increase the percent of the building that can exceed 40 feet high from 30 percent of the roofline to 47 percent of the roofline.

6) Variance: To provide two loading spaces, where four are required.

7) Minor Variance: To have the building set back two feet from the Fair Oaks Avenue property line, while the building is required placed at the street property line.

8) Minor Variance: To have the building set back two feet from the Green Street property line, while the building is required to be placed at the street property line.

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 and Variances be **approved** with conditions listed in Attachments B, C and D and the Mitigation Measures listed in the Mitigation Monitoring Reporting Program in Attachment E and in accordance with submitted plans stamped **October 15, 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.

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.

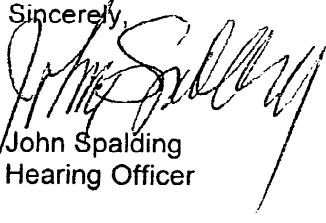
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (October 27, 2008)**. The effective date of this case will be **October 28, 2008**. Prior to 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 \$3,473.60. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$1,736.80.

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.

An Initial Environmental Study prepared for the project determined that there will be less than significant impacts on the environment because mitigation measures will be incorporated into the project. Therefore, a Mitigated Negative Declaration has been prepared. Possible impacts on Biological Resources (trees), Cultural Resources and Transportation/traffic were identified in the Initial Study. The Hearing Officer took comment on the proposed Mitigated Negative Declaration and adopted the Mitigated Negative Declaration.

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

Sincerely,



John Spalding
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C, Attachment D, Attachment E

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)