

**ATTACHMENT D
BOARD OF ZONING APPEALS DECISION LETTER
(DATED OCTOBER 31, 2019)**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

October 31, 2019

Joe Oftelie
City Ventures
C/o Pasadena Lots 70, LLC
3121 Michelson Drive, Suite 150
Irvine, CA 92612

Subject: Revocation of Conditional Use Permit #5535 **PLN2010-00384**
300 W. Green St, 100-248 S. Orange Grove Blvd,
363 W. Del Mar Blvd, 169 St. John St, and 400 W. Colorado Blvd
Council District #7

Dear Mr. Oftelie:

An application for a City initiated public hearing to revoke **Conditional Use Permit #5535** was considered by the **Board of Zoning Appeals** on **October 30, 2019**.

REVOCATION OF CONDITIONAL USE PERMIT: A City-initiated public hearing to consider the revocation of Conditional Use Permit (CUP) #5535, originally approved by the Hearing Officer on March 6, 2013. CUP #5535 allows private group events, such as weddings and receptions, at various designated locations within the Ambassador College Campus. The approval includes a Minor CUP to allow shared parking with Maranatha High School (169 S. St. John St.) and the Elk's Lodge (400 W. Colorado Blvd.), as well as an additional Minor CUP to allow off-street valet parking during the events. As authorized by Section 17.78.090 (Permit Revocation or Modification) of the Zoning Code, the City has the authority to revoke any discretionary land use permit, such as a Conditional Use Permit.

At the conclusion of the public hearing, the Board of Zoning Appeals decided to adopt the environmental determination that the proposed project is exempt from environmental review. A motion was made to uphold the Hearing Officer's decision and approve **Revocation of Conditional Use Permit #5535** that resulted in a 5-0 vote by the five members present. As a result, action was taken to revoke Conditional Use Permit #5535 with the findings in Attachment A.

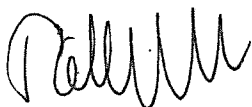
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Board of Zoning Appeals has the right to appeal this decision. In addition, a member of the City Council may stay the decision and request that it be called for review to the City Council. An appeal or a request for a call for review of this decision shall be within ten days, the last day to file an appeal or a request for a call for review is **Tuesday, November 12, 2019**. Appeal applications must cite a reason for objecting to a decision and should be filed with the City Clerk. Without any call for review or appeal, the effective date will be

Wednesday, November 13, 2019. The regular Appeal fee is \$2,624.44. The Appeal fee for non-profit community-based organizations is \$1,312.22.

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, §15321, Class 21, Enforcement Actions by Regulatory Agencies), and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15321 exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory agency.

For further information regarding this case please contact **Luis Rocha** at (626) 744-6747.

Sincerely,



Talyn Mirzakhian
Zoning Administrator

Enclosures: Attachment A

XC: City Manager, City Clerk, City Council, City Council District Liaison, Building Division, Public Works, Design and Historic Preservation, Hearing Officer, Code Compliance, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
SPECIFIC FINDINGS FOR REVOCATION OF CONDITIONAL USE PERMIT #5535

- a) *Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit or entitlement can no longer be made in a positive manner and the public health, safety, and welfare require the revocation. Based on the changed circumstances caused by the applicant, the findings contained in the original CUP can no longer be made in a positive manner and the public health, safety, and welfare require the revocation. Specifically, the following three findings contained in the original CUP cannot be continued to be made:*
3. *The proposed use is not in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan. Policy 25.7 of the Land Use Element of the General Plan (Buffering Adjoining Residential Areas) is intended to ensure that commercial uses adjoining residential neighborhoods are designed to be compatible with each other. The original CUP contemplated up to 32 events per year, at four locations throughout the Ambassador College Campus. In addition, the CUP approved up to 300 maximum daily guests for events from Sunday through Thursday and up to 500 maximum daily guests on Friday and Saturday among the four event spaces. The number of daily guests allowed is the maximum permitted at the four event locations on any given day. However, only Fowler Garden, an outdoor area, remains under the ownership of the applicant and available for use as event space; Fowler Garden is immediately adjacent to multi-family and single-family residences along its western boundary. Without Terrace Villa or Merritt Mansion to provide kitchen or restroom amenities, the events at Fowler Garden rely on either additional amenities brought on-site or the use of amenities from adjacent facilities not originally contemplated under the CUP. Allowing up to 32 outdoor events per year, with up to a daily maximum guest attendance of 300-500 at one outdoor event space immediately adjacent to multi-family and single-family residences, results in a commercial use that is not compatible with the adjoining residential neighborhood due to event impacts (e.g. amplified music, lighting, number of event attendees, event set-up and tear-down).*
 4. *The establishment, maintenance, or operation of the use would, 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. Under the current circumstances, and pursuant to the Conditional Use Permit, up to 32 events per year with up to a daily maximum guest attendance of 300-500 can occur at Fowler Garden, an outdoor event space; where originally the CUP anticipated the number of events and guests distributed among four event spaces. The concentration of event impacts (e.g. amplified music, lighting, number of event attendees, event set-up and tear-down) at one outdoor event location, immediately adjacent to multi-family and single-family residences along its western boundary, would be detrimental to the health, safety and general welfare of persons residing in the neighborhood.*
 6. *The design location, operating characteristics, and size of the proposed use would not be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection. The use is allowed up to 32 events per year, with up to a daily maximum guest attendance of 300-500, at Fowler Garden, an outdoor event area; where originally the CUP anticipated the number of events and guests distributed among four event spaces. These operating characteristics, along with the concentration of event impacts (e.g. amplified music, lighting, number of event attendees, event set-up*

and tear-down) at one outdoor event location would not be compatible with the character of the existing residential uses abutting the Fowler Garden on its western boundary.

- f) *The improvement/use allowed by the permit or entitlement has become detrimental to the public health, safety, or welfare, or the manner of operation constitutes or is creating a public nuisance.* Since the original approval of the CUP, 148 multi-family residences have been constructed on the Ambassador College Campus, in and around areas originally approved for events. Although a majority of these residences were contemplated when the CUP was originally approved, the current operation of the use, in conjunction with the adjacency of the built-out residential environment, have resulted in a condition that creates conflict. The original CUP contemplated up to 32 events to occur, per year, at four locations throughout the Ambassador College Campus. In addition, the CUP approved up to 300 maximum daily guests for events from Sunday through Thursday and up to 500 maximum daily guests on Friday and Saturday among the four event spaces. The number of daily guests allowed is the maximum permitted at the four event locations on any given day. However, only Fowler Garden, an outdoor area, remains under ownership of the applicant and available for use as event space; Fowler Garden is immediately adjacent to multi-family and single-family residences along its western boundary. Without Terrace Villa or Merritt Mansion to provide kitchen or restroom amenities, the events at Fowler Garden rely on either additional amenities brought on-site or the use of amenities from adjacent facilities not originally contemplated under the CUP. Allowing up to 32 outdoor events per year, with up to a daily maximum guest attendance of 300-500, at one outdoor event space immediately adjacent to multi-family and single-family residences, results in a use that is detrimental to the public health, safety, and welfare and the manner of operation is creating a public nuisance due to event impacts (e.g. amplified music, lighting, number of event attendees, event set-up and tear-down).