

MEMORANDUM

November 2, 1998

To: Jane Rodriguez, City Clerk
From: Sid Tyler *ST*
xc: Bill Crowfoot
Re: Variance # 11285 - 21 East Villa

RECEIVED
98 NOV -2 P 5:27
CITY CLERK
CITY OF PASADENA

Please agendize the above CUP application for discussion at City Council for possible call-up. Thankyou.

11/16/98
7.A.1.

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November 9, 1998

HAND-DELIVERED

CITY COUNCIL
CITY OF PASADENA
100 North Garfield Avenue
Pasadena, California 91109

Re: 21 East Villa Street - Variance #11285
Request for Call-Up

Ladies and Gentlemen:

We write you on behalf of Martin Rogers ("Applicant"), requesting that you call-up for review his application for a conditional use permit ("CUP") to maintain his 11-year-old "taco wagon" takeout use and for a variance (the "Variance") from proximity requirements to another takeout use that has different hours of operation.

Briefly, the hearing officer in this matter approved both the CUP and the Variance, and the staff recommendation has always been in favor of the application. Unfortunately, the Board of Zoning Appeals reversed the approval on a 3-to-2 vote, differing on whether or not the variance requirement of exceptional circumstances were applicable to the site.

The taco wagon has been operating at the site for 11 years, without substantial adverse impact on the surrounding area. The property contains bathroom facilities and has adequate on-site parking. Unlike Applicant's proposed use, the other takeout operator in the vicinity does not operate late at night, and there will not be a substantial overlap of operating hours. The two (2) restaurant operators in the area are both supportive of the application, along with hundreds of satisfied customers. Applicant is willing to comply with the conditions approved by the hearing officer and will be responsive to any other concerns the City Council might have.

RSJ\111866.01

-- MAYOR --

9 NOV 98 11:35

CITY COUNCIL
November 9, 1998
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We request that you approve a call for review of this matter and schedule a public hearing to review this decision.

Respectfully submitted,

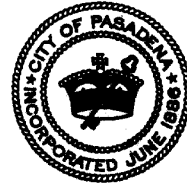

R. Scott Jenkins
of HAHN & HAHN

RSJ:jam

cc: Mr. Martin A. Rogers
Mr. David Davenport

City of Pasadena

HALE BUILDING
175 NORTH GARFIELD AVENUE
PASADENA, CA 91109



CURRENT PLANNING
ZONING AND SUBDIVISION

October 26, 1998

Martin A. Rogers
21 East Villa Street
Pasadena, CA 91103

**RE: Variance # 11285
21 East Villa Street**

Dear Mr. Rogers:

Your application for a **Conditional Use Permit and Variance at 21 East Villa Street, Zone IG-VR**, was considered by the **Board of Zoning Appeals on October 21, 1998**. This was an application requesting the following:

To establish a take out use (mobile food preparation unit) that would operate beyond the hour of 10:00 P.M. A Conditional Use Permit is required to operate a business between the hours of 10:00 P.M. to 7:00 A.M. when the use is within 150 feet of a residential district (P.M.C. Section 17.32.020 J). To establish a take out use that would be located less than 500 feet from another take out use. A variance is required to locate a take out use closer than 500 feet to another take out use (P.M.C. Section 17.32.020 J).

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

Based upon the findings, the Board of Zoning Appeals decided to **overrule** the decision of the Zoning Hearing Officer and **deny** the application.

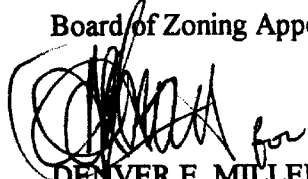
You are hereby notified that the decision of the Board of Zoning Appeals is not subject to further appeal. This decision becomes effective on the eleventh day from the date of the decision. The effective date for this case is **November 3, 1998**. However, prior to the effective date, a member of the City Council may stay the decision and request that it be called-up to the City Council for review.

Appeal of Variance # 11285

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Projects that are denied are statutorily exempt from the California Environmental Quality Act. Please note that the time within which judicial review of this action must be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

Board of Zoning Appeals, by


DENVER E. MILLER
Zoning Administrator

DEM:DD:jd

Enclosures: Attachment A,

xc: Planning Commission (9), City Council, City Clerk, Building Division, Public Works, County Assessor, Power Division, Water Division, Design & Historic Preservation, Hearing Officer, Nancy Key, Zoning Enforcement, File (2)