



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** April 17, 2019

**TO:** Hearing Officer

**SUBJECT:** Expressive Use Permit #6728

**LOCATION:** 920 East Mountain Street

**APPLICANT:** Lineage Dance Company and Performing Arts Center

**ZONING DESIGNATION:** CL-SP-1d (North Lake Specific Plan, Commercial Limited, subdistrict 1d) and RS-6 LD-1 (Single-family Residential, 0 – 6 dwelling units per acre, Landmark District 1 – “Bungalow Heaven”)

**GENERAL PLAN DESIGNATION:** Low Commercial and Low Density Residential

**CASE PLANNER:** Jennifer Driver

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Expressive Use Permit #6728 with the conditions in Attachment B.

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**PROJECT PROPOSAL:** Expressive Use Permit: To allow the establishment of a live performance venue (Commercial Entertainment Land Use) and classroom facility (Personal Improvement Services Land Use) within an existing 6,297 square-foot storage space for a retail use (CVS drugstore). The proposed 78-seat theater and 2,638 square-foot classroom facility will be used for both live performances and dance, music or acting classes. The establishment of a Commercial Entertainment Land Use requires the review and approval of an Expressive Use Permit within the CL-SP-1d zoning district. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m. Monday through Sunday.

**ENVIRONMENTAL DETERMINATION:** 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, Class 1 §15301, Existing Facilities) and there are no features that distinguish this project from others in the

exempt classes; therefore, there are no unusual circumstances. Section 15301 exempts the operation, permitting, licensing or minor alteration of uses in existing structures where there is negligible or no expansion of the use. The proposed live entertainment venue is proposed within an existing commercial tenant space, therefore no expansion to the existing building is proposed.

**BACKGROUND:**

**Site characteristics:** The subject site is a 150,476 square-foot, irregularly shaped lot, with frontages on four streets: North Lake Avenue to the west, East Mountain Street to the north, North Mentor Avenue to the east and East Boylston Street to the south. The site is developed with a two-story, 41,020 square-foot commercial building built in 1962 and currently occupied by a retail drugstore (CVS drugstore). The theater proposes to occupy a vacant, 6,297 square-foot portion of the retail building on the ground floor, to the east of the existing drugstore. The site has 212 parking spaces in a surface parking lot that has vehicular access from Mountain Street and Lake Avenue. The existing loading area and trash enclosure are to remain along the eastern side of the building.

**Adjacent Uses:** North: Commercial strip mall and single-family residences  
South: Restaurant and single-family residences  
East: Single-family residences  
West: Commercial

**Adjacent Zoning:** North: CL-SP-1d (North Lake Specific Plan, Commercial Limited, subdistrict 1d) and RS-6 LD-1  
South: CL-SP-1d (North Lake Specific Plan, Commercial Limited, subdistrict 1d) and RS-6 LD-1  
East: RS-6 LD-1  
West: CL-SP-1d (North Lake Specific Plan, Commercial Limited, subdistrict 1d)

**Previous cases on this property:** Variance #6492 – Variance to permit the portion of the site zoned RS-6, LD-1 to be used as a surface parking lot. Approved with conditions on March 28, 1962.

**PROJECT DESCRIPTION:**

The applicant, Lineage Dance Company and Performing Arts Center (Lineage), has submitted an Expressive Use Permit application to allow the interior improvement of a 6,297 square-foot tenant space to accommodate a live performance venue for the arts (Commercial Entertainment Land Use) and a classroom facility (Personal Improvement Services Land Use). The tenant space will be segmented into two land uses: the theater, which includes a 763 square-foot stage, 78 fixed-seats, a dressing room and a backstage area and a 2,638 square-foot classroom facility, which includes a 1,268 square-foot classroom and accessory uses such as an office, restrooms, and the lobby.

The City's Zoning Code defines a Commercial Entertainment land use as a provision of spectator entertainment for commercial purposes. This use includes theaters, concert halls, cinemas, nightclubs, or comedy clubs. The proposed theater is therefore classified as a commercial entertainment land use, and an Expressive Use Permit is required to allow the establishment of such use within the CL-SP-1d zoning district.

According to the applicant, Lineage, through the 'Dance for Joy' program, offers classes and workshops to persons with Parkinson's MS, TBI, stroke, Alzheimer's and other neurological challenges; produces public showings of performing arts (theater, dance, music, etc.) by both professional and amateur artists; and, hosts rehearsals and other live events. The venue proposes to have a maximum of 78-seated spectators at any one time. The proposed hours of operation are from 7:00 a.m. to 10:00 p.m. Monday through Sundays. No alcohol sale is proposed with the operation of the theater.

The proposed classroom facility is considered to be a Personal Improvement Service land use, which is defined as the provision of instructional services or facilities, including health or physical fitness clubs, modeling agencies, rehearsal halls, and weight control clinics, and is permitted by-right in the CL-SP-1d zoning district.

No portion of the existing building or proposed land uses are located in the RS-6 LD-1 zoned portion of the site, which is used solely for required parking, as permitted by Variance #6492.

#### **ANALYSIS:**

##### *Lineage Dance Company and Performing Arts Center*

Lineage is a non-profit performing arts company that has been operating for approximately 20 years and includes both a professional dance performance group and instructional classes to the public. The performing arts center hosts dance and music performances, theatre productions, art exhibitions, fundraising events, film screenings, and private gatherings. Since 2010, they have had locations in both Old Pasadena (89 S. Fair Oaks Boulevard) and the Playhouse District (464 E. Green Street).

The project proposes to locate within an existing, two-story, 41,020 square-foot retail drugstore (CVS) with 212 parking spaces in a surface parking lot. Lineage proposes to occupy a 6,297 square-foot portion of the existing CVS drugstore building that is currently vacant. The existing 212-space surface parking lot is to remain and no changes to the landscaping are proposed.

The proposed floor plan includes a 763 square-foot stage, a 674 square-foot seating area with 78 fixed seats, a 232 square-foot green room (performers' dressing room), 832 square feet of backstage area for performance operations and a 1,268 square-foot classroom, as well as a 244 square-foot lobby used for congregation before or after classes or performances or for fundraising events.

The applicant proposes outdoor seating for patrons of the classroom facility while waiting before and after classes, often times for transport, as many patrons of this program do not drive. The seating will not be permanent, nor block any required accessible pathways. As a recommended condition of approval, the seating shall be removed during scheduled performances to limit outdoor congregation.

### *Classroom Facility*

The non-theater space is designed to provide a space for both rehearsals for the Lineage performance group and classes in the performing arts. Lineage offers both free and for pay dance or other performing art instructional classes. None of the classes offered require enrollments, memberships or monthly/annual tuition and all classes are open to the public. The Dance for Joy program offers free classes to those living with Parkinson's Disease, Cancer, Stroke Recovery, Alzheimer's, Down Syndrome and those with other neurological challenges. Other classes like ballet, modern or jazz are offered for at- or below-industry average rates. The number and times of classes each week varies and is publicized via the organization's website and directly to facilities who cater to such clientele. Classes are offered in dance, acting, music therapy and more. No more than 25 students and instructors generally attend classes. Lineage performance group will also utilize the space during non-class time for rehearsals. The group size ranges between 5 – 10 dancers, with seven members on average.

### *Site Context*

The subject property is located in the North Lake Specific Plan, Low Commercial, subdistrict 1d (CL-SP-1d) zoning district. The Specific Plan's vision for North Lake is to transform its automobile-oriented character with pockets of commercial and residential uses into a well-designed and attractive corridor supporting multiple travel modes including transit, bicycling, and walking with clusters of distinctive places for shopping, dining, and living.

North Lake Avenue is a commercial street and is developed with a variety of different types of commercial businesses and offices. Subdistrict 1d promotes a commercial character, and excludes residential, mixed-use, and work/live units. This subdistrict is located along North Lake Avenue, between East Mountain Street and East Orange Grove Boulevard. To the east, south and north, there is an established single-family neighborhood in the Bungalow Heaven Landmark District. In general, the property is located in an area that includes a variety of nonresidential uses that provide food service, retail and personal services along Lake Avenue for the surrounding residents.

In spite of the adjacent residential neighborhood, Lake Avenue is a commercial thoroughfare and as such, the proposed theater would not be inconsistent with the surrounding mixture of uses and would provide a source of local entertainment consistent with the goals of the General Plan and the Specific Plan.

### Expressive Use Permit:

The site is located within the North Lake Specific Plan, Subdistrict 1d (CL-SP-1d) and RS-6 LD-1 zoning districts. Pursuant to Zoning Code Section 17.34.030.A (North Lake Land Uses and Permit Requirements) and Table 2-5 of Zoning Code Section 17.24.030.B (Commercial and Industrial Land Uses and Permit Requirements), a Commercial Entertainment land use is permitted subject to the approval of an Expressive Use Permit.

The Hearing Officer may approve an Expressive Use Permit for a Commercial Entertainment use only after making five findings pursuant to Zoning Code Section 17.61.060 (Expressive Use Permits). The general purpose of the review is to evaluate compliance with the Zoning Code, whether the use would provide and maintain a sufficient level of water, sewer, and refuse services consistent with approved City requirements, and ensure fire and crime prevention services are maintained. An Expressive Use Permit in part, is intended to establish reasonable and uniform regulations that would reduce possible adverse secondary effects that expressive

uses may have upon the residents of the City. The intent is to preserve the integrity of existing commercial areas of the City and of the residential areas, which are in close proximity to the commercial areas.

The applicant indicates the proposal would not involve any significant changes to the existing water and sewer connections and would comply with solid waste management and refuse standards. The applicant is required to supply adequate, appropriately located litter and recycling receptacles to patrons of the business. A trash storage area and bin located at the east side of the property provides an accessible and adequate storage location for refuse generated by the operation. The applicant indicates that the interior of the tenant space will undergo a remodel. As part of the building permit review, the applicant is required to demonstrate compliance with Fire and Building codes. This would ensure the applicant provides and maintains fire prevention and suppression services. Prior to the public hearing, the Police Department reviewed the application and did not object to the proposal or convey concerns. In reviewing the history of the company and performance venue at the previous locations in Pasadena, no history of negative incidents was found. However, included recommended conditions of approval provide the Zoning Administrator with the opportunity to call the project up for a public review should sufficient cause arise.

*Live Entertainment:*

Section 17.50.130.B of the City's Zoning Code specifically limits the type of live entertainment provided to that type approved under the Expressive use Permit. The purpose of this regulation is to ensure that the approved live entertainment facility does not deviate from the operation that was planned, reviewed, and analyzed under this Expressive Use Permit application. Under the City's Zoning Code, commercial entertainment land use encompasses a variety of facilities from theaters to nightclubs, all of which could potentially result in a variety of different impacts. In this case, the proposed commercial entertainment facility is a small theater and the approval would be limited to dance, play, music or other similar artistic performances, which is compatible with the surrounding commercial and residential uses due to the theater's modest nature. Conditions of approval are recommended that prohibit the use of the facility as a nightclub, for karaoke or for other bar-like activities and would require any deviation from the use of the facility as a theater to require the review and approval of a new Expressive Use Permit.

While Lineage's performance group will primarily use the venue, Lineage does work with other arts nonprofits and individual artists through grants and collaborates on performances or allows them the use of the space for rehearsals. Some examples of arts collaborators from the past include: Pasadena's Clazzical Notes, the Pasadena Unified School District and the Ensemble Shakespeare Theater.

The proposed organization proposes to have all performance or instructional activities contained entirely indoors. Further, no areas for congregation of performers or patrons of the site will be permitted in the area to the east of the venue. The landscaped area to the east of the tenant space will be required to be planted with shrubs or trees to prevent such congregation. In addition, the applicant would be required to provide for safe queuing of patrons on-site. Patrons shall not queue on the public sidewalk or public walkway and shall not hinder, obstruct, or impede any person from freely passing by or entering an adjacent place of business.

Section 17.50.130.C prohibits any entrance or exit from facing a residential use. The tenant space is located on the eastern portion of the ground floor of the commercial building and faces a surface parking lot and single-family residences on Mentor Avenue to the east. The main entrance for both the theater and instructional components is through the lobby facing north, to

the parking lot and other commercial businesses along Mountain Street. As proposed, and conditioned herein, only a required emergency doorway will be permitted to face the surrounding single-family residences. In addition, as required by Variance #6492, which permits the use of the RS-6 LD-1 zoned portion of the site as a surface parking lot), a five-foot landscaped area and five-foot brick wall that surrounds the site, will maintain as a visual and noise barrier for the adjacent single-family neighborhood. Since the only public entrance and exit faces north, away from the adjacent residential uses, the theater is in compliance with this requirement.

Section 17.50.130.D requires that the name of the establishment be printed on each disposable item provided by the establishment. The theater is not proposing to sell alcohol or food. However, to ensure compliance with this requirement, a condition of approval is recommended, in the event the establishment changes its operation in the future, although any future proposal to sell alcohol would require approval of a Conditional Use Permit.

### *Number and Type of Performances*

Based on submitted material, the project does not have a consistent performance schedule. As described in the application material, the average attendance between 2015 and present is 51 people per performance. Typically, there are between zero and eight scheduled performances per month (which includes collaborations with or use by other art organizations). In addition, the organization requests to be permitted to have anywhere up to 15 performances a month with 80 or more attendees (includes the spectators, performers and any auxiliary staff). Performances are open to anyone who wishes to attend, but are marketed towards subscribers. In addition, Lineage occasionally hosts small fundraisers themselves or by other nonprofits. As a recommended condition of approval, the site shall be limited to no more than 15 scheduled performances and fundraiser events per month and 96 per calendar year (average of eight performances or events per month).

According to the applicant, each week there will usually be about 12 hours of dance rehearsal or theater rehearsal, with about another 10 – 12 hours of arts activities like ballet class, meditation workshops, and exercise groups for people with Parkinson's, MS and other neurological challenges. On the weekends, there will be about 2 – 4 hours of traditional dance classes, plus a dance workshop for people with Parkinson's. In addition, the company also conducts a significant amount of work with local schools, senior living communities and outpatient Alzheimer's Care Centers. It is possible that both the classroom and theater will be in use at the same time, but at no time will the classroom be utilized for scheduled performances open to the public.

### *Parking:*

The proposed tenant space is to be utilized both as a theater (Commercial Entertainment land use) and as a classroom (Personal Improvement Services Land Use), which, pursuant to Section 17.46.040 have different parking requirements based on the size of space or the number of seats. In order to determine the total amount of parking required for the proposed project, it is necessary to designate portions of the tenant space into either of these land use categories. While the stage and seating area and classroom can be clearly assigned a land use of Commercial Entertainment and Personal Improvement Service respectively, there are several areas of the tenant space that are shared between the two land uses, such as the lobby, office, restrooms, green room or storage rooms. As a result, delineation between the two uses when it comes to shared spaces is not explicit.

After analysis of the operation of the project, the classroom, lobby, office, and a portion of the restrooms and hallways will be included in the Personal Improvement Service land use, totaling 2,638 square feet; whereas the theater component will be comprised of the 78 fixed theater seats, the stage, the green room, the storage room, portions of the restrooms and hallways, and the backstage area. As a recommended condition of approval, the open area to the east of the fixed seats and stage in the theater space will be blocked by a curtain or partition for backstage use only. This area will be clearly delineated so as to prevent spectator seating or an area for congregation for patrons.

As a result, the 2,638 square feet of Personal Improvement Service is required to provide parking at a rate of three spaces per 1,000 square feet of floor area, or eight parking spaces. The theater component, which proposes 78 fixed seats, requires either one space per five fixed seats, or 28 spaces per 1,000 square feet of seating area if there are no fixed seats. As 78 fixed seats are proposed within the theater space, 16 parking spaces are required for the theater. As a recommended condition of approval, if the fixed seats were to be removed to allow for open seating, a modification to the approved Expressive Use Permit shall be required. In total, the proposed project requires 24 parking spaces.

In addition, the site is required to maintain the required number of parking spaces for any other land uses on-site. The current 34,723 square feet of retail use requires parking at a rate of three spaces per 1,000 square feet or 104 parking spaces to be maintained. In addition, the owners of the property have entered into a lease agreement with Los Angeles County to provide 50 spaces to the east of the building for use by Los Angeles County employees. As a result, the combined number of parking spaces required for all current uses, leases and proposed uses totals 178 spaces. The site has 212 spaces available, and thus is able to accommodate the required parking for all uses on-site, and has a surplus of 58 parking spaces.

The Department of Transportation reviewed the proposed project and determined that the operation of the proposed performance venue and classroom facility would not generate a significant increase in the number of trips to and from the site and did not require a traffic study. The demand and traffic generated by the proposal would remain consistent with other commercial uses permitted on the site. Patrons driving to the site would use the surface parking lot on-site and overflow of parked cars in the surrounding neighborhood is not expected. In addition, the site is located in an area that exhibits a moderate level of pedestrian activity due to its location along a commercial thoroughfare and proximity to the Lake Metro station (within approximately one-half mile). It is anticipated that patrons would continue to visit the site through a combination of public transportation, walking, bicycling, and automobile.

#### *Hours of Operation and Noise:*

The proposed hours of operation are from 7:00 p.m. to 10:00 p.m. Monday through Sunday. According to the applicant, performances are typically Friday, Saturday and/or Sunday, and begin between 7:00 and 8:00 p.m. and end between 9:00 and 10:00 p.m. Section 17.40.070 of the City's Zoning Code limits the hours of operation for commercial uses located within 150 feet of a residential zoning district to 7:00 a.m. to 10:00 p.m. While the proposed hours of operation are consistent with the hours required when near a residential zoning district, as a recommended condition of approval, performances shall conclude no later than 9:30 p.m. to allow for adequate time for clean-up and dispersal of patrons and performers and to limit the potential impact on the adjacent residential neighborhood.

In addition, no events or instructional activities will occur outside and only a small waiting area for class attendees will be provided outside the front entrance during non-performance times.

There will be no amplified noise via speakers or televisions outdoors. There will be no non-emergency doors facing the residential uses so ambient noise from performances or classes will be limited and for those events that do provide amplified music or sound, a condition of approval requires a noise reading at the property lines indicating that the noise level does not exceed five decibels above ambient noise level, in compliance with Section 9.36 (the City's Noise Ordinance). Further, a condition of approval is recommended that the spectators for the live performances do not congregate within the area to the east of the tenant space before or after the shows, so as to not disrupt the nearby residents.

#### **GENERAL PLAN CONSISTENCY:**

As conditioned, the proposed commercial entertainment land use is consistent with General Plan Land Use Element (General Plan) Policy 4.6 (Neighborhood Villages), which supports the intensification of development at major intersections to serve as centers of neighborhood identity and activity by encouraging the clustering of community-oriented commercial services, housing, and community gathering places with pedestrian-oriented amenities that are accessible and walkable. The proposed theater would attract more activity to the North Lake area and promote the area as a focal point of business and cultural activity for the surrounding community.

Additionally, the proposed commercial entertainment land use is consistent with General Plan Policy 2.9 (Institutional Uses), which encourages the development of educational, religious, cultural, and similar facilities that enrich the lives of Pasadena's residents. The proposed theater is a small venue theater whose mission is to make the arts accessible to all, and would be an added cultural amenity to the City.

Lastly, with recommended conditions of approval, the project fulfills General Plan Policy 36.4 (Neighborhood Compatibility), which requires that the types of use and location, scale, and design of development buffer commercial and mixed-use development on Lake Avenue from adjoining lower density residential neighborhoods.

#### **ENVIRONMENTAL REVIEW:**

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, Class 1 §15301, Existing Facilities) and there are no features that distinguish this project from others in the exempt classes; therefore, there are no unusual circumstances. Section 15301 exempts the operation, permitting, licensing or minor alteration of uses in existing structures where there is negligible or no expansion of the use. The proposed live entertainment venue is proposed within an existing commercial tenant space, therefore no expansion to the existing building is proposed. Therefore, the project is exempt from environmental review.

#### **REVIEW BY OTHER CITY DEPARTMENTS:**

The Department of Transportation, Fire Department, Department of Public Works, Building and Safety Division, Design and Historic Preservation (DHP) Division, Water and Power Divisions, and the Police Department reviewed the proposal. The Department of Transportation, Fire Department, Department of Public Works, DHP Division, Power Division and the Police Department responded with no comments or conditions. Comments from the Building and Safety Division and Water Division are incorporated in Attachment B of this report.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Expressive Use Permit to establish a theater (commercial entertainment land use) can be made. The performances would occur within an existing tenant space and all activities would occur indoors. The theater would activate the surrounding area during the evenings by promoting the North Lake area of the City as a cultural activity area. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the conditions of approval in Attachment B.

Attachments:

Attachment A: Specific Findings of Approval

Attachment B: Conditions of Approval

## ATTACHMENT A

### SPECIFIC FINDINGS FOR EXPRESSIVE USE PERMIT #6728

#### Expressive Use Permit – To establish a commercial entertainment facility (theater)

1. *The proposed use is allowed with an Expressive Use Permit within the subject zoning district and complies with the applicable development and design requirements of the subject zoning district and with all applicable provisions of this Zoning Code.* The subject property is located in the North Lake Specific Plan, subdistrict 1d (CL-SP-1d) and the RS-6 LD-1 zoning districts. Pursuant to Zoning Code Section 17.34.030.A (North Lake Land Uses and Permit Requirements) and Table 2-5 of Zoning Code Section 17.24.030.B (Commercial and Industrial Land Uses and Permit Requirements), a Commercial Entertainment land use (theater) is permitted on the CL-SP-1d portion of the site, subject to the approval of an Expressive Use Permit. As the use will occur within an existing tenant space that was previously occupied by a commercial retail land use, the proposal meets the development standards of the North Lake Specific Plan and as specified in Section 17.61.060 (Expressive Use Permits). Further, no portion of the use will occur on the RS-6 LD-1 zoned portion of the site.
2. *The proposed use will provide and maintain wastewater to establish and maintain an unrestricted flow in sanitary sewers during average and peak conditions as established by the city's approved sewer master plan, as amended from time to time.* The proposed site is in a developed urban commercial center where wastewater service is readily available. The use would be located within an existing tenant space previously occupied by a commercial retail land use. Because of this, significant changes to wastewater flows are not envisioned, as there is no substantial change of uses. The Water Division of Pasadena Water and Power has submitted comments for the proposed use and the Public Works Department will review any possible changes to wastewater flows during the plan check process. As such, the impacts on the sanitary sewer system are not expected to be significant.
3. *The proposed use will provide and maintain solid waste services to establish and maintain a level of service consistent with the city's approved source reduction and recycling element.* The applicant will provide appropriately located litter and recycling receptacles and will deposit refuse generated by the operation in storage areas located at the east side of the building. Based on previous and existing commercial uses on-site, it is anticipated that solid waste management will be maintained in compliance with City requirements. Further, the applicant will be required to provide a Waste Management Plan that includes trash specifications and recycling specifications to demonstrate compliance. The Zoning Administrator and Public Works Director shall review this plan.
4. *The proposed use will provide and maintain fire prevention and suppression services as established by the Uniform Fire Code to establish and maintain minimum response time for fire and emergency medical calls as established by the City's approved general plan.* The project will be required to meet all Fire Department requirements, including maximum occupancy within the tenant space. A condition of approval will limit the number of seated spectators to 78 people at any time. The Fire Department will verify compliance with code requirements during the Building Permit plan review process and at the time of site inspection prior to occupancy. Compliance will also be reviewed during subsequent site inspections. The applicant is required to take reasonable steps to maintain fire prevention and suppression services.

5. *The proposed use will provide and maintain police services and crime prevention services to establish and maintain minimum response time for police calls for service as established by the city's approved general plan.* The proposed use can be serviced by the Police Department and is not anticipated to increase the levels of service. The Police Department reviewed the proposed project and did not express concerns regarding the proposed theater. Furthermore, the Zoning Administrator will have the authority to call this application before the Hearing Officer if it is determined that a violation or problems have occurred.

## ATTACHMENT B

### CONDITIONS OF APPROVAL FOR EXPRESSIVE USE PERMIT #6728

The applicant or successor in interest shall meet the following conditions:

1. The proposed project shall substantially conform to the site plan submitted with this application and dated "Received at Hearing April 17, 2019", except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, except where an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions).
3. The approval of this application authorizes a Commercial Entertainment land use with a 78-seat theater, a 1,268 square-foot classroom and other auxiliary rooms within a 6,297 square-foot tenant space, as depicted in the approved floor plan dated "Received at Hearing April 17, 2019." Any changes from the approved use shall require the review and approval of a modification to the Expressive Use Permit.
4. 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 Expressive Use Permit if sufficient cause is given
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Expressive Use Permit or a new Expressive Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number PLN2019-00034 is subject to a Final Zoning Inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy. In addition, the project requires Condition Mitigation Monitoring. Contact the Planning Case Manager, Jennifer Driver at (626) 744-6756 to schedule an inspection appointment time.

#### Planning Division

9. Hours of operation.
  - a. The hours of operation shall be limited to 7 a.m. to 10 p.m., seven days a week.
  - b. All scheduled performances shall conclude by 9:30 p.m., seven days a week.
10. Live Entertainment shall be limited to no more than 15 scheduled performances and fundraising events each month and no more than 96 per calendar year.
11. Live Entertainment permitted shall be limited to scheduled live dance, music, theater or other similar artistic performances.

12. No dancing shall be allowed where persons dance, appear, or perform attired in swimsuits, bikinis, lingerie, nude, or any other attire in a nude or semi-nude state, or in violation of Zoning Code Section 17.50.295 (Sexually Oriented Businesses).
13. Live Entertainment shall not include customer or patron dancing in a nightclub setting.
14. Events sponsored and/or operated by a third party who profit from organizing and/or drawing large attendees to the third party sponsored events shall be prohibited at all times. However, the tenant space (theater and classroom) can be rented to a third party or collaborating performance group in compliance with the conditions of approval contained herein.
15. There shall be a maximum of 78-seated spectators at any time.
16. The area marked as backstage area on the approved plans stamped "Received at Hearing, April 17, 2019" shall not be used for seating or a gathering space for spectators and shall be clearly separated by a partition (curtain, dividing wall, etc.).
17. Scheduled performances shall be limited to the designated stage area as illustrated in the plans stamped "Received at Hearing, April 17, 2019." The 1,268 square-foot classroom shall not be used for scheduled performances.
18. The stage or seating areas shall not be enlarged without modifying this approval.
19. All publicized events shall include instruction and directions to the parking location on-site. The instruction shall clearly state that no parking in the surrounding streets is permitted at any time. The applicant shall keep a copy of the parking instruction and directions for all events, which shall be available to the Zoning Administrator upon request.
20. All entertainment and any amplified music shall be contained indoors.
21. The secondary doorway on the east side of the tenant space facing Mentor Avenue shall be used as an emergency exit only. No loading activities shall occur through the doorway. The doorway shall be clearly marked with signage and safeguarded so as to prevent common use. Per PMC Section 17.150.130.C, no other ingress or egress shall face a residential use.
22. No congregation is permitted in the parking area to the east of the building and loitering outside the premise is prohibited at all times.
23. The landscaped area to the east of the tenant space shall be planted with shrubs or trees to prevent pedestrian congregation. Prior to the issuance of a building permit, a landscape plan shall be submitted for review and approval by the Zoning Administrator.
24. No permanent, fixed outdoor seating is permitted. Temporary outdoor seating shall be permitted and be available for class attendees by the lobby entrance facing Mountain Street. Any temporary outdoor seating shall be removed before scheduled performances.
25. No alcohol shall be served or sold as part of the operation of the theater, unless a Conditional Use Permit for the sale of alcoholic beverages is obtained.
26. Any disposable item provided by the establishment shall be printed with the name of the establishment.

27. The landscaping in the parking lot shall be maintained per the requirements of Chapters 17.44 and 17.46.
28. Patrons shall not queue on the public sidewalk or public walkway and shall not hinder, obstruct, or impede any person from freely passing by or entering an adjacent place of business.
29. Any on-site, outdoor lighting shall be indirect or diffused, shall be shielded from adjacent residential districts, and shall not exceed three (3) footcandle on-site and one (1) footcandle measured at nearby residential districts pursuant to P.M.C. Section 17.46.220.
30. The site shall comply with all applicable standards related to on-site signage stipulated in PMC Section 17.48. In particular, the following types of signs are prohibited:
  - a. Balloons, lighter-than-air devices, inflatable signs and objects, except as may be allowed through a Temporary Sign Permit.
  - b. Banners, pennants, ribbons, spinners, streamers, or other similar devices, except as specifically allowed through a Temporary Sign Permit.
  - c. Portable, folding, or similar signs, except as allowed in Title 12 of the Municipal Code.
  - d. Signs mounted on the roof of a building, including mansard roofs, and similar architectural roof-like elements.
  - e. Signs that are displayed on the exterior of a building and are made of materials that are impermanent and will not stand exposure to the weather.
  - f. Advertisings, banners, bills, cards, notices, placards, posters, signs, stickers, or other devices designed to attract the attention of the public that are posted or otherwise affixed upon any street, street furniture, right-of-way, public sidewalk, crosswalk, curb, lamppost, fencing, hydrant, tree, alley, telephone pole, public telephone, lighting system, or other public alarm or communication system.
31. All live entertainment and amplified music shall comply with the City's Noise Ordinance, Pasadena Municipal Code Chapter 9.36 (Noise Restrictions). The reproduction of sound that is audible outside of the premise that will materially and adversely impact adjacent tenants and residents shall not be permitted.
32. All doors and windows shall remain closed when live entertainment and/or amplified music occur.
33. 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.
34. Compliance with the City's Refuse Storage regulations, Pasadena Municipal Code Section 17.40.120 (Refuse Storage Facilities), shall be maintained at all times.
35. Compliance with Pasadena Municipal Code Chapter 8.78 (Tobacco Use Prevention Ordinance) shall be adhered to at all times.
36. Tenant improvements associated with the proposal shall comply with Pasadena Municipal Code Chapter 8.62 (Waste Management Plan for Certain Construction and Demolition

Projects within the City of Pasadena). A Waste Management Plan shall be submitted for the review and approval by the Zoning Administrator and Public Works Director and shall include trash specifications and recycling specifications. The Waste Management Plan shall indicate how all solid waste complies with the Waste Management Plan requirements.

37. These conditions of approval must be posted in a conspicuous location for public viewing within the theater on a continuous basis for the life of this Expressive Use Permit beginning on the date of occupancy.

#### Building and Safety Division

38. Governing Codes: Current Edition of the California Building, Mechanical, Electrical, Plumbing, Energy, and Green Building Standards Codes. The governing edition is based on the date in which the project is submitted to the City for review.
39. Building Code Analysis: Document on the plans the Allowable Height & Area, Occupancy Group(s), Type of Construction, and occupant load.
40. Means of Egress (Exiting): Provide Occupant Load Calculations for all areas, and provide an "Exit Plan". Identify exit separation and travel distance.
41. California Disabled Access Requirements: Project shall be accessible to the disabled in accordance with Chapter 11B of the CBC.
42. Permit(s): Separate permits are required for demolition, new building structure, fire sprinkler (if required), mechanical, electrical, and plumbing.

#### Pasadena Water and Power – Water Division

43. Water Mains. Pasadena Water and Power (PWP), Water Division can serve water to this project. There are three water mains surrounding this property. There is a 16-inch cast iron water main in Mountain Street that was installed under Work Order 1196 in 1924. This water main is located approximately 30 feet north of the south property line of Mountain Street. There is an 8-inch cast iron water main in Lake Avenue that was installed under Work Order 5132 in 1957. This water main is located approximately 18 feet west of the east property line of Lake Avenue. There is a 6-inch cast iron water main in Mentor Avenue that was installed under Work Order 5649 in 1965. This water main is located approximately 20 feet east of the west property line of Mentor Avenue.
44. Moratorium: Verify with Public Works Department regarding any street construction moratorium affecting this project.
45. Water Pressure: The approximate water pressure in the area is 60 psi.
46. Water Service: PWP records reflect one 2-inch domestic service (44250) and one 8-inch service (44258) serving 920 E Mountain Street. Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at actual cost and paid for by the owner/developer. Additionally, if it is determined that a water main must be upgraded due to size, age, pressure deficiencies, and/or the integrity of the existing water main; the upgrade will be paid for by the owner/developer. A deposit will be requested for the water main design and a cost estimate will be provided to the owner/developer for the new water service installations, main design, and main construction.

The owner/developer must be aware that the design of a new water main will take 3 to 4 months after the initial deposit is made by the owner/developer. Also, an additional 4 to 6 months will be needed for the construction of the water main after the balance of the estimate is paid in full by the owner/developer. The design and construction estimated time depends on the size and length of the water main and other mains in the queue. For this reason, it is imperative that the initial deposit be submitted promptly.

47. Water Division Requirements:

- a. Water lines are not permitted to cross lot lines to serve adjoining lots without a utility easement; the Pasadena Water Division shall approve all proposed easements.
- b. The Water Division will install the service tap, lateral, water meter and designate the distribution main and service tap.
- c. All services not in use must be abandoned at the distribution main at the applicable rate.
- d. For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.
- e. Pursuant to the PWP Water Regulation Section XI 'A water service and meter may be evaluated for its continuing integrity. Should PWP find a service, meter, vault or other appurtenance to be substandard and no longer suitable for continued use, replacement and/or construction of new facilities may be required. PWP may require that a portion or all of the costs of such replacement and/or construction be paid or contracted for by the Applicant or Customer prior to construction.' The property owner is responsible for the replacement cost. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes. The minimum sized service installed by PWP is 1-inch.

48. Cross Connection Requirements for Domestic Services:

- a. a. All city cross-connection prevention policies must be adhered to. The developer is required to provide back-flow protection at all connections whereby the plan arrangement or configuration could potentially contaminate the domestic water system.
- b. There shall be no taps between the meter and the backflow assembly.
- c. The owner/developer shall provide and install an approved double check valve backflow prevention assembly at each water service if more than one water service serves property. The location of the back-flow prevention assembly shall be above ground within 20-feet of the property line.
- d. The property owner is responsible for the back-flow prevention assembly. The assembly will be registered and require an annual test certification. All manufacturer warranties shall be transferred upon installation and certification to the property owner.
- e. The owner/developer is responsible for certifying and testing the assembly after installation by a person that possesses a current and valid license, and must be certified by the County of Los Angeles Department of Health Services.
- f. The owner/developer shall submit the results of the test to the Water Utility Service

Section for approval. Upon approval, the City will maintain domestic water to the property and will automatically register the assembly.

- g. All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.
- h. An administrative fee of \$194.00 will be charged for each backflow prevention assembly installed.

49. Cross Connection Requirements for Fire Service:

- a. The fire service requires a detector meter and back-flow prevention assembly.
- b. The assembly shall be located in a readily accessible location for meter reading, test and maintenance.
- c. All fire sprinkler systems require installation of an approved double check valve backflow prevention assembly at the sprinkler lateral off the domestic system.
- d. Contract service other than PWP, providing the backflow prevention assembly shall contact the Water Utility Services Section to verify assembly approval or contact the University of Southern California foundation for Cross Connection Control and Hydraulic Research for an approve list of assemblies.
- e. All manufacturer warranties shall be transferred upon installation and certification to the property owner. The property owner shall assume ownership of the back-flow prevention assembly. The assembly will be registered and require an annual test certification.
- f. If PWP is to provide DCDA for fire service, PWP will install Wilkins, model 450 DA.
- g. Choose from one of the below listed options and incorporate into the fire sprinkler plans.
- h. Option 1: *Detector meter located on double check detector check assembly (DCDA) outside the structure on private property.*
  - 1) The Water Division will install the service tap, lateral, DCDA (optional Wilkins, models 350 DA or 450 DA) and designate the distribution main and service tap.
  - 2) The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 10-feet of the property line, on private property. Reference Water Division Plan Check for certification and registration.
- i. Option 2: *Detector meter located in a vault within the public right of way with a double check valve backflow prevention assembly (DCA) provided and installed inside or outside the building by the owner/developer.*
  - 1) The Water Division will install the service tap, lateral, detector water meter and designate the distribution main and service tap.
  - 2) The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 20-feet of the property line on private property. Reference Water Division Plan Check for certification and registration

50. All Other Cross Connection Requirements: The owner/developer is also responsible for additional cross connection requirements for irrigation system, swimming pool and/or spa, boiler / chilled water / cooling tower (using chemical additives), domestic water line at makeup to carbonation system, sewage ejector, decorative water fountain, and makeup water to reverse osmosis filtration equipment.
51. Fire Flow and Fire Hydrants: The Pasadena Fire Department (PFD) has jurisdiction and establishes the requirements for fire protection within the City of Pasadena. PFD must be consulted in this regard. Any cost incidental to providing adequate fire protection for the project must be paid for by the owner/developer.
- a. There are three fire hydrants in close proximity to the project site. Fire hydrant 614-5 is located on the southwest corner of Mountain Street and Mentor Avenue. Fire hydrant 614-3 is located on the southwest corner of Mountain Street and Lake Avenue. Fire hydrant 614-10 is located on the northwest corner of the three-way intersection of Merrett Drive and Lake Avenue.
  - b. There is no current fire flow test information available for these fire hydrants. If you would like to request fire flow test information for these fire hydrants, please contact Marco Sustaita at (626) 744-4498.
52. Fire Hydrants Details:

