

**Rodriguez, Jane**

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**From:** steve & jane haderlein [haderlein@earthlink.net]  
**Sent:** Wednesday, July 25, 2001 9:51 AM  
**To:** Rodriguez, Jane  
**Cc:** Martinez, Nabar  
**Subject:** CUP #3891 (3299 East Colorado Boulevard)

Dear Ms. Rodriguez:

I am requesting that CUP #3891 be called up for review by the City Council at the August 6 meeting.

Thank you for your assistance.

Steve Haderlein



PLANNING AND PERMITTING DEPARTMENT  
PLANNING DIVISION

July 19, 2001

Smart & Final Stores Corp.  
709 East Colorado Boulevard  
Pasadena, CA 91101  
Attn: Art Rodriguez

**RE: Conditional Use Permit #3891  
3299 East Colorado Boulevard  
Council District #4**

Dear Mr. Rodriguez:

Your application for a **Conditional Use Permit at 3299 East Colorado Boulevard**, was considered by the **Zoning Hearing Officer on July 18, 2001**. This was an application requesting the following:

**CONDITIONAL USE PERMIT:** To allow for the off-site sales of full alcoholic beverages, including beer, wine and distilled spirits.

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

Based upon these findings, it was decided that the Conditional Use Permit be **Approved** in accordance with submitted plans by the Zoning Hearing Officer and stamped **July 18, 2001**. The conditions listed in Attachment B were made a part of the approval.

In accordance with Section 17.80.050 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within two years from 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.

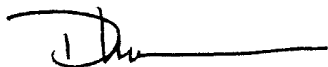
You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently pursued prior to the expiration of this approval. It should be noted that the time frame within which judicial review 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 17.104, any person affected or aggrieved by the decision of the Zoning Hearing Officer has the right to appeal this decision within **ten days**. The effective date of this case will be **July 31, 2001**. 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.

Any permits, which are 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 letter must be attached to all plans submitted for building permits.

This project has been determined to be Categorically Exempt (Class 3) from environmental review pursuant to the guidelines of the California Environmental Quality Act, CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).

Sincerely,



Dave Mercer  
Zoning Hearing Officer

Enclosures: Attachment A, Attachment B

xc: City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Enforcement-George Chapjian, Case File, Decision Letter File, Planning Commission (9), Alcohol Beverage Control, Police SIS - Lt. Kevin Jones.

**ATTACHMENT A**  
**FINDINGS FOR CONDITIONAL USE PERMIT #3891**

1. *The proposed location of the conditional use permit will not adversely affect the general welfare of the surrounding property owners in that alcohol sales will be limited to an incidental part of a discount grocery store. The proposed use will be conducted in accordance with the City's laws and ordinances, and required conditions of approval, ensuring the continued compatibility of the subject use with the surrounding area and protecting other businesses and residents in the area from any adverse impacts.*
2. *The proposed location of the conditional use will not result in an undesirable concentration of premises for the sale of alcoholic beverages, including beer and wine, in the area in that the operation of the proposed market with full alcohol sales would provide for reasonable and responsible development of a commercial business within the City of Pasadena. There is one existing liquor store within 1,000 feet of the proposed site and there are other alcohol establishments within the larger, general vicinity of the subject site. However, Smart & Final focuses on the sale of large volume items, and, unlike liquor stores, does not sell singles, which often promotes loitering and public drunkenness.*
3. *The proposed location of the conditional use will not detrimentally affect the nearby surrounding area after giving consideration to the proximity and nature of the proposed use with respect to the following: i. Residential uses and residential districts; ii. Religious assembly uses, public or private schools, hospitals, park and recreation facilities, places of public assembly that attract minors and other similar uses; and iii. Other establishments offering alcoholic beverages (including beer and wine) for sale for consumption on-site and off-site, in that the subject site is located in a commercial area. The closest residential properties are separated from the proposed use by Colorado Boulevard and the commercial properties located along the Colorado Boulevard corridor. The closest school sites are more than 1,500 feet from the subject site. According to the Police Department, alcohol sales in conjunction with the proposed Smart & Final store should not exacerbate existing problems in the general vicinity of the proposed use. The Smart & Final on Fair Oaks received a conditional use permit to sell beer, wine, and distilled spirits in 1997, and according to the Police Department, has not created any alcohol related problems.*
4. *The proposed location of the conditional use will not aggravate existing problems created by the sale of alcohol, such as loitering, public drunkenness, sales to minors, noise and littering in that there is not a high propensity of alcohol related arrests in the project vicinity and there is no opposition from the Police Department with regard to the proposed alcohol sales. It has been determined that the proposal would not contribute to an aggravation of existing problems in and around the*

continually be served by the Police Department without the need to increase service or resources.

5. *Public convenience or necessity is served* in that the establishment of a Smart and Final discount grocery store in the existing vacant building will result in a positive upgrade to the area, bringing economic vitality, an increase in business taxes and an increase in the need for employment. Further, the proposed use will contribute to overall long-term development goals for the area in that it is consistent with the preliminary goals of the East Colorado Specific Plan.

**ATTACHMENT B**  
**CONDITIONS FOR CONDITIONAL USE PERMIT #3891**

1. Development shall occur substantially as shown on the submitted plans, stamped "Received at Hearing July 18, 2001," subject to review by the Zoning Administrator, except as herein modified.
2. 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.
3. The approval of the application authorizes full alcohol sales (beer, wine, and distilled spirits) for off-site consumption in conjunction with a Smart & Final retail store. Any change from the proposed use or hours of operation would require a new conditional use permit.
4. The hours of operation shall be limited from 7:00 a.m. to 10:00 p.m., seven days a week.
5. Alcohol sales shall be for off-site consumption only.
6. Signs advertising brands of alcoholic beverages or the availability of alcoholic beverages for sale at the subject site shall not be visible from the exterior of the building.
7. The display of alcoholic beverages shall be interior only (no outdoor display) at all times.
8. There shall be no sales of fortified wines
9. Beer shall be sold in a twelve-pack minimum. No single bottles shall be sold.
10. There shall be no sales of wine in less than a 750 ml quantity.
11. Security personnel shall be provided to patrol the premises and the surrounding vicinity, including the public right-of-ways adjacent to the property, during all hours of business operation. Security personnel shall ensure that no littering, loitering or consumption of alcoholic beverages occur in and around the project site.
12. 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.

13. Any new signage or alterations to existing signage shall comply with Chapter 17.72 of the Zoning Code and shall require a building permit, subject to the review and approval of the Zoning Administrator.
14. The applicant or successor in interest shall comply with the code requirements of all other City Departments.
15. The proposed project, Case No. PLN2001-00135, shall comply with all conditions of approval, subject to monitoring by the City Condition Monitoring Coordinator. 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. Required monitoring fees for setup and 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 case number provided above. Failure to pay the required monitoring fee prior to initiating the application may result in revocation proceedings of this entitlement.