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CITY OF PASADENA

**Rodriguez, Jane**

**From:** Madison, Steve  
**Sent:** Thursday, November 15, 2007 5:22 PM  
**To:** Rodriguez, Jane  
**Subject:** Call for Review

Please agendize for Council consideration a call for review of CUP 4924, 96-98 E. Colorado Boulevard, Hooters.

Takako Suzuki  
Field Representative for Councilmember Steve Madison  
District 6  
100 N. Garfield Ave., Suite S228, Pasadena 91101  
626-744-4739

12/03/2007  
7.B.5.

11/15/2007



PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

November 9, 2007

Burke Farrar  
Odyssey Development Services  
51 W Dayton St., Ste. 200  
Pasadena CA 91105

**RE: Conditional Use Permit #4924  
96-98 E Colorado Blvd.  
Council District #6**

Dear Mr. Farrar:

Your application for a **Conditional Use Permit** at **96-98 E Colorado Blvd.** was considered by the **Hearing Officer** on **November 7, 2007.**

**CONDITIONAL USE PERMIT: To allow the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with the operation of an existing restaurant, an upgrade from the sale of beer and wine only, and to install four video games ancillary to the operation of the restaurant (Hooters).**

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 be **approved** with conditions listed in Attachments B and C and in accordance with submitted plans stamped **November 7, 2007.**

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.

**Conditional Use Permit #4924**  
**Page 2**

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.

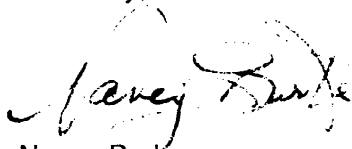
You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (November 19, 2007)**. The effective date of this case will be **November 20, 2007**. Prior 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 \$.2754.05. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$1377.00.

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.

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, §15301, Class 1, Existing Facilities). This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The existing restaurant will remain a restaurant.

For further information regarding this case please contact **planner at (626) 744- 7527.**

Sincerely,



Nancy Burke  
Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C

xc: City Clerk, City Council, 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)

**Conditional Use Permit #4924**

**Page 2**

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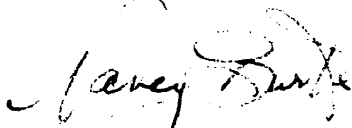
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Sincerely,



Nancy Burke  
Hearing Officer

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**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #4924**

Conditional Use Permit: On-Site Sale of a Full-Line of Alcoholic Beverages in Conjunction with a Restaurant Use.

1. *The proposed location of the Conditional Use Permit would not adversely affect the general welfare of the surrounding property owners.* The operation of an existing restaurant use with a full-line of alcohol sales (beer, wine and distilled spirits) is consistent with the activity of the surrounding uses. The subject site is located within the Central District commercial core and is identified as a retail/entertainment destination with a variety of restaurants, retail, and commercial office uses. The restaurant use is permitted within CD-1 Zoning District. The proposed use will be conducted in accordance with the City's laws and ordinances ensuring continued compatibility and protecting other businesses in the area from adverse impacts.
2. *The proposed location of the conditional use would not result in an undesirable concentration of premises for the sale of alcoholic beverages in the area.* The proposed on-site sale of a full-line of alcoholic beverages is to upgrade an existing beer and wine license at the subject restaurant. The number of alcohol establishments will not increase as a result of the approval of this Conditional Use Permit application. Alcohol will be sold on-site incidental to food service. It has been found that the sale of alcoholic beverages in conjunction with a bona fide eating establishment typically would not encourage activities that negatively affect the surrounding area.
3. *The proposed location of the conditional use would not detrimentally affect the nearby surrounding area after giving consideration to the proximity and nature of the proposed use with respect to residential uses and districts, religious assembly uses, private or public schools, hospitals, parks and recreation facilities, places of public assembly which attract minors and other similar uses.* The proposed location of the site for the Conditional Use Permit would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to the following:
  - i. Residential uses and residential districts;
  - ii. Hospitals, park and recreation facilities, places of public assembly, public or private schools, and religious assembly uses that attract minors and other similar uses;
  - iii. Other establishments offering alcoholic beverages (including beer and wine) for sale for consumption both on- and off-site in that there are residential and religious assembly uses within 500 feet of the subject site; however, they are adequately buffered by office buildings and other commercial uses.Given the urbanized location and mix of residential, commercial, retail, and entertainment uses in the Central District, a restaurant use with incidental sale of alcoholic beverages at this location will not be detrimental to the uses in the area.
4. *The proposed location of the conditional use would not aggravate existing problems created by the sale of alcohol, such as loitering, public drunkenness, sales to minors, noise and littering.* The subject restaurant has operated at the subject location for several years without documented violation of any City Ordinance. With conditions, the approval of the Conditional Use Permit for the proposed on-site sale of a full-line of alcoholic beverages at this premises will not aggravate existing problems in the vicinity.

## ATTACHMENT A

### SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #4924

#### Conditional Use Permit: On-Site Sale of a Full-Line of Alcoholic Beverages in Conjunction with a Restaurant Use.

5. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan. The project is consistent with Objective 10, Diverse Economy, of the Land Use Element of the General Plan in that the new restaurant will allow for the increase of tax revenue with increased employment opportunities inherent in a restaurant business. Similarly, one of the purposes of the Central District Specific Plan is to provide a mix of land uses designed to create the primary business, financial, retailing, and government center of the City. The proposed use is compatible with the urban character of Old Pasadena, and therefore is in conformance with the goals of the General Plan.*

## ATTACHMENT B

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #4924

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

1. The site plan, floor plan, elevations, and building sections submitted for building permits and/or future development shall substantially conform to plans submitted and stamped "Received at Hearing, November 7, 2007", except as modified herein.
2. The conditions of approval of this Conditional Use Permit hereby supersede the conditions of CUP#3667 approved on March 31, 2000, and CUP#4257 approved on January 26, 2004.
3. 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 Conditional Use Permit if sufficient cause is given.
4. The approval of this application authorizes the on-site sale of a full-line of alcoholic beverages (beer, wine and distilled spirits) at the associated restaurant in conjunction with the sale of food (full menu) during all hours of alcohol sales. Any change from the approved use of the proposed restaurant will require a new Conditional Use Permit.
5. The last alcoholic beverage shall be served no later than 1:30 a.m.
6. Sale of alcoholic beverages shall terminate ½ hour before closing.
7. Alcoholic beverages shall be served in non-disposable containers.
8. There shall be no off-site sales of alcoholic beverages.
9. Partition walls of a minimum of five feet in height shall be installed to separate the bar area from the main dining area. The partition walls shall be made of solid materials, including but not limited to opaque or transparent glasses. The design of the walls shall be subject to the approval of the Zoning Administrator.
10. The bar area shall be no larger than 490 square feet, and the counter area shall accommodate no more than 12 seats, as depicted on the approved floor plan.
11. There shall be no dancing or amplified live entertainment.
12. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the subject building.
13. Any proposed outdoor dining in the public right-of-way shall require a separate approval and meet all conditions of the Public Works Department.
14. The off-site sale and the off-site consumption of alcohol are strictly prohibited.

## ATTACHMENT B

### CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #4924

15. The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
  - a) Food service shall remain available during all hours of operation. The subject use shall be maintained as a bona-fide eating establishment,
  - b) Taxicab phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers,
  - c) All employees selling or serving alcohol shall be required to participate in an alcohol management training program offered by the Alcoholic Beverages Control prior to the operation of selling/serving alcohol,
  - d) The availability of a variety of non-alcoholic beverages shall be made known and offered to customers,
  - e) Video games or similar loitering attractions shall not be permitted.
16. The sale of alcoholic beverages shall not exceed the sale food and non-alcoholic beverage in quarterly basis to ensure the primary use of the premises to be maintained as a restaurant. The record shall be maintained at the premises at all times and be presented to the City agencies for review upon request.
17. Compliance with the City of Pasadena Refuse Storage regulations, see §17.40.120 of the Pasadena Municipal Code, shall be maintained at all times.
18. At no time shall the trash dumpster or any loose trash be located outside of the designated trash enclosure. Additionally, the number of trash pick-up shall be increased in order to assist with this effort. The specific number is at the applicant's discretion, but staff reserves the right to request a specific increase if the problem persists.
19. The applicable code requirements of the Zoning Code and of all other City Departments shall be met at all times.
20. These conditions of approval must be posted in a conspicuous location for public viewing within the restaurant on a continuous basis for the life of this Conditional Use Permit beginning the date the alcohol sales commences.
21. At any time during the thirty-six (36) months following the date of approval of this request, the Director of Planning may, at his or her discretion, convene a public hearing in order to modify the conditions of approval, and/or to revoke the approval of this permit, as is deemed reasonable by the City of Pasadena Planning Department.



22. The proposed project, Activity Number PLN2007-00312, is subject to the City's Condition/Mitigation Monitoring Program and is subject to Final Zoning inspection. 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. The Condition/Mitigation Monitoring inspection will occur during the term of the project. The Final Zoning Inspection will occur at the completion of the project. Required monitoring fees for 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 activity number provided above. Failure to pay the required monitoring fees prior to initiating your approved land use entitlement may result in revocation proceedings of this entitlement.

ATTACHMENT C

**MEMORANDUM - CITY OF PASADENA  
DEPARTMENT OF PUBLIC WORKS**

**DATE:** September 17, 2007

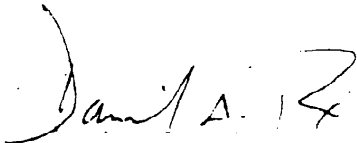
**TO:** Denver Miller, Zoning Administrator  
Planning and Development Department

**FROM:** City Engineer  
Department of Public Works

**RE:** Conditional Use Permit No. 4924  
96-98 East Colorado Boulevard

The Department of Public Works has reviewed the application for Conditional Use Permit No. 4924 at 96-98 East Colorado Boulevard. The application is to allow the sale of a full-line of alcoholic beverages for on-site consumption in conjunction with the operation of an existing restaurant, an upgrade from the sale of beer and wine only, and to install four video games ancillary to the operation of the restaurant (Hooter's). The approval of this Conditional Use Permit should be based upon satisfying all of the following conditions:

1. This application does not permit sidewalk dining in the public right-of-way. If the applicant intends to serve any food or beverages in the public right-of-way, an application shall be filed with the Department of Public Works for a sidewalk dining occupancy permit to establish or maintain a sidewalk dining area within the public right-of-way on the subject frontage. Sidewalk dining shall comply with all the requirements of Chapter 12.13, entitled "Sidewalk Dining on Public Walkways", of the Pasadena Municipal Code.



DANIEL A. RIX  
City Engineer

DAR ss