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PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

CITY CLERK
CITY OF PASADENA

November 21, 2003

Steven P. Dahl, A.I.A.
408 S. Pasadena Avenue, Suite 6
Pasadena, CA 91105

RE: **Conditional Use Permit #4257**
102 East Colorado Boulevard
Council District #6

*JAMES -
I WISH TO CALL FOR
THIS MATTER UP FOR
REVIEW. IF ANY FURTHER
INFO IS NEEDED, PLEASE
ADVISE.
THANKS,
STEVEN DAHL
DISTRICT 6*

Dear Mr. Dahl:

Your application for a **Conditional Use Permit** at **102 East Colorado Boulevard**, was considered by the **Zoning Hearing Officer** on **November 19, 2003**.

CONDITIONAL USE PERMIT: To allow the on-site sale of alcohol (beer and wine) in conjunction with the expansion of an existing restaurant (Hooters).

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 by the Zoning Hearing Officer that the Conditional Use Permit be **approved** in accordance with submitted plans stamped **November 19, 2003**. The conditions listed in Attachments 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 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.

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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 (December 1, 2003)**. The effective date of this case will be **December 2, 2003**. 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 \$1,425.37. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$712.68.

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 letter must be attached to all 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, Class 1 §15301, Existing Facilities).

For further information regarding this case please contact **David Sinclair at (626) 744 - 6766.**

Sincerely,



Paul Novak
Zoning Hearing Officer

Enclosures: Attachment A, Attachment B

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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)

ATTACHMENT A
FINDINGS FOR CONDITIONAL USE PERMIT #4257

Conditional Use Permit: Expansion of Restaurant with Alcohol Sales.

1. *The proposed location of the Conditional Use Permit will not adversely affect the general welfare of the surrounding property owners.* The operation of a restaurant use with limited alcohol sales is consistent with the surrounding uses. There are restaurants that serve alcohol across the Colorado Boulevard. The proposal is for the expansion of an existing restaurant with alcohol sales. The existing restaurant has operated at this location for several years with no adverse effects to the area.
2. *The proposed location of the conditional use will not result in an undesirable concentration of premises for the sale of alcoholic beverages in the area.* The Conditional Use Permit is for the expansion of an existing restaurant with limited alcohol sales. The number of alcohol related uses will not increase as a result of the approval of this Conditional Use Permit. Furthermore, the concentration identified relates to the number of off-site sale uses or bars and nightclubs. The existing restaurant has no off-site sales and would not operate as a bar or nightclub so there are no over-concentration concerns in this case.
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.* The subject site is in a developed commercial area, surrounded by similar uses that complement the restaurant. The proposed use is not located near any sensitive receptors.
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.* The proposed expansion of the restaurant with alcohol sales will not contribute to an aggravation of existing problems in and around the subject site based on the fact that this is an existing restaurant that has operated successfully for several years without incident. In addition, the Police Department has affirmed that this use can be served by the Police Department without the need to increase service or resources.

ATTACHMENT B
CONDITIONS FOR CONDITIONAL USE PERMIT #4257

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

1. Development shall occur substantially as shown on the submitted plans, stamped "Received November 19, 2003", except as herein modified.
2. All conditions of approval of previous land use entitlements shall remain in full force and effect, unless otherwise modified herein.
3. Compliance with the City of Pasadena Refuse Storage regulations, see §17.64.240 of the Pasadena Municipal Code, shall be maintained at all times.
4. 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.
5. The approval of this application authorizes the on-site sales of beer and wine from the associated restaurant in conjunction with the sale of food (full menu) during all hours of operation. Any change in the sale of beer and wine as approved by this Conditional Use Permit would require a new Conditional Use Permit.
6. The hours of operation for the restaurant are limited from 9:00 a.m. to 1:00 a.m. seven days a week.
7. The last alcoholic beverage will be served no later than 12:30 a.m.
8. Sale of alcoholic beverages shall terminate ½ hour before closing.
9. Alcoholic beverages shall be served in non-disposable containers.
10. There shall be no off-site sales of alcoholic beverages.
11. There shall be no dancing or amplified live entertainment.
12. Signs advertising brands 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. Additional parking credits for off-street parking spaces shall be secured with the Transportation Department prior to the issuance of building permits.
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 bonafide-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 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 applicable code requirements of the Zoning Code and of all other City Departments shall be met at all times.
 17. Plans showing separate locker facilities for male and female employees shall be submitted to the Public Health Department for their review. Contact Bill Kimura at (626) 744-6063.
 18. Health plans for the expansion area shall be submitted to the Public Health Department for their review. Contact Bill Kimura at (626) 744-6063.
 19. 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.
 20. The proposed project, Case No. **PLN2003-00112**, 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) 744-6433 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.