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PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CITY CLERK
CITY OF PASADENA

January 26, 2004

REVISED

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

JAND
I WISH TO REQUEST THAT
THIS CASE BE CALLED FOR
REVIEW TO THE CITY COUNCIL.
IF ANY FURTHER INFORMATION
IS NEEDED, PLEASE ADVISE.
THANKS
STEVE MANSON

Dear Mr. Dahl:

Your application for a **Conditional Use Permit** at 102 East Colorado Boulevard, was considered by the **Board of Zoning Appeals** on January 21, 2004.

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 the findings, the Board of Zoning Appeals decided to **sustain** the decision of the Zoning Hearing Officer and **approve** the application. The conditions listed in Attachment B were made part of the approval.

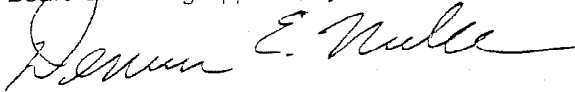
You are hereby notified that the decision of the Board of Zoning Appeals is not subject to further appeal. This decision becomes effective on the eleventh day from the date of the decision. The effective date for this case is **February 3, 2004**. However, prior to the effective date, a member of the City Council may stay the decision and request that it be called for review to the City Council.

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).

Appeal of Conditional Use Permit #4257
Page 2

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

Board of Zoning Appeals, by



DENVER E. MILLER
Zoning Administrator

DEM:ds:ac

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-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.

**MINUTES
BOARD OF ZONING APPEALS
JANUARY 21, 2004**

**Public Meeting 6:00 P.M.
100 North Garfield Avenue
Council Chambers Room 247, 2nd Floor**

1. **ROLL CALL**
2. **PUBLIC HEARINGS**

A. CUP #4212: 716 S. Fair Oaks – Council District #6

Conditional Use Permit: The expansion of a non-conforming use. Specifically, the existing Nursing Home is classified as a Convalescent Facility and was made non-conforming when the City zoned the property as IG (Industry, General) in 1985. The applicant is proposing adding two single-story additions totaling 5,500 square feet to the existing 20,100 square feet facility.

Staff Recommendation: Denial

Case Manager: David Sinclair

THE BOARD OF ZONING APPEALS DECIDED TO SUSTAIN THE DECISION OF THE ZONING HEARING OFFICER AND DENY THE CONDITIONAL USE PERMIT ON A VOTE OF 3-1.

B. CUP #4257: 102 East Colorado Boulevard – Council District #6

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

Staff Recommendation: Approval with conditions

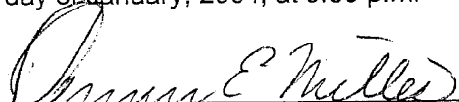
Case Manager: David Sinclair

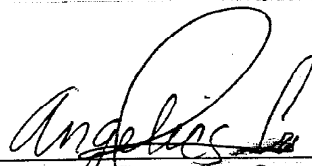
THE BOARD OF ZONING APPEALS DECIDED TO APPROVE THE DECISION OF THE ZONING HEARING OFFICER ON A VOTE OF 3-1.

3. **COMMENTS AND REPORTS FROM STAFF**
4. **COMMENTS AND REPORTS FROM BOARD**
5. **ADJOURNMENT**

POSTING STATEMENT:

I hereby certify that this Agenda was posted in its entirety on both the Council Chamber Bulletin Board, Room 247, and the Information Kiosk in the rotunda area at City Hall, on the 16th day of January, 2004, at 5:30 p.m.


Denver E. Miller, Zoning Administrator


Angelica Cruz, Recording Secretary

**BOARD OF ZONING APPEALS
STAFF REPORT
January 21, 2004**

SUBJECT: Conditional Use Permit #4257

LOCATION: 102 East Colorado Boulevard

ZONING DESIGNATION: CD-1 (Central District-Subdistrict 1) / AD-1 (Alcohol Density Overlay District 1)

GENERAL PLAN DESIGNATION: Central District Specific Plan

CASE PLANNER: David Sinclair

APPLICANT/APPELLANT: Call for review by City Council

ZONING HEARING OFFICER AND ZONING ADMINISTRATOR'S RECOMMENDATION: Acknowledge the Environmental Determination and the Specific Findings in Attachment A to **approve** the application with the attached conditions in Attachment B.

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 1, Class 1, §15301, Existing Facilities.

STAFF ADDENDUM:

On November 19, 2003, the Zoning Hearing Officer adopted the Zoning Administrator's recommended findings and approved Conditional Use Permit #4257. The applicant, Steven Dahl, A.I.A. of Dahl Architects, had filed a Conditional Use Permit application to allow the expansion of an existing restaurant (Hooters) with the on-site sale of limited alcohol (beer and wine). The applicant has proposed to expand into the adjacent tenant space to the east and convert the existing retail space into additional restaurant space. While there is an existing Conditional Use Permit (#3667) that was approved in February 2000, a new Conditional Use Permit is required to expand a use with alcohol sales.

The establishment will continue to operate as a restaurant. The Zoning Code limits the size of a bar area in a restaurant to 500 square feet. If the bar area exceeded 500 square feet or 30 percent of the dining area, the establishment would be classified as a bar/tavern and would be subject to the AD (alcohol density) overlay district requirement that bars or taverns, nightclubs and billiard parlors that sell alcohol be a minimum of 250 feet apart. The existing counter area is treated as bar area, the size is no more than 400 square feet. No expansion of the bar area is proposed. Incidental live entertainment is permitted in restaurants as long as the area in which the performance is provided does not exceed 75 square feet and customer dancing is not conducted. If the performance area were to exceed 75 square feet and/or there is customer

**CONDITIONAL USE PERMIT #4257
BOARD OF ZONING APPEALS
STAFF REPORT – January 21, 2004
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dancing the use would be classified as a nightclub would require the approval of an Expressive Use Permit. With this application, there is no proposal to have customer dancing or a performance area of more than 75 square feet.

The currently approved hours of hours operation are 9 a.m. to 1 a.m. and require that alcohol sales conclude no later than 12.30 a.m. The current application does not propose to change either of these requirements.

At the public hearing there were no speakers in opposition, nor was any correspondence received, either in support or opposition. Additionally, the Special Investigations Section of the Pasadena Police Department was consulted during the application processing and expressed no concerns with the proposed expansion.

On December 8, 2003, the City Council voted to call this case for review by the Board of Zoning Appeals.

No additional information has been presented to cause Staff to alter its recommendation for approval and as such, continues to recommend approval of this Conditional Use Permit.

ZONING HEARING OFFICER ADDENDUM:

The CUP application for Hooters is a relatively straightforward land-use decision. Making the findings necessary to issue an approval was not terribly difficult given the following:

- The existing bar/restaurant has a valid CUP;
- The proposed CUP merely increases the floor-space of the existing bar/restaurant--there is no "intensification" of use such as expanded hours or additional services;
- The Pasadena Police Department does not object to the requested expansion;
- Staff is unaware of any relevant public complaints or objections to the existing bar/restaurant and the proposed expansion;
- There was no verbal nor written public opposition to this CUP request; and
- After thorough review and analysis, staff of the Permitting and Planning Department recommended approval.

Given these facts, it was clear to me that the management of Hooters has demonstrated its ability to operate responsibly. There was no evidence before me to suggest that an increase in size/capacity would, in any way, be harmful to surrounding uses specifically nor to the citizenry of Pasadena as a whole.

Attachments:

- Attachment A – ZHO and ZA Recommended Findings of Fact
- Attachment B – Conditions of Approval
- Attachment C – Staff Report, November 19, 2003
- Attachment D – Decision Letter