

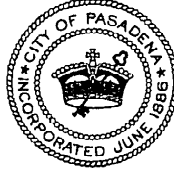
ATTACHMENT A

FINDINGS OF FACT 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 would 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 will upgrade an existing beer and wine license at the subject restaurant to include distilled spirits. Although the existing establishment meets the technical definition of a "restaurant" under the City's Zoning Code, it operates more as a sports bar. This is evident by the average patron who will frequent the establishment for the consumption of alcoholic beverages and light dining rather than the experience of a full meal, as well as the uniforms of the waitresses and merchandise sold (bikini calendars etc.). While open to patrons of all ages, the establishment attracts and is geared towards mature individuals, rather than that of a family style restaurant. Staff and the Police Department are concerned that the intensification of alcohol sales to include hard alcohol will further simulate the operation of a bar, where the sale of food is incidental to the sale of alcoholic beverages. Since the property is located within the CD-1-AD-1 (Central District Specific Plan, Alcohol Density Overlay District) Zoning District, which requires new bars to be located a minimum of 250 foot from an existing bar the sales of full-line alcoholic beverage would result in an undesirable concentration of bars in the area.
2. The proposed location of the conditional use would aggravate existing problems created by the sale of alcohol, such as loitering, public drunkenness, sales to minors, noise and littering. Within 1,000 feet of the subject site there are 13 establishments that sell alcohol. There are six establishments within this block of Colorado Boulevard (between Raymond Avenue and Arroyo Parkway) with licenses to sell alcoholic beverages for on-site consumption, including the existing beer and wine license for the subject use. Specifically, there are three establishments with licenses to sell a full-line of alcoholic beverages for on-site consumption and three establishments (including the subject use) with licenses to sell beer and wine for on-site consumption. According to the Police Department this area of Colorado Boulevard also has a higher than average level of alcohol related problems, such as public drunkenness, public urination, and noise. The Police Department has also provided data that establishments with full alcohol sales have a higher than average level of police calls for service than those with beer and wine only. If the requested application is approved, there will be a total of four establishments with licenses to sell a full-line of alcoholic beverages for on-site consumption. The increased intensity of full alcohol sales for a use that does not operate as a traditional restaurant will intensify the already existing over-concentration of alcohol related nuisance disruptions in the area.

ATTACHMENT B



PLANNING & DEVELOPMENT DEPARTMENT PLANNING DIVISION

June 20, 2008

Burke Farrar
Odyssey Development Services
51 W. Dayton Street, Suite 200
Pasadena, CA 91105

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

Dear Mr. Farrar:

Your application for a **Conditional Use Permit at 96-98 E. Colorado Boulevard** was considered by the **Board of Zoning Appeals on June 18, 2008.**

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).

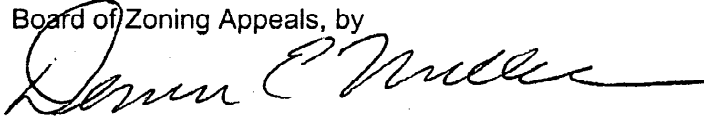
After careful consideration of this application, and with full knowledge of the property and vicinity, the Board of Zoning Appeals made the findings as shown on Attachment A to this letter.

Based upon the findings, the Board of Zoning Appeals decided to **overrule** the decision of the Hearing Officer and **disapprove** the Conditional Use Permit.

You are hereby notified that the decision on the Conditional Use Permit of the Board of Zoning Appeals is not subject to further appeal. If, you have reason to believe the Environmental Determination is incorrect, this determination is appealable to the City Council. If the Environmental Determination is appealed, the Council will hold a new hearing on the entire application. In addition, a member of the City Council may stay the decision and request that it be called for review to the City Council. An appeal of this decision shall be within ten days, the last day to file an appeal is June 30, 2008. Appeal applications must cite a reason for objecting to a decision. This decision becomes effective on the eleventh day from the date of the decision. The effective date for this case is July 1, 2008. 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.

A disapproval is statutorily exempt from the California Environmental Quality Act. For further information regarding this case please contact **Beilin Yu** at **(626) 744-6726**.

Board of Zoning Appeals, by

A handwritten signature in black ink, appearing to read "Denver E. Miller", written over a horizontal line.

Denver E. Miller
Zoning Administrator

DEM:ac

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, Planning Commission.

**ATTACHMENT A
FINDINGS OF FACT
CONDITIONAL USE PERMIT #4924**

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