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CITY CLERK



April 3, 2014

Honorable Mayor Bill Bogaard
Vice Mayor Jacque Robinson
Councilmember Margaret McAustin
Councilmember John J. Kennedy
Councilmember Gene Masuda
Councilmember Victor M. Gordo, Esq.
Councilmember Steve Madison
Councilmember Terry Tornek

175 North Garfield Avenue
Pasadena, California 91101

RE: **Pasadena City Council, April 7, 2014**
MCUP#6088, PLN2013-00337

Dear Mayor Bogaard and Members of the City Council:

The purpose of this letter is to respectfully request that the Pasadena City Council deny the motion to call for review the subject MCUP, #6088, PLN 2013-00337, on April 7, 2014. It is somewhat surprising the amount of scrutiny that has been brought to bear upon our modest proposal to remodel and expand the existing building. One fact is clear, that even if this motion passes and our MCUP were to be ultimately denied, the *drive-thru* restaurant remains. Our proposal, with 36 conditions of approval, will greatly upgrade this location. If not approved, the drive-thru restaurant remains a legal non-conforming use that will be used by another retail entity in its current condition. It will most likely not enjoy the improvements consistent with the ones included as part of our many approvals. Can there really be any additional information that has not already been considered several times and approved repeatedly? Delaying our approval delays our project already in the permit process, and will delay the employment of approximately 60 local residents, not to mention around 300 construction jobs. Please note that our application has been before the city for over 9 months, with every successive evaluation by staff and triers-of-fact resulting in approval. The city staff's initial report to the Hearing Officer recommended approval. Hearing Officer, Ms. Shophig Yepremian heard the matter on Dec 10, 2013 and recommended approval. When the project was called up by the City Council on Jan 13, 2014, the city's staff prepared a revised report re-stating their recommendation for approval to the

04/07/2014
Item 13

Mayor Bogaard and Members of the City Council
Page 2
April 3, 2014

Board of Zoning Appeals – who consequently *affirmed* the Hearing Officer’s decision and approved the project on March 19, 2014. Does it really need to be vetted again?

Submitting the project to yet another *de novo* hearing is not in keeping with a number of policy objectives articulated in the 2004 update to the city’s *General Plan* – namely Policy 10.7 that states that it shall be the city’s policy to “*Provide a more stable and sound environment for investment and business decisions by reducing uncertainty and streamlining the land use entitlement approval process.*” The process we are experiencing is anything but streamlined. Also, our project proposal is in keeping with the city having targeted the East Colorado area for new development (Policy 10.1) and the city’s desire to “*Support the continuation or expansion of existing businesses in harmony with their surroundings and provide new spaces for growth and changing business requirements* (Policy 10.3). Also, Policy 12.1 says that it is the city’s policy to “*Encourage retail and sales-producing businesses to remain, **expand in, or come to, Pasadena and promote healthy retail areas.***”

We have been working very closely with the Planning, Building, Public Works, and Transportation staff to ensure that our proposal meets or exceeds each and every development standard that applies to this project and are united with them in our opinion that it is in keeping with the spirit and letter of the zoning code, the city’s *General Plan*, and the *East Colorado Specific Plan*. It is hard to understand how another Hearing accomplishes anything productive.

Thank you for letting us share our concerns. If you have any questions or need any additional information, please do not hesitate to contact our Project Manager, Ed Hale, at (760) 884-7011.

Sincerely,



Jennifer M Daw,
Development Supervisor