



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** February 19, 2020

**TO:** Hearing Officer

**SUBJECT:** Conditional Use Permit #6780

**LOCATION:** 1687 E. Colorado Boulevard

**APPLICANT:** Brett Engstrom courtesy of LiquorLicense.com on behalf of *Chipotle Mexican Grill*

**ZONING DESIGNATION:** ECSP-CG-2 (East Colorado Specific Plan, Commercial General)

**GENERAL PLAN DESIGNATION:** Medium Mixed Use

**CASE PLANNER:** Alison Walker

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #6780 with the conditions in Attachment B

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**PROJECT PROPOSAL:** Conditional Use Permit: To allow the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of a new restaurant (Chipotle Mexican Grill) within an existing restaurant tenant space.

Conditional Use Permit: To allow a walk-up window in conjunction with a restaurant.

**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 3, §15301, Class 1, Existing Facilities) and that there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances. This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The sale of alcohol and a walk-up window for food order pick-up

in conjunction with the operation of a restaurant in an existing tenant space is considered a negligible expansion of use.

**BACKGROUND:**

**Site characteristics:** The subject site is located on the northeast corner of East Colorado Boulevard and North Bonnie Avenue. The subject site is approximately 63,000 square feet in size and is developed with multiple commercial buildings and a shared parking lot to serve the buildings' tenants. The proposed restaurant (Chipotle Mexican Grill) is located at the southwest corner of the site. The restaurant will occupy an existing tenant suite with an area of approximately 1,700 square feet, and will be located in the same building as an existing Bank of America.

**Adjacent Uses:** North: Residential Single and Multi-Family  
South: College and Commercial  
East: Commercial  
West: Commercial

**Adjacent Zoning:** North: RM-32-PK (Residential Multi-Family, 0-32 units per acre, Parking Overlay District)  
South: PS (Public and Semi-Public) and ECSP-CG-2 (East Colorado Specific Plan - Commercial General)  
East: ECSP-CG-2 (East Colorado Specific Plan - Commercial General)  
West: ECSP-CG-2 (East Colorado Specific Plan - Commercial General)

**Previous Cases:** Exception #6266 – A Variance to allow a chain link fence to replace a block wall to separate the parking area from residential. Approved on May 18, 1961.

Conditional Use Permit #4307 – To allow extended hours of operation for a Starbucks Coffee shop. The hours of operation established were 5:00 AM to 12:00 AM seven days a week. Approved on March 3, 2004.

Modification to Conditional Use Permit #4307 – To modify a condition requiring a security guard from 11:00 PM until closing time if the restaurant is open after 11:00 PM. Approved on June 2, 2004.

**PROJECT DESCRIPTION:**

The applicant, Chipotle Mexican Grill, has submitted a Conditional Use Permit application to allow the sale of alcohol (beer and wine) for on-site consumption and to allow a walk-up window in conjunction with the operation of a restaurant located in the ECSP-CG-2 zoning district. The proposed Formula Fast Food restaurant is approximately 1,700 square feet in gross floor area with 436 square feet of exterior dining area. No dedicated bar area is proposed as part of the project. The alcohol sales and consumption would be indoors only. The walk-up window will be for preordered food pick-up only. The former Formula Fast Food restaurant at this location (Starbucks Coffee) received a Conditional Use Permit for extended hours of operation (CUP #4307). The approved hours of operation are 5:00 a.m. to 11:00 p.m. daily with a security guard required should the restaurant be open between 11:00 p.m. and 12:00 a.m. The previously

approved hours of operation would remain in effect for the new tenant. There would be no sale of alcoholic beverages for off-site consumption at the restaurant. A Conditional Use Permit is required for the on-site consumption of limited alcoholic beverages (beer and wine), as well as for a walk-up window, within the ECSP-CG-2 zoning district.

## **ANALYSIS:**

### Conditional Use Permit – To Allow the On-Site Sale and Consumption of Alcohol (Beer and Wine) in Conjunction with a Restaurant Use.

The City's review of a Conditional Use Permit for alcohol sales entails an analysis of whether the proposed location of alcohol sales would affect the general welfare of the surrounding property owners, would lead to an over-concentration of establishments that sell alcohol, and whether the proposed use would result in an aggravation of existing alcohol-related problems such as loitering, public drunkenness, sales to minors, noise, and littering. The Hearing Officer may consider existing calls for police response to make a determination of whether there is an undesirable concentration of alcohol uses near the project site.

The site is located in the ECSP-CG-2 zoning district, which allows the establishment of a Formula Fast Food restaurant by right. However, serving limited alcohol (beer and wine) in this zoning district requires approval of a Conditional Use Permit. Specifically, the applicant would be applying for a Type 41 License (On-Sale Beer and Wine for Bona Fide Public Eating Place) with the California Department of Alcohol Beverage Control (ABC). This type of license authorizes the sale of a limited line of alcohol for consumption on the premises in conjunction with a restaurant.

According to the applicant, the sale and consumption of alcohol would be ancillary to the service of food for the principal restaurant use. Alcohol sales are intended to be paired with food, and alcohol consumption will occur inside the restaurant only, and would not be allowed in the outdoor patio. The Zoning Code classifies a restaurant as a bar when it includes a bar area exceeding 500 square feet or 30 percent of the dining area. In this case, the applicant is proposing a restaurant without a dedicated bar area, therefore the use is classified as a restaurant.

As allowed by the City's Zoning Code, a restaurant use may include accessory live entertainment where the performance area does not exceed 75 square feet and customer dancing is not provided. If the performance area exceeds 75 square feet or customer dancing is provided, the use shall be classified as a nightclub (Commercial Entertainment). At the time of this application, the applicant is not proposing any live entertainment in conjunction with the restaurant use. Furthermore, the sale of alcohol in disposable containers is prohibited. Cover charges, age restrictions, and amplified music conducive of a nightclub atmosphere are also prohibited so that this establishment remains a bona-fide restaurant, and does not deviate from its approved use.

The site is located within the East Colorado Specific Plan CG-2 (ECSP-CG-2), also known as the "College District" subdistrict, encouraging a focus on pedestrian activity and providing uses to serve Pasadena City College and the surrounding neighborhoods. According to the East Colorado Specific Plan, uses such as restaurants, cafes, bookstores, office supplies, banks and motels are considered appropriate uses in this subdistrict. The on-site sale and consumption of beer and wine in conjunction with the operation of a Formula Fast Food restaurant use is a commercial use that is consistent with the surrounding uses in the vicinity. The request to serve alcohol would enhance the services provided by the proposed restaurant use and would complement the commercial atmosphere of the neighborhood. The introduction of on-site sale of beer and wine is not viewed as a conflict with the surrounding residential, institutional, and commercial uses.

### *Hours of Operation*

Section 17.40.070 of the Zoning Code states that uses on a site that are located 150 feet or less from of a residential zoning district may operate between the hours of 7:00 a.m. and 10:00 p.m. by right. In order to operate before 7:00 a.m. and/or after 10:00 p.m., a Conditional Use Permit would need to be approved. In this instance, abutting the site to the north are residentially-zoned properties in the RM-32-PK (Multi-Family Residential, 0-32 units per acre, Parking Overlay) zoning district. However, in 2004, a Modification to CUP #4307 was approved to allow extended hours of operation for the previous restaurant (Starbucks Coffee) of 5:00 a.m. to 12:00 a.m. daily, with a security guard required should the restaurant be open between 11:00 p.m. and 12:00 a.m.

Section 17.64.060 (Permits to Run with the Land) of the Zoning Code states that land use permits (e.g. Variance, Conditional Use Permit, etc.) shall continue to be valid upon a change of ownership, provided that the new use remains in compliance with all applicable provisions of this Zoning Code and any conditions of approval.

Because the applicant is proposing to maintain the existing hours of operation afforded via CUP #4307 and to comply with the previously approved conditions of approval, the restaurant may take advantage of the extended hours of operation.

### *Analysis of Existing Alcohol-Related Establishments in the Area*

According to the State Department of Alcoholic Beverage Control (ABC), a maximum of five alcohol licenses for on-site consumption are allowed within Census Tract #4627, based on a ratio of one alcohol license for every 987 residents in the tract. Currently, there are a total of seven licenses within the census tract and seven on-site licenses within a 1,000-foot radius of the project. ABC may approve the applicant's request if the applicant can demonstrate the issuance of a license would serve Public Convenience or Necessity. The ABC only requires this finding to be made by the local governing agency if the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license. Since the applicant does not intend to file for one of those license types, the City is not required to make findings for public convenience and necessity when evaluating this application.

A Conditional Use Permit application for alcohol sales requires the applicant to identify uses with either on-site or off-site alcohol consumption within 1,000 feet of the subject property. According to the applicant, there are currently seven establishments within 1,000 feet of the subject property possessing active on-sale or off-sale ABC licenses. Table 1 summarizes these establishments.

**Table 1: Existing Alcohol License Types for Businesses within 1,000 Feet**

No.	Business Name	Address	License Type
1	Pho Bahn Mi Che Cali Restaurant	1525 E Colorado Blvd	Type 41 On-Sale, Beer & Wine
2	Bowl Market	1848 E Colorado Blvd	Type 21 Off-Sale General
3	Lucky Baldwin's Trappiste Café Pub	1770 E Colorado Blvd	Type 47 On-Sale General
4	Pizza Press Restaurant	1655 E Colorado Blvd	Type 41 On-Sale, Beer & Wine
5	Fatburger Restaurant	1705 E Colorado Blvd	Type 41 On-Sale, Beer & Wine
6	Kaiba Japanese Restaurant	1713 E Colorado Blvd	Type 41 On-Sale, Beer & Wine
7	Cross Street Café	1543 E Colorado Blvd	Type 41 On-Sale, Beer & Wine

The ECSP-CG-2 zoning district is intended for a variety of pedestrian-oriented uses such as restaurants and retail uses. The approval of this request would add to the number of allowed on-site consumption alcohol licenses which would result in an undue concentration of alcohol establishments, as defined by ABC. However, most of the existing alcohol establishments are restaurants, which are not typically problematic. Furthermore, serving a limited line of alcoholic beverages (beer and wine) at a restaurant in the commercial district is considered an amenity. The alcohol sale proposal consists of on-site sale and consumption only; there would be no off-site sales. Therefore, the project is not expected to contribute to an undue concentration of alcoholic establishments in the Census Tract.

#### *Proximity to Sensitive Uses*

The sale of alcohol shall be designed and operated to avoid any significant adverse impact on adjacent or nearby sensitive uses, defined as parks (e.g., public parks or recreation centers), playgrounds (e.g., public or parochial), religious facilities, or schools (e.g., public, parochial, or private elementary, junior high, or high schools). The subject property is located on East Colorado Boulevard and is surrounded by various commercial, residential, college, service, and restaurant uses.

The nearest public park, Grant Park, is approximately 3,000 feet southwest of the site. The nearest college is Pasadena City College, located approximately 125 feet southwest of the site. The nearest school is approximately 2,400 feet southwest of the site (Hamilton Elementary). A multi-family residential use borders the subject site to the north. Although the restaurant use and proposed alcohol sales is located in close proximity to sensitive uses, it is not anticipated that the alcohol sales would result in an adverse impact on these uses. As discussed above, the hours of operation would be consistent with the previously approved Conditional Use Permit #4307 which includes the condition that a security guard shall be present if the restaurant is open between 11:00 p.m. and 12:00 a.m. Additionally, no outdoor consumption of alcohol is proposed; therefore, all activities would occur indoors, limiting the use's impact on the surrounding properties. Additional conditions of approval identified in Attachment B of this report will ensure that the ancillary sale of beer and wine, in conjunction with a restaurant, will not be detrimental to the surrounding uses.

As proposed, the on-site sale and consumption of limited alcohol would be ancillary to the primary restaurant use. The sale of alcohol in conjunction with a bona-fide eating establishment typically does not encourage activities that negatively affect the surrounding area. In addition, no live entertainment is proposed as part of the operation of the restaurant. It is staff's determination that the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of the proposed restaurant use would not detrimentally affect the surrounding area. Off-site sale of alcohol would be prohibited at all times. After consideration of the location and nature of the proposed project with respect to sensitive uses in the general area, it is staff's assessment that the sale and consumption of beer and wine in conjunction with the restaurant would not detrimentally affect the surrounding area.

#### Conditional Use Permit: To Allow a Walk-up Window in Conjunction with a Restaurant Use

The applicant requests a Conditional Use Permit to allow a walk-up window for the expedited pick-up of pre-ordered food. Customers would place an order by phone, internet, or mobile application and would be able to pick-up their order at the external walk-up window. Food delivery services would also be able to pick-up pre-ordered food from this window. It is important to note that the pick-up window would not be used exclusively by food delivery services. A Chipotle

employee would be stationed at the walk-up window to ensure that the orders are picked up by the correct customer. The walk-up window allows customers who pre-order their food to avoid waiting in line inside the Chipotle Mexican Grill restaurant; it would not be used to distribute food that was ordered at the interior ordering counter.

The walk-up window would be installed at a location intended to have a minimal impact on the residential use to the North. The window will be located on the eastern elevation of the existing tenant building facing the outdoor dining area. The existing Bank of America tenant suite and the parking lot buffer the walk-up window and outdoor dining area from the multifamily residential use. In addition, amplified sound related to the walk-up window shall not be permitted, and the walk-up window will operate consistent with the hours of operation for the restaurant. The proposed location and limited use of the walk-up window would provide minimal negative impact on the neighboring residential use.

In order to prevent negative impacts, staff proposed that conditions are placed on the project to require that the tenant must maintain the premises so that there is no litter. Consistent with Zoning Code Section 17.50.260.B, the business name shall be printed on all disposable containers. In addition, no alcohol will be served from the pick-up window. When the restaurant is not open, the window would be locked and secured with an alarm system. As conditioned, the walk-up window would have minimal impact on the surrounding land uses.

#### **GENERAL PLAN CONSISTENCY AND SPECIFIC PLAN CONSISTENCY:**

##### General Plan Land Use and East Colorado Specific Plan:

As conditioned, the proposed use is consistent with General Plan Land Use Element *Policy 12.1, Vital Commercial Districts*. The on-site sale and consumption of limited alcohol within the Formula Fast Food restaurant tenant space, along with the implementation of the conditions of approval, would enhance the commercial district by creating a quality dining experience. In addition, the walk-up window and the proposed incidental alcohol sales in conjunction with a bona fide restaurant promotes pedestrian activity compatible with nearby residential uses. The walk-up window allows pedestrians to order their meals ahead of time and pick them up. In addition, the project is consistent with the Land Use Element *Policy 11.1, Business Expansion and Growth*, which supports the growth and success of businesses that create new job opportunities and productive and satisfying employment for Pasadena residents. It would bolster a diverse economy base and would be a long-term economic contribution to the City and ECSP-CG-2 zoning district which encourages a full range of retail and service businesses.

The site is located within the ECSP-CG-2 zoning district, also known as the “College District,” which encourages a focus on pedestrian activity and serving Pasadena City College and the surrounding neighborhoods. Pursuant to the East Colorado Specific Plan, uses such as restaurants, cafes, bookstores, office supplies, banks and motels are considered appropriate uses in this subarea. As conditioned, the on-site sale and consumption of beer and wine and a walk-up window provide a commercial use consistent with the surrounding uses in the vicinity. The requests would enhance the services provided by the restaurant use and the pedestrian focused commercial aspect of the neighborhood. The introduction of the two new components of the Formula Fast Food restaurant use complements the surrounding existing residential, institutional, and commercial uses and provides a variety in land uses.

**ENVIRONMENTAL REVIEW:**

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) and there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances. This section specifically applies to the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of the use. The sale of alcohol and a walk-up window in conjunction with the operation of a restaurant is a negligible expansion of use.

**REVIEW BY OTHER CITY DEPARTMENTS:**

The proposal was reviewed by the Building Department, Fire Department, Design and Historic Preservation Section, Health Department, Police Department, and Department of Transportation. No comments were received.

**CONCLUSION:**

It is staff's recommendation that the findings necessary for approval of the Conditional Use Permits can be made. The proposed sale of limited alcohol for on-site consumption and operation of a restaurant walk-up window would complement other existing uses in the vicinity. The establishment would provide a full menu during hours of operation with the sale of beer and wine incidental to food sales and no alcohol will be sold at the walk-up window for order pick-up. Conditions of approval and periodic condition monitoring would ensure that the use would not deviate from the planned operation reviewed under this application. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

**Attachments:**

- Attachment A: Recommended Specific Findings
- Attachment B: Recommended Conditions of Approval

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6780**

Conditional Use Permit: To Allow the On-Site Sale and Consumption of Alcohol (Beer and Wine) in Conjunction with a Restaurant Use

1. *The proposed location of the site for the Conditional Use Permit would not adversely affect the general welfare of the surrounding property owners.* The on-site sale and consumption of alcohol will occur in conjunction with the proposed Formula Fast Food restaurant use. Nearby uses include restaurant, retail, business support service, educational (Pasadena City College), and residential uses. The proposed use complements and provides an amenity for the adjacent uses, maintaining a mix of uses in the area. Alcohol sales associated with the use would occur as an accessory to the restaurant establishment. The proposed use will operate in accordance with City laws, ordinances, and conditions of approval that ensure the compatible coexistence of this use with uses in the surrounding area.
  
2. *The proposed location of the site for the Conditional Use Permit would not result in an undesirable concentration of premises for the sale of alcoholic beverages, including beer and wine, in the area.* An overconcentration of alcohol establishments, as defined by Alcoholic Beverage Control, exists in the Census Tract, however all of the existing alcohol establishments are restaurants. Unlike nightclubs or bars, restaurants are not typically a problematic use. The approval of this request will add to the number of alcohol licenses; however, serving alcohol (beer and wine) at a privately owned restaurant will be an added amenity to the area. Therefore, the project will not contribute negatively to an undesirable concentration of alcoholic establishments in the Census Tract. The sale of alcoholic beverages for off-site consumption is not proposed as part of this application. No live entertainment is proposed in conjunction with this application and the sale of alcohol in disposable containers is prohibited. Cover charges, age restrictions, and amplified music conducive of a nightclub atmosphere are also prohibited in order to ensure this establishment remains a bona-fide restaurant, and does not deviate from the operation proposed. Additionally, conditions of approval have been included that will limit the potential for negative impacts.
  
3. *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: a. Residential uses and residential districts; b. Hospitals, park and recreation facilities, places of public assembly, public or private schools, and religious assembly uses that attract minors and other similar uses; and c. Other establishments offering alcoholic beverages (including beer and wine) for sale for consumption both on- and off-site.* Within the immediate vicinity, the nearest public park, Grant Park, is approximately 3,000 feet southwest of the site. The nearest college is Pasadena City College, located approximately 125' southwest of the site. The nearest public school is 2,700 feet southeast of the site. A multi-family residential use borders the subject site to the north. Because of the proximity of the residential use, Section 17.40.070 (Limited Hours of Operation) of the Zoning Code would apply. However, the former Formula Fast Food use at the subject site received approval of a Conditional Use Permit CUP #4307 to expand the hours of operation beyond the requirements of Section 17.40.070. Chipotle will operate under the conditions of the previously approved Conditional Use Permit. Although the restaurant use and proposed alcohol sales is located in close proximity to sensitive uses, it is not anticipated that the alcohol sales will result in an adverse impact on these uses. The proposed operation of the restaurant, including the sale of a beer and wine, will be consistent

with existing restaurants within the immediate area, and all the activities related to the serving of alcohol will occur indoors. All alcohol sales will be strictly for on-site consumption; off-site sales of alcohol will be prohibited at all times. Adherence with the recommended conditions of approval and periodic condition monitoring will ensure that the use will not deviate from the planned operation reviewed under this application. As proposed, the on-site sale and consumption of alcohol will be ancillary to the primary restaurant use. Furthermore, it has been found that alcohol sales in conjunction with a bona-fide eating establishment typically do not encourage activities that cause negative effects on the surrounding area.

4. *The proposed location of the site for the Conditional Use Permit would not aggravate existing problems created by the sale of alcohol (e.g., littering, loitering, noise, public drunkenness, and sales to minors).* The incidental sale of beer and wine, in conjunction with the proposed bona-fide restaurant, is not considered a problematic use and will not contribute to an aggravation of existing problems in the vicinity. The Police Department did not express concerns in regards to the proposal of beer and wine for on-site consumption. With this approval, the project is subject to the City's Condition Mitigation Monitoring Program. Noncompliance with any of the conditions of approval or any of the provisions of the Zoning Code may result in the revocation of the Conditional Use Permit.
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.* As conditioned, the proposed use is consistent with General Plan Land Use Element *Policy 12.1, Vital Commercial Districts*. The on-site sale and consumption of limited alcohol within the operation of an existing restaurant, along with the implementation of the conditions of approval, would enhance the commercial district by creating a quality dining experience. In addition, the project is consistent with the Land Use Element *Policy 11.1, Business Expansion and Growth*, which supports the growth and success of businesses that create new job opportunities and productive and satisfying employment for Pasadena residents. It would bolster a diverse economy base and would be a long-term economic contribution to the City and ECSP-CG-2 zoning district which encourages a full range of retail and service businesses. The East Colorado Specific Plan identifies this area (ECSP-CG-2) as the College District subarea and identifies that the uses in the area should be college/neighborhood serving. The specific plan identifies restaurants as an appropriate use and that this area should be pedestrian focused. The proposed incidental alcohol sales in conjunction with a bona fide restaurant promotes pedestrian activity compatible with nearby residential and college uses.

Conditional Use Permit: To Allow a Walk-up Window in Conjunction with a Restaurant Use

1. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* As conditioned, the walk-up window will provide a pedestrian oriented use consistent with the goals of the East Colorado Specific Plan College District subdistrict. The walk-up window will be located on the eastern elevation of the building adjacent to the restaurant's outdoor dining patio. The walk-up window will be a pick-up area for preordered food that customers purchase from Chipotle's website, by phone, or on the Chipotle mobile application. Alcohol will not be sold from the walk-up window. There will be no sound amplification and, consistent with the requirements of the Zoning Code for walk-up windows, the business name shall be written on all disposable containers and napkins.
2. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons*

*residing or working in the neighborhood of the proposed use.* The walk-up window will have the same hours of operation as the restaurant and will have no amplified noise. The window is located within the existing outdoor dining area on the eastern elevation of the building and alcohol will not be served from the window. Because of the proximity of the multifamily residential use directly north of the project site, Section 17.40.070 (Limited Hours of Operation) of the Zoning Code would apply. However, the former Formula Fast Food use at the subject site received approval of a Conditional Use Permit CUP #4307 to expand the hours of operation beyond the requirement of Section 17.40.070. Chipotle will operate under the conditions of the previously approved Conditional Use Permit. As proposed, the walk-up window will be ancillary to the primary restaurant use and will operate in a way that, as conditioned, is not anticipated to have an adverse impact on health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

3. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The walk-up window, in conjunction with the Formula Fast Food restaurant, will enhance the operations of the restaurant by providing a convenient method for patrons to pick-up their preordered food. There will not be an amplified sound system associated with the pick-up window. The walk-up window is located within the outdoor dining area, and will have an employee present to ensure efficiency and that each customer receives the correct order. The operation of the walk-up window is not considered a problematic use and will not contribute to an aggravation of existing problems in the vicinity. Noncompliance with any of the conditions of approval or any of the provisions of the Zoning Code may result in the revocation of the Conditional Use Permit.
4. *The design, location, operating characteristics, and the size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The window will be located within the outdoor dining patio area, and will be aesthetically consistent with the existing building architecture. There is no increase in square footage and no change in building footprint for the creation of the walk-up window. The new window for customer pick-up will be locked and alarmed when the restaurant is closed. As conditioned, the walk-up window is compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.

**ATTACHMENT B**  
**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6780**

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

General

1. The site/floor plans submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Approved at Hearing, February 19, 2020," except as modified herein.
2. The Conditions of Approval for CUP #4307 shall remain in effect, except as modified herein.
3. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
4. The approval of this application authorizes the on-site sale of alcohol (beer and wine) and a walk-up window in conjunction with the operation of a 1,700-square-foot Formula Fast Food restaurant, as depicted in the approved floor plan.
5. 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.
6. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
7. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
8. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
9. The proposed project, Activity Number **PLN2019-00502**, is subject to a **Final Zoning Inspection**. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy. Contact the Planning Case Manager, Alison Walker at (626) 744-6742 to schedule an inspection appointment time.

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10. The business name shall be printed on all disposable containers and napkins.
11. No sound amplification system shall be used at the outdoor dining area and/or walk-up window.
12. The primary use shall be a bona fide restaurant with limited ancillary alcohol sales (beer and wine) for on-site consumption. The sale of alcoholic beverages shall be in conjunction with food sales. Food service along with a full menu shall be made available during all hours of business operation.

13. Alcohol sales and consumption shall be indoors only.
14. No alcohol shall be served at the proposed pick-up window.
15. The provision of a bar or counter used for preparing and serving alcoholic beverages within the establishment shall require a modification to this Conditional Use Permit or a new Conditional Use Permit.
16. The last alcoholic beverage shall be served no later than one-half hour before closing or 11:30 p.m., whichever is earlier.
17. The premises shall operate under Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) alcohol license and be maintained as a bona-fide eating establishment. The premises shall not obtain any other public premises type licenses without the approval of a Conditional Use Permit and/or Expressive Use Permit.
18. The dollar sales of alcoholic beverages shall not exceed the dollar amount of food and non-alcoholic beverages in a quarterly basis to ensure the primary use of the premises as a restaurant. The sales record shall be maintained at the premises at all times and be presented to the City agencies for review upon request.
19. The off-site sale and/or consumption of alcohol is strictly prohibited.
20. Alcoholic beverages shall not be served in disposable containers.
21. The establishment shall allow patrons of all ages at all times.
22. Any live entertainment shall be limited to 75 square feet of floor area. Dancing by customers shall be prohibited at all times.
23. No cover charges, entry fees, or minimum drink orders shall be charged/required of patrons. There shall be no restrictions on the age of customers.
24. Promoter-produced parties or events shall be prohibited. These events include private parties that involve with third persons who profit from organizing and/or drawing attendees to the events.
25. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
26. Amplification of music shall comply with the regulations of Chapter 9.36 of Pasadena Municipal Code (Noise Ordinance).
27. Signs advertising brands and types of alcohol or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.
28. 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;

- b. Rideshare service 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 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, and
  - e. No more than four video games shall be permitted.
29. 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 on the date the alcohol sales and walk-up window service commence.
30. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that should appear on the site shall be removed within 48 hours.
31. Compliance with the City of Pasadena Refuse Storage regulations, see Section 17.40.120 of the Pasadena Municipal Code, shall be maintained at all times.
32. Truck loading, unloading, and trash pick-up for the premises are allowed only between the hours of 7:00 a.m. to 9:00 p.m., Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. No truck loading, unloading, or trash pick-up is allowed on Sundays, as specified in Section 17.40.070.C. (Limited Hours of Operation) of the Zoning Code. Loading and unloading activities shall be within the permitted hours and shall not continue afterwards.