



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: May 6, 2020

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6812

LOCATION: 146 S. Lake Avenue, Suite #105&109

APPLICANT: Myca Tran courtesy of Art Rodriguez & Associates on behalf of *Dan Modern Chinese*

ZONING DESIGNATION: CD-5 (Central District Specific Plan, Lake Avenue Sub-district)

GENERAL PLAN DESIGNATION: Medium Mixed Use

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #6812 with the conditions in Attachment B

PROJECT PROPOSAL: Conditional Use Permit: To allow the on-site sale and consumption and off-site sale of limited alcohol (beer and wine) in conjunction with the operation of an existing restaurant. A Conditional Use Permit is required for both the on-site sale and consumption and off-site sale of alcohol in conjunction with the operation of a restaurant within the CD-5 zoning district.

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

BACKGROUND:

Site characteristics: The subject site is located on the east side of Lake Avenue, between Green Street and Cordova Street. The 40,892 square-foot property is developed with a three-story 72,757 square foot commercial office and retail building (The Commons). The existing restaurant (Dan Modern Chinese) is located on the ground floor in suites 5 and 9 and measures 2,295 square feet.

Adjacent Uses: North: Commercial/Retail
South: Commercial/Retail
East: Parking (Shoppers Lane)
West: Commercial/Retail

Adjacent Zoning: North: CD-5 (Central District Specific Plan, Lake Avenue Sub-district)
South: CD-5 (Central District Specific Plan, Lake Avenue Sub-district)
East: CD-5 (Central District Specific Plan, Lake Avenue Sub-district)
West: CD-5 (Central District Specific Plan, Lake Avenue Sub-district)

Previous Cases: 54-V4471 – Variance request to provide six or seven fewer parking spaces than required by ordinance. Lot #6 will be used to maximum capacity to provide off-street parking for patrons of proposed restaurant on Lot #5. Approved 12/02/1954.

82-V10156 – Variance request. The applicant proposes to lease space to a number of restaurants with less than required number of parking spaces available for that use. Denied 10/06/1982.

82-CUP1304 – CUP request to use a parking structure with less than required number of parking spaces on a Joint-Use basis to meet the parking requirements of the Zoning Code. Approved 10/20/1982.

CUP#2775 – CUP request to expand alcohol sales from beer and wine to full alcohol sales. Approved 12/15/1993.

CUP#5118 – CUP request to allow the sale of beer and wine for off-site consumption in conjunction with the operation of a proposed retail specialty wine store (The Wine Detective)

along with ancillary on-site consumption (wine tasting).
Approved 12/07/2008.

CUP#5641 – CUP request to allow the sale of beer and wine
in conjunction with the operation of a new 2,878 sf restaurant
(Lemonade). Approved 08/17/2011.

CUP#6322 – CUP request to allow the sale of beer and wine
in conjunction with the operation of a new 1,697 sf restaurant
(Sugarfish). Approved 08/05/2015.

PROJECT DESCRIPTION:

The applicant, Dan Modern Chinese, has submitted a Conditional Use Permit application to allow the on-site sale and consumption and off-site sale of limited alcohol (beer and wine) in conjunction with the operation of an existing restaurant located in the CD-5 zoning district. The existing restaurant is approximately 2,295 square feet in gross floor area. No dedicated bar area is proposed as part of the project. The alcohol sales and consumption would be indoors only. The current hours of operation are from 10:00 a.m. to 10:00 p.m. daily and would remain in effect. A Conditional Use Permit is required for alcohol sales within the CD-5 zoning district.

ANALYSIS:

Staff'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 surrounding properties 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 in the vicinity of the project site.

Zoning and Land Use

The subject property is located in the CD-5 zoning district, which allows the establishment of a restaurant by right. However, the proposed accessory sale of alcohol for on- and off-site consumption is subject to the approval of a Conditional Use Permit pursuant to Table 3-1 of Zoning Code Section 17.30.030 (Central District Land Uses and Permit Requirements). 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 or off the premises where sold, in conjunction with a bona-fide restaurant.

According to the applicant, the on-site sale and consumption and off-site sale of alcohol would be ancillary to the service of food for the principal restaurant use. Alcohol sales are intended to be paired with food. 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.

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 applicant is requesting the on-site sale and consumption and ancillary off-site sale of limited alcohol (beer and wine). The alcohol available for off-site sale would be limited to single bottles of beer (ranging from 6 to 13 ounces) and bottles of wine (750 ml). All off-site alcohol sales are proposed to be sold with food orders. There would be no designated retail area for the off-site sales. The alcohol available for off-site sale would not be stored within view of the public and would not be advertised. In conjunction with the operation of the restaurant, the proposed alcohol sales would be consistent with the surrounding uses within the Central District, Lake Avenue Sub-district, and would promote the vitality of the restaurant. The request to serve alcohol would enhance the services provided by the proposed restaurant use and would enhance the commercial atmosphere of the neighborhood. The introduction of both the on-site sale and consumption and off-site sale of alcohol as an ancillary use is not viewed as being in conflict with the surrounding commercial uses. The off-site alcohol sales would be sold in conjunction with food, and the restaurant would be required to serve food all hours alcohol is offered. The conditions of approval would ensure the use remains a bona fide restaurant.

Hours of Operation

The existing restaurant's hours of operation are Monday to Sunday 10:00 a.m. to 10:00 p.m. daily. The property is surrounded by other commercial uses to the south, west, and north, and by public parking in surface lots and four-story parking structure to the east (Shoppers Lane). Furthermore, per Section 17.040.070.A.4 of the City's Zoning Code, uses within the CD zoning district are permitted to operate 24 hours by-right. As proposed, the hours of operation comply with Zoning Code.

For the proposed alcohol sales, staff is recommending a condition of approval that all alcohol sales cease one-half hour before closing or 1:30 a.m., whichever is earlier.

As previously discussed, the property is surrounded primarily by other commercial uses with similar activities and uses conducted. It is not anticipated that the serving of alcohol in conjunction with the operation of the restaurant use would be detrimental to the immediate area. All activities associated with the use would occur in an enclosed environment of an existing commercial building. Adherence with the recommended conditions of approval and periodic condition monitoring would ensure that the use would not deviate from the planned operation reviewed under this application.

Analysis of Existing Alcohol-Related Establishments in the Area

The project site is located within Census Tract #4635. According to the State Department of Alcoholic Beverage Control (ABC), a maximum of five alcohol licenses for on-site consumption are allowed in the census tract, based on the population in the tract. Currently, there are a total of twenty-five licenses within the census tract and twenty-two on-site licenses within a 1,000-foot radius of the project. The applicant is proposing to add another license to an existing area that has an "undue concentration" of alcohol licenses, as defined by ABC. As such, ABC requires the applicant to make findings of public convenience and necessity in order to obtain the alcohol license from ABC. If the request were for a public premises, such as a bar or lounge, or for a retail license for the off-site sale of alcohol (with retail sales as the primary use), ABC would require

these findings to be made by the governing body (e.g. City of Pasadena). However, because this alcohol license application is for a restaurant with ancillary off-site alcohol sales and not for a bar or a retail license for the off-site sale of alcohol, these findings are not required to be made by the City.

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 23 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	Hotel Constance	928 E. Colorado Blvd	Type 41 On-Site, Beer/Wine Eating Place
2	New Delhi Palace Indian Rest'n	950 E. Colorado Blvd #205	Type 41 On-Site, Beer/Wine Eating Place
3	Tarantino Pizzeria	784 E. Green St.	Type 41 On-Site, Beer/Wine Eating Place
4	Café Verde	961 E. Green St.	Type 41 On-Site, Beer/Wine Eating Place
5	Malbec Argentinean Cuisine	1001 E. Green St.	Type 41, On-Sale Beer/Wine Eating Place
6	Madeleine Garden Bistro & Venue	1030 E. Green St.	Type 47, On-Sale General Eating Place Type 58, Caterer Permit
7	Bistro 45 French Cuisine	45 S. Mentor Ave.	Type 47, On-Sale General Eating Place Type 58, Caterer Permit
8	Sharkey's Wood Fired Mexican Grill	841 Cordova St.	Type 41, On-Sale Beer/Wine Eating Place
9	The Counter Hamburger Rest'n	140 Shoppers Lane	Type 41, On-Sale Beer/Wine Eating Place
10	Green Street Tavern Restaurant	146 Shoppers Lane	Type 47, On-Sale General Eating Place Type 58, Caterer Permit
11	Real Food Daily	899 E. Del Mar Blvd.	Type 41, On-Sale Beer/Wine Eating Place
12	Vinotera Wine Store	102 S. Lake Ave.	Type 21, Off-Sale General Type 42, On-Sale Beer/Wine Public Premises
13	Smitty's Grill	110 S. Lake Ave.	Type 47, On-Sale General Eating Place
14	Mercado Mexican Restaurant	140 S. Lake Ave. #101	Type 47, On-Sale General Eating Place Type 77, Event Permit
15	Celestino Ristorante	141 S. Lake Ave.	Type 47, On-Sale General Eating Place
16	Lemonade Restaurant	146 S. Lake Ave. #101	Type 41, On-Sale Beer/Wine Eating Place

17	Sugarfish by Sushi Nozawa	146 S. Lake Ave. #108	Type 41, On-Sale Beer/Wine Eating Place
18	The Veggie Grill	200 S. Lake Ave.	Type 41, On-Sale Beer/Wine Eating Place
19	Chipotle Mexican Grill	246 S. Lake Ave.	Type 47, On-Sale General Eating Place
20	Urban Plates	269 S. Lake Ave.	Type 41, On-Sale Beer/Wine Eating Place
21	Granville Restaurant	270 S. Lake Ave.	Type 47, On-Sale General Eating Place
22	Tokyo Shabu Shabu	345 S. Lake Ave. #101	Type 41, On-Sale Beer/Wine Eating Place
23	Trader Joe's	345 S. Lake Ave. #204	Type 21, Off-Sale General

The CD-5 zoning district is intended for a variety of commercial uses such as shopping, dining, and service destinations, including catering to local residents. 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 as opposed to nightclubs or bars. 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 primarily consists of on-site sale and consumption; off-site sales of beer and wine would be sold with food orders and would be ancillary to the main operation. Therefore, the project is not expected to create 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 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 surrounded by various commercial, retail, and restaurant uses.

The subject site is not located within immediate proximity of parks, playgrounds, schools, or religious facilities. The nearest public park (Grant Park) is 1,750 feet east of the site. The nearest school (McKinley school) is 1,350 feet southwest of the site. The nearest religious facility (First United Methodist Church of Pasadena) is approximately 2,100 feet northwest of the site. 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, although the limited hours of operation regulated by the City's Zoning Code do not apply to the businesses within the CD zoning district, the restaurant's hours of operation, from 10AM to 10 PM, are consistent with the limited hours of operation for business located in close proximity to residential uses. No outdoor dining is proposed, therefore all activities would occur indoors, limiting its 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 and off-site sale of limited alcohol would be ancillary to the primary restaurant use. Alcohol sales in conjunction with a bona-fide eating

establishment typically do not encourage activities that negatively affect the surrounding area. In addition, no live entertainment is proposed as part of the operation of the existing restaurant. Previously there have been no issues with the surrounding uses. After giving consideration to the location and nature of the proposed project with respect to sensitive uses in the general area, it is staff's determination that the on-site sale and consumption in conjunction with ancillary off-site sales of beer and wine for an existing restaurant use would not detrimentally affect the surrounding area.

GENERAL PLAN CONSISTENCY:

As conditioned, the proposed use is consistent with General Plan Land Use Element Policy 4.3: An Active Central District, which encourages the Central District to continue and to be reinforced as a vital, pedestrian-oriented place, linked to local and regional transit designed for all ages and serving as the focal point of community identity, business activity, employment, living, governance, and culture. The proposed incidental alcohol sales in conjunction with a bona fide restaurant promotes pedestrian activity in a way that is compatible with nearby commercial uses. It would bolster a diverse economy base and would be a long-term economic contribution to the City and to the Lake Avenue Sub-district of the Central District Specific Plan area, which encourages for a diverse mix of land uses and services consistent with office, retail, mixed use, and restaurant uses. The proposed on-site sale and consumption and off-site sale of alcohol in conjunction with the operation of a restaurant would enhance the commercial district by offering a quality dining experience that would attract customers, consistent with General Plan Land Use Element Policy 31.1 - Focus Growth, as it would support the neighborhood's economic vitality while preserving and complementing the historic core. The proposed project is also consistent with General Plan Land Use Element Policy 31.7 - Expanded Economic Opportunities, which would strengthen the Central District's economic vitality by supporting existing businesses and providing opportunities for new commercial development in underutilized areas with higher development capacity.

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 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 Division, Fire Department, Design and Historic Preservation (DHP) Section, Health Department, Police Department, and Department of Transportation. All departments did not have any comments at this time and would review the use during any applicable future building permit plan check processes.

CONCLUSION:

It is staff's recommendation that the findings necessary for approval of the Conditional Use Permit can be made. The proposed on-site sale and consumption and off-site sale of alcohol of limited alcohol (beer and wine) would be complimentary to the surrounding area and to other existing

restaurants in the vicinity. The establishment would provide a full menu during hours of operation with the sale of alcohol incidental to food sales. 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 #6812

Conditional Use Permit: To Allow the On-Site Sale and Consumption and Off-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 sale of alcohol will occur in conjunction with the existing restaurant use. Nearby uses include restaurants, retail, service businesses, mixed use developments, and religious 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 continuity of 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 wine, in the area.* An overconcentration of alcohol establishments, as defined by Alcoholic Beverage Control (ABC), exists in the Census Tract with the proposed project, 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 mixed-use neighborhood. Therefore, the project will not contribute negatively to the undue concentration of alcoholic establishments in the Census Tract. 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 1,750 feet east of the site. The nearest school (McKinley school) is 1,350 feet southwest of the site. The nearest religious facility (First United Methodist Church of Pasadena) is approximately 2,100 feet northwest of the site. 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, although the limited hours of operation regulated by the City's Zoning Code do not apply to the businesses within the CD zoning district, the restaurant's hours of operation, from 10AM to 10 PM, are consistent with the limited hours of operation for business located in close proximity to residential uses. No outdoor dining is proposed, therefore all activities would occur indoors, limiting its 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 and off-site sale of limited alcohol would be ancillary to the primary restaurant use. Alcohol sales in conjunction with a bona-fide eating establishment typically do not encourage activities that negatively affect the surrounding area. In addition, no live entertainment is proposed as part of the operation of the existing restaurant. Previously there have been no issues with the surrounding uses. After giving consideration to the location and nature of the proposed project with respect to sensitive uses in the general area, it is staff's determination that the on-site sale and consumption in conjunction with ancillary off-site sales of beer and wine for an existing restaurant use would not detrimentally affect 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 on-site sale and consumption and off-site sale of limited alcohol, in conjunction with the existing 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 this application. 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 4.3: An Active Central District, which encourages the Central District to continue and to be reinforced as a vital, pedestrian-oriented place, linked to local and regional transit designed for all ages and serving as the focal point of community identity, business activity, employment, living, governance, and culture. The proposed incidental alcohol sales in conjunction with a bona fide restaurant promotes pedestrian activity in a way that is compatible with nearby commercial uses. It would bolster a diverse economy base and would be a long-term economic contribution to the City and to the Lake Avenue Sub-district of the Central District Specific Plan area, which encourages for a diverse mix of land uses and services consistent with office, retail, mixed use, and restaurant uses. The proposed on-site sale and consumption and off-site sale of alcohol in conjunction with the operation of a restaurant would enhance the commercial district by offering a quality dining experience that would attract customers, consistent with General Plan Land Use Element Policy 31.1 - Focus Growth, as it would support the neighborhood's economic vitality while preserving and complementing the historic core. The proposed project is also consistent with General Plan Land Use Element Policy 31.7 - Expanded Economic Opportunities, which would strengthen the Central District's economic vitality by supporting existing businesses and providing opportunities for new commercial development in underutilized areas with higher development capacity.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6812

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, May 6, 2020," except as modified herein.
2. 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.
3. The approval of this application authorizes the on-site sale and off-site sale of alcohol (beer and wine) in conjunction with the operation of a 2,295-square-foot restaurant, without a proposed bar, as depicted in the approved floor plan.
4. 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.
5. 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.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number **PLN2019-00654**, 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. In addition, the project requires Condition Mitigation Monitoring. Contact the Planning Case Manager, Katherine Moran at (626) 744-6740 to schedule an inspection appointment time.

Planning Division

9. The primary use shall be a bona fide restaurant with ancillary alcohol sales (beer and wine) for on-site and off-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.
10. Alcohol on-site sale and consumption shall be indoors only.
11. 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.

12. The last alcoholic beverage shall be served no later than one-half hour before closing or 1:30 a.m., whichever is earlier.
13. 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.
14. All alcoholic beverages available for off-site sales shall not be on display.
15. The restaurant shall serve food items at all hours in which the off-site sale of beer and wine is offered.
16. 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.
17. Alcoholic beverages shall not be served in disposable containers.
18. The establishment shall allow patrons of all ages at all times.
19. Any live entertainment shall be limited to 75 square feet of floor area.
20. Dancing by customers shall be prohibited at all times.
21. No cover charges, entry fees, or minimum drink orders shall be charged/required of patrons.
22. Promoter-produced parties or events shall be prohibited. These events include private parties that involve third persons who profit from organizing and/or drawing attendees to the events.
23. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
24. Amplification of music shall comply with the regulations of Chapter 9.36 of Pasadena Municipal Code (Noise Ordinance).
25. 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.
26. The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
 - a. Rideshare service phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers;
 - b. 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;

- c. The availability of a variety of non-alcoholic beverages shall be made known and offered to customers, and
 - d. No more than four video games shall be permitted.
27. 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 commence.
28. 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.
29. 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.
30. 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.