



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** March 3, 2021

**TO:** Hearing Officer

**SUBJECT:** Conditional Use Permit #6859

**LOCATION:** 199 S. Los Robles Avenue, Suite #150

**APPLICANT:** Christine and Armando Ruvalcaba on behalf of *Cordova Café & Bottleshop*

**ZONING DESIGNATION:** CD-2 (Central District Specific Plan, Civic Center/Midtown 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 #6859 with the conditions in Attachment B

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**PROJECT PROPOSAL:**

- 1) Conditional Use Permit: To allow the on-site and off-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of a proposed restaurant.
- 2) 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 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 at the northwest corner of the Cordova Street and South Los Robles Avenue intersection. The 37,923 square-foot property is developed with an eight-story 158,996 square-foot commercial office building. The proposed restaurant (Cordova Café & Bottleshop) will be located in suite 150, within an existing 1,165 square-foot ground floor tenant space (previously occupied by a restaurant). The project proposes a new 450 square-foot outdoor dining area.

**Adjacent Uses:**

North: Commercial/Medical Office and Retail  
South: Mixed Use  
East: Commercial/Hotel  
West: Commercial/Recreation

**Adjacent Zoning:**

North: CD-2 (Central District Specific Plan, Civic Center/Midtown Sub-district)  
South: CD-2 (Central District Specific Plan, Civic Center/Midtown Sub-district)  
East: CD-2 (Central District Specific Plan, Civic Center/Midtown Sub-district)  
West: CD-2 (Central District Specific Plan, Civic Center/Midtown Sub-district)

**Previous Cases:**

81-V9989 – Variance request to construct an eight-story office building with four levels of underground parking for 377 cars. Approved 11/18/1981.

82-CE128 – Certificate of Exception request. Lot 2 is a proposed eight-story building. Lot 1 is and will remain a masonic temple. Approved 10/27/1982.

84-E10362 – Zoning Exception request for a four-foot by eight-foot high ground sign adjacent to Los Robles Avenue. Denied 2/8/1984.

84-V10372 – Variance request to construct a microwave receiver tower 30 feet in height on top of the office building on the subject property. Two 10-foot diameter antennae dishes would be mounted on the tower. Denied 3/7/1984.

85-V10583 – Variance request to establish a restaurant in an existing office building and provide no additional parking where 12 parking spaces are required. Approved 8/21/1985.

## **PROJECT DESCRIPTION:**

The applicant, Suds Café & Bottleshop, Inc, (doing business as Cordova Café & Bottleshop) has submitted a Conditional Use Permit application to allow the on-site and off-site sale and consumption of limited alcohol (beer and wine), and to allow a walk-up window in conjunction with the operation of a proposed restaurant (Cordova Café & Bottleshop) located in the CD-2 zoning district. The restaurant tenant space is approximately 1,165 square feet in interior floor area. A new 450 square-foot outdoor dining area is proposed. No dedicated bar area is proposed as part of the project. The alcohol sales and consumption would occur both indoors and within the outdoor dining patio. The proposed hours of operation are from 6:30 a.m. to 11:00 p.m. daily. The project also includes a walk-up window for take-out orders. A Conditional Use Permit is required for both the on-site and off-site sale and consumption of limited alcoholic beverages (beer and wine), as well as for a walk-up window within the CD-2 zoning district.

## **ANALYSIS:**

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

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-2 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 and off-site sale and consumption and 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). Occasional limited live entertainment, such as a solo guitarist or a jazz trio, is proposed in conjunction with the restaurant use, on a performance area not to exceed 75 square feet. There will be no amplified music. 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 both the on-site and off-site sale and consumption of limited alcohol (beer and wine). The alcohol available for off-site sale would be limited to single bottles of beer, multi-packs of beer, and bottles of wine and champagne (up to 1.5 liters) in two display coolers: one double-door cooler (Length 4'-4" x Width 2'-7" x Height 7'-0") and one single-door cooler (Length 2'-1" x Width 2'-7" x Height 7'-0"). Off-site alcohol sales are proposed to primarily be sold with food orders. The alcohol available for off-site sale 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, Civic Center/Midtown Sub-district, and would promote the vitality of the restaurant. The request to serve alcohol would enhance both the services provided by the proposed restaurant use and the commercial atmosphere of the neighborhood. The introduction of both the on-site and off-site sale and consumption 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.

### *Parking*

The previous use located at the subject tenant space was a restaurant land use, which required ten parking spaces for every 1,000 square feet of gross floor area. The project proposes an additional 450 square feet of outdoor dining area. Thus, the additional floor area would require additional off-street parking spaces. Since the subject site is located within the Central District Transit-Oriented Area (Section 17.30, Figure 3-5), it is subject to a mandatory parking reduction of ten percent, with an optional reduction of up to 20 percent for nonresidential uses (excluding offices). With the optional 20 percent reduction, the previous restaurant required nine parking spaces for the 1,165 square-foot tenant space. With an aggregate floor area of 1,615 square feet (including 450 square-foot outdoor dining area) the proposed restaurant use would require thirteen parking spaces.

Accounting for the restaurant's outdoor dining area, the proposed project's parking requirement would increase by four spaces. In order to accommodate the parking demand increase, the applicant has the ability to provide the required number of off-street parking spaces on-site through the building's on-site communal parking structure. The project plans illustrate a 395-space parking structure and include a summary table indicating each tenant's land use designation, square footage, and parking allocation. After computing the current tenant roster, a collective of 317- parking spaces are required (including vacancies) for the building. In conjunction with the proposed project's four additional required spaces, the total parking requirement is 321 spaces. After the proposed project, the parking structure would maintain a 74-space parking surplus, allowing for future tenant land use intensifications.

### *Hours of Operation*

The existing restaurant's hours of operation are Monday to Sunday 6:30 a.m. to 11:00 p.m. daily. The property is surrounded by other commercial uses to the north, south, east, and west. Per Section 17.040.070.A.4 (Limited Hours of Operation) 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. 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 #4636.02. 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 56 on-site licenses within the census tract and three 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 3 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	Hilton Pasadena	168 S. Los Robles Avenue	On-Site
2	Hyatt Place	399 E. Green Street	On-Site
3	Sheraton (Permanently Closed)	303 Cordova Street	On-Site

The CD-2 zoning district is intended for a variety of uses including civic, cultural, and public service institutions, while augmenting the character of the area with a complementary mixture of 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 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 both the on-site and off-site sale and consumption of alcohol on-site sale of beer and wine would be sold in conjunction 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 located within the immediate vicinity of parks, playgrounds, schools, or religious facilities. The nearest public park (Central Park) is 2,000 feet west of the site. The nearest school (Pasadena Montessori School) is approximately 450 feet southeast of the site. The nearest religious facility (Throop Unitarian Universal Parish) is approximately 500 feet southeast of the site. The nearest residential zoning district is approximately 250 feet from the subject site; the nearest residential use is 80 feet south of the subject site, which is part of a mixed-use commercial building.

It is not anticipated that these uses within the immediate vicinity would be impacted by the proposed project since the primary use is a bona-fide restaurant land use, and the hours of operation are consistent with other existing restaurant uses in the Civic Center/Midtown Sub-district. 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 6:30 AM to 11:00 PM, are allowed and consistent with other similar restaurant hours of operation. The display of alcoholic beverage products outside the cooler area and/or on the restaurant's floor area would be prohibited at all times. The off-site sale of limited alcoholic beverages will be a small component of the items offered at the restaurant in order to reduce any potential impact to the nearby residential and sensitive uses in the neighborhood. The Police Department did not object to either the on-site or off-site sale and consumption of limited alcohol in conjunction with the operation of the restaurant. 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 alcohol sales 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. 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 a proposed restaurant use 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 take-out orders. 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 take-out from this window. It is important to note that the pick-up window would not be used exclusively by food delivery services. A Cordova Café & Bottleshop 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 to avoid waiting in line inside the Cordova Café & Bottleshop restaurant; it would not be used to distribute orders taken at the interior ordering counter.

The tenant space has an existing walk-up window from a prior bank tenant which is located on the eastern edge of the tenant space facing the outdoor dining area. The walk-up window is located within the proposed dining area within private property. Therefore the walk-up window would not disrupt the public right-of-way. In addition, amplified sound related to the walk-up window shall not be permitted, and the walk-up window will operate consistently with the hours of operation for the restaurant. The 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. 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:**

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 Civic Center/Midtown 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 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 Division, Fire Department, Design and Historic Preservation (DHP) Section, Health Department, Police Department, and Department of Transportation. The Fire Department, Health Department, and Department of Transportation did

not have any comments at this time and would review the use during any applicable future building permit plan check processes. The Building Division, Design and Historic Preservation (DHP) Section, and Police Department provided comments that are included as recommended conditions of approval in Attachment B.

**CONCLUSION:**

It is staff's recommendation that the findings necessary for approval of the Conditional Use Permits can be made. The proposed on-site and off-site sale and consumption of limited alcohol (beer and wine) 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. 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 #6859**

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 proposed restaurant use. Nearby uses include office buildings, hotels, mixed use developments, and other commercial 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. 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.* The subject site is located within the immediate vicinity of parks, playgrounds, schools, or religious facilities. The nearest public park (Central Park) is 2,000 feet west of the site. The nearest school (Pasadena Montessori School) is approximately 450 feet southeast of the site. The nearest religious facility (Throop Unitarian Universal Parish) is approximately 500 feet southeast of the site. The nearest residential zoning district is approximately 250 feet from the subject site; the nearest residential use is 80 feet south of the subject site, which is part of a mixed-use commercial building. It is not anticipated that these uses within the immediate vicinity would be impacted by the proposed project since the primary use is a bona-fide restaurant land use, and the hours of operation are consistent with other existing restaurant uses in the Civic Center/Midtown Sub-district. 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 6:30 AM to 11:00 PM, are allowed and consistent with other similar restaurant hours of operation. Occasional limited live entertainment, such as a solo guitarist or a jazz

trio, will occur in conjunction with the restaurant use, in a performance area not to exceed 75 square feet. There will be no amplified music. The display of alcoholic beverage products outside the cooler area and/or on the restaurant's floor area will be prohibited at all times. The off-site sale of limited alcoholic beverages will be a small component of the items offered at the restaurant in order to reduce any potential impact to the nearby residential and sensitive uses in the neighborhood. The Police Department did not object to either the on-site or off-site sale and consumption of limited alcohol in conjunction with the operation of the restaurant. 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 alcohol sales 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. 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 a proposed 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 off-site sale and consumption of limited alcohol, in conjunction with the 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 will bolster a diverse economy base and would be a long-term economic contribution to the City and to the Civic Center/Midtown 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 will enhance the commercial district by offering a quality dining experience that will attract customers, consistent with General Plan Land Use Element Policy 31.1 - Focus Growth, as it will 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 will 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.

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

6. *The proposed use is allowed with a Conditional Use Permit (Major and Minor) or Hillside Development Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The subject property is located in the Civic Center/Midtown Sub-district of the Central District Specific Plan (CD-2 zoning district). Zoning Code Section 17.30.030 (CD District Land Uses and Permit Requirements), permits restaurants with walk-up window use subject to the approval of a Conditional Use Permit. The proposed operations will comply with all applicable provisions of the Zoning Code.
7. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The purpose of the Pasadena Zoning Code is to protect and promote the public health, safety and general welfare, and to implement the policies of the General Plan by classifying and regulating the uses of land and structures within the City of Pasadena in a manner consistent with the General Plan. To achieve this purpose, it is the intent of this Zoning Code to in part, maintain and protect the value of property, ensure the provision of adequate open space for light, air, and fire safety, and ensure compatibility between land uses. The purpose of the CD-2 zoning district is to implement the Central District Specific Plan including providing for a diverse mix of land uses designed to create the primary business, financial, retailing, and government center of the City. It emphasizes the concept of a higher density, mixed-use environment that will support transit- and pedestrian-oriented mobility strategies. The proposed restaurant will provide employment opportunities and will serve the local residents and business community. In order to protect and promote the public health, safety and general welfare, staff has proposed conditions on the project to require that the tenant maintain the premises free of litter, prohibit the use of any outdoor sound amplification system, and the that the walk-up window operating hours coincide with the hours of operations for the restaurant. Therefore, the proposed location of the restaurant use complies with the purpose of the Zoning Code and zoning district.
8. *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 walk-up window serving the restaurant, along with the implementation of the conditions of approval, will enhance the commercial district by creating a unique, quality dining experience. The restaurant will be located within the ground floor of a mixed use building with commercial office space above it. The walk-up window encourages pedestrian activity by allowing a variety of customers including the local residents and business community to walk to the restaurant and quickly pick-up orders via the walk-up window. The proposed use is also 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 use will bolster a diverse economy base and would be a long-term economic contribution to the City and CD-2 zoning district which allows a range of commercial businesses. The request for a walk-up window will enhance the services provided within the vicinity by providing a quality dining experience for customers, while introducing a unique commercial use to the nearby residents and the tenants of other commercial and office uses in the area.

9. *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.* As it relates to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use, the walk-up window will be complementary to the proposed restaurant, and will not have an adverse impact. The walk-up window is existing on the exterior of the tenant frontage and will be within the proposed outdoor dining area completely on private property. Therefore the walk-up window is not estimated to impact the pedestrian flow of the public right-of-way. The window is located on the eastern edge of the tenant's occupancy which will provide efficiency for customers picking up their orders. In addition, amplified sound related to the walk-up window are not permitted, and the walk-up window will operate consistent with the hours of operation for the restaurant use which will be 6:30 A.M. to 11:00 P.M., daily. 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.
  
10. *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 restaurant, will enhance the operations of the restaurant by providing a convenient method for patrons to order and pick-up their orders. There will not be an amplified sound system associated with the pick-up window. 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.
  
11. *The design, location, operating characteristics, and 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 existing window is located within the outdoor dining patio area, and is 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 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. 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 #6859**

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, March 3, 2021," 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 1,165 square-foot restaurant with a 450 square-foot outdoor dining area, and walk-up window, 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 **ZENT2020-10056**, 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. Food service along with a full menu shall be made available during all hours of business operation.
10. No sound amplification system shall be used at the walk-up window or outdoor dining area.
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 be displayed and sold from the coolers only.
15. Any increase in size to the coolers may require a modification to this Conditional Use Permit.
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.

#### Building and Safety Division

31. Building Code Analysis: Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Descriptive scope of work, occupancy, assessor's parcel number, number of stories, type of construction, fire sprinklers, floor area, height, and allowable floor area. Comply with the Current Edition of California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Green Building Standard Code and the City of Pasadena Municipal Code. The governing edition is based on the date in which the project is submitted to the City of Pasadena for review.
32. Best Management Practices: Photocopy to plans and complete the BEST MANAGEMENT PRACTICE page 1(form must be signed). Photocopy any other applicable pages and cross reference the location at the site plan, i.e. the material storage, the concrete waste management, etc. These forms can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts> .
33. Green Code: Photocopy to plans and complete the 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH CITY OF PASADENA AMENDMENTS FORMS. These forms are being provided attach and can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>.
34. Means of Egress (Exiting): Show an exit plan that labels and clearly shows compliance with all required egress features such as, but not limited to, common path of travel, required number of exits, occupant load, required width, continuity, travel distance, etc. as applicable.
35. Fire and Smoke Protection Features: Show materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces

to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

36. Accessibility: Provide compliance with accessibility per CBC 11B. Photocopy to plans and complete the Summary of ACCESSIBILITY UPGRADES FOR COMMERCIAL PROJECTS. These forms are being provided attach and can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>
37. Required Plans and Permit(s): In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, and grading plans as required. No deferred submittal. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.

#### Design & Historic Preservation Division

38. Design Review is required for exterior improvements including, but not limited to, storefront alterations for a new pass-through window, patio/canopy, perimeter barrier (i.e. railings, planters, etc.), outdoor furniture.

#### Police Department

39. When alcohol is opened by the business, it must be consumed on the premises. No open alcohol containers shall be sold for take away.
40. There shall be a distinction between take away sales and consumption at the site sales.
41. Outside patio area shall have alcohol barrier to control egress and ingress.