



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: September 21, 2022

TO: Hearing Officer

SUBJECT: Modification to Conditional Use Permit #4886

LOCATION: 3352 E. Foothill Boulevard

APPLICANT: A Noise Within Theater

ZONING DESIGNATION: EPSP-d2-CG-B-1 (East Pasadena Specific Plan, subdistrict d2, Commercial General)

GENERAL PLAN DESIGNATION: High Mixed Use

CASE PLANNER: Jennifer Driver

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** the Modification to Conditional Use Permit #4886 with the conditions in Attachment B

PROJECT PROPOSAL:

- 1) Modification to Conditional Use Permit 4886: To modify Condition #15 of Conditional Use Permit #4886 to allow an existing Commercial Entertainment land use (A Noise Within Theater) to provide on-site sale and consumption of a full line of alcoholic beverages.
- 2) Conditional Use Permit: To allow the on-site sale of a full line of alcoholic beverages in conjunction with the operation of an existing Commercial Entertainment land use (A Noise Within Theater).

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 exempts repair and maintenance of existing private structures where negligible or no expansion of use beyond that existing on site are proposed. The proposed project involves the sale of a full line of alcoholic beverages in conjunction with an existing Live Entertainment use. The project would not result in a change or expansion of the existing live entertainment use, therefore, the proposal is exempt from environmental review.

BACKGROUND:

Site characteristics:

The subject site is an interior lot located to the south of Foothill Boulevard and to the east of Sierra Madre Villa Boulevard. The 21,019 square-foot property is developed with a 29,654 square-foot Live Entertainment theater. The existing theater (A Noise Within) has been in operation at this location since 2011. Vehicular access to the site is available from a circular driveway located on a separate parcel fronting Foothill Boulevard. The theater structure and grounds have been designated individually in the National Register of Historic Places.

Adjacent Uses:

North: Retail and Restaurants
South: Multi-Family Residential
East: Multi-Family Residential
West: Mixed Use (Retail/Multi-Family Residential)

Adjacent Zoning:

North: EPSP-d2-CG-B-1 (East Pasadena Specific Plan, subdistrict d2, Commercial General)
South: EPSP-d2-CG-B-1 (East Pasadena Specific Plan, subdistrict d2, Commercial General)
East: EPSP-d2-CG-B (East Pasadena Specific Plan, subdistrict d2, Commercial General)
West: EPSP-d2-CG-B-2 (East Pasadena Specific Plan, subdistrict d2, Commercial General)

Previous Cases:

CUP 4886 – A request for approval of (1) a Development Agreement, (2) an Expressive Use Permit for a theater use, (3) a Conditional Use Permit to allow a nonresidential project or nonresidential portion of a mixed-use exceeding 25,000 square feet of gross floor area, (4) a Minor Conditional Use Permit to allow a Commercial Project greater than 15,000 square feet located in a transit oriented district, (5) a Minor Conditional Use Permit for shared parking, (6) a Variance to reduce the number of required loading spaces and (7) a Certificate of Exception for a lot line adjustment in conjunction with a proposed mixed-use development,. Approved by the Planning Commission April 11, 2007.

PROJECT DESCRIPTION:

The applicant, A Noise Within Theater, has submitted an application to modify Conditional Use Permit (CUP) #4886, which included an approval of an Expressive Use Permit (EUP) to allow for a Commercial Entertainment land use in conjunction with a mixed-use project. As a condition of approval of the EUP, the Condition #15 of the CUP prohibited the sale of alcohol on-site. The current modification application seeks to revise Condition #15, as follows, to allow for the on-site sale and consumption of full alcohol in conjunction with the existing Commercial Entertainment land use (A Noise Within Theater):

Current Condition #15:

“Sale of alcoholic beverages is not permitted.”

Proposed Condition #3:

“Sale of a full line of alcoholic beverages for on-site consumption is permitted in conjunction with Commercial Entertainment land use.”

Additionally, the applicant is requesting a Conditional Use Permit to permit the sale and consumption of a full line of alcoholic beverages on-site in conjunction with live theater performance events. As part of the request, the applicant proposes to allow for the consumption of alcohol within the public portions of the theater, such as in the theater’s lobby, theater seating area and other public areas, which totals approximately 10,900 square feet in size or outside, in the 13,200 square feet of covered and uncovered landscaped and paved areas. A single beverage serving station in the lobby and an alcohol storage room would be provided indoors separate from the general concession stand for nonalcoholic beverages and food items. There are no proposed interior or exterior changes to the theater, except for the construction of the beverage station indoors. A Conditional Use Permit is required for the on-site sale and consumption of a full line of alcoholic beverages.

ANALYSIS:

Modification to Conditional Use Permit #4886

The subject modification requests to modify a condition of approval of the EUP approved in conjunction with CUP #4886 to allow for the sale of alcoholic beverages on-site. As such, in order to request the change to the conditions, a Major Modification to CUP #4886 is required. Section 17.65.050 permits changes to an approved project subject to the same procedures as the original approval. In addition, before approval of the changes, the applicable review authority is required to make the findings required for the original approval, and an additional finding that there are changed circumstances sufficient to justify the modification of the original approval.

In order to approve a change to a condition of approval to the Expressive Use Permit, the Hearing Officer must make five findings pursuant to Zoning Code Section 17.61.060 (Expressive Use Permits). The general purpose of the review is to evaluate compliance with the Zoning Code, whether the use would provide and maintain a sufficient level of water, sewer, and refuse services consistent with approved City requirements, and ensure fire and crime prevention services are maintained. An Expressive Use Permit in part, is intended to establish reasonable and uniform regulations that would reduce possible adverse secondary effects that expressive uses may have upon the residents of the City. The intent is to preserve the integrity of existing commercial areas of the City and of the residential areas, which are in close proximity to the commercial areas.

The requested modification would allow for the sale of alcoholic beverages on-site in conjunction with theater events. No changes to the operation of the live performance theater are proposed and no other conditions of approval are requested to be modified. As a result, subject to review and approval of a Conditional Use Permit to permit the sale and consumption of alcoholic beverages (see the following section), staff is able to make the required findings to modify the condition of approval in order to permit the consumption of alcohol on-site.

The theater site complies with EPSP-d2-CG zoning district standards for parking, height, setbacks, and all other development standards. The proposed site is in a developed urban, commercial center where wastewater service is readily available. The theater use is an existing use and significant changes to wastewater flows are not envisioned as a result of the modification. The Waste Management Plan for the existing theater has been reviewed and approved by the Zoning Administrator and Public Works Director and includes trash specifications and recycling specifications. In addition, these items were verified at the time of inspection for occupancy. The use can continue to be serviced by the police and is not anticipated to increase the levels of service. Lastly, there are changed circumstances that warrant the modification as the modification would promote the use of the facility as a cultural center and as an economic resource for the City.

Conditional Use Permit – To Allow the On-Site Sale and Consumption of Full Alcohol

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. The Hearing Officer may approve the Conditional Use Permit provided that the required five findings in Attachment A of this report can be made in the affirmative.

Zoning and Land Use

The Zoning Code defines a Commercial Entertainment land use as a provision of spectator entertainment for commercial purposes and includes theaters, concert halls, cinemas, nightclubs, or comedy clubs. The subject property is situated in the EPSP-d2-CG (East Pasadena Specific Plan, General Commercial) zoning district and pursuant to Section 17.32.050, Table 3-6 of the Zoning Code, a Commercial Entertainment (e.g. live performance theater) use is subject to the review and approval of an Expressive Use Permit in EPSP-d2-CG zoning district. The existing theater was established at this location in 2011 by an approval of a EUP as part of a Development Agreement and Conditional Use Permit #4866.

The project proposes the ancillary on-site sale and consumption of a full line of alcoholic beverages (beer, wine and spirits) in conjunction with the operation of an existing theater and is subject to the review and approval of a Conditional Use Permit in the EPSP-d2-CG zoning district. Specifically, the applicant would be applying for a Type 64 License (Special On-Sale General for Nonprofit Theater Company) with the California Department of Alcohol Beverage Control (ABC). This type of license authorizes the sale of a full line of alcohol for consumption on the premises for certain nonprofit theater companies as specified in Business and Professions Code Section 24045.7. Theater companies holding this license may sell and serve alcoholic beverages to ticketholder only during, and two hours prior to and one hour after, a bona fide theater performance of the company.

According to the applicant, the on-site sale and consumption and of alcohol would be ancillary to the principal theater use and alcohol sales will only be available in conjunction with a theater performance. The proposed alcohol serving station occupies an approximately 32 square-foot area inside the theater lobby on the ground floor. No outdoor sales of alcohol are proposed. As proposed, consumption of alcohol would occur either within the theater's lobby and theater seating area or outside in the covered and uncovered patios.

In order to limit the use of the facility for special events not in conjunction with a concurrent live performance, Staff recommends as a condition of approval to restrict the sale of alcoholic beverages to when a live theater performance is scheduled. In addition, while the application includes a request to allow for the consumption of alcoholic beverages in the totality of the uncovered landscaped and paved areas in front of theater up until the sidewalk for Foothill Boulevard (approximately 13,200 square feet), staff recommends restricting the area for consumption in order to provide a safe, shielded area away from the street and to restrict ingress and egress for patrons with alcoholic beverages. As a recommended condition of approval, the areas where alcohol could be consumed in the uncovered outdoor areas should be restricted to an approximately 5,000 square-foot landscaped and paved area (generally a 114-foot wide by 44-foot deep portion in front of the theater) in front of the structure. The northernmost boundary would be in line with the southern side of the circular driveway, the southernmost boundary is established by the water feature in front of the structure and the east and west boundary would be the extent of the parcel width.

Hours of Operation

As approved under CUP #4886, the existing theater's hours of operation are 9:00 a.m. to 12:00 a.m. daily. As previously stated, the property is abutting other commercial uses to the north, mixed-use development to the west and residential uses to the south and west but does not abut a residential zoning district. It is not anticipated that the serving of alcohol in conjunction with the operation of the theater use would be detrimental to the immediate area. Nevertheless, in order to be in line with the theater's existing operations and restrictions from ABC, staff is recommending a condition of approval that all alcohol sales commence no earlier than two hours prior to the performance and cease one hour after the performance or midnight, whichever is earlier. 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 #4630.00 According to the State Department of Alcoholic Beverage Control (ABC), a maximum of two 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 16 business with on-site licenses within the census tract. 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. However, 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 theater with ancillary on-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.

Furthermore, a Conditional Use Permit application for alcohol sales requires the applicant to identify uses with either on-site or off-site licenses within 1,000 feet of the subject property. According to the applicant, there are currently eight 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	The Boulevard Bar	3199 E. Foothill Blvd.	On-Sale General – Eating Place (Type 48)
2	Good Luck Wine Shop	3225 E. Foothill Blvd.	Off-Sale Beer & Wine (Type 20)
3	El Torito Mexican Grill Restaurant	3333 E. Foothill Blvd.	On-Sale General - Eating Place (Type 47)
4	Chipotle Mexican Grill	3409 E. Foothill Blvd.	On-Sale General - Eating Place (Type 47)
5	Panda Inn	3488 E. Foothill Blvd.	On-Sale General - Eating Place (Type 47)
6	Smart and Final	3299 E. Colorado Blvd.	Off-Sale General (Type 21)
7	Target	3121 E. Colorado Blvd.	Off-Sale General (Type 21)
8	Amazon Fresh	3425 E. Colorado Blvd.	Off-Sale General (Type 21)

Although an undue concentration of alcohol establishments, as defined by ABC exists in the area, most of the existing alcohol establishments are restaurants and retail businesses, which are not typically problematic. Furthermore, serving a full line of alcoholic beverages at a live performance theater in the commercial district is considered an amenity and would not be the primary use. The theater would also sell food along with nonalcoholic beverages at a concession counter. The off-site sale and consumption of alcohol would be prohibited, therefore decreasing any potential negative effects to the surrounding uses. 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, restaurant and residential uses.

The subject site is not located within the immediate vicinity of parks, playgrounds, schools, or religious facilities. The nearest public park (Vina Vieja) is 2,600 feet northwest of the site. The nearest school (Kiddie Academy Preschool) is approximately 300 feet east of the site and Willard Elementary and Wilson Middle School are approximately 2,600 feet to the south of the site. The nearest religious facility (Epicentre Church) is approximately 1,400 feet north of the site. The nearest residential zoning district is approximately 530 feet from the subject site to the northwest; the nearest residential use is abutting the subject site to the east and south, which is part of a mixed-use building.

It is staff's assessment that the ancillary on-site sale of full alcohol (beer, wine and spirits) in conjunction with a live performance theater would not encourage activities that cause negative effects on the surrounding area. The A Noise Within Theater has been in operation since 2011 and has operated with no detrimental impact to the surrounding uses. Alcoholic beverages would be sold from a separate concession counter within the theater lobby for on-site consumption only. Off-site sale and consumption of alcoholic beverages would not be permitted. In addition, the request to serve alcohol would enhance both the services provided by the theater use and the commercial atmosphere of the neighborhood. After giving consideration to the proximity and nature of the proposed use with respect to sensitive uses in the general area, it is staff's assessment that the on-site sale and consumption of full line of alcoholic beverages (beer, wine and spirits) in conjunction with the existing Commercial Entertainment (live performance theater) use will not detrimentally affect the surrounding area. Lastly, the recommended conditions of approval would ensure the use remains a live entertainment theater.

GENERAL PLAN CONSISTENCY:

The proposed use is consistent with General Plan Land Use Element (GPLU) Policy 33.2: Sierra Madre Villa Transit Village, which intends for the clustering of pedestrian-oriented retail, office, and multi-family housing uses adjoining the transit station as well as providing places where nearby residents can eat, shop, and meet friends. The Noise Within Theater is a prime example of the type of business the East Pasadena Specific Plan envisions would be maintained/established in the Sierra Madre Villa Transit Village of the East Pasadena Specific Plan area.

The addition of incidental alcohol sales in conjunction with the live performance theater would provide an additional amenity to the theater, one that would increase its prominence/importance in achieving and supporting the goals of the Specific Plan and the Transit Village. The proposed on-site sale and consumption of a full line of alcoholic beverages in conjunction with the operation of the theater would enhance the district by offering a unique experience that would attract customers. This would be consistent with GPLU Policy 14.1, Tourism and Hospitality, which encourages the growth of cultural assets and entertainment activities that attract visitors and conventioners. Similarly, the use is consistent with GPLU Policy 25.1, Diversity of Uses, which encourages the development of a broad range of commercial uses that reduce the need to travel to adjoining communities, while capturing a greater share of local spending.

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 exempts repair and maintenance of existing private structures where negligible or no expansion of use beyond that existing on site are proposed. The proposed project involves the sale of a full line of alcoholic beverages in conjunction with an existing Live Entertainment use. The project would not result in a change or expansion of the existing live entertainment use, therefore, the proposal is exempt from environmental review.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposal was reviewed by the Building Division, Fire Department, Design and Historic Preservation (DHP) Section, Health Department and the Police Department. The Special

Investigations Section of the Pasadena Police Department reviewed the application and did not express concerns. No other comments were received.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Modification to Conditional Use Permit #4886 and the Conditional Use Permit to allow the on-site sale and consumption of a full line of alcoholic beverages (beer, wine and spirits) in conjunction with the operation of an existing Commercial Entertainment (live performance theater) use can be made. Conditions of approval would ensure that the use would not deviate from the planned operation reviewed with the 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 THE MODIFICATION TO CONDITIONAL USE PERMIT #4886

Modification to Conditional Use Permit #4886:

Expressive Use Permit

1. *The proposed use is allowed with an Expressive Use Permit within the subject zoning district and complies with the applicable development and design requirements of the subject zoning district and with all applicable provisions of this Zoning Code.* The proposal meets the intent of the development standards of the East Pasadena Specific Plan in Section 17.32 (Expressive Use Permits). The theater site will continue to comply with EPSP-d2-CG zoning district standards for parking, height, setbacks, and all other development standards. Additionally, the application has met all of the application and processing criteria for Expressive Use Permits.
2. *The proposed use will provide and maintain wastewater to establish and maintain an unrestricted flow in sanitary sewers during average and peak conditions as established by the city's approved sewer master plan, as amended from time to time.* The site is in a developed urban, commercial center where wastewater service is readily available. The theater use is an existing use and impacts on the sanitary sewer system are not expected to be significant by the on-site sale and consumption of a full line of alcoholic beverages.
3. *The proposed use will provide and maintain solid waste services to establish and maintain a level of service consistent with the city's approved source reduction and recycling element.* The applicant will continue to provide appropriately located litter and recycling receptacles and will continue to deposit refuse generated by the operation in existing refuse storage areas. As the use is existing, it is anticipated that solid waste management will be maintained in compliance with City requirements. Further, the Zoning Administrator and Public Works Director have reviewed and approved a Waste Management Plan for the existing theater that includes trash specifications and recycling specifications that demonstrate compliance.
4. *The proposed use will provide and maintain fire prevention and suppression services as established by the Uniform Fire Code to establish and maintain minimum response time for fire and emergency medical calls as established by the City's approved general plan.* The project will be required to meet all Fire Department requirements, including maximum occupancy within the building. The Fire Department will verify compliance with code requirements during the Building Permit plan review process and at the time of site inspection prior to occupancy. Compliance will also be reviewed during subsequent site inspections. The applicant is required to take reasonable steps to maintain fire prevention and suppression services.
5. *The proposed use will provide and maintain police services and crime prevention services to establish and maintain minimum response time for police calls for service as established by the city's approved general plan.* The proposed use can be serviced by the Police Department and is not anticipated to increase the levels of service. The Police Department reviewed the proposed project and did not express concerns regarding the sale of alcoholic beverages at the existing theater. Furthermore, the Zoning Administrator will have the authority to call this application before the Hearing Officer if it is determined that a violation or problems have occurred.

6. *There are changed circumstances sufficient to justify the modification to the original approval.* The proposal allows the existing live performance theater use to provide the sale and on-site consumption of a full line of alcoholic beverages as an added amenity. The added use would contribute to the theater's overall quality of service as a cultural center and to enhance existing development within the City of Pasadena. The subject site is located within the East Pasadena Specific Plan, which functions as the City's second most intensive center for employment and a regional retail area of the City, providing jobs, goods and services to the City with development concentrated in proximity to the Sierra Madre Villa Metro Gold Line station. The ancillary on-site sale and consumption of a full line of alcoholic beverages (beer, wine and spirits) in conjunction with the operation of an existing live performance theater will be consistent with the activity of the surrounding diverse mix of land uses. The establishment will continue to operate in accordance with the City's laws, ordinances and conditions of approval that ensure the continuity of the compatible coexistence of this use with surrounding area. No changes to the exterior, structure or façade are proposed.

Conditional Use Permit: To Allow the On-Site Sale and Consumption of a Full Alcohol

7. *The proposed location of the site for the Conditional Use Permit would not adversely affect the general welfare of the surrounding property owners.* The subject site is located within the East Pasadena Specific Plan, which functions as the City's second most intensive center for employment and a regional retail area of the City, providing jobs, goods and services to the City with development concentrated in proximity to the Sierra Madre Villa Metro Gold Line station. The ancillary on-site sale and consumption of a full line of alcoholic beverages (beer, wine and spirits) in conjunction with the operation of an existing live performance theater will be consistent with the activity of the surrounding diverse mix of land uses. The establishment will continue to operate in accordance with the City's laws, ordinances and conditions of approval that ensure the continuity of the compatible coexistence of this use with surrounding area. No changes to the exterior, structure or façade are proposed.
8. *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. Although an undue concentration of alcohol establishments exists in the area, most of the existing alcohol establishments are restaurants and retail uses. Unlike nightclubs or bars, live performance theaters are not typically a problematic use. The proposal will add an 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 alcoholic beverages for off-site consumption is not proposed as part of this application. Additionally, conditions of approval have been included that will limit the potential for negative impacts.
9. *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 (Vina Vieja) is 2,600 feet northwest of the site. The nearest school (Kiddie Academy Preschool) is approximately 300 feet east of the site and Willard Elementary and Wilson Middle School are

approximately 2,600 feet to the south of the site. The nearest religious facility (Epicentre Church) is approximately 1,400 feet to the north of the site. The nearest residential zoning district is approximately 530 feet from the subject site to the northwest; the nearest residential use is abutting the subject site to the east and south, which is part of a mixed-use commercial building.

The ancillary on-site sale of a full line of alcoholic beverages (beer, wine and spirits) in conjunction with a live performance theater typically do not encourage activities that cause negative effects on the surrounding area. A Noise Within Theater has been in operation since 2011 and has operated with no detrimental impact to the surrounding uses. Alcoholic beverages will be sold from a separate concession stand and will be available for on-site consumption only. Off-site sale and consumption of alcoholic beverages is prohibited. Given the proximity and nature of the proposed use with respect to sensitive uses in the general area, the on-site sale and consumption of a full line of alcoholic beverages in conjunction with the operation of an existing live performance theater will not detrimentally affect the surrounding area.

10. *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 on-site sale and consumption of a full line of alcoholic beverages (beer, wine and spirits) in conjunction with a live performance theater is generally not a problematic use. The Special Investigations Section of the Pasadena Police Department reviewed the application and did not express concerns. Conditions of approval would ensure that the use would not deviate from the planned operation reviewed with the application.
11. *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 (GPLU) Policy 33.2, Sierra Madre Villa Transit Village, which intends for the clustering of pedestrian-oriented retail, office, and multi-family housing uses adjoining the transit station as well as providing places where nearby residents can eat, shop, and meet friends. The Noise Within Theater is a prime example of the type of business the East Pasadena Specific Plan envisions would be maintained/established in the Sierra Madre Villa Transit Village of the East Pasadena Specific Plan area.

The addition of incidental alcohol sales in conjunction with the live performance theater would provide an additional amenity to the theater, one that would increase its prominence/importance in achieving and supporting the goals of the Specific Plan and the Transit Village. The proposed on-site sale and consumption of a full line of alcoholic beverages in conjunction with the operation of the theater would enhance the district by offering a unique experience that would attract customers. This would be consistent with GPLU Policy 14.1, Tourism and Hospitality, which encourages the growth of cultural assets and entertainment activities that attract visitors and conventioners. Similarly, the use is consistent with GPLU Policy 25.1, Diversity of Uses, which encourages the development of a broad range of commercial uses that reduce the need to travel to adjoining communities, while capturing a greater share of local spending.

**ATTACHMENT B
RECOMMENDED CONDITIONS OF APPROVAL FOR THE MODIFICATION TO
CONDITIONAL USE PERMIT #4886**

All conditions of approval for Conditional Use Permit #4886 and the associated Development Agreement shall remain in full force and effect unless modified herein.

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, September 21, 2022," 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 sale of a full line of alcoholic beverages (beer, wine and spirits) for on-site consumption is permitted in conjunction with the existing Commercial Entertainment land use.
 - a. The sale and consumption of alcoholic beverages on-site shall occur in conjunction with scheduled live performances within the existing theater.
 - b. Alcohol shall be made available from a single 32 square-foot beverage serving station located in the lobby.
 - c. Patrons shall be permitted to consume alcoholic beverages indoors in the lobby, theater seating area and other indoor public areas.
 - d. Patrons shall be permitted to consume alcoholic beverages outdoors in the covered patio. In addition, consumption can occur in an approximate 5,000 square-foot uncovered portion of landscaped and paved areas in front of the theater (approximately a 114 feet by 44 feet area). The northernmost boundary would be in line with the southern side of the circular driveway, the southernmost boundary is established by the water feature in front of the theater structure, and the east and west boundaries would be the extent of the parcel width.
4. Prior to building permit issuance for the beverage serving station, a site plan shall be submitted for review and approval by the Zoning Administrator showing the limitations of alcohol consumption indoors and outdoors as conditioned herein.
5. There are no interior or exterior changes to the existing structure and outdoor areas, except to construct a single indoor 32 square-foot beverage serving station.
6. 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.
7. 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.
8. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.

9. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process for the beverage serving station.
10. The proposed project, Activity Number **ZENT2022-00062**, 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, Jennifer Driver at (626) 744-6756 to schedule an inspection appointment time.

Planning Division

11. The primary use shall be a bona-fide live performance theater (Commercial Entertainment land use) with ancillary alcohol sales (beer, wine and spirits) for on-site consumption. Food service shall be made available during all hours of alcohol sales.
12. Alcoholic beverages shall not be served more than two hours prior to the commencement of the performance and the last alcoholic beverage shall be served no later than one hour after the performance has ceased or 12:00 a.m., whichever is earlier.
13. The premises shall operate under Type 64 (Special On-Sale General for Nonprofit Theater Company) alcohol license and be maintained as a bona-fide theater. 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. Alcoholic beverages shall not be served in disposable containers.
15. The establishment shall allow patrons of all ages at all times.
16. The uncovered outdoor landscaped and paved area shall be enclosed by temporary barriers, such as stanchions and ropes, to control egress and ingress of patrons with alcoholic beverages.
17. Dancing by customers shall be prohibited at all times.
18. 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.
19. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
20. Amplification of music shall comply with the regulations of Chapter 9.36 of Pasadena Municipal Code (Noise Ordinance).
21. 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.
22. 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; and,
 - c. The availability of a variety of non-alcoholic beverages shall be made known and offered to customers.
23. These conditions of approval must be posted in a conspicuous location for public viewing within the theater on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
 24. 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.
 25. 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.
 26. The Waste Management Plan will be reviewed by the Zoning Administrator and Public Works Director and shall include trash specifications and recycling specifications