



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: November 2, 2022

TO: Hearing Officer

SUBJECT: Modification of Expressive Use Permit #5279

LOCATION: 300 East Colorado Boulevard, Suites A200, A208, and A211

APPLICANT: Shoghig Yepremian on behalf of Noor

ZONING DESIGNATION: CD-2 (Central District Specific Plan, Civic Center/Midtown)

GENERAL PLAN DESIGNATION: High Mixed Use

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Modification of Expressive Use Permit #5279 with the Conditions of Approval in Attachment B.

PROJECT PROPOSAL: Modification of Expressive Use Permit #5279, originally approved by the Hearing Officer on December 16, 2009:

- 1) Modification of Expressive Use Permit: To allow the expansion of an existing restaurant and banquet facility with live entertainment (Noor; Suites A200 and A211) into an adjacent tenant space with an outdoor patio area (formerly Bodega Wine Bar; Suite A208); and
- 2) Modification of Conditional Use Permit: To allow an expansion of the on-site sale and consumption of beer, wine, and distilled spirits in conjunction with the proposed expansion.

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 there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. This exemption applies to the operation and permitting of uses in existing structures where there is no negligible or expansion of an existing structure. The expansion of the restaurant and banquet facility with live entertainment, and the expansion of alcohol sales, into an existing tenant space that was previously occupied by a wine bar and restaurant use is considered a negligible change to an existing structure. No new square footage is proposed.

BACKGROUND:

Site characteristics: The restaurant and banquet facility (Noor) is located within the Paseo Colorado shopping center. The Paseo Colorado shopping center is bordered by East Colorado Boulevard on the north, East Green Street on the south, South Marengo Avenue on the west, and South Los Robles Avenue on the east. The shopping center is a mixed-use development with two floors of open-air retail stores and four floors of rental apartments above. The existing restaurant and banquet hall facility (Noor) is located in the western portion of the center, on the second floor in suites A200 and A211 (previously addressed as 260 East Colorado Boulevard, suite A209 and A211) and has an aggregate 13,663 square feet of floor area. The expansion would occur in the adjacent 1,826 square-foot tenant space (suite A208) and 725 square-foot outdoor patio.

Adjacent Uses: North – Commercial
South – Pasadena Civic Auditorium and Conference Center
East – Commercial
West – Commercial

Adjacent Zoning: North – CD-2 (Central District, Civic Center/Midtown)/PD-26/PD-31
South – CD-2 (Central District, Civic Center/Midtown)
East – CD-4 (Central District, Pasadena Playhouse)
West – CD-2 (Central District, Civic Center/Midtown)

Previous zoning cases on this property: EUP #3643 – Expressive Use Permit to allow a non-residential use over 25,000 square feet and an expressive use permit for associated commercial entertainment uses (approved November 17, 1999);
TTM #53062 – Tentative Tract Map to allow the subdivision of two air parcels into 8 air parcels for mixed-use development purposes (approved May 10, 2000);
CUP #3696 – Conditional Use Permit to allow full alcohol sales for off-site consumption in conjunction with a market (approved April 24, 2000);
CUP #3797 – Conditional Use Permit to allow full alcohol sales for on-site consumption at PF Chang’s China Bistro (approved December 20, 2000);

CUP #3835 – Conditional Use Permit to allow full alcohol sales for on-site consumption at Island’s Restaurant (approved February 7, 2001);

CUP #3932 – Conditional Use Permit for full alcohol sales for on-site consumption at Border Grille Restaurant (approved August 15, 2001);

CUP #3919 – Conditional Use Permit to allow full alcohol sales for on-site consumption at Tokyo Wako Restaurant (approved August 15, 2001);

CUP #3920 – Conditional Use Permit to allow full alcohol sales for on-site consumption at two restaurants, Café Med and Café Bice (approved September 5, 2001);

CUP #3947 – Conditional Use Permit to allow limited alcohol sales in conjunction with a take-out restaurant, Rubio’s Baja Grill (approved October 3, 2001);

CUP #4005 – Conditional Use Permit to allow full alcohol sales for on-site consumption at Delmonico’s Seafood Grille (approved March 5, 2002);

CUP #4119 – Conditional Use Permit to allow a new bar, Bodega Wine Bar (approved November 6, 2002);

CUP #4728 – Conditional Use Permit and associated Expressive Use Permit for full alcohol and dance stage (approved September 6, 2006).

EUP #5279 – Expressive Use Permit to establish live entertainment in conjunction with the operation of a restaurant and banquet facility, and Conditional Use Permit to allow full alcohol sales (beer, wine and distilled spirits) in conjunction with the establishment of a banquet facility and restaurant (approved December 16, 2009);

CUP #6480 – Conditional Use Permit to allow the on-site sale and consumption of full alcohol (beer, wine, and distilled spirits) in conjunction with the operation of a new restaurant use (Great Maple) (approved February 15, 2017);

CUP #6527- Conditional Use Permit to allow the on-site sale and consumption of alcohol in conjunction with an instructional painting studio (approved March 15, 2017).

PROJECT DESCRIPTION:

The applicant, Shoghig Yepremian on behalf of Noor, is requesting a modification to Expressive Use Permit (EUP) #5279 to allow the expansion of an existing restaurant and banquet facility with live entertainment (Noor; suites A200 and A211) into an adjacent tenant space with an outdoor patio area (formerly Bodega Wine Bar; suite A208). EUP #5279 was originally approved by the Hearing Officer on December 16, 2009 to allow live entertainment and full on-site alcohol sales (beer, wine, and distilled spirits under a Type 47 alcohol license) within a proposed 13,663 square-foot restaurant and banquet hall. The proposed modification request is to allow an expansion of the live entertainment and full on-site alcohol sales in conjunction with the expansion of the restaurant and banquet hall into the adjacent tenant space, which formerly operated as Bodega Wine Bar and restaurant in suite A208. The expansion would add an 1,826 square-foot Garden Room ballroom and 725 square-foot patio area to Noor’s existing restaurant and banquet facility. An Expressive Use Permit is required for live entertainment and a Conditional Use Permit is required for alcohol sales within the CD-2 (Central District Specific Plan, Civic Center/Midtown) zoning district.

No changes to the restaurant and banquet facility's hours of operation, existing floor plan, or operational characteristics are proposed. The hours of operation would remain from 10:00 a.m. to 1:00 a.m., daily.

ANALYSIS:

Modification of Expressive Use Permit: To Expand Live Entertainment in Conjunction with the Expansion of an Existing Restaurant and Banquet Facility.

The subject site is located within the CD-2 (Central District Specific Plan, Civic Center/Midtown Subarea) zoning district. Pursuant to Section 17.30.030, Table 3-1 of the Pasadena Zoning Code (Allowed Uses and Permit Requirements for CD Zoning Districts), the establishment or modification of commercial entertainment requires the approval of an Expressive Use Permit. Commercial Entertainment uses include patron dancing and/or live entertainment in an area exceeding 75 square feet in size.

In this case, the existing restaurant and banquet facility has two existing ballrooms that can be used for seating and/or dancing. The Sofia Ballroom is 4,441 square feet, and the Ella Ballroom is 1,945 square feet. As part of the expansion, a third ballroom (Garden Room) is proposed which will measure 1,826 square feet. The proposed Garden Room will primarily be used for dining and dancing, with the outdoor patio limited to dining only. Patron dancing and live entertainment will only occur within the interior spaces of the expanded facility. Within the 725 square-foot patio area, no dedicated stage area is proposed. No live entertainment or amplified music will occur within the outdoor dining patio. Conditions of approval have been added to mitigate potential noise impacts of the expansion. The original Expressive Use Permit's conditions of approval required that "during all hours of operation, no doors leading from the restaurant and banquet facility to the exterior shall be propped open in order to prevent noise from filtering out." This condition is also proposed for the expanded use. Due to the close proximity of the apartment residences above, there is a condition of approval to soundproof the interior of the expanded tenant space in order to reduce the potential noise that may filter to the exterior of the site. In addition, the applicant will be required to comply with the City's Noise Ordinance at all times.

As part of the review of the Expressive Use Permit, the Police Department reviewed the application. The Police Department informed Staff that there is no concern with the proposed expansion of the existing restaurant and banquet hall facility. Staff is recommending a series of conditions of approval (Attachment B) to ensure the proposed use remains as a restaurant and banquet facility and does not become a nightclub. Specifically, Staff is recommending that no cover charge to enter the premise be permitted and that the consumption of alcohol is only permitted inside the restaurant/banquet facility, not outdoors. To ensure that the recommended conditions of approval are adhered to, Staff from the City's Code Compliance Section will periodically monitor the operation through the Condition Monitoring program, for which the applicant will pay a fee. In addition, recommended Condition of Approval #3 gives the Zoning Administrator the authority to call for a review of the approved conditions at a public hearing; and the Conditional Use Permit could potentially be revoked if sufficient cause is given.

Based on the recommended conditions of approval in Attachment B, and the analysis discussed, Staff recommends approval of the Expressive Use Permit to allow the expansion of the existing restaurant and banquet facility with live entertainment (i.e. patron dancing).

Modification of Conditional Use Permit – To Expand On-Site Alcohol Sales and Consumption (Type 47 Alcohol License) in Conjunction with the Expansion of an Existing Restaurant and Banquet Facility

The existing and expanded restaurant and banquet facility measures a combined size of 16,214 square feet including all outdoor patio areas. Food will continue to be provided for the restaurant and the banquet facility through a common kitchen that is internally accessible from both the existing and proposed tenant spaces; a full menu will be available at all times. The existing 273 square-foot bar at suite 208 will remain and operate in conjunction with the restaurant and banquet hall. In conjunction with the expansion of the banquet facility and restaurant, the applicant is requesting a Conditional Use Permit to provide full alcohol (beer, wine, and distilled spirits) in the expanded facility.

Staff's review of a Conditional Use Permit for alcohol sales includes an analysis of whether the proposed location will affect the general welfare of the surrounding property owners and whether the expanded use will result in an aggravation of existing alcohol-related problems such as loitering, public drunkenness, sales to minors, noise and littering. The Hearing Officer will also determine whether the proposed alcohol-related establishment would contribute to an undesirable concentration of alcohol uses in the vicinity.

Concentration of Alcohol Sales

The project site is located within census tract #4636.02, which according to the Department of Alcoholic Beverage Control (ABC), has an over-concentration of businesses with alcohol sales. This census tract is allowed six on-site sale licenses, and presently contains 34. According to the ABC, a finding of public convenience and necessity is not required to be made by the City of Pasadena. However, a finding of public convenience and necessity will be required to be made by the ABC in order for the applicant to obtain a license for the operation of the expanded restaurant and banquet hall establishment.

A Conditional Use Permit application for alcohol sales requires the applicant to identify all uses that sell alcohol for either on-site or off-site consumption within 1,000 feet of the site. Based on the information provided by the applicant, there are currently 34 establishments that sell alcohol within 1,000 feet of the subject site, as shown in Table 1 below:

No.	Business Name	Address	License Type
1	Hilton Hotel	168 South Los Robles Avenue	On-sale
2	Sheraton Hotel	303 Cordova Street	On-sale
3	Pasadena Convention Center	300 East Green Street	On-sale
4	Lunasia Dim Sum	239 East Colorado Boulevard	On-sale
5	Ruth's Chris Steakhouse	369 East Colorado Boulevard	Off-sale
6	The Mixx	443 East Colorado Boulevard	On-sale
7	California Pizza Kitchen	99 North Los Robles Avenue	On-sale
8	Alexander's Steakhouse	111 North Los Robles Avenue	On-sale
9	Eden Garden	175 East Holly Street	On-sale
10	Leberry Bakery & Donut	445 East Colorado Boulevard	On-sale
11	Noodle Street	87 East Colorado Boulevard	On-sale
12	Hot Wings Café	89 East Colorado Boulevard	On-sale

13	Barney's Beanery	99 East Colorado Boulevard	On-sale
14	Crave Cafe	115 East Colorado Boulevard	On-sale
15	Ix Tapa Cantina	119 East Colorado Boulevard	On-sale
16	Lucky Baldwins Pub	17 South Raymond Avenue	On-sale
17	Grandview Palace Chinese Cuisine	60 South Raymond Avenue	On-sale
18	Sushi Enya	124 East Colorado Boulevard	On-sale
19	Rubio's	330 East Colorado Boulevard #238	On-sale
20	Tokyo Wako	300 East Colorado Boulevard #261	On-sale
21	Noor	300 East Colorado Boulevard #200	On-sale
22	Yard House	300 East Colorado Boulevard #220	On-sale
23	P. F. Changs	300 East Colorado Boulevard #218	On-sale
24	El Cholo	300 East Colorado Boulevard #214	On-sale
25	Great Maple	300 East Colorado Boulevard #114	On-sale
26	Hyatt Place Pasadena	399 East Green Street	On-sale
27	Institute Of Culinary Education	521 East Green Street	On-sale
28	Rotisserie Chicken California	26 North Los Robles Avenue	On-sale
29	Kopan Ramen	245 East Colorado Boulevard	On-sale
30	Fleming's	179 East Colorado Boulevard	On-sale
31	Maestro	110 East Union Street	On-sale
32	Dog Haus	93 East Green Street	On-sale
33	The Romanesque Room	50 East Green Street	On-sale
34	Himalayan Cafe	36 South Fair Oaks Avenue	On-sale

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

The subject site is located within the Central District, which includes retail, commercial, and mixed-use development. Because the site is located on the second floor of Paseo Colorado, it does not have visibility from any street. The expanded restaurant will continue to provide a full-service food menu with accessory alcohol sales, similar to restaurant establishments that operate in the immediate vicinity. Within the banquet facility, food will continue to be dispensed depending on the agreement between the patron and the applicant. At all times, alcohol will be ancillary to the primary use. The proposed sale of alcohol is for on-site sale and consumption only; there would be no off-site sales. Additionally, the project is not expected to contribute to an increase of undue concentration of alcoholic establishments in the Census Tract as the existing license would be modified for the expansion. The existing restaurant and banquet facility has been in operation since 2011. The Police Department has reviewed the request for the expansion and does not have any comments or concerns with the alcohol sales for the expansion of the existing facility.

Proximity to Sensitive Uses

The project is within the proximity of sensitive uses, such as parks, playgrounds, schools, and religious facilities. In the immediate vicinity, First United Methodist Church is approximately 350 feet east of the Paseo Colorado shopping center; however, because the subject tenant space is located on the western portion of the center, the church is approximately 1,000 feet from the tenant space. Fuller Theological Seminary is approximately 700 feet northeast of the mall, and Central Park is approximately 1,000 feet southwest of the mall. There are multi-family residential units located above the general vicinity of this tenant space, as Paseo Colorado is a mixed-use development. However, they would not likely be impacted because the proposal is an expansion of the existing operation of the restaurant and banquet facility. Also, it is reasonable for a restaurant and banquet facility to be located within the City's commercial and entertainment

center. As proposed, the expansion of the existing on-site sale and consumption of alcohol will continue to be ancillary to the primary restaurant and banquet hall use.

The expanded facility will continue the existing hours of operation, which are 10:00 a.m. to 1:00 a.m. seven days a week. Staff supports the expanded facility's request to continue the existing hours of operation. In addition, Staff recommends that the alcohol continue to be served no later than one-half hour prior to closing (12:30 a.m.). The sale of alcohol in disposable containers or for on- or off-site consumption is neither proposed nor allowed. Conditions of approval have been enforced and will be added to the expansion area that mitigate the potential for the use could be converted into a nightclub.

After giving consideration to the location and nature of the proposed use with respect to sensitive uses in the general area, it is staff's assessment that the expansion of the sale of full alcohol in conjunction with the restaurant will not detrimentally affect the surrounding area. Based on the analysis above, Staff is able to make the necessary findings for approval of the modification of Conditional Use Permit application for alcohol sales as shown in Attachment A and recommends approval.

Parking

The previous use located in the subject tenant space was a bar, which required 10 parking spaces for every 1,000 square feet of gross floor area. The proposed "restaurant and banquet facility expansion" also requires ten parking spaces for every 1,000 square feet of gross floor area. Therefore, the parking requirement would remain unchanged and complies. Parking would continue to be provided by the existing mall's parking Structure.

REVIEW BY OTHER DEPARTMENTS:

The City's Design and Historic Preservation Section, Department of Transportation, Public Works Department, Building and Safety Division, Water and Power Division (Water), Water and Power Division (Power), Health Department, and Fire Department had the opportunity to review the proposed restaurant and banquet facility expansion. The Health Department provided comments and their recommended conditions of approval have been included in Attachment B of this Staff report.

GENERAL PLAN CONSISTENCY:

The subject property is designated High Mixed Use in the Land Use Element of the General Plan. As conditioned, the proposed expansion of the existing restaurant and banquet facility would provide a needed service for banquets which would support General Plan Land Use Element *Goal 12 – Shopping and Dining* and *Goal 14 – Visitors* which would be available to host a variety of events to Pasadena residents and even members of surrounding communities. The expanded restaurant and banquet facility would have the capacity to host more private and larger scale community events and also provides the ability to emphasize Pasadena as a major destination for tourists to celebrate its events, culture, history and setting. In addition, the proposed use expansion is consistent with General Plan Land Use Element *Policy 11.1 – Business Expansion and Growth* as it provides for new job opportunities that support Pasadena's residents. The project is also consistent General Plan Land Use Element *Policy 14.2 – Conventions and Lodging* as it is part of a broader goal of attracting more lucrative conventions. The proposed use expansion is consistent with General Plan Land Use *Goal 11 – Job Opportunities* as it provides

the expansion of a specialty use which allows for a diversity of job opportunities for Pasadena's residents.

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 there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. This exemption applies to the operation and permitting of uses in existing structures where there is no negligible or expansion of the existing structure. The expansion of the restaurant and banquet facility with live entertainment, and the expansion of alcohol sales, into an existing tenant space that was previously occupied by a wine bar and restaurant use is considered a negligible change to an existing structure. No addition is proposed.

CONCLUSION:

It is staff's assessment that the findings can be made for approving the modification of the existing Expressive Use Permit # 5279 to allow the expansion of a restaurant and banquet facility with live entertainment, and the modification of the existing Conditional Use Permit to allow the expansion of the Type 47 license for full alcohol (beer, wine, and distilled spirits) in conjunction with the restaurant and banquet facility expansion. Therefore, staff recommends that the Hearing Officer approve the modification of Expressive Use Permit #5279 and Conditional Use Permit, with the findings in Attachment A, and conditions of approval in Attachment B.

Attachments:

Attachment A: Findings

Attachment B: Conditions of Approval

ATTACHMENT A

SPECIFIC FINDINGS FOR THE MODIFICATION OF EXPRESSIVE USE PERMIT #5279

Modification of Expressive Use Permit: To Expand Live Entertainment in Conjunction with the Expansion of an Existing Restaurant and Banquet Facility.

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 Central District and as specified in Section 17.61.060 (Expressive Use Permits). The expanded restaurant and banquet facility will comply with Central District standards as the expanded use will occur within a tenant space that was previously used a wine bar and restaurant. 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 expanded site is in a developed urban, commercial center where wastewater service is readily available. The expanded use is replacing a previous bar and restaurant use. Because of this, significant changes to wastewater flows are not envisioned as there is no substantial change of uses. Furthermore, any possible changes to wastewater flows will be reviewed by the Public Works Department. As such, the impacts on the sanitary sewer system are not expected to be significant.
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.* Through the building permit plan check process, applicable departments will require that all solid waste complies with the Waste Management Plan requirements of the Central District. The Waste Management Plan will be reviewed by the Zoning Administrator and Public Works Director and will include trash specifications and recycling specifications.
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. These items will be reviewed during the plan check process and verified at the time of inspection for occupancy.
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 expanded use can be serviced by the Police Department and is not anticipated to increase the levels of service. The Police Department reviewed the proposal and does not have comments or concerns regarding the expanded use. Additional conditions of approval have been imposed to prevent potential impacts to surrounding residents and businesses. 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.

Modification of Conditional Use Permit – To Expand On-Site Alcohol Sales and Consumption (Type 47 Alcohol License) in Conjunction with the Expansion of an Existing Restaurant and Banquet Facility

6. *The proposed location of the site for the Conditional Use Permit would not adversely affect the general welfare of the surrounding property owners.* The proposed on-site sale and consumption of full alcohol with the expansion of the existing restaurant and banquet hall is consistent with the activity of the existing commercial/retail uses within the vicinity. The use of the site is a restaurant and banquet facility, and the sale of full alcohol will continue to be incidental to food sales. The use will operate in accordance with all City laws, ordinances, and conditions of approval to ensure the continuity of the compatible coexistence of this use with the surrounding area.
7. *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 the State exists in the Census Tract. Although an undue concentration of alcohol establishments exists in the area, most of the existing alcohol establishments are restaurants. Unlike nightclubs or bars, restaurants are not typically a problematic use. The approval of this request will not add to the number of alcohol licenses as the existing license will be modified to include the restaurant and banquet facility expansion. Serving beer, wine and distilled spirits at a an expanded privately owned restaurant and banquet hall would 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 alcoholic beverages for off-site consumption is not proposed as part of this application. Cover charges, age restrictions, and amplified music conducive of a night club atmosphere are also prohibited in order to ensure this establishment remains a restaurant and banquet facility, and does not deviate from the operation proposed. Additionally, conditions of approval have been included that will limit the potential for negative impacts.
8. *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 wine) for sale for consumption both on- and off-site.* The project is within the proximity of sensitive uses, such as parks, playgrounds, schools, and religious facilities. In the immediate vicinity, First United Methodist Church is approximately 350 feet east of the Paseo Colorado shopping center; however, because the subject tenant space is located on the western portion of the center, the church is approximately 1,000 feet from the tenant space. Fuller Theological Seminary is approximately 700 feet northeast of the mall, and Central Park is approximately 1,000 feet southwest of the mall. There are multi-family residential units located above the general vicinity of this tenant space, as Paseo Colorado is a mixed-use development. However, they will not be impacted because the proposal is an expansion of the existing operation of the restaurant and banquet facility. Also, it is reasonable for a restaurant and banquet facility to be located within the City's commercial and entertainment center. As proposed, the expansion of the existing on-site sale and consumption of alcohol will continue to be ancillary to the primary restaurant and banquet hall use. The expanded facility will continue the existing hours of operation, which are 10:00 a.m. to 1:00 a.m. seven days a week. Staff supports the expanded facility's request to continue the existing hours of operation. In addition, Staff

recommends that the alcohol continue to be served no later than one-half hour prior to closing (12:30 a.m.). The sale of alcohol in disposable containers or for off-site consumption is neither proposed nor allowed. Conditions of approval have been enforced and will be added to the expansion area that mitigate the potential for the use could be converted into a nightclub. The Police Department has reviewed the request for the expansion and does not have any comments or concerns with the alcohol sales for the expansion of the existing facility.

9. *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).* Restaurants and banquet halls with incidental sales of full alcoholic beverages are not considered a problematic use and do not contribute to an aggravation of existing problems in the vicinity. The Police Department does not have any comments or concerns regarding the proposed expansion of alcohol sales. With this approval, the project is subject to the City's Condition 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 this permit.

10. *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.* The City's General Plan advocates for active to be located in Zoning Districts that promote such uses. The subject property is designated High Mixed Use in the Land Use Element of the General Plan. As conditioned, the proposed expansion of the existing restaurant and banquet facility would provide a needed service for banquets which would support General Plan Land Use Element *Goal 12 – Shopping and Dining* and *Goal 14 – Visitors* which would be available to host a variety of events to Pasadena residents and even members of surrounding communities. The expanded restaurant and banquet facility would have the capacity to host more private and larger scale community events and also provides the ability to emphasize Pasadena as a major destination for tourists to celebrate its events, culture, history and setting. In addition, the proposed use expansion is consistent with General Plan Land Use Element *Policy 11.1 – Business Expansion and Growth* as it provides for new job opportunities that support Pasadena's residents. The project is also consistent General Plan Land Use Element *Policy 14.2 – Conventions and Lodging* as it is part of a broader goal of attracting more lucrative conventions. The proposed use expansion is consistent with General Plan Land Use *Goal 11 – Job Opportunities* as it provides the expansion of a specialty use which allows for a diversity of job opportunities for Pasadena's residents.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MODIFICATION OF EXPRESSIVE USE PERMIT #5279

The business operator or successor in interest shall meet the following conditions. These conditions supersede the conditions of approval from all previous Conditional Use Permit approvals:

General

1. The site/floor plans to be submitted for building permits shall substantially conform to the site/floor plans stamped "Approved at Hearing November 2, 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 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 Expressive Use Permit if sufficient cause is given.
4. The approval of this application authorizes indoor live entertainment and the sale of a full line of alcoholic beverages (beer, wine, and distilled spirits) for on-site consumption within the 13,663 square-foot restaurant and banquet hall facility (Suites A200, A211, and A208) and a 725 square-foot outdoor patio.
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Expressive Use Permit or a new Expressive Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The proposed project, Activity Number **ZENT2022-00037**, 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

8. 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 Expressive Use Permit beginning the date alcohol sales commence.
9. The hours of alcohol sales for the establishment are limited from 10:00 a.m. to 1:00 a.m., seven days a week.
10. The last alcoholic beverage shall be served no later than one half hour before closing (12:30 a.m.).
11. There shall be no sale of alcohol in disposable containers.

12. There shall be no sale of alcohol for off-site sale and consumption.
13. The sale of alcoholic beverages shall be in conjunction with the dispensing of food.
14. Signs advertising brands of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the subject building.
15. No signs adverting private parties shall be permitted on the premises.
16. The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
 - a. Food service shall remain available during all hours of operation.
 - b. Rideshare service phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers,
 - c. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol,
 - d. The availability of a variety of non-alcoholic beverages shall be made known and offered to customers.
17. No more than four video games shall be permitted.
18. The restaurant portion shall be maintained as a bonafide eating establishment and shall remain open for the lunch and dinner clientele. Food service with a full menu shall be made available during all hours of business operation.
19. The roll up door for the bar in the portion used for the restaurant shall be removed and replaced with a solid wall.
20. No customer waiting shall be permitted outside of the restaurant and banquet facility.
21. Loitering outside the restaurant shall not be permitted.
22. No live entertainment (i.e. customer dancing) or amplified music will occur within the outdoor dining patio.
23. All amplified music and live entertainment shall occur indoors only. During all hours of operation, no doors leading from the restaurant and banquet facility to the exterior shall be propped open in order to prevent noise from filtering out.
24. Live entertainment shall be limited to dancing with amplified music and/or disc jockeys and live musical acts performed by groups of not more than eight members. Any deviation or other similar activities are subject to the review and approval by the Zoning Administrator.
25. The reproduction of sound which is audible outside of the premise which will materially and adversely impact commercial and residential tenants shall not be permitted.

26. A sound study shall be prepared and submitted to the Zoning Administrator for his/her review. Said plan shall detail the proposed noise level that would result with the establishment of a banquet facility.
27. Amplification of the music shall comply with the regulations of Chapter 9.36 of the Municipal Code.
28. Prior to issuance of a building permit, the applicant shall submit to the Zoning Administrator, for review and approval, a floor plan showing the installation of interior sound proofing material(s) (e.g., curtains, panels, etc.) and the technical specifications of the sound proofing material(s).
29. Customized (i.e. color turning or mechanically moving) lighting and sound systems conducive of a nightclub atmosphere (indoor or outdoor) shall be prohibited at all times. Any special requests by a patron shall be subject to the review and approval by the Zoning Administrator.
30. No cover charges, entry fees, or minimum drinks shall be charged/required of patrons.
31. Only private parties, corporate events, or charities for non-profit events shall be allowed at the subject site. 'Disco' or club promoter-produced parties or events shall be prohibited at the premises. These events would include private parties that involve third persons who profit from organizing and/or drawing attendees to the events.
32. The establishment shall allow patrons of all ages.
33. 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 and banquet facility. The sales record shall be maintained at the premises at all times and be presented to the City agencies for review upon request.
34. Compliance with Chapter 8.78 (Tobacco Use Prevention Ordinance) of Pasadena Municipal Code shall be adhered to at all times.
35. 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.
36. The applicable code requirements of the Zoning Code and of all other City Departments shall be met at all times.

Health Department

37. A health permit will be required that will require the operator to submit plans to the Public Health Department for review.