

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** DECEMBER 7, 2009

**FROM:** CITY MANAGER

**SUBJECT:** CALL FOR REVIEW OF ZONING ADMINISTRATOR INTERPRETATION (ZA #32), 217 SOUTH MICHIGAN AVENUE (EDDIE'S MARKET)

**RECOMMENDATION:**

It is recommended that the City Council:

1. Acknowledge that this action is categorically exempt from CEQA; and
2. Overturn the Board of Zoning Appeals decision and uphold the decision of the Zoning Administrator regarding Section 17.71.060.B of the Zoning Code, that the nonconforming alcohol sales at 217 So. Michigan Ave. (Eddie's Market) has been discontinued for more than 12-months and cannot be reestablished.

**BACKGROUND:**

The Zoning Administrator made a determination in December 2008 that the nonconforming sales of beer and wine for off-site consumption cannot be reestablished at 217 South Michigan Avenue (Eddie's Market) since alcohol was not sold on the property for more than 12 consecutive months. The property is located in the RM-48 (Multi-Family Residential, 48 units per acre), and is currently developed with a commercial building, which is and has been used as a food market. The property also had a license from the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine for off-site consumption. Both these uses are considered nonconforming uses since they are not allowed in the RM-48 Zoning District.

The property owner submitted an appeal of the Zoning Administrator's interpretation of the nonconforming alcohol sales based on the fact that Section 17.71.060.B.3.a.2 of the City's Zoning Code states:

- (2) If the [nonconforming] use is discontinued for a continuous period of 12 months or more, the land or structure shall lose its nonconforming status. The use shall be considered discontinued when any of the following apply:

- (a) The intent of the owner to discontinue use of the nonconformity is apparent;  
or
- (b) Where characteristic furnishings and equipment of the use have been removed and not replaced with equivalent furnishings and equipments during this time.

The appellant argued that he never intended to discontinue the alcohol sales use for a continuous period of 12 months since repairs to the market has been underway since September 2007, when the last tenant was evicted.

At its May 20, 2009 Public Hearing, the Board of Zoning Appeals overturned the Zoning Administrator's decision finding that the alcohol sales use could not have been reestablished prior to the reopening of the market use, and therefore the 12-month discontinuance should start on the date the market reopened (May 2008).

The City Council at its June 8, 2009 meeting discussed the Board of Zoning Appeals decision and the implications this could have on other existing nonconforming uses throughout the City and called this application up for review as well as initiated a Zoning Code Amendment by asking staff to amend the Zoning Code in order to remove the provisions related to intent and to clarify that the termination of a nonconforming use starts when the use has been discontinued.

The Zoning Code Amendment was reviewed by the Planning Commission at its July 8, 2009 meeting at which time the Planning Commission recommended approval of the amendments to the City Council. The City Council at its July 23, 2009 meeting reviewed and approved the amendments to the City's Zoning Code, as well as the first reading of the Ordinance. The Ordinance was adopted on August 3, 2009.

This agenda item was first scheduled for the August 3, 2009 City Council meeting. Since that time, the City Attorney's Office and the applicant have worked together and the applicant has entered into an agreement with the City to accept conditions and to be subject to the Deemed Approved Ordinance if the City Council wishes to uphold the Board of Zoning Appeals' decision to allow the legal nonconforming sales of alcohol to continue on the subject property. Attached is the signed agreement by the applicant (Acceptance of the Deemed Approved Ordinance and Conditions). In addition, as mentioned above, approval of the ordinance clarifying the nonconforming section of the City's Zoning Code would not cause the Board of Zoning Appeals' decision to set a precedent.

## **ANALYSIS**

In considering any interpretation of the Zoning Code, the Zoning Administrator reviews the language identified in the Zoning Code and the intent. In this case, the provisions of Section 17.71.060.B.3.a.2 state that a use shall be considered discontinued when the intent of the owner to discontinue use of the nonconformity is apparent; or where

characteristic furnishings and equipment of the use have been removed and not replaced with equivalent furnishings and equipments during this time.

In such situations, the property owner is required to show to the satisfaction of the Zoning Administrator that he never intended to discontinue the nonconforming use. Based on the facts submitted by the appellant, the Zoning Administrator found that the appellant has not provided sufficient evidence to show his intent to continue the nonconforming sales of alcohol.

According to City records, no building, electrical or plumbing permit was obtained for this property since September 2007. The property owner had the opportunity to obtain the Department of Alcohol Beverage Control's (ABC) license to continue selling alcohol from the previous tenant and declined to do so because of the price offered. Lastly, the property owner could have applied for a new license with the ABC office, and the property owner did not. These facts show the property owner did not have the intent to continue the sales of alcohol use on the subject property.

#### May 20, 2009 Board of Zoning Appeals Meeting

The Board of Zoning Appeals found that there were special circumstances related to this situation and determined that the sales of alcohol could not have resumed prior to the market use reopened in May 2008. As such, the Board of Zoning Appeals determined that the 12-month discontinuance for the alcohol sales shall start on the date the market reopened.

#### **ENVIRONMENTAL REVIEW**

Under CEQA Guidelines, Article 5, Section 15061(b)(3) describes the "general rule." The general rule states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The action of the Board of Zoning Appeals regarding the Zoning Administrator's interpretation of Section 17.71.060.B of the Zoning Code, Abatement and Termination – Termination by discontinuance will not result in an impact and can be seen with certainty to have no significant effect on the environment.

**FISCAL IMPACT:**

The project is recommended for disapproval and would have no fiscal impact on services. However, if approved, the project may also have the potential to increase police calls for service due to alcohol sale, which may have a negative fiscal impact on public safety.

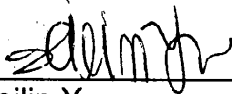
Respectfully submitted,



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MICHAEL BECK  
City Manager

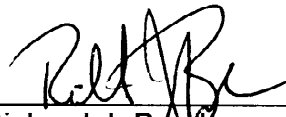
Prepared by:



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Beilin Yu  
Associate Planner

Approved by:



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Richard J. Bruckner  
Director of Planning and Development

Attachments:

- A: Zoning Administrator's Determination Letter
- B: Board of Zoning Appeals Staff Report
- C: Board of Zoning Appeals Decision Letter
- D: Signed Acceptance of the Deemed Approved Ordinance and Conditions

**Attachment A:  
Zoning Administrator's Determination Letter**



PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION

REVISED

December 31, 2008

Mr. and Mrs. S. T. Demetriades  
 2065 Vista Ave  
 Sierra Madre, CA 91024-1553

**RE: Request for information regarding a nonconforming use at 217 S. Michigan Ave. Pasadena, CA**

Dear Mr. and Mrs. Demetriades:

This revised letter is in response to your letter dated November 29, 2008, regarding your business located at 217 S. Michigan Ave (Eddie's Market) in the City of Pasadena. Specifically, you are asking if you are allowed to continue the market at the subject property and can you continue the alcohol sales which were part of the market. Markets are classified as "Food Sales" or if they are 3,500 square feet or less are classified as a "Convenience Stores" use. According to records from ABC, Eddie's Market had a license to sell beer and wine. This property is located within the RM-48 Zoning District (Multi-Family Residential), and "Food Sales," "Convenience Stores" and "Alcohol Sales" uses are not allowed uses in the RM-48 Zoning District, therefore the uses were considered a legal nonconforming use.

Chapter 17.71 of the City of Pasadena Zoning Code regulates Nonconforming Uses and Structures. Specifically, Section 17.71.060.B of the City's Zoning Code states that a nonconforming use that is discontinued for a continuous period of at least 12 months shall not be reestablished. According to the City's Records, the market has been in existence at the subject location without a cease in the business license, therefore the market on the property may continue to exist.

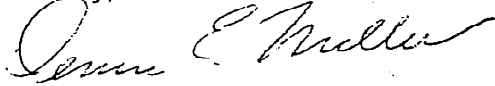
From the limited information contained in your letter, it appears that the alcohol sales use ceased to exist on the subject property around September 2007 when you took possession of the business from the existing tenant. Therefore the alcohol sales has been discontinued for a period of more than 12 months and can not be reestablished.

This decision is appealable to the Board of Zoning Appeals. If you are interested in filing an appeal, please come to Window #3 in the Permit Center (175 No. Garfield) and get an appeal application. There is a fee of \$650.00 to file such an appeal. In filing such an appeal, you will need to show how the use has not been discontinued for a period of 12 months. The last day to

file an appeal is Monday, January 12, 2009. The decision becomes effective Tuesday, January 13, 2009. I have enclosed a copy of the appeal application.

Hopefully this information is of assistance. Please call our office if you have additional questions or have concerns with any other zoning matter. Our office hours are 8:00 AM until 5:00 PM, Monday through Thursday, and 8:00 AM until 12:00 PM on Fridays. You may contact our office by telephone at (626) 744-6777.

Sincerely,



Denver E. Miller  
Zoning Administrator

DEM:byu

cc: 2008 Reading File

**Attachment B:  
Board of Zoning Appeals Staff Report**



**BOARD OF ZONING APPEALS  
STAFF REPORT**

**DATE:** May 20, 2009

**TO:** Board of Zoning Appeals

**FROM:** Zoning Administrator

**SUBJECT:** (ZA#32) Appeal of Zoning Administrator's Interpretation on Section 17.71.060.B of the Zoning Code, Abatement and Termination – Termination by discontinuance. Specifically, the section states that a nonconforming use that is discontinued or changed to a conforming use for a continuous period of at least 12 months shall not be reestablished, and the use of the structure or site thereafter shall conform to the current provisions of the Zoning Code for the subject zoning district.

**APPELLANT:** Sterge Demetriades

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**ZONING ADMINISTRATOR RECOMMENDATION:**

The Zoning Administrator recommends that the Board of Zoning Appeals:

1. Adopt the Environmental Determination for the project as being categorically exempt in compliance with the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3); and
2. Uphold the decision of the Zoning Administrator regarding Section 17.71.060.B of the Zoning Code, that the nonconforming alcohol sales at 217 So. Michigan Ave. (Eddie's Market) has been discontinued for more than a year and cannot be reestablished.

**ENVIRONMENTAL DETERMINATION:**

Under CEQA Guidelines, Article 5, Section 15061(b)(3) describes the "general rule." The general rule states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The action of the Board of Zoning Appeals regarding the Zoning Administrator's interpretation of Section 17.71.060.B of the Zoning Code, Abatement and Termination – Termination by discontinuance will not result in an impact and can be seen with certainty to have no significant effect on the environment.

**BACKGROUND:**

What is before the Board of Zoning Appeals is the appeal of a decision by the Zoning Administrator that the sales of beer and wine for off-site consumption cannot be reestablished at 217 South Michigan Avenue (Eddie's Market). The property is located in the RM-48 (Multi-Family Residential, 48 units per acre), and is currently developed with a commercial building, which is and has been used as a food market (Food Sales land use). The property also had a license from the California Department of Alcoholic Beverage Control (ABC) to sell beer and

wine for off-site consumption (Alcohol Sales, Beer and Wine land use). Both these uses are considered nonconforming uses since they are not allowed in the RM-48 Zoning District.

A review of City records for the property shows that the property operated continuously as a food market since the 1950's (according to the earliest record with the Zoning Section). In regards to the alcohol sales land use, according to ABC, the beer and wine license associated with this address was surrendered on September 20, 2007. When a license is surrendered, the license holder is no longer allowed to sell alcohol. According to the Department of ABC this license was surrendered voluntarily.

On November 29, 2008, the appellant wrote a letter to the City requesting written determination of the nonconforming uses at the property. On December 15, 2008, and December 31, 2008, the City responded to the letter stating that the food market use can continue to operate since there has been a business license for that use on the property for the last 12 months, however alcohol sales ceased to exist on the property for over 12 months and therefore cannot be reestablished.

Between the two letters written by the City in response to the appellant's request (December 15, 2008 and December 31, 2008), the appellant also requested written clarification on the City's procedures for interpreting the Zoning Code and the appeal process of the interpretation. On December 24, 2008 the City responded with another letter clarifying the interpretation and appeal procedure.

A timeline of the recent actions at this property are as follows:

<b>TIMELINE FOR EDDIE'S MARKET</b>	
May 2006	New business owner, Bella Vita, takes over Eddie's Market; it held an ABC license for beer and wine
Fall 2007	Bella Vita was evicted and market was closed
September 20, 2007	Bella Vita surrendered ABC license
September 2007	Owners took control of the market
May 2008	New business owner (Lee) reopened Eddie's market but does not sell alcohol
September 20, 2008	12-month period in which to reestablish nonconforming alcohol sales runs out
November 29, 2008	Appellant sends letter to the City regarding nonconforming uses
December 2008	City responded to the appellant's letter
January 2009	Appeal application submitted

The appellant submitted the appeal of the Zoning Administrator's interpretation of the nonconforming alcohol sales at 217 South Michigan Avenue on January 8, 2009 based on the fact that Section 17.71.060.B.3.a.2 of the City's Zoning Code states:

- (2) If the [nonconforming] use is discontinued for a continuous period of 12 months or more, the land or structure shall lose its nonconforming status. The use shall be considered discontinued when any of the following apply:

- (a) The intent of the owner to discontinue use of the nonconformity is apparent; or
- (b) Where characteristic furnishings and equipment of the use have been removed and not replaced with equivalent furnishings and equipments during this time.

The appellant argues that he never intended to discontinue the use for a continuous period of 12 months since repairs to the market has been under way since September 2007, when the last tenant was evicted.

On April 24, 2009, the appellant submitted additional information stating that he had contacted the Zoning Division prior to the sales of alcohol being discontinued for a period of 12 months and was informed by the Zoning Division that the property would not lose its nonconforming status since the property was being repaired. The appellant then argues that since he was informed that the property would not lose its nonconforming status, "the City is estopped to assert that the nonconforming use is lost". On April 24, 2009, the appellant also submitted copy of petitions supporting the sales of alcohol at Eddie's Market.

#### **ANALYSIS:**

##### Intent to discontinue use

In considering any interpretation of the Zoning Code, the Zoning Administrator reviews the language identified in the Zoning Code and the intent. In this case, the provisions of Section 17.71.060.B.3.a.2 state that a use shall be considered discontinued when the intent of the owner to discontinue use of the nonconformity is apparent; or where characteristic furnishings and equipment of the use have been removed and not replaced with equivalent furnishings and equipments during this time.

The appellant argues that he never intended to discontinue the use for a continuous period of 12 months since repairs to the market has been under way since September 2007, when the last tenant was evicted.

In such situations, the property owner is required to show to the satisfaction of the Zoning Administrator that he never intended to discontinue the nonconforming use. Based on the facts submitted by the appellant, the Zoning Administrator found that the appellant has not provided sufficient fact to show his intent to continue the nonconforming sales of alcohol for the following reasons:

1. According to City records, no building, electrical, or mechanical permits were applied for nor issued between September 2007 and the present time. As such, the City has no records that the appellant was repairing the property with the intentions of continuing the alcohol sales use. The Zoning Administrator has interpreted the Zoning Code such that if a building permit has been issued, then the 12-month time period for the loss of nonconforming uses is halted. Again, no building permits were issued for this property during that time period.
2. According to the appellant, the new tenant (Lee) was approached by the previous tenant (Bella Vita) and offered to sell the alcohol license for \$5,000. Not purchasing the previous tenant's alcohol license is contrary to the argument that the appellant intended to continue selling alcohol on the premises. The owner demonstrated his intent not to sell alcohol (and thus abandon the nonconformity) by not purchasing the alcohol license from the previous tenant. In several meetings with the staff, the property owner informed staff that the reason that they did

not purchase the alcohol license was that the previous tenant was asking too much for the license.

3. In the appeal package, there is information that the new tenants hired a broker to obtain the alcohol license, but not until May 2008. According to the information provided, the broker informed the new tenants that the City or Department of ABC would not reissue an alcohol permit because the property is located across the street from a park and the only way they could continue to sell alcohol is to obtain the license from the previous tenant. This statement is inconsistent with the information the City would provide because the City would check the Zoning District when determining if alcohol sales is permitted on a property or not. Parks and other sensitive uses are analyzed as part of the Conditional Use Permit process for alcohol sales but not used in determining if alcohol sale is allowed on a property. The City also checked with the Department of ABC and ABC stated similar procedures, that an applicant may apply for a license and proximities to parks would only be an issue if there are protests to the application. As such, staff determined that this statement is incorrect and therefore cannot be used to determine the appellant's intent to continue selling alcohol. In addition, the length of time that it took for the applicant to hire the broker weighs against any serious intention to maintain alcohol sales.

#### Estoppel

In the latest correspondence to the City, the appellant argues that the City is estopped to assert that the nonconforming alcohol sales use is lost, since the City advised the appellant that the site will not lose its nonconforming use of alcohol sales because it was under remodel.

Generally speaking, four elements must be present in order to apply the doctrine of estoppel against the City: (1) the City must have been apprised of the facts; (2) the City must intend that its conduct shall be acted upon, or must so act that the applicant had a right to believe it was so intended; (3) the applicant must be ignorant of the true state of facts; and (4) the applicant must rely upon the City's conduct to its injury. However, California law establishes that the applicant faces daunting odds in establishing estoppel against a governmental entity in a land use case. Courts have severely limited the application of estoppel in land use cases by balancing the injustice done to the private person with the public policy that would be supervened by invoking estoppel to grant land use rights outside of the normal planning and review process. The courts have established an overriding concern that public policy may be adversely affected by the creation of precedent where estoppel can too easily replace the legally established substantive and procedural requirements for obtaining permits or other land use approvals. In other words, courts have expressly limited the application of estoppel in the land use context in only "the most extraordinary case where the injustice is great and the precedent set by the estoppel is narrow."

In this instance, during the 12 month window in which the applicant could have acted to protect the nonconforming alcohol sales use, the applicant fails to show that the City was fully apprised of the facts or intended that its over-the-counter advice could be relied on, in that there is no evidence in the City's files that the applicant discussed the issue with the City or sought building permits for improvements that would have stopped the running of the 12 month period. Second, there is evidence that the applicant fully understood the true state of facts in that the applicant admits to having discussions with the prior tenant about the need to acquire the license from the prior tenant. Finally, there is no evidence that the applicant relied on the City's advice to its injury, since the only evidence in the City's files is that the applicant did not correspond with the City about the nonconforming alcohol sales until after the 12 month period had run.

**CONCLUSION:**

The Zoning Administrator's interpretation accurately interprets the Zoning Code and is consistent with the intent of the Zoning Code. As previously pointed out, by virtue of the applicant not purchasing the ABC license from the previous owner, it was his intent to abandon the nonconforming alcohol sales. If the Board of Zoning Appeals upholds the Zoning Administrator's interpretation then the alcohol sales use cannot be reinstated on the property.

**ATTACHMENTS:**

- Attachment A – Zoning Administrator Letter – Dated – December 31, 2008
- Attachment B – Appeal Application – Received – January 8, 2009
- Attachment C – Letters from appellant – Dated – April 24, 2009

**Attachments C:  
Board of Zoning Appeals Decision Letter**



**FILE COPY**

**PLANNING & DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION**

May 26, 2009

Mr. and Mrs. S. T. Demetriades  
2065 Vista Ave.  
Sierra Madre, CA 91024-1553

**RE: Zoning Administrator Interpretation #32**  
**217 S. Michigan Ave.**  
**Council District #7**

Dear Mr. and Mrs. Demetriades:

Your appeal of the **Zoning Administrator's Interpretation** related to the property located at **217 S. Michigan Ave.** was considered by the **Board of Zoning Appeals** on **May 20, 2009**.

**ZONING ADMINISTRATOR INTERPRETATION #32: Legal non-conforming use for alcohol sales.**

The Board of Zoning Appeals decided to **overturn** the decision of the Zoning Administrator on the grounds that the one year period has not lapsed. The Board of Zoning Appeals found that the 12 month clock for the discontinuance of a nonconforming use started on May 1, 2008 when the business reopened; that the time was stayed during the pendency of this appeal; and that the applicable deadline for the 12 month period is now October 15, 2009.

You are hereby notified that the decision on the Zoning Administrator Interpretation of the Board of Zoning Appeals is not subject to further appeal. If, you have reason to believe the Environmental Determination is incorrect, this determination is appealable to the City Council. If the Environmental Determination is appealed, the Council will hold a new hearing on the entire application. In addition, a member of the City Council may stay the decision and request that it be called for review to the City Council. An appeal of this decision shall be within ten days, the last day to file an appeal is **June 1, 2009**. This decision becomes effective on the eleventh day from the date of the decision. The effective date for this case is **June 2, 2009**. Any appeal should be filed with the City Clerk.

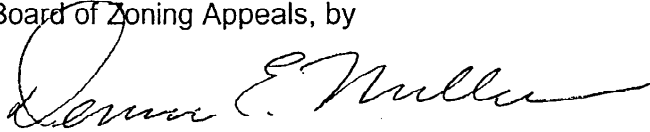
Under CEQA Guidelines, Article 5 (Section 15061(b)(3)) describes the "general rule." The general rule states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The action of the Board of Zoning Appeals regarding the Zoning Administrator's interpretation regarding the calculation of accessory structure will not

**Appeal of Zoning Administrator Interpretation #32**

**Page 2**

result in an impact and can be seen with certainty to have no significant effect on the environment.

Board of Zoning Appeals, by

A handwritten signature in cursive script, appearing to read "Denver E. Miller".

DENVER E. MILLER  
Zoning Administrator

DEM:by:ac

Enclosures:

xc: City Clerk, City Council, Building Division, Public Works,  
Power Division, Water Division, Design and Historic  
Preservation, Hearing Officer, Code Enforcement-Ellen  
Clark, Case File, Decision Letter File, Planning  
Commission(9)



**Attachments D:  
Signed Acceptance of the Deemed Approved Ordinance and Conditions**

ACCEPTANCE OF DEEMED APPROVED ORDINANCE AND CONDITIONS

Whereas Sterge Demetriades, Trustee of The Demetriades Family Trust UAD 20 December, 1983, owns the property located at 217 South Michigan Avenue in the City of Pasadena (the "Property"); and

Whereas the Property is located in a residential area and across the street from a City park; and

Whereas property owner claims the Property is entitled to operate as a legal nonconforming use for the sale of beer and wine and the City claims that the Property has lost its legal nonconforming status because more than one year has elapsed since beer and wine was sold at the Property; and

Whereas the status of the Property's legal nonconforming use for beer and wine sales is the subject of a hearing before the City Council;

Now therefore, if the City Council agrees that the status of the Property is that of a legal nonconforming use for the sale of beer and wine, property owner agrees and accepts the following:

- 1. The Property and any operator who sells beer and wine at the Property shall be subject to the "Deemed Approved Ordinance" as set forth in Chapter 8.18 of the Pasadena Municipal Code.
2. The Property and any operator that sells beer and wine from the premises shall be subject to the conditions of operation that are attached hereto as Exhibit 1.
3. The Property's "Deemed Approved Status" may be revoked upon the violation by an operator at the Property of the Performance Standards set forth in Section 8.18.060 of the Pasadena Municipal Code or of any of the Conditions set forth in Exhibit 1.
4. The "Deemed Approved Status" as well as the Conditions set forth in Exhibit 1 shall run with the land and that any and all successors in interest shall be subject to this agreement.

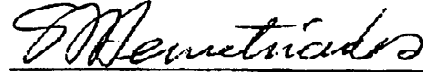
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Handwritten signature and date: 22 OCT 2009

5. That this agreement shall be recorded with the County Recorder's Office.

Agreed to and accepted, on the date set forth below.

Dated: 22 OCT 2009



Sterge Demetriades, Trustee of the  
Demetriades Family Trust UAD  
20 December, 1983, Property Owner of 217  
S. Michigan Avenue, Pasadena

Approved as to form:



Scott Carlson, Esq.  
Attorney for Sterge Demetriades

**8.18.060 Performance standards.**

A. Deemed approved activities must comply with the following performance standards:

1. It shall not result in adverse effects to the health, welfare, peace, or safety of persons visiting, residing, working, or conducting business in the surrounding area:
2. It shall not jeopardize or endanger the public health, welfare, or safety of persons visiting, residing, working, or conducting business in the surrounding area:
3. It shall not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood as a result of inadequate maintenance, prohibited activities, and/or operating characteristics:
4. It shall not result in nuisance activities, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, public consumption of alcoholic beverages, harassment of passers-by, gambling, prostitution, sale of stolen goods, public urination, theft, assault, battery, vandalism, littering, loitering, graffiti, illegal parking, loud noises (especially in the late night or early morning hours), traffic violations, curfew violations, lewd conduct, or police detentions and arrests:
5. It shall not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.

(Ord. 7001 § 2 (part), 2005)

CONDITIONS FOR SALE OF ALCOHOL  
AT 217 SOUTH MICHIGAN AVENUE, PASADENA

1. Alcohol sales shall be for off-site consumption only.
2. There shall be no sale of fortified wines or malt liquor.
3. Beer shall be sold in a six-pack minimum.
4. There shall be no single sales of beer, wine coolers, or mixed alcoholic beverages.
5. There shall be no sales of wine in less than a 750 ml quantity.
6. Management shall monitor the business premises and the surrounding vicinity, including the public rights of way adjacent to the property, during the hours of business operation. Management shall ensure that no littering, loitering, or consumption of alcohol occurs in and around the project site.
7. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that occurs on the site shall be promptly removed.
8. The parking area, if any, shall be sufficiently lit to discourage loitering and/or late night activity.
9. Signs shall be posted on the premises prohibiting loitering and the consumption of alcohol on site.
10. The hours of operation shall not exceed the hours of 7 a.m. to 10 p.m.
11. Signs advertising brands of alcoholic beverages or the availability of alcoholic beverages for sale at the subject site shall not be visible from the exterior of the building.
12. No pay telephone shall be maintained on the exterior of the premises.
13. There shall be no coin operated games or video machines maintained upon the premises at any time.
14. Electronic age verifications device which can be used to determine the age of any individual attempting to purchase alcoholic beverages or tobacco products shall be installed on the premises at each point of sales location. This device shall be maintained in an operation condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverage or tobacco product.