



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: September 19, 2018

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6643

LOCATION: 141 W. Bellevue Drive, Suite 100

APPLICANT: Cerveceria Del Pueblo LLC

ZONING DESIGNATION: CD-6 (Central District Specific Plan, Arroyo Corridor/Fair Oaks subdistrict)

GENERAL PLAN DESIGNATION: R&D Flex Space

CASE PLANNER: Jason Van Patten

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #6643 with the conditions in Attachment B

PROJECT PROPOSAL: Conditional Use Permit: The applicant, Cerveceria Del Pueblo, LLC, has submitted a Conditional Use Permit to allow the on- and off-site sale and consumption of alcohol (beer and wine) in conjunction with the operation of an Industry Restricted, Small Scale use (Del Pueblo microbrewery).

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; therefore, there are no unusual circumstances. This section exempts the operation and licensing of existing private structures, involving negligible or no expansion of an existing use. The sale of alcohol in conjunction with the operation of an Industry Restricted, Small Scale use is considered a negligible expansion of a commercial use. Further, no expansion to the existing floor area is proposed. Therefore, the project is exempt from environmental review.

BACKGROUND:

Site characteristics: The subject property is located at the northeast corner of Pasadena Avenue and Bellevue Drive. The approximate 9,368 square-foot corner property is currently improved with a one-story, 6,419 square-foot multi-tenant commercial building with 14 on-site parking spaces. Vehicular access is provided via an alley at the rear and a drive approach from Bellevue Drive.

Adjacent Uses: North: Office
South: Office / Single-family residential
East: Multi-family residential
West: 710 freeway

Adjacent Zoning: North: CD-6 (Central District Specific Plan, Arroyo Corridor/Fair Oaks subdistrict)
South: CD-6 (Central District Specific Plan, Arroyo Corridor/Fair Oaks subdistrict)
East: CD-6 (Central District Specific Plan, Arroyo Corridor/Fair Oaks subdistrict)
West: PS (Public and Semi-Public)

Previous Cases: Certificate of Exception #122: To adjust the southerly lot line, moving it 10 feet to the south to create two parcels having areas of 9,600 square feet and 15,776, from three lots. Approved May 12, 1982.

PROJECT DESCRIPTION:

The applicant, Cervceria Del Pueblo, LLC, has submitted a Conditional Use Permit application to allow the on- and off-site sale and consumption of alcohol in conjunction with the operation of an Industry Restricted, Small Scale use (Del Pueblo microbrewery). Del Pueblo intends to manufacture beer within a 2,383 square-foot tenant space, of which, 570 square feet would be devoted to a tasting room for the sale of alcohol. The proposed accessory sale of alcohol is subject to the approval of a Conditional Use Permit. The applicant intends to operate under a non-retail Type 23 (Small Beer Manufacturer) Alcoholic Beverage Control (ABC) license.

ANALYSIS:

Zoning and Land Use

The subject property is located in the Central District Specific Plan, Arroyo Corridor/Fair Oaks subdistrict (CD-6). This subdistrict is intended to provide for a broad mix of uses at the periphery of the urban core, including employment generating uses that are adaptable to changing economic conditions, as well as to establish Arroyo Parkway as a visually important and attractive gateway to Downtown. A manufacturer of beer is classified as an Industry Restricted, Small Scale land use (limited to maximum gross floor area of 5,000 square feet) and is permitted by right in the CD-6 zoning district. The proposed accessory sale of alcohol for on- and off-site consumption is subject to the approval of a Conditional Use Permit pursuant to Table 3-1 (Allowed Uses and Permit Requirements for CD Zoning Districts) of Zoning Code Section 17.30.030 (CD District Land Uses and Permit Requirements).

The Conditional Use Permit process allows the City to review a project to determine its compatibility with the surrounding area. This review may result in recommended conditions or requirements associated with the operation of the use, hours of operation, and the on- and off-site sale of alcohol (beer). The Hearing Officer may approve a Conditional Use Permit for the accessory sale of alcohol only after making five findings identified in the Zoning Code. The general purpose is to evaluate compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses. In this case, the analysis focused on whether the request to allow the sales of alcohol would create a negative impact on the general welfare of the surrounding property owners or result in an aggravation of any existing alcohol-related problems such as loitering, public drunkenness, sales to minors, or noise.

The proposed floor plan includes a 1,597 square-foot area devoted to the manufacturing of beer, a 570 square-foot tasting room, and 216 square feet allocated for restrooms. According to the applicant, Del Pueblo plans to produce six to eight types of beer with an anticipated weekly production of approximately ten barrels (310 gallons) and an initial annual production of approximately 500 barrels of beer. The sale of alcohol within the tasting room as well as for off-site consumption would be ancillary to the principal manufacturing use. Serving sizes for on-site tasting will vary between four and 16 ounces. Purchase of beer for off-site consumption would be available via special containers known as growlers (glass) or crowlers (cans). These containers would be available in 32 and 64-ounce sizes, packaged and sealed on the premise by the operator, and sold to the customer for off-site consumption only. Prepackaged food would also be available for sale (e.g. crackers, pretzels). No outdoor patio or live entertainment is proposed. Included conditions of approval prohibit cover charges, age restrictions, and amplified music conducive of a nightclub atmosphere. The conditions of approval would ensure the use remains a small beer manufacturer, consistent with the applicable non-retail ABC license (Type 23).

Parking

Industry, Restricted land uses require two spaces for every 1,000 gross square feet, pursuant to Table 4-6 (Off-Street Parking Space Requirements) of Zoning Code Section 17.46.040 (Number of Off-Street Parking Spaces Required). The accessory tasting room is incidental to the principal use and is not listed in Table 4-6, in part, because an accessory use may vary in function from one operation to another. However, pursuant to Zoning Code Section 17.46.040.F.1 and F.2 (Number of Off-Street Parking Spaces Required – Uses Not Listed), land uses not specifically listed shall provide parking as required by the Zoning Administrator. The Zoning Administrator shall use the requirements of Table 4-6 as a guide in determining the minimum number of off-street parking spaces to be provided. In this case, the Zoning Administrator has applied a ratio of 10 spaces per 1,000 gross square feet based on operational characteristics of the tasting room. The tasting room will sell alcohol and prepackaged food to patrons, similar to a restaurant use that may sell alcohol and/or provide food for sale. A restaurant classification has a parking ratio of 10 space per 1,000 gross square feet.

The subject property (addressed 422 S. Pasadena Avenue and 141 W. Bellevue Drive) maintains 14 parking spaces for the tenants of the 6,419 square-foot building. With the addition of the microbrewery (industry restricted, small scale) to the existing tenant mix (office), the number of parking spaces required, would exceed the number provided. The table below outlines the deficiency. Parking requirements specified result from mandatory transit-oriented development (TOD) reductions (25-35% for office; 10-20% for all other nonresidential uses) that apply to this property.

On-Site Parking

Use	SF	Ratio	Base	TOD Min-Max
Office (existing)	4,036	3:1,000	12	8-9
Industry Restricted, Small Scale (proposed)	1,813	2:1,000	4	3-4
Tasting Room (proposed)	570	10:1,000	6	5-5
Required				16-18
Provided				14
Parking Deficiency				2

To address the parking deficiency (2 spaces minimum) the applicant proposes use of the abutting parking lot to the north (408-410 S. Pasadena Avenue). The Zoning Code allows the use of off-site parking provided the spaces are located within a specified distance and not allocated to another use (i.e. surplus parking). Specifically, off-site customer/visitor parking must be located within 1,000 feet measured from the nearest corner of the parking facility to the entrance of the use served via the shortest pedestrian route. The Zoning Code also requires a lease agreement specifying that the off-site parking shall be available when the use commences and continuing so long as the use is in effect. The abutting property is improved with a 9,036 square-foot two-story commercial building with 28-space surface parking lot. The building is within the specified distance and is fully occupied by office uses. Based on the existing tenant mix, building size, and parking supply, surplus parking is available in the off-site lot to accommodate parking required for the proposed Industry, Restricted use. A condition of approval is included requiring the lease agreement.

Off-Site Parking

Use	SF	Ratio	Base	Min-Max
Office (existing)	9,036	3:1,000	27	18-20
Required				18-20
Provided				28
Parking Surplus				10

Concentration of Alcohol Sales

The project site is located in Census Tract 4637. This Census Tract extends from Fair Oaks on the east to Arroyo Boulevard on the West and from California Boulevard on the south to Colorado Boulevard on the North. The table below provides a list of existing alcoholic beverage establishments within 1,000 feet of the subject site, property line to property line. According to data provided by the applicant and accessed through the ABC, there are currently 10 establishments within 1,000 feet of the subject property possessing ABC licenses. Table 1 summarizes the establishments.

Table 1: Alcohol License Types within 1,000 Feet

Site	Business Name	Address	ABC License Type
1	Huntington Catering Co.	120 W. Bellevue Dr. #10	On-Sale General (47) Caterer Permit (58)
2	Mijares Mexican Restaurant	145 Palmetto Dr.	On-Sale General (47)
3	Saladang	363 S. Fair Oaks Ave.	On-Sale Beer and Wine (41)

4	Saladang Garden	383 S. Fair Oaks Ave.	On-Sale Beer and Wine (41)
5	Suriya Thai Restaurant	123-125 W. California Blvd.	On-Sale Beer and Wine (41)
6	Julius Ristorante	117 W. California Blvd.	On-Sale Beer and Wine (41)
7	Urbano Mexican Kitchen	147 W. California Blvd.	On-Sale Beer and Wine (41)
8	Vons	155 W. California Blvd.	Off-Sale General (21)
9	Kingston Café	333 S. Fair Oaks Ave.	On-Sale General (47)
10	Gale Kohl & Associates	452 S. Fair Oaks Ave.	On-Sale General (47)

The applicant proposes to operate under a type 23 non-retail license. Whereas the ABC maintains statistical information (number allowed verses what is existing) for retail licenses (e.g. on-sale beer and wine, on-sale general, etc.), they do not maintain this information for non-retail licenses. Unlike retail licenses, non-retail licenses are primarily associated with the import, manufacture, or wholesale of alcohol products. As the name implies, they do not principally involve direct sales to the public and have different limitations/restrictions from retail licenses that are commonly held by restaurants, bars, or similar. Currently, only retail licenses exist within 1,000 feet. A majority of these establishment are located along Fair Oaks Avenue and/or California Boulevard, which are sufficient distances from the project. However, the limited number of establishments that are within close proximity all operate differently reducing concerns regarding a potential concentration of alcohol sales. Mijares, located approximately 200 feet to the south, operates as a restaurant and closes by 10 p.m. Huntington Catering prepares and delivers food and beverage for off-site consumption without provision for on-site pickup or consumption. Vons is located further south of Mijares, and while open 24 hours a day, functions as a grocery store and not a place that people traditionally congregate. Due to the number, type, and location of existing licenses in the vicinity, it is unlikely that the proposed addition of alcohol sales would create an undesirable concentration that is detrimental to the area.

In addition, the subject property is located in the Arroyo Corridor/Fair Oaks subdistrict of the Central District Specific Plan. While the Central District is the primary business, financial, retail and government center of the City, this subdistrict is intended to provide for a broad mix of uses at the periphery of the urban core, including employment generating uses that are adaptable to changing economic conditions. The surrounding area includes a wide range of industrial uses such as light manufacturing, research and development, creative office and incubator industries, and limited ancillary commercial and office uses. This existing and anticipated mix of uses minimizes the potential for a concentration of alcohol serving establishments.

Surrounding Uses and Proximity to Sensitive Uses

Nonresidential uses (offices) are located north and south of the property. A single-family residence is also located to the south near the corner of Bellevue Drive and Pasadena Avenue (162 W. Bellevue Drive). A multifamily residential use is located to the east, in close proximity, and separated from the subject property by an alley. Window openings at the multi-family residential use face the subject tenant space. The 710 freeway is located west of the site. Given the property is located within the Central District, and in an area characterized by industrial uses, research and development, and creative office, there exist a limited number of sensitive uses (e.g. park and recreation facilities, hospitals, schools, or parks) nearby. There are no residential zoning districts in close proximity. Central Park located at 275 S. Raymond Avenue is

approximately 1,250 feet northeast of the subject property. Singer Park located at 651 South St John Avenue is approximately 1,125 feet southwest of the subject property. Huntington Hospital is located approximately 1,275 feet south of the site. The nearest schools are the Waverly School and Sequoyah School. The Waverly school is located approximately 400 feet east of the site at 67 West Bellevue Drive. The Sequoyah school is located across Pasadena Avenue approximately 600 feet southwest of the site at 535 Pasadena Avenue. The nearest religious assembly use, Pasadena Community Christian Fellowship is located approximately 400 feet south of the site at 500 Pasadena Avenue.

Staff believes the proposed on- and off-site alcohol sales would not adversely impact surrounding parks, hospitals, religious, or school uses. Students at both nearby schools are generally dismissed by 3:30 p.m., which does not overlap with the hours of the tasting room. School is not in session during the weekend. Both schools are buffered from the proposed use by several existing nonresidential uses and the public right-of-way. In addition, staff believes the proposed use could coexist with the existing nearby residential uses provided the operator complies with recommended conditions of approval. New single-family, multi-family, and mixed-use developments are not allowed within the Arroyo Parkway/Fair Oaks subdistrict, which limits the future addition of residential units. Further, the addition of alcohol sales to an area with a limited number of alcohol selling establishments, or a history of calls for service, is not likely to result in a concentration that would adversely affect the surrounding neighborhood. However, to protect the adjacent residential uses, recommended conditions of approval limit hours of operation, prohibit outdoor activity of any kind, require that the applicant comply with the City's Noise Ordinance (Chapter 9.36), Performance Standards of the Zoning Code (Section 17.40.090), supply adequate, appropriately located litter and recycling receptacles, and keep all windows and doors closed during specified hours of operation. The intent is to minimize potential impacts by controlling on-site lighting, noise, odors, vibrations, and any truck access. Operational characteristics proposed also suggest that the uses may be able to exist together. The principal use of the site is for the production of beer. The accessory tasting room is limited in size, and a limited menu of produced beers will be made available. No kitchen is proposed within the establishment because no meals would be prepared. In addition to this Conditional Use Permit, the applicant would be required to meet standards enforced by the ABC. This encourages the applicant to take all appropriate measures to prevent detriment to the adjacent residential use in order to avoid revocation of the ABC license.

Hours of Operation

Although the Zoning Code does not restrict hours of operation in the Central District, Del Pueblo proposes to operate the manufacturing portion of the microbrewery between 7:00 a.m. and 7:00 p.m., Monday through Friday. Sales of alcohol in the tasting room are proposed 4 p.m. to 10 p.m., Wednesdays and Thursday; 4:00 p.m. to 12 a.m. on Friday; 1:00 p.m. to 12:00 a.m. on Saturday; and 1:00 p.m. to 8:00 p.m. on Sunday. No sales are currently proposed Monday and Tuesday. Though the proposed closing hours of the tasting room are consistent with other businesses in the Central District that sell food or beverage, staff recommends that the Hearing Officer restrict these hours to prevent any adverse impacts on adjacent residences. Specifically, staff recommends that the tasting room be allowed to operate from 4:00 p.m. to 10:00 p.m., Wednesday through Friday, and 1:00 p.m. to 10:00 p.m., Saturday and Sunday. Customers would not be permitted to enter the establishment, purchase alcohol, or consume alcohol on-site outside of these hours of operation. Staff also recommends a condition of approval requiring alcohol sales cease one-half hour prior to close, but no later than 9:30 p.m., daily. The 10:00 p.m. closing hour is consistent with Zoning Code Section 17.40.070 (Limited Hours of Operation). This provision currently sets a 10:00 p.m. closing hour for a variety of nonresidential

uses (outside of the Central District) that are within 150 feet of a residential zoning district. Staff believes the reduced hours will allow the microbrewery and adjacent residential uses to exist together. It's anticipated that hours proposed would not affect surrounding nonresidential uses. Many nearby businesses do not operate during the evenings or weekends when alcohol sales would occur. In addition, staff believes the Waverly and Sequoyah schools would not be impacted by the proposed use because alcohol sales would occur when school is not in session. The Police Department reviewed the hours of operation and did not express any concerns.

GENERAL PLAN CONSISTENCY:

The subject property is located in the Central District Specific Plan, which emphasizes a higher density, mixed-use environment that would support transit- and pedestrian-oriented mobility strategies. The Land Use Element of the General Plan designation is R&D Flex Space. This designation applies to areas characterized by a wide range of industrial uses such as light manufacturing, research and development, creative office and incubator industries, and limited ancillary commercial and office uses. The proposed Industry Restricted, Small Scale use and accessory sale of alcohol is consistent with General Plan Land Use Element Policy 27.1 (Diversity of Use) and 27.3 (Supporting Uses). Policy 27.1 calls for the provision of a variety of industrial and commercial-industrial uses that offer job opportunities for Pasadena's residents and revenues to the City without compromising environmental quality. Policy 27.3 aims to maintain a predominant industrial character, while allowing the integration of compatible uses in industrial areas that serve the needs of employees and reduce the need to travel off-site during the workday. The proposed on- and off-site sale of alcohol in conjunction with the operation of a microbrewery would offer a unique job opportunity not present in the area. It would also maintain the predominant industrial character with the integration of a compatible use that could serve the needs of employees in the nearby vicinity.

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 that there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. This section exempts the operation and licensing of existing private structures, involving negligible or no expansion of an existing use. The sale of alcohol in conjunction with the operation of an Industry Restricted, Small Scale use is considered a negligible expansion of a commercial use. Further, no expansion to the existing floor area is proposed. Therefore, the project is exempt from environmental review.

REVIEW BY OTHER CITY DEPARTMENTS:

The Building and Safety Division and Design and Historic Preservation section along with the Departments of Transportation, Fire, Public Works, Public Health, and Police were asked to comment on the project. Building and Safety specified that the interior remodel of the tenant space required compliance with the California Building Code. Design and Historic Preservation specified that any exterior building alterations may be subject to Design Review. The Department of Transportation determined the parking study to be acceptable and that a transportation analysis was not needed. The Fire and Police Departments did not express any comment. Staff received recommended conditions of approval from the Public Works and Health Departments and incorporated them in Attachment B.

CONCLUSION:

Staff believes findings for approval of the Conditional Use Permit can be made. The property is located within the Central District, and in an area characterized by industrial uses, research and development, and creative office. There exist a limited number of sensitive uses (e.g. park and recreation facilities, hospitals, schools, or parks) nearby. In addition, staff believes the proposed use could coexist with the existing nearby residential uses provided the operator complies with recommended conditions of approval. New single-family, multi-family, and mixed-use projects are not currently allowed within the Arroyo Parkway/Fair Oaks subdistrict, which limits the future addition of residential units. Operational characteristics proposed also suggest that the use may be able to exist with existing residential uses nearby. The principal use of the site is for the production of beer. The accessory tasting room is limited in size, and a limited menu of produced beers will be made available. No kitchen is proposed within the establishment because no meals would be prepared and no outdoor activities are proposed. In addition to this Conditional Use Permit, the applicant would be required to meet standards enforced by the ABC, which encourages the applicant to take all appropriate measures to prevent detriment to the adjacent residential uses. Conditions of approval including restrictions on hours of operation, a six-month review of the operation, and periodic condition monitoring would ensure that the use would not deviate from the planned operation reviewed under this application. The six-month review would provide an opportunity for the neighborhood and the City to evaluate the operation after an initial break-in period. 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: Specific Findings of Approval

Attachment B: Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6643

Conditional Use Permit

1. *The proposed location of the site for the Conditional Use Permit would not adversely affect the general welfare of the surrounding property owners.* The on- and off-site sale of alcohol will occur in conjunction with an industry restricted, small scale use that principally produces beer. The subject property is located in the Arroyo Corridor/Fair Oaks subdistrict of the Central District Specific Plan. While the Central District is the primary business, financial, retail and government center of the City, this subdistrict lies in an area that is characterized by a wide range of industrial uses such as light manufacturing, research and development, creative office and incubator industries, and limited ancillary commercial and office uses. This existing and anticipated mix of uses minimizes the potential for a concentration of alcohol serving establishments. No outdoor dining or live entertainment is proposed. Adequate parking is provided through the use of the subject property and abutting property to serve patrons and employees, reducing any impacts to on-street parking. The use will operate in accordance with City laws, ordinances, and conditions of approval that will ensure the use maintains compatibility with uses in the surrounding area. Recommended conditions of approval limit hours of operation, prohibit outdoor activity of any kind, require that the applicant comply with the City's Noise Ordinance (Chapter 9.36), Performance Standards of the Zoning Code (Section 17.40.090), supply adequate, appropriately located litter and recycling receptacles, and keep all windows and doors closed during hours of operation.

2. *The proposed location of the site for the Conditional Use Permit would not result in an undesirable concentration of premises for the sale of alcoholic beverages, including wine, in the area.* The applicant proposes to operate under a type 23 non-retail license. Non-retail licenses are primarily associated with the import, manufacture, or wholesale of alcohol products. As the name implies, they do not principally involve direct sales to the public and have different limitations/restrictions from retail licenses that are commonly held by restaurants, bars, or similar. Currently, only retail licenses exist within 1,000 feet. A majority of these establishment are located along Fair Oaks Avenue and/or California Boulevard, which are sufficient distances from the project site. Mijares, located approximately 200 feet to the south operates as a restaurant and closes by 10 p.m. Huntington Catering prepares and delivers food and beverage for off-site consumption without provision for on-site pickup or consumption. Vons grocery store is further south of Mijares, and while open 24 hours a day, operates differently from the proposed use. Due to the number, type, and location of existing licenses in the vicinity, it is unlikely that the proposed addition of alcohol sales would create an undesirable concentration that is detrimental to the area. In addition, the subject property is located in the Arroyo Corridor/Fair Oaks subdistrict of the Central District Specific Plan. While the Central District is the primary business, financial, retail and government center of the City, this subdistrict lies in an area that is characterized by a wide range of industrial uses such as light manufacturing, research and development, creative office and incubator industries, and limited ancillary commercial and office uses. This existing and anticipated mix of uses minimizes the potential for a concentration of alcohol serving establishments.

3. *The proposed location of the site for the Conditional Use Permit would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to the following: a. Residential uses and residential districts; b. Hospitals, park and recreation facilities, places of public assembly, public or*

private schools, and religious assembly uses that attract minors and other similar uses; and c. Other establishments offering alcoholic beverages (including wine) for sale for consumption both on- and off-site. Nonresidential uses (offices) are located north and south of the property. A single-family residence is also located to the south near the corner of Bellevue Drive and Pasadena Avenue. A multi-family residential use is located to the east, in close proximity, separated from the subject property by an alley. The 710 freeway is located west of the site. The property is located within the Central District, and in an area characterized by industrial uses, research and development, and creative office. There exist a limited number of sensitive uses (e.g. park and recreation facilities, hospitals, schools, or parks) nearby. There are no residential zoning districts nearby. Central Park located at 275 S. Raymond Avenue is approximately 1,250 feet northeast of the subject property. Singer Park located at 651 South St. John Avenue is approximately 1,125 feet southwest of the subject property. Huntington Hospital is located approximately 1,275 feet south of the site. The nearest schools are the Waverly School and Sequoyah School. Waverly is located approximately 400 feet east of the site at 67 West Bellevue Drive. Sequoyah is located approximately 600 feet southwest of the site at 535 Pasadena Avenue. The nearest religious assembly use, Pasadena Community Christian Fellowship is located approximately 400 feet south of the site at 500 Pasadena Avenue. Staff believes the proposed on- and off-site alcohol sales would not adversely impact surrounding parks, hospitals, religious, or school uses. Students at both nearby schools are generally dismissed by 3:30 p.m., which does not overlap with the hours of the tasting room. School is not in session during the weekend. Both schools are buffered from the proposed use by several existing nonresidential uses and the public right-of-way. In addition, staff believes the proposed use could coexist with the existing nearby residential uses provided the operator complies with recommended conditions of approval. New single-family, multi-family, and mixed-use developments are not allowed within the Arroyo Parkway/Fair Oaks subdistrict, which limits the future addition of residential units. Further, the addition of alcohol sales in an area with a limited number of alcohol selling establishments or a history of calls for service is not likely to result in a concentration that would adversely affect the surrounding neighborhood. However, to protect the adjacent residential uses, recommended conditions of approval limit hours of operation, prohibit outdoor activity of any kind, require that the applicant comply with the City's Noise Ordinance (Chapter 9.36), Performance Standards of the Zoning Code (Section 17.40.090), supply adequate, appropriately located litter and recycling receptacles, and keep all windows and doors closed during specified hours of operation. The intent is to minimize potential impacts by controlling on-site lighting, noise, odors, vibrations, and any truck access. Operational characteristics proposed also suggest that the uses may be able to exist together. The principal use of the site is for the production of beer. The accessory tasting room is limited in size, and a limited menu of produced beers will be made available. No kitchen is proposed within the establishment because no meals would be prepared. In addition to this Conditional Use Permit, the applicant would be required to meet standards enforced by the ABC, which encourages the applicant to take all appropriate measures to prevent detriment to the adjacent residential use and revocation of the ABC license.

4. *The proposed location of the site for the Conditional Use Permit would not aggravate proposed problems created by the sale of alcohol (e.g., littering, loitering, noise, public drunkenness, and sales to minors).* No prior history of alcohol sales or associated complaints were found. The Police Department did not express any concerns with the subject site. However, to prevent problems associated with the sale of alcohol and protect the adjacent residential uses, recommended conditions of approval limit hours of operation, prohibit outdoor activity of any kind, require that the applicant comply with the City's Noise Ordinance (Chapter 9.36), Performance Standards of the Zoning Code (Section 17.40.090),

supply adequate, appropriately located litter and recycling receptacles, and keep all windows and doors closed during specified hours of operation. The intent is to minimize potential impacts by controlling on-site lighting, noise, odors, vibrations, and any truck access. With this approval, the project is subject to the City's Condition/Mitigation Monitoring Program. Noncompliance with any conditions of approval or any provisions in the Zoning Code may result in the revocation of the Conditional Use Permit. These measures will limit any potential problems that might otherwise be created by the sale of alcohol. In addition to this Conditional Use Permit, the applicant would be required to meet standards enforced by the ABC, which encourages the applicant to take all appropriate measures to prevent detriment to the adjacent residential use.

5. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The subject property is located in the Central District Specific Plan, which emphasizes a higher density, mixed-use environment that would support transit- and pedestrian-oriented mobility strategies. The Land Use Element of the General Plan designation is R&D Flex Space. This designation applies to areas characterized by a wide range of industrial uses such as light manufacturing, research and development, creative office and incubator industries, and limited ancillary commercial and office uses. The proposed Industry Restricted, Small Scale use and accessory sale of alcohol is consistent with General Plan Land Use Element Policy 27.1 (Diversity of Use) and 27.3 (Supporting Uses). Policy 27.1 calls for the provision of a variety of industrial and commercial-industrial uses that offer job opportunities for Pasadena's residents and revenues to the City without compromising environmental quality. Policy 27.3 aims to maintain a predominant industrial character, while allowing the integration of compatible uses in industrial areas that serve the needs of employees and reduce the need to travel off-site during the workday. The proposed on- and off-site sale of alcohol in conjunction with the operation of a microbrewery would offer a unique job opportunity not present in the area. It would also maintain the predominant industrial character with the integration of a compatible use that could serve the needs of employees in the nearby vicinity.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6643

The applicant or successor in interest shall meet the following conditions:

1. The proposed project shall substantially conform to the site plan submitted with this application and dated "Approved September 19, 2018", except as modified herein.
2. In accordance with Section 17.64.040 (Time Limits and Extension) of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Hearing Officer may grant a one-year extension of your approval.
3. The approval of this application authorizes the accessory on- and off-site sale and consumption of alcohol (beer and wine) in conjunction with the operation of a 2,383 square-foot microbrewery (Industry Restricted, Small Scale) that includes a 570 square-foot accessory tasting room.
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number **PLN2018-00234**, 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, Jason Van Patten at (626) 744-6760 to schedule an inspection appointment time.

Planning Division

9. On-site sales and consumption of alcohol shall be limited to the designated indoor tasting room area, identified on plans submitted and approved with this application. On-site sales and consumption outside of the designated area is not permitted.
10. All activities and any storage associated with the Industry Restricted, Small Scale use shall be conducted within the enclosed building at all times, unless authorized through a Temporary Use Permit.

11. The premises shall operate under ABC License Type 23 (Small Beer Manufacturer). No other license shall be obtained without the approval of a new Conditional Use Permit and/or Expressive Use Permit.
12. All sales of alcohol for off-site consumption shall be consumed off the premise.
13. Alcohol beverages sold shall be limited to products manufactured by the licensed operator.
14. The tasting room hours of operation shall be restricted to 4:00 p.m. to 10:00 p.m., Wednesday through Friday, and 1:00 p.m. to 10:00 p.m., Saturday and Sunday. Customers shall not be permitted to enter the establishment, purchase alcohol, or consume alcohol on-site outside of the hours of operation. Any change to the hours of operation shall require a change to this Conditional Use Permit or a new Conditional Use Permit.
15. Alcohol sales shall cease one-half hour before close.
16. All windows and door facing east (alley) and south (Bellevue Drive) shall be closed by 8:00 p.m., daily, while the tasting room is open to the public, to minimize disturbance to nearby residential uses.
17. Truck loading, unloading, and trash pick-ups shall only be allowed between the hours of 7:00 a.m. to 9:00 p.m., Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. No truck loading, unloading, or trash pick-up is allowed on Sundays.
18. Alcoholic beverages shall not be served on-site in disposable containers.
19. No cover charges, entry fees, or minimum drink orders shall be required of patrons. There shall be no restrictions on the age of customers.
20. Promoter-produced parties or events shall be prohibited. These events include private parties that involve third parties who profit from organizing and/or drawing attendees to the events.
21. Temporary events shall require the approval of a Temporary Use Permit.
22. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
23. Amplification of music shall comply with the regulations of Chapter 9.36 (Noise Restrictions) of the Pasadena Municipal Code. Outdoor music or amplification of any kind is prohibited.
24. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises. The display of alcoholic beverages shall be interior only (no outdoor display) at all times.
25. The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
 - a. Taxicab phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers;

- b. All employees selling or serving alcohol shall be required to participate in an alcohol training program offered by the Alcoholic Beverages Control prior to the operation of selling/serving alcohol;
 - c. The availability of non-alcoholic beverages shall be made known and offered to customers.
26. These conditions of approval must be posted in a conspicuous location for public viewing within the tasting room on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
 27. The establishment shall supply adequate, appropriately located litter and recycling receptacles as determined by the Zoning Administrator.
 28. The premises, sidewalk, and street shall be kept free of litter and debris at all times.
 29. Off-site parking is subject to the approval of the Zoning Administrator of a lease agreement or off-site covenant providing that the off-site parking shall be available when the use commences and continuing so long as the use is in effect. The lease shall contain a provision requiring that the Zoning Administrator be notified in writing at least 30 days before termination of the lease. A Building Permit shall not be issued until the lease has been recorded with the County Recorder and a copy filed with the Zoning Administrator.
 30. The off-site parking lease agreement shall provide for the use of the off-site refuse storage area and detail the location of the shared trash facilities. The lease agreement shall provide that the refuse storage facilities shall be available when the use commences and continuing so long as the use is in effect. The lease shall contain a provision requiring that the Zoning Administrator be notified in writing at least 30 days before termination of the lease. A Building Permit shall not be issued until the lease has been recorded with the County Recorder and a copy filed with the Zoning Administrator.
 31. The existing chain-link fence located within the parking area of the subject property shall be removed prior to issuance of a Certificate of Occupancy.
 32. The establishment shall comply with applicable standards in Section 17.40.090 (Performance Standards).
 33. The establishment shall allow patrons of all ages at all times.
 34. Any live entertainment shall be limited to 75 square feet of floor area. Windows and doors shall remain closed during any live entertainment. Dancing by customers shall be prohibited at all times.
 35. Within six (6) months of the issuance of a Certificate of Occupancy, the applicant shall file an application with the Planning & Community Development Department for a Zoning Hearing Officer review of this Conditional Use Permit, to be considered at a duly-noticed public hearing. Written notice of the public hearing shall be furnished to all property-owners within 500 feet of the perimeter of the subject property as well as any parties who request to be notified. Said application shall address how the applicant has complied with all conditions of approval herein. This noticed review may consider operational changes or changes to conditions of approval.

Health Department

36. Plan submittal to the Health Department will be required for all facilities serving food/beverages. All food/beverage facilities must comply with PMC 8.12 and California Retail Food Code - excerpt from California Health and Safety Code Part 7 California Retail Food Code. Please refer to <http://www.cityofpasadena.net/publichealth/environmentalhealth> to obtain a plan check construction guide. This guide provides an overview of the plan check process and an outline of the structural requirements that the California Retail Food Code requires for all retail food facilities.
37. Food establishment with on-site sale and consumption of alcohol shall comply with PMC 8.12.020 B, C, D - required to have separate restroom for men and women. Provide a urinal in the men's restroom. Access to restrooms must be available during operation hours. Number of fixtures for restrooms shall comply with California Plumbing Code.
38. Food facility shall adhere to the regulations established in the Tobacco Use Prevention Ordinance (PMC 8.78) Prohibition of smoking in public places and prohibition of smoking in certain outdoor public places (PMC Sections 8.78.060/ 8.78.071).

Public Works Department

39. A separate permit from the Department of Public Works is required for all construction/occupation in the public right-of-way. Please contact 626-744-4195 for the general process.

In addition to the above condition, the requirements of the following ordinances will apply to the proposed project:

- Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged curb, gutter and sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.
- City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC
The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the support of the Urban Forestry Advisory Committee. No trees shall be damaged by the proposed construction, if a City tree is damaged, the applicant may be liable for the assessed value of the tree. Refer to <https://ww5.cityofpasadena.net/public-works/parks-and-natural-resources/urban-forestry/> for guidelines and requirements for tree protection.
- Construction and Demolition Waste Ordinance, Chapter 8.62 of the PMC
The applicant shall submit the following plan and form which can be obtained from the Permit Center's webpage at: <https://ww5.cityofpasadena.net/public-works/street-maintenance-wastemanagement/recycling-resources/construction-and-demolition-debris-recyclers/> and the Recycling Coordinator, (626) 744-7175, for approval prior to the request for a permit:

- i. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the permit. A list of Construction and Demolition Recyclers is included on the waste management application plan form and it can also be obtained from the Recycling Coordinator.
- ii. Summary Report with documentation must be submitted prior to final inspection. A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. For Demolition Only projects, the security deposit is \$1 per square foot or \$30,000, whichever is less. This deposit is fully refundable upon compliance with Chapter 8.62 of the PMC. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

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