



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: May 15, 2019

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6676

LOCATION: 1038 East Colorado Boulevard

APPLICANT: Solomon, Saltsman and Jamieson on behalf of Thrifty Payless Inc. (dba Rite Aid)

ZONING DESIGNATION: ECSP-CG-1, AD-2 (East Colorado Specific Plan, Commercial General, subdistrict 1, Alcohol Density Overlay District 2) and CD-5 (Central District 5, Lake Avenue subdistrict)

GENERAL PLAN DESIGNATION: Medium Mixed Use

CASE PLANNER: Jennifer Driver

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **disapprove** Conditional Use Permit #6676.

PROJECT PROPOSAL: Conditional Use Permit: To allow for full alcohol sales (beer, wine and spirits) for off-site consumption in conjunction with an existing 16,659 square-foot retail sales land use (Rite Aid drugstore). No new floor area is proposed.

Variance: To deviate from the 1,000-foot separation requirement between certain uses with alcohol sales in the AD-2 overlay district.

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)(5); Administrative Code, Title 14, Chapter 3, §15270(a), Projects Which are Disapproved. This Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves.

BACKGROUND:

Site characteristics: The subject site is located on the southeast corner of East Colorado Boulevard and South Catalina Avenue, has a lot area of approximately 47,933 square feet, and is developed with an approximately 16,660 square-foot retail sales land use (Rite Aid drugstore) and surface parking lot with 55 parking spaces. Hours of operation are 7 a.m. to 10 p.m., daily for the main store.

Adjacent Uses:
North – Office Building
South – Music School
East – General Commercial Buildings (vehicle parts and accessories store, a restaurant and a convenience store with off-site alcohol sales) and a multi-family development
West – Office Building

Adjacent Zoning:
North – ECSP-CG-1, AD-2 (East Colorado Boulevard Specific Plan, Commercial General, subdistrict 1, Alcohol Density Overlay District 2)
South – CD-5 (Central District 5, Lake Avenue subdistrict)
East – ECSP-CG-1, AD-2 (East Colorado Boulevard Specific Plan, Commercial General, subdistrict 1, Alcohol Density Overlay District 2)
West – CD-5, AD-2 (Central District 5, Lake Avenue subdistrict, Alcohol Density Overlay District 2)

Previous Cases: Conditional Use Permit #4376 – Application included a Conditional Use Permit request for the off-site sale of alcohol (beer and wine) and a Variance to deviate from the 1,000-foot distance requirement between two establishments that provide off-site alcohol sales at an existing retail sales land use (Rite Aid drugstore). Denied on September 15, 2004.

Conditional Use Permit #3464 – Application included a Conditional Use Permit, a Variance, and a Sign Exception request. The Conditional Use Permit application was a request to allow full (beer, wine and distilled spirits) off-site alcohol sales at the new 16,660 square foot retail sales land use (Rite Aid drugstore). The Variance was a request to deviate from the minimum distance requirement of 1,000 feet from existing establishments that sell alcohol for off-site consumption. The Sign Exception was a request to allow a deviation from the placement requirements. Denied on December 16, 1998.

PROJECT DESCRIPTION:

The applicant, Stephen Jamieson of Solomon, Saltsman and Jamieson, representing Thrifty Payless Inc. (dba Rite Aid), has filed a Conditional Use Permit application to allow for full alcohol sales (beer, wine and spirits) for off-site consumption from an existing 16,660 square-foot retail sales land use (Rite Aid drugstore). The site does not currently sell any alcohol (beer, wine or spirits).

In addition, the sale of alcohol at this site for off-site consumption requires the approval of a Variance from the 1,000-foot separation requirement established for certain alcohol uses located

in the Alcohol Density-2 overlay district (AD-2). The subject use is located less than 1,000 feet from two uses that provide sales of alcohol for off-site consumption (Pat's Liquor, approximately 70 feet away, and Vinotera, approximately 930 feet away).

It is the applicant's intent to provide the same full service activities at this site as they do at other Rite Aid locations. This would include the sale of a wide variety of over-the-counter and prescription medicines, vitamins, pre-packaged food items, beauty care products, sundries and a full line of alcoholic beverages for off-site consumption. The applicant is proposing to obtain an Alcohol Beverage Control (ABC) Liquor License (Type 21) in order to offer the sale of beer, wine and spirits in conjunction with the retail drugstore.

ANALYSIS:

The subject site is located within the ECSP-CG-1, AD-2 (East Colorado Boulevard Specific Plan, Commercial General, subdistrict 1, Alcohol Density Overlay District 2) and CD-5 (Central District 5, Lake Avenue subdistrict) zoning districts. The current operation of a retail sales land use (Rite Aid drugstore), with no sale of any alcoholic beverages, is allowed by-right. However, the proposed sale of full alcohol (beer, wine and spirits) for off-site consumption requires approval of a Conditional Use Permit pursuant to Table 3-3 of Zoning Code Section 17.31.040 (ECSP Allowed Land Uses and Permit Requirements).

In addition, the project is subject to the requirements in Zoning Code Section 17.28.030, the Alcohol Density (AD) overlay district. Pursuant to this Section, uses in the AD-2 overlay district, which provide sales of alcohol for off-site consumption, shall be separated by a minimum distance of 1,000 feet from existing bar or taverns, billiard parlors with alcohol service, nightclubs with alcohol service, or uses which provides sales of alcohol for off-site consumption. According to information provided by the applicant and ABC, there are two uses located within 1,000 feet of the subject site that provide for sales of alcohol for off-site consumption. One location is approximately 70 feet to the east of the site (Pat's Liquor) and the second, is approximately 930 feet away to the southwest (Vinotera). Both locations provide a full line of alcohol for sale for off-site consumption. Therefore, a Variance to deviate from the separation requirement is required.

Conditional Use Permit – Sale of full alcohol for off-site consumption

The City's review of a Conditional Use Permit for alcohol sales entails an analysis of whether the proposed location of alcohol sales would affect the general welfare of the surrounding property owners, would lead to an over-concentration of establishments that sell alcohol, and whether the proposed use would result in an aggravation of existing alcohol-related problems such as loitering, public drunkenness, sales to minors, noise, and littering. The Hearing Officer may consider existing calls for police response to make a determination of whether there is an undesirable concentration of alcohol uses near the project site.

Proximity to Sensitive Uses

The sale of alcohol shall be designed and operated to avoid any adverse impact on adjacent or nearby parks (e.g., public parks or recreation centers), playgrounds (e.g., public or parochial), religious facilities, or schools (e.g., public, parochial, or private elementary, junior high, or high schools). A private music school abuts the site to the south, multi-story office buildings are located across the street to the north and west. A commercial building with a vehicle parts and accessories store, a restaurant and a convenience store with off-site alcohol sales abuts the site to the east. Abutting the site, to the southeast, is a multi-family development. Window openings and balconies

at the multi-family residential use face the subject tenant's surface parking lot. Additionally, multi-family development exists approximately 350 feet to the north and south in the RM-48 zoning district. Grant Park, located at 232 S. Michigan Avenue, is approximately 1,250 feet southeast of the subject property. The nearest schools are the International School of Los Angeles (Lycee International) and Saint Philip the Apostle School, both of which are at least 1,800 feet from the site. The Community Church at Holliston UMC, Hill Avenue Grace Lutheran Church, St Philip the Apostle Church, and Immanuel Lutheran Brethren Church are all at least 1,500 feet away.

Concentration of Alcohol Sales

The 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 project site. Currently, there are seventeen (17) establishments within 1,000 feet of the subject site, property line to property line, that sell alcohol for on- or off-site consumption, as analyzed in Table 1 below:

Table 1: Businesses with Liquor Licenses within 1,000 Feet

Number	Business Name	Business Address	ABC License Type
1	Pat's Liquor*	1072 E. Colorado Blvd.	Off-Sale General (21)
2	Vinotera Wine**	102 S. Lake Ave.	Off-Sale General (21)/ On-Sale Beer and Wine (42)
3	Rounds Premium Burgers	46 N. Lake Ave.	On-Sale Beer and Wine (41)
4	T Boyles Tavern	37 N. Catalina Ave.	On-Sale Beer and Wine (41)
5	El Metate Café	12 N. Mentor Ave.	On-Sale Beer and Wine (41)
6	New Delhi Palace	950 E. Colorado Blvd.	On-Sale Beer and Wine (41)
7	Kiyemon	927 E. Colorado Blvd.	On-Sale Beer and Wine (41)
8	Malbec New Argentinean Cuisine	1001 E. Green St.	On-Sale Beer and Wine (41)
9	Matsuri Japanese Restaurant	1065 E. Green St.	On-Sale Beer and Wine (41)
10	The Counter	140 Shoppers Ln.	On-Sale Beer and Wine (41)
11	The Ice House	24 N. Mentor Ave.	On-Sale General (47)
12	Amigo's Restaurant	1074 E. Colorado Blvd.	On-Sale General (47)
13	Bistro 45	45 S. Mentor Ave.	On-Sale General (47)
14	Madeline Garden	1030 E. Green St.	On-Sale General (47)
15	Green Street Restaurant	146 Shoppers Ln.	On-Sale General (47)
16	Del Frisco's Grille	55 S. Lake Ave.	On-Sale General (47)
17	Singpoli Pacifica, LLC	908-940 E. Colorado Blvd.	On-Sale General (47)/ On-Sale General (48)

* Located 70 feet directly to the east

** Located approximately 930 feet to the southwest

During the review process for a new off-site sale liquor license, it is also necessary to determine if there is an existing over concentration in the census tract in which the subject site is located. The project site is located within census tract 4635. This census tract extends from South Lake Avenue on the west to South Hill Avenue on the East and from East Colorado Boulevard on the North to the southern City boundary. According to the ABC, a maximum of three off-site sales licenses for off-site consumption are allowed in the census tract as a function of the population in

the census tract. Currently there are four existing off-site sales licenses within the census tract (Table 2). If approved, the proposal would establish a fifth in a census tract that has an “undue concentration” of alcohol licenses, as defined by ABC. As such, a finding of ‘public convenience or necessity’ is required to be made by the Hearing Officer in order to obtain the alcohol license from ABC. Local governing agencies are required to make a finding of ‘public convenience or necessity’ when a new off-sale license is proposed to an existing area that has an “undue concentration” of alcohol licenses.

To make a finding of ‘public convenience or necessity’, the Hearing Officer is required to make all of the following findings in the affirmative:

- a) The project will result in a substantial net employment gain on the site;
- b) The project will result in a substantial increase in business taxes;
- c) The project is a unique business addition to the community;
- d) The project will contribute to long-term overall development goals; and,
- e) The project will result in a positive upgrading of the area.

Based on the information provided, staff is unable to make the necessary findings in the affirmative and finds that public convenience or necessity is not served with the inclusion of the sale of full alcohol for off-site consumption. Alcohol sales would not provide a unique business addition to the community as alcohol sales are already substantially provided for in the immediate vicinity by two other off-site sale locations within 1,000 feet of the site, and four existing off-site alcohol outlets within the census tract. The addition of the requested license would intensify an existing undue concentration of alcohol establishments in the surrounding area. Furthermore, the Pasadena Police Department does not support the issuance of an additional alcohol license as the area is considered a neighborhood with a high crime rate; without the sale of alcohol at this site. Since July 2018, there have been 201 calls for service to the subject site/store for theft, public disturbances, loitering, vandalism, burglary and public drunkenness. The introduction of alcohol would not help curtail these issues and would not result in a positive upgrade of the area.

Therefore, it is staff’s assessment that the sale of full alcohol for off-site consumption at the site would negatively impact the general welfare of the surrounding property owners, would result in an undesirable concentration of premises that sell alcohol in the vicinity, and would aggravate existing alcohol-related problems, and that the necessary findings cannot be made to approve the proposed Conditional Use Permit or make a finding of ‘public convenience or necessity’.

Variance – To deviate from the 1,000-foot separation requirement

The subject site is located in the AD-2 overlay district. Per Section 17.28.030, the purpose of the AD (Alcohol Density) overlay is to:

1. Provide increased public notification for the establishment of new bars or taverns, billiard parlors with alcohol service, nightclubs with alcohol service, food sales, liquor stores, convenience stores, and any other use that provide for the sale of alcohol for off-site consumption; and,
2. Regulate the density of new bars and taverns, billiard parlors with alcohol service, nightclubs with alcohol service, and food sales, liquor stores, convenience stores, and any other use that provide for the sale of alcohol for off-site consumption in order to prevent an over-concentration of such uses.

Within areas designated AD-2, uses with off-site sales of alcohol shall be separated by a minimum distance of 1,000 feet from an existing bar or tavern, billiard parlor with alcohol service, nightclub with alcohol service, or use which provides sales of alcohol for off-site consumption. This requirement is intended to ensure that over-concentration of alcohol related uses does not occur. As there are two other properties that sell alcohol for off-site consumption within 1,000 feet of the subject property, a Variance is required pursuant to Section 17.61.080, to deviate from the separation requirements.

The Hearing Officer may approve a Variance only after making five findings in the affirmative pursuant to Zoning Code Section 17.61.080.G (Findings and Decision). The general purpose of review is to identify compliance with the Zoning Code and General Plan, whether exceptional or extraordinary circumstances exist, whether the application is necessary for the preservation and enjoyment of property rights, and to ensure no detriment or injury to surrounding properties. In addition, a Variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zoning districts. Lastly, cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the Variance.

In considering the proposed application and required findings, staff finds that there are no exceptional or extraordinary circumstances or conditions applicable to the project site that do not generally apply to sites in the same zoning district that would justify the granting of a Variance. The subject site is improved with a commercial building on a standard size, flat, lot along a commercial corridor and is located in the ECSP-CG-1, AD-2 and CD-5 zoning districts. These zoning districts allow for a variety of land uses, some of which are permitted to sell alcohol for on- and off-site consumption with approval of a Conditional Use Permit. The AD-2 overlay district encompasses a large geographic area and all uses seeking off-site alcohol sales in the AD-2 overlay district are subject to the same 1,000-foot separation requirement as the subject retail sales land use. It is staff's determination that there are no unique circumstances or conditions about the size, shape or location of the site that differentiates the site from other commercial properties in the AD-2 overlay district that would warrant a Variance from the separation requirement.

Staff has determined that granting the application would be detrimental or injurious to property owners in the vicinity of the site or the general public welfare. The Pasadena Police Department, ABC and members of the community have concerns with the current problems associated with the subject site, even without the sale of alcohol. The City of Pasadena's Police Department has classified this area as an area with a high crime rate and has recommended disapproval of the subject application. Since July 2018, there have been 201 calls for service to the subject site/store for theft, public disturbances, loitering, vandalism, burglary and public drunkenness. Several letters from the community were received relating to the application request and six protests have been filed directly with the ABC. Community concerns and protests are on the grounds that there is already an overconcentration of off-sale alcohol establishments in the immediate vicinity and that the issuance of an additional license would exacerbate the existing safety and general welfare problems associated with alcohol sales in the neighborhood.

Therefore, it is staff's assessment that there are no exceptional or extraordinary circumstances or conditions applicable to the project site that do not generally apply to sites in the same zoning district that would justify the granting of a Variance. Furthermore, the sale of full alcohol for off-site consumption at the site would be detrimental to the public health, safety, and general welfare. As such, the findings cannot be made to approve the Variance.

GENERAL PLAN CONSISTENCY:

The existing retail sales land use (Rite Aid drugstore) is consistent with the General Plan land use designation of Medium Mixed Use but the request to include the sale of full alcohol for off-site consumption is not consistent with the goals and objectives of the General Plan Land Use Element (General Plan) or the provisions of the AD-2 overlay district. General Plan Policy 3.7 (Alcohol and Drug Abuse) intends to manage the distribution and operation of alcohol uses through regulating and monitoring of establishments that sell alcohol in an effort to reduce the impact of alcohol problems. General Plan Policy 3.1 (High Impact Uses) seeks to avoid the concentration of uses and facilities in any neighborhood or district where their intensities, operations, and/or traffic could adversely impact the character, safety, health, and quality of life. The purpose of the AD-2 overlay district is to regulate the density of bar or taverns, billiard parlors with alcohol service, nightclubs with alcohol service, or uses which provides sales of alcohol for off-site consumption in order to prevent the over concentration of such uses and the impact of alcohol problems. As the proposed site is located within 1,000 feet of two established businesses that sell alcohol for off-site consumption, the project is not in compliance with the main provision of the AD-2 overlay district and Policy 3.7 of the General Plan. Based on the information provided by the Pasadena Police Department, since July 2018, there have been 201 calls for service to the subject site/store for theft, public disturbances, loitering, vandalism, burglary and public drunkenness. Approval of the request to include the sale of full alcohol for off-site consumption would exacerbate the existing safety and quality of life problems in the neighborhood and would not be in compliance with Policy 3.1 of the General Plan.

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)(5); Administrative Code, Title 14, Chapter 3, §15270(a), Projects Which are Disapproved. This Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves.

In the event the Hearing Officer decides to approve Conditional Use Permit #6676, the project could qualify for an exemption 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. Class 1 exempts the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of the use. The sale of alcohol in conjunction with a retail sales land use is considered a negligible expansion of a commercial use.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposal was reviewed by the Department of Transportation, Fire Department, Department of Public Works, Building and Safety Division, the Design and Historic Preservation (DHP) Section and the Police Department. The Department of Transportation, Fire Department, Department of Public Works, the Building and Safety Division, and the DHP Section had no comments at this time. The Police Department has provided comments and concerns and has recommended disapproval of the application. However, in the event that the project be approved, the Police Department has recommended conditions of approval.

CONCLUSION:

It is staff's assessment that the findings necessary for approving a Conditional Use Permit for the off-site sales of a full line of alcohol, and the Variance to deviate from the separation requirement cannot be made. Specifically, staff finds that the sale of alcohol would negatively impact the general welfare, would intensify the over-concentration of off-site alcohol sales in the area and would aggravate existing alcohol-related problems. Approval of such a request would be contrary to the intent of the AD-2 district and would further compound the number of liquor licenses in this census tract and immediate vicinity. In addition, the finding of public convenience and necessity cannot be made in this case because the proposed use is not a unique business addition to the community and would not be a positive upgrade to the area. In regards to the Variance, staff has determined that there are no exceptional or extraordinary circumstances or conditions applicable to the project site that do not generally apply to sites in the same zoning district that would justify the granting of a Variance. Furthermore, the sale of full alcohol for off-site consumption at the site would be detrimental to the public health, safety, and general welfare and is not in compliance with the General Plan. Therefore, staff is recommending denial of the proposed applications based on the findings in Attachment A.

Attachment:

Attachment A: Specific Findings of Disapproval

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6676

Conditional Use Permit – Sale of full alcohol for off-site consumption

1. *The proposed location of the site for the Conditional Use Permit will adversely affect the general welfare of the surrounding property owners.*

The City of Pasadena's Police Department has classified the location of the site for the Conditional Use Permit as an area with a high crime rate. Since July 2018, there have been 201 calls for service to the subject site for theft, public disturbances, loitering, vandalism, burglary and public drunkenness. The Conditional Use Permit, for the sale of full-alcohol for off-site consumption, will exacerbate the existing issues and will adversely affect the general welfare of the surrounding property owners.

2. *The proposed location of the site for the Conditional Use Permit will result in an undesirable concentration of premises for the sale of alcoholic beverages, including wine, in the area.*

Based on the data from the Department of Alcohol Beverage Control, only three off-site sales licenses are permitted in this census tract, and currently there are four existing off-site alcohol licenses. The request for an additional license, if approved, will result in five licenses. As such, there is currently an overconcentration of licenses for the sale of alcohol and off-site consumption, and approval of this Conditional Use Permit will further exacerbate this overconcentration. In addition, the City's AD-2 overlay district requires that there be at least 1,000 feet of distance between such establishments, and as discussed in the report, there are two business that sell alcohol for off-site consumption within 1,000 feet of the use. As a result, approval will result in an undesirable concentration of off-site sales of alcohol within the immediate area.

3. *The proposed location of the site for the Conditional Use Permit will 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.*

A multi-family residential use abuts the site to the southeast, and has windows and balconies facing the subject site's surface parking lot. In addition, there are a large number of multi-family residential developments approximately 350 feet to the north and south in a residential zoning district. As the site is already prone to arrests for public intoxication and disturbances, theft and loitering, adding the sale of full alcohol for off-site consumption will only further exacerbate these issues, which affects the general welfare of the abutting and nearby residents.

4. *The proposed location of the site for the Conditional Use Permit will aggravate proposed problems created by the sale of alcohol (e.g., littering, loitering, noise, public drunkenness, and sales to minors).*

The City of Pasadena's Police Department has classified the location of the site for the Conditional Use Permit as an area with a high crime rate. Since July 2018, there have been 201 calls for service to the subject site for theft, public disturbances, loitering, vandalism, burglary and public drunkenness. The Conditional Use Permit, for the sale of full-alcohol for off-site consumption, will exacerbate the existing issues and will adversely affect the general welfare of the surrounding property owners.

5. *The proposed use is not in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*

The existing retail sales land use (Rite Aid drugstore) is consistent with the General Plan land use designation of Medium Mixed Use but the request to include the sale of full alcohol for off-site consumption is not consistent with the goals and objectives of the General Plan Land Use Element (General Plan) or the provisions of the AD-2 overlay district. General Plan Policy 3.7 (Alcohol and Drug Abuse) intends to manage the distribution and operation of alcohol uses through regulating and monitoring of establishments that sell alcohol in an effort to reduce the impact of alcohol problems. General Plan Policy 3.1 (High Impact Uses) seeks to avoid the concentration of uses and facilities in any neighborhood or district where their intensities, operations, and/or traffic could adversely impact the character, safety, health, and quality of life. The purpose of the AD-2 overlay district is to regulate the density of bar or taverns, billiard parlors with alcohol service, nightclubs with alcohol service, or uses which provides sales of alcohol for off-site consumption in order to prevent the over concentration of such uses and the impact of alcohol problems. As the proposed site is located within 1,000 feet of two established businesses that sell alcohol for off-site consumption, the project is not in compliance with the main provision of the AD-2 overlay district and Policy 3.7 of the General Plan. Based on the information provided by the Pasadena Police Department, since July 2018, there have been 201 calls for service to the subject site/store for theft, public disturbances, loitering, vandalism, burglary and public drunkenness. Approval of the request to include the sale of full alcohol for off-site consumption will exacerbate the existing safety and quality of life problems in the neighborhood and will not be in compliance with Policy 3.1 of the General Plan.

6. *Public convenience or necessity is not served in that:*
 - a. *The project is not a unique business addition to the community.* The off-site sale of alcohol will not be a unique business addition to the community in that there is already an undue concentration of other retail sale land uses with alcohol sales for off-site consumption within the census tract. The addition of the requested license will intensify an existing undue concentration of establishments with alcohol sales for off-site consumption within the census tract.
 - b. *The project will not result in a positive upgrading of the area.* The Pasadena Police Department does not support the issuance of an additional alcohol license as the area is considered a neighborhood with a high crime rate; without the sale of alcohol at this site. Since July 2018, there have been 201 calls for service to the subject site/store theft, public disturbances, loitering, vandalism, burglary and public drunkenness. The

introduction of alcohol will not help curtail these issues and will not result in a positive upgrade of the area.

Variance – To deviate from the 1,000-foot separation requirement

7. *There are no exceptional or extraordinary circumstances or conditions applicable to the project site that does not generally apply to sites in the same zoning district.*

There are no exceptional or extraordinary circumstances or conditions applicable to the project site that do not generally apply to sites in the same zoning district that will justify the granting of a Variance. The subject site is improved with a commercial building on a standard size, flat, lot along a commercial corridor and is located in the ECSP-CG-1, AD-2 and CD-5 zoning districts. These zoning districts allow for a variety of land uses, some of which are permitted to sell alcohol for on- and off-site consumption with approval of a Conditional Use Permit. The AD-2 overlay district encompasses a large geographic area and all uses seeking off-site alcohol sales in the AD-2 overlay district are subject to the same 1,000-foot separation requirement as the subject retail sales land use. It is staff's determination that there is no unique circumstance or conditions about the size, shape or location of the site that differentiates the site from other commercial properties in the AD-2 overlay district that would warrant a Variance from the separation requirement.

8. *Granting the application will be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety, or general welfare.*

Granting the application will be detrimental or injurious to property owners in the vicinity of the site or the general public welfare. The Pasadena Police Department, ABC and members of the community have concerns with the current problems associated with the subject site, even without the sale of alcohol. The City of Pasadena's Police Department has classified this area as an area with a high crime rate and has recommended disapproval of the subject application. Since July 2018, there have been 201 calls for service to the subject site/store for theft, public disturbances, loitering, vandalism, burglary and public drunkenness. Several letters from the community were received relating to the application request and six protests have been filed directly with the ABC. Community concerns and protests are on the grounds that there is already an overconcentration of off-sale alcohol establishments in the immediate vicinity and that the issuance of an additional license will exacerbate the existing safety and general welfare problems associated with alcohol sales in the neighborhood.

9. *Granting the application is not in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code, and would constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zone district.*

The granting of the application, to include the sale of full alcohol for off-site consumption, is not consistent with the goals and objectives of the General Plan Land Use Element (General Plan) or the provisions of the AD-2 overlay district in the Zoning Code. General Plan Policy 3.7 (Alcohol and Drug Abuse) intends to manage the distribution and operation of alcohol uses through regulating and monitoring of establishments that sell alcohol in an effort to reduce the impact of alcohol problems. General Plan Policy 3.1 (High Impact Uses) seeks to avoid the concentration of uses and facilities in any neighborhood or district where their intensities, operations, and/or traffic could adversely impact the character,

safety, health, and quality of life. The purpose of the AD-2 overlay district is to regulate the density of bar or taverns, billiard parlors with alcohol service, nightclubs with alcohol service, or uses which provides sales of alcohol for off-site consumption in order to prevent the over concentration of such uses and the impact of alcohol problems. As the proposed site is located within 1,000 feet of two established businesses that sell alcohol for off-site consumption, the project is not in compliance with the main provision of the AD-2 overlay district and Policy 3.7 of the General Plan. Based on the information provided by the Pasadena Police Department, since July 2018, there have been 201 calls for service to the subject site/store for theft, public disturbances, loitering, vandalism, burglary and public drunkenness. Approval of the request to include the sale of full alcohol for off-site consumption will exacerbate the existing safety and quality of life problems in the neighborhood and will not be in compliance with Policy 3.1 of the General Plan. As the proposed project is in direct violation of the base requirement of the AD-2 overlay district, it follows that the project does not meet the goals and objectives of the General Plan or the Zoning Code and the approval of the request will constitute a grant of special privilege inconsistent with limitation on other properties in the vicinity.