



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: March 20, 2019

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6657

LOCATION: 521 East Green Street

APPLICANT: Lachlan Sands

ZONING DESIGNATION: CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district)

GENERAL PLAN DESIGNATION: Medium Mixed Use (0.0-2.25 FAR)

CASE PLANNER: Kristen Johnston, Nathan Gapper

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #6657 with the conditions in Attachment B

PROJECT PROPOSAL: Conditional Use Permit: The applicant, Lachlan Sands, has submitted a Conditional Use Permit application to allow the on-site sale and consumption of a full line of alcohol beverages in conjunction with the operation of a restaurant, as part of an existing College, Nontraditional Campus Setting land use (Institute of Culinary Education). The site is located within the CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district) zoning 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)(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. Section 15301 exempts the operation and licensing of existing private structures, involving negligible or no expansion of an existing use; and the sale of alcohol in conjunction with the operation of a restaurant use is considered a negligible expansion of a commercial use.

BACKGROUND:

Site characteristics: The subject site is developed with a 38,359 square-foot three-story commercial building, and is occupied by the Institute of Culinary Education. The site is located at the north-east corner of Green Street and South Oakland Avenue.

Adjacent Uses: North: Commercial
South: Religious Facilities / Commercial
East: Commercial
West: Religious Facilities / Commercial

Adjacent Zoning: North: CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district)
South: CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district)
East: CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district)
West: CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district)

Previous Cases: None.

PROJECT DESCRIPTION:

The applicant is requesting a Conditional Use Permit to allow the on-site sale and consumption of a full line of alcohol beverages in conjunction with the operation of a restaurant, as a part of an existing culinary school (Institute of Culinary Education). The culinary school is classified as a College, Nontraditional Campus Setting land use, which pursuant to the City’s Zoning Code, “...includes public or private colleges and universities granting associate arts degrees, certificates, undergraduate and graduate degrees, and requiring for admission at least a high school diploma or equivalent general academic training. These facilities typically offer classrooms, laboratories, and staff offices within a shared office building, often containing typical business and professional office suites” (PMC 17.80.020.C).

The application and plans submitted by the applicant indicate that the Institute of Culinary Education occupies all three floors of the 38,359 square-foot commercial building, with one classroom, seven instructional kitchens, a library, and administrative offices associated with the culinary school. The school operates Monday through Friday, with morning courses offered between 7:30 a.m. to 11:30 a.m., afternoon courses between 12:00 p.m. and 4:00 p.m., and evening courses offered Tuesday, Wednesday, and Thursday between 6:00 p.m. and 10:00 p.m. There are no classes scheduled on weekends.

The operation plan provided by the applicant describes the on-site sale and consumption of alcohol in conjunction with the operation of a restaurant as an ancillary use to the existing culinary school. The restaurant would be open to the public, accepting walk-ins, reservations, and private party reservations (i.e. holiday parties, birthdays, anniversaries, bridal and baby showers, etc.) between the hours of 8:00 a.m. and 11:00 p.m., daily. The operation plan provided indicates that restaurant services would take place within the existing instructional kitchens, when the kitchens

are not being utilized for instructional courses for students. Each kitchen can accommodate a maximum of 30 guests. In addition to restaurant services, the applicant also proposes instructional cooking. The instructional cooking would include either hands-on cooking or a demonstration of food pairing, followed by a full service, sit-down dinner.

ANALYSIS:

The subject site is located within the CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district) zoning district, which allows for College, Nontraditional Campus Setting land use by right. The request by the existing culinary school to serve full alcohol in conjunction with a restaurant in this zoning district requires approval of a Conditional Use Permit.

The Conditional Use Permit process allows the City to review a project to determine if the proposed project would be compatible with the surrounding area and require compliance with specific conditions related to the operation of the use, specifically the on-site sale and consumption of a full line of alcoholic beverages for the restaurant. In order to approve a Conditional Use Permit, five specific findings must be made in the affirmative. These findings relate to a project meeting the intent and purpose of the subject property's Zoning District and the Zoning Code, conformance with the General Plan, not having a negative impact on the surrounding properties, and being compatible with surrounding uses. In this case, the analysis focuses on whether the request to allow on-site sales and consumption of full service alcohol would create negative impacts to the general welfare of the surrounding property owners or result in an aggravation of existing alcohol-related problems such as loitering, public drunkenness, sales to minors, and noise.

The CD-4 zoning district is intended to provide for a vibrant mixed-use environment that encompasses cultural and arts activities, centered on Colorado Boulevard and the Pasadena Playhouse. The applicant's request for on-site sale and consumption of full service alcohol in conjunction with a restaurant associated with the culinary school is consistent and compatible with surrounding uses and the goals and objectives of the Pasadena Playhouse sub-district.

Parking

The required off-street parking for the existing culinary school is three parking spaces per 1,000 square feet of gross floor area. Given the current use, the total number of required spaces is 115 for the gross building square footage of 38,359 square feet. The culinary school maintains a lease agreement for on-site parking at an adjacent parking structure, located at 521 and 561 Green Street, for 252 parking spaces. The proposed service of full alcohol associated with restaurant operations is considered ancillary to the existing culinary school, therefore additional off-street parking is not required. Thus, the proposal complies with the off-street parking requirements of the Zoning Code.

Concentration of Alcohol Sales

The project site is located in Census Tract 4636.01. According to the State of California Alcohol Beverage Control Board (ABC), a maximum of two alcohol licenses for on-site consumption and one for off-site consumption are allowed within the Census Tract without being an "undue concentration", based on the population in the tract. According to data provided by the ABC, currently there are a total of 23 on-site and no off-site licenses within the subject Census Tract. Because the applicant's request would add an additional on-site license to an existing area that has an "undue concentration" of alcohol licenses, ABC requires the applicant to make findings of

public convenience and necessity in order to obtain the alcohol license from ABC. These findings are not required to be made by the City since off-site sales of alcohol is not proposed in this application. A letter of public convenience or necessity is required from the applicant to comply with ABC licensing requirements.

A Conditional Use Permit application for alcohol sales requires the applicant to identify uses with both on-site and off-site alcohol consumption within 1,000 feet of the subject site located within the CD-4 zoning district. There are currently 18 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	Monopole Wine LLC	21 S. El Molino	Off-Sale Beer and Wine (20) On-Sale Beer and Wine (42)
2	Settebello Pizzeria Napoletana	625 E. Colorado	On-Sale General (47)
3	Trejo's Cantina	37 S. El Molino	On-Sale General (47)
4	The Stand	36 S. El Molino	On-Sale Beer and Wine (41)
5	Roy's	641 E. Colorado	On-Sale Beer and Wine (41)
6	Tender Greens	621 E. Colorado	On-Sale Beer and Wine (41)
7	Blaze Pizza	667 W. Colorado	On-Sale Beer and Wine (41)
8	The Mixx	443 E. Colorado	On-Sale General (47)
9	Maison Akira	713 E. Green	On-Sale Beer and Wine (41)
10	Hilton Pasadena	168 S. Los Robles	On-Sale General (47)
11	El Portal	695 E. Green	On-Sale General (47)
12	Winebee.com	572 E. Green	Wholesale Beer and Wine (17) Off-Sale Beer and Wine (20)
13	New School of Cooking	525 E. Colorado	On-Sale Beer and Wine (41)
14	Rotisserie Chicken of California	26 N. Los Robles	On-Sale Beer and Wine (41)
15	Jacob Maarse Inc	655 E. Green	Off-Sale Beer and Wine (20)
16	Pasadena Playhouse	39 S. El Molino	On-Sale Beer and Wine (69)
17	Dr. Robbin Bistro	630 E. Colorado	On-Sale Beer and Wine (41)
18	Asakusa	624 E. Colorado	On-Sale Beer and Wine (41)

The project is located in the Pasadena Playhouse sub-district of the Central District Specific Plan, which is a pedestrian oriented, mixed-use, retail, and commercial area. Although an undue concentration of alcohol establishments (as defined by ABC) exists in the area, unlike nightclubs or bars, it is not expected that the proposed service of full service alcohol in conjunction with a restaurant as an accessory use to the existing culinary school would be a problematic use. The approval of this request would add to the number of alcohol licenses. However, allowing on-site sales and consumption of alcohol would provide an amenity for customers of the restaurant by allowing customers to enjoy a selection of alcohol during their dining experience, which would be

limited to the instructional kitchens. Therefore, the project would not contribute negatively to the undue concentration of alcoholic establishments in the Census Tract.

Proximity to Sensitive Uses

The nearest residential zone to the culinary school is RM-48, which is located approximately 1,000 feet south of the campus. The nearest residential use to the school within CD-4 is more than 500 feet south near the corner of El Dorado and S. Oakland. These residences are shielded from visibility to the campus by the Church of Christian Science. Additionally, the restaurant use and associated on-site sale and consumption of alcohol would take place inside the campus, and parking is off the street.

There are no hospitals, parks, or schools in the vicinity of the site. The nearest hospital, Huntington Memorial, is 1.04 miles to the southwest, while the nearest park, Memorial Park, is 2,800 feet to the northwest. The nearest recreation facility, Pasadena Ice Skating Center, is 1,400 feet to the west; place of public assembly, Convention Center, is 1,517 feet to the west, and the nearest school, Mayfield Junior School is 2,200 feet to the southwest. Although church uses exist to the south and west of the subject site, these uses are primarily operating at times when the culinary school is closed and at times when alcohol sales and consumption at the restaurant would be relatively infrequent.

No other property with on-site alcohol sales exists within 500 feet of the campus. The closest is 510 feet away and the rest of the properties within a 1000-foot radius are between 750 and 1000 feet away from the campus.

As such, it is not anticipated that the on-site sale and consumption of alcohol at a restaurant, which is ancillary to the operation of an existing culinary school, would create adverse impacts on sensitive uses, given that activities associated with the use would be restricted to the inside of the existing instructional kitchens. Adherence with the recommended conditions of approval and periodic condition monitoring would ensure that the use would not deviate from the planned operation reviewed under this application.

Hours of Operation

As described above, the school operates Monday through Friday, with morning courses offered between 7:30 a.m. to 11:30 a.m., afternoon courses between 12:00 p.m. and 4:00 p.m., and evening courses offered Tuesday, Wednesday, and Thursday between 6:00 p.m. and 10:00 p.m. There are no classes scheduled on weekends. The restaurant is proposed to operate between the hours of 8:00 a.m. and 11:00 p.m., daily.

The subject site is situated within the Central District Specific Plan and therefore is not subject to the limited hours of operation as prescribed in Section 17.40.070.A.4 of the Zoning Code. The proposed hours of operation for both the primary culinary school and the ancillary restaurant with full alcohol sales are consistent with other existing commercial uses in the Pasadena Playhouse sub-district area. Furthermore, a restaurant use open during weekends would serve to activate the street and enhance the high-density, pedestrian oriented nature of the district.

GENERAL PLAN CONSISTENCY:

The Land Use Element of the General Plan designation is Medium Mixed-Use. 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 Pasadena Playhouse sub-district is intended for arts- and culture-oriented uses, with theaters, universities, museums, book stores, restaurants, and mixed commercial and housing projects. The proposed accessory use allowing for the sale of alcohol is consistent with General Plan Land Use Element Policy 31.7 (Expanded Economic Opportunities) and 31.8 (Street Vitality During Evenings and On Weekends). Policy 31.7 calls for the strengthening of the Central District's economic vitality by supporting existing businesses. Policy 31.8 aims to sustain a vibrant pedestrian atmosphere in traditionally civic and office dominant sub-areas on evenings and weekends by encouraging additional residential and mixed-use development. The proposed addition of on-site alcohol sales in conjunction with a restaurant encourages a diversity of shopping and dining experiences, enabling Pasadena's residents to acquire desired goods and services within the City, as well as attracting customers from surrounding communities.

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 a restaurant use ancillary to the operation of a culinary school is considered a negligible expansion of an existing commercial use. Furthermore, no expansion to the existing floor area is proposed. Therefore, the project is exempt from environmental review.

REVIEW BY OTHER CITY DEPARTMENTS:

The applicant's request for a Conditional Use Permit to allow on-site sale and consumption of full alcohol was reviewed by the Building and Safety Division, Design and Historic Preservation, Department of Transportation, Fire Department, Public Works Department, Public Health Department, and the Pasadena Police Department. However, the aforementioned departments did not provide any comments or conditions of approval.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Conditional Use Permit for on-site sale and consumption of full service alcohol in conjunction with a restaurant ancillary to an existing culinary school can be made. The site is located within the Central District Specific Plan, Pasadena Playhouse sub-district, which encourages long-term viability as a regional retail and entertainment attraction through the development of complementary uses. The proposed on-site sale and consumption of full service alcohol in conjunction with the existing culinary school would provide a unique service to the community and enhance pedestrian activity for businesses located within and around the Central District. Conditions of approval would ensure that the use would not deviate from the planned operation reviewed under this application. Therefore, staff recommends that the Hearing Officer approve the application with 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 #6657

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 proposed on-site sale and consumption of full service alcohol at a restaurant ancillary to an existing culinary school is a land use which is consistent with the activities in the surrounding area. The subject site is located within the CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district) zoning district, which is intended to provide diverse shopping and dining experiences and for Pasadena's residents to acquire desired goods and services within the City. The use will operate in accordance with City regulations, ordinances, and conditions of approval to ensure compatibility with the surrounding areas.
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 subject site is located within the CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district) zoning district. The purpose of this sub-district is to provide for a vibrant mixed-use environment that encompasses cultural and arts activities, centered on Colorado Boulevard and the Pasadena Playhouse. Although an undue concentration of alcohol establishments (as defined by ABC) exists in the area, a majority of the existing alcohol establishments are restaurant uses. Unlike nightclubs or bars, the proposed on-site sale and consumption of alcohol at a restaurant operating as part of an existing culinary school is not expected to be a problematic use. Approval of the Conditional Use Permit to allow on-site sale and consumption of alcohol will not alter the commercial nature of the existing use nor allow the use to operate in a detrimental manner.
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.* The nearest residential zone to the culinary school is RM-48, which is located approximately 1,000 feet south of the campus. The nearest residential use to the school within CD-4 is more than 500 feet south near the corner of El Dorado and S. Oakland. These residences are shielded from visibility to the campus by the Church of Christian Science. Additionally, the restaurant use and associated on-site sale and consumption of alcohol would take place inside the campus, and parking is off the street.

There are no hospitals, parks, or schools in the vicinity of the site. The nearest hospital, Huntington Memorial, is 1.04 miles to the southwest, while the nearest park, Memorial Park, is 2,800 feet to the northwest. The nearest recreation facility, Pasadena Ice Skating Center, is 1,400 feet to the west, place of public assembly, Convention Center, is 1,517 feet to the west, and the nearest school, Mayfield Junior School is 2,200 feet to the southwest. Although church uses exist to the south and west of the subject site, these uses are primarily operating at times when the culinary school is closed and at times when alcohol sales and consumption at the restaurant would be relatively infrequent.

No other property with on-site alcohol sales exists within 500 feet of the campus. The closest is 510 feet away and the rest of the properties within a 1000-foot radius are between 750 and 1000 feet away from the campus.

As such, it is not anticipated that the on-site sale and consumption of alcohol at a restaurant which is ancillary to the operation of an existing culinary school would create adverse impacts on sensitive uses, given that activities associated with the use would be restricted to the inside of the existing instructional kitchens. Adherence with the recommended conditions of approval and periodic condition monitoring would ensure that the use would not deviate from the planned operation reviewed under this application.

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).* The applicant's request for on-site sale and consumption of full service alcohol in conjunction with a restaurant at an existing culinary school is consistent and compatible with surrounding uses within the Central District Specific Plan. Although an undue concentration of alcohol establishments (as defined by ABC) exists in the area, unlike nightclubs or bars, it is not expected that the proposed service of full service alcohol in conjunction with a restaurant as an ancillary use to the existing culinary school would be a problematic use. The proposed on-site sale and consumption of alcohol would be offered within kitchen areas only during restaurant hours, and would be an ancillary use to the existing culinary school. The addition of on-site sale and consumption of full alcohol would not create a conflict with the surrounding commercial uses, given similar uses, such as restaurants that serve on-site alcohol are located within the Central District Specific Plan.
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 proposed use allowing for the sale and consumption of alcohol is consistent with General Plan Land Use Element Policy 31.7 (Expanded Economic Opportunities) and 31.8 (Street Vitality During Evenings and On Weekends). Policy 31.7 calls for the strengthening of the Central District's economic vitality by supporting existing businesses. Policy 31.8 aims to sustain a vibrant pedestrian atmosphere in traditionally civic and office dominant sub-areas on evenings and weekends by encouraging additional residential and mixed-use development. The proposed addition of on-site alcohol sales and consumption in conjunction with a restaurant encourages diversity of shopping and dining experiences, enabling Pasadena's residents to acquire desired goods and services within the City, as well as attracting customers from surrounding communities.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6657

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 at Hearing March 20, 2019", 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 on-site sale and consumption of full service alcohol in conjunction with a restaurant as an ancillary use in an existing 38,359 square-foot culinary school.
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 **PLN2018-00329**, 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, Kristen Johnston at (626) 744-6709 to schedule an inspection appointment time.

Planning Division

9. On-site sales and consumption of full service alcohol shall be limited to the restaurant operations in the kitchens identified on plans submitted and approved with this application. On-site sales and consumption outside of the designated area is not permitted. No more than two kitchens shall be used for restaurant purposes at any given time.
10. The primary use shall be a College, Nontraditional Campus Setting (culinary school). The restaurant use with associated full alcohol sales for on-site consumption shall be ancillary to the primary use.
11. The on-site sale and consumption of alcohol shall be limited to customers, 21 and older.

12. The premises shall operate under ABC License Type 47 (On-Sale General for Bona Fide Public Eating Place). No other license shall be obtained without the approval of a modification of this Conditional Use Permit or a new Conditional Use Permit.
13. Customers are prohibited from bringing their own outside alcoholic beverages for on-site consumption at all times.
14. The off-site sale and/or consumption of alcohol is strictly prohibited at all times.
15. Restaurant operations and associated service of alcohol shall not begin earlier than 8:00 a.m. and shall end no later than 10:00 p.m. with clean-up ending no later than 11:00 p.m. 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.
16. Alcohol sales shall cease one-half hour before close.
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 in disposable containers.
19. 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.
20. 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.
21. These conditions of approval must be posted in a conspicuous location for public viewing within the restaurant on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
22. The establishment shall comply with applicable standards in Section 17.40.090 (Performance Standards).