



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: January 15, 2020

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6763

LOCATION: 673 E. Colorado Boulevard

APPLICANT: Laemmle Theaters, LLC

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

GENERAL PLAN DESIGNATION: High Mixed Use

CASE PLANNER: Kent Lin

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #6763 with the conditions in Attachment B

PROJECT PROPOSAL: Conditional Use Permit: To allow the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of an existing Commercial Entertainment (movie theater) use.

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 and, therefore, there are no unusual circumstances.. Section 15301 specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The ancillary sale of alcohol in conjunction with the operation of an existing Commercial Entertainment (movie theater) use is consider a negligible expansion to an existing commercial structure.

BACKGROUND:

Site characteristics: The subject property is located on the northeast corner of Colorado Boulevard and El Molino Avenue. The 24,388 square-foot property contains a 22,400 square foot commercial building consisting of a movie theater and restaurant use.

Adjacent Uses: North – Mixed-use
South – Retail Sales, Office, Administrative Business Professional
East – Retail Sales
West – Restaurant, Mixed-use

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

Previous Cases: Conditional Use Permit #5801: To allow the on-site sale and consumption of beer and wine in conjunction with the operation of a restaurant (Blaze Pizza). Approved on August 1, 2012.

PROJECT DESCRIPTION:

The applicant, Steve Rawlings, on behalf of Laemmle Theaters LLC, has submitted a Conditional Use Permit application to allow the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of an existing Commercial Entertainment (movie theater) use, Laemmle Theater. A Conditional Use Permit is required for the limited alcohol sales (beer and wine) in the CD-4 zoning district.

Laemmle Theater has been in operation in Pasadena since 1999. The movie theater is approximately 19,500 square feet in size, with seven movie theaters and a total seating capacity of 1,191 seats. The theater also includes of a box office, lobby area, concession counter, food prep area, storage, corridors, employee break room, and restrooms. A ‘kegerator’ for beer and a wine refrigerator would be installed at the existing concession counter. No additional interior remodeling is proposed. Alcoholic beverages would be sold at the existing concession counter, along with food sales. There is no dedicated bar area proposed. Alcohol sales and consumption would occur in the lobby area and inside the movie theaters only; there would be no sale of alcoholic beverages for off-site consumption. The project would not result in any alteration or expansion of the existing building.

The current hours of operation for the Laemmle Theater are from 10:00 a.m. to 2:00 a.m., seven days a week and would remain the same. Within the Central District, there is no regulation that limits the hours of operation. However, staff is recommending the hours of alcohol sales cease one-half hour prior to closing.

ANALYSIS:

Zoning and Land Use

The Zoning Code defines a Commercial Entertainment land use as a provision of spectator entertainment for commercial purposes. This use includes theaters, concert halls, cinemas, nightclubs, or comedy clubs. The subject property is situated in the CD-4 (Central District Specific Plan, Pasadena Playhouse) zoning District. Pursuant to Section 17.30.030, Table 3-1 of the Zoning Code, a Commercial Entertainment (e.g. movie theater) use is subject to the review and approval of an Expressive Use Permit in CD-4 zoning district. The existing Laemmle Theater was established in 1999, prior to the adoption of Central District Specific Plan. Because the project does not involve any alteration or expansion of the existing movie theater, an Expressive Use Permit is not required as part of this application. The project proposes the ancillary on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of an existing movie theater and is subject to the review and approval of a Conditional Use Permit in the CD-4 zoning district.

Staff's review of a Conditional Use Permit for alcohol entails an analysis of whether the proposed location of alcohol sales and on-site consumption would affect the general welfare of surrounding properties 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 in the vicinity of the project site. The Hearing Officer may approve the Conditional Use Permit provided that the required five findings in Attachment A of this report can be made in the affirmative.

Concentration of Alcohol Sales

The project site is located within Census Tract #4622.02. According to Alcohol Beverage Control (ABC), based on the Census Tract population, this census tract allows two licenses for on-site alcohol sales. Currently, the Census Tract has 13 on-site licenses. According to ABC, adding one additional on-site license within the census tract will result in a continued undue concentration of such licenses, as defined by ABC. As such, a finding of public convenience and necessity must be made by the applicant in order to obtain the alcohol license from ABC. The ABC only requires this finding to be made by the local governing agency if the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license. Since the applicant does not intend to file for one of those license types, the City is not required to make findings for public convenience and necessity when evaluating this application.

A Conditional Use Permit application for alcohol sales requires the applicant to identify all uses that sell alcohol for either on-site or off-site consumption within 1,000 feet of the site. Based on the information provided by the applicant and verified by staff, there are currently 21 establishments within 1,000 feet of the subject site that sell alcohol, as shown on the following table:

Table 1: Alcohol License Types within 1,000 Feet

	Business Name	Address	ABC License Type (Code)
1	Maarse Inc	655 E. Green Street	Off-Sale Beer & Wine (20)
2	Monopole Wine	21 S. El Molino Ave.	Off-Sale Beer & Wine (20) On-Sale Beer & Wine Public Premises (42)
3	Target	777 E. Colorado Blvd.	Off-Sale General (21)
4	Tarantino's Pizza	784 E. Green Street	On-Sale Beer & Wine (41)
5	Yahaira's Café	698 E. Colorado Blvd.	On-Sale Beer & Wine (41)
6	The Stand	36 S. El Molino Ave.	On-Sale Beer & Wine (41)
7	Takuya Japanese Restaurant	694 E. Colorado Blvd.	On-Sale Beer & Wine (41)
8	Nine and Nine Thai Kitchen	738 E. Colorado Blvd.	On-Sale Beer & Wine (41)
9	Asakusa	624 E. Colorado Blvd.	On-Sale Beer & Wine (41)
10	Sushi Ramen	735 E. Green Street	On-Sale Beer & Wine (41)
11	Restaurante Los Anaya	630 E. Colorado Blvd.	On-Sale Beer & Wine (41)
12	Blaze Fast Fire Pizza	667 E. Colorado Blvd.	On-Sale Beer & Wine (41)
13	Tender Greens	621 E. Colorado Blvd.	On-Sale Beer & Wine (41)
14	Total Wine and More	721 E. Colorado Blvd.	Off-Sale General (21) On-Sale Beer & Wine Public Premises (42) Instructional Tasting License (86)
15	Vroman's Bookstore	695 E. Colorado Blvd.	On-Sale Beer & Wine Public Premises (42)
16	El Portal Restaurant	695 E. Green St.	On-Sale General Eating Place (47)
17	Trejo's Cantina Pasadena	37 S. El Molino Ave.	On-Sale General Eating Place (47)
18	Institute of Culinary Education	521 E. Green Street	On-Sale General Eating Place (47)
19	Settebello Pizzeria Napole	625 E. Colorado Blvd	On-Sale General Eating Place (47)
20	Roy's Restaurant	641 E. Colorado Blvd.	On-Sale General Eating Place (47)
21	Pasadena Playhouse Inc.	39 S. El Molino Ave.	Special On-Sale Beer & Wine Theater (69)

Although an undue concentration of alcohol establishments, as defined by ABC exists in the area, the majority of the existing alcohol establishments are restaurants and retail businesses, which are not typically problematic. Furthermore, serving a limited line of alcoholic beverages at a movie theater in the commercial district is considered an amenity and would not be the primary use. The movie theater would sell food along with alcoholic beverages at the concession counter for on-site consumption only. The off-site sale and consumption of alcohol would be prohibited, therefore decreasing any potential negative effects to the surrounding uses. Therefore, the project is not expected to create an undue concentration of alcoholic establishments in the Census Tract.

Proximity to Sensitive Uses

The subject site is located within the immediate proximity of school and religious facilities. The Pasadena Presbyterian Church is located 350 feet west of the subject site. The First United Methodist Church is approximately 600 feet southwest of Laemmle Theater and the Fuller Theological Seminary campus is approximately 700 feet northwest of the subject site. The Trio development, with residential units located in the upper levels is approximately 60 feet west of the site. However, it is staff's assessment that the ancillary on-site sale of limited alcohol (beer and wine) in conjunction with a movie theater would not encourage activities that cause negative effects on the surrounding area. The Laemmle Theater has been in operation since 1999 and has operated with no detrimental impact to the surrounding uses. Alcoholic beverages along with food sales would be sold from the existing concession counter for on-site consumption only. Off-site sale and consumption of alcoholic beverages would not be permitted.

After giving consideration to the proximity and nature of the proposed use with respect to sensitive uses in the general area, it is staff's assessment that the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the existing Commercial Entertainment (movie theater) use will not detrimentally affect the surrounding area.

GENERAL PLAN CONSISTENCY:

The proposed use is consistent with General Plan Land Use Element Policy 4.3: An Active Central District, which intends for the Central District to continue to be a vital, pedestrian-oriented place, linked to local and regional transit designed for all ages and serving as the focal point of community identity, business activity, employment, living, governance, and culture. The Laemmle Theater is a prime example of the type of business the Central District Specific Plan envisions would be maintained/established in the Playhouse subdistrict of the Central District Specific Plan area. Similar to Policy 4.3, the Playhouse subdistrict is intended to include a variety of land uses and services consistent with office, retail, mixed use, commercial entertainment, and restaurant uses.

The addition of incidental alcohol sales in conjunction with the movie theater would provide an additional amenity to the theater, one that would increase its prominence/importance in achieving and supporting the goals of the Specific Plan and the Playhouse subdistrict. The proposed on-site sale and consumption of beer and wine in conjunction with the operation of the movie theater would enhance the district by offering a unique experience that would attract customers. This would be consistent with General Plan Land Use Element Policy 31.1 (Focus Growth), as it would support the area's economic vitality while preserving and complementing the historic core. The proposed project is also consistent with General Plan Land Use Element Policy 31.7 (Expanded Economic Opportunities), which would strengthen the Central District's economic vitality by supporting existing businesses.

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 and, therefore, there are no unusual circumstances. Section 15301 specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The ancillary

sale of alcohol in conjunction with the operation of an existing Commercial Entertainment (e.g. movie theater) use is consider a negligible expansion to an existing commercial structure.

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 reviewed the proposal. The Special Investigations Section of the Pasadena Police Department reviewed the application and did not express concerns. No other comments were received.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Conditional Use Permit to allow the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of an existing Commercial Entertainment (movie theater) use can be made. Conditions of approval would ensure that the use would not deviate from the planned operation reviewed with the application. 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 CONIDITONAL USE PERMIT #6763

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 subject site is located within the Central District Specific Plan, Pasadena Playhouse subdistrict, which functions as the City's urban core providing a variety of economic residential and cultural opportunities with a mixture of uses, including retail, office, restaurant, theater, bookstore, and housing. The ancillary on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of an existing movie theater will be consistent with the activity of the surrounding diverse mix of land uses. The establishment will continue to operate in accordance with the City's laws, ordinances and conditions of approval that ensure the continuity of the compatible coexistence of this use with surrounding area.
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.* An overconcentration of alcohol establishments, as defined by Alcoholic Beverage Control, exists in the Census Tract. Although an undue concentration of alcohol establishments exists in the area, most of the existing alcohol establishments are restaurants and retail uses. Unlike nightclubs or bars, movie theaters are not typically a problematic use. The proposal will add an amenity to the mixed-use neighborhood. Therefore, the project will not contribute negatively to the undue concentration of alcoholic establishments in the Census Tract. The sale of alcoholic beverages for off-site consumption is not proposed as part of this application. Additionally, conditions of approval have been included that will limit the potential for negative impacts.
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 subject site is located within proximity of school and religious facilities. The Pasadena Presbyterian Church is located approximately 350 feet west of the subject site and First United Methodist Church is approximately 600 feet southwest of Laemmle Theater. The Fuller Theological Seminary campus is approximately 700 feet northwest of the subject site. The Trio development, with residential units located in the upper levels, is 60 feet west of the site.

However, the ancillary on-site sale of limited alcohol (beer and wine) in conjunction with a movie theater typically do not encourage activities that cause negative effects on the surrounding area. Laemmle Theater has been in operation since 1999 and has operated with no detrimental impact to the surrounding uses. Alcoholic beverages along with food sales will be sold from the concession counter for on-site consumption only. Off-site sale and consumption of alcoholic beverages is prohibited. Given the proximity and nature of the proposed use with respect to sensitive uses in the general area, the on-site sale and consumption of limited alcohol (beer and wine) in conjunction with the operation of an existing movie theater will not detrimentally affect the surrounding area.

4. *The proposed location of the site for the Conditional Use Permit would not aggravate existing problems created by the sale of alcohol (e.g., littering, loitering, noise, public drunkenness, and sales to minors).* The on-site sale and consumption of limited alcohol (beer and wine) in conjunction with a movie theater is generally not a problematic use. The Special Investigations Section of the Pasadena Police Department reviewed the application and did not express concerns. Conditions of approval would ensure that the use would not deviate from the planned operation reviewed with the application.

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 is consistent with General Plan Land Use Element Policy 4.3: An Active Central District, which encourages the Central District to continue and to be reinforced as a vital, pedestrian-oriented place, linked to local and regional transit designed for all ages and serving as the focal point of community identity, business activity, employment, living, governance, and culture. The proposed incidental alcohol sales in conjunction with a movie theater promotes pedestrian activity in a way that is compatible with nearby commercial and residential uses. It would bolster a diverse economy base and would be a long-term economic contribution to the City and to the Pasadena Playhouse subdistrict of the Central District Specific Plan area, which encourages for a diverse mix of land uses and services consistent with office, retail, mixed use, commercial entertainment, and restaurant uses. The proposed on-site sale and consumption of beer and wine in conjunction with the operation of a movie theater would enhance the commercial district by offering a unique moving going experience that would attract customers, consistent with General Plan Land Use Element Policy 31.1 (Focus Growth), as it would support the neighborhood's economic vitality while preserving and complementing the historic core. The proposed project is also consistent with General Plan Land Use Element Policy 31.7 (Expanded Economic Opportunities), which would strengthen the Central District's economic vitality by supporting existing businesses and providing opportunities for new commercial development in underutilized areas with higher development capacity.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6763

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

General

1. The site/floor plans to be submitted for building permits shall substantially conform to the site/floor plans stamped "Approved at Hearing January 15, 2020," except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, except where an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions).
3. The approval of this application authorizes the on-site sale and consumption of limited alcohol (beer and wine) as part of the operation of a Commercial Entertainment (movie theater) use.
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 proposed project, Activity Number **PLN2019-00371** 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. Contact the Planning Case Manager, Kent Lin at (626) 744-6817 to schedule an inspection appointment time.

Planning

8. The premises shall operate under ABC License Type 41 (On-Sale Beer and Wine Eating Place). The premises shall not obtain any other public premises type licenses without the approval of a Conditional Use Permit.
9. The primary use shall be a Commercial Entertainment (movie theater) with ancillary sale of limited alcohol (beer and wine) intended for on-site consumption only.
10. Food and concession sales shall be made available during all hours of business operation.
11. All alcohol sales shall cease one-half hour before closing, but no later than 1:30 a.m.
12. Off-site sale and consumption of alcohol is prohibited at all times.

13. 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.
14. These conditions of approval must be posted in a conspicuous location for public viewing within the concession counter area on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
15. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that should appear on the site shall be removed within 48 hours.
16. Compliance with the City of Pasadena Refuse Storage regulations, see Section 17.40.120 (Refuse Storage Facilities) of the Pasadena Municipal Code, shall be maintained at all times.