



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: November 18, 2020

TO: Hearing Officer

SUBJECT: Modification to Conditional Use Permit # 6578

LOCATION: 695 East Colorado Boulevard

APPLICANT: Myca Tran, Art Rodriguez Associates

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

GENERAL PLAN DESIGNATION: High Mixed Use

CASE PLANNER: Alison Walker

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Modification to Conditional Use Permit #6578 with the Conditions of Approval in Attachment B.

PROJECT PROPOSAL: Modification to Conditional Use Permit: To allow the off-site sale of limited alcohol (beer and wine) for an existing wine bar, as an accessory use to an existing Retail Sales land use (Vroman's Bookstore), which requires a modification to the conditions of an existing Conditional Use Permit for on-site sales and consumption of limited alcohol (beer and wine).

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Title 14, Chapter 3, Section §15301, Class 1, Existing Facilities). This exemption applies to the operation and permitting of uses in existing structures where there is no negligible or expansion of the use. The addition of limited alcohol off-site sales for the wine bar as an accessory use to an existing Retail Sales land use, which is considered a negligible expansion to an existing commercial building.

BACKGROUND:

Site characteristics: The subject site is located on the north side of East Colorado Boulevard, between Oak Knoll Avenue and El Molino Avenue. The site is 30,466 square feet in size and is currently developed with a 33,256 square-foot, two-story commercial building (Vroman’s Bookstore) with surface parking at the rear of the building, providing 178 parking spaces.

Adjacent Uses: North – Multi-Family Residential
South – General Commercial
East – General Commercial
West – General 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 zoning cases on this property: CUP #6578: To allow the on-site sales and consumption of limited alcohol (beer and wine) in conjunction with a proposed wine bar, as an accessory use to an existing Retail Sales land use (Vroman’s Bookstore) (approved with conditions October 18, 2017).

PROJECT DESCRIPTION:

The applicant, Myca Tran of Art Rodriguez Associates has submitted a request for a modification to the Conditional Use Permit #6578 application to allow the off-site sale of limited alcohol (beer and wine) for a the existing wine bar, an accessory use to an existing Retail Sales land use (Vroman’s Bookstore). Conditional Use Permit # 6578 was approved by the Hearing Officer on October 18, 2017, and became effective on October 31, 2017. The original Conditional Use Permit included Condition of Approval 15 which states: “The off-site sale of and/or consumption of alcohol is strictly prohibited at all times.” In order to change a Condition of Approval, a modification to the Conditional Use Permit is required.

The wine bar began operating in February of 2020, and presently occupies a portion of the first floor, with frontage on Colorado Boulevard, at the east side of the bookstore. Conditional Use Permit #6578 included approval of a bar area of 500 square feet with a 300 square-foot outdoor seating area, with a portion of the outdoor seating within the existing public sidewalk. The existing wine bar as constructed measures 407 square feet in area. The applicant proposes to increase the size of this area up by approximately 80 square feet (485 square feet), which is in compliance with the 500 square foot maximum approved with Conditional Use Permit #6578.

As described by the applicant, Vroman's Bookstore partners with local breweries and proposes to offer their bottled/canned craft beers for off-site sales. There would be a variety of local and imported bottles of wine offered for off-site sales, as well. The bottled/canned beers and wine bottles would be offered for purchase individually or part of a gift basket.

As the wine bar presently operates, the wine bar customers enter directly from the bookstore. There are no entrances or exits to the wine bar proposed from the exterior of the building. Similar to the existing café operations inside the bookstore, customers are required to complete their bookstore purchase prior to entering the wine bar. The items for off-site sales will be displayed throughout the bookstore, and would be exclusively available for purchase in the wine bar area or online only. In accordance with California Alcoholic Beverage Control, the purchase of alcohol may only occur within the licensed area (the wine bar). There are no proposed changes to the operation of the on-site sale and consumption of beer and wine would be restricted in all areas other than inside the wine bar.

The hours of operation for the wine bar and alcohol sales area would coincide with the existing bookstore hours, with hours proposed from 12:00 p.m. to 9:00 p.m., Monday through Thursday, 12:00 p.m. to 10:00 p.m. Friday and Saturday, and 12:00 p.m. to 8:00 p.m., Sundays.

ANALYSIS:

The applicant's request to modify the existing conditions of CUP #6578 to allow the off-site sale of beer and wine at an existing wine bar, as an accessory use to the existing Vroman's Bookstore, is considered a modification to the existing Conditional Use Permit. The request for a modification requires that staff review the project in accordance with the Conditional Use Permit findings. 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 off-site sales of limited alcohol (beer and wine) will create negative impact 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 objectives are 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 off-site sale of bottled/canned beer and bottles of wine as a component of the existing wine bar is consistent and compatible with surrounding uses and the goals and objectives of the Pasadena Playhouse sub-district. With the addition of the off-site sales of beer and wine, the bookstore would further diversify the merchandise offerings, boosting the pedestrian traffic in the bookstore and the accessory uses offered. The off-site sale of beer and wine is not viewed as a conflict with the surrounding commercial uses, given that the off-site sales will be in conjunction with the existing wine bar and will be operated in accordance with the California Alcoholic Beverage Control regulations.

Other than the sale of beer and wine "to go" and the increase of indoor seating area within the scope of the original Conditional Use Permit, there are no changes to the existing operations of the wine bar. The previously approved hours, outdoor area, and conditions of approval, other than those that relate to the restriction of off-site sale, would be consistent with the proposed modification to the conditional use permit.

Concentration of Alcohol Sales

The project site is located with Census Tract 4622.02. 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 considered an “undue concentration”, based on the population in the tract. Currently there are a total of 12 on-site and two off-site licenses within the subject Census Tract. The applicant’s previous request added an additional license to an existing area that has an “undue concentration” of alcohol licenses, as defined by ABC. Local agencies are required to make findings for public convenience and necessity, and the City of Pasadena previously made these findings under the original entitlement on October 18, 2017.

Proximity to Sensitive Uses

The subject site is not located within immediate proximity of parks, playgrounds, churches or schools. The nearest public park is Grant Park located 3,400 feet (0.64 mile) from the subject property, Immanuel Lutheran Church is located 900 feet (0.17 mile) away, and the closest school, McKinley School, is located more than 2,000 feet (0.38 mile) from the subject property. As such, it is not anticipated that the off-site sale of limited alcohol (beer and wine) in conjunction with the operation of a wine bar as an accessory use to an existing Retail Sales land use (Vroman’s Bookstore) would create adverse impacts on sensitive uses, given that the proposed use is not within close proximity to sensitive uses. 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.

After giving consideration to the location and nature of the proposed use with respect to sensitive uses in the general area, it is staff’s assessment that the off-site sale of limited alcohol (beer and wine) in conjunction with a wine bar, as an accessory use to the existing Retail Sales land use (Vroman’s Bookstore) would not detrimentally affect the surrounding area.

GENERAL PLAN CONSISTENCY:

The CUP is consistent with the General Plan Land Use Element – Goal 11 Policy 11.1, Business Expansion and Growth in that the proposed project would support the continuation of an existing business as it is in harmony with its surroundings and provides growth and success of businesses that create new job opportunities for Pasadena residents. The proposed use is also consistent with General Plan Land Use Element – Policy 12.1 in that the proposed use encourages diversity of shopping and dining opportunities enabling Pasadena’s residents to acquire desired services within the vital commercial districts.

REVIEW BY OTHER DEPARTMENTS:

The request for off-site sale of limited alcohol (beer and wine) in conjunction with a wine bar was reviewed by the City’s Public Works Department, Building Department, Pasadena Police Department, Department of Transportation, Public Health Department, and Pasadena Fire Department. The six departments had no comments.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Title 14, Chapter 3, Section §15301, Class 1, Existing Facilities). This exemption applies to the operation and permitting of uses in existing structures where there involves negligible or no expansion of the use. The addition of limited alcohol off-site sales for the existing wine bar as an accessory use to an existing Retail Sales land use, which is considered a negligible expansion to an existing commercial building.

CONCLUSION:

It is staff's assessment that the finding necessary for approval of the modification to the Conditional Use Permit to allow off-site sales of limited alcohol (beer and wine) in conjunction with an existing wine bar can be made. The site is located within the Central District Specific Plan, Pasadena Playhouse sub-district, which encourages a vibrant mixed-use environment that encompasses cultural and arts activities, centered on Colorado Boulevard and the Pasadena Playhouse. The proposed off-site sale of limited alcohol (beer and wine) in conjunction with the existing wine bar as an accessory use would enhance the existing use and provide a unique service to the community, in compliance with the state's Alcoholic Beverage Control license. Conditions of approval would ensure that the use would not deviate from the planned operation reviewed under this and the original 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: Findings

Attachment B: Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MODIFICATION TO CONDITIONAL USE PERMIT # 6578

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 off-site sale of limited alcohol (beer and wine) in conjunction with an existing wine bar as an accessory use to an existing Retail Sales land use (Vroman's Bookstore) is consistent with the activities of the surrounding area. All sales of alcohol will take place within the wine bar area, in accordance with the California Alcoholic Beverage Control requirements. The only customers allowed to enter the wine bar are those over the age of 21. The subject site is located within the CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district) zoning district, which is identified to provide for a vibrant mixed-use environment that encompasses cultural and arts activities, centered on Colorado Boulevard and the Pasadena Playhouse. The use will operate in accordance with all City laws, ordinances and conditions of approval to ensure compatibility with the 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.* The subject site is located in the CD-4 (Central District Specific Plan, Pasadena Playhouse sub-district) zoning district, the purpose of this sub-district is to promote 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 wine bar is an accessory use to the existing Retail Sales land use (Vroman's Bookstore), and the inclusion of off-site sale of limited alcohol (beer and wine) is not expected to be a problematic use. Approval of the conditional use permit to allow off-site sale of limited alcohol (beer and wine) 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 subject site is not located within immediate proximity of parks, playgrounds, churches or schools. The nearest public park is Grant Park located 3,400 feet (0.64 mile) from the subject property, Immanuel Lutheran Church is located 900 feet (0.17 mile) away, and the closest school, McKinley School is located more than 2,000 feet (0.38 mile) from the subject property. As such, it is not anticipated that the off-site sale beer and wine with the operation of an existing wine bar as an accessory use to an existing Retail Sales land use (Vroman's Bookstore) would create adverse impacts on sensitive uses, given that the proposed use is not within close proximity to sensitive uses. 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 existing problems created by the sale of alcohol (e.g., littering, loitering, noise, public drunkenness, and sales to minors).* The applicant's request for off-site sale and consumption of limited alcohol in conjunction with the existing wine bar is consistent and compatible with surrounding uses within the Central District Specific Plan. The existing wine bar is located within the

existing bookstore and has minimal outdoor seating. The addition of the off-site sales of beer and wine at the wine bar increases the variety of merchandise sold at the existing Vroman's Bookstore, such as gift baskets with beer and wine, and enhances the user experience by allowing customers to take home the craft beer and wine they enjoy on the premises. The off-site sales of beer and wine is not viewed as a conflict with the surrounding commercial uses.

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 Conditional Use Permit is consistent with General Plan Land Use Element Goal 11, Policy 11.1, Business Expansion and Growth in that the proposed project would support the continuation of an existing business as it is in harmony with its surroundings and provides growth and success of businesses that create new job opportunities for Pasadena residents, and is consistent with Policy 12.1, Vital Commercial Districts, which is to enhance commercial districts to create quality shopping and dining experiences. The off-site sale beer and wine, along with the implementation of the conditions of approval, will enhance the offerings at Vroman's Bookstore to allow wine bar customers to purchase gift baskets and to take home the unique selection of beverages served at Vroman's wine bar for future enjoyment at home. The off-site sales use is consistent with the surrounding uses within the Central District Specific Plan and is not viewed as a conflict with the surrounding uses.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR MODIFICATION TO CONDITIONAL USE PERMIT #6578

The applicant or the successor in interest shall comply with the following conditions:

General

1. The site/floor plans submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Received at Hearing November 18, 2020," except as modified herein.
2. The approval of this application authorizes the off-site sales of limited alcohol (beer and wine) in conjunction with the operation of an existing wine bar with on-site sales and consumption, an area of 500 square feet with a 300 square-foot outdoor seating area, an accessory use to an existing Retail Sales land use (Vroman's Bookstore).
3. 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.
4. 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.
5. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
6. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
7. The proposed project, Activity Number **ZENT2020-10061**, 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, Alison Walker, at (626) 744-6742 to schedule an inspection appointment time.
8. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.

Planning Division

9. The business operator shall maintain the proper approvals and licenses from the California Department of Alcohol and Beverage Control.
10. The on-site and consumption and off-site sale of limited alcohol (beer and wine) in conjunction with a wine bar shall remain an accessory use to the existing primary Retail Sales land use (Vroman's Bookstore).
11. The wine bar operating hours shall coincide with the existing bookstore hours of operation.
12. All alcohol sales shall cease one-half hour before closing or 1:30 a.m., whichever is earlier.

13. The on-site consumption of limited alcohol (beer and wine) shall occur within the wine bar area only.
14. Customers are prohibited from bringing their own outside alcoholic beverages for on-site consumption at all times.
15. Alcoholic beverages shall not be served in disposable containers.
16. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
17. Non-amplified music, associated with the wine bar shall be limited to the indoors.
18. 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 train program offered by the Alcoholic Beverages Control Board prior to the operation of selling/serving alcohol;
 - c. The availability of a variety of non-alcoholic beverages shall be made known and offered to customers.
19. These conditions of approval must be posted in a conspicuous location for public viewing within the existing Retail Sales business on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
20. 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.
21. Compliance with the City of Pasadena Refuse Storage regulations, (Section 17.40.120 of the Pasadena Municipal Code) shall be maintained at all times.

Department of Public Works

22. This application does not permit sidewalk dining in the public right-of-way. If the applicant intends to serve any food or beverages in the public right-of-way, an application shall be filed with the Planning and Community Development Department.
<https://www.cityofpasadena.net/planning/permit-center/covid-19-reopening/>