



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: January 19, 2022

TO: Hearing Officer

SUBJECT: Conditional Use Permit #6938

LOCATION: 1055 East Green Street

APPLICANT: Pasadena Wine Shop

ZONING DESIGNATION: CD-5 (Central District Specific Plan, Lake Avenue Subdistrict)

GENERAL PLAN DESIGNATION: Medium Mixed-Use (0.0 – 2.25 FAR, 0-87 DU/acre)

CASE PLANNER: Katherine Moran

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #6938 with the conditions in Attachment B

PROJECT PROPOSAL: Conditional Use Permit: to allow the establishment of a retail store that specializes in wine (Pasadena Wine Shop) with off-site sales and consumption of beer and wine and on-site instructional tastings (Type 42 ABC License). A Conditional Use Permit is required to allow the retail sale of beer and wine within the CD-5 (Central District Specific Plan, Lake Avenue Subdistrict) 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 and, therefore, there are no unusual circumstances. This section specifically applies to the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of the use. The establishment of

a retail store that specializes in wine in an existing tenant space with the sale of alcohol is considered a negligible expansion of a commercial use.

BACKGROUND:

Site characteristics:

The subject site is located on the north side of East Green Street between South Catalina Avenue and South Wilson Avenue. The subject site is 8,579 square feet and contains a 4,392 square-foot commercial building constructed in 1964 in addition to a surface parking lot. The subject 750 square-foot tenant space was formerly occupied by a retail use and is currently vacant.

Adjacent Uses:

North: Parking Lot
South: Office
East: Office
West: Commercial/Retail

Adjacent Zoning:

North: CD-5 (Central District Specific Plan, Lake Avenue Subdistrict)
South: CD-5 (Central District Specific Plan, Lake Avenue Subdistrict)
East: CL (Limited Commercial district)
West: CD-5-LD-23 (Central District Specific Plan, Lake Avenue Subdistrict, Green Street Village Landmark District)

Previous Cases:

Conditional Use Permit # 2095 – To serve alcoholic beverages for on-site consumption from a proposed 700 square-foot addition to an existing restaurant. Approved January 3, 1990.

Conditional Use Permit #3957 - To permit the sale of full alcohol in conjunction with an existing restaurant, Grecos. Approved on November 27, 2001.

PROJECT DESCRIPTION:

The applicant, Nicole Lalague, of Pasadena Wine Shop, LLC., has submitted a Conditional Use Permit application to allow the establishment of a retail store that specializes in wine (Pasadena Wine Shop) with off-site sales and consumption of beer and wine and on-site instructional tastings (Type 42 ABC License). The City's Zoning Code defines a retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages, which may specialize in a particular type of alcoholic beverage, such as the proposed wine shop, as a 'Liquor Store' land use. A Conditional Use Permit is required to establish a liquor store within the CD-5 (Central District Specific Plan, Lake Avenue Subdistrict) zoning district.

ANALYSIS:

Staff'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 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.

Zoning and Land Use

The subject property is located in the CD-5 (Central District Specific Plan, Lake Avenue Subdistrict) zoning district. The purpose of the CD-5 zoning district is to implement the Central District Specific Plan. One of the purposes of this subdistrict is intended to support Lake Avenue as a pedestrian-oriented high-end commercial street, including regional office space and local shopping. The primary use of the tenant space as a specialty wine shop (Pasadena Wine Shop) is classified as a 'Liquor Store' land use. The applicant proposes to operate under a Type 42 ABC License (On-Sale Beer & Wine – Public Premises) for the off-site sale and consumption of limited alcohol (beer and wine) and ancillary instructional wine tastings would be by appointment only. The establishment of a wine shop with ancillary on-site instructional tastings is subject to the approval of a Conditional Use Permit pursuant to Table 3-1 of Zoning Code Section 17.30.030 (CD District Land Uses and Permit Requirements).

According to the applicant, the off-site alcohol sales would primarily be ordered online. In addition to shipping orders to customers, patrons would be able to pick up orders in store and utilize on-demand curb-side pickup in the on-site parking lot. The proposed floor plan consists of a 350 square-foot tasting area in the front portion of the tenant space along East Green Street. The remaining 400 square feet in the back of the suite would be dedicated to wine storage and packing. The tasting room is intended for customers to sample wines before purchasing and would be limited to a maximum of six patrons. The tastings would include two ounce tasting portions for up to three wines per customer. Full-sized alcohol portions would not be available for on-site consumption and no food sales are proposed. According to the applicant, the on-site instructional alcohol tastings would be ancillary to the off-site sale and consumption of limited alcohol (beer and wine). Within the tasting room, there will be no bar area and no persons under the age of 21 allowed during tastings. The operation proposes no live entertainment.

The conditions of approval would ensure the use remains a specialty wine shop land use with ancillary on-site instructional tastings. The on-site consumption of instructional tastings, in addition to the off-site beer and wine sales would be consistent with the surrounding uses within the Central District Specific Plan's Lake Avenue Subdistrict. The introduction of alcohol sales is not viewed as being in conflict with the surrounding commercial uses.

Parking

The previous use located in the subject tenant space was retail, which required three parking spaces for every 1,000 square feet of gross floor area. The proposed "liquor store" requires four parking spaces for every 1,000 square feet of gross floor area. Because the subject site is located within the Central District Transit-Oriented Area (Section 17.30, Figure 3-5), it is subject to a mandatory parking reduction of ten percent, with an optional reduction of up to 20 percent for nonresidential uses (excluding offices). With the optional 20 percent reduction, the previous retail use required two parking spaces for the 750 square-foot tenant space and the proposed "liquor store" use would also require two parking spaces. Therefore, the parking requirement would

remain unchanged and complies. Parking would continue to be provided by the on-site surface parking lot.

Hours of Operation

The subject site fronts East Green Street with the tasting room located in the front portion of the suite. The proposed wine shop is surrounded by general commercial businesses, offices, and a parking lot.

Section 17.40.070.A.4 of the Zoning Code states that uses within the Central District are exempt from limitations on the hours of operation, except for loading, unloading, and trash-pick up limitations. The subject site is within the Central District. The proposed hours of operation would be Tuesday through Friday from 3:00 p.m. to 8:00 p.m. and Saturday and Sunday from 11:00 a.m. to 8:00 p.m. Alcohol tastings are proposed on Saturday and Sunday between 11:00 a.m. and 2:00 p.m. The business would be closed on Mondays. Staff is recommending a condition of approval for the on-site instructional tasting to cease one-half hour before closing, or 7:30 p.m., whichever is earlier.

As previously discussed, the property is surrounded primarily by other commercial uses with similar activities and uses conducted, and it is not anticipated that the operation of a wine shop with ancillary instructional tasting of alcohol for on-site consumption would be detrimental to the immediate area. All activities associated with the use would occur in an enclosed environment of the existing commercial building. 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.

Concentration of Alcohol Sales

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, there are currently 19 establishments that sell alcohol within 1,000 feet of the subject site, as shown in Table 1 below:

No.	Business Name	Address	License Type
1	Bistro 45	45 South Mentor Avenue	On-sale
2	Hotel Constance	908-940 East Colorado Boulevard	On-sale
3	Madeline Garden	1030 East Green Street, Suite 102-103	On-sale
4	Amigos	1074-1076 East Colorado Boulevard	On-sale
5	Pats Liquor	1072 East Colorado Boulevard	Off-sale
6	Matsuri Japanese Restaurant	1065 East Green Street	On-sale
7	Malbec New Argentinean Cuisine	1001 East Green Street	On-sale
8	New Delhi Palace	950 East Colorado Boulevard, Suite 205 & 206	On-sale
9	Smitty's Grill	110 South Lake Avenue	On-sale
10	The Counter	140 Shoppers Lane	On-sale
11	Green Street Restaurant	146 Shoppers Lane	On-sale
12	Mercado Pasadena	140 South Lake Avenue	On-sale
13	Sugarfish	140 South Lake Avenue, Suite 101	On-sale
14	Dan Modern Chinese	146 South Lake Avenue, Suite 105 & 109	On-sale
15	Lemonade	146 South Lake Avenue, Suite 101	On-sale

16	T Boyles Tavern	37 North Catalina Avenue	On-sale
17	El Metate Café	12 North Mentor Avenue	On-sale
18	The Ice House	24 North Mentor Avenue	On-sale
19	Annapurna Grill	927 & 929 East Colorado Boulevard	On-sale

Table 1: Alcohol License Types for Existing Businesses within 1,000 feet

The project is located in the Lake Avenue Subdistrict of the Central District Specific Plan, which is intended to support Lake Avenue as a pedestrian-oriented high-end commercial street, including regional office space and local shopping. The Central District includes a variety of uses including retail, commercial, entertainment, and mixed-use developments. The primary use of the tenant space is a wine shop. The project site’s general vicinity includes a variety of retail, commercial, and office uses.

The applicant intends to operate under Type 42 (On-Sale Beer & Wine – Public Premises) ABC license (California Board of Alcoholic Beverage Control) that would allow for instructional on-site alcohol tasting. The project site is located within Census Tract #4635. According to the ABC, based on a ratio of one alcohol license for every 944 residents in the census tract, a maximum of three on-site consumption alcohol licenses and two off-site consumption alcohol licenses are allowed in the census tract. Currently there are 24 total licenses within the census tract. According to the applicant, 19 of the 24 establishments possessing alcohol licenses are within 1,000 feet (18 on-site and one off-site). The applicant’s proposed off-site license is adding to an “undue concentration” of alcohol licenses, as defined by ABC. When such a request is for a public premises, such as a bar or lounge, or for a retail license for the off-site sale of alcohol, ABC requires the governing body (e.g. City of Pasadena) to make findings of public convenience and necessity. In this case, the request is for the latter, a retail license for the off-site sale of alcohol, thereby requiring such findings. The required findings of public convenience and necessity can be found in Attachment A.

Although an undue concentration of alcohol establishments, as defined by ABC exists in the area, most of the existing alcohol establishments are restaurants which are not typically problematic, as opposed to nightclubs or bars. The approval of this request would add to the number of alcohol licenses; however the establishment of a wine shop (Pasadena Wine Shop) with off-site sales of limited alcohol (beer and wine) and instructional tastings is a unique commodity that is not currently present within the vicinity. Currently there are no other businesses offering specialty beer and wine sales for off-site consumption with on-site tastings within 1,000 feet of the proposed business. The proposed business’ smaller scale, in addition to the limited hours of operation, and appointment-based tasting model is considered a specialty business that is not viewed as a concern for surrounding uses/properties. It is also important to note that the Police Department did not have any concern with the proposed business. Therefore, the project is not expected to contribute to the undue concentration of alcoholic establishments within the Census Tract.

Proximity to Sensitive Uses

The sale of alcohol is required to be designed and operated to avoid any significant 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). The subject property is located on East Green Street and is surrounded by various commercial, retail, and office uses.

The nearest public park (Grant Park) is 1,050 feet southeast of the site, the nearest school (The Child Educational Center's Cooperative Preschool at Caltech) is 1,400 feet southeast of the site, and the nearest religious facility (Saint Phillip the Apostle) is 1,840 feet east of the site. The nearest residential zoning district, RM-48-PK (Multi-Family Residential, 0-48 dwelling units per acre, Parking Overlay District) zoning district, is 200 feet south of the subject site and contains residential multi-family uses. The residential zoning district is buffered from the tenant space by commercial zoning districts such as the CD-5 zoning district and the CL (Limited Commercial) district.

The suite's entrance and instructional alcohol tasting room are facing East Green Street, opposite commercial and office uses. With the appointment-only tasting room facing the street, and the retail operation primarily consisting of an online order basis utilizing curbside pickup, the business is not proposed to operate like a typical retail store open to foot traffic. The tastings are only proposed to occur on Saturday and Sunday, and by appointment only. Therefore, it is not anticipated that the surrounding businesses in the vicinity would be impacted by the proposed project since the primary use is a wine shop and the proposed hours of operation are consistent with other existing businesses in the Lake Avenue Subdistrict of the Central District Specific Plan area.

All alcohol consumption would be indoors which would limit potential noise impacts. 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 establishment of a liquor store (Pasadena Wine Shop) with off-site sale of limited alcohol (beer and wine) and ancillary on-site instructional alcohol tastings would not detrimentally affect the surrounding area.

GENERAL PLAN CONSISTENCY:

As conditioned, 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 liquor store and incidental alcohol tastings promotes pedestrian activity in a way that is compatible with nearby residential uses. It would bolster a diverse economy base and would be a long-term economic contribution to the City and to the Lake Avenue 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, and restaurant uses.

As conditioned, the proposed use is consistent with General Plan Land Use Element *Policy 12.1 Vital Commercial Districts. Enhance commercial districts to create quality shopping and dining experiences* as it will allow for the sampling and sale of the specialty wine. The proposed use is also consistent with General Plan Land Use Element *Policy 12.6 Local Businesses. Support the development of Pasadena-grown and based retail businesses as an alternative to national chain brands* as it allows the creation of a small retail business which is not currently offered within the general vicinity.

The proposed wine shop's off-site sale of limited alcohol (beer and wine) in conjunction with ancillary limited alcohol tastings would enhance the commercial district by offering a unique retail store which 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.

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 there are no features that distinguish this project from others in the exempt class and, therefore, there are no unusual circumstances. This section specifically applies to the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of the use. The establishment of a retail store that specializes in wine in an existing tenant space with the sale of alcohol is considered a negligible expansion of a commercial use.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposal was reviewed by the Building and Safety Division, Fire Department, Police Department, Design and Historic Preservation Section, Health Department, Police Department, Water and Power Division (Water), Water and Power Division (Power), and Department of Transportation. The Building and Safety Division and Health Department had comments. All other departments did not have any comments at this time and would review the use during the building permit plan check process.

CONCLUSION:

It is staff's recommendation that all findings for approval of the Conditional Use Permit can be made. The site is located in a non-residential zoning district that encourages a diverse mix of land uses and service and the establishment of a wine shop with proposed sale of alcohol for off-site consumption and ancillary instructional tasting would be complimentary to the surrounding area and to other existing businesses in the vicinity. Conditions of approval and periodic condition monitoring 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 the findings in Attachment A and the Conditions of Approval in Attachment B.

Attachments:

Attachment A: Specific Findings of Approval

Attachment B: Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6938

Conditional Use Permit: To establish a liquor store with off-site sale of beer and wine and on-site instructional tasting

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 establishment of a liquor store and ancillary instructional wine tastings will not adversely affect the general welfare of the surrounding property owners. Nearby uses include commercial, retail, and office uses. The proposed use complements and provides an amenity for the adjacent uses, maintaining a mix of uses in the area. The specialty alcohol sales associated with the use would primarily occur online and the instructional wine tastings are by appointment only with limited hours of operation. The proposed use will operate in accordance with City laws, ordinances, and conditions of approval that ensure the continuity of the compatible coexistence of this use with uses in 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 beer and wine, in the area.* An overconcentration of alcohol establishments, as defined by Alcoholic Beverage Control (ABC), exists in the Census Tract of the proposed project. Although an undue concentration of alcohol establishments, as defined by ABC exists in the area, most of the existing alcohol establishments are restaurants which are not typically problematic, as opposed to nightclubs or bars. The approval of this request would add to the number of alcohol licenses; however, the proposed liquor store's off-site sale and consumption of limited of alcohol (beer and wine) and ancillary instructional tastings on-site within the commercial district is considered an amenity. Alcohol will be consumed indoors only and no live entertainment is proposed. The sale of alcoholic beverages for off-site consumption as part of a specialty business is not viewed as a concern for surrounding uses/properties. 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 for sale for consumption both on- and off-site.*

The nearest public park (Grant Park) is 1,050 feet southeast of the site, the nearest school (The Child Educational Center's Cooperative Preschool at Caltech) is 1,400 feet southeast of the site, and the nearest religious facility (Saint Phillip the Apostle) is 1,840 feet east of the site. The nearest residential zoning district, RM-48-PK (Multi-Family Residential, 0-48 dwelling units per acre, Parking Overlay District) zoning district, is 200 feet south of the subject sit, and contains residential multi-family uses. The residential zoning district is buffered from the tenant space by commercial zoning districts such as the CD-5 zoning district and the CL (Limited Commercial) district.

The suite's entrance and instructional alcohol tasting room are facing East Green Street, opposite commercial and office uses. With the appointment-only tasting room facing the street, and the retail operation primarily consisting of an online order basis utilizing curbside pickup, the business is not proposed to operate like a typical retail store open to foot traffic.

The tastings are only proposed to occur on Saturday and Sunday, and by appointment only. Therefore, it is not anticipated that the surrounding businesses in the vicinity would be impacted by the proposed project since the primary use is a wine shop and the proposed hours of operation are consistent with other existing businesses in the Lake Avenue Subdistrict of the Central District Specific Plan area.

All alcohol consumption would be indoors which would limit potential noise impacts. 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 establishment of a liquor store (Pasadena Wine Shop) with off-site sale of limited alcohol (beer and wine) and ancillary on-site instructional alcohol tastings would not detrimentally affect the surrounding area.

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 establishment of a liquor store (Pasadena Wine Shop) with ancillary instructional tastings, is not considered a problematic use and will not contribute to an aggravation of existing problems in the vicinity. The Police Department did not express concerns in regards to this application. With this approval, the project is subject to the City's Condition Mitigation Monitoring Program. Noncompliance with any of the conditions of approval or any of the provisions of the Zoning Code may result in the revocation of the Conditional Use Permit.
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.* As conditioned, 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 liquor store and incidental alcohol tastings promotes pedestrian activity in a way that is compatible with nearby residential uses. It would bolster a diverse economy base and would be a long-term economic contribution to the City and to the Lake Avenue 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, and restaurant uses.

As conditioned, the proposed use is consistent with General Plan Land Use Element *Policy 12.1 Vital Commercial Districts. Enhance commercial districts to create quality shopping and dining experiences* as it will allow for the sampling and sale of the specialty wine. The proposed use is also consistent with General Plan Land Use Element *Policy 12.6 Local Businesses. Support the development of Pasadena-grown and based retail businesses as an alternative to national chain brands* as it allows the creation of a small retail business which is not currently offered within the general vicinity. The proposed liquor store's off-site sale of limited alcohol (beer and wine) and ancillary limited alcohol tastings would enhance the commercial district by offering a unique retail store which 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.

Findings of Public Convenience or Necessity

6. *Public convenience or necessity is served in that:*

- a. *The project will result in a substantial net employment gain on the site.* The establishment of a liquor store would be a new business in a currently vacant suite. With the proposed off-site alcohol sales and ancillary on-site instructional tasting component, the business will provide job opportunities for an estimated four to five new employees.
- b. *The project will result in a substantial increase in business taxes.* The proposed liquor store and ancillary tasting would be located in a tenant space that has been vacant, and the proposed retail sales will generate sales tax income for the City.
- c. *The project is a unique business addition to the community.* The proposed liquor store establishment features specialty beer and wine with on-site tastings, which is a unique business addition to the community. The business model features on-demand curbside pick-up which eliminates customer waiting time associated with similar businesses. This business model provides an alternative to corporate-owned large wine shops and grocery stores in the area. According to the applicant, there are no privately owned wine shops within one mile of the proposed location. The proposed liquor store staff includes a sommelier, which adds an educational experience to the liquor store and will attract local wine collectors. The ancillary tasting component ensures thoughtful and conscientious alcohol consumption, keeping quantities low over long periods of time, with the focus being on education and exploration through the world of wine. The specialty selection focuses on small production and family-owned wineries which can be difficult to find in a large retail setting.
- d. *The project will contribute to long-term overall economic development goals.* The proposed establishment will provide job opportunities and contribute taxes, thus strengthening the community's economic base while maintaining the existing commercial use for the property (rather than changing the use to a non-commercial or other type of commercial use. The sale of specialty alcohol (beer and wine) has become more popular in the City and the region in recent years. The addition of the proposed specialty retailer allows a niche business to take advantage of this trend and strengthen the City's economy. In addition, the proposed wine shop will contribute to long-term economic growth by bringing additional traffic to the surrounding small business uses.
- e. *The project will result in a positive upgrading of an area.* The proposed specialty liquor store and ancillary instructional is a unique neighborhood-oriented shop in a currently vacant suite. This project will enhance the built environment by continuing to activate East Green Street with a unique commercial use. It provides an additional amenity for the local neighborhood by encouraging pedestrian activity with an occupied and active commercial storefront. The traffic from the proposed liquor store will increase the pedestrian traffic around the other existing small businesses within the vicinity. Therefore, the niche business model will fill in an existing vacant tenant space, bring tax revenue to the City, and bring additional foot traffic to the surrounding pedestrian oriented uses such as restaurants and retail establishments. It will also contribute to maintaining a vibrant commercial element that is within walking distance for residents and workers in the community. This wine shop and instructional tasting is a use that is in character with, and compatible with, the surrounding uses within the Central District Specific Plan's Lake Avenue Subdistrict.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #6938

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

1. The site/floor plans submitted for building permits, and/or future development shall substantially conform to the site plan submitted with this application and dated "Approved at Hearing January 19, 2022", 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, unless an extension of time is approved in compliance with Section 17.64.040.C of the Zoning Code.
3. The approval of this application authorizes the establishment of a 750-square-foot liquor store with the off-site sale and consumption of limited alcohol (beer and wine) in addition to the on-site instructional tasting of limited alcohol (beer and wine), as depicted in the approved floor plan. No bar area is approved as part of this Conditional Use Permit.
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 may 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 **ZENT2021-00127**, 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, Katherine Moran at (626) 744-6740 to schedule an inspection appointment time.

Planning Division

9. The primary use shall be a liquor store land use with alcohol sales (beer and wine) for off-site consumption and limited alcohol instructional tasting on-site (beer and wine).
10. The premises shall not operate as a Bar or Tavern land use, which is defined as an establishment serving alcoholic beverages for on-site consumption as the primary use, including bars, cocktail lounges, pubs, saloons, and taverns.
11. The on-site instructional tasting of wine shall be limited to a maximum of six patrons at the same time.

12. The tasting shall only include 2oz tasting portions for up to three wines per customer. Full-sized alcohol portions shall not be available for on-site consumption.
13. The premises shall operate under ABC License Type 42 (On-Sale Beer & Wine - Public Premises) and be maintained as a Liquor Store land use. The premises shall not obtain any other public premises type licenses without the approval of a Conditional Use Permit and/or Expressive Use Permit.
14. The provision of a bar or counter used for preparing and serving alcoholic beverages within the establishment shall require a new Conditional Use Permit.
15. Any increase in size to the 350 square-foot tasting room or 400 square-foot storage area may require a modification to this Conditional Use Permit.
16. No consumption of alcoholic beverages shall occur outside of the tasting area.
17. The instructional tasting of beer and wine shall be limited to liquor store customers of legal drinking age of 21 years of age. This shall be monitored by all vendor and management staff through the verification of valid identification.
18. No cover charges, entry fees, or minimum drink orders shall be required of patrons.
19. Promoter-produced parties or events shall be prohibited. These events include private parties that involve third parties who profit from organizing and/or drawing attendees to the events.
20. Live entertainment shall be prohibited at all times.
21. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
22. 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.
23. The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
 - a. Rideshare service 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, and
 - d. There shall be no coin operated games or video machines maintained upon the premises at any time.

24. These conditions of approval must be posted in a conspicuous location for public viewing within the tenant space on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
25. 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.
26. 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. Health Department
27. Plan submittal to the Health Department will be required for the development of the food (beverage) facility within this development. All food and beverage facilities must comply with PMC 8.12 and the California Retail Food Code. Refer to the Plan Check Construction Guidelines. This document provides an overview of the plan check process and an outline of the structural requirements that the California Retail Food Code requires for all retail food facilities. Contact Food Facility Plan Check Specialist Carly Williams at CWilliams@cityofpasadena.net or at (626) 744-6061 for details.
28. Food facilities shall adhere to the regulations established in the Tobacco Use Prevention Ordinance (PMC 8.78). Smoking in outdoor public areas is prohibited throughout the City of Pasadena. Refer to the following link for more information: https://library.municode.com/ca/pasadena/codes/code_of_ordinances?no-deld=TIT8HESA_CH8.78TOUSPROR_8.78.071PRSMCEOUPUPL

Building and Safety Division

29. Governing Codes: Comply with the Current Edition of California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Green Building Standard Code and the City of Pasadena Municipal Code. The governing edition is based on the date in which the project is submitted to the City of Pasadena for review.
30. Building Code Analysis: Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Descriptive scope of work, occupancy, assessor's parcel number, number of stories, type of construction, fire sprinklers, floor area, height, and allowable floor area.
31. Best Management Practices: Photocopy to plans and complete the BEST MANAGEMENT PRACTICE page 1(form must be signed). Photocopy any other applicable pages and cross reference the location at the site plan, i.e. the material storage, the concrete waste management, etc. These forms can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>
32. Green Code: Photocopy to plans and complete the 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH CITY OF PASADENA AMENDMENTS FORMS. These forms are being provided attach and can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>.

33. Means Of Egress (Exiting): Clearly label and identify on plans fire-resistive corridors, exit enclosures, exit passageways, horizontal exits, occupancy separation walls and floors, fire resistive shafts, and fire walls, along with their fire-resistive ratings as applicable. Primary accessible path of travel shall include a primary entrance to the building or facility; toilet and bathing facilities serving the area; drinking fountains serving the area; public telephones serving the area, and signs.
34. Fire and Smoke Protection Features: Show materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
35. Accessibility: Provide compliance with accessibility per CBC Chapter 11B accordingly. Photocopy to plans and complete The Summary Of Accessibility Upgrades For Commercial Projects. These forms can be found at <https://www.cityofpasadena.net/planning/wp-content/uploads/sites/30/Accessibility-Upgrades-Summary-2021.pdf?v=1638484592977>
36. Required Plans and Permit(s): In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, PV systems and grading plans as required. No deferred submittal. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.