



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: June 7, 2023

TO: Hearing Officer

SUBJECT: Conditional Use Permit #7029

LOCATION: 475 S. Lake Avenue

APPLICANT: Nowhere Pasadena, LLC

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

GENERAL PLAN DESIGNATION: Low Commercial

CASE PLANNER: Joseph Weaver

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** Conditional Use Permit #7029 with the conditions in Attachment B.

PROJECT PROPOSAL: Conditional Use Permit: To allow off-site sales of a full line of alcoholic beverages (beer, wine, and distilled spirits), and the on-site instructional tastings (Type 21 and Type 86 ABC Licenses), in conjunction with a new 15,729 square-foot grocery store (Erewhon Natural Foods Market).

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). Section 15301 exempts the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of the use. The off-site sale of alcohol and instructional tastings in conjunction with the operation of a grocery store use is considered a negligible expansion of a commercial use. Therefore, this proposal is exempt from environmental review.

BACKGROUND:

Site characteristics: The subject site is a generally flat parcel totaling 19,313 square feet in size. The site is bounded by Lake Avenue on the east, a parking structure on the west, and commercial retail uses to the north and

south. The property is improved with an existing, two-story, 41,771 square-foot historic building with a basement. The building is currently being remodeled to accommodate multiple tenants including the proposed grocery store.

Adjacent Uses: North: Retail Sales
South: Retail Sales
East: Vehicle Service Station (across Lake Avenue)
West: Parking Structure

Adjacent Zoning: North: PD — 24 - South Lake Avenue Development
South: CD-5 (Central District Specific Plan, Lake Avenue subdistrict)
East: CD-5 (Central District Specific Plan, Lake Avenue subdistrict)
West: PD — 24 - South Lake Avenue Development

Previous Cases: None

PROJECT DESCRIPTION:

The applicant, Nowhere Pasadena, LLC., is requesting a Conditional Use Permit (CUP) to allow the off-site sales of a full line of alcoholic beverages (beer, wine and distilled spirits) (Alcoholic Beverage Control (ABC) License Type 21), and the on-site instructional tastings (ABC License Type 86), in conjunction with the operation of a new 15,729 square-foot grocery store (Erewhon Natural Foods Market). The proposed grocery store would be located within an existing vacant 41,771 square-foot building commercial building previously occupied by Borders, a retail bookstore. The proposed use would occupy the first floor of the existing building along with basement areas which would be used for storage. The proposed hours of operation would be from 7:00 a.m. to 11:00 p.m. seven days a week. The proposed grocery store is a Food Sales land use that is permitted by-right within the CD-5 zone.

Erewhon offers a range of typical grocery offerings with an emphasis on organic food products that are sustainability and ethically sourced. The store's offerings would include fresh produce, pre-packaged meats, packaged foods, dairy products, tonic bar, and hot food offerings. As discussed in this report, it is proposed that the grocery store would sell a broad selection of beer, wine, and spirits, as well as include on-site alcohol tastings. The sale of alcohol requires the approval of a Conditional Use Permit.

ANALYSIS:

Conditional Use Permit: To allow the off-site sales of a full line of alcoholic beverages (beer, wine and distilled spirits) and on-site instructional alcohol tasting.

The premises would be occupied by a grocery store operator (Erewhon Natural Foods Market), that proposes to sell alcohol for off-site consumption as a component of its sales, pursuant to an ABC Type 21 (Off-Sale General) alcohol license. A full line of alcohol would be provided including fine wine, craft beer, and specialty spirits. Alcohol would be displayed within interior areas of the grocery store and would be sold during the store's normal operating hours (7:00 am to 11:00 pm.).

The applicant also proposes to offer on-site instructional tastings of a full line of alcoholic beverages, pursuant to an ABC Type 86 License. This license type authorizes the establishment to offer instructional tasting of spirits, beer and wine. In conjunction with the requested Type 21 License, the Type 86 License allows tastings to be held in any area within the licensed premise. The tasting events would be sponsored by an “authorized licensee” including winegrowers, beer or wine importers, wine rectifiers, spirits distillers, etc., who would be supplying the showcased beverages to be offered.

The proposed instructional tastings would comply with the Alcoholic Beverage Control License 86 restrictions. These include, but are not limited to, the following restrictions on instructional tastings:

- No charge of any sort for tastings.
- A person under 21 years of age shall not serve, or be served, wine, beer, or distilled spirits.
- May only take place between the hours of 10 a.m. and 9 p.m.
- Shall not permit any consumer to leave with an open container of alcohol.
- The instructional tasting event area shall be separated from the remainder of the off-sale licensed premises by a wall, rope, cable, cord, chain, fence, or other permanent or temporary barrier and shall prohibit persons under 21 years of age from entering.
- An instructional tasting event shall be limited to a single type of alcoholic beverage (distilled spirits, wine, or beer).
- The volume and number of distilled spirits, beer or wine a patron is able to consume a day is limited.
- An employee of the store cannot serve alcohol for instructional tasting.

The Hearing Officer may approve a CUP for the sale of alcohol only after making five findings identified in the Zoning Code. The general purpose is to evaluate compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses. In this case, the analysis focuses on whether the request to allow the sales of alcohol would create a negative impact on the general welfare of the surrounding property owners or result in an aggravation of any existing alcohol-related problems such as loitering, public drunkenness, sales to minors, or noise.

Zoning and Land Use:

The subject property is located within 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. This purpose includes supporting Lake Avenue as a pedestrian-oriented high-end commercial street, including regional office space and local shopping. A grocery store is classified as Food Sales land use and is permitted “by-right” within the CD-5 zoning district, pursuant to Table 3-1 (Allowed Uses and Permit Requirements for CD Zoning Districts) of Zoning Code Section 17.30.030 (CD District Land Uses and Permit Requirements). The proposed sale of alcohol for off-site consumption and on-site instructional tasting is subject to the approval of a CUP, pursuant to Table 3-1 of Zoning Code Section 17.30.030.

Parking

A Food Sales land use requires four parking spaces for every 1,000 square feet of gross floor area. The total parking requirement for the 15,729 square-foot Food Sales use is 63 parking spaces. As the building is identified as a historic resource (I. Magnin & Company Building), and the project involves the adapted reuse of the structure, a 25 percent parking reduction has been

applied pursuant to Zoning Code Section 17.62.130.10.c. The applicant has provided a parking agreement with the adjacent property to the west, which would allow for the use of 119 parking spaces and a loading dock within an existing parking structure. Compliance with the parking requirements of the Zoning Code has been verified through the tenant improvement plan check process for the building. Therefore, the availability of these 119 spaces would provide adequate parking for the proposed Food Sales use as well as all other proposed uses within the building.

Hours of Operation

The proposed hours of operation are from 7:00 a.m. to 11:00 p.m. seven days a week and alcohol would be sold for off-site consumption during the store’s normal operating hours. The site is located within the Central District Specific Plan, therefore is not subject to Section 17.40.070 (Limited Hours of Operation). The allowed hours for on-site instructional tastings are regulated by ABC and confined between the hours of 10:00 a.m. and 9:00 p.m. The property is surrounded primarily by retail establishments and restaurants that include the sale of alcohol. It is not anticipated that the operation of the Food Sales use with off-site sale of alcohol, and the serving of alcohol for tasting on-site would be detrimental to the immediate area. All activities associated with the off-site sale of alcohol and instructional tastings would occur within the interior of the 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

The project site is located within Census Tract #4636.01. According to Alcoholic Beverage Control (ABC), a maximum of three alcohol licenses for off-site consumption are allowed in the Census Tract based on the population in the tract. As reported by ABC, there are a total of four off-site licenses. The applicant is proposing to add another license to an existing area that has an “undue concentration” of alcohol licenses, as defined by ABC. As such, ABC requires the City to make the findings of public convenience and necessity for the proposed Type 21 license in order to obtain the alcohol licenses from ABC. Local governing agencies are required to make findings of public convenience and necessity when a new off-site or public premises type license is proposed.

In addition, a CUP 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 for project site. Based on the information provided by the applicant, there are currently seven establishments within 1,000 feet of the subject site that sell alcohol, as shown on the following table:

Alcohol License Types for Existing Business within 1,000 feet

Site	Business Name	Address	License Type
1	Pavilions	845 E. California Blvd.	Off-Site
2	The Arbour	527 S. Lake Ave. #120	On-Site
3	Gaucha Grill	455 S. Lake Ave. #102	On-Site
4	Walgreens	310 S. Lake Ave.	Off-Site
5	Nick’s Pasadena	336 S. Lake Ave.	On-Site
6	Magnolia House	492 S. Lake Ave.	On-Site
7	Noda Restaurant	546 S. Lake Ave.	On-Site

As noted above, the project is located in the Lake Avenue subdistrict of the Central District Specific Plan, which is intended as pedestrian-oriented high-end commercial street, including regional office space and local shopping.

Although an undue concentration of alcohol establishments (as defined by ABC) exists in the area, compliance with ABC's license restrictions, the proposed conditions of approval, and periodic condition monitoring, would reduce the likelihood of this use becoming problematic. The approval of this request would add to the number of alcohol licenses; however, the additional retail sale of a variety of alcoholic beverages, in addition to instructional tasting would enhance the local shopping in the area, consistent with the purpose of the CD-5 zone. Therefore, the project would not contribute negatively to the undue concentration of alcoholic establishments in the Census Tract.

The Police Department reviewed the application and expressed no comments or concerns.

Proximity to Sensitive Uses

The subject site is not located within immediate proximity of parks, playgrounds, religious facilities, or schools. The nearest public park is Grant Park and is 3,168 feet (0.6 mile) northeast of the site. The nearest religious facility is Immanuel Lutheran Brethren Church which is 3,168 feet (0.6 mile) north of the site. The nearest school is the Rose City High School and is 2,112 feet (0.4 mile) northwest of the site. Staff notes that a Child Day-Care Center land use is proposed within the second floor of the project site. In addition, multi-family residences exist to the west across S. Hudson Avenue, however, are buffered from the project site by a parking structure.

After considering the proximity and nature of the proposed use with respect to sensitive uses in the general area, it is staff's assessment that the operation of the Food Sales use with the off-site sale of alcohol and on-site instructional tastings would not create adverse impacts on any adjacent uses. The proposed business would be located within an existing commercial corridor along Lake Avenue and would function primarily as a grocery store use. All activities associated with the ancillary off-site alcohol sales and on-site tastings would occur within an enclosed environment on the first floor. All alcohol sales would be strictly for off-site consumption; on-site sales of alcohol would be prohibited at all times other than the instructional tastings. ABC places restrictions on the quantity and number of tastings per patron. The applicant would be required to meet all standards enforced by ABC. This encourages the applicant to take all appropriate measures to prevent detriment to the adjacent residential use in order to avoid revocation of the ABC licenses. The proposed Child-Day-Care Center land use would be within a separate floor of the building and would contain its own entrance, thereby being separated from the proposed Food Sales use. In addition, 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.

GENERAL PLAN CONSISTENCY:

The project site is designated Low Commercial (0.0-1.0 FAR) in the Land Use Element of the General Plan. This designation is intended to support the development of a limited range of retail and service uses. These uses are located and designed to foster pedestrian use, primarily serve the needs of adjacent neighborhoods, and maintain compatibility with residential uses in the immediate area. The separate, but applicable Central District (CD) Specific Plan document is intended to provide for implementation of the objectives and policies of the Central District Specific Plan by providing for a diverse mix of land uses designed to create the primary business, financial, retailing, and government center of the City. It emphasizes the concept of a higher density, mixed-use environment that would support transit- and pedestrian-oriented mobility strategies. The sale of alcohol for off-site consumption and on-site instructional tasting in conjunction with the

operation of a grocery store is consistent with General Plan Land Use Element Policy 2.3 (Commercial Businesses), Policy 11.1 (Business Expansion and Growth), Policy 31.2 (Sub-District Identity), and Policy 31.10 (Building Orientation). Policy 2.3 designates sufficient land to enable a broad range of viable commercial uses in Pasadena's Central District, Transit and Neighborhood Villages, and commercial corridors. These uses would serve both local and regional needs, reducing the need for residents to travel to adjoin communities, capturing a greater share of local spending, and offering a diversity of employment opportunities. Policy 11.1 emphasizes supporting the growth and success of businesses that create new job opportunities and productivity and satisfying employment for Pasadena residents. Policy 31.2 calls for the enhancement of the distinctive, yet complimentary nature of the Central District's sub-areas by recognizing and building on their unique attributes and features through signage, streetscape designs, design guidelines and encouraging new uses and infill development that fits with the vision of each sub-area. Policy 31.10 requires business to be oriented primarily to pedestrian streets and urban spaces and secondarily to parking lot and to provide visibility and accessibility to customers arriving on foot, by bicycle, and by automobile.

The proposal is consistent with the General Plan Land Use Element and the Central District Specific Plan because it would introduce a new business with a distinct experience along a heavily travelled commercial corridor. The establishment would further promote pedestrian activity along the S. Lake Avenue commercial corridor and may provide additional attraction for residents surrounding the site and in the vicinity. The establishment would be fronting Lake Avenue and would be easily accessible by pedestrians, cyclists, and public transit. The proposed use is a large grocery store that would provide for a diversity of employment opportunities and add approximately 100 jobs to the area. The alcohol sales would allow the grocery store to contribute to the mix of business located throughout the S. Lake Avenue corridor, consistent with the purpose of the Central District Specific Plan. Therefore, the sale of alcohol in conjunction with a grocery store is consistent with the General Plan Land Use Element and Central District Specific Plan.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities). Section 15301 applies to the operation and permitting of uses in existing structures where there is negligible or no expansion of the use. The sale of alcohol and instructional tastings in conjunction with the operation of a grocery store is considered a negligible expansion.

REVIEW BY OTHER CITY DEPARTMENTS:

The proposal was reviewed by the Department of Transportation, the Fire Department, Building & Safety Division, Public Works Department, Design and Historic Preservation Section, Housing Department, Department of Water and Power, and the Police Department. Comments from the Building and Safety Division, and Design and Historic Preservation Section have been included as conditions of approval, which are incorporated in Attachment B of this report. No other comments or concerns were provided.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the CUP to allow the off-site sale of a full line of alcohol and on-site instructional tastings in conjunction with a grocery store use can be made. The site is located within the CD-5 zoning district, which encourages a

pedestrian-oriented high-end commercial street, including local shopping in the area. The proposed sale of a full line of alcohol for off-site consumption and ancillary instructional tastings would provide a unique service that currently does not exist in the area and would provide for a use that is consistent with the purpose of the Central District Specific Plan and General Plan. Conditions of approval and periodic condition monitoring would ensure that the use would not deviate from the planned operation reviewed with this CUP 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: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #7029

Conditional Use Permit: To allow the off-site sale of a full line of alcohol (beer, wine, and spirits) 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 subject site is located within the CD-5 (Central District Specific Plan, Lake Avenue subdistrict) zoning district, which is intended to support Lake Avenue as a pedestrian-oriented high-end commercial street, including regional office space and local shopping. The proposed off-site sales with limited on-site tasting in conjunction with a grocery store is consistent with the activities of the surrounding area. Surrounding uses include retail sales and restaurants. While there are residential uses in the nearby neighborhood to the west, they are buffered by a large parking structure. The proposed business will function primarily as a grocery store use and will contribute to the pedestrian-oriented, shopping experience along Lake Avenue. The proposed off-site alcohol sales and on-site instructional tastings will operate in accordance with all City laws, ordinances, ABC license regulations, and conditions of approval to ensure the compatible coexistence of this use 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.* An overconcentration of alcohol establishments, as defined by ABC, exists in the Census Tract. Although an undue concentration of alcohol establishments exists in the area, most of the existing alcohol establishments are restaurant uses. Unlike nightclubs or bars, grocery stores are not typically as problematic due to the fact there are no on-site sales. There will be limited on-site consumption as a result from the tasting of samples provided. However, ABC has strict regulations enforcing the volume and maximum number of tastings any one person can consume on site. The operation of the proposed grocery store would provide for reasonable and responsible use of an existing building that has been vacant for many years. Therefore, the sale of alcoholic beverages for off-site consumption as part of this business is not viewed as a concern for surrounding uses/properties. Furthermore, 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 location of the proposed use is within a long-established commercial district and well buffered from sensitive uses. While in proximity, existing residential units are buffered from the proposed use by a large parking structure directly to the west of the site. The subject site is not located within immediate proximity of hospitals, parks, schools, or religious facilities. The nearest public park is Grant Park and is 3,168 feet (0.6 mile) northeast of the site. The nearest religious facility is Immanuel Lutheran Brethren Church which is 3,168 feet (0.6 mile) north of the site. The nearest school is the Rose City High School and is 2,112 feet (0.4 mile) northwest of the site. A Child-Day-Care Center land use is proposed within the same commercial building, however, it would be within a separate floor of the existing building and would contain its own entrance, thereby being completely separated from the proposed use. It is not anticipated that the operation of the Food Sales use and the serving of alcohol

for off-site consumption and limited on-site instructional tastings would create adverse impacts on any adjacent sensitive use. All activities associated with the use would occur in an enclosed environment. All alcohol sales would be strictly for off-site consumption; on-site sales of alcohol would be prohibited at all times other than the limited tastings conducted as part of the instructional tastings within the store. The surrounding area is intended to provide a variety of retail and restaurant uses and the proposed use is compatible with the existing area and the intent of the CD-5 zone. The addition of a grocery store with off-site alcohol sales and on-site instructional tastings will not interfere with other businesses that sell alcohol in the area (primarily comprised of restaurant uses) because the proposed grocery store will not offer on-site consumption of alcohol. Adherence with ABC requirements, 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 incidental sale of alcohol for off-site consumption and on-site instructional alcohol tastings, in conjunction with the proposed grocery store, is not considered a problematic use and will not contribute to an aggravation of existing problems in the vicinity. No on-site consumption of alcohol will be allowed other than the limited instructional tastings, thereby avoiding situations of drunkenness. Erewhon Natural Foods Market operate almost a dozen locations with ABC licenses and is an experienced operator with a record of compliance with ABC. The proposed site is well buffered from sensitive uses, thereby avoiding many perceived issues with the sale of alcohol. Erewhon employees are instructed how to safely sell alcohol as a standard part of their training process. The Police Department reviewed the application and expressed no comments or concerns. Noncompliance with any conditions of approval or any provisions in the Zoning Code may result in the modification or revocation of the CUP. These measures will limit any potential problems that might otherwise be created by the sale of alcohol. In addition to this CUP, the applicant will be required to meet standards enforced by the ABC, which encourages the applicant to take all appropriate measures to prevent detriment to the surrounding 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 proposed sale of alcohol for off-site consumption and occasional instructional tasting, in conjunction with the operation of a grocery store is consistent with General Plan Land Use Element Policy 2.3 (Commercial Businesses), Policy 11.1 (Business Expansion and Growth), Policy 31.2 (Sub-District Identity), and Policy 31.10 (Building Orientation). Policy 2.3 designates sufficient land to enable a broad range of viable commercial uses in Pasadena's Central District, Transit and Neighborhood Villages, and commercial corridors. These uses will serve both local and regional needs, reducing the need for residents to travel to adjoin communities, capturing a greater share of local spending, and offering a diversity of employment opportunities. Policy 11.1 emphasizes supporting the growth and success of businesses that create new job opportunities and productivity and satisfying employment for Pasadena Residents. Policy 31.2 calls for the enhancement of the distinctive, yet complimentary nature of the Central District's sub-areas by recognizing and building on their unique attributes and features through signage, streetscape designs, design guidelines and encouraging new uses and infill development that fits with the vision of each sub-area. Policy 31.10 requires business to be oriented primarily to pedestrian streets and urban spaces and secondarily to parking lot and to provide visibility and accessibility to customers arriving on foot, by bicycle, and by automobile.

The proposal is consistent with the General Plan Land Use Element and the Central District Specific Plan because it would introduce a new business with a distinct experience along a heavily travelled commercial corridor. The establishment will further promote pedestrian activity along the S. Lake Avenue commercial corridor and may provide additional attraction for residents surrounding the site and in the vicinity. The establishment will be fronting Lake Avenue and will be easily accessible by pedestrians, cyclists, and public transit. The proposed use is a large grocery store that will provide for a diversity of employment opportunities and add approximately 100 jobs to the area. The alcohol sales will allow the grocery store to contribute to the mix of business located throughout the S. Lake Avenue corridor, consistent with the purpose of the Central District Specific Plan. Therefore, the sale of alcohol in conjunction with a grocery store is consistent with the General Plan Land Use Element and Central District Specific Plan.

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 proposed grocery store land use will be located in a building that is currently vacant. The proposed grocery store will provide employment opportunities for many people in a wide range of employment positions. It is estimated the proposed project will add approximately 100 jobs to the area. As such, the grocery store adds viable employment opportunities to the community.
- b. *The project will result in a substantial increase in business taxes.* The proposed grocery store with off-site sale of a full line of alcohol and ancillary tasting would be located in a building that is vacant and does not currently generate sales tax income for the City. Approval of this application will result in significant increase in business taxes generated by a high volume of sales, including alcohol sales.
- c. *The project is a unique business addition to the community.* While there are other stores with off-site sales of alcohol within proximity of the proposed use, no other store will offer the full range of organic food among other hot food offerings. Erewhon Natural Foods Market specializes in organic food products that are sustainability and ethically sourced, which would be a unique business in the community. The sale of alcoholic beverages and instructional tastings will be an ancillary use to the main grocery store. Fine wines, craft beers, and specialty spirits will be offered. As such, the addition of the proposed grocery store will provide for a unique shopping experience in the area.
- d. *The project will contribute to long-term overall economic development goals.* The proposed grocery store will redevelop a highly visible, vacant property and add an additional business to the area, which will strengthen the local economy. The project would also add significant employment and tax revenue to a location which does not currently contribute any.
- e. *The project will result in a positive upgrading of an area.* The proposed grocery store will occupy a currently vacant site, which can often be a target for problematic activity as well as becoming unkempt over time. As proposed, the project will provide a great amenity to the residents in the area and will be easily accessible by pedestrians, cyclists, and public transit. The proposed project will result in a positive upgrade in the area as it is consistent with the General Plan Land Use Element and Central District Specific Plan.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #7029

The applicant or successor in interest shall meet 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, June 7, 2023," 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 36 months 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 sale of a full line of alcoholic beverages (beer, wine and distilled spirits) for off-site consumption and on-site instructional tastings in conjunction with the operation of a grocery store (Food Sales land 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 **ZENT2022-00097**, 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, Joseph Weaver at (626) 744-3813 to schedule an inspection appointment time.

Planning Division

8. The business operator shall obtain the proper approval and license from the California Department of Alcohol and Beverage Control (ABC).
9. The premises shall operate under ABC License Type 21 (Off-Sale General) and Type 86 (Instructional Tasting License). No other license shall be obtained without the approval of a new Conditional Use Permit and/or Expressive Use Permit.
10. All sales of alcohol for off-site consumption shall be consumed off the premise.
11. No consumption of alcoholic beverages shall occur outside of the instructional tasting area.
12. The instructional tasting of beer, wine and spirits shall be limited to grocery 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.

13. The hours for off-site sale and instructional tastings shall be regulated by the ABC Type 21 and Type 86 licenses.
14. No cover charges or entry fees shall be required of patrons for the instructional tastings.
15. Amplification of music shall comply with the regulations of Chapter 9.36 of Pasadena Municipal Code.
16. 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.
17. The display of alcoholic beverages shall be interior only (no outdoor display) at all times.
18. Compliance with Chapter 8.78 (Tobacco Use Prevention Ordinance) of Pasadena Municipal Code shall be adhered to at all times.
19. These conditions of approval must be posted in a conspicuous location for public viewing within the grocery store on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
20. Security cameras, which cover interior and exterior areas of the building including entrances and exits, shall be installed prior to the commencement of the grocery store use.
21. 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.
22. The establishment shall comply with applicable standards in Section 17.40.090 (Performance Standards).

Building and Safety

23. 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.
- All construction documents shall be prepared by a registered design professional; stamp and sign all plans.

24. 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.
- Show occupant load on cover sheet.
- Provide a plumbing occupant load and fixtures analysis per 2019 CPC Section 422.1.

25. 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>

26. 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>.

27. 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.

28. 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.
- Identify occupancy group and occupant load.

29. ACCESSIBILITY:

- Provide compliance with accessibility per CBC 11B;
- Show accessible route within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; public transportation stops to the accessible building or facility entrances. Where more than one route is provided, all routes must be accessible. Accessible route shall be the most practical direct route feasible and may incorporate pedestrian ramps, curbs ramps, etc... All accessible routes shall comply unless there is an approved exception Section 11B-206. Also show compliance with 11B-402.

30. REQUIRED PLANS AND PERMIT(S):

- Provide complete Architectural plans to show compliance with change of occupancy. Include furniture layout.
- 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.
- If an exception is used, then referenced the exception (include code section and exception no.) and show how the design meets the exception's criteria/condition.

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31. The exterior site and building improvements shall match the plans approved through Consolidated Design Review. Changes or additional scope shall require a new design review application or an application for a Change to an Approved Project.