



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: September 6, 2023

TO: Hearing Officer

SUBJECT: Conditional Use Permit #7051

LOCATION: 673 East Colorado Boulevard

APPLICANT: Landmark Pasadena Playhouse, LLC

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

GENERAL PLAN DESIGNATION: High Mixed Use

CASE PLANNER: Ivan Galeazzi

STAFF RECOMMENDATION: Adopt the Environmental Determination and Specific Findings in Attachment A to **approve** Conditional Use Permit #7051 with the conditions in Attachment B.

PROJECT PROPOSAL: Conditional Use Permit: To allow the on-site sale and consumption of full alcohol (beer, wine, and distilled spirits-Type 47 ABC license), in conjunction with the operation of an existing multi-screen movie theater (Landmark Theater).

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and that there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The on-site sale and consumption of full alcohol in conjunction with the operation of an existing movie theater is considered a negligible change to an existing commercial use.

BACKGROUND:

Site characteristics: The subject property is located on the northeast corner of East Colorado Boulevard and North El Molino Avenue. The 24,388 square-foot property contains a 22,897 square foot commercial building consisting of a movie theater and restaurant use. The theater occupies 19,500 square feet of the building and consists of seven movie theaters with a total seating capacity of 1,191 seats. The theater also includes of a box office, lobby area, concession counter, food prep area, storage, corridors, employee break room, and restrooms. A surface parking lot abuts the property to the north.

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

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

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

Conditional Use Permit #6763: To allow the on-site sale and consumption of beer and wine – Type 41 ABC license in conjunction with the operation of a Commercial Entertainment land use (Laemmle movie theater). Approved on January 15, 2020.

PROJECT DESCRIPTION:

The applicant, Landmark Pasadena Playhouse LLC, has submitted a Conditional Use Permit (CUP) application to allow the on-site sale and consumption of full alcohol (beer, wine, and distilled spirits, Type 47 ABC license) in conjunction with the operation of an existing Commercial Entertainment land use (e.g., a multi-screen movie theater). The previous theater operator, Laemmle Theater, had been in operation since 1999, and in 2020 obtained approval of CUP #6763 to allow the on-site sale and consumption of beer and wine at the concession counter in conjunction with food sales. A Conditional Use Permit is required to allow for the change from beer and wine sales to full alcohol sales within the CD-4 (Central District Specific Plan, Pasadena Playhouse subdistrict) zoning district.

As part of the application, alcohol would be at the new seated bar adjacent to the existing concessions counter/lobby area. In addition, the application includes the conversion of the existing ticket window into a new walk-up bar area and the creation of a new 480 square-foot outdoor patio area located along the east side of the building. The current hours of operation for

the Landmark Theater are from 10:00 a.m. to 1:00 a.m., seven days a week and would remain the same.

ANALYSIS:

The Hearing Officer may approve a Conditional Use Permit to allow alcohol sales only after making five findings identified in Zoning Code Section 17.61.050.J. 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. The CUP process allows the City to specify development standards and may result in recommended conditions or requirements associated with the operation of the use. In evaluating the proposal, staff analyzes whether the location of alcohol sales and consumption would affect the general welfare of surrounding property owners and whether the project would create a public nuisance or result in detrimental conditions (e.g., loitering, public drunkenness, sales to minors, noise and littering).

Zoning and Land Use

The existing movie theater is classified as a Commercial Entertainment land use, which is defined as an establishment providing spectator entertainment for commercial purposes. This use includes theaters, concert halls, cinemas, nightclubs, or comedy clubs. The subject property is situated in the CD-4 (Central District Specific Plan, Pasadena Playhouse subdistrict) zoning district. Pursuant to Section 17.30.030, Table 3-1 of the Zoning Code, a new Commercial Entertainment (e.g. movie theater) use is subject to the review and approval of an Expressive Use Permit in CD-4 zoning district. However, the existing theater was established in 1999, prior to the adoption of Central District Specific Plan and this requirement. Because the project does not involve any alteration or expansion of the existing movie theater, an Expressive Use Permit is not required as part of this application.

The project proposes a change to the existing ancillary on-site sale and consumption of beer and wine to the ancillary on-site sale and consumption of full alcohol (beer, wine, and distilled spirits) in conjunction with the operation of an existing Commercial Entertainment land use and is subject to the review and approval of a Conditional Use Permit in the CD-4 zoning district. The addition of full alcohol with distilled spirits would not substantially alter the operation or existing location and there will be no sale of alcoholic beverages for off-site consumption. Alcohol sales and consumption would only occur in the new seated bar area and the new walk-up bar area that serves the 480 square-foot outdoor patio area. The majority of the outdoor patio area is within the subject property but approximately 32 square feet is located within the public right of way adjacent to Colorado Boulevard. An encroachment permit is required for the outdoor patio area within right of way and will be reviewed and issued by the Department of Public Works. The project would not result in any substantial alteration or expansion of the existing building.

Hours of Operation

The current hours of operation for the Landmark Theater are from 10:00 a.m. to 1:00 a.m., seven days a week and would remain the same. Within the Central District, there is no regulation that limits the hours of operation. However, staff is recommending a condition of approval (#11), in Attachment B, requiring that alcohol sales cease one-half hour prior to closing and no later than 12:30 a.m.

Concentration of Alcohol Sales

The project site is located within Census Tract #4622.02. According to Alcohol Beverage Control (ABC), based on the census tract population, this census tract allows for three licenses for on-site alcohol sales. Currently, the Census Tract has 10 on-site licenses. According to ABC, adding one additional on-site license within the census tract would result in a continued undue concentration of such licenses, as defined by ABC. As such, a finding of public convenience and necessity must be made by the applicant in order to obtain the alcohol license from ABC. ABC only requires this finding to be made by the local governing agency (e.g. City of Pasadena) if the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license. Since the applicant does not intend to file for one of those license types, the City is not required to make findings for public convenience and necessity when evaluating this application.

In addition, a Conditional Use Permit application for alcohol sales requires the applicant to identify all uses that sell alcohol for either on-site or off-site consumption within 1,000 feet of the site. Based on the information provided by the applicant and verified by staff, there are currently 22 establishments within 1,000 feet of the subject site that sell alcohol, as shown on the following table:

Table 1: Alcohol License Types within 1,000 Feet

	Business Name	Address	ABC License Type (Code)
1	Monopole International Inc.	21 S El Molino Ave.	Off-Sale Beer & Wine (20)
2	Jacob Maarse Inc	655 E Green St.	Off-Sale Beer & Wine (20)
3	California Fine Wine & Spirits LLC	721 E Colorado Blvd.	Off-Sale General (21)
4	Target Corporation	777 E Colorado Blvd.	On-Sale General (21)
5	Stand Pasadena, LLC The	36 S El Molino Ave.	On-Sale Beer & Wine (41)
6	Blaze Pizza, LLC	667 E Colorado Blvd.	On-Sale Beer & Wine (41)
7	Laemmle Theatres LLC	673 E Colorado Blvd.	On-Sale Beer & Wine (41)
8	Delight Dining	694 E Colorado Blvd.	On-Sale Beer & Wine (41)
9	Ramirez Bianchi 2 Corporation	698 E Colorado Blvd.	On-Sale Beer & Wine (41)
10	Naple Management, Inc.	735 E Green St.	On-Sale Beer & Wine (41)
11	Jintana's Kanom Thai	738 E Colorado Blvd.	On-Sale Beer & Wine (41)
12	Tarantinos Pizzeria Inc	784 E Green St.	On-Sale Beer & Wine (41)
13	ABC Business Consulting, LLC	854 E Green St.	On-Sale Beer & Wine (41)
14	Monopole International Inc.	21 S El Molino Ave.	On-Sale Beer & Wine Public Premises (42)
15	California Fine Wine & Spirits LLC	721 E Colorado Blvd.	On-Sale Beer & Wine Public Premises (42)
16	A. C. Vroman, Inc.	695 E Colorado Blvd.	On-Sale Beer & Wine Public Premises (42)
17	Jacrino Group, LLC	37 S El Molino Ave.	On-Sale General Eating Place (47)

18	Ramirez Bianchi Corporation	695 E Green St.	On-Sale General Eating Place (47)
19	Institute Of Culinary Education, Inc. The	521 E Green St.	On-Sale General Eating Place (47)
20	Cali Soul Foods, LLC	624 E Colorado Blvd.	On-Sale General Eating Place (47)
21	Settebello Ca, LLC	625 E Colorado Blvd.	On-Sale General Eating Place (47)
22	Los 3 Anayas, Inc.	630 E Colorado Blvd.	On-Sale General Eating Place (47)

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

Proximity to Sensitive Uses

The subject site is located within the immediate proximity of school and religious facilities. The Pasadena Presbyterian Church is located 350 feet west of the subject site. The First United Methodist Church is approximately 600 feet southwest of the existing theater and the Fuller Theological Seminary campus is approximately 700 feet northwest of the subject site. The Trio development, with residential units located in the upper levels, is approximately 60 feet west of the site. While sensitive uses are proximate to the site, it is staff’s assessment that the ancillary on-site sale of a full line of alcohol (beer, wine and distilled spirits) in conjunction with a movie theater would not encourage activities that cause negative effects in the surrounding area. The existing theater use at this location has been in operation since 1999, with on-site sales and consumption of beer and wine since 2020, and has operated with no detrimental impact to the surrounding uses. Alcoholic beverages along with food sales would be sold from the existing concession counter, seated bar area and outdoor patio for on-site consumption only. Off-site sale and consumption of alcoholic beverages would not be permitted. As a result, it is staff’s assessment that the on-site sale and consumption of a full line of alcohol (beer, wine and distilled spirits) in conjunction with the existing Commercial Entertainment (movie theater) land use would not detrimentally affect the surrounding area.

GENERAL PLAN CONSISTENCY:

With the recommended conditions of approval, the proposed Commercial Entertainment land use with full alcohol sales on-site is consistent with General Plan Land Use Element (GPLU), specifically GPLU Policy 4.3 (An Active Central District), which intends for the Central District to continue to be a vital, pedestrian-oriented place, linked to local and regional transit designed for all ages and serving as the focal point of community identity, business activity, employment, living, governance, and culture. In addition, the GPLU identifies the Playhouse District as an arts- and culture-oriented area, with theaters, universities, museums, bookstores, restaurants, and mixed

commercial and housing projects. The Commercial Entertainment land use with on-site alcohol sales is a prime example of the type of business the Central District Specific Plan envisioned would be maintained/established in the Playhouse subdistrict of the Specific Plan area. The addition of incidental full alcohol sales in conjunction with the movie theater would provide an additional amenity to the existing theater that would advance its prominence as an arts and culture-oriented destination. It would support the goals of the Specific Plan and the Playhouse subdistrict would be enhanced by offering a unique experience that would attract customers. This would be consistent with GPLU Policy 31.1 (Focus Growth), as it would support the area's economic vitality while preserving and complementing the historic core. The proposed project is also consistent with GPLU Policy 31.7 (Expanded Economic Opportunities), which would strengthen the Central District's economic vitality by supporting existing businesses.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and that there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. The on-site sale and consumption of full alcohol in conjunction with the operation of an existing movie theater is considered a negligible change to an existing commercial use.

REVIEW BY OTHER CITY DEPARTMENTS:

The Building and Safety Division, Design and Historic Preservation Section, Fire Department, Police Department, Public Works and Engineering Department, and Community Planning Division Section reviewed the proposal, and no comments were received. In addition, the Special Investigations Section of the Pasadena Police Department reviewed the application and did not express concerns.

CONCLUSION:

It is staff's assessment that the findings necessary for approval of the Conditional Use Permit to allow the on-site sale and consumption of full alcohol (beer, wine, and distilled spirits) in conjunction with the operation of an existing Commercial Entertainment (movie theater) land use can be made. Conditions of approval would ensure that the use would not deviate from the planned operation reviewed with the application. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the recommended Conditions of Approval in Attachment B.

Attachments:

Attachment A: Specific Findings of Approval

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR CONIDITONAL USE PERMIT #7051

Conditional Use Permit

1. *The proposed location of the site for the Conditional Use Permit would not adversely affect the general welfare of the surrounding property owners.* The subject site is located within the Central District Specific Plan, Pasadena Playhouse subdistrict, which functions as the City's urban core providing a variety of economic residential and cultural opportunities with a mixture of uses, including retail, office, restaurant, theater, bookstore, and housing. The ancillary on-site sale and consumption of full alcohol (beer, wine, and distilled spirits) in conjunction with the operation of an existing movie theater will be consistent with the activity of the surrounding diverse mix of land uses. The establishment will continue to operate in accordance with the City's laws, ordinances and conditions of approval that ensure the continuity of the compatible coexistence of this use with surrounding area.

2. *The proposed location of the site for the Conditional Use Permit would not result in an undesirable concentration of premises for the sale of alcoholic beverages, including wine, in the area.* An overconcentration of alcohol establishments, as defined by Alcoholic Beverage Control, exists in the Census Tract. Although an undue concentration of alcohol establishments exists in the area, most of the existing alcohol establishments are restaurants and retail uses. Unlike nightclubs or bars, movie theaters are not typically a problematic use. The proposal will add an amenity to the mixed-use neighborhood. Therefore, the project will not contribute negatively to the undue concentration of alcoholic establishments in the Census Tract. The sale of alcoholic beverages for off-site consumption is not proposed as part of this application. Additionally, conditions of approval have been included that will limit the potential for negative impacts.

3. *The proposed location of the site for the Conditional Use Permit would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to the following: a) Residential uses and residential districts; b) Hospitals, park and recreation facilities, places of public assembly, public or private schools, and religious assembly uses that attract minors and other similar uses; and c) Other establishments offering alcoholic beverages (including wine) for sale for consumption both on- and off-site.* The subject site is located within proximity of school and religious facilities. The Pasadena Presbyterian Church is located approximately 350 feet west of the subject site and First United Methodist Church is approximately 600 feet southwest of the existing theater. The Fuller Theological Seminary campus is approximately 700 feet northwest of the subject site. The Trio development, with residential units located in the upper levels, is 60 feet west of the site.

However, the ancillary on-site sale of full alcohol (beer, wine, and distilled spirits) in conjunction with a movie theater typically do not encourage activities that cause negative effects on the surrounding area. The existing theater use at this location has been in operation since 1999, with on-site sale and consumption of beer and wine since 2020 and has operated with no detrimental impact to the surrounding uses. Alcoholic beverages will be sold from the seated bar area and walk-up bar for on-site consumption only. Off-site sale and consumption of alcoholic beverages is prohibited. Given the proximity and nature of the proposed use with respect to sensitive uses in the general area, the on-site sale and consumption of full alcohol (beer, wine, and distilled spirits) in conjunction with the operation of an existing movie theater will not detrimentally affect the surrounding area.

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

5. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The proposed Commercial Entertainment land use with full alcohol sales on-site is consistent with General Plan Land Use Element (GPLU), specifically GPLU Policy 4.3 (An Active Central District), which intends for the Central District to continue to be a vital, pedestrian-oriented place, linked to local and regional transit designed for all ages and serving as the focal point of community identity, business activity, employment, living, governance, and culture. In addition, the GPLU identifies the Playhouse District as an arts- and culture-oriented area, with theaters, universities, museums, bookstores, restaurants, and mixed commercial and housing projects. The Commercial Entertainment land use with on-site alcohol sales is a prime example of the type of business the Central District Specific Plan envisioned will be maintained/established in the Playhouse subdistrict of the Specific Plan area. The addition of incidental full alcohol sales in conjunction with the movie theater will provide an additional amenity to the existing theater that would advance its prominence as an arts and culture-oriented destination. It will support the goals of the Specific Plan and the Playhouse subdistrict will be enhanced by offering a unique experience that will attract customers. This will be consistent with GPLU Policy 31.1 (Focus Growth), as it will support the area's economic vitality while preserving and complementing the historic core. The proposed project is also consistent with GPLU Policy 31.7 (Expanded Economic Opportunities), as it will strengthen the Central District's economic vitality by supporting existing businesses.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #7051

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

General

1. The site/floor plans to be submitted for building permits shall substantially conform to the site/floor plans stamped "Approved at Hearing, September 6, 2023," except as modified herein.
2. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, except where an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions).
3. The approval of this application authorizes the on-site sale and consumption of full alcohol (beer, wine, and distilled spirits) as part of the operation of a Commercial Entertainment (movie theater) use.
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified, or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
7. The proposed project, Activity Number **ZENT2022-00125** 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, Ivan Galeazzi at (626) 744-7124 to schedule an inspection appointment time.

Planning

8. Prior to serving alcohol, owner/operator must possess a valid on-sale alcoholic beverage license pursuant to Division 9, commencing with Section 23000, of the California Business and Professions Code of Type 47- on-site sale and consumption of full alcohol (beer, wine, and distilled spirits). Alcohol service shall be in compliance with all applicable regulations and guidance issued by the California Department of Alcoholic Beverage Control at all times. The premises shall not obtain any other public premises type licenses without the approval of a Conditional Use Permit.
9. The primary use shall be a Commercial Entertainment (movie theater) with ancillary sale of full alcohol (beer, wine, and distilled spirits) intended for on-site consumption only.
10. Food and concession sales shall be made available during all hours of business operation.

11. The current hours of operation for the Landmark Theater are from 10:00 a.m. to 1:00 a.m., seven days a week and would remain the same. All alcohol sales shall cease one-half hour before closing, but no later than 12:30 a.m.
12. Off-site sale and consumption of alcohol is prohibited at all times.
13. Signs advertising brands and types of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the premises.
14. Customized lighting and sound system conducive of a nightclub atmosphere shall be prohibited at all times.
15. Live entertainment, including but not limited to, dancing, comedy, live music, or fashion shows at anywhere within the premises is prohibited.
16. The following preventive measures shall be undertaken to reduce the potential for alcohol related problems:
 - a. Rideshare and Taxicab phone numbers shall be posted in a conspicuous location at all times in the area(s) where alcohol is served to customers.
 - b. All employees selling or serving alcohol shall be required to participate in an alcohol training program offered by the Alcoholic Beverages Control prior to the operation of selling/serving alcohol.
 - c. The availability of a variety of non-alcoholic beverages shall be made known and offered to customers, and
 - d. Video games or similar loitering attractions shall not be permitted.
17. There shall be no minimum drink orders. Patrons shall not be obliged to purchase any goods, e.g., food or beverages.
18. These conditions of approval must be posted in a conspicuous location for public viewing within the concession counter area on a continuous basis for the life of this Conditional Use Permit beginning on the date the alcohol sales commence.
19. 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.
20. 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.