

ATTACHMENT G
HEARING OFFICER DECISION LETTER
Dated February 19, 2021



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

February 19, 2021

Kevin Franklin
30408 Olympic Street
Castaic, CA 91384

**Re: Conditional Use Permit #6816
1827 East Villa Street
Council District #2**

PLN2020-00016

Dear Mr. Franklin:

Your application for a **Conditional Use Permit** at **1827 East Villa Street** was considered by the **Hearing Officer** on **February 17, 2021**.

CONDITIONAL USE PERMIT: To allow the off-site sale of a full line of alcoholic beverages (Beer, Wine, and Distilled Spirits, Type 21 ABC License) in conjunction with the operation of an existing, 3,782 square-foot grocery store (Food Sales land use).

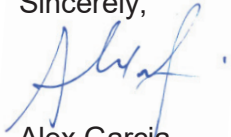
After careful consideration of this application, and with full knowledge of the property and vicinity, the Hearing Officer made the findings as shown on Attachment A to this letter. Based upon these findings, it was decided by the Hearing Officer that the **Conditional Use Permit** be **disapproved** with the findings in Attachment A.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Hearing Officer has the right to appeal this decision within **ten days (March 1, 2021)**. The effective date of this case will be **March 2, 2021**. Prior to such effective date, a member of the City Council or Planning Commission may request that it be called for review to the Board of Zoning Appeals. However, if there is a request for a call for review, the appeal period will continue to run. If the tenth day falls on a day when City offices are closed, the appeal deadline shall be extended through the next day when offices are open. The decision becomes effective on the eleventh day from the date of the decision. The regular Appeal fee is \$2,790.79. The Appeal fee for non-profit community-based organizations is \$1,395.39.

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)(5); Administrative Code, Title 14, Chapter 3, §15270(a), Projects Which are Disapproved. This Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves.

For further information regarding this case please contact **Jennifer Driver** at **(626) 744-6756** or jdriver@cityofpasadena.net.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alex Garcia", is written over a light blue rectangular background.

Alex Garcia
Hearing Officer

Enclosures: Attachment A

xc: City Manager, City Clerk, City Council, City Council District Liaison, Building Division, Public Works, Design and Historic Preservation, Department of Transportation, Hearing Officer, Code Compliance, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6816

Conditional Use Permit – Sale of full alcohol for off-site consumption

1. *The proposed location of the site for the Conditional Use Permit will adversely affect the general welfare of the surrounding property owners.*

The City of Pasadena's Police Department has reported that since January 2020, there have been 192 calls for service within 500 feet of the subject site/store, with the highest number of calls to the 1800 block of Villa Street and to the intersection of Villa Street and Allen Avenue, which are in the immediate proximity to the store, for theft, public disturbances, loitering, vandalism, burglary and public drunkenness, without the sale of a full line of alcohol at this site. The Conditional Use Permit, for the sale of full-alcohol for off-site consumption, will exacerbate the existing issues and will adversely affect the general welfare of the surrounding property owners. The Alcoholic Beverage Control has determined that the subject site is located in an area of undue concentration, and a finding of public convenience and necessity is required to be made by the governing body. Two other establishments with off-site alcohol sales are located within 1,000 feet of the subject site, with one liquor store, with off-site full alcohol sales, located on the adjacent parcel to the west at 490 N. Allen Avenue. As such, the finding of public convenience and necessity cannot be made.

2. *The proposed location of the site for the Conditional Use Permit will result in an undesirable concentration of premises for the sale of alcoholic beverages, including beer and wine, in the area.*

Based on the data from the Department of Alcohol Beverage Control, only three off-site sales licenses are permitted in this census tract, and currently there are four existing off-site alcohol licenses, including the subject site's Type 20 license for off-site sale of beer and wine. While the request for a Type 21 license (off-site sale of a full line of alcohol), if approved, wouldn't result in an increase in the number of licenses, it would intensify the availability of distilled spirits. As such, approval of this Conditional Use Permit will further exacerbate this existing over-concentration. In addition, there are two business that sell alcohol for off-site consumption within 1,000 feet of the use. As a result, approval will result in an undesirable concentration of off-site sales of alcohol within the immediate area.

3. *The proposed location of the site for the Conditional Use Permit will 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 sale of alcohol shall be designed and operated to avoid any adverse impact on adjacent or nearby residential (single- or multi-family), 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). Except for the limited commercial uses at the intersection of Allen Avenue and Villa Street, the uses within 1,000 feet are either single- or multi-family developments, north of the 210 Freeway, which is approximately 620 feet to the south. Single-family residences are located immediately to the north of the site and share

access to their properties from Baldwin Alley. Directly to the east, and south, are multi-family developments. The closest school is Tiny World Pre School, which is approximately 950 feet to the east. Other schools nearby include: Jefferson Elementary, which is 0.25 miles to the southwest; Marshall Fundamental Secondary School, which is approximately 0.33 miles to the north; and, Our School, which is approximately 0.5 miles to the north. Jefferson Recreation Center, the closest park, is approximately 0.25 miles to the southwest. The closest religious facilities are: the Calling Church, which is 0.25 miles to the southwest; Epicentre Church, which is approximately 0.33 miles to the north; and, between 0.25 and 0.35 miles to the east are several churches, including Qodesh Family Church, the Love of Christ Church, Oak Villa Gospel Hall, Crossroads Christian Fellowship, Pasadena Orthodox Presbyterian Church and Central Japanese American Community SDA Church.

As the site is already prone to arrests for public intoxication and disturbances, theft and loitering, adding the sale of full alcohol for off-site consumption will only further exacerbate these issues, which affects the general welfare of the abutting and nearby residents.

4. *The proposed location of the site for the Conditional Use Permit will aggravate proposed problems created by the sale of alcohol (e.g., littering, loitering, noise, public drunkenness, and sales to minors).*

The City of Pasadena's Police Department has reported that since January 2020, there have been 192 calls for service within 500 feet of the subject site/store, with the highest number of calls to the 1800 block of Villa Street and to the intersection of Villa Street and Allen Avenue, which are in the immediate proximity to the store, for theft, public disturbances, loitering, vandalism, burglary and public drunkenness, without the sale of a full line of alcohol at this site. The Conditional Use Permit, for the sale of full-alcohol for off-site consumption, will exacerbate the existing issues and will adversely affect the general welfare of the surrounding property owners.

5. *The proposed use is not in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.*

The existing food sales land use (Linda Rosa Market) is consistent with the General Plan land use designation of Low Commercial but the request to include the sale of full alcohol for off-site consumption is not consistent with the goals and objectives of the General Plan Land Use Element (General Plan). General Plan Policy 3.7 (Alcohol and Drug Abuse) intends to manage the distribution and operation of alcohol uses through regulating and monitoring of establishments that sell alcohol in an effort to reduce the impact of alcohol problems. General Plan Policy 3.1 (High Impact Uses) seeks to avoid the concentration of uses and facilities in any neighborhood or district where their intensities, operations, and/or traffic could adversely impact the character, safety, health, and quality of life. The purpose of ABCs determination of undue concentration is to prevent the over concentration of such uses and the impact of alcohol problems. As the proposed site is located within 1,000 feet of two other established businesses that sell alcohol for off-site consumption, the project is not in compliance with the main provision of Policy 3.7 of the General Plan. Furthermore, based on the information provided by the Pasadena Police Department, since January 2020, there have been 192 calls for service to within 500 feet of the subject site/store for theft, public disturbances, loitering, vandalism, burglary and public drunkenness, without the sale of a full line of alcohol at this site. Approval of the request to include the sale of full alcohol for off-site consumption would exacerbate the existing safety and quality of life problems in the neighborhood and would not be in compliance with Policy 3.1 of the General Plan.

6. *Public convenience or necessity is not served in that:*

- a. *The project is not a unique business addition to the community.* The off-site sale of alcohol will not be a unique business addition to the community in that there is already an undue concentration of other retail sale land uses with alcohol sales for off-site consumption within the census tract, including next door. The addition of the requested license for an upgrade to the off-site sale of a full line of alcohol will intensify an existing undue concentration of establishments with alcohol sales for off-site consumption within the census tract.
- b. *The project will not result in a positive upgrading of the area.* The City of Pasadena's Police Department has reported that since January 2020, there have been 192 calls for service within 500 feet of the subject site/store, with the highest number of calls to the 1800 block of Villa Street and to the intersection of Villa Street and Allen Avenue, which are in the immediate proximity to the subject store, for theft, public disturbances, loitering, vandalism, burglary and public drunkenness, without the sale of a full line of alcohol at this site. Two other establishments with off-site alcohol sales are also located within 1,000 feet of the subject site, including one liquor store, with off-site full alcohol sales, located on the adjacent parcel to the west at 490 N. Allen Avenue. The Conditional Use Permit, for the sale of full-alcohol for off-site consumption, will exacerbate the existing issues and will adversely affect the general welfare of the surrounding property owners.



COVID-19 SAFETY GUIDANCE FOR CONSTRUCTION SITES

APRIL 1, 2020

The following guidelines are based on Interim CDC's Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), OSHA's Guidance on Preparing Workplaces for COVID-19, and other publications.

Construction industry employers shall develop a comprehensive COVID-19 exposure control plan, which includes control measures such as social distancing; symptom checking; hygiene; decontamination procedures, and training. An exposure control plan and the following practices must be followed to prevent any onsite worker from contracting COVID-19, as many people with COVID-19 are asymptomatic and can potentially spread disease. Failure to comply with this guidance shall be deemed as creating unsafe conditions and may result in withheld inspections or shutting down the construction site until corrected.

City staff will verify compliance with these guidelines during regular scheduled inspections for projects under construction as well as during investigations associated with complaints that may be submitted to the Pasadena Citizens Service Center at 626-744-7311 or at <http://ww5.cityofpasadena.net/citizen-service-center/>.

1. Practice social distancing by maintaining a minimum 6-foot distance from others. No gatherings of 10+ people. Workers on break or lunch break should not gather in groups and should maintain 6-foot distance.
2. Preclude gatherings of any size, and any time two or more people must meet, ensure minimum 6-foot separation. Meetings should be conducted online or via conference call when possible.
3. Provide personal protective equipment (PPE) such as gloves, goggles, face shields, and face masks as appropriate for the activity being performed. Do not share personal protective equipment.
4. The owner/contractor shall designate a site specific COVID-19 Supervisor to enforce this guidance. A designated COVID-19 Supervisor shall be present on the construction site at all times during construction activities. The COVID-19 Supervisor can be an on-site worker who is designated to carry this role.
5. Identify "choke points" and "high-risk areas" where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and control them so social distancing is maintained.
6. Minimize interactions when picking up or delivering equipment or materials, ensure minimum 6-foot separation.
7. Stagger the trades as necessary to reduce density and maintain minimum 6-foot separation social distancing. Limit the number of people to the minimum possible. Restrict non-essential visitors.
8. Discourage workers from using other worker's phones, desks, offices, work tools and equipment. If necessary, clean and disinfect them before and after use, and hand shaking.
9. Post, in areas visible to all workers, required hygienic practices including not touching face with unwashed hands or gloves; washing hands often with soap and water for at least 20 seconds; use of hand sanitizer with at least 60% alcohol, cleaning AND disinfecting frequently touched objects and surfaces, such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs; covering the mouth and nose when coughing or sneezing as well as other hygienic recommendations by the CDC.
10. Place wash stations or hand sanitizers in multiple locations to encourage hand hygiene, identify location of trash receptacles for proper disposal.
11. Require anyone on the project to stay home if they are sick, except to get medical care.
12. Have employees inform their supervisor if they have a sick family member at home with COVID-19.
13. Maintain a daily attendance log of all workers and visitors.