

**ATTACHMENT B
APPEAL APPLICATION**

RECEIVED

2021 JUN -1 AM 11:16

CITY CLERK
CITY OF PASADENA

GENERAL INFORMATION: (Please print) Date: 05-31-21

Appellant: SUKHRAJ KAUR

Mailing Address: 1827 East Villa St

City: State: Zip: Pasadena, CA 91107

Phone #: (day) (evening) Fax #: N/A

Contact Person: Kevin Franklin 213-706-6997

E-mail Address of Contact Person: SUKHRAJKAUR956@yahoo.com

liquorspecialist@msn.com

Applicant (if different from appellant): Kevin Franklin

APPEAL APPLICATION

Application # Date of Decision Appeal Deadline June 1-2021
05-20-21

Property Address: 1827 East Villa St Pasadena, CA 91107

I hereby appeal the decision of the: Zoning Adm.

The decision maker failed to comply with the provisions of the zoning ordinance in the following manner:

P.L.M Finding based on crime and
overconcentration.

If necessary, please attach additional sheets

Applicant's Signature Date of Application

[Handwritten Signature]

05-31-21

Activity #

Application Fee: \$

Appeal Hearing Date

Date Received:

Received by:

REASON FOR APPEAL

THE DISAPPROVAL OF THE APPLICATION WAS BASED ON FACTORS THAT UNFAIRLY LIMITS GROWTH AND DEVELOPMENT, within the spirit of the law

THE HEARING OFFICER INDICATED IN QUESTION 1 : UNDUE CONCENTRATION/POLICE
Our response: The current beer and wine license is already counted in the census tract count, therefore no increase in license count occurs. The Police Dept., did not object to the issuance of the license and the TENANT has early closing hours, to mitigate any criminal activity, as well as the City can add more conditions to ensure safety for the community.

QUESTION 2; UNDUE CONCENTRATION

The current beer and wine license is already counted in the census tract. Census tract numbers do not differentiate between distilled spirits #21 and beer and wine#20. They are one in the same in term of numbers. Furthermore the numbers show (1) type 21 license, and (3)type 20 licenses in the census tract , which therefore UNFAIRLY grants the type 21 complete control of the census tract. This creates no competition for the type #21 and UNFAIR prices for the local residents.

QUESTION 3; DETRIMENTAL AFFECT

This store has existed for 30 years with a beer and wine license. The nearby residents of the impacted community signed petitions, submitted support documents and yearn for another location to spark competitive pricing and provide a simple outlet to shop for full service grocery items in one location. NO PROTEST was received from ANY community member, police dept., council representative.

QUESTION 4; AGGRAVATE NUISSANCES

Mitigated conditions from the City can alleviate any concerns. The Tenant has early closing hours, security cameras, parking lot lighting, signage, commitment to attend ABC training, due diligence . Again the Pasadena Police dept., did not object to the upgrade.

QUESTION 5; GENERAL PLAN

The General plan allows for the sales of alcohol as long as it does not take away from the quality of life for the community. For some reason the City allowed 4 licenses in a census tract which allows only 3, thereby allowing another license in an over concentrated area. This license will not add to the already EXISTING over concentration in the area. The approval of this upgrade will only create 2 off sale type 21 licenses and 2 beer and wine licenses. NOT AN increase and definitely a grocery store with full service is more desirable than your standard liquor store type establishment.

QUESTION 6: PUBLIC CONVENIENCE AND NECESSITY

The objective of the plan is to enhance the community public conveniences and this store provides the convenience to the public it serves. THE store serves a public convenience due to its specialty items from India and the introduction of spirits from India to enhance the community. FURTHERMORE, the community desires 1 stop shopping for spirits, groceries, specialty items. The upgrade of the license after 30 years of service to the community is in the good spirit of the law. Competition between competitors also spurs fair pricing, great attitudes and a dedication to improve its facade and business concept.



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

May 25, 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 **Board of Zoning Appeals on May 20, 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).

At the conclusion of the public hearing, the Board of Zoning Appeals decided to adopt the environmental determination that the proposed project is exempt from environmental review. A motion was made to uphold the Hearing Officer's decision and **disapprove Conditional Use Permit #6816** that resulted in a 5-0 vote by the members present. As a result, action was taken to disapprove the Conditional Use Permit #6816 along 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 Board of Zoning Appeals has the right to appeal this decision. In addition, a member of the City Council may stay the decision and request that it be called for review to the City Council. An appeal or a request for a call for review of this decision shall be within ten days, the last day to file an appeal or a request for a call for review is **Tuesday, June 1, 2021**. Appeal applications must cite a reason for objecting to a decision and should be filed with the City Clerk. Without any call for review or appeal, the effective date will be **Wednesday, June 2, 2021**. 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,



Luis Rocha
Zoning Administrator

Enclosures: Attachment A (Specific Findings)

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 from January 2020 to January 2021, 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. In addition, the Police Department provided additional data showing that there were 55 calls for service within 500 feet of the subject site/store from January 27, 2021 to May 10, 2021. 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.

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, would not result in a discrete 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. 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.

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.*

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. The City of Pasadena's Police Department has reported that from January 2020 to January 2021, 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. In addition, the Police Department provided additional data showing that there were 55 calls for service within 500 feet of the subject site/store from January 27, 2021 to May 10, 2021. Adding the sale of full alcohol for off-site consumption will further exacerbate these issues and will detrimentally affect the nearby surrounding area that consists of residential uses, parks, schools and religious facilities..

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 from January 2020 to January 2021, 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. In addition, the Police Department provided additional data showing that there were 55 calls for service within 500 feet of the subject site/store from January 27, 2021 to May 10, 2021. 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, from January 2020 to January 2021, 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. In addition, the Police Department provided additional data showing that there were 55 calls for service within 500 feet of the subject site/store from January 27, 2021 to May 10, 2021. 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 one liquor store, with off-site full alcohol sales, located on the adjacent parcel to the west at 490 N. Allen Avenue (Type 21).
- b. *The project will not result in a positive upgrading of the area.* The City of Pasadena's Police Department has reported that from January 2020 to January 2021, 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. In addition, the Police Department provided additional data showing that there were 55 calls for service within 500 feet of the subject site/store from January 27, 2021 to May 10, 2021. The introduction of a full line of alcohol at this site would not help curtail these issues and would not result in a positive upgrade of the area.