

**ZONING HEARING OFFICER  
STAFF REPORT  
October 21, 1998**

**SUBJECT:** Conditional Use Permit #3464

**LOCATION:** 1038 East Colorado Boulevard

**APPLICANT:** King R. Woods and Associates and Collins Signs,  
C/O Rite Aid.

**ZONING DESIGNATION:** CG (AD-2), HL-75

**GENERAL PLAN  
DESIGNATION:** East Colorado Specific Plan Area

**PREPARED BY:** Michael A. Huntley

**RECOMMENDATION:** Adopt the specific findings and deny the applications.

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**PROJECT PROPOSAL:** Conditional Use Permit – Off-Site Alcohol Sales  
Variance - Minimum distance requirement of 1,000 feet  
Sign Exception - Wall sign project and size

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption, Class 1 Existing Facilities (Title 14, Chapter 3, §15301 of the Administrative Code of the State of California).

**BACKGROUND:**

- **Site characteristics:** The subject site is located on the southeast corner of Colorado Boulevard and Catalina Avenue, has a lot area of approximately 47,933 square feet and is developed with a 16,660 square foot retail drugstore.
- **Adjacent Uses:** Commercial to the north, south, east and west.
- **Adjacent Zoning:** CD-6 to the south, CD-2 (AD-2) to the west, and CG (AD-2) to the north and east.
- **Previous zoning cases on this property:** None

**Other Information:** The retail drugstore on the subject site was recently completed and opened.

**ANALYSIS:** The applicant, King R. Woods and Associates, Inc. and Collins Signs, acting as the representatives for Rite Aid has filed an application for a Conditional Use Permit, Variance and a Sign Exception. The conditional use permit application is for general alcohol sales for off-site consumption in the new 16,600 square foot Rite Aid drugstore. The variance is to deviate from the minimum distance requirement of 1,000 feet from existing establishments which sell alcohol for on and off-site consumption. The sign exception is to allow a deviation from the placement requirements (i.e., wall sign projection of not more than 18 inches and overall size).

It is the applicant's intent to provide the same full service activities at this site as they do at other Rite Aid drugstores. This would include a wide variety of over-the-counter and prescription medicines, vitamins, pre-packaged food items, beauty care products, sundries and a full line of alcoholic beverages for off-site consumption. The applicant is proposing to obtain a Type 21 (Full Liquor License) in order to offer the sale of beer, wine, and distilled spirits in conjunction with the retail drugstore. Additionally, it is the applicant's intent to ensure their corporate identification is included in the building design through the use of blue canopy signs as can be seen throughout the Los Angeles Metropolitan area.

**Conditional Use Permit:** Pursuant to Section 17.28.030 of the Pasadena Municipal Code, a conditional use permit is required for the sales of alcoholic beverages for off-site consumption. In this case, Rite Aid is requesting a Type 21 (Full Liquor License) in order to offer the sale of beer, wine, and distilled spirits in conjunction with the retail drugstore.

The subject site is located in the AD-2 (Alcohol Density Overlay District 2) district along Colorado Boulevard where it has been determined that there is an over concentration of establishments that sell alcohol for on and off-site consumption. Due to this over concentration, additional noticing and distance requirements have been adopted to reduce the impacts associated the sales of alcohol. Moreover, specific conditional use permit findings for the sale of alcohol have been added to focus on areas of over concentration.

It is staff's assessment that the findings cannot be made to approve the proposed conditional use permit. Specifically, the sales of alcohol at the Rite Aid drugstore will result in an undesirable concentration of premises that sell alcohol in the vicinity. Currently, there are eight establishments within 1,000 feet that sell alcohol for on and off-site consumption. Two of these establishments, Pat's Liquor and La Boom, are located only a few hundred feet away from the Rite Aid drugstore and contributed to many of the alcohol related problems in the immediate vicinity. Approval of a conditional use permit for alcohol sales at this location would aggravate the existing problems created by alcohol sales, such as loitering, public drunkenness, sales to minors, noise and littering. Furthermore, according to the Police Department, the vicinity has an above average crime rate due to the number of calls for service and alcohol and drug related arrests. The nightclub (La Boom) at 43 North Catalina Avenue has a high incidence of alcohol related calls for service. Pat's Liquor at 1072 East Colorado Boulevard, which is not more than 150 feet from the Rite Aid drugstore, is one of the favorite establishments for transients to

purchase alcohol. In the census tract the site is located, there are three establishments that have off-site liquor licenses. There is an additional 19 establishments that have on-site liquor licenses. It is staff's assessment that the sum total of both of these types of liquor licenses indicates that there is an over concentration around the subject site and that another liquor license should not be issued.

**Variance:** Based on the required variance findings, it is staff's assessment that there is no exceptional or extraordinary circumstance applicable to this site that does not generally apply to other sites in the same zoning district. The applicant is requesting to deviate from the distance requirement of 1,000 feet from other establishments that sell alcohol. The applicant has indicated that the intent of requesting a liquor license is to provide a variety of products to the community as they do in other Rite Aid drugstores in other communities. Since Pat's Liquor and Pink Dot are not more than 150 feet away from the subject site, no hardship exist in this case and as such, the findings cannot be made to support the variance.

**Sign Exception:** On August 7, 1998, Current Planning denied the plan check request for wall signs for the Rite Aid drugstore at 1038 East Colorado Boulevard. Subsequent to that denial, signs were installed on the building without building permits and Planning approval. Rite Aid is now requesting a Sign Exception to allow the signs to remain on the building.

The applicant is requesting to allow two illuminated canopy signs to project more than 18 inches from the building facades and to exceed the maximum sign area allotment. Per the Sign Regulations of the Pasadena Municipal Code, wall signs cannot project more than 18 inches from the wall of a building. The sign plans submitted indicate that the canopy signs project three feet from the building walls. The sign regulations also set a maximum sign area of two square feet of sign for every one linear foot of building frontage. In this case, both canopy signs on the north and east elevations exceed the maximum sign area by approximately 150 square feet. Moreover, the two drive-thru wall signs on both the north and east elevations of the building further increase the sign area and worsen the problem.

The Rite Aid Corporation typically installs illuminated canopy signs that convey the appearance of an awning. Although the sign contractor classifies these as canopy signs, because the canopy is back-lit, has large lettering and due to the type of material used, staff would classify this sign as a "wall sign" and apply the sign standards as applicable. If this were in fact a true awning or canopy per the City's Sign Ordinance, the maximum size of the lettering could not exceed 8 inches in height. It is staff's assessment that the proposed illuminated canopy signs (wall signs) are not consistent with the intent of the sign regulation and are not compatible with other signs in the surrounding area. Since the Rite Aid building is so prominent at this intersection, there are other alternatives available so as to adequately identify the building.

**Environmental Review:** This project was found to be categorically exempt from environmental review (Class 1) pursuant to the guidelines of the California Environmental Quality Act. Denial of this application is statutorily exempt from environmental review.

### **Summary/Conclusion**

It is staff's conclusion that the findings for the conditional use permit, variance and sign exception cannot be made in this case. Based on the discussion above, all three requests are for denial.

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### **SPECIFIC FINDINGS:**

#### **Conditional Use Permit**

1. The proposed location of the conditional use permit will result in an undesirable concentration of premises with the sales of alcoholic beverages. In this case, there are eight establishments within 1,000 feet of the subject site which sell alcoholic beverages. Moreover, in the census tract where the site is located, there are twenty-two establishments that sell alcoholic beverages. Based on these numbers, there is currently an over concentration of establishment that sell alcohol both for on and off-site consumption.
2. The proposed location of the conditional use permit for Rite Aid at 1038 E. Colorado Boulevard will detrimentally affect the nearby surrounding area after giving consideration to the proximity and nature of the proposed use with respect to other establishments offering alcoholic beverages for sale and/or consumption on and off-site. There are numerous establishments in the surrounding area which sell alcohol for both on and off-site consumption. Based on the Pasadena Police Department reports, there is an above average level of intoxication arrests around the subject site. Adding another liquor license for off-site sales will only further exacerbate the problems and lead to additional enforcement by the Pasadena Police Department in the area.
3. The proposed location of the conditional use permit for Rite Aid at 1038 E. Colorado Boulevard will aggravate existing problems created by the sale of alcohol, such as loitering, public drunkenness, sales to minors, noise and littering. As reported by the Pasadena Police Department, the area of Colorado Boulevard and Catalina Avenue is one affected by problems with transients and public intoxication arrests. In the last year, crime statistics from police reports clearly state the existing problems in the area. Adding another establishment that sells alcohol would only compound the existing problems.

#### **Zone Variance**

4. There is no exceptional or extraordinary circumstances or conditions applicable to the project site that do not generally apply to sites in the same zoning district. The subject site is located in the CG (AD-2) zoning district, a district that allows for a variety of uses some of which are permitted to sell alcohol for on and off-site consumption. There are other existing businesses in the area that sell alcohol for off-site consumption, two of which are not more than 150 feet from

the subject site. The request is a variance to deviate from the 1,000 foot separation requirement for alcohol sales. In this case, there is nothing unique or extraordinary about the subject site that would warrant a variance from the separation requirement. As such, no hardship exist to support the variance request.

**Sign Exception**

5. The proposed signs are not architecturally compatible and aesthetically compatible with the adjacent premises and is not compatible with the character of the established commercial district and general environment. The proposed deviation is not compatible with other signage established in the district since the proposed illuminated canopy signs (wall signs) far exceed the maximum sign allotment for the building. Moreover, due to the size and illumination of the canopy signs, the signs overpower other signs and commercial businesses in the immediate area.

6. Granting of the sign deviation application is not consistent with the general plan and the purpose of this title and will constitute a grant of privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district. Allowing the proposed canopy signs would be granting a special privilege to one business that other businesses in the area are not entitled. In this case, the canopy signs far exceed the maximum sign allotment giving an unfair advantage to a large corporate entity such as Rite Aid. This would be inconsistent with the intent of the sign regulations to set limits on the size, placement, location and illumination of signs.