



**CITY OF SOUTH PASADENA
PLANNING COMMISSION**

**AGENDA
REGULAR MEETING
TUESDAY, MAY 10, 2022 at 6:30 P.M.**

**CITY COUNCIL CHAMBERS
1424 MISSION STREET, SOUTH PASADENA, CA 91030**

South Pasadena Planning Commission Statement of Civility

As your appointed governing board we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made tonight will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

The South Pasadena Planning Commission Meeting will be conducted in-person from the Council Chambers, Amedee O. "Dick" Richards, Jr., located at 1424 Mission Street, South Pasadena.

Please be advised that pursuant to government code, and to ensure the health and safety of the public, staff, and Planning Commission, as the Council Chambers will be open to the public for the meeting and members of the public may attend the in-person meeting, all are kindly reminded to follow Los Angeles County Public Health and CDC regulations and guidelines that are in place and may be posted. The in-person hybrid meeting will be conducted live in the City Council Chambers.

The Meeting will be available:

- In Person Hybrid – City Council Chambers, 1424 Mission Street, South Pasadena
- Via Zoom: <https://us02web.zoom.us/j/83530439651> **Meeting ID: 8353 043 9651**

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting via Zoom in the following methods below.

- Go to the Zoom website, <https://Zoom.us/join> and enter the Zoom meeting information; or
- Click on the following unique Zoom meeting link:
<https://us02web.zoom.us/j/83530439651>

CALL TO ORDER: Chair John Lesak

ROLL CALL:

| | |
|--------------|-------------------|
| Chair | John Lesak |
| Vice-Chair | Laura Dahl |
| Commissioner | Amitabh Barthakur |
| Commissioner | Janet Braun |
| Commissioner | Lisa Padilla |

COUNCIL LIAISON: Councilmember Diana Mahmud

STAFF PRESENT:

| | |
|--------------------------------|-----------------------|
| Community Development Director | Angelica Frausto-Lupo |
| Planning Manager | Matt Chang |
| Associate Planner | Sandra Robles |

APPROVAL OF AGENDA
Majority vote of the Commission to proceed with Commission business.

DISCLOSURE OF SITE VISITS AND EX-PARTE CONTACTS
Disclosure by Commissioners of site visits and ex-parte contact for items on the agenda.

PUBLIC COMMENT GUIDELINES (Public Comments are limited to 3 minutes)

The Planning Commission welcomes public input. If you would like to comment on an agenda item, members of the public may participate by one of the following options:

Option 1:
Participate in-person at the City Council Chambers, 1424 Mission Street, South Pasadena.

Option 2:
Participants will be able to “raise their hand” using the Zoom icon during the meeting, and they will have their microphone un-muted during comment portions of the agenda to speak for up to 3 minutes per item.

Option 3:
Email public comment(s) to PlanningComments@southpasadenaca.gov. Public Comments received in writing will not be read aloud at the meeting, but will be part of the meeting record. Written public comments will be uploaded online for public

viewing under Additional Documents. There is no word limit on emailed Public Comment(s). Please make sure to indicate:

- 1) Name (optional), and
- 2) Agenda item you are submitting public comment on, and
- 3) Submit by no later than 12:00 p.m., on the day of the Planning Commission meeting.

NOTE: Pursuant to State law, the Planning Commission may not discuss or take action on issues not on the meeting agenda, except that members of the Planning Commission or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

PUBLIC COMMENT

- 1. **Public Comment – General (Non-Agenda Items)**

PUBLIC HEARING

- 2. **1213 Fair Oaks Avenue (APN: 5319-002-034), Project No. 2436-CUP – To allow for an Instructional Tasting License (ABC Type 86) at an existing grocery store, Pavilions. The grocery store currently holds a legal nonconforming Off-sale General License (ABC Type 21), which will be added to Project No. 2436-CUP.**

Recommendation:

Approve the project subject to the recommended conditions of approval.

DISCUSSION

- 3. **2021-2029 Housing Element Update**

Recommendation

Receive a presentation from the city’s consultant relating to the 2nd Public Review Draft of the Housing Element.

ADMINISTRATION

- 4. **Comments from City Council Liaison**
- 5. **Comments from Planning Commissioners**

6. Comments from Staff

ADJOURNMENT

7. Adjourn to the Regular Planning Commission meeting scheduled for June 14, 2022.

PUBLIC ACCESS TO AGENDA DOCUMENTS AND BROADCASTING OF MEETINGS

Planning Commission meeting agenda packets are available online at the City website: <https://www.southpasadenaca.gov/government/boards-commissions/test-planning-commission-agendas-minutes-copy>

Agenda related documents provided to the Planning Commission are available for public review on the City’s website. Additional documents, when presented to Planning Commission, will also be uploaded and available on the City’s website.

AGENDA NOTIFICATION SUBSCRIPTION

Individuals can be placed on an email notification list to receive forthcoming agendas by emailing CityClerk@southpasadenaca.gov or calling the City Clerk’s Division at (626) 403-7230.

ACCOMMODATIONS



The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

I declare under penalty of perjury that I posted this notice of agenda on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City’s website as required by law.

5/5/2022
Date

Matt Chang
Matt Chang, Planning Manager



Planning Commission Agenda Report

ITEM NO. 2

DATE: May 10, 2022

FROM: Angelica Frausto-Lupo, Community Development Director
Matt Chang, Planning Manager

PREPARED BY: Sandra Robles, Associate Planner

SUBJECT: **Project No. 2436–CUP to allow for an Instructional Tasting License (ABC Type 86) at an existing grocery store, Pavilions. The grocery store currently holds a legal nonconforming Off-Sale General License (ABC Type 21), which will be added to the Project No. 2436-CUP. The project is located at 1213 Fair Oaks Avenue (APN: 5319-002-034).**

Recommendation

It is recommended that the Planning Commission adopt a Resolution approving Project No. 2436-CUP, subject to the conditions of approval (Attachment 1).

Background

The project site, 1213 Fair Oaks Avenue, is located on the southwest corner of Fair Oaks Avenue and Monterey Road. The property is zoned Commercial General (CG) and is surrounded by commercial/retail uses to the north, east, and south; medium-density residential uses are located to the west of the property (see **Figure 1**).

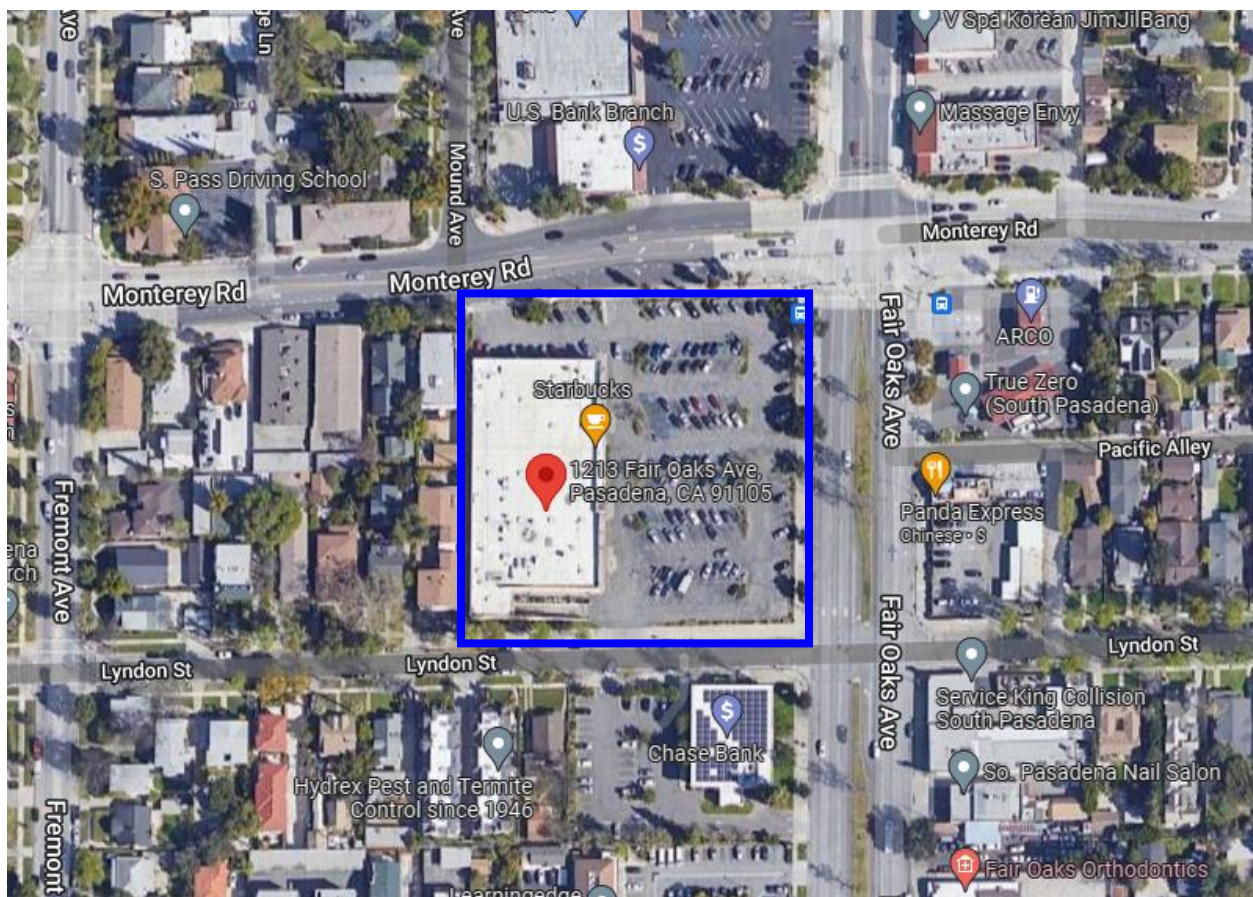
Pavilions, a full-service grocery store, currently holds an Off-Sale General License (Type 21) from the California Department of Alcoholic Beverage Control (ABC). A Type 21 License authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold; Type 21 Licenses are issued for retail uses, such as grocery stores and liquor stores.

Pavilions first acquired the Type 21 License on February 20, 1987 (ABC License #194394). At the time of issuance, the City of South Pasadena did not require a Conditional Use Permit (CUP) approval process for establishments with off-sale alcohol licenses. However, in 2002, the City of South Pasadena updated the South Pasadena Municipal Code (SPMC) pursuant to Section 36.350.040 Alcoholic Beverage

Establishments, to require the CUP approval process (per SPMC, Section 36.410.060) for all alcohol establishments.

On September 15, 2021, a representative of Tait & Associates, Inc., on behalf of Pavilions, submitted a CUP application to: 1) bring to compliance the existing legal, nonconforming off-site license for the sale of beer, wine, and distilled spirits (Type 21); and, 2) to add an ancillary on-site instructional tasting license (Type 86). On March 1, 2022, Vons Companies, Inc., the license holder for Pavilions Grocery Store, applied for an Instructional Tasting License (Type 86) with the Department of ABC.

Figure 1: Aerial View of Subject Site



Project Description

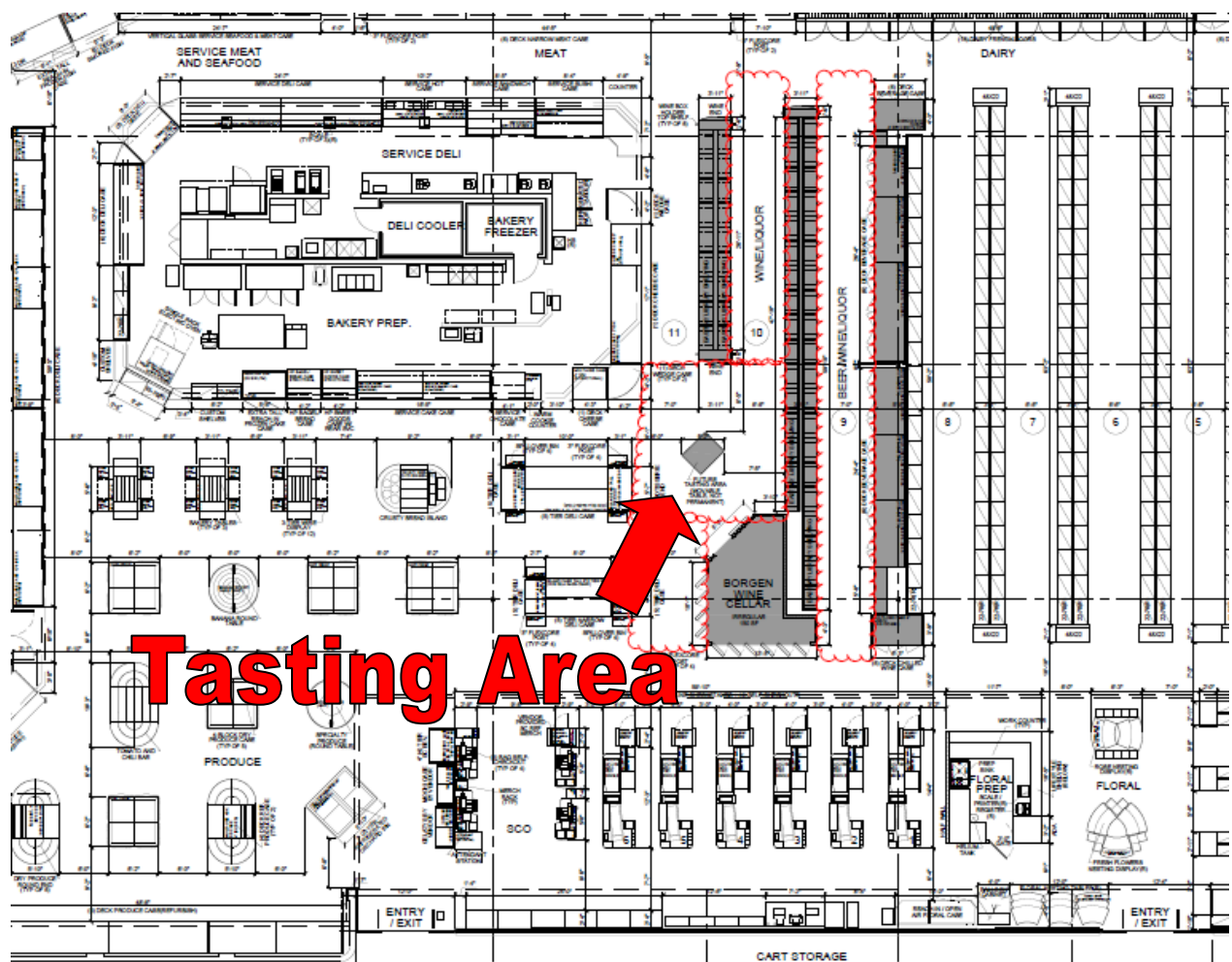
The applicant is requesting a Conditional Use Permit to allow for an Instructional Tasting License (ABC Type 86) at an existing full-service grocery store. The Type 86 License is ancillary to the primary legal nonconforming Type 21 Off-Sale General License, which will be added to Project No. 2436-CUP. No exterior modifications are proposed as part of the request.

A Type 86 License allows the tasting of beer, wine or distilled spirits at licensed premise and can only be held in conjunction with an active off-sale license (**Attachment 2: Statement of Operations**). The ancillary Type 86 License limits the quantity and number of tastings to the following:

- (3) – ¼ oz. servings for liquor (total maximum of ¾ oz. per day)
- (3) – 1 oz. servings for wines (total maximum of 3 oz. per day)
- A total of 6 oz. for beers (volunteered by applicant, as ABC allows for 8 oz.)

The Type 86 License is regulated by the Department of ABC; the primary license holder (Pavilions) coordinates with a supplier to conduct “tasting events”. The tasting events will take place within the alcoholic beverage isles of the grocery store and will be limited to 100 square feet (see **Figure 2** for Floor Plan and **Figure 3** for an image of the tasting location).

Figure 2: Floor Plan (Alcohol Sales Area Callout in Red)



Such events may not be advertised from the exterior of the licensed premise and Pavilions staff may not assist in pouring alcoholic beverages for the events. The purpose of an Instructional Tasting License (Type 86) is to introduce products to consumers. The supplier provides small samples of a single product type per day (i.e., beer, wine, or distilled spirits—no combinations of product types are permitted) and the supplier helps consumers answer questions regarding the manufacturing of a product, its ingredients, or how to pair the beverage with a particular food. Events may be held once per day, but are limited to approximately three hours per day between the hours of 10:00 a.m. and 9:00 p.m., daily. Pavilions is currently operating from 6:00 a.m. until 11:00 p.m., daily.

Figure 3: Image of Tasting Area Location



Project Analysis

General Plan Consistency

The General Plan land use designation of the site is General Commercial, which per the General Plan, provides for a variety of retail, service, office, automotive establishments, entertainment facilities, convenience goods and services to residents in the immediate neighborhood. In addition, this category includes “convenience” commercial uses that provide retail goods and services to residents in the immediate neighborhood. The project is within the Fair Oaks Corridor in the Lower Fair Oaks subarea, where due to the size of assembled land parcels and ease of access, future use of the major corner sites should be devoted to maintaining auto-oriented commercial uses with significant space requirements.

The proposed project conforms to the following goals and policies of the General Plan:

2.5B Economic Development/Commercial Revitalization

Goal 2: To maintain the character of South Pasadena’s “main street” commercial areas, support the proprietary businesses of the city, avoid deterioration of commercial areas and the business tax base, and promote those forms of economic development that will provide additional jobs, services and opportunities to the city and its residents.

Policy 2.2: Strengthen retail. Encourage retail and sales tax producing businesses to remain in, expand in, or come to South Pasadena to promote healthy retail areas.

Policy 3.10: Encourage convenience business. Encourage the appropriate “convenience” commercial to serve residents within walking distance of homes.

The proposed project is a full-service grocery store, serving the immediate neighborhood and the greater community of South Pasadena. Additionally, the proposed project maintains the character of South Pasadena’s “main street” commercial, strengthens retail, and encourages convenience commercial; therefore, the request is consistent with the General Plan.

Zoning Code Compliance

The project is zoned Commercial General (CG) within the Fair Oaks Corridor in the Lower Fair Oaks subarea, which is intended for a wide-range of commercial retail and service land uses. The sale of alcoholic beverages is permitted in the CG zone with the approval of a CUP. The purpose of the CUP process is to allow for activities whose effect on a site and its surrounding uses can only be determined after the review of the configuration, design, location, and potential impacts of the proposed use and suitability

of the use to the site. The subject site is currently undergoing renovations, as approved by the Design Review Board in February 2021 per Project No. 2343-DRX. Approved changes include the following: 1) modification of the front and side exterior building elevations, 2) repaint of the entire building, 3) new lighting on the front building elevation, 4) replace existing parking lot light fixture heads with new LED lights, 5) upgrade the accessible path to the public right-of-way, 6) provide new curb ramps at main entry doors, 7) provide new bicycle parking, 8) replace wire fabric fencing with CMU blocks at existing loading docks and trash enclosure, 9) new planters and trees, and 10) interior tenant improvements throughout the store. The renovations are scheduled to be completed in June 2022. The project request under Project No. 2436-CUP is to bring to compliance a legal, nonconforming off-sale alcohol license and for an on-site tasting license, both of which, will not result in any physical modifications of the structure (see **Figure 4** for a street view of the project building).

Figure 4: Street View of Project Site



Additionally, Pavilions Grocery Store has been operating with a Type 21 Off-Sale General License for over 35 years, the proposed request will add an ancillary Type 86 Instructional Tasting License to the existing Type 21 License; as such, the proposed project is in compliance with the CG zone.

Conditional Use Permit

Pursuant to the South Pasadena Municipal Code (SPMC), Section 36.410.060(D), the Planning Commission may grant a CUP for uses listed in Article 2 as requiring a CUP. The sale of alcoholic beverages for “off-site” consumption is subject to a CUP pursuant to SPMC, Section 36.350.040. Pavilions Grocery Store does not currently hold a CUP,

as the Off-Sale General (Type 21) License was acquired prior to the City of South Pasadena requiring CUP process for off-sale establishments. The project request to add an ancillary Instructional Tasting License (Type 86) to the primary license, intensifies the legal nonconforming use, as such, the request to bring the original license to compliance and to add a tasting license, will require an approval from the Planning Commission.

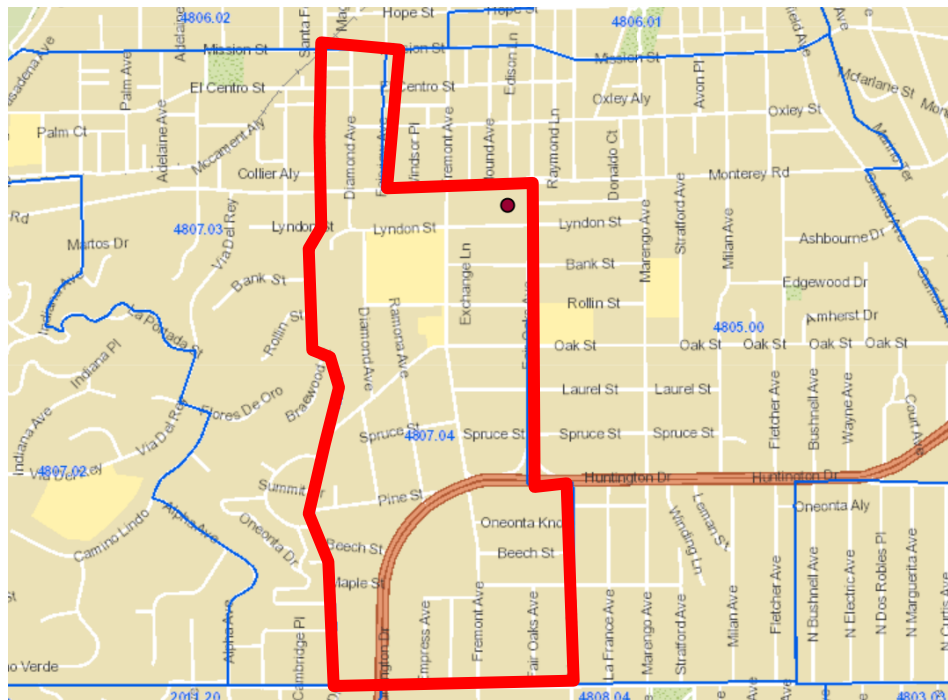
The applicant currently sells beer, wine, and distilled spirits for off-sale consumption under ABC License Number 194394, which was first acquired on February 20, 1987. Pavilions Grocery Store has a sales footprint of 32,123 square feet (**Attachment 4: Project Plans**), but also houses approximately 1,200 square feet of office space for Pavilions management. The store is a total of 33,355 square feet and has 139 parking spaces—134 parking spaces are required per code at a rate of 4 spaces per 1,000 square feet. The store's hours of operation are from 6:00 a.m. until 11:00 p.m., daily and the tasting events may take place once per day, limited to one product type (i.e., beer, wine or distilled spirits), and may only take place between the hours of 10:00 a.m. until 9:00 p.m. According to the applicant, tasting events are approximately three hours in duration.

Pavilions Grocery Store, and subsidiaries Vons and Albertson's, currently operate 136 stores throughout the State of California that hold, both, a Type 21 License and a Type 86 License. Being that the applicant is experienced in operating with a tasting license, they have developed an in-house training program (**Attachment 3: Employee Training PowerPoint**), which when combined with the ABC certification training program, provides clear direction for staff and the supplier. In accordance with the Type 86 License training:

- The event tasting area is to be provided with full video coverage;
- No persons under the age of 21 is allowed to pour or serve during an event;
- The tasting area is equipped with a table, stanchions, and "We I.D." signage;
- No open containers are allowed to leave the premises;
- No persons under the age of 21 are permitted within the stanchioned area; and,
- Suppliers are empowered to refuse service at any time.

The Department of Alcoholic Beverage Control (ABC) puts limits on the number of on-sale and off-sale licenses it issues based on the population within a given census tract. The project site is located within census tract 4807.04—ABC permits three (3) off-sale licenses and five (5) on-sale licenses. The census tract currently holds two (2) active off-sale ABC licenses and five (5) active on-sale licenses. The two active off-sale licenses are Type 21 Licenses and are held by Pavilions and Grocery Outlet (see **Figure 5** for census tract map).

Figure 5: 4807.04 Census Tract (Subject Site)



Alcohol sales are an expected commodity at a full-service grocery store and being that the applicant has been operating with a legal nonconforming Type 21 License for over 35 years, it is staff's analysis that allowing the Type 21 License to be brought to compliance and permitting an ancillary Type 86 License would constitute a public convenience due to a reduction of trips, as costumers are able to shop for food, household goods, and alcoholic beverages at one location.

The South Pasadena Police Department reviewed the application materials on April 14, 2022 and made the determination that the request does not pose concerns as conditioned.

Staff recommends approval of the proposed CUP for the continued sale of beer, wine, and distilled spirits for off-site consumption with an ancillary on-site tasting license at Pavilions Grocery Store.

Based on the discussion above, staff recommends that the Planning Commission make the findings for approval as described in more detail in the Resolution, included as Attachment 1, pursuant to South Pasadena Municipal Code Section 36.410.060.

Environmental Analysis

This item is exempt from the California Environmental Quality Act (CEQA) based on State CEQA Guidelines Section 15301, Class 1 – Existing Facilities. Class 1 consists of

the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing use. Based on this analysis, no significant environmental effects would result from this project and the use of a categorical exemption is appropriate.

Findings/Recommendation

The project meets the standards for the requested Conditional Use Permit as outlined in the report above and described in detail in the draft resolution included in this report as Attachment 1. Staff recommends that the Planning Commission make the findings in the draft resolution (Attachment 1) and approve the project.

Alternatives to Consider

If the Planning Commission does not agree with Staff's recommendation, the following options are available:

1. The Planning Commission may approve the project with modified/added conditions; or
2. The Planning Commission may continue the project to address comments discussed; or
3. The Planning Commission may deny the project.

Public Noticing

A Public Hearing Notice was published on April 29, 2022 in the South Pasadena Review. Hearing notices were sent to all properties within a 300-foot radius on April 29, 2022. In addition, the public was made aware that this item was to be considered at a public hearing by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City's website,

Next Steps

If the Planning Commission approves the project, a 15-day appeal period will commence in which any person affected by the decision may appeal the decision for a public hearing by the City Council. Should there be no appeals during this 15-day period, the applicant may proceed processing the Instructional Tasting License (Type 86) application with the Department of Alcoholic Beverage Control and shall comply with Conditions of Approval, as stated in Attachment 1.

Attachments

1. Draft Resolution and Conditions of Approval
2. Statement of Operations
3. Employee Training PowerPoint
4. Project Plans

ATTACHMENT 1

Draft Resolution and Conditions of Approval

P.C. RESOLUTION NO. 22-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA APPROVING PROJECT NO. 2436-CUP CONSISTING OF A CONDITIONAL USE PERMIT FOR OFF-SITE SALES OF BEER, WINE, AND DISTILLED SPIRITS (TYPE 21 LICENSE) AND AN ON-SITE INSTRUCTIONAL TASTING LICENSE (TYPE 86) AT 1213 FAIR OAKS AVENUE (APN: 5319-002-034)

WHEREAS, on September 15, 2021, a representative of Tait & Associates, Inc., (applicant) on behalf of the property owner, submitted an application for a Conditional Use Permit to bring to compliance an existing legal, nonconforming off-site license for the sales of beer, wine, and distilled spirits (Type 21 License) and to add an ancillary on-site instructional tasting license (Type 86 License) at the existing grocery store, Pavilions, located at 1213 Fair Oaks Avenue (Assessor's Parcel Number: 5319-002-034); and

WHEREAS, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 15301, Class 1 – Existing Facilities; and

WHEREAS, the Planning Division evaluated the project for consistency with the City's General Plan, City of South Pasadena Municipal Code, and all other applicable state and local regulations; and

WHEREAS, on April 29, 2022, the public hearing notice was mailed to each property owner within a 300-foot radius of the project site in accordance with the requirements of South Pasadena Municipal code declaring the project review by the Planning Commission for the hearing on May 10, 2022; and

WHEREAS, on April 29, 2022, the City of South Pasadena Planning Division, published a legal notice in the *South Pasadena Review*, a local newspaper of general circulation, indicating the date, time, and location of the public hearing in compliance with state law concerning Project No. 2436-CUP; and

WHEREAS, the South Pasadena Planning Commission held a duly noticed public hearing on May 10, 2022, at which time it considered the staff report, oral report, the testimony, and the written evidence submitted by and on behalf of the applicant and by members of the public concerning Project No. 2436-CUP and considered the proposed Conditional Use Permit for off-site sales of beer, wine, and distilled spirits (Type 21 License) and an ancillary on-site instructional tasting license (Type 86 License) at 1213 Fair Oaks Avenue.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1: ENVIRONMENTAL REVIEW FINDING

The Planning Commission has determined that the proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), under Article 19 Section 15301, Class 1 – Existing Facilities of the California Guidelines for Implementation of CEQA. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing use. Based on this analysis, no significant environmental effects would result from this project and the use of a categorical exemption is appropriate.

SECTION 2: CONDITIONAL USE PERMIT FINDINGS

The Planning Commission finds that the proposed project is consistent with all applicable findings for approval of a Conditional Use Permit pursuant to South Pasadena Municipal Code (SPMC) Section 36.410.060, as follows:

- 1. The proposed use is allowed with Conditional Use Permit or Administrative Use Permit approval within the applicable zoning district and complies with all applicable provisions of this Zoning Code;**

The project site is zoned Commercial General (CG) within the Fair Oaks Corridor in the Lower Fair Oaks subarea, which is intended for the development of a wide-range of commercial retail and service land uses. The proposed tasting license (Type 86) and the conformance of the off-sale license (Type 21) for an existing grocery store use falls within the category of retail use and is permitted with the approval of a Conditional Use Permit.

- 2. The proposed use is consistent with the General Plan and any applicable specific plan.**

The General Plan land use designation of the site is General Commercial which provides for a variety of retail, service, office, automotive establishments, entertainment facilities, convenience goods and services to residents in the immediate neighborhood, and parking facilities. The project is within the Fair Oaks Corridor in the Lower Fair Oaks subarea, where due to the size of assembled land parcels and ease of access, future use of the major corner sites should be devoted to maintaining auto-oriented commercial uses with significant space requirements. The proposed project is to bring an existing off-sale alcohol license (Type 21) into compliance and to add a new instructional tasting license (Type 86) at an existing full-service grocery store. The request maintains the character of South Pasadena's "main street" commercial, strengthens retail, and encourages convenience commercial; therefore, the request is consistent with the General Plan.

- 3. The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.**

The proposed establishment, maintenance, and operation of an existing grocery store and the request to bring an existing legal nonconforming off-sale alcohol license (Type 21) to compliance and add an instructional tasting license (type 86) as an ancillary use to the grocery store operation would not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood. A condition is included to limit deliveries to the grocery store's hours of operation, which is from 6:00 AM to 11:00 PM, seven days a week, and further restriction of the hours may be reduced in response to complaints of noise or other disturbance to the adjacent uses or community. Conditions are also included to require appropriate location for display of alcohol to prevent "grab and run" thefts of alcohol, and installation of a security cameras.

- 4. The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.**

The approval of the Conditional Use Permit, as conditioned, would not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the City. Conditions are included require proper maintenance and cleanliness of the exterior of the building and in the parking lot, limitation of delivery hours, and other conditions to ensure that the operation of the grocery store, as it relates to alcohol sales, would not be detrimental to the community.

- 5. The subject site is adequate in terms of size, shape, topography, and circumstances and has sufficient access to streets and highways which are adequate in width and pavement type to carry the quantity and quality of traffic expected to be generated by the proposed use.**

The Pavilions Grocery Store has been in operation for over 35 years and the proposed request to bring a legal nonconforming off-sale alcohol license (Type 21) to compliance and add an ancillary on-site tasting license (Type 86), does not involve any expansion to the size of the existing retail building or any roadway modifications. Therefore, the project site is adequate in size and has sufficient access to existing streets in order to continue accommodating the existing grocery store use.

- 6. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetics, character, scale, impacts on neighboring properties.**

The proposed project does not include any modifications to the exterior of the building and no additional square footage is proposed. Pavilions Grocery Store has operated with a legal nonconforming off-sale general license (Type 21) for over 35

years and the addition of an on-site instructional tasting license (Type 86) would not result in design changes. The Pavilions Grocery Store and its subsidiaries, Vons and Alberton's, currently operate 136 grocery stores throughout the State of California with have both an off-sale license (Type 21) and on-sale instructional tasting license (Type 86). The operator is experienced and has been responsibly operating with the requested licenses, as such, the proposed project is compatible with existing and future land uses in the vicinity.

SECTION 3: RECORD OF PROCEEDING

The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's decision is based, which include, but are not limited to, the staff reports, as well as all materials that support the staff reports for the proposed project, and are located in the Community Development Department of the City of South Pasadena at 1414 Mission Street, South Pasadena, CA 91030. The custodian of these documents is the City Clerk of the City of South Pasadena.

SECTION 4. DETERMINATION

Based upon the findings outlined in Sections 1 through 2 above and provided during the public hearing, the Planning Commission of the City of South Pasadena hereby approves Project No. 2436-CUP consisting of a Conditional Use Permit for the sales of beer, wine, and distilled spirits for off-site consumption and an on-site instructional tasting license at 1213 Fair Oaks Avenue, subject to the Conditions of Approval attached hereto as Exhibit "A."

SECTION 5: APPEALS

Any interested person may appeal this decision or any portion of this decision to the City Council. Pursuant to the South Pasadena Municipal Code, any such appeal must be filed with the City, in writing, and with appropriate appeal fee, no later than (15) days, following the date of the Planning Commission's final action.

SECTION 6: CERTIFICATION OF THE RESOLUTION

The Secretary shall certify that the foregoing Resolution was adopted by the Planning Commission of the City of South Pasadena at a duly noticed regular meeting held on the 10th day of May 2022.

PASSED, APPROVED, AND ADOPTED this 10th day of May 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Lesak, Chair

ATTEST:

Amitabh Barthakur, Secretary to the Planning Commission

APPROVED AS TO FORM:

Andrew L. Jared, City Attorney

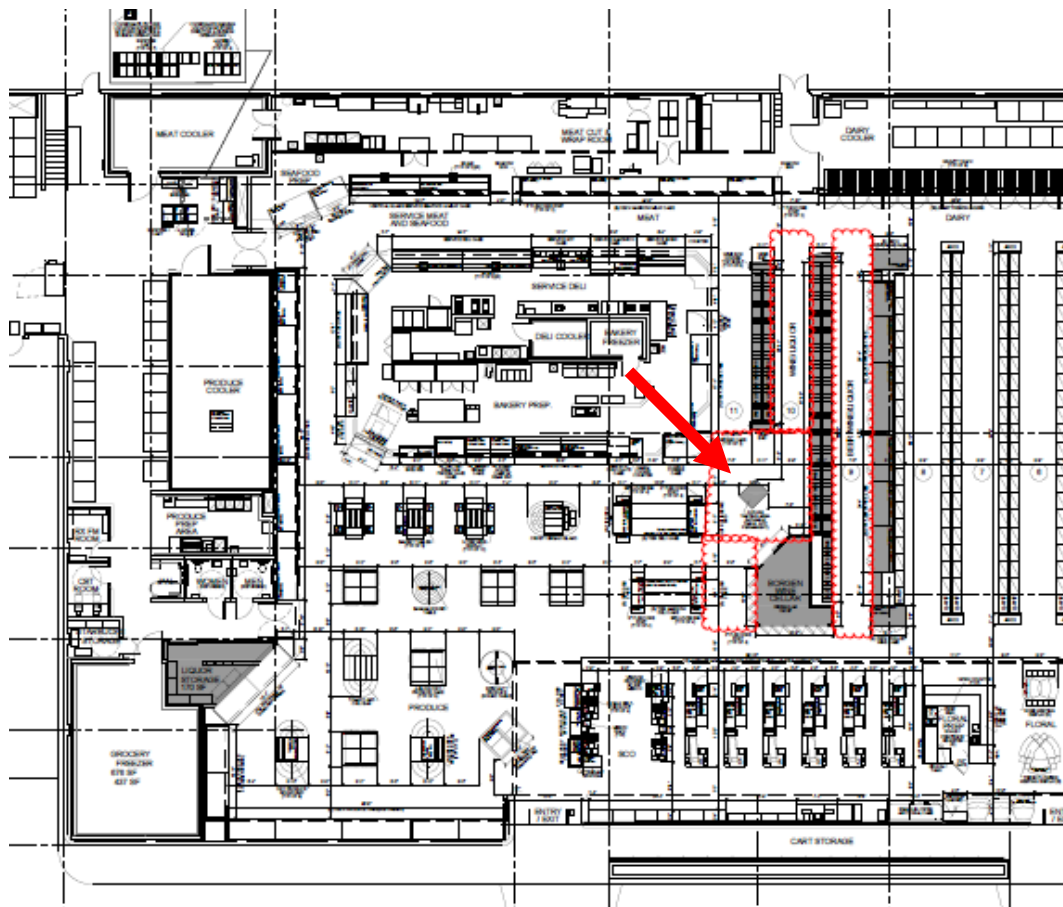
EXHIBIT "A"
CONDITIONS OF APPROVAL
PROJECT NO. 2436-CUP
1213 Fair Oaks Avenue (APN: 5319-002-034)

PLANNING DIVISION:

- P-1. The following approvals are granted as described below and as shown on the development plans submitted to and approved by the Planning Commission on May 10, 2022:
- A. **Conditional Use Permit** for off-site sales of beer, wine, and distilled spirits (Type 21 License) and on-site instructional tasting (Type 86 License).
- P-2. This approval and all rights hereunder shall terminate within twelve (12) months of the effective date of their approval by the Planning Commission. The instructional tasting license (Type 86) shall be acquired by the California Department of Alcoholic Beverage Control prior to the termination period.
- P-3. Approval by the Planning Commission does not constitute a building permit.
- P-4. All other requirements of any law, ordinance, or regulation of the State of California, City of South Pasadena, and any other government entity shall be complied with.
- P-5. Compliance with and execution of all appropriate conditions listed herein shall be necessary prior to obtaining any occupancy inspection clearance and/or prior to obtaining any occupancy clearance.
- P-6. The applicant and each successor in interest to the property which is the subject of this project approval, shall defend, indemnify and hold harmless the City of South Pasadena and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval of the City, City Council or Planning Commission concerning this use.
- P-7. The grocery store hours of operation shall be limited to the hours of 6:00 am to 11:00 pm, daily.
- P-8. All deliveries shall occur only during the hours of 6:00 am to 9:00 pm daily. These hours for deliveries may be reduced by the Planning Commission in response to complaints of noise or other disturbance to the adjacent uses or community.
- P-9. The sales of beer, wine, and distilled spirits in the grocery store shall be limited to the hours of 6:00 am to 11:00 pm daily. These hours of operation may be reduced by the Planning Commission in response to complaints of noise or other disturbance to the adjacent uses or community.
- P-10. The instructional tasting events in the grocery store shall be limited to one event per day, three hours per event, and shall take place only between the hours of 10:00 am to 9:00 pm, daily.
- P-11. The site shall be maintained in a cleanly manner at all time. Trash receptacles shall be provided for customers use on-site, such as but not limited to the front of the store facing the parking lot. The design and location of the trash receptacles shall be reviewed and approved by the Community Development Director.
- P-12. All alcohol sales cases/displays shall be located in such a manner to prevent "grab and run" thefts of alcohol. The sales cases/displays shall be located in sight of the sales counter at all times, if possible. The area of the alcohol for sale and display will be limited the area shaded in gray and the tasting area marked with an arrow, as shown in **Figure 1**.
- P-13. No advertising for alcoholic beverages may be displayed in store windows or outside of the store.
- P-14. All employees who will engaged in the sale of or pouring of alcohol must complete the State Alcoholic Beverage Control's mandated training, as well as the store's internal training on the sale of alcohol.

- P-15. Any individuals discovered loitering on the property shall immediately be informed to leave the premises, by the owner. Should the owner fail to abate the problems, the South Pasadena Police Department and/or other enforcement agencies reserve the right to take appropriate enforcement actions to abate the problem, and the permit/alcohol licenses may be subject to revocation.
- P-16. The store management shall regulate the arrival and departure of all employees and restrict the “late hour” use of the exit for trash removal and unnecessary opening. Adequate security measures shall be instituted to eliminate any unauthorized access.
- P-17. A surveillance monitoring system shall be installed to monitor the entrances and exits to prevent robbery and loitering. The locations of the cameras for the exterior of the building shall be to the satisfaction of the Police Chief. Cameras shall be installed inside the store with special attention to the alcoholic beverage display area and check stands. The alarm system shall be maintained in a manner that would prevent any accidental/false activation. Training for the proper use of the alarm system shall be provided to all employees of the business to eliminate any accidental activation. This system would assist law enforcement in identifying subjects possibly involved in criminal activity on the premises.

Figure 1: Alcohol Display Area and Tasting Area



ATTACHMENT 2

Statement of Operations



VONS. PAVILIONS.

February 21, 2022

RE: Project No. 2436-CUP for the existing grandfathered off-sale Type 21 ABC for the grocery store and proposed instructional alcohol tasting subject to Type 86 ABC License at 1213 S. Fair Oaks Avenue (Assessor's Parcel Number: 5319-002-034).

1. Additional information for the Statement of Operation for the proposed sales of beer and wine, including more detail about the training of employees (training materials/procedures for employees to follow), and the number of employees and shifts in the store in total and those that will be directly involved with alcohol sales and the proposed instructional tasting.

As of today (2/21/22) the State of CA Alcohol Beverages Control (ABC) does not require any trainings be completed by either party, retailer, or supplier concerning the type 86 Instructional Tasting program (type 86). Since inception of the type 86 permitting, Albertsons VONS Pavilions (AVP) has required any person that represents a supplier acknowledge that those representatives understand the allowed pour sizes, the under 21 requirements, and the fact that the guest cannot leave the secured area while in possession of alcoholic beverage. This is conveyed in a verbal conversation between the supplier representative and store personnel and then followed up with the supplier representative signing a simple acknowledgement that the store is to keep on file.

Beginning July 1, 2022, the state of CA Responsible Beverage Service Training Program will go live. This is a mandatory ABC program that requires any person involved in the pouring/serving of alcoholic beverages complete 4-hour training and successfully pass an exam located on the ABC website. This requirement not only applies to the supplier staff that pour but to certain store personal that are responsible for oversight of the type 86 process in retail locations like AVP stores. This requirement applies to 4-5 store personnel that may be scheduled during the training period.

The type 86 allows for one event per day. This means only one vendor, pouring a single type of product, per day. The average events per week can be seven (one per day) and approximately 3 hours per event.

At no time are store personnel allowed to open any product for a customer. This is not an allowed use under either the type 21 off-sale nor the type 86 licenses. Nor are they allowed to partake of any samples.

Staffing schedule averages are as follows:

Total store staff approximately – 200

Liquor Department during sampling – 4 (ABC trained)

Total store during sampling approximately – 40

ATTACHMENT 3

Employee Training PowerPoint

Instructional Tasting Program Type 86 License (Only)

Southern California
(Rev 2021)

What does that mean?

In January of 2011, The State of California approved a new program allowing the holder of “off-sale, type 21” licenses to hold on-site samplings of Beer, Wine and Distilled Spirits.

If you have fielded with questions from our customers about how a specific wine may taste, or how to pair it with a particular food, this license will help to answer these questions.

Why?

- * This license allows us to hold an event for consumers on the subject of wine, beer, or distilled spirits.
- * Guests can be “educated” on various types and distinct features of the product being sampled before they buy.
- * Guests can be educated on various food pairings.
- * Introduce lesser known manufacturers and their products in an effort to help promote their business.

A lesser known manufacturer of local micro-brews or a small winery may want to increase their visibility or try a new product. Since they do not have the big marketing budget their competitors may have, they can use this program to reach new customers. This in turn will guide the customers to products they have not tried before, thus increasing sales.

What MUST we do?

- * **Locate events at a cordoned-off section of the store.**
 - * *Identify a location with-in the Liquor area for the event to be held. This area should be high in visibility for the event to be successful, but the overall safety of our associates and customers must be first and foremost. The aisle need to be clear and the location needs to be in an area where security cameras will have visibility.*
- * **Adhere to restrictions on type of alcohol.**
 - * *Wine, spirits, or beer but no combinations*
- * **Adhere to serving amounts.**
 - (3) – ¼ oz. servings for liquor*
 - (3) – 1 oz. servings for wines*
 - A total of 6 oz. for beers.*
- * **Tasting events may only take place between the hours of 10:00 A.M. and 9:00 P.M.**

And WE need to...

- * **Check identification to ensure that no one under 21 enters the tasting area.**
 - * *The store staff needs to be diligent in their observations of the event. Minors cannot be allowed in the tasting area!*
- * **Clearly post warning signs that no one under 21 is allowed in tasting area.**
- * **Confirm the event staff has been trained.**
 - * *The store team needs to confirm that the sampling personnel, hired by our suppliers and vendors, have been trained in the proper procedures for the tasting event. That they understand what the legal amounts are, the checking of identifications and understand that we refuse the right to refuse service at any time. They also need to confirm that at no time is a customer allowed to leave the secured tasting area with any samples.*

What CAN'T we do?

- * **We may not conduct the events ourselves.**

- * *These events are to be completed by the vendors, suppliers and not Albertsons or Vons. There is only one very specific condition that will allow the license holder to conduct the actual event. This condition is that only if the event staff does not show up at a scheduled sampling, the license holder (Albertsons or Vons) may conduct the event, however it is very unlikely that this condition will come into play.*

- * **We cannot supply the alcohol for the event.**

- * *The event staff will provide the alcohol for the event. It will either be brought in with the presenter or purchased at the store. It must be purchased at cost.*

- * **We cannot allow minors into the sampling area.**

- * *The store staff needs to be diligent in their observations of the event. Minors cannot be allowed in the tasting area!*

What else CAN'T we do?

- * **We cannot allow our guests to leave the sampling area with their sample.**
 - * *The store staff should make sure that the "secured" area remains that way by making sure the chains and stanchions are creating a closed area.*
- * **Charge for samples.**
 - * *Customers cannot be charged for samples.*
- * **Accepting favors or items of value.**
 - * *At no time can any favors or items of value be exchanged in return for the opportunity to provide in store sampling.*
- * **Have more than one tasting in a day.**
 - * *There can be only one sampling event per day.*
- * **Albertsons or Vons associates can not sample.**
 - * *No product is not to be consumed by ANY Albertsons or Vons employee while during a break, lunch or at anytime while in uniform! This is in violation of Albertsons or Vons policies.*

Beer or Malt Cooler product



- * **Albertsons Or Vons will provide 6 ounces total of Beer or Malt Beverages**
- * (The law allows for 8 ounces of Beer, **but Albertsons or Vons averages 2-ounce samples x 3 blends = 6 ounces total per event**)
- * *A standard beer mug shown above is 12 ounces. The allowed serving for beer is six (6) ounces as indicated in the graphics.*
- * *This six (6) ounces can be served in many different combinations. It could be three (3) - two (2) ounce servings, two (2) - (3) three-ounce servings, or any variation as long as the six (6) ounces is not deviated from.*

Wine



- * **Albertsons or Vons will provide 3 ounces total of Wine**
(1-ounce sample x 3 blends = 3 ounces of wine)
- * *Wine is to be served in controlled sizes like distilled spirits. The Albertsons or Vons sampling program allows guests three (3) one (1) ounce servings.*
- * *It is a total of one (1) ounce, of each variety; e.g. one (1) ounce red, one (1) ounce white, one (1) ounce rose, etc.*

Distilled Spirits



- * **Albertsons or Vons will provide 3/4-ounce total of Distilled Spirits**
(1/4 ounce per sample x 3 blends = 3/4 ounce)
- * *To use a visual reference, a shot glass shown here, holds 1 ounce of distilled spirits. The Albertsons or Vons tastings program allows for a total serving to be no more than 3/4 ounce.*
- * *This may be served in three single 1/4-ounce servings and no more.*

Loss Prevention 🍷 Safety 🍷 Food Safety

- * *Ensure that each store has full video coverage of the sampling area.*
- * *Ensure that the personnel are empowered to refuse service at anytime.*
- * *Have an in-store LP available during samplings (If required)*
- * *Place mat under table/sampling area to catch spillage.*
- * *Have Spill Magic and trash can nearby and readily available.*
- * *Food sampling is **not** available at this time. The event staff may discuss foods to pair with samples, but actual tasting of food is not allowed.*
- * *It is our policy that no open containers of any type be allowed to leave the store. The event staff needs to dispose of the open product (maybe pouring down the drain) before they leave.*

Liquor Purchase Scan Procedures

The law states that alcohol purchased for the event must be sold at the **invoice cost**, not the retail cost. The Store will be required to facilitate this purchase.

When the event staff arrives, they have been instructed to find the Director or any key staff on duty to assist in the purchase. The **invoice cost** is provided in the memos, these memos were emailed to the stores and the event staff will have the correct pricing in their event materials if needed. The price override key is to be used to complete the purchase, please verify that all key personnel have been trained and have access to this process. At no time can retail be charged on the sampling products. If this accidentally happens it will be on the store to make the necessary adjustments with a paper trail intact. There may be fines and the loss of license if this is not adhered to, so communication with your staff is critical.

***There is one additional step! Due to how the product is received, you will need to complete a **120** form with the reason code being **7** (markdown). These are now available on-line only.

Violations

- * **Violations of the age limit are a misdemeanor and carry a penalty of \$200 for both the retailer and the minor.**
- * **A violation of any section carries a penalty of suspension of the instructional license for the retailer and suspension of the privilege of conducting instructional tasting events for the authorized licensee for a period of six months to a year.**

The issuance of violations is complex, but in simple terms, if the license holder (Albertsons or Vons) allows any person under 21 to enter and stay in the tasting area, a violation will be issued to both Albertsons or Vons and the minor.

No persons under 21 is allowed to pour or serve during the event, Albertsons or Vons will be issued a violation and fined.

If the license holder (Albertsons or Vons) allows any “guests” to leave the sampling area with a sample, Albertsons or Vons will be issued a violation and fined.

So, as you can see, although Albertsons or Vons can not conduct the event, Albertsons or Vons can and will be held responsible for the event and the event staff. Albertsons or Vons could lose their license to continue these events in the future. The diligence of the entire store team is necessary for successful event completion

Necessary Materials

Materials that will be sent to you and must be kept in liquor lock up:

- Table (not sent if store has bar)
- Tablecloth (black)
- Bar kit
- Print Materials
- Wine/Ice Bucket
- (4) Stanchions
- Sign holder for stanchion ends
- (2) WE ID signs
- Cups (10z, 2 oz.)
- Napkins

Approximately one (1) week prior to the stores first scheduled tasting you will receive a pallet of materials necessary for the event. This will include: a table, stanchions, tablecloth, a bar kit, paper goods, WE ID signage, and additional miscellaneous materials. These boxes are not to be opened by the store, but placed, sealed, in your liquor lockup area. If for some reason, there is no room, it must be placed in a secure area that any of the key personnel would have access to, in case the Director is not on duty at the time of the event. When the sampling is finished, all of these items will need to be placed back into the secure area for the next event. The responsibility to secure these items is held by the store and the event personnel, so please adhered to this process.

****THESE ITEMS ARE PROPERTY OF ADVANTAGE AND IF LOST OR DAMAGED THE STORE WILL BE RESPONSIBLE TO REPLACE****

Sampling Area

This, and the next two slides, are examples of what your event area could look like. Your actual area could be larger or smaller, as each store is different in size and layout. The Store Director or Key personnel, along with loss prevention will determine where the best location will be for each event. It is unlikely that all of your events will be held in exactly in the same location every time. You may have a display in place one month, that may not be there the next. However, it is legal to use a display as part of your secured area. So if you have a beer display in place, and this particular beer is scheduled for a tasting event, you could use the display as one of the “walls” for secured tasting area.

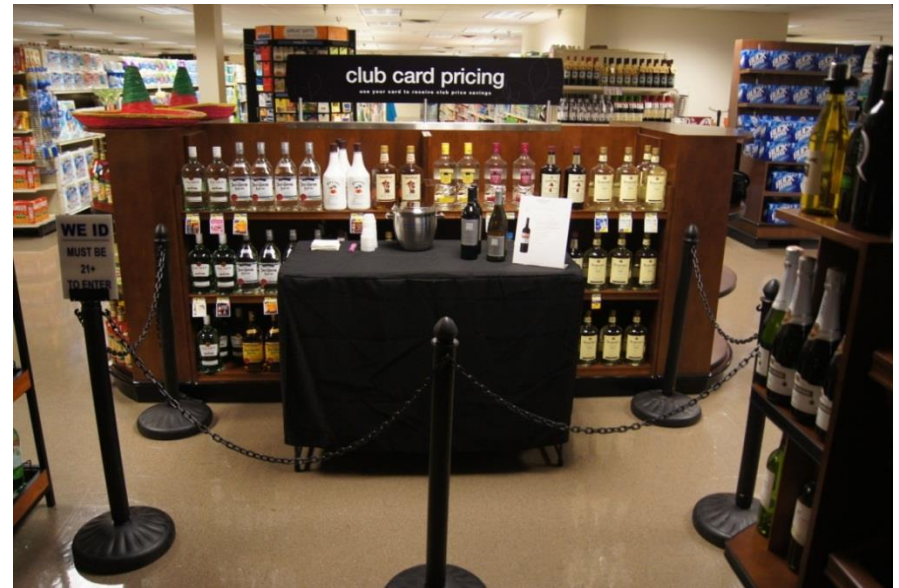
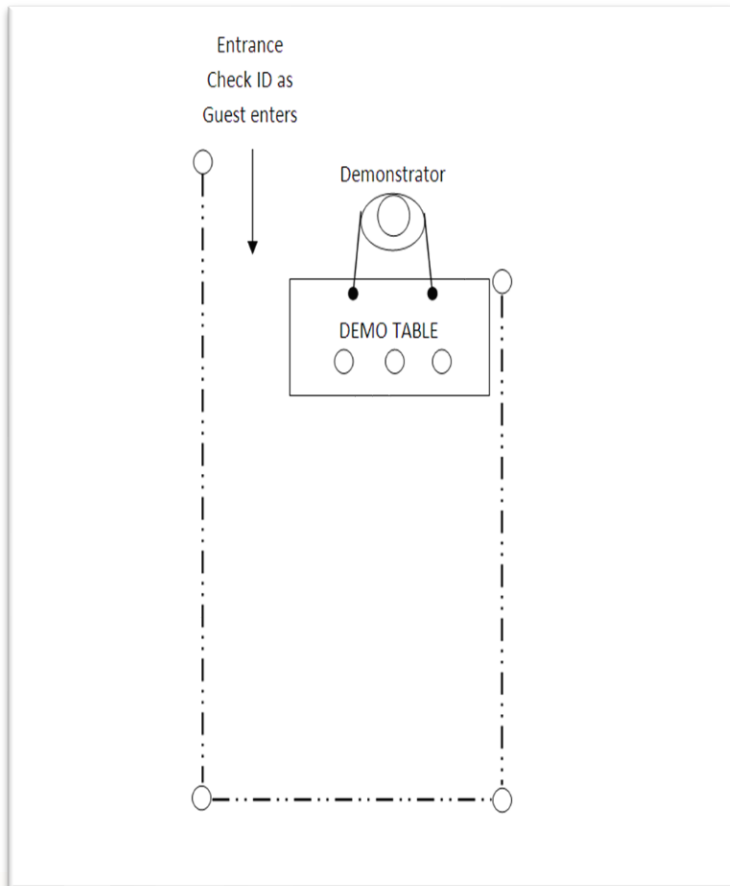


Sampling Area Example 1



Close up of equipment used in instructional tastings events. Remember, this is an example and what your store actually receives could be different.

Sampling Area Example 2



This is another view of a sample tasting area. Notice how the display has been used to help secure the tasting area and the under 21 signage is in place.

Scheduling An Event

All samplings will be scheduled through Advantage Marketing Services. This applies to guest events also.

By having a central source for scheduling, this will remove the possibility of multi-scheduling and ensure a more successful sampling for our guests.

Jackie Kolbush information:

Advantage Marketing Services

Phone Number: 714-300-6390

Cell Number: 951-514-5458

Email Address: jackie.kolbush@advantagesolutions.net

More scheduling information...

- * **At no time can an event be scheduled by the store, no matter what. If the store does AND an event has been scheduled by the master scheduler, the event scheduled by the store will be cancelled. Sorry!**
- * Because Albertsons or Vons is not allowed to actually facilitate the event, and only one (1) event is allowed per day, a master scheduling service has been obtained. Jackie Kolbush is our contact, she is the only person that can schedule an event. It has been determined that any and all possible vendors who are interested in scheduling an event be provided Jackie's information. Jackie is part of the company that *could* be used to conduct the event. Your vendors do NOT have to use this company's personnel, but they DO have to schedule through them, and it is PREFERRED that ALL tasting events be conducted with the same display materials; i.e. table, stanchions, bar equipment, etc.... Your local vendor can discuss this with Jackie, so please make sure all inquiries are directed her way.

Guest Event scheduling information...

- * **For your local Micro Breweries or Wineries only!**
- * Events to be worked out between Supplier and the Store prior to checking with Integrated/Advantage for availability.
- * Alternate days will need to be discussed also. CA only allows one event per day so be prepared to have 2-3 days in mind for booking (Friday and Saturday fill up first).
- * The SOW currently in use will still apply, since it is preferred that the equipment available be used.
- * Flexibility in scheduling makes life much easier...
- * **If a rental is booked, it is the responsibility of the Store and the Supplier to determine the product needed for the event.** If the event is executed by Advantage, distribution plus-outs will be handled by Albertson's OR Vons.
- * The Stores have a current schedule (on Liquor portal) of events for about a month in advanced, so scheduling should be fairly easy. Once the Store and Supplier come to an agreement, and it is confirmed by Jackie Kolbush, all reminders will come from Supplier and not Advantage or Albertsons or Vons Store Support.

Next Steps

- * **Training deck**

This material will be available on the Liquor Portal. All Key Personnel must view this training, read the guidelines and acknowledge that they understand the policies and procedures.

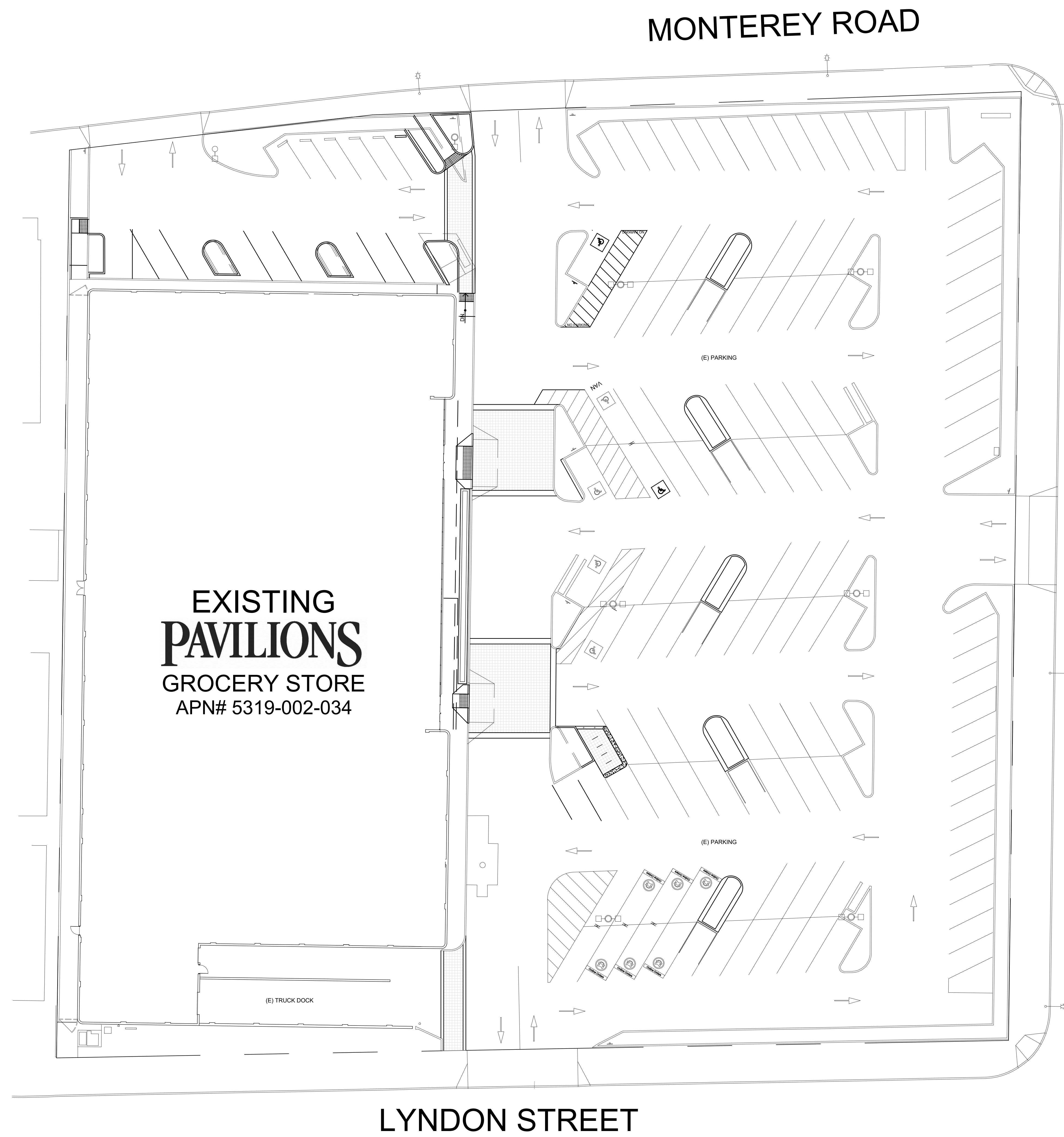
- * **Event staff training affidavit**

Training affidavit is available on the Liquor Portal

- * *It is recommended that all key personnel view this material. Even if you're not 100% sure of the involvement from specific personnel it's better to be safe than sorry! As you can tell, the store has a lot of responsibility in making sure that all ABC rules and regulations are adhered to....*

ATTACHMENT 4

Project Plans



**EXISTING
PAVILIONS**
GROCERY STORE
APN# 5319-002-034

(E) TRUCK DOCK

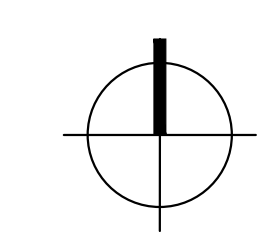
(E) PARKING

(E) PARKING

MONTEREY ROAD

LYNDON STREET

FAIR OAKS AVENUE



SITE PLAN SCALE: 1/16" = 1'-0" 1

REVISION NOTES

| STATUS LABELS | |
|---------------|-----------|
| N | NEW |
| R | RELOCATED |
| S | SURPLUS |

PAVILIONS
SOUTH PASADENA
1213 FAIR OAKS AVENUE
SOUTH PASADENA, CA 91030

| | |
|------------------|--------------|
| STORE PLANNER: | |
| ISSUE DATE: | 09-13-2021 |
| BUILDING SIZE: | 35,133 SF |
| SALE FLOOR SIZE: | 23,117 SF |
| FINISHING SCALE: | 1/8" = 1'-0" |

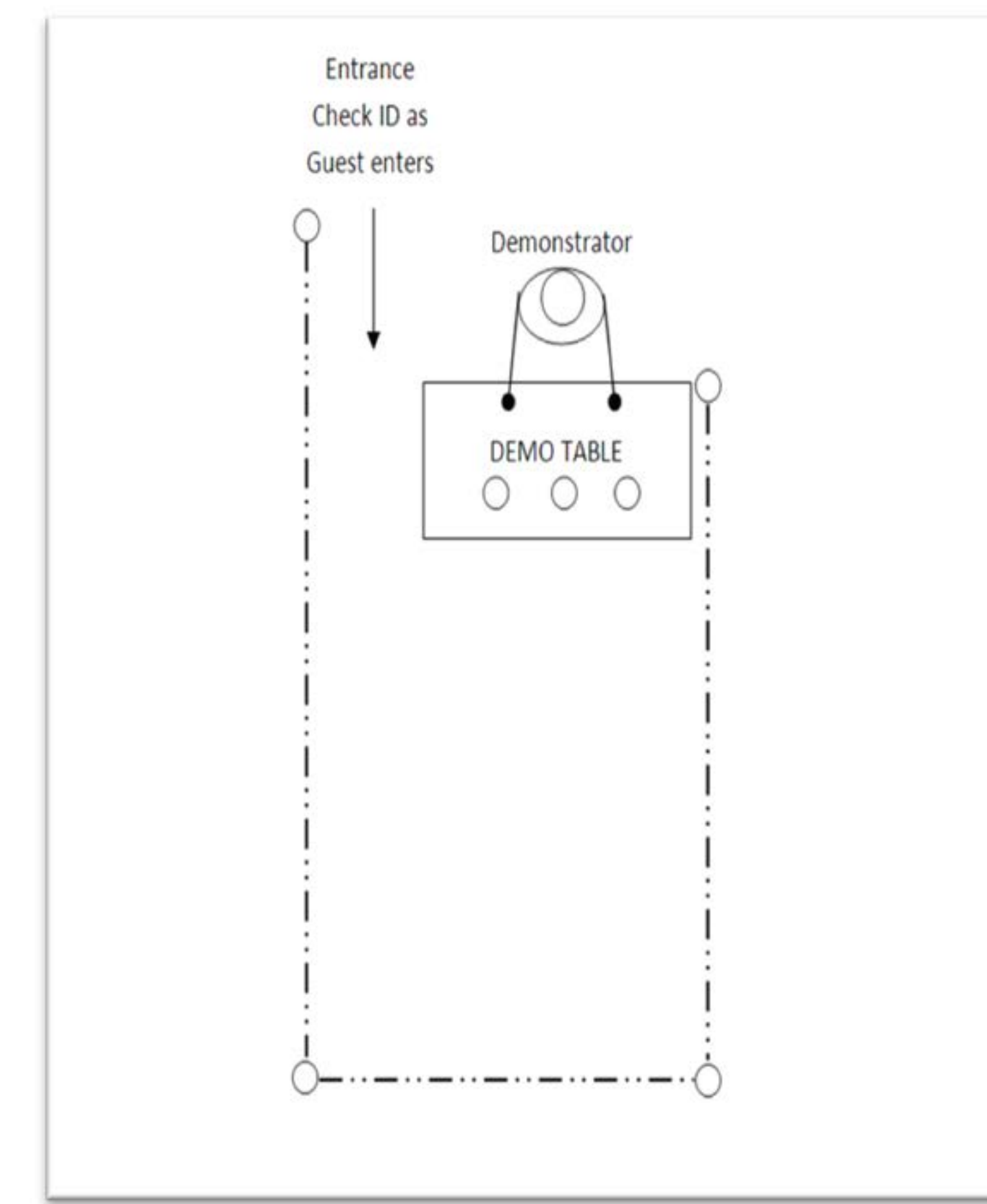
STORE NUMBER:
2228

SHEET TITLE:
SITE PLAN

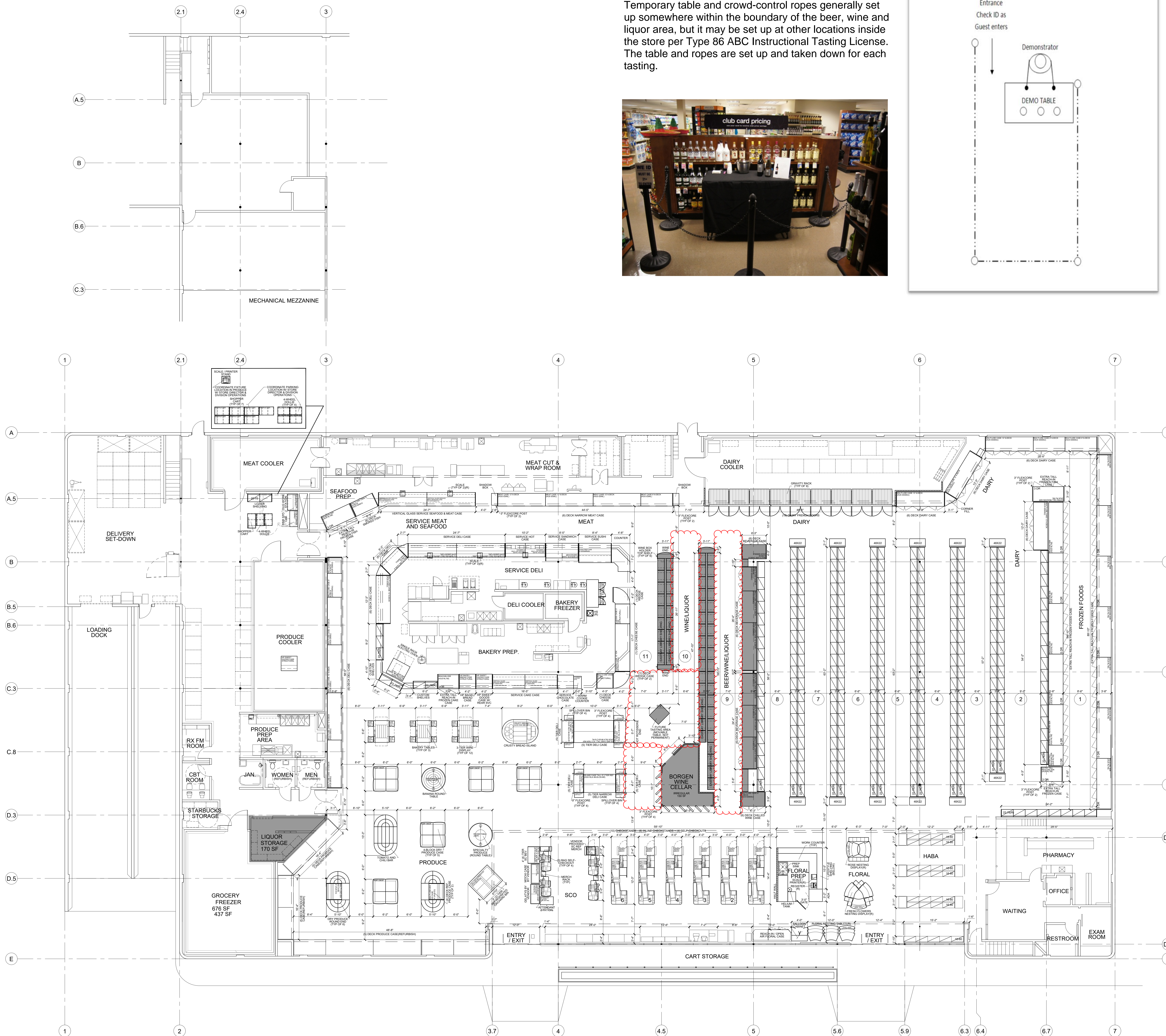
SHEET NO.:
A0.1

Instructional Tasting Area

Temporary table and crowd-control ropes generally set up somewhere within the boundary of the beer, wine and liquor area, but it may be set up at other locations inside the store per Type 86 ABC Instructional Tasting License. The table and ropes are set up and taken down for each tasting.



| COMPARATIVE ANALYSIS | |
|---|------------|
| GROCERY FOOTPRINT: | 32,123 SF |
| TOTAL LINEAL FEET: | 267'-6" LF |
| BEER & WINE REFRIGERATED (INCLUDING WINE CELLAR): | 86'-8" LF |
| BEER, WINE AND LIQUOR DRY SHELVING: | 180'-9" LF |
| WINE CELLAR (INTERIOR): | 150 SF |
| ALCOHOL STORAGE: | 170 SF |
| SECONDARY WINE DISPLAY WITHIN THE 23,117 SF SALES FLOOR AREA: | 288 SF |



PAVILIONS
 SOUTH PASADENA
 1213 SOUTH FAIR OAKS
 SOUTH PASADENA, CA

STORE PLANNER: E. TELAN
 ISSUE DATE: 05-19-2020
 BUILDING SIZE: 35,133 SF
 SALES FLOOR SIZE: 23,117 SF
 FINISHING SCALE: 1/8"=1'-0"

STORE NUMBER
02228

SHEET TITLE
FIXTURE PLAN

SHEET NO.
F1.1