



CITY COUNCIL
STEVE HADERLEIN
COUNCILMEMBER
DISTRICT 4

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CITY OF PASADENA

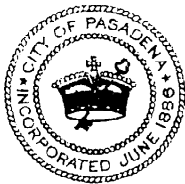
Please place on the next possible City Council agenda a request to refer to the Board of Zoning Appeals the following Conditional Use Permit.

CUP Number: 4492
Address: 3883 East Foothill Boulevard
Date of Hearing: May 4, 2005

100 North Garfield Avenue • Pasadena, CA 91109
(626) 744-4740 • Fax (626) 744-3921

5/16/2005
7.A.4.





PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION

May 6, 2005

Hany Malak
McKently Malak Architects, Inc.
234 E. Colorado Boulevard, Suite 725
Pasadena, CA 91101

**RE: Conditional Use Permit #4492
3883 East Foothill Boulevard
Council District #4**

Dear Mr. Malak:

Your application for a **Conditional Use Permit** at **3883 East Foothill Boulevard**, was considered by the **Zoning Hearing Officer** on **May 4, 2005**.

CONDITIONAL USE PERMIT: To allow the operation of a drive-through business (drug store) with extended hours of operation (24-hours).

After careful consideration of this application, and with full knowledge of the property and vicinity, the Zoning Hearing Officer made the findings as shown on Attachment A to this letter.

Based upon these findings, it was decided by the Zoning Hearing Officer that the Conditional Use Permit be **approved** in accordance with submitted plans stamped **May 4, 2005**. The conditions listed in Attachment B, C and D were made a part of the approval.

In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within two years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Zoning Administrator can grant a one-year extension of your approval. Such a request and the appropriate fee must be received before the expiration date. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently

pursued prior to the expiration of this approval. It should be noted that the time frame within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6.

You are hereby notified that, pursuant to Pasadena Municipal Code Chapter 17.72, any person affected or aggrieved by the decision of the Zoning Hearing Officer has the right to appeal this decision within **ten days (May 16, 2005)**. The effective date of this case will be **May 17, 2005**. Prior to such effective date, a member of the City Council or Planning Commission may stay the decision and request that it be called for review to the Board of Zoning Appeals. However, 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 \$1,342.35. The Appeal fee for Non-profit Community-based Organizations pre-registered with Neighborhood Connections is \$1,032.58.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the appeal deadline has expired with the understanding that should an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. **You should call the Current Planning office at 626-744-6777 to find out if any appeal or call for review has been filed before you submit your building permit application.** A copy of this letter must be attached to all plans submitted for building permits.

In accordance with the provisions of the California Environmental Quality Act (CEQA), an Initial Study was prepared for the proposed project (Section 21080 of the Public Resources Code of the State of California). The Initial Study has determined that the proposed project will not have any potential significant environmental impacts, therefore a Negative Declaration has been recommended.

For further information regarding this case please contact **Antonio Gardea** at (626) 744-6725.

Sincerely,



Paul Beard

Zoning Hearing Officer

Enclosures: Attachment A, Attachment B, Attachment C, Attachment D

xc: City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Enforcement-Ellen Clark, Case File, Decision Letter File, Planning Commission (9)

ATTACHMENT A
FINDINGS FOR CONDITIONAL USE PERMIT #4492

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code. The site layout, as conditioned, and the proposed pharmacy building are in compliance with the development standards, including setbacks, height, lot coverage and parking, for the General Commercial District and the East Pasadena Specific Plan.*
2. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district. The proposed drug store with drive-through service lanes balances the community needs of residents and the needs of the commercial property owners by providing convenient pharmacy services in a renovated shopping center, strengthening the economic base of the City, creating a unified architectural theme for the existing and proposed commercial buildings, and provides adequate off-street parking and loading facilities.*
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan. The proposed pharmacy and associated drive through service, as conditioned, will provide a service and convenience for nearby residents. Specifically, the proposed project is consistent with Objective 10, Diverse Economy, of the Land Use Element of the General Plan in that the proposed pharmacy is within the East Pasadena Specific Plan, an area designated for future growth and will stimulate commercial activity at this shopping center.*
4. *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 24-hour pharmacy would be located approximately 500 feet from the existing single-family residences to the north and approximately 100 feet from the residential area to the east. Noise generated from the proposed drug store would be buffered by the existing buildings and by the distance from the existing single-family residences.*
5. *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. Establishment of a 24-hour pharmacy will provide a convenient public service and would not negatively affect the residential areas. The proposed project, as conditioned, will not create conflicts with vehicular or pedestrian traffic in the area and the redesign of the parking area will ensure that the proposed drug store use enhances the surrounding area. The additional landscaping will be visible along a major public roadway.*
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 aesthetic values, character, scale, and view protection. The proposed pharmacy would be located in an area that is currently developed with a single-story restaurant building and would no affect views of the mountains. The character and scale of the proposed pharmacy and pad buildings would be architecturally unified with the use of similar design elements as the renovated existing buildings.*

Conditional Use Permit – Drive-through lane.

7. *The proposed parking and circulation plan of the drive-thru business will provide adequate area for safe queuing and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses. Ample throating is provided from Michillinda Avenue with physical and visual barriers to prevent conflicting turning*

movements at the ingress/egress to the shopping center. The drive through lane is located at the north (rear) façade of the building and is visually shielded from the surrounding residential area to the east by a landscaped perimeter setback.

8. *The proposed location of the drive-thru business will not result in adverse impacts upon the vicinity after giving consideration to a litter clean-up plan, the hours of operation and site plan.* Unlike drive-through restaurants, the drive-through pharmacy is not expected to generate litter and thereby, will not require a clean-up plan. Although the pharmacy is anticipated to be open 24-hours, the location and existing buildings will buffer the proposed pharmacy from the existing residential area to the north. The site plan will be subject to review and approval by the design commission. The conditions recommended will help avoid adverse impacts on properties in the surrounding area. Any noncompliance with imposed conditions would result in possible revocation of the Conditional Use Permit.

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #4492

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

1. Development shall occur substantially as shown on the submitted plans, dated "January 18, 2005," except as herein modified.
2. The applicant shall submit an application for review and approval of the proposed project through the Design Review process. The project shall be approved Design Commission, prior to the submittal of plans for a building permit.
3. A minimum vertical clearance of 14 feet shall be provided along the loading area for the proposed pharmacy building, in accordance with zoning code Section 17.46.260.
4. A minimum of 16 bicycle parking spaces shall be provided, in accordance with zoning code Section 17.46.320.
5. Landscaping and irrigation shall be installed in accordance with a detailed plan to be submitted to and approved by the Zoning Administrator prior to issuance of any building permits. The irrigation plan shall indicate the point of connection and location of the back-flow prevention devices. The plans shall include drought resistant plant materials and low volume irrigation where practicable. Landscaping shall be permanently maintained and irrigated with an automatic system, in accordance with zoning code Section 17.44.050. The plan shall be prepared by a licensed landscape architect and shall meet the requirements of Chapter 17.44.040.
6. A minimum of ten percent (10%) of the parking lot area shall be permanently landscaped with one tree for every four parking spaces, in accordance with zoning code Section 17.46.230.
7. A visual break, i.e. articulation or architectural detailing, shall be provided for every 25 feet of horizontal wall plane (retaining wall along Foothill Boulevard), in accordance with the East Pasadena Specific Plan design guidelines.
8. Any exterior mechanical equipment, including back-flow prevention devices, shall be architecturally screened from view of the public right-of-way, subject to review and approval of the Zoning Administrator and Design and Historic Preservation staff.
9. An exterior lighting plan, including specifications of the proposed fixtures, shall be submitted to the Zoning Administrator prior to the issuance of any building permits. Parking lot lighting shall meet the requirements of Section 17.46.220 of the Zoning Code. No light sources (i.e. bulb) shall be visible from any location off the site. The lighting shall comply with the standards of Section 17.40.080 (Outdoor Lighting) of the Zoning Code.
10. The applicant or successor in interest shall submit to Code Enforcement for review and approval an abandoned cart prevention plan or exemption per PMC Chapter 9.62 Abandoned Shopping Carts prior to the issuance of a building permit.
11. Parking facilities for commercial uses shall contain shopping cart storage areas for appropriate uses (e.g., supermarkets, drugstores, etc.). The number, dimensions, and locations of storage areas shall be determined by the Zoning Administrator.
12. The applicant or successor in interest shall comply with the requirements of all other City Departments.

13. The proposed project, Case Number **PLN2005-00039**, shall meet the conditions of approval subject to a Final Zoning Inspection. A Final Zoning Inspection is required for your project prior to the issuance of a Certificate of Occupancy. Contact the Code Compliance Staff at (626) 744-4633 to schedule an inspection appointment time.
14. Truck loading and unloading and trash pick-up shall occur only between the hours of 7 a.m. and 9 p.m., Monday through Friday, and between 9 a.m. and 5 p.m. Saturdays. No truck loading or unloading or trash pick-up shall occur on Sundays.

ATTACHMENT C

MEMORANDUM - CITY OF PASADENA DEPARTMENT OF PUBLIC WORKS

DATE: April 6, 2005

TO: Denver Miller, Zoning Administrator
Planning and Development Department

FROM: City Engineer
Department of Public Works

RE: Conditional Use Permit No. 4492
3883 East Foothill Boulevard

The Department of Public Works has reviewed the application for Conditional Use Permit No. 4492 at 3883 East Foothill Boulevard. The conditional use permit is to allow a drive-through lane associated with a proposed drug store (CVS) development on the subject property. The CVS pharmacy is proposed to be a 13,013 square-foot single-story structure. The establishment of a drive-through lane for a drug store use requires a conditional use permit. The approval of the conditional use permit shall be based upon satisfying the following condition:

1. The north side of Foothill Boulevard has an existing substandard eight-foot wide parkway. In order to provide for a standard ten-foot wide parkway, the applicant shall dedicate to the City a two-foot strip of land along the Foothill Boulevard frontage of the subject property for street purposes.

The property line corner cut-off at the northwest corner of Foothill Boulevard and Michillinda Avenue is not adequate to provide for a standard Americans with Disabilities Act (ADA) compliant wheelchair ramp. In order to provide for an ADA compliant wheelchair ramp, the applicant shall dedicate to the City the land necessary to provide a 20-foot radius property line corner rounding at the northwest corner of Foothill Boulevard and Michillinda Avenue for street purposes.

The applicant shall begin the dedication process prior to the issuance of any permit for demolition, grading, or building construction. The dedication will require the approval of the City Council and shall be completed prior to the issuance of a Certificate of Occupancy. The applicant shall be responsible for all the costs required to complete the dedication.

2. In conjunction with the dedication to provide for a standard ten-foot wide parkway, the applicant shall construct a full 10-foot wide sidewalk on Foothill Boulevard. Improvements shall include the relocation and upgrading of affected street lights and various utilities.
3. The applicant shall construct public improvements on all the street frontages of the subject property in accordance with the East Pasadena Specific Plan. The improvements include street furniture, such as benches, trash receptacles, and tree grates, pedestrian lighting, and planting street trees on Foothill Boulevard, and other necessary related work.
4. The applicant shall construct a standard wheelchair ramp at the northwest corner of Foothill Boulevard and Michillinda Avenue per Standard Drawing No. S-414.
5. Michillinda Avenue was slurry sealed in October 2003. If the street is excavated for utility connections prior to October 2005, the full width of the street shall be re-slurry sealed over the entire frontage of the subject property.

Foothill Boulevard will be resurfaced in September 2006. All excavations for utility connections shall be completed prior to that date. If the street is excavated for utility connections after that date, repaving of the street along the entire frontage of the subject property will be required.

Excavation in the streets for utility connections shall be as close as possible to each other and the pavement shall be restored contiguously between extreme excavations.

6. The applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk and shall repair any existing or newly damaged curb, gutter and sidewalk, without cutting the asphalt pavement along the subject frontage prior to the issuance of a Certificate of Occupancy. Sawcutting shall be done along the flow line. Existing street trees shall be protected using the City's Tree Protection Standards available from the Parks and Natural Resources Division (744-4514).
7. The applicant shall construct any two-way drive approach a minimum of 24 feet and a maximum of 26 feet in width and in accordance with Standard Drawing No. S-403. The existing gutter shall be cut as near the flow line and the paving shall not be disturbed. The existing street trees shall be protected from the construction of the drive approaches.
8. If drainage patterns are altered, the applicant shall provide an approved method of controlling storm water runoff. Approval shall be made by the Planning and Development Department and the Department of Public Works prior to issuance of a grading or building permit for this site.

9. If the proposed improvement drains to the driveway, the applicant shall construct a non-sump grate drain in the driveway at the back of the sidewalk. The drain shall discharge to the street in a curb outlet approved by the Department of Public Works.
10. The project shall comply with the Tree Protection Ordinance (TPO) that provides protection for specific types of trees on private property as well as all trees on public property.
11. The applicant shall submit a \$500 deposit, subject to refund or additional billing, for the City's Parks and Natural Resources Division crew to remove a non-conforming palm tree on the frontage of the subject property.
12. The applicant shall plant and maintain, for a period of three years, five officially designated street trees on the Foothill Boulevard frontage of the subject property and install and permanently maintain an irrigation system for those trees. Locations will be finalized in the field by Department. Plans for the irrigation system shall be prepared by a landscape architect registered in the State of California and submitted to the Department for review and approval. Tree grates shall be installed for the street trees in accordance with the East Pasadena Specific Plan and specification.
13. Plans must be submitted to the Parks and Natural Resources Division for approval showing any structures, irrigation, footings grading or plantings that impact City street trees. The plans must conform to the Tree Protection Standards which specifically require showing the locations of all existing trees, their diameters and actual canopies as well as any trees to be planted with their canopy at mature size.
14. If pruning of street trees is required to facilitate the construction of the project, it shall be done by the City's Parks and Natural Resources Division crew. The applicant shall be responsible for the cost of pruning the street trees and submit to the Department of Public Works a deposit, amount to be determined by the Department and subject to refund or additional billing, for the City crew to prune the street trees.
15. In compliance with the East Pasadena Specific Plan, the applicant shall install a maximum of four (4) pedestrian scaled lighting standards on or near the frontage of the property on Foothill Boulevard. The type, hardware, and locations shall be as approved by the Department of Public Works. The cost of the street lighting work is the applicant's responsibility.
16. If the existing street lighting system along the project frontage is in conflict with the proposed development/driveway, it is the responsibility of the applicant to relocate the affected street lights, including conduits, conductors, electrical services, pull boxes and miscellaneous appurtenant work in a manner that complies

with the requirements and receives the approval of the Department of Public Works.

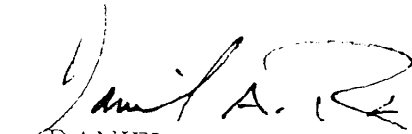
17. Unless otherwise arranged, the applicant is responsible for design, preparation of plans and specifications, and construction of all required public improvements. Plans for the above improvements shall be prepared by an engineer, registered in the State of California. Upon submission of improvement plans to the Department of Public Works for checking, the applicant will be required to place a deposit with the department to cover the cost of plan checking and construction inspection of the improvements. The amount of deposit will be determined when the plans are submitted and will be based upon the estimated cost to the Department for the work.
18. The proposed development shall be connected to the public sewer by a method approved by the Department of Public Works. The sewer connection shall be six-inch diameter vitrified clay or cast iron pipe with a minimum slope of two percent.
19. The applicant shall submit the following plan and form which can be obtained from the Recycling Coordinator, (626) 744-4721, of the Department of Public Works for approval prior to the request for a building permit:
 - a. C & D Recycling & Waste Assessment Plan – Submit plan prior to issuance of the grading permit. A list of Construction and Demolition Recyclers can be obtained from the Recycling Coordinator.
 - b. Monthly reports must be submitted throughout the duration of the project.
 - c. Summary Report with documentation must be submitted prior to final inspection.

A security performance deposit of three percent of the total valuation of the project or \$30,000, whichever is less, is due prior to permit issuance. This deposit is fully refundable upon compliance with Chapter 8.62 of the Pasadena Municipal Code. A non-refundable Administrative Review fee is also due prior to permit issuance and the amount is based upon the type of project.

20. The applicant shall advertise the availability of salvage materials. A listing can be made at no charge in the CALMAX Quarterly Catalog at www.ciwmb.ca.gov/CALMAX or through LACOMAX at www.dpw.co.la.ca.us/epd/lacomax or through preservation groups or web or newspaper advertising.
21. The project shall be subject to the use of deconstruction techniques. A deconstruction manual is available free of charge by downloading it from www.ciwmb.ca.gov/publications or by requesting a copy from the Recycling Coordinator, (626) 744-4721, of the Department of Public Works.

22. Past experience has indicated that projects such as this tend to damage the abutting street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$10,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. A processing fee will be charged against the deposit.

23. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.



DANIEL A. RIX
City Engineer

DAE jo

ATTACHMENT D

MEMORANDUM - CITY OF PASADENA DEPARTMENT OF TRANSPORTATION

DATE: April 4, 2005

TO: Denver Miller, Zoning Administrator
Planning and Development Department

FROM: Transportation Administrator
Department of Transportation


RE: Conditional Use Permit No. 4492
3883 East Foothill Boulevard

The Department of Transportation has reviewed the application for Conditional Use Permit No. 4492 at 3883 East Foothill Boulevard. The conditional use permit is to allow a drive-through lane associated with a proposed drug store (CVS) development on the subject property. The CVS pharmacy is proposed to be a 13,013 square-foot single-story structure. The establishment of a drive-through lane for a drug store use requires a conditional use permit. The applicant has also submitted a Master Sign Program to integrate the multiple tenant signs. The approval of the conditional use permit shall be based upon satisfying the following conditions:

1. The project is located within the East Pasadena Specific Plan (EPSP) area. The Environmental Impact Report for the specific plan includes transportation system improvements with a total cost of \$7,213,000 (Year 2001 dollar). The project is estimated to add 239 daily trips to the system, which equals 0.79 percent of the area's projected traffic growth. Based on this percentage and the fair share calculation, the project shall contribute \$57,000 towards the EPSP transportation improvements prior to the issuance of a building permit.
2. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works and Department of Transportation for review and approval. A deposit of \$600, subject to refund or additional billing, is required for plan review.

This plan shall show the impact of the various construction stages on the public right-of-way including all street occupations, lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the Department of Public Works for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the MUTCD and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be

submitted as part of the Construction Staging and Traffic Management Plan to the two departments for review and approval.



BAHMAN JANKA
Transportation Administrator

ECS:jmh