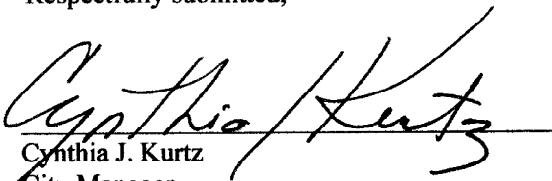


Environmental Study did not identify any potentially significant environmental impacts upon traffic, water usage, or population.

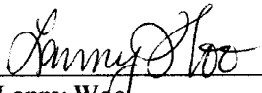
FISCAL IMPACT:

If the project is approved, there may be a minor fiscal impact associated with the monitoring of conditions by the City Code Compliance Department. The building permit fees collected for this project are intended to cover the additional workload that results from this project. The building permit fees will also cover the cost for inspections.


Respectfully submitted,


Cynthia J. Kurtz
City Manager

Prepared by:


Lanny Woo
Associate Planner

Approved by:


Richard J. Bruckner
Director Planning and Development

LIST OF ATTACHMENTS

- Attachment A – Modified Recommended Findings of Fact
- Attachment B – Modified Recommended Conditions of Approval
- Attachment C – Negative Declaration and Initial Environmental Study

ATTACHMENT A

MODIFIED RECOMMENDED FINDINGS OF FACT FOR CONDITIONAL USE PERMIT #3655

Conditional Use Permit to Establish Off-site Sale of Beer and Wine

1. *The proposed location of the conditional use permit will not adversely affect the general welfare of the surrounding property owners.* The proposed new retail drugstore, with off-site sale of beer and wine (limited alcohol) is consistent with the commercial activity of the surrounding development and the goals inherent in fostering an environment with a diverse mix of land uses in the central district and to support new businesses in harmony with their surroundings. The proposed use will be conducted in accordance with the City's laws and ordinances, ensuring compatible coexistence of this use with other uses and protecting other uses in the area from adverse impacts.
2. *The proposed location of the conditional use will not result in an undesirable concentration of premises for the sale of beer (and wine in the area.* The site had previously been occupied with food sales that offered the off-site sale of beer and wine and have since been vacant. The proposed new retail drugstore with off-site sale of beer and wine (limited alcohol) would not add to the number of establishment or lead to an over concentration. The subject site is not within the immediate proximity of religious assembly uses, private or public schools, or parks and recreation facilities. Also, the subject site is outside of any alcohol density overlay district and the Police Department has reviewed the proposal and raises no opposition.
3. *The proposed location of the conditional use will not detrimentally affect the nearby surrounding area after giving consideration to the proximity and nature of the proposed use with respect to the following: i. Residential uses and residential districts; ii. Religious assembly uses, public or private school, hospitals, park and recreation facilities, places of public assembly that attract minors and other similar uses; and iii. Other establishments offering alcoholic beverages (including beer and wine) for sale for consumption on-site and off-site.* Multi-family residential uses are located approximately 150 feet east of the project site. South of the site, Bow-Tie Wine and Sprits is an existing retail liquor store that sells alcoholic beverages. There are a number of establishments within 1,000 feet that presently offer alcohol service, however, the Police Department has indicated that there are not any significant problems associated with those establishments and that use would not detrimentally affect the nearby surrounding area.
4. *The proposed location of the conditional use will not aggravate existing problems created by the sale of alcohol, such as loitering, public intoxication, sales to minors and littering.* It has been determined that the development of a new retail drugstore with off-site sale of beer and wine (limited alcohol) would not contribute to an aggravation of existing problems in and around the project site based on the affirmation of the Police Department that this use can continually be served by the Police Department without the need to increase service or resources.

Conditional Use Permit to Establish a Drive-thru Pharmacy

5. *The location of the conditional use is in accord with the special purposes of this title and the purposes of the district in which the site is located* since the drive-thru pharmacy component of the project, retail drugstore, will provide a convenience for local residents and the community and will not create any adverse impacts. The elimination of the current use, automotive repair garage, and associated impacts from noise, fumes and aesthetics will improve the neighborhood.

6. *The location of the conditional use and the conditions under which it would be operated or maintained will be consistent with the general plan* in that the retail/commercial will further stated the Objectives of the Land Use Element, while maintaining harmony with the surrounding areas. Although, the drive-thru pharmacy of the retail drugstore does not promote the use of non-motorized vehicle and promote pedestrian traffic as desired in the Mobility Element, the drive-thru pharmacy is a small element of the project and the project is consistent with the General Plan. The proposed use of a retail drugstore with a drive-thru pharmacy is supported by the General Plan objective to target new development into specific plan areas. The General Plan also promotes development that improves the fiscal health of the City. The General Plan address retail stores as a means of providing sales tax revenue and businesses that create jobs that produce income levels capable of supporting families. In relationship to the land use objectives and policies of the General Plan, the proposed retail drugstore is supported by the General Plan objective to target new development into the specific plan areas. The General Plan also promotes development that improves the fiscal health of the City.

Although, the General Plan Mobility Element prescribes the promotion of non-motorized modes of travel, such as bicycling and walking, and the enhancement of the pedestrian environment, particularly around the Blue Line light rail stations, the proposed drive-thru pharmacy would not be an intensive use of automobiles. The drive-thru pharmacy would be mainly use for after hour services when the Blue Line light rail is inoperable and people would rely on their autos for safety reasons during the night. The 24-hour drive-thru would not offer such products as vitamins, pre-packaged food items, beauty care products and other products for home use, but would only offer the service of prescription medication.

7. *The conditional use will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use or injurious to properties or improvements in the vicinity* in that the proposed new use, retail drugstore with a drive-thru pharmacy will eliminate an automotive repair garage that currently exists on the property and the appearance of the new development will be greatly enhanced. The drive-thru pharmacy will provide a convenient service for people working and living in the immediate area. The drive-thru pharmacy will provide a service that will be greatly needed when other pharmacies in the area are closed.

8. *The conditional use will comply with the provisions of Title 17, including any specific condition required for the proposed conditional use in the district in which it would be located* in that the new development will be compliant with the development standards of the Zoning Code. Additionally, conditions are recommended to avoid adverse impacts on surrounding properties.

Sign Exception

9. *The proposed signs are not architecturally compatible and aesthetically compatible with the adjacent premises and are compatible with the character of the established industrial district and general environment.* The proposed deviation is compatible with other signage established in this district, since the proposed signs (wall signs) does not exceed the maximum sign area allowed by the Zoning Code for building frontage. Moreover, due to the size of the signs, the signs do not overpower other signs and commercial businesses in the immediate area.

10. *Granting of the sign exception application is consistent with the general plan and the purpose of this title and will not constitute a grant of privilege consistent with the limitations on other properties in the vicinity and in the same zoning district.* Allowing the proposed signs would not be granting a special privilege to one business that other businesses in the area are not entitled. In this case, the signs along the building frontage on Arroyo Parkway do not exceed the maximum sign area allotted per building frontage. The signs would be consistent with the sign regulation, which set limits on the size of signs. The size of the signs would be consistent with other signs in the immediate vicinity.

11. Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Allowing the number of proposed signs on the building frontage along Arroyo Parkway, will not be detrimental or injurious to property or improvements in the vicinity of the development site, in that, the proposed signs will comply with be mounted on the building frontage of the retail

ATTACHMENT B

MODIFIED RECOMMENDED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #3655

1. The site plan, dated April 18, 2001 submitted for building permits shall substantially conform to the site plan submitted with this application except as modified herein if applicable.
2. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly notice public hearing. These conditions may be modified or new conditions added upon a finding of public nuisance or violation of a condition of approval.
3. ~~The approval application authorizes the off-site sale of alcohol during the hours of 9:00 a.m. to 9:00 p.m. Any change from the approved use would require a new conditional use permit. The approval application authorizes the off-site sale of beer and wine (limited alcohol) during the hours of 9:00 a.m. to 9:00 p.m. Any change from the approved use would require a new conditional use permit.~~
4. ~~The sign for the proposed 24-hour drive thru pharmacy shall be removed from the plans submitted for building permits.~~
5. All deliveries to the business shall be conducted between the hours of 7:00 a.m. and 10:00 p.m.
6. The applicant shall ensure that the front of the retail drugstore and immediate adjacent areas, including the public right-of-way shall be maintained free of trash and debris and loiterers at all times.
7. Signs advertising brands of alcoholic beverages or the availability of alcohol for sale at the subject site shall not be visible from the exterior of the subject building.
8. No alcoholic beverages shall be consumed on the premises or any property adjacent to the subject site.
9. A sign stating "No Loitering or Public Drinking" shall be posted in the parking lot. Said sign shall be approved by the Zoning Administrator and Public Works and Transportation Department.
10. The following are ~~voluntary conditions from the applicant and are made a part of the conditions for this project:~~ related to off-site sale of alcoholic beverages:
 - a. The sale of beverages containing alcohol for off-site consumption is conducted as an incidental use to operation of a full service pharmacy.
 - b. The area set aside for the display and refrigeration of beverages containing alcohol shall be in the extreme rear of the store and shall not be visible from outside the store.
 - c. There shall be no exterior signs advertising of any kind or type promoting or indicating the availability of alcoholic beverages.
 - d. Beer in containers under one quart shall not be sold in less than six-pack quantities.
 - e. Malt liquors or based products with alcoholic content greater than five percent by volume shall not be sold from the premises.

- f. Wine, with the exception of wine coolers, shall not be sold in containers of less than 750 milliliters. Wine coolers shall not be sold in less than four-pack quantities.
 - g. Wine shall not be sold with an alcoholic content of greater than fifteen percent by volume, except corked, finished products aged two years or more.
 - h. Disposable cups or similar containers may be sold but only in packaged quantities of twenty or more.
 - i. Ice shall be sold only in bags of three pounds or greater.
 - j. A sign shall be posted on the site stating that parking is reserved for customers only.
 - k. A sign shall be posted on the site within a clear view of any interested person containing a telephone number and the name of a person to be contacted in the event that the operation of the involved store is causing concerns or problems in the adjacent neighborhood resulting from the subject use.
 - l. All pay telephones on the subject property shall not be equipped to receive incoming calls. Calls for patrons of the store shall not be received at any telephone on the subject site to prevent loitering
 - m. No beer or wine shall be displayed within five feet of the cash register.
 - n. No display or sale of beer or wine shall be made from an ice tub.
11. Any graffiti, which may appear on the exterior of the premises, shall be removed within 24-hours of the time identified thereof.
 12. The proposal shall meet all of the zoning code requirements and any other requirements as established in the Pasadena Municipal Code
 13. Parking lot landscaping shall comply with Chapter 17.68 of the Pasadena Municipal Code.
 14. The parking lot and loading zone shall comply with the requirements of Chapter 17.68 of the Pasadena Municipal Code except as modified herein.
 15. Refuse storage area shall comply with the requirements of Chapter 17.64 of the Pasadena Municipal Code except as modified herein.
 16. Pursuant to Chapter 17.68, Off-street Parking Regulations, off-street parking shall be provided at a ration of 2.5 parking spaces per 1,000 square feet of gross building area.
 17. ~~Hours of operation may be 24 hours, Monday through Sunday.~~ Hours of operation are Monday through Sunday, 6:00 a.m. to 9:00 p.m. Hours of operation for the drive-thru pharmacy may be 24-hour.
 18. The project shall comply with the requirements of Title 17 except as modified herein.
 19. The project shall comply with all other City department requirements.

20. Prior to the demolition of the four existing buildings, which includes two buildings currently used for auto repair, and two food service stores, the applicant should contact their pest control agency to conduct a thorough inspection of these buildings, and if necessary, exterminate any pests. This preventive measure will reduce the likelihood of the new establishment housing any new pests. A complete and final inspection report should accompany the CUP application prior to construction work.

21. The proposed project, Case Number 99Z-0295, was approved with conditions and is subject to the Condition Monitoring by the City. Condition Monitoring is required for your project. Under the Monitoring Program, your project will be inspected by Code Compliance staff to determine compliance with the condition of approval. Required monitoring fees or deposit for setup and inspections shall be paid on or after the effective date of this permit, but prior to the issuance of any building permits. Contact the Code Compliance Staff at (626) 744-4633 to verify the fee or deposit. All fees or deposit are to be paid to the cashier at the Permit Center located at 175 N. Garfield Avenue. The cashier will ask for the case number provided above. Failure to pay the required monitoring fees or deposit prior to initiating your approved land use entitlement may result in revocation proceedings of this entitlement.

**PLEASE SEE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT
CONDITIONS ATTACHED.**

ADDED CONDITIONS:

22. Beer in containers greater than 32-ounces shall not be sold on the premises.
23. Fortified wine shall not be sold on the premises.
25. The applicant shall provide a uniformed security guard on the premise during the hours of operation from 5:00 p.m. to 6:00 a.m.
26. Overnight parking of vehicles or trucks shall not be permitted on the premises except for employees of the business or customers while conducting business in the retail establishment.
27. The applicant must show evidence to the Zoning Administrator that they have contracted with a shopping cart retrieval service for the retrieval and return of shopping carts to the business site and that the contract will be maintained for the duration of the business.
28. No outdoor sales shall be conducted on the premise.
29. A landscaping and irrigation plan shall be submitted to the Zoning Administrator for review and approval.