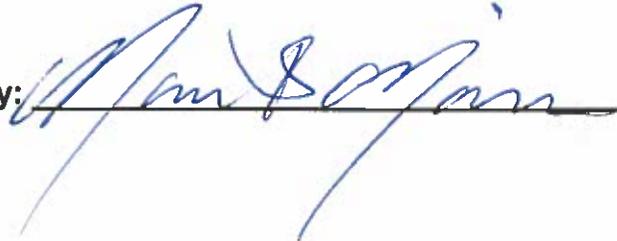


Regional Planning Commission Transmittal Checklist

Hearing Date
02/10/2016
Agenda Item No.
8

Project Number: R2015-00840-(5)
Case(s): Conditional Use Permit Case No. 201500034
Planner: Michele Bush

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Shelf Plan
- Exhibit Map

Reviewed By: 



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER

R2015-00840-(5)

HEARING DATE

02/10/2016

REQUESTED ENTITLEMENTS

Conditional Use Permit No. 201500034

PROJECT SUMMARY

OWNER / APPLICANT

WE Investment LLC /
 Vasanthi Okuma, Boos Development West, LLC

MAP/EXHIBIT DATE

02/25/15

PROJECT OVERVIEW

The project is a request for a Conditional Use Permit to authorize the sale of a full line of alcoholic beverages for off-site consumption (Type 21 alcohol license) at a proposed CVS store, in an existing commercial structure within an existing shopping center. The store proposes to be open 24 hours a day. The project was approved by the Hearing Officer on December 1, 2015. The applicant has appealed a condition of approval, Condition No. 43 requiring the hiring of a security guard during the hours of alcohol sales (8:00 a.m. to 10:00 p.m.), and is requesting that condition be removed.

LOCATION

3033 Huntington Drive, Unit B, Unincorporated Pasadena

ACCESS

Huntington Drive and S. San Gabriel Boulevard

ASSESSORS PARCEL NUMBER(S)

5377-034-029

SITE AREA

2.56 Acres

GENERAL PLAN / LOCAL PLAN

Countywide General Land Use Plan

ZONED DISTRICT

East Pasadena

LAND USE DESIGNATION

1 – Low Density Residential (1 to 6 du/ac)

ZONE

C-3 (General Commercial)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

East Pasadena – San Gabriel

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof Requirements)
 - 22.56.195 (Alcohol Beverage Sales Burden of Proof Requirements)
 - 22.44.135 (East Pasadena – San Gabriel CSD requirements)
 - 22.28.220 (C-3 Zone Development Standards)

CASE PLANNER:

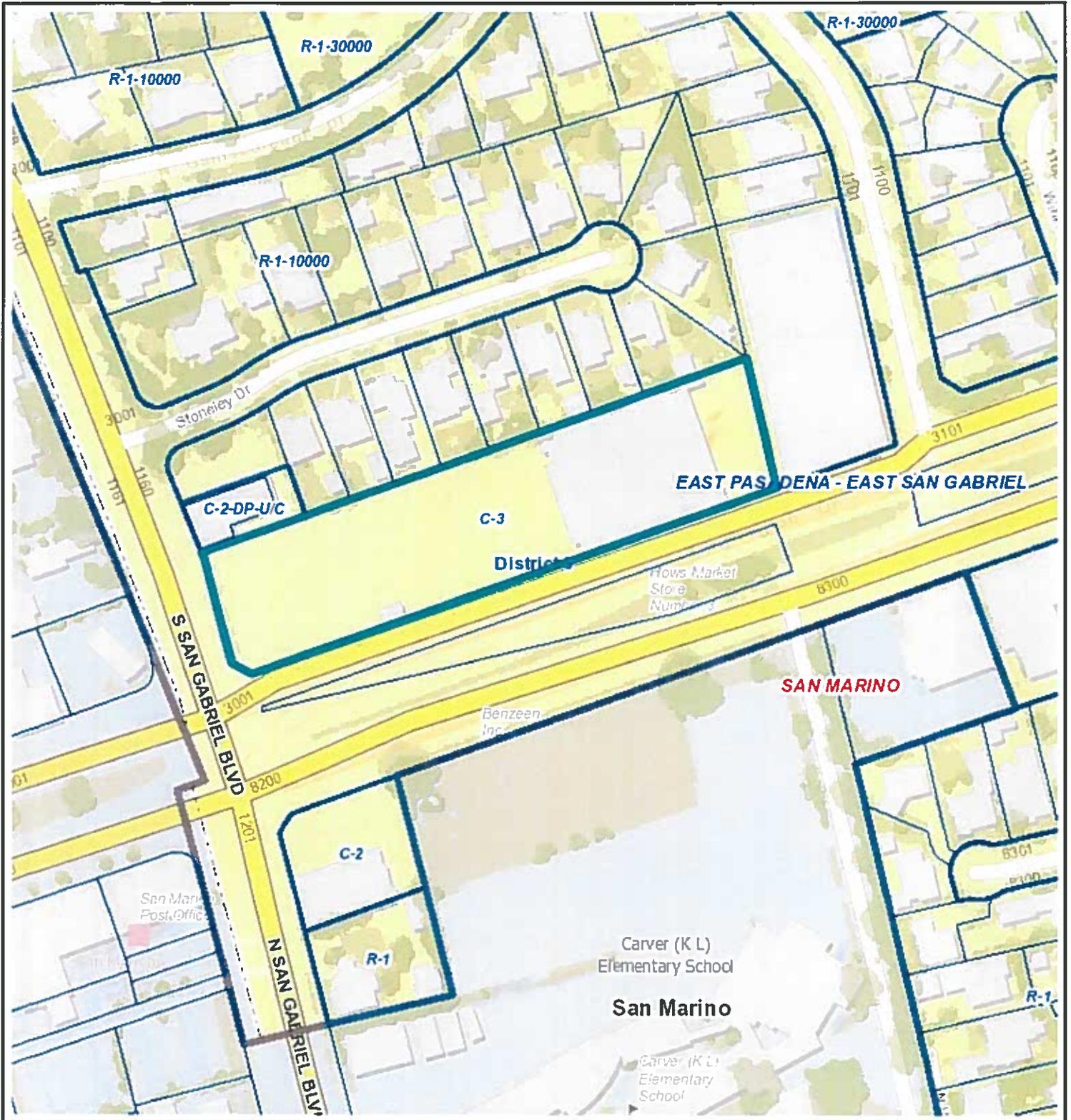
Michele Bush

PHONE NUMBER:

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Created in GIS-NET3

Printed: Oct 06, 2015

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ENTITLEMENTS REQUESTED

- Conditional Use Permit (CUP) for the sale of a full line of alcoholic beverages for off-site consumption (Type 21 alcohol license) at a proposed CVS store in the C-3 (Unlimited Commercial) Zone pursuant to County Code Section 22.28.210.

PROJECT DESCRIPTION

The project is a request to authorize the sale of a full line of alcoholic beverages for off-site consumption at a proposed CVS store (approval under separate permit), in an existing commercial structure within an existing shopping center.

SITE PLAN DESCRIPTION

The site plan for the Project depicts the Project Site with an existing retail structure, consisting of the future CVS Store (14,529 sq. ft.) and Trader Joe's Market (15,318 sq. ft.) and a surface parking lot containing 180 parking spaces. Three driveways are depicted, two along Huntington Drive and the other along San Gabriel Boulevard, each to be used for both ingress and egress. The site plan includes the shelf plan for the proposed display of alcoholic beverages, indicating 4.93 percent reserved as such. The shelf space thereby does not exceed five percent of the total shelf space in the establishment.

EXISTING ZONING

The subject property is zoned C-3 (Unlimited Commercial).

Surrounding properties are zoned as follows:

North: C-2-DP-U/C (Neighborhood Business-Development Program-Unilateral Contract) and R-1-10,000 (Single-Family Residence-10,000 sq. ft. minimum lot area)

South: C-2 (Neighborhood Business), R-1 (Single-Family Residence) and City of San Marino

East: R-1-10,000 and R-1

West: City of San Marino

EXISTING LAND USES

The subject property is developed with a commercial shopping center.

Surrounding properties are developed as follows:

North: Single-Family Residential

South: K.L. Carver Elementary School, Commercial, Masonic Hall, Senior Housing, Single and Multi-Family Residential

East: Water Reservoir and Single-Family Residences

West: Commercial, Office, St. Edmund's Episcopal Church & School, and St. Felicitas Perpetua Church & School

PREVIOUS CASES/ZONING HISTORY

The Project Site was zoned R-1, C-2, and R-2 in 1931 and was rezoned to its current zoning of C-3 in 1941. On June 21, 1961, Plot Plan No. 10955 was approved for a Ralph's supermarket and a parking lot on the site. Plot Plan No. 47270, approved on

June 27, 2001, approved a billboard on the site. On March 18, 2014, Plot Plan No. 201100476 was denied for tenant improvements to the then-existing supermarket and to legalize a recycling collection center. On November 20, 2014, Zoning Conformance Review No. 201401307 was approved to divide the existing retail building into two retail units, to accommodate the new Trader Joe's Market (approved under Project number R2014-03036-(5) / Conditional Use Permit number 201400148) and proposed CVS Store. The sale of alcoholic beverages was approved by the Hearing Officer on December 1, 2015.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The Project involves the sale of alcoholic beverages in an existing commercial structure that will be the location of the proposed CVS pharmacy store, with negligible or no expansion of use beyond that which was previously existing. Therefore, staff recommends that the Regional Planning Commission determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the 1 – Low Density Residential land use category of the Countywide General Land Use Plan. This designation is intended for single-family detached housing units. However, within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial uses. It is not the intent of General Plan policy to preclude further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map. The proposed CVS is a local commercial use and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development.*

The proposed CVS store will be located within an existing commercial shopping center, thus maintaining the existing development.

- *Maintain and reinforce the multifocused pattern of regional linear activity areas and centers.*

The proposed CVS store will be consistent with the commercial character of the surrounding commercial center.

- *Encourage a strong, diversified economy that will provide business opportunities, an adequate number of jobs for this County's labor force and an improved standard of living.*

Allowing the proposed CVS store to sell a full line of alcoholic beverages diversifies the range of products that will be offered at the store and provides an additional service to the community.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.28.210 of the County Code, establishments in the C-3 Zone are permitted to sell alcoholic beverages for either on-site or off-site consumption, provided a conditional use permit has been obtained.

Pursuant to Section 22.56.195 of the County Code, establishments selling alcoholic beverages for either on-site or off-site consumption must comply with the following standards:

- The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius. There are currently seven sensitive uses within a 600-foot radius of the subject property:
 1. *St. Edmund's Episcopal Church and School are located approximately 200 feet northwest of the Project Site;*
 - 2-3. *St. Felicitas Perpetua Church and School are located approximately 400 feet northwest of the Project Site;*
 4. *Reading Town San Marino is located approximately 20 feet north of the Project Site;*
 5. *K.L. Carver Elementary School is located approximately 500 feet south of the Project Site;*
 6. *Clairbourn: Pasadena Area Private Independent School is located approximately 600 feet southeast of the Project Site; and*
 7. *Lee Shin Tae Kwon Do studio is located approximately 240 feet south of the Project Site.*

All uses are buffered sufficiently from the proposed use by the parking lot on the Project Site, San Gabriel Boulevard and East Huntington Drive.

- The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area. *The proposed CVS will be located in an existing commercially zoned lot, thus traditional methods of buffering associated with retail stores will be utilized. The existing shopping center is buffered from surrounding residential uses by impermeable building walls, alleyways and streets.*
- The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted

to alcoholic beverages shall be limit to not more than five percent of the total shelf space in the establishment. *There is currently one establishment approved to sell alcohol (Type 21 alcohol license) within feet of the Project Site. The adjacent, proposed Trader Joe's Market has been approved for alcohol sales under Project number R2014-03036-(5) / Conditional Use Permit number 201400148. If approved, the shopping center's accessible location on two major thoroughfares in a largely residential community with few alternative options for purchasing alcoholic beverages ensures that two alcoholic beverage outlets will serve the public good and will undoubtedly serve public convenience, outweighing the two locations' proximity to each other. The percentage of shelf space devoted to alcohol will fall below five percent (4.93%).*

- The requested use at the proposed location will not adversely affect the economic welfare of the nearby community. *The previous and proposed use for the subject site will remain the same, so approval of the Type 21 license for CVS will not negatively affect the economic welfare of the surrounding community. Further, employees and residents of Pasadena will have the ability to purchase daily goods, food items, beauty products, medication and more. Thus the CVS location will only benefit the economic welfare of the surrounding community. Further, the opening of a new CVS Pharmacy will generate additional tax revenue for the county.*
- The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood. *CVS has a history of paying firm attention to maintenance of its structures and will ensure that the structure will not deteriorate to the point of causing blight or the lowering of neighboring property values. Rather CVS will ensure that it is well lit and properly maintained.*

Site Visit

Staff conducted a site visit on January 26, 2016. The Project site appeared to be in compliance with the Project request.

Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.040 and 22.56.195 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The subject project site has been zoned for commercial use for more than 70 years. Several commercial uses have been approved and located on the project site. There are currently seven sensitive uses within a 600-foot radius of the subject property. All uses are sufficiently buffered from the proposed use. With the proposed conditions of approval, the project will remain consistent and compatible with the surrounding community.

In keeping with previous approvals of CVS stores, with alcohol sales, within other areas of Los Angeles County, staff included a condition of approval requiring a security guard be hired for the premises and be on site during all hours of operation. The applicant objected to this condition, indicating the condition is unnecessary to ensure the safety and security of the store's patrons and neighboring businesses and residents. The Hearing Officer suggested a modification to the condition to require a security guard be on the premises during the hours of alcohol sales. The applicant also expressed that condition's inconsistency with the conditions of approval for the neighboring Trader Joe's site.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff received a letter from the County of Los Angeles Sheriff's Department, Temple Station, dated September 23, 2015. The letter stated that calls, over the past five years, have been routine in nature. The Sheriff's Department concluded there is no anticipated impact to law enforcement or other services provided by the Temple Sheriff's Station regarding the project site. The department recommends approval of the Conditional Use Permit.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

Based on information from the California Department of Alcoholic Beverages Control (ABC), an undue concentration of licenses existing within the Census Tract. Two alcohol licenses are allowed and nine exist. There is currently one establishment approved to sell alcohol (Type 21 alcohol license) within feet of the Project Site. The adjacent, proposed Trader Joe's Market has been approved for alcohol sales under Project number R2014-03036-(5) / Conditional Use Permit number 201400148.

Staff received a Business and Practices Worksheet from the ABC, dated September 21, 2015. The worksheet included crime reporting district and Census Tract based statistics on reported criminal activity and existing alcohol licenses. According to the worksheet, the subject Project Site is located within crime reporting district number 0590 where 399 offenses occurred. The average number of offenses per reporting district is 85.7; therefore reporting district 0590 is considered a high crime reporting district. The subject property is located in Census Tract number 4631.02.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff received one phone call and one letter from the public, in support of removing the condition from the project request.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Commission.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-00840-(5), Conditional Use Permit Number 201500034, **AS MODIFIED** by the attached conditions.

SUGGESTED APPROVAL MOTION:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I MOVE THAT THE REGIONAL PLANNING COMMISSION APPROVE CONDITIONAL USE PERMIT NUMBER 201100062 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Michele Bush, Principal Planner, Zoning Permits East Section
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Photographs, Aerial Image
Site Plan, Land Use Map

MM:MRB
02/10/16

**DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00840-(5)
CONDITIONAL USE PERMIT NO. 201500034**

1. The Los Angeles County ("County") Regional Planning Commission (Commission) conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201500034 ("CUP") on February 10, 2016.
2. The permittee, Boos Development West, LLC ("permittee"), requests the CUP to authorize the sale of a full line of alcoholic beverages for off-site consumption (Type 21 alcohol license) at a proposed CVS store (approval under separate permit), in an existing commercial structure within an existing shopping center ("Project") on a property located at 3033 Huntington Drive in the unincorporated community of East Pasadena ("Project Site") in the C-3 (Unlimited Commercial) zone pursuant to Los Angeles County Code ("County Code") section 22.28.210.
3. The Project Site is approximately 2.5 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with an existing shopping center and surface parking lot.
4. The Project Site is located in the East Pasadena Zoned District and is currently zoned C-3 (Unlimited Commercial).
5. The Project Site is located within the 1 – Low Density Residential (1 to 6 du/ac) land use category of the Countywide General Land Use Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: C-2-DP-U/C (Neighborhood Business-Development Program-Unilateral Contract) and R-1-10,000 (Single-Family Residence-10,000 sq. ft. minimum lot area)
 - South: C-2 (Neighborhood Business), R-1 (Single-Family Residence) and City of San Marino
 - East: R-1-10,000 and R-1
 - West: City of San Marino
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-Family Residential
 - South: K.L. Carver Elementary School, Commercial, Masonic Hall, Senior Housing, Single and Multi-Family Residential
 - East: Water Reservoir and Single-Family Residences
 - West: Commercial, Office, St. Edmund's Episcopal Church & School, and St. Felicitas Perpetua Church & School
8. The Project Site was zoned R-1, C-2, and R-2 in 1931 and was rezoned to its current zoning of C-3 in 1941. On June 21, 1961, Plot Plan No. 10955 was approved for a Ralph's supermarket and a parking lot on the site. Plot Plan No. 47270, approved on June 27, 2001, approved a billboard on the site. On March 18,

2014, Plot Plan No. 201100476 was denied for tenant improvements to the then-existing supermarket and to legalize a recycling collection center. On November 20, 2014, Zoning Conformance Review No. 201401307 was approved to divide the existing retail building into two retail units, to accommodate the new Trader Joe's Market (approved under Project number R2014-03036-(5) / Conditional Use Permit number 201400148) and proposed CVS Store. The sale of alcoholic beverages was approved by the Hearing Officer on December 1, 2015.

9. The site plan for the Project depicts the Project Site with an existing retail structure, consisting of the future CVS Store (14,529 sq. ft.) and Trader Joe's Market (15,318 sq. ft.) and a surface parking lot containing 180 parking spaces. Three driveways are depicted, two along Huntington Drive and the other along San Gabriel Boulevard, each to be used for both ingress and egress. The site plan includes the shelf plan for the proposed display of alcoholic beverages, indicating 4.93 percent reserved as such. The shelf space thereby does not exceed five percent of the total shelf space in the establishment.
10. The Project will provide 180 parking spaces on the existing surface lot. The Project provides seven ADA compliant parking spaces. The parking provided complies with parking requirements in Section 22.52.1100 of the Los Angeles County Code.
11. Based on information from the California Department of Alcoholic Beverages Control (ABC), an undue concentration of licenses existing within the Census Tract. Two alcohol licenses are allowed and nine exist. There is currently one establishment approved to sell alcohol (Type 21 alcohol license) within 500 feet of the Project Site. The adjacent, proposed Trader Joe's Market has been approved for alcohol sales under Project number R2014-03036-(5) / Conditional Use Permit number 201400148.

Staff received a Business and Practices Worksheet from the ABC, dated September 21, 2015. The worksheet included crime reporting district and Census Tract based statistics on reported criminal activity and existing alcohol licenses. According to the worksheet, the subject Project Site is located within crime reporting district number 0590 where 399 offenses occurred. The average number of offenses per reporting district is 85.7; therefore reporting district 0590 is considered a high crime reporting district. The subject property is located in Census Tract number 4631.02.

12. Staff also received a letter from the County of Los Angeles Sheriff's Department, Temple Station, dated September 23, 2015. The letter stated that calls, over the past five years, have been routine in nature. The Sheriff's Department concluded there is no anticipated impact to law enforcement or other services provided by the Temple Sheriff's Station regarding the project site. The department recommends approval of the Conditional Use Permit.
13. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the sale of alcoholic beverages in an existing

commercial structure that will be the location of the proposed CVS pharmacy store, with negligible or no expansion of use beyond that which was previously existing.

14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. Staff received one phone call and one letter from the public, in support of the project request.
16. A duly noticed public hearing was held on December 1, 2015 before Hearing Officer Alex Garcia. The applicant's representative, Art Rodriguez, was present to answer questions regarding the Project. Mr. Rodriguez expressed concern with some of the conditions of approval. Specifically Condition #33 which read: "Employees on duty after 10:00 pm shall be at least 21 years of age."; and Condition #43 which read: "The permittee shall hire a security guard for the premises and the security guard shall be required to be on the premises during all hours of operation." Mr. Rodriguez requested both conditions of approval be removed. Staff indicated the conditions were standard conditions and had been included in keeping with previous approvals of CVS stores within other areas of Los Angeles County.

The Hearing Officer discussed editorial changes to the findings and conditions and recommended modifications as necessary. The Hearing Officer indicated agreement with the removal on Condition #33. With regard to the request to remove Condition #43, the Hearing Officer expressed concern with not having any security guard on the premises and suggested a modification to the condition to read: "The permittee shall hire a security guard for the premises and the security guard shall be required to be on the premises during the hours of alcohol sales (8:00 a.m. to 10:00 p.m.)." Mr. Rodriguez contested the modification to Condition #43 and indicated he did not agree with the need for the condition. The Hearing Officer indicated the need for a security guard due to the close proximity of residences to the project site. The Hearing Officer indicated the security guard would help control noise and loitering around the property. Following the Hearing Officer's discussion, regarding Condition #43, Mr. Rodriguez indicated agreement with the modified conditions of approval.

There being no further testimony, the Hearing Officer closed the public hearing and approved the Project with revised Findings and Conditions of Approval as agreed to by the applicant.

On December 10, 2015, the applicant appealed Condition # 43 requiring the hiring of a security guard during the hours of alcohol sales (8:00 a.m. to 10:00 p.m.), and is requesting that condition be removed.

17. The Commission finds that the Project is consistent with the goals and policies of the Countywide General Land Use Plan. The subject property is located within the 1 – Low Density Residential land use category. This designation is intended for single-family detached housing units. However, within the generalized residential areas mapped, a variety of use types and intensities presently exist. Such uses typically include local commercial uses. It is not the intent of General Plan policy to preclude

further development or expansion of such uses within areas depicted as residential on the Land Use Policy Map. The proposed CVS is a local commercial use and is therefore consistent with the goals and policies of the Countywide General Land Use Plan.

18. The Commission finds that, based on the response letter from the County of Los Angeles Sheriff's Department, Temple Station, dated September 23, 2015, the proposed project has no anticipated impact to law enforcement or other services provided by the Temple Sheriff's Station regarding the project site. Therefore, the removal of Condition #43 is consistent with the recommendation of the Sheriff's Department and the previously approved Conditional Use Permit for alcohol sales at the adjacent Trader Joe's Market.

19. The Commission finds that the Project is consistent with the Zoning Code. Section 22.28.210 of the County Code permits the sale of alcoholic beverages for either on-site or off-site consumption in the C-3 zone, provided a conditional use permit has first been obtained.

Section 22.56.195 of the County Code requires that an applicant for a project that does not currently, but proposes to sell alcoholic beverages, for either on-site or off-site consumption must provide information sufficient to substantiate certain findings.

20. The Commission finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare.

The requested use will have no adverse affect on nearby residents or employees. It will serve as a "one-stop" shopping location for daily household goods, pre-packaged food items, medications, and other personal needs. The presence of this kind of use will only serve to improve community health, well-being, enjoyment, and comfort and will eliminate the need for local residents to visit a number of different stores to purchase aforementioned goods. This CVS will uphold the chain's reputation as a well respected seller of a variety of much needed goods for community members in a single location. CVS has a history of maintaining both its interior and exterior environments to ensure that patrons and nearby residents and workers will be served by a safe, well lit, and inviting atmosphere both inside and outside of the store.

21. The Commission finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The Project site will be located within an existing shopping center, which was built to County specifications regarding necessary walls, fences, parking and loading facilities. The use of the property will not change. No demolition or construction will be occurring that will alter the existing structure.

22. The Commission finds that the Project is adequately served by highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as required.

The proposed location is within an existing retail center on the corner of two major thoroughfares (Huntington Drive and San Gabriel Boulevard). The former Hows Market, located on the same site, was adequately served by the existing traffic infrastructure and private and public service facilities for many years and it is not expected that CVS will require additional infrastructure improvements.

23. The Commission finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

There are currently seven sensitive uses within a 600-foot radius of the subject property:

1. St. Edmund's Episcopal Church and School are located approximately 200 feet northwest of the Project Site;
- 2-3. St. Felicitas Perpetua Church and School are located approximately 400 feet northwest of the Project Site;
4. Reading Town San Marino is located approximately 20 feet north of the Project Site;
5. K.L. Carver Elementary School is located approximately 500 feet south of the Project Site;
6. Clairbourn: Pasadena Area Private Independent School is located approximately 600 feet southeast of the Project Site; and
7. Lee Shin Tae Kwon Do studio is located approximately 240 feet south of the Project Site.

All uses are buffered sufficiently from the proposed use by the parking lot on the Project Site, San Gabriel Boulevard and East Huntington Drive. CVS is a respected and well-managed pharmacy chain that has little to no history of interfering with sensitive uses in its respective communities.

24. The Commission finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The proposed CVS will be located in an existing commercially zoned lot, thus traditional methods of buffering associated with retail stores will be utilized. The existing shopping center is buffered from surrounding residential uses by impermeable building walls, alleyways and streets.

25. The Commission finds that the requested use at the proposed location will result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for

either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limit to not more than five percent of the total shelf space in the establishment.

There is currently one establishment approved to sell alcohol (Type 21 alcohol license) within 500 feet of the Project Site. The adjacent, proposed Trader Joe's Market has been approved for alcohol sales under Project number R2014-03036-(5) / Conditional Use Permit number 201400148. If approved, the shopping center's accessible location on two major thoroughfares in a largely residential community with few alternative options for purchasing alcoholic beverages ensures that two alcoholic beverage outlets will serve the public good and will undoubtedly serve public convenience, outweighing the two locations' proximity to each other. The percentage of shelf space devoted to alcohol will fall below five percent (4.93%). Further, CVS will sell a variety of much needed household goods, food items, beauty products and medications. The sale of alcohol will only be supplemental to the sale of these items, and the addition of alcohol sold in a safe manner will only add to public conveniences and serve to additionally benefit residents who wish to shop for their daily products at this location.

26. The Commission finds that the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The previous and proposed use for the subject site will remain the same, so approval of the Type 21 license for CVS will not negatively affect the economic welfare of the surrounding community. Further, employees and residents of Pasadena will have the ability to purchase daily goods, foot items, beauty products, medication and more. Thus the CVS location will only benefit the economic welfare of the surrounding community. Further, the opening of a new CVS Pharmacy will likely generate additional tax revenue for the county.

27. The Commission finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The exterior of the CVS location will not differ significantly from the appearance of existing businesses in the shopping center nor nearby commercial structures. CVS has a history of paying firm attention to maintenance of its structures and will ensure that the structure will not deteriorate to the point of causing blight or lowering neighboring property values. Rather CVS will ensure that it is well lit and properly maintained.

28. The Commission finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Conditional Use Permit to 15 years.
29. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case

materials were available on Regional Planning's website and at libraries located in the vicinity of the East Pasadena-San Gabriel community. On December 28, 2015, a total of 257 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the East Pasadena Zoned District and to any additional interested parties.

30. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption; the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Conditional Use Permit 201500034, subject to the attached conditions.

ACTION DATE: FEBRUARY 10, 2016

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

MM:MRB
02/10/16

c: Each Commissioner, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2015-00840-(5)
CONDITIONAL USE PERMIT NO. 201500034**

PROJECT DESCRIPTION

The project is a request to authorize the sale of a full line of alcoholic beverages for off-site consumption (Type 21 alcohol license) at a proposed CVS store (approval under separate permit), in an existing commercial structure within an existing shopping center subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on February 10, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of \$1,600.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for eight (8) (one the first year and seven biennial (one every other year) inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **April 11, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. The consumption of alcoholic beverages shall be prohibited on the subject property, including interior and exterior locations. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the property.
22. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program, or other similar program, provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
23. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures, or on the interior of any windows.

24. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly adhered to.
25. The permittee shall post telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
26. This grant authorizes the sale of alcoholic beverages from 8:00 a.m. to 10:00 p.m., during all days of operation.
27. No sale of alcoholic beverages shall be made from a drive-thru window.
28. No display of alcoholic beverages shall be made from a tub or other container containing ice.
29. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.
30. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises.
31. Shelf space for display of alcoholic beverages shall never exceed five percent of the store's shelf space.
32. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines.
33. The beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.
34. There shall be no beer sold in containers under one quart or in less than six-pack quantities, with the exception of craft or microbrewery beers which can be sold in individual containers of not less than 16 ounces.
35. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.
36. Malt beverages (e.g. beer, ale, stout and malt liquors) shall not be sold in a bottle or container greater than 750 milliliters or 25.4 ounces.
37. The permittee shall provide adequate lighting to the satisfaction of the Director above all entrances and exits to the premises.

38. The permittee shall provide adequate lighting to the satisfaction of the Director in all parking areas and walkways under control of the permittee.
39. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.

PROJECT SITE SPECIFIC CONDITIONS

40. This grant shall authorize the sale of a full line of alcoholic beverages for off-site consumption (Type 21 alcohol license).
41. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way.
42. The permittee shall maintain a closed circuit video monitoring system, with cameras located strategically throughout the property.

MM:MRB
02/10/16

LA County Conditional Use Permit Burden of Proof (Attachment 2)
CVS Pharmacy
3033 Huntington Drive Unit B, Pasadena, CA 91107

- A) That the requested use at the location will not:
- a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The requested use will have no adverse affect on nearby residents or employees. It will serve as a "one-stop" shopping location for daily household goods, pre-packaged food items, medications, and other personal needs. The presence of this kind of use will only serve to improve community health, well-being, enjoyment, and comfort and will eliminate the need for local residents to visit a number of different stores to purchase aforementioned goods.

This CVS will uphold the chain's reputation as a well-respected seller of a variety of much-needed goods for community members in a single location. CVS has a history of maintaining both its interior and exterior environments to ensure that patrons and nearby residents and workers will be served by a safe, well-lit, and inviting atmosphere both inside and out of the store. The site falls in a C-3 Zone (Unlimited Commercial), meaning the pharmacy is allowed by-right, and the sale of alcoholic beverages is appropriate for the location.

- B) That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The project site will be located within an existing shopping center, which was built to county specifications regarding necessary walls, fences, parking and loading facilities. The use of the property will not change. No demolition or construction will be occurring that will alter the existing structure.

C) That the proposed site is adequately served:

- a. By highways or streets of sufficient width, and improved as necessary to carry the kind and quantity of traffic such use would generate, and
- b. By other public or private service facilities as required.

The proposed location is located in a retail center on the corner of two major thoroughfares (Huntington Dr. and San Gabriel Blvd.). The site is zoned C-3. The former Hows Market was adequately served by the existing traffic infrastructure and private and public service facilities for many years and it is not expected that CVS will require additional infrastructure improvements. The proposed CVS location will not require additional traffic or infrastructure improvements.

LA County Alcohol Beverage Sales Burden of Proof (Attachment 1)
CVS Pharmacy
3035 Huntington Drive, Pasadena, CA 91107
ABC License Type No(s): 21

- A) That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

There are 7 sensitive uses within 600 feet of the property. CVS is a respected and well-managed pharmacy chain that has little to no history of interfering with sensitive uses in its respective communities. Further, it is separated from the majority of sensitive uses by two wide arterial roads (San Gabriel Blvd. & Huntington Dr.), and the existence of sufficient parking in the complex will ensure that the majority of patrons will be unlikely or unable to disrupt surrounding sensitive uses.

- B) That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

The CVS is located in an existing commercially zoned lot, thus traditional methods of buffering associated with retail stores will be utilized. The complex is protected from existing residences by impermeable building walls, alleyways, and streets.

- C) The requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcohol beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment

At the time of writing, there exist no additional alcohol outlets within 500 feet of the site. However, A CUP for a Trader Joe's location (Project # R2014-03036-(5), Conditional Use Permit Case No. 201400148), is currently in the approval process. Nonetheless, if both are approved, the shopping center's accessible location on two major thoroughfares in a largely residential community with few alternative options for purchasing alcoholic beverages ensures that two alcoholic beverage outlets will serve the public good and will undoubtedly serve public convenience, outweighing the two locations' proximity to each other. The percentage of shelf space devoted to alcohol will fall under 5%.

Further, CVS will sell a variety of much-needed household goods, food items, beauty products, and medications. The sale of alcohol will only be supplemental to the sale of these items, and the addition of alcohol served in a safe manner will only add to public conveniences and serve to additionally benefit residents who wish to shop for their daily products at the location.

- D) That the requested use at the proposed location will not adversely affect the economic welfare of the surrounding community.

The previous and proposed use for the subject site will remain the same, so approval of the Type 21 license for CVS will not negatively affect the economic welfare of the surrounding community. Further, employees and residents of Pasadena will have the ability to purchase daily goods, food items, beauty products, medication, and more. Thus the CVS location will only benefit the economic welfare of the surrounding community. Further, the opening of a new CVS Pharmacy will likely generate additional tax revenue for the city and the county.

- E) That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within said neighborhood.

The exterior of the CVS location will not differ significantly from the appearance of existing businesses in the shopping center nor nearby

commercial structures. CVS' history of paying firm attention to maintenance of its structures will ensure that the structure will not deteriorate to the point of causing blight or the lowering of neighboring property values. Rather CVS will ensure that it is well-lit and properly maintained.



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

10/22

REGIONAL PLANNING COMMISSION
APPEAL FORM

DATE: December 2, 2015

TO: Ms. Rosie Ruiz
Regional Planning Commission Secretary
Department of Regional Planning
County of Los Angeles
320 W. Temple Avenue, Room 1350
Los Angeles, California 90012

Document Received:

DEC 10 2015

This document was received by the
Department of Regional Planning

COPIES: EACH COMMISSIONER

STAFF

Alexandra
M. Cowser
H. Masis
M. Bush
J. Macchitta

FROM: David Weissglass (agent of applicant)
Name

SUBJECT: Project Number(s): R2015-00840-(5)

Case Number(s): RCUP T201500034

Case Planner: Michele Bush

Address: 3033 Huntington Drive, Unit B, Unincorporated Pasadena

Assessors Parcel Number: 5377-034-029

Zoned District: East Pasadena

Entitlement Requested:

Removal of Condition #43: "The permittee shall hire a security guard for the premises and the security guard shall be required to be on the premises during hours of alcohol sales (8:00 a.m. to 10:00 p.m.)"

Related Zoning Matters:

Tentative Tract/Parcel Map No.	
CUP, VAR or Oak Tree No.	Conditional Use Permit No. 201500034
Change of Zone Case No.	
Other	

(Reverse)

Payment Receipt

Receipt #: TRC-000189-10-12-2015

Printed On: 12/10/2015

Paid By:

VASANTHI OKUMA, BOOS DEVELOPMENT WEST, LLC
410 Park Paace Boulevard Suite 100
Clearwater, FL 33759



Department of Regional Planning
Richard J. Bruckner, Director

320 W Temple Street
Los Angeles, CA 90012

(213) 974-6411

<http://planning.lacounty.gov>

Received By:
Elsa Rodriguez

Paid On:
12/10/15 9:09 am

Case Number / Fee Name	Payment Method	Reference No.	Paid Amount
RCUP-201500034 Appeal - RPC - Applicant - 1 or 2 Conditions	Check	4750	\$735.00
		Total	\$735.00



Los Angeles County
Department of
Regional Planning

AGENDA

Meeting Place: Room 150 Hall of Records
320 W. Temple Street
Los Angeles, California 90012

Hearing Officer(s):
Mr. Garcia: Items 1, 3-8
Ms. Tae: Item 2



Los Angeles County
Regional Planning
Commission

Meeting Date: December 1, 2015 – Tuesday

Time: 9:00 a.m.

PART I – PLEDGE OF ALLEGIANCE

1. Hearing Officer

PART II - PUBLIC HEARINGS

Zoning Permits

2. **(Continued from 11/03/15)**
Project No. R2015-02580-(5) (Mr. Mar)
Conditional Use Permit No. 201500107
Applicant: Verizon Wireless
Public Right-of-Way in front of 3902 Mountain View Avenue
East Pasadena Zoned District

To authorize the construction, operation and maintenance of an unmanned wireless telecommunications facility located in the public right-of-way in the R-1 (Single-family Residence) zone. This project is categorically exempt Class 3 – New Construction or Conversion of Small Structures pursuant to CEQA reporting requirements.
3. Project No. R2015-01515-(1) (Ms. Kulczycki)
Substantial Conformance Review No. 201500002
Applicant: Pablo Cesar Gorrocino
326 South Atlantic Boulevard
Eastside Unit No. 2 Zoned District

To authorize the operation of a hookah lounge in the 3rd Street (TOD) Transect Zone of the East Los Angeles Third Street Form-Based Code Specific Plan. This project is categorically exempt Class 1 - Existing Facilities pursuant to CEQA reporting requirements.

- Si usted no entiende esta agenda o necesita más información por favor llame a este número (213) 974-6466.
- If you require special accommodations or material in alternate format, please contact the ADA Coordinator, Office, at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice.

HEARING OFFICER AGENDA

PART II - PUBLIC HEARINGS (Cont.)Zoning Permits

4. Project No. R2015-00840-(5) (Ms. Bush)
 Conditional Use Permit No. 201500034
 Applicant: Vasanthi Okuma, Boos Development West, LLC
 3033 Huntington Drive, Unit B
 East Pasadena Zoned District

To authorize the sale of a full line of alcoholic beverages for off-site consumption (Type 21 alcohol license) at a proposed CVS store, in an existing commercial structure within an existing shopping center in the C-3 (Unlimited Commercial) zone within the East Pasadena-San Gabriel Community Standards District. This project is categorically exempt Class 1 – Existing Facilities pursuant to CEQA reporting requirements.

5. Project No. R2014-02103-(2) (Mr. Temple)
 Conditional Use Permit No. 201400092
 Applicant: Verizon Wireless
 10900 South Inglewood Avenue
 Lennox Zoned District

To authorize the construction, operation, and maintenance of an unmanned wireless telecommunications facility disguised as a mono-pine in the C-2 (Neighborhood Business) zone. This project is categorically exempt Class 3 – New Construction or Conversion of Small Structures pursuant to CEQA reporting requirements.

6. Project No. R2015-03751-(4) (Mr. Nadela)
 Conditional Use Permit No. 201400183
 Applicant: Art Rodriguez
 19725 Colima Road, Unit B
 San Jose and Puente Zoned Districts

To authorize the sale of a full-line of alcohol for off-site consumption at an existing retail market in the C-2-BE (Neighborhood Commercial - Billboard Exclusion) zone. This project is categorically exempt Class 1 – Existing Structures pursuant to CEQA reporting requirements.

7. Project No. R2015-02330-(4) (Ms. Hui)
 Conditional Use Permit No. 201500093
 Applicant: CCTMO LLC
 2000 Otterbein Avenue
 Puente Zoned District

HEARING OFFICER AGENDA

PART II - PUBLIC HEARINGS (Cont.)

Zoning Permits

To authorize the continued operation and maintenance of an existing wireless telecommunications facility mounted on an 86-foot tall stadium light pole within the Rowland High School football and track field in the A-1-6,000 (Light Agricultural – 6,000 Square Feet Minimum Required Lot Area) zone. This project is categorically exempt Class 1 – Existing Facilities pursuant to CEQA reporting requirements.

PART III - PUBLIC COMMENT

8. Public comment pursuant to Section 54954.3 of the Government Code

PART IV - ADJOURNMENT

ADJOURNMENT TO 9:00 A.M. TUESDAY, DECEMBER 15, 2015

GLOSSARY OF ENVIRONMENTAL TERMS:

CEQA – California Environmental Quality Act
 SEA - Significant Ecological Area
 EIR – Environmental Impact Report
 MND – Mitigated Negative Declaration
 ND – Negative Declaration
 CE – Categorical Exemption

TIME LIMITS: The Hearing Officer has established time limits with respect to receipt of testimony regarding matters on this Agenda. Applicants will be allowed fifteen (15) minutes to present testimony in support of their application, with an additional ten (10) minutes for responses to issues raised by other witnesses. Other proponents and opponents will be limited to three (3) minutes per speaker. Responses to questions from the Hearing Officer will not be included in these time limitations. All speakers are urged to refrain from repeating testimony presented by others. The Hearing Officer may impose different time limits, depending upon the length of the agenda, the number of speakers wishing to give testimony and/or the complexity of an agenda item.

TIME LIMITS FOR APPEAL ITEMS: Appellant and applicant shall be provided equal time to present evidence. The Hearing Officer shall determine the time limit based on the complexity of the case and the length of the agenda. Time will also be allocated to the appellant for rebuttal.

WRITTEN TESTIMONY: Written testimony that is received prior to the public hearing will be made a part of the record and need not be read into the record.

PUBLIC HEARING CLOSING AND RE-OPENING: Public hearings that are closed during the course of the meeting may be re-opened by the Hearing Officer without notice at any time prior to adjournment of the meeting.

LOBBYIST REGISTRATION: Any person who seeks support or endorsement from the Hearing Officer on any official action may be subject to the provisions of Ordinance No. 93-0031, relating to lobbyists. Violation of the lobbyist ordinance may result in a fine and other penalties. FOR INFORMATION, CALL (213) 974-1093.

MEETING MATERIALS: The agenda package is available at the Department of Regional Planning ("Department"), 320 West Temple Street, 13th Floor, Los Angeles, California 90012, and may be accessible on the Department's website at <http://planning.lacounty.gov>. Any meeting-related writings or documents provided to the Hearing Officer after distribution of the agenda package, unless exempt from disclosure pursuant to California law, are available at the Department and are also available in the hearing room on the day of the Hearing Officer meeting regarding that matter.

LIVE WEB STREAMING: The Department of Regional Planning broadcasts all regularly scheduled Hearing Officer Meetings on its website at <http://planning.lacounty.gov>.

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

PAYMENT REQUEST FORM

PROJECT NO. 12 2015-00840-5

PERMIT NO(s). CWP 2015 00034

*Appeals:

- Applicant \$5,926
- Applicant (1-2 project conditions) \$735
- Non-Applicant \$735
- Large Family Child Care Home \$362

Miscellaneous:

Meeting Date(s): _____

- CDs \$10
- Audio Tapes \$10
- Photocopies €30/page
- Certify \$6.05

Other:

Meeting Date(s): _____

- **Transcripts (variable rate)
DSO Required
Bill County Department _____

*For Appeals (Hearing Officer or Director's review to RPC) a prior appointment must be made to verify all requirements are met before forwarding the referral to LDCC.

**Transcript fees will depend upon the court reporter service used for the hearing date. Fee considerations include the amount of pages requested and turnaround time. Starting in May, 2009 unofficial transcripts from the hearings are posted on the DRP website, with court reporters being utilized mostly for off-site hearings.

Fees Effective March 1, 2014

FOR STAFF USE ONLY

LDCC Staff: Please process and prepare a receipt for the payment(s) indicated above.

RPC Staff: Rosie O. Ruiz

Date: 12/10/15

Notes: _____

DIAMOND DEVELOPMENT GROUP

900 SOUTH SAN GABRIEL BOULEVARD, SUITE 203, SAN GABRIEL, CA 91776

PHONE: 626.571.0084 FAX: 626.571.1700

December 7, 2015

Attn: Michelle Bush
Principal Regional Planning Assistant
Zoning Permits East
County of Los Angeles
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

RE: R2015-00840 – 3033 Huntington Dr. Unit B

Dear Ms. Bush:

The purpose of this letter is to inform the Zoning Administrator for the above-mentioned case that the property listed above is located in a safe area and neither I nor any of my colleagues, as members of the property ownership group, and with a vested interest in the safety and security of the patrons and employees of the business located on this property, believe there is a need for this location to hire a security guard.

While the California Department of Alcoholic Beverages Control (ABC) has determined that the reporting district is considered high crime, the County of Los Angeles Sheriff's Department has recommended approval of this CUP, noting that calls for the area in question have been "routine in nature" over the past five years and they do not foresee any significant "impact to law enforcement or other services provided by the Temple Sheriff's Station." Further, CVS' history of providing patrons and employees with safe, well lit "one stop" shops for household goods speaks to the measures to which the applicant will go to ensure that general public safety and well-being are held in high regard.

Sincerely,



Peter Lee
VP

Diamond Development
900 S San Gabriel Blvd, Suite 203
San Gabriel, CA 91776

RECEIVED

2015 DEC -9 PM 2: 32

DEPT OF REGIONAL PLANNING



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



September 23, 2015

Michele Bush
County of Los Angeles | Department of Regional Planning
Zoning Permits East Section
320 West Temple Street, Room 1346
Los Angeles, California 90012

RE: Conditional Use Permit Consultation for Proposed Sale of Alcohol;
Establishment: CVS Project: R2015-00840, Permit: RCUP201500034

Dear Ms. Bush:

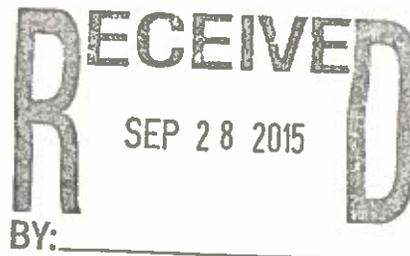
Temple Sheriff's Station has received your request for a review of the calls for service and criminal history of the address 3033 E. Huntington Drive, Pasadena. We had an opportunity to review the calls for service over the past five years, and it appears all calls for service have been routine in nature. Based on the available information, we have concluded there is no anticipated impact to law enforcement or other services provided by Temple Sheriff's Station regarding the project site.

Based on the above information, I recommend this Conditional Use Permit be approved.

Sincerely,

JIM McDONNELL, SHERIFF

Coronne L. Jacob, Captain
Temple Station



211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

Department of Alcoholic Beverage Control

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions** This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

APPLICANT'S NAME

PREMISES ADDRESS (Street number and name, city, zip code)

3033 Huntington Dr, Pasadena 91107 (Cont)

3. LICENSE TYPE

21

TYPE OF BUSINESS

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafe/teria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only | <input type="checkbox"/> All | | |

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input checked="" type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

N/A

6. TOTAL NUMBER OF LICENSES IN COUNTY

N/A

On-Sale Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

111,553

On-Sale Off-Sale

8. CENSUS TRACT NUMBER

4631-02

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

2

On-Sale Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

9

On-Sale Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- Yes (Go to Item #13)
- No (Go to Item #20)

Temple City SS

13. CRIME REPORTING DISTRICT NUMBER

0590

14. TOTAL NUMBER OF REPORTING DISTRICTS

557

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

47,258

16. AVERAGE NO. OF OFFENSES PER DISTRICT

85.7

17. 120% OF AVERAGE NUMBER OF OFFENSES

103

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

399

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

9/21/15





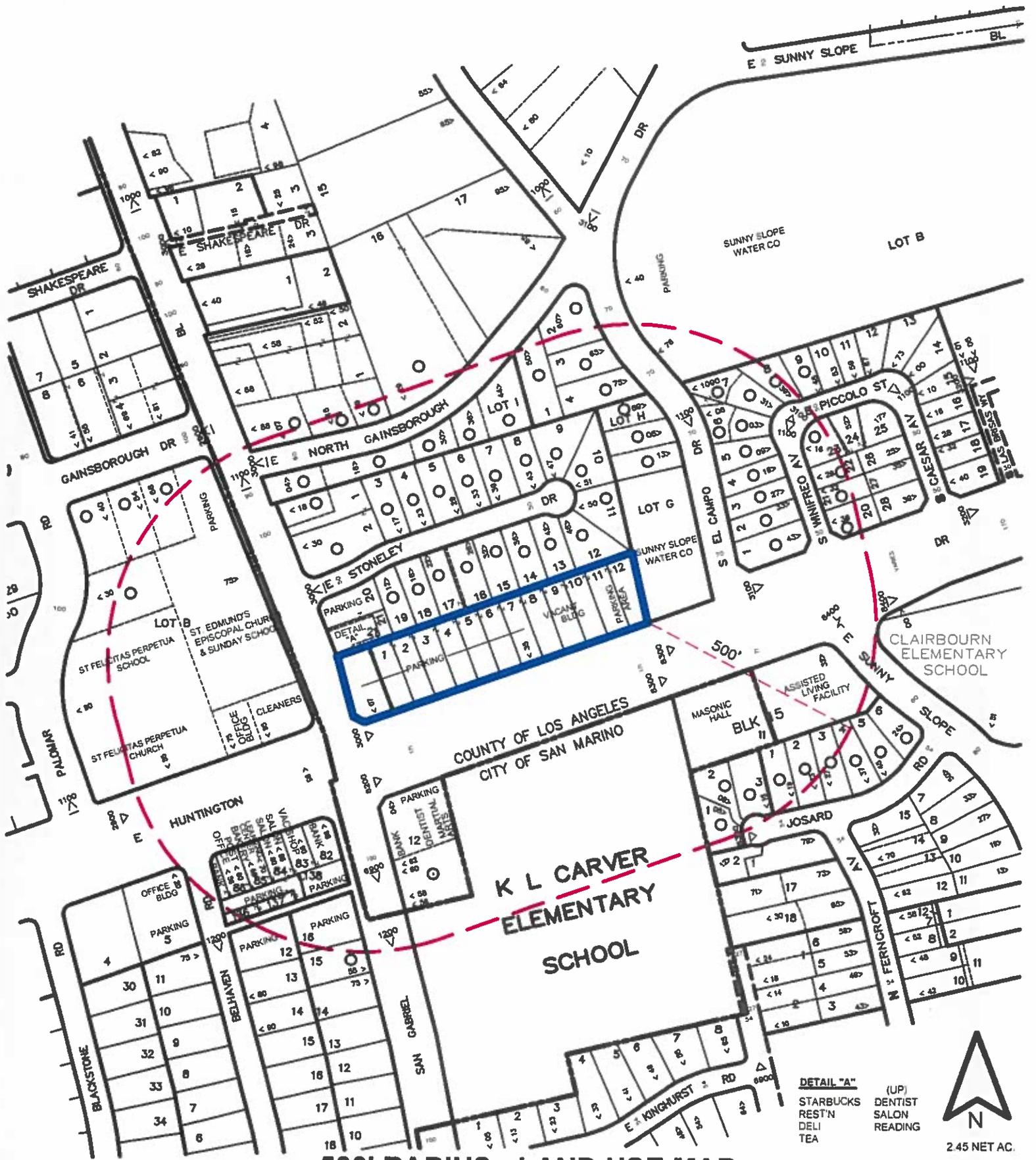






To see all the details that are visible on the screen, use the "Print" link next to the map.





500' RADIUS - LAND USE MAP

RADIUS MAPS ETC
 3544 PORTOLA AVENUE
 LOS ANGELES CA 90032
 OFF/FAX (323) 221-4555
 RADIUSMAPSETC@SBCGLOBAL.NET

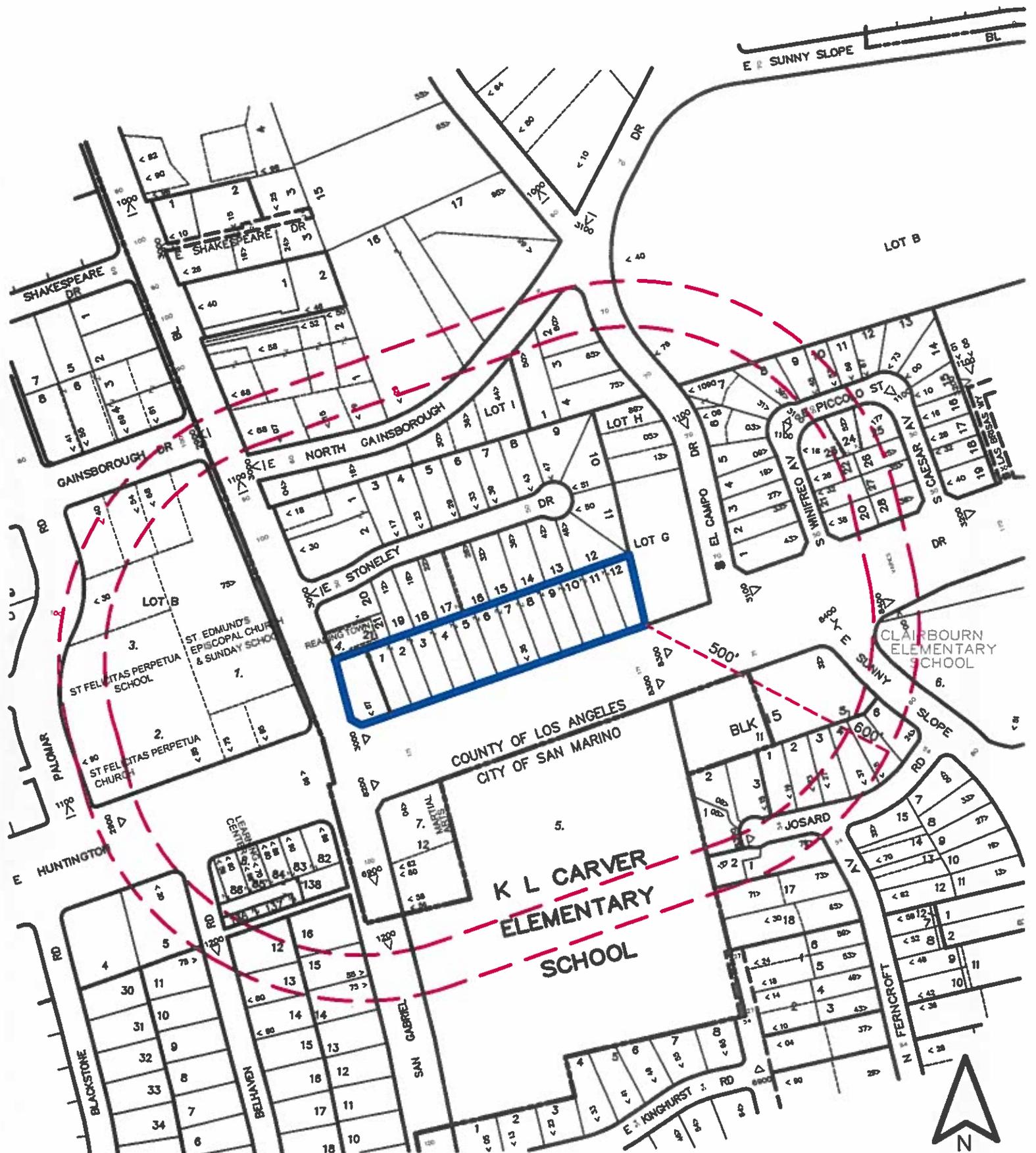
SITE LOCATION:
 3033 HUNTINGTON DRIVE, UNIT B
 PASADENA CA 91107

LEGEND:
 ○ SINGLE FAMILY RESIDENCE
 ALL OTHER LAND USES AS SHOWN

CASE NO.:
 DATE: 03-10-2015
 SCALE: 1" = 100'
 T.B PAGE: 566 GRID: F-7
 A.P.N.: 5377-034-029
LAND USE MAP



2.45 NET AC.



500' ALCOHOL BEVERAGES & 600' SENSITIVE USES MAP

2.45 NET AC.

RADIUS MAPS ETC
 3544 PORTOLA AVENUE
 LOS ANGELES CA 90032
 OFF/FAX (323) 221-4555
 RADIUSMAPSETC@SBCGLOBAL.NET

SITE LOCATION:
 3033 HUNTINGTON DRIVE, UNIT B
 PASADENA CA 91107

LEGEND:
 1. KEY TO ALCOHOL & SENSITIVE USES LIST

CASE NO.:
DATE: 03 - 10 - 2015
SCALE: 1" = 100'
T.B PAGE: 566 **GRID:** F-7
A.P.N.: 5377-034-029

