



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

DATE: October 4, 2023

TO: Hearing Officer

SUBJECT: Modification of Conditional Use Permit #3890

LOCATION: 170 North Hill Avenue

APPLICANT: Matthew Clemente (Starbucks)

ZONING DESIGNATION: CG (Commercial General)

GENERAL PLAN DESIGNATION: Low Commercial (0.00 – 1.00 FAR)

CASE PLANNER: Jennifer Driver

STAFF RECOMMENDATION: Adopt the Environmental Determination and the Specific Findings in Attachment A to **approve** the Modification to Conditional Use Permit #3890 with the conditions in Attachment B.

PROJECT PROPOSAL: Modification to Conditional Use Permit #3890: To modify conditions of approval for the operation of a new drive-through formula fast food restaurant (Starbucks) within an existing drive-through restaurant site. CUP #3890 established a drive-through take-out restaurant (Tommy's Burgers) with expanded hours of operation from 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 12:00 a.m. Friday and Saturday. The modification includes a request to alter the existing building and drive-thru site circulation to accommodate the new fast-food restaurant, and to modify the hours of operation to 5:00 a.m. to 12:00 a.m., daily.

ENVIRONMENTAL DETERMINATION: This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances.

Section 15301 specifically exempts the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of the existing or former use. The proposed modifications to an existing drive-through restaurant are considered a negligible expansion to an existing commercial structure; therefore, the proposed modifications are exempt from environmental review.

BACKGROUND:

Site characteristics: The subject site is a 30,820 square-foot rectangular shaped lot located on the east side of North Hill Avenue between East Walnut Street to the north and East Colorado Boulevard to the south. The site is developed with a vacant one-story, 2,430 square-foot Fast Food Restaurant with a Drive-Through (Tommy's Burgers), 54 parking spaces, and one loading space.

Adjacent Uses: North – Auto Repair
South – Medical Office
East – Commercial (Retail) and Multi-Family Residential
West – Commercial (Retail and Personal Service)

Adjacent Zoning: North – CG (Commercial General)
South – CG (Commercial General)
East – CG (Commercial General)/RM-32-PK (Multi-Family Residential, 32 dwelling units per acre, Parking District Overlay)
West – CG (Commercial General)

Previous zoning cases on this property: CUP #3890: Application for (1) a Conditional Use Permit to permit a take-out restaurant with a drive-through, (2) a Conditional Use Permit to allow expanded hours of operation of 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 12:00 a.m. Friday and Saturday, and (3) a Variance to permit less than 500 feet between two take-out restaurants. Approved with conditions by City Council on March 25, 2002.

PROJECT DESCRIPTION:

On March 25, 2002, the City Council approved Conditional Use Permit #3890 to permit the construction of a new 2,430 square-foot take-out restaurant with a drive-through with extended hours of operation of 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 12:00 a.m. Friday and Saturday. As part of the approval, a total of 27 conditions of approval were included. The conditions included limited expanded hours of operation, prohibition of speaker boxes or amplified music, and an on-site security guard on weekend nights. Additionally, a 12-month review of the Conditional Use Permit was required.

The current application requests the modification of six conditions and the removal of three conditions. The modifications to the existing conditions include additionally expanded operating hours of 5:00 a.m. to 12:00 a.m. daily, permitting an ordering speaker box, amplified outdoor music, flexibility in outdoor seating and outdoor lighting options. The conditions requested to be

removed include the requirement for on-site security, condition monitoring and a 12-month Hearing Officer review. The request to remove and modify conditions of approval require the review and approval from the Hearing Officer to the previously approved Conditional Use Permit #3890.

The request to modify these conditions of approval is in conjunction with the interior and exterior remodel of the existing building resulting in an approximate 2,480 square-foot building with indoor dining and 500 square feet of outdoor dining. In addition, the project includes repaving and restriping the parking lot, new landscaping, and new outdoor lighting. The existing drive-through vehicular circulation would be modified from a single-lane queue to a double-lane queue that merges back into a single-lane queue. Vehicular access to the site would not be modified and would be available from Hill Avenue via two drive approaches, a southern entrance-only driveway, and a northern exit-only driveway. No protected trees are proposed for removal.

ANALYSIS:

Pursuant to Zoning Code Section 17.64.050 (Changes to an Approved Project), a major change to an approved project can be approved by the Hearing Officer only after making the findings required for the original approval, and the additional finding that there are changed circumstances sufficient to justify the modification of the original approval. The general purpose is to evaluate compliance with the Zoning Code and General Plan, whether the use would be detrimental or injurious to the neighborhood, and compatibility of the operation with existing and future uses. Findings are also required to be made regarding the adequacy of parking and circulation for safe queuing and maneuvering, and whether the location of the drive-through business would have adverse impacts upon the vicinity or adjoining land uses. In addition, there is a discussion below that includes an analysis of the current operation's compliance with, and applicability of, the current conditions of approvals.

The site is located within the CG (Commercial General) zoning district. The existing Take-Out Restaurant with a Drive-Through land use was established in 2002 through the approval of Conditional Use Permit #3890 when the Zoning Code required all drive-through businesses or take-out restaurants obtain approval of a Conditional Use Permit (CUP). The property has been utilized as Take-Out Restaurant with a Drive-Through since 2003, but is currently unoccupied, pending the subject application. In 2005 the Zoning Code was modified to eliminate the land use name "Take-Out Restaurant" and replaced it with the "Fast Food Restaurant" land use name. The description of the land use did not change, only the name. As a result, the proposed (Formula) Fast Food Restaurant and Take-Out Restaurant are the same land use, and the applicant can continue to utilize the approval granted by CUP #3890.

Current land use regulations applicable to the CG zoning district, as specified in Zoning Code Section 17.24.030, Table 2-5 (Commercial and Industrial District Land Uses and Permit Requirements), permits the proposed Formula Fast Food Restaurant with a Drive-Through business land use with approval of a Conditional Use Permit. A Conditional Use Permit is also required to deviate from the limited hours of operation of 7:00 am to 10:00 pm when abutting a residential use pursuant to Zoning Code Section 17.40.070. As a result, the application request includes modifications to the Conditional Use Permit to allow the continued operation of a Formula Fast Food Drive-Through Restaurant and for extended hours of operation.

Modification to Conditional Use Permit #3890: To Operate a Formula Fast Food Restaurant with a Drive-Through

As the project includes an exterior remodel and the demolition and addition of exterior walls, compliance with the development standards in the CG zoning district outlined in Table 2-6, Zoning Code Section 17.24.040 (Commercial and Industrial District General Development Standards) is required. In addition, drive-through businesses are subject to additional requirements in Zoning Code Section 17.50.090 (Drive-Through Businesses). The table below outlines compliance with these development standards. A discussion of operational characteristics follows.

Development Standard	Required	Proposed	Compliance
Setbacks <i>Front (Hill Avenue)</i>	5' minimum	Patio cover: 13'-2"; Building: 30' (no change)	Complies
<i>Interior Side (north and south)</i>	None	60'-6" 74'-10"	Complies
<i>Rear (east)</i>	15' minimum and encroachment plane (ZC Section 17.40.160.D.3)	69'-5"	Complies
Height Limit	45'	20'	Complies
Floor Area Ratio (FAR)	0.80	0.08	Complies
Window Openings	50% of the front façade with a minimum height of eight feet, or 118 square feet	75 square feet ³	Nonconforming ³
Fence and Walls	8' high solid masonry along a property line that separates a nonresidential use from a residential use	8' high solid wall on east PL	Complies
Parking¹	10 spaces per 1,000 gross square feet (including outdoor dining) plus queue lanes for at least 5 cars for drive up service. Approximation: 2,480 square feet + 500 square feet of outdoor dining = 30 spaces and drive-up service	30 spaces and drive-up service for 18 vehicles	Complies
Loading	1 space	0 space ²	Not in Compliance
Perimeter Parking Lot Landscaping	5' wide minimum	5' – 8' (south) 5' (north) 8' (east) 5' (west)	Complies
Percentage of Parking Lot Landscaping	5%	Unknown ⁴	To be determined

- 1 Note, at building permit plan check, parking requirement will be determined based on the accurate gross floor area and square footage of outdoor dining area.
- 2 Recommended Condition of Approval requires the inclusion of the loading space.
- 3 Recommended Condition of Approval requires the maintenance of at least 90 square feet of window openings to match existing nonconforming conditions.
- 4 Square footage of parking lot area is not identified on submitted plan set. Verification will occur during the building permit plan check process.

Location requirements for Drive-Through Businesses

Zoning Code Section 17.50.090.A requires that a fast food or formula fast food restaurant with a drive-through shall not be closer than 500 feet from the following uses: a park and recreation facility; a public or private school; or another fast food or formula fast food restaurant with a drive-through. The distance requirement shall be measured from site-to-site.

Within a 500-foot radius of the site there is not a park, recreation facility, a public or private school, or other fast-food restaurant with a drive-through. The nearest park and recreation facility (Jefferson Park) is 1,940 feet north of the subject site. The nearest school (Jefferson Elementary) is 1,500 feet north of the subject site. The nearest formula fast food restaurants with a drive-through are Carl's Junior, which is 800 feet southeast of the site, and Jack in the Box, which is 840 feet south of the site. As proposed, there are no parks, recreation facilities, schools, or drive-through restaurant businesses within 500 feet of the subject site.

Driveway Access

Primary vehicular access to the parking area would be from the existing south driveway entrance along Hill Avenue. This southern driveway is utilized as the ingress for both the parking area and drive-through lanes. The northern driveway is used only for egress from the parking area and the drive-through. As an existing condition of approval in CUP #3890 (Condition #4), the southern driveway was required to be 30 feet wide. However, staff recommends modifying this condition to require a 26-foot-wide driveway to meet Department of Transportation recommendations and the existing conditions of the site (Recommended Condition of Approval #14).

Parking

The site is developed with a 2,430 square-foot building, approximately 500 square-feet of outdoor dining, 54 surface parking stalls and one 10-foot by 20-foot loading space. The project includes the interior and exterior remodeling of the existing structure, including modifications to the exterior walls, as well as reconfiguration of the drive-through circulation from a single-queue lane to a double-queue lane. The resulting modifications would reduce the site to 30 parking spaces.

A Formula Fast Food Restaurant land use with more than 2,000 square feet of gross floor area, requires one parking space for every 10 spaces per 1,000 square feet of gross floor area, including outdoor dining areas not in the public right-of-way. The application identifies the remodeled Formula Fast Food Restaurant as 2,480 square feet and the outdoor dining area as 500 square feet, which requires a total of 30 parking spaces. The provided 30 parking spaces complies with the required number of vehicle spaces.

Loading

The project is required to provide one 10-foot by 20-foot loading space with a 25-foot turning radius on site. The submitted proposed site plan does not identify the required loading space and as a recommended condition of approval, the site plan would need to be revised to accommodate the required loading space (Recommended Condition of Approval #21).

Further, as required by Condition #17 in CUP #3890, on-site loading, unloading, and trash pick-up would be allowed only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and between 10:00 a.m. to 6:00 p.m. on Saturdays and Sundays. This shall include maintenance/service vehicles, delivery trucks, and trash trucks. With the recommended

conditions of approval, the project would comply with the off-street parking and loading requirements.

Queuing

Additionally, the Zoning Code requires at least five vehicle queuing spaces on-site. The existing drive-through lane has a single-lane queuing capacity of six vehicles. The proposed modifications would realign the queuing lane so that it initiates along the southern property line as a double-queue lane that merges into a single-queue lane to the east and north that wraps around the rear of the existing building. The requested changes to the drive-through queuing lane are necessitated by the desire to improve vehicular circulation within the parking lot and to provide additional queuing capacity for 18 vehicles.

Drive-Thru Queuing Study

Zoning Code Section 17.46.040, Table 4-6, requires a Restaurant land use with a Drive-Through to provide a queuing study to determine if adequate vehicle queuing is provided onsite. A queuing study was conducted for the project by Iteris, Inc. on August 3, 2023. The study analyzed three other Starbucks drive-thru currently operating in Southern California, two in the City of Pasadena and one in the City of Monrovia. In order to determine if the amount of vehicle storage is adequate, queuing data was collected during a typical weekday at the three Starbucks locations mentioned earlier. The findings of the queuing study are included below:

- Project will include two drive-through lanes when entering the drive-through line, which then merge into one lane. This configuration would be able to accommodate up to approximately 18 vehicles before spilling back into the parking lot, using a typical vehicle size. This capacity could fluctuate slightly above or below 18 vehicles depending on the type/size of the vehicle in the line.
- As shown, based on the empirical data collected at similar sites, the maximum queue observed was 13 vehicles at two of the locations (10 vehicles at the third location). Thus, the proposed project's on-site queuing capacity of 18 vehicles should be sufficient to accommodate the anticipated maximum demand at the proposed site, avoiding spillback to the parking lot as well as Hill Avenue.

Litter Clean-up Plan

Section 17.50.090.B of the Zoning Code requires that a litter clean-up plan be prepared for the proposed project by the applicant. A litter clean-up plan should address litter clean-up on-site and off-site and includes, but is not limited to, the parking lot area, drive-through lanes, landscaping area, walkways, exterior windows, doors, lights, and signage. Exterior litter clean-up will occur at least four times a day in order to maintain an attractive site, free of litter and discarded material. As a recommended condition of approval, a litter cleanup plan is required to be reviewed during the building permit plan check process (Recommended Condition of Approval #17). Trash bins would be required to be distributed evenly throughout the property and it would be required that the trash bins be emptied out on a set schedule as well as require the parking lot and adjacent sidewalks to be clean and free of trash and debris on a daily basis.

Modification to Conditional Use Permit: Extended Hours of Operation

Hours of Operation

In the CG zoning district, the Zoning Code allows all business to operate by right from 7:00 a.m. to 10:00 p.m. daily when the use is located within 150 feet from a residentially zoned district. A Conditional Use Permit is required when hours of operation occur between 10:00 p.m. and 7:00 a.m. CUP #3890 permitted extended hours of operation from 10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 12:00 a.m. Friday and Saturday (CUP #3890 Condition of Approval #6). The proposed hours of operation of 5:00 a.m. to 12:00 a.m. daily is subject to the review and approval of the modification to CUP #3890 because the nearest residential zoning district is abutting to the east.

The review of a CUP for extended hours of operation requires an analysis of whether the proposed use would negatively affect the general welfare of the surrounding property owners and businesses. The analysis also helps determine whether the proposed change would result in an aggravation of existing problems such as loitering, noise, littering, and various types of criminal activities. Through the CUP process conditions of approval may be added to ensure the proposed Formula Fast Food Restaurant with a Drive-Through use remains compatible to the surrounding uses and will not negatively impact the adjacent uses during the hours of 10:00 p.m. to 7:00 a.m. See additional discussion in the *noise*, *security*, and *littering* discussions.

The application notes the reason for the request for these hours is because North Hill Avenue is a major north/south corridor and the purpose of the proposed extended hours of operation is to capture the sales from early morning and late evening commuters. The requested hours of operation will not be out of character with the operating hours of nearby existing commercial uses along this segment of North Hill Avenue between the 210 Freeway and East Colorado Boulevard and on East Colorado Boulevard to the east of North Hill Avenue. Two existing Formula Fast Food Restaurants (Carl's Junior and Jack in the Box) operate 24 hours a day and are located at 1465 East Colorado Boulevard and 1415 East Colorado Boulevard approximately 800 and 840 feet south of the subject site. City records do not indicate that there have been complaints or negative impacts, including impacts related to noise or traffic, stemming from the extended hours of operation of the existing Carl's Junior or Jack in the Box with 24-hour drive-through service. Additionally, the existing Carl's Junior shares similar characteristics as the subject site as both properties are abutting residential properties.

The applicant is requesting that CUP #3890 Condition of Approval #16 be modified to allow for the installation of an ordering speaker box. Although the subject site abuts a residential zoning district, the potential noise generated from the activities of the restaurant is sufficiently removed and buffered from residential uses as to not create adverse impacts. Of particular concern is the introduction of a speaker box and amplified music and its impact on the abutting residential uses. As proposed by applicant, the order board would be approximately 42 feet away from the nearest residential use to the east. As a recommended condition of approval, an eight-foot-tall concrete or brick wall for a length of at least 40 feet should be constructed in the landscaped median across from the menu ordering board speaker box. In addition, another eight-foot-tall concrete or brick wall will be constructed along the eastern property line and for a 100-foot segment on the southern property line adjoining the east property line (Recommended Conditions of Approval #12 and #25). See additional discussion in the *Noise* section below.

Furthermore, the new order board would be equipped with automatic noise reducing technology that registers ambient noise and automatically reduces the volume of the speaker. Conditions of

approval have been incorporated in this report requiring that the order board be located as recommended, that the order board be equipped with automatic noise reducing technology (Recommended Condition of Approval #26), and that a noise study be conducted to ensure that the order board equipment complies with the City's Noise Ordinance (Recommended Condition of Approval #27). As a result, it is not anticipated that the drive-through service, with adherence with the recommended conditions of approval, would create operating noise impacts to the adjacent residential uses at any time, specifically as it relates to the operating hours between 5:00 a.m. to 7:00 a.m. and between 10:00 p.m. and 12:00 a.m.

Based on staff's analysis and subject to specific operational conditions, it was determined that the findings to allow for extended hours of operation in conjunction with a Formula Fast Food Restaurant land use with a Drive-Through business can be made. The extended hours with the recommended conditions of approval would not result in an aggravation of existing problems such as loitering, noise, littering, and various types of criminal activities or result in any adverse negative impacts to the neighboring uses. No on-site or off-site sale or consumption of alcohol is proposed in this application. In this case, a recommendation to allow extended hours can be made.

Noise

Staff's analysis of the request for extended hours included consideration of noise impacts from the drive-through ordering boards and patron noise in the outdoor parking lot and outdoor dining area. The project proposes a single ordering board with speaker box in the single-queue lane to the east of the building, approximately 42 feet from the shared eastern property line with the residential use. The applicant submitted a "White Paper" on Drive-Thru Sound Levels which included several Do's and Don'ts, and staff reviewed the proposed plans in conjunction with its recommendations. As recommended in the applicant's documentation on speaker boxes, speaker boxes facing residential uses can construct concrete or brick walls to create a sound barrier. As a result, as a recommended condition of approval, an eight-foot-tall concrete or brick wall for a length of at least 40 feet should be constructed in the landscaped median across from the menu ordering board speaker box (Recommended Conditions of Approval #12 and #25).

In addition, as a recommended condition of approval, staff is recommending that the menu boards be equipped with automatic noise reducing technology, such as AVC (Automatic Volume Control) that registers ambient noise and automatically reduces the volume of the audio equipment. For the equipment used, the applicant shall submit relevant technical information related to sound, such as, but not limited to sound level (decibels) and automatic sound adjustment features as part of the building permit plan check process. In addition, prior to issuance of a Certificate of Occupancy, a noise study shall be conducted by the applicant, at the expense of the applicant, to ensure that the order board equipment complies with the City's noise regulations, Municipal Code Chapter 9.36 (Noise Restrictions). The noise study shall be submitted to the Zoning Administrator for review. Lastly, staff is recommending the construction of an eight-foot-tall concrete or brick wall along the eastern property line and a 100-foot portion of the south property line adjoining the east property line.

In addition, the applicant is requesting that CUP #3890 Condition of Approval #26 be modified to allow for amplified music and/or speakers. Staff is recommending that this condition be modified to allow for the speaker boxes in the designated location shown on the submitted site plan. Additionally, outdoor amplified music would be permitted in the designated outdoor dining area between the hours of 7:00 a.m. and 10:00 p.m., daily or coincide with the hours of outdoor dining, whichever is more restrictive. In addition, staff recommends that the use of the outdoor dining

area close concurrently with the closure of the indoor dining area or no later than 10:00 p.m., whichever is more restrictive.

Security

CUP #3890 Condition of Approval #21 requires a security guard to be present on Friday and Saturday's after 6:00 p.m. As part of the review of the original CUP, there were concerns regarding the safety and welfare of residents and patrons with evening weekend activity. As part of the review of the current application for expanded hours, staff requested documentation on the calls for service from the Pasadena Police Department for the year 2019 (last full year prior to lockdowns associated with the COVID-19 pandemic). In total 10 calls for service were reported in the 12 months, five of which occurred after 6:00 p.m. and only three on a Friday or Saturday night after 6:00 p.m. It is staff's assessment that in consideration of these few calls for service, none of which were in conjunction with the operation of the drive-through restaurant, this condition is no longer necessary. Instead, staff recommends the submittal of a security plan that includes measures to monitor and secure the site during hours of operation. Security measures shall include security alarms and/or cameras and may include private security to supplement employees if deemed necessary by the operator (Recommended Condition of Approval #33).

Conditions of Approval

As stated earlier, Conditional Use Permit #3890 was approved in 2002 with 27 conditions of approval. The existing Fast-Food Restaurant with a Drive-Through has been operating in accordance with the conditions of approval for over 20 years, as shown on the submitted plans and information provided with the application. The subject application seeks to modify six conditions of approval and to eliminate three conditions of approval. The following is an analysis of the requested modifications to the conditions of approval and staff's analysis and recommendation:

Condition #6:

Current: The hours of operation shall be limited to 10:00 am to 10:00 pm Sunday through Thursday and 10:00 am to 12:00 am Friday and Saturday.

Requested Modification: The hours of operation shall be limited to 5:00 a.m. to 12:00 a.m., daily.

Response: According to the applicant, the request for a change in the operating hours is to better serve its customer base as a coffee shop. Early hours of operation between 5:00 a.m. and 7:00 a.m. are conducive for early morning commutes by patrons and a 12:00 a.m. closing time allows patrons such as students at the nearby Pasadena Community College access to available products at these hours. Staff recommends that this condition be modified to permit these extended hours of operation of 5:00 a.m. to 12:00 a.m., daily (Recommended Condition of Approval #9). See additional discussion in *Hours of Operation* section above.

Condition #13:

Current: The proposed project, Case No. PLN2001-00131, shall comply with all conditions of approval, subject to monitoring by the City Condition Monitoring Coordinator. Condition Monitoring is required for this project. Under the Monitoring Program, this project will be inspected by Code Compliance Staff to determine compliance with the conditions of approval. Required monitoring fees 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. Failure to pay the required

monitoring fee prior to initiating the application may result in revocation proceedings of this entitlement.

Requested Modification: Delete

Response: Staff has determined that the deletion of this condition is not needed. The City includes this condition monitoring condition as standard practice in all approvals of discretionary actions and recommends its retention. However, Staff has updated the wording of this condition to match current practice as the original standard condition has been modified (Recommended Condition of Approval #8).

Condition #14:

Current: The Zoning Administrator, will review the approved conditions 12 months after this approval and at any time thereafter. These conditions may be modified, or new conditions added following a duly noticed public hearing as allowed by the Zoning Ordinance.

Requested Modification: Delete

Response: Staff is supportive of eliminating this condition. The potential concerns regarding noise, safety and lighting that were raised during the original approval of the Conditional Use Permit in 2002 have been resolved during the 20 years of operation of the previous tenant.

Condition #16:

Current: There shall be no installation of a speaker box for use by those outside of the building at any time. The proposed speaker box shall be replaced with a second window for ordering.

Requested Modification: Delete or requests modification to allow for speaker boxes that will be self-regulated with audio equipment to mitigate auditory impacts.

Response: The applicant proposes to install one speaker box for patrons to order from. This speaker box is shown to be within the single-queue lane to the east of the structure and would be oriented towards the abutting residential uses that are approximately 42 feet away. As discussed additionally in the *Hours of Operation* and *Noise* sections in this report, Staff recommends that an eight-foot-tall concrete or brick wall for a length of at least 40 feet be constructed in the landscaped median across from the menu ordering board speaker box to serve as a sound barrier. In addition, as a recommended condition of approval, staff is recommending that the menu boards be equipped with automatic noise reducing technology, such as AVC (Automatic Volume Control) that registers ambient noise and automatically reduces the volume of the audio equipment. Staff is supportive of this modification, with the recommended conditions of approval. See Recommended Conditions of Approval #'s 12, 25, 26, 27 and 28.

Condition #19

Current: There shall be no floodlights permitted on the site. All parking lot lighting shall be equipped with motion sensors that are activated upon closing.

Requested Modification: All outdoor lighting shall be set on a timer and synchronized with operating hours.

Response: Staff is supportive of modifying this condition as requested. Additionally, the condition should be updated to reflect standard practice in conditioning outdoor lighting (Recommended Condition of Approval #32).

Condition #21:

Current: A uniformed security guard shall be on duty on the site Fridays and Saturdays from 6:00 pm to at least 15 minutes after closing.

Requested Modification: Delete

Response: Staff obtained records for Pasadena Police Department Calls for Service to the subject site for the year 2019 (last full year prior to lockdowns associated with COVID-19 pandemic). In total 10 calls for service were reported in this 12-month period, five occurred after 6:00 p.m. and only three on a Friday or Saturday night. It is staff's assessment that in consideration of these few calls for service, none of which were in conjunction with the operation of the drive-through restaurant, this condition is no longer necessary. Instead, staff recommends the submittal of a security plan that includes measures to monitor and secure the site during hours of operation. Security measures shall include security alarms and/or cameras and may include private security to supplement employees if deemed necessary by the operator (Recommended Condition of Approval #33).

Condition #23:

Current: Traffic from the site shall not back-up onto Hill Avenue. All operations of the drive-thru must be contained on site.

Requested Modification: Requests modification to allow for self-monitoring to mitigate overflow stack during peak hours.

Response: Staff recommends retaining this condition of approval and to require the accommodation of at least 18 vehicle queuing spaces on-site. See Recommended Conditions of Approval #10 and 11.

Condition #25:

Current: Seating in the outdoor patio shall be fixed seating only. The outdoor dining area shall have a landscape barrier consistent with the site plan.

Requested Modification: ~~Seating in the outdoor patio shall be fixed seating only.~~ The outdoor dining area shall have a landscape barrier consistent with the site plan.

Response: Staff acknowledges the request to not require fixed seating only and supports the requested modification. However, staff recommends augmenting the condition to limit outdoor seating to the designated location between the Hill Avenue right-of-way and the building frontage (approximately 500 square-foot area). See Recommended Condition of Approval #22.

Condition #26:

Current: There shall be no amplified music or outdoor speakers.

Requested Modification: Requests modification to allow for amplified music or outdoor speakers to be monitored with acoustic reporting.

Response: Staff recommends that this condition be modified to allow for the speaker box in the designated location as shown on the submitted site plan. Additionally, outdoor amplified music would be permitted in the designated outdoor dining area between the hours of 7:00 a.m. and 10:00 p.m., daily or coincide with the hours of outdoor dining, whichever is more restrictive. In addition, staff recommends that the use of the outdoor dining area close concurrently with the closure of the indoor dining area or 10:00 p.m., whichever is more restrictive (Recommended Condition of Approval #28).

ENVIRONMENTAL:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15301 specifically exempts the operation, permitting, licensing or minor alteration of existing structures where there is negligible or no expansion of the existing or former use. The proposed modifications to an existing drive-through restaurant are considered a negligible expansion to an existing commercial structure; therefore, the proposed modifications are exempt from environmental review.

GENERAL PLAN CONSISTENCY:

The project site is designated as Low Commercial (0.0-1.0) in the Land Use Element of the General Plan. This designation is characterized by a limited range of retail and service uses. These uses are located and designed to foster pedestrian use, primarily serve the needs of adjacent neighborhoods, and maintain compatibility with residential uses in the immediate area. The proposed drive-through business with expanded hours of operation would be consistent with applicable goals, policies, and objectives of the General Plan. These include, but are not limited to, General Plan Land Use Element Policies 2.3 (Commercial Businesses), 11.1 (Business Expansion and Growth) and 12.4 (Revitalization of Commercial Areas). The applicant's proposal would revitalize the site through new investment. In turn, this investment will encourage private investment at neighboring sites, leading to business expansion, growth, and job opportunities. Rehabilitation of the site will also more closely align with community expectations for a quality environment. Further, the extended hours will allow the use to create new job opportunities resulting in productive and satisfying employment for Pasadena to employ and support people. This is consistent with General Plan Policies in that it will provide the capacity to support the growth and success of the business.

In addition, the requested modifications to Conditional Use Permit #3890 are consistent with Goal 25 (Vital Districts and Corridors) of the General Plan Land Use Element, specifically Policy 25.1 (Diversity of Uses) and Policy 25.7 (Buffering Adjoining Residential Areas). Policy 25.1 encourages the development of broad range of commercial uses that reduce the need to travel to adjoining communities, while capturing a greater share of local spending. The proposed operation of a Formula Fast Food Restaurant with a Drive-Through would promote a diverse economy base and long-term economic contribution to the City. Policy 25.7 aims to ensure that commercial uses adjoining residential neighborhoods or mixed residential and commercial uses are designed to be compatible with each other. The recommended conditions of approval have addressed the potential concerns regarding noise, safety or traffic and the use would be compatible with the adjacent residential use.

COMMENTS FROM OTHER DEPARTMENTS:

The proposal was reviewed by the Pasadena Departments of Fire, Police, Public Works, Transportation, Water and Power (Water and Power Divisions) and the Building and Design and Historic Preservation Sections of the Planning and Community Development Department. Of these reviewers, the Department of Transportation, Water Division, and the Building Division submitted written comments which are included as recommended conditions of approval in Attachment B "Recommended Conditions of Approval." No other department provided comments.

CONCLUSION:

It is staff's conclusion that the findings necessary for approval of the modifications to Conditional Use Permit #3890 to allow the continued operation of a Formula Fast Food Restaurant with a Drive-Through land use and the extended hours of operation can be made. The project is in conformance with the purpose of the Zoning Code for properties within the CG zoning district, as it complies with the applicable development standards. The project is also consistent with the goals and objectives of the General Plan. Based on staff's analysis of the issues, the modification of an existing Formula Fast Food Restaurant with a Drive-Through land use and the extended hours of operation, as conditioned, would be compatible with the adjacent land uses and would not result in any adverse impacts to the surrounding area with the recommended operating conditions. Therefore, staff recommends that the Hearing Officer approve the application with the findings in Attachment A and the Conditions of Approval in Attachment B.

Attachments:

Attachment A: Recommended Specific Findings

Attachment B: Recommended Conditions of Approval

ATTACHMENT A
SPECIFIC FINDINGS FOR MODIFICATION OF CONDITIONAL USE PERMIT #3890

Modification to Conditional Use Permit #3890: To Operate a Formula Fast Food Restaurant with a Drive-Through

1. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* Pursuant to Zoning Code Section 17.24.030, Table 2-5 (Commercial and Industrial District Land Uses and Permit Requirements), a Formula Fast Food Restaurant with a Drive-Through land use is permitted with a Conditional Use Permit within the CG (Commercial General) zoning district. With the conditions of approval, the site improvement and operating characteristics of the proposed use complies with the applicable development standards of the Zoning Code including those specific to drive-through businesses, Zoning Code Section 17.50.090 (Drive-Through Businesses).
2. *The location of the proposed use does comply with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The CG zoning district and Low Commercial General Plan Land Use designation is characterized by a limited range of retail and service uses. These uses are located and designed to foster pedestrian use, primarily serve the needs of adjacent neighborhoods, and maintain compatibility with residential uses in the immediate area. A Formula Fast Food Restaurant with a Drive-Through, combined with both indoor and outdoor dining options, will contribute to the vitality of the neighborhood. With strict adherence to the conditions of approval, the proposed use will be in conformance with the purposes of the zoning district.
3. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The project site is designated as Low Commercial (0.0-1.0) in the Land Use Element of the General Plan. This designation is characterized by a limited range of retail and service uses. These uses are located and designed to foster pedestrian use, primarily serve the needs of adjacent neighborhoods, and maintain compatibility with residential uses in the immediate area. The proposed drive-through business with expanded hours of operation would be consistent with applicable goals, policies, and objectives of the General Plan. These include, but are not limited to, General Plan Land Use Element Policies 2.3 (Commercial Businesses), 11.1 (Business Expansion and Growth) and 12.4 (Revitalization of Commercial Areas). The applicant's proposal would revitalize the site through new investment. In turn, this investment will encourage private investment at neighboring sites, leading to business expansion, growth, and job opportunities. Rehabilitation of the site will also more closely align with community expectations for a quality environment. This is consistent with General Plan Policies in that it will provide the capacity to support the growth and success of the business.

In addition, the requested modifications to Conditional Use Permit #3890 are consistent with Goal 25 (Vital Districts and Corridors) of the General Plan Land Use Element, specifically Policy 25.1 (Diversity of Uses) and Policy 25.7 (Buffering Adjoining Residential Areas). Policy 25.1 encourages the development of broad range of commercial uses that reduce the need to travel to adjoining communities, while capturing a greater share of local spending. The proposed operation of a Formula Fast Food Restaurant with a Drive-Through would promote a diverse economy base and long-term economic contribution to the City. Policy 25.7 aims to ensure that commercial uses adjoining residential neighborhoods or mixed residential and commercial uses are designed to be compatible with each other. The recommended

conditions of approval have addressed the potential concerns regarding noise, safety or traffic and the use would be compatible with the adjacent residential use.

4. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* The applicant proposes to maintain the same use of the site that has functioned since 2003. The modification of an existing Drive-Through Service land use at this location will be compatible with the adjacent land uses and will not result in any adverse impacts to the surrounding area with the recommended operating conditions. The queuing study concluded that the modified drive-through configuration will provide queuing for 18 vehicles and is of sufficient queuing space to accommodate the anticipated drive-through vehicles during the peak period and eliminate the obstruction of vehicular traffic in the parking lot drive aisles. In addition, the proposed speaker box will be located at least 40 feet away from the abutting residential uses, buffered from the residential uses by two eight-foot-tall concrete or brick walls, and equipped with automatic noise reducing technology that registers ambient noise and automatically reduces the volume of the speaker. The proposed operation of the use will comply with all the applicable standards of the Zoning Code and with the recommended conditions of approval, the use will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood.

5. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The proposed drive-through use will be accessible via two driveways along Hill Avenue, where the northern exit is dedicated to exit only for both the parking lot and drive-through and will provide the minimum required number of on-site parking spaces. Queue lanes will provide a minimum 18-vehicle stack. These measures as described will ensure adequate circulation on-site, encourage the use of on-site parking, and confine drive-through activities to private property. They will also minimize impacts on the public right-of-way. The proposed building will maintain sufficient distance to neighboring properties and improvements. The proposed ordering equipment will be equipped with automatic noise reducing technology that registers ambient noise and automatically reduces the volume of the speaker. No excavation is planned and there would be no vibratory impacts that could be detrimental or injurious to physical improvements in the neighborhood or to the general welfare of the City. The proposed use is not expected to create odor or noise that causes discomfort.

A litter clean-up plan prepared for the project will ensure the operator maintains the premise and surrounding area in a clean and orderly manner, and that any refuse is not left to the detriment of other properties. Vertical landscaping and an eight-foot-tall block wall are proposed inside the east and south property lines, which will provide a buffer between the drive-through use and adjacent residential property and improvements. These project characteristics will prevent detriment or injury to property and improvements in the neighborhood or to the general welfare of the City.

6. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.* The existing building will undergo an interior and exterior remodel and would include the demolition and construction of some of the exterior walls, but in general the existing configuration and size will remain mostly unchanged. Parking lot landscaping, signage, and other planned improvements will elevate the character and aesthetic value that exists in the vicinity. The proposed site improvements would increase

compatibility with existing residential uses nearby, and future uses that will be subject to requirements of the applicable zoning district. Operationally, the proposed drive-through use will generally function the same as the existing use to be demolished. The proposed use will provide services via a drive-through and over a traditional indoor counter and operate within similar hours that exist within the vicinity. Furthermore, the surrounding area is located in a commercially zoned portion of Hill Avenue and is developed to accommodate the proposed use, and as conditioned, will have minimal impact to surrounding uses. As such the proposed project will be consistent with the character of the surrounding uses and will not result in any negative aesthetic impacts to the neighborhood. In addition, the proposed conditions of approval will ensure that the operating characteristics of the use would not be detrimental to existing and future land uses.

7. *There are changed circumstances sufficient to justify the modification of the original approval.* The applicant is proposing alterations to the site to accommodate for the passage of time and changing customer behaviors but also to optimize and provide a better configuration for a different product type. The modifications reflect common use and typical upgrades for most drive-through remodels and retrofits. Menu board and ordering technology has changed significantly and traffic demand patterns likewise manifest differently for coffee, than with a fast-food restaurant user.
8. *The proposed parking and circulation plan will provide adequate area for safe queuing and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses.* A queuing analysis was conducted by Iteris, Inc. on August 3, 2023 to determine if adequate vehicle queuing is provided onsite. The study analyzed three other Starbucks drive-thru currently operating in Southern California, two in the City of Pasadena and one in the City of Monrovia. In order to determine if the amount of storage is adequate, queuing data was collected during a typical weekday at three Starbucks locations. The study concluded that configuration as designed, with an initial two-lane queue that merges into one lane, will provide queuing for 18 vehicles and is sufficient queuing space to accommodate the anticipated vehicles utilizing the drive-through service during the peak period and eliminate the obstruction of vehicular traffic in the parking lot drive aisles. With the construction of one eight-foot-tall concrete or brick wall in the landscaped median across from the menu ordering board, an eight-foot-tall perimeter wall on the east and south property lines, and the planting of columnar plants, the site design will provide adequate buffering of the use from adjoining residential land uses. In addition, vehicular access to the site will be accommodated via two drive approaches from Hill Avenue on the west. The northerly driveway would accommodate outbound movements only, while the southerly driveway would accommodate both inbound and outbound movements.

Residential uses are located to the east of the project site. Nonresidential uses adjoin the site to the north and south. The site layout maintains the same building location and outdoor dining areas in excess of 150 feet from the east boundary of the project site. Areas to the east and south are limited to landscaping, parking, drive-through queuing, and refuse storage. The menu board for drive-through ordering will be placed more than 40 feet from the eastern boundary and two eight-foot-tall concrete or brick walls will buffer adjoining residential uses. Distances to the building, outdoor dining areas, and menu boards are adequately separated from adjoining land uses. To further buffer these improvements and the dual drive-through lanes from adjoining land uses, the applicant proposes to install an eight-foot-tall block wall with vertical landscaping for the length of the site that adjoins residential uses. The wall and landscape buffer along with overall site design will provide adequate buffering of the use from adjoining land uses.

9. *The proposed location of the drive-through business will not result in adverse impacts upon the vicinity after giving consideration to a litter clean-up plan, the hours of operation, and the site plan.* The proposed parking and circulation plan will provide adequate area for safe queuing and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses and will use modern lighting and menu board technology that will improve visibility and safety and reduce concerns regarding noise. As conditioned, it is not expected that the drive-thru business will result in any adverse negative impacts to the neighboring uses or to the nearest residential zone. These circumstances along with conditions of approval requiring preparation of a security plan and deployment of employees/order-takers during peak hours will further ensure the business does not result in adverse impacts with the proposed hours of operation.

Furthermore, the drive-through business, as proposed and conditioned, will provide a litter clean-up plan that covers the entire site including, but not limited to, parking lot area, drive-through lanes, landscaping area, walkways, exterior windows, doors, lights, and signage. Exterior litter clean-up will occur at least four times a day in order to maintain an attractive site, free of litter and discarded material. The operator will provide trash cans on-site for customers' use in order to accommodate and encourage proper disposal of trash.

Conditional Use Permit: Extended Hours of Operation

10. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of this Zoning Code.* The proposal to operate between 5:00 a.m. and 12:00 a.m. and extend hours of operation beyond 7:00 a.m. and 10:00 p.m. is allowed through the approval of a Conditional Use Permit pursuant to Zoning Code Section 17.40.070 (Limited Hours of Operation). The proposal complies with all other applicable provisions of the Zoning Code.
11. *The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district.* The proposed drive-through use is located along Hill Avenue, a heavily traveled roadway. The base CG zoning district is also a commercial district intended for commercial uses. The continuation of an existing drive-through business complies with the purposes of the Zoning Code and applicable zoning district. The extended hours of operation of the commercial use will not be out of character with the operating hours of other similar uses along this segment of North Hill Avenue and on East Colorado Boulevard. North Hill Avenue is designed primarily for trips that originate from or are destined to the City. As such, the proposed drive-through service and other similar uses along this segment of North Hill Avenue provide a service and capture the sales from morning and evening commuters. The proposed hours comply with the applicable purposes of the zoning district.
12. *The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.* The Conditional Use Permit for extended hours is consistent with General Plan Land Use Element Policy 11.1, Business Expansion and Growth because it will provide the capacity to support the growth and success of the business. Extended hours will create new job opportunities resulting in productive and satisfying employment for Pasadena.
13. *The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.* Residential uses are located to

the east of the project site. Nonresidential uses adjoin the site to the north and south. The site layout maintains the same building location and outdoor dining areas in excess of 150 feet from the east boundary of the project site. Areas to the east and In addition, the proposed ordering equipment will be located at least 40 feet away from the abutting residential uses, buffered from the residential uses by two eight-foot-tall concrete or brick walls, and equipped with automatic noise reducing technology that registers ambient noise and automatically reduces the volume of the speaker. To further buffer these improvements and the dual drive-through lanes from adjoining land uses, the applicant proposes to install an eight-foot-tall block wall with vertical landscaping for the length of the site that adjoins residential uses. The wall and landscape buffer along with overall site design will provide adequate buffering of the use from adjoining land uses.

Additionally, the site will be well lighted, will employ on-site measures to allow for efficient drive-through operations and circulation as conditioned, does not involve the sale of alcohol, and does not provide a walk-up window for ordering. Therefore, the extended hours of operation, those being before 7:00 a.m. and after 10:00 p.m. would not under the circumstances be detrimental to the health, safety, or general welfare of people residing or working in the neighborhood.

14. *The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.* The extended hours of operation, those being before 7:00 a.m. and after 10:00 p.m. will not result in detriment or injury to property and improvements in the neighborhood or the general welfare of the City. Activities associated with operation of the use would continue to be confined to the subject property during the period of extended hours and operational activities will function that same as other periods of the day. To ensure there will be no detriment or injury to property, a condition of approval requires that the applicant prepare a security plan that includes measures to monitor and secure the site during hours of operation. The security plan shall be reviewed and approved by the Zoning Administrator.
15. *The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.* The extended hours of operation will not affect the site design, location, and size of the use that was determined to be compatible with existing and future land uses in terms of aesthetic values, character, scale, and view protection. The extended hours are compatible with existing land uses in the vicinity and will be consistent with future land uses that may be approved for extended hours. The extended hours will not alter the principal operating characteristics, that being a drive through business that sells food and beverages. Ingress and egress from Hill Avenue would assist in keeping patrons of the site away from surrounding streets during the hours of operation.

**ATTACHMENT B
RECOMMENDED CONDITIONS OF APPROVAL FOR
MODIFICATION TO CONDITIONAL USE PERMIT #3890**

The conditions of approval herein shall supersede conditions of approval for CUP #3890 adopted by City Council on March 25, 2002. The applicant or successor in interest shall meet the following conditions:

General

1. The site plan, floor plan, elevations, and building sections submitted for building permits shall substantially conform to plans stamped "Approved at Hearing, October 4, 2023," except as modified herein.
2. This approval authorizes the interior and exterior remodel of an existing Formula Fast Food Restaurant with a Drive-Through, indoor and outdoor dining areas, and extended hours of operation.
3. The right granted under this application must be enacted within 36 months from the effective date of approval. It shall expire and become void, unless an extension of time is approved in compliance with Zoning Code Section 17.64.040.C (Time Limits and Extensions, Extensions of Time).
4. The Zoning Administrator, at any time, can call for a review of the approved conditions at a duly noticed public hearing. These conditions may be modified, or new conditions added to reduce any impacts of the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
5. Any change to these conditions of approval, expansion of the use, or extension to operating hours shall require the modification of this Conditional Use Permit or a new Conditional Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all City Departments.
7. The final decision letter and conditions of approval shall be incorporated in the submitted building plans as part of the building plan check process.
8. The proposed project, Activity Number ZENT2022-00128, is subject to a Final Zoning Inspection. A Final Zoning Inspection is required for the project prior to the issuance of a Certificate of Occupancy or its equivalent. Contact the Planning Case Manager, Jennifer Driver at (626) 744-6756 to schedule an inspection appointment time.

Planning Conditions

9. The hours of operation shall be limited to 5:00 a.m. to 12:00 a.m., daily.
10. Queue lanes for a minimum of 18 vehicles for drive-through service shall be available during hours of operation.

11. Traffic from the site shall not back-up onto Hill Avenue. All operations of the drive-thru must be contained on site. Should the vehicle queue exceed the available storage space, employees shall be deployed to conduct remote ordering and to direct the additional vehicle(s) to the on-site parking area to ensure that queues do not interfere with on-site circulation or spill back onto adjacent public right-of-way.
12. There shall be an eight-foot high concrete or brick wall constructed in the landscape median opposite the menu ordering board speaker box for a length of at least 40 feet, and another eight-foot high concrete wall constructed along the entire length of the east property line and for a 100-foot portion of the south property line that adjoins the east property line.
13. The north driveway shall be restricted to egress only and shall have a minimum width of 15 feet.
14. The southern driveway shall provide ingress only and shall have a minimum width of 26 feet.
15. There shall be no vehicular access between the site and any adjacent site.
16. The trash enclosure shall be designed with doors facing south. The doors shall not be permitted to open out into the adjacent parking space.
17. A litter clean-up plan for the proposed project shall be reviewed and approved by the Zoning Administrator. The litter clean-up plan covers the entire site and adjoining sidewalk, including, but not limited to, the outdoor dining area, the parking lot area, drive-through lanes, landscaping, walkways, exterior windows, doors, lights, and signage. The plan shall include a litter pick-up schedule with a minimum of four daily scheduled cleanups, a map of the clean-up area and location of trash bins. Trash bins shall be distributed evenly throughout the property and shall be emptied out on a set schedule.
18. All disposable containers (bags, cups, napkins) shall be imprinted with the name of the establishment.
19. The site plan shall be revised to include the required number of parking in compliance with Chapter 17.46 of the Zoning Code.
20. All parking spaces shall be double-striped pursuant to Zoning Code Section 17.46.120.C.
21. A 10' x 20' loading space with a 25-foot turning radius is required. Prior to issuance of a building permit, a revised site plan shall be reviewed and approved by the Zoning Administrator identifying the loading space.
22. Outdoor dining shall be limited to the designated patio to the west of the enclosed restaurant and shall not be used unless dine-in services are available inside the restaurant. The outdoor dining area shall have a landscape barrier consistent with the site plan.
23. There shall be no sale of alcoholic beverages.
24. An exterior walk-up window in which orders for food are taken and/or customers are served food is not allowed. An exterior walk-up window may require the modification of this Conditional Use Permit or a new Conditional Use Permit.

25. There shall be one ordering board speaker box in the location shown on plans stamped "Approved at Hearing, October 4, 2023".
26. The menu board shall be equipped with automatic noise reducing technology that registers ambient noise and automatically reduces the volume of the audio equipment. For the equipment used, the applicant shall submit relevant technical information related to sound, such as, but not limited to sound level (decibels) and automatic sound adjustment features as part of the building permit plan check process.
27. Prior to issuance of a Certificate of Occupancy, a noise study shall be conducted by the applicant, at the expense of the applicant, to ensure that the order board equipment complies with the City's noise regulations, Municipal Code Chapter 9.36 (Noise Restrictions). The noise study shall be submitted to the Zoning Administrator for review.
28. There shall be no outdoor speakers except in conjunction with the designated menu ordering board in the drive-through queue lane as shown on plans stamped "Approved at Hearing, October 4, 2023). Amplified music is permitted in the outdoor dining area to the west of the structure between the hours of 7:00 a.m. and 10:00 p.m. Alternatively, the hours for amplified music outdoors shall coincide with the hours for indoor dining, whichever is more restrictive.
29. There shall be no deliveries (including pick ups by trash trucks or any other trucks) prior to 8:00 a.m. Monday through Friday and 10:00 am Saturday and Sunday and no deliveries after 6:00 p.m. on any day.
30. Prior to the issuance of building permits a final landscape and irrigation plan, in compliance with Zoning Code Chapter 17.44 (Landscaping) along with plans for a building permit. The plan shall be reviewed and approved to the satisfaction of the Zoning Administrator prior to the issuance of any building or grading permits. The landscape plan shall include a mix of plant size and materials. Plant materials shall emphasize drought-tolerant and/or native species. Protected trees on or off the site that are to remain, shall be protected through a tree protection plan. The landscape plan shall include:
 - a. A minimum of one tree per six parking spaces.
 - b. A five-foot landscape perimeter around the parking lot area (not including queue lanes).
 - c. At least five percent of the interior of the parking lot, not including the required perimeter landscaped area, shall be landscaped.
 - d. Mature landscaping shall be planted along the entire length of the east property line. At least six (6) evergreen trees in the landscape perimeter along the east property line, spaced out approximately 20 feet apart from each other. The type and size of landscaping shall be included in the final landscape plan to screen the adjacent residential use. No more than three of these trees can be used to satisfy the requirement in 'a' above.
31. Should this project meet the threshold for state-mandated water-efficient landscaping, the final landscape plans (inclusive of planting and hardscape plans, the planting pallet, drainage plan, and irrigation system plan(s) and specifications), shall be reviewed by Planning Department staff for conformance with the standards and requirements specified within the 2015 California Model Water Efficient Landscape Ordinance (MWELo) prior to the issuance of a building permit. No certificate of occupancy shall be issued until such plans have been deemed compliant with the MWELo and the landscaping has been installed per such approved MWELo-compliant plans to the satisfaction of the department.

32. Proposed outdoor parking lot lighting shall be set on a timer and synchronized with operating hours. Outdoor lighting shall comply with Zoning Code Sections 17.40.080 (Outdoor Lighting) and 17.46.220 (Outdoor Parking Area Lighting) at all times. At no time shall exterior lighting spill onto an adjacent property. A final lighting (photometric) plan demonstrating illumination levels of parking, driveway, landscape, walkways, and common areas shall be submitted along with plans for a building permit for review and approval, prior to the issuance of building permits. The lighting plan shall include a site plan showing the locations of all exterior light fixtures, and light specifications demonstrating shielding to orient light away from adjacent properties.
33. The applicant shall prepare a security plan that includes measures to monitor and secure the site during hours of operation. Security measures shall include security alarms and/or cameras, and may include private security to supplement employees if deemed necessary by the operator. The security plan shall be reviewed and approved by the Zoning Administrator.
34. A maximum of one monument sign shall be permitted. No pole signs are permitted. All proposed signage must be approved by the Zoning Administrator.
35. Demolition plan shall identify that less than 50% of the existing walls will be removed.
36. Window openings on west façade shall consist of at least 90 square feet of clear glass to maintain existing conditions. Mirrored, reflective glass or tinted glass shall not be allowed. After installation, clear glass windows shall not later be treated so as to become opaque or to be blocked so as to prevent visibility of the ground floor interior from the sidewalk.
37. Loitering shall not be permitted on the premises at any time.
38. The applicant or the successor in interest shall adhere to the City's noise regulations, Municipal Code Chapter 9.36 (Noise Restrictions) at all times.
39. The applicant or the successor in interest shall comply with Zoning Code Section 17.40.120 (Refuse Storage Facilities) at all times.
40. The site shall be maintained in a litter and graffiti free manner. Any graffiti that should appear on the site shall be removed within 48 hours.

Building and Safety Division

41. Governing Codes:
 - a. Comply with the Current Edition of California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Energy Code, California Green Building Standard Code and the City of Pasadena Municipal Code. The governing edition is based on the date in which the project is submitted to the City of Pasadena for review.
 - b. All construction documents shall be prepared by a **registered design professional**; stamp and sign all plans.
42. Building Code Analysis:
 - a. Provide a Building Code Analysis on the title sheet. Include the code(s) information for each building proposed: Descriptive scope of work, occupancy, assessor's parcel number,

- number of stories, type of construction, fire sprinklers, floor area, height, and allowable floor area.
- b. Show occupant load on cover sheet.
43. Best Management Practices:
- a. Photocopy to plans and complete the BEST MANAGEMENT PRACTICE page 1 (form must be signed). Photocopy any other applicable pages and cross reference the location at the site plan, i.e. the material storage, the concrete waste management, etc. These forms can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>
44. Green Code:
- a. Photocopy to plans and complete the 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE WITH CITY OF PASADENA AMENDMENTS FORMS. These forms are being provided attach and can be found at <https://www.cityofpasadena.net/planning/building-and-safety/bs-applications-forms/#informational-handouts>
45. Property Line Survey Required.
- a. Per City of Pasadena Policy property line survey is required for:
- i. **New construction.**
- ii. Auxiliary buildings and additions where setback is less than 5'-0" to property line.
- iii. All buildings where specific Zoning Division Variance is issued for approved setbacks & whether newly constructed or altered.
46. Soils Report Required.
- a. A soils engineer report is require for:
- i. **All new constructed single and multi-family residential, commercial, and industrial buildings.**
- ii. An addition to a commercial or industrial building.
- iii. Second (2nd) story addition to existing one-story building.
- iv. Hillside construction, i.e. decks, retaining walls, and swimming pools.
47. Low Impact Development (LID):
- a. Low Impact Development (LID) **may** be required for this project. Refer to the City of Pasadena link for further information on the requirements and submittal process: <https://www.cityofpasadena.net/planning/wp-content/uploads/sites/30/Form-PC.pdf?v=1666888546135>
<https://www.cityofpasadena.net/planning/building-and-safety/low-impact-development/>
48. Grading, Slopes Setbacks & Retaining Walls:
- a. Show compliance with CBC 2019 Appendix J – Grading with City of Pasadena Amendments.
- b. Clearly show the cubic yard quantities for excavation (cuts) and fills; and label if site grading or foundation excavations. A grading permit may not be required per section J103.2 Exemptions.
49. Fire and Smoke Protection Features:

- a. Show materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
50. Means of Egress (Exiting):
- a. Clearly label and identify on plans fire-resistive corridors, exit enclosures, exit passageways, horizontal exits, occupancy separation walls and floors, fire resistive shafts, and fire walls, along with their fire-resistive ratings as applicable.
51. Accessibility:
- a. Provide compliance with accessibility per CBC 11B.
52. Required Plans and Permit(a):
- a. In addition to architectural plans, provide Structural, Shoring, Plumbing, Mechanical, Electrical plans, PV systems and grading plans as required. **No deferred submittal.**
 - b. Separate permits are required for the following: Mechanical, Electrical, Plumbing, Fire Sprinkler, Demolition, Block walls, others.
 - c. If an exception is used, then referenced the exception (include code section and exception no.) and show how the design meets the exception's criteria/condition.

Department of Transportation

53. **Queuing Analysis:** A queuing analysis based on three existing Starbucks restaurants of similar size and operation will be required to determine the minimum on-site stacking length required to limit vehicle overflow on public right-of-way.
54. **Parking:** The parking areas and number of spaces shall conform to the requirements of the Planning Department.
55. **Driveway width:** If modified, the driveway width shall be a maximum 26' wide in accordance with the City of Pasadena Department of Public Works Standard Plan S-403.
56. **Traffic Impact Fee:** The Traffic Reduction and Transportation Improvement Fee (Ordinance No. 7076) will apply to all net new retail development square footage.
57. Based on the application, the project is not increasing square footage, therefore this fee would not apply. However, if the final design plans show a net increase in square footage from existing building square footage the TR/TIF fee shall apply and be subject for payment prior to the issuance of the Certificate of Occupancy.

Department of Water and Power, Water Division

58. **Water Mains:** Pasadena Water and Power (PWP), Water Division can serve water to this project. The following water main can serve the property:
- a. 8-inch cast iron water main on Hill Avenue, installed under Work Order 940 in 1922. This water main is located approximately 24 feet west of the east property line of Hill Avenue.
59. **Moratoriums:**
- a. Verify with Public Works Department (PWD) regarding any street construction moratorium affecting this project.

60. Water Pressure:

- a. The water pressure at this site is approximately 60 psi.

61. Water Service: PWP records reflect that there is one domestic service serving this property:

- a. 2-inch copper service installed in 1990 (#28755)

Any change in water service will be reviewed when the building plans are submitted. Any change in service will be installed at actual cost and paid for by the owner/developer. All service pipes shall be of suitable capacity as determined by applicable plumbing and fire codes. The minimum sized service installed by PWP is 1-inch and any services 50 years and older require abandonment.

62. Water Main Charge:

- a. If it is determined that a water main must be upgraded due to size, age, pressure deficiencies, and/or the integrity of the existing water main; the upgrade will be paid for by the owner/developer. A deposit will be requested for the water main design and a cost estimate will be provided to the owner/developer for the new water service installations, main design, and main construction. The owner/developer must be aware that the design of a new water main will take 3 to 4 months after the initial deposit is made by the owner/developer. Also, an additional 4 to 6 months will be needed for the construction of the water main after the balance of the estimate is paid in full by the owner/developer. The design and construction estimated time depends on the size and length of the water main and other mains in the queue. For this reason, it is imperative that the initial deposit be submitted promptly. Also, the owner/developer will pay in full any street restoration that is required by PWD. PWD determines the limits of the street restoration.

63. Water Division Requirements:

- a. Water lines are not permitted to cross lot lines to serve adjoining lots without a utility easement; the Pasadena Water Division shall approve all proposed easements.
- b. The Water Division will install the service tap, lateral, water meter and designate the distribution main and service tap.
- c. All services not in use must be abandoned at the distribution main at the applicable rate.
- d. For subdivided lots with one unit behind the existing, show easement documentation and assessor parcel map showing the subdivision.
- e. Pursuant to the PWP Water Regulation Section XI 'A water service and meter may be evaluated for its continuing integrity. Should PWP find a service, meter, vault or other appurtenance to be substandard and no longer suitable for continued use, replacement and/or construction of new facilities may be required. PWP may require that a portion or all of the costs of such replacement and/or construction be paid or contracted for by the Applicant or Customer prior to construction.' The property owner is responsible for the replacement cost.

64. Cross Connection Requirements for Domestic Services:

- a. All city cross-connection prevention policies must be adhered to. The developer is required to provide back-flow protection at all connections whereby the plan arrangement or configuration could potentially contaminate the domestic water system.
- b. There shall be no taps between the meter and the backflow assembly.
- c. The owner/developer shall provide and install an approved double check valve backflow prevention assembly at each water service if more than one water service serves property. The location of the back-flow prevention assembly shall be above ground within 20-feet of the property line.

- d. The property owner is responsible for the back-flow prevention assembly. The assembly will be registered and require an annual test certification. All manufacturer warranties shall be transferred upon installation and certification to the property owner.
- e. The owner/developer is responsible for certifying and testing the assembly after installation by a person that possesses a current and valid license, and must be certified by the County of Los Angeles Department of Health Services.
- f. The owner/developer shall submit the results of the test to the Water Utility Service Section for approval. Upon approval, the City will maintain domestic water to the property and will automatically register the assembly.
- g. Water system protection is at the jurisdiction of PWP and internal backflow prevention devices will be monitored by the Pasadena Public Health Department.
- h. All water services shall be protected from cross connections by means of approved backflow prevention techniques and assemblies.
- i. An administrative fee of \$180.94 will be charged for each backflow prevention assembly installed.

65. Cross Connection Requirements for Fire Service:

- a. The fire service requires a detector meter and back-flow prevention assembly.
- b. The assembly shall be located in a readily accessible location for meter reading, test and maintenance.
- c. All fire sprinkler systems require installation of an approved double check valve backflow prevention assembly at the sprinkler lateral off the domestic system.
- d. Contract service other than PWP, providing the backflow prevention assembly shall contact the Water Utility Services Section to verify assembly approval or contact the University of Southern California foundation for Cross Connection Control and Hydraulic Research for an approve list of assemblies.
- e. All manufacturer warranties shall be transferred upon installation and certification to the property owner. The property owner shall assume ownership of the back-flow prevention assembly. The assembly will be registered and require an annual test certification.
- f. If PWP is to provide DCDA for fire service, PWP will install Wilkins, model 450 DA.
- g. Choose from one of the below listed options and incorporate into the fire sprinkler plans.
 - i. Option 1: Detector meter located on double check detector check assembly (DCDA) outside the structure on private property.
 - (1) The Water Division will install the service tap, lateral, DCDA (optional Wilkins, models 350 DA or 450 DA) and designate the distribution main and service tap.
 - (2) The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 10-feet of the property line, on private property. Reference Water Division Plan Check for certification and registration.
 - ii. Option 2: Detector meter located in a vault within the public right of way with a double check valve backflow prevention assembly (DCA) provided and installed inside or outside the building by the owner/developer.
 - (1) The Water Division will install the service tap, lateral, detector water meter and designate the distribution main and service tap.
 - (2) The location of the back-flow prevention assembly shall be a minimum of 12-inches above grade within 20-feet of the property line on private property. Reference Water Division Plan Check for certification and registration.

66. All Other Cross Connection Requirements:

- a. The owner/developer is also responsible for additional cross connection requirements for irrigation system, swimming pool and/or spa, boiler / chilled water / cooling tower (using chemical additives), domestic water line at makeup to carbonation system, sewage

ejector, decorative water fountain, and makeup water to reverse osmosis filtration equipment.

67. Fire Flow and Fire Hydrants:

- a. The Pasadena Fire Department (PFD) has jurisdiction and establishes the requirements for fire protection within the City of Pasadena. PFD must be consulted in this regard. Any cost incidental to providing adequate fire protection for the project must be paid for by the owner/developer.
- b. There is one fire hydrant in close proximity to the project site.
 - i. Fire hydrant 716-10 is located on the southeast corner of Walnut Street and Hill Avenue.
- c. There is no current fire flow test information available for this hydrant. If you would like to request fire flow test information for this fire hydrant, please contact Linette Vasquez at (626) 744-7064.

68. Fire Hydrant Details:

