

July 23, 2013

Ms. Kelly Hayes
Evergreen Devco Inc.
2390 E. Camelback Road #410
Phoenix, AZ 85016

**RE: ADMINISTRATIVE EXCEPTION NO. PAE 1311289 (Revised)
101 E. Glenoaks - Walgreens**

Dear Ms. Hayes:

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.44, an Administrative Exception has been processed to allow for a 10 percent deviation from the required 100 foot minimum length for drive-through waiting lanes (GMC 30.32.090.H) for a new drive-through pharmacy for the subject property, located at **101 E. Glenoaks**, being a portion of Lots 4, 20 and 21, Block 14 of Glendale Boulevard Tract, and Lots 40, 42 and easterly 93 feet of Lots 44, 46, and 48 of the Fairview Tract, in the C3 (Commercial Services) zone.

ENVIRONMENTAL RECOMMENDATION: This project is exempt from environmental review.
CEQA Status: Exempt – Class 1 Existing Facilities

REQUIRED/MANDATED FINDINGS:

After thorough consideration of the statements contained in the application, the plans submitted therewith, the Community Development Director has **GRANTED WITH CONDITIONS** your application based on the following:

- A. The granting of the exception will result in design improvements, or there are space restrictions on the site that preclude full compliance with the Code requirements without hardship.**

A drive-through is proposed for the pharmacy at a new Walgreens drugstore to be located on the north-east corner of Brand and Glenoaks Boulevards. The one-story, long-vacant office building is to be subdivided into two retail tenant spaces, with the most easterly one being Walgreens. The existing 25,560 square foot commercial building was constructed in 1964 as a "market and coin cleaners" and was most recently occupied by the Investors Title Company. Properties on the northerly corners of the Brand and Glenoaks intersection feature low-scale commercial uses and are zoned C3 (Commercial Service). The subject site is located just north of the Downtown Specific Plan area and the Verdugo Wash, and a few blocks north the 134 Freeway.

The proposed drive-through runs parallel to the east side of the building and adjacent to a new two-way drive aisle that will connect the existing parking lot to Fairview Avenue. The proposed drive-through pharmacy has an approximately 90 linear foot queuing lane, 10 feet short of the required 100 foot minimum length (GMC 30.32.090.H). Also along the east side of the building is an existing 12' by 17' electrical equipment enclosure located 22 feet back from the front façade. The location of existing utility enclosure

precludes the drive aisle from beginning earlier, thereby restricting the length of the drive-through along the edge of the building. To relocate the electrical enclosure that has served the entire 25,000 sq.ft. building since its construction in 1964 would be a hardship. Furthermore, the drive-through window cannot be relocated to create a longer drive-through aisle length without creating negative impacts to the interior functionality of the pharmacy. Therefore, the existing site plan and proposed floor plan have space restrictions that preclude compliance with the code with regards to providing the minimum drive-through aisle length.

B. The granting of the exception will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The proposed 90 foot drive-through length is not anticipated to negatively impact the surrounding neighborhood, or the drive-through use itself. The Code-required minimum length for drive-throughs is typically associated with fast-food restaurants that have a high turn-over rate and require more queuing length for numerous cars. The applicant has submitted a "Queuing Analysis for Walgreens Drive-Through Pharmacy, which indicates that "over 99 percent of the time, the queue in any drive-through lane was four vehicles or less". Based on a parking stall length of 18 feet, the length of four vehicles in line would be 72 feet. As noted in the submitted study by Walgreens for their drive-through pharmacies, the proposed 90 foot drive-through length would provide enough queuing length for five cars and certainly enough for the four vehicles (or less). The City's Traffic & Transportation staff has reviewed the proposal and the submitted study, and has concluded that the reduced queuing lane length is adequate for the pharmacy use. Traffic & Transportation staff has also recommended conditions for the new driveway on Fairview Avenue that serves as the exit for the new drive-through; these conditions reinforce safe and proper traffic circulation at this location and are included as a condition of approval. Therefore, granting a 10 percent reduction to the required drive-through length is not expected to have negative impacts on the neighborhood or public welfare.

C. The granting of the exception will not be contrary to the objectives of the applicable regulations.

The purpose of the administrative exception procedure is to provide a simplified means for considering applications for minor deviations from the code standards. These standards have been developed to allow reasonable use of properties in order to promote the public health, safety, and general welfare. The proposed drive-through for the pharmacy will provide adequate queuing area for the patrons using the drive-through pharmacy, as indicated in the "Queuing Analysis for Walgreens Drive-Through Pharmacy" submitted by the applicant. Additionally, the project complies with the remaining C3 Zoning Code standards. Therefore, granting a 10 percent exception of less than the required drive-through length will not be contrary to the objectives of the applicable regulations.

CONDITIONS OF APPROVAL:

APPROVAL of this Administrative Exception shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans presented in conjunction with the application for the Administrative Exception for a drive-through pharmacy, except

any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.

2. That all necessary permits shall be obtained from the Building and Safety Section and all construction shall be in compliance with the Glendale Building Code and all other applicable regulations.
3. That any expansion or modification of the building, which is different than what is represented as part of this Administrative Exception application for a drive-through pharmacy, shall require a new application, as determined by the Director of Community Development.
4. That the project shall obtain either a DRB exemption or DRB approval.
5. That the on-site and off-site improvements specified in the Interdepartmental Comments submitted by the Public Works Department dated June 2013 shall be complied with and/or completed, as necessary, to the satisfaction of the Director of Public Works and the Planning Hearing Officer.
6. That the premises be maintained in a clean orderly condition, free of weeds, trash, and graffiti.

APPEAL PERIOD, TIME LIMITS, LAPSE OF PRIVILEGES, TIME EXTENSIONS:

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence, which could not have been reasonably presented.

It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within **fifteen (15) days** following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Building and Safety Section upon request and must be filed with the prescribed fee **prior to expiration of the 15-day period, on or before August 7, 2013**, in the Permit Services Center, 633 E. Broadway, Room 101.

GMC Chapter 30.41 provides for:

TERMINATION: Every right or privilege authorized by a variance, a conditional use permit, parking reduction permit, parking use permit, or Density Bonus Housing Plan shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

EXTENSION: Variances, conditional use permits, design review, parking reduction, parking use permits, administrative exceptions, and Density Bonus Housing Plan. Permits granted by such right or privilege may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of

the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of such variance, conditional use permit, design review, parking reduction, parking use permit, administrative exception, or Density Bonus Housing Plan.

TRANSFERABILITY:

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be sold, leased, rented, or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS:

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment shall punish any person convicted of a misdemeanor. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation.

Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION:

Section 30.64.020 – Revocation – The Planning Division shall have continuing jurisdiction over variances, conditional use permits, and administrative exceptions (individual cases heard and decided upon by the Hearing Officer). To consider the revocation, the Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of a variance at least 10 days notice by mail to the applicant or permittee.

NOTICE – subsequent contacts with this office:

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner Vilia Zemaitaitis first and then, the Hearing Officer who acted on this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Sincerely,



KRISTEN ASP
Senior Planner

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Attachment: Public Works Traffic & Transportation Comments