

ATTACHMENT B
BOARD OF ZONING APPEALS RECOMMENDED SPECIFIC FINDINGS FOR
MINOR CONDITIONAL USE PERMIT #6084

Minor Conditional Use Permit: Expansion of a non-conforming use (Formula Fast Food Restaurant, Drive-Through Business, Restaurant)

1. *The proposed use is allowed with a Minor Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of the Zoning Code in that the proposed expansion of an existing 3,094-square foot restaurant building to 4,598 square feet (net new = 1,504 square feet), and retaining the drive-through service. The property is located within the East Colorado Specific Plan, General Commercial, Sub-district 2 (ECSP-CG-2, The College District sub-area) zoning district. A Formula Fast Food Restaurant use is currently permitted by right in this zoning district; however, Drive-Through Businesses, Restaurant use is no longer permitted; therefore, it is now a non-conforming use. Any alteration or enlargement of non-conforming use is subject to review and approval of a Minor Conditional Use Permit, pursuant to Zoning Code Section 17.71.080.E. The proposed project meets all applicable development standards, including setbacks, height limit, parking, loading, queuing, and litter control.*
2. *The location of the proposed use complies with the special purposes of this Zoning Code and purposes of the applicable zoning district in that the proposed expansion of an existing Formula Fast Food Restaurant, Drive-Through Business, Restaurant ('Burger King') to be operated by another company ('Chick-Fil-A') will not change the existing land use. The new restaurant operator shall meet all applicable development standards and operational requirements of the Zoning Code and the use is compatible with other established neighborhood commercial uses in the vicinity. The use complies with the 500-foot distance separation requirement from a park and recreation facility, or another fast food or formula fast food restaurant with drive-through service.*
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 in that the proposed use is consistent with Objective 10, Diverse Economy, of the Land Use Element of the General Plan. Allowing the use in the project site will promote a diverse economy base and long-term economic contribution to the City. The existing Formula Fast Food Restaurant, Drive-Through Business, Restaurant has been in operation since 1976 and has provided numerous jobs to local residents, has contributed to the local economy and to the City with no major negative impacts to the adjacent uses in the past 37 years.*
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 in that the proposed expansion of the existing Formula Fast Food Restaurant, Drive-Through Business, Restaurant ('Burger King') and proposed to be operated by*

another company ('Chick-Fil-A') has been operating from the site since 1976. The project does not involve the change in use. The new restaurant building will be larger in size than the existing building, however, it will be subject to the current applicable requirements of the Building Code, Fire Code, Zoning Code, Public Works, Health Code.

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 in that the Formula Fast Food Restaurant, Drive-Through Business, Restaurant ('Burger King'), to be operated by another company ('Chick-Fil-A') has been operating at this site since 1976 and for 37 years, the use was not detrimental or injurious to the surrounding uses including the single-family and multi-family residential uses to the south of the site. The use is compatible with the adjacent variety of commercial uses, a college (Pasadena City College) and residential uses in the neighborhood and will not detrimentally affect the surrounding area.*
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 site is currently vacant, and was used as a Formula Fast Food Restaurant, Drive-Through Business, Restaurant ('Burger King') from 1976 to December 2013. The proposed expansion and operation by another company ('Chick-Fil-A') includes remodeling and addition of approximately 1,500 square feet to the existing 3100-square-foot building. The primary use – Formula Fast-Food Restaurant, Drive-Through Business, Restaurant - will remain unchanged.

The proposed project includes reconfiguring the existing drive-through lane within the site that will split one "order lane" into two, and introducing a second order booth. Reconfiguring the existing drive-through lane will not alter, add, or relocate any of the three existing driveways or curb cuts (two on Bonnie Avenue and one Exit-Only on Colorado Boulevard).

The site improvements entail a new landscaping plan that proposes removal of two protected specimen trees; and are therefore, subject to the City's Tree Protection Ordinance (TPO), and is concurrently reviewed with the Minor Conditional Use Permit application. The proposed new landscaping plan includes introduction of six new protected specimen trees and 15 non-protected species, for a total of 21 new trees. The total number of new trees meets the required replacement matrix of the TPO.

The project site provides sufficient lighting to ensure a safe and well-lit area for dine-in and drive-through customers. The primary operating characteristics of the site will remain unchanged as a Formula Fast Food Restaurant, Drive-Through Business, Restaurant. The project will not result in any negative aesthetic impacts to the neighborhood. The existing building is 37 years old and is in need of an aesthetic facelift, which will improve the aesthetic values and character of the neighborhood.

Moreover, the proposed exterior remodeling is subject to Design Review (staff level) prior to issuance of any building permits, to ensure that the proposed expanded building is designed and constructed with quality materials that will ensure durable construction, improve the project site, as well as upgrade the aesthetic quality of surrounding area.

7. *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 in that a queuing analysis was conducted for the project by TJW Engineering, Inc. in September 2013. The study determined that the side-by-side drive-through lanes will result in a more streamlined ordering process, which is an improvement to the current conditions. The study concludes that as designed, the drive-through lanes will provide sufficient queuing space to accommodate the anticipated drive-through vehicles during the peak period without spilling back into the parking lot aisles. The Queuing Study demonstrates that the project is in compliance with drive-through queuing requirement. The proposed parking and circulation plan will provide adequate area for safe queuing and maneuvering of vehicles.*
8. *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 in that the proposed expansion of the existing restaurant to be operated by another Formula Fast Food Restaurant, Drive-Through Business, Restaurant ('Chick-Fil-A') proposes to maintain the same operating hours as the most recent business Burger King, which are: 6:00 a.m. to 11:00 p.m. Monday to Friday, and 6:00 a.m. to 1:00 a.m. Saturday, and will be closed on Sunday. As conditioned in this report will not result in any adverse impact on the adjacent uses. A Litter Clean-up Plan indicates that four trash bins are strategically located throughout the property to ensure that trash is properly disposed of, and that the entire site shall be maintained in a clean and orderly manner.*

Private Tree Removal #1: Chinese Elm (*Ulmus parviflora*)

9. *There is substantial hardship to the property owner in the enjoyment and use of the real property if the removal of the tree is not permitted. The tree is located along the south property line, between a parking space and a block wall. There is evidence that the tree has been pushing the block wall and previously damaged the pavement and curb surrounding it.*
10. *The project includes a landscape design that emphasizes a tree canopy that is sustainable over the long term by adhering to the adopted replacement matrix. The proposed project includes a landscaping plan that shows that two smaller arbutus trees, which are more suitable for this location. The proposed landscaping plan will introduce a total of 21 new trees of various sizes, such that the combined total meets*

the minimum replacement matrix. Location and species of the new trees will be reviewed and approved in the Final Design Review of the project.

Private Tree Removal #2: Southern Magnolia (*Magnolia grandiflora*)

11. *There is substantial hardship to the property owner in the enjoyment and use of the real property if the removal of the tree is not permitted.* The tree is located in the landscaped strip between the parking lot and the existing drive-through lane. A new curb will be located approximately where the tree is located in conjunction with the proposed re-configuration of the drive-through lanes, therefore, is in the way of the proposed two-lane drive-through. The additional drive-through lane is designed to improve the vehicle queuing and maneuvering.

12. *The project includes a landscape design that emphasizes a tree canopy that is sustainable over the long term by adhering to the adopted replacement matrix.* The proposed project includes a landscaping plan that the introduction of four arbutus trees in the planting strip where the subject tree is located. The proposed landscaping plan will introduce a total of 21 new trees of various sizes, such that the combined total meets the minimum replacement matrix. Location and species of the new trees will be reviewed and approved in the Final Design Review of the project.