

**ATTACHMENT C**  
**ZONING ADMINISTRATOR AND BOARD OF ZONING APPEALS RECOMMENDED**  
**SPECIFIC CONDITIONS OF APPROVAL FOR**  
**MINOR CONDITIONAL USE PERMIT #6084**

The applicant or successor in interest shall meet the following conditions:

General

1. The site/floor plans submitted for building permits and/or future development shall substantially conform to the site/floor plans stamped "Received at Hearing, May 5, 2014," except as modified herein.
2. The Zoning Administrator per Section 17.61.050.L of the Zoning Code may at any time, call for review the approved conditions at a duly noticed public hearing. These conditions may be modified or new conditions may be added to reduce any impacts resulting from the use. The Hearing Officer may revoke the Conditional Use Permit if sufficient cause is given.
3. The Minor Conditional Use Permit is to allow expansion of an existing 3,094 square-foot fast food restaurant with drive-through service (currently 'Burger King') to 4,598 square-foot fast food restaurant ('Chick-Fil-A') with drive-through service, where the drive-through service component of the restaurant is no longer permitted in the ECSP-CG-2 zoning district, and is therefore a non-conforming use. Approval of a Minor Conditional Use Permit is required to allow expansion of a non-conforming use (Drive-Through Business, Restaurant).
4. The Private Tree Removal is to allow the removal of one Chinese Elm (*Ulmus parviflora*) and one Southern Magnolia (*Magnolia grandiflora*) due to the proposed expansion project. A minimum of 21 new trees shall be planted in the project site, in accordance with the preliminary landscaping plan submitted with this Minor Conditional Permit application. The applicant shall submit a final landscaping plan that indicates the species of trees and plants, hardscape, and irrigation plan for review and approval of the Zoning Administrator prior to issuance of any building permits. The plan shall include drought-resistant plant materials and low-volume irrigation where practicable. The plan shall be prepared by a licensed landscape architect and shall meet the requirements of PMC Chapter 17.44 Landscaping.
5. Any change to these conditions of approval or expansion of the use shall require the modification of this Minor Conditional Use Permit or a new Minor Conditional Use Permit.
6. The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.

7. The final decision letter and conditions of approval shall be incorporated in the building plans as part of the building plan check process.
8. The proposed project, Activity Number PLN2013-00337 is subject to Conditions Monitoring and Final Zoning inspection prior to the issuance of a Certificate of Occupancy or approval of the Final Building Inspection. Contact the Planning Case Manager, Annabella Atendido at 626-744-6707 to schedule an inspection time.

#### Planning Division

9. The hours of operation shall be limited from 6:00 a.m. to 11:00 p.m., Monday to Friday, and 6:00 a.m. to 1:00 a.m., Saturday for dine-in business as well as the drive-through service, and closed on Sunday. If Sunday operation is re-introduced, Sunday hours shall be from 7:00 a.m. to 10:00 p.m. Hours outside of these hours shall require an application for modification to this Minor Conditional Use Permit, or for a new Conditional Use Permit.
10. Onsite loading, unloading, and trash pick-up is allowed only between the hours of 7:00 a.m. to 9:00 p.m., Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. Loading, unloading, and/or trash pick-up is not allowed on Sundays. This shall include maintenance/service vehicles, delivery trucks, and trash trucks.
11. The existing 49 off-street parking spaces shall be provided on site. Each off-site parking stall shall be double striped in compliance with Figure 4-12 of the Zoning Code.
12. The on-site and off-site sale and/or consumption of alcohol is strictly prohibited at all times, without the approval of a new Conditional Use Permit.
13. The site plan shall be designed to ensure maximum security for employees and patrons.
14. Lighting shall be energy-efficient, and shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site, and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting on private property shall produce an illumination level greater than one foot-candle on any property within a residential zoning district except on the site of the light source.
15. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.
16. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving.

17. The site and surrounding area shall be maintained in a litter and graffiti free manner, consistent with the maintenance measures and schedule contained in the Litter Clean-up Plan submitted with this Minor Conditional Use Permit application. Any graffiti that should appear on the site shall be removed within 48 hours.
18. Any changes to the existing signage shall comply with the City's Sign Ordinance (Zoning Code Chapter 17.48)
19. The applicant shall apply sound dampening measures along the eastern property line, including but not limited to landscaping, modifying and upgrading the existing perimeter wall, for the purpose of reducing sound levels due to the drive-through order stations. Any new or upgrading of the existing wall shall comply with the provisions of Zoning Code Section 17.40.180 – Wall and Fences, and designed to the satisfaction of the Zoning Administrator.

#### Building and Safety

20. Standard Urban Stormwater Mitigation Plan (SUSMP) is required if the addition, modification or alteration of 5,000 square feet or more of impervious surface.
21. Design and Historic Preservation
22. The project is subject to review and approval by the Design and Historic Preservation Section.

#### Fire Department

23. Automatic Fire sprinkler system shall be installed throughout the building per PMC.
24. Fire alarm system shall be provided.

#### Public Works Department

25. A closed circuit television (CCTV) inspection of the house sewer serving the property shall be performed and a CCTV inspection tape submitted to the Department of Public Works for review. The house sewer inspection shall include footage from the private cleanout to the connection at public sewer main, with no or minimum flow in the pipe during the televising. The property address, date of inspection, and a continuous read-out of the camera distance from the starting point shall be constantly displayed on the video. The applicant shall correct any defects revealed by the inspection. Defects may include, excessive tuberculation, offset joints, excessive root intrusion, pipe joints that can allow water infiltration, cracks, and corrosion or deterioration of the pipe or joint material, damaged or cracked connection to the sewer main, or other defects as determined by the City Engineer. The method of correction of the defects shall be subject to the approval of the City Engineer, and may include partial or total replacement of the house sewer, or

installation of a structural or non-structural pipe liner. The applicant shall be responsible for all costs required to obtain the CCTV inspection of the existing sewer connection, and if required, to correct the defects.

26. In order to provide for intersection improvements, the applicant shall dedicate to the City the land necessary to provide a 15-foot radius property line corner rounding at the southeast corner of Bonnie Avenue and Colorado Boulevard. The applicant shall be responsible for all the costs required to complete the dedication. The dedication document and processing fee shall be submitted to this office prior to the issuance of any permits. The dedication document shall be executed and recorded prior to the issuance of the Certificates of Occupancy.
27. All proposed new drive approaches shall be a minimum of 12 feet and a maximum of 26 feet in width. They shall be constructed in accordance with Standard Drawing No. S-403. The existing gutter shall be cut as near the flow line and the paving shall not be disturbed. A 5-foot minimum clearance shall be maintained between the edge of any proposed driveway and an existing tree.
28. The applicant shall remove the surface-mounted detectable warning tile and install embedded detectable warning tile on the existing curb ramp at the southeast corner of Bonnie Avenue and Colorado Boulevard. The construction and specifications shall be per Standard Drawing No. S-414.
29. Past experience has indicated that projects such as this tend to damage the abutting street improvements with the heavy equipment and truck traffic that is necessary during construction. Additionally, the City has had difficulty in requiring developers to maintain a clean and safe site during the construction phase of development. Accordingly, the applicant shall place a \$5,000 deposit with the Department of Public Works prior to the issuance of a building or grading permit. This deposit is subject to refund or additional billing, and is a guarantee that the applicant will keep the site clean and safe, and will make permanent repairs to the abutting street improvements that are damaged, including striping, slurry seal/ resurfacing, curb, gutter, and sidewalk, either directly or indirectly, by the construction on this site. This deposit may also be used for charges due to damage to existing street trees and for City personnel to review traffic control plans and maintain traffic control. A processing fee will be charged against the deposit.
30. Prior to the start of construction or the issuance of any permits, the applicant shall submit a Construction Staging and Traffic Management Plan to the Department of Public Works for review and approval. The template for the Construction Staging and Traffic Management Plan can be obtained from the Department of Public Works webpage at: [cityofpasadena.net/PublicWorks/Engineering\\_Division/](http://cityofpasadena.net/PublicWorks/Engineering_Division/)
31. A deposit, based on the General Fee Schedule, is required for plan review and on – going monitoring during construction. This plan shall show the impact of the various construction stages on the public right-of-way including all street occupations, lane

closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site. An occupancy permit shall be obtained from the department for the occupation of any traffic lane, parking lane, parkway, or any other public right-of-way. All lane closures shall be done in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and California Supplement. If the public right-of-way occupation requires a diagram that is not a part of the MUTCD or California Supplement, a separate traffic control plan must be submitted as part of the Construction Staging and Traffic Management Plan to the department for review and approval.

32. In addition, prior to the start of construction or the issuance of any permits, the applicant shall conduct a field meeting with an inspector from Department of Public Works for review and approval of construction staging, parking, delivery and storage of materials, final sign-off procedure, and any of the specifics that will affect the public right-of-way. An appointment can be arranged by calling 626-744-4195.
33. All costs associated with these conditions shall be the applicant's responsibility. Unless otherwise noted in this memo, all costs are based on the General Fee Schedule that is in effect at the time these conditions are met. A processing fee will be charged against all deposits.
34. In addition to the above conditions, the requirements of the following ordinances may apply to the proposed project:
  - a. Sewer Facility Charge - Chapter 4.53 of the PMC  
The ordinance provides for the sewer facility charge to ensure that new development within the city limits pays its estimated cost for capacity upgrades to the city sewer system, and to ensure financial solvency as the city implements the operational and maintenance practices set forth in the city's master sewer plan generated by additional demand on the system. Based on sewer deficiencies identified in the City's Master Sewer Plan, the applicant may be subject to a Sewer Facility Charge to the City for the project's fair share of the deficiencies. The Sewer Facility Charge is based on the Taxes, Fees and Charges Schedule and will be calculated and collected at the time of Building Permit Issuance.
  - b. Sidewalk Ordinance - Chapter 12.04 of the Pasadena Municipal Code (PMC)  
In accordance with Section 12.04.035, entitled "Abandoned Driveways" of the PMC, the applicant shall close any unused drive approach with standard concrete curb, gutter and sidewalk. In addition, the applicant shall repair any existing or newly damaged sidewalk along the subject frontage prior to the issuance of a Certificate of Occupancy or any building permit for work in excess of \$5,000 pertaining to occupancy or construction on the property in accordance with Section 12.04.031, entitled "Inspection required for Permit Clearance" of the PMC.

c. City Trees and Tree Protection Ordinance - Chapter 8.52 of the PMC

The ordinance provides for the protection of specific types of trees on private property as well as all trees on public property. No street trees in the public right-of-way shall be removed without the approval of the Urban Forestry Advisory Committee.

Department of Transportation

35. The project shall pay the corresponding Traffic Reduction and Transportation Improvement Fee (TR-TIF) for the project at the time of building permit issuance. The fee for a new retail use per square foot is \$9.49. The TR-TIF is subject to change based on the current General Fee Schedule. Total payment would be based on the final scope at the time of project approval. The payment shall be made at Window #8 in the Permit Center located at 175 N Garfield Ave, Pasadena CA 91109.

36. It is recommended that the project contribute funds to the Neighborhood Traffic Management Capital Improvement Program Project Number 75903. The funds will be used to implement traffic management measures to protect neighborhoods potentially influenced by the project's traffic on the roadway segments listed above. This recommendation is in line with the objectives of the street segment thresholds to protect residential neighborhoods from intrusion of traffic intended to and from commercial projects. **Amount: \$5,000\*\***

*\*\* The applicant shall make this payment payable to the City of Pasadena and delivered to the Department of Transportation office, attention: Conrad Viana at 221 E. Walnut Street, Suite 210, Pasadena, CA 91101.*

37. To improve the quality and safety of the bicycling around this project, the developer shall pay for the purchase and installation of bicycle racks at the following location at the time of building permit issuance:

- Colorado Boulevard between Bonnie & Meridith Avenue. Initial Deposit: \$2,000\*

\* The estimated cost is subject to partial refund or additional billing. Payment should be made at DOT offices located at 221 East Walnut Street, Suite 210 Pasadena, CA 91101.

38. Given the existing northbound traffic lanes striping on Bonnie Avenue at Colorado Boulevard, it is this Department's recommendation that the northernmost driveway along Bonnie Avenue be restricted to a right-in/right-out driveway with southbound left turns prohibited onto the site due to its proximity to the intersection. Appropriate signage should be installed prohibiting vehicles from making left-turns onto or out of the site.

39. The existing Colorado Blvd driveway shall have a maximum of 14' width and operate as a one-lane right-turn only driveway with appropriate signage and curb details to warn pedestrians of oncoming right-turning vehicles.
40. Existing on-street parking conditions fronting this project shall be maintained.
41. Project's loading/unloading shall be on-site. DOT shall not install a loading zone for project use along the project frontage.