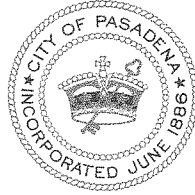


**ATTACHMENT D  
BOARD OF ZONING APPEALS DECISION LETTER  
MARCH 25, 2014**



PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION

March 25, 2014

Ed Hale  
Project Manager  
2153 Oak Hill Drive  
Escondido, CA 92027

**Subject: Minor Conditional Use Permit #6084**  
**1700 East Colorado Boulevard**  
**Council District #7**

PLN2013-00337

Dear Mr. Hale:

Your application for a **Minor Conditional Use Permit** at **1700 East Colorado Boulevard** was called for review by the **Board of Zoning Appeals** on **March 19, 2014**.

**MINOR CONDITIONAL USE PERMIT:** 1) To allow floor area expansion of an existing drive-through business - fast food restaurant ('Burger King') from 3,094 square feet to 4,598 square feet, to be operated by a different fast food restaurant ('Chick-Fil-A'). Drive-through service is no longer permitted in the ECSP-CG-2 zoning district, thus, the existing drive-through business - restaurant is a legal, non-conforming use. Approval of a Minor Conditional Use Permit is required for the expansion of a legal, non-conforming use; and  
2) **Private Tree Removal:** To allow the removal of two protected trees (one Chinese Elm and one Southern Magnolia).

After careful consideration of this application, and with full knowledge of the property and vicinity, the Board of Zoning Appeals made the findings as shown on Attachment A to this letter.

Based upon the findings, the Board of Zoning Appeals decided to **sustain** the decision of the Hearing Officer and: 1) **approve** the Minor Conditional Use Permit and 2) **approve** the removal of two protected trees as shown in the findings in Attachment A and the conditions in Attachment B, and in accordance with submitted plans stamped **March 19, 2014**.

In accordance with Section 17.64.040 of the Pasadena Municipal Code, the exercise of the right granted under this application must be commenced within three years of the effective date of the approval, unless otherwise specified in the conditions of approval. The Planning Director can grant a one-year extension of your approval. Such a request and the appropriate fee must be received before the expiration date. The right granted by this approval may be revoked if the entitlement is exercised contrary to the conditions of approval or if it is exercised in violation of the Zoning Code.

You are advised that an application for a building permit is not sufficient to vest the rights granted by this approval. The building permit must be issued and construction diligently pursued to completion prior to the expiration of this approval. It should be noted that the time frame within which judicial review of the decision must be sought is governed by California Code of Civil Procedures, Section 1094.6.

You are hereby notified that, pursuant to Pasadena Municipal Code Section 17.72.060, the decision made by the Board of Zoning Appeals is final and is not subject to further appeal. However, a member of the City Council may stay the decision and request that it be called up for further review by the City Council. A request for a call for review of this decision shall be within **ten days**. The last day to request for a call for review is **March 31, 2014**. Without any call-up, the effective date of the BZA's decision will be **Tuesday, April 1, 2014**.

Any permits necessary may be issued to you by the Building Division on or after the effective date stated above. A building permit application may be submitted before the call up deadline has expired with the understanding that should this decision be called up an appeal be filed, your application may, at your expense, be required to be revised to comply with the decision on the appeal. A copy of this decision letter (including conditions of approval and any mitigation monitoring program) shall be incorporated into the plans submitted for building permits.

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Title 14, Chapter 3, Class 1, Section 15301, Existing Facilities). Class 1 exempts projects that involve negligible or no expansion of an existing use. The existing use is a Formula Fast Food Restaurant with Drive-Through Service and the use will remain as a Formula Fast Food Restaurant with Drive-through Service. The project will not result in a change in use or significant expansion of the existing use.

For further information regarding this case please contact my office at **(626) 744-7124**.

Sincerely,



Kelvin Parker  
Zoning Administrator

Enclosures: Attachment A, Attachment B, Attachment C (site map)

xc: City Clerk, City Council, Building Division, Public Works, Power Division, Water Division, Design and Historic Preservation, Hearing Officer, Code Enforcement-Jon Pollard, Case File, Decision Letter File, Planning Commission (9)

**ATTACHMENT A**  
**ZONING ADMINISTRATOR AND HEARING OFFICER 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 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. The project site, however, is less than 100 feet of a public school, Pasadena City College. Although the distance from a school is less than the minimum 500 feet separation, the restaurant's distance from PCC is a legal, non-conforming standard and may be continued without a specific separate entitlement.*
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: For the removal of one Chinese Elm (*Ulmus parviflora*), tree #2 in tree inventory, with 23 inches diameter measured at 4.5 feet above natural grade, approximately 45 feet in height and 40 feet in spread.

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: For the removal of one Southern Magnolia (*Magnolia grandiflora*), tree #11 in tree inventory, with 21 inches diameter measured at 4.5 feet above natural grade, approximately 45 feet in height and 34 feet in spread.

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.*

**ATTACHMENT B  
ZONING ADMINISTRATOR AND HEARING OFFICER 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, March 19, 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.









36. 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.
37. Existing on-street parking conditions fronting this project shall be maintained.
38. Project's loading/unloading shall be on-site. DOT shall not install a loading zone for project use along the project frontage.

# ATTACHMENT C SITE PLAN

## Scope of Work

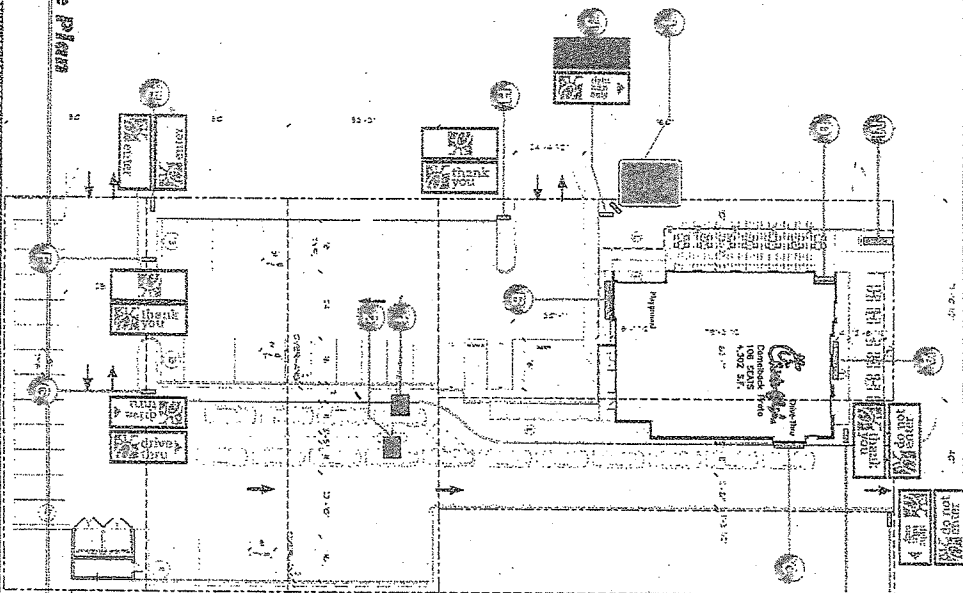
- NEW 5'-0" ILLUM. CHICK-FIL-A CHANNEL LETTERS SIGN
- NEW 4'-0" ILLUM. CHICK-FIL-A CHANNEL LETTERS SIGN
- NEW 5'-0" ILLUM. CHICK-FIL-A ICON LOGO
- NEW 5'-0" ILLUM. CHICK-FIL-A ICON LOGO
- NEW SF WANDERING SIGN
- NEW SF ILLUM. DIRECTIONAL SIGN
- NEW SF ILLUM. DIRECTIONAL SIGN
- NEW D/F ILLUM. DIRECTIONAL SIGN
- NEW D/F ILLUM. DIRECTIONAL SIGN
- NEW D/F ILLUM. PYLON SIGN

Install Only  
Manufacturing By Others

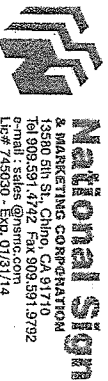
DRIVE-THRU CANOPY

**NOTES**  
ALL NEW SIGNAGE TO CONNECT  
TO CLIENT PROVIDED ELECTRICAL  
CIRCUITS

**CHICK-FIL-A - Pasadena, CA. - Site Plan**  
SCALE: NTS



E. COLORADO BLVD.



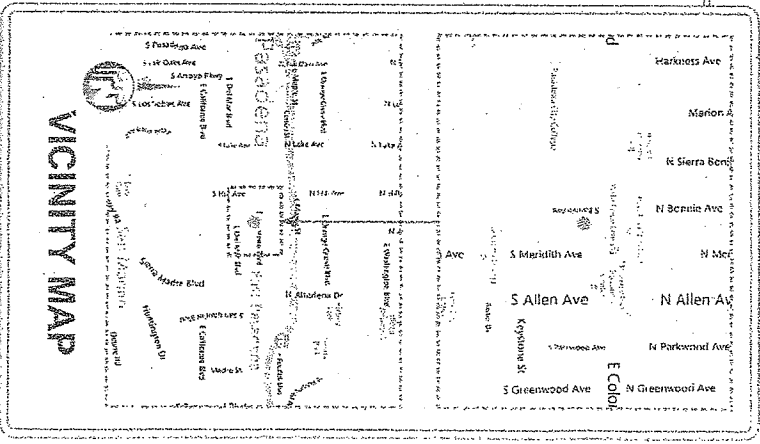
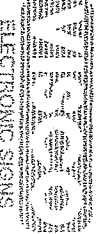
**Project:** Chick-Fil-A  
**Address:** 1200 E. Colorado Blvd., Pasadena, CA  
**Phone:** \_\_\_\_\_ **Account Mgr.:** S. Benschum  
**Designer:** July S. \_\_\_\_\_ **Scale:** \_\_\_\_\_ **Date:** 10/28/2013

**Client Approval:**  
Date: \_\_\_\_\_

**Notes:**  
1. All work to be done in accordance with the City of Pasadena Sign Ordinance and the City of Pasadena Sign Ordinance.

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1. All work to be done in accordance with the City of Pasadena Sign Ordinance and the City of Pasadena Sign Ordinance.

**Drawing Number**  
25864  
R1



**LOGO APPROVAL**

YES  NO

**FIELD SIGNATURES/REQUIREMENTS**

YES  NO

**PERMITS**

YES  NO

**REMARKS:**

DATE: \_\_\_\_\_