



## PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**DATE:** December 2, 2020

**TO:** Hearing Officer

**SUBJECT:** Conditional Use Permit #6807

**LOCATION:** 790 N. Lake Avenue

**APPLICANT:** Chick-fil-A, Inc.

**ZONING DESIGNATION:** CL-SP-1d (Commercial Limited, North Lake Specific Plan, Village Building Type)

**GENERAL PLAN DESIGNATION:** Low Commercial (0.0-1.0 FAR)

**CASE PLANNER:** Jason Van Patten

**STAFF RECOMMENDATION:** Adopt the Environmental Determination and the Specific Findings in Attachment A to **disapprove** Conditional Use Permit #6807.

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**PROJECT PROPOSAL:** To allow an existing drive-through business (Carl's Jr.) to be demolished and rebuilt (Chick-fil-A). The project requires the following applications:

- 1) Conditional Use Permit: To allow the demolition and reconstruction of a drive-through business within the North Lake Specific Plan; and
- 2) Conditional Use Permit: To allow extended hours of operation between 5:30 a.m. and midnight.

**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)(5); Administrative Code, Title 14, Chapter 3, §15270 (a), Projects Which are Disapproved. This Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves. Should the Hearing Officer decide to approve CUP #6807, the project could qualify for an exemption pursuant to the

guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15302, Class 2, Replacement or Reconstruction) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15302 exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

**BACKGROUND:**

**Site characteristics:** The subject property is located at the southeast corner of Lake Avenue and Boylston Street. The 34,649 square-foot site is improved with an existing 2,815 gross square-foot drive-through business and 45 space surface parking lot. The existing structure is generally sited at the center of the site, surrounded by surface parking. Vehicular access is provided via three drive approaches, two from Boylston Street on the north, and one from Lake Avenue on the west. Surrounding properties to the north, south, and west are developed with nonresidential uses. To the east, are single-family residential uses.

**Adjacent Uses:** North – Drive-Through Business, Restaurants, Retail Sales  
South – Personal Improvement Services  
East – Single-Family Residential  
West – Drive-Through Business, Restaurants

**Adjacent Zoning:** North – CL-SP-1d (Commercial Limited, North Lake Specific Plan, Village Building Type)  
South – CL-SP-1d (Commercial Limited, North Lake Specific Plan, Village Building Type)  
East – RS-6-LD-1 (Single-Family Residential, 0-6 lots per acre, Bungalow Heaven Landmark District)  
West – CL-SP-1d (Commercial Limited, North Lake Specific Plan, Village Building Type)

**Previous Zoning Cases on this Property:** Conditional Use Permit #2065 – To add a 145 square foot cash booth to the rear of the existing building and to add a 924 square foot playground to the front of the building. Variance to reduce the number of existing parking stalls by four to provide adequate space for the playground. Approved November 15, 1989.

Conditional Use Permit #1498 – To establish a restaurant with seating for 97 persons and an automobile drive-thru window. Approximately 49 parking stalls would be provided. Approved April 24, 1985.

Variance #2383 – To convert and use an existing garage for an osteopathic office. Approved October 7, 1948.

## **PROJECT DESCRIPTION:**

The applicant Chick-fil-A, Inc. has submitted a Conditional Use Permit application to allow an existing 2,815 gross square-foot drive-through business (Carl's Jr.) to be demolished and replaced with a 2,755 gross square-foot drive-through business (Chick-fil-A). The proposed one-story business would provide interior dining, and 708 square feet of outdoor dining. Outdoor dining areas would be located under roofed patio areas at both the east and west sides of the building. A total of 37 spaces are proposed within the surface parking lot. Queuing lanes would accommodate approximately 18 vehicles with additional stacking through the parking lot that could accommodate a total line of 26 cars on-site. Hours of operation are proposed between 5:30 a.m. and midnight.

The project site is located in the North Lake Specific Plan. A Conditional Use Permit is required to completely demolish and rebuild a drive-through business. Uses located within 150 feet of a residential zoning district require a Conditional Use Permit to operate outside the hours of 7:00 a.m. and 10:00 p.m. The subject property adjoins a residential zoning district to the east that is within 150 feet.

Site improvements including new landscaping, parking lot paving and striping, and lighting are included as part of the project. An eight-foot tall block wall is also proposed inside the east property line, and one of two existing drive approaches from Boylston Street would be closed. No protected trees are proposed for removal.

## **ANALYSIS:**

### Northwest Commission

On September 8, 2020, the applicant provided the City's Northwest Commission with an informational presentation regarding the proposed drive-through business. Commissioners provided general comments about project design, and had questions regarding the corporation, and planned person operating the establishment. The Northwest Commission serves as a monitoring body for the Northwest area of Pasadena.

### Zoning and Land Use

The subject property is located in the CL-SP-1d (Commercial Limited, North Lake Specific Plan, Village Building Type) zoning district. The purposes of the SP-1 district is to implement the purposes of the North Lake Specific Plan. The Village Building subdistrict promotes only a commercial character, and excludes residential, mixed-use, and work/live units.

The existing drive-through business was established in 1985 through Conditional Use Permit #1498. In 1989 Conditional Use Permit #2065 was granted to add a 145 square foot cash booth to the rear of the existing building and a 924 square foot playground to the front of the building. The approval included a Variance to reduce the number of existing parking stalls by four to provide adequate space for the playground. Subsequent to the approval, construction was completed for the addition at the rear. The playground at the front was never constructed.

Within the CL-SP-1d zoning district, and pursuant to Zoning Code Section 17.34.030.C (SP-1 Allowable Land Uses and Permit Requirements, Drive-through businesses), an existing drive-through business may be completely demolished and rebuilt with the approval of a Conditional Use Permit as long as the square footage of the new building is not more than the building

proposed to be demolished. The proposed building would consist of 2,755 gross square feet, where the building to be demolished consists of 2,815 gross square feet. A drive-through business is an establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. The proposed use is a drive-through business, a commercial use, consistent with the applicable zoning district.

Development Standards

New structures within the North Lake Specific Plan are subject to development standards in Zoning Code Section 17.34.040 (SP-1 General Development Standards). Drive-through businesses are subject to additional requirements in Zoning Code Section 17.50.090 (Drive-Through Businesses). The table outlines compliance with development standards. A discussion of operational characteristics follows.

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>
<b>Setbacks</b> <i>Front (Lake Avenue)</i> <i>Corner (Boylston Street)</i> <i>Side</i> <i>Rear</i>	5' (fixed) 5' minimum None 15' minimum	5' 20'+ 70'+ 117'+ (building), 73'+ (canopy)
<b>Height Limit</b>	15' (minimum) to 30' (maximum)	15' to 22'
<b>Floor Area Ratio (FAR)</b>	No maximum	0.08
<b>Fence and Walls</b>	8' high solid masonry along a property line that separates a nonresidential use from a residential use	8' high solid wall inside east property line
<b>Parking</b>	10 spaces per 1,000 gross square feet plus queue lanes for at least 5 cars for drive up service  2,755 sf + 708 sf outdoor dining = 3,463 sf 35 spaces + drive up service	37 spaces + drive up service
<b>Loading</b>	1 space	1 space
<b>Perimeter Parking Lot Landscaping</b>	5' wide minimum	5' wide minimum
<b>Percentage of Parking Lot Landscaping</b>	5%	18%

*Queuing Study*

A queuing study is required for restaurants with a drive-through business. The purpose is to determine whether longer queuing lines, beyond the five required by the Zoning Code are necessary. A queuing analysis, prepared by Linscott, Law & Greenspan, Engineers (LLG) was provided by the applicant. The study includes a review of the adequacy of the service-lane vehicle queuing proposed. As part of the analysis, LLG received and reviewed a previous queuing analyses conducted by TJW Engineering on behalf of Chick-fil-A (dated December 18, 2017) that included site observations at four existing Chick-fil-A sites. These sites are located in the Cities of Upland (Campus Avenue), Corona (Grand Oaks), Laguna Hills (El Toro Road) and Rancho Cucamonga (Foothill Boulevard). Two of the four sites reviewed as part of TJW Engineering's analysis were also surveyed by LLG personnel, specifically, the Rancho

Cucamonga and Upland locations. LLG also surveyed the existing Chick-fil-A location in the City of Pasadena (Colorado Boulevard). As reported by TJW Engineers, the maximum observed queue at the Rancho Cucamonga site was 19 vehicles and the maximum observed queue at the Upland site was 26 vehicles. At the Pasadena location, LLG documented a maximum queue of 25 vehicles at the site.

LLG concluded based on a comparative queuing assessment, that the maximum drive through service-lane vehicle queue for the proposed project is forecast to consist of 15 vehicles. Since the proposed drive-through service lane is expected to accommodate at least 15 vehicles in queue, LLG stated they anticipate the queue storage area would be marginally adequate. LLG's assessment recommended that clear signage directing vehicles to the drive-through service lane be installed on the project site to minimize unnecessary circulation within the site. In the event the vehicle queue exceeded the available storage space, LLG recommended that a staff member be present to direct the additional vehicle to a parking or waiting area to ensure the potential vehicle queues do not interfere with on-site circulation or spill back onto adjacent public right-of-way. They further expect that Chick-fil-A employees/order takers will be deployed during peak hours, if necessary, to conduct remote ordering with tablets in order to expedite drive-through operations.

The City's Department of Transportation (DOT) was provided with an opportunity to evaluate the queuing analysis and similarly conducted a site survey of the existing Pasadena Chick-fil-A location. Based on the queuing analyses submitted by the applicant, and staff observation at the local Chick-fil-A site, DOT recommended the project provide on-site drive-through queuing space for no less than 25 vehicles starting from the Boylston Street driveway.

#### *Parking, Circulation and Traffic*

The proposed drive-through business is positioned towards the northwest corner of the site, with queuing lanes starting from the east, and wrapping around the north and west sides of the building. A total of 37 parking spaces and one loading space are proposed at the perimeter of the property, to the east and south of the building. Vehicular access to the site would be available from Lake Avenue on the west, and Boylston Street on the north. The two driveways are located in the same location as the existing site driveways. The driveway at Lake Avenue is located at the southern corner of the site, while the driveway along Boylston Street is located at the east corner of the site. Both driveways would continue to accommodate the same turning movements as the existing driveways. Drive aisles within the parking lot accessed from both streets would provide for two-way traffic. According to plan and application materials, the applicant intends to limit access from Lake Avenue to right-in/right-out access. Signage proposed at that Lake Avenue entrance would be provided to direct patrons to the Boylston Street entrance to access the drive-through. The proposed drive-through queuing lanes would terminate at the Lake Avenue driveway entrance. As a result, the applicant's circulation plan anticipates that vehicles exiting the queuing lanes would turn right and exit the site onto Lake Avenue. The circulation plan also anticipates that any excess vehicles waiting to enter the drive through queuing lanes would stack, or use the parking area and drive aisle accessed from Boylston Street. If the vehicle stack were to extend back to Boylston Street, cars waiting to enter the drive-through queuing lanes would interfere with approximately 19 parking spaces and the loading space.

Along with the parking and circulation information, the applicant's consultant LLG provided a traffic signal warrant analysis. The traffic signal warrant analyses was prepared to determine whether traffic signals are warranted at the Lake Avenue/Boylston Street intersection, both

under existing conditions and upon completion of the proposed project. LLG's conclusion did not explicitly state that a traffic signal is warranted with the project. Similar to the queuing analysis, the City's Department of Transportation reviewed the traffic signal warrant analysis and concluded that construction of a traffic signal at the Lake Avenue/Boylston Street intersection would be required if the project is approved and constructed.

#### *Litter Clean-up and Refuse Storage*

A litter clean-up plan is required for restaurants with a drive-through business, and a storage area for trash is required when a new structure is proposed to be constructed. A litter clean-up plan addresses litter clean-up on-site and off-site. This includes, but is not limited to the parking lot, drive-through lanes, landscaped areas, outdoor dining areas, walkways, windows, doors, lights and signage. The objective is to maintain an attractive site, free of litter and discarded material. Chick-fil-A proposes to provide off-site litter cleanup within a half-block radius of the site. A staff member would perform an off-site check approximately every two to three hours. Staff would also periodically circulate through the restaurant and parking lot to pick up litter discarded by customers. The operator would provide trash cans on-site for customers' use in order to accommodate and encourage proper disposal of trash.

The proposed trash storage area would be located in the southeast corner of the site adjacent to the loading space. The enclosure would be a minimum six feet tall, with solid doors provided at the entrance of the enclosure. The trash storage enclosure would be secured, limited to staff's use, and provide recycling, consistent with requirements in the Zoning Code.

#### *Driveway Cuts*

Pursuant to Zoning Code Section 17.50.090.E (Drive-Through Businesses, Driveway cuts), drive-through facilities shall minimize the number of driveway cuts. The existing site is currently served by three driveway cuts, two from Boylston Street, and one from Lake Avenue. The proposal would retain the driveway cut from Lake Avenue and one of two driveway cuts from Boylston Street. The existing driveway cut along Boylston Street, nearest to the intersection, would be closed. The proposed project would result in a net decrease of one driveway cut.

#### *Landscaping and Lighting*

The City's Zoning Code includes provisions for landscaping and outdoor parking lot lighting. The intent is to provide for an attractive site while confining light to the parking area and source. Pursuant to Section 17.46.230 (Parking Lot Landscaping), all parking lots shall have a minimum five-foot wide perimeter landscaped area. In addition, a minimum of five percent of the parking lot is required to be landscaped, over and above the perimeter landscape requirement. Trees at a rate of one for every four vehicle parking spaces is also required within the parking lot. According to landscape plans, the applicant provides a minimum 16'3" deep landscape area along the north perimeter of the parking lot, 6'11" along the east, 5'6" along the south, and 10'7" along the west. Approximately 18 percent of the parking lot is landscaped, and 15 trees are proposed, of which nine are in planter fingers within the parking lot area. Vertical landscaping and an eight-foot tall block wall is also proposed inside the east property line, as required by the Zoning Code. The vertical elements are required between the subject nonresidential use and the residential use directly east in order to provide a buffer.

Exterior lighting is proposed on the east and west sides of the building at the outdoor dining areas, and at the entrance and exit of the drive-through lanes, where patrons order and pick-up

food. A limited number of fixtures are also proposed at the north and south sides of the building. Within the parking lot, four pole mounted fixtures are proposed to illuminate the parking area. Two poles are proposed inside the east property line, and two inside the south property line, spaced evenly apart. The lighting fixtures used are required to be shielded, confining emitted light to the parking area, and the light source shall not be visible from outside of the area. According to the photometric survey provided by the applicant, light would be confined to the subject property.

#### *Hours of Operation*

The proposed drive-through business is subject to limitations on hours of operation because it is located within 150 feet of a residential zoning district. A residential zoning district adjoins the site on the east. Pursuant to Zoning Code Section 17.40.070 (Limited Hours of Operation) the proposed use may only operate between the hours of 7:00 a.m. and 10:00 p.m. by right; and between the hours of 10:00 p.m. and 7:00 a.m. subject to the issuance of a CUP. The applicant proposes to operate between 5:30 a.m. and midnight and has requested a CUP.

In addition to hours of operation, truck loading, unloading, and trash pick-up is only allowed 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. No truck loading, unloading, or trash pick-up is allowed on Sundays. The applicant would comply with this requirement.

#### Conditional Use Permit: Drive-Through Business

The Hearing Officer may approve a CUP to completely demolish and rebuild a drive-through business only after making eight findings identified in the Zoning Code. 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 this case, the proposed drive-through use complies with applicable development standards in the Zoning Code, including those specific to drive-through businesses. The proposed location of the drive-through business complies with the purposes of the Zoning Code and applicable zoning district. The rebuilt business does not exceed the gross floor area of the existing drive-through business and locates the use near Lake Avenue. The request for a CUP to rebuild a drive-through business is in keeping with the intent of the North Lake Specific Plan. The establishment would sell food to patrons in vehicles via drive-through services and to patrons over a traditional walk-in counter, the same as the existing use of the site. The proposed use will not create odor or noise that causes discomfort. A litter clean-up plan prepared for the project would 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 property line, which will provide a buffer between the drive-through use and adjacent residential property and improvements. It's anticipated that the proposed use, under the circumstances, would not reasonably be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood or to property and improvements. The building design complies with applicable development standards that regulate form and scale. Parking lot landscaping, signage, and other planned improvements will elevate the character and aesthetic value that exists in the vicinity. The proposed site improvements and one-story building will resolve existing

nonconforming conditions that exist on-site, increasing compatibility with existing uses nearby, and future uses that will be subject to requirements of the applicable zoning district.

While staff determined that several findings could be made, staff found that the proposed parking and circulation plan would not provide adequate area for safe queuing and maneuvering of vehicles. The queuing analysis prepared by LLG forecast 15 vehicles in queue, which LLG determined to be marginally adequate. Based on the queuing analyses submitted by the applicant, and staff observation at the Pasadena Chick-fil-A site, City staff determined that queuing space for no less than 25 vehicles is adequate. To accommodate a 25 vehicle stack, the circulation plan anticipates that vehicles waiting to enter the queuing lanes would use the parking area and drive aisle accessed from Boylston Street. Were the vehicle stack to extend to Boylston Street, queuing at the drive aisle would interfere with approximately 19 parking spaces and the loading space. This circumstance would limit circulation through the site. The waiting vehicles would limit safe maneuvering of vehicles entering and exiting parking stalls. Conflicts could also arise from vehicles attempting to pass in order to enter or exit the site. Although signage, staff members to guide vehicles, and the dual lane drive-through are measures that may minimize potential concerns regarding maneuvering, the queuing of 25 vehicles in a line would interfere with on-site circulation.

Since all required findings are not able to be made in the affirmative, staff recommends the Hearing Officer disapprove the Conditional Use Permit for the drive-through business.

#### Conditional Use Permit: Extended Hours of Operation

The Hearing Officer may approve a CUP to allow the extended hours of operation between 5:30 a.m. and midnight only after making six findings identified in the Zoning Code. 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.

In this case, the extended hours of operation proposed are generally in keeping with the operating hours of adjacent existing commercial uses along this segment of Lake Avenue that include drive-through businesses. Existing drive-through businesses nearby include a McDonalds which operate with extended hours. The applicant's proposal has located audible equipment a minimum of 85 feet from adjoining residential uses to the east, with the nearest dining areas at approximately 100 feet. The proposed ordering equipment would be equipped with automatic noise reducing technology that registers ambient noise and automatically reduces the volume of the speaker. The proposed vertical landscaping and an eight-foot tall block wall proposed inside the east property line would also help minimize noise generated by the use. Further, the Lake Avenue right-of-way is designed primarily for trips that originate from or are destined to the City. As such, it's anticipated that the drive-through use would experience peak service during the morning and evening commuter period. Although service is proposed to occur before 7:00 a.m. and after 10:00 p.m., it's anticipated the hours of operation, would not, under the circumstance of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood.

While staff determined that findings could be made for extended hours of operation, staff recognizes that they cannot apply to a use that is not approved or allowed.

#### **TREE PROTECTION ORDINANCE:**



Certified Arborist Javier Cabral prepared a tree inventory and report for the project that identifies eight total trees. Of these, five are within the public right-of-way, two are located off-site on the adjacent easterly property, and one is located on the subject property along the Lake Avenue frontage. The applicant proposes to remove the one private property tree located along the Lake Avenue frontage while retaining all other trees. The tree proposed for removal is not protected and therefore, is not subject to the City's Tree Protection Ordinance and does not require a private tree removal permit for removal.

#### **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 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), 12.4 (Revitalization of Commercial Areas) and 25.9 (Maintenance). 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. The request for a CUP to rebuild a drive-through business and to extend hours of operation is in keeping with the intent of the applicable North Lake Specific Plan.

#### **REVIEW BY OTHER CITY DEPARTMENTS:**

The proposal was reviewed by the Departments of Transportation, Fire, Police, Public Works, Water and Power, Health, the Building and Safety Division, and the Design and Historic Preservation Section. Several departments provided comments and recommended conditions, which would be incorporated should the project be approved. In particular, the Department of Transportation would require a traffic signal at the Lake Avenue and Boylston Street intersection and that the Lake Avenue driveway be appropriately signed and striped to operate as a right-in/right-out driveway. The Public Works Department would require connection to the public sewer, the planting of new street trees, and upgrades to street lights and poles.

#### **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)(5); Administrative Code, Title 14, Chapter 3, §15270 (a), Projects Which are Disapproved. This Statutory Exemption states that CEQA does not apply to projects which a public agency rejects or disapproves. Should the Hearing Officer decide to approve CUP #6807, the project could qualify for an exemption pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15302, Class 2, Replacement or Reconstruction) and there are no features that distinguish this project from others in the exempt class; therefore, there are no unusual circumstances. Section 15302 exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

#### **CONCLUSION:**

Staff has determined that all findings required to approve a CUP to allow the existing drive-through business to be demolished and rebuilt cannot be made. The proposed parking and circulation plan will not provide adequate area for safe queuing and maneuvering of vehicles. Staff further concludes that the while findings necessary for approval of the CUP to extend hours of operation could be made, they cannot apply to a use that is not approved or allowed. Staff is therefore recommending that the Hearing Officer disapprove of the Conditional Use Permits with the findings in Attachment A.

Attachments:

Attachment A: Conditional Use Permit Findings

**ATTACHMENT A**  
**SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #6807**

Conditional Use Permit – Drive-Through Business

1. *The proposed parking and circulation plan will not 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, prepared by Linscott, Law & Greenspan, Engineers (LLG) concluded based on a comparative queuing assessment, that the forecast drive through service-lane vehicle queue for the proposed project is a maximum of 15 vehicles. Since the proposed drive-through service lane is expected to accommodate 15 vehicles in queue, LLG anticipates the queue storage area to be marginally adequate. Based on the queuing analyses submitted by the applicant, and staff observation at the Pasadena Chick-fil-A site, the Department of Transportation determined that queuing space for no less than 25 vehicles is adequate for the proposed use. Queuing for up to 25 vehicles will extend into the parking area and drive aisle accessed from Boylston Street. This circumstance will limit circulation through the site and interfere with approximately 19 of the 37 parking spaces on-site. The waiting vehicles will limit safe maneuvering of vehicles entering and exiting these 19 parking spaces. Conflicts will also arise from vehicles attempting to pass in order to enter or exit the site via the Boylston Street driveway. Although signage, staff members to guide vehicles, and the dual lane drive-through, are measures that may minimize potential concerns regarding maneuvering, the queuing of 25 vehicles in a line will interfere with on-site circulation.

Conditional Use Permit: Extended Hours of Operation

2. *The proposed use is allowed with a Conditional Use Permit within the applicable zoning district but does not comply with all applicable provisions of this Zoning Code.* Within the CL-SP-1d zoning district an allowed drive-through business is subject to limitations on hours of operation when located within 150 feet of a residential zoning district. A residential zoning district adjoins the site on the east within 150 feet. Pursuant to Zoning Code Section 17.40.070 (Limited Hours of Operation) the proposed use may only operate between the hours of 7:00 a.m. and 10:00 p.m. by right; and between the hours of 10:00 p.m. and 7:00 a.m. subject to the issuance of a Conditional Use Permit. The applicant proposes to operate between 5:30 a.m. and midnight. Since the proposed drive-through business is not allowed without approval of a Conditional Use Permit, extended hours cannot apply to a use that is not approved or allowed.