



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

September 7, 2017

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exception CE17-036 and approve a Conditional Use Permit (CUP17-003) to operate a drive-through lane for a new 1,839-square-lot restaurant (Coffee Bean) located at 5865 E. Spring Street within the Community Automobile-Oriented District (CCA) zone. (District 5)

APPLICANT: George Younan
17042 Devonshire Street, Suite 214
Northridge, CA 91325
(Application No. 1702-02)

DISCUSSION

The subject site is located on the northwest corner of Spring Street and Los Coyotes Diagonal (Exhibit A – Location Map) within the Community Automobile-Oriented District (CCA) zone. The site is surrounded by residential uses to the west and north and commercial uses to the east and south.

The site was originally developed as an automotive service station in 1950 and in 1983, was redeveloped with three commercial buildings that featured a geodesic dome architectural style. The applicant will demolish these structures to make way for a new commercial development on the 124,164-square-foot (2.8-acre) site.

The applicant is proposing to construct a new 1,839 square-foot Coffee Bean restaurant with a drive-through lane (Exhibit B – Plans). The zoning code requires a Conditional Use Permit (CUP) for the operation of a drive-through lane. Coffee Bean proposes hours of operation from 4:00 a.m. to 12:00 a.m. daily.

The single-story building is oriented to the southeast corner of the property. The site will continue to utilize the two existing driveway approaches, one on Spring and the other on Los Coyotes Diagonal, for vehicular access. The drive-through lane will take access from the drive aisle and will extend around the new building. The site plan illustrates that 151 feet will be provided for vehicle queuing, which meets the minimum 150 feet required by code.

The building was designed to minimize adverse impacts to the adjacent residential

properties. The drive-through lane extends around the front of the building along Spring Street and Los Coyotes Diagonal. The drive through menu board will be situated towards Spring Street and the pickup window will be situated towards Los Coyotes Diagonal to minimize potential noise impacts.

The code requires 10 parking spaces for every 1,000 gross floor area for interior restaurant area and 5 parking spaces for every 1,000 square feet of outdoor area. Based on 1,629 gross square feet of restaurant area and 1,729 square feet of outdoor seating area, a total of 25 parking spaces are required. The site plan illustrates compliance with these standards with a total of twenty-five parking stalls proposed on site.

The restaurant is designed as a single-story, rectangular shaped building, angled towards the intersection. The building will feature smooth stucco exterior walls accented with large black awnings over large glass store fronts. Large green screens are proposed on the street facing elevations to add interest to the building elevation. A new trash enclosure will be constructed for this development. The enclosure will be located along the north property line, adjacent to the adjacent commercial building. On June 28, 2017, the Site Plan Review Committee reviewed the project's architectural design and layout, and deemed it compatible with the surrounding area.

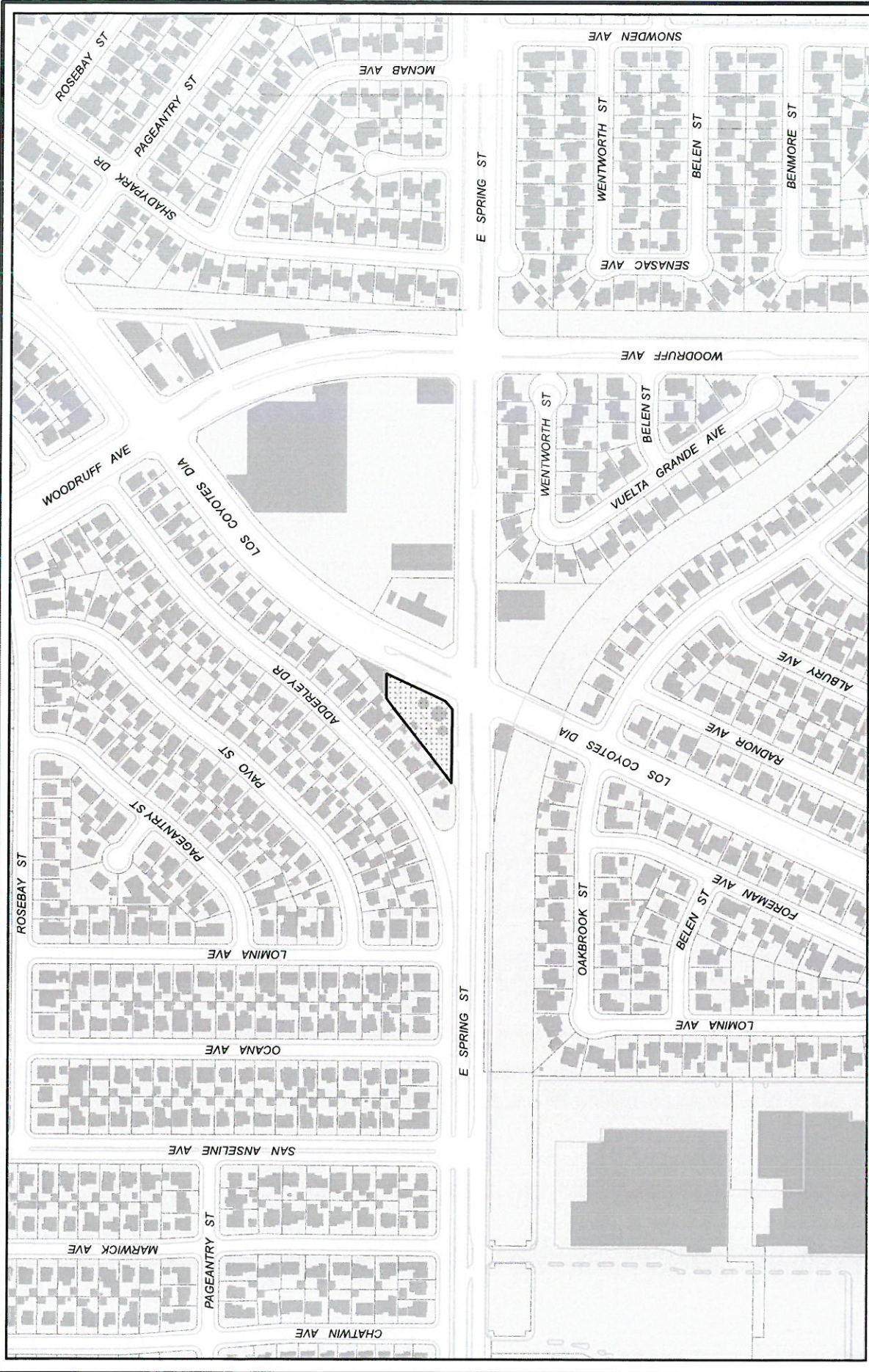
Planning staff finds that the proposed CUP for the drive-through lane will not cause any substantial adverse effects on neighboring land uses, or the community at large. The plans were reviewed by the Public Works Department to ensure proper onsite circulation as well as to identify improvements to the public right-of-way. Specific conditions have been incorporated to mitigate potential impacts (Exhibit C – Conditions of Approval). Staff has prepared positive findings (Exhibit D – Findings) and recommends that the Planning Commission approve the proposed construction of a drive-through lane for the restaurant, subject to conditions of approval.

PUBLIC HEARING NOTICE

A total of 285 Public Hearing notices were distributed on August 17, 2017, in accordance with the provision of the Zoning Ordinance. No comments have been received as of the preparation of this report.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE-17-036) was issued for the proposed project (Exhibit E- Categorical Exemption).



Subject Property:
 5865 E Spring St
 Application No. 1702-02
 Council District 5
 Zoning Code : CCA

Exhibit A



**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
APPLICATION NO. 1702-02/CUP 17-003
September 7, 2017**

Standard Conditions:

1. This approval permits construction of a new 1,839-square-foot restaurant (Coffee Bean) with a drive-through lane in conjunction with the restaurant, to operate between the hours of 4:00 a.m. and 12:00 midnight.
2. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
4. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
5. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property, as set forth by this permit, together with all conditions, which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
6. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Planning and Building Bureaus. These conditions must be printed on the site plan or a subsequent reference page.
7. All plans submitted for plan review must explicitly call out and describe all materials, textures, and colors approved by the Site Plan Review Committee. No substantial changes shall be made without prior written approval of the Site Plan Review Committee.
8. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval, if such

modifications shall not significantly change/alter the approved design/project. Any major modifications to the approved project shall be reviewed and approved by the Planning Commission.

9. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Director of Development Services or appointee.
10. Site development, including landscaping, shall conform to the approved plans on file in Long Beach Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
11. All landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted primarily with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
12. All landscaping irrigation systems shall use high efficiency sprinkler nozzles. The models used and flow rates shall be specified on the landscaping plan. For residential-type or small-scale sprinkler systems, sprinkler head flow rates shall not exceed 1.00 GPM and shall be of the rotating type. Where feasible, drip irrigation shall be used instead. If an in-ground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.
13. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
14. Adequately sized trash enclosures shall be designed and provided for this project as per LBMC Section 21.45.167. The designated trash area shall not abut a street or a public walkway and shall be placed at an inconspicuous location on the property. Trash enclosures shall be designed to complement the building architecture, screened on all sides and provided for easy access. Prior to the issuance of a building permit, detailed drawings of these enclosures shall be submitted to the Director of Development Services for review and approval of the enclosure designs

- and materials. Trash enclosures require a separate permit. The trash enclosure location that is easily accessible to trash collection trucks.
15. The Department of Development Services and the Long Beach Police Department shall have the authority to review the site for security issues, and said departments shall have the power to require additional security measures including, but not limited to, security guards, fencing, and additional security lighting if problems develop at the site.
 16. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
 17. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Such devices shall be properly screened with landscaping or other screening methods approved by the Director of Development Services.
 18. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.
 19. The applicant shall submit a photometric and electrical plan illustrating all exterior security lighting for review and approval prior to issuance of building permits. All parking areas serving the site shall provide appropriate security lighting pursuant to Section 21.41.259. Exterior lighting should clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors, as well as the business address. All exterior lighting shall be operated by a photocell that activates the lighting when it senses darkness. Such lighting shall be adequately shielded to prevent intrusion of light and glare upon neighboring properties.
 20. Energy conserving equipment, lighting, and construction features shall be utilized on the building.
 21. Any graffiti found on site must be removed within 24 hours of its appearance.
 22. Exterior security bars and roll-up doors applied to windows and pedestrian building

entrances shall be prohibited.

23. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
24. Separate building permits are required for fences, retaining walls, and flagpoles.
25. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
26. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not permitted
27. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

Special Conditions

28. The applicant shall install a video surveillance system. The cameras shall record video for a minimum of 30 days. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services and the Director of Development Services.
29. The operator/owner/tenant shall prevent loitering and loud noises on site during hours of operation. If loitering continues, as determined by the Long Beach Police Department, additional security measures shall be required at the discretion of the Director of Development Services. Continual problems with loitering, which increase the calls for service at the business may lead to revocation of the Conditional Use Permit.

**CONDITIONAL USE PERMIT FINDINGS
APPLICATON NO. 1702-02/CUP 17-003
September 7, 2017**

Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the Planning Commission shall not approve a Conditional Use Permit unless the following findings are made. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;

The subject property is located in the General Plan Land Use District (LUD) #1, "Single Family Residential Land Use District," and the CCA (Community Commercial Automobile-Oriented) zoning district. LUD #1 is established to provide low density residential housing, however small commercial uses along the frontages of certain streets for the service and convenience of persons traveling by car and needing local services are allowed. The CCA zone allows for commercial-only land uses. The project, a new restaurant, is compatible with and conforms to both the General Plan LUD and the zoning district, and applicable zoning regulations.

2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE.

The project is designed to minimize potential impacts on surrounding properties from the operation of the drive-through lane for the restaurant. The subject site abuts residential uses to the west and north. However, the drive-through lane is located on the site furthest from these properties. The building and drive-through lane are specifically oriented towards the front corner of lot to minimize noise impacts to the residential properties.

3. THE SITE SHALL NOT ADJOIN OR ABUT A RESIDENTIAL USE DISTRICT.

Although the subject site borders a residential district the site has been designed to minimize potential adverse impacts. More specifically, the drive-through lane is positioned furthest away from residential properties with the menu board and the service window facing Spring and Los Coyotes Diagonal. The location of the menu board and service window will ensure that noise levels generated from these features will be minimal to the residential properties. Conditions have been incorporated to ensure impacts to the residential properties are minimal. A new taller decorative wall will be constructed to separate the development site from the residential properties. Additionally, a

five-foot-wide landscape planter that extends across the entire rear property line will buffer the residential properties from any adverse noise and light glare. A variety of evergreen trees will be planted in the planter that extends across the entire rear property line that will provide additional screening and buffering.

4. THE PROPOSED SITE SHALL NOT INTERRUPT OR INTRUDE INTO A CONCENTRATION OF RETAIL USES AND SHALL NOT IMPEDE PEDESTRIAN CIRCULATION BETWEEN RETAIL USES.

The proposed drive-through lane is in conjunction with a new restaurant. The site does not interrupt or intrude into a concentration of retail uses. Furthermore, there is a continuous sidewalk between the subject site and the adjacent beauty salon; the proposed drive-through lane will not impede pedestrian circulation between retail uses.

5. THE USE SHALL NOT CONSTITUTE A NUISANCE TO THE AREA DUE TO NOISE, LITTER, LOITERING, SMOKE OR ODOR.

The site is commercially zoned and the new development is a commercial use. The operation of the drive-through lane used by the fast food restaurant has been conditioned so that its operation will not create adverse effects to the site nor the adjacent properties. Conditions have been incorporated to address noise and property maintenance.

6. ORDER BOARD SPEAKERS SHALL BE ORIENTED AND DIRECTED AWAY FROM ADJACENT RESIDENTIAL USES.

The menu board and speaker box are located away from the adjacent residential properties. Adverse impacts are minimal for the adjacent properties.



EXHIBIT E

NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE- 17-036

Project Location/Address: 5805 E. Spring Street, Long Beach, CA 90808

Project Activity/Description: The project will incorporate the removal of three inefficient gaseric domes totaling 5,000 sq ft & replacing with a 1,790 sq ft Coffee Bean & Tea Leaf with a drive-thru component along the street.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: George Younan

Mailing Address: 7042 Devonshire St, #214, Long Beach

Phone Number: 818-523-7910

Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1702-02 Planner's Initials: SV

Required Permits: Site Plan Review, Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15303

Statement of support for this finding: This project consists of new restaurant not more than 2,500 square feet of area. The use is replacing commercial office buildings with no significant ^{amount of} hazardous substances.

Contact Person: Gina Casillas

Contact Phone: 562 570-6819

Signature: Gina Casillas

Date: _____