



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

May 5, 2016

CHAIR AND PLANNING COMMISSIONERSCity of Long Beach
California**RECOMMENDATION:**

Accept Categorical Exemption CE 16-101 and approve a Conditional Use Permit to allow a new 2,000-square-foot restaurant with a drive-through lane, located at 2103 N. Bellflower Boulevard, in the Community Commercial Automobile-Oriented (CCA) zoning district. (District 4)

APPLICANT: Adam Fisher – Centerra Retail Group
5023 N. Parkway Calabasas
Calabasas, CA 91302
(Application 1511-04)

DISCUSSION

The subject site is located on the northwest corner of North Bellflower Boulevard and Abbeyfield Street (Exhibit A – Location Map), at 2103 North Bellflower Boulevard. The site is located within the Community Commercial Automobile-Oriented (CCA) zone and is currently developed with a Shell gas station. There is an alley along the site's north property line, which is currently used by the commercial buildings north of the site along Bellflower Boulevard to access their parking lot. The site abuts other CCA-zoned sites to the north, south, and east, but is near residential zones. The closest residential property is a single-family home located 60 feet away, across Abbeyfield Street.

The applicant proposes to demolish the existing gas station and construct a new 2,000-square-foot Del Taco restaurant with a drive-through lane (Exhibit B - Site Plan). The site plan illustrates that the project provides the code-required 20 parking spaces for the restaurant. The site currently has two driveways from Bellflower Boulevard as well as Abbeyfield Street. The Bellflower Boulevard curb cut is currently combined with the alley, creating an oversized vehicular access point that does not comply with current curb-cut standards. In order to eliminate a curb cut near an intersection and improve vehicular circulation and pedestrian safety, the site's access from Bellflower Boulevard will be reduced to the alley. The applicant proposes to retain one existing curb cut along Abbeyfield Street. The plans were reviewed by the Public Works Department to ensure proper ingress and egress, as well as on-site circulation.

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The building is proposed with an exterior stucco finish, using a neutral-toned paint for the main building walls and an accent color on a corner tower element. The applicant proposes a slate tile wainscot for the building base and green awnings. On March 23, 2016, the Site Plan Review Committee reviewed the project design and was supportive of the project.

A Conditional Use Permit (CUP) is requested for approval for the operation of a drive-through lane for the fast food restaurant. The drive-through lane provides the required 150 feet of vehicular queuing length along the building's west side, which is closest to the Bellflower Boulevard. The pick-up window is also located on the building's west side, enabling motorists to exit the drive-through lane onto Bellflower Boulevard. The speaker box and menu board are angled toward the intersection of Bellflower Boulevard and Abbeyfield Street, away from the residential zone.

The applicant initially proposed for the restaurant to operate 24 hours a day. However, due to significant community opposition in response to the public hearing notice, the applicant has changed their proposed hours to 6:00 a.m. to 2:00 a.m.

The Site Plan Review Committee determined that the project architecture is consistent with buildings in the area. The site's layout will function in a manner that separates the restaurant drive-through traffic from residential traffic to the degree possible. The proposed CUP for the drive-through lane will not result in substantial adverse effects on neighboring land uses, or the community at large. Specific conditions have been incorporated to minimize the potential negative impacts (Exhibit C – Conditions of Approval). Staff has prepared findings for approval (Exhibit D – Findings) and recommends that the Planning Commission approve the Conditional Use Permit for the construction of a drive-through lane at a new fast-food restaurant, with hours of operation between 6:00 a.m. and 2:00 a.m., subject to conditions of approval.

PUBLIC HEARING NOTICE

A total of 332 Public Hearing notices were distributed on April 20, 2016, in accordance with the provision of the Zoning Ordinance. To date, staff has received 33 letters citing opposition, and several phone calls voicing opposition. Reasons for opposition include the 24-hour operation, traffic congestion, noise, garbage, loitering, and general incompatibility with the nearby residential area. The District 4 Council office conducted a community meeting on April 26, 2016, where the applicant and Del Taco fielded questions about the project. Furthermore, on November 18, 2015, a Notice of Received Application was sent to the Council District office as well as emailed to the Los Altos Neighborhood Association South. (Exhibit F – Notice of Received Application)

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 16-101) was issued for the proposed project (Exhibit E - Categorical Exemption).

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Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:ct

Attachments:

- Exhibit A – Location Map
- Exhibit B – Site Plan
- Exhibit C – Conditions of Approval
- Exhibit D – Findings
- Exhibit E – Categorical Exemption
- Exhibit F – Notice of Received Application



Subject Property:
2103 Bellflower Blvd
Application No. 1511-04
Council District 4
Zoning Code : CCA HL-40

Exhibit A



**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**

**2103 N. Bellflower Boulevard
Drive-through lane for fast food restaurant
Application No. 1511-04
May 5, 2016**

Standard Conditions:

1. This approval permits a Conditional Use Permit (CUP) requesting to operate a drive-through lane in conjunction with a new fast-food restaurant, to operate between the hours of 6:00 a.m. and 2:00 p.m.
2. This permit and all development rights hereunder shall terminate one year 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 one 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 and Safety 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 Planning Commission. No substantial changes shall be made without prior written approval of the Planning Commission.

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. Site development, including landscaping, shall conform to the approved plans on file in the Department of 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.
10. 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.
11. Where feasible, all landscaped areas shall be planted with drought-tolerant plant materials. All landscaped areas 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. 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.
13. 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.

14. 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).
15. 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.
16. 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.
17. All parking areas serving the site shall provide appropriate security lighting pursuant to Section 21.41.259. 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. The Chief of Police may require other security measures to be provided.
18. Energy conserving equipment, lighting, and construction features shall be utilized on the building.
19. Any graffiti found on site must be removed within 24 hours of its appearance.
20. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
21. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building and Safety Bureau must be secured.
22. Separate building permits are required for fences, retaining walls, and flagpoles.
23. 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.

24. The applicant shall comply with all Low Impact Development (LID) measures as required by the Building and Safety Bureau.
25. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
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. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
28. All unused curb cuts shall be replaced with full height curb, gutter and sidewalk and shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
29. 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

30. The street address shall be clearly posted on the street side of the main building and visible from the street.
31. 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. Lighting shall also be positioned to discourage homeless people from sleeping.

32. As there is a potential risk of the building being vandalized by graffiti due to its location and design, the applicant should include deterrents to minimize the risk of graffiti by planting low growing landscape or utilizing graffiti resistant paint.
33. The applicant shall install a video security camera system at the front and rear of the business with full view of the public right-of-way and shall install exterior security cameras that provide full view of any area where the operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days and be accessible via the internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow the LBPD to view live and recorded video from the cameras over the internet are also required. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services and the Director of Development Services.
34. 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, a security guard shall be required during business hours 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.
35. No more than 30 percent of the exterior windows shall be concealed by advertisement or signs.
36. The applicant shall include in their construction drawings plans and procedures to remove existing underground storage tanks at the gas station.

Department of Public Works

37. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).

Engineering Bureau

38. The Developer shall remove unused driveways and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
39. The Developer shall install new tree wells with street trees and an irrigation system adjacent to the development site along N. Bellflower Boulevard in accordance with Long Beach Municipal Code 21.42.050. The Developer and/or successors shall privately maintain all street trees, landscaping and sprinkler

systems required in connection with this project.

40. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
41. The Developer shall repair the cracked, uplifted and/or deteriorated sections of sidewalk, curb and curb gutter pavement adjacent to the site. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
42. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities within the adjacent right-of-way and along the truck delivery route shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
43. Prior to approving an engineering plan, all projects greater than one acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 266-7500 or visit their website for complete instructions at www.waterboards.ca.gov/stormwtr/construction.html. Left-click on the Construction General Permit 99-08-DWQ link.
44. Improvements on public rights-of-ways shall be constructed in accordance with plans reviewed and approved by the Department of Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Department of Public Works for approval.
45. A Public Works Street Improvement Permit is required for paving and other surface improvements within the public rights-of-way, contact the Public Works Records Section at (562) 570-6784.

EXHIBIT D

CONDITIONAL USE PERMIT FINDINGS APPLICATION NO. 1511-04 May 5, 2016

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 General Plan Land Use District (LUD) #7, "Mixed Use District," and the CCA (Community Commercial Automobile-Oriented) zoning district. LUD #7 is established to blend compatible land uses (residential and low-to medium-intensity commercial) with the goal of increasing the efficiency and vitality of an urban site. The CCA zone allows for commercial-only land uses. The project, a new fast food 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; AND

The project was designed to minimize potential impacts on surrounding properties from the operation of the drive-through lane for the fast-food restaurant. The subject site does not abut a residential use nor does it abut a residential use district. However, there is a residential zone adjacent to the subject site, located diagonally across Abbeyfield Street. The building and drive-through lane were specifically oriented to locate the drive-through lane operation away from the residential property, and placed closest to Bellflower Boulevard to minimize the potential of any noise or light impacts.

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

The subject site does not abut a residential use nor does it abut a residential use district. However, because there is a residential zone diagonally across the street from the subject site, the drive-through lane was located on the farthest side of the site (against Bellflower Boulevard) in order to separate it from the residential uses as much as possible and minimize any potential impacts.

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 lanes are in conjunction with a new fast-food restaurant on a corner parcel. The site does not interrupt or intrude into a concentration of retail uses. Furthermore, there is a continuous sidewalk between the subject site and other commercial sites; 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; AND

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 subject site does not abut a residential use nor does it abut a residential use district. However, because the site is diagonally across the street from a residential zone, the drive-through lane was located on the farthest side of the site in order to separate it from the residential uses and minimize any potential impacts.



CITY of LONG BEACH NOTICE of EXE

EXHIBIT E

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbds.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. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 16-101

Project Location/Address: 2103 N. Bellflower Blvd

Project/Activity Description: Conditional Use Permit for a drive-through lane in accordance with a new 24-hour, 2,000 square-foot fast food restaurant in the Community Commercial Automobile-Oriented (CCA) zone.

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

Applicant Name: Adam Fisher / Centerra Retail Group

Mailing Address: 5023 N. Parkway Calabasas CA 91302

Phone Number: 818 346-0200 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1511-04 Planner's Initials: [Signature]

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15303, New Construction of Small Structure

Statement of support for this finding: This project consists of a drive-through lane in conjunction with construction of a 2,000 square-foot fast food restaurant.

Contact Person: Carrie Tai

Contact Phone: (562) 570-6411

Signature: [Signature]

Date: 4/25/2016

EXHIBIT F

homes@joesapo.com

Sent 11/18/15
HE



NOTICE OF RECEIVED APPLICATION

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

The Department of Development Services has received an application for the following project. We invite any questions or comments you may have on this project.

PROJECT INFORMATION

Project Location:	2103 N. Bellflower Blvd	
Application No.:	1511-04	Filing Date: November 12, 2015
Community Group(s):	Los Altos Neighborhood Association South	
Project Description:	A Site Plan Review and Conditional Use permit for the redevelopment of an existing Shell Gas Station into a new 24-hour 2,000 square-foot Del Taco restaurant with drive-through lane and associated site improvements. The project is located in the CCA Zone.	
Contact Information for the City Planner Assigned to this Project:	Carrie Tai 333 W. Ocean Blvd., 5 th Floor Long Beach, CA 90802 (562) 570-6411 carrie.tai@longbeach.gov	
Council District:	4 – Daryl Supernaw	
Tentative Hearing Date:	TBD	
Additional Information:		