



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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May 19, 2016

## CHAIR AND PLANNING COMMISSIONERS

City of Long Beach  
California

### RECOMMENDATION:

Adopt findings to support denial of a Conditional Use Permit for a new 2,000-square-foot restaurant with a drive-through lane with hours of operation from 6:00 a.m. to 2:00 a.m., 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. 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, with proposed hours of operation from 6:00 a.m. to 2:00 a.m.

In accordance with Zoning Ordinance requirements, public hearing notices were mailed to a 750' radius 14 days prior to the public hearing. Over 100 letters of opposition from the surrounding neighborhood were received. On May 5, 2016, staff presented the Conditional Use Permit (CUP) request to the Planning Commission. Staff prepared findings and recommended that the Planning Commission approve the proposed project because it met all the necessary provisions of the Zoning Ordinance. At the public hearing, 28 members of the public spoke in opposition, some presenting written documentation.

During the public hearing, the Planning Commission heard testimony regarding the existing condition of the neighborhood and opposition to the late night hours of the drive-through use, as well as additional traffic, noise, light, and trash that the proposed use might attract to the neighborhood. The Planning Commission concluded that the proposed project would not meet positive findings for the CUP and voted unanimously to

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direct staff to revise the findings for the CUP and return with a recommendation for denial of the CUP. (Exhibit B – Findings).

Respectfully submitted,

*Linda F. Tatum*  
for

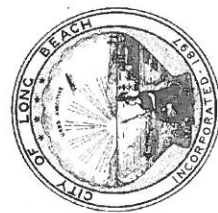
LINDA F. TATUM, AICP  
PLANNING BUREAU MANAGER

*Amy J. Bodek*

AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:ct

Attachments:      Exhibit A – Location Map  
                         Exhibit B – Findings



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

## Exhibit A



## **EXHIBIT B**

### **CONDITIONAL USE PERMIT FINDINGS APPLICATION NO. 1511-04 May 19, 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 implements LUD #7 by allowing for commercial land uses. While not abutting or adjoining a residential zone, the subject property is across the street from a residentially-zoned district. The proposed use, a drive-through lane for a new fast food restaurant operating between 6:00 a.m. to 2:00 a.m. would increase characteristics such as traffic, noise, and lighting, within close proximity to a residential neighborhood. Therefore, the project is not compatible with the General Plan LUD in that the proposed use does not blend with existing neighborhood land uses.

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 proposed project is a drive-through lane for a fast food restaurant to operate between the hours of 6:00 am and 2:00 a.m. The proposed project site, which does not abut or adjoin a residential zone, is located across the street from a residential zone, with the closest residential property 60 feet away. The land use characteristics of a drive-through lane for a fast food restaurant primarily occur on the exterior of the building. The City received over 100 letters of opposition; 28 speakers voiced opposition at the May 5 Planning Commission public hearing, some providing written materials. The extensive oral and documentary evidence consisted of specific information presented by members of the neighborhood immediately adjacent to the project site. The information received in written and during public testimony described the existing condition of the neighborhood as very quiet during the evening hours, pedestrian-oriented during the day time, and already currently impacted by traffic and activity from students from California State University Long Beach. The written and oral testimony expressed concerns



that the late night operation, traffic, noise, and light from the proposed drive-through lane would negatively impact the existing conditions in the neighborhood and the nearby residential properties, particularly during the quiet evening hours. Furthermore, members of the neighborhood expressed that the introduction of a drive-through use was not appropriate to a pedestrian-oriented environment. Given the close proximity of a residential zone and the condition of the neighborhood described during the significant oral and written testimony, the Planning Commission finds that the proposed use would be detrimental to the general welfare and quality of life of the members in the nearby residential community.

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

The project site does not abut a residential use nor does it abut a residential use district. The use of the proposed driveway from Abbeyfield Street (designated as a local street by the City's Mobility Element) for automobile egress during late night hours would result in automobile headlights facing in the direction of a residential property. Therefore, the presence of a residential zone diagonally across the street from the project site, coupled with the shape and size of the project site, creates an opportunity whereby this residential zone would potentially be affected in a similar manner as a residential zone that abuts the subject site.

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 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 would 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

Oral and written testimony from the public included observations and documentation of nuisance related activity at other fast food drive-through restaurants in proximity to the residential neighborhood near the proposed use. Such public testimony included incidents involving noise, trash, and loitering. Even with the proposed Conditions of Approval, the Planning Commission is unable to find that the use at this location would not generate the above described nuisance activity.

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

The project 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 and the order board speakers directed to the middle of the intersection, in order to separate it from the residential uses and minimize any potential impacts.