

CONDITIONAL USE PERMIT FINDINGS
1320 Atlantic Avenue (APN: 7268-010-050)
Application No. 1806-024
August 6, 2020

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. 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 project site (4.42 acres), which includes the two (2) outlying pads, has a General Plan Land Use PlaceType designation of Transit-Oriented Development-Low (TOD-L). TOD-L “encourages multi-family housing at densities that provide a transition from lower-density single-family neighborhoods to the higher-density housing planned for the Metro Blue Line station, as well as existing and future bus, shuttle and other mass transit routes and stations.” A variety of commercial uses is desired to address the daily needs of consumers for goods and services. These desirable commercial uses include restaurants with outdoor dining, cafes, retail shops, grocery stores and other uses supporting pedestrian-friendly streetscape. Although the construction of the new drive-through lane for future restaurant and/or retail uses does not specifically correlate to transit users, the overall scope of the project does address the intent of providing a mix of commercial uses that includes a restaurant/retail with outdoor space. To address the intent of providing a pedestrian-friendly development, the use of clearly delineated walkways and several outdoor patios are incorporated.

The project is located within the Community Automobile Oriented District (CCA) zone. Drive-through facilities are permitted in the district upon approval of a Conditional Use Permit. Approval of drive-through lanes are subject to applicable special development standards found in Section 21.45.130 of the Zoning Regulations. The single special development standard in place for restaurant establishments with drive-through lanes is a minimum queueing distance of 150 feet, as measured from the forward-most drive-up window to the entrance of the queueing space. The proposed project will have a queueing distance of approximately 297 linear feet which greatly exceeds the minimum requirement. Approval will thus be consistent with the zoning regulations governing the site and the special development standards in place for the drive-thru use.

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 restaurant, ready-to-eat restaurant, or retail pad with the drive-through lane would be located at the intersection of New York Street/Lime Avenue (Building 4, as shown on the Plans—Exhibit A). The drive-through lane will wrap the building but is located opposite of Atlantic Avenue on the east side of the site. It has been designed to accommodate a high volume of vehicles so as to not cause parking lot circulation issues with pedestrians and vehicles. The drive-through lane will be screened from right-of-way view with the incorporation of enhanced landscape buffers along both New York Street and Lime Avenue. The landscaping includes groundcover, shrubs, vines and trees.

The speaker systems are located approximately of 78 feet away from the nearest residential uses; however a condition of approval has been included which will define the maximum decibel level of the drive-through speaker system. The facility, as designed, will therefore not be detrimental to the surrounding community.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.

Chapter 21.52 of the Zoning Regulations contains special conditions for fast-food restaurant uses. Although the project includes a drive-through lane, it is not subject to the required findings and design standards of Section 21.45.130 (Drive-through facilities) of the Long Beach Municipal, which was adopted in 2019. The proposed project was deemed complete prior to the adoption of the new drive-through regulations. However, the following conditions pertaining to fast-rood restaurants shall apply:

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

The Project site is bounded by public rights of way on all sides, New York Street to the north, Lime Street to the east, Anaheim Street to the South and Atlantic Avenue to the west. Properties across New York Street and Lime Avenue are located within a residential use district. However, public rights of way separate the residential uses from the project site and therefore do not adjoin or abut a residential use district as defined in Title 21 of the Long Beach Municipal Code.

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

The Project's drive-through lane will not interrupt or intrude into the adjacent retail uses or impede pedestrian circulation between retail uses. The outlying

building with the drive-through lane is incorporated as part of the overall shopping center/commercial development which is also being rehabilitated. The buildings are accessed not only from the existing site which has access from three (3) public rights of way, but also the interior of the site, and the in-line buildings. There are two (2) pathways, one (1) each from the in-line buildings to the pad buildings.

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

Conditions of approval addressing noise, loitering, and property maintenance are incorporated to limit any potential adverse effects caused by the proposed drive-through facilities.

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

Building 4 is not adjacent to nor abuts any residential use but conditions of approval shall be included which require speaker systems to be placed behind a block wall of adequate height and that they comply with maximum decibel limitations.

4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.

The proposed project consists of the demolition of 14,100 square feet of gross commercial building area and the construction of two new buildings of 6,174 square feet and 6,256 square feet, including a restaurant with a drive-through lane. Therefore, per Section 21.45.400(i), the project will be conditioned to comply with standards related to canopy trees, bicycle parking, solar-ready roofing, and waste collection.

