

September 7, 2023

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Determine that the project is within the scope of the project previously analyzed as part of the General Plan Land Use and Urban Design Elements Program Environmental Impact Review (EIR) (SCH #2015051054) (PECC02-23) and warrants no further environmental review pursuant to CEQA Guidelines Sections 15168 and 15162;

Approve two (2) Conditional Use Permits (CUP21-024 & CUP21-025) and adopt findings and conditions of approval thereto, to allow the operation of two (2) drive-through facilities for two (2) new detached restaurants proposed on a vacant pad within the Long Beach Towne Center in the Regional Commercial Highway (CHW) Zoning District; and

Approve a Tentative Parcel Map request (TMP21-009) and adopt findings and conditions of approval thereto, to subdivide an existing 20-acre parcel into (2) two lots resulting in Parcel A, a 17.56-acre lot and Parcel B, a 2.44-acre lot. (District 4)

APPLICANT: Advantage Assets Acquisitions, LLC
c/o Michael Grant
800 Lantern Crest Way
Santee, CA 92071
(Application No. 2112-17)

BACKGROUND

On August 3, 2023, the proposed project was presented to the Planning Commission (PC) for consideration. During the public hearing, the applicant addressed concerns to the Commissioners on the conditions of approval related to adding solar on site to the maximum extent feasible and complying with the Southern California Edison (SCE) Green Rate Program. The applicant expressed that adding solar would be infeasible to the project and although not yet available due to being waitlisted, the SCE Green Rate Program would satisfy the Long Beach Climate Action Plan (LB CAP) mitigation measures. Following the discussion, a motion was made by the Commission and passed by a vote, to continue the item to date certain of September 7, 2023. In the motion, the PC outlined concerns to be addressed prior to the September PC meeting related to solar and the City's CAP requirements.



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On August 14, 2023, City staff and the applicants team met in person to discuss the project's compliance with the LB CAP requirements. A second meeting was held virtually with City Staff and the applicant on August 29, 2023 to discuss the alternatives for the project meeting the CAP mitigation measures. Based on the discussion, in order to comply with the LB CAP Development Checklist's requirement to utilize 100 percent zero-carbon electricity and meet the 2030 Green House Gas reduction goal, the conditions have been revised to require the applicant to provide proof of wait listing on the SCE Green Rate program and enroll as soon as an opening becomes available. The applicant will be required to provide proof of waitlist prior to Certificate of Occupancy and provide an update on the status of enrollment to the Planning Bureau not less than one time annually at the time of business license renewal. Within the revised condition, the applicant will have four (4) years to demonstrate compliance with the condition. If by September 7, 2027 the businesses have not been admitted to the SCE Green Rate program, the applicant will be subject to working with the Planning Bureau to add solar on site to the maximum extent feasible as well as providing proof of a customer Power Purchase Agreement.

DISCUSSION

The project site is located on the south side of Carson Street, between Carson Boulevard to the east (Internal Private Street) and an un-named roadway to the west within a vacant 2.44-acre pad on a 20-acre parcel within the Regional Commercial (CHW) Zoning District (Attachment A - Vicinity Map). The site is located within the westerly most portion of the Long Beach Towne Center (Towne Center), a 102-acre shopping center with approximately 1,014,988 square feet of building area that has a range of uses consisting of retail stores, restaurants, fast food restaurants with drive-through lanes, offices, and a movie theater. The site has a Community Commercial (CC) General Plan Land Use Element (LUE) PlaceType, which allows a wide range of local- and community-serving commercial uses. Surrounding uses include a 16-pump gas station to the west, an approximately 143,000 square foot retail store (Wal-Mart) to the south, a fast-food restaurant with a drive-through to the east, and commercial uses and an equestrian center to the north of the site within the City of Lakewood (Attachment B - Site Photos).

Prior to this site being developed as a regional shopping center, it once housed the Naval Hospital to the east of the site and a community garden for the former Long Beach Jail Honor Farm to the west (project site). In June of 1991, the Defense Base Closure and Realignment Commission recommended the closure of the hospital. A Reuse plan was created (Naval Properties Reuse) and approved by the City Council in July 1993 which established this area to be developed as a commercial center. In November 1995, the PC certified the Environmental Impact Report for the project (EIR 37-92), recommending the City Council rezone the site to a Community Commercial Automobile-Oriented (CCA)/CHW zone with a 45-feet/four-Story height overlay and commercial center to proceed. In December 1995, the City Council adopted the Statement of Overriding Considerations for the EIR, amended the General Plan Designation of the property and rezoned the site to CCA/CHW with the height overlay.

The Towne Center (regional commercial shopping center) was later approved by the City Council on January 16, 1997, that included: 1) A Site Plan Review (SPR) request for the overall site, 2) 16 Conditional Use Permits (CUP) for the Edwards Cinema Theater with an electronic video

arcade, three fast food uses with drive-through lanes, 2) two off premises alcohol licenses as well as nine on-site consumption alcohol licenses; 3) Standards Variance to exceed the overall height of 45-feet in building height for the Edwards Cinema and the Sign Program; and, 4) A General Plan Conformity finding for the vacation of Dovey Drive. In April 2001, the approximately 143,000-square-foot retail store (Wal-Mart) was approved by the PC. The remaining 2.44-acre site has remained a vacant and undeveloped pad.

The applicant proposes two new drive-through facilities for two new single-story detached fast-food restaurants, each with a drive-through facility on the vacant pad. Pursuant to Section 21.32 of the Long Beach Municipal Code (LBMC), the approval of a CUP for each drive-through is required in the CHW Zoning District. The purpose of a CUP is to allow for the individual review of certain uses in order to determine whether that use, in that location, is compatible with the surrounding uses or can be made compatible with conditions of approval. In addition to the CUP requirement, the Zoning Code includes special findings that must be made in order for a drive-through to be approved, as well as special operating standards which drive-through facilities must comply with.

The project will develop two new detached fast-food restaurants on the vacant 2.44-acre pad with one restaurant (El Pollo Loco) located on the northwesterly portion of the site and one restaurant (Raising Cane's) located on northeasterly area of the site totaling a combined building area of 5,791 square feet. The site will also include 74 parking stalls and eight bicycle racks. Vehicle access to the site is provided by three, two-way, driveways along the southern area of the site, with one driveway providing north to south access to the site and two driveways providing east to west access to the site. This project includes a pedestrian and bicyclist dual purpose pathway connecting the site to Carson Street to the north. A total of 29,654 square feet of attractive drought tolerant landscape area is proposed on site that will include 62 on site trees throughout the site (Attachment C – Plans).

Both restaurants propose to operate Monday through Sunday from 9 am to 2 am and will employ a total of 50 employees for both restaurants combined. Raising Cane's would employ a total of three full-time and 29 part-time employees and El Pollo Loco would employ a total of three full-time and 15 part-time employees. By developing this vacant pad with two fast food restaurants with drive-through facilities, the project will bring additional employment opportunities while also providing nearby residents with additional commercial services, which is consistent with Land Use (LU) Policy 6-1, intended to "Encourage a mix of land uses that is diverse, innovative, competitive, entrepreneurial, local and sustainable, which thereby promotes economic development, increases City revenues, expands job growth and increases value, access and usability for existing neighborhoods and communities".

The commercial building proposed on the northwesterly corner of the property includes 2,320 square feet of building area that will be setback approximately 32 feet from the front property line along Carson Street and will include architectural features like the existing structures within the Towne Center. These features include commercial windows with mullions, hardy trim boards, awnings, tower elements, and an attractive paint pallet. The structure will maintain a 24-foot 7-inch building height measured to the top of the sign tower. The proposed restaurant will also

provide 280 square feet of outdoor open seating area located on the eastern side of the building that will be visible from Carson Street.

The commercial building proposed on the northeasterly corner of the site will contain 3,471 square feet of building area that will be setback approximately 120 feet from Carson Street which will also include architectural features similarly found within the Towne Center. These features include brick cladding, metal panels, aluminum storefront window systems, stucco, tower elements, awnings, and a grey color pallet. As designed, the restaurant will maintain a 21-foot 4-inch building height. The proposed restaurant will provide 3,590 square feet of outdoor dinner area to the north of the structure which will include a patio structure over the seating area and will be the prominent feature that will be visible from Carson Street. The SPR Committee, which is designated as the review body for design of the two new detached commercial buildings because of their size, approved the design on April 12, 2023 (SPR21-085). The SPR Committee found that the development of the two new detached restaurants was compatible with the nearby context, including various commercial buildings and architectural theme present within the Towne Center. These improvements help meet the intent of General Plan LUE Policy 7-4, which "Encourages degraded and abandoned buildings and properties to transition to more productive uses through adaptive reuse or new development".

The development of the restaurant on the northwesterly portion on the site will include a drive-through with two side-by-side entry lanes that merge into a single lane prior to the order board, allowing more vehicles to queue in the drive-through lane without spilling into the drive aisles. As designed, the drive-through will provide approximately 185 feet of total queuing lane capacity from the opening of the two drive-through lanes to the order board and approximately 100 feet from the order board to the pick-up window. This would provide a total drive-through queue length of approximately 285 feet, for a drive-through queuing capacity of 13 vehicles, assuming 22 feet per vehicle, from the beginning of the drive-through lanes to the pick-up window. Based on the proposed drive-through queueing capacity and estimated peak drive-through queue demand, the project site would have sufficient queuing capacity for the peak observed queue.

The restaurant proposed on the easterly most portion of the site will include an opening to the drive-through lane that will be located west of the proposed building and wrap around to the western side of the building in a clockwise direction. A single lane entry point into the drive-through facility is proposed and will provide up to a two vehicle queue. The drive-through would provide two side-by-side entry lanes and two order boards, which would allow Raising Cane's to take orders from two customers at the same time. After the order boards, the two lanes would continue on to provide dual pay and pick-up lanes. There will be approximately 150 feet of total queuing lane capacity (approximately 75 feet per lane) from the opening of the two drive-through lanes to the two order boards and approximately 305 feet of total queuing lane capacity (approximately 153 feet per lane) from the order boards to the pay and pick-up windows. This would provide a total drive-through queue length of approximately 455 feet, for a drive-through queuing capacity of 20 vehicles, assuming 22 feet per vehicle, from the beginning of the drive-through lanes to the pick-up window. As Raising Cane's is proposing dual pay and pick-up lanes with a kiosk feature, this would allow for two fully functioning drive-through lanes and is expected to increase the efficiency by 25 percent resulting in a peak queue of 19 vehicles. Based on the

proposed drive-through queueing capacity and estimated peak drive-through queue demand, the project site would have sufficient queueing capacity for the peak queue.

Special Development Standards for Drive-Through Facilities are identified in Section 21.45.130 of the Zoning Regulations, some of which requires the facility to have adequate vehicle queueing and incorporate prominent features along the street frontages. As designed, both drive-through facilities will conform to City's Drive-Through Design Guidelines which requires a four minimum vehicle queue to the menu boards (eight vehicles for the northeasterly restaurant and four to five vehicles for the northeasterly restaurant) and will prevent vehicular and pedestrian travel hazards with a condition of approval to require the installation of caution signage and raised crosswalks that intersect with the drive-through facilities (Attachment D – Conditions of Approval). Per the Queuing Analysis prepared within the Traffic Study for this site, the project will provide adequate vehicle peak queueing for both projects (13 for El Pollo Loco and 19 for Raising Cane's). To provide attractive prominent design features and screen the drive-through facilities, the Drive-Through Guidelines seek to have buildings placed closest to the street frontages. As designed, the northwesterly restaurant will be placed as close as feasibly possible along Carson Street to the north and an un-named road to the west and will include attractive landscaping to comply the guidelines. Although the building placement for the Raising Cane's is not placed along the Carson Street frontage, the SPR Committee found that the placement of a covered outdoor patio dining area will provide architectural interest to the street frontage, while also helping to screen the drive-through facility from public view. A more detailed analysis of compliance with the Special Development Standards is included as part of the Findings for this application (Attachment E). In cooperation with staff the overall project underwent several design iterations before the final site plan now before the PC. The various development standards and design guidelines require balancing against each other and the final design best satisfied all the various aesthetic, safety, environmental and traffic concerns.

As the site has a LUE PlaceType of CC, which is commercially focused, the development of the drive-through facilities will align with the CC PlaceType uses described in the LUE, which encourage a wide range of local and community-serving commercial uses in buildings. Commercial uses permitted within this PlaceType include auto sales and repair, appliance sales and repair, furniture stores, hardware stores, clothing stores, restaurants, grocery stores, fast-food outlets and similar uses. Additionally, the CC PlaceType is the only PlaceType reserved for commercial activities only and is found in limited locations across the city. There is a Special Development Standard contained in LBMC 21.45.130 for consideration of opportunity cost related to housing or other uses that could potentially better meet the housing and economic goals of the General Plan when considering a drive-through application. As housing is not a permitted use in the CC PlaceType, the proposed drive-through facilities will not conflict with the development of future dwelling units. Furthermore, the Drive-through Guidelines has a specific goal to direct drive-through uses to the most suitable locations in the city, including within shopping centers and on freeway-adjacent lots. The proposed project site meets both of these criteria. Based on the location of the project site, given the site is within a regional shopping center and close proximity to the freeway, this site is suitable for the drive-through facilities, which provides consistency with LU Policy 7-8, intended to "Ensure infill development is compatible with surrounding established and planned uses".

Tentative Parcel Map

The scope of work also includes the subdivision of an existing 20-acre parcel into two lots resulting in Parcel A, a 17.56-acre lot and Parcel B, a 2.44-acre lot for the new commercial development (Attachment F – Tentative Parcel Map). Pursuant to Table 32-2 of Chapter 21.32 in the LBMC, parcels may be subdivided subject to meeting the minimum lot size standard of 10,000 square feet in the CHW zone. As there is no minimum lot width requirement in the CHW zone, the lot is subject to the minimum lot width requirement of 50 feet pursuant to Chapter 20.36 of the Subdivision Ordinance. As designed, Parcel A provides a lot width frontage of approximately 397 feet and Parcel B provides a lot width frontage of approximately 341 feet which complies with and exceeds the minimum lot width requirement. As proposed, the tentative map would result in Parcel A to include 17.56 acres in size and Parcel B to include 2.44 acres in size, which complies with and also exceeds the minimum lot size requirement. As such, the proposed subdivision and development improvements comply with the requirements of the Zoning Code and the Subdivision Ordinance.

The proposed project promotes a number of Long Beach General Plan Goals, meets the required findings and all zoning regulations pertaining to setbacks, building height, parking, on site landscaping and special standards (Attachment E - Findings). City staff finds the proposed project, including the project design, is consistent with the General Plan and compatible with the surrounding area. As the site is within a regional shopping center and is approximately 250 feet from the nearest residential uses to the north (City of Lakewood), the project is not expected to be detrimental to the surrounding community. Therefore, City staff recommends the PC approve the two CUPs and Tentative Parcel Map, subject to conditions of approval.

PUBLIC HEARING NOTICE

A total of 123 notices of public hearing were originally distributed on July 18, 2023, in accordance with the requirements of Chapter 21.21 of the Zoning Regulations and a total of two (2) comments were received opposed to the project (Attachment G - Public Comments). As this project was continued to a date certain, re-noticing of this project is not required.

ENVIRONMENTAL REVIEW

This project has been reviewed for compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA and the State CEQA Guidelines, this project was analyzed as part of the previously certified General Plan Land Use and Urban Design Elements Program Environmental Impact Report (PEIR) (Attachment H - General Plan Land Use and Urban Design Elements PEIR [SCH No. 2015051054]). A PEIR Compliance Checklist was prepared for this project (Attachment I – 7250 Carson Boulevard Project PEIR Compliance Checklist PECC 02-23). The PEIR Compliance Checklist analyzed the proposed project in accordance with the General Plan Land Use and Urban Design Elements PEIR (SCH No. 2015051054) and determined that the project will not result in any new significant impacts that exceed those analyzed in the General Plan Land Use and Urban Design Elements PEIR, with mitigation

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measures included. Additionally, the development is subject to the General Plan Land Use and Urban Design Elements PEIR Mitigation Monitoring and Reporting Program (MMRP) (Attachment J - General Plan Land Use and Urban Design Elements MMRP). The MMRP is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the PEIR that applies to the applicant's proposal, specifications are made that identify the action required and the monitoring that must occur. In addition, the party responsible for verifying compliance with individual mitigation measures is identified.

Respectfully submitted,



SERGIO GUTIERREZ
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP
DIRECTOR OF DEVELOPMENT SERVICES

CK: ASR:AO:sg

Attachments:

- Attachment A – Vicinity Map
- Attachment B – Site Photos
- Attachment C – Plans
- Attachment D – Conditions of Approval
- Attachment E – Findings
- Attachment F – Tentative Parcel Map
- Attachment G – Public Comments
- Attachment H – General Plan Land Use and Urban Design Elements Program EIR (SCH No. 2015051054)
- Attachment I – 7250 Carson Boulevard Project PEIR Compliance Checklist (PECC 02-23)
- Attachment J – General Plan Land Use and Urban Design Elements MMRP