

CONDITIONAL USE PERMIT FINDINGS
7681 Carson Boulevard
Application No. 2303-06(CUP23-009, MOD23-008)
September 7, 2023

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 along with staff analysis are presented below 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 is located on the south side of Carson Street, between Long Beach Towne Center (Internal Private Street) to the west and the 604 San Gabriel River Freeway to the east within a 19,418 square foot parcel located in the Regional Commercial (CHW) Zoning District. The site is located within the easterly 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 The City of Lakewood to the north, a fast-food restaurant with a drive-thru to the east (In-In-Out), and multiple commercial uses and parking lot to the south and west of the site, including Regal Edwards Cinemas, Barnes & Nobel, and Pets Mart.

The applicant proposes an additional drive through ordering lane located on the eastside entrance of the existing drive-thru, a new drive-thru bypass lane on the westside, a 236 square foot addition, canopies, and interior and exterior improvements to an existing 4,659 square foot fast-food restaurant (Chick-Fil-A). Pursuant to Section 21.32 of the Long Beach Municipal Code (LBMC), the approval of a CUP for each new or modified existing 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 expand an existing 4,659 square-foot fast-food restaurant by 236 square feet and maintain the existing sixty-four (64) parking stalls, which is over the required number of parking spaces of twenty (20) parking spaces. The building addition will house a separate drive-thru only kitchen/order fulfillment area and an additional drive thru service area. The interior remodel will include relocation of patron restrooms and reduction of indoor dining areas to accommodate relocated employee offices and reduction of the order counter to house the new drive thru only kitchen

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facility. The proposed site layout regarding pedestrian access, vehicle access, and the parking lot layout will remain as existing and conditions of approval will address the addition of raised pedestrian crossings and maintenance and enhancement of the existing exterior dining patio to activate pedestrian access. All existing landscaping that will be removed for construction and grading will be replaced with 5,070 square feet of attractive drought tolerant landscaping, conditions of approval will address code complaint tree substitutions and relocation of a mature tree (Attachment C – Plans). The proposed project will maintain a landscape buffer between Carson Street and the drive thru queuing lane. Exterior modification includes new order point canopies above the new drive thru lanes, new neutral paint colors, and wall mounted trellis screens. Conditions of approval will address the addition of climbing vines to said trellis screens.

The fast-food restaurant will maintain its current hours of operation, operating from 6:30AM – 10:00 PM Monday through Saturday and will be closed on Sundays. By expanding the fast-food restaurant, adding an additional drive-thru ordering lane, and new bypass lane the restaurant's goal is to create a more efficient order service process, which in return will provide a less congested path of circulation for all vehicles in the shopping center and providing a safer environment for pedestrians.

As the project is in a commercial shopping center, is approximately 365 feet from the nearest residential use to the north, the existing restaurant with an existing drive-through facility expansion is not expected to be detrimental to the surrounding community. Furthermore, this site is not in a specific plan area and this site is not within the Local Coastal Program area. The Community Commercial PlaceType of the General Plan encourages a variety of commercial uses to meet consumers' daily needs for goods and services, including but not limited to restaurants, fast food establishments, retail shops, and other related commercial uses. Additionally, the Community Commercial PlaceType does not allow housing and is reserved for commercial activities only. 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, further aligning with the drive through regulations intent to prevent commercial uses on sites that are suitable for housing development that would help the city meet its housing and economic goals. Therefore, approval of the Conditional Use Permit and Modification to Approved Permit for an existing drive through facility is an appropriate use, as continues to provide a variety of commercial services in the vicinity and is consistent with various LUE Policies as identified in the table below.

CUP GENERAL PLAN CONSISTENCY REVIEW		
Policy/Strategy Number	Policy/Strategy Land Use Element (LU)	Finding
LU 6-1	Pursue new developments and businesses that add to the City's economic base, particularly those that generate sales tax and property tax increment revenue.	The proposed project will provide a use that is compatible with the General Plan, Zoning District and similar businesses existing within the Long beach Towne Center and would continue to help add to the

		City's economic case while also providing for future employment opportunities.
LU 7-10	Maintain consistency between the Land Use Element PlaceTypes and the updated Zoning Districts.	The proposed project will maintain consistency between the Land Use Element and any new or current Zoning Ordinances by expanding and enhancing an existing compatible use located within the Regional Commercial Zoning District and Community Commercial General Plan Land Use Element (LUE) PlaceType.

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

As the site is within the Long Beach Towne Center and is surround by commercial uses, the project is not expected to be detrimental to the surrounding community as it is approximately 365 feet from the nearest residential uses to the north community. Several conditions of approval, such as ensuring best management practices are utilized during construction activities to reduce noise impacts, limiting nonessential idling of construction equipment to no more than five (5) consecutive minutes and complying with the Chapter 8.80 related to noise are included to further ensure that the use and development of the site is not detrimental to the surrounding community.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52

Although there are no specific special conditions for the proposed used listed in Chapter 21.52, the use is subject to meeting the special development standards specified in Section 21.45.130 for Drive Through Regulations. The following standards shall apply:

- A. Said facility has adequate vehicle queuing distance, including with due consideration for menu board location, clear of any adjacent public right-of-way, and shall not create any vehicular or pedestrian travel hazards as demonstrated in a traffic study prepared to the satisfaction of the Director of Development Services.**

Per the traffic study and queuing analysis for the project, the site will provide a queuing capacity of 4 vehicles to the westerly drive thru lane menu board and a queuing capacity of 5 vehicles to the easterly drive thru lane menu board. The facility will provide an overall queuing capacity of 9 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 observed queue. The existing and proposed additional ordering lane is currently located to the east of the site and will not impact any public right of ways. As designed and conditioned, the project 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.

- B. That the project substantially conforms with the purpose, intent and provisions of the General Plan, any applicable Specific Plan or Planned Development District, overlay, design guidelines, or other applicable regulation.**

The project is consistent with the permitted uses established by the zoning code and the General Plan Land Use PlaceType of Community Commercial (CC). The PlaceType allows for a wide range of commercial uses which includes fast food restaurants. It is the only commercial-only PlaceType within the General Plan. As designed, the project complies with the design guidelines for drive through facilities and the project has been determined to meet the intent and goals, one of which includes directing drive-through uses to more suitable locations such as shopping centers and freeway-adjacent lots. 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 new and expanded drive through facilities.

- C. That the location and design of the facility is compatible with surrounding existing uses, includes a prominent main entrance at street or lot frontage, attractive landscaping, and includes sufficient pedestrian amenities, and interior floor area.**

The existing detached fast-food restaurant with an existing single lane drive through facility is located within the Long Beach 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. Given the site is within a regional shopping center with commercial uses, the project as proposed is compatible with the surrounding uses and will add to the variety of food options in the shopping center. The project will include architectural features along the street frontages, such as wall mounted trellis screens and attractive landscaping along the northern front setback area. The existing restaurant will continue to provide pedestrian amenities including indoor seating area and outdoor dining area.

- D. The said facility includes sufficient emissions controls to prevent idling vehicles, tunneling of emissions, and associated impacts on employees, visitors, and nearby sensitive receptors.**

Per the Emissions Assessment Technical Reports prepared for the project the project has been determined to be consistent with the Long Beach Climate Action Plan (CAP) and minimal indirect Green House gases would be associated with the project. As designed, the project will include side-by-side entry lanes that merge into a single lane after to the order board, allowing more vehicles to queue in the drive-through lane without spilling into the drive aisles. The drive through is expected to provide an additional drive thru ordering lane and a bypass lane for a total queuing lane capacity of 19 vehicles. The bypass lane will provide opportunities for patrons with completed orders to exit, overall improving the flow of the drive thru and reducing idling vehicles. 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, which will also prevent idling of vehicles and tunneling of emissions to visitors, employees and residents 365 feet north of the site.

E. That said facility includes buffering sufficient to control any spillover impacts, including but not limited to noise, light, and debris that may impact surrounding sensitive receptors.

Pursuant to the LBMC, Chapter 21.41 requires all lights to be adequately shielded so as to prevent the intrusion of light and glare upon any adjacent property or structure. As a condition of approval, the operator will be required to keep the site, parking and landscaping area clean of trash and debris on a daily basis.

Per the Noise Analysis completed for the project, onsite stationary sources including onsite construction noise, operational offsite traffic noise, and operational onsite noise would not exceed maximum daytime and nighttime operational exterior noise levels.

The proposed onsite construction noise will comply with LBMC 8.80.202 and will not conduct work between the hours of 7:00 pm and 7:00 am Monday through Friday and federal holidays occurring on weekdays. The construction equipment noise levels were calculated using the Federal Highway Administration's Roadway Noise Construction Model and compared against the construction-related noise level threshold established in the Criteria for a Recommended Standard: Occupational Noise Exposure prepared in 1998 by NIOSH. The NIOSH construction related noise level threshold starts at 85 dBA for more than 8 hours per day. Based on the analysis, it was determined that construction activities would not exceed the applicable noise standards and not effect the nearby sensitive receptors.

Operational Offsite Traffic Noise would not be affected, the project is not anticipated to generate more than 112 average daily trips on area roadways. The contribution of an additional 112 daily trips would not result in a doubling of traffic on Carson Street, and therefore its contribution to existing traffic noise would not be perceptible. Based on the Noise impact assessment and the performed 3-D noise modeling, it is determined that the project's

operational noise would not exceed the daytime or nighttime exterior noise standards at the nearby residential and commercial receptors. The modeling scenarios performed accounted for typical noise producing activity on the proposed project site, including drive-thru speakers, automobiles idling, and people talking. Based on LBMC Section 8.80.160, the maximum operational exterior noise level is 60 dBA Leq for daytime and 55 dBA Leq for nighttime at commercial properties, considering these regulations and the 3-D modeled noise scenarios, it was found that the project will not exceed the daytime or nighttime exterior noise standards at the nearby residential and commercial receptors.

Sensitive receptors are 365 feet from the nearest edge of the Project Site and far enough that operational noise would be imperceptible. In addition, there are intervening structures that would further attenuate noise between the Project Site and the nearest sensitive receptors. Therefore, onsite stationary sources noise impacts on offsite land uses, impacts related to onsite construction noise, operational noise, and operational offsite traffic noise would be less than significant, and no mitigation measures are required. Onsite stationary sources noise impacts on offsite land uses would be less than significant and would not result in a substantial increase in the severity of impacts.

- F. That said facility, if located within 150-feet of a residential zone, includes appropriate limits on hours of operation of the drive-through. Hours of operation for dine-in or take-out customers shall not be limited.**

The proposed drive-through facility is located approximately 365 feet from the nearest residential uses to the north within the City of Lakewood. The restaurant and drive through facility will operate from 6:30 am through 10:00 pm and will be closed on Sundays and is not expected to cause any impacts to the residents in the vicinity.

- G. That said facility is not located in an area of existing overconcentration of drive-through facilities and is not located within a 500-foot radius of a school or park unless mitigating factors exist.**

The site is not located within 500 feet of a school or a park. The nearest school to the site is approximately half a mile to the east (Ernest S. McBride Sr. High School) and the nearest park is approximately half a mile south the site (El Dorado Park). There are a total of five (5) restaurants within the vicinity of the project site, with two (2) facilities located north of the site within the City of Lakewood and the remaining are one (1) additional drive thru fast food restaurants to the east and three (3) additional non drive thru restaurants located within the Long Beach Towne Center. Although there are already multiple drive through facilities in the area, the site is adjacent to a freeway, within a large regional shopping center and with a notable distance from the nearest residential use, and has therefore been determined to be appropriate for an additional drive through facility. The adopted Drive Through Design

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Guidelines encourage new drive throughs to be located in locations determined to be most suitable for the use, such as shopping centers and freeway-adjacent lots. 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.

- H. That development of the subject property shall not otherwise be suitable or necessary for more-intensive development that would advance the City's housing and economic goals, as described in the General Plan and Economic Blueprint.**

The site has a Land Use Element PlaceType of Community Commercial which only allows for commercial uses, including a wide range of local- and community-serving commercial uses. The PlaceType does not allow for residential or mixed-use development. The development of the drive through facility is consistent with the City's economic development strategies in this area and will not conflict with the development of future housing as housing is not a permitted use.

- 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 does not meet the applicability regulations listed in Section 21.45.400 - Green Building standards for public and private development (C 1 & 2) and therefore this finding does not apply.