

**CONDITIONAL USE PERMIT FINDINGS**  
**7250 Carson Boulevard**  
**Application No. 2112-17 (CUP21-024)**  
**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 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. The site is located within the westerly most portion of 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. The site has a Community Commercial (CC) General Plan Land Use Element PlaceType, which allows a wide range of local- and community-serving commercial uses. Surrounding uses includes 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.

The applicant proposes to develop two (2) new drive-through facilities for (2) 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 Conditional Use Permit (CUP) for each restaurant 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 operating standards which drive-through facilities must comply with.

The project will develop two (2) 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 Canes) 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 (8) bicycle parking stalls. The site will be accessed by three (3) two (2) way driveways along the southern area of the site, with on driveway providing north to south access to the site and two (2) driveways providing east to west access to the site. 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.

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The commercial building proposed on the northwesterly corner of the property will include 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 prominent architectural features similar to the existing structures within the Towne Center. These features include commercial windows with mullions, hardy trim boards, awnings, tower elements, and an attractive paint palette. 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 Site Plan Review Committee, which is designated as the review body for design of the new detached commercial building because of the size, approved the design on April 12, 2023 (SPR21-085). The SPR Committee found that the development of the new detached restaurant was compatible with the nearby context, including various commercial buildings and architectural theme present within the Long Beach Towne Center.

The development of the restaurant 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 queuing capacity and estimated peak drive-through queue demand, the project site would have sufficient queuing capacity for the peak observed queue.

The restaurants (El Pollo Loco) would operate Monday through Sunday from 9am to 2am and would employ a total of 3 full-time and 15 part-time employees for a total of 18 employees. The project will provide additional dining opportunities for nearby residents as well as the broader community from this regional serving location adjacent to a freeway and within a shopping center. Pursuant to Chapter 21.41 of the Long Beach Municipal Code, detached restaurants with drive through facilities require 10 spaces per each 1,000 square-foot of gross floor area plus five (5) spaces per each 1,000 square-foot of gross land area for outdoor seating areas that exceed 250 square feet in size. Based on the proposed floor plan and dining area, a total of 23 parking spaces is required. The site proposes a total of 74 parking stalls which conforms to the parking requirements for this project.

As the project is in a commercial shopping center, is approximately 250 feet from the nearest residential use to the north, the restaurant with a drive-through facility 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

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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 for a drive through facility in association with a new detached restaurant is an appropriate use, as it provides additional variety of commercial services in the vicinity and is consistent with various LUE Policies as identified in the table below.

<b>CUP GENERAL PLAN CONSISTENCY REVIEW</b>		
<b>Policy/Strategy Number</b>	<b>Policy/Strategy Land Use Element (LU)</b>	<b>Finding</b>
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 project as proposed will develop approximately 5,791 square feet of combined building area for two (2) new detached restaurants, both with drive through facilities. The 2.44 acres area of the existing 20-acre parcel has sat vacant and undeveloped since 1997. By developing the site with a 2,320 square foot restaurant with 280 square feet of outdoor dining area and a drive through facility, the project will provide a use that is compatible with the General Plan, Zoning District and similar businesses existing within the Long beach Towne Center.
LU 7-4	Encourage degraded and abandoned buildings and properties to transition to more productive uses through adaptive reuse or new development.	The project would help add to the City's economic case while also providing for future employment opportunities.
LU 7-8	Ensure infill development is compatible with surrounding established and planned uses.	The CUP will ensure compatibility with the surrounding uses as the adopted Drive Through Design Guidelines has a specific goal to direct 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 the drive through facilities.
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**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**

In accordance with the California Environment Quality Act (CEQA) and the CEQA Guidelines, the project has been determined to be within the scope of the project previously analyzed as part of the General Plan Land Use and Urban Design Elements Program EIR (SCH #2015051054) (PECC02-23) and warrants no further environmental analysis pursuant to CEQA Guidelines Sections 15168 and 15162.

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 250 feet from the nearest residential uses to the north community. Several conditions of approval (some of which are mitigation measures PEIR), 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 8 vehicles to the menu board. The facility will provide an overall queuing capacity of 13 vehicles. Based on the proposed drive-through queuing capacity and estimated peak drive-through queue demand, the project site would have sufficient queuing capacity for the peak observed queue. The facility is proposed to be located interior 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 be 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 the 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 proposed detached restaurant with a 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, attractive landscaping along the northern front setback area, the westerly side of the drive through lane and the entire site. The proposed restaurant will provide pedestrian amenities including indoor seating area, 280 square-feet of outdoor dining area, and will provide access along Carson Street via a pedestrian and bicyclist dual pathways that connects the right of way to the site. 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.

**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 Traffic Analysis and Air Quality Technical Report prepared for the project, which is attached to the PEIR Compliance Checklist for this application, the project has been determined to be consistent with the analysis and conclusions presented in the Certified PEIR of the Land Use Element and Urban Design Element; and Project impacts would be less than those identified in the Certified PEIR. As designed, the project will include 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. The drive through is expected to 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, which will also prevent idling of vehicles and tunneling of emissions to visitors, employees and residents 250 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 include parking noise, drive-thru menu board noise, outdoor seating area noise, HVAC noise, loading/unloading activity noise, and garbage collection noise. These onsite stationary sources would result in minimal operational noise impacts since they are either in enclosures or are positioned away from off-site sensitive receptors.

The proposed drive thru menu board speakers are proposed to be located approximately 300 feet or more from the existing equestrian use and 500 feet or more from the existing residences to the north of the Project Site. Previous

noise measurements for a similar drive-thru menu board speaker were conducted by ESA in 2022. The menu board speaker noise measurements indicated that, without shielding by vehicles or other structures, menu board speakers result in a maximum noise level of 65 dBA  $L_{max}$  at a distance of 15 feet. Based on the reference noise level of 65 dBA  $L_{max}$  at a distance of 15 feet, noise from a menu board speaker would be reduced to approximately 39 dBA  $L_{max}$  at a distance of 300 feet and approximately 35 dBA  $L_{max}$  at a distance of 500 feet. Therefore, since the nearest sensitive receptor is located approximately 300 feet from the nearest proposed drive thru menu boards speakers, the noise level would be much lower than the existing ambient noise levels measured at the sensitive receptor locations (50.6 to 74.6 dBA) and less than the exterior noise level limits in municipal code Section 8.80.160. During non-operating hours, when a menu ordering board is not in use, sound levels attributed to the restaurant operation would be much lower than when it is in use.

Outdoor seating areas generate noise from human speech and conversations. Noise from human conversation is approximately 55 dBA for normal speech and 65 dBA for raised speech at a distance of 3 feet.<sup>1</sup> For a group of 20 people with 10 people speaking, the noise level would be approximately 65 dBA for normal speech and 75 dBA for raised speech at 3 feet. At a distance of 300 feet or more corresponding to the existing recreational uses to the north of the Project Site, the outdoor seating area noise levels would attenuate to 25 dBA for normal speech and 35 dBA for raised speech. At 500 feet corresponding to the nearest residential uses to the north of the Project Site, outdoor seating noise would be 21 dBA for normal speech and 31 dBA for raised speech. These attenuated noise levels would be much less than the existing ambient noise levels and less than the exterior noise level limits in municipal code Section 8.80.160 and would not contribute to an increase in noise levels at sensitive receptor locations.

Sensitive receptors are 250 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 mechanical equipment noise, parking noise, drive-thru noise, outdoor seating area noise, HVAC noise, loading/unloading activity noise, and garbage collection 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.**

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<sup>1</sup> American Journal of Audiology Vol.7 21-25 October 1998. doi:10.1044/1059-0889(1998/012).

**Hours of operation for dine-in or take-out customers shall not be limited.**

The proposed drive-through facility is located approximately 250 feet from the nearest residential uses to the north within the City of Lakewood. The restaurant and drive through facility will operate from 9am-2am 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 900 feet to the east (Ernest S. McBride Sr. High School) and the nearest park is approximately 930 feet south the site (El Dorado Park). There are a total of 6 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 four (4) drive through facilities located east of the site 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 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.**

Section 21.45.400 specifies certain types of projects that require compliance with green building standards. As the project required Site Plan Review due to the size of the proposed building associated with the Drive Through Facility, the project is



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required to comply with 21.45.400 including to provide parking stall shade coverage or provide paving materials with solar reflectance, bicycle parking solar ready roofs, and designated are for collections. As designed and conditioned, the project will comply with the shade coverage or provide solar reflectance paving material within areas of the parking stalls and associated vehicular circulation. Based on the size of the structure (2,230 square-feet), one (1) bicycle parking stall is required. The project will provide a total of eight (8) bicycle parking stalls which complies with the requirement. The site will also be designed to allow for future solar panels to the extent feasible. Furthermore, an enclosed waste enclosure is proposed on the site which will provide refuse, organic and recycling bins.

**CONDITIONAL USE PERMIT FINDINGS**

**7250 Carson Boulevard**

**Application No. 2112-17 (CUP21-025)**

**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 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. The site is located within the westerly most portion of 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. The site has a Community Commercial (CC) General Plan Land Use Element PlaceType, which allows a wide range of local- and community-serving commercial uses. Surrounding uses includes 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.

The applicant proposes to develop two (2) new drive-through facilities for (2) 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 Conditional Use Permits (CUP) per each restaurant 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 operating standards which drive-through facilities must comply with.

The project will develop two (2) 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 Canes) 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 (8) bicycle parking stalls. The site will be accessed by three (3) two (2) way driveways along the southern are of the site, with on driveway provided north to south access to the site and two (2) driveways providing east to west access to the site. A total of 29,654 square-feet of attractive drought tolerant

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landscape area is proposed on site that will include 62 on site trees throughout the site.

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 Site Plan Review Committee, which is designated as the review body for design of the new detached commercial building due to the size, approved the design on April 12, 2023 (SPR21-085). The SPR Committee found that the development of the new detached restaurant was compatible with nearby context, including the various commercial buildings and architectural theme present within the Long Beach Towne Center.

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 (2) 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 ft 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 ft 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%, 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 queuing capacity for the peak queue.

The restaurant (Raising Canes) would operate Monday through Sunday from 9am to 2am and would employ a total of 3 full-time and 29 part-time employees for a total of 32 employees. The project will provide additional dinning opportunities for nearby residents. Pursuant to Chapter 21.41 of the Long Beach Municipal Code, detached restaurants with drive through facilities require 10 spaces per each per each 1,000 square-foot of gross floor area plus five (5) spaces per each 1,000 square-feet of gross land area for outdoor seating areas that exceed 250 square feet in size. Based on the proposed floor plan and dining area, a total of 49 parking space is required.

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The site proposes a total of 74 parking stalls which confirms to the parking requirements for this project.

As the project is in a commercial shopping center, is approximately 250 feet of the nearest residential use to the north, the restaurant with a drive-through facility 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. A variety of commercial uses is encouraged for this LUE PlaceType 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 for a drive through facility in association with a new detached restaurant is an appropriate use, as it provides additional 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 project as proposed will develop approximately 5,791 square feet of combined building area for two (2) new detached restaurants, both with drive through facilities. The 2.44 acres area of the existing 20-acre parcel has sat vacant and undeveloped since 1997. By developing the site with a 3,471 square foot restaurant with 3,590 square feet of outdoor dining area and a drive through facility, the project will provide a use that is compatible with the General Plan, Zoning District and similar businesses existing with the Long beach Towne Center.  The project would help add to the City's economic case while
LU 7-4	Encourage degraded and abandoned buildings and properties to transition to more productive uses through adaptive reuse or new development.	

LU 7-8	Ensure infill development is compatible with surrounding established and planned uses.	also providing for future employment opportunities.  The CUP will ensure compatibility with the surrounding uses as the adopted Drive Through Design Guidelines has a specific goal to direct 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 the drive through facilities.
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**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**

In accordance with the California Environment Quality Act (CEQA) and the CEQA Guidelines, the project has been determined to be within the scope of the project previously analyzed as part of the General Plan Land Use and Urban Design Elements Program EIR (SCH #2015051054) (PECC02-23) and warrants no further environmental pursuant to CEQA Guidelines Sections 15168 and 15162.

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 the nearest is approximately 250 feet of the nearest residential uses to the north, the project is not expected to be detrimental to the surrounding community. Several conditions of approval (some of which are mitigation measures PEIR) are included such as ensuring best management practices are utilized during construction activities to reduce noise impacts, limiting nonessential idling of construction equipment to nor more than five (5) consecutive minutes and complying with the Chapter 8.80 related to noise 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 4-5 vehicle to the menu board, with the one (1) lane providing a queuing capacity of five (5) vehicles to the menu board and the second drive through lane providing a four (4) vehicle que to the menu board. The facility will provide an overall queuing capacity of 20 vehicles. 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%, 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 queuing capacity for the peak queue. The facility is proposed to be located interior 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. As designed the project complies with the design guidelines for drive through facilities and the project has been determined to be 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 the 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 proposed detached restaurant with a 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 interest via a 3,590 square foot outdoor patio area with a covered structure along the street frontages, attractive landscaping along the northern front setback area, the easterly side of the restaurant and the entire site. The proposed restaurant will provide pedestrian amenities including indoor seating area, outdoor dining area, and will provide access along Carson Street via a pedestrian and bicyclist dual pathways that connects the right of way to the site. Although the building placement for the Raising Canes is not placed along the Carson Street frontage, the Site Plan Review 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.

**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 Air Quality Technical Report and Traffic Report prepared for the project, the development has been determined to be consistent with the analysis and conclusions presented in the Certified PEIR of the Land Use Element and Urban Design Element; and Project impacts would be less than those identified in the Certified PEIR. As designed, the project 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 (2) 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 ft 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 ft 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%, 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 queuing capacity for the peak queue. Additionally, to ensure efficiency of the drive through facility, a condition of approval has been included on the project to require the applicant to use mobile tablet computers operated by employees for the drive through facilities during peak hours and as necessary to improve and prevent queuing buildup of the drive through facility. 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 250 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 include parking noise, drive-thru menu board noise, outdoor seating area noise, HVAC noise, loading/unloading activity noise, and garbage collection noise. These onsite stationary sources would result in minimal operational noise impacts since they are either in enclosures or are positioned away from off-site sensitive receptors.

The proposed drive thru menu board speakers are proposed to be located approximately 300 feet or more from the existing equestrian use and 500 feet or more from the existing residences to the north of the Project Site. Previous noise measurements for a similar drive-thru menu board speaker were conducted by ESA in 2022. The menu board speaker noise measurements indicated that, without shielding by vehicles or other structures, menu board speakers result in a maximum noise level of 65 dBA  $L_{max}$  at a distance of 15 feet. Based on the reference noise level of 65 dBA  $L_{max}$  at a distance of 15 feet, noise from a menu board speaker would be reduced to approximately 39 dBA  $L_{max}$  at a distance of 300 feet and approximately 35 dBA  $L_{max}$  at a distance of 500 feet. Therefore, since the nearest sensitive receptor is located approximately 300 feet from the nearest proposed drive thru menu boards speakers, the noise level would be much lower than the existing ambient noise levels measured at the sensitive receptor locations (50.6 to 74.6 dBA) and less than the exterior noise level limits in municipal code Section 8.80.160. During non-operating hours, when menu ordering board is not in use, sound levels attributed to the restaurant operation would be much lower than when it is in use.

Outdoor seating areas generate noise from human speech and conversations. Noise from human conversation is approximately 55 dBA for normal speech and 65 dBA for raised speech at a distance of 3 feet.<sup>2</sup> For a group of 20 people with 10 people speaking, the noise level would be approximately 65 dBA for normal speech and 75 dBA for raised speech at 3 feet. At a distance of 300 feet or more corresponding to the existing recreational uses to the north of the Project Site, the outdoor seating area noise levels would attenuate to 25 dBA

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<sup>2</sup> American Journal of Audiology Vol.7 21-25 October 1998. doi:10.1044/1059-0889(1998/012).



for normal speech and 35 dBA for raised speech. At 500 feet corresponding to the nearest residential uses to the north of the Project Site, outdoor seating noise would be 21 dBA for normal speech and 31 dBA for raised speech. These attenuated noise levels would be much less than the existing ambient noise levels and less than the exterior noise level limits in municipal code Section 8.80.160 and would not contribute to an increase in noise levels at sensitive receptor locations.

Sensitive receptors are 250 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 mechanical equipment noise, parking noise, drive-thru noise, outdoor seating area noise, HVAC noise, loading/unloading activity noise, and garbage collection 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 250 feet of the nearest residential uses to the north within the City of Lakewood. The restaurant and drive through facility will operation from 9am-2am 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 900 feet to the east (Ernest S. McBride Sr. High School) and the nearest park is approximately 930 feet south the site (El Dorado Park). There are a total of 6 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 four (4) drive through facilities located east of the site within the Long Beach Towne Center. Although there is a concentration of drive through facilities in the area, the site has been determined to be appropriate for an additional drive through facility. Per the adopted Drive Through Design Guidelines, one of the goals is directed to locate 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 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 a wide range of local- and community-serving commercial uses. The development of the drive through facility 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.**

Section 21.45.400 specifies specific types of projects that require compliance with green building standards. As the project required Site Plan Review due to the size of the proposed building associated with the Drive Through Facility, the project is required to provide parking stall shade coverage or provide paving materials with solar reflectance, bicycle parking solar ready roofs, and designated are for collections. As designed and conditioned, the project will comply with the shade coverage or provide solar reflectance paving material within areas of the parking stalls and associated vehicular circulation. Based on the size of the structure (3,471 square-feet), one (1) bicycle parking stall is required. The project will provide a total of eight (8) bicycle parking stalls which complies with the requirement. The site will also be designed to allow for future solar panels to the extent feasible. Furthermore, an enclosed collection enclosure is proposed on the site which will provide both refuse and recycling bins.

**TENTATIVE TRACT MAP FINDINGS**

**Case No. 2112-17 (TPM21-009)**

**7250 Carson Boulevard**

**September 7, 2023**

Pursuant to Section 20.12.100 of the Long Beach Municipal Code, the Planning Commission shall approve a tentative map if it complies with State and Local regulations. The tentative map can be granted only when positive findings are made consistent with the following criteria set forth in the Subdivision regulations.

**1. THAT THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE  
GENEREAL AND SPECIFIC PLANS;**

The subject site currently has a Land Use Element PlaceType of Community Commercial (CC), which allows a wide range of local- and community-serving commercial uses in building no higher than five stories or 60-feet in height. The Community Commercial PlaceType serves our auto-oriented need for goods and services, promotes commerce and provides local jobs. This PlaceType does not allow housing and is reserved for commercial activities only. Community-serving businesses play a vital role in meeting the commercial shopping and service-based needs of Long Beach businesses and residents.

The site is located within the westerly most portion of 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 and other entertainment uses. The scope of work includes the subdivision of existing 20-acre parcel into two (2) lots resulting in Parcel A, a 17.56-acre lot and Parcel B, a 2.44-acre lot for a new commercial development that will include two (2) new detached fast-food restaurants each with drive through facilities within the Long Beach Towne Center. Pursuant to Table 32-2 of Chapter 21.32 in the Long Beach Municipal Code, 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.

**2. THAT THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION  
IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;**

The scope of work includes the subdivision of existing 20-acre parcel into two (2) lots resulting in Parcel A, a 17.56-acre lot and Parcel B, a 2.44-acre lot for a new commercial development that will include two (2) new detached fast food restaurants each with drive through facilities within the Long Beach Towne Center. The design and improvement of the proposed subdivision has been determined to be consistent with the Land Use Element of General Plan for commercial development and the CHW zoning regulations.

**3. THAT THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT;**

The project site is located in the within a vacant 2.44-acre pad on a 20-acre parcel within the Regional Commercial (CHW) Zoning District. The site has a Community Commercial (CC) General Plan Land Use Element PlaceType, which allows a wide range of local- and community-serving commercial uses. The proposed subdivision will subdivide an existing 20-acre parcel into two (2) lots resulting in Parcel A, a 17.56-acre lot and Parcel B, a 2.44-acre lot for a new commercial development that will include two (2) new detached fast-food restaurants each with drive through facilities. The subdivision along with the site improvement has been determined to be physically suitable for the development proposed.

**4. THAT THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT;**

The scope of work includes the subdivision of existing 20-acre parcel into two (2) lots resulting in Parcel A, a 17.56-acre lot and Parcel B, a 2.44-acre lot for a new commercial development that will include two (2) new detached fast-food restaurants each with drive through facilities within the Long Beach Towne Center. Pursuant to LBMC Chapter 21.32, residential is not a permitted use in the CHW Zoning District. The scope of work includes commercial development and therefore this finding does not apply.

**5. THAT THE DESIGN OF THE SUBDIVISION OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIAL AND AVOIDABLE INJURY TO FISH AND WILDLIFE OR THEIR HABITAT;**

The proposed scope of work will subdivide an existing 20-acre parcel into two (2) lots resulting in Parcel A, a 17.56-acre lot and Parcel B, a 2.44-acre lot for a new commercial development that will include two (2) new detached fast-food restaurants each with drive through facilities. The project has been determined to be within the scope of the project previously analyzed as part of the General Plan Land Use and Urban Design Elements Program EIR (SCH #2015051054) (PECC02-23) and warrants no further environmental pursuant to CEQA Guidelines Sections 15168 and 15162. Mitigation measure within the General Plan Land Use and Urban Design Elements Program EIR have been included in

the Mitigation Monitoring Program and conditions of approval. Additionally, the site will not cause substantial nor avoidable injury to fish, wildlife of their habitats.

**6. THAT THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS; AND**

The proposed subdivision will subdivide an existing 20-acre parcel into two (2) lots resulting in Parcel A, a 17.56-acre lot and Parcel B, a 2.44-acre lot for a new commercial development that will include two (2) new detached fast-food restaurants each with drive through facilities. The project has been determined to be within the scope of the project previously analyzed as part of the General Plan Land Use and Urban Design Elements Program EIR (SCH #2015051054) (PECC02-23) and warrants no further environmental pursuant to CEQA Guidelines Sections 15168 and 15162. Mitigation measure within the General Plan Land Use and Urban Design Elements Program EIR have been included in the Mitigation Monitoring Program and conditions of approval. No serious public health or safety problems are identified.

**7. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PORPERTY WITHIN THE PROPOSED SUBDIVISION.**

All concerned City Departments have reviewed the Tentative Tract Map and it has been found that the design and improvements of the site will not conflict with public access easements. All required easements and utility locations will be provided for prior to the recordation of the final map.