



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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September 20, 2018

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Recommend the Planning Commission deny Conditional Use Permit (CUP18-008) to permit a new drive-through lane for an existing fast food restaurant located at 3639 E. 7th Street within the Community Commercial Pedestrian-Oriented (CCP) zoning district. (District 3)

APPLICANT: Andreou Kyriakos
8802 Laurel Street
Bellflower, CA 90706
(Application No. 1804-10)

On April 17, 2018, the City received an application for a Conditional Use Permit (CUP) to legalize an unpermitted drive-through lane for an existing fast food restaurant at 3639 E. 7th Street within the Community Commercial Pedestrian-Oriented (CCP) zone in Council District 3 (Exhibit A – Location Map). The subject CUP application seeks to bring the site into closer conformance with the Zoning Code by lengthening the drive-through lane. However, zoning deficiencies and site constraints limit the feasibility of a drive-through lane on the subject site (Exhibit B – Findings).

The subject property is a 7,800 square-foot lot located on the northwest corner of E. 7th Street and Euclid Avenue with a land use designation of *#4 High Density Residential* according to the General Plan. Immediately west of the property is an existing non-conforming single-family home (also in the CCP zoning district). To the north of the property, there is 10-foot alley and a two-story multifamily building in the R-3-S zoning district (Exhibit C – Zoning Map with Aerial). According to the City's 2013 Mobility Element and GIS, the subject property is also located in the City's Parking Impacted Area.

BACKGROUND

The subject property was originally permitted in 1967 as a "walk-up fast-food restaurant" with 1,175 Gross Floor Area (GFA) and an attached outdoor patio. The original building exists today and is located near the southeast corner of the property (Exhibit C – Zoning Map with Aerial). The original site plan provided 13 on-site parking stalls, but it did not include drive-through facilities (Exhibit D – 1967 Building Permit and Plot Plan). In the years following the original development, an unpermitted drive-through lane and window

was added to the west elevation of the building (Exhibit E – Existing Drive-Through Site Photo).

In March 1998, an application for a CUP was submitted to the City attempting to legalize the unpermitted drive-through. The application included a revised site plan consisting of a 118-foot drive-through lane on the west side of the property taking direct access from the alley to the north. Per Zoning Code Section 21.45.130 (adopted in 1988), the minimum queueing length for drive-through lane is 150 feet. Therefore, the proposed 118-foot drive-through lane did not meet zoning regulations at the time and was not supported by City staff.

Due to a lack of staff support based on non-compliance with zoning standards for a drive-through, the 1998 CUP application was withdrawn. Despite the withdrawal, the unpermitted drive-through was not removed, and it continues to operate illegally today. During this time, the restaurant also removed three parking spaces in order to accommodate a single accessible parking space abutting the building, reducing the number of on-site parking spaces to ten. These changes exist on the site today (Exhibit F – Existing Site Plan).

In October 2011, the property received a code violation for the unpermitted drive-through. This case was closed as the City erroneously believed that a CUP was issued in 1998.

In April 2016, the City received a complaint from a neighbor regarding noise from the drive-through speaker at night. Upon investigation of this complaint, staff discovered that the 1998 CUP was not approved. The City opened a new code enforcement case for the unpermitted drive-through. From April 2016 to March 2018, Code Enforcement officers and Planning Bureau staff explored various solutions to permit the drive-through, but it was determined that a drive-through would not be possible at this location because of the inability of the site design to comply with established drive-through standards, and the property owner would have to remove the drive-through facility.

Despite the Planning Bureau's determination, the Applicant submitted the subject CUP application on April 17, 2018, in another effort to legalize the unpermitted drive-through. The plans propose a 162-foot drive-through lane that enters from Euclid Avenue and circulates around the perimeter of the site. Eight parking spaces (including an accessible space) are located at the center of the site. The Applicant also proposed a 1-foot landscape buffer on the north side of the site (Exhibit G – Proposed CUP Plans).

ZONING ANALYSIS

The subject property is located in the CCP zoning district. According to Long Beach Municipal Code (LBMC) 21.32.020, "The Community Pedestrian-Oriented (CCP) zone permits retail and service uses with a development character where buildings are built to the street property line and parking is to the side or the rear." While the existing building location and parking lot configuration meet the intent of the CCP zone, the addition of a drive-through lane would further impede pedestrian circulation in the area and create parking deficiencies on site as detailed below.

A primary challenge for the proposed drive-through is the property's proximity to existing residential uses. While the property immediately west of the subject site is also located in the CCP zone, it is a single-family home. To the north of the property, there is a two-story multifamily townhouse with 4 dwelling units. Staff expressed concerns that the proposed addition, alignment, and proximity of a drive-through lane and speaker box will result in increased noise, air and light pollution from idling vehicles on adjacent residential uses.

The site is insufficient in area to accommodate both the drive-through and required parking. The proposed plans include a 162-foot drive-through lane that enters from Euclid Avenue and circulates along the north and west edge of the property before existing onto E. 7th Street. While the proposed drive-through lane meets the Zoning Code's 150-foot minimum queueing length (LBMC 21.45.130.A.1), it requires a reduction of on-site parking from 10 to 8 parking spaces in order to accommodate the drive-through length. Per LBMC 21.41.216, Table 41-1C, a detached fast food restaurant is required to provide, *"5 spaces plus 1 per 3 seats in dining area or 10 per 1,000 GFA whichever is greater."* As developed, the restaurant has an internal seating area with 7 booths, and there are approximately 16 seats in the outdoor patio area. Based on the Gross Floor Area of the building (1,175 GFA), this restaurant is required to have 12 parking spaces to be zoning compliant. This number is eligible to be reduced to 11 spaces in order to accommodate an accessible parking space and hatching. The site is currently under parked and is located in the City's Parking Impacted Area. If a 162-square-foot drive-through lane is added, the site will be unable to meet its required parking.

The proposed Plan depicts a trash enclosure located at the northwest corner of the site, with gates that encroach into the adjacent public right-of-way (alley) when open. Per California Building Code Section 3202.2, *"Encroachments into the public right-of-way above grade and below 8 feet (2438 mm) in height shall be prohibited except as provided for in Sections 3202.2.1 through 3202.2.3. Doors and windows shall not open or project into the public right-of-way."* Even if an entitlement were granted in this case, it does not waive this requirement; therefore, a redesign or accommodation from the Department of Public Works would be required.

ALTERNATIVES

Following staff determination that a drive-through could not be supported due to impacts on adjacent residential properties and a lack of site area to accommodate required parking, staff advised the Applicant to consider a "drive-up" fast-food model where patrons stay in their vehicles and order through a dedicated menu board or with a waiter/waitress who comes to the vehicle. The Applicant denied this as a desirable outcome.

Considering the property's history of code enforcement violations, the continued use of the unpermitted drive-through lane and window, and the impacts on adjacent residential sites, Planning Bureau staff is recommending denial for the proposed CUP and the removal of the existing unpermitted drive-through lane.

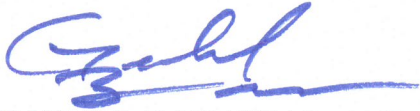
ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves.

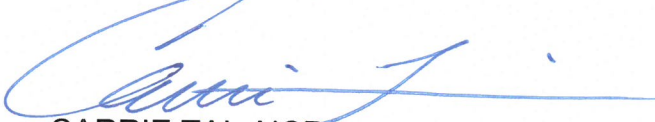
PUBLIC HEARING NOTICE

A total of 688 Public Hearing notices were distributed on September 4, 2018, in accordance with the provision of the Zoning Ordinance. No comments have been received as of the preparation of this report.

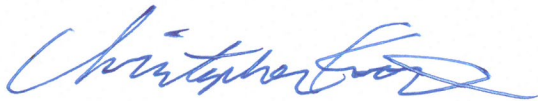
Respectfully submitted,



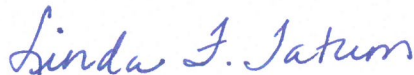
GABRIEL BARRERAS, AICP
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LFT:CK:CT:gb

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Attachments:

- Exhibit A – Location Map
- Exhibit B – Findings
- Exhibit C – Zoning Map (with and without aerial)
- Exhibit D – 1967 Building Permit and Plot Plan
- Exhibit E – Existing Drive-Through Photo
- Exhibit F – Existing Site Plan
- Exhibit G – Proposed CUP Plans