

EXHIBIT B
CONDITIONAL USE PERMIT FINDINGS
CASE NO. 1804-10/CUP18-008
3639 E. 7th Street
September 20, 2018

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, the Planning Commission shall not approve or deny a Conditional Use Permit unless all of the following findings are analyzed. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;

The subject property is located in General Plan Land Use District (LUD) #4 High Density Residential and the Community Commercial Pedestrian-Oriented (CCP) Zoning District. According to the General Plan, LUD #4 was established to encourage an intensification or recycling of dwelling units in limited areas of the City where apartment and condominium lifestyles are logically related to transportation and services. Design for all projects in this district shall show particular concern for abutting lower density housing. While there are existing retail and service uses in small clusters in the vicinity, the intention of LUD #4 and the overall character of this area prioritizes residential uses. The proposed expansion, 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. Therefore, the proposed plans are inconsistent with the General Plan.

The 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. Within the CCP zone, restaurants and ready-to-eat foods with drive-through lanes are permitted upon the approval of a Conditional Use Permit (CUP). However, per Zoning Code 21.45.130, drive-throughs for restaurants require a minimum queuing distance of one hundred fifty feet (150'). This queuing length is required to prevent drive-through vehicles from spilling over into adjacent public right-of-ways, impeding both pedestrian and vehicular traffic. The 150-foot queuing length is especially important for corner properties, where vehicles would be entering the site (and potentially blocking the right-of-way) so close to an intersection. In order for the subject property to accommodate the minimum queuing distance, parking spaces are proposed to be removed from the site resulting in only 8 parking spaces when 12 spaces would be required per Zoning Code 21.41.216.

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Therefore, the addition of a drive-through lane does not conform to either the General Plan LUD or the applicable zoning regulations.

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;

This site is designated by the General Plan as Land Use #4 High Density Residential, and prioritizes residential uses throughout the area. The proposed alignment and proximity of the drive-through lane and the direction of the callbox speakers and menu board will result in added noise, light and air pollution from idling vehicles on adjacent residential uses. The Applicant proposed reducing the impacts by pointing the direction of the callbox away from adjacent residences and incorporating new perimeter walls, a 1-foot-wide landscape strip on the north edge of the property. However, these treatments are minimal and will not add significant buffers from unwanted noise, light and air pollution from the vehicles using the drive-through.

Additionally, this site is located in the CCP zone, prioritizing pedestrian circulation and pedestrian-oriented frontages on all streets. The proposed drive-through lane will not only add vehicular capacity and circulation to the site and on nearby streets, but it will further impede pedestrian circulation along East 7th Street, resulting in detrimental impacts to the adjacent residential uses, the pedestrian experience and the surrounding community.

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

Section 21.52.231 states that the following conditions shall apply to fast-food restaurants:

A. The site shall not adjoin or abut a residential use district;

The project site is located at the northwest corner of East 7th Street and Euclid Avenue in the CCP zone. This site directly abuts a multifamily building in the R-3-S zoning district to the north; therefore, the proposed project does not meet this finding.

B. The proposed site shall not interrupt or intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses;

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The site is located on a corner lot at the intersection of East 7th Street and Euclid Avenue in the CCP zone. This zone requires that the site and use to contribute to greater pedestrian circulation and pedestrian-oriented frontages along all streets. The existing building features an existing unpermitted drive-through that exits onto East 7th Street at the southwest corner of the property. The presence of this drive-through exist impedes on pedestrian circulation along the north side of East 7th Street.

Furthermore, the existing drive-through exit abuts a driveway serving the residential use on the west side of the property. Per Zoning Code 21.41.251.B, "Separation between driveways on adjoining sites - twenty feet (20') of full height curb (unless width of site precludes compliance, then twenty feet (20') shall be maintained on at least one (1) side)."

C. The use shall not constitute a nuisance to the area due to noise, litter, loitering, smoke or odor;

The proposed drive-through will increase vehicular capacity on the site, resulting in an increase of vehicular idling and circulation across the site and onto adjacent streets. This will also result in an increased frequency of noise, air pollution, and spill-over lighting from the site.

D. Order board speakers shall be oriented and directed away from adjacent residential uses.

The Applicant has proposed re-orienting the order board and callbox speakers to face away from adjacent residential uses. However, due to the proposed configuration and location of the drive-through lane, future menu boards and callboxes will be located approximately twenty-feet away from adjacent residential districts and uses.

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

The site is developed with an existing commercial building. All improvements to the building and site will be consistent with all applicable green building standards.