



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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January 17, 2019

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Recommend the Planning Commission accept Categorical Exemption CE-18-106, approve Conditional Use Permit (CUP18-008) to operate a drive-through lane at an existing fast food restaurant, and approve a Standards Variance (SV18-006) to reduce on-site parking, allowing for eight (8) spaces where eleven (11) spaces are required for a 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 proposed CUP seeks to bring the site into closer conformance with the Zoning Code by lengthening the drive-through lane to 162 feet, where 150 feet minimum is required.

On September 20, 2018, the Planning Commission reviewed the proposed CUP and expressed support for the use of the drive-through, contingent on the applicant filing for a Standards Variance to reduce on-site parking to address site design issues specific to long-existing conditions, including an existing unpermitted drive-through lane (Exhibit B – Planning Commission Minutes, September 20, 2018). The Planning Commission also requested that City staff analyze if the Standards Variance for reduced parking and an extended drive-through lane could 1) limit potential impacts and nuisances at adjacent properties; 2) protect pedestrian safety or circulation; 3) Insure the site could appropriately function as a drive-through fast food restaurant. Following the September hearing, City staff reviewed the applicant's design and provided additional analysis herein for the Planning Commission to consider (Exhibit C – CUP & Standards Variance Findings).

BACKGROUND

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 D – 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. The pending 2040 Land Use Element Update classifies this area as *Neighborhood Serving Center or Corridor Low Density* (NSC-L), with the intention to support low-rise, low-intensity residential and commercial uses designed to meet consumers' daily needs for goods and services within walking distance for nearby residents.

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 size and configuration exists today and is located near the southeast corner of the property. The original site plan provided 13 on-site parking stalls, but it did not include drive-through facilities (Exhibit E – 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 F – 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, 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 are present on the site today (Exhibit G – Existing Site Plan).

In April 2016, the City received a complaint from a neighbor regarding noise from the drive-through speaker at night. Upon investigation, staff discovered that a CUP was never approved, and the City opened a code enforcement case for the unpermitted drive-through. From April 2016 to March 2018, City staff explored various solutions to permit the drive-through, but because of the limitations of the site's size and design, a standard-length drive-through (150-foot minimum) would not be possible unless a Standards Variance could allow for reduced on-site parking.

THE REQUEST

Following the request of the Planning Commission on September 20, 2018, the applicant submitted the subject Standards Variance request (SV18-006) on December 13, 2018. If approved, the Standards Variance will reduce required on-site parking from eleven (11) spaces to eight (8) spaces. The parking reduction, in conjunction with the previously filed CUP request (CUP18-008), will result in a 162-foot drive-through lane that enters from Euclid Avenue and circulates around the perimeter of the site. The eight (8) parking spaces (inclusive of an accessible space) will be located at the center of the site with a 25-foot drive aisle to allow for improved turning movements inside the parking lot (Exhibit H – Proposed Plans).

In support of the CUP and Standards Variance request, the applicant provided the following revisions to the site and floor plans per the recommendation of City staff and the Planning Commission (Exhibit I – Revision Narrative):

- Increased landscaping and green areas at the property's north perimeter were added to provide a wider buffer between the proposed drive-through lane and parking spaces, and to reduce spillover noise and light to the adjacent properties;
- The menu board speaker box has been relocated to reduce directional noise to adjacent properties;
- Signs and striping have been added at the drive-thru exit reading "Look Both Ways Before Exiting" to increase pedestrian safety and circulation in and around the site;
- Trash gates were reconfigured to prevent gates from encroaching on the public right-of-way.

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." The location of the existing building and parking lot meet the intention of the CCP zone – the building has direct frontage to the sidewalk with the parking located at the rear. Additionally, the unpermitted drive-through lane has operated for decades utilizing previously approved curb cuts without impeding pedestrian or vehicular circulation in the area.

In support of pedestrian and vehicular circulation and safety, Planning Bureau staff consulted the Long Beach Police Department on vehicular- and pedestrian-related collisions, and confirmed that no collision reports of have been received for this site. Additionally, the Police Department researched all calls-for-service since November 2014, and reported no significant activity for this site or the type of commercial use. Calls included a range of issues including: false alarms, one off-site altercation between two individuals (not related to the business), one act of vandalism, one burglary, and one case of trespassing. Total calls-for-service include:

YEAR	# OF CALLS FOR SERVICE
2014	3
2015	4
2016	9
2017	5
2018	5

A primary challenge for the proposed drive-through is the property's proximity to existing residential uses on the north and west side of the property. Staff expressed concerns that the proposed proximity of a drive-through lane and speaker box may result in increased noise, air and light pollution at adjacent residential uses. In response, the applicant revised the plans to increase landscaping consisting of an 8-foot block wall, various Palm and Rosemary trees, and shrubs to buffer any spillover effects. The applicant also revised the location and orientation of the menu board and speaker box so that it is not in direct alignment with adjacent residential uses.

Per LBMC 21.41.216, 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."* Based on the Gross Floor Area of the building (1,175 GFA), this restaurant would typically be required to have 11 on-site parking spaces (inclusive of an accessible parking space and hatching). The requested Standards Variance would reduce the on-site parking from eleven (11) to eight (8) spaces in order to allow standard-length drive-through lane to be installed. 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. The proposed drive-through lane meets the Zoning Code's 150-foot minimum length (LBMC 21.45.130.A.1). Additionally, the applicant will provide signage and striping to remind motorists to, "Look both ways," giving pedestrians the right of way.

In summary, City staff has reviewed the proposed application and site plan against required findings for a Standards Variance according to LBMC 21.25.306, and affirms that the applicant is presenting a cohesive design and operational plan that achieves the intent of the General Plan and Zoning Code designations for this area. The proposed mitigation strategies – including improved landscape buffers and walls, downward lighting, increased on-site circulation, and improved motorist- and pedestrian-orientation signage and striping – will increase the safety and functionality of the site and restaurant to better serve the character of the surrounding neighborhood (Exhibit C – CUP / Standards Variance Findings).

RECOMMENDATION

The requested Conditional Use Permit and Standard Variance application – inclusive of the site plan and design revisions – meets the intention development standards of the City's General Plan and Municipal Code. The proposed project will provide both on-site improvements as well as increased pedestrian-oriented design strategies that are compatible with the character of the 7th Street corridor. No impacts detrimental to the environment or the general welfare of the public are foreseen from the approval of the CUP and Standards Variance. Therefore, staff recommends approval of CUP18-008 and SV-18-

CHAIR AND PLANNING COMMISSIONERS

January 17, 2019

Page 5 of 5

006, subject to the findings and conditions herein (Exhibit C & J – CUP / Standards Variance Findings and Conditions of Approval).

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), this project qualifies for a categorical exemption pursuant to CEQA Section 15303 (New Construction or Conversion of Small Structures) and Section 15304 (Minor Alterations to Land). (CE 18-106)

PUBLIC HEARING NOTICE

A total of 688 Public Hearing notices were distributed on December 26, 2018, in accordance with the provision of the Zoning Ordinance. No comments have been received as of the preparation of this report.

Respectfully submitted,



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PROJECT PLANNER



ALEXIS OROPEZA
SENIOR PLANNER



CHRISTOPHER KOONTZ, AICP
PLANNING BUREAU MANAGER



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DIRECTOR OF DEVELOPMENT SERVICES

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Attachments:

- Exhibit A – Location Map
- Exhibit B – Planning Commission Minutes, September 20, 2018
- Exhibit C – CUP / Standards Variance Findings
- Exhibit D – Zoning Map with Aerial
- Exhibit E – 1967 Building Permit and Plot Plan
- Exhibit F – Existing Drive-Through Site Photo
- Exhibit G – Existing Site Plan
- Exhibit H – Proposed Plans
- Exhibit I – Applicant Revision Narrative
- Exhibit J – Conditions of Approval