

November 18, 2021

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and consider an appeal filed by Ben Knight (APL21-009);

Accept Categorical Exemption CE-21-063; and,

Uphold the Zoning Administrator's decision to approve an Administrative Use Permit, AUP21-026, and Local Coastal Development Permit LCDP21-027, for off-site, joint-use parking to be provided for nine (9) parking stalls at 5790 East 2nd Street to serve a restaurant located at 5716 East 2nd Street in the CNP Zoning District. (District 3).

APPLICANT: Justin Roth for Studio One Eleven
245 E. 3rd Street
Long Beach, CA 90802
(Application No. 2106-01)

APPELLANT: Ben Knight
5700 E. 2nd Street
Long Beach, CA 90803
(Application No. 2110-01)

DISCUSSION

On September 27, 2021, the Zoning Administrator (ZA) held a public hearing to consider a proposal to allow off-site, joint use of nine (9) parking spaces at a property located at 5790 East 2nd Street that would serve an existing restaurant located at 5716 East 2nd Street (the subject property), as permitted by Long Beach Municipal Code (LMBC) Section 21.41.223. The proposed off-site, joint use spaces are necessary for the use, as proposed, to comply with the applicable parking requirements of the Zoning Code. A related action—a request to allow the exterior remodel of an existing restaurant building at the subject property to include a new entry, windows, doors, and canopy at the existing façade and the conversion of a portion of the existing parking lot to outdoor



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dining with a new steel patio structure, landscape and hardscape improvements, and perimeter gate enclosure—was conditionally approved by the Site Plan Review Committee (SPRC) on August 25, 2021. Off-street parking is required to support the new outdoor dining area. No new floor area would be added as part of the project. As proposed, the overall parking requirement would be 14 parking spaces, per the applicable Zoning Code requirements; the applicant proposes to accommodate five (5) of those spaces on site and nine (9) off site.

The ZA public hearing was held for the consideration of an Administrative Use Permit (AUP) and Local Coastal Development Permit (LCDP) for off-site, joint-use parking, in conjunction with the Site Plan Review (SPR) entitlement (Attachment A – Zoning Administrator Minutes – 9/27/21). Public comments on the proposed project were provided at the September 27, 2021 virtual ZA hearing (Attachment B – Zoning Administrator Public Correspondence). The ZA conditionally approved the project at the noticed hearing. Within the 10-day appeal period, a third-party individual appealed the Zoning Administrator AUP decision. As required by LBMC Section 21.21.501, the Planning Commission is the body that reviews appeals on decisions in which the SPRC and/or the ZA served as the initial decision-makers. The Commission's decision on the appeal will be final.

Project Site

The site is located on the south side of East 2nd Street, between Ravenna Drive to the west and Campo Walk to the east within the Neighborhood Pedestrian (CNP) Zoning District (Attachment C - Vicinity Map). The site has a 1989 General Plan Land Use designation of Land Use District (LUD) No. 8P, Pedestrian-Oriented Retail Strip, which entails strip retail uses catering primarily to pedestrian trade.¹ The site is surrounded by commercial uses to the east and west and residential uses to the north and south. The nearest residential uses are located south of the subject site across an existing 15-foot-wide public alley. The site is currently developed with a 2,506-square-foot one-story restaurant and a surface parking lot with 14 off-street parking (Attachment D - Site Photos).

The applicant is seeking approval of a SPR, AUP, and LCDP associated with the remodel of the existing restaurant and the reconfiguration of the parking areas into an outdoor patio dining area and on-site parking. The portion of the parking lot that remains will receive a grind and overlay of asphalt paving. The existing curb cut for vehicle entry from 2nd Street will be demolished and a sidewalk with a full height curb will be constructed in its place. No new floor area would be added as part of the project. As part of the revised site plan, five (5) on-site parking spaces would be maintained on site with three tandem stalls for use during valet operation and the remainder of the nine (9) required parking spaces would be provided in an off-site, joint-use configuration at an existing carwash at 5790 East 2nd Street in the CNP Zoning District, pursuant to Section 21.41.223 of the Zoning Code.

The restaurant is an existing bona fide eating place. The restaurant would maintain 696 square feet of indoor dining area and 198 square feet of bar area, which is consistent with current restaurant

¹ The General Plan Land Use Element was updated in 2019 and has not yet been certified as part of the City's Local Coastal Program. Therefore, the 1989 General Plan Land Use Element (1989) designation of Land Use District (LUD) No. 8P remains applicable to the project site.

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operations (Attachment E - Plans). The remainder of the interior floor plan is devoted to the kitchen and back of house uses. The proposed conversion of a portion of the existing parking lot would result in an 845-square-foot outdoor dining patio. There would be no expansion of bar or enclosed building area as part of this application. The proposed outdoor patio improves the viability of the restaurant and enables it to better respond to dining needs and preferences in a post-COVID-19 era.

The remodeled elevations would feature cement plaster with murals along visible elevations. The new exterior elevations would feature new window openings, where none previously existed, with new steel canopy over the front window, and exterior lighting. The new building materials and design features will be carried through on all facades visible from public rights-of-way. The new outdoor patio would feature a steel frame canopy with vegetation and trees placed surrounding and within the patio area. The introduction of living vegetation would soften the overall design of the existing structure and new improvements. The remodeled building and site reconfiguration would be consistent with the pedestrian orientation of the CNP Zoning District and the required findings for SPR approval (Attachment F – Findings)

The off-site, joint-use parking would be sited on a property that is located approximately 332 feet east of the subject site, at 5790 East 2nd Street, which is currently used as a car wash.² This distance is within the 600-foot maximum distance criteria for off-site parking established in the Zoning Code (LBMC Section 21.41.222). The parking configuration at the off-site location would accommodate nine (9) parking spaces for restaurant use, three (3) parking spaces for the car wash use, and associated areas for car wash activities.

The proposed conditions of approval include a number of conditions intended to ensure the restaurant operations and parking function in a manner that is compatible with surrounding uses. As conditioned, the restaurant parking spaces would be painted, identified with signage, and available for use during the operational hours of the restaurant. While the car wash hours of operation would overlap (8 a.m. to 5 p.m.), the nature of the use and the ability to prioritize restaurant employees parking off site would allow for the joint use of the surface parking at the off-site location. Additionally, valet service is required to be provided at 5716 East 2nd Street during restaurant dinner hours (5 p.m. to closing), to further enable the efficient parking and movement of vehicles. Conditions of approval also require a Transportation Demand Management (TDM) plan to reduce vehicle trips by both employees and patrons and to incentivize the use of alternative transportation modes. Finally, the proposed conditions also require the applicant to provide a status report to the ZA on an annual basis for three (3) years to demonstrate the functionality of the off-site, joint use parking operations. If documented complaints are filed, the annual review would be completed sooner. The inclusion of the above-described conditions of approval would ensure proper operations of the off-site parking resources and allow for monitoring of the off-site parking arrangement. Non-compliance with operating conditions could result in revocation of the AUP and LCDP.

² The site was reviewed within the context of normal operating conditions. The existing outdoor Covid-19 dining area is a temporary use that would terminate at the end of the emergency declaration.

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For all discretionary actions in the coastal zone, a LCDP is required. The project site is in Area E (Naples Island and the Peninsula) of the Coastal Zone. The Local Coastal Program (LCP) identifies Naples as nearly exclusively residential and character except for the commercial uses along Second Street, at the Colonnade, and in Naples Plaza. Area E allows for light commercial uses on the south side of Second Street. The proposed building remodel and off-site parking would not change the existing use on site. The operation of the restaurant use with new outdoor patio and off-site parking would remain consistent with the commercial use permitted by the CNP zoning district and the complies with applicable development standards. The remodel and off-site parking would not affect coastal access or impede the ability for the existing light commercial use to continue in conformance with the LCP. Therefore, the AUP and SPR would be consistent with the policies outlined in the LCP.

Currently, the primary use at the subject property is a restaurant and as proposed will continue to operate as a full-service, sit-down restaurant. The recommended conditions of approval are intended to ensure the use continues to operate in a manner compatible with the surrounding area. Such proposed conditions include a signage and striping plan, TDM plan, mandatory valet hours for proper operation, and annual reporting to monitor the performance of the off-site parking arrangement (Attachment G - Conditions of Approval).

Appeal

A third-party appeal was filed, by Ben Knight (APL21-009) on October 4, 2021 (Attachment H - Application for Appeal). The cited concerns include exacerbation of parking issues and insufficient conditions of approval to ensure effective operation of the off-site parking lot and valet parking.

The conditions of approval, specifically Conditions 3 through 8, included in the ZA decision require operating conditions that ensure the off-site, joint-use parking is conducted in a manner that maintains access for patrons to the restaurant establishment and nearby uses. Condition # 4 requires annual reporting to ensure that the restaurant operator adheres to the requirements and the parking arrangement is functioning appropriately. Failure to adhere to the conditions of approval can result in possible revocation, in accordance with LBMC Section 21.21.601. The inclusion of adequate conditions of approval would ensure that the project would be consistent with all required findings for AUP, SPR, and LCDP.

PUBLIC HEARING NOTICE

A total of 247 notices of public hearing were distributed within a 300-foot radius from the two (2) project sites and to the appellant on November 3, 2021 in accordance with the requirements of Chapter 21.21 of the Zoning Regulations. All interested parties that commented on the project were also noticed. As of the preparation of this report, no public comments have been received.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) this project is eligible for a categorical exemption per Section 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the CEQA Guidelines (CE-21-063). The physical construction associated with the project relates to the restaurant remodel and new outdoor patio, which were conditionally approved by the SPRC on August 25, 2021 (SPR21-030).

Respectfully submitted,



MARYANNE CRONIN
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



PATRICIA DIEFENDERFER, AICP
PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ, AICP
DEPUTY DIRECTOR OF DEVELOPMENT
SERVICES



OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

OO:CK;PD:AO:mc

Attachments:

- Attachment A – Zoning Administrator Minutes – 9/27/21
- Attachment B – Zoning Administrator Public Correspondence
- Attachment C - Vicinity Map
- Attachment D – Photos
- Attachment E – Plans
- Attachment F – Findings
- Attachment G – Conditions of Approval
- Attachment H – Application for Appeal