



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194 FAX (562) 570-6068

September 15, 2016

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption 16-075 and approve a Conditional Use Permit request to operate a drive-through lane at a new 1,884-square foot-restaurant (Starbucks), located at 2250 E. Carson Street within the Community Automobile-Oriented District (CCA) zone. (District 7)

APPLICANT: Kaidence Advisors, LLC
Kayman Wong
4340 E. Indian School Rd #21-266
Phoenix, Arizona 85018
(Application 1603-09)

DISCUSSION

The subject site is located on the south side of Carson Street and east of Cherry Avenue (Exhibit A – Location Map). The site is located within the Community Automobile-Oriented District (CCA) zone and is located within an approximately shopping center (Long Beach Town Square). The site is bounded by commercial uses to the west and south and the Union Pacific Railroad right-of-way and the City of Lakewood to the east.

The shopping center is accessed from multiple driveway approaches along Carson Street and Cherry Avenue. More specifically, the site is accessed from an existing driveway approach on Carson Street. The subject site totals 17,230 square feet and is currently vacant.

The applicant proposes to construct a new 1,884-square-foot Starbucks restaurant with a drive-through lane on a vacant lot (Exhibit B – Plans). The new single-story building is proposed with a smooth stucco exterior and decorative stone veneer highlighting tower elements. The tan and green earth tone building colors are consistent with the colors used in the shopping center. Starbucks' proposed hours of operation are from 4:00 a.m. to 11:00 p.m., daily, Monday through Sunday. On June 27, 2016, the Site Plan Review Committee reviewed the project's architecture, design, and layout, and deemed it compatible with the existing shopping center as well as the surrounding area, and in compliance with all development standards for the proposed use.

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The applicant is requesting approval of a Conditional Use Permit (CUP) for the operation of a drive-through lane which will be accessed from an existing drive aisle within the center and extend around the new building. The site plan illustrates that a minimum of 150 feet for vehicle queuing will be provided as required by code. A new trash enclosure, menu board, and speaker box for the drive-through will be located on an adjacent parcel just south of the restaurant.

The shopping center parking requirement is 664 parking stalls, which includes the 19 parking stalls required for the new restaurant. There are 747 parking spaces within the shopping center, which represents a surplus of available parking (88 spaces). The shopping center benefits from a shared parking and reciprocal access agreement for all uses in the center. A condition of approval will require this agreement to be amended to include parking for the new restaurant and reciprocal access for the menu board, speaker box, and the trash enclosure.

Planning staff finds that the proposed CUP for the drive-through lane will not cause any substantial adverse effects on neighboring land uses, or the community at large. The plans were reviewed by the Public Works Department to ensure proper onsite circulation as well as to identify improvements to the public right-of-way. Specific conditions have been incorporated to mitigate potential impacts (Exhibit C – Conditions of Approval). Staff has prepared positive findings (Exhibit D – Findings) and recommends that the Planning Commission approve the proposed construction of a drive-through lane for the restaurant subject to conditions of approval.

PUBLIC HEARING NOTICE

A total of 156 Public Hearing notices were distributed on August 25, 2016, in accordance with the provision of the Zoning Ordinance. No comments have been received as of the preparation of this report.

ENVIRONMENTAL REVIEW

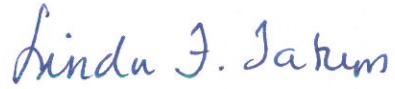
In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 16-075) was issued for the proposed project (Exhibit E- Categorical Exemption).

CHAIR AND PLANNING COMMISSIONERS

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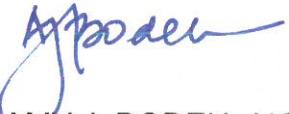
Page 3 of 3

Respectfully submitted,



LINDA F.TATUM, AICP

PLANNING BUREAU MANAGER



AMY J. BODEK, AICP

DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:gc

- Attachments:
- Exhibit A – Location Map
 - Exhibit B – Plans
 - Exhibit C - Conditions of Approval
 - Exhibit D – Findings
 - Exhibit E – Categorical Exemption

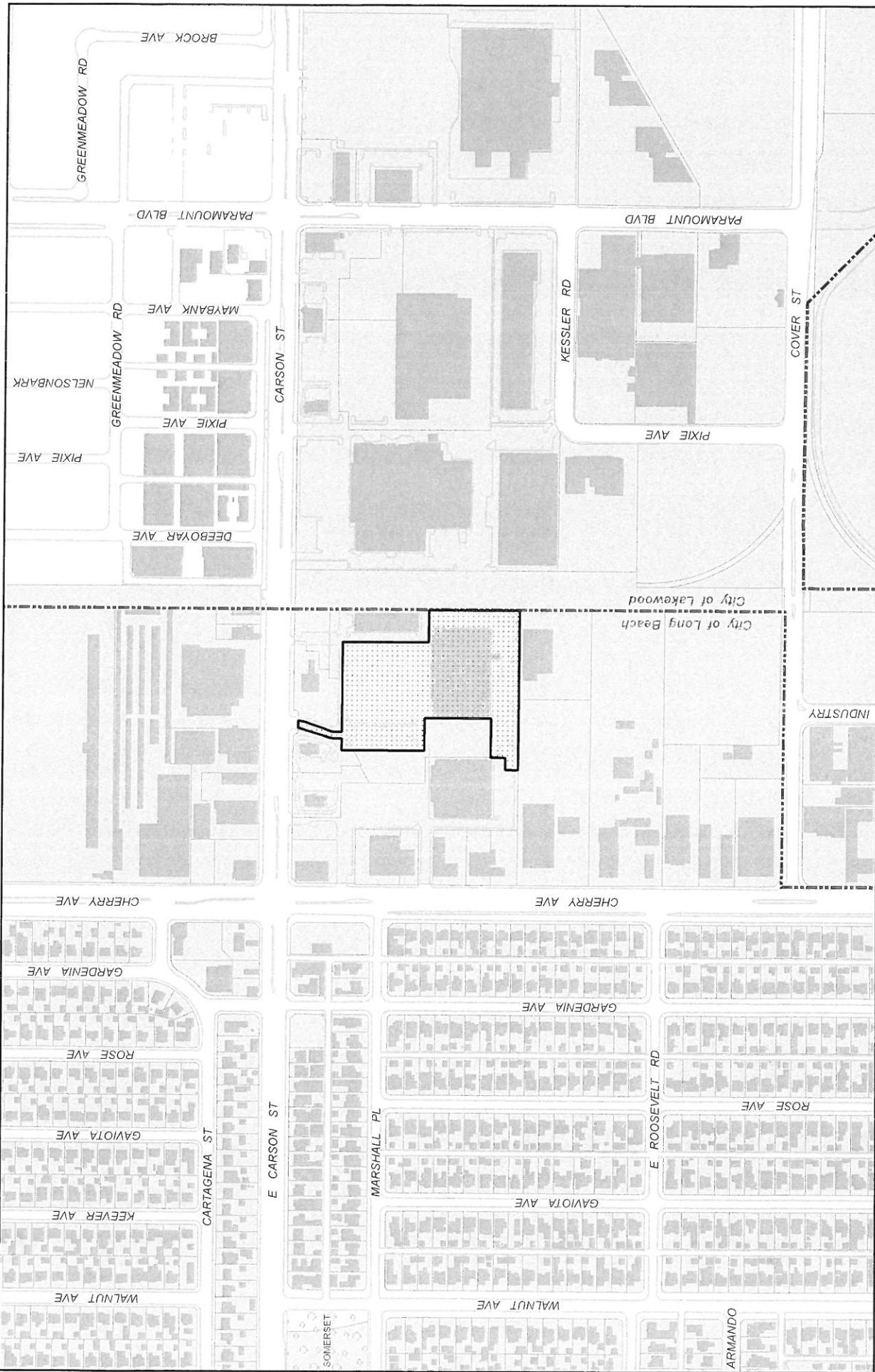


Exhibit A



200 100 0 200 400
Feet

Subject Property:
2250 E Carson St
Application No. 1603-09
Council District 7
Zoning Code : CCA, IL



CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

2250 E. Carson Street
Application No. 1603-16
September 15, 2016

Standard Conditions:

1. This approval permits a Conditional Use Permit (CUP) requesting to operate drive-through lane in conjunction with a new Starbucks restaurant, to operate between the hours of 4:00 a.m. and 11:00 p.m.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
4. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
5. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property, as set forth by this permit, together with all conditions, which are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
6. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Planning and Building Bureaus. These conditions must be printed on the site plan or a subsequent reference page.
7. All plans submitted for plan review must explicitly call out and describe all materials, textures, and colors approved by the Planning Commission. No substantial changes shall be made without prior written approval of the Planning Commission.
8. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval, if such

modifications shall not significantly change/alter the approved design/project. Any major modifications to the approved project shall be reviewed and approved by the Planning Commission.

9. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Director of Development Services or appointee.
10. Site development, including landscaping, shall conform to the approved plans on file in Long Beach Development Services. At least one set of approved plans containing Planning, Historic Preservation, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
11. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plant materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
12. Where feasible, all landscaped areas shall be planted with drought-tolerant plant materials. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
13. Adequately sized trash enclosures shall be designed and provided for this project as per LBMC Section 21.45.167. The designated trash area shall not abut a street or a public walkway and shall be placed at an inconspicuous location on the property. Trash enclosures shall be designed to complement the building architecture, screened on all sides and provided for easy access. Prior to the issuance of a building permit, detailed drawings of these enclosures shall be submitted to the Director of Development Services for review and approval of the enclosure designs and materials. Trash enclosures require a separate permit. The trash enclosure location that is easily accessible to trash collection trucks.
14. The Department of Development Services and the Long Beach Police Department shall have the authority to review the site for security issues, and said departments shall have the power to require additional security measures including, but not limited to, security guards, fencing, and additional security lighting if problems develop at the site.

15. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
16. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Such devices shall be properly screened with landscaping or other screening methods approved by the Director of Development Services.
17. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.
18. All parking areas serving the site shall provide appropriate security lighting pursuant to Section 21.41.259. All exterior lighting shall be operated by a photocell that activates the lighting when it senses darkness. Such lighting shall be adequately shielded to prevent intrusion of light and glare upon neighboring properties. The Chief of Police may require other security measures to be provided.
19. Energy conserving equipment, lighting, and construction features shall be utilized on the building.
20. Any graffiti found on site must be removed within 24 hours of its appearance.
21. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
22. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
23. Separate building permits are required for fences, retaining walls, and flagpoles.
24. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate

new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.

25. The applicant shall comply with all Low Impact Development (LID) measures as required by the Building Bureau.
26. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
27. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not permitted
28. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

Special Conditions

29. The developer shall install one Electrical Vehicle Charging Station onsite.
30. The street address shall be clearly posted on the street side of the main building and visible from the street.
31. Exterior lighting should clearly illuminate the common areas surrounding the building including, but not limited to, the entrance and exit doors, as well as the business address. Lighting shall also be positioned to discourage homeless people from sleeping.
32. The applicant shall install a video security camera system at the front and rear of the business with full view of the public right-of-way and shall install exterior security cameras that provide full view of any area where the operator provides parking for its patrons. The cameras shall record video for a minimum of 30 days. All video security cameras shall be installed to the satisfaction of the Police Chief, Director of Technology Services and the Director of Development Services.

33. The operator/owner/tenant shall prevent loitering and loud noises on site during hours of operation. If loitering continues, as determined by the Long Beach Police Department, a security guard shall be required during business hours at the discretion of the Director of Development Services. Continual problems with loitering, which increase the calls for service at the business may lead to revocation of the Conditional Use Permit.
34. The applicant shall amend the Second Amendment to Operation and Reciprocal Easement Agreement to include the new developed parcel prior to the issuance of building permits for the new building.
35. The design of the site shall be in compliance with plans dated August 26, 2016.
36. The developer shall install smooth stucco finish to the building exterior.

Department of Public Works

37. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).

Public Right-of-Way

38. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements during plan checking processing, the right-of-way dedication way shall be provided.

Engineering Bureau

39. The Developer shall be responsible for the maintenance, repair and replacement of off site improvements abutting the project boundary during construction of the on-site improvements until final inspection of the on-site improvements by the City. All off-site improvements adjacent to the development site, and/or along the truck delivery route found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
40. The Developer shall provide for the removal of the two (2) existing concrete tree well plugs along the Carson Street sidewalk adjacent to the development site and replace with metal tree well grates to the satisfaction of the Director of Public Works.

41. All off-site improvement work within the public rights-of-way requires a Street Improvement Plan from Public Works Records Section; contact Karen Cox at (562) 570-6342.
42. The Developer shall repair the cracked and uplifted sections of sidewalk pavement adjacent to the project site along Carson Street. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).

Traffic & Transportation Bureau

43. There is a low volume Long Beach Transit bus stop on Carson Street adjacent to the development site. A bus bench or seating for bus patrons should be integrated into the project at this bus stop location. The Developer shall collaborate with Long Beach Transit and the Development Services Department, Karissa Selvester, External Affairs Manager, to take advantage of this opportunity.
44. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
45. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
46. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify the existing curb marking zones, adjacent to the site.

EXHIBIT D

CONDITIONAL USE PERMIT FINDINGS
CASE NO. 1603-09
September 15, 2016

Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the Planning Commission shall not approve a Conditional Use Permit unless the following findings are made. 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) #8A, "Traditional Retail Strip Commercial Land Use District," and the CCA (Community Commercial Automobile-Oriented) zoning district. LUD #8A is established to provide commercial uses along the frontages of certain streets for the service and convenience of persons traveling by car, and needing local services. The CCA zone allows for commercial-only land uses. The project, a new fast food restaurant, is compatible with and conforms to both the General Plan LUD and the zoning district, and 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; AND**

The project was designed to minimize potential impacts on surrounding properties from the operation of the drive-through lane for the fast-food restaurant. The subject site does not abut a residential use nor does it abut a residential use district. The building and drive-through lane were specifically oriented towards the rear of lot to minimize vehicle queuing along Carson Street.

- 3. THE SITE SHALL NOT ADJOIN OR ABUT A RESIDENTIAL USE DISTRICT;**

The subject site does not abut a residential use nor does it abut a residential use district.

- 4. THE PROPOSED SITE SHALL NOT INTERRUPT OR INTRUDE INTO A CONCENTRATION OF RETAIL USES AND SHALL NOT IMPEDE PEDESTRIAN CIRCULATION BETWEEN RETAIL USES;**

The proposed drive-through lanes are in conjunction with a new fast-food restaurant within an established shopping center. The site does not interrupt or

intrude into a concentration of retail uses. Furthermore, there is a continuous sidewalk between the subject site and other commercial sites; the proposed drive-through lane will not impede pedestrian circulation between retail uses.

5. THE USE SHALL NOT CONSTITUTE A NUISANCE TO THE AREA DUE TO NOISE, LITTER, LOITERING, SMOKE OR ODOR; AND

The site is commercially zoned and the new development is a commercial use. The operation of the drive-through lane used by the fast food restaurant has been conditioned so that its operation will not create adverse effects to the site nor the adjacent properties. Conditions have been incorporated to address noise and property maintenance.

6. ORDER BOARD SPEAKERS SHALL BE ORIENTED AND DIRECTED AWAY FROM ADJACENT RESIDENTIAL USES.

The subject site does not abut a residential use nor does it abut a residential use district. The menu board and speaker box are located away from Carson Street and will not impact adjacent uses.

EXHIBIT E



CITY OF LONG BEACH NOTICE of EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbds.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Filings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 16-075

Project Location/Address: 2250 E. CARSON ST.

Project/Activity Description: WE ARE PROPOSING TO CONSTRUCT A NEW SINGLE TENANT BUILDING. ALSO A DRIVE THRU LANE IS PROPOSED. THE PROPOSED FREESTANDING BUILDING IS 1,850 SF.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: DANNY BOCKTING

Mailing Address: 4340 E. INDIAN SCHOOL RD. STE 2-266

Phone Number: 602 540-7304 Applicant Signature:

BETWEEN THIS LINE FOR STAFF USE ONLY

Application Number: 1603-04 Planner's Initials: SL

Required Permits: CUP, SPP

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15303

Statement of support for this finding: One project is a new restaurant not exceeding 2,500 sf of building area proposed within an existing shopping center.

Contact Person: Gina Casillas Contact Phone: 562 570-6879
Signature: Gina Casillas Date: