



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> 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 CE 16-074 and approve a Conditional Use Permit to operate a drive-through at a new 1,868-square-foot restaurant (Starbucks), located at 3503-3505 E. South Street, within the Community Commercial Automobile-Oriented District (CCA) zone. (District 9)

APPLICANT: Kayman Wong  
Kaidence Advisors, LLC  
4340 E. Indian School Road, Suite #21-266  
Phoenix, AZ 85018  
(Application 1603-21)

**DISCUSSION**

The subject site is located on the north side of South Street within an existing shopping center, between Downey Avenue and Hayter Avenue (Exhibit A – Location Map), at 3503-3505 E. South Street. The approximately 6.544-acre shopping center is located within the Community Commercial Automobile-Oriented (CCA) zone. A single-family residential tract is located north of the site across Andy Street, Wal-Mart is located directly east of the site, and commercial uses including Lakewood Regional Medical Center are located south of the subject site across South Street. East of the shopping center there is a mix of commercial uses and a small cluster of single-family residential homes.

The applicant proposes to demolish the existing 2,499-square-foot restaurant and donut shop and construct a new 1,868-square-foot Starbucks with a drive-through lane, along the southerly portion of the shopping center (Exhibit B - Site Plan). The proposed hours of operation are from 4:00 a.m. to 11:00 p.m. daily Monday through Sunday. The site plan illustrates that the project includes reconfiguring the existing parking lot to accommodate the new drive-through in compliance with queuing standards and restriping parking spaces to comply with the parking requirements.

The Site Plan Review Committee reviewed this proposal on June 8, 2016, and requested minor design changes to increase architectural detail on the elevations. The project was redesigned to enhance the contemporary modern architectural design by incorporating horizontal wood siding throughout the elevations, new insets and push-out

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of walls to allow additional fenestration along the walls. The Site Plan Review Committee supports the redesigned project and finds it is consistent with the general design of the shopping center. The design incorporates wood siding, a stucco finish, warm-toned paint palette and dark bronze storefront system, window canopies and wall trellises.

A Conditional Use Permit (CUP) is requested for approval for the operation of a drive-through lane for Starbucks. The drive-through lane provides the required 150 feet of vehicular queuing length along the building's south and east side, which is closest to South Street. The pick-up window is located on the building's east side, enabling motorists to exit the drive-through lane into the existing shopping center. The speaker box and menu board are angled toward South Street, away from any residential zones.

The proposed CUP for the drive-through lane will not result in substantial adverse effects to the neighborhood, because the nearest residential district is over 300 feet from the proposed site. In addition, the proposed use is compatible within the existing shopping center. 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 minimize potential impacts (Exhibit C – Conditions of Approval). Staff has prepared findings for approval (Exhibit D – Findings) and recommends that the Planning Commission approve the Conditional Use Permit for the construction of a drive-through lane at a new Starbucks, subject to conditions of approval.

**PUBLIC HEARING NOTICE**

A total of 345 public hearing notices were distributed on August 29, 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 16-074) was issued for the proposed project (Exhibit E - Categorical Exemption).

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Respectfully submitted,



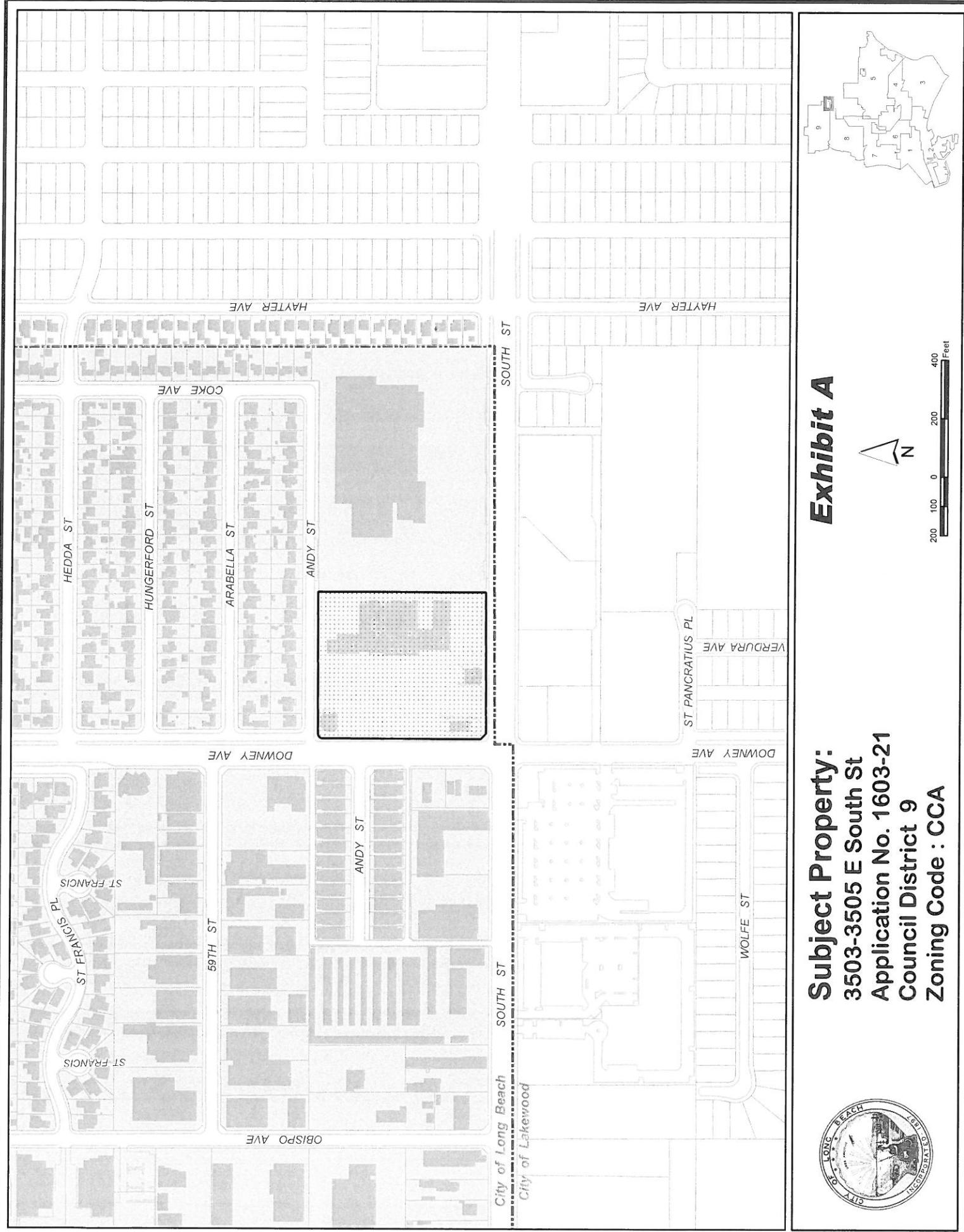
LINDA F.TATUM, AICP  
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:mdg

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



**CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL**

**3503-3505 E. South Street  
Drive-through lane for Starbucks restaurant  
Application No. 1603-21  
September 15, 2016**

**Standard Conditions:**

1. This approval permits a Conditional Use Permit (CUP) to operate a 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 and Safety 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. Site development, including landscaping, shall conform to the approved plans on file in the Department of Development Services. At least one set of approved plans containing Planning, 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.
10. 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.
11. 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.
12. 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 (with Purple Lilac Vine on all three 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 shall be located in an area that is easily accessible to trash collection trucks.
13. 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.

14. 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).
15. 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.
16. 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.
17. 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.
18. Energy conserving equipment, lighting, and construction features shall be utilized on the building.
19. Any graffiti found on site must be removed within 24 hours of its appearance.
20. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
21. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building and Safety Bureau must be secured.
22. Separate building permits are required for fences, retaining walls, and flagpoles.
23. 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.

24. The applicant shall comply with all Low Impact Development (LID) measures as required by the Building and Safety Bureau.
25. 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.
26. 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
27. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
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 and be accessible via the internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow the LBPD to view live and recorded video from the cameras over the internet are also required. 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. No changes in design, security or landscape shall be allowed without the approval.
35. No publicly accessible telephones shall be maintained on the exterior of the premises.
36. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
37. 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.
38. 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 shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
39. Landscape plans shall include and maintain 15 gal. India Hawthorn shrubs along the drive-through lane to eliminate light and glare to incoming vehicle traffic using South Street.

## **Department of Public Works**

40. 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.).

### **Engineering Bureau**

41. The Developer shall remove unused driveways and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
42. The Developer/Property Owner shall contact the Department of Public Works for specification to install new tree wells with street trees and an irrigation system adjacent to the development site along South Street in accordance with Long Beach Municipal Code 21.42.050. The Developer/Property Owner and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
43. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
44. The Developer shall repair the cracked, uplifted and/or deteriorated sections of sidewalk, curb and curb gutter pavement adjacent to the site. 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).
45. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities within the adjacent right-of-way and along the truck delivery route shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
46. Prior to approving an engineering plan, all projects greater than one acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt

of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 266-7500 or visit their website for complete instructions at [www.waterboards.ca.gov/stormwtr/construction.html](http://www.waterboards.ca.gov/stormwtr/construction.html). Left-click on the Construction General Permit 99-08-DWQ link.

47. Any improvements on public rights-of-way shall be constructed in accordance with plans reviewed and approved by the Department of Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Department of Public Works for approval.
48. A Public Works Street Improvement Permit is required for paving and other surface improvements within the public rights-of-way, contact the Public Works Records Section at (562) 570-6784.

## **EXHIBIT D**

### **CONDITIONAL USE PERMIT FINDINGS APPLICATION NO. 1603-21 May 5, 2016**

Pursuant to Section 21.25.206 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 District," and the CCA (Community Commercial Automobile-Oriented) zoning district. LUD #8 is established to recognize the continuing need 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 Starbucks restaurant with a drive-through lane, 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 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 to locate the drive-through lane operation away from the residential property, and placed to have the vehicles exit the drive-through into the shopping center. Mature landscape will be planted to avoid glare onto oncoming traffic along South Street to minimize the potential of any light impacts.

- 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 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 within a large 6.544-acre shopping center and surrounded by commercial uses. The operation of the drive-through lane used by the 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 order board speakers are oriented toward South Street and do not abut a residential use or a residential use district.



# CITY of LONG BEACH NOTICE of EX

# EXHIBIT E

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, 5<sup>th</sup> Floor  
Long Beach, CA 90802

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

Categorical Exemption CE- 16-074

Project Location/Address: 3503-3505 E. SOUTH ST.

Project/Activity Description: DEMOLISH (E.) MULTI-TENANT BLDG.  
and REPLACE WITH A SINGLE DRIVE THRU TENANT  
BLDG. (E.) MUET TENANT BLDG. IS 2,499 S.F.  
and NEW BUILDING IS 2,000 S.F.

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

Applicant Name: DANNY BOCKTING

Mailing Address: 4340 E. INDIAN SCHOOL RD. STE #21266

Phone Number: 602 540 7304 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1603-21 Planner's Initials: SL

Required Permits: (SPD), (CUP) Site Plan Review and Conditions Msr. Primary

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH  
STATE GUIDELINES SECTION 15303, New construction of  
small structures

Statement of support for this finding: This project consists of a  
drive-through lane in conjunction with  
construction of a 1,868-square-foot  
fast food restaurant

Contact Person: Monica Devineyay Contact Phone: (562) 570-6134  
Signature: Monica Devineyay Date: 9/1/16