



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES PLANNING BUREAU  
333 West Ocean Blvd., Long Beach, CA 90802 Fax: (562) 570.6068

## NOTICE OF PUBLIC HEARING PLANNING COMMISSION

Application Number: 1902-09 (ZCA19-001, LCPA19-001) Application Filed on: 07-02-2018

Project Location: Citywide, Long Beach, CA

Project Applicant: City of Long Beach, Long Beach Development Services

Approval(s) Requested: Zoning Code Amendment

**Proposed Project:** The proposed Drive-Through Use Zoning Code Amendment (ZCA19-001) would consist of changes to Title 21 of the Long Beach Municipal Code (Zoning Ordinance) to: 1) Create a zoning code definition for drive-through facilities; 2) Update the commercial and industrial zones permitted use tables with the new drive-through facility definition; 3) Require a Conditional Use Permit (CUP) for new fast food drive-throughs and expansions in industrial zones and in all Planned Development districts for consistency with the existing review process in the commercial zones that allow this use; 4) Make reference to the design guidelines that will be developed at a later time and will supplement the drive-through regulations in the zoning code; 5) Include a provision to address the demolition and/or rebuilding of a drive-through facility approved under a previous CUP and subsequently, made legally nonconforming with the Project; and 6) Provide new required findings specific to the drive-through use.

**Environmental Review:** Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, a Negative Declaration (ND) has been prepared for the project and finds that the project would not have any potential significant adverse environmental impacts. The ND (03-19) was circulated for a 30-day public review period between February 19, 2019 and March 21, 2019. The Initial Study and the Negative Declaration are on file and are available by visiting the City's Environmental Reports page at [http://www.lbds.info/planning/environmental\\_planning/environmental\\_reports.asp](http://www.lbds.info/planning/environmental_planning/environmental_reports.asp)

This Zone Code Amendment effects the implementing plan of the Local Coastal Program and is subject to certification by the California Coastal Commission.

The Planning Commission will hear this item at the meeting detailed below:

Meeting Date: March 21, 2019  
Meeting Time: 5:00 PM  
Meeting Place: 1<sup>st</sup> Floor City Council Chamber, City Hall  
333 West Ocean Boulevard, Long Beach, CA

For more information, contact Cynthia de la Torre, Project Planner, at [cynthia.delatorre@longbeach.gov](mailto:cynthia.delatorre@longbeach.gov) or (562) 570-6559.

*This is your opportunity to voice your opinion regarding the proposed permit. To establish "AGGRIEVED" status (leading to a right to appeal) you must present oral or written testimony at this hearing; otherwise, you may not appeal this project. For information on presenting written testimony, please see reverse side.*

*Hearing/Meeting Procedures: Project Planner will present the project. After taking public oral or written testimony in support and opposition, a decision may be rendered.*

*"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the Planning Commission at or prior to the public hearing."*

**AGGRIEVED APPEAL:** APPEALS INFORMATION IS CONTAINED ON THE REVERSE SIDE OF THIS FORM.

District: Citywide

To view and download the meeting agenda: <http://www.lbds.info/>

### **PROCEDURES FOR PRESENTING WRITTEN TESTIMONY TO THE PLANNING COMMISSION**

In order to have written material included in the Planning Commissioners' mailed Agenda Packet, twelve (12) copies of the material must be delivered to Development Services, Planning Bureau, no later than ten (10) calendar days before the date of the Planning Commission Hearing. Written material that is presented to the Planning Commission after this date and up to 1:00 p.m. the day of the Planning Commission Hearing, will be included in the Commissioners' Agenda folder. Material presented to the Commission at the Hearing will be part of the record.

### **APPEALS TO THE COASTAL COMMISSION**

All actions on local coastal development permits seaward of the appealable area boundary may be appealed by any aggrieved person to the Coastal Commission according to the procedures of the Coastal Commission, provided that all local appeals have been exhausted and no fee was charged the appellant for such appeal, by filing such appeal at the Coastal Commission offices, 200 Oceangate, 10<sup>th</sup> Floor, Long Beach, CA 90802-4302.

### **LONG BEACH DEVELOPMENT SERVICES**

333 W. Ocean Blvd., Fifth Floor

Long Beach, CA 90802

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### **OFFICIAL PUBLIC NOTICE**

### **APPEALS TO THE CITY COUNCIL**

- A. Any aggrieved person may appeal a decision on a project that required a public hearing.
- B. An appeal must be filed within ten (10) calendar days after decision.
- C. An appeal shall be filed with Long Beach Development Services on a form provided by that Department.
- D. A public hearing on an appeal shall be held within sixty (60) calendar days after Long Beach Development Services receives a completed appeal form or after the City Clerk receives the appeal from the Long Beach Development Services.
- E. A notice of the public hearing on the appeal shall be mailed by Long Beach Development Services to the applicant, all persons entitled to mailed notice, and any known aggrieved person not less than fourteen (14) calendar days prior to the hearing.
- F. The City Council shall have jurisdiction on appeals from the Planning Commission.
- G. Except for appeals to the Coastal Commission for projects located seaward of the appealable area boundary and appeals to the City Council of local coastal development permits on developments regulated under the City's Oil Code, there shall be no further appeals after a decision on an appeal.
- H. You are hereby provided notice that the time within which judicial review of the herein reported decision must be sought is governed by Section 1094.6 of the California Code of Civil Procedure.

# Drive-Through Use Proposed Code Amendments

**Red text** indicates new text; ~~strikethrough red text~~ indicates text to be deleted

## Proposed changes to Chapter 21.15 Definitions

21.15.870 - *Drive-in restaurant.*

See " ~~Drive-through facilities~~Restaurant, fast food."

(Ord. C-6533 § 1 (part), 1988)

21.15.875 - *Drive-through facilities.*

*Drive-Through or Drive-Up Facilities.* An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include, but are not limited to, fast food restaurants, banks, dry cleaners, mortuaries, and pharmacies. Does not include "click and collect" facilities in which an online order is picked up in a stationary retail business without use of a drive-in service.

~~21.15.2330 - Restaurant, fast food.~~

~~"Fast-food restaurant" means a restaurant which supplies food and beverages primarily in disposable containers and which is characterized by high automobile accessibility, self-service and short stays by customers.~~

~~(Ord. C-6533 § 1 (part), 1988)~~

## Proposed changes to Chapter 21.32 – Commercial Districts

	Neighborhood			Community				Regi onal	Other	
Automobile (Vehicle) Uses	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Drive- through facilities	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).

## Drive-Through Use Proposed Code Amendments

	Neighborhood			Community				Regional	Other	
Financial Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
3. Drive-through facilities thru machine	N	APC	N	APC	C	APC	APC	APC	N	3. For drive-thru machine see standards for drive-thru lane in Section 21.45.130 Special standards apply (see Section 21.45.130).

	Neighborhood			Community				Regional	Other	
Restaurants and Ready-To-Eat Foods	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Restaurants and ready-to-eat foods with drive-through facilities thru lanes	N	C	N	C	C	C	C	C	N	Special standards apply (see Section 21.45.130).

# Drive-Through Use Proposed Code Amendments

## Proposed changes to Chapter 21.33 – Industrial Districts

**Table 33-2  
Uses In Industrial Districts  
(Continued)**

Use	IL	IM	IG	IP	*Notes and Exceptions
<p>7.2 Drive-through facilities <del>Eating with drive-thru service</del> (SIC code 5812*)</p>	Y/C	Y/C	Y/C	<p><del>See item 10 in this table.</del> C</p>	<p>b. Any business involved in the sale of alcoholic beverages shall be subject to conditional use permit review and shall meet the location requirements contained in <a href="#">Section 21.52.201</a>.</p> <p>The following exceptions do not require a conditional use permit: Restaurants with alcoholic beverage service only with meals, whereby alcoholic beverage sales comprise 30 percent or less of the monthly gross sales of the restaurant. This generally means that any use with a fixed bar is not exempt from the conditional use permit requirement. A service bar is not a fixed bar. A sushi bar where alcoholic beverages are served at the same bar as meals is considered as serving alcoholic beverages only with meals. A cocktail lounge without a bar but with service primarily of hors</p>

# Drive-Through Use Proposed Code Amendments

					d'oeuvres and alcoholic beverages shall require a conditional use permit. <b>Special Standards Apply (See Section 21.45.130)</b>
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**Abbreviations:**

Y = Yes (permitted use).

N = Not permitted.

C = Conditional use permit required. For special conditions, see Chapter 21.52.

AP = Administrative use permit required. For special conditions, see Chapter 21.52.

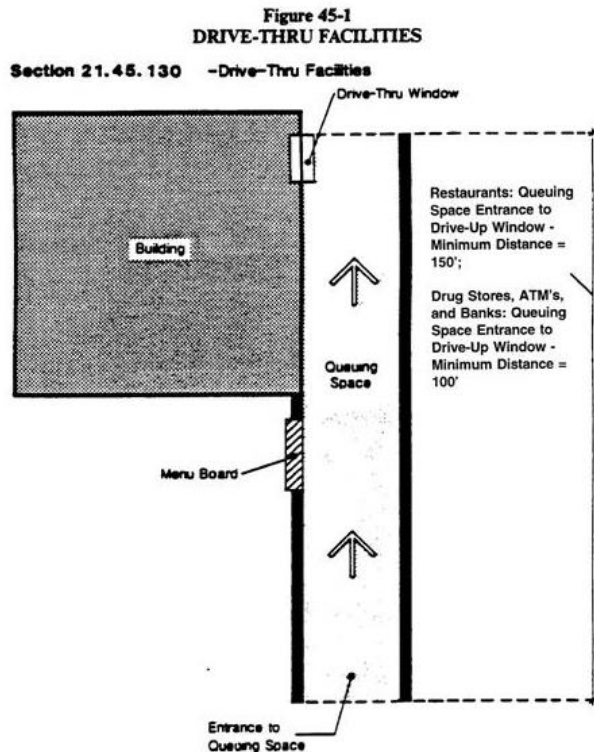
## 21.45.130 - Drive-through facilities.

### A. Queuing Space Length.

~~1. Restaurants. A minimum queuing distance of one hundred fifty feet (150') shall be provided from the forwardmost drive-up window to the entrance to the queuing space. The queuing space shall be located completely clear of any adjacent public right-of-way and all circulation aisles provided on a site as illustrated in Figure 45-1.~~

~~2. Drug Stores, ATM's, and Banks. A minimum queuing distance of one hundred feet (100') shall be provided from the forwardmost drive-up window to the entrance to the queuing space. The queuing space shall be located completely clear of any adjacent public right-of-way and all circulation aisles provided on a site as illustrated in Figure 45-1.~~

# Drive-Through Use Proposed Code Amendments



(this image would be deleted in the new regulations)

~~**B. Menu Board Location.** Each menu board shall be located to provide adequate distance from the menu board to the entrance to the queuing space.~~

~~**C. Menu Board Size.** The size of a menu board shall be regulated by the provisions of Chapter~~

~~— 21.44 (On-Premises Signs).~~

~~(Ord. C-7607 §§ 4, 8, 1999; Ord. C-6533 § 1 (part), 1988)~~

**A. Findings required.** A decision-maker shall not grant a conditional use permit or other approval for a drive-through facility without finding:

1. Said facility has adequate vehicle queuing distance, including with due consideration for menu board location, clear of any adjacent public right-of-way, and shall not create any vehicular or pedestrian travel hazards as demonstrated in a traffic study prepared to the satisfaction of the Director of Development Services.
2. That the project substantially conforms with the purpose, intent and provisions of the General Plan, any applicable Specific Plan or Planned Development District, overlay, design guidelines, or other applicable regulation.

## Drive-Through Use Proposed Code Amendments

3. That the location and design of the facility is compatible with surrounding existing uses, includes a prominent main entrance at street or lot frontage, attractive landscaping, and includes sufficient pedestrian amenities, and interior floor area.
4. The said facility includes sufficient emissions controls to prevent idling vehicles, tunneling of emissions, and associated impacts on employees, visitors, and nearby sensitive receptors.
5. That said facility includes buffering sufficient to control any spillover impacts, including but not limited to noise, light, and debris that may impact surrounding sensitive receptors.
6. That said facility, if located within 150-feet of a residential zone, includes appropriate limits on hours of operation of the drive-through. Hours of operation for dine-in or take-out customers shall not be limited.
7. That said facility is not located in an area of existing overconcentration of drive-through facilities and is not located within a 500-foot radius of a school or park unless mitigating factors exist.
8. That development of the subject property shall not otherwise be suitable or necessary for more-intensive development that would advance the City's housing and economic goals, as described in the General Plan and Economic Blueprint.