

CONDITIONAL USE PERMIT FINDINGS

**1601 – 1629 E. Pacific Coast Highway
(APN 7216-033-033, and 7216-033-027)**

**Application No. 2207-05 (SPR 22-074) (CUP22-023) (LMG22-011) (GPC22-003) and
CE-24-008**

April 18, 2024

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. 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 General Plan's Land Use Element (LUE), adopted in December 2019, designates the project site as the Neighborhood-Serving Center or Corridors – Moderate (NSC-M) Placetype and within the CHW (Regional Highway Commercial) zoning district. The NSC-M PlaceType is characterized by low and moderately scaled neighborhood-serving development encompassing a mix of nonresidential uses. designed to meet consumers' daily needs for goods and services close to residential areas. This PlaceType benefits the surrounding community by promoting or reinforcing a neighborhood's unique identity, accommodating daily retail and service needs, focusing on healthy goods and services, enhancing pedestrian and bicycle connections to neighborhoods, providing community gathering places and providing convenient access to transit. Additionally, The Neighborhood-Serving Centers or Corridor Moderate PlaceType encourages compact development and discourages large buildings adjacent to single-family homes. Additional uses and conditions that are discouraged include: auto repair shops, insufficient pedestrian connections to neighborhoods, and uninterrupted segments of wide streets that are unfriendly to bicycle and pedestrian traffic.

One of the citywide goals identified in the Land Use Element is to support neighborhood preservation and enhancement (Goal No. 4 of the Land Use Element). Under this goal, the City strives to provide amenities and enhance facilities to support the single-family neighborhoods. Proposed improvements include establishing commercial and retail uses on the periphery of neighborhoods or in commercial hubs to better serve residents and incorporating a variety of design enhancements and sustainable practices.

The proposed project supports this citywide goal by specifically addressing Strategy No. 10 – to “create complete neighborhoods with identifiable centers and a full range of supporting neighborhood-serving uses to meet the daily needs of residents.” In particular, LU Policy 10-2 sets out to “complete neighborhoods by allowing low-intensity commercial uses to locate along neighborhood edges, in transition areas and at key intersections.”

Furthermore, the Urban Design Element of the General Plan also sets forth several goals aimed at improving the built environment in the City of Long Beach. Strategy No. 2 within the Urban Design Element aims to “beautify and improve efficiency of corridors, gateways, and private and public spaces. Specifically, Policy UD 2-3 aims to “promote enhancement of the built environment through façade improvements, quality and context-sensitive infill development, and landscaping.

The subject site is located along Pacific Coast Highway, a major corridor on the west side of Long Beach that contains many under-utilized, outdated commercial properties and abandoned buildings that create blight. The proposed project will remove the blighted condition of the project parcels and dilapidated commercial buildings which include discouraged auto repair and auto sale uses and outdated development from 1941-1942 that is not pedestrian or bicycle friendly and bring a new contemporary development to Pacific Coast Highway. It will introduce a new low-scale development and low-scale drive-through with environmentally friendly development that includes new landscaping, holly oak trees, screening of the drive-through facility, sustainable, recycled materials, pedestrian accessibility, and bicycle parking. The project will include a brand-new building, new outdoor sitting area, new trash enclosure, new parking, and new drive-through lane. The proposed also provides new landscaping to a property that has been plagued by visual blight and under-utilization and which currently serves as parking for the existing auto uses and which has no existing landscape.

The project site is listed on the Housing Element Housing Inventory list. The inventory list contemplates 10-market rate units and 3-moderate income units per parcel or a total of 20-market rate units and 6-moderate income units for the project site. The proposed project is not residential but commercial. Therefore, there is a net loss in capacity which the City must demonstrate that its plans, policies and zoning facilitate the production of the 26,502-unit RHNA allocation. Although the site inventory is the most well-known method for meeting this obligation, the City may meet its RHNA obligation through a combination of: the projected number of Accessory Dwelling Units (ADU) anticipated to be permitted based on recent trends; of approved and proposed residential development projects in the pipeline; and through an inventory of sites with demonstrated zoning capacity to accommodate the RHNA allocation. Therefore, an analysis and update related to each available avenue for meeting the RHNA obligation is summarized below in order to demonstrate the City’s ability to meet its RHNA obligations despite the lost potential units because of the proposed project.

When the Site Inventory was first developed in 2021 and based on the observed development trends in the City from 2018, 2019 and 2020, the 6th Cycle Housing Element assumed an annual average of 159 ADUs between 2021 and 2029, for a total of 1,272 units representing nearly five percent (4.8 percent) of the City’s 6th Cycle RHNA. This is based on the average number of ADUs permitted between 2018-2020 (Adopted 2021-2029 Housing Element Technical Appendices, p. C-2).

Around two-thirds of those units were designated in the affordable categories of the RHNA based on guidance from the Southern California Association of Governments. However, the upward trend in ADUs continued upward where the City saw an increase in ADU production with a revised annual average of 542 units from 2021 to 2023 or a total revised annual average from 2018 to 2023 of 351 units. The current revised total annual average is 2,808 units.

Given the progressively upward trend and an emerging trend of Junior ADUs, which are attached accessory units that occupy the existing square footage of a housing unit and therefore, are typically smaller in size, less expensive to construct, and a more affordable housing option, the City anticipates that the construction of ADUs will continue to increase. ADU production in 2021 totaled 445 units and in 2022 totaled 508 and in 2023, 673 ADUs were permitted. Based on the more recent data, using a six-year average (2018-2023), the City now estimates 2,808 ADUs will be developed during the Housing Element period, which is a net increase of 1,536 units. This again is a conservative approach given the upward trend over time. This increase alone more than accounts for the lost potential of moderate-income units for the proposed project.

Approved and Proposed Residential Development Projects in the Pipeline

Applicat ion Number	Address	Zoning Distric t	Description	Status	Site Inven tory	Net Affordable Units
2210-28	615 E. Ocean Boulevard	PD-30	Site Plan Review (SPR22-115) for a new 21- story residential building consisting of 203 residential units	Approved by SPR and Planning Commission on November 2023	Yes	190 market rate units and 13 very- low-income units.
Total			203 Units			

The approved project above is an example of a project that provides 190 market rate units where initially the Housing Element only contemplated 64-market rate units. The example project above therefore meets and exceeds the potential identified units of the Housing Inventory, exceeding the number of market rate units contemplated as part of the site inventory.

Policies and Programs for Moderate Income Units

The site also lists 3 moderate income units on the site inventory. Like many cities throughout the state, Long Beach has struggled to produce moderate income units.

As part of the Housing Element, the City has committed to a multitude of strategies for increasing production of moderate-income units. One of the primary mechanisms for incentivizing the development of moderate-income units is through the City's Enhance Density Bonus (EDB) Program, which was adopted in 2021 to provide incentives and bonuses that go above and beyond those provided under state law in order to garner a larger number of affordable units than would otherwise be built. The EDB is designed with the greatest incentives for moderate income units because the City performed the poorest in providing moderate units in the 5th Cycle housing element of any category. In fact, in developing the site inventory, staff assumed that the subject site would produce moderate income units in exchange for incentives provided under EDB.

Other strategies in the Housing Element for providing moderate income units include the inclusionary housing requirement for moderate income units in ownership projects (HE Policy 1-11); increasing the overall housing supply (Policy 1-1); providing for a variety of housing types in low density zones (ie duplexes, triplexes and Accessory Dwelling Units (ADU), see HE Program 2-4); facilitating "naturally occurring" affordable housing typologies like bungalows and courtyards (HE Action 1.1.2); and providing assistance to first time homeowners including through down payment assistance (HE Program 3.3). Some of the zoning strategies such as the EDB and inclusionary program are implemented, while others are underway through the Citywide rezoning efforts. The City's new Down Payment Assistance Program launched in spring 2023 through use of funding via the Consolidated Plan.

While the proposed drive-through project does not include a residential component to specifically meet the 10-market rate units and 3 moderate-income units allocated for each of the parcels as identified in the Housing Inventory list, the City's ADU upward trend in conjunction with proposed and approved projects and City's policies and programs has identified that it has the additional capacity, capability, and feasibility based on projects currently in process and those previously approved by the Community Development Department's Planning Bureau to meet it RHNA goals.

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;

The development and use of a new coffee shop and drive-through facility is not expected to be detrimental to the surrounding community. Various technical studies were conducted to ensure the proposed does not have a significant impact on traffic, air, water and noise. Conditions of approval are included to ensure minimization of any negative impacts associated with the operation of the proposed project. Conditions include security measures to prevent nuisances and loitering and to ensure safe operations of the facility. Furthermore, the site shall be remediated to the satisfaction of the Los Angeles Regional Water Quality

Control Board. The applicant shall provide an approved Remediation Action Plan (RAP) from the Los Angeles Regional Water Control Board prior to obtaining building permits but excluding demolition permits.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.

The proposed development and use of a coffee shop and drive-through facility does not have Special Conditions under Long Beach Municipal Code Section 21.52.210, but it does have Special Conditions under LBMC Section 21.45.130 for drive-through facilities. The following conditions shall apply:

A. 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 Community Development.

The proposed project has submitted a traffic study which includes a queuing study which shows that no negative traffic, circulation or queuing impacts are expected at this proposed location. This study has been reviewed and is satisfactory to the Department of Public Works. Additionally, the plans for the project also take into account the menu board locations. No negative impacts are expected on the public right-of-way and no negative impacts are expected for vehicular or pedestrians as demonstrated on the traffic studies which include the topics of traffic, queuing, circulation, vehicles miles travel and trip generation.

B. 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.

The proposed project conforms to the drive-through design guidelines and the municipal code development standards under the underlying CHW zoning district. The subject site is located along Pacific Coast Highway, a major corridor on the west side of Long Beach that contains many under-utilized, outdated commercial properties and abandoned buildings that create blight. The proposed project will remove the blighted condition of the project parcels and dilapidated commercial buildings which include discouraged auto repair and auto sale uses and outdated development from 1941-1942 that is not pedestrian or bicycle friendly and bring a new contemporary development to Pacific Coast Highway. It will introduce a new low-scale development and low-scale drive-through with environmentally friendly development that includes new landscaping, holly oak trees, screening, recycled materials, pedestrian accessibility, and bicycle parking. The project will include a brand-new facility

which includes a new building, new outdoor sitting area, new trash enclosure, new parking, and new drive-through lane. The proposed also provides new landscaping to a property that has been plagued by visual blight and under-utilization and which currently serves as parking for the existing auto uses and which has no existing landscape. The proposed must also be in compliance with the Drive-Through Design Guidelines (Design Guidelines) which were adopted in March 2020 as part of the special development standards under Section 21.45.130 of the Zoning Regulations for drive-through facilities. The Design Guidelines were developed with extensive public input to ensure fuller consideration of potential impacts of drive-throughs to the public including on pedestrians, neighbors, ability to achieve city housing and economic priorities, overconcentration, and other community concerns with drive-throughs.

- C. 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.**

The proposed project will be demolishing existing outdated one-story buildings from the two parcels (four lots) and bringing a new use to the current outdated and blighted conditions on the properties. New improvements include new landscaping which currently does not exist, removal of existing curb cuts fronting E. Pacific Coast Highway to meet code and new entrances for vehicular, pedestrian and cyclist visitors with an outdoor/indoor seating area for customers.

- D. The said facility includes sufficient emissions controls to prevent idling vehicles, tunneling of emissions, and associated impacts on employees, visitors, and nearby sensitive receptors.**

The proposed is a LEED Silver Certified project which uses recycled plastic as a building material, solar panels, screening, new landscaping and Holly Oak trees along the northern property line to mitigate vehicle emissions. Additionally, the floor area of the project is only 1,775 square feet in area and no significant impacts are expected locally or regionally for the use.

- E. 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.**

The subject site has provided a noise study, and no significant impacts are expected as part of the project. There is an existing athletic field to the north of the site. However, the project provides a screening wall and landscape to mitigate any noise and air pollution impacts. Per the project technical analyses, no significant impacts are expected for air, water, noise and traffic.

- F. 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.**

The proposed project is greater than 150-feet from residential uses and as conditioned the project will not be detrimental to the surrounding community.

- G. 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.**

The proposed project is within 500 feet of a school. There is an athletic field to the north adjacent to the project site and Long Beach City College and Whittier Elementary School are within 500 feet from the project site. However, the project is proposing sidewalk improvements and removal of existing curb cuts and driveways along East Pacific Coast Highway improving the pedestrian accessibility and safety of the pedestrian priority area and improving existing conditions. The improvements are compatible with the City's Mobility Element. There is not an over concentration of drive-through facilities within the area. The closest drive-through facility to the east of East Pacific Coast Highway is about 900 feet away from the project site and the west of the project site another drive-through facility about 1,600 feet away. The conditions on the proposed project will mitigate any emissions and noise on the property by providing new screening walls and new landscaping to include new Holly Oak trees along the north perimeter of the site where the subject site abuts the athletic field/park to mitigate noise and emissions. Additionally, traffic will be directed to be queued from both Walnut and Gaviota Avenue and away from East Pacific Coast Highway. Furthermore, the closure of curb cuts along East Pacific Coast Highway and installation of continuous sidewalks along the major street frontage would improve the pedestrian connections in the project vicinity consistent with Mobility of People (MOP) Policy 1-3 of the Mobility Element since the area is identified as a pedestrian priority area and opportunity area for street character change.

- H. 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.**

This site allows for a mix of compatible commercial and residential uses. It has a General Plan Land Use designation of Neighborhood Serving Corridor (NSC) PlaceType that allows a compatible mix of commercial and residential uses, with a 5-story height limit. As described in the LUE on page 80, "this PlaceType encourages mixed-use, commercial and apartment buildings and condominiums ranging from three to five stories in height. A variety of commercial uses is encouraged to meet consumers' daily needs for goods and services, including but not limited to restaurants, cafes, retail shops, financial

institutions, fitness centers and other daily conveniences within walking distance from residential uses.”

Therefore, although more intensive housing, commercial or mixed-use development is contemplated at this site, the proposal is consistent with the PlaceType description which calls for a variety of commercial uses to meet daily needs including cafes which is what is proposed at this site. Additionally, given site constraints including the shallow lot (82-87 feet in depth), it is unlikely that much denser development would be financially feasible on this site. The site is on the housing inventory. The projected market rate units allowed on site could be 10 units per parcel and 3 moderate units per parcel. However, in analyzing this specific site, it may not be suitable for housing development. Due to the size and dimensions of the small, shallow lot, it is highly unlikely that it could feasibly be developed for housing.

In summary, the proposed project serves the City's General Plan and economic goals for providing neighborhoods with a full range of neighborhood serving retail and basic services within walking distance. The proposed project would provide for a new, neighborhood serving coffee shop use in an area lacking in such amenities and adjacent to Long Beach City College where students are likely to benefit from this use. As shown on the plans and as conditioned, the development is designed to be pedestrian friendly, including through the closure of four existing curb cuts on PCH which will make this major corridor safer and more pleasant for pedestrians including students. The proposal includes outdoor seating which can be fully enclosed with the proposed sliding glass panels during inclement weather conditions to ensure the coffee shop can serve as a neighborhood destination.

4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.

Section 21.45.400 specifies types of projects that require compliance with green building standards. As conditioned the applicant will aim for LEED certifications. The project is consistent with the Green Building Standards as listed on LBMC Section 21.45.400.