

# Agenda Report

August 9, 2021

**TO:** Honorable Mayor and City Council

**FROM:** Planning & Community Development Department

**SUBJECT: PREDEVELOPMENT PLAN REVIEW OF A PROPOSED RESTAURANT WITH A DRIVE-THROUGH AT 1978 E COLORADO BOULEVARD.**

## **RECOMMENDATION:**

This report is intended to provide information to the City Council; no action is required.

## **BACKGROUND:**

The applicant, Jim Lockington, on behalf of In-N-Out Burger, has submitted a Predevelopment Plan Review (PPR) application for the construction of a new 3,879 square-foot, one-story, formula fast-food restaurant with outdoor dining areas and a drive-through. The project would provide 45 surface parking spaces and a drive through lane with 29 queuing spaces. The project site consists of six parcels totaling 46,832 square-feet (AIN 5747-017-029, 5747-017-030, 5747-017-031, 5747-017-041, 5747-017-043, 5747-017-056), which is currently improved with a 10,078 square-foot restaurant building (Cameron's Seafood) and a surface parking lot. The existing restaurant building and parking lot would be demolished to accommodate the proposed project. The project site is located in the ECSP-CG-4 (East Colorado Specific Plan, Commercial General, Sub-area 4 (The Route 66 area)) zoning district.

Pursuant to Zoning Code Section 17.60.040.C.2.a.(4) (Application Preparation and Filing – Predevelopment Plan Review – Applicability – Mandatory review) a PPR is required for projects that the Planning Director determines to be of communitywide significance. The purpose of the PPR is to achieve better projects through early consultation between City staff and applicants. The intent is to coordinate the review of projects among City staff and City departments, familiarize applicants with regulations and procedures that apply to the project, and avoid significant investment in the design of a project without preliminary input from City staff. In addition, the purpose is to identify issues that may arise during review of the project, provide opportunities for discussion about the project and an exchange of information on potential issues between the City staff and applicants, and inform the City Council and the public of proposed development projects defined in the administrative guidelines to be of communitywide significance.

A project is categorized as a project of communitywide significance if it consists of: 1) more than 50,000 square feet of gross floor area with one discretionary action; or 2) 50 or more housing units; or 3) any project determined by the Planning Director to be of major importance to the City. Projects of communitywide significance are presented to the City Council for informational purposes. The Planning Director has determined that the proposed project is of major importance to the City.

This report provides a project description, identifies the anticipated entitlement and environmental review processes, and summarizes key areas of concern regarding Zoning Code and General Plan compliance.

### **PROJECT SUMMARY:**

The applicant proposes to demolish the existing 10,078 square-foot restaurant building and proposes the following:

- A new 3,879 square-foot formula fast-food restaurant with outdoor dining areas and a drive-through.
- 45 parking spaces and 29 queuing spaces to serve the restaurant.
- The proposed hours of operation are 10:30 a.m. to 1:00 a.m. Monday through Thursday and 10:30 a.m. to 1:30 a.m. Friday and Saturday.

### **PREDEVELOPMENT PLAN REVIEW ANALYSIS:**

All applicable City departments reviewed the project as part of the PPR and provided comments that are included in Attachment A. Notable Planning related standards and comments are discussed below.

#### **Distance Separation Requirements**

Certain land uses specified in the Zoning Code require minimum separation distances from other similar uses and/or uses determined as sensitive. Land uses such as establishments proposing alcohol sales (within the Alcohol Density Overlay Districts), businesses proposing tobacco retail sales, cannabis businesses, recycling facilities, and drive-through businesses require minimum separation distances from other land uses as specified in the Zoning Code. Pursuant to Zoning Code Section 17.50.090, a fast food or formula fast food restaurant with drive-through service shall not be closer than 500 feet from the following uses: a park and recreation facility; a public or private school; or another fast food or formula fast food restaurant with drive-through service. The distance requirement shall be measured from site-to-site.

The proposed project site is located approximately 100 feet south of an existing drive-through fast food restaurant (Taco Bell located at 1953 East Colorado Boulevard). Thus the proposed formula fast food drive-through restaurant's location does not meet the minimum 500-foot separation requirement from another fast food restaurant with a drive-through (Taco Bell). In order to deviate from the minimum 500-foot separation

requirement, a Variance is required. The approval of a Variance is dependent upon making the six required findings in Zoning Code Section 17.61.080.F. Making all six findings in the affirmative, in order to support approval of the Variance, would be challenging to make.

### Context and Compatibility

The proposed project consists of a rectangular-shaped, single-story, building with an outdoor dining area. The building would be sited towards East Colorado Boulevard. The existing ingress/egress driveways will remain on both East Colorado Boulevard and South Greenwood Avenue. The existing driveway on South Berkeley Avenue would be removed; there would be no ingress/egress from South Berkeley Avenue. The 29-queue drive-through lane would be accessible from both driveways and would have queuing lanes adjacent to the southern property line, east property line (South Berkeley Avenue frontage) and the north property line (East Colorado Boulevard frontage).

The property and surrounding lots to the north, east, and west have a General Plan land use designation of Low Mixed-Use and are located in the ECSP-CG-4 (East Colorado Specific Plan, Commercial General, Sub-area 4 (The Route 66 area)) zoning district. North of the site, across East Colorado Boulevard, are two restaurants, including a drive-through fast food restaurant (Taco Bell), and a vehicle service use. To the west is a multi-tenant commercial building with personal services businesses, to the east is a vehicle-service use. This segment of East Colorado Boulevard generally consists of general commercial uses, including automotive related uses such as vehicle sales, service and rental.

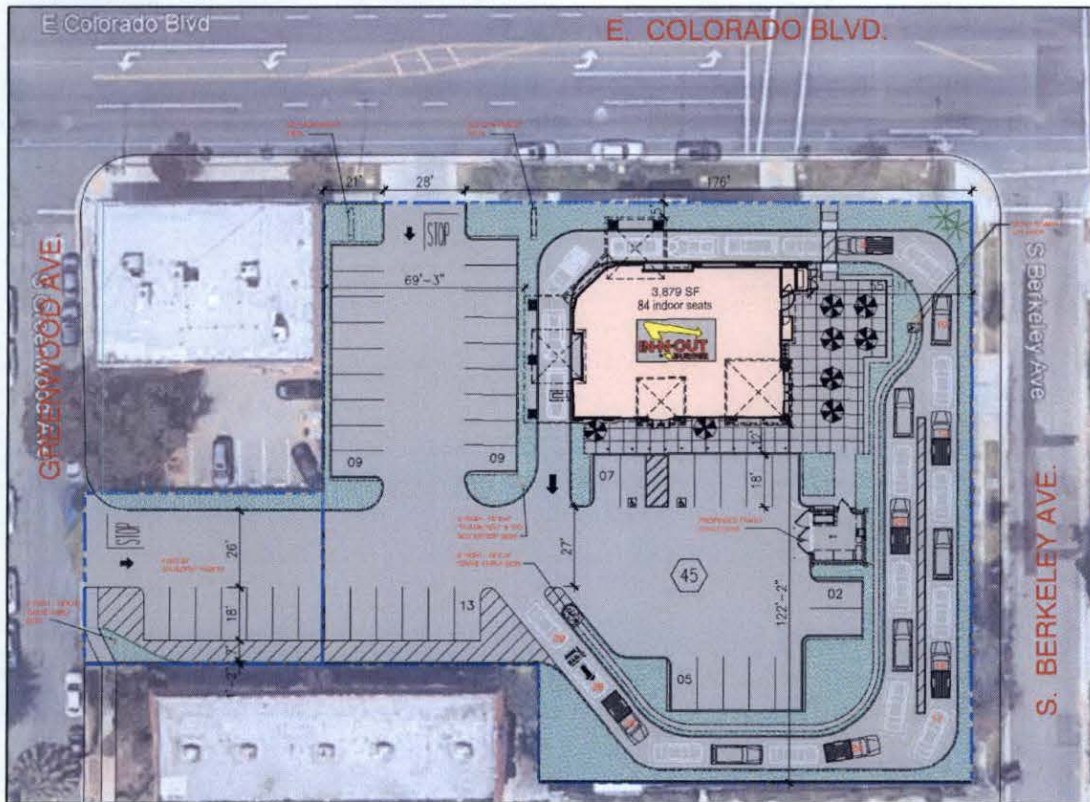
The lots to the south have a General Plan land use designation of Medium-High Density Residential and are located in the RM-32-PK (Residential, Multi-family, 0-32 dwelling units per acre, Parking Overlay District) zoning district. The residential neighborhood to the south consists of a mix of single-family and multi-family residences that range in height from one-story and two-story

Figures 1 and 2 (next page) provide an aerial view of the existing site and its surrounding areas as well as a site plan of the proposed project. Figure 3 provides a summary of the applicable development standards for the site.

Figure 1: Aerial View of Existing Condition



Figure 2: Proposed Site Plan



**Table 1: Development Standards Summary, ECSP-CG-4**

<b>Development Standards</b>	<b>Code Requirement</b>	<b>Proposed</b>
<i>Setbacks</i>		
East Colorado Boulevard	5'-0" fixed	5'-0
South Greenwood Avenue	5'-0" fixed	144'-0"*
South Berkeley Avenue	5'-0" fixed	55'-0"*
Interior Side	Minimum 15 feet and shall not project within the encroachment plane	122'-2"
<i>Height</i>		
Overall Height	45'-0" max.	23'-0"
<i>Building Entries</i>		
Building Entries	For parcels with frontage on Colorado Boulevard, a building or storefront entry shall be oriented to Colorado Boulevard. A minimum of 50% percent of the street façade to a height of eight feet must be visually transparent window display. The Director may waive these requirements if they result in practical difficulties.	Additional information is needed to determine compliance.
<b>Development Standards</b>		
<b>Code Requirement</b>		
<b>Proposed</b>		
<i>Parking</i>		
1 per 1,000 sf (including outdoor dining).	<i>Restaurant building:</i> 39 spaces  <i>Outdoor dining:</i> Additional information is needed to determine the total number of required parking spaces.	45 parking spaces
<i>Drive Through</i>		
Number of queueing spaces	5 spaces However, all restaurants proposing drive-through facilities shall submit a study** to determine if longer queueing lanes shall be required by the Zoning Administrator.	29 spaces The project will require a queueing study for the drive-through.
<i>Loading Spaces</i>		
Number	1	0*
*The proposal does not comply with the Zoning Code requirement.		
**The queueing study which identifies demand for the Drive-Through Restaurant use will be reviewed through the Conditional Use Permit process.		

**ENTITLEMENT PROCESS:**

As proposed, the new restaurant would require seven entitlements, as listed below. All of the entitlements would be required to be presented to the Hearing Officer at a public hearing.

*Conditional Use Permit*

A Conditional Use Permit is required to establish Drive-through Businesses – Restaurant land use in the ECSP-CG-4 zoning district, per Section 17.31.040.

*Conditional Use Permit*

A Conditional Use Permit is required for the proposed extended hours of operation. Pursuant to Section 17.40.070 of the Zoning Code, a use located within 150 feet of a residential zoning district may only operate between the hours of 7:00 a.m. and 10:00 p.m. by right and may only operate beyond those hours upon approval of a Conditional Use Permit. The project site is located adjacent to an RM-32-PK zoning district that contains residential uses. The proposed hours of operation are 10:30 a.m. to 1:00 a.m. Monday through Thursday and 10:30 a.m. to 1:30 a.m. Friday and Saturday.

*Variance*

A Variance is required for the proposed project to be located within 500 feet from another restaurant with a drive-through. Pursuant to Zoning Code Section 17.50.090.A, a fast food or formula fast food restaurant with drive-through service shall not be closer than 500 feet from another fast food restaurant with drive-through service. The distance requirement shall be measured from site-to-site. The proposed drive-through restaurant is located approximately 100 feet south of an existing drive-through fast food restaurant (Taco Bell located at 1953 East Colorado Boulevard).

*Variance*

A Variance is required to deviate from the loading space requirements. Pursuant to Section 17.46.260, one loading space is required for restaurants uses that are less than 20,000 square feet in size. The 3,879 square-foot restaurant requires one loading space. No loading space is provided on the plans.

*Minor Variance*

A Minor Variance is required to deviate from a setback requirement. Pursuant to Section 17.31.050, a fixed five-foot setback is required from the South Greenwood Avenue street lot line. The project proposes a 144'-0" setback.

*Minor Variance*

A Minor Variance is required to deviate from a setback requirement. Pursuant to Section 17.31.050, a fixed five-foot setback is required from the South Berkeley Avenue street lot line. The project proposes a 55'-0" setback.

*Certificate of Exception (Lot Line Adjustment)*

A Certificate of Exception is required, in accordance with PMC Section 16.40, to consolidate the six parcels into one parcel.

### Environmental Review

Environmental review would be conducted in compliance with the California Environmental Quality Act (CEQA) during review of the above-listed entitlements. In addition to a traffic and queuing studies, other technical studies (e.g. noise, air quality) may also be necessary to complete the appropriate CEQA analysis for the project.

### **NEXT STEPS:**


A public hearings is required for the above-listed entitlements, with the Hearing Officer serving as the review authority. The following identifies the steps in the review process:

- Applicant submits entitlement applications;
- Conduct environmental review per CEQA; and
- Conduct a noticed public hearing before the Hearing Officer.

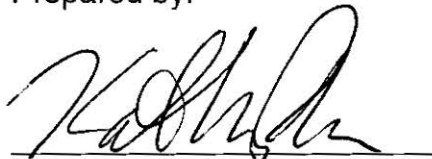
**FISCAL IMPACT:**

This report is for information only and will not result in any fiscal impact.

Respectfully submitted,

  
DAVID M. REYES  
Director of Planning & Community  
Development

Prepared by:

  
Katherine Moran  
Associate Planner

Concurred by:

  
Luis Rocha  
Zoning Administrator

Approved by:

  
STEVE MERMELL  
City Manager

Attachments: (2)

Attachment A – Predevelopment Plan Review Comments Provided to Applicant  
Attachment B – Predevelopment Plan Review Plans