RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 13-04, A REQUEST TO OPERATE A DRIVE-THRU RESTAURANT FOR STARBUCKS AT 999 E. SPRING STREET IN THE SP-6, COMMERCIAL CORRIDOR SPECIFIC PLAN, ZONING DISTRICT

WHEREAS, on July 10, 2001, the Planning Commission approved the conceptual site plan for the 23.5-acre Signal Hill Gateway Center on the north side of Spring Street between Atlantic and California Avenues that included several retail buildings and two drive-thru restaurants; and

WHEREAS, on August 7, 2001, the City Council certified an Environmental Impact Report (State Clearinghouse No. 2000061137) relative to the Signal Hill Gateway project in satisfaction of requirements of the California Environmental Quality Act (CEQA) and also approved the rezoning of the site to SP-6, Commercial Corridor Specific Plan; and

WHEREAS, the applicant, Perkowitz+Ruth Architects for Signal Hill Petroleum/Signal Hill Gateway LLC, submitted an application to operate a drive-thru restaurant and an outdoor seating area for Starbucks at the last remaining building pad; and

WHEREAS, the Signal Hill Gateway Center has been developed in phases overtime; and

WHEREAS, said land is legally described as Lot 3 of Parcel Map filed in book 330, pages 14 to 18 within the City of Signal Hill, County of Los Angeles, State of California as per map in the office of the County recorder of said county; and

WHEREAS, pursuant to SP-6, Commercial Corridor Specific Plan, under Signal Hill Municipal Code Section 20.49.030.B., entitled, “Uses Permitted Subject to Conditional Use Permit,” and Signal Hill Municipal Code Chapter 20.64, entitled “Uses
Subject to Conditional Use Permit,” the subject project for a drive-thru restaurant is properly a matter for Planning Commission review and recommendation to the City Council for approval; and

**WHEREAS,** on November 27, 2013, a notice of a City Council public hearing to be held on January 7, 2014 regarding the subject project was mailed to all property owners within 300 feet of the subject property and was posted in accordance with S.H.M.C. Section 1.08.010, and on November 29, 2013 was published in the Signal Tribune newspaper in accordance with California Government Code §65091(a)(4); and

**WHEREAS,** on December 10, 2013, a duly noticed Planning Commission public hearing on the subject project was held, all interested parties were given an opportunity to be heard regarding the proposed project, and the Planning Commission recommended City Council approval of Conditional Use Permit 13-04; and

**WHEREAS,** on January 7, 2014, the City Council held a duly noticed public hearing and all interested parties were given an opportunity to be heard; and

**WHEREAS,** pursuant to CEQA Guidelines Section 15162, the proposed construction and operation a restaurant with a drive-thru and an outdoor seating area does not present any conditions that require the preparation of a subsequent or supplemental Environmental Impact Report; and

**WHEREAS,** the City has incorporated all comments received and responses thereto.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Signal Hill, California, does hereby find as follows:

1a. The proposed project, subject to the attached conditions, is in conformance with the zoning ordinance, other ordinances and regulations of the City, and the following policies of the General Plan Land Use Element:
LAND USE ELEMENT GOAL 1 – Manage growth to achieve a well-balanced land use pattern that accommodates existing and future needs for housing, commercial and industrial land, open space, and community facilities and services, while maintaining a healthy, diversified economy adequate to provide future City revenues.

Land Use Element Policy 1.7 - Broaden the City's tax base by attracting commercial and industrial development to the City which will provide economic and employment benefits to the community while ensuring compatibility with other general plan goals and policies.

Finding regarding Policy 1.7 - The addition of the drive-thru restaurant business will add to the City’s tax base. Starbucks has indicated drive-thrus have become part of their brand identity and allows them to better serve customers throughout the day. Starbucks will reinforce Signal Hill's image as a destination for a variety of nationally recognized retail and dining establishments. The project will provide employment opportunities as well as increase tax revenues for the City.

Land Use Element Policy 1.8 - Focus major commercial activity into economically viable and attractive centers. Concentrate retail, office and complementary uses in or near the City's Town Center. Support the Spring Street corridor as secondary commercial location.

Finding regarding Policy 1.8 - The drive-thru restaurant along with outdoor dining and seating area will draw in commercial activity to the Signal Hill Gateway Center. The new drive-thru restaurant supports the Spring Street corridor as a commercial location.

LAND USE ELEMENT GOAL 3 – Assure a safe, healthy, and aesthetically pleasing community for residents and businesses.

Land Use Element Policy 3.12 - Encourage and promote high quality design and physical appearance in all development projects.

Finding regarding Policy 3.12 - The applicant has incorporated design features which provide a visual impact from the street, while complementing the existing shopping center’s design. In addition, the landscaping incorporates an outdoor seating area.

Land Use Element Policy 3.13 - Reinforce Signal Hill's image and community identity within the greater Long Beach Metropolitan area.

Finding related to Policy 3.13 - The Signal Hill Gateway Center is situated in a high profile location adjacent to the 405-Freeway at the
intersection of Atlantic Avenue and Spring Street. The addition of a new Starbucks drive-thru will reinforce Signal Hill's image as a destination for a variety of nationally recognized retail and dining establishments.

1b. The site is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this title to adjust the use with land and uses in the neighborhood.

There is adequate vehicle access to the site from Spring Street via a designated shopping center driveway. The drive-thru provides for 11 queue spaces, which is adequate for the drive-thru. Landscaping will be provided along the drive-thru to screen the drive-thru from Spring Street and reduce light and glare.

2. The site for the proposed use related to the Streets and Highways element of the General Plan and is adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed use in that:

The site is located directly off Spring Street, which is a Major Highway at 100 feet wide as such can accommodate the proposed traffic for the ATM kiosk and Atlantic Avenue in the City of Long Beach which is designated as a Primary Street at 100 feet wide which is adequate to support the traffic into the site. California Avenue, to the east in the City of Signal Hill, is designated as a secondary modified street and is 70 feet wide, which is adequate to support the traffic at different entrances to the site.

3. Operation of a Starbucks restaurant at the location will have no adverse effect on abutting property or permitted use thereof in that conditions:

a) Require adjacent parking, decorative planters, pots, and landscaped areas shall be maintained free of trash, litter, and debris at all times. Sufficient trash containers shall be provided as well as proper and regular maintenance of the site.

b) The dining area, including indoor and outdoor facilities, shall be closed to the public between the hours of 12:00 a.m. and 4:00 a.m.

4. The conditions attached hereto are deemed necessary to protect the public health, safety, and general welfare.
NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Signal Hill, California, does hereby approves Conditional Use Permit 13-04, subject to the Conditions of Approval (Attachment A) attached hereto.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on this ___ day of __________, 2014.

_____________________________
M I C H A E L  J .  N O L L
MAYOR

ATTEST:

____________________
KATHLEEN L. PACHECO
CITY CLERK

STATE OF CALIFORNIA )
COUNTY OF LOS ANGELES ) ss.
CITY OF SIGNAL HILL )

I, KATHLEEN L. PACHECO, City Clerk of the City of Signal Hill, California, hereby certify that Resolution No. ________________ was adopted at a regular meeting of the City Council of the City of Signal Hill held on the ___ day of _____ 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

____________________
KATHLEEN L. PACHECO
CITY CLERK
CONDITIONAL USE PERMIT 13-04
Recommended Conditions of Approval

Project: A RESTAURANT WITH A DRIVE-THRU AND AN OUTDOOR SEATING AREA FOR STARBUCKS AT THE SIGNAL HILL GATEWAY SHOPPING CENTER

Location: 999 E. SPRING STREET

Applicant: PERKOWITZ+RUTH ARCHITECTS FOR SIGNAL HILL PETROLEUM/SIGNAL HILL GATEWAY LLC

1. The applicant shall agree to defend, indemnify and hold harmless, the City of Signal Hill, its agents, officers and employees from any claim, action or proceeding against the City of Signal Hill or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Signal Hill, its legislative body, advisory agencies, or administrative officers concerning subject approval. The City of Signal Hill will promptly notify the applicant of any such claim, action or proceeding against the City of Signal Hill and the applicant, or owner, will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. If the City of Signal Hill 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 Signal Hill. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

2. Approval shall be null and void if the structures associated with the subject Conditional Use Permit are not constructed within one year from the date of City Council approval unless a request for extension is requested and granted by the Director of Community Development.

3. The Community Development Department shall inspect the subject premises and report to the City Council on an annual basis regarding the applicant’s compliance with these conditions. The City may add additional conditions, if necessary, or if any violations of these conditions have occurred, the Conditional Use Permit can be scheduled for revocation pursuant to Signal Hill Municipal Code 20.64.120 or other appropriate action.

4. No advertising material or signs shall be painted, installed, erected or displayed related to this use without first obtaining the approvals required by Chapter 20.58 of the Signal Hill Municipal Code.
5. The area surrounding the drive-thru restaurant and including the parking area shall be kept free of weeds, trash and debris.

6. The operator shall provide decorative trash receptacles at the customer entrance and any outdoor dining/seating area. The number of receptacles shall be sufficient to meet demand and the applicant shall agree to provide additional receptacles if overflow conditions routinely occur.

7. Prior to the installation of any pay phones, vending machines or newspaper racks outside of the building, the applicant shall submit plans for Community Development Department review and approval. Coin-operated arcade-type games shall be prohibited.

8. The applicant shall provide public restrooms, maintained in a clean and first class condition, which may be operated on a controlled/ restricted access basis.

9. The drive-thru service may be operated on a 24-hour basis. The dining area, including indoor and outdoor facilities, shall be closed to the public between the hours of 12:00 a.m. and 4:00 a.m.

10. Hours of operation for dining areas, indoor and outdoor, shall be clearly posted at all entries.

11. The outdoor dining area, including planter pots, umbrellas, tables and chairs shall maintained in a clean and first class condition.

12. A stop bar shall be stenciled, painted and maintained at the drive-thru exit.

13. Landscaping shall be installed and maintained along the drive-thru to screen the drive-thru from Spring Street and reduce light and glare. Landscaping shall be installed to the satisfaction of the Community Development Director.

14. The applicant shall be furnished with this list of conditions and shall sign an acknowledgment of the fact that should they default on the above Conditions, the default shall constitute a violation of the permit and shall be cause for its revocation.

End of Conditions.

I HAVE READ, UNDERSTAND AND AGREE TO ABIDE BY THE AFORESMENTIONED RECOMMENDED CONDITIONS OF APPROVAL AS HEREIN STATED.

[Signature]
APPLICANT

[Signature]
DATE

End of Conditions.

Attachment A