

CONDITIONAL USE PERMIT FINDINGS

1400 Long Beach Blvd

App No. 1103-13

November 17, 2011

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 proposed project is a Conditional Use Permit to bring an existing used car dealership into compliance with performance standards codified in PD-29 (Long Beach Planned Development District). The purpose of the standards is to ensure that automobile dealerships do not create adverse impacts on adjacent properties and surrounding neighborhoods due to insufficient on-site customer parking, traffic generation, including road testing of vehicles, obstruction of traffic, visual blight, glare, noise, fumes, or drainage runoff.

The existing auto dealership located at 1400 Long Beach Boulevard is within Land Use District #7—Mixed Uses. The objective of LUD #7 is to separate incompatible land uses from one another. LUD No. 7 is intended for vital activity centers such as medical facilities, retail, and high-density residential uses. A used auto dealership is not necessarily defined as a vital activity center, and therefore does not meet the intent of PD-29. However, since the use is allowed with the approval of a Conditional Use Permit, according to Planned Development District 29, staff concludes that approval of this project would be consistent with the General Plan.

The project is not located in the Coastal Zone, but must comply with the following performance standards codified in PD-29:

- A. Minimum Lot Size. The minimum lot size for any newly established automobile dealership shall be 20,000 square feet.

The existing dealership is located on a lot larger than 20,000 square feet (49,500 square feet) in size and has been continually used as an auto-dealership with no issues since 1935.

- B. Showroom/Accessory Office. A minimum showroom/accessory office area building of 1,000-square-feet is required, however, as to dealerships in existence on the effective date of this ordinance, the 1,000-square-foot

requirement for showroom/accessory office may be waived subject to the approval of the Director of Development Services.

A 1,848-square-foot accessory office exists on the project site, which is larger than the 1,000 square feet required to comply with PD-29 performance standards. Although the office meets the size requirement of the ordinance, staff is still adding a condition of approval requiring that the existing office be remodeled/repainted to the satisfaction of the Director of Development Services.

- C. **Parking and Vehicle Storage.** Employee and customer parking shall be provided at no charge. The number of on-site parking spaces, paving and striping shall comply with Chapter 21.41 (Off-Street Parking and Loading Requirements) of the Long Beach Municipal Code. Areas designated for employee and customer parking shall not be used for vehicle storage or display.

A condition of approval was added requiring that parking spaces be provided and designated to customers at no charge.

- D. **Screening.** A six-foot, six-inch (6'-6") solid fence or wall and a five-foot (5') wide landscaping buffer shall be provided along any property line abutting a residential use.

The applicant will be required to replace all dilapidated fences located within the parking lot and all existing fences located along the street front with new decorative wrought iron fencing, not to exceed three feet. Also, the existing metal fence utilized as a buffer between the used-car lot and residential apartments located at the rear of the lot will be removed and a 10-foot-high decorative fence installed, along with trees and shrubs.

- E. **Landscaping.** A minimum five-foot (5') landscape buffer shall be provided along the street frontage perimeter of all vehicle display areas. Applicable setback requirements shall be expanded to require a minimum five-foot (5') landscaped buffer to any adjacent residential district. All parking areas not used for automobile display shall be subject to the parking lot screening requirements of Chapter 21.42 (Landscaping) of the Long Beach Municipal Code.

As a condition of approval, a five-foot-wide landscape buffer is required along both street fronts and at all sides of the parking lot to screen the use from the public right-of-way and adjacent uses.

- F. **Sustainable Materials.** The developers shall use sustainable materials when feasible and to the satisfaction of the Director of Development Services.

No construction is being proposed, other than fencing, paving and landscaping. As a condition of approval, all landscaping is conditioned to meet green landscaping standards.

- G. Lighting. Security lighting shall be provided to the satisfaction of the Long Beach Police Department. Fixtures shall be placed and designed in such a manner as to prevent light intrusion on adjacent properties.

A lighting plan shall be submitted and approved to the satisfaction of the Director of Development Services and Chief of Police.

- H. Loading and Unloading of Vehicles. Loading and unloading of vehicles is permitted only in accordance with this subsection.

A condition of approval was added requiring all loading and unloading to occur on-site and not within the public right of way.

- I. Loading and unloading of vehicles is limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday, excluding legal holidays.

A condition of approval was added limiting loading and unloading hours to 7 a.m. to 7 p.m. Monday through Saturday, excluding legal holidays

- J. Off-loading shall be on-site or off-site, subject to the approval of the City Traffic Engineer. Loading and unloading shall not block the ingress or egress of any adjacent property.

1. Loading and unloading of vehicles is limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday, excluding legal holidays.

2. Off-loading shall be on-site or off-site, subject to the approval of the City Traffic Engineer. Loading and unloading shall not block the ingress or egress of any adjacent property.

A condition of approval was added requiring that all loading and unloading occur on-site, not in the public right of way and only during designated hours without blocking ingress or egress to adjacent properties.

- K. Storage of Vehicles to Be Repaired. No repaired vehicles shall be parked or stored on any public street or alley.

A condition of approval was added prohibiting the repair of vehicles in the public right of way.

- L. Repair of Vehicles. All repair work shall occur within a fully enclosed building.

/A condition of approval was added requiring that all repair work occur only within a fully enclosed building or as previously permitted.

- M. Queuing of Vehicles. An adequate on-site queuing area for service customers shall be provided. On-site driveways may be used for queuing, but may not interfere with access to required parking spaces.

As a condition of approval, on-site queuing areas for customers are required to the satisfaction of the Director of Development Services.

- N. Test Driving. Test-driving shall not be done on residential streets or alleys. For the purposes of this subsection, streets, which are designated by the City as major or minor arterial streets shall be permissible areas for test driving. Each dealership operator shall have an affirmative obligation to inform all its personnel of this requirement and to ensure compliance with it.

A condition of approval was added requiring all test-driving to occur on designated streets and not in residential neighborhoods.

- O./Circulation. The location of entries and exits from automobile dealerships shall be located as far away from adjacent residential properties as is reasonably feasible and shall be directed to commercial streets and away from residential areas by means of signage and design. If the vehicle storage structure has multiple levels, the interior circulation system between levels shall be internal to the building and shall not require use of public ways or externally visible or uncovered ramps, driveways or parking areas. No arrangement shall be permitted which requires vehicles to back into an alley or other public way.

As a condition of approval, a new entrance is required at the alley via a 20-foot-wide wrought iron gate to allow for better on-site circulations. This will allow for all loading to occur at the alley.

- P. Noise Control.

1. The use of outdoor speakers is prohibited.
2. All noise-generating equipment shall be located within a building and shall be muffled with sound absorbing materials to minimize noise impacts on adjacent properties.

A condition of approval was added to the project prohibiting the use of outdoor speakers and noise generating equipment.

- Q. Toxic Storage and Disposal.

1. Gasoline storage tanks shall be constructed and maintained under the same conditions and standards that apply for service stations.
2. There shall be full compliance with the terms and conditions of all City laws relating to the storage and disposal of toxic chemicals and hazardous wastes.

A condition of approval was added prohibiting storage of toxic materials. No gasoline tanks are anticipated to be installed and are prohibited by conditions of approval.

- R. Signage. All signage shall substantially comply with the Title 21 of the Long Beach Municipal Code and Central Long Beach Design Guidelines.

A condition of approval was added to the project requiring that all signage be improved to the satisfaction of the Director of Development Services.

- S. Amortization. Any automobile sales business as defined in Section 21.15 which was lawfully in existence as of the effective date of this Ordinance which does not comply in whole with the performance standards for automobile sales businesses as set forth in Subsection 15 of Section C of this Ordinance shall be regarded as a non-conforming use. Such nonconforming use may be continued for a period of two (2) years after the effective date of this Ordinance. After the expiration of said two (2) year period, all non-conforming automobile sales businesses shall be required to apply for and obtain a Conditional Use Permit in accordance with Chapter 21.25 of the Long Beach Municipal Code. Application for said Conditional Use Permit shall be filed with the City at least 90 days, but no more than 180 days, prior to the expiration of the above referenced two (2) year period. At any hearing to obtain a Conditional Use Permit, the City shall require, to the extent reasonably feasible, that the automobile sales business comply with the performance standards for automobile sales businesses as set forth in Subsection 15 of Section C of this Ordinance. All non-conforming automobile sales businesses that fail to apply for or receive a Conditional Use Permit within the time parameters set forth herein shall be terminated.

The City Council approved an amnesty period of sixty-days to allow all non-conforming businesses to obtain a Conditional Use Permit, to allow compliance with Performance Standards codified in PD-29. The applicant applied for a Conditional Use Permit during the amnesty period, so this standard does not apply.

2. **THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

The proposed use will not be detrimental to the surrounding community. The property is required to comply with newly established performance standards

codified in PD-29. The performance standards were created to ensure that all existing used car dealerships do not create an adverse impact on adjacent properties and surrounding neighborhoods. Since all performance standards will be met with conditions of approval, staff has determined that the use will not be detrimental to surrounding property owners including public health, safety, and general welfare.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

There are no special conditions related to the sale of automobiles.