

CONDITIONAL USE PERMIT FINDINGS

**1361 W. Anaheim Street
Application No. 1612-31(CUP19-023)
August 1, 2019**

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 applicant is requesting approval to establish a motor vehicle dealer for truck sales.

The subject site carries a General Plan Land Use District (LUD) designation of No. 9G, General Industry. LUD #9G intends for relatively intense manufacturing operations and other legitimate industrial uses that are consistent with applicable safety and environmental regulations. Truck sales related uses are among the industrial uses intended in this LUD.

The project will be providing site improvements consistent with the special development standards outlined in for outdoor display for sales of vehicles which include new parking lot paving, restriping to create additional off-street parking stalls, landscaping, trash receptacle, wheel stops, parking lot lighting and fencing. Additionally, the off-site improvements for the project will include a 2'-6" dedication along the adjacent east-west alley, repair/replacement of damaged sidewalks, and other irrigated parkway landscaping/street tree improvements.

- 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**

In accordance with the California Environment Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE16-320) was prepared for this project and is attached for review. The project is exempt per Section 15301 – Existing Facilities.

The proposed use is not anticipated to be detrimental to the surrounding community as the project site is in an industrialized area where other industrial uses are common. The closest residential uses are located over 3,000 feet to the southeast and separated by the Los Angeles River.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52; AND 21.45

Section 21.52.410 further requires the following findings:

- a. The proposed use, and the siting and arrangement of that use on the property, will not adversely affect surrounding uses nor pose adverse health risks to persons working and living in the surrounding area.**

The proposed use is not anticipated to be detrimental to the surrounding community as the project site is in an industrialized area where intense industrial uses are common. Loading and unloading activities would not impact any residential uses due to the subject site's setting within a dense cluster of industrial uses and site design standards have been reviewed and incorporated to ensure performance standards have been met.

- b. Adequate permitting and site design safeguards will be provided to ensure compliance with the performance standards for industrial uses contained in Section 21.33.090 (Performance Standards) of this Title.**

Noise. The proposed use will be subject to the existing noise ordinance.

Hours. Between the hours of ten (10:00) p.m. and seven (7:00) a.m., the proposed use shall discontinue operations that produce noise levels at the nearest residential district or hospital property line higher than those permitted under Chapter 8.80 (Noise) of the Municipal Code.

Light and glare. The proposed use will be subject to the latest building and electrical construction codes which include provision curtailing light pollution onto neighboring properties.

On-site containment of materials and waste. The proposed use is to establish truck sales which will be limited to the outdoor storage of trucks which is not anticipated to cause or create the transfer of materials or waste off the property by natural causes or forces such as wind or rain.

- c. Truck traffic and loading activities associated with the business will not adversely impact surrounding residential neighborhoods.**

The project will no longer have access into the site from Anaheim Street and will eliminate any potential stacking/queuing of trucks from the Anaheim West off-ramp exit from the 710 freeway. The loading and access areas will be taken from Harbor Avenue curtailing any adverse truck traffic on the major arterial.

- d. Businesses involved with hazardous waste treatment, hazardous waste disposal, or hazardous waste transfer shall comply with the following location requirements:**

- i. The use shall not be located within two thousand feet (2,000') of any residential zone or use, any hotel or motel, any school or daycare facility, any hospital or convalescent home, any church or similar facility, or any public assembly use.**

- ii. **The use shall not be located within one hundred feet (100') of any known earthquake fault, or within a fault hazard or flood hazard zone identified by the State of California.**
- iii. **The use shall not be located on any land subject to liquefaction, as identified in the Seismic Safety Element of the General Plan, unless appropriate soils remediation occurs as required by the City Engineer.**

The proposed use will not be involved with any hazardous waste treatment, disposal, or transfer.

Section 21.45.140 further requires the following findings:

- a. **Building Required. A building containing not less than three hundred (300) square feet of floor area shall be provided on the same parcel or an adjacent parcel associated with the same business. The building shall contain, at a minimum, employee restroom facilities and private office space for the business.**

The proposed floor plan will create an interior partition to split the existing 2,610 square-foot office building into two tenant spaces. The proposed use will occupy 1,660 square-feet and the existing tenant (Container Freight) will occupy the remaining 950 square-feet. Both tenants will meet the minimum 300 square-feet of floor area required for each business and have designated restroom facilities for their employees.

- b. **Location. The vehicles and other display materials shall be set back five feet (5') from a street and shall not be located in required parking areas.**

The project will be improved with a five-foot landscape buffer between the parking lot and property line along Anaheim Street as shown on Sheet A.1 "New Site Plan" and Condition of Approval (COA) #19.

- c. **Surfacing. The entire area used for display purposes shall be surfaced with not less than two inches (2") of blacktop or equally serviceable hard pavement surface. The surfaced area shall be maintained in good condition.**

The project will provide new surfacing as noted in Symbol A on Sheet A.1- "New Site Plan" and a condition of approval has been added to ensure continued maintenance to the satisfaction of the Director of Development Services provided in COA #4.

- d. Landscaping. All street frontage setback areas shall be landscaped in accordance with the provisions of Chapter 21.42 (Landscaping Standards).**

The existing site will be improved and recapture the required landscaping along Anaheim Street as shown on Sheet A.1- "New Site Plan" and further captured in COA #17 and #20.

- e. Screening. Display of vehicles and garden equipment located along street frontages shall be screened by compact evergreen hedge or alternate landscaping in a manner which screens the undersides of vehicles from public view. Display of other equipment and materials shall be screened by a solid fence of at least six feet (6') in height.**

The project will incorporate both adequate landscaping and fencing throughout the full perimeter of the site with portions of opaque fencing along areas where the container storage will occur with the existing trucking operation as noted in Symbol K and L on Sheet A.1- "New Site Plan" and Sheet LS.

- f. Wheel Stops. Wheel stops or some other type of protective device shall be provided as necessary to prevent vehicles from damaging fences, walls, buildings or landscaped areas, or from extending across any public or private property lines.**

Wheel stops will be incorporated into the parking lot area as shown on Sheet A.1- "New Site Plan".

- g. Lighting. All outdoor lights shall be served by underground wiring and shall be shielded from adjacent properties.**

COA #6 has been added to ensure compliance with this requirement.

- h. Maintenance. Outdoor display areas shall be maintained in a neat and manner nondetrimental to persons working or residing in the vicinity.**

COA #4 and #27 has been added to ensure compliance with this requirement.

- 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**

This project consists of the permitting of a motor vehicle dealer for truck sales within an existing building and surface parking lot and would not be required to comply with the green building standards listed in Section 21.45.400 of the Municipal Code.

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

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1. The use permitted on the subject site, in addition to the other uses permitted in the General Industrial (IG) District, shall be a motor vehicle dealer for truck sales within an existing 1,660 square-foot building located at 1361 W. Anaheim Street. Any site development shall commence in accordance with plans submitted and filed under Application No. 1612-31.
2. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced, or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the Conditions of Approval Acknowledgement Form supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Special Conditions:

4. Continued maintenance of the parking lot surfacing shall be in good condition subject to the satisfaction of the Director of Development Services or designated staff.
5. All unpermitted signs shall be removed from the site.
6. Provide parking lot lighting throughout parking lot in accordance 21.41.259 and 21.45.140.
7. A Lot Merger and Certificate of Compliance shall be required as part of the approval of this project and shall be obtained prior to building permit issuance.

Standard Conditions – Plans, Permits, and Construction:

8. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes, if any, that are impacted by these conditions of approval, to the satisfaction of the Director of Development Services.
9. All conditions of approval must be printed verbatim on a page or pages within all sets of plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.

10. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
11. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in prominent locations within any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
12. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
13. Upon plan approval and building permit issuance, the applicant shall submit a reduced-size set of final construction plans for the project file.
14. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
15. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
16. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
17. The applicant shall file a separate plan check submittal to the Long Beach Building Bureau for review and approval prior to the issuance of a building permit.
18. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
19. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
20. All landscaping shall comply with Chapter 21.42 of the Long Beach Municipal Code. All landscaping irrigation systems shall use high-efficiency sprinkler nozzles. The models used and flow rates shall be specified on the landscaping plan. For residential-type or small-scale sprinkler systems, sprinkler head flow rates shall not exceed 1.00 GPM and

shall be of the rotating type. Where feasible, drip irrigation shall be used instead. If an in-ground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.

21. Permeable pavement shall be utilized where feasible, to the satisfaction of the Director of Development Services. Public right-of-way improvements shall be exempt from this requirement. If the feasibility of using permeable pavement is uncertain, it shall be the developer's responsibility to demonstrate that a given application of permeable pavement is not feasible, to the satisfaction of the Director of Development Services.
22. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed) unless a modification is granted by the City's Noise Control Officer:
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed

Standard Conditions – General:

23. If, for any reason, there is a violation of any of the conditions of this permit or if the uses/operations are found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
24. This approval is required to comply with these conditions of approval as long as the uses are on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of City officials, to verify compliance. The property owner shall reimburse the City for inspection costs.
25. In the event of a transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These development conditions must be recorded with all title conveyance documents at the time of closing escrow.
26. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.

27. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
28. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
29. Where a roll-up door is used, a high quality, aesthetically pleasing roll-up door shall be used, to the satisfaction of the Director of Development Services.
30. Any graffiti found on site must be removed within 24 hours of its appearance.
31. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
32. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City, concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.
33. The Department of Public Works submits the following requirements for the proposed development referenced in the above subject line. The applicant must comply with all requirements noted below.

GENERAL REQUIREMENTS

- a. Prior to the start of any demolition, excavation, or construction, the Applicant shall submit all applicable plans and drawings for review and approval by the Department of Public Works (e.g. plans for pedestrian protection, grading, street lane closures, construction staging, traffic control, utilities, shoring, excavations, etc.). This is in addition to any plan check required by the Department of Development Services. Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit.
- b. Prior to ANY demolition, excavation, or construction, site perimeter fencing with custom-printed screen(s) shall be submitted to Public Works, approved, and installed in accordance with the latest version of the Public Works Development Guideline.
- c. The Applicant shall comply with all requirements outlined within the latest version of the Public Works Development Guideline and all referenced standards at the time of application submittal.

- d. The Applicant shall comply with all standards and guidelines in effect at the time of application submittal. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans.
- e. The Applicant shall construct all off-site improvements needed to provide full Americans with Disabilities Act (ADA) accessibility compliance within the public right-of-way adjacent to the project site. At this stage in the entitlement process the plans are conceptual in nature, and Public Works plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the Applicant shall dedicate and improve additional right-of-way necessary to satisfy unfulfilled ADA requirements.
- f. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review.

PUBLIC RIGHT-OF-WAY

- g. The Applicant shall execute an Irrevocable Offer of Dedication in a form acceptable to the City of Long Beach Public Works Department, to dedicate 2.5 feet of the development site along the east-west alleyway, running adjacent the northern property line boundary, to accommodate future alleyway widening purposes.

OFF-SITE IMPROVEMENTS

- h. The Applicant shall remove all unused driveways and curb cuts, or portions thereof on Anaheim Street, and replace with full-height curb, curb gutter and sidewalk per the most current ADA and City standards and to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- i. The Applicant shall remove cracked, deteriorated, substandard or uplifted/depressed sections of curb, gutter and sidewalk adjacent to the project site along Anaheim Street and Harbor Avenue and replace with full-height curb, curb gutter and sidewalk per the most current ADA and City standards and to the satisfaction of the Director of Public Works. All removal limits shall consist of entire panel replacements (from joint line to joint line). All improvements shall be constructed with Portland cement concrete.
- j. As shown on the submitted Landscape Plan, the Applicant shall provide for new street trees with root barriers, ground cover and irrigation system along Anaheim Street adjacent to the project site, per Section 21.42.050 of the Long Beach Municipal Code. Street trees requiring removal shall be relocated or replaced to the satisfaction of the Director of Public Works. The Applicant and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Applicant shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work on Anaheim Street. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.

- k. All off-site improvements shall provide a minimum of 5 feet clear dedicated right-of-way between any and all obstructions for pedestrian travel purposes compliant with the most recent ADA standards. All hardscape shall be constructed with Portland cement concrete. All removal limits shall consist of entire panel replacements (from joint line to joint line).
- l. The Applicant shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site improvements by the City. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced to the most current City standards.
- m. The Applicant shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements.
- n. The Applicant shall submit a precise grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for review and approval by the Director of Planning and Building Services and the Director of Public Works, prior to issuance of a building permit.
- o. Current uses of the project site (involving motor vehicles) may cause hazardous contamination of storm water runoff flowing onto public right-of-way areas. As such the Applicant shall comply with the City's LID Program. LID is a component of the National Pollutant Discharge Elimination System (NPDES) permit program. NPDES regulations consist of the Standard Urban Stormwater Mitigation Plan (SUSMP), also known as the Low Impact Development (LID) requirements, and the Stormwater Pollution Prevention Plan (SWPPP).

TRAFFIC AND TRANSPORTATION

- p. Based on the submitted site plan, the Applicant is proposing to utilize an existing driveway on Harbor Avenue for primary access to the site. The Applicant shall revise the driveway design to the satisfaction of the City Traffic Engineer to ensure it conforms to the most current ADA requirements and City standards. All hardscape shall be constructed with Portland cement concrete. All removal limits shall consist of entire panel replacements (from joint line to joint line).
- q. The Applicant shall protect or replace/repaint all traffic signage, markings and colored curb within the public right-of-way adjacent to the project site.
- r. All traffic control device installations, including pavement markings within the private parking area, shall be installed in accordance with the current edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).