

## CONDITIONAL USE PERMIT FINDINGS

5005 Long Beach Boulevard

October 1, 2020

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 NOT CONSISTENT WITH AND DOES NOT CARRY OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The project site (1.48 acres), which includes two (2) existing buildings (dine-in restaurant, gas station with mini mart) situated within the southerly portion of the project site and adjacent to Del Amo Boulevard and west of Long Beach Boulevard. The proposed self-serve drive-through car wash would be situated within the northerly portion of the project site adjacent to the playground of the Dooley Elementary School. This area is currently used as a passive parking area. The project site has an underlying General Plan Designation of Neighborhood Serving Centers and Corridors-Low (NSC-L) which encourages a variety of commercial uses to meet the consumers' daily need and is designated Community Commercial - Automobile Oriented or CCA which is intended for retail and service related uses capable of supporting the entire community. Car washes and drive-through facilities may only be permitted in the district, upon affirmatively finding all of the required findings in support of the use.

The established purpose of the Zoning Code includes protecting institutional uses such as the adjacent Dooley Elementary School from the intrusion of incompatible uses (LBMC 20.10.020). A 9-foot perimeter wall serve as a buffer between the school and car wash. However, that does not mitigate all relevant concern about compatibility as the project site is located within an area that is documented to be one of the most pollution burdened areas of the city by income (Exhibit F - Impacted Community Map). The elementary school is a sensitive receptor; children, specifically, are sensitive receptors as they are more susceptible to the impacts of pollution. Contrary to the goal of prohibiting incompatible uses, the proposed car wash would intensify the auto-oriented land uses adjacent to a school. The proposed car wash in this location would not be consistent with the environmental health vision established in the Land Use Element of the General Plan (page 6) which promotes the creation of buffers between residential uses and sensitive receptors (e.g., schools, hospitals and daycare centers) and facilities such as freeways, industries, the ports of Long Beach and Los Angeles and the Long Beach Airport that might affect them. Additionally, the proposed project does not support Policy UD 2-3 of the Urban Design Element as it is not a context sensitive design or use. This policy calls for enhancing the built environment through façade improvements, quality and context-sensitive infill development, and

landscaping. The proposed use is inconsistent with LUE Strategy 11, Policy 11-1, 11-6, 11-7, Policy 14-3, and Strategy 16. Broadly the use of the subject parcel as a carwash will expose pedestrians, residents and in particular adjacent elementary school children to elevated levels of noise and air pollutants. The existing environmental setting is disadvantaged both in respect to its current pollutant load as well as demographic and health indicators. Introducing additional auto-oriented uses to this location is inconsistent with the environmental justice policies of the General Plan.

**2. THE PROPOSED USE WILL BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

The proposed car wash with dual drive-through queuing lanes would be located within the northernmost portion of commercial site in an area currently used for passive parking. The drive-through lanes are designed as dual queuing lanes that merge at the drive-through tunnel entrance. The drive-through lanes have also accommodated a by-pass or exit lane to exit the drive-through facility if so desired by the patron. The length of the queuing lanes between the car wash menu payment station and the driveway approach on Long Beach Boulevard is approximately 60 feet for a total length of 120 feet. The driveway approach at Long Beach Boulevard is proposed to be shared between the service station and new car wash. The two car wash queue lanes would accommodate approximately six mid-size SUVs, before vehicles would encroach into the driveway path of travel. With an estimated 300 daily trips to car washed as assumed in the Air Quality Report, the car wash could see upwards of 20 vehicles in an hour depending on the trip distribution. Staff finds that with the bunching of trips (especially during peak hours), occasional equipment malfunction, or periodic user error at the pay station it would create vehicle conflicts on site, with the pedestrian path of travel on the adjacent sidewalk, and with south bound traffic on Long Beach Boulevard that would create a hazard.

Per the Focused Air Quality Analysis prepared by Rincon Consultants, Inc. on August 21, 2020, air quality emissions from the vehicles using the car wash would be below both regional and localized thresholds from the South Coast Air Quality Management District. Localized thresholds are used to determine impacts to the nearby community, such as the elementary school. While the report concludes there is no significant impact from noise or air quality, there are limitations to those studies and there are other factors of compatibility that must be considered. The proposed use is adjacent to an elementary school which is classified as a sensitive receptor; children, specifically, are sensitive receptors as they are more susceptible to the impacts of pollution. This project site is located within an area that is documented to be one of the most pollution burdened areas of the city by income (Exhibit E -Impacted Community Map). This map is derived from the California Office of Environmental Health Hazard Assessment's Cal EnviroScreen which uses environmental, health, and socioeconomic information to assess the pollution burden and vulnerability of populations by census tract. This location is within the 90<sup>th</sup> percentile or top 10 percent for the most pollution burdened.

The proposed car wash will intensify the auto-oriented land uses adjacent to a school and would conflict with the stated goals of the General Plan and Zoning Code. While it is largely impossible to quantify the impacts of air pollution on childhood development and health in a manner disaggregated to a single source, it is well documented that cumulative exposure to pollutants has a negative impact to neurodevelopment. Staff has included a literature summary from the scholarly journal Environment International as Exhibit I.

The proposed car wash will intensify the auto-oriented land uses adjacent to a school and would conflict with the stated goals of the General Plan and Zoning Code. Specifically, the proposed car wash in this location would not be consistent with the environmental health vision established in the Land Use Element of the General Plan which promotes the creation of buffers between residential uses and sensitive receptors (e.g., schools, hospitals and daycare centers) and facilities such as trucking uses, auto-body shops, drive-through uses, polluting industrial uses and other special use categories that might affect them. Within approximately 500 feet of the school there are two drive throughs (fast food and pharmacy), one car wash, and four gas stations. General Plan Land Use Policy 14-3 to "[a]void concentrating undesirable uses, service facilities and infrastructure projects in any manner that results in an inequitable environmental burden on low-income or minority neighborhoods." Allowing another auto-oriented use would be inconsistent in this location as it would contribute to the generation of new emissions in an area already overburdened with pollution.

**3. THE APPROVAL IS NOT IN COMPLIANCE WITH ALL OF THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.**

Section 21.52.206 states that the following conditions shall apply to auto repair shops, service stations, car washes, auto upholstery shops, auto parts and tire sales uses requiring a Conditional Use Permit:

**A. The proposed use shall not intrude into a concentration of retail uses and not impede pedestrian circulation between retail uses.**

As proposed the car wash will not intrude into a concentration of retail uses and not impede pedestrian circulation between retail uses as the car wash will be developed on a vacant and underutilized portion of existing commercial development that consists of a dine-in restaurant and service station. The project does however diminish an established walking route to the adjacent elementary school and degrade the pedestrian environment.

**B. The proposed use shall not create unreasonable obstructions to traffic circulation around or near the site.**

The proposed project fronts on Long Beach Boulevard, which serves as one of the designated school walking routes to the adjacent Dooley Elementary School. The project has been designed with a dual drive-through lane with approximately 120 feet of queuing length between the pay station and driveway. These two queueing lanes would accommodate a total six mid-size vehicles before encroaching into the cross traffic entering into the shared driveway with the gas station. It is estimated that there will be up to 300 vehicle trips daily to the car wash or approximately 20 vehicle trips per hour if equally distributed throughout the day. With a total queue length of 60 feet per lane between the pay station and driveway there would not be sufficient to accommodate the bunching of trip arrivals and occasional delays caused by equipment problems or user error at the pay stations and would result in obstructions of vehicle on site and within the right-of-way creating conflicts between south bound traffic and pedestrians.

**C. No curb cuts shall be permitted within forty feet (40') of any public roadway intersection.**

The proposed car wash will not necessitate the need to create any new or additional curb cuts or approaches to accommodate ingress/egress from the project site. As demonstrated by the site plan (Exhibit A), access will be achieved via an existing approach which currently serves the existing fueling facility.

**D. No vehicles may be stored at the site for the purposes of sale, unless the use is also, vehicle sales lot or for use as parts for vehicles under repair.**

The proposed car wash will not result in the need to store vehicles for sale or repair. The self-serve drive-through car wash is designed as an ancillary use to the existing fueling facility. No vehicle storage, repairs or sales are associated with the current or proposed use.

**E. The site shall comply with all applicable development standards for open storage and repair uses specified in chapter 21.45. "Special Development Standards".**

As previously described above, the proposed car wash will not result in the need to store vehicles for sale or repair. The self-serve drive-through car wash is designed as an ancillary use to the existing fueling facility. No vehicle storage, repairs or sales are associated with the current or proposed use.

**F. In the CB District, such uses shall be limited to locations inside parking structures:**

The subject property is located in the CCA Zoning District therefore, this condition is not applicable.

**G. In the CR and CO zones, Conditional Use Permit shall be limited to the expansion of existing nonconforming uses;**

The subject property is located in the CCA Zoning District. Therefore, this condition is not applicable.

**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. The proposed use is not one of the types of projects that require compliance with Section 21.45.400 and therefore, this section of the Municipal Code would not be applicable to the proposed use.