



Legislation Text

File #: 23-0535, **Version:** 1

Recommendation to reaffirm adoption and approval of Mitigated Negative Declaration IS/MND 06-22, as previously approved and adopted by the City Council on February 21, 2023, and reaffirm that the Project is consistent with the previously adopted Mitigated Negative Declaration (IS/MND 06-22) and the findings of fact related thereto; and

Approve Conditional Use Permit findings and conditions of approval memorializing the City Council's February 21, 2023, action to uphold an appeal (APL22-005) and approve a Conditional Use Permit (CUP 2211-18) for a new car wash located at 1911 East Pacific Coast Highway in the Community R-4-N Commercial (CCN) Zoning District. (District 6)

On February 21, 2023, the City Council held a duly noticed public hearing on an applicant's appeal of the Planning Commission's November 3, 2022, decision to deny a Conditional Use Permit (CUP) for a new automated car wash at 1911 East Pacific Coast Highway. The City Council considered City staff's presentation, public comments, along with noise analysis and plans from the applicant and acted to adopt a Mitigated Negative Declaration (IS/MND 06-22), approve a Zone Change (ZCHG20-009) from Regional Highway Commercial (CHW) and Low-density Multi-Family Residential, small lot (R-3-S) to Community R-4-N Commercial (CCN), and grant the appeal approving the CUP and affirming findings/determination that the project will have less than significant impact on the environment when identified mitigations are implemented, pursuant to the adopted IS/MND. The findings, conditions of approval, and the California Environmental Quality Act (CEQA) determination are being presented for the City Council's review, adoption and affirmation. While the action on February 21, 2023 effectively approved the car wash project, this action is necessary to establish construction and operating conditions for the property and document the City Council's process and reasoning through the adoption of written findings.

Background

The project site is an approximately 24,000-square-foot lot located at 1911 East Pacific Coast Highway. The corner lot has frontage along Pacific Coast Highway to the south and Gardenia Avenue to the west. A 12-foot-wide alley borders the property to the east (Attachment A). Surrounding uses include a gas station, tire shop, and residential uses.

Currently, the project site is developed with a 3,296-square-foot restaurant (Los Potros) and associated paved surface parking lot. The site is currently fenced off from Gardenia Avenue along the western boundary. Existing residential uses to the north are separated from the site by an approximately three-foot high masonry block wall and additional chain link with slats fencing. There is minimal landscaping on-site.

The project would redevelop the site with a 3,278-square-foot, one-story, car wash building, equipped with standard car wash tunnel equipment. In addition to the 100-foot wash tunnel, the building includes an area for mechanical/electrical equipment and storage (Attachment B). A drive-through lane would be constructed to direct vehicles entering the site from a new driveway along Gardenia Avenue, along the northern property line to a pay station, then southerly to enter the car wash tunnel. Vehicles would exit the southerly end of the car wash building and exit the site via an unnamed alley or through a new driveway onto East Pacific Coast Highway. Vehicles also have the option to park in one of 18 self-service vacuum parking spaces, equipped with one vacuum per space. A new six and a half-foot high decorative masonry wall would be constructed along the northerly property line adjacent to the residential use. The other building on-site located near the southwest corner of the property contains the vacuum room and a restroom. The proposed car wash would operate between 7:00 a.m. to 8:00 p.m. daily.

The applicant's proposal to develop a car wash requires the approval of a zone change because the current R-3-S zoning designation of the northern most lot would not permit the proposed car wash use. The existing CHW zone is a commercial zone that does not allow residential uses and does not fully implement the intent of the mixed-use nature of the Neighborhood Serving Center or Corridor Moderate Density (NSC-M) PlaceType established to increase housing. Development of the proposed project would not be possible under the split zoning, as the CHW zone requires a CUP for the car wash use and the R-3-S zone prohibits car washes. Therefore, ultimately, the CCN Zoning District was found to be the most appropriate mixed-use zone based on density, intensity and the applicant's proposal for a car wash. The CCN Zoning District permits both commercial and residential uses and still requires a CUP approval to operate a car wash as proposed by the applicant. The zone change was approved by City Council at the February 21, 2023 hearing.

The CUP findings reflecting the City Council's decision to approve the CUP have been prepared (Attachment C). The affirmative findings include finding that the project is consistent with the Strategies, Goals, and Policy of the General Plan. This includes strategies and policies for infilling underutilized parcels in a context-sensitive way that minimizes impacts to adjacent residential uses. This is accomplished through site planning strategies, enhanced landscaping, and the use of high-quality materials and design. For example, the project is consistent with the Urban Design Policy 2-3 to promote the enhancement of the built environment with quality context-sensitive infill development and landscaping. Specifically, the project will redevelop the site with a new car wash and provide new perimeter landscaping. This development would upgrade the appearance of this section of Pacific Coast Highway and eliminate an aging restaurant that has generated calls for service. To ensure the project operates in a manner compatible with surrounding uses conditions of approval are recommended including prohibitory conditions. Conditions of approval include but are not limited to prohibiting the use of outdoor speakers, signage informing patrons to keep their radios turned down, protection of pedestrian path during construction, and requirements for maintaining one staff person at the pay kiosk during all

operating hours (Attachment D). These conditions have been reviewed and discussed with the applicant.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on May 8, 2023 and by Revenue Management Officer Geraldine Alejo on April 25, 2023.

Public Hearing Notice

Public hearing notices are not required to accept the findings to memorialize the February 21, 2023, action of the City Council. A courtesy notice of the item returning to City Council was however provided to individuals who previously submitted comments on the item. The February 21, 2023, City Council hearing was duly noticed on January 9, 2023, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code.

Environmental Review

Pursuant to CEQA and the State CEQA Guidelines, an Initial Study/[Mitigated] Negative Declaration (IS/MND 06-22) (Attachment E) was prepared for the project which analyzed both the rezoning and the proposed car wash use. The IS/MND finds that, by implementing identified mitigation measures for Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportation, and Tribal Cultural Resources, the project will not result in significant effects to the environment. The IS/MND was circulated for a 30-day public review period between June 1 and June 30, 2022.

Since public circulation, the City identified an administrative update to the proposed project description in the Draft IS/MND. Potential impacts and revisions resulting from the modification to the previously analyzed project are presented in an Errata memo that was issued on September 30, 2022. The revisions represent minor modifications to the previously analyzed project and do not change the conclusions presented in the Draft IS/MND. Overall, the revised project would not create any new potentially significant impacts or the need for additional mitigation measures. Consistent with CEQA Guidelines Section 15073.5, recirculation of the Draft IS/MND is not required.

The City Council adopted and approved IS/MND 06-22 on February 21, 2023 at the time the zone change was approved and at which time the City Council overturned the Planning Commission's denial of the CUP for the proposed car wash use. At that time, the Council made all necessary findings that, by implementing identified mitigation measures for Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Transportation, and Tribal Cultural Resources, the proposed car wash use will not result in significant effects to the environment.

City Council action is requested on May 23, 2023 to implement the recommended actions.

There is no fiscal or local job impact associated with this recommendation. This

recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with City Council priorities.

Approve recommendation.

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CHRISTOPHER KOONTZ
DIRECTOR
DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
CITY MANAGER