

November 3, 2022

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

To recommend that the City Council 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

Recommend that the Planning Commissioners deny the Conditional Use Permit (CUP20-003) for a new 3,278-square-foot automated car wash along with two ancillary buildings, located at 1911 East Pacific Coast Highway in the CCN Zoning Districts. (District 6)

APPLICANT: SM Wash LLC
3055 Wilshire Blvd, Ste 405
Los Angeles CA, 90010
(Application 2103-41)

DISCUSSION

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 – Vicinity Map). Surrounding uses include a gas station, tire shop, and residential uses. The current land use, general plan PlaceType, and zoning of the site and surrounding land uses are described in the table below.

Table 1 – Surrounding Land Uses, Zoning, and General Plan

Location	Existing Land Use	Existing General Plan PlaceType	Existing Zoning
<i>Project Site</i>			
Project site: Lot 10, northerly 50' of project site (APN: 7216-032-021)	Residential	NSC-M; 5 stories	R-3-S



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Project site: Lot 11 and 12, southerly 87' of project site (APN: 7216-032-021)	Commercial	NSC-M; 5 stories	CHW
<u>Surrounding Land Uses</u>			
West	Multi-Family Residential /Commercial	NSC-M; 5 stories	R-3-S; CHW
East (Across Alley)	Multi-Family Residential Commercial, Religious Facility	NSC-M; 5 stories	CNR; CHW
North	Residential	NSC-M; 5 stories	CNR; R-3-S
South (Across Pacific Coast Highway)	Residential/ Commercial	NSC-M; 5 stories	CHW

Abbreviations:

CHW = Regional Highway Commercial

NSC-M = Neighborhood Serving Center or Corridor Moderate Density Place Type

R-3-S = Low-density Multi-family Residential, small lot

CNR = Neighborhood Commercial and Residential

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 site consists of three legal lots, which is split-zoned Regional Highway Commercial (CHW and Low-density Multi-family Residential, small lot (R-3-S). Based on Long Beach Municipal Code (LBMC) Section 21.32.020(D)(1), the CHW Zoning District is a commercial use district for mixed scale commercial uses located along major arterial streets and regional traffic corridors. Additionally, based on LBMC Section 21.31.020(K), the R-3-S Zoning District is a three-family residential district specifically for multi-family development on smaller lots.

Project Proposal

The project includes the demolition of the existing restaurant building and associated surface parking lot to construct a 3,278-square-foot, one-story, car wash building, equipped with standard car wash tunnel equipment. In addition to the 100-foot car wash tunnel, the building includes an area for mechanical/electrical equipment and storage (Attachment B – Plans and Photos). A drive-through lane would be constructed to direct vehicles entering the site from a new driveway along Gardenia Avenue north to a pay station along the northern property line, 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. Patrons also have the option to use one of

18 self-service vacuum parking spaces. A new six and a half-foot high decorative masonry wall would be constructed along the northern 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.

Entitlements

A Zone Change and Conditional Use Permit (CUP) are the entitlements required for this project. The Zone Change is a legislative action: the Planning Commission serves as an advisor and would make a recommendation to the City Council on this matter. The project also requires approval of a CUP for the car wash use. The Planning Commission serves as the final decision-making body on CUPs unless the decision is appealed to the City Council. The following is an overview of the required findings for each of the requested entitlements along with staff's recommendation for the Planning Commission's consideration (Attachment C – Zone Change Findings and Attachment D - CUP Findings).

Zone Change

The applicant's proposal to develop a car wash requires a zone change. The existing R-3-S Zoning District of the northern most lot does not allow car washes. The remaining portion of the site zoned CHW allows for car wash uses contingent upon approval of a CUP. Because of the restriction on car washes by the R-3-S Zoning District, the applicant requests a Zone change to Community R-4-N Commercial (CCN) Zoning District.

Pursuant to the both the city's zone change findings and state law, the zone change must be consistent with the General Plan NSC-M PlaceType designation of the property. The NSC-M PlaceType encourages compact development and discourages large buildings adjacent to single-family homes. Uses may include schools, parks, daycare, senior care, police and fire stations, libraries and similar facilities. The NSC-M PlaceType has a 1.0 to 1.5 floor area ratio (FAR), maximum residential density of 54 units per acre (e.g., moderate-density apartment and condominium buildings), and a general maximum building height limit of seven stories. It is acknowledged that height limits can vary within PlaceType areas. Based on General Plan Map LU-8, Heights, the project site has a five-story maximum building height limit.

Based on the "PlaceTypes and Zoning Districts Consistency Matrix LU-6" of the Land Use Element (page 170), staff considered several zoning districts for their appropriateness and applicability to the site. Ultimately, the CCN Zoning District was found to be the most applicable mixed-use zone based on density, intensity and the applicant's proposal for a car wash. The applicant requests a Zone Change to Community R-4-N Commercial (CCN) Zoning District, a mixed-use zoning district (Attachment E – Zone Change Map). The CCN Zoning District permits both commercial and residential uses but still requires a CUP

approval to operate a car wash. The following table provides an overview of the specific General Plans policies which the proposed rezoning project is consistent with.

ZONE CHANGE GENERAL PLAN CONSISTENCY REVIEW		
POLICY NUMBER	HOUSING (HE)/ LAND USE (LU)/ ELEMENT POLICIES	FINDING
Housing Element (HE) Policies		
HE 1.1	Implement the 2019 Land Use/Urban Design Element update through a comprehensive rezoning program citywide that will provide adequate sites, zoned at the appropriate densities and development standards, to facilitate the housing production and affordability goals set forth in the 2021-2029 Regional Housing Needs Allocation.	The project would rezone the project site to the CCN Zoning District which allows both commercial and/or residential development and is consistent with the NSC-M PlaceType. This change also expands the opportunity to for housing, consistent with the intent of the LUE and Housing Element.
Land Use Element (LU) Policies		
LU 6-1	Encourage a mix of land uses that is diverse, innovative, competitive, entrepreneurial, local and sustainable, which thereby promotes economic development, increases City revenues, expands job growth and increases value, access and usability for existing neighborhoods and communities.	The proposed rezoning supports the redevelopment of the entirety of the site with a variety of commercial and/or residential uses by right.
LU 6-11	Pursue new developments and businesses that add to the City's economic base, particularly those that generate sales tax and property tax increment revenue.	The rezoning will provide the opportunity for new property tax revenue from 33 potential new residential dwelling units as well as the opportunity for new commercial uses permitted by right.
LU 7-8	Ensure infill development is compatible with surrounding established and planned uses.	The proposed CCN district would permit a variety of low to moderate intensity commercial uses by right. Other uses such as car washes, auto repair, pay day loan, alcohol sales, would require the review on an Administrative Use Permit or Conditional Use Permit to ensure compatibility with the established uses.
LU 7-10	Maintain consistency between the Land Use Element PlaceTypes and the updated Zoning Districts.	The rezoning of the project site is consistent with the NSC-M PlaceType of the LUE.

LU 10-1	Ensure neighborhoods contain a variety of functional attributes that contribute to residents' day-to-day living, including schools, parks and commercial and public spaces.	The proposed rezoning to the CCN Zoning District will allow for variety of lower intensity commercial uses by right.
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As additional background, this segment of Pacific Coast Highway is within the boundaries of the "CityCore" rezoning initiative currently underway by staff. The rezoning effort is intended to facilitate 3,000 additional market rate and affordable units. Additionally, this rezoning effort aims to improve access to certain commercial uses used daily, encourage pedestrian-friendly design, improve the quality and safety of streets through design and active uses and encourage the use of multimodal transportation. However, this rezoning effort is underway, and the project is not subject to these future zoning regulations.

Conditional Use Permit

Certain types of land uses, like car washes, due to the nature of the use, require a CUP. The CUP process allows for the individual review so that the Planning Commission can determine if the use is compatible with the surrounding land uses, can be made compatible with conditions of approval, or is incompatible. The drive-through lane is located at the north end of the site currently developed with parking. The car wash queuing lane would be offset five feet from the northernmost property line adjacent to an existing apartment building on the abutting property. The apartments will be separated by a six and a half-foot-high wall along the north perimeter wall. The applicant has submitted an Economic and Qualitative Impact Study in support of the redevelopment of the site with a car wash (Attachment F – Supplemental Application Materials).

To address, the matter of land use compatibility three focused studies pertaining to sound, air quality, and traffic were prepared. A noise analysis was prepared by Eilar Associates, Inc. Acoustical & Environmental Consulting (Attachment G - Noise Analysis) for the project and evaluated the impacts from both the construction and operation of the use. The noise study found that with the incorporation of a six and a half foot height property perimeter block wall the car wash would not result in violations of either the established interior or exterior noise standards when the thresholds were adjusted for the "ambient noise level."¹ The report concludes that the vacuum equipment would not be a significant source of noise since it is located within the building. Under the City's Noise Ordinance, elevated noise levels are permitted when they will not increase background noise by more than five decibels. The residents within the adjacent neighborhood already experience higher levels of noise and during the day and this project will further contribute to that problem.

¹ "Ambient noise level" means the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location (LBMC 8.80.020).

While the report concludes there is no significant impacts from noise, there are limitations to those studies and there are other factors of compatibility that must be considered such as air pollution. The proposed use is adjacent to residential units which are classified as sensitive receptors. 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 (Attachment H - 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 90th percentile or top 10 percent for the most pollution burdened. The proposed car wash will intensify the Regional Highway commercial land uses adjacent to residential units and would conflict with the stated goals of the General Plan and purpose of the Zoning Code. The purpose of the zoning code is to; "promote and preserve the public health, safety, comfort, convenience prosperity and the general welfare of the City of Long Beach with the intent of achieving a range of objectives." The Zoning Code objectives include: 1) the realization of the General Plan; 2) "protection of residential, commercial, industrial, public and institutional areas from the intrusion of incompatible land uses 3) equity among individuals in the use of their property"; 4) "and the location and control of land uses so that no noise, vibration, electrical disturbance, smoke, gaseous or particulate matter, odor, glare, heat, radioactivity, biological material, dust, nor hazard is generated, created or emitted from any use so as to be a substantial risk to public health, safety and welfare or to be of such an extent, intensity or duration as to be a nuisance to or adversely affect adjacent properties or uses" (LBMC Section 21.10.020).

The proposed car wash in this location would not be consistent with the environmental health vision established in the LUE of the General Plan which promotes the creation of buffers between residential uses and sensitive receptors (e.g., schools, residential units, hospitals and daycare centers) and facilities such trucking uses, auto-body shops, drive-through uses, polluting industrial uses and other special use categories that might affect them.

The Planning Commission may wish to consider the compatibility of this use abutting multi-family residential building. While air quality levels will not exceed those maximum standards established under law, there will still be new emissions from vehicles waiting in the car wash queuing lane immediately adjacent to a neighborhood already situated within an area of increased ambient pollution (Attachment I - Air Quality Study).

A Trip Generation Analysis was prepared for the project specifically for traffic and queuing. The project would result in 775 daily trips a net increase of 405 trips over the existing restaurant use. It was found that the proposed on-site queue length of 208 feet in combination with the 100-foot-long car wash tunnel was not anticipated to result in a car wash queue extending into the public streets (Attachment J – Trip Generation Analysis Memo).

In 2006, the California Legislature approved Senate Bill 1000, which instructed every City and County to address environmental justice in their General Plan. The City of Long Beach complied with this law by incorporating environmental justice policies within the General Plan, including LU Policy 14-3 which states "avoid concentrating undesirable uses, service facilities and infrastructure projects in any manner that results in an inequitable environmental burden

on low-income or minority neighborhoods.” In the case of the CUP before the Planning Commission, the Commission will need to determine if the use is undesirable.

The existing regional highway uses within the project vicinity predate the City’s adoption of environmental justice policies and the adoption of drive through standards. The environmental justice policies and data are intended to improve the City’s land use decisions going forward so that the health of people living within these areas is improved. The current General Plan LUE reflects a substantial shift in how land use regulation is to be considered by the City including in communities with high pollution burdens and existing non-compatible land-uses. The following provides an overview of the policies and strategies that the project is inconsistent with.

CUP GENERAL PLAN CONSISTENCY REVIEW		
Policy/Strategy Number	Policy/Strategy Land Use Element (LU)	Finding
LU 1-10	Encourage the redevelopment of parcels with poor land utilization such as single-use commercial structures on parcels over 5,000 square feet.	The site is currently developed with a single-use 3,296 commercial structure. The proposed CUP would result in redeveloping the site with a single primary building, a carwash tunnel, and two ancillary buildings totaling 3,760 square feet on a 24,083-square-foot lot. This results in a FAR of just 0.15 percent on a 24,083-square-foot lot on a major high transit quality corridor. The resulting car wash and planned landscape improvements would immediately improve the aesthetics of the site but would remain an underutilization of the lot in terms of development potential for 33 new residential dwelling units or other by right commercial use with a floor area up to 36,124 square feet.
LU 6-11	Pursue new developments and businesses that add to the City’s economic base, particularly those that generate sales tax and property tax increment revenue.	The redevelopment of the site would result in an increase in property taxes collected from the site’s redevelopment. However, there would be little to no sales tax generated from the use.
LU 9-1	Protect neighborhoods from the encroachment of incompatible activities or land uses that may have negative impacts on residential living environments.	The project will develop a commercial site into an automated carwash development which would not protect the adjacent neighborhood from the increased noise and pollution.

LU 10-1	Ensure neighborhoods contain a variety of functional attributes that contribute to residents' day-to-day living, including schools, parks and commercial and public spaces.	The CUP would allow for a new car wash service in the area. The nearest automated car wash is approximately 0.4 miles to the east at 1430 E. Pacific Coast Highway.
LU 11-1	Require that land use plans, policies and regulations promote health and wellness and reduce barriers to healthy living.	Environmental hazards, noise and air pollution disproportionately affect low-income communities of color in Long Beach including residential uses abutting this location, as shown on Map LU-6 (Impacted Communities). The project site is located in the top 10 percent of most pollution burdened areas of the City.
LU 11-6	Achieve health equity, eliminate disparities and improve health of residents throughout the City.	
Strategy 16	Prevent and reduce disproportionate environmental burdens affecting low-income and minority populations	

The project would under develop a parcel on a major corridor with a use that would route traffic within five feet of a property line shared with a sensitive receptor.

This particular case, similar to other car wash cases presented to the Planning Commission, requires a careful balancing by the Planning Commission without a clear-cut pre-determined answer. The Commission should consider the environmental burden of placing another auto-oriented use in an over-concentrated neighborhood as well as the opportunity cost of placing a use with limited floor area, limited employment and no housing on a major mixed-use corridor identified in the General Plan. The Commission should however also consider the materials submitted by the applicant, that the project will have some employment and fiscal benefits, that in the short and medium term that no other (or superior) project is likely in this location and that denial of this request could result in continued disrepair of this site and blight in the surrounding community.

Balancing all those considerations, staff recommends that the Planning Commission deny the conditional use, as not all the required findings regarding compatibility and consistency can affirmatively be made in support of the car wash adjacent to a multi-unit apartment building (Attachment D – CUP Findings). Staff recommends approval of the proposed zone change as it meets the required findings and would implement the general plan PlaceType. With this Zone Change enacted future development of the site with a variety of retail, mixed-use or housing uses would be possible as a matter of right.

It should be noted that the applicant was informed of staff's position on the CUP as part of a preapplication review that took place in January of 2020; the applicant elected to move forward with this information. While staff recommends denial of the CUP and approval of the Zone Change, the Planning Commission should carefully consider the merits of each request and the policy tradeoffs inherent in this application for a zone change and CUP.

PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on May 27, 2021, and 142 Public Hearing Notices were distributed on October 19, 2022, in accordance with the provision of the Zoning Ordinance. No public comments have been received in response to this notice.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, an Initial Study/[Mitigated] Negative Declaration (IS/MND 06-22) (Attachment K – IS/MND) has been prepared for the project and finds that, by implementing identified mitigation measures for Air Quality, Cultural Resources, Energy, Greenhouse Gas Emissions, 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 31, 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 was issued on September 30, 2022 (Attachment L – Errata Memo). 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.

Respectfully submitted,



ALEX MULDROW
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP
ACTING DIRECTOR OF DEVELOPMENT SERVICES

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Attachments:

- Attachment A - Vicinity Map
- Attachment B – Plans & Photos
- Attachment C - Zone Change Findings
- Attachment D - CUP Findings
- Attachment E - Zone Change Map
- Attachment F – Supplemental Application Materials
- Attachment G- Noise Analysis
- Attachment H - Impacted Communities Map

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Attachment I- Air Quality Study

Attachment J – Trip Generation Analysis Memo

Attachment K - IS/MND

Attachment L - Errata Memo