



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

July 19, 2012

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit to allow an existing used car dealership to continue operation in compliance with performance standards codified in Long Beach Boulevard Planned Development District (PD-29), located at 1470 Long Beach Boulevard (District 6).

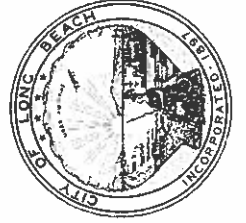
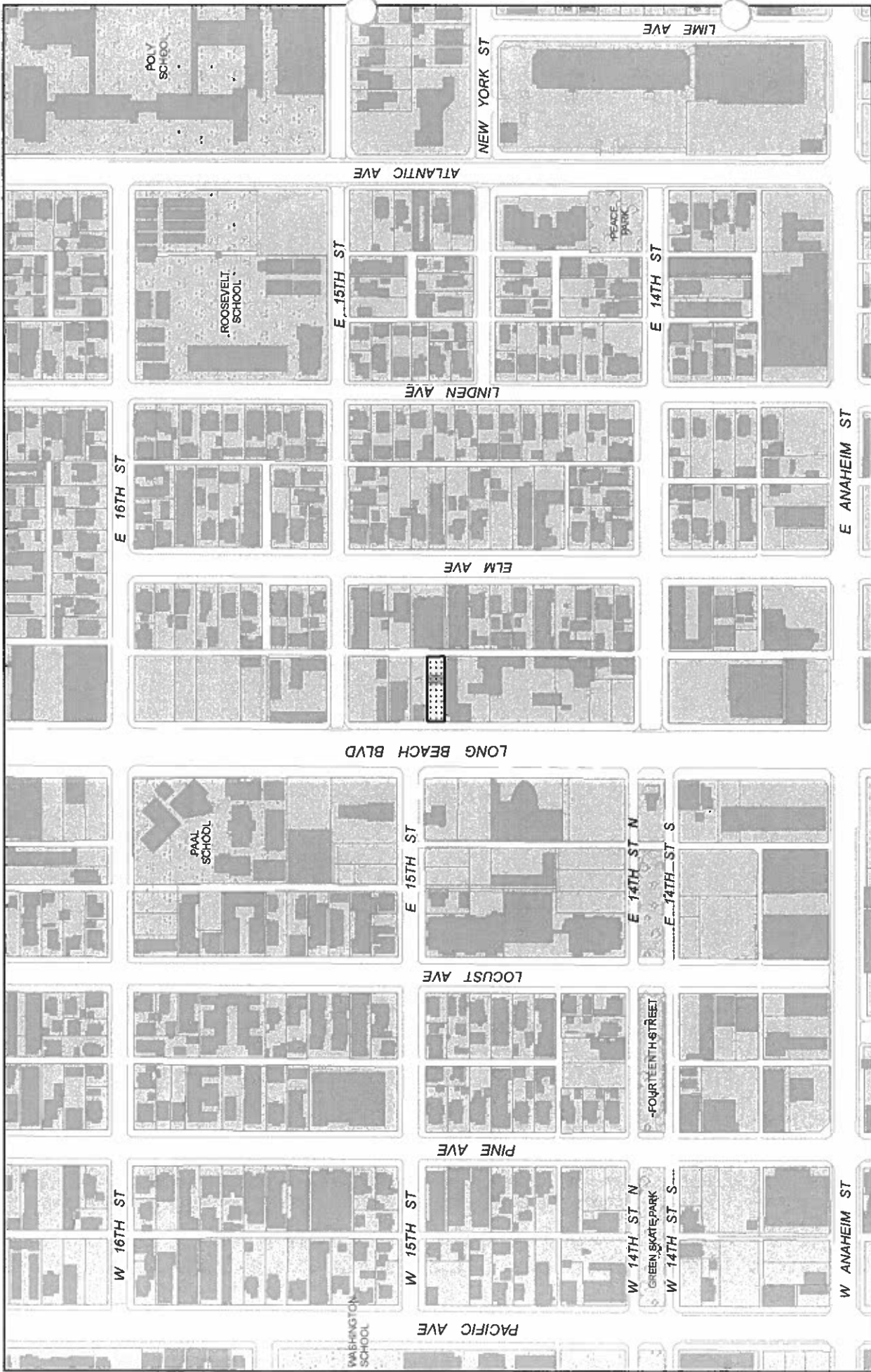
APPLICANT: Nasser Nouri
10535 Wilshire Boulevard #1805
Los Angeles, CA 90024
(Application 1103-19)

DISCUSSION

The project site is located on the east side of Long Beach Boulevard on the corner of Long Beach Boulevard and Hill Street on a 7,500-square-foot lot at 1470 Long Beach Boulevard within the Long Beach Boulevard Planned Development District (PD-29) (Exhibit A – Location Map and Project Plans).

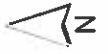
According to building permit records, the property was developed with a garage and residential flats in 1921. The property was converted to its current state in 1952 and had been used for used car sales until October 10, 2010. The current tenant applied for a business license in February 2011 to re-establish the site as a used car sales lot and is currently pending approval of the proposed Conditional Use Permit (CUP). The site is adjacent to multifamily residential properties to the east, an auto repair and sales business to the south, and a preschool to the north.

The proposed CUP application is required based upon adopted changes to Long Beach Boulevard Planned Development District (PD-29) approved by the City Council on May 8, 2007. The adopted changes required all existing automobile sales businesses to obtain a CUP and meet established performance standards for used automobile sales businesses. The purpose of the performance standards is to ensure that automobile dealerships do not create adverse impacts on adjacent properties and surrounding neighborhoods.



Subject Property:
 1470 Long Beach Blvd
 Application No. 1103-19
 Council District 1
 Zoning Code : PD-29 (SubArea4)

Exhibit A



CONDITIONAL USE PERMIT FINDINGS

1470 Long Beach Blvd

App No. 1103-19

January 19, 2012

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 1470 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 smaller than 20,000 square feet (7,500 square feet) in size and has been continually used as an auto-dealership with no issues. Therefore, staff is asking the Planning Commission to waive this finding.

- 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 1,700-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 fencing located at the rear of the office building, a new parking lot added at the rear of the lot for employees and customers, and new wrought iron or wood fencing added west of the parking lot, to the satisfaction of the Director of Development Services.

- 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 to be placed along Long Beach Boulevard 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 or within any open area on the lot.

- 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.

- 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 the parking lot shall be repaired and only one row of parking provided as a means of allowing adequate ingress and egress to the lot from Long Beach Boulevard.

- 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 requiring that the signage located on the front property line be removed and all other signage 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.

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**

1470 Long Beach Boulevard

App. No. 1103-19

January 19, 2012

1. The use permitted on the subject site, in addition to the other uses permitted in the PD-29 zoning district, shall be a used car dealership.
2. This permit and all development rights hereunder shall terminate one year 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 one 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 Acknowledgment 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. All fences located at the rear of the property shall be removed, new paving and striping added for employee and guest parking. A wood or wrought iron fence shall be placed west of the new parking stalls to secure the parking from the office.
5. Fences located within the front yard setback area, are limited to a maximum of 3 feet in height.
6. The entire parking lot shall be re-slurried and re-striped. Only one row of parking shall be provided for display due to the narrow width of the lot and as means to allow adequate ingress and egress to the property.
7. The office building on the lot shall be repaired and repainted to the satisfaction of the Director of Development Services.
8. The stairs leading to the office shall be repaired, and the existing awning repaired to the satisfaction of the Director of Development Services.
9. A minimum five-foot (5') landscape buffer shall be provided along the Long Beach Boulevard street frontage. Applicable setback requirements shall be expanded to require a minimum five-foot (5') landscape buffer to any adjacent residential district.
10. The existing non-conforming signage shall be removed and all signage improved to the satisfaction of the Director of Development Services.

11. A parking and landscaping plan shall be submitted and approved, prior to installation/placement of landscaping, paving, and striping. The plan shall include new decorative fencing, parking lot striping and re-slurring, and at least two designated spaces for customers/guests.
12. All existing parking lot lighting shall be repaired/repainted to the satisfaction of the Director of Development Services.
13. No streamers, balloons and/or flags shall be placed on the property for advertisement.
14. Test-driving shall not occur on residential streets or alleys. Test-driving shall only occur on streets designated as major and minor arterial streets. The dealership shall inform all personnel of this requirement to ensure compliance.
15. 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. The use of an outdoor speaker system is prohibited.
16. All repair work shall occur within a fully enclosed building. ~~No outdoor repair is allowed.~~
17. All loading and unloading shall occur on private property and is limited to the hours of 7 a.m. to 7 p.m. Monday through Saturday, excluding holidays.
18. The use of outdoor speakers is prohibited and 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.

Standard Conditions:

19. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Director of Development Services.
20. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is 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.
21. In the event of 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 specific requirements must be recorded with all title conveyance documents at the time of closing escrow.

22. This approval is required to comply with these conditions of approval as long as the use is 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 the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
23. All conditions of approval must be printed verbatim on all 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.
24. 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 and/or the Planning Commission.
25. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
26. 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.
27. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
28. 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. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
29. Any graffiti found on site must be removed within 24 hours of its appearance.
30. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
31. 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.
32. Prior to the issuance of a building permit, the applicant shall submit landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations. For more information, contact Sgt. David Marander at (562) 570-5767.

33. 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.
34. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
35. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - 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
36. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
37. The applicant shall defend, indemnify, and hold harmless the City of Long Beach and its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, and employees to attack, set aside, void, or annul the approval of the City of Long Beach 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.



CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
tdds.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 11-025

Project Location/Address: 1470 N Long Beach Blvd.

Project/Activity Description: 13 USED CAR DEALERSHIP

Functional Social Solutions Inc.

323-551-8233

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: 1470 N Long Beach Blvd.

Mailing Address: Long Beach

Phone Number: CA

Applicant Signature: *Michael Jones*

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1103-19 Planner's Initials: SV

Required Permits: Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15301, Class 1, Existing Facilities

Statement of support for this finding: Use permit for existing land use.

Contact Person: Craig Chalfant

Contact Phone: 562-570-6768

Signature: *Craig Chalfant*

Date: 11/9/12