



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

June 18, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve a Conditional Use Permit to allow an existing used car dealership located at 1760 Long Beach Boulevard to continue operation and comply with newly implemented amendments to PD-29. (District 1)

APPLICANT: Thomas Kim
520 W. Mesa Way
Long Beach, CA 90807
(Application No. 0903-04)

DISCUSSION

The project site is located on the east side of Long Beach Boulevard, just south of Pacific Coast Highway (Exhibit A – Location Map and Photos) on a 12,140 square foot lot in PD-29. The site is adjacent to a Chevron gas station and has been used as a used car dealership since August 23, 2003.

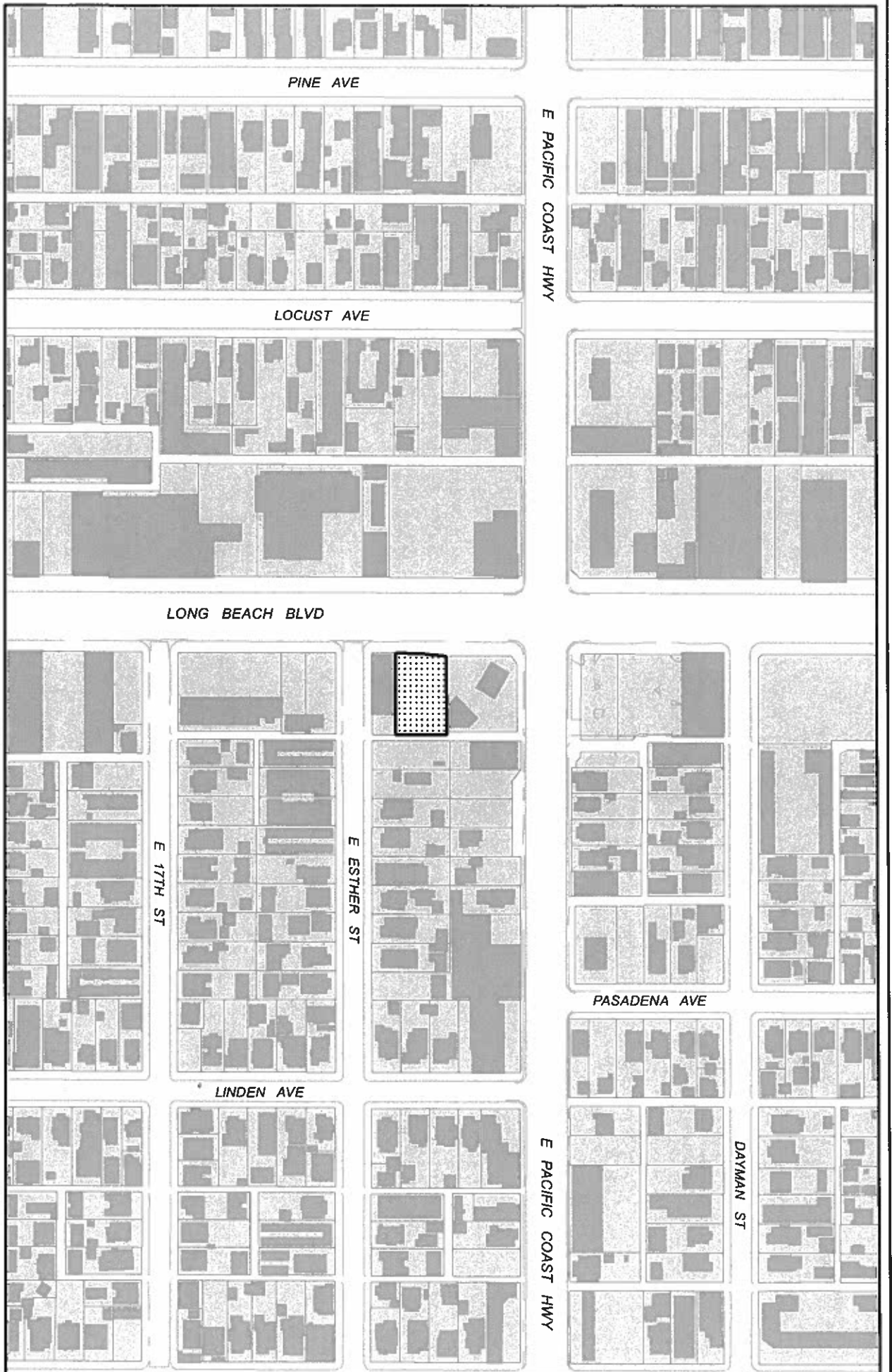
The City Council adopted changes to PD-29 on May 8, 2007 that requires all non-conforming automobile sales businesses to obtain a Conditional Use Permit (CUP) (Exhibit B – PD-29 Performance Standards). The ordinance further states that a CUP application must be filed within 90 days, but not more than 180 days, prior to the expiration of the two-year amortization period. In addition to the CUP, the amendment establishes performance standards for all automobile sales businesses. The performance standards include the following development requirements: 1,000-square-foot showroom/office, security lighting, five-foot landscaping buffer, sufficient vehicle queuing, limited loading and unloading hours, noise and signage control, as well as sufficient screening from adjacent uses.

The applicant applied for a Conditional Use Permit within the 180-day amortization period and can meet all performance standards (Exhibit C – Findings and Conditions of Approval), except the requirement for a 20,000-square-foot-lot. Because the dealership is fairly new (2003) and can meet all other standards, staff is asking that the Planning Commission waive the lot size requirement and approve the Conditional Use Permit with Conditions of Approval.



Subject Property:
1760 Long Beach Blvd
Application No. 0903-04
Council District 1
Zoning Code : PD-29 (SubArea4)

Exhibit A



CONDITIONAL USE PERMIT FINDINGS

1760 Long Beach Blvd

App No. 0903-04

June 18, 2009

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 newly established standards in PD-29. The purpose of the new regulations 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 1760 Long Beach Blvd 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 does not necessarily meet the intent of PD-29. However, since the use is located next to a compatible use (gas station) and 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 and no specific plan applies to the subject site.

In order to comply with the newly created performance standards codified in PD-29, a dealership must comply with the following regulations:

- 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 less than 20,000 square feet lot. Since the property is well maintained, can meet all other requirements and is a fairly new building, staff is asking that this requirement be waived.

- 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 feet requirement for showroom/accessory office are may be waived subject to the approval of the Director of Development Services.

A 1,000 square foot showroom/accessory office exists on the project site and has been previously remodeled. No additional square footage is being added and no improvements are required given that the building is in great condition.

- 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. Rooftop storage of vehicles is permitted.

Parking will be provided 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.

A six foot, six inch block wall is being placed along the side and rear property lines and is required by condition number 9.

- 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.

A five-foot landscaping buffer is being placed on all sides of the parking lot to screen the use from 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 or required as part of this project.

- 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.

The existing lighting onsite is sufficient and does not intrude onto neighboring properties. No additional lighting is required.

- H. Loading and Unloading of Vehicles. Loading and unloading of vehicles is permitted only in accordance with this subsection.

See letter J below.

- I. Loading and unloading of vehicles are limited to the hours of seven (7) a.m. to seven (7) p.m. Monday through Saturday, excluding legal holidays.

Condition # 10 was added limiting loading and unloading hours to 7 am to 7 pm 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.

Condition # 10 was added to the project required that all loading and unloading occur on-site and not in the public right of way.

- K. Storage of Vehicles to Be Repaired. No vehicles to be repaired shall be parked or stored on any public street or alley.

Condition # 8 was added to the project prohibiting the repair of vehicles in the public right of way.

- L. Repair of Vehicles. All repair work shall occur within a fully enclosed building.

Condition # 8 will be added to ensure that all repair work occurs indoors.

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 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 did not create an adverse impact on adjacent properties and surrounding neighborhoods. Since all performance standards can 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 relating to the sale of automobiles.

CONDITIONS OF APPROVAL

1729 Long Beach Blvd

No. 0903-04

June 18, 2009

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 with no auto repair.
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. No streamers, balloons and/or flags shall be placed on the property for advertisement.
5. Test-driving shall not be done 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.
6. 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.
7. No outdoor storage is allowed, besides used vehicles for sale.
8. All repair work shall occur within a fully enclosed building. No repair work shall be done in a parking stall or in the public right of way.
9. 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. All barbed wire shall be removed from the property.
10. 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.

Standard Conditions:

11. 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.
12. 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.
13. 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 time of closing escrow.
14. 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).
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. 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).
21. Any graffiti found on site must be removed within 24 hours of its appearance.
22. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
23. 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.
24. 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.
25. 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.
26. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
27. 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
28. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.

29. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.



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
lbds.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- 09-013

Project Location/Address: 1760 Long Beach Blvd. Long Beach CA 90813

Project/Activity Description: Conditional Use Permit for Used Auto Dealership

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

Applicant Name: Thomas Kim

Mailing Address: 520 W. Mesa Way Long Beach CA 90807

Phone Number: 562-824-6900

Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: _____ Planner's Initials: _____

Required Permits: _____

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: New permit for existing business.

Contact Person: Craig Chalfant

Contact Phone: 562-570-6368

Signature: [Signature]

Date: 6/8/09