



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

April 4, 2013

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

RECOMMENDATIONS:

Approve a Conditional Use Permit (CUP) request to allow a used car dealership at 2223 Long Beach Boulevard within the Long Beach Boulevard Planned Development District (PD-29) and General Plan Land Use District No. 7 (Mixed Uses). (District 6)

APPLICANT: George Rojas
911 Vreeland Avenue
Wilmington, CA 90744
(Application 1207-03)

DISCUSSION

The subject site is located mid block on Long Beach Boulevard between 23rd Street and Hill Street in the Long Beach Boulevard Planned Development District (PD-29) and General Plan Land Use District No. 7 (Mixed Uses) (Exhibit A – Location Map). The site is currently improved with a one-story, 778-square-foot building, a 890-square-foot two-story apartment and a 1,450-square-foot smog test facility and shared paved parking area. The neighboring land uses are a single-family dwelling located north of the property, a used car dealership located to the south, and an apartment building adjacent to the alley on the west. A used car dealership was previously established at this site from 2004 until 2011. The last user was Salem Auto Sales, an auto/boat sales use, and the office building has been vacant since.

The applicant is proposing to re-establish a used car dealership at this site. The proposal includes outdoor display areas of vehicles for sale, on-site parking spaces for customers and employees, a 678-square-foot office space, outdoor security lighting, and landscaping. As shown on the Site Plan (Exhibit B – Site Plan), there are two driveway entrances abutting the street frontages and access from the alley.

As this proposal does not include any interior showroom space or repair service uses, required on-site parking would apply to the office and outdoor display area only. The 678-square-foot office would require three parking spaces, while the outdoor display area totaling 1,980 square feet would require two parking spaces for a total of five required spaces. A total of eight parking spaces and two two-car garages are proposed for this site, in compliance with the parking standards.

Approval of a Conditional Use Permit (CUP) is required to establish a used car dealership in the PD-29 District and to ensure performance standards for the use. Staff has prepared positive findings and conditions for your review (Exhibit C – Findings and Conditions of Approval). The recommended conditions will require compliance with the “Performance Standards” codified in PD-29 to ensure that automobile dealerships do not create adverse impacts on adjacent properties and the surrounding neighborhood 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 applicant has submitted a letter of intended improvements (Exhibit D – Letter of Intent). The applicant will repaint all the buildings, repave the lot, re-stripe the parking spaces, refurbish the existing lighting poles, add a new side yard block wall, add a new landscape buffer along the north property line, repair damaged walls and re-landscape the front setback. These improvements, as well as the other improvements listed, will have a positive impression on the lot. Staff believes that the project will have minimal impact on surrounding land uses. Conditions of approval will also require prevention of nuisances and other potential negative effects. For these reasons, staff recommends the Planning Commission approve the request for a Conditional Use Permit.

PUBLIC HEARING NOTICE

Public hearing notices were distributed on March 19, 2013, in accordance with Section 21.21.302 of the Long Beach Municipal Code. No responses were received as of the date of preparation of this report.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 12-050) was issued for the proposed project (Exhibit E – Categorical Exemption).

Respectfully submitted,


DEREK BURNHAM
PLANNING ADMINISTRATOR

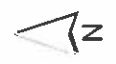

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:DB:MDG

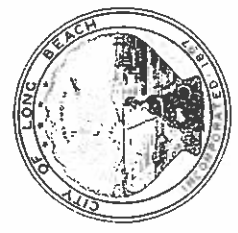
- Attachments:
- Exhibit A – Location Map
 - Exhibit B – Site Plan
 - Exhibit C – Findings and Conditions of Approval
 - Exhibit D – Letter of Intent
 - Exhibit E – Categorical Exemption



Exhibit A



Subject Property:
 2223 Long Beach Blvd
 Application No. 1207-03
 Council District 6
 Zoning Code : PD-29 (SubArea 3)



W 21ST ST

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL**

2223 Long Beach Boulevard

Application No. 1207-03

April 4, 2013

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 in conjunction with a apartment unit and smog test facility.
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. The wrought iron fence at the rear property shall be repainted.
5. Fences located within the front yard setback area, are limited to a maximum of 3 feet in height.
6. The buildings on the lot shall be repaired and repainted to the satisfaction of the Director of Development Services.
7. An 18" landscape buffer adjacent to the north residential property will be added and maintained.
8. The existing non-conforming signage shall be removed and all signage improved shall be approved to the satisfaction of the Director of Development Services.
9. A parking and landscaping plan shall be submitted and approved, prior to installation/placement of landscaping, paving, and striping. The plan shall include new block wall, parking lot striping and re-slurring, and eight designated spaces for customers/guests.
10. All existing parking lot lighting shall be repaired/repainted to the satisfaction of the Director of Development Services.

11. No streamers, balloons and/or flags shall be placed on the property for advertisement.
12. 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.
13. 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.
14. No repair work shall occur on site.
15. 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.
16. 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:

17. 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.
18. 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.
19. 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.
20. 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).
21. 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.

22. 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.
23. 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.
24. 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.
25. 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.
26. 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).
27. Any graffiti found on site must be removed within 24 hours of its appearance.
28. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
29. 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.
30. 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. Milton Thomas at (562) 570-5835.
31. 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.
32. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.

33. 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
34. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
35. 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.

CONDITIONAL USE PERMIT FINDINGS

2223 Long Beach Boulevard

App No. 1207-03

April 4, 2013

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 request for a Conditional Use Permit to allow a used car dealership within PD- 29 (Long Beach Boulevard Planned Development District) and assure compliance with performance standards codified in PD-29. 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 used auto dealership located at 2223 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 dealership is located on a lot less than 20,000 square feet (5,850 square feet) in size. However, the property has been previously used as an auto-dealership since 2004. Furthermore, with the incorporation of conditions of approval, which require continual maintenance and upgrades to landscaping, fencing, paving and painting, 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-foot requirement for showroom/accessory office may be waived subject to the approval of the Director of Development Services.

A 678-square-foot accessory office exists on the project site, which is considerably less than the required 1,000 square feet required to comply with PD-29 performance standards. Since the office existed before the effective date of the ordinance, staff is asking that the office requirement be waived given that a condition of approval was added requiring that the existing office be remodeled 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 an existing fence and provide a minimum six-foot, six-inch high decorative block wall abutting the residential property to the north, at a setback of 20' feet to line up with the existing frontage of the single family home. An 18' landscape buffer shall be installed instead of a 5 feet buffer to allow the continuance vehicle circulation and access to the property 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.

A five-foot-wide landscape buffer exist at the site the applicant will re-landscape the planning area to increase the esthetics of the street frontage.

- 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 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 in the public right of way.

- I. Loading and unloading of vehicles are 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 are 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.

The applicant will not have repairs on site. A condition of approval was added 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.

A condition of approval was added requiring that all repair work occur only within a fully enclosed building or as previously permitted.

- 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 is 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.

There are two existing entrances along Long Beach Blvd and access to the residential unit from the alley. Customer parking will be accessed from Long Beach Blvd, and not loading and unloading is proposed at this site, vehicle for sale will be driving in from a Wilmington show room area.

- P. Noise Control.

1. The use of outdoor speakers are 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.

P. 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.

Q. 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 to the project requiring that all signage be improved to the satisfaction of the Director of Development Services.

R. 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. Due to the amnesty period, 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, except a lot size and office size requirements 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.

- 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.**

This finding is not applicable no development is proposed.

Proposed improvements to 2223 Long Beach Blvd.

1. Repave the entire parking lot and repaint all parking slots.
2. Paint all structures on the property according to the guidelines set by city planner.
3. Build new 3 foot fence on the street side of the building behind the landscaping.
4. Paint the new fence in black along with the rear gate and any iron rod fencing to match.
5. Refurbish existing light polls and paint to match the black fence and rear gate.
6. Build an 8 foot wall along the property line shared with the residence on the north side.
7. Repair damaged brick wall between the Dealer office and residential area.
8. Build a deck for the residential building on the plot.
9. Build new planters along the north side of the property as illustrated in landscape plans.
10. In regards to 2223 Long Beach Blvd. Long Beach California proposed site of Shoreline Auto Sales: There will be no towing to and from this property. All vehicles will be driven to the site to be put up for sales and picked up by new owners once sold.



NOTICE of EXEMPTION from CEQA

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- 12-050

Project Location/Address: 2223 Long Beach Blvd.

Project/Activity Description: Used Car Dealership

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

Applicant Name: George Rojas

Mailing Address: 911 Vreeland Ave. Wilmington, CA 90744

Phone Number: 714-309-6127

Applicant Signature: 

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1207.03 Planner's Initials: MDG

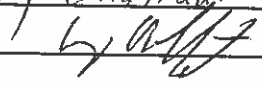
Required Permits: Conditional Use Perm.

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 land use on existing commercial property.

Contact Person: Craig Chalfant

Contact Phone: 562-570-6367

Signature: 

Date: 3/21/13