

## CONDITIONAL USE PERMIT FINDINGS

**1911 East Pacific Coast Hwy  
November 3, 2022**

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 NOT CONSISTENT WITH AND DOES NOT CARRY OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

Currently, the project site is developed with a 3,296-square foot restaurant (Los Potros) and associated paved surface parking lot; Exhibit 2-2, Site Vicinity. The restaurant provides indoor and outdoor seating, and operates from approximately 11:00 a.m. to 2:00 a.m. on Wednesdays through Sundays and 2:00 p.m. to 2:00 a.m. on Mondays and Tuesdays. 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 fencing. There is minimal to no landscaping on-site. A wooden pole with overhead utility lines and an electricity transformer are located at the center of the site and connects to other adjacent wooden utility poles off-site. The project site has an underlying General Plan Designation of Neighborhood Serving Centers and Corridors-Moderate (NSC-M) which encourages a variety of commercial uses to meet the consumers' daily need and is split designated Regional Commercial Highway or CHW which is intended for mixed scale commercial uses located along major arterial streets and regional traffic corridors where residential use is not permitted, and Low-density Multi-family Residential, small lot or R-3-S which allows for multi-family residential on small lots. Car washes and drive-through facilities may only be permitted in the district, upon affirmatively finding all of the required findings in support of the use.

The established purpose of the Zoning Code includes protecting residential uses such as the adjacent residential neighborhood to the north from the intrusion of incompatible uses (LBMC 20.10.020). A 9-foot perimeter wall serve as a buffer between the neighborhood and car wash. However, that does not mitigate all relevant concern about compatibly as 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 (Exhibit H - Impacted Community Map). The neighboring residential properties are sensitive receptors; children, specifically, are sensitive receptors as they are more susceptible to the impacts of pollution. Contrary to the goal of prohibiting incompatible uses, the proposed car wash would intensify the auto-oriented land uses adjacent to the residential properties. The proposed car wash in this location would not be consistent with the environmental health vision established

in the Land Use Element of the General Plan (page 6) which promotes the creation of buffers between residential uses and sensitive receptors (e.g., residential units, schools, hospitals and daycare centers) and facilities such as freeways, industries, the ports of Long Beach and Los Angeles and the Long Beach Airport that might affect them. Broadly the use of the subject parcel as a carwash will expose residents to elevated levels of noise and air pollutants. The existing environmental setting is disadvantaged both in respect to its current pollutant load as well as demographic and health indicators. Introducing additional auto-oriented uses to this location is inconsistent with the environmental justice policies of the General Plan.

<b>CUP GENERAL PLAN CONSISTENCY REVIEW</b>		
<b>Policy/Strategy Number</b>	<b>Policy/Strategy Land Use Element (LU)</b>	<b>Finding</b>
<b>LU 1-10</b>	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 a automated carwash development in 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 Hwy.
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	

**2. THE PROPOSED USE WILL BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

Site access would be provided via one full access driveway along Gardenia Avenue; refer to Exhibit 2-3. Vehicles would enter the driveway and travel along the western and northern site perimeters of the project site into the car wash tunnel. Upon exiting the tunnel, vehicles have the option to either turn right and park in

one of the vacuum stations, or exit the project site through two exit-only driveways along East 19th Street or East Pacific Coast Highway. Directions and signage would be installed on-site to guide vehicles through the site. As stated, the proposed project would include 18 self-vacuum parking station (including one accessible parking space), each equipped with one vacuum. With an estimated 775 daily trips to car washed as assumed in the Air Quality Report, the car wash could see upwards of 39 vehicles in an hour depending on the trip distribution. Staff finds that with the bunching of trips (especially during peak hours), occasional equipment malfunction, or periodic user error at the pay station would create vehicle conflicts on site, with the pedestrian path of travel on the adjacent sidewalk, and with north bound traffic on Gardenia Avenue and west bound traffic on Pacific Coast Hwy that would create a hazard.

Per the Air Quality Analysis prepared by Michael Baker International, Inc. on February 2022, air quality emissions from the vehicles using the car wash would be below both regional and localized thresholds from the South Coast Air Quality Management District. Localized thresholds are used to determine impacts to the nearby community, such as the elementary school. While the technical reports conclude there is no significant impact from noise or air quality, there are limitations to those studies and there are other factors of compatibility that must be considered. The proposed use is adjacent to a residential neighborhood which is classified as a sensitive receptor; children, specifically, are sensitive receptors as they are more susceptible to the impacts of pollution. This project site is located within an area that is documented to be one of the most pollution burdened areas of the city by income (-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 90<sup>th</sup> percentile or top 10 percent for the most pollution burdened. The proposed car wash design will intensify the property by locating the car wash queue lane within five feet of a residential property line in conflict with the stated goals of the General Plan and Zoning Code to buffer sensitive uses. While it is largely impossible to quantify the impacts of air pollution on health in a manner disaggregated to a single source, it is well documented that cumulative exposure to pollutants has a negative impact to neurodevelopment with the elderly and children being most vulnerable.

The proposed car wash in this location would not be consistent with the environmental health vision established in the Land Use Element of the General Plan which promotes the creation of buffers between residential uses and sensitive receptors (e.g., schools, 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. Within approximately ½ mile of the proposed site there are four drive throughs (fast food), three car washes, and four gas stations. General Plan Land Use Policy 14-3 to "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." Allowing another

highway commercial use would be inconsistent in this location as it would contribute to the generation of new emissions in an area already overburdened with pollution.

**3. THE APPROVAL IS IN COMPLIANCE WITH ALL OF THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52.**

Section 21.52.206 states that the following conditions shall apply to auto repair shops, service stations, car washes, auto upholstery shops, auto parts and tire sales uses requiring a Conditional Use Permit:

**A. The proposed use shall not intrude into a concentration of retail uses and not impede pedestrian circulation between retail uses.**

As proposed the car wash will not intrude into a concentration of retail uses and not impede pedestrian circulation between retail uses as the car wash will be developed on an underutilized existing commercial development that consists of a dine-in restaurant.

**B. The proposed use shall not create unreasonable obstructions to traffic circulation around or near the site.**

It is estimated that there will be up to 775 vehicle trips daily to the car wash or approximately 39 vehicle trips per hour if equally distributed throughout the day. With a total on-site queue length of 208 feet, there would be sufficient queueing to accommodate up to eight vehicles. The proposed vehicle queue was found to be sufficient length. However, as is often the case with drive through lanes trips are not evenly spaced out and there will be occasions when trips bunch or errors occur and vehicle queue extends into the right-of-way.

**C. No curb cuts shall be permitted within forty feet (40') of any public roadway intersection.**

The proposed car wash will require two new curb cuts to accommodate ingress/egress from the project site, however, the new curb cuts are not proposed to be within 40 feet of an intersection.

**D. No vehicles may be stored at the site for the purposes of sale, unless the use is also, vehicle sales lot or for use as parts for vehicles under repair.**

The proposed car wash will not result in the need to store vehicles for sale or repair. No vehicle storage, repairs or sales are associated with the current or proposed use.

**E. The site shall comply with all applicable development standards for open storage and repair uses specified in chapter 21.45. “Special Development Standards”.**

As previously described above, the proposed car wash will not result in the need to store vehicles for sale or repair. No vehicle storage, repairs or sales are associated with the current or proposed use.

**F. In the CB District, such uses shall be limited to locations inside parking structures:**

The subject property is located in the CHW Zoning District therefore, this condition is not applicable.

**G. In the CR and CO zones, Conditional Use Permit shall be limited to the expansion of existing nonconforming uses;**

The subject property is located in the CHW Zoning District. Therefore, this condition is not applicable.

**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**

Section 21.45.400 specifies types of projects that require compliance with green building standards. The proposed use is not one of the types of projects that require compliance with Section 21.45.400 and therefore, this section of the Municipal Code would not be applicable to the proposed use.