

CONDITIONAL USE PERMIT FINDINGS

3401 Long Beach

No. 0912-05

March 18, 2010

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 General Plan Land Use Designation (LUD) for the project site is LUD #8 Major Commercial Corridor District. This district is designed specifically for use along several major business corridors in the City. The district has some characteristics of Mixed Use District. Service related uses fronting major streets are convenient to persons traveling by car.

The proposed 765-square-foot self-service automated car wash will be located on the northwest corner of Wardlow Road and Long Beach Boulevard. The site is within the Community Commercial Automobile-Oriented zone district (CCA) of the City of Long Beach and requires approval of a Conditional Use Permit. Auto-oriented uses are considered appropriate at this district. Therefore, the project site location and CUP application is consistent with the subject zoning designation.

The subject site is not within the Coastal Zone.

- 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. A block wall located at the north and west side of the property buffers sensitive residential uses that are located to the west of the subject site. The mechanical equipment used by the car wash is required to meet the noise standards listed in section 8.80.160 of the City of Long Beach Municipal Code. The proposed car wash can provide a convenient and beneficial service to the community.

The car wash use will be consistent with the applicable General Plan and Zoning Ordinance. The approval subject to conditions would not have adverse effects to the surrounding community regarding noise, loitering, or lighting spillover.

The car wash use, subject to conditions, would not generate any significant impacts to public facilities (i.e., streets, schools), produce any hazardous materials, or result in any negative impacts to the public health, safety, general welfare, environmental quality or quality of life.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.

Section 21.52.206 The following conditions shall apply to auto repair shops, service stations, car washes, auto upholstery shops, auto parts and tire sales, camper installation businesses, van conversion businesses and the like:

A. In the CB district, such use shall be limited to locations inside parking structures.

Not applicable, the site is within the CCA zone district.

B. In the CR and Co zones, conditional use permits shall be limited to the expansion of existing nonconforming uses.

Not applicable, the site is within the CCA zone district.

C. Automobile service station uses shall be limited to retail sales of fuel, oil and small vehicle parts.

Not applicable, the proposal is for a new self-service automated car wash.

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

The proposed car wash service use will be in service simultaneously with an existing gas station and mini-mart. The car wash will not intrude into a concentration of the surrounding retail uses or impede pedestrian circulation between retail uses since the location is adjacent to two vacant lots with oil wells. No retail uses are adjacent to the site.

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

The car wash will utilize the former take-out drive-thru lane of the restaurant, which closed its business in 2008. The queuing space length is in compliance to the zoning regulation standards listed in section 21.45.130.

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

No new curb cuts are proposed at the site.

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

Condition number 11 prohibits the storage of cars for sale at the site.

H. The site shall comply with all applicable development standards for open storage and repair uses specified in chapter 21.45. "Special Development Standards".

Not applicable, no open storage or repair uses are proposed at the site.

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
Application No 0912-05
March 18, 2010**

1. The use permitted on the subject site, in addition to the other uses permitted in the CCA zoning district, shall be for a Conditional Use Permit approval for a 765 square foot attached self-service automated car wash at an existing gas station and mini market.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless all conditions have been completed to the satisfaction of the Director of Development Services, 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 Conditions of Approval from Applications 9802-02, and 9903-22 shall remain in effect unless otherwise specified herein and any other applicable applications. If individual conditions from said entitlements are superseded by more restrictive conditions from this subject permit, the more restrictive condition (s) shall take precedence.
5. Hours of operation for the approved use shall be limited to 7:00 a.m. – 8:00 p.m. Monday-Sunday.
6. Any rooftop equipment shall be located behind a screening device. The equipment shall be screened behind a screening device that matches the color and texture and is architecturally compatible with the existing building, to the satisfaction of staff.
7. Adequately sized trash enclosure(s) shall be maintained as per Section 21.46.080 of the Long Beach Municipal Code.

8. Applicant shall install operating machine equipment for the car wash that meet exterior noise limits standards of the Noise Ordinance 8.80.160. The operating machine must install a silencer package that produces the lowest decibel reading.
9. The exterior lighting shall not project toward the residential properties to the west of the subject site.
10. The operator shall prevent vehicles from queuing onto the public right-of way.
11. No wrecked, disassembled vehicles or vehicles for sale shall be parked on the site.
12. No speakers or amplified sound systems shall be allowed on site.
13. No loitering and No loud music signs shall be posted on site. Signs shall be visible from the parking lot.
14. The block wall shall be modified to provide additional sound attenuation to the satisfaction of the Director of Planning and Building.
15. No exterior roof access ladders allowed.
16. No exterior mounted publicly accessible telephones allowed.
17. The landscape plan shall be required prior to obtaining building permits indicating quantity, type, and size of all plants and trees. Landscape plan shall incorporate a variation of color and height, throughout the landscape areas.
18. Landscape inspection is required prior to Final Inspection.
19. Indicate all dimension of dedications of public improvements on plans.

Standard Conditions:

20. 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). 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 Zoning Administrator.

21. 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.
22. 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.
23. 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).
24. All conditions of approval must be printed verbatim on all plans submitted for plan review to Long Beach Development Services. These conditions must be printed on the site plan or a subsequent reference page.
25. All operational conditions of approval of this permit must be posted in a location visible to the public, in such a manner as to be readable when the use is open for business.
26. The Director of Long Beach 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.
27. Site development, including landscaping, shall conform to the approved plans on file with Long Beach Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
28. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants materials must be replaced with the minimum size

and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.

29. 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).
30. Exterior security bars, scissor gates, and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
31. Any graffiti found on site must be removed within 24 hours of its appearance.
32. All parking areas serving the site shall provide appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential buildings or neighborhoods pursuant to Section 21.41.259. Other security measures may be required to be provided to the satisfaction of the Chief of Police.
33. The operator of the approved use shall **prevent loitering** in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Planning and Building may require additional preventative measures such as but not limited to, additional lighting or private security guards.
34. 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.
35. Separate building permits shall be required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
36. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges,

Park Fees and Transportation Impact Fees.

37. The applicant shall provide the following to the satisfaction of the Director of Public Works:

PUBLIC RIGHT-OF-WAY

- a. The Developer shall dedicate 2 feet of right-of-way for alley purposes.
- b. The Developer shall dedicate the necessary right-of-way to achieve a 10-foot curbface to property line along both Long Beach Boulevard and Wardlow Road. The existing sidewalk currently occupies this space.
- c. The Developer shall make an irrevocable offer to dedicate 15.5 feet for street purposes along Long Beach Boulevard (measured from the existing street right-of-way), in order to achieve a 53-foot wide (west) half-width (measured from the street centerline).
- d. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.

ENGINEERING BUREAU

- e. Developer shall improve the public sidewalk in accordance with City standards; along Wardlow Road, at the southwest end of the project sit, between the curbface and property line, to the centerline of the adjacent alley for ADA travel purposes. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the City Engineer.
- f. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
- g. The Developer shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.
- h. Public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.

TRAFFIC & TRANSPORTATION BUREAU

- i. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual On Uniform Traffic Control Devices

(MUTCD), 2003 edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

- j. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify the existing curb marking zones, adjacent to the site.
38. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
 39. The applicant shall file a separate plan check submittal to the City of Long Beach Gas and Oil Department for their review and approval prior to the issuance of a building permit.
 40. 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
 41. Any unused curb cuts shall be replaced with full height curb, gutter and sidewalk and shall be reviewed, approved and constructed to the specifications of the Director of Public Works.
 42. 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.