



Appeal of Planning Commission Denial of a CUP for a Car Wash
1911 E. Pacific Coast Highway
City Council Public Hearing – February 21, 2023

Background

- **November 3, 2022** – Planning Commission hearing. The Planning Commission acted to:
 - 1) Recommend Approval of a Zone Change (4-0) and
 - 2) Deny the Conditional Use Permit (CUP) (1-1).
- **November 8, 2022** – Applicant filed Appeal
- City Council hearing required to consider 1) Zone Change recommendation and 2) to hear the appeal of the Commission's CUP denial

Project Site and Requested Approvals

Project Site

- Area: 0.55 acres
- Existing Zoning: Regional Highway Commercial (CHW)/Low-Density Multi-Family Residential, small lot (R-3-S)
- General Plan PlaceType: Neighborhood-Serving Center or Corridor – Moderate (NSC –M)
- Existing: Mexican restaurant

Conditional Use Permit (CUP)

- CUP: Car wash
- 3,278 square-foot (SF) car wash tunnel
- 482 SF Restroom, trash, vacuum storage, and monitoring room
- Hours: 7:30 am - 8:00 pm daily



Project Vicinity



A



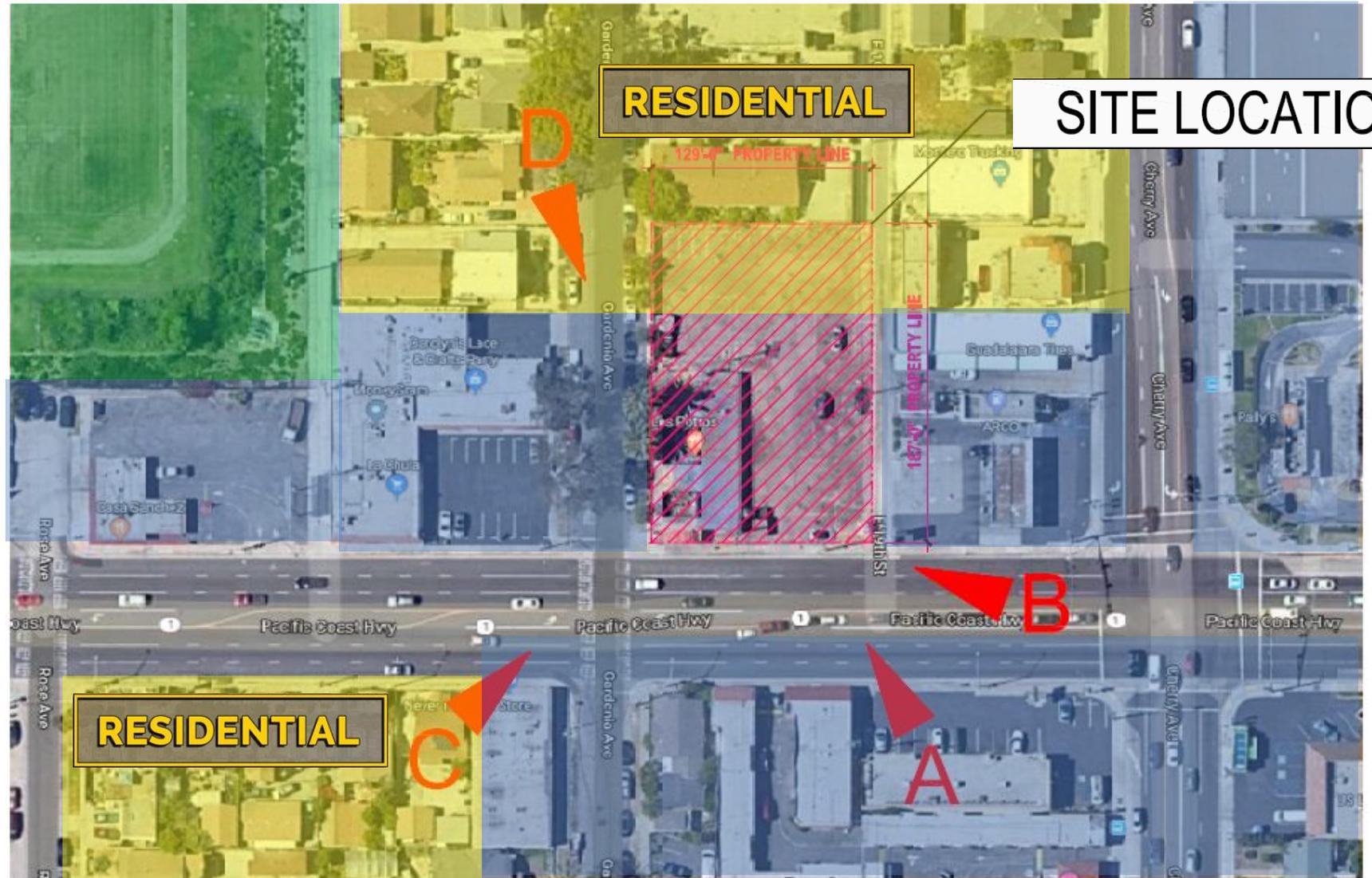
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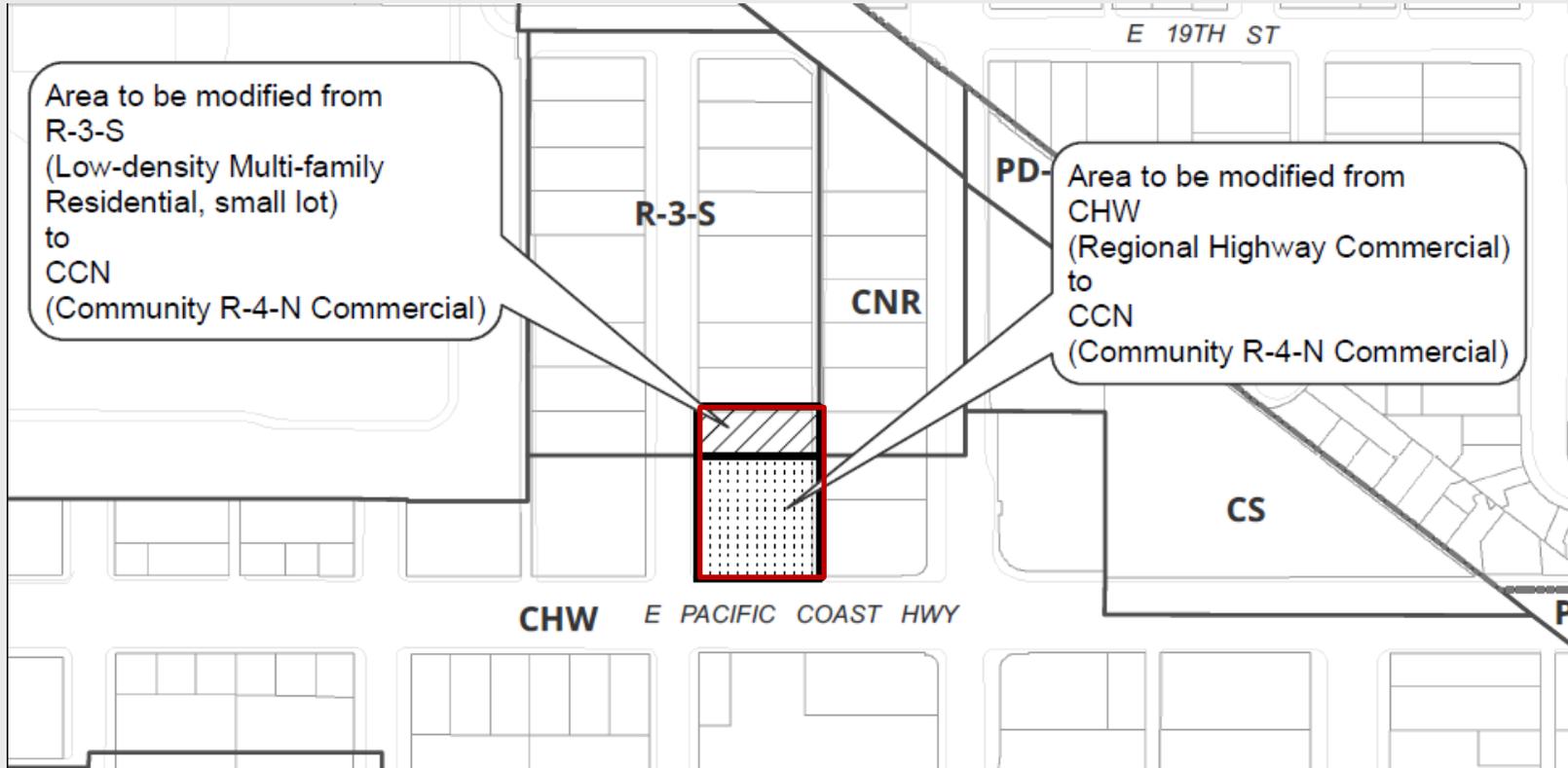
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Requested Approval: Zone Change

Zone Change (ZCHG)

- ZCHG: CHW/R-3-S \longrightarrow Community R-4-N Commercial



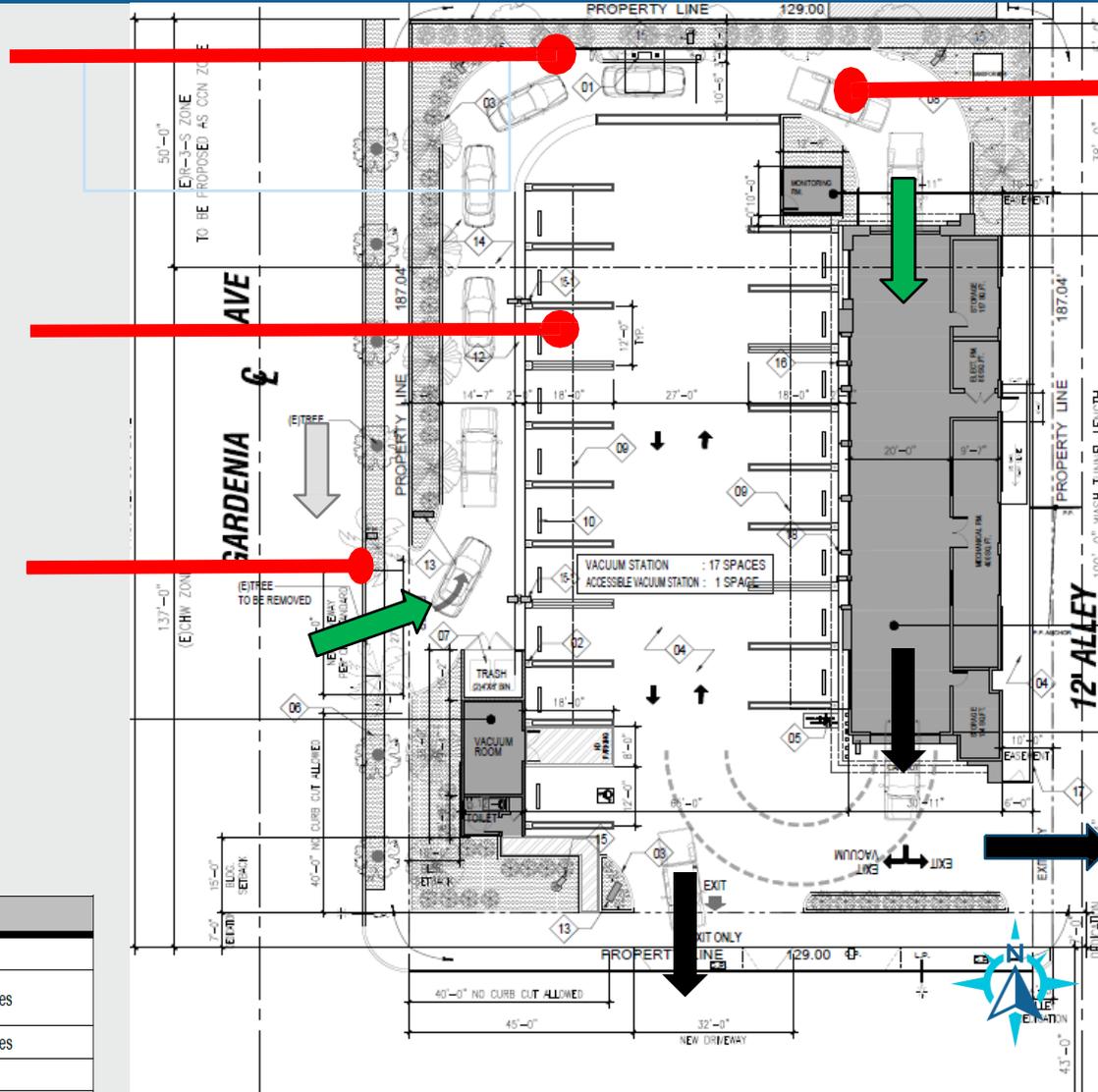
Project Plans

Payment Kiosk

18 stalls for vacuuming

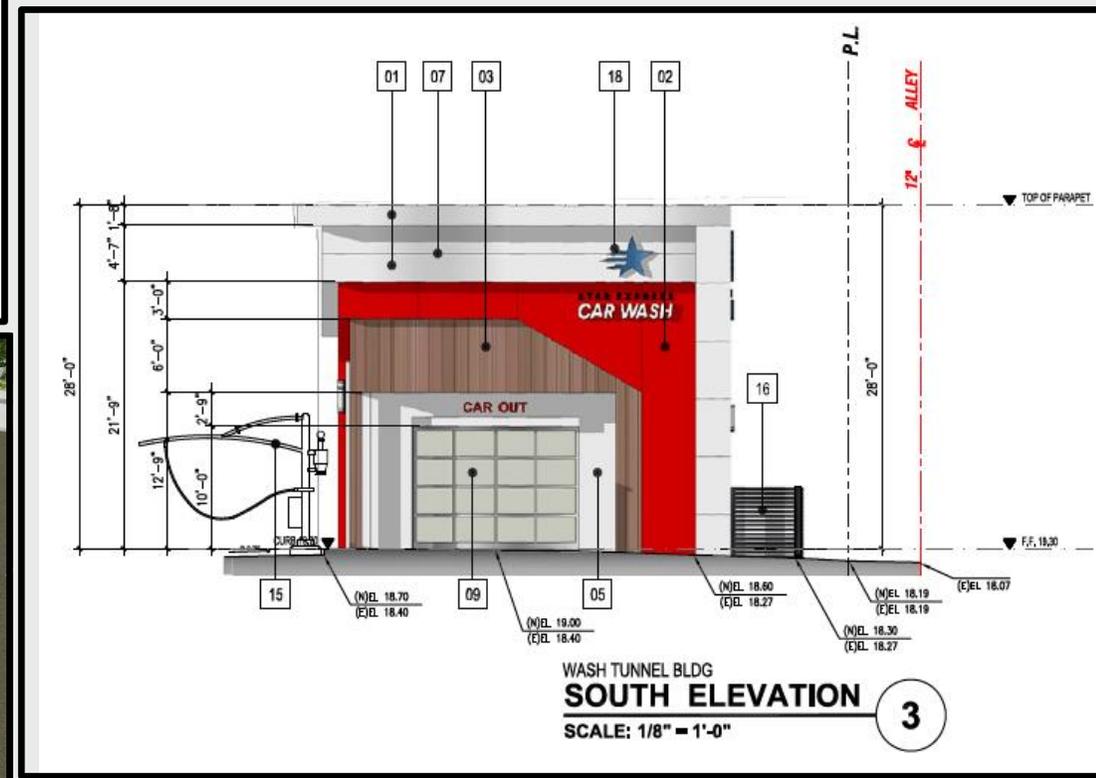
New driveway

One drive through lane 208 feet in length



Proposed Buildings	Size (square feet)	Height
Car Wash Tunnel	3,278	28 feet
Restroom, Trash, and Vacuum Storage Building	355	16 feet, 6 inches
Monitoring Room	127	13 feet, 3 inches
Total	3,760 square feet	

Building Elevations



Conditional Use Permit (CUP) Overview

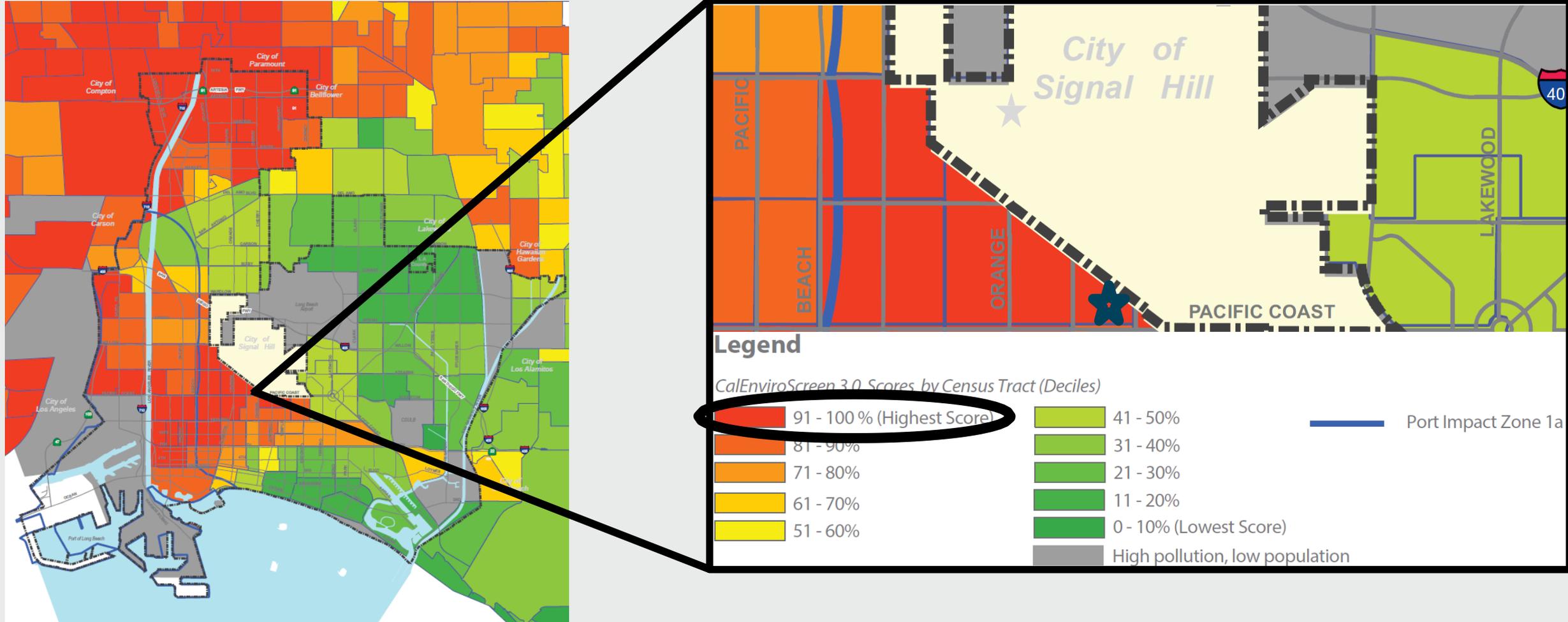
What is the purpose?

- Individual review of certain uses that would be appropriate in some but not all locations within a zone if certain findings cannot be made to ensure appropriateness

Findings Required for a CUP:

1. Consistency with General Plan and Zoning District
2. Use must not be detrimental to surrounding community including:
 - Public Health
 - Safety
 - General welfare
 - Environmental quality
 - Quality of Life
3. Comply with Special Zoning Conditions
4. Comply with Green Building Standards

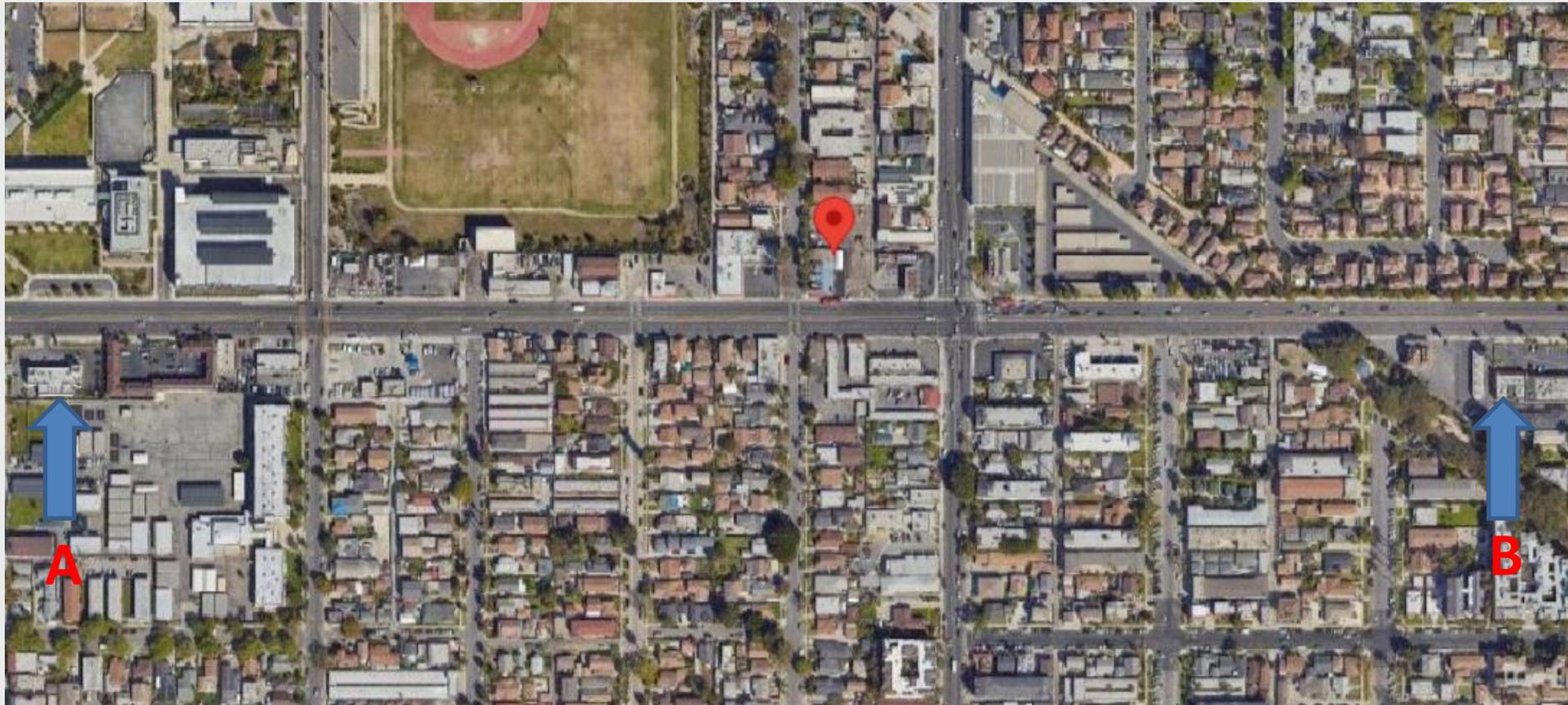
Impacted Communities Map



Land Use (LU) Policy 16-1 to “identify areas and populations of the City that are exposed to unsafe levels of environmental pollutants,” which are identified through Impacted Communities Map LU-6 in the Land use Element

General Plan

General Plan LU Policy - 14-3 “[a]void concentrating undesirable uses, service facilities and infrastructure projects in any manner that results in an inequitable environmental burden on low-income or minority neighborhoods.”



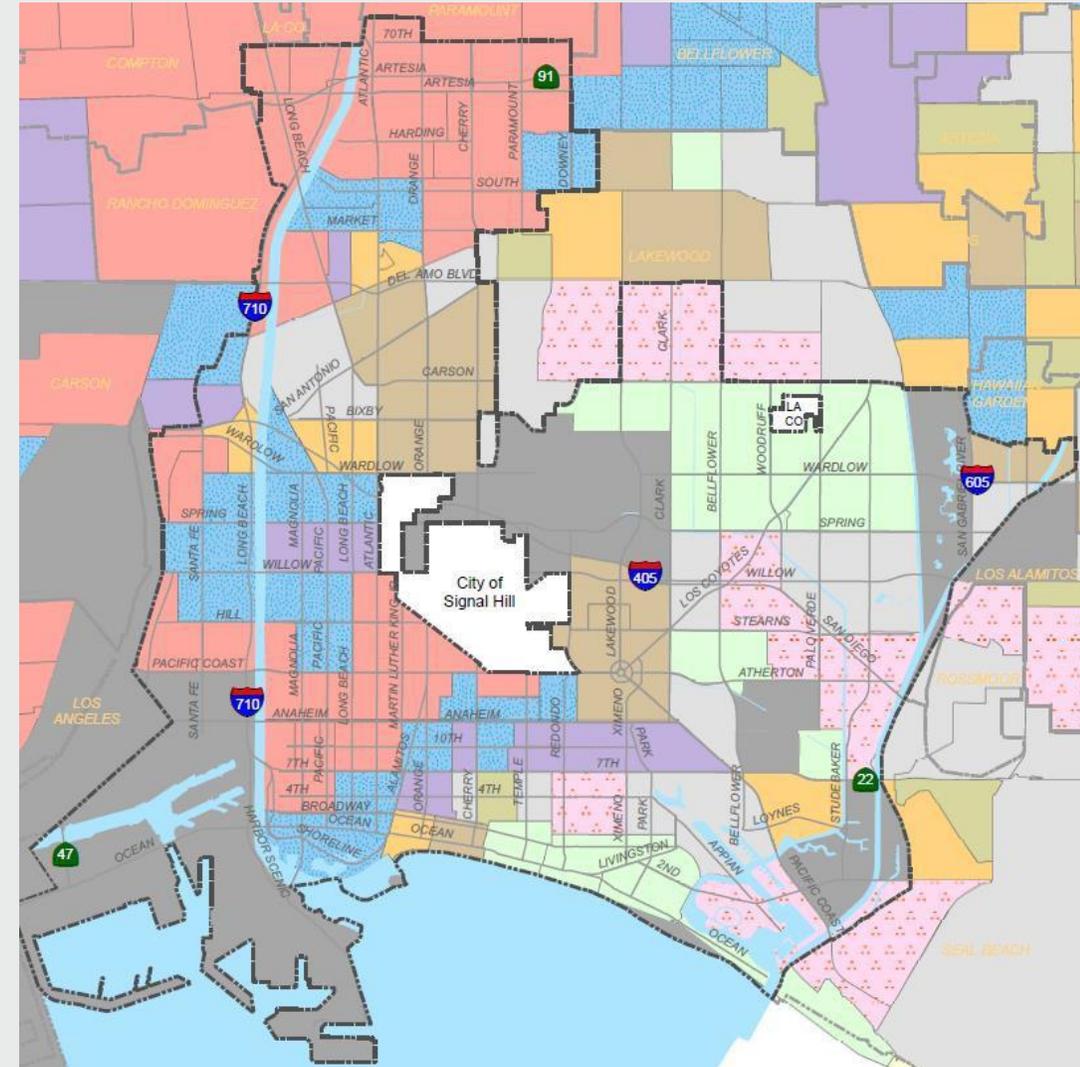
Trojan Car Wash



College Car Wash

General Plan

- **Land Use (LU) Strategy 14:** “promote the equitable distribution of services, amenities and investments throughout the City”
- **LU Strategy 16:** “prevent and reduce disproportionate environmental burdens affecting low-income and minority populations”
- **LU Policy 16-7:** which guides decision makers to “evaluate new land uses in a manner that is conscious of the cumulative impacts of pollutants and history of pollutant burden and public under investment in disadvantaged communities.”



Existing Site Conditions

Existing Conditions:

- Extreme Blight
- Issue relating to the unhoused population
- Crime

Calls For Service:

- 7 calls from Jan to Nov 2022:
 - (3) Battery (between individuals)
 - (2) Dispute
 - (1) Burglary
 - (1) Unwelcome (trespassing)

Code Enforcement Cases:

- (4) Graffiti, Weeds, and Debris
- (5) Fire “Assembly” (exceeded allowed capacity)
- (1) Covid-19 violation
- (1) Portable signage



Planning Commission Public Comments

- Planning Commission meeting, the City received over 20 public comments on the project, including comments on the following topics:
 - Over Concentration of car washes
 - Traffic
 - The need for affordable housing

Planning Commission's Recommendation

Planning Commission could not affirmatively make all required CUP findings due to the following:

1. Project is inconsistent with key General Plan policies including protecting sensitive receptors and environmentally impacted communities.
2. Project results in continued underutilization of parcel on a major high quality transit corridor.
3. Area was found to be disproportionately impacted by pollution.
4. Area has a sufficient number of automobile-oriented uses along Pacific Coast Highway

Planning Commission's Recommendation

These are **policy issues and not California Environmental Quality Act (CEQA) concerns**, as two of the required findings to be made for a CUP require:

1. That the proposed use be consistent with and carry out the policies of the General Plan.
2. That the proposed use would not be a detriment to the surrounding community including public health, safety, general welfare, environmental quality or quality of life.

- An Initial Study/Mitigated Negative Declaration (IS/MND 06-22) has been prepared for the project.
- The IS/MND finds that, by implementing identified mitigation measures for Air Quality, Cultural Resources, Energy, Greenhouse Gas Emissions, Noise, Transportation, and Tribal Cultural Resources, the project will not result in significant effects to the environment.
- The IS/MND was circulated for a 30-day public review period between June 1 and June 31, 2022.

Appeal

- The Applicant appeal was filed within the 10-day appeal period.
- The appeal seeks approval for the request for a CUP for the car wash for the following reasons:
 - Planning Commission erred in its interpretation and application of General Plan Policies
 - No over concentration - existing car washes in the area are not comparable in quality/technology
 - Planning Commission erred in determining residential use was a potential

Response and Summary

- Proposed car wash design would 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.
- Proposed car wash in this location would not be consistent with the environmental health vision nor the environmental justice policies established in the LUE of the General Plan
- Consideration of short-term vs long-term impacts of bringing in a new use versus continued under-utilization

Recommendation

Receive supporting documentation into the record, conclude the public hearing, and consider the applicant's appeal by SM Car Wash (APL22-005);

Adopt a Resolution adopting and certifying a Mitigated Negative Declaration (IS/MND 06-22) and making findings of fact;

Declare an Ordinance amending the Land Use District Map (Zoning Map) by amending portions of Part 10 of said map to approve and implement a Zone Change (ZCHG20-009) from Regional Highway Commercial (CHW) and Low-density Multi-Family Residential, small lot (R-3-S) to Community R-4-N Commercial (CCN), read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Deny the appeal of the Planning Commission's decision and deny a Conditional Use Permit (CUP20-003) for a new 3,278-square-foot detached automated car wash along with two ancillary buildings, located at 1911 East Pacific Coast Highway in the CCN Zoning Districts. (District 6)



Thank you

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Response to Appeal

- Based on the required findings in the record of proceedings, staff cannot make affirmative findings for the requested Conditional Use Permit for the following reasons:
 - Proposed car wash design would 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.
 - Proposed car wash in this location would not be consistent with the environmental health vision nor the environmental justice policies established in the LUE of the General Plan

Noticing

- 142 notices were mailed out on January 10, 2023 in accordance with Section 21.21 of the City's Municipal Code.
- A notice of public hearing was published in the Long Beach Press-Telegram on January 10, 2023.
- All contacts on the IS/MND distribution list and all commenters on the IS/MND were provided a notice of public hearing.
- All individuals that commented during the Planning Commission process were provided a public hearing notice.
- Notices were posted onsite.
- No additional public comments have been received in response to the required noticing.

Building Elevations

