

**CONDITIONAL USE PERMIT  
FINDINGS  
4800 East Pacific Coast Highway  
Application No. 1905-21 (CUP19-015)  
September 19, 2019**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code (LBMC), a Conditional Use Permit (CUP) can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings along with staff analysis are presented below 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 subject site is located on the southwest corner of East Pacific Coast Highway and Park Avenue within the General Plan Land Use District Mixed Use (LUD#7) and the Community Commercial Automobile-Oriented (CCA) zoning district. The CCA District permits retail and service uses for an entire community including convenience and comparison shopping for goods and associated services. Within the CCA Zone, the operation of a carwash requires approval of a Conditional Use Permit (CUP). A CUP is consistent when it carries out the intent of the land district which it is located, and otherwise complies with the required findings for the Zoning Regulations. The remodel of an existing carwash with proposed interior improvements meet the zoning regulations and enhances the overall site.

The development is consistent with the General Plan Mixed Use District (LUD#7) by supporting a "careful blending of different types of uses to vitalize a site..." The carwash is located within a shopping center which is in accordance with the mixed-use environment. The overall remodel is consistent with the General Plan.

**2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE;**

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 19-147) was prepared for this project. The proposed improvements will take place at an existing building and will not be detrimental to the surrounding community.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USE, ASSISTED IN CHAPTER 21.52; AND**

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

- a. **IN THE CB DISTRICT, SUCH USES SHALL BE LIMITED TO LOCATIONS INSIDE PARKING STRUCTURE;**

The subject property is not located in the CB district – therefore, this condition is not applicable.

- b. **IN THE CR AND CO ZONES, CONDITIONAL USE PERMITS SHALL BE LIMITED TO THE EXPANSION OF EXISTING NONCONFORMING USES;**

The subject property is not located in the CR or CO zone – therefore, this condition is not applicable.

- c. **AUTOMOBILE SERVICE STATION USES SHALL BE LIMITED TO: RETAIL SALES OF FUEL, OIL AND SMALL VEHICLE PARTS;**

The proposed project is not an automobile service station – therefore, this condition is not applicable.

- d. **THE PROPOSED USE SHALL NOT INTRUDE INTO A CONCENTRATION OF RETAIL USES AND SHALL NOT IMPEDE PEDESTRIAN CIRCULATION BETWEEN RETAIL USES;**

The existing car wash will remain, and the proposed improvements will not impede on the existing uses in the shopping center. The applicant is proposing a new ADA route to improve pedestrian circulation.

- e. **THE PROPOSED USE SHALL NOT CREATE UNREASONABLE OBSTRUCTIONS TO TRAFFIC CIRCULATION AROUND OR NEAR THE SITE;**

The proposed use include site and building improvements at an existing carwash, it will not create an unreasonable obstruction to traffic circulation.

- f. **NO CURB CUTS SHALL BE PERMITTED WITHIN FORTY FEET (40') OF ANY PUBLIC ROADWAY INTERSECTION**

The proposed project is not expanding the existing curb cuts that are more than 40' from the intersections.

- g. **NO VEHICLES MAY BE STORED AT THE SITE FOR PURPOSES OF SALE, UNLESS THE USE IS ALSO A VEHICLE SALES LOT OR FOR THE USE AS PARTS FOR VEHICLES UNDER REPAIR;**

As conditioned, the proposed project or future businesses will not include automobile sales, repairs or storage of vehicles.

- h. **THE SITE SHALL COMPLY WITH ALL APPLICABLE DEVELOPMENT STANDARDS FOR OPEN STORAGE AND REPAIR USES SPECIFIED IN CHAPTER 21.45, "SPECIAL DEVELOPMENT STANDARDS".**

There applicant is not proposing open storage and repair uses therefore this finding 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 Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable to the proposed use.

**CONDITIONAL USE PERMIT  
CONDITIONS OF APPROVAL  
4800 East Pacific Coast Highway  
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1. This request is to accept Categorical Exemption CE-19-147 and approve a Conditional Use Permit (CUP19-015) to remodel an existing carwash with proposed interior and exterior improvements including new canopies, vacuums, repainting, and new landscaping at 4800 East Pacific Coast Highway. Any site development shall commence in accordance with plans submitted and filed under Application No. 1905-21 included as Exhibit B of the related Planning Commission staff report for September 19, 2019.
2. This permit and all development rights hereunder shall terminate two years 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
3. of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
4. 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).
5. All conditions of approval must be printed verbatim on a reference sheet in all plan sets submitted for plan review to the Department of Development Services.
6. 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.
7. 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).
8. 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.

9. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Site Plan Review Committee.
10. 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.
11. Prior to the issuance of a building permit, the Developer shall submit a revised set of plans reflecting all design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
12. Site development, including landscaping, shall conform to the approved plans on file with the Department of 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.
13. All structures and improvements shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
14. The Developer 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.
15. Prior to the issuance of a building permit, the Developer shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
16. 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.
17. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
18. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
19. Any graffiti found on site must be removed within 24 hours of its appearance.

20. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
21. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
22. 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
23. The Applicant/Developer(s) 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/Developer(s) 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/Developer(s) of any such claim, action or proceeding or fails to cooperate fully in the defense, the Applicant/Developer(s) shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

**Special Conditions:**

24. Car wash, vacuum, and vehicle cleaning and detailing activities shall occur only between the hours of eight (8:00) a.m. and seven (7:00) p.m. There are no limitations for hours of operation for all other on-site uses (including retail, office, and pet wash areas).
25. All signage shall be reviewed for a separate permit and must comply with the Long Beach Municipal Code, Chapter 21.44 on-premise signs.
26. When damaged, the shade structures shall be maintained, cleaned and replaced to the satisfactory of the Director of Development Services.
27. Noise levels emanating from the project's common open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits.
28. Prior to the issuance of a building permit, the Applicant must submit complete landscape and irrigation plans. Per LBMC 21.42.035, all new commercial projects requiring Site Plan Review and with an aggregate landscape area equal to or greater than five hundred (500) square feet requiring a landscape plumbing permit, shall comply with the water efficient landscaping standards set forth by the State Model Water Efficient Landscape Ordinance (MWELO), pursuant to the State

Water Conservation in Landscaping Act (AB1881).

Please access <http://www.lbds.info/lbsmartscape/> for the MWELo Performance Compliance Checklist and guidelines to demonstrate performance compliance with State MWELo standards.

29. All proposed construction shall support and incorporate features that achieve Low Impact Development (LID). Effective, November 12, 2013, the LID Ordinance applies to any new development or redevelopment that results in the replacement of more than fifty percent (50%) of an existing building structure, or impervious surface area. The LID manual is available online at: [http://www.lbds.info/low\\_impact\\_development/](http://www.lbds.info/low_impact_development/). Please contact the Building and Safety Bureau at (562) 570-5237 for further information and clarifications.
30. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
31. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
32. Automobile sales, repairs or storage of vehicles are prohibited on site.

### **LONG TERM MAINTENANCE**

- a. The Subdivider and successors shall be responsible for the maintenance of the site drainage system, and for the operation and maintenance of any private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project "Conditions, Covenants and Restrictions", and a recorded copy of said document shall be provided to the Director of Public Works.

### **POLICE DEPARTMENT (Crime Preventions Through Environmental Design)**

The Long Beach Police Department has made the following recommendations for public safety, crime prevention, and improving the quality of life.

33. Lighting.
  - Lighting shall be placed at pedestrian entrances to building.
  - Lighting shall be placed around perimeter of building.
  - Lighting shall be placed along all pedestrian walkways surrounding the building and parking lots.

34. Landscaping (if applicable)
  - Trees (canopy shall not block lightings).
  - Trees (trimmed up from the ground min 6ft).
  - Shrubs (no higher than 36 inches in height).
35. Camera Locations
  - Install inside the building facing towards main pedestrian exit/entrances.
  - Install by vehicle entrance/exit to property parking lots.
36. External Storage Facilities
  - Building trash enclosures shall remain locked when not in use.
  - All outbuildings, storage sheds, mechanical, electrical, HVAC or other equipment shall be adequately secured.
37. Signage
  - Signs should be large, legible, and identifiable. The use of strong colors, standard symbols, single shapes, and graphics is recommended for signs of information and help.
  - Signs should be strategically located at entrances near activity areas and placed for visibility at an appropriate height.
  - Hours of operation should be indicated at the entrance of buildings.
  - "No Loitering" and "No Trespassing" signs with California Penal Code shall be posted at front doors entering the premises.
  - Signs stating that a surveillance system is in place on the property shall be placed near the video surveillance cameras.