



Legislation Text

File #: 22-0645, Version: 1

WITHDRAWN

~~Recommendation to receive supporting documentation into the record and conclude the public hearing; consider an appeal from David Derahim care of Ahmad Ghaderi (APL 22-003); and, uphold the Planning Commission's decision to deny a Conditional Use Permit (CUP 18-001) for a new car wash located at 5005 Long Beach Boulevard in the Commercial Automobile-Oriented (CCA) Zoning District or provide alternative direction to approve or approve with conditions. (District 8)~~

On March 17, 2022, the Planning Commission held a public hearing, considered public testimony, and denied a Conditional Use Permit (CUP) for a new car wash at 5005 Long Beach Boulevard (Attachment A). The Project site is 1.48-acres in size and is developed with a stand-alone restaurant and gas station with a mini mart (Attachment B). The gas station and restaurant use are intended to continue operations at the site. The existing gas station and mini mart have operated at the subject site in the current configuration since at least 1989. The restaurant building is currently vacant. At the time this staff report was prepared, interior soft demolition was underway at the restaurant in preparation for new interior restaurant improvements under review with the City of Long Beach (City).

The site is located within the Commercial Automobile-Oriented Zoning District and has a Neighborhood Serving Centers and Corridors-Low (NSC-L) General Plan PlaceType Designation. The project site abuts the playground areas of Dooley Elementary School to the north and west, a convenience store and drug store with a drive-through pharmacy (drive-through is currently closed) to the east across Long Beach Boulevard; to the south, across Del Amo Boulevard, is a gas station with a mini mart and single-family residences; and a gas station with a drive-through car wash and mini mart is located catty-corner to the site across Long Beach Boulevard.

The proposed automated self-service car wash would be located north of the mini mart and gas station abutting the northerly property line shared with the elementary school, adjacent to the school playground. An existing nine-foot perimeter wall serves as a buffer between the school and car wash. The proposed car wash features a modern design with quality materials. The car wash tunnel would have a length of 100 feet and includes two drive-up lanes, each with a pay station and a queuing length of approximately 130 feet before the pay station. The proposed project includes 15 parking stalls for vacuuming (Attachment C). Access to the car wash would be from the existing southernmost curb cut along Long Beach Boulevard. The northerly curb cut would be closed, and a full height curb and sidewalk would be constructed to lessen the impact on pedestrians along Long Beach Boulevard. Other site modifications include new landscaping, security cameras, and lighting. The car wash would

operate between the hours of 7:00 am to 7:00 pm daily.

Certain types of land uses, like car washes, may or may not be appropriate in every location and context due to the nature of the use. Therefore, such proposed uses require a discretionary review process and permit before the use can be allowed in a given location. Because of the unique nature and potential impacts of car washes on neighboring properties, pedestrians, and the public, new car washes can only be permitted through a CUP and are not allowed by-right in accordance with the Zoning Ordinance. The CUP process allows for the individual review of these uses so that the decision-making body can determine if the use is compatible with the surrounding land uses, can be made compatible with conditions of approval, or is incompatible and therefore may be denied based on the adoption of appropriate findings.

The CUP for the proposed project was originally scheduled for a hearing before the Planning Commission in October of 2020 and was continued to a date uncertain at the applicant's request. In July of 2021, the project was again scheduled for a hearing and continued at the applicant's request to allow additional time for the applicant to confer with the Long Beach Unified School District (LBUSD). On March 17, 2022, the Planning Commission held a public hearing and considered testimony from the applicant and the public in addition to considering the application materials, including technical reports and City staff's report. Public testimony included written correspondence from the LBUSD Facilities Staff which expressed concerns over lack of adequate buffers for the school site and concerns related to safety for students walking to or from school. An adjacent neighborhood group, the Jane Addams Neighborhood Association, also provided a public comment expressing opposition to the project due to over-concentration of car washes in the area, wanting more desired uses and the negative impacts to the school. A letter from the school principal of Dooley Elementary was also received and did not oppose the proposed use (Attachment D). The Planning staff recommended denial of the CUP based on the inability to make the required General Plan findings, particularly the first required finding that the proposed use be consistent with and carry out the General Plan; as well as the second required finding 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 (Attachment E). After hearing, the Planning Commission denied the CUP (5-1, with one Commissioner absent).

Appeal

Within the ten-day appeal period, an appeal was filed by the applicant (Attachment F). The appellant asserts that the Planning Commission erred in its interpretation of the General Plan goals and policies, particularly as it relates to over-concentration of car washes in the vicinity, the potential conflict with environmental justice policies and potential for air quality, noise, and traffic-related impacts to the adjacent Dooley Elementary School. The applicant also asserts that the Planning Commission erred in determining a residential use was potentially feasible.

The Planning Commission considered the applicant's technical reports (noise, traffic, air quality) conclusions of no significant environmental impact from the proposed use in

accordance with the California Environmental Quality Act (CEQA) (Attachment G, Attachment H, and Attachment I), and also considered relevant General Plan policies and requirements related to pollution burdened areas, which is required by the State of California because the project site is located within an area that is documented to be one of the most cumulatively pollution burdened not only in Long Beach but is also in the State of California (Attachment J).

The Commission did not deny the project based on the CEQA related studies' findings or contribution to cumulative impacts. Rather, the Planning Commission, within its discretionary authority, found the car wash use at the location undesirable due to what they found to be a sufficient number of existing auto-oriented uses, including two existing car washes within 1,600 linear feet of Dooley Elementary School, which is classified as a sensitive receptor; children specifically, are sensitive receptors as they are more susceptible to the impacts of pollution and noise (Attachment K), and that the air quality conditions create an inequitable environmental burden on the surrounding community.

The Planning Commission did consider the development of the site with alternative uses including residential uses, as well as other commercial uses. The consideration of a residential alternative was one of many project alternatives the Planning Commission considered. This was appropriate given the property has a NSC-L General Plan PlaceType designation that permits a mix of residential and commercial uses, including low-density apartment and condominium buildings. As outlined in the LUE, this PlaceType is intended to "benefit the surrounding community by promoting or reinforcing a neighborhood's unique identity, accommodating daily retail and service needs, focusing on healthy goods and services, enhancing pedestrian and bicycle connections to neighborhoods, providing community gathering places and providing convenient access to transit." This is particularly important for the project location given its proximity to public transit, including bus service on both major corridors (Long Beach and Del Amo Boulevards) and the nearby Metro A-Line stop on Del Amo Boulevard less than one mile away.

Ultimately, the car wash may have the highest and best economic value for the applicant (Attachment L), and in cases where economic considerations align with the goals and policies of the General Plan, such considerations can be considered appropriate, particularly given other General Plan goals and policies that support economic development. However, the Planning Commission concurred with City staff's analysis that all required findings could not be made in the affirmative, including the finding of conformance with the General Plan goals and policies. The Commission found the school and area are disproportionately burdened by pollution and allowing the car wash would not align with the goals and policies of the LUE.

The City Council in its capacity is tasked with reviewing this appeal "de novo" and can take action to deny the project, approve, or conditionally approve the project in accordance with the Long Beach Municipal Code (LBMC) CUP findings. The City Council should consider whether there are merits of the appeal and the policy tradeoffs inherent in this application, as there are a variety of policies and considerations that are appropriate to consider from the

General Plan, including the CEQA findings, in this case. Upholding the Planning Commission's denial could result in some period of vacancy on this portion of the subject site. However, the project site overall has a gas station and mini mart, and a restaurant space currently under remodel.

Public hearing notices were distributed on May 24, 2022, in accordance with the requirements of Chapter 21.21 of the LBMC. Any comments received prior to the City Council hearing will be provided to the City Council for its review and consideration.

This matter was reviewed by Retired Annuitant Attorney Michael J. Mais on May 26, 2022 and by Revenue Management Officer Geraldine Alejo on May 17, 2022.

City Council action is requested on June 14, 2022. Pursuant to LBMC, in the case of appeals to the City Council, hearings are typically held within a 90-day period. June 14, 2022 was the first available City Council date to consider this appeal.

This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with City Council priorities. There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
CITY MANAGER