

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 11/14/2007		Item Number: <u>PH-</u>	
AGENDA ITEM: Public Hearing on the Appeal of the Planning Commission's Denial of a Conditional Use Permit for a New Car Wash and Expanded Convenience Store at an Existing Valero Service Station Located at 10332 Culver Boulevard. (ITEM CONTINUED FROM 9/24/07)			
Contact Person/Dept.: Nancy Tahvili; Thomas Gorham		Phone Number: (310) 253-5751 (310) 253-5727	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Notices were mailed regarding the continued Public Hearing to all of the property owners, occupants, within a 300-foot radius of the site extended to the end of each block (09/19/07); Master Notification List (11/07/07).			
Department Approval: Sol Blumenfeld (11/01/07)		City Attorney Approval: Carol Schwab (by H. Iker) (11/06/07)	
Fiscal Impact Approval: Marlee Chang (by M. Noller) (11/06/07)		City Manager Approval: Jerry B. Fulwood (11/08/07)	
<u>RECOMMENDATION:</u> Staff recommends the City Council consider the proposed Mitigated Negative Declaration and applicant's appeal of the Planning Commission's denial of the Conditional Use Permit and either: A. <u>Deny the appeal and uphold the Planning Commission's denial.</u> If the City Council upholds the Planning Commission's denial, staff will return with the appropriate resolution outlining the findings for denial. OR, B. <u>Adopt the Mitigated Negative Declaration, grant the appeal and overturn the Planning Commission's denial, and approve the Conditional Use Permit.</u> If the City Council desires to grant the appeal, staff will return with the appropriate resolution outlining the findings and conditions of approval. <u>PROCEDURE:</u> 1. Mayor calls on staff for a brief staff report. 2. Mayor opens the public hearing to allow for public comment, if any. 3. Receive comment from the applicant and public. 4. Mayor seeks a motion to close the public hearing after all testimony has been presented. 5. Council discusses the matter and arrives at its decision.			

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BACKGROUND:

On May 9, 2007, the applicant/owner's representatives went before the Planning Commission regarding their request for a Conditional Use Permit to allow demolition of 3 service repair bays, the addition of an automated carwash, and the expansion of a convenience store at an existing Valero service station in the Commercial Neighborhood (CN) Zone located at 10332 Culver Boulevard.

At the public hearing the Planning Commission denied the Conditional Use Permit (See Attachment No. 1- Planning Commission Resolution Denial No. 2007-P008). On May 23, 2007, the applicant submitted an appeal of the Planning Commission's decision to the City Council (See Attachment No. 2).

Attachment No. 3 contains the Planning Commission staff report with all attachments. The staff report contains discussions on the action requested, traffic, circulation and parking, landscaping, noise, and comments received during the public comments period. A noise study was conducted for the proposed automated carwash and the vacuum cleaners. Mitigation measures were identified in the noise study and included in the Mitigated Negative Declaration and conditions of approval and are part of the attachments to the Planning Commission staff report.

DISCUSSION:

Planning Commission

The Commission expressed concern over noise, area compatibility, and traffic and circulation as summarized below:

- Mitigation measures for the carwash noise were not enough and there would still be an impact to the neighborhood.
- A carwash would not serve the daily needs of residents and therefore not be compatible with the community and the Commercial Neighborhood zone.
- The proposed car wash does not provide adequate vehicle queuing and maneuvering.

Attachment No. 4 contains the minutes of the meeting.

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In summary, the Planning Commission resolution denying the Conditional Use Permit included the following findings:

“The operating characteristics of an automated carwash and expanded convenience market at the existing fueling station will increase noise levels and create traffic impacts that will not be compatible or in harmony with adjacent residential uses.”

“Noise and traffic generated by a carwash will diminish the potential for local residents to enjoy their neighborhoods and therefore will be detrimental to persons and property in the vicinity.”

Applicant's Appeal

The applicant's appeal (Attachment No. 2) states the project meets all of the required findings necessary to support approval of a Conditional Use Permit, because of the following reasons (as paraphrased from the applicant's appeal letter):

- In the CN zone a Conditional Use Permit is required for a carwash and the project conforms to all of the development regulations of both the CN zone and Culver City Municipal Code.
- The Neighborhood Corridor General Plan designation allows a range of small scale commercial uses that serve the adjacent residential neighborhoods and nearby businesses, which fueling stations, carwashes and convenience stores are consistent with.
- The project is properly related to businesses on Culver Boulevard which is adequate in width to carry the quantity and type of traffic generated by a carwash, fueling station, and convenience market. The design of the project and the incorporation of 79 conditions of approval, which includes 11 mitigation measures assure that the project is compatible with the surrounding neighborhood.
- The 19,261 square foot site allows incorporation of the required parking and queuing areas, adequate onsite circulation, setback requirements and landscaping. Subject to identified mitigation measures, the project is compatible with neighboring residential uses as well as businesses.
- The existing fueling station and repair shop have been on this property for decades and the site is primarily surrounded by commercial, studio and residential uses. The proposed carwash entrance will enhance the existing fueling station and will not be detrimental to the surrounding neighborhood.

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As part of the Appeal, the applicant provided additional information including: Supplement to Acoustical Analysis; Revised Development Plans; Legal Brief; and Project Presentation Book (Attachments No's. 6-9).

The supplement to the acoustical analysis (Attachment No. 8) provides information and diagrams to clarify the information previously presented in the acoustical report. Specifically the analysis addresses noise issues related to the second story of the residential property located behind the gas station across the alley.

The supplemental acoustical analysis addresses whether the proposed eight foot (8) high block wall at the rear property line would effectively block visual and noise impacts of the car wash tunnel entrance from the second story residential window. The analysis determines that with an eight (8) foot high sound wall, line-of-sight from the second story window into the tunnel entrance would be partially blocked, and result in an exterior noise level of 58 decibels when the blower dryer operates.

However, if a ten (10) foot high sound wall were constructed, line-of-sight to the tunnel entrance from the residence would be completely blocked, and the exterior noise level would be reduced to 53 decibels during the dryer operation. Figure S-2 of Acoustical Analysis supplement illustrates the Environmental Protection Agency "Protective Noise Levels" and highlights typical ranges of everyday sounds experienced inside and outside residences such as vacuum cleaners, lawnmowers, heavy trucks and blenders. This chart illustrates that the noise levels generated from the proposed carwash dryer operation are comparable with a vacuum cleaner, automobile and a clothes dryer between 50 and 60 decibels and is not anticipated to impact residents. To this end, the applicant has proposed to increase the wall height to ten (10) feet as a mitigation of the visual and noise impact to the nearest residence (as detailed in the second paragraph below).

A two foot wide planter is proposed outside the block wall facing the alley/residences that will have plants providing visual relief.

The changes to the site plan includes the revision of the eastern portion of the rear wall from eight (8) feet in height to a ten (10) foot high wall, for 15 feet in length measured from the car wash building going east. The remainder of the wall remains at eight (8) feet in height. Furthermore, the revised development plans show the trash enclosure being moved from the south-east corner of the property (with an opening to the alley) moved north of the property near the entrance of the car wash (see Attachment No. 7 for the revised development plans). The Sanitation Department reviewed and approved the new location of the trash enclosure.

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FISCAL ANALYSIS:

This is a private venture project with no City or Redevelopment Agency funds reserved for the development. However, if the project is approved, then the City would gain commercial taxes once the car wash and expanded food mart is operational.

Attachments:

1. Planning Commission Resolution (Denial) No. 2007-P008
2. Applicant's Appeal filed, May 23, 2007
3. Planning Commission Staff Report Including all Attachments as Listed Below:
 - 1) Project Summary
 - 2) Area Map
 - 3) Aerial Photo
 - 4) Draft Initial Study/Negative Declaration, dated April 4, 2007
 - a) Acoustical Analysis for Valero Station Car Wash, dated April 26, 2007
 - 5) Draft Resolution No. 2007-P008
 - 6) Development Plans (Date Received) May 1, 2007
 - 7) Public Comments
 - 8) Responses to Findings dated May 9, 2007 (Prepared by the concerned residents of Carlson Park)
 - 9) Petition of Opposition by Homeowners, Residents, and Adjacent Business owners of 4100 Block of the Area
4. Minutes to the 05/09/07 Planning Commission Public Hearing
5. Public Comments to Appeal
6. Supplement to Acoustical Analysis, dated October 17, 2007
7. Revised Development Plans, dated October 19, 2007
8. Appellant Legal Brief
9. Appellant Project Presentation Book, dated October 15, 2007

MOTION:

That the City Council:

- A. Deny the Appeal and uphold the Planning Commission's denial of the Conditional Use Permit to allow demolition of three repair bays and convenience store with a new automated carwash and expanded convenience store at an existing Valero service station located at 10332 Culver Boulevard, and direct staff to return to the Council with the appropriate resolution outlining the findings for denial.

OR,

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- B. Adopt the Mitigated Negative Declaration, grant the appeal and overturn the Planning Commission's denial, approve the Conditional Use Permit, and direct staff to return to the Council with the appropriate resolution outlining the findings for approval.