

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 02/09/09		Item Number: <u>PH-1</u>	
AGENDA ITEM: PUBLIC HEARING – Introduction of an Ordinance Amending the Zoning Code to Allow Car Washes as an Ancillary Use to Fueling Stations within a Portion of the East Washington Boulevard Overlay (EW) Zone.			
Contact Person/Dept.: Jose Mendivil/CDD		Phone Number: (310) 253-5757	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☒		Action Item: ☐ Attachments: ☒	
Public Notification: Notices were mailed to all the property owners and occupants east of National Boulevard (approximately 1,700 notices - 1/15/09); Published in the Culver City News (1/15/09 and 1/22/09); and notice was emailed to the Master E-Mail Notification List (02/04/09).			
Department Approval: Sol Blumenfeld (02/03/09)		City Attorney Approval Carol Schwab (by H. Baker) (02/03/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (02/04/09)		City Manager Approval: Jerry Fulwood (02/04/09)	
<u>RECOMMENDATION:</u> Staff recommends the City Council introduce an Ordinance amending Title 17, Zoning, of the Culver City Municipal Code (CCMC), Section 17.260.035, East Washington Boulevard Overlay (EW) Zone Table 2-11 (Allowed Uses), to allow car washes ancillary to vehicle fueling stations located east of Ballona Creek, subject to approval of a Conditional Use Permit (Attachment No. 1). <u>PROCEDURE:</u> 1. Mayor seeks motion to receive and file affidavit of mailing and positing of public notice. 2. Mayor calls on staff for a brief staff report and City Council poses questions to staff as desired. 3. Mayor seeks motion to declare the public hearing open, providing the applicant the first opportunity to speak, followed by the general public. 4. Mayor seeks a motion to close the public hearing after all testimony has been presented. 5. City Council thoroughly discusses the matter and arrives at its decision. <u>BACKGROUND:</u> Arco AM/PM fueling station submitted an application to amend the Zoning Code to allow car washes as an ancillary use to fueling stations within the East Washington Boulevard Overlay (EW) Zone subject to approval of a Conditional Use Permit			

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(CUP). On December 10, 2008, the Planning Commission held a public hearing to consider the proposed Zoning Code Amendment request. A detailed description of the proposed Zoning Code Amendment including existing conditions, analysis of area compatibility, potential impacts, and development standards through the CUP process is provided in Attachment No. 4, Planning Commission Staff Report dated December 10, 2008.

At the public hearing and after thorough discussion, the Planning Commission revised the proposed Zoning Code Amendment. They narrowed the area in the EW Overlay Zone where a car wash (ancillary to a fueling station) can be located to east of Ballona Creek. Attachment Nos. 2 and 3 shows the portion of the EW Overlay Zone affected by the proposed Zoning Code Amendment. (There are two fueling stations in the EW Overlay Zone: an Arco station is located at the corner of Washington and La Cienega Boulevards; and a Mobil station is located at the corner of Washington Boulevard and Fairfax Avenue. Both are located east of Ballona Creek). The Planning Commission adopted Resolution No. 2008-P013 (Attachment No. 5) recommending approval of the Zoning Code Amendment to the City Council and adopted a Negative Declaration finding pursuant to the California Environmental Quality Act (CEQA) (Attachment No. 7).

The City Council adoption of the proposed Zoning Code Amendment would allow car washes in the EW Overlay Zone ¹. A car wash use would be allowed through the approval of a Conditional Use Permit process and only in conjunction with fueling stations that are located east of Ballona Creek.

DISCUSSION:

Current Conditions

The EW Overlay Zone was originally created to encourage pedestrian oriented developments through design criteria. As evidenced over time, much of the EW Overlay Zone transitioned from predominantly light manufacturing, auto intensive, or other commercial uses to a pedestrian friendly commercial area with small neighborhood serving retail, restaurant, office/design, and art uses. However, the easternmost portion of the EW Overlay Zone (the area bounded by Ballona Creek and Fairfax Avenue) has not experienced similar patterns of transformation as that of the area of the EW Overlay Zone west of Ballona Creek. The eastern most area of the EW Overlay Zone (see Area Maps - Attachment Nos. 2 and 3) is dominated by non-pedestrian oriented uses (manufacturing, wholesale, warehouses, two fueling stations, and two tire repair facilities). Furthermore, the uses in the area south of this eastern portion of the EW Overlay Zone can be similarly characterized with light industrial and non-pedestrian oriented commercial uses. Based on existing

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uses and the pattern of new uses entering this area, the eastern portion of the EW Overlay Zone can be characterized as auto oriented rather than neighborhood serving or pedestrian oriented.

As recommended by the Planning Commission, the limitation of the area (east of Ballona Creek) in which a car wash can be located, in effect reduces the potential for new car washes to the two fueling stations within the EW Overlay Zone, both of which are located east of Ballona Creek. This limitation eliminates potential impacts to residential areas as they are located west of the Creek.

Attachment No. 8 is an excerpt from the CCMC that provides development standards and lists the allowed uses in the EW Overlay Zone. The EW Overlay Zone is primarily a pedestrian oriented commercial zone that allows some light manufacturing uses and vehicle related uses such as incidental repair, maintenance/repair, and impounding/storage either through an Administrative Use Permit or Conditional Use Permit. Other vehicle related uses allowed in the EW Overlay Zone include vehicle sales (in a completely enclosed space), retail auto parts sales (similar to other general retail uses), and fueling stations.

These same vehicle related uses noted above are allowed in most or all other Commercial Zones in the City with the exception of the Commercial Downtown (CD) Zone. See Attachment No. 9 for the list of allowed uses in all other commercial zones. Where permitted in the Zoning Code, a CUP is required for all proposed car washes. As to other commercial uses, the EW Overlay Zone allows similar commercial retail, service, and office uses as allowed in other Commercial Zones.

Development Standards Through CUP Process

Although there are no existing specific development standards in the Zoning Code for car washes, the required CUP process will allow the City the opportunity to require conditions as appropriate, to mitigate specific potential impacts identified with each application. Further there are no extraordinary circumstances in the commercial EW Overlay Zone setting it apart from other commercial zones that would necessitate car wash development standards for only the EW Overlay Zone. Through the CUP process, conditions of approval can be developed (depending of the nature of the project site) that address development issues such as noise, traffic and circulation, parking, and architectural and site design. In addition, monitoring conditions can be imposed if warranted to ensure compliance. If projects are not in compliance, the CUP could be referred back to the Planning Commission.

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Noise

Through the CUP process, the City will review each car wash application and require as appropriate, conditions of approval to mitigate noise. Generally, a car wash ancillary to a fueling station is automated and can be characterized as a small operation not expected to create significant noise levels. Currently, as part of the application process for car washes that are either stand alone or ancillary to a fueling station, the City requires submission of a noise study. This requirement will be the same for a CUP request in the EW Overlay Zone. The CUP review process, with the aid of the required noise study could result in design conditions that help to lessen noise impacts. Such design related conditions could include lengthening of the carwash bay tunnel to further insulate noise generated in the tunnel, the location of the vacuums, and perimeter sound walls to help deflect noise.

Traffic and Circulation

The CUP review process for car washes always requires that the applicant submit a traffic circulation analysis to determine how the car wash can be designed to reduce or eliminate queuing on the public right-of-way. This analysis also looks at the on-site circulation for gas patrons and car wash patrons. This same traffic and circulation review procedure will be followed for CUP applications in the EW Overlay Zone. With each CUP application, conditions or site plan revisions could be required that address on-site circulation and queuing on the public right-of-way. This could also lead to conditions that require that existing road, curb, and access designs be revised to minimize potentially hazardous public right-of-way situations. Other potential traffic related impacts to surrounding uses can be addressed through conditions and monitoring as warranted.

Parking

As with car washes in other commercial zones, car washes in the EW Overlay Zone will be subject to current parking requirements in the Zoning Code. The CUP process will allow staff to review each application and impose additional parking related conditions if site conditions warrant such mitigations.

Architectural and Site Design

With each CUP application, architectural and site design is reviewed and this will continue with CUP applications for car washes in the EW Overlay Zone. Such review will pay special attention to how site design can alleviate visual, noise, and queuing impacts. Conditions or revisions to architecture or site layout will be required if impacts are identified. Landscaping and subdued lighting may also be

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required that further softens architectural impacts. These review practices are currently followed and will not change for CUP applications in the EW Overlay Zone.

Monitoring and Compliance

As stated above conditions requiring monitoring of operations, including noise, traffic, parking and site layout can be can be imposed to ensure compliance with conditions and compatibility with adjacent uses. Non-compliance can result in the CUP being referred back to the Commission for addition and/or revised conditions and potential revocation if necessary.

Conclusion

From a land use compatibility perspective, the proposed text amendment's limited scope balances the need to provide a service commonly associated with a fueling station and the need to protect nearby residential areas from any potential negative impact of such a use. The CUP process would subject the ancillary car wash use to the same review process as would occur for a car wash in other commercial zones. This includes CEQA review, analysis of noise and traffic circulation impacts, review of design compatibility with surrounding architecture, a public hearing, and revocation of the CUP should violations of conditions occur once the project is operational.

Commission Recommendation and Findings

The Planning Commission recommended the City Council approve the Zoning Code Text Amendment request based on the findings pursuant to CCMC Section 17.620.030, as outlined in the proposed Ordinance (Attachment No. 1).

Environmental Determination

Pursuant to the California Environmental Quality Act (CEQA) guidelines, an Initial Study and Negative Declaration finding has been prepared and circulated for review for the proposed project. The Planning Commission adopted the Negative Declaration finding on December 10, 2008 (Attachment No. 7).

FISCAL ANALYSIS:

Adoption of the ordinance in and of itself will not generate any cost to the City nor will it create any additional revenues. However, should the ordinance be passed, the City may potentially garner additional tax revenue from fueling stations that add car washes to their operations should such operations result in additional profits.

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Additional sewer fees could also be generated by the introduction of car washes to fueling stations. Discretionary application fees will also be collected for the processing of CUP's.

ATTACHMENTS:

1. Ordinance No.____ amending Title 17, Zoning, of the Culver City Municipal Code, Section 17.260.035, East Washington Boulevard Overlay (EW) Zone Table 2-11 (Allowed Uses), to allow car washes ancillary to vehicle fueling stations located east of Ballona Creek, subject to approval of a Conditional Use Permit.
2. Area Map (showing Notice Area).
3. Aerial Map (showing Notice Area).
4. December 10, 2008, Planning Commission Staff Report.
5. Planning Commission Resolution No. 2008-P013.
6. December 10, 2008, Draft Planning Commission Minutes.
7. Initial Study/Negative Declaration dated November 19, 2008.
8. EW Section 17.260.035 Excerpt from the CCMC.
9. CCMC Excerpt of Allowed Uses in Commercial Zones.

MOTIONS:

That the Council:

1. Determine that no additional environmental information is needed based on the Planning Commission's adoption of a Negative Declaration finding that Zoning Code Amendment, ZCA P-2008115 will not have a significant adverse impact on the environment; and,
2. Introduce an Ordinance amending Title 17, Zoning, of the Culver City Municipal Code, Section 17.260.035, East Washington Boulevard Overlay (EW) Zone Table 2-11 (Allowed Uses), to allow car washes ancillary to vehicle fueling stations located east of Ballona Creek, subject to approval of a Conditional Use Permit.

¹ **History of the East Washington Boulevard Overlay Zone**

On December 27, 1994, the City Council adopted the East Washington Boulevard Overlay Zone to provide special zoning regulations necessary for the successful implementation of the East Washington Boulevard Revitalization Program. Adoption of the EW Overlay Zone was the culmination of numerous public workshops, meetings, and hearings dating back to May of 1990. The key purpose for these meetings and the formation of

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the EW Overlay Zone was to revitalize the East Washington Boulevard area which was perceived by some as neglected and blighted. The EW Overlay Zone was drafted to encourage preferred pedestrian oriented commercial and light manufacturing uses while prohibiting other "undesirable uses". The EW Overlay Zone established design and storefront guidelines to create a pedestrian friendly environment and also stipulated performance standards which require business activities to be conducted fully indoors; screening walls between commercial and residential uses; and standards pertaining to dust, gas, noise, odor, smoke, and vibration.

When the EW Overlay Zone was established, there was a preponderance of vehicle related uses along Washington Boulevard that were having negative impacts to the abutting residential areas to the north and south. During the many public meetings, vehicle related uses perceived to be undesirable such as auto repair, auto body, towing businesses, and car washes were identified. In reviewing past minutes and reports, staff could find no specific reasons for prohibiting car washes in the EW Overlay Zone other than their perceived "undesirability" and therefore they were listed as a prohibited use. The public expressed an interest in limiting auto repair services and auto related uses due to their typically unattractive appearance and negative impacts. The community called for more neighborhood serving retail uses, markets, pharmacies, and dry cleaners from La Cienega Boulevard to Helms Avenue and limited industrial uses between National Boulevard and Helms Avenue and La Cienega Boulevard and Fairfax Avenue.

The EW Overlay Zone required that all existing auto related uses servicing vehicles outside of a completely enclosed building which were established prior to January 26, 1995 and not in conformance with the adopted provisions of the EW Overlay Zone, either be removed or modified to conform to the requirements within 5 years of January 26, 1995. All auto related uses in the EW Overlay Zone have abided by that due date.

With the establishment of the EW Overlay Zone and the amortization requirement and performance standards noted above, many of these auto related uses have been replaced as the area has seen a period of gentrification over the past 10 years with new uses being established including an active arts community, restaurants, design related offices and studios, home/office furnishing, small scale retail, as well as light manufacturing and automotive related uses. Most remaining auto related uses are located along the eastern portion of Washington Boulevard away from the residential areas and/or have conducted their activity fully indoors pursuant to the EW Overlay Zone provisions.