

ORDINANCE NO. 2018-6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD AMENDING THE LAKEWOOD MUNICIPAL CODE AND THE ZONING ORDINANCE REGARDING THE LOCATION, DESIGN AND OPERATION OF COMMERCIAL CARWASHES.

THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE. The purpose of this Ordinance is to establish additional locational criteria, development standards, and operational guidelines pertaining to commercial carwashes. Recently during consideration and review of proposed commercial carwashes, concerns have raised regarding the adequacy of carwash regulations pertaining to operational noise and traffic generation in close proximity to residential areas.

This Ordinance will allow new carwashes to be established only in the C-4, M-1, and M-2 zones and will no longer allow them to be established in the C-1 or C-3 zones. This applies to all types of carwashes including self-serve, full service, hand wash, detailing and those constructed in conjunction with a service station.

Any carwash that was approved prior to, and that approval was still valid on the effective date of this Ordinance, shall remain as a fully authorized land use. These existing carwashes shall be allowed to submit amendments to the previously approved conditional use permit to allow modifications that will be subject to the review and discretion of the Planning and Environment Commission. This Ordinance establishes standards for parking spaces at a new carwash facility.

SECTION 2. Section 9340. Uses Permitted of Part 4 C-1 (Neighborhood Commercial) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code, Subsection 9340.C.2. (c). (7), regarding standards for Service Stations allowing hand washing of automobiles is hereby deleted.

SECTION 3. Subsection 9341. B Limitations of Uses Permitted of Part 4 C-1 (Neighborhood Commercial) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code, is amended to read as follows:

B. All uses shall be conducted wholly within a building except a plant nursery, gasoline, oil or petroleum product pumps, newsstand, outdoor advertising, commercial parking lots, vehicular parking and loading spaces, outdoor accessory uses, displays, and storage, which are normal and incidental to the primary permitted commercial use, where otherwise allowed or authorized by this Part. No required vehicle storage space or landscaped area shall be devoted to outdoor displays or storage.

SECTION 4. Section 9341.J. Service Stations of Part 4 C-1 (Neighborhood Commercial) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code, Subsection 9341.J.6, regarding automobile washing is hereby deleted.

SECTION 5. Section 9347. Uses Permitted of Part 4a C-3 (Intermediate Commercial) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code, Subsection 9347.D.11, is amended to read as follows:

D. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT. The following uses are permitted provided that in each instance a conditional use permit has been obtained and continues in full force and effect:

...

11. Commercial Carwash. Any commercial carwash that was approved with a conditional use permit prior to and that was valid on the effective date of this Ordinance, shall remain as a fully authorized land use. A valid previously approved carwash shall not be subject to Part 9 of Article IX of the Lakewood Municipal Code, commencing with Section 9390, relating to Nonconforming Buildings and Uses. A valid previously approved carwash shall be allowed to submit amendments to the approved conditional use permit to modify the previously approved carwash, subject to the review and discretion of the Planning and Environment Commission. The review of any proposed revised design shall consider and mitigate any identified impacts to adjacent properties, including those from noise, light, glare, vibration, parking, circulation and appropriate stacking distance for access lanes.

No new carwash facility offering hand and/or mechanical washing shall be approved in the C-3 zone at any time following the effective date of this section. This prohibition includes any self-serve or full-service commercial washing, detailing, waxing, or cleaning of vehicles.

SECTION 6. Section 9350. Uses Permitted of Part 5 C-4 (General Commercial) Zone Regulations of Chapter 3 Zoning of Article IX of the Lakewood Municipal Code is amended by adding Subsection 9350.B.13, to read as follows:

B. USES PERMITTED SUBJECT TO CONDITIONAL USE PERMIT. The following uses are permitted provided that in each instance a conditional use permit has been obtained and continues in full force and effect:

...

13. Commercial Carwash. Any self-service or full-service permanent facility offering hand and/or mechanical car washing, which includes detailing, waxing, and/or cleaning of vehicles. Carwash facilities may include outdoor vacuums, vacuum stations, and other outdoor equipment and activities normally associated with a carwash. Other activities and uses may co-locate with a carwash as deemed acceptable by the Planning and Environment Commission. The review of any proposed design shall consider and mitigate any identified impacts to adjacent properties, including those from noise, light, glare, vibration, parking, circulation and appropriate stacking distance for access lanes.

Any commercial carwash that was approved with a conditional use permit prior to and that was valid on the effective date of this Ordinance shall remain as a fully authorized land use. Any proposed modification to such a previously approved carwash shall be subject to the provisions listed in Subsection 9347.D.11.

SECTION 7. Section 9490. E.2. of Part 19, Chapter 3 of Article IX of the Lakewood Municipal Code regarding Off-street Parking Requirements is added to read as follows:

...

E.2 Commercial Carwash. A commercial carwash shall provide parking spaces as follows:

1. A minimum of three (3) parking spaces shall be provided for a self-serve carwash, which is a carwash where the customer stays in the vehicle during a mechanical wash.
2. A minimum of ten (10) spaces shall be provided for a full-serve carwash, which is a carwash where the employees either wash, vacuum and/or hand dry the vehicle. This requirement applies to carwash facilities that offer a combination of both self-serve and full-serve carwash services.
3. One (1) space for each employee on the largest shift.
4. One (1) space for each 250 square feet of gross floor area devoted to office and/or retail land uses
5. Vacuum and detailing stations shall not be counted or used in any manner to satisfy these parking requirements.

SECTION 8. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. This Ordinance has no impact on the physical environment as it will only modify administrative procedures and not result in any changes to the physical environment.

SECTION 9. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 10. CONTINUITY. To the extent the provisions of the Lakewood Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 11. CERTIFICATION. The City Clerk shall certify to the adoption of this Ordinance and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause the ordinance within 15 days after its passage to be posted in at least three (3) public places within the City as established by Ordinance.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be posted or published as required by law and shall take effect thirty (30) days after its adoption.

APPROVED AND ADOPTED this 9th day of October, 2018, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member Piazza	<u>X</u>	_____	_____
Council Member DuBois	<u>X</u>	_____	_____
Council Member Rogers	<u>X</u>	_____	_____
Council Member Wood	<u>X</u>	_____	_____
Mayor Croft	<u>X</u>	_____	_____



Mayor

ATTEST:



City Clerk