

# PC Attachment 1

**RESOLUTION NO. PC 2020-\_\_**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST, CALIFORNIA, DENYING USE PERMIT 11-19-5315 FOR THE CONSTRUCTION OF A NEW DRIVE-THROUGH CAR WASH WITH SELF-SERVICE VACUUM STALLS LOCATED AT 21781 LAKE FOREST DRIVE IN THE HERITAGE HILL PLAZA SHOPPING CENTER

WHEREAS, on November 7, 2019, Jeff Bergsma of Team Design filed an application for Use Permit 11-19-3515 for a new drive-through car was with self-service vacuum stalls located at 21781 Lake Forest Drive in the Heritage Hill Shopping Center ("Project"); and

WHEREAS, the property is zoned Community Commercial in the Lake Forest Planned Community and the Lake Forest Planned Community and Zoning Code require a Use Permit for the development of a drive-through car wash in the zoning district; and

WHEREAS, the City gave notice of the public hearing on June 4, 2020 at which the project would be considered by the Planning Commission by publishing a notice in a newspaper of general circulation on May 21, 2020, and by posting a notice at City Hall, and by mailing a notice to owners of property located within 300 feet of the project site on May 21, 2020; and

WHEREAS, on June 4, 2020, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Use Permit 11-19-5315 and at which, per the request of the applicant, the Planning Commission continued the public hearing to the July 9, 2020 Planning Commission meeting; and

WHEREAS, on July 9, 2020, the Planning Commission held the continued public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Use Permit 11-19-5315 and at which, per the request of the applicant, the Planning Commission continued the public hearing to the August 6, 2020 Planning Commission meeting; and

WHEREAS, on August 6, 2020, the Planning Commission held the noticed public hearing at which interested persons had an opportunity to testify in support of, or opposition to, Use Permit 11-19-5315 and at which the Planning Commission considered the application.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS. The Lake Forest Planning Commission hereby finds, based on consideration of the whole record before it, as follows:

1. CEQA: The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.

*The California Environmental Quality Act (“CEQA”) does not apply to “projects which a public agency rejects or disapproves.” (Pub. Resources Code, § 21080, subd. (b)(5); see also State CEQA Guidelines, §§ 15061, subd. (b)(4), 15270.) Here, because the Planning Commission is denying the Project, CEQA does not apply to the Commission’s action.*

2. General Plan Consistency: The use or project proposed is consistent with the General Plan.

*In June of 2020, the City Council adopted an updated General Plan, which includes goals and policies pertaining to land use and development in the City. The General Plan includes the following goals and related policies related to compatible development and placemaking:*

*GOAL LU-2 COMPATIBLE DEVELOPMENT: A community where new development blends harmoniously into the existing neighborhood fabric.*

*Policies:*

- *Physical Characteristics Compatibility. Ensure that new development fits within the existing community setting and is compatible with surrounding land uses and public infrastructure availability.*
- *Scale and Character. Ensure that the scale and character of new development is appropriate to the setting and intended use.*
- *Visual Compatibility. Require new development projects achieve visual compatibility with surrounding development through building, site, or design techniques, such as landscaping and architectural design, to achieve visual compatibility.*

**GOAL LU-3 PLACEMAKING:** A distinct community image and identity that promotes Lake Forest as a desirable place to live and do business.

Policy:

- *Physical Attributes. Maintain the physical attributes of Lake Forest, such as its streetscapes, parks, trails, and scenic vistas, to preserve an identifiable and distinct community within Orange County.*
- *Public Gathering Spaces. Encourage the provision of both formal and informal public gathering spaces through pedestrian-oriented street design; sidewalk furniture and pedestrian-oriented development; well-designed, multi-use public spaces of different sizes including pocket parks, plazas, and monuments; and community events.*

*The neighborhood around Heritage Hill Plaza Shopping Center has a distinct sense of place that is characterized by its urban forest and the lake. This neighborhood is unique in that 14 residential tracts (3,436 homes) comprise the Lake Forest II Master Homeowner's Association, which provides recreational amenities and neighborhood events at the Sun and Sail Club. The activities help to foster a sense of community for this area within the City. The Heritage Hill Shopping Center serves an important function for the neighboring community as both a retail center and social/gathering spot, with outdoor dining and plaza areas that promote gathering. The character of the center is further defined by the large mature trees around the center and architecture that includes natural elements. Lastly, the adjacent Heritage Hill Historic Park, which showcases the local history of the Lake Forest community and hosts community wide special events adds to the unique character of the shopping center.*

*Due to the unique operating characteristics of the car wash, the outdoor vacuum plaza will introduce an outdoor activity that is not presently found in the center. Patrons of the other businesses in the center park their cars and walk to the various businesses. The car wash introduces an auto-dominated use wherein patrons will circulate in their cars through the queuing lane to the car wash tunnel and to the vacuum plaza, as opposed to parking a vehicle and walking within the center to the various uses. This auto-dominated character of the car wash is contrary to the character of the shopping center, which promotes walking and people gathering.*

*The car wash noise levels related to the operation of the car wash are in compliance with the City's zoning ordinance, which protects residential properties, and is compliance with the City's General Plan noise policies, which protects interior noise for commercial tenants. The City does not*

*have any regulations related to exterior noise impacts. However, as indicated in the noise study, the car wash will generate noise from the blowers. This type of noise is quasi-industrial in nature and is generally not expected in the middle of a retail shopping center. Although, the car wash has been designed to minimize the noise with sound walls, there will still be an increase in noise perceptible to people walking in the area around the car wash and in the outdoor dining areas. The addition of this quasi-industrial noise in the middle of this shopping center is not compatible with people walking and gathering outside in the shopping center.*

*The car wash is centrally located in the shopping center, next to the Chinook Drive signalized driveway. As such, the car wash will be the first building visible to many patrons that visit the shopping center. Although the car wash tunnel is designed to match the architecture of the center, the car wash also includes an outdoor vacuum plaza, which is constructed of metal posts with hanging vacuums and covered with fabric awnings. The proposed design of the vacuum plaza is typical of most car washes, including other car washes in Lake Forest. However, the quasi-industrial appearance of the vacuum plaza is in sharp contrast to the “natural” character of the shopping center and the surrounding neighborhoods.*

*The auto-dominated character and quasi-industrial nature of the car wash, with an outdoor vacuum plaza is in contrast to the character of the Heritage Hill Plaza and would not blend harmoniously with the existing setting and character of the shopping center. Therefore the project is not consistent with Goal LU-2 of the City’s General Plan.*

3. Compatibility: The location, size, design and operating characteristics of the proposed use will not create significant noise, traffic, or other conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

*The neighborhood around Heritage Hill Plaza Shopping Center has a distinct sense of place that is characterized by its urban forest and the lake. This neighborhood is unique in that 14 residential tracts (3,436 homes) comprise the Lake Forest II Master Homeowner’s Association, which provides recreational amenities and neighborhood events at the Sun and Sail Club. The activities help to foster a sense of community for this area within the City. The Heritage Hill Shopping Center serves an important function for the neighboring community as both a retail center and social/gathering spot, with outdoor dining and plaza areas that promote gathering. The character of the center is further defined by the large mature trees around the center and architecture that includes natural*

*elements. Lastly, the adjacent Heritage Hill Historic Park, which showcases the local history of the Lake Forest community and hosts community wide special events adds to the unique character of the shopping center.*

*Due to the unique operating characteristics of the car wash, the outdoor vacuum plaza will introduce an outdoor activity that is not presently found in the center. Patrons of the other businesses in the center park their cars and walk to the various businesses. The car wash introduces an auto-dominated use wherein patrons will circulate in their cars through the queuing lane to the car wash tunnel and to the vacuum plaza, as opposed to parking a vehicle and walking within the center to the various uses. This auto-dominated character of the car wash is contrary to the character of the shopping center, which promotes walking and people gathering.*

*The car wash noise levels related to the operation of the car wash are in compliance with the City's zoning ordinance, which protects residential properties, and is in compliance with the City's General Plan noise policies, which protects interior noise for commercial tenants. The City does not have any regulations related to exterior noise impacts. However, as indicated in the noise study, the car wash will generate noise from the blowers. This type of noise is quasi-industrial in nature and is generally not expected in the middle of a retail shopping center. Although, the car wash has been designed to minimize the noise with sound walls, there will still be an increase in noise perceptible to people walking in the area around the car wash, and in the outdoor dining areas. The addition of this quasi-industrial noise in the middle of this shopping center is not compatible with people walking and gathering outside in the shopping center.*

*The car wash is centrally located in the shopping center, next to the Chinook Drive signalized driveway. As such, the car wash will be the first building visible to many patrons that visit the shopping center. Although the car wash tunnel is designed to match the architecture of the center, the car wash also includes an outdoor vacuum plaza, which is constructed of metal posts with hanging vacuums and covered with fabric awnings. The proposed design of the vacuum plaza is typical of most car washes, including other car washes in Lake Forest. However, the quasi-industrial appearance of the vacuum plaza is in sharp contrast to the "natural" character of the shopping center and the surrounding neighborhoods.*

*The proposed project includes the elimination of the field of parking directly adjacent to the existing bank. With the elimination of these parking stalls, the car wash will meet the number of parking stalls required by the City's*

*Code. However, even though there are enough parking stalls in the shopping center, the parking stalls are not well distributed throughout the center. As such, this existing parking area in front of the bank is heavily utilized by customers of many of the tenants in the center. The parking area is centrally located and provides convenient parking stalls for customers visiting multiple tenants in the shopping center. Even with the bank being closed, there are frequently many vehicles parked in this area of the lot. The loss of the parking stalls in this central location will create a situation that is objectionable to the other tenants in the shopping center.*

*Therefore, the auto-dominated character and quasi-industrial nature of the car wash, with an outdoor vacuum plaza, and the location of the eliminated parking stalls would create conditions will be objectionable and incompatible with other permitted uses in the vicinity.*

4. General Welfare. The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

*The neighborhood around Heritage Hill Plaza Shopping Center has a distinct sense of place that is characterized by its urban forest and the lake. It is located in the Lake Forest II Neighborhood, which is comprised of 14 residential tracts (3,436 homes). The Heritage Hill Shopping Center is a walkable social/gathering spot for the neighboring community because of its outdoor dining and plaza areas that promote gathering. In many instances, patrons of the other businesses in the center park their cars and walk to the various businesses.*

*The car wash introduces an auto-dominated use wherein patrons will circulate in their cars through the queuing lane to the car wash tunnel and to the vacuum plaza. The constant circulation of vehicles in and out of this site is contrary to the public health and safety and the general welfare at this particular center because of the center's pedestrian-oriented nature. The proposed use within the Heritage Hill Shopping Center increases the risk of conflict between vehicles and other patrons of the center.*

Because only negative findings are required to be made in order to support a denial of the application, the Planning Commission declines to make additional findings related to the Zoning Code, Development fees for provisions of public facilities, and the City Design Guidelines..

SECTION 2. PLANNING COMMISSION ACTIONS. The Planning Commission hereby denies Use Permit 11-19-5315, a new drive-through car wash with self-

service vacuum stalls located at 21781 Lake Forest Drive in the Heritage Hill Shopping Center.

APPROVED this 6<sup>th</sup> day of August 2020, by the following vote, to wit:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAINED: COMMISSIONERS

\_\_\_\_\_  
FRANCISCO BARAJAS  
CHAIR  
LAKE FOREST PLANNING COMMISSION

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
GAYLE ACKERMAN, AICP  
DIRECTOR OF COMMUNITY DEVELOPMENT

\_\_\_\_\_  
DATE