



## DEPARTMENT OF CITY PLANNING

### RECOMMENDATION REPORT

#### South Valley Area Planning Commission

<b>Date:</b>	March 14, 2024	<b>Case No.:</b>	<b>APCSV-2016-1344-CU-ZC-WDI</b>
<b>Time:</b>	After 4:30 p.m.*	<b>CEQA No.:</b>	ENV-2016-1345-CE
<b>Place:</b>	Marvin Braude Building First Floor Conference Room 6262 Van Nuys Boulevard Van Nuys, CA 91401	<b>Council No.:</b>	6 – Padilla
		<b>Plan Area:</b>	Van Nuys-North Sherman Oaks Van Nuys
<b>Public Hearing:</b>	February 13, 2024	<b>Certified NC:</b>	General Commercial
<b>Appeal Status:</b>	Zone Change may be appealed by the applicant if denied	<b>GPLU:</b>	C2-1VL-RIO; P-1VL-RIO
		<b>Zone:</b>	
<b>Expiration Date:</b>	April 17, 2024	<b>Applicant:</b>	Farzad N. Nourollah, FN Property Investment 3
		<b>Representative:</b>	Nathan Freeman, FMG

#### PROJECT

**LOCATION:** 6320 – 6344 ½ North Sepulveda and 6335 North Halbreth Avenue

#### PROPOSED PROJECT:

The legalization of 16 outdoor vacuum cleaner stations associated with an existing car wash facility on a 1.2-acre site in the C2-1VL-RIO and P-1VL-RIO Zone. The requested entitlement is for a Zone Change from P-1VL-RIO to C2-1VL-RIO, in conformance with the General Commercial land use designation of the Van Nuys-North Sherman Oaks Community Plan and a Conditional Use Permit to allow the expansion of an auto related use (vacuum stations) within 500 feet of a residential use with the following deviations from automobile uses standards: Hours of operation are from 7:00 a.m. to 7:30 p.m. daily in lieu of 11:00 am to 8:00pm, an over-in-height fence along Sepulveda Boulevard, and an exception to the five foot landscape buffer otherwise required on Sepulveda Boulevard and Halbreth Avenue. The applicant is requesting a Waiver of Dedication and Improvement to waive street improvements along Sepulveda Boulevard and Halbreth Avenue.

#### REQUESTED ACTIONS:

In accordance with Section 12.36 of the Los Angeles Municipal Code (Multiple Approval Ordinance), the following actions are requested:

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Class 1), Section 15303 (Class 3), and Section 15311 (Small Structures) and that there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to CEQA Guidelines, Section 15300.2 applies.
2. Pursuant to Los Angeles Municipal Code (LAMC) Section 12.32 F, a **Zone Change** from P-1VL-RIO (parking) to C2-1VL-RIO (commercial); and
3. Pursuant to LAMC Section 12.24 W.4, a **Conditional Use** to permit the expansion of an auto related use (vacuum cleaner stations) within 500 feet of a residential use or

zone, and deviations from the following development and operational standards of LAMC Section 12.22 A.28.

- a. Proposed hours of operation from 7 a.m. to 7:30 p.m. Monday through Friday, and 7:00 a.m. to 7:30 p.m. on Saturday in lieu of 9:00 a.m. to 8:00 p.m. and 7:00 a.m. to 7:30 p.m. on Sunday in lieu of 11:00 a.m. to 8:00 p.m. as otherwise limited by LAMC Section 12.22 A.28(b)(5).
  - b. Project is requesting to legalize the existing over-in-height fence along Sepulveda Boulevard, up to 8 feet in lieu of the otherwise permitted 36 inches per LAMC Section 12.22 A.28(a)(4).
  - c. Project is requesting an exception to the landscape buffer on Sepulveda Boulevard and Halbrent Avenue required per LAMC Section 12.22 A.28(a)(9) to provide zero (0) feet in lieu of the otherwise required five (5) feet.
4. Pursuant to the Los Angeles Municipal Code (LAMC) Section 12.37 I.3, a Waiver of Dedication and/or Improvement on Sepulveda Boulevard and Halbrent Avenue.

#### RECOMMENDED ACTIONS:

1. **Determine** that based on the whole of the administrative record, the project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301, Class 1; Section 15303, Class 3; Section 15311; and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. **Approve** a Zone Change, pursuant to Los Angeles Municipal Code ("LAMC") Section 12.32 from P-1VL-RIO to (T)C2-1VL-RIO; and
  - a. **Deny** a waiver of improvement requirements along Sepulveda Boulevard and Halbrent Avenue.
3. **Approve** a Conditional Use to permit the expansion of an auto related use (vacuum cleaner stations) within 500 feet of a residential use or zone, and deviations from development standards of 12.22 A.28(a)(4) and 12.22 A.28(a)(9), the operational standards of 12.22 A.28(b)(5).
4. **Dismiss** a request for a Waiver of Dedication and/or Improvement, pursuant to Los Angeles Municipal Code ("LAMC") Section 12.37 I.3, to waive improvement requests along Sepulveda Boulevard and Halbrent Avenue; and
5. **Approve** the attached Findings.

VINCENT P. BERTONI, AICP  
Director of Planning

*Blake Lamb*

Blake Lamb, Principal City Planner

*Maren Gamboa*

Maren Gamboa, City Planner

*JoJo Pew*

JoJo Pew sawang, Senior City Planner

*CP*

Christian Pearson, Planning Assistant

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Requirements for submission of materials can be found on the Department of City Planning website at <https://planning.lacity.org/about/virtual-commission-instructions>. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendaized herein, or in written correspondence on these matters delivered to the agency at or prior to the public hearing. As a covered entity under Title II of the American Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at (213) 978-1300.

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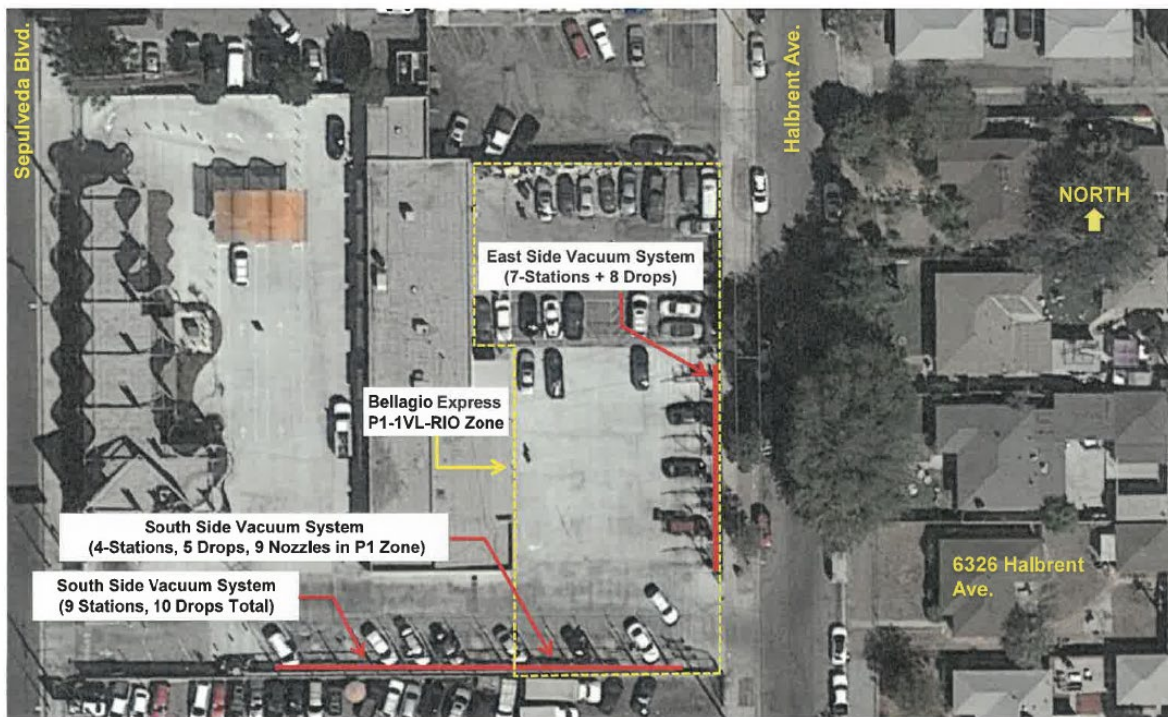


## PROJECT ANALYSIS

### Project Summary

The project would permit 16 outdoor vacuum cleaner stations in the existing P Zone for a total of 19 vacuum cleaner stations on-site. The vacuum cleaner stations are an accessory use to an existing car wash facility on a 1.2 acre site with split zoning of C2 on the front half of the site and P zone on the rear half. The vacuum cleaner structures have a maximum height of approximately 11 feet. There are a total of seven (7) vacuum cleaner stations located along the east property line next to Halbrent Avenue (currently in the P zone), and nine (9) vacuum cleaner stations along the southern property line, four (4) of which are currently in the P zone. Existing and proposed hours of operation are from 7 a.m. to 7:30 p.m. daily. A 6-foot-high sound wall topped with a 2-foot-high wooden fence, for a total of 8-foot-tall, exists along the east property line, which is closest to the single-family properties on Halbrent Avenue. A one-story, 680 square foot new pay station exists along the east side of the car wash entry area. A total of 27 parking spaces are provided on site (27 parking spaces are required) east of the car wash facility. On the west side of the site, fronting Sepulveda boulevard, the car wash features an approximately 8-foot over-in-height fence.

**Aerial Photo 1.1 Bellagio Express Car Wash Property & P1-1VL-RIO Zone**



Google Earth Pro Image Date 10/2/2016

The request is for a Zone Change to C2-1VL-RIO for the entire site instead of the current split zoning of C2-1VL-RIO and P-1VL-RIO, for the purpose of legalizing the existing vacuum cleaner stations where the P-zone currently exists; and a Conditional Use to permit the expansion of an auto related use (vacuum cleaner stations) within 500 feet of a residential use or zone, and deviations from and the following deviation from the operational standards of 12.22 A.28(b)(5).

1. Project is proposing hours of operations from 7 a.m. to 7:30 p.m. Monday through Friday, and 7:00 a.m. to 7:30 p.m. on Saturday in lieu of 9:00 a.m. to 8:00 p.m. and

7:00 a.m. to 7:30 p.m. on Sunday in lieu of 11:00 a.m. to 8:00 p.m. as otherwise limited by LAMC Section 12.22 A.28(a)(9).

2. Project is requesting the legalization of an up to 8 feet over-in-height fence in lieu of the 36 inches otherwise permitted in the front yard for automotive uses on Sepulveda Boulevard and Halbrent Avenue per LAMC Section 12.22. A.28(a)(4).
3. Project is requesting an exception to the five (5) foot landscape buffer on Sepulveda Boulevard and Halbrent Avenue required per LAMC Section 12.22 A.28(a)(9).

The project also seeks a Waiver of Dedication and/or Improvement pursuant to LAMC Section 12.37 on Sepulveda Boulevard and Halbrent Avenue due to the excessive perceived costs of the required improvements. The required improvements from the Bureau of Engineering are summarized below:

1. Sepulveda Boulevard – Construct a new 12-foot full-width concrete sidewalk. Repair all broken, off-grade or bad order concrete curb and gutter. Upgrade all driveways to comply with ADA requirements.
2. Halbrent Avenue – Repair all broken, off-grade or bad order concrete sidewalk, curb and gutter. Upgrade all driveways to comply with ADA requirements or close all unused driveways with standard curb height gutter and sidewalk.

## **Background**

### **Subject Property**

The site is a level, predominantly square-shaped through lot, totaling 54,030 square feet (1.2 acres), zoned C2-1VL-RIO on the front half of the site, and P-1VL-RIO on the rear half. The lot is 252 feet deep with a frontage of 225 feet on the east side of Sepulveda Boulevard, and a frontage of 200 feet on the west side of Halbrent Avenue.

The property is developed with a one story, 4,210 square foot car wash building (originally built in 1964), and a one story, 7,260 square foot auto repair and auto lube building (built in 1965). Building and Safety records show the site has had auto-related uses going back to the first certificate of occupancy issue in 1940 for an auto-service station. The car wash building was built to along the front property line on Sepulveda Boulevard and the required parking is sited along the rear property line on Halbrent Avenue. The operation of the site as automotive uses pre-dates current automotive use standards.

The carwash building's most westerly wall is located on the property line adjacent to Sepulveda Boulevard. The public Right-of-Way abutting the site to the West (on Sepulveda Boulevard) area is partially covered with artificial grass. The remainder of the site is predominantly covered with hardscape/concrete with parking spaces located at the northeast and southeast corners of the site. The site has two driveways off of Sepulveda Boulevard and one driveway off of Halbrent Avenue. The site is enclosed with a variety of fencing, approximately 8 feet high. All driveways have wrought iron gates that secure the site during non-business hours.

In 2016, the car wash was converted from hand wash to an automated washing system and added 16 vacuum stations to the site, utilizing parking spaces along the east side of the property (Halbrent Avenue) and the south side of the property. Shortly after, the three-foot-high CMU wall, topped with a five-foot-high chain link fence was replaced by a six-foot-high CMU wall topped with a two-foot-high wooden fence for a total of eight-feet-high.

### General Plan

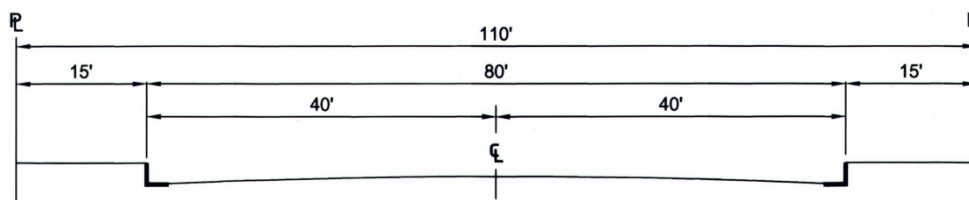
The site is located in the Van Nuys-North Sherman Oaks Community Plan area with a land use designation of General Commercial with corresponding zones of C1.5, C2, C4, RAS3 and RAS4. Footnote 2 of the Community Plan limits the Height District of General Commercial to 1VL and three stories. The site is within the outer core of the River Improvement Overlay District, with the Los Angeles River located approximately 1.6 miles to the south. The site is also located in an Airport Hazard Horizontal Surface Area, a Liquefaction Area, and within 8.7 kilometers of the Northridge Fault.

### Surrounding Properties

Properties to the north, west, and south along Sepulveda Boulevard are zoned C2-1VL-RIO and P-1VL-RIO, and are predominately developed with one story commercial buildings. The subject block is approximately 1,200 feet long and is mostly comprised of through lots to Halbrent Avenue, with C2 zoning in front and P zoning at the rear. The commercial block across Sepulveda Boulevard, is also approximately 1,200 feet long, however it is comprised of lots with just C2 zoning (no split zoning), with said lots adjoining single family properties to the west. Uses in the immediate area include automotive uses (RV storage, Jiffy Lube, and a tire service and use car sales lot (south adjoining), a fast-food drive through restaurant, paint store, a bank and commercial corner with a pizza place, market, bar, and electronic repair shop (north adjoining). The east abutting properties on the east side of Halbrent Avenue are developed with one-story single-family dwellings that face the subject property. The nearest car wash facility to the subject property is located approximately 2 miles to the north near Sherman Way and Van Nuys Boulevard.

### Circulation

Sepulveda Boulevard, adjoining the property to the west, is a Boulevard II, dedicated to a width of 110 feet, and is improved with asphalt roadway, concrete curb, and gutter. The Bureau of Engineering has identified that the project is required to widen the existing sidewalk from 10 feet to 15 feet along the property frontage as well as repairing any broken curb, gutter, sidewalk, and closing any unused driveways.



BOULEVARD II (MAJOR HIGHWAY CLASS II)

A Boulevard II is required to have a 15-foot sidewalk, however this current sidewalk has approximately 5-feet of artificial landscaping.

Halbrent Avenue, adjoining the property to the east, is a Local Street, dedicated to a width of 60 feet and is fully improved with asphalt roadway, concrete curb, gutter, and sidewalk. The Bureau of Engineering has required that the applicant repair any broken curb, gutter, and sidewalk along the property frontage and to close any unused driveways.

As part of this application, the applicant requested to waive improvement requirements along Sepulveda Boulevard and Halbreth Avenue pursuant to LAMC Section 12.37, which applies to highway and collect street dedication and improvement requests. Because the applicant has also requested a Zone Change under LAMC Section 12.32, the appropriate process under the Municipal Code is not dictated by LAMC Section 12.37. As such, the Staff recommends that the waiver request be taken under the authorities to impose public improvements under LAMC 12.32 and to dismiss the WDI request under 12.37 inasmuch as it is not the appropriate entitlement path.

### Relevant Cases

#### Subject Site

Building and Safety Order to Comply No. 4176125 – Issued October 19, 2016, for the construction of a spray booth without permits or approvals, unapproved open storage in the C2 Zone, and for unapproved signs, pennants, banners ribbons, streamer balloons, or spinners. The order appears to have been issued pursuant to the vehicle inspection program. The order status is “under investigation.”

Building and Safety Customer Service Request – On September 29, 2016, complaints were made by residents regarding loud and constant noise coming from the car wash site. The complaint states there are approximately 10 vacuums that are constantly running from 7 a.m. to 9 p.m. A Building and Safety Inspector went to the site and observed possible violations, such as vacuums are installed and working however the subject permit is on Hold. Per staff discussion with the B&S Inspector, they are waiting for the subject case to be determined.

Building and Safety Permit No. 14010-20000-03904 – Issued February 9, 2016, for a 20 foot by 34-foot canopy (680 square foot pay station) and relocate/restripe parking at different location with no change in number of provided parking, located at 6344 Sepulveda Boulevard. [Staff Note: The permit plot plan shows 27 parking spaces with 2 short term bike spaces and 2 long term bike spaces.]

Building and Safety Permit No. 14016-20000-25024 – Issued March 25, 2015, for the remodel of an existing one story carwash/office, including façade to raise the height and to remove 46 foot by 20 foot and 25 foot by 25 foot irregular shaped portions of the building and to relocate 3 parking stalls with no change in number of required or provided parking stalls, located at 6344 Sepulveda Boulevard. [Staff Note: The permit plot plan shows 27 parking spaces including handicap space, distributed over the entire site.]

Building and Safety Permit No. 14010-20000-03905, 03906, and 03907 – Submitted December 10, 2014 and Withdrawn on March 17, 2015, for vacuum station canopies, located at 6344 Sepulveda Boulevard.

Building and Safety Permit No. 10048-10000-01410 – Issued May 12, 2011 to install a new double face 5 foot by 10 foot electronic message board pole sign on an existing on-site pole sign located at 6344 Sepulveda Boulevard.

CPC 2007-3036-RIO - On August 20, 2014, Ordinance 183,144 and 183,145 became effective with the establishment of the River Improvement Overlay District (RIO) and River Design Guidelines.

Building and Safety Permit No. 10048-10000-01410 – Issued May 12, 2011 to install a new double face 5 foot by 10 foot electronic message board pole sign on an existing on-site pole sign located at 6344 Sepulveda Boulevard.

Certificate of Occupancy – Issued April 29, 2005, for a 15 foot by 16 foot use of land for used car sales accessory to an existing office with no change in parking, located at 6335 Halbrent Avenue.

Certificate of Occupancy – Issued May 2, 2002, to convert an existing storage area to an office with no change in parking, located at 6335 Halbrent Avenue.

CPC 1986-784-GPC - On June 28, 1992, Ordinance 167,939 (Area 4-Sub Area 5033C) became effective changing the height district to 1VL.

Certificate of Occupancy – Issued December 30, 1986, for a 20 foot by 40 carport to an existing 43 foot by 173 foot car wash/office building with no change in parking, located at 6340 Sepulveda Boulevard.

CPC 29376 - On September 22, 1983, Ordinance 158,361 (Area 4-Sub Area H33) became effective changing the height district to 1L.

Certificate of Occupancy – Issued October 30, 1972, for a one-story 10 foot by 20 waiting room and 15 foot by 16 foot entry and interior hallway addition to the existing 42 foot by 180 foot car wash with one additional parking space provided, located at 6340 Sepulveda Boulevard.

Certificate of Occupancy – Issued October 30, 1972, for a one-story 10 foot by 20 waiting room and 15 foot by 16 foot entry and interior hallway addition to the existing 42 foot by 180 foot car wash with one additional parking space provided, located at 6340 Sepulveda Boulevard.

Certificate of Occupancy – Issued March 10, 1972, for a 42 foot by 40 foot use of land for auto rentals, located at 6344 Sepulveda Boulevard.

Certificate of Occupancy – Issued September 3, 1965, for a one story, 40 foot by 161 foot auto body shop with 21 parking spaces required, located at 6335 Halbrent Avenue.

Certificate of Occupancy – Issued July 8, 1965, for a 10 foot by 20 foot pedestrian shelter located at 6340 Sepulveda Boulevard.

Certificate of Occupancy – Issued April 7, 1965, for a 54 foot by 180 foot carwash building with 15 required parking spaces, located at 6340 Sepulveda Boulevard.

CPC 14634 - On September 19, 1964, Ordinance 128,087 became effective changing the zoning of the rear half of the subject property from R1-1 to P-1.

Certificate of Occupancy – Issued February 13, 1959, for a one story, 20 foot by 29 ½ foot canopy addition for a spray booth cover, located at 6344 Sepulveda Boulevard.

Certificate of Occupancy – Issued December 28, 1955, to convert an existing 30 foot by 30 foot dwelling to an auto repair garage, located at 6344 Sepulveda Boulevard.

Certificate of Occupancy – Issued March 21, 1955, for a one story, 22 foot by 26 foot auto repair garage, located at 6334 Sepulveda Boulevard.

Certificate of Occupancy – Issued December 11, 1940, for an auto service station, located at 6340 Sepulveda Boulevard.

#### Surrounding Properties

Case No. ZA 1998-164-CUZ - On June 15, 2000, the Zoning Administrator approved a conditional use to permit the construction, use and maintenance of a drive- through fast food restaurant in the C2 Zone, with hours of operation between 6 a.m. to 11 p.m., Sunday through Thursday, and between 6 a.m. to 12 midnight, Friday and Saturday, located at 6351 Sepulveda Boulevard (northwest abutting)

#### **Issues**

During the public hearing on November 18, 2016, the following issues were brought up:

The nearby residents expressed opposition with the vacuum cleaner stations primarily because of the noise and the bright lighting and the fact that no sound wall had been built to date as was presented to the neighbors prior to the installation of the vacuum cleaner stations. Also noted was that the vacuum hoses seem to fall off from the handle at the vacuum stations, and when that occurs a loud whistle noise happens. A number of residents also objected to the earlier start times on Saturday and Sunday of 8 a.m. and 9 a.m. respectively.

Correspondence was received by two additional single-family residents/property owners on Halbreth Avenue, also complaining about the noisy vacuum cleaner stations with no sound wall and objecting to earlier start times on the weekends. Complaints were also expressed that the business is starting earlier and staying open later than the stated hours of operation. The Van Nuys Neighborhood Council sent a letter in support of the project with the understanding that the nearby residential property owners supported the project however the signatures of support were obtained prior to the vacuum stations being installed

During the public hearing on February 14, 2024, no members of the public attended. Additionally, no correspondence has been received regarding the project. Since the previous hearing in November of 2016, a soundwall has been constructed.

#### **Noise:**

Operational noise was cited as a major concern to adjacent property owners during the first public hearing on November 18, 2016. At this point, the vacuums were already installed at the site without permits. Sometime later, the applicant also added an approximately 6-foot in height CMU-block wall with a 2-foot wooden extension along Halbreth Avenue to serve as a sound wall and to help screen the vacuums from view. This 8-foot wall replaced a 4-foot block wall and 6-foot chain link fence that originally lined the Halbreth Avenue frontage when the application was originally filed.

In 2021, Planning staff requested an updated Noise Study (Exhibit C) to reflect existing conditions, which include the new 8-foot fence and the operational vacuum systems. The noise impact assessment, prepared by Navcon Engineering Network, was conducted by comparing the noise level recorded at the closest residential property (6326 Halbreth Ave.) both without and with the vacuum systems operating. Since the car wash operates between 7 am and 7:30 pm seven days per week, the noise survey was conducted on a Sunday morning between 6 am and 8:15 am when the background/ambient noise level is at a minimum. This resulted in the most conservative noise impact assessment.

Per City of Los Angeles, CEQA Thresholds Guide (2006), "A project would normally have a significant impact on noise levels from project operations if the project causes the ambient noise level measured at the property line of affected uses to increase by 3 dBA (A-weighted decibel scale) in CNEL (Community Noise Equivalent Level) to or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase..." The CEQA Threshold Community Noise Exposure Chart for a Single-Family Use is as follows:

- Normally Acceptable is between 50 – 60 db
- Conditionally Acceptable is between 55- 70 db
- Normally Unacceptable is between 70- 75 db

The daytime Exterior Noise Limit for Residential Properties is 50 dBA for a cumulative period of more than 30 minutes in any hour during the daytime hours of 7 am to 10 pm. The ordinance states that if the ambient L50 (i.e., that level which is exceeded 50% of the time or 30 min. per hour) is greater than the limit, then the ambient L50 becomes the exterior noise level limit.

The ambient L50 level measured at 6326 Halbreth Ave. (i.e., the residential ambient reference location) exceeded the 50 dBA limit after 7:30 am and therefore becomes the residential exterior noise level limit. The noise level limits are shown below.

7:00 am to 7:30 am, Measured L50 = 49.2 dBA, Noise Level Limit = 50.0

7:30 am to 8:00 am, Measured L50 = 50.9 dBA, Noise Level Limit = 50.9

8:00 am to 8:30 am, Measured L50 = 51.6 dBA, Noise Level Limit = 51.6

8:30 am to 9:00 am, Measured L50 = 52.8 dBA, Noise Level Limit = 52.8

After 9:00 am the ambient noise level continues to increase due to arterial traffic and therefore the Noise Level Limit will continue to increase.

The results of this study indicate that the vacuum cleaning stations and vacuum drops located on the east side of the property in the portion currently zoned P-1VL-RIO do not represent a noise impact to the residential community located on the east side of Halbreth Avenue. The study also concluded that the erection of the sound wall provided a significant reduction in the noise, reducing impacts to the neighboring residences.

At the last hearing on February 13, 2024, no members of the public were present and no communications were received regarding the instant application.

### **Lighting:**

A photo example of the vacuum cleaner stations was provided for environmental review which indicates each station has a light under the arm/arch above.

During the public hearing on November 18, 2016, the following issues were brought up by members of the public:

The second major complaint is that the lighting of the vacuum cleaner stations is too bright. As noted, the mesh canopy covers have not been added yet, which could reduce the brightness, however the existing lights appear to be a bright white LED lighting and are relatively long, extending to most of the arm/arch length, which is approximately 6 feet.



During the public hearing on February 14, 2024, no members of the public attended. Additionally, no correspondence has been received regarding the project.

The following condition is proposed to address this issue.

9. Each vacuum station lighting shall be directed downward, away from residential use, to prevent exposed lighting towards the surrounding residential uses.

Additionally, the addition of the sound wall blocks much of the light coming from the vacuum bays. Below is an image from the street showing the lights blocked by the existing sound wall.



### **Hours of Operation:**

The existing car wash facility and associated vacuum cleaner stations are currently in use from 7 a.m. to 7:30 p.m. daily. At the September 2016 hearing, a number of residents objected to the earlier start times on Saturday and Sunday (i.e. beyond the code required hours for automotive uses) because of the noise impact. Also complaints were made at the 2016 hearing that the applicant is operating beyond the time frame they initially proposed (starting earlier and operating later).

The car wash and vacuums have been operating from 7:00 a.m. to 7:30 p.m., daily for the past seven years. During the most recent public hearing on February 14, 2024, no members of the public attended. Additionally, no correspondence has been received regarding hours of operation for the project.

### **On-site Parking/Circulation:**

Ingress/Egress: site plan inconsistency

The northerly driveway is an exit only driveway however it is gated and treated as an emergency exit only, and the southerly driveway is shown as a two-way on the site plan, however it is currently used as an “enter only” driveway. The driveway off of Halbrent Avenue is shown as an exit only



on the site plan, however it currently operates as a two-way driveway. Therefore, all auto related traffic uses the Halbrent driveway to exit the site. Using the north driveway as emergency exit only with gate locked poses additional problems as a vehicle cannot turnaround due to new bollards put in, once the arm of the pay station is raised, without someone unlocking the north driveway gate.

The following condition is proposed to address this issue.

11. A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Los Angeles Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.

### **Conclusion**

Based on the information submitted, the surrounding uses, input of the public, and the existing carwash which is in compliance with the Van Nuys – North Sherman Oaks Community Plan, staff recommends the South Valley Area Planning Commission approve:

- a. The requested Zone Change from P-1VL-RIO to (T)C2-1VL-RIO, and
- b. A Conditional Use Permit to permit the expansion of an auto related use (vacuum cleaner stations) within 500 feet of a residential use or zone, and deviations from certain operational standards of 12.22. A.28

As part of this application, the applicant requested to waive improvement requirements along Sepulveda Boulevard and Halbrent Avenue pursuant to LAMC Section 12.37, which applies to highway and collect street dedication and improvement requests. Because the applicant has also requested a zone change, the appropriate process under the Municipal Code is not dictated by LAMC Section 12.37. As such, the Staff recommends that the waiver request be taken under the authorities to impose public improvements under LAMC 12.32, but recommends denial pursuant to the letter from the Bureau of Engineering, dated June 8, 2018. Therefore, the Staff recommends the South Valley Area Planning Commission dismiss the requested Waiver of Dedication and/or Improvement under LAMC Section 12.37 for the public Right-of-Way improvements along Sepulveda Boulevard and Halbrent Avenue, and deny the waiver of these public improvements for the reasons set forth in the June 8, 2018, letter from the Bureau of Engineering.

Staff also recommends that the Council adopt the proposed (T) conditions as a condition of the Zone Change request.

## **CONDITIONS FOR EFFECTUATING (T) TENTATIVE CLASSIFICATION REMOVAL**

Pursuant to Section 12.32.G of the Municipal Code, the (T) Tentative Classification shall be removed by the recordation of a final parcel or tract map or by posting of guarantees through the B-permit process of the City Engineer to secure the following without expense to the City of Los Angeles, with copies of any approval or guarantees provided to the Department of City Planning for attachment to the subject planning case file.

1. Dedication Required:

Sepulveda Boulevard (Boulevard II): None

Halbrent Avenue (Local Street): None

2. Improvements Required:

- a. Sepulveda Boulevard - Construct a new 12-foot full-width concrete sidewalk. Repair all broken, off-grade or bad order concrete curb and gutter. upgrade all driveways to comply with ADA requirements. Upgrade all driveways to comply with ADA requirements.
- b. Halbrent Avenue - Repair all broken, off-grade or bad order concrete sidewalk, curb and gutter. Upgrade all driveways to comply with ADA requirements or close all unused driveways with standard curb height, gutter and sidewalk.
- c. Install tree wells with root barriers and plant street trees satisfactory to the City Engineer and the Urban Forestry Division of the Bureau of Street Services. The applicant should contact the Urban Forestry Division for further information (213) 847 -3077.

Notes: Street lighting may be required satisfactory to the Bureau of Street Lighting (213) 847-1551.

Department of Transportation may have additional requirements for dedication and improvements.

3. No major drainage problems are involved.

4. Sewer lines exist in Sepulveda Boulevard. All Sewage Facilities Charges and Bonded Sewer Fees are to be paid prior to obtaining a building permit.

5. Submit a parking area and driveway plan to the Valley District Office of the Bureau of Engineering and the Department of Transportation for review and approval.

Any questions regarding this report may be directed to Quyen Phan at 213-202-3495

6. The Bureau of Street Lighting's recommended condition of approval for the subject city planning case is as follows:

IMPROVEMENT CONDITION: No street lighting improvements if no street widening per BOE improvement conditions. Otherwise relocate and upgrade street lights; two (2) on Sepulveda Boulevard. and one (1) on Halbrent Avenue.

## CONDITIONS OF APPROVAL

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in the case file.
7. Authorized herein is the continued operation of an automotive laundry facility with a total of 16 vacuum cleaner stations and the following deviations from automotive standards:
  - a. **Hours of Operation.** Hours of operation for the car wash facility shall be from 7 a.m. to 7:30 p.m. daily.
  - b. **Over-in-Height Fence.** The project is permitted to maintain a maximum 8-foot in height fence along both Sepulveda Boulevard and Halbret Avenue.
  - c. **Landscape buffer.** The project is permitted to provide a zero-foot landscape buffer along Halbrent Avenue and a zero-foot landscape buffer along Sepulveda Boulevard in lieu of 5 feet otherwise required along both street frontages.
8. **Site Landscaping.** All open areas not used for buildings, driveways, and parking areas, shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.
9. **Lighting.** Each vacuum station lighting shall be directed downward, away from residential use, to prevent exposed lighting towards the surrounding residential uses.

10. **Parking.** All required on-site parking spaces shall be open and accessible to patrons using the site and shall not otherwise be obstructed or used for open storage of vehicles.
11. **Sound Wall.** A sound wall fronting Halbrent Avenue shall be maintained, in good condition, free of graffiti.
12. **Signage.** Signage shall be limited to subject property only and may not encroach onto the public right of way. Sign spinning mannequins are prohibited.
13. **Parking.** A parking area and driveway plan should be submitted to the Citywide Planning Coordination Section of the Los Angeles Department of Transportation for approval prior to submittal of building permit plans for plan check by the Department of Building and Safety. Transportation approvals are conducted at 6262 Van Nuys Blvd., Room 320, Van Nuys, CA 91401.

Administrative Conditions:

14. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
15. **Code Compliance.** Area, height and use regulations of the zone classification of the subject property shall be complied with, except where herein conditions are more restrictive.
16. **Covenant.** Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assign. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department for attachment to the file.
17. **Definition.** Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendment to any legislation.
18. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
19. **Building Plans.** Page 1 of the grants and all the conditions of approval shall be printed on the building plans submitted to the City Planning Department and the Department of Building and Safety.
20. **Project Plan Modifications.** Any corrections and/or modifications to the Project plans made subsequent to this grant that are deemed necessary by the Department of Building and Safety, Housing Department, or other Agency for Code compliance, and which involve a change in site plan, floor area, parking, building height, yards or setbacks, building separations, or lot coverage, shall require a referral of the revised plans back to the Department of City Planning for additional review and final sign-off prior to the issuance of any building permit in connection with said plans. This process may require additional review and/or action by the appropriate decision making authority including the Director of Planning, City Planning Commission, Area Planning Commission, or Board.
21. **Indemnification.** Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- e. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

## ZONE CHANGE FINDINGS

### A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the Van Nuys – North Sherman Oaks Community Plan and is designated for General Commercial land uses, which corresponds to the C1.5, C2, C3, RAS3 and RAS4 Zone. The proposed zone change to (T)C2-1VL-RIO is consistent with the land use designation on the plan map and is therefore in substantial conformance with the purposes, intent and provisions of the General Plan as reflected in the adopted Community Plan.
2. **General Plan Text.** The Van Nuys – North Sherman Oaks Community Plan text includes the following relevant land use goals, objectives, policies and programs:

**GOAL 2:** A STRONG AND COMPETITIVE COMMERCIAL SECTOR WHICH BEST SERVES THE NEEDS OF THE COMMUNITY THROUGH MAXIMUM EFFICIENCY AND ACCESSIBILITY WHILE PRESERVING THE HISTORIC COMMERCIAL AND CULTURAL CHARACTER OF THE COMMUNITY.

**Objective 2-1:** To conserve the strengthen viable commercial development.

**Policy 2-1.1** New commercial uses shall be located in existing established commercial areas or existing shopping centers.

**Program:** The Plan Map identifies specific areas where commercial development is permitted.

**Policy 2-1.2** Require that projects be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

**Program:** Chapter V – Urban Design, proposes, policies for commercial development which address this policy; the Plan also ensure more compatibility by downsizing and/or establishing more restrictive height limits.

**Objective 2-2** To enhance the identity of distinctive commercial districts.

**Policy 2-2.1** New development needs to add to and enhance the existing pedestrian street activity.

**Program:** Development within these areas is subject to the design standards established in the Design Guidelines for pedestrian oriented areas.

**Policy 2-2.2** Ensure that commercial in-fill projects achieve harmony in design with the best of existing development.

**Program:** Implementation of the Design Guidelines in Chapter V.

**Policy 2-2.3** Require that the older commercial business areas with pedestrian oriented districts be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses.



Program: The Plan includes Design Guidelines which Implement this policy for commercial projects and projects located within pedestrian oriented districts.

The proposed accessory use will meet the above objectives and policies of the plan area's needs, matching the use for this area by the Community Plan's General Commercial land use designation. The project would change the P-1VL-RIO to (T)C2-1VL-RIO zone for the ability to use a vacuum as an accessory use of the car wash within 500 feet of residential parcels.

The proposed C2 zone and legalization of 11 uncovered vacuum cleaners would be compatible with the existing General Commercial land use and character. Additionally, the project has been conditioned to improve the surrounding public rights-of-way, which will serve to enhance the roadways, sidewalks, and street lighting along the site and provide for better connectivity within the neighborhood. Other utilities and public services for the site, including the availability of sewer and drainage facilities in Sepulveda Boulevard and Halbreth Avenue were found to be adequate. Adequate access to the site is available from the surrounding streets and a common driveway will provide patrons with direct access from Sepulveda Boulevard and/or Halbreth Avenue.

Therefore, as conditioned, the recommendations contained in this report meet the objectives of the Community Plan and are consistent with the general plan land use designation.

## **B. Entitlement Findings**

### **1. Zone Change, L.A.M.C. Sec. 12.32-F: The recommended zone change is in conformance with the public necessity, convenience, general welfare or good zoning practice in that:**

The (T)C2-1VL-RIO zone is consistent with the existing General Plan Land Use designation in that this land use category allows for a corresponding zone of C2. The project is also convenient in location to serve major streets, such as Sepulveda Boulevard and Victory Boulevard and surrounding infrastructure. There is a necessity for a vacuum as an accessory use at the existing car wash to provide a higher level of service. There are no other car washes within 2 miles of the site. Thus, many residents and customers have come to rely on the services of the car wash and vacuum facilities. Properties in the immediate neighborhood primarily consist of single-family homes on R1-zoned lots east, across Halbreth Avenue and surrounding commercial uses on C2-zoned lots. Therefore, the zone change is provided as part of public necessity and convenience and in the general welfare of the neighborhood. Furthermore, such zone change will be in good zoning practice by providing a harmonious service for the vicinity.

The action, as recommended, has been made contingent upon compliance with the "(T)" conditions imposed herein. Such limitations are necessary to protect the best interests of and to assure developments and improvements more compatible with surrounding properties, to secure an appropriate development in harmony with the General Plan, and to prevent or mitigate the potential adverse environmental effects of the subject recommended action.

### **2. Conditional Use Findings**

- a. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The subject property is located on the east side of Sepulveda Boulevard, near the Victory Boulevard intersection. The property is improved with a car washing facility station

(Bellagio Car Wash) with 16 vacuum cleaner stations and 27 parking spots. The applicant is requesting the legalization of the existing car wash operations in the P-1VL-RIO Zone consisting of 11 vacuum cleaner stations.

The applicant is seeking a Conditional Use for the expansion of an auto related use (i.e. legalizing vacuum cleaner stations) within 500 feet of a residential use or zone, and deviations from operational standards of LAMC Section 12.22.A.28. The project is currently operating from 7:00 a.m. to 7:30 p.m. daily in lieu of Monday through Saturday 9:00 a.m. to 8:00 p.m. and in lieu of Sunday 11:00 a.m. to 8:00 p.m. The existing car wash facility proposed provides a service that is beneficial to the community. The project is also seeking a Conditional Use for the approximately 8-foot, over in height fence in lieu of the 36 inches otherwise allowed. Lastly, the project is requesting an exception to the five (5) foot landscape buffer on Sepulveda Boulevard and Halbrent Avenue.

The Conditional Use will allow the existing car wash facility to continue servicing the community in a beneficial way. The car wash offers the convenience of cleaning the exterior and interior of automotive vehicles. The hours of operation of operation present more options for people to obtain the service beyond regular working hours. The over-in-height fence allows security and provides sound and light barriers to the residential neighborhood to the east. The waiver of landscape requirements are necessary due to the existing site conditions of the site. The building is built to the property line on Sepulveda Boulevard and the required parking exists along the property line along Halbrent Avenue. These are the original conditions of the site as developed in 1954. The legalization of the existing vacuum cleaner stations and deviations from the operational standards will support the surrounding community by continuing to provide a service that is convenient and beneficial to employees, visitors, and local residents.

**b. The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.**

The subject interior lot is currently improved with an existing car wash facility (Bellagio Car Wash). Vehicular access to the site is provided through one driveway on Sepulveda Boulevard and one driveway along Halbrent Avenue. The applicant has requested to allow the continued use of the car wash facility as is, including the legalization of the 11 of the 23 vacuum cleaner stations featured on-site in the current P-1VL-RIO zone. The project is currently operating from 7:00 a.m. to 7:30 p.m. daily in lieu of Monday through Saturday 9:00 a.m. to 8:00 p.m. and in lieu of Sunday 11:00 a.m. to 8:00 p.m. The existing car wash facility proposed provides a service that is beneficial to the community. The project is also seeking a Conditional Use for the approximately 8-foot, over in height fence in lieu of the 36 inches otherwise allowed. Lastly, the project is requesting an exception to the five (5) foot landscape buffer on Sepulveda Boulevard and Halbrent Avenue.

The car wash has existed at the site for many years. The existing vacuum cleaner stations will be compatible with and will not adversely affect adjacent properties. The vacuum cleaner station's location will remain within the parking lot of the car wash towards the east side of the property. The legalization of the vacuum cleaner stations will allow the car wash to continue to operate and serve members of the community.

No new development is proposed. Therefore, physical features of the project would not degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety of the public at large.

Surrounding properties are generally zoned parking, commercial, single-family residential, and multi-family residential. The northern abutting properties are zoned C2-1VL-RIO and

P-1VL-RIO and are developed with a bank building. The western adjoining properties (across Sepulveda Boulevard) are zoned C2-1VL-RIO and are developed with a fast-food use and an automotive repair shop. The southern abutting property is zoned C2-1VL-RIO and P-1VL-RIO and is developed with an auto body repair shop and dealership. The eastern adjoining properties (across Halbrent Avenue) are zoned R1-1-RIO and are developed with single-family dwellings. The legalization of the existing vacuum cleaner stations and the continued operational standards will not alter the mode and character of the existing use and is not anticipated to result in any additional nuisance activity.

Therefore, the conditions of the grant address safety, security, and noise to ensure the use remains compatible with surrounding uses and does not further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**c. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The General Plan is the City's roadmap for future growth and development. The General Plan Elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are implemented in the form of Municipal Code requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The subject property is located within the Van Nuys-North Sherman Oaks Community Plan which designates the property for General Commercial land uses with corresponding zones of CR, C1 .5, C2, and C4. The car wash facility (and associated vacuum cleaner stations) is a permitted use in the C2 Zone that is consistent with the Plan land use category in the Van Nuys-North Sherman Oaks Community Plan. Furthermore, the subject request is aligned with the goals and policies of the General Plan, including Community Plan Policy 2-1.1 stating that "new commercial uses shall be located in existing established commercial areas or existing shopping centers."

The subject conditional use would legalize the expansion of existing car wash facility. The existing car wash is located in an existing established commercial area, following the intent of the plan. The legalization of the expanded car wash facility will allow the car wash to continue to operate and provide the community with a viable service that they have come to expect. The requested hours of operation, deviations to landscape setbacks, and over-in-height fences are existing conditions at the site. Further, at the latest public hearing, no additional comments/concerns were expressed from neighbors. Nevertheless, conditions have been incorporated that seek to address comments received from the prior hearing conducted in 2016. Limitations include specifications on lighting positions to reduce light spill to the residential communities, and conference with LADOT for circulation plan approval. As such, the project substantial conforms with the purpose, intent, and provisions of the General Plan and applicable Community Plan.

**3. Conditional Use Supplemental Findings per LAMC Section 12.24 W-4**

**a. That project approval will not create or add to a detrimental concentration of automotive uses in the vicinity of the proposed automotive use.**

The subject property is an interior lot located on the east side of Sepulveda Boulevard. The property is improved with a car wash facility (Bellagio Car Wash). The applicant is seeking a Conditional Use for the expansion of an auto related use (i.e. legalizing vacuum

cleaner stations) within 500 feet of a residential use or zone, and deviations from operational standards of LAMC Section 12.22.A.28. The project is currently operating from 7:00 a.m. to 7:30 p.m. daily in lieu of Monday through Saturday 9:00 a.m. to 8:00 p.m. and in lieu of Sunday 11:00 a.m. to 8:00 p.m. The existing car wash facility proposed provides a service that is beneficial to the community. The project is also seeking a Conditional Use for the approximately 8-foot, over in height fence in lieu of the 36 inches otherwise allowed. Lastly, the project is requesting an exception to the five (5) foot landscape buffer on Sepulveda Boulevard and Halbreth Avenue.

The existing car wash, which has been operating successfully for over 50 years, is surrounded by a variety of commercial uses, including other automotive uses such as a Jiffylube and motor vehicle dealerships. There are retail stores and dining opportunities in the immediate vicinity as well. The existing car wash facility on the subject site is the only one in the immediate vicinity and serves a large portion of the community. Therefore, the project will not create or add to a detrimental concentration of automotive uses in the vicinity.

- b. That based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The proposed project is for a zone change and conditional use to allow the expansion of an existing car wash within 500 feet of a residential zone or use. The change from P zone to C2 zone will legalize the existing vacuum stations located in the P zone and continued operation of the business that has been at that location for over fifty years. There is no change to the existing curb cuts, ingress or egress access to the site, nor parking spots. Queuing space for the car wash exists on site, and the orderly location of vacuum stalls prevent on-site congestion.

Nevertheless, the project has been conditioned to require that a parking area and driveway plan be submitted to the Department of Transportation prior to submittal of building permit plans for plan check by the Department of Building and Safety to ensure the continued use will not constitute a traffic hazard, cause significant congestion, or disrupt circulation on adjacent streets.

- c. That any spray painting will be conducted within a fully enclosed structure located at least 500 feet away from a school or A or R zone, and that all spray painting will be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, as well as South Coast Air Quality Management District Rules 1132 and 1151, regulating these installations.**

The proposed project is for a zone change and conditional use to allow the expansion of an existing car wash within 500 feet of a residential zone or use. The change from P zone to C2 zone will legalize the existing vacuum stations located in the P zone. This project is not proposing a spray-painting booth, therefore this finding does not apply.

- d. That the applicant has submitted an appropriate landscape plan setting forth all plant materials and irrigation systems, and a written maintenance schedule indicating how the landscaping will be maintained.**

The proposed project is for a zone change from the P-1VL-RIO to C2-1VL-RIO on the eastern portion of the lot. The site has been previously developed with auto related uses, including a car wash built at the property line and also requires a new Conditional Use to allow expansion of the car wash on the eastern portion. The zone change and conditional

use make the property subject to the automobile use standards in LAMC 12.24. The project seeks to waive out of the required landscape buffer due to the physical limitations of the site and the existing buildings. Additionally, as conditioned, all other open areas not used for buildings, driveways, and parking areas, shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect, and submitted for approval to the Department of City Planning.

### **C. CEQA Findings**

Based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301 (Class 1, Existing Facilities) and CEQA Guidelines Section 15303 (Class 3, New Construction or Conversion of Small Structures), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

**Class 1** consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of exiting public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in the guidelines are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

The project consists of the legalization of vacuum stations at an existing car wash through a zone change on a portion of the lot currently zoned P-1VL-RIO. The Zone Change will legalize 16 vacuum bays currently on the lot.

**Class 3** consists of the construction and location of a limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

The project consists of the legalization of vacuum stations at an existing car wash through a zone change on a portion of the lot currently zoned P-1VL-RIO. The Zone Change will legalize 16 vacuum bays currently on the lot.. The vacuum station are small, accessory structures to the main use of the car wash, which has been in operation for more than 50 years.

**Class 11** consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities.

The project consists of the legalization of vacuum stations at an existing car wash through a zone change on a portion of the lot currently zoned P-1VL-RIO. The Zone Change will legalize 16 vacuum bays currently on the lot. Vacuum stations are accessory to the main use of a car wash and is an added service for the car wash customers.

### **15300.2 Exceptions.**

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous

or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project is located in an urbanized area and is an expansion of an existing use. The location is not in a particularly sensitive environment, and there are no environmental resources of hazardous or critical concern that are designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. Further, the project incorporation of a sound wall and the resultant sound studies indicate that there are no impacts to the surrounding environment.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

There are no other car washes in the immediate vicinity, and the project is surrounded by other longstanding automobile uses. Therefore, expansion of the use does not result in cumulative impacts as there is not a succession of project of the same type in the same place over time.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no unusual circumstances involved in the project or the site. The car wash has been operating on this site for over fifty years and is a use allowed by the General Plan Land Use and the zoning on a portion of the site.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The location of this project on Sherman Way in the Van Nuys – North Sherman Oaks Community Plan is not part of any scenic resource.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project site is itself, or located near, a historic cultural monument, or any other historic resource identified by the city, or on a list of state and national historic resources.

Therefore, there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

## **PUBLIC HEARING AND COMMUNICATIONS**

### **Public Hearing**

Two public hearings were held for this project. The first public hearing was held at the Marvin Braude Constituent Service Center on November 18, 2016. The public hearing was attended by the project owner and representative, project contractor for the sound wall, as well as approximately five community members from Halbrent Street who spoke in opposition of the project.

The applicant's representative introduced himself and the sound wall contractor. The property owner came in a little later. The project was summarized by the applicant representative and noted that the owner has hired a contractor to put in the sound wall.

The applicant representative stated the following:

- The car wash has been in operation at the site since the 1950's.
- Owner purchased two years ago and has made façade improvements to the car wash and has reduced the size of the car wash building.
- The split zoning at the site limits commercial use at the site, whereas across the street, they have lots with full commercial zoning that adjoin residential properties. The applicant wants the same commercial zoning as the lots across the street.
- The owner has hired a contractor and will be pulling permits for the sound wall next week.
- South of us is a tire shop where most of the noise is coming from.
- Still plan to do mesh canopies which will cover the vacuum stations.
- One way into the site.
- The car wash and vacuum are self-service but have attendants on site to assist.

The contractor stated the following:

- The soundwall will be a concrete block wall.
- It will be one hour sound rated.
- The block wall is the same as an acoustical sound wall.

The owner stated the following:

- Ingress and egress is in and out on both driveway
- There are 7 attendants at the site for the car wash and vacuum stations.
- The sound wall along Halbrent will be a block wall (concrete) and is one hour fire rated.
- He cares about this area/community.
- Is working with Senior Lead Officer Kirk to address homeless problem on Halbrent.
- Has made improvements to the site.
- Is working on starting to get the sound wall next week.
- Noise is coming from the tire shop, not the vacuums.
- The north driveway is gated because it is an emergency exit only.
- B&S is requiring the 12 foot high firewall on south side.

Residents on Halbrent stated the following:

Resident 1 -

- I live directly across the street.
- Tire shop is for buying and selling used tires.
- The vacuums are noisy.
- They said they would put up the sound wall but hasn't been done.
- The vacuums have been in operation for about 8 months.
- When the vacuum falls off the handle, there is a loud whistle noise.
- I have double pane windows and I can still hear the vacuums.
- I also hear cars screeching when they leave the site.

- The nighttime lighting is too bright.
- They are open from 7 a.m. to 8 p.m.
- A 6-foot wall is not high enough because the vacuums are taller.

Resident 2 -

- We have lived at our house for over 20 years.
- The owner initially shared site plan but is proposing something different- vacuums on the south side of the site, not the east side.
- They showed us an image of a wall that they said they would build.
- The vacuums are too noisy and keep falling off the handle.
- My dad built fences to block out the noise but still doesn't help.
- We have no problem with the tire shop.
- The lighting is really bright.
- We are against the hours on Saturday and Sunday, they are operating from 7 a.m. to 8 p.m. The only time my dad has to rest is on the weekends.

Resident 3 –

- The vacuums are too noisy.
- Supported because they said they were going to put up a wall on Halbrent but hasn't done it.
- Lights are bright at night.
- Mire vacuums would mean more noise.

Applicant representative and Owner responded:

- Will be willing to work on reducing the hours, lighting, and soundwall
- Will put up soundwall with landscaping along Halbrent
- Disputed staying open late.
- They first open the south side of the site from 7 a.m. to 9 a.m.
- Peak time at the car wash is 10:30 a.m.
- Business slows down at 5:30 p.m.

A second public hearing was conducted Virtually via Zoom on February 14, 2024. No members of the public were in attendance. No further communications regarding support or opposition to the project were received.

The Representative:

- Presented the project once again (same rep Nathan Freeman)

Planning Staff asked:

- Why they want to waive out of the street improvements?
- If there was any new information the app/rep wanted to share?

The Applicant:

- Claimed improvements would be expensive
- The car wash has been good for the community



# Exhibit A

## Plans

### Project scope of work

Construct new Pay Station structure "carport style" per plans.  
Install new pre-manufactured Vacuum Arch canopies  
per plans, manufactures details and installation guidebook.  
roof panels and corrugated metal contoured  
metal projected eave panels per plans.  
Paint and patch existing stucco building exterior.

### Project Data Information

Project address: 6344 Sepulveda Blvd.  
Van Nuys, CA 91411  
Business Name: Bellagio Express Car Wash  
Owner ..... Farzad Nourollah – AAA Nison Corp.  
Address ..... 6344 Sepulveda Blvd.  
Van Nuys, CA 91411  
310-722-1177

A.P.N. .... 224-201-0028  
 Lot ..... 1  
 Tract ..... TR 28603  
 Zoning ..... C2-IVL-R10  
 (E) construction type .. V-B  
 Lot Size ..... 54,030.4  
 (Existing) Buildings ... 11,470 s.f. (E)  
 (New) Pay Station ... 680 s.f. (N)  
 Total Building area ... 12,150 s.f.  
 Parking calculations : 12,150 s.f. > 500 = 24.3 (24 required)  
 (34 shown)

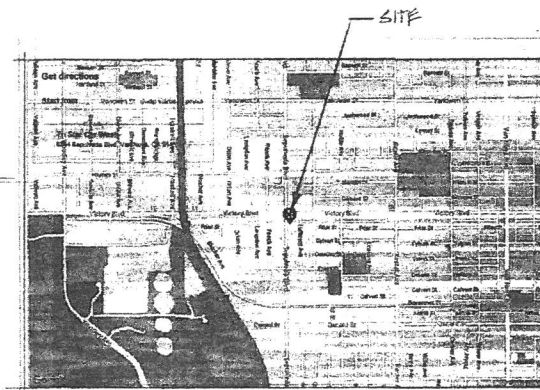
Fire Sprinklers ..... No (none will be installed)  
Building use ..... Car Wash Services  
Number of stories .. 1 story existing building  
Landscape area .. existing  
Building height ..... existing  
Lot size ..... Existing

All Construction shall comply:  
Commercial codes

2013 California Building Code (CBC)  
2013 California Plumbing Code (CPC)  
2013 California Mechanical Code (CMC)  
2013 California Electrical Code (CEC)  
2013 California Energy Code  
w/ 2014 LABC amendments

## Sheet Index

T1 Title Sheet / Site Plan  
A1 Pay Station Exterior Elevations & Roof Plan  
Pre-Manufactured Vacuum Arch Canopy  
SD-0 Structural Notes  
SD-A Framing / Details  
SD-1 Vacuum Arch + Fastening Detail



UNITY FAY. NIS

APCSV-2016-1344-ZC-01

# Title Sheet Site Plan

revisions  
1 12/23/15 CD122, P.H.

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date 10/1/15

scale 

drawn F.H.K. 208



job# BEH-1610

sheet

11

**PRO**

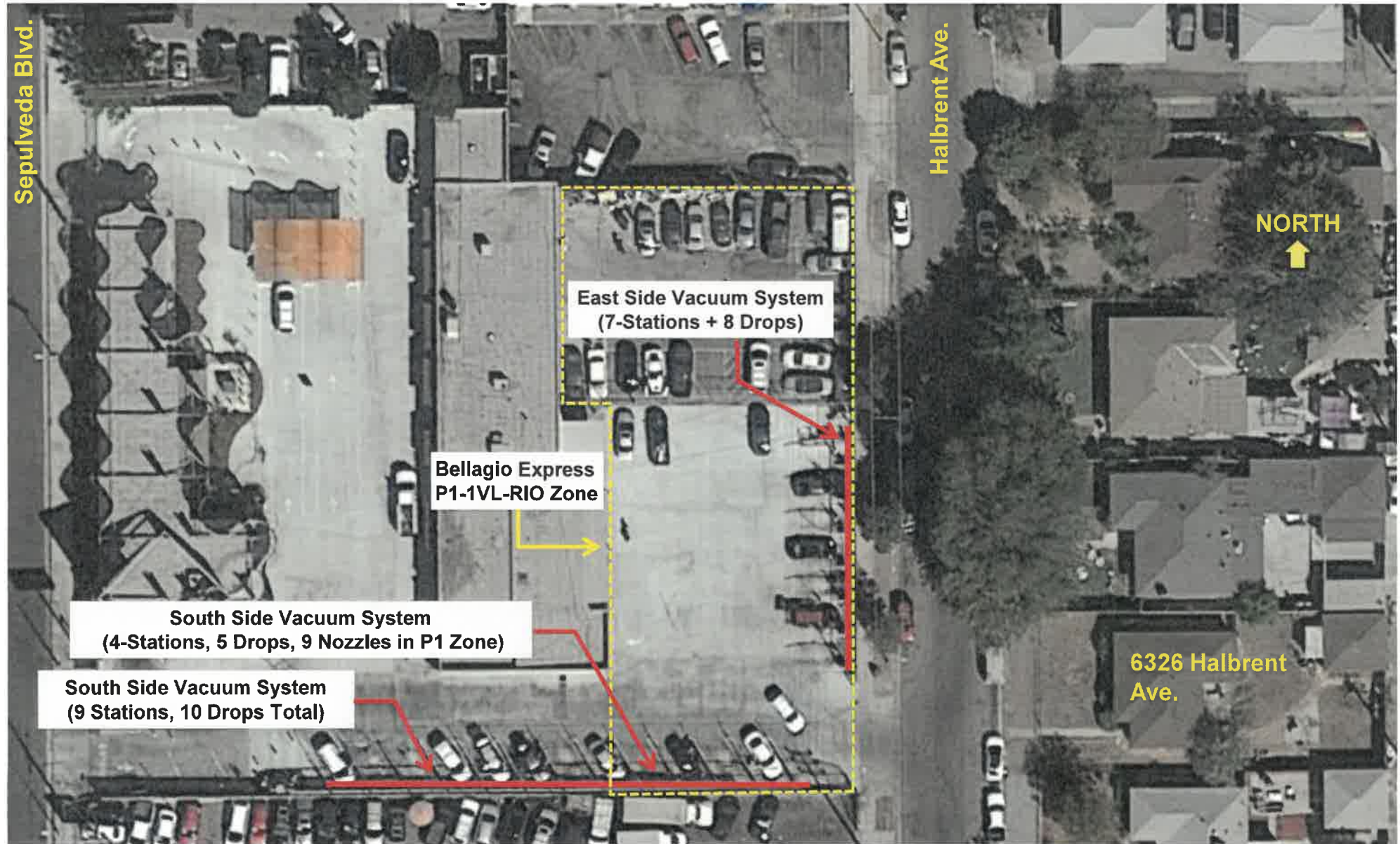
161



designs

designing

## Aerial Photo 1.1 Bellagio Express Car Wash Property & P1-1VL-RIO Zone



Google Earth Pro Image Date 10/2/2016

# Exhibit B

## Maps

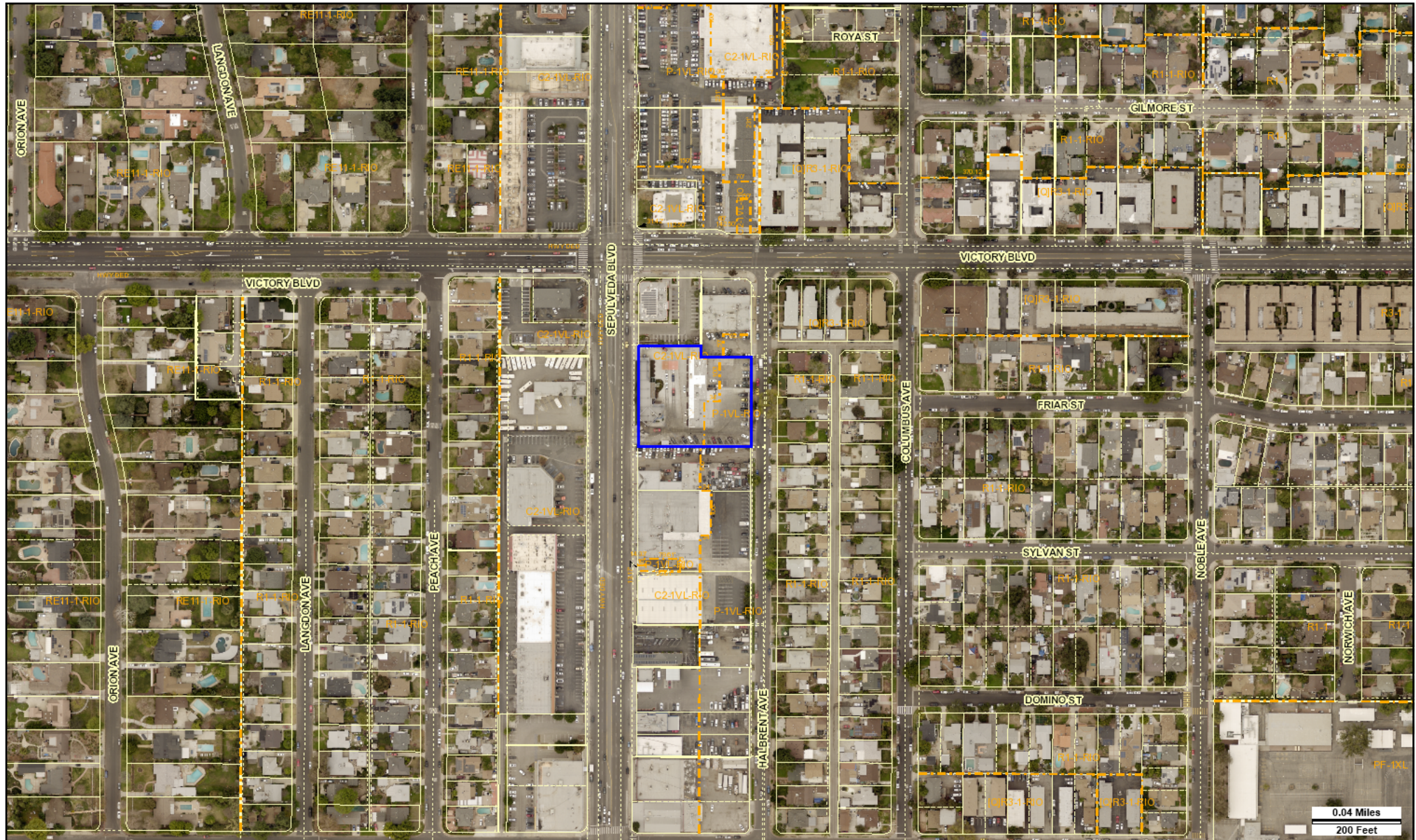




City of Los Angeles  
Department of City Planning







Address: 6344 N SEPULVEDA BLVD

APN: 2242010028

PIN #: 180B145 859

Tract: TR 28603

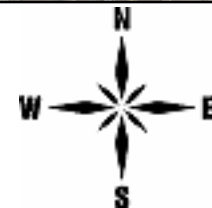
Block: None

Lot: 1

Arb: None

Zoning: C2-1VL-RIO, P-1VL-RIO

General Plan: General Commercial





# Exhibit C

## Noise Study



**Bellagio Express Auto Spa  
6344 Sepulveda Blvd., Van Nuys, CA  
Vacuum System Noise Impact Assessment**



Prepared for  
Farzad Nourollah  
FN Property Investment, LLC  
6344 Sepulveda Blvd.  
Van Nuys, CA 91411

Prepared by:  
Navcon Engineering Network  
701 West Las Palmas Dr.  
Fullerton, CA 92835  
Ph. 714-441-3488 Web. [www.navcon.com](http://www.navcon.com)

## Table of Contents

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<b>1. Introduction</b>	<b>Pages</b>	<b>3 - 6</b>
• <i>Aerial Photo 1.1 Bellagio Express Car Wash Property &amp; P1-1VL-RIO Zone</i>	<i>Page</i>	<i>5</i>
• <i>Photo Set 1.1 East Side Vacuum System &amp; South Side Vacuum System Drops</i>	<i>Page</i>	<i>6</i>
<b>2. Project Summary &amp; Noise Impact Assessment</b>	<b>Pages</b>	<b>7 - 24</b>
• <i>Aerial Photo 2.1 Microphone/Noise Analyzer Locations</i>	<i>Pages</i>	<i>12</i>
• <i>Photo Set 2.1 Microphone/Noise Analyzer Locations</i>	<i>Page</i>	<i>13</i>
• <i>Graphic 2.1 6306 Halbrent Ave. Reference Sound Pressure Level</i>	<i>Page</i>	<i>14</i>
• <i>Graphic 2.2 Sepulveda Blvd. Entrance Reference Sound Pressure Level</i>	<i>Page</i>	<i>15</i>
• <i>Graphic 2.3 6326 Halbrent Ave. – East Side Vacuum Drops Sound Pressure Level</i>	<i>Page</i>	<i>16</i>
• <i>Photo Set 2.2 East Side Nozzles and Property Line Wall</i>	<i>Page</i>	<i>17</i>
• <i>Graphics 2.4 – 2.9 6326 Halbrent Ave. – South Vacuum Drop Sound Pressure Level</i>	<i>Pages</i>	<i>18 - 23</i>
• <i>Photo Set 2.3 Nozzle Positions For South Side Vacuum System Tests</i>	<i>Page</i>	<i>24</i>
<b>3. Noise Measurement Survey</b>	<b>Pages</b>	<b>25 - 26</b>

## 1. Introduction

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- This report documents the results of the Bellagio Express Auto Spa (6344 Sepulveda Blvd., Van Nuys, CA) vacuum system noise impact assessment.
- The principal objective was to characterize the noise impact from the vacuum cleaning stations and vacuum drops which are located in the P1-1VL-RIO Zone of the Bellagio Express property on the adjacent residential community. The P1-1VL-RIO Zone is along the Halbrent Ave. side of the property as shown in

### ***Aerial Photo 1.1.***

- The “East Side” vacuum system includes a motor/turbine, seven vacuum cleaning stations and eight vacuum drops, all of which are located within the P1-1VL-RIO Zone.
- The “South Side” vacuum system includes a motor/turbine, nine vacuum cleaning stations and ten vacuum drops. Four of the vacuum cleaning stations and five of the vacuum drops are located within the P1-1VL-RIO Zone.
- The vacuum cleaning stations and vacuum drops which are located in the P1-1VL-RIO Zone are shown in ***Photo Set 1.1.***

- The noise impact assessment was conducted by comparing the noise level recorded at the closest residential property (6326 Halbrent Ave.) both without and with the vacuum systems operating. Since the car wash operates between 7 am and 7:30 pm seven days per week, the noise survey was conducted on a Sunday morning between 6 am and 8:15 am when the background/ambient noise level is at a minimum.

This resulted in the most conservative noise impact assessment.

## 1. Introduction (cont'd)

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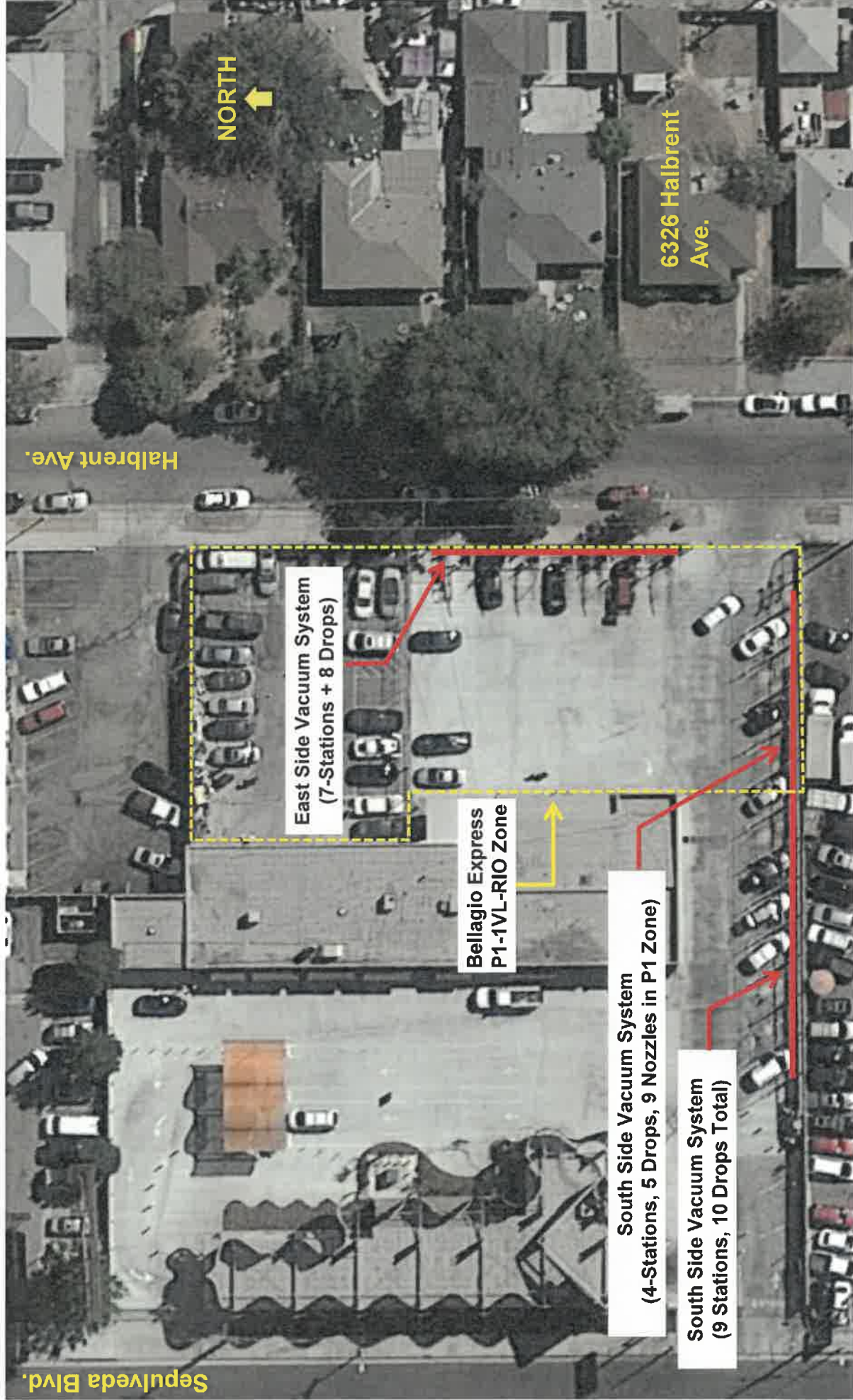
- The results of the noise impact assessment are summarized in *Section 2*.

**In summary, the results of this study indicate that the vacuum cleaning stations and vacuum drops which are located in the P1-1VL-RIO Zone of the Bellagio Express property do not represent a noise impact to the residential community located East of Halbrent Ave.**

- The details of the noise measurement survey are described in *Section 3*.
- The project was conducted by Jim Steedman and Hans Forschner of Navcon Engineering Network under the direction of Arash Alex Nourollah, FN Property Investment, LLC. Both Farzad Nourollah and Arash Alex Nourollah were present during the noise measurement survey.



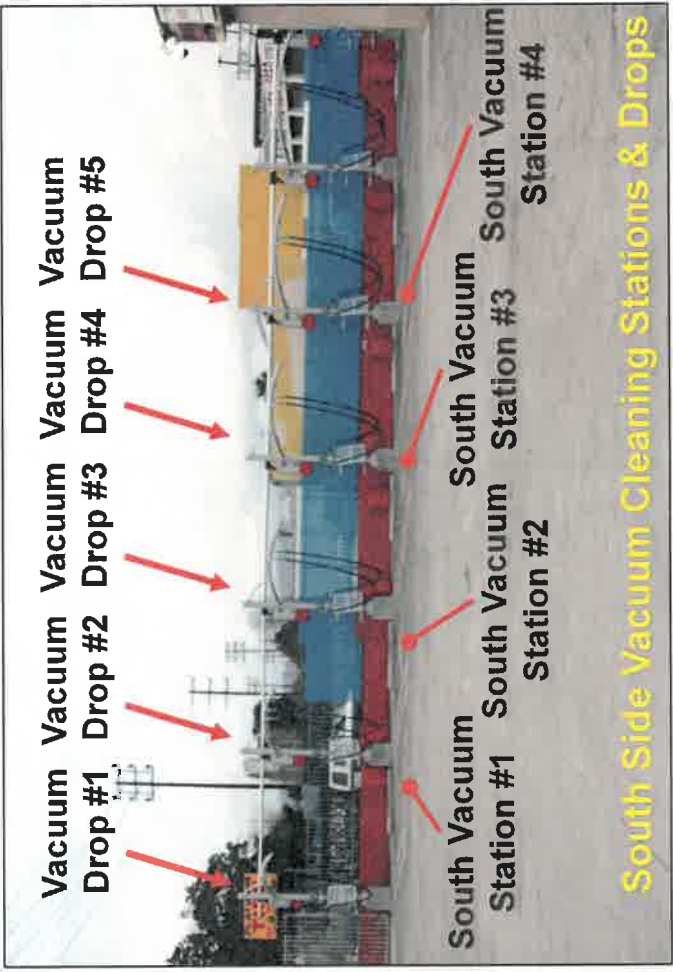
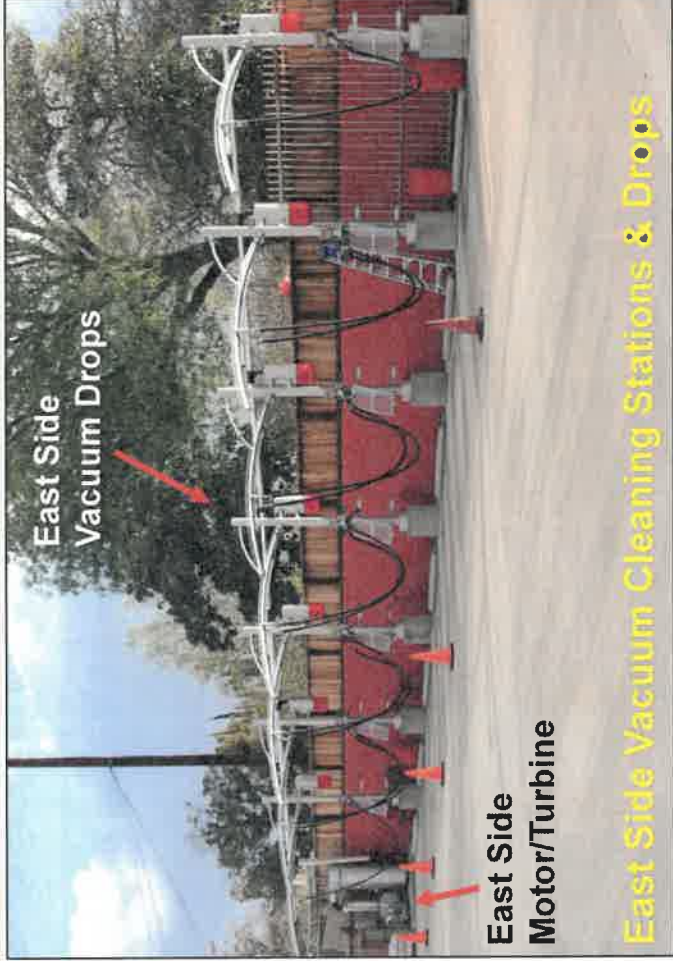
# Aerial Photo 1.1 Bellagio Express Car Wash Property & P1-1VL-RIO Zone



Google Earth Pro Image Date 10/2/2016



# Photo Set 1.1 East Side Vacuum System & South Side Vacuum System Drops



## 2. Project Summary & Noise Impact Assessment

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- The noise survey was conducted on Sunday, March 5<sup>th</sup>, 2017 between 6:00 am and 8:15 am. A-weighted sound pressure levels were recorded at the three locations shown in **Aerial Photo 2.1** and **Photo Set 2.1**. The location in front of 6326 Halbrent Ave. is closest to the Bellagio Express vacuum systems and considered to be the most sensitive receptor location for the noise impact assessment. The noise analyzers located at 6306 Halbrent Ave. and at the Sepulveda Blvd. entrance to the car wash were used to monitor the overall change in the background/ambient noise level during the survey period.
- The three noise analyzers were time synchronized and configured to record 1 second Leq levels. The Leq level is the average noise level recorded over the measurement period (e.g. 1 second). The 1 second Leq levels were used to compute averaged Leq levels and the L90 statistical noise descriptors for the measurement periods. The L90 is that level which was exceeded 90% of the time during the measurement period and is often considered to be the minimum ambient noise level.
- The 1-second Leq, 15 minute Leq and the L90 levels recorded at the two reference locations are presented in **Graphics 2.1 & 2.2** (Halbrent Ave. & Sepulveda Blvd. respectively). Both microphones show an increase in ambient noise level during the survey period.
  - The increase in noise level at 6306 Halbrent Ave., the reference location was primarily due to arterial traffic and aircraft. Noise levels as high as 83 dBA were recorded for individual car pass-bys. The average L90 and Leq level increased as the traffic volume increased. Refer to **Graphic 2.1**.

## 2. Project Summary & Noise Impact Assessment (cont'd)

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- The increase in noise level at Sepulveda Blvd. location was primarily due to an increase in arterial traffic until the car wash began operation at approximately 7:40 am. Once the car wash started up, both 15 minute L90 and Leq levels increased by several decibels. Refer to **Graphic 2.2**.
- The noise impact assessment was conducted by comparing the noise level recorded by the 6326 Halbrent Ave. noise analyzer both without and with the vacuum systems operating. The measurements were recorded between local vehicular pass-bys and aircraft flyovers. A subjective assessment was also made by Hans Forscher of Navcon Engineering for each situation. Mr. Forscher was standing in front of the house at 6326 Halbrent Ave., immediately across from the Bellagio Express driveway.
- **East Side Vacuum System (Graphic 2.3):** Both the South and East Side Vacuum Systems were turned off. The noise measurement began at 07:23:30 and the ambient noise level recorded for a period of 30 seconds. The East Side Vacuum System motor and turbine were turned one at the 30 second mark. All of the vacuum nozzles were then systematically removed from their holders and placed on the vacuum arm support structure either facing up or towards the Bellagio Express exit as shown **Photo Set 2.2**. The noise recording continued for the next 60 seconds with all nozzles out of the holders. This is considered to be the worst case scenario for the East Side Vacuum System.
  - Subjectively, the noise generated by the startup of the motor and turbine was barely perceptible. The noise from nozzles was not perceptible or distinguishable from the ambient noise.



## 2. Project Summary & Noise Impact Assessment (cont'd)

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- Objectively, the noise from the East Side Vacuum System was not distinguishable from the fluctuating ambient noise. Referring to the tables in *Graphic 2.3*, both the average Leq and the average L90 varied by less than 0.5 dB during the entire 160 second measurement period.
- The Bellagio Express property line wall breaks the line of sight between the East Side Vacuum System and the community and serves as an effective noise barrier (ref. *Photo Set 2.2*).
- **In summary, the East Side Vacuum System does not adversely impact the community noise environment.**
- **South Side Vacuum System Drops in the P1-1VL-RIO Zone (*Graphics 2.4 – 2.9*):** The East Side Vacuum System was turned off and the South Side Vacuum System was powered on. Each of the five Vacuum Drops in the P1-1VL-RIO Zone were tested individually and then all five Vacuum Drops were tested together. For the individual Vacuum Drop tests, (1) the ambient noise level was recorded for 15 seconds, (2) the nozzles were removed from the holders (refer to *Photo Set 2.3*) and pointed towards the 6326 Halbrent Ave. noise analyzer and the noise recorded for 30 seconds, and (3) the nozzles were placed back in the holders and the noise level was recorded for 15 seconds. To test all five Vacuum Drops simultaneously, all nine nozzles were removed from the holders and placed on the vacuum arm support structure facing the noise analyzer (refer to *Photo Set 2.3*). The noise level was then recorded for 60 seconds.
- Subjectively, the South Side Vacuum System motor/turbine were slightly perceptible upon startup and occasionally throughout the test depending upon the traffic, aircraft and other noise sources.

## 2. Project Summary & Noise Impact Assessment (cont'd)

- Subjectively, the noise generated from the South Side Vacuum System nozzles ranged between imperceptible and barely perceptible depending upon the traffic, aircraft and other noise sources.
- Objectively, the noise from the East Side Vacuum System drops (i.e., 9 nozzles) which are located in the P1-1VL-RIO Zone was not distinguishable from the fluctuating ambient noise. The table below compares the average Leq level measured with the nozzles facing the 6326 Halbrent Ave. noise analyzer with the ambient noise level (i.e., with all of the nozzles in the holders). The difference levels were within  $\pm 0.4$  dB.

Sound Pressure Level [ Average Leq, dBA ]	Drop #1 1 Nozzle	Drop #2 2 Nozzles	Drop #3 2 Nozzles	Drop #4 2 Nozzles	Drop #5 2 Nozzles	All Drops 9 Nozzles
Nozzles Facing the Microphone	52.4	53.7	52.9	53.1	53.4	53.6
Nozzles in Holder (Ambient)	52.7	53.4	53.3	53.1	53.6	53.3
Difference	-0.3	0.3	-0.4	0.0	-0.2	0.3

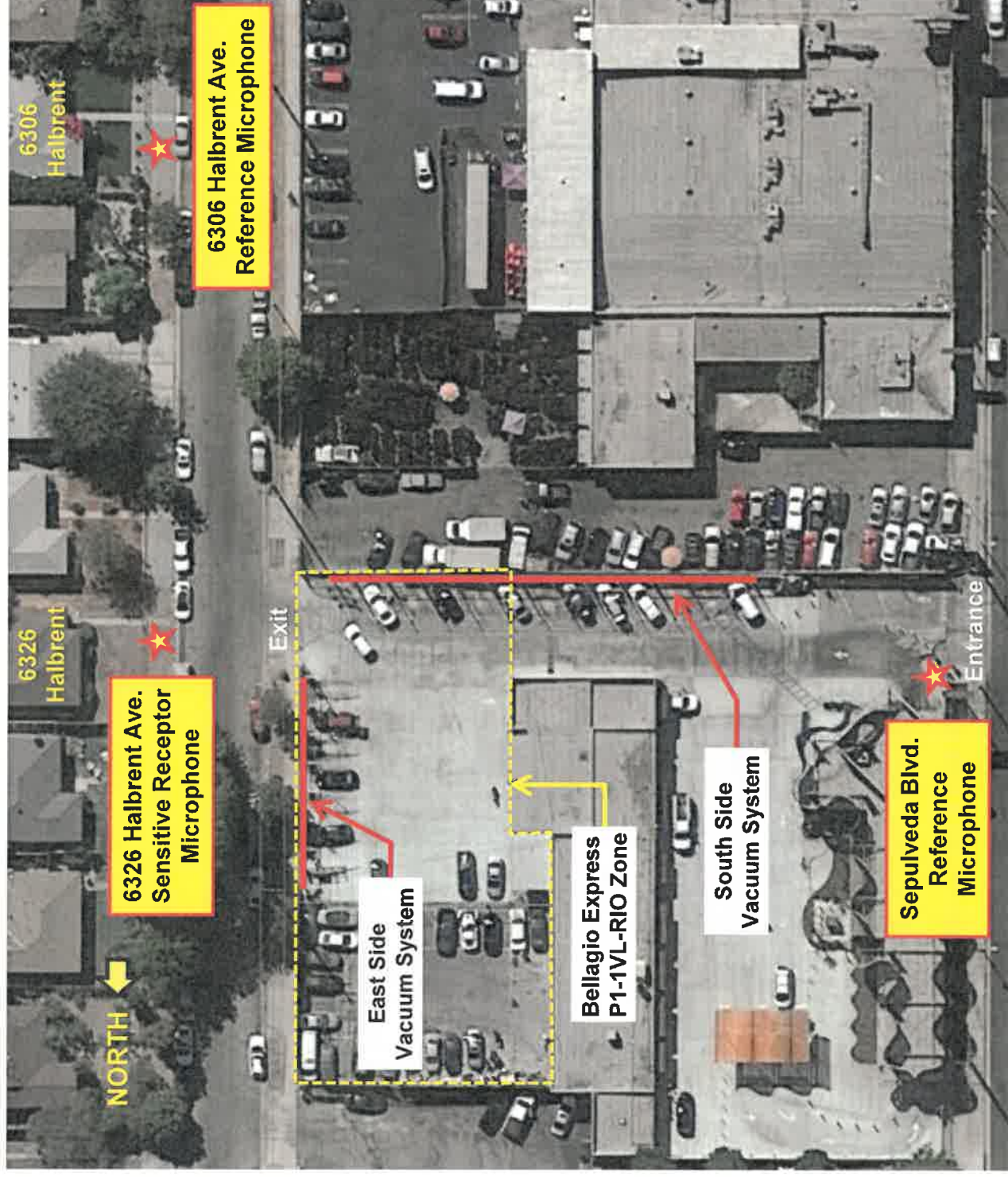
- The South Side Vacuum System does not adversely impact the community noise environment.
- In summary, the results of this study indicate that the vacuum cleaning stations and vacuum drops which are located in the P1-1VL-RIO Zone of the Bellagio Express property do not represent a noise impact to the residential community located East of Halbrent Ave.

## 2. Project Summary & Noise Impact Assessment (cont'd)

- **Los Angeles County Municipal Code (LACM), Chapter 12.08 - NOISE CONTROL**

- The daytime Exterior Noise Limit for Residential Properties is 50 dBA for a cumulative period of more than 30 minutes in any hour during the daytime hours of 7 am to 10 pm. The ordinance states that if the ambient L50 (i.e., that level which is exceeded 50% of the time or 30 min. per hour) is greater than the limit, then the ambient L50 becomes the exterior noise level limit.
- The ambient L50 level measured at 6326 Halbrent Ave. (i.e., the residential ambient reference location) exceeded the 50 dBA limit after 7:30 am and therefore becomes the residential exterior noise level limit. The noise level limits are shown below.
  - 7:00 am to 7:30 am, Measured L50 = 49.2 dBA, Noise Level Limit = 50.0
  - 7:30 am to 8:00 am, Measured L50 = 50.9 dBA, Noise Level Limit = 50.9
  - 8:00 am to 8:30 am, Measured L50 = 51.6 dBA, Noise Level Limit = 51.6
  - 8:30 am to 9:00 am, Measured L50 = 52.8 dBA, Noise Level Limit = 52.8
  - After 9:00 am the ambient noise level continues to increase due to arterial traffic and therefore the Noise Level Limit will continue to increase.
- The measurements shown on the preceding page indicate that the noise from the vacuum nozzles do not contribute to the ambient noise level and therefore the nozzle noise must be less than 42 dBA when measured at the most sensitive receiver location (i.e., 6326 Halbrent Ave.).
- **In summary, the results of this study indicate that the vacuum cleaning stations and vacuum drops which are located in the P1-1VL-RIO Zone of the Bellagio Express property do not exceed the LACM noise limits and are in conformance with the LAMC Noise Ordinance.**

## Aerial Photo 2.1 Microphone/Noise Analyzer Locations



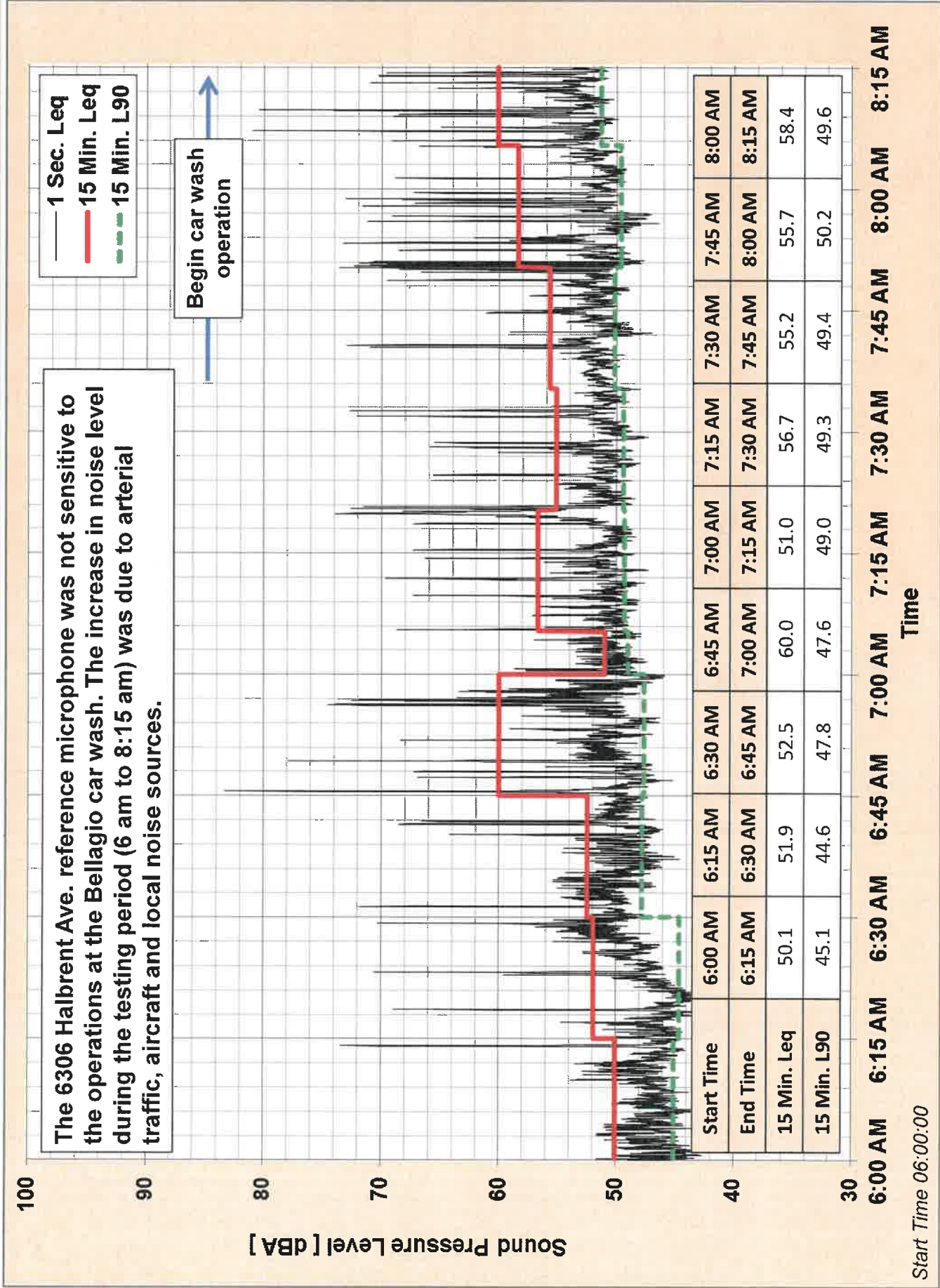
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## Photo Set 2.1 Microphone/Noise Analyzer Locations

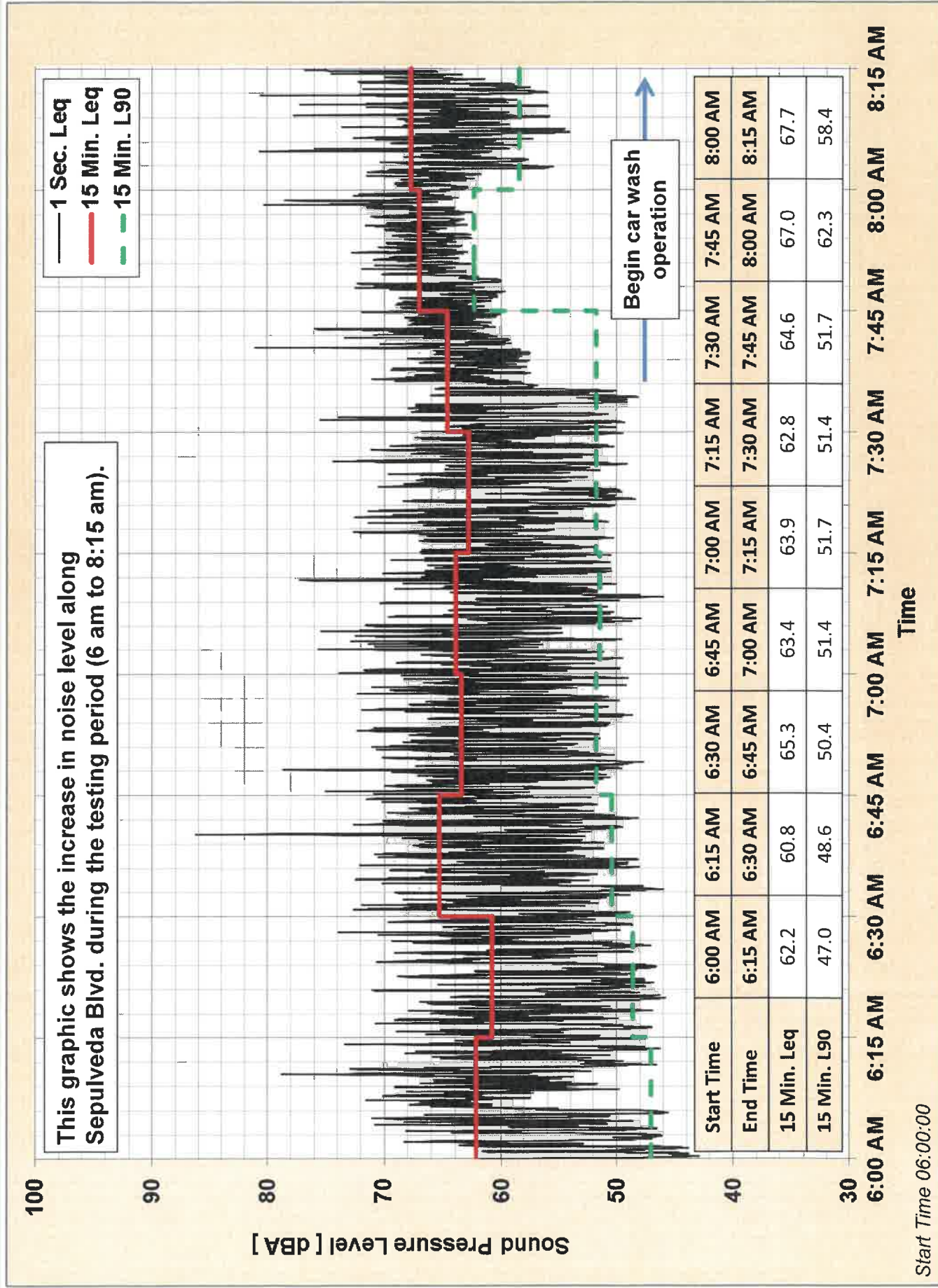


**Graphic 2.1 6306 Halbrent Ave. Reference Sound Pressure Level [ dBA ]**

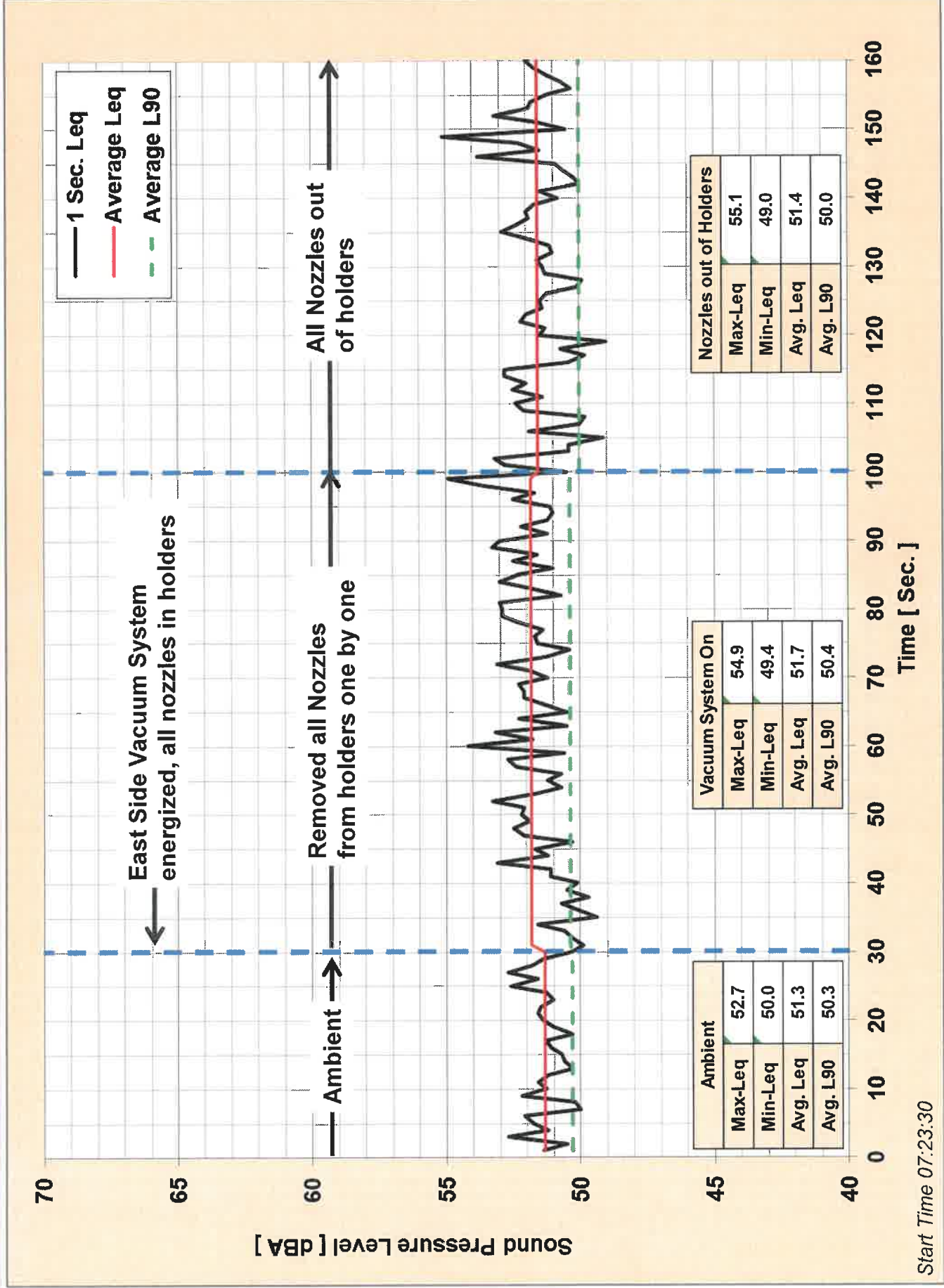




Graphic 2.2 Sepulveda Blvd. Entrance Reference Sound Pressure Level [ dBA ]



Graphic 2.3 6326 Halbrent Ave. – East Side Vacuum Drops Sound Pressure Level [ dBA ]

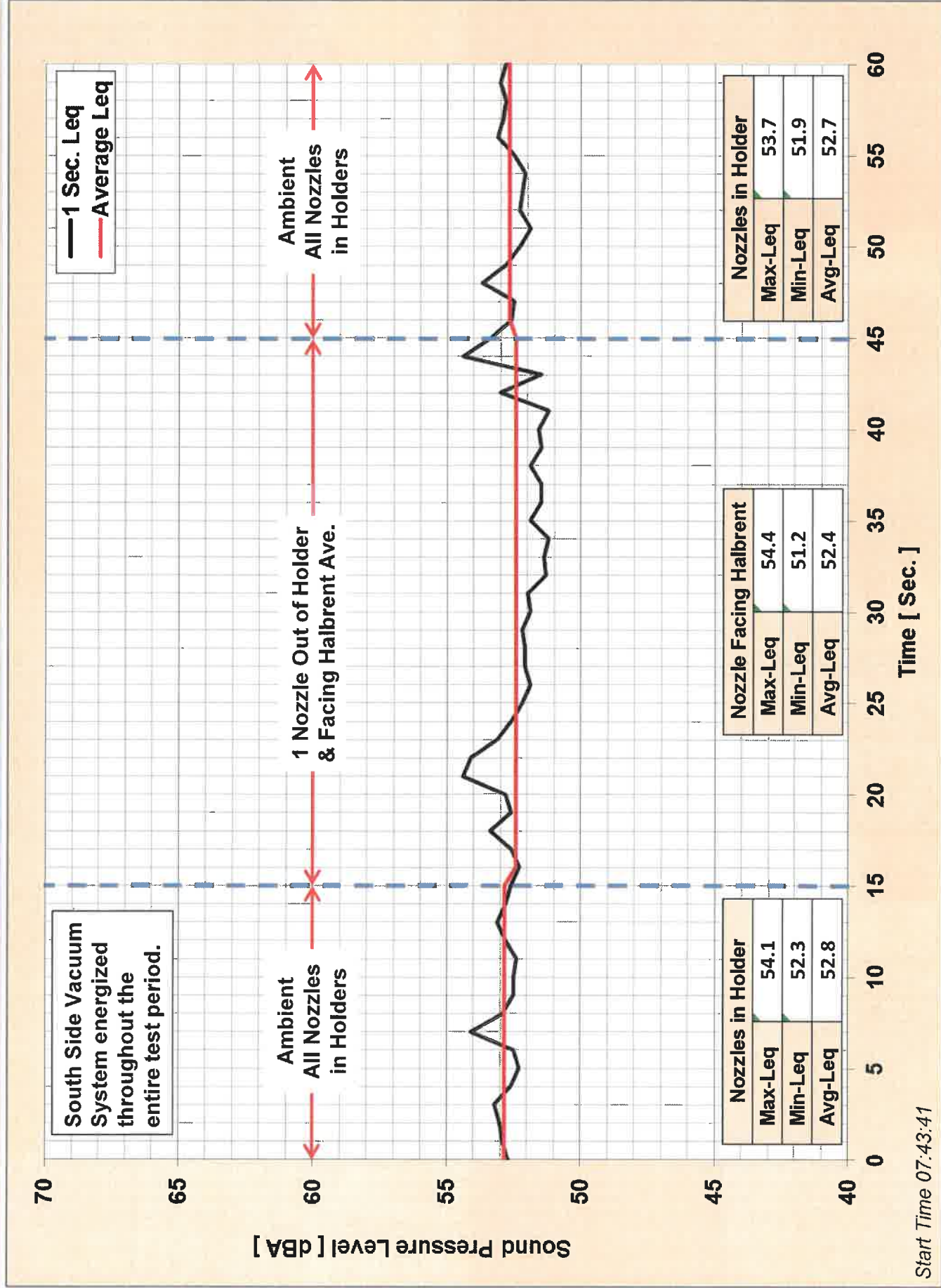




## Photo Set 2.2 East Side Nozzles and Property Line Wall

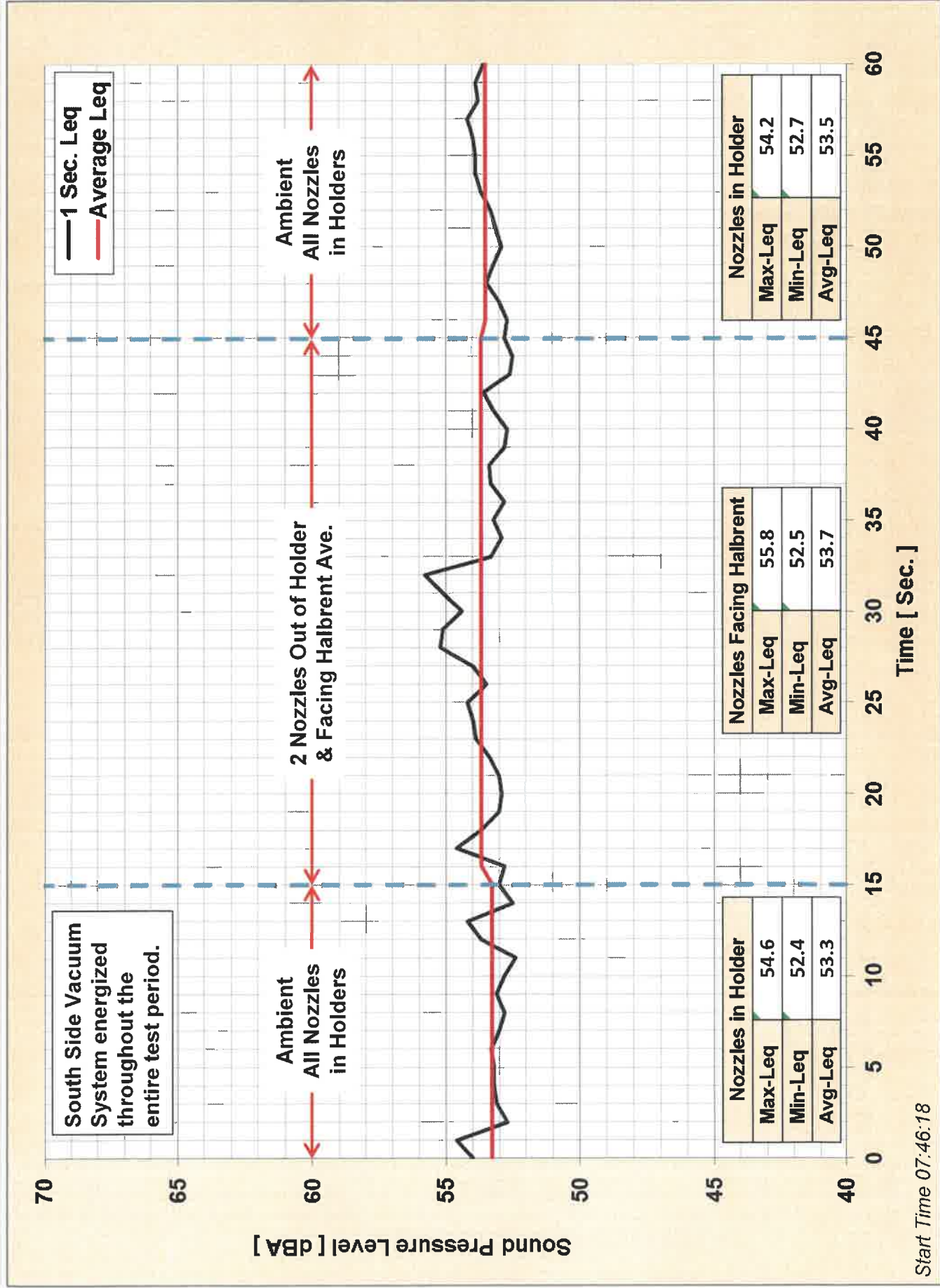


Graphic 2.4 6326 Halbrent Ave. – South Vacuum Drop #1 Sound Pressure Level [ dBA ]

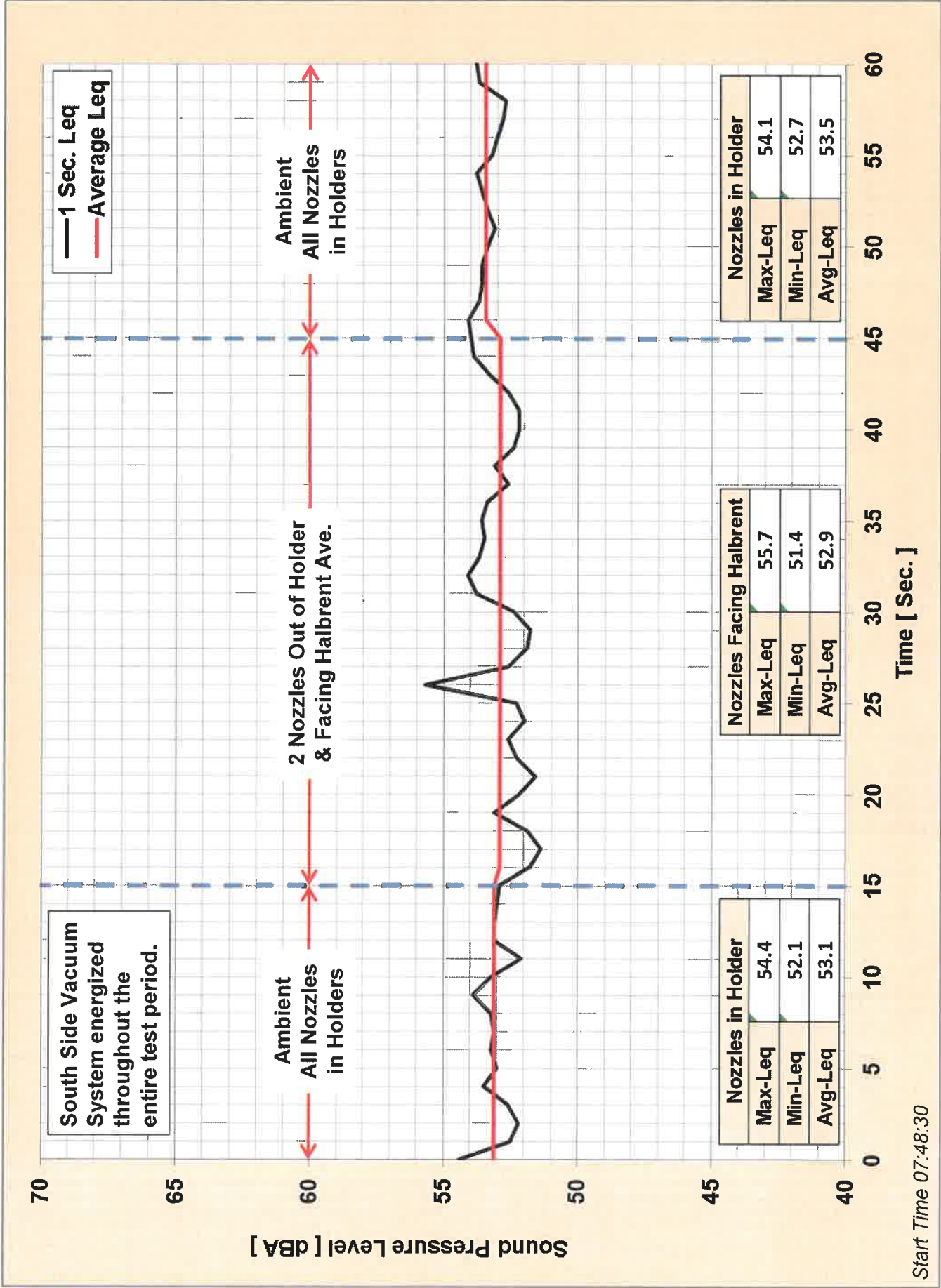




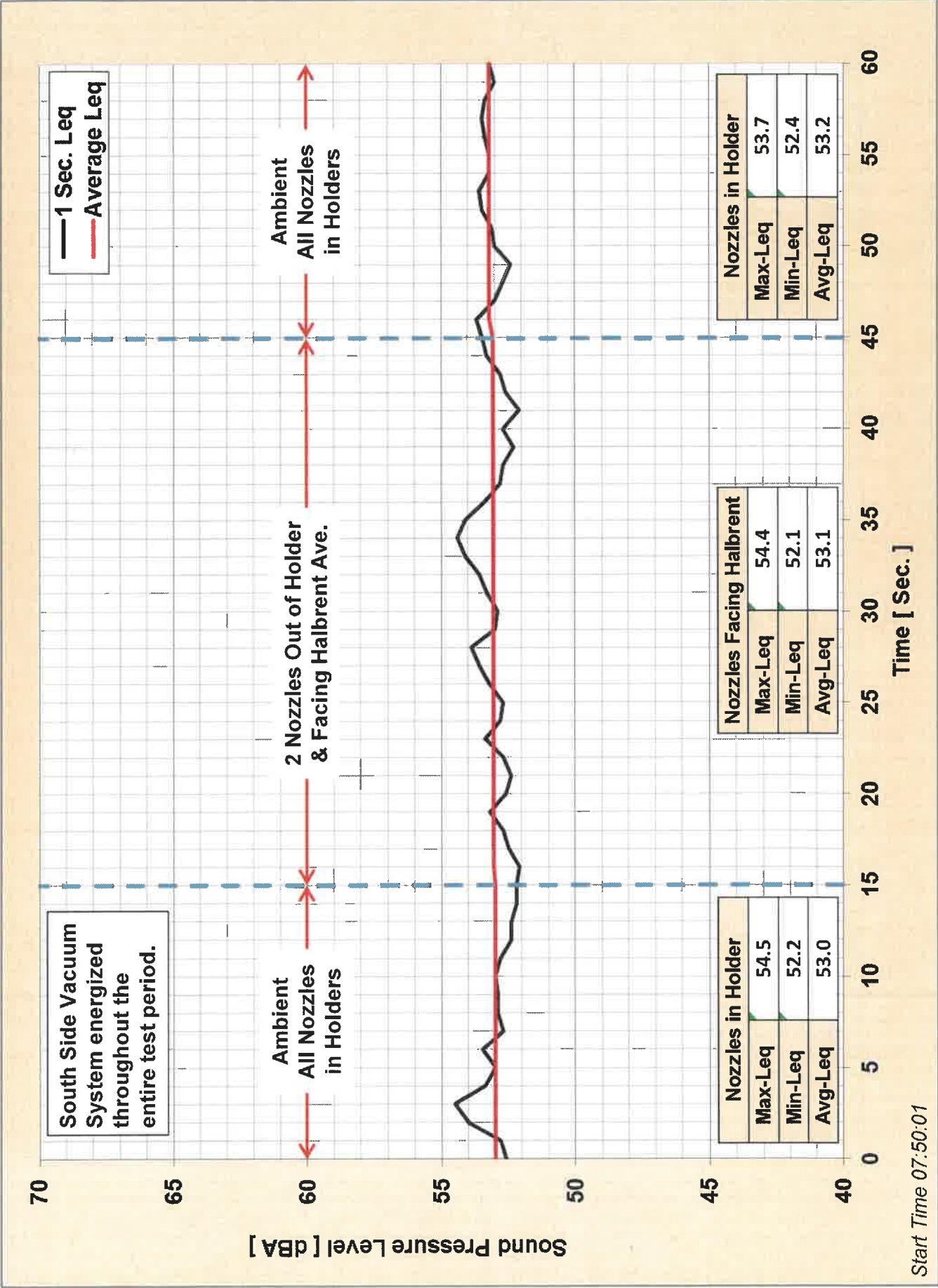
Graphic 2.5 6326 Halbrent Ave. – South Vacuum Drop #2 Sound Pressure Level [ dBA ]



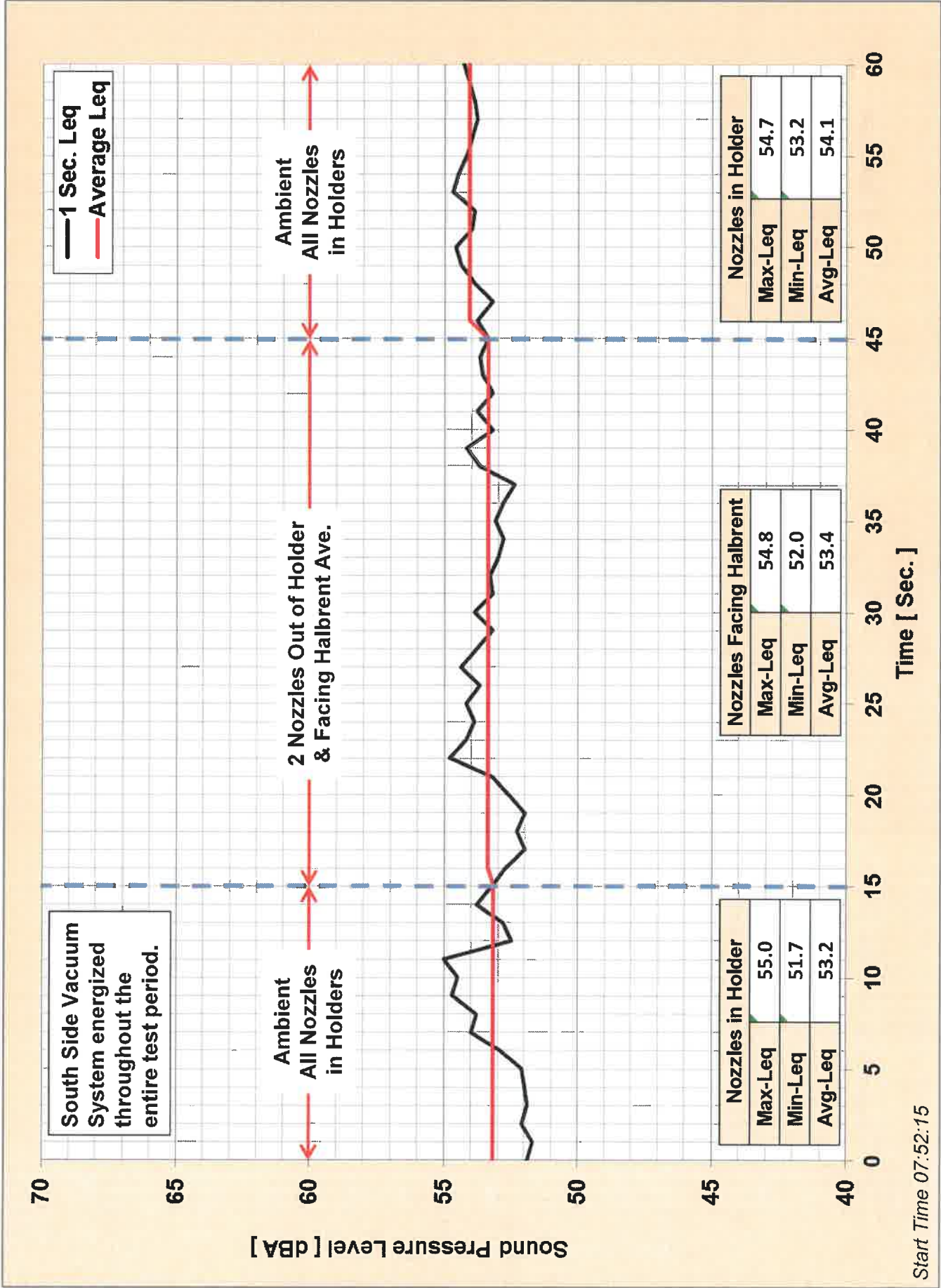
Graphic 2.6 6326 Halbrent Ave. – South Vacuum Drop #3 Sound Pressure Level [ dBA ]



Graphic 2.7 6326 Halbrent Ave. – South Vacuum Drop #4 Sound Pressure Level [ dBA ]

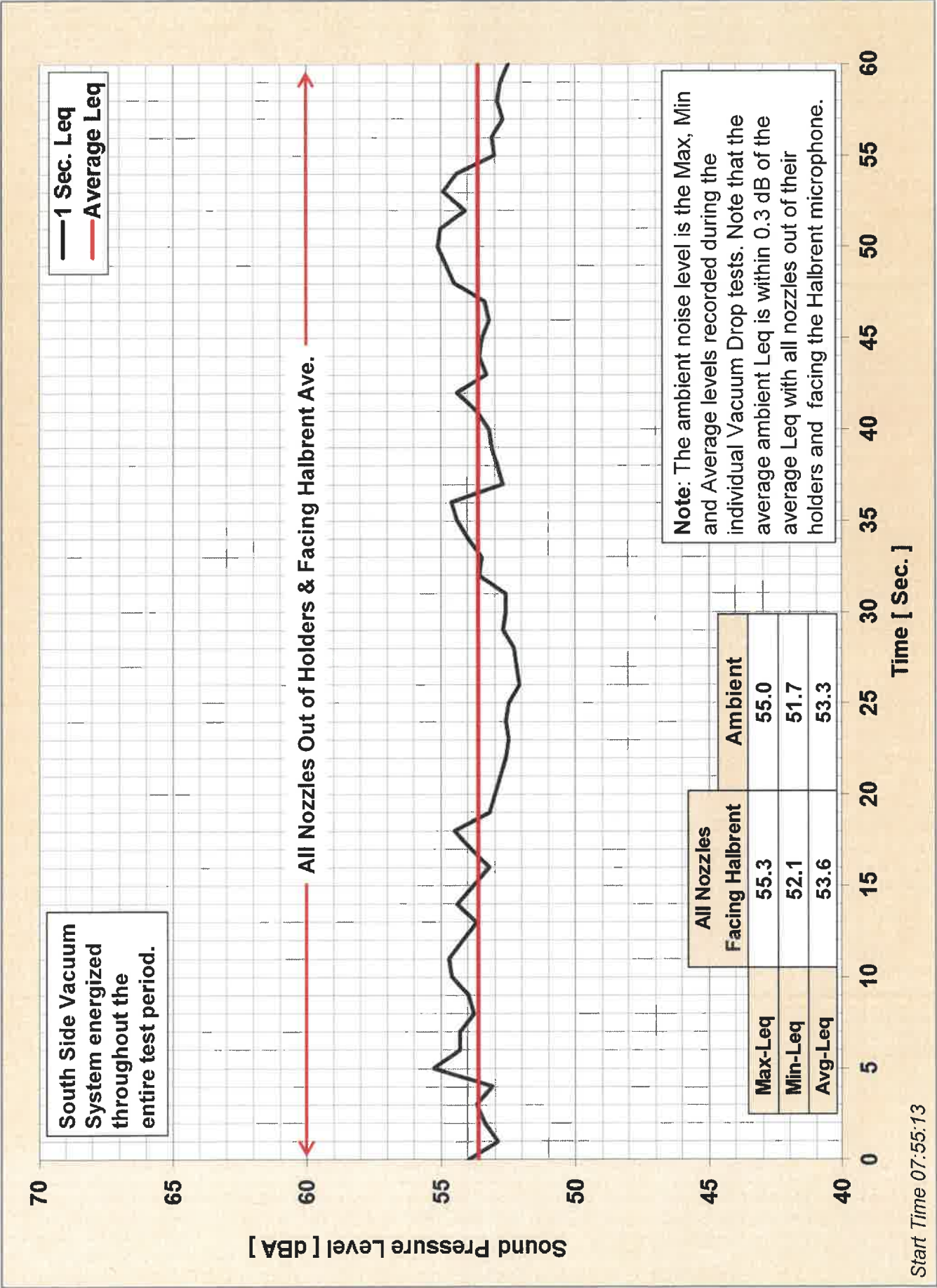


Graphic 2.8 6326 Halbrent Ave. – South Vacuum Drop #5 Sound Pressure Level [ dBA ]





Graphic 2.9 6326 Halbrent Ave. – South Vacuum Drops #1 - #5 Sound Pressure Level [ dBA ]



## Photo Set 2.3 Nozzle Positions For South Side Vacuum System Tests



This picture shows two nozzles pointing towards the Halbrent Ave. microphone for an individual Vacuum Drop test (ref. **Graphics 2.4 – 2.8**).



This picture shows how the nozzles were secured to the vacuum arm support when testing the noise impact from all nozzles simultaneously. The nozzles were all mounted facing the Halbrent Ave. microphone which represents a worst case situation (ref. **Graphic 2.9**).



### 3. Noise Measurement Survey

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- The noise survey was conducted on Sunday, March 5<sup>th</sup>, 2017 between 6:00 am and 8:15 am. The Sunday morning hours were selected for the survey assuming that the community ambient/background noise would be at its lowest level. A comparison between the measured Vacuum System noise levels and the ambient noise level would result in the most conservative noise impact assessment.
- The noise measurements were acquired using three Larson Davis (LD) Model 831 noise analyzers. The LD-831 meets the American National Standards Institute (ANSI) S1.4, 1983 specification for Type I (Precision) sound level meters. The analyzers are calibrated at a National Institute of Standards Technology (NIST) traceable laboratory on a periodic basis. The LD831 system sensitivities were checked immediately prior to and immediately following the noise survey using a Bruel & Kjaer (B&K) Model 4230 Sound Level Calibrator. The B&K 4230 is calibrated at a NIST laboratory on an annual basis.
- The three LD831's were time synchronized and configured to acquire 1-second A-weighted Leq levels using a slow meter response. The Leq level is the average noise level recorded over the measurement period (e.g. 1 second). The 1 second Leq levels were used to compute averaged Leq levels and the L90 statistical noise descriptors for the measurement periods. The L90 is that level which was exceeded 90% of the time during the measurement period and is often considered to be the minimum ambient noise level.

### 3. Noise Measurement Survey (cont'd)

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- The LD-831 noise analyzers were mounted on tripods with the microphones positioned 65" above ground. They were then placed at the locations indicated in **Aerial Photo 2.1** and **Photo Set 2.1**. As described in **Section 2**, the noise analyzers located at 6306 Halbreant Ave. and at the entrance to the Bellagio Express Car Wash were used as references to track the overall change in the ambient noise level during the survey period. The noise analyzer located at 6326 Halbreant Ave. (the closest residential property) was used for the noise impact assessment.
- The LD-831 noise analyzers located at 6306 Halbreant Ave. and at the entrance to the Bellagio Express Car Wash were started at 6 am and collected data continuously throughout the survey period. The noise measurements are presented in **Graphics 2.1 & 2.2**.
- The LD-831 noise analyzer located at 6326 Halbreant Ave. was operated manually collecting data for the individual tests. The noise measurements are presented in **Graphics 2.3 – 2.9**.
  - **Graphic 2.3** 6326 Halbreant Ave. – East Side Vacuum Drops Sound Pressure Level [ dBA ]
  - **Graphic 2.4** 6326 Halbreant Ave. – South Vacuum Drop #1 Sound Pressure Level [ dBA ]
  - **Graphic 2.5** 6326 Halbreant Ave. – South Vacuum Drop #2 Sound Pressure Level [ dBA ]
  - **Graphic 2.6** 6326 Halbreant Ave. – South Vacuum Drop #3 Sound Pressure Level [ dBA ]
  - **Graphic 2.7** 6326 Halbreant Ave. – South Vacuum Drop #4 Sound Pressure Level [ dBA ]
  - **Graphic 2.8** 6326 Halbreant Ave. – South Vacuum Drop #5 Sound Pressure Level [ dBA ]
  - **Graphic 2.9** 6326 Halbreant Ave. – South Vacuum Drops #1 - #5 Sound Pressure Level [ dBA ]

# Exhibit D

## Environmental

**NOTICE OF EXEMPTION**

(PRC Section 21152; CEQA Guidelines Section 15062)

Pursuant to Public Resources Code § 21152(b) and CEQA Guidelines § 15062, the notice should be posted with the County Clerk by mailing the form and posting fee payment to the following address: Los Angeles County Clerk/Recorder, Environmental Notices, P.O. Box 1208, Norwalk, CA 90650. Pursuant to Public Resources Code § 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

## PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

APCSV-2016-1344-ZC-CU-WDI

## LEAD CITY AGENCY

**City of Los Angeles (Department of City Planning)**

## CASE NUMBER

ENV- 2016-1345-CE

## PROJECT TITLE

Bellagio Car Wash

## COUNCIL DISTRICT

6 - Padilla

## PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

**6344 N Sepulveda Blvd**☐ Map attached.

## PROJECT DESCRIPTION:

☐ Additional page(s) attached.

Zone change from P-1VL-RIO to C2-1VL-RIO on a portion of the lot to legalize 11 additional vacuum stations for an existing car wash

## NAME OF APPLICANT / OWNER:

**Farzad N. Nourollah, FN Property Investment 3**

## CONTACT PERSON (If different from Applicant/Owner above)

**Nathan Freeman, FMG**

## (AREA CODE) TELEPHONE NUMBER

212-220-0170

## EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

## STATE CEQA STATUTE &amp; GUIDELINES

☐ STATUTORY EXEMPTION(S)

Public Resources Code Section(s) \_\_\_\_\_

☒ CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 3)CEQA Guideline Section(s) / Class(es) **Class1, Class 3**☐ OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b) )

## JUSTIFICATION FOR PROJECT EXEMPTION:

☒ Additional page(s) attached☒ None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.☐ The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

If different from the applicant, the identity of the person undertaking the project.

**CITY STAFF USE ONLY:**

## CITY STAFF NAME AND SIGNATURE

Christian Pearson

## STAFF TITLE

City Planning Associate

## ENTITLEMENTS APPROVED

JUSTIFICATION FOR PROJECT EXEMPTION:  
APCSV-2016-1344-ZC-CU-WDI  
ENV- 2016-1345-CE

Based on the whole of the administrative record as supported by the justification prepared and found in the environmental case file, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15301 (Class 1, Existing Facilities) and CEQA Guidelines Section 15303 (Class 3, New Construction or Conversion of Small Structures), and there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in the guidelines are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

The project consist of expansion of an existing car wash by increasing the number of vacuum stations through a zone change on a portion of the lot currently zoned P-1VL-RIO. The Zone Change will legalize 11 vacuum bays out of a total of 19 stations currently on lot.

Class 3 consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel.

The project consist of expansion of an existing car wash by increasing the number of vacuum stations through a zone change on a portion of the lot currently zoned P-1VL-RIO. The Zone Change will legalize 11 vacuum bays out of a total of 19 stations currently on lot. The vacuum station are small, accessory structures to the main use of the car wash, which has been in operation for more than 50 years.

#### 15300.2 Exceptions.

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project is located in an urbanized area and is an expansion of an existing use. The location is not in a particularly sensitive environment, and there are no environmental resources of hazardous or critical concern that are designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. Further, the project incorporation of a sound wall and the resultant sound studies indicate that there are no impacts to the surrounding environment.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

There are no other car washes in the immediate vicinity, and the project is surrounded by other longstanding automobile uses. Therefore, expansion of the use does not result in cumulative impacts as there is not a succession of project of the same type in the same place over time.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no unusual circumstances involved in the project or the site. The car was has been operating on this site for over fifty years and is a use allowed by the General Plan Land Use and the zoning on a portion of the site.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The location of this project on Sherman Way in the Van Nuys – North Sherman Oaks Community Plan is not part of any scenic resource.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The project site is itself, or located near, a historic cultural monument, or any other historic resource identified by the city, or on a list of state and national historic resources.

Therefore, there is no substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, or hazardous waste sites, or historical resources applies.