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February 5, 2021

Bijan "Ben" Pouldar (O)(A)
Chevron Facility 9-0477
4005 Eagle Rock Boulevard
Los Angeles, CA 90065

Ben Steckler (R)
Fiedler Group
299 North Euclid Avenue, Suite 550
Pasadena, CA 91101

CASE NO. ZA-2018-2236-CU-CLQ-CDO
CONDITIONAL USE, Q CLARIFICATION
CDO PLAN APPROVAL
4005 North Eagle Rock Boulevard
(3818-3822 ½ North Verdugo Road,
4005-4011 ½ North Eagle Rock
Boulevard)
Northeast Los Angeles Community Plan
Zone: [Q]C2-1VL-CDO
C.D: 14
D.M.: 156A217
CEQA: ENV-2018-2237-CE
Legal Description: Lot FR5, Tract 3441

Pursuant to the California Environmental Quality Act, I hereby FIND:

the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15061(b)(4) and 15270, as a project that is disapproved.

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.4, I hereby DISMISS:

a Conditional Use Permit to permit deviations from development standards established by LAMC Section 12.22 A.28(b)(3) to allow a public address system;

Pursuant to LAMC Section 12.24 W.27, I hereby DENY:

a Conditional Use to permit deviations from development standards established by LAMC Section 12.22.A.28(b)(5) to allow hours of operation of 7:00 a.m.- 9:00 p.m., daily, in lieu of the otherwise allowed Monday-Friday, 7:00 a.m. – 7:00 p.m., and Saturday, 9:00 a.m. – 8:00 p.m. and Sunday, 11:00 a.m. – 8:00 p.m. at a Commercial Corner location;

Pursuant to LAMC Section 12.32.H, I hereby DENY:

a Clarification of Q Conditions to clarify Condition No. 3 of Subarea 23 in Ordinance Number 181,062 pertaining to prohibited uses; and

Pursuant to LAMC Section 13.08, I hereby DENY:

Community Design Overlay (CDO), a CDO Plan Approval for the construction of a 1,250 square foot automated car wash and the equipment storage rooms separated and freestanding on the same site as an existing service station and convenience store and installation of three internally illuminated Wall Signs with individual channel letters reading "Car Wash", two non-illuminated metal Wall Signs reading "Entrance" and "Exit Only-Do Not Enter", one metal Directional Sign, one metal Instruction Sign, and one (1) internally illuminated plastic Menu Board Sign in cabinet.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on May 20, 2020, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for and prerequisites for granting a Conditional Use as enumerated in LAMC Section 12.24.W, a CDO Plan Approval as enumerated in Section 13.08, and a Q Clarification as enumerated in Section 12.32.H have not been established by the following facts:

BACKGROUND

The project site is a level, rectangular-shaped parcel of land with an approximate lot area of 27,484 square feet, located at the northeast corner of Eagle Rock Boulevard and Verdugo Road. The site has a frontage of approximately 120 feet on the north side of Eagle Rock Boulevard and 280 feet on the east side of Verdugo Road and. The property is zoned [Q]C2-1VL-CDO and designated for General Commercial uses under the Northeast Los Angeles Community Plan. The "Q" conditions on the site prohibits 100 percent residential development and limits residential density to the RD1.5 Zone, as well as imposed prohibitions on auto-related uses, electronic message display, pole, and pylon signs. The property is within the Cypress Park and Glassell Park Community Design Overlay.

The site is developed with an existing 1,976 square-foot service station built in 1939 and a 2,877 square foot convenience store built-in 1998. Major rebuilds of the site, including the addition of a pay booth, construction of a Gas Pump Canopy any retaining wall, and installation of canopy signs, were conducted in 1969 and 1983. The proposed project is the construction and operation of a 1,250 square-foot automated car wash.

The adjacent property to the north is zoned RD2-1-CDO and is developed with multi-family residential uses. The adjacent property to the east is zoned [Q]C2-1VL-CDO and is developed with multi-family residential uses. The properties to the south of the project site, across Eagle Rock Boulevard, are all zoned [Q]C2-1VL-CDO and are developed with commercial uses. The properties to the west, across Verdugo Road, are zoned [Q]C2-1VL-CDO and developed with commercial and multi-family residential uses. Additionally, the Glendale Freeway and project site are separated by multi-family dwellings to the north.

Eagle Rock Boulevard adjacent to the subject site to the south, is a Boulevard II, dedicated to a width of 110 feet along the property's frontage, and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Verdugo Road adjacent to the subject site to the west is an Avenue II, dedicated to a width of 86 feet along the property's frontage, and is improved with asphalt roadway, concrete curb, gutter, and sidewalk.

Previous zoning related actions on the site include:

Ordinance No. 181,062 – Effective March 3, 2010, the ordinance retained [Q] Qualified Classifications prohibiting 100 percent residential development and limiting residential density to the RD1.5 Zone set forth in Ordinance No. 173,541 as well as imposed prohibitions on auto-related uses, Electronic Message Display, Pole, and Pylon Signs.

Ordinance No. 173,541 – Effective November 15, 2000, the ordinance set forth a [Q] Qualified Classification prohibiting 100 percent residential development and limiting residential density to the RD1.5 Zone.

Surrounding Properties Related Cases:

There are no related cases in the immediate vicinity.

AGENCY COMMUNICATIONS:

A correspondence was received from the office of Councilmember Jose Huizar, Council District 5, dated June 22, 2020, stating their office has received multiple inquiries/comments of opposition from residents regarding the project and requesting that any comments received from the residents be reflects in the administrative record and considered to the extent possible.

A correspondence was received from the Glassell Park Neighborhood Council Planning and Land Use Committee, dated February 19, 2019, stating support of the proposed project contingent to the operation hours be limited between 7:00 a.m. and 9:00 p.m. and stainless steel window openings as opposed to the galvanized.

PUBLIC CORRESPONDENCE

A correspondence was received from an Eagle Rock resident, dated June 23, 2020, stating there are three car washes on the same street and the project needs more studies.

A correspondence was received from an Eagle Rock resident, dated June 22, 2020, stating there are too many carwashes in close proximity: two business to the north, one block north (Eagle Rock/El Paso), one on Eagle Rock and San Fernando. Concerns with traffic on Eagle Rock Boulevard.

A correspondence was received from a law firm representing the owners of units adjacent to the site, dated June 5, 2020. The required findings cannot be made with substantial supporting evidence. The proposed location, size, height, and operation will not be compatible with the adjacent residential uses: non-Code compliant hours, traffic and noise impacts to adjacent residential uses; the applicant's assertion that there is no public address system makes no sense (is there a "help" button or a noise which tells vehicles to enter/exit); ingress/egress curb cut is immediately in front of the proposed car wash is 30 feet away from the adjacent residential driveway; question on how the applicant going to restrict vehicle entrance of this driveway; the assessment by LADOT that the car wash will not increase daily trips does not pass the smell test; noise impacts from queuing, equipment, possible public address system; no evidence of muffling equipment nor type of equipment proposed was submitted to the Zoning Administrator; proposed project is 15 feet in height however rendering shows the project is taller than the wall and do not show the proposed vacuums; correct renderings and plans should be submitted; and exhaust and fumes will increase and no study was submitted. Will not comply with the finding that the project will enhance the build environment in the surrounding neighborhood in regards to the proposed hours and the proximity to residential uses. Applicant has not submitted an appropriate landscape plan and cannot make the finding. Condition No. 3 of Subarea 23 in Ordinance Number 181,062 prohibits automobile laundry (self served or non-automated) and the project includes self-served vacuums and they are not allowed under the Ordinance. Class 32 exemption is not supported by substantial evidence and are for projects would not result in any significant impacts.

A correspondence was received from the owner of the residential property adjacent on Eagle Rock Boulevard, dated June 4, 2020, stating a summary of tenants and other adjacent residents. Concerns related to noise impacts from the following: car wash equipment and dryer blowers and the giant openings on each end disrupting the adjacent residents; three self-served vacuum outside of the car wash tunnel in the open landscaped area; all automated car wash has a PA system to prompt customers for service, check-out, or help button, and there is always a loud beep to alert the drive where to stop vehicle; lack of noise impact mitigation; and questions related to sound-proofing verification study regarding decibel levels. Concerns related to pollution impacts from the following: exhaust and chemical fume from the car wash; questions related to rooftop equipment; and aesthetic/visual pollution and need to see a true rendering. Concerns related to the proposed hours of operation and that it disrupts the adjacent neighbors. Concerns related to traffic: the intersection is busy and cars use Eagle Rock Boulevard to turn right that leads to the on-ramp of the 2 Freeway; there is a parking lane and a bike lane; addition cars entering/exiting the gas station will create more traffic at the already contested intersection and will block our driveway and result in more accidents and inconvenience; and questioning the applicant's statement during hearing stating that the car wash will result in zero increase in traffic as this is an ancillary service and not a destination car wash. Concerns related to the voluntary exit only: motorist will not abide; motorist use this to cut through and bypass the traffic signal; and many will use the curb cut near the traffic signal causing traffic and will be more dangerous. The ingress and egress to the project will create a traffic hazard and cause significant traffic. A correspondence was also received from the property owner, dated May 19, 2020, and also included questions related to the following: noise decibel levels type of equipment; maintenance; what type of studies have been conducted; how will recycled water be achieved; rendering; and estimated increase of traffic generated.

A correspondence was received from an Eagle Rock Boulevard resident, dated May 26, 2020. The letter provided background information of the community and a description of Eagle Rock Boulevard. There are many existing carwashes within a two to three-mile radius: Glen-Rock Carwash, Laser Carwash, Shell Auto Carwash, Glendale Classic Carwash, Carwash 100% Handwash, Sofspira Carwash, 3-G Lux Auto Spa, and Phil's Carwash. There are four driveways on the site, two on Verdugo Road and Eagle Rock Boulevard. Many will use the Eagle Rock Boulevard for ingress for the carwash because there is an island on Verdugo Road and a U-turn will be required from those coming from Glendale that will add more traffic at this busy intersection. Concerns regarding noise pollution, driveway location is too close to the adjacent residents that will cause traffic impacts and queuing/congestion, and existing driveways are too close to the intersection. Traffic study/analysis should be done. Look into adding a new traffic light at Avenue 41 and Eagle Rock Boulevard since a pedestrian was hit and killed. Limit the hours of street parking.

A correspondence was received from an Eagle Rock Boulevard resident, dated May 24, 2020, stating the following concerns: the car wash will create increase in noise, traffic, there is a coin operated car wash on the block that generates heavy traffic through the day and night, and extremely busy intersection of Eagle Rock Boulevard and Verdugo Road and queuing of cars making a right hand turn on Verdugo Road.

A correspondence was received from an Eagle Rock Boulevard resident, dated May 23, 2020, stating that they have severe allergies and concerns regarding pollution generated by the proposed car wash, as well as increased traffic blocking their driveway.

A correspondence was received from Eagle Rock Boulevard residents, dated May 19, 2020, stating they oppose the project with the following reasons: noise impacts, use of amplified speakers and proposed operating hours; gas fumes, chemical pollution from idling cars; and traffic, blocking driveway, accidents.

A correspondence was received from an Eagle Rock Boulevard resident, dated May 18, 2020, stating opposition and the following concerns: this is a quiet neighborhood and the proposed hours with residential properties next door is unreasonable; noise, fumes and pollution; and there was a fatal accident of a pedestrian crossing the boulevard.

A correspondence was received from an Eagle Rock Boulevard resident, dated May 16, 2020, stating opposition and the following concerns: major impact to the quality of life; already on a major street with traffic and noise; hard time resting/sleeping due to the noise from the street traffic, freeway, and gas station; already have a car wash two buildings down; and car wash will create increase noise and traffic.

PUBLIC HEARING

The Public hearing was held on May 20, 2020, at approximately 9:30 a.m. In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the Office of Zoning Administration Public Hearing was conducted entirely telephonically.

Ben Steckler, the project representative, introduced the project, entitlements, and went over the project presentation. He stated that the requested action is to add an automated carwash to an existing service station. The original request for hours of operation was from 6:00 a.m. to 10:00 p.m. On February 19, 2020, the Glassell Park Neighborhood Council asked the applicant to modify the request and recommended to operate from 7:00 a.m. to 9:00 p.m. and they accept the proposed hours. As stated in the hearing notice, requested action no. 2, the applicant is not requesting a public speaker system and is no longer needed. The car wash is located next to a retaining wall with the height of six feet at Eagle Rock Boulevard which steps up periodically as it goes back toward the north of the site. Retaining wall where the car wash is located is about 12 feet tall and behind the car wash is about 18 feet tall. The retaining wall is taller than a portion of the car wash. The helly tank will be in compliance with AQMD. There are four existing driveways in use. Mr. Steckler discussed the proposed design.

Kristina Kropp, on behalf of the owner for the 21-unit apartment building located adjacent to the proposed site, went over the procedural issues. Hearing notice cited wrong code section. Case file was not made available and because of that this hearing and project must held under advisement for sufficient amount of time for the public to view the entirety of the file. The Conditional Use findings for the project location site, height, and operation will not be compatible with and will adversely affect adjacent properties. No reason to deviate from requisite hours of operation. There are residential uses five feet away and concerns with noise, traffic, fume. Even the hours of 7:00 a.m. to 9:00 p.m. is inappropriate. There is no traffic study and traffic circulation has been done. DOT's assessment that an addition of car wash will not increase daily trip to even one car is beyond unreasonable. That is the whole purpose of the carwash to increase the competitiveness of the gas station and to attract new customers. The applicant believes that no one will enter the driveway entrance near the residential property. The people are going to enter where there is an entryway.

Adan Nazar, resident on Valley Vista Drive, stated in opposition of the project. The proposed hours of operation are rude and disrespectful to the neighbors and to the adjacent residential areas. There will be noise impacts and gas fumes. There is already traffic in the area with the current situation right now and adding a carwash will make it worse.

Morgan Richardson, resident on Valley Vista Drive, stated they overlook this property. Many have windows directly facing the project. There will be a lot of traffic and as the first speaker said there is no way the carwash will not be increasing the traffic. Unfair to those of us who have to live here. How is this not going to have any impact at our property values and our quality of life. There is a gas station just up the street. No reason to give exemption from environmental review or traffic study. The project should go through all of the process.

Rob Glushon, also on behalf of the 21-unit apartment building adjacent to the site at Eagle Rock Boulevard, stated the problem here is that the use. Has represented carwashes, but this a wrong location. Carwashes should not abut residential uses. Need advisement period extended to at least 3 to 4 weeks to allow the opportunity to see file documents that were not provided. Requested this prior to the hearing. Two questions to the applicant representative: 1) Without a loud speaker how will there be communication from the carwash to the customers? This will be the first automated carwash that does not have a speaker system. 2) What is the distance from the carwash equipment tunnel to the apartment units?

Queuing? Request the Zoning Administrator to talk to Frank Quon, who approved a conditional use for a drive through restaurant with Case No. ZA-2017-4754.

Adjacent resident on Eagle Rock Boulevard, stated the carwash be denied for the following reasons, noise impact (speakers), gas fume, chemical pollution, idle cars waiting, cars blocking the driveway. A pedestrian died in front of the street due to an accident with a car. Consider the environmental and health impact of the carwash.

Nathan, an adjacent resident, stated that the project is closer than five feet away from the apartment. The equipment room of the carwash is going to be right next to the wall. Fume and noise of the carwash is a few feet away from the bedroom. The driveway on the Eagle Rock Boulevard is already a huge danger. People are going to pull in from the adjacent driveway. Lack of traffic study and environmental review is not acceptable. There is a carwash four buildings away.

Zabel Temirian, resident on Eagle Rock Boulevard, stated there is traffic in the area already. There are cars parked in the driveway. There is a carwash three buildings from the building he resides. The gas station is already enough. Noise, loud music from the radio, and gas trucks affects our quality of life. Do not want to live in this situation. Already have enough because of the gas station. Do not approve this project. There is going to be a lot of accidents that other speakers have mentioned.

Ron, an adjacent resident on Eagle Rock Boulevard, stated that he is the most impacted residence. Is the resident that is directly next to the retaining wall. The windows of the kitchen, living room and the bathroom are less than a few feet away. The cars are waiting to get into the gas station and will be for the carwash. The noise impacts will be tremendous. This is not the right location when the cars will be idling next to the windows.

Vanessa Choy, the adjacent owner of two properties on Eagle Rock Boulevard, stated Eagle Rock Boulevard is a major street and this section of the boulevard is very busy as it connects to two major freeways. The carwash will increase the traffic and the backlog into the boulevard, blocking the driveways. On February 11, a young man died. There are homeless using the gas station in the evening. A carwash with hours to 9:00 p.m. will attract more homeless. The residents are concerned that the carwash will be five feet away. There is nothing in the documents that show the project addresses these issues. The renderings did not include the vacuums.

Stephen Jamieson, the lawyer representing the applicant, stated that the project has been pending for 22 months during that time the applicant made a great effort trying to address all concerns brought up by staff, in terms of traffic, noise and other issues. Have met and talked to a couple of the neighbors and their lawyer during the last three days. There is a lack of information and or miss information regarding this project which cause the fears. The fears are not based on the fact and studies done by planning and by the applicant. The issues can all be addressed. The carwash building is not as close as it has been portrayed. There will be more landscaping than there is now. The site has been utilized as gas station since 1930.

In response to the Zoning Administrator's question regarding queue, ingress/egress and signage, Mr. Steckler stated queuing will be in between an existing canopy and the store. It is at the north end of the site and away from Eagle Rock Boulevard and will be exit toward Eagle Rock Boulevard. It will allow two cars to queue. It is an axillary use because there is an existing gas station. The cars will queue going toward the north and toward the 18 feet tall wall. The circulation will be from the north end of the site and exit at Eagle Rock Boulevard. Regarding comments about the driveway closest to the residential property, will voluntarily add an Do Not Enter sign and Exit Only driveway. The gas station was there since 1939 as a services station use and other car related uses. This is an ancillary use to the gas station. This is not a free-standing carwash and is not anticipated to increase the traffic.

In response to the comments regarding a speaking box is common in carwashes, Mr. Steckler stated there are many carwashes that use a screen with a touch pad entry system, use a code and use a credit card at the pay station. The screen will prompt what to do. Would be able to submit documentation from other carwashes owned by the owner of this facility in order to prove that the noise will be reduced 10 to 15% decibels from the standard operations. There is a separation between the carwash and adjacent uses which include the retaining wall. Retaining wall is a noise barrier. Mr. Steckler stated they have a substantial landscaped area adjacent to the retaining wall and carwash tunnel. There is a separation between the retaining wall and the residential structure. The separation there with the drainage channel is over 18 inches wide that goes around the entire wall. There is a substantial distance between the retaining wall and carwash entrance/exit. The California Building Code requires the separation from structure to the retaining wall due to seismic activity. Equipment is all enclosed in the carwash tunnel itself so it would limit the sound coming from the carwash. There would be a short queue of two cars and the waiting time for each car would be approximately five minutes. Every five minutes one car will be exiting the carwash which would also address some of the safety hazard. This is an ancillary carwash and not a destination carwash. Early 2019, LADOT submitted their determination that there would not be any increase in the amount of cars. Can provide information that the noise impacts up to 20 decibels from the standard old carwash.

Regarding comments to mechanical issues and pollution from the cars, Mr. Steckler stated there will not be any fumes, because there are already fumes on the site. It is an existing service station for about 81 years. The mechanical equipment of the carwash is safer for the environment than then the older carwash. The water will be recycled 85 percent and the rest of the water will treated before it goes to the sewerage system.

Regarding clarification of the retaining wall, Mr. Steckler stated the retaining wall is 6 feet at the Eagle Rock frontage and it steps up 2.5 feet and at the proposed location, the retaining wall is about 12 feet. The carwash exit door is 10 feet and the carwash is approximately 15 feet tall. As the retaining wall goes back, it is taller than the building proposed. The bottom of the existing canopy is 16 feet tall and a portion of the existing canopy is 19 feet tall. The proposed carwash is actually lower than the existing structure on the site.

The Zoning Administrator closed the public hearing and stated that the case will be held under advisement for four weeks, pending the submittal of the following: submittal of landscape plans and irrigations plans with dimensions; submittal of plans with the architectural features and materials called out; include dimension of the entrance of the driveway to the adjacent residence; and any additional noise information. In regards to the concerns raised regarding the traffic study, there is a letter from DOT that states the proposed use does not warrant a traffic study.

Following the hearing, the applicant representative submitted a noise study, dated June 17, 2020, prepared by Sarah Taubitz of 45dB Acoustics. The noise study concluded that daytime hourly levels are not anticipated to increase by less than 1 dB with the proposed hours. As such, no additional mitigation recommended. The car wash will not operate past 9:00 p.m., nighttime sound levels will not change due to the proposed car wash. The representative also submitted a revised site plan with measruements of the tenant buidling to the edge of the car wash opening (over 20 feet), and to the vacuum (over 62 feet), and stated that there is a substantial difference in elevation between the tenant buidling and the car wash opening. It was also clarified that no voice commands will be made available at the PayPoint.

“Q” CLARIFICATION FINDINGS

The applicant is requesting to clarify the definition of Automobile Laundries (self-served or non-automated) adopted by Ordinance No. 181,062, which prohibits the proposed Commercial Use in Subarea 23. Pursuant to Section 12.32 H of the Municipal Code and City Planning Commission Guidelines, I hereby find the following:

1. The request is NOT consistent with the City Planning Commission Guidelines.

The City Planning Commission’s guidelines provide that an Amendment of the “T” Classification and Clarifications of the “Q” Classification or “D” Limitation may take place under certain circumstances, including:

- “g. Clarification of any word or term used in a condition, when such term is not defined in the Municipal Code or the clarification of the intent of any condition that is ambiguous.”

The applicant is requesting a “Q” Clarification of Ordinance No. 181,062, Subarea 23, Condition No. 3 that states:

“The following uses shall be prohibited, except for those uses in existence within the subject subarea boundary upon the effective day of this ordinance: Wholesale Auto Parts and Accessories and Retail Sale or Assembly of Auto Parts and Accessories; Tire shops including Tire and Tube Repair and Retreading; Automobile Repair; Automobile Laundries (self-served or non automated). These uses may be allowed in conjunction with a facility that sells new automobiles provided that the use is fully contained within a building.”

The request is the clarification of the “self-served or non-automated” word or term used in the condition. The applicant states the Ordinance prohibits self-served or non-automated laundries and the proposed car wash is an automated car wash, not a self-serve or non-automated car wash. As part of the application, the project representative states that the proposed use is: “an automated car wash, which is allowed in this C2 Zone. An automated car wash is a type of use explicitly not included in the prohibited use enumerated under the site’s “Q” designation for this zone. The language used in the Q Designation, the words “self-served or non-automated”, on their face make it explicitly clear by contrast that “automated” car washes are not prohibited.”

The applicant seeks to build an automated car wash as an ancillary use to the existing fuel service station and convenience store on the project site. The Ordinance regulates new auto-related and auto-oriented uses and permits the expansion of an auto-related establishment existing on the effective date of the subject Ordinance up to 20 percent of the existing floor area. The "Q" Classification prohibits certain auto-oriented uses.

Condition No. 3 of Subarea 23 states the prohibition of:

“.....Automobile Laundries (self-served or non automated). These uses may be allowed in conjunction with a facility that sells new automobiles provided that the use is fully contained within a building.”

There is no ambiguity in this language to the Zoning Administrator. The proposed car wash is not part of a facility that sells new automobiles and therefore is not an allowed use per the “Q.” Regarding the difference between the proposed “automated” car wash and a “self-served or non-automated” car wash. One can argue that the proposed use is not “self-served” or “non-automated” since the proposed use is not a type of carwash where a customer manually operates a hose and the proposed use is a fully automated car wash and uses a structure that automatically jets water over the surface of the car without the owner needing to participate. Another can argue the proposed use is “self-served” and not a full service carwash as a customer will need self-pay at the self-service Pay Point kiosk, drive their car through the carwash, and then self-vacuum their car. There is no specific definition in the Los Angeles Municipal Code for automated or non-automated carwashes. The intent of the Cypress Park & Glassell Park “Q” conditions limits new and expansion of automobile uses. There is no ambiguity in Condition No. 3 of Subarea 23 to the Zoning Administrator. Whether the proposed project was a self-served, or non-automated, or a full-service automated car wash, the proposed use would not be allowed.

2. **The amendment or clarification is NOT necessary in order to carry out the intent of the City Council in adopting the T or Q Classification or D Limitation.**

The Q Conditions and furthered by the goals of the Cypress Park & Glassell Park Community Design Overlay District is to regulate auto-related, auto oriented uses and other incompatible uses and encourage pedestrian oriented uses. The intent of the Ordinance for the Q was to limit and expand auto serving uses. The project is not consistent with the intent of the "Q" Conditions of approval but requires "Q" clarification to ensure consistency with the overall intent of the City Council's adopted Q conditions. The project is not consistent with the intent of the City Council action in adopting "Q" conditions, which was to prevent the establishment of new auto-related uses and expansion of auto-related uses within the District.

3. **The amendment or clarification WOULD HAVE an effect on adjacent property and WOULD result in a significant or substantial deprivation of the property rights of other property owners.**

The site is developed with an existing service station and a convenience store. The proposed project is the construction and operation of a 1,250 square-foot automated car wash. As evident by the public testimony and correspondence received from the adjacent properties, the approval of the "Q" Clarification of Ordinance No. 181,062 for Subarea 23 would result in a significant or substantial deprivation of the property rights of the adjacent residential property owners and occupants. The project proposes to clarify and allow the automated carwash use. Condition No. 3 currently prohibits the proposed use on the subject site within Subarea 23.

CONDITIONAL USE FINDINGS

4. **The project will NOT 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 project site is a level, rectangular shaped parcel of land with an approximate lot area of 27,484 square feet, located at the northeast corner of Eagle Rock Boulevard and Verdugo Road. The site has a frontage of approximately 120 feet on the north side of Eagle Rock Boulevard and 280 feet on the east side of Verdugo Road and. The property is zoned [Q]C2-1VL-CDO and designated for General Commercial uses under the Northeast Los Angeles Community Plan. The "Q" conditions on the site prohibits 100 percent residential development and limits the residential density to the RD1.5 Zone, as well as imposed prohibitions on auto-related uses, electronic message display, pole, and pylon signs. The site is developed with an existing fueling service station and a convenience store. The proposed project is the construction and operation of a 1,250 square-foot automated car wash.

The applicant submitted the following requests for a Conditional Use to allow public address system; and a Conditional use to allow the hours of operation Monday-Sunday, 6:00 a.m. – 10:00 p.m., in lieu of the hours of operation of Monday-Friday, 7:00 a.m. – 8:00 p.m., Saturday, 9:00 a.m. – 8:00 p.m., and Sunday, 11:00 a.m. – 8:00 p.m. During the public hearing, the project representative Ben Steckler, stated they are modifying their operating hours from 7:00 a.m. – 9:00 p.m. as recommended by the Neighborhood Council. Mr. Steckler also stated they are no longer requesting a public speaker system and the entitlement is no longer needed. Therefore, the Zoning Administrator is dismissing the entitlement request for the public address system.

Although the request is for hours, as stating in Finding No. 1, the proposed carwash use is not allowed per the “Q” conditions as established by Ordinance No. 181,062. Therefore, the development of a use that is not allowed will not enhance the built environment in the surrounding neighborhood and will not provide a service that is beneficial to the community.

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

The project is the development of a 1,250 square-foot automated car wash on a site that is currently improved with an existing fuel service station and convenience store. As stated in Finding No. 1, the proposed carwash use is not allowed per the Q. As the proposed use is not allowed, the project will adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

6. **The project DOES NOT substantially conform with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

There are eleven elements of the General plan. Each of these elements establishes policies 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 in the form of LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan. The Land Use Element of the City’s General Plan divides the City into 35 Community Plans. The Northeast Los Angeles Community Plan designates the property for General Commercial land uses with corresponding zones of C1, CR, C1.5, C2, C4, P, and RAS3, and it is zoned [Q]C2-1VL-CDO. The proposed project is subject to the “Q” conditions as established by Ordinance No. 181,062 which prohibits the proposed use. The proposed project is not consistent with the following Objective of the Northeast Los Angeles Community Plan:

Objective 2-3: To minimize conflicts between auto-related and pedestrian-oriented activities and encourage use of public transportation in commercial areas.

The proposed project is an auto use that conflicts with pedestrian-oriented activity and does not fulfill the objective of the Community Plan. Moreover, the proposed carwash is not a use allowed per the "Q" Conditions as established by Ordinance No. 181,062. The "Q" Conditions are furthered by the goals of the Cypress Park & Glassell Park Community Design Overlay District is to regulate auto-related, auto oriented uses and other incompatible uses and encourage pedestrian oriented uses. Therefore, the project does not meet the purpose, intent, and provisions of the Northeast Community Plan and is a prohibited use per the "Q" Condition.

7. The Project WILL create or add to a detrimental concentration of automotive uses in the vicinity of the proposed automotive use.

The subject site is on a commercial corner developed with an existing fuel station and convenience store which has operated since 1939. The project includes the development of a 1,250 square-foot automated car wash. There is currently a car wash and an auto repair use, five lots to the west of the subject site. The Q Conditions are furthered by the goals of the Cypress Park & Glassell Park Community Design Overlay District is to regulate auto-related, auto oriented uses and other incompatible uses and encourage pedestrian oriented uses. The goal and intent of the Ordinance for the Q was to limit and expand auto serving uses and as stated in Finding No. 1, the proposed carwash use is not allowed. Ordinance No. 181,062 was established due to over-concentration of automotive uses in the area. Adding a use not allowed would add a concentration of automotive uses in the vicinity.

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

The site has an existing three and one new ingress and egress points. Based on the Traffic Study Assessment form dated January 22, 2019, the City of Los Angeles Department of Transportation indicated that the addition of an automated car wash to an existing service station will not create any new trips; therefore, the project will not create a traffic hazard or cause significant traffic congestion or disrupt vehicular circulation on adjacent streets.

9. 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 installation.

The project will not include a spray painting facility.

- 10. The applicant has NOT 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 project site has a 22.5-percent landscaped area. The proposed addition of an automated car wash includes the addition of three new landscaped areas, which surround the structure on the three exposed sides. As requested during the hearing, Zoning Administrator did not receive revised landscape plans and irrigations plans with dimensions.

- 11. That project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

The subject site is an existing commercial corner development with an existing fuel station and convenience store that has been operation since 1939. The existing fuel station and convenience store operates 24 hours, daily, except for the sale of alcohol in the store is limited to 6:00 a.m. to 2:00 p.m., daily. The project is the development of a 1,250 square foot automated car wash and the request is to allow hours of operation of 7:00 a.m. – 9:00 p.m., daily, in lieu of the otherwise required Monday-Friday, 7:00 a.m. – 8:00 p.m., Saturday, 9:00 a.m. – 8:00 p.m., and Sunday, 11:00 a.m. – 8:00 p.m. Although the site is already a Commercial Corner Development, the project is not an allowed use per the Q Conditions. Approval of the carwash, will intensify the site by adding a use that is not allowed as well as deviating from the required hours of operation and will add a detrimental concentration of a Commercial Corner Development in the vicinity.

COMMUNITY DESIGN OVERLAY FINDINGS

- 12. The project substantially complies with the adopted Community Design Overlay Commercial Guidelines and Standards.**

The Cypress Park & Glassell Park Community Design Overly Commercial Guidelines and Standards are related to site planning, building design, architectural features, landscaping, signage, and mechanical equipment. The request is to allow a CDO Plan Approval for the construction of the carwash. The Zoning Administrator cannot find that the project substantially complies with the CDO, as the proposed use is not allowed in the Qs of Ordinance No. 181,062, Subarea 23, Condition No. 3.

- 13. The structures, site plan and landscaping are harmonious in scale and design with existing development and any cultural, scenic or environmental resources adjacent to the site and the vicinity.**

See Finding No. 12.

FLOOD ZONE

- 14. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of outside flooding.

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after FEBRUARY 25, 2021, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Downtown
 Figueroa Plaza
 201 North Figueroa Street,
 4th Floor
 Los Angeles, CA 90012
 (213) 482-7077

San Fernando Valley
 Marvin Braude San Fernando
 Valley Constituent Service
 Center
 6262 Van Nuys Boulevard,
 Room 251
 Van Nuys, CA 91401
 (818) 374-5050

West Los Angeles
 West Los Angeles Development
 Services Center
 1828 Sawtelle Boulevard,
 2nd Floor
 Los Angeles, CA 90025
 (310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Inquiries regarding this matter shall be directed to Adrineh Melkonian, Planning Staff for the Department of City Planning at (213) 978-1301 or adrineh.melkonian@lacity.org.

CHRISTINA TOY LEE
 Associate Zoning Administrator

CTL:DL:NS:AM
 cc: Councilmember Kevin de Leon
 Fourteenth District
 Adjoining property owners
 Interested Parties

COVID-19 UPDATE

Interim Appeal Filing Procedures

Fall 2020



Consistent with Mayor Eric Garcetti's "Safer At Home" directives to help slow the spread of COVID-19, City Planning has implemented new procedures for the filing of appeals for non-applicants that eliminate or minimize in-person interaction.

OPTION 1: Online Appeal Portal

(planning.lacity.org/development-services/appeal-application-online)

Entitlement and CEQA appeals can be submitted online and payment can be made by credit card or e-check. The online appeal portal allows appellants to fill out and submit the appeal application directly to the Development Services Center (DSC). Once the appeal is accepted, the portal allows for appellants to submit a credit card payment, enabling the appeal and payment to be submitted entirely electronically. A 2.7% credit card processing service fee will be charged - there is no charge for paying online by e-check. **Appeals should be filed early to ensure DSC staff has adequate time to review and accept the documents, and to allow Appellants time to submit payment.** On the final day to file an appeal, the application must be submitted and paid for by 4:30PM (PT). Should the final day fall on a weekend or legal holiday, the time for filing an appeal shall be extended to 4:30PM (PT) on the next succeeding working day. Building and Safety appeals (LAMC Section 12.26K) can only be filed using Option 2 below.

OPTION 2: Drop off at DSC

An appellant may continue to submit an appeal application and payment at any of the three Development Services Center (DSC) locations. City Planning established drop off areas at the DSCs with physical boxes where appellants can drop.

Metro DSC

(213) 482-7077
201 N. Figueroa Street
Los Angeles, CA 90012

Van Nuys DSC

(818) 374-5050
6262 Van Nuys Boulevard
Van Nuys, CA 91401

West Los Angeles DSC

(310) 231-2901
1828 Sawtelle Boulevard
West Los Angeles, CA 90025

City Planning staff will follow up with the Appellant via email and/or phone to:

- Confirm that the appeal package is complete and meets the applicable LAMC provisions
- Provide a receipt for payment