

Communication from Public

Name: Kristina Kropp

Date Submitted: 10/26/2021 10:38 AM

Council File No: 21-0739

Comments for Public Posting: Please see the attached letter from Robert Glushon and Kristina Kropp regarding the above referenced city file.

LUNA & GLUSHON

A Professional Corporation

DENNIS R. LUNA
(1946-2016)

16255 VENTURA BOULEVARD, SUITE 950
ENCINO, CALIFORNIA 91436
TEL: (818) 907-8755
FAX: (818) 907-8760

October 26, 2021

VIA EMAIL

Councilmember Marqueece Harris-Dawson, Chair
City of Los Angeles City Council
Planning and Land Use Management Committee
200 N. Spring St.
Los Angeles, CA 90012

Re: Council File 21-0739/ZA-2018-2236-CU-CLQ-CDO
4005 Eagle Rock Boulevard

Honorable Chair and Councilmembers:

Our law firm represents the owners of the 21 apartment units immediately adjacent to the proposed carwash at 4017 and 4023 Eagle Rock Boulevard where the Applicant proposes the construction and operation of a 1,250 square foot car wash and equipment storage rooms separated and freestanding on the same site as an existing 1,976 square foot service station and 2,877 square foot convenience store, including installation of three (3) internally illuminated with individual channel letters "Car Wash" Wall Signs, two (2) non-illuminated metal "Entrance" and "Exit Only-Do Not Enter" Signs, five (5) Directional Signs, and one (1) Instruction Sign and deviations from Code to allow operations from 6:00 AM to 10:00 PM¹ and possibly a public address system ("Project").

This letter is submitted in strong SUPPORT of the Zoning Administrator's DENIAL of the Project:

1. The Project violates Condition No. 3 of Subarea 23, and the Applicant cannot "clarify" away such violation;
2. The Applicant has failed to provide full plans and details of the proposed Project;

¹ Changed to 7 AM to 9 PM at the May 20, 2020 hearing.

3. The legally mandated findings for the Project cannot be made with substantial supporting evidence.

I. The Car Wash Violates the [Q] Condition

Condition No. 3 of Subarea 23, imposed by [Q] Condition in Ordinance Number 181,062, 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."

As the Zoning Administrator correctly finds, this condition prohibits automobile laundries not in conjunction with a facility that sells new automobiles provided that the use is fully contained within a building. It is the intent of the Cypress Park & Glassel Park [Q] conditions is to limit new and expansion of automobile uses.

To the contrary, the Applicant's appeal incorrectly claims that (1) "fully automated" automobile laundries are allowed by the [Q] Condition and that (2) the proposed Project is a "fully automated" automobile laundry.

But both the language and the intent of the Condition are clear – no new automobile laundries not in connection with a facility that sells new automobiles provided that the use is fully contained within a building are allowed. Again, the intent of the Cypress Park & Glassel Park [Q] conditions is to limit new and expansion of automobile uses. It is anathema to such intent to argue, as the Applicant does, that "automated" car washes are somehow exempt from this prohibition.

Furthermore, the Project simply is not a "fully automated" automobile laundry. The Project includes self-served vacuums outside of the carwash tunnel and a self-pay kiosk. The Los Angeles Municipal Code ("LAMC") contains no specific definition of what is "fully automated" or "non automated." Yet it is clear that this particular Project includes self-service features. Therefore, even if

the Applicant was correct as to the [Q] Condition, under no reasonable definition could this Project be considered a “fully automated” automobile laundry.

II. The Applicant has failed to provide full plans and details of the Proposed Project.

The Applicant has utterly failed to provide a complete application package for both the City and the surrounding constituents to fully understand the scope and impacts of the Project. Information not provided:

1. A completed set of plans. The Applicant asserts that the Project is supposed to be 15 feet in height and is not supposed to be visible from the adjacent apartment buildings due to the wall. But the renderings submitted by the Applicant show that the Project is clearly taller than the wall. The plans also do not show the proposed vacuum equipment.
2. A landscape plan, as required under LAMC §12.24.W.4(b)(4).
3. Details and information about an alluded to “restriction” to vehicle ingress/egress at the existing driveway 30 feet away from the driveway to our client’s property to alleviate the dangerous traffic condition caused by two driveways in such close proximity.
4. Details and information about the type of equipment proposed (there are many types of car washes), let alone supposedly proposed noise mitigating equipment.
5. Details about the proposed public address system.
6. An exhaust study.

Beyond the illegality of the proposed use under the [Q] condition, it is incomprehensible that the Applicant believes that the City can approve the Project, and make the legally required findings described below, with substantial supporting evidence, without all of this information.

III. The Required Conditional Use Findings Cannot be Made with Substantial Supporting Evidence.

- a. The Project’s location, size, height, operations and other significant features will not be compatible with and will

adversely affect and degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;

The location, size, height, operations and other significant features of this Project simply are not, in any way, compatible with the directly adjacent residential uses located only an arm's length away:

1. The non-Code compliant hours of operation are completely inappropriate given the Project's relation to residential uses. Noise, traffic, and fumes a few feet is inappropriate whether at 7 am or 9 pm. There is absolutely no reason or evidence provided that the Applicant cannot comply with the Code required hours of operation – certainly none that has been provided to the City for consideration of the request.

2. The Applicant's assertion that there is no public address system required for this car wash here makes no sense. Is there no "help" button on the "touch" speaker system? What about the noise which tells vehicles when to enter/exit? How is that there is no automated speaker *at all*?

3. The ingress/egress curb cut which is immediately in front of where the exit of the car wash is proposed is only 30 feet away from the driveway to our client's property. The Applicant stated at the hearing before the Zoning Administrator that they are going to restrict vehicle entrance at this location. How? Are they going to have a sign? A security guard? What's more, how are vehicles going to know about this "restriction"? To the contrary of a mitigation measure, the Applicant's attempt to put a band aid on this dangerous traffic condition will cause vehicles attempting to enter at that access point to be met with either a sign or a guard, causing dangerous abrupt stops, queuing along Eagle Rock Blvd. and blocking our clients' driveway (which is, again, only 30 feet away). The Councilmembers should be aware that is exactly the location of a deadly vehicle accident in early 2020.

Notably, the assessment by the Department of Transportation ("DOT") in this case, where DOT would like to lead the public to believe that the addition of the car wash will not increase daily trips to the site by even one car, doesn't pass the smell test. The whole purpose of the addition of the car wash is to increase the competitiveness of this gas station, to attract new customers. Will the Applicant agree to a condition that only customers who get gas may use the carwash? We seriously doubt it. It is unfathomable that there will be zero

customers coming to the carwash alone. This case is very similar to the precautionary tale in ZA-2017-4754-CU-SPPA-SPP in which DOT submitted an equally flawed study relied upon by the Office of Zoning Administration and the political and legal fallout which ensued.

4. The project maintains numerous additional potential noise sources: cars queuing, equipment, including multiple vacuums, possibly a public address system. No matter what “muffling” equipment exists (again, evidence of which has not been submitted), there is no way to mitigate the noise from the additional vehicles which will undoubtedly have car windows open, music playing, etc. Indeed, it is somewhat impossible to believe that “muffling” equipment exists to mitigate noise where two rolling doors to allow vehicles to enter and exit will constantly be open. Again, none of this information has been submitted to the City file, certainly not in a manner to provide substantial supporting evidence. Even information about the type of equipment proposed has not been submitted (there are many types of car washes), though requested, let alone noise mitigating equipment.

5. The Project is supposed to be 15 feet in height and is not supposed to be visible from the adjacent apartment buildings due to the wall. But the renderings submitted by the Applicant show that the Project is clearly taller than the wall. Did the Applicant submit incorrect renderings? No plans? What’s more, to make the Project appear more appealing from Eagle Rock Blvd., the rendering doesn’t actually show the proposed vacuums. The file does not contain complete and accurate plans and renderings.

6. Exhaust and chemical fumes from the car wash will absolutely increase as a result of the Project, to the detriment of the immediately surrounding residential uses. Again, the concept that the car wash will not increase customers at the site by even one trip is unsound and illogical. Similarly, cars waiting to enter the car wash will remain running, unlike cars pumping gas. Such additional exhaust is not considered. The Applicant has provided no exhaust study at all.

For all of these reasons, the Project’s location, size, height, operations, and other significant features will not be compatible with and will adversely affect and degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

- b. The Project will not enhance the built environment in the surrounding neighborhood or perform a function or provide a service that is essential or beneficial to the community, city, or region; and

There is nothing about a deviation from Code required hours of operation which in any way enhances or provides any type of essential function. There is no reason whatsoever that the Applicant cannot comply with the Code required hours of operation. The Applicant's proposed findings make absolutely no effort to show how the Project's proposed hours will serve this function – they are simply an unsubstantiated desire.

The proximity of this Project to residential uses make this car wash inappropriate for all of the reasons stated above. There is a myriad of car washes in the area which are not immediately next door to residential uses. This Project will not enhance the built environment in the surrounding neighborhood or perform a function or provide a service that is essential or beneficial to the community, city, or region.

- c. 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.

Simply, this has not been done. Yet, it is required under LAMC §12.24.W.4(b)(4)². Accordingly, there is no way for the City to make this finding with substantial supporting evidence.

- d. The Project does not substantially confirm with the purpose, intent and provisions of the General Plan and the Northeast Los Angeles Community Plan.

Again, the Project violates Land Use Element of the City's General Plan, the [Q] Condition established by Ordinance 181,062 which prohibits the proposed use. The Applicant cannot "clarify away" this prohibition. The Applicant has not applied for a zone change to strike the [Q] Condition.

² In addition, under LAMC §12.27.W.27, the City should consider the provisions of Section 12.22.A.23 which also require a landscaping and irrigation system.

Furthermore, Objective 2-3 of the Northeast Los Angeles Community Plan requires minimization of conflicts between auto-related and pedestrian-oriented activities and encourage use of public transportation in commercial areas. The Project, proposed a stone's throw away from residential uses, is in direct conflict with Objective 2-3 of the Northeast Los Angeles Community Plan.

Therefore, the Project does not substantially confirm with the purpose, intent and provisions of the General Plan and the Northeast Los Angeles Community Plan.

IV. Conclusion

For all of these reasons, we ask that the City Council to deny this appeal and uphold the determination of the Zoning Administrator.

Very truly yours,

LUNA & GLUSHON
A Professional Corporation

A handwritten signature in black ink, appearing to read "Rob Glushon", written in a cursive style.

ROBERT L. GLUSHON

cc: Emma Howard, Senior Planner to Councilmember Kevin de Leon

Communication from Public

Name: Rod Hutchinson

Date Submitted: 10/26/2021 04:29 PM

Council File No: 21-0739

Comments for Public Posting: I a resident of 4015 1/2 Eagle Rock Blvd. I will be the mist affected but the building of a car wash next to my resistance. The traffic congestion, noise disturbances, and close proximity to harmful chemicals, are the mist pressing reasons that I implore you to vote down this appeal.

Communication from Public

Name: Jimmy Lulu

Date Submitted: 10/26/2021 12:59 PM

Council File No: 21-0739

Comments for Public Posting: I live in Eagle Rock Blvd and oppose the appeal of this company to build a car wash right next to our apartment building. My family and I are trying our hardest to preserve the quality of our lives but this car wash construction will totally crush that and affect us in more ways than one. Thinking of living next to a construction site for a year or so? Worst nightmare! Enduring long term noise, the fumes, the chemicals, increased traffic. These are the things that we will have to bear once this construction gets approved. I am appealing to you, on behalf of my family and the rest of the tenants in our apartment complex to please deny this company's application to build this car wash. Have mercy on us who are already enduring the comings and goings of having a gasoline station next to us and now a car wash on top of that? Thank you for hearing us out.