



SOUTH VALLEY AREA PLANNING COMMISSION

200 North Spring Street, Room 272, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAY 02 2022

Case No. APCSV-2019-1481-SPE-SPP-CU-ZV

Council District: 2 – Krekorian

CEQA: ENV-2018-4959-CE

Plan Area: North Hollywood – Valley Village

Project Site: 4801 – 4815 N. Laurel Canyon Boulevard; 12107 – 12111 W. Riverside Drive

Applicant: Nader Hattar, N & D Corporation
Representative: Ken Kang, MK Design

At its meeting of **March 24, 2022**, the South Valley Area Planning Commission took the actions below in conjunction with the approval of the following project:

The construction, use, and maintenance of a 736 square foot, self-operated car wash tunnel, to be operated from 7 a.m. to 10 p.m. daily, as an accessory use to an existing gas station with convenience store, on an approximately 19,164 square foot commercial corner site. A total of five parking spaces will be provided. The car wash tunnel is proposed at the southwest corner of the site, adjacent to a commercial use. The project includes new landscaping around the site, raising existing concrete masonry unit (CMU) walls of six feet in height (west property line) and four feet in height (north property line) by two feet each, the addition of eight new on-site trees and three new street trees, four additional parking spaces, new lighting, two new signs, a new trash enclosure area, new air/water location, the addition of two coin operation vacuum hoses with sound dampeners, and the re-facing of an existing free-standing pole sign. The project includes the demolition of a small storage building (160 square feet), the removal of nine palm trees (three mature, six small) and grading of less than 500 cubic yards.

1. **Determined** that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15303, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Approved**, pursuant to Section 11.5.7.F, a Specific Plan Exception to the Valley Village Specific Plan (Ordinance No. 168,613) to allow the following:
 - a. An accessory car wash use in lieu of the C4 use limitations of Section 5.B. of the Valley Village Specific Plan; and
 - b. A front yard of three percent of the total lot area in lieu of the five percent required by 6.E.1. of the Valley Village Specific Plan.
3. **Approved**, pursuant to Los Angeles Municipal Code Section (LAMC) 11.5.7.C, a Project Permit Compliance review with the Valley Village Specific Plan to allow the construction, use, and maintenance of a 736 square foot, self-operated car wash tunnel;
4. **Approved**, pursuant to LAMC Section 12.24.W.27, a Conditional Use to allow a Commercial Corner Development with the following deviations from the standards of LAMC Section 12.22.A.23:
 - a. Less than 50 percent ground floor transparent windows;
 - b. An existing free-standing pole sign;
 - c. Hours of operation for the existing convenience store from 5 a.m. to 11 p.m., Monday through Friday, and 6 a.m. to 11 p.m. Saturday and Sunday;
5. **Approved**, pursuant to LAMC Section 12.27, a Zone Variance from "Q" Conditions of Ordinance No. 165,108 which limit uses of the subject property to those permitted in the C1.5 Zone;
6. **Adopted** the attached Conditions of Approval; and

7. Adopted the attached Findings.

This action was taken by the following vote:

Moved: Mather
Seconded: Karadjian
Ayes: Barraza, Dierking
Nays: Morden Kichaven

Vote: 4 – 1



Etta Armstrong, Commission Executive Assistant I
South Valley Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the South Valley Area Planning Commission is appealable to the Los Angeles City Council within 15-days of the mailing date of this determination letter.

Any appeal not filed within the 15-day period shall not be considered by the City Council and the decision of the South Valley Area Planning Commission will become final and effective upon the close of the 15-day appeal period. Appeals shall be filed on forms provided at the Planning Department's Development Service Center located at: 201 North Figueroa Street, Fourth Floor, Los Angeles; 6262 Van Nuys Boulevard, Suite 251, Van Nuys; or 1828 Sawtelle Boulevard, West Los Angeles.

FINAL APPEAL DATE: MAY 17 2022

Notice: An appeal of the CEQA clearance for the Project pursuant to Public Resources Code Section 21151 (c) is only available if the Determination of the non-elected decision-making body (e.g., ZA, AA, APC, CPC) is not appealable to a City body, and the decision is final.

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.

Attachments: Conditions of Approval, Findings, Interim Appeal Procedures

c: Blake Lamb, Principal City Planner
Claudia Rodriguez, Senior City Planner
Andrew Jorgensen, City Planner

CONDITIONS OF APPROVAL

1. **Authorization.** Approved herein is the construction, use, and maintenance of a 736 square foot, self-operated car wash tunnel in conjunction with an existing gas station with convenience store, on an approximate 19,164 square foot commercial corner site and the re-facing and continued use of an existing free-standing pole sign.
2. **Height.** The car wash shall not exceed 17 feet and six inches in height and the free-standing pole sign shall not exceed 18 feet in height.
3. **Plot/Site Plan.** Prior to the issuance of any building permits for the subject project, detailed development plans, including site and elevation plans, and including complete landscape and irrigation plans prepared by a licensed landscape architect or architect, shall be submitted for review by the Department of City Planning for verification of compliance with the imposed conditions. The plans submitted to Building and Safety shall be in substantial conformance with the plans labeled "Exhibit A" dated March 8, 2022, attached to the subject case file. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions, and the intent of the subject permit authorization.
4. **Parking.** Parking shall be provided pursuant to the requirements of the Los Angeles Department of Building and Safety.
5. **Roof-Top Equipment and/or Utilities.** Any air conditioning units and other equipment and/or utilities shall be fully screened from view of any abutting residential properties.
6. **Solar Panels.** Solar panels shall be installed on the roof of all buildings to the maximum extent feasible, and shall be provided as a part of an operational photovoltaic system to be maintained for the life of the project. The project shall comply with the Los Angeles Municipal Green Building Code, Section 99.05.211, to the satisfaction of the Department of Building and Safety.
7. **Graffiti Removal.** 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.
8. **Hours of Operation.** Hours of operation for the car wash shall be permitted from 7 a.m. to 10 p.m. daily, and the convenience store from 5 a.m. to 11 p.m., Monday through Friday, and 6 a.m. to 11 p.m. Saturday and Sunday.
9. **Transparent Windows.** As shown on "Exhibit A," less than 50% transparent windows are permitted herein for the car wash. The west elevation shows 46% transparency, and the south elevation shows 20% transparency. Any deviation from "Exhibit A" that further reduces window transparency must be approved by Valley Project Planning.
10. **Deliveries.** No deliveries, loading, or unloading shall occur before 7 a.m. or after 8 p.m. daily. All deliveries shall occur entirely on site and shall not be visible from the adjacent residential development.
11. **Ingress, Egress, and Queuing.** The Department of Transportation shall review and approve the proposed site ingress, egress, and queuing prior to issuance of a building permit.
12. **Noise Attenuation.**

- a. Existing concrete masonry unit (CMU) walls of six feet in height (west property line) and four feet in height (north property line) shall be increased in height by two feet each as demonstrated on Exhibit "A". The walls shall be without openings and shall have a minimum nominal thickness of 6 inches.
- b. Sound dampeners shall be installed on all vacuum equipment sufficient to ensure compliance with City of Los Angeles Noise Ordinance No. 144,331 and 161,574.
- c. Compliance with LAMC Section 13.18 F.2(l) shall be demonstrated.

13. Valley Village Conditions.

- a. **Use (Exception).** Uses shall be limited to gas station and car wash uses. The following uses are prohibited:
 - i. all ground floor residential uses
 - ii. automobile sales, new
 - iii. bathhouses
 - iv. burglar alarm businesses
 - v. driving schools
 - vi. escort businesses
 - vii. fast-food & drive-through restaurants
 - viii. hotels and motels
 - ix. massage parlors
 - x. mobile home sales, new
 - xi. monuments and tombstones, retail sales
 - xii. off-site advertising signs
 - xiii. recreational vehicle sales, new
 - xiv. rescue missions
 - xv. taxicab businesses
 - xvi. trade schools, universities and barber and beauty colleges
 - xvii. trailer sales, new
- b. **Lighting.** All lighting for the project shall be low-illumination safety lighting of a color similar to incandescent light, which is shielded and directed onto the property on which the project is located.
- c. **Yards for Commercial Projects (Exception).** The project shall comply with the following:
 - i. The area of the front yard shall be no less than three percent of the total area, but shall not extend to a depth of greater than 15 feet.
- d. **Landscape Plan.** Pursuant to Sections 9.A and 9.E. of the Specific Plan, landscaped areas shall be planted with a variety of plant materials which include shrubs, trees and ground cover, and all plants and trees shall be drought-resistant. Artificial plants are prohibited, however, pursuant to California Civil Code 4735 artificial turf is allowable, due to change in State regulations in response to drought conditions.
 - i. The area from the lot line to the building shall be landscaped with live plant materials and/or ground cover, except for required exit-ways and walkways.

- ii. Front, rear and side yards shall be landscaped using similar materials so that the total development creates a consistent landscape theme.
 - iii. A minimum of 50 percent of the total required front and rear yards shall be landscaped.
 - iv. All landscaped areas shall be equipped with an automatic sprinkler or drip irrigation system designed to conserve water.
- e. **On-Site Trees.**
- i. For every non-fruit bearing, mature tree above five feet in height removed, a replacement tree shall be planted on a 1:1 basis for a total of six shade trees on site.
 - ii. Replacement trees shall be at least a 24-inch box size, not less than eight feet in height, with a trunk diameter of not less than two inches, and a minimum branch spread of five feet.
 - iii. All trees shall be in healthy growing condition and all trees shall be drought-resistant.
- f. **Street Trees.** Shade-producing street trees shall be planted at a ratio of at least one tree for each 30 lineal feet of street frontage when no obstructions are present. The minimum size for street trees shall be 10 feet in height and two inches in caliper at the time of planting. Installation of street trees shall be to the satisfaction of the Bureau of Street Services, Urban Forestry Division.
- g. **Certification of Landscape Installation.** Prior to obtaining a Certificate of Occupancy, the project architect, landscape architect, or engineer shall certify in a letter to the Department of City Planning and to the Department of Building and Safety that the approved landscape plan has been implemented.

Administrative Conditions of Approval

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 Department of City Planning for placement in the subject file.
15. **LAMC Requirements.** 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.
16. **Code Compliance.** The area, height and use regulations of the zone classification of the subject property shall be complied with, except where conditions herein are more restrictive.
17. **Covenant.** Prior to the issuance of any permits relative to this matter, 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 master 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 Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Department of City Planning for attachment to the subject case file.

18. **Definitions.** 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.
19. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning and any designated agency, or the agency's successor and in accordance with any stated laws or regulations, or any amendments thereto.
20. **Building Plans.** Page 1 of the grant and all the conditions of approval shall be printed on the building plans submitted to the Department of City Planning and Department of Building and Safety.
21. **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.
22. **Indemnification and Reimbursement of Litigation Costs.** The applicant shall do all of the following:
 - a. Defend, indemnify and hold harmless the City from any and all actions against the City, in whole or in part, 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.

FINDINGS

Entitlement Findings

Specific Plan Exceptions

1. **That the strict application of the regulations of the specific plan to the subject property would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the specific plan.**

The proposed project includes the addition of a 736 square-foot drive through self-service car wash tunnel.

Establishment of a car wash at the subject site is restricted under both the Valley Village Specific Plan and the existing [Q] conditions onsite. Pursuant to Ordinance 165,108 (Sub Area 6740) adopted in 1989, "the use of the property shall be limited to the uses existing upon the effective date of this ordinance and thereafter to those of the C1.5-1-VL Zone." This ordinance, then, in essence restricts the zoning of this previously-C2 lot to C1.5 for the determination of whether a use is allowed on the lot; car washes are first allowed in the C2 zone and therefore not allowed in the C1.5 zone.

The Valley Village Specific Plan, adopted in 1993, Section 5.B., states that "unless the zoning on a lot is more restrictive than allowed by the C4 Zone, a commercially zoned lot within the Valley Village Specific Plan Area shall be limited to the C4 use limitations in Section 12.16 A 2 of the Code." As the site's zoning is more restrictive (de facto C1.5) than the C4 zone, this section does not apply and further does not supersede the Valley Village Specific Plan, which by its terms only supersedes the underlying zone when it requires "different commercial land uses." However, this Section 5.B. does also regulate land use, specifically automotive-related ones, and the C4 zone would also prohibit the development of a car wash on this site.

As both the [Q] conditions and Specific Plan would limit the proposed use, the applicant must therefore apply for and receive both a Specific Plan Exception and Zone Variance pursuant to LAMC Section 11.5.7.F.1(e), which states in part: "if a specific plan contains a regulation that conflicts with the same type of regulation but with a different standard contained in an applicable provision of Chapter I of this Code and the specific plan does not supersede the Code by its terms, then an applicant seeking relief from those regulations must apply for and receive both an exception to the specific plan and a variance for relief from those Code provisions."

Specific Plans do not address every nuance that might occur. However, an Exception is a grant of permission to depart from the literal enforcement of the Plan and allow the property to be used in a manner otherwise not permitted provided that the spirit of the ordinance is observed without detrimental impacts to the community.

The strict application of the specific plan creates an unnecessary hardship because it limits the improvement and expansion of an existing legal use to include a service on site which will mitigate total vehicle trips and be desirable to the public convenience.

2. **That there are exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property that do not apply generally to other property in the specific plan area.**

The unique location (subject to a Specific Plan which prohibits redevelopment or expansion of the legally existing, previously-established use) and existing development of the site are special circumstances applicable to the subject property that do not apply generally to other property in the same zone and vicinity. These circumstances include the large size of the site, history of automotive uses, location on a corner, and adjacency to the nearby Freeway.

In essence, the site is uniquely capable of accommodating the proposed car wash and providing needed access and parking for the proposed incidental use without impeding access to or interference with the existing refueling operation.

Granting the Exception acknowledges the special circumstances of the subject property that does not generally apply to other properties in the same zone in the surrounding area.

3. **That an exception from the specific plan is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the specific plan area in the same zone and vicinity but which, because of special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The granting of the requested exception is necessary for the *enjoyment of a substantial property right or use* available to others in the vicinity; specifically, pursuant to case number ZA-2008-2924-CUB-CU-ZV, the immediately adjacent gas station to the south was granted a Zone Variance for a similar self-service car wash project. While similarly located in the Valley Village Specific, the adjacent project was approved and developed without the granting of an Exception.

Therefore, granting of the subject exception is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

4. **That the granting of an exception will not be detrimental to the public welfare or injurious to the property or improvements adjacent to or in the vicinity of the subject property.**

Granting the exception will not be materially detrimental because special consideration is given to the impact on residences adjacent to the property, as well as other nearby properties through the imposition of corrective conditions to require thoughtful lighting, landscaping and noise attenuation.

Therefore, granting of the exception will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

5. **That the granting of an exception will be consistent with the principles, intent and goals of the specific plan and any applicable element of the general plan.**

The proposed project site is an approximately 19,164 square foot, generally flat, and rectangle-shaped area comprised of three lots. The proposed project complies with the following goals, policies, and programs of the Valley Village Specific Plan and the General Plan, and therefore, granting of the request would be consistent:

Valley Village Specific Plan

The proposed land use and front yard exception complies with the following Purposes of the Valley Village Specific Plan:

To assure orderly, attractive and harmonious multiple residential and commercial developments that are adjacent to the existing single-family developments within the Valley Village area of the North Hollywood Community Plan area.

To preserve the quality and existing character of the Valley Village area.

To minimize adverse environmental effects of development and promote the general welfare by regulating buildings by height, and bulk, and prohibiting commercial uses which are not compatible to their sites and surroundings, or which cause parking or traffic circulation impacts.

Framework Element

General Commercial Areas. Objective 3.12: Generally, maintain the uses, density, and character of existing low-intensity commercial districts whose functions serve surrounding neighborhoods...

The proposed car wash maintains and upgrades an existing low density, commercial gas station and convenience store use that serves the surrounding residential and commercial neighborhood.

Urban Form and Neighborhood Design. Policy 5.5.3: Formulate and adopt building and site design standards and guidelines to raise the quality of design Citywide.

The proposed car wash is attractively designed to upgrade and raise the quality of the existing gas station and is further conditioned to screen air conditioning and rooftop equipment from view, ensure graffiti removal, and provide landscaping and irrigation throughout the project site.

Land Use Element

The site is zoned [Q]C2-1VL and is designated for Neighborhood Office Commercial land use under the Community Plan which corresponds to the C1, C1.5, C2, C4, RAS3, RAS4, and P Zones. The proposed project is consistent with the following policies of the North Hollywood – Valley Village Community Plan, one of the 35 Community Plans which together comprise the Land Use Element:

Objective 4a: To promote economic well being and public convenience through allocating and distributing commercial lands for retail, service and office facilities, with adequate off-street parking in quantities and patterns based on accepted planning principles and standards; retaining viable commercial frontages with provision for concentrated development and redesigning underutilized strip commercial zoning to more appropriate uses; and improving the appearance of commercial buildings along the major arteries.

Other Elements

The Health and Wellness, Mobility 2035, and Air Quality Elements include policies to reduce levels of pollution or greenhouse gas emissions. The proposed project would co-locate auto-related uses through the addition of a car wash to an existing service center, helping customers to complete their auto-related needs with fewer trips. The condition

requiring solar panels will support the site's other site electrical uses to help reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, these conditions show conformance with the General Plan by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element Policy 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices).

Specific Plan Project Permit Compliance

6. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.

The proposed project, as conditioned, complies with all applicable development requirements of the Valley Village Specific Plan, as follows:

- a. **Section 5: Zoning and Land Use.** The site is zoned [Q]C2-1VL and has a General Plan Land Use designation of Neighborhood Office Commercial. The project consists of the construction, use, and maintenance of a 736 square foot, self-operated car wash tunnel (17 ½ feet maximum height) in conjunction with an existing *gas station with convenience* store, on an approximate 19,164 square foot commercial corner site. The proposed project is not consistent with the use restrictions of the Specific Plan and thus has sought a Specific Plan Exception to permit a car wash use where otherwise prohibited.
- b. **Section 6.A.2: Exterior Lighting.** Section 6.A.2 of the Specific Plan requires that all lighting for the project shall be low-illumination safety lighting of a color similar to incandescent light, which is shielded and directed onto the property on which the project is located. As per the Conditions of Approval, the project will comply with the Specific Plan.
- c. **Section 6.B: Building Height.** Section 6.B.2 of the Specific Plan requires that commercial projects within 199 of feet from an RW1 or more restrictive Zone shall require transitional height; the nearest such Zone approximately 290 feet away and thus this does not apply.
- d. **Sections Relating to Single-Family Multi-Family Projects.** Sections 6.B.1, 6.C, 6.D of the Specific Plan relate to residential projects, and do not apply to this commercial project. Section 6.D relates to multi-family projects on lots with a total width of 150 feet or more, which does not apply to this project.
- e. **Section 7: Signage.** Section 7 of the Specific Plan prohibits new commercial off-site sign or sign support structure, or roof sign to be erected in the Specific Plan area. The free-standing pole sign subject to the Conditional Use as part of this request is an existing sign and thus this section does not apply.
- f. **Section 8: Parking.** The project will also provide vehicular and bicycle parking as required by LAMC Section 12.21. As such, the project is in conformance with Section 8 of the Specific Plan.
- g. **Section 9. Landscape Standards.**

- i. **Section 9.A: General Requirements.** Pursuant to Section 9.A of the Specific Plan, a landscape plan prepared by a person licensed to prepare landscape plans under state law will be submitted for review and approval to the Department of City Planning, Development Service Center. Landscaped areas will be planted with a variety of plant materials which include shrubs, trees and ground cover, and all plants and trees will be drought-resistant. Artificial plants are prohibited. All landscaped areas will be equipped with an automatic sprinkler or drip irrigation system designed to conserve water.
 - ii. **Section 9.B: Buffer Standards.** Pursuant to Section 9B of the Specific Plan, there shall be a five-foot buffer of plant material wherever a multiple-family or commercial project is adjacent to an RW1 or more restrictively zoned lot or use. This does not apply to the subject property.
 - iii. **Section 9C: Existing Trees and Replacement Trees.** Pursuant to Section 9C of the Specific Plan, existing non-fruit bearing mature trees that are at least five feet in height shall be incorporated into a multiple-family or commercial project, except within the building area and driveway access. For every tree removed due to subterranean parking facilities, a replacement tree shall be planted on a 1:1 basis. Replacement trees shall be at least a 24-inch box size, not less than eight feet in height, with a trunk diameter of not less than two inches, and a minimum branch spread of five feet. All trees shall be in healthy growing condition. The project has been conditioned to replace removed trees on a 1:1 basis.
 - iv. **Section 9D: Street Trees.** Pursuant to Section 9D of the Specific Plan, shade-producing street trees will be planted at a ratio of at least one tree for each 30 lineal feet of street frontage when no obstructions are present. The minimum size for street trees will be a minimum of 10 feet in height and two inches in caliper at the time of planting. Installation of street trees will be to the satisfaction of the Bureau of Street Services, Urban Forestry Division. As such, the project complies with Section 9.D of the Specific Plan.
 - v. **Section 9E: Landscaping Requirements.** Pursuant to Section 9E of the Specific Plan, the area from the lot line to the building shall be landscaped with live plant materials and/or ground cover, except for required exit-ways, walkways and driveways. The front, rear and side yards except the areas used for walkways, driveways, or parking will be landscaped. A minimum of 50 percent of the total required front and rear yards will be landscaped. As such, the project complies with Section 9.E of the Specific Plan.
7. **The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Mitigation measures are not necessary for the subject project, and there are no potentially significant negative environmental effects associated with the project. Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Article 19, Section(s) 15303, Class 3], and there is no substantial evidence demonstrating that an exception to a categorical exemption applies pursuant to CEQA Guidelines, Section 15300.2 applies.

The applicant is requesting a Conditional Use to deviate from Mini-Shopping Center/Commercial Corner and Automotive Use exception regulations of the Los Angeles Municipal Code to allow the following deviations:

- Less than 50% ground floor transparent windows.
- The re-facing and continued use of an existing free-standing pole sign that would otherwise require a Conditional Use Permit.
- Hours of operation for the existing convenience store from 5 a.m. to 11 p.m., Monday through Friday, and 6 a.m. to 11 p.m. Saturday and Sunday.

8. 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 project is the construction, use, and maintenance of a 736 square foot, self-operated car wash tunnel (17 ½ feet maximum height) in conjunction with an existing gas station with convenience store, on an approximate 19,164 square foot commercial corner site.

Surrounding properties are generally characterized by consistent zoning and land use designations showing a graduated decrease in intensity *from the commercial corner of* Laurel Canyon Boulevard and Riverside Drive, with commercial development at the corner and along Laurel Canyon, with low-medium / medium density residential development adjacent to commercial uses, and single-family development located further away from commercial corridors.

The subject site is bounded in all four cardinal directions by commercial properties similarly designated for Neighborhood Office Commercial land uses. Surrounding properties are similarly zoned [Q]C2-1VL and developed with one and two story commercial buildings. The west adjoining property is developed with a drive-thru dry cleaners; north adjoining property is developed with a one story bank and related surface parking lot; south abutting property is developed with a gas station, convenience store and drive-thru car wash; east abutting property is developed with a multi-tenant commercial center which include sit down eateries and a coffee shop; and the southeast abutting corner is developed with a grocery store and large parking lot.

Surrounding properties away from the commercial corner are a mix of multiple family and single family residential. Residential areas adjacent to commercial areas are primarily designated Medium (primarily zoned R3) and Low Medium II Residential land uses (primarily zoned RD1.5 and R2), with larger developments of two to three stories in the Medium Residential areas and smaller developments of one to two stories in the Low Medium II Residential areas. Located further away from the commercial corner are single-family areas, designated for Low Residential land uses, zoned R1-1, and developed with one story buildings.

Also of note, approximately 1,000 feet to the south of the subject is an entrance to the US Route 101 Ventura Freeway, designated for Public Facilities land uses and zoned PF-1VL; the proximity to this major freeway has resulted in the development of multiple nearby auto-oriented uses, including multiple other fuel service stations.

Given the project's proximate location to other similarly automotive-oriented uses, the rehabilitation and renovation of the existing gas station that would take place concurrently, the well-designed appearance of the proposed car wash, and the benefit provided to the

community by co-locating adjacent uses, the project as proposed will provide an enhancement to the nearby community.

Therefore, 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

9. 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 site is bounded in all four cardinal directions by commercial properties similarly designated for Neighborhood Office Commercial land uses. Surrounding properties are similarly zoned [Q]C2-1VL and developed with one and two story commercial buildings. The west adjoining property is developed with a drive-thru dry cleaners; north adjoining property is developed with a one-story bank and related surface parking lot; south abutting property is developed with a gas station, convenience store and drive-thru car wash; east abutting property is developed with a multi-tenant commercial center which include sit down eateries and a coffee shop; and the southeast abutting corner is developed with a grocery store and large parking lot.

Surrounding properties away from the commercial corner are a mix of multiple family and single family residential. Residential areas adjacent to commercial areas are primarily designated Medium (primarily zoned R3) and Low Medium II Residential land uses (primarily zoned RD1.5 and R2), with larger developments of two to three stories in the Medium Residential areas and smaller developments of one to two stories in the Low Medium II Residential areas. Located further away from the commercial corner are single-family areas, designated for Low Residential land uses, zoned R1-1, and developed with one story buildings.

As described above and below, multiple corrective Conditions of Approval have been applied to ensure the project will be compatible with its surroundings and the City's land use and planning goals.

Therefore, 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.

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

The proposed project site is an approximately 19,164 square foot, generally flat, and rectangle-shaped area comprised of three lots. The proposed project complies with the following goals, policies, and programs of the General Plan, and therefore, substantially conforms:

Framework Element

General Commercial Areas. Objective 3.12: Generally, maintain the uses, density, and character of existing low-intensity commercial districts whose functions serve surrounding neighborhoods...

The proposed car wash maintains and upgrades an existing low density, commercial gas station and convenience store use that serves the surrounding residential and commercial neighborhood.

Urban Form and Neighborhood Design. Policy 5.5.3: Formulate and adopt building and site design standards and guidelines to raise the quality of design Citywide.

The proposed car wash is attractively designed to upgrade and raise the quality of the existing gas station and is further conditioned to screen air conditioning and rooftop equipment from view, ensure graffiti removal, and provide landscaping and irrigation throughout the project site.

Land Use Element

The site is zoned [Q]C2-1VL and is designated for Neighborhood Office Commercial land use under the Community Plan which corresponds to the C1, C1.5, C2, C4, RAS3, RAS4, and P Zones. The proposed project is consistent with the following policies of the North Hollywood – Valley Village Community Plan, one of the 35 Community Plans which together comprise the Land Use Element:

Objective 4a: To promote economic well being and public convenience through allocating and distributing commercial lands for retail, service and office facilities, with adequate off-street parking in quantities and patterns based on accepted planning principles and standards; retaining viable commercial frontages with provision for concentrated development and redesigning underutilized strip commercial zoning to more appropriate uses; and improving the appearance of commercial buildings along the major arteries.

Other Elements

The Health and Wellness, Mobility 2035, and Air Quality Elements include policies to reduce levels of pollution or greenhouse gas emissions. The proposed project would co-locate auto-related uses through the addition of a car wash to an existing service center, helping customers to complete their auto-related needs with fewer trips. The condition requiring solar panels will support the site's other site electrical uses to help reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, these conditions show conformance with the General Plan by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element Policy 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices).

- 11. That based on data provided by the City Department of Transportation or by a licensed traffic engineer, that ingress to and egress from the project will not create a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

In relation to concerns related to traffic, the proposed function of the car wash tunnel is as an accessory use typically found in conjunction with other service stations, such as the immediately adjacent gas station. Self-service tunnels are fundamentally different from a full-service car wash use relative to their size and potential for annoyance to nearby residents, as well as further serving primarily as an additional amenity rather than a standalone use. While the car wash itself may attract additional customers, this in itself does not create a significant impact or an unusual circumstance leading to a significant

effect. Traffic generation rates are based on averages for a type of use, rather than the popularity of an individual establishment.

Further, based on the LADOT Vehicle Miles Travelled calculator, no traffic/circulation impacts were identified through the environmental clearance procedure. Furthermore, as a condition of the approval, the driveway, parking, and circulation plans will be reviewed by Los Angeles Department of Transportation prior to the issuance of a building permit.

12. 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 proposed project is the addition of an accessory use to an existing commercial corner development and would therefore not create or add to a detrimental concentration of such developments.

Zone Variance

13. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

The proposed project includes the addition of a 736 square-foot drive through automobile laundry. In 1989, City Council adopted Ordinance No. 165,108 (SA 6740) which states, "[the use of the property shall be limited to the uses existing upon effective date of this ordinance and thereafter to those uses and provisions of the C1.5-1-VL.]" The existing fueling station and the proposed addition are not permitted in the C1.5 Zone Classification. The existing fueling station and convenience store have non-conforming rights and are allowed to continue. The project proponent has applied for a Zone Variance to expand a C2 use (Section 12.14-A,9 of the Los Angeles Municipal Code allows the following in the C2 Zone Classification, "Automotive laundry or wash rack, provided the automotive laundry or wash rack is in compliance with all of the development standards and operating conditions set forth in Section 12.22 A.28. of this Code.").

Regulations in the Zoning and Planning Code are deemed necessary in order to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air, and to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; and to promote health, safety, and the general welfare all in accordance with the comprehensive plan." (Section 12.02, Purpose, Los Angeles Municipal Code)

Ordinances do not address every situation that might occur. However, a Variance is a grant of permission to depart from the strict enforcement of a zoning ordinance and allow the property to be used in a manner otherwise not permitted provided that the spirit of the ordinance is observed and substantial justice is done without detrimental impacts to the community.

The Zone Variance is justified as the current use as a gas station and convenience store were established prior to the [Q] conditions being imposed in 1989. Allowing for customers to receive a car wash at this location further allows the applicant to develop a use which is typically accessory to such gas station uses, which would further allow them to offer a

one-stop shop for their customers and offer them desired services while reducing vehicular trips.

The strict application of the [Q] creates an unnecessary hardship because it limits the improvement and expansion of an existing legal use to include a service on site which will mitigate total vehicle trips and be desirable to the public convenience.

14. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

The unique location (subject to an areawide Ordinance which prohibits redevelopment or expansion of the existing use through the imposition of [Q] Qualified conditions) and existing development of the site are special circumstances applicable to the subject property that do not apply generally to other property in the same zone and vicinity. These circumstances include the large size of the site, history of automotive uses, location on a corner, and adjacency to the nearby Freeway.

In essence, the site is uniquely capable of accommodating the proposed car wash and providing needed access and parking for the proposed incidental use without impeding access to or interference with the existing refueling operation.

Granting the Variance acknowledges the special circumstances of the subject property that does not generally apply to other properties in the same zone in the surrounding area.

15. Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

The granting of the requested variance is necessary for the enjoyment of a substantial property right or use available to others in the vicinity; specifically, pursuant to case number ZA-2008-2924-CUB-CU-ZV, the immediately adjacent gas station to the south was similarly granted a Zone Variance from the same Ordinance for a similar self-service car wash project. To deny such a similar request would deprive the applicant of a substantial property right available to the most equivalent nearby site and project.

Therefore, granting of such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.

16. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

Granting the variance will not be materially detrimental because special consideration is given to the impact on residences adjacent to the property, as well as other nearby properties through the imposition of corrective conditions to require thoughtful lighting, landscaping and noise attenuation.

Therefore, granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

17. The granting of the variance will not adversely affect any element of the General Plan.

The proposed project site is an approximately 19,164 square foot, generally flat, and rectangle-shaped area comprised of three lots. The proposed project complies with the following goals, policies, and programs of the General Plan, and therefore, granting of the request would not adversely affect any element of the General Plan:

Framework Element

General Commercial Areas. Objective 3.12: Generally, maintain the uses, density, and character of existing low-intensity commercial districts whose functions serve surrounding neighborhoods...

The proposed car wash maintains and upgrades an existing low density, commercial gas station and convenience store use that serves the surrounding residential and commercial neighborhood.

Urban Form and Neighborhood Design. Policy 5.5.3: Formulate and adopt building and site design standards and guidelines to raise the quality of design Citywide.

The proposed car wash is attractively designed to upgrade and raise the quality of the existing gas station and is further conditioned to screen air conditioning and rooftop equipment from view, ensure graffiti removal, and provide landscaping and irrigation throughout the project site.

Land Use Element

The site is zoned [Q]C2-1VL and is designated for Neighborhood Office Commercial land use under the Community Plan which corresponds to the C1, C1.5, C2, C4, RAS3, RAS4, and P Zones. The proposed project is consistent with the following policies of the North Hollywood – Valley Village Community Plan, one of the 35 Community Plans which together comprise the Land Use Element:

Objective 4a: To promote economic well being and public convenience through allocating and distributing commercial lands for retail, service and office facilities, with adequate off-street parking in quantities and patterns based on accepted planning principles and standards; retaining viable commercial frontages with provision for concentrated development and redesigning underutilized strip commercial zoning to more appropriate uses; and improving the appearance of commercial buildings along the major arteries.

Other Elements

The Health and Wellness, Mobility 2035, and Air Quality Elements include policies to reduce levels of pollution or greenhouse gas emissions. The proposed project would co-locate auto-related uses through the addition of a car wash to an existing service center, helping customers to complete their auto-related needs with fewer trips. The condition requiring solar panels will support the site's other site electrical uses to help reduce the site's dependence on fossil fuels and carbon generating public utility electrical power. Taken together, these conditions show conformance with the General Plan by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City in response to General Plan Health and Wellness Element Policies 5.1 (reduce air pollution), 5.7 (reduce greenhouse gas emissions); Air Quality Element Policy 5.1.2 (shift

to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices).

CEQA EXEMPTION

DETERMINE that based on the whole of the administrative record, the Project is exempt from CEQA pursuant to State CEQA Guidelines, Section 15303 (Class 3), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

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