



DEPARTMENT OF CITY PLANNING

REVISED RECOMMENDATION REPORT

South Valley Area Planning Commission

Date: March 24, 2022
Time: After 4:30 p.m.
Place: In conformity with the Governor's Executive Order N-29-20 (March 17, 2020) and due to concerns over COVID-19, the CPC meeting will be conducted entirely telephonically by Zoom [<https://zoom.us/>].
The meeting's telephone number and access code access number will be provided no later than 72 hours before the meeting on the meeting agenda published at <https://planning.lacity.org/about/commissionsboards-hearings> and/or by contacting cpc@lacity.org

Public Hearing: May 17, 2021
Appeal Status: Appealable to City Council.
Expiration Date: March 24, 2022; subject to Mayor's Tolling Order
Multiple Approval: Yes

Case No.: APCSV-2019-1481-SPE-SPP-CU-ZV
CEQA No.: ENV-2019-1482-CE
Incidental Cases: N/A
Related Cases: N/A
Council No.: 2 – Krekorian
Plan Area: North Hollywood – Valley Village
Specific Plan: Valley Village Specific Plan
Certified NC: Valley Village
GPLU: Neighborhood Office Commercial
Zone: [Q]C2-1VL
Applicant: Nader Hattar, N & D Corporation
Representative: Ken Kang, MK Design

PROJECT LOCATION: 4801 – 4815 N. Laurel Canyon Boulevard; 12107 – 12111 W. Riverside Drive

REVISED PROJECT: The project is 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 5 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 8 new on-site trees and 3 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 9 palm trees (3 mature, 6 small) and grading of less than 500 cubic yards.

REQUESTED ACTION:

1. Pursuant to CEQA Guidelines Section 15303, an Exemption from CEQA pursuant to CEQA Guidelines Section 15303 and that there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.
2. Pursuant to Los Angeles Municipal Code Section 11.5.7.F, Specific Plan Exceptions 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.
 - b. A front yard of 3% of the total lot area, in lieu of the 5% required by 6.E.1. of the Valley Village Specific Plan.
3. Pursuant to Los Angeles Municipal Code Section 11.5.7.C, a Specific Plan Project Permit Compliance to allow the construction, use, and maintenance of a 736 square foot, self-operated car wash tunnel.
4. Pursuant to Los Angeles Municipal Code Section 12.24.W.27, a Conditional Use to allow a Commercial Corner Development with the following deviations from the standards of Los Angeles Municipal Code Section 12.22.A.23:
 - a. Less than 50% 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. Pursuant to Los Angeles Municipal Code Section 12.27, a Zone Variance from "Q" Conditions of Ordinance No. 165,108 to allow a car wash where otherwise prohibited.

RECOMMENDED ACTIONS:

1. **Determine** 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. **Approve**, pursuant to Los Angeles Municipal Code Section 11.5.7.F, Specific Plan Exceptions 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.
 - b. A front yard of 3% of the total lot area in lieu of the 5% required by 6.E.1. of the Valley Village Specific Plan.
3. **Approve**, pursuant to Los Angeles Municipal Code Section 11.5.7.C, a Project Permit Compliance to allow the construction, use, and maintenance of a 736 square foot self-operated car wash tunnel.
4. **Approve**, pursuant to Los Angeles Municipal Code Section 12.24.W.27, a Conditional Use to allow a Commercial Corner Development with the following deviations from the standards of Los Angeles Municipal Code Section 12.22.A.23:
 - a. Less than 50% 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. **Approve**, pursuant to Los Angeles Municipal Code Section 12.27, a Zone Variance from "Q" Conditions of Ordinance No. 165,108 to allow a car wash where otherwise prohibited.

VINCENT P. BERTONI, AICP
Director of Planning

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TABLE OF CONTENTS

Revised Project Analysis.....	A-1
Revised Conditions of Approval.....	C-1
Revised Findings.....	F-1
Public Hearing and Communications.....	P-1

Exhibits:

- A – Revised Plans
- B - Maps
- C – Revised Environmental Clearance
- D – Photos and Reports
- E – Revised Correspondence

REVISED PROJECT ANALYSIS

Project Summary

This project came before the South Valley Area Planning Commission meeting on August 26, 2021. At that meeting, Planning Staff and the applicant requested the case be continued in order to do additional analysis relating to comments regarding potential sound impacts. The case was continued to December 9, 2021. On December 9, 2021 staff asked for additional time to review materials and the project was continued to March 24, 2022.

The project is the construction of a 736 square foot, self-operated car wash tunnel (17 ½ feet maximum height) to be operated from 7 a.m. to 10 p.m. daily, in conjunction with an existing gas station with convenience store, on an approximate 19,164 square foot commercial corner site. A total of 5 parking spaces will be provided. The car wash tunnel is proposed at the southwest corner of the site, adjacent to a commercial use. The car wash tunnel will be approximately 38 feet long and 16 feet wide and will be located at the southwest corner of the site, with the entrance from the rear/north end of the tunnel and exit at the south end facing Riverside Drive. 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 8 new on-site trees and 3 new street trees, four additional parking spaces, new lighting, two new signs, a new trash enclosure area, new air/water location and the addition of two coin operation vacuum hoses with sound dampeners. Access to the site will remain as is, which includes four driveway aprons (two from each street frontage). Access to the carwash will be from the rear, north side of the tunnel, and exiting south near the Riverside Drive southwest driveway. The project includes the demolition of a small storage building (160 square feet), the removal of 9 palm trees (3 mature, 6 small) and grading of less than 500 cubic yards. The construction and operation of a 736 square foot self-service drive-through car wash tunnel would primarily serve the applicant as an accessory use typically seen in conjunction with other similar gas stations, including on the immediately adjacent property to the south.

In order to develop the proposed project, the applicant is requesting the following discretionary actions:

- Pursuant to Los Angeles Municipal Code Section 11.5.7.F, Specific Plan Exceptions to allow the following:
 - o An accessory car wash use in lieu of the C4 use limitations of Section 5.B. of the Valley Village Specific Plan.
 - o A front yard of 3% of the total lot area in lieu of the 5% required by 6.E.1. of the Valley Village Specific Plan.
- Pursuant to Los Angeles Municipal Code Section 11.5.7.C, a Project Permit Compliance to allow the construction, use, and maintenance of a 736 square foot, self-operated car wash tunnel.
- Pursuant to Los Angeles Municipal Code Section 12.24.W.27, a Conditional Use to allow a Commercial Corner Development with the following deviations from the standards of Los Angeles Municipal Code Section 12.22.A.23:
 - o Less than 50% ground floor transparent windows.
 - o An existing free-standing pole sign.
 - o 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.
- Pursuant to Los Angeles Municipal Code Section 12.27, a Zone Variance from "Q" Conditions of Ordinance No. 165,108 to allow a car wash where otherwise prohibited.

Background

Subject Property

The proposed development would take place on a commercial corner lot, currently developed with a gas station and convenience store and gas station canopies; the remainder of the site is mostly covered with asphalt except for landscape planter areas along the perimeter of the site which include shrubs as well as 20 non-protected trees comprised of palm trees, junipers, and pygmy palms.

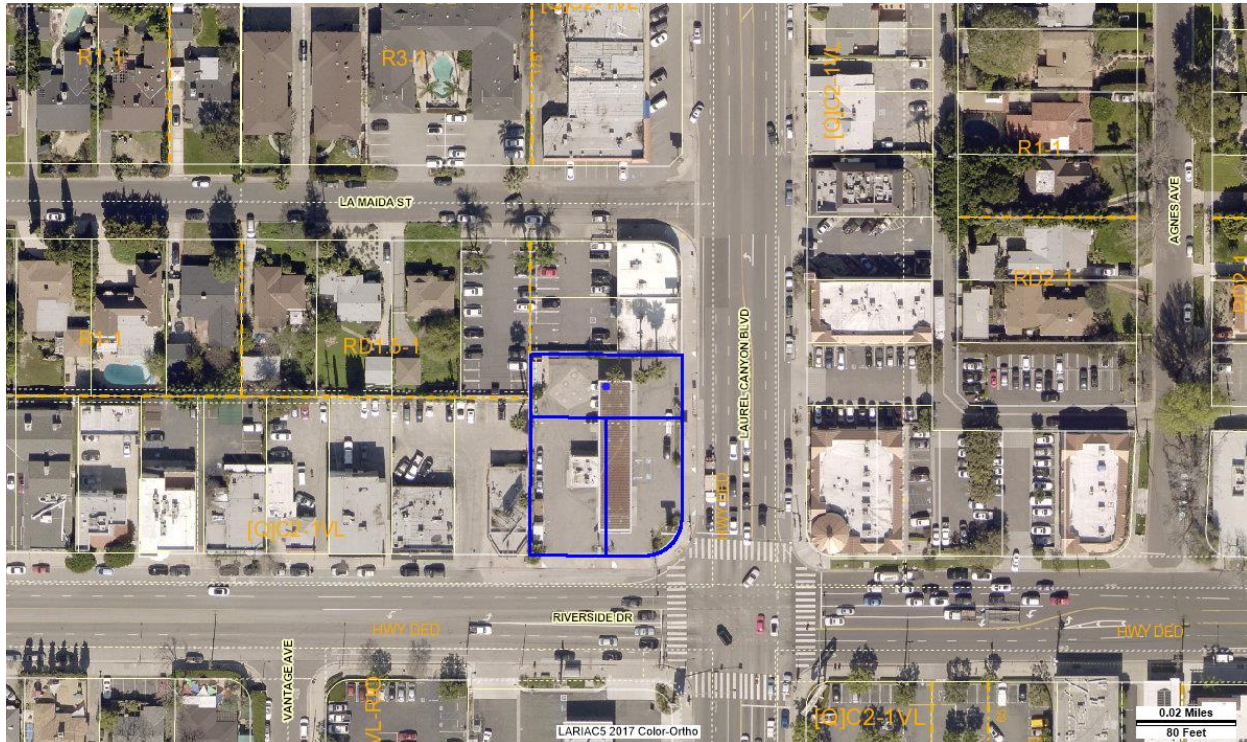


Figure 1. 2017 Aerial Photography via zimas.lacity.org.

The proposed project site is an approximately 19,164 square foot, generally flat, and rectangle-shaped area comprised of three lots; see photos above and following. The site is located at the northwest corner of Riverside Drive (running east-west) and Laurel Canyon Boulevard (running north-south) in the North Hollywood – Valley Village Community Plan area. 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 subject site is located in the Valley Village Specific Plan and subject to the [Q] Qualified conditions of Ordinance 165,108 that was enacted in 1989, which states that “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.” Therefore, development of the proposed car wash use requires both a Specific Plan Exception and Zone Variance as detailed below in the “Discussion” section.

The subject property is a level site comprised of 3 lots, located 3.24 kilometers from the Hollywood Fault and is within a Liquefaction Area. The site is located within an urban built up area and is not located on or near a designated sensitive environmental area.

Surrounding Land Uses and Zoning

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.



Figure 2. General Plan Land Use map via zimas.lacity.org

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.

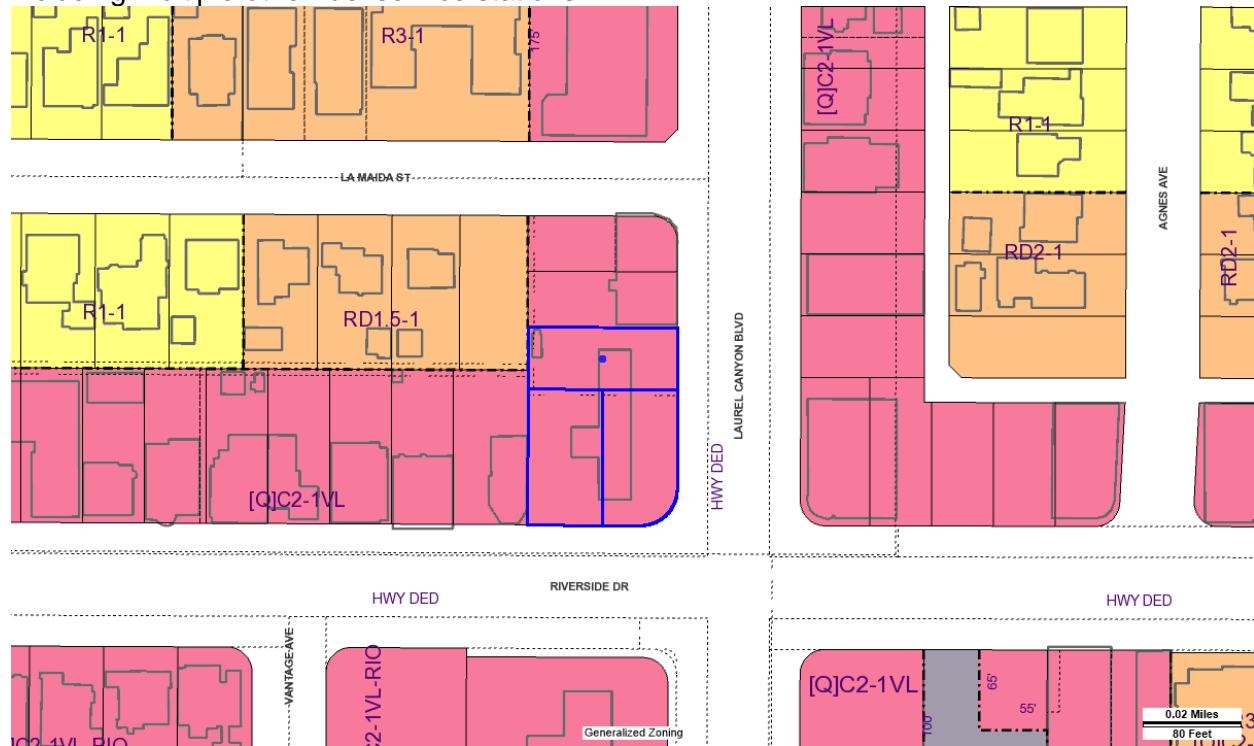


Figure 3. Zoning designation map via zimas.lacity.org

Street Designations and General Circulation

Riverside Drive – Designated Avenue I pursuant to Mobility Plan 2035, designated and fully improved to a width of 100 feet.

Laurel Canyon Boulevard – Designated Avenue I pursuant to Mobility Plan 2035, designated and fully improved to a width of 100 feet.

Relevant Cases

Subject Property

Ordinance 165,108 (Sub Area 6740) – On September 24, 1989, the City Council Ordinance became effective, effectuating multiple zoning changes, including the adoption of the following [Q] Qualified Condition for the subject site: “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.”

Ordinance 168,613 – On April 4, 1993, the City Council adopted the Valley Village Specific Plan.

Permit Nos. 1972LA44670 – 1972LA44673 – On February 4, 1972, the Department of Building and Safety issued a series of permits for the original development of the service station, including the existing pole sign.

Surrounding Properties

Case No. ZA-2008-2924-CUB-CU-ZV – On November 12, 2009, the Zoning Administrator approved multiple entitlements related to the addition of a 576 square foot car wash tunnel, including a Variance from Ordinance 165,108 for the property located at 4757 Laurel Canyon Boulevard.

Discussion

Public Hearing

A public hearing was conducted by the Hearing Officer on May 17, 2021 at 1:00 p.m. as a virtual meeting over phone and Zoom. The hearing was attended by neighborhood residents, and the applicant's representatives. Approximately seven people attended the hearing. Four members of the public spoke in opposition, primarily with concerns in relation to traffic, noise, and the number of car washes in the area. Four written comments were received by staff subsequent to the hearing expressing opposition. Further details are noted under Public Hearing and Communication section of this report.

Revised Project Description and Additional Public Communication

The case was originally scheduled to be presented before the South Valley Area Planning Commission at its August 26, 2021 meeting date. Prior to the meeting, several comments in opposition were received, which included a petition with seven signatories and two letters challenging the Project's entitlements and environmental analysis. Subsequently, the case was continued in order to conduct additional noise analysis and community outreach. The applicant made modifications to their project to include additional barrier height along the west and north property lines, to include sound dampeners for the car wash vacuums, and to restrict car wash operations to daytime hours. Additionally, the applicant submitted a support petition with 120 signatures and six support letters on their behalf. Conditions, Findings, Analysis, and Exhibits have subsequently revised by staff to reflect the revised Project.

Traffic

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, which are typically accessory to gas stations, are fundamentally different from a standalone, full-service car wash use relative to their size, staff required, and potential for annoyance to nearby residents by 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 and is more of an ancillary use, secondary to the gas station use that is existing on-site. 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.

Noise

The project must comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574 and any subsequent ordinances which prohibit the emission or creation of noise beyond certain levels, during both construction and ongoing operation. The Ordinances cover both operational noise levels (i.e. postconstruction), as well as any noise impact during construction. Section 41.40

of the LAMC regulates noise from demolition and construction activities and prohibits construction activity (including demolition) and repair work, where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling hotel, apartment, or other place of residence, between the hours of 9:00 p.m. and 7:00 a.m. Monday through Friday, and between 6:00 p.m. and 8:00 a.m. on Saturdays and holidays; all such activities are also prohibited on Sundays. Section 112.05 of the LAMC also specifies the maximum noise level of construction machinery that can be generated in any residential zone of the city or within 500 feet thereof. As the project is required to comply with the above ordinances and regulations, it will not result in any significant noise impacts.

Further, per the CNEL (Community Noise Equivalent Level) Sound Study prepared by MK Design, dated January 7, 2021, "by averaging the peak noise levels (with the Recommended Regulatory Compliance Measures in place) against the measured existing ambient noise levels our site meets the Minimum Ambient Noise Level (Sec 111.01(a))." This study was voluntarily supplemented by the applicant with a Noise Study to supplement and clarify prior studies prepared by Omny Acoustics, dated December 7, 2021, which consisted of a detailed on-site noise survey and propagation modeling. In studying the existing ambient noise levels, the study found that on-site ambient noise levels from adjacent sources exceeded the composite limits generated by Omny based on several sources, including the LAMC and LA County Codes. The report notes that permanent future increases in operational noise when modeled shows full compliance with LAMC noise ordinances. Further, the report states that the Project's CNEL levels are "below existing ambient CNEL levels at all property adjacencies ... [resulting] in a CNEL increase well below CEQA significance thresholds at all locations."

Entitlement Requests

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."

Conclusion

Staff concludes that after a review of the materials, testimony submitted, and attached findings, that the requested deviations from the Valley Village Specific and Los Angeles Municipal Code are appropriate for the site. The current use as a gas station and convenience store were established prior to the establishment of the Specific Plan in 1993. 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. Staff concludes the project will enhance the site and will not detract from the surrounding community and therefore recommends approval of the request as conditioned

REVISED 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(I) 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.

REVISED 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:

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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.

PUBLIC HEARING AND COMMUNICATIONS

A public hearing was conducted by the Hearing Officer on May 17, 2021 at 1:00 p.m. as a virtual meeting over phone and Zoom. The hearing was attended by neighborhood residents, and the applicant's representatives. Approximately seven people attended the hearing. Four members of the public spoke in opposition, primarily with concerns in relation to traffic, noise, and the number of car washes in the area. Four written comments were received by staff subsequent to the hearing expressing opposition.

Summary of Public Hearing Testimony

Applicant's Presentation

Applicant's Representative – Ken Kang

- Site is an existing gas station on 4801 Laurel, zoned [Q]C2-1VL, located at the northwest corner of Laurel and Riverside
- Station has served community for over 40 years
- Current owners have owned the property for over 10 years
- Located on commercial zoning with other commercial properties nearby
- Existing gas station with car wash across Riverside
- Laurel Canyon has nearby access to freeways south and west
- Given nearby adjacencies and highway location, functions more as a highway-oriented use
- Existing site has small canopy, convenience store, and storage building (to be demolished)
- Site designed in a "modern style" with concrete, metal, and glass
- Pole signage will remain; otherwise, repairing and replacing
- Design and uses would be very similar to adjacent site
- 736 square foot car wash proposed
- Remodel existing store façade with ceramic wood tile
- Remodel trash enclosure
- Remodel existing pole sign
- Bringing in sky lights to store for natural light
- Canopy also to be upgraded with wood tiling
- Small text modifications to signs
- New wash tunnels would have windows, pop-outs, and other design features
- Freeway adjacency and business history, with highway-oriented use type
- Car wash noise attenuation includes an increased height wall and vines
- Provides an attractive alternative in keeping with the adjacent property

Comments in Opposition

Eddie Bilovi, local resident

- Don't understand why there are so many car washes in the area
- Couldn't they just expand convenience store
- Will add traffic

Kevin Williams, local resident

- Too many car washes are here already
- Q conditions and plan are there to prevent nonconforming uses
- Noise travels and is a concern

Nicole Miller, local resident

- Calling to voice opposition
- Too many car washes; feels like one on every corner, would rather see something else

Nathan Colger, local resident

- Don't support more car washes here; not in the best interest of the community
- Additional construction noise from additions and renovations
- Concerns about car wash noise and traffic

Applicant's ResponseApplicant's Representative – Ken Kang

- Neighborhood concerns around noise which resulted in sound study, showing compliance with LAMC Noise Ordinance
- Car wash across the street is very busy; addition of a new car wash would help alleviate lines
- Project incorporates other energy-saving features; would recycle 70% of water used