

## Communication from Public

**Name:**

**Date Submitted:** 06/05/2023 04:18 PM

**Council File No:** 22-0599

**Comments for Public Posting:** Please find the attached letter from applicant's representative submitted in response to appellant's letter, dated May 30, 2023

June 5, 2023

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Los Angeles City Council Planning and Land Use Management Committee

c/o City Clerk, Room 395  
City Hall, 200 North Spring Street  
Los Angeles, CA 90012-4801

Re: Case No. APCSV-2019-1481-SPE-SPP-CU-ZV; 4801-4815 N. Laurel Canyon Blvd.

Dear Councilmembers:

Our law firm represents Nader and Dema Hattar, the owners of 4801 N. Laurel Canyon Boulevard in the City of Los Angeles (the “City”), who obtained approval from the South Valley Area Planning Commission (“SVAPC”) for the use and maintenance of a 736 square foot self-operated car wash tunnel as an accessory use to an existing gas station (the “Project”). On April 10, 2023, we responded to the appeal filed by the owner of a competing gas station with its own car wash tunnel located directly across the street from the Project. We also reviewed the letter dated May 30, 2023, submitted by the appellant regarding approval of the zone variance in this matter, and this letter provides a response to the false assertions contained in his letter.

The City’s approval of a Zone Variance from “Q” Conditions of Ordinance 165,108 was proper.

Contrary to appellant’s assertion, the City’s approval of a Zone Variance from “Q” Conditions of Ordinance No. 165,108 (which limits uses of the property to those permitted in the C1.5 Zone) was proper. In this instance, the existing gas station and the proposed addition of a car wash tunnel are not permitted in the C1.5 Zone, and the appellant argues that a variance cannot be granted to allow a “use” unauthorized by the zoning ordinance.

However, as determined by the SVAPC, a Zone Variance is justified here because the current use as a gas station and convenience store “were established *prior to the “Q” Conditions being imposed in 1989*,” and permitting customers to receive a car wash at this location “allows the applicant to develop a use *which is typically accessory to such gas station uses*.” As a result, the City is not authorizing a new use that is unpermitted by the zoning ordinance, but it is allowing the continuation of existing, legally permitted uses with an accessory use that is typically included with the main use.

Furthermore, by approving this Zone Variance, the SVAPC is also allowing our client to operate “a one-stop shop for their customers and offer them desired services reducing vehicular trips.” As a result, the City is fulfilling its purpose under the zoning regulations to “encourage the most appropriate use of land” and “lessen congestion on streets,” both of which are expressly encouraged in Sec. 12.02 of the Municipal Code. The hypocrisy of the appellant’s false assertion here cannot be understated because he received a Zone Variance from the City for the exact same use in 2009 with the same justifications (Case No. ZA-2008-2924-CUB-CU-ZV – “Addition of a 575 Square foot drive thru car wash to an

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existing fueling station...”), and it is clear the appellant’s appeal is motivated by stopping our client from being able to compete with his own gas station and carwash located across the street from the Project.

Evidence in the record supports that strict application of the Zoning Ordinance would result in “practical difficulties” or “unnecessary hardships” on the applicant.

Again, contrary to the appellant’s assertion, evidence in the record supports the City’s finding that 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; and as a result, granting the Zone Variance request is justified.

The appellant asserts that because various courts have focused on “hardship” in terms of economics, he argues that our client has failed to provide enough evidence of financial hardship to meet the finding of unnecessary hardship required to grant a Zone Variance. As correctly noted by the appellant, since his carwash opened across the street, the traffic flow for our client’s business has dropped significantly – by 33%. However, contrary to the appellant’s assertion, a 33% drop in traffic flow results not merely in a decrease in existing profits from the sale of gas, but it threatens the viability of the business without an accessory service like a car wash to make up for the lost sales. Nobody should understand this better than the appellant, who deceptively advertises a lower price of gas on his property’s signage, which increases significantly at the pump if a carwash is not purchased. (Signage photos are attached as Exhibit “A.”)

Of course, economic considerations are not the only criteria to consider regarding the issue of “hardship.” As explained by the SVAPC, strict application of the “Q” Condition creates an unnecessary hardship because it limits the improvement and expansion of an existing legal use to include a typical accessory service on site that “is desirable to the public convenience.” Furthermore, granting the variance is consistent with “the spirit of the [Zoning] ordinance” and ensures that “substantial justice is done without detrimental impacts to the community.” Therefore, our client more than adequately meets the requirements for this finding.

We thank you for your time and attention to this letter and look forward to tomorrow’s hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellia Thompson", with a long horizontal flourish extending to the right.

Elizabeth “Ellia” Thompson

Attachment

Exhibit A: Photos of Appellant's Property Signage



Signage Facing Street with Discounted Gas Price Only



Interior Facing Sign with Actual Gas Prices



Actual Gas Price at Pump (Without Carwash Discount)