

FINDINGS

A. General Plan/Charter Findings

1. **General Plan Land Use Designation.** The subject property is located within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, adopted by the City Council on November 18, 1997. The Community Plan designates the subject lot as General Commercial with the corresponding zone(s) of C1.5, C2, C4, and RAS3. The 22,415 square foot lot is currently zoned [T][Q]C2-1-CUGU, and corresponds with the General Commercial land use designation. Footnote Nos. 16 and 17 on the Community Plan Map limit the Height Designation to -1L and -1VL for General Commercial. The C2-1L Zone allows a height of up to 75 feet, 6 stories, and 1.5:1 FAR. As proposed, the car wash is 17 feet in height with an FAR of 1.5:1, and the pole sign is 19 feet in height. Therefore, the applicant's height and FAR are within the potential of the Community Plan.

However, the applicant's proposed use does not conform to the zoning for this particular site. The proposed project site falls within a special overlay district designated under LAMC Section 13.18 as the Clean Up Green Up Supplemental Use District (CUGU). The purpose of the CUGU Supplemental Use District (Ordinance No. 184,246) is to reduce cumulative health impacts resulting from incompatible land uses, including concentrated industrial land use, on-road vehicle travel, and heavily freight-dominated transportation corridors, which are incompatible with the sensitive uses to which they are in close proximity, such as homes and schools. The CUGU ordinance identifies a residential use as a Publicly Habitable Space, and includes development regulations for a Publicly Habitable Space that is adjacent to a Subject Use, which is a use that could have health impacts. Under CUGU, "Car Wash" is considered a Subject Use that could have health impacts. Section 13.18 F.2(e) does not permit an automobile laundry (car wash) within 500 feet of a residential zone. The subject car wash is sited on a property that abuts an RD2-1-CUGU Zoned site improved with multi-family residential to the south and east, an A2-1-CUGU Zoned site across Terra Bella Street (60 foot distance) improved with a church, and a site zoned (Q)RD2-1-CUGU with an underlying zone of A2-1 developed with a multi-family residential use across Foothill Boulevard (80 foot distance). Furthermore, permanent Q Condition Nos. 3 and 4 on the subject site established under Ordinance No. 165,464 effective January 9, 1990 prohibit automotive uses with the exception of new auto parts and sales and restrict uses to those permitted in the C1.5 Zone. As such, the applicant has applied for a Zone Change to eliminate the Q Conditions and an Exception to the CUGU Distancing regulations. With the granting of the entitlement requests herein, the proposed project as conditioned will conform with the General Plan requirements.

2. **General Plan Text.** The Citywide General Plan Framework Element sets forth a citywide comprehensive long-range growth strategy. The recommended Zone Change to (T)(Q)C2-1-CUGU conforms to the following objectives and policies of the Citywide General Plan Framework Element, as follows:

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, 2,938 square foot commercial car wash 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 car wash, and is further conditioned to screen air conditioning and rooftop equipment from view, provide additional articulation along the east façade of the car wash, ensure graffiti removal, and provide landscaping and irrigation throughout the project site (approximately 17% of the site). The existing 19 foot in height pole sign will be upgraded and surrounded by groundcover, shrubs, and trees.

The Health and Wellness, Mobility 2035, and Air Quality Elements include policies to reduce levels of pollution or greenhouse gas emissions. The proposed project is conditioned to require a minimum of 20% of all Code required parking spaces to be EV-ready parking spaces and 5% of Code required parking to be further provided with EV chargers onsite. As such, this condition will support the adoption of low and zero emission transportation fuel sources by the project's employees and customers. The condition requiring solar panels will support the site's EV chargers and 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 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices) and 5.4 (encourage adoption of low emission fuel sources, new mobility technology and supporting infrastructure).

The Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan includes the following objectives and policies:

Objective 2-1: To conserve and strengthen viable commercial development in the community and to provide additional opportunities for new commercial development and services.

Objective 2-3: To enhance the appearance of commercial districts.

Objective 2-3.1: Improve the landscaping of commercial properties.

Additionally, Chapter V of the Community Plan, Urban Design, includes the following policies:

- *Limiting height of structures to that required...*
- *Providing accenting and complementary building materials to building facades.*
- *Screening of mechanical and electrical equipment from public view.*
- *Screening of all rooftop equipment...*

The proposed car wash and pole sign will enhance the appearance of the currently existing car wash and pole sign and will remove a convenience market that is in need of upgrade from the subject site. Currently, there is no landscaping on the site; the applicant will provide drought landscaping and irrigation along Foothill Boulevard, Terra Bella Street, and throughout the project site, including green walls. The applicant is proposing a 17 foot car wash structure and an existing 19 foot pole sign, which will not exceed the C2-1L or C2-1VL height district or FAR. Complementary building materials proposed are aluminum, glazing, glass, and stone; complementary colors proposed are very light and light beige, grey, red, white, black, and variegated brown. The vacuum mechanical equipment will be enclosed within a mechanical room to enhance aesthetics and reduce noise. Furthermore, the project is conditioned so that rooftop equipment will be screened from view.

As conditioned herein, and as mitigated in the Mitigated Negative Declaration, Case No. ENV-2016-1676-MND, the proposed project conforms with the Community Plan.

B. Entitlement Findings

3. Vesting Zone Change, Section 12.32 Q of the LAMC:

- a. That the zone change is in harmony with the objectives of the General Plan and is in conformity with the public necessity, convenience, general welfare, and good zoning practice.**

The subject property is located within the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan, which designates the subject lot as General Commercial with the corresponding zone(s) of C1.5, C2, C4, and RAS3. The 22,415 square foot lot is zoned [T][Q]C2-1-CUGU, and corresponds with the General Commercial land use designation. Community Plan Map Footnote Nos. 16 and 17 limit the Height Designation to -1L and -1VL for General Commercial. The C2-1L Zone allows a height of up to 75 feet, 6 stories, and 1.5:1 FAR. As proposed, the car wash is 17 feet in height with an FAR of 1.5:1, and the pole sign is 19 feet in height. Therefore, the applicant's height and FAR are within the potential of the Community Plan.

However, since the applicant's proposed use does not conform to the zoning for this particular site, the applicant is requesting a Zone Change to (T)(Q)C2-1-CUGU. Permanent Q Condition Nos. 3 and 4 on the subject site established under Ordinance No. 165,464 (effective January 9, 1990) prohibit automotive uses with the exception of new auto parts and sales and restrict uses to those permitted in the C1.5 Zone. As such, the applicant has applied for a Zone Change to eliminate the Q Conditions.

Under current LAMC requirements, automotive uses, including car wash uses, are regulated under Section 12.22 A.28 pursuant to Ordinance No. 178,382 effective March 24, 2007. LAMC Section 12.22 A.28 includes development standards to permit a wash rack (car wash) in the C2 or less restrictive zone, and allows for deviations from those standards via Conditional Use permit under LAMC Section 12.24 W.4 (also established pursuant to Ordinance No. 178,382 effective March 24, 2007). On this particular site, which is currently developed with an established business within the community, an upgrade to the existing car wash use is more reasonably considered under LAMC

Sections 12.22 A.28 and 12.24 W.4 than the out-of-date 1990 ordinance prohibiting auto uses and restricting uses to the C1.5 Zone.

Additionally, this particular site is currently developed with an existing car wash and convenience market that is utilized by the surrounding neighborhood. The applicant is proposing to upgrade and landscape the site with a new, state-of-the-art automatic car wash that includes environmental enhancements, which is in conformity with the public necessity, convenience, general welfare, and good zoning practice. For example, requiring a minimum of 20% of all Code required parking spaces to be EV-ready parking spaces and 5% of Code required parking to be further provided with EV chargers onsite will support the adoption of low and zero emission transportation fuel sources by the project's occupants and visitors. The condition requiring solar panels will support the site's EV chargers and 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 provide for the public welfare and public necessity by reducing the level of pollution or greenhouse gas emissions to the benefit of the neighborhood and City. The solar and EV conditions are good zoning practice because they provide a convenient service amenity to the employees and customers who use electric vehicles and utilize electricity on site for other functions.

Additionally, the applicant is proposing to demolish the convenience store onsite that sells alcoholic beverages. By discontinuing the sale of alcohol, the applicant is voluntarily discontinuing a use that currently abuts sensitive residential and church uses. In this particular case, the public necessity, general welfare and good zoning practice is enhanced by discontinuing alcohol sales on an abutting site.

As conditioned herein, and as mitigated in the Mitigated Negative Declaration, Case No. ENV-2016-1676-MND, the proposed zone change to (T)(Q)C2-1-CUGU is in harmony with the objectives of the General Plan and is in conformity with the public necessity, convenience, general welfare, and good zoning practice.

- b. That the condition is deemed necessary to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood; to secure an appropriate development in harmony with the objectives of the General Plan; to prevent or mitigate potential adverse environmental affects of the zone change; or that public necessity, convenience or general welfare require that provisions be made for the orderly arrangement of the property concerned into lots and/or that provisions be made for adequate streets, drainage facilities, grading, sewers, utilities and other public dedications and improvements.**

The condition is deemed necessary to protect the best interest of and assure a development more compatible with the surrounding property or neighborhood. The proposed car wash is a neighborhood serving commercial use that is being upgraded from its current use to a state-of-the-art automatic car wash. Limiting the size to 2,938 square feet and the height to 17 feet for the car wash and 19 feet for the existing pole sign ensures that the car wash will be developed at a scale that is compatible with the surrounding one- and two-story commercial and multi-family residential uses.

The condition is deemed necessary to secure an appropriate development in harmony with the objectives of the General Plan. As previously stated, an objective of the Citywide General Plan Framework is to maintain the use, density, and character of

existing low-intensity commercial districts whose function serves the surrounding neighborhood and to adopt building and site design standards and guidelines. Furthermore, objectives of the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan are to enhance commercial development; improve landscaping; limit height as required; provide accenting and complementary materials in the building design; and screen mechanical, electrical, and rooftop equipment from view. The proposed project is conditioned to provide a commercial use that serves the surrounding neighborhood at a size and height that is compatible with the character of the surrounding neighborhood, which is developed with low-intensity commercial uses. The project is conditioned such that the development plans, including landscape and irrigation plans, provide accenting and complementary building materials, landscaping that enhances the surrounding area and contributes toward lessening the heat island effect of development, screens roof-top equipment from view, and regulates the timely removal of any graffiti on site. Additionally, the project is conditioned to comply with all use, height, area, and parking regulations of the LAMC.

The condition is deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change. Potential adverse environment effects of the proposed project are mitigated to a less than significant level under Case No. ENV-2016-1676-MND. Impacts were identified in the areas of aesthetics, air quality, noise, transportation and traffic, and public utilities and service systems. Site planning, design, and landscaping as shown in “**Exhibit A**,” will enhance the project’s aesthetic qualities. Additionally, as shown in “**Exhibit A**,” traffic and safety are improved at the site via the elimination of two driveways at the corner of Foothill Boulevard and Terra Bella Street.

The condition is deemed necessary because the public necessity, convenience or general welfare require that provisions be made for the orderly arrangement of the property concerned into lots and/or that provisions be made for adequate streets, drainage facilities, grading, sewers, utilities and other public dedications and improvements. The proposed project does not involve subdivision into lots. However, the project has been conditioned herein (T Conditions) to comply with Bureau of Engineering, Fire, and Department of Transportation recommendations to ensure the adequacy of public dedications and improvements. Furthermore, the project is conditioned to comply with all use, height, area, and parking regulations of the LAMC and any applicable government/regulatory agencies unless specifically varied or required herein.

4. Section 12.32 G of the LAMC, T Conditions

Section 12.32 G of the LAMC regulates Special Zoning Classifications including T (Temporary) and Q (Qualified) classifications. The subject property was placed under a Permanent Q Qualified classification pursuant to Ordinance No. 165,464. Specifically, Condition Nos. 3 and 4 of Ordinance No. 165,464 prohibit automotive uses with the exception of new auto parts sales and restricts uses to those permitted in the C1.5 Zone.

The applicant has requested a Zone Change herein to remove the Permanent Q classification to allow the applicant to demolish and reconstruct an existing car wash in need of repair and upgrade. Pursuant to LAMC Section 12.32 G.3, the permanent Q classification is identified on the Zoning Map by the symbol Q in brackets preceding the proposed zoning designation; for example in this case, [Q]C2-1; or in combination with a

T Tentative classification, in this case [T][Q]C2-1. Per LAMC Section 12.32 G.3, the permanent Q and T classifications are removed after the conditions are met.

In this case, the applicant is requesting to remove the Permanent Q classification through a Zone Change. Once the Zone Change is granted, any Permanent T classification on the subject site would revert to a T (Tentative classification) as designated by the symbol (T).

Pursuant to LAMC Section 12.32 G.1(b), where no map is necessary, as in this particular case, the T classification allows for completion or assurance of all dedications, payments, and improvements which are required by the Council to be provided to the satisfaction of City departments. Pursuant to LAMC Section 12.32 G.1(f), the Council may authorize removal of a T Tentative classification by any procedure which assures any appropriate dedications, payments or improvements.

5. Conditional Use Findings, Sections 12.24 E, 12.24 W.4. and 12.24 W.27 of the LAMC

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 a 5-foot wide strip of landscaping or planted area along the Foothill Boulevard and Terra Bella street frontages, specifically 4 feet at the corner of Foothill Boulevard and Terra Bella Street (facing Foothill Boulevard); and
 - Reduced landscape setback of less than 5 feet where the lot abuts a residential zone and use at the northerly and easterly property lines; specifically, 4 feet at the corner of Foothill Boulevard and Terra Bella Street (facing Foothill Boulevard), 0 to 2 feet 1 inch at the northeast corner of the site, and 3 feet 8 inches at the northwest corner of the site; and
 - Continued use of an existing 19 feet in height pole sign at the southwest corner of Foothill Boulevard and Terra Bella Street; and
 - Less than 50% transparent windows; specifically 20.5% transparency at the car wash south elevation facing Foothill Boulevard; and
 - Extended hours of operation from 7:00 a.m. to 8:00 p.m. 7 days a week; and
 - Opening of the automatic car wash to be located less than 100 feet from a residentially zoned property.
- a. **That 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.**

As previously stated, the proposed car wash is an upgrade to an existing neighborhood commercial use, and will offer a state-of-the-art, environmentally enhanced 2,938 square foot commercial car wash that serves the surrounding residential and commercial neighborhood.

- b. **That 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 proposed project site is located at the southeast corner of Foothill Boulevard and Terra Bella Street in the Sunland-Tujunga-Lake View Terrace-Shadow Hills- East La-Tuna Canyon Community Plan area. The site is surrounded by two- and three-story multi-family residential uses, small scale, neighborhood serving commercial uses, and a church. As proposed, the car wash and pole sign upgrade will be consistent in size (2,938 square foot car wash) and height (17 foot in height car wash, 19 foot in height pole sign) with the surrounding neighborhood. While the CUGU Ordinance prohibits car wash uses within 500 feet of a residential zone, the abutting residential uses to the east, south, and west will not be further degraded given the environmental enhancements and site planning conditions proposed herein and in the Mitigation Negative Declaration, Case No. ENV-2016-1676-MND. For example, the project is conditioned so that all onsite parking and loading areas are located at the rear or side of the building and are buffered from residential uses by landscaping, including a green wall. The project is landscaped along Terra Bella Street and Foothill Boulevard, along the north and east property lines abutting the residential use, and throughout the project site. Deeper landscaping is provided to the east of the reduced landscaped setback along Foothill Boulevard to buffer the parking area and enhance the site. The applicant has requested the reduced landscaping at three areas to enhance site planning and circulation. A 4 foot landscape setback along the Foothill Boulevard street frontage (near the corner of Terra Bella Street and Foothill Boulevard) will allow for sufficient vehicular circulation as cars turn out of the car wash tunnel. A 3 foot 8 inch landscaped setback along the northerly property line will also allow for sufficient vehicular access as cars either turn into the car wash tunnel or utilize the emergency exit on Terra Bella Street. The 0 to 2 foot 1 inch reduced setback along the northeast corner of the property will also allow for an adequate vehicular turn area and provides space for an enclosed trash receptacle that is located away from the street frontage and buffered by a 6 foot in height, 8 inch thick CMU block wall. The existing 19 foot in height pole sign at the corner of Terra Bella Street and Foothill Boulevard is consistent with the 17 foot building height and will be upgraded and enhanced by landscaping at the base of the sign, including ground cover, shrubs, and trees. While less than 50% transparent windows are proposed at the car wash, the project representative has stated that the nature of a car wash establishment does not lend itself to more transparency than is incorporated in the design. The south elevation proposes 20.5% transparency on the car wash equipment room, in part because the car wash tunnel will be open. The west elevation facing Terra Bella Street proposes a 46% transparency, but is attractively landscaped and designed with articulation and complementary colors and materials. The car wash opening will be set back 42 feet from the property line of the multi-family residential/assisted living facility to the east; however, this distance will be buffered by landscaping and a 6 foot high, 8 inch thick CMU wall. The applicant has requested hours of operation from 7:00 a.m. to 8:00 p.m. daily to meet the needs of the surrounding community; as conditioned, no deliveries will take place outside of those hours. The entryway kiosk will be staffed at all times when the car wash is in operation. Additionally, security will be provided by a comprehensive video camera surveillance system installed to a monitor to the interior and exterior of the premises. Security footage will be maintained for at least 60 days and shared with LAPD upon request. Furthermore, the project is conditioned for environmental enhancements (solar, EV parking, permeable paving, green wall, greywater) and mitigation measures are imposed under the Mitigated Negative Declaration, Case No. ENV-2016-1676-MND, to mitigate environmental impacts, including noise, to a less than significant level. As such, 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.

- c. **That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

As previously discussed, the General Commercial land use designation and C2 Zone corresponds to the General and Community Plan. The site is subject to a Permanent Q condition that prohibits auto use; however, the applicant has applied for a Zone Change to eliminate the Q Condition. While the proposed project does not fall into a geographic area governed by a Specific Plan, the site falls within the CUGU Supplemental Use District. The CUGU Ordinance intends to reduce cumulative health impacts resulting from incompatible land uses, including concentrated industrial land use, on-road vehicle travel, and heavily freight-dominated transportation corridors, which are incompatible with the sensitive uses to which they are in close proximity, such as homes and schools. The CUGU Ordinance prohibits a car wash use within 500 feet of a residential zone. However, the applicant has applied for an Exception to this CUGU Distancing requirement. If granted, along with the conditions imposed herein and the mitigation measures that reduce impacts to a less than significant level (Case No. ENV-2016-1676-MND), the project will substantially conform with the purpose, intent and provisions of the General Plan and the Sunland-Tujunga-Lake View Terrace-Shadow Hills-East La Tuna Canyon Community Plan.

- d. **That project approval will not create or add to a detrimental concentration of automotive uses in the vicinity of the proposed automotive use.**

On August 4, 2017, an application was filed under Case No. ZA-2017-3106-CU-ZAA for a Conditional Use at 6477 West Foothill Boulevard, approximately 8 miles southeast of the subject site, to allow a new express car wash to be developed. A Public Hearing for the proposed project was held on August 13, 2018; to date, no determination has been made by the Zoning Administrator. On December 24, 2015, an application was filed to request approval for a convenience market with off-site sale of beer and wine and a car wash under Case No. 2015-4681-CUB-CU-ZV-ZAA at 7656 and 7660 West Foothill Boulevard, approximately 6 miles southeast of the subject site. A Public Hearing has not yet been held for this case, and no determination has been made to date.

Based on staff research of City records and fieldwork of the surrounding area, there is not an overconcentration of either full service or automatic car wash uses in the vicinity. Three automatic car wash facilities are sited within an approximately 4 mile radius of the subject site, including one at 11244 Laurel Canyon Boulevard (Case No. ZA-2004-1411-CU-ZV-ZAA-1A) and two establishments allowed by-right at 13851 Foothill Boulevard and 12725 Osborne Street.

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

The Los Angeles Department of Transportation (LADOT) has reviewed the traffic analysis prepared by Kuntzman Associates, Inc., dated June 3, 2016, for the proposed project. The technical evaluation analyzed a proposed 2,325 square foot food store and 2,640 square foot car wash project and found no significant impact on traffic in the surrounding area. Since that time, the applicant has revised the project description to a 2,938 square foot car wash without the food store. An addendum was provided by Kuntzman Associates, Inc. dated September 13, 2017 analyzing the construction of a new 2,820 square foot car wash showing a net increase of approximately 91 daily vehicle trips, thereby generating 238 fewer vehicle trips than in the original project. As the Technical Memorandum for the previously proposed food store/car wash forecasted no significant traffic impacts, and the revised project with a car wash only results in fewer trips, it can be assumed that with the implementation of mitigation measures under Case No. ENV-2016-1676-MND that reduce traffic impacts to a less than significant level in the areas of safety and pedestrian safety, the project will not create hazards, significant traffic congestion, or disruption of vehicular circulation on adjacent streets.

- f. **That any spray painting will be conducted within a fully enclosed structure located at least 500-feet away from a school or A or R zone, and that all spray painting will be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, as well as South Coast Air Quality Management District Rules 1132 and 1151, regulating these installations.**

Not applicable; no spray painting is proposed or permitted herein.

- g. **That the applicant has submitted an appropriate landscape plan setting forth all plant materials and irrigation systems, and a written maintenance schedule indicating how the landscaping will be maintained.**

“Exhibit A” includes landscape and irrigation plans that proposes landscape buffers along Foothill Boulevard and Terra Bella Street, the northerly and easterly property lines, and within the subject site. The proposed landscaping includes a green wall, trees, shrubs, and ground cover. Additionally, the project is conditioned herein to provide a green wall/screen along the 6 foot solid decorative masonry wall with live plantings, if appropriate, and to plant 1 tree every 10 linear feet within the landscaped setback and 1 tree for every 15 linear feet within the parking area (1 tree for every 4 parking spaces). Trees are to be provided per the Department of Public Works Street Tree Division and the CUGU application packet to provide significant shade cover.

- h. **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.**

See Finding No. 5e above.

- i. **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.**

As previously discussed, staff research and field work shows that there is not an overconcentration of the proposed use within the surrounding area. A shopping center is located within a 500 foot radius along Foothill Boulevard to the north of the proposed project between Terra Bella and Pierce Streets. A commercial corner development is sited to the south of the proposed project along Foothill Boulevard and Osborne Street. However, the applicant is proposing to remove the existing convenience market/food store at the site and to discontinue the sale of alcohol.

6. **CUGU Exception Findings 13.18 H.4:** In granting an Exception from CUGU regulations, the Area Planning Commission shall impose conditions to protect the public health, safety, and welfare: and to assure compliance with the objectives of the General Plan and the purpose and intent of the CUGU District. An Exception from a CUGU regulation shall not be used to grant a special privilege, nor to grant relief from a self-imposed hardship. The Area Planning Commission may permit an Exception from a CUGU regulation if it makes all the following 5 Findings.

a. **The strict application of the CUGU regulations to the subject property would result in practical difficulties or an unnecessary hardship inconsistent with the general purpose and intent of the CUGU District and its regulations;**

The subject site is currently development with a 1,454 square foot one-story food store/convenience market and a self-service hand car wash (975 square foot covered car wash area and 1,212 square foot covered car drying area), associated surface parking, and an existing pole sign. City records show that a Certificate of Occupancy for a service station/auto repair building with attached canopy was issued in 1966. According to the project representative, the car wash use was established in the late 1970s, although this is not documented via City records. Currently, the applicant is proposing to change the zone to remove the Permanent Q condition that prohibits car wash use and to upgrade the existing establishment, which is now prohibited within 500 feet of a residential zone under the CUGU Ordinance established in 2016. Specifically, the Distancing Requirement applies to new and change of use projects and prohibits any of the following uses within 500 feet of a residential zone: new automobile dismantling yard, exhaust test station, automobile laundries (car wash), automotive repair, used auto retail sales, assembly of auto parts and accessories, tire shop, tire repair, and wholesale auto parts and accessory facilities. To deny the applicant's request would require the applicant to relocate a currently operating business to another location, which poses an unnecessary hardship. Similarly, to deny the applicant's request could possibly encourage the applicant to continue operating the existing use. As previously stated, the existing use would be environmentally enhanced through an upgrade to state-of-the-art automation.

The Mitigated Negative Declaration, Case No. ENV-2016-1676-MND, imposes mitigation measures to reduce environmental impacts to a less than significant level. To refuse the applicant's request to continue and upgrade the existing use with an environmentally enhanced car wash would pose an unnecessary hardship inconsistent with the general purpose and intent of the CUGU District and its regulations, which is to reduce cumulative health impacts resulting from incompatible land uses.

- b. **Exceptional circumstances or conditions applicable to the subject property involved or to the intended use or development of the subject property exist that do not apply generally to other properties in the CUGU District.**

An automotive use at the subject site has been in existence, as documented by City records, since 1966. Currently, the site is being utilized as a convenience market/food store that sells alcohol and a car wash. At this point in time, the applicant is voluntarily demolishing the food store/convenience market and discontinuing the sale of alcohol. Additionally, the applicant is requesting to continue the car wash use but to upgrade it with an environmentally enhanced water-saving car wash. If the applicant requested to construct and operate a new car wash on a vacant lot, perhaps an Exception circumstance would not exist at this site. In this case, the applicant has operated an automotive use since 1966 and is an established member of the business community providing a neighborhood serving commercial use. As such, this particular case is an exceptional circumstance applicable to the subject property that does not apply generally to other properties in the CUGU District.

- c. **An Exception from the CUGU regulation is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property within the CUGU District and in the same zone and vicinity but which, because of a special circumstance and practical difficulties or unnecessary hardship, is denied to the property in question.**

Within the CUGU District, the potential owner of a car wash or other automotive use would have to opportunity to look for sites that are not located within 500 feet of a residential zone. In this case, the property owner has operated an established auto use since 1966, well before the effective date of the CUGU Ordinance in 2016. The property in question would need to be utilized for a completely different type of business, one that complies with the CUGU Distance regulations. To relocate the existing business would pose practical difficulties and unnecessary hardships for the owner.

- d. **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.**

The benefits to be derived from the proposed project are twofold. First, the applicant is proposing to discontinue the sale of alcohol at a convenience market when a 7-11 Convenience store and a full service market are sited approximately within a 500 foot radius of the subject site. Secondly, the applicant is proposing to replace an existing car wash use with a more attractive, state-of-the art, water saving, environmentally enhanced use. As previously stated, the proposed car wash will be attractively landscaped and built with architectural articulation and complementary colors and materials. All onsite parking and loading will be at the side of the car wash building and will be screened by landscaping, including a green wall. The environmental enhancements will serve to reduce the heat island effect through conditions pertaining to solar, greywater, EV charging, permeable paving, and shading with large canopy trees. Under Case No. ENV-2016-1676-MND, all impacts to the surrounding residential properties will be mitigated to a less than significant level through landscaping and irrigation, lighting, reduction of glare, gated and covered trash receptacles, fencing and walls, mechanical ventilation if needed, noise attenuation

features, traffic safety measures, and ground water recharge. Demolition, grading, and construction activities are mitigated to a less than significant level for neighboring properties. As such, the granting of this 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.

- e. **The granting of an exception will be consistent with the principles, intent and goals of the CUGU District and any applicable element of the General Plan.**

The goal of the CUGU Ordinance is to reduce cumulative health impacts resulting from incompatible land uses that are incompatible with the sensitive uses to which they are in close proximity, such as homes and schools. In this particular case, the applicant's project, as designed and conditioned herein, is compatible with the neighboring residential uses. The project offers features with environmental benefits and is conditioned to further enhance environmental performance and reduce heat island effects. For example, approximately 13% of the project site is landscaped with trees, shrubs, and ground cover along Foothill Boulevard and Terra Bella Street and throughout the project site. Landscaping and irrigation is conditioned herein to provide a green wall/screen with live plantings, where appropriate. The project is conditioned to include an operable recycled water pipe system for onsite greywater use, and permeable paving will be used to avoid excessive runoff. Solar panels and electric vehicle chargers will contribute toward the reduction of pollution and greenhouse gas. The applicant stated in the public hearing that upgrading the existing car wash use with a new, state-of-the-art automatic car wash will reduce water usage and contaminants in the public utility systems.

The Health and Wellness, Mobility 2035, and Air Quality Elements include policies to reduce levels of pollution or greenhouse gas emissions. The proposed project is conditioned to require a minimum of 20% of all Code required parking spaces to be EV-ready parking spaces and 5% of Code required parking to be further provided with EV chargers onsite. As such, this condition will support the adoption of low and zero emission transportation fuel sources by the project's employees and customers. The condition requiring solar panels will support the site's EV chargers and 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 4.2.3 (ensuring new development is compatible with alternative fuel vehicles), 5.1.2 (shift to non-polluting sources of energy in buildings and operations); Mobility Element Policy 4.1 (expand access to transportation choices) and 5.4 (encourage adoption of low emission fuel sources, new mobility technology and supporting infrastructure).

As previously discussed, the proposed project meets the intent of the General Plan Framework Element by maintaining and upgrading an existing low density commercial use with attractive design that serves the surrounding community. The proposed project conforms with the Community Plan by strengthening a viable commercial development and enhancing the appearance of the commercial district.

Therefore, the granting of an Exception will be consistent with the principles, intent and goals of the CUGU District and any applicable element of the General Plan.

C. CEQA FINDINGS

Based on the independent judgment of the decision-maker (Area Planning Commission), after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2016-1676-MND, with the circulation period ending on September 5, 2018; and no major revisions are required to the Mitigated Negative Declaration; and no subsequent EIR or negative declaration is required for approval of the project. Impacts were identified in the areas of aesthetics, air quality, noise, transportation and traffic, and public utilities and service systems. With the implementation of mitigation measures, all impacts will be reduced to a less than significant level.