Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 8, 2010

Saboo Inc., Toheed Asghar
1426 Arrow Hwy.
Irwindale, CA 91706

CERTIFIED MAIL - RETURN RECEIPT

REGARDING: PROJECT NUMBER R2009-01522-(1)
RCUP 200900109
1328 San Gabriel Blvd. Rosemead

Dear Applicant:

Hearing Officer, Gina Natoli, by her action of Tuesday, December 7, 2010, **APPROVED** the above described application ***(Conditional Use Permit for a hand operated car wash in accordance with Section 22.28.160).*** The applicant or/ and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on** Tuesday, December 21, 2010. Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grants becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Diane Aranda of the Zoning Permits Section East at (213) 974-6435 or e-mail at DAranda@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

Maria Masis, Supervising Regional Planner
Zoning Permits Section II Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety); Fire Department, Public Health, Zoning Enforcement

MM:da

HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NUMBER R2009-01522-(1)

CONDITIONAL USE PERMIT 200900109

HEARING DATE: December 7, 2010

SYNOPSIS:
The applicant is requesting to authorize the operation and maintenance of a hand-operated car wash in the C-2 (Neighborhood Commercial) Zone in the South San Gabriel Zoned District within the community of South San Gabriel. The project includes converting an existing 1,530-sq.-ft. abandoned building into a cashier and wait area for patrons, two existing canopies for car vacuuming and washing, landscaping and parking. The hours of operation are from 7 a.m. to 7 p.m., seven days a week, with a total of fourteen employees.

PROCEEDINGS BEFORE THE HEARING OFFICER
October 19, 2010
A duly noticed public hearing was held on October 19, 2010 before the Hearing Officer. The applicant, Toheed Asghar, was sworn in and testified in favor of the project. Several residents adjacent to the project were sworn in and expressed concerns regarding graffiti, traffic impacts and trash. Staff asked for a continuance to allow sufficient time to consult with the Department of Public Works (DPW) to address internal and external circulation issues on the project site and address the resident's concerns. The Hearing Officer requested that the applicant remove existing graffiti, a cargo container and a banner on the project site. The hearing officer also asked staff to make revisions to the initial study, confirm with DPW whether the applicant needs to comply with landscape plan requirements prior to final approval, or prior to acquiring building permits, provide revised letters from Environmental Health and acquire an official clearance letter from DPW. There being no further testimony, the Hearing Officer continued the public hearing to December 7, 2010.

December 7, 2010
A duly noticed public hearing was held on December 7, 2010 before the Hearing Officer. The applicant, Toheed Asghar, was sworn in and testified in favor of the project. The Hearing Officer asked staff to include a finding regarding signs, extended the operation hours on Saturday and Sunday to 7:30 a.m. to 7 p.m. and limited the grant term to ten years without Director's Review. There being no further testimony, the Hearing Officer closed the public hearing, and approved project R2009-01522-(1) with conditions.

Findings

1. The applicant is requesting a conditional use permit (CUP) to authorize the operation and maintenance of a hand-operated car wash in the C-2 (Neighborhood Commercial) Zone in the South San Gabriel Zoned District within the community of South San Gabriel. The project includes converting an existing 1,530-sq.-ft. abandoned building into a cashier and wait area for patrons, two existing canopies for car vacuuming and washing, landscaping and parking. The hours of operation are between 7 a.m. to 7 p.m., Monday to Friday and 7:30 a.m. to 7 p.m., Saturday and Sunday, with a total of fourteen employees. No new construction is proposed.

2. The project is located at 1328 San Gabriel Boulevard in the South San Gabriel Zoned District in the community of South San Gabriel.

3. The subject property is located in the C-2 (Neighborhood Commercial) Zone with surrounding properties zoned R-3 (Limited Multiple Residence) and R-A (Residential Agricultural) to the north, R-A and C-2 to the east, C-2 to the south and R-3 to the west.

4. The subject property was previously an automobile gas station and is currently an abandoned lot.

5. The site is surrounded by single-family residences to the north and east, and commercial retail to the east, west and south.

6. The subject property is within the 1-Low Density Residential land use category of the Countywide General Plan land use policy map. Areas depicted within the Low Density Residential category are generally appropriate for single-family detached housing units, including large-lot estates and typical suburban tract developments. Densities typically range from one to six units per gross acres. The intent of this classification is to maintain the character of existing low density development. Though the Plan recognizes the need to preserve existing low density residential land for future housing, the Plan also recognizes that some areas identified as low density residential may be suitable for present or future local commercial and industrial services, schools, churches, local parks and other community-serving public facilities or the proposed use demonstrates a desirable, compatible, and well-integrated pattern of employment opportunities and thereby furthers General Plan objectives. The project is consistent with the General Plan Land Use Policy Map Low Density Residential standards.

7. The project site is located within the South San Gabriel Community Standards District (CSD). The intent of the South San Gabriel CSD is to protect and enhance the existing low-density scale and character of the community and to ensure that new development is compatible with and complimentary to the unique characteristics of this residential and commercial neighborhood.

8. The zoning of the subject property is C-2. A hand-operated car wash may be established with an approved conditional use permit in the C-2 Zone. The property shall be subject to the development standards under Section 22.28.170 of the County Code and Chapter 22.44. Section 22.28.170 and Chapter 22.44 includes standards for lot coverage and landscaping, parking, signage, buffering commercial uses from residential uses and outside storage. The project, as conditioned, will satisfy the intent of the C-2 Zone and the South San Gabriel Community Standards District development standards for commercial uses in the C-2 Zone.

9. The proposed development is consistent with the established commercial community character and scale. With proper enforcement and conditions, the project will not disrupt residential neighborhoods or adversely impact established residential areas.

10. The previous use was an automobile gas station which is a permitted use in the C-2 (Neighborhood Business) Zone pursuant to Section 22.28.130 of the County Code. Building permits authorized pole signs, a canopy for the gas station and a groundwater remediation system on the subject property. Plot Plan 200801334 approved a temporary soil vapor and groundwater extraction remediation system for the closed gas station on the property.

11. There is an active leaking underground storage tank case at this site that is under the jurisdiction of the L. A. Regional Water Quality Control Board (RWQCB). The previous owner, Exxon, is responsible for the site's remediation process. The Department of Regional Planning

and the Fire Department are requiring the applicant to provide a closure letter for the removal/mitigation of underground storage tanks prior to issuance of a construction permit for grading or underground construction.

12. The hand-operated car wash requires a minimum of six parking spaces, one of which shall be a handicapped-accessible space, and shall be maintained onsite. The required parking spaces will be continuously available for vehicular parking only and not be used for storage or automobile repair.

13. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 10 years.

14. To mitigate for noise impacts to the surrounding residential properties, the operation of the hand-operated car wash shall be limited to the hours between 7 a.m. to 7 p.m., Monday to Friday and 7:30 a.m. to 7 p.m., Saturday and Sunday.

15. The site plan depicts a 25,700-sq.-ft. irregular shaped parcel on the corner of San Gabriel Blvd. and Hill Dr. with an existing 1,530-sq.-ft. abandoned building and a canopy with two car wash bays to the west and one canopy used for a vacuum station at the southern portion of the property. There is an environmental water treatment unit, a water clarifier and a trash enclosure on the northern portion of the property. Ten parking spaces are provided including one handicapped-accessible space. No new construction is proposed.

16. The applicant did not request authorization for any signage associated with this project; however, a "Do Not Enter" sign is required at the northern most driveway along San Gabriel Boulevard.

17. The Department of Regional Planning staff has determined that a Negative Declaration is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Initial Study concluded that there is no evidence that the project may have a significant effect on the environment.

18. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting.

19. Staff received a phone call, e-mail, and a letter dated October 13, 2010 and October 14, 2010 signed by five of the seven homeowners on Mountain Vista Drive stating concerns such as potential traffic impacts, littering, and crime.

20. A circulation plan for the hand-operated car wash was conceptually approved by the Department of Public Works to improve internal circulation on-site and deter hazardous traffic conditions. In addition, the driveway on the northwestern portion, along San Gabriel Boulevard will only be used for egress, and the currently existing southeastern driveway will be closed.

21. The proposed project will utilize an existing building on a currently abandoned lot with improvements to the interior and the façade. The use of an abandoned lot will deter graffiti and crime.

22. The hand-operated car wash should not have an adverse visual and/or noise impact on the surrounding community because there is an eight-foot-high masonry wall buffering the residential properties to the north, with no direct access.

23. The hand-operated car wash will be required to meet the County Noise Control Ordinance and operation will be limited to the hours between 7 a.m. to 7 p.m., Monday to Friday and 7:30 a.m. to 7 p.m., Saturday and Sunday.

24. The Hearing Officer finds that, with appropriate restrictions on its operation as set forth in the conditions of approval, the hand-operated car wash is compatible with surrounding land uses.

25. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 W. Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits II Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. The proposed use is consistent with the adopted general plan for the area;

B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;

C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;

D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private facilities as are required.

F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;

H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community;

I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

In view of the findings of fact and conclusions presented above, Conditional Use Permit 200900109, associated with Project R2009-01522-(1) is **APPROVED,** subject to the attached conditions.

1. This grant authorizes the operation and maintenance of a hand-operated car wash in the C-2 (Neighborhood Commercial) Zone in the South San Gabriel Zoned District within the community of South San Gabriel. The project includes converting an existing 1,530-sq. - ft. abandoned building into a cashier and wait area for patrons, two existing canopies for car vacuuming and washing, landscaping and parking. The use of the subject property as depicted on the approved Exhibit "A" is subject to all of the following conditions:

2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.

3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No.19 and 22. Notwithstanding the foregoing, this Condition No. 3, and Condition Nos. 4, 5, and 6 shall be effective immediately upon final approval of this grant by the County.

4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.

5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of $5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

   a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

   b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

   The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within two years from the date of approval. A single one-year time extension may be requested in writing with the appropriate fee before the expiration date.

7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner shall promptly provide a copy of the grant and its terms and conditions to the transferee or lessee of the subject property.

9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.

12. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.

13. The permittee shall comply with all requirements stated in the letter dated October 22, 2010 from the Department of Public Health.

14. The permittee shall comply with all conditions stated in the letter dated December 8, 2010 from the Department of Public Works.

15. The permittee shall comply with all requirements stated in the letter dated August 17, 2010 and August 18, 2010 from the County of Los Angeles Fire Department.

16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the use subject to this grant or that do not provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization. In the event such extraneous markings occur, the permittee shall remove or cover said markings,

drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the approved revised Exhibit "A". If other changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit. All revised plot plans must be accompanied by the written authorization of the property owner.

18. **This grant will terminate on December 7, 2020**.
Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

19. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity in violation of any such law, statute, ordinance, or other regulation shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **$2,000.00**. The monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including conformance with the approved site plan on file. The fund provides for **10 annual** inspections. Inspections shall be unannounced.

    If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is $200.00 per inspection.

20. The permittee shall comply with requirements of the Department of Health Services and the National Pollutant Discharge Elimination System (NPDES) requirements of the California Los Angeles Regional Water Quality Control Board and the Department of Public Works. Adequate water and sewage facilities shall be provided as may be required by said Departments.

21. Prior to the issuance of any building permits, the permittee shall be referred to the Industrial Waste Unit to submit a work plan that illustrates how the residual will be

collected and then pumped out. The plans will illustrate compliance with the ordinance, and the permittee will also have to apply for an Industrial Waste Permit.

22. Within 3 days of the date of final approval of this grant, the permittee shall remit processing fees payable to the county of Los Angeles in connection with the filing and posting of a Notice of Determination (NOD) for this project and its entitlements in compliance with Section 21152 of the California Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code (currently, $2085.25 ($2,010.25 for a Negative Declaration plus $75.00 processing fee). No land use project subject to this requirement is final, vested, or operative unless the fee is paid.

23. The project shall comply with requirements of the County Noise Control Ordinance as specified in the Los Angeles County Code, Title 12, Chapter 12.08.

    a. All noise generating equipment shall be shut off when not in use.

    b. Forced-air blowers shall not amplify any noise generated so not exceed the noise limit as stated in the Department of Public Health letter dated October 22, 2010.

    c. Vacuum motors to be used shall be insulated or fully enclosed so as to reduce noise to comply with the stated noise limit as stated in the Department of Public Health letter dated October 22, 2010.

    d. The installation and use of PA or a loudspeaker system is prohibited.

    e. Compressors shall be stored in an enclosed structure or building.

    f. The existing structure shall be utilized to block the line of site from the car wash bays to residences along Mountain Vista Road to reduce operational noise.

24. The operation and maintenance of a hand-operated car wash is subject to the following conditions:

    a. A minimum of six parking spaces, one of which shall be a handicapped accessible space, shall be maintained onsite. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage or automobile repair.

    b. The operation of the hand operated car wash shall be limited to the hours between 7 a.m. to 7 p.m., Monday to Friday and 7:30 a.m. to 7 p.m., Saturday and Sunday.

    c. The permittee shall provide a closure letter to the Department of Regional Planning for the removal/mitigation of underground storage tanks prior to the issuance of a construction permit for grading or underground construction.

d. Hazardous chemicals stored on-site shall not exceed 55 gallons, as enforced by the Fire Department. If there are more than 55 gallons per each hazardous chemicals stored on-site, the permittee shall comply with all of the Fire Department's additional requirements.

e. The permittee shall provide adequate lighting above all entrances and exits to the premises and utilize full cut-off light fixtures for lights on light poles. Any exterior lights shall be directed away from adjacent residential properties to prevent direct illumination and glare.

f. Lighting after operation hours shall be motion-sensor lighting to minimize disturbance to the surrounding residential area to the northeast.

g. No outside storage, including cargo containers, shall be allowed on the project site.

h. The permittee shall meet landscaping requirements pursuant to Section 22.28.170 (A) of the County Code Development Standards. The landscaping shall be maintained to the highest level possible; this includes gardening, watering, repairs and maintenance.

i. The permittee shall comply with the South San Gabriel Community Standards District Section 22.44.131-D.6 (a), (b) and (i)- Landscaping and Buffering of Commercial Uses from Residential Uses.

j. The placement of portable signs on sidewalks adjacent to the premises and temporary signs on walls and poles is prohibited.

MM:DA
12/8/2010