



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ethan Edwards, AICP, Associate Planner *ee*
DATE: February 9, 2010

SUBJECT: APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 09-012 AND (NEWLAND CARWASH)

APPELLANT: Larry Kennepohl, 3423 Starline Drive, Rancho Palos Verdes, CA 90275

**APPLICANT/
PROPERTY**

OWNER: Thomas Hwang, 616 Imperial LLC, 1050 E. Anaheim Street, Long Beach, CA 90813

LOCATION: 8471 Warner Avenue, 92647 (northwest corner of Warner Avneue and Newland Street)

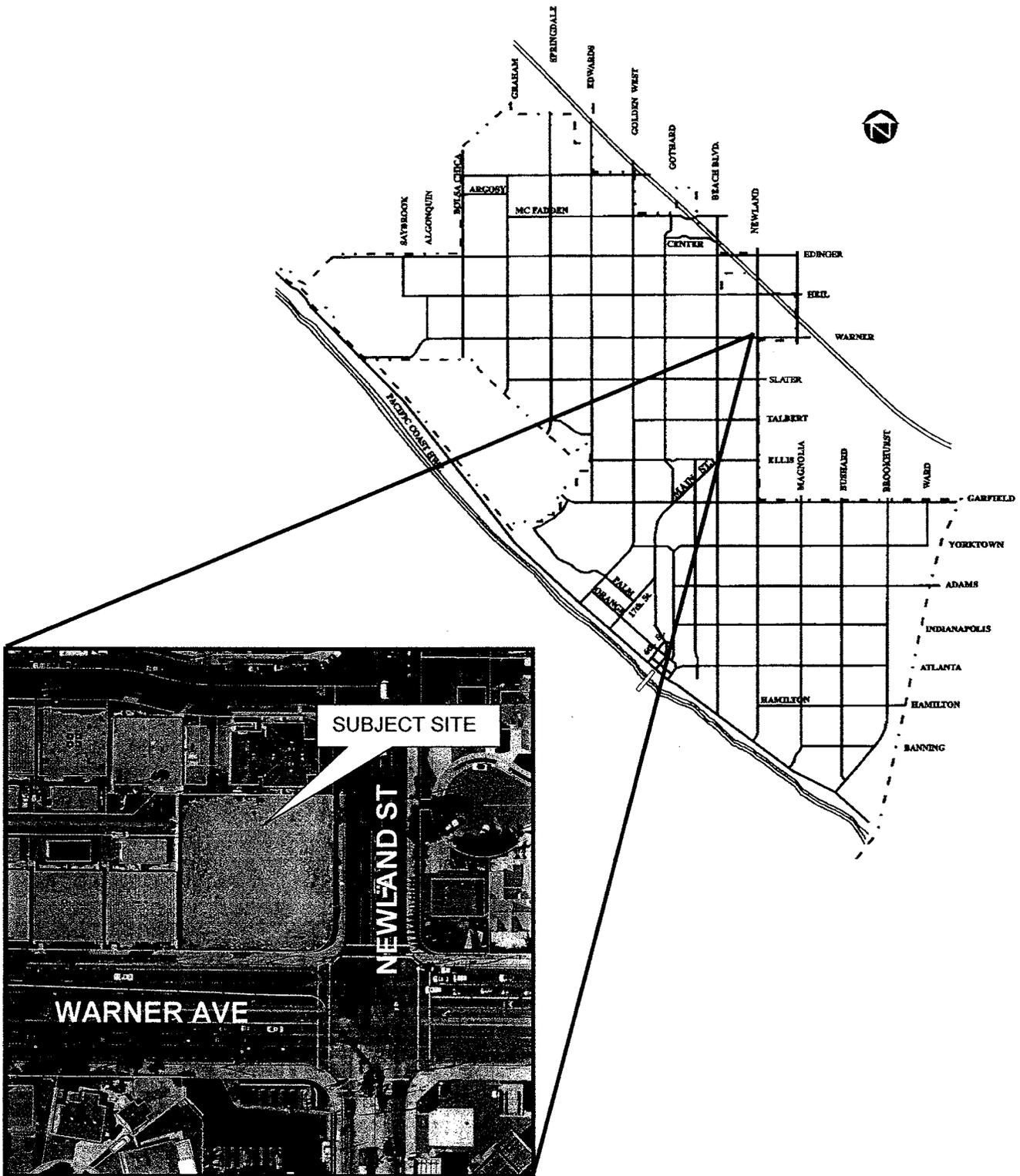
STATEMENT OF ISSUE:

- ◆ Conditional Use Permit No. 09-012 request:
 - To permit the construction of an approximately 2,336 sq. ft. express service carwash building and associated site improvements pursuant to Section 211.04 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

- ◆ Staff's Recommendation:

Approve Conditional Use Permit No. 09-012 based upon the following:

 - The project will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood.
 - The project will be compatible with surrounding uses.
 - The project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance.
 - The project, as conditioned, furthers General Plan goals and policies.



VICINITY MAP

APPEAL OF ZONING ADMINISTRATOR'S APPROVAL OF CONDITIONAL USE PERMIT NO. 09-012 – NEWLAND CARWASH (8471 WARNER AVENUE)

RECOMMENDATION:

Motion to:

- A. “Approve Conditional Use Permit No. 09-012 with findings and suggested conditions of approval (Attachment No. 1).”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Conditional Use Permit No. 09-012 with findings for denial.”
- B. “Continue Conditional Use Permit No. 09-012 and direct staff accordingly.”

PROJECT PROPOSAL:

Conditional Use Permit No. 09-012 represents a request to permit the construction of an approximately 2,336 sq. ft. express service carwash building pursuant to Section 211.04 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). Associated on-site improvements include new City standard driveways with decorative paving, a noise attenuating canopy at the western vacuum parking area, 12 off-street parking spaces, pedestrian pathways with decorative paving and site landscaping. The hours of operation for the carwash are between 7:00 a.m. and 8 p.m. A maximum of two employees are anticipated to operate the facility by assisting customers with payment, answering any service related questions and to ensure operational efficiency.

The project site is a 0.47 acre (approximately 22,500 sq. ft.) undeveloped commercial property, located on the northeast corner of Warner Avenue and Newland Street, in the CG (Commercial General) Zone. The site was formerly used as a gas station. The surrounding neighborhood is developed with residential and commercial uses.

Zoning Administrator Actions:

A public hearing before the Zoning Administrator (ZA) was held on September 23, 2009. The ZA reviewed the applicant’s request for an express service carwash building and associated site improvements. Staff presented the project and identified three main unresolved issues with regard to circulation, noise, and design. The original plans showed building orientation that was parallel with Newland Street. This orientation was found to be problematic because it was unclear how patrons entering off of Newland would safely circulate and enter the carwash tunnel. To address potential noise impacts, the applicant submitted a noise study that adequately addressed noise impacts and showed compliance with the City’s Noise Ordinance. Although, the noise study indicated compliance, staff recommended an alternative design or modifying the building orientation to further offset any potential noise impacts to adjacent residential uses. The City’s Design Guidelines require consideration of the character of development in the surrounding area and to minimize excessive or incompatible impacts of noise, light, traffic, and visual character. Staff found that the proposed design could be improved by incorporating architectural elements found within the surrounding residential and other commercial developments. As a result, staff did not recommend approval of the proposed design. Several members of the public spoke in opposition to the proposed project citing some of the same concerns that were

raised by staff. The applicant spoke in favor of the request and requested a continuance to the October 14, 2009 meeting. The additional time would permit the applicant an opportunity to address the concerns raised by staff and the public. On October 14, 2009, the applicant requested another continuance to the November 18, 2009 meeting to further refine the design and address the concerns raised.

On November 18, 2009, the ZA reviewed the applicant's revised plans. The revised plans resulted in limiting the Newland Street driveway to egress only along with improved on-site circulation controls through specific design and site improvements. The revised design included an angled building orientation sited furthest away from residential uses at the southeast corner of the property. In addition, a 12-foot high noise attenuating screen canopy was introduced along the western edge and noise emitting mechanical equipment (including vacuum apparatus) would be enclosed within the proposed carwash building. The applicant also provided revised elevations and materials board that showed consistency with the City's Design Guidelines and incorporated elements found within nearby residential and commercial buildings. As a result, staff supported the revised design and layout citing that the concerns raised at previous hearings had been sufficiently addressed. One member of the public, Larry Kennepohl who introduced himself as owner of the express car wash at the southeast corner of Beach Boulevard and Warner Avenue (appellant), spoke in opposition to the project. Mr. Kennepohl gave a presentation citing concerns with noise, parking and the car wash operation. On November 18, 2009, the ZA conditionally approved the application as recommended by staff.

Appeal:

On November 30, 2009, an appeal of the ZA's decision was filed by Mr. Kennepohl (Attachment No. 4). The reasons for the appeal include: lack of water recycling, noise study issues, employee parking and vacuum conflicts, carwash tunnel design issues and the site is too small for development. Staff's analyses of the reasons for the appeal are summarized in the Analysis section of this report.

Study Session Summary:

A question regarding the typical express carwash lot size was raised during the Planning Commission Study Session meeting on Tuesday, February 24, 2009. The applicant responded during public comments stating that he owns two other express carwash facilities in the City of Long Beach and both have lot sizes smaller than the proposed site. One is located at 1050 E. Anaheim Street and has a lot size of approximately 13,500 sq. ft.; and the other is located at 1625 W. Willow Street and has a lot size of approximately 9,900 sq. ft. The City of Huntington Beach currently has three express carwash facilities. One is located at 20012 Beach (southeast corner at Adams) and has a lot size of approximately 22,950 sq. ft.; another at 17042 Beach Boulevard (southeast corner at Warner) and has a lot size of approximately 25,040 sq. ft.; and the third at 19002 Brookhurst Street (southeast corner at Garfield) and has a lot size of approximately 17,805 sq. ft.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	CG-F1 (Commercial General—0.35 Max. FAR)	CG (Commercial General)	Vacant (formerly gas station)
North & West of the Subject Property	RMH-25 (Residential Medium High Density—25 du/ac)	RMH (Residential Medium High Density)	Multi-Family Residential
South of Subject Property (across Warner Avenue)	CN-F1 (Neighborhood Commercial – 0.35 max. FAR)	CG (Commercial General)	Commercial
East of the Subject Property (across Newland Street)	RL-7 (Residential Low Density-7 du/ac)	RL (Residential Low Density)	Single-Family Residential

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is Commercial General. The proposed project is consistent with this designation and the goals and policies of the City’s General Plan Land Use, Urban Design, and Noise Elements as follows:

Land Use Element

Objective - LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

Policy - LU 10.1.12: Require that commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Incorporation of site landscape, particularly along street frontages and in parking lots;
- d. Siting of building to the street frontage to convey a visual relationship to the street and sidewalks;
- e. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The project is a redevelopment of a former gas station site with a new express carwash facility. The proposed use will redevelop a currently vacant site with a facility that caters to the needs of local residents. The project will not significantly impact the adjoining residential property to the north and west of the site. The carwash building will be sited furthest away from residential uses. The residential uses to the west will be buffered from the carwash by an approximately 65 ft. separation

consisting of a drive aisle, parking lot landscaping, 12 ft. high noise attenuating screen canopy, 10 ft. wide landscape planter, and a 6 ft. high block wall. Residential uses to the north will be buffered from the carwash by a drive aisle and a 5 ft. setback with landscaping. The mechanical equipment associated with the carwash will be located inside the building; in addition, the building is oriented so that the carwash tunnel openings do not directly face adjacent residential uses. A noise study prepared by Giroux & Associates on November 6, 2009 identifies that project noise levels will not cumulatively contribute to significant impacts. Lighting will be designed to be directed onto the project site without any spillage on to adjacent properties.

Urban Design Element

Objective - UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

Policy - UD 1.2.1.E: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces as described by the Land Use Element by using decorative paving materials.

The proposed design of the carwash building will incorporate distinctive architecture which includes variations to the roof height and form, insets and offsets in the building façade to create enhanced visual relief and break up of building mass, and variations in exterior building treatments. The project will incorporate a connection from the public sidewalk on Warner Avenue and Newland Street by providing clear and identifiable access to the carwash building.

Noise Element

Objective - N 1.4: Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or “noise-sensitive” uses.

Objective - N 1.4.3: Require that the parking areas of all commercial and industrial land uses, which abut residential areas, to be buffered and shielded by walls, fences, or adequate landscaping.

A noise study prepared by Giroux & Associates on November 6, 2009 identifies that project noise levels will not cumulatively contribute to an increase in levels above established thresholds. Noise will be attenuated through operational requirements and onsite improvements which include limiting the hours of operation (Suggested Condition of Approval No. 4.a), and providing for a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties.

Zoning Compliance:

The project, as proposed, complies with applicable provisions of the CG (Commercial General) zoning designation, including maximum building height, minimum building setbacks, maximum floor area ratio, minimum site landscaping, and minimum parking requirements. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 5) for informational purposes only.

Urban Design Guidelines Conformance:

The Huntington Beach Urban Design Guidelines contains guidelines specific to Special Consideration, Commercial uses such as carwashes. The project generally conforms or is conditioned to comply with the objectives and standards for carwash projects contained in the Guidelines, including siting the building at the street corner, accommodating anticipated circulation patterns between vehicles and pedestrians, improving the driveways to current standards, and minimizing the visibility of mechanical equipment within the carwash tunnel openings.

Environmental Status:

The proposed project is Categorical Exempt pursuant to Section 15303 of the California Environmental Quality Act, because the proposed project consists of the construction of a new commercial building with less than 10,000 square feet of floor area not involving significant amounts of hazardous substances on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

Coastal Status: Not applicable.

Redevelopment Status: Not applicable.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Police, Fire, Building & Safety and Public Works have reviewed the application and identified applicable code requirements (Attachment No. 5). These code requirements are included for informational purposes only.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on February 4, 2010, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), appellant, applicant, and interested parties. Staff has received previous comments from the appellant as well as a comment letter and petition related to the noise analysis. A copy of all public comments received to date is provided as Attachment No. 6 of this report.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

August 1, 2009

MANDATORY PROCESSING DATE(S):

November 30, 2009 (includes 60-day extension)

Conditional Use Permit No. 09-012 was filed on July 1, 2009 and deemed complete August 1, 2009. On October 14, 2009, the applicant requested a one time 60-day continuance of the mandatory processing timeline. The request was approved by the Zoning Administrator at a public hearing on November 18, 2009, in compliance with the mandatory processing timeline. An appeal was filed by the appellant on November 30, 2009 (Attachment No. 2).

ANALYSIS:

The primary issues for the Planning Commission to consider when analyzing this appeal are potential detrimental impacts to the general welfare of the community or property (potential noise impacts), compatibility with the surrounding uses and compliance with the Design Guidelines, HBZSO and General Plan and reasons outlined in the appeal letter.

General Plan

The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (General Commercial – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the Land Use Element in that the proposed use will redevelop a currently vacant site with a facility that caters to the needs of local residents and is sensitive to the abutting residential properties. The project is consistent with the Urban Design Element in that the proposed building incorporates distinctive architectural elements from nearby commercial buildings and provides for an enhanced pedestrian connection between the public sidewalk and interior of the site. The proposed use is consistent with the Noise Element in that landscape buffers and perimeter walls are incorporated to minimize noise spillover to adjacent residential neighborhoods. Potential noise impacts are further minimized through noise control features and building design.

Zoning

The project, as proposed, complies with applicable provisions of the CG (Commercial General) zoning designation, including maximum building height, minimum building setbacks, maximum floor area ratio, minimum site landscaping, and minimum parking requirements. Staff is suggesting a condition of approval that would allow for ingress and egress at the Newland Street driveway. This may result in a minor modification of the site plan, including the redesign of the tunnel entrance queuing area, potential elimination of one parking space and relocation of the trash enclosure. An additional suggested condition of approval will require submittal of revised project plans for review and approval to ensure compliance with City requirements.

Design Guidelines

The Huntington Beach Urban Design Guidelines contains guidelines specific to Special Consideration, Commercial uses such as carwashes. The project generally conforms or is conditioned to comply with the objectives and standards for carwash projects contained in the Guidelines, including siting the building at the street corner, accommodating anticipated circulation patterns between vehicles and pedestrians, improving the driveways to current standards, and minimizing the visibility of mechanical equipment within the carwash tunnel openings. The proposed design of the carwash building will incorporate distinctive architecture which includes variations to the roof height and form, insets and offsets in the building façade to create enhanced visual relief and break up of building mass, and variations in exterior

building treatments. The project will incorporate a pedestrian connection from the public sidewalk on Warner Avenue and Newland Street by providing clear and identifiable access to the carwash building.

Noise

A noise study prepared by Giroux & Associates on November 6, 2009 identifies that project noise levels will not cumulatively contribute to an increase in levels above established thresholds. The City has adopted a Noise Ordinance (Chapter 8.40 of the Huntington Beach Municipal Code), which identifies exterior and interior noise standards, specific noise restrictions, exemptions, and variances for sources of noise within the City. The study found that the proposed project will not exceed City noise standards provided that noise control features (mitigation) are included such as limiting the hours of operation, utilizing dryer unit silencers, prohibition of loudspeakers, staff intervention of customer noise, and constructing a noise barrier along the western property line. Noise will be attenuated through these operational requirements and onsite improvements (Suggested Condition of Approval No. 4a-d), and providing for a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties.

Appeal Letter

Water Recycling:

The letter states that the proposed carwash does not make use of available water recycling technology. The applicant will be required to comply with the City of Huntington Beach Municipal Code Chapter 14.18, Water Management Program. This program requires that all commercial carwash systems to have recirculating water systems, or secure a waiver of this requirement from the City. The applicant has stated that the project will include a recirculating/recycling system that complies with City and State requirements.

Noise Study:

The letter states that the noise study is flawed. A noise study prepared by Giroux & Associates on November 6, 2009 (Attachment No. 10) identifies that project noise levels will not cumulatively contribute to an increase in levels above established thresholds. Potential noise impacts will be attenuated through operational requirements and onsite improvements which include limited operating hours, a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties. Furthermore, the use will be subject to compliance with the City of Huntington Beach Noise Ordinance (Chapter 8.40 Noise Control) and based upon the design and site improvements along with the suggested conditions of approval, it was determined that potential noise impacts will be mitigated.

Employee Parking:

The letter asserts that the carwash owner will require employees to park off-site to accommodate customers. The HBZSO requires a minimum of 10 parking spaces for carwash facilities. This minimum requirement can be used by employees and customers (or both). The project includes 12 parking spaces and each is vacuum accessible. One to two employees would be assisting customers during operation hours. Staff has analyzed the parking requirement and has found that site has adequate parking given that there are two additional parking spaces that can accommodate employee parking.

Tunnel Design:

The letter describes the carwash tunnel as being too long and does not allow sufficient space for vehicles to properly enter and exit the tunnel. Staff has analyzed the building and site alignment along with anticipated circulation patterns. The City does not regulate the length of the proposed tunnel, but does take into account the circulation and turning radius as a result of site design. Staff does not anticipate an issue with tunnel ingress and egress. However, staff has reevaluated the proposed Newland Street egress only driveway and after further evaluation suggests a condition of approval to allow both ingress and egress (Suggested Condition of Approval No. 1.c). This will help alleviate potential conflicts with southbound vehicles making a right-in, and then realizing that the driveway is limited to egress only and inadvertently backing out of the driveway. This modification will help alleviate potential queuing conflicts onto Newland Avenue.

Parcel Size:

The letter asserts that the site is too small to accommodate the project. The project site is approximately 22,500 sq. ft. and meets the minimum lot size of 10,000 sq. ft. for nonresidential commercial development per Chapter 211.06 of the HBZSO. Currently, the City has three other express carwash facilities with lot sizes that range from approximately 17,805 sq. ft. to 25, 040 sq. ft. In addition, the applicant has stated that he operates two facilities in the City of Long Beach with lot sizes of 13,500 sq. ft. and 9,900 sq. ft. The project, as proposed, complies with applicable provisions of the CG (Commercial General) zoning designation, including maximum building height, minimum building setbacks, maximum floor area ratio, minimum site landscaping, minimum parking requirements, and minimum lot size. In addition, the project will provide adequate on-site parking to accommodate customers and employees and will not present unsafe conditions for pedestrians or vehicular circulation.

Summary

Staff is recommending approval of the proposed project based on the suggested findings and suggested conditions of approval. The project furthers the General Plan goals and polices which encourages redevelopment of a currently vacant site with a facility that caters to the needs of local residents. The proposed project will be compatible with the surrounding land uses and will not significantly impact the adjoining residential property to the north and west of the site. Potential noise will be attenuated through operational requirements and onsite improvements which include limited operating hours, a perimeter block wall, a noise attenuating canopy, and appropriate building orientation. The project will provide adequate on-site parking and will not present unsafe conditions for pedestrians or vehicular circulation. No potential circulation impacts are anticipated with modifying Newland Street access to allow ingress and egress. The proposed project complies with all applicable zoning regulations including maximum building height, minimum building setbacks, maximum floor area ratio, minimum site landscaping, and minimum parking requirements.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – Conditional Use Permit No. 09-012
2. Site plan, floor plan, & elevations received November 13, 2009
3. Zoning Administrator Notice of Action – CUP 09-012 dated November 19, 2009
4. Appeal Letter received and dated November 30, 2009
5. Departments of Police, Fire, Building & Safety and Public Works Code Requirements
6. ZA Minutes dated September 23, 2009
7. ZA Minutes dated October 14, 2009
8. ZA Minutes dated November 18, 2009
9. Noise Impact Analysis by Giroux & Associates received November 9, 2009
10. Public Comments

SH:HF:EE:lw

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2009-012

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the proposed project consists of an addition of less than 10,000 sq. ft. of floor area to existing structures on a site where public services and facilities area available and the surrounding area is not environmentally sensitive.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-012:

1. Conditional Use Permit No. 2009-012 to permit the redevelopment of a former gas station site with the construction of an approximately 2,336 sq. ft. express carwash building and associated site improvements will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will not significantly impact adjoining residential properties located to the north and west of the site. The carwash building will be sited furthest away from residential uses at the southeast corner of the property. The residential uses to the west will be buffered from the carwash by an approximately 65 ft. separation consisting of a drive aisle, parking lot landscaping, 12 ft. high noise attenuating screen canopy, 10 ft. wide landscape planter, and a 6 ft. high block wall. Residential uses to the north will be buffered from the carwash by a drive aisle and a 5 ft. setback with landscaping. A noise study was submitted indicating compliance with established noise level thresholds. Noise will be attenuated through operational requirements and onsite improvements which include limited operating hours, a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties. Furthermore, the use will be subject to compliance with the City of Huntington Beach Noise Ordinance (Chapter 8.40 Noise Control) and based upon the conditions imposed, potential noise impacts will be mitigated. Lighting will be designed to be directed onto the project site without any spillage onto adjacent properties. The Newland Street driveway is conditioned to require ingress and egress access to alleviate potential queuing conflicts. The project is on a site of a former auto-related use; consequently no significant traffic impacts are anticipated. The project will provide adequate on-site parking and will not present unsafe conditions for pedestrians or vehicular circulation.

2. The conditional use permit will be compatible with surrounding developments because the carwash building will be located on commercially zoned property, formerly occupied by a gas station, in an area containing similar auto-related land uses. The building's architecture is consistent with the surrounding neighborhood by providing appropriate scale through a single story design and appropriate proportion and character through variable façade offsets and harmonious colors and materials. The proposed development, as conditioned, conforms to the design criteria as stipulated

within the City's Urban Design Guidelines by siting the building at the street corner, accommodating anticipated circulation patterns between vehicles and pedestrians, improving the driveways to current standards, and minimizing the visibility of mechanical equipment within the carwash tunnel openings.

3. The development will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including minimum building setbacks, minimum on-site parking and minimum onsite landscaping, maximum building height and maximum floor area ratio. The proposed car wash use is permitted within the CG (General Commercial) zoning district with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (General Commercial – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals, objectives and policies of the General Plan:

Land Use Element

Objective - LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

Policy - LU 10.1.12: Require that commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- b. Incorporation of site landscape, particularly along street frontages and in parking lots;
- d. Siting of building to the street frontage to convey a visual relationship to the street and sidewalks;
- e. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The project is a redevelopment of a former gas station site with a new express carwash facility. The proposed use will redevelop a currently vacant site with a facility that caters to the needs of local residents. The project will not significantly impact the adjoining residential property to the north and west of the site. The carwash building will be sited furthest away from residential uses. The residential uses to the west will be buffered from the carwash by an approximately 65 ft. separation consisting of a drive aisle, parking lot landscaping, 12 ft. high noise attenuating screen canopy, 10 ft. wide landscape planter, and a 6 ft. high block wall. Residential uses to the north will be buffered from the carwash by a drive aisle and a 5 ft. setback with landscaping. The mechanical equipment

associated with the carwash will be located inside the building; in addition, the building is oriented so that the carwash tunnel openings do not directly face adjacent residential uses. A noise study prepared by Giroux & Associates on November 6, 2009 identifies that project noise levels will not cumulatively contribute to significant impacts. Lighting will be designed to be directed onto the project site without any spillage on to adjacent properties.

Urban Design Element

Objective - UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

Policy - UD 1.2.1.E: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces as described by the Land Use Element by using decorative paving materials.

The proposed design of the carwash building will incorporate distinctive architecture which includes variations to the roof height and form, insets and offsets in the building façade to create enhanced visual relief and break up of building mass, and variations in exterior building treatments. The project will incorporate a connection from the public sidewalk on Warner Avenue and Newland Street by providing clear and identifiable access to the carwash building.

Noise Element

Objective - N 1.4: Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or “noise-sensitive” uses.

Objective - N 1.4.3: Require that the parking areas of all commercial and industrial land uses, which abut residential areas, to be buffered and shielded by walls, fences, or adequate landscaping.

A noise study prepared by Giroux & Associates on November 6, 2009 identifies that project noise levels will not cumulatively contribute to an increase in levels above established thresholds. Noise will be attenuated through operational requirements and onsite improvements which include limiting the hours of operation (Suggested Condition of Approval No. 4.a), and providing for a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-012:

1. The site plan, floor plans, and elevations received and dated September 9, 2009 shall be the conceptually approved design with the following modifications:
 - a. Landscaped setbacks along both street frontages shall incorporate mounding, shrubbery and enhanced vertical elements to enhance the aesthetics of the site and provide for additional screening at the openings to the carwash tunnel and interior mechanical equipment.

- b. The Recovery and Collection Hydro-Carbons area located at the northwest corner of the site shall provide screening to match the adjacent trash enclosure. All screening enclosures shall be compatible and provide materials found in the carwash building.
 - c. The Newland Street driveway shall be redesigned to accommodate vehicular ingress and egress.
2. Prior to submittal for building permits, one set of project plans revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
 3. Prior to building permit final, all existing overhead utilities located along the Newland Street and Warner Avenue frontage shall be undergrounded. This shall include all utilities, including but not limited to telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or granted to the corresponding utility companies. (PW)
 4. The use shall comply with the following:
 - a. The car wash facility shall not be operational from 8 p.m. to 7 a.m.
 - b. The car wash dryer units shall be equipped with a silencer.
 - c. Paging and music system speakers located or being activated outside of the building shall be prohibited.
 - d. Customers shall be cautioned against the creation of unacceptably loud noise during waiting and within the vacuum/wipe off areas by signage posted near this area. Customer noise clearly audible beyond the property line (5 dB or more above ambient) shall be eliminated immediately by staff intervention.
 5. Incorporating sustainable or “green” building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green’s Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney’s fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

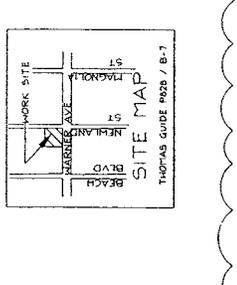
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 Huntington Beach
 PLANNING DEPT.

CREATIVE ARCHITECTS
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 1326 E. 213TH ST. CARSON, CA 90745
 PHONE: 310-830-1379

ULTIMATE CAR WASH EXPRESS
 8421 KIRKERS AVE.
 HUNTINGTON BEACH, CA

PROJECT DATA

BUILDING DATA		SITE DATA	
CONSTRUCTION TYPE	TYP. 1-B (N)	APN	
OCCUPANT	'B'	LOT NUMBER	CORNER WARNER AND NEMLAND
BUILDING AREA	7233	ADDRESS	8421 WARNER AVE HUNTINGTON BEACH, CA
NEW CONSTRUCTION	ONE	EXISTING ZONING	CG
DEVELOPING BUILDING		ACREAGE OF SITE	22500 I. 50 FT.
NUMBER OF STORIES	ONE	SETBACKS	FRONT YARD: 15' REAR YARD: 15'
BUILDING SQUARE FOOTAGE	7233	OWNER	RICHARD JIANG (EXPRESS CAR WASH)
FLOOR AREA RATIO OF SITE	1.34	ADDRESS	1005 E. MONTEVIE ST. HUNTINGTON BEACH, CA 90745
CODE DATA	07 CBC	PHONE	562-532-3533
	07 CBC - I 07 CBC	APPLICANT	BRAXTON DENNIS
	1-24 ENERGY CODE	ADDRESS	1326 E. 213TH ST. CARSON, CA 90745
	1-24 HANDICAP CODE	PHONE	310-830-1379
WORK DESCRIPTION		LANDSCAPE DATA	84 22500 + 800 90 FT.
CONSTRUCT A DRIVE THRU CAR WASH		L/S REQ'D.	0
CIP 200-02 HUNTINGTON BEACH		L/S PROVIDED	3084 150 FT.
PLANNING APPLICATION		PARKING REQ'D.	0
PLAN CHECK APPLICATION		PARKING PROVIDED	12

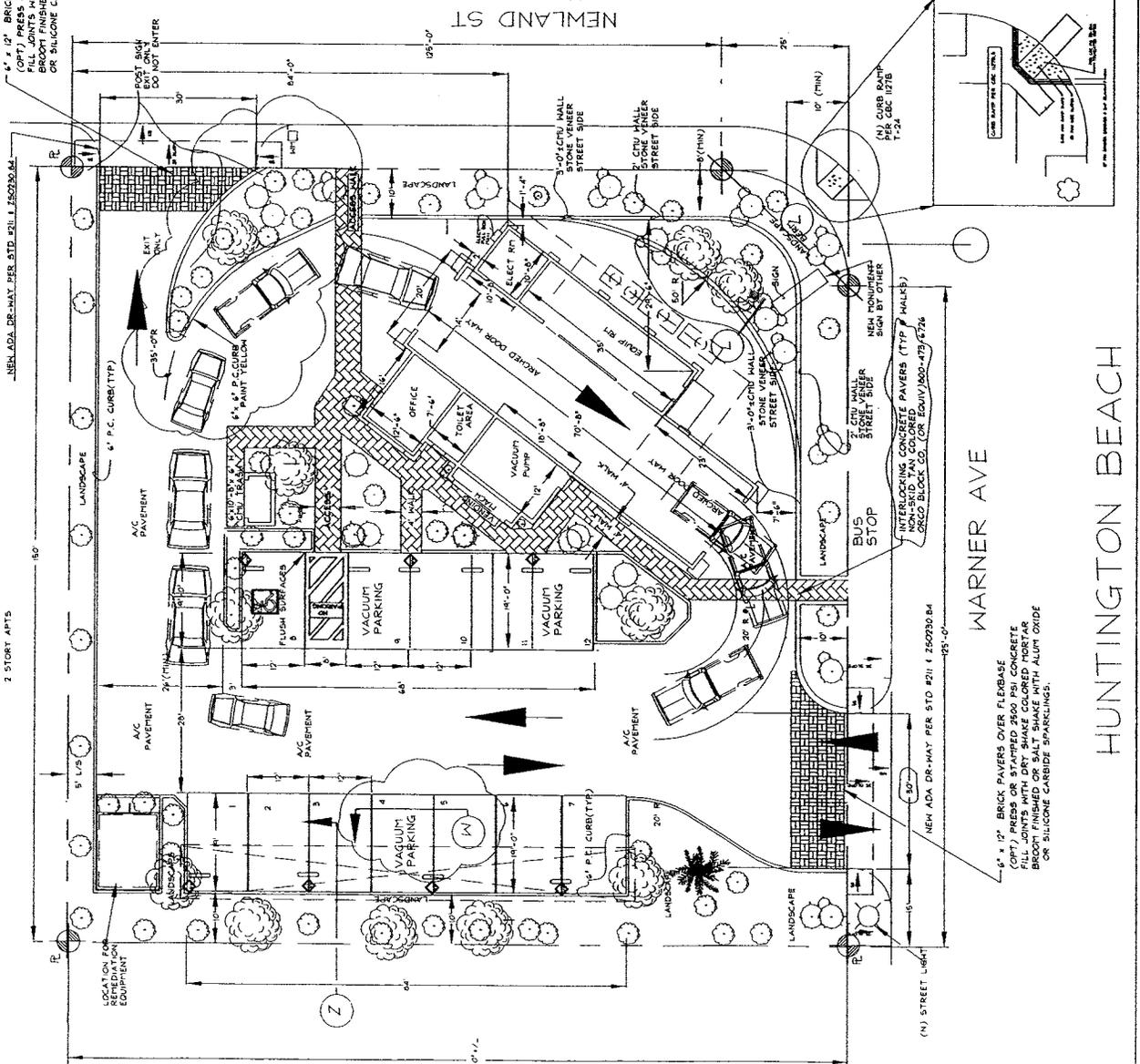
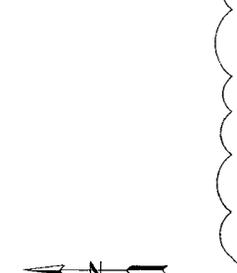


PROPOSED PLOT PLAN

DATE	9-9-09
SCALE	1" = 10'-0"
JOB NO.	
CHECKED	B. DENNIS
DRAWN	B. DENNIS

INDEX TO DRAWINGS

SHEET	DESCRIPTION
A-1	FLOOR PLAN - PLANT FLAG
A-2	ELEVATIONS
A-3	BLDG'S SECURITY GRILLE

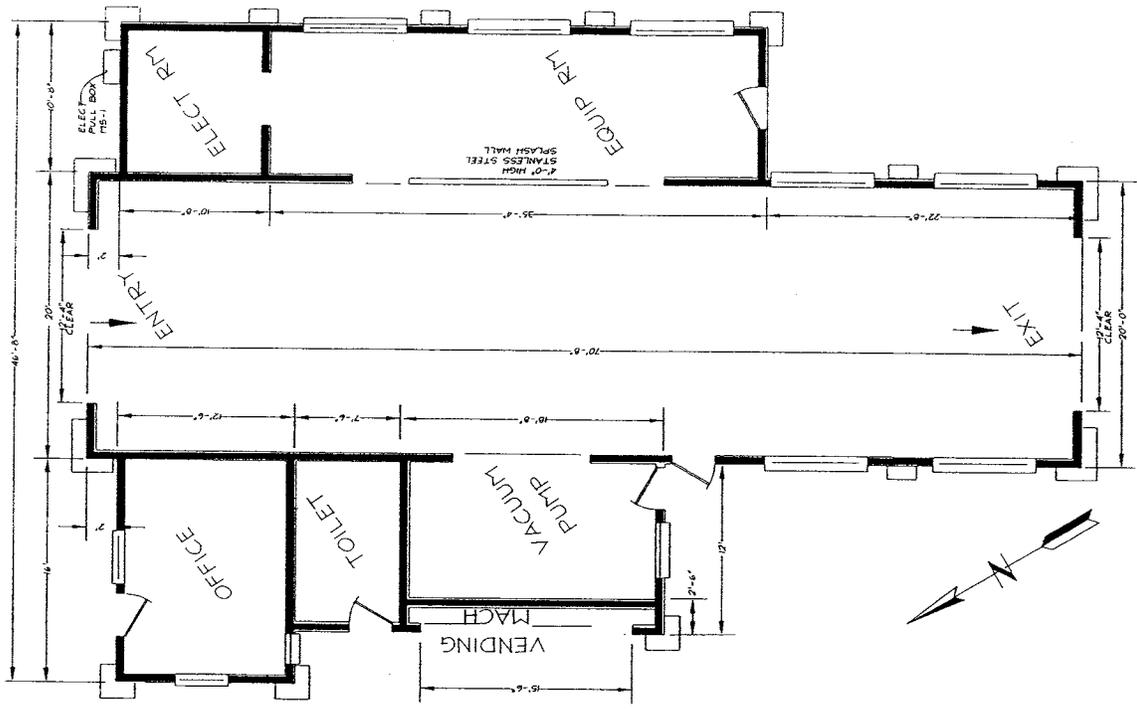


HUNTINGTON BEACH

WARNER AVE

NOV 13 2009
 Huntington Beach
 PLANNING DEPT.

B.T. DENNIS ARCHITECT INC CREATIVE DESIGNS ARCHITECTS + ENGINEERING 1326 E. 213th ST. CARSON, CA 90745 PHONE: 310-830-1379		CAR WASH EXPRESS 6471 HARNER AVE HUNTINGTON BEACH, CA		TITLE FLOOR PLAN
<architect.90745@bt-dennis.com>		ULTIMATE CAR WASH "EXPRESS"		DRAWN B. DENNIS
				CHECKED
				DATE 10-19-09
				SCALE 1/4"
				JOB NO.
				SHEET A-2



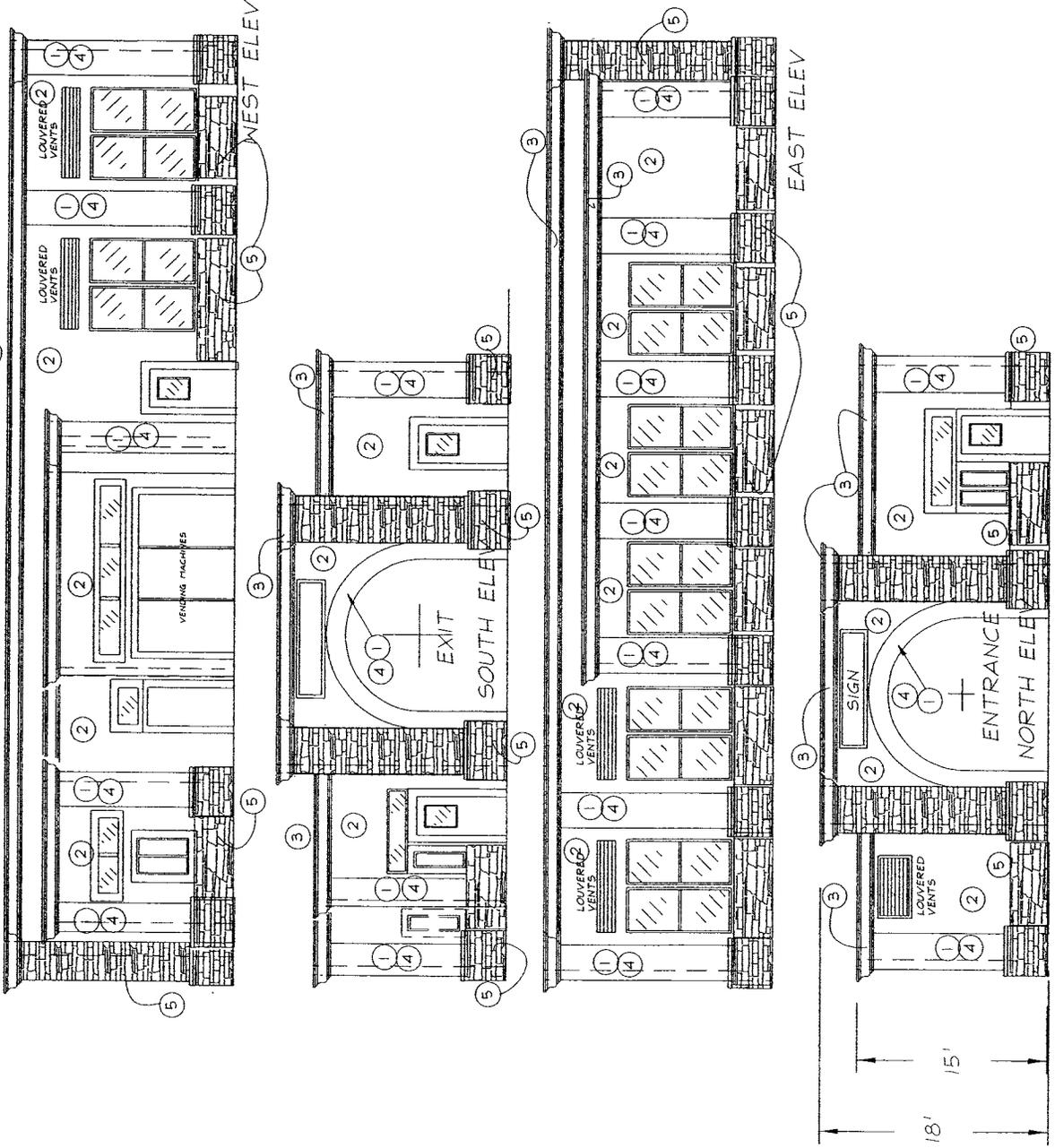


 NOV 13 2009

 Huntington Beach

 PLANNING DEPT.

- EXTERIOR FINISH**
- 1 STUCCO, MISSION STUCCO, #10, OFF-WHITE
 - 2 STUCCO, MISSION STUCCO, #10, TRIM-FINISH
 - 3 STUCCO, MISSION STUCCO, #10, TRIM-FINISH
 - 4 FOAM CORNICE, OTEGA GLUE ICBO # ER 4899, 904-590-3056, REDICOAT CORNICE HOLDING #RC025 /11.5x15.5, WHITE PAINT (OPT) COLOR COAT W/ MISSION WHITE
 - 5 FOAM CORNICE, OTEGA GLUE ICBO # ER 4899, 904-590-3056, REDICOAT CORNICE HOLDING #RC025 /11.5x15.5, WHITE PAINT (OPT) COLOR COAT W/ MISSION WHITE
 - 6 (OPT) WATER BASE PAINT, OR SCRATCH & COLOR COAT
 - 7 INDUSTRIAL EXTERIOR COATING SYSTEM
 - 8 COUNTRY LEDGESTONE "HONEYWALL VENEER"
 - 9 CULTURED STONE PRODUCT, INC. LA #RR23185
-  SIGN BY OTHER ON SEPARATE PERMIT CHANNEL LETTERING TO BE USED.

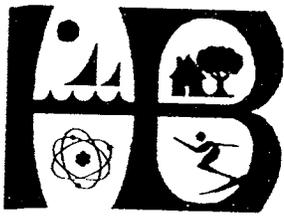


B.L. DENNIS ARCHITECT INC.
 CREATIVE DESIGNS
 ARCHITECTS + ENGINEERS
 1326 E. 213TH ST. CARSON, CA 90745
 PHONE: 310-830-1379

JOB TITLE
 ULTIMATE CAR WASH "EXPRESS"
 CAR WASH EXPRESS
 841 WARNER AVE
 HUNTINGTON BEACH, CA

REVISION DATE	
REVISED BY	
DATE	10-19-09
SCALE	1/4"
JOB NO.	
SHEET	A-3

DRAWN
 B. DENNIS
 CHECKED
 DATE
 10-19-09
 SCALE
 1/4"
 JOB NO.
 SHEET
 A-3



**OFFICE of the ZONING ADMINISTRATOR
CITY OF HUNTINGTON BEACH • CALIFORNIA**

P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

NOTICE OF ACTION

November 19, 2009

Thomas Hwang
616 Imperial, LLC
1050 E. Anaheim Street
Long Beach, CA 90813

SUBJECT: CONDITIONAL USE PERMIT NO. 2009-012 (NEWLAND CARWASH)

APPLICANT: Thomas Hwang, 616 Imperial, LLC

REQUEST: To permit the construction of an approximately 2,336 sq. ft. express service carwash building and associated site improvements, on a 22,363 sq. ft. vacant lot.

PROPERTY OWNER: 616 Imperial, LLC, 1050 E. Anaheim Street, Long Beach, CA 90813

LOCATION: 8471 Warner Avenue, 92647 (northwest corner of Warner Avenue and Newland Street)

PROJECT PLANNER: Ethan Edwards

DATE OF ACTION: November 18, 2009

On Wednesday, November 18, 2009, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

ATTACHMENT NO. 3.0

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of Two Thousand Two Dollars (\$2,002.00). In your case, the last day for filing an appeal and paying the filing fee is November 30, 2009, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has begun.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Ethan Edwards, the project planner, at (714) 536-5561 or via email at Ethan.Edwards@surfcity-hb.org or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,


Ricky Ramos
Zoning Administrator

RR:EE:kdc
Attachment

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Administrator
Scott Hess, Director of Planning
William H. Reardon, Division Chief/Fire Marshal
Herb Fauland, Planning Manager
Steve Bogart, Acting Principal Civil Engineer
Gerald Caraig, Permit-Plan Check Manager
Judy Demers
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 2009-012

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the proposed project consists of the construction of a new commercial building with less than 10,000 square feet of floor area not involving significant amounts of hazardous substances on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-012:

1. Conditional Use Permit No. 2009-012 to permit the redevelopment of a former gas station site with the construction of an approximately 2,336 sq. ft. express carwash building and associated site improvements will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will not significantly impact adjoining residential properties located to the north and west of the site. The carwash building will be sited furthest away from residential uses at the southeast corner of the property. The residential uses to the west will be buffered from the carwash by an approximately 65 ft. separation consisting of a drive aisle, parking lot landscaping, 12 ft. high noise attenuating screen canopy, 10 ft. wide landscape planter, and a 6 ft. high block wall. Residential uses to the north will be buffered from the carwash by a drive aisle and a 5 ft. setback with landscaping. A noise study was submitted indicating compliance with established noise level thresholds. Noise will be attenuated through operational requirements and onsite improvements which include limited operating hours, a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties. Furthermore, the use will be subject to compliance with the City of Huntington Beach Noise Ordinance (Chapter 8.40 Noise Control) and based upon the conditions imposed, potential noise impacts will be mitigated. Lighting will be designed to be directed onto the project site without any spillage onto adjacent properties. The project is on a site of a former auto-related use; consequently no significant traffic impacts are anticipated. The project will provide adequate on-site parking and will not present unsafe conditions for pedestrians or vehicular circulation.
2. The conditional use permit will be compatible with surrounding developments because the carwash building will be located on commercially zoned property, formerly occupied by a gas station, in an area containing similar auto-related land uses. The building's architecture is consistent with the surrounding neighborhood by providing appropriate scale through a single story design and appropriate proportion and character through variable façade offsets and harmonious colors and materials.

The proposed development, as conditioned, conforms to the design criteria as stipulated within the City's Urban Design Guidelines by siting the building at the street corner, accommodating anticipated circulation patterns between vehicles and pedestrians, improving the driveways to current standards, and minimizing the visibility of mechanical equipment within the carwash tunnel openings.

3. The development will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including minimum building setbacks, minimum on-site parking and minimum onsite landscaping, maximum building height and maximum floor area ratio. The proposed car wash use is permitted within the CG (General Commercial) zoning district with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (General Commercial – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals, objectives and policies of the General Plan:

Land Use Element

Objective - LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

Policy - LU 10.1.12: Require that commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Incorporation of site landscape, particularly along street frontages and in parking lots;
- d. Siting of building to the street frontage to convey a visual relationship to the street and sidewalks;
- e. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The project is a redevelopment of a former gas station site with a new express carwash facility. The proposed use will redevelop a currently vacant site with a facility that caters to the needs of local residents. The project will not significantly impact the adjoining residential property to the north and west of the site. The carwash building will be sited furthest away from residential uses. The residential uses to the west will be buffered from the carwash by an approximately 65 ft. separation consisting of a drive aisle, parking lot landscaping, 12 ft. high noise attenuating screen canopy, 10 ft. wide landscape planter, and a 6 ft. high block wall.

Residential uses to the north will be buffered from the carwash by a drive aisle and a 5 ft. setback with landscaping. The mechanical equipment associated with the carwash will be located inside the building; in addition, the building is oriented so that the carwash tunnel openings do not directly face adjacent residential uses. Lighting will be designed to be directed onto the project site without any spillage on to adjacent properties.

Urban Design Element

Objective - UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

Policy - UD 1.2.1.E: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces as described by the Land Use Element by using decorative paving materials.

The proposed design of the carwash building will incorporate distinctive architecture which includes variations to the roof height and form, insets and offsets in the building façade to create enhanced visual relief and break up of building mass, and variations in exterior building treatments. The project will incorporate a connection from the public sidewalk on Warner Avenue and Newland Street by providing clear and identifiable access to the carwash building.

Noise Element

Objective - N 1.4: Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.

Objective - N 1.4.3: Require that the parking areas of all commercial and industrial land uses, which abut residential areas, to be buffered and shielded by walls, fences, or adequate landscaping.

A noise study prepared by Giroux & Associates on November 6, 2009 identifies that project noise levels will not cumulatively contribute to an increase in levels above established thresholds. Noise will be attenuated through operational requirements and onsite improvements which include limiting the hours of operation, and providing for a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-012:

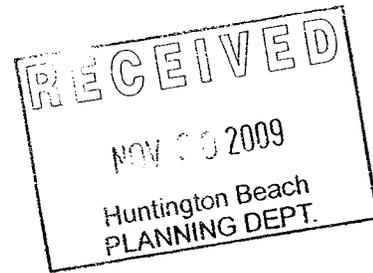
1. The site plan, floor plans, and elevations received and dated September 9, 2009 shall be the conceptually approved design with the following modifications:
 - a. Landscaped setbacks along both street frontages shall incorporate mounding, shrubbery and vertical elements to enhance the aesthetics of the site and provide for additional screening at the openings to the carwash tunnel and interior mechanical equipment.

- b. The Recovery and Collection Hydro-Carbons area located at the northwest corner of the site shall provide screening to match the adjacent trash enclosure. All screening enclosures shall be compatible and provide materials found in the carwash building.
2. Prior to submittal for building permits, one set of project plans revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
3. Prior to building permit final, all existing overhead utilities located along the Newland Street and Warner Avenue frontage shall be undergrounded. This shall include all utilities, including but not limited to telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or granted to the corresponding utility companies. **(PW)**
4. The use shall comply with the following:
 - a. The car wash facility shall not be operational from 8 p.m. to 7 a.m.
 - b. The car wash dryer units shall be equipped with a silencer.
 - c. Paging and music system speakers located or being activated outside of the building shall be prohibited.
 - d. Customers shall be cautioned against the creation of unacceptably loud noise during waiting and within the vacuum/wipe off areas by signage posted near this area. Customer noise clearly audible beyond the property line (5 dB or more above ambient) shall be eliminated immediately by staff intervention.
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

November 30, 2009



Mr. Scott Hess, Secretary
Huntington Beach Planning Commission
2000 Main Street, Huntington Beach, CA 92648

Re: Conditional Use Permit No. 9002-012 (Newland Carwash). Notice of Appeal

Name and address of appellant:

Larry Kennepohl
3423 Starline Drive
Rancho Palos Verdes, CA 90275

Decision being appealed:

Notice of Action, dated November 19, 2009, granting approval for the construction of the Newland Carwash.

Reason(s) for appeal:

1. The Colorado River basin watershed has experienced drought conditions for seven of the last eight years, and Northern California runoff has been below average for the last three years. In addition to the dry conditions impacting the entire state of California, a court imposed restriction has been implemented to reduce water deliveries from the Sacramento-San Joaquin River Delta to protect the Delta smelt.

Climate changes are already affecting precipitation and runoff patterns which increases the uncertainty for water supply and quality, flood management and eco system functions. Extreme climatic events will become more frequent, necessitating improvements for both flood protection and drought preparedness!

ATTACHMENT NO. 4.0

The proposed carwash does not make use of available water recycling technology that would cut the potential water use in half. The addition of another carwash with heavy water use will increase the drought problem.

2. The noise study is flawed.
3. An Express Car Wash offers Free Vacuums to its customers. The proposed site plan provides these Free vacuums in EVERY parking space, including employee parking spaces. This will encourage the carwash owner to require his employees to park off site on residential streets so that more vacuums are available for customers.
4. Carwash tunnel is too long and does not allow sufficient space for vehicles to properly enter and exit the tunnel.
5. The site is too small for the projected business.

Sincerely,



Larry Kennepohl



HUNTINGTON BEACH BUILDING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: AUGUST 5, 2009
PROJECT NAME: WARNER CARWASH
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 2009-174
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2009-012
DATE OF PLANS: JULY 1, 2009
PROJECT LOCATION: 8471 WARNER AVENUE (NORTHWEST CORNER OF WARNER AVENUE AND NEWLAND STREET)
PLAN REVIEWER: ERIC HAGHANI, PLAN CHECK ENGINEER
TELEPHONE/E-MAIL: (714) 374-1589 / Ehaghani@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT AN APPROXIMATELY 2,200 SQ FT DRIVE THROUGH CARWASH FACILITY ON A VACANT LOT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer. Compliance is required prior to building permit issuance and all applicable items must meet the Huntington Beach Municipal Code (HBMC) and the California Code of Regulations (CCR or Title 24).

I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES BASED ON PLANS/DRAWINGS SUBMITTED:

GENERAL:

1. The codes in effect are the: 2007 California Building Code ('07 CBC), 2007 California Plumbing Code ('07 CPC), 2007 California Mechanical Code ('07 CMC), 2007 California Electrical Code ('07 CEC) and 2007 California Energy Efficiency Standards as adopted by the City.
2. Plans require to be designed by a licensed architect/engineer.

3. A soils report is required for this project and the recommendation portions of the report shall be attached to the plans.
4. Electrical/Plumbing/Mechanical plans are under separate submittal and review..
5. Show Edison transformer location (if required) and show all required setbacks.
6. The main electrical meter requires direct access by the utility company. For more information, contact SCE at 714-895-0246.
7. Clarifiers are required and shall be shown on the plans.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: AUGUST 5, 2009
PROJECT NAME: ULTIMATE CAR WASH EXPRESS
ENTITLEMENTS: CUP 09-12
PLNG APPLICATION NO: 2009-0174
DATE OF PLANS: JULY 1, 2009
PROJECT LOCATION: 8471 WARNER AVENUE
PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG
PLAN REVIEWER: BOB MILANI, SENIOR CIVIL ENGINEER *BEM*
TELEPHONE/E-MAIL: 714-374-1735 / BOB.MILANI@SURFCITY-HB.ORG
PROJECT DESCRIPTION: REQUEST TO DEVELOP A VACANT PARCEL WITH A DRIVE THROUGH CAR WASH.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

1. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
 - a. The existing westerly driveway approach on Warner Avenue and the existing northerly driveway approach on Newland Street shall be removed and replaced with an ADA compliant driveway approach per Public Works Standard Plan No. 211 and shall be constructed with a 2-foot clearance from the top of "x" to the property line. (ZSO 230.84)

- b. The existing easterly driveway approach on Warner Avenue and the existing southerly driveway approach on Newland Street shall be removed and replaced with curb, gutter, and sidewalk per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - c. Install one (1) street light on the Warner Avenue frontage per Public Works Department standards. (ZSO 230.84)
 - d. Install an ADA compliant access ramp on the northwest corner of Warner Avenue and Newland Street per Caltrans Standard Plan A88A. (ZSO 230.84, ADA)
 - e. A new sewer lateral shall be installed connecting to the main in the street. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 230.84)
 - f. A new domestic water service and meter shall be installed per Water Division Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC) if residential add: and Uniform Fire Code (UFC). The domestic water service shall be a minimum of 2-inches in size. (MC 14.08.020)
 - g. A separate irrigation water service and meter shall be installed per Water Division Standards. The water service shall be a minimum of 1-inch in size. (ZSO 232)
 - h. A separate backflow protection device shall be installed per Water Division Standards for domestic, irrigation, and fire water services. (Resolution 5921 and Title 17)
2. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
 - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
 - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
 - c. Standard landscape code requirements apply. (ZSO 232)
 3. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
 4. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
 5. A Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees. Said Arborist signature shall be incorporated onto the Landscape Architect's plans and shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution 4545)
 6. A Project Water Quality Management Plan (WQMP) conforming to the City of Huntington Beach's Project WQMP Preparation Guidance Manual dated June 2006 and prepared

by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance and shall include the following:

- a. Discusses regional or watershed programs (if applicable).
 - b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
 - c. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan. (DAMP)
 - d. Incorporates Treatment Control BMPs as defined in the DAMP.
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - h. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs.
 - i. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
 - i) The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).
 - ii) The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
 - j. The applicant shall return one CD media to Public Works for the project record file.
7. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
8. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP)

9. A detailed soils and geological/seismic analysis shall be prepared by a registered engineer. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations for grading, over excavation, engineered fill, dewatering, settlement, protection of adjacent structures, chemical and fill properties, liquefaction, retaining walls, streets, and utilities. (MC 17.05.150)
10. If soil remediation is required, a remediation plan shall be submitted to the Planning, Public Works and Fire Departments for review and approval in accordance with City Specifications No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site and no wastes or pollutants shall escape the site; and shall also identify wind barriers around remediation equipment. (MC 17.05.150/FD Spec. 431-92)
11. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)
12. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
13. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING GRADING OPERATIONS:

1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
2. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
3. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
4. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)

5. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
6. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
7. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
8. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
9. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
10. Wind barriers shall be installed along the perimeter of the site. (DAMP)
11. Remediation operations, if required, shall be performed in stages concentrating in single areas at a time to minimize the impact of fugitive dust and noise on the surrounding areas.
12. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. A Precise Grading Permit shall be issued. (MC 17.05)
2. Traffic impact fees for commercial development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$163 per net new added daily trip is adjusted annually. This project is forecast to generate 187 new daily trips for a total traffic impact fee of \$30,481.00. The rate is subject to an annual adjustment on December 1st. (MC 17.65)
3. A drainage fee for the subject development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$13,270 per gross acre is subject to periodic adjustments. This project consists of 0.926 gross acres (including its tributary area portions along the half street frontages) for a total required drainage fee of \$12,288.02. City records indicate the previous use on this property never paid this required fee. Per provisions of the City Municipal Code, this one time fee shall be paid for all subdivisions or development of land. (MC 14.48)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:

1. Complete all improvements as shown on the approved grading, and landscape and improvement plans. (MC 17.05)
2. All new utilities shall be undergrounded. (MC 17.64)
3. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf. (ZSO 240.06/ZSO 250.16)

4. The current tree code requirements shall apply to this site. (ZSO 232)
 - a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E) and,
 - b. General tree requirements, regarding quantities and sizes. (ZSO 232.08B and C)
5. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (ZSO 232.04D)
6. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.
7. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52)
8. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
 - c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

SUGGESTED CONDITIONS OF APPROVAL

DATE: AUGUST 5, 2009

PROJECT NAME: ULTIMATE CAR WASH EXPRESS

ENTITLEMENTS: CUP 09-12

PLNG APPLICATION NO: 2009-0174

DATE OF PLANS: JULY 1, 2009

PROJECT LOCATION: 8471 WARNER AVENUE

PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG

PLAN REVIEWER: BOB MILANI, SENIOR CIVIL ENGINEER *BSM*

TELEPHONE/E-MAIL: 714-374-1735 / BOB.MILANI@SURFCITY-HB.ORG

PROJECT DESCRIPTION: REQUEST TO DEVELOP A VACANT PARCEL WITH A DRIVE THROUGH CAR WASH.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:

1. All existing overhead utilities that occur along the project's Newland Street frontage and Warner Avenue frontage shall be under-grounded. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or new easements granted to the corresponding utility companies.



**CITY OF HUNTINGTON BEACH
PLANNING DEPARTMENT
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: AUGUST 5, 2009

PROJECT: 2200 SQ. FT. DRIVE THROUGH CARWASH FACILITY

PROJECT LOCATION: 8471 WARNER AVENUE

REQUESTS: TO PERMIT AN APPROXIMATELY 2200 SQ. FT. DRIVE THROUGH CARWASH FACILITY ON A VACANT LOT.

PROJECT PLANNER: ETHAN EDWARDS

PLAN REVIEWER: JAN THOMAS

TELEPHONE/E-MAIL: (949) 348-8186 JCKTHOMAS@COX.NET

The following is a list of code requirements deemed applicable to the proposed project based on plans received. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided should the project be approved. If you have any questions regarding these requirements, please contact the Plan Reviewer.

Cashier:

The cashier is in a location that does not allow much visibility into the vacuum parking area. The activity in this area therefore appears to be unmonitored. Is it possible to change the location of the cashier or possibly to adjust the cashier building to allow for more windows/visibility onto the vacuum area? This would have a positive effect on maintaining control over the activities on the property.

Cameras:

Recommend installing 24/7 surveillance cameras with signs stating such. The signs and cameras may prevent vandalism and other crimes as well as record and document crimes in progress. Recommend posting signs in vulnerable locations such as by the vending machines as well.

Driveways:

Each of the two driveways shall have enhanced paving treatments. The enhanced paving helps to distinguish the carwash property from the public street. Pavement treatments also make it easier to find the property quickly for motorists on Warner and Newland.

Since each driveway is designated either an entrance or an exit, each driveway shall be clearly marked so there is no confusion. Motorists who spot a well defined property are less likely to slow down on the street before entering the property.



HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JULY 29, 2009
PROJECT NAME: ULTIMATE CAR WASH EXPRESS
ENTITLEMENTS: PLANNING APPLICATION NO. 2009-016
PROJECT LOCATION: 8471 WARNER AVENUE, HUNTINGTON BEACH, CA
PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 536-5561/ Ethan.Edwards@surfcity-hb.org
PLAN REVIEWER-FIRE: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST
TELEPHONE/E-MAIL: (714) 536-5531/ dmaresh@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT AN APPROXIMATELY 2,200 SQ.FT. DRIVE THROUGH CAR WAS FACILITY ON A VACANT LOT.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated January 12, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

Environmental - CURRENT or FORMER GAS STATION OR UST SITE (Underground Storage Tanks)

CURRENT or FORMER GAS STATION OR UST SITE (Underground Storage Tanks)

Based on site characteristics, suspected soil contamination, hydraulic hoists, or proximity to former gas station, or underground storage tanks, the following is required:

“Soil Testing”.

- A soil testing plan conforming to *City Specification #431-92 Soil Clean-Up Standards* shall be submitted and approved by the Fire Department.
- All soils shall conform to *City Specification #431-92 Soil Clean-Up Standards*, and testing results must be submitted, and approved by the Fire Department prior to issuance of a grading or building permit.

- Reference that all soils shall be in compliance with *City Specification #431-92 Soil Clean-Up Standards* in the plan notes. **(FD)**

“Remediation Action Plan” If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach *City Specification #431-92, Soil Cleanup Standard*. Upon remediation action plan approval, a rough grading permit may be issued. **(FD)**

Proof of OCHCA Site Closure or Corrective Action Plan. Removal of flammable or combustible liquid underground storage tanks (UST) requires the applicant to submit one of the following to the Huntington Beach Fire Department:

- An approved Orange County Health Care Agency UST **Site Closure Letter**, or
- Provide an Orange County Health Care Agency UST **Corrective Action Plan** and written permission for co-existence.

If OCHCA requires on-going remediation and co-existence with the proposed development is permissible, a copy of the approved Orange County Health Care Agency plan and written permission for co-existence must be submitted in order to obtain Huntington Beach Fire Department approval. Each site will be evaluated on an individual basis.

Prior to building construction, all soils shall conform to *City Specification #431-92 Soil Clean-Up Standards*, and testing results must be submitted, and approved by the Fire Department prior to issuance of a grading permit. **(FD)**

Proof of South Coast Regional Water Quality Control Board Site Closure or Corrective Action Plan. Removal of flammable or combustible liquid underground storage tanks (UST) requires the applicant to submit one of the following to the Huntington Beach Fire Department:

- An approved South Coast Regional Water Quality Control Board UST **Site Closure Letter**, or
- Provide a South Coast Regional Water Quality Control Board UST **Corrective Action Plan** and written permission for co-existence.

If SCRWQCB requires on-going remediation and co-existence with the proposed development is permissible, a copy of the approved SCRWQCB plan and written permission for co-existence must be submitted in order to obtain Huntington Beach Fire Department approval. Each site will be evaluated on an individual basis.

California Regional Water Quality Control Board – Santa Ana Region

3737 Main Street, Suite 500
 Riverside, CA 92501-3348
 Phone: (951) 782-4497
 FAX: (951) 781-6288

(FD)

Conformance to City Specifications **DOES NOT** relieve the developer's responsibility regarding other concerned agency notification and/or approval (South Coast Regional Water Quality Control Board, South Coast Air Quality Management District, Department of Toxic Substance Control, County of Orange Health Care Agency, etc.).

Vapor Extraction Treatment Equipment and Areas as outlined in the Orange County Health Care Agency UST **Corrective Action Plan** shall conform to *City Specification # 431, Oil Field Gas Fired Appliances – Stationary and Portable, City Specification # 434, Gas Station Remediation Requirements, and the Huntington Beach Oil Code and Building Codes.* (FD)

"Phase 1 Environmental Study" is required. Submit report to the Fire Department for review per City Specification # 431-92 Soil Clean-Up Standards. Based on site characteristics, identified former uses, suspected soil contamination, proximity to a producing/abandoned oil well, or Phase I, II, or III Site Audit, soil testing may be required. If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach City Specification # 431-92, Soil Cleanup Standard. All soil must conform to City Specification # 431-92 Soil Clean-Up Standards. (FD)

Fire Apparatus Access

Fire Access Road Turns and Corners shall be designed with a minimum inner radius of seventeen feet (17') and a minimum outer radius of forty five feet (45') per City Specification # 401 *Minimum Standards for Fire Apparatus Access*. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)

Secured Vehicle Entries shall utilize KNOX® activated access switches (Knox switches for automated gates, Knox padlocks for manual gates), and comply with City Specification #403, *Fire Access for Pedestrian or Vehicular Security Gates & Buildings*. Reference compliance in the plan notes. (FD)

Secured Automated Vehicle Entry Gates (Residential) shall utilize a combination "Strobe-Activated Switch" and "Knox Manual Key Switch", and comply with *City Specification # 403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings*. Reference compliance with *City Specification # 403 Fire Access for Pedestrian or Vehicular Security Gates & Buildings* in the plan notes. (FD)

Fire Protection Systems

Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. **(FD)**

Fire Personnel Access

Main Secured Building Entries shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. **(FD)**

GIS Mapping Information

- a. **GIS Mapping Information** shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:
- Site plot plan showing the building footprint.
 - Specify the type of use for the building
 - Location of electrical, gas, water, sprinkler system shut-offs.
 - Fire Sprinkler Connections (FDC) if any.
 - Knox Access locations for doors, gates, and vehicle access.
 - Street name and address.

Final site plot plan shall be submitted in the following digital format and shall include the following:

- Submittal media shall be via CD rom to the Fire Department.
- Shall be in accordance with County of Orange Ordinance 3809.
- File format shall be in .shp, AutoCAD, AUTOCAD MAP (latest possible release) drawing file - .DWG (preferred) or Drawing Interchange File - .DXF.
- Data should be in NAD83 State Plane, Zone 6, Feet Lambert Conformal Conic Projection.
- Separate drawing file for each individual sheet.
In compliance with Huntington Beach Standard Sheets, drawing names, pen colors, and layering convention. and conform to *City of Huntington Beach Specification # 409 – Street Naming and Addressing*.

For specific GIS technical requirements, contact the Huntington Beach GIS Department at (714) 536-5574.

For Fire Department approval, reference compliance with *GIS Mapping Information* in the building plan notes. **(FD)**

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. **(FD)**
- b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. **(FD)**

OTHER:

- a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
- b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

Fire Department City Specifications may be obtained at:
Huntington Beach Fire Department Administrative Office
City Hall 2000 Main Street, 5th floor
Huntington Beach, CA 92648
or through the City's website at www.surfcity-hb.org

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

[LINK TO THIS MAP](#)

GEOTRACKER

LAYERS

- Leaking Underground Tank (LUST) Cleanup Sites
- Other Cleanup Sites
- Land Disposal Sites
- Military Sites
- Permitted Underground Storage Tank (UST) Facilities
- Monitoring Wells
- ▲ DTSC Cleanup Sites
- ▲ DTSC Haz Waste Permit

MAP SIZE

640x480

OPTIONS

Site List - EXPORT TO EXCEL

4 Sites

SHOW SITES WITHIN 1000 FEET OF THE FOLLOWING ADDRESS: 8471 WARNER AVENUE, HUNTINGTON BEAC

SITE LIST				
SITE NAME	GLOBAL ID	CLEANUP STATUS	ADDRESS	CITY
■ SAAD SERVICE CENTER	T0605901586	OPEN - SITE ASSESSMENT	8471 WARNER AVE	HUNTINGTON BEACH
■ TEXACO	T0605900320	OPEN - REMEDIATION	8520 WARNER	FOUNTAIN VALLEY
■ TEXACO OIL	T0605963393	COMPLETED - CASE CLOSED	8520 WARNER	FOUNTAIN VALLEY

MAP AN ADDRESS:

ATTACHMENT NO. 5.15

STATE WATER RESOURCES CONTROL BOARD
GEOTRACKER

SAAD SERVICE CENTER (T0605901586) - (MAP)

8471 WARNER AVE
HUNTINGTON BEACH, CA 92647
ORANGE COUNTY
LUST CLEANUP SITE

CLEANUP OVERSIGHT AGENCIES
SANTA ANA RWQCB (REGION 8) (LEAD) - CASE #: 083002147T
CASEWORKER: NANCY OLSON-MARTIN
ORANGE COUNTY LOP - CASE #: 92UT109
CUF Claim #:
CUF Amount Paid:

11350
\$231,966

Regulatory Profile

CLEANUP STATUS

OPEN - SITE ASSESSMENT AS OF 11/20/2007

POTENTIAL CONTAMINANTS OF CONCERN

GASOLINE

POTENTIAL MEDIA AFFECTED

OTHER GROUNDWATER (USES OTHER THAN DRINKING WATER)

FILE LOCATION

Site History

No site history available

Cleanup Status History

DATE	STATUS
11/20/2007	Open - Site Assessment
8/24/2007	Open - Site Assessment
3/30/2005	Open - Site Assessment
10/18/2004	Open - Site Assessment
9/17/2004	Open - Site Assessment
9/2/1992	Open - Case Begin Date
9/2/1992	Open - Site Assessment

Regulatory Activities

	<u>ACTION TYPE</u>	<u>ACTION DATE</u>	<u>ACTION</u>
	RESPONSE - OTHER	6/30/2009	Seim-Report or Statement from Legal or Financial Representative
	RESPONSE - OTHER	6/30/2009	Confirmation if Appeal for Priority Class B was Submitted to the Fund
[VIEW DOCS]	ENFORCEMENT/ORDERS	5/22/2009	Staff Letter
	RESPONSE - REPORTS	*3/15/2009	4th Quarter 2008 Groundwater Monitoring and Sampling Report
	RESPONSE - OTHER	12/2/2008	Verbal Communication
	RESPONSE - REPORTS	11/30/2008	3rd Quarter 2008 Groundwater Monitoring and Sampling Report
	RESPONSE - REPORTS	11/17/2008	Documents Related to the Off-Site Access Agreements
	RESPONSE - REPORTS	*8/1/2009	Geoprobe Investigation Results
	RESPONSE - REPORTS	*8/1/2009	Well Installation Report for SVE Wells (VW1 through VW8)
	RESPONSE - OTHER	10/24/2008	Status of Site (Representative of a Prospective Buyer)
	RESPONSE - WORKPLANS	10/3/2008	Addendum to the Workplan
[VIEW DOCS]	ENFORCEMENT/ORDERS	10/1/2008	Staff Letter
	ENFORCEMENT/ORDERS	9/19/2008	Staff Letter
	RESPONSE - REPORTS	9/12/2008	Revised Plate 22 (SVE Well Locations)

ATTACHMENT NO. 5.16

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, SEPTEMBER 23, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ethan Edwards, Jill Arabe, Rami Talleh, Kimberly De Coite
(recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-012 (NEWLAND CARWASH)

APPLICANT: Thomas Hwang, 616 Imperial, LLC
PROPERTY OWNER: 616 Imperial, LLC, 1050 E. Anaheim Street, Long Beach, CA
90813
REQUEST: To permit the construction of an approximately 2,200 sq. ft.
express service carwash building and associated site
improvements, on a vacant 22,363 sq. ft. vacant lot.
LOCATION: 8471 Warner Avenue, 92647 (northwest corner of Warner
Avenue and Newland Street)
PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project.

Mr. Edwards stated that staff had received no formal public comments.

Mr. Edwards recommended that the project be continued to the October 14, 2009, Zoning Administrator Meeting in order for the project to be reviewed by the Design Review Board prior to Zoning Administrator action.

THE PUBLIC HEARING WAS OPENED.

Thomas Hwang, applicant, indicated that he was in agreement with the recommendation for continuance.

Paul Gray, resident, stated that he was concerned with traffic impacts. He indicated that the intersection of Warner Avenue and Newland Street currently has a high level of traffic and expressed concern that the addition of the proposed carwash would increase the risk of traffic incidents. He indicated that he did not see the need for another carwash in that area.

Steve Park, resident, stated that he disagreed with the noise analysis and felt the data was misleading. He submitted a letter regarding the noise analysis to Mr. Ramos. He stated that he felt there was an adequate number of carwashes in the surrounding area.

Mr. Ramos stated that the number of carwashes in the area was not under his purview.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos stated that he would continue the item as recommended by staff.

CONDITIONAL USE PERMIT NO. 2009-012 WAS CONTINUED TO THE OCTOBER 14, 2009 MEETING.

ITEM 2: ENTITLEMENT PLAN AMENDMENT NO. 2009-008 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 96-50 – SAKURA SIGN & TRELLIS)

APPLICANT: Andy Dang, Dang & Associates Inc.
PROPERTY OWNER: Dang & Associates Inc., 18582 Derby Circle, Huntington Beach, CA 92648
REQUEST: To amend a previously approved plan to allow for a two-foot trellis extension to the existing six-foot high plexiglass wall surrounding the outdoor dining area and 10'-6" entry monumentation within the front yard setback in lieu of the maximum allowed height of 42 inches.
LOCATION: 16871 Beach Boulevard, 92647 (west side of Beach Boulevard, north of Warner Avenue)
PROJECT PLANNER: Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Ms. Arabe stated that staff had received no public comments.

Mr. Ramos asked staff if all the extensions were being viewed as fence extensions. Ms. Arabe confirmed that they were.

Mr. Ramos asked if Building Department staff had any concerns with the project. Ms. Arabe stated that Building Department staff had no concerns as long as a structural engineer could provide plans for the project.

THE PUBLIC HEARING WAS OPENED.

Andy Dang, applicant, stated that he had no comments or concerns with staff's recommendations.

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, OCTOBER 14, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Tess Nguyen, Andrew Gonzales, Rami Talleh, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-012 (NEWLAND CARWASH)

APPLICANT: Thomas Hwang, 616 Imperial, LLC
PROPERTY OWNER: 616 Imperial, LLC, 1050 E. Anaheim Street, Long Beach, CA 90813
REQUEST: To permit the construction of an approximately 2,200 sq. ft. express service carwash building and associated site improvements, on a 22,363 sq. ft. vacant lot.
LOCATION: 8471 Warner Avenue, 92647 (northwest corner of Warner Avenue and Newland Street)
PROJECT PLANNER: Ethan Edwards

Andrew Gonzales, Associate Planner, stated that the applicant had requested a continuation to the November 18, 2009, Zoning Administrator meeting and that staff agreed with the request. He noted that the applicant had submitted a request for a 90 day extension to the application to provide additional time to address issues raised at the September 23, 2009 Zoning Administrator meeting.

AS THERE WERE NO PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST, THE PUBLIC HEARING WAS NOT OPENED.

Mr. Ramos stated that he would continue the item as requested by the applicant.

CONDITIONAL USE PERMIT NO. 2009-012 WAS CONTINUED TO THE NOVEMBER 18, 2009 MEETING.

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, NOVEMBER 18, 2009 - 1:30 P.M.

ZONING ADMINISTRATOR: Ricky Ramos

STAFF MEMBER: Ethan Edwards, Jill Arabe, Andrew Gonzales, Kimberly De Coite (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2009-012 (NEWLAND CARWASH- CONTINUED FROM THE OCTOBER 14, 2009, MEETING)

APPLICANT: Thomas Hwang, 616 Imperial, LLC
PROPERTY OWNER: 616 Imperial, LLC, 1050 E. Anaheim Street, Long Beach, CA 90813
REQUEST: To permit the construction of an approximately 2,200 sq. ft. express service carwash building and associated site improvements, on a 22,363 sq. ft. vacant lot.
LOCATION: 8471 Warner Avenue, 92647 (northwest corner of Warner Avenue and Newland Street)
PROJECT PLANNER: Ethan Edwards

Ethan Edwards, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Edwards stated that staff had received public comments in opposition to the project, citing concerns related to the design, circulation, and potential noise impacts. Mr. Edwards noted that staff had revised the suggested conditions of approval which require revised site plans and the undergrounding of utilities prior to issuance of a building permit.

Mr. Ramos asked if the carwash would have attendants. Mr. Edwards stated that there would be attendants on-site during hours of operation. Mr. Ramos asked if Public Works staff had reviewed the project. Mr. Edwards stated that traffic division staff had reviewed the site plan and determined that the internal circulation was adequate and that there would be no significant impacts to the circulation on Warner Avenue and Newland Street.

THE PUBLIC HEARING WAS OPENED.

Thomas Hwang, applicant, stated that he had reviewed the suggested conditions of approval and had no concerns.

Mary Martin, 17201 Hague Lane, spoke in opposition to the project, citing concerns with potential noise impacts. She stated that she felt that any noise impacts would be detrimental to the quality of life for the neighboring residents and noted that there are at least two carwashes in operation within one mile of the site. She expressed concern with the hours of operation. She stated that she felt the intersection of Warner Avenue and Newland Street is already heavily travelled and was concerned with the additional traffic this project would generate. She asked for clarification with the project's onsite circulation. Mr. Ramos reviewed the onsite circulation and noted that the driveway on Newland Street would be for exiting traffic only. Ms. Martin asked if there would be attendants onsite and Mr. Hwang stated that there would be at least two attendants on the premises at all times, including one to operate the cash register. Ms. Martin expressed concern about additional pollution caused by the project and Mr. Ramos stated that the project is exempt under the California Environmental Quality Act, as noted in the Executive Summary for the request.

Larry Kennepohl, local business owner, gave a brief presentation in opposition to the project. He stated that the site was too small to accommodate the anticipated volume of cars. He stated that the onsite circulation plan would not work and expressed concern about potential traffic accidents. Mr. Kennepohl submitted pictures of Mr. Hwang's carwash operation in the City of Long Beach and stated that the site was poorly maintained.

James Aspaas, 17201 Hague Lane, spoke in opposition to the project, citing concerns over potential noise impacts. He stated that the site was too small to accommodate the project and that he felt there was potential for traffic impacts.

Michelle Nguyen, neighboring property owner, spoke in opposition to the request, citing the project's potential for traffic and noise impacts. She stated that she was concerned that potential pollution from the dust of the vacuum stations will have a negative effect on the health of her tenants.

Troy Grover, 8421 Amsterdam Drive, spoke in opposition to the project, citing noise and traffic impacts. He noted that the noise from Warner Avenue was already excessive and that it would cumulatively increase with the addition of this project.

Michael Depin, 8411 Amsterdam Drive, spoke in opposition to the project, citing the potential noise impact. He noted that there are four carwashes near the site and he does not feel there is a need for another. Mr. Ramos stated that his decision must be based on land use issues and that he could not address competition and the concentration of carwashes in the area.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Ramos asked Mr. Hwang to address Ms. Nguyen's concerns about the vacuums. Mr. Hwang stated that the refuse from the vacuums will be collected inside the building and noted that the use of the vacuums was optional.

Mr. Ramos asked if there would be attendants drying the cars. Mr. Hwang indicated that he was unsure. Mr. Ramos asked staff if the narrative clarified whether there would be manual

drying and stated his concern with the potential of vehicular stacking. Mr. Hwang stated that stacking potential was caused by staff cleaning the inside of the cars and that this option would not be offered.

Mr. Ramos asked staff if the parking spaces would also function as the vacuuming sites and Mr. Edwards confirmed this.

Mr. Ramos stated that the request included a noise study that stated that the project will not exceed the noise threshold as established by the municipal noise ordinance. He noted that should the study be inaccurate the project will still be required to comply with established thresholds and that any further issues/complaints can be filed with Code Enforcement staff. Mr. Ramos noted that traffic engineering staff had reviewed the request and stated that the project will not have significant traffic impacts. He stated that he believed the site to have adequate area for stacking and that any maintenance issues can be addressed with Code Enforcement.

Mr. Grover asked how potential noise from customers would be handled. Mr. Ramos noted that suggested Condition No. 4d indicated that carwash employees would be responsible for policing customer noise.

Mr. Ramos asked if the mitigation measures noted in the noise study were included in the suggested conditions of approval and Mr. Edwards confirmed this.

Ms. Nguyen asked if the adjoining wall between the site and her property could be extended to help attenuate noise. Mr. Edwards stated that the 12 ft. canopy included in the site plan would mitigate the noise impacts.

Mr. Ramos stated that based on the information provided, he would approve the request as recommended by staff with minor modifications to the findings and conditions of approval.

CONDITIONAL USE PERMIT NO. 2009-012 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the proposed project consists of the construction of a new commercial building with less than 10,000 square feet of floor area not involving significant amounts of hazardous substances on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2009-012:

1. Conditional Use Permit No. 2009-012 to permit the redevelopment of a former gas station site with the construction of an approximately 2,336 sq. ft. express carwash building and associated site improvements will not be detrimental to the general welfare of persons

working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project will not significantly impact adjoining residential properties located to the north and west of the site. The carwash building will be sited furthest away from residential uses at the southeast corner of the property. The residential uses to the west will be buffered from the carwash by an approximately 65 ft. separation consisting of a drive aisle, parking lot landscaping, 12 ft. high noise attenuating screen canopy, 10 ft. wide landscape planter, and a 6 ft. high block wall. Residential uses to the north will be buffered from the carwash by a drive aisle and a 5 ft. setback with landscaping. A noise study was submitted indicating compliance with established noise level thresholds. Noise will be attenuated through operational requirements and onsite improvements which include limited operating hours, a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties. Furthermore, the use will be subject to compliance with the City of Huntington Beach Noise Ordinance (Chapter 8.40 Noise Control) and based upon the conditions imposed, potential noise impacts will be mitigated. Lighting will be designed to be directed onto the project site without any spillage onto adjacent properties. The project is on a site of a former auto-related use; consequently no significant traffic impacts are anticipated. The project will provide adequate on-site parking and will not present unsafe conditions for pedestrians or vehicular circulation.

2. The conditional use permit will be compatible with surrounding developments because the carwash building will be located on commercially zoned property, formerly occupied by a gas station, in an area containing similar auto-related land uses. The building's architecture is consistent with the surrounding neighborhood by providing appropriate scale through a single story design and appropriate proportion and character through variable façade offsets and harmonious colors and materials. The proposed development, as conditioned, conforms to the design criteria as stipulated within the City's Urban Design Guidelines by siting the building at the street corner, accommodating anticipated circulation patterns between vehicles and pedestrians, improving the driveways to current standards, and minimizing the visibility of mechanical equipment within the carwash tunnel openings.
3. The development will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including minimum building setbacks, minimum on-site parking and minimum onsite landscaping, maximum building height and maximum floor area ratio. The proposed car wash use is permitted within the CG (General Commercial) zoning district with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation CG-F1 (General Commercial – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals, objectives and policies of the General Plan:

Land Use Element

Objective - LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents.

Policy - LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy - LU 10.1.6: Require that commercial projects abutting residential properties adequately protect the residential use from the excessive or incompatible impacts of noise, light, vehicular traffic, visual character, and operational hazards.

Policy - LU 10.1.12: Require that commercial uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development including consideration of:

- a. Incorporation of site landscape, particularly along street frontages and in parking lots;
- d. Siting of building to the street frontage to convey a visual relationship to the street and sidewalks;
- e. Architectural treatment of buildings to minimize visual bulk and mass, using techniques such as the modulation of building volumes and articulation of all elevations.

The project is a redevelopment of a former gas station site with a new express carwash facility. The proposed use will redevelop a currently vacant site with a facility that caters to the needs of local residents. The project will not significantly impact the adjoining residential property to the north and west of the site. The carwash building will be sited furthest away from residential uses. The residential uses to the west will be buffered from the carwash by an approximately 65 ft. separation consisting of a drive aisle, parking lot landscaping, 12 ft. high noise attenuating screen canopy, 10 ft. wide landscape planter, and a 6 ft. high block wall. Residential uses to the north will be buffered from the carwash by a drive aisle and a 5 ft. setback with landscaping. The mechanical equipment associated with the carwash will be located inside the building; in addition, the building is oriented so that the carwash tunnel openings do not directly face adjacent residential uses. Lighting will be designed to be directed onto the project site without any spillage on to adjacent properties.

Urban Design Element

Objective - UD 1.1: Identify and reinforce a distinctive architectural and environmental image for each district in Huntington Beach.

Policy - UD 1.2.1.E: Enhance the connections, where feasible between the public sidewalk and private commercial interior open spaces as described by the Land Use Element by using decorative paving materials.

The proposed design of the carwash building will incorporate distinctive architecture which includes variations to the roof height and form, insets and offsets in the building façade to create enhanced visual relief and break up of building mass, and variations in exterior building treatments. The project will incorporate a connection from the public sidewalk on Warner Avenue and Newland Street by providing clear and identifiable access to the carwash building.

Noise Element

Objective - N 1.4: Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or "noise-sensitive" uses.

Objective - N 1.4.3: Require that the parking areas of all commercial and industrial land uses, which abut residential areas, to be buffered and shielded by walls, fences, or adequate landscaping.

A noise study prepared by Giroux & Associates on November 6, 2009 identifies that project noise levels will not cumulatively contribute to an increase in levels above established thresholds. Noise will be attenuated through operational requirements and onsite improvements which include limiting the hours of operation, and providing for a perimeter block wall and appropriate building orientation. Additionally, noise emitting mechanical equipment will be enclosed within the building and oriented away from residential properties.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2009-012:

1. The site plan, floor plans, and elevations received and dated September 9, 2009 shall be the conceptually approved design with the following modifications:
 - a. Landscaped setbacks along both street frontages shall incorporate mounding, shrubbery and vertical elements to enhance the aesthetics of the site and provide for additional screening at the openings to the carwash tunnel and interior mechanical equipment. Provide a revised site plan that depicts the proposed landscaping and screening elements to be reviewed and approved by the City's Landscape Architect and Planning Department.
 - b. The Recovery and Collection Hydro-Carbons area located at the northwest corner of the site shall provide screening to match the adjacent trash enclosure. All screening enclosures shall be compatible and provide materials found in the carwash building. Provide a revised site plan that depicts the screening detail to be reviewed and approved by the Planning Department.
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
3. Prior to final building permit, all existing overhead utilities located along the Newland Street and Warner Avenue frontage shall be undergrounded. This shall include all utilities, including but not limited to telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and/or granted to the corresponding utility companies. (PW)
4. The use shall comply with the following:
 - a. The car wash facility shall not be operational from 8 p.m. to 7 a.m.

- b. The car wash dryer units shall be equipped with a silencer.
 - c. Paging and music system speakers located or being activated outside of the building shall be prohibited.
 - d. Customers shall be cautioned against the creation of unacceptably loud noise during waiting and within the vacuum/wipe off areas by signage posted near this area. Customer noise clearly audible beyond the property line (5 dB or more above ambient) shall be eliminated immediately by staff intervention.
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 2009-008 (SCHULTZ RESIDENCE)

APPLICANT/
PROPERTY OWNER: Dan Schultz, 16419 Wimbeldon Lane, Huntington Beach, CA 92649

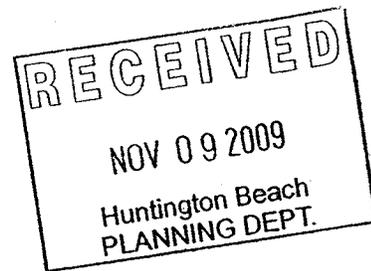
REQUEST: To permit the construction of a 368 sq. ft., two-story addition to an existing 1,984 sq. ft., two-story attached residential unit.

LOCATION: 16419 Wimbeldon Lane, 92649 (west of Saybrook Lane, south of Humboldt Drive)

PROJECT PLANNER: Jill Arabe

Jill Arabe, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions for approval as presented in the executive summary.

Mr. Ramos asked for clarification on a small part of the site plan. Ms. Arabe indicated that this was an open patio. Mr. Ramos asked if staff had any doubts that the request could meet the open space requirements. Ms. Arabe stated that staff believed that, based on the square



NOISE IMPACT ANALYSIS
HUNTINGTON BEACH CAR WASH
HUNTINGTON BEACH, CALIFORNIA

Prepared for:

Richard Hwang
1050 E. Anaheim Street
Long Beach, CA 90813

Prepared by:

Hans Giroux

Hans Giroux
Senior Analyst
Giroux & Associates

Date:

November 6, 2009

Project No.: P09-025 N

ATTACHMENT NO. 9.0

INTRODUCTION

Installation of a car wash is proposed at the 8471 Warner Avenue in Huntington Beach. The site is on the northwest corner of the intersection of Warner Avenue and Newland Street. There is an existing 6-foot block wall along the entire northern and western site perimeter. Apartments are located directly north of the site. The apartment building is two stories. Along the southern half of the western perimeter there are single story multi-family residences. There is a drive alley and parking along the northwestern project perimeter.

BACKGROUND

NOISE DESCRIPTORS

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise is generally defined as unwanted sound. Sound is characterized by various parameters that describe the rate of oscillation of sound waves, the distance between successive troughs or crests, the speed of propagation, and the pressure level or energy content of a given sound wave. In particular, the sound pressure level has become the most common descriptor used to characterize the loudness of an ambient sound level.

The unit of sound pressure expressed as a ratio to the lowest sound level detectable by a young person with good auditory acuity is called a decibel (dB). Because sound or noise can vary in intensity by over one million times within the range of human hearing, decibels are a logarithmic progression used to keep sound intensity numbers at a convenient and manageable level. Since the human ear is not equally sensitive to all sound frequencies within the entire spectrum, noise levels at maximum human sensitivity are factored more heavily into sound descriptions in a process called "A-weighting" written as dBA. Any further reference to decibels written as "dB" should be understood to be A-weighted.

Most environmental noise includes a combination of local noise sources and those from distant sources that create a relatively steady background noise in which no particular source is identifiable. A single descriptor called the LEQ (equivalent sound level) is most commonly used for environmental noise. LEQ is the energy-mean A-weighted sound level during a measured time interval. It is the 'equivalent' constant sound level that would have to be produced by a given source to equal the fluctuating level measured.

Another sound descriptor has been developed in an attempt to characterize the "total" sound environment. This descriptor penalizes noise levels during periods of greater noise sensitivity to create an artificially weighted 24-hour exposure. This noise metric is known as the Community Noise Equivalent Level (or CNEL). It is calculated by adding a 5 decibel penalty to sound levels in the evening (7:00 p.m. to 10:00 p.m.), and a 10 decibel penalty to sound levels in the night (10:00 p.m. to 7:00 a.m.) to compensate for the increased sensitivity to noise during the quieter evening and nighttime hours.

California state law requires that development planning use CNEL's as the appropriate noise/land use compatibility criterion. They are used mainly to make land use decisions regarding noise

exposure for those noise sources pre-empted from local control such as motor vehicles, airplanes, trains, etc. In contrast to noise performance standards governing sources amenable to local control, CNEL's are therefore more reactive to the noise environment rather than being proactive noise control standards.

Where not preempted from exercising control, jurisdictions regulate the amount of noise experienced at the property line of one property from noise generated by another through the community noise ordinance. The municipal code of the City Huntington Beach establishes noise standards for fixed facilities such as car washes. Noise generated during operation of the facility is regulated through noise performance standards for the equipment at the nearest residential property line.

NOISE ORDINANCE STANDARDS-CITY OF HUNTINGTON BEACH MUNICIPAL CODE

The City of Huntington Beach has adopted a Noise Ordinance (Chapter 8.40 of the Huntington Beach Municipal Code), which identifies exterior and interior noise standards, specific noise restrictions, exemptions, and variances for sources of noise within the City. The Noise Ordinance applies to all noise generated on one land use that impacts an adjacent use, typically stationary noise sources. Noise standards apply to noise emanating from one property and crossing the property line of another property. Exceptions include transportation noise from vehicles operated upon any public highway, roadway, trains airplanes etc. As such, the Municipal Code provides standards against possibly intrusive noises such as car washes.

The exterior noise standards shown in Table 1 are established in the City's Noise Ordinance, Section 8.40.050, are identified in Table 4.9-5 (City of Huntington Beach Noise Ordinance Exterior Noise Standards), along with the exterior noise levels that are prohibited as established by Section 8.40.060. Jurisdictions typically allow for a relaxation of standards if baseline noise levels already exceed the Table 1 values. If the ambient noise level is greater than the identified noise standards, the noise standard becomes the ambient noise level without the offending noise. For this project the standards for Zone 1, residential uses apply.

In accordance with Section 8.40.090(d) construction noise activities are exempt from the Noise Ordinance, provided that the construction activities do not occur between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturdays, or at any time on Sundays or federal holidays.

Table 1
Huntington Beach Municipal Code

Exterior Noise Standards		
Noise Zone	Noise Level	Time Period
1	55 dB(A)	7 a.m. - 10 p.m.
	50 dB(A)	10 p.m. - 7 a.m.
2	55 dB(A)	Anytime
3	60 dB(A)	Anytime
4	70 dB(A)	Anytime

Noise Zone 1: All residential properties;

Noise Zone 2: All professional office and public institutional properties;

Noise Zone 3: All commercial properties with the exception of professional office uses

Noise Zone 4: All industrial properties. (2379-7/79)

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by five (5) dB(A).

It shall be unlawful for any person at any location within the incorporated area of the City to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured on any residential, public institutional, professional, commercial or industrial property, either within or without the City, to exceed the applicable noise standards:

- (a) For a cumulative period of more than thirty (30) minutes in any hour;
- (b) Plus 5 dB(A) for a cumulative period of more than fifteen (15) minutes in any hour;
- (c) Plus 10 dB(A) for a cumulative period of more than five (5) minutes in any hour;
- (d) Plus 15 dB(A) for a cumulative period of more than one (1) minute in any hour; or
- (e) Plus 20 dB(A) for any period of time.

In the event the ambient noise level exceeds any of the first four noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level.

ATTACHMENT NO. 9.3

BASELINE NOISE LEVELS

Existing noise levels near the proposed project site derive mainly from vehicular sources on the adjacent arterial roads in the area. The proposed project site is currently vacant land. The surrounding area is developed with residential uses to the north and west. The site is bounded by Newland Street to the east and Warner Avenue to the south.

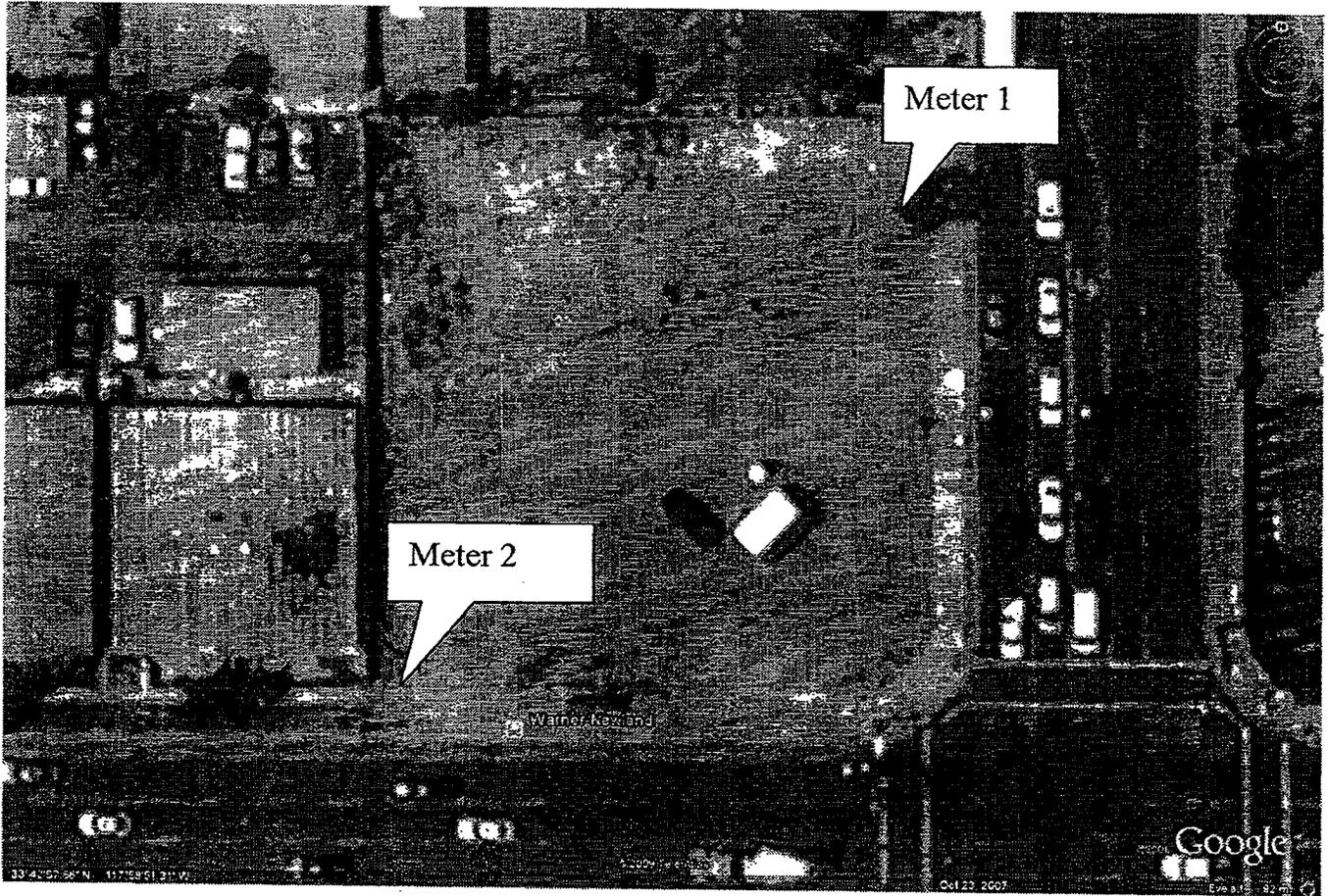
Because the noise compliance threshold depends upon the acoustic baseline condition, an on-site noise measurement was made on June 13th through 15th, 2009 for 48 hours, at two on-site locations. The 24-hour CNEL was calculated for two 24-hour time periods since 48 hours of data was obtained. Meter 1 was located closer to Newland Street and Meter 2 was closer to the Warner Avenue boundary. The measured noise levels at these two locations are shown in Table 2 and a map showing the meter locations is provided in Figure 1.

The noise ordinance compliance standard can be adjusted if the baseline level already exceeds the standard. The car wash portion of the project is presumed to operate only during "daytime" conditions which extend from 7 a.m. to 10 p.m.

As seen in Table 2, noise measurements along the northern portion of the site demonstrate the lowest daytime level to be 63 dB Leq at 8-9 p.m. and the lowest nighttime reading is 54 dB Leq at 2-3 a.m. Measurements along the southern portion of the site demonstrate the lowest daytime level to be 67 dB Leq and lowest nighttime level to be 59 dB Leq.

Because the site is moderately impacted by traffic noise, the strictest residential noise standards shown in Table 1 may be relaxed. Operation of the car wash was assumed restricted to the hours of 7 a.m. to 10 p.m. ("daytime" standards). The quietest noise level observed during each noise limit category was abstracted from the measurements. Table 3 compares the measurements and shows which ordinance standards may be relaxed to accommodate the elevated background level. The Newland Street exposure close to the existing apartment is the relevant standard for the proposed project. The column entitled "Adjusted Standard" shows that small adjustments of the 30-, 15-, and 5-minute standards are warranted. No adjustment of the 1-minute or absolute maximum standard is suggested by the baseline noise measurements.

Figure 1
Noise Meter Location



ATTACHMENT NO. 9.5

Table 2
Huntington Beach Car Wash
(Existing Hourly Leq, dBA)

Time Interval	Meter 1 Sat-Sun	Meter 1 Sun-Mon	Meter 2 Sat-Sun	Meter 2 Sun-Mon
12:00-13:00	66.3	65.4	70.1	69.3
13:00-14:00	65.1	64.6	70.2	68.7
14:00-15:00	65.3	65.6	70.6	68.9
15:00-16:00	67.6	64.5	72.8	69.3
16:00-17:00	65.6	66.1	69.7	69.3
17:00-18:00	66.1	66.3	70.7	69.2
18:00-19:00	66.0	64.0	69.6	68.5
19:00-20:00	66.4	64.1	60.1	67.7
20:00-21:00	63.9	64.7	68.0	71.1
21:00-22:00	65.2	63.6	68.1	67.2
22:00-23:00	63.3	61.8	67.1	65.8
23:00-24:00	62.5	60.0	66.3	64.6
0:00-1:00	60.5	58.8	68.9	62.3
1:00-2:00	59.7	55.8	64.0	59.4
2:00-3:00	58.3	54.1	61.4	59.7
3:00-4:00	55.8	55.5	60.3	59.3
4:00-5:00	55.7	57.2	58.6	60.6
5:00-6:00	57.1	62.5	62.1	66.1
6:00-7:00	60.3	64.8	63.9	68.0
7:00-8:00	63.8	66.5	65.5	69.8
8:00-9:00	63.4	66.9	67.2	70.7
9:00-10:00	64.3	65.4	68.5	70.6
10:00-11:00	65.1	64.7	69.6	70.0
11:00-12:00	64.3	65.0	68.9	70.6
CNCL	68.3	68.3	72.5	72.4

Shaded entries represent night time values (10:00 p.m. to 7:00 a.m.)

Table 3
Measured Daytime Noise Levels Compared to Noise Ordinance Standards (dB)

Site 1 Newland Street

Parameter	Sat.	Sun.	Mon.	Ordinance Standard	Adjusted Standard
L₅₀	61-63	59-62	63-64	55	59
L₂₅	63-65	61-64	64-66	60	61
L₀₈	68-69	66-69	68-71	65	66
L₀₁	ND	ND	ND	70	70*
L_{max}	74-90	75-87	74-80	75	75

Site 2 Warner Avenue

Parameter	Sat.	Sun.	Mon.	Ordinance Standard	Adjusted Standard
L₅₀	61-66	60-66	65-66	55	60
L₂₅	65-71	63-69	69-71	60	63
L₀₈	72-74	70-74	74-75	65	70
L₀₁	ND	ND	ND	70	70*
L_{max}	80-98	80-96	81-86	75	80

L₅₀, L₂₅, L₀₈, L₀₁ = percentile levels, L₅₀=50th percentile (30 minutes), etc.

ND= no data for this "L" level

*=assume unchanged, not measured to confirm any adjustment

SITE OPERATIONAL NOISE

Car wash noise was analyzed by monitoring noise levels at an existing car wash equipped with the same type of car wash equipment as proposed for the project site. Measurements were made on January 16, 2007, at locations both along the tunnel axis, as well as along the perpendicular direction with a side view of the tunnel exit. These measurements included noise generation not only from the car wash apparatus itself, but included the contribution from ancillary activities (cars starting/stopping, employees whistling to get another employees' attention, door slamming and vacuum operation). At 30 feet from the tunnel exit, the noise readings during one full wash cycle were as follows:

Facing the dryer – 75 dB Leq Perpendicular axis – 69 dB Leq

An additional noise reading was made at Chung's Car Wash/Mobil in Long Beach on March 13, 2008. Both the car wash layout and the customer vacuum/wipe down areas at this car wash were very similar to the proposed project. The Long Beach measurements were taken to document peak noise levels during each wash cycle, as well as to observe customer activity noise generation in the vacuum/wipe down area. Peak noise levels during dryer/blower operations were as follows:

30 feet from tunnel exit – 80 dB Lmax
30 feet from tunnel entrance – 72 dB Lmax

The dryer noise is attenuated by -8 dB through absorption within the tunnel and by blower orientation toward the tunnel exit.

The Long Beach car wash played relatively loud music on a set of loud-speakers audible throughout the vacuum area. The average sound level at 50 feet from the closest speaker was 70 dB Leq. At the Long Beach location, the noise level from music playing to staff and customers was as loud as the average noise level from a typical wash cycle.

Because of relative proximity of homes to the proposed Huntington Beach site, it was presumed that an outdoor loud-speaker system would not be employed. Individual customers may choose to play their car radios, but such sources will be more localized than a multiple speaker system mounted high above the vacuum area as at the prototype system in Long Beach.

Vacuum noise was generally inaudible except within a few feet of the activity. The central vacuum motor was indoors, with only a vacuum hose attachment at each vacuum station. This same system is proposed for use at the Huntington Beach site with no noise impact consequences. In order to reduce possible nuisance noise from customer activity in the vacuum & wipe-down area, a sound shield will be constructed to create a partly covered half-tunnel.

For the proposed site, show Figure 2, the tunnel would be angled such that neither the entrance nor the exit would directly face the closest residences either north or west of the proposed express car wash site. The tunnel exit would partly face Warner Avenue, and the blowers would be equipped with fan silencers to further protect the closest home to the west.

Car wash noise measurements had found that off-axis noise was 6 dB less than when looking down the tunnel. For an angled tunnel configuration, this effect was assumed to reduce noise by -3 dB compared to the on-axis reading. The measurements also found that the tunnel entrance end is 8 dB quieter than the blower/exit end. These findings were applied to the proposed project during the noisiest part of the operation with the projected sound levels compared to the most stringent City standard. The noisiest part of the proposed operation (blow-drying) will occur approximately 5 percent of the time during any hour. The noise standard that applies is between 1 and 5 minutes (L_{01}) and is 70 dB. If noise levels exceed 70 dB during dryer operation, the City of Huntington Beach Noise Ordinance would be exceeded.

Measured reference noise levels were adjusted for distance spreading during propagation, for an off-axis orientation from the angled tunnel, and for any intervening barriers. The apartment residents will not “see” the tunnel exit because of its orientation. Similarly, the closest homes will not experience noise generated at the tunnel entrance. The off-site noise levels during the drying cycle of the operation are calculated as follows:

Location	Reference Level	Source Distance	Spread Loss	Angle Effect	Barrier Blocking	Residual Level
Apartment Bldg.	72 dB	50'	-4.5 dB	-3 dB	0 dB (a)	64.5 dB
Residence West	80 dB	80'	-8.5 dB	-3 dB	-5 dB	63.5dB

(a) - assume direct line of sight to second story, no shielding

At the apartment building façade, the predicted noise level of 64.5 dB (L_{01}) would not exceed the city’s ordinance. If the car wash system similar to the one monitored in Long Beach were located at the project site in the orientation shown in Figure 2, no violation of the noise ordinance is predicted to occur at the apartment building. At the nearest residence along Warner Avenue, the noise source would be louder, but the source to receiver distance is greater and there is a solid perimeter wall that will shield the one-story residence. The resulting noise exposure will be almost identical as at the apartments. Both locations will meet the noise ordinance standard.

However, there may be single event noise events that could create a nuisance even if there is no violation of the standard. Because of residential proximity, nuisance noise should be minimized. Nuisance noise could include loud boom boxes, honking horns, customers or employees shouting, etc. Signs should be posted on-site at strategic locations to discourage nuisance noise and management shall be responsible for enforcement.

MITIGATION

The proposed project will not cause City noise standards to be exceeded if car wash operations are constrained to the hours of 7 a.m. to 10 p.m. and the tunnel orientation is as shown in Figure 2. Nuisance noise from playing excessively loud music, honking, shouting or other customer activities could impact the closest homes even if numerical standards are not exceeded. Noise control features must be included in the project to prevent creation of any noise nuisance. Mitigation for this project is:

- a. The car wash shall not be operational from 10 p.m. to 7 a.m. as a permit condition and the car wash dryer units shall be equipped with a silencer at least equally as effective as the unit tested in Long Beach.
- b. Public address loudspeakers for voice or music shall not be allowed. Staff communication shall be through personal paging devices.
- c. Customers shall be cautioned against the creation of unacceptably loud noise during waiting and within the vacuum/wipe off areas by signage posted near the site entrance. Creation of customer noise clearly audible beyond the property line (5 dB or more above ambient) shall be eliminated immediately by staff intervention.
- d. Vacuum stations along the western property line shall be shielded from the closest residences by a protective barrier comprised of a solid base and a glass or plastic superstructure as shown in Sheet A-1 of the project plot plan. This barrier will not only reduce any vacuum/wipe-down activity noise, but will also reduce car wash operational noise at residences along a substantial portion of the western property line.

QUALIFICATIONS OF THE STUDY PREPARER

This study was prepared by Hans Giroux of Giroux & Associates, Santa Ana, California. Mr. Giroux's academic qualifications include:

- B.A University of California, Berkeley, 1965 Physics
- B.S. University of Utah, Salt Lake City, 1966 Meteorology
- Graduate Studies, University of Wisconsin, Madison, 1967-68
- M.S., UCLA Los Angeles, 1972, Atmospheric Sciences
- PhD Candidate, UCLA, Los Angeles, 1974, Atmospheric Sciences

Mr. Giroux's academic and work experience includes operational weather forecasting for the USAF, university instructor and graduate teaching assistant. His areas of academic research included studies of the marine layer structure in Southern California, use of back-scattered radiation to measure stratospheric air pollution by satellites, and use of acoustics propagation anomalies to detect low level temperature inversions and wind shear.

In 1977, Mr. Giroux formed Giroux & Associates. The small firm averages approximately 100 environmental studies per year focused on air pollution, noise impacts, air toxics studies and odor and dust nuisances. He has prepared numerous acoustic studies in Orange County. He has conducted car wash noise studies throughout Southern California. Car wash noise study locations have included Irvine, Laguna Beach, Cypress, Lakewood, Whittier, Chino, Montclair, Rialto, Rancho Cucamonga, Murrieta, San Marcos, San Diego and Chula Vista. His 30+ years of acoustic project experience uniquely qualify him to address noise issues for the proposed car wash operation.

Ms. Sara Gerrick assisted Mr. Giroux in the preparation of the analysis. Sara has a degree in engineering from Carnegie Mellon University in Pittsburgh, Pennsylvania. She has prepared acoustical impact studies for several car washes and other commercial operations throughout Orange County. Mr. David Giroux conducted the field observations of noise generation from typical car wash operations in Orange County. David's college degree is from U. C. Santa Barbara.

ATTACHMENT NO. 9.12

October 27, 2009

HAND DELIVERED TO THE PROJECT PLANNER ON OCTOBER 27, 2009

Mr. Ricky Ramos
Zoning Administrator
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

And:

Mr. Ethan Edwards
Project Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: CONDITIONAL USE PERMIT NO 2009-002: Applicant Thomas Hwang, 616 Imperial, LLC.
Request: To permit the construction of an approximately 2,200 sq ft express service carwash building and associated site improvements, on a vacant 22,363 sq. ft. lot. Location: 8471 Warner Avenue 92647 (northwest corner of Warner Avenue and Newland Street). Project Planner: Ethan Edwards.

ATTACHMENT NO. 10.0

October 27, 2009

Mr. Ricky Ramos
Zoning Administrator
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

And:

Mr. Ethan Edwards
Project Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: CONDITIONAL USE PERMIT NO 2009-002: Applicant Thomas Hwang, 616 Imperial, LLC. Request: To permit the construction of an approximately 2,200 sq ft express service carwash building and associated site improvements, on a vacant 22,363 sq. ft. lot. Location: 8471 Warner Avenue 92647 (northwest corner of Warner Avenue and Newland Street). Project Planner: Ethan Edwards.

Dear Mr. Ramos and Mr. Edwards,

I would like to begin by disclosing that I am the owner of the Express Car Wash on the SEC of Beach Blvd. and Warner Avenue., approximately one-half mile west of the applicant's location. As such it is clear that I would not like to see a competing Express Car Wash so close. We both know that this is not relevant to any decision you might make on this application. Setting this aside, I have listed below the reasons that the CUP Application should be denied.

1. Who wants to live next to a noisy carwash? The drying blowers are loud and although today's blowers are quieter than the ones available just a few years ago they are still loud. **There is no such thing as a dryer blower silencer as required under the SUGGESTIONS OF APPROVAL 2(b).** The revised site plan shows twelve parking spaces. You will note that each space has an adjacent vacuum (one vacuum stand for two vehicles). These are FREE VACUUMS. None of the parking spaces are designated as employee parking. It is clear that the applicant intends for his employees to park on the street so that he can maximize vacuum spaces for customers. Customers vacuuming their own vehicles frequently play loud music. Signage prohibiting music is routinely ignored. Car Alarms occasionally go off. Cars waiting in line are not silent and many have their radios on. All of this right next to residents windows. Staff will be busy prepping cars at the tunnel entrance and wiping them off at the exit as well as collecting money. On a busy day there will be absolutely no one with the time to be a "parking lot noise monitor". The revised site plan in many respects is actually worse than the original plan. The new site plan now has customers vacuuming their vehicles within a few feet of the west property line. **Given the demonstrated manner in which the applicant operates his other express car wash in Long Beach it is difficult to imagine that excessive customer noise will be eliminated *immediately* by staff intervention as required by SUGGESTIONS OF**

ATTACHMENT NO. 10.1

APPROVAL 2(d). Tenants in the buildings immediately adjacent to the proposed carwash will not like this and can vote with their feet and either move out or not move in at all. This will result in a decreased value of the surrounding apartment buildings as it will take longer to rent the units. The units immediately next to the carwash will be impacted the most and will most assuredly rent for less than they otherwise would have which will decrease the value of the property. **I checked several carwashes in Huntington Beach and all were in commercial areas with no close residential. There is a reason for that. They generate a lot of noise.**

A review and critique of the noise study by Steve Park PhD, which was submitted by the applicant, is attached as *Tab 1*

Photos of apartment building windows are attached as *Tab 2*

2. The subject property has apartments immediately to the north and west, occupied mainly by low income tenants. The worst recession since the 1930's has caused severe property value declines. To further damage the property values by building a car wash on the site seems like "piling on".
3. The revised site plan has NO employee parking. While it is possible to operate an Express Car Wash with two employees it is not possible to operate it with one. As a practical matter a minimum of three employees will be needed at all times. No reasonable businessman can rely on the second person of a two person shift ALWAYS showing up for work. In addition the employer must provide for required rest and lunch breaks. Also the hours of operation will require two shifts. At shift change there can easily be five or six employees on the lot. At a minimum four employee parking spaces in addition to the handicap space will be required. On Saturday, September 19, 2009, I visited Mr. Hwang's other Express Car Wash site in Long Beach on the NEC of corner of Santa Fe and Willow. The tunnel length at the Long Beach location is the same as the proposed tunnel at Warner and Newland. At that time there were four employees on the lot servicing customers.
4. The lot is too small for the projected business. The most common way to project the volume that will be achieved on a to-be-built Express Wash is to use the industry average "Capture Rate" The Capture Rate for an Express Wash is currently about .08% of the traffic on the intersection. See *Tab 3 for a further explanation of the "Capture Rate"*. The Capture Rate is an average number of passing vehicles that will be "captured" by the wash. On Weekends the customer visits will typically be 50% higher than Monday through Thursdays. With a daily traffic count of 55,000 this location is projected to wash an average of 440 cars per day when mature. **This will likely average 300 cars per day Monday thru Thursday and 600 cars per day on Fri-Sat-Sun. The site is very likely to see many days during the year when the car count will spike to over 800 cars.** A properly designed Express Carwash requires much more space than the 22,363 sq. ft. on the Applicants site, The lot is entirely too small for the volume of business projected.

Attached as a part of *Tab 4* is a copy of the site plan for the WildWater Express Car Wash at 7995 Knott Ave., Buena Park which is intended to show a properly designed site. A photo of the facility is also included. Note that the site plan allows for excellent circulation with entrances off of La Palma to the south and into the adjacent retail center to the north. Note that in spite of the much larger site there is space for only nine vacuums. It is also important to note that these are PAY vacuums. **To make them FREE as the applicant plans to do will draw more customers to his site but it will also jam up the lot as people jockey for a vacant vacuum space.** On a busy weekend customers vacuuming their vehicles will be trapped by the vehicles entering and lining up to be washed.

Attached as *Tab 5* is a day-by-day traffic count for the six busiest months in the Buena Park Express Car Wash in 2007 and 2008. All of the days where the customer count exceeds 700 are

highlighted in yellow. Can you imagine the traffic jam on the site with 700 plus cars in one day? Remember the traffic and the expected Capture Rate at the Buena Park site and the applicant's site are essentially the same. With FREE vacuums the traffic into the site will probably exceed the traffic into the Buena Park Express Car Wash.

The tunnel is too short for the projected volume of business. As a general rule of thumb the number of cars that can be washed per hour is generally roughly equal to the length of the tunnel in feet. A 100 foot long tunnel can wash approximately 100 cars per hour and a 70 foot long tunnel can wash approximately 70 cars per hour. By properly adjusting the equipment and adding staff it may be possible to slightly exceed this "rule of thumb" but it is clear that the site is too small and the tunnel is too short to handle the projected business.

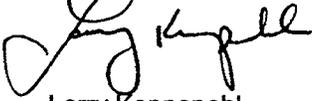
The turn into the tunnel is too sharp and will require excess maneuvering to get the vehicle properly lined up with the tunnel conveyor, particularly with vehicles like a Ford Explorer.

5. The Express Car Wash customer stays in their vehicle and rides through the tunnel while the car is being washed. Sometimes a customer will accidentally hit the gas and shoot out of the end of the tunnel. This has happened about once a year in the Buena Park WildWater Express Car Wash. In 2009 this has happened twice. The first time the customer knocked over a block wall. The second time a customer flattened a tree which was replaced. The third time the replaced tree was knocked over and several parked cars were hit. The last incident occurred on October 11, 2009. Fortunately no one was injured in these incidents. It is not a question of "if" this will happen at Warner and Newland but "when". At this site, when the customer accidentally hits the gas, the car will be propelled right into traffic on Warner. Photos of the March 11, 2008 and of the October 11, 2009 incidents are attached in *Tab 6* and *7*.
6. Attached as *Tab 8* are a number of pictures taken Saturday, September 19, 2009, at Mr. Hwang's other Express Car Wash location in Long Beach on the corner of Santa Fe and Willow. They show a dirty congested business that is littered and overflowing onto a public alley in order for the customers to enter the carwash tunnel. The photos show dirty banners that have obviously been up for many months. The photos show bent and rusted signs. The corner sign is unsightly with the letters peeling off. **Mr. Hwang's historical performance in managing his property and business is a clear indicator of his future performance in Huntington Beach.** This is definitely not the type of business that the City of Huntington Beach would want on this or any other intersection.
7. The new owners of the property at 8472 Tamaru Drive, Huntington Beach 92647 (on the north property line) are Vietnamese and just closed escrow on the property in May. I doubt that they were notified of the Notice of Public Hearing before the Zoning Administrator and possibly did not understand the notice if they were.
8. Finally, Under Chapter 241.10 of the Huntington Beach Zoning and Subdivision Ordinance the Zoning Administrator must (mandatory) make the following findings:
 - A. That the establishment, maintenance and operation of the use will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood. This project would be detrimental to the persons residing in the neighborhood because of traffic and noise created by the operation of the car wash and accidents caused by car wash customers shooting out onto Warner. It would also be detrimental to the value of the adjacent apartment buildings for the reasons mentioned above. If the gas station has been closed for any significant time, then there will be an increase in traffic, traffic circulation and congestion in this vicinity.

- B. Under Chapter 241.10 (C) if the City cannot make all of the findings required by 241.10 (A) then the application must be denied.

Given the photos of his other express car wash; there is a significant probability that the applicant will not maintain the site and business to the standards required by the City

Sincerely,



Larry Kennepohl
President
Pepper Tree, Inc.
595 W. 7th St., Suite 202
San Pedro, CA 90731
310-831-1043

Attachments: *Tab 1* Noise Study Analysis by Steve Park PhD
Tab 2 Photos of Adjacent Property Apartment Windows Overlooking the Site
Tab 3 Capture Rate Explanation
Tab 4 Buena Park WildWater Express Car Wash Site Plan
Tab 4 Buena Park WildWater Express Car Wash Photo
Tab 5 Buena Park WildWater Express Daily Car Count for 2007 and 2008
Tab 6 Photos of Run-Away Car Damage
Tab 7 Photos of Run-Away Car Damage
Tab 8 Photos of Applicants Long Beach Site

Problems with the noise analysis conducted by Hans Giroux at Giroux & Associates

They presented the noise analysis mainly in terms of CNEL (Community Noise Equivalent Level) in the following way as also described in their report:

$$\begin{aligned} \text{CNEL} &= 5 \text{ dB} + \text{evening sound level (7pm - 10pm)} \\ &= 10 \text{ dB} + \text{night (10pm - 7am)} \end{aligned}$$

Exterior noise standards are:

Zone 1	(Residential Properties)	55 dB	7 am-10 pm
		50 dB	10 pm-7 am
Zone 2	(Prof. Office/ Pub. Institutions)	55 dB	Any time
Zone 3	(Commercial Properties)	60 dB	Any time
Zone 4	(Industrial Properties)	70 dB	Any time

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise levels shall be reduced by 5 dB. The Warner-Newland proposed express car wash may well have all of these or more than one of these everyday. Any car wash (either full service or express carwash) facility generally has these offensive noise events almost everyday. Therefore, the corrected Zone 1 (residential area) noise standards will be 45-50 dB depending of the time of the day (See the table above).

* CNEL calculation for two 24 hour time period (total of 48 hour data) was obtained and computed between 6/13 – 6/15 which were Saturday and Sunday. These do not represent correct ambient noise level for the area. The background noise by much more traffic during weekdays will definitely increase the noise level far more.

* Meter 1 and meter 2 locations were selected away from the Warner & Newland Street intersection where the least traffic occurred. This also misleads the ambient noise level in the allowed level. Both the selection of the location as well as the measurement of the weekend days will produce far less ambient noise level. Also from the both meter 1 and (more severely on) meter 2, Monday morning has at about 2 dB higher noise than Sunday morning. Therefore, more accurate average should include the car wash business hours during weekdays.

* More interestingly, the site operational noise was measured and analyzed on 1/16/2007. It was one of the coldest and slowest business days of the year according to the existing car wash owner's diary record. The business was less than half of the normal business during same month of January which also is the one of the slowest because of the rainy season. The choice of the site operational noise calculation date was biased.

As shown above, the CNEL measurement date selection, noise meter locations, and the operational noise measurement from previously operated express car wash activities were chosen

in the manner where they can obtain the data to support their proposal. If we correctly collect data for weekdays, more various meter locations, and compare and add the operational noise measurement at peak business day (not the slowest business day), we will obtain much different data that will more likely lead to noise levels far above the city code guidelines.

The proposed car wash development site is very close to the residential area. According to the noise level measurement criteria (Huntington Beach Municipal Code 8.40.040) the noise level measurements should be performed in accordance with procedural rules and regulations of the Orange County Health Department (2379-7/79). Therefore, the interior noise standards from the residential property either actual or simulated as well as exterior noise levels outside residential property should be correctly prepared and presented for unbiased dates and season (for example busy weekday during summer).

According to the HB city code 8.40.060 (Exterior Noise Levels Prohibited), it shall be unlawful for any person at any location within the HB city to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured on any residential, public institutional, professional, commercial or industrial property, either within or without the City, to exceed the applicable noise standards:

- a) For a cumulative period of more than thirty (30) minutes in any hour;
- b) Plus 5 db(A) for a cumulative period of more than fifteen (15) minutes in any hour;
- c) Plus 10 db (A) for a cumulative period of more than five (5) minutes in any hour;
- d) Plus 15 db (A) for a cumulative period of more than one (1) minute in any hour; or
- e) Plus 20 db (A) for any period time.

In the car wash business, often times there will be sirens, car alarms (either original car equipped or 3rd party equipments) will produce loud annoying sound that will increase noise level significantly and more than 5 minutes and sometimes more than 15 minutes in many cases. This is very normal in many car washes and not a rare event at all. According to the above city code prohibition, this will be very problematic, too.

For the similar sense, according to the HB city code 8.40.080 (Interior levels of noise prohibited) it shall be unlawful for any person at any location within the HB city to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured within any other structure on any residential, public institutional, professional, commercial or industrial property to exceed;

- a) The noise standard for a cumulative period of more than five minutes in any hour;
- b) The noise standards plus 5 db(A) for a cumulative period of more than one (1) minute in any hour; or
- c) The noise standard plus 10 db(A) for any period of time.

Each of the noise limits specified above shall be reduced by 5 db(A) for impact or predominant tone noises, or for noises consisting of speech or music.

Many customers to the Express Car Wash site listen to loud music from their CD, radio, and sometimes with significant base sound from their equipped woofer systems. The false alarm sound, the malfunction of their horn sound would create the noises discussed and categorized above.

City code 8.40.111 (Prohibited noises) also include, but not be limited to many items (3216-12/93). One of those items was;

8.40.111 (e) The proximity of the noise to residential sleeping facilities; (3216-12/93).

Finally the HB City Code 8.40.112 (Loud noises) states that it shall be unlawful for any person to: (a) Use, operate, or permit to be operated any radio, receiving set or device, television set, musical instrument, phonograph, CD, DVD, tape player, juke box, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quite, and comfort of other person. (3514-12/01)

Unlike other businesses, Express Car Wash is operated without much attention from the business staffs. All vacuum cleanings and wiping are done by each customer, who may well violate above code resulting public discomfort and annoyance.

Attached are the articles showing recent reject from the city staffs for car wash proposal in Southern California. The main issues were traffic circulations as well as noise levels. Please read these articles for your review.

Thank you for your considerations,

Sincerely,

Steve S. Park, Ph.D.

President

Former Scientist and Faculty

Lawrence Berkeley National Laboratory &

University of California, Berkeley, CA 92720

Complaints prompt Escondido, Calif., council to reject car wash complex

By David Garrick North County Times, Escondido, Calif.

Publication: North County Times (Escondido, California)

Date: Friday, March 6 2009

Mar. 6--ESCONDIDO -- A group of south Escondido residents has persuaded the City Council to reject plans to build a car wash, lube shop and restaurant on a large empty lot in their middle-class neighborhood.

Council members, who made their decision after a two-hour public hearing Wednesday night, said the project would be too noisy, too intense and too close to the 57-home New Tradition subdivision. But council members said the decision was made extremely difficult by the enormous amount of time and money the developer had spent reworking the project multiple times over the past five years, and by their desire to improve Escondido's reputation as a "business-friendly" city.

Council members said they might eventually approve the project if the developer replaces the car wash with offices or something else that would be less noisy and intense.

They also said they might approve the project if it was redesigned to place the car wash farther away from nine homes that directly border the site. The 1.34-acre empty lot is at the northwest corner of Centre City Parkway and Brotherton Road.

Kimber Allison, the leader of an aggressive neighborhood opposition campaign that has included petitions and colorful banners, said Thursday that her group was pleased by the council's decision, but still a bit frustrated.

"We expected the council to give the developer a definitive answer," said Allison. "This ambiguous answer allows the man to think he might still get his car wash. And it leaves the whole neighborhood in limbo."

Bill Fishbeck, the attorney for developer Munther Ghazal, did not return phone calls Thursday seeking an update on Ghazal's intentions.

The 10 residents who spoke against the project Wednesday stressed that they understood the empty lot was zoned commercial and would someday be developed.

"We expect that lot to be developed, but we want it to be done responsibly," said Rex Little, suggesting that offices or specialty shops would be more appropriate than the current proposal.

Kjerstie Bourne said the car wash complex would dramatically increase traffic and endanger local children, because the neighborhood would become a "cut-through" for motorists. Roger Fannin predicted the restaurant would have failed because many other eateries in the area have done so.

But the project's architect, Ed McArdle, and a noise consultant, Doug Iler, disputed many of the neighbors' claims and asserted that virtually all of the impacts on the neighborhood had been adequately mitigated.

Fishbeck, the developer's attorney, said the developer had spent nearly \$250,000 reworking the design.

"What he has developed is a really nice project, and he wants to bring business to this part of Escondido," said Fishbeck.

Councilwoman Olga Diaz said her reluctance to turn away business made Wednesday's decision her toughest since joining the council in December. But Diaz said the impact on the neighborhood was just too extreme.

The Planning Commission offered similar sentiments when it rejected the project 6-1 in January, and city staff have consistently recommended the project be rejected.

Councilman Dick Daniels and Councilwoman Marie Waldron offered similar sentiments on Wednesday, but Councilman Sam Abed and Mayor Lori Holt Pfeiler were more positive.

Pfeiler said she thought the mitigation measures made the car wash an acceptable option, and Abed said he could support the car wash if it were relocated on the Centre City Parkway portion of the site.

Abed said he sympathized with the residents, but that it was also difficult to reject an \$8 million project that had been beautifully designed. And Abed suggested the residents might end up with a project that would impact their neighborhood even more.

DANA POINT - Carwash Proposal Rejected by Council

By JULIE FATE SULLIVAN|July 27, 1995

Plans for the first full-service carwash in the city have been rejected.

The City Council on Tuesday opposed the project after some residents complained that the enterprise would increase area noise, traffic and vehicle exhaust.

The carwash was proposed for a site near Town Center on Pacific Coast Highway, between Alcazar and Malaga drives, a residential area.

"This project is inappropriate," resident Susan Hunn told the council before a packed audience. "It is a noisy, smelly, intrusive auto-oriented business. It will make life miserable for all in the community."

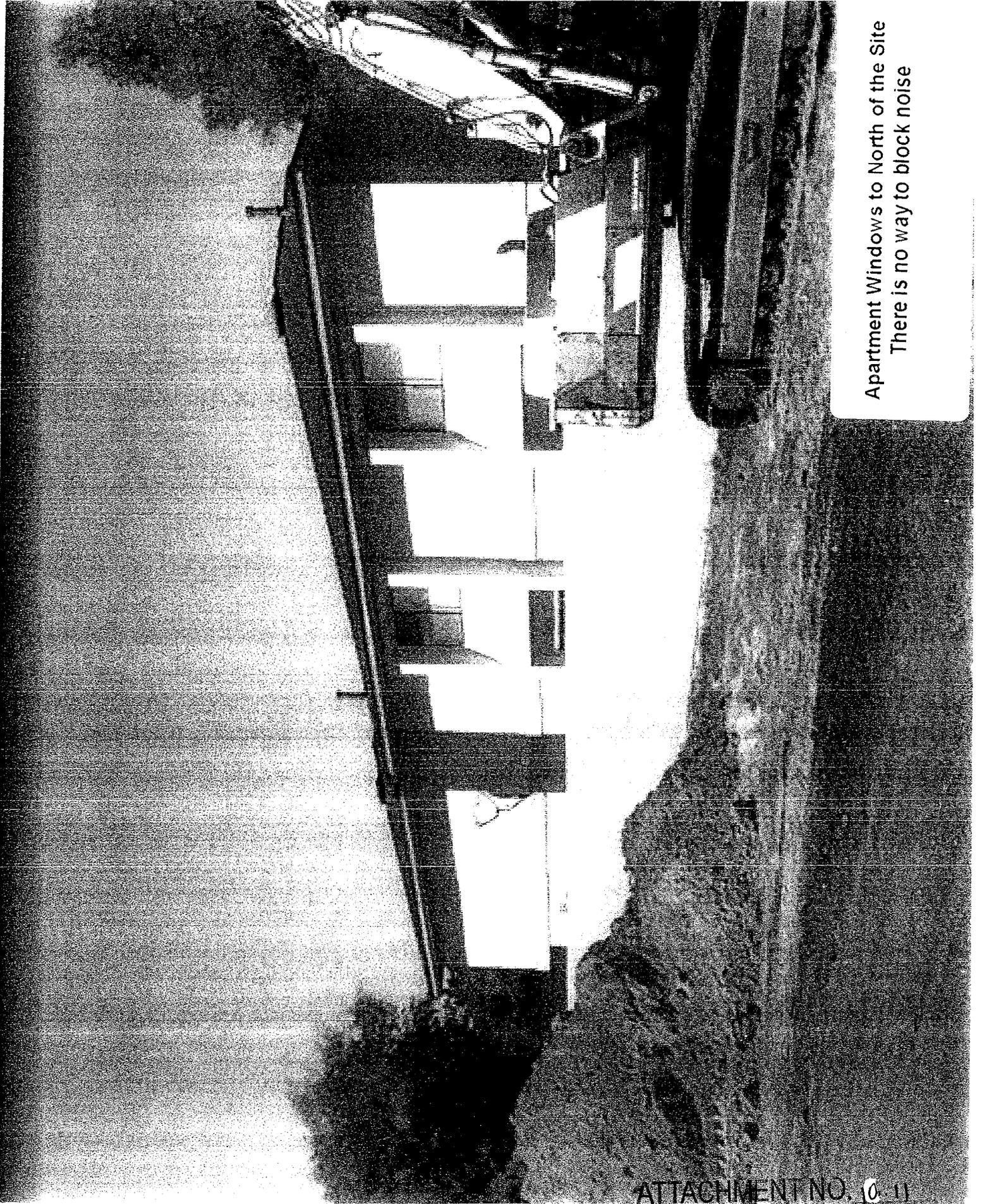
Supporters of the carwash maintained that the project would bring much-needed revenue to the city.

"I spend \$20 a month in San Clemente or Laguna to get my car washed," said resident Marchia Morey. "I'd rather spend that money here and create jobs for our youth."

Mel Shapiro of Costa Mesa had applied twice to the Planning Commission for a coastal development permit to construct the 7,954-square-foot carwash, complete with a carwash tunnel, gasoline pumps, retail space, an office and lobby.

The commission denied Shapiro's applications, saying the carwash would have a negative impact on nearby residents. Shapiro then appealed the decision to the council, which unanimously voted to deny the appeal.

"The project that's proposed is a very nice-looking project," said Councilman Harold R. Kaufman. "What I don't like is where it's being proposed to be built."



Apartment Windows to North of the Site
There is no way to block noise



Apartment Windows to West of the Site
Existing walls will help block the noise
but will not be sufficient

Express Car Wash Car Count Projection

There are several ways to estimate daily car count

Method 1

The most common way is to use the industry "Capture Rate". For Exterior Only Carwashes this has averaged from a low of .45 to a high of .76. Source: *Professional Carwashing & Detailing Magazine, July 2002 Benchmarking Report*. Using an average of the three highest years yields a capture rate of .71

$$55,000 \times .0071 = 390$$

Using a 27 day month to allow for weather closures equals 10,543 cars/month

Method 2

The average annual wash volume for an Exterior-Only Express Carwash in 2001 was 55,000 cars. The average daily traffic past these washes was 19,060. Source: *Professional Carwashing and Detailing Magazine, July 2002 Benchmarking Report*. The capture rate is .83

The corner of Warner and Newland has 55,000 cars/day which works out to a wash volume of 456 cars/day.

Method 3

Comparison: The average wash volume of the WildWater Express Car Wash at the intersection of Knott and La Palma in Buena Park for 2007 & 2008 was 444 cars/day. The traffic count on that intersection is 55,000 cars/day which is the same as Warner and Newland.

Conclusion: When mature we can reasonably expect the applicant's location to wash in the range of 390 to 456 cars per day. The Buena Park location is similar and has had many days with a car count at 800 and a few traffic spikes at 1000 cars.

Does this projection seem high?

I assure you that it is not.

The following pages show the ACTUAL VOLUME produced by **The El Segundo 5 Minute Express Exterior Tunnel Carwash** located at 125 North Sepulveda Blvd., El Segundo, CA 90245

**El Segundo 5 Minute Express Exterior Tunnel Carwash
125 North Sepulveda Blvd
El Segundo, CA 90245**

ACTUAL VOLUME PRODUCED BY THIS FACILITY

**NOTE: Vehicles Washed by Month during Ramp-up Period Beginning May 2006
and beyond while marketing the service
using a small, onsite, street-facing sign simply reading
"\$5 ~ 5 min ~ Free Vacuum"**

	Month	# Cars Washed	Avg Ticket	Capture Rate vs. 60,000 Traffic Count	Comment
#1	May '06	7,423	\$6.24	0.41%	
#2	June	12,291	N/A	0.68%	
#3	July	16,931	N/A	0.94%	
#4	August	17,338	N/A	0.96%	
#5	September	20,545	N/A	1.14%	
#6	October	21,507	N/A	1.19%	
#7	November	21,601	N/A	1.20%	
#8	December	21,699	N/A	1.20%	
#9	January '07	20,462	\$6.49	1.13%	Rainy
#10	February	15,312	N/A	0.85%	Rainy
#11	March	27,501	N/A	1.52%	
#12	April	28,095	N/A	1.56%	
#13	May	27,965	N/A	1.55%	
#14	June	29,401	\$6.60	1.63%	
#15	July	29,533	N/A	1.64%	
#16	August	30,112	N/A	1.67%	
#17	September	26,031	N/A	1.44%	
#18	October	27,200	N/A	1.51%	
#19	November	26,275	N/A	1.45%	
#20	December	17,090	\$6.73	0.94%	Rainy
#21	January '08	12,891	\$6.48	0.71%	Rainy
#22	February	18,820	\$6.74	1.04%	Rainy
#23	March	34,457	\$6.52	1.91%	
#24	April	30,696	\$6.48	1.70%	
#25	May	35,968	\$6.61	1.99%	
#26	June	31,534	\$6.60	1.75%	
#27	July	31,491	\$6.59	1.75%	
#28	August	33,376	\$6.58	1.85%	
#29	September	31,982	\$6.57	1.77%	
#30	October	33,481	\$6.51	1.86%	

Estimated Cash Flow Experienced at this Facility

- Average Ticket Price gradually increased from \$6.24 in May '06 to \$6.49 in January '07 and to \$6.60 in June 2007
- "Seasoned Volume" of Cars Washed was 21,000 without an advertising campaign (1.16% capture rate vs. 60,000 traffic count)
- 21,000 cars x \$6.49 = \$135,000 gross revenue monthly
- Expenses ran approx. 40% or \$54,000 before occupancy costs and debt service (15% labor including night crew that cleans up; 15% utilities; 6% chemicals; and 3% tel / advertising)
- Cash Flow before occupancy costs & debt service was \$81,000 monthly at the 21,000 cars / \$6.49 average ticket level achieved in months # 6, # 7 & # 8
- Cash Flow before occupancy costs & debt service improved after advertising began in January, 2007. January thru June, the facility washed 150,316 cars for a monthly average of 25,000. At the increased average ticket of \$6.60, the average monthly revenues increased to \$165,000. Holding fast to the 40% level for operating expenses, cash flow before real estate jumped to \$99,000
- June thru September 2007 results seem to reflect the fully "seasoned volume" this facility produces. Actual results were:

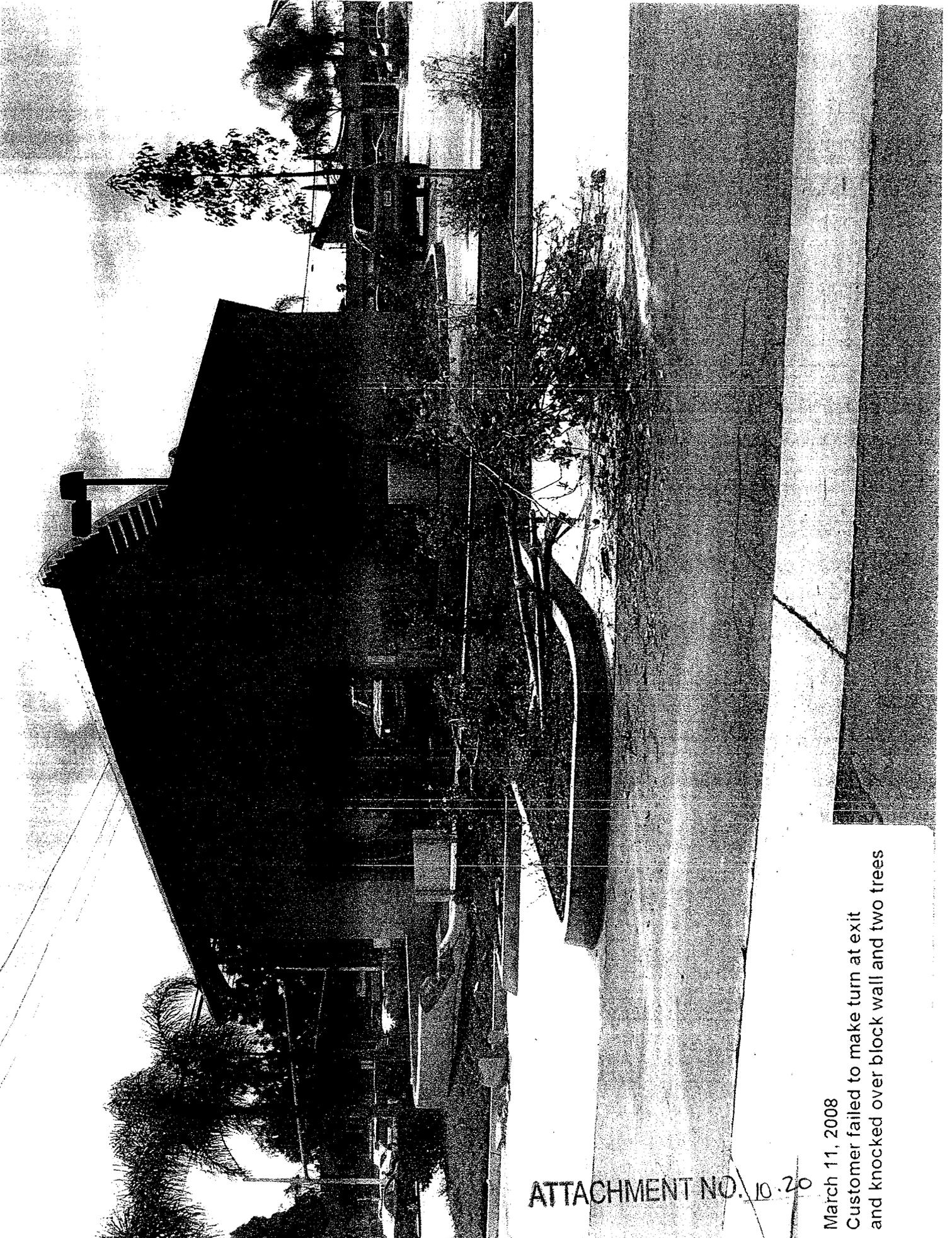
# Cars washed June-Sept	Monthly Average	Average Ticket	Average Revenues	Avg June – September Monthly Cash Flow before Occupancy Costs & Debt Service
115,077 cars	28,769 cars (1.59% capture rate)	\$6.60	\$189,875	\$113,925

NOTE: As of December 4, 2008, the ownership has no plans to charge customers for what has always been "Free Vacuum Service"

Source: NS Corp Division Mgr Interviews ~ jrm.updated.12.04.08

WILDWATER EXPRESS CAR WASH-BUENA PARK														
CAR WASHED MAY-SEP 2008														
DAY	DATE	CAR COUNT	DAY	DATE	CAR COUNT	DAY	DATE	CAR COUNT	DAY	DATE	CAR COUNT			
Th	05/01/08	442	Su	06/01/08	714	T	07/01/08	507	F	08/01/08	572			
F	05/02/08	672	M	06/02/08	431	W	07/02/08	457	S	08/02/08	726			
S	05/03/08	884	T	06/03/08	309	Th	07/03/08	576	Su	08/03/08	619			
Su	05/04/08	632	W	06/04/08	204	F	07/04/08	453	M	08/04/08	448			
M	05/05/08	334	Th	06/05/08	424	S	07/05/08	629	T	08/05/08	368			
T	05/06/08	231	F	06/06/08	667	Su	07/06/08	667	W	08/06/08	410			
W	05/07/08	277	S	06/07/08	763	M	07/07/08	518	Th	08/07/08	436			
Th	05/08/08	515	Su	06/08/08	679	T	07/08/08	372	F	08/08/08	555			
F	05/09/08	573	M	06/09/08	427	W	07/09/08	330	S	08/09/08	706			
S	05/10/08	853	T	06/10/08	338	Th	07/10/08	430	Su	08/10/08	699			
Su	05/11/08	670	W	06/11/08	350	F	07/11/08	471	M	08/11/08	446			
M	05/12/08	174	Th	06/12/08	391	S	07/12/08	681	T	08/12/08	375			
T	05/13/08	694	F	06/13/08	628	Su	07/13/08	752	W	08/13/08	337			
W	05/14/08	654	S	06/14/08	805	M	07/14/08	560	Th	08/14/08	381			
Th	05/15/08	588	Su	06/15/08	654	T	07/15/08	469	F	08/15/08	568			
F	05/16/08	848	M	06/16/08	525	W	07/16/08	436	S	08/16/08	699			
S	05/17/08	862	T	06/17/08	483	Th	07/17/08	432	Su	08/17/08	649			
Su	05/18/08	570	W	06/18/08	403	F	07/18/08	531	M	08/18/08	426			
M	05/19/08	398	Th	06/19/08	508	S	07/19/08	661	T	08/19/08	389			
T	05/20/08	405	F	06/20/08	662	Su	07/20/08	614	W	08/20/08	367			
W	05/21/08	257	S	06/21/08	812	M	07/21/08	503	Th	08/21/08	416			
Th	05/22/08	144	Su	06/22/08	699	T	07/22/08	412	F	08/22/08	548			
F	05/23/08	586	M	06/23/08	514	W	07/23/08	396	S	08/23/08	712			
Su	05/24/08	491	T	06/24/08	393	Th	07/24/08	431	Su	08/24/08	663			
M	05/25/08	632	W	06/25/08	375	F	07/25/08	593	M	08/25/08	435			
T	05/26/08	737	Th	06/26/08	359	S	07/26/08	739	T	08/26/08	361			
W	05/27/08	606	F	06/27/08	511	Su	07/27/08	590	W	08/27/08	376			
Th	05/28/08	505	S	06/28/08	741	M	07/28/08	388	Th	08/28/08	411			
F	05/29/08	707	Su	06/29/08	626	T	07/29/08	300	F	08/29/08	567			
S	05/30/08	803	M	06/30/08	512	W	07/30/08	352	S	08/30/08	635			
						Th	07/31/08	292	Su	08/31/08	523			
TOTAL		17,744	TOTAL		15,907	TOTAL		15,542	TOTAL		15,823	TOTAL		15,607

PAYS W/PIPER FOR CUPPERS



ATTACHMENT NO. 10.20

March 11, 2008
Customer failed to make turn at exit
and knocked over block wall and two trees



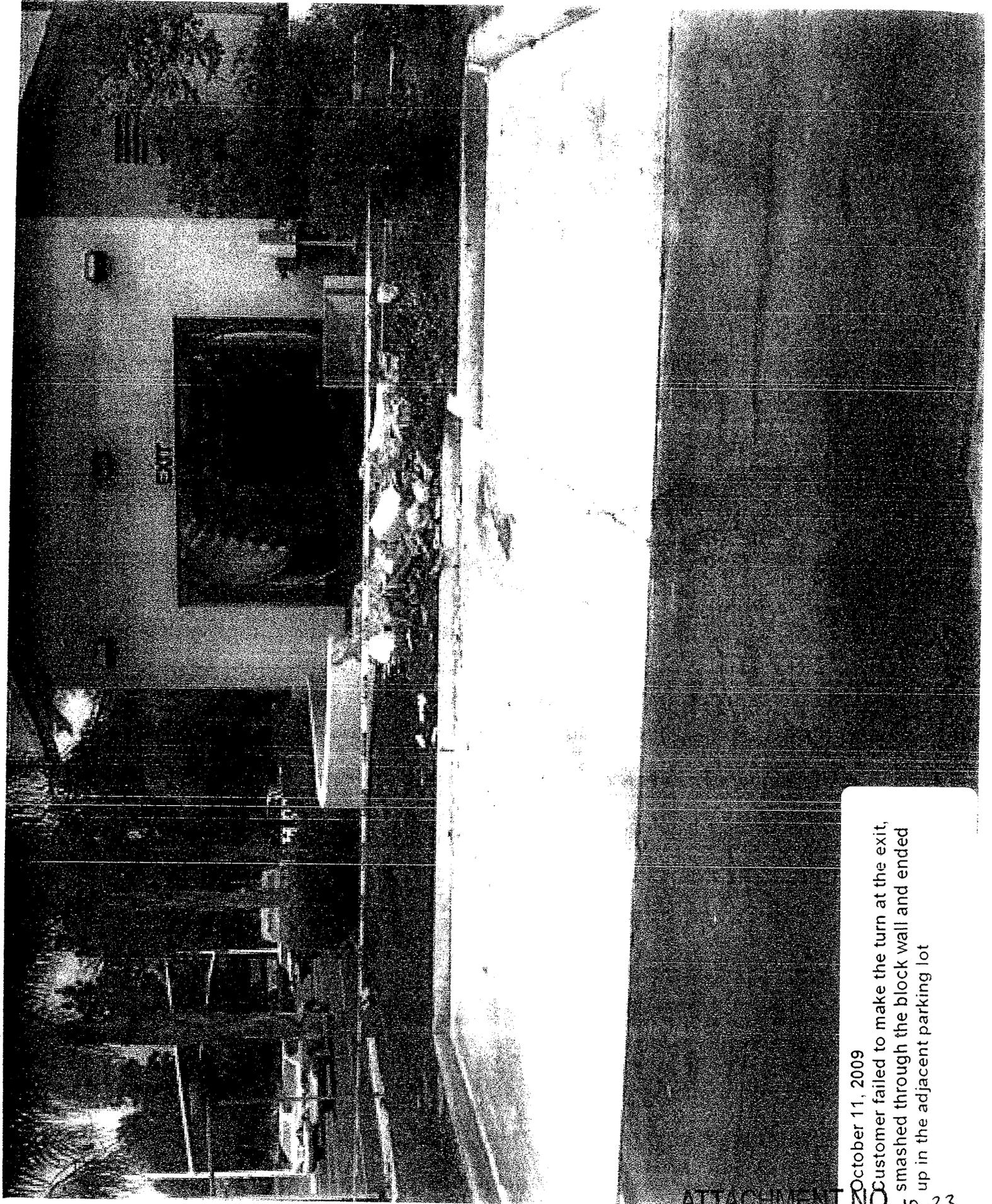
March 11, 2008
Customer failed to make turn at exit
and knocked over block wall and two trees

10.21

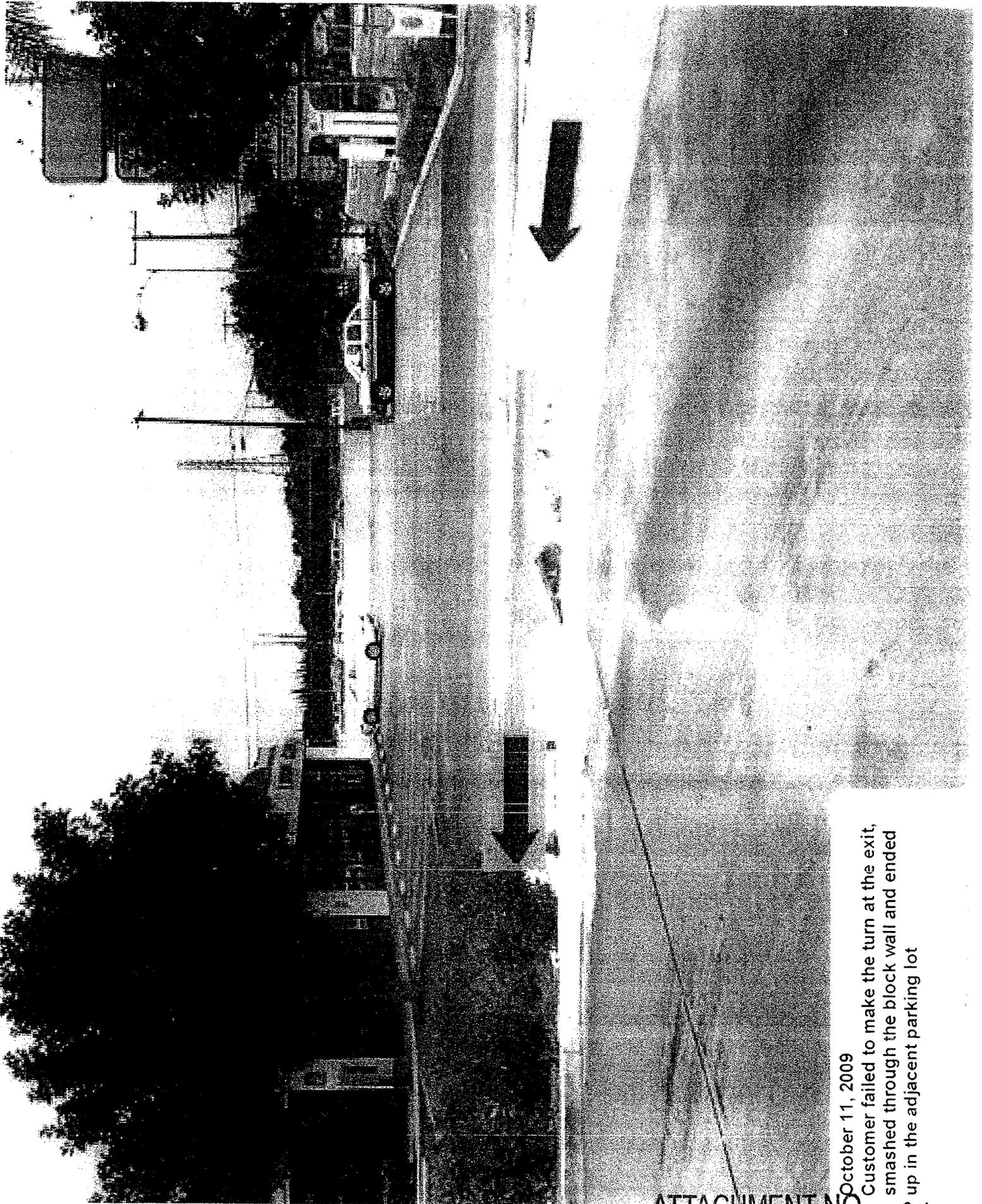


March 11, 2008
Customer failed to make turn at exit
and knocked over block wall and two trees

ATTACHMENT NO. 10.22



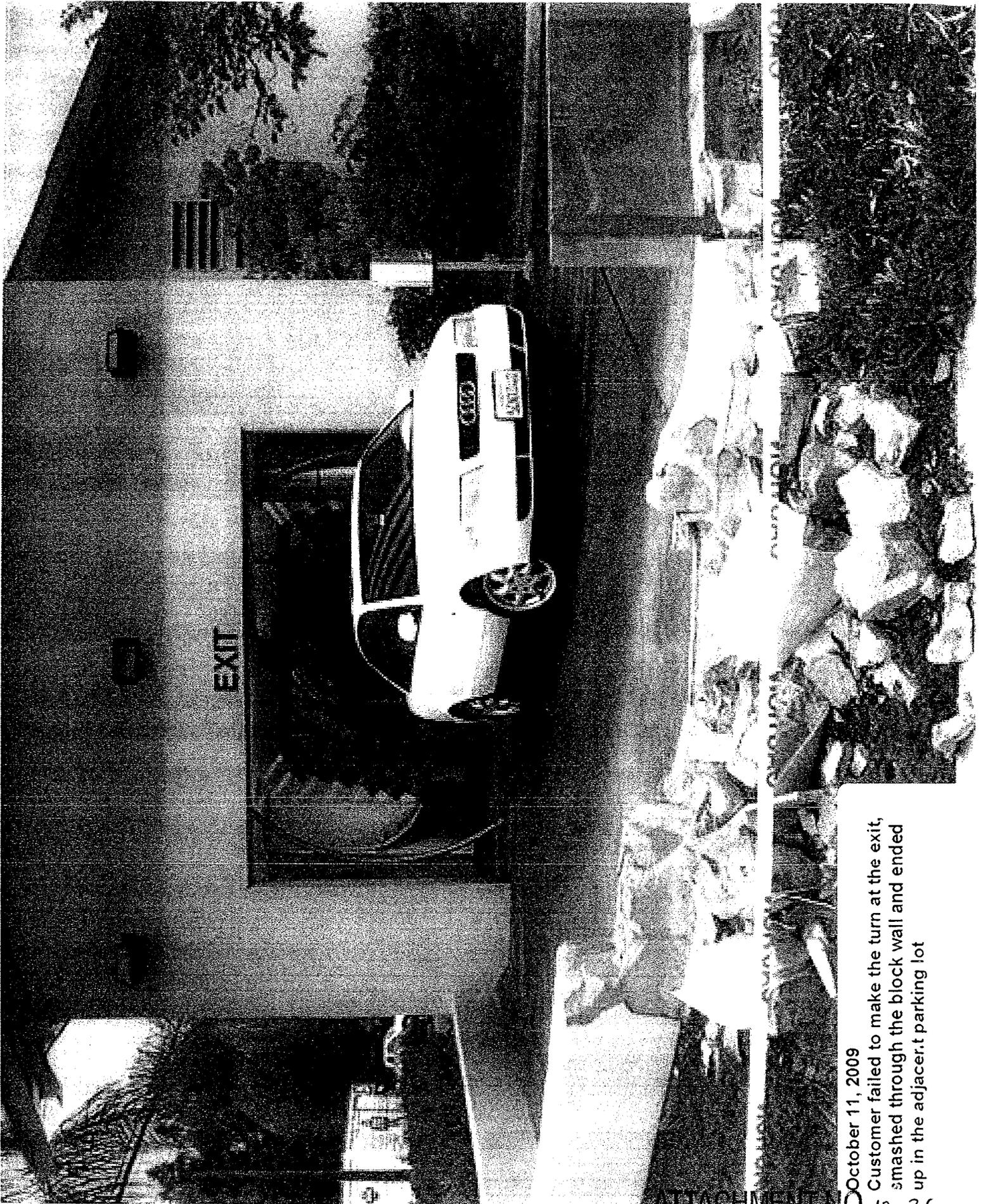
October 11, 2009
Customer failed to make the turn at the exit,
smashed through the block wall and ended
up in the adjacent parking lot



October 11, 2009
Customer failed to make the turn at the exit,
smashed through the block wall and ended
up in the adjacent parking lot



October 11, 2009
Customer failed to make the turn at the exit,
smashed through the block wall and ended
up in the adjacent parking lot



October 11, 2009
Customer failed to make the turn at the exit,
smashed through the block wall and ended
up in the adjacent parking lot

Here are a number of photos taken on Saturday, September 19, 2009 at the Tommy's Express Car Wash belonging to the applicant which is located in Long Beach on the NEC of Santa Fe and Willow. As you can clearly see the wash is rundown, dirty and poorly operated. The corner sign has not been maintained and has letters peeling off. Trash litters the lot. Signs mounted on orange poles direct customers into the public alley in order to enter the tunnel. Signs are bent and rusted. Old dirty banners are on the side of the building. The clutter of signs and junk at the exit of the tunnel is truly amazing. Mr. Hwang's current performance in managing his Long Beach carwash is a clear indicator of his future performance in Huntington Beach. The fine City of Huntington Beach would not want this mess on any intersection in the city.

1010 UNIVERSITY

CAR WASH

FREE VACUUM

\$5 WASH

Letters peeling off the
corner sign

FREE Tire Dressing

WITH PURCHASE OF WORKS WASH

MONDAY THRU THURSDAY ONLY

Express Car Wash	
Works Wash	\$7
Deluxe Wash	\$6

WINDMASTER

Old Dirty Banners
Roof Vents Rusted

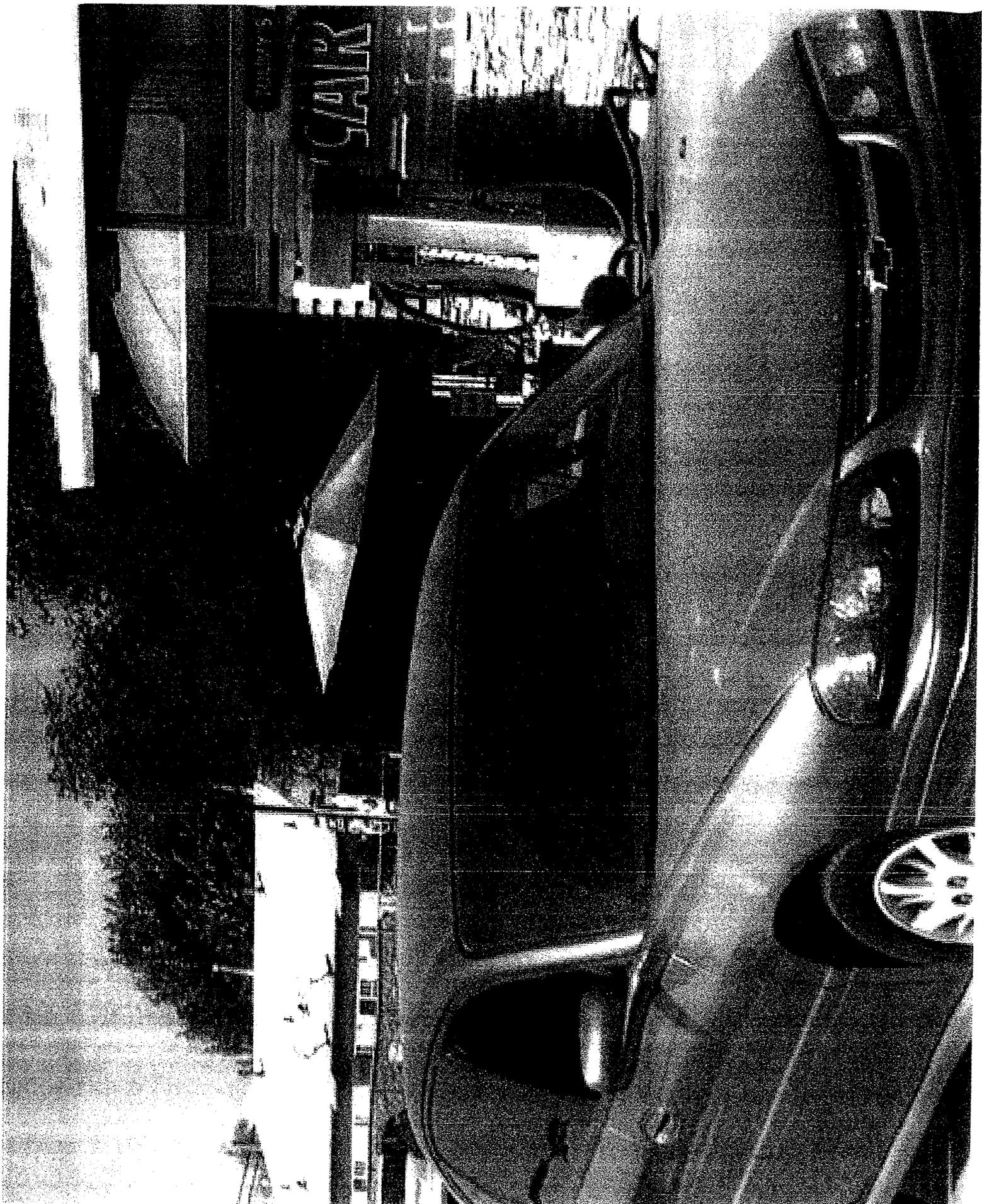
Tommy's
EXPRESS CAR WASH

Works Wash \$7	<ul style="list-style-type: none"> • Wash • Chemical Shine • High Pressure Washdown • Blow Dry • Wax • Wheel Clean • Dryer
Deluxe Wash \$6	<ul style="list-style-type: none"> • Wash • Chemical Shine • Blow Dry • Wax • Wheel Clean • Dryer
Regular Wash \$5	<ul style="list-style-type: none"> • Wash • Chemical Shine • Blow Dry

PLEASE DON'T DRINK & DRIVE
 WE RESPECTFULLY ASK YOU TO REMAIN SEATED IN YOUR VEHICLE WHILE WE WASH YOUR CAR. WE ARE NOT RESPONSIBLE FOR DAMAGE TO YOUR CAR OR PERSONAL BELONGINGS. WE ARE NOT RESPONSIBLE FOR DAMAGE TO YOUR CAR OR PERSONAL BELONGINGS.

VACUUM

Bent Signs
 Rusted & Unsightly Metal

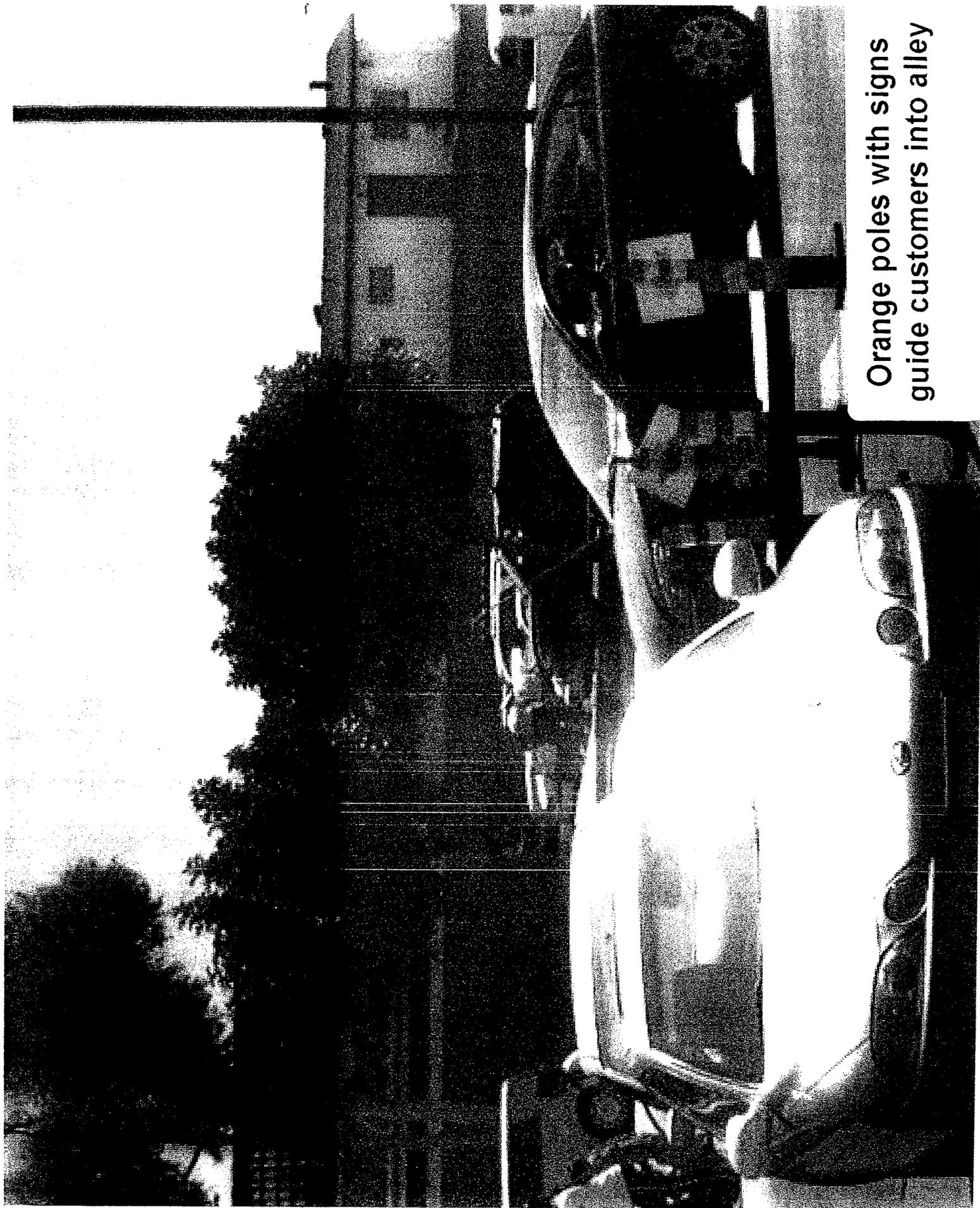


Tommy's
Express Car Wash
Works Wash \$7.99
Deluxe Wash \$6.99
Regular Wash \$5.99

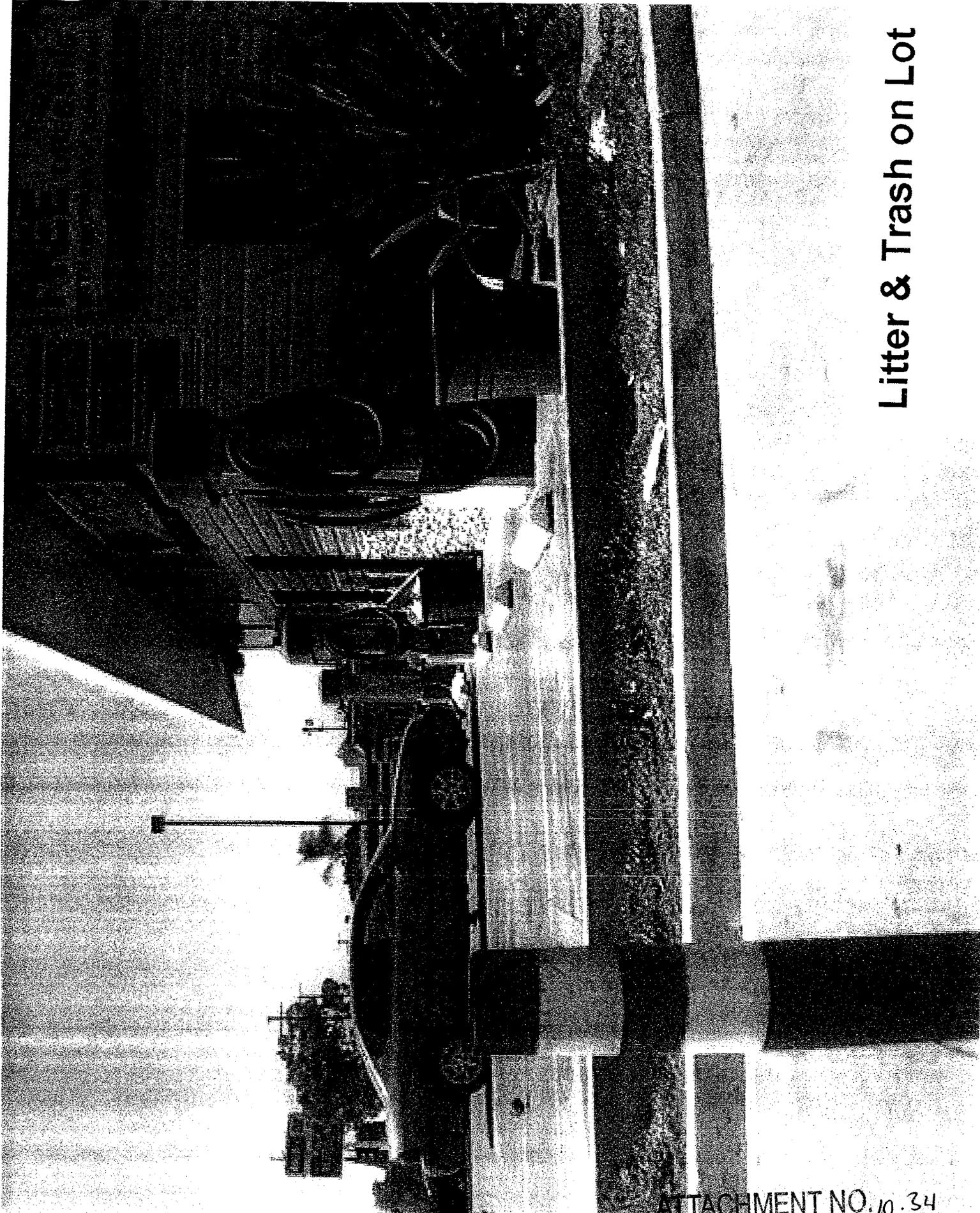
FREE TIRE DRESSING
WITH PURCHASE OF WORKS WASH

MONDAY THRU THURSDAY ONLY

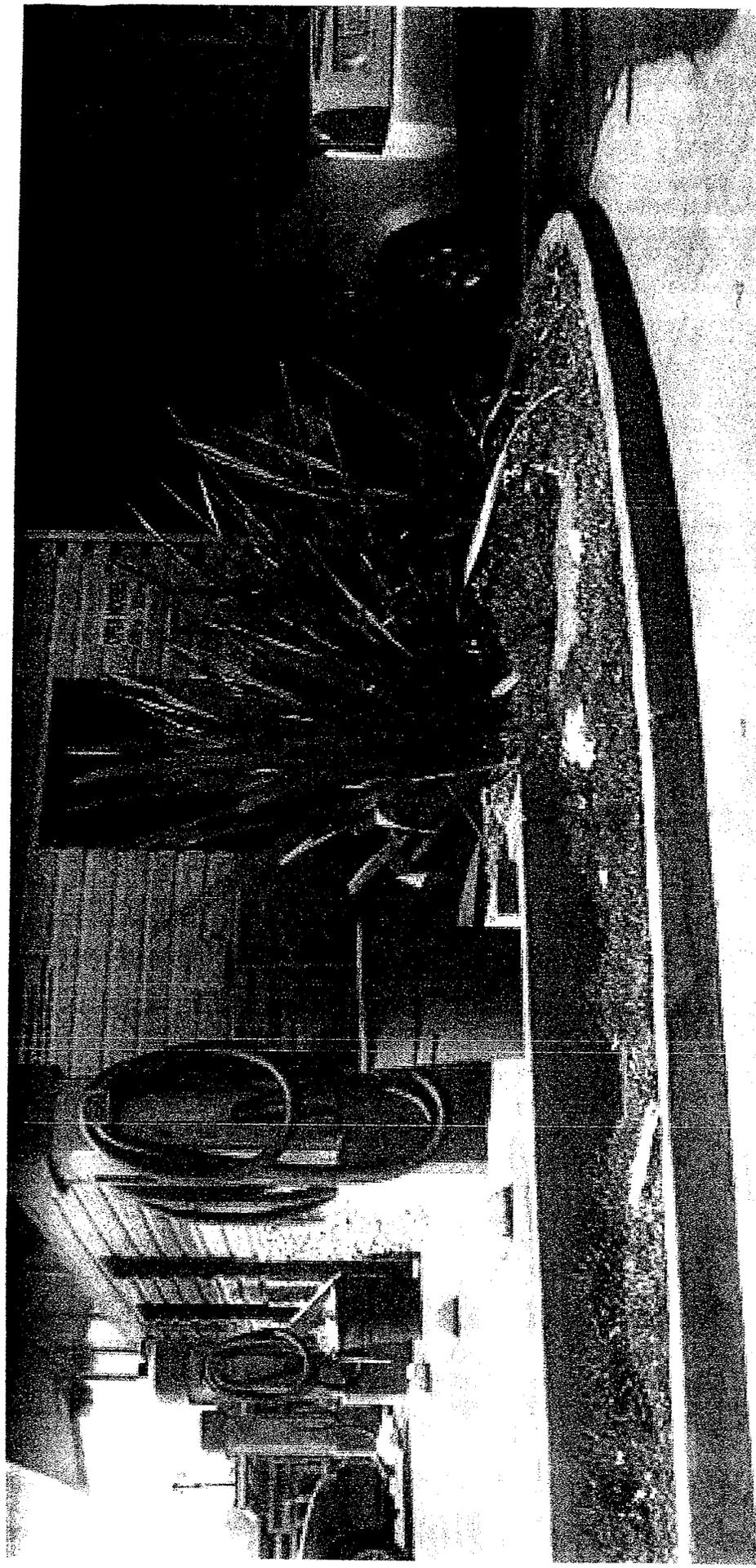
What a Mess



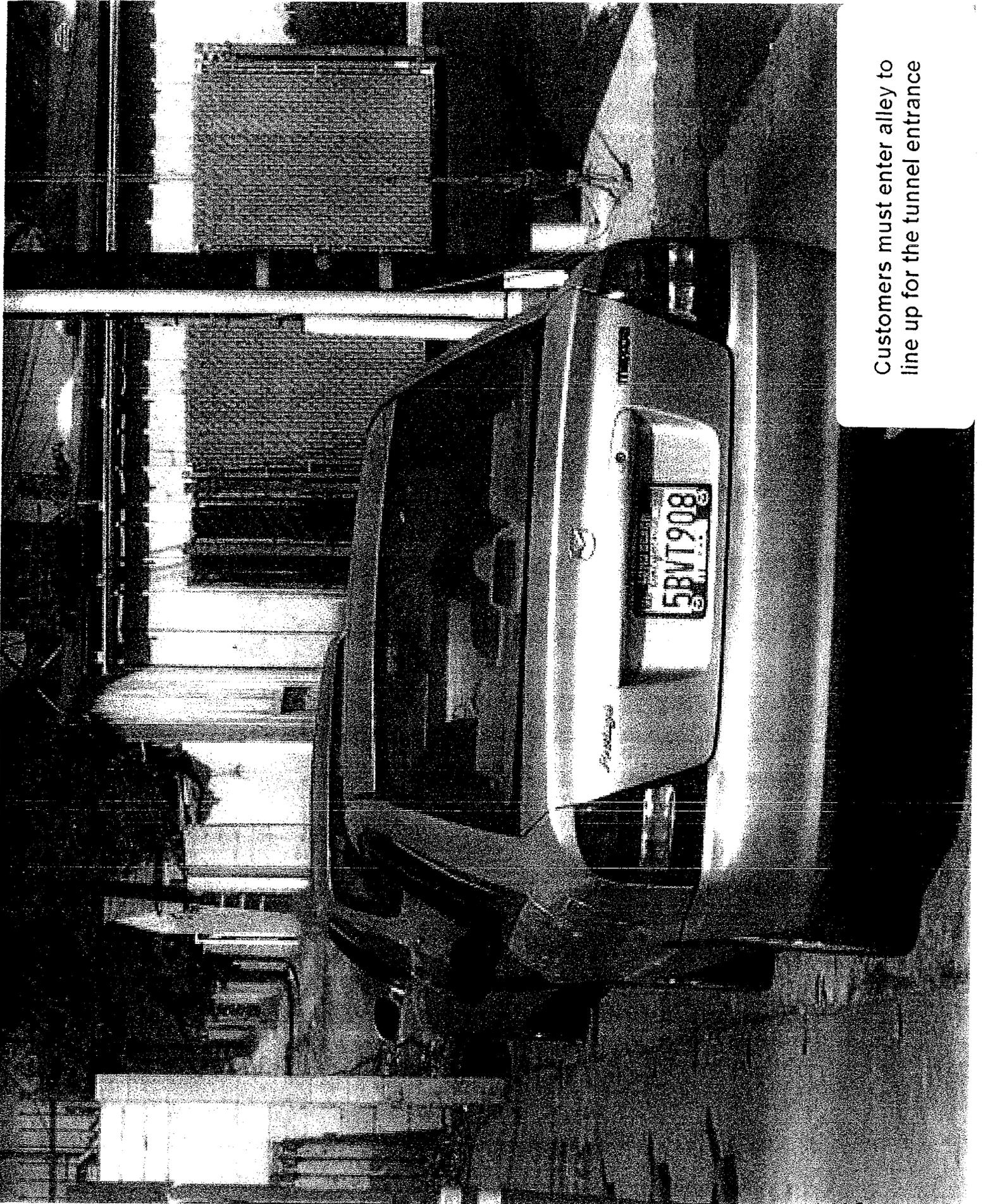
Orange poles with signs
guide customers into alley



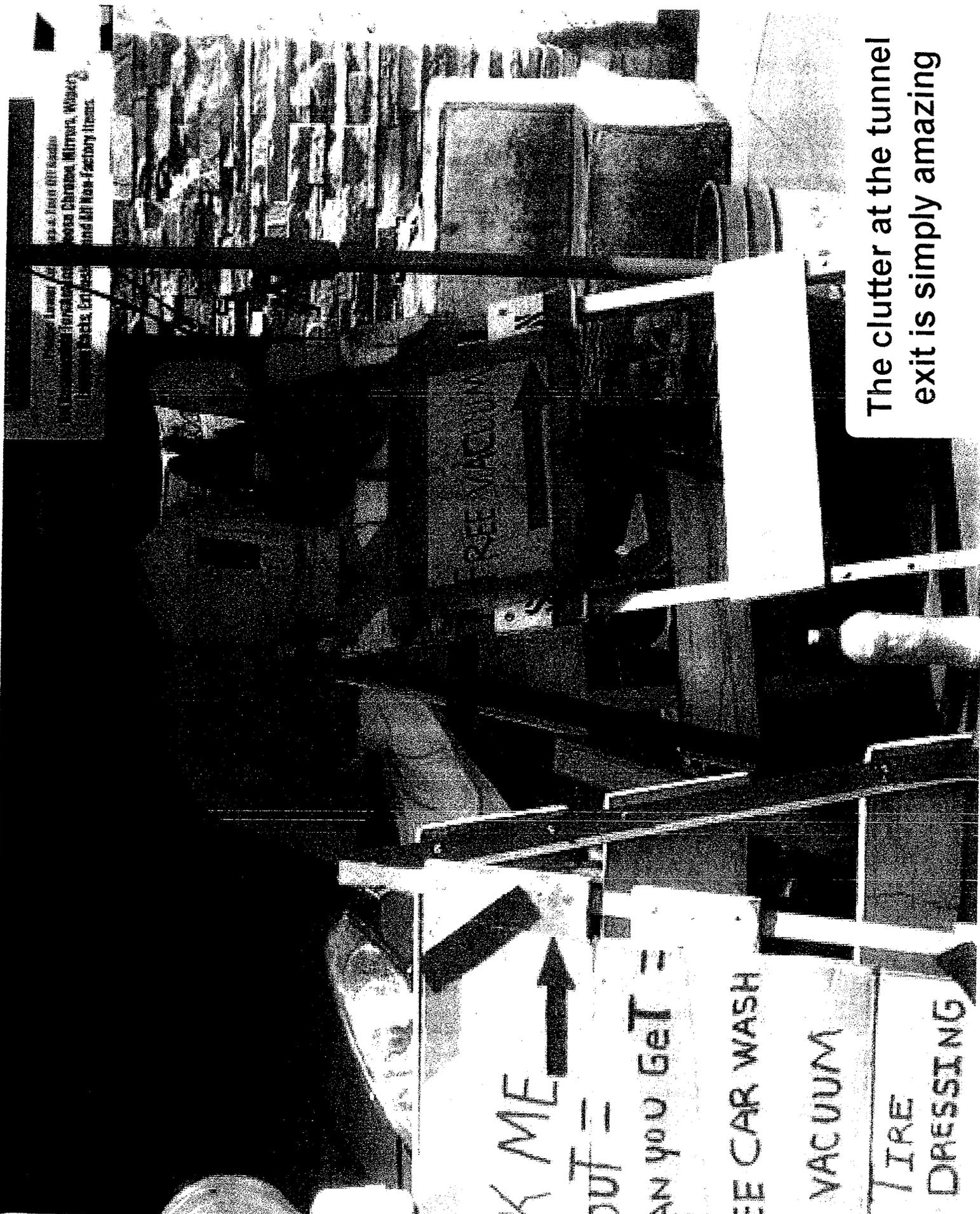
Litter & Trash on Lot



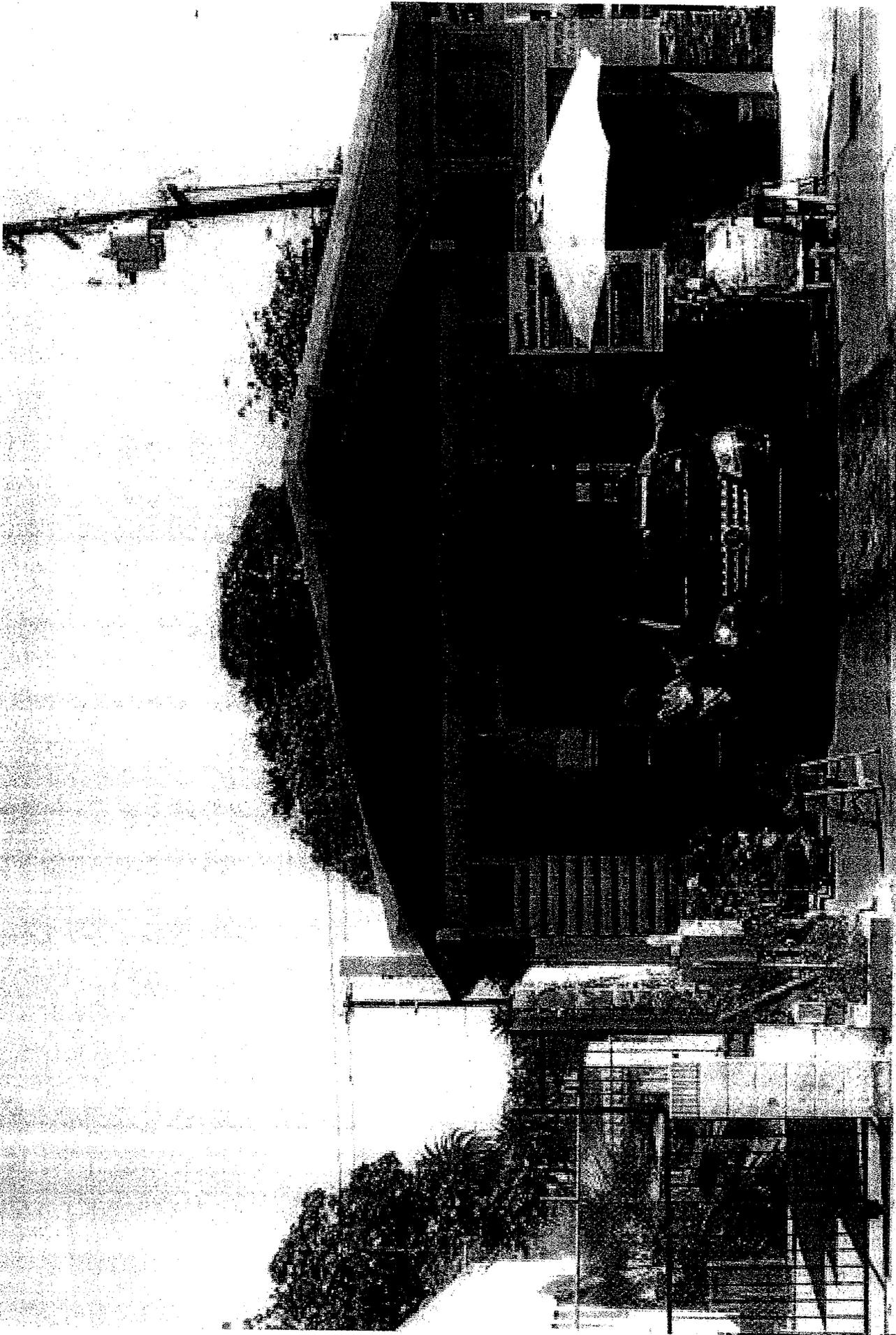
Litter & Trash on Lot



Customers must enter alley to
line up for the tunnel entrance



The clutter at the tunnel exit is simply amazing



Exit of Applicants Long
Beach Wash. What a Mess

Problem of noise analysis conducted by Hans Giroux at Giroux & Associates

They presented the noise analysis mainly in terms of CNEL (Community Noise Equivalent Level) in the following way as also described in their report

$$\begin{aligned} \text{CNEL} &= 5 \text{ dB} + \text{evening sound level (7pm - 10pm)} \\ &= 10 \text{ dB} + \text{night (10pm - 7am)} \end{aligned}$$



Exterior noise standards are:

Zone 1	(Residential Properties)	55 dB	7 am-10 pm
		50 dB	10 pm-7 am
Zone 2	(Prof. Office/ Pub. Institutions)	55 dB	Any time
Zone 3	(Commercial Properties)	60 dB	Any time
Zone 4	(Industrial Properties)	70 dB	Any time

In the event the alleged offensive noise consists entirely of impact noise, simple tone noise, speech, music, or any combination thereof, each of the above noise level shall be reduced by 5 dB. The Warner-Newland proposed express car wash may well have all of these or more than one of these everyday. Any car wash (either full service or express carwash) facility generally has these offensive noise events almost everyday. Therefore, the corrected Zone 1 (residential area) noise standards will be 45-50 dB depending of the time of the day (See the table above).

* CNEL calculation for two 24 hour time period (total of 48 hour data) was obtained and computed between 6/13 - 6/15 which were Saturday and Sunday. These do not represent correct ambient noise level for the area. The background noise by much more traffic during weekdays will definitely increase the noise level far more.

* Meter 1 and meter 2 locations were selected away from the Warner & Newland Street intersection where the least traffic occurred. This also misleads the ambient noise level in the allowed level. Both the selection of the location as well as the measurement of the weekend days will produce far less ambient noise level. Also from the both meter 1 and (more severely on) meter 2, Monday morning has at about 2 dB higher noise than Sunday morning. Therefore, more accurate average should include the car wash business hours during weekdays.

* More interestingly, the site operational noise was measured and analyzed on 1/16/2007. It was one of the coldest and slowest business days of the year according to the existing car wash owner's diary record. The business was less than half of the normal business during same month of January which also is the one of the slowest rainy season. The choice of the site operational noise calculation date was biased. The analysis ironically argued that they included al contribution from ancillary

activities (cars starting/stopping, employees whistling to get other employees' attention, door slamming and vacuum operation). Our car wash operation data (Warner & Magnolia Car Wash) showed that the selected date was one of the slowest business days of the year. The selected date in their analysis didn't have enough of additional noise they claimed to include. Therefore, they should have used summer date (the busiest business days, May – August) to show that their project is within the city limit noise level. Unfortunately this didn't happen in their study.

As shown above, the CNEL measurement date selection, noise meter locations, and the operational noise measurement from previously operated express car wash activities were chosen in the manner where they can obtain the data to support their proposal. If we correctly collect data for weekdays, more various meter locations, and compare and add the operational noise measurement at peak business day (not slowest business day), we will obtain much different data that more likely lead noise level far above the city code guidelines.

The proposed car wash development site is relatively very close to the residential area. According to the noise level measurement criteria (Huntington Beach Municipal Code 8.40.040) The noise level measurements should be performed in accordance with procedural rules and regulations of the Orange County Health Department (2379-7/79). Therefore, the interior noise standards from the residential property either actual or simulated as well as exterior noise levels outside residential property should be correctly prepared and presented for unbiased dates and season (for example busy weekday during summer).

According to the HB city code 8.40.060 (Exterior Noise Levels Prohibited), it shall be unlawful for any person at any location within the HB city to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured on any residential, public institutional, professional, commercial or industrial property, either within or without the City, to exceed the applicable noise standards:

- a) For a cumulative period of more than thirty (30) minutes in any hour;
- b) Plus 5 db(A) for a cumulative period of more than fifteen (15) minutes in any hour;
- c) Plus 10 db (A) for a cumulative period of more than five (5) minutes in any hour;
- d) Plus 15 db (A) for a cumulative period of more than one (1) minute in any hour;
- or
- e) Plus 20 db (A) for any period time.

In the car wash business, often times there will be sirens, car alarms (either original car equipped or 3rd party equipments) will produce loud annoying sound that will increase noise level significantly and more than 5 minutes and sometimes more than 15 minutes in many cases. This is very normal in many car washes and not a rare event at all. According to the above city code prohibition, this will be very problematic, too.

For the similar sense, according to the HB city code 8.40.080 (Interior levels of noise prohibited) it shall be unlawful for any person at any location within the HB city to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level when measured within any other structure on any residential, public institutional, professional, commercial or industrial property to exceed;

- a) The noise standard for a cumulative period of more than five minutes in any hour;
- b) The noise standards plus 5 db(A) for a cumulative period of more than one (1) minute in any hour; or
- c) The noise standard plus 10 db (A) for any period of time.

Each of the noise limits specified above shall be reduced by 5 db (A) for impact or predominant tone noises, or for noises consisting of speech or music.

Many customers to the Express Car Wash site sometimes listen to loud music from their CD, radio, and sometimes with significant base sound from their equipped woofer systems. The false alarm sound, the malfunction of their horn sound would create the noises discussed and categorized above.

City code 8.40.111 (Prohibited noises) also include, but not be limited to many items (3216-12/93). One of those items was;

8.40.111 (e) The proximity of the noise to residential sleeping facilities; (3216-12/93).

Finally the HB City Code 8.40.112 (Loud noises) states that it shall be unlawful for any person to: (a) Use, operate, or permit to be operated any radio, receiving set or device, television set, musical instrument, phonograph, CD, DVD, tape player, juke box, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quite, and comfort of other person. (3514-12/01)

Unlike other businesses, Express Car Wash is operated without much attention from the business staffs. All vacuum cleanings and wiping are done by each customer, who may well violate above code resulting public discomfort and annoyance.

Attached are the articles showing recent reject from the city staffs for car wash proposal in Southern California. The main issues were traffic circulations as well as noise levels. Please read these articles for your review.

Thank you for your consideration.

Sincerely,

Steve S. Park, Ph.D.

President

Former Scientist and Faculty

Lawrence Berkeley National Laboratory &

University of California, Berkeley, CA 92720

REC'D
8/23/09

For Zoning Administrator Hearing

Comments related to **Noise Analysis**,

Prepared by
Steve. S. Park, Ph.D.
President of Park-Chem. Inc.
9063 Warner Ave. Fountain Valley, CA 92708

I briefly read the application folder prepared by Thomas Hwang which includes some noise analysis for the possible noise from the proposed express carwash. In my opinion the study may have been conducted without considering all possible combined effect of noise constituents generated from all sorts of equipment, tunnel parts, automobiles moving, and automobiles during the vacuum process. The noise that residents who live adjacent or close to the car wash facility will have much more constituents than just the simple independently and artificially measured and analyzed noise in the study. Worse situation also includes occasional honking between drivers, false car alarm sound, and so on. Also as a car wash owner (we are located perfectly and surrounded all by commercial areas and huge parking with no residential area near by; 9063 Warner Ave. Warner Ave. & Magnolia, intersection between Huntington Beach and Fountain Valley) I experience, too many times, the noise from automobile accidents, false car alarm sound, honking between cars, etc.

Therefore, the noise study they performed for the installation of the carwash is not sufficient to represent the actual noise the nearby residents will experience. I hope the Zoning Administrator Committee will carefully consider this effect to protect the quality of the local residents in the city of Huntington Beach. Above all, there is already Express Carwash located just block west of proposed site which has been a carwash for many years without disturbing neighbors.

(Note)

Steve S. Park, Ph.D. is the president of Park-Chem. Inc. Park-Chem. Inc. owns and operates the Fountain Valley Hand Car Wash (it is a full service hand wash). He is also an environmental scientist participating researches in renewable energy and environmental studies. He has worked as a staff scientist and faculty at Lawrence Berkeley National Laboratory and the University of California in Berkeley, California during 1997-2005. He has published numerous scientific articles, governmental reports, and several book chapters. All of his excellent scientific works have been published in renowned journals including Environmental Science & Technology, Proceeding of National Academy of Science, Journal of Physical Chemistry, etc. Following is his contact information. E-mail: SPARK@nature.berkeley.edu, Mailing address: Park-Chem. Inc., 9063 Warner Ave. Fountain Valley, CA 92708.

I have reviewed the noise study again and ~~my~~ I have many issues on this noise study. Please call me or send me an e-mail if you ~~attend~~ ^{have} further questions.
ATTACHMENT NO. 10.43
714) 280-1007

List of Signers who are against the carwash installation at Warner & Newland in Huntington Beach as of 9/22/2009.

List of signers who are against the new carwash at Warner & Newland

Name	Address	Signature
Luis Ocampo	16861 Minoru Ln. Apt. A	Luis Ocampo
Ybis Dominguez	16881 minoru LN: PP. A	Ybis Dominguez
Flavia Cortez	8393 Saru Cir Apt. A	Flavia Cortez
Herberta Sierra	8391 Tamaru # C	Herberta Sierra
Genoveva de Leon	8391 Tamaru H- C.	Genoveva de Leon
Elias Garcia	8412 - SARU CIR	Elias Garcia
Carlos Cervantes	16921 MINORU LN # D	Carlos Cervantes
MARIA ESCALONA	16921 MINORU LN # A	Maria Escalona
ADAM DUARTE	16931 minoru LN # A	Adam Duarte
Fernando Ortega	16931 MINORU LN APT B	Fernando Ortega
Veronica Gonzalez	16951 MINORU LN APT B	Veronica Gonzalez
Sabí Rodriguez	8391 Warner Av. APT C	SRS
Consuelo E	16921 MINORU LN APT D	Consuelo

Prepared by Carlos Cervantes at Stone Park

@ 714 - 380 - 1007

Edwards, Ethan

From: Larry Kennepohl [LKennepohl@peppertreeinc.com]
Sent: Monday, October 05, 2009 12:07 PM
To: Edwards, Ethan
Subject: RE: CONDITIONAL USE PERMIT NO 2009-002 (NEWLAND CARWASH)

Hi Ethan,

I agree that a meeting after the revised plans have been submitted would be better. I would like to hold my comments until after the revised plans have been submitted. Will you please notify me when the revised plans are available for review?

I have operated an Express Car Wash in Buena Park since 2005 on the corner of Knott and La Palma. The traffic count on that corner is almost identical to the traffic count on the corner of Warner and Newland. In 2007 and 2008 we had many days where the customer count exceeded 700 cars and a few days where we reached 1000 customers. An Express Car Wash is quite different from the typical Full Service car wash we are all familiar with. In an Express Car Wash the customer stays in the vehicle and rides through the tunnel while the equipment cleans the exterior. The Express Car Wash is usually priced at \$5, \$7, & \$9 with a free vacuum for the customers use. **An express Wash is all about volume.** A Full Service Car Wash will typically wash 150 to 200 cars per day. A successful Express Car Wash will typically wash an average of 12,000 to 15,000 cars per month with the summer months having the highest volume and Fridays and Saturdays having the highest daily car count. The projected volume is based on the industry "Capture Rate" which I will explain in more detail when we meet.

I project that this site will attract more customers than it can possibly handle and the site will be an absolute mess. Three years ago I spent a couple of thousand dollars working with my architect and industry experts trying to fit a successful express wash on a typical 150 x 150 corner lot and could not do it.

Regards,

Larry Kennepohl

From: Edwards, Ethan [mailto:Ethan.Edwards@surfcity-hb.org]
Sent: Monday, October 05, 2009 9:19 AM
To: Larry Kennepohl
Subject: RE: CONDITIONAL USE PERMIT NO 2009-002 (NEWLAND CARWASH)

Hello Larry,

Thank you for your comments. At this time the applicant is requesting an extension of time to address concerns that have been raised – some of which relate to circulation, noise, and aesthetics. We hope to have revised plans within the next few weeks. Perhaps it would be better to meet after we all have a chance to review the revised plan. In the mean time, you are welcome to send me your comments and any photos you would like staff to review.

Regards,
Ethan Edwards

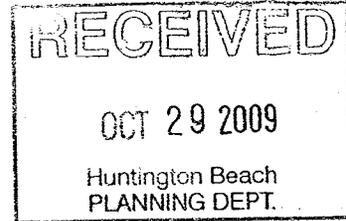
From: Larry Kennepohl [mailto:LKennepohl@peppertreeinc.com]
Sent: Monday, October 05, 2009 11:00 AM

ATTACHMENT NO. 10.46

10/13/2009

October 28, 2009

Mr. Ethan Edwards
Project Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648



Re: CONDITIONAL USE PERMIT NO 2009-002: Applicant Thomas Hwang, 616 Imperial, LLC. Request: To permit the construction of an approximately 2,200 sq ft. express service carwash building and associated site improvements, on a vacant 22,363 sq. ft. lot. Location: 8471 Warner Avenue 92647 (northwest corner of Warner Avenue and Newland Street). Project Planner: Ethan Edwards.

Dear Mr. Edwards,

It was a pleasure to finally meet you yesterday. When we met I pointed out to you that the site plan for the proposed Warner and Newland Express Car Wash had vacuums for every space, including employee parking and the handicap space. Employee parking is not indicated on the plan and in no event is there any reason for a vacuum in any employee or handicap parking space. Given the applicants operational history in his Long Beach store I suspect that he intends to have his employee's park in the residential area so that the spaces can be used by customers, which as you know is not permitted.

Removing the vacuums from the employee and handicap spaces leave at most eight spaces for customers use. On very busy days with 700 cars, which is entirely possible in an Express Car Wash, this will result in absolute gridlock as customers jockey for one of the FREE vacuum spaces, customers in one of the spaces are blocked by customers waiting in line to go through the tunnel and customers trying to exit the site are blocked by customers entering the site. This site is entirely too small for an Express Car Wash.

Please ask your traffic engineer to consider this and the other information related to customer volume which I handed to you in the 3-ring binder on October 27, 2009. An Express Car Wash is all about low prices and high volume. This is usually achieved by mechanically washing the exterior and minimizing the number of employees. This is a very successful business model but it has to be done correctly. This site plan misses that by a mile.

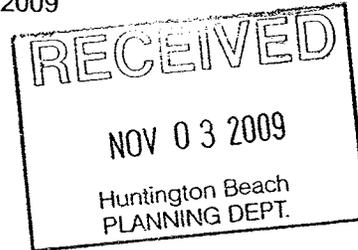
Best Regards,

A handwritten signature in black ink, appearing to read "Larry Kennepohl". The signature is written in a cursive, flowing style.

Larry Kennepohl
President
Pepper Tree, Inc.
595 W. 7th St., Suite 202
San Pedro, CA 90731

ATTACHMENT NO. 10.47

November 2, 2009



Mr. Ricky Ramos
Zoning Administrator
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

And:

Mr. Ethan Edwards
Project Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Re: CONDITIONAL USE PERMIT NO 2009-002: Applicant Thomas Hwang, 616 Imperial, LLC.
Request: To permit the construction of an approximately 2,200 sq. ft. express service carwash building and associated site improvements, on a vacant 22,363 sq. ft. lot. Location: 8471 Warner Avenue 92647 (northwest corner of Warner Avenue and Newland Street). Project Planner: Ethan Edwards.

Gentlemen,

The purpose of this letter is to make you aware of two rather large problems with the proposed project site plan.

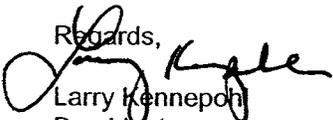
The first problem is that the proposed plan does not allow a sufficient turning radius for vehicles entering the tunnel. To illustrate the proper alignment I pasted a straight vehicle onto the plan. The applicants plan indicates a vehicle entering the tunnel at an angle which if permitted will cause the vehicle to strike the washing equipment causing damage to both the vehicle and to the equipment.

The second problem occurs at the exit. The site plan did not show a vehicle so I pasted one onto the plan. (Note that there is only 7'4" between the corner of the building and the interior landscape curb). The problem is that a vehicle may not begin to turn until after it has completely exited the tunnel. To begin turning prior to exiting the building will cause the vehicle to strike the drying equipment and damage both the vehicle and the equipment. To completely exit the building before turning will cause the vehicle to strike the curb.

The solution to both problems is to shorten the tunnel so that there is enough room to enter and exit straight. This, of course, is not a good solution because it will dramatically decrease the number of cars that can be washed per hour and severely impact the gridlock situation on a busy summer weekend.

The site is simply not large enough to accommodate an Express Car Wash.

Regards,


Larry Kennepoh
President
Pepper Tree, Inc.
595 W. 7th St., Suite 202
San Pedro, CA 90731

ATTACHMENT NO. 1049

January 26, 2010

Huntington Beach Planning Commission
Chair Blair Farley
City of Huntington Beach
2000 Main Street
Huntington Beach, Ca. 92648



Subject: Appeal of Zoning Administrator's approval of an Express Service Carwash located at 8471 Warner Ave. (Conditional Use Permit No. 2009-12)

Dear Chair Farley and Commissioners:

My name is Larry Kennepohl and I have appealed the Zoning Administrator's approval of Conditional Use Permit No. 2009-12. I am the owner of Express Car Wash located at Beach Boulevard and Warner Avenue. While the approval of a new car wash facility at Newland Street and Warner Avenue may create some level of competition, my main concern is the idea of allowing the proposed car wash to be built without all of the necessary safeguards, compatibility techniques and quality building materials typically employed in our industry. The selected site will result in a number of concerns which should be addressed.

1. Noise generated by the carwash, vacuum cleaners and radio usage will impact residents living in the adjacent apartments.

Recommendations

- Require roll-up doors at each end of the car wash, to contain the noise of the machinery during the car wash process. (A condition which has been placed on other Huntington Beach carwashes)
- Relocate the vacuums away from the adjacent residential uses.
- Post signs prohibiting the use of car radios while on the property.
- Require 5 employee parking spaces without vacuums adjacent to the apartments on the western boundary.
- Limit hours of operation by requiring closure at dusk.

2. The turning radius for vehicles entering the carwash is inadequate and will not function properly as designed.

Recommendations

- Reduce the length of the car wash structure by 10' on each end in order to allow vehicles a straight line access for both entering and exiting the facility.
- Require the use of an anti-collision device to prevent vehicles exiting the car wash from hitting vehicles that have stopped at the end.

ATTACHMENT NO. 10-51

3. Choice of building materials may deteriorate and become a maintenance problem in the near future.

Recommendation

- Require regular cleaning and maintenance of the on-site improvements.

4. Vehicles exiting the carwash building can crash through a landscaped barrier and end up on the public sidewalk or Warner Avenue.

Recommendation

- Require a strong wall, a minimum of 42 inch high with steel reinforcing at the exit of the car wash building, to prevent vehicles from going into the public right-of-way (a condition placed on other auto related facilities).

5. Car wash facilities present unique sustainability and environmental concerns.

- Require the use of a Variable Frequency Drive to reduce the drying blower energy consumption
- Require the use of a water reclaim or recycling system.

These recommendations are intended to make the proposed car wash a more compatible activity for the location. Reducing the car wash size, to address the site maneuvering concerns expressed above, will also result in fewer cars washed during the peak times. The potential for on-site gridlock due to the high number of proposed activities on the site, including, washing, vacuuming, detailing of vehicles along with vehicle queuing before entering the car wash building, will be reduced.

I respectfully request the Planning Commission's consideration the adoption of these concerns in the form of additional conditions of approval to alleviate the impacts discussed in this letter. I would like to meet with each member of the Planning Commission prior to the February 9 hearing date to review my concern in greater detail.

Sincerely,



Larry Kennepoh

