

April 30, 2003

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Kasey Lamax  
4601 W. Slauson Avenue  
Windsor Hills, CA 90043

RE: CONDITIONAL USE PERMIT CASE NO. 01-105-(2)  
A request to continue use of an existing hand car wash at 4601 W. Slauson Avenue,  
Windsor Hills, in the View Park Zoned District.

Dear Applicant:

PLEASE NOTE: This document contains the Regional Planning Commission's findings relating to **DENIAL** of the above referenced case.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be post marked or delivered in person within fifteen days after this notice is received by the applicant.

If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

Department of Regional Planning  
James E. Hartl, AICP  
Director of Planning

Russell J. Fricano, Ph.D., AICP  
Acting Section Head  
Zoning Permits I Section

RJF:KJ

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

c: Board of Supervisors; Department of Public Works (Building and Safety); Department of Public Works (Subdivision Mapping); Zoning Enforcement; Tony Nicholas, David Reed, Aubrey Walker, Tamyra King,

Jimmy Vinson, Bishop C.R. Hill.

**CONDITIONAL USE PERMIT NO. 01-105-(2)  
FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES**

**REGIONAL PLANNING COMMISSION HEARING DATES: October 9, 2002, December 11, 2002 and March 5, 2003**

**REQUEST: The applicant is requesting a Conditional Use Permit to allow continued use of an existing hand car wash at 4601 W. Slauson Avenue, Ladera Heights.**

**PROCEEDINGS BEFORE THE COMMISSION:**

October 9, 2002 Public Hearing

A duly noticed public hearing was held on October 9, 2002 before the Regional Planning Commission. Commissioners Valadez, Helsley, Bellamy and Modugno were present. Two people testified: the applicant's representatives, Mr. Percy Duran and Mr. Oscar Hernandez, who presented a request to continue the case to allow Mr. Duran, an attorney who was recently retained by the applicant, to review the case.

The Commission agreed to grant the requested continuance and directed the applicant to organize a community meeting prior to the next public hearing to discuss the project with members of the community.

The Regional Planning Commission continued the public hearing, at the request of the applicant, to December 11, 2002.

**December 11, 2002 Public Hearing**

A continued public hearing was held on December 11, 2002 before the Regional Planning Commission. All Commissioners were present. Ten people testified: the applicant's representative, Mr. Lister Leonard; car wash employees, Mr. Vernon Brown, Mr. Jimmy Vinson, Mr. James Carter, Mr. Clifford Jones, Ms. Tamyra King and Ms. LaDell King; neighboring business owners, Mr. Aubrey Walker and Mr. Wendell Bonville; and local church pastor, Bishop Clarence Hill. Mr. Leonard, Mr. Brown, Mr. Vinson, Mr. Carter, Mr. Jones, Ms. Tamyra King, Ms. LaDell King, and Mr. Hill presented testimony in support of the project. Mr. Walker and Mr. Bonville presented testimony in opposition to the project.

The applicant's representatives testified that the concerns of the community were invalid and indicated that the car wash is an important employer in the area. The applicant's representatives also indicated that the enforcement issues with the Departments of Public Works and Regional Planning had been resolved.

Those in opposition to the project testified that the owner of the property and the operator of the car wash are unknown, that the car wash was originally approved only as a temporary use of the property, that drainage problems exist at the car wash, and that criminal activity has occurred on the property, including drug use and sale and prostitution.

The Commission directed the applicant to provide property ownership documentation and articles of incorporation for Ma Mee's Incorporated, the stated entity in operation of the car wash business, and directed staff to organize a community meeting.

There being no further testimony, the Regional Planning Commission continued the public hearing to March 5, 2003.

### **March 5, 2003 Public Hearing**

A continued public hearing was held on December 12, 2002 before the Regional Planning Commission. All Commissioners were present. Nine people testified: the applicant's representative, Robert Moest; the mother of one of the property owners, Hattie Parris; car wash employees, LaDell King and Tamyra King; community members Narkell Williams, Patricia Clayton and Myrther Lloyd; and United Homeowners representatives Tony Nicholas and David Reed. Mr. Moest, Ms. LaDell King, Ms. Tamyra King, Ms. Williams, Ms. Clayton and Mr. Lloyd presented testimony in support of the project and Mr. Nicholas and Mr. Reed presented testimony in opposition to the project.

The applicant's representative presented testimony related to the ownership of the subject property.

The United Homeowners representatives presented the community's concerns with the operation, which included noise, traffic, trash, off-site drainage of water, hostility of the car wash operators and alleged criminal activity.

There being no further testimony, the Regional Planning Commission closed the public hearing, indicated its intent to deny the permit, and directed staff to prepare findings for denial.

### **Findings**

1. The applicant is requesting a Conditional Use Permit to allow the continued use of an existing hand car wash located at 4601 W. Slauson Avenue, Ladera Heights, in the View Park Zoned District.
2. Zoning on the subject property is C-2 (Neighborhood Business). Pursuant to Section 22.28.160 of the Los Angeles County Code, a conditional use permit is required to operate a hand car wash in the C-2 zone.
3. The surrounding properties are zoned as follows:
  - North: R-1 (Single Family Residence)
  - South: C-2 (Neighborhood Business), R-1
  - East: C-2
  - West: C-2
4. The 1.38-acre subject property is rectangular, with sloping topography, and is currently used as a hand car wash.

5. Surrounding lands contain the following uses:

North: Single family residences

South: Commercial Uses, Hotel, Private School, Single Family Residences

East: Private School, Commercial Uses, Vacant Land

West: Parking Lot, Office Building, Vacant Land, Commercial Uses, Multi-Family Residences

6. The car wash was illegally established on the property after the owner was informed that a Conditional Use Permit would be necessary. A retroactive Conditional Use Permit was approved in 1992 to allow the car wash as a transitional use pending future development of the site. The grant was given a five-year term due to the temporary nature of the approval. The grant expired in 1997 and the use has been in operation for the last five years without a valid Conditional Use Permit. Zoning Enforcement action was initiated upon discovery of the illegal operation of the car wash on the property and other zoning violations.

7. The following zoning cases have been filed on the subject property:

CUP 2466: A Conditional Use Permit to authorize establishment of a 24-unit apartment building was denied in 1984. File photographs show the property as being vacant.

PP33822: A Plot Plan Review to authorize installation of a 35' freestanding sign on the subject property was approved in 1985. The Plot Plan was approved for signage only and it is not clear whether the car wash had been established at that time.

PP33893: An application for Plot Plan Review to authorize establishment of a hand car wash on the subject property was withdrawn in 1985 after the applicant was advised that a CUP would be required.

CUP 89-446: A Conditional Use Permit to authorize establishment of a hand car wash was withdrawn by the applicant in 1990. There was no indication on the application that the use was existing at that time.

CUP 91-335: A Conditional Use Permit to authorize continued use of an existing illegally established hand car wash was approved by the RPC, as a transitional use pending future redevelopment of the subject property, in July 1992; CUP 91-335 expired in June 1997.

PP47469: Plot Plan Review to authorize establishment of a 42' high, 672 square foot billboard on the subject property was approved in 2001.

8. The car wash operation has been cited on multiple occasions by the Department of Public Works regarding improper drainage, unauthorized construction and code violations on the site; the violations involving drainage have since been corrected.

9. The subject property is designated Major Commercial in the Countywide General Plan. This designation allows regional commercial centers and central business districts as well as a range of mixed commercial and service activities. A hand car wash is consistent with this General Plan designation.
10. The site plan depicts the existing covered hand car wash area located toward the eastern side of the property, with waiting areas to the south and west of the car wash and storage buildings to the east and north. To the west are another waiting area, a building housing the cashier and a covered detail area. The previous site plan also depicted a parking area and office building, however, it was determined that the parcels on which those uses are located are not under the same ownership as the parcel containing the car wash. Access to the property is provided via Heatherdale Drive to the east (entrance only) and Slauson Avenue to the south. The northern area of the property is shown as hillside landscaping.
11. The car wash generally complies with the development standards of Section 22.28.170 of the Los Angeles County Code related to developments in the C-2 zone
12. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). As the car wash is an existing use, the project is within a class of projects which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15301 of the State CEQA Guidelines and Class 1 of the County Environmental Document and Reporting Procedures and Guidelines, Appendix G.
13. The County Fire Department submitted letters dated June 15, 2002 and November 6, 2002 and recommends that the project be denied due to outstanding Fire Code violations on the property. Although the letters show the wrong address for the property, a representative of the Fire Department verified that the Fire Code violations apply to the car wash on the subject property. To date, the Fire Code violations have not been corrected.
14. The County Sheriff's Department indicated that there had not been any calls related to criminal activity on the subject property over the past two years. The Los Angeles Police Department was not consulted.
15. The County Department of Health Services conducted an acoustical analysis of the existing car wash and determined that it cannot be conclusively determined whether the car wash contributes excessive noise levels at distant receptor sites.
16. At the October 9, 2002 public hearing, the Commission directed the applicant to organize a community meeting. A community meeting was held on November 13, 2002; however, no members of the community attended the meeting. The applicant indicated that he sent notice of the meeting to persons within a 500 foot radius of the subject property, to all other residents on Heatherdale Drive outside the 500 foot radius, and to four community members who specifically requested that they be notified. After the 11/13/02 community meeting, Staff contacted several community members who indicated that they had not been notified of the meeting. At the

December 11, 2002 public hearing, the Commission directed staff to organize a second community meeting and give proper notice of the meeting to the community. A community meeting was held on February 11, 2003 and 25 – 30 community members were in attendance and expressed a number of concerns related to the project (see finding 18, below).

17. Staff received thirteen (13) public comments and a petition signed by 155 car wash patrons (not residents of the immediate vicinity) in support of the project. The support comments were due to the following factors:
  - a. Car wash well managed and a community asset;
  - b. Jobs provided; and
  - c. No plans for alternative use of property.
18. Staff received twenty-six (26) public comments, one of which was offered by the president of the United Homeowners Associations representing 5,500 local households and 1,200 members, in opposition to this request. Residents attending the community meeting held on February 11, 2003 echoed several of these concerns. The following concerns were raised:
  - a. Excessive noise emitted by vacuum cleaners/blowers and loud music;
  - b. Property unsightly;
  - c. Water not being contained on-site;
  - d. Alleged criminal activity;
  - e. Hostile operator and employees, not willing to work to integrate use into community;
  - f. Car wash clients speeding on Heatherdale Drive (a cul-de-sac);
  - g. Requests for closing of the access point on Heatherdale Drive;
  - h. Trash from car wash dispersed by the wind onto neighboring properties; and
  - i. Unsightly business signage.
19. Throughout the Conditional Use Permit application process, the applicant's representatives have not offered any solutions to the concerns of the Fire Department, Health Department, and community regarding the operation of and impacts from the car wash.
20. The Commission finds that there is insufficient space to handle queued cars on the property which could result in blocking of traffic on Heatherdale Drive.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the applicant has failed to substantiate to the satisfaction of the Commission that the requested use at the proposed location will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- B. That the applicant has failed to substantiate to the satisfaction of the Commission that the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code for the use as proposed, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- C. That the applicant has failed to substantiate to the satisfaction of the Commission that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required;

AND, THEREFORE, the information submitted by the applicant and presented at the hearing does not substantiate the required findings for a conditional use permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. In view of the findings of fact and conclusions presented above, Conditional Use Permit Case No. 01-105-(2) is **DENIED**.

**VOTE**                      **4-0**

**Concurring:**            **Valadez, Helsley, Rew, Modugno**

**Dissenting:**            **0**

**Abstaining:**           **0**

**Absent:**                 **Bellamy**

**Action Date:**         **4/30/03**