



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Richard J. Bruckner  
Director

October 21, 2010

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ezekiel Pescina  
2556 Cudahy Street  
Huntington Park, CA 90255

**REGARDING: PROJECT NUMBER R2007-02133  
GENERAL PLAN AMENDMENT 200800002  
ZONE CHANGE CASE NUMBER 200700007  
CONDITIONAL USE PERMIT CASE NUMBER 200800034  
2556 CUDAHY STREET, HUNTINGTON PARK**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, October 20, 2010, recommended **DENIAL** of the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings to the denial.

The action of the Commission shall become final unless an interested party requests a hearing by the Board of Supervisors by filing a written request with the Executive Officer-Clerk of the board within five days after the Commission files its recommendations with the Board of Supervisors. The Commission's findings and recommendations are being transmitted to the Board of Supervisors on October 20, 2010, therefore a request for hearing for this project must be filed by **5:00pm on Tuesday, October 26, 2010**, otherwise the action of the Commission shall become final. Any request for a hearing must be delivered in person to the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Anita Gutierrez at (213)974-6443 or e-mail at [AGutierrez@planning.lacounty.gov](mailto:AGutierrez@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner  
Director

Mark Child, Supervising Regional Planner  
Zoning Permits Section I Section

Enclosures: Findings and Zone Change Resolution

c: BOS; Zoning Enforcement

MC:ag

Hearing Footage: 10/20/2010-Item #7

# **FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2007-02133-(1)  
GENERAL PLAN AMENDMENT 200800002  
ZONE CHANGE CASE NUMBER 200700007  
CONDITIONAL USE PERMIT CASE NUMBER 200800034**

## **REQUEST**

Pursuant to County Code Section 22.16.070, the applicant is requesting a Community Plan Amendment to change the plan category in the Walnut Park Neighborhood Plan from Neighborhood Revitalization to General Commercial on APN# 6202-014-004.

Pursuant to County Code Section 22.16.070, the applicant is requesting a Zone Change to change the zone from R-3-NR (Limited Multiple Residence-Neighborhood Revitalization) to C-3-DP (Unlimited Commercial with a development program) Zone on APN# 6202-014-004

Pursuant to County Code Section 22.56.010, the applicant is requesting a Conditional Use Permit to implement the development program and authorize the continued use of an automatic car wash with less than required side and rear yard setbacks on APN # 6202-014-004.

**REGIONAL PLANNING COMMISSION HEARING DATE: October 20, 2010**

**A duly noticed public hearing was held on October 20, 2010 before the Regional Planning Commission. Commissioners Valadez, Bellamy, Helsley, Rew and Modugno were present. No Commissioners were absent. The applicant's representative, Ezequiel Pescina, and Ramon Sanchez presented testimony in favor of the request and answered questions presented by the Commission.**

**Mario Flores gave testimony in favor of the project and stated the noise from the vacuums did not bother him. John Bender testified that the car wash produced noise that bother his tenant that lives adjacent to the car wash.**

**There being no further testimony, the Regional Planning Commission closed the public hearing and denied the permit.**

## **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION**

### **FINDINGS**

- 1. The project site is located at 2556 Cudahy Street, Huntington Park, which includes APNs 6202-014-004 and 6202-014-003. The use is located on both parcels however, the entitlements only apply to APN 6202-014-004 as APN 6202-014-003 is already zoned C-3, where an automatic car wash is a permitted use.**
- 2. The project includes a plan amendment to change the category in the Walnut Park Neighborhood Plan from Neighborhood Revitalization to General Commercial on, a**

Zone Change to change the zone from R-3-NR (Limited Multiple Residence-Neighborhood Revitalization) to C-3-DP (Unlimited Commercial with a development program) Zone ,and a Conditional Use Permit to implement the development program and authorize the continued use of an automatic car wash with less than required side and rear yard setbacks on one of the two lots that comprise the property located at 2556 Cudahy Street in the unincorporated community of Huntington Park (APN 6202-014-004).

3. The project site is comprised of two parcels, and the automatic car wash facilities are located on both parcels. One parcel (APN 6202-014-003) is designated General Commercial and zoned C-3 (Unlimited Commercial), which allows an automatic car wash as a permitted use. The other parcel (APN 6202-014-004) is the subject of this entitlement request and is designated Neighborhood Revitalization and zoned R-3-NR, which prohibits automatic car washes.
4. The Walnut Park Neighborhood Plan "NR" designation promotes the development of buffer uses between residential and commercial areas, especially parking lots, and develop appropriate design development standards for these uses. Changing the community plan designation to General Commercial eliminates the potential for a buffer zone and is therefore inconsistent with community plan goals.
5. A five foot landscaping strip was required in 1999 under Plot Plan 45362 to buffer the transitional use parking from residential uses, this buffer has not yet been provided.
6. The Walnut Park Neighborhood Plan establishes a transitional concept to protect Neighborhood Preservation and Revitalization areas from adjacent commercial uses. By changing the community plan designation to General Commercial, land designated Neighborhood Preservation would be reduced to encourage commercial, which is inconsistent with the goals of the community plan, which encourage transitional use concepts to protect Neighborhood Preservation.
7. Plot Plan 45362, for parcel 6202-014-003 originally approved transitional parking, a use consistent with the community plan, however the applicant developed the parcel with a vacuum system and metal shade structure bringing the commercial car wash use onto parcel 6202-014-003, which is inconsistent with community plan.
8. The Walnut Park Neighborhood Plan encourages incorporating aesthetic treatment in the buffer and transition areas between commercial and residential areas. By changing the community plan to General Commercial, a transition or buffer area would be lost. The proposed plan amendment would be inconsistent with this policy.
9. The project site is located within the Walnut Park Community Standards District (CSD), The following development standards apply:

- A. Setbacks  
There are no setbacks required in the C-3 Zone
- B. When off-street parking areas are not separated from residentially zoned parcels by a street, the following shall be required:
- i. A landscaped area having a minimum width of five feet shall be required adjacent to the property line.
  - ii. A six-foot-high masonry wall shall be located behind the landscaped area between the parcel used for off-street parking and the residentially zoned parcel, except that such wall shall not be located within the front yard setback area adjacent to the residentially zoned parcel
- C. The CSD requires that commercial front yards and open space areas shall be landscaped, neatly maintained, and have an operational irrigation system. Site plans for commercial properties, showing walls, landscaped areas and irrigation systems, shall be submitted to the director of the community development commission and the department of regional planning for review and approval.
10. As currently installed, the vacuums located on the R-3 zoned portion of the property, adversely impact the residential units to west and south, which are located adjacent to the subject property. The car wash use is an appropriate use along a major street such as Pacific Boulevard, however changing the zone and plan category to allow a commercial use develop further west into the existing residential neighborhood would be would an incompatible land use alongside the residential that exists in the area. The area is developed with single family, duplex and multi-family uses.
  11. The County Fire Department required a fire flow test be submitted. The fire flow test has not been provided. In a letter dated August 11, 2009, the Department did not recommend this project not be approved.
  12. The County Department of Public Works had concerns with road improvements and right-of-way, sewer and water. The concerns have not been addressed and a letter dated January 11, 2010 recommended the project not be approved.
  13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
  14. The Department of Regional Planning has determined that a Mitigated Negative Declaration would be the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. The Initial Study, which was prepared for the project, concluded that with appropriate mitigation, the potential impacts from noise and land use could be mitigated to a level of no significance.

15. The carwash use can operate without using the R-3 zoned parcel and therefore staff believes that the proposed zone change and plan amendment are not necessary to allow the use to continue. To approve the request would cause an unnecessary adverse impact to the community.
16. The proposed use is not consistent with the neighborhood goals and policies of the Plan, which seek to protect Neighborhood Preservation and Revitalization areas. The proposed project would decrease Neighborhood Preservation area within the Neighborhood Plan, which is inconsistent with its intent.
17. The proposed site, APN#6202-014-004 is not adequate in size or shape to accommodate the proposed use and development features, due to its proximity to residential. Changing the land use designation and the zone to a commercial serving would not be consistent with the surrounding land use pattern and would cause an adverse impact to the surrounding community due to noise.
18. If approved, the proposed project would adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, and would be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site due to noise generated from the car wash.
19. The proposed car wash use on the R-3-NR lot would not be in the interest of the health, safety and general welfare of the community. Neighbors in the adjacent residential units have complained about the noise generated from the car wash and the vacuums currently located on the R-3-NR lot, which demonstrates continuing a commercial use on that lot would have an adverse impact on the neighbors.
20. The current C-3 zoned lot is adequate in size and shape to accommodate the use with appropriate development features, there is not a need to expand the use to the R-3-NR Zoned lot.
21. The project site is served by a major commercial street (Pacific Street), which is more appropriate to serve the car wash than Cudahy Street, which is a more residential street.
22. No modified conditions exist in the area, there is still a need to separate residential uses from the commercial uses along a commercial street.
23. The applicant can and has redesigned the project to operate without locating the car wash facilities on the R-3-NR lot. The lot can be used as a buffer area with a low impact use located near residences separating the residential from nearby commercial uses that are more appropriate along busy commercial streets and corridors. Allowing a commercial use would be detrimental to residential neighborhoods if not properly separated. There is no need for a zone change, the car

wash can operate without locating the noise producing aspects of the car wash on the R-3-NR lot.

24. The particular parcel zoned R-3-NR is not in the proper location to be zoned C-3-DP as it located in a residential area intended for residential and low impact development. Commercial uses are more appropriate along commercial corridors.
25. A need does not exist for the plan amendment because the project can and has been redesigned to operate without locating the car wash facilities on the R-3-NR lot.
26. The placement of the C-3-DP zone would not be in the interest of the health, safety and general welfare of the community as the existing vacuums generate above normal sound levels and would have to be mitigated to decrease the sound levels.
27. The amendment proposed is not appropriate because land designated Neighborhood Preservation would be reduced to allow for a commercial use that is not compatible with immediately adjacent residential uses without a buffer area.
28. No modified conditions exist in the area. A need to preserve land designated as Neighborhood Revitalization still exists.
29. The placement of the General Commercial land designation would not be in the interest of health, safety and general welfare of the community as a commercial use is more appropriate along commercial corridors.
30. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 1<sup>3th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

**REGARDING THE PLAN AMENDMENT, BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. That there is a not a need for the proposed General Plan Amendment; and
- B. That the particular amendment proposed is not appropriate and proper; and
- C. That there are not sufficient modified conditions to warrant a revision to the County of Los Angeles General Plan; and
- D. That approval of the proposed General Plan Amendment will not be in the interest of public health, safety and general welfare and in conformity with good planning practices.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings and burden of proof for a General Plan Amendment.

**REGARDING THE ZONE CHANGE, BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION FURTHER CONCLUDES:**

- A. That there are not sufficient modified conditions to warrant a revision in the zoning plan as it pertains to the area or district under consideration; and
- B. That there is not a need for the proposed zone classification exists within such area or district; and
- C. That the particular property under consideration is not in a proper location for said zone classification within such area or district: and
- D. That placement of the proposed zone at such location will not be in the interest of public health, safety and general welfare, and in conformity with good zoning practice.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings and burden of proof for a Zone Change as set forth in Section 22.16.110 of the Los Angeles County Code.

**REGARDING THE CONDITIONAL USE PERMIT, BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION FURTHER CONCLUDES:**

- A. That the proposed use is not consistent with the adopted general plan for the area; and
- B. That the requested use at the proposed location will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is not adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is not 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.

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**FINDINGS  
PAGE 7 OF 7**

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing does not substantiate the required findings and burden of proof for a Conditional Use Permit as set forth in Section 22.56.040 of the Los Angeles County Code.

**REGIONAL PLANNING COMMISSION ACTION**

1. In view of the findings of fact and conclusions presented above General Plan Amendment Number 200800002, Zone Change Case Number 200700007 and Conditional Use Permit Case Number 200800034 is DENIED.
- c: Each Commissioner, Zoning Enforcement, Building and Safety

**VOTE: 5-0**

Concurring: Valadez, Bellamy, Helsley, Rew and Modugno

Dissenting:

Abstaining:

Absent:

Action Date:10/20/10

MC:ag  
10/06/10