



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 18, 2012

David Stark
42036 Desert Sage
Lancaster, CA 93536

**REGARDING: PROJECT NO. 92177-(5)
CONDITIONAL USE PERMIT NO. 200800175
5022 West Columbia Way (Avenue M), Lancaster (Quartz Hill), CA
93536 (APN: 3101-016-035)**

Hearing Officer, Mitch Glaser, by his action on **September 18, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **October 2, 2012**. **Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at acurzi@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,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Susan Tae, Supervising Regional Planner
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement;

SMT:amc

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. 92177-(5)
CONDITIONAL USE PERMIT NO. 200800175**

1. **ENTITLEMENT REQUESTED.** The applicant, David Stark, is requesting a conditional use permit (CUP) to authorize the continued operation and maintenance of an auto body repair and paint shop in the C-3 (Unlimited Commercial) zone pursuant to Section 22.28.210 of the Los Angeles County ("County") Code .
2. **HEARING DATE.** September 18, 2012.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly-noticed public hearing occurred before the Hearing Officer. The applicant, David Stark, testified in support of the CUP and agreed to the conditions. There being no further testimony other than the applicant, the Hearing Officer closed the public hearing, acknowledged the categorical exemption and approved the project.
4. **PROJECT DESCRIPTION.** The applicant requests authorization to continue the operation and maintenance of an auto body repair and paint shop on a 7,857-square-foot parcel in the C-3 zone. The facility consists of two buildings: (1) a 1,608-square-foot workshop and (2) a secondary 1,210-square-foot workshop containing a paint booth. There are a total of seven parking spaces, including one disabled space, on-site. There is no new construction proposed.
5. **LOCATION.** The project is located at 5022 West Columbia Way (Avenue M), Lancaster (Quartz Hill), CA 93536 in the Fifth Supervisorial District and within the Quartz Hill Zoned District. The Assessor's Parcel Number is 3101-01-6035.
6. **SITE PLAN DESCRIPTION.** The site plan depicts the property with two buildings and a parking lot containing seven parking spaces. The main, 11-foot, 10-inch-tall, 1,608-square-foot building (Building 1) is located at the front (north) of the property. Two 14-foot, 10-inch-wide doors allow access to Building 1. The building containing the paint booth and storage room (Building 2) is depicted as a 16-foot-tall, 1,210-square-foot structure located at the rear of the property. Six parking spaces are located along the eastern edge of the lot between Building 1 and Building 2. One disabled parking space is located along the western edge of the property. A 9-foot, 4-inch-wide driveway located between Building 1 and the west property line provides vehicular access to the center and rear property.
7. **EXISTING ZONING.** The subject site is zoned C-3. Surrounding properties are zoned as follows:
North: C-3, R-3-P (Limited Multiple Residence – Parking), M-1 (Light Industrial)
South: C-3, M-1, A-1-10,000 (Light Agricultural – 10,000 Square Foot Minimum Required Lot Area)
East: C-3
West: M-1

8. **EXISTING LAND USES.** The subject site is developed with a auto body repair and paint shop. Surrounding properties are developed as follows:
North: Equipment rental and repair shop, vacant land, lumberyard, parking lot, mattress store, dog grooming shop, church, auto repair shop, radio station, water company, library, bank.
South: Feed store, ambulance company, beauty salon, dry cleaners, vacant land.
East: Parking lot, auto repair shop, truck repair shop, auto detail shop.
West: Vacant land, self storage facility.
9. **PREVIOUS CASES/ZONING HISTORY.** CUP 92177-(5) approved the existing auto body repair and paint shop on March 23, 1993. This grant expired on March 9, 2008.
Ordinance No. 6009 established the C-4 (Restricted Commercial) zone on the subject property on July 8, 1952.
Ordinance No. 10,826 reclassified the C-4 zone to C-3 on February 8, 1974.
10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the "C" (Commercial) land use category of the Antelope Valley Areawide General Plan ("Community Plan"), a component of the Countywide General Plan ("General Plan"). The Commercial land use designation is intended for commercial uses such as retail, businesses, and offices. The existing auto body repair and paint shop is a commercial/business use and is therefore consistent with the permitted uses of the underlying land use category.

The following policies of the County General Plan are applicable to the proposed project:

- *Policy 9: "Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design, and locational controls."*

The auto body repair and paint shop is located in the center of Quartz Hill and provides a convenient location for residents to have their automobiles repaired and painted. The facility is well maintained and neat, appropriately scaled, and keeps motor vehicles that are under repair hidden from public view.

The following policies of the Community Plan are applicable to the proposed project:

- *Policy 4: "Accommodate population and land use growth in a 'centralized' rather than uniformly 'dispersed' pattern, providing a broad range of densities and types of uses. High density and intensity uses will be structured at the 'core' or 'cores' of the community around which lower intensity uses will be grouped. Lowest density uses should be located at the periphery of the community."*

By permitting the continued use of the auto body repair and paint shop at the existing site, which is located at the center of Quartz Hill in an established commercial area, a high intensity use will be maintained at the "core" of the community, leaving aside land at the periphery of the community for lower intensity and density uses.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Pursuant to Section 22.28.220 of the County Code, establishments in the C-3 zone are subject to the following development standards:

- a. Ten percent of the net area shall be landscaped;
- b. Parking shall be provided as required by Part 11 of Chapter 22.52 ;
- c. Outside display shall be limited unless otherwise authorized by a temporary use permit;
- d. Outside storage shall be limited.

The subject property meets all of the above-referenced developments standards except the 10 percent requirement for landscaping. The subject property was initially developed in the 1950s, with the main building being constructed in 1953 and the secondary building containing the paint booth in 1980. The landscaping requirement for C-3 zones was adopted in 1983. Therefore, current requirements regarding landscaping are impossible to achieve. However, given the fact that the property complied with development standards at the time of construction, and that the property is maintained in an orderly state, the conditional use permit authorizes the continued use of the site as is.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The existing facility provides a service to the immediate community and the neighboring areas by providing a location where automobile owners can get their vehicles repaired and painted. The repair and painting of automobiles occurs indoors, as required by development standards, and vehicles stored for service are hidden from public view. The shop has existed at the site for many years, and the surrounding businesses have come later and have grown accustomed to the auto body repair and paint shop.

While not in compliance with current development standards regarding landscaping, all other applicable development standards are met on the subject property. All required business activity occurs on-site without adversely affecting neighboring property owners. Streets that serve the subject site are adequately wide and improved to accommodate the traffic the business generates, and all other public and private services are available to the subject property without overburdening other users.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Staff has received a letter from the Department of Public Health recommending approval of the CUP with the inclusion of one condition.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Staff has not received any comments.

15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** 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.

16. **PUBLIC COMMENTS.** Eight letters of support for the continued operation of the auto body and paint shop, including from the Quartz Hill Town Council.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The subject site is located within the "C" (Commercial) land use category of the Community Plan and the existing and proposed use is compatible with this category as it is a service-type business.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

18. The subject site is well maintained and buffered from neighboring uses such that the proposed use will not adversely affect surrounding properties. The use has existed at the site for many years without incident. Surrounding uses include other commercial and businesses that are compatible with the existing auto body repair and paint shop.

Therefore, the requested use at the location proposed 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.

19. The subject property meets all development features of Title 22 of the County Code with the exception of required landscaping. The property's buildings were constructed many years ago before the adoption of minimum landscaping requirements. Nevertheless, the applicant has agreed to provide a small amount of landscaping in the front of the shop to further buffer the site and to integrate it into the immediate area.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. The subject site is located on Columbia Way (West Avenue M), 200 feet west of 50th Street West. Both streets are listed as highways in the County Master Plan of Highways and both are adequate to accommodate the traffic generated by the project.

Therefore, 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.

ENVIRONMENTAL DETERMINATION

21. The project is for the continued use of an existing auto body repair and paint shop with no new construction or intensification of use.

Therefore, the project qualifies as a Class 1 Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

22. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to twenty (20) years.
23. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th 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 North Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed 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
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. 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.

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

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200800175 is Approved subject to the attached conditions.

SMT:amc
September 18, 2012

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. 92177-(5)
CONDITIONAL USE PERMIT NO. 200800715**

PROJECT DESCRIPTION

The project is a request for approval of a conditional use permit to authorize the continued operation of an auto body repair and paint shop on a 7,857-square-foot parcel in the C-3 (Unlimited Commercial) zone in Quartz Hill, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense,

including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on September 18, 2032.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the **auto body repair and paint shop** and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a

violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) biennial (one every other year)** inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification

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

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

SPECIFIC CONDITIONS

18. This grant allows the continued operation of an auto body repair and paint shop subject to the following restrictions:
 - a. All repair activities shall be conducted indoors;
 - b. Work resulting in excessive noise shall be performed between the hours of 8:00 a.m. and 8:00 p.m., Monday through Saturday.
19. The applicant shall comply with the requirements of the approval letter from the County Department of Public Health dated July 3, 2012, attached hereto.
20. As agreed to by the applicant, landscaping shall be installed at the front of the property in the area between the eastern property line and the eastern vehicle door to the main building within 90 days of permit approval. A new Exhibit "A" shall be submitted depicting this area as landscaped.

Attachments:

Department of Public Health Letter dated July 3, 2012