

Hearing Officer Transmittal Checklist

Hearing Date

11/18/2014

Agenda Item No.

6

Project Number: 96189-(5)
Case(s): Nonconforming Review No. 201100001
Environmental Assessment Case No. 201100150
Planner: Thuy Hua

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: _____





Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER
 96189-(5)

HEARING DATE
 November 18, 2014

REQUESTED ENTITLEMENTS

Nonconforming Review No. 201100001
 Environmental Assessment No. 201100150

PROJECT SUMMARY

OWNER / APPLICANT

90th Street LLC / Ecology Auto Parts, Inc.

MAP/EXHIBIT DATE

July 21, 2014

PROJECT OVERVIEW

A request to allow the continued operation of an automobile dismantling yard, which includes the wholesale and retail sale of used auto parts and scrap metal, in the A-1-1 (Light Agricultural – 1 Acre Minimum Area) Zone, pursuant to Part 10 of Chapter 22.56 of the Los Angeles County Code. The use was previously approved through Case No. NR96189.

LOCATION

43927 N. 90th Street East

ACCESS

90th Street East

ASSESSORS PARCEL NUMBER(S)

3376-031-022

SITE AREA

10 Acres

GENERAL PLAN / LOCAL PLAN

Antelope Valley Area Plan

ZONED DISTRICT

Antelope Valley East

LAND USE DESIGNATION

N1 (Non-Urban 1)

ZONE

A-1-1 (Light Agriculture – 1 Acre Minimum Area)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

0.5 du/ac

COMMUNITY STANDARDS DISTRICT

N/A

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Antelope Valley Area Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - Part 10 of 22.56 (Nonconforming Review Provisions)
 - 22.24.110 (A-1 Zone Development Standards)

CASE PLANNER:

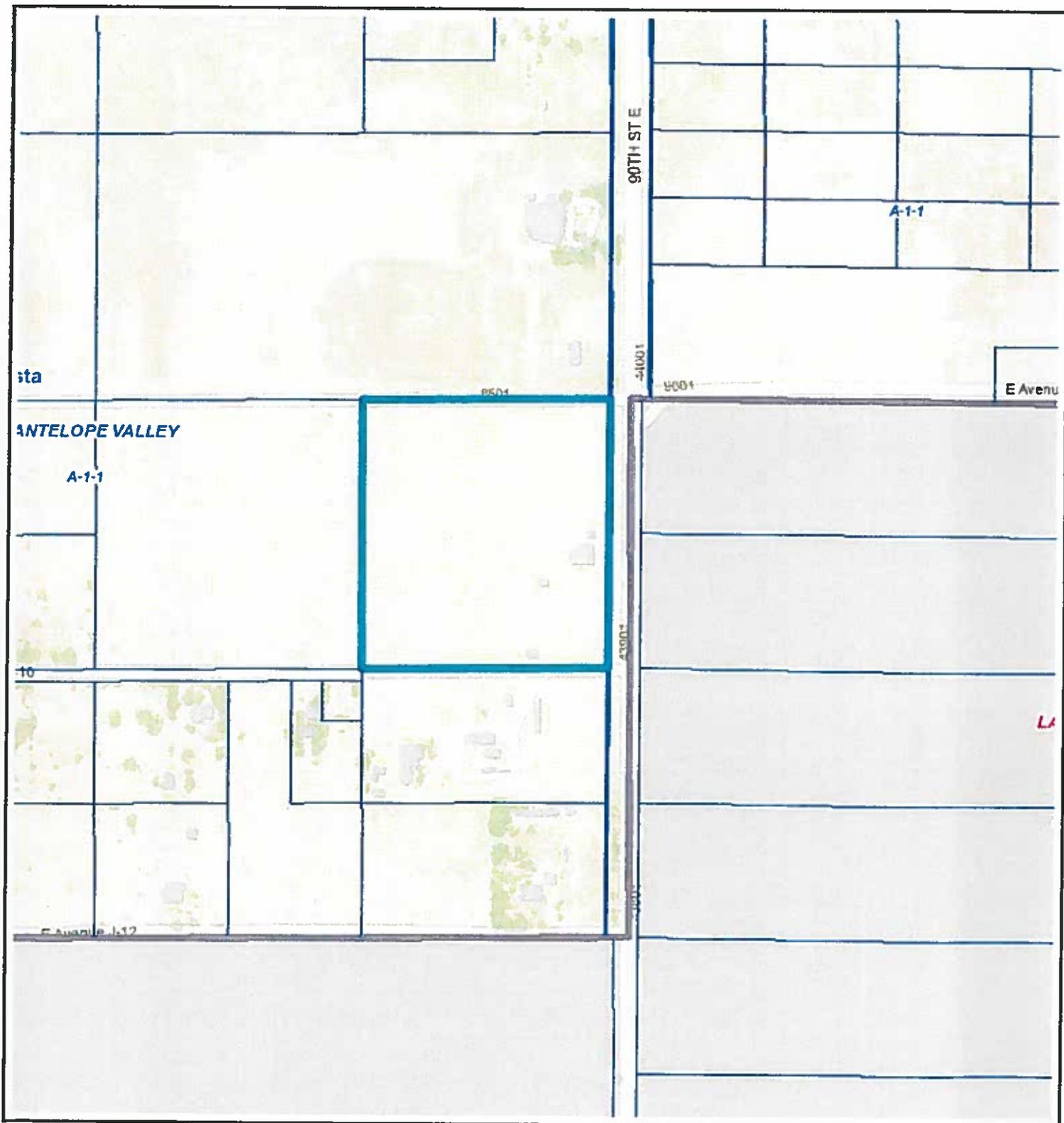
Thuy Hua

PHONE NUMBER:

(213) 974 - 6443

E-MAIL ADDRESS:

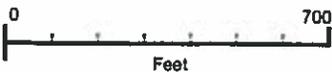
thua@planning.lacounty.gov



Project No. 96189-(5) / NCR 201100001

Property Location Map

Printed: Nov 06, 2014



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ENTITLEMENTS REQUESTED

Nonconforming Review ("NCR") for the continued operation and maintenance of an automobile dismantling yard, which includes the wholesale and retail sale of used auto parts and scrap metal, in the A-1-1 (Light Agricultural – 1 Acre Minimum) zone pursuant to Part 10 of Chapter 22.56 of the Los Angeles County Code.

PROJECT DESCRIPTION

The applicant is requesting an NCR to authorize the continued use of an existing automobile dismantling yard, which includes the wholesale and retail sale of used automobile parts and scrap metal. The subject property is 10 acres in size and located on the northwest corner of East Avenue J-10 and 90th Street East at 43927 N. 90th Street East (APN 3376-031-022) in the Antelope Valley East Zoned District. It consists of one square parcel with level topography. The entire site is developed with the automobile dismantling yard and accessible via 90th Street East.

The site plan depicts an open, unpaved yard used to store wrecked and partially dismantled vehicles. A one-story office, garage, covered patio, guard post, and entry gate are located on the eastern side of the property. A car crusher, oil drainage area, and shade structure are located on the southern side of the property. The remainder of the area is used for the storage of wrecked and partially dismantled vehicles lined in rows. Two 25' x 135' septic system expansion areas are identified in the southeastern quarter of the property. Parking is provided in a paved lot lining the eastern side of the property outside the perimeter of the enclosed fenced/walled area. A 6'-8" high corrugated metal fence topped with a 3'-0" high electric fence lines the northern, western, and southern boundaries of the property. A 10'-0" high block wall topped with an electric fence lines the eastern boundary of the property.

The use was previously approved through Nonconforming Review Case Nos. 188 and 96189.

EXISTING ZONING

The subject property is zoned A-1-1 (Light Agricultural – 1 Acre Minimum Area) in the Antelope Valley East Zoned District.

Surrounding properties are zoned as follows:

- North: A-1-1
- South: A-1-1
- East: Within the City of Lancaster
- West: A-1-1

EXISTING LAND USES

The subject property is developed with the automobile dismantling yard and associated garage, office, and covered patio.

Surrounding properties are developed as follows:

- North: Single-family residence, vacant land

South: Single-family residences
East: Farm
West: Vacant land

PREVIOUS CASES/ZONING HISTORY

Regional Planning does not have any record of approval for the construction of the facility; however, the Los Angeles County Assessor's records indicate that the automobile dismantling yard was constructed in 1955.

Ordinance No. 7093 zoned the subject parcel as M-3 (Unclassified) on June 29, 1954.

Ordinance No. 7450 changed the zone to A-1-2 (Light Agricultural – 2 Acre Minimum Area) on December 16, 1958.

Ordinance No. 7490 changed the zone to A-1-1 (Light Agricultural – 1 Acre Minimum Area) on March 17, 1959.

Nonconforming Review No. 188 was approved by the Regional Planning Commission on February 24, 1982 and authorized the continued operation of the automobile dismantling yard in the A-1-1 zone. This permit expired on February 3, 1997.

Nonconforming Review No. 96189 was approved by the Hearing Officer on February 18, 1997 and authorized the continued operation of the automobile dismantling yard in the A-1-1 zone. This permit expired on February 18, 2012.

A Conditional Certificate of Compliance, CC 4295, exists on the subject parcel. It was determined through the application for Certificate of Compliance 201100223 that a second Certificate of Compliance was not required.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. This exemption allows for the operation, repair, and maintenance of existing structures with negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No changes are proposed to the site. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Non-Urban 1 (N1) land use category of the Antelope Valley Areawide General Plan ("Area Plan"). This designation is intended for low-intensity and rural land uses. The Non-Residential Uses in Non-Urban Areas provision of the Area Plan allows for non-residential uses within this land use category. The automobile dismantling yard was established prior to the adoption of the Area Plan and serves the surrounding local community. Therefore, the use on the subject property is consistent with the permitted uses of the underlying land use category.

The following policy of the General Plan is applicable to the proposed project:

- *General Plan, Policy 20, Page I-21: Maintain and conserve sound existing development.*

The automobile dismantling yard has existed on this property since 1955. It provides for local employment and a needed service for the region.

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

- *Area Plan, Policy 33, Page V-5: Encourage maintenance, conservation, and rehabilitation to prevent community deterioration.*

The automobile dismantling yard has been well maintained and demonstrated compliance with previous conditional approvals. The proposed project provides a service that assists the local region in reducing the ongoing dumping issue by providing a place to bring vehicles that are no longer operable. This can reduce the number of inoperable vehicles found abandoned on absentee-owner properties and thus helps to prevent community deterioration.

- *Area Plan, Policy 71, Page V-10: Encourage and support local efforts to attract new industry to the Antelope Valley. While the aerospace and other government related industries should continue to remain as major employment generators, emphasis should also be given to attracting other types of employers.*

The automobile dismantling yard provides jobs for local residences and is another type of employer other than aerospace and government. This diversifies economic opportunities for the local region and could attract other industries in need of the materials provided by this use.

Zoning Ordinance and Development Standards Compliance

Automobile dismantling yards are not a permitted use in the A-1-1 zone. However, the automobile dismantling yard on the subject property is considered a legal, nonconforming use because it was established prior to the zone change. The use was established in 1955 when the zoning of the property was M-3, where such use is allowed in such zone. The zoning of the property changed in 1958 to A-1-2 and then A-1-1, after the legal establishment of the use, creating a legal nonconforming use. Previous nonconforming review permits were issued for this use and authorized its continued operation. Pursuant to Section 22.56.1550 of the County Code, the approval of a nonconforming review application is required in order to extend the time within which a nonconforming use or building or structure nonconforming due to use, or due to standards where applicable, must be discontinued or removed from its site.

A nonconforming review is a limited term permit with the intent that the automobile dismantling yard will eventually be removed from the site, or the zone changed to allow

for the use through an appropriate permit. Regional Planning is currently in the process of updating the Area Plan and has received a recommendation for approval from the Regional Planning Commission which includes the proposal to change the zoning of the subject property to M-2 (Heavy Manufacturing). The M-2 zone will allow the automobile dismantling yard subject to the approval of a conditional use permit. The Area Plan is scheduled for consideration by the Board of Supervisors on November 12, 2014. The approval of a nonconforming review will allow for the use to continue until such time when an official zone change is adopted by the Board of Supervisors.

The existing automobile dismantling yard is in compliance with all conditions required under previously approved NCR 96189.

In 1997, a Notice of Violation and was issued for not complying with the parking layout as shown on the approved site plan. The issue was rectified and the case was closed in the same year. It can be concluded from the information in the enforcement file that the property owner was responsive in abating the violation.

Section 22.52.370 of the County Code, established in 1983 through Ordinance No. 83-0161, provides development standards for automobile dismantling yards. This Section was created after the establishment of the automobile dismantling yard in 1955. The use complies with all the requirements of this Section with the exception of the landscaping provision. The landscaping provision requires the following:

- *(Section 22.52.370.E) At least one square foot of landscaping shall be provided for each linear foot of street frontage, and said landscaping shall be developed in accordance with a plot plan which complies with the following criteria:*
 1. *Landscaping shall be distributed along said frontage in accordance with the plot plan approved by the director.*
 2. *No planting area shall have a horizontal dimension of less than three feet.*
 3. *A permanent watering system or hose bibs shall be provided which satisfactorily irrigates all planted areas. When hose bibs are utilized, they shall be so located as to permit the watering of all planted areas with a 50-foot hose.*
 4. *All landscaped areas shall be continuously and properly maintained in good condition.*

Under the nonconforming review, Staff believes this provision should not apply to the proposed project because it is a requirement created after the establishment of the use. Additionally, the Antelope Valley is facing drought issues and ongoing adjudication of water rights. The surrounding landscape is desert terrain with very little vegetation and as such the existing site fits into its surrounding.

Site Visit

Staff conducted a site visit on October 1, 2014 and found that the plans are consistent with the site. The property was well-maintained.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.1550 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The automobile dismantling yard was established in 1955. Currently, the surrounding uses consist of vacant land, farming, and low-density single-family residences. There are two single-family residences on adjoining parcels, one on the north side and one on the south side of the subject property. Unpaved private roads separate them from the subject property. The closest single-family residence was constructed in 1958, after the establishment of the automobile dismantling yard. There are no habitable structures on the west or east side of the subject property. The automobile dismantling yard is well established in the community; it has been in operation for almost 60 years and has received previous nonconforming review approvals for its use in the A-1 zone. No additions or intensifications to the use are proposed as a part of this project.

The automobile dismantling yard is located in an area with sparse development and is well contained within the perimeter of its fence. Therefore, the automobile dismantling yard will not adversely affect the health, peace, comfort or welfare of persons residing or working in the area, or endanger or otherwise constitute a menace to the public health, safety or general welfare.

Aside from the previously described Notice of Violation from 1997 related to the parking layout, no other violations have been recorded since. This demonstrates that this use is not an ongoing problem for the neighborhood.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The Fire Department provided a letter dated August 7, 2014 that cleared the project for public hearing contingent upon the project complying with all existing Fire codes and ordinances including Chapter 50 of the County of Los Angeles Fire Code (Title 32) Chapter 50 – Automobile Wrecking Yards.

The Department of Public Works provided an email dated August 7, 2014 stating that the email dated March 13, 2012 still applies and that they recommend approval of the project without any comments or conditions.

The Department of Public Health provided an email dated September 16, 2014 stating that their Land Use Program recommended approval of the project. In a subsequent letter dated October 6, 2014, their Environmental Health Division recommended approval of the project.

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, property posting, library posting, and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number 96189-(5), Nonconforming Review Number 201100001, subject to the attached findings and conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE NONCONFORMING REVIEW NUMBER 201100001 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Thuy Hua, Senior Regional Planner, Zoning Permits North Section
Reviewed by Paul McCarthy, Supervising Regional Planner, Zoning Permits North Section

Attachments:

Draft Findings

Draft Conditions of Approval

Applicant's Burden of Proof statement

Site Photographs

Aerial Image

Site Plan

Land Use Map

Letter from Fire Department dated August 7, 2014

Emails from Department of Public Works dated August 7, 2014 and March 13, 2012

Email from Department of Public Health dated September 16, 2014

Letter from Department of Public Health dated October 6, 2014

PMC:TH

11/6/14



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: NCR 96189

MAP DATE: July 21, 2014

LOCATION: 43927 North 90th Street East, Lancaster

REVISED CONDITIONS: Supersedes Fire Dept. Conditions Dated 03/07/12

**THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO
PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE
FOLLOWING CONDITIONS OF APPROVAL.**

The existing project shall comply with all existing codes and ordinances, including Chapter 50 of the County of Los Angeles Fire Code (Title 32) Chapter 50 – Automobile Wrecking Yards.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at Wally.Collins@fire.lacounty.gov.

From: Cruz, Ruben [RCRUZ@dpw.lacounty.gov]
Sent: Thursday, August 07, 2014 9:53 AM
To: Thuy Hua
Cc: Matthew Dubiel; Teni Mardirosian; Juan Sarda
Subject: RE: Project No. 96189: Permit Consultation - **DUE 8/28/14**
Attachments: RE: Project No. 96-189 NCR201100001, APN: 3376-03-1022- Due to LDD: 02/07/12

Hua,

The email that was sent out to Regional Planning on 2012 still applies. The project is for a NCR without any proposed improvements on-site.

As stated in the 2012 attached email, DPW does not have any comments.

If you have any questions, please email or call me.

Ruben Cruz, PE
County of Los Angeles Department of Public Works
Land Development Division, Subdivision Mapping Section,
CEQA || CUP || B&T Planning Unit
(626) 458-4910
rcruz@dpw.lacounty.gov

From: Thuy Hua [<mailto:thua@planning.lacounty.gov>]
Sent: Monday, July 28, 2014 11:40 AM
To: Dubiel, Matthew; 'Padilla, Juan'; 'tde@fire.lacounty.gov'; Joan Rupert; Lorrie Bradley; Clement Lau; Michelle Tsiebos
Cc: 'Collins, Wally'; Ibrahim, Amir; Cruz, Ruben; Robert Vasquez; Evenor Masis; Julie Yom; Sarda, Juan
Subject: Project No. 96189: Permit Consultation - **DUE 8/28/14**

CUP Coordinator,

The consultation package for this project is available at the website below. Please review and provide comments by the date specified above.

Employee ID & unique password are required to enter the site. If you have any technical issues please contact webadmin@planning.lacounty.gov.

Project link: <http://10.2.8.130/content/project-no-96189-ncr-201100001-ecology-auto-dismantling>

Referral fees collected to date:

	Fees	Required?	Paid?	Receipt Date
Fire				
Initial Review	\$263	Y	Y	N/A
2 nd Review	\$143	Y	Y	7/24/2014
3 rd Review	\$143			
Parks & Recreation				
Initial Review	\$498	N		
2 nd Review	\$282			

Thuy Hua

From: Cruz, Ruben [RCRUZ@dpw.lacounty.gov]
Sent: Tuesday, March 13, 2012 8:05 AM
To: Edwards, Dean
Cc: Yanez, Jarrett; Amir Ibrahim
Subject: RE: Project No. 96-189 NCR201100001, APN: 3376-03-1022- Due to LDD: 02/07/12

Dean,

We have reviewed the CUP and Public Works does not have any comments or conditions for the auto dismantling yard and used auto parts sales. Public Works recommends approval of the CUP without any comments or conditions.

Ruben Cruz, P.E.
Subdivision Management Section
Land Development Division
(626) 458-4910
rcruz@dpw.lacounty.gov

From: Edwards, Dean [mailto:dedwards@planning.lacounty.gov]
Sent: Monday, February 06, 2012 1:17 PM
To: Cruz, Ruben
Cc: Edwards, Dean
Subject: RE: Project No. 96-189 NCR201100001, APN: 3376-03-1022- Due to LDD: 02/07/12

Yes. The previous 1997 NCR approval is for an auto dismantling yard and used auto parts sales.

Dean Edwards
Senior Planner
Zoning Permits North Section
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012
<http://planning.lacounty.gov>
213-974-6443



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From: Michelle Tsiebos
To: Thuy Hua
Subject: FW: Non-conforming Review(NCR) Consultation - No 96189/RNCR 201100001
Date: Tuesday, September 16, 2014 10:09:57 AM

Hi Thuy,

Please see the e-mail below from the **Land Use Program giving its approval**. Please let me know if you need an updated letter with our letterhead.

Thank you.

Michelle Tsiebos, REHS, MPA
Environmental Health Specialist IV

Department of Public Health
Environmental Health Services
Bureau of Environmental Protection
Land Use Program
5050 Commerce Drive
Baldwin Park, CA 91706
Ph. (626) 430-5382
Fax. (626) 813-3016

From: Vicente Banada
Sent: Tuesday, September 16, 2014 8:55 AM
To: Michelle Tsiebos
Subject: Non-conforming Review(NCR) Consustation

Hi Michelle,

Subject: Non-Conforming Review Consultation
Project No. 96189/RNCR 201100001
Ecology Auto dismantling
43927 N. 90th Street East, Lancaster

A review of the percolation test data calculations and the plot plan revealed that the installation of a conventional onsite wastewater treatment system is feasible at the above project location. Therefore, the Land Use Program recommends the approval of this NCR.

Thanks,

Vicente Banada



CYNTHIA A. HARDING, M.P.H.
Interim Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.
Interim Health Officer

ANGELO J. BELLOMO, REHS, QEP
Director of Environmental Health

TERRI S. WILLIAMS, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91708
TEL (828) 430-5100 • FAX (828) 813-3000

www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

Gloria Molina
First District

Mark Ridley-Thomas
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael D. Antonovich
Fifth District

October 6, 2014

TO: Thuy Hua, AICP
Senior Regional Planner
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, MPA **(MT)**
Environmental Health Division
Department of Public Health

SUBJECT: Non-Conforming Review (NCR) Consultation
PROJECT NO. 96189/ RNCR 201100001
Ecology Auto Dismantling
43927 N. 90th Street East, Lancaster

- Public Health recommends approval of this NCR.
- Public Health does NOT recommend approval of this NCR.

The Department of Public Health – Environmental Health Division has reviewed the information provided for the project identified above. The project is a request for a non-conforming review (NCR) for the continued use of an automobile dismantling facility.

The Department recommends approval of this NCR. The potable water and sewage disposal requirements have been satisfied.

For any questions regarding this report, please contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. 96189-(5)
NONCONFORMING REVIEW NO. 201100001**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Nonconforming Review No. 201100001 ("NCR") on November 4, 2014.
2. The permittee, Ecology Auto Parts, Inc. ("permittee"), requests the NCR to authorize the continued operation and maintenance of an automobile dismantling yard ("Project") on a property located at 43927 N. 90th Street East in the unincorporated community of Hi Vista ("Project Site") in the A-1-1 (Light Agricultural – 1 Acre Minimum Area) zone pursuant to Part 10 of Chapter 22.56 of the Los Angeles County Code ("County Code").
3. The Project Site is 10 gross acres in size and consists of one parcel on the northwest corner of East Avenue J-10 and 90th Street East. The Project Site is square in shape with flat topography. The Project Site is developed with an automobile dismantling yard consisting of a one-story office, garage, covered patio, guard post, entry gate, car crusher, oil drainage area, shade structure, and an open, unpaved yard used to store wrecked and partially dismantled vehicles.
4. The Project Site is located in the Antelope Valley East Zoned District and is currently zoned A-1-1 (Light Agricultural – 1 Acre Minimum Area).
5. The Project Site is located within the N1 (Non-Urban 1) land use category of the Antelope Valley Areawide General Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: A-1-1
 - South: A-1-1
 - East: Within the City of Lancaster
 - West: A-1-1
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family residence, vacant land
 - South: Single-family residences
 - East: Farm
 - West: Vacant land
8. The Project Site was constructed in 1955 as an automobile dismantling yard. Ordinance No. 7039, adopted June 29, 1954, zoned the property M-3 (Unclassified). Ordinance No. 7450, adopted December 16, 1958, changed the zone to A-1-2. Ordinance No. 7490, adopted March 17, 1959, changed the zone again to A-1-1.

Records indicate that the automobile dismantling yard was established in 1955 as a legal use when the property was zoned M-3. Nonconforming Review No. 188 was issued for this property on February 24, 1982. Nonconforming Review No. 96189 approved the continuation of the use for an additional 15 years on February 18, 1997.

9. The site plan depicts an open, unpaved yard used to store wrecked and partially dismantled vehicles. A one-story office, garage, covered patio, guard post, and entry gate are located on the eastern side of the property. A car crusher, oil drainage area, and shade structure are located on the southern side of the property. The remainder of the area is used for the storage of wrecked and partially dismantled vehicles lined in rows. Two 25' x 135' septic system expansion areas are identified in the southeastern quarter of the property. Parking is provided in a paved lot lining the eastern side of the property outside the perimeter of the enclosed fenced/walled area. A 6'-8" high corrugated metal fence topped with a 3'-0" high electric fence lines the northern, western, and southern boundaries of the property. A 10'-0" high block wall topped with an electric fence lines the eastern boundary of the property.
10. The County Fire Department ("Fire") recommends approval of this Project contingent upon the Project complying with all existing Fire codes and ordinances including Chapter 50 of the County of Los Angeles Fire Code (Title 32), Chapter 50 – Automobile Wrecking Yards. The County Department of Public Works ("Public Works") recommends approval of this Project. The County Department of Public Health ("Public Health") recommends approval of the Project.
11. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County because the Project involves the continued operation of an automobile dismantling yard with negligible or no expansion of use beyond that which was previously existing.
12. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, property posting, library posting, and DRP website posting.
13. No correspondence was received from the public regarding the Project.
14. *To be inserted after the public hearing to reflect hearing proceedings.*
15. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan and the Antelope Valley Areawide General Plan. The continued operation of the automobile dismantling yard at the subject location will help to maintain and conserve the sound existing development on the site which is a policy listed in the General Plan. The Antelope Valley Areawide General Plan also

recognizes the need for such use to encourage maintenance, conservation, and rehabilitation to prevent community deterioration. Additionally, the automobile dismantling yard diversifies employment opportunities and can attract other industries in need of the materials provided by this use to the area.

16. The Hearing Officer finds that the Project is located in a zone that does not permit automobile dismantling yards but that the use was established in 1955 when the zoning of the property allowed for such use. The zoning of the Project Site changed in 1958, creating a legal nonconforming use. Continued operation and maintenance of the Project is only possible with the approval of a nonconforming review permit. The existing automobile dismantling yard is in compliance with all conditions required under previously approved NCR 96189.
17. The Hearing Officer finds that the Project has been in operation for almost 60 years with no recorded concerns from neighboring properties. While there was one Notice of Violation issued during the last permit term, the issue was related to compliance with the parking layout and the property owner was responsive in abating the violation. Therefore, the Project does not now, and will not during the extension period requested, adversely affect the health, peace, or welfare of persons residing or working in the surrounding area.
18. The Hearing Officer finds that the Project is located in an area that is sparsely developed. The Project is well maintained and contained within the existing fence. There have been no complaints from neighbors or concerns prior to the public hearing regarding the continuation of the use. Therefore, the Project does not now, and will not during the extension period requested, be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.
19. The Hearing Officer finds that the Project has been in existence at the current location for almost 60 years and poses no threat to the community. No major development plans are slated for the community and the area is not expected to substantially change in density or character in the forthcoming grant period. Therefore the Project does not now, and will not during the extension period requested, jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare.
20. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the nonconforming review grant term to fifteen (15) years.
21. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the Lancaster Library. On October 6, 2014, a total of 35 Notices of Public Hearing were mailed to all property owners as identified in the County Assessor's records within a 1,000-foot radius from the Project Site, as well as 16 notices to those on the courtesy mailing

list for the Antelope Valley East Zoned District and to any additional interested parties.

22. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. Such use, building or structure does not now and will not during the extension period requested:
 - i. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area.
 - ii. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.
 - iii. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Nonconforming Review No. 201100001, subject to the attached conditions.

PMC:TH
11/4/14

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. 96189-(5)
NONCONFORMING REVIEW NO. 201100001**

PROJECT DESCRIPTION

The project is a request to authorize the continued operation and maintenance of a nonconforming automobile dismantling yard, 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 reasonably 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 reasonably 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 November 18, 2029.** 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 Nonconforming Review 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 automobile dismantling yard 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 **\$1,600.00**. 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 **eight (8) 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 to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall conform with the requirements of the County Department of Public Health to the satisfaction of said department.
15. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code 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 of Regional Planning ("Director").
16. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
17. 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.

18. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" 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 by **January 19, 2015**.
19. 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 substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

20. The permittee shall maintain the subject property in a neat and orderly fashion, and shall maintain all areas of the premises over which the permittee has control free of litter and debris.
21. The permittee shall comply with Section 22.52.370 of the County Code with the exception of the landscaping requirement.
22. No expansion of the automobile dismantling yard is permitted.
23. A minimum of twenty-five parking spaces shall be maintained on site for customers and staff. All parking spaces shall be accessible for customer and employee parking and shall not be used for the storage of scrap metal or inoperable vehicles. All parking spaces shall be accessible and permanently maintained with paving and striping.
24. No wrecked or inoperative vehicles shall be placed on public streets or in the area of the site open to view along 90th Street East and the adjoining properties.
25. The permittee shall not be allowed to store salvage materials or vehicles high enough so as to be visible over the solid walls along the frontages or neighboring properties.
26. The permittee shall maintain the metal fence and block wall enclosing the automobile dismantling yard in a neat and orderly condition at all times subject to Section 22.52.370.B of the County Code.

27. The permittee shall comply with all existing codes and ordinances, including Chapter 50 of the County of Los Angeles Fire Code (Title 32), Chapter 50 – Automobile Wrecking Yards.
28. If the zone of the subject parcel changes to a zone that allows automobile dismantling yards through a conditional use permit during the grant term of this nonconforming review approval, then the conditions of this permit shall remain in effect and serve as the conditional use permit conditions of approval until the expiration of this grant term. Upon the expiration of this grant term, a conditional use permit would be required to continue the use under the current zone at that time.

11/6/14



NONCONFORMING REVIEW BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.1550, the applicant shall substantiate the following facts:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

SEE ATTACHMENT

- B. 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 Ordinance, or as is other wise required in order to integrate said use with the uses in surrounding area.

SEE ATTACHMENT

- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.

SEE ATTACHMENT

- D. That the nature of the improvement is such that to require cessation of use would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.

SEE ATTACHMENT

- E. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

SEE ATTACHMENT

ATTACHMENT TO NON-CONFORMING REVIEW BURDEN OF PROOF
(Case No. 96-189-5—Ecology Auto Parts, Inc.)

STATEMENT A:

1. This non-conforming use (an automobile dismantling facility) has been at the same location for the last 30 years and has not presented any problems with regard to traffic or noise to persons residing or working in the surrounding area. There are a total of only approximately 5 neighbors in this remote area consisting of 5 houses and an onion field across the street from our facility. Behind our facility there is a large open field. There have been no complaints about our operation that we are aware of.
2. Our existing facility has not had a detrimental effect on either the use of surrounding properties or property values as demonstrated by the limited number of neighbors (5) and the lack of any complaints for the last 30 years. The operation of our facility over the years has not caused any increase in noise, odors or dust to the surrounding area. We remove all of the fluids from the cars (oil, transmission, etc.) as well as the batteries and dispose of them in compliance with applicable rules and regulations governing the disposal of these substances. We have been a good neighbor to the community and operate our business with care and concern for our neighbors and the environment.
3. Our facility is a benefit to the community in that we employ 20 people, we only operate one shift per day, and we purchase and recycle approximately 300 old and inoperative junk cars each month which helps to keep them off of the street and from being stored in backyards of homes. We also serve about 4,000 customers per month that visit our facility who shop for and remove used parts themselves at reasonable prices.

STATEMENT B:

Our facility is approximately 10 acres in size and has a steel fence around the entire site. Our parking lot is paved with asphalt and is approximately one-half acre in size and is sufficient to accommodate the parking needs of all of our customers. We also have a stucco office building and a shop area.

We are in compliance with all local, county and State agency requirements for our facility. Across the street from us are undeveloped open fields. Also, we are in compliance with the general plan as a non-conforming use. We are also integrated into the surrounding neighborhood which consists of a few houses, an open field behind our facility and an onion field across the street from our facility. Finally, we are also in compliance with all of our existing conditions of approval and it is our intention to remain in full compliance with these

conditions.

STATEMENT C:

1. Our facility is served by two main east-west streets, "J" Avenue and "K" Avenue, and 90th Street which runs north-south. These streets are of sufficient width and improvement to handle the existing traffic and they have served this facility for the last 30 years. We do not anticipate any increase in traffic and do not see any negative impact whatsoever.
2. This facility is already served by all required facilities such as water, electric, phone and a septic tank. In fact, we and our 5 neighbors formed our own water district which serves all of our water needs. Because our facility has been at this location for the last 30 years, there is no increase on services such as police, fire, or roads. Because it is industrial, there is no burden on schools, libraries, parks and recreation facilities.

STATEMENT D:

If the non-conforming use was terminated, it would impair the property rights of both the property owner as well as the applicant who operates the business. This business has been operating for the last 30 years and the property itself has substantial improvements consisting of the following—asphalt and concrete paving, a permanent cinder block office building, various canopies and awning structures and a guard shack. Any cessation of use would in effect constitute a taking of both the property (land and improvements) and the business.

STATEMENT E:

The granting of another extension of the non-conforming use would not be materially detrimental to either the public health, safety or general welfare, nor would its continued use adversely affect the value of surrounding properties for the reasons stated above in Statements A, B, and C. This same non-conforming use has been an automobile dismantling facility for the last 30 years and it has co-existed with its handful of neighbors without incident for that entire time period.

SITE PHOTOGRAPHS



PHOTO 1: INTERIOR – OFFICE AND COVERED PATIO



PHOTO 2: INTERIOR – GUARD STATION, ENTRY GATE



PHOTO 3: INTERIOR – STORAGE YARD AREA



PHOTO 4: PARKING AREA



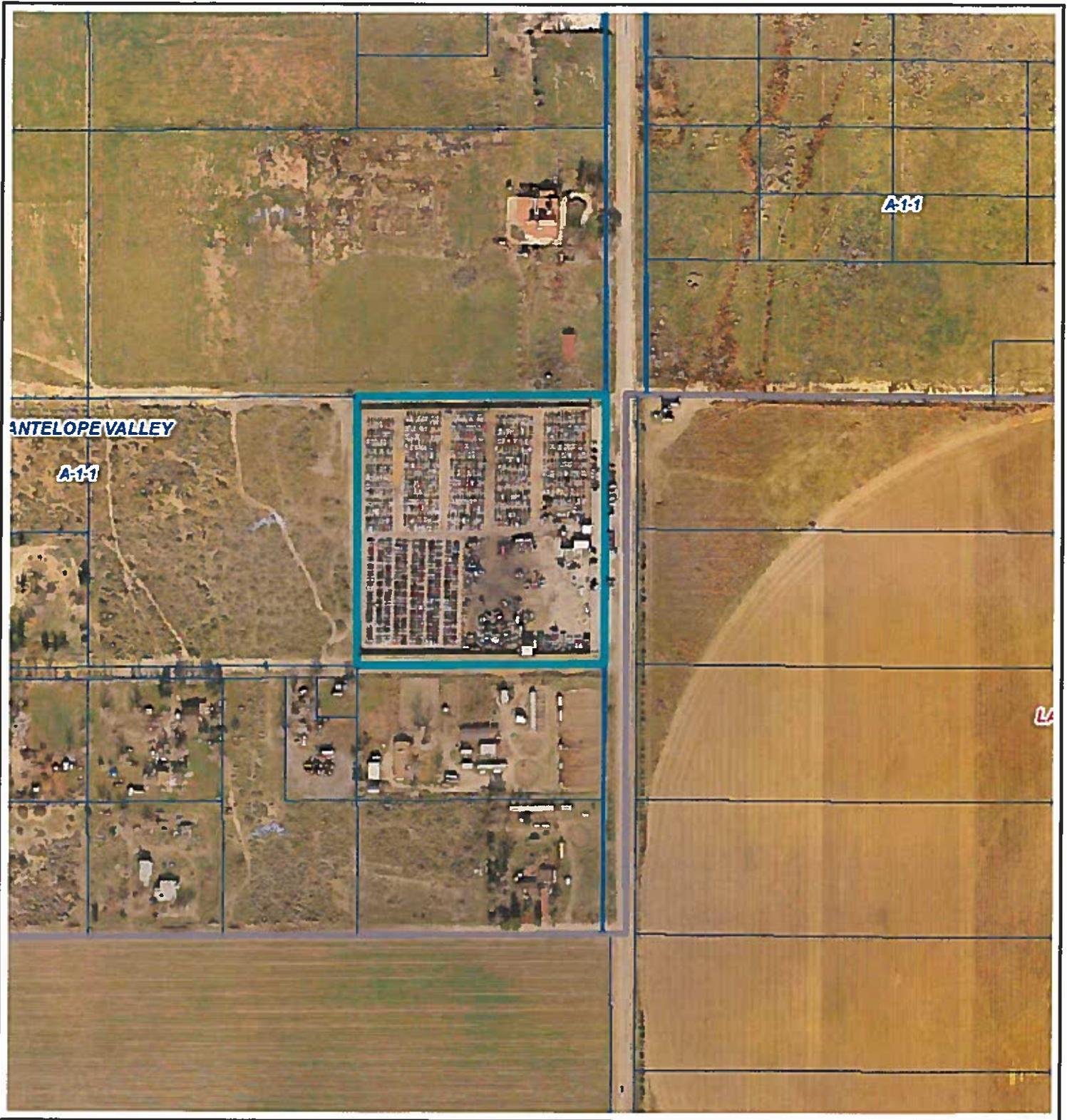
PHOTO 5: NORTHERN BOUNDARY



PHOTO 6: SOUTHERN BOUNDARY



PHOTO 7: STORAGE YARD ENTRANCE GATE



Project No. 96189-(5) / NCR 201100001

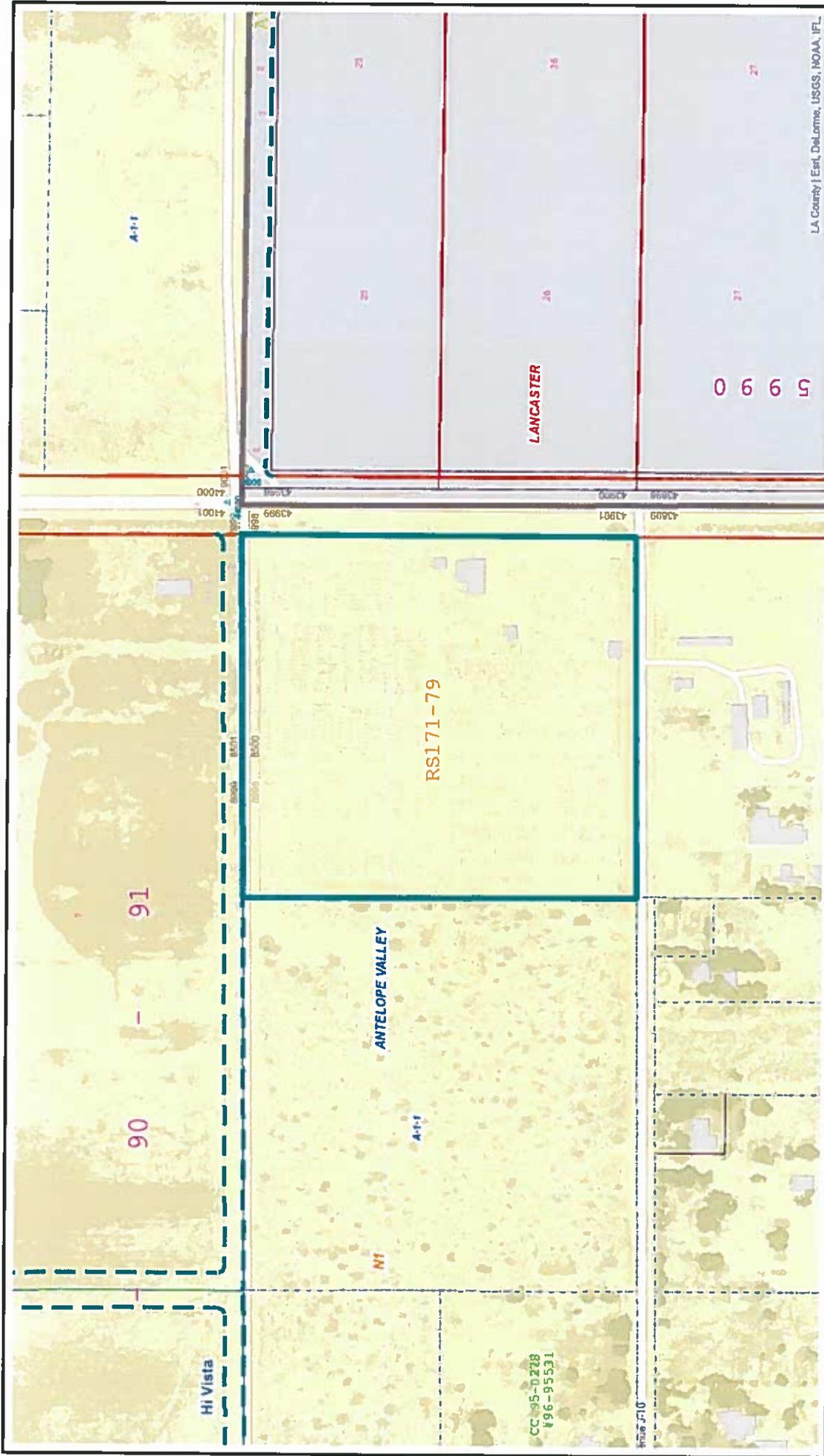
Aerial Map

Printed: Nov 06, 2014



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Project No. 96189-(5) / NCR 201100001

Land Use Map

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