Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

August 16, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Lisa Patricio
2049 Century Park East, 28th Floor
Los Angeles, CA 90067-3284

REGARDING: **PROJECT NUMBER 99141-(1)**
CUP 201000086
489 Yorbita Road, La Puente, CA 91744

Dear Applicant:

Hearing Officer, Patricia L. Hachiya by her action of Tuesday, August 16, 2011, **APPROVED** the above described application ***(CUP 201000086).*** The applicant and/or other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on** Tuesday, August 30, 2011. Any appeal must be delivered in person to the Commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grant becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** these forms and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Michele Bush of the Zoning Permits East Section at (213) 974-6435 or e-mail at mbush@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

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

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

c: DPW (Building and Safety); Zoning Enforcement
Dragonis Investments, LLC, Lisa Patricio

MM:mrb

FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES

PROJECT NUMBER 99141-(1)
CONDITIONAL USE PERMIT 201000086

REQUEST:
The applicant is requesting to continue the use established by Conditional Use Permit No. 99141-(1), for a 32,250 square foot commercial building, landscaping, appurtenant parking and offices.

HEARING DATE: 08/16/2011

SYNOPSIS:
The applicant is requesting a Conditional Use Permit (CUP) for the continued operation of a 32,250 square foot commercial building, appurtenant landscaping, parking and offices. The building consists of a two-story 6,000 square foot office area and a one-story 26,250 square foot warehousing area, which is used for the warehousing of non-hazardous and non-perishable items. The project provides 47 parking spaces which includes 29 standard, 16 compact and two (2) accessible spaces. There are also three (3) loading spaces provided. All parking meets the requirements of the Los Angeles County Code.

PROCEEDINGS BEFORE THE HEARING OFFICER:
A duly noticed public hearing was held on August 16, 2011before Hearing Officer Patricia L. Hachiya. The applicant's representative, Kathryn Paradise, presented testimony in favor of the request. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with findings and conditions as agreed to by the applicant.

Findings

1. The subject property is located at 489 Yorbita Road, La Puente CA, 91744 in the unincorporated community of South San Jose Hills within the Puente Zoned District.

2. The applicant is requesting a Conditional Use Permit (CUP) for the continued operation of a 32,250 square foot commercial building, appurtenant landscaping, parking and offices.

3. The Subject Property is currently designated 1 - Low Density Residential (1 to 6 du/ac) in the Countywide General Plan.

4. The Subject property is currently zoned C-M-DP.

5. The Surrounding properties are zoned as follows:
   North: A-1-6000
   South: C-M-DP-BE
   East: A-1-6000
   West: A-1-6000

The Surrounding land uses within 500 include:
North: Vacant/Single-Family Residential
South: Light Industrial
East: Single-Family Residential
West Elementary School

6. The project site is subject to the requirements of the Countywide General Plan and is designated as Low Density Residential. The property is located between areas designated for Low Density Residential, to the north, and Major Industrial to the south. The land use policy map is a generalized pattern and distribution of land uses and provides a policy framework for reviewing specific development proposals. Upon closer examination, the subject property may be found consistent with the industrial designation to the south. All of the lots from the subject property south to Valley Boulevard are developed with industrial uses.

7. The project on the subject property 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. The project is located in an existing commercial building and is consistent with the surrounding area. The warehousing and office use is consistent with other warehousing and office uses in the area.

8. The site plan depicts a 32,250 square foot commercial building, landscaping and appurtenant parking, used for storage/warehousing and offices. The building consists of a two-story 6,000 square foot office area and a one-story 26,250 square foot warehousing area. The site plan also shows 47 parking spaces which includes 29 standard, 16 compact and two (2) accessible spaces. There are also three (3) loading spaces provided.

9. The subject property 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. Access to the project is via Yorbita Road. The site is served by all necessary public and private facilities, including water, sewer, electricity and trash collection.

10. The subject property is 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. Unless specifically modified by a Conditional Use Permit during the discretionary review process, the project shall be subject to the following development standards:

    A. Parking. Pursuant to Part 11 of Chapter 22.52 of the County Code, office uses require one (1) space for every 400 square feet of building space. The existing structure contains 6,000 square feet of office area and requires the provision of 15 parking spaces. The County Code also requires, for warehouse uses, one (1) space for every 1,000 square feet of

building space. The existing structure contains 26,250 square feet of warehouse area and requires 27 parking spaces. Additionally, the County Code also requires three (3) loading spaces (1 Type A (12'x24') and 2 Type C (12'x40'). The Americans with Disabilities Act (ADA) requires two handicapped accessible spaces (one van accessible). The existing project provides 47 parking spaces (including the required accessible spaces), three (3) required loading spaces and complies with this requirement.

B. Landscaping. Section 22.52.1060.E.2 of the County Code requires a minimum of two (2) percent of the gross area of the parking lot be landscaped with landscaping distributed throughout the parking lot. The parking lot has been landscaped to meet this requirement.

C. Lot Coverage. Section 22.28.270 of the County Code states that not to exceed 90 percent of the net area be occupied by buildings.

No additional structures are shown on the site plan. The site plan complies with this requirement. No additional buildings are proposed.

D. Outside Display. Section 22.28.270.C of the County Code states all display shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit.

No outside display is shown on the site plan. The site plan complies with this requirement. No outside display is proposed.

E. Outside storage. Section 22.28.270.D. of the County Code permits outside storage on the rear of a lot or parcel of land in the C-M Zone when such storage is strictly incidental to the permitted use existing in a building on the front portion of the same lot or parcel of land.

No outside storage is proposed.

11. The Hearing Officer determined that the project qualifies for a Categorical Exemption under Class 1, Existing Facilities, of the CEQA reporting requirements and the Los Angeles County Environmental Document Reporting Guidelines, since the project will not require any addition or significant alteration to the existing facility beyond that which existed at the time of the environmental determination.

12. 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.

13. No comments were received from the public opposing this proposal.

14. 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 20 years.

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 East 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;

B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and 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 and general welfare;

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 Title 22, or as otherwise required in order to integrate said use with the uses in the surrounding area;

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.

HEARING OFFICER ACTION:

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

2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201000086 is **APPROVED** subject to the attached conditions.

C: Hearing Officer, Zoning Enforcement, Building and Safety

MM:mrb
08/16/2011

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 99141-(1)
CONDITIONAL USE PERMIT NO. 201000086

PROJECT DESCRIPTION

The applicant is requesting a Conditional Use Permit (CUP) for the continued operation of a 32,250 square foot commercial building with appurtenant landscaping, parking and offices. The building consists of a two-story 6,000 square foot office area and a one-story 26,250 square foot warehousing area, which is used for the warehousing of non-hazardous and non-perishable items 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 08/30/2031**. 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 two years 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 32,250 square foot commercial building 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 10 biennial 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 requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.

14. All development pursuant to this grant shall conform with the requirements of the 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 copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PROJECT SITE SPECIFIC CONDITIONS

This grant authorizes the continued operation of a 32,250 square foot commercial building with appurtenant landscaping, parking and offices. The building consists of a two-story 6,000 square foot office area and a one-story 26,250 square foot warehousing area, which is used for the warehousing of non-hazardous and non-perishable items subject to the following conditions of approval:

1. The permittee shall maintain a minimum of 47 on-site automobile parking spaces including two handicapped accessible spaces, one of which is van accessible, and three loading areas;

2. The access aisle for the van accessible handicapped parking shall not be used for additional parking;

3. All exterior lighting shall be shielded and directed away from neighboring residences to prevent direct illumination and glare. The primary parking lot lighting shall be turned off no later than 7:00 p.m. A security lighting system is permitted and may remain on through the night.

4. All landscaping shall be maintained in a neat, clean and healthful condition throughout the life of this grant, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary;

5. The use of amplified sound equipment intended to be audible outside the buildings is prohibited;

6. The height of the building shall not exceed 29'0" from finished grade;

7. Operating hours are restricted to the hours between 8:00 a.m. to 6:00 p. m., Monday through Friday. All deliveries to the subject property shall also be within these operating hours;

8. The permittee shall comply with the attached conditions from the County of Los Angeles Fire Department, dated November 1, 2010, or otherwise modified by said department;

9. The tenants of the building shall not store or use hazardous materials; and

10. The use of the building shall be restricted to the storage/warehousing of non-hazardous and non-perishable items and offices.

Attachments:
Fire Department conditions dated November 1, 2010

MM:mrb 08-16-11

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: November 1, 2010

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP 99-141

LOCATION: 489 Yorbita Road, La Puente (Co.)

☐ The Fire Department Land Development Unit has no additional requirements for this permit.

☐ The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. __ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.

☐ The required fire flow for private on-site hydrants is _____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing _____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.

☐ Verify and flow test __ 6" X 4" X 2 1/2" fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

☒ **Comments:** THIS PROJECT IS CLEARED BY THE FIRE DEPARTMENT FOR PUBLIC HEARING.

☒ **Water:** Fire flow data provided by Rowland Water District dated 09-06-2010 is adequate.

☒ **Access:** Fire apparatus access as depicted on the site plan dated 09-16-2010 is adequate.

☒ **Special Requirements:** All fire access gates shall comply with LACoFD Regulation 5.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: ***SCOTT JAEGGI***