



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

November 20, 2012

Richard J. Bruckner
Director

Carolyn Ingram Seitz
PO Box 265
Altadena, CA 91003-0265

**REGARDING: PROJECT NO. 99-270-(1)
CONDITIONAL USE PERMIT NO. 201000109
158 S FIFTH AVENUE (APN: 8206-025-014)**

Hearing Officer Mitch Glaser, by his action of November 20, 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).

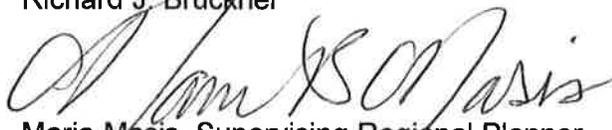
The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **December 4, 2012. Appeals must be delivered in person.**

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 Jeantine Nazar of the Zoning Permits East Section at (213) 974-6435, or by email at jnazar@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


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement; Fire Department, Public Health

MM: JN

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. 99-270-(1)
CONDITIONAL USE PERMIT NO. 201000109**

ENTITLEMENT REQUESTED. The applicant is requesting a Conditional Use Permit (CUP) for the continued operation and use of a pallet assembly and storage yard in an M-1-DP (Light Manufacturing, Development Program) zone located within 250 feet of a residential zone and within the Avocado Heights Community Standards District (CSD). Pursuant to County Code Section 22.40.040, if a conditional use permit has been obtained in a DP zone, the permitted use is subject to the limitations and conditions of the subject use permit. CUP 99270 approved the use and operation of the subject pallet yard and a zone change from A-1-6000 to M-1-DP on January 24, 2001 for a term of ten (10) years. The applicant is seeking a CUP renewal.

HEARING DATE: November 20, 2012

PROCEEDINGS BEFORE THE HEARING OFFICER

A duly noticed public hearing was held on November 20, 2012 before the Hearing Officer, Mitch Glaser. The applicant's representative, Carolyn Ingram Seitz and the owner, Joe Gonzalez presented testimony in favor of the request and answered questions presented by the Hearing Officer.

There being no other testimony the Hearing Officer closed the public hearing and approved the project with changes to the findings and condition, as agreed by the applicant.

Findings

1. **PROJECT DESCRIPTION.** The project consists of a conditional use permit to authorize the continued operation and use of a pallet yard.
2. **LOCATION.** The subject property is located at 158 South 5th Avenue, in Avocado Heights, and in the Avocado Heights Zoned District.
3. **SITE PLAN DESCRIPTION.** The subject property is a flat, rectangular parcel of approximately 28,706 square feet in area (.659 acres). The property is developed with a single-family residence and a pallet storage yard. Access to the site is via South 5th Avenue with a driveway approximately 33-feet in width. The area is urbanized surrounded by residential and light-industrial uses. There is a vacant lot approximately five (5) acres on the east side across South 5th Avenue, with potential for an industrial development.
4. The applicant's site plan, marked Exhibit "A", depicts approximately 1/3rd of the lot used as residential with a 2,121 square-foot single-family residence on the westerly portion and 2/3rd of the lot as a pallet yard on the easterly part of the subject lot. The site plan depicts eight (8) parking spaces (six (6) standards, one (1) van accessible and one (1) truck-parking). The pallet portion of the use

contains two loading areas, and three truck parking spaces. Two separate gated entrances are shown on the property with access from South 5th Avenue with a rectangular driveway directing the traffic to the rear of the lot where the pallet yard is located back to the front portion where the entrance/exit and the customer parking is located.

5. **EXISTING ZONING.** The subject property is zoned M-1-DP, in the Puente Zoned District.

Surrounding properties are zoned as follows:

North: M-1-BE (Light Manufacturing Billboard Exclusion), City of Industry

South: M-1-DP-BE (Light Manufacturing, Development Program, Billboard Exclusion)

East: M-1-BE (Light Manufacturing Billboard Exclusion) & B-1 (Buffer Strip)

West: M-1-BE (Light Manufacturing Billboard Exclusion)

6. **EXISTING LAND USES.** The subject property is developed with a single-family dwelling and a pallet yard.

Surrounding properties are developed as follows:

North: Single Family Residential and a vacant lot

South: Light Manufacturing

East: Single Family Residence

West: Single Family Residential and Light Manufacturing

7. **PREVIOUS CASES/ZONING HISTORY.**

ZC 84-019 for a zone change from A-1-6,000 to M-1.5 was denied.

CUP 99-270 for a zone change from A-1-6000 to M-1-DP and a conditional use permit to allow a pallet yard with a care takers unit was approved on April 23, 2001.

GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.

8. The project site is located within the light industrial land use category of the countywide general plan. This land use designation is intended for light manufacturing and warehousing and storage uses. The existing pallet yard operation consists of assembling, recycling, repairing, rebuilding, storing and delivering pallets. The subject pallet area contains sufficient land allocated for the manufacturing, loading and storing of the pallets and meets the requirement of the land use classification and is therefore consistent with the permitted uses of the underlying land use category.

ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.

9. Pursuant to Section Code Section 22.32.080 of the County Code all outside storage or display open to view from the exterior boundary of the lot or parcel of land upon which is conducted shall be enclosed by a solid wall or fence. The subject property is developed with an eight-foot to ten-foot high masonry wall and metal panels.

10. Pursuant to Section 22.32.080 and 22.52.630 of the County Code all required fences or walls which are open to view from any street or highway, or any area in a residential, agricultural or commercial zone, shall be provided with at least one square foot of landscaping for each linear foot of such frontage. The subject property has 131'6" linear feet of frontage on South 5th Street requiring 132 square feet of landscaping along such frontage. The site plan depicts approximately 210 square feet of existing landscaping along South 5th Street. However, the eight-foot masonry and landscaping is located inside the wall. The subject property has landscaping throughout the lot creating a landscape buffer with the adjacent properties to the north, south and west side. Staff included conditions regarding watering and landscape maintenance as required by this Section.
11. Code Section 22.52.640 requires that outside storage not be stored above the height of the fence or wall within 10 feet of said fence or wall. Staff included a condition requiring compliance with this requirement.
12. There is an existing single-family residence on the subject property. Per Section 22.32.040 of the County Code, a dwelling unit is prohibited in the M-1 zone, except one dwelling unit on the same lot or parcel of land which is legally being used so as to require the continuous supervision of a caretaker and his immediate family. The single family residence is occupied by the owner of the pallet yard who contends a caretaker is required for security reasons.
13. Vehicle storage shall be provided as required by Part 11 of Chapter 22.52. The parking requirement for industrial uses as per the Code is one parking space for each two employees or each 500 square feet of floor area, whichever is the larger. As per the owner there are a total of five employees on the site requiring three parking spaces. In addition, one parking space is required for the caretaker's unit. There are a total of eight parking spaces available on the site. The number of parking spaces satisfies the code requirements. Staff requested that the applicant revise the plans to show the dimensions of the parking areas separate from the landscaping areas and also to revise the handicap accessible parking as required by the code.
14. Any industrial use with a gross floor area between 18,001 and 36,000 square feet shall provide two Type C loading areas with a 14 feet backup space pursuant to Section 22.52.1084. Staff included a condition requiring that the applicant provides loading areas as required.
15. The existing site is not subject to the Avocado Heights Community Standards District (CSD) regulations as it was established prior to the CSD.

NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.

16. The Hearing Officer finds that that the property does not have a negative impact in the neighborhood and it is compatible with adjacent uses. The design elements of the site exceed the average in the neighborhood. The hours of operation of the pallet yard remains the same as previously approved between 7:00am and 6:00

pm. There has not been a complaint from the community regarding any noise or negative impacts due to the working hours.

17. Public Works letter dated August 6, 2012, Fire Department dated July 31, 2012, Parks and Recreation dated August 1, 2012 and Public Health September 21, 2012 cleared the project subject to conditions.
18. Staff received a letter dated October 2, 2012 from the Workman Mill Association supporting the project.
19. **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.
20. **PUBLIC COMMENTS.** No comments against or in favor of the project was received.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

21. The existing use complies with the General Plan Guidelines in terms of size and design features.

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

22. The existing use is compatible with the surrounding residential and light industrial uses. The subject property contains a pallet yard and a caretaker's unit.
23. 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.
24. The pallet yard is almost half an acre in area and contains office space, work area, storage area, eight parking spaces, loading areas, a gazebo used for employee rest/lunch area, and driveways that exceed current minimum standards provide access to the property. The existing pallet yard employs four employees including the manager. The existing site is sufficiently large to accommodate the four employees, and the owner for a total of five to conduct the operation of the pallet yard on the site.

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.

25. The access to the site is provided via South 5th Avenue. There are two driveways exceeding the current minimum standards which provide access to the site.

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

There is no change or expansion of the existing use.

Therefore, the project qualifies as a 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.

26. **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.
27. **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 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; 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

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

- C. 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 2010000109 is Approved subject to the attached conditions.

MM: JN
11/20/12

c: Zoning Enforcement, Building and Safety, Fire Department, Public Health

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. 99-270-(1)
CONDITIONAL USE PERMIT NO. 201000109**

PROJECT DESCRIPTION

The project is Conditional Use Permit (CUP) for the continued operation and use of a pallet yard assembly and storage yard with care taker's unit in an M-1-DP (Light Manufacturing Development Program) 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 November 20, 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 pallet yard and care taker's unit 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 and Fire Department letter dated July 31, 2012.
13. All development pursuant to this grant shall conform to the requirements of the County Department of Public Works and their letter dated August 6, 2012.
14. All development pursuant to this grant shall conform to the requirements of the County Department of Public Health, as stated in letter dated September 21, 2012. Adequate water and sewage facilities shall be provided to the satisfaction of said department, and the permittee shall comply with the requirements of the County Noise Ordinance.
15. All development pursuant to this grant 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 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 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.
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 be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

20. This grant shall authorize the continued operation of a pallet yard and a care taker's unit on the subject property subject to the following conditions.
21. The permittee shall provide parking as required by the Part 11 Chapter 22.52 of the County Code, for industrial uses which is one parking space for each two employees or each 500 square feet of floor area, whichever is the larger. A minimum of four parking spaces including one handicapped accessible is required at this time. The parking spaces shall be striped and comply with the design specifications of County Code.
22. The permittee shall provide two Type C loading areas and comply with the standards as required per Section 22.52.1084 for this type of loading area.
23. Required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile or truck repair, or any other unauthorized uses.
24. Except for the required landscaping, the permittee shall demonstrate that the entire lot is paved to the satisfaction of Department of Public Works and to the Director of Regional Planning.
25. Any exterior lighting shall be hooded and directed away from neighboring properties to prevent direct illumination and glare, and shall be turned off within

thirty (30) minutes after conclusion of activities with the exception of sensor-activated security lights and/or low level lighting.

26. The permittee shall continue to maintain an eight-foot to ten-foot high wall surrounding the property and shall conform to the standards required by County Code Section 22.52.610.
27. Operating hours of the pallet yard are restricted to 7:00 a.m. to 6:00 p.m. Monday through Friday.
28. The single family residence on the subject property may only be used as a caretaker's residence.
29. The permittee shall not store or use hazardous materials.
30. Equipment and /or materials stored within ten feet of the wall along any property line shall not exceed the height of said wall, and no equipment or materials shall be publicly visible from any adjacent residentially zoned property as required by 22.52.640.
31. No planting shall have a horizontal dimension of less than three feet.
32. Landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

Attachments:

Fire/Public Works/Public Health/Park and Recreation Department Letters