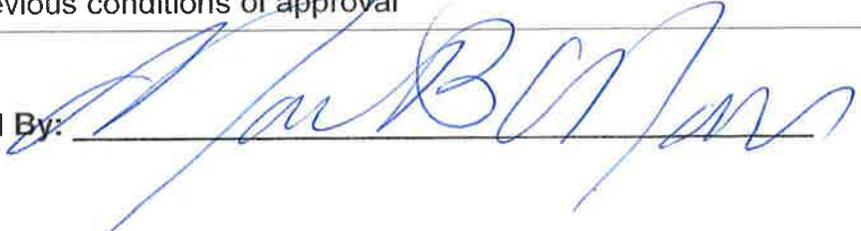


Hearing Officer Transmittal Checklist

Hearing Date
11/20/2012
Agenda Item No.
6

Project Number: 99-270-(1)
Case(s): Conditional Use Permit Case No. 201000109
Planner: Planner: Jeantine Nazar

- Factual
- Property Location Map
- Staff Report
- 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 Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Workman Mill Association Correspondents
- DPW, Fire, Park and Recreation, Public Health Department letters
- Previous conditions of approval

Reviewed By: 



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

PROJECT NUMBER **HEARING DATE**
 99270 11/20/2012

REQUESTED ENTITLEMENTS
 Conditional Use Permit 201000109

PROJECT SUMMARY

OWNER / APPLICANT'S AGENT

Joe Gonzalez / Carolyn Seitz

MAP/EXHIBIT DATE

07/05/2010

PROJECT OVERVIEW

The project consists of the continued operation and use of a pallet storage yard in conjunction with a single family residence. No new construction is proposed.

LOCATION

158 & 168 5th Avenue La Puente, Avocado Heights

ACCESS

5th Avenue

ASSESSORS PARCEL NUMBER(S)

8206-025-014

SITE AREA

0.659 Acres

GENERAL PLAN / LOCAL PLAN

Countywide General Plan

ZONED DISTRICT

PUENTE

LAND USE DESIGNATION

I-(Major Industrial)

ZONE

M-1-DP (LIGHT MANUFACTURING, DEVELOPMENT PGM)

PROPOSED UNITS

NONE

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

AVOCADO HEIGHTS

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption-Existing Facilities

KEY ISSUES

- Consistency with the Los Angeles County General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.56.040 (Conditional Use Permit burden of proof requirements)
 - 22.32.080 (Zone Development Standards)

STAFF RECOMMENDATION

Staff recommends "Approval" of Conditional Use Permit Case No 201000109.

CASE PLANNER:

Jeantine Nazar

PHONE NUMBER:

(213) 974-6435

E-MAIL ADDRESS:

JNazar@planning.lacounty.gov

ENTITLEMENTS REQUESTED

- 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.

PROJECT DESCRIPTION

Location

The subject property is located at 158 South 5th Avenue, in Avocado Heights, and in the Avocado Heights Zoned District.

Physical Features

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.

SITE PLAN DESCRIPTION

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 13 parking spaces (10 standards, 1 handicapped and 2 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.

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)

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

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.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that the Hearing Officer considers this project for a Categorical Exemption (Class 1) Exemption, There is no change or expansion of the existing use as approved by CUP 99270 in 2001 and therefore under the California Environmental Quality Act (CEQA) and the County Environmental Guidelines the project qualifies for a Class 1 Categorical Exemption. 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 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.

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

- *To provide industrial land sufficient to accommodate the projected labor force. (GP-LU-4).*

The pallet yard is almost half an acre in area and contains office space, work area, storage area, 13 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.

- *Encourage high quality design in all development projects, compatible with and sensitive to the natural and manmade environment. (GP-LU-5).*

The single family residence is unique in the neighborhood with typical design elements and provides spacious and identical features. Several portico elements and balusters combined with green decorating panels add to the visual impact on the subject property and comply with the General Plan policy.

Zoning Ordinance and Development Standards Compliance

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 high masonry wall on the north, south and east property lines, and an eight-foot high masonry and wrought iron wall on the west property line.

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.

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.

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.

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 13 parking spaces including one for handicapped (van) accessible and two truck parking. 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.

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.

Neighborhood Impact/Land Use Compatibility

The existing site is not subject to the Avocado Heights Community Standards District (CSD) regulations as it was established prior to the CSD. Staff finds 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.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the County Code. In addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer the following facts:

1. That the proposed use will be consistent with the adopted general plan for the area. Where no general plan has been adopted, this subsection shall not apply;
2. That the requested use at the location proposed will not:
 - a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
3. 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, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
4. That the proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - b. By other public or private service facilities as are required.

The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff received clearance from Public Works dated August 6, 2012, Fire Department dated July 31, 2012, Parks and Recreation dated August 1, 2012 and Public Health

September 21, 2012. A copy of the clearance letters is included with this report. Staff also included conditions required by DPW and Fire Departments in the draft conditions.

WORKMAN MILL ASSOCIATION RECOMMENDATION

Staff received a letter dated October 2, 2012 from the Workman Mill Association supporting 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 in favor or against the project.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by 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 99270, CUP 201000109 in the First Supervisorial District subject to the attached draft conditions and findings.

Prepared by Jeantine Nazar, Regional Planning Assistant II, Zoning Permits East Section

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval

Applicant's Burden of Proof statement

Letters from DPW, Fire, Public Health, Parks and Recreation

Workman Mill Association correspondence

Site Photographs, Aerial Image

Site Plan, Land Use Map

MM: JN
11/8/2012

**DRAFT 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

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 13 parking spaces (10 standards, 1 handicapped and 2 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 high masonry wall on the north, south and east property lines, and an eight-foot high masonry and wrought iron wall on the west property line.
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 13 parking spaces including one for handicapped (van) accessible and two truck parking. 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, 13 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 fifteen (15) 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
11/8/12

c: Zoning Enforcement, Building and Safety

**DRAFT 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, 2027.** 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 **\$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 **Ten (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 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 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



99-270

Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



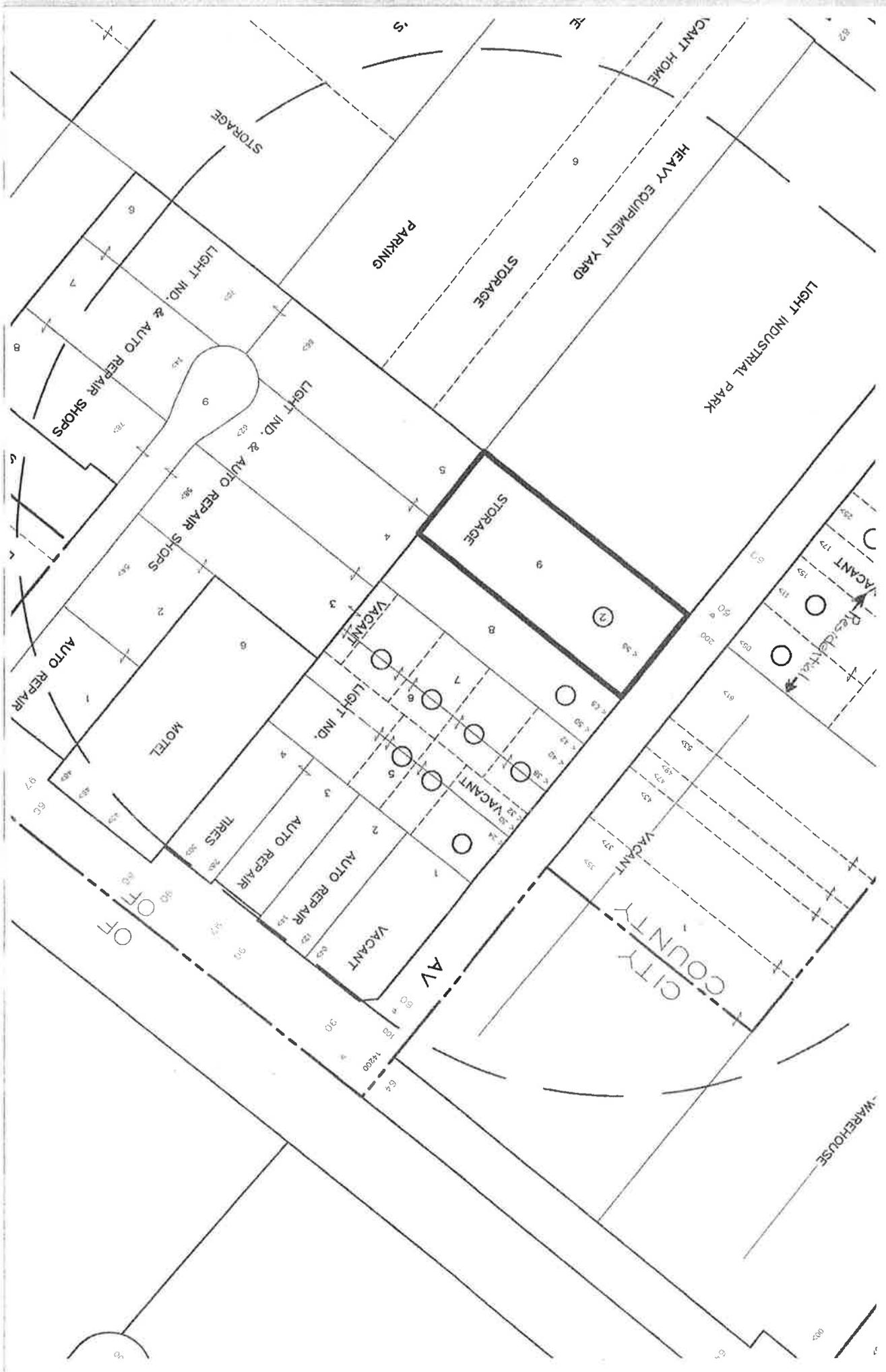
CONDITIONAL USE PERMIT BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

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

<p>A. That the requested use at the location will not:</p> <ol style="list-style-type: none"> 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.
<p>Request is for the continued use and operation of this existing pallet yard with office, small accessory buildings and caretaker's residence.</p>
<p>the ten plus years of this existing development with no history of complaint or violation demonstrates that the owner manages the business activities well. the site is also very well maintained to assure there is no adverse impact on the surrounding community, no diminishment of property values and no menace to the public health, safety or general welfare.</p>
<p>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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.</p>
<p>No new construction is proposed or anticipated. All ordinance requirements have been met existing features and the conditions imposed on the original cup help assure that this site is well integrated with the surrounding uses.</p>
<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> 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.
<p>all streets and highways in the immediate area and general vicinity are adequate to accommodate the existing use. all other public services are in and adequate.</p>







WORKMAN MILL ASSOCIATION, INC.

POST OFFICE BOX 2146
LA PUENTE, CALIFORNIA 91746

October 2, 2012

Jeantine Nazar
Department of Regional Planning
320 W. Temple Street
Los Angeles, CA 90012

Dear Jeantine Nazar:

SUBJECT: CUP No. 201000109

The Workman Mill Association supports the applicant's request for the above CUP to continue the use and operation of pallet storage, office, small accessory structures and a caretaker's residence at 158 and 168 5th Avenue, Avocado Heights. We understand that there will be no new construction or expansion of this business.

The applicant has been operating at this location for a number of years, the pallet operation is not visible from the street and there are commercial businesses adjacent to this operation. Our Workman Mill Association has received no complaints regarding this business from any of the local residents.

Sincerely,

Ruth Wash, President
Workman Mill Association

RW:lac
cc: Joe Gonzalez





GAIL FARBBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

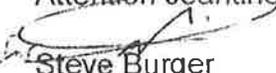
ADDRESS ALL CORRESPONDENCE TO:
P O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

August 6, 2012

IN REPLY PLEASE
REFER TO FILE **LD-1**

TO: Maria Masis
Zoning Permits Ease Section
Department of Regional Planning

Attention Jeanting Nazar

FROM:  Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201000109
PROJECT NO. R99-270
158 AND 160 5TH AVENUE
ASSESSOR'S MAP BOOK NO. 8206, PAGE 25, PARCEL NO. 14
UNINCORPORATED COUNTY AREA OF AVOCADO HEIGHTS

- Public Works recommends approval of this CUP.
- Public Works does NOT recommend approval of this CUP.

We reviewed CUP No. 201100109 in the unincorporated County area of Avocado Heights. The project is for the continued used and operation of a pallet storage, office, accessory structures, and caretakers residence.

Upon approval of the site plan, we recommend the following conditions:

1. Road
 - 1.1 Reconstruct the driveways along the property frontage on 5th Avenue to conform with the Americans with Disabilities Act (ADA) guidelines and to the satisfaction of Public Works.
 - 1.2 Plant street trees on 5th Avenue, along the property frontage, to the satisfaction of Public Works. Existing trees in dedicated right of way shall be removed and replaced if not acceptable as street trees.

Maria Masis
August 6, 2012
Page 2

- 1.3 Within 90 days of approval of this CUP, submit street improvement plans to Land Development Division along with applicable fees to process the required improvement plans.
- 1.4 Be advised that we currently have no known County construction projects within the limits of your site. Should a County project be scheduled and constructed ahead of the applicant's development, a pavement moratorium may be imposed that would prohibit any pavement work for two years after any pavement resurfacing or reconstruction project. The applicant is encouraged to contact this office periodically to determine scheduling of any future County project.

For questions regarding the road conditions, please contact Patricia Constanza at (626) 458-4921 or pconstan@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RC

RC:tb

P:\dpub\SUBMGT\CUP\Project 99-270 CUP 201000109 158 160 5th Avenue.docx



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION

"Parks Make Life Better!"

Russ Guiney, Director

John Wicker, Chief Deputy Director

August 1, 2012

Sent via e-mail: jnazar@planning.lacounty.gov

TO: Jeantine Nazar
Department of Regional Planning

FROM: Julie Yom, Park Planner *JY*
Environmental and Regulatory Permitting Section

SUBJECT: **PROJECT CONSULTATION
COUNTY PROJECT NO. 99-270
RCUP T201000109
APN 8206-025-014, AVOCADO HEIGHTS**

The above project has been reviewed for potential impacts on the facilities of this Department. We have determined that the proposed project will not affect any Departmental facilities.

Thank you for including this Department in the review of this notice. If we may be of further assistance, please contact me at (213) 351-5127 or jyom@parks.lacounty.gov.

JY: 99-270/ Continued use and operation of pallet storage, office, small accessory structures, and a caretaker's residence.

c: Parks and Recreation (N. E. Garcia, K. King, J. Rupert, J. Barber, L. Bradley, O. Ruano)



COUNTY OF LOS ANGELES FIRE DEPARTMENT

**Fire Prevention Division
Land Development Unit
5823 Rickenbacker Road
Commerce, California 90040-3027
Office (323) 890-4243 Fax (323) 890-9783**

DATE: July 31, 2012

SITE PLAN DATE: _____

TO: Department of Regional Planning
Zoning Permits East Section - Jeantine Nazar

PROJECT #: 99-270

LOCATION: 158 South 5th Avenue, La Puente

- 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.
- All fire hydrants shall be 6" X 4" X 2 1/2" and conform to AWWA C503-75 or approved equal standard. 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.
- Install _____ public fire hydrant(s).
Install _____ private on-site fire hydrant(s).
Provide Fire Flow Test for _____ existing public fire hydrant(s).
- Water:** The fire flow performed by La Puente Valley County Water District on 12-03-2010 is adequate.
- Access:** The fire apparatus access as depicted on the site plan dated 07/31/12 is adequate.
- Conditions for Approval:** _____
- Comments:** This project is "Cleared" by the Fire Department for public hearing.

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: Wally Collins



COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

JACQUELINE TAYLOR, REHS
Director of Environmental Protection Bureau

PATRICK NEJADIAN, REHS
Chief EHS, Land Use Program

KEN HABARADAS, M.S., REHS
Environmental Health Staff Specialist
Land Use Program
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5382 • FAX (626) 813-3016



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

September 21, 2012

TO: Jeantine Nazar
Zoning Permits East Section
Department of Regional Planning

FROM: Ken Habaradas, M.S., REHS *K Habaradas*
Environmental Health Division
Department of Public Health

**SUBJECT: PERMIT CONSULTATION
PROJECT NO. 99-270 / RCUP201000109
158 & 168 5TH AVENUE, LA PUENTE, 91746**

- Public Health recommends approval of this CUP.
- Public Health does **NOT** recommend approval of this CUP.

The Department of Public Health has reviewed the information provided for the project identified above. The CUP is to authorize the continued operation of a pallet storage yard, office, small accessory structures and a caretaker's residence.

The Department recommends approval of this CUP with the following conditions:

1. The project shall comply with the Los Angeles County Noise Control Ordinance as found in Title 12 of the Los Angeles County Code.

KH



Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



April 23, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Joe Gonzalez
P.O. Box 2512
La Puente, CA 91746

RE: **CONDITIONAL USE PERMIT NO. 99-270-(1)**
To authorize the continued use of the property as a pallet storage yard on the same parcel as a single-family residence which is being used as a caretaker's residence.

Dear Applicant:

PLEASE NOTE: This document contains the Planning Commission's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within fifteen days after this notice is received by the applicant.

If no appeal is made during this fifteen-day period, the Regional Planning Commission action is final. Upon completion of the fifteen-day period, the applicant can submit to the Department of Regional Planning staff the acceptance affidavit and any fees, deposits, plans or other materials required by the permit conditions. If you have any questions regarding this matter, please contact the Zoning Permits Section at (213) 974-6443.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Director of Planning



Frank Meneses
Supervising Regional Planner
Zoning Permits Section

FM:kms

Attachments: Findings and Conditions
Affidavit

c: Tom Dotson, Board of Supervisors, Department of Public Works (Building and Safety), Department of Public Works (Subdivision Mapping), Zoning Enforcement

CONDITIONAL USE PERMIT CASE NO. 99-270-(1)

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

REGIONAL PLANNING COMMISSION HEARING DATE: JANUARY 24, 2001

SYNOPSIS:

The applicant is requesting a change of zone from A-1-6,000 (Light Agriculture, 6,000 square feet minimum required area) to M-1-DP (Light Manufacturing, Development Program) on a .659 acre parcel.

The applicant is further requesting a Conditional Use Permit to continue to use the subject property as a pallet storage yard on the same parcel as a single family residence which is being used as a caretaker's residence. The subject property is in violation of the County Code for operating a pallet storage yard, which is not a permissible use in the A-1 zone. Per the applicant's request, the Department of Regional Planning issued the applicant a Clean Hands Waiver letter in October of 1999 allowing the applicant to continue his business while this Zone Change and Conditional Use Permit request is being processed. The applicant's business includes "recycling" used pallets, repairing and rebuilding them as required, storage, and delivery of pallets to customers.

PROCEEDINGS BEFORE THE COMMISSION

January 24, 2001 Public Hearing

A duly noticed hearing was held before the Planning Commission. Commissioners Pederson, Valadez, Helsley, and Vargo were present. Commissioner Campbell needed to leave the Public Hearing before this case was heard. Two people were sworn in, the owner and the owner's representative, to testify in favor of the proposal. There was discussion regarding the establishments operating hours. The Commission offered to extend the pallet yards' operating hours from 8:00 a.m. to 6:00 p.m. Monday through Friday to accommodate the possibility of extended work days.

There being no further testimony, the Planning Commission closed the public hearing and voted unanimously (4-0) to direct staff to prepare findings and conditions for approval.

Findings

1. The subject property is located at 158 South 5th Avenue, Avocado Heights, and in the Avocado Heights Zoned District.
2. The subject property is flat and rectangular in shape. The property is currently developed with a single family residence and pallet storage yard. Access to the site is via South 5th Street from the west.
3. Zoning on the subject property A-1-6,000 (Light Agriculture, 6,000 square feet minimum required area).

4. Surrounding zoning consists of A-1-6,000 to the north and west, M-1-DP-BE (Light Manufacturing, Development Program, Billboard Exclusion) to the south, and B-1(Buffer Strip) and M-1.5-BE (Restricted Heavy Manufacturing, Billboard Exclusion) to the east.
5. The subject property is currently developed with a pallet storage yard, office, and a single family residence being utilized as a caretaker's residence.
6. Surrounding land uses consist of a single family residence to the north and west, and industrial uses to the south and east.
7. There is one previous zoning case on the subject property, ZC 84-019. This was a request for a zone change from A-1-6,000 to M-1.5. This case was withdrawn by the applicant. The owner/applicant of that request is not the current owner/applicant.
8. The subject property is classified as Major Industrial on the Countywide General Plan land use policy map. This classification maps areas which are generally appropriate for major industrial uses including manufacturing of all types and warehousing and storage. The intent of this category is to assure that sufficient land is allocated for a wide range of industry and industry-related activities. The operation of a pallet storage yard can be found consistent with this land use classification.
9. The applicant's site plan, marked Exhibit "A", depicts the .659 acre parcel which is to be changed to zone M-1-DP developed with a single family residence and a two-car garage which is being utilized as an office on the westerly part of the property. The site plan depicts 12 parking spaces (11 standard, 1 handicapped). The site plan shows the pallet storage yard, work areas, loading area, and an office on the easterly portion of the property. Two gated entrances are shown onto the property from South 5th Street. The site plan shows arrows directing traffic in the entrance on the south side, driveways lead to the rear of the property, and back out to South 5th Street from the north gate.
10. Pursuant to 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 it is conducted shall be enclosed by a solid wall or fence. The subject property is developed with an eight-foot high masonry wall on the north, south, and east property lines, and an eight-foot high masonry and wrought iron wall on the west property line which allows you to see into the subject property.
11. Pursuant to Section 22.32.080 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 wrought iron wall is located on the subject property's front property line and the landscaping is located inside the wall (on the subject property). On a site visit Staff noted the applicant has additional landscaping throughout the subject property which is not reflected on the site plan.

12. Vehicle storage shall be provided as required by Part 11 of Chapter 22.52. Vehicles are not stored on the subject property. Trucks on the subject property are used in conjunction with the pallet business.
13. The Department of Regional Planning has determined that a Negative Declaration is the appropriate environmental documentation for this project under CEQA reporting requirements. The Negative Declaration in this case qualifies for a De Minimus Finding of Impact and is exempt from Fish and Game fees pursuant to Section 711.2 of the Fish and Game Code.
14. Staff did not receive any public comments regarding this request.
15. Pursuant to the County Code the parking requirements for the proposed development are as follows:
Parking Requirements
 Manufacturing - 1 space for each two persons employed or intended to be employed on the shift having the largest number of employees, or each 500 square feet of floor area, whichever is the larger.

In addition, the County Code required 1 parking space for the caretaker's unit.

Parking Calculations

As the applicant's business is conducted outdoors, the parking is calculated on the number of employees on the largest shift. Per the applicant, the business operates only one shift, and there are a maximum number of six employees. Three parking spaces are required for the business and one parking space for the caretaker's unit, for a total of four parking spaces.

For four parking spaces the American with Disabilities Act (ADA) requires one of these to be handicapped (van) accessible.

16. The applicant's site plan depicts twelve parking spaces, including one handicapped. On a site visit, however, staff noted that all of these parking spaces are not striped. As a condition of approval the applicant will be required to stripe a minimum of four parking spaces, including one van accessible space.
17. 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.

18. The Commission finds the continued use of the subject property as a pallet storage yard is compatible with the industrial uses to the south, east, and northwest.
19. The pallet yard's current hours of operation are 8:00 a.m. to 4:00 p.m., Monday through Friday.
20. The Commission finds extending the permitted operating hours from 8:00 a.m. to 6:00 p.m. Monday through Friday would better accommodate the possibility of extended work days.
21. The parcels to the south of the property were the subject of a zone change which was approved by the Board of Supervisors June 1987 and changed the zone from A-1-6,000 to M-1-DP-BE.
22. The Commission finds the requested change of zone from A-1-6,000 to M-1-DP appears to constitute a logical expansion of the industrial zoning to the south.

BASED ON THE FOREGOING, THE PLANNING COMMISSION CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- 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.

AND, 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, Title 22, of the Los Angeles County Code (Zoning Ordinance).

PLANNING COMMISSION ACTION:

1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis on the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgement and analysis of the Commission, and adopts the Negative Declaration.
2. In view of the findings of fact presented above, Conditional Use Permit Case No. 99-270-(1) is **APPROVED**, subject to the attached conditions.

VOTE: 4-1-0

Concurring: Commissioners Pederson, Valadez, Helsley, Vargo

Dissenting: None

Abstaining: Commissioner Bellamy

Absent: None

Action Date: 4-18-01

FM:kms
04-23-01

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant 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 property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and the fees pursuant to Condition No. 8 have been remitted.
3. 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. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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.
4. 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 pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.
5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested, in writing and with the appropriate fee, before the expiration date.
6. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.

7. **This grant will terminate April 18, 2011**

Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. At least six months prior to the expiration of this permit and in the event that the Permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

8. 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. The permittee shall deposit with the County of Los Angeles the sum of **\$1,000.00**. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for **10 annual inspections**.

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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

9. 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 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.
10. Upon receipt of this letter, the permittee shall contact the County of Los Angeles Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
11. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.
13. All structures, walls, and fences open to public view shall remain free of extraneous

markings, drawings, or signage. 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.

14. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
15. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
16. Provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works.
17. The permittee shall submit for approval three copies of revised plans, similar to Exhibit "A" page 1 of 2, as presented at the public hearing and showing the following: 1) correctly labeling the "existing garage" as an office and the structure labeled "office" as proposed, 2) a minimum of one truck parking space and a minimum of four parking spaces including one van accessible space, and 3) all existing on-site landscaping, to the Director of Planning within sixty days of the effective date of this grant. The property shall be developed and maintained in substantial conformance with the approved plan. All revised plot plans must be accompanied by the written authorization of the property owner.
18. If the permittee intends to install signage on the subject property at any future time within the term of this grant, the permittee shall submit for approval three copies of dimensioned sign elevations for all proposed signs to the Director of Planning. Proposed signs shall be developed in accordance with Part 10 of Chapter 22.52 of the County Code.
19. The project will require the filing of a Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code. The Negative Declaration in this case qualifies for a De Minimus Finding of Impact and is exempt from Fish and Game fees pursuant to Section 711.2 of the Fish and Game Code, the current exemption fee amount is \$25.00.
20. This grant authorizes the continuation of a pallet storage yard on the same parcel as a single family residence which is to be used as a caretaker's residence, subject to the following conditions:
 - a. This grant shall not become effective until the Los Angeles County Board of

Supervisors adopts the proposed Zone Change No. 99-270-(1) changing the zone from A-1-6,000 to M-1-DP;

- b. The permittee shall maintain a minimum of four on-site automobile parking spaces including one handicapped (van) accessible space, and a minimum of one truck parking space;
- c. The access aisle for the van accessible handicapped parking shall not be used for additional parking;
- d. All exterior lighting shall be shielded and directed away from neighboring residences to prevent direct illumination and glare;
- e. All 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;
- f. The use of amplified sound equipment intended to be audible outside the buildings is prohibited;
- g. 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;
- h. The single family residence on the subject property may only be used as a caretaker's residence;
- i. The permittee shall comply with the attached conditions from the County of Los Angeles Department of Public Works dated January 16, 2001, or as otherwise modified by said department;
- j. The permittee shall not store or use hazardous materials;
- k. The permittee shall Comply with all requirements of Part 7 of Chapter 22.52 of the County Code relating to the outside storage or display of raw materials, equipment, or finished products;
- l. The permittee shall comply with the attached conditions from the County of Los Angeles Fire Department dated February 7, 2001, or as otherwise modified by said department.

Attachments:

Department of Public Works conditions dated January 16, 2001

Fire Department conditions dated February 7, 2001

FM:kms 04-23-01

12P



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

DATE: February 7, 2001

TO: Department of Regional Planning
Permits and Variances

SUBJECT: Z.C. 99-270

LOCATION: 158 South 5th Avenue, La Puente

- The Fire Department has no additional requirements for this permit.
- The required fire flow for this development is 1500 gallons per minute for 2 hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- Install Public and/or On-site and/or 1 Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA Standard 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.
- Location: Fire hydrant located adjacent to the proposed property. Submit original water availability form to our office for review.
- Access: Provide 26' of paved vehicular access to within 150' of all exterior walls of existing structures and pallet storage area. Indicate compliance on a revised map and resubmit.
- Special Requirements: Gated entrances shall provide a minimum open width of 26' and shall be equipped with emergency override device which is in compliance with Los Angeles County Fire Dept. 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 @ (323) 890-4243.

Inspector: Janna Masi
JM

Co.CUP 9/00

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-4169



HARRY W. STONE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

January 16, 2001

IN REPLY PLEASE
REFER TO FILE: **LD-8**

TO: Frank Meneses
Zoning Permits Section
Department of Regional Planning

FROM: Randine M. Ruiz *RMR*
Subdivision Mapping Section
Department of Public Works

ZONE CHANGE/CONDITIONAL USE PERMIT NO. 99-270

We have reviewed the subject case in the Puente area in the vicinity of 5th Avenue and Valley Boulevard. This case is for a zone change from residential to industrial and to continue the existing industrial use.

If this permit is approved, we recommend the following condition:

- Dedicate right to restrict vehicular access to 5th Avenue.

WH:ca
PLDPUBISUBDIVSNMAPPING\99-270CUP





