



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 31, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Peter Kozely
26 Morey House Drive, PO Box 242
Orford, NH 03777

**REGARDING: PROJECT NO. R2010-01678-(2)
CONDITIONAL USE PERMIT NO. 201000160
13009 South Main St., Los Angeles, CA 90061**

Dear Mr. Kozely:

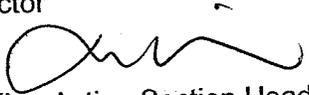
The Regional Planning Commission, by its action of August 31, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant and/or other interested persons may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on September 14, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, **hand deliver** a notarized affidavit of acceptance form, a certified copy of the recorded findings and conditions of approval, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For additional information on appeal procedures or any other matter pertaining to these approvals, please contact Travis Seawards of the Zoning Permits West Section at (213) 974-6462 or e-mail at TSeawards@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
Director


Mi Kim, Acting Section Head
Zoning Permits West Section

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

c: BOS; DPW (Building and Safety); Zoning Enforcement; Testifiers
MKK:TSS

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

**PROJECT NUMBER R2010-01678-(2)
CONDITIONAL USE PERMIT NUMBER 201000160**

REQUEST:

The proposed project is a request for a conditional use permit (CUP) to allow the outside storage of trucks, trailers, other vehicles, and materials on property in the Light Manufacturing (M-1) Zone located at 13009 South Main Street in the West Rancho Dominguez-Victoria Community Standards District (CSD) in the Athens Zoned District.

HEARING DATE: August 31, 2011

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

A duly noticed public hearing was held on August 31, 2011 before the Regional Planning Commission. Commissioners Helsley, Modugno, Pedersen, and Louis were present. Four people testified: the applicant, Mr. Peter Kozely, and three residents from the community, Bobbie Livingston, Elizabeth Cantrell, and Kendra Cantrell, testified in opposition to the project.

The applicant presented a history of the subject parcel and described recent improvements to the site, such as paving and screened fencing, which have been added to reduce noise and other impacts to the neighborhood.

The Commission inquired as to the restraints for the operating hours and the possibility of any trucks using the site during non-operating hours. The commission requested the existing condition to be amended to allow for ancillary activities to occur outside of normal operating business hours. The Commission also requested that any tenant using the site make themselves available to the community and asked staff to add a condition requiring the tenants contact information be posted on site. To address resident concerns about truck traffic in the neighborhood, the Commission also ordered staff to amend a condition to say that the owner will instruct all tenants to not use adjacent residential streets for their operations.

Commissioner Louis commented that many of the issues brought up by the residents opposing the project were out of the jurisdiction of Regional Planning but that they were larger community issues that need to be addressed.

There being no further testimony, the Regional Planning Commission voted to close the public hearing and approve the conditional use permit. Commissioners Helsley, Modugno, Pedersen, and Louie voted in favor of the request. Commissioner Valadez was absent.

Findings

1. The project site is located at 13009 South Main Street, Los Angeles, CA in the unincorporated community of West Rancho Dominguez-Victoria in the Athens Zoned District in Los Angeles County.
2. The project is a request for a conditional use permit (CUP) to allow the outside storage of trucks, trailers, other vehicles, and materials on property zoned M-1 and located in the West Rancho Dominguez-Victoria CSD in the Athens Zoned District.
3. The project is to use the large parking lot as an outdoor storage area for trucks, trailers, vehicles, and other materials. Per Title 22 (Los Angeles County Code), the storage of trucks is a permitted use in the M-1 Zone. However, the project is located in the West Rancho Dominguez-Victoria Community Standards District (CSD), which requires a CUP for truck storage or rental in the M-1 Zone on properties within 500-feet of a residential zone.
4. The site is developed with a light industrial, warehouse use. Surrounding land uses consist of single family residences and light industrial to the east, and light industrial uses to the north, west, and south. The subject property is located within 500-feet of a residential zone that is located to the east, across Main Street, and which is developed with single-family residences.
5. The subject property is currently occupied by a one-story, 13,000-square-foot existing metal warehouse building and 1,259-square-foot covered storage area, which are permitted uses in the M-1 Zone. The structures were permitted with a building permit and before the creation of the West Rancho Dominguez-Victoria CSD. These structures are not a part of the project.
6. The project consists of the parking lot area that is striped for 27 truck and container spaces and a 732 square-foot modular office.
7. The proposed project is compliant with all required development standards. The site plan depicts an approximately 1.44-acre parcel (approximately 62,583 square feet) that has an existing metal warehouse covered storage area with 17 associated employee parking spaces. The area devoted to the outdoor storage of trucks, trailers, vehicles and other materials is located in the center of the parcel. This area is striped for 27 trailer/container parking spaces, each 10-feet wide and 45-feet long. Twelve parking spaces are located toward the north, center of the parcel, and the other 15 parking spaces are located along the southern parcel boundary two parking areas are separated by an 88-foot wide trailer/container loading area. The modular office is located toward the front, main entrance and serves the parking lot use. It is located 11-feet back from the front security fence, which is eight-feet tall and topped with razor wire. The site plan depicts three landscaped areas: a 620 square-foot area along the southern border of the subject property, a 2,535 square-foot area in

the northeast corner of the subject property, and a 600 square-foot area between the modular office trailer and the front fence. There are two oak trees located in the northeast corner of the landscaped area but are not large enough to be subject to the County's Oak Tree Ordinance.

8. Access is granted to the site from a motorized gate on South Main Street through a 28-foot, 8-inch driveway with 10 ft. open fenced sight views on each side.
9. Surrounding properties are zoned M-1 and R-1 (Single-Family Residence) Zone to the east, and M-1 to the north, west, and south.
10. Previous zoning history on this subject property includes Plot Plan 200800214, which reviewed a new 702 square foot free standing office trailer, and was denied on March 18, 2009. The existing structures on the site were permitted and constructed with a building permit.
11. This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). The project is a request to allow the outside storage of trucks, trailers, other vehicles, and materials in the M-1 at an existing site with no new construction or expansion of existing uses or operations on the subject property, and therefore qualifies for a Class 1, Existing Facilities Categorical Exemption.
12. Regional Planning Staff has received three phone calls regarding the proposed project. Two calls were regarding the parking of trailer and RV vehicles along Main Street and the disposal of trash and waste from these vehicles in the street and sidewalk areas. The applicant and owner of the parcel has agreed to maintain the sidewalk and landscaped areas from his property to the street, and this has been added as a condition of approval. The third call was from a neighboring resident who opposed the project who opposes the project over concerns about noise, hours of operation, and general issues about trucks on Main Street. The conditions for approval of the proposed project include limiting the hours that trucks can enter and exit the site to daytime hours on Monday through Friday, and also ensuring compliance with the County's Noise Ordinance.
13. There are no current zoning violations on the property.
14. The project, along with the existing light industrial warehousing use, is consistent with the applicable General Plan policies for the subject property. The property is designated as Major Industrial (I) under the Countywide General Plan land use policy map. Areas designated as Major Industrial are generally appropriate for major industrial uses including manufacturing of all types, mineral extraction sites, refineries, warehousing and storage, and product research and development. The intent of this category is to ensure that sufficient land is allocated for a wide range of industry and industry-related activities, and to provide jobs for the resident labor force. The project propose to allow for the storage of trucks and materials on the

subject property in connection with an on-going light industrial use will help to ensure the viability of the site and therefore, is consistent with the General Plan.

15. The subject property is zoned M-1 and located within the West Rancho Dominguez-Victoria CSD. While the project would be permitted in the M-1 Zone, outside storage of trucks, trailers, other vehicles, and materials require a CUP pursuant to the provisions of the CSD because the subject property is located within 500 feet of a residential zone.
16. The project meets all of the requirements and development standards of the West Rancho Dominguez-Victoria CSD.
17. The project meets all of the requirements for Outside Storage and Display of Part 7, Chapter 22.52 of Title 22 (Los Angeles County Code).
18. The subject parcel is adjacent to light industrial uses to the north, west and south. Truck and trailer storage is a compatible use with the existing development pattern of the surrounding industrial community.
19. The project on the subject property will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, because the project is consistent with the predominantly industrial character of the surrounding area to the north, west and south, and is adequately buffered and screened from adjacent residential uses to the east by Main Street and a solid fence on the front property line.
20. The residential uses to the east are adequately buffered by an eight-foot high screened fence on the subject property, South Main Street, which is an Arterial Street and is considered a major road in the County Highway Plan, and by three landscaped areas: a 620 square-foot area along the southern border of the subject property, a 2,535 square-foot area in the northeast corner of the subject property, and a 600 square-foot area between the modular office trailer and the front fence. All storage uses on the property will not be visible from the front property and are set back approximately 40-feet from the front property line.
21. The subject parcel is compliant with all zoning standards and is adequately served by roads and existing public facilities. Access to the site is from South Main Street, which is an Arterial Street and is considered a major road in the County Highway Plan.
22. With appropriate conditions and enforcement, the proposed project will not adversely affect the surrounding community. The owner of the property has agreed to maintain the sidewalks and landscaped areas that front his property and lie across from single-family residences, and to limit the hours of operation to Monday through Friday, 7:30 a.m. to 5:30 p.m. The owner has also agreed to strictly comply with the County's Noise Ordinance as outlined in Title 12 of the Los Angeles County Code.

23. 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.
24. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 20 years.
25. The Regional Planning Commission finds that the occasional inbound truck trip, which may occur outside of regular business hours, is ancillary to the operations of the primary truck storage business and should be allowed to avoid the parking and queuing of trucks on public streets.
26. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits III Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. 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 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. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate and by other public or private 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 Sections 22.56.090 of Title 22, of the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission determines that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project meets the criteria for Class 1 - Existing Facilities, Categorical Exemption set forth in Section 15301 of the State CEQA Guidelines and the County Environmental Document Reporting Procedures and Guidelines, Appendix G as the project does not include any new construction, expansion, or intensification of the existing use on the subject property.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201000160, associated with Project R2010-01678-(2) is **APPROVED**, subject to the attached conditions.

VOTE

Concurring: 4

Dissenting: 0

Abstaining: 0

Absent: 1

Action Date: August 31, 2011

c: Each Commissioner, Zoning Enforcement, Building and Safety

MKK:TSS
8/31/11

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2010-01678-(2)
CONDITIONAL USE PERMIT NO. 201000160**

PROJECT DESCRIPTION

The project is a conditional use permit (CUP) for the outside storage of trucks, trailers, other vehicles, and materials on property zoned Light Manufacturing (M-1), located at 13009 South Main Street, in the unincorporated community of West Rancho Dominguez, in the West Rancho Dominguez Community Standards District (CSD), and 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 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 August 31, 2031.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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 **\$3,000.00**. 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 fifteen (15) total inspections. **One annual inspection for the first 10 (ten) years, and 5 biennial (one every other year) inspections for the last ten years.** Inspections shall be unannounced.

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

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

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PROJECT SITE SPECIFIC CONDITIONS

17. The regular business hours for operations of the subject property for the entering and exiting of vehicles to be stored on site shall be restricted to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday; however, ancillary, inbound truck trips outside of these regular business hours are allowed on a limited basis to meet operational needs of the occasional truck arriving after hours.
18. The permittee shall obtain a Certificate of Compliance needs for the subject property within six (6) months after the date of approval of this grant.
19. The permittee shall maintain the subject property in a neat and orderly fashion, free of litter, trash, and other debris for all areas on the premises including front yards, front sidewalks and parkways, and rear alleys.

20. The permittee shall instruct all future operators of the parking area to avoid truck travel on adjacent residential streets and to only access the subject property from South Main Street.
21. The permittee shall place near the front property line on the exterior front fence a sign that states that littering is illegal and that contains the contact information for the local County Sheriff's Office.
22. The operator of any business using the parking area shall post near the front property line on the exterior front fence a sign that includes their contact information.
23. The permittee shall maintain a minimum of seventeen employee (17) parking spaces on-site.
24. Any lighting within the parking lot area shall be shielded and directed away from adjacent properties to prevent direct illumination and glare.
25. The entire parking lot area shall be paved with asphalt or concrete surfacing, which shall be maintained in good condition.
26. No vehicle repair, disassembly, and re-fueling is permitted on-site.
27. The permittee shall strictly comply with all conditions and requirements contained in the County of Los Angeles Fire Department, Fire Prevention Division, letter dated March 9, 2011 (attached hereto and incorporated herein by this reference), to the satisfaction of said Department, except as otherwise required by said Department.
28. The permittee shall strictly comply with all conditions and requirements contained in the County of Los Angeles Department of Public Health, letter dated May 20, 2011 (attached hereto and incorporated herein by this reference), to the satisfaction of said Department, except as otherwise required by said Department.
29. The permittee shall strictly comply with all conditions and requirements contained in the County of Los Angeles Department of Public Works, letter dated June 9, 2011 (attached hereto and incorporated herein by this reference), to the satisfaction of said Department, except as otherwise required by said Department.

Attachments:

County Fire Department's Letter, dated March 9, 2011.

County Department of Public Health Letter, dated May 20, 2011

County Department of Public Works Letter, dated June 9, 2011