Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

February 18, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Carlos Losada
9550 Firestone Boulevard, Suite 105
Downey, CA 90241

Dear Mr. Losada:

SUBJECT: PROJECT NO. 02-202 – (2)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT
CASE NO. 02-202

In my capacity as Hearing Officer of Los Angeles County ("Hearing Officer"), I held a discussion meeting on a minor modification to the conditions of approval for Conditional Use Permit ("CUP") Case No. 02-202 on February 16, 2010, and subsequently made requisite findings of approval for the minor modification.

Pursuant to Section 22.56.1630 of the Los Angeles County Code ("County Code"), the Hearing Officer shall approve an application to modify any condition of a previously approved CUP only when not more than one protest to the application is received within the specified comment period and when the application meets the burden of proof. Staff did not receive any opposition to the request within the comment period.

This approval action authorizes the modification of Condition Nos. 15(e) and 17, of the previously approved CUP. The conditions, as currently approved, read as follows:

15. The following modifications to development standards shall apply:

    e. Modification of the maximum permitted wall height of three and a half feet to allow a maximum seven-and-one-half-foot high wall and interspersed eight-foot high entry gates within the front yard setback, as depicted on Exhibit "A".

17. Within six months of the approval date of this grant and prior to the recordation of the final map for Vesting Tentative Tract Map No. 53967, the permittee shall construct a maximum seven-and-one-half-foot high masonry wall and gates along East Gage Avenue and install landscaping within the landscape strip

along the wall and associated irrigation systems in accordance with the Exhibit "A" and the approved landscape plan. To provide screening to prevent graffiti on the block wall, three 15-gallon vines shall be planted along the block wall within each single-family lot. The wall and landscaping shall be fenced temporarily with non-view obscuring material and such fencing shall be removed upon the sale of each individual single-family lot.

An addendum specifying the modification of Condition Nos. 15(e) and 17 will be attached to the original conditions of approval for CUP 02-202. You are advised that all other conditions of the original grant remain in effect, unchanged.

During the 14-day period following the date of action taken, the subject approval action regarding the minor modification to CUP 02-202 may be appealed to the Regional Planning Commission ("Commission"). The minor modification will not become effective until and unless the appeal period has passed without the filing of an appeal. The appeal must be postmarked or delivered in person within 14 days of the date of receipt of this letter, which is by 5:00 p.m. on March 2, 2010. The fee for appeal process is $1,352.00 for the applicant and $677.00 for non-applicant(s). To initiate the appeal, submit your appeal letter and a check made payable to the County of Los Angeles to the Secretary of the Los Angeles County Regional Planning Commission, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please be advised that your appeal will be rejected if the check is not submitted with the letter.

If no appeal is made during the 14-day period, the subject approval action is final on the minor modification to the CUP. Upon completion of the 14-day period, the applicant can submit for approval to the Regional Planning staff any plans or other materials required to implement the subject minor modification to the CUP. If you have any questions regarding this matter, please contact Donald Kress of the Land Divisions Section at (213) 974-6433.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST:
Minor modification to conditions of approval to previously approved CUP 02-202. The modification request consists of allowing a modification of the wall height in the front yard setback from seven feet to seven-and-one-half feet. The wall was constructed as part of the project. In some areas, the height of the wall exceeds the permitted seven feet, due to variations in topography over the three-block length of the project.

FACTUAL SUMMARY:
The subject minor modification to CUP 02-202 was approved at the February 16, 2010 Hearing Officer meeting, with the following findings:

Findings

1. The applicant is requesting a Minor Modification to Conditional Use Permit ("CUP") Case No. 02-202 to authorize modification of Condition Nos. 15(e) and 17 of the approved CUP. The modification request consists of allowing a maximum height of seven-and-one-half feet for a wall within the front yard setback, instead of the previously approved seven-foot wall height, in order to compensate for variations in the existing wall height due to variations in topography over the three-block length of the project.

2. CUP 02-202, to authorize the proposed residential development with affordable housing concessions and to ensure compliance with the proposed development program zone requirements, was approved along with Vesting Tentative Tract Map No. 53967 ("TR 53967"), a request to create 32 single-family lots on 1.41 gross acres. A minimum of 11 units were reserved for lower-income households and the remainder were reserved for moderate-income households, was approved by the Commission on November 19, 2003 and by the Los Angeles County Board of Supervisors ("Board") on March 23, 2004. A minor modification to Condition Nos. 1, 16, 52(a), 52(c), 52(d), and 52(e) of the CUP, to increase the number of affordable dwelling units from 11 to 15 and allow the remaining 17 dwelling units to be available at market rate, was approved by the Hearing Officer on February 7, 2006.

3. The 1.41-acre subject property is located at 1503 through 1641 Gage Avenue, in the Compton-Florence Zoned District.

4. The subject property is located within the Florence-Firestone Community Standards District ("CSD"). The proposed CUP modification is not subject to this CSD, as the CUP conditions being modified were approved prior to the effective date of the CSD.

5. Zoning on the site is R-3 (Limited Multiple Residence) and R-3-DP (Limited Multiple Residence – Development Program).

6. Surrounding land uses within 500 feet of the subject property include single- and multi-family residences to the north, south, east and west; vacant property to the north and east; commercial uses to the north, west, and south; and manufacturing uses to the south.

7. The subject property is depicted within Category 3 of the Los Angeles Countywide General Plan, which allows 12 to 22 dwelling units per gross acre. A density bonus for affordable housing granted to this project allowed a density of 23 dwelling units per gross acre.

8. CUP 02-202 approved a modification of the maximum permitted wall height within the front yard setback of three-and-one-half feet to seven feet. Construction of the wall required adjustment to the varying topography over the three-block length of the project, resulting in some wall sections which were higher than seven feet. Modification of the conditions as proposed will allow the existing wall to comply with development standards of the CUP. The applicant's bond for construction of this wall may then be released.

9. This project was determined by the Los Angeles County Department of Regional Planning ("Regional Planning") to be included within the analysis of the Negative Declaration approved with TR 53967 and CUP 02-202 by the Commission on November 19, 2003 and by the Board on March 23, 2004.

10. On January 14, 2010, approximately 200 notices were mailed out to property owners within 500 feet of the subject property. The notice was published in the Long Beach Press-Telegram on January 14, 2010 and in La Opinion on January 16, 2010. Staff received verification that the subject property was posted with a notice of the proposed CUP modification on January 16, 2010.

11. No correspondence was received within the required comment period of 15 days from receipt of the notice, which was by February 6, 2010.

12. During the February 16, 2010 Hearing Officer public meeting, the case planner made a presentation that summarized the history of the project and the conditions requested to be modified, and displayed photographs of the existing wall. The applicant's representative did not appear at the meeting.

13. During the February 16, 2010 Hearing Officer public meeting, the Hearing Officer clarified with staff that the wall is existing and the modification of conditions will not result in further construction.

14. 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 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 Land Divisions Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. That the proposed use is consistent with the adopted General Plan;

B. That the requested use at the proposed location 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;

C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

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;

E. That the burden of proof for the CUP as modified has been satisfied as required by County Code Section 22.56.040;

F. That approval of the application will not substantially alter or materially deviate from the terms and conditions imposed in the granting of the previously approved CUP; and

G. That the approval of the application is necessary to allow the reasonable operation of the use granted in the CUP.

AND, THEREFORE, the information submitted by the applicant and presented at the public meeting substantiates the required findings and burden of proof for a modification to conditional use permit as set forth in Section 22.56.1630 of the County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer finds that this project is analyzed within the Negative Declaration approved with TR 53967 and CUP 02-202 by the Commission on November 19, 2003 and by the Board on March 23, 2004.

2. In view of the findings of fact and conclusions presented above, Minor Modification to Conditional Use Permit Case No. 02-202 is APPROVED.

Action Date: February 16, 2010

SMT:dck
2/18/10

ADDENDUM TO CONDITIONAL USE PERMIT CASE NO. 02-202

MINOR MODIFICATION OF CONDITIONS NOS. 15(e) and 17 OF CONDITIONAL USE PERMIT CASE NO. 02-202

Pursuant to Part 11 of the County Zoning Ordinance (Conditional Use Permit – Modifications or Elimination of Conditions), and in conformance with the Hearing Officer approval action regarding minor modification to Conditional Use Permit ("CUP") Case No. 02-202 on February 16, 2010, Conditions Nos. 15(e) and 17 of the originally approved CUP 02-202 are hereby modified to read as follows:

15. The following modifications to development standards shall apply:

    e. Modification of the maximum permitted wall height of three and a half feet to feet to allow a maximum seven-and-one-half-foot high wall and interspersed eight-foot high entry gate within the front yard setback, as depicted on Exhibit "A".

17. Within six months of the approval date of this grant and prior to the recordation of the final map for Vesting Tentative Tract Map No. 53967, the permittee shall construct a maximum seven-and-one-half-foot high masonry wall and gates along East Gage Avenue and install landscaping within the landscape strip along the wall and associated irrigation systems in accordance with the Exhibit "A" and the approved landscape plan. To provide screening to prevent graffiti on the block wall, three 15-gallon vines shall be planted along the block wall within each single-family lot. The wall and landscaping shall be fenced temporarily with non-view obscuring material and such fencing shall be removed upon the sale of each individual single-family lot.

Action Date February 16, 2010

BY: M. Glaser

Mitch Glaser, AICP, Hearing Officer
Department of Regional Planning
County of Los Angeles