



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 9, 2010

TO: Mitch Glaser, AICP
Hearing Officer

FROM: Donald Kress, Regional Planning Assistant II 
Land Divisions Section

**SUBJECT: FEBRUARY 16, 2010 HEARING OFFICER MEETING
PROJECT NO. 02-202 – (2)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE
NO. 02-202
1503 to 1641 Gage Avenue**

Pursuant to Section 22.56.1600 of the Los Angeles County Code (“County Code”) Zoning Ordinance (Conditional Use Permits—Modifications or Elimination of Conditions), the project applicant has requested to modify Condition Nos. 15(e) and 17 of Conditional Use Permit (“CUP”) Case No. 02-202, which was approved March 23, 2004 by the Los Angeles County Regional Planning Commission, to authorize the proposed residential development with affordable housing concessions and to ensure compliance with the proposed development program zone requirements. The modification is to allow a slight increase in height for perimeter walls within the front and side yard setbacks from seven feet to seven-and-one-half (7 ½) feet. The CUP was approved with Vesting Tentative Tract Map No. 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.

Condition No. 15(e), **as currently approved**, reads as follows:

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 seven-foot high wall and interspersed eight-foot high entry gate within the front yard setback, as depicted on Exhibit “A”.

With the requested modification, Condition No. 15(e) would read as follows:

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 ~~seven-foot—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”.

Condition No. 17, ***as currently approved,*** reads as follows:

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 seven-foot high masonry wall and gates along East Gage Avenue and install landscaping within the landscaping 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.

With the requested modification, Condition No. 17 would read as follows:

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 ~~seven-foot~~ 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.

The purposes of the requested modification are to allow a maximum height of seven-and-one-half feet for a wall within the front yard setback, in order to compensate for variations in topography over the three-block length of the project. The applicant’s responses to a burden of proof supporting his request are attached.

Pursuant to Section 22.56.1630 of the County Code, the Hearing Officer shall approve an application to modify any condition of a previously approved conditional use permit only when not more than one protest to the application is received within the specified comment period and only when the information submitted by the applicant substantiates the required findings. Staff did not receive any letters of opposition to the subject

proposal. The information submitted by the applicant substantiates the required findings:

1. That the burden of proof for the CUP as modified has been satisfied as required by County Code Section 22.56.040, which requirements are state in (A) through (C) below:
 - A. That the requested use at the location will not:
 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; and
 - 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; and
 - C. That the proposed site is adequately served:
 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;
2. 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
3. That the approval of the application is necessary to allow the reasonable operation of the use granted in the CUP.

Consequently, staff recommends **approval** of this minor modification request.

SMT:dck
2/9/10

ATTACHMENTS: Draft findings
CUP Modification Burden of Proof

**PROJECT NO. 02-202 - (2)
MINOR MODIFICATION TO CONDITIONAL USE PERMIT CASE NO. 02-202
DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

HEARING OFFICER MEETING DATE: February 16, 2010

SYNOPSIS:

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 the maximum height of a wall within the front yard setback to be seven-and-one-half feet, instead of the seven foot height originally approved. The subject property is located at 1503 through 1641 Gage Avenue, in the Compton-Florence Zoned District.

PROCEEDINGS BEFORE THE HEARING OFFICER:

February 16, 2010 Public Meeting

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 the maximum height of a wall within the front yard setback to be seven-and-one-half feet, instead of the seven foot height originally approved. The subject property is located at 1503 through 1641 Gage Avenue, in the Compton-Firestone Zoned District.
2. The 1.41-acre subject property is located at 1503 through 1641 Gage Avenue, in the Compton-Florence Zoned District.
3. 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.
4. Zoning on the site is R-3 (Limited Multiple Residence) and R-3-DP (Limited Multiple Residence – Development Program).
5. The surrounding properties are zoned as R-3 and C-3 (Unlimited Commercial) to the north; R-3 and R-4 (Unlimited Residence) to the east; R-3, M-1 (Light Manufacturing), M-1-DP (Light Manufacturing – Development Program), and C-2 (Neighborhood Business) to the south; and R-3 and C-3 to the west.

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 acre. A density bonus for affordable housing granted to this project allowed a density of 23 dwelling units per acre.
8. Modification of the conditions as proposed will allow a maximum height of seven-and-one-half feet for a wall within the front yard setback, in order to compensate for variations in topography over the three-block length of the project.
9. 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. The applicant has applied for the CUP modification to allow a seven-and-one-half foot maximum wall height within the front yard setback so the existing walls will be in compliance with development standards.
10. 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 on March 23, 2004.
11. 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.
12. No correspondence was received within the required comment period of 15 days from receipt of the notice, which was by February 6, 2010.
13. SUMMARIZE EVENTS AT THE PUBLIC HEARING
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 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 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 Los Angeles County Regional Planning Commission 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
2/16/10



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.)

A. That the requested use at the location will not:

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.

The additional 6" max. in height requested will not impact the health, peace or welfare neither will be

detrimental to the project in fact it improves and compliments the project better by providing a

uniform look across all 3 blocks instead of the wall having a step up and down look. this change will

not pose a threat to safety or public health because the wall was engineered to be up to 8'-0".

This change will improve the overall appearance of the wall and accommodate for lower street elevations

at the corners and alley sections that causes the wall to be higher than 7' in those areas.

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.

The proposed additional height is adequate in size and more appealing in shape since tile bands do not

get disrupted to accommodate the slight arch at the center of the blocks and the lower street

elevations at the corners and going towards the alley.

C. That the proposed site is adequately served:

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.

This change will not impact any access or Public Services. The Site is adequately served by streets and

public utilities already improved by the developer at the time of construction.