



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 4, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ana Valkova
4919 Indian Wood Rd. #495
Culver City, CA 90230

**REGARDING: PROJECT NUMBER 93077-(2)
CONDITIONAL USE PERMIT NUMBER 200900070
5140 WEST EL SEGUNDO BOULEVARD, DEL AIRE**

Dear Applicant:

Hearing Officer Mitch Glaser, by his action of November 2, 2010, **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on November 16, 2010.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Tyler Montgomery of the Zoning Permits III Section at (213) 974-6435 or e-mail at TMontgomery@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,
Richard J. Bruckner
Director

Mi Kim, Action Section Head
Zoning Permits III Section

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

c: DPW (Building and Safety); Zoning Enforcement

MK:TM

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: Pursuant to the provisions of Section 22.56, Part 1 of the Los Angeles County Code, a conditional use permit (CUP) to authorize the continued operation and maintenance of an auto repair shop in a C-3-DP (Unlimited Commercial—Development Program) zone, located in the Del Aire Zoned District of Los Angeles County.

PROCEEDINGS BEFORE THE HEARING OFFICER:November 2, 2010 Public Hearing

A duly noticed public hearing was held before the Hearing Officer on November 2, 2010. Case planner, Mr. Tyler Montgomery, presented the case and made a recommendation for approval. The applicant's representative, Ms. Ana Valkova, did not testify but indicated that she was available to answer any questions. The Hearing Officer, Mr. Mitch Glaser, subsequently closed the public hearing and approved the project.

Findings

1. The site is located at 5140 West El Segundo Boulevard, within the community of Del Aire and in the Del Aire Zoned District of unincorporated Los Angeles County.
2. The project site is zoned C-3-DP (Unlimited Commercial—Development Program) and is currently used for auto repair.
3. The subject property is approximately one-third of an acre (15,000 square feet) and is a level, paved, rectangular parcel. It is developed with a 2,518 square-foot repair garage and a 1,078 square-foot metal canopy located near the center of the property. Approximately 120 square feet of landscaping is located on the project site. The remainder of the parcel is paved and utilized for the parking and storage of automobiles. The site is accessed from El Segundo Boulevard to the north. The area is urbanized and surrounded by developed land in all directions.
4. Surrounding properties are zoned as follows:
North: B-1 (Buffer Strip); R-1 (Single Family Residence); City of Hawthorne
South: R-1 (Single Family Residence)
East: R-3 (Limited Multiple Residence)
West: San Diego (405) Freeway
5. The surrounding land uses consists of the following:
North: Union Pacific Railroad, shopping center, single-family residences
South: Single-family residences
East: Multiple-family residences, apartments
West: San Diego (405) Freeway

6. The applicant is requesting a conditional use permit (CUP) to continue the operation of an auto repair shop in a C-3-DP (Unlimited Commercial—Development Program) zone. The previous CUP authorizing this use (CP 93077) was approved in 1993 and expired in 2008. The Development Program (-DP) overlay requires that any use in the zone must operate under a valid CUP.
7. The Department of Regional Planning has determined that the project qualifies for a Class 1 Categorical Exemption (Existing Facilities) under the California Environmental Quality Act (CEQA) reporting requirements.
8. A total of 79 public hearing notices were mailed out to property owners located within the 500-foot radius of the subject property and other interested parties on September 23, 2010 regarding the project proposal. The notice was published in the *Daily Breeze* and in *La Opinion* on September 29, 2010. Case-related materials were sent to the Hawthorne Library and posted on the Regional Planning web page. The public hearing notice was also posted at the project site 30 days prior to the hearing date.
9. Staff consulted with the Los Angeles County Fire, Public Works, and Public Health departments regarding the project proposal. The case was cleared for public hearing by Public Health and Fire. Public Works did not respond to the consultation request.
10. Staff has not received any comments from the public regarding this project proposal.
11. The subject property is located within the "1" (Low Density Residential) classification of the Countywide Land Use Plan. The intent of this land use classification is to promote primarily residential uses of densities between one (1) and six (6) dwelling units per acre. Neighborhood-serving commercial uses are also allowed in this classification. Because the existing use would primarily serve the surrounding neighborhood, it is consistent with the underlying land use designation.
12. The site plan depicts the 15,000-square-foot property, most of which is paved and used for the storage of automobiles awaiting repairs or retrieval. A 2,518 square-foot repair garage and a 1,078 square-foot metal canopy are located near the middle of the property. A six-foot-high chain link fence bounds the property's northern and western sides, and the property would be accessed by a 17-foot-wide gated driveway to the north. A six-foot-high concrete block wall bounds the property's southern and eastern sides. Ten (10) off-street parking spaces are proposed for the site, one of which would be reserved for the handicapped. One existing double-faced, roof-mounted sign is located on the metal canopy, with each face approximately 40 square feet (4'x10'). The facility would accommodate a maximum of four (4) employees. Total landscaped area on the site is approximately 120 square feet, consisting of a 3'x22' planter to the west of the service building and six (6) 3'x3' tree planters placed along the property's southern

and eastern boundaries. Access is taken from El Segundo Boulevard to the north via a 15-foot-wide gated driveway.

13. Section 22.52.1105 of the County Code determines parking requirements for commercial uses. One off-street parking space is required for every 250 square feet of building or structure dedicated to such use. Therefore, 10 off-street parking spaces are required, one of which must be designed to handicapped specifications, although it need not be reserved solely for the handicapped. The site plan proposes 10 off-street parking spaces, one of which would be reserved for the handicapped.
14. There are no minimum setbacks or specific structural height standards in the C-3 zone, and the existing structures have a smaller lot coverage (24 percent) than the maximum allowed (90 percent) by the County Code (Sec. 22.28.220). This section of the Code also requires that a minimum of 10 percent of the lot area be utilized for landscaping. With the required conditions of approval, the proposed project would satisfy this requirement.
15. Section 22.52.890 of the County Code regulates roof-mounted and freestanding business signs. For a double-sided, roof-mounted business sign, the maximum sign area for each face is 150 square feet. Each face of the existing roof-mounted sign is 40 square feet. The sign must also be no higher than 30 feet above ground level or 15 feet above roof level, and the existing sign is approximately 19 feet above ground level and four (4) feet above roof level.
16. The project site is bordered by commercial uses to the north and the San Diego (405) Freeway to the west. Residential uses to the south and east are separated from the site by six-foot-high block walls. The existing auto repair business has operated at the site for approximately 17 years without complaints of noise, odors, or other operational issues from nearby residents, and no opposition to the current CUP application has been received. Therefore, it is unlikely that its continuance would adversely affect the health, comfort, or welfare of the surrounding community.
17. All general and zone specific development standards would be met by the project proposal. Therefore, the property is adequate in size and shape to accommodate the required development features of the Zoning Ordinance, or as otherwise required to integrate the use into the surrounding community.
18. The site is adequately served by public roads, as El Segundo Boulevard is a major arterial right-of-way that is more than adequate for a locally serving commercial use. In addition, the existing parking lot would provide the required 10 off-street parking spaces as well as many additional spaces generally used for the parking of cars awaiting repairs.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed locations will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, 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 use would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for conditional use permits as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects, which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 1 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G
- 2. In view of the findings of facts presented above, Conditional Use Permit No. 200900070 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit of Acceptance

c: Commission Services, Zoning Enforcement, Building and Safety

1. This grant authorizes the use of the subject property for an auto repair shop with appurtenant parking and landscaping, as depicted on the approved Exhibit "A", subject to all of the following conditions of approval.
2. 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.
3. 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 Department of 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. 8, and until all required monies have been paid pursuant to Condition 10. Notwithstanding the foregoing, this condition (No. 3), and Condition Nos. 4, 5, and 6 shall be effective immediately upon final approval of this grant by the County.
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 limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
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 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 in accordance with Section 2.170.010 of the Los Angeles County Code.

6. This grant shall expire unless used within two (2) years from the date of approval. A one-year time extension may be requested in writing with the applicable fee before the expiration date.
7. 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.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. This grant shall terminate on **November 2, 2025**. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$1,400.00. These monies 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, including adherence to development in accordance with the approved site plan on file. The fund provides for 7 biennial 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 the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200 per inspection).

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 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. A revocation/modification public hearing shall be held before the Regional Planning Commission in accordance with Section 22.60.174 of the County Code. The permittee shall pay or reimburse the County of all necessary fees associated with such hearing.

12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans. The on-site storage of appliances, heating and air conditions systems, water tanks, and similar materials not directly related to authorized uses is expressly prohibited.
13. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Public Health. Adequate water and sewage facilities shall be provided to the satisfaction of said department, and the permittee shall comply with all requirements of the County Noise Ordinance.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
15. 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 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 such extraneous marking occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such marking shall be of a color that matched, as closely as possible, the color of the adjacent surfaces.
16. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing, that depict all project changes required by these conditions of approval, including elevations which depict the dimensions and location of existing signage and the provision of 1,500 square feet of landscaping. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans 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.
17. A minimum of 1,500 square feet of landscaping shall be maintained on the project site. Landscaping shall comply with the drought-tolerant landscaping requirements of Section 22.52.2230 of the County Code. A minimum of 75 percent of such total landscaped area for each parcel shall contain plants from the drought-tolerant plant list

of the Department of Regional Planning, and no more than 25 percent of such total landscaped area shall consist of grass or turf. Watering facilities shall consist of a permanent water-efficient irrigation system, such as "bubblers" or drip irrigation, for irrigation of all landscaped areas except where there is turf or other ground cover. The permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, litter removal, fertilizing and replacement of plants when necessary. The permittee shall record a covenant agreeing to maintain such landscaping for the life of the permit. This covenant shall be filed with the Department of Regional Planning, to the satisfaction of the Director of said department.

18. The operation and maintenance of the auto repair facility shall be further subject to all of the following restrictions:
- a. A minimum of 10 on-site parking spaces shall be provided and continuously maintained, one of which shall be reserved for the handicapped, and all of which shall be visibly delineated and striped and comply with the design specifications of County Code Sec. 22.52.1060;
 - b. 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;
 - c. Except for required landscaping, the subject property shall be paved with concrete or an asphalt surfacing or an oil and aggregate mixture to prevent emission of dust or tracking of mud onto public right-of-way or adjacent properties. The permittee must demonstrate that the entire lot is paved to the satisfaction of the Department of Public Works and the Director of Regional Planning;
 - d. 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;
 - e. The height of the all freestanding or roof-mounted signs shall not exceed 30 feet above finished grade;
 - f. The permittee shall maintain a block wall or masonry fence along the property's southern and eastern boundaries that meets all design requirements of County Code Sec. 22.52.610. Said wall shall be finished with a uniform, neutral color, excluding black, which blends with the surrounding terrain, and shall have a minimum height of six (6) feet;
 - g. All vehicle repair, service, or maintenance work shall be performed within an enclosed building;

- h. Operating hours are restricted to the hours between 7:00 a.m. to 9:00 p.m., seven days per week;
- i. No body repairs, painting, or upholstery work shall be performed on the premises, and;
- j. The permittee shall not store or use hazardous materials.

MM:TM
10/20/10