Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

April 11, 2011

Sharon Patapoff
5217 Tierra Bonita Drive
Whittier, CA 90601

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NUMBER 93190-(4)
NONCONFORMING REVIEW 200900005
4747 Workman Mill Road, Whittier

Dear Applicant:

Hearing Officer, Mitch Glaser, by his action of Tuesday, April 5, 2011, **APPROVED** the above described application ***(Non-Conforming Review).*** 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 the 5:00 p.m. on** Tuesday, April 19, 2011. 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.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grants becomes effective.

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 Diane Aranda of the Zoning Permits East Section at (213) 974-6435 or e-mail at DAranda@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

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

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

c: DPW (Building and Safety); Zoning Enforcement
Sharon Patapoff
MM:da

HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NUMBER 93190-(4)
NONCONFORMING REVIEW 200900005

REQUEST:
The applicant requests a non-conforming review for the continued operation and maintenance of a florist and picnic equipment rental business including outdoor storage of business-related equipment and vehicles in the rear portion of the property. The subject site is located in the A-1-5 (Light Agricultural-Five Acre Required Lot Minimum) Zone in the Workman Mill Zoned District. No expansion of the existing use is being proposed.

HEARING OFFICER DATE: April 5, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:
A duly noticed public hearing was held on April 5, 2011 before the Hearing Officer. The applicant, Sharon Patapoff, testified in favor of the proposed project.

The applicant requested a twenty year (20) grant term, and there was discussion on whether it is appropriate for a Nonconforming Review. The Hearing Officer agreed to increase the grant term by five years to a total of 20 years. There was also discussion regarding the how many cargo containers should be allowed on the subject property as accessory to the florist and picnic supplies business and placement of the containers. The Hearing Officer instructed staff to revise draft conditions to limit the amount and placement of cargo containers for the businesses and placement of florist related delivery trucks. There being no further testimony, the Hearing Officer closed the public hearing, and approved project 93190-(4) with conditions.

Findings

1. The subject property is located at 4747 Workman Mill Road within the unincorporated community of North Whittier, with a frontage of approximately 240 feet on the northwesterly side of Workman Mill Road, northerly of Pioneer Boulevard. The location is situated in the Fourth Supervisorial District of Los Angeles County.

2. The applicant, Sharon Patapoff, is requesting authorization for the continued operation and maintenance of a florist preparation/retail business, and seasonal picnic equipment rental business on two parcels, a total of 2.2 acres, located in the A-1 (Light Agricultural- Five Acre Required Lot Minimum) Zone. The previous Nonconforming Review (NCR), case no. 93190, expired on March 17, 2009. The hours of operation for the florist business are 7 a.m. to 1 p.m., Monday through Friday, with two employees maximum. There is also a single-family dwelling on the southern portion, and access to the project site is from two paved driveways via Workman Mill Road. No expansion of the existing use or structures is proposed.

3. The applicant claims the florist business has been in operation since 1941 and the picnic equipment rental business has been in operation since 1968. The applicant was granted two ten year nonconforming reviews and currently requests an extension to allow for the continued use of the florist and picnic equipment rental business.

4. Surrounding properties are zoned as follows within 500 feet from the subject property:

   North: City of Industry, R-1-6000 (Single-family residence-6,000 sq. ft. required lot minimum)
   South: A-1-5 (Light Agricultural- Five Acre Required Lot Minimum)
   East: A-1-5 (Light Agricultural- Five Acre Required Lot Minimum)
   West: A-1-5 (Light Agricultural- Five Acre Required Lot Minimum)

5. Land uses within 500 feet of the subject property consist of the following:

   North: Union Pacific Railroad, 605 Freeway, warehouses
   South: Rose Hills Cemetery grounds
   East: Rose Hills Cemetery grounds
   West: Rose Hills Cemetery grounds, storage yard

6. The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

7. The site plan depicts two triangular-shaped parcels (8124-016-005 and 8124-016-006) each approximately 1.1 acre in size with a frontage of approximately 240-feet on the northwesterly side of Workman Mill Road and northerly of Pioneer Boulevard. There is a one-story 1,188-square-foot single-family dwelling, a 2,250-square-foot garage-like structure with attached refrigeration unit adjacent to a 27'x15' shed used for the florist business on the south and southwesterly portion of the property, and a total of 30 storage sheds, trailer and accessory buildings of various sizes used to store equipment associated with the picnic service business are located to the rear of the property. A 6-foot high chain-link fence outlines the parcel to the north, east and west, and a 7-foot high wrought iron fence separates the single-family residence and florist portion of the property from the picnic rental equipment business located to the north. There are 13 parking spaces, including two handicap accessible parking spaces, located on the southern portion of the property close to the access driveways, two covered parking spaces for the single-family dwelling and 26 parking spaces used for vehicles related to the picnic rental equipment business. Access is from two paved driveways to the south along Workman Mill Road.

8. Zoning History includes the following permits:

   - NCR case no. 176 granted approval on January 27, 1982 for the continued operation and maintenance of a retail flower stand with appurtenant facilities including signs on the property which contained a single-family residence. Outdoor storage of vehicles and equipment not related to the florist business was to be removed by January 27, 1985. NCR 176 expired in 1992.

   - NCR 93190 granted approval on March 8, 1994 for the continued operation and maintenance of an existing florist business, and a picnic supply business with related outdoor storage of vehicles and equipment. NCR 93190 expired in 2009.

   - COC-200900146- A Certificate of Compliance to legalize lot 8124-016-006 was recorded on March 22, 2010.

9. The subject property is located within the Countywide General Plan and is designated as O-Open Space, Rose Hills Memorial Park Cemetery. Generally, these areas include both public and privately owned lands committed to long-term open space use, and lands intended to be used in a manner compatible with open space objectives. The intent of this land use classification is for the conservation of open space for parks, riding and hiking trails, passive recreation, cemeteries, scientific study, sanitary landfills, and utility easements.

10. The existing single-family dwelling, florist business, picnic rental equipment business and associated storage of equipment and vehicles is inconsistent with the current land use category of Open Space. Although, situated within the Open Space (O-Rose Hills Memorial Park Cemetery) Category of the Countywide General Plan, the florist business is compatible with its

surroundings due to its proximity to the Rose Hills cemetery grounds, and the business supplies floral arrangements to the surrounding floral businesses and occasional patrons.

11. The picnic rental equipment business is seasonal (May through October) and has two employees for on-site loading and unloading. The on-site storage structures, equipment and vehicles are not visible from the public view as they are located 60 feet back from Workman Mill Road to the rear of the property, and buffered by vegetation to the south, east and west. The subject property is located adjacent to the Union Pacific Railroad and 605 Freeway to the north and surrounded by Rose Hills Cemetery to the south, east and west. The subject property does not seem out of character with the surrounding land uses and does not increase traffic on Workman Mill Road because of the seasonal and non-retail characteristics of the businesses.

12. The existing florist business has been in operation since 1941 and the picnic rental equipment business has been in operation since 1968. Both businesses are commercial in nature, and therefore are nonconforming uses in the A-1 Zone. The existing single-family residence is an allowed use within the A-1 Zone.

13. There are various cargo storage containers, sheds, and accessory buildings used for storage and a trailer used as an office appurtenant to the picnic equipment rental business. While these various storage units do not meet current A-1 Zone-Accessory Uses development standards for accessory buildings and structures, pursuant to Los Angeles County Code, Section 22.24.080. The storage units appurtenant to the florist and picnic businesses were previously allowed to remain on-site with NCR 93190. A requirement that the applicant legalize all existing structures un-permitted by Building and Safety has been included as a draft condition of approval.

14. Current parking standards for the commercial uses on the property require a total of 23 parking spaces for the florist and picnic business and the subject site provides 13 parking spaces, including two handicap parking spaces, for public use. There are 26 parking spaces for vehicles associated with the picnic rental equipment business.

15. Parking has not been an issue due to the fact that the florist business only conducts occasional retail sales to the public with most of the sales consisting of delivering the product to other businesses. The picnic rental equipment business provides services off-site, with a maximum of two employees used to load and unload picnic related equipment.

16. The florist business has been in operation since 1941 and the picnic equipment rental business has been in operation since 1968. Per section 22.56.1540-B.1 (e) of the zoning code the termination date for a nonconforming use of this type is 25 years, "from the effective date or operative date where later of the ordinance or amendment thereto establishing said nonconforming status, and for such longer time so that the total life of the structure from the date of construction, based on the type of construction as defined by the Building Code (set out at Title 26 of this Code)."

17. The florist business was allowed an allowed use in 1941 as a flower stand. Flower stands were no longer allowed in the 1960's and there was a 25 year amortization period for the use. The flower stand and appurtenant facilities, including signs has been allowed to continue operation for over 60 years with the approval of two nonconforming reviews. The picnic business has been in operation since 1968 and has been allowed to continue with one nonconforming review.

18. The surrounding land uses consist of the Union Pacific Railroad tracks and the 605 (San Gabriel River) Freeway to the north and the Rose Hills Cemetery grounds to the south, east and west. The florist business has existed within the community for over 60 years and is compatible with

the cemetery grounds because it supplies flowers to Rose Hills and the other flower retails businesses in the area.

19. The picnic equipment rental business does not adversely affect the surrounding neighborhood because operating hours are seasonal and the subject site is only used for loading and unloading of equipment stored on-site. The picnic related outdoor storage is located to the rear of the 2.2 acre property and approximately 60 feet from the front portion of the property along Workman Mill Road. The various storage units and business related vehicles are not visible from the adjacent properties due to heavy vegetation and distance from Workman Mill Road.

20. The existing use does not generate an increase in traffic due to the fact that a maximum of four employees total for both businesses work on-site and public retail sales are minimal.

21. The applicant is not any proposing an expansion to the existing use, or new signs.

22. There are no current zoning violations associated with the florist and picnic rental equipment and supplies business, and the applicant has operated in a responsible fashion. Conditions of approval will ensure that the continued uses will be compatible with the surrounding land use pattern and address safety concerns from adjacent residents.

23. Staff received a letter from Rose Hills Cemetery in favor of the project. Staff has not received correspondence in opposition to the project.

24. 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.

25. Staff is limiting the amount of cargo storage containers on the property to a maximum of eight for the picnic supplies business, and a maximum of four for the florist business. Only vehicles and storage of equipment related to the flower and picnic business can be stored on-site in designated areas.

26. The applicant is required to legalize all existing un-permitted structures on the property as determined by the Los Angeles County Building and Safety Department within 12 months of the approval date of this grant.

27. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determined that it is necessary to limit the term of the grant to a total of 20 years.

28. 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 Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

1. That to require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property; and/or

2. The applicant has maintained the property and has operated the florist and picnic rental equipment and supply business in compliance with the conditions of the previous permits. The applicant has been timely in applying for renewals of the appropriate permits to continue use

of the park and therefore has demonstrated good faith efforts to maintain the property in compliance with zoning requirements.

3. That such use, building or structure does not now and will not during the extension period requested;
   a. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or
   b. Be materially detrimental to the use, enjoyment or valuation of the 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.

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, **Nonconforming Review 200900005** is **approved** subject to the attached conditions.

c: Zoning Enforcement, Building and Safety

MM:da
04/11/2011

1. This grant authorizes the continued operation and maintenance of an existing florist preparation/retail business, and seasonal picnic equipment rental business including the outdoor storage of equipment and vehicles appurtenant to the existing uses. The subject property is located on two parcels, a total of 2.2 acres, located in the A-1-5 (Light Agricultural-5 Acre Required Lot Minimum) Zone in the Workman Mill Zoned District within the unincorporated community of North Whittier. The use of the subject property as depicted on the approved Exhibit "A" is subject to all of the following conditions:

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 No.16. 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. The recorded affidavit shall be filed and the required monies shall be paid by June 5, 2011.

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. 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 Los Angeles County Code Section 2.170.010.

15. The subject property shall be developed and maintained in substantial conformance with the approved revised Exhibit "A". If other changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit. All revised plot plans must be accompanied by the written authorization of the property owner.

16. **This grant will terminate on April 5, 2031**.
Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) 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.

17. 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 in violation of any such law, statute, ordinance, or other regulation 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 **$2,000.00**. The 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 conformance with the approved site plan on file. The fund provides for **10 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 condition of this grant, the permittee shall be financially responsible for 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. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment. The current recovery cost is $200.00 per inspection.

18. Any sign to be located on the subject property is subject to a separate sign review that shall be filed for review and approval to the Department of Regional Planning.

19. This grant allows the continued operation and maintenance of a florist and seasonal picnic rental business, including storage of business-related equipment and vehicles, and is subject to the following conditions:

    a. Approval of this grant shall not permit construction, alteration, enlargement or expansion of any structures, or any modification of use, except as may be permitted under Section 22.56.1510 of the Zoning Ordinance. Any modification,

impede on the required parking spaces, and shall not be placed closer than five feet of any lot line. All cargo containers shall maintain a minimum separation of five feet, unless the County Fire Department requires a greater distance.

l. The property shall remain free of trash, litter, and other debris;

m. All driveways and parking areas shall be maintained in good condition;

n. The permittee shall maintain all landscaping in a neat, clean and healthful condition, including proper pruning, weeding, litter removal, fertilizing, watering and replacement of dead or unhealthful plants; and

o. Parking or storage of vehicles associated with use of this property outside the development's property boundaries is prohibited unless authorized by applicable law or pursuant to a valid permit.

MM:DA
4/11/2011