



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

March 15, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Lawrence Chao
2144 Arcdale Ave.
Rowland Heights, CA 91748

**REGARDING: PROJECT NUMBER 99-140-(1)
CONDITIONAL USE PERMIT NUMBER 201000077
491 Yorbita Road, La Puente, CA 91744**

Dear Applicant:

Hearing Officer Ms. Patricia Hachiya, by her action of March 15, 2011 **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.

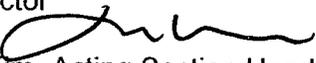
The applicant or any other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on March 29, 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.

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, Travis Seawards, to assure that processing will be completed expeditiously.

For further 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,

Richard J. Bruckner
Director


Mi Kim, Acting Section Head
Zoning Permits West Section

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

c: DPW (Building and Safety), Applicant

MKK:TS

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES**

**PROJECT NUMBER 99-140-(1)
CONDITIONAL USE PERMIT NUMBER 201000077**

REQUEST:

The applicant, Lawrence Chao, is requesting a Conditional Use Permit (CUP) to allow a light industrial service and repair center for electronic computer parts and electronic appliances in the Commercial Manufacturing-Development Program-Billboard Exclusion (C-M-DP-BE) Zone in the Puente Zoned District.

HEARING DATE: March 15, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on March 15th, 2011 before the Regional Planning Hearing Officer. The applicant, Lawrence Chao, testified in favor of the proposed project.

There being no further testimony, the Hearing Officer closed the public hearing and approved project 99-140-(1) with conditions.

Findings

1. The project site is located at 491 Yorbita Road, La Puente, CA in the unincorporated community of South San Jose Hills in the Puente Zoned District in Los Angeles County.
2. The applicant, Lawrence Chao, is requesting a CUP to allow a light industrial service center for electronic computer parts and electronic appliances for electronic computer parts and electronic appliances in the C-M-DP-BE Zone in the Puente Zoned District.
3. The subject property is currently occupied by a light industrial facility with a total floor area of approximately 15,200 square feet on a 0.65-acre parcel (28,314 square feet) parcel.
4. The site plan depicts an approximately 0.65-acre parcel (28,314 square feet) that has one 15,200 square foot building on the site. The building is located on the western end of the parcel and is fronted by a parking lot containing 32 parking spaces, two (2) being handicap accessible. The 3,200-square-foot office area is 2 levels, and the 12,000-square-foot industrial and storage area is one story, 29 feet tall. The office area is located toward the front entrance of the building. There are two 16 foot loading areas on the front of the building to the south of the main entrance. Landscaping exists along the front entrance, and along the north and

south sides of the parking lot. A concrete wall runs along the southern boundary of the parcel.

5. Surrounding properties are zoned C-M-DP (Commercial Manufacturing-Development Program) and A-1-6,000 (Light Agricultural-6,000 Square Feet Minimum Required Lot Area) to the north, C-M-DP-BE to the south, and A-1-6,000 to the east and west.
6. Surrounding land uses consist of light industrial, warehousing, and single-family residences to the north, light industrial and warehousing to the south, open space drainage easement, an elementary school, and single-family residences to the east, and Single-family residences to the west.
7. Previous zoning history on this subject property includes:

Zone Change No. 86-467, adopted on **March 3, 1992**: changing zoning from CM-BE (Commercial-Manufacturing – Billboard Exclusion), A-1-6,000 (Light Agricultural – 6,000 Square Feet Minimum Required Lot Area), and B1 (Buffer Strip) to CM-BE, B1, and CM-DP-BE (Commercial-Manufacturing – Development Program – Billboard Exclusion).

Zone Change No. 91-364, adopted on **September 3, 1992**: changing zoning from A-1-6,000 to CM-DP-BE.

Conditional Use Permit No. 99-140-(1), approved on **July 26, 2000**: approved the existing service center for the repair of power units.

8. 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 light industrial service center for electronic computer parts and electronic appliances at an existing site and qualifies for a Class 1, Existing Facilities Categorical Exemption.
9. There are no current zoning violations on the property.
10. The land use designation for the subject property within the General Plan is 1 – Low Density Residential. Areas within this designation are particularly suitable for single-family detached housing units, including large lot estates and typical suburban tract developments at densities typically ranging from one to six units per gross acre. Light industrial uses do not meet the intent of this designation. However, the project supports the General Plan policy promoting *planned industrial development in order to avoid land use conflicts with neighboring activities*. The existing light industrial facility is adjacent to other light industrial and warehousing uses to the north and south of the subject parcel, and is therefore compatible with neighboring activities.

11. The project is consistent with the General Plan Land Use Element General Conditions and Standards for Development that provides for the provision of Locally Serving Commercial and Industrial Services that are not mapped on land use maps. These services are defined as individual enterprises, or small scale multi-use centers, serving the needs of the local community, including light industrial uses of a minor nature, as defined by the scale of the facility, number of employees, service area, and general compatibility within the community setting. The guideline related to the location of Locally Serving Industrial Services states:

- The proposed use should be located so as not to invade or disrupt sound existing residential neighborhoods, nor conflict with established community land uses, parking, and circulation patterns.

The project is a small scale multi-use center which was established in 2000 to meet the need light industrial needs of the community. The existing use is adjacent to other light industrial and warehousing uses to the north and south. There have been no issues with circulation from the existing use, and parking is located on the subject property.

12. The subject property is located in the C-M-DP-BE Zone. The existing light industrial use is permitted in the Commercial-Manufacturing Zone and the Development Program (DP) Zone.

13. The project will not have a negative impact on the surrounding area. The request is to allow the continuation of a light industrial service center for electronic computer parts and electronic appliances. The existing light industrial facility was established through a CUP on July 27, 2000 and expired on July 26, 2010. A new CUP is requested to continue the existing use.

14. The existing light industrial facility is adjacent to other light industrial and warehousing uses to the north and south of the subject parcel and is therefore compatible with the existing development pattern of the community. The elementary school to the west of the subject parcel is buffered by a storm drainage channel easement and fencing. Single-family residences located to the east are buffered by landscaping and Yorbita Road.

15. The subject parcel is compliant with all zoning standards and is adequately served by roads and existing public facilities. With appropriate conditions and enforcement, the existing light industrial facility will not adversely affect the surrounding community.

16. The existing industrial facility complies with all of the requirements for a conditional use permit in the DP Zone:

- a. No building or structure of any kind except a temporary structure used only in the developing of the property according to the program shall be built, erected, or moved onto any part of the property.

- b. No existing building or structure which under the program is to be demolished shall be used.
 - c. No existing building or structure which, under the program, is to be altered shall be used until such building or structure has been so altered.
 - d. All improvements shall be completed prior to the occupancy of any structures.
 - e. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.
17. The project has one approved wall sign and complies with the requirements of the Billboard Exclusion Zone.
18. 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.
19. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 16 years.
20. 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 HEARING OFFICER CONCLUDES:

- A. 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).

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 that has been determined to not have a significant effect on the environment. 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.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201000077 is **APPROVED**, subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

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This grant authorizes a light industrial service and repair center for electronic computer parts and electronic appliances in the Commercial Manufacturing-Development Program-Billboard Exclusion (C-M-DP-BE) Zone. The use of the subject property is subject to all of the following conditions:

1. 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.
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 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 6, and until all required monies have been paid pursuant to Condition 9. Notwithstanding the foregoing, this Condition No. 2 and Conditions Nos. 3, 4, and 8 shall be effective immediately upon final approval of this grant by the County.
3. 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 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.
4. 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 according to Los Angeles County Code Section 2.170.010.
5. 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.
6. Prior to the use of this grant, the property owner or permittee shall **record the terms and conditions** of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.

7. **This grant will terminate on March 15, 2027.** 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.
8. This grant shall expire unless used within two years from the date of final approval by the County. The date of final approval is the date of the approval action plus any applicable appeal period. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. 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. The permittee shall deposit with the County of Los Angeles the sum of **\$1,600.00**. The deposit 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. The deposit provides for **eight (8) 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 one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional 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 \$200.00 per inspection, or the current recovery cost, whichever is greater.
10. 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.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
13. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.

14. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of 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.
15. 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
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, 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.
17. The property shall be developed and maintained in substantial conformance with the approved plan. In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans for approval to the Director of Planning. All revised plans must be accompanied by the written authorization of the property owner.
18. This grant authorizes a light industrial building subject to the following conditions:
 - a. That the business hours be restricted to the hours between 8:00 a.m. and 6:00 p.m., Monday through Friday.
 - b. That a sign be placed and maintained on the site to provide the name and telephone number of the Department of Regional Planning and the Building and Safety Department should a problem arise. Said sign should be written in both English and the predominant language of the surrounding neighborhood.
 - c. That the use of the light industrial building be restricted to a service and repair center for computer parts and electronic appliances.
 - d. That the use will maintain a minimum of 32 parking spaces on site.

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