



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 22, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Judith H. Zarate
5776 Omaha St.
Los Angeles, CA 90042

Regarding: Project Number R2007-03111-(2)
Conditional Use Permit No. 200700210
Pallet assembly and storage yard at 9501 Laurel Street

Dear Applicant:

Hearing Officer Alejandro Garcia, by his action of September 21, 2010, **APPROVED** the above described conditional use permit. 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 5:00 p.m. on October 5, 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 and record 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 in the Zoning Permits II Section at (213) 974-6435.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director


Maria Masis, Supervising Regional Planner
Zoning Permits II Section

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

C: Building & Safety, Commission Services, Zoning Enforcement, Testifiers

MM: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 to authorize the continued operation and maintenance of a pallet assembly and storage yard in an M-1 (Light Manufacturing) zone within 250 feet of a residential zone, located in the Stark Palms Zoned District and within the Florence-Firestone Community Standards District (CSD) of Los Angeles County.

PROCEEDINGS BEFORE THE HEARING OFFICER:

August 17, 2010 Public Hearing

A public hearing was held before the Hearing Officer on August 17, 2010. Because the hearing notice had only been posted at the project site since July 21—less than the required 30 days—the Hearing Officer, Mr. Mitch Glaser, continued the hearing to September 7, 2010.

September 7, 2010 Continued Public Hearing

A continued public hearing was held on September 7, 2010. Because the applicant had submitted revised plans shortly before the continued hearing date, the hearing was again continued to allow staff and the Hearing Officer to adequately analyze the project. The Hearing Officer, Ms. Gina Natoli, continued the hearing to September 21, 2010.

September 21, 2010 Continued Public Hearing

A continued public hearing was held on September 21, 2010. The applicants, Judith and Sergio Zarate, were sworn in and testified in favor of the project. They also requested that the Hearing Officer allow a modification to the development standards for outdoor storage in order to allow the continued existence of a property-line fence on the site's northern and eastern boundaries. The Hearing Officer, Mr. Alejandro Garcia, granted the request, as well as a modification to the CSD requirement that landscaping make up at least ten percent of the total lot area. Mr. Garcia stated that these concessions were based on his past experiences with peripheral landscaping in the area, which tends to become a magnet for unauthorized trash disposal. He subsequently closed the public hearing and approved the conditional use permit.

Findings

1. The site is located at 9501 Laurel Street, within the community of Florence-Firestone and in the Stark Palms Zoned District of unincorporated Los Angeles County. The site is also within the Florence-Firestone Community Standards District (CSD).
2. The project site is zoned M-1 (Light Manufacturing) and is used for pallet assembly and storage.

3. The subject property is a level, rectangular parcel of approximately 13,500 square feet in area (0.3 acres). The site is paved and developed with a pallet assembly and storage yard, including two (2) metal canopies, and surrounded by a metal fence eight (8) feet in height. There is currently no dedicated on-site parking. The property is accessed from Laurel Street to the east, between 95th Street and 96th Street. A 25-foot-wide public alley lies immediately to the west, across which are apartments in an R-3 (Limited Multiple Residence) zone. The area is heavily urbanized, and the site is surrounded by developed land in all directions.
4. Surrounding properties are zoned as follows:
 - North: M-1 (Light Manufacturing)
 - South: M-1 (Light Manufacturing)
 - East: M-2 (Heavy Manufacturing)
 - West: R-3 (Limited Multiple Residence)
5. The surrounding land uses consists of the following:
 - North: Pallet assembly and storage
 - South: Recycling center, light industry
 - East: Auto body shop, auto dismantling, pallet assembly and storage
 - West: Apartment buildings
6. Plot Plan No. 40680 approved the operation of a pallet assembly and storage yard at the site on December 20, 1990. The Florence-Firestone CSD—which requires all outdoor businesses in the M-1 zone to acquire a CUP if located within 250 feet of a residential zone—was adopted in 2004. The applicant was notified by Zoning Enforcement in July of 2007 that a CUP was required to continue the use, and a CUP application was submitted on December 4, 2007.
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 83 public hearing notices were mailed out to property owners located within the 500-foot radius of the subject property and other interested parties on July 6, 2010 regarding the subject proposal. The notice was published in the *Los Angeles Sentinel* and in *La Opinion* on July 15, 2010. Case-related materials were sent to the Graham Library and posted on the Regional Planning web page. The notice was also posted at the project site for a minimum of 30 days
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 on October 17, 2008 and by Fire on April 29, 2009 (letters enclosed). 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 applicant is requesting a conditional use permit (CUP) to authorize the continued operation and maintenance a pallet assembly and storage yard in an M-1 (Light Manufacturing) zone located within 250 feet of a residential zone. The Florence-Firestone CSD requires that, within the M-1 zone, "(a)ll principal business uses, except parking, conducted outside an enclosed structure within 250 feet of a residential zone or sensitive use ... shall require a conditional use permit" (County Code Sec. 22.44.138.D.7.b). Therefore, a CUP is required in order to continue the use.
12. The subject property is located within the "I" (Manufacturing) classification of the Countywide General Plan Land Use Element. The intent of this land use classification is to provide primarily for industrial uses. The current and proposed use of the site—a pallet assembly and storage yard—is consistent with this land use classification.
13. The site plan depicts the 13,500-square-foot property, most of which would be used for open storage of wooden pallets. The project would add two (2) 1,000-square-foot metal canopies to the northwest and southeast corners of the property, respectively, and a 300-square-foot modular office and portable toilet to the property's northeast corner. All proposed structures would be a minimum of three (3) feet from property lines. Three (3) parking spaces (one of which is reserved for the handicapped), a loading zone, and 678 square feet of landscaping would be provided on the site in total. The property would be accessed by a 26-foot-wide driveway to the east and surrounded by an eight-foot-high metal fence on all sides. The property is bounded on the east by Laurel Street, on the north by 95th Street, and on the west by a 15-foot-wide public alley, on the other side of which are located apartment buildings in a residential (R-3) zone.
14. The applicant has indicated that not more than two employees would be on site at any one time. Therefore, only one parking space would be required. The project proposes three (3) parking spaces, one of which would be reserved for the handicapped.
15. Any industrial use with less than 18,000 square feet of gross floor area is required to maintain one "Type B" loading zone with dimensions of 12 feet by 30 feet (County Code Sec. 22.52.1084). Such a zone is indicated immediately to the west of the parking area on the northwestern portion of the project site.
16. Approximately 678 square feet of the 13,500 square-foot property (5 percent) is proposed to be landscaped. Outdoor storage uses are required to provide a minimum of one square foot of landscaping outside their screening walls for each foot of street frontage, and no planting area may have a width of less than three (3) feet (County Code Sec. 22.52.630). The applicant proposes to install a three-foot-wide landscaped buffer inside the fences on the southern and western property

lines. However, no landscaped buffer is proposed for the southern and eastern street frontages, and fences would continue to have no setback from these property lines. This modification to development standards shall be permitted, as peripheral landscaping in this district has had the tendency to attract unpermitted trash disposal.

17. The Florence-Firestone CSD (County Code Section 22.44.138) requires that "all structures, walls, and fences that are publicly visible shall remain free of graffiti. Any property owner, lessee, or other person responsible for the maintenance of a property shall remove graffiti within 72 hours of receiving written notice from a zoning enforcement officer that graffiti exists on the property." A condition of approval will require that all graffiti be removed within 24 hours of its detection by the applicants or their employees or agents, weather permitting.
18. The CSD mandates that no outdoor storage be to anyone from an adjoining residential zone. This shall be added as a condition of approval to the project.
19. Also per the requirements of the CSD, 10 percent of the total lot area must be landscaped. Approximately 678 square feet of the 13,500 square-foot property (5 percent) is proposed to be landscaped. This modification to development standards shall be permitted, as peripheral landscaping in this district has had the tendency to attract unpermitted trash disposal, and other types of landscaping would be invisible from outside the site.
20. As part of the conditional use permit process, the applicant would be required to make improvements to the property, including the addition of off-street parking spaces, a dedicated loading zone, and landscaping. The site currently contains none of these features. The facility would also be required to cover or remove any graffiti on its exterior walls within 24 hours, which is less than the 72 hours currently allowed by the Florence-Firestone CSD.
21. The facility is located in a primarily industrial area with many other pallet assembly, auto dismantling, and recycling businesses to the north, south, and east. Apartment buildings are located across a public alley to the west. However, the impact of the facility on nearby residences would be lessened by the project's design and conditions of approval. Stacked pallets and equipment would not be visible from adjacent residential properties, as per the requirements of the Florence-Firestone CSD. Vehicles would enter and exit the site from Laurel Street, at a location as far removed from residences as the property will allow. The facility does not propose to have external illumination, and, should any be added in the future, the conditions of approval require it to be shielded and directed away from residential areas and would also prohibit the business from operating after 10:00 pm. In addition, no opposition was received from property owners in the vicinity.

22. The project would be adequately served by roads, highways, and other utilities in the area, as Fire has cleared the project for public hearing, and Public Works did not submit objections to the proposed design. The site also meets or exceeds all on-site parking, loading, fencing, and landscaping area requirements.

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. 200700210 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 a pallet assembly and storage yard 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 **September 21, 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 30 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 the perimeter fence and canopy structures. 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 678 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 pallet assembly and storage facility shall be further subject to all of the following restrictions:
- a. A minimum of three (3) 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 structures shall not exceed 45'0" above finished grade;
 - f. The permittee shall maintain an eight-foot metal fence along the property's northern, eastern, and western frontages 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. Alternate design may be considered by the Director if practical difficulties or unnecessary hardships exist due to physical conditions or restrictions and such a design is in conformity with the intent and purpose of the Florence-Firestone CSD;
 - g. Operating hours are restricted to the hours between 6:00 a.m. to 10:00 p.m.;

- h. The permittee may maintain no more than one wall business sign, which must comply with the signage standards of the Florence-Firestone CSD;
- i. The permittee shall maintain a current contact name, address, and phone number with the Department of Regional Planning at all times;
- j. One office trailer not less than 300 square feet may be located on the subject property;
- k. The use of an outdoor public address system, or similar acoustical device is prohibited;
- l. Equipment and/or materials stored within ten feet of the wall along any property line shall not exceed the height of said wall, and no equipment or materials shall be publicly visible from any adjacent residentially zoned property;
- m. The permittee shall not store or use hazardous materials;
- n. Uses on the subject property, other than those specifically allowed by this permit, shall be limited to those permitted in the M-1 zone, subject to the standards and limitations of the Florence-Firestone CSD.

MM:TM
09/21/10