



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



August 3, 2011

Richard J. Bruckner
Director

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. David Hildago
David Hidalgo Architects, Inc.
316 South First Street
Arcadia, CA 91006

**Regarding: PROJECT NUMBER R2009-01269-(4)
ZONE CHANGE NO. 200900007
CONDITIONAL USE PERMIT NO. 200900087
3323 WORKMAN MILL ROAD, WHITTIER, CA 90601**

Dear Applicant:

The Regional Planning Commission, by its action of July 27, 2011, is recommending **APPROVAL** of the above described legislative zone change matter to the Los Angeles County Board of Supervisors and approved the conditional use permit. The attached documents contain the Regional Planning Commission's findings and conditions relating to this action. Please carefully review each condition.

Please be advised that all permits associated with the legislative matter is automatically called up for review by the Board of Supervisors. Therefore, final action has not been taken on these matters and no appeal is available at this stage. The Executive Office of the Board of Supervisors will provide notice of a future public hearing on this matter.

For further information pertaining to these approvals and approval recommendation, please contact Andrew Svitek in the Zoning Permits West Section at (213) 974-6462 or e-mail at asvitek @planning.lacounty.gov.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director

Mi Kim, Acting Section Head
Zoning Permits West Section

Enclosures: Findings and Conditions,
c: Testifiers

MKK:AS

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2009-01269-(4)
CONDITIONAL USE PERMIT NUMBER 200900087**

REGIONAL PLANNING COMMISSION HEARING DATE: JULY 27, 2011

SYNOPSIS:

Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a conditional use permit to establish a development program in conjunction with a zone change from A-2-5 to C-3-DP authorizing the operation and maintenance of a flower shop, bookstore, or any similar use permitted in the C-3 Zone, within a C-3-DP (Unlimited Commercial with Development Program) Zone.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION: A duly noticed public hearing was held on July 27, 2011. Commissioner Helsley was absent. Representatives of the applicant were sworn in and testified in favor of the project and answered questions posed by the Commission. The Commission discussed the criteria that should be used for determining what similar uses are permitted under the C-3-DP Zone without requiring a new conditional use permit to implement a revised development program. Specifically, it was discussed that a "fast food"-type restaurant would not be a permitted use because it would be substantially different in character and off-site impacts from the existing limited retail uses. The property owner's intention is to continue to maintain uses that are compatible with a church. The property owner represented that the property has a private real property covenant restricting the uses that are permitted on the subject property to those that are compatible with a church. The Commission closed the public hearing and approved the project subject to conditions.

Findings

1. Pursuant to Section 22.56.195 of the Los Angeles County Planning and Zoning Code (Title 22), the applicant is requesting a conditional use permit to establish a development program in conjunction with a zone change from A-2-5 to C-3-DP authorizing the operation and maintenance of a flower shop, bookstore, or any similar use permitted in the C-3 Zone, within a C-3-DP (Unlimited Commercial with Development Program) Zone.
2. The subject property is located at 3323 Workman Mill Road, Whittier CA 90601 in the unincorporated community of Workman Mill within the Workman Mill Zoned District.
3. The granting of this conditional use permit established the development program for Zone Change No. 200900007 and is contingent upon the approval of the zone change by the Los Angeles County Board of Supervisors.
4. The subject property is developed with an existing commercial building currently being used as flower shop and bookstore. The site also has thirty-one parking spaces.
5. The subject property is currently zoned A-2-5 (Heavy Agriculture with 5-acre minimum lot size).

6. The subject property is proposed to be zoned C-3-DP (Unlimited Commercial with Development Program) Zone.
7. Surrounding properties are zoned as follows:
 - North: M-1.5-BE (Heavy Agriculture with 5-acre minimum lot size)
 - South: CPD (Commercial Planned Development) and M-1-DP (Light Manufacturing with Development Program)
 - East: A-2-5 (Heavy Agriculture with 5-acre minimum lot size)
 - West: A-2-5 (Heavy Agriculture with 5-acre minimum lot size)
8. Surrounding land uses within one thousand feet include:
 - North: Southern California Edison power transmission lines
 - South: St. Michael's Orthodox Church
 - East: Rio Hondo Community College
 - West: Industrial warehouses
9. There are two previous cases that were approved on the subject property. Zoning Exception Case No. 9675 was approved on April 1, 1971 to authorize the construction of a religious institute with a modification of parking and wall standards. Zoning Exception Case No. 9587 was approved on August 26, 1971 to authorize a religious college on less than required area.
10. The subject property is designated as Major Commercial. The purpose of this classification is to provide for a variety of small and large businesses. The establishment of a flower shop, bookstore, or any similar use permitted in the C-3 Zone is consistent with this designation.
11. The development program does not have an expiration date as the permitted uses are compatible with the surrounding area and do not adversely impact the surrounding properties. The area is developed with long-term uses and the draft updated General Plan does not propose major changes in surrounding area.
12. The intent of this development program is to provide for flexibility in the types of uses that can be maintained on the subject property by authorizing other comparable commercial, educational, institutional and office uses which are permitted in the C-3 Zone. The permittee shall submit a detailed description of the proposed use describing the similarity of the proposed use to the authorized uses in terms of characteristic properties, including lot coverage, building bulk, number of vehicle trips generated, and operating hours. The proposed use will be evaluated to ensure that it will not create an adverse impact on adjacent properties by reason of visual blight, glare, noise, fumes, or drainage runoff. For the purposes of determining allowable uses, the proposed use shall be listed as a use permitted by-right in the C-3 Zone as of the date of the adoption of the zone change ordinance. The proposed use must meet the applicable development standards required by the zone.
13. Uses prohibited by this development program include, but are not limited to, a "fast food"-style restaurant, which refers to restaurants characterized by high occupancy loads and traffic volumes, and the sale, rental, repair or storage of automobiles, motorcycles, recreational vehicles, boats, trailers, and other large bulk items.

14. The Commission finds that the development program established by Conditional Use Permit No. 200900087 provides necessary safeguards to insure completion of the proposed development by the applicant forestalling substitution of a lesser type of development contrary to the public convenience, welfare or development needs of the area.
15. The project complies with the development standards of the C-3 (Unlimited Commercial) Zone as specified in Section 22.28.220. The C-3 Zone allows no more than 90% lot coverage by structures. The total lot area is 26,570 SF and the building area is 4,551 SF, which is 17% lot coverage. The subject uses require one parking space for each 250 SF of building area. The required number of parking spaces is twenty-one. The site is developed with thirty-one spaces, or ten spaces more than is required. The proposed uses are enclosed in a building and no outside display is being proposed. There is no outside storage being proposed. Two storage sheds measuring approximately one-hundred square feet are located at the rear of the property and are used in conjunction with the businesses.
16. The subject property was built and used by the Church of Latter Day Saints as an educational building from the time of construction in 1971 until it became vacant in the 1990s. St. Michael's Orthodox Church acquired the subject property in 2004 intending to utilize the building as office space for church administration. Shortly after acquiring the building, St. Michael's Orthodox Church's ceased using the building for office space and located retail tenants that would be compatible with the adjacent church and surrounding area. For approximately five years, the building has been leased to a bookstore primarily selling textbooks to students attending nearby Rio Hondo College. For approximately three years, the front portion of the building has been leased to a flower shop which is conveniently located near Rose Hills Memorial Park. These retail uses are compatible and enhance the existing uses in the area and have not created off-site impacts on the surrounding area in terms of noise or traffic. Both retail uses were established by the applicants without prior knowledge that the A-2-5 zone does not permit any commercial uses. In 2009, St. Michael's Orthodox Church and the applicants had learned that the continuance of commercial uses on the subject property would require the submission of an application from the existing agricultural zoning to a commercial zone. The applicant subsequently submitted this application for the zone change and conditional use permit and has worked with the Department of Regional Planning to prepare materials to assist in the consideration of the zone change application.
17. Access is from Workman Mill Road near the conjunction with Peck Road. The surrounding area includes a church, power transmission lines, industrial and warehouse uses, truck equipment storage, Los Angeles County Sheriff's Academy, Rio Hondo College, Puente Hills Landfill and Rose Hills Memorial Park. The retail uses generate minimal traffic trips and do not create noise.
18. The Department of Regional Planning has determined that the project is Categorically Exempt (under Class 1 for Existing Facilities) according to the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) ("CEQA"), and the State CEQA Guidelines, the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles.

19. 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.
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 West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGIONAL PLANNING COMMISSION ACTION:

1. The Commission 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, Conditional Use Permit No. 200900087 is **APPROVED** subject to the attached conditions.

VOTE: 4-0

Concurring: Valadez, Louie, Pedersen, Madugno

Dissenting: None

Abstaining: None

Absent: Helsley

Action Date: July 27, 2011

c: Each Commissioner, Zoning Enforcement

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R200901269-(4)
CONDITIONAL USE PERMIT NO. 200900087**

PROJECT DESCRIPTION

The project is a zone change from A-2-5 (Heavy Agriculture) to C-3-DP (Unlimited Commercial; Development Program) and conditional use permit to establish the development program associated with Zone Change No. 200900007 authorizing the operation and maintenance of a flower shop, bookstore, or any similar use permitted in the C-3 Zone at an existing 4,551 SF building on a 26,570 SF parcel, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, 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 Los Angeles County ("County") Department of Regional Planning ("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. 7, and until all required monies have been paid pursuant to Condition Nos. 8. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 8 shall be effective immediately upon final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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 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.
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 make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses 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 \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation. At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of

records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Recorder ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate 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 ten 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 Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be **\$200.00** per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

9. 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 ("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 or otherwise determined by County Code Section 22.60.350.
10. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
11. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
12. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.

13. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
14. 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.
15. 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 plot plans must be accompanied by the written authorization of the property owner.

PERMIT SPECIFIC CONDITIONS

16. The permittee may substitute any use permitted in the C-3 zone shown to be comparable by submitting a detailed description of the proposed use demonstrating that it will be substantially similar in terms of its characteristic properties, including lot coverage, building bulk, number of vehicle trips generated, and operating hours. The proposed use will be evaluated to ensure that it will not create an adverse impact on adjacent properties by reason of visual blight, glare, noise, fumes, or drainage runoff. For the purposes of determining permitted uses, the proposed use shall be listed as a use permitted by-right in the C-3 zone as of the date of the adoption of the zone change ordinance. The proposed use must meet the applicable development standards required by the zone.
17. Uses prohibited by this development program include, but are not limited to, a "fast food"-style restaurant, which are restaurants characterized by high occupancy loads and traffic volumes, and the sale, rental, repair or storage of automobiles, motorcycles, recreational vehicles, boats, trailers, and other large bulk items.
18. Outside storage is permitted on the rear of the subject property when such storage is incidental to the permitted use and complies with Section 22.28.220 of the County Code.
19. Existing signage is permitted as depicted on the approved Exhibit A. New signage or any modification to or replacement of the existing signage shall comply with all other applicable requirements of Chapter 22.52, Part 10 of the County Code.
20. The permittee shall maintain all landscaping in a neat, clean and healthy condition, including proper pruning, weeding, fertilizing and replacement of plants when necessary.
21. The parking spaces shall be left open and available for employees and customers, and no inoperable vehicles shall be parked or stored in the required parking spaces.