



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

September 25, 2018

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON PROJECT NO. R2012-00034-(2)
NONCONFORMING REVIEW NO. 201200001
APPLICANT/APPELLANT: MITCHELL INVESTORS LLC
COMPTON-FLORENCE ZONED DISTRICT
(SECOND SUPERVISORIAL DISTRICT) (3-VOTES)**

The applicant's representative, Kristina Kropp of Luna and Glushon Attorneys at Law, appealed the Regional Planning Commission's (Commission) May 23, 2018, decision to deny Nonconforming Review (NCR) No. 201200001. This project is a request to authorize the operation, maintenance and use of an existing indoor automobile body repair business with incidental parts storage, warehousing, and a new modular office trailer in the unincorporated community of Florence-Firestone, in the Light Manufacturing (M-1) Zone.

SUBJECT

Project Overview

The project site is located at 7702 Maie Avenue in Florence-Firestone. The property has one valid land use entitlement, Site Plan Review No. 46501 (PR No. 46501). On February 14, 2000, PR No. 46501 approved automobile repair within an enclosed building with associated parking and landscaping. This approval has not expired. On September 5, 2001, Conditional Use Permit (CUP) No. 00-184 approved an automobile dismantling yard and an automobile body and repair shop on the property. This CUP expired on September 5, 2011.

Through a series of zone changes from 1999 to 2015, the entire project site was rezoned to M-1. Automobile dismantling is not a permitted use in the M-1 Zone, however, if all operations are conducted inside of an enclosed building, automobile body and repair is a permitted use with a CUP pursuant to County Code Section 22.44.138.7.d. of the Florence-Firestone Community Standards District (CSD).

On January 11, 2012, Mitchell Investors LLC, (Applicant), filed an NCR application to authorize the operation, maintenance and use of an existing indoor automobile body repair business with incidental parts, storage and warehousing, and a new modular office trailer, considered to be new construction. An NCR permit is appropriate to continue land uses that have been previously legally established, but that are no longer allowed in the zone. In this case, the Applicant applied for a land use that is allowed with a CUP, while at the same time expanding the land uses on the site beyond what was legally established through prior approvals.

Furthermore, the Applicant states that they are not conducting unpermitted activities on the property. However, Department of Regional Planning (DRP) staff has observed multiple violations on the site during several site visits. The property has been cited for unpermitted automobile dismantling, automobile painting, and outside storage. The automobile painting was corroborated by neighbors of the property who testified at the Commission public hearing on May 23, 2018. The property also has an extensive history of violations with the Southern California Air Quality Management District. Pursuant to Section 22.44.138.7.b of the County Code, the Florence-Firestone CSD requires a CUP for all principal business uses conducted outside of an enclosed structure that are within 250 feet of a residential zone, and the property is adjacent to residences to the north and west. During several inspections, staff observed outdoor operations and activities on the site, including unpermitted automobile dismantling and automobile body, paint and fender work, along with other business activities conducted outside of an enclosed building, and the outside storage of inoperable vehicles. These violations are outlined below:

Recent Site Visits

Staff conducted site inspections on July 12, 2017, March 7, 2018, March 20, 2018, April 11, 2018, and April 19, 2018, observing the following continued violations and issues:

- Unpermitted automobile dismantling, pallet yard storage, outside storage of inoperable vehicles, and automobile-body, paint and fenders;
- Unpermitted automobile repair conducted outside of an enclosed building;
- Unpermitted outside storage of inoperable vehicles;
- Unpermitted pallet yard;
- Violation of PR No. 46501 site plan approval for use, layout, parking and landscaping; and
- The smell of strong fumes associated with automobile paint work.

In summary, the Applicant insisted on filing an application for an NCR permit to authorize uses that are permitted with a CUP, while at the same time expanding the land uses on the site beyond what was previously legally established. The Applicant has not complied with past land use approvals, and recent site inspections demonstrate that the Applicant continues to conduct automobile body, repair, and paint work without the required

permits, and continues to allow unpermitted outside storage, and automobile dismantling on the property. Finally, the project site has a long history of zoning enforcement actions, including a referral to the District Attorney's Office (DA). Based on this evidence, staff recommends that the Board of Supervisors (Board) deny the appeal and uphold the Commission's decision to deny the project.

Regional Planning Commission Denial of NCR No. 201200001

On May 23, 2018, the Commission denied the project. The Commission's decision was based on evidence that the Applicant operated unpermitted businesses including automobile body repair, automobile dismantling, outside storage and other unknown uses at the site, expanding the land uses on the subject property beyond the scope of their original approval and beyond what can be permitted through a NCR. This decision was based on the staff report, findings and presentation, as well as on testimony given by concerned neighbors. On June 5, 2018, the Applicant appealed the Commission's decision to deny the NCR application stating that their decision to deny the case was based on "unsupported allegations and unsubstantial evidence."

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Affirm that the project is statutorily exempt pursuant to State and local California Environmental Quality Act (CEQA) Guidelines;
2. Indicate its intent to deny the appeal, and instruct County Counsel to prepare the necessary findings to uphold the Commission's denial of NCR No. 201200001.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Justification for Denial of NCR No. 201200001

On May 23, 2018, the Commission denied the project based on the following findings: (1) The Applicant has failed to provide a viable NCR application by proposing land uses that can be permitted with a CUP, and by maintaining expanded land uses on the site that go beyond the scope of an NCR; (2) The project scope is inaccurate and there is a discrepancy in the land uses that Applicant is proposing and in what is being maintained on the site; (3) The site has a long history of noncompliance with Title 22 of the County Code and with past entitlements, including numerous zoning violations over the last 15 years. This history includes a referral to the DA in 2007. The owner has not ceased all unpermitted operations on the site, nor brought the property into full compliance with Title 22, failing to meet the required development standards for parking, landscaping, and fencing; and (4) Due to a lack of transparency on the part of the Applicant, and given a history of noncompliance with Title 22, the Applicant has failed to demonstrate that the proposed and existing uses on the site will not negatively impact the neighborhood, thus failing to meet the required Burden of Proof.

Summary of Commission Hearing Proceedings

During the May 23, 2018, Commission public hearing, five community members testified in favor of denial of the permit. Community members testified to the presence of strong fumes and odors from automobile painting at the site, stating they are so strong that they can smell and see fumes from their homes, and that they have often had to go to the site late at night to ask the operators to stop the activities. Other concerns included oil run-off and contamination, and traffic and street parking impacts in the neighborhood caused by the ongoing operations at the project site. Community members stated trucks are being loaded and unloaded at the site, as well as on the street, often blocking access to the driveway to their homes, causing a severe shortage of street parking in the neighborhood. Community members also testified that they have observed automobile dismantling on the property, despite testimony from the Applicant saying these activities do not occur.

During the hearing, the Commissioners asked one of the testifiers if they were concerned about speaking up and the testifier responded affirmatively. The Commissioner asked staff regarding potential criminal activity at the site. Staff stated these allegations were reported by a recent anonymous call and that there was no other information available at this time. The Commissioners concluded that previously legally established land uses on the site had expanded to include other land uses beyond the scope of an NCR. They asked both staff and County Counsel to confirm this assessment, which they did. There being no further testimony, the Commission closed the public hearing and denied the NCR permit.

Implementation of Strategic Plan Goals

Action on the project is supported by the Los Angeles County (County) Strategic Plan Goal 1, Make Investments That Transform Lives; Goal 2, Foster Vibrant and Resilient Communities; and Strategy II.2, Support the Wellness of Our Communities. The Commission's decision to deny the project was in part based on evidence that the project presented a health and safety concern to neighboring businesses and residents because the Applicant was operating heavy industrial uses without the required land use permits or operational measures to conduct the operations safely and in accordance with County Code standards. The Board action on the project addresses the overall wellness of the surrounding community, which suffers from environmental justice issues related to the close proximity of heavy industrial uses to residential neighborhoods. Finally, taking action on businesses that operate heavy industrial uses without the required County permits supports the goal of fostering a vibrant community that supports County residents' wellness and health.

FISCAL IMPACT/FINANCING

Action on the project will not result in significant costs to the County. The Board's decision to uphold the Commission's decision means that if the NCR is denied, the decision by the Board is final, and no other administrative action can be taken on the project.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The project site consists of three contiguous parcels, APN No. 6021-018-031 (Lot 31), APN No. 021-018-032 (Lot 32), and APN No. 6021-018-033 (Lot 33). The project site is currently developed with multiple automobile repair workshops and warehouses, one legally established wireless telecommunications facility, two offices consisting of one new modular trailer and one building that has been converted to a residential use without permit, a legally nonconforming existing single family-residence built in 1924, landscaping, and surface parking. Outside storage is maintained throughout all three parcels and there is no access between Lots 31 and 32.

The site has undergone a series of zoning changes. In 1945, all three parcels were zoned Heavy Manufacturing (M-2). In 1999, Lot 31 was rezoned from M-2 to Commercial Manufacturing (C-M). In 2004, Lots 32 and 33 were rezoned from M-2 to M-1. Finally, in 2015, Lot 31 was rezoned from C-M to M-1, making all three parcels (Lots 31, 32, and 33) M-1, as they remain today. There has been one prior plot plan approval at the site (PR No. 46501), as well as two CUP approvals on the site (CUP No. 00-184 and CUP No. 04-043). CUP No. 00-184 for automobile dismantling in conjunction with automobile body and repair, expired in 2011. This zoning and entitlement history is outlined in detail in the staff report.

The site has an extensive history of zoning enforcement violations dating back over 15 years, including a referral to the DA in 2007 for violations of CUP No. 00-184 Conditions of Approval. These violations led to litigation with the County, which lasted through 2013. On January 11, 2012, three months after the expiration of CUP No. 00-184, the Applicant submitted an application for NCR No. 201200001 requesting to continue an automobile body and repair shop. The application was taken in as an "insist filing" because a CUP application was the appropriate permitting option, not an NCR. It has now been over six years since CUP No. 00-184 expired and since the NCR application was filed. During this time, the Applicant has failed to make substantial progress on their application, and continues to maintain zoning violations on the site.

The staff report summarizes 15 years of enforcement activity, as well as six years of actions and correspondence with the Applicant and DRP staff regarding the current NCR application. The information is based on County records, including formal correspondence, emails, and phone calls. Some of these records are included as part of the staff report and findings.

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Based on this evidence and testimony given at the May 23, 2018, public hearing, the Commission denied the project.

ENVIRONMENTAL DOCUMENTATION

On May 23, 2018, the Commission found that the project was statutorily exempt pursuant to CEQA Guidelines Section 15270, because CEQA does not apply to projects which a public agency rejects or disapproves. Therefore, the project qualified as a Statutory Exemption (projects which are disapproved) and 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.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Action on the project is not anticipated to have a negative impact on current services. The Board's decision to uphold the Commission's decision means that if the NCR is denied, the decision by the Board is final and no other administrative action can be taken on the project.

For further information, please contact Erica Gutierrez at (213) 974-6462 or EGutierrez@planning.lacounty.gov.

Respectfully submitted,



Amy J. Bodek, AICP
Director

AJB:SA:NP:EG:ems

Attachments: Findings and Conditions
Commission Staff Reports and Correspondence

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

APPLICANT

Date 6/5/2018

Zoning Section
Los Angeles County Board of Supervisors
Room 383, Kenneth Hahn
Hall of Administration
500 West Temple Street
Los Angeles, California 90012

PROJECT
NO./CUP NO.: R2012-00034-(2)

APPLICANT: MITCHELL INVESTORS, LLC

LOCATION: 7702 (7628, 7654, 7710) MAIE AVE.

Zoned
District: M-1/CM

Related zoning matters: N/A

CUP(s) or VARIANCE No. N/A

Change of Zone Case No. N/A

Other N/A

This is an appeal on the decision of the Regional Planning Commission in the subject case. This form is to be presented in person with a check or money order, made payable to the "Board of Supervisors" (check or money order must be presented with personal identification), during regular business hours of 8:00 a.m. to 5:00 p.m. prior to the appeal deadline at the above address. (Appeal fees subject to change). Contact the Zoning section of the Board of Supervisors for more information: (213) 974-1426.

This is to appeal: (Check one)

The Denial of this request \$7,844* OR

2 or less conditions of the Project to be listed below: \$915.00*

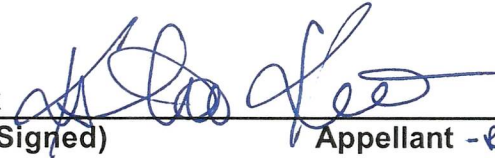
*For Subdivisions \$260.00 of this amount is to cover the cost of the hearing by the Board of Supervisors

Briefly, explain the reason for this appeal (attach additional information if necessary):

The Regional Planning Commission's decision was based on unsupported allegations and not substantial evidence.

See attachment for further explanation.

x
(Signed)



Appellant - Representative

KRISTINA KROPP, LUNA & GLUSHON

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ATTACHMENT TO APPEAL

Project No. R2012-00034-(2)
Nonconforming Review No. 201200001
7702 (7628, 7654, 7710) Maie Ave. (APNs: 6021018031, - 32, - 33)

In making its May 23, 2018 determination to deny the continued operation, maintenance and use of an existing automobile body and repair business at 7702 (7628, 7654, 7710) Maie Ave. ("Project"), the Regional Planning Commission erred and abused its discretion for the following reasons:

I. History of Project Site

Commencing in approximately 1999, the Project Site was legally used for auto body repair and painting, in compliance with the then-existing County Zoning Code. At all times from approximately 1999 to 2004, the Project Site was zoned M-2 and M-1 which permitted all such uses either by right or with a CUP (in the case of auto dismantling¹).

In 2004, the County changed the zoning at the Project Site from M-2 to M-1 on two of the Project lots, and from M-1 to CM on the third lot. Thereafter, the County also enacted the Florence Station Transit Oriented District which created further regulations for the development of the Project site.

II. The Project

In 2011, the application for non-conforming review ("NCR") was filed. At the time, the NCR application was filed for auto body repair, painting and battery shipping uses.

After providing the County with requested documentation in 2012 and 2013 (including all building permits for the onsite structures), the Applicants did not hear from Planning staff almost at all,² until late 2015 when Planner Martin Gies was assigned to the Project.

¹ In 2001, the County approved a Conditional Use Permit to allow auto dismantling in addition to the auto body repair and painting uses. Auto dismantling has been ceased and is not requested as part of this application.

² The long delay in having this NCR Application heard was in large part due to numerous changes in the County's planning staff which also included the moving of goal posts as to staff's positions on the issues.

Throughout 2016, the Applicant worked closely with Mr. Gies to narrow the scope of the Project to auto body repair, and to finalize the required site and plot plans. The Applicant also completed a site inspection with Mr. Gies at which time the scope of the Project and the requisite plan submittal was finalized. Once the site plan was to the satisfaction of Mr. Gies, it was sent around to other County departments for comments. The Applicant timely and adequately responded to all comments and corrections issued by the Departments, including the Fire Department and Public Health.³

III. Responses to 2017-2018 Corrections

In March, 2017, Mr. Gies was transitioned off of the Project. New staff requested a site visit, which was conducted in July, 2017. New Staff did not agree with Mr. Gies's previous "approval" of the Applicant's plans and proposed operations, and, in November 2017, sent a letter requesting that the proposed Project be limited to a previously approved plot plan (PP46501), and suggested that a CUP would be a more appropriate entitlement for the Project, as proposed. The County requested that the Applicant make a final determination as to whether it wanted to proceed with an NCR or CUP within 60 days.

On December 28, 2017, within 60 days, the Applicant responded with the intention to proceed with an NCR application, explaining that the Project was in compliance with PP46501, except as changed at the request of County Staff in 2012 and 2013. The only question outstanding as of December 28, 2017 was what parking requirement applied to the Project.

In February, 2018, County staff requested a further revised plot plan claiming that "we are well past the January deadline." But the only "deadline" set by County Staff was make a final determination as to whether it wanted to proceed with an NCR or CUP, which the Applicant did. Therefore, it is unclear how documents/information requested after January 1, 2018 could have been provided before January 1, 2018.

³ At this time, there is one outstanding comment from Public Works which is the submittal of a Low Impact Development ("LID") Plan. The development of an LID Plan is a time consuming and difficult process, especially for a Project Site of this size. The Applicant has hired Marvin Sachse of Brash Industries, an expert who works with the County extensively, to develop the requested LID Plan. For over a year, Mr. Sachse has been working closely with the Public Works Department to develop the LID Plan to County specifications.

In the upcoming months, County Staff continued to issue corrections, sometimes contradictory,⁴ continued to claim that the Applicant was “past” some non-specified deadline, and set the Project for a denial hearing. Staff also conducted several site visits during this time and claim that the Applicant is using the Project site for uses other than auto-body repair which the Applicant refutes.

All information requested by staff was provided.

IV. Regional Planning Commission’s Action is not Supported by Substantial Evidence

On May 23, 2018, the Regional Planning Commission (“RPC”) heard and denied the Project. The RPC’s decision was not and is not based on substantial evidence. Indeed, the allegations made by both the Department of Regional Planning and the public regarding certain “illegal” past and present uses of the subject property were based upon innuendo and unsubstantiated accusations. They were not and are not supported by substantial evidence. **The only request being made by the Applicant is to continue the legally established and permitted uses necessary solely as a result of the County’s downzoning in 2004.**⁵

Accordingly, the RPC’s action to deny the Project is not supported by substantial evidence.

⁴ At one point, County Staff claimed the parking requirement was approximately 30 parking spaces, at another, approximately 60, and now it appears they say it should be 140 spaces.

⁵ To the extent that the Department of Regional Planning claims that the denial is based upon the Applicant’s failure to timely provide a “complete” application, nothing can be further from the truth. The Applicant has provided all information as the requests have come in. As set forth herein, Planning has made this impossible by placing moving targets and issuing contradictory comments/corrections to the Applicant.



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Amy J. Bodek, AICP
Director

May 24, 2018

Luna & Glushon
Attn.: Rob L. Glushon
16255 Ventura Blvd., Suite 950
Encino, CA 91436

**REGARDING: PROJECT NO. R2012-00034-(2)
NONCONFORMING REVIEW NO. 201200001
7702 (7628, 7654, 7710) Maie Ave. (APNs: 6021018031,-32,-33)**

The Regional Planning Commission, by its action of May 23, 2018, has **DENIED** the above-referenced project. Enclosed are the Commission's Findings.

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **June 6, 2018. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

For questions or for additional information, please contact Erica Gutierrez of the Zoning Permits West Section at (213) 974-6462, or by email at egutierrez@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,
DEPARTMENT OF REGIONAL PLANNING
Amy J. Bodek, AICP


Erica Gutierrez, Senior Regional Planning Assistant
Zoning Permits West Section

Enclosures: Findings
c: Board of Supervisors; Building and Safety; Zoning Enforcement

NP:EG

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00034-(2)
NONCONFORMING REVIEW NO. 201200001**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Nonconforming Review No. 201200001 ("NCR") on May 23, 2018.
2. The applicant ("applicant"), requests the NCR to authorize the continued operation, maintenance and use of an existing automobile body and repair business with incidental parts storage, warehousing, and a new modular office trailer ("Project") on a property located at 7702 (7628, 7640, 7710) Maie Avenue in the unincorporated community of Florence-Firestone ("Project Site") in the M-1 (Light Manufacturing). Pursuant to Section 22.44.138.D.7.d of the Florence-Firestone Community Standards District (CSD), automobile body and fender repair shops are permitted with a Conditional Use Permit (CUP), if conducted inside of an enclosed building.

On February 14, 2000, Site Plan Review Application No. 46501 (PP 46501) approved an automobile repair use within an enclosed building with parking and landscaping. PP 46501 is not expired. On September 5, 2001, CUP 00-184 approved an automobile dismantling yard and automobile body and repair shop. CUP 00-184 expired on September 5, 2011. Automobile dismantling is no longer allowed since the property's zone was changed to M-1 through the adoption of the CSD.

On January 11, 2012, the applicant submitted this Nonconforming Review application pursuant to County Code Section 22.56.1550, which allows legally established uses to continue if they are no longer allowed in a Zone, even with a CUP. The applicant was informed at the time of submittal that the appropriate application is a CUP. The applicant however submitted an NCR application, taken in as an "insist filing," to continue the operation of an automobile body and repair business.

3. The applicant has submitted NCR No. 201200001 to authorize the continued operation, maintenance and use of an existing automobile body and repair business with incidental parts storage, warehousing, and a new modular office trailer across three adjoining parcels, APN No. 6021-018-031 ("Lot 31"), APN No. 021-018-032 ("Lot 32"), and APN No. 6021-018-033 ("Lot 33").

The uses the applicant is requesting require a CUP. Furthermore, other observed uses on the site include outside storage of pallets, trucks, inoperable vehicles, parts and equipment. Automobile painting and automobile dismantling activities have also been observed onsite. Automobile painting and outside storage are uses that require a CUP, whereas auto dismantling is a prohibited use in the zone. The applicant however has insisted on moving forward with an NCR application, but has not provided an accurate project scope and site plan layout that is in substantial compliance with PP 46501, which is currently the only valid permit for this property.

4. The Project Site is developed with several automobile repair workshops and warehouses, internal access driveways, surface parking, a modular office trailer, outdoor storage areas and storage racks, fencing, a legally nonconforming single-family home, another office predominantly used as a residence, and a wireless telecommunications facility (WTF). Outside storage is maintained throughout all three parcels and there is no access between Lots 31 and 32.
 - Lot 31 contains an existing 385-square-foot single-family dwelling that was constructed in 1924, a 1,242-square foot automobile repair and parts storage workshop, a 26-foot wide driveway that accesses 35 parking spaces on the east and south end of the property, and a 10-foot high fence extending east to west approximately 23 feet north of the southern parcel boundary, separating it from Lot 32. This site appears to be leased out to another operator and is unclear what the primary use is. Observed uses include outside storage of trucks, vehicles, parts and equipment.
 - Lot 32 contains three automobile body, paint, and repair workshops that are 1,242 square feet, 1,150 square feet, and 6,874 square feet in size. The parcel also contains a 112-square foot bathroom located in the center of the parcel, with a 20-foot-wide internal driveway extending north to south to the east of the bathroom, and five parking spaces. Furthermore, the parcel contains outdoor storage areas and storage racks for tools and parts along the eastern edge of the parcel.
 - Lot 33 contains a 728-square-foot office, which has been used as a second unpermitted residence on the project site, a 1,971-square-foot warehouse building for parts storage, a 224-square-foot modular office trailer, a 26-foot wide internal access driveway that extends west to east, and six parking spaces, including one accessible space. This site also includes outside storage throughout mostly of inoperable vehicles, but also includes a pallet yard business. The parcel contains an existing mono-pine style WTF with an 896-square foot lease area, located in the southeast corner of the parcel. The WTF is permitted under a separate entitlement, CUP No. 201400170.
5. Staff recommends the Commission deny this application for the following reasons:
 - (1) NCR Application Process - Pursuant to Section 22.56.1510 the County Code, a nonconforming review strictly limits new construction and introduction of new or expanded land uses on the site. An NCR permit is appropriate for uses that were legally-established and are nonconforming due to use, because they are not allowed in the current zone even with a CUP. In this case, the applicant is proposing uses that require a CUP in the M-1 Zone including automobile body and repair with incidental parts storage and warehousing, and a new modular trailer office structure. The applicant has failed to provide a viable NCR application by proposing uses that can be permitted with a CUP, and that go beyond the scope of an NCR due to new and modified construction and expansion in land uses on the site.

- (2) Inaccurate Project Scope - There is a discrepancy in the uses that the applicant is proposing and in what is being maintained on the project site. Recent inspections and past zoning enforcement history confirm that the applicant has been operating an automobile paint shop, as well as conducting automobile dismantling work on the site. Furthermore, all three parcels maintain outside storage. Several businesses seem to be operating at the site simultaneously without the appropriate approvals. Lot 31 is sectioned off from Lot 32 and it is unclear what the use is in this area, but staff confirmed the presence of outside storage of trucks and vehicles. Lots 32 and 33 contain outside storage that is not incidental to automobile repair, but rather for an automobile dismantling business. Furthermore, automobile painting activities have been observed in Lot 32. The applicant has not requested entitlements for outside storage, automobile painting, or automobile dismantling, even though these uses have been reported and observed onsite.
- (3) History of Zoning Violations and Noncompliance - The site has a long history of noncompliance with Title 22 and with past entitlements, including numerous zoning violations over the last 15 years. This history includes a referral to the District Attorney (DA) on 2007 leading to litigation with the County. The owner has never ceased all unpermitted operations on the site, nor brought the property into full compliance with Title 22, and has failed to meet the required development standards for parking, landscaping, and fencing. During recent inspections, the applicant has refused to provide access to County staff, and prevented staff from taking photographs. For the last six years, the Department of Regional Planning (DRP) staff has worked with the applicant to process this application despite lack of clarity regarding the proposed and existing uses on the site, missing information, and continued violations on the site.
- (4) Failure to Meet the Burden of Proof – The lack of clarity and transparency regarding the existing and proposed uses on the site have made it impossible to ensure that the application meets development standards, while also mitigating for potentially detrimental impacts to the surrounding neighborhood. The applicant has not been able to comply with past conditions of approval and continues to be in violation of Title 22. As a result, the applicant has failed to demonstrate that the proposed and existing uses on the site will not negatively impact the neighborhood, therefore failing to meet the Burden of Proof.
6. The Project Site is accessible via Maie Avenue.
7. The Project Site is located in the Compton-Florence Zoned District and is currently zoned M-1 (Light Manufacturing).
8. The Project Site is located within the IL (Light Industrial) land use category of the Los Angeles County General Plan 2035 (“General Plan”).
9. Surrounding Zoning within a 500-foot radius includes:
- North: M-1 and R-3 (Limited Density Multiple Residence)

South: M-1 and R-3
East: R-3 and O-S (Open Space)
West: R-3

10. Surrounding land uses within a 500-foot radius include:

North: Multi-family and single -family residences, an industrial storage building.
South: Industrial warehouses and outdoor storage.
East: Metrolink Rail, Franklin D. Roosevelt Park
West: Multi-family and single family residences

11. Previous Cases/Zoning History

The site has undergone a series of zoning changes starting about 1945 when it was first zoned as M-2. Today all parcels are zoned M-1. There has been one prior plot plan approval at the site, as well as two CUP approvals. CUP No. 00-184 for automobile dismantling in conjunction with auto body and repair, expired in 2011. The following table summarizes the zoning and entitlement history through 2015.

Date	Zoning/Entitlement History
1924	The single-family residence was constructed on Lot 31 according to Assessor's records, predating the enactment of zoning requirements in 1927.
1945	Ordinance No 4562 zoned the subject parcels as M-2 (Heavy Manufacturing).
1999	Ordinance No. 99-0058Z rezoned Lot 31 from M-2 to C-M. In the C-M Zone, automobile repair is a by right use, but automobile body and fender repair, and automobile painting and upholstery businesses require a CUP. Lots 32 and 33 remained as M-2.
02/14/00	Plot Plan No. 46501 authorized an automobile repair shop in the C-M Zone on Lot 31, as well as on Lots 32 and 33, which were still zoned M-2. It explicitly prohibited outside storage and auto salvage activities.
09/05/01	CUP No. 00-184 authorized automobile dismantling in conjunction with an automobile body repair shop on all three parcels. The CUP did not allow automobile painting. This permit expired on September 5, 2011.
05/05/04	CUP No. 04-043 approved a WTF on the site. CUP201400170 authorized the continued operation of the WTF on May 5, 2015, which will expire on May 5, 2030.
2004	Ordinance No. 2004-0033Z (Florence Firestone Community Standards District - CSD) rezoned Lots 32 and 33 from M-2 to M-1. Automobile dismantling is not permitted in the M-1 Zone.
01/11/12	NCR No. 201200001, the pending/subject application, was submitted as an "Insist filing."
2015	The Los Angeles County General Plan 2035 rezoned Lot 31 from C-M to M-1, making all three parcels at the Project Site as M-1.

Enforcement and NCR Application Timeline

The site has an extensive history of Zoning Enforcement violations dating back over 15 years, including a referral to the District Attorney (DA) in 2007 for violations to CUP No. 00-184. These violations led to litigation with the County, which lasted through 2013. On January 11, 2012, three months after the expiration of CUP No. 00-184, the applicant

submitted NCR application No. 201200001 requesting the authorization to continue an automobile body and repair shop. The application was taken in as an “insist” filing because a CUP application was the appropriate permitting option and not an NCR. It has now been over six years since CUP No. 00-184 expired and the NCR application was filed.

The following table summarizes 15 years of Enforcement activity, as well as six years of actions and correspondence with the applicant and DRP Permits staff regarding the current NCR application. The information is based on County records, including formal correspondence, emails, and phone calls. Some of these records are included as part of the attached Findings.

Date	Zoning Enforcement/NCR Permit Processing History
01/29/03	Enforcement case (EF003051) was opened for violations to CUP No. 00-184 regarding painting onsite without a spray booth. This was referred to and confirmed by Southern Coast Air Quality Management District (SCAQMD).
03/17/03	<p>Enforcement issued a Notice of Violation (NOV) for violations to CUP00-184 Conditions 2, 6, 8-10, 12, and 15-22. Conditions 2-21 addressed the following violations:</p> <ul style="list-style-type: none"> • Failure to file the Affidavit of Acceptance, • Failure to pay inspection fees, • Lack of compliance with the requirements of the Division of Building and Safety, • Lack of Compliance with conditions stipulated by the Department of Public Works, • Issues with graffiti and clean up, • Failure to file a Notice of Determination, and • Failure to submit a Revised Exhibit A, Elevations or Landscaping plans. <p>Condition 22 referenced compliance with landscaping, parking and other development standards for fencing and walls, lighting and proper maintenance of the automobile dismantling yard and automobile repair operations.</p>
05/12/03	Enforcement issued a Final Zoning Enforcement Order (FZEO).
03/25/04	A DRP site visit confirmed that the site does not conform to parking and layout, and continued violations to CP00-184 conditions of approval were observed.
05/05/05	Enforcement Case (EF051279) was opened for complaints regarding a garage conversion and parking overflow from the site.
06/20/05	Enforcement issued an NOV for an unpermitted garage conversion.
08/22/05	Enforcement issued a FZEO.
10/24/05	An Enforcement inspection revealed continued violations to CUP No. 00-184 for lack of compliance with site plans and landscaping requirements.
11/01/05	Enforcement issued an NOV.
12/07/05	Enforcement issued a FZEO.
04/05/06	An Enforcement inspection was conducted noting that violations continue.
04/06/06	A FZEO was posted at the property.
09/20/06	Enforcement Case (EF063331) was opened in response to a complaint regarding a junk yard/chop shop at 7640 Maie Avenue

11/08/06	An enforcement inspection was conducted noting that violations continue.
04/11/07	An enforcement inspection was conducted noting that violations continue.
04/18/07	A Second Notice of Noncompliance (SNON) was mailed to and received by Mitchell Investors.
04/24/07	A SNON was posted at the property.
04/30/07	Enforcement referred the case to the DA's office.
05/22/07	The permittee paid a noncompliance fee.
03/27/08	A DA Conference was held.
04/02/08 -- 10/13/11	Enforcement file notes state that the violations continued. (Note: No other information is found for this time period.)
09/05/11	CUP No.00-184 expired.
01/11/12	An Enforcement inspection was conducted noting that violations continue. NCR 20120001 application was submitted via "insist filing." The applicant was advised that they would need to apply for a parking permit for a reduction in parking requirements and that a CUP would be required.
08/10/12	DA, Tina L. Hansen, appeared in court and the case was continued to November 2012.
08/28/12	Permits staff mailed an Incomplete letter to the applicant.
09/20/12	Documentation shows that the Los Angeles Regional Water Quality Control Board assessed fines to the applicant for violations on the site.
09/24/12	Permits staff mailed a Notice of Denial Due to Inactivity to the applicant.
10/11/12	Correspondence from Luna & Glushon (applicant's attorney) states the applicant would like to continue with NCR application.
10/24/12	The case was removed from hearing officer agenda and given a 90-day deadline to submit the requested information.
01/14/13	A Court hearing agreement required that the applicant cease all automobile repair and paint activity immediately, remove all contents from the building and all vehicles from the subject property, demolish unpermitted structures, and obtain other needed approvals from County Departments within 30 - 60 days.
05/07/13	Permits staff mailed an Incomplete Letter to the applicant requesting information.
05/30/13	Luna & Glushon, respond that the applicant would like to continue to pursue the NCR application and will submit further documentation.
08/05/13	Luna & Glushon submitted additional application information.
01/05/15	Permits staff emails asking for application, materials, timelines, corrections and revisions.
12/15/15	Inspection conducted at the site with DRP Permits staff and Enforcement
07/15/15	Luna & Glushon submitted revised plans.
06/29/16	Permits staff mailed an Incomplete Letter to the applicant requesting information.
03/29/17	Staff emailed applicant regarding application status.
04/03/17	Staff spoke to Kristina Kropp from Luna & Glushon regarding case status. The applicant emailed staff to summarize the phone conference on that day regarding outstanding items.
07/12/17	A scheduled/announced site inspection was conducted at the subject site. The applicant had several months to prepare before the inspection. Violations observed including outside storage and activities that fall under the "automobile dismantling" definition including removal, storage and sale of automobile parts, as well as auto body and repair work.

11/01/17	A letter was mailed to the applicant with a 60-day deadline to provide the required information regarding their NCR application.
12/28/17	Luna & Glushon responded that the applicant would like to continue to pursue the NCR application and will submit a revised site plan.
02/13/18	Luna & Glushon submitted a revised site plan that required corrections.
03/01/18	Luna & Glushon submitted a revised site plan that required corrections.
03/07/18	An unannounced site inspection was conducted at the site. The applicant did not permit DRP staff to take photographs of the property. Violations observed included: Outside storage of inoperable vehicles throughout the entire site not incidental to automobile repair, a pallet yard operation, active automobile body, repair and paint work (fumes present), outdoor automobile work related to removal, storage and sale of automobile parts (automobile dismantling), and noncompliance with PP 46501. The applicant was not cited by Enforcement because photography was not permitted.
03/20/18	Enforcement conducted an inspection and observed continued violations. Photography was not allowed.
03/21/18	Staff mailed a Letter of Intent to Deny the NCR pending application to the applicant.
03/29/18	Staff mailed a letter summarizing a phone conference on 03/27/18 with the applicant's counsel, Rob Glushon, confirming intent to deny the pending NCR application. This also included corrections to the revised site plan submitted on 02/13/18,
04/11/18	Enforcement conducted an inspection. Violations were observed but access to the site was not granted.
04/17/18	The applicant submitted a revised site plan that requires further corrections. Staff sent another round of corrections from 03/29/18.
04/18/18	Various emails were exchanged between DRP Staff and applicant's counsel regarding site plan corrections and code questions.
04/19/18	A Notice of Hearing was posted at the property.
04/24/18	Staff received an email from Kristina Kropp of Luna & Glushon, asking for further clarification of parking requirements. Staff responded.
04/25/18	Staff spoke with Kristina Kropp regarding the case and options moving forward.
04/30/18	Staff responded in writing to the applicant regarding the possibility of submitting a CUP application at this point in time, before the scheduled hearing for denial.
05/02/18	Luna & Glushon responded stating they will confirm their next steps.

12. Since the last inspection and being notified of the intent to deny, the applicant has cleaned up the site significantly. The applicant submitted a revised site plan, however, this did not address the corrections previously specified on March 29, 2018. The applicant has expressed some interest in the option to pursue a CUP application and also asking about by-right uses allowed on the site.
13. The Department of Public Works did not recommend this Project for approval. The Fire Department did provide any comments for the Project. The Department of Public Health recommended the Project for approval, subject to certain conditions. County Departments however have not reviewed a final site plan as the applicant has not provided a defined Project scope or complete site plan.

14. County Staff recommends that this Project qualifies as a Statutory Exemption pursuant to the California Public Resources Code Section 15061 and 15270, which states that the California Environmental Quality Act does not apply to Projects which a public agency rejects or disapproves. Therefore, the Project qualifies as a Statutory Exemption (Projects Which Are Disapproved) and 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.
15. Pursuant to the provisions of Section 22.60.174 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, posting on the DRP website, and property posting.
16. Staff received a few calls regarding the Project. One person had general questions and did not have a strong view in favor or against the Project. Two other callers expressed concerns regarding the operations at the site stating that operations continue past daytime operating hours, and complained about paint fumes, noise, truck traffic, and waste and runoff created by the operations at the Project Site. One caller complained that incoming and outgoing trucks operating all hours of the night front his site, causing noise and issues with street parking. Complaints also state that these trucks are carrying dismantled vehicles and parts, which is a use that is prohibited in this zone. The two callers stated they have attempted to express their concerns to the owner, but that he did nothing to address these concerns. These callers said they would attend the public hearing.
17. Prior to the Commission's public hearing on the Project on May 21, 2018, Staff received a phone call and an email from two concerned residents living near the Project Site. One resident stated there was potential criminal activity on the site, referencing Lot 31. They also complained about street parking, oil pollution, and strong fumes coming from the site past regular business hours. The applicant's representative, Rob Glushon, also submitted a written response to the Commissioners. On May 14, 2018, DRP Zoning Enforcement issued a Notice of Violation at the subject property citing for the following: unpermitted auto body, paint and fender work, outdoor storage, and lack of compliance with development standards for parking and landscaping. All written information was provided to the Commission in the form of a memo on May 22, 2018.
18. A duly noticed public hearing was held on May 23, 2018 before the Commission. Commissioners Louie, Shell and Moon were present. Commissioners Smith and Modugno were absent. Staff presented testimony in favor of a recommendation to deny the pending NCR application based on the application type, an inaccurate project scope, the history of zoning violations and continued noncompliance at the site, culminating with a failure of the applicant to meet the required burden of proof. The Commissioners asked Staff what options the applicant would have if the permit was denied. Staff responded that the applicant would need to cease any operations on the site that require a permit such as auto body and paint work, but that there would be a possibility for the applicant to continue to conduct by-right uses on the site, subject to a site plan approval. Staff also stated that the applicant would have to wait one year

from the denial decision to reapply for a permit for the proposed uses per Title 22 requirements.

The applicant's representative, Rob Glushon, presented testimony in favor of continuing to process the NCR application, contingent on working out some remaining issues with Staff related to the proposed site plan and parking. The Commissioners asked a question regarding the observed and proposed uses on the Project Site and whether these require a CUP or an NCR. Staff confirmed that there are a variety of land uses on the site that are not allowed, even with a CUP, such as auto dismantling, auto body, paint, and outside storage, as well as some uses that may be allowed by right, such as indoor auto repair only. Staff also stated that the applicant has never been able to comply with development standards for landscaping and parking, and that this noncompliance continues today. Staff confirmed that the applicant has failed to provide a viable NCR application because they are maintaining new and expanded land uses on the site such as outside storage that are not incidental to the auto repair business.

Five community members testified in favor of denial of the permit, corroborating Staff findings. Community member concerns included the presence of strong fumes from auto painting at the site, stating they are so strong that they can smell and see fumes from their home, and that they have often had to go to the site late at night to ask the operators to stop. Other concerns included oil run-off and contamination, and traffic and street parking in the neighborhood caused by the ongoing operations at the Project Site. Community members stated trucks are being loaded and unloaded at the site, as well as on the street, often blocking access to the driveway to their homes, causing a severe shortage of parking in the neighborhood. Community members stated that the site is dismantling vehicles and not just repairing them. The Commissioners asked one of the witnesses if they were concerned about speaking up and the witness responded affirmatively. The Commissioner asked Staff regarding potential criminal activity at the site. Staff stated these allegations were reported by a recent anonymous call and that there was no other information available at this time.

The Commissioners concluded that previously legally established land uses on the site had expanded to include other land uses beyond the scope of a nonconforming review. They asked both Staff and County Counsel to confirm this assessment, which they did. There being no further testimony, the Commission closed the public hearing and denied the NCR permit.

19. The Commission finds that the proposed Project fails to comply with the applicable policies of the IL land use category of the General Plan.

- *Land Use Policy 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*

The existing automobile body repair shop has been operating without a permit since May 15, 2011 when CUP No. 00-184 expired. The permittee violated the conditions of CUP No. 00-184 while the CUP was still valid, including conducting automobile

painting onsite. The applicant also failed to file the Affidavit of Acceptance or pay inspection fees on time, comply with other County Department requirements, submit revised site plans including a landscaping plan and elevations, or meet other development standards for fencing and walls, lighting and proper maintenance of the automobile dismantling yard and automobile repair operations. These violations have never been fully resolved.

In addition, the Project Site is surrounded by predominantly residential uses to the north and west, but does not use any buffers to shield it from incompatible residential uses nearby, thereby failing to mitigate and reduce potential impacts of the proposed uses on the adjacent residential land uses.

20. The Commission finds that there are no applicable policies of a Community Plan that are applicable to the proposed Project.

21. The Commission finds that the proposed Project does not comply with the applicable permitting requirements for uses that are not nonconforming pursuant to Section 22.56.1510, which states the following:

- *A nonconforming use or a building or structure nonconforming due to use and/or standards may be maintained provided there is no alteration, enlargement or addition to the building, no increase in occupant load: nor any enlargement of area, space or volume occupied by or devoted to such use.*

An NCR review strictly limits additional development or the introduction of new and expanded land uses on a site. This type of review is appropriate for uses that were once legally established, but that are no longer allowed in the zone, even with a CUP. In this case, the applicant is requesting to permit an automobile body and repair business, as well as incidental auto parts storage and a new modular office structure, all uses which can be permitted with a CUP. However, recent site inspections show the applicant is also maintaining other uses on site that have not been outlined in the Project scope such as outside storage, and automobile painting. These uses can also be permitted through a CUP, but the applicant has not proposed these as part of their Project scope in the NCR review because these uses were never legally established before. Auto dismantling activities have also been observed at the site, this use is prohibited.

22. The Commission finds that the proposed Project also does not comply with development standards for outside display and storage, for vehicle parking, and for signs for the M-1 Zone pursuant to Sections 22.56.1510 and 22.32.035. The Commission also finds that the applicant has not complied with the development standards and conditions of past entitlements, CUP No. 00-184 and PP 46501.

- *Outside display and storage. Pursuant to Sections 22.52.560, 22.52.570 and 22.52.630 properties that maintain outside storage must comply with the applicable fence/wall, and landscaping requirements.*

The applicant has not explicitly proposed outside storage as part of the NCR application. However, recent site inspections at the site confirm that the applicant continues to use outdoor space to store primarily inoperable vehicles, parts, and equipment throughout all three parcels. A truck storage business and a pallet yard business were also observed on Lot 31 and Lot 33, respectively. The applicant needs to clarify if the existing outside storage onsite is incidental to the primary use or not, requiring review as part of a CUP application. The development standards would also require the applicant to comply with the applicable fence/wall and landscaping requirements.

- *Vehicle parking: Pursuant to Section 22.52.1100 all automobile repair uses are required to provide one parking space for every 250 square feet of floor area.*

The applicant is not meeting the minimum number of parking spaces required by PP 46501. They are also not providing sufficient parking based on their current square footage. PP 46501 required 120 parking spaces based on the total square footage at the time of approval, which was 26,209 square feet, plus office space. However, the plan provided 140 spaces. The applicant is only proposing 35 parking spaces based on the most recent figure for total floor area of 16,179 square feet, which would require at least 75 parking spaces pursuant to Section 22.52.1100.

For reference, expired CUP No. 00-184 only required 10 spaces, based on the parking requirements for automobile dismantling yards, which do not apply here.

As Project scope has not been clearly defined, staff is not able to determine the minimum required parking. With a CUP application, depending on the defined Project scope, the applicant could potentially qualify for the industrial zone parking standard pursuant to Section 22.52.1140, which requires one parking space for every 500 square feet of floor area. However, since the applicant has requested an NCR, Staff has directed the applicant to refer to the only valid approval onsite, PP 46501, which utilized the commercial requirements for parking. Furthermore, Staff has informed the applicant that a reduction in the required parking would require the submission of a separate parking permit application.

- *Signs: All signage on the property should comply with Sections 22.52.870 and 22.52.880 of Title 22.*

The applicant has failed to demonstrate that the existing signage complies with current standards or that it complied with standards during the time of prior approvals. This was not addressed in PP 46501 or CUP No. 00-184.

- *Since CUP No. 00-184 expired in 2011, the only valid entitlement on the site is PP 46501. PP 46501 approved auto repair within an enclosed building without incidental outside storage, also requiring 12% landscaping and 140 parking spaces.*

The applicant has failed to demonstrate that they are able to comply with PP 46501 since they are maintaining other uses on the site including automobile dismantling, pallet yard storage, outside storage of inoperable vehicles, and automobile-body, paint and fender repair. Furthermore, they were never able to comply with these past landscaping or parking requirements.

Furthermore, they also did not comply with the conditions of CUP No. 00-184 before expiration, such as conducting automobile painting onsite which was not permitted. The applicant also failed to file the Affidavit of Acceptance or pay inspection fees on time, to comply with other County Department requirements, to submit revised site plans, including a landscaping plan and elevations, or to meet other development standards for fencing and walls, lighting and proper maintenance of the automobile dismantling yard and automobile repair operations.

23. The Commission finds that the proposed Project does not comply with the applicable requirements of the Florence-Firestone CSD. Pursuant to Section 22.44.138 of the County Code, establishments in the Florence-Firestone Community Standards District (CSD) are subject to the following development standards:

- *Buffers. Properties that adjoin a residential zone, or a school, park, playground, etc. shall have a minimum 5-foot landscaped buffer along the common property line, also requiring planting of a 15-gallon tree for every 100 square feet of landscaped area.*

The Project Site is not adjoined by residential zones to the north and south. However, the adjacent railway to the east is zoned R-3. Roosevelt Park is to the east of the railway. The applicant provides a four-foot strip of landscaping along the east side of the subject property, which has not been well-maintained over time. The subject property also faces an R-3 Zone with single and multi-family homes directly across the street to the west. Furthermore, the Project Site includes a single-family residence on Lot 31. It should also be noted that another structure on Lot 33, depicted as an office on the site plan, has been used illegally as a residence.

The applicant has made no effort to create a buffer from the existing and proposed uses at the site to the nearby residential uses or zones, particularly across the street to the west. This has also been difficult to require since the applicant does not clarify the proposed uses in the Project scope. Automobile painting uses should be placed as far from residential uses as possible. Automobile painting activities are also required to comply with other standards by SCAQMD. Furthermore, automobile dismantling is prohibited and DRP staff has received complaints regarding these uses in the neighborhood.

- *Outdoor Business: All principal business uses, except parking, conducted outside an enclosed structure within 250 feet of a residential zone or sensitive use require a CUP.*

The applicant continues to maintain outside storage on the site that is not incidental to the proposed uses. Per the CSD, any outdoor business activities require a CUP, given that the Project Site is within 250 feet of a residential zone. The applicant has not proposed outside storage as part of their Project scope, but they have been operating outside an enclosed building for years.

- *Uses Subject to Permits include: Automobile body and fender repair shops, if all operations are conducted inside a building, as well as automobile painting and upholstery.*

Automobile painting, and outdoor automobile work and auto dismantling are uses that have been observed on the site, creating a nuisance to the surrounding neighborhood. Auto dismantling and outdoor automobile-related activities are not permitted in the M-1 Zone. Though the applicant is requesting to permit an automobile body and repair business, they are asking to do so with an NCR. The NCR permit is appropriate for uses that were legally-established and are nonconforming because they are not allowed in the current zone, even with a CUP. In this case, these uses can be permitted with a CUP. The NCR is also not appropriate when new uses or construction is proposed.

24. The Commission finds that the applicant has failed to provide a viable NCR application pursuant to Section 22.56.1510 of the County Code because the proposed uses are permitted with a CUP, and go beyond the scope of an NCR due to new and modified construction and expanded land uses on the site. A nonconforming review strictly limits new construction and the introduction of new or expanded land uses on the site. An NCR permit is appropriate for uses that were legally-established and are nonconforming due to use, because they are not allowed in the current zone even with a CUP. In this case, the applicant is proposing uses that require a CUP in the M-1 Zone including automobile body and repair with incidental parts storage and warehousing, and a new modular trailer office structure. The applicant is also maintaining other land uses on the site, such as outside storage, that have not been legally established.

25. The Commission finds that the applicant has also failed to provide a viable NCR application because they have failed to provide an accurate Project description that reflects the ongoing operations at the Project Site. There is a discrepancy in the uses that the applicant is proposing, and in what is being maintained on the Project Site. Recent inspections and past zoning enforcement history confirm that the applicant has been operating an automobile paint shop, as well as conducting automobile dismantling work on the site. Furthermore, all three parcels maintain outside storage onsite. Several businesses seem to be operating at the site simultaneously without the appropriate approvals. Lot 31 is sectioned off from Lot 32, and it is unclear what the use is in this area, but staff confirmed the presence of the outside storage of trucks and vehicles. Lots 32 and 33 contain outside storage that is not incidental to automobile repair, but rather for an automobile dismantling business. Furthermore, automobile painting activities have been observed in Lot 32. The applicant has not

requested entitlements for outside storage, automobile painting, or automobile dismantling, even though these uses have been reported and observed onsite.

- (5) The Commission finds that the applicant has failed to comply with Title 22 and with past entitlements, with a 15 year history of zoning violations. This history includes a referral to the DA on 2007 leading to litigation with the County. The owner has never ceased all unpermitted operations on the site, nor brought the property into full compliance with Title 22, and has failed to meet the required development standards for parking, landscaping, and fencing. During recent inspections, the applicant has refused to provide access to County staff, and also prevented staff from taking photographs. For the last six years, the Department of Regional Planning (DRP) staff has worked with the applicant to process this application despite lack of clarity regarding the proposed and existing uses on the site, missing information, and continued violations on the site.
26. The Commission finds that the applicant has not been able to show that the health, peace or welfare of person residing or working in the surrounding area, or detrimental to the enjoyment or valuation of property in the vicinity, or that public health, safety or general welfare of nearby residents is not jeopardized or endangered. Though uses such as automobile body and fender repair, and automobile painting can be permitted with a CUP if they are indoor, these need to be proposed in a manner that is most compatible with the surrounding residential uses.
27. The Commission finds that the property has had multiple violations for operating heavy industrial uses, such as automobile painting and automobile dismantling, without permits. Automobile painting creates fumes and particulate by-products with the potential to negatively impact the surrounding residential neighborhood and uses. Similarly, automobile dismantling is a use that is not allowed in the M-1 Zone, and suited for zones that allow heavy industrial zones such as M-2. There has been no effort at all on behalf of the applicant to mitigate any of these impacts such as providing sufficient and well-maintained landscaping buffers on the property, or by relocating their automobile body, paint and repair facilities to a different location on the Project Site.
28. The Commission finds that the applicant has failed to demonstrate the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features to integrate with the surrounding area. The applicant has a long history of failing to meet various development standards. Furthermore, the IL land use category and the M-1 Zone are intended for light manufacturing uses that have low nuisance impact, such as light manufacturing, assembly, warehousing and distribution. However, the scale/nature of the proposed and existing uses on the site do not align with the surrounding land uses including mostly residences, and other small-scale commercial and industrial uses. Again, there has been no effort at all on behalf of the applicant to mitigate any of these impacts such as providing sufficient and well-maintained landscaping buffers on the property, or by relocating their automobile body, paint and repair facilities to a different location on the Project Site.

29. The Commission finds that the applicant has failed to show that the propose site is adequately served by highways or street with sufficient width or that the can accommodate traffic associated with the traffic. Staff has received complaints that trucks coming and going from the Project Site operate at all hours of the night, causing noise and issues with street parking. Complaints also state that these trucks are carrying dismantled vehicles and parts, which is a use that is prohibited in this zone.
30. The Commission finds that the applicant obtained prior approvals for the proposed uses, but was unable to comply with the conditions of approval and development standards. Furthermore, the applicant has insisted on continuing with an NCR application, despite repeated communication from staff that the required permit is a CUP. With that said, the cessation of the use does not impair the property rights of any person to such an extent at to be an unconstitutional taking of the property.
31. The Commission finds that the applicant has failed to demonstrate that the proposed and existing uses are compatible with the surrounding neighborhood and land uses. The lack of clarity and transparency regarding the existing and proposed uses on the Project Site have made it impossible to ensure that the application meets development standards, while also mitigating for potentially detrimental impacts to the surrounding neighborhood, ensuring public health, safety and general welfare. The applicant has not been able to comply with past conditions of approval and continues to be in violation of Title 22. Therefore, the applicant has failed to demonstrate that the proposed uses and other existing uses on the site will not negatively impact the neighborhood, or the enjoyment or valuation of the property of other persons also located in the vicinity, thereby failing to meet the Burden of Proof.
32. The Commission finds that pursuant to Section 22.60.174 of the County Code, the community was properly notified of the public hearing by mail, newspaper (La Opinion and Huntington Park Bulletin), and property posting. Additionally, the Project was noticed and case materials were available on DRP's website and at libraries located in the vicinity of the Florence-Firestone community. On April 19, 2018, a total of 91 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius of the Project Site, as well as eight (8) notices to those on the courtesy mailing list for the Compton-Florence Zoned District and any additional interested parties.
33. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING CONCLUDES THAT:

- A. The proposed uses will not be consistent with the adopted General Plan.

- B. The proposed uses at the site will adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will 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 or general welfare.
- C. The proposed site is not adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is not adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The cessation of the use does not impair the property rights of any person to such an extent as to be an unconstitutional taking of the property.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Finds that this Project qualifies as a Statutory Exemption pursuant to the California Public Resources Code Section 15061 and 15270, which states that the California Environmental Quality Act does not apply to Projects which a public agency rejects or disapproves. Therefore, the Project qualifies as a Statutory Exemption (Projects Which Are Disapproved) and 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; and
2. Denies Nonconforming Review No. 201200001.

ACTION DATE: May 23, 2018

VOTE: 3:0:0:2

Concurring: Louie, Shell, Moon

Dissenting: 0

Abstaining: 0

Absent: Smith, Modugno

NP:TS:EG

05/23/18

c: Each Commissioner, Zoning Enforcement, Building and Safety



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Amy J. Bodek, AICP
Director

May 22, 2018

TO: Doug Smith, Chair
David W. Louie, Vice Chair
Laura Shell, Commissioner
Elvin W. Moon, Commissioner
Pat Modugno, Commissioner

FROM: Erica Gutierrez, Senior Regional Planning Assistant
Zoning Permits West Section

**SUBJECT: Project No. R2012-00034-(2)
Nonconforming Review (NCR) No. 201200001
RPC Meeting: May 23, 2018
Agenda Item: 6**

The above-mentioned item is a request to authorize the continued operation, maintenance and use of an existing indoor auto body repair business in the unincorporated community of Florence-Firestone in the M-1 (Light Manufacturing) Zone.

This memo is to inform the Commission that Zoning Enforcement mailed a Notice of Violation (NOV) out to the subject property on May 14, 2018, and that Staff has also received additional correspondence regarding this project. All materials are attached as follows:

- (1) A copy of the NOV mailed out to the applicant on May 14, 2018
- (2) An email from a concerned resident wishing to remain anonymous sent on May 21, 2018
- (3) A response from the applicant's lawyer dated May 21, 2018

If you need further information, please contact Erica Gutierrez at (213) 974-6462 or egutierrez@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

NP:EG

Los Angeles County Department of Regional Planning
NOTICE OF VIOLATION

Please contact the investigating planner Andrew Flores
Email: aflores@planning.lacounty.gov
Phone Number: (213) 974-6453 – Monday through Thursday before 10am



Department of Regional Planning
Amy J. Bodek, AICP, Director

320 W Temple Street
Los Angeles, CA 90012

(213) 974-6453

<http://planning.lacounty.gov>

May 14, 2018

MITCHELL INVESTORS LLC
1168 IRVING AVE
GLENDALE CA 91201

Code Enforcement Case Number: RPCE2017005617

Dear Property Owner/Tenant:

An inspection was conducted at 7702 Maie Avenue, Los Angeles, CA 90001 and it disclosed the following violation(s):

1. **Auto Body, Paint and Fender (CSD - FF)**

An automobile painting, body and fender repair shop has been established without approval from the Department of Regional Planning (Los Angeles County Zoning Code: 22.44.138 7(d))
There is an auto body, paint and fender shop operating on the premises.

2. **Outdoor Storage (M)**

A land use involving outdoor storage has been established without approval from the Department of Regional Planning (Los Angeles County Zoning Code: 22.52.560:22.52.600)

There is outdoor storage of cars, trucks, vans, forklifts, trash dumpsters and a modular construction office.

3. **Development Standards (M-1)**

The current development standards are not being met (Los Angeles County Zoning Code: 22.32.010; 22.32.020; 22.32.080)

The parking and landscaping depicted on the approved plot plan (PP46501) is not being maintained.

Case Number:
RPCE2017005617

APN:
6021018031; 6021018032;
6021018033.

Zone:
M-1

Investigating Planner:
Andrew Flores

Phone Number:
(213) 974-6453
Monday - Thursday before 10am

Fees Due Now:
\$0.00

MAY 14 2018
Jio

4. Parking Development Standards (M-1)

The required off-street parking is not being provided or maintained (Los Angeles County Zoning Code: 22.32.010; 22.32.020; 22.32.080 (C); 22.52.1010)

The parking spaces depicted on the approved plot plan (PP46501) are not provided.

These are not permitted uses in zone M-1 and are in violation of the provisions of the Los Angeles County Zoning Ordinance (Title 22) Section(s) listed above.

Please consider this an order to comply with the provisions of the zoning ordinance by **June 03, 2018**. Failure to correct the violation(s) found at 7702 Male Avenue, Los Angeles, CA 90001 may result in the imposition of a noncompliance fee of \$773.00 and the collection of further administrative and collection fees totaling approximately \$2,706.00. Continued noncompliance may also cause this matter to be referred to the District Attorney at any time with the request that a criminal complaint be filed if compliance is not achieved. Conviction can result in a penalty of up to six months in jail and/or a \$1,000.00 fine, each day in violation constituting a separate offense.

For any other inquiries please contact the investigating planner directly as noted by the contact information listed above. Please note that our offices are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Amy J. Bodek, AICP
Director



David Muñoz
Acting Supervising Regional Planner
Zoning Enforcement West

Erica Gutierrez

From: [REDACTED]
Sent: Monday, May 21, 2018 2:37 PM
To: Erica Gutierrez
Subject: Project 2012-00034-(2)

Good afternoon,

I am writing to you through email because I'm not sure if I would be able to attend the court hearing in regards to the above project. Hopefully this email will be taken in consideration.

I support LA County to denied the continuation of these businesses.

I been a resident across these businesses for over 25 plus years, ever since these businesses started leasing these locations it has been nothing but problems and it has got worse these past 2-3 years after the battery business moved.

Before I had knowledge that there was one body shop business, but now there's two or three body shops and one mechanic business. The business that says "battery" is not a battery business is a body shop as well. The battery business moved like 2-3 years ago.

Let me start with the body shops, I honestly think these businesses don't have the require equipment that a body shop needs, starting with painting booths. Why am I so sure; because the smell of the fumes make it all the way inside my house. There's been several times were I have to go late at night 8pm 9pm or even 10pm and ask them to stop painting because the smell is so strong, the minute we walk outside you can see fumes in the air, it literally looks so foggy.

I keep my small children like prisoners due to these strong fumes in the air. Which I think is very unfair for them not to be able to live a normal childhood life due to all these fumes in the air due to these businesses. My children health is my priority.

These businesses take over all the street parking with customer cars that are awaiting to be repair they only move them on street sweeping dates. Our street cleaning schedule is from 10-3, however; they start parking there customer cars again at exactly 1:30-2pm before our schedule time to assure there parking spot. This problem also applies to the mechanic business. The mechanic business uses there own personal tow truck to move cars around the parkings so the minute they move a car there's a tow truck already waiting with another car to park. It has really gotten out of hand.

There's also a structure that has the word office, this is not an office this structure has been converted into a living structure it gets lease to a family of 4.

After reading more about this project I was very surprise to find out this case has been going on for years. And it wouldn't surprise me to find out no residents have ever showed up to any hearings and now I'm starting to wonder if they even know about the hearings due to only landlords receiving the postcard in the mail. I notice that the notice of public hearing you guys place on the business they get removed by them no later than 2-3 days after they been placed in the walls. Are they even aloud to removed this notice?

Hopefully this email works as support to denied the continuation of these business.

I would like to stay anonymous.

Is ok to share that I'm a resident on one of the houses across the streets from these businesses.

Have a nice day,
Concern resident

LUNA & GLUSHON

A Professional Corporation

DENNIS R. LUNA
(1946-2016)

16255 VENTURA BOULEVARD, SUITE 950
ENCINO, CALIFORNIA 91436
TEL: (818) 907-8755
FAX: (818) 907-8760

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

May 21, 2018

VIA EMAIL and PERSONAL DELIVERY

Regional Planning Commission
County of Los Angeles, Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Project No. R2012-00034-(02)

Honorable Commissioners:

Our law firm represents Mitchell Investors ("Applicant") the owner and operator of the proposed non-conforming use, building and structure review to allow the continued operation of an existing auto body repair use located on Parcel(s) 6021-018-031, 6021-018-032 and 6021-018-033 ("Project Site") in the unincorporated Florence Firestone in the Compton-Florence Zoned District ("Project"). The Project is non-conforming due to the down zoning that occurred in 2004, with the existing auto body repair use(s) authorized and legally established under a previously existing M-2 "Heavy Industrial" Zone.

As set forth hereinbelow, the Department of Regional Planning's recommendations to deny the Project are made without merit, substantial evidence or adequate due process. The only request being made by the Applicant is to continue the legally established and permitted uses necessary solely as a result of the County's downzoning in 2004.

I. History of Project Site

Commencing in approximately 1999, the Project Site was legally used for auto body repair and painting, in compliance with the then-existing County Zoning Code. In 2000, the shipment of car batteries was further legally established on a portion of the Site. In 2001, the County approved a Conditional Use Permit ("CUP") to allow auto dismantling in addition to the auto body repair and painting uses.¹

At all times from approximately 1999 to 2004, the Project Site was zoned M-2 and M-1 which permitted all such uses either by right or with a CUP (in the case of auto dismantling).

In 2004, the County changed the zoning at the Project Site from M-2 to M-1 on two of the Project lots, and from M-1 to CM on the third lot. Thereafter, the County also enacted the Florence Station Transit Oriented District which created further regulations for the development of the Project site.

II. The Project

In 2011, the application for non-conforming review ("NCR") was filed.² At the time, the NCR application was filed for auto body repair, painting and battery shipping uses.

After providing the County with requested documentation in 2012 and 2013 (including all building permits for the onsite structures), we did not hear from Planning staff almost at all,³ until late 2015 when Planner Martin Gies was assigned to the Project.

Throughout 2016, our firm and the Applicant worked closely with Mr. Gies to narrow the scope of the Project to auto body repair, and to finalize the

¹ The CUP expired in 2011.

² This Commission should be aware that, at first, Planning staff, in conjunction with advice from County counsel, refused Applicant's NCR application, citing County Zoning Code 22.04.110. Applicant was forced to file legal action against the County (Los Angeles Superior Court Case No. BS133810) by which the Court mandated that the County accept and process the NCR application to allow all uses previously authorized.

³ The long delay in having this NCR Application heard was in large part due to numerous changes in the County's planning staff which also included the moving of goal posts as to staff's positions on the issues.

required site and plot plans. The Applicant also completed a site inspection with Mr. Gies at which time the scope of the Project and the requisite plan submittal was finalized. Once the site plan was to the satisfaction of Mr. Gies, it was sent around to other County departments for comments. The Applicant timely and adequately responded to all comments and corrections issued by the Departments, including the Fire Department and Public Health.

At this time, there is one outstanding comment from Public Works which is the submittal of a Low Impact Development (“LID”) Plan. The development of an LID Plan is a time consuming and difficult process, especially for a Project Site of this size. The Applicant has hired Marvin Sachse of Brash Industries, an expert who works with the County extensively, to develop the requested LID Plan. For over a year, Mr. Sachse has been working closely with the Public Works Department to develop the LID Plan to County specifications.

III. Responses to 2017-2018 Corrections

In March, 2017, Mr. Gies was transitioned off of the Project. New staff requested a site visit, which was conducted in July, 2017. New Staff did not agree with Mr. Gies’s previous “approval” of the Applicant’s plans and proposed operations, and, in November 2017, sent a letter requesting that the proposed Project be limited to a previously approved plot plan (PP46501), and suggested that a CUP would be a more appropriate entitlement for the Project, as proposed. The County requested that the Applicant make a final determination as to whether it wanted to proceed with an NCR or CUP within 60 days.

On December 28, 2017, within 60 days, the Applicant responded with the intention to proceed with an NCR application, explaining that the Project was in compliance with PP46501, except as changed at the request of County Staff in 2012 and 2013. The only question outstanding as of December 28, 2017 was what parking requirement applied to the Project.

In February, 2018, County staff requested a further revised plot plan claiming that “we are well past the January deadline.” But the only “deadline” set by County Staff was make a final determination as to whether it wanted to proceed with an NCR or CUP, which the Applicant did. Therefore, it is unclear how documents/information requested after January 1, 2018 could have been provided before January 1, 2018.

In the upcoming months, County Staff continued to issue corrections, sometimes contradictory,⁴ continued to claim that the Applicant was “past” some non-specified deadline, and set the Project for a denial hearing. Staff also conducted several site visits during this time and claim that the Applicant is using the Project site for uses other than auto-body repair which the Applicant refutes.

The County has failed to provide any evidence of such non-auto-body repair use. Indeed, such claims are unsubstantiated.

IV. Conclusion

Since the submittal of the Project’s NCR application, the Applicant has timely submitted to the County all information and documentation, as requested. As set forth above, with the exception of the LID plan, which is in process with the County, the Applicant has fulfilled all processing requirements.

The within denial is based upon a false and non-specified deadline, and staffs claims on non-auto-body repair use are unsubstantiated. For all the reasons set forth herein, as clearly shown by the record in this case, the NCR Application should either be approved or the Commission should continue the hearing pending clarification of the proper parking requirement.

Very truly yours,

LUNA & GLUSHON
A Professional Corporation



ROBERT L. GLUSHON

⁴ At one point, County Staff claimed the parking requirement was approximately 30 parking spaces, at another, approximately 60, and now it appears they say it should be 140 spaces.

RPC Transmittal Checklist

Hearing Date
05/23/2018
Agenda Item No.
6.

Project Number: 2012-00034-(2)
Case(s): Nonconforming Review (NCR) No. 201200001
Planner: Erica Gutierrez

- Project Summary
- Vicinity Map
- GIS Layers (Land Use, Zoning, Community) / Land Use Map
- Staff Analysis
- Draft Findings
- Project Description provided by the applicant
- Burden of Proof Statement provided by the applicant
- Site Photographs
- Aerial Imagery
- Observed/Existing land uses on site
- Previous CUP approval
- Previous Plot plan approval
- Proposed Site Plan

Reviewed By: Nooshin Pajdar



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER

R2012-00034-(2)

HEARING DATE

May 23, 2018

REQUESTED ENTITLEMENTS

Nonconforming Review (NCR) No. 201200001

PROJECT SUMMARY

OWNER / APPLICANT

Mitchell Investors LLC

MAP/EXHIBIT DATE

April 13, 2018

PROJECT OVERVIEW

The applicant, Mitchell Investors LLC, is requesting a Nonconforming Review (NCR) permit to authorize the continued operation, maintenance and use of an existing automobile body and repair business with incidental parts storage and warehousing, and a new modular office trailer in the M-1 (Light Manufacturing) Zone of the Florence-Firestone Community Standards District (CSD) pursuant to County Code Section 22.56.1550. This application was initially taken in as an "insist filing" on January 11, 2012. Staff recommends the Commission deny this application for the following reasons:

- (1) The NCR application is not the appropriate mechanism to approve uses onsite that are allowed with a Conditional Use Permit (CUP), for new proposed uses that have never been legally established, or new construction
- (2) The proposed Project Scope is inaccurate from what is observed on site, preventing potential mitigation, and clarity regarding the applicable development standards such as landscaping, fencing, and parking
- (3) There is a long history of zoning violations and noncompliance on the project site that remain unresolved, and
- (4) The applicant has failed to submit a viable NCR application, also failing to meet the required Burden of Proof.

Enforcement History

The site has an extensive history of Zoning Enforcement violations dating back over 15 years, including a referral to the District Attorney in 2007 for violations of CUP No. 00-184 conditions of approval. This led to litigation with the County through 2013. On January 11, 2012, in the midst of litigation and three months after the expiration of CUP No. 00-184, the applicant submitted the NCR application No. 201200001 as an "insist filing" requesting to continue the automobile body and repair shop. It has now been over six years since CUP00-184 expired, and since the filing of the pending NCR application. Staff conducted site inspections on July 12, 2007, March 7, 2018, March 20, 2018, April 11, 2018, and April 19, 2018, observing the continued following violations:

- Unpermitted uses such as automobile dismantling, pallet yard storage, outside storage of inoperable vehicles, and automobile-body, paint and fender,
- Automobile repair conducted outside of an enclosed building, and
- Lack of compliance with PP 46501 approval for use, layout, parking and landscaping.

Staff Recommendation

The applicant has failed to demonstrate that the proposed uses and other existing uses on the site will not negatively impact the neighborhood and therefore has failed to meet the Burden of Proof. Based on all of the above, given the overall lack of sufficient progress with the proposed application, site plan and site conditions over the last six years, as well as taking into account the extended history of unresolved violations on the property dating back for over 15 years, the applicant has failed to provide a viable NCR. Staff is recommending denial of NCR No. 201200001.

LOCATION

7702 (7628, 7640, 7710) Maie Avenue

ACCESS

Maie Avenue

ASSESSORS PARCEL NUMBER(S)

6021-018-031, -032, -033

SITE AREA

99,575.20 Square feet (2.21 acres)

GENERAL PLAN / LOCAL PLAN

Los Angeles General Plan 2035

ZONED DISTRICT

Compton-Florence

LAND USE DESIGNATION

IL- Light Industrial

ZONE

M-1 (Light Manufacturing)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT (CSD)

Florence-Firestone CSD

ENVIRONMENTAL DETERMINATION (CEQA)

CEQA does not apply to projects which a public agency rejects or disapproves pursuant to the California Public Resources Code 15061 and 15270.

KEY ISSUES

- Consistency with the Los Angeles County General Plan 2035
 - Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.32.080 (M-1 Zone Development Standards)
 - 22.44.138 (Florence-Firestone Community Standards District)
 - 22.56.1500 - 1550 (Nonconforming Review Burden of Proof Requirements)
 - 22.52.560 (Requirements for Outside Storage and Display)
-

CASE PLANNER:

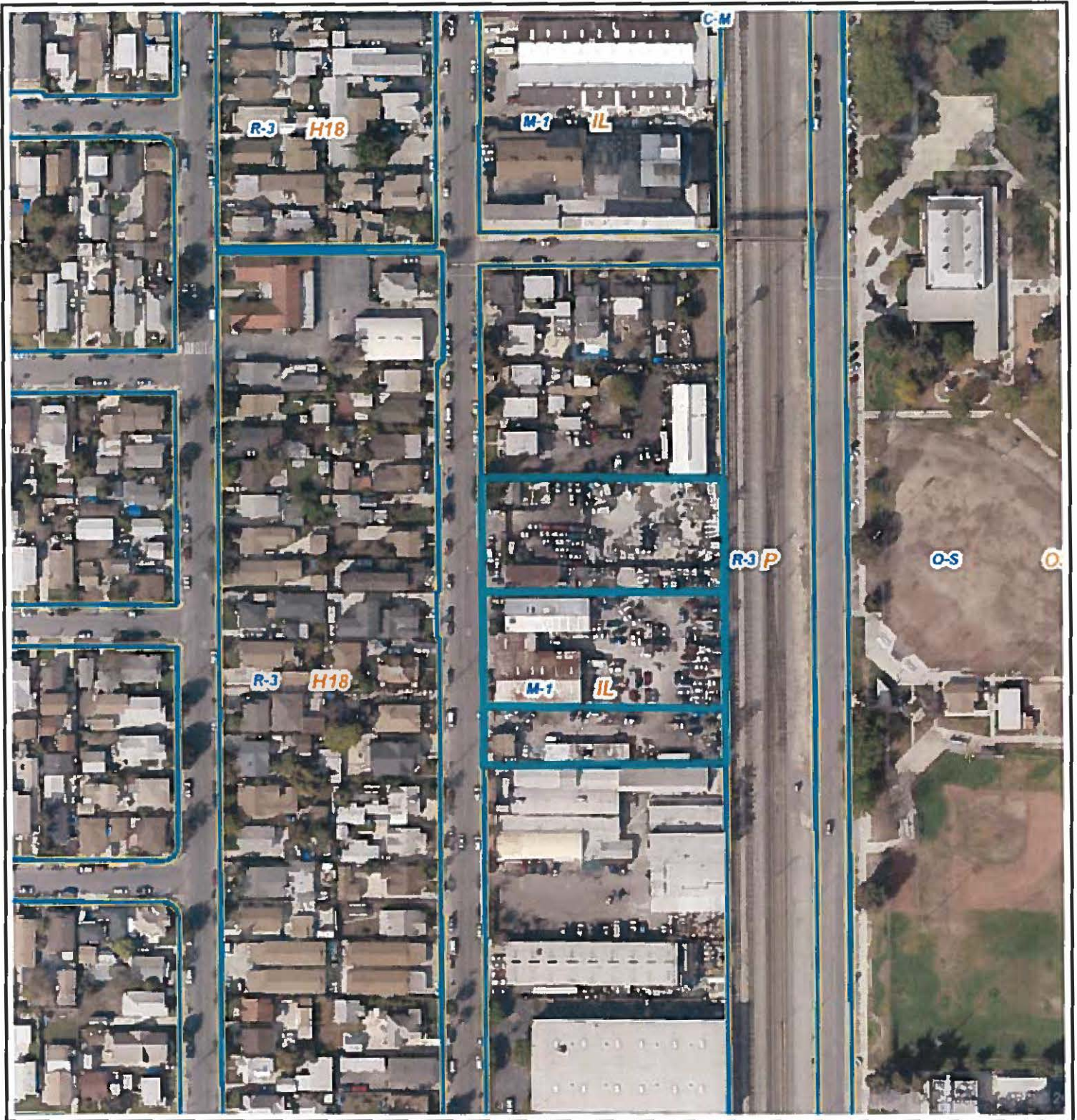
Erica Gutierrez

PHONE NUMBER:

(213) 974 - 6462

E-MAIL ADDRESS:

egutierrez@planning.lacounty.gov



Vicinity Map 7702 Maie Avenue

Printed: May 04, 2018



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GIS Layers - Land Use / Zoning

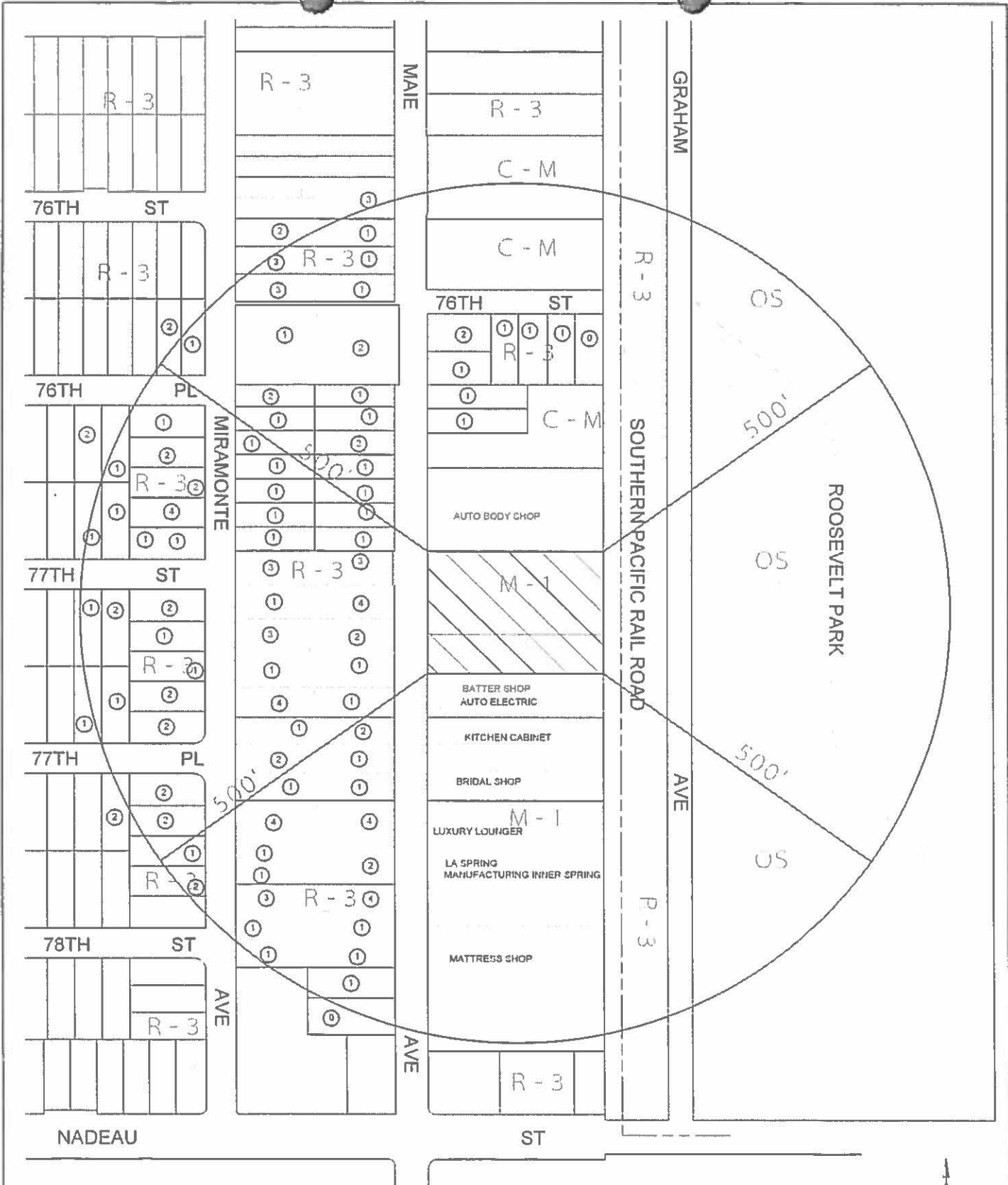
7702 Maie Avenue

Printed: May 04, 2018



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LEGEND

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LEGAL DESCRIPTION	PROPERTY ADDRESS
CITY AREA	PREPARED BY
THOMAS GUIDE	



SCALE
1" = 100'

ENTITLEMENTS REQUESTED

The applicant, Mitchell Investors LLC, is requesting a Nonconforming Review (NCR) permit to authorize the continued operation, maintenance and use of an existing automobile body and repair business with incidental parts storage, warehousing, and a new modular office trailer in the M-1 (Light Manufacturing) Zone. Pursuant to Section 22.44.138.D.7.d of the Florence-Firestone Community Standards District (CSD), automobile body and fender repair shops are permitted with a Conditional Use Permit (CUP), if conducted inside of an enclosed building.

On February 14, 2000, Site Plan Review Application No. 46501 (PP 46501) approved an automobile repair use within an enclosed building with parking and landscaping. PP 46501 is not expired. On September 5, 2001, CUP 00-184 approved an automobile dismantling yard and automobile body and repair shop. CUP 00-184 expired on September 5, 2011. Automobile dismantling is no longer allowed since the property's zone was changed to M-1 through the adoption of the CSD.

On January 11, 2012, the applicant submitted this Nonconforming Review application pursuant to County Code Section 22.56.1550, which allows legally established uses to continue if they are no longer allowed in a Zone, even with a CUP. The applicant was informed at the time of submittal that the appropriate application is a CUP. The applicant however submitted an NCR application, taken in as an "insist filing," to continue the operation of an automobile body and repair business.

PROJECT DESCRIPTION

The applicant has submitted NCR No. 201200001 application to authorize the continued operation, maintenance and use of an existing automobile body and repair business with incidental parts storage, warehousing, and a new modular office trailer.

The uses the applicant is requesting require a CUP. Furthermore, other observed uses on the site include outside storage of pallets, trucks, inoperable vehicles, parts and equipment. Automobile painting and automobile dismantling activities have also been observed onsite. Automobile painting and outside storage are uses that require a CUP, whereas auto dismantling is a prohibited use in the zone. The applicant however has insisted on moving forward with an NCR application, but has not provided an accurate project scope and site plan layout that is in substantial compliance with PP 46501, which is currently the only valid permit for this property.

SITE DESCRIPTION

The project site consists of three contiguous parcels, APN No. 6021-018-031 ("Lot 31"), APN No. 021-018-032 ("Lot 32"), and APN No. 6021-018-033 ("Lot 33"). The project site is currently developed with multiple auto repair workshops and warehouses, one legally established wireless telecommunications facility (WTF), two offices consisting of one new modular trailer and one building that has been converted to a residential use without permit, a legally nonconforming existing single family-residence built in 1924, landscaping, and surface parking. Outside storage is maintained throughout all three parcels and there is no access between Lots 31 and 32.

- Lot 31 contains an existing 385-square-foot single-family dwelling that was constructed in 1924, a 1,242-square foot automobile repair and parts storage workshop, a 26-foot wide driveway that accesses 35 parking spaces on the east and south end of the property, and a 10-foot high fence extending east to west approximately 23 feet north of the southern parcel boundary, separating it from Lot 32. This site appears to be leased out to another operator and is unclear what the primary use is. Observed uses include outside storage of trucks, vehicles, parts and equipment.
- Lot 32 contains three automobile body, paint, and repair workshops that are 1,242 square feet, 1,150 square feet, and 6,874 square feet in size. The parcel also contains a 112-square foot bathroom located in the center of the parcel, with a 20-foot-wide internal driveway extending north to south to the east of the bathroom, and five parking spaces. Furthermore, the parcel contains outdoor storage areas and storage racks for tools and parts along the eastern edge of the parcel.
- Lot 33 contains a 728-square-foot office, which has been used as a second unpermitted residence on the project site, a 1,971-square-foot warehouse building for parts storage, a 224-square-foot modular office trailer, a 26-foot wide internal access driveway that extends west to east, and six parking spaces, including one accessible space. This site also includes outside storage throughout mostly of inoperable vehicles, but also includes a pallet yard business. The parcel contains an existing mono-pine style WTF with an 896-square foot lease area, located in the southeast corner of the parcel. The WTF is permitted under a separate entitlement, CUP No. 201400170.

RECOMMENDATION FOR DENIAL

Staff recommends the Commission deny this application for the following reasons:

- (1) NCR Application Process - Pursuant to Section 22.56.1510 the County Code, a nonconforming review strictly limits new construction and introduction of new or expanded land uses on the site. An NCR permit is appropriate for uses that were legally-established and are nonconforming due to use, because they are not allowed in the current zone even with a CUP. In this case, the applicant is proposing uses that require a CUP in the M-1 Zone including automobile body and repair with incidental parts storage and warehousing, and a new modular trailer office structure. The applicant is also maintaining other land uses on the site, such as outside storage, that have not been legally established. The applicant has failed to provide a viable NCR application by proposing uses that can be permitted with a CUP, and that go beyond the scope of an NCR due to new and modified construction and expansion in land uses on the site.
- (2) Inaccurate Project Scope - There is a discrepancy in the uses that the applicant is proposing, and in what is being maintained on the project site. Recent inspections and past zoning enforcement history confirm that the applicant has been operating an automobile paint shop, as well as conducting automobile dismantling work on the site. Furthermore, all three parcels maintain outside

storage. Several businesses seem to be operating at the site simultaneously without the appropriate approvals. Lot 31 is sectioned off from Lot 32, and it is unclear what the use is in this area, but staff confirmed the presence of outside storage of trucks and vehicles. Lots 32 and 33 contain outside storage that is not incidental to automobile repair, but rather for an automobile dismantling business. Furthermore, automobile painting activities have been observed in Lot 32. The applicant has not requested entitlements for outside storage, automobile painting, or automobile dismantling, even though these uses have been reported and observed onsite.

- (3) History of Zoning Violations and Noncompliance - The site has a long history of noncompliance with Title 22 and with past entitlements, including numerous zoning violations over the last 15 years. This history includes a referral to the District Attorney (DA) on 2007 leading to litigation with the County. The owner has never ceased all unpermitted operations on the site, nor brought the property into full compliance with Title 22, and has failed to meet the required development standards for parking, landscaping, and fencing. During recent inspections, the applicant has refused to provide access to County staff, and prevented staff from taking photographs. For the last six years, the Department of Regional Planning (DRP) staff has worked with the applicant to process this application despite lack of clarity regarding the proposed and existing uses on the site, missing information, and continued violations on the site.
- (4) Failure to Meet the Burden of Proof – The lack of clarity and transparency regarding the existing and proposed uses on the site have made it impossible to ensure that the application meets development standards, while also mitigating for potentially detrimental impacts to the surrounding neighborhood. The applicant has not been able to comply with past conditions of approval and continues to be in violation of Title 22. As a result, the applicant has failed to demonstrate that the proposed and existing uses on the site will not negatively impact the neighborhood, therefore failing to meet the Burden of Proof.

EXISTING ZONING

The subject property is zoned M-1 (Light Manufacturing)

Surrounding properties are zoned as follows:

North: M-1 and R-3 (Limited Density Multiple Residence)

South: M-1 and R-3

East: R-3 and O-S (Open Space)

West: R-3

EXISTING LAND USES

The subject property is developed with several automobile repair workshops and warehouses, internal access driveways, surface parking, a modular office trailer, outdoor storage areas and storage racks, fencing, a legally nonconforming single-family home, another office predominantly used as a residence, and a WTF.

Surrounding properties are developed as follows:

- North: Multi-family and single -family residences, an industrial storage building
- South: Industrial warehouses and outdoor storage
- East: Metrolink Rail, Franklin D. Roosevelt Park
- West: Multi-family and single family residences

ZONING AND ENTITLEMENT HISTORY

The site has undergone a series of zoning changes starting about 1945 when it was first zoned as M-2. Today all parcels are zoned M-1. There has been one prior plot plan approval at the site, as well as two CUP approvals. CUP No. 00-184 for automobile dismantling in conjunction with auto body and repair, expired in 2011. The following table summarizes the zoning and entitlement history through 2015.

Date	Zoning/Entitlement History
1924	The single-family residence was constructed on Lot 31 according to Assessor's records, predating the enactment of zoning requirements in 1927.
1945	Ordinance No 4562 zoned the subject parcels as M-2 (Heavy Manufacturing).
1999	Ordinance No. 99-0058Z rezoned Lot 31 from M-2 to C-M. In the C-M Zone, automobile repair is a by right use, but automobile body and fender repair, and automobile painting and upholstering businesses require a CUP. Lots 32 and 33 remained as M-2.
02/14/00	Plot Plan No. 46501 authorized an automobile repair shop in the C-M Zone on Lot 31, as well as on Lots 32 and 33, which were still zoned M-2. It explicitly prohibited outside storage and auto salvage activities.
09/05/01	CUP No. 00-184 authorized automobile dismantling in conjunction with an automobile body repair shop on all three parcels. The CUP did not allow automobile painting. This permit expired on September 5, 2011.
05/05/04	CUP No. 04-043 approved a WTF on the site. CUP201400170 authorized continued operation of the WTF on May 5, 2015, which will expire on May 5, 2030.
2004	Ordinance No. 2004-0033Z (Florence Firestone Community Standards District - CSD) rezoned Lots 32 and 33 from M-2 to M-1. Automobile dismantling is not permitted in the M-1 Zone.
01/11/12	NCR No. 201200001, the pending/subject application, was submitted as an "Insist filing."
2015	The Los Angeles County General Plan 2035 rezoned Lot 31 from C-M to M-1, making all three parcels at the Project Site as M-1.

Enforcement and NCR Application Timeline

The site has an extensive history of Zoning Enforcement violations dating back over 15 years, including a referral to the District Attorney (DA) in 2007 for violations to CUP No. 00-184. These violations led to litigation with the County, which lasted through 2013. On January 11, 2012, three months after the expiration of CUP No. 00-184, the applicant submitted NCR application No. 201200001 requesting the authorization to continue an automobile body and repair shop. The application was taken in as an "insist" filing because a CUP application was the appropriate permitting option and not an NCR. It

has now been over six years since CUP No. 00-184 expired and the NCR application was filed.

The following table summarizes 15 years of Enforcement activity, as well as six years of actions and correspondence with the applicant and DRP Permits staff regarding the current NCR application. The information is based on County records, including formal correspondence, emails, and phone calls. Some of these records are included as part of the attached Findings.

Date	Zoning Enforcement/NCR Permit Processing History
01/29/03	Enforcement case (EF003051) was opened for violations to CUP No. 00-184 regarding painting onsite without a spray booth. This was referred to and confirmed by Southern Coast Air Quality Management District (SCAQMD).
03/17/03	<p>Enforcement issued a Notice of Violation (NOV) for violations to CUP00-184 Conditions 2, 6, 8-10, 12, and 15-22. Conditions 2-21 addressed the following violations:</p> <ul style="list-style-type: none"> • Failure to file the Affidavit of Acceptance, • Failure to pay inspection fees, • Lack of compliance with the requirements of the Division of Building and Safety, • Lack of Compliance with conditions stipulated by the Department of Public Works, • Issues with graffiti and clean up, • Failure to file a Notice of Determination, and • Failure to submit a Revised Exhibit A, Elevations or Landscaping plans. <p>Condition 22 referenced compliance with landscaping, parking and other development standards for fencing and walls, lighting and proper maintenance of the automobile dismantling yard and automobile repair operations.</p>
05/12/03	Enforcement issued a Final Zoning Enforcement Order (FZEO).
03/25/04	A DRP site visit confirmed that the site does not conform to parking and layout, and continued violations to CP00-184 conditions of approval were observed.
05/05/05	Enforcement Case (EF051279) was opened for complaints regarding a garage conversion and parking overflow from the site.
06/20/05	Enforcement issued an NOV for an unpermitted garage conversion.
08/22/05	Enforcement issued a FZEO.
10/24/05	An Enforcement inspection revealed continued violations to CUP No. 00-184 for lack of compliance with site plans and landscaping requirements.
11/01/05	Enforcement issued an NOV.
12/07/05	Enforcement issued a FZEO.
04/05/06	An Enforcement inspection was conducted noting that violations continue.
04/06/06	A FZEO was posted at the property.
09/20/06	Enforcement Case (EF063331) was opened in response to a complaint regarding a junk yard/chop shop at 7640 Maie Avenue
11/08/06	An enforcement inspection was conducted noting that violations continue.
04/11/07	An enforcement inspection was conducted noting that violations continue.
04/18/07	A Second Notice of Noncompliance (SNON) was mailed to and received by

	Mitchell Investors.
04/24/07	A SNON was posted at the property.
04/30/07	Enforcement referred the case to the DA's office.
05/22/07	The permittee paid a noncompliance fee.
03/27/08	A DA Conference was held.
04/02/08 – 10/13/11	Enforcement file notes state that the violations continued. (Note: No other information is found for this time period.)
09/05/11	CUP No.00-184 expired.
01/11/12	An Enforcement inspection was conducted noting that violations continue. NCR 20120001 application was submitted via "insist filing." The applicant was advised that they would need to apply for a parking permit for a reduction in parking requirements and that a CUP would be required.
08/10/12	DA, Tina L. Hansen, appeared in court and the case was continued to November 2012.
08/28/12	Permits staff mailed an Incomplete letter to the applicant.
09/20/12	Documentation shows that the Los Angeles Regional Water Quality Control Board assessed fines to the applicant for violations on the site.
09/24/12	Permits staff mailed a Notice of Denial Due to Inactivity to the applicant.
10/11/12	Correspondence from Luna & Glushon (applicant's attorney) states the applicant would like to continue with NCR application.
10/24/12	The case was removed from hearing officer agenda and given a 90-day deadline to submit the requested information.
01/14/13	A Court hearing agreement required that the applicant cease all automobile repair and paint activity immediately, remove all contents from the building and all vehicles from the subject property, demolish unpermitted structures, and obtain other needed approvals from County Departments within 30 - 60 days.
05/07/13	Permits staff mailed an Incomplete Letter to the applicant requesting information.
05/30/13	Luna & Glushon, respond that the applicant would like to continue to pursue the NCR application and will submit further documentation.
08/05/13	Luna & Glushon submitted additional application information.
01/05/15	Permits staff emails asking for application, materials, timelines, corrections and revisions.
12/15/15	Inspection conducted at the site with DRP Permits West and Enforcement
07/15/15	Luna & Glushon submitted revised plans.
06/29/16	Permits staff mailed an Incomplete Letter to the applicant requesting information.
03/29/17	Staff emailed applicant regarding application status.
04/03/17	Staff spoke to Kristina Kropp from Luna & Glushon regarding case status. The applicant emailed staff to summarize the phone conference on that day regarding outstanding items.
07/12/17	A scheduled/announced site inspection was conducted at the subject site. The applicant had several months to prepare before the inspection. Violations observed including outside storage and activities that fall under the "automobile dismantling" definition including removal, storage and sale of automobile parts, as well as auto body and repair work.
11/01/17	A letter was mailed to the applicant with a 60-day deadline to provide the required information regarding their NCR application.
12/28/17	Luna & Glushon responded that the applicant would like to continue to pursue

	the NCR application and will submit a revised site plan.
02/13/18	Luna & Glushon submitted a revised site plan that required corrections.
03/01/18	Luna & Glushon submitted a revised site plan that required corrections.
03/07/18	An unannounced site inspection was conducted at the site. The applicant did not permit DRP staff to take photographs of the property. Violations observed included: Outside storage of inoperable vehicles throughout the entire site not incidental to automobile repair, a pallet yard operation, active automobile body, repair and paint work (fumes present), outdoor automobile work related to removal, storage and sale of automobile parts (automobile dismantling), and noncompliance with PP 46501. The applicant was not cited by Enforcement because photography was not permitted.
03/20/18	Enforcement conducted an inspection and observed continued violations. Photography was not allowed.
03/21/18	Staff mailed a Letter of Intent to Deny the NCR pending application to the applicant.
03/29/18	Staff mailed a letter summarizing a phone conference on 03/27/18 with the applicant's counsel, Rob Glushon, confirming intent to deny the pending NCR application. This also included corrections to the revised site plan submitted on 02/13/18,
04/11/18	Enforcement conducted an inspection. Violations were observed but access to the site was not granted.
04/17/18	The applicant submitted a revised site plan that requires further corrections. Staff sent another round of corrections from 03/29/18.
04/18/18	Various emails were exchanged between DRP Staff and applicant's counsel regarding site plan corrections and code questions.
04/19/18	A Notice of Hearing was posted at the property.
04/24/18	Staff received an email from Kristina Kropp of Luna & Glushon, asking for further clarification of parking requirements. Staff responded.
04/25/18	Staff spoke with Kristina Kropp regarding the case and options moving forward.
04/30/18	Staff responded in writing to the applicant regarding the possibility of submitting a CUP application at this point in time, before the scheduled hearing for denial.
05/02/18	Luna & Glushon responded stating they will confirm their next steps.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies as a Statutory Exemption pursuant to the California Public Resources Code Section 15061 and 15270, which states that the California Environmental Quality Act does not apply to projects which a public agency rejects or disapproves. Therefore, the project qualifies as a Statutory Exemption (Projects Which Are Disapproved) and 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.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the IL (Light Industrial) land use category of the Los Angeles County General Plan 2035 ("General Plan"). This designation is intended for light manufacturing uses that have low nuisance impacts, such as light manufacturing,

assembly, warehousing and distribution. This land use precludes heavy manufacturing uses without a CUP, and prohibits more intensive industrial uses such as automobile dismantling. The proposed project fails to comply with the following policy of General Plan:

- *Land Use Policy 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*

The existing automobile body repair shop has been operating without a permit since May 15, 2011 when CUP No. 00-184 expired. The permittee violated the conditions of CUP No. 00-184 while the CUP was still valid, including conducting automobile painting onsite. The applicant also failed to file the Affidavit of Acceptance or pay inspection fees on time, comply with other County Department requirements, submit revised site plans including a landscaping plan and elevations, or meet other development standards for fencing and walls, lighting and proper maintenance of the automobile dismantling yard and automobile repair operations. These violations have never been fully resolved.

In addition, the project site is surrounded by predominantly residential uses to the north and west, but does not use any buffers to shield it from incompatible residential uses nearby, thereby failing to mitigate and reduce potential impacts of the proposed uses on the adjacent residential land uses.

There are no applicable policies of a Community Plan that are applicable to the proposed project.

Zoning Ordinance and Development Standards Compliance

The applicant has requested an NCR application to authorize uses that are permitted with a CUP. The applicant has requested to authorize the continued operation, maintenance and use of an existing automobile body and repair business with incidental parts storage, warehousing, and a new modular office trailer. However, other uses that have been observed on the site include automobile painting, automobile dismantling, and outside storage including a pallet yard business, truck storage and the storage of inoperable vehicles, parts and equipment. Section 22.56.1510 of the County Code provides clear guidelines for nonconforming uses as follows:

- *A nonconforming use or a building or structure nonconforming due to use and/or standards may be maintained provided there is no alteration, enlargement or addition to the building, no increase in occupant load: nor any enlargement of area, space or volume occupied by or devoted to such use.*

An NCR review strictly limits additional development or the introduction of new and expanded land uses on a site. This type of review is appropriate for uses that were once legally established, but that are no longer allowed in the zone, even with a CUP. In this case, the applicant is requesting to permit an automobile body and repair business, as well as incidental auto parts storage and a new modular office structure, all uses which can be permitted with a CUP. However, recent site inspections show the applicant is also maintaining other uses on site that have not been outlined in the project scope

such as outside storage, and automobile painting. These uses can also be permitted through a CUP, but the applicant has not proposed these as part of their project scope in the NCR review because these uses were never legally established before. Auto dismantling activities have also been observed at the site, this use is prohibited.

Furthermore, the project site fails to comply with the development standards for outside storage and display, for vehicle parking and signage in the M-1 Zone, with buffer, outdoor storage and permitting given the proximity to residential uses from the Florence-Firestone CSD, or with any previous permit approval for the site. Pursuant to Section 22.32.035 of the County Code, establishments in the M-1 Zone are subject to the following development standards:

- *Outside display and storage. Pursuant to Sections 22.52.560, 22.52.570 and 22.52.630 properties that maintain outside storage must comply with the applicable fence/wall, and landscaping requirements.*

The applicant has not explicitly proposed outside storage as part of the NCR application. However, recent site inspections at the site confirm that the applicant continues to use outdoor space to store primarily inoperable vehicles, parts, and equipment throughout all three parcels. A truck storage business and a pallet yard business were also observed on Lot 31 and Lot 33, respectively. The applicant needs to clarify if the existing outside storage onsite is incidental to the primary use or not, requiring review as part of a CUP application. The development standards would also require the applicant to comply with the applicable fence/wall and landscaping requirements.

- *Vehicle parking: Pursuant to Section 22.52.1100 all automobile repair uses are required to provide one parking space for every 250 square feet of floor area.*

The applicant is not meeting the minimum number of parking spaces required by PP 46501. They are also not providing sufficient parking based on their current square footage. PP 46501 required 120 parking spaces based on the total square footage at the time of approval, which was 26,209 square feet, plus office space. However, the plan provided 140 spaces. The applicant is only proposing 35 parking spaces based on the most recent figure for total floor area of 16,179 square feet, which would require at least 75 parking spaces pursuant to Section 22.52.1100.

For reference, expired CUP No. 00-184 only required 10 spaces, based on the parking requirements for automobile dismantling yards, which do not apply here.

As project scope has not been clearly defined, staff is not able to determine the minimum required parking. With a CUP application, depending on the defined project scope, the applicant could potentially qualify for the industrial zone parking standard pursuant to Section 22.52.1140, which requires one parking space for every 500 square feet of floor area. However, since the applicant has requested an NCR, Staff has directed the applicant to refer to the only valid

approval onsite, PP 46501, which utilized the commercial requirements for parking. Furthermore, Staff has informed the applicant that a reduction in the required parking would require the submission of a separate parking permit application.

- *Signs: All signage on the property should comply with Sections 22.52.870 and 22.52.880 of Title 22.*

The applicant has failed to demonstrate that the existing signage complies with current standards or that it complied with standards during the time of prior approvals. This was not addressed in PP 46501 or CUP No. 00-184.

- *Since CUP No. 00-184 expired in 2011, the only valid entitlement on the site is PP 46501. PP 46501 approved auto repair within an enclosed building without incidental outside storage, also requiring 12% landscaping and 140 parking spaces.*

The applicant has failed to demonstrate that they are able to comply with PP 46501 since they are maintaining other uses on the site including automobile dismantling, pallet yard storage, outside storage of inoperable vehicles, and automobile-body, paint and fender repair. Furthermore, they were never able to comply with these past landscaping or parking requirements.

Moreover, they also did not comply with the conditions of CUP No. 00-184 before expiration, such as conducting automobile painting onsite which was not permitted. The applicant also failed to file the Affidavit of Acceptance or pay inspection fees on time, to comply with other County Department requirements, to submit revised site plans, including a landscaping plan and elevations, or to meet other development standards for fencing and walls, lighting and proper maintenance of the automobile dismantling yard and automobile repair operations.

Pursuant to Section 22.44.138 of the County Code, establishments in the Florence-Firestone Community Standards District (CSD) are subject to the following development standards:

- *Buffers. Properties that adjoin a residential zone, or a school, park, playground, etc. shall have a minimum 5-foot landscaped buffer along the common property line, also requiring planting of a 15-gallon tree for every 100 square feet of landscaped area.*

The project site is not adjoined by residential zones to the north and south. However, the adjacent railway to the east is zoned R-3. Roosevelt Park is to the east of the railway. The applicant provides a four-foot strip of landscaping along the east side of the subject property, which has not been well-maintained over time. The subject property also faces an R-3 Zone with single and multi-family homes directly across the street to the west. Furthermore, the project site

includes a single-family residence on Lot 31. It should also be noted that another structure on Lot 33, depicted as an office on the site plan, has been used illegally as a residence.

The applicant has made no effort to create a buffer from the existing and proposed uses at the site to the nearby residential uses or zones, particularly across the street to the west. This has also been difficult to require since the applicant does not clarify the proposed uses in the project scope. Automobile painting uses should be placed as far from residential uses as possible. Automobile painting activities are also required to comply with other standards by SCAQMD. Furthermore, automobile dismantling is prohibited and DRP staff has received complaints regarding these uses in the neighborhood.

- *Outdoor Business: All principal business uses, except parking, conducted outside an enclosed structure within 250 feet of a residential zone or sensitive use require a CUP.*

The applicant continues to maintain outside storage on the site that is not incidental to the proposed uses. Per the CSD, any outdoor business activities require a CUP, given that the project site is within 250 feet of a residential zone. The applicant has not proposed outside storage as part of their project scope, but they have been operating outside an enclosed building for years.

- *Uses Subject to Permits include: Automobile body and fender repair shops, if all operations are conducted inside a building, as well as automobile painting and upholstery.*

Automobile painting, and outdoor automobile work and auto dismantling are uses that have been observed on the site, creating a nuisance to the surrounding neighborhood. Auto dismantling and outdoor automobile-related activities are not permitted in the M-1 Zone. Though the applicant is requesting to permit an automobile body and repair business, they are asking to do so with an NCR. The NCR permit is appropriate for uses that were legally-established and are nonconforming because they are not allowed in the current zone, even with a CUP. In this case, these uses can be permitted with a CUP. The NCR is also not appropriate when new uses or construction is proposed.

Neighborhood Impact/Land Use Compatibility

The applicant has insisted on pursuing an NCR application despite staff's repeated direction that the proposed uses are permitted by a CUP. Furthermore, the applicant has also failed to provide a project scope that accurately depicts the uses on the site. This lack of transparency regarding the existing uses on the site has made it impossible to ensure that the application meets development standards, while also mitigating for potentially detrimental impacts to the surrounding neighborhood.

The Light Industrial land use category and M-1 Zone are intended for light manufacturing uses that have low nuisance impact, such as light manufacturing,

assembly, warehousing and distribution. However, the scale/nature of the proposed and existing uses on the site do not align with the surrounding land uses. Though uses such as automobile body and fender repair, and automobile painting can be permitted with a CUP if they are indoor, these need to be proposed in a manner that is most compatible with the surrounding residential uses. The property has had multiple violations for operating heavy industrial uses, such as automobile painting and automobile dismantling, without permits.

Automobile painting creates fumes and particulate by-products with the potential to negatively impact the surrounding residential neighborhood and uses. Similarly, automobile dismantling is a use that is not allowed in the M-1 Zone, and suited for zones that allow heavy industrial zones such as M-2. This use does not integrate well with the surrounding uses including mostly residences, and other small-scale commercial and industrial uses. There has been no effort at all on behalf of the applicant to mitigate any of these impacts such as providing sufficient and well-maintained landscaping buffers on the property, or by relocating their automobile body, paint and repair facilities to a different location on the project site.

Moreover, the project site has a long history of zoning enforcement actions, including a DA referral and litigation. The applicant has never been able to bring the property into full compliance with past approvals, and has failed to submit documents such as revised site plans and landscaping plans, failing to comply with other conditions of approval and development standards from previous approvals. Recent site inspections demonstrate that the applicant continues to conduct automobile body, repair, and paint work without the required permits, and continues to allow unpermitted outside storage, and automobile dismantling on the property.

Given the overall lack of sufficient progress with the proposed application, site plan and site conditions over the last six years, as well as taking into account the extended history of unresolved violations on the property dating back to over 15 years, the applicant has failed to provide a viable NCR application. In summary, as based on the substantial enforcement history and health and safety issues outlined in this report, the applicant has failed to demonstrate that the proposed uses and existing uses on the site can be operated in compliance with the County Code and that the uses will not negatively impact the neighborhood, failing to meet the Burden of Proof.

Site Visits

Staff conducted site inspections on July 12, 2017, March 7, 2018, March 20, 2018, April 11, 2018, and April 19, 2018, observing the following continued violations:

- Unpermitted uses such as automobile dismantling, pallet yard storage, outside storage of inoperable vehicles, and automobile-body, paint and fender,
- Automobile repair conducted outside of an enclosed building, and
- Continued lack of compliance with PP 46501 approval for use, layout, parking and landscaping.

Staff conducted a joint inspection with Enforcement on July 12, 2017. This inspection revealed that work was being conducted on the site, including automobile body and

fender work, as well as activities that are associated with automobile dismantling, including the removal, storage and sale of automobile parts from vehicles. Though the applicant did not allow staff to photograph the site during the unannounced site inspection on March 7, 2018, staff could smell strong fumes associated with automobile paint work. Furthermore, the entire site was filled with the storage of inoperable vehicles that were not incidental to the automobile repair business. Staff also observed a pallet yard business. The applicant has made some effort to clean up the site in the subsequent inspections.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.1550 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has not met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The Department of Public Works did not recommend this Project for approval. The Fire Department did provide any comments for the Project. The Department of Public Health recommended the Project for approval, subject to certain conditions. County Departments however have not reviewed a final site plan as the applicant has not provided a defined Project scope or complete site plan.

OTHER AGENCY COMMENTS AND RECOMMENDATIONS

Staff has not received any comments regarding this project at this time.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff received a few calls regarding the Project. One person had general questions and did not have a strong view in favor or against the Project. Two other callers expressed concerns regarding the operations at the site stating that operations continue past daytime operating hours, and complained about paint fumes, noise, truck traffic, and waste and runoff created by the operations at the Project Site. One caller complained that incoming and outgoing trucks operating all hours of the night front his site, causing noise and issues with street parking. Complaints also state that these trucks are carrying dismantled vehicles and parts, which is a use that is prohibited in this zone. The two callers stated they have attempted to express their concerns to the owner, but that he did nothing to address these concerns. These callers said they would attend the public hearing.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **DENIAL** of Project Number 2012-00034-(2), Nonconforming Review No. 201200001.

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND DENY NONCONFORMING NO. 201200001 SUBJECT TO THE ATTACHED FINDINGS.

Prepared by Erica Gutierrez, Senior Regional Planning Assistant, Zoning Permits West Section

Reviewed by Nooshin Paidar, Supervising Regional Planner, Zoning Permits West Section

Attachments:

Draft Findings

Vicinity/Land Use Maps

Applicant's Project Description

Applicant's Burden of Proof statement

Site Photographs

Aerial Images

Observed/Existing land uses on site

Previous CUP approval

Previous Plot Plan approval

Proposed Site Plan

NP:TS:EG

05/23/18

FINDINGS

**DRAFT FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00034-(2)
NONCONFORMING REVIEW NO. 201200001**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Nonconforming Review No. 201200001 ("NCR") on May 23, 2018.
2. The applicant ("applicant"), requests the NCR to authorize the continued operation, maintenance and use of an existing automobile body and repair business with incidental parts storage, warehousing, and a new modular office trailer ("Project") on a property located at 7702 (7628, 7640, 7710) Maie Avenue in the unincorporated community of Florence-Firestone ("Project Site") in the M-1 (Light Manufacturing). Pursuant to Section 22.44.138.D.7.d of the Florence-Firestone Community Standards District (CSD), automobile body and fender repair shops are permitted with a Conditional Use Permit (CUP), if conducted inside of an enclosed building.

On February 14, 2000, Site Plan Review Application No. 46501 (PP 46501) approved an automobile repair use within an enclosed building with parking and landscaping. PP 46501 is not expired. On September 5, 2001, CUP 00-184 approved an automobile dismantling yard and automobile body and repair shop. CUP 00-184 expired on September 5, 2011. Automobile dismantling is no longer allowed since the property's zone was changed to M-1 through the adoption of the CSD.

On January 11, 2012, the applicant submitted this Nonconforming Review application pursuant to County Code Section 22.56.1550, which allows legally established uses to continue if they are no longer allowed in a Zone, even with a CUP. The applicant was informed at the time of submittal that the appropriate application is a CUP. The applicant however submitted an NCR application, taken in as an "insist filing," to continue the operation of an automobile body and repair business.

3. The applicant has submitted NCR No. 201200001 to authorize the continued operation, maintenance and use of an existing automobile body and repair business with incidental parts storage, warehousing, and a new modular office trailer across three adjoining parcels, APN No. 6021-018-031 ("Lot 31"), APN No. 021-018-032 ("Lot 32"), and APN No. 6021-018-033 ("Lot 33").

The uses the applicant is requesting require a CUP. Furthermore, other observed uses on the site include outside storage of pallets, trucks, inoperable vehicles, parts and equipment. Automobile painting and automobile dismantling activities have also been observed onsite. Automobile painting and outside storage are uses that require a CUP, whereas auto dismantling is a prohibited use in the zone. The applicant however has insisted on moving forward with an NCR application, but has not provided an accurate project scope and site plan layout that is in substantial compliance with PP 46501, which is currently the only valid permit for this property.

4. The Project Site is developed with several automobile repair workshops and warehouses, internal access driveways, surface parking, a modular office trailer, outdoor storage areas and storage racks, fencing, a legally nonconforming single-family home, another office predominantly used as a residence, and a wireless telecommunications facility (WTF). Outside storage is maintained throughout all three parcels and there is no access between Lots 31 and 32.
- Lot 31 contains an existing 385-square-foot single-family dwelling that was constructed in 1924, a 1,242-square foot automobile repair and parts storage workshop, a 26-foot wide driveway that accesses 35 parking spaces on the east and south end of the property, and a 10-foot high fence extending east to west approximately 23 feet north of the southern parcel boundary, separating it from Lot 32. This site appears to be leased out to another operator and is unclear what the primary use is. Observed uses include outside storage of trucks, vehicles, parts and equipment.
 - Lot 32 contains three automobile body, paint, and repair workshops that are 1,242 square feet, 1,150 square feet, and 6,874 square feet in size. The parcel also contains a 112-square foot bathroom located in the center of the parcel, with a 20-foot-wide internal driveway extending north to south to the east of the bathroom, and five parking spaces. Furthermore, the parcel contains outdoor storage areas and storage racks for tools and parts along the eastern edge of the parcel.
 - Lot 33 contains a 728-square-foot office, which has been used as a second unpermitted residence on the project site, a 1,971-square-foot warehouse building for parts storage, a 224-square-foot modular office trailer, a 26-foot wide internal access driveway that extends west to east, and six parking spaces, including one accessible space. This site also includes outside storage throughout mostly of inoperable vehicles, but also includes a pallet yard business. The parcel contains an existing mono-pine style WTF with an 896-square foot lease area, located in the southeast corner of the parcel. The WTF is permitted under a separate entitlement, CUP No. 201400170.
5. Staff recommends the Commission deny this application for the following reasons:
- (1) NCR Application Process - Pursuant to Section 22.56.1510 the County Code, a nonconforming review strictly limits new construction and introduction of new or expanded land uses on the site. An NCR permit is appropriate for uses that were legally-established and are nonconforming due to use, because they are not allowed in the current zone even with a CUP. In this case, the applicant is proposing uses that require a CUP in the M-1 Zone including automobile body and repair with incidental parts storage and warehousing, and a new modular trailer office structure. The applicant has failed to provide a viable NCR application by proposing uses that can be permitted with a CUP, and that go beyond the scope of an NCR due to new and modified construction and expansion in land uses on the site.

- (2) Inaccurate Project Scope - There is a discrepancy in the uses that the applicant is proposing and in what is being maintained on the project site. Recent inspections and past zoning enforcement history confirm that the applicant has been operating an automobile paint shop, as well as conducting automobile dismantling work on the site. Furthermore, all three parcels maintain outside storage. Several businesses seem to be operating at the site simultaneously without the appropriate approvals. Lot 31 is sectioned off from Lot 32 and it is unclear what the use is in this area, but staff confirmed the presence of outside storage of trucks and vehicles. Lots 32 and 33 contain outside storage that is not incidental to automobile repair, but rather for an automobile dismantling business. Furthermore, automobile painting activities have been observed in Lot 32. The applicant has not requested entitlements for outside storage, automobile painting, or automobile dismantling, even though these uses have been reported and observed onsite.
- (3) History of Zoning Violations and Noncompliance - The site has a long history of noncompliance with Title 22 and with past entitlements, including numerous zoning violations over the last 15 years. This history includes a referral to the District Attorney (DA) on 2007 leading to litigation with the County. The owner has never ceased all unpermitted operations on the site, nor brought the property into full compliance with Title 22, and has failed to meet the required development standards for parking, landscaping, and fencing. During recent inspections, the applicant has refused to provide access to County staff, and prevented staff from taking photographs. For the last six years, the Department of Regional Planning (DRP) staff has worked with the applicant to process this application despite lack of clarity regarding the proposed and existing uses on the site, missing information, and continued violations on the site.
- (4) Failure to Meet the Burden of Proof – The lack of clarity and transparency regarding the existing and proposed uses on the site have made it impossible to ensure that the application meets development standards, while also mitigating for potentially detrimental impacts to the surrounding neighborhood. The applicant has not been able to comply with past conditions of approval and continues to be in violation of Title 22. As a result, the applicant has failed to demonstrate that the proposed and existing uses on the site will not negatively impact the neighborhood, therefore failing to meet the Burden of Proof.
6. The Project Site is accessible via Maie Avenue.
7. The Project Site is located in the Compton-Florence Zoned District and is currently zoned M-1 (Light Manufacturing).
8. The Project Site is located within the IL (Light Industrial) land use category of the Los Angeles County General Plan 2035 (“General Plan”).
9. Surrounding Zoning within a 500-foot radius includes:
- North: M-1 and R-3 (Limited Density Multiple Residence)

South: M-1 and R-3
East: R-3 and O-S (Open Space)
West: R-3

10. Surrounding land uses within a 500-foot radius include:

North: Multi-family and single -family residences, an industrial storage building.
South: Industrial warehouses and outdoor storage.
East: Metrolink Rail, Franklin D. Roosevelt Park
West: Multi-family and single family residences

11. Previous Cases/Zoning History

The site has undergone a series of zoning changes starting about 1945 when it was first zoned as M-2. Today all parcels are zoned M-1. There has been one prior plot plan approval at the site, as well as two CUP approvals. CUP No. 00-184 for automobile dismantling in conjunction with auto body and repair, expired in 2011. The following table summarizes the zoning and entitlement history through 2015.

Date	Zoning/Entitlement History
1924	The single-family residence was constructed on Lot 31 according to Assessor's records, predating the enactment of zoning requirements in 1927.
1945	Ordinance No 4562 zoned the subject parcels as M-2 (Heavy Manufacturing).
1999	Ordinance No. 99-0058Z rezoned Lot 31 from M-2 to C-M. In the C-M Zone, automobile repair is a by right use, but automobile body and fender repair, and automobile painting and upholstering businesses require a CUP. Lots 32 and 33 remained as M-2.
02/14/00	Plot Plan No. 46501 authorized an automobile repair shop in the C-M Zone on Lot 31, as well as on Lots 32 and 33, which were still zoned M-2. It explicitly prohibited outside storage and auto salvage activities.
09/05/01	CUP No. 00-184 authorized automobile dismantling in conjunction with an automobile body repair shop on all three parcels. The CUP did not allow automobile painting. This permit expired on September 5, 2011.
05/05/04	CUP No. 04-043 approved a WTF on the site. CUP201400170 authorized the continued operation of the WTF on May 5, 2015, which will expire on May 5, 2030.
2004	Ordinance No. 2004-0033Z (Florence Firestone Community Standards District - CSD) rezoned Lots 32 and 33 from M-2 to M-1. Automobile dismantling is not permitted in the M-1 Zone.
01/11/12	NCR No. 201200001, the pending/subject application, was submitted as an "Insist filing."
2015	The Los Angeles County General Plan 2035 rezoned Lot 31 from C-M to M-1, making all three parcels at the Project Site as M-1.

Enforcement and NCR Application Timeline

The site has an extensive history of Zoning Enforcement violations dating back over 15 years, including a referral to the District Attorney (DA) in 2007 for violations to CUP No. 00-184. These violations led to litigation with the County, which lasted through 2013. On January 11, 2012, three months after the expiration of CUP No. 00-184, the applicant

submitted NCR application No. 201200001 requesting the authorization to continue an automobile body and repair shop. The application was taken in as an “insist” filing because a CUP application was the appropriate permitting option and not an NCR. It has now been over six years since CUP No. 00-184 expired and the NCR application was filed.

The following table summarizes 15 years of Enforcement activity, as well as six years of actions and correspondence with the applicant and DRP Permits staff regarding the current NCR application. The information is based on County records, including formal correspondence, emails, and phone calls. Some of these records are included as part of the attached Findings.

Date	Zoning Enforcement/NCR Permit Processing History
01/29/03	Enforcement case (EF003051) was opened for violations to CUP No. 00-184 regarding painting onsite without a spray booth. This was referred to and confirmed by Southern Coast Air Quality Management District (SCAQMD).
03/17/03	<p>Enforcement issued a Notice of Violation (NOV) for violations to CUP00-184 Conditions 2, 6, 8-10, 12, and 15-22. Conditions 2-21 addressed the following violations:</p> <ul style="list-style-type: none"> • Failure to file the Affidavit of Acceptance, • Failure to pay inspection fees, • Lack of compliance with the requirements of the Division of Building and Safety, • Lack of Compliance with conditions stipulated by the Department of Public Works, • Issues with graffiti and clean up, • Failure to file a Notice of Determination, and • Failure to submit a Revised Exhibit A, Elevations or Landscaping plans. <p>Condition 22 referenced compliance with landscaping, parking and other development standards for fencing and walls, lighting and proper maintenance of the automobile dismantling yard and automobile repair operations.</p>
05/12/03	Enforcement issued a Final Zoning Enforcement Order (FZEO).
03/25/04	A DRP site visit confirmed that the site does not conform to parking and layout, and continued violations to CP00-184 conditions of approval were observed.
05/05/05	Enforcement Case (EF051279) was opened for complaints regarding a garage conversion and parking overflow from the site.
06/20/05	Enforcement issued an NOV for an unpermitted garage conversion.
08/22/05	Enforcement issued a FZEO.
10/24/05	An Enforcement inspection revealed continued violations to CUP No. 00-184 for lack of compliance with site plans and landscaping requirements.
11/01/05	Enforcement issued an NOV.
12/07/05	Enforcement issued a FZEO.
04/05/06	An Enforcement inspection was conducted noting that violations continue.
04/06/06	A FZEO was posted at the property.
09/20/06	Enforcement Case (EF063331) was opened in response to a complaint regarding a junk yard/chop shop at 7640 Maie Avenue

11/08/06	An enforcement inspection was conducted noting that violations continue.
04/11/07	An enforcement inspection was conducted noting that violations continue.
04/18/07	A Second Notice of Noncompliance (SNON) was mailed to and received by Mitchell Investors.
04/24/07	A SNON was posted at the property.
04/30/07	Enforcement referred the case to the DA's office.
05/22/07	The permittee paid a noncompliance fee.
03/27/08	A DA Conference was held.
04/02/08 – 10/13/11	Enforcement file notes state that the violations continued. (Note: No other information is found for this time period.)
09/05/11	CUP No.00-184 expired.
01/11/12	An Enforcement inspection was conducted noting that violations continue. NCR 20120001 application was submitted via "insist filing." The applicant was advised that they would need to apply for a parking permit for a reduction in parking requirements and that a CUP would be required.
08/10/12	DA, Tina L. Hansen, appeared in court and the case was continued to November 2012.
08/28/12	Permits staff mailed an Incomplete letter to the applicant.
09/20/12	Documentation shows that the Los Angeles Regional Water Quality Control Board assessed fines to the applicant for violations on the site.
09/24/12	Permits staff mailed a Notice of Denial Due to Inactivity to the applicant.
10/11/12	Correspondence from Luna & Glushon (applicant's attorney) states the applicant would like to continue with NCR application.
10/24/12	The case was removed from hearing officer agenda and given a 90-day deadline to submit the requested information.
01/14/13	A Court hearing agreement required that the applicant cease all automobile repair and paint activity immediately, remove all contents from the building and all vehicles from the subject property, demolish unpermitted structures, and obtain other needed approvals from County Departments within 30 - 60 days.
05/07/13	Permits staff mailed an Incomplete Letter to the applicant requesting information.
05/30/13	Luna & Glushon, respond that the applicant would like to continue to pursue the NCR application and will submit further documentation.
08/05/13	Luna & Glushon submitted additional application information.
01/05/15	Permits staff emails asking for application, materials, timelines, corrections and revisions.
12/15/15	Inspection conducted at the site with DRP Permits staff and Enforcement
07/15/15	Luna & Glushon submitted revised plans.
06/29/16	Permits staff mailed an Incomplete Letter to the applicant requesting information.
03/29/17	Staff emailed applicant regarding application status.
04/03/17	Staff spoke to Kristina Kropp from Luna & Glushon regarding case status. The applicant emailed staff to summarize the phone conference on that day regarding outstanding items.
07/12/17	A scheduled/announced site inspection was conducted at the subject site. The applicant had several months to prepare before the inspection. Violations observed including outside storage and activities that fall under the "automobile dismantling" definition including removal, storage and sale of automobile parts, as well as auto body and repair work.

11/01/17	A letter was mailed to the applicant with a 60-day deadline to provide the required information regarding their NCR application.
12/28/17	Luna & Glushon responded that the applicant would like to continue to pursue the NCR application and will submit a revised site plan.
02/13/18	Luna & Glushon submitted a revised site plan that required corrections.
03/01/18	Luna & Glushon submitted a revised site plan that required corrections.
03/07/18	An unannounced site inspection was conducted at the site. The applicant did not permit DRP staff to take photographs of the property. Violations observed included: Outside storage of inoperable vehicles throughout the entire site not incidental to automobile repair, a pallet yard operation, active automobile body, repair and paint work (fumes present), outdoor automobile work related to removal, storage and sale of automobile parts (automobile dismantling), and noncompliance with PP 46501. The applicant was not cited by Enforcement because photography was not permitted.
03/20/18	Enforcement conducted an inspection and observed continued violations. Photography was not allowed.
03/21/18	Staff mailed a Letter of Intent to Deny the NCR pending application to the applicant.
03/29/18	Staff mailed a letter summarizing a phone conference on 03/27/18 with the applicant's counsel, Rob Glushon, confirming intent to deny the pending NCR application. This also included corrections to the revised site plan submitted on 02/13/18.
04/11/18	Enforcement conducted an inspection. Violations were observed but access to the site was not granted.
04/17/18	The applicant submitted a revised site plan that requires further corrections. Staff sent another round of corrections from 03/29/18.
04/18/18	Various emails were exchanged between DRP Staff and applicant's counsel regarding site plan corrections and code questions.
04/19/18	A Notice of Hearing was posted at the property.
04/24/18	Staff received an email from Kristina Kropp of Luna & Glushon, asking for further clarification of parking requirements. Staff responded.
04/25/18	Staff spoke with Kristina Kropp regarding the case and options moving forward.
04/30/18	Staff responded in writing to the applicant regarding the possibility of submitting a CUP application at this point in time, before the scheduled hearing for denial.
05/02/18	Luna & Glushon responded stating they will confirm their next steps.

12. Since the last inspection and being notified of the intent to deny, the applicant has cleaned up the site significantly. The applicant submitted a revised site plan, however, this did not address the corrections previously specified on March 29, 2018. The applicant has expressed some interest in the option to pursue a CUP application and also asking about by-right uses allowed on the site.
13. The Department of Public Works did not recommend this Project for approval. The Fire Department did provide any comments for the Project. The Department of Public Health recommended the Project for approval, subject to certain conditions. County Departments however have not reviewed a final site plan as the applicant has not provided a defined Project scope or complete site plan.

14. County Staff recommends that this Project qualifies as a Statutory Exemption pursuant to the California Public Resources Code Section 15061 and 15270, which states that the California Environmental Quality Act does not apply to Projects which a public agency rejects or disapproves. Therefore, the Project qualifies as a Statutory Exemption (Projects Which Are Disapproved) and 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.
15. Pursuant to the provisions of Section 22.60.174 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, posting on the DRP website, and property posting.
16. Staff received a few calls regarding the Project. One person had general questions and did not have a strong view in favor or against the Project. Two other callers expressed concerns regarding the operations at the site stating that operations continue past daytime operating hours, and complained about paint fumes, noise, truck traffic, and waste and runoff created by the operations at the Project Site. One caller complained that incoming and outgoing trucks operating all hours of the night front his site, causing noise and issues with street parking. Complaints also state that these trucks are carrying dismantled vehicles and parts, which is a use that is prohibited in this zone. The two callers stated they have attempted to express their concerns to the owner, but that he did nothing to address these concerns. These callers said they would attend the public hearing.
17. Hearing Proceedings – Held
18. The Commission finds that the proposed Project fails to comply with the applicable policies of the IL land use category of the General Plan.
 - *Land Use Policy 7.1: Reduce and mitigate the impacts of incompatible land uses, where feasible, using buffers and other design techniques.*

The existing automobile body repair shop has been operating without a permit since May 15, 2011 when CUP No. 00-184 expired. The permittee violated the conditions of CUP No. 00-184 while the CUP was still valid, including conducting automobile painting onsite. The applicant also failed to file the Affidavit of Acceptance or pay inspection fees on time, comply with other County Department requirements, submit revised site plans including a landscaping plan and elevations, or meet other development standards for fencing and walls, lighting and proper maintenance of the automobile dismantling yard and automobile repair operations. These violations have never been fully resolved.

In addition, the Project Site is surrounded by predominantly residential uses to the north and west, but does not use any buffers to shield it from incompatible residential uses nearby, thereby failing to mitigate and reduce potential impacts of the proposed uses on the adjacent residential land uses.

19. The Commission finds that there are no applicable policies of a Community Plan that are applicable to the proposed Project.
20. The Commission finds that the proposed Project does not comply with the applicable permitting requirements for uses that are not nonconforming pursuant to Section 22.56.1510, which states the following:

- *A nonconforming use or a building or structure nonconforming due to use and/or standards may be maintained provided there is no alteration, enlargement or addition to the building, no increase in occupant load: nor any enlargement of area, space or volume occupied by or devoted to such use.*

An NCR review strictly limits additional development or the introduction of new and expanded land uses on a site. This type of review is appropriate for uses that were once legally established, but that are no longer allowed in the zone, even with a CUP. In this case, the applicant is requesting to permit an automobile body and repair business, as well as incidental auto parts storage and a new modular office structure, all uses which can be permitted with a CUP. However, recent site inspections show the applicant is also maintaining other uses on site that have not been outlined in the Project scope such as outside storage, and automobile painting. These uses can also be permitted through a CUP, but the applicant has not proposed these as part of their Project scope in the NCR review because these uses were never legally established before. Auto dismantling activities have also been observed at the site, this use is prohibited.

21. The Commission finds that the proposed Project also does not comply with development standards for outside display and storage, for vehicle parking, and for signs for the M-1 Zone pursuant to Sections 22.56.1510 and 22.32.035. The Commission also finds that the applicant has not complied with the development standards and conditions of past entitlements, CUP No. 00-184 and PP 46501.

- *Outside display and storage. Pursuant to Sections 22.52.560, 22.52.570 and 22.52.630 properties that maintain outside storage must comply with the applicable fence/wall, and landscaping requirements.*

The applicant has not explicitly proposed outside storage as part of the NCR application. However, recent site inspections at the site confirm that the applicant continues to use outdoor space to store primarily inoperable vehicles, parts, and equipment throughout all three parcels. A truck storage business and a pallet yard business were also observed on Lot 31 and Lot 33, respectively. The applicant needs to clarify if the existing outside storage onsite is incidental to the primary use or not, requiring review as part of a CUP application. The development standards would also require the applicant to comply with the applicable fence/wall and landscaping requirements.

- *Vehicle parking: Pursuant to Section 22.52.1100 all automobile repair uses are required to provide one parking space for every 250 square feet of floor area.*

The applicant is not meeting the minimum number of parking spaces required by PP 46501. They are also not providing sufficient parking based on their current square footage. PP 46501 required 120 parking spaces based on the total square footage at the time of approval, which was 26,209 square feet, plus office space. However, the plan provided 140 spaces. The applicant is only proposing 35 parking spaces based on the most recent figure for total floor area of 16,179 square feet, which would require at least 75 parking spaces pursuant to Section 22.52.1100.

For reference, expired CUP No. 00-184 only required 10 spaces, based on the parking requirements for automobile dismantling yards, which do not apply here.

As Project scope has not been clearly defined, staff is not able to determine the minimum required parking. With a CUP application, depending on the defined Project scope, the applicant could potentially qualify for the industrial zone parking standard pursuant to Section 22.52.1140, which requires one parking space for every 500 square feet of floor area. However, since the applicant has requested an NCR, Staff has directed the applicant to refer to the only valid approval onsite, PP 46501, which utilized the commercial requirements for parking. Furthermore, Staff has informed the applicant that a reduction in the required parking would require the submission of a separate parking permit application.

- *Signs: All signage on the property should comply with Sections 22.52.870 and 22.52.880 of Title 22.*

The applicant has failed to demonstrate that the existing signage complies with current standards or that it complied with standards during the time of prior approvals. This was not addressed in PP 46501 or CUP No. 00-184.

- *Since CUP No. 00-184 expired in 2011, the only valid entitlement on the site is PP 46501. PP 46501 approved auto repair within an enclosed building without incidental outside storage, also requiring 12% landscaping and 140 parking spaces.*

The applicant has failed to demonstrate that they are able to comply with PP 46501 since they are maintaining other uses on the site including automobile dismantling, pallet yard storage, outside storage of inoperable vehicles, and automobile-body, paint and fender repair. Furthermore, they were never able to comply with these past landscaping or parking requirements.

Furthermore, they also did not comply with the conditions of CUP No. 00-184 before expiration, such as conducting automobile painting onsite which was not permitted. The applicant also failed to file the Affidavit of Acceptance or pay inspection fees on time, to comply with other County Department requirements, to submit revised site plans, including a landscaping plan and elevations, or to

meet other development standards for fencing and walls, lighting and proper maintenance of the automobile dismantling yard and automobile repair operations.

22. The Commission finds that the proposed Project does not comply with the applicable requirements of the Florence-Firestone CSD. Pursuant to Section 22.44.138 of the County Code, establishments in the Florence-Firestone Community Standards District (CSD) are subject to the following development standards:

- *Buffers. Properties that adjoin a residential zone, or a school, park, playground, etc. shall have a minimum 5-foot landscaped buffer along the common property line, also requiring planting of a 15-gallon tree for every 100 square feet of landscaped area.*

The Project Site is not adjoined by residential zones to the north and south. However, the adjacent railway to the east is zoned R-3. Roosevelt Park is to the east of the railway. The applicant provides a four-foot strip of landscaping along the east side of the subject property, which has not been well-maintained over time. The subject property also faces an R-3 Zone with single and multi-family homes directly across the street to the west. Furthermore, the Project Site includes a single-family residence on Lot 31. It should also be noted that another structure on Lot 33, depicted as an office on the site plan, has been used illegally as a residence.

The applicant has made no effort to create a buffer from the existing and proposed uses at the site to the nearby residential uses or zones, particularly across the street to the west. This has also been difficult to require since the applicant does not clarify the proposed uses in the Project scope. Automobile painting uses should be placed as far from residential uses as possible. Automobile painting activities are also required to comply with other standards by SCAQMD. Furthermore, automobile dismantling is prohibited and DRP staff has received complaints regarding these uses in the neighborhood.

- *Outdoor Business: All principal business uses, except parking, conducted outside an enclosed structure within 250 feet of a residential zone or sensitive use require a CUP.*

The applicant continues to maintain outside storage on the site that is not incidental to the proposed uses. Per the CSD, any outdoor business activities require a CUP, given that the Project Site is within 250 feet of a residential zone. The applicant has not proposed outside storage as part of their Project scope, but they have been operating outside an enclosed building for years.

- *Uses Subject to Permits include: Automobile body and fender repair shops, if all operations are conducted inside a building, as well as automobile painting and upholstery.*

Automobile painting, and outdoor automobile work and auto dismantling are uses that have been observed on the site, creating a nuisance to the surrounding neighborhood. Auto dismantling and outdoor automobile-related activities are not permitted in the M-1 Zone. Though the applicant is requesting to permit an automobile body and repair business, they are asking to do so with an NCR. The NCR permit is appropriate for uses that were legally-established and are nonconforming because they are not allowed in the current zone, even with a CUP. In this case, these uses can be permitted with a CUP. The NCR is also not appropriate when new uses or construction is proposed.

23. The Commission finds that the applicant has failed to provide a viable NCR application pursuant to Section 22.56.1510 of the County Code because the proposed uses are permitted with a CUP, and go beyond the scope of an NCR due to new and modified construction and expanded land uses on the site. A nonconforming review strictly limits new construction and the introduction of new or expanded land uses on the site. An NCR permit is appropriate for uses that were legally-established and are nonconforming due to use, because they are not allowed in the current zone even with a CUP. In this case, the applicant is proposing uses that require a CUP in the M-1 Zone including automobile body and repair with incidental parts storage and warehousing, and a new modular trailer office structure. The applicant is also maintaining other land uses on the site, such as outside storage, that have not been legally established.
24. The Commission finds that the applicant has also failed to provide a viable NCR application because they have failed to provide an accurate Project description that reflects the ongoing operations at the Project Site. There is a discrepancy in the uses that the applicant is proposing, and in what is being maintained on the Project Site. Recent inspections and past zoning enforcement history confirm that the applicant has been operating an automobile paint shop, as well as conducting automobile dismantling work on the site. Furthermore, all three parcels maintain outside storage onsite. Several businesses seem to be operating at the site simultaneously without the appropriate approvals. Lot 31 is sectioned off from Lot 32, and it is unclear what the use is in this area, but staff confirmed the presence of the outside storage of trucks and vehicles. Lots 32 and 33 contain outside storage that is not incidental to automobile repair, but rather for an automobile dismantling business. Furthermore, automobile painting activities have been observed in Lot 32. The applicant has not requested entitlements for outside storage, automobile painting, or automobile dismantling, even though these uses have been reported and observed onsite.
- (5) The Commission finds that the applicant has failed to comply with Title 22 and with past entitlements, with a 15 year history of zoning violations. This history includes a referral to the DA on 2007 leading to litigation with the County. The owner has never ceased all unpermitted operations on the site, nor brought the property into full compliance with Title 22, and has failed to meet the required development standards for parking, landscaping, and fencing. During recent inspections, the applicant has refused to provide access to County staff, and also prevented staff from taking photographs. For the last six years, the Department of Regional Planning (DRP) staff has worked with the applicant to process this application despite lack of clarity

regarding the proposed and existing uses on the site, missing information, and continued violations on the site.

25. The Commission finds that the applicant has not been able to show that the health, peace or welfare of person residing or working in the surrounding area, or detrimental to the enjoyment or valuation of property in the vicinity, or that public health, safety or general welfare of nearby residents is not jeopardized or endangered. Though uses such as automobile body and fender repair, and automobile painting can be permitted with a CUP if they are indoor, these need to be proposed in a manner that is most compatible with the surrounding residential uses.
26. The Commission finds that the property has had multiple violations for operating heavy industrial uses, such as automobile painting and automobile dismantling, without permits. Automobile painting creates fumes and particulate by-products with the potential to negatively impact the surrounding residential neighborhood and uses. Similarly, automobile dismantling is a use that is not allowed in the M-1 Zone, and suited for zones that allow heavy industrial zones such as M-2. There has been no effort at all on behalf of the applicant to mitigate any of these impacts such as providing sufficient and well-maintained landscaping buffers on the property, or by relocating their automobile body, paint and repair facilities to a different location on the Project Site.
27. The Commission finds that the applicant has failed to demonstrate the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features to integrate with the surrounding area. The applicant has a long history of failing to meet various development standards. Furthermore, the IL land use category and the M-1 Zone are intended for light manufacturing uses that have low nuisance impact, such as light manufacturing, assembly, warehousing and distribution. However, the scale/nature of the proposed and existing uses on the site do not align with the surrounding land uses including mostly residences, and other small-scale commercial and industrial uses. Again, there has been no effort at all on behalf of the applicant to mitigate any of these impacts such as providing sufficient and well-maintained landscaping buffers on the property, or by relocating their automobile body, paint and repair facilities to a different location on the Project Site.
28. The Commission finds that the applicant has failed to show that the propose site is adequately served by highways or street with sufficient width or that the can accommodate traffic associated with the traffic. Staff has received complaints that trucks coming and going from the Project Site operate at all hours of the night, causing noise and issues with street parking. Complaints also state that these trucks are carrying dismantled vehicles and parts, which is a use that is prohibited in this zone.
29. The Commission finds that the applicant obtained prior approvals for the proposed uses, but was unable to comply with the conditions of approval and development standards. Furthermore, the applicant has insisted on continuing with an NCR application, despite repeated communication from staff that the required permit is a

CUP. With that said, the cessation of the use does not impair the property rights of any person to such an extent as to be an unconstitutional taking of the property.

30. The Commission finds that the applicant has failed to demonstrate that the proposed and existing uses are compatible with the surrounding neighborhood and land uses. The lack of clarity and transparency regarding the existing and proposed uses on the Project Site have made it impossible to ensure that the application meets development standards, while also mitigating for potentially detrimental impacts to the surrounding neighborhood, ensuring public health, safety and general welfare. The applicant has not been able to comply with past conditions of approval and continues to be in violation of Title 22. Therefore, the applicant has failed to demonstrate that the proposed uses and other existing uses on the site will not negatively impact the neighborhood, or the enjoyment or valuation of the property of other persons also located in the vicinity, thereby failing to meet the Burden of Proof.
31. The Commission finds that pursuant to Section 22.60.174 of the County Code, the community was properly notified of the public hearing by mail, newspaper (La Opinion and Huntington Park Bulletin), and property posting. Additionally, the Project was noticed and case materials were available on DRP's website and at libraries located in the vicinity of the Florence-Firestone community. On April 19, 2018, a total of 91 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius of the Project Site, as well as eight (8) notices to those on the courtesy mailing list for the Compton-Florence Zoned District and any additional interested parties.
32. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING CONCLUDES THAT:

- A. The proposed uses will not be consistent with the adopted General Plan.
- B. The proposed uses at the site will adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will 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 or general welfare.
- C. The proposed site is not adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

- D. The proposed site is not adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The cessation of the use does not impair the property rights of any person to such an extent as to be an unconstitutional taking of the property.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

1. Finds that this Project qualifies as a Statutory Exemption pursuant to the California Public Resources Code Section 15061 and 15270, which states that the California Environmental Quality Act does not apply to Projects which a public agency rejects or disapproves. Therefore, the Project qualifies as a Statutory Exemption (Projects Which Are Disapproved) and 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; and
2. Denies Nonconforming Review No. 201200001.

ACTION DATE: May 23, 2018

NP:TS:EG
05/23/18

c: Each Commissioner, Zoning Enforcement, Building and Safety



Los Angeles Regional Water Quality Control Board

Notice of Public Meeting
Thursday, February 7, 2013
9:00 a.m.

Note: See agenda item #18 re. hearing on 9/20/12

Meeting Location:
City of Culver City – City Hall
Council Chambers
9770 Culver Blvd.
Culver City, California 90232

Agenda

The Los Angeles Regional Board strives to conduct an accessible, orderly, and fair meeting. The Chair of the Board will conduct the meeting and establish appropriate rules and time limitations for each agenda item. The Board will only act on items designated as action items. Action items on the agenda are staff proposals, and may be modified by the Board as a result of public comment or Board member input. Additional information about Board meeting procedures is included after the last agenda item.

Generally, the Board accepts oral comments at the meeting on agenda items and accepts written materials regarding agenda items in advance of the meeting. For some items requiring public hearings, written materials and oral comments will be accepted only according to the procedures set forth in a previously issued public notice for the particular agenda item. To ensure a fair hearing and that the Board Members have an opportunity to fully study and consider written material, unless stated otherwise, written materials must be provided to the Executive Officer not later than 5:00 p.m. on January 25, 2013. Please consult the agenda item description because certain items may have an earlier deadline for written submissions. If you are considering submitting written materials, please consult the notes at the end of the agenda. Failure to follow the required procedures may result in your materials being excluded from the hearing record; however, failure to timely submit written materials does not preclude a person from testifying before the Board.

INTRODUCTORY ITEMS

- 1. Roll Call.
2. Order of Agenda. Note that the agenda items are numbered for identification purposes only and may not necessarily be considered in this order.
3. Approval of draft meeting minutes for the October 4-5, 2012, November 8, 2012, and December 6, 2012 Board meetings. [Ronji Moffett, (213) 576-6612]
4. Board Member Communications.

MAIRA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

- 4.a. Ex Parte Disclosure. Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.
- 4.b. Board Member Reports. The Board Members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction.
5. **Selection of Chair and Vice-Chair for 2013.**
6. **Executive Officer's Report.** [Samuel Unger, (213) 576-6605]
7. **Enforcement Report.** [Hugh Marley, (213) 620-6375]
8. **Update from State Board.** [Fran Spivy-Weber, (916) 341-5607]
9. **Public Forum.** Any person may address the Board regarding any matter within the Board's jurisdiction provided the matter does not appear elsewhere on this agenda, has not been scheduled to appear on a future agenda, and is not expected to be imminently scheduled for the Board's consideration. Remarks will be limited to three (3) minutes, unless otherwise directed by the Chair. If a person intends to use a PowerPoint presentation or other visual aid, you must contact Ronji Moffett, (213) 576-6612, at the Regional Board at least 48 hours prior to the meeting to arrange for equipment use and be prepared to load any PowerPoint presentation on the computer prior to the meeting to assure the orderly conduct of the meeting.

UNCONTESTED ACTION ITEMS

(Items marked with an asterisk are expected to be routine and noncontroversial. The Board will be asked to approve these items at one time without discussion. Any Board member or person may request that an item be removed from the uncontested calendar. Items removed from the uncontested calendar will be heard at a future meeting.)

Waste Discharge Requirements that Serve as Individual NPDES Permits

Termination-

- *10. Vopak Terminal Los Angeles, Inc., (Marine Terminal), Wilmington; NPDES No. CA0055247 (Comment submittal deadline was January 3, 2013) [Jau Ren Chen, (213) 576-6656]
- *11. CalPortland Company, (Catalina Pacific Concrete Plant), Torrance; NPDES No. CA0002992 (Comment submittal deadline was January 3, 2013) [Jau Ren Chen, (213) 576-6656]

Non-NPDES Waste Discharge Requirements

Renewal-

- *12. Consideration of Waste Discharge Requirements and Water Recycling Requirements for Encinal Canyon Water Recycling Plant, County of Los Angeles (File No. 90-069) for discharge of domestic wastewater. (Comment submittal deadline was January 14, 2013) [Don Tsai, (213) 620-2264]

Termination-

- *13. Cerritos Bahia Marina Maintenance Dredging; Order No. R4-2011-0180; CI No. 9565, File No. 09-164 (Comment submittal deadline was January 18, 2013) [Michael Lyons, (213) 576-6718]

CONTESTED ACTION ITEMS

Waste Discharge Requirements that Serve as Individual NPDES Permits and Time Schedule Order

Renewal-

14. Consideration of tentative Waste Discharge Requirements and concurrent Time Schedule Order for Plains Exploration & Production Company, Inglewood Oil Field, Los Angeles; NPDES No. CA0057827. (Comment submittal deadline was January 7, 2013) [Jau Ren Chen, (213) 576-6656]

14.1 Waste Discharge Requirements

14.2 Time Schedule Order

Non-NPDES Waste Discharge Requirements

Renewal-

15. Plains Exploration & Production Company, Inglewood Oil Field and Land Treatment Units, Los Angeles; File No. 00-117 (Comment submittal deadline was January 14, 2013) [Enrique Casas, (213) 620-2299]

New-

16. Al Larson Boat Yard (Dredging and Confined Disposal facility), San Pedro; File No. 12-125 (Comment submittal deadline was January 18, 2013) [Michael Lyons, (213) 576-6718]

Waste Discharge Requirements that Serve as Individual NPDES Permits and Time Schedule Order

Renewal-

17. Consideration of revised tentative Waste Discharge Requirements and concurrent Time Schedule Order for Chevron Products Company (El Segundo Refinery), El Segundo; NPDES No. CA0000337 (Comment submittal deadline was December 20, 2012) [Mazhar Ali, (213) 576-6652]

17.1 Waste Discharge Requirements

17.2 Time Schedule Order

Enforcement - Hearing Panel Recommendation

18. Consideration of Complaint No. R4-2012-0110 to assess Administrative Civil Liability in the amount of \$90,515 against Mr. Edward Waymire, Waymire Drum Company, Mr. Rafiel Shahbazian; and Mitchell Investors, LLC (Former Waymire Drum Company) for violation of Cleanup and Abatement Order No. R4-2010-0095. (A hearing was held before a panel of the Regional Board on September 20, 2012. The Hearing Panel will provide a report to the full Board and recommend assessment of a penalty in the amount of \$107,818 in this matter. No further evidence will be allowed, unless the Regional Board determines it is necessary. The Board may meet in closed session to deliberate pursuant to Government Code section 11123(c)(3)). [Nicole Johnson, (916) 322-4142]



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 28, 2012

Luna and Glushon
16255 Ventura Blvd., Suite 1016
Encino, CA 91436

**SUBJECT: NONCONFORMING REVIEW FOR EXISTING AUTOBODY AND PAINT SHOP
PROJECT NO. R2012-00034-(2)
CASE NO. RNCR 201200001
LOCATION: 7710 MAIE AVE., AND 7640 MAIE AVE.**

Dear Representatives:

The Department of Regional Planning has done a thorough review of the Nonconforming Use Review (NCR) application to allow the continued use of an existing auto body and auto paint shop at the subject address above, located within the Florence-Firestone Community Standard District (CSD). Upon review of the building permits submitted on behalf of your client, it has been determined that there are several structures depicted on the site plan submitted for which no building permits have been found (*see site plan enclosed*). We cannot continue to process the case until building permits have been provided by you which show approval for the structural additions depicted. If no building permits exist on the structures in question, it will be necessary for your client to remove the structures with a proper demolition permit issued from the County's Building and Safety's Southwest Office. It is required that all structures on site either have a legal permit for their establishment or are properly removed in order to proceed with the NCR.

You will have until September 13, 2012, to provide the Department of Regional Planning with copies of the permits for the additions in question, or with copies of demolition permits. You may contact Building and Safety at (323) 820-6517 for assistance.

If you have any questions, please do not hesitate to call me at (213) 974-6462. Our Regional Planning offices are closed on Fridays.

Sincerely yours,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director of Planning

Rudy Silvas, Principal Regional Planning Assistant
Zoning Permits West

Enc: Site plan copy submitted

c: Mitchell Investors (Applicant), Zoning Enforcement West



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

September 24, 2012

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Luna and Gushon
16255 Ventura Blvd., Suite 1016
Encino, CA 91436

SUBJECT: NOTICE OF DENIAL DUE TO INACTIVITY
Project: R2012-00034-(2)
Case: RNCR 201200001
Address: 7710 MAIE AVE., AND 7640 MAIE AVE.

Dear Representatives:

The Department of Regional Planning has informed you of the information that is required to proceed with your application for a nonconforming use review (NCR) to allow the continued operation of an existing auto body and paint shop at the above referenced location. Attached is the correspondence, dated August 28, 2012, requesting project permits, and the site plan depicting unpermitted structures. To date, we have not received the requested information and are unable to proceed with processing your application.

Sections 22.56.060 and 22.56.1550 (B) of the Los Angeles County Code (Zoning Ordinance) provides that a Hearing Officer may deny, without public hearing, an application for a conditional use permit (CUP) or an NCR, if such application does not contain the required information as specified in Sections 22.56.030, 22.56.040, and Section 22.56.1550 (D). Due to the lack of permit information requested and the inability to proceed with your application, your project will be scheduled for **denial** with a Los Angeles County Hearing Officer on November 6, 2012.

If you wish to keep this project active, please send a written request to Regional Planning, Zoning Permits West Section, Room 1348, 320 West Temple Street, Los Angeles, CA 90012, Attention: Rudy Silvas. This correspondence must be received within **30 days from the date of this letter** in order to avoid being scheduled for denial. If you choose to keep your project active and submit a written request, you must also submit all requested information **within 90 days of the date of this letter** or this project will be automatically scheduled for denial at the next available Hearing Officer meeting.

If you have any questions regarding this matter, please contact Rudy Silvas at (213) 974-6462, from 7:30 a.m. to 4:30 p.m., Monday through Thursday, or via email at rsilvas@planning.lacounty.gov. Our offices are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner
Director of Planning

Rudy Silvas, Principal Regional Planning Assistant
Zoning Permits West

Enclosures: August 28, 2012 letter and site plan

C: Mitchell Investors (Applicant), Zoning Enforcement West

CC:04252012

LUNA & GLUSHON

ATTORNEYS

16255 VENTURA BOULEVARD, SUITE 1016
ENCINO, CALIFORNIA 91436
TEL: 818-907-8755
FAX: 818-907-8760

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

October 11, 2012

VIA EMAIL AND U.S. MAIL

Rudy Silvas
Regional Planning, Zoning Permits West Section
320 West Temple Street, Room 1348
Los Angeles, CA 90012

Re: Project R2012-00034-(2), Case RNCR 201200001
Address: 7710 Maie Ave., and 7640 Maie Ave.

Dear Mr. Silvas:

Our firm is in receipt of your August 31, 2012 and September 24, 2012 correspondence regarding the above referenced matter. This letter shall serve as our formal request to keep this project alive.

It is the intention of the applicant, Mitchell Investors, to further pursue its application for Nonconforming Use Review (NCR) to allow the continued use of an existing auto body and auto paint shop at the subject site.

In order to comply with the requirements set forth by the Los Angeles County Code and the correspondence received from your office on August 31, 2012 and September 24, 2012, applicant will be taking the following actions:

1. We have requested a meeting with you to discuss and resolve any and all issues raised in your correspondence as well as any related issues regarding the NCR application documents and the subject site.
2. We will also be communicating with Code Enforcement (Leon Freeman) who we had been previously working with to resolve various Code issues.


Rudy Silvas
Regional Planning, Zoning Permits West Section
October 11, 2012
Page Two

3. We will submit all the information requested by your office in correspondence by December 24, 2012, the deadline set by your September 24, 2012 correspondence.

We look forward to resolving any outstanding issues and working with you and County staff.

Very truly yours,

LUNA & GLUSHON



ROBERT GLUSHON



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

October 24, 2012

TO: Ms. Gina Natoli, Hearing Officer

FROM: Rudy Silvas *RS*
Principal Regional Planning Assistant
Zoning Permits West

SUBJECT: Project No. R2012-00034-(2)
Nonconforming Use Review No. 201200001
HO Meeting: November 6, 2012
Agenda Item: 12

This case had originally been scheduled before you as an item recommended for denial due to inactivity. The project is for the continued nonconforming use of an auto body and paint shop located at 7640-7710 Maie Avenue, within the Florence-Firestone Community Standards District. A "Notice of Denial Due to Inactivity" letter was sent to the applicant on September 24, 2012, allotting 30 days to request to keep the case active and 90 days to submit all required materials. The applicant submitted a request to Staff in writing prior to the 30 day deadline. By submitting a letter requesting to keep the project active, the applicant would then be allotted a 90 day deadline from September 24, 2012, to submit the requested information. If the applicant does not meet the deadline date of December 24, 2012, Staff will return to the Hearing Officer with denial of the case due to inactivity.

Attached to this memo is a copy of the letters to the applicant from Staff, and the letter received from the applicant's agent. Should you have any questions on this project please feel free to contact me at (213) 974-6462.

MKK:RS

LUNA & GLUSHON

ATTORNEYS

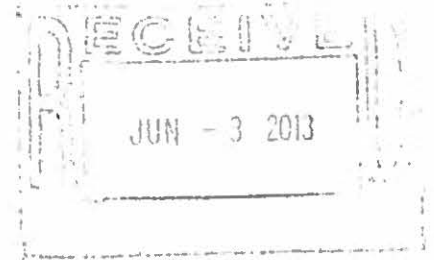
16255 VENTURA BOULEVARD, SUITE 1016
ENCINO, CALIFORNIA 91436
TEL: 818-907-8755
FAX: 818-907-8760

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

May 30, 2013

VIA EMAIL AND U.S. MAIL

Rudy Silvas
Regional Planning, Zoning Permits West Section
320 West Temple Street, Room 1348
Los Angeles, CA 90012



Re: Project R2012-00034-(2), Case RNCR 201200001
Address: 7710 Maie Ave., and 7640 Maie Ave.

Dear Mr. Silvas:

Per our telephone conversation on May 20, 2013, our firm is in receipt of your May 7, 2013 correspondence regarding the above referenced matter. This letter shall serve as our formal request for additional time to provide the documents you have requested and to keep this project active. It is the intention of the applicant to continue pursuing the application for Nonconforming Use Review (NCR) to allow the continued use of an existing auto body and auto paint shop at the subject site.

Pursuant to your May 7, 2013 correspondence, the applicant will provide the following documentation:

1. A copy of the last assessment roll prepared by the Los Angeles County Assessor immediately prior to the fire the property;
2. A dated copy of a licensed contractor's estimate for the fire damage; and
3. Copies of all building and electrical permits pulled for repairs to the fire damaged structure.

Rudy Silvas
May 30, 2013
Page Two

It is the understanding of our office that this information must be provided within 90 days of your May 7, 2013 letter, or by August 5, 2013.

Finally, the applicant recognizes that there is a single remaining structure on the property that must be demolished. However, as discussed via telephone, the structure cannot be demolished until certain Sprint power lines, which are connected to the roof of the structure, can be relocated by the Sprint company. The applicant has been advised that Sprint, who has an easement for said power lines, is in the process of finding an appropriate location to relocate the power lines. Once this process is completed, the applicant will demolish the remaining structure. We appreciate the County's understanding of this process.

Thank you in advance for your help and cooperation in resolving these outstanding issues.

Very truly yours,

LUNA & GLUSHON

A handwritten signature in black ink that reads "Rob Glushon". The signature is written in a cursive, flowing style.

ROBERT GLUSHON

LUNA & GLUSHON
ATTORNEYS

16255 VENTURA BOULEVARD, SUITE 1016
ENCINO, CALIFORNIA 91436
TEL: 818-907-8755
FAX: 818-907-8760

Century City-Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

August 5, 2013

VIA FACSIMILE (213) 626-0434 AND U.S. MAIL

Rudy Silvas
Regional Planning, Zoning Permits West Section
320 West Temple Street, Room 1348
Los Angeles, CA 90012

Re: Project R2012-00034-(2), Case RNCR 201200001
Address: 7710 Maie Ave., and 7640 Maie Ave.

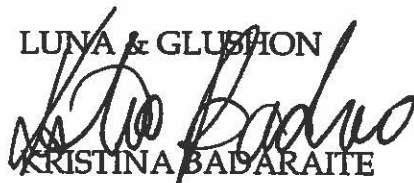
Dear Mr. Silvas:

Enclosed please find the documentation requested in your May 7, 2013 correspondence.

Please do not hesitate to contact me directly with any questions or concerns.

Very truly yours,

LUNA & GLUSHON


KRISTINA BADARAITE

RECEIVED
AUG - 8 2013
BY: _____

*note: email
record beginning
01/05/15*

Erica Gutierrez

From: Martin Gies
Sent: Wednesday, October 11, 2017 1:18 PM
To: Erica Gutierrez
Subject: FW: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

FYI

From: Martin Gies
Sent: Monday, December 28, 2015 5:32 PM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Hi Kristina,

I hope you have been enjoying the holidays. Thanks for meeting me at the site on 12/17 for a walkthrough. To recap our site visit, the applicant confirmed that they are proposing to continue the auto dismantling, auto repair and auto body repair. They also confirmed that they are no longer proposing to add auto-painting.

There are several changes to the site plan that need to be made:

1. The standalone building in the center of the lot is labeled as a bathroom but is actually a storage building. The bathroom has been added into the southwest corner of the building labeled Lot 32-A workshop. Please make the necessary changes to the site plan to show these changes in bathroom location.
2. Has the applicant/owner secured Building/Plumbing Permits for the new restroom location? Please provide.
3. Please label all repair/dismantling buildings as such as label all storage buildings as such. We need to know the use of each building. Please be sure to show all partition walls inside each building. There was a storage room partition and a bathroom partition in two of the buildings which need to be shown.
4. There is a solid fence/wall on the far North side of Lot 31 which runs the entire East-West length of the property. Please show this fence/wall on the site plan.
5. The parking spaces shown on the plan are currently occupied by cars, equipment and other storage and also obstructed by the wall/fence making them inaccessible for parking. Also, there is parking occurring on the southwest corner of lot 33, adjacent to the driveway. There may or may not be enough room to accommodate properly dimensioned parking spaces and back-up space here. Please update the site plan to show the new proposed parking locations and ensure that you provide all of the dimensions.

During the site visit, we discussed the possibility of placing the parking spaces on the South East portion of Lot 33 along the southern wall as to keep the 30' driveway open for Fire Dept access. I am not certain of what they will require but it would be a good idea to keep Fire access in mind.

6. Please show the traffic circulation on the site, such as ingress and egress as well as the circulation onsite for delivery trucks, customers, etc.
7. There is a modular trailer currently placed on Lot 33 near the Northern edge of the lot. The applicant stated this trailer is currently used as an office and didn't recall obtaining building and safety permission. We observed that

the trailer is hooked up to the electrical panel. This modular trailer is not shown on the plans. If the applicant is proposing to place a modular trailer it needs to be shown on the plans. The current location may not be allowed depending on the driveway width. Also, it is extremely important that the applicant talks to building and safety and obtains any and all necessary permits.

Please let me know if you have any questions. Thanks in advance.

Martin Gies

Zoning Permits West Section

Los Angeles County Department of Regional Planning

320 W. Temple St.

Los Angeles, CA 90012

Tel. (213) 974-6462

Fax. (213) 626-0434

<http://planning.lacounty.gov>



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From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]

Sent: Monday, December 07, 2015 9:58 AM

To: Martin Gies

Subject: RE: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Great – that works. I will put it on my calendar. Just to confirm, will it just be you from the County? Do we need to have anything ready for you at the site?

Feel free to contact me at any time.

Thanks!

Kristina

Kristina Kropp, Esq.

Luna & Glushon

16255 Ventura Boulevard, Suite 1016

Encino, California 91436

Telephone (818) 907-8755

Fax (818) 907-8760

Century City Office

1801 Century Park East, Suite 2400

Los Angeles, California 90067

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From: Martin Gies [<mailto:mgies@planning.lacounty.gov>]
Sent: Monday, December 07, 2015 8:22 AM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Hi Kristina,

I can do 2:30 on the 17th. We are closed on Fridays.

Thank you,
Martin

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Friday, December 04, 2015 9:47 AM
To: Martin Gies
Subject: RE: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Hi Martin,

Sorry for the delay. Would the 17th or the 18th of December would for you? If not, would you please propose some days I can check with them?

Thanks!

Kristina

Kristina Kropp, Esq.
Luna & Glushon
16255 Ventura Boulevard, Suite 1016
Encino, California 91436
Telephone (818) 907-8755
Fax (818) 907-8760

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, California 90067

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From: Martin Gies [<mailto:mgies@planning.lacounty.gov>]
Sent: Wednesday, December 02, 2015 8:20 AM
To: Kristina Kropp <kkropp@lunaglushon.com>
Cc: Adrine Arakelian <AAarakelian@planning.lacounty.gov>
Subject: RE: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Hello Kristina,

I have taken over this case from Adrine. She has brought me up to speed on this case and I have reviewed the most recent set of as-built plans dated 4-8-15.

At this point, I would like to schedule a visit to the site so that I may verify that all of the unpermitted buildings/structures have been removed and that the site is consistent with the latest set of plans. Once I am able to verify the site and plans we can hopefully move forward with drafting the permit and preparing it for hearing.

What is your availability to meet me at the site in the coming weeks?

Thanks in advance,

Martin Gies

Zoning Permits West Section

Los Angeles County Department of Regional Planning

320 W. Temple St.

Los Angeles, CA 90012

Tel. (213) 974-6462

Fax. (213) 626-0434

<http://planning.lacounty.gov>



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From: Adrine Arakelian

Sent: Monday, March 16, 2015 9:01 AM

To: Kristina Badaraite

Subject: RE: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Hi Kristina,

I am writing to get a status on the submission of as built plans for this case. Please provide an update and a timeline for when these will be submitted. As this case has been inactive for some time, continued inactivity will result in a denial given the history of violations.

ADRINE ARAKELIAN | Regional Planner

Zoning Permits West | Room 1348

Los Angeles County Department of Regional Planning

320 W. Temple Street, 13th Floor | Los Angeles, CA 90012

213.974.6462

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From: Kristina Badaraite [<mailto:kbadaraite@lunaglushon.com>]
Sent: Wednesday, February 04, 2015 2:46 PM
To: Adrine Arakelian
Cc: Rob Glushon
Subject: RE: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Perfect. Thanks, Adrine.

I just put in a call to the client and he will be ordering as built plans. I will let you know the timing when I have more on that. He also confirmed that they will not be further requesting an on-going paint shop operation, only the on-going continued operation of the existing auto body repair shop.

Thanks!

Kristina

Kristina Badaraite, Esq.
Luna & Glushon
16255 Ventura Boulevard, Suite 1016
Encino, California 91436
Telephone (818) 907-8755
Fax (818) 907-8760

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, California 90067

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From: Adrine Arakelian [<mailto:AAarakelian@planning.lacounty.gov>]
Sent: Wednesday, February 04, 2015 2:39 PM
To: Kristina Badaraite
Subject: RE: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Hi Kristina,

Attached is a copy of the NCR application submitted with project description. As I mentioned in our conversation, to confirm that all unpermitted structures have been removed, we would need an 'as built' set of site plans to document the site as it currently exists and the intended use of the site.

Thanks and let me know if you have any questions. At some point after receiving the plans we'll schedule a site visit to confirm what's on site, etc.

ADRINE ARAKELIAN | Regional Planner
Zoning Permits West | Room 1348
Los Angeles County Department of Regional Planning
320 W. Temple Street, 13th Floor | Los Angeles, CA 90012

213.974.6462

<http://planning.lacounty.gov>

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From: Kristina Badaraite [<mailto:kbadaraite@lunaglushon.com>]
Sent: Wednesday, February 04, 2015 1:09 PM
To: Adrine Arakelian
Cc: Rob Glushon
Subject: RE: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Hi Adrine,

I just left a voicemail with your office. We definitely want to keep moving this case forward, as far as I knew the ball was in Rudy's court.

Please give me a call back at your convenience and we can discuss.

Thanks!

Kristina

Kristina Badaraite, Esq.
Luna & Glushon
16255 Ventura Boulevard, Suite 1016
Encino, California 91436
Telephone (818) 907-8755
Fax (818) 907-8760

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, California 90067

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From: Rob Glushon
Sent: Wednesday, February 04, 2015 1:05 PM
To: Kristina Badaraite
Subject: FW: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

From: Adrine Arakelian [<mailto:AAarakelian@planning.lacounty.gov>]
Sent: Monday, January 05, 2015 12:42 PM

To: Rob Glushon

Subject: R2012-00034-(2) / NCR case at 7702 Maie Avenue. Florence-Firestone

Dear Applicant,

I have taken over this case from the planner who previously worked on it, Rudy Silvas. The case has been inactive for quite some time and we would like to touch base with you to move this project forward to public hearing. Please contact me at your earliest convenience so that we can proceed with this case. Because this case has been inactive for some time, if it does not move forward or we do not hear from you there is the possibility of eventual denial due to inactivity.

Thank you.

ADRINE ARAKELIAN | Regional Planner

Zoning Permits West | Room 1348

Los Angeles County Department of Regional Planning

320 W. Temple Street, 13th Floor | Los Angeles, CA 90012

213.974.6462

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LUNA & GLUSHON

ATTORNEYS

16255 VENTURA BOULEVARD, SUITE 1016
ENCINO, CALIFORNIA 91436
TEL: 818-907-8755
FAX: 818-907-8760

Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

July 15, 2015

VIA FEDEX

Adrine Arakelian, Regional Planner
Zoning Permits West, Room 1348
Los Angeles County Department of Regional Planning
320 W. Temple Street, 13th Floor
Los Angeles, CA 90012

Re: Project R2012-00034-(2), Case RNCR 201200001
Address: 7710 Maie Ave., and 7640 Maie Ave.

Adrine:

As discussed, please find enclosed two sets of plans as requested to move forward with the above entitlements.

Do not hesitate to contact me at any time with questions or concerns.

Very truly yours,

LUNA & GLUSHON


KRISTINA BADARAITE

RECEIVED
JUL 20 2015
BY: _____



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 29, 2016

Luna & Glushon
Attn: Kristina Kropp
16255 Ventura Blvd, Suite 950
Encino, CA 91436

SUBJECT: INCOMPLETE APPLICATION: REQUEST FOR ADDITIONAL INFORMATION

Project: R2012-00034-(2)
Case: NCR 201200001
Address (APN): 7710 & 7640 Maie Avenue, Los Angeles (6021-018-032 & 6021-018-033)

Dear Agent/Applicant:

The Los Angeles County ("County") Department of Regional Planning is currently reviewing the above referenced project and has determined that the project file is incomplete and additional information is required before we can proceed with your application.

The original project description matches the attachment titled "R2012-00034-ZP_applic" provided to staff in an email dated June 21, 2016. The application was for the continued operation of two auto-body repair and painting shops on APN's 6021-018-032 and 6021-018-033. Staff is also in receipt of the revised project description titled "UPDATED Project Description 6.21.16." The project description first addresses both businesses as being auto-body repair and later addresses each business as auto-repair and auto-body shops. If this is an error, please revise and re-submit the updated project description.

The site plans that were submitted with the application show the auto-repair, auto-body repair, and incidental outdoor storage on two parcels, APN 6021-018-031 and APN 6021-081-032. The two parcels are separated by a fence which was not shown on the site plans but was observed during a site visit.

Staff conducted a site visit on December 17, 2015. During the site visit, staff observed auto-repair and auto-body repair activities on both parcels. The applicant also confirmed that auto-repair activities do occur in the structure labeled "Lot 31- B Workshop" on the site plans, located on APN 6021-018-031. Please confirm whether or not the use on parcel APN 6021-018-031 is part of the application. If it is part of the application, please revise the project description. If it is not part of the application, please be advised that it is a use subject to a conditional use permit and failure to obtain proper permits will lead to enforcement action.

As depicted on the site plans and confirmed by the applicant during the December 17, 2015 site visit, the single family structure located on APN 6021-018-031, labeled "LOT 31-A", is currently being used as a single family residence. However, on February 14th, 2000, Plot Plan No.46501 approved the conversion of the existing single family residence to an office, and on September 10th, 2001, CUP 00-84 reaffirmed the conversion and approved the structure as an office.

KRISTINA KROPP
INCOMPLETE APPLICATION: REQUEST FOR ADDITIONAL INFORMATION
JUNE 29, 2016
PAGE 2

A single-family residence is not an allowed use in an M-1 Zone. The structure can remain as a single-family residence only if it was legally established as a single-family residence and has continued as such without interruption. Otherwise, the residential use of this structure must cease and the structure must be converted back to an office.

Additionally, the office on APN 6021-018-033, labeled "LOT 33-A", is proposed as an existing single family residence. During the site visit on December 17, 2015 the applicant confirmed that this structure was used as a caretaker's residence. However, there is no record of its approval as a caretaker's residence, nor any other approvals showing that it was originally established as a single family residence. Furthermore, previous enforcement actions also stipulated that this structure was only permitted as an office and that the residential use must cease. Please remove the residential use from this office and revise the site plans to reflect the structure's use as an office or revise the CUP application to include the structure as a caretaker's unit.

In the email dated June 22, 2016, you confirmed that the auto-dismantling, which was observed during the December 17, 2015 site visit, is no longer being requested as a part of this application. Please be advised that since the auto-dismantling use will not be a part of this application, any auto-dismantling activities currently taking place on the site must cease immediately and this application cannot proceed until such auto-dismantling activity ceases or until such time that the proper entitlements are obtained. The continuation or recurrence of auto-dismantling activities could result in a denial of this application and will be referred to Zoning Enforcement for further action.

Please find below a summary list of the outstanding corrections that are needed in order to continue the processing of this application:

1. Cease all auto-dismantling activities and remove all related equipment from the project site, as such activities are no longer a part of the project request.
2. Revise the project description and clearly specify the project site boundary, all proposed uses and their locations, and existing and proposed structures including all APN's, and addresses.
3. On APN 6021-018-031, show where the auto-repair and auto-body repair uses will occur and also label the structure "LOT 31-A" as an office.
4. On APN 6021-018-033, the structure labeled "LOT 33-A" must cease its residential use and the site plans need to be revised to reflect the structure's use as an office unless the project description and site plans are updated to reflect its proposed use as a caretakers residence.
5. The standalone building in the center of the lot is labeled as a bathroom but is actually a storage building. The bathroom has been added to the southwest corner of the building labeled "Lot 32-A workshop". Please make the necessary changes to the site plan to show these changes in bathroom location.

KRISTINA KROPP
INCOMPLETE APPLICATION: REQUEST FOR ADDITIONAL INFORMATION
JUNE 29, 2016
PAGE 3

6. Please provide a copy of the building and plumbing permits for the new restroom location.
7. Please label all auto-repair and auto-body repair buildings and all storage buildings as such. Please be sure to show all partition walls inside each building. The storage room partition and a bathroom partition located in two of the buildings also need to be shown on the plans.
8. There is a solid fence/wall on the far north side of APN 6021-018-031 which runs the entire East-West length of the property. Please show this fence/wall on the site plan.
9. The parking spaces shown on the plan are currently occupied by inoperable vehicles, equipment and other storage and are also obstructed by the wall/fence making them inaccessible for parking. Also, there is parking occurring on the southwest corner of APN 6021-018-033, adjacent to the driveway. Please update the site plan to show all proposed parking locations and ensure that you provide all required dimensions and maintain such parking spaces accessible at all times.
10. Please show the traffic circulation on the site, such as ingress and egress. Please also show the onsite circulation for vehicle traffic such as delivery trucks, customers, etc.
11. There is a modular trailer currently placed on APN 6021-018-033 near the northern edge of the lot. The applicant stated that this trailer is currently used as an office and did not recall obtaining building and safety permits. Staff observed that the trailer was hooked up to the electrical panel. If this modular trailer is going to remain on the premises please include it on the revised plans. The current location may not be allowed depending on the driveway width. The applicant should consult with Building & Safety to ensure that this trailer could eventually obtain final building/electrical permits if it was first approved through Regional Planning as a part of this application.
12. In addition to the above items, revise the site plan to reflect all existing and proposed structures and uses on the project site.

Failure to disclose all pertinent information for consideration in the review of this case could result in delays, continuation of public hearings, or additional costs. Additional materials may also be required pending the outcome of consultation with other agencies. Any zoning violations on the property discovered after the filing of this case may affect the scheduling of a public hearing pursuant to the provisions of Section 22.04.110 of the County Code.

Please provide the above-requested items within 60 days of the date of this letter. If no activity occurs within 60 days of this letter, your project may be scheduled before a Hearing Officer. Pursuant to Section 22.56.060 of the County Code (Zoning Ordinance), the Hearing Officer may deny, without public hearing, an application for a conditional use permit if such application does not contain the required information contained in Sections 22.56.030 and 22.56.040 of the County Code.

**KRISTINA KROPP
INCOMPLETE APPLICATION: REQUEST FOR ADDITIONAL INFORMATION
JUNE 29, 2016
PAGE 4**

For questions or for additional information, please contact Martin Gies of the Zoning Permits West Section at (213) 974-6462, or by email at mgies@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,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner



Martin Gies, RP/II
Zoning Permits West Section

c: Applicant; Owner

MKK:mg

*note: Email record
beginning 03/29/17*

Erica Gutierrez

From: Erica Gutierrez
Sent: Tuesday, July 11, 2017 1:35 PM
To: Kristina Kropp
Cc: Timothy Stapleton
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Yes, see you tomorrow.

From: Kristina Kropp [mailto:kkropp@lunaglushon.com]
Sent: Tuesday, July 11, 2017 10:42 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Erica,

Just confirming again our site visit tomorrow at 10:30 am.

Thanks!

Kristina

Kristina Kropp, Esq.
Luna & Glushon, APC
16255 Ventura Boulevard, Suite 950
Encino, California 91436
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Fax (818) 907-8760

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From: Erica Gutierrez [mailto:EGutierrez@planning.lacounty.gov]
Sent: Thursday, June 15, 2017 9:38 AM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Kristina,

How about July 12th or the 19th at 10:30am? Also, please keep in mind that enforcement can show up unannounced at any time.

Thank you,
~ Erica

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Monday, June 12, 2017 3:33 PM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Erica,

I am so sorry, my clients ran into another scheduling conflict.

Can we please move this to the week of Jul 10th? Basically the whole week is open, whatever works for you.

Sorry again!

Kristina

Kristina Kropp, Esq.
Luna & Glushon, APC
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Tuesday, June 06, 2017 5:43 PM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

10:30 am would be great.

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Tuesday, June 06, 2017 5:38 PM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Absolutely. What time?

Kristina Kropp, Esq.
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Tuesday, June 06, 2017 5:36 PM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Can we do June 28th in the morning?

~ Erica

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Tuesday, June 06, 2017 4:33 PM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Sorry for the delay! Our client is actually on vacation June 14-22. I am on vacation starting on June 29th through July 9. Can we squeeze it in between then? Tuesday June 27th and Wednesday June 28th both look very good basically all day on our ends.

Thanks,

Kristina

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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Tuesday, June 06, 2017 11:24 AM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Kristina, Any updates on this? Thank you,
~ Erica

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Tuesday, May 30, 2017 11:15 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

That works for me, I am waiting to hear back from the clients to see if that works.

Thanks!

Kristina

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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Saturday, May 27, 2017 4:37 PM

To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Kristina,

Actually I just spoke to my colleague from Enforcement. He's available on the 14th at 11am. Can we plan to meet at the site then? Please let me know.

Thank you,
~ Erica

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Kristina Kropp <kkropp@lunaglushon.com>
Date: 5/26/17 6:59 AM (GMT-08:00)
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: Re: R20112-00034 NCR case at 7702 Maie Avenue

That works for me. Unfortunately I'm traveling and won't be back until Tuesday. I'll try to get my clients' ok on Tuesday. Can we keep it tentative?

Sent from my iPhone

On May 25, 2017, at 6:21 PM, Erica Gutierrez <EGutierrez@planning.lacounty.gov> wrote:

Hi Kristina, Would June 8th work in the morning? I can give you other dates if this doesn't work.

Thank you,
~ Erica

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Thursday, May 25, 2017 9:23 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Erica,

Not a problem. Can you give me some dates that work for you and I will check with the clients?

We are not waiting on revised project plans, the plans I sent you are the most up to date ones. Please see attached again.

I am trying to get a hold of Public Works to see whether they agree that because there are no auto dismantling uses proposed, there should not be an LID plan requirement. I think that's the last clearance we are waiting for.

Thanks!

Kristina

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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Wednesday, May 24, 2017 6:23 PM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Kristina,

I would like to schedule a site visit again within the next few weeks with the latest versions of the plans and project scope/description. Do you have any updates on these? Would you be able to assist with this. Our Enforcement section may also be present given the extensive history on this case.

Thank you,
~ Erica

From: Erica Gutierrez
Sent: Thursday, May 04, 2017 2:34 PM
To: 'Kristina Kropp' <kkropp@lunaglushon.com>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Kristina, I will be out this week, except for Thursday afternoon so that is an option. Or can you talk today before 6pm? Let me know.

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Thursday, May 04, 2017 1:22 PM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Erica,

Is there a good time to touch base on this Project? I had a question come up and wanted to get your take on moving forward.

Thanks!

Kristina

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From: Kristina Kropp
Sent: Monday, April 03, 2017 1:54 PM
To: 'Erica Gutierrez' <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hi Erica,

Per our conversation, here's a recap of events to bring you up to speed.

Our clients filed this application in 2012. I was not involved with filing. We got involved a little thereafter because there was a fire at the property which started causing issues with the NCR application. All those issues were resolved in 2012-2013.

Afterwards, this file was bounced around to a couple of different planners with not much happening until Martin got involved. We had a site visit with Martin on December 17, 2015 and Martin compiled a list of outstanding issues which he put into writing in the attached June 29, 2016 letter. As to the issues raised therein:

1. As to the Project Description (see paragraphs 2-4), the main issue raised was the scope of the proposed uses (auto-body v. auto-repair). The Project Description was updated and the correct Project description is attached hereto.
2. The letter also raised concerns (see paragraphs 2-4) about inconsistencies between the site plans submitted and what was observed during the site visit. The updated Project Description (attached) and revised site plans (also attached) were submitted to take care of these issues.
3. The letter requests clarification of the single family dwelling on APN 6021-018-031 (see paragraphs 5-6). Because the conversion from the SFD to an office had never occurred (it was always an SFD with no interruption), it was discussed and determined that the SFD use would be left as the use on the site. The updated Project Description reflects this.
4. The letter further requests clarification of the single family dwelling/"caretakers residence" on APN 6021-018-033 (see paragraph 7). The client was informed of this issue and the "caretakers residence" is being restored for its permitted use as an office.

5. Finally, the letter takes issue with auto-dismantling uses (see paragraph 8) which are subject to a CUP. The client was informed of this issue and no auto-dismantling use is proposed with the application.

As to the summary list which continues:

1. Items #1-4, 7-10, and 12 are addressed above.
2. As to #5, after further discussions it was determined that this building is a bathroom, it just currently does not physically have a toilet in there which is broken. Thus, it will remain a bathroom and the site plans reflect this.
3. As to #6 and 11, I believe these were provided by the client directly, it would be helpful if you could confirm.

In August, 2016 Martin started the process of e-consultations with DWP, Fire and Health. Fire had no comments (see attached). Public Health asked us to verify that we are connected to a public sewer, and when we did, they issued the attached clearance.

As to the DWP comments (attached), we have completed all of the issues except for the LID plan. I am confirming with the clients where we are in the preparation and submission of the LID plan and will let you know.

Please let me know if you have any other questions or concerns.

Thanks!

Kristina

Kristina Kropp, Esq.
Luna & Glushon, APC
16255 Ventura Boulevard, Suite 950
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Thursday, March 30, 2017 11:51 AM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Does 10:30 work? OR 11 am?

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Thursday, March 30, 2017 11:47 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Sorry about that – Monday April 3rd at 10 am?

Kristina Kropp, Esq.
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Thursday, March 30, 2017 11:41 AM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Hello, no, not tomorrow. Please let me know about next week. Our hours are Mon-Thurs 7am – 6pm.

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Thursday, March 30, 2017 11:37 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: R20112-00034 NCR case at 7702 Maie Avenue

Great, thanks Erica. Are you available tomorrow between 10 am and noon by chance?

Thanks!

Kristina

Kristina Kropp, Esq.
Luna & Glushon, APC
16255 Ventura Boulevard, Suite 950
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Wednesday, March 29, 2017 5:46 PM
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: R20112-00034 NCR case at 7702 Maie Avenue

Hello Kristina,

I have taken over this case from Martin Gies and would like to discuss the status with you. I left a message for you as well. Please let me know if you are available to speak some time tomorrow, Thursday or next week and if you would like for me to send you any pertinent documents or materials.

Thank you,

Erica Gutierrez, MA, MRP | Senior Planner
County of Los Angeles Department of Regional Planning
320 W. Temple St. Los Angeles, CA 90012
Tel. (213) 974-6462 Fax. (213) 626-0434
<http://planning.lacounty.gov>
<image001.png>

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Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Dennis Slavin
Acting Director

November 1, 2017

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Luna & Glushon
Attn: Kristina Kropp
16255 Ventura Blvd, Suite 950
Encino, CA 91436

SUBJECT: NCR APPLICATION STATUS

Project: R2012-00034-(2)

Case: NCR 201200001

**Address (APNs): 7702 (7628, 7640, 7710) Maie Avenue
(6021-018-031, 6021-018-032, 6021-018-033)**

Dear Agent/Applicant:

The Los Angeles County ("County") Department of Regional Planning (DRP) is currently reviewing the project identified above and has determined that in order to continue processing your application as a Nonconforming Review (NCR) permit you will need to comply with the Nonconforming Uses, Buildings and Structures section of Title 22 which states:

22.15.10 Continuation. A nonconforming use or a building or structure nonconforming due to use and/or standards may be continuously maintained provided there is no alteration, enlargement or addition to any building or structure; no increase in occupant load; nor any enlargement of area, space or volume occupied by or devoted to such use, except as otherwise provided in this Title 22.

In order to continue processing this application as an NCR, you must verify that there are no new, additional land uses that were not previously approved by our Department, as well as no enlargement in the building footprint or new structures, and compliance with minimum parking, landscaping and applicable requirements and development standards based on the what DRP previously approved plot plan: **PP46501** (Approved February 14, 2000 for auto repair only).

Alternatively, the submission of a Conditional Use Permit (CUP) application may afford you more flexibility in terms of requesting new land uses and an expansion of your building footprint. In any case there are no guarantees for approval. Your application shall be subject to Section the Florence-Firestone Community Standards District (22.44.138) as well as applicable development standards and requirements for the M-1 Light Manufacturing zone (22.32.035). In either case, conducting auto repair outdoors and auto dismantling are not permitted uses in this zone.

We ask that you make a final determination regarding these two options within 60 days of receipt of this letter.

CC 012914

For questions or for additional information, please contact **Erica Gutierrez** of the Zoning Permits West Section at (213) 974-6462, or by email at egutierrez@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,
DEPARTMENT OF REGIONAL PLANNING
Dennis Slavin
Acting Director



Erica Gutierrez, Senior Regional Planning Assistant
Zoning Permits – West Section

NP:EG

C: Mitchell Investors (Applicant), Zoning Enforcement West

LUNA & GLUSHON

A Professional Corporation

DENNIS R. LUNA
(1946-2016)

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Century City Office
1801 Century Park East, Suite 2400
Los Angeles, CA 90067

December 28, 2017

VIA EMAIL AND US MAIL

Erica Gutierrez, Senior Regional Planning Assistant
Department of Regional Planning
320 West Temple Street
Los Angeles, CA 90012

Re: Project R2012-00034-(2), Case NCR 201200001
Address: 7710 Maie Ave., and 7640 Maie Ave

Ms. Gutierrez:

We are in receipt of your November 1, 2017 correspondence regarding the above referenced Project and Nonconforming Review Permit ("NCR"). The Applicant has determined to continue processing the NCR.

The plans submitted to the Department of Regional Planning ("NCR Plans") are in substantial conformance with the previously approved plot plan PP46501. However, upon further review of approved plot plan PP46501, we understand that there are certain structures shown on the NCR Plans which appear different than shown on PP46501. We have asked our architect to revise the NCR Plans to be consistent with PP46501 and will provide such revised plans shortly.

Please be aware, however, that certain changes have been made to the property in compliance with the Department of Regional Planning's requests in 2012 and 2013.¹ Further changes may appear slightly different as a result of the fire which caused damage to the property at the same time. All such damage was

¹ The Department of Regional Planning required removal of several structures on the property in connection with the present NCR in 2012 2013. To that extent, the current NCR plans may appear slightly different. See, in particular, letters from Department of Regional Planning dated August 28, 2012 and May 7, 2013.

Erica Gutierrez, Senior Regional Planning Assistant
Department of Regional Planning
December 28, 2017
Page Two

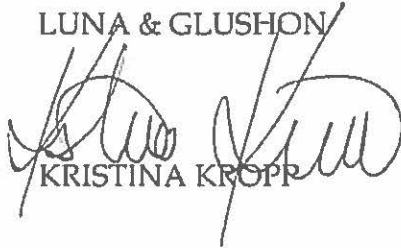
remediated in connection with the Department of Regional Planning's review of the within NCR application.

We suggest a meeting and/or further telephone conference to review the non-substantial "changes" to the NCR Plans once we provide revised NCR Plans as noted above.

Please do not hesitate to contact me at any time with questions or concerns.

Very truly yours,

LUNA & GLUSHON



KRISTINA KROPP

LUNA & GLUSHON

ATTORNEYS AT LAW

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1801 Century Park East, Suite 2400
Los Angeles, CA 90067

February 13, 2018

VIA U.S. MAIL

Erica Gutiérrez, Senior Regional Planner
Department of Regional Planning
Zoning Permits - West Area - Room 1348
320 W. Temple Street Los Angeles, CA 90012

Re: Project R2012-00034-(2), Case NCR 201200001
Address: 7710 Maie Ave., and 7640 Maie Ave

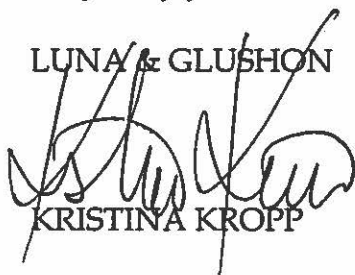
Erica:

As discussed by e-mail, please find enclosed three sets of updated plans for this Project. An electronic set is forthcoming.

Please do not hesitate to contact me with any questions.

Very truly yours,

LUNA & GLUSHON



KRISTINA KROPP

Note: Email
record beginning
03/01/18

Erica Gutierrez

From: Kristina Kropp <kkropp@lunaglushon.com>
Sent: Wednesday, May 02, 2018 9:56 AM
To: Erica Gutierrez; Rob Glushon; Tracy Swann
Cc: mike_medina_25@yahoo.com
Subject: RE: updated maie ave.

Thanks, Erica. We will let you know how we plan to proceed.

Kristina Kropp, Esq.
Luna & Glushon, APC
16255 Ventura Boulevard, Suite 950
Encino, California 91436
Telephone (818) 907-8755
Fax (818) 907-8760

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From: Erica Gutierrez [mailto:EGutierrez@planning.lacounty.gov]
Sent: Monday, April 30, 2018 10:28 AM
To: Kristina Kropp <kkropp@lunaglushon.com>; Rob Glushon <rglushon@lunaglushon.com>; Tracy Swann <tswann@counsel.lacounty.gov>
Cc: mike_medina_25@yahoo.com
Subject: RE: updated maie ave.

Hello Kristina:

In our phone conversation last week, you asked about your options moving forward. I am referencing our letter dated November 1, 2017 to respond to this:

In order to continue procession this application as an NCR, you must verify that there are no new, additional land uses that were not previously approved by our Department, as well as no enlargement in the building footprint or new structures, in compliance with minimum parking, landscaping and applicable requirements and development standards based on what DRP approved with plot plan: PP 46501 (Approved February 14, 2000 for auto repair only). You have failed to do this up to this point and that is why we are recommending this for denial on May 23, 2018.

Alternatively, the submission of a CUP application may afford you more flexibility in terms of requesting new land uses and an expansion of your building footprint, though there are no guarantees for approval. Your application shall be subject to the requirements of the Florence-Firestone Community Standards District for M-1 (22.44.138), as well as to the applicable development standards and requirements for 22.32.035 (M-1). In order to move forward with this option, you would need to withdraw your NCR application and propose a new project scope.

In either case, conducting auto repair outdoors and auto dismantling are not permitted uses in this zone.

Finally, all violations will need to be cleared before moving forward; a Notice of Violation (NOV) for all outstanding violations is forthcoming from our Enforcement section.

If you would like to discuss this further, please contact me to schedule a meeting.

Thank you,

Erica Gutiérrez | Senior Regional Planner

Department of Regional Planning
Zoning Permits – West Area
320 W. Temple Street Los Angeles, CA 90012

Tel: 213.974.6462

Fax: 213.626.0434

E: egutierrez@planning.lacounty.gov

IM: [Chat with Me](#)

planning.lacounty.gov



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From: Erica Gutierrez

Sent: Wednesday, April 25, 2018 9:42 AM

To: 'Kristina Kropp' <kkropp@lunaglushon.com>; Rob Glushon <rglushon@lunaglushon.com>; Tracy Swann <tswann@counsel.lacounty.gov>

Cc: mike_medina_25@yahoo.com

Subject: RE: updated maie ave.

Sorry, I did not say that. Please review the to the last round of corrections and emails. It is very difficult to discuss these things with you in this manner.

Thank you,

~ Erica

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]

Sent: Tuesday, April 24, 2018 4:08 PM

To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>; Rob Glushon <rglushon@lunaglushon.com>; Tracy Swann

<tswann@counsel.lacounty.gov>
Cc: mike_medina_25@yahoo.com
Subject: RE: updated maie ave.

Hi Erica, our client has informed us that you told him that 143 parking spaces are required? Is this yet a new calculation?

Please call me on my cell to discuss – 630-726-0089.

Thanks,

Kristina

Kristina Kropp, Esq.
Luna & Glushon, APC
16255 Ventura Boulevard, Suite 950
Encino, California 91436
Telephone (818) 907-8755
Fax (818) 907-8760

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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Thursday, April 19, 2018 9:25 AM
To: Kristina Kropp <kkropp@lunaglushon.com>; Rob Glushon <rglushon@lunaglushon.com>; Tracy Swann <tswann@counsel.lacounty.gov>
Cc: mike_medina_25@yahoo.com
Subject: RE: updated maie ave.

The code section is 22.52.1100 for commercial uses, which is what is utilized for this type of auto repair business:

- Automobile repair garages within an enclosed building only

This calculator was also what was applied in the prior plot plan approval.

https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV1PLZO_CH22_52GERE_PT11VEPASP_22.52.1100COAR

~ Erica

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Thursday, April 19, 2018 8:41 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>; Rob Glushon <rglushon@lunaglushon.com>; Tracy Swann

<tswann@counsel.lacounty.gov>
Cc: mike_medina_25@yahoo.com
Subject: RE: updated maie ave.

Can you please provide the Code section for the 1/250 parking requirement?

Kristina Kropp, Esq.
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Wednesday, April 18, 2018 5:58 PM
To: Kristina Kropp <kkropp@lunaglushon.com>; Rob Glushon <rglushon@lunaglushon.com>; Tracy Swann <tswann@counsel.lacounty.gov>
Cc: mike_medina_25@yahoo.com
Subject: RE: updated maie ave.

Kristina—Thank you for the call earlier, please see my comments in red below per your request. ~ Erica

From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Wednesday, April 18, 2018 11:53 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>; Rob Glushon <rglushon@lunaglushon.com>; Tracy Swann <tswann@counsel.lacounty.gov>
Cc: mike_medina_25@yahoo.com
Subject: RE: updated maie ave.

Hi Erica,

I just left a message for you. I'm not sure we agree that "most" of the corrections have not been addressed as I point out below. But, before we get to the 3/29 corrections, we really feel it needs to be said that the County has put a "moving target" on this case, prejudicing our client from ever addressing your comments in a manner you would consider timely. It is my understanding that when you all last spoke with Rob on the telephone, there were three comments. All those comments have been addressed. To send, without warning, a completely new set of corrections without pointing out that they include issues not addressed (and which actually contradict what was discussed on this telephone call) just a few days later is very confusing and, again, for purposes of your expectations regarding our client, prejudicial. It is unfair for the County to set a hearing for denial due to "inactivity" when in reality it is a matter of the County providing new

comments on an on-going basis and expecting that we provide a response to such comments before we even have a chance to review.

On to the comments:

- (1) Addressed on the new submittal. Where did the 60 parking space requirement come from? It is my understanding from Rob that on the telephone you discussed 30. Please see the parking calculations on our submittal. Why are they incorrect and per what Codes? Our calculations show 35 required spaces. The architect used the wrong calculation. This should be 1/250 for the Nonconforming Review (NCR) application that is for auto repair. Furthermore, for up to a 50% reduction in parking, the applicant would need to apply for a separate parking permit. This was noted at case intake. (Note: I confirmed that we can only potential consider the 1/500 calculator for a new CUP application and only for certain industrial uses.)
- (2) Addressed on the new submittal. Please provide specifically what is incorrect about this. This was also calculated incorrectly, this number is not based on 12% of building square footage, but on 12% of the total lot area so closer to 11,950 square feet. The last approval provided 12,200 square feet.
- (3) Not sure there was anything to address here on the new plan. The comments was a series of questions without Code sections or requirements. Please provide the Code sections you need us to abide by. Are you saying access is inadequate? Again, per what Code section? In order to assess the project as a whole it needs to be one project. If lots are sectioned off, how can we calculate parking and landscaping requirements and layout for the entire project and one proposed used (indoor auto repair)? APN 6021-018-031 appears to be subleased and it is unclear what the use is there. There is no vehicular access to the parking there from the other parcels. On the site plan, there appear to be two internal disjointed internal driveways. Take note that this sectioned off parcel was predominantly landscaping and parking before, now the use appears to outside storage.
- (4) This was not discussed on the phone call. We are checking with the clients. This was pointed out in the corrections. We did not discuss every single outstanding issue on the call—nor did we go over the site plan in detail, or any of the remaining corrections.
- (5) We were told by the old planner, Martin, and inspections, that if we pulled a permit for this trailer it would be ok to have. Is this not the case anymore? Not for a NCR—essentially no new construction is allowed. Why does the applicant need another office anyway? Please refer to 6.
- (6) Addressed on new submittal. Please provide specifically what is incorrect about this. This needs to be verified. Appears to continue to be a single family home and not an office
- (7) Addressed on new submittal. Please provide specifically what is incorrect about this. As noted above the parking and landscaping calculations are off.
- (8) We will remove the term “storage.” Please note, however, as previously discussed, any storage that is occurring at the location is incidental to the auto repair use which is allowed by Code. PP46501 explicitly prohibits incidental outside storage. This is not allowed/cannot be legalize through an NCR.
- (9) This is a future condition as I understand it – nothing to be done at this time. Please correct me if I am wrong. You are wrong, this is normally done concurrently while processing the application. This was also noted at case intake.
- (10)Addressed on new submittal. Please provide specifically what is incorrect about this. Wrong. The table of contents was removed, so no way to track revisions/different versions of the site plan.

Finally please note that the posting of this site will occur tomorrow, the 19th. We will also be out at the property tomorrow afternoon.

Please call me on my cell if we need to further discuss. 630-726-0089.

Thank you,

Kristina

We went

Kristina Kropp, Esq.
Luna & Glushon, APC
16255 Ventura Boulevard, Suite 950
Encino, California 91436
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Tuesday, April 17, 2018 5:11 PM
To: Rob Glushon <rglushon@lunaglushon.com>; Tracy Swann <tswann@counsel.lacounty.gov>
Cc: Kristina Kropp <kkropp@lunaglushon.com>; mike_medina_25@yahoo.com
Subject: FW: updated maie ave.

FYI – Please refer to the corrections from 03/29/18

Thank you,
~ Erica

From: Erica Gutierrez
Sent: Thursday, March 29, 2018 4:15 PM
To: 'Rob Glushon' <rglushon@lunaglushon.com>
Cc: Tracy Swann <tswann@counsel.lacounty.gov>
Subject: RE: updated maie ave.

Hello Rob:

Please see the attached letter and attachments. This summarizes our call on Tuesday and current project status.

We are still planning for a hearing with RPC on May 23, 2018.

Thank you,

Erica Gutiérrez | Senior Regional Planner
Department of Regional Planning

Zoning Permits – West Area
320 W. Temple Street Los Angeles, CA 90012

Tel: 213.974.6462
Fax: 213.626.0434
E: egutierrez@planning.lacounty.gov
IM: [Chat with Me](#)
planning.lacounty.gov



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From: Erica Gutierrez
Sent: Tuesday, March 27, 2018 8:52 AM
To: 'Rob Glushon' <rglushon@lunaglushon.com>
Subject: RE: updated maie ave.

Hello Rob,

We will call you a little after 9:30am, just waiting for Tracy Swann from County Counsel to come in. It will be Tracy, myself, and my supervisor, Nooshin.

Thank you,

~ Erica

From: Rob Glushon [<mailto:rglushon@lunaglushon.com>]
Sent: Wednesday, March 21, 2018 9:08 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: updated maie ave.

Tuesday 9:30am works.

Robert L. Glushon, Esq.
Luna & Glushon
16255 Ventura Boulevard, Suite 950
Encino, California 91436
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Wednesday, March 21, 2018 8:54 AM
To: Rob Glushon <rglushon@lunaglushon.com>
Subject: RE: updated maie ave.

Sorry, Rob. Just realized it's a holiday on Monday. How about Tuesday at 9:30am?

Thank you,
~ Erica

From: Rob Glushon [<mailto:rglushon@lunaglushon.com>]
Sent: Wednesday, March 21, 2018 8:13 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: Re: updated maie ave.

Yes

Sent from my iPhone

On Mar 21, 2018, at 7:53 AM, Erica Gutierrez <EGutierrez@planning.lacounty.gov> wrote:

I am sorry, we cannot do Thursday. The next option is Monday at 10am. Does this work?

~ Erica

From: Rob Glushon [<mailto:rglushon@lunaglushon.com>]
Sent: Tuesday, March 20, 2018 6:12 PM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: updated maie ave.

I would appreciate the call on Thursday.

Thank you.

Robert L. Glushon, Esq.
Luna & Glushon
16255 Ventura Boulevard, Suite 950
Encino, California 91436

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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Tuesday, March 20, 2018 6:06 PM
To: Rob Glushon <rglushon@lunaglushon.com>
Subject: RE: updated maie ave.

Hello Rob,

I need to confirm regarding Thursday, if so we will call you at 11:30am.

Thank you,
~ Erica

From: Rob Glushon [<mailto:rglushon@lunaglushon.com>]
Sent: Tuesday, March 20, 2018 5:56 PM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: updated maie ave.

Erica,

Let's calendar Thursday at 11:30am to discuss. Please give me best number to call you.

With all due respect, the delays in the pending NCR application have in part been attributable to the County – every time there has been a new planner assigned, the goal posts for info keep changing.

I just met with client yesterday and he has spending considerable monies to respond to your most recent request for information that you want on the plans – three items.

I am not aware of ANY auto dismantling being done at the site.

Am forwarding your letter to him now and will respond by formal letter tomorrow prior to our call Thursday morning.

Robert L. Glushon, Esq.
Luna & Glushon
16255 Ventura Boulevard, Suite 950
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Tuesday, March 20, 2018 5:48 PM
To: Rob Glushon <rglushon@lunaglushon.com>
Subject: RE: updated maie ave.

Hello Rob:

Please see the attached 'Letter of Intent to Deny' and let me know how you would like to proceed. This is in the mail along with the enclosures.
Our enforcement staff was out at the site today, but did not gain access.

This week is quite busy, but we may have time for a 30 minute call on Thursday at 11:30am. Would that work? Otherwise, Monday at 10am or 11am would be better.
Again, please let me know.

Thank you,
~ Erica

From: Rob Glushon [<mailto:rglushon@lunaglushon.com>]
Sent: Tuesday, March 20, 2018 4:28 PM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: updated maie ave.

When are you available to discuss?

Robert L. Glushon, Esq.

Luna & Glushon
16255 Ventura Boulevard, Suite 950
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From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Monday, March 19, 2018 5:17 PM
To: Rob Glushon <rglushon@lunaglushon.com>
Subject: RE: updated maie ave.

Hello Rob,

I will touch base with you tomorrow afternoon to see about scheduling a call later this week on Wednesday or Thursday.

Thank you,

From: Rob Glushon [<mailto:rglushon@lunaglushon.com>]
Sent: Monday, March 19, 2018 11:53 AM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>
Subject: RE: updated maie ave.
Importance: High

Erica,

I am following up on email from last week.

When are you available for a brief call?

Robert L. Glushon, Esq.
Luna & Glushon
16255 Ventura Boulevard, Suite 950
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From: Rob Glushon
Sent: Wednesday, March 14, 2018 4:18 PM
To: 'EGutierrez@planning.lacounty.gov' <EGutierrez@planning.lacounty.gov>
Subject: FW: updated maie ave.

Erica,

Please let me know if you are available for quick call either tomorrow morning or Friday.

As you know, Kristina Kropp just went on maternity leave and I am catching up on matters that have been handled by her.

Rob

Robert L. Glushon, Esq.
Luna & Glushon
16255 Ventura Boulevard, Suite 950
Encino, California 91436
Telephone (818) 907-8755
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From: Rob Glushon
Sent: Wednesday, March 14, 2018 3:33 PM
To: Rob Glushon <rglushon@lunaglushon.com>
Subject: FW: updated maie ave.

From: Erica Gutierrez [<mailto:EGutierrez@planning.lacounty.gov>]
Sent: Monday, March 05, 2018 3:59 PM
To: Kristina Kropp <kkropp@lunaglushon.com>; Rob Glushon <rglushon@lunaglushon.com>
Subject: RE: updated maie ave.

Hello Rob:

Thank you for submitting these plans. Please see my comments:

- (1) Please all add the property description information to the plans including the zone, and total building area and the amount of landscaping provided. Landscaping provided should not be under 11.98% of the total lot area. If needed, please provide a separate sheet to depict landscaping. [Mike Medina thing]
- (2) Please also add a table somewhere on the plans that specifies the building permit information/year built information for all structures. [We can provide to Medina. Before the County took our word as to all structures legally built. This planner is asking for proof that all structures are permitted and legal non-conforming. Just looking for info]
- (3) Re. parking, plot plan PP 46501 provided 140 parking spaces though calculated that 120 spaces were required. (I believe the additional 20 spaces were provided to accommodate car sales on site.) This was based on the following calculations for total square footage/use as shown on the plot plan, see attached:
 - Auto repair/Industrial Uses – 26,209 /250 = 105 Spaces
 - Office /Office Use – 1,211/ 400 = 3 Spaces
 - Other structures/Commercial – 3,051 /250 = 12 Spaces

Please fill in the following attached parking matrix based on the current building square footage/use. Please note: Please apply 1/500 for the industrial uses on the property instead of 1/250. Based on my quick calculations on the total building square footage (About 15,067), I believe this brings you close to 30 + parking spaces. Up to 40% of these can be compact. Also, please show the back up space, as well. [County has been asking for this info since last year. We think County is right. But Raffi has only 5 spaces]

Please let me know when you can resubmit these as we are working within a 30 day timeframe, which is now up. You can also have the architect call me if he has any questions regarding this. We will also be re-inspecting the property soon.

Erica Gutiérrez | Senior Regional Planner
Department of Regional Planning
Zoning Permits – West Area
320 W. Temple Street Los Angeles, CA 90012

Tel: 213.974.6462

Fax: 213.626.0434
E: egutierrez@planning.lacounty.gov
IM: [Chat with Me](#)
planning.lacounty.gov

<image001.png><image002.png><image003.png><image004.png>
<image005.png>

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From: Kristina Kropp [<mailto:kkropp@lunaglushon.com>]
Sent: Thursday, March 01, 2018 4:29 PM
To: Erica Gutierrez <EGutierrez@planning.lacounty.gov>; Rob Glushon <rglushon@lunaglushon.com>
Subject: Fwd: updated maie ave.

Erica, please see attached the plans further revised to change the SFD to an office. We are awaiting clear direction on the parking issue and will let go know.

Again please coordinate with Rob Glushon.

Sent from my iPhone

Begin forwarded message:

From: michael medina <mike_medina_25@yahoo.com>
Date: February 27, 2018 at 5:13:57 PM PST
To: Kristina Kropp <kkropp@lunaglushon.com>
Subject: Re: updated maie ave.
Reply-To: "mike_medina_25@yahoo.com" <mike_medina_25@yahoo.com>

Hello Kristina I updated the plan.

Sent from Yahoo Mail on Android

----- Forwarded Message -----
From: "michael medina" <mike_medina_25@yahoo.com>
To: "michael medina" <mike_medina_25@yahoo.com>
Cc:
Sent: Sat, Feb 24, 2018 at 4:47 PM
Subject: null



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Amy J. Bodek, AICP
Director

March 21, 2018

Luna & Glushon
Attn: Rob L. Glushon
16255 Ventura Blvd. Suite 950
Encino, CA 91436

**SUBJECT: LETTER OF INTENT TO DENY
PROJECT NO. R2012-00034-(2)
CONDITIONAL USE PERMIT NO. 201200001
7702 (7628, 7640, 7710) Male Avenue
(APNs: 6021-018-031, -032, -033)**

On January 11, 2012, you applied for a Nonconforming Review (NCR 201200001) Permit to authorize the continued operation, maintenance and use of an existing indoor auto repair business in the unincorporated community of Florence-Firestone in the M-1 (Light Manufacturing) Zone. This NCR would limit you to what was approved on February 14, 2000 by Plot Plan Case No. PP 46501, an indoor auto repair business with 120 vehicle parking spaces and 11.98 percent landscaping on your project site.

Since your submission of this application, County staff has had many meetings, phone conversations and email communications with you requesting additional information and a site plan that would reflect the layout of the prior approved plot plan. To this day, we have not received this information. We have also noted the existence of other unpermitted uses onsite such as outdoor auto repair, auto-dismantling, and outside storage, which continue unabated.

In our most recent letter dated November 1, 2017, you were again reminded that you had the option to apply for a CUP application if you desire to conduct additional uses on the property and to develop a new layout for these uses. On December 28, 2017, you stated that you would like to continue with the NCR application and not pursue a CUP.

During our most recent site inspection conducted on March 7, 2018, we observed the following continued violations, which must be abated immediately:

- Unpermitted uses such as auto dismantling, pallet yard storage, outdoor storage of inoperable automobiles, and auto-body, paint, and fender,
- Automobile repair conducted outside of an enclosed building, and

LETTER OF INTENT TO DENY

March 21, 2018

Page 2 of 2

- Lack of compliance with PP 46501 approval for use, layout, parking and landscaping.

The NCR application does not allow you to conduct any unauthorized uses onsite. Based on all of the above, you have failed to provide a viable NCR application. Consequently, we cannot continue processing your project and have scheduled your case for denial at a public hearing before the Los Angeles County Regional Planning Commission on **Wednesday, May 23, 2018**.

For questions or for additional information, please contact Erica Gutierrez of the Zoning Permits West Section at (213) 974-6462, or by email at EGutierrez@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,
DEPARTMENT OF REGIONAL PLANNING
Amy J. Bodek, AICP



Erica Gutierrez, Senior Regional Planning Assistant
Zoning Permits West Section

Enclosures: Correspondence from November 1, 2017 and December 28, 2017, PP 46501

cc: Mitchell Investors (Applicant/Owner); Zoning Enforcement

NP:EG



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Amy J. Bodek, AICP
Director

March 29, 2018

Luna & Glushon
Attn: Rob L. Glushon
16255 Ventura Blvd. Suite 950
Encino, CA 91436

**SUBJECT: PROJECT NO. R2012-00034-(2)
CONDITIONAL USE PERMIT NO. 201200001
7702 (7628, 7640, 7710) Maie Avenue
(APNs: 6021-018-031, -032, -033)**

During our call on March 27, 2018, we discussed the extensive history of the project site, including past permitting, Enforcement actions and litigation, as well as our intent to recommend that the Regional Planning Commission deny your current application, which has been pending since January 11, 2012. Your Nonconforming Review (NCR 201200001) Permit application is requesting to authorize the continued operation, maintenance and use of an existing indoor auto repair business in the unincorporated community of Florence-Firestone in the M-1 (Light Manufacturing) Zone. However, as you are aware, the NCR application does not allow you to conduct any unauthorized uses onsite and requires that you comply with the previous plot plan approval (PP 46501), which only authorized indoor auto repair. You have failed to comply with these requirements.

As we discussed at length in our conversation, this decision to recommend denial of the NCR permit application is based on the attached correspondence dated November 1, 2017 (NCR Application Status), as well as your response dated December 28, 2017 where you decided to move forward with the NCR permit application instead of a Conditional Use Permit (CUP) application. Furthermore, during our most recent site inspection conducted on March 7, 2018, we observed the following continued violations, which must be abated immediately:

- Unpermitted uses such as auto dismantling, pallet yard storage, outdoor storage of inoperable automobiles, and auto-body, paint, and fender,
- Automobile repair conducted outside of an enclosed building, and
- Lack of compliance with PP 46501 approval for use, layout, parking and landscaping.

Though you have made some progress on the proposed site plan, these changes have been slow and basic information remains unclear. There are still many unresolved issues related to site access, parking, landscaping, and new structures and uses onsite (e.g. new toilet and office trailer, additional single family home, and outside storage, and other

March 29, 2018

Page 2 of 2 |

ongoing and unpermitted uses not accurately depicted on the plans). *Please see a summary of the currently outstanding corrections attached.*

Based on all of the above, you have failed to provide a viable NCR application. As stated in our previous letter dated March 21, 2018 (Letter of Intent to Deny), we cannot continue processing your project and have scheduled your case for denial at a public hearing before the Los Angeles County Regional Planning Commission on **Wednesday, May 23, 2018**.

For questions or for additional information, please contact Erica Gutierrez of the Zoning Permits West Section at (213) 974-6462, or by email at EGutierrez@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,

DEPARTMENT OF REGIONAL PLANNING

Amy J. Bodek, AICP



Erica Gutierrez, Senior Regional Planning Assistant
Zoning Permits West Section

Enclosures: Correspondence dated November 1, 2017, December 28, 2017, and March 21, 2018; PP 46501; Proposed site plan and corrections as of March 29, 2018

cc: Mitchell Investors (Applicant/Owner); Zoning Enforcement

NP:EG

APPLICANT'S PROJECT DESCRIPTION

Project Description

The applicant requests a non-conforming use, building and structure review to allow the continued operation of existing auto body repair and auto body shop(s). The existing auto repair and body shop(s) are located on Parcel(s) 6021-018-031, 6021-018-032 and 6021-018-033 in the unincorporated Florence Firestone in the Compton-Florence Zoned District which is currently zoned M-1 (Light Manufacturing).

Parcel 6021-018-031, with corresponding address 7628 Maie Avenue, maintains two structures: an existing single family dwelling and an existing auto body repair and auto body shop, with incidental auto part storage.

Parcel 6021-018-032, with corresponding address 7640 Maie Avenue, maintains three existing auto body repair and auto body shops and a free-standing bathroom, including incidental auto part storage.

Parcel 6021-018-033, with corresponding address 7710 Maie Avenue, maintains an existing temporary auto part storage warehouse, incidental to the auto body repair and auto body shop operations, a modular trailer being used as an office.

The project is non-conforming due to the down zoning that occurred in 2004. The existing auto body repair use(s) were originally authorized under the then existing M-2 Heavy Industrial Zone. There are no proposed changes to the existing buildings or structures for this application. The subject lot contains commercial structures to the east and west of the auto body shop.



NONCONFORMING REVIEW BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.1550, the applicant shall substantiate the following facts:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

<p>A. That the requested use at the location proposed will not:</p> <ol style="list-style-type: none"> 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
<p>B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is other wise required in order to integrate said use with the uses in surrounding area.</p>
<p>C. That the proposed site is adequately served:</p> <ol style="list-style-type: none"> 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and 2. By other public or private service facilities as are required.
<p>D. That the nature of the improvement is such that to require cessation of use would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.</p>
<p>E. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.</p>

Non-Conforming Review Burden of Proof

Pursuant to Zoning code section 2.56.1550, the applicant shall substantiate the following facts:

- A. Along the same side of the street as the subject property are several commercial business and structures that have been operating as commercial and industrial uses similar to our property. To the Southside of Maie Avenue there are Commercial businesses that are industrial in nature which range from automotive recycling to automotive repair facilities. To the north of Maie Avenue there is a mixture of single family residences and commercial businesses. For the past fifteen years the auto body repair painting shop have been in operation. During those years we have been working diligently and being respectful to our surrounding neighbors. The neighboring businesses have not voiced their opinion in a negative manner in regards to the daily operations. The subject site does not add any disruptions in so far as noise is concerned as compared to the Metro and Rail System that is directly behind the subject property. The daily operations of autobody repair and painting involve no cutting of parts that would create any excessive noise to disrupt the use and enjoyment of the neighboring properties.
- B. Lot 32 and Lot 33 also known as 7640 Maie avenue and 7710 Maie Avenue are being used as an autobody repair painting shop with office. The subject property contains landscaping in the front and rear areas of the site. The structures comply with the applicable city laws as far a site setbacks and yard requirements.
- C. Maie Avenue is a two lane avenue that is approximately 60' in width. The avenue is not heavily trafficked as it serves local businesses and single family home owners. Maie avenue does accommodate several eighteen wheel trucks to other commercial businesses as they service their ongoing business needs. The auto body repair and painting facilities do not attract much foot traffic as proclaimed by the nature of the business.
- D. We began operating as a tenant at the existing autobody repair and painting shop in 1999 which was located at 7640 Maie Avenue. During that same time another tenant had also been on the site operating an autobody and repair facility located at the front of the same parcel. In 1999 Autobody Repair and painting were permitted by right in the M-2 Zone (Heavy Industrial). Both autobody paint and repair shop had been in existence for at least 5 years prior to us becoming a tenant. In 2004 we took ownership of parcels 31, 32, and 33 and continued operating the rear autobody repair and painting shop. When we purchased the

property we inherited the auto body repair tenant and their existing lease options that currently runs for another four years.

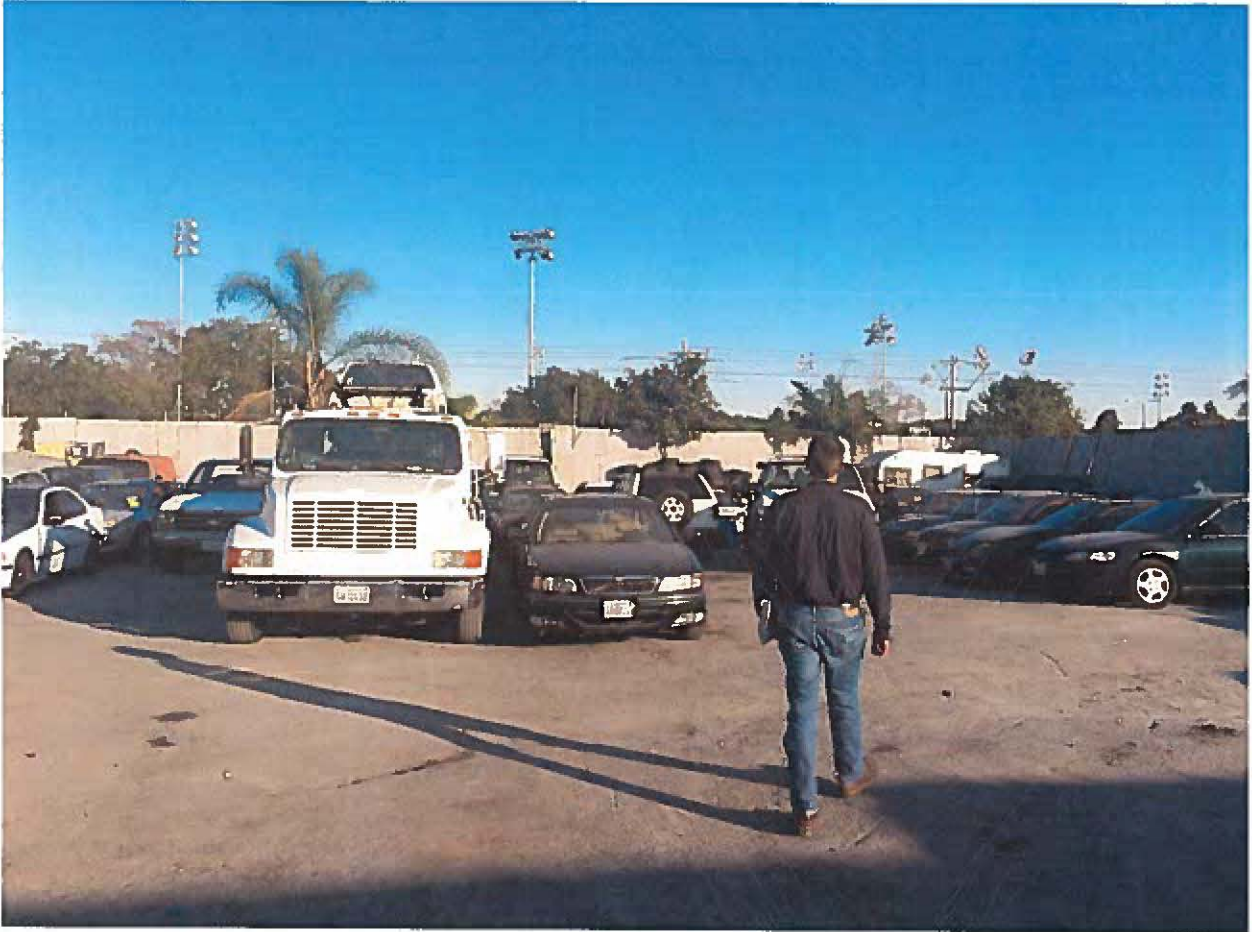
- a. Since we have moved to the United States our only source of income and has been through the auto body repair and painting facility. Our families depend on the income of this establishment to survive on a daily basis and as it serves as the only source of our livelihood. We have invested our life savings into trying to establish a business in the neighborhood for the past 12 years. By closing this business we will lose a substantial amount of our clientele and all over our investment. The other tenant which is on the site, Highline Collision will also suffer dramatically if the business is forced to close. They have been on the site for many years and have established themselves and are also supporting their families with the income that they produce.
- b. Moreover, in 2001 we were approved for a conditional use permit to allow an auto dismantling operation. However, since the down zoning has now prohibited that use we have ceased operating the dismantling business in order to comply with the remaining uses of autobody repair and painting. By ceasing the auto dismantling operations that has accounted for a loss of over 40% of our business. Currently, the site employs over 23 people and by forcing the operations to cease the people will be attempting to find new jobs in the worst recession since the great depression. As we all know the world economy is in turmoil and we simply cannot afford to close our operations as it will devastate not only the livelihood of the 23 people on site but all the families that are being supported by those people. Finally by ceasing all operations the bank will foreclose on the property, as we will have no source of income to pay for the monthly mortgage.

- E. The use and operation of the auto body repair and painting shop have been in existence for over fifteen years. We are not applying for any new exceptions to an otherwise downzoned area that now requires a non conforming review to further resume operations. We will not be adding any additional impacts to the area as all the operations have been in existence for over fifteen years. The traffic flow will not be alternated, the use of the property is consistent with other businesses in the surrounding area, nor will the safety of the neighbors be altered in any manner.

Photographs from Site Inspection on 12/17/15



Photographs from Site Inspection on 12/17/15



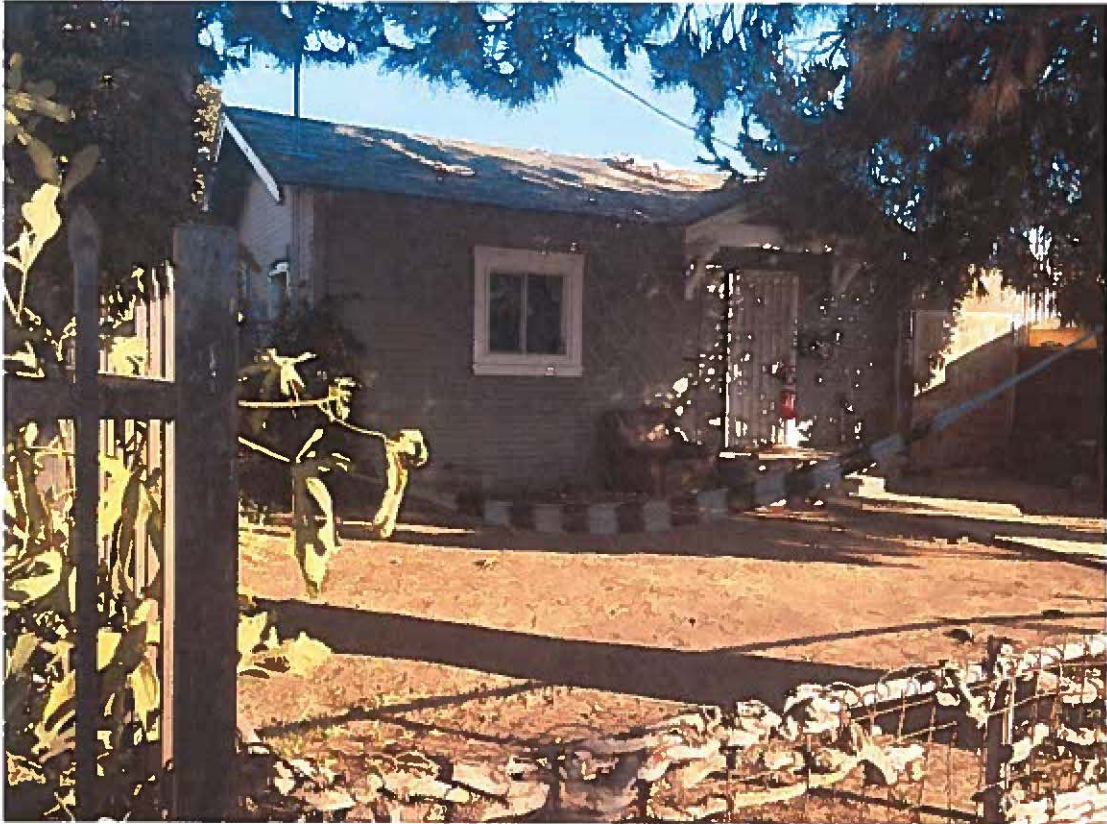
Photographs from Site Inspection on 12/17/15



Photographs from Site Inspection on 12/17/15



Photographs from Site Inspection on 12/17/15



Photographs from Site inspection on 07/12/17



Photographs from Site inspection on 07/12/17



Photographs from Site inspection on 07/12/17



Photographs from Site inspection on 07/12/17

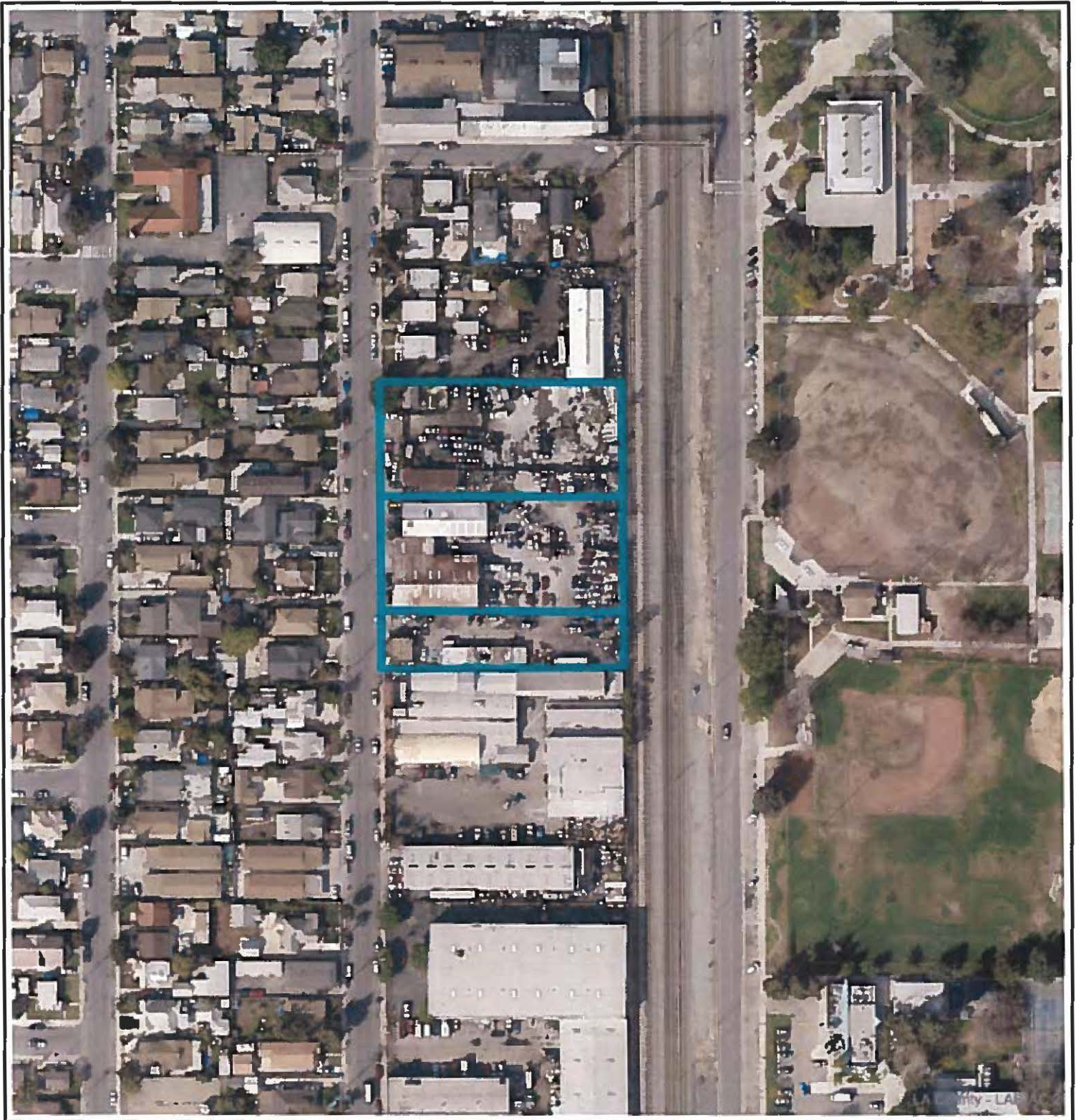


Photographs from Site inspection on 07/12/17



Photographs from Site inspection on 07/12/17

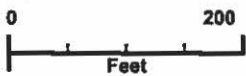




Aerial Image 1

7702 Maie Avenue

Printed: May 09, 2018



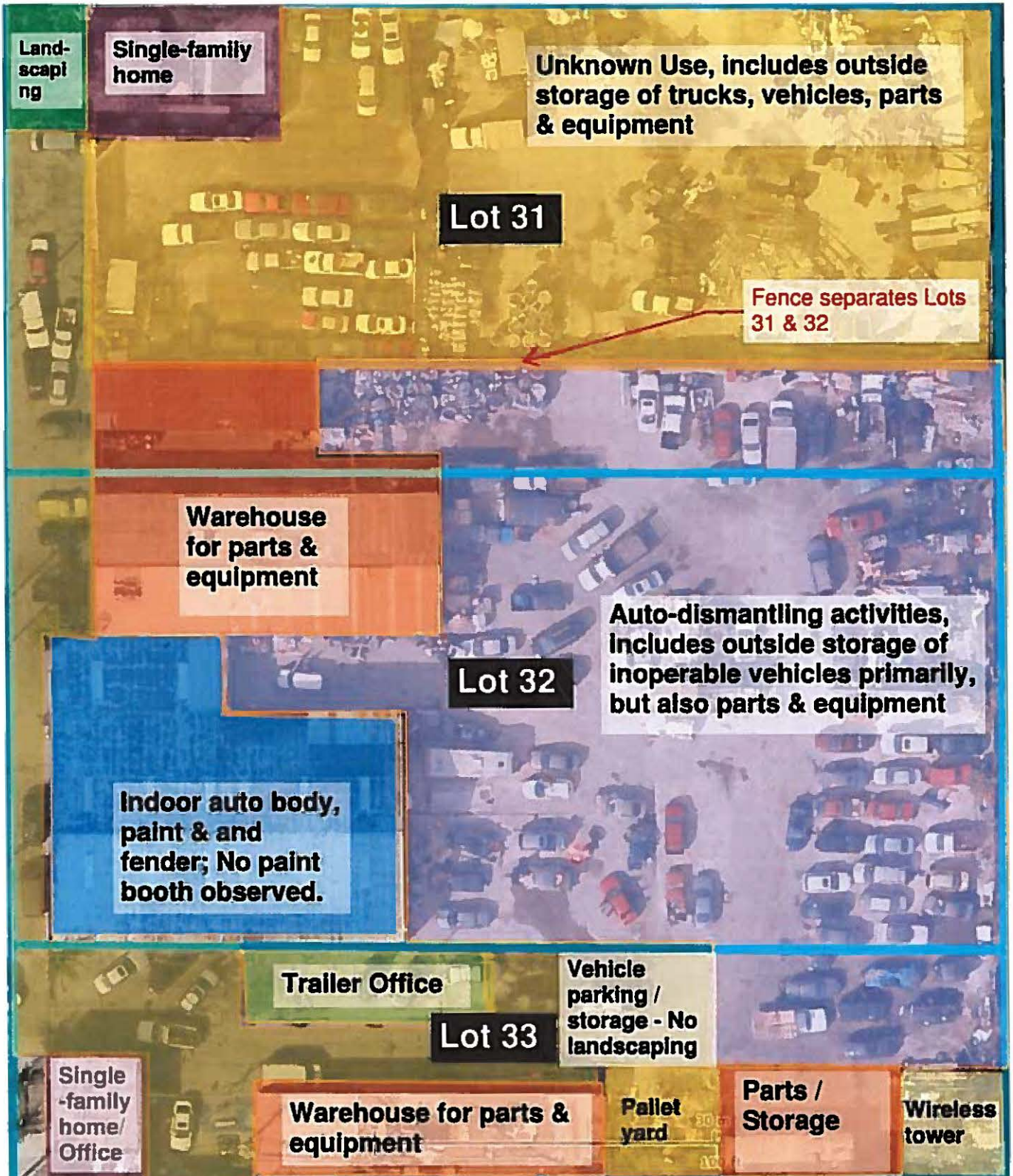
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Aerial Image 2



Observed/Existing Land Uses



PREVIOUS CUP APPROVAL

CONDITIONAL USE PERMIT CASE NO. 00-184-(2)

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

REGIONAL PLANNING COMMISSION HEARING DATE: MAY 16, 2001

SYNOPSIS:

The applicant is requesting authorization to add automobile dismantling to an existing body and automobile repair shop. The 101,775 square foot site is currently developed with a 26,209 square foot metal structure used for auto repair and two office buildings. No new structures are proposed as part of this conditional use permit. The proposed hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Saturday.

PROCEEDINGS BEFORE THE COMMISSION

May 16, 2001 Public Hearing

A duly noticed public hearing was held before the Planning Commission. Commissioners Valadez, Bellamy, Helsley and Vargo were present, Commissioner Pederson was absent. One person was sworn in, the applicant, to testify in favor of the request. After discussion, the Regional Planning Commission closed the public hearing and voted (4-0) to direct staff to prepare findings and conditions for approval.

Findings

1. The applicant is requesting a Conditional Use Permit to authorize the operation and maintenance of an automobile dismantling yard in conjunction with an existing automobile body repair shop located at 7702 Maie Avenue, Los Angeles, and in the Compton-Florence Zoned District, pursuant to Section 22.32.190 of Title 22 of the Los Angeles County Code (Zoning Ordinance).
2. The rectangular shaped flat parcel is 101,775 square feet in size and is currently paved with concrete and developed with an automobile body shop consisting of three buildings. No new structures are proposed as a part of this conditional use permit. Access to the site is via Maie Avenue to the west.
3. Zoning on the subject property is M-2 (Heavy Manufacturing).
4. Surrounding zoning consists of C-M (Commercial-Manufacturing) to the north, M-2 to the south, and R-3 (Limited Multiple Residence) to the east and west.
5. The subject property is currently developed with a automobile body and repair shop. No new structures are proposed as part of this conditional use permit. Surrounding land uses consist of multi-family residential to the north, commercial uses to the south, a railroad and a park to the east, and residential uses to the west.
6. The subject property is located within the "I" Major Industrial classification of the General Plan. The intent of this Major Industrial classification is to assure that

sufficient land is allocated for a wide range of industrial activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force. Automobile dismantling is a use consistent with the goals of the Major Industrial land use designation of the General Plan. There is no community plan at the location of the subject property.

7. The site plan depicts the existing 26,209 square foot structure currently used for automobile repair and a body shop, a parts storage area, and two structures that were previously used as single-family residences which are now used for offices. The site plan depicts 40 parking spaces (35 standard, 5 handicapped), a loading area, and landscaping on the north and east sides of the parcel. A gate is shown at the entrance driveway on Maie Avenue.
8. The applicant submitted an elevation that depicts the structures as seen from Maie Avenue. The elevation depicts the tallest structure at 28'6" above finished grade. An existing sign that has been painted on the metal building reads "Prestige Imports" and is dimensioned as 2'0" high by 23'0" wide.
9. Automobile dismantling yards shall conform to the development standards as listed in Part 4 of Section 22.52 of the County Code. This proposal, as conditioned, meets these development standards.
10. Parking facilities for automobile dismantling yards are as required by Part 11 of Chapter 22.52. Chapter 22.52 of the County Code requires one automobile parking space for each 7,000 square feet of yard area up to the first 42,000 square feet and one parking space for each 20,000 square feet of yard area or fraction thereof, in excess of 42,000 square feet. In addition, the parking standards described in Section 22.52.1100 (Industrial Uses) requires one parking space for each two persons employed or intending to be employed on the shift having the largest number of employees.
11. Based on the above requirements and the site plan provided by the applicant, there is a yard area of 75,568 square feet which would require eight parking spaces. Per the applicant, there is only one shift currently with the auto body and repair that operates from 8:00 a.m. to 5:00 p.m. Monday through Saturday with three employees. The applicant intends to keep the same operating hours and shift. Therefore, two parking spaces are required for the employees. The parking requirement for the existing automobile body and repair use is the same as the above stated requirement for Industrial Uses. Since the same personnel will be performing both duties (auto body and dismantling) the parking requirement is not duplicated. Therefore, a total of ten parking spaces are required for the proposed use, one of which must be van accessible for the handicapped per American with Disabilities Act (ADA) regulations. The applicant's site plan shows forty parking spaces, five of which are handicapped accessible. The applicant's site plan exceeds the County Code's parking requirements.

12. Pursuant to Section 22.52.880 of the County Code, any business located in the M-2 zone is permitted a maximum of three square feet of wall sign area for each one linear foot of building frontage which fronts on a public street. The subject property has 345 linear feet of building which fronts Maie Avenue, therefore 1,035 square feet of wall sign is permitted. The applicant will be required to provide revised elevations that correctly show all existing and proposed signage on the subject property.
13. One letter and a petition with thirty-five signatures in opposition to this request was received. The opposition's concerns included the concern that the area will become infested by rats and termites if this type of business is permitted, the loud noise and traffic it will bring, the possibility that the property might already be contaminated with hazardous materials and that should be cleaned-up before any other uses are allowed, the automobile dismantling would not bring an improvement to the neighborhood.
14. An Initial Study was prepared for this project in compliance with the California Environmental Quality Act (CEQA) and the environmental guidelines and reporting procedures of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, the Department of Regional Planning has prepared a Negative Declaration for this project. The Negative Declaration in this case qualifies for a De Minimus Finding of Impact and is exempt from Fish and Game fees pursuant to Section 711.2 of the Fish and Game Code.
15. The business hours of the existing establishment are 8:00 a.m. to 5:00 p.m. Monday through Saturday, they are closed on Sundays. With the addition of the automobile dismantling function these business hours will remain the same.
16. The Commission finds that the addition of an automobile dismantling business to an existing automobile body repair shop is consistent with other M-2 uses surrounding the subject property.
17. The Commission finds that by appropriately conditioning this request the use can exist while being sensitive to single-family residences located in the R-3 zone which is adjacent to the M-2 zone.
18. The Commission finds with the appropriate conditions of approval, which include standards for fencing, landscaping, parking, and the restriction of business hours, the automobile dismantling yard is an acceptable use to be added to the automobile body repair shop on the subject property.

BASED ON THE FOREGOING, THE PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That 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, will 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. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as otherwise required in order to integrate said use with the uses in the surrounding area;
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service 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 Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

PLANNING COMMISSION ACTION:

- 1. The Regional Planning Commission has considered the Negative Declaration together with any comments received during the public review process, finds on the basis on the whole record before the Commission that there is no substantial evidence the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
- 2. In view of the findings of fact presented above, Conditional Use Permit Case No. 00-184-(2) is **APPROVED**, subject to the attached conditions.

VOTE: 3-0-1-1

Concurring: Commissioners Pederson, Bellamy, Helsley

Dissenting: None

Abstaining: Commissioner Rew

Absent: Commissioner Valadez

Action Date: September 5, 2001

**FM:kms
09-06-01**

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 property involved (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 the fees have been paid pursuant to Condition No. 8.
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 cooperate fully 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. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested in writing and with the appropriate fees, six months before the expiration date.

6. 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.
7. This grant will terminate September 5, 2011.

Entitlement to the operation of an auto dismantling yard 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 a continuance of the use permitted under this grant, whether including or not including modification to the use at that time.

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. The permittee shall deposit with the County of Los Angeles the sum of \$2,000.00. The fee 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 fee provides for 20 biennial inspections.

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.

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 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.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this permit, as set forth in these conditions or shown on the approved plans.
11. The subject facility shall be developed and maintained in compliance with requirements of Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department. The applicant shall contact the Department of Health Services and the

Water Quality Control Board regarding their requirements for the proposed facilities.

12. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.
13. Provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works.
14. The permittee shall contact the Department of Public Works to determine whether an Industrial Waste Disposal Permit is required. No activity for which a permit is required shall be initiated on the subject property before a permit is obtained and any required facilities are installed. The permittee shall keep any required permits in full force and effect and shall fully comply with any requirements thereof.
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 directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
16. In the event any such extraneous markings 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 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.
17. The project will require the filing of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The Negative Declaration in this case qualifies for a DeMinimus Finding of Impact and is exempt from Fish and Game fees pursuant to Section 711.2 of the Fish and Game Code, the current exemption fee amount is \$25.00.
18. The permittee shall comply with the attached conditions of the County of Los Angeles Department of Public Works dated May 9, 2001, or as otherwise modified by said Department.
19. Within sixty days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three copies of a Revised Exhibit "A" similar to that presented at the public hearing incorporating all conditions herein that can be shown and which clearly shows: 1) all gates and fences located on the perimeter of the subject property including a description of the fencing materials and height, 2) all yard areas and driveways concrete paved, 3) the single-family residence in the northwest corner of the subject property correctly labeled as an office. The subject property shall be developed in substantial conformance with the approved Exhibit

"A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.

20. Within 60 days of the approval date of this grant the permittee shall submit (3) copies of a landscape plan which may be incorporated into a Revised Exhibit "A" to the Director of Planning for approval which shows the subject property's frontage on Maie Avenue landscaped with an area a minimum of three feet deep from the property line, and not less than 345 square feet in landscaping. Portions of the landscaping which abuts the auto repair and body shop should include vines that are encouraged to adhere to the building. The landscaping areas should be enclosed with a temporary "cage" until the plants have taken root. Details of the temporary cage should be included with the landscape plan. The area should be landscaped with an attractive ground cover, low profile trees, hedges and/or shrubs to enhance the site. A permanent watering system shall be installed. The landscape plan shall also indicate the size, number and type of all plants, trees and watering facilities. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
21. Within 60 days of the approval date of this grant the permittee shall submit (3) copies of revised elevations to the Director of Planning for approval which clearly show all existing and any proposed signage on the subject property. The building signs shall comply with Section 22.52.880 of the County Code which limits the allowable wall sign square footage to 1,035 square feet.
22. This grant authorizes an automobile dismantling yard in conjunction with an automobile body and repair shop, subject to the following restrictions as to use:
 - a. The permittee shall maintain the subject property in a neat and orderly fashion which includes the repair and/or replacement of all broken concrete visible from Maie Avenue. The permittee shall maintain free of litter all areas of the premises under which the permittee has control;
 - b. The permittee shall maintain a minimum of 10 standard on-site parking spaces, one of which must be van accessible for the handicapped, the parking spaces shall be maintained for business usage at all times;
 - c. No wrecked or dismantled vehicles, salvage or junk shall be placed or allowed to remain outside of the enclosed yard area or within the access ways needed for the required parking spaces, driveways, or fire access driveways;
 - d. No wrecked or dismantled vehicles, salvage or junk shall be stored at a height greater than that of the surrounding fence or wall;

- e. The permittee shall comply with all regulations, laws and ordinances of the County of Los Angeles and the State of California;
- f. All operations and storage, including all equipment used in conducting the dismantling yard use, other than parking, shall be confined within an enclosed building or within an area enclosed by a solid wall or solid fence;
- g. Walls and fences shall be a uniform height in relation to the ground upon which they stand and shall be at least eight feet in height but not more than ten feet in height;
- h. Any lighting within the yard area and parking lot shall be shielded and directed away from adjacent properties to prevent direct illumination and glare;
- h. All fences and walls open to view from any public street or any area in a residential, agricultural or commercial zone shall be constructed of metallic panels, at least .024 inches thick, painted with a "baked-on" enamel or similar permanent finish, masonry, or other comparable materials approved by the Director;
- i. The surface of the automobile dismantling yard shall be paved with concrete as approved by this Commission, and maintained in good condition throughout the life of this conditional use permit;
- j. All structures that are used as part of the yard boundaries and/or are exposed to view from the street frontage shall be painted a neutral color, excluding black, to conform with the color of the fencing/walls, except the existing conditions as approved by this Commission;
- k. All fences and walls shall be painted a uniform neutral color, excluding black, which blends with the surrounding terrain and improvements, and shall be maintained in a neat and orderly condition at all times, and shall contain no painted sign or posters, except the existing conditions as approved by this Commission and depicted on the approved project elevations;
- l. All fences and walls shall be constructed in a workmanlike manner and shall consist solely of new materials unless the Director approves the substitution of used materials where, in his opinion, such used materials will provide the equivalent in service, appearance and useful life;
- m. At least one square foot of landscaping shall be provided for each linear foot of street frontage, and said landscaping shall be developed in accordance

with a plot plan which complies with the following criteria:

- i. Landscaping shall be distributed along said frontage in accordance with the Revised Exhibit "A" approved by the Director.
 - ii. No planting area shall have a horizontal dimension of less than three feet.
 - iii. A permanent watering system or hose bibs shall be provided which satisfactorily irrigates all planted areas. When hose bibs are utilized, they shall be so located as to permit the watering of all planted areas with a 50-foot hose.
 - iv. All landscaped areas shall be continuously and properly maintained in good condition.
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- j. Amplified sound equipment intended to be audible outside the building shall be prohibited;
 - k. The gates providing access to customer and employee parking spaces shall remain open during business hours;
 - l. The hours of operation of the automobile dismantling and auto body and repair shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Saturday, no Sunday or holiday hours are permitted;
 - m. The permittee shall post a sign on the subject property in English and the predominant second language with contact telephone numbers for the facility manager and the Los Angeles County Department of Regional Planning Zoning Enforcement Section (213-974-974-6453) for reporting any problems related to the operation of the facility.

Attachments

County of Los Angeles Department of Public Works Conditions dated May 9, 2001

FM:kms
08-23-01



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 438-3100

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

May 9, 2001

IN REPLY PLEASE
REFER TO FILE: LD-8

TO: Frank Meneses
Zoning Permits Section
Department of Regional Planning

FROM: Randine M. Ruiz *HW/for*
Subdivision Mapping Section
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 00-184

We have reviewed the subject case in the South Central area in the vicinity of Maie Avenue and 76th Street. This case is to authorize auto mantling operations on the property.

If this permit is approved, we recommend the following conditions:

1. Dedicate right of way 30 feet from centerline on Maie Avenue.
2. Setback all entry gates a minimum of 50 feet beyond the right of way of Maie Avenue. This condition may be waived if the gates are intended for security purposes only and will be kept open at all times during business hours.
3. Close any unused driveway with standard curb, gutter, and sidewalk.
4. Repair any broken or damaged improvements on Maie Avenue.
5. Remove existing sidewalk and construct full width sidewalk and base within the proposed 10-foot parkway on Maie Avenue. Reconstruct driveway approaches to be consistent with the proposed sidewalk.
6. Plant street trees on Maie Avenue.
7. Comply with the following street lighting requirements:
 - Provide street lights on concrete poles with underground wiring on Maie Avenue to the satisfaction of the Department of Public Works.

Frank Meneses
CUP No. 00-184
May 9, 2001
Page 2

- The proposed development or portions of the proposed development are within an existing Lighting District are subject to assessment balloting upon CUP approval. The applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$16,000 upon project approval. Upon CUP approval, the applicant shall comply with the conditions listed below in order for the Lighting Districts to pay for future operation and maintenance of street lights. The Board of Supervisors must approve the levy of assessment prior to Public Works approving street lighting plans. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.
 - i. Request Street Lighting Section to commence levy of assessment proceedings.
 - ii. Provide business/property owners name(s), mailing address(es), site address, and Assessor Parcel Number(s) of territory to be developed to the Street Lighting Section.

The assessment balloting process takes approximately five to six months to complete once the above information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval of the street lighting plans.

Information on the levy of assessment process can be obtained by contacting Street Lighting Section (626) 300-4726.

For acceptance of street light transfer billing, all street lights in the development, or the current phase of the development, must be constructed according to Public Works approved plans and energized for at least one year as of July 1st of the current year.

WH:ca
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cc: Traffic and Lighting

PREVIOUS PLOT PLAN APPROVAL

PROPOSED SITE PLAN