



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 21, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jacob Cohan
6334 Wilshire Blvd.
Los Angeles, CA 90048

**REGARDING: PROJECT NUMBER 01-037-(1)
NCR 200900010**
925 S. Vancouver Avenue & 924-926 Clela Avenue, Los Angeles, CA 90022

Dear Applicant:

Hearing Officer, Alex Garcia by his action of Tuesday, December 20, 2011, **APPROVED** the above described application (**NCR 200900010**). The applicant and/or other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission Secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission Secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on Tuesday, January 3, 2012.** Any appeal must be delivered in person to the Commission Secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

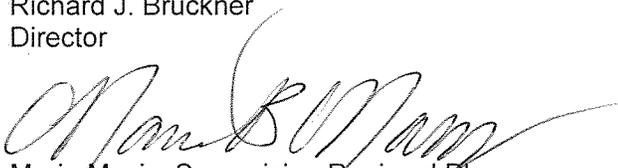
The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grant becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** these forms and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Michele Bush of the Zoning Permits East Section at (213) 974-6435 or e-mail at mbush@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director



Maria Masis, Supervising Regional Planner
Zoning Permits East Section

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

c: DPW (Building and Safety); Zoning Enforcement
Broadway Main Associates, LLC, 260 S. Beverly Drive #201, Beverly Hills, CA 90212

MM:mrB

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER 01-037-(1)
NONCONFORMING REVIEW 200900010**

REQUEST:

The applicant is requesting a nonconforming review (NCR) to allow the continued use and maintenance of four existing industrial/warehousing buildings, used for the operation of textile and garment manufacturing businesses, located at 925 S. Vancouver Avenue and 924-926 Clela Avenue, in the Eastside Unit No. 1 Zoned District, in the R-3 (Limited Multiple Residence) and R-3-P (Limited Multiple Residence-Parking) Zones.

HEARING DATE: 12/20/2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on December 20, 2011 before Hearing Officer (Hearing Officer). The applicant's representative, Jacob Cohan, presented testimony in favor of the request. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with findings and conditions as agreed to by the applicant.

Findings

1. The subject property is located at 925 S. Vancouver Avenue and 924-926 Clela Avenue, Los Angeles, CA 90022 in the unincorporated community of East Los Angeles within the Eastside Unit No. 1 Zoned District.
2. The applicant is requesting a Nonconforming Review for the continued use and maintenance of four existing industrial/warehousing buildings.
3. The subject property is currently zoned R-3 (Limited Multiple Residence) and R-3-P (Limited Multiple Residence Parking).
4. The surrounding properties are zoned as follows:
 - North: C-3 (Unlimited Commercial)
 - South: R-3-P (Limited Multiple Residence Parking)
 - East: R-3-P (Limited Multiple Residence Parking)
 - West: R-3-P (Limited Multiple Residence Parking)
5. The surrounding land uses within 500' include:
 - North: Commercial
 - South: Single and Multi-Family Residential

East: Single and Multi-Family Residential
West: Single and Multi-Family Residential

6. The subject project is currently designated RP and MD (Residential Parking and Medium Density Residential) in the East Los Angeles Community Plan.
7. The project site is subject to the requirements of the East Los Angeles Community Plan and designated as Residential Parking and Medium Density Residential. The site is surrounded by commercial/retail businesses on the north and west which are oriented to the Whittier Boulevard commercial corridor, and mixed single and multi-family residences on the east, west and south. The land use policy map is a generalized pattern and distribution of land uses and provides a policy framework for reviewing specific development proposals. The subject property might be found consistent with the Major Commercial designation to the north, however the subject property is not consistent with the Medium Density Residential designation.
8. The project on the subject property will not 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. The project is located in an existing commercial building and is consistent with the surrounding area. The warehousing and office use is consistent with other warehousing and office uses in the area.
9. The site plan depicts four existing industrial/warehousing buildings. Three buildings are located along Clela Avenue and the fourth is located along Vancouver Avenue. Two of the buildings, which are accessed directly from Clela Avenue, and the one building accessed from Vancouver Avenue, are all approximately 4,524sf. The fourth building, which is accessed from the parking lot along Clela Avenue, is approximately 3,160sf. The site plan also shows existing landscaping and parking. There are 18 parking spaces which include ten standard, seven compact and one accessible space. The parking layout will remain as it was previously approved.
10. The subject property 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. Access to the project is via Vancouver Avenue and Clela Avenue. There is also an alley that runs along the northern boundary of the site, connecting both avenues. The site is served by all necessary public and private facilities, including water, sewer, electricity and trash collection.
11. Regional Planning records indicate there are previous zoning related cases on the subject property.

The site was originally developed under a series of Zone Exception grants as a warehouse and tire recapping plant of which the most recent was Zone Exception 6933 approved on September 10, 1963. The building was subsequently converted to textile and garment manufacturing. The warehouse structure will be fully amortized on September 10, 2013.

NCR 90-419: A request to allow the continued operation of a textile and garment manufacturing business and a warehouse in an existing building was approved December 19, 1990. The termination date of that approval was December 4, 1995.

NCR 95-017: A request to allow the continued operation and maintenance of an existing garment manufacturing business and warehouse within an existing industrial building in the R-3 and R-3-P zone. The request was approved subject to a number of conditions. The grant was only given for 5 years to enable re-review despite the applicant's request for a 10 year grant.

12. A Zoning Enforcement file on the subject property lists the following:

1990: A violation for a non-permitted sewing manufacturing business being conducted in the R-3-P zone. Applicant thus filed for an NCR approval.

1992: Noncompliance with NCR 90419 conditions of approval 8,9 and 11. Namely, condition # 8 which states that; a minimum of 18 parking spaces shall be provided, operating hours shall be from 7:00 a.m. to 7:00p.m; there is a prohibition against outdoor storage; a prohibition of outdoor lighted signs; a prohibition of parking within the setback areas along Clela and Vancouver Avenues; and the ordered removal of a shed or any other structure adding floor area to the property. Condition # 9 stated that the "property shall be maintained and developed in substantial compliance with the Exhibit A" and Condition # 11, required a landscape plan for landscaping along Vancouver and Clela Avenues before June 1, 1991.

1993: Violation of Condition # 8a, requiring a minimum of 18 marked parking spaces.

1995: Violations of the NCR 95-017-(1) conditions of approval 7b; provision of 18 parking spaces; 7c, "manufacturing uses shall be limited to garment manufacturing"; 8c, "plant street trees on Vancouver Avenue and Clela Avenue"; 8d; "Landscape and maintain the parkway on Clela Avenue"; 9; provision of a landscape plan,; 10; compliance with previous conditions of approval (NCR 90417); 11; required striping of parking spaces; and 15; graffiti removal.

1996: Violations of NCR 95-017-(1) conditions of approval # 8c; "plant and maintain street trees on Vancouver Avenue and Clela Avenue" and # 16; graffiti removal within 48 hours.

1997: Violation of NCR 95-017-(1) conditions of approval to maintain the landscaping along Clela Avenue and Vancouver Avenue.

13. An inspection conducted at 925 S. Vancouver, in September, 2009, revealed violations of the Conditions of Approval which required the following:
- A new application for a permit must be submitted.
The grant expired on November 20, 2006;
 - Graffiti shall be removed;
 - Landscaping shall be maintained at all times;
 - Mirrors shall be installed in the alleyway; and
 - The applicant shall enter into a cooperative agreement with the adjacent property owner to enclose trash receptacles and arrange for loading and unloading areas..

There are currently no zoning violations on the subject property.

14. The existing buildings have been used for garment manufacturing and warehousing since 1987.
15. The Hearing Officer determined that the project qualifies for a Categorical Exemption under Class 1, Existing Facilities, of the CEQA reporting requirements and the Los Angeles County Environmental Document Reporting Guidelines, since the project will not require any addition or significant alteration to the existing facility beyond that which existed at the time of the environmental determination.
16. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
17. No comments were received from the public opposing this proposal.
18. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to ten (10) years.
19. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That such use, building or structure does not now and will not during the extension period requested, adversely affect the health, peace or welfare of persons residing or working in the surrounding area;
- B. That such use, building or structure does not now and will not during the extension period requested, be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site;
- C. That such use, building or structure does not now and will not during the extension period requested, jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of project does not have a significant effect on the environment.
 - 2. In view of the findings of fact and conclusions presented above, Nonconforming Review Case 200900010 is **APPROVED** subject to the attached conditions.
- C: Hearing Officer, Zoning Enforcement, Building and Safety

MM:mrb
12/20/2011

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 01-037 – 1ST SUPERVISORAL DISTRICT
NONCONFORMING REVIEW NO. 200900010**

PROJECT DESCRIPTION

The applicant is requesting a nonconforming review to allow the continued use and maintenance of four existing industrial/warehousing buildings, used for the operation of textile and garment manufacturing businesses, located at 925 S. Vancouver Avenue and 926 Clela Avenue, in the Eastside Unit No. 1 Zoned District, in the R-3 (Limited Multiple Residence) and R-3-P (Limited Multiple Residence-Parking) Zones subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

- At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.
6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
 7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
 8. **This grant shall terminate on 12/20/2021.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Nonconforming Review application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
 9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the **four industrial garment manufacturing buildings** and satisfaction of Condition No. 2 shall be considered use of this grant.
 10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) annual** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall

be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
14. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PROJECT SPECIFIC CONDITIONS

17. The grant authorizes the continued use and maintenance of four existing industrial/warehousing buildings, totaling 16,732sf, used for the operation of textile and garment manufacturing businesses, subject to the following conditions of approval:
 - a. A minimum of 18 striped parking spaces shall be maintained on the site for employees and customers.
 - b. The hours of operation shall be between 7:00 a.m. and 7:00 p.m.
 - c. No outdoor storage is permitted on the site.
 - d. Security lighting shall be low intensity and directed away from residential areas.

- e. Any exterior business signs shall be limited to 2 square feet in area per tenant and shall be unlighted.
- f. There shall be no overhanging structures which add floor area to the originally approved building square footages.
- g. The maximum occupancy for all structures combined shall not exceed 79 persons unless otherwise revised by the occupancy determination established by the Department of Public Works.
- h. Additional landscaping shall be maintained where dirt exist on Clela Ave. and Vancouver Ave.
- i. Landscaping shall be maintained at all times.
- j. Loading and unloading is prohibited on residential streets.
- k. The applicant shall repair any broken or damaged improvements on both streets and the alley.

Attachments:

Fire Department Clearance Letter dated June 4, 2010

12/20/11

MM:mrb



COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: June 4, 2010

TO: Department of Regional Planning
Permits and Variances

PROJECT #: NCR 01-037

LOCATION: 925 S. Vancouver Ave., East Los Angeles (Co.)

- The Fire Department Land Development Unit has no additional requirements for this permit.
- The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. __ Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- The required fire flow for private on-site hydrants is _____ gallons per minute at 20 psi. Each private on-site hydrant must be capable of flowing _____ gallons per minute at 20 psi with two hydrants flowing simultaneously, one of which must be the furthest from the public water source.
- Verify __ 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- Comments:** THIS PROJECT IS CLEARED BY THE FIRE DEPARTMENT FOR PUBLIC HEARING.
- Water:** Fire flow tests performed by California Water Service Company on 04-14-2010 were both adequate.
- Access:** Fire apparatus access as depicted on the Site Plan dated 03-30-10 is adequate.
- Special Requirements:** _____

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: ***SCOTT JAEGGI***

Land Development Unit – Fire Prevention Division – Office (323) 890-4243 Fax (323) 890-9783