



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

December 20, 2011

Certified Mail–Return Receipt Requested

Mr. Quintero Miguel
4041 E. 6th Street
Los Angeles, CA 90023

Project No. 88438-(1): Nonconforming Review Permit No. 200800017
531 S. Bonnie Beach Place, East Los Angeles, Eastside Unit No. 1 Zoned District

Dear Applicant:

The Hearing Officer **APPROVED** the above-described project. The enclosed documents contain the Hearing Officer's Findings and Conditions of Approval. Please review each condition. Condition No. 2 requires that the permittee file an Affidavit of Acceptance before the grant is effective.

The appeal period ends at 5:00 p.m. on January 3, 2012. The applicant or any other interested person may appeal this decision to the Regional Planning Commission. If an appeal is not received during the appeal period, this action is final. For instructions and fees, contact the Regional Planning Commission Secretary, 320 W. Temple St., Los Angeles, CA 90012, (213) 974-6409. Appeals must be delivered in person.

After the appeal period ends, **hand deliver** a notarized Affidavit of Acceptance form with a certified copy of the recorded findings and conditions of approval, and other applicable fees or materials to the case planner (see enclosed). To ensure timely processing, **please schedule an appointment**. If the required documents and fees are not received within 60 days of this letter's date, the permit is not effective and may be referred to Zoning Enforcement for possible action.

For additional information, please contact Phillip Estes at (213) 974-6435 or pestes@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
Director

Susan M. Tae, AICP
Supervising Regional Planner
Zoning Permits North Section

Enclosures: Instructions, Affidavits (Permittee's Completion), Findings, Conditions
CC: Zoning Enforcement

SMT:PE

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

PROJECT NO.: 88438-(1)

NONCONFORMING REVIEW PERMIT NO.: 200800017

REQUEST: To authorize the continuance of a non-conforming food market, due to use and development standards, located in the R-2 (Two-Family Residence) zone ("Project").

HEARING DATE: December 20, 2011.

PROCEEDINGS BEFORE THE HEARING OFFICER:

December 20, 2011 Public Hearing

A duly noticed continued public hearing was held on December 20, 2011 and was conducted by Hearing Officer Alex Garcia.

Phillip Estes, Principal Regional Planner, gave a brief presentation of the applicant's request. Staff's analysis concluded that the applicant had satisfied the required burden of proof.

The applicant's representative, Stan Szeto, was present and testified in favor of the project. The Hearing Officer amended Condition No. 10 and increased the number of zoning enforcement inspections to eight and total inspection fee to \$1,600. The applicant's representative agreed to the modified condition.

Hearing no further testimony, the Hearing Officer closed the public hearing and approved Nonconforming Review Permit No. 200800017, subject to the revised conditions. Staff advised that the appeal period will end on January 3, 2012.

Findings

1. The applicant requested a non-conforming review permit to continue the operation of market located in the R-2 (Two-Family Residence) zone, pursuant to Section 22.56.1510 of the Los Angeles County ("County") Code.
2. The property is located at 531 S. Bonnie Beach Place, East Los Angeles.
3. The property is identified by Assessor's Parcel No. 5238-007-040.
4. The property is located in the R-2 (Two-Family Residence) zone, Eastside Unit No. 1 Zoned District.
5. The property is located in the Low/Medium Density (LMD) Residential category of the County East Los Angeles Community Plan.
6. The continuation of the market was previously authorized by Nonconforming Review 88438 in 1988. It expired on November 22, 2008.
7. No construction or change of use is proposed with this permit.
8. County Building Permit No. D31555B indicates a store was present at this location since 1950, when repairs were authorized for an existing store.

9. The applicant's site plan shows the existing, one-story 1,962 square feet commercial building used as market.
10. The sale of alcoholic beverages (beer and wine only) for off-site consumption is not part of this permit and was established prior to the current requirement of an authorized conditional use permit to sell alcoholic beverages.
11. Alcoholic beverage sales shall be limited to beer and wine for off-site consumption, as shown on the approved Exhibit "A" and as licensed (Type 20) by the State Department of Alcoholic Beverage Control.
12. There are no known zoning violations associated with the property.
13. There is no known opposition to the project.
14. The continuation of the market is a reasonable use of the property.
15. Due to site constraints and lot coverage, it is impractical and economically infeasible to redesign the subject property to conform to current development standards. The subject property does not conform to current landscaping, yard setbacks, and parking standards.
16. Continuation of the market will not adversely affect or alter the character of the surrounding neighborhood, as it has operated since at least 1950 with no known conflicts with surrounding residential uses.
17. The Project is compatible with the adjoining residential, as it has operated since at least 1950 with no known conflicts with surrounding residential uses.
18. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determined that it is necessary to limit the term of this grant to fifteen (15) years with periodic inspections.
19. The project is Categorically Exempt Class 1 – Existing Structures, under California Environmental Quality Act (CEQA) reporting requirements.
20. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was adequately notified of the public hearing by mail, legal advertisement and property posting.
21. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based is located at the 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 Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

1. That to require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property; and/or

2. That such use, building or structure does not now and will not during the extension period requested:
 - a. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or
 - b. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, or
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

HEARING OFFICER ACTION:

1. I have considered the Categorical Exemption Class 1 for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Nonconforming Review No. 200800017 is **APPROVED**, subject to the attached conditions.

cc: Zoning Enforcement

SMT:PE
12/20/11

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 88438-(1)
NONCONFORMING REVIEW NO. 200800017**

PROJECT DESCRIPTION

The project is a nonconforming review for the continued operation of a nonconforming market located in the R-2 (Two-Family Residence) zone, subject to the following conditions of approval:

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, Condition Nos. 4, 5, and 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, 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 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 ("County 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 December 20, 2026.** Entitlement to use 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 zoning permit 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 six (6) months from the date of final approval of the grant. A single three-month time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. Recordation of the Affidavit of Acceptance and Conditions of Approval, with payment of applicable fees, constitute use of permit.
10. The subject property shall be maintained 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 **\$1,600.00**. 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 **eight (8) periodic inspections**. Inspections may 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 requirements of Title 22 of the Los Angeles County Code ("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.
13. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
14. 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.

15. 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, the required number modified Exhibit "A" plans shall be submitted to Regional Planning within ninety (90) days of the date of final approval.
16. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures;
17. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
18. The sale of alcoholic beverages is limited to beer and wine (Type 20), as licensed by the State Department of Alcoholic Beverage Control (ABC).
19. The sale of alcoholic beverages is limited to off-site consumption. On-site consumption of alcoholic beverages is prohibited. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
20. There shall be no expansion in the percentage of display shelf space of alcoholic beverages (beer and wine) beyond that shown on the approved Exhibit A. Any change in ABC license type or increase in alcoholic beverage display shelf space will require an authorized conditional use permit.

21. Signage shall be limited to that currently painted on the building, as show in the photographs submitted with the application.
22. Storage, sales or display of merchandise outside the building or on the sidewalk is prohibited.
23. All trash and recyclable material receptacles shall be store in a location which is not visible from the public right-of-way.

Attachments: Fire Department letter dated January 27, 2011.

SMT:PE
12/20/11



**COUNTY OF LOS ANGELES
FIRE DEPARTMENT**

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: January 27, 2011

TO: Department of Regional Planning
Zoning Permits Section I

PROJECT #: NCR 88-438

LOCATION: 531 S. Bonnie Beach Place, East LA

- 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 pounds per square inch residual pressure.
- Verify / Upgrade __ existing public 6" X 4" X 2 1/2" fire hydrant, 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:** The Fire Department recommends approval of this permit as presently submitted.
- Location:** The existing fire hydrant is adequate.
- Access:** The existing access is adequate as shown on the site plan.
- 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: *Juan C. Padilla*

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