

# Hearing Officer Transmittal Checklist

Hearing Date  
12/20/2011  
Agenda Item No.  
5

Project Number: 88438-(1)  
Case(s): Nonconforming Review Permit No. 200800017  
Planner: Phillip Estes, AICP 

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- GIS-Net Map
- Aerial Image(s)
- Tentative Tract / Parcel Map
- Site Plan, Shelf Plan
- Exhibit Map
- Landscaping Plans

Reviewed By:  \_\_\_\_\_



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6443

**PROJECT NO. 88438-(1)**  
**NONCONFORMING REVIEW PERMIT 200800017**

**PUBLIC HEARING DATE**  
 12/20/11

**AGENDA ITEM**  
 5

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**  
 Quintero Miguel

**OWNER**  
 Quintero Miguel

**REPRESENTATIVE**  
 Quintero Miguel

**PROJECT DESCRIPTION**

To authorize the continued operation of a non-conforming market located in the R-2 (Two Family Residence) zone, Eastside Unit No. 1 Zoned District. The market is non-conforming due to use and development standards.

**REQUIRED ENTITLEMENTS**

Nonconforming review permit to authorize the continued operation of a non-nonconforming market, due to use and development standards, located in the R-2 (Two Family Residence) zone, pursuant to Sec. 22.56.1550.

**LOCATION/ADDRESS**

531 S. Bonnie Beach Place, East Los Angeles, CA 90063.

**SITE DESCRIPTION**

The site plan shows an existing 1,962 sq. ft. one-story market, with no on-site parking or landscaping. The floor plan shows a food and general merchandise areas with non-conforming ("grandfathered") beer and wine sales.

**ACCESS**

S. Bonnie Beach Pl. and East Sixth St.

**ZONED DISTRICT**

Eastside Unit No. 1 Zoned District

**ASSESSORS PARCEL NUMBER**

5238-007-040

**COMMUNITY**

East Los Angeles

**SIZE**

4,382 sq. ft.

**COMMUNITY STANDARDS DISTRICT**

East Los Angeles CSD

|              | <b>EXISTING LAND USE</b> | <b>EXISTING ZONING</b> |
|--------------|--------------------------|------------------------|
| Project Site | Food market              | R-2                    |
| North        | Residential              | R-2                    |
| East         | Residential, cemetery    | R-2                    |
| South        | Residential              | R-2                    |
| West         | Residential, market      | R-2                    |

**GENERAL PLAN/COMMUNITY PLAN**

East Los Angeles

**LAND USE DESIGNATION**

LMD – Low / Medium Density

**MAXIMUM DENSITY**

N/A

**ENVIRONMENTAL DETERMINATION**

Class 1 Categorical Exemption – Existing Structures

**RPC LAST MEETING ACTION SUMMARY**

|                       |                   |                           |
|-----------------------|-------------------|---------------------------|
| LAST RPC MEETING DATE | RPC ACTION        | NEEDED FOR NEXT MEETING   |
| MEMBERS VOTING AYE    | MEMBERS VOTING NO | MEMBERS ABSTAINING/ABSENT |

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

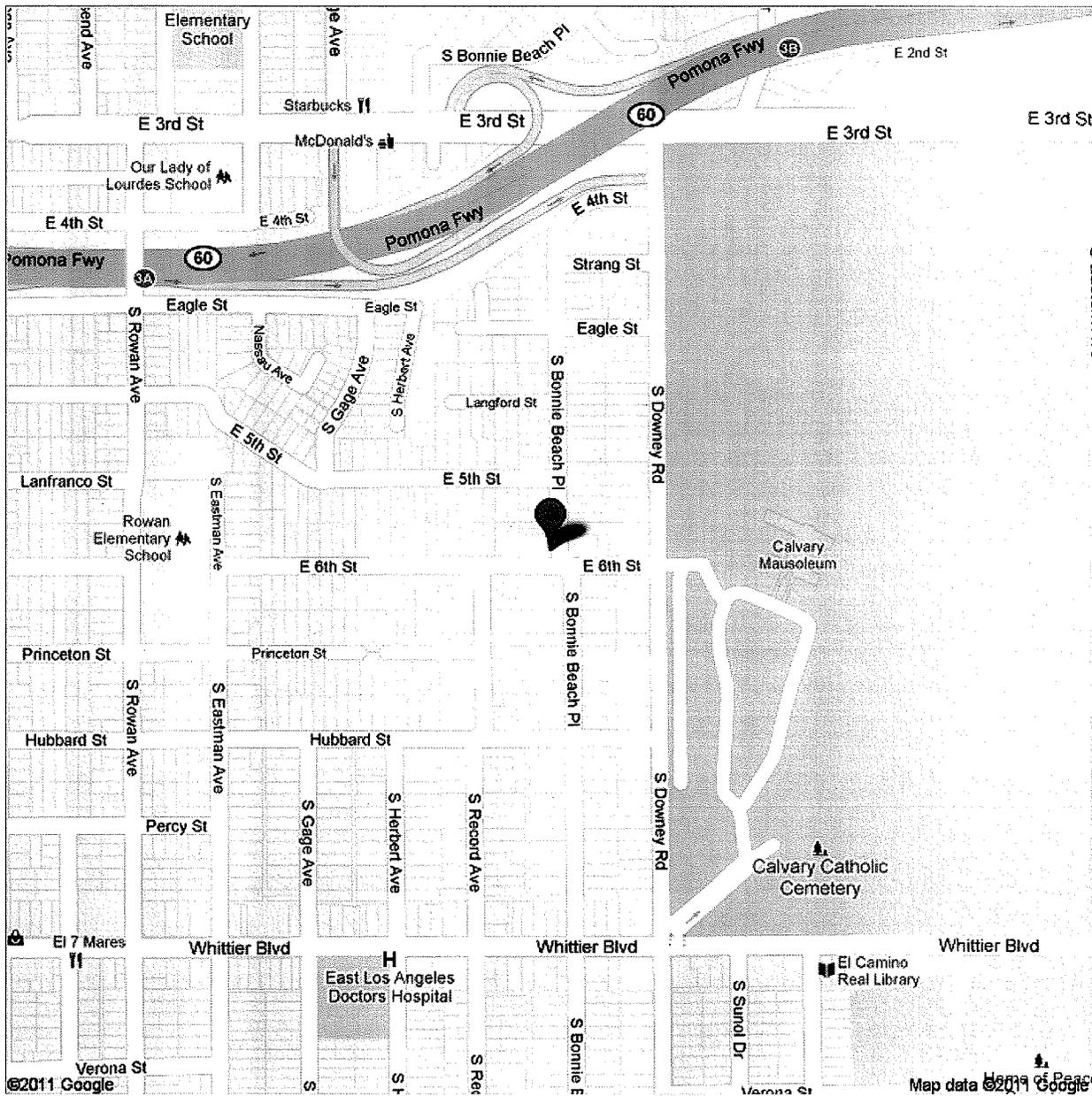
|   |                      |                    |
|---|----------------------|--------------------|
| STAFF CONTACT: Phillip Estes (pestes@planning.lacounty.gov) |                      |                    |
| RPC HEARING DATE(S)   | RPC ACTION DATE      | RPC RECOMMENDATION |
| MEMBERS VOTING AYE  | MEMBERS VOTING NO    | MEMBERS ABSTAINING |
| STAFF RECOMMENDATION (PRIOR TO HEARING):                    |                      |                    |
| SPEAKERS*<br>(O) (F)  | PETITIONS<br>(O) (F) | LETTERS<br>(O) (F) |

\*(O) = Opponents (F) = In Favor



Address **531 S Bonnie Beach Pl**  
**Los Angeles, CA 90063**

Get Google Maps on your phone  
Text the word "GMAPS" to 466453



**STAFF ANALYSIS  
PROJECT NO. 88438-(1)  
NONCONFORMING REVIEW NO. 200800017**

**PROJECT DESCRIPTION**

The applicant, Miguel Quintero, has requested the continuation of a nonconforming market due to use and standards located in the R-2 (Two-Family Residence) zone ("Project").

The market also operates with nonconforming beer and wine sales for off-site consumption. The market legally established beer and wine sales before the current conditional use permit requirement to sell alcoholic beverages.

**REQUIRED ENTITLEMENT**

An authorized nonconforming review permit (NCR) for the continued operation of a market located in the R-2 zone, pursuant to Section 22.56.1550 of the Los Angeles County ("County") Code ("Zoning Ordinance").

**LOCATION**

531 South Bonnie Beach Place, Eastside Unit No. 1 Zoned District, East Los Angeles. The property is identified by Assessor's Parcel No. 5238-007-040.

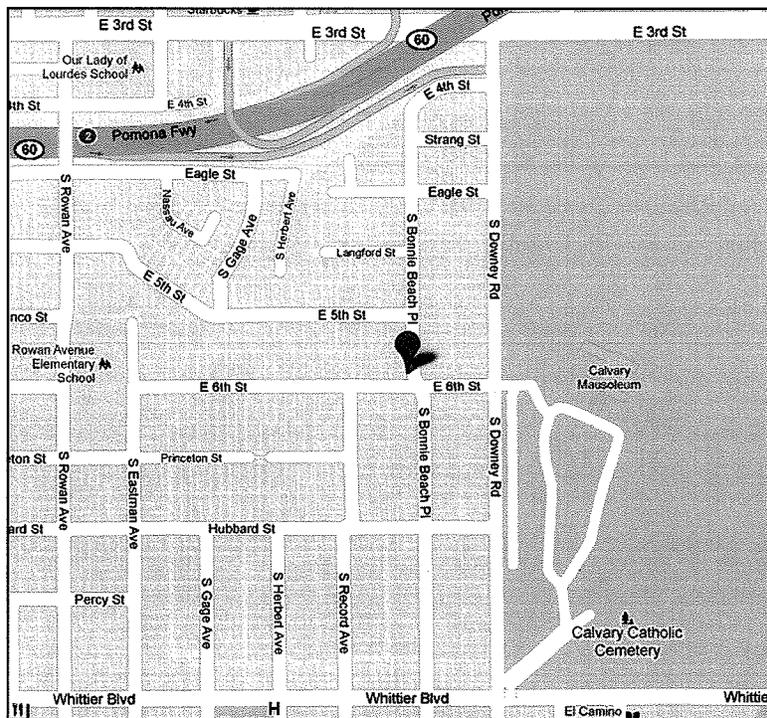


Figure 1 - Vicinity Map

**SITE PLAN DESCRIPTION**

The site plans shows an existing, one-story 1,962 square feet commercial building with no on-site parking or landscaping. The floor plan indicate areas for a cashier, restroom, produce, meat counter, storage, dry goods, general merchandise, and a walk-in cooler with alcohol storage and sales. This is consistent with the previously approved NCR No. 88438 Exhibit A plans. The parcel is approximately 4,270 square feet. Access is at the northwest corner of Bonnie Beach Place and East Sixth Avenue.

**LAND USE**

The following indicates the existing land uses within 500 feet of the subject property, as indicated on the applicant's land use map:

- North: Single- and multi-family residences
- East: Single- and multi-family residences, cemetery
- South: Single- and multi-family residences
- West: Single- and multi-family residences, market



Figure 2 - Aerial view perspective (2008).

**ZONING**

The following indicates the existing zoning within 500 feet of the subject property:

- North: R-2 (Two-Family Residence)
- East: R-2 (Two-Family Residence)
- South: R-2 (Two-Family Residence)
- West: R-2 (Two-Family Residence)

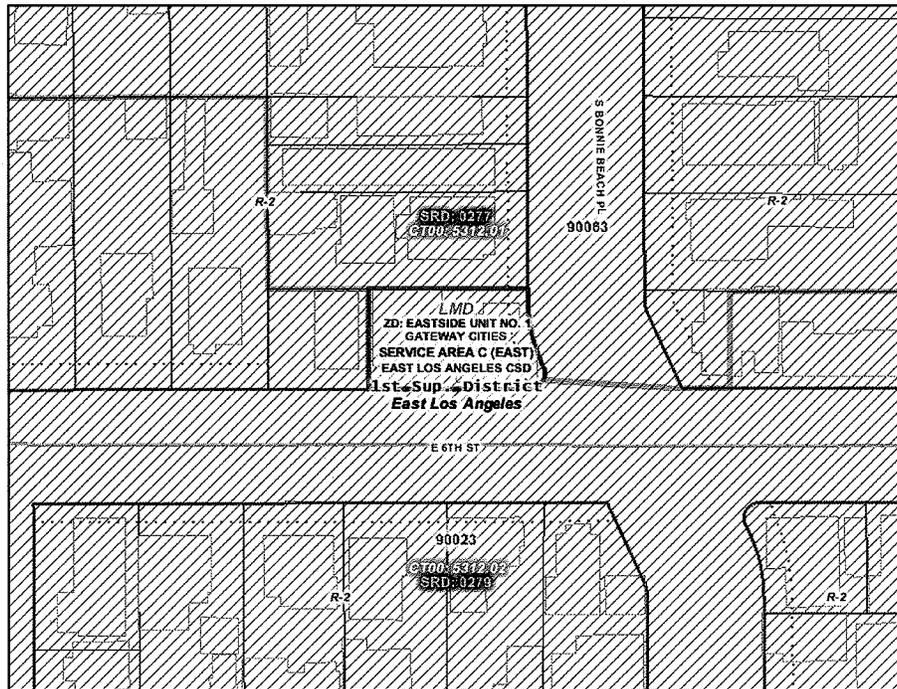


Figure 3 - Land Use Plan and Zoning Map.

### ENVIRONMENTAL DETERMINATION

The project is Categorically Exempt Class 1 – Existing Structures, pursuant to the California Environmental Quality Act (CEQA) reporting requirements. There is no construction or change of use proposed.

### LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to Sections 22.60.174 and 22.60.175 of the Zoning Ordinance, the community was adequately notified of the public hearing by mail, legal advertisement, posting of a hearing notice sign, library package distribution, and materials were published to the Regional Planning website.

### PREVIOUS ZONING PERMIT CASES

On November 22, 1988, NCR No. 88438 authorized the continued operation of the market. This permit expired on November 22, 2008. County building permit records indicate that a store was present in 1950.

The existing beer and wine sales for off-site consumption use was established prior to the current CUP requirement to sell alcoholic beverages. Records indicate that the establishment was licensed by the State Department of Alcohol Beverage Control to sell beer and wine as early as July 1, 1988.

## STAFF EVALUATION

### East Los Angeles Community Plan

The property is located in the L/MD (Low to Medium Density Residential) category of the County East Los Angeles Community Plan ("Community Plan"). This category encourages "single-family housing duplex and townhouse development..." The maximum density is 17 dwelling units per acre.

The community plan policy encourages development that is compatible with and complements existing uses. The plan supports "...existing neighborhood-oriented ("mom and pop") stores that fill a neighborhood need and are compatible with the surrounding area." The Project is an existing neighborhood-oriented food market that serves the surrounding residential neighborhood. This market provides a convenience location for area residents to purchase food, beverages, and general merchandise items. Therefore, continuing the market is consistent with the community plan and a desirable feature in the neighborhood.

### Zoning Ordinance and Development Standards Compliance

The property is located in the R-2 zone, which generally permits single-family and duplex residences. A market is not permitted in the R-2 zone. The existing market is non-conforming due to use and development standards, as it was established prior to the enactment of zoning regulations. The property does not meet current setback, landscaping, or parking standards. The continuation of the existing non-conforming market is permitted with an authorized non-conforming review permit.

### BURDEN OF PROOF

The applicant is required to substantiate all facts identified by Sections 22.56.040 and 22.56.1550 of the county code. The applicant's Burden of Proof statements are attached. Staff concludes that the applicant has satisfied the required Burden of Proof.

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

### Staff Comments

Staff concludes that the cessation of the market would unduly impair the property rights of the owner to such an extent, which may cause unconstitutional taking of the property. Enforcing the current zoning use and development standards, thereby causing the market to cease operations at this subject property, would cause severe economic harm to the property owner and his livelihood.

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.

**Staff Comments**

Staff concludes that the continuation of the market will not adversely affect the health, peace, or welfare of persons residing or working in the surrounding area. The market will not be materially detrimental to the use, enjoyment or valuation of the property or other persons located in the vicinity as it has operated at this location since at least 1981. County Assessor records indicate the structure was constructed in 1956. The establishment is located on the corner of South Bonnie Beach Place and East Sixth Street. Customers primarily walk and do not drive to the market, as it serves the immediate vicinity. Therefore, the Project will not unduly burden existing traffic flows, water or sewer services. The building is compatible with and typical in scale of other buildings located in surrounding area. Therefore, the Project will not cause blight, deterioration, or substantially diminish or impair property values in the area. Continuing the market is consistent with the community plan and is a desirable business at this location.

**PUBLIC COMMENTS**

To date, staff has received no comments or objections from the public.

**COUNTY DEPARTMENT COMMENTS**

The Fire Department has cleared this request for public hearing, as indicated in a letter dated January 27, 2011.

**FEES / DEPOSITS**

If approved, fees identified in the attached conditions will apply unless modified by the Hearing Officer.

**STAFF RECOMMENDATION**

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

Staff concludes that the applicant has satisfied the burden of proof and, therefore, recommends **APPROVAL** of Nonconforming Review Permit No. 200800017, for a fifteen (15) year term, subject to the attached conditions.

Prepared by: Phillip Estes, AICP, Principal Regional Planner  
Reviewed by: Susan Tae, AICP, Supervising Regional Planner

Attachments: Draft Findings, Draft Conditions, Burden of Proof, Photographs, Site Plan, Fire Department letter dated January 11, 2011.

SMT:PE  
11/28/11

**DRAFT 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:**

*To be completed after the proceedings.*

**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  
11/28/11

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

**PROJECT DESCRIPTION**

The project is a nonconforming review for 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 **\$1,400.00**. 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 **seven (7) inspections, one inspection every two years**. 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  
11/28/11

RE: NONCONFORMING USE AND  
STRUCTURE REVIEW CASE NO. 88438-(3)  
To continue a market.  
531 South Bonnie Beach Place  
East Los Angeles

Mailing Date: December 7, 1988

TO: Eung Pal Han  
531 South Bonnie Beach Place  
Los Angeles, California 90063

CERTIFIED - RECEIPT  
REQUESTED

PLEASE NOTE: This document contains the hearing officer's findings, order and conditions relating to APPROVAL of the above referenced case.

**CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.

The applicant or ANY OTHER INTERESTED PERSON may APPEAL the hearing officer's decision to the Regional Planning Commission at the office of the Commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the Commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be post-marked or delivered in person within 15 days after this notice is received by the applicant. The hearing officer's decision may also be called up for review by the Regional Planning Commission during the appeal period. This grant will not become effective until and unless this period has passed without an appeal or call for review.

For further information on appeal procedures, compliance with conditions or any other matter pertaining to this grant, please contact the Variances and Permits Section at (213) 974-6446.

**HEARING OFFICER'S FINDINGS AND ORDER**

**FACTUAL SUMMARY:**

The request is to continue an existing market and single family residence located at 531 South Bonnie Beach Place in the community of East Los Angeles.

**NONCONFORMING USE AND  
STRUCTURE REVIEW CASE NO. 88438-(3)**

The site is a level, rectangular shaped, 4,299 square foot lot, improved with a 1,362 square foot market which fronts on Bonnie Beach Place, and a 1,258 square foot home. There is a large painted mural on the side of the market. There is no on-site parking for the market.

The site is surrounded on all sides by single family homes.

The subject property is in the R-2 (Two Family Residence) zone. Markets are not permitted in this zone. The market was established prior to enactment of zoning regulations. Nonconforming Use and Structure Review Case No. 144, previously approved for the site, will expire on April 22, 1991.

The project is categorically exempt (Class 1) from environmental impact reporting requirements in that it is a continuation of an existing use.

A public hearing was held on November 22, 1988, at which the applicants testified in favor of the request. There was no opposition testimony.

**FINDINGS:**

Continuation of the existing structures and uses on the subject property with the attached conditions and restrictions does not now and will not during the extension period approved adversely affect the health, peace, or welfare of persons residing or working in the surrounding area, be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the subject property or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The market has been in existence for many years, serving the needs of the surrounding neighborhood. The conditions imposed will assure that the appearance of the market will be well maintained and compatible with the surrounding area.

And, therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Nonconforming Use and Structure Review as set forth in Section 22.56.1550 of Title 22 of the Los Angeles County Code, the Zoning Ordinance.

NONCONFORMING USE AND  
STRUCTURE REVIEW CASE NO. 88438-(3)

HEARING OFFICER'S ACTION:

1. I find that the project is categorically exempt (Class 1) from the requirements of the California Environmental Quality Act, and that the project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Nonconforming Use and Structure Review Case No. 88438-(3) is GRANTED with the attached conditions.

BY: John R. Hutteringer DATE: 12-6-88  
John Hutteringer  
HEARING OFFICER  
Department of Regional Planning  
County of Los Angeles

Enclosure: Affidavit

cc: Each Commissioner; Dept. of Public Works; Zoning Enforcement;  
Building and Safety; Health Services;  
Robert Rodich, 1038 S. Stearns Drive, Los Angeles, CA 90035

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.
3. This grant will terminate on November 22, 2008.

Entitlement to use of the property thereafter shall be subject to the regulations then in effect.

4. 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.
5. 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 may, after conducting a public hearing, revoke or modify this grant, if it finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance.
6. This grant allows the continued use of a neighborhood market subject to the following restrictions as to use:
  - a. Signage shall be limited to that currently painted on the building, as shown in the photographs on file dated October 24, 1988.
  - b. The permittee shall repair or replace the fencing on the Bonnie Beach frontage with chain link and slats or other materials acceptable to the Director of Planning to screen the storage area.
  - c. Storage, sales or display of merchandise on the sidewalk is prohibited.
  - d. All trash shall be stored in a location which is not visible from the street.

- e. Sales of alcoholic beverages are limited to beer and wine only. The permittee shall not increase the floor area used for the storage or display of alcoholic beverages or the facing used for the display of alcoholic beverages beyond that shown on Exhibit "A".
7. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
8. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
9. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
10. 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.
11. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.

RF:OW:eh/var c  
12/1/88



**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



88-438 NCR 2008 00017

# 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.)*

- A. That the requested use at the location proposed will not:
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.

Please refer to attached

- 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 otherwise required in order to integrate said use with the uses in surrounding area.

Please refer to attached

- C. That the proposed site is adequately served:
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.

Please refer to attached

- 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.

Please refer to attached

- 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.

Please refer to attached

## BURDEN OF PROOF

SUBJECT: 531 S Bonnie Beach Pl  
Los Angeles, CA 90063

APN: 5238-007-040

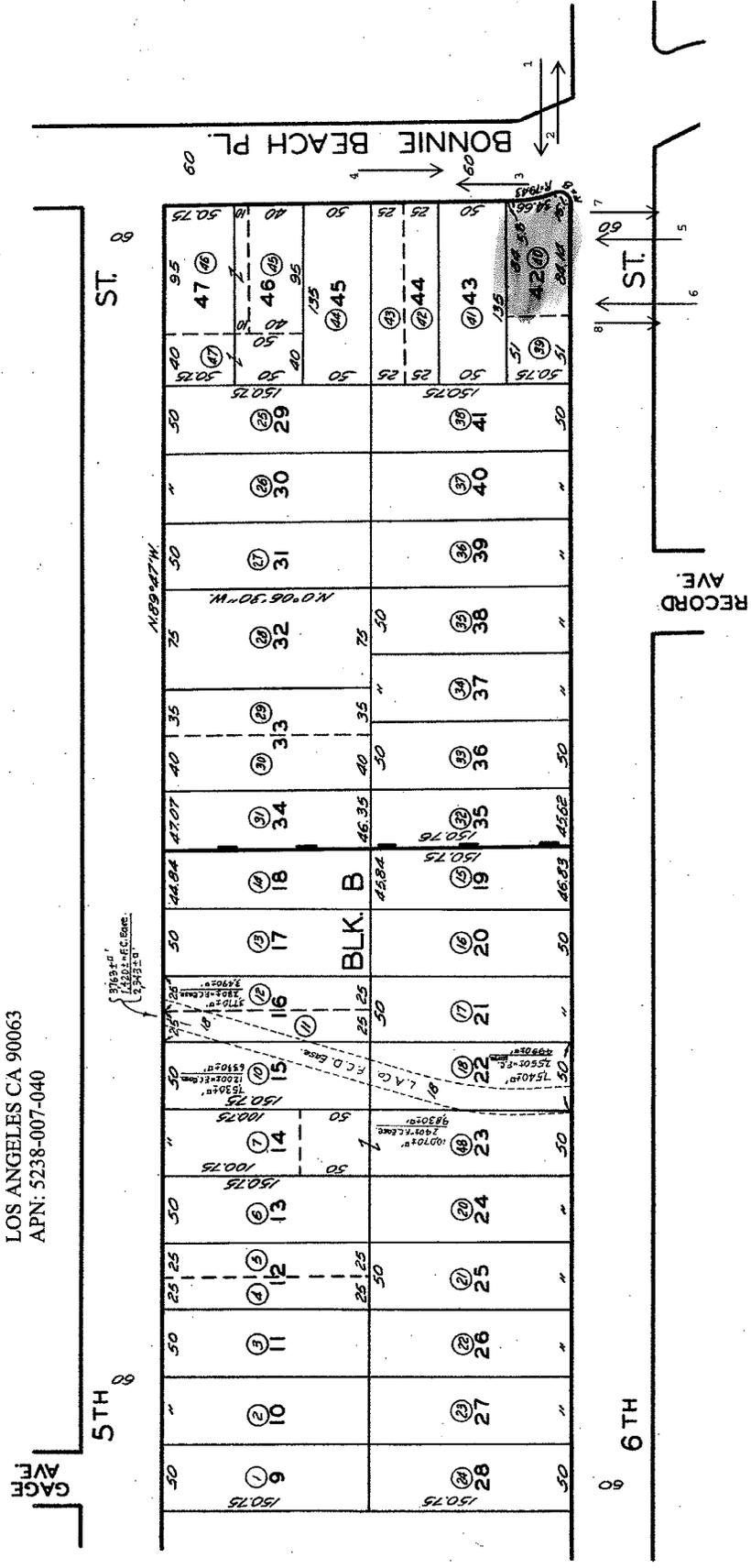
- A.1. The proposed use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. This is a request of a nonconforming use review to maintain the existing food store with the sales of beer and wine. Case no. NCR 88-438 was granted in 1988 for the sales of beer and wine at this non-conforming food store for 20 years. There has been no substantial change in the surrounding area in the last 20 years. The use, therefore, will not change the uses of the area nor adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.
- A.2. The proposed use will not be detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. The use is located on a 4,382 square foot site. There is an existing residence to the rear of the store on the same lot. The surrounding uses are residential. The uses in the surrounding vicinity are therefore consistent with this use.
- A.3. The proposed use will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare. The use is existing. The non-conforming use review is to maintain such use at this location. Therefore, it will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare.
- B. The site is adequate in size and shape to accommodate the yards, wall, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area. The existing site contains a food store and a residence on a 4,382 square foot site.
- C.1. The site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind of quantity of traffic such use would generate. The property is accessible from Bonnie Beach Place and 6<sup>th</sup> Street.
- C.2. This site is adequately served by Bonnie Beach Place and 6<sup>th</sup> Street.
- D. The existing business has been at this location for more than 40 years. The county granted a non-conforming review in 1988. This use does not constitute a menace or nuisance to the surrounding areas. Requiring the cessation of such use would cause taking of substantial property right enjoyed by surrounding property owners but denied to the property owner in question.
- E. The granting of such non-conforming use review 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. The existing use is consistent with surrounding uses.

88-00438

2005

KEY TO PHOTOGRAPHS

SUBJECT:  
 531 S BONNIE BEACH PL  
 LOS ANGELES CA 90063  
 APN: 5238-007-040



CODE  
 1040

ILONA HEIGHTS TRACT  
 HILLVALE TRACT  
 M.B. 13-73  
 M.B. 14-106-107

FOR PREV. ASSMT. SEE: 304-9, 10 & 16

SUBJECT: 531 S BONNIE BEACH PL  
LOS ANGELES CA 90063  
APN: 5238-007-040

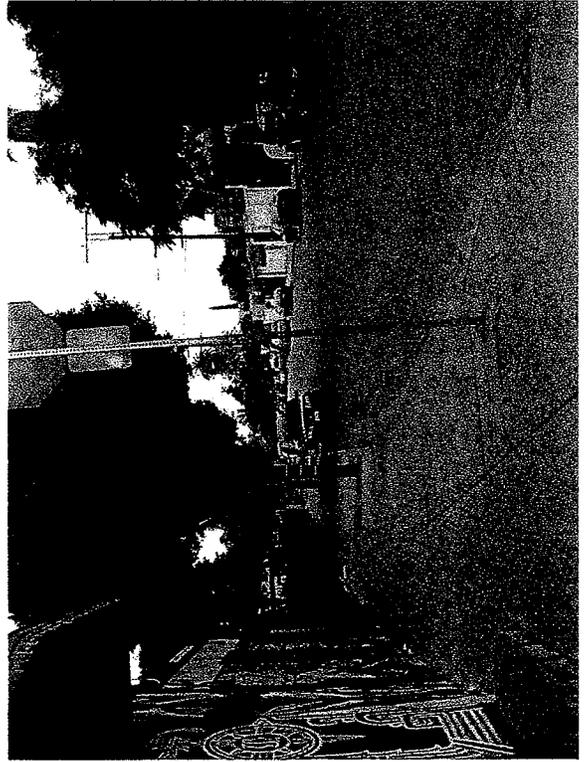
88-00438



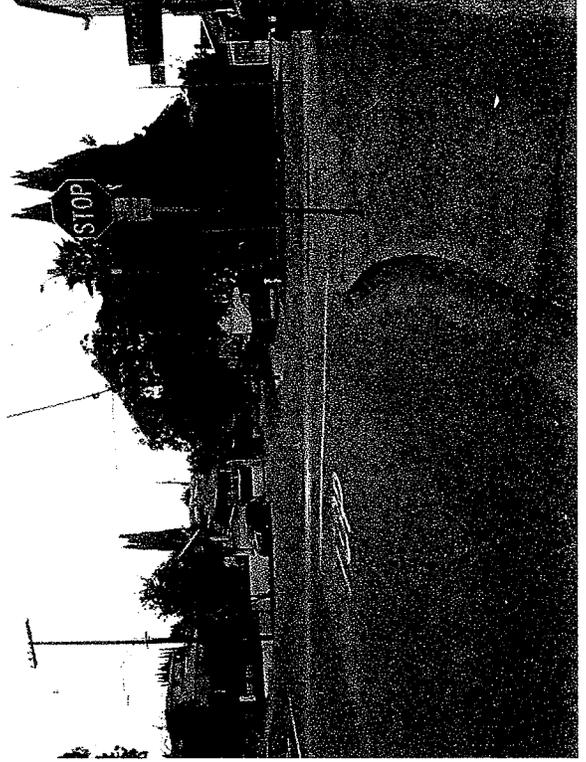
1. EAST ELEVATION



2. LOOKING FROM EAST ELEVATION



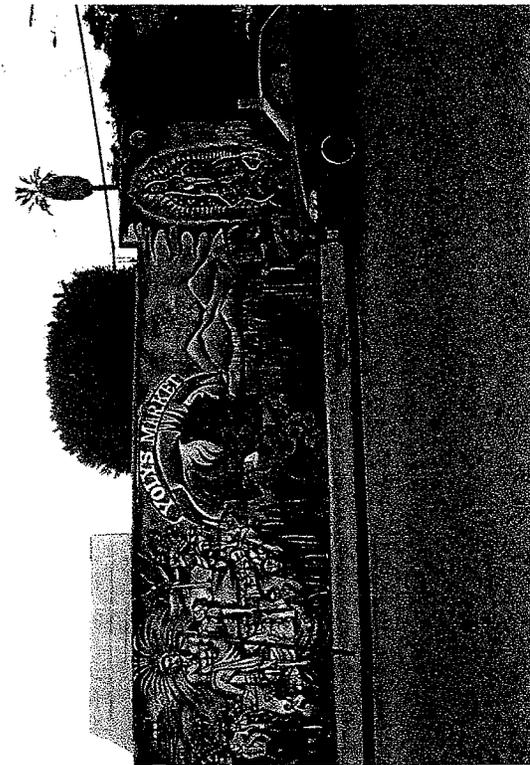
3. LOOKING NORTH ON BONNIE BEACH PL



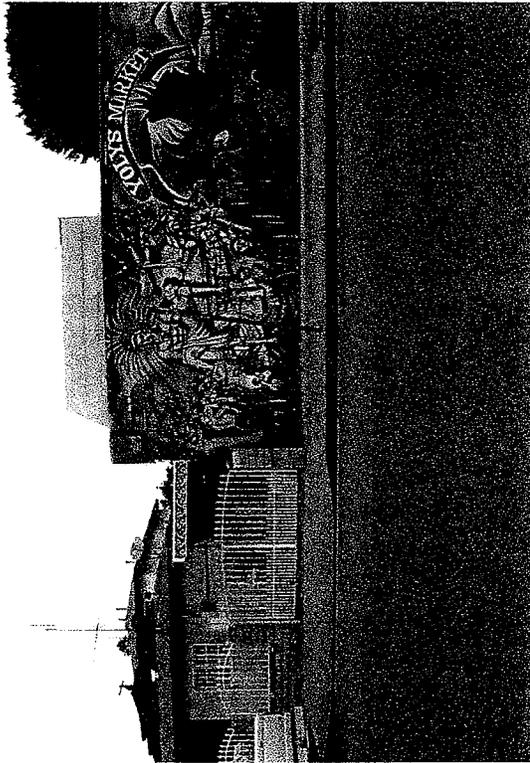
4. LOOKING SOUTH ON BONNIE BEACH PL

SUBJECT: 531 S BONNIE BEACH PL  
LOS ANGELES CA 90063  
APN: 5238-007-040

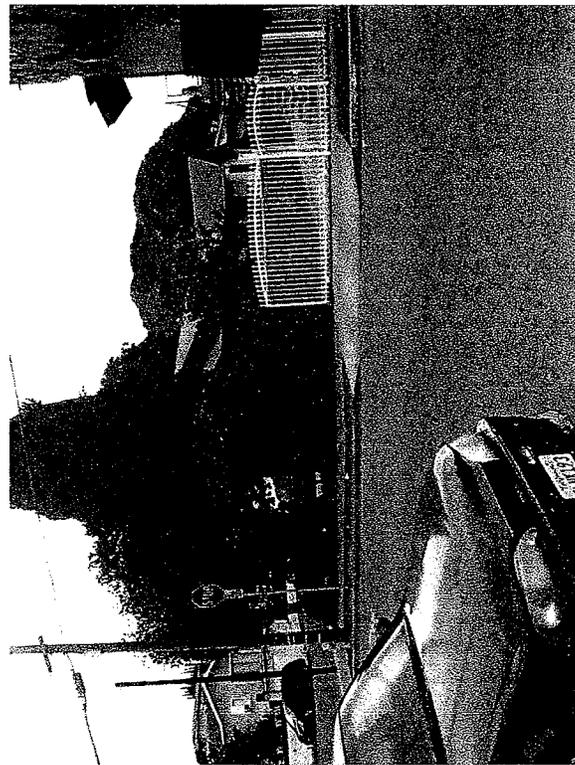
88-00438



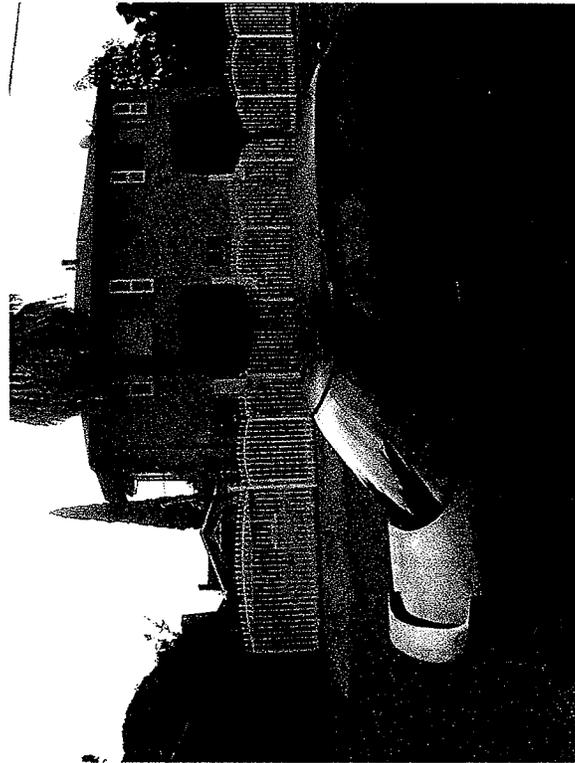
5. SOUTH ELEVATION



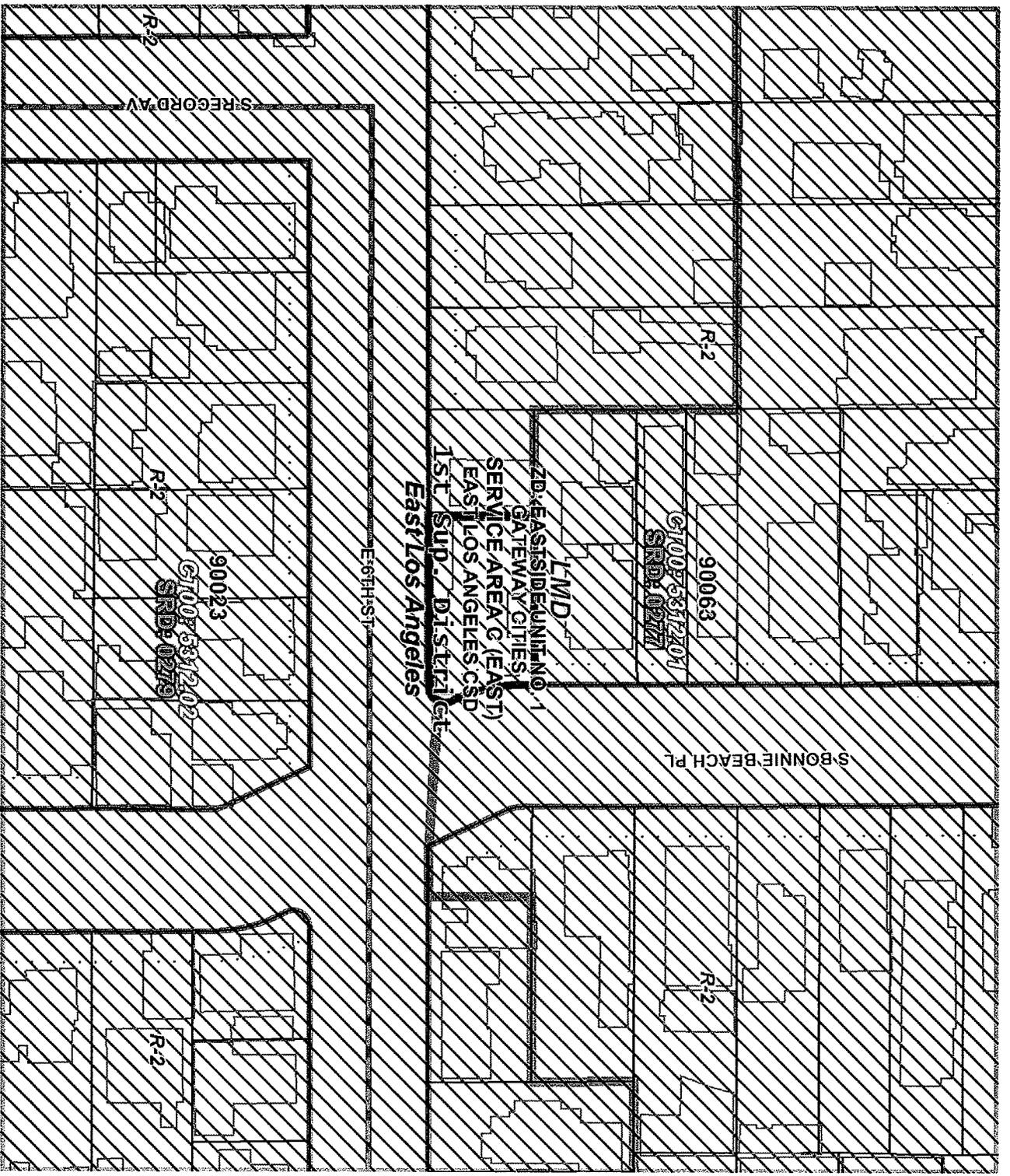
6. SOUTH ELEVATION



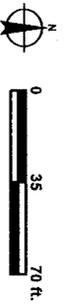
7. LOOKING FROM SOUTH ELEVATION



8. LOOKING FROM SOUTH ELEVATION

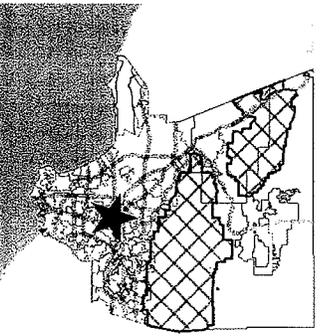


Copyright 2005 - Los Angeles County Department of Regional Planning, created by the GIS Section  
 Note: This map represents a quick representation of spatial imagery or vector layers using GIS-NET.  
 The map should be interpreted in accordance with the disclaimer statement of GIS-NET.



- ### Legend
- Partial Boundary
  - Arterial Street
  - Freeway
  - Master Plan of Highways
  - Expressway - (E)
  - L14, Secondary Highway - (S)
  - P16, Secondary Highway - (P)
  - Parkway - (P)
  - Major Highway - (M)
  - Major Highway - (H)
  - Major Highway - (R)
  - Secondary Highway - (S)
  - Ex-isting (P) Proposed
  - Railroad or Rapid Transit
  - Rapid Transit
  - Underground Rapid Transit
  - Significant Rigidlines
  - Cerritos CSD Boundary
  - S.M.A.N.A. Standant
  - Census Tract (2000)
  - Assessor Map Book (AMBI) Bay
  - Zoning Inlay Map Ord
  - Zoning Map Grid
  - USGS Quad Sheet Grid
  - TB Internal Page Grid
  - Very High Fire Hazard Severity
  - Zone - Minik Standards District (CSO)
  - CSD Area Specific Boundary
  - ESHA (Coast Only)
  - Regional Ecological Area
  - Section Line
  - Township and Range
  - National Forest (EOD)
  - Transit Oriented District (TOD)
  - Sanborn District (SD)
  - Supervisory District Boundary
  - Safety Related Stations (From TB)
    - Fire Station
    - Highway Patrol
    - Ranger Station
    - Sheriff Station
  - Inland Waterbody
  - Intermittent
  - Dry
- ### Zoning (Boundary)
- Zone A-1
  - Zone B-1
  - Zone B-2
  - Zone C-1
  - Zone C-2
  - Zone C-3
  - Zone C-4
  - Zone C-5
  - Zone C-6
  - Zone C-7
  - Zone C-8
  - Zone C-9
  - Zone D-1
  - Zone D-2
  - Zone D-3
  - Zone D-4
  - Zone D-5
  - Zone D-6
  - Zone D-7
  - Zone D-8
  - Zone D-9
  - Zone D-10
  - Zone D-11
  - Zone D-12
  - Zone D-13
  - Zone D-14
  - Zone D-15
  - Zone D-16
  - Zone D-17
  - Zone D-18
  - Zone D-19
  - Zone D-20
  - Zone D-21
  - Zone D-22
  - Zone D-23
  - Zone D-24
  - Zone D-25
  - Zone D-26
  - Zone D-27
  - Zone D-28
  - Zone D-29
  - Zone D-30
  - Zone D-31
  - Zone D-32
  - Zone D-33
  - Zone D-34
  - Zone D-35
  - Zone D-36
  - Zone D-37
  - Zone D-38
  - Zone D-39
  - Zone D-40
  - Zone D-41
  - Zone D-42
  - Zone D-43
  - Zone D-44
  - Zone D-45
  - Zone D-46
  - Zone D-47
  - Zone D-48
  - Zone D-49
  - Zone D-50
  - Zone D-51
  - Zone D-52
  - Zone D-53
  - Zone D-54
  - Zone D-55
  - Zone D-56
  - Zone D-57
  - Zone D-58
  - Zone D-59
  - Zone D-60
  - Zone D-61
  - Zone D-62
  - Zone D-63
  - Zone D-64
  - Zone D-65
  - Zone D-66
  - Zone D-67
  - Zone D-68
  - Zone D-69
  - Zone D-70
  - Zone D-71
  - Zone D-72
  - Zone D-73
  - Zone D-74
  - Zone D-75
  - Zone D-76
  - Zone D-77
  - Zone D-78
  - Zone D-79
  - Zone D-80
  - Zone D-81
  - Zone D-82
  - Zone D-83
  - Zone D-84
  - Zone D-85
  - Zone D-86
  - Zone D-87
  - Zone D-88
  - Zone D-89
  - Zone D-90
  - Zone D-91
  - Zone D-92
  - Zone D-93
  - Zone D-94
  - Zone D-95
  - Zone D-96
  - Zone D-97
  - Zone D-98
  - Zone D-99
  - Zone D-100
- ### Landuse Policy (Not in Comm/ Area Plan)
1. Low Density Residential (1 to 8 du/ac)
  2. Medium Density Residential (9 to 12 du/ac)
  3. Medium Density Residential (12 to 22 du/ac)
  4. High Density Residential (23 to 32 du/ac)
  5. Major Industrial
  6. Major Commercial
  7. Open Space
  8. Non-Urban
  9. Rural Communes
  10. Transportation Corridor

Note: This is a static legend, which includes only a portion of the symbols of the legend. To get the full legend, please use "Display Map Legend" on the top left side of the screen.



Printed with permission by  
 the Los Angeles County  
 Dept. of Regional Planning.  
 All rights reserved.

88-438-(1) NCR 200800017

