



Los Angeles County
Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

August 11, 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

John Barakonski
14101 Dickens Street
Sherman Oaks, CA 91423

**REGARDING: PROJECT NUMBER 98-159
RCUP 201000139
6051 EAST OLYMPIC BOULEVARD**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, August 10, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, August 24, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form 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 Anita Gutierrez of the Zoning Permits East Section at (213)974-6443 or by e-mail at AGutierrez@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: BOS; DPW (Building and Safety); Zoning Enforcement, Dipakbhai Bhakta

MM:ag
Hearing Footage: 8/10/2011-Item #6

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

**PROJECT NUMBER 98-159-(1)
CONDITIONAL USE PERMIT NUMBER 201000139**

REQUEST

The applicant is requesting a Conditional Use Permit to authorize the operation and maintenance of an existing motel with six (6) rental units and one (1) manager's unit in the C-3 (Unlimited Commercial) Zone.

REGIONAL PLANNING COMMISSION HEARING DATE: August 10, 2011

A duly noticed public hearing was held on August 10, 2011 before the Regional Planning Commission. Commissioners Modugno, Valadez, Helsley, Pederson and Louie were present. No Commissioners were absent. The applicant's representative, John Barakonski presented testimony in favor of the request and answered questions presented by the Commission.

The Commission found it appropriate to allow for a fifteen (15) year grant term length because the owner has been a good operator and no violations have been reported during the past permit period. The Commission requested a condition be added to ensure that the permittee maintain records of renter identification for a period of at least two weeks and make it available to law enforcement officials upon request.

There being no further testimony, the Regional Planning Commission closed the public hearing and approved the permit with changes to the findings and conditions as agreed to by the applicant.

FINDINGS

1. The project is located at 6051 East Olympic Boulevard, Unincorporated East Los Angeles.
2. The project is a Conditional Use Permit to authorize the operation and maintenance of an existing motel with six (6) rental units and one (1) manager's unit in the C-3 (Unlimited Commercial) Zone
3. The project is site within the East Los Angeles Community Plan Area and is designated as CC-Community Commercial, which is described as areas with mostly small businesses in centers or along strips. These businesses are basically oriented to serving the needs of surrounding neighborhoods and have little regional attraction. The motel use is consistent with the adopted community plan for the area, as the Motel is a small business located on a commercial corridor serving a public convenience to the surrounding neighborhood.

4. The project site is zoned C-3 (Unlimited Commercial) and within the East Los Angeles Community Standards District. Landscaping and Buffering: Per Section 22.44.118.D, whenever adjacent to a property line, parking areas shall provide a landscaped buffer strip of at least five feet in width. Landscaping shall be provided and maintained in a neat and orderly manner. A 15-gallon tree shall be provided for every 50 square feet of landscaped area, to be equally spaced along the buffer strip. The landscaping materials shall be approved by the director. Permanent irrigation systems shall be required and maintained in good working order. A solid masonry wall not less than five feet high nor more than six feet in height shall be provided along the side and rear property lines.
5. A two foot landscape buffer is provided between the parking area and the eastern property boundary. The was property was developed in 1948 with necessary building permits and at that time, there was not a requirement for a five-foot landscape buffer. The motel has remained as built since 1948 and therefore would not need to provide additional landscaping. A five foot masonry wall is provided along the Eastern property boundary. This standard has been met.
6. Height: Per Section 22.44.118.D, the maximum height permitted in Zone C-3 is 40 feet. The building is 14 feet in height and therefore meets the development standard.
7. Parking: Per Section 22.52.1170, every motel shall provide one parking space for each guest room; and one and one-half covered parking spaces for the one-bedroom managers unit. Based on this standard, a total of 8 parking spaces are required, two of which should be covered. At the time the original structure was built in 1948, the parking standard was one parking space per unit or per dwelling apartment or other structure designed or intended to be used as a dwelling. According to this standard 7 parking spaces would have been required.
8. The motel was constructed with necessary building permits in 1948, however as there was no Planning Department review of the project prior to construction, it is reasonable to believe that the project was legally built with appropriate parking under then-applicable standards. There are currently nine parking spaces provided for the motel use, but none are covered, therefore the project would be nonconforming due to parking standards. As no new construction or expansion of use is proposed, the applicant would not be required to provide any additional parking on the project site for the motel.
9. The surrounding land uses consist of single and multi-family residential to the North, which is separated from the project site by an alley. There are commercial and multi-family residential uses to the East, commercial and single-family homes to the south and commercial uses to the West. The motel has existed at its present location since 1948 and is being well maintained. The motel is compatible with the

community as it is located on a commercial corridor and appropriately buffered from residential uses to the North by an alley.

10. The proposed motel will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the use is sufficiently buffered from residential uses and the motel has operated without any zoning violations for the past ten (10) years.
11. The proposed site is adequate in size and shape to accommodate the necessary parking and landscaping and is located along a commercial corridor amongst other commercial uses.
12. The proposed is located in an urbanized area and takes access from a developed public street, therefore the site is adequately served by highways or streets of sufficient width to support the traffic generated by the use.
13. 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.
14. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determined that it is necessary to limit the term of the grant to fifteen (15) years.
15. At the public hearing the Commission found it appropriate to add a condition that the permittee maintain records of renter identification for a period of at least two weeks and make it available to law enforcement officials upon request.
16. The Project is categorically exempt Class 1 – Existing Facilities, pursuant to the California Environmental Quality Act (CEQA) and the Los Angeles County environmental reporting guidelines. The motel is requesting to continue the use on an existing commercially zoned parcel of land, where the use has been located since 1948. The applicant is not proposing any new construction or other intensification of use. Therefore, the project qualifies for a Class 1 categorical exemption from the California Environmental Quality Act for existing facilities.
17. 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 REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;

- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

REGIONAL PLANNING COMMISSION ACTION

- 1. In view of the findings of fact and conclusions presented above, the Regional Planning Commission determines that the project is categorically exempt from CEQA pursuant to a Class 1 categorical exemption, and Conditional Use Permit 201000139 is approved subject to the attached conditions.

c: Each Commissioner, Zoning Enforcement, Building and Safety

VOTE 5-0

Concurring: Modugno, Valadez, Helsley, Pederson and Louie

Dissenting: None

Abstaining: None

Absent: None

Action Date: August 10, 2011

MM:AG

August 10, 2011

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 98-159-(1)
CONDITIONAL USE PERMIT NO. 201000139**

PROJECT DESCRIPTION

The project is a request for a Conditional Use Permit to authorize the operation and maintenance of an existing motel with six (6) rental units and one (1) manager's unit in the C-3 (Unlimited Commercial) Zone 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 and 5 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 August 10, 2026.** 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 conditional use 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 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 **6-unit Motel** 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 **\$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) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

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 with 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 copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PROJECT SITE SPECIFIC CONDITIONS

17. A minimum of eight (8) parking spaces shall be provided on the subject property in compliance with Section 22.52.1170 of the County Code.
18. The permittee shall maintain all landscaping on the subject property in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
19. Room rentals shall be by the 24-hour day only, hourly rental rates are expressively prohibited.
20. Any public telephones located on the subject property shall be located within the interior of the site and not on the sidewalk frontage along Olympic Boulevard.

21. No alcoholic beverages shall be sold or dispensed on the premises.
22. On-street parking shall be prohibited.
23. The permittee shall post a sign on the premises, both in English and Spanish, displaying the telephone numbers of the local County Sheriff's station and the Department of Regional Planning's Zoning Enforcement Section. Said sign shall also clearly notify patrons of the restrictions imposed under this grant.
24. The permittee shall maintain records of renter identification for a period of at least two weeks and make it available to law enforcement officials upon request.