



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Richard J. Bruckner  
Director

September 3, 2013

SK and M Investments  
P.O. Box 7912  
Beverly Hills, CA 90212

**REGARDING: PROJECT NO. 99075-(1)  
NONCONFORMING REVIEW NO. 201000008  
533 AND 535 S. ROWAN AVENUE (APN: 5238-003-048)**

Hearing Officer Paul McCarthy, by his action of **September 3, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

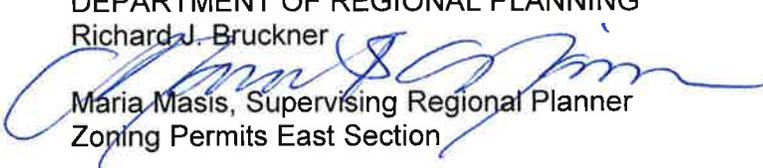
The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **September 17, 2013. Appeals must be delivered in person.**

**Appeals: To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 135C, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Kristina Kulczycki of the Zoning Permits East Section at (213) 974-6435, or by email at [kkulczycki@planning.lacounty.gov](mailto:kkulczycki@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

  
Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement;

MM:KK

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. 99075-(1)  
NONCONFORMING REVIEW NO. 201000008**

1. **ENTITLEMENT REQUESTED.** The applicant, Marcelo Monroy, is requesting a Nonconforming Review (NCR) to authorize the continued operation of two markets pursuant to County Code Section 22.56.1550 in the R-3 (Limited Multiple Residence) Zone.
2. **HEARING DATE.** September 3, 2013.
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on September 3, 2013 before the Hearing Officer. The property owner and landlord, Kamran Setareh, with translator, Farideh Wilson, presented testimony in favor of the project. There being no further testimony, the Hearing Officer closed the public hearing and expressed his intent to approve the project subject to the conditions recommended by staff and agreed to by the property owner.
4. **PROJECT DESCRIPTION.** The applicant is requesting an NCR for the continued use of a neighborhood convenience market and a meat market. The two-story building contains the two markets on the first floor and a two-family residence on the second floor. The building covers the entire property and therefore, no on-site parking is available. Nonconforming Review No. 99075 previously authorized the continued operation of the markets.
5. **LOCATION.** The existing markets are located at: 533 and 535 S. Rowan Avenue (Assessor Parcel Number: 5238-003-048) in the East Los Angeles area.
6. **EXISTING ZONING.** The subject property is zoned R-3 (Limited Multiple Residence Zone) in the Eastside Unit No. 1 Zoned District and is located within the East Los Angeles Community Standards District (CSD).

Surrounding properties are zoned as follows:

North: R-2 (Two-Family Residence Zone) and R-3

South: R-3

East: R-2 and IT (Institutional Zone)

West: R-3

7. **EXISTING LAND USES.** The subject property is developed with a two-story building containing the neighborhood market and meat market on the first floor and a two-family residence on the second floor.

Surrounding properties are developed as follows:

North: Single-family residences, a two-family residence, and a store

South: Single-family residences and a store

East: Single-family residences and an elementary school  
West: Single-family residences

8. **PREVIOUS CASES/ZONING HISTORY.** Regional Planning does not have any record of approval for the construction of the building; however, the Los Angeles County Assessor's Building Description Blanks identify the construction of a two-story building containing two stores on the first floor and a two-family residence on the second floor in 1928.

Ordinance No. 1690 was adopted by the Board of Supervisors on June 24, 1929, and established the R-4 zone on the subject property.

Ordinance No. 880153Z was adopted by the Board of Supervisors on October 14, 1988, and established the R-3 zone on the subject property.

Nonconforming Review No. 99075 was approved by the Regional Planning Commission on September 15, 1999, and authorized the continued operation of an existing neighborhood convenience store with the sale of beer and wine for off-site consumption and a meat market. This permit expired on August 18, 2009.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Medium-Density Residential (30 dwelling units per acre) land use category of the East Los Angeles Community Plan. This designation is intended for apartments and other multi-family housing. The two markets were established prior to the adoption of the East Los Angeles Community Plan and serve the surrounding local community. Furthermore, there is a two-family residence on the second floor of the building. Therefore, the existing building contains uses which are consistent with the permitted uses of the underlying land use category and provide necessary services to the local community.

The following policy of the General Plan is applicable to the proposed project:

- Maintain and conserve sound existing development. (Policy 20, Page I-21)

The markets have been in operation for many years and no changes are proposed to the existing building. The project will help to ensure the on-going viability of the existing businesses, thus helping to maintain the existing development.

The following policy of the East Los Angeles Community Plan is applicable to the proposed project:

- Eliminate industrial and commercial uses from residential areas, except existing neighborhood oriented ("mom and pop") stores that fill a neighborhood need and are compatible with surrounding uses. Channel industrial and commercial development into specific areas and designate appropriate "mom and pop" uses as special needs uses (Land Use, Page 3)

The markets were designed without on-site parking because they were meant to be neighborhood oriented "mom and pop" stores. They are located on a corner lot across the street from an elementary school which provides a convenient location within the community. The services they provide and the location of the property make the markets "special needs uses."

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Grocery stores or other retail stores are not permitted uses within the R-3 zone. However, the stores on the subject property are considered legal, nonconforming uses because they were established prior to the zoning designation. Pursuant to Section 22.56.1550 of the County Code, an approved Nonconforming Review is required in order to extend the time within which a nonconforming use or building or structure nonconforming due to use, or due to standards where applicable must be discontinued and removed from its site.

The neighborhood convenience market currently holds a Type 20 license from the California Department of Alcoholic Beverage Control (ABC) for the sale beer and wine for off-site consumption only. According to ABC's license query system, the establishment has maintained this license since April 7, 1992. Since this license was issued by ABC prior to the Department of Regional Planning's requirement for an approved CUP, the neighborhood market holds a "grandfathered" grant to sell beer and wine for off-site consumption.

Sections 22.20.300 to 22.20.330 of the County Code identify the following development standards for establishments in the R-3 zone:

Dwelling Unit Density

Pursuant to Section 22.20.310, the required area per dwelling unit shall not exceed 30 units per net acre. Based on the lot area of 2,500 square feet, one dwelling unit is allowed on this property. However, the two-family residence was constructed prior to the zoning designation for this property and no changes to the existing density are proposed as part of this project.

Yard Requirements

Pursuant to Section 22.20.320, premises in the R-3 zone shall be subject to the following yard requirements: front yards shall not be less than 15 feet, reversed corner side yards shall be not less than 7.5 feet, interior side yards shall be not less than 5 feet, and rear yard shall be not less than 15 feet. The existing building does not have any setbacks from the property lines, but was constructed prior to these yard requirements.

Parking

Pursuant to Section 22.20.330, parking facilities shall be provided as required by Part 11 of Chapter 22.52. Section 22.52.1100 requires commercial uses to maintain one automobile parking space for each 250 square feet of floor area. The total area of the markets is 2,500 square feet; therefore, 10 parking spaces are required based on current standards. Section 22.52.1180 requires one and one-

half covered, plus one-half uncovered standard parking spaces for each two-family residence. For the two-family residence, three covered parking spaces plus one uncovered parking space would be required. Based on current standards, a total of 14 parking spaces (including 11 uncovered and 3 covered parking spaces) would be required for the uses on the subject property. However, prior to 1943, no regulations in the County Code set a minimum number of parking spaces required for specific uses. The building was constructed in 1928, and no on-site parking is provided. Because the site was in compliance with the parking requirements at the time it was established, and because there are no additions or changes in use proposed, no requirements for additional parking are triggered. Therefore, the applicant satisfies the parking requirements applicable to the project.

Pursuant to Section 22.44.118 of the County Code, establishments in the East Los Angeles Community Standards District ("CSD") are subject to the following development standards:

Signage

No signage is proposed as a part of this project.

Height

The maximum height permitted in the R-3 zone shall be 35 feet. The height of the existing building is 22 feet; therefore, the building height is consistent with the development standard listed in the CSD.

Landscaping

The required front yard shall contain a minimum of 50 percent landscaping. The site was developed prior to the landscaping requirement. However, the applicant is proposing four new planter boxes to the satisfaction of the Department of Public Works as was required by Condition No. 11.n. of Nonconforming Review No. 99075.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The existing building was constructed in 1928 before the property was given the R-4 zoning designation. The markets were allowed to continue operation with the approval of Nonconforming Review No. 99075, which expired in 2009. No changes to the existing building or to the uses on the site are proposed as part of this project. The markets are conveniently located within a residential neighborhood on a corner lot across the street from an elementary school. Additionally, Rowan Avenue contains two other commercial shops within 500 feet of the subject property. They provide a service to the local community and are protected by the policy within the East Los Angeles Community Plan about neighborhood oriented stores that fill a neighborhood need and are compatible with surrounding uses. Therefore, the two existing markets will not adversely affect the health, peace, comfort or welfare of persons residing or working in the area, or endanger or otherwise constitute a menace to the public health, safety or general welfare.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Fire Department sent a response dated September 21, 2010 to Regional Planning indicating that they have no additional comments or requests for this project. The Sheriff sent a response dated March 20, 2012 providing a summary of calls for service for the past five years and indicated that they "appeared to be minimal."
13. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. **PUBLIC COMMENTS.** No public comments were received.

#### **NONCONFORMING REVIEW SPECIFIC FINDINGS**

15. The location of the establishments is on a corner lot across from the Elementary school which provides a convenient "walk-up" location for local residents within the community and minimizes the traffic.

Therefore, the nonconforming markets do not adversely affect the health, peace or welfare of persons residing or working in the surrounding area.

16. The markets have been in operation for over 10 years and the Sheriff has indicated that there have been minimal calls for service to the property. The request of this application is only to allow the continued operation of the markets. No changes to the site are proposed.

Therefore, the nonconforming markets are not materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.

17. The markets are required to operate in compliance with all health and safety regulations.

Therefore, the nonconforming markets do not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

#### **ENVIRONMENTAL DETERMINATION**

18. The project request is for the continued operation and maintenance of two existing markets. No changes are proposed to the building or the existing uses on the property.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

19. **TERM LIMIT.** 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 fifteen (15) years.
20. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> 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 time extension period requested:
  - i. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or
  - ii. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, or
  - iii. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Nonconforming Review as set forth in Section 22.56.1550 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Nonconforming Review No. 201000008 is **APPROVED** subject to the attached conditions.

MM:KK  
9/3/2013

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. 99075-(1)  
NONCONFORMING REVIEW NO. 201000008**

**PROJECT DESCRIPTION**

The project is for a Nonconforming Review (NCR) to authorize the continued operation and maintenance of a nonconforming neighborhood convenience market (located at 533 S. Rowan Avenue) and a nonconforming meat market (located at 535 S. Rowan Avenue) 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, 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, 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 September 3, 2028.** 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 two nonconforming markets 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 **five (5) annual inspections followed by five (5) 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 to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. 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.

17. 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.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PERMIT SPECIFIC CONDITIONS

19. Approval of this grant shall not permit construction, alteration, enlargement, or expansion of any structures, or any modification of use, except as may be permitted under Section 22.56.1510 of the Zoning Ordinance. Any modification, addition, or enlargement pursuant to Section 22.56.1510 shall first be approved by the Director.

#### PROJECT SITE SPECIFIC CONDITIONS

20. This grant shall authorize the continued operation and maintenance of a nonconforming neighborhood convenience market and a nonconforming meat market.
21. Outside storage and display on the subject property is expressly prohibited.
22. One business identification sign is permitted for the neighborhood convenience market and one business identification sign is permitted for the meat market; said signs shall be located on the building frontage and shall conform to the requirements of Zone C-1 and the East Los Angeles Community Standards District. Obtain all applicable permits from the Department of Public Works for proposed signs that encroach into the public right-of-way.
23. The placement of portable signs on sidewalks adjacent to the subject property is prohibited.
24. The placement of vending machines on sidewalks adjacent to the subject property is prohibited.

25. The permittee shall provide exterior lighting facilities maintained in working order with sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the Rowan Avenue and Lanfranco Street store frontages. Direct illumination shall be provided for the public telephones located along the Lanfranco Street building frontage.
26. Public telephones located along the building exterior shall be restricted to outgoing calls only.
27. The permittee shall provide a total of four (4) planter boxes adjacent to the entrance of said markets' entrances (one planter box shall be placed on either side of each market's entrance door). Prior to placement of said planter boxes, the permittee shall obtain all necessary permits as may be required by the Department of Public Works. This requirement may be waived at the Director's discretion if it is determined that said condition places an economic burden on the permittee.