



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

September 8, 2010

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Jesus Guardado  
1005 E 80<sup>th</sup> Street  
Los Angeles, CA 90001

**REGARDING: PROJECT NUMBER 96-152-(1)  
NONCONFORMINGREVIEW CASE NUMBER 200800011  
8103 ALIX AVE, LOS ANGELES**

Dear Applicant:

The Regional Planning Commission, by its action of September 1, 2010, **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 September 15, 2010.** 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 **Mark Child** of the Zoning Permits I Section at (213) 974-6443 or e-mail at [mchild@planning.lacounty.gov](mailto:mchild@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner  
Director

Mark Child, Supervising Regional Planner  
Zoning Permits I Section

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

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

MC



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

**PROJECT NO. 96152-(1)  
NONCONFORMING REVIEW CASE NO. 200800011**

**8103 Alix Avenue**

**HEARING DATE: August 11, 2010, September 1, 2010  
August 11, 2010**

Due to improper posting on the subject property no hearing was held. The item was continued to September 1, 2010 to allow time for the subject property to be properly noticed.

**September 1, 2010**

A duly noticed public hearing was held. The only testifier was the applicant, who answered questions from the Commission. After discussion the Commission unanimously approved the request.

**REQUEST:**

The Nonconforming Review ("NCR") would allow for the continued use of an existing one-story, 1,194 square feet market with no on-site parking attached to a 1,213 square feet single-family residence with a 326 square feet detached garage. The structures were originally approved as nonconforming by NCR96152, which expired on February 10, 2007. The market is located on a corner parcel in a predominantly residential neighborhood.

**PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:**

**Findings**

1. The subject property is located at 8103 Alix Avenue in the unincorporated community of Florence-Firestone within the Roosevelt Park Zoned District identified as Assessor Parcel Number 6026-018-015. The project site is a 0.14 acre (6,000 square foot) rectangular shaped corner parcel.
2. The applicant is requesting an NCR for the continued operation of an existing 1,194 square foot market with no on-site parking provided for the market attached to a 1,213 square foot single-family residence with a 326 square foot detached garage providing parking for the residence located within the R-2 (Two-Family Residence) zone. The original NCR was approved on February 10, 1997. The grant authorized by this approval, NCR 96152, terminated on February 10, 2007. The project is nonconforming due to use and development standards.
3. The applicant, Luis Zaragoza Ambrano, requests a renewal for NCR 96152 as

4. NCR 200800011 for an existing 1,194 square foot market with no on-site parking provided for the market attached to a 1,213 square foot single-family residence with a 326 square foot detached garage providing parking for the residence.
- An NCR is required to allow for a market in the R-2 zone per Section 22.56.1510 of the Los Angeles County Code ("County Code").
5. The subject property is currently designated Category 2; Low-Medium Density Residential (Six to Twelve Dwelling Units per Acre) on the Land Use Policy Map of the Los Angeles Countywide General Plan ("General Plan"). Category 2 identifies areas particularly suitable for small lot single-family residences, twin homes, duplexes, and townhouse development. The intent of this category is to encourage housing alternatives, at densities ranging from six to 12 units per gross acre. There are no policies in the General Plan that specifically address legal nonconforming uses.
6. The subject property is currently zoned R-2 (Two-Family Residence).
7. The subject property is located within the Florence-Firestone Community Standards District ("CSD").
8. The surrounding properties are zoned as follows:  
North: R-2  
South: R-2  
East: R-2  
West: R-2
9. The project is located on a corner lot that fronts Alix Avenue and East 81<sup>st</sup> Street.
10. The market is accessed from Alix Avenue to the east and the single-family residence is accessed from East 81<sup>st</sup> Street to the north. Pedestrians can access the market from the east via the sidewalk off Alix Avenue.
11. Surrounding land uses within 500 feet include:  
North: Single-Family Residences, Duplexes, Multi-Family Residences  
South: Single-Family Residences, Duplexes  
East: Single-Family Residences, Duplexes, Multi-Family Residences  
West: Single-Family Residences, Duplexes
12. The subject parcel is a rectangular shaped 0.14 acre (6,000 square feet) corner lot with an existing one-story market and attached single-family residence with a detached garage. As depicted on the site plan dated June 16, 2009, the project consist of a 1,194 square foot market located at the eastern portion of the parcel facing Alix Avenue, attached to a 1,213 square foot single-family residence in

the center of the parcel, and a detached 326 square foot garage. No on-site parking is provided for the market. The property is enclosed by a -3.5 foot high wrought iron fence to the north of the single-family residence, increasing in height to 6 feet at the security gate for the driveway to the north and then extending to the west and south. The market has a license to sell beer and wine for off-site consumption. All sales will be for off-site consumption.

13. A site visit conducted on March 4, 2010 confirmed the accuracy of the site plan dated June 16, 2009.
14. Under Section 22.56.1510 of the County Code, a nonconforming use may be continuously maintained provided there is no alteration, enlargement or addition to any building or structure. This proposed project does not include any alterations to the subject property or expansion of use. An NCR is required to maintain a nonconforming use in the R-2 zone. The market has been in continuous use for approximately 40 years.
15. The R-2 zone requires two covered standard parking spaces per dwelling unit. One covered parking space is provided for the single-family residence in a detached garage with additional, uncovered off-street parking available for the dwelling unit. For the market, the parking calculation is based on commercial uses as per Section 22.52.1110.A.2 of the County Code. All commercial uses must provide at least one parking space plus one additional parking space for every 250 square feet. As per the current County Code, the market should provide a total of five on-site parking spaces. However, the market does not provide any on-site parking, but sufficient street parking is available to serve the market. The Director of Regional Planning ("Director") may determine and impose an amount of parking spaces that he or she finds to be adequate to prevent traffic congestion and excessive on-street parking.
16. The property is nonconforming with regard to setbacks. The front yard for this property is along Alix Avenue and there is no setback provided. The market occupies the entire front yard area. However, the functioning front yard for the residence on the property is the side yard facing East 81<sup>st</sup> Street. This yard area contains in approximately 54 percent landscaping. The front yard is nonconforming due to standards. Side and rear yards are conforming because they provide the minimum 10 feet side along East 81<sup>st</sup> Street, the minimum 5 feet inside side yard and the minimum 15 foot rear yard.
17. The project is exempt from the Green Building, Low Impact Development ("LID"), and Drought-Tolerant Landscaping Ordinances.
18. The existing market is a legal nonconforming use in the R-2 zone. The subject property is nonconforming due to use and parking and setback standards in the R-2 zone.

19. Within the Florence-Firestone community, there are several instances of non-conforming neighborhood markets.
20. The property was developed in 1909 prior to buildings permits. The market use was established in the 1970s. NCR 96152 established the original nonconforming use for the market attached to the single-family residence on February 10, 1997 after the 20 year amortization period had ended. A business license referral for a food establishment on the property was issued on August 2, 2006.
21. A zoning violation investigation regarding a garage conversion and rear patio cover on the residential portion of the lot was opened by Regional Planning Zoning Enforcement on May 19, 2009 and cleared and closed on July 2, 2009. There are no open zoning violation cases on the subject property.
22. The structures on the subject property are existing and no new construction or expansion of the use is proposed. Therefore, Regional Planning has determined this project to be categorically exempt under Class 1-Existing Facilities under the California Environmental Quality Act ("CEQA") and Los Angeles County environmental guidelines.
23. 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, property posting, library posting and Regional Planning website posting.
24. The existing market has been serving the community for approximately 40 years. To permit the continued use of this building as a market with the conditions would conserve an existing building in an established residential neighborhood.
25. The market provides a vital service to the local residential community. There are several neighborhood markets in the Florence-Firestone area, and they all provide a local alternative to the commercial corridors. The market is a small, single-story structure with no setbacks. While the setback standards are part of the nonconforming request, the corner lot is an appropriate location for this type of use, and the zero setbacks signal a non-residential use to the neighborhood.
26. The existing market has no on-site parking, only street parking. It is primarily a walk-in establishment, and provides commercial service primarily to the immediate residential neighborhood. As the only neighborhood market in the immediate area, and considering its location approximately in the middle of two commercial corridors to the north and south, it is pedestrian-oriented.
27. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning

Commission determines that it is necessary to limit the term of the grant to 15 years from the expiration date of February 10, 2007.

28. The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is at 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 I Section, Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

As required by Section 22.56.1550.C of the County Code, in addition to the information required in the NCR application, the applicant shall substantiate to the satisfaction of the Regional Planning Commission, the following facts:

- A. 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.
- B. That such use, building or structure does not now and will not during the extension period requested:
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.

**REGIONAL PLANNING COMMISSION ACTION:**

1. I have considered the Categorical Exemption for this project and find 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 presented above, Nonconforming Review Case No. 200800011 Project No. 96152-(1) is APPROVED, subject to the attached conditions.

**VOTE**

Concurring: 5-0

Dissenting: none

Abstaining: none

Absent: none

Action Date: 9/1/10

MC

c: Each Commissioner, Zoning Enforcement, Building and Safety

This grant authorizes the continued use, without alteration or expansion, of an existing market in the R-2 zone. The structures were originally approved by Nonconforming Review ("NCR") 96152, which expired on February 10, 2007. The market is located on a corner parcel in a predominantly residential neighborhood:

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 and cannot be used 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 Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of, and agree to accept, all conditions of this grant and that the conditions have been recorded as required by Condition No. 7, and until all required fees have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this condition No. 2, and Condition Nos. 3, 4, and 5 shall be effective immediately upon final approval of this grant by the County;
3. 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. 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.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a) If during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and,
  - b) At the sole discretion of the permittee, the amount of an initial or

supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code ("County Code") Section 2.170.010;

5. This grant shall expire unless used within two years from the date of final approval by the County. For this permit, "use" is considered to be the continued operation of the one-story market building. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to expiration;
6. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse;
7. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property;
8. **This grant will terminate on September 1, 2025.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. At least six (6) months prior to the expiration of this permit and in the event that the permittee intends to continue operations after such date, a new Nonconforming Review ("NCR") application or other applicable entitlement request shall be filed with Regional Planning. The application shall be a request for continuance of the use permitted under this grant, whether including or not including modification to the use at that time;
9. 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. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of **\$1,600.00**. These monies shall be placed in a performance fund that 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, including adherence to development in accordance with the approved site plan on file. The fund provides for eight (8) biennial (once every two years) inspections. Inspections shall be unannounced;

10. 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 condition of this grant, the permittee shall be financially responsible for and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently **\$200.00** per inspection);
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 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;
12. All requirements of Title 22 of the County Code and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans;
13. All structures shall conform to the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary;
14. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Public Health;
15. The permittee shall post a sign on the subject property in English and the predominant second language of the area with a contact number for the facility manager and the Regional Planning Zoning Enforcement Section (213-974-6483) for purposes of reporting any complaints related to the operation of the facility;
16. Telephone numbers of local law enforcement shall be posted adjacent to the cashier's area;
17. No restaurant or similar type seating shall be permitted on the subject property, including inside or outside the subject market;
18. No loitering shall be permitted on the premises under the control of the permittee. Signage in English and the predominant second language of the area shall be posted on the premises prohibiting loitering;
19. The permittee shall instruct all employees in the regulations regarding no loitering and no consumption of alcoholic beverages outside the subject

- market. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary;
20. The permittee shall provide adequate lighting above the entrance of the premises. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons entering or exiting the premises;
  21. All exterior night lighting shall consist of high energy efficient lighting and shall be low intensity, at a low height, hooded and directed away from neighboring residences to prevent direct illumination and glare. All exterior lighting shall be turned off within 30 minutes after conclusion of activities, with the exception of low-level sensor-activated security lighting along all pedestrian walkways and the property perimeter, which may remain on through the night;
  22. The permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site;
  23. The permittee shall not install or maintain other coin operated amusements, such as small carousel rides or similar riding machines, at any time;
  24. There shall be no outdoor public address system or other sound amplification, or similar acoustical devices audible beyond the property boundaries;
  25. To ensure that any and all future operators of the subject property properly understand conditions of approval, the permittee shall promptly inform Regional Planning of any changes in permittee and/or ownership. New operators shall provide written affirmation of their acceptance and understanding of the conditions of the grant as required by the Director of Planning;
  26. All fences and walls shall be painted a uniform neutral color, excluding black, which blends with the surrounding neighborhood, and shall be maintained in a neat and orderly condition at all times, and shall contain no painted sign or posters except as approved by the Director of Planning;
  27. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. 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;
  28. 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 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization;

29. Vending machines and/or public telephones shall be prohibited on the exterior walls of the building on the subject property;
30. The placement of portable signs on sidewalks adjacent to the subject property and temporary signs on walls and poles shall be prohibited;
31. All displays shall be located entirely within an enclosed building unless otherwise authorized by a temporary use permit;
32. Outside advertising signs shall be prohibited on the subject property; and,
33. The hours of operation shall be 9:00 am to 8:00 pm Monday through Sunday.

MC

