

Regional Planning Commission Transmittal Checklist

Hearing Date 9/1 08/11 /2010
Agenda Item No.

Project Number: 96152-(1)
Case(s): Nonconforming Use Review Case No. 200800011
Planner: ~~Gregory Hand, AICP~~
MARK CHILD

- 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
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Previous NCR Conditions of Approval

Reviewed By: Mark Child



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6433
PROJECT NUMBER 96152-(1)
NONCONFORMING REVIEW CASE NO. 200800011

PUBLIC HEARING DATE August 11, 2010 Sept 1	AGENDA ITEM
RPC DATE 8-11-10	CONTINUE TO

APPLICANT Luis Zaragoza Ambrano	OWNER Luis Zaragoza Ambrano	REPRESENTATIVE Jesse Guardado
---	---------------------------------------	---

PROJECT DESCRIPTION
 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 NR 96152, which expired on February 10, 2007. The market is located on a corner parcel in a predominantly residential neighborhood.

REQUIRED ENTITLEMENTS
 NCR: To authorize the continued use of an existing one-story, 1,194 square feet market building with no on-site parking attached to a 1,213 square feet single-family residence with a 326 square feet detached garage in the R-2 (Two-Family Residence) zone. The project is nonconforming due to use and development standards.

LOCATION/ADDRESS
 8103 Alix Avenue, Los Angeles

SITE DESCRIPTION
 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 feet market located at the eastern portion of the parcel facing Alix Avenue, attached to a 1,213 square feet single-family residence in the center of the parcel with a detached 326 square feet garage. There is no on-site parking provided for the market. The property is enclosed by a three and one half feet high wrought iron fence to the north of the single-family residence, increasing in height to six feet at the security gate for the driveway to the north and then extending to the west and south.

ACCESS Alix Avenue (Market) and E. 81st Street (SFR)	ZONED DISTRICT Roosevelt Park
--	---

ASSESSORS PARCEL NUMBER 6026-018-015	COMMUNITY Florence-Firestone
--	--

SIZE 0.14 Gross and Net Acres (6,000 Sq. Ft.)	COMMUNITY STANDARDS DISTRICT Florence-Firestone
---	---

	EXISTING LAND USE	EXISTING ZONING
Project Site	Market, Single-Family Residence	R-2
North	Single-Family Residences, Duplexes, Multi-Family Residence	R-2
East	Single-Family Residences, Duplexes, Multi-Family Residences	R-2
South	Single-Family Residences, Duplexes	R-2
West	Single-Family Residences, Duplexes	R-2

GENERAL PLAN/COMMUNITY PLAN Countywide General Plan	LAND USE DESIGNATION Category 2; Low-Medium Density Residential (6 to 12 du/ac)	MAXIMUM DENSITY 1 du/ac
---	---	-----------------------------------

ENVIRONMENTAL DETERMINATION
 Class 1 Categorical Exemption-Existing Facilities

RPC LAST MEETING ACTION SUMMARY

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

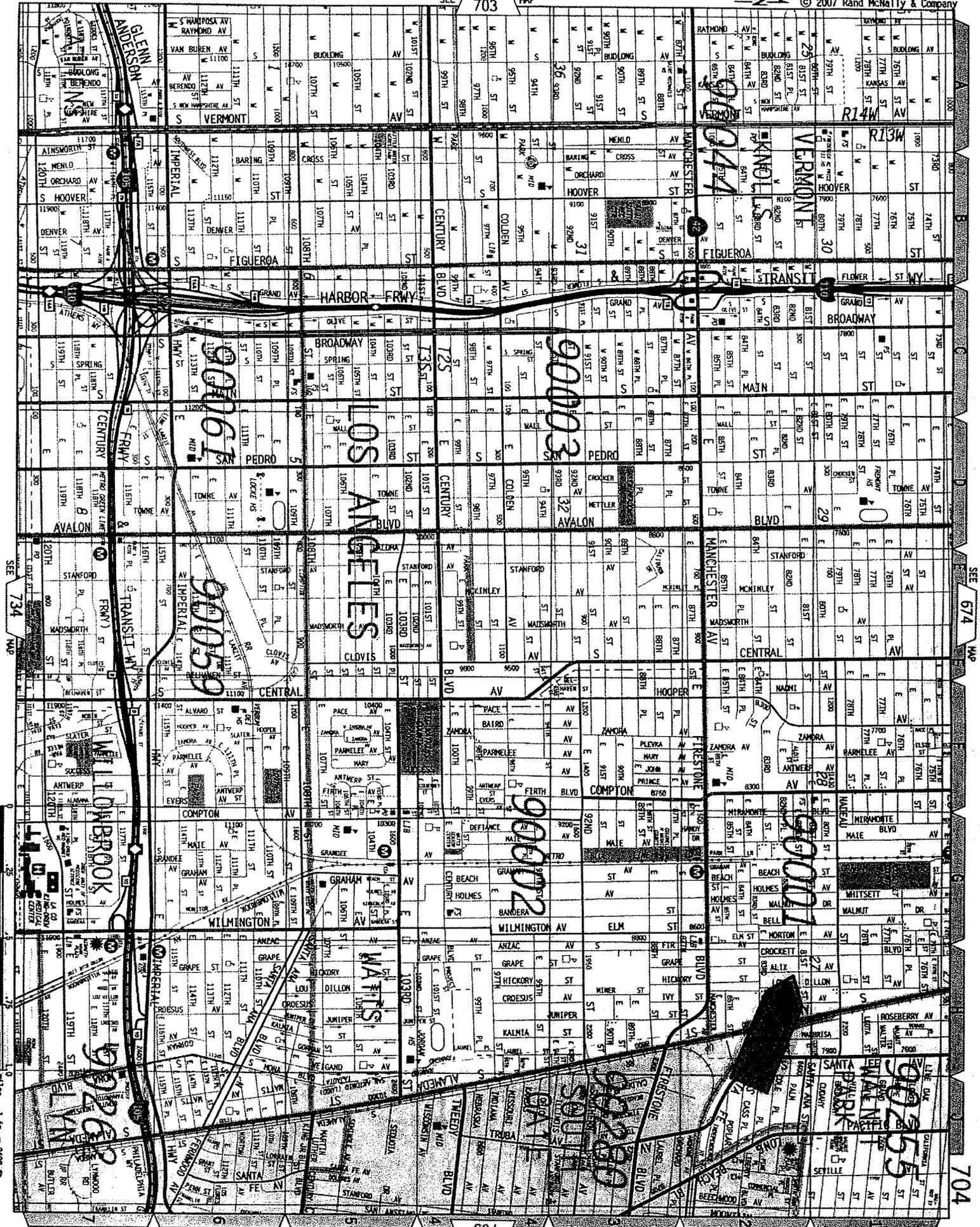
TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING):

SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)
-----------------------------	-----------------------------	---------------------------

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



SEE 734 MAP

SEE 674 MAP

1 in. = 2400 ft.

STAFF ANALYSIS
PROJECT NUMBER 96152-(1)
NONCONFORMING REVIEW CASE NO. 200800011

PROJECT DESCRIPTION

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 NCR 96152, which expired on February 10, 2007. The market is located on a corner parcel in a predominantly residential neighborhood.

REQUIRED ENTITLEMENTS

To authorize 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 in the R-2 (Two-Family Residence) zone. The project is nonconforming due to use (commercial use in a residential zone) and development standards (setbacks and parking).

EXISTING ZONING

Subject Property:

The project site is zoned R-2 (Two-Family Residence).

Surrounding Properties:

Surrounding properties are zoned as follows:

North: R-2

South: R-2

East: R-2

West: R-2

EXISTING LAND USES

Subject Property:

The subject property is currently developed with a market attached to a single-family residence and a detached garage.

Surrounding Properties:

Surrounding land uses are as follows:

North: Single-Family Residences, Duplexes, Multi-Family Residence

South: Single-Family Residences, Duplexes

East: Single-Family Residences, Duplexes, Multi-Family Residences

West: Single-Family Residences, Duplexes

DESCRIPTION OF SUBJECT PROPERTY

Location:

The subject project is located at 8103 Alix Avenue in the unincorporated community of Florence-Firestone within the Florence-Firestone Community Standards District ("CSD") and the Roosevelt Park Zoned District. The property is identified with Assessor's Parcel Number 6026-018-015. The market is accessed from the east of the property on Alix Avenue, and the single-family residence is accessed from the north on East 81st Street.

Physical Features:

The subject property is an approximately 6,000 square foot (0.14 acre) generally level, rectangular parcel of land that is developed with a 1,194 square feet market and attached to a 1,213 square feet single-family residence with a 326 square feet detached garage. The parcel is approximately 1,000 feet west of South Alameda Street and 1,700 feet north of East Firestone Boulevard. The parcel is located west of Interstate 710 ("I-710"), south of Interstate 10 ("I-10"), and north of Interstate 105 ("I-105") and east of Interstate 110 ("I-110").

SITE PLAN DESCRIPTION

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 feet market located at the eastern portion of the parcel facing Alix Avenue, attached to a 1,213 square feet single-family residence in the center of the parcel with a detached 326 square feet garage. There is no on-site parking provided. The market has a license to sell beer and wine for off-site consumption. The property is enclosed by a three and one half feet high wrought iron fence to the north of the single-family residence, increasing in height to six feet at the security gate for the driveway to the north and then extending to the west and south.

ENVIRONMENTAL DETERMINATION

This project was determined to be categorically exempt (Class 1-Existing Facilities) under the environmental reporting procedures and guidelines of the California Environmental Quality Act ("CEQA").

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Los Angeles County Code ("County Code"), the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and Los Angeles County Department of Regional Planning ("Regional Planning") website posting.

PREVIOUS CASES/ZONING HISTORY

NCR 96152 established the original nonconforming approval for the market on February 10, 1997. A business license referral for a food establishment on the property was issued on August 2, 2006.

STAFF EVALUATION

General Plan Consistency

The subject property is within the Los Angeles Countywide General Plan ("General Plan"). The property is designated as Category 2 (Low-Medium Density Residential – Six to Twelve Dwelling Units per Acre) in the General Plan. Category 2 identifies area 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.

The following policies of the General Plan are applicable to the subject project:

- Promote a reversal of the trend toward population losses in older urban areas (Policy No. 7, Page I-20).

The market serves as a community gathering space that increases social cohesion and a sense of community, which encourages reinvestment and population retention in older urban areas.

- Maintain and conserve sound existing development (Policy No. 20, Page I-21).

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 recommended conditions would conserve an existing building in an established residential neighborhood.

- Promote improved economic and employment opportunities for youth, ethnic/racial minorities, women, the handicapped and the elderly (Policy No. 61, Page I-25).

The proposed use is located in a primarily residential neighborhood with a demographic composition of mostly Hispanic and African-American residents. The business would maintain employment opportunities for the local area.

- Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design, and locational controls (Land Use Policy No. 9, Page III-12).

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.

- Promote compatible land use arrangements that reduce reliance on the private automobile in order to minimize related social, economic and environmental costs (Land Use Policy No. 24, Page III-14).

The existing market has no on-site parking other than 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.

The proposed continuation of the existing market, when appropriately conditioned, is compatible with the Category 2 land use designation of the General Plan.

Zoning Ordinance and Development Standards Compliance

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 proposal includes no alterations to the subject property. The use has been in continuous for approximately 40 years. An NCR is required to maintain a nonconforming use in the R-2 zone.

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.

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 81st 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 81st Street, the minimum 5 feet inside side yard and the minimum 15 foot rear yard.

The project is exempt from the Green Building, Low Impact Development ("LID"), and Drought-Tolerant Landscaping Ordinances.

Neighborhood Impact/Land Use Compatibility

The subject property is bordered by single-family residences to the north, south, east and west. As such, the neighborhood impact is limited to the nonconforming use. Since this nonconforming use has been in existence for approximately 40 years, conflicts with the surrounding neighborhood are limited. In order to maintain compatibility with the surrounding neighborhood, the hours of operation and delivery times should be limited to what is appropriate.

Within the Florence-Firestone community, there are several instances of non-conforming neighborhood markets. There is already a precedence in this community for these types of uses in the R-2 zone.

Burden of Proof

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.

The applicant's responses are attached to this document.

FIELD INVESTIGATION

A site investigation was conducted on March 4, 2010 to confirm the accuracy of the submitted site plan and land use map, dated June 16, 2009. The subject parcel is currently developed with a market and single-family residence with a detached garage. The property is accessed from Alix Avenue to the east and East 81st Street to the north.

PUBLIC COMMENTS

No comments have been submitted at the time of this report.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Regional Planning Commission:

Zoning Enforcement:

Inspection fees of \$1,600.00 to cover the costs of eight (8) recommended biennial (once every two years) zoning enforcement inspections.

STAFF ANALYSIS

The size, design, colors and materials of the project as it currently exists adequately conform to the character of the surrounding residential neighborhood.

Staff believes that the subject project is consistent with policies of the General Plan and the provisions of the County Code.

Staff believes that the Burden of Proof submitted by the applicant has satisfied the provisions of the County Code.

STAFF RECOMMENDATION

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

Staff recommends **APPROVAL** of Project Number 96152-(1), Nonconforming Review Case No. 200800011, subject to the attached conditions.

Recommended Motion: "I move that the Regional Planning Commission close the public hearing, and approve Non-Conforming Use Review Case No. 200800011."

Prepared by Mark Child, Supervising Regional Planner, Zoning Permits I
Reviewed by Maria Masis, Supervising Regional Planner Zoning Permits II

Attachments:

Draft Findings
Draft Conditions of Approval
Environmental Document
Applicant's Burden of Proof statement
Site Photographs
Site Plan
Land Use Map

**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: September 1, 2010

REQUEST:

The Nonconforming Review ("NCR") would allow for the continued use of an existing one-story, 1,194 square foot market with no on-site parking attached to a 1,213 square foot single-family residence with a 326 square foot 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 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.
- 4.

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 81st Street.
10. The market is accessed from Alix Avenue to the east and the single-family residence is accessed from East 81st 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 81st 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 foot side along East 81st 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.

MC:GHH

Wednesday, August 19, 2010

c: 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 as nonconforming by Nonconforming Review ("NCR") permit 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 cooperate reasonably 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 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 when no modifications are proposed. If modifications are proposed, all applicable development standards and permits will be required 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

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

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.

This site is a mini market that has been open for more than 40 yrs in this neighborhood. This market has never had any problems of any type since it's been open. The use of this location will not jeopardize or endanger or constitute a menace to the public health safety, or general welfare. The neighbors around this mini-market are happy and have no problems with this market.

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, and

The site is an existing market that's in a residential area, located on a corner lot. Loading and unloading parking is provided for deliveries.

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.

This site is in a corner lot, but has never caused any traffic problems or noise problems. At this neighborhood mini market most of it's customers walk to this market.

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, and

This site ~~has~~ has an existing market, in which no expansion will be made to it.

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.

The site has an existing market, in which no new adjustments will be made.

LOS ANGELES COUNTY LETTERGRAM

TO	File	FROM	Gunnar Hand, AICP Senior Regional Planning Assistant
-----------	------	-------------	--

GHH

**SUBJECT: ENVIRONMENTAL DETERMINATION
PROJECT NO. 96152-(1)
NONCONFORMING REVIEW CASE NO.
200800011**

DATE: 2/12/2010

The Nonconforming Review ("NCR") would allow for the continued use of an existing one-story, 1,194 square feet market and a 1,213 square feet single-family residence with a 326 square feet detached garage. The structures were originally approved as nonconforming by NR 96152, which expired on February 10, 2007. The market is located on a corner parcel in a predominantly residential neighborhood.

As such, this project qualifies for:
Class 1 Categorical Exemption – Existing Facilities

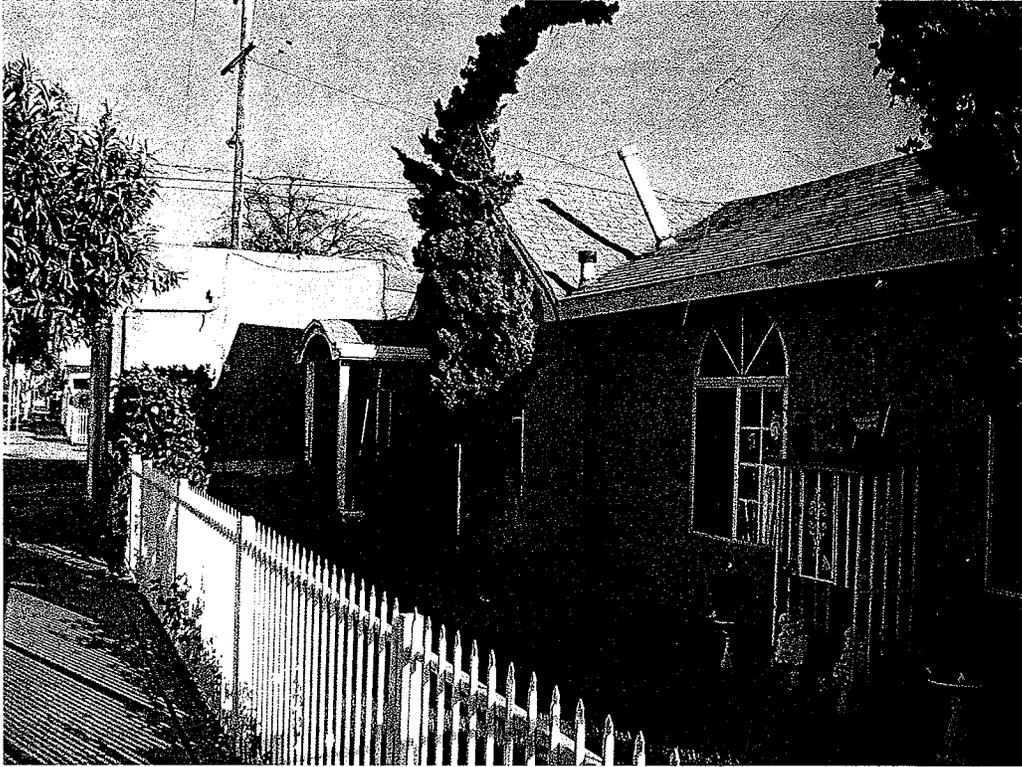
The staff of the Land Divisions Section recommends a Categorical Exemption since it meets the criteria set forth in Class 1-Existing Facilities of the State EIR Guidelines (Article 19, Section 15301) and Class 1-Existing Facilities of the County Guidelines (Appendix G, Categorically Exempt Projects) as the facility is existing and the request is for its continued operation. No change is proposed to the existing building or interior improvements.



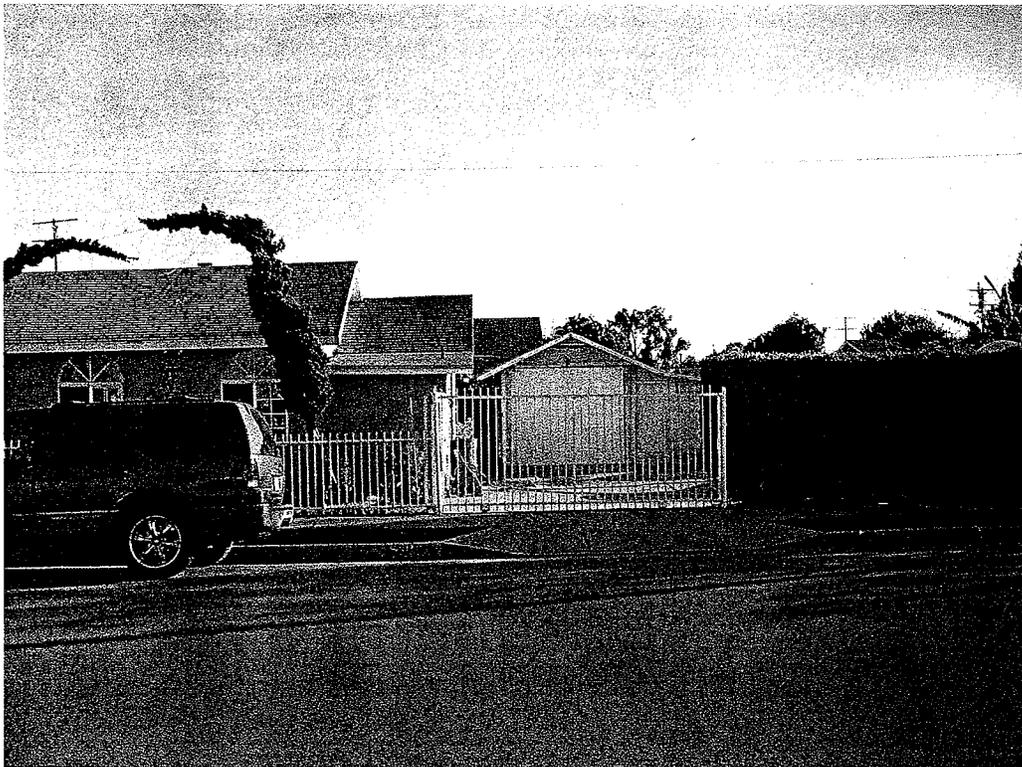
Looking northwest at the entrance to the market along Alix Avenue



Looking south across E. 81st Street at side of market and the front of the single-family residence



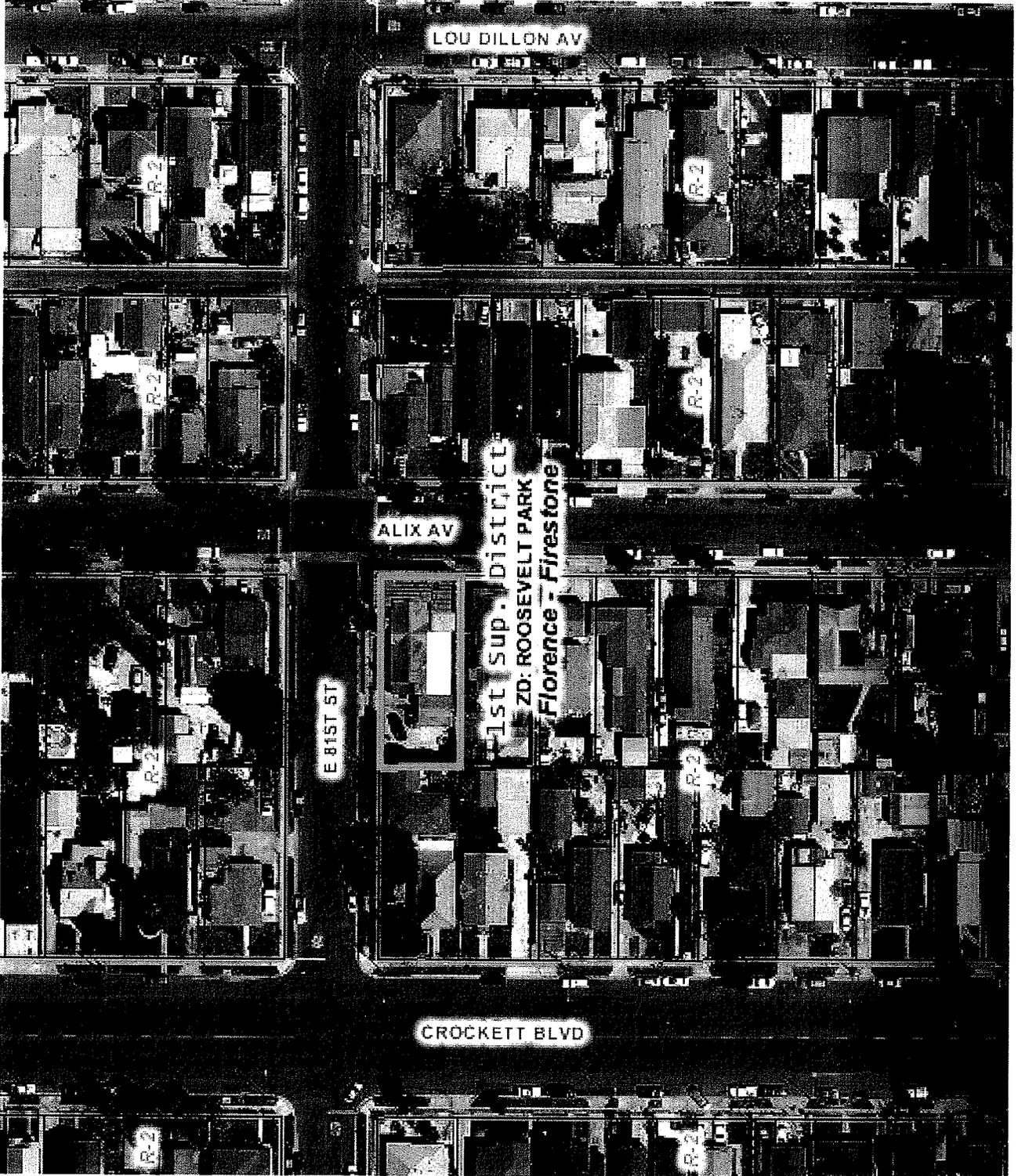
Looking southeast at the front yard of the single-family residence that is attached to the market



View looking south across E 81st Street at the single-family home, detached garage, and fence

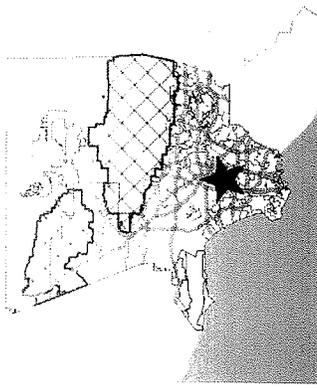
NCR 200800011

APN: 6026-018-015



- Legend**
- Parcel Boundary
 - Highway
 - Freeway
 - Master Plan of Highways
 - Expressway - (E)
 - 1st Secondary Highway - (S)
 - 1st Secondary Highway - (G)
 - Freeway - (F)
 - Freeway - (P)
 - Major Highway - (M)
 - Secondary Highway - (S)
 - Secondary Highway - (G)
 - Railroad or Rapid Transit
 - Retired
 - Active
 - Underground Rapid Transit
 - Significant Regimes
 - Classic CSD Primary
 - Classic CSD Secondary
 - SMMNA Significant
 - Census Tract (2000)
 - Assessor Map Book (AMB), Boy
 - Assessor Map Book (AMB), Girl
 - Zoning Map Grid
 - USGS Quad Sheet Grid
 - The Thomas Guide Grid
 - 15' Internal Page Grid
 - Zone
 - Community Standards District (CSD)
 - CSD Specific Boundary
 - SSHA (Coast City)
 - Significant Ecological Area (SEA)
 - Link
 - Township and Range
 - National Forest
 - Equestrian District (EOD)
 - Transit Oriented District (TOD)
 - Zoned District (ZD)
 - Supervisorial District Boundary
 - Safety Related Stations (From TB)
 - Fire Station
 - Highway Patrol
 - Police Station
 - Ranger Station
 - Sheriff Station
 - Zoning (Boundary)
 - Zone A-1
 - Zone A-2
 - 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 C-10
 - Zone C-11
 - Zone C-12
 - Zone C-13
 - Zone C-14
 - Zone C-15
 - Zone C-16
 - Zone C-17
 - Zone C-18
 - Zone C-19
 - Zone C-20
 - Zone C-21
 - Zone C-22
 - Zone C-23
 - Zone C-24
 - Zone C-25
 - Zone C-26
 - Zone C-27
 - Zone C-28
 - Zone C-29
 - Zone C-30
 - Zone C-31
 - Zone C-32
 - Zone C-33
 - Zone C-34
 - Zone C-35
 - Zone C-36
 - Zone C-37
 - Zone C-38
 - Zone C-39
 - Zone C-40
 - Zone C-41
 - Zone C-42
 - Zone C-43
 - Zone C-44
 - Zone C-45
 - Zone C-46
 - Zone C-47
 - Zone C-48
 - Zone C-49
 - Zone C-50
 - Zone C-51
 - Zone C-52
 - Zone C-53
 - Zone C-54
 - Zone C-55
 - Zone C-56
 - Zone C-57
 - Zone C-58
 - Zone C-59
 - Zone C-60
 - Zone C-61
 - Zone C-62
 - Zone C-63
 - Zone C-64
 - Zone C-65
 - Zone C-66
 - Zone C-67
 - Zone C-68
 - Zone C-69
 - Zone C-70
 - Zone C-71
 - Zone C-72
 - Zone C-73
 - Zone C-74
 - Zone C-75
 - Zone C-76
 - Zone C-77
 - Zone C-78
 - Zone C-79
 - Zone C-80
 - Zone C-81
 - Zone C-82
 - Zone C-83
 - Zone C-84
 - Zone C-85
 - Zone C-86
 - Zone C-87
 - Zone C-88
 - Zone C-89
 - Zone C-90
 - Zone C-91
 - Zone C-92
 - Zone C-93
 - Zone C-94
 - Zone C-95
 - Zone C-96
 - Zone C-97
 - Zone C-98
 - Zone C-99
 - Zone C-100
 - Land Use Policy (Not in Comm/ Area Plan)
 - 1. Single Residential (1 to 6 units)
 - 2. Low/Medium Density Residential (6 to 12 units)
 - 3. Medium Density Residential (13 to 20 units)
 - 4. High Density Residential (21 or more units)
 - C - Major Commercial
 - O - Open Space
 - P - Public and Semi-Public Facilities
 - R - Residential
 - TC - Transportation Corridor
 - Inland Waterbody
 - Perennial
 - Intermittent
 - Dry

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





*Los Angeles County
Department of Regional Planning*

Director of Planning. James E. Hartl. AICP



February 10, 1997

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Refugio Moran
Antonio Villanueva
6201 Holmes Ave.
Los Angeles, CA 90001

RE: NONCONFORMING REVIEW CASE NO. 96-152-(1).
To authorize the continued operation and maintenance of a nonconforming market in an R-2 (Two Family Residence) zone. 8103 Alix Avenue, Los Angeles.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and 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 postmarked 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.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section at (213) 974-6443.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant is requesting a Nonconforming Review to authorize the continued operation and maintenance of a nonconforming convenience store in an R-2 (Two-Family Residence) zone.

FACTUAL SUMMARY:

February 4, 1997 Public Hearing

A duly noticed public hearing was held. One person was sworn (the applicant). The applicant presented testimony in support of the project. There was no opposition testimony. The Hearing Officer closed the public hearing and instructed staff to prepare findings and conditions for approval of the request.

Findings

The applicant has requested a Nonconforming Review to authorize the continued operation and maintenance of a nonconforming market in an R-2 (Two-Family Residence) zone.

The site is a .18 acre rectangular parcel, located at 8103 Alix Avenue, in unincorporated Los Angeles. The site is also located in the Roosevelt Park Zoned District.

The zoning on the subject project site is R-2 (Two-Family Residence). Surrounding zoning consists of R-2 to the north, south, east and west.

The project site is designated as "Low Density Residential" in the Countywide General Plan.

A market currently exists on the subject property. Surrounding land uses consist of a duplex to the north, single-family to the east and south and a duplex to the west.

The site plan depicts a one-story grocery market, approximately 1258 sq.ft. in total area. An existing one-story house is located further to the west.

The site takes access from 81st Street to the north.

The market has been in operation for approximately 20 years.

The market has no on-site parking.

The market operates from 9:00 a.m. to 8:00 p.m. seven days per week.

The market is licensed by the State of California sell beer and wine for off-site consumption.

The project is categorically exempt under California Environmental Quality Act (CEQA) guidelines.

At the time of this report staff has received a petition with 250 signatures in support of the continued operation of the market.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE NONCONFORMING REVIEW:

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

AND, 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 22.56.1550C, Title 22 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. I approve the Categorical Exemption for the project, and determine that the project will not have a significant effect on the environment.

2. In view of the findings of fact presented above, Nonconforming Review Case No. 96-152-(1) is APPROVED.

BY:  Date: 2/10/97
PAMELA HOLT, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

DCC:RJF:rjf

Attachment:
Affidavit

c: Each Commissioner; Zoning Enforcement; Building and Safety.

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. 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 65907. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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 ten days of the filing pay the Department of 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 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.
 - 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 according Los Angeles County Code Section 2.170.010.

5. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.
6. This grant will terminate February 10, 2007.

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

7. 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. The permittee shall deposit with the County of Los Angeles the sum of \$1000.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for 10 annual inspections.

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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. 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 health of safety or so as to be a nuisance.
9. This grant allows the continued operation and maintenance of a nonconforming grocery market with the sale of beer and wine for off-site consumption, subject to the following conditions:
 - a. All revised plans must be accompanied by the written authorization of the property owner.
 - b. The market may operate from 9:00 a.m. to 8:00 p.m. seven (7) days per week.
 - c. The permittee shall maintain the property in a neat and orderly fashion;

- d. Public telephones on the site shall be for outgoing calls only.
10. Three copies of a landscape plan, which may be incorporated into a revised plot plan, shall be submitted to and approved by the Director of Planning before the issuance of a building permit. The landscape plan shall show the size, type and location of all plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
11. The permittee shall consult with the County Fire Department to determine facilities necessary to protect the property from fire hazard.
12. The permittee shall submit three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing and conforming to such of the following conditions as can be shown on a plan. The property shall be developed and maintained in substantial conformance with the approved plan. All revised plans must be accompanied by the written authorization of the property owner.
13. 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.
14. In the event of such 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.

