



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

October 21, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Rene Yin
2886 Gainsborough Drive
San Marino, CA 91108

**REGARDING: PROJECT NUMBER 99005 – (5)
NONCONFORMING REVIEW NUMBER 200900004
6951 N. Rosemead Blvd**

Dear Applicant:

Hearing Officer Gina Natoli, by her action of October 19, 2010, **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 6 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 Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on November 2, 2010.** Any appeal must be delivered in person to the Commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's 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 Jeanine Nazar of the Zoning Permits II Section at (213) 974-6435 or e-mail at jnazar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director

Maria Masis, Supervising Regional Planner
Zoning Permits II Section

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

c: DPW (Building and Safety); Zoning Enforcement

MM : JN

**FINDINGS AND ORDER OF THE HEARING OFFICER
LOS ANGELES COUNTY**

**PROJECT NUMBER 99-005– (5)
NONCONFORMING REVIEW - 200900004**

HEARING OFFICER DATE: OCTOBER 19, 2010

REQUEST:

The applicant requests a nonconforming review for the continued operation of a dental office in the R-3 (Limited Multiple Residence) Zone. In addition, the applicant proposes a pole sign on Rosemead Boulevard.

HEARING DATE: OCTOBER 19, 2010

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

A duly noticed public hearing was held on October 19, 2010, on NonConforming Review Case No. 200900004, before the Hearing Officer, Gina Natoli. Rene Yin, the applicant presented testimony in favor of the request and answered questions presented by the Hearing Officer.

There being no further testimony, the Hearing Officer closed the public hearing approved the project and instructed staff to make changes to the final findings and conditions as agreed by the applicant.

1. The applicant requests a nonconforming review for the continued operation and maintenance of a 1,162-square-foot dental office with appurtenant parking, landscaping and signage.
2. The Regional Planning Commission approved a zone exception case authorizing the operation of a dental office, as a nonconforming use, in the R-3 Zone on September 29, 1970. The amortization period for a nonconforming use, Type V building, expired 25 years after the date the use was established or in September of 1995 as per County Code Section 22.56.1540 B.1. f. i. (C).
3. The site plan depicts a 4,342-square-foot parcel with a 1,162-square-foot existing structure and a five-car parking lot. The entrance to the parking area is via Greenwood Avenue. A concrete pedestrian walkway is also along Greenwood Avenue. There is adequate landscaping to the north and east on the subject site. The floor plan depicts four operating rooms, a waiting room and appurtenant facilities. The elevation plan identifies the height of the dental office to be approximately 10 feet.

The applicant proposes a pole sign 14 feet in height and 48 square-feet in area with 2.0-foot-high lettering labeled "Sun Dentist" visible from Rosemead Blvd.

4. The project is located at 6951 N. Rosemead Blvd, San Gabriel within the South Santa Anita – Temple City Zoned District and in the East Pasadena - East San Gabriel Community Standards District.
5. The subject property is zoned R-3 (Limited Multiple Residence).
Surrounding properties within a 500-foot radius consist of the following:
North: R-3 (Limited Multiple Residence Zone)
South: R-3 (Limited Multiple Residence Zone)
East: R-3 (Limited Multiple Residence Zone)
West: R-2 (Two-Family Residence Zone)
6. The subject property is developed as a dental office. Surrounding land uses consist of single-family residences to the south and west, multi-family residences to the north and condominiums, apartment buildings and a day care center to the east.
7. Pursuant to Section 22.56.1500 of the Los Angeles County Code, a nonconforming review (NCR) is required for the operation, and maintenance of a dental office in the R-3 Zone.
8. The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation for this project under California Environmental Quality Act (CEQA) reporting guidelines.
9. Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in “La Opinion” newspaper on September 16, 2010 and in “The Star” on September 23, 2010. A total of 335 public hearing notices regarding the subject application were mailed out to the owners of properties located within the 1,000-foot radius on September 9, 2010. Three notices were sent to local community groups and residents on the Zoned District courtesy list and four notices were sent to local agencies.

Case information materials, including the Notice of Public Hearing and Factual Sheet were sent to the Temple City Library at 5939 Golden West Avenue, Temple City CA, 91780. The same information was posted on the Department of Regional Planning’s website.

Pursuant to Section 22.60.175 of the County Code, the applicant must post the public hearing notice on the property no less than 30 days prior to the public hearing date. Staff received photos and the Certificate of Posting from the applicant stating that the Notice of Public Hearing was posted on September 18, 2010.

10. Zone Exception Case 9572 was approved by the Regional Planning Commission on September 29, 1970. This grant permitted the conversion of a single-family residence to a dental office. Conditions of approval included the limitation that the business employ one dentist and one assistant and the hours of operation would be between 8:00 am to 5:00 pm Monday through Friday. The zone exception case expired on September 29, 1980.
11. Nonconforming Review 99-005 was filed in 1999 and approved for a term of 10 years, until April 20, 2009. This permit extended the nonconforming use for an additional fourteen years. The applicant filed an NCR in a timely manner requesting to extend the use for additional twenty years. Approval conditions limited the number of employees to four permanent full-time and one visiting specialist, the hours of operation were limited to 8:00 am and 8:00 pm Monday through Saturday and a minimum of five parking spaces were required. The permit approved a wall-mounted sign and denied the request for a freestanding sign.
12. The Los Angeles County General Plan designation is medium density residential, suitable for multiple unit developments. Density ranges from 12 to 22 units per acre. Such areas are typically located along major transportation corridors.
13. The existing structure is consistent with all the applicable zoning standards within the R-3 Zone except for the proposed signage. The dental office is a legal nonconforming use within the R-3 Zone but it is compatible within this section of Rosemead Blvd. To the south, at the intersection of Rosemead Blvd. and Duarte Road, is a McDonald's restaurant, a mini-mall and a gas station.
14. Parking for a medical office is based on one space for each 250 square feet of area, as per Section 22.52.1100 of the County Code. The existing five parking spaces comply with the standards. The previous permit required a handicap accessible parking space but installation of a handicap accessible space is not possible due to the inadequate size of the parking lot. The parking lot is 41'-3" wide, which allows for five standard parking spaces. The parking area was constructed in 1947 for a single-family residence.
15. The proposed use provides public convenience by offering a medical service in the area. The facility makes negligible traffic and noise that is considerably less than the noise and traffic generated on Rosemead Blvd., the adjacent street.
16. The existing building was built as a single-family dwelling in 1947 and upgraded several times during 1950s as a single-family dwelling when the zoning was R-3. Therefore, it is consistent with the General Plan and zoning standards in the R-3 Zone for scale, bulk or density with one unit on the subject lot and associated setbacks and height requirements.

17. The subject property is located at the intersection of Rosemead Blvd., a major arterial street, and Greenwood Avenue. The traffic impact on the neighborhood is not substantial with minimal increase in traffic volume.
18. The existing dental office serves the nearby residential area by providing a dental service.
19. The building appearance, size, shape and design fit into the character of a residential neighborhood. The use provides a service and public convenience for the residents in the neighborhood. Rosemead Blvd., and Greenwood Avenue can adequately handle the additional traffic generated by the dental office. Staff is of the opinion that the applicant has met the burden of proof.
20. The 63-year-old building fits in the residential character of the neighborhood and is in good condition. During the site visit on August 25, 2010 staff noticed that the chain link fence to the south of the property has been replaced by a block wall. This ameliorates the existing conditions and screens the property from adjacent residential areas. There is adequate landscaping on Rosemead Blvd. and Greenwood Avenue. The five-space parking area is also well-maintained.
21. The applicant requests to maintain the same office hours, between the hours of 8:00 a.m. and 8:00 pm. Monday through Saturday as approved by the prior nonconforming review. The office would be open for eight continuous business hours each day, with a varying schedule within those hours. The previous approvals allowed an increase in the number of employees from two to four. Currently, the applicant requests to increase this number to a maximum of five employees. There are five standard parking spaces required based on the square footage of the medical facility.
22. There is an existing wall sign on Rosemead Blvd. The applicant requests an additional 14-foot-high pole sign. The proposed sign is not consistent with the East Pasadena – San Gabriel Community Standards District requirement, Section 22.44.135, prohibiting freestanding signs that are located within 100 feet of a residential use or zone. It is also not permitted to add a structure used in conjunction with a nonconforming use (Section 22.56.1510B). Rosemead Blvd. and Greenwood Avenue are both residential in character in this section with R-3 zoning designation. Pursuant to Code Section 22.52.930 A.2, only one wall-mounted building identification sign, not to exceed six square-feet in sign area, shall be permitted in the R-3 Zone for principal use.
23. Staff received two calls regarding this project. The callers asked general questions about the area and concerns regarding unrelated construction work in the area were raised.

24. The subject property's physical improvements fit within the surrounding area and the use serves the residential area by providing a medical facility.
25. The Burden of Proof for an NCR allows the Hearing Officer to approve the application based on either Section 22.56.1550 C.1 or Section 22.56.1550 C.2; therefore, the use is allowed to continue under Section 22.56.1550.C.2 alone.
26. To assure continued compatibility between the use of the subject property and the surrounding residential area, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.
27. 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, 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 II Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES REGARDING THE NONCONFORMING REVIEW:

- 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.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a nonconforming review as set forth in Section 22.56.1550 C.2 of the Los Angeles County Code, Zoning Ordinance.

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Nonconforming Review Case Number 200900004 and Project Number 99005 – (5) is APPROVED, subject to the attached conditions.

MM: JN
10/19/2010

This grant authorizes the continued operation of a dental office located at 6951 N. Rosemead Blvd., and an existing wall sign as depicted on the approved Exhibit "A" and subject to all of the following conditions of approval:

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 subject property 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 and that the conditions of the grant have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this condition (No. 2), and Conditions No. 3 [indemnification], 4 [litigation deposit], and 8 [expiration date] 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 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, 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.
 - 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 to Los Angeles County Code Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. 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 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.
7. **This grant will terminate on APRIL 20, 2024.** 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 application shall be filed with the Department of Regional Planning. The application shall be a request for continuance of the use permitted under this grant.
8. This grant shall expire unless used within two years from the date of final approval by the County. The date of final approval is the date of the approval action plus any applicable appeal period. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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. The permittee shall deposit with the County of Los Angeles the sum of **\$1,400.00**. The deposit 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 deposit provides for **seven (7) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved

site plan on file. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost, whichever is greater.

10. 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.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
13. All structures shall conform to the requirements of the Division of Building and Safety and Department of Public Works.
14. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by the Department of 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.
15. 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.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the conditional use permit.
17. The permittee shall provide five set of revised plot plans drawn to scale. The scale shall be a standard architectural or engineering scale.

18. The permittee shall maintain all landscaping on the subject property in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
19. The subject facility shall be developed and maintained in accordance with requirements of Los Angeles County Department of public Health. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
20. The number of employees shall be limited to four permanent full-time and one visiting specialist.
21. The hours of operation shall be limited to eight continuous business hours per day, which maybe scheduled any time from 8:00 am to 8:00 pm, Monday through Saturday.
22. The permittee shall provide a minimum of five standard parking spaces. This parking requirement is based on providing one space for each 250 square feet of office space.
23. One small wall-mounted business sign is permitted. The sign shall be one-sided and not exceed six square feet in area. Orientation of the sign shall be toward Rosemead Blvd.

MM: JN

10/19/2010