

Hearing Officer Transmittal Checklist

Hearing Date
October 19, 2010

Agenda Item No.

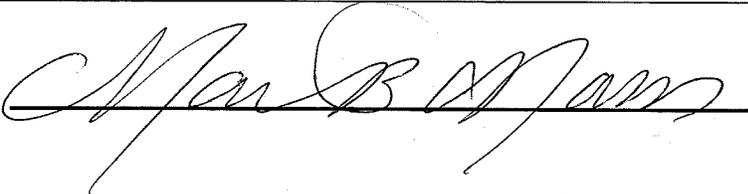
7.

Project Number: R99-005 (5)

Case(s): Nonconforming Review Case No. 200900004

Planner: Jeantine Nazar

- 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
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans
- Previously approved conditions and findings

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6435
PROJECT NUMBER R99005-(5)
Nonconforming review 200900004

PUBLIC HEARING DATE
 OCTOBER 19, 2010

AGENDA ITEM

RPC CONSENT DATE

CONTINUE TO

APPLICANT

None

OWNER

Rene Yin, Hong Sun

REPRESENTATIVE

None

PROJECT DESCRIPTION

The applicant requests a nonconforming review for the continued operation of a 1,162 sq ft dental office in the R-3 (Limited Multiple Residence) zone.

REQUIRED ENTITLEMENTS

Non-Conforming Review to authorize a dental office in the R-3 zone and a request for a pole sign visible on Rosemead Blvd.

LOCATION/ADDRESS

6951 Rosemead Blvd

SITE DESCRIPTION

The property is located at the intersection of Greenwood Avenue and Rosemead Blvd. The site is approximately 4,342 sq ft containing a dental office, five parking spaces and landscaping. The floor plan depicts four operating rooms, a waiting room and appurtenant facilities.

ACCESS

Greenwood Avenue

ZONED DISTRICT

South Santa Anita - Temple City

ASSESSORS PARCEL NUMBER

5379-018-009

COMMUNITY

East Pasadena - East San Gabriel

SIZE

0.1 Acres

COMMUNITY STANDARDS DISTRICT

East Pasadena - East San Gabriel

	EXISTING LAND USE	EXISTING ZONING
Project Site	Dental Office	Multi-Family / R-3
North	Single family dwelling	Multi-Family / R-3
East	Single family dwelling	Multi-Family / R-3
South	Single family dwelling	Multi-Family / R-3
West	Condominiums	Two Family / R-2

GENERAL PLAN/COMMUNITY PLAN

Countywide

LAND USE DESIGNATION

3- Medium Density Residential

MAXIMUM DENSITY

12 to 22 units per acre

ENVIRONMENTAL DETERMINATION

Class 1 Categorical Exemption-Existing Facilities

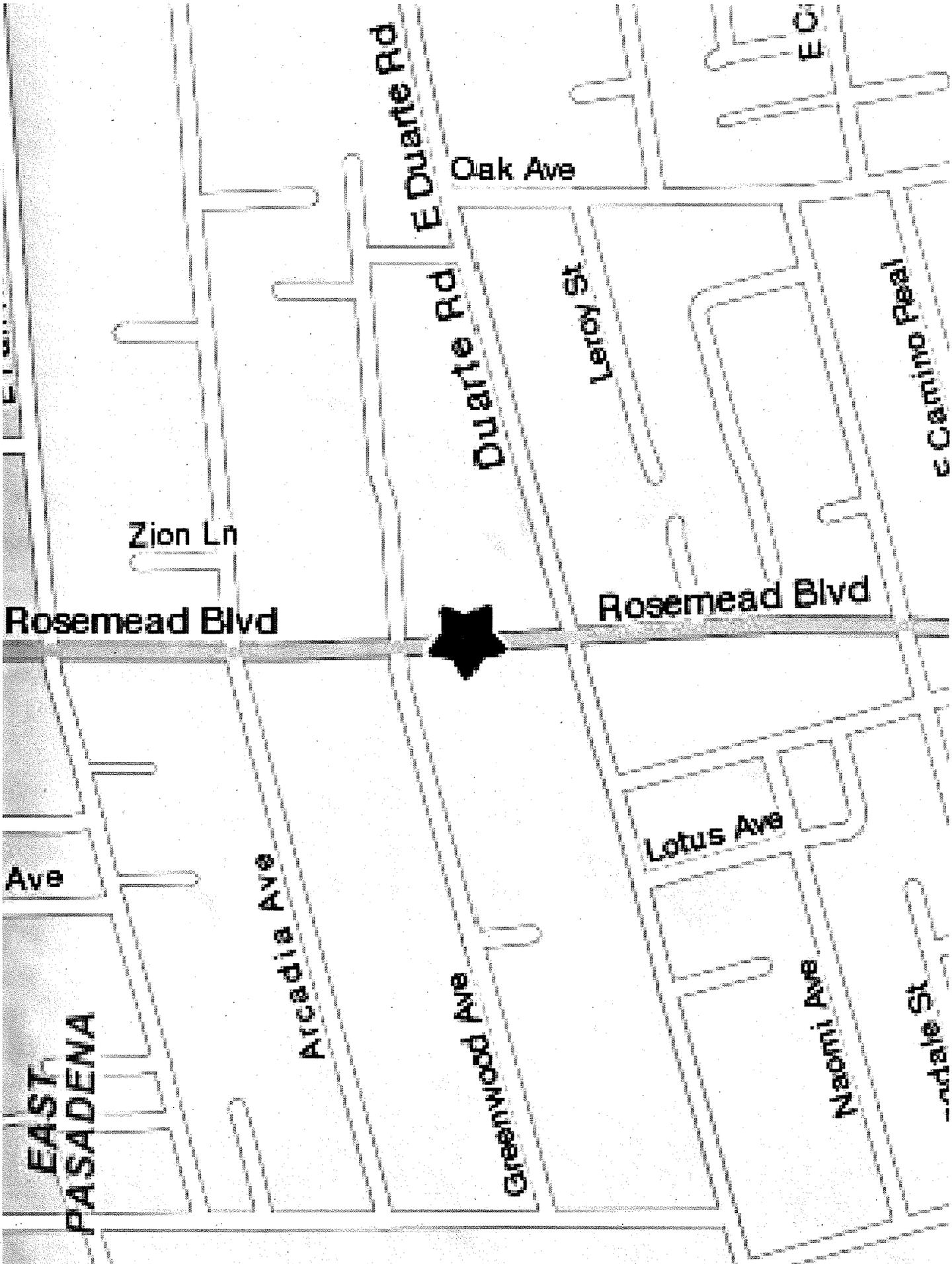
RPC LAST MEETING ACTION SUMMARY

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: Jeantine Nazar		
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



Rosemead Blvd

Rosemead Blvd

E Duarte Rd

Duarte Rd

Zion Ln

Oak Ave

Leroy St

E C

Catalina Blvd

Ave

Arcadia Ave

Greenwood Ave

Lotus Ave

Naomi Ave

Catalina St

EAST PASADENA

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

PROJECT DESCRIPTION

The applicant requests a nonconforming review (“NCR”) for the continued operation of a 1,162 sq ft dental office in the R-3 (Limited Multiple Residence) zone.

REQUIRED ENTITLEMENTS

Nonconforming review to authorize the continued operation of a dental office in the R-3 zone. Pursuant to Section 22.56.1500 Title 22 of Los Angeles County Code, a nonconforming review is necessary to allow the use to continue in its current standing.

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 nonconforming status of the existing use terminated 25 years after the use was established or in 1995 as per Title 22 Code Section 22.56.1540.B. i. C. The NCR 99005 extended the nonconforming use for an additional fourteen years. The applicant has filed this NCR request in a timely manner requesting to extend the use for additional twenty years.

LOCATION

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. (“CSD”).

EXISTING ZONING

Subject Property

The subject property is zoned R-3 (Limited Multiple Residence) zone.

Surrounding Properties

Property to the north, south and east is zoned R-3, to the west is R-2 (Two-Family Residence Zone).

EXISTING LAND USES

The subject property is developed as a dental office. Surrounding land uses are single family residences to the west, and south, multi-family residences to the north and condominium and apartments to the east. There is a day care center on Rosemead Blvd to the east.

SITE PLAN DESCRIPTION

The site is approximately 4,342 sq ft in size. The pedestrian access to the site is via a pedestrian walkway on Greenwood Avenue. The site is located at the intersection of Greenwood Avenue and Rosemead Blvd and the parking access is via Greenwood Avenue. There are five parking spaces available. There is adequate landscaping on the north and east portion of 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 2.5 feet high lettering labeled "Sun Dentist" visible from Rosemead Blvd, a major arterial highway.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting guidelines.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Section 22.60.174 of the County Code, the Notice of Public Hearing was advertised in "La Opinion" on September 16, 2010 and in "The Pasadena 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 the 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 Code 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 stating that the Notice of Public Hearing was posted on September 18, 2010 from the applicant.

PREVIOUS CASES/ZONING HISTORY

The Regional Planning Commission approved Zone Exception Case 9572 to authorize the operations of a dental office, as a nonconforming use, in the R-3 (Limited Multiple Residence) zone on September 29, 1970. The R-3 zone was adopted by Ordinance 8412 on May 21, 1963. This grant permitted the conversion of a single-family residence to a dental office. Conditions of approval included the limitation that the business employs one dentist and one assistant and the hours of operation would be between 8:00 am to 5:00 pm Monday through Friday.

Nonconforming Review 99-005 was filed in 1999 and approved for a term of 10 years, until April 20, 2009. 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.

STAFF EVALUATION

General Plan Consistency

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.

As per the Countywide General Plan, Land Use Goals and Policies (LU-3) neighborhood commercial facilities provide convenience goods and services and complement community character through appropriate scale, design and location controls. The existing dental office use within a residential area is consistent with the land use policy requirement.

Development Standards/Neighborhood Impact/Land Use Compatibility

The existing structure is consistent with all the applicable zoning standards within the R-3 zone except for the proposed signage. The subject lot is 4,342 square-feet allowing one dwelling unit. Parking requirement for a medical office, such as a dental office is based on one space for each 250 square-feet as per Title 22 Section 22.52.1100. The previous permit did not require a handicapped accessible parking space due to a size deficiency. The parking lot is 41'-3" wide allowing the required five standard parking spaces. The dental office is a legal nonconforming use but it is compatible within this section of Rosemead Blvd. To the south, at the intersection of Rosemead Blvd and Duarte, is a McDonalds restaurant, a mini-mall and a gas station.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.1550 of the Los Angeles County Code 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.

The proposed use provides public convenience by offering a medical service in the area. The facility generates negligible traffic and noise that is considerably less than the ambient noise and traffic generated on Rosemead Blvd, the adjacent street.

- 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.

The existing building was built as a single-family dwelling in 1947 and upgraded several times during 1950's 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. 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.

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.

The subject property is located at the intersection of Rosemead Blvd, a major arterial street, and Greenwood Avenue. The vehicular access is via Greenwood Avenue. The traffic impact on the neighborhood is not substantial with minimal increase in traffic volume.

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.

There have been several minor improvements extending the economic life of the existing structure thus making it more suitable to fit for the operations of a dental office than as a single family residence.

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 existing dental office serves the nearby residential area by providing a dental service.

The Burden of Proof with the applicant's responses is attached to this report.

PUBLIC COMMENTS

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.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF EVALUATION

The original building was built in 1947 as a single-family dwelling. The zoning was R-3 at the time allowing residential use within the zone. A zone change took place between 1953 and 1963 converting the zone to R-A (Residential Agricultural Zone). However, in 1963 the zone designation reverted back to an R-3, when Zone Change Case 4453 was adopted. The property continued as a single family residence until the Zoning Board approved Zone Exception Case number 9572 in 1970, allowing the dental office use as a nonconforming use on the subject property. The dental office use has continued uninterrupted since that time. The project is located within the R-3 zone and a dental office is a nonconforming use within that zone. Nonconforming Review 99-005 was approved in 1999 for a term of 10 years authorizing the continued use and operation of the dental office until April of 2009.

The 63 year old building fits in with the residential character of the neighborhood and is in a 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.

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 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 based on the square footage of the medical facility.

There is an existing wall sign on Rosemead Blvd. The applicant requests an additional 14 feet high pole sign. Rosemead Blvd and Greenwood Avenue are both residential in character in this section with R-3 zoning designation. A pole sign is not allowed in residential zones as per the East Pasadena – San Gabriel CSD and R-3 zone requirements. Staff does not recommend a pole sign at this location.

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 99-005 subject to the attached conditions.

Prepared by Jeantine Nazar, RPA II, Zoning Permits II Section
Reviewed by Maria Masis, Supervising Regional Planner,

Attachments:

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

9/20/2010

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.

PROCEEDINGS BEFORE THE HEARING OFFICER:

HEARING OFFICER DATE: OCTOBER 19, 2010

Findings

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 Title 22 Code Section 22.56.1540.B. 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 2.5 feet 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 500' radius consists 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 Title 22 of Los Angeles County Code, a nonconforming review 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 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 the 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 the Code 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 stating that the Notice of Public Hearing was posted on September 18, 2010 from the applicant.

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 employs 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 a 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.

As per the Land Use policy, "Neighborhood commercial facilities provide convenience goods and services and complement community character through appropriate scale, design and location controls" (LU-3).

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, is a McDonalds 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 County Code. The existing five parking spaces comply with the standards. The previous permit did not require a handicapped accessible parking space due to a size deficiency. The parking lot is 41'-3" wide allowing the required five standard parking spaces.
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 1950's 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 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.
18. The subject property is located at the intersection of Rosemead Blvd, a major arterial street, and Greenwood Avenue. The vehicular access is via Greenwood

Avenue. The traffic impact on the neighborhood is not substantial with minimal increase in traffic volume.

19. There have been several minor improvements extending the economic life of the existing structure thus making it more suitable to fit for the operations of a dental office.
20. The existing dental office serves the nearby residential area by providing a dental service.
21. The property was originally built as a single-family residence and converted to a dental office in 1970. 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.
22. 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.
23. 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 hours each day, with a varying schedule within those hours. The previous approvals allowed an increase in the number of employees from 2 to 4. Currently, the applicant requests to increase this number to a maximum of five employees. There are five standard parking spaces based on the square footage of the medical facility.
24. There is an existing wall sign on Rosemead Blvd. The applicant requests an additional 14 feet high pole sign. Rosemead Blvd and Greenwood Avenue are both residential in character in this section with R-3 zoning designation. Pursuant to Code Section a pole sign is not allowed in residential zones.
25. 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.
26. Staff believes that the subject property's physical improvements fit within the surrounding area and the use serves the residential area by providing a medical

facility, therefore the non conforming use shall be extended for an additional 15 years.

27. The applicant requested a twenty year term however, 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.

28. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 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.

- 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 other wise required in order to integrate said use with the uses in surrounding area.

- 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.

- 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.

- 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.

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 Sections 22.56.1550 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 is APPROVED, subject to the attached draft conditions.

MM: JN

9/14/2010

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. 8, and until all required monies have been paid pursuant to Condition No. 12. Notwithstanding the foregoing, this condition (No.2), and Condition Nos. 3 [indemnification], and condition number 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 October 19, 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 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 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.
18. 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.
19. The number of employees shall be limited to four permanent full-time and one visiting specialist to a maximum of five employees.
20. The hours of operation shall be limited to 8:00 am to 8:00 pm, Monday through Saturday.

MM: JN

9/20/2010



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



NONCONFORMING REVIEW BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.1550, the applicant shall substantiate the following facts:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

- 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.

The use as dental office by nature will bring health, peace, and comfort to the persons residing or working in the surrounding area. The well maintained dental office and its good landscape will not be detrimental to the use, ... It will not jeopardize ...

- 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 other wise required in order to integrate said use with the uses in surrounding area.

The size and shape of the existing dental office are adequate to accommodate everything mentioned above.

- 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.

Rosemead Boulevard and Greenwood Avenue can adequately handle the small amount of additional traffic generated by the dental office.

- 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.

This property was bought, remodeled, and run as a dental office. Our family rely on this business for living and patients rely on it for dental work.

- 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 dental office by nature will contribute to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located nearby.

AUG 04 2009

ZONING

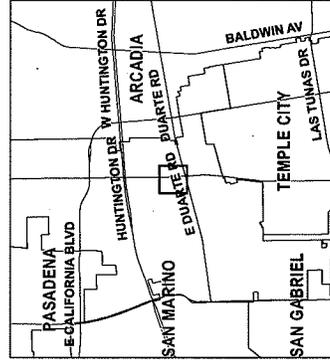
ZONING 500 FOOT RADIUS MAP

Proj. R99005 (5)
RNCR 2009-00004

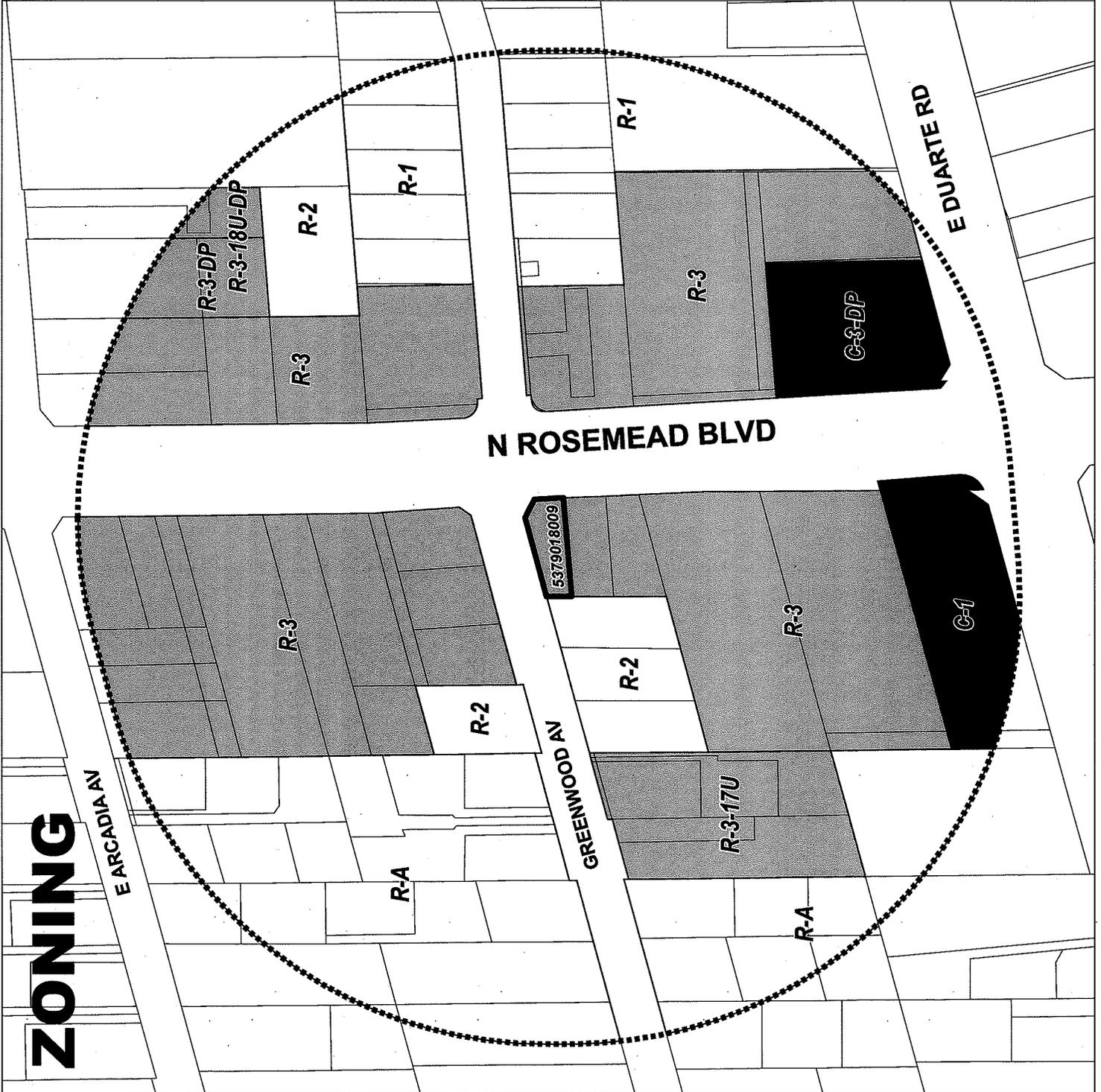
Legend

-  R-1 - SINGLE-FAMILY RESIDENCE
-  R-2 - TWO-FAMILY RESIDENCE
-  R-3-(U) - LIMITED MULTIPLE RESIDENCE
-  R-A - RESIDENTIAL AGRICULTURE
-  C-1 - RESTRICTED BUSINESS
-  C-3 - UNLIMITED COMMERCIAL

VICINITY MAP



LOS ANGELES COUNTY
Department of Regional Planning
320 W. Temple St.
Los Angeles, CA 90012





Los Angeles County
Department of Regional Planning
Director of Planning James E. Hartl, AICP



April 28, 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Renhe Yin
5555 Robinhood Ave.
Temple City, CA 91780

RE: NONCONFORMING REVIEW CASE NO. 99-005-(5)
To authorize the continued operation of a 1,162-sq. ft. dental office building in the R-3 zone. Previous authorization, through Zone Exception Case #9572-(5), has expired.

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings, order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 2 requires that the permittee 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 of the applicant receiving this notice. 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 requests nonconforming review authorization for the continued operation of a dental office in the R-3 zone.

FACTUAL SUMMARY:

April 20, 1999 Public Hearing

A duly noticed public hearing was held on the April 20, 1999. The applicant, Renhe Yin testified in favor of the project and presented a letter prepared by neighboring property owners supporting the continued operation of the dental office and varying office hours. Mr. Yin requested the hearing officer consider lengthening the term for the grant from 10 to 20 years and also requested authorization for a larger sign than was specified in the draft conditions.

No testimony in opposition was heard.

The Hearing Officer denied the applicant's request for an extended term of 20 years and a larger sign than was specific in the draft conditions. The Hearing Officer explained that the impacts of the increases in the number of staff from 2 to 5 and the modification of operating hours made a ten-year grant an appropriate time period. A 10-year term was approved. The Hearing Officer identified Section 22.52.930 of the Ordinance, which restricts a sign in the R-3 zone to a six square feet wall mounted sign. After discussion the hearing officer instructed staff to prepare final findings and conditions for approval.

Findings

The site plan depicts a 4,342 sq. ft. parcel with a 1,162 sq. ft. existing structure and a five-car parking lot. The entrance to the parking lot is from Greenwood Ave. The site plan identifies a proposed expansion to the driveway entrance (area colored orange on Exhibit "A"). The pedestrian entrance to the building is via a concrete walkway from Greenwood Ave and along the north side of the building from the parking lot. Existing landscaping is also shown on the site plan.

The proposed business sign depicted on the site plan has dimensions of 7 ft. by 3.25 ft and is positioned to be visible from Rosemead Blvd, a major arterial highway. The proposed pole sign was not approved by the Hearing Officer.

The subject parcel is zoned R-3 (Limited Multiple Residence).

Surrounding Properties to the north, south and east are zoned R-3, and to the west is R-2.

Pursuant to Section 22.56.1500, Title 22 of the County Code (Zoning Ordinance), a nonconforming review is required for the operation, and maintenance of a dental office in the R-3 zone.

The Los Angeles County General Plan, Land Use map depicts the subject site and surrounding areas as medium density residential, suitable for multiple unit development. Such areas are typically located along major transportation corridors. Density ranges from 12 to 22 units per gross acre.

The County General Plan states a goal for achieving quality neighborhoods is "to promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and location controls".

Zone Exception Case 9572-(5) was approved by the Regional Planning Commission September 29, 1970. This grant permitted the conversion of an existing residence into a dental office. Conditions of approval included the limitation that the business employ only one dentist and one assistant and that the hours of operation would be 8:00am to 5:00pm, Monday through Friday. These conditions reflected the applicant's request. The zone exception was approved for 10 years, expiring September 29, 1980. The use has operated since that time without appropriate authorization.

The project is categorically exempt (Class I) from environmental impact reporting requirements.

No comments concerning the project were received.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

REGARDING THE CONDITIONAL USE PERMIT:

- 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. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. 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.

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

HEARING OFFICER ACTION:

1. I approve the *Categorical Exemption* for the project, certify that I have reviewed and considered the environmental information contained in the initial study for the proposed project, and determine that the proposed project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Nonconforming Review Case No. 99-005-(5) is **APPROVED**, subject to the attached conditions.

BY:

Rose Hamilton
Rose Hamilton, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Date:

5-4-99

RH:MC

Attachments: Conditions
Affidavit

cc: 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 65009. 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, 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 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. 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.

7. This grant will terminate April 20, 2009.
8. 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.

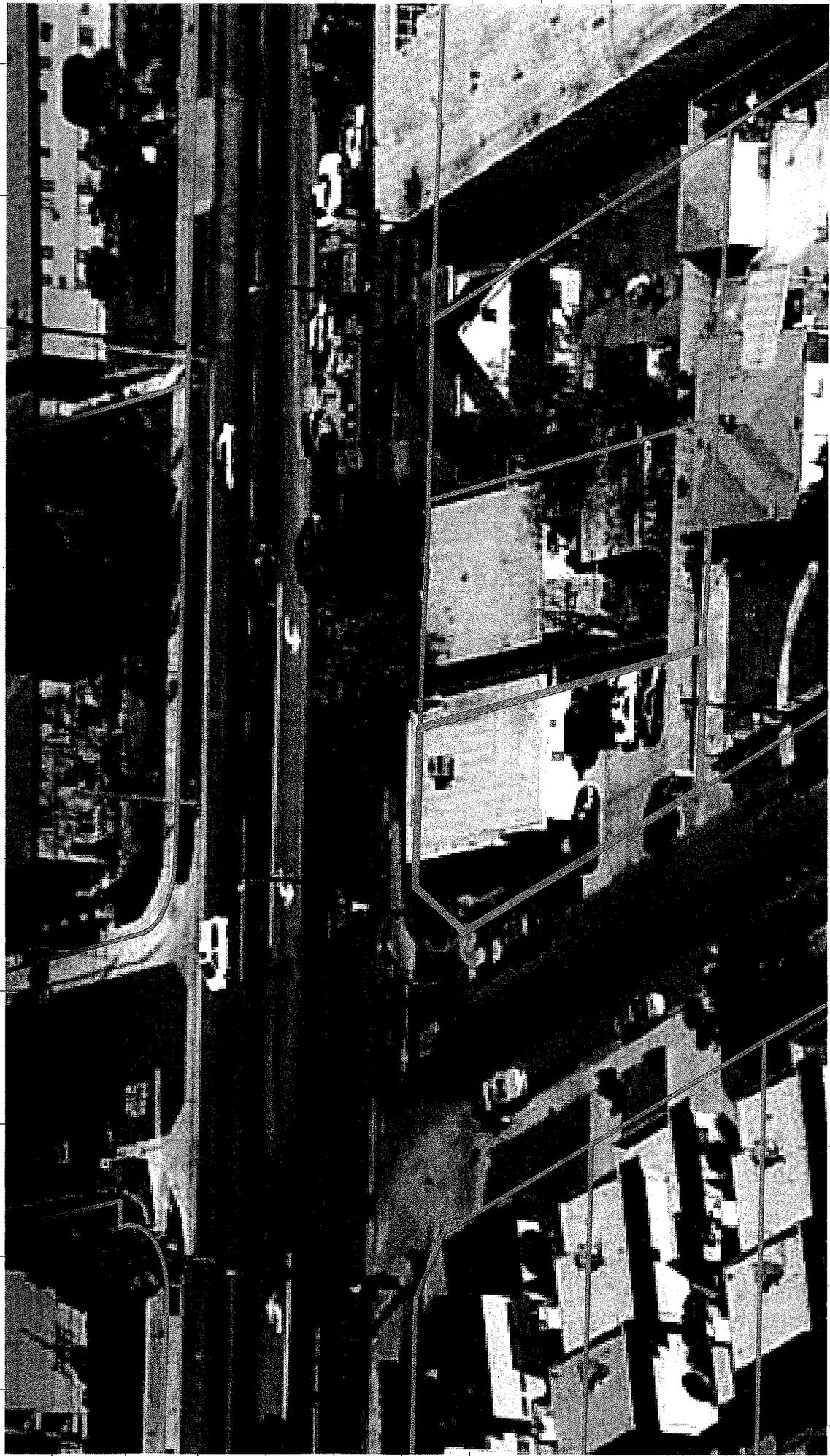
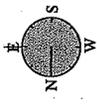
If any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

9. 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.
10. 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. The permittee shall provide fire law, hydrants, gated access width, emergency access, and any other necessary facilities as may be required by said Department.
11. This grant shall not become effective until the permittee has constructed or entered into a secured agreement with the Los Angeles County Department of Public Works to provide the aforementioned conditioned offers and dedications of this grant or this permit shall be subject to revocation. The permittee shall submit three (3) copies of revised plans, similar to Exhibit "A" as presented at the public hearing, for approval of the Director of Planning, depicting the required street improvements.
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. The subject facility shall be developed and maintained in compliance with requirements of

- Los Angeles County Department of Health Services. Adequate water and sewage disposal facilities shall be provided to the satisfaction of said Department.
14. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works.
 15. Provisions shall be made for all natural drainage to the satisfaction of the Department of Public Works.
 16. 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.
 17. 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 used to cover 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.
 18. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted, the written authorization of the property owner is necessary.
 19. 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.
 20. The permittee shall contact the Department of Public Works to determine whether an Industrial Waste Disposal Permit is required. No activity for which a permit is required shall be initiated on the subject property before a permit is obtained and any required facilities are installed. The permittee shall keep any required permits in full force and effect and shall fully comply with any requirements thereof.
 21. The number of employees shall be limited to four permanent full-time and one visiting specialist.
 22. The hours of operation shall be limited to 8:00 am to 8:00pm, Monday through Saturday.
 23. The applicant shall provide a minimum of 5 parking spaces, one of which shall be handicap accessible. This parking requirement is based on providing one space for each 250-sq. ft. of office space.

24. A small wall-mounted business sign is permitted. The sign shall be one sided and not exceed six sq. ft. in area. Orientation of the sign shall be toward Rosemead Blvd.

JRG:MC: 04-20-99
Attachment:



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