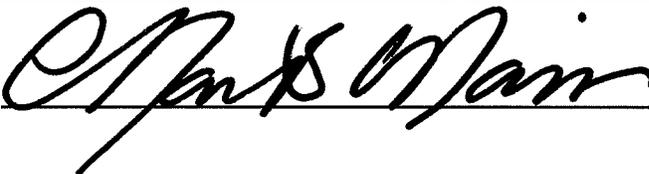


Regional Planning Commission Transmittal Checklist

Hearing Date
June 22, 2011
Agenda Item No.
6

Project Number: R2007-02461-(1)
Case(s): Nonconforming Review Case No. 200700007
Planner: Anita Gutierrez

- 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
- _____
- _____
- _____

Reviewed By: 



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6443
PROJECT NUMBER R2007-02461-(1)
NONCONFORMING REVIEW 200700007

PUBLIC HEARING DATE 06/22/11	AGENDA ITEM 6
RPC CONSENT DATE	CONTINUE TO

APPLICANT Fred Lane	OWNER Fred Lane	REPRESENTATIVE N/A
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PROJECT DESCRIPTION
 The project includes the operation and maintenance of a four unit apartment building.

REQUIRED ENTITLEMENTS
 The applicant is requesting an NCR to allow for continued operation of a four-unit apartment building, which is currently nonconforming due to use as well as parking standards in the C-3 (Unlimited Commercial) Zone.

LOCATION/ADDRESS
 3809 East 3rd Street, East Los Angeles

SITE DESCRIPTION
 The site plan depicts a four unit apartment building with a attached single family dwelling unit and hand car wash

ACCESS Via Eastman Avenue	ZONED DISTRICT EASTSIDE UNIT 1
-------------------------------------	--

ASSESSORS PARCEL NUMBER 5232021011	COMMUNITY East Los Angeles
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SIZE 0.20 Acres	COMMUNITY STANDARDS DISTRICT East Los Angeles Community Standards District CSD specific area – Commercial/Residential Mixed Use Area
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	EXISTING LAND USE	EXISTING ZONING
Project Site	Multi-family and single family residential and hand car wash	C-3 (Unlimited Commercial)
North	Elementary School	IT (Institutional)
East	Commercial and residential uses	C-3 (Unlimited Commercial)/ R-2 (Two-family residence)
South	Elementary and middle school and commercial uses	IT (Institutional)/C-3 (Unlimited Commercial)
West	Commercial and residential uses	C-3 (Unlimited Commercial)/ R-2 (Two-family residence)

GENERAL PLAN/COMMUNITY PLAN East Los Angeles Community Plan	LAND USE DESIGNATION CR - Commercial Residential (30 du/ac)	MAXIMUM DENSITY
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ENVIRONMENTAL DETERMINATION
 Class 1 Categorical Exemption-Existing Facilities

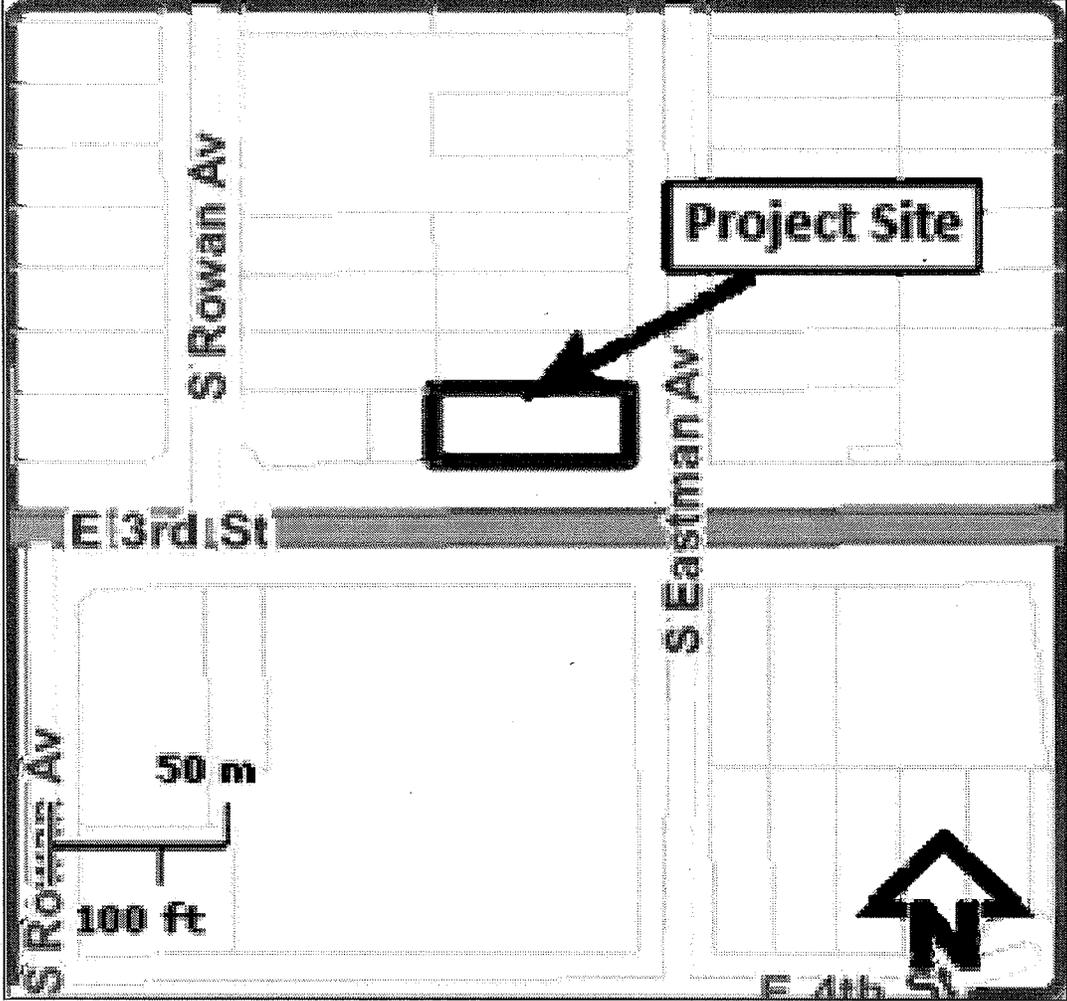
RPC LAST MEETING ACTION SUMMARY

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: Anita Gutierrez		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) 0 (F) 0	PETITIONS (O) 0 (F) 0	LETTERS (O) 0 (F) 0

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



STAFF ANALYSIS
PROJECT NUMBER R2007-02461-(1)
NONCONFORMING REVIEW NUMBER 200700007

PROJECT DESCRIPTION

The project is a request for Nonconforming Review (“NCR”) to allow for the operation and maintenance of a four-unit apartment building, which is currently nonconforming due to use as well as parking standards. A single-family dwelling unit and a hand carwash are also located on the project site, however the apartment units are the only nonconforming use on the site subject to this NCR request.

REQUIRED ENTITLEMENTS

Per Section 22.56.1550 of the County Code an application may be filed requesting extension of the time within which a nonconforming use or building or structure nonconforming due to use, or due to standards where applicable, must be discontinued and removed from its site or brought into conformance with currently applicable standards. The applicant is requesting an NCR to allow for continued operation of a four-unit apartment building, which is currently nonconforming due to use as well as parking standards in the C-3 (Unlimited Commercial) Zone.

LOCATION

The subject property is located at 3809 East 3rd Street in unincorporated East Los Angeles.

SITE PLAN DESCRIPTION

The site plan depicts a two-story, four-unit apartment building with an attached single family dwelling unit as well as a hand carwash fronting 3rd Street on a 0.20 acre lot.

ENVIRONMENTAL DETERMINATION

The Department of Regional Planning [“Department”] has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements, because no construction or expansion of use is proposed beyond that which is currently in existence.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and Department website posting.

PREVIOUS CASES/ZONING HISTORY

The apartment building was built in 1958 with necessary building permits and has since been used as apartments. In 1964 the Zoning Ordinance was changed to require a discretionary permit for residential uses in commercial zones, which then triggered the amortization period for the apartment use portion of this project. According to Section

22.56.1540.B.i, the amortization period for the apartment use is 35 years, which expired in 1999, thereby making the apartment use nonconforming due to use. The commercial use (carwash) on the project site was established in 1956, and is currently allowed in the zone. As such, it is not nonconforming and is allowed by right in the zone, therefore, it is not part of the current request. The single-family dwelling unit was built in 1920 and is shown on assessor records starting in 1951. Because the amortization provisions do not apply to single-family dwelling units, the existing single-family residence it is allowed to remain on the project site.

STAFF EVALUATION

General Plan Consistency

The project site is located within the East Los Angeles Community Plan area and is designated as Category CR - Commercial Residential, which is described as areas containing mixtures of commercial and residential uses. The commercial uses permitted within this category are primarily neighborhood commercial, while residential densities are limited to 30 dwelling units per acre.

The proposed project would be consistent with the East Los Angeles Community Plan ("ELA Community Plan") designation by providing housing within the recommended density (maximum density for this project site is 6 units), however there are other Community Plan Policies related to Land Use that would not support the current condition or layout of the housing. The ELA Community Plan states that "*Homes should be screened from business areas using walls and landscaping or by developing buffer uses such as parking lot or parks*" The ELA Community Plan also directs to "*[d]esignate appropriate area where mixed use will be permitted subject to compliance with performance standards, where mixed uses are permitted, ensure compatibility of adjacent uses through careful design.*" Currently the apartment homes are not shielded or buffered from the commercial use on the property, causing concern for the long term appropriateness of housing in this location in conjunction with the carwash. The existing design and integration of uses on site is not an ideal situation for long term continued use of the apartments as they currently exist.

In addition, long-term planning efforts, which are currently under way for this community, envision this area as a medium density residential neighborhood with pedestrian friendly commercial uses.

Zoning Ordinance and Development Standards Compliance

The project site is located within the C-3 (Unlimited Commercial) Zone and is within the East Los Angeles Community Standards District ("CSD") and is within the Specific Area boundary of the Commercial/Residential Mixed Use Area. When residential uses are developed in conjunction with commercial uses on the same parcel of land, they shall be subject to the following requirements:

- *With the exception of the first floor, commercial and residential uses shall not be located on the same floor.*

There are currently two apartment units located on the first floor, directly facing the commercial use (carwash) on-site.

- *The hours of operation for commercial uses shall be limited to the hours of 7:00 a.m. to 10:00 p.m.*

This requirement does not apply as this permit only addresses the four unit apartments on-site.

Parking

Based on current parking requirements six parking spaces would be required for the apartment use. Current parking standards require 1.5 covered spaces per unit for apartments, requiring a total of six parking spaces ($4 \times 1.5 = 6$) for the apartment use.

At the time the apartments were constructed, in 1958, parking for a four unit apartment building in a commercial zone required one space for each dwelling unit be provided in a garage carport or structure suitable for providing shelter. The apartment building was constructed with necessary building permits, however, as there was no Planning Department review of the project prior to construction, it is reasonable to believe that the project was legally built without parking and has remained as built since that time. There is currently no parking provided for the apartment use, therefore the project would be nonconforming due to parking standards. As no new construction or expansion of use is proposed, the applicant would not be required to provide any additional parking on the project site for the apartments.

Neighborhood Impact/Land Use Compatibility

The project site is surrounded by a mix of uses, including residential and an elementary school to the North, residential and commercial to the East, a school directly to the South, and residential and commercial to the West. Further, the project site is located within 0.4 miles (approximately 8 minutes walking distance) to the Metro Gold Line Indiana Station (210 S Indiana St, Los Angeles 90063). Therefore, apartments are a compatible use at this location.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.1550.C of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

DEPARTMENT OF PUBLIC WORKS - In a letter dated March 17, 2011 the Department of Public Works did not recommend approval of the project due to parking concerns for the apartment units. The letter is attached.

DEPARTMENT OF PUBLIC HEALTH – In a letter dated March 30, 2011, the Department did recommend approval of the project with conditions that the buildings be maintained in a sanitary condition, and that the project comply with the Los Angeles County Noise Control Ordinance. The Department did have concerns with potential noise impacts, particularly from the car wash operations and requested a noise study be conducted. The letter is attached.

FIRE DEPARTMENT – In a letter dated April 21, 2011 the Department cleared the project for public hearing having checked fire flow and access.

PUBLIC COMMENTS

Staff received two calls from the public asking general questions about why the permit is needed.

FEES/DEPOSITS

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

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:

Although housing is generally a compatible use within this neighborhood, the current configuration of the uses on site (carwash, apartments and single-family dwelling), do not create an ideal living situation to continue housing in its current form. The apartments are in too close proximity to the carwash, separated by only a two to three foot wide walkway, directly adjacent to the car wash, which creates noise concerns and an incompatibility of uses on the site. Without a substantial buffer between the commercial and residential uses, staff does not support the continued long-term use of the apartments in such close proximity to the existing commercial use.

Staff does recognize that this community is in a transition phase as it adjusts to the newly established public transit rail line (Metro Gold Line) running through the community. Public transportation has a major impact on land use development patterns. In many situations, improved accessibility can stimulate development location and type. As a strategy in relieving congestion, public transit can be more effective with policies and actions that expand transit oriented development or provide for mixed-use and pedestrian design in development of major public transportation corridors. The

Department is in fact undergoing such an effort. There is a long term planning project currently in the process of developing a specific plan for the areas around the East Los Angeles Metro Gold Line, which includes the project site. This plan, although not formally adopted, does contemplate the transition of this area to medium density residential and commercial uses that are more pedestrian friendly and neighborhood serving than auto oriented. If adopted, this plan would most likely prohibit uses such as the existing carwash on-site, which currently poses an incompatibility with the apartment use.

In order to accommodate a need for housing in the area, particularly in proximity to the public transit system, as well as to allow for further long-range planning for the area, which is in transition phase, Staff recommends a five year grant term length for continued operation of the apartment units. This five-year period would allow the applicant time to either remove the incompatible commercial use on-site or provide another alternative that would support long-term housing on the project site.

Staff recommends Approval of Project Number R2007-02461, with associated case number RNCR200700007 subject to the attached conditions.

SUGGESTED APPROVAL MOTION

I move that the Regional Planning Commission close the public hearing, determine that the project is categorically exempt from the California Environmental Quality Act pursuant to a Class 1 categorical exemption, and approve Nonconforming Review 200700007 with attached findings and conditions of approval.

Prepared by Anita Gutierrez, Zoning Permits East Section

Reviewed by Maria Masis Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Conditions of Approval

Applicant's Burden of Proof statement

Site Photographs

Site Plan

Land Use Map

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

PROJECT NUMBER R2007-02461-(1)
NONCONFORMING REVIEW NUMBER 200700007

REQUEST

The project is a request for Nonconforming Review ("NCR") to allow for the operation and maintenance of a four-unit apartment building, which is currently nonconforming due to use as well as parking standards. A single-family dwelling unit and a hand carwash are also located on the project site, however the apartment units are the only nonconforming use on the site subject to this NCR request.

REGIONAL PLANNING COMMISSION HEARING DATE: June 22, 2011

FINDINGS

1. The subject property is located at 3809 East 3rd Street in unincorporated East Los Angeles on property located in the C-3 (Unlimited Commercial) zone.
2. The project is a request for a Nonconforming Review ("NCR") to allow for the operation and maintenance of a four unit apartment building with less than required parking. A single-family dwelling unit and a hand carwash are also located on the project site, however the apartment units are the only nonconforming use on the site subject to this NCR request.
3. The project site is located within the East Los Angeles Community Plan area and is designated as Category CR - Commercial Residential, which is described as areas containing mixtures of commercial and residential uses. The commercial uses permitted within this category are primarily neighborhood commercial, while residential densities are limited to 30 dwelling units per acre.
4. The proposed project would be consistent with the East Los Angeles Community Plan ("ELA Community Plan") designation by providing housing within the recommended density (maximum density for this project site is 6 units), however there are other Community Plan Policies related to Land Use that would not support the current condition or layout of the housing on the project site. The ELA Community Plan states that "*Homes should be screened from business areas using walls and landscaping or by developing buffer uses such as parking lot or parks.*" The ELA Community Plan also directs to "*[d]esignate appropriate area where mixed use will be permitted subject to compliance with performance standards, where mixed uses are permitted, ensure compatibility of adjacent uses through careful design.*" Currently the apartment homes are not shielded or buffered from the commercial use on the property, causing concern for the long-term appropriateness of housing in this location in conjunction with the carwash. The existing design and integration of uses on-site is not an ideal situation for long-term continued use of the apartments as they currently exist.

5. The project site is located within the C-3 (Unlimited Commercial) Zone and is within the East Los Angeles Community Standards District ("CSD") and is within the Specific Area boundary of the Commercial/Residential Mixed Use Area. When residential uses are developed in conjunction with commercial uses on the same parcel of land, they shall be subject to the following requirements: *1) With the exception of the first floor, commercial and residential uses shall not be located on the same floor. 2) The hours of operation for commercial uses shall be limited to the hours of 7:00 a.m. to 10:00 p.m.* There are currently two apartment units located on the first floor, directly facing the commercial use (carwash) on-site and the hours of operation requirement does not apply as this permit only addresses the four unit apartments on-site.
6. Based on current parking requirements six parking spaces would be required for the apartment use. Current parking standards require 1.5 covered spaces per unit for apartments, requiring a total of six parking spaces ($4 \times 1.5 = 6$) for the apartment use. At the time the apartments were constructed, in 1958 parking for a four unit apartment building in a commercial zone required one space for each dwelling unit be provided in a garage carport or structure suitable for providing shelter. The apartment building was constructed with necessary building permits, however there was no Planning Department review of the project prior to construction, it is reasonable to believe that the project was legally built without parking and has remained as built since that time. There is currently no parking provided for the apartment use, therefore the project would also be nonconforming due to parking standards.
7. The project site is surrounded by a mix of uses, including residential and an elementary school to the North, residential and commercial to the East, a school directly to the South and residential and commercial to the West. Apartments are a compatible use at this location.
8. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting. A total of 184 notices were mailed to property owners within 500 feet of the property on May 4, 2011 and the project was advertised in East LA. Tribune and La Opinion Newspapers on 05/12/11 and 5/10/11 respectively.
9. As the apartment building has existed in its current location for over 50 years without any major problems resulting from the residential use. The apartment building is located near other multi-family uses and is compatible with the surrounding residential community. The continued use of the building for an additional five years would not adversely affect the health, peace or welfare of persons residing or working in the surrounding area.
10. The apartment use by itself is a low impact use containing four units. It is located in a area adjacent to other residential uses, fits with the neighborhood pattern and is well maintained. It would not be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.

11. The apartment use provides safe, clean and well maintained housing opportunities in the community and therefore would not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
12. 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 five (5) years.
13. The Project is categorically exempt Class 1 – Existing Facilities, pursuant to the California Environmental Quality Act (CEQA) and the Los Angeles County environmental reporting guidelines. The request is to continue the operation and maintenance of an existing four-unit apartment building, which is currently nonconforming due to use as well as parking standards. The building was constructed in 1958 and the applicant is not proposing any new construction or other intensification of use. Therefore, the project qualifies for a Class 1 categorical exemption from the California Environmental Quality Act for existing facilities.
14. 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 East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

That such use, building or structure does not now and will not during the extension period requested;

1. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of the 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. In view of the findings of fact and conclusions presented above, the Regional Planning Commission determines that the project is categorically exempt from CEQA pursuant to a Class 1 categorical exemption.

2. The Regional Planning Commission **APPROVES** Nonconforming Review Number 200700007 is approved subject to the attached conditions.
- c: Each Commissioner, Zoning Enforcement, Building and Safety

MM:AG
06/02/2011

**DRAFT CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2007-02461-(1)
NONCONFORMING REVIEW NO. 200700007**

PROJECT DESCRIPTION

The project is a request for Nonconforming Review ("NCR") to allow for the operation and maintenance of a four-unit apartment building, which is currently nonconforming due to use as well as parking standards. A single-family dwelling unit and a hand carwash are also located on the project site, however the apartment units are the only nonconforming use on the site subject to this NCR request, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4 and 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in the Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on June 22, 2016.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Nonconforming Review application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the **four unit apartment building** and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **three (3) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall

be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

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, three (3) copies of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

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.

The apartment house built on this location in 1957 is a vital part of the community, especially with the current housing crisis in Los Angeles County. As stated by Supervisor Molina, "There continues to be a housing shortage in Los Angeles County.....It is imparative that the county developes creative solutions to increase housing supply." Which I believe shows how important this apartment house is to this community's general welfare as a whole.

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, and

The apartment house was built to all requirements under the Planning Code 1494 in 1957. It stands exactly as it was since permitted in 1957 and use of this structure has not changed.

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 apartment house has opereated on this site without a problem since 1957.

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

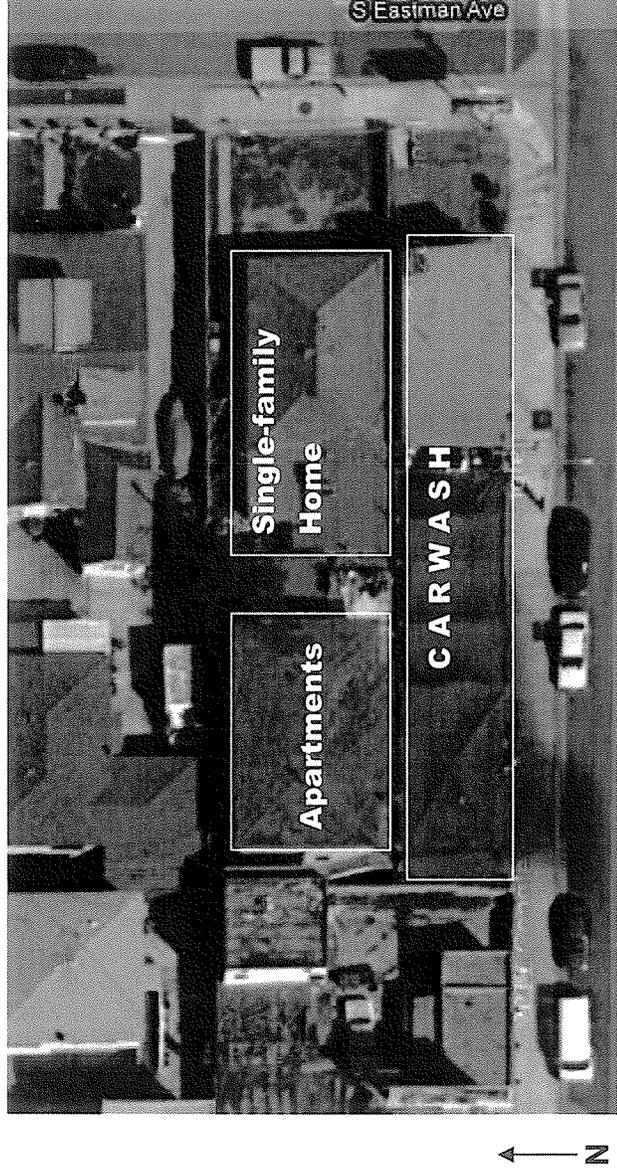
The apartment house has had the same use since 1957. The ability of this site to continue as an apartment house will help the county meet our regional housing needs. To take away affordable housing in this time of crisis would be unjust to the community as a whole. If the property was to be condemned the value of the property must be protected under the fifth amendment.

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.

There are no adjustments needed. The apartment house as been in place for fifty years.



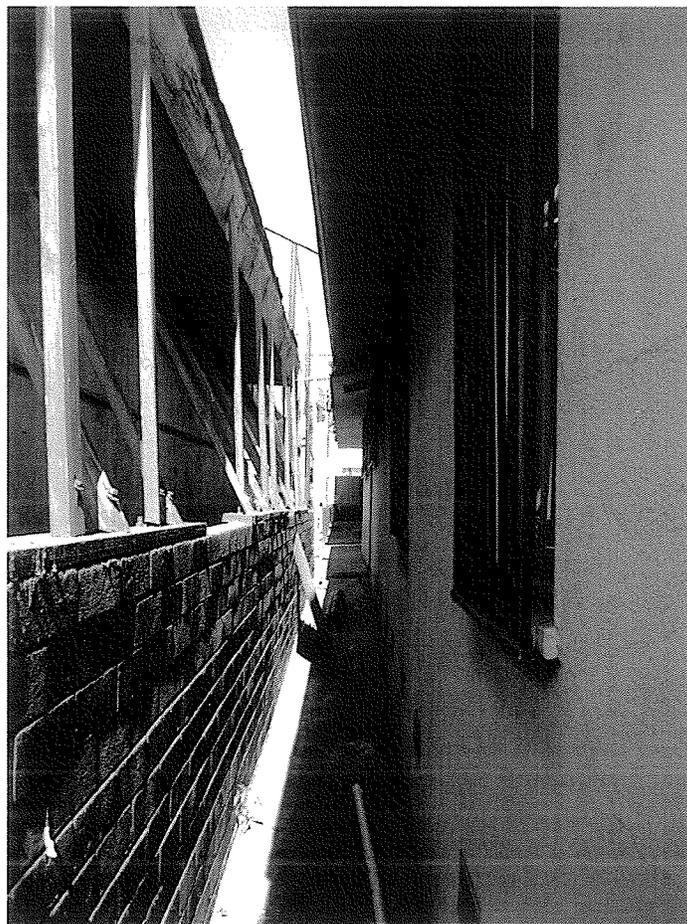
Above: Picture of site from 3rd Street, the apartment building is the two story structure on the left side of this picture



Above: Aerial picture of site, outlining the all the uses on the site



Above: Picture depicting distance between commercial use and the residential uses on-site. Approximately three feet.



Above: Picture showing separation between commercial and residential uses. Approximately 2 to 3 feet.



LEFT: Facing west, picture of apartment units on second floor

RIGHT: Facing east, Picture of second floor units and of commercial use on-site to the right.





Above: Facing west from Eastman Avenue, picture of the single-family home on-site



Above: Facing east, picture of the carwash use on site. The apartments are in the picture to the left.



Legend

- Parcel Boundary
 - Arterial Street
 - Freeway
 - Master Plan of Highways
 - Expressway - (E)
 - Expressway - (P)
 - Local Secondary Highway - (E)
 - Local Secondary Highway - (P)
 - Parway - (P)
 - Major Highway - (E)
 - Major Highway - (P)
 - Secondary Highway - (E)
 - Secondary Highway - (P)
 - Existing (P) Proposed
 - Railroad or Rapid Transit
 - Rapid Transit
 - Underground Rapid Transit
 - Significant Right-of-Way
 - Gasline
 - Gasline Secondary
 - SMANA Significant
 - Orange Tree (2000)
 - Accession Map EOOK (AMH) Bay
 - Zoning Index Map Grid
 - Zoning Map Grid
 - USGS Quad Sheet Grid
 - Internal Page Grid
 - Very High Fire Hazard Severity
 - Zone
 - County Standards District (CSD)
 - CSD Area Specific Boundary
 - ESHA (Coast Only)
 - Ecological Area
 - Section Line
 - Township and Range
 - National Forest (ENF)
 - Territorial District (TOD)
 - Sanback District
 - Zoned District (ZD)
 - Supervisory District Boundary
 - Safety Related Stations (From TIR)
 - Fire Station
 - Highway Patrol
 - Police Station
 - Ranger Station
 - Sheriff Station
 - Inland Waterbody
 - Intermittent
 - Dry
- Zoning (Boundary)**
- Zone A-1
 - Zone B-1
 - Zone B-2
 - Zone C-1
 - Zone C-2
 - Zone C-3
 - Zone C-4
 - Zone C-5
 - Zone C-6
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 - Zone C-99
 - Zone C-100
- Language Policy (Not in Comm/ Area Plan)**
- 1 - Low Density Residential (1 to 8 du/acre)
 - 2 - Medium Density Residential (9 to 12 du/acre)
 - 3 - High Density Residential (13 to 22 du/acre)
 - 4 - Very High Density Residential (23 to 30 du/acre)
 - 5 - Major Commercial
 - 6 - Major Industrial
 - 7 - Open Space
 - 8 - Public and Semi-Public Facilities
 - 9 - Rural Communities
 - 10 - Non-Urban
 - 11 - Transportation Corridor

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

