



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Richard J. Bruckner  
Director

May 12, 2011

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Will Nieves  
21250 Hawthorne Blvd, Suite 700  
Torrance, CA 90503

**REGARDING: PROJECT NUMBER R2007-03014-(2)  
NONCONFORMING REVIEW 200900015  
13763 Inglewood Avenue**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, May 11, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 3 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, May 25, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Anita Gutierrez of the Zoning Permits East Section at (213)974-6443 or by e-mail at AGutierrez@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner  
Director

  
Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

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

c: BOS; DPW (Building and Safety), Cardon Family Trust & Hug Family Trust

MM:AG  
Hearing Footage: 5/11/2011-Item #8

**CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. R2007-03014-(2)  
NONCONFORMING REVIEW NO. 200900015**

**PROJECT DESCRIPTION**

The proposed project is a request for Nonconforming Review ("NCR") to allow for the continued operation of a mixed use development, which includes a market, various other retail uses and three apartment units on property that is located in both the C-3 (Unlimited Commercial) and R-1 (Single Family Residential) Zones in an existing building that is also nonconforming due to parking standards. The existing two-story building is located entirely within the C-3 zoned parcels, 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, 5, and 9 shall be effective immediately upon 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. 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 department'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 Los Angeles 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 May 11, 2031.** 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 Los Angeles County Department of Regional Planning ("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 market, retail store, residential units and parking lot 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 **\$2,000.00**. 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 deposit provides for **10 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 otherwise determined by County Code Section 22.60.350.
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.
17. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works memorandum dated February 23, 2011, except as otherwise required by said Department.
18. The permittee shall file and record a covenant and agreement with the County Recorder to hold all four parcels (APNs 4147-010-018, 035, 036 and 038.) as one and submit a copy of the document to be recorded for review and approval to the Department of Regional Planning. Upon recordation, an official copy of the recorded covenant and agreement shall be provided to the Director of Planning (Director).
19. A minimum of 32 parking spaces, including two handicap van accessible spaces shall be continuously maintained on the property.
20. A minimum one percent landscaping shall be continuously maintained on the property

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

**PROJECT NUMBER R2007-03014-(2)  
NONCONFORMING REVIEW 200900015**

## **REQUEST**

Per Section 22.56.1550 of the Los Angeles 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 standards, must be discontinued and removed from its site or brought into conformance with currently applicable standards. The applicant is requesting a nonconforming review to allow for an extension of the time period in which use of three residential units in the C-3 zone, located in an existing building that is nonconforming due to parking standards may continue. Although the project site contains several uses, the items requiring discretionary entitlement are the three apartment units, less than required parking and less than required landscaping. The existing commercial uses are allowed by right in the zone.

## **REGIONAL PLANNING COMMISSION HEARING DATE: May 11, 2011**

A duly noticed public hearing was held on May 11, 2011 before the Regional Planning Commission. Commissioners Louie, Valadez, Helsley and Pedersen were present. Commissioner Modugno was absent. The applicant's representative, Will Nieves presented testimony in favor of the request and answered questions presented by the Commission.

The Commission discussed the Public Works requirements of installing new curb ramps and ADA access ramps at the intersection of 138<sup>th</sup> Street and Inglewood Avenue and whether or not it was an undue burden on the applicant. The Commission concluded that the requirement was a reasonable request as part of the project approval.

There being no further testimony, the Regional Planning Commission closed the public hearing and approved the permit with changes to the findings and conditions as agreed to by the applicant.

## **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION**

### **FINDINGS**

1. The site plan depicts four parcels of land, the western two are zoned R-1 (Single Family Residential) and the eastern two are zoned C-3 (Unlimited Commercial). The existing two-story 10,219 square-foot building is located entirely within the C-3 zoned parcels. Eight parking spaces are depicted on the north end of the commercially zoned parcels. Floor plans depict the building with retail/commercial on the ground floor and three one-bedroom apartment units on the second floor.

The R-1 zoned parcels are developed with a 24 space parking lot, along with six enclosed single-car garages used for the apartment units.

2. The applicant is requesting a nonconforming review to allow for an extension of the time period in which use of three residential units in the C-3 zone, located in an existing building that is nonconforming due to parking standards may continue. Although the project site contains several uses, the items requiring discretionary entitlement are the three apartment units, less than required parking and less than required landscaping. The existing commercial uses are allowed by right in the zone.
3. The project site is located within the Los Angeles County General Plan and parcels 18 and 38 are designated as Category 3 - Medium Density Residential, which is described as areas generally suitable for multiple residential development including garden apartments, multi-plex, and high density townhouse development. Development generally does not exceed two stories in height, and ranges in density from 12 to 22 units per gross acre. Parcels 35 and 36 are designated as Category 1 - Low Density Residential, which is described as areas suitable for single-family housing units at densities which typically range from one to six units per gross acre. The existing development has a density of 4 units per acre, which is consistent with the Category 3 General Plan designation and consistent with the surrounding development. The project would continue to provide a needed affordable housing option in the community as well as provide a space for local serving businesses; therefore the project is consistent with the General Plan.
4. The General Plan does acknowledge that with the generalized residential land use categories a mix of local commercial and industrial services and other community serving public facilities do exist and that it is not the intent of the General Plan to preclude further development or expansion of such uses within areas depicted as residential on the land use policy map. Additionally, one of the policy goals of the General Plan, states to "Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design, and location controls". The existing market and retail use onsite do provide a local-serving community need and is therefore consistent with the goals and policies of the General Plan.
5. The subject property is located in C-3 (Unlimited Commercial) and (R-1) (Single Family Residential) Zones. As described below, the project complies with applicable development standards and requirements set forth in Title 22 of the Los Angeles County Code (County Code), except for landscaping and parking standards.
6. Lot Coverage: Premises in Zone C-3 shall be subject to the following development standards: That not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition.

Incidental walkways, if needed, may be developed in the landscaped area. The project does not meet the landscape requirement and is nonconforming due to landscaping.

7. Approximately 43 percent of the lot is covered by buildings; however, the lot only has 1.1 percent of landscaping. Plot Plan 32429 approved on 4/15/1983 approved the project as a market with parking and the site plan depicted several planters. Subsequent Plot Plan 32429 approved on 5/5/1999 allowed the parking lot as built with no landscaping. Adding additional landscaping on the site would result in reduced parking. At the time the site was developed there were no requirements for landscaping (1952), The 10 percent landscaping requirement for commercial uses (and building coverage requirement not to exceed 90 percent) was first adopted by Ordinance 83-0161, effective October 14, 1983. There were no landscape requirements at the time the site was developed therefore the project is nonconforming due to this standard and because no expansion or alteration to the project is proposed, no further landscaping is required.
8. Parking: Based on current parking requirements 38 parking spaces would be required, currently 32 are being provided. Parking is based on one space per 250 square feet for retail use ( $8,399/250=33.6$ ) and 1.5 spaces per unit for apartments ( $3 \times 1.5=4.5$ ). The plan depicts 32 parking spaces, including six single-car garages for the residential use.
9. At the time the building was constructed and the parking lot was developed in 1952, the parking standard for retail uses was one space per 400 square feet of retail use. The current standard of one space per 250 square feet did not become effective until October 16, 1988. Therefore, at the time the retail use was established 21 parking spaces would have been required ( $8,399/400=20.9$ ). For the apartment uses the parking standard would have still been 1.5 covered spaces per unit for apartments ( $3 \times 1.5=4.5$ ), requiring a total of 25 parking spaces for the property based on the standards at the time the uses were established. Therefore, the building is nonconforming due to parking standards and the Commission finds that the current use has the same or lesser parking requirement as the previous use at the time the site was developed and that no further parking is required.
10. According to Section 22.56.1510.E, conforming uses may be conducted in buildings that are nonconforming due to parking standards subject to certain provisions. Section 22.56.1510(E) states that a "building or structure nonconforming due to parking standards may be occupied by any use permitted in the zone in which it is located subject to the limitations and conditions governing such use as specified in the zone; provided, that: The use has the same or lesser parking requirement as the existing or previous use."
11. The earliest plot plan on file depicts 28 parking spaces, which would have been sufficient parking at the time the uses were established. The uses have continued use since the time they were established, therefore, the proposed retail,

apartments and parking lot are allowed on the subject property without requiring additional parking spaces. Additionally, the proposed project does not include any additions or expansion, therefore the subject property is not required to comply with current parking standards.

12. Signage: The project has an existing freestanding sign located along Inglewood Avenue. The sign is approximately 31 feet in height and consists of 150 square feet of sign area. The freestanding sign was approved by DRP with a plot plan on 12-13-85. The sign meets current standards. Additional wall business signs exist on the building façade, which also meet current standards. No new signage is being proposed. The Commission finds that the signage requirements have been met.
13. The subject property is located at the intersection of Inglewood Avenue and 138<sup>th</sup> Street. The mix of uses on the subject site is compatible with the surrounding area because Inglewood Avenue is a commercial corridor and is appropriate use for retail and the site is adjacent to a residential area directly to the West, which allows the apartment units on-site to blend into the neighborhood pattern. The use has existed at the same location for almost 60 years and has become a part of the neighborhood pattern. The project would not cause any adverse impacts to the community as will continue the same use.
14. 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.
15. 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 20 years.
16. The project was legally established and has existed in its present location for over 40 years and no expansion or alteration to the project is proposed, therefore the project will not adversely affect the health, peace or welfare of persons residing or working in the surrounding area.
17. The project is compatible with the surrounding uses in the community is located adjacent to similar uses, therefore the project would not be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, or
18. The project includes uses consistent with the zoning and land use patterns, it is located on an improved road public roadway and serves local community need supplying housing options and local retail, therefore the project would not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

19. 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. In view of the findings of fact and conclusions presented above Nonconforming Review 200900015 is approved subject to the attached conditions.

**VOTE: 3-1**

Concurring: Louie, Valadez, Pedersen

Dissenting: None

Abstaining: Helsley

Absent: Modugno

Action Date: 5/11/11

c: Each Commissioner, Building and Safety

MM:AG  
05/11/2011