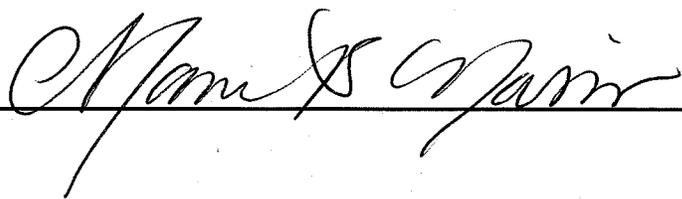


# Regional Planning Commission Transmittal Checklist

Hearing Date  
05/11/2011  
Agenda Item No.  
8

Project Number: R2007-03014-(2)  
Case(s): Nonconforming Review No. 200900015  
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 R2007-03014-(2)**  
**NONCONFORMING REVIEW PERMIT NO. 200900015**

**PUBLIC HEARING DATE**  
 5/11/2011

**AGENDA ITEM**  
 8

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

Emil Hug Trustee

**OWNER**

Cardon Family Trust & Hug Family Trust

**REPRESENTATIVE**

Will Nieves

**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.

**REQUIRED ENTITLEMENTS**

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.

**LOCATION/ADDRESS**

13763 Inglewood Avenue

**SITE DESCRIPTION**

The site plan depicts an existing two story 10, 219 sq ft building with retail/commercial on the ground floor and three one-bedroom apartment units on the second floor. A 32 space parking lot is depicted on the southern and north property boundaries, which includes six enclosed single-car garages for the apartment units.

**ACCESS**

Via Inglewood Avenue and 138th Street

**ZONED DISTRICT**

Del Aire

**ASSESSORS PARCEL NUMBER**

4147-010-018, 035, 036 and 038

**COMMUNITY**

Del Aire

**SIZE**

0.74 Acres

**COMMUNITY STANDARDS DISTRICT**

N/A

	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Market/Retail and three apartment units	C-3 (unlimited Commercial)/ R-1(Single Family Residential)
North	Commercial and single/multi-family homes	C-3 (unlimited Commercial)/R-1 (Single Family Residential)
East	Commercial and single-family homes	City of Hawthorne
South	Commercial and single/multi-family homes	C-3 (unlimited Commercial)/R-1 (Single Family Residential)
West	Single-family homes	R-1 (Single Family Residential)

**GENERAL PLAN/COMMUNITY PLAN**

LA County General Plan

**LAND USE DESIGNINATION**

Category 3 - Medium Density Residential

**MAXIMUM DENSITY**

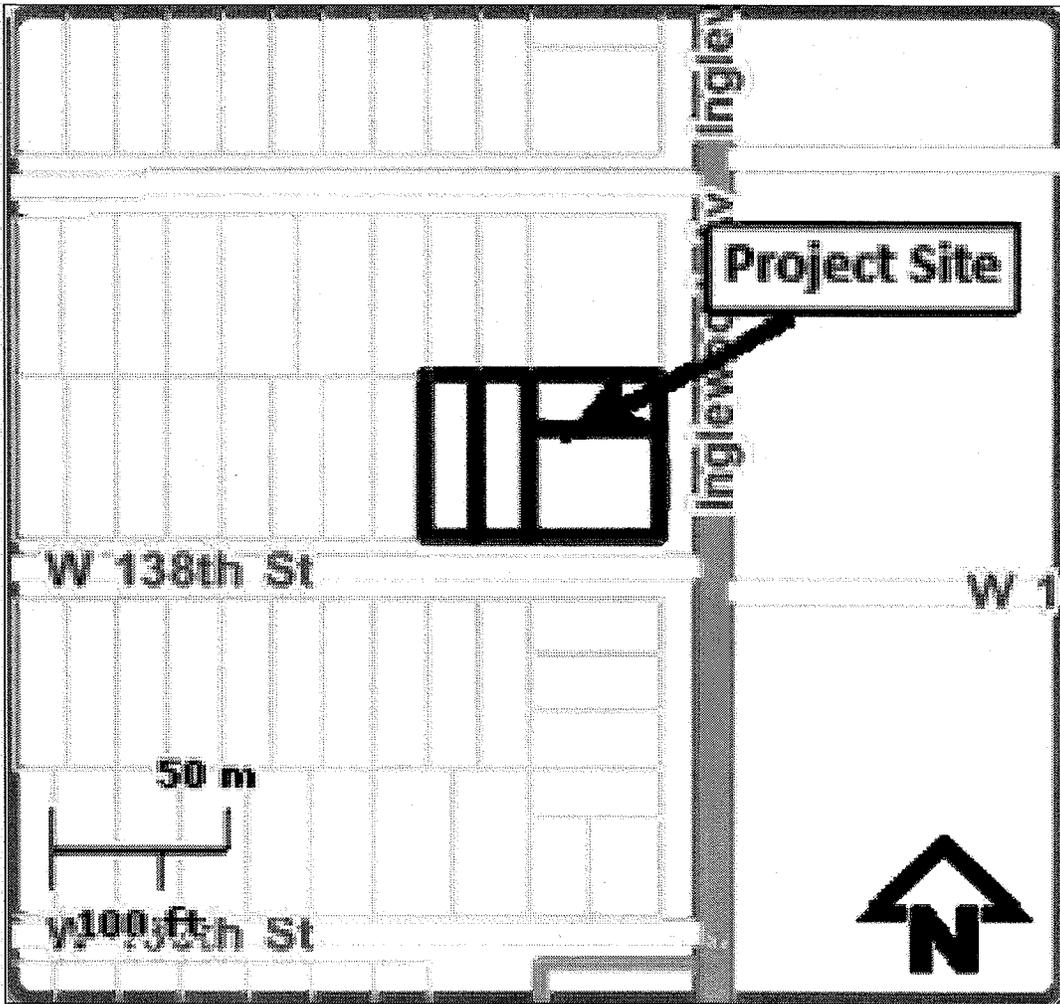
(12 to 22 du/ac)

**ENVIRONMENTAL DETERMINATION**

Class 1 Categorical Exemption-Existing Facilities

**RPC LAST MEETING ACTION SUMMARY**

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



**STAFF ANALYSIS**  
**PROJECT NUMBER R2007-03014-(2)**  
**NONCONFORMING REVIEW 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.

**REQUIRED ENTITLEMENTS**

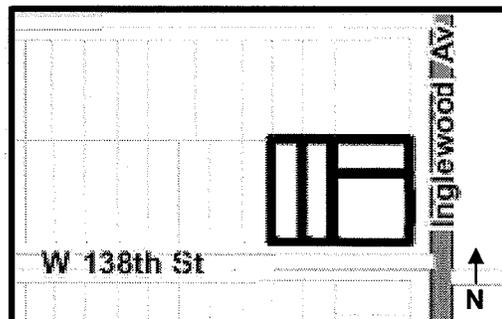
Per Section 22.56.1550 of the Los Angeles County Code, an application may be filed requesting extension of the time within which a nonconforming use or building or structure nonconforming due to use or standards, must be discontinued and removed from its site or brought into conformance with currently 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.

**LOCATION**

The property is located 13763 Inglewood Avenue, Hawthorne, California 90250 on four parcels of land (APNs 4147-010-018, 035, 036 and 038).

**SITE PLAN DESCRIPTION**

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.



### **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 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 Los Angeles County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting. 182 notices were mailed out on March 28, 2011 and the notice was posted in The Daily Breeze and *La Opinion* Newspapers on March 30, 2011 and March 31, 2011, respectively. The site was properly posted by the applicant and staff was provided with a certificate of posting verifying said posting.

### **PREVIOUS CASES/ZONING HISTORY**

The existing two-story building was built in 1952 with necessary building permits and was used for retail sales. In 1962-1963 apartments were added to the building with necessary building permits. 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 uses on the project site are not nonconforming and are allowed by right in the zone.

- In 1952 the subject parcels were developed as a market with necessary building permits from the Los Angeles County Department of Public Works, Building and Safety Division.
- In 1952 a Zone Exception permit was granted by the Department of Regional Planning (DRP) for an exception to the R-1 zone in order to establish, operate and maintain an off-street parking lot and storage building to be used in conjunction with an adjacent market.
- In 1963 apartments were established on the commercial portion of the subject parcels, which at the time were an allowed use and did not require a discretionary permit. Records show the apartment use was established in 1962-1963 with appropriate building permits. The required amount of parking was provided under then-applicable standards.
- In 1983 Plot Plan 32429 was approved by DRP to permit the proposed commercial use, a market. This plot plan did not address the residential use. The approved plot plan depicted a two story building in the south-eastern corner of the property and a

28 space parking lot. Although the commercial building had been built in 1952, pursuant to then-applicable standards, the plot plan approval in 1982 legalized the commercial use pursuant to current standards.

- In 1999 Plot Plan 32429 was approved by DRP to allow a market with 26 parking spaces. The approved plot plan depicted a two story building in the south-eastern corner of the property and a 26 space parking lot. It appears this plot plan was meant to approve some tenant improvements.

## **STAFF EVALUATION**

### **General Plan Consistency**

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 that 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. 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 polices of the General Plan.

### **Zoning Ordinance and Development Standards Compliance**

The subject property is located in the C-3 (Unlimited Commercial) and (R-1) (Single Family Residential) Zones. As described below, the project is subject to development standards and requirements set forth in Title 22 of the Los Angeles County Code.

### **Lot Coverage**

Premises in Zone C-3 shall be subject to the following development standards:  
A. 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.

*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. Therefore, the building is nonconforming due to net landscaping area and does not need to provide additional landscaping.*

### **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 6 single-car garages for the residential use.

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. The project provided the required number of spaces at the time it was developed. However, the parking provided does not meet current standards, therefore, the building is nonconforming due to parking standards.

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."

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 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.

**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, therefore, the project complies with applicable signage requirements.

**Neighborhood Impact/Land Use Compatibility**

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 for retail use 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 will not cause any adverse impacts to the community as it will continue an existing use.

**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 the 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 February 23, 2011 the Department recommended approval of the project with conditions pertaining road reconstruction of the existing driveway approaches on Inglewood Avenue and 138<sup>th</sup> Street and reconstruction of a curb ramp at the intersection of Inglewood Avenue and 138<sup>th</sup> Street. The letter is attached.

**FIRE DEPARTMENT**- In a letter dated September 16, 2010 the Department cleared the project for public hearing and deemed fire apparatus access and fire flow on-site to be adequate.

**PUBLIC COMMENTS**

No comments have been received.

**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:

Staff recommends Approval of project number R2007-03014, Nonconforming Review 200900015 subject to the attached conditions.

**SUGGESTED APPROVAL MOTION**

I move that the Regional Planning Commission close the public hearing, find that the project is categorically exempt from the California Environmental Quality Act pursuant to a Class 1 categorical exemption, and approve Project R2007-03014, Nonconforming Review Number **200900015** 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  
Draft Findings for 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 R2007-03014-(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**

## **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:**

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Each Commissioner, Building and Safety

MM:AG  
05/11/2011

**DRAFT 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



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

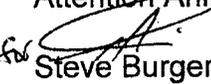
ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

February 23, 2011

IN REPLY PLEASE  
REFER TO FILE: **LD-1**

TO: Mark Child, AICP  
Zoning Permits I Section  
Department of Regional Planning

Attention Anita Gutierrez

FROM:  Steve Burger  
Land Development Division  
Department of Public Works

**NONCONFORMING REVIEW (NCR) NO. 201000015**  
**PROJECT NO. R2007-03014**  
**13763 INGLEWOOD AVENUE**  
**ASSESSOR'S MAP BOOK NO. 4147, PAGE 10, PARCEL NOS. 18, 35, 36, AND 38**  
**UNINCORPORATED COUNTY AREA OF HAWTHORNE**

- Public Works recommends approval of this NCR.
- Public Works does **NOT** recommend approval of this NCR.

We reviewed NCR No. 201000015 in the unincorporated County area of Hawthorne. The project is to authorize an existing two-story, mixed-use development with a reduce parking for a commercial retail and three-unit apartment building.

**Upon approval of the site plan, we recommend the following conditions:**

1. Road
  - 1.1 Reconstruct the existing driveway approaches on Inglewood Avenue and 138th Street to meet current Americans with Disabilities Act guidelines and to the satisfaction of Public Works. Relocate any affected utilities/catch basins (if any).
  - 1.2 Reconstruct the curb ramp at the intersection of Inglewood Avenue and 138th Street to meet current Americans with Disabilities Act guidelines and to the satisfaction of Public Works.

Mark Child  
February 23, 2011  
Page 2

- 1.3 Repair any improvements damaged during construction to the satisfaction of Public Works.
- 1.4 Within 60 days upon approval of NCR No. 200900015, the applicant will obtain street improvement plan approval and construct all the street improvement. A review fee is required for the street improvement plan review.

For questions regarding the road conditions, please contact David Esfandi at (626) 458-4921 or [mesfandi@dpw.lacounty.gov](mailto:mesfandi@dpw.lacounty.gov).

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

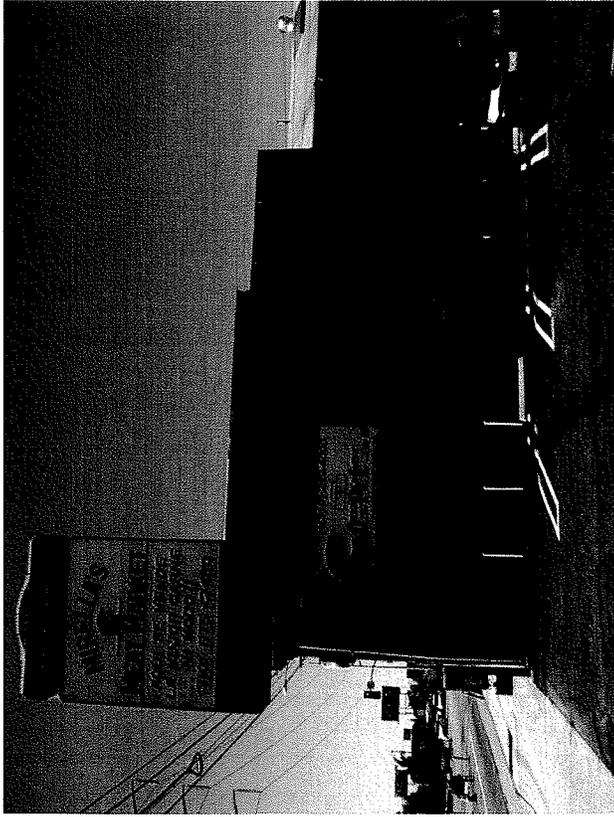
RP:\dpub\SUBMGTCUP\Project R2007-03014 CUP 200900015 13763 Inglewood Avenue APN 4147-010-018 mix used building.docx

**NONCONFORMING REVIEW CASE- BURDEN OF PROOF SECTION 22.56.1550 C**

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 PROPOSED USE WILL NOT ADVERSELY AFFECT; BE MATERIALLY DETRIMENTAL TO; NOR, JEOPARDIZE THE PUBLIC OR PERSONS RESIDING OR WORKING IN THE AREA SINCE THE APT BLDG STRUCTURE WAS LEGALLY BUILT IN 1953. THE PROJECT PROVIDES BADLY NEEDED HOUSING FOR FAMILIES WHO WOULD BE DISPLACED IF THE PROJECT IS DENIED. CURRENT PLANNING POLICIES ENCOURAGE MIXED USE PROJECTS WITH APARTMENTS ABOVE THE GROUND FLOOR.**
- B. That the proposed site is adequate in size and shape to accommodate the yard, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.**
- THE PROPOSED SITE IS ADEQUATE TO MEET ALL DEVELOPMENT STANDARDS AS PRESCRIBED BY ORDINANCE AT TIME OF CONSTRUCTION. THE USE INTEGRATES WELL WITH ALL SURROUNDING LAND USES IN THE AREA.**
- C. That the proposed use 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 PROPOSED SITE IS ADEQUATELY SERVED BY PUBLIC AND PRIVATE FACILITIES AS REQUIRED FOR THIS USE. THE SITE IS LOCATED ON INGLEWOOD AVENUE (A MAJOR ROAD).**
- 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**
- THE NATURE OF THE PROPOSED USE AND THE CESSATION OF THIS USE WOULD PROVE TO BE A TAKING OF THE PROPERTY SINCE THE APT BLDG STRUCTURE WAS LEGALLY BUILT IN 1953.**
- 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.**
- THIS ADJUSTMENT WILL NOT BE MATERIALLY DETRIMENTAL TO; NOR, JEOPARDIZE THE PROPERTY OF OTHER PERSONS IN THE AREA SINCE THE APT BLDG STRUCTURE WAS LEGALLY BUILT IN 1953. THE PROJECT PROVIDES BADLY NEEDED HOUSING FOR FAMILIES WHO WOULD BE DISPLACED IF THE PROJECT IS DENIED. THE EXISTING STRUCTURE IS ATTRACTIVE AND WELL MAINTAINED. AMPLE PARKING IS PROVIDED.**

View of the project facing South



View of the single-car garages, facing West



View of adjacent residential development, facing West



View of adjacent mixed-use development, facing North

