



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

July 7, 2011

Wil Nieves
22150 Hawthorne Blvd #700
Torrance, CA 90503

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

REGARDING: PROJECT NUMBER R2009-02027-(2)
Conditional Use Permit 200900151
1438 West 103th Street, Los Angeles, CA 90047

Dear Applicant:

Hearing Officer, Gina Natoli by her action of Tuesday, July 5, 2011, **APPROVED** the above described application (**Conditional Use Permit No. 200900151**). The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on Tuesday, July 19, 2011.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. A Condition requires that the permittee records an affidavit accepting the conditions before the grants becomes effective.

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 Andrew Svitek of the Zoning Permits West Section at (213) 974-6462 or e-mail at ASvitek@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

Rudy Silva, PRPA

For Mi Kim, Acting Section Head
Zoning Permits West Section

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

c: DPW (Building and Safety); Zoning Enforcement
Roosevelt Hicks, Wil Nieves

MK:as

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

**PROJECT NUMBER R2009-02027-(2)
CONDITIONAL USE PERMIT NO. 200900151**

REQUEST:

The applicant is requesting a conditional use permit to authorize the continued use and maintenance of a nine unit apartment building in the R-2 (Two-family Residential) Zone.

HEARING DATE: July 5, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on February 3, 2009 before the Hearing Officer. The applicant's representative, Mr. Wil Nieves, presented testimony in favor of the request. Mr. Henry Porter, on behalf of the Southwest Community Association, testified in favor of the request. There being no further testimony, the Hearing Officer closed the public hearing and approved the permit.

Findings

1. The project is located at 1438 West 103rd Street in the West Athens-Westmont Zoned District.
2. The site plan depicts a two-story 7,109-square-foot nine-unit apartment building with nine covered parking spaces located on an 8,820-square-foot parcel. The plan also depicts a ten-foot-wide driveway and 795 square feet of landscaping. A five-foot-high chain link fence with a gate is shown on the north property line and chain link and block wall fencing along the east, south, and west property lines. The side yard setbacks are shown as ten and five feet, front yard setback is fifteen feet and rear yard setback is twenty-four feet. Access is via West 103rd Street to the north.
3. Pursuant to Section 22.20.220, Title 22 of the County Code (Zoning Ordinance), an apartment house is a permissible use in the R-2 Zone, provided that a conditional use permit is approved.
4. The project is located within the West Athens-Westmont community, which is governed by the Westmont-West Athens Plan that was adopted on March 15, 1990. One of the goals of the Westmont-West Athens Plan is to "reduce the allowable density of multi-family residential areas to reflect current land use patterns." In the Plan, "most of the area currently zoned R-3 is recommended to be reduced to R-2" in order to "address the discrepancy between current and proposed use." The R-2 designation was for areas "developed with two-family residences and mixed single-family and multi-family use" and its purpose was to "discourage scattered multi-family development and encourage the preservation of existing, stable, single family neighborhoods."
5. Despite the area being designated as RD 3.1 - Two Family Residence (8 to 17 du/ac), the Plan envisioned the area as continuing to be a mixed single-family and multi-family area. The Plan recognized that the area was developed with a number of apartment buildings

such as this nine-unit apartment complex, but the Plan intended future multi-family development to be at lower densities.

6. The project supports the policies of the General Plan, specifically Policy 3.1 in the Housing Element (2009) which seeks to "promote mixed income neighborhoods and a diversity of housing types throughout the unincorporated areas to increase housing choices for all economic segments of the population."
7. The project also complies with the Community Plan as it was concerned with increases in the number of apartment complexes and wanted to stop the apartment complexes from predominating over low density residential. The Plan recognized the existing conditions which provided a mixture of housing types.
8. The apartment building was built in 1963 prior to the adoption of the Community Plan in 1990. The Plan was concerned with the continued conversion of single-family lots into multi-family housing. Apartment buildings adjacent to single-family residences were the existing land use pattern of the area at the time the Plan was adopted. and the decision to rezone the area as R-2 rather than R-1 (single-family residential) recognized that the existing multi-family apartment buildings will continue to be permitted uses and that there will be an opportunity to draft conditions to promote compatibility between the single-family residences and apartment buildings.
9. The subject property is currently zoned R-2 (Two-Family Residence). The property was rezoned in 1990 from R-3 to R-2 when the West Athens-Westmont Plan was adopted. The apartment building was built when the parcel was zoned as R-3 (Medium Density Residential). The project is nonconforming due to standards for density, parking, driveway width, and setbacks as a result of the downzoning of the area from the R-3 to R-2 Zone.
10. The existing nine-unit apartment building is a permitted use in the R-2 Zone with a conditional use permit but it is nonconforming due to standards for exceeding the maximum permitted density of the R-2 Zone (it was also nonconforming due to density as built in the R-3 Zone). The site as developed consists of nine units on a total lot area of 8,820 square feet (SF) (0.2 acres) for a density of 45 units per acre. When it was built in 1963, the R-3 Zone did not specify place limits on density. In the R-2 Zone, the maximum permitted density is one unit per 2,500 SF, or approximately 17 units per acre (Section 22.20.200). The continuation of the use was further reviewed and subsequently approved by the Planning Department in issuing Conditional Use Permit No. 99-086 on September 21, 1999.
11. The project is nonconforming due to R-2 setback standards because the apartment building was constructed when the parcel was zoned R-3. The property provides side setbacks measuring five and 10 feet, a front setback of 15 feet, and a rear setback of 24 feet.
12. The project complies with the R-2 standards for maximum height, as the building is approximately 30 feet and the maximum height allowed is 35 feet.
13. The project is nonconforming due to parking standards as it provides nine parking spaces for nine units. Before January 1, 1963, only one covered parking space was required per dwelling unit in a multi-family building (in any zone). Under current code standards, 14 covered and two uncovered spaces would be required. The current parking requirement for multi-family residential apartment buildings is 1½ covered parking spaces per each unit that

has one bedroom or less and 1½ covered and one-half uncovered space for each unit that has two or more bedrooms (Section 22.52.1180). According to Assessor records, the building has 14 bedrooms. The property is nonconforming due to parking standards as it is seven parking spaces short of the number of parking spaces required by current standards.

14. The current requirement is that interior driveway widths be at least 26 feet in width (Section 22.52.1320.A.3) and the site has aisles that are 24 feet in width. The driveway (access) to the street is 10 feet wide, which is sufficient per Code (Appendix 3). The parking space dimension is 20 feet in length, which exceeds the required length of 18 feet. If the parking spaces were reduced to 18 feet, then the property would meet the driveway width requirement.
15. Conditional Use Permit No. 99-086 was approved on September 21, 1999 and authorized the maintenance and operation the nine unit apartment complex on the subject property. The permit expired on September 21, 2009 and the permittee filed this application to authorize the continuation of the existing use.
16. The project site is surrounded by single-family residences with several apartment buildings located on the same block. The continued maintenance of an apartment building at this location will not create any additional neighborhood impacts. The apartment building provides affordable housing. The project has been part of this area for approximately fifty years.
17. Staff received three calls from residents of the apartment complex asking for clarification about the permit request. There were some concerns about the maintenance of the building. To address this concern, staff recommends the immediate repair of wall and the posting of a sign with contact information for the building manager in a visible location.
18. The only previous case on the subject property is Conditional Use Permit No. 99-086, which authorized the maintenance and operation of the nine-unit apartment complex on the subject property. The permit expired and the applicant filed for this permit.
19. The project has been granted a Categorical Exemption under Class 1 (existing facilities) under CEQA reporting requirements.
20. 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.
21. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to twenty years.
22. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area.
- B. That the requested use at the location will not:
 - 1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 - 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. 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 Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. 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.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a conditional use permit as set forth in Section 22.56.90 of the Los Angeles County Code.

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption together with any comments received during the public review process, finds on the basis of the whole record before the Hearing Officer that there is no substantial evidence that the project will have a significant effect on the environment, finds that the Categorical Exemption reflects the independent judgment and analysis of the Hearing Officer; and adopts the Categorical Exemption.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200900151 is approved subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MKK:AS
7/6/11

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2009-02027-(2)
CONDITIONAL USE PERMIT NO. 200900151**

PROJECT DESCRIPTION

The project is the operation and maintenance of an existing nine unit apartment building, 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 County Recorder ("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 September 21, 2029.** 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 conditional use permit 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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 **\$1,800.00**. 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 **nine inspections to be conducted biannually (every other year) intervals**. 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, **four (4) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PERMIT SPECIFIC CONDITIONS

17. The nine garages shall be continually available for car/vehicular parking only and not used as storage or any other unauthorized uses.
18. The nine garages shall be continually available for car/vehicular parking for the tenants of 1438 W. 103rd Street only.
19. Outside storage of material or inoperable vehicles is prohibited on the property.
20. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises under which the permittee has control.
21. The existing 15-foot front yard setback shall be maintained.
22. The existing five-foot and 15-foot side yard setbacks shall be maintained.
23. No future structural expansions shall occur in the front, rear, and side yard setback areas.

24. Recreational vehicles, motor homes, and trailers are prohibited from parking within any required yard/setback area.
25. The site shall be used exclusively for residential purposes. No commercial uses or activities shall be conducted on the property or in the parking areas.
26. The existing fences (measuring 3 feet, 5 feet, 5 feet, 6 feet) along all the property lines shall be maintained in good condition.
27. The permittee shall provide no less than one on-site manager for the apartment building at 1438 W. 103rd Street. The manager shall be on call twenty-four hours per day, seven days per week, and shall be responsible for overseeing the management of the apartment building. The name and telephone number of the manager shall be provided to the local law enforcement agency. The permittee shall post a sign in English and Spanish at the primary entrance of the apartment building and/or above the mailboxes the manager's name and 24-hour contact information to report any problems related to the property.
28. The permittee shall provide each tenant with the telephone numbers for the apartment manager, the local law enforcement agency and the County of Los Angeles Department of Regional Planning, Zoning Enforcement Section. This information shall be provided in English and Spanish.
29. The repair of automobiles in the rear of the apartment building or inside the parking garages is prohibited.
30. Adequate lighting shall be provided and maintained in operable condition in all exterior circulation areas (e.g., driveways, parking areas, yards, stairways) to the satisfaction of the Director of Planning.
31. Vending machines and public telephones shall be prohibited on the exterior walls or on the grounds of the apartment building, including the property boundaries.
32. The front yard shall be landscaped and maintained with groundcover, and shrubs and/or trees.
33. The subject property shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Public Health. Adequate water and sewage facilities shall be provided to the satisfaction of said department.