

Hearing Officer Transmittal Checklist

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| Hearing Date 7/5/2011 |
| Agenda Item Number 3 |

Project Number: R2009-02027-(2)
Case(s): Conditional Use Permit No. 200900151
Contact Person: Andrew Svitek

| Included | NA/None | Document |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Factual |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Property Location Map |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Staff Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Draft Findings |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Draft Conditions |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | DPW Letter |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | FD Letter |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other Department's Letter(s) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Burden Of Proof Statement(s) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Environmental Documentation (IS, MMP, EIR) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Opponent And Proponent Letters |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Photographs |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution (ZC Or PA) |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance with 8.5 X 11 Map (ZC Or PA) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Aerial (Ortho/Oblique) Image(s) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Land Use Radius Map |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Site Plan And Elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | |

Reviewed By: *CSM* for *Mike*



Los Angeles County Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012
 Telephone (213) 974-6462
PROJECT NUMBER R2009-02027-(2)
Conditional Use Permit No. 200900151

| | |
|--|-------------------------|
| PUBLIC HEARING DATE 7/5/2011 | AGENDA ITEM 3 |
| RPC CONSENT DATE | CONTINUE TO |

| | | |
|-------------------------------------|---------------------------------|-------------------------------------|
| APPLICANT Roosevelt Hicks | OWNER Roosevelt Hicks | REPRESENTATIVE Wil Nieves |
|-------------------------------------|---------------------------------|-------------------------------------|

PROJECT DESCRIPTION
 A conditional use permit is required to authorize an apartment house pursuant to Section 22.20.200.A.

REQUIRED ENTITLEMENTS
 Request for the continued use, maintenance and operation of an existing nine unit apartment building in the R-2 Zone.

LOCATION/ADDRESS
 1438 West 103th Street, Los Angeles, CA 90047

SITE DESCRIPTION
 The site plan depicts a two story 7,109 square foot nine unit apartment building with nine covered parking spaces located on a 8,820 square foot parcel. The plan also depicts a ten foot wide driveway and 795 square feet of landscaping. A 5 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.

| | |
|--|---|
| ACCESS West 103rd Street | ZONED DISTRICT West Athens-Westmont |
| ASSESSORS PARCEL NUMBER 6059-022-008 | COMMUNITY West Athens-Westmont |
| SIZE 0.2 Acres | COMMUNITY STANDARDS DISTRICT West Athens-Westmont |

| | EXISTING LAND USE | EXISTING ZONING |
|--------------|---|---------------------------------|
| Project Site | Apartment building (9-units) | R-2 (Two-family Residence) Zone |
| North | Apartment building (12-units), single-family residences | R-2 (Two-family Residence) Zone |
| East | Single-family residences | R-2 (Two-family Residence) Zone |
| South | Apartment building (10-units), single-family residences | R-2 (Two-family Residence) Zone |
| West | Single-family residences | R-2 (Two-family Residence) Zone |

| | | |
|--|--|------------------------------|
| GENERAL PLAN/COMMUNITY PLAN West Athens-Westmont | LAND USE DESIGNATION RD 3.1 - Two Family Residence | MAXIMUM DENSITY 17 |
|--|--|------------------------------|

ENVIRONMENTAL DETERMINATION
 Class 1 Categorical Exemption-Existing Facilities

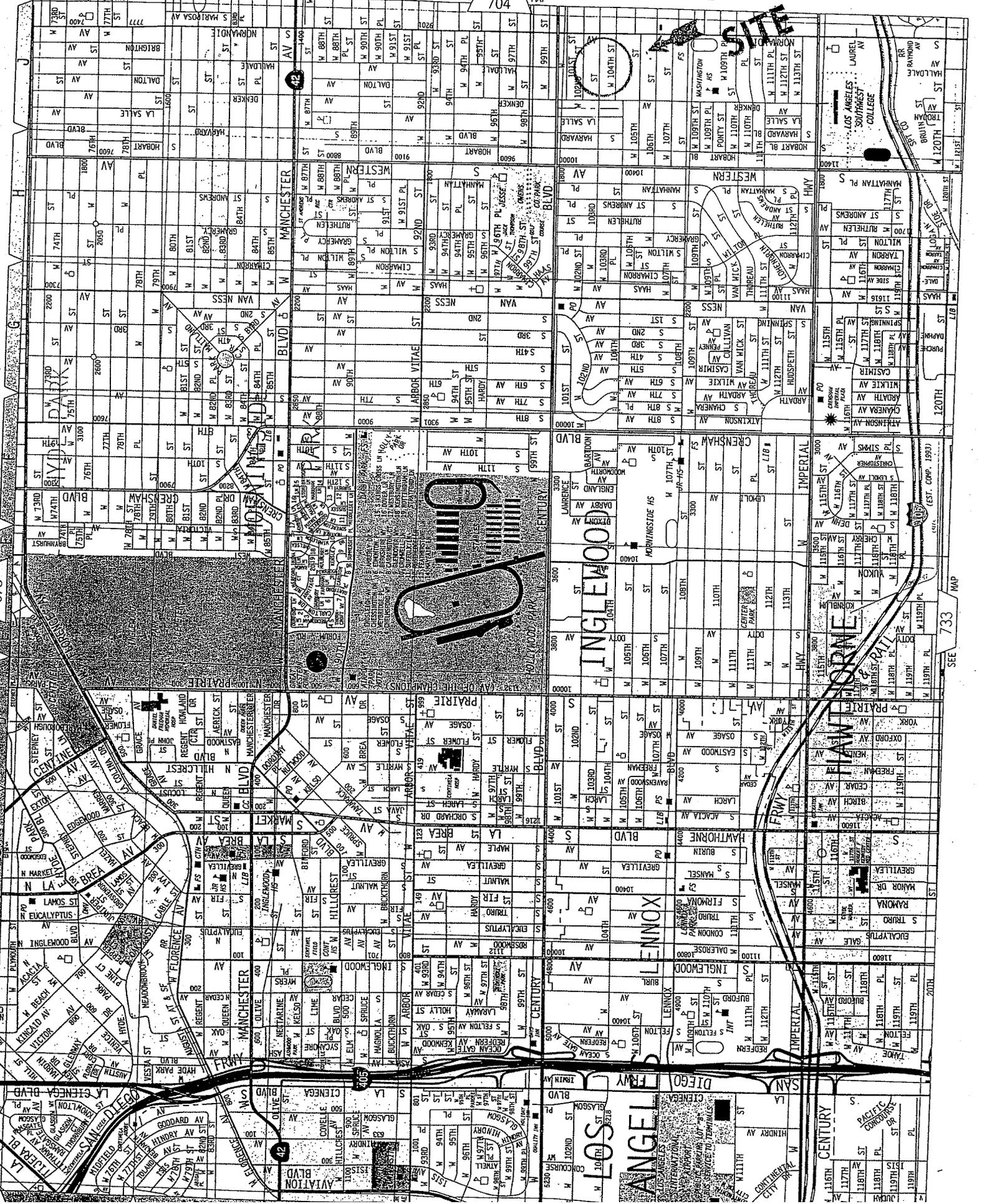
RPC LAST MEETING ACTION SUMMARY

| | | |
|------------------------------|--------------------------|----------------------------------|
| LAST RPC MEETING DATE | RPC ACTION | NEEDED FOR NEXT MEETING |
| MEMBERS VOTING AYE | MEMBERS VOTING NO | MEMBERS ABSTAINING/ABSENT |

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

| | | |
|---|---------------------------------|-------------------------------|
| STAFF CONTACT PERSON: Andrew Svitek | | |
| RPC HEARING DATE(S) | RPC ACTION DATE | RPC RECOMMENDATION |
| MEMBERS VOTING AYE | MEMBERS VOTING NO | MEMBERS ABSTAINING |
| STAFF RECOMMENDATION (PRIOR TO HEARING): | | |
| SPEAKERS* (O) 0 (F) 0 | PETITIONS (O) 0 (F) 0 | LETTERS (O) 0 (F) 0 |

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



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

PROJECT DESCRIPTION

The project is a request to continue the use and maintenance of a nine-unit apartment building in the R-2 (Two-family Residential) Zone.

REQUIRED ENTITLEMENTS

Pursuant to Section 22.20.220, Title 22 of the County Code (Zoning Ordinance), an apartment building is a permissible use in the R-2 (Two-family Residence) Zone, provided that a conditional use permit is approved.

LOCATION

The project is located at 1438 West 103rd Street in the West Athens-Westmont Zoned District.

SITE PLAN DESCRIPTION

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 5 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.

ENVIRONMENTAL DETERMINATION

The project has been granted a Categorical Exemption under Class 1 (existing facilities) under CEQA reporting requirements. The property is fully developed and the applicant is not proposing to redevelop existing or build additional structures. The conditional use permit only allows the continued operation and maintenance of the existing structure as an apartment building.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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

PREVIOUS CASES/ZONING HISTORY

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.

ZONING

| | |
|--------|---------------------------------|
| North: | R-2 (Two-family Residence) Zone |
| South: | R-2 (Two-family Residence) Zone |
| East: | R-2 (Two-family Residence) Zone |
| West: | R-2 (Two-family Residence) Zone |

STAFF EVALUATION

General Plan Consistency

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 was 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.” 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 9-unit apartment complex, but the Plan intended future multi-family development to be at lower densities.

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.” 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.

When the apartment building was built in 1963 there was no Community Plan in place (not until 1990) that addressed the continued conversion of single-family lots into multi-family housing. Scattered apartments adjacent to single-family residences reflected the 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.

Zoning Ordinance and Development Standards Compliance

The subject property is currently zoned R-2 (Two-Family Residence) Zone. 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.

The subject parcel is nonconforming with the current R-2 zone standards in respect to density, front setback, number of parking spaces and interior driveway width requirements.

- **Density** – The existing 9-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 9 units on a total lot area of 8,820 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 1 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.

- **Setbacks** – 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 ten feet, a front setback of fifteen feet, and a rear setback of twenty four feet.
- **Height** – The project complies with the R-2 standards for maximum height as the building is approximately thirty feet and the maximum height allowed is thirty five feet.
- **Parking** – The project is nonconforming due to parking standards as it provides 9 parking spaces for 9 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 2 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 1 bedroom or less and 1½ covered and ½ uncovered space for each unit that has 2 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 7 parking spaces short of the number of parking spaces required by current standards.
- **Interior Driveway Width** – 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 (Section 22.52.1030). 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.

Neighborhood Impact/Land Use Compatibility

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. To ensure that this use continues to be compatible with the area in the future, staff recommends that the grant term be limited to twenty years. The Southwest Community Association supports the continuance of this use. Based on a site visit, the exterior of the property appears to be maintained, with no issues with the paint or landscaping. The property provides nine parking spaces which ensure that the parking needs of residents are provided on-site. On-street parking can supplement the additional requirements of the residents and visitors at the apartment complex.

Among the forty properties located in the 1400 West 103rd Street block, there are three apartment buildings (including the subject property, which has 9 units and two other apartment buildings containing 12 units and 16 units each). The subject property provides setbacks in the front and on the sides which help to provide light and air to adjacent properties. The increased

density can be accommodated in this area due to the proximity of Century Boulevard and Normandie Avenue with commercial areas and transit lines.

To promote the compatibility of the apartment building with adjacent properties, the draft conditions prohibit storage and inoperable vehicles within parking spaces. During staff's site inspection an inoperable vehicle and storage was observed in one parking space. Because the property is nonconforming due to parking, it is especially important that all available parking spaces be clear for the parking of operable vehicles and not used for storage. Also to promote compatibility, it is important to maintain the property in good condition. Staff observed a damaged wall along the rear of the parking garage. The draft conditions require that the site be maintained in good condition.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.90 of the Los Angeles County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

County departments were not required to comment as this permit request is for the renewal of an existing use and no new construction is being proposed.

PUBLIC COMMENTS

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.

A letter was received from Henry Porter dated June 20, 2011, on behalf of the Southwest Community Association, in support of the continued operation and maintenance of an apartment building on this site. The Association requested that the conditions of the previous permit (Conditional Use Permit No. 99-086) be made a part of the current permit and that several issues be addressed as they appeared to be violations of the previous conditional use permit. In response to the issues raised with noncompliance with existing conditions, the draft conditions require biannual (one every two years) inspections for the term of the permit.

Staff has reviewed the terms of the previous zoning permit to ensure that all previous conditions will continue to be in effect with the new permit.

FEES/DEPOSITS

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

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 R2009-02027-(2) / Conditional Use Permit No. 200900151, subject to the attached conditions.

Prepared by Andrew Svitek, Regional Planning Assistant II
Reviewed by Mi Kim, Acting Section Head, Zoning Permits West Section

Attachments:

Draft Conditions of Approval
Applicant's Burden of Proof Statement
Environmental Document
Site Photographs
Site Plan
Land Use Map

MKK:AS
06/22/11

**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 summary of the proceedings will be inserted after the public hearing.

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 5 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 was 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 9-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.” 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.

7. When the apartment building was built in 1963 there was no Community Plan in place (not until 1990) that addressed the continued conversion of single-family lots into multi-family housing. Scattered apartments adjacent to single-family residences reflected the 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.
8. The subject property is currently zoned R-2 (Two-Family Residence) Zone. 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.
9. The existing 9-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 9 units on a total lot area of 8,820 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 1 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.
10. 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 ten feet, a front setback of fifteen feet, and a rear setback of twenty four feet.
11. The project complies with the R-2 standards for maximum height as the building is approximately thirty feet and the maximum height allowed is thirty five feet.
12. The project is nonconforming due to parking standards as it provides 9 parking spaces for 9 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 2 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 1 bedroom or less and 1½ covered and ½ uncovered space for each unit that has 2 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 7 parking spaces short of the number of parking spaces required by current standards.

13. 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 (Section 22.52.1030). 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.
14. 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. To ensure that this use continues to be compatible with the area in the future, staff recommends that the grant term be limited to twenty years.
15. 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.
16. The only previous case on the subject property is Conditional Use Permit No. 99-086, which authorized the maintenance and operation the nine unit apartment complex on the subject property. The permit expired and the applicant filed for this permit.
17. The project has been granted a Categorical Exemption under Class 1 (existing facilities) under CEQA reporting requirements.
18. 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.
19. 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.
20. 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 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
6/23/11

**DRAFT 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 9-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. [substitute the 90-day]
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 **ten 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 5-foot and 15-foot side yard setbacks shall be maintained.
23. No future structural expansions shall occur in the front 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 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.

CONDITIONAL USE PERMIT CASE- BURDEN OF PROOF SECTION 22.56.040

APPLICANT: *Roosevelt Hicks c/o Nieves and Associates*

PROJECT LOCATION: *1438 W 103rd St.*

Los Angeles, CA 90047

REQUEST:

The applicant is seeking a renewal of a Conditional Use Permit pursuant to the provisions of Section 22.56.040 to allow the continued use, maintenance and operation of an existing 9 unit apartment building complex.

PROJECT DESCRIPTION:

The subject premise is situated at 1438 W 103rd St. The 9 unit apartment complex is located in an unincorporated section of Los Angeles County in an R-2 residential zone. The parcel lot comprises 8,826 square feet and is currently developed with a two-story 7,109 square foot nine unit apartment complex. The existing apartment building was built in 1963. The property has allocated 795 square feet (9%) for landscaping and has 9 on-site covered parking spaces.

The applicant, Mr. Roosevelt Hicks, is seeking a renewal of a Conditional Use Permit for the continued use, maintenance and operation of the existing 9 unit apartment building complex.

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 SUBJECT PROPERTY IS LOCATED IN THE R-2 RESIDENTIAL ZONE OF AN UNINCORPORATED SECTION OF LOS ANGELES COUNTY. THE PROPERTY IS BOUNDED TO THE NORTH, SOUTH, EAST AND WEST BY ONE AND TWO STORY SINGEL FAMILY, DUPLEXES AND MUTI-FAMILY HOUSING. OTHER MULTI-FAMILY DEVELOPMENTS ARE PROMINENT ALONG 103RD STREET AND ALONG OTHER NEARBY SURROUNDING STREETS. THE SCALE OF DEVELOPMENT IS CONSISTENT WITH OTHER HOUSING DEVELOPMENTS IN THE COMMUNITY.

THE PROPOSED USE WILL NOT ADVERSELY AFFECT; BE MATERIALLY DETRIMENTAL TO; NOR WILL IT, JEOPARDIZE THE PUBLIC OR PERSONS RESIDING OR WORKING IN THE AREA AS THE APPLICANT ONLY SEEKS TO RENEW THE CUP FOR THE CONTINUED USE, MAINTENANCE AND OPERATION OF THE EXISTING NINE UNIT APARTMENT BUILDING COMPLEX.

THE STRUCTURE IS A TWO-STORY MASONRY BUILDING LEGALLY BUILT IN 1963 AND HAS BEEN IN CONTINUOUS OPERATION SINCE ITS INCEPTION 46 YEARS AGO.

THE SUBJECT SITE HAS A 5' HIGH CHAIN LINK FENCE ON THE NORTH SIDE OF THE PROPERTY LINE AND A CHAIN LINK FENCE WITH A BLOCK WALL ON THE SOUTH, EAST AND WEST PROPERTY LINES. THE EXISTING APARTMENT BUILDING PROVIDES BADLY NEEDED HOUSING FOR AN AREA WHERE MANY OTHER PROPERTIES ARE BUILT WITH SIMILAR MULTI-FAMILY UNITS.

- 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 EXISTING APARTMENT COMPLEX IS COMPRISED OF A TWO-STORY, NINE UNIT MASONRY BUILDING. THE EXISTING APARTMENT COMPLEX IS APPROXIMATELY 7,109 SF IN SIZE AND IS SITUATED ON AN 8,826 SF FLAT PARCEL LOT WITH NINE ON-SITE COVERED PARKING SPACES. THE SUBJECT PROPERTY HAS ALLOCATED 795 SF FOR LANDSCAPING.

ALL EXTERIOR FEATURES, INCLUDING THE PARKING LAYOUT, WILL REMAIN AS IT CURRENTLY EXISTS. INGRESS AND EGRESS TO THE PROPERTY IS PROVIDED VIA 103RD STREET ON THE NORTH.

THE PROPERTY SITE IS ADEQUATE TO MEET ALL DEVELOPMENT STANDARDS AS PRESCRIBED BY ORDINANCE AND CODES AT TIME OF CONSTRUCTION. THE EXISTING 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 USE IS ADEQUATELY SERVED BY EXISTING PUBLIC AND PRIVATE FACILITIES AS REQUIRED FOR THIS USE. THE SUBJECT SITE IS SERVED BY 103RD STREET WHICH IS A FULLY DEDICATED AND IMPROVED COLLECTOR STREET. 103RD STREET IS 50 FT WIDE WHICH IS CONSISTENT AND IN ACCORDANCE WITH SERVING SF, DUPLEX AND MULTI-FAMILY RESIDENTIAL USES.

THE EXISTING APARTMENT COMPLEX HAS NINE ON-SITE COVERED PARKING SPACES. THE PROPOSED PROPERTY IS ADEQUATELY SERVED BY A SUFFICIENTLY WIDE RESIDENTIAL STREET AND BY OTHER ALREADY EXISTING PUBLIC AND PRIVATE SERVICE FACILITIES.

LOS ANGELES COUNTY LETTERGRAM

| | | | |
|-----------|------|-------------|--------------------------------------|
| TO | File | FROM | Andrew Svitek Zoning Permits West |
|-----------|------|-------------|--------------------------------------|

**SUBJECT: ENVIRONMENTAL DETERMINATION
PROJECT NO. R2009-02027-(2)
CONDITIONAL USE PERMIT NO. 200900151**

DATE: May 18, 2011

The applicant is requesting is requesting a conditional use permit to authorize the continued operation and maintenance of a 9-unit apartment building in the R-2 (Two-family Residence) Zone within the West Athens-Westmont Community Standards District. No new construction is being proposed as part of this project.

This application qualifies for a Class 1 Categorical Exemption (Existing Structures), under Section 15301 (Chapter 3, Title 14, California Code of Regulations) because the applicant is proposing to maintain the property as-is with no new development. The use of the subject property will remain the same.

If you have any questions regarding the above determination or the environmental document preparation, please contact Andrew Svitek of the Zoning Permits Section West at (213) 974-6462.

A NOTICE OF EXEMPTION MAY BE FILED WITH THE COUNTY CLERK UPON APPROVAL OF THIS PROJECT.

A UNITED EFFORT FOR THE BETTERMENT OF OUR COMMUNITY**SOUTHWEST COMMUNITY ASSOCIATION****P.O. Box 47898
LOS ANGELES, CALIF. 90047**

June 20, 2011
Department of Regional Planning
County of Los Angeles
320 W. Temple Street
Los Angeles, Ca. 90012

SUBJECT: PERMIT R2009-02027(2)-CONDITIONAL USE PERMIT 200900151-
1438 W. 103rd Street,-L.A. Ca. 90047

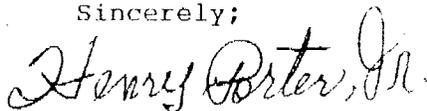
This is to support the continued use, maintenance and operation of an existing nine(9) unit apartment building in the R2 zone provided that **PRIOR** to any approval, the following issues/concerns are satisfactorily addressed:

1. Conditions 8 through 19 from previous conditional use permit case no. 99-086(2) be incorporated into the requested approval.
2. There appear to currently be violations of the following conditions:
 - a. 19a&c.- There appear to be an inoperable vehicle in one of the stalls and covered with storage items.
 - b. 19k.- There is no indication of compliance with any of these requirements. Manager information should be updated annually to the zoning dept. and to law enforcement.
 - c. 19l.-Need verification of compliance such as signature/confirmation from tenants, lease language,etc.

Portions of the rear(south) property line wall of the parking garage has been penetrated in various locations at the base. Can see through to other property.

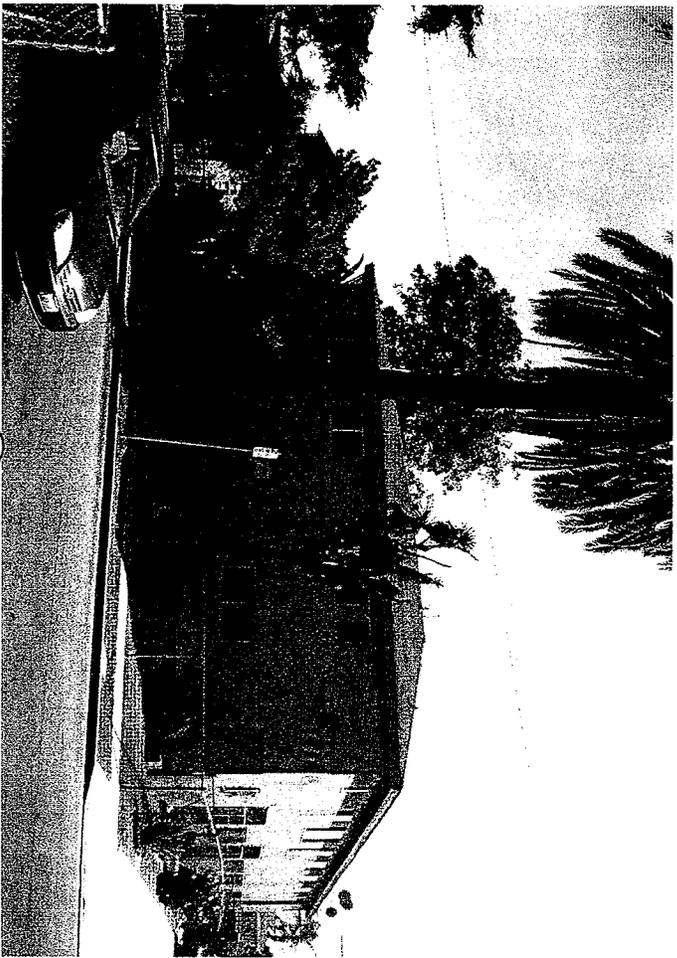
Provisions for annual inspections to be required for the full life of the requested grant.

Sincerely;

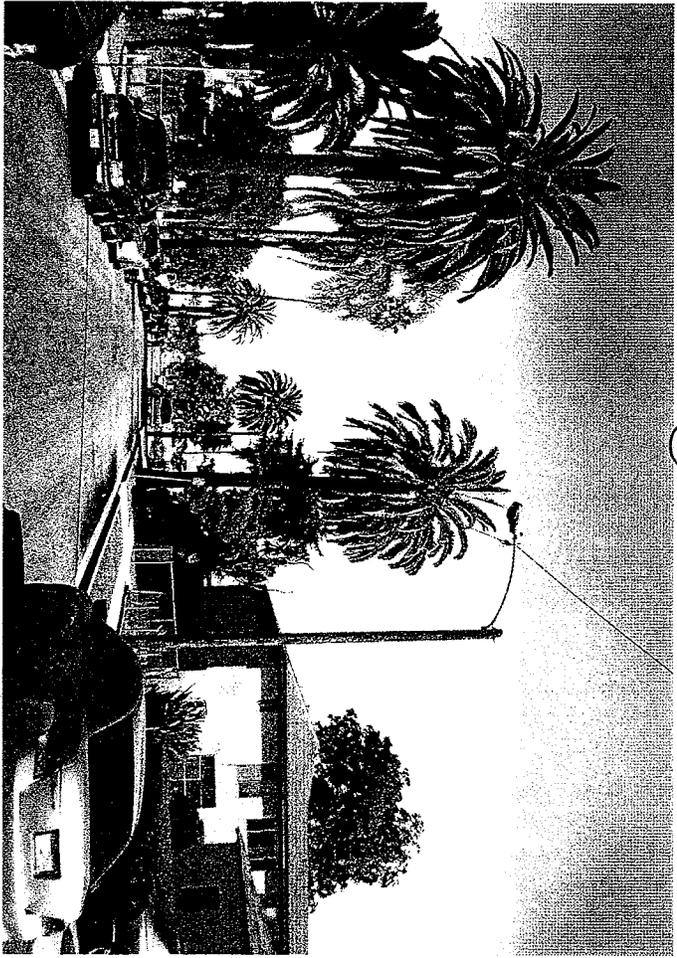


Henry Porter, Jr., President
(323)757-5506

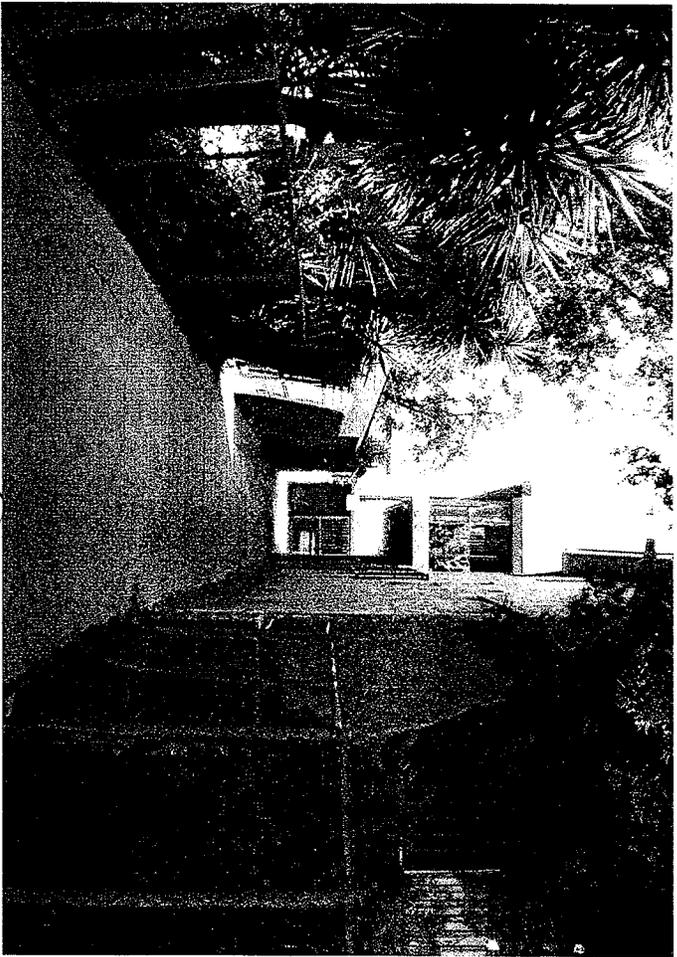
cc: Dan Rosenfeld, Sr. Deputy to
Supervisor Mark Ridley-Thomas
Second District



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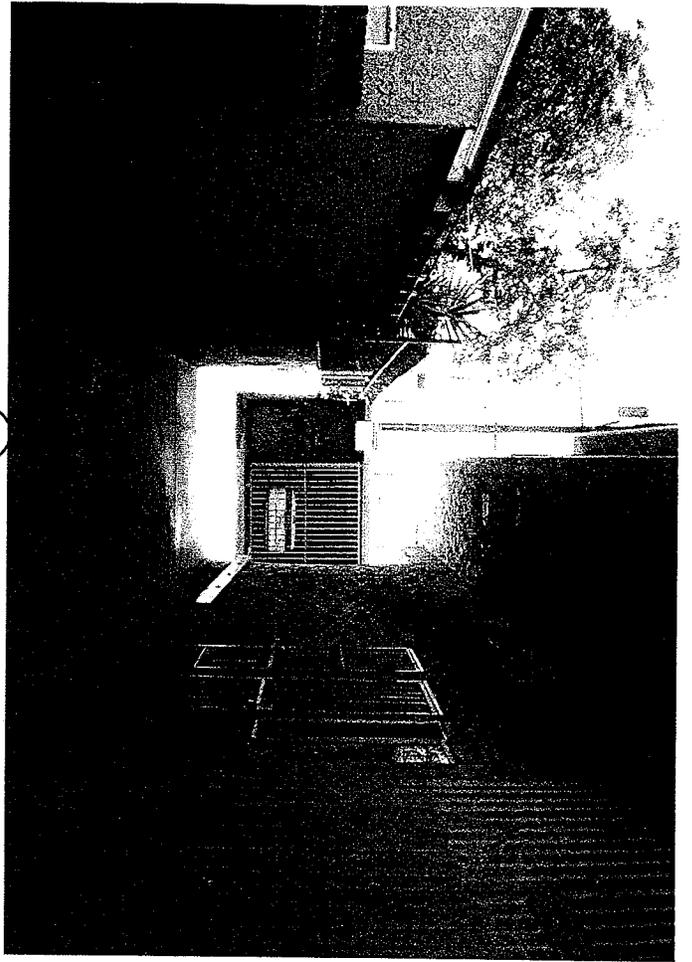


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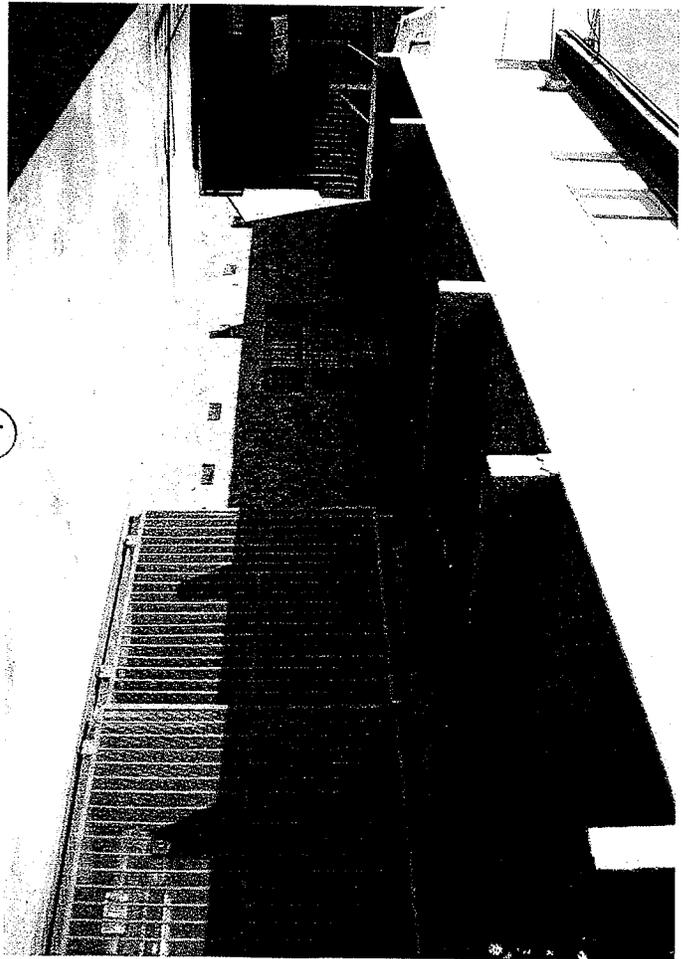
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