



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 7, 2012

Darryl Fisher
21520 Yorba Linda Blvd, Ste G-563
Yorba Linda, CA 92887

**REGARDING: PROJECT NO. R2007-03182-(1)
CONDITIONAL USE PERMIT NO. 200700220
PARKING DEVIATION NO. 201200007
1444 SOUTH ATLANTIC BOULEVARD, EAST LOS ANGELES
(6340-021-015 & 6340-021-016)**

Hearing Officer Paul McCarthy, by his action of **August 7, 2012**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **August 21, 2012**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:

Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Maral Tashjian of the Zoning Permits East Section at (213) 974-6435, or by email at mtashjian@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,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement

CC 060412

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2007-03182-(1)
CONDITIONAL USE PERMIT NO. 200700220
PARKING DEVIATION NO. 201200007**

1. **ENTITLEMENTS REQUESTED.** The applicant, Ulysses Lopez, is requesting a Conditional Use Permit (CUP) and Parking Deviation to authorize the change in use of a motel to apartment house and a reduction in parking pursuant to County Code Sections 22.28.160, 22.28.210, and 22.56.1762 in the C-2 (Neighborhood Commercial) and C-3 (Unlimited Commercial) Zones.
2. **HEARING DATE.** August 7, 2012
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on August 7, 2012 before the Hearing Officer. The applicant's representative, Darryl Fisher presented testimony in favor of the request. Staff recommended the addition of a condition of approval to remove a public telephone booth on the property in response to a letter from the public expressing concern regarding criminal/drug/gang activity at the site. There being no further testimony, Hearing Officer closed the public hearing and approved the project, subject to the recommended conditions, and the condition to remove the telephone booth (Condition No. 19).
4. **PROJECT DESCRIPTION.** The project site is developed with eight existing single-story buildings consisting of 45 dwelling units. The site was originally developed and established as a motel. Building permits indicate that the structures date from 1930. The motel use was later converted to apartments without a conditional use permit. According to the applicant, the property has operated as apartments for approximately two to three decades. The apartment units range from bachelor units to two-bedroom apartments and require a total of 57 parking spaces. Forty parking spaces are provided.

The project is located on two irregularly-shaped parcels bisected by a 20-foot alley and fronts three roadways: Atlantic Boulevard (a major highway) to the west, Goodrich Boulevard to the south and Amalia Avenue to the east. Access to the site is provided via the alley entrance off of Goodrich Boulevard.

5. **LOCATION.** 1444 South Atlantic Boulevard, East Los Angeles (6340-021-015 & 6340-021-016).
6. **EXISTING ZONING.** The subject property is zoned C-2 and C-3, in the East Side Unit No. 1 Zoned District. Surrounding properties are zoned as follows:
 - North: C-3, R-3 (Limited Multiple Residence)
 - South: C-2, C-3, M-1 (Light Manufacturing), City of Commerce
 - East: R-3, M-1, City of Commerce

West: M-1, C-3, R-3

7. **EXISTING LAND USES.** The subject property is developed with eight single-story apartment buildings. Surrounding properties are developed as follows:

North: Community Center, Single/Multi-Family Residences

South: Auto Service, Industrial, Parking, Vacant, Santa Ana Freeway

East: Multi-Family Residences (Apartments), Warehouses, City of Commerce, Industrial Uses

West: Medical, Auto Service, Retail, Light Industrial, Single/Multi-Family Residences

8. **PREVIOUS CASES/ZONING HISTORY.**

- Plot Plan No. 31982 was approved on September 7, 1982 for a billboard.
- Plot Plan No. 34946 was approved on June 18, 1986 for a sign/billboard.
- A violation (RFS No. 07-0012749/EF No. 071321) was filed on the property on May 22, 2007 because the use had been converted from a motel to apartments without a conditional use permit. The violation was corrected with the application for the conditional use permit under consideration, CUP No. 200700220.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the Medium Density Residential (30 DU/AC) and Community Commercial land use designations of the East Los Angeles Community Plan. The Medium Density Residential land use designation is intended for "areas suited for apartments and other multi-family housing, generally not exceeding three stories in height. The maximum density is 30 dwelling units per net acre." The Community Commercial land use designation is intended for "areas with mostly small businesses in centers or along strips. These businesses are basically oriented to serving the needs of surrounding neighborhoods and have little regional attraction." The existing apartment use is consistent with the permitted uses of the underlying land use category.

The following policies of the East Los Angeles Community Plan are applicable to the proposed project:

- Maintain and enhance the quality of healthy and stable residential neighborhoods. (Land Use)

Motel uses are defined as temporary accommodations for automobile transients. Due to the turnover of temporary residents of the former use, it did not contribute to the stability of the surrounding residential neighborhood. As apartments, the use now contributes to a more permanent residential population and stable neighborhood.

- Apartment buildings should be separated from single family areas and channeled into higher density areas near shopping and transportation. (Land Use)

This apartment use is located along the border of the unincorporated community of East Los Angeles and the City of Commerce. It provides a barrier between the existing single family residences to the north/east and the surrounding commercial and light manufacturing/industrial uses to the west/south. The apartments are located along a commercial strip and are located adjacent to a bus stop and transit lines along Atlantic Boulevard for easy access to public transportation.

- Promote and encourage the improvement of the residential environment to attract all income groups. (Economic Development)

The apartments provide housing for lower income groups in the surrounding community.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Apartment houses are subject to parking requirements pursuant to County Code Section 22.52.1180. The required number of parking spaces for the current mix of apartment units, in addition to the required guest parking is 57 spaces total. Forty spaces are provided. In accordance with the County Code Section 22.56.1762, the applicant is requesting a parking deviation application for a parking deficiency of 30%.

The apartment use has operated with this deficiency for several decades, without any complaints from the surrounding neighborhood for excessive on-street parking, and the location of the apartments is directly adjacent to a bus stop and public transportation which reduces the need for vehicles/parking. Therefore the current parking provided should be adequate at this location.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The project site is located along the border of the unincorporated community of East Los Angeles and the City of Commerce and is surrounded by single- and multi- family residential uses to the north and east, and commercial and light manufacturing and industrial uses to the south, east and west. The apartment use has existed at this location for several decades with no record of zoning-related complaints from the surrounding community. The use can be found to be consistent with the goals and policies of the local community plan. The apartment use contributes to a more permanent residential population and stable residential neighborhood, provides a barrier between the adjacent single family residences and the surrounding commercial and light manufacturing/industrial uses, and provides housing for lower income groups in the surrounding community. Therefore the change in use from motel to apartments, and the continued use of the apartments at this location is compatible with the surrounding uses and would not be detrimental to the health, safety and welfare of the surrounding community.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** A letter was received from the Department of Public Works dated April 17, 2012 recommending approval of the project with conditions. A clearance letter was received from the Fire Department dated January 23, 2009.
13. **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 and property posting.
14. **PUBLIC COMMENTS.** No comments were received from the public.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

15. The project site is located along the border of the unincorporated community of East Los Angeles and the City of Commerce and is surrounded by single- and multi- family residential uses to the north and east, and commercial and light manufacturing and industrial uses to the south, east and west. The apartment use contributes to a more permanent residential population and stable residential neighborhood, provides a barrier between the adjacent single family residences and the surrounding commercial and light manufacturing/industrial uses, and provides housing for lower income groups in the surrounding community.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

16. The apartment use has existed at this location for several decades with no record of zoning-related complaints from the surrounding community. The apartment use contributes to a more permanent residential population and stable residential neighborhood, provides a barrier between the adjacent single family residences and the surrounding commercial and light manufacturing/industrial uses, and provides housing for lower income groups in the surrounding community.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

17. In accordance with the County Code Section 22.56.1762, the applicant has requested a parking deviation for a parking deficiency. Since the apartment use has operated with this deficiency for several decades, without any complaints from the surrounding neighborhood for excessive on-street parking, and since the location of the apartments directly adjacent to a bus stop and public transportation

reduces the need for vehicles/parking, the current parking provided should be adequate at this location.

Therefore, 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, of as is otherwise required in order to integrate said use with the uses in the surrounding area.

18. The site is served by three roadways: Atlantic Boulevard (a County major highway) to the west, Goodrich Boulevard to the south and Amalia Avenue to the east. Access to the site is provided via the alley entrance off of Goodrich Boulevard.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

19. The project proposed is to authorize the continuation of an existing apartment use, with no change in either intensity or built environment. The project is also not an exception to any categorical exemptions.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

20. **RECORD OF PROCEEDINGS.** 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 East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not 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, of 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 by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit and Parking Deviation as set forth in Sections 22.56.090 and 22.56.1690 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200700220 and Parking Deviation No. 201200007 are Approved subject to the attached conditions.

MM:mt
July 24, 2012

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2007-03182-(1)
CONDITIONAL USE PERMIT NO. 200700220
PARKING DEVIATION NO. 201200007**

PROJECT DESCRIPTION

The project is for the change of use of the subject project from a motel to apartments 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. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 8, and shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall 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 apartments and satisfaction of Condition No. 2 shall be considered use of this grant.
9. 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.

If 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.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be

detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

11. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
12. All development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director.
13. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
14. 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.

15. 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 copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
16. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three copies of** the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PROJECT SITE SPECIFIC CONDITIONS

17. This grant shall authorize the change of use of the subject project from a motel to apartments.
18. The permittee shall comply with all conditions set forth in the attached Los Angeles County Public Works Department memorandum dated April 17, 2012.

19. The permittee shall remove the phone booth located at the base of the billboard sign at the southwest corner of the property (along South Atlantic Boulevard).

Attachments:

Public Works Department Letter dated April 17, 2012



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>

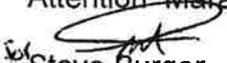
ADDRESS ALL CORRESPONDENCE TO
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

May 10, 2012

IN REPLY PLEASE
REFER TO FILE: LD-1

TO: Maria Masis
Zoning Permits East Section
Department of Regional Planning

Attention: ~~Maral~~ Tashjian

FROM:  Steve Burger
Land Development Division
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. 200700220
PROJECT NO. R2007-03182
1444 SOUTH ATLANTIC BOULEVARD
ASSESSOR'S MAP BOOK NO. 6340, PAGE 21, PARCEL NO. 16
UNINCORPORATED AREA OF EAST LOS ANGELES**

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

We reviewed CUP No. 200700220, located at 1444 South Atlantic Boulevard. This CUP is to allow an existing apartment complex in a Zone C-2 and the change of use from a motel to an apartment.

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

1. Building and Safety
 - 1.1 The owner or owner's agent shall submit plans to Building and Safety Division, East Los Angeles District office, for plan check and approval.
 - 1.2 The owner or owner's agent shall obtain permits from Building and Safety Division, East Los Angeles District office, for the change of use.

Maria Masis
May 10, 2012
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If you have any questions regarding the building and safety conditions, please contact Steve Lam at (323) 881-7030 or slam@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.

 RC:tb

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