



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

December 20, 2011

Mr. John Wu
412 S. Stoneman Ave.
Alhambra, CA 91801

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NO. R2011-00212-(2)
CONDITIONAL USE PERMIT NO. 201100023
APARTMENT COMPLEX AT 1531 W. 105TH STREET, WEST ATHENS-WESTMONT**

Dear Applicant:

Hearing Officer Alejandro Garcia, by his action of December 20, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the 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 January 3, 2012.** 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.

Upon completion of the appeal period, **hand deliver** a notarized affidavit of acceptance form, a certified copy of the recorded findings and conditions of approval, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Tyler Montgomery of the Zoning Permits West Section at (213) 974-6462 or e-mail at TMontgomery@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
Director

For
Mi Kim, Supervising Regional Planner
Zoning Permits West Section

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

c: DPW (Building and Safety), Zoning Enforcement, Applicant, Testifiers
RS:TM

**HEARING OFFICER'S FINDINGS AND ORDER:
PROJECT NO. R2011-00212-(2)
CONDITIONAL USE PERMIT NO. 201100023**

REQUEST: Pursuant to County Code Section 22.20.100, which is pursuant to Part 1 of Chapter 22.56, the applicant is requesting a conditional use permit ("CUP") to authorize the continued maintenance of a six-unit apartment complex, and the addition of one apartment to the same complex, on a property zoned R-2 (Two Family Residence), in the West Athens-Westmont Zoned District of Los Angeles County.

PROCEEDINGS BEFORE THE HEARING OFFICER:

December 20, 2011 Public Hearing

A duly noticed public hearing was held before the Hearing Officer on December 20, 2011. Regional Planning staff gave a brief presentation recommending approval of the project. The applicant's representative, Mr. Bijan Vaziri, was sworn in and testified in favor of the project. He stated that his group has done much to improve the property since buying it two years ago, including additional on-site lighting, security gates, and coordination with the Sheriff's Department regarding crime control measures. Mr. Henry Porter, president of the Southwest Community Association, was also sworn in and testified. He stated that, although the association supported the project, it had concerns with the proposed garage conversion, as it has already been illegally converted and could pose health and safety hazards to potential tenants. In rebuttal, Mr. Vaziri stated that the unit has been vacant for over a year—ever since his group was informed by Building and Safety that the unit was an illegal conversion. They are currently working with this division to obtain requisite building permits, although Regional Planning must first grant the requested CUP. The Hearing Officer, Mr. Alejandro Garcia, subsequently closed the public hearing and approved the project.

Findings

1. The site is located at 1531 West 105th Street in the West Athens-Westmont Community Standards District ("CSD").
2. The project site is zoned R-2.
3. The property is a rectangular parcel of 0.44 acres that is developed with a six-unit apartment complex in two detached buildings and a two-car detached garage. At some point in the past, the garage was illegally converted to a habitable space, which the applicant now seeks to legalize and convert into a one-bedroom rentable unit. The property is mostly level, although it slopes downward at its rear (northern) portion, which is undeveloped. Two covered parking spaces and nine uncovered parking spaces are located on the site. A concrete driveway, 10 feet, one inch wide, accesses West 105th Street to the south. Approximately 4,435 square feet of landscaping are located on the subject property, and the maximum height of buildings on the site is 13 feet, eight inches.

4. Surrounding properties within 500 feet are all zoned R-2.
5. The surrounding land uses within 500 feet consist of the following:
 - North: Single-family residences
 - South: Single-family residences, duplexes
 - East: Apartments
 - West: Apartments, single-family residences
6. Per Section 22.20.200 of the County Code, apartments require a CUP to operate within the R-2 zone. The site consists of six apartment units in two detached buildings, which were legally constructed in 1952 and 1953, when the zoning of the subject property was R-4 (Unlimited Residence). Apartments are a by-right use in the R-4 zone. The zoning of the subject property was changed to R-2 in 1975 by Zone Change Case No. 6512 (Ordinance No. 11111). Per Section 22.56.1540 of the County Code, resulting nonconforming uses of this building type are given a 20-year period in which to operate, after which time the proper permits or authorizations must be sought. This period expired in 1995, and the continued use of the building as an apartment is subject to current zoning regulations that requires a CUP for such use.
7. This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). The facility qualifies for a Class 3, Small Structures, categorical exemption, as only minor modifications to an existing apartment complex are proposed.
8. 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. No public comments were received.
9. The Los Angeles County departments of Fire, Public Works, and Public Health were consulted regarding the project. Each cleared it for public hearing, with certain conditions.
10. Because the apartment complex was legally constructed in 1952 and 1953, when the zoning of the subject property was R-4, it is not required to comply with current development standards for the R-2 zone (County Code Sec. 22.20.210 and 22.20.220), as no exterior alterations are proposed for structures at the facility. Incidentally, the facility complies with all applicable standards of the R-2 zone, such as height and setbacks, with the exception of the front yard setback, which is 19 feet instead of the required 20 feet.
11. The facility would provide seven covered parking spaces and five uncovered parking spaces. Parking standards for apartment houses are described in Sec. 22.52.1180 of the County Code. Current standards would require the provision of nine covered

parking spaces and two uncovered parking spaces (11 total). The project proposes to provide seven covered parking spaces and five uncovered parking spaces (12 total). Therefore, an adequate number of parking spaces will be provided.

12. The project site is designated as "RD 3.1—Two Family Residence" in the Westmont-West Athens Community Plan. This designation allows for residential uses, primarily between eight and 17 dwelling units per acre in density. The apartment complex, as proposed, would have a density of approximately 16 units per acre. Therefore, the project is consistent with the RD 3.1 land use designation.
13. The subject property is developed with an apartment complex. The site plan depicts six existing apartment units (four one-bedroom units, one two-bedroom unit, and one three-bedroom unit) located in two detached buildings on a 0.44-acre lot. These units are contained in two one-story buildings of three units each. An existing two-car detached garage near the middle of the site would be converted into a one-bedroom apartment. Five existing uncovered spaces would remain on the site, and a new paved area and seven-space carport would be developed at the rear (northern portion) of the property, for a total of 12 parking spaces. The site is accessed via a 10-foot, one-inch wide concrete driveway along the western property line and a seven-foot, 10-inch wide concrete walkway along the eastern property line, both of which lead south to West 105th Street. The maximum height of on-site structures is 13 feet, eight inches, and the site contains approximately 4,435 square feet of landscaping. The project site would have a front-yard setback of 19 feet, side-yard setbacks of five feet and 12 feet, six inches, respectively, and a rear-yard setback of 71 feet, six inches. As depicted on the site plan, the apartment meets all applicable development standards.
14. The continued maintenance of the apartment complex with the addition of one dwelling unit is unlikely to affect the health, comfort, or welfare of surrounding residents, be materially detrimental to the use, enjoyment, or value of surrounding properties, and would not constitute a hazard to public health or safety. The current facility has been in existence for nearly 60 years without significant zoning enforcement issues, and the property is neat and well maintained. The existing apartment complex has also been reviewed and cleared by County Fire, Public Health, and Public Works. Therefore, the proposed use would be compatible with the surrounding area.
15. The proposed residence would comply with all applicable development standards of the Los Angeles County Planning and Zoning Code. It would also be well served by West 105th Street to the south, a one-way side street of two lanes without major level-of-service issues. The number of parking spaces on the site is adequate to accommodate residents and visitors, even though the ratio of covered and uncovered spaces does not comply with current standards, and the provision of two additional covered parking spaces on the site would be infeasible and have little

benefit. Therefore, the project would not affect the surrounding area and is consistent and compatible with the surrounding uses.

16. 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. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding areas, 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 and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for conditional use permits as set forth in Section 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). The project is within a class of projects which have been determined not to have a significant effect on the environment, in that it meets the criteria set forth in section 15303 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
2. In view of the findings of facts presented above, Conditional Use Permit No. 201100023 is **APPROVED**, subject to the attached conditions.

Attachments: Conditions
Affidavit of Acceptance

c: Commission Services, Zoning Enforcement, Building and Safety

RS:TM
12/20/11

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2011-00212-(2)
CONDITIONAL USE PERMIT NO. 201100023**

PROJECT DESCRIPTION

The project is a conditional use permit ("CUP") to authorize the continued maintenance of a six-unit apartment complex, and the addition of one apartment to the same complex, on a property zoned R-2 (Two Family Residence), 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 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 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.
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. 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 **\$200.00**. 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 fund provides for one inspection three years after project approval. This inspection 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.

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 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.
13. All development pursuant to this grant shall conform to the requirements of the County Department of Public Health.

PROJECT-SPECIFIC CONDITIONS

14. On or before **February 21, 2012**, the permittee shall acquire street improvement plan approval from the County Department of Public Works. This plan shall require the planting of street trees, the provision of street lights, and the repair of broken or displaced sidewalks, curbs, and gutters to the satisfaction of said department. Proof of this plan approval shall be provided to the Zoning Permits Section of the Department of Regional Planning.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

17. The permittee shall maintain no less than the seven (7) covered parking spaces and five (5) uncovered parking spaces on the project site, developed to the specifications of the ordinance in effect at the time the structures were constructed. Such spaces shall be continually available for automobile parking.
18. The property and its landscaping shall be neatly maintained in a live and healthy condition and free of debris, overgrown weeds, junk, and garbage. A minimum of 50 percent of the front yard area shall be landscaped and maintained with grass, shrubs and/or trees.
19. Outdoor lighting shall be installed and maintained in all uncovered parking areas. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.
20. On or before **February 21, 2012**, the permittee shall submit building and/or demolition permit applications for the conversion of the two-car garage to the Division of Building and Safety of the Department of Public Works. Before final approval of this permit, the permittee shall obtain either a valid demolition permit or certificate of occupancy for said structure. Proof of such a permit or certificate shall be provided to the Zoning Permits Section of the Department of Regional Planning.
21. An on-site manager shall be maintained on the property.
22. The permittee shall post contact information for the Department of Public Health, the local Sheriff's station, and the Zoning Enforcement Division of the Department of Regional Planning in a conspicuous on-site location visible to all tenants.

RS:TM
12/20/11