



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

December 26, 2013

TO: Alejandro Garcia, Hearing Officer

FROM: Iris Chi *IC*  
Zoning Permits North Section

SUBJECT: **Project No. R2011-01395-(1)**  
**Conditional Use Permit No. 201100134**  
**Continued HO Meeting: January 7, 2014**  
**Agenda Item: 2**

**BACKGROUND**

The applicant, John Barakonski, is requesting a Conditional Use Permit ("CUP") for the continued operation and maintenance of an existing motel in the C-3 (Unlimited Commercial) zone within the East Los Angeles ("ELA") community. Crossroads Motel is a two-story 3,419 square foot motel consisting of 10 units, a manager's unit, an office, laundry room, and two storage rooms. There are seven standard parking spaces and one handicap space. The motel has less than the required parking and landscaping. There are no proposed changes to the structure or motel use.

The project was first before the Hearing Officer on August 20, 2013, and was continued to October 15, 2013 to allow for the applicant to correct violations on the property. On October 15, 2013, the project was further continued to November 19, 2013 to allow for Staff to conduct additional research regarding the project. On November 19, 2013, the project was further continued to December 17, 2013 to allow for Staff to continue conducting additional research. On December 17, 2013, the project was further continued to January 7, 2014 due to a scheduling conflict.

**ADDITIONAL INFORMATION:**

- **Parking:** The project was built in 1947 and was developed with 9 parking spaces and approximately 7% of the property landscaped. Currently, the property provides 8 parking spaces (7 standard spaces, 1 handicapped space) in order to meet Americans with Disabilities Act (ADA) requirements. Section 22.52.1170 of the County Code requires every motel to provide one parking space for each guest room. Currently, the motel has 10 guest rooms and 1 manager's unit. The motel needs to provide 11 spaces according to current standards. However, as the motel was constructed before current parking standards were established, and the motel is not proposing an intensification or change in use that requires

compliance with current parking standards, the existing nonconforming parking may remain.

- **Signage:** The existing freestanding sign is approximately 16 square feet in size and 17 feet tall. Variance No. 01-020, which was approved concurrently with previous CUP No. 01-020, originally authorized the nonconforming sign to exist in its original state. However, the project entitlements expired on May 15, 2012. Staff met with the property owner on November 21, 2013 to discuss the freestanding sign. The property owner and applicant were notified that a new variance is required in order to keep the sign at its current location. The property owner informed staff that they will remove the sign before the public hearing date rather than file for a variance. To date, staff is awaiting confirmation from the property owner that the freestanding sign has been removed.
- **Landscaping:** This project does not meet the current landscaping and buffering ELA Community Standards District ("CSD") requirements. The project's parking is adjacent to the property lines without a landscaped buffer strip of 5 feet. The project is also adjacent to a residence, but does not have the required landscaped buffer. Since there is no buffer strip, the project is not able to provide the required 15-gallon tree for every 50 square feet of the landscaped buffer area. The concrete block wall that surrounds the property along the side and rear property lines measures at 6 feet 4 inches which is higher than the maximum required height of 6 feet stipulated in the ELA CSD. Currently, the project only has approximately 7% of landscaping and the parking spaces are right along the property lines, without any buffer. Variance No. 01-020 also approved the insufficient landscape and buffering requirements but the variance expired on May 15, 2012.

The ELA CSD landscaping and buffering requirements for this project have been determined to be legal nonconforming standards due to the development of the motel prior to the adoption of the ELA CSD. The motel was legally developed in 1947, and the use and the physical shape of the property have not changed since then. The ELA CSD was established in 1988, after the development of the motel, and there is no proposed construction or changes to the structure or to the motel use. The over-height wall was also determined to be legal nonconforming and can be maintained as it currently exists.

- **Security:** The draft condition requiring a security patrol after two failed inspections was modified so that the applicant will be required to provide for a security guard after one failed inspection. Also, the condition specifically requires the applicant to provide an on-site security guard versus a security patrol that may monitor the property intermittently.

This additional information was incorporated into the draft findings and conditions. The draft findings and conditions are attached.

**RECOMMENDATION**

Staff recommends **APPROVAL** of Project Number R2011-01395-(1), Conditional Use Permit Number 201100134, subject to the attached conditions, since the motel is consistent with the goals and policies set forth in the General Plan and East Los Angeles Community Plan, and permitted in the C-3 zone with a CUP. The motel is an existing use and is currently in compliance with the zoning code.

**SUGGESTED APPROVAL MOTION**

**I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201100134 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.**

SMT:IC  
12/26/13

Attachment: Updated Findings and Conditions

**DRAFT FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-01395-(1)  
CONDITIONAL USE PERMIT NO. 201100134**

1. **ENTITLEMENT REQUESTED.** The applicant, John Barakonski, is requesting a Conditional Use Permit ("CUP") to authorize the continued operation and maintenance of an existing motel in the C-3 zone within the East Los Angeles community in the C-3 (Unlimited Commercial) Zone pursuant to Los Angeles County ("County") Code Section 22.28.210.
2. **HEARING DATE.** August 20, 2013; October 15, 2013; November 19, 2013; December 17, 2013; and January 7, 2014
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** The project was first before the Hearing Officer on August 20, 2013, and was continued to October 15, 2013 to allow for the applicant to correct violations on the property. On October 15, 2013, the project was further continued to November 19, 2013 to allow for Staff to conduct additional research regarding the project. On November 19, 2013, the project was further continued to December 17, 2013 to allow for Staff to continue conducting additional research. On December 17, 2013, the project was further continued to January 7, 2014 due to a scheduling conflict. *To be inserted after public hearing(s) to reflect hearing proceedings.*
4. **PROJECT DESCRIPTION.** The applicant, John Barakonski, is requesting a CUP for the continued operation and maintenance of an existing motel in the C-3 zone within the East Los Angeles community. Crossroads Motel is a two-story 3,419 square foot motel consisting of 10 units, a manager's unit, an office, laundry room, and two storage rooms. There are seven standard parking spaces and one handicap space. The motel has less than the required parking and landscaping, and non conforming signage, which were all authorized through Variance No. 01-020 and can remain. There are no proposed changes to the structure or motel use.
5. **LOCATION.** The project is located at 5809 East Olympic Boulevard ("Blvd"), Los Angeles, CA 90022. It is located on the north side of Olympic Blvd, approximately 50 feet from the intersection of East Olympic Blvd and Simmons Avenue. APN 6339-005-035
6. **SITE PLAN DESCRIPTION.** The site plan depicts a 3,419 square foot two story building on a 6,900 square foot lot. The building contains 10 units, a manager's unit, an office, a laundry room, and two storage rooms. Each unit consists of a single bedroom and bathroom. The manager's unit contains a kitchen, bedroom, living room, and a bathroom. The access to the second floor is through the stairwell located in the middle of the building. There are two access driveways: one from Olympic Boulevard ("Blvd") and another from the alley behind the property. The driveway on Olympic Blvd provides vehicular access to the site and

parking lot with eight spaces (seven standards and one handicap). The subject property has approximately 483 square feet of landscaping located in the front of the building in planters and a landscaped open space to the southwesterly portion of the property. There are two existing business signs: one freestanding sign approximately 16 square feet in size and 17 feet tall, and another wall sign approximately 30 square feet in size. The project is required to maintain 11 parking spaces and 10% of landscaping.

7. **EXISTING ZONING.** The subject property is zoned C-3, in the Eastside Unit No. 1 Zoned District.

Surrounding properties are zoned as follows:

North: R-3 (Limited Multiple Residence Zone)

South: C-3

East: C-3

West: C-3

8. **EXISTING LAND USES.** The subject property is developed with a 10 room motel.

Surrounding properties are developed as follows:

North: Two Unit Residence

South: Tire shop, Office

East: Single Family Residence

West: Parking lot

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

- The subject motel was developed in the 1940's, prior to the adoption of the Zoning Ordinance that requires a conditional use permit be obtained to operate a motel in the C-3 zone.
- Nonconforming Review Case No. 93-193
  - Allowed the continued operation of the motel with less than required parking
  - Expiration date: April 2014
- Revocation Case No. 94-147
  - Revoked NCR 93-193 in January 1995
  - Revoked due to noncompliance with conditions of the grant in allowing hourly room rentals.
- Conditional Use Permit/Variance Case No. 95-088
  - Denied by the Regional Planning Commission (RPC) in December 1995
  - Referred back to the RPC by the Board of Supervisors for reconsideration
  - RPC approved the case in December 1996
  - Authorized the continued use of the motel with less than required parking
  - Expiration date: December 2000
- Conditional Use Permit/Variance Case No. 01-020
  - Authorized the continued use of the subject property as a motel
  - Expiration date: May 15, 2012

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the CC (Community Commercial) land use designation of the East Los Angeles ("ELA") Community Plan ("Community Plan"). The CC land use designation is intended for areas with mostly small businesses in business centers or along strips. These businesses are basically oriented to serving the needs of surrounding neighborhoods and have little regional attraction. The existing motel is a small scale motel with 10 rooms. The operation and maintenance of a motel is consistent with the permitted uses of the underlying land use category.

- a) General Plan Land Use Policy No. 9: "Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls."

The project has been serving the community since 1947 as a motel. The character of the project is consistent with the General Plan Land Use Policy No. 9. The project is located on Olympic Blvd, which is a major highway according to the County Master Plan of Highways. Properties located along Olympic Blvd have the land use designation of CC (Community Commercial) based on the ELA Community Plan. The scale of the building fits in with the surrounding area, which is a blend of residential and commercial uses.

- b) General Plan Land Use Policy No. 29: "Improve the land use decision-making process by closely monitoring and evaluating the cumulative impacts of individual projects and by modernizing development regulations."

An approval term (maximum 10 year) along with biennial (every other year) CUP inspections, adequate lighting, prohibiting hourly rental, and requiring/maintaining security cameras will allow the County Department of Regional Planning to closely monitor and deter potential negative impacts the motel may have to the surrounding neighborhood.

- c) ELA Community Plan Land Use Policy: "Encourage rehabilitation of existing commercial uses and development of new commercial infill along the major corridors (Whittier, Olympic, and Atlantic Boulevards) where commercial uses are designated on the Land Use Plan map and where transportation and other municipal services can support development."

The existing motel on Olympic Blvd is in good condition and has been serving the community since the 1940s. The project is located within the CC (Community Commercial) section of the Community Plan. Although the project has less than the required number of parking spaces, Olympic Blvd is considered a major highway in County Master Plan of Highways that is serviced by numerous bus lines.

- d) ELA Community Plan Land Use Policy: "Maintain consistency between the Land Use Element, zoning ordinance, and all applicable County regulations and standards."

Through Variance No. 01-020, the project was originally approved to maintain nonconforming parking, landscaping, and signage. The variance expired on May 15, 2012. The less than required parking and landscaping is determined as legal nonconforming. The nonconforming freestanding sign will be removed by the property owner.

**10. ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.**

Pursuant to Section 22.28.220 of the County Code, establishments in the C-3 Zone are subject to the following development standards:

- That not to exceed 90 percent of the net area be occupied by buildings, with a minimum of 10 percent of the net area landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. Incidental walkways, if needed, may be developed in the landscaped area.
- That there be parking facilities as required by Part 11 of Chapter 22.52.

The project was built in 1947 and was developed with 9 parking spaces and approximately 7% of the property landscaped. Currently, the property provides 8 parking spaces (7 standard spaces, 1 handicapped space) in order to meet Americans with Disabilities Act (ADA) requirements. Section 22.52.1170 of the County Code requires every motel to provide one parking space for each guest room. Currently, the motel has 10 guest rooms and 1 manager's unit. The motel needs to provide 11 spaces according to current standards. However, as the motel was constructed before current parking standards were established, and the motel is not proposing an intensification or change in use that requires compliance with current parking standards, the existing nonconforming parking may remain.

Pursuant to Section 22.44.118 of the County Code, establishments in the East Los Angeles Community Standards District ("CSD") are subject to the following development standards:

- *The maximum height provided in Zone C-3 shall be 40 feet. (LACC 22.44.118.D.6.a)*

Section 22.44.118.D.5.a provides for a 40-foot maximum height within the C-3 zone in the ELA CSD. The subject property is depicted as 20 feet above grade. The project is in compliance with the height requirements of the CSD.

- Signage (LACC 22.44.118.C.3.a)
  - One freestanding sign shall be permitted where one of the following findings can be made:
    - Subject building is at least 35 feet from the front property line.

- Subject building has more than two tenants and the secondary tenants have no street frontage.
- Adjacent buildings are within 10 feet of the front property line and the subject building is at least 10 feet behind either of the adjacent buildings.

Landscaping and Buffering (LACC 22.44.118.D.4.c)

- Whenever adjacent to a property line, parking areas shall provide a landscaped buffer strip of at least five feet in width.
- Where a commercial zone abuts a residence or residential zone, a landscaped buffer strip at least five feet wide shall be provided.
- Landscaping shall be provided and maintained in a neat and orderly manner. A 15-gallon tree shall be provided for every 50 square feet of landscaped area, to be equally spaced along the buffer strip. The landscaping materials shall be approved by the director.
- Permanent irrigation systems shall be required and maintained in good working order.
- A solid masonry wall not less than five feet high nor more than six feet in height shall be provided along the side and rear property lines.
- A site plan shall be submitted to and approved by the director to ensure that the use will comply with the provisions of this section as provided in Part 12 of Chapter 22.56.

The existing freestanding sign is approximately 16 square feet in size and 17 feet tall. Variance No. 01-020, which was approved concurrently with previous CUP No. 01-020, originally authorized the nonconforming sign to exist in its original state. However, the project entitlements expired on May 15, 2012. Staff met with the property owner on November 21, 2013 to discuss the freestanding sign. The property owner and applicant were notified that a new variance is required in order to keep the sign at its current location. The property owner informed staff that they will remove the sign before the public hearing date rather than file for a variance. To date, staff is awaiting confirmation from the property owner that the freestanding sign has been removed.

This project does not meet the current landscaping and buffering ELA Community Standards District ("CSD") requirements. The project's parking is adjacent to the property lines without a landscaped buffer strip of 5 feet. The project is also adjacent to a residence, but does not have the required landscaped buffer. Since there is no buffer strip, the project is not able to provide the required 15-gallon tree for every 50 square feet of the landscaped buffer area. The concrete block wall that surrounds the property along the side and rear property lines measures at 6 feet 4 inches which is higher than the maximum required height of 6 feet stipulated in the ELA CSD. Currently, the project only has approximately 7% of landscaping and the parking spaces are right along the property lines, without any buffer.

Variance No. 01-020 also approved the insufficient landscape and buffering requirements but the variance expired on May 15, 2012.

The ELA CSD landscaping and buffering requirements for this project have been determined to be legal nonconforming standards due to the development of the motel prior to the adoption of the ELA CSD. The motel was legally developed in 1947, and the use and the physical shape of the property have not changed since then. The ELA CSD was established in 1988, after the development of the motel, and there is no proposed construction or changes to the structure or to the motel use. The over-height wall was also determined to be legal nonconforming and can be maintained as it currently exists.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The motel was established in 1947 which predates Ordinance 10,826, which requires motels and hotels to obtain a Conditional Use Permit in the C-3 zone. The motel will not be detrimental to the surrounding community. The motel is compatible with its surrounding area and has a long history being a part of the neighborhood. A motel is allowed in the C-3 zone and the nonconforming standards with parking, landscaping, and signage have been allowed through Variance No. 01-020.

The subject motel, under the previous ownership, has had a history of noncompliance with conditions of previous grants, specifically, conditions prohibiting hourly rates. The subject property was previously a concern for the County Sheriff regarding prostitution and narcotic activity in and around the subject property. Per the new and current applicant/owner, room rental rates are by the day; no hourly rates are given. The enforcement case on the subject property was closed in 1995. County Regional Planning's Zoning Enforcement section has made inspections every other year under CUP No. 01-020, and has found no CUP violations. The property has been in compliance since 1995.

The applicant/owner requested that the CUP not condition a security patrol service to be contracted. The applicant/owner claims that this requirement creates a financial hardship for the small motel. Considering that the last enforcement action was resolved in 1995 and since then the motel has changed ownership and has been in compliance with the previous permit CUP No. 01-020, that the condition requiring a security patrol service be modified to require the applicant to provide security guard service only after one failed inspection is recorded. On 9/25/13, Staff consulted the Sheriff's department and there were no incidents directly related to the motel use within the last six months. The type of security service will be changed to provide an on-site security guard versus a patrol that monitors the area intermittently. The motel will still maintain a video camera in the motel office that records the activities at the registration desk. These tapes shall be kept for at least a two week period and shall be surrendered to the County Sheriff's Department if requested. To further support the removal of the said condition, the owner will be required to keep a list of emergency personnel numbers next to phone in the office, to be visible at all times.

12. This project will not adversely affect the health, peace, comfort or welfare of persons in the surrounding area. The motel has been in operation since 1947 and in compliance with the previous grants since 1995. The owner of the motel has made necessary changes in order to bring the motel in good standing with the community. The motel offers affordable rooms to those visiting the immediate area. It has been an operating business in the local community since the 1940s. This project is consistent with the General Plan and the ELA Community Plan.

There are many residential units within a 500-foot radius of the motel. The motel will be prohibited from amplifying sound equipment, music or public address systems intended to be audible outside the building.

The last enforcement action was resolved in 1995 and since then the motel has changed ownership and has been in compliance with the previous permit CUP No. 01-020. It is recommended that the condition requiring a security patrol service be modified to require the applicant to provide security patrol service only after two or more failed inspections are recorded.

Therefore, the existing use at the current location 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.

13. The development standards for the required parking, landscaping, and signage are not in compliance with the zoning code. These inadequacies were allowed to exist in its present state through Variance No. 01-020. Since the motel was developed prior to the zoning ordinance that requires a CUP be obtained to operate a motel in the C-3 zone, Variance No. 01-020 legalizes these nonconforming standards. Despite the lack of required parking and landscaping and the noncompliant freestanding signage the motel is able to integrate with the other uses in the surrounding area.

Therefore, the existing 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 the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area

14. The project is serviced by Olympic Blvd, which is considered a Major Highway on the County Master Plan of Highways. Olympic Blvd is of sufficient width to handle the amount of traffic that the motel generates. An improved public right of way already exists at the project site. The motel is currently being served by existing public utilities and will not need additional services.

Therefore, the existing 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.

**COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.**

15. The Environmental Health Division of the County Department of Public Health ("Public Health") reviewed the information for this project. Environmental Health has no objection to the approval of this CUP with the condition that the project shall remain in compliance with all Public Health requirements, regulations, and ordinances relating to motels.
16. The County Fire Department ("Fire") is requiring that the applicant/owner submit the results of a Fire Flow Test of the closest existing public fire hydrant to the project's lot frontage prior to the Public Hearing. Fire has approved the Fire Flow Test and concluded that the existing water system meets the Fire's minimum requirements.
17. The County Sheriff's Department ("Sheriff's") does not support or oppose this project. The Sheriff's report that based on calls for service for the last five years, the location has had minimal problems. The Sheriff's recommends the addition of one condition to the CUP.
  - Due to the close proximity to residents, the location shall not be used to host parties.
18. **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.
19. **PUBLIC COMMENTS.** No comments have been received.
20. **ENVIRONMENTAL DETERMINATION.** County Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption-Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is for the continued operation of an existing two-story motel building and will not require any alteration to the structure or propose any intensification. Therefore, the Hearing Officer finds that the project is categorically exempt from CEQA.
21. **TERM LIMIT.** 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 **ten (10) years**.
22. **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, 13<sup>th</sup> 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 North Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:**

- A. That the existing use is consistent with the adopted general plan for the area; and
- B. That the existing use at the current location 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 existing 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 the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the existing 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 substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

- 1. The Hearing Officer determines that this project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to a Class 1 Categorical Exemption for Existing Facilities.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100134 is approved subject to the attached conditions.

SMT:IC  
12/26/13

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-01395-(1)  
CONDITIONAL USE PERMIT NO. 201100134**

**PROJECT DESCRIPTION**

The project is for the continued operation and maintenance of an existing two-story 3,419 square foot motel consisting of 10 units, manager's unit, office, laundry room, and two storage rooms with seven standard parking spaces and one handicap space in the C-3 zone within the East Los Angeles community, in accordance with the approved Exhibit "A", is 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 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 terminate on January 7, 2024.** 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 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 and maintenance of an existing motel and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with

the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,000.00**. 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 fund provides for **five 5 biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant 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 ("Director").
14. 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 over which the permittee has control.
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, including the removal of the freestanding sign as agreed to by the applicant, **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. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) 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

18. This grant shall authorize the continued operation and maintenance of an existing 10 unit motel, in accordance with the approved Exhibit "A".
19. The permittee shall maintain a minimum of 8 on-site parking spaces (7 standard parking spaces and 1 handicap parking space), a minimum of 7% of landscaping, and one nonconforming freestanding sign.
20. The permittee shall provide adequate lighting for the parking lot area. This lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Lighting shall be so arranged to prevent glare or direct illumination in adjoining properties. All lighting shall be depicted on the Exhibit "A".
21. Amplified sound equipment, music or public address systems intended to be audible outside the building is prohibited.
22. The motel manager shall be made completely familiar with these conditions and shall implement them as required.
23. The on-site manager shall have duplicate room keys available at all times for emergency service personnel.
24. A copy of these conditions shall be kept in the motel office and shall be made available to all enforcement personnel upon demand.
25. Motel rooms shall not be knowingly rented for more than the number of persons designated by the motel management based upon the type and number of beds in each room and the number of occupants indicated on the registry card.

26. Rooms shall not be rented for a lesser period than the equivalent of one night's stay and rent for each room shall not be collected more frequently than once daily.
27. At the time of room registration, guest shall be required to present a driver's license or photo identification in accordance with posted rules and regulations governing operation of the motel.
28. No illegal drug sales shall be knowingly permitted on the property of the motel.
29. The consumption of alcoholic beverages shall be prohibited in public areas of the motel.
30. No loitering shall be permitted on-site.
31. No abandoned or inoperable vehicles shall be permitted on the subject property.
32. Any pay telephones on the subject property shall be located inside the building where they can be readily monitored by the manager on duty.
33. The permittee shall install a video camera in the motel office that records the activities at the registration desk. The tapes shall be kept for at least a two-week period and shall be surrendered to the County Sheriff's Department if requested.
34. A list of emergency personnel telephone numbers must be kept by the telephone located in the office and shall be made visible at all times.
35. Due to the close proximity to residences, the subject property shall not be used to host parties.
36. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.
37. The permittee shall provide a licensed security guard service after one failed inspection is recorded. The security guard will be charged with the responsibility to prevent violations of law, to enforce compliance with the conditions of this grant, and to notify the County Sheriff of any violations of law observed on or in the vicinity of the subject premises. Security guards required by this condition shall be stationed on-site and uniformed in a manner so as to be readily identifiable as a security guard as required by applicable provisions of state or local law.