

Hearing Officer Transmittal Checklist

Hearing Date
July 1, 2014
Agenda Item No.
3

Project Number: R2012-02580-(1)
Case(s): Nonconforming Review No. 201200008
Planner: Travis Seawards

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Previous Conditions
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: 



Department of Regional Planning
320 West Temple Street
Los Angeles, California 90012

PROJECT NUMBER **HEARING DATE**
R2012-02580-(1) July 1, 2014

REQUESTED ENTITLEMENTS
Nonconforming Review No. 201200008
Environmental Assessment No. 201200280

PROJECT SUMMARY

OWNER / APPLICANT

Carson and Mary Gin

MAP/EXHIBIT DATE

May 19, 2014

PROJECT OVERVIEW

The project is a request for a non-conforming use, building, and structure review (NCR) to allow the continued operation of an existing market with an attached single-family residence in an R-3-NR (Unlimited Multiple Residence – Neighborhood Revitalization) Zone in the unincorporated community of Walnut Park. The residence is a permitted use in the R-3 Zone; however, a neighborhood market is not a permitted use. Per Section 22.56.1510 of Title 22 (Zoning Code), a nonconforming use, or a building or structure nonconforming due to use and/or standards, may be continuously maintained provided there is no alteration, enlargement or addition to any building or structure, no increase in occupant load, nor any enlargement of area, space or volume devoted to such use. There are no proposed changes to the existing market with this application.

LOCATION

8506 S. Santa Fe Avenue, Walnut Park

ACCESS

Street parking on Santa Fe Ave. and Poplar Place

ASSESSORS PARCEL NUMBER(S)

6202032021

SITE AREA

.10 Acres

GENERAL PLAN / LOCAL PLAN

Walnut Park Neighborhood Plan

ZONED DISTRICT

Walnut Park

LAND USE DESIGNATION

NR – Neighborhood Revitalization

ZONE

R-3-NR (Unlimited Residential – Neighborhood Revitalization)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

Existing single-family residence

COMMUNITY STANDARDS DISTRICT

Walnut Park CSD

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the Walnut Park Neighborhood Plan and the Countywide General Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - Part 10 of Chapter 22.56 (Nonconforming Uses, Buildings, and Structures Requirements)
 - 22.44.114 (Walnut Park CSD Requirements)
 - Part 4, Sections 22.20.300 – 22.20.330 (R-3 Zone Requirements)

CASE PLANNER:

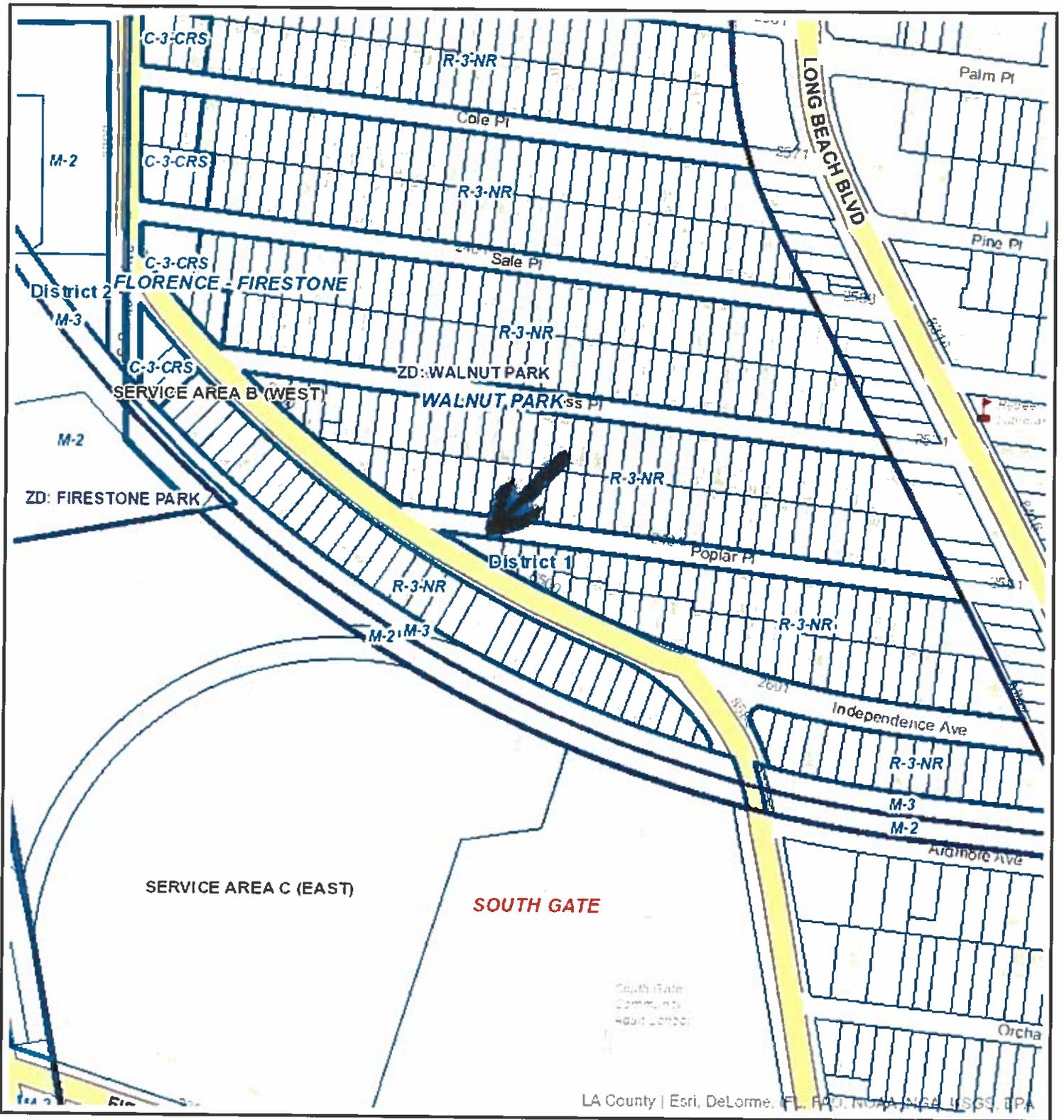
Travis Seawards

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Project No. R2010-00443-(1)

Property Location Map

Printed: May 20, 2014



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ENTITLEMENTS REQUESTED

- Nonconforming Use, Building, and Structure Review for a neighborhood market in the R-3-NR (Unlimited Multiple Residence – Neighborhood Revitalization) Zone pursuant to County Code Section 22.56.1510.

PROJECT DESCRIPTION

The project is a request for a Nonconforming Use, Building, and Structure Review (NCR) to allow the continued operation of an existing neighborhood market the R-3-NR (Unlimited Multiple Residence – Neighborhood Revitalization) Zone in the unincorporated community of Walnut Park. The market is nonconforming due to land use and zoning standards. Per Section 22.56.1510 of Title 22 (Zoning Code), a nonconforming use, or a building or structure nonconforming due to use and/or standards, may be continuously maintained provided there is no alteration, enlargement or addition to any building or structure, no increase in occupant load, nor any enlargement of area, space or volume devoted to such use. The building was constructed in 1928. The market has been in existence for approximately 70 years and precedes current zoning regulations that preclude commercial uses in residential zones. There is a single-family residence attached to the market. The single-family residence is a permitted use in the R-3 Zone. The neighborhood market is legal non-conforming for use and standards for yard setbacks, fences, and parking in the R-3-NR Zone.

There are no proposed changes to the existing market with this application. The neighborhood market has licenses that permit the sale of alcohol from the Department of Alcoholic Beverage Control that pre-date the 1992 Departmental requirement for a conditional use permit for alcohol sales. Therefore, the sale of alcohol is grandfathered and is not subject to a conditional use permit.

SITE PLAN DESCRIPTION

The project site is a triangular-shaped parcel at the intersection of Santa Fe Avenue and Poplar Place. The market is a one-story building and is 1,750 square feet. The single-family residence is attached to the eastern, rear side of the market and is 650 square feet. The entrance to the market is on the west corner at the intersection. There is a separate 9-foot, 6-inch wide driveway off of Santa Fe Avenue that provides access to the single-family residence. A 203-square foot yard runs along the south of the house and in front of the market and is enclosed by a four-foot-tall chain link fence.

EXISTING ZONING

The subject property is zoned R-3-NR (Unlimited Multiple Residence – Neighborhood Revitalization), in the Walnut Park Zoned District.

Surrounding properties are zoned as follows:

North: R-3-NR
South: R-3-NR
East: R-3-NR
West: R-3-NR

EXISTING LAND USES

The subject property is developed with an existing legal nonconforming market with an attached single-family residence.

Surrounding properties are developed as follows:

North: Single-family and multi-family residences

South: Single-family and multi-family residences, railroad tracks, and heavy manufacturing

East: Single-family and multi-family residences

West: Single-family and multi-family residences

PREVIOUS CASES/ZONING HISTORY

Nonconforming Review No. 109 approved the existing market and attached single-family residence on May 25, 1977 and expired on May 25, 1993. Nonconforming Review No. 93002-(1) again approved the existing market and attached single-family residence on April 20, 1993 and expired on April 6, 2013.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 – Existing Facilities Exemption, under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is a request for a nonconforming review for an existing market with an attached single-family residence with no expansion or proposed change in use. Therefore, staff recommends that the Regional Planning Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is designated NR (Neighborhood Revitalization) by the Walnut Park Neighborhood Plan. The NR land use category is intended for single-family detached residences, two-family residences, and multi-family residences, up to 30 dwelling units per acre for parcels over 40,000 square feet. The project site is an existing market and attached single-family residence. The market has been operating at the project site for approximately 70 years, before the implementation of current land use and zoning regulations as adopted by the Walnut Park Neighborhood Plan and Community Standards District (CSD) in 1987. As such, the project site qualifies as a legal nonconforming use.

In addition, the following policies from the Walnut Park Neighborhood Plan are applicable to the proposed project:

- *Along Santa Fe Avenue, encourage the mixing of land uses (commercial and residential), with appropriate controls to ensure compatibility.*

The project site is located on Santa Fe Avenue and is a mix of commercial and residential uses and is at the same scale of the development in the surrounding area.

Zoning Ordinance and Development Standards Compliance

The market sells alcohol and has licenses from the California Department of Alcoholic Beverage Control dating back to 1988. Therefore, the project is not required to get a CUP for the sale of alcohol. The project site is located in the Walnut Park CSD, which was adopted in 1987, after the establishment of the market on the project site. Development standards from for the R-3 Zone and the CSD that apply to this project are as follows:

- **Height:** Pursuant to Section 22.44.114.D.4.a, structures in the R-3-NR Zone have a height limit of 25 feet. The market and attached single-family residence reach a height of 14.5 feet. Therefore the project site is compliant with this standard.
- **Yards:** Pursuant to Section 22.44.114.F.1.a, R-3-NR parcels are subject to the R-1 yard setback requirements, which are:
 - **Front Yard:** 20 foot setback. The subject property has a varying front yard setback, but at its widest it is 18 feet. Therefore, the project site is nonconforming for this standard.
 - **Corner/Interior Side Yards:** 5/10 foot setback. The subject property has no side yard setbacks. Therefore, the project site is nonconforming for this standard.
 - **Rear Yard:** 15 foot setback. The subject property has no rear yard setback. Therefore, the project site is nonconforming for this standard.
- **Fences:** Pursuant to Section 22.48.160, fences and walls within a required front yard shall not exceed a height of three and one-half feet. The project site has a four-foot tall chain link fence along the front yard and therefore is nonconforming for this standard.
- **Parking:** Pursuant to Section 22.52.1180, residences are required to provide two-covered parking spaces. Pursuant to Section 22.52.1100, commercial uses such as markets are required to provide one space for each 250 square feet of floor area. The project site contains one covered parking space for the residence and no parking is provided for the market. Therefore the project is nonconforming for this standard.
- **Signs:** There are two wall-mounted signs on the market: The R-3 Zone does not have standards related to signage. Pursuant to Section 22.44.114.D.2.c.1 of the Walnut Park CSD, each business is allowed 2.0 square feet of signage for every linear foot of store frontage, and stores on a corner parcel are allowed two signs.

There is currently 56 feet of linear store frontage. The business has two wall-mounted signs, each 24 square feet. Therefore the project complies with this requirement.

Approval of the requested nonconforming review will allow the above existing non-complying conditions to remain.

Nonconforming Use Review

Section 22.56.1550 of the zoning code states, "A nonconforming use or a building or structure nonconforming due to use and/or standards may be continuously maintained provided there is no alteration, enlargement or addition to any building or structure; no increase in occupant load; nor any enlargement of area, space or volume occupied by or devoted to such use." The existing market has been in operation for approximately 70 years and does not propose any alterations, change in occupancy load, or change in use.

Per section 22.56.1540 of the zoning code the termination date for a nonconforming use of this type is 20 years from the effective date or operative date where later of the ordinance or amendment thereto establishing said nonconforming status, and for such longer time so that the total life of the structure from the date of construction, based on the type of construction as defined by the Building Code (set out at Title 26 of this Code). At the end of the 20-year amortization period, the commercial use on the parcel was allowed to continue with the approval of Nonconforming Review No. 109 in 1997 and Nonconforming Review No. 93002-(1) in 1993.

Neighborhood Impact/Land Use Compatibility

The existing neighborhood market is located on a residentially-zoned parcel. The project site is compatible with the development of surrounding community and has a positive impact on the neighborhood. The market has been operating for approximately 70 years and provides essential goods and service to local residents, many of whom walk to the subject property.

There is no on-site parking for the market, however, many residents walk to the market, and there is ample street parking as well. The project site is non-compliant with the development standards for yards, walls, fences, parking, and landscaping. However, the market and attached single-family residence is compatible with adjacent residences in terms of setbacks and walls, height, and massing. Therefore, the project site is adequate to integrate the existing uses with the surrounding uses in the area.

The existing market is located at an intersection along Santa Fe Avenue, which is a well-travelled corridor in the community. The project does not propose any change in use or an increase in activity on the site. Therefore the project site is adequately served by existing streets and public services.

Staff made two site visits to the project site. Based on staff feedback, the operators have made significant improvements to the site. The market was re-painted and new signage was implemented. The interior of the market is also cleanly maintained. The existing market is well-integrated into the fabric of the community and the owner has demonstrated a good faith effort to be a good business operator and ensure the market stays compatible with the neighborhood by making these improvements. The existing retail store has a license from the California Department of Alcoholic Beverage Control for a Type 20, off-site sale of beer and wine. This license was issued on September 27, 1988, before the County required a conditional use permit for the sale of alcohol.

Therefore the sale of beer and wine at the retail store is allowed without a conditional use permit.

The owner of the market has not yet amortized his investment in the site. Forcing the cessation of the market would cause the owner and tenant financial hardship and would impair the value of their investment.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.556.1550 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

The project was reviewed and cleared by the Los Angeles County Fire Department and the County Department of Public Works.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

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

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing. Staff recommends **approval** of Project Number R2012-02580-(1), Nonconforming Review Number 201200008, subject to the attached conditions.

SUGGESTED APPROVAL ACTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE NONCONFORMING REVIEW NUMBER 201200008 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Travis Seawards, Regional Planning Asst. II
Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West

Attachments:
Draft Findings

PROJECT NO. R2012-02580-(1)
NONCONFORMING REVIEW NO. 201200008

STAFF ANALYSIS
PAGE 6 OF 6

Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Photographs, Photo Simulations, Aerial Image
Site Plan, Land Use Map

MKK:TSS
3/20/14

**DRAFT FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02580-(1)
NONCONFORMING REVIEW PERMIT NO. 201200008**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Nonconforming Review No. 201200008 ("NCR") on July 1, 2014.
2. The permittee, Carson and Mary Gin ("permittee"), requests the NCR to authorize the continued use of a legally nonconforming neighborhood market in the R-3-NR (Unlimited Multiple Residence – Neighborhood Revitalization) Zone ("Project") on a property located at 8506 S. Santa Fe Avenue in the unincorporated community of Walnut Park ("Project Site"), pursuant to Los Angeles County Code ("County Code") section 22.56.1510.
3. The Project Site is .10 gross acres in size and consists of one legal lot. The Project Site is triangular in shape with level topography and is developed with an existing one story, 1,750-square-foot neighborhood market, and an attached, one-story, 650-square-foot single-family residence.
4. The Project Site is located in the Walnut Park Zoned District and is currently zoned R-3-NR.
5. The Project Site is located within the Neighborhood Revitalization (NR) land use category under the Walnut Park Neighborhood Plan.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-3-NR
 - South: R-3-NR
 - East: R-3-NR
 - West: R-3-NR
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family and multi-family residences
 - South: Single-family and multi-family residences, railroad tracks, and heavy manufacturing
 - East: Single-family and multi-family residences
 - West: Single-family and multi-family residences
8. There have been two previous Nonconforming Review approvals for the site. Nonconforming Review No. 109 approved the existing market and attached single-family residence on May 25, 1977 and expired on May 25, 1993. Nonconforming Review No. 93002-(1) again approved the existing market and attached single-family residence on April 20, 1993 and expired on April 6, 2013.

9. The site plan for the Project depicts a .10-acre, triangular-shaped parcel at the intersection of Santa Fe Avenue and Poplar Place that is developed with an existing 1,750-square-foot neighborhood market, and an attached 650-square-foot, single-family residential unit. There is a 9-foot, 6-inch wide driveway off of Santa Fe Avenue that provides access to the single-family residence. A 203-square-foot yard runs along the south of the house and in front of the market and is enclosed by a four-foot-tall chain link fence.
10. The Project Site is accessible via Santa Fe Avenue and Poplar Place. Primary pedestrian access to the Project Site will be via an entrance/exit on the front corner of the market.
11. The Project Site does not provide vehicular parking for the market. All parking for the market is on-street parking. There is a one-car garage for the residential unit.
12. Prior to the Hearing Officer's public hearing on the Project, the permittee addressed several existing zoning violations on the property. The permittee has re-painted the market's façade, has removed all unpermitted signs, and has installed new, conforming signage.
13. The County Department of Public Works ("Public Works") recommends approval of this Project and has recommended conditions of approval, which are included in the Project's conditions. The County Fire Department ("Fire Department") reviewed and cleared the Project for adequate fire access, water flow, and fire suppression technology.
14. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities Categorical Exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the continued use of a legally nonconforming neighborhood market with no expansion of the use.
15. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.
16. Prior to the Hearing Officer's public hearing, staff did not receive any calls or notice of public opposition to the Project.
17. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan and the Walnut Park Neighborhood Plan. The project site is designated NR (Neighborhood Revitalization) by the Walnut Park Neighborhood Plan. The NR land use category is intended for single-family detached residences, two-family residences, and multi-family residences, up to 30 dwelling units per acre

for parcels over 40,000 square feet. The project site is an existing market and attached single-family residence. The market has been operating at the project site for approximately 70 years, before the implementation of land use and zoning regulations. As such, the project site qualifies as a legal nonconforming use.

18. The Hearing Officer finds that the Project is consistent with the goals and policies of the Walnut Park Neighborhood Plan, which state that *"Along Santa Fe Avenue, encourage the mixing of land uses (commercial and residential), with appropriate controls to ensure compatibility"*. The project site is located on Santa Fe Avenue and is a mix of commercial and residential uses and is at the same scale of the development in the surrounding area.
19. The Hearing Officer finds that the Project has existing licenses to sell alcohol from the Department of Alcoholic Beverage Control that pre-date the 1992 Regional Planning ordinance that requires a conditional use permit for alcohol sales.
20. The Hearing Officer finds that the Project is legally nonconforming for yard requirements in the R-3 Zone, as set forth in Section 22.44.114.F.1.a of the County Code. Current standards require the project to provide a 20-foot front yard setback a 5-foot side yard setback, and a 15-foot rear yard setback. The structures were established prior to these requirements and provide a varying front yard setback with a maximum width of 18 feet, no side or corner setback, and no rear yard setback.
21. The Hearing Officer finds that the Project is legally nonconforming for fence requirements as set forth in Section 22.48.160 of the County Code. The Project is required to provide a fence in the front yard that does not exceed a height of three and on-half feet, and a four-foot tall fence that was established prior to the current standard is provided.
22. The Hearing Officer finds that the Project is legally nonconforming for parking requirements as set forth in Sections 22.52.1100 and 22.52.1180 of the County Code. The Project is required to provide two-covered parking spaces for residences, and commercial uses such as markets are required to provide one space for each 250 square feet of floor area. The project site was established prior to current parking standards and contains one covered parking space for the residence and no parking is provided for the market.
23. The Hearing Officer finds that the Project is in compliance with the sign requirements set forth in the County Code. Section 22.44.114.D.2.c.1 of the County Code allows 2.0 square feet of signage for every linear foot of store frontage, and stores on a corner parcel are allowed two signs. There are 56 linear feet of store frontage, and two existing wall-mounted signs that total 48 square-feet of signage.
24. The Hearing Officer finds that the structure has been legally established as a commercial business and neighborhood market for over 70 years with no negative impacts on the surrounding community.

25. The Hearing Officer finds that the Project does not adversely affect the health, peace, or welfare of persons residing or working in the surrounding area. The existing neighborhood market is located on a residentially-zoned parcel. The project site is compatible with the development of surrounding community and has a positive impact on the neighborhood. The market has been operating for approximately 70 years and provides essential goods and service to local residents, many of whom walk to the subject property. There is no history of zoning violations or community complaints. The owner has also made significant improvements to the exterior of the business and provides important goods to the surrounding neighborhood residents.
26. The Hearing Officer finds that the Project is not detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site. There is no history of zoning violations or community complaints. The current owner has made significant investments and changes to the property. The exterior has been repainted and new signage has been installed. There is no on-site parking for the market, however, many residents walk to the market, and there is ample street parking as well. The project site is non-compliant with the current development standards for yards, walls, fences, parking, and landscaping. However, the existing setbacks and walls, height, and massing for the market and attached single-family residence remain compatible with adjacent properties.
27. The Hearing Officer finds that the Project does not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The existing market is located at an intersection along Santa Fe Avenue, which is a well-travelled corridor in the community. The project does not propose any change in use or increase in activity on the site, and the project site is adequately served by existing streets and public services. There has been no record of complaints regarding safety or the sale of alcohol at the market.
28. The Hearing Officer finds that the business is well-integrated into the fabric of the community. As a small neighborhood market, the business does not create traffic or other impacts to the community, and is not a menace to public health, safety or general welfare of residents in the area.
29. The Hearing Officer finds that the Project is compatible with the existing land use patten and community character of the area. The existing market has been a legally established, nonconforming use for over 70 years and provides important goods and services to the local neighborhood. The owner has made visible improvements to the site. The market was re-painted and new signage was implemented. The interior of the market is also cleanly maintained. The existing market is well-integrated into the fabric of the community and the owner has demonstrated a good faith effort to be a good business operator and ensure the market stays compatible with the neighborhood.
30. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses and allow the amortization of the investment made on the property, it is necessary to limit the Nonconforming Review to 20 years.

31. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Lennox community. On May 20, 2014, a total of 139 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as One (1) notice to those on the courtesy mailing list for the Walnut Park Zoned District and to any additional interested parties.
32. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

Regarding the Nonconforming Use, Building, and Structure Review

- A. The cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.
- B. The Project does not adversely affect the health, peace or welfare of persons residing or working in the surrounding area.
- C. The Project is not materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.
- D. The Project does not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Nonconforming Review Number 201200280, subject to the attached conditions.

ACTION DATE: July 1, 2014

**MKK:TSS
5/15/14**

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02580-(1)
NONCONFORMING REVIEW PERMIT NO. 201200008**

PROJECT DESCRIPTION

The project is a Nonconforming Use, Building, and Structure Review for the continued operation of a legally, nonconforming neighborhood market in the R-3-NR (Unlimited Multiple Residence – Neighborhood Revitalization) Zone, 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 reasonably 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 reasonably 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 July 1, 2034.** 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 Nonconforming Review 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 of the neighborhood market 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 \$2,000. 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 ten (10) 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 conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code 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 of Regional Planning ("Director").
15. 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.
16. 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.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" 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 by **September 1, 2014**.
18. 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 substantially conform to the originally approved Exhibit "A". 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

19. This grant shall authorize the continued operation of a legally, nonconforming neighborhood market in the R-3-NR (Unlimited Multiple Residence – Neighborhood Revitalization) Zone.
20. Outside storage is not permitted on the subject property.
21. The permittee shall remove all unpermitted equipment, such as donation boxes, from the public right-of-way.
22. The permittee shall maintain the public right-of-way in a clean and orderly manner. No equipment, such as water dispensers, are allowed in the public right-of-way.
23. The placement of portable signs, temporary signs or banners on the sidewalk, fencing, or walls of the property are prohibited.
24. The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., seven days a week.
25. As agreed to by the permittee, the permittee shall not install or maintain video games, pool tables, or similar game activities or equipment on site.

26. As agreed to by the permittee, the permittee shall not have other coin operated amusements, such as small carousel rides or similar riding machines, at any time, with the exception of official State Lottery machines.
27. As agreed to by the permittee, there shall be no beer sold in containers under one quart or in less than six-pack quantities.
28. As agreed to by the permittee, the beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited;
29. As agreed to by the permittee, there shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities;
30. As agreed to by the permittee, loitering, begging or soliciting for employment shall not be allowed on the premises or that area adjacent to the premises over which the permittee has control. It shall be the responsibility of the permittee to ensure that these activities do not occur.
31. As agreed to by the permittee, no alcoholic beverages shall be consumed on site or on any property adjacent to the premises which is under the control of the permittee. There shall be an adequate number of signs posting this prohibition.
32. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated March 17, 2014.
33. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated December 19, 2013.

Attachments:

Public Works Department Letter dated April 24, 2014
Fire Department Letter dated December 19, 2013

REVISED CONDITIONS

Supersedes Fire Dept. Conditions Dated 07/05/13

COUNTY OF LOS ANGELES FIRE DEPARTMENT

Fire Prevention Division – Land Development Unit

5823 Rickenbacker Road

Commerce, California 90040-3027

Office (323) 890-4243, Fax (323) 890-9783



DATE: December 19, 2013

SITE PLAN DATE: 10/20/12

TO: Department of Regional Planning
Zoning Permits - Travis Seawards

PROJECT #: NCR R2012-02580

LOCATION: 8506 Santa Fe Avenue, Huntington Park

- The Fire Department Land Development Unit has no additional requirements for this permit.
- The required fire flow for this development is _____ gallons per minute for _____ hours. The water mains in the street fronting this property must be capable of delivering this flow at 20 psi residual pressure. Hydrant(s) flowing simultaneously may be used to achieve the required fire flow.
- All fire hydrants shall be 6" X 4" X 2 1/2" and conform to AWWA C503-75 or approved equal standard. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
 - Install _____ public fire hydrant(s).
 - Install _____ private on-site fire hydrant(s).
 - Provide Fire Flow Test for _____ existing public fire hydrant(s).
- Water:** Per the fire flow test performed by the Walnut Park Mutual Water Co. dated 12/09/13, the fire flow is adequate for this project.
- Access:** Maintain access to within 150 feet of all exterior portions of the existing building.
- Conditions for Approval:**
- Comments:** The proposed project is "cleared" to proceed to public hearing

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: *Wally Collins*



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

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

March 17, 2014

IN REPLY PLEASE
REFER TO FILE LD-2

TO: Mi Kim
Zoning Permits West Section
Department of Regional Planning

Attention: ~~Travis Seawards~~

FROM: ~~Steve Burger~~
Land Development Division
Department of Public Works

**NONCONFORMING REVIEW (NCR) NO. 201200280
PROJECT NO. R2012-02580-(1)
8506 SOUTH SANTA FE AVENUE
ASSESSOR'S MAP BOOK NO. 6202, PAGE 32, PARCEL NO. 21
UNINCORPORATED COUNTY AREA OF WALNUT PARK**

- Public Works recommends approval of this NCR.
- Public Works does NOT recommend approval of this NCR.

We reviewed the site plan for NCR201200280 located at 8506 South Santa Fe Avenue in the unincorporated County area of Walnut Park. The project is to authorize the continued use of an existing market with an attached single-family residence in the R-3-NR (Unlimited Multiple Residence-Neighborhood Revitalization) Zone. The existing building has been established since 1938 and is currently encroaching within Santa Fe Avenue right of way. The previous CUP approvals did not mention the encroachment; however, since no changes or improvements have been proposed as part of the project, no additional acquisition of right of way will be required at this time.

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

1. Road

- 1.1 The existing curb ramp fronting the project site at the intersection of Santa Fe Avenue and Poplar Place shall only be used for its intended purpose, which is for pedestrian travel only. Vehicular travel is not allowed on curb ramps. The intended purpose of curb ramps for pedestrian use only can



*Los Angeles County
Department of Regional Planning*

Director of Planning. James E. Harll. AICP



**RE: NONCONFORMING REVIEW NO. 93002-(1)
CONTINUED USE OF NEIGHBORHOOD MARKET
8506 SOUTH SANTA FE AVENUE, WALNUT PARK**

Mailing Date: April 20, 1993

**CERTIFIED-RECEIPT
REQUEST**

**TO: Carman and Yan Gin
3233 Tweedy Blvd.
South Gate, CA 90280**

PLEASE NOTE: This document contains the hearing officer's findings, order and conditions relating to **APPROVAL** of the above referenced case.

CAREFULLY REVIEW EACH CONDITION.

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the hearing officer's decision to the Regional Planning Commission at the office of the Commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the Commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The hearing officer's decision may also be called up for review by the Regional Planning Commission during the appeal period. This grant will not become effective until and unless this period has passed without an appeal or call for review.

For further information on appeal procedures, compliance with conditions or any other matter pertaining to this grant, please contact the Variances and Permits Section at (213) 974-6446.

HEARING OFFICER'S FINDINGS AND ORDER

FACTUAL SUMMARY:

The subject property is a level triangular shaped parcel 4018 square feet in size located at 8506 South Santa Fe Avenue, on the southerly corner of Santa Fe Avenue and Poplar Place, in the unincorporated area of Walnut Park.

NONCONFORMING REVIEW NO. 93002-(1)

PAGE 2

The site is improved with a small neighborhood market building of 1750 square feet which is attached to a single family residence 650 square feet in size. There is no on-site parking. The market has been in operation approximately 55 years.

The request is to continue the use and operation of the market which is a legal nonconforming use.

The site is within the R-3 Zone (Multiple Residential) of the Walnut Park Zoned District. The market was established prior to current restrictions that would preclude commercial uses within residential zones, and has operated continuously to the present.

A Nonconforming Review is required to establish a time extension program to amortize the owner's investment in the business. A previous grant under Nonconforming Review No. 109 on May 25, 1977 will expire on May 25, 1993.

Support for continuation of the market was expressed by neighboring residents who patronize the market. The market serves the immediate neighborhood largely for patrons who walk to the market including some senior citizens who do not drive.

A public hearing was held on April 6, 1993, at which the applicants' daughter testified in favor of the request. There was no opposition testimony.

FINDINGS:

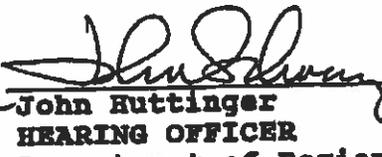
Continuation of the existing structures and uses on the subject property with the attached conditions and restrictions does not now and will not during the extension period approved adversely affect the health, peace, or welfare of persons residing or working in the surrounding area, be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the subject property or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The site is surrounded by single family residences on the south and west, by single and multiple residences on the north, and by 2 family residential uses on the east. It has been operation for 55 years with no known problems or violations.

And, therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Nonconforming Review as set forth in Section 22.56.1550 of Title 22 of the Los Angeles County Code, the Zoning Ordinance.

HEARING OFFICER'S ACTION:

1. I find that the project is categorically exempt (Class 1) from the requirements of the California Environmental Quality Act, and that the project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Nonconforming Review No. 93002 - (1) is **GRANTED** with the attached conditions.

BY:  DATE: April 20, 1993
John Ruttinger
HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Enclosure: Affidavit

cc: Each Commissioner; Zoning Enforcement; Building and Safety;

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant 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 property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
3. 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 65907. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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.
4. This grant will terminate April 6, 2013.

Entitlement to use of the property thereafter shall be subject to the regulations then in effect.
5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. 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. The permittee shall deposit with the County of Los Angeles the sum of \$ 1,000.00. The fee shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for ten biennial inspections.

If any future 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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

7. 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 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 health of safety or so as to be a nuisance.
8. This grant allows the continued use and operation of a neighborhood serving grocery market subject to the following restrictions as to use:
 - a. The market may operate between the hours of 7:00 a.m. to 10:00 p.m. seven days per week at the discretion of the permittee.
 - b. If any graffiti should be placed on the structures, it shall be removed within 72 hours.
 - c. All business signs shall comply with the standards of the C-1 zone.
 - d. No displays or merchandise shall be placed on the adjacent sidewalks
9. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
11. The subject facility shall be maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.



NONCONFORMING REVIEW BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.1550, the applicant shall substantiate the following facts:

(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)

- A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The existing neighborhood market has existed at the site as a non-conforming use for over 70 years. It is extensively utilized by the residents of the surrounding area, esp. those persons having no car. the site was previously approved for this use under ncr nos. 109 and 93002-(1). the presence of this use has caused no detriment to the area; it is centrally located to an area needing this service.

- B. 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 Ordinance, or as is otherwise required in order to integrate said use with the uses in surrounding area.

SEE ATTACHMENT

- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.

The site is adequately served from Santa Fe Street (70 feet wide). Continued presence of the use will not increase or generate new traffic in the area. the site is served by other public and private uses as required.

- D. That the nature of the improvement is such that to require cessation of use would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.

The owner has not yet amortized his investment and improvements at this site. To force cessation of existing neighborhood market would cause the owner (and his tenant) severe hardship and substantially impair the value of their investment.

- E. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

The subject site has been utilized for neighborhood market use for over 70 years. It continues to provide a needed service to the surrounding community and does not impair the value of surrounding

properties, nor represent a deriment to their character.

ATTACHMENT TO SECTION B OF THE NONCONFORMING REVIEW BURDEN OF PROOF

The site and the surrounding homes were built at around the same time in the 1920s and 1930s. The surrounding homes are simple, modest one-story homes. The site is a modest one-story property that sits at the narrow juncture of Santa Fe and Poplar streets. The site also has a modest one-story home attached to it (the home next door to this home was also built at the same time and is owned by this Owner seeking the CUP herein).

The site is non-conforming with respect to the various development standards with respect to parking requirements, yard/setbacks, and other standards. At the time it was built, however, it met the then current building and community standards. For over 80 years, the site has been a small neighborhood market with its customer base mainly being the residents that live in the surrounding neighborhood. Customers either walk to the market or park their cars on Poplar or Santa Fe streets (street parking available on Poplar and Santa Fe streets).

As for the development pattern of the community, very little development has changed with respect to the surrounding neighborhood - - all the homes are one-story homes on small lots, there are no two-story homes or apartment buildings.

The site does not conflict with the development or community development standards due to the fact that the site and the surrounding homes were built at approximately the same time period and the neighborhood has changed very little since then.



*Los Angeles County
Department of Regional Planning*

Director of Planning, James E. Hartl, AICP



**RE: NONCONFORMING REVIEW NO. 93002-(1)
CONTINUED USE OF NEIGHBORHOOD MARKET
8506 SOUTH SANTA FE AVENUE, WALNUT PARK**

Mailing Date: April 20, 1993

**CERTIFIED-RECEIPT
REQUEST**

**TO: Carman and Yan Gin
3233 Tweedy Blvd.
South Gate, CA 90280**

PLEASE NOTE: This document contains the hearing officer's findings, order and conditions relating to **APPROVAL** of the above referenced case.

CAREFULLY REVIEW EACH CONDITION.

Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the hearing officer's decision to the Regional Planning Commission at the office of the Commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the Commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 days after this notice is received by the applicant. The hearing officer's decision may also be called up for review by the Regional Planning Commission during the appeal period. This grant will not become effective until and unless this period has passed without an appeal or call for review.

For further information on appeal procedures, compliance with conditions or any other matter pertaining to this grant, please contact the Variances and Permits Section at (213) 974-6446.

HEARING OFFICER'S FINDINGS AND ORDER

FACTUAL SUMMARY:

The subject property is a level triangular shaped parcel 4018 square feet in size located at 8506 South Santa Fe Avenue, on the southerly corner of Santa Fe Avenue and Poplar Place, in the unincorporated area of Walnut Park.

The site is improved with a small neighborhood market building of 1750 square feet which is attached to a single family residence 650 square feet in size. There is no on-site parking. The market has been in operation approximately 55 years.

The request is to continue the use and operation of the market which is a legal nonconforming use.

The site is within the R-3 Zone (Multiple Residential) of the Walnut Park Zoned District. The market was established prior to current restrictions that would preclude commercial uses within residential zones, and has operated continuously to the present.

A Nonconforming Review is required to establish a time extension program to amortize the owner's investment in the business. A previous grant under Nonconforming Review No. 109 on May 25, 1977 will expire on May 25, 1993.

Support for continuation of the market was expressed by neighboring residents who patronize the market. The market serves the immediate neighborhood largely for patrons who walk to the market including some senior citizens who do not drive.

A public hearing was held on April 6, 1993, at which the applicants' daughter testified in favor of the request. There was no opposition testimony.

FINDINGS:

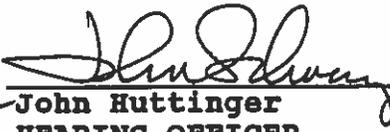
Continuation of the existing structures and uses on the subject property with the attached conditions and restrictions does not now and will not during the extension period approved adversely affect the health, peace, or welfare of persons residing or working in the surrounding area, be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the subject property or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The site is surrounded by single family residences on the south and west, by single and multiple residences on the north, and by 2 family residential uses on the east. It has been operation for 55 years with no known problems or violations.

And, therefore, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Nonconforming Review as set forth in Section 22.56.1550 of Title 22 of the Los Angeles County Code, the Zoning Ordinance.

HEARING OFFICER'S ACTION:

1. I find that the project is categorically exempt (Class 1) from the requirements of the California Environmental Quality Act, and that the project will not have a significant effect on the environment.
2. In view of the findings of fact presented above, Nonconforming Review No. 93002 - (1) is **GRANTED** with the attached conditions.

BY:  DATE: April 20, 1993
John Huttinger
HEARING OFFICER
Department of Regional Planning
County of Los Angeles

Enclosure: Affidavit

cc: Each Commissioner; Zoning Enforcement; Building and Safety;

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
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11. The subject facility shall be maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.



LA County | Esri, DeLorme, IFL, FAO, NOAA, NGA, USGS, EPA

Project No. R2010-00443-(1)

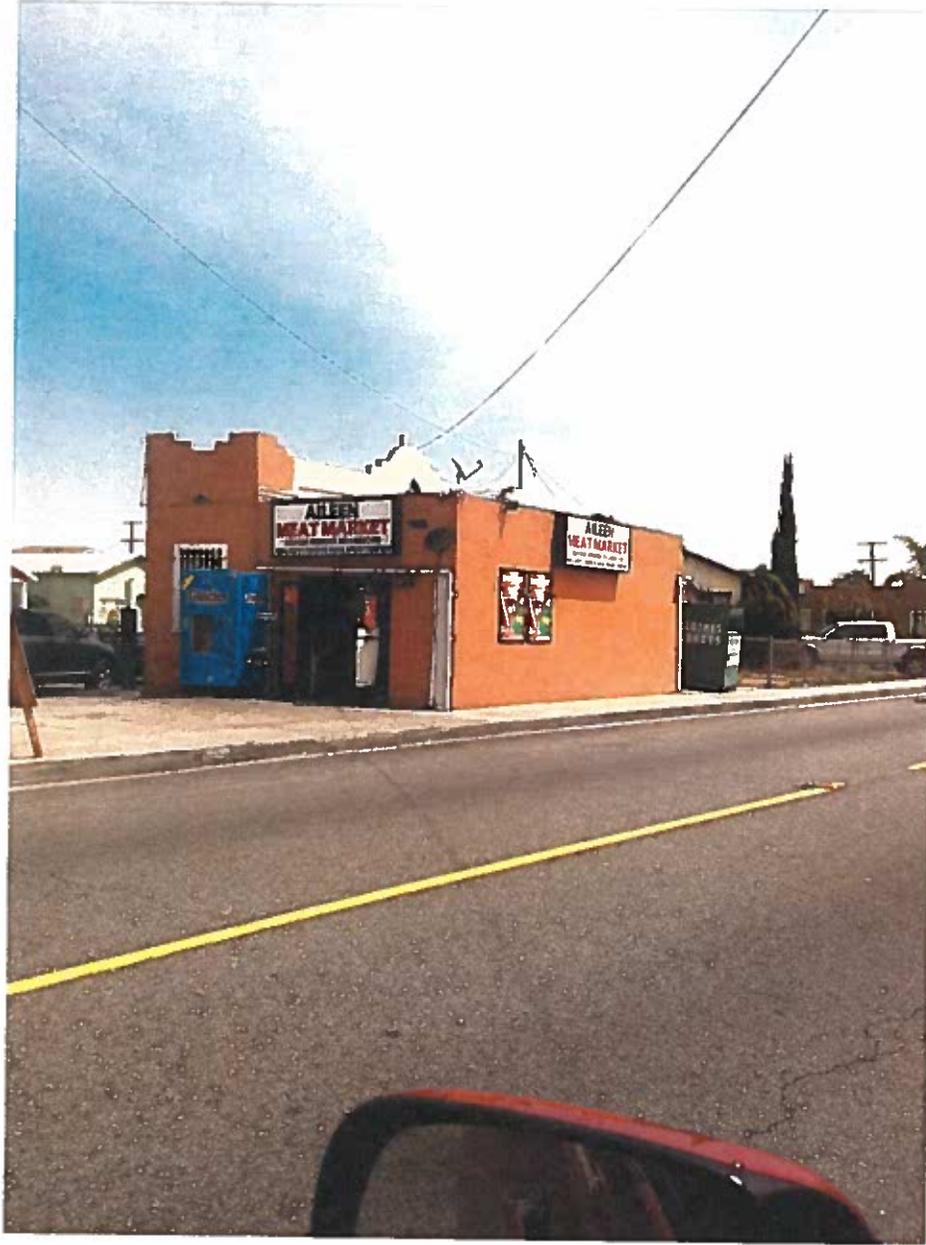
GIS Layers Map

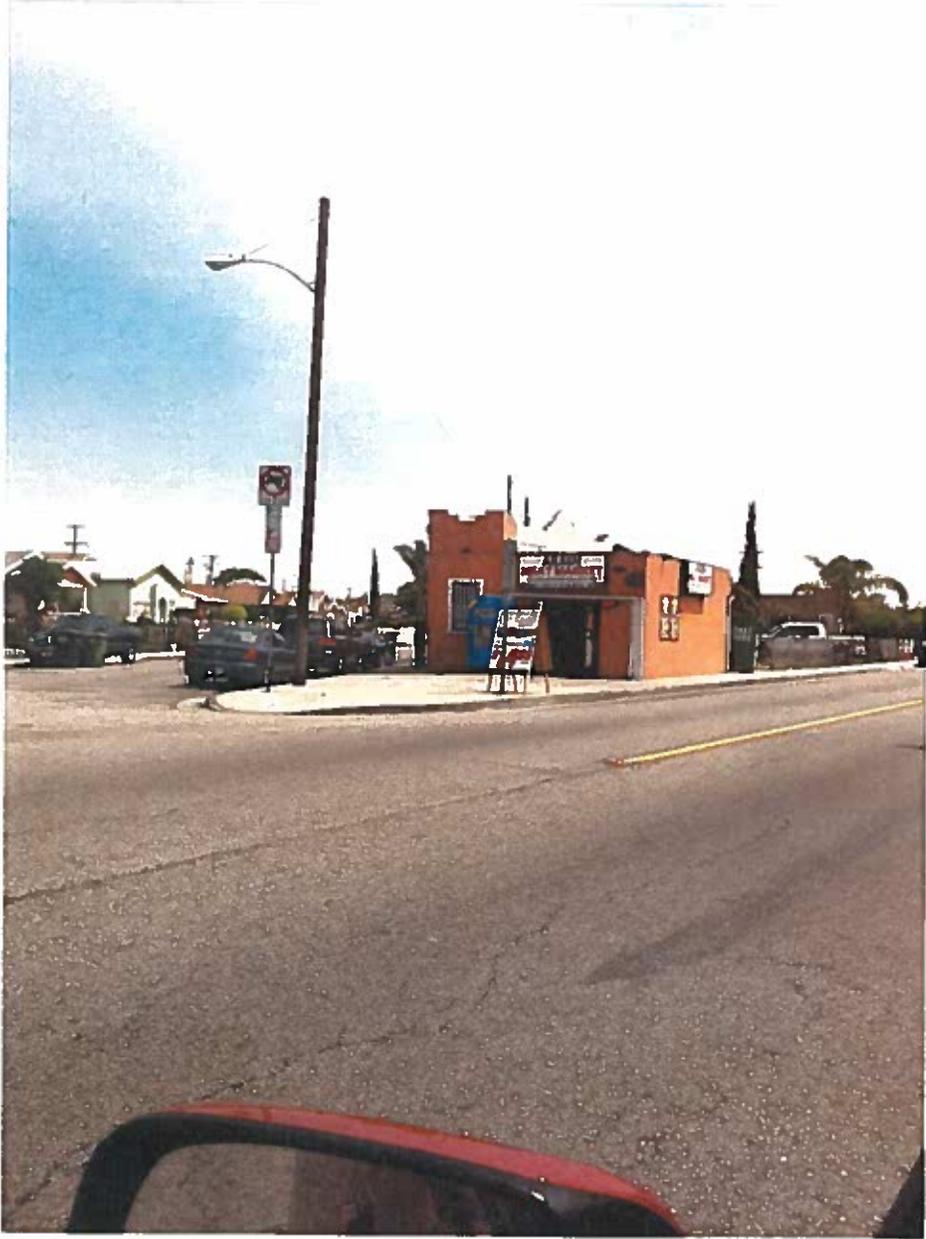
Printed: May 20, 2014

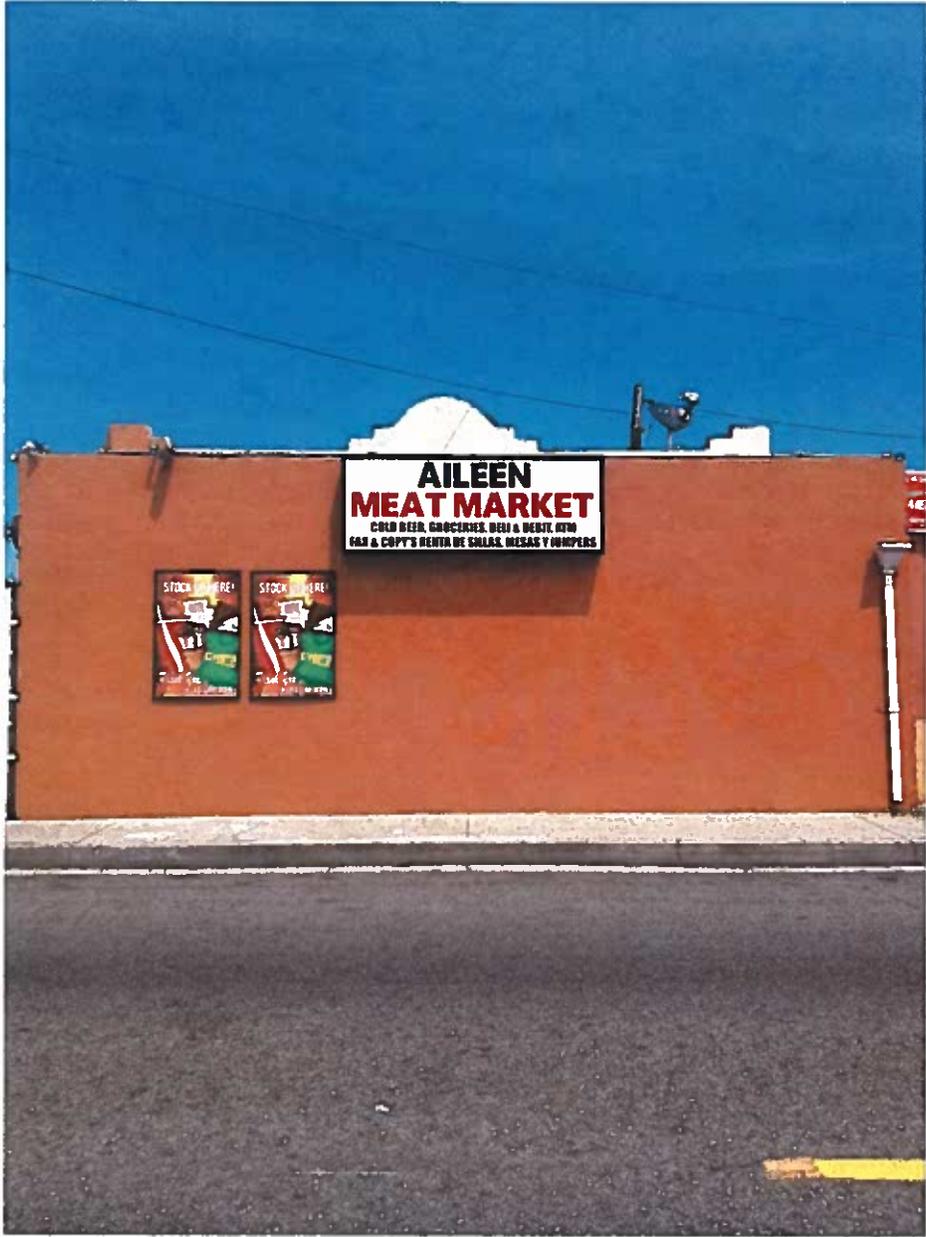


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