



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



July 7, 2015

Richard J. Bruckner  
Director

Bedros Darkjian  
2411 East Foothill Boulevard  
Pasadena, CA 91107

**REGARDING: PROJECT NO. R2015-00969-(5)  
NONCONFORMING REVIEW NO. 201500002  
1633 NORTH ALTADENA DRIVE, ALTADENA (APN: 5853-007-008)**

Hearing Officer Susan Tae, by her action of **July 7, 2015**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **July 21, 2015**. **Appeals must be delivered in person.**

**Appeals:** **To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Anthony Curzi of the Zoning Permits North Section at (213) 974-6443, or by email at [acurzi@planning.lacounty.gov](mailto:acurzi@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

  
Robert Glaser, Acting Supervising Regional Planner  
Zoning Permits North Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)  
c: DPW (Building and Safety); Zoning Enforcement

RG:AMC

**FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-00969-(5)  
NONCONFORMING REVIEW NO. 201500002**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Nonconforming Review No. 201500002 ("NCR") on July 7, 2015.
2. The permittee, 1633 Altadena LLC ("permittee"), requests the NCR to continue the operation and maintenance of an Arco automobile service station ("Project") on a property located at 1633 North Altadena Drive in the unincorporated community of Altadena ("Project Site") in the R-3 (Limited Multiple Residence) Zone pursuant to Los Angeles County Code ("County Code") section 26.56.1550.
3. The Project Site is 0.46 acres in size and consists of three legal lots. The Project Site is rectangular in shape with flat topography and is developed with the Arco automobile service station.
4. The Project Site is located in the Altadena Zoned District and is currently zoned R-3.
5. The Project Site is located within the LD (Low Density) land use category of the Altadena Community Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
  - North: R-1-7,500 (Single Family Residence – 7,500 Square Foot Minimum Required Lot Area)
  - South: R-3
  - East: R-1-7,500
  - West: R-1-7,500
7. Surrounding land uses within a 500-foot radius include:
  - North: Single-family residences
  - South: Multi- and single-family residences
  - East: Single-family residences
  - West: Single-family residences
8. The automobile service station was originally constructed in 1949 when the Project Site was zoned C-2 (Neighborhood Business), and the Project Site was rezoned R-3 on May 9, 1950 by Ordinance No. 5541. Zone Exception Case No. 7813 established the current service station in 1965 when the original service station was demolished. NCR 00-179-(5) reauthorized the use on February 20, 2001 until January 23, 2016. The Altadena Community Standards District (CSD) was adopted on August 11, 1998 by Ordinance No. 98-0043.

9. The site plan for the Project depicts the subject property with the Arco automobile service station located at the southwest intersection of New York Drive and Altadena Drive. Four driveways are depicted, two each on New York Drive and Altadena Drive. The driveways are separated with landscaped buffers. Eight gasoline dispensing pumps, four each under two canopies, are depicted. One canopy is near New York Drive and the other canopy is near Altadena Drive.

The building housing the garage, office, and convenience market is depicted in the center of the property and measures 26 feet, 2 inches by 55 feet, 9 inches. The disabled parking space with eight-foot loading buffer is depicted immediately to the north of this building. Nine parking spaces are depicted along the southern property line, and seven parking spaces are depicted along the western property line. North, south, east, and west elevations of the building are also depicted.

10. The Project Site is accessible via Altadena Drive to the east. Primary access to the Project Site will be via an entrance/exit on Altadena Drive. Secondary access to the Project Site will be via an entrance/exit on New York Drive.
11. The Project will provide a total of 17 parking spaces, including one disabled-accessible space.
12. No comments from County Departments were received.
13. 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 operation and maintenance of an existing automobile service station with no expansion of use beyond that which previously existed.
14. 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 hearings by mail, newspaper, and property posting.
15. A letter in support of the Project from the public was received.
16. A duly-noticed public hearing was held before the Hearing Officer. Staff presented the case and recommended approval. The Hearing Officer asked staff to clarify days of operation for the garage. Staff responded that he believed that the garage was closed on Sundays. The applicant's representative, Bedros Darkjian, confirmed that the garage was closed on Sundays, stated that he agreed to the Project conditions, and requested a longer grant term than that recommended by Staff. The Hearing Officer stated that she believed that the Project met the burden of proof for and NCR and agreed to the applicant's request for a longer grant term. The Hearing Officer then closed the public hearing, found the Project categorically exempt, and approved the NCR with a 20-year grant term.

17. The Project Site is located within the LD (Low Density) land use category of the Altadena Community Plan ("Community Plan"). This designation is intended for single-family residences and other similar types of low-intensity housing with densities ranging from 1.0 to 6.0 dwelling units per acre. The service station was established before the adoption of the Community Plan, but it does provide an important service in the neighborhood, is not intrusive in its design, and does not cause nuisances in its operation. The Hearing Officer finds that the project, therefore, consistent with the permitted uses of the underlying land use category.
18. The Hearing Officer finds that R-3 Zones do not permit automobile service stations, either as a permitted or a discretionary use. Therefore, there are no zone development standards that are applicable to the use.
19. The Hearing Officer finds that while there are CSD development standards pertaining to properties in the R-3 Zone regarding height limits, side yards, and landscaping, they are applicable to residential uses like apartment houses. In any case the Arco service station was constructed before the adoption of the Altadena CSD. Therefore, the CSD regulations are not applicable to the existing use.
20. The automobile service station has been maintained in excellent condition through the years and its design and operation is compatible with the neighborhood. The facility provides an important service and convenience to the community, and has not caused a nuisance to the area.

Therefore, the Hearing Officer finds that to require 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.

21. The automobile service station has existed for decades at the subject site. It is well-buffered from neighboring residential uses and is located at the intersection of two major thoroughfares. No expansions or modifications are requested and the use will continue to operate as it has been.

Therefore, the Hearing Officer finds that the use will not adversely affect the health, peace or welfare of persons residing or working in the surrounding area.

22. The automobile service station is well-buffered from nearby residential uses and does not negatively affect neighboring properties.

Therefore, the Hearing Officer finds that the use will not be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site.

23. The automobile service station was legally established at the subject site when the property was commercially zoned. Its location at the intersection of two major thoroughfares insures that the use does not negatively impact others

Therefore, the Hearing Officer finds that the use will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

24. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the NCR to 20 years.
25. 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 a library located in the vicinity of Altadena community. On May 27, 2015, a total of 295 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 1,000-foot radius from the Project Site, as well as three notices to those on the courtesy mailing list for the Altadena Zoned District and to any additional interested parties.
26. 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 North Section, Department of Regional Planning.

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

- A. That to require 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 proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.
- C. The proposed use at the site will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site.
- D. The proposed use at the site the use will 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 No. 201500002, subject to the attached findings and conditions.

**ACTION DATE: July 7, 2015**

**RG:AMC  
July 7, 2015**

**c: Zoning Enforcement, Building and Safety**

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-00969-(5)  
NONCONFORMING REVIEW NO. 201500002**

**PROJECT DESCRIPTION**

The project is a request to continue the operation and maintenance of an existing Arco automobile service station located in the R-3 (Limited Multiple Residence) Zone, comprised of eight gasoline-dispensing pumps, a three-car garage, a convenience market, and 17 vehicle parking spaces, 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 Conditions No. 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 7, 2035.** 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 automobile service station 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 **\$2,000.00**. 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 **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 the Fire 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 7, 2015.
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 and maintenance of an automobile service station in the R-3 Zone, located at 1633 Altadena Drive in the unincorporated community of Altadena.
20. Operating hours for the on-site convenience store and gasoline refueling station shall be from 6:00 a.m. to 10:00 p.m. Monday through Sunday, and, for the automobile service garage, from 7:00 a.m. to 6:00 p.m, Monday through Saturday.
21. No automobile repairs shall be permitted outside the confines of the indoor garage.