



May 3, 2016

Vicky Woo
790 Redondo Avenue
Long Beach, CA 90804

Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

**REGARDING: PROJECT NO. R2015-01405-(2)
NON-CONFORMING REVIEW NO. RPPL2015000212
12003 BERENDO AVENUE (APN 6089-003-015)**

Hearing Officer Gina Natoli, by her action of May 3, 2016, 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 **May 17, 2016. 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 Shaun Temple of the Zoning Permits West Section at (213) 974-6462, or by email at stemple@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


Mi Kim, Supervising Regional Planner
Zoning Permits West Section

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

MKK:sct

CC.060412

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
R2015-01405-(2)
NONCONFORMING REVIEW NO. RPPL2015000212**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Nonconforming Review No. RPPL2015000212 ("NCR") on May 3, 2016.
2. The permittee, Chesley Chao ("permittee"), requests the NCR to authorize the continued use of an existing, nonconforming 5,000-square-foot, two-story, seven-unit apartment building ("Project") on a property located at 12003 Berendo Avenue in the unincorporated community of West Athens-Westmont ("Project Site") in the R-1 (Single-Family Residence) Zone pursuant to Los Angeles County Code ("County Code") Section 22.56.1510.
3. The Project Site is 7,723 square feet in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with a seven-unit apartment building.
4. The Project Site is located in the West Athens-Westmont Zoned District and is currently zoned R-1.
5. The Project Site is located within the RD 2.3 (Single Family Residence – 1 to 8 dwelling units per acre) land use category of the West Athens-Westmont Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: R-1
 - South: R-1
 - East: R-1 and C-2 located along Vermont Boulevard
 - West: R-1
7. Surrounding land uses within a 500-foot radius include:
 - North: Single and multi-family residences and an elementary school
 - South: Single and multi-family residences
 - East: Single and multi-family residences and a church
 - West: Single and multi-family residences
8. Building permits established the structure as legally built in 1963 in the R-4 Zone. In 1990, the subject property was rezoned to R-1 as part of the adoption of the West Athens-Westmont Community Plan.
9. The site plan for the Project depicts a 5,000-square-foot, two-story, seven-unit apartment building. There are 11 covered parking spaces (dingbat-style carports).

The remainder of the lot is made up of the driveways leading to the parking spaces with everything else landscaped with grass, trees, and shrubs.

10. The Project Site is accessible via 120TH Street to the north, Berendo Avenue to the east, and 121st Street to the south.
11. An apartment building with seven two-bedroom units would require 11 covered parking and four uncovered parking spaces. The project provides 11 covered (dingbat-style carports) parking spaces and no uncovered parking spaces and therefore is non-conforming due to parking. The requested NCR would allow the continued use with nonconforming parking provided that it was legally established. The building was constructed in 1963 to the standards of its day, when uncovered parking was not required.
12. As the project is for the continued use of an existing apartment building with no proposed changes, other County departments did not require review of this request.
13. Regional Planning staff has determined 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 use of an existing apartment building with no proposed changes.
14. Staff has not received any comments from the public.
15. A duly noticed public hearing was held on May 3, 2016 before the Regional Planning Hearing Officer. The Hearing Officer asked staff if the property had any calls for service to the Sheriff's Department. Staff reported that in the past five years that the property had received an average of ten calls per year with the majority being calls for disturbance relating to arguments and that the Sheriff had no real concern with the continuing use of the property. The Hearing Officer requested that staff change condition 10 to read that two inspections should be conducted, one in 2031 and one in 2045. No testimony was presented by the applicant or the public. The Hearing Officer closed the public hearing and approved NCR No. RPPL2015000212 with conditions.
16. The Hearing Officer finds that the apartment building is a legally nonconforming use in the RD 2.3 (Single-Family Residence – 1 to 8 dwelling units per acre) land use category of the West Athens-Westmont Community Plan and legally nonconforming in the R-1 (Single-Family Residence) Zone, both of which are intended for single-family housing. Section 22.56.1510 of the County Code allows that a nonconforming use that was legally established to the standards of its time 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. This building was legally permitted and

constructed in 1963 when the parcel was zoned R-4 and the area was intended for a mix of single- and multi-family residences.

17. The Hearing Officer finds that the apartment building is legally nonconforming due to parking. The apartment building has seven two-bedroom units and per the standards of today would require 11 covered parking and four uncovered parking spaces. The project provides 11 covered parking spaces and no uncovered parking spaces. However, the building was legally constructed in 1963 to the standards of its day, when uncovered parking was not required.
18. The Hearing Officer finds that the Project is conforming to all other development standards, aside from parking, for the R-1 Zone and the West Athens-Westmont Community Standards District (CSD). The apartment building is below the maximum height limit of 35-feet at 19-feet, 8-inches; it meets yard requirements with a 22-foot, 6-inch front yard, a 5-foot interior yard, a 7-foot, 6-inch side yard, and a 16-foot, 4-inch rear yard; and that 64 percent of the front yard area is landscaped, which meets the minimum requirement of being 50 percent landscaped per the West Athens-Westmont CSD.
19. The Hearing Officer finds that the apartment building was legally established in 1963 when the property was zoned R-4. The County rezoned the property to R-1 in 1990 as part of the adoption of the West Athens-Westmont Community Plan. The property has operated since then without any change. Therefore, the property is a legal nonconforming use and the cessation of the current use would impair the property rights of the owners to such an extent as to be an unconstitutional taking of the property.
20. 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 apartment building was established on the project site approximately 53 years ago and has operated since then in good standing without community complaints or history of zoning violations.
21. The Hearing Officer finds that the Project is not materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site. The area is zoned R-1; however, there are several multi-family residences located in the vicinity that were constructed prior to the 1990 zone change. The site is well maintained and there is landscaping in the form of trees, shrubs, and grass around the property.
22. 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 apartment building is a residential use that has been operating in good standing for 53 years.

23. The Hearing Officer finds that this apartment building as a Type V structure has a 35-year amortization period following the 1990 rezoning to R-1, which would allow the continuance of the use until 2025 before an NCR is required. However, while pursuing a business license from the Treasurer and Tax Collector to operate an apartment building, the applicant was referred to Regional Planning to obtain the proper permit for the continued use of an apartment building in the R-1 Zone. Staff determined that even though the NCR was not necessary until 2025 to process the permit since fees were paid and the materials were submitted. As the apartment building has nine years remaining on the amortization, Regional Planning is adding these nine years to the NCR-20 year grant term issued to ensure continued compatibility between the Project and the surrounding land uses for a total grant term of 29 years.
24. 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 West Athens-Westmont community. On March 28, 2016, a total of 88 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 five notices to those on the courtesy mailing list for the West Athens-Westmont Zoned District and to any additional interested parties.
25. 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 RPPL2015000212, subject to the attached conditions.

ACTION DATE: May 3, 2016

MKK:sct
5/3/16

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
R2015-01405-(2)
NONCONFORMING REVIEW NO. RPPL2015000212**

PROJECT DESCRIPTION

The project is for a Nonconforming Use, Building, and Structure Review (NCR) to allow the continued operation of a seven-unit apartment building 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 May 3, 2045.** 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 apartment building 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 \$400.00. 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 two (2) inspections. One inspection shall be conducted in 2031 and one inspection shall be conducted in 2045. 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 County 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 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 **July 5, 2016**.
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 use of a legally, nonconforming seven-unit apartment building in the R-1 Zone.
20. The permittee shall provide a minimum of eleven (11) parking spaces.
21. Structures on the property shall be well maintained. Fences and walls shall be kept in good repair. Structures shall be repainted as necessary to replace faded or peeling paint. The driveway shall remain free of cracks.
22. All open areas and yards on the subject property must be continually well-maintained and free of all litter and debris.
23. No banners or other advertisements shall be displayed on the property.
24. Waste and recycling receptacles or other items of any type shall not block vehicular access and parking areas.