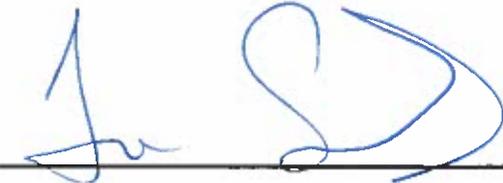


Hearing Officer Transmittal Checklist

Hearing Date
05/03/2016
Agenda Item No.
5

Project Number: R2015-01405-(2)
Case(s): Non-Conforming Review No. RPPL2015000212
Environmental Assessment Case No. 201500101
Planner: Shaun Temple

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions + Other department letters of recommended conditions
- Previous CUP Conditions of Approval
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- 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**

R2015-01405-(2) May 3, 2016

REQUESTED ENTITLEMENTS

Nonconforming Review No. RPPL2015000212
 Environmental Assessment No. 201500101

PROJECT SUMMARY

OWNER / APPLICANT

Chesley Chao

MAP/EXHIBIT DATE

September 21, 2015

PROJECT OVERVIEW

The applicant is requesting to continue the use of an existing, nonconforming 7-unit apartment building in the R-1 (Single-Family Residence) Zone. The apartment building was legally built in 1963. There are no proposed changes to the existing site.

LOCATION

12003 Berendo Avenue

ACCESS

120th Street, 121st Street, Berendo Avenue

ASSESSORS PARCEL NUMBER(S)

6089-003-015

SITE AREA

7,723 Square Feet

GENERAL PLAN / LOCAL PLAN

West Athens-Westmont Community Plan

ZONED DISTRICT

West Athens-Westmont

LAND USE DESIGNATION

RD2.3 – Single Family Residence (1 to 8 du/ac)

ZONE

R-1 (Single Family Residence)

PROPOSED UNITS

None

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

West Athens-Westmont

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the West Athens-Westmont Community 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)
 - 22.44.120 (West Athens-Westmont CSD requirements)
 - 22.20.110, et seq (R-1 Zone Development Standards)

CASE PLANNER:

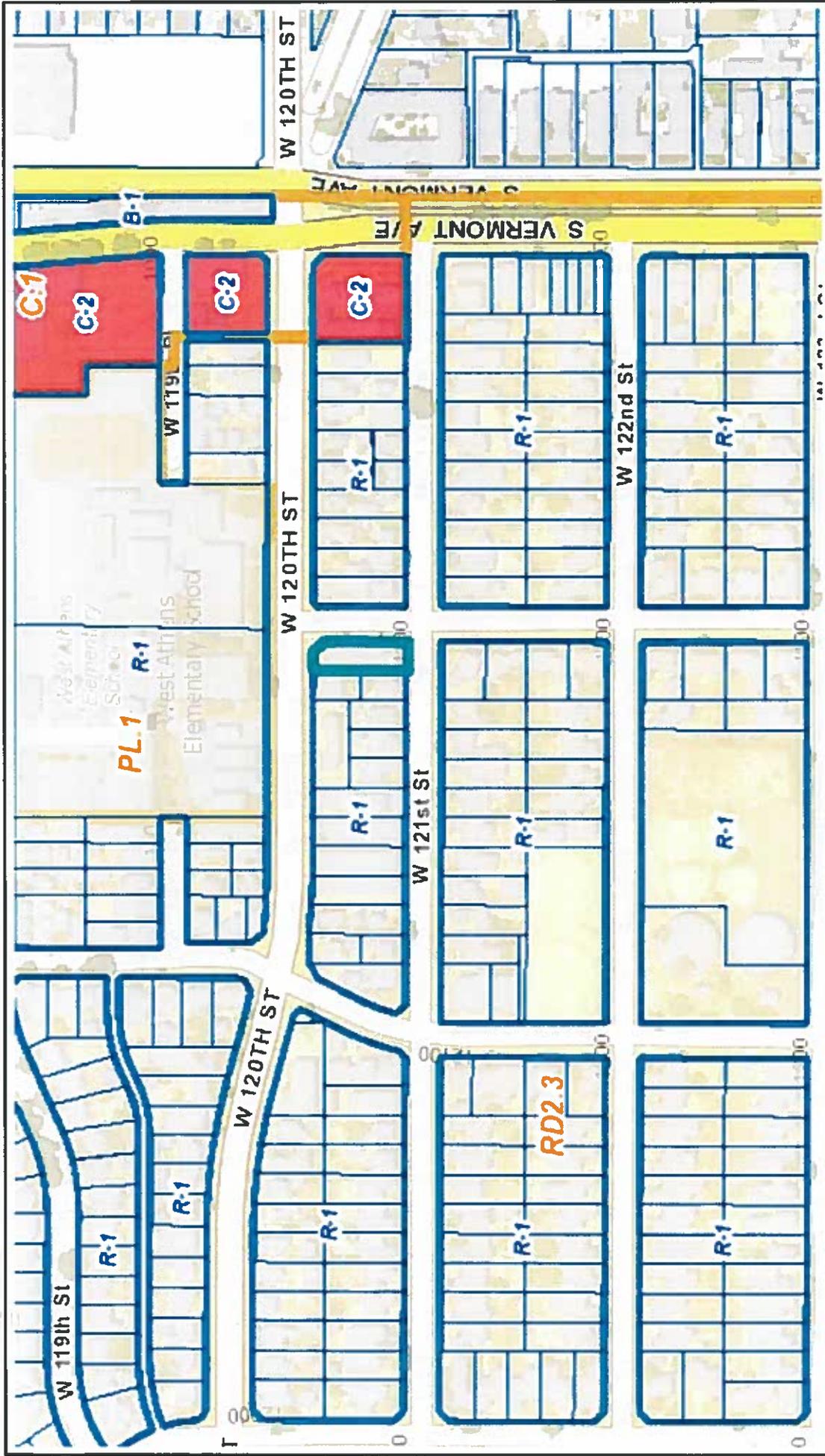
Shaun Temple

PHONE NUMBER:

(213) 974 - 6462

E-MAIL ADDRESS:

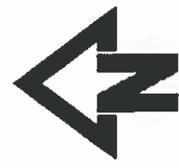
stemple@planning.lacounty.gov



12003 Berendo Avenue Property Location Map

Printed: Apr 20, 2016

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ENTITLEMENTS REQUESTED

- Nonconforming Use, Building, and Structure Review for the continued operation of an existing, nonconforming 7-unit apartment building in the R-1 (Single-Family Residence) Zone pursuant to County Code Section 22.56.1510.

PROJECT DESCRIPTION

The existing 5,000 square foot, 2-story, 7-unit apartment building was legally built in 1963 when the property was located in the R-4 Zone. In 1990, the area was rezoned as R-1 as part of the adoption of the West Athens-Westmont Community Plan. An apartment building is not a permitted use in the R-1 Zone. Therefore, the existing apartment building was legally established and is a legal nonconforming use in the R-1 Zone.

As a Type V residential structure there is a 35-year amortization period that would allow the continuance of this use until 2025 (35 years following the 1990 zone change) before a Nonconforming Review (NCR) is required. However, while pursuing a business license from the Treasury 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 9 years remaining on the amortization, Regional Planning is adding these 9 years to the NCR 20 year grant term for a total of 29 years.

EXISTING ZONING

The subject property is zoned R-1 (Single Family Residence).

Surrounding properties are zoned as follows:

North: R-1
South: R-1
East: R-1 and C-2 located along Vermont Boulevard
West: R-1

EXISTING LAND USES

The subject property is developed with a 7-unit apartment building.

Surrounding properties are developed as follows:

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

PREVIOUS CASES/ZONING HISTORY

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.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The project is for the continued use of an existing apartment building with no proposed changes. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

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 Community Plan. This designation is intended for single family residential units. The project to continue the use of a multi-family apartment building is not consistent with this land use category. However, 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 and the proposed project is for its continued use without any changes. In addition, while not being consistent with the underlying land category of this property, the apartment is consistent with the following goals of the West Athens-Westmont Community Plan.

The following policies of the West Athens-Westmont Community Plan are applicable to the proposed project:

- *Land Use Goal 1 – To preserve and improve the residential character of the community.*
- *Housing Goal 1 – to preserve existing stable residential neighborhoods.*

The proposed project is the continued use of an existing apartment building that was legally permitted and constructed in 1963. The granting of an NCR for the continued use of this residential structure would preserve the residential character of the local neighborhood.

Zoning Ordinance and Development Standards Compliance

Pursuant to Section 22.20.105, et seq., of the County Code, establishments in the R-1 Zone are subject to the following development standards:

- Height – The apartment building is 19-feet, 8-inches, which is below the maximum height limit of 35-feet.
- Yard Requirements – the apartment building has a 22-foot, 6-inch front yard setback along 120th Street that meets the 20-foot requirement; a 5-foot interior yard setback that meets the 5-foot requirement; a 7-foot, 6-inch side yard setback along Berendo Street that meets the 5-foot setback requirement for corner lots that are not reverse

corner lots; and a 16-foot, 4-inch rear yard setback along 121st Street that meets the 15-foot requirement.

- **Parking** – The apartment building has 7 two bedroom units. Two bedroom units require 1.5 covered and 0.5 uncovered parking spaces per unit. Per Section 22.52.1080, when fractional calculations are 0.5 or greater they shall be construed as a whole. Therefore, 11 covered parking and 4 uncovered parking spaces are required. The project provides 11 covered (dingbat style carports) parking spaces and no uncovered parking spaces and therefore is non-conforming for current parking standards. 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.

Pursuant to Section 22.44.120 of the County Code, establishments in the West Athens-Westmont Community Standards District (CSD) are subject to the following development standards:

- Properties in the R-1 Zone shall be neatly maintained and free of debris, overgrown weeds, junk, and garbage. A minimum of 50 percent of the front yard area shall be landscaped and maintained with grass, shrubs and/or trees. The front yard setback, which is along 120th Street, is 1,012.5 square feet in size and is made up of a 360 square foot driveway and a 652.5 square foot landscaped area, which is composed grass with a single palm tree in the middle and some shrubs along the building frontage. As the 652.5 square foot landscaped area is 64-percent of the 1,012.5 square foot front yard setback, the project is conforming to the West Athens-Westmont CSD.

Site Visit

Staff conducted a site visit on March 23, 2016. The property was neatly maintained and free of debris, overgrown weeds, junk, and garbage.

Burden of Proof

The applicant is required to substantiate all facts identified by Section(s) 22.56.1550 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.

Neighborhood Impact/Land Use Compatibility

The project is for the continued use of an existing, 7-unit apartment building in the R-1 Zone. This apartment building was legally built in 1963 according to the standards of its day when the property was zoned R-4. There are several other multi-family structures located in the vicinity that were also built prior to the area being rezoned to R-1 as part of the adoption of the West Athens-Westmont Community Plan in 1990. This apartment building is well maintained and has been in use for 53 years without causing a nuisance in the neighborhood. The continuance of this apartment building does not alter the residential characteristic of the area. There are no proposed changes for the project, so the approval of this NCR will not create any new impacts of concern.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

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.

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 from the public 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 RPPL2015000212, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE RPPL2015000212 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Shaun Temple, Senior Regional Planning Assistant, Zoning Permits West Section

Reviewed by Mi Kim, Supervising Regional Planner, Zoning Permits West Section

Attachments:

Draft Findings, Draft Conditions of Approval

Applicant's Burden of Proof statement

Site Photographs

Site Plan

MKK:sct

April 20, 2016

**DRAFT 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, 2-story, 7-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 7-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 RD2.3 (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, 2-story, 7-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 7 two bedroom units would require 11 covered parking and 4 uncovered parking spaces. The project provides 11 covered (dingbat style carports) parking spaces and 0 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. 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. Staff has not received any comments from the public.
16. [Reserved for Hearing Proceedings]
17. 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.
18. The Hearing Officer finds that the apartment building is legally nonconforming due to parking. The apartment building has 7 two bedroom units and per the standards of today would require 11 covered parking and 4 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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 without a history of complaints.
24. 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 Treasury 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 9 years remaining on the amortization, Regional Planning is adding these 9 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.

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 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 5 notices to those on the courtesy mailing list for the West Athens-Westmont 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 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
4/20/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT 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 7-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 \$200.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for one (1) inspection. 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 7-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.



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 apartment building was legally built in 1963 and there hasn't been any changes other than the zoning that los angeles county changed. there are other apartment buildings in the area.

- 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 other wise required in order to integrate said use with the uses in surrounding area.**

Yes, there are eleven parking spaces for the seven units. there is grass landscaping with trees and shrubs around the property.

- 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.

Yes. the building is surrounded by three roads. the property has been in use for over 50 years and is properly connected to public services.

- 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.**

Yes. I would lose the apartment building that has been in use for over 50 years and the tenants would all have to be evicted and would lose their homes.

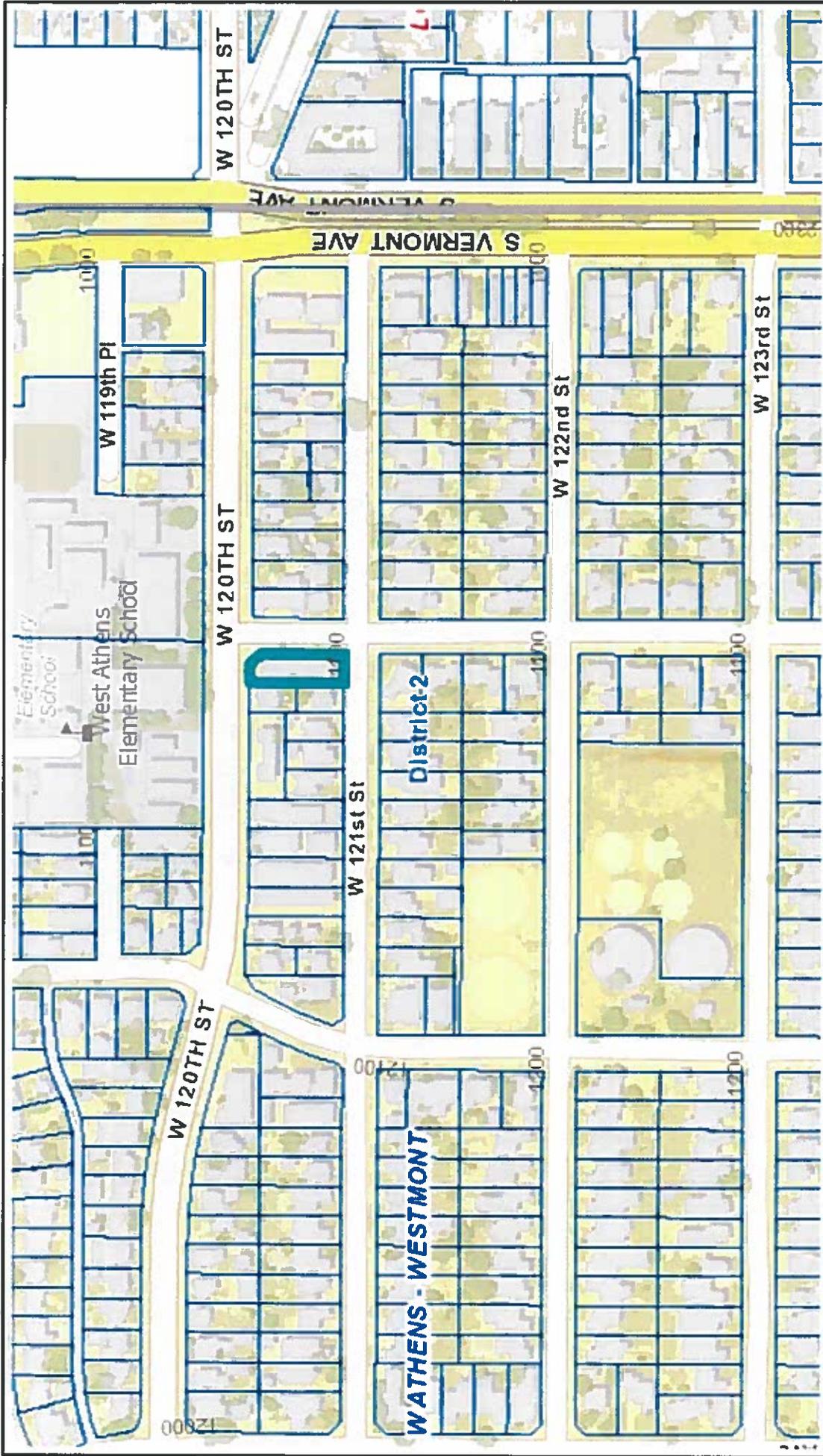
- E. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.**

Continuing the use of this apartment would continue how things have been for the past 50 years. it would not change anything about the neighborhood.









12003 Berendo Avenue Property Location Map

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