



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

June 17, 2015

EMILIO GUTIERREZ  
3950 W. IMPERIAL HIGHWAY  
INGLEWOOD, CA 90303

**REGARDING: PROJECT NO. R2014-01386-(2)  
5053 W. 109<sup>th</sup> Street**

The Los Angeles County Regional Planning Commission (Commission), by its action of **June 17, 2015**, has **APPROVED** the above-referenced project. Enclosed are the Commission'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.

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **June 29, 2015. Appeals must be delivered in person.**

**Appeals:**

**To file an appeal, please contact:**  
Executive Office of the Board of Supervisors  
Room 383, Kenneth Hahn Hall of Administration  
500 West Temple Street, Los Angeles, CA 90012  
(213) 974-1426

For questions or for additional information, please contact Marie Pavlovic of the Land Divisions Section at (213) 974-6433, or by email at mpavlovic@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

Nooshin Paidar, Supervising Regional Planner  
Land Divisions Section

Enclosures: Findings & Conditions of Approval

c: Board of Supervisors; DPW (Building and Safety)

NP:MP

**FINDINGS OF THE REGIONAL PLANNING COMMISSION  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01386-(2)  
VESTING TENTATIVE PARCEL MAP NO. 072771  
HOUSING PERMIT NO. 201400006**

1. **HEARING DATE(S).** The Los Angeles County (“County”) Regional Planning Commission (“Commission”) conducted a duly-noticed public hearing on June 17, 2015, in the matter of Project No. R2014-01386, consisting of Vesting Tentative Tract Map No. TR072771 (“VTTM”) and Administrative Housing Permit No. 201400006. The Tentative Map and Housing Permit are referred to collectively as the “Project Permits.”
2. **ENTITLEMENT(S) REQUESTED.** The applicant requests a Vesting Tentative Tract Map (“VTTM”) to create one multi-family lot through the conversion of 17 apartment units (currently under construction) to condominium units on 0.69 gross (0.59 net) acres, pursuant to County Code Section 21.38.010. The applicant also requests an administrative housing permit, pursuant to County Code Section 22.56.2690 and 22.52.1830, to receive a 35% density bonus by setting aside two units (16.7% of the baseline density) for very low income households.
3. **LOCATION.** The project site is located at 5053 West 109th Street in the community of Lennox.
4. **PROJECT DESCRIPTION.** The applicant requests to create one multi-family lot through the conversion of 17 apartment units to condominium units on 0.69 gross (0.59 net) acres. The applicant also requests an administrative housing permit to receive a 35% density bonus (5 units) by setting aside two units (16.7% of the pre-density bonus density) for very low income households. Construction of the 17 unit apartment complex is currently underway. The proposed conversion will not increase density or physically change the site design, with the exception of proposed roof-mounted air conditioning units. The project site uses West 109<sup>th</sup> Street for ingress/egress.
5. **TOPOGRAPHY.** The Project Site is 0.69 gross acres (0.59 net acres) in size and consists of one legal lot. The Project Site is essentially rectangular in shape with the southerly lot line taking on the curvature of the cul-de-sac. The subject property is flat and the 17-apartment units are under construction.
6. **ZONING.** The Project Site is located in the Lennox Zoned District and is currently zoned R-3 (Limited Multiple Residence).
7. **LAND USE CLASSIFICATION.** The Project Site is located within the Major Industrial (I) land use category of the General Plan’s Land Use Policy Map.
8. **SURROUNDING ZONING.** Surrounding Zoning within a 500-foot radius include:

North: R-2  
South: R-3  
East: R-A  
West: R-3 & R-2

9. **SURROUNDING LAND USES.** Surrounding land uses within a 500-foot radius include:

North: Education and Technical Training Center for Youths, single and multi-family residences  
South: Lennox Middle School  
East: single-family residences, apartments, Buford Elementary School  
West: warehouse and a mix of industrial uses

10. **PREVIOUS CASES/ZONING HISTORY.** The property was originally zoned A-1, then rezoned to R-2 in 1949, and rezoned again to R-3 in 1956.

A Tentative Tract Map application No. 53740 was filed in 2001 for 12 detached condominium units but was withdrawn in 2011. On April 1, 2012, Plot Plan No. 201100856 and Administrative Housing Permit No. 201100003 were approved authorizing a 17-unit apartment development with 34 covered parking spaces and 4 uncovered guest spaces. The Administrative Housing Permit authorized a 35% density bonus (5 units) in exchange for the set-aside of two units (16.7% of the baseline density) for very-low income households. As a result, the project was approved for a total of 17 units.

11. **SITE PLAN DESCRIPTION.** The tentative tract map dated February 24, 2015 depicts four buildings with a private driveway and fire lane separating buildings 1 and 2 from buildings 3 and 4. Four uncovered guest parking spaces, two of which are ADA accessible, are shown in the center of the project site between the buildings. Pedestrian walkways that parallel the easterly and westerly property lines connect to 109<sup>th</sup> Street and provide pedestrian access to the rear yard.
12. **AFFORDABLE HOUSING.** Administrative Housing Permit No. 201100003, approved in 2012, authorized a density bonus of 35% or 5 units by setting aside 2 rental units (16.7% of the pre-density bonus density) for very low income households. The subject Administrative Housing Permit associated with this Vesting Tentative Tract Map would convert the 2 rental units to for-sale units. The duration of the affordability must be observed for 55 years starting from the building(s) certificate of occupancy issuance date.
13. **SITE ACCESS.** West 109<sup>th</sup> Street provides access to the subject site and a private driveway and fire lane provides internal access to the four buildings.

14. **PARKING.** Each unit has a ground floor garage that provides two covered parking spaces. The development also provides 4 uncovered parking spaces, two of which are ADA spaces.
15. **INTERNAL CIRCULATION.** A private driveway and fire lane that cuts through the middle of the development provides access into and through the site. The driveway provides direct access to the individual garages, like an alley. The pedestrian walkways are located along the easterly and westerly property lines which provide access to the front door of the units.
16. **PRE-RPC HEARING PROCEEDINGS.** None.
17. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The conditions of the Subdivision Committee, comprised of the Departments of Regional Planning, Public Works, Fire, Parks and Recreation, and Public Health, are based on the map dated February 24, 2015.
18. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS**  
The Community Development Commission ("CDC") supports the affordable housing project based on information provided by the applicant.
19. **CEQA.** Prior to the Commission'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 conversion of existing apartments to condominiums with negligible or no expansion of use beyond that which was previously existing.
20. **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.
21. **PUBLIC COMMENTS.** Staff has not received any public comments at this time.
22. **HEARING PROCEEDINGS.** At the June 17, 2015 public hearing, the Commission heard a presentation from staff as well as testimony from the applicant regarding the proposed development. Staff pointed out that the apartment development is under construction and the condominium conversion request is in keeping with the existing land use pattern. The Commission closed the public hearing and approved the project.
23. **PLAN CONSISTENCY.** The General Plan designates the project site as I (Major Industrial). The General Plan allows non-industrial uses within the Major Industrial

classification if the proposed use is compatible with the existing land use pattern of the area. Therefore, the proposed residential condominium use is in keeping with the surrounding residential uses which consist of apartments, single-family residences, and schools. The existing density of 17 units was previously analyzed during the plot plan and associated housing permit review. A baseline density of 12 units was established through a density study of surrounding densities within 500 feet of the site. A density bonus of 5 units (35% of baseline density) was granted in exchange for setting aside 2 units in accordance with the Density Bonus Ordinance Program of the General Plan's Housing Element. Thus, the proposed density is consistent with policies of the General Plan.

24. **ZONING CODE CONSISTENCY.** The project site is located in the R-3 (Limited Multiple Residence) Zone. Townhouses are permitted by right within this zone. The proposed project complies with all development standards of the R-3 Zone including yard/setback requirements, distances between buildings, parking, and height. Additionally, the tops of the proposed roof-mounted air-conditioning units are depicted to reach 34½ feet, just under the maximum height of 35 feet.
25. **FINDINGS – LAND USE COMPATIBILITY.** The Regional Planning Commission finds that the proposed subdivision and the provisions for its design and improvements are consistent with the goals and policies of the Los Angeles County General Plan. The project increases the supply of housing and promotes the full use of existing service systems.
26. **FINDINGS – PHYSICAL SITE SUITABILITY.** The Regional Planning Commission finds that the site is physically suitable for the type of development being proposed since the property is relatively level and is served by adequate road and utility infrastructure.
27. **FINDINGS – SEWER DISCHARGE.** The Regional Planning Commission finds that the discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (Commencing with Section 13000) of the Water Code. Public Works has issued conditional approval of the subject land division, and sewer service is available for the site.
28. **FINDINGS – DESIGN IMPACT – PUBLIC HEALTH.** The Regional Planning Commission finds that the design of the subdivision and the type of improvements will not cause serious public health problems, since sewage disposal, storm drainage, fire protection, and geologic and soils factors are already adequately addressed.
29. **FINDINGS – WILDLIFE/HABITAT IMPACTS.** The Regional Planning Commission finds that there is no substantial evidence, based on the record as a whole, that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which, either individually or cumulatively, the wildlife depends.

The proposed subdivision is on a relatively small site completely surrounded by developed land and does not contain any sensitive wildlife or habitat environments.

30. **FINDINGS – PASSIVE COOLING.** The Regional Planning Commission finds that the design of the subdivision provides to the extent feasible, for future passive or natural heating or cooling opportunities therein. Future structures built on the subject property after subdivision recordation will be required to comply with State and County Green Building standards, which regulate the heating and cooling efficiency of structures for the benefit of the natural environment.
31. **FINDINGS – RIGHTS-OF-WAY/EASEMENTS.** The Regional Planning Commission finds that the division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the tentative map, provide adequate protection for any such easements.
32. **FINDINGS – WATERCOURSE IMPACT.** The Regional Planning Commission finds that Pursuant to Article 3.5 of the Subdivision Map Act, the proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.
33. **FINDINGS – HOUSING/EMPLOYMENT NEEDS.** The Regional Planning Commission finds that the housing and employment needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the General Plan.
34. **FINDINGS – LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Commission'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 Land Divisions Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:**

- A. That the proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. That 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, will not

be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

- C. 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 Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**THEREFORE, THE REGIONAL PLANNING COMMISSION:**

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 Vesting Tentative Parcel Map No. 072771 and Administrative Housing Permit No. 201400006, subject to the attached conditions.

**ACTION DATE: 06/17/2015**

**Vote: 5:0**

Yes: Valadez, Louie, Pincetl, Pedersen, Modugno

No:

Absent:

NP:MP

06/17/15

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2014-01386-(2)  
VESTING TENTATIVE TRACT MAP NO. 072771**

**PROJECT DESCRIPTION**

The project is a subdivision to create one multi-family lot through the conversion of 17 apartment units (currently under construction) to condominium units on 0.69 gross (0.59 net) acres, 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 until all required monies have been paid. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 7 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. In the event that Vesting Tentative Tract Map No. 072771 should expire without the recordation of a final map, this grant shall terminate upon the expiration of the tentative map. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect.
8. 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.
9. Prior to the issuance of any building permit(s), the permittee shall remit all applicable library facilities mitigation fees to the County Librarian, pursuant to Chapter 22.72 of the County Code. The permittee shall pay the fees in effect at the time of payment, pursuant to Section 22.72.030. Questions regarding fee payment can be directed to the County Librarian at (562) 940-8430. The permittee shall provide proof of payment upon request from Regional Planning.
10. 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.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.

13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions.
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of 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.

#### **PERMIT SPECIFIC CONDITIONS**

The approval grants the conversion of 17 apartment units (currently under construction) to condominium units as depicted on the Vesting Tentative/Exhibit Parcel Map dated February 24, 2015.

16. Unless otherwise apparent from the context, the term "subdivider" shall include the applicant or any successor in interest, and any other person, corporation, or other entity making use of this grant.
17. Except as expressly modified herein, this approval is subject to all recommended conditions listed in the attached Subdivision Committee Report (tentative map dated February 24, 2015), consisting of letters and reports from the Departments of Public Works, Fire, Parks and Recreation, and Public Health.
18. The project site shall be developed and maintained in substantial compliance with the approved tentative/exhibit map dated February 24, 2015.
19. Total building height shall not exceed 35 feet, and roof-mounted air-conditioning units shall not vertically extend above 35 feet.
20. As required by section 21.32.195 of the County Code, the subdivider shall plant or cause to be planted at least five trees of non-invasive species within the front yard of the multi-family residential lot. The location and the species of said trees shall be incorporated into a landscape plan which shall be approved by the Director of Regional Planning ("Director") prior to final map approval. In addition to depicting the five on-site tree plantings, the landscaping plan shall be based on the conceptual map presented at the public hearing held on 06/17/15. The subdivider shall post a

bond with Public Works, or submit other verification to the satisfaction of Regional Planning, ensuring future on-site tree planting.

21. Prior to obtaining final map approval, the subdivider shall record a covenant reserving reciprocal easements for ingress and egress over the common driveway and fire lane for the benefit of the lots served. Provide a copy of the covenant to be recorded to the Department of Regional Planning for review and approval prior to recordation of the document.
22. Prior to final map approval, the subdivider or successor in interest shall enter into a covenant with the Los Angeles County Community Development Commission ("CDC") to set aside two dwelling units for very low income households as defined in California Health and Safety Code Section 50079.5. The two affordable units shall be set-aside for a period of not less than 55 years from the date of issuance of the Certificate of Occupancy. The owner shall register each affordable housing set-aside unit, at the time of sale and certify annually with the CDC thereafter, on or before January 1 of each year, that the affordable housing set-aside units remain in conformance with the terms of the housing permit. The covenant will also specify the location of the two affordable units, to the satisfaction of the Director and CDC. The covenant shall be reviewed and approved by the CDC prior to recordation of the document and a recorded copy of the covenant shall be provided to Regional Planning and the CDC prior to Final Map recordation.
23. The exterior design of the affordable units shall be compatible in appearance in terms of materials and finish with the market-rate units.
24. The permittee shall submit a copy of the Covenants, Conditions, and Restrictions ("CC&Rs") to Regional Planning for review and approval, prior to final map approval.
25. The permittee shall provide language in the CC&Rs stating that after the first dwelling unit is offered for sale, no more than 25% of all units sold shall be subsequently leased by their owners. In addition, the permittee shall provide language in the CC&Rs restricting occupancy of the two affordable units to the eligible household that purchases the unit, and prohibiting leasing of these units.
26. The permittee shall provide language in the CC&Rs describing a method for continuous maintenance of the common areas, including the driveways, landscaping and the lighting system along all walkways and outdoor seating areas, to the satisfaction of the Director.
27. The permittee shall provide vehicle parking spaces as shown in the Vesting Tentative Parcel/Exhibit Map dated February 24, 2015 as well as 11 bicycle parking spaces (2 short-term spaces and 9 long-term spaces) as required by §22.52.1225. The required parking spaces shall be kept available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use. The permittee shall draft CC&Rs that include this statement and provide a method for ensuring continual maintenance and enforcement of required parking spaces, to the satisfaction of the Director.

Attachments:

Subdivision Committee Report (Vesting Tentative/Exhibit Map dated 02-24-15)

NP:MP  
06/17/15