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Agenda No. 17
06/26/07

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012


**Re: PROJECT NUMBER R2005-03784-(2)
CONDITIONAL USE PERMIT NUMBER 2005000248-(2)
SECOND SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding an appeal of the Regional Planning Commission's denial of the above-referenced permit which proposes a single-family residence on an undersized parcel located on South Vermont Avenue in the West Athens-Westmont Zoned District. At the completion of the hearing you indicated an intent to deny the permit and instructed us to prepare findings for denial. Enclosed are denial findings for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By 
RICHARD D. WEISS
Assistant County Counsel
Property Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

RDW/
Enclosures

HOA.464040.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NUMBER R2005-03784-(2)
CONDITIONAL USE PERMIT NUMBER 2005000248-(2)**

1. The applicant requested a conditional use permit for the development of a single-family residence within a commercial zone on an undersized parcel.
2. The subject property is located at 10401 South Vermont Avenue, on the southwest corner of the intersection of Vermont Avenue and 104th Street, within the unincorporated community of West Athens-Westmont, in the West Athens-Westmont Zoned District.
3. The subject property is 3,420 square feet, or 0.08-acres in net size.
4. Vermont Avenue, to the east of the subject property, is a County-designated major highway with 180 feet of right-of-way. 104th Street, located to the north of the property, is a local street with 50 feet of right-of-way.
5. The subject property is zoned C-3 (Unlimited Commercial).
6. The surrounding properties are zoned as follows:

North: C-3, R-2 (Two-Family Residence)
South: C-3, R-2
East: C-2-1VL (Commercial 2 - 45 foot height limit, City of Los Angeles), R1-1
(One Family, City of Los Angeles)
West: R-2
7. The subject property is currently fenced and is developed with a garden, a pay phone, and a 32 square foot (approximately 4' x 8') billboard.
8. Surrounding land uses within 500 feet include:

North: Single-family, duplex, triplex residences, pharmacy, shipping business, commercial, mixed residential and commercial uses
South: Single-family, duplex, triplex residences, commercial, churches
East: Single-family, duplex, triplex residences, community garden, vacant property
West: Single-family, duplex, triplex residences, motel

9. The following land use cases have been filed on the subject property:
 - Plot Plan No. 10131 was approved on April 13, 1960, for the construction of a 20-unit motel with 20 parking spaces. A 2,897-square-foot retail building was proposed as part of the application, but was not approved as part of the request.
 - No zoning enforcement cases have been filed on the property.
10. The subject property is designated as "C.1" or Regional Commercial under the West Athens-Westmont Community Plan. Commercial areas are intended to permit a range of commercial services, including the traditional concepts of community, neighborhood, and highway-oriented commercial uses.
11. The C-3 zone designation of the subject property is consistent with the Regional Commercial land use designation of the West Athens-Westmont Community Plan. The C-3 zone allows residential development subject to discretionary review, public comment, and approval of a conditional use permit.
12. The following policies of the West Athens-Westmont Community Plan are applicable to the subject request:
 - To preserve and improve the residential character of the community (West Athens-Westmont Community Plan, Page 6 - Land Use Goal No. 1).
 - To provide a safe environment for residents (West Athens-Westmont Community Plan, Page 7 - Housing Goal No. 3).
 - To provide for new development which is compatible with and complements existing uses (West Athens-Westmont Community Plan, Page 7 - Housing Goal No. 5).

The Board of Supervisors ("Board") finds that the subject request does not comply with the policies of the West Athens-Westmont Community Plan. The subject property is an undersized corner lot at the intersection of 104th Street and Vermont Avenue and is adjacent to an existing motel. The subject request will not improve the residential character of the community or provide a safe environment for the occupant, as it will provide an isolated single-family residence on a busy, commercially developed, County-designated major highway.

13. The applicant's site plan, dated September 26, 2005, shows the proposed single-family residence with an attached two-car garage. The single-family residence would have a 950-square-foot footprint and a height of 23 feet, 9 inches. Access for the garage will be via 104th Street. A 35-square-foot porch would be located along Vermont Avenue and would encroach into the required front yard setback

for a single-family residence. A setback of 23 feet is shown along Vermont Avenue and a setback of 14 feet is shown on 104th Street. A 3 foot, 6 inch fence would border the property along 104th and Vermont Avenue.

According to Plot Plan No. 10131, approved for the subject property in 1960, and aerial photographs, a portion of the motel building along the west of the subject property encroaches on to the subject property by 3 feet and 7 inches. The site plan does not depict the encroachment of the motel.

14. The subject request for a single-family residence in the C-3 zone is reviewed under the development standards for the R-1 zone. Section 22.44.120 of the County Code identifies the standards in the West Athens-Westmont Community Standards District. The site plan would conform to the requirements for height and yard maintenance.
15. The project must also comply with the development standards of the C-3 zone. Applicable development standards include building area, landscaping, and parking. The site shows that the proposed single-family residence will cover 985 square feet, or 28.5 percent of the 3,420 square foot subject property. Approximately 2,000 square feet of the property would be landscaped. Two covered parking spaces are shown in an attached garage. The garage would be accessed via 104th Street and is 14 feet from the property line. The site plan would conform to the requirements for building area and landscaping and for parking. However, the subject request would not meet American Disability Act standards which require that garages be placed a minimum of 20 feet from the property line.
16. For development standards that are not addressed in the West Athens-Westmont Community Standards District, compliance with R-1 Zone standards is required. Applicable development standards include Yards (Section 22.20.120) and Yards, Highways and Lines (Section 22.48.120, subsections A and G).

The proposal would comply with the yard setback requirements. The site plan shows that the main structure has a front yard setback of 23 feet, reversed-corner side yard of 14 feet, interior corner side yard of 6 feet, and rear yard of 15 feet. The patio and patio roof project two feet and two and a half feet respectively, into the required front yard. However, the proposal would not comply with the requirements for Yards, Highways, and Lines in that supporting columns for the porch roof are located within the required front yard. Roof eaves for the house and patio exceed eight feet in height and project into the rear and interior corner side yards.

17. Section 22.20.150 provides that premises in Zone R-1 shall provide the required area as specified in Part 2 of Chapter 22.52. According to Section 22.52.100-G, when a variance for lot area has been approved, the parcel shall be deemed to have the required area. Applicable requirements of Section 22.56.1756-B of the County Code are as follows:

- The lot design, frontage, access, and similar standards shall be consistent with applicable provisions contained in Title 21.
- The adjusted lot configurations will be in accord with established neighborhood lot design patterns and will not violate any statute, ordinance, regulation, or good planning practice.

The subject property is identified as a dashed line property on the Assessor's Map, indicating that the property was not subdivided in accordance with the Subdivision Map Act. A Conditional Certificate of Compliance has been completed for the subject property. It reiterates the requirement for approval through Director's Review for Lot Line Adjustments prior to any development. The subject property meets the access and frontage standards as required by Title 21.

Residential uses to the west of Vermont Avenue are situated on lots averaging 8,500 square feet, with the sizes ranging from 9,200 square feet to 4,500 square feet. The applicant proposes a single-family residence on the 3,420 square foot subject property, which is an undersized lot and is smaller than the prevailing lot size pattern. The subject property does not meet the 5,000 square foot lot area requirement and is not consistent with the lot pattern of the area.

18. The 500-foot-radius land use map indicates that surrounding uses include residences, a church, retail uses, offices, and services. Existing residential and commercial mixed use developments are located on long, narrow lots along Vermont Avenue within unincorporated Los Angeles County. Single and two-story residential buildings are built at the rear of the lot, with parking access provided by an alley, buffered by single-story commercial buildings along Vermont Avenue. Clusters of residential development are located to the east of Vermont Avenue, within the City of Los Angeles, and are built with minimal setbacks along Vermont Avenue. The proposal to develop a single-family residence on the subject property is not consistent with the existing development pattern along Vermont Avenue.
19. The Board has determined that a Categorical Exemption is the appropriate environmental documentation under California Environmental Quality Act (Public Resources Code section 21000 et. seq.) and State and County Guidelines related thereto. The project is within a class of projects which have been

determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15303 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.

20. The Regional Planning Commission ("Commission") conducted its noticed public hearing on the proposal on August 8, 2006.
21. The Commission found that the subject request was inconsistent with the land use pattern along Vermont Avenue. The subject property is located on the west side of Vermont Avenue, which consists of commercial development or commercial and residential mixed use development with the commercial uses developed along the street frontage. The subject property is bounded by a motel, shipping and storage businesses, and a County-designated major highway. No permanent residential uses are immediately adjacent to the subject property. Due to the uses immediately adjacent to the subject property and the size of the lot, the Commission found that the subject property is not suited for residential development.
22. The Commission found that a single-family residential development on the undersized parcel was inappropriate on the subject property as residential development at that location could be negatively impacted by future commercial development along Vermont Avenue and that the C-3 zone should be preserved for commercial or mixed uses. The Commission denied the proposal.
23. The Board conducted its noticed public hearing on the appeal by the applicant of the Commission's denial on June 26, 2007.
24. Two persons spoke in opposition to the request at the public hearing, stating that the placement of a single-family residence at that location would create a poor quality of life for the occupant due to its location at the corner of Vermont Avenue and 104th Avenue, that it was incompatible with the surrounding commercial development, and that it would create a negative precedent for the area.
25. The Board also finds that the proposal does not comply with the applicable policies of the West Athens-Westmont Community Plan in that it will not improve the residential character of the community, or provide a safe and appropriate residential setting given the existing busy, commercial development pattern along Vermont Avenue. The Board finds that the subject property is further unsuitable for the proposed residential development due to its sub-standard size.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That the applicant has failed to substantiate to the satisfaction of the Board that the requested use will be consistent with the adopted general plan for the area, consisting of the West Athens-Westmont Community Plan and the Countywide General Plan;
- B. That the applicant has failed to substantiate to the satisfaction of the Board that the requested use at the proposed location 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; and
- C. That the proposed site is not adequate in size and shape to accommodate the development features prescribed in Title 22 of the County Code for the use as proposed, or as is otherwise required in order to integrate said use with the uses in the surrounding area;

THEREFORE, THE BOARD OF SUPERVISORS, based upon the findings set forth above, denies Project Number R2005-03784-(2) consisting of Conditional Use Permit Number 2005000248-(2).