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RAYMOND G. FORTNER, JR.
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August 13, 2007

Agenda No. 10
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: ZONING ORDINANCE AMENDMENT NO. T2007-00002
THIRD SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding proposed amendments to the Santa Monica Mountains North Area Community Standards District relating to the circumstances under which existing local-serving businesses retain their lawful non-conforming status. At the conclusion of the hearing, you instructed us to prepare the final ordinance with modifications. Enclosed are the final ordinance and analysis for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By

ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:

RAYMOND G. FORTNER, JR.
County Counsel

EML/

Enclosures

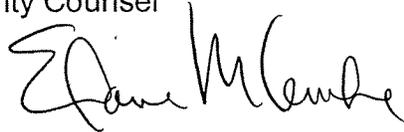
HOA.461970.1

ANALYSIS

An ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code to add provisions to the Santa Monica Mountains North Area Community Standards District relating to the circumstances under which existing local-serving businesses retain their lawful non-conforming status.

RAYMOND G. FORTNER, JR.
County Counsel

By



ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:di

7/10/07 (requested)

8/2/07 (revised)

ORDINANCE NO. _____

An ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code to add provisions to the Santa Monica Mountains North Area Community Standards District relating to the circumstances under which existing local-serving businesses retain their lawful non-conforming status.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.44.133 is hereby amended by adding subsection D.7 to read as follows:

22.44.133 Santa Monica Mountains North Area Community Standards District.

...

D. Community-wide Development Standards.

...

7. Local-serving commercial uses.

a. Applicability.

i. Local-serving commercial uses and associated

buildings and structures that were lawfully established and in compliance with all applicable ordinances and laws prior to September 19, 2002, and which became non-conforming as a result of the adoption of Ordinance No. 2002-0062Z, are not subject to the provisions of Part 10 of Chapter 22.56. Such uses, buildings, and structures may continue indefinitely as long as the use does not change or as long as the use meets the criteria contained in subsection D.7.a.ii, below.

ii. A different local-serving commercial use may be allowed if the director finds that the use has the same or a lesser parking requirement, occupant load, and occupancy classification, as described in Title 26 (Building Code), as the existing commercial use, and if no zoning permit would have been required for said different use pursuant to the provisions of Title 22 in effect immediately prior to September 19, 2002.

iii. If a non-conforming local-serving commercial use described in subsection D.7.a.i, above, is discontinued for a consecutive period of two years or longer, the right to operate such non-conforming use shall immediately terminate and any subsequent use of the parcel shall be subject to the other provisions of this Community Standards District, the other applicable provisions of this Title 22, and the Santa Monica Mountains North Area Plan.

b. Changes requiring conditional use permit. A conditional use permit shall be required for uses, buildings, and structures otherwise described in subsection D.7.a.i, above, for:

i. Any extension, expansion, or enlargement of the area of land, or the area within a building or structure requiring a building permit in or on which the use is conducted;

ii. Any alteration, enlargement of, or addition to a building or structure requiring a building permit in which the use is conducted; or

iii. Any addition of land, buildings, or structures used in conjunction with the use, building, or structure in or on which the use is conducted.

c. Proof of existing use. In addition to the information required by Section 22.56.030, the applicant for a conditional use permit must provide proof that the use, building, or structure was lawfully established prior to September 19, 2002.

d. Substantiation of consistency and compatibility. In addition to the information required by Section 22.56.040, the applicant for a conditional use permit shall substantiate that the proposed expansion:

i. Except as relating to its status as a non-conforming use, business or structure, is consistent with the goals and policies of the Santa Monica Mountains North Area Plan; and

ii. Is a local-serving business use that is compatible with surrounding land uses.

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