

Agn. No. 10
5/27/03

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

Dear Supervisors:

**CONDITIONAL USE PERMIT NUMBER 02-173-(5)
FIFTH SUPERVISORIAL DISTRICT / THREE-VOTE MATTER**

Your Board recently conducted its hearing on the above-entitled permit which is sought in connection with the development of a 17-unit apartment building in the Duarte Zoned District. At the conclusion of your hearing you indicated your intent to approve the project and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

LLOYD W. PELLMAN
County Counsel

By
RICHARD D. WEISS
Acting Assistant County Counsel

APPROVED AND RELEASED:

LLOYD W. PELLMAN
County Counsel

RDW/
Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 02-173-(5)**

1. The applicant is requesting a conditional use permit to authorize the construction, operation, and maintenance of a two-story, 17-unit apartment building on a .64-acre parcel located at 2061 South Mountain Avenue, Duarte, in the Duarte Zoned District.
2. The .64-acre subject property is a level, irregularly shaped parcel. Access to the site is via South Mountain Avenue to the east.
3. Zoning on the subject property is A-1 (Light Agriculture). The Board of Supervisors has concurrently considered and approved Zone Change Case No. 02-173 which changes the zone classification of the subject property to R-3-DP (Limited Multiple Residence, Development Program). The addition of the Development Program ("DP") addendum to the proposed zone will ensure that development occurring after the property has been rezoned will conform to plans submitted by the applicant through the conditional use permit approval process.
4. A change of zone is necessary to allow the proposed use because apartment houses are prohibited in the A-1 zone. Section 22.20.260 of the Los Angeles County Code provides that apartment houses are a permitted use in the R-3 zone, and pursuant to Section 22.40.040 of the Los Angeles County Code, property in a DP zone may be used for any use permitted in the basic zone, subject to the conditions and limitations of a conditional use permit and an approved development program.
5. Surrounding zoning consists of C-1 (Restricted Business) to the north, A-1 to the south and west, and property zoned by the City of Duarte to the east.
6. The subject property is currently developed with a single-family residence, which is proposed to be demolished.
7. Surrounding land uses consist of a church to the north and single-family residences to the east, west, and south. A public utility (water purveyor) owns a small parcel located to the northeast of the subject property.
8. The subject property is classified as Major Commercial in the Countywide General Plan. Uses within this land use classification include central business districts, regional office complexes, major shopping malls and centers, major commercial recreational facilities, and a range of mixed commercial retail and

service activities. Community and neighborhood-serving commercial uses can be appropriately established at locations that conveniently serve local market areas. Although an apartment complex is not a commercial use, the use will serve the local community and is compatible with this land use classification.

9. There are no previous zoning cases on the subject property.
10. The applicant's site plan, labeled Exhibit "A," page 1 of 3, depicts the subject property developed with a two-story, 14,371-square-foot, 17-unit apartment building. The site plan shows the apartments developed in four buildings with exterior stairways and an overhead trellis connecting the buildings. A 24-foot 6-inch-wide landscape/hardscape area is depicted between the buildings. The site plan depicts a 15-foot front yard setback, 5-foot side yard setbacks, and a 64-foot rear yard setback. Thirty-seven standard parking spaces are shown, primarily in the rear of the apartment buildings. Access to the site is via a driveway from Mountain Avenue to the east.
11. The elevations submitted by the applicant, labeled Exhibit "A," page 2 of 3, depict the proposed buildings from the west, east, south, and north. The apartment complex is comprised of four buildings, two of which are depicted at 18 feet above finished grade and two of the buildings at 24 feet above finished grade. The applicant will be required to submit revised building elevations depicting enhanced architectural detailing.
12. The applicant has submitted floor plans for the ground and upper floors of the apartments, labeled Exhibit "A," pages 3.a. and 3.b. The floor plans depict four buildings. The building located on the west end of the property consists of three 2-bedroom units on the ground floor and five 2-bedroom units and one 1-bedroom unit on the upper floor. The upper floor of this building overhangs the parking below, providing covered parking. The building located approximately 24 feet 6 inches to the east of the first consists of two 2-bedroom apartments on the ground floor and two 2-bedroom apartments on the upper floor. A smaller building has one 1-bedroom apartment on the ground floor and one 1-bedroom apartment on the upper floor. A second smaller building has one 2-bedroom apartment on the ground floor and one 2-bedroom apartment on the upper floor. One of these units has been labeled as a manager's unit. There are a total of 17 apartments, including the manager's unit, depicted on the floor plans (14 two-bedroom and 3 one-bedroom units).
13. Pursuant to Section 22.20.300.A of the Los Angeles County Code, no building or structure in Zone R-3 shall exceed 35 feet in height above grade, except for chimneys and rooftop antennas. The elevations submitted by the applicant

depict a maximum height of 24 feet above finished grade, in compliance with the height limitations of the R-3 zone.

14. Section 22.20.310 of the Los Angeles County Code provides that residential property in Zone R-3 shall not exceed 30 dwelling units per net acre, and the density conversion table contained in Section 22.20.060 shall apply to lots or parcels of land containing fractional parts of an acre. The subject property is .64 acre (27,878 square feet), and the density conversion table shows that, for a density of 30 units per acre, 1,452 square feet are required for each dwelling unit. The proposed 17 dwelling units require a minimum 24,684-square-foot parcel. The applicant's proposal is in compliance with the dwelling unit density requirements of the R-3 zone.
15. Pursuant to Section 22.20.320.A. of the Los Angeles County Code, each lot or parcel of land in Zone R-3 shall be subject to the following yard requirements: 1) a front yard of not less than 15 feet in depth; 2) corner side yards of not less than 7 feet 6 inches on a reversed corner lot, or 5 feet on other corner lots; 3) interior side yards of not less than 5 feet; and 4) a rear yard of not less than 15 feet in depth. The applicant's site plan depicts a 15-foot front yard setback, side yard setbacks of 5 feet and a 64-foot rear yard setback. The applicant's site plan is in compliance with the yard requirements of the R-3 zone.
16. Pursuant to Sections 22.20.330 and 22.52.1180 of the Los Angeles County Code, premises in Zone R-3 shall provide parking facilities as follows: one and one-half covered parking spaces for each one-bedroom apartment, and one and one-half covered and one-half uncovered parking spaces for two-bedroom apartments. At least one accessible parking space shall be assigned to each unit. Where two spaces are required or reserved for a dwelling unit, such spaces may be developed in tandem. In addition, guest parking shall be required for all apartment houses containing ten or more units at a ratio of one parking space for every four dwelling units. These spaces, which may be uncovered, shall be designated and marked for guest parking only. Parking spaces for apartment houses shall be standard size unless otherwise approved with a parking permit.

Fourteen 2-bedroom apartments are proposed, requiring 21 covered parking spaces and 7 uncovered parking spaces. The proposed three 1-bedroom apartments require 5 covered parking spaces. In addition, 4 uncovered guest parking spaces are required, which shall be designated, marked, and used only for guest parking. Therefore, a total of 26 covered parking spaces and 11 uncovered parking spaces are required.

17. The applicant's site plan depicts the required number of parking spaces, but the site plan does not note the location of the guest parking spaces. As a condition

of approval of this grant, the applicant will be required to submit a revised site plan with the locations of the guest parking spaces and the dimensions of the parking spaces accessible to disabled persons clearly noted.

18. As required by Section 22.40.050 of the Los Angeles County Code, an applicant seeking a conditional use permit to develop property in zone ()-DP shall submit a proposed development program consisting of a plot plan and a progress schedule. The required plot plan shall show the location of all proposed structures; the alteration or demolition of any existing structures; and development features, including grading, yards, walks, landscaping, height, bulk, and arrangement of buildings and structures, signs, the color and appearance of buildings and structures, and other features as needed to make the development attractive, adequately buffered from adjacent more restrictive uses, and in keeping with the character of the surrounding area. The applicant's site plan and elevations depict all of the required elements, except for the following: 1) the existing single-family residence and any other features to be demolished are not shown; 2) signs, if any are proposed; and 3) landscaping type. As a condition of approval of this grant, the applicant will be required to submit a revised site plan depicting these features. The required progress schedule shall include all phases of development and indicate the sequence and time period within which the improvements described will be made. The applicant intends to construct the development in one phase. The applicant has provided a progress schedule for the project dated August 13, 2002.
19. An initial study was prepared for this project in compliance with the California Environmental Quality Act ("CEQA") and the Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles. The initial study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the initial study, a negative declaration was prepared for this project. The Board of Supervisors finds that the project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from State Department of Fish and Game fees pursuant to section 711.2 of the California Fish and Game Code.
20. A petition with eight signatures in opposition to this request was received when the matter was pending before the Regional Planning Commission. The petition was from local residents who expressed concern that: 1) the proposed apartments would attract undesirable clientele that would impact the community negatively; and 2) the apartments would bring too much traffic to the neighborhood, negatively affecting the residents and the nearby elementary school.

21. The Board of Supervisors finds that the development of apartments on the subject property is compatible with the neighborhood as a multi-family development exists three parcels north of the subject property.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. 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, and 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 Title 22 of the Los Angeles 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; and
- E. That the development program will provide necessary safeguards to insure completion of the proposed development by the applicant forestalling substitution of a lesser type of development contrary to the public convenience, welfare, or development needs of the area.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Approves the negative declaration prepared for the project, certifies that it has reviewed and considered the information contained in the negative declaration prior to approval of the project, and determines that the project will not have a significant effect on the environment;

2. Certifies that the negative declaration has been completed in compliance with CEQA, the State CEQA guidelines and the County's Environmental Document Reporting Procedures and Guidelines, and reflects the independent judgment and analysis of the County; and
3. Approves Conditional Use Permit 02-173-(5), subject to the attached conditions.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NUMBER 02-173-(5)

1. This grant authorizes the use of the subject property for a 17-unit apartment building as depicted on the approved Revised Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. 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 Department of Regional Planning ("Department") 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. 8, and until all required monies have been paid pursuant to Condition Nos. 9 and 10. Further, this grant shall not be effective unless and until the Board of Supervisors has adopted Zone Change Case No. 02-173-(5) and the ordinance reflecting such change of zone has become effective.
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 limitation period. The County shall notify the permittee of any claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
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 pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including, but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If, during the litigation process, actual costs 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 the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and
- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within two years from the date of approval. A written request for a one-year time extension may be made at least six months before the expiration date. The request shall be accompanied with payment of the applicable fee.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the property owner or permittee shall promptly provide a copy of this grant and its conditions to the transferee or lessee of the subject property.
9. 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. The permittee shall deposit with the County of Los Angeles the sum of \$1,500. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for ten biennial (every other year) inspections. 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 condition of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into

compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the site plan on file. The amount charged for additional inspections shall be \$150 per inspection, or the current recovery cost, whichever is greater.

10. Within 15 days of the approval date of this grant, the permittee shall remit a \$25 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code.
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 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.
12. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said department.
13. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or as shown on the approved plans.
14. The subject property shall be developed and maintained in compliance with the requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said department.
15. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.

16. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above 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.
17. In the event such extraneous markings occur, 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.
18. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of revised plans, similar to Exhibit "A," page 1 of 3, as presented at the public hearing, that depict, in compliance with Section 22.40.050.A of the Los Angeles County Code, the location of all proposed structures; the alteration or demolition of any existing structures; and development features including grading, yards, walls, walks, landscaping, height, bulk, and arrangement of buildings and structures, signs, the color and appearance of buildings and structures, and other features as may be needed to make the development attractive, adequately buffered from adjacent more restrictive uses, and in keeping with the character of the surrounding area, and showing the following: 1) guest parking spaces clearly marked; 2) a landscape table depicting a minimum of 10 percent of the net area landscaped; and 3) all required accessible and van-accessible parking spaces for persons with disabilities. The property shall be developed and maintained in substantial conformance with the approved revised Exhibit "A." All revised plans must be accompanied by the written authorization of the property owner.
19. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of a landscape plan, which may be incorporated into the revised Exhibit "A" described in Condition No. 18. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. For the life of this grant, the permittee shall maintain all landscaping in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary.
20. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of revised building elevations which show enhanced architectural detailing. The property shall be

developed and maintained in substantial conformance with the approved building elevations. All revised plans must be accompanied by the written authorization of the property owner.

21. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of any signs proposed for the subject property. The proposed signs shall be in conformance with the Los Angeles County Code's sign development standards for the R-3 zone. The property shall be developed and maintained in substantial conformance with the approved sign plans. All revised plans must be accompanied by the written authorization of the property owner.
22. The following development program conditions shall apply:
 - a. No building or structure of any kind except a temporary structure used only in the developing of the property according to the development program shall be built, erected, or moved onto any part of the property;
 - b. No existing building or structure which is to be demolished shall be used;
 - c. All improvements shall be completed prior to the occupancy of any structures; and
 - d. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.
23. The construction and maintenance of the proposed use shall be further subject to all of the following restrictions:
 - a. All trash enclosure areas shall be screened from public and private view corridors;
 - b. All material graded shall be sufficiently watered to prevent excessive amounts of dust during the construction phase. Watering shall occur at least twice daily with complete coverage, preferably in the late morning and after work is done for the day. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., greater

than 20 miles per hour averaged over one hour) to prevent excessive amounts of dust. Any materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust;

- c. Project construction activity shall be limited to those hours between 7:00 a.m. and 6:00 p.m., Monday through Friday; and 8:00 a.m. and 5:00 p.m., Saturday. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby offices, residences, and neighborhoods. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise inconvenience to adjacent residences. Parking of construction worker vehicles shall be on-site and restricted to areas that do not adversely affect residences located to the south and west of the subject property;
- d. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Department of Public Works letter dated August 8, 2002, or such other conditions required by said department;
- e. The permittee shall comply with all conditions set forth in the attached County of Los Angeles Fire Department memo dated November 13, 2002, or such other conditions required by said department;
- f. The permittee shall comply with NPDES requirements of the California Regional Water Quality Control Board and the Los Angeles County Department of Public Works;
- g. All roof-top equipment shall be screened from public view, either through parapets, gables, or some other architectural feature, or shall be ground mounted if architectural screening is not feasible;
- h. All electrical, cable, plumbing conduits/piping, HVAC equipment and ducting, etc., shall be concealed from public view;
- i. All exterior lighting shall be shielded and directed away from neighboring residential properties to prevent direct illumination and glare. All light standards visible to the general public shall be consistent with the overall architectural style of the project with respect to design, materials, and color;

- j. The permittee shall provide and continuously maintain no less than 26 covered and 11 uncovered on-site standard parking spaces (33 for tenant use and 4 for guest parking), dimensioned in accordance with Los Angeles County Code requirements;
- k. The permittee shall provide no less than one on-site manager for the apartment building. The manager shall be on-call 24 hours per day, seven days per week, and shall be responsible for overseeing the management of the apartment building. The name and telephone number of said manager shall be provided to the local law enforcement agency. At the primary entrance of the apartment building, the permittee shall post a sign in English and the predominant second language with said manager's name and 24-hour contact telephone number to report any potential problems related to the subject property;
- l. Storage and automobile repair within designated parking spaces is expressly prohibited;
- m. Within 60 days of the approval date of this grant, the permittee shall submit a parking management plan to the Planning Director for review and approval. Said plan shall clearly identify how the permittee intends to assign parking spaces to the apartment's tenants as well as the parking management practices of the facility;
- n. Prior to the issuance of any building permit, the permittee shall pay a library facilities mitigation fee to the Los Angeles County Librarian in the amount required by Chapter 22.72 of the Los Angeles County Code at the time of payment and provide proof of payment to the Planning Director. The current fee amount is \$648 per dwelling unit (\$648 X 17 apartment units = \$11,016). The permittee may contact the Los Angeles County Librarian at (562) 940-8430 regarding payment of fees; and
- o. The permittee shall maintain a current contact name, address, and phone number on file with the Department of Regional Planning at all times.

Attachments:

Department of Public Works conditions dated August 8, 2002
Fire Department conditions dated November 13, 2002

