

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

CONDITIONS OF APPROVAL
PROJECT NO. PRJ2023-002651-(2)
NON-CONFORMING REVIEW NO. RPPL2022011055

PROJECT DESCRIPTION

The project is a request for the continued operation and maintenance of an existing non-conforming 21,113-square-foot shoe store use at 19000 S. Vermont Avenue in unincorporated West Carson ("Project Site").

The Project Site's zoning was changed from M-2 (Heavy Manufacturing) to M-2-IP (Heavy Manufacturing – Industrial Preservation) on October 6, 2015, as part of the General Plan Update. County Code Section 22.60.010 states that the -IP Combining Zone "is intended to preserve industrially-zoned properties specifically for current and future industrial uses, labor-intensive activities, wholesale sales of goods manufactured on-site, major centers of employment, and limited employee-serving commercial uses" and "serves to expressively prohibit uses that do not align with the purpose of this zone." Shoe stores are explicitly prohibited in the -IP Combining Zone pursuant to County Code Section 22.60.030. Therefore, the shoe store became a non-conforming use when the zone change took effect on November 5, 2015.

Pursuant to County Code Section 22.172.050.B.1.e, when a non-conforming use is in a conforming structure, the use must be discontinued within five years after the zone change which made the use non-conforming. However, pursuant to County Code Section 22.172.060, a non-conforming use can continue to operate if a Non-Conforming Review ("NCR") is approved.

This NCR does not have a grant term. Condition 16 allows the 21,113-square-foot tenant space to be occupied by any other comparable retail use that is allowed with a Site Plan Review in the base M-2 Zone, provided that the Director of Regional Planning ("Director") approves a Revised Exhibit "A" for the comparable retail use. This condition allows this tenant space to be occupied by a retail use indefinitely.

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 ("LA County 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. 6. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, 8 shall be effective immediately upon the date of final approval of this grant by the County.

3. 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.
4. 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 LA County 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 LA County 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.

5. 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.
6. **This NCR does not have a grant term.**
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 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 Skechers shoe store, café and warehouse and satisfaction of Condition No. 2 shall be considered use of this grant.

9. 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 22.238 of the County Code.
10. 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.
11. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
12. 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.
13. 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.
14. 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 LA County 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 48 hours of such notification, 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.
15. 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, a modified Exhibit "A" shall be submitted to LA County Planning by **November 19, 2023**.
16. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit 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.

17. The 21,113-square-foot tenant space may be occupied by any other comparable retail use that is allowed with a Site Plan Review in the base M-2 Zone pursuant to County Code Section 22.22.030.B, including any other comparable retail use that is otherwise prohibited in the -IP Combining Zone pursuant to County Code Section 22.60.030, provided that there is no expansion of retail floor area and the Director approves a Revised Exhibit "A" for the comparable retail use in compliance with Condition 15.