

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

DRAFT CONDITIONS OF APPROVAL
PROJECT NO. 2018-003320-(2)
NONCONFORMING REVIEW NO. RPPL2018005166

PROJECT DESCRIPTION

The project is the continued operation and maintenance of an existing nonconforming neighborhood market subject to the following conditions of approval:

GENERAL CONDITIONS

1. **Permittee.** 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. **Affidavit of Acceptance.** 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. 7. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 10 shall be effective immediately upon the date of decision of this grant by the County.
3. **Date of Final Approval.** Unless otherwise apparent from the context, the term “date of final approval” shall mean the date the County’s action becomes effective pursuant to County Code Section 22.222.230 (Effective Date of Decision and Appeals).
4. **Indemnification.** 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. **Litigation Deposit.** 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 (Fees for Providing County Records).

6. **Invalidation.** 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. **Recordation.** 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 (i.e. Recorder's Office). 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. **Grant Term. This Nonconforming Review ("NCR") does not have a grant term. However, this NCR may be revoked pursuant to Condition 13 below.**
9. **Accessory Commercial Unit – Other Permitted Uses.** The 1,086-square-foot nonconforming neighborhood market, which is attached to a single-family residence, is functionally equivalent to an "Accessory Commercial Unit," which is defined by County Code Section 22.14.010-A as "a commercial use that is subordinate to the principal use and contained within, attached to, or detached from a residential structure on a residential-zoned lot and is open to customers, clients, or patrons." Therefore, the 1,086-square-foot tenant space may be occupied by any other permitted use listed in County Code Table 22.364.070-A with the approval of a Revised Exhibit "A" in accordance with County Code Chapter 22.184 (Revised Exhibit "A"s). Otherwise, entitlement to any other use in the 1,086-square-foot tenant space, and/or any expansion of the tenant space, shall be subject to the County Code regulations in effect at the time.

Notwithstanding the prohibition of alcoholic beverage sales in County Code Table 22.364.070-A, if the 1,086-square-foot tenant space is subsequently occupied by any other permitted use listed in that table, the other permitted use may continue to sell beer and wine pursuant to a Type 20 California Department of Alcoholic Beverage Control License and the tenant space's deemed-approved status in accordance with County Code Section 22.140.030.H (Alcoholic Beverage Sales – Deemed-Approved Uses) and Condition 10, below.

10. **Deemed-Approved Alcoholic Beverage Sales.** Although this NCR only authorizes the continued operation and maintenance of an existing nonconforming neighborhood market because the sale of beer and wine is allowed pursuant to the tenant space's deemed-approved status, the sale of beer and wine is regulated by County Code Section 22.140.030.H (Alcoholic Beverage Sales – Deemed-Approved Uses). The deemed-approved status is subject to the performance standards in County Code Section 22.140.030.I (Alcoholic Beverage Sales – Performance Standards for Deemed-Approved Uses) and may be revoked pursuant to County Code Section 22.140.030.J (Revocation of Deemed-Approved Status).

In addition, the nonconforming neighborhood market, and any subsequent other permitted use allowed by Condition 9, above, may lose its deemed-approved status pursuant to County Code Section 22.140.030.H.2. If the deemed-approved status is lost, the sale of alcoholic beverages may only occur pursuant to the County Code regulations in effect at that time.

11. **Expiration of Approval.** This grant shall expire unless used within ninety (90) days from the date of decision for this 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 nonconforming neighborhood market and satisfaction of Condition No. 2 shall be considered use of this grant.
12. **Inspections.** 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. No provision of any easement of or any other encumbrance on the property shall exempt the Permittee and/or property owner from compliance with these conditions and applicable regulations.

If 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 one of the conditions of this grant, the Permittee shall be financially responsible and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be **\$470.00** per inspection, **or the current recovery cost** established by LA County Planning at the time any additional inspections are required, whichever is greater.

Inspections may be unannounced. Inspections may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS). Use of a UAS requires the consent of the Permittee pursuant to LA County Planning's UAS policy, which may be updated from time to time, and which shall be provided to the Permittee upon request.

13. **Revocation.** 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 County Code Chapter 22.238 (Modifications and Revocations). Failure of the Permittee to cease any development or activity not in full compliance shall be a violation of these conditions and may result in revocation.

14. **County Fire Code.** All development pursuant to this grant shall comply with the requirements of Title 32 (Fire Code) of the County Code to the satisfaction of the County Fire Department.
15. **County Public Works Requirements.** All development pursuant to this grant shall comply with the requirements of the County Department of Public Works to the satisfaction of said department.
16. **County Public Health Requirements.** All development pursuant to this grant shall be developed and maintained in compliance with all requirements of the County Department of Public Health.
17. **Exhibit “A.”** All development pursuant to this grant shall comply with the requirements of Title 22 (Planning and Zoning) 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 of LA County Planning (“Director”).
18. **Maintenance.** 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.
19. **Graffiti.** 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, 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.

20. **Revisions to the Exhibit “A.”** 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, **an electronic copy of a modified Exhibit “A”** shall be submitted to LA County Planning by **June 27, 2026**.

21. **Subsequent Revisions to the Exhibit "A."** In the event that subsequent revisions to the approved Exhibit "A" are submitted, the Permittee shall submit **an electronic copy** of 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.
22. **Conditions of Approval Maintained on the Premises.** The conditions of this grant shall always be retained on the premises and shall be immediately produced upon request by any County Sheriff or LA County Planning Staff. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).

PERMIT-SPECIFIC CONDITIONS - NONCONFORMING REVIEW

23. **Scope of Approval.** This grant shall authorize the continued operation of a nonconforming neighborhood market or any subsequent other permitted use allowed by Condition 9, above.
24. **Termination of Nonconforming Status.** The right to operate the nonconforming neighborhood market, or any subsequent other permitted use allowed by Condition 9, above, shall be subject to the regulations set forth in County Code Sections 22.364.070.A.2.b (Existing Nonconforming Neighborhood-Serving Commercial Uses in Residential Zones) and 22.172.050.A (Termination by Discontinuance).
25. **Alterations or Additions.** Approval of this grant does not permit construction, alteration, enlargement, or expansion of any structures, or any modification of use, except as may be authorized by County Code Chapter 22.172 (Nonconforming Uses, Buildings and Structures). Any modification, addition, or enlargement allowed by said Chapter 22.172 shall require a Revised Exhibit "A" pursuant to County Code Chapter 22.184 (Revised Exhibit "A"s).
26. **Exterior Lighting.** Lighting fixtures provided on-site shall be full cutoff, hooded, and shielded, and shall confine light spread on-site as much as possible and not impact surrounding or neighboring properties, to the satisfaction of the Director. The type and location of site and building lighting shall preclude direct glare onto adjoining property, streets, or skyward, to the satisfaction of the Director.
27. **Address Number Sign.** A numbering address sign, in compliance with County Code Chapter 22.114 (Signs), shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street, to the satisfaction of the Director.
28. **Signage.** One wall or projecting business sign, not to exceed six square feet in sign area, shall be permitted, provided no illumination is used. Digital signs are prohibited. Roof and freestanding business signs are prohibited.

29. **Prohibited Signs.** Temporary signs or banners shall not be displayed on the exterior walls, windows, fascia of the building, or on any fence or wall. The placement of portable signs on the lot or in the public right-of-way is prohibited.
30. **Temporary Window Signs.** Temporary window signs shall comply with Title 22 and the view into the interior of the use from any parking lot, public street, or other right-of-way shall not be otherwise obstructed by refrigerator cases, promotional displays, equipment, or any other items.
31. **Loitering.** Loitering, including loitering by employees, shall be prohibited on or within the immediate vicinity of the subject property, including adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way. Signage in compliance with County Code Chapter 22.114 (Signs) shall be placed on the exterior of the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.

PROJECT SITE-SPECIFIC CONDITIONS

32. **Hours of Operation.** The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. daily. Loading, unloading, and all maintenance activities shall be conducted within the hours of operation.
33. **Trash Collection.** Garbage and trash shall be stored in designated trash collection containers and enclosures which are not visible from the street.
34. **Outdoor Music.** No outdoor music shall be permitted at any time.
35. **Outdoor Activity.** No outdoor activity shall be permitted. No cleaning of machinery or equipment in the street is permitted.
36. **Outdoor Storage.** Outside storage or display is not permitted on the subject property.
37. **Security Cameras.** On-site security cameras shall be maintained in good operating condition and shall be in operation for 24 hours each day. Footage from the security cameras shall be retained for at least 30 days, and shall be made available to LA County Planning staff and/or law enforcement upon request.