

September 16, 2025

Maria D. Barranco
Jenaro Espana
801 N. Marianna Avenue
Los Angeles, CA 90063

PROJECT NO. PRJ2023-003701-(1)
NONCONFORMING REVIEW NO. RRPL2023005436
801 N MARIANNA AVENUE, LOS ANGELES (APN: 5226-043-024)

Dear Jenaro Espana:

Hearing Officer Diane Temple, by her action of **September 16, 2025**, has approved the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to LA County Planning (see enclosed Affidavit of Acceptance Instructions).

Appeals:

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **September 30, 2025**. Appeals must be submitted to appeal@planning.lacounty.gov before the end of the appeal period.

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

In addition, any applicable California Environmental Quality Act fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable must be filed with the County Clerk according to the instructions with the enclosed Affidavit of


Jenaro Espana
September 16, 2025
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Acceptance. A Notice of Exemption, if applicable, may also be filed according to the instructions in the enclosed Affidavit of Acceptance.

For questions or for additional information, please contact Melissa Reyes of the Metro Development Services Section at (213) 204-9945, or MReyes2@planning.lacounty.gov.

Sincerely,

AMY J. BODEK, AICP
Director of Regional Planning



Elsa Rodriguez, Acting Supervising Regional Planner
Metro Development Services Section

ER:MR

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: PW (Building and Safety)
Zoning Enforcement

Affidavit of Acceptance Instructions

STEP 1: NOTARIZE AFFIDAVIT: In the presence of a Notary Public, sign the Affidavit of Acceptance form. Complete and sign both applicant and owner sections, even if the applicant is the same as the owner.

STEP 2: COUNTY REGISTRAR-RECORDER: Visit the Registrar-Recorder's office at 12400 East Imperial Highway, Norwalk, CA 90650 (the following branch offices can also assist you: LAX Courthouse, Lancaster District Office, Van Nuys District Office. For more information call (562) 462-2125 or visit http://www.lavote.net/Recorder/Document_Recording.cfm) to complete the following tasks:

a) **Record Affidavit of Acceptance Form and Conditions of Approval:** Submit the original Affidavit of Acceptance form (wet signature) and Conditions of Approval to the County Registrar-Recorder for recording. If your project has an associated Mitigation Monitoring Reporting Program (MMRP), this document should be recorded as well. Request one certified copy of the recorded Affidavit, Conditions of Approval, and MMRP (if applicable) to submit to LA County Planning.

b) **Post Notice of Exemption (NOE):** The filing of an NOE is **OPTIONAL**. Pursuant to CEQA, the filing of an NOE will limit the time period for legal challenges to an agency's exemption determination to 35 days. If a NOE is not filed, a 180 day statute of limitation applies. If you wish to file an NOE, please request for a completed NOE form from your case planner and post the document at the Registrar-Recorder's office listed above, along with your Final Letter of Approval.

STEP 3: LA COUNTY PLANNING: Please submit the following items:

a) One certified copy of the recorded Affidavit of Acceptance, Conditions of Approval, and MMRP if applicable. The certified copy will have an official document number and a purple recordation stamp from the Registrar-Recorder. Also provide a NOD or NOE posting receipt, and CEQA filing fee receipt if applicable. NOD posting receipt, and F & W fee receipt. Mail to:

**Department of Regional Planning
320 W Temple Street, 13th Floor
Los Angeles, CA 90012**

For questions or for additional information, please contact the planner assigned to your case. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

** Does not apply to subdivision cases.*



Please complete and return to:
LA County Planning
320 West Temple Street, 13th Floor
Los Angeles, California 90012

AFFIDAVIT OF ACCEPTANCE

STATE OF CALIFORNIA }ss
COUNTY OF LOS ANGELES

REGARDING: PROJECT NO. PRJ2023-003701-(1)
NONCONFORMING REVIEW NO. RPPL2023005436
801 N MARIANNA AVENUE, EAST LOS ANGELES ZONED DISTRICT
APN: 5226-043-024

I/We the undersigned state:

I am/We are the permittee of the above-mentioned permits and/or owner of the real property described above. I am/We are aware of, and accept, all the stated Conditions of Approval for the above-mentioned permit.

Executed this _____ day of _____, 20 _____

I/We declare under the penalty of perjury that the foregoing is true and correct.

Complete both Applicant and Owner sections, even if the same.

Signatures must be acknowledged by a Notary Public. Affix seal or appropriate acknowledgements.

Applicant's Name: _____
Address: _____
City, State, Zip: _____
Signature: _____

Owner's Name: _____
Address: _____
City, State, Zip: _____
Signature: _____



RECORDING REQUESTED BY:

LA County Planning
320 W. Temple Street
Room 1360, Hall of Records
Los Angeles, CA 90012

WHEN RECORDED MAIL TO
Name:
Mailing Address:
City, State
Zip Code:

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TITLE(S)

AFFIDAVIT OF ACCEPTANCE



RECORDING REQUESTED BY:

LA County Planning
320 W. Temple Street
Room 1360, Hall of Records
Los Angeles, CA 90012

WHEN RECORDED MAIL TO

Name:

Mailing
Address:

City, State

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TITLE(S)

AFFIDAVIT OF ACCEPTANCE

RPPL2023005436

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2023-003701-(1)
NONCONFORMING REVIEW NO. RPPL2023005436

RECITALS

1. **HEARING DATE.** The Los Angeles County (“County”) Regional Planning Hearing Officer (“Hearing Officer”) conducted a duly-noticed public hearing in the matter of Nonconforming Review No. **RPPL2023005436** (“NCR”) on September 16, 2025.
2. **HEARING PROCEEDINGS.** A duly-noticed public hearing on the Project was held on September 17, 2025, before Hearing Officer Diane Temple. Staff provided a presentation on the Project and recommended approval. The Hearing Officer requested clarification on the proposed hours of operation. Staff confirmed the hours of operation and revised Finding no. 26. The Hearing Officer acknowledged receipt of a letter in opposition to the Project. Staff confirmed that an email was sent to acknowledge receipt of that correspondence. Jorge Leon, the applicant’s son, was present and testified in support of the Project. Mr. Leon stated that the family has operated the business for the past 20 years and wishes to continue the use. Mr. Leon acknowledged community concerns related to traffic but expressed his belief that these issues are not directly tied to the market. He also noted that additional signatures of support had been collected, though they were not submitted in time for the hearing. The Hearing Officer stated that she conducted an unannounced site visit, where she observed the area and available parking. She noted limited activity at the store, observed produce and typical grocery items for sale, and noted that deemed-approved alcohol was being sold towards the rear of the market. The Hearing Officer inquired about a tarp observed by the property. Mr. Leon clarified that the tarp belongs to a neighbor. The Hearing Officer advised that no outside storage is permitted. Mr. Leon confirmed that the market does not keep inventory outside of the building. There being no public comment, the Hearing Officer closed the public hearing and approved the Project.
3. **ENTITLEMENT REQUESTED.** The Permittee, Jenaro Espana (“Permittee”), requests the NCR to authorize the continued operation and maintenance of an existing neighborhood market known as Diane Market (“Project”), which is nonconforming due to use and development standards for required yards, fencing, signage, and landscaping on a property located at 801 North Marianna Avenue in the unincorporated community of East Los Angeles (“Project Site”) in the R-2 (Two-Family Residence) Zone pursuant to Los Angeles County Code (“County Code”) Section 22.172.060. A complete application was received prior to the adoption of the Metro Area Plan, which rescinded the East Los Angeles Community Plan, and changed the land use designation of the Project Site. Pursuant to Chapter 2 (Applicability) of the County General Plan and County Code Section 22.246.020 (Applicability of Zone Changes and Ordinance Amendments), the Permittee chose to have the complete application

be subject to the land use policies, zoning and regulations in effect at the time it was submitted.

4. **LOCATION.** The Project is located at 801 North Marianna Avenue within the East Los Angeles Zoned District and Metro Planning Area.

5. **PREVIOUS ENTITLEMENTS.**

CASE NO.	REQUEST	DATE OF ACTION
Business License Referral (“BLR”) No. RPPL2023006795	Referral for Food Establishment contingent on approval of an NCR	January 14, 2024
Zoning Conformance Review RZCR-R200600946	Detached carport	September 14, 2006
BLR No. RBUS-200500139	Referral for Food Establishment	March 31, 2005
NCR No. 204-(3)	Neighborhood market	June 23, 1982

6. **LAND USE DESIGNATION.** The Project Site is located within the LMD (Low/Medium Density Residential) land use category of the East Los Angeles Community Plan (“Community Plan”) Land Use Policy Map.

7. **ZONING.** The Project Site is located in the East Los Angeles Zoned District and is zoned R-2 (Two-Family Residence). Pursuant to County Code Section 22.172.060 (Review of Amortization Schedule or Substitution of Use), an NCR is required for the continued operation and maintenance of a legally established nonconforming market in the R-2 Zone.

8. **SURROUNDING LAND USES AND ZONING.**

LOCATION	EAST LOS ANGELES COMMUNITY PLAN LAND USE POLICY*	ZONING	EXISTING USES
NORTH	LMD (Low/Medium-Density Residential)	R-2 (Two-Family Residence)	Single-family residences (“SFR”) and multifamily residences (“MFR”)
EAST	LMD	R-2	SFR and MFR
SOUTH	MD (Medium-Density Residential)	R-2	SFR and MFR
WEST	LMD	R-2	SFR and MFR

* Note: The land use designation was changed to H18 (Residential 18) on May 21, 2024, in conjunction with the adoption of the Metro Area Plan. Pursuant to Chapter 2

(Applicability) of the County General Plan and County Code Section 22.246.020 (Applicability of Zone Changes and Ordinance Amendments), the Applicant chose to have the complete NCR application be subject to the zoning and regulations in effect at the time it was submitted. The application for the Project was deemed complete prior to the adoption of the Metro Area Plan.

9. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 0.11 gross acres (4,655 square feet) in size and consists of one lot. The Project Site is rectangular in shape with flat topography and is developed with an existing 1,920-square-foot building with the subject market on the first floor and residential units on the second floor.

B. Site Access

The Project Site is accessible to pedestrians via North Marianna Avenue to the east. The rear of the Project Site is accessible from Folsom Street.

C. Site Plan

The site plan depicts a 0.11-acre property developed with an existing 1,920-square-foot-building with a market on the first floor, two residential units on the second floor, and a 580-square-foot detached carport. The front entrance and pedestrian access to the building is east facing. There is no existing landscaping on the project site except for two trees located by the frontage of the market. The Project Site has existing six-foot-tall wrought-iron and block wall fencing along the southern property line. The floor plan depicts a service area, shelves, market, and a refrigerator area.

D. Parking

The Project Site was developed in 1924, prior to the current parking requirements. The Project Site has a 580-square-foot carport with three standard parking spaces approved by Zoning Conformance Review No. RZCR-R200600946 on September 14, 2006.

10. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, LA County Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the continued operation and maintenance of an existing nonconforming neighborhood market, which does not include any expansion in floor area or intensification. There are no exceptions to the exemption because the Project is not located in an environmentally sensitive area, there are no historical resources onsite, and the Project Site is not listed in the Department of Toxic Substances Control's list of hazardous waste or cleanup sites.

11. COMMUNITY OUTREACH.

The Permittee conducted community outreach and collected 40 petition signatures. At the time of report preparation, the Permittee's community outreach did not result in any public comments.

12. PUBLIC COMMENTS.

No correspondence was received from the public prior to the public hearing.

13. AGENCY RECOMMENDATIONS.

A. The Department of Public Works, in a letter dated June 11, 2024, had no comments and cleared the project for public hearing.

B. The Fire Department did not require any review and cleared the project for public hearing.

C. The Department of Public Health, in a letter dated July 30, 2024, cleared the project for public hearing.

D. The Sheriff's Department, in a letter dated August 8, 2024, did not advocate support or opposition to the request.

14. LEGAL NOTIFICATION. Pursuant to County Code Section 22.222.120 (Public Hearing Procedure), the community was properly notified of the public hearing by mail, newspaper Daily Journal, and property posting. Additionally, the Project was noticed and case materials were available on LA County Planning's website. On August 4, 2025, a total of 156 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 12 notices to those on the courtesy mailing list for the East Los Angeles Zoned District and to any additional interested parties.

GENERAL PLAN CONSISTENCY FINDINGS

15. LAND USE POLICY. The Hearing Officer finds that the Project is consistent with the goals and policies of the East Los Angeles Community Plan because the LMD land use category is intended for single-family housing, duplex, and townhouse development on moderately sized lots with some low-rise garden apartments on consolidated lots, categories into which this Project falls. Although there are three existing single-family residences on the Project Site, the maximum density is 17 dwelling units per net acre. The maximum density for the Project site is two dwelling units, which is consistent with the LMD land use category. The existing market at the Project Site was built in 1924 and has served nearby residents for 100 years. The use was previously authorized to continue operating via NCR No. 204-(3) approved on June 23, 1982. The Hearing Officer finds that the Project promotes the continuance of a community-serving use that serves residents of the low to medium density character of the neighborhood.

16. GOALS AND POLICIES. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan:

- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*

The continued operation of a market in a mostly residential area contributes to meeting the local shopping needs of the community on a neighborhood scale.

- *Policy LU 5.3: Support a mix of land uses that promote bicycle and walking and reduce Vehicle Miles Travelled (VMTs).*

The continued operation of a market in proximity to residential areas maintains an option for daily purchases for surrounding residents without relying on vehicles to purchase basic items.

The Hearing Officer finds that the Project is consistent with the goals and policies of the East Los Angeles Community Plan:

- *Land Use Policy: Maintain and enhance the quality of healthy and stable residential neighborhoods.*

The existing market has been in operation for over 100 years, providing the surrounding residents with stability in the services it provides.

ZONING CODE CONSISTENCY FINDINGS

17. PERMITTED USE IN ZONE. The Hearing Officer finds that the Project is not consistent with the R-2 zoning classification because a neighborhood market with deemed approved alcohol beverage sales is not permitted in such zone. However, as the use was legally established prior to the current zoning on the property, such use may be permitted to continue operating with an NCR pursuant to County Code Section 22.172.060.

18. REQUIRED YARDS. The Hearing Officer finds that the Project is not consistent with County Code Section 22.18.040 (Development Standards for Residential Zones), which requires a 10-foot side yard setback for a reverse corner lot. The Project is legal nonconforming with respect to this standard because the existing side yard setback is three feet.

19. HEIGHT. The Hearing Officer finds that the Project is consistent with County Code Section 22.18.040 (Development Standards for Residential Zones), which require that buildings and structures shall not exceed a height of 35 feet above ground. The building is 23 feet and two inches tall and does not exceed the height limit.

20. PARKING. The Hearing Officer finds that the Project is not consistent with County Code Section 22.112.070 (Required Parking Space), which requires one parking space per 250 square feet, or four parking spaces for commercial uses. The existing residential units require three covered and one uncovered parking spaces. The Project was developed prior to any parking minimum requirements and is legal nonconforming

with respect to parking because three covered standard vehicle parking spaces are provided on site.

21. **SIGNS.** The Hearing Officer finds that Project is not consistent with County Code Section 22.114.110 (Wall Business Signs) as wall business signs are not allowed in the R-2 Zone. The Permittee removed an unpermitted sign and canopy and is proposing a new six-square-foot wall sign as allowed by current County Code Section 22.364.070 (Planning Area Standards Zone Specific Development Standards).
22. **FENCES.** The Hearing Officer finds that the Project is not consistent with County Code Section 22.110.070 (Fences and Walls), which requires that fences and walls within a corner lot side yard shall not exceed three and one-half feet in height. Per the East Los Angeles Community Standards District (“ELACSD”), any fencing above three feet six inches shall not exceed four feet in height and those portions of fences more than three and one-half feet high must be substantially open, except for pillars used in conjunction with wrought iron style fences and shall not cause a significant visual obstruction. There is an existing six-foot block wall and a six-foot wrought iron fence along Folsom Street. Therefore, the Project is legally nonconforming with respect to this standard.
23. **COMMUNITY STANDARDS DISTRICT.** The Hearing Officer finds that the Project is not consistent with County Code Section 22.316.070 (ELACSD Zone Specific Development Standards). Per the ELA CSD, the required front yard shall contain a minimum of 50 percent landscaping. The Project does not meet the 50 percent landscaping requirements and is legal nonconforming with respect to this standard.
24. **TREE PLANTING.** The Hearing Officer finds that the Project is not consistent with County Code Chapter 22.126 (Tree Planting Requirements), which requires a minimum of two trees. The Project is an existing commercial building that was established in 1924 prior to tree planting requirements, and no new buildings, building additions, or new parking areas are proposed. Therefore, this Project is legal nonconforming with respect to this standard.
25. **INCLUSIONARY UNITS.** The Hearing Officer finds that the Project is exempt from the Inclusionary Zoning Ordinance because the Project does not include any housing component.

NONCONFORMING REVIEW FINDINGS

26. **The Hearing Officer finds that to require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.** Requiring the market to cease operations would cause a disproportionate burden to the Permittee. The market was legally established and has operated on the Project Site for 100 years. The continued operation of this business is not anticipated to result in substantial adverse effects due to the business’s longevity in the community and no record of any violations that could pose public health and safety concerns to the surrounding area. This use was previously approved with NCR No. 204-(3), which permitted the nonconforming market to continue operating. This NCR was approved on June 23, 1982. The Hearing

Officer finds that allowing the continuance of this use is consistent with applicable goals and policies of the General Plan. A condition of Project Permits NCR approval will limit the hours of operation between the hours of 7:00 a.m. to 10:00 p.m. seven days a week.

- 27. The Hearing Officer finds that such use, building or structure does not now and will not during the extension period requested: i. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, or ii. Be materially detrimental to the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or iii. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.** The Project is located within the LMD land use category of the East Los Angeles Community Plan, which is intended for residential uses. The market at the Project Site was built in 1924, predating the East Los Angeles Community Plan, and is a nonconforming use due to the zoning requirements. The building is compatible with the low and medium density residential character of the neighborhood. It is a local neighborhood serving use that integrates well with the surrounding land uses. The market has been well maintained over the years and there are no proposed changes, expansions or improvements to the Project Site. Therefore, the Project will not increase traffic in a manner that could result in impacts to the surrounding community.
- 28. The Hearing Officer finds that it is not necessary to impose a grant term for the NCR.** The neighborhood market has operated on the Project Site since 1924 without any reported issues. A grant term is not necessary for the NCR given the compatibility between the Project and the surrounding land uses. Pursuant to NCR Condition No. 10, the Regional Planning Commission or a Hearing Officer, after conducting a public hearing, can subsequently revoke or modify the NCR if the business violates its conditions or if the business is otherwise detrimental to the public's health or safety or operates as a nuisance.

ENVIRONMENTAL FINDINGS

- 29.** The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities Categorical Exemption). The Project consists of the continued operation and maintenance of an existing nonconforming neighborhood market. There are no exceptions to the exemption because the Project is not located in an environmentally sensitive area, there are no historical resources on site, and the Project Site is not listed in the Department of Toxic Substances Control's list of hazardous waste or clean up sites.

ADMINISTRATIVE FINDINGS

- 30. LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and

materials shall be the Section Head of the Metro Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. To require the cessation of the proposed use building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of the property.
- C. The proposed use at the site 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.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the CEQA pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities Categorical Exemption); and
- 2. Approves **NONCONFORMING REVIEW NO. RPPL2023005436**, subject to the attached conditions.

ACTION DATE: September 16, 2025

EMR:MR

September 4, 2025

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

CONDITIONS OF APPROVAL
PROJECT NO. PRJ2023-003701-(1)
NONCONFORMING REVIEW NO. RPPL2023005436

PROJECT DESCRIPTION

The project is the continued operation and maintenance of an existing nonconforming neighborhood market (“Project”) 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. 6. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, and 10, shall be effective immediately upon the date of final approval of this grant by the County.
3. **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.
4. **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.

5. **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.
6. **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 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.
7. **Grant Term Expiration. This NCR does not have a grant term. However, this NCR may be revoked pursuant to Condition 12, below.**
8. **Accessory Commercial Unit – Other Permitted Uses.** The 1,258-square-foot nonconforming neighborhood market, which is located on the first floor of a two-story building with two residential units on the second floor, 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 1,258-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 1,258-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 1,258-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 (“ABC”) 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 9, below.

9. **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 8, above, may lose its deemed-approved status pursuant to County Code Section 22.140.030.H.2, and if that occurs, the sale of alcoholic beverages can only occur pursuant to the County Code regulations in effect at the time.

10. **Expiration of Approval.** 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 existing neighborhood market, and satisfaction of Condition No. 2, shall be considered use of this grant.
11. **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 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, the Permittee shall be financially responsible and shall reimburse LA County Planning for all enforcement efforts necessary to bring the subject property into compliance. The amount charged for inspections shall be **\$456.00** 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 an UAS requires the approval 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.

12. **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 for the Permittee to cease any development or activity not in full compliance shall be in violation of these conditions and result in revocation.
13. **County Fire Code.** 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.

14. **County Public Works Requirements.** All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
15. **Exhibit "A."** 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 of LA County Planning ("Director").
16. **Property 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.
17. **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.

18. **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 **November 16, 2025**.
19. **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.
20. **Retention of Conditions 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 member. 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

21. **Scope of Approval.** This grant shall authorize the continued operation of a nonconforming neighborhood market.
22. **Termination of Nonconforming Status.** The right to operate the existing nonconforming neighborhood-serving commercial use may be terminated pursuant to County Code Section 22.364.070.A.2.b if the Director determines that any of the circumstances provided in County Code Section 22.172.050.A (Termination by Discontinuance) apply.
23. **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 permitted pursuant to County Code Chapter 22.172. Any alteration, enlargement, or expansion of any structures, or any modification of use, allowed by said Chapter 22.172 shall first be approved by the Director.
24. **Exterior Lighting.** All lighting provided shall be full cutoff. All lighting fixtures shall be fully shielded to confine light spread on-site. Lighting used on-site shall be hooded and not impact surrounding or neighboring properties. The type and location of site and building lighting shall preclude direct glare onto adjoining property, streets, or skyward.
25. **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.
26. **Signage.** One wall or projecting business sign, not to exceed six square feet in sign area, shall be permitted, provided no illumination is used. Roof and freestanding business signs are prohibited.
27. **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.
28. **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.
29. **Loitering.** Loitering, including loitering by employees of the subject property, 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

30. **Hours of Operation.** The hours of operations shall be limited to 7 a.m. to 10 p.m. seven days a week. Loading, unloading, and all maintenance activities shall be conducted within the hours of operation.
31. **Trash Collection.** Garbage and trash shall be stored in designated trash collection containers and enclosures which are not visible from the street.
32. **Outdoor Music.** No outdoor music shall be permitted at any time.
33. **Outdoor Activity.** No outdoor activity shall be permitted.
34. **Outside Storage.** Outside storage or display is not permitted on the subject property.
35. **Outdoor Structures.** The following outdoor structures are prohibited when they are clearly visible from the street.
 - a. Donation boxes or bins, such as those for, but not limited to, the collection of clothing or items for donation or recycling.
 - b. Structures or machines that are internally illuminated or have moving parts, flashing lights, or make noise, such as photo booths, fortune-telling machines, penny-crunching machines, video games, or the like.
 - c. Inanimate figures, such as statues or sculptures of animals or mannequins, cartoon figures, or human figures.
36. **Security Cameras.** On-site 24-hour security cameras shall be maintained in good operating condition and shall be in operation at all times. Footage from the security cameras shall be retained for at least 30 days, during which time it shall be made available to LA County Planning staff member and/or law enforcement upon request.