



Los Angeles County Department of Regional Planning



Planning for the Challenges Ahead

Richard J. Bruckner
Director

December 20, 2011

Larry Tidball
19 Technology Drive
Irvine, CA 92618

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NUMBER R2009-00760-(1)
VARIANCE NUMBER 201100003
250 South Atlantic Blvd. East Los Angeles**

Dear Applicant:

The Hearing Officer, Alex Garcia by his action of Tuesday, December 20, 2011, **APPROVED** the above described application (**Variance No. 201100003**). The applicant or and other interested person may appeal the Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at 5:00 p.m. on Tuesday, January 3, 2012.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

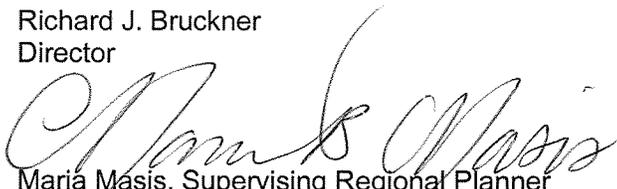
The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition Number two requires that the permittee record an affidavit accepting the conditions before the grants becomes effective.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** the form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Anita Gutierrez of the Special Projects Section at (213) 974-4813 or by e-mail at AGutierrez@planning.lacounty.gov . Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner
Director



Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement; Nelson W. Quan

MM:ag

FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES

**PROJECT NUMBER R2009-00760-(1)
VARIANCE NUMBER 201100003**

REQUEST:

Pursuant to Los Angeles County Code ("Code") Section 22.56.260 a variance may be filed to permit modification of development standards as they apply to particular uses; which in this case is sign regulations, when practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Title 22, develop through the strict literal interpretation and enforcement of such provisions. Pursuant to Code Section 22.44.118(C) 3 (a) only one freestanding sign is permitted on the subject property. The applicant is requesting a variance to modify the development standards in the East Los Angeles Community Standards District to allow for the continued use of two freestanding signs on the subject property.

HEARING DATE: December 20, 2011

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on December 20, 2011 before the Hearing Officer (Alex Garcia). The applicant's representative, Vandana Kelkar presented testimony in favor of the request and agreed with staff's presentation.

There being no further testimony, the Hearing Officer closed the public hearing and approved the permit with findings and conditions as agreed to by the applicant.

Findings

1. The subject property is located at 250 South Atlantic Blvd., Unincorporated East Los Angeles
2. The project includes a request to modify the development standards in the East Los Angeles Community Standards District to allow for the continued use of two freestanding signs on the subject property.
3. The site plan depicts an existing gas station at the intersection of Pomona and Atlantic Boulevards with a mini-mart and nine parking spaces (including one handicap accessible space). The existing freestanding signs consist of: 1) a 60 foot tall freeway oriented pole sign, with the Chevron logo, and 2) a 7 foot tall monument sign, with the Chevron logo and changeable gasoline price information.
4. The subject property is located within the East Los Angeles Community Plan Area and is designated as MC - Major Commercial, which is described as areas containing mixtures of small and large businesses in major areas. These areas are

oriented toward the greater East Los Angeles area. The primary use on the site is gas station, which is a compatible commercial use oriented toward the greater East Los Angeles area.

5. Code Section 22.52.890 states that one freestanding sign shall be permitted where one of the following findings can be made: 1) Subject building is at least 35 feet from the front property line. 2) Subject building has more than two tenants and the secondary tenants have no street frontage or 3) Adjacent buildings are within 10 feet of the front property line and the subject building is at least 10 feet behind either of the adjacent buildings. Sign areas shall comply with the following requirements: 1) The total permitted sign area of all signs on a building or site is 10 percent of the building face (not to exceed 240 square feet) 2) Building face area is the height of the building (not including the parapet) multiplied by its frontage.
6. The project is at least 35 feet from the front property line and therefore qualifies for one freestanding sign. A second freestanding sign is appropriate given the unique location of the subject property and its proximity to the freeway.
7. A variance is required for more than one freestanding sign, there are currently two on the property. Variance case number 95-038 was approved on July 19, 1995 to allow two freestanding signs on the property. The current request is to continue the use of the two freestanding signs on the subject property.
8. All wall business signage was previously reviewed and approved under Plot Plan 35619 in April of 1990.
9. LA County Code Section 22.28.220, every lot or parcel of land which is used for a use permitted in Zone C-3, shall provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used. The total building square footage of the gas station and mini-mart is approximately 1,996 square feet, which requires 8 parking spaces ($1,996/250=7.9$). Nine parking spaces are being provided; the applicant has met the parking standard.
10. The gas station has existed at its current location for over twenty years and provides a necessary service to local residents and the greater East Los Angeles area. The site is surrounded by other commercial uses to North, East, South and West and is located in close proximity to a freeway providing fueling option for passing motorists. The continued use of the freestanding signs is appropriate given the unique location of the subject property and its proximity to the freeway.
11. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

12. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is appropriate to limit the term of the grant to long as the use on the property remains a gas station.
13. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That there are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location or surroundings, which are not generally applicable to other properties in the same vicinity and under identical zoning classification;
- B. That such variance is necessary for the preservation of a substantial property right of the applicant such as that possessed by owners of other property in the same vicinity and zone;
- C. That the granting of the variance will not be materially detrimental to the public welfare or be injurious to other property or improvements in the same vicinity and zone.

HEARING OFFICER ACTION:

1. In view of the findings of fact and conclusions presented above, the Hearing Officer determines that the project is categorically exempt from CEQA pursuant to a Class 1 – (Existing Facilities) categorical exemption.
2. In view of the findings of fact and conclusions presented above, Variance Case Number 201100003 is approved subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MM:AG
12/20/2011

**CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2009-00760-(1)
VARIANCE NO. 201100003**

PROJECT DESCRIPTION

The project is request for a variance to modify the development standards in the East Los Angeles Community Standards District to allow for the continued use of two freestanding signs on the subject property subject to the following conditions of approval:

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 ("Regional 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, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4 and 5 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
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 limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully 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 fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
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 make an initial deposit with Regional 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 Regional 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.

6. 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. 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 Los Angeles 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 terminate at such time the use on the subject property is no longer a gas station.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after a change of use on the subject property, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Variance application with Regional Planning, or shall otherwise comply with the applicable sign requirements at that time. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. 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 two freestanding signs and satisfaction of Condition No. 2 shall be considered use of this grant.
10. 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. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) biennial (one every other year)** inspections and thereafter required only if determined by Zoning Enforcement. 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 one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

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 ("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 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
14. All development pursuant to this grant shall conform with the requirements of County Department of Public Works.
15. 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 Regional 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 24 hours of notification 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.
16. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three copies** of a modified Exhibit "A" shall be submitted to Regional Planning February 21, 2012.

PROJECT SITE SPECIFIC CONDITIONS

17. No changes to the freestanding signs are authorized with this permit.
18. The applicant shall provide a minimum of eight parking spaces, one of which must be handicap accessible.
19. If there is a change in ownership, Regional Planning shall be notified within thirty (30) days of change.