

# Hearing Officer Transmittal Checklist

Hearing Date  
12/20/2011  
-----  
Agenda Item No.  
3

Project Number: R2009-00760-(1)  
Case(s): Variance Case No. 201100003  
Planner: Anita Gutierrez

- Factual
- Property Location Map
- Staff Report
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use Radius Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Landscaping Plans
- Findings and conditions from previously approved case

Reviewed By: 



Los Angeles County Department of Regional Planning  
 320 West Temple Street  
 Los Angeles, California 90012  
 Telephone (213) 974-6443  
**PROJECT NUMBER R2009-00760-(1)**  
**VARIANCE NUMBER 201100003**

**PUBLIC HEARING DATE**  
12/20/2011

**AGENDA ITEM**

**RPC CONSENT DATE**

**CONTINUE TO**

**APPLICANT**

Larry Tidball

**OWNER**

Nelson W. Quan & Nelson Quan Trustee

**REPRESENTATIVE**

None

**PROJECT DESCRIPTION**

The applicant is requesting a variance to authorize the continued use of two freestanding signs on the subject property.

**REQUIRED ENTITLEMENTS**

Pursuant to LA County 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 LA County 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 allow for the continued use of two freestanding signs on the subject property.

**LOCATION/ADDRESS**

250 South Atlantic Blvd.

**SITE DESCRIPTION**

The site plan depicts an existing gas station with at the intersection of Pomona and Atlantic Boulevards with a minimart 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.

**ACCESS**

Via Atlantic and Pomona Boulevards

**ZONED DISTRICT**

Eastside Unit No. 4

**ASSESSORS PARCEL NUMBER**

5250-022-017

**COMMUNITY**

East Los Angeles

**SIZE**

0.50 Acres

**COMMUNITY STANDARDS DISTRICT**

East Los Angeles Community Standards District

	<b>EXISTING LAND USE</b>	<b>EXISTING ZONING</b>
Project Site	Gas Station	C-3 (Unlimited Commercial) Zone
North	Retail and Commercial uses	C-3 (Unlimited Commercial) Zone/ City of Monterey Park
East	Cemetery and Single-Family homes	C-3 (Unlimited Commercial)/R-1 (Single-Family Residence) Zones
South	Retail and Multi-Family Dwellings	C-3 (Unlimited Commercial)/R-2 (Two-Family Residence) Zones
West	Retail and Commercial uses	C-3 (Unlimited Commercial)/C-2 (Neighborhood Business) Zones

**GENERAL PLAN/COMMUNITY PLAN**

East L.A. Community Plan

**LAND USE DESIGNATION**

MC - Major Commercial

**MAXIMUM DENSITY**

**ENVIRONMENTAL DETERMINATION**

Class 1 Categorical Exemption-Existing Facilities

**RPC LAST MEETING ACTION SUMMARY**

<b>LAST RPC MEETING DATE</b>	<b>RPC ACTION</b>	<b>NEEDED FOR NEXT MEETING</b>
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING/ABSENT

**TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS**

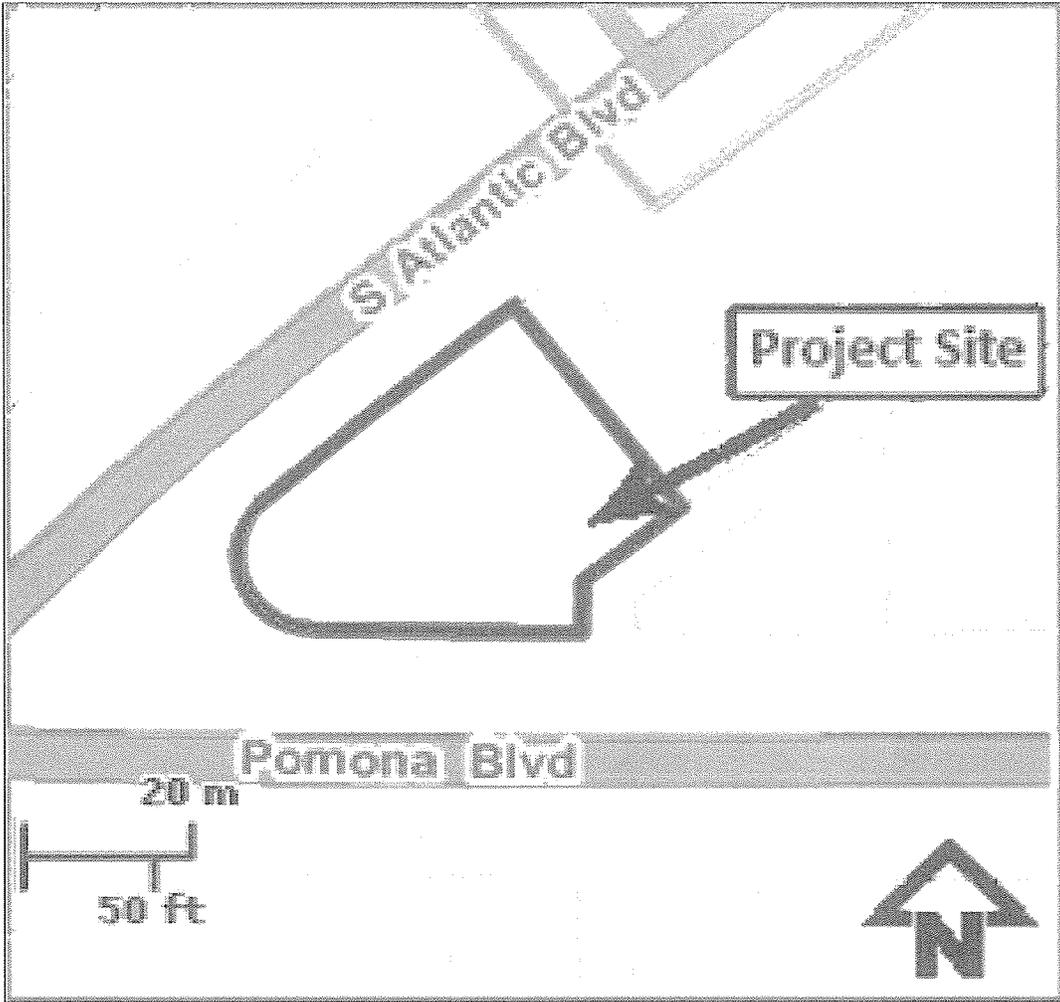
STAFF CONTACT PERSON: Anita Gutierrez

<b>RPC HEARING DATE(S)</b>	<b>RPC ACTION DATE</b>	<b>RPC RECOMMENDATION</b>
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING

STAFF RECOMMENDATION (PRIOR TO HEARING):

<b>SPEAKERS*</b>	<b>PETITIONS</b>	<b>LETTERS</b>
(O) 0 (F) 0	(O) 0 (F) 0	(O) 0 (F) 0

\*(O) = Opponents (F) = In Favor



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

**PROJECT DESCRIPTION**

The applicant is requesting a variance to authorize the continued use of two freestanding signs on the subject property.

**REQUIRED ENTITLEMENTS**

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 (CSD) to allow for the continued use of two freestanding signs on the subject property.

**LOCATION**

The project is located at 250 South Atlantic Blvd., Unincorporated East Los Angeles.

**SITE PLAN DESCRIPTION**

The site plan depicts an existing gas station with 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.

**ENVIRONMENTAL DETERMINATION**

The Department of Regional Planning has determined that a Categorical Exemption, Class 1 – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements.

**LEGAL NOTIFICATION AND PUBLIC OUTREACH**

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, property posting, library posting and DRP website posting.

**PREVIOUS CASES/ZONING HISTORY**

- Plot Plan 35619, allowed for wall business signage at an existing gas station. Approved on February 12, 1987 and April, 20 1990.
  
- Plot Plan 35619, allowed the conversion of an auto service building to mini-mart. Approved on February 6, 1997.

- Variance 95-038, allowed a second freestanding sign on the subject property. Approved on August 9, 1995 and expired on July 19, 2010.

## **STAFF EVALUATION**

### **General Plan Consistency**

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.

### **Zoning Ordinance and Development Standards Compliance**

The subject property is zoned C-3 (Unlimited Commercial) and is located within the East Los Angeles Community Standards District. The following development standards apply:

#### **Signage**

Pursuant to Section 22.44.118 of the Code, 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.

All wall business signage was previously reviewed and approved under Plot Plan 35619 in April of 1990. 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.

#### **Parking**

Pursuant to 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.

**Neighborhood Impact/Land Use Compatibility**

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.

**Burden of Proof**

The applicant is required to substantiate all facts identified by Section 22.56.290 of the Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that there are special circumstances applicable to the property due its location and surroundings and that the applicant has met the burden of proof.

**PUBLIC COMMENTS**

No comments have been received.

**FEES/DEPOSITS**

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

**STAFF RECOMMENDATION**

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends Approval of Project Number R2009-00760 and case number RVAR 201100003 subject to the attached conditions.

Prepared by Anita Gutierrez, Zoning Permits East Section

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Conditions of Approval

Draft Findings of Approval

Applicant's Burden of Proof statement

Site Photographs

Site Plan

Land Use Map

## 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:

#### 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, 13<sup>th</sup> 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  
12/05/2011

**DRAFT 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 within sixty (60) days of the date of final approval.

#### 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.



Los Angeles County  
Department of Regional Planning

Planning for the Challenges Ahead



## VARIANCE BURDEN OF PROOF

In addition to the information required on the application by Chapter 22.56, Part 2, the applicant for a variance shall substantiate to the satisfaction of the Director the following facts:

*(Do not repeat the statement or provide Yes/No responses. If necessary, attach additional pages.)*

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; and

SEE ATTACHED LETTER

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; and

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.



Stantec Architecture Inc.  
3 Columbia Circle  
Albany NY 12203  
Tel: (518) 452-4358  
Fax: (518) 452-9234

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**Stantec**

June 15, 2011  
Department of Regional Planning  
320 W. Temple St.  
Los Angeles, CA 90012

Dear County of Los Angles :

**Reference: Chevron SS# 9-3699  
250 S. Atlantic Blvd  
Los Angeles, CA**

### **Project Description & Variance Burden of Proof**

**Project Description:** This request is a variance request to maintain 2 existing free standing signs on the property. This site is an operating Chevron branded service station, located on Atlantic Boulevard just south of the State Highway 60. A prior variance granted in 1995 allowed 2 freestanding signs on this site as a modification of the East Los Angeles Community Standards District Requirements. This variance had a provision requiring that this be renewed after a period of years, thus this application for variance for these existing signs. No change in the existing signs are proposed, nor are other improvements or requests included with this application.

The existing freestanding signs consist of 1) a 60' tall freeway oriented pole sign containing the Chevron logo, and 2) a 7' tall monument sign containing the Chevron logo and gasoline price information as required by the California Business and Professions Code for gasoline sales outlets. These signs are consistent with the; heights, areas, and placement requirements of the LA County regulations 22.52.890 governing these signs. This site qualifies as a freeway oriented site as the property is located less than 1500 feet from the freeway exit. (approximately 300').

### **Variance Burden of Proof:**

- A. *That there are special circumstances or exceptional characteristics applicable to the property in 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 classifications:*
- This property has for many years housed a business selling motor vehicle fuel to the motoring public. As the business serves both local customers and customers on the nearby Route 60 freeway, the use of a freeway oriented freestanding sign is both necessary and permitted by the LA County Zoning Code 22.52.890. The special circumstance for the purposes of this variance request is: this property contains a freeway oriented business. Since this business is sells gasoline it must display gasoline prices to customers at the street level (CA BPC 13532). Since a freeway oriented sign cannot also address pricing to motorists at ground level, 2 signs are necessary. Since other business in the area are not both retail motor vehicle fueling stations, and freeway oriented business, this exception does not generally apply to other properties in the area.

June 15, 2011

Page 2 of 2

Reference: 250 S. Atlantic

*B. That such variance is necessary for the preservation of a substantial property right of the applicant such that possessed by owners of other property in the same vicinity and zone:*

- The property owner's substantial property right to be preserved is the maintenance of the existing signs and prior approval under which basis this business has operated for many years. The business is dependant in part on sales generated by the traffic exiting the freeway so the maintenance of the freeway oriented sign is necessary to preserve the business. The monument sign for gasoline pricing is required by state law and the business would be shut down by the Department of Weights and Measures if they do not continue to display the prices by maintaining this second sign. Without both signs this property is no longer viable as a retail gasoline sales outlet.

*C. That granting of the variance will not be materially detrimental to the public welfare or be injurious to other property owners or improvements in the same vicinity or zone.*

- The signs that are the subject of this variance request have been existing for many years and do not now, nor will they in the future be materially detrimental public welfare or injurious to other property owners in the vicinity. The signs do not create unsafe conditions by blocking visibility at the street level, nor do they emit excessive light levels. 250 S. Atlantic Boulevard

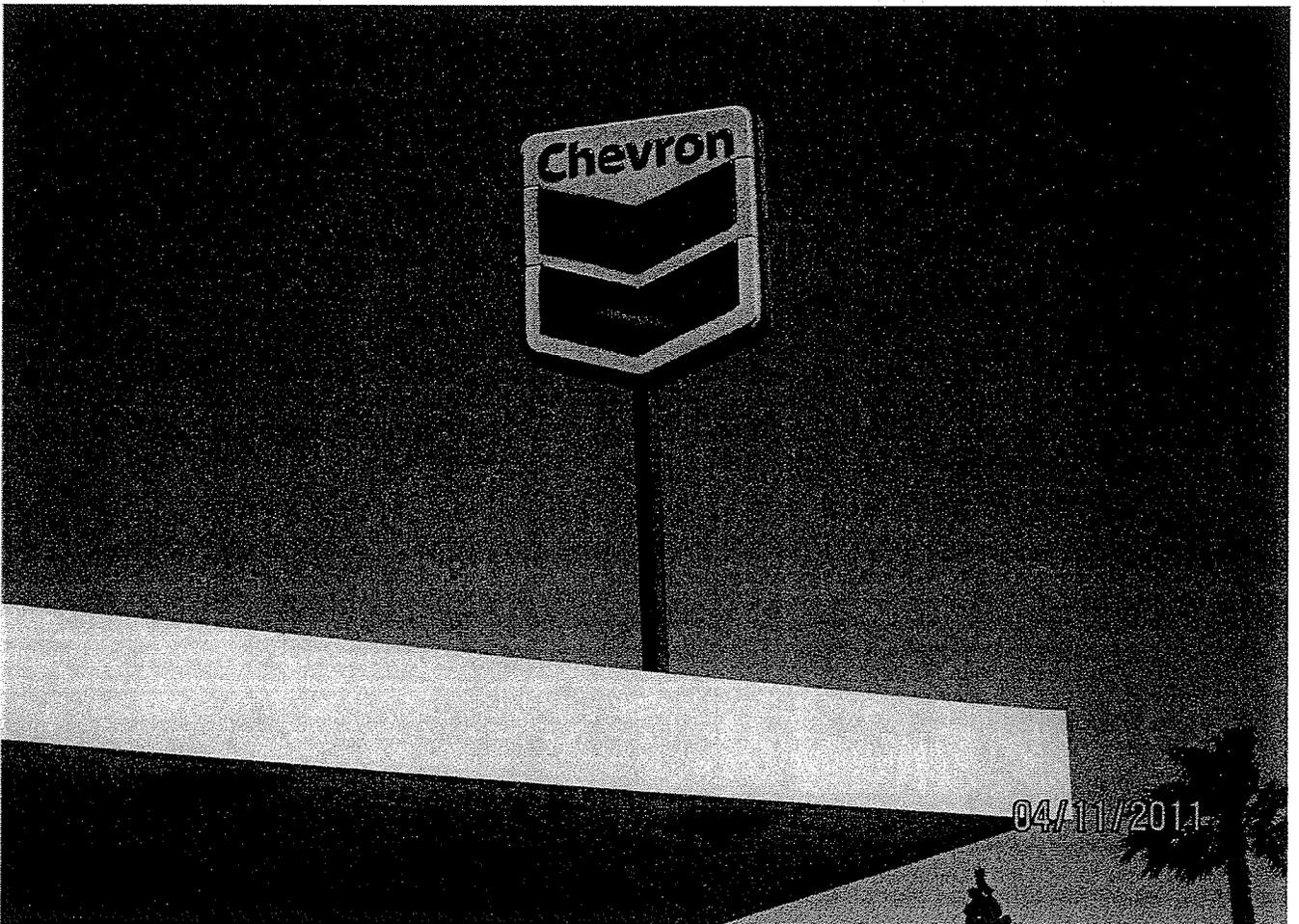
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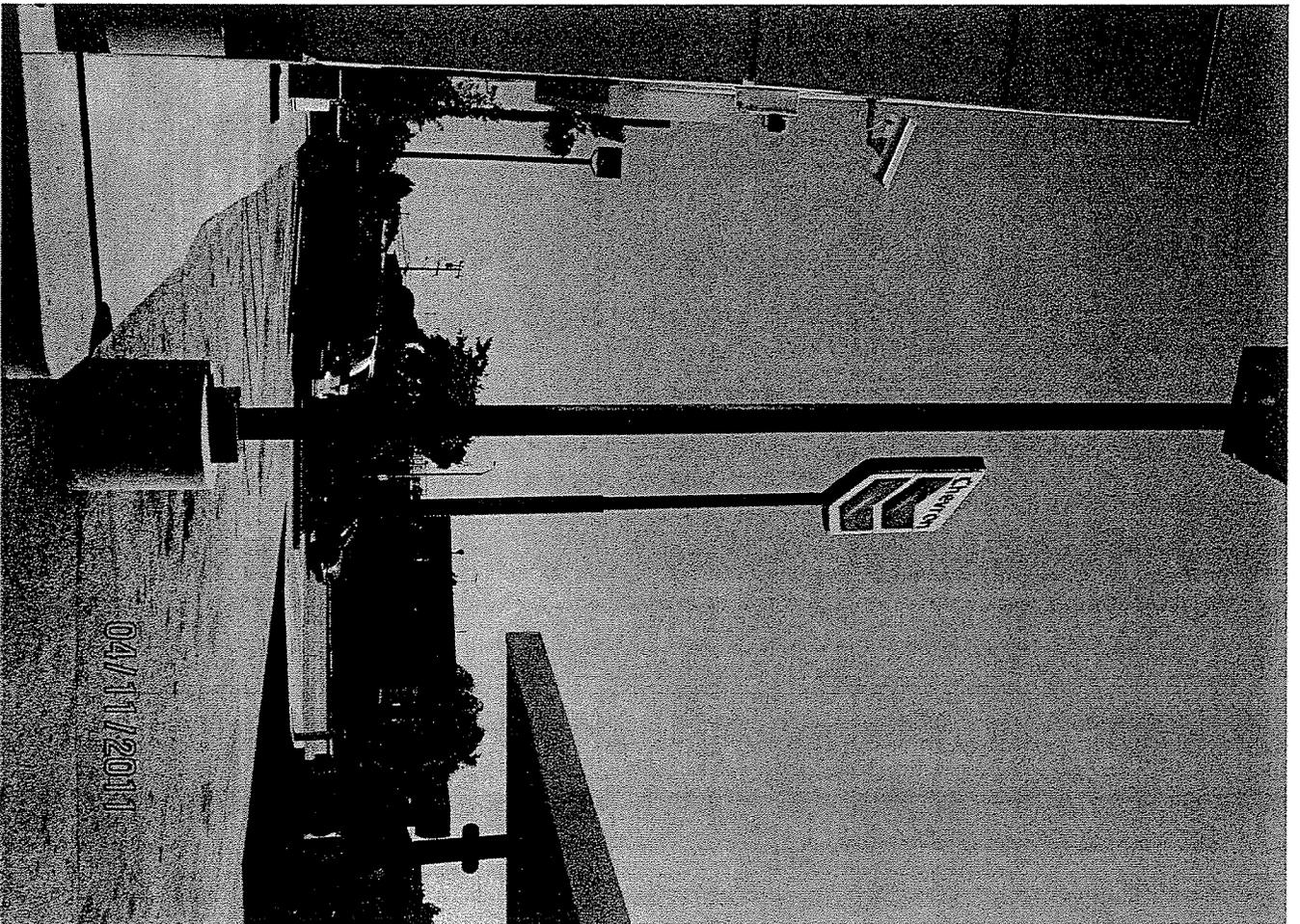
**STANTEC ARCHITECTURE INC.**

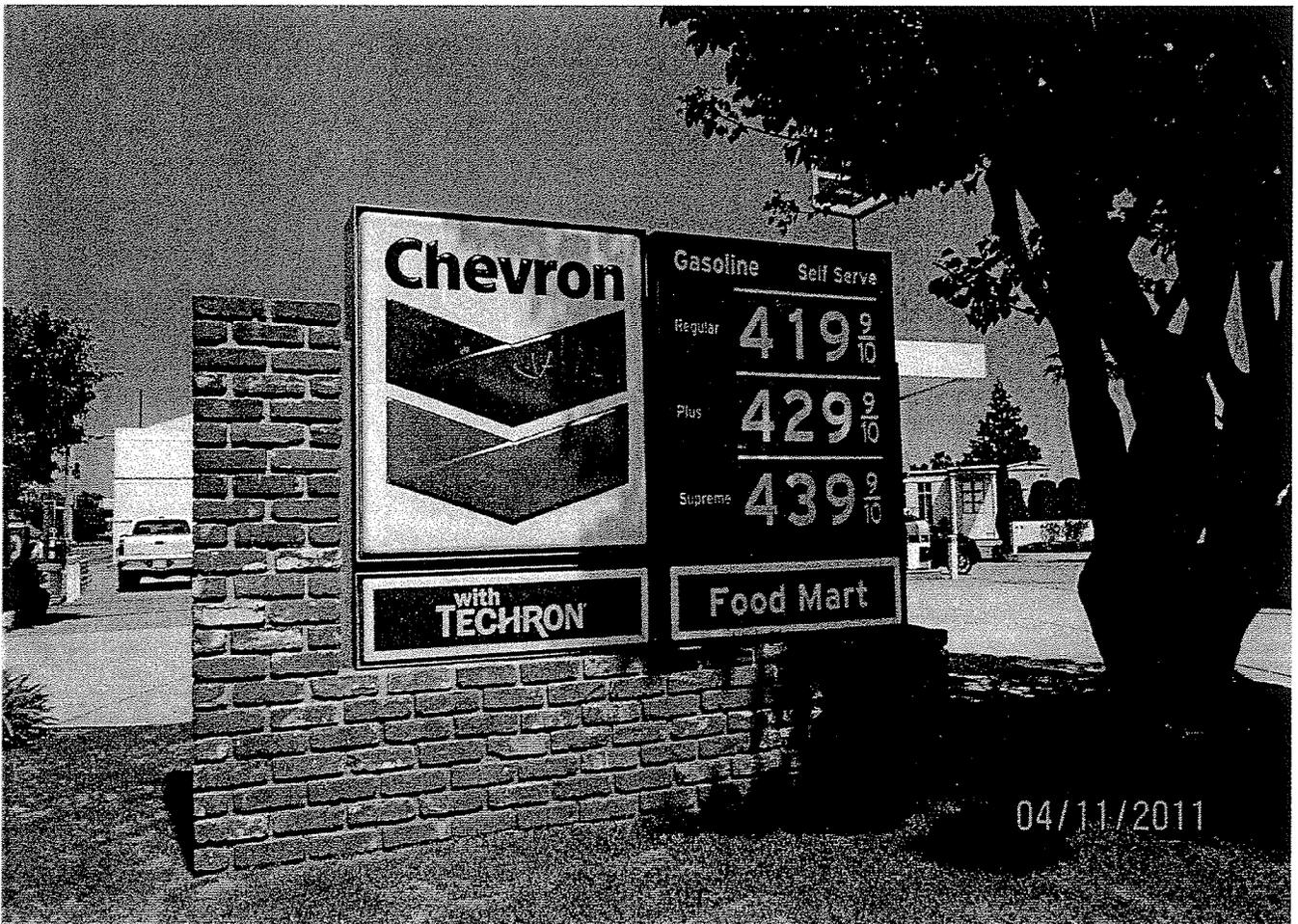


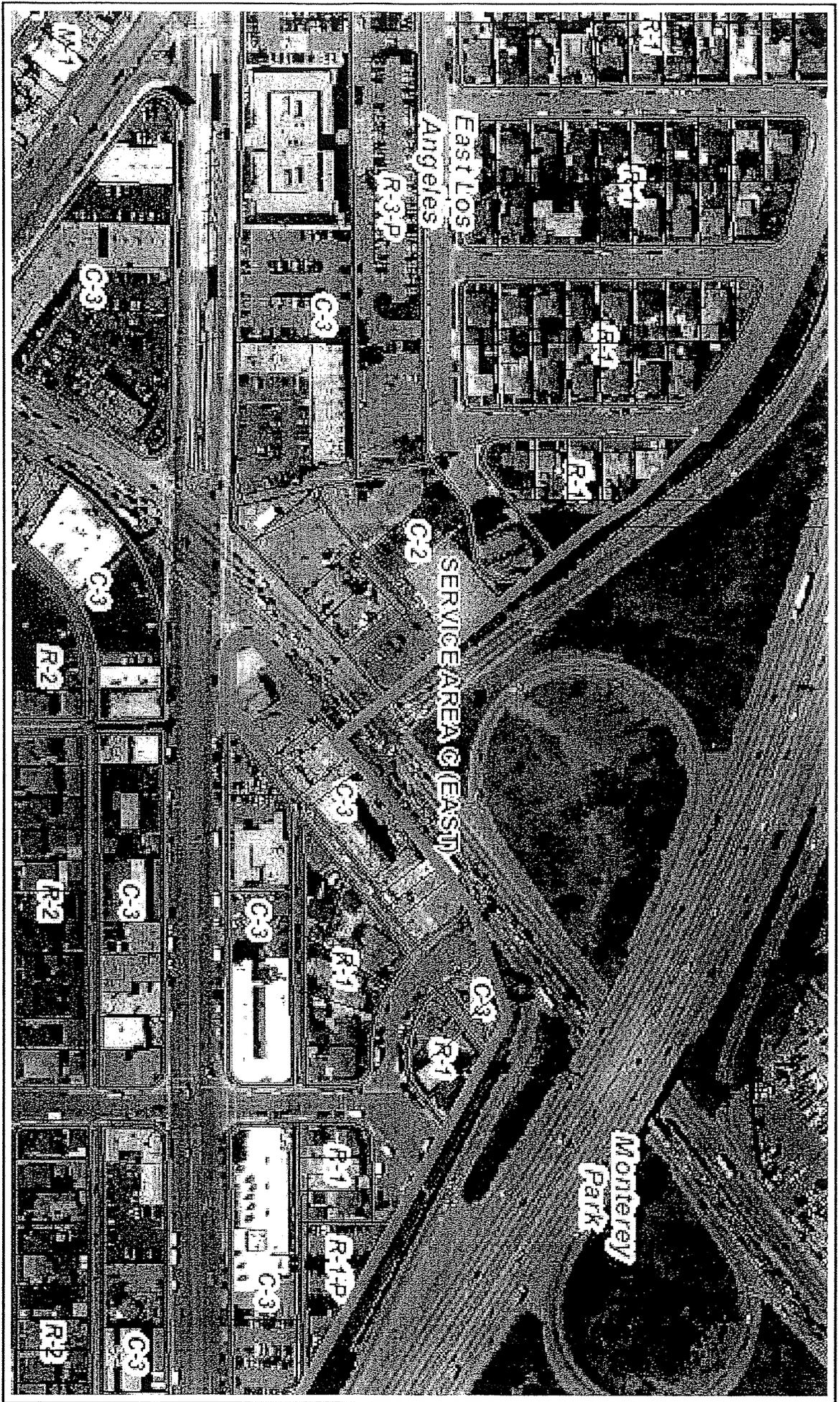
Larry Tidball  
Associate  
Tel: (949) 923-6903  
Fax: (949) 923-6190  
Larry.Tidball@stantec.com

C.





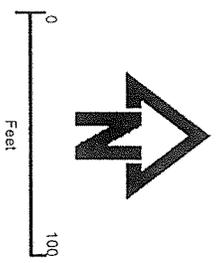




# Department of Regional Planning

Printed: Dec 07, 2011

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**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
VARIANCE CASE NO. 95038-(1)**

**COMMISSION HEARING DATE: July 19, 1995**

**SYNOPSIS:**

The applicant's request is for approval of a variance to authorize a modification of development standards as imposed by the East Los Angeles Community Standards District. Applicant currently maintains two freestanding pole signs. Applicant proposes to replace one of the pole signs with a new monument sign and continue to maintain the second pole sign. Current provisions of the East Los Angeles Community Standards District limit the applicant to a maximum of one freestanding sign.

**PROCEDURE BEFORE THE COMMISSION:**

Staff noted that the unique shape and location of the subject property, which requires identification from northerly, southerly, easterly and westerly directions was a major factor in recommending approval of the variance application.

There being no further testimony, the Commission closed the public hearing and, by a vote of 4-0 (Commissioner Wulliger abstaining) instructed staff to prepare findings and conditions for approval.

**FINDINGS:**

1. The subject property is located at 250 South Atlantic Boulevard within the Eastside Unit No. 2 Zoned District of Los Angeles County.
2. The subject property is zoned C-3, is 22,000 square feet in size and is currently developed with a gas station with mini-market.
3. Section 22.44.118 (C) 3 (a) of the East Los Angeles Community Standards District authorizes placement of a maximum of one freestanding sign on the subject property.
4. The applicant proposes to remove one of the two existing pole signs and to replace it with a much less obtrusive monument sign.
5. The unique shape and location of the subject property requires identification from northerly, southerly, easterly and westerly directions.

**BASED ON THE FOREGOING, THE COMMISSION CONCLUDES:**

- A. Limiting the subject commercially developed property to a maximum of one freestanding sign would result in practical

difficulties and unnecessary hardships inconsistent with the general purpose of the East Los Angeles Community Standards District.

- B. Because of the special circumstances, the shape and location of the subject property, the strict application of the code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
- C. That the variance requested will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated;
- D. The requested variance will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.
- E. Except for the modification to ordinance standards approved in the accompanying variance, the site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in the Zoning Ordinance and otherwise required to integrate the use requested with the uses in the surrounding area.

**COMMISSION ACTION:**

- 1. The Regional Planning Commission finds that the project is categorically exempt (Class III) from the requirements of the California Environmental Quality Act and that the project will not have a significant effect on the environment.
- 2. In view of the findings of fact presented above, Variance Case No. 95038-(1) is **GRANTED** with the attached conditions.

**VOTE:** 3-0  
Concurring: Toy, Clark, Russell  
Dissenting: 0  
Abstaining: Wulliger  
Absent: Guido  
Date of Action: August 9, 1995

1. 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.
2. This grant shall not be effective for any purpose until the permittee and the owner of the property involved (if other than the permittee) have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
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 65907. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully 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.
4. This grant will expire unless used within 2 years from the date of approval. A one year time extension may be requested before the expiration date.
5. This grant will terminate July 19, 2010.
6. 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.
7. 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 \$700.00. The fee shall be placed in a performance fund

which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fee provides for seven annual inspections.

If any future 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 the Department of Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance.

8. This grant allows the applicant to replace the existing pole sign at the corner of Atlantic and Pomona with a new monument sign while continuing to maintain an existing pole sign, 60 feet in height, adjacent to the alley. Two existing state mandated signs which are exempt from County regulation will continue to be maintained on site.

Advertising the sale of alcoholic beverages on site is prohibited.

9. The subject property shall be developed and maintained in substantial compliance with the plans on file marked Exhibit "A". In the event that subsequent revised plans are submitted the written authorization of the property owner is necessary.
10. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise set forth in these conditions or shown on the approved plans.
11. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water and sewage facilities shall be provided to the satisfaction of said Department.
12. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.