



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

January 18, 2012

Guzman Valdivia
392 S. Atlantic Blvd.
Los Angeles, CA 90022

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**REGARDING: PROJECT NO. R2011-00274
CONDITIONAL USE PERMIT NO. 201100027
392 S. ATLANTIC BLVD., LOS ANGELES, CA 90022**

Dear Applicant:

Hearing Officer Pat Hachiya, by her action of January 17, 2012, **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

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 January 31, 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.

Upon completion of the appeal period, **hand deliver** a notarized affidavit of acceptance form, a certified copy of the recorded findings and conditions of approval, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Steve Mar of the Zoning Permits East Section at (213) 974-6435 or e-mail at smar@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,
DEPARTMENT OF REGIONAL PLANNING
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, Clare Brotman
MM:SM



Los Angeles County
Department of Regional Planning

1100 West Washington Blvd., Los Angeles, CA 90015

Regional Planning
Division

January 11, 1974

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

William Verwey
2218 Wilshire Blvd.
Los Angeles, CA 90057

RE: [Illegible]
[Illegible]
[Illegible]

YOUR LETTER OF JANUARY 11, 1974, APPROVED THE ABOVE DESCRIBED PROJECT AND
CONTAINS THE EFFECTIVE CONDITIONS OF THE HEARING OFFICER'S FINDINGS AND CONDITIONS RELATING TO THE
PROJECT. PLEASE CONTACT THE HEARING OFFICER'S OFFICE AT THE ADDRESS LISTED BELOW TO OBTAIN THE ORIGINAL
CONDITIONS OF THE HEARING OFFICER'S FINDINGS AND CONDITIONS RELATING TO THE PROJECT.

THE HEARING OFFICER'S OFFICE IS LOCATED AT THE ADDRESS LISTED BELOW. THE HEARING OFFICER'S OFFICE IS
OPEN FROM 9:00 A.M. TO 5:00 P.M. MONDAY THROUGH FRIDAY. THE HEARING OFFICER'S OFFICE IS CLOSED ON
SATURDAY, SUNDAY AND HOLIDAYS. THE HEARING OFFICER'S OFFICE IS CLOSED ON JANUARY 15, 1974. ANY
APPEALS MUST BE FILED WITH THE HEARING OFFICER'S OFFICE BY THE DEADLINE DATE LISTED BELOW. IF AN
APPEAL IS FILED AFTER THE DEADLINE DATE, IT WILL BE CONSIDERED AS A NEW PROJECT AND WILL BE
RECEIVED BY THE HEARING OFFICER'S OFFICE AT THE ADDRESS LISTED BELOW.

IF YOU HAVE ANY QUESTIONS REGARDING THE HEARING OFFICER'S FINDINGS AND CONDITIONS RELATING TO THE
PROJECT, PLEASE CONTACT THE HEARING OFFICER'S OFFICE AT THE ADDRESS LISTED BELOW. THE HEARING OFFICER'S
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[Illegible Signature]
[Illegible Title]

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HEARING OFFICER'S FINDINGS AND ORDER:

PROJECT NUMBER R2011-00274 - (1)

CONDITIONAL USE PERMIT NO. 201100027

HEARING DATE: January 17, 2012

REQUEST: The applicant, Brotman Auto Body, is requesting a conditional use permit (CUP) for the operation of an auto body repair shop within an existing 4,199 sq. ft. 2-story office and garage building that was previously used as an auto mechanical repair shop in the C-3 (Unlimited Commercial) zone pursuant to Los Angeles County Code Section 22.28.210.

PROCEEDINGS BEFORE THE HEARING OFFICER:

A duly noticed public hearing was held on January 17, 2012 before the Hearing Officer. Hearing Officer Pat Hachiya was in attendance for the Public Hearing. Staff presented the applicant's request. The owner of the project, Greg Rogers, testified in favor of the project. Ms. Hachiya and Mr. Rogers came to an agreement that all of Public Works' outstanding requirements, if any, would need to be met to their satisfaction as part of the project's approval. A revised letter will be requested from Public Works confirming their final approval of the project.

A neighboring resident, Lorena Cuevas, testified that the auto shop located across the street and to the south of the project site, owned also by Mr. Rogers, generated paint odors, excessive noise, and parked cars by their property. Ms. Hachiya informed Ms. Cuevas that since she was complaining about another property that wasn't the subject property, Ms. Cuevas should contact Regional Planning's Zoning Enforcement Section and other appropriate agencies with her complaint.

There being no further testimony, Ms. Hachiya closed the public hearing and approved the applicant's request with findings and conditions for approval.

Findings

1. The subject property is located at 344 S. Atlantic Boulevard in East Los Angeles and in the Eastside Unit #2 Zoned District.
2. The subject property is zoned C-3 (Unlimited Commercial). The existing zoning for the surrounding properties are as follows:
 - North: C-3 (Unlimited Commercial) zone.
 - East: R-2 (Two-Family Residence) & R-3 (Unlimited Multiple Residence) zones.
 - South: C-3 (Unlimited Commercial) zone.
 - West: C-3 (Unlimited Commercial) zone.
3. The existing land use for the subject property contains a vacant auto mechanical repair shop. The existing land use for the surrounding properties are as follows:
 - North: Smog Shop
 - East: Multi-Family Residences
 - South: Auto Body Shop
 - West: Restaurant, Commercial, Auto Repair Shop

4. This approval is for the operation of an auto body repair shop with new appurtenant parking. The shop will be located in an existing 4,199 sq. ft. 2-story office & garage building that was previously used as an auto mechanical repair shop. Parking will consist of 18 parking stalls, including one disabled parking stall with a disabled access walkway. New 6' tall wrought iron sliding gates will secure the driveways located at Via Corona Street and Repetto Avenue. New wrought iron fencing will be installed onto sections of the existing 3' tall CMU wall surrounding the property to raise the overall height of the fence to 6'.
5. Plot Plan Case No. 200602353 was approved February 6, 2007. This plot plan established a used car lot dealership.
6. The subject property is designated MC – Major Commercial in the General Plan. Previously, the subject property was being used as an auto mechanical repair shop. The proposed use of the property as an auto body repair shop is consistent with the land use compatibility goals and policies of the Countywide General Plan.
7. Pursuant to Section 22.28.210 of the County Code, auto body and fender repair shops are a permitted use in the C-3 (Unlimited Commercial) zone, provided that a CUP is obtained.
8. The surrounding neighborhood consists of a mix of auto service shops, commercial, and multi-family residences. The subject property previously contained an auto mechanical repair shop. The proposed auto body shop is a similar use to the previous auto mechanical repair shop and is compatible with the surrounding neighborhood land uses.
9. The Department of Regional Planning has determined that a Class 1 Categorical Exemption – Existing Facilities, is the appropriate environmental documentation under California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, since the project consists an auto body repair shop that will perform minor repairs with no auto body painting done on site and no new structures or alterations are being proposed.
10. 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.
11. 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 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 Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the existing use is consistent with the adopted general plan for the area;
- B. That the request for the operation of the said auto body repair shop, following the attached conditions of approval, will not adversely affect the health, peace, comfort, or welfare of persons residing and 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;

- C. That the existing site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other development features prescribed in Title 22 of the County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the existing site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

The information submitted by the applicant and presented at the public hearing substantiate the required findings identified by Section 22.56.040 of the Los Angeles County Code.

HEARING OFFICER ACTION:

- 1. The Hearing Officer finds that this project is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA).
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 201100027 is **approved** subject to the attached conditions.

c: Hearing Officer, Zoning Enforcement, Building and Safety

MM:SM:sm

the health and safety of the community and the enjoyment or utilization of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a hazard to the public health, safety or general welfare.

C. That the existing and proposed uses and structures on the site and adjacent to the site, and the proposed uses and structures on the site, are in accordance with the applicable zoning ordinance and other development factors provided in the City of Los Angeles Code, or as is otherwise required in order to protect and use with the site in the surrounding area, and

D. That the existing site is adequately served by highways or streets of sufficient width and capacity as necessary to carry the load and density of traffic and use would generate, and that the proposed uses and structures on the site are in accordance with the applicable zoning ordinance and other development factors provided in the City of Los Angeles Code.

The information submitted by the applicant and assessed by the public hearing substantiates the information required by Section 22.09 of the Los Angeles County Code.

HEARING OFFICER'S FINDINGS

The hearing officer finds that the project is Compliantly (Comply) with the provisions of the applicable zoning ordinance and other development factors provided in the City of Los Angeles Code.

It is the finding of the hearing officer that the project is Compliantly (Comply) with the provisions of the applicable zoning ordinance and other development factors provided in the City of Los Angeles Code.

Planning Officer: [Name] / [Title] / [Signature]

Date: [Date]

CONDITIONS OF APPROVAL
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. R2011-00274 – (1)
CONDITIONAL USE PERMIT NO. 201100027

PROJECT DESCRIPTION

The project is a conditional use permit (CUP) for the operation of an auto body repair shop 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, 5, and 9 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 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 on January 17, 2027.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. 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 two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
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 **\$1,800.00**. 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 **four (4) annual (one every year)** inspections for the first four years of the grant and **five (5) biennial (one every other year)** inspections after that. 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 to the requirements of the County Department of Public Works in its letter dated January 19, 2012, or to the satisfaction of said department.
15. All development pursuant to this grant shall conform to the requirements of the County Department of Public Health in its letter dated June 9, 2011, or to the satisfaction of said department.
16. 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.

17. 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 (3) 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

18. All operations, including repairs, welding, and body work, shall be performed within an enclosed building.
19. Hours of operation shall be from 8:00 A.M. to 6:00 P.M., Monday through Friday, and 8:00 A.M. to 12 P.M., Saturday.
20. Vehicles awaiting repair shall not be stored outdoors on the property outside of normal business hours.
21. No damaged or wrecked vehicles shall be stored on the site for purposes other than repair, and shall not constitute an automobile impound yard.

22. Exterior lighting shall be directed in such a manner so as not to unreasonably illuminate any window area of adjacent residences.
23. Landscaping shall adhere to the landscaping requirements of the C-3 zone as stated in Section 22.28.220 of the County Code.
24. No auto painting shall be done on site.



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

GAIL FARBER, Director

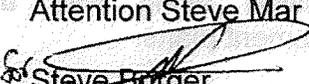
900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

January 19, 2012

IN REPLY PLEASE
REFER TO FILE: LD-1

TO: Susan Tae
Zoning Permits I Section
Department of Regional Planning
Attention Steve Mar

FROM:  Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201100027
PROJECT NO. R2011-00274
344 SOUTH ATLANTIC BOULEVARD
ASSESSOR'S MAP BOOK NO. 6341, PAGE 6, PARCEL NO. 24
UNINCORPORATED COUNTY AREA OF EAST LOS ANGELES

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for CUP No. 201100027, in the unincorporated area of East Los Angeles, located at 344 South Atlantic Boulevard. The project is located on Atlantic Boulevard between Repetto Avenue and Via Corona Street.

Upon approval of the site plan, we recommend the following conditions:

1. Road
 - 1.1 Make an offer to dedicate right-of-way, 30 feet from the centerline, on Repetto Avenue along the property frontage. ten feet of additional right of way is required from the existing property line.
 - 1.2 Reconstruct all driveway approaches to meet current Americans with Disabilities Act guidelines and to the satisfaction of Public Works.

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS



Susan Tae
January 19, 2012
Page 2

- 1.3 Plant street trees along property frontage on Atlantic Boulevard to the satisfaction of Public Works. Existing trees in the public right of way shall be removed and replaced if not acceptable as street trees.
- 1.4 Repair any improvements damaged during construction to the satisfaction of Public Works.
- 1.5 All access gate to this facility shall remain open during business hours.
- 1.6 Within 90 days of approval of this CUP, submit street improvement plans to Public Works' Land Development Division along with applicable fees/deposits to process the required improvement plans.
- 1.7 Execute an Agreement to Improve for the street improvements following approval of this CUP.

For questions regarding the road and grading conditions, please contact Julian Garcia at (626) 458-4921 or jugarcia@dpw.lacounty.gov.

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RC:ca
P:\dpub\SUBMGT\CUP\Project R2011-00274 CUP 201100027 344 South Atlantic Boulevard Final.docx