



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

June 19, 2012

Kiyoshi Graves  
4144 ½ Sommers Avenue  
Los Angeles, CA 90065

**REGARDING: PROJECT NO. R2011-00390-(1)  
CONDITIONAL USE PERMIT NO. 201100042  
3601 EAST CESAR E CHAVEZ AVENUE (APN NO. 5232-027-026)**

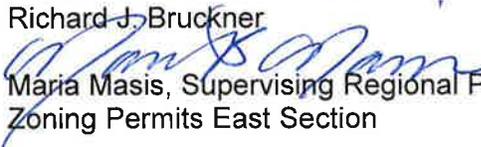
Hearing Officer Alex Garcia, by his action of June 19, 2012, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

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 **July 3, 2012. Appeals must be delivered in person.**

**Appeals:** **To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

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.

For questions or for additional information, please contact Maral Tashjian of the Zoning Permits East Section at (213) 974-6435, or by email at [mtashjian@planning.lacounty.gov](mailto:mtashjian@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  
  
Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

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

c: DPW (Building and Safety); Zoning Enforcement  
MS:mt

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-00390-(1)  
CONDITIONAL USE PERMIT NO. 201100042**

1. **ENTITLEMENT REQUESTED.** The applicant, Charna Group, LLC, is requesting a Conditional Use Permit (CUP) to authorize the continued use of an existing auto body shop pursuant to County Code Section 22.28.210, in the C-3 (Unlimited Commercial) Zone.
2. **HEARING DATE.** June 19, 2012
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on June 19, 2012 before the Hearing Officer. The applicant's representatives, Kiyoshi Graves and Carlo Martinez presented testimony in favor of the request and answered questions presented by the Hearing Officer. One testifier was present in opposition of the request, citing that the applicant parks customers' vehicles on the street and creates a visual nuisance. The hearing officer informed the opposition that parking customers' vehicles anywhere outside of the auto body shop was a violation of the conditions of approval for this grant, encouraged the opposition to call the Zoning Enforcement office if he observed such violations in the future, and assured the opposition that the required biannual zoning enforcement inspections should prevent such violations from occurring.
4. **PROJECT DESCRIPTION.** The applicant is requesting to authorize the continued use of an existing automobile body and fender repair, and paint shop ("auto body shop") previously approved through Conditional Use Permit No. 93059.
5. **LOCATION.** The subject property is located at 3601 East Cesar E Chavez Avenue within the unincorporated community of East Los Angeles. The Assessor Parcel Number of the subject property is 5232-027-026. Access to the property is provided via East Cesar E Chavez Avenue and North Rowan Ave.
6. **SITE PLAN DESCRIPTION.** The site plan depicts an 11,975 square foot (0.27 acre) parcel developed with a 7,606 square foot auto body shop and a 2,431 square foot market. Parking spaces for the auto body shop are provided within the building. There are two on-site parking spaces provided which are for the sole use of the market. The market is a permitted use in the C-3 Zone and is not a part of this request.
7. **EXISTING ZONING.** The project site is zoned C-3 (Unlimited Commercial). Surrounding properties are zoned as follows:
  - North: R-2 (Two-Family Residence)
  - East: C-3
  - South: C-3-DP, R-2
  - West: C-3
8. **EXISTING LAND USES.** The subject property is currently developed with an auto body shop and market. Surrounding land uses are as follows:

North: Church, Metro Transit Depot, Single- and Multi- Family Residences

East: Various Retail Uses, Office, Restaurant, Barber Shop, Funeral Home, Auto Supply, Clinic

South: Parking Lot, Super Market, Single- and Multi- Family Residences

West: Liquor/Grocer Store, Vacant Properties, Office, Market, Various Retail, Restaurant

9. **PREVIOUS CASES/ZONING HISTORY.** Conditional Use Permit No. 93059 to authorize the auto body shop was approved by the Hearing Officer on July 13, 1993. It expired on August 1, 2008.

Zoning Enforcement Case No. 05-0018195/EF940398 was issued for the operation of the auto body shop use with an expired conditional use permit. The violation was resolved by the application for the conditional use permit under consideration, CUP No. 201100042.

10. **GENERAL / COMMUNITY PLAN CONSISTENCY.** The subject property is located within the Community Commercial land use category of East Los Angeles Community Plan. The Community Commercial land use designation is intended for small businesses in centers or along strips that are oriented to serving the needs of surrounding neighborhoods and have little regional attraction. The auto body shop, is a small-scale business primarily oriented to serving the surrounding community, and is therefore consistent with the underlying land use category.

The following policy of the Los Angeles County General Plan is applicable to the subject project:

Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls. (Land Use Element: Ensure Compatibility of Development - Policy No. 9, Page III-12)

The auto body shop provides convenience services to the surrounding community and is of a character and scale which is similar to and compatible with adjacent properties. Intensity of the use is appropriate since it is a small scale operation, and all body and paint operations are done within the enclosed building. The property is also physically buffered from nearby sensitive residential uses by the adjacent church to the north, and adjacent commercial uses to the east, west and south.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** As previously approved, parking for the auto body shop is provided entirely within the building. The applicant proposes to continue the use with no expansion or intensification, therefore the current parking provided is sufficient.

Existing signage at the site was in excess of the maximum permitted by the signage standards in the East Los Angeles Community Standards District. The applicant agreed to remove the excessive signage to bring the site in conformance with the Zoning Code.

According to subsection 22.52.860.D.3 of the Zoning Code, "freestanding, roof and projecting business signs which project over public rights-of-way are subject to the requirements of the Building Code." There was a blade sign on the auto body shop building that projected over a public sidewalk running along the west side of the property. Since the applicant was not able to

verify if a building permit was obtained for the blade sign, it was removed in the interest of public safety.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The subject property is located at the northeast corner of the intersection of East Cesar E Chavez Avenue (existing secondary highway) and North Rowan Avenue (collector street). To the north of the subject property is a church, metro transit depot, and residential uses. Various commercial and retail uses populate the main stretch of East Cesar E Chavez Avenue to the east, west and south. Residential uses exist to the south of these commercial uses.

The auto body shop has operated since the last approved conditional use permit without any complaints from the public or violations related to its operations. As in the past, conditions and restrictions of the grant would limit the operations at the auto body shop so that it is compatible with the surrounding uses.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Letters of support with conditions were received from the Public Health, Public Works and Fire departments.
14. **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 and property posting.
15. **PUBLIC COMMENTS.** No comments were received from the public.

#### **CONDITIONAL USE PERMIT SPECIFIC FINDINGS**

16. The auto body shop, is a small-scale business primarily oriented to serving the surrounding community, and is therefore consistent with the underlying Community Commercial land use category.

The auto body shop provides convenience services to the surrounding community and is of a character and scale which is similar to and compatible with adjacent properties. Intensity of the use is appropriate since it is a small scale operation, and all body and paint operations are done within the enclosed building. The property is also physically buffered from nearby sensitive residential uses by the adjacent church to the north, and adjacent commercial uses to the east, west and south.

17. Therefore, the proposed use will be consistent with the adopted general plan for the area.
18. The auto body shop has operated since the last approved conditional use permit without any complaints from the public or violations related to its operations. As in the past, conditions and restrictions of the grant would limit the operations at the auto body shop so that it is compatible with the surrounding uses.
19. Therefore, the requested use at the location proposed 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.

20. The auto body shop requires all customers to park inside the building, as previously approved, and therefore has sufficient parking. Little if any traffic is generated within the neighborhood.
21. Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area.
22. Access to the site is via East Cesar E Chavez Avenue and North Rowan Ave, an existing secondary highway and collector street. All necessary utilities are provided.
23. Therefore, the proposed 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.

#### ENVIRONMENTAL DETERMINATION

24. The project entails the continuation of an existing use. No new construction, expansion or intensification of the use is proposed.
25. Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
26. **TERM LIMIT.** 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 necessary to limit the term of the grant to fifteen (15) years.
27. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's/Hearing Officer's/Director'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 the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed 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; and

- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, of as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed 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.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

- 1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201100042 is Approved subject to the attached conditions.

MM/MT  
6/6/12

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2011-00390-(1)  
CONDITIONAL USE PERMIT NO. 201100042**

**PROJECT DESCRIPTION**

The project is the continued use of an existing automobile body and fender repair, and paint shop ("auto body 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 June 19, 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 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 **auto body shop** 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 **\$1,600.00**. 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 eight (8) biennial (one every other year) inspections. 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 development shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") 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.
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 (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PROJECT SITE SPECIFIC CONDITIONS

18. This grant shall authorize the continued use of an existing automobile body and fender repair, and paint shop.
19. The permittee shall perform all auto body and fender repair and paint work within the building. No work of any type or kind shall be performed outside the structure.
20. The permittee shall make available upon request a copy of the South Coast Air Quality Management District (SCAQMD) approved paints/spray booth certificate.
21. All auto body shop customers shall park their vehicles inside the building.
22. The existing parking stalls on the property shall be for the sole use of the adjacent grocery/market store.
23. Signage on the building shall not exceed what is approved in the Exhibit "A."
24. No outside storage of vehicles is permitted within the parking lot or on the street.
25. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday, and 10 a.m. to 3:00 p.m. on Sunday.
26. No tow vehicles are permitted to wait for customers on the property.
27. No outside sales by street merchants or the grocery store shall be conducted within the parking lot or at the corner of East Cesar E Chavez Avenue and North Rowan Avenue.
28. The project shall comply with the Los Angeles County Noise Control Ordinance as found in Title 12 of the Los Angeles County Code.
29. The auto body shop shall comply with the County of Los Angeles Fire Code Section 15 for the existing Painting Booth inside the facility.
30. The permittee shall comply with all conditions set forth in the attached Los Angeles County Public Works Department letter dated May 17, 2012.

Attachments:

Public Works Department Letter dated May 17, 2012