Hearing Officer Transmittal Checklist

Hearing Date
06/19/2012
Agenda Item No.
5

Project Number: R2011-00390-(1)
Case(s): Conditional Use Permit No. 201100042
Planner: Maral Tashjian

- ☒ 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
- ☐ Exhibit Map
- ☐ Landscaping Plans
- ☒ CUP No. 93059 Conditions of Approval

Reviewed By:

Los Angeles County Department of Regional Planning 320 West Temple Street Los Angeles, California 90012 Telephone (213) **PROJECT NO. R2011-00390-(1)** **CONDITIONAL USE PERMIT NO. 201100042**		PUBLIC HEARING DATE 6/19/2012	AGENDA ITEM TBD
		RPC CONSENT DATE	CONTINUE TO

APPLICANT Charna Group, LLC	**OWNER** Charna Group, LLC	**REPRESENTATIVE** Kiyoshi Graves

PROJECT DESCRIPTION
The proposed project consists of the continued use of an existing automobile body and fender repair, and paint shop previously approved through Conditional Use Permit No. 93059.

REQUIRED ENTITLEMENTS
The applicant is requesting a Conditional Use Permit to authorize the continued use of an existing automobile body and fender repair, and paint shop pursuant to County Code Section 22.28.210 in the C-3 (Unlimited Commercial) Zone.

LOCATION/ADDRESS
3601 East Cesar E Chavez Avenue, Los Angeles

SITE DESCRIPTION
The site plan depicts a 7,606 square foot auto body and fender repair and paint shop and a 2,431 square foot market. The market is permitted in the C-3 Zone and is not a part of this request. There are two on-site parking spaces provided.

ACCESS East Cesar E Chavez Avenue, North Rowan Ave	**ZONED DISTRICT** East Los Angeles
ASSESSORS PARCEL NUMBER 5232-027-026	**COMMUNITY** East Los Angeles
SIZE 11,975 Square Feet (0.27 Acre)	**COMMUNITY STANDARDS DISTRICT** East Los Angeles

	EXISTING LAND USE	EXISTING ZONING
Project Site	Auto body/fender/paint shop, Market	C-3 (Unlimited Commercial)
North	Church, Metro Transit Depot, Single-/Multi- Family Residences	R-2 (Two-Family Residence)
East	Various Retail Uses, Office, Restaurant, Barber Shop, Funeral Home, Auto Supply, Clinic	C-3
South	Parking Lot, Super Market, Single-/Multi- Family Residences	C-3-DP, R-2
West	Liquor/Grocer Store, Vacant Properties, Office, Market, Various Retail, Restaurant	C-3

GENERAL PLAN/COMMUNITY PLAN East Los Angeles	**LAND USE DESIGNATION** CC (Community Commercial)	**MAXIMUM DENSITY** N/A

ENVIRONMENTAL DETERMINATION
Class 1 Categorical Exemption - Existing Facilities

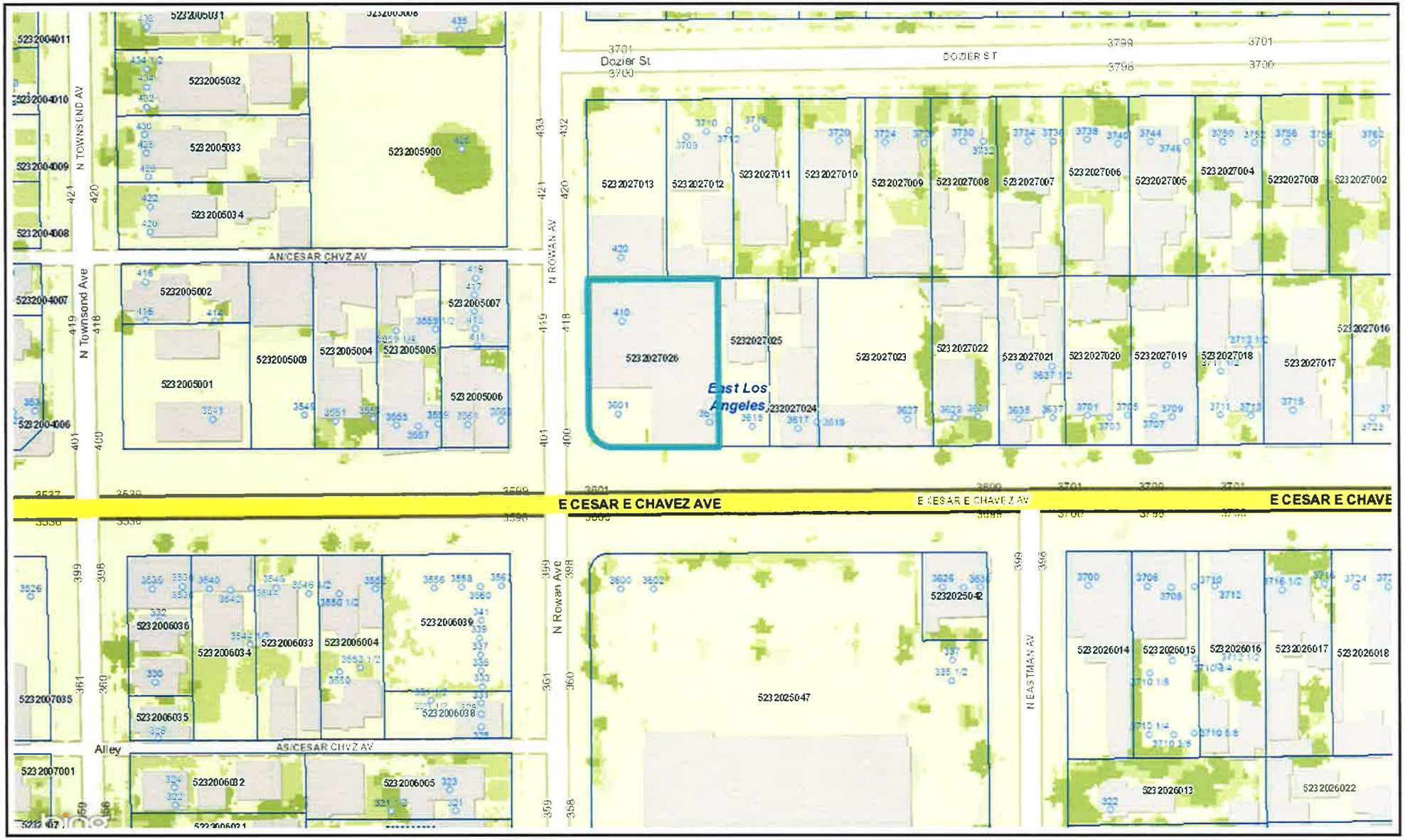
RPC LAST MEETING ACTION SUMMARY

LAST RPC MEETING DATE	RPC ACTION	NEEDED FOR NEXT MEETING
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:		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING):		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

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



Department of Regional Planning

Printed: May 07, 2012

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Feet

STAFF ANALYSIS
PROJECT NO. R2011-00390-(1)
CONDITIONAL USE PERMIT NO. 201100042

PROJECT DESCRIPTION

The applicant, Charna Group, LLC, is requesting a Conditional Use Permit 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.

ENTITLEMENT REQUESTED

The applicant is requesting a Conditional Use Permit 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, in the East Los Angeles Zoned District.

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.

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.

EXISTING ZONING

Subject Property:
The project site is zoned C-3 (Unlimited Commercial).

Surrounding Properties:
Surrounding properties are zoned as follows:
North: R-2 (Two-Family Residence)
East: C-3
South: C-3-DP, R-2
West: C-3

EXISTING LAND USES

Subject Property:
The subject property is currently developed with an auto body shop and market.

Surrounding Properties:
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

ENVIRONMENTAL DOCUMENTATION

The Department of Regional Planning has determined this project qualifies for a Categorically Exemption (Class 1, Minor Alteration to Existing Facilities) under the California Environmental Quality Act (CEQA) and the Los Angeles County environmental guidelines.

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

- 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.

PUBLIC COMMENTS

Staff has not received any correspondence from the public at this time.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff received letters of support with conditions (see attached) from the following County departments:

- Public Health (letter dated July 27, 2011)
- Public Works (letter dated May 17, 2012)
- Fire (letter dated June 6, 2012)

STAFF EVALUATION

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.

Compliance with the Zoning Ordinance

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.

Staff observed that the 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 (see before/after site photos) and is now 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." Staff observed a blade sign on the auto body shop building that projects over a public sidewalk that runs along the west side of the property. Since the applicant was not able to verify if a building permit was obtained for the sign, staff advised that the sign be removed in the interest of public safety. The applicant was cooperative and complied with the request (see before/after site photos).

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. Therefore staff is of the opinion that the continued use of the auto body shop will not be detrimental to the health, safety and welfare of the surrounding community.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 of the Los Angeles County Code. The Conditional Use Permit Burden of Proof with applicant's responses are attached (see attached). Staff is of the opinion that the applicant has met the burden of proof.

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 R2011-00390-(1), Conditional Use Permit Number 201100042, subject to the attached conditions.

Prepared by Maral Tashjian, Regional Planning Assistant II
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East

Attachments:
Draft Findings and Conditions of Approval
Applicant's Burden of Proof statement
Public Health Department letter dated July 27, 2011
Fire Department letter dated June 6, 2012
Public Works Department letter dated May 17, 2012
Site Plan
Land Use Map
Aerial Photograph
Site Photographs

SD:mt
6/6/2012

DRAFT 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 the C-3 (Unlimited Commercial) Zone.

2. **HEARING DATE.** June 19, 2012

3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** *To be inserted after public hearing(s) to reflect hearing proceedings.*

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 aiso 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, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

A. That 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

DRAFT 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 do all auto body and fender repair and paint work within the building. No work of any type or kind will be done 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.

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

CONDITIONAL USE PERMIT BURDEN OF PROOF
3601 E. CESAR CHAVEZ AVE.
LOS ANGELES, CA 90063

Pursuant to Zoning Code Section 22.56.040, the applicant shall substantiate the following:

A. That the requested use at the location proposed will not:
1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The current application involves the continued maintenance of an existing Automobile Body and Fender Shop in the C-3 Zone. Such a use is permitted in the C-3 Zone with the approval of a Conditional Use Permit, as per LACCC 22.28.210 (Uses subject to permits.) The subject use had a previous approval which subsequently expired, thus necessitating the present application. The Automobile use of the site has been in existence for over 20 years, with the initial establishment of said use dating to a Building Permit from April 8, 1967 that indicates, "...Present use, F-2, want portion change to E-4 (Auto Repair Shop)." The auto spray booth was later permitted in a Building Permit dated September 2, 1982, which indicates as the description of work, "...install paint spray booth."

The Land Use Designation of the subject site is of Neighborhood Commercial (CN) with corresponding zones of C-H, C-1, C-2, C-3, C-R, and CPD. The intent of the CN Designation is, "...to provide local serving commercial, office and professional businesses, retail, service establishments, and mixed use development that meet the needs of a residential area."[1] The subject use does just this, by offering Auto Body and Fender repair to the neighboring residential areas. It is on a commercial corridor, E. Cesar Chavez Ave., with commercial establishments to the east and west of the subject site, including a parking lot to the south, professional offices, restaurants, an auto supply company, a pet store, market, liquor store, gas station and other uses. All of these local neighborhood serving commercial establishments serve the goals of the General Plan and its CN designation, which further seeks that said uses are, "...located adjacent to residential areas."[2] Such is the case with the subject Auto Use, as it is both adjacent to, and services the needs of these proximate residential areas. The appropriateness of this longstanding use is apparent in the previous approved Conditional Use Permit.

This fact was also noted in the previously approved Conditional Use Permit No. 93059-(1) which noted that, "...the subject property lies within an area designated "Commercial" on the Countywide and East Los Angeles General and Community Plan. The body shop is of a character and is of a scale and intensity of use which is compatible with adjacent properties."[3] Auto repair activities are conducted on-site within an enclosed building, and utilizing a permitted spray booth. As such, they conform to the requirements of LACCC Section 22.28.210 A. and are sufficiently insulated from neighboring residential uses so as not to adversely affect the health, peace, comfort or welfare of persons residing in the area. As the subject use has been in existence for over 20 years, its placement in the area, and appropriateness in comparison to the pattern of land use in the immediate vicinity has been established. Its operations have not been materially detrimental to the use, valuation or enjoyment of property in the area over that length of time, and no changes in this situation should result from the continued maintenance of the subject use, nor should said use jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare of those who live or work in the surrounding area.

Footnotes:

1. ***County of Los Angeles General Plan, Chapter 3, Land Use Element, Purpose, Page 33***

2. *County of Los Angeles General Plan, Chapter 3, Land Use Element, Locational Criteria, Page 33*
3. *Conditional Use Permit No. 93059-(1), Hearing Officer John Huttinger, Page 2*

B. That the proposed site is adequate in size and shape to accommodate the yard, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
As noted above, the subject Auto Repair use has been in existence for over 20 years. A Conditional Use Permit for this use was approved on July 22, 1993 with the physical size and shape of the site the same as it exists today. Research of building permits for the subject site at the County of Los Angeles, East Los Angeles Building and Safety Field Office, revealed no permits indicating specific numbers as to required or provided parking spaces on site and no diagrams showing proposed or required parking striping. The previous approved Conditional Use Permit No. 93059-(1) does not specifically address required number of parking spaces or their location. As such, the parking existent on site must have non-conforming legal rights and is therefore sufficient for the existing uses of the Auto Repair establishment and the market.

Yards, walls, fences and loading facilities are also all pre-existing, dating from the Building Permit establishing the Auto Repair use in 1967, through the approved Conditional Use Permit No. 93059-(1). No changes in these elements are proposed, and therefore, they are adequate as per the standards to which they were built at the time of the previous Building and Safety signoffs and Conditional Use Permit approval. As these elements were deemed sufficient at those respective times, and no changes to the use or physical layout is proposed, the existing yards, walls, fences, loading facilities and landscaping conform to the standards applicable when they were created. As they integrated with surrounding uses in the area at the time of their creation, and no changes to the physical orientation or aspects of the site are proposed, then they must still be appropriate in relation to the nature of developed features in the vicinity of the subject site.

All of these facts were noted in the previous approval of Conditional Use Permit No. 93059-(1) which stated that, "...the site is adequate in size and shape to accommodate the development features prescribed in the Zoning Ordinance and otherwise required to integrate the use requested with the uses in the surrounding area...The body shop requires all customers park inside the building and therefore it has sufficient parking."[1]

Footnotes:
1. *Conditional Use Permit No. 93059-(1), Hearing Officer John Huttinger, Page 3*

C. That the proposed use is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.
The subject Auto use has maintained a consistent volume of clientele over its years of operation, as it has not expanded its square footage since initially establishing the use in 1967. With this physical limitation, the traffic impact on the surrounding area has likewise remained consistent. In the approval of Conditional Use Permit No. 93059-(1), Hearing Officer John Huttinger notes that, "...Little, if any, traffic is generated within the neighborhood...The site has adequate traffic access and is adequately served by other public or private facilities which it requires. The access to the site is from Rowan Street and Brooklyn Avenue, a County collector street and secondary highway. All needed utilities are existing."[1] None of these aspects has markedly changed in the intervening time since the approval of Permit No. 93059-(1), and the subject use still is serviced by roads, power, water and other infrastructure of adequate nature for its continued operation.

Footnotes:
1. *Conditional Use Permit No. 93059-(1), Hearing Officer John Huttinger, Page 3*

COUNTY OF LOS ANGELES
Public Health

JONATHAN E. FIELDING, M.D., M.P.H.
Director and Health Officer

JONATHAN E. FREEDMAN
Chief Deputy Director

ANGELO J. BELLOMO, REHS
Director of Environmental Health

KENNETH MURRAY, REHS
Director of Environmental Protection Bureau

PATRICK NEJADIAN, REHS
Chief EHS, Land Use Program

KEN HABARADAS, M.S., REHS
Environmental Health Staff Specialist
Land Use Program
5050 Commerce Drive
Baldwin Park, California 91706
TEL (626) 430-5382 • FAX (626) 813-3016

BOARD OF SUPERVISORS

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Third District

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Michael D. Antonovich
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July 27, 2011

TO: Dean Edwards
Senior Planner
Zoning Permits North Section
Department of Regional Planning

FROM: Ken Habaradas, M.S., REHS
Environmental Health Division
Department of Public Health

SUBJECT: PROJECT NO. R2011-00390
RCUP 201100042
LOCATION: 3601 E. CESAR CHAVEZ AVE., LOS ANGELES

☒ Environmental Health recommends approval of this CUP.

☐ Environmental Health does **NOT** recommend approval of this CUP.

The Department of Public Health – Environmental Health Division has reviewed the information provided for the project identified above. The CUP is for the continued use and maintenance of an auto body, fender and paint shop in conjunction with a market, located within a C-3 zone.

The Department recommends approval of this CUP with the following condition:

1. The project shall comply with the Los Angeles County Noise Control Ordinance as found in Title 12 of the Los Angeles County Code.

If you should have any questions regarding the above condition, please contact me at (626) 430-5382.

KH:kh

COUNTY OF LOS ANGELES
FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040-3027

DATE: June 6, 2012

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2011-00390

LOCATION: 3601 E. Cesar Chavez Ave., East Los Angeles

☐ The Fire Department Land Development Unit has no additional requirements for this permit.

☒ The required fire flow for this development is **2000** gallons per minute for **2** hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.

☐ Verify __ 6" X 4" X 2 1/2" public fire hydrant, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.

☒ **Comments:** The Fire Department recommends approval of this project as presently submitted.

☒ **Water:** Per the California Water Service Company's fire flow test dated 12-22-11, the existing water system complies the Fire Department minimum requirements.

☒ **Access:** No on-site access is requirement for this project.

☒ **Special Requirements:** The auto body shop shall comply with the County of Los Angeles Fire Code Section 15 for the existing Painting Booth inside the facility.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at (323) 890-4243.

Inspector: *Juan C. Padilla*

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

May 17, 2012

IN REPLY PLEASE
REFER TO FILE: LD-1

TO: Maria Masis
Zoning Permits East Section
Department of Regional Planning

Attention Maral Tashjian

FROM: Steve Burger
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201100042
PROJECT NO. R2011-00390
3601 EAST CESAR CHAVEZ AVENUE
ASSESSOR'S MAP BOOK NO. 5232, PAGE 27, PARCEL NO. 26
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 CUP No. 201100042 in the unincorporated County area of the East Los Angeles. The project is for the continued use and maintenance of a 7,606-square-foot auto body repair shop and a 2,431-square-foot market.

Upon scheduling of a public hearing, we recommend the following conditions:

1. Road

   1.1 Construct a sidewalk fill-in at the northeast corner of East Cesar Chavez Avenue and Rowan Avenue.

   1.2 Acquire street plan approval or direct check status before obtaining a grading or drainage permit or within 90 days of approval of the CUP.

1.3 Execute and Agreement to Improve for the street improvements prior to the issuance of a building or grading permit.

For questions regarding the road conditions, please contact Andy Narag at (626) 458-4921 or anarag@dpw.lacounty.gov.

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

RC:tb
P:\ldpub\SUBMGT\CUP\Project R2011-00390 CUP 201100042 3601 Cesar Chavez Blvd final.docx

KIYOSHI GRAVES CONSULTING
INDEX MAP
PHOTO EXHIBIT
3601 E CESAR E CHAVEZ AVE
C & D AUTOBODY SHOP

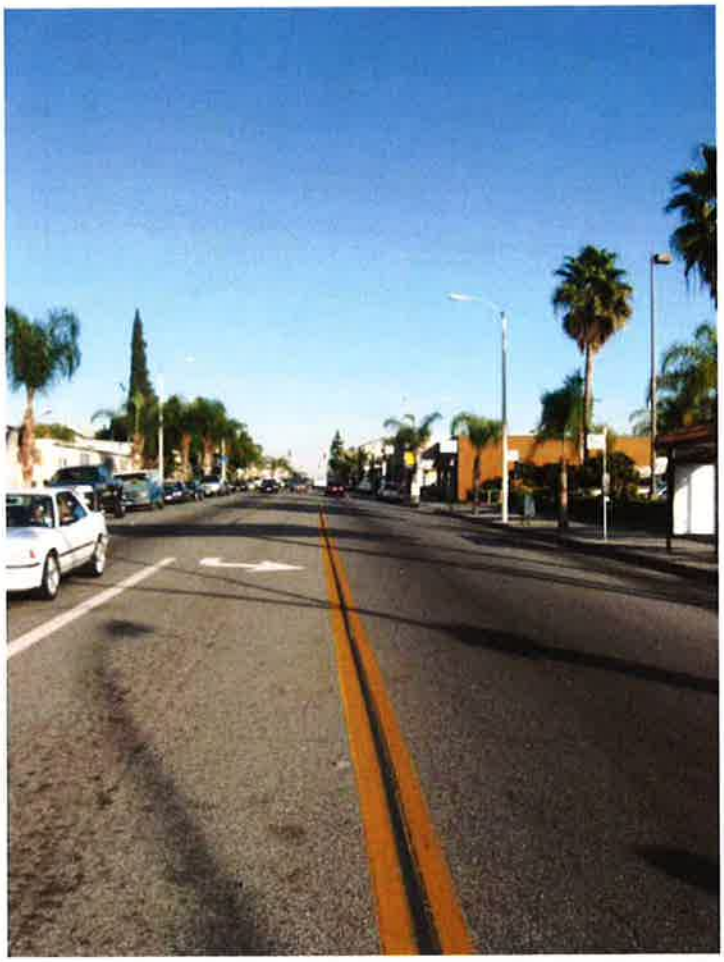
1. Interesction of N Rowan Ave and E Cesar E Chavez Ave. Subject in left of frame. Direction: east

2. Northeast corner of N Rowan Ave and E Cesar E Chavez Ave. Subject site. Direction: northeast

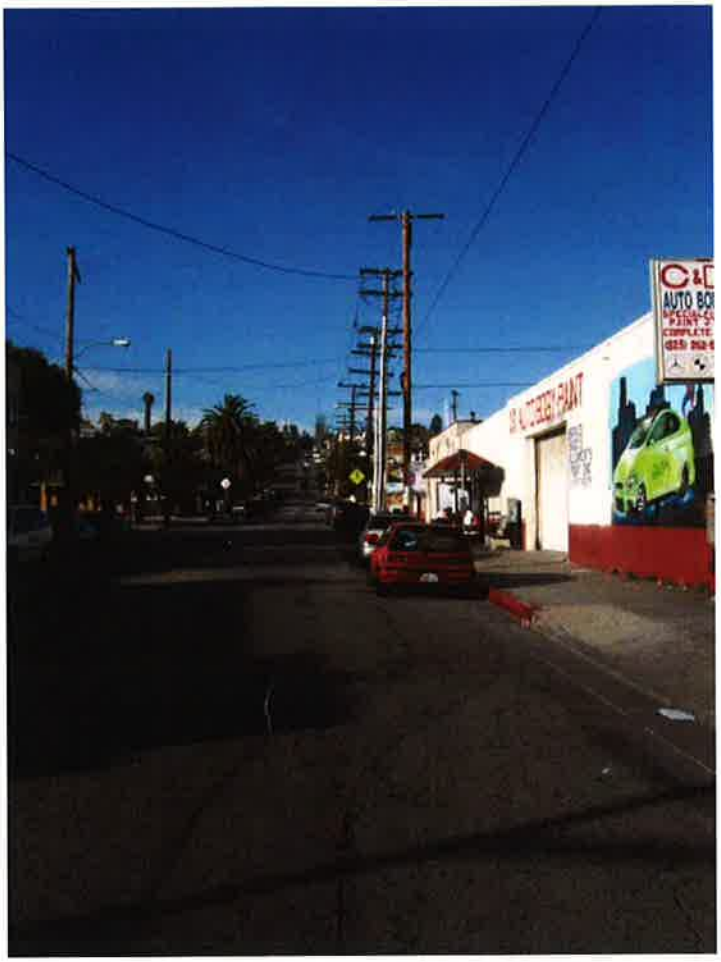
3. Interesction of N Rowan Ave and E Cesar E Chavez Ave. Left to right all on E Cesar E Chavez: 3563, Liquor Store. 3601 Subject Site. 3611, LA .99 Cent Store. Direction: north

4. Interesction of N Rowan Ave and E Cesar E Chavez Ave. Direction: west

5. Interesction of N Rowan Ave and E Cesar E Chavez Ave. Left to right all on E Cesar E Chavez: 3600, Superior Grocers. 3560, Ceasr Carwash. Direction: south



6. E Cesar E Chavez Ave south of the subject site. Direction: east

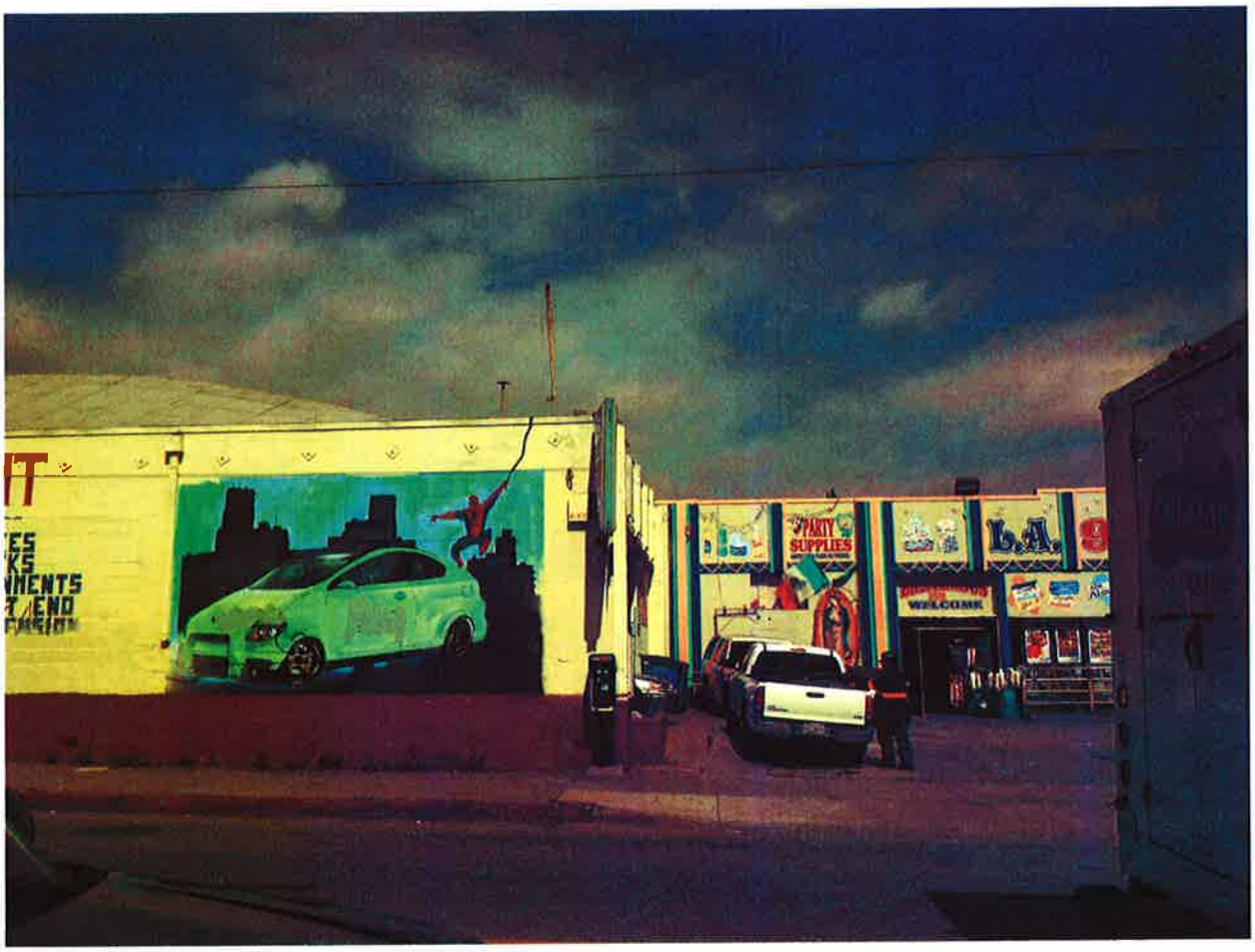


7. N Rowan Ave west of the subject site. Direction: north

8. Subject site. West elevation on N Rowan Ave. Direction: east

9. Subject site. 3601 E Cesar E Chavez Ave. Direction: north

C&D
AUTO BODY
SPECIAL PAINT
COMPLETE CAR
SPRAY BOOTH FOR RENT
C&D
AUTO BODY & PAINT
BODY SHOP
BRAKES FREKOS
SHOCKS AMORTIGUADORES
ALIGNMENT
FRONT END
SUSPENSION


PARTY
SUPPLIES
L.A.
WELCOME

DIOS ES AMOR
Jesus Loves you
AUTOBODY PAINT

Department of Regional Planning

Printed: Jun 07, 2012

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Feet

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 terminate August 1, 2008.

   Entitlement to use of the property thereafter shall be subject to the regulations then in effect.

5. 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 $1500.00. 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 15 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.

6. This grant allows the continued operation of an existing auto body and paint shop in a C-3 (Unlimited Commercial) Zone subject to the following restrictions as to use:

   a. The permittee shall do all auto body repair and paint work within the building. No work of any type or kind will be done outside the structure;

   b. The permittee shall provide the Director of Planning a copy of the Los Angeles Air Quality Managements District (AQMD) approved paints booth certificate;

   c. All body shop customers shall park their vehicles inside the building;

   d. The existing parking spaces shall be for the sole use of the grocery/market store;

   e. The permittee will remove any and all graffiti within the next business day following its application on the body shop and grocery store;

   f. The permittee shall remove and not replace the existing roof signage;

   g. All signs shall be approved by the Director of Planning prior to installation;

   h. The permittee shall provide landscaping and irrigation within the existing parking lot to the satisfaction of the Director of Planning;

   i. No outside storage of vehicles is permitted within the parking lot or on the street;

   j. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday, 10 a.m. to 3:00 p.m. on Sunday;

k. The permittee shall keep the noise to a minimum to the best of the managers ability;

l. No tow vehicles are permitted to wait for customers on the property; and

m. No outside sales by street merchants or the grocery store shall be conducted within the parking lot or at the corner.

7. 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.

8. Provide three copies of a landscape plan, which may be incorporated into a revised plot plan, shall be submitted to and approved by the Director of Planning before issuance of a building permit. The landscape plan shall show the size, type, and location of all plants, trees, and watering facilities. All landscaping shall be maintained in a neat, clean and healthful condition, including proper pruning, weeding, removal of litter, fertilizing and replacement of plants when necessary.

9. 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.

10. Upon receipt of these conditions, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Water mains, fire hydrants, and fire flow shall be provided as may be required by said Department.

11. The permittee shall secure any necessary permits from the South Coast Air Quality Management District and shall fully comply with the terms of said permits.

12. The permittee shall contact the Department of Public Works to determine whether an Industrial Waste Disposal Permit is required. No activity for which a permit is required shall be initiated on the subject property before a permit is obtained and any required facilities are installed. The permittee shall keep any required permits in full force and effect and shall fully comply with any requirements thereof.

13. All structures shall conform with the requirements of the Division of Building and Safety of the Department of Public Works.