



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 16, 2016

Juan Gonzalez
5607 Whittier Boulevard
Los Angeles, CA 90022

**REGARDING: PROJECT NO. R2012-00268-(1)
CONDITIONAL USE PERMIT NO. 201400178
5607 WHITTIER BOULEVARD, LOS ANGELES, CA (6341-032-002)**

Hearing Officer, Gina Natoli, by her action of **February 16, 2016**, 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 the 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 **March 1, 2016**. **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 Carl Nadela of the Zoning Permits East Section at (213) 974-6475, or by email at cnadela@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

c: DPW (Building and Safety); Zoning Enforcement

MM:CN

**FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00268-(1)
CONDITIONAL USE PERMIT NO. 201400178**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201400178 ("CUP") on February 16, 2016.
2. The permittee, Juan Gonzalez ("permittee"), requests the CUP to authorize the continued operation and maintenance of an automobile body and fender repair shop with an automobile painting spray booth ("Project") on a property located at 5607 Whittier Boulevard in the unincorporated community of East Los Angeles ("Project Site") in the C-3 (General Commercial) Zone pursuant to Los Angeles County Code ("County Code") Section 22.28.210.
3. The Project Site is 0.18 gross acres (0.12 net acres) in size and consists of one legal lot. The Project Site is rectangular in shape and is developed with a 480-square-foot office and a 2,444-square-foot automobile body and fender repair shop that contains a spray booth inside.
4. The Project Site is located in the Eastside Unit No. 1 Zoned District and is currently zoned C-3 (General Commercial).
5. The Project Site is located within the Major Commercial land use category of the East Los Angeles Community Plan Land Use Policy Map.
6. Surrounding zoning within a 500-foot radius includes:
 - North: R-3 (Limited Density Multiple Residence)
 - South: City of Commerce
 - East: C-3
 - West: C-3
7. Surrounding land uses within a 500-foot radius include:
 - North: Single-family and multi-family housing
 - South: Commercial center with retail, restaurant, and a dental office
 - East: Retail stores and a restaurant
 - West: Auto-related business, retail store, restaurant, and equipment rental
8. According to the Los Angeles County Assessor's records, the retail building in the front of the property was developed in 1928. The property was zoned M-1 (Light Manufacturing) with the adoption of Ordinance No. 1690 in 1929. Then, according to building permit records kept by the Department of Public Works, the building containing the automobile body and fender repair shop was constructed in 1939. Building permit records also identify an addition to the automobile body and fender

shop in 1956. There is one record identifying the use of the site for automobile painting when a freestanding sign was authorized by the Director through Site Plan Review No. 10030 in 1959. The property was rezoned in 1988 from M-1 to C-3 which caused the automobile body and fender repair shop and spray booth to become legal nonconforming and necessitated the application of this CUP.

9. The site plan for the Project depicts a rectangular-shaped lot with vehicular access from the alley in the rear of the property. The small retail building, approximately 480 square feet in size, is located in the front of the property and is accessible to pedestrians from Whittier Boulevard. The building in the rear of the property is approximately 2,444 square feet in size and contains the automobile body and fender repair shop. There is a dedicated spray booth within the structure and is located in the portion of the building closest to the retail store. The office and waiting area are located in the northwestern corner of the building and are accessible from the alleyway. There are also two additional doors along the northern façade of the building that provide access for the vehicles that will be repaired on-site.
10. Three parking spaces are indicated on the site plan. However, these are not required since the existing structures at the site were built prior to the establishment of the county's parking requirements for commercial areas in 1958.
11. A free standing sign currently exists on the southern side of the property along Whittier Boulevard, as well as a wall business sign on the western wall facing Hoefner Avenue. As provided for in the East Los Angeles Community Standards District, these may be permitted at the site with a CUP.
12. On February 5, 2015, the Los Angeles County Department of Public Works (DPW) sent a letter to staff with a list of issues that needed to be addressed. The applicant revised the site plans to address DPW's concerns and resubmitted these plans to staff on October 26, 2015. On November 9, 2015, DPW sent a second letter to staff indicating that they have no additional conditions that needed to be applied to the project.

On January 12, 2015, staff also received an email from the Los Angeles County Department of Public Health (DPH) indicating that since the application was only for the continuation of an existing use with no proposed changes, DPH did not need to review the project.
13. Prior to the Hearing Officer's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved no changes to the Project Location and no expansion of use beyond that which previously existed.

14. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.
15. No correspondence was received from the public regarding the Project.
16. The Hearing Officer held a duly-noticed public hearing on the Conditional Use Permit on February 16, 2016. The Hearing Officer heard a presentation from Regional Planning staff. The permittee and his representative were present at the hearing to answer any questions but did not provide additional testimony aside from the fact that they accept the findings and conditions. The Hearing Officer closed the public hearing, determined the project to be categorically exempt from the California Environmental Quality Act requirements and approved the Conditional Use Permit subject to the attached findings and conditions
17. The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan and the East Los Angeles Community Plan. The Major Commercial land use category of the East Los Angeles Community Plan is intended for mixtures of small and large businesses that are oriented toward the greater East Los Angeles area. The automobile body and fender repair shop is a business that attracts local customers and is located along a commercial corridor. Furthermore, the continued operation of the business at the subject location will help to maintain and conserve the sound existing development on the site which is a policy listed in the General Plan.
18. The Hearing Officer finds that the Project is consistent with the C-3 zoning classification. Automobile body and fender repair shops and automobile painting are permitted in the C-3 zone with an approved Conditional Use Permit. This approval of this CUP will satisfy this requirement. The project also complies with all the relevant development standards of the C-3 zone and the East Los Angeles CSD, except for parking and landscaping. However, since the structure was built prior to the establishment of these requirements, the project is legally nonconforming with respect to these requirements.
19. The Hearing Officer finds that the proposed use at the site 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.

An automobile body and fender repair shop with automobile painting has been operating at the Project Site for over 50 years with no problems reported in relation to its operation. No changes to the operation or any of the buildings on the site are proposed as part of this project. Additional conditions will also be added to the permit to ensure that all repairs and painting will be conducted within an enclosed building and that the site is maintained well and kept free of graffiti.

20. The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities 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, except for parking and landscaping. Although the Project Site does not contain adequate on-site parking or landscaping, the automobile body and fender repair shop was established prior to the requirements for on-site parking and landscaping. Furthermore, the business will continue operating in a manner consistent with its current operations with the exception of the additional conditions added to this permit.
21. The Hearing Officer finds 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.

An alleyway provides access to the repair shop from the rear of the property. The alley intersects Hoefner Avenue to the northwest of the Project Site and Hoefner Avenue intersects Whittier Boulevard to the southwest of the Project Site. Whittier Boulevard, a main commercial corridor, is an existing major highway and a proposed Class 3 bike path. Most customers use Whittier Boulevard to commute to and from the Project Site unless they are residents of the adjacent residential community to the north.

22. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the conditional use permit to fifteen (15) years.
23. The Hearing Officer finds that pursuant to Sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the East Los Angeles Public Library. On January 7, 2016, a total of 70 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the Eastside Unit No. 1 Zoned District and to any additional interested parties.
24. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.

- B. The proposed use at the site 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.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities 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, except for parking and landscaping. Because the structures at the site were developed prior to the establishment of these requirements, they are legally nonconforming with respect to these requirements.
- D. 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 HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit Number 201400178, subject to the attached conditions.

MM:CN
1/21/16

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-00268-(1)
CONDITIONAL USE PERMIT NO. 201400178**

PROJECT DESCRIPTION

The project is a conditional use permit to continue the operation and maintenance of an existing automobile body and fender repair shop with automobile paint 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 Conditions No. 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 reasonably 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 reasonably 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 10 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 February 16, 2031.** 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 **\$1,600.00**. 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 to the satisfaction of the Fire Department. This includes compliance with all permitting and reporting requirements and regulations pertaining to the use and storage of hazardous materials at the site.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code 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 of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
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 conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" 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 by **April 16, 2016**.
18. 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 substantially conform to the originally approved Exhibit "A". 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

19. This grant shall authorize the continued operation and maintenance of an automobile body and fender repair shop with an automobile paint spray booth.
20. This grant shall also authorize a pole-mounted freestanding business sign on the southern side of the property along Whittier Boulevard. This sign shall not exceed 13 feet in height and 24 square feet of contiguous surface area.
21. This grant shall further authorize a wall business sign on the western side of the property. This sign shall not exceed 200 square feet of contiguous surface area.
22. All automobile body and fender repairs shall be conducted within an enclosed building.
23. All automobile painting operations shall be conducted within an enclosed building.
24. The hours of operation shall be limited to between 8:00 a.m. and 6:00 p.m. Monday through Friday, and between 8:00 a.m. and 1:00 p.m. on Saturdays, provided that all activities comply with Title 12 of the County Code.
25. All vehicles shall be stored on-site. No vehicle storage shall occur in a public street or alleyway.
26. No wrecked or dismantled vehicles shall be stored on the subject property.
27. No junk or salvage shall be stored on the subject property.
28. All exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within

thirty (30) minutes after conclusion of activities, with the exception of sensor-activation security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.

29. The subject property shall be maintained in a clean and orderly manner. The permittee shall maintain all areas of the premises free of litter. The facility shall provide adequate areas for the collection and removal of recyclable materials.
30. The existing corrugated metal gate on the north side of the property shall be maintained in good condition and uniformly painted with a neutral color. It shall be swung inwards at all times when opened to avoid encroachment into the alley at the back. No gates or doors shall encroach into the public right of way at any time.
31. The permittee shall comply with all applicable permitting requirements and regulations of the Air Quality Management District (AQMD).