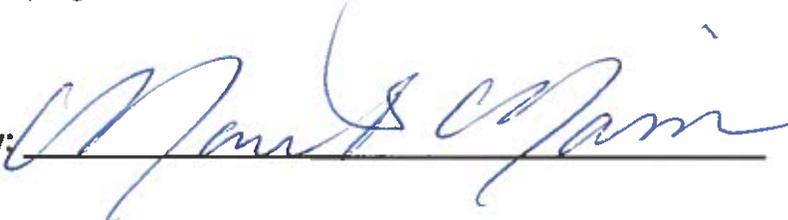


Hearing Officer Transmittal Checklist

Hearing Date
2/16/2016
Agenda Item No.
8

Permit Type: R2012-00268-(1)
Case(s): Conditional Use Permit No. 201400178
Environmental Assessment Case No. 201200038
Planner: Carl Nadela

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

Reviewed By: 



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER **HEARING DATE**
 R2012-00268-(1) 2/16/2016

REQUESTED ENTITLEMENTS
 RCUP 201400178
 RENV 201200038

PROJECT SUMMARY

OWNER / APPLICANT

Juan Gonzalez

MAP/EXHIBIT DATE

4/20/2015

PROJECT OVERVIEW

The applicant is requesting a Conditional Use Permit for the continued operation of an existing auto body and fender shop with auto paint.

LOCATION

5607 Whittier Blvd, East Los Angeles, CA

ACCESS

Whittier Blvd

ASSESSORS PARCEL NUMBER(S)

6341-032-002

SITE AREA

5,909 square feet

GENERAL PLAN / LOCAL PLAN

EAST LOS ANGELES COMMUNITY PLAN

ZONED DISTRICT

EASTSIDE UNIT NO. 1

LAND USE DESIGNATION

MC (Major Commercial)

ZONE

C-3 (GENERAL COMMERCIAL ZONE)

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

EAST LOS ANGELES

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Existing Structures

KEY ISSUES

- Consistency with the East Los Angeles Community Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Zoning Code:
 - 22.56.040 (Conditional Use Permit Burden of Proof)
 - 22.28.220 (C-3 Zone Development Standards)
 - 22.44.118 (East Los Angeles Community Standards District)

STAFF RECOMMENDATION

Approval

CASE PLANNER:

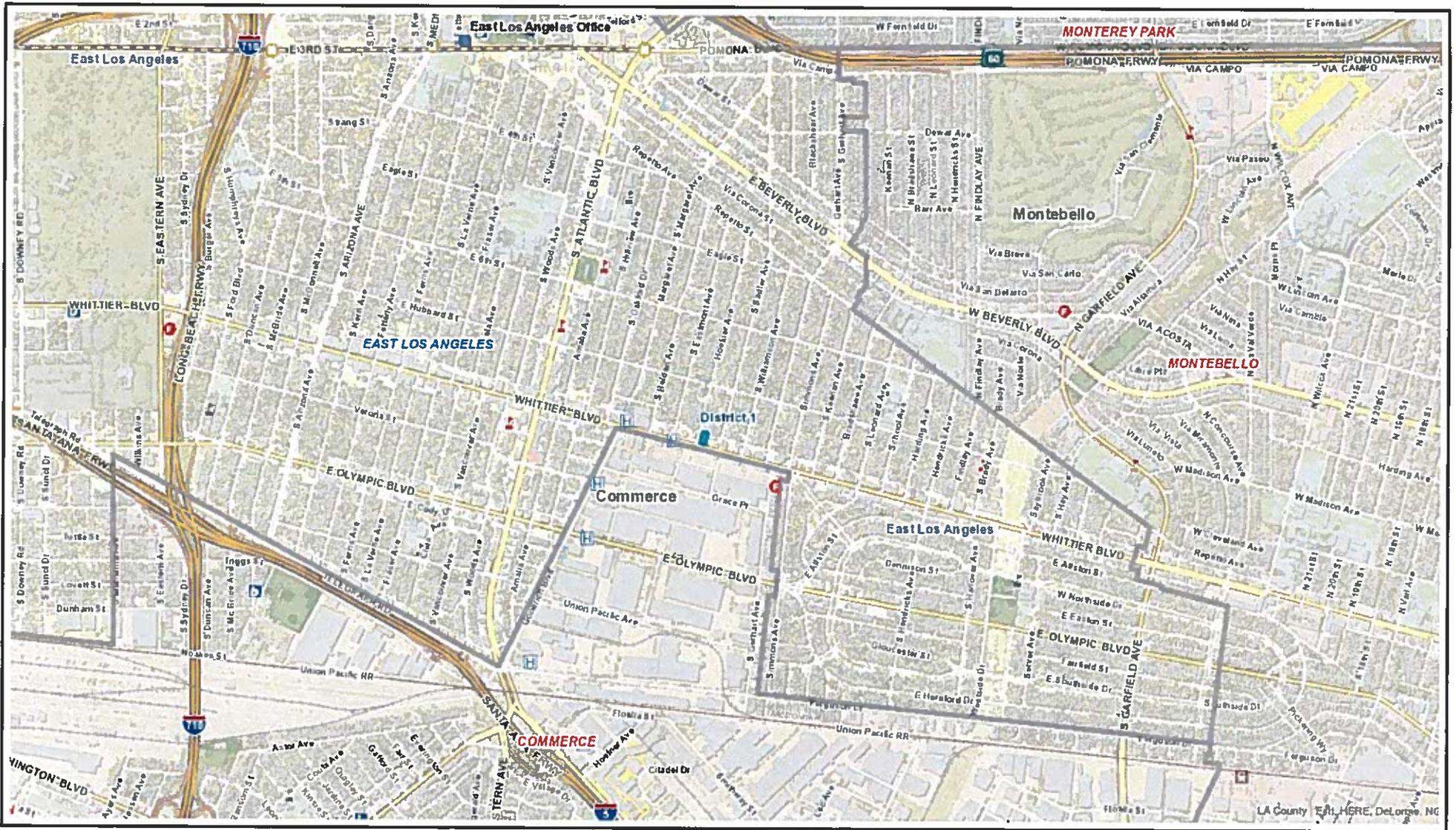
Carl Nadela

PHONE NUMBER:

(213) 974-6435

E-MAIL ADDRESS:

cnadela@planning.lacounty.gov



R2012-00268-(1) / CUP 201400178

Property Location Map

Printed: Dec 30, 2015



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ENTITLEMENTS REQUESTED

- Conditional Use Permit (“CUP”) for the continued operation and maintenance of an existing automobile body and fender repair shop with automobile painting in the C-3 (General Commercial) zone pursuant to County Code section 22.28.210.

PROJECT DESCRIPTION

The applicant requests a CUP to allow the continued operation and maintenance of an automobile body and fender repair shop with a spray booth (Juan's Body Shop). The subject property has been developed as an automobile body shop for over 50 years. A zone change was adopted in 1988 that changed the zoning on the subject property from the M-1 (Light Manufacturing) zone to C-3. An approved CUP is required in order to continue operating an automobile body and fender repair shop with automobile painting in the C-3 zone.

SITE PLAN DESCRIPTION

The site plan depicts a rectangular-shaped lot with vehicular access from the alley in the rear of the property. The small retail building in the front of the property is accessible to pedestrians from Whittier Boulevard and the automobile body and fender shop building has an office and two large doors leading to the car repair area that are all accessible from the alley.

EXISTING ZONING

The subject property is zoned C-3 (General Commercial) and is located within the East Los Angeles Community Standards District (“CSD”).

Surrounding properties are zoned as follows:

- North: R-3 (Limited Density Multiple Residence)
- South: City of Commerce
- East: C-3
- West: C-3

EXISTING LAND USES

The subject property is developed with a retail commercial store and the automobile body and fender repair shop that contains an automobile paint spray booth.

Surrounding properties are developed as follows:

- 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

PREVIOUS CASES/ZONING HISTORY

Regional Planning does not have any record of approval for the construction of the building; however, the Los Angeles County Assessor’s office has records of a 480-square-foot office constructed in 1928 and a 2,444-square-foot auto body and fender repair shop constructed in 1941. The Department of Public Works issued a building

permit on June 8, 1939 for the construction of a building to be used for storage of roofing material and equipment. A building permit issued on April 2, 1956 identifies 258.5-square-foot addition to a building being used for auto body and fender.

Ordinance No. 1690 was adopted by the Board of Supervisors on June 24, 1929 and established the M-1 zone on the subject property.

Site Plan Review No. 10030 was approved by the Director on October 26, 1959 for a freestanding sign in the front of the property advertising "Little Giant Paint." Subsequent submittals under this case number were denied.

Ordinance No. 880153Z was adopted by the Board of Supervisors on September 13, 1988 and rezoned the subject property to C-3.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. This exemption allows for the operation, repair, and maintenance of existing structures with negligible or no expansion of use beyond that existing at the time of the lead agency's determination. No changes are proposed to the site or the current operations of the automobile body and fender shop with automobile painting. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Major Commercial land use category of the East Los Angeles Community Plan. This designation is intended for mixtures of small and large businesses oriented toward the greater East Los Angeles area. The automobile body and fender repair shop is located along a commercial corridor and provides a service to the local community. Therefore, this use is consistent with the permitted uses of the underlying land use category.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development. (Policy 20, Page I-21)*

An automobile body and fender repair shop has been in operation at this location for over 50 years. No changes are proposed to the site or to the operation of the repair shop.

The following policy of the East Los Angeles Community Plan is applicable to the proposed project:

- *Promote the strengthening of existing industrial and commercial job-producing activities to create more jobs for residents of East Los Angeles (Economic Development, Page 5).*

The operation of the automobile body and fender repair shop at the subject property will continue to provide job opportunities and services to the local community.

Zoning Ordinance and Development Standards Compliance

Pursuant to section 22.28.210 of the County Code, automobile body and fender shops and automobile painting are permitted in the C-3 zone provided that all operations are conducted within an enclosed building and provided that a Conditional Use Permit is approved for the use. Section 22.28.220 of the County Code identifies the following development standards for establishments in the C-3 zone:

- Parking
Section 22.52.1100 requires that every lot or parcel of land which is used for a use permitted in the C-3 zone but not permitted in the R-4 zone shall provide an area of sufficient size so that it contains one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used. 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.
- Outside Display
All display shall be located entirely within an enclosed building, with certain exceptions, unless otherwise authorized by a temporary use permit. Outside storage is permitted on the rear of a lot or parcel of land when such storage is strictly incidental to the permitted use. The applicant is not proposing outside display or storage as part of this request.
- Lot Coverage and Landscaping
Maximum lot coverage is 90 percent of the net area and a minimum of 10 percent of the net area shall be landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. No landscaping is provided on the site; however, this requirement was not adopted until 1983 by Ordinance Number 83-0161. Therefore, no landscaping was required at the time of construction.

Pursuant to section 22.44.118 of the County Code, establishments in the East Los Angeles Community Standards District ("CSD") are subject to the following development standards:

- Signage
The CSD includes restrictions on freestanding signs and outdoor advertising signs. The CSD also restricts the total permitted sign area to 10 percent of the building face and clarifies that this area shall not exceed 240 square feet. A pole-mounted free standing sign currently exists in the front of the property along Whittier Boulevard with a height of 13 feet and a total surface area of approximately 18 square feet. This is in conformance with Section 22.44.118.D.3.a.ii of the Zoning Code. A business sign also currently exists on the wall facing west with a total surface area of approximately 150 square feet. While this is under the maximum of 240 square feet, it is over 10% of the building face as calculated by the East Los Angeles CSD. However, in accordance with Section 22.44.118.D.3.b.i, this sign may be permitted with this CUP.
- Height
The maximum building height is restricted to 40 feet in the C-3 zone. The existing building height measures 15 feet and five inches to the top of the parapet wall. Therefore, the building height is consistent with the development standard listed in the CSD.
- Multiple-Tenant Commercial
The multiple-tenant commercial requirements listed in the CSD only apply to projects with more than five tenants in a building without permanent floor-to-ceiling walls separating each business. The subject site only contains the retail building and the building containing the automobile body and fender repair shop. Therefore, the standards for multiple-tenant commercial projects do not apply to this project.
- Landscaping and Buffering
Pursuant to current County Code requirements, parking areas adjacent to a property line shall provide a five-foot landscaping buffer. Additionally, a landscaping buffer of five feet will be required when a commercial zone abuts a residence or residential zone. Landscaping shall be provided and maintained in a neat and orderly manner. A 15-gallon tree shall be provided for every 50 square feet of landscaped area and will be equally spaced along the buffer strip. Permanent irrigation systems shall be required and maintained in good working order. A solid masonry wall not less than five feet nor more than six feet in height shall be provided along the side and rear property lines. No landscaping is provided on the subject property; however, the site was constructed prior to these requirements and no expansion of either of the existing buildings is proposed.

- Loading

The CSD states that loading doors and activity shall be located away from adjacent residences where practical. Section 22.52.1084 of the County Code includes a chart identifying the number of required loading spaces based on the use of the site and the gross floor area. For commercial uses that have a gross floor area of less than 5,000 square feet there is no requirement for a loading area. Therefore, no loading area is required for this site.

Site Visit

Staff conducted a site visit on January 14, 2016, and found that the plans are consistent with the site. The site was generally clean and well maintained except for some graffiti on a wall facing the south side of the property. However, these may be areas that are beyond the permittee's control. A condition has been added to this CUP (Condition No. 16) to ensure that graffiti is addressed in areas under the permittee's control.

Burden of Proof

The applicant is required to substantiate all facts identified by section 22.56.040 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

According to building permit records, the subject building containing the automobile body and fender repair shop was constructed in 1939. The automobile body and fender shop and spray booth is well established within the community; it has been in operation for over 50 years. No additions or intensifications to the use are proposed as part of this project. The repair and paint shop is conveniently located along a major commercial corridor and serves the local community. Therefore, the repair and paint shop will not adversely affect the health, peace, comfort or welfare of persons residing or working in the area, or endanger or otherwise constitute a menace to the public health, safety or general welfare.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

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.

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.

PUBLIC COMMENTS

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

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 R2012-00268-(1), Conditional Use Permit Number 201400178, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201400178 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Carl Nadela, Zoning Permits East Section
Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section
Attachments:
Draft Findings, Draft Conditions of Approval
Applicant's Burden of Proof statement
Correspondence
Site Photographs
Site Plan, Land Use Map

MM:CN
1/6/2016

**DRAFT 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. *To be inserted after the public hearing to reflect hearing proceedings.*
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 market 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.
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, 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.

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 4 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, 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.

- 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: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT 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 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 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 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 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 said 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 noise generating activities are limited to between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday.
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).



NONCONFORMING REVIEW BURDEN OF PROOF

Pursuant to Zoning Code Section 22.56.1550, the applicant shall substantiate the following facts:

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

- 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 site currently has a retail operation in the front and an autobody shop in the rear of the property the autobodyshop use has existed for a period longer than 30 years. All operations are conducted indoor and therefore will mitigate any adverse impacts relating to the type of business including noise, odor and visual impacts on the adjacent properties.

- B. 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 Ordinance, or as is otherwise required in order to integrate said use with the uses in surrounding area.

The proposed site has an existing parking area at the rear of the property, however, due to the nature of the use (autobody shop), parking is very minimally required. essentially if a vehicle is dropped off it does not utilize a parking space but will be constantly worked on until the customer picks it up.

- C. That the proposed site 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 current site is adequately served by a major arterial street that serves several throughout the LA county jurisdiction but it is also served by access from the rear alley from which most vehicles will enter the site. Any traffic is minimal and access to the shop is done at the rear.

- D. That the nature of the improvement is such that to require cessation of use would impair the property rights of any person to such an extent as to be an unconstitutional taking of property.

The proposed use is existing and has been for over 30 years. The use is considered part of the overall community and part of the business corridor that has existed for many years along a historic avenue that the Whittier Blvd Corridor currently is.

- E. That such adjustment will not be materially detrimental to the public health, safety or general welfare, or to the use, enjoyment or valuation of property of other persons located in the vicinity.

To allow the Autobody Shop use will not create any adverse effects or be detrimental to the public's general health, safety and welfare. The use has been conducted for many years and has never been a source of negative impacts on the surrounding community primarily due to the indoor operations.



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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

November 9, 2015

IN REPLY PLEASE
REFER TO FILE LD-2

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

Attention Kristina Kulczycki

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201400178
PROJECT NO. R2012-00268
5607 WHITTIER BOULEVARD
ASSESSOR'S MAP BOOK NO. 6341, PAGE 32, PARCEL NO. 2
UNINCORPORATED COUNTY AREA OF EAST LOS ANGELES

Thank you for the opportunity to review the site plan and zoning permit application for the project located at 5607 Whittier Boulevard in the unincorporated County area of East Los Angeles. The applicant is requesting authorization for a CUP to allow the continued use of an existing auto body shop in a C-3 Zone. Access to the repair shop is from the alley in the rear of the property. No improvements are proposed as part of this project. The existing retail shop located south of the project (fronting Whittier Boulevard) is not part of this development.

- Public Works has no conditions that need to be applied to this project if ultimately approved by the advisory agency.
- Public Works has comments on the submitted documents; therefore, a Public Hearing shall **NOT** be scheduled until the following comments have been addressed.

For questions regarding this project, please contact Teni Mardirosian of Public Works' Land Development Division at (626) 458-4910 or tmardirosian@dpw.lacounty.gov.

TM:tb

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Photographs for R2012-00268 / CUP No. 201400178

View of wall sign from the northwest



View of vehicle delivery area and office from the north



View of parking stall and corrugated metal door from the north



View of free standing sign in the front along Whittier Boulevard



Interior view of vehicle delivery area and spray booth from the north



Interior view of spray booth and vehicle lift from the northwest





R2012-00268-(1) / CUP 201400178

Aerial Image

Printed: Dec 30, 2015



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