Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

Richard J. Bruckner
Director

October 4, 2016

Jeffrey Seymour
2815 Townsgate Road, Suite #140
Westlake Village, CA 91361

REGARDING: **CONDITIONAL USE PERMIT NO. RPPL2016001564-(1)**
4634 WHITTIER BLVD., EAST LOS ANGELES (APN #5246-013-005)

Hearing Officer Alex Garcia, by his action of **October 4, 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 **October 18, 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 Steve Mar of the Zoning Permits East Section at (213) 974-6435, or by email at smar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)
c: DPW (Building and Safety); Zoning Enforcement

MM:SM

CC 060412

FINDINGS OF THE HEARING OFFICER
AND ORDER
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016001564-(1)

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. RPPL2016001564-(1) ("CUP") on September 6, 2016 and on October 4, 2016.

2. The permittee, Steven Safan ("permittee"), requests the CUP to authorize the continued operation of an existing pawn shop with short-term loan services ("Tucker's Jewelry & Loan") ("Project") on a property located at 4634 Whittier Boulevard in the unincorporated community of East Los Angeles ("Project Site") in the C-3 (General Commercial) zone and in the Eastside Unit No. 1 Zoned District pursuant to Los Angeles County Code ("County Code") section 22.44.118.F.

3. The Project Site is 0.15 acres in size and consists of one legal lot. The Project Site is rectangular in shape with flat topography and is developed with a commercial building containing an existing pawn shop.

4. The Project Site is located in the Eastside Unit No. 1 Zoned District and the East Los Angeles Community Standards District and is currently zoned C-3 (General Commercial).

5. The Project Site is located within the MC – 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: C-3, R-3-P (Limited Density Multiple Residence – Parking)
   South: R-3-P, R-3
   East: C-3, R-3-P
   West: C-3, R-3-P

7. Surrounding land uses within a 500-foot radius include:

   North: Commercial Retail, Single-family Residences, Multi-family Residences
   South: Single-family Residences, Multi-family Residences
   East: Commercial Retail, Single-family Residences, Multi-family Residences
   West: Commercial Retail, Single-family Residences, Multi-family Residences

8. The Project site was zone M1 in 1927 and rezoned to C-3 in 1985. On March 13, 1971, Plot Plan No. 19470 was approved for the existing commercial building on the site with 12 parking spaces, 10 of which were tandem spaces. On December 7, 2006, Plot Plan No. 200602259 was approved for a non-illuminated wall sign on the subject property facing Arizona Ave with changeable posters.

9. The site plan for the Project depicts the existing pawn shop located in a two-story commercial building located at the southwest corner of Whittier Boulevard and Arizona Avenue. The pawn shop has been in operation at its current location at the intersection of Whittier Boulevard and Arizona Avenue since 1950. In 1971, the business moved into a new two-story commercial building at the same location after street widening of Arizona Avenue required demolition and reconstruction of the building on the project site. The

existing commercial building on the site was approved by a Plot Plan in 1971. The business has been operating without a CUP and a recent change of ownership prompted the current owner to submit a CUP application to legalize the operation of the pawn shop in the C-3 zone as part of its business license application. Vehicular access to the site is via a driveway off of Arizona Avenue and pedestrian access is via an entrance off of Whittier Boulevard. A rear surface parking lot provides parking for 12 automobiles on the parcel, four spaces of which are tandem, with shared parking space from adjoining businesses providing a total of 29 parking spaces. The floor plan depicts 1,692 sq. ft. of sales, office, display, and storage space on the first floor and 2,682 sq. ft. of storage space on the second floor.

10. The Project will provide a total of 12 parking spaces at the rear of the building, four spaces of which are tandem. The Project Site also shares parking with two adjoining commercial parcels which provide a total of 29 parking spaces for the Project.

11. The County Sheriff's Department, East Los Angeles Station, researched the subject property's five year calls for service history. During that time, the Department found that there was minimal criminal activity at the site and some false calls for the burglary alarm. The Department recommended that security cameras at the business retain video footage for a minimum of thirty days to assist law enforcement if necessary. The Department neither advocated support nor opposition to the Project.

12. 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 the continued operation of an existing business that has been in its current commercial tenant space since 1971 and is not proposing any new physical changes or alterations to the structure of the building.

13. 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.

14. No public comments regarding the Project were received prior to the Hearing Officer's public hearing.

15. A duly noticed public hearing was held on September 6, 2016, before the Hearing Officer. Hearing Officer Alex Garcia was in attendance for the Public Hearing. The applicant's representative, Jeffrey Seymour, was in attendance for the hearing and presented testimony in favor of the project. Mr. Garcia had questions regarding the project site's parking history, CUP history, and banners and a sign board that were on the building. Mr. Garcia moved to continue the hearing to October 4, 2016 to allow staff time to analyze the parking and sign issues with the project.

    A duly noticed public hearing was held on October 4, 2016, before the Hearing Officer. Hearing Officer Alex Garcia was in attendance for the Public Hearing. The applicant's representative, Jeffrey Seymour, was in attendance for the hearing and presented testimony in favor of the project. Mr. Garcia asked staff and the applicant questions regarding why the CUP is being applied for, the site's parking layout, and the status of the banners and sign that needed to be removed. Staff and the applicant confirmed that the CUP is being applied

for as a result of filing for a business license, that the site's parking lot will be restriped to contain 12 parking spaces, including four tandem spaces, and that the banners and advertising sign have been removed. There being no further testimony, Mr. Garcia made changes to the findings and conditions, closed the public hearing, and approved the project.

16. The Hearing Officer finds that the project site is located within the MC – Major Commercial land use category of the East Los Angeles Community Plan. This designation is intended for areas containing mixtures of small and large businesses in major areas. The pawn shop is a local business providing a commercial service to the community and is therefore consistent with the permitted uses of the underlying land use category.

17. The Hearing Officer finds that establishments in the C-3 Zone are subject to development standards as prescribed under County Code Section 22.28.220. These development standards include provisions for landscaping, parking, and outside display. Additionally, establishments in the East Los Angeles Community Standards District (CSD) are subject to development standards as prescribed under County Code Section 22.44.118 (adopted 1988). Building permits show that the present commercial building was built in 1971 and conformed to the development standards at the time it was built and prior to current adopted development standards for the C-3 Zone and the East Los Angeles CSD. The site will continue to be operated as a pawn shop with short-term loan services and is not proposing any physical or operational changes. Therefore, the project is nonconforming due to current development standards such as landscaping and parking standards. Plot Plan No. 19470, approved on March 13, 1971, approved 12 parking spaces on the parcel, 10 spaces of which are tandem spaces. The project will provide 12 parking spaces on the parcel, four of which are tandem spaces. Illegal banners that were displayed on the property have been removed. A 98 sq. ft. non-illuminated wall sign on the building's Arizona Avenue frontage was approved by Plot Plan No. 200602256 in 2006. The sign was approved to display non-advertising posters. However, the sign was displaying posters that contained advertisements not related to the shop. In response, the applicant has completely removed the sign from the building.

18. The Hearing Officer finds that the pawn shop has been in business for more than six decades at its location and has provided pawn shop and loan services to the local community on a continual basis. The business supports the pedestrian oriented commercial environment along Whittier Boulevard and does not interfere with the other existing businesses in the neighborhood. The business also supports economic activity in the neighborhood through the services it provides and employs four East Los Angeles residents.

19. The Hearing Officer finds that the existing commercial building that the pawn shop occupies was built and approved in 1971 and conformed to the development standards at the time it was built. The existing building replaced an older building on the site that the business previously occupied since 1950. The project is not proposing any alterations to the existing building.

20. The Hearing Officer finds that the subject property is adequately served by existing streets and highways and is also serviced by local transit services. The property is adequately serviced by existing utilities.

21. 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 15 years.

22. 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 libraries located in the vicinity of the East Los Angeles community. On July 26, 2016, a total of 105 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 one notice to an addressee on the courtesy mailing list for the Eastside Unit No. 1 Zoned District and to any additional interested parties.

23. 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 No. RPPL2016001564-(1), subject to the attached conditions.

ACTION DATE: October 4, 2016

MM:SM
10/04/16

c: Hearing Officer, Zoning Enforcement, Building and Safety

CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
CONDITIONAL USE PERMIT NO. RPPL2016001564-(1)

PROJECT DESCRIPTION

The project is a conditional use permit for the continued operation of an existing pawn shop with loan services in a multi-tenant commercial building 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 October 4, 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 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 pawn shop business 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 to the satisfaction of the County Fire Department.

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 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 **December 4, 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 authorizes the continued operation of an existing pawn shop with loan services.

20. No firearms of any kind, except those classified as antiques by Title 18, section 921(a)(16) of the United States Code, may be bought, sold, bartered, or pawned.

21. The pawn shop operating hours shall be 9:30 a.m. to 5:30 p.m., Monday through Saturday. The shop shall be closed on Sundays.

22. The permittee shall provide adequate lighting in all parking areas and walkways under control of the permittee; all lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining properties.

23. The permittee shall maintain a video surveillance system on the project site, which shall be available for monitoring 24 hours a day. This video surveillance system shall, at a minimum, monitor the cashier area of the pawn shop. Any illegal activities observed shall be immediately reported to the proper legal authorities, and recordings of such activities shall be made available to these authorities upon request. Recordings shall be retained for a minimum of 30 days.

24. Temporary signs or banners shall not be displayed on the outdoor area of the subject property, including but not limited to, exterior walls or fascia of the building, or on any fence.