



CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING

City Hall 200 North Spring Street Los Angeles CA 90012

NOTICE OF PUBLIC HEARING

To Owners:	<input type="checkbox"/> Within a 100-Foot Radius	And Occupants:	<input type="checkbox"/> Within a 100-Foot Radius
	<input checked="" type="checkbox"/> Within a 500-Foot Radius		<input checked="" type="checkbox"/> Within a 500-Foot Radius
	<input type="checkbox"/> Abutting a Proposed Development Site	And:	<input type="checkbox"/> Interested Parties/Others

This notice is sent to you because you own property or are an occupant residing near a site for which an appeal from a Department action was filed with the Department of City Planning. All interested persons are invited to attend the public hearing where you may listen, ask questions, and/or present testimony regarding the project. The environmental document, if applicable, will be among the matters considered at the hearing. The Commission may consider all the testimony presented at the hearing, written communications received prior to or at the hearing, and the merits of the project as it relates to existing environmental and land use regulations. **Please note that your attendance at the hearing is optional.**

Project Site: **4606-4622 Crenshaw Boulevard**

Case No.: ZA-2018-472-ZV-1A

Council No: 8 - Marqueece Harris-Dawson

CEQA No.: ENV-2018-473-CE

Related Cases:

Hearing Held By: South Los Angeles Area Planning Commission

Plan Area: West Adams - Baldwin Hills - Leimert
Zone C2-2D-SP

Date: **February 19, 2019**

Plan Overlay: Crenshaw Corridor Specific Plan

Time **After 4:30 p.m.**

Land Use: Community Commercial

Place: FAME Conference and Expo Center,
Media Room A
1968 West Adams Boulevard
Los Angeles, CA 90018

Applicant: Timothy J. Mullahey, Pacific
Elite Collision Center

Staff Contact: Etta Armstrong, Commission Executive Asst.
200 North Spring Street, Room 272
Los Angeles, CA 90012
etta.armstrong@lacity.org
(213) 978-1128

Representative: Randy Orozco
RPO Designs

apcsouthla@lacity.org

Appellant: Timothy J. Mullahey, Pacific
Elite Collision Center
Representative: Bruce Ehrlich, Ehrlich Group
Law Office

PROPOSED PROJECT:

The continued use of two unpermitted spray booths in an existing 13,208 square foot building within 500 feet of the R2-1 Zone, operating from 7:00 a.m. to 7:00 p.m. Monday to Friday, 9:00 a.m. to 8:00 p.m. on Saturday, and 11:00 a.m. to 8:00 p.m. on Sunday.

APPEAL:

Appeal of the October 24, 2018, Zoning Administrator's determination to deny pursuant to Charter Section 562 and Section 12.27.B of the Los Angeles Municipal Code, a Zone Variance from Section 12.22 A.28 to allow two existing auto body spray booths within 500 feet of a residential zone.

GENERAL INFORMATION

FILE REVIEW - The complete file is available for public inspection between the hours of 8:30 a.m. to 4:00 p.m., Monday through Friday. Please call or email the staff identified on the front page, at least three (3) days in advance to assure that the files will be available. **Files are not available for review the day of the hearing.**

AGENDAS AND REPORTS- Commission agendas are posted for public review in the Main Street lobby of City Hall East, 200 N. Main Street, Los Angeles, California. Commission Agendas are accessible online at planning.lacity.org, by selecting "Commissions & Hearings", the specific Area or City Planning Commission and "Agendas". Appeal Recommendation Reports are available on-line seven (7) days prior to the Commission meeting and are hyperlinked to the case numbers on the agenda. **Please note that Appeal Recommendation Reports are not prepared for appeals related to Zoning Administrator decisions.**

Be advised that the Commission may RECONSIDER and alter its action taken on items listed on the meeting agenda at any time during this meeting or during the next regular meeting, in accordance with the Commission Policies and Procedures and provided that the Commission retains jurisdiction over the case. **If a Commission meeting is cancelled or adjourned due to lack of quorum, all remaining agenda items shall be continued to the next regular meeting or beyond, as long as the continuance is within the legal time limits of the case or cases.**

TESTIMONY AND CORRESPONDENCE - Your attendance is optional; oral testimony can only be given at the Commission meeting and may be limited due to time constraints. Written testimony or evidentiary documentation may be submitted prior to, or at the meeting in accordance to the Commission's submittal requirements. Commissions function in a quasi-judicial capacity and therefore, cannot be contacted directly. Any materials submitted to the Commission become City property and will not be returned. This includes any correspondence or exhibits used as part of your testimony.

REQUIREMENTS FOR SUBMISSION OF MATERIALS - Written materials may be submitted prior to or at the meeting in accordance with the submittal requirements below. When required, hard copies must be presented on letter size (8 1/2 " x 11") or legal size (8 1/2 " x 14") paper. All oversized exhibits must be folded to fit into a legal-sized folder. Plans (i.e. site plans, floor plans, grading plans) must be presented on paper size not smaller than ledger size (11" x 17"). The case number must be written on all communications, plans and exhibits.

- **Regular Submissions** – Written materials not limited as to volume must be received by the Commission Executive Assistant no later than by end of business day Monday of the week prior to the week of the Commission meeting. Materials must be delivered electronically to the staff and commission email identified on the front of this page. In addition, an **original plus six (6) copies** must be submitted to the Commission Office directly at **200 North Spring Street, Room 272, Los Angeles, CA 90012** in attention to the Commission Secretariat.
- **Secondary Submissions** - All written materials in response to an Appeal Recommendation Report and/or additional comments must be submitted no later than **48 hours before to the Commission meeting (for Central, South LA and Harbor APCs, materials must be received no later than by 3:00 p.m., Thursday of the week prior to the Commission Meeting)**. Submissions, including exhibits, shall not exceed ten (10) pages and must be submitted electronically to the Commission identified on the front of this notice.
- **Day of Hearing Submissions** - Submissions less than 48 hours prior to, and including the day of the Commission meeting, must not exceed two (2) written pages, including exhibits. Photographs do not count toward the page limitation. Submit 12 copies to the Commission Executive Assistant prior to the start of the meeting.
- **Non-Complying Submissions** - Submissions that do not comply with these rules will be stamped "*File Copy. Non-complying Submission*". Non-complying submissions will be placed into the official case file, but they will not be delivered to, or considered by the Commission. The Commission Rules and Operating Procedures are available online at planning.lacity.org by selecting "Commissions & Hearings" and selecting the specific Commission.

EXHAUSTION OF ADMINISTRATIVE REMEDIES AND JUDICIAL REVIEW - If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agenized here, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

ACCOMMODATIONS - As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other services, such as translation between English and other languages, may also be provided upon written request submitted a minimum of seven (7) working days in advance to: per.planning@lacity.org. Be sure to identify the language you need English to be translated into, and indicate if the request is for oral or written translation services. If translation of a written document is requested, please include the document to be translated as an attachment to your email.

**DETERMINATION
BY
ZONING
ADMINISTRATOR**

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INTERIM CHIEF ZONING ADMINISTRATOR

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October 24, 2018

Timothy J. Mullahey (A)
Pacific Elite Collision Center
4620 East Cerro Vista Drive
Anaheim, CA 92807

Randy Orozco (R)
RPO Designs
11662 West Street
Garden Grove, CA 92480

CASE NO. ZA-2018-472(ZV)
ZONE VARIANCE
4606-4622 Crenshaw Boulevard
West Adams - Baldwin Hills - Leimert
Planning Area
Zone: C2-2D-SP
D. M.: 111B185 256
C. D.: 8 - Marqueece Harris-Dawson
CEQA: ENV-2018-473-CE
Legal Description: Tract TR 4947,
Lots 147-151

Pursuant to Section 562 of the City Charter and Los Angeles Municipal Code Section 12.27.B, I hereby DENY:

a Zone Variance from Section 12.22 A.28 to allow two existing auto body spray booths within 500 feet of a residential zone.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on April 12, 2018, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27.B of the Municipal Code have not been established by the following facts:

BACKGROUND

The subject property is located in the West Adams - Baldwin Hills - Leimert Community Plan Area, which designates it for Community Commercial uses with the corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4. The property is zoned C2-2D-SP and located within Subarea E of the Crenshaw Corridor Specific Plan, which is not a sub-area that prohibits automobile-related uses.

The property immediately adjacent to the north, is also zoned C2-2D-SP and developed with a 3,483 square-foot one-story commercial office building built in 1956. The property immediately adjacent to the south is zoned C2-2D-SP and is developed with a 5,432

square-foot one-story commercial store and office built in 1948. The five properties immediately adjacent to the east are zoned R2-1 and are developed with one and two-story single-family homes built between 1922 and 1925. Properties to the west, across Crenshaw Boulevard are zoned C2-2D-SP and are developed with one and two-story commercial office and retail buildings built between 1931 and 1959. Today's Fresh Start Charter School is located approximately 250 feet north of the project site. Sal's Premium Auto Collision and Chin's Auto Repair Shop are located approximate 0.4 miles north at 4242 South Crenshaw Boulevard and 4268 South Crenshaw Boulevard, respectively.

Crenshaw Boulevard is designated by the Mobility Plan as a Modified Boulevard I and has a designated right-of-way width of 180 feet with asphalt roadway, curb, gutter, sidewalk and street trees.

The project site is comprised of five (5) rectangular shaped lots with an approximate total area of 38,112 square feet, with a frontage of approximately 250 feet on the east side of Crenshaw Boulevard and an uniform depth of 152 feet. The site is improved with an existing 13,208 square-foot L-shaped building that has a partial front elevation of approximately 47 feet 10 inches along Crenshaw Boulevard, and another (stepped back) front elevation approximately 198 feet. The northerly side of the building extends 147 feet 1 inch along the northerly property line, and the rear of the building extends 241 feet 10 inches along the easterly property line, and the southerly portion of the building extends 34 feet 5.5 inches along the southerly property line. The 13,208 square-foot building operates as an auto body repair, paint and collision center. The one-story building includes 3,434 square-feet of office space and 9,774 square-feet of shop area. The subject site (as showed on the proposed Site Plan) includes 31 parking spaces, including 27 standard spaces, 2 compact spaces, 1 accessible space and 1 van accessible space. The activities on-site consist of general office, which includes estimators, receptionists, administration and a satellite rental car (Enterprise) operation. The rental car operation is limited to a representative located on-site that coordinates customer pick up and rental car returns; no rental cars are stored or kept on site overnight.

The auto body and paint activities includes removing and repairing damaged parts, installing new parts and painting the damaged areas to match the rest of the vehicle. The area of work for the two spray booths includes a 32-foot 5.5-inch by 41-foot 11.5-inch portion of the site located at the southeast corner of the property.

In 2016, the Department of Building Safety Code Enforcement Bureau conducted a couple of inspections of the subject property and determined that the auto repair operation violated several municipal code regulations, and ordered the operation be brought into compliance with the code. The property owner and operator were cited for having:

1. Conducted auto repair activities outside of a building or enclosure,
2. Two 2 spray booths constructed without the required plans, permits, inspection and approvals,
3. A metal canopy, approximately 20 ft. x 90 ft. constructed without the required plans, permits, inspection and approvals,
4. A metal canopy, approximately 18 ft. x 25 ft. constructed without the required plans, permits, inspection and approvals.

The operator was able to resolve the compliance issue with regards to the auto repair activities outside of a building or enclosure and the Code Enforcement Bureau closed the matter. However, the three remaining violations are still outstanding and the applicant is

seeking discretionary approvals to maintain the two spray paint booths and the two non-permitted canopies in conjunction with the auto repair operation.

Typically, the conditional use process would be the appropriate discretionary approval process to allow an automotive use in a commercial zone if the municipal code's development standards and operating conditions are not met; however, the required conditional use findings cannot be made in the affirmative for the subject the site with a spray booth, which is less than 500 feet from residential zoning (immediately adjacent) and a public school (250 feet). Hence, the applicant is requesting a zone variance from the municipal code's development standards and operating conditions outlined in L.A.M.C. Section 12.22.A.28 in order to allow two auto body spray booths to be established within 500 feet of a residential zone. The applicant is also requesting a zone variance to permit the construction, use and maintenance of a freestanding canopy and a 1,294 square-foot enclosed canopy in conjunction with the spray paint operation. Also, the applicant is proposing to add landscaping between the 8-foot wrought iron fence and the public sidewalk.

Previous related zoning actions on the site:

None

Previous related zoning actions in the vicinity:

Case No. ZA-1999-2289-RV – On March 16, 2001 the Associate Zoning Administrator dismissed the request for nuisance abatement relief without prejudice related to a raucous banquet hall activity being operated on the property at 4717 South Crenshaw Boulevard.

Case No. ZA-1999-2580-YV-SPR – On June 26, 2000 the Associate Zoning Administrator approved a variance from Section 12.13.5-C to permit the construction, use and maintenance of a 2,354 square-foot restaurant with a drive-through window, with the drive through portion of the property extending 3 feet into the required 5-foot side yard, together with Site Plan Review approval, in the [Q]C1.5-1 Zone at 3350 West Vernon Avenue.

Ordinance No. 184,796 - On March 7, 2017, the City Council adopted Ordinance No. 184,796, as part of the West Adams-Baldwin Hills-Leimert Community Plan Update, which change the subject property's zone from [Q]C1.5-1 to C2-2D-SP.

Ordinance No.178,382 - On March 24, 2007, the LAMC was amended by said ordinance number by adding Section 12.22 A.28 Automotive Use which in part reads "In the C2 or less restrictive zones, a new automotive use, change of use or addition of floor area to an existing automotive use may be established without first obtaining an approval pursuant to Section 12.24 W.4 of this Code if the development standards set forth in Paragraph (a) and the operating conditions set forth in Paragraph (b) of this subdivision are met. Notwithstanding the above, new automobile dealership franchises, and their associated activities, are exempt from the requirements of this subdivision." Additionally, Paragraph (b) of Section 12.22.A28 "Operating Conditions", provision (1) states, "Spray painting shall not be conducted."

The code provides in Subdivision 4 of Subsection W of Section 12.24 of the LAMC for a Conditional Use process for:

4. Automotive Uses in the C Zones that do not comply with the Development Standards and Operating Conditions Enumerated in Sections 12.22 A.28 or in the M Zones that do not comply with Section 12.17.6 of this Code. (Amended by Ord. No. 178,382, Eff. 3/24/07.)

Ordinance No. 173,492 – On August 12, 2000, the City Council adopted Ordinance No. 173,492, as part of the amendment to the L.A.M.C. necessitated by the implementation of the new city charter. The ordinance provided that automotive repair may be allowed in the C2 zone if the property is located more than 300 feet from A or R zone properties. (If less than 300 feet from an A or R zone, a conditional use must be obtained.) The ordinance also required all spray painting be conducted in full compliance with the provisions of Article 7, Chapter 5 of the Municipal Code (Fire Protection and Prevention), regulating such installations; provided further that no spray painting may be done except within a building.

Ordinance No. 172,913 – On November 17, 1999, the City Council adopted Ordinance No. 172,913, as part of the West Adams-Baldwin Hills-Leimert Community Plan Revision, which changed the subject property's zone from C2-1 to [Q]C1.5-1.

Ordinance No. 165,481 – On March 6, 1990, the City Council adopted Ordinance No. 165,481, as a part of the City General Plan Consistency Program (CPC-1986-0821(GPC)) which included the subject property's zone changed from C2-2 to C2-1.

Previous related Department of Building and Safety actions on the site:

Case No. 75068 (Order No A-4221657): On November 16, 2016, the Department of Building and Safety issued an Order to Comply for the following violations of the Building Code:

(V #5-AUTO/BODY) Discontinue vehicle repair operations being conducted outside of an approved building. All operations shall be conducted within a building enclosed on at least three sides, except for the following, which may be conducted within the first 18 feet in depth measured perpendicular to the bay door not exceeding the width of the bay door immediately adjacent to the outside of the garage bay door opening:

- (1) electrical diagnostics;
- (2) battery charging and changing;
- (3) tire removal and replacement, provided the vehicle is not elevated more than 12-inches off the ground measured to the bottom of the tire. A portable hoist may be used for this purpose

Case No. 75068 (Order No A-4037651): On April 18, 2016, the Department of Building and Safety issued an Order to Comply for the following violations of the Building Code.

1. **(V #3 Standard)** *The 2 spray booths were / are constructed without the required plans, permits inspection and approvals. Demolish and remove all unapproved / unpermitted construction work performed without the required plans, permits inspections, approvals and clearances, and restore all buildings and site to its originally approved condition. OR Submit plans, obtain all required permits, inspections, approvals and all required clearances to secure a New Certificate of Occupancy to make the building/site conform and comply with requirements of the L.A.M.C.*
2. **(V#3 Standard)** *The metal canopy, approximately 20 ft. x 90 ft. was / is constructed without the required plans, permits, inspection and approvals. Demolish and remove all unapproved / unpermitted construction work performed without the required plans, permits inspections, approvals and clearances, and restore all buildings and site to its originally approved condition. OR Submit plans, obtain all required permits, inspections, approvals and all required clearances to secure a New Certificate of Occupancy to make the building/site conform and comply with requirements of the L.A.M.C.*
3. **(V#3 Standard)** *The metal canopy, approximately 18 ft. x 25 ft. was / is constructed without the required plans, permits, inspection and approvals. Demolish and remove all unapproved / unpermitted construction work performed without the required plans, permits inspections, approvals and clearances, and restore all buildings and site to its originally approved condition. OR Submit plans, obtain all required permits, inspections, approvals and all required clearances to secure a New Certificate of Occupancy to make the building/site conform and comply with requirements of the L.A.M.C.*

PUBLIC HEARING

On March 14, 2018, a Notice of Public Hearing was sent to nearby property owners and/or occupants abutting a proposed development site for which an application, as described below, had been filed with the Department of City Planning. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. The hearing was conducted by Associate Zoning Administrator Theodore L. Irving, AICP, from the Office of Zoning Administration who acted under Case No. ZA 2018-0472(ZV) and CEQA No. ENV 2018-0473-CE on April 12, 2018, at approximately 10:30 a.m., at the Los Angeles City Hall, 200 North Spring Street, Room 1020, Los Angeles, CA 90012.

The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The environmental document was among the matters considered at the hearing. Before opening the matter to public testimony the Zoning Administrator looked through the file and reviewed the content therein, paying particular attention to maps, plans, and photos of the subject site. The following persons provided testimony and made the following points.

Randy Orozco – RPO Design, Representative

- Attempting to correct a few issues with the spray booths,
- 1) we want to permit the spray booth not permitted,
- 2) we want to legalize the one already on site, that is already permitted,
- We have all the AQMD records,
- We just want to legalized the un-permitted spray paint booth,

- So, we want to correct any violations and get legal with the City
- This is a great facility,

Tim Mullahey – Applicant/ Owner

- I mirrored what was said earlier,
- We purchased Crenshaw facility when it was a body shop
- It was a body shop as far back as the 1960s,
- It was part of the dealership,
- Cars would go through all the booths

Mike Salyards – Ownership Partner

- The facility has been a body shop for as long as I can remember,
- The facility provides jobs to 20-25 employees from the area,
- We've operated for over 10 years,
- We do business primarily with insurance companies (Farmers, State Farm, Mercury, etc...)

Bernard Washington – Employee

- This is family,
- I've been repairing cars 5 for years,
- This is a beautiful job,
- They are behind you 100%,
- This is not a fly by night operation, or an in and out business

Jaqueline Lair (Supporter)

- I've grown up in the neighborhood and lived here since 1964,
- It just so happens that I'm working in my neighborhood,
- My family has cars,
- It's been five years that I've been with them,

Aly Pirani – Supporter

- I'm an employee with the company,
- The company has been helpful to the kids in school in the area,
- They've been doing this for the last 3 years,

Lynell Washington – Planning Director CD- 8

- We generally support all viable business,
- It has been our goal to develop the business corridor along Crenshaw Boulevard,
- We object to projects not coming to the Council District Office,
- We generally require that an applicant go to the Neighborhood Council before a hearing,
- We have more than enough body shops in the district,
- We are concerned about the spillover effect of the spray booth.
- We should require them to discuss the conditional use versus the zone variance requests,

- We request that Zoning Administrator delay issuing the decision until we've had a chance to meet with the applicant,

MANDATED FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The strict application of the provisions of the Zoning Ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

In the past 30 years, the zoning for the subject property has change several times; in 1990 the zone was changed from C2-2 to C2-1 (height district) and in 1999 the zone was change from C2-1 to [Q]C1.5-1 and in 2017 the zone was changed from [Q]C2-2D-SP. While there have been several zone changes over the years, the commercial zoning of the property has consistently allowed neighborhood automotive related uses through specific zoning restrictions ([Q]Conditions) or Specific Plan regulations, yet, consistently prohibited auto spray painting unless a discretionary approval is obtained.

Generally, the C2 Zone allows automotive repair, provided the automotive repair is in compliance with all of the development standards and operating conditions set forth in L.A.M.C. Section 12.22 A.28. If the project does not comply with the stated development standards and operating conditions, then a conditional use approval is required. Typically, the conditional use process would be the appropriate discretionary approval process for relief if a proposed auto related use fails to meet the standards; however when the required additional findings cannot be made in the affirmative, as is the case for the subject site and its proposed related auto spray paint booth that is less than 500 feet from residential zoning, a zone variance is required. The applicant is requesting a zone variance from L.A.M.C. Section 12.22 A.28 to allow two auto body spray booths to be established within 500 feet of a residential zone. The applicant is also requesting a zone variance to permit a freestanding canopy and a 1,294 square-foot enclosed canopy.

In 2002, the Department of Building and Safety, received applications for plumbing and plan check for the installation of one new gas line, a medium pressure gas system for a spray booth, the installation of one medium pressure gas system for a spray both and the installation of a gas line (work to be done outside the building only). The application for the gas line and gas systems were received in preparation for spray paint booths uses, but no permits were issued for the actual installation of any spray paint booths. In 2011, applications for the installation of electrical, HVAC, and plumbing equipment related to a proposal to install a spray booth was approved by the Department of Building and Safety; however, the application for the actual building alteration or repair was withdrawn. Hence, the installation of any spray paint booths or the erection of the any canopies were done without any approvals at the risk of the owners.

Charter Section 562 states that a variance shall neither be used to grant a special privilege nor to permit a use substantially inconsistent with the limitation on other properties. A variance is an appropriate means to seek relief from a condition that is not self-imposed and to remedy a disparity of privileges. The installation of the spray paint related equipment preceded the property owner's or operator's right to use the subject property for spray painting purposes. The granting of the variance request would be bestowing special privileges which are not provided to other property owners who abide by applicable zoning provisions. Therefore, the strict application of the C2-2D-SP zone that allows automotive related uses in the commercial zone, except for spray painting, does not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

2. **There are NO special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

As stated previously, the project site is comprised of five (5) rectangular shaped lots with an approximate total area of 38,112 square feet, with a frontage of approximately 250 feet on the east side of Crenshaw Boulevard and an uniform depth of 152 feet. The site is improved with an existing 13,208 square-foot L-shaped building that has a partial front elevation of approximately 47 feet 10 inches along Crenshaw Boulevard, and another (stepped back) front elevation approximately 198 feet.

The subject site is situated along a commercial corridor that features properties with similar frontages and similar uniform depths, although the predominant size is slightly smaller. The surrounding properties also enjoy similar topographies and similar rectangular configurations, and have similar proximities to residential land uses. As with the subject property, most properties were originally developed with one-story commercial structures and have been repurposed or have experienced some form of renovation. In this instance, the installation of the actual spray paint booths and the installation of the plumbing and electrical systems without the proper land use approval is a condition that is self-imposed and not a function of some unusual circumstances of the site. Therefore, it cannot be said that are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

3. **Such variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The West Adams - Baldwin Hills – Leimert Community Plan Map designates the property for Community Commercial land uses with corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4. The property is located Subarea E of the Crenshaw Corridor Specific Plan and the auto related operation, excluding auto spray painting, is not prohibited by the Crenshaw Corridor Specific Plan. The property is also located in the area governed by the South Los Angeles Alcohol

Sales specific plan. However, the subject property is not effected by the specific plan as the subject use does not involve the sale of alcohol.

No other similarly zoned properties in the same vicinity have been granted any variances to allow a spray paint use, which is prohibited by the underlying zone. The granting of the zone variance request would allow a use not permitted in the C2-2D-SP Zone when located in such proximity to residential uses and a public school, and would set a precedent. No preservation or enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity, is being denied the property owner or operator. All other uses generally allowed in the C2 zone are available to the subject property. Rather, the granting the variance request would have the effect of bestowing a special privilege to one property owner which is not enjoyed by others.

4. The granting of such variance will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

The land use implications associated with granting the zone variance request and allowing an automotive spray booth use in the subject commercial zoning, can be cumulative. The immediate area is characterized by a variety of zones in proximity to each other, including low density residential zoning. Residential use, particularly single-family dwellings, are located immediately adjacent to the property. Neighborhood serving commercial uses are generally located north and northeast of the subject property, while other commercial uses are generally located south of the subject property.

The City Council, in its adoption of the recent ordinances for the West Adams-Baldwin Hills-Leimert Community Plan, approved the zone changes which sought to regulate automotive related uses along the Crenshaw Boulevard commercial corridor in recognition of past industrial and residential land use conflicts. The granting of the requested variance would establish a precedent that would allow uses categorized as "prohibited" in the recently adopted zoning ordinances, and this would be particularly troublesome if the grant of the variance grant is not based on legitimate land or zoning impediments; neither of which has been established in this case.

5. The granting of the variance will adversely affect an element of the General Plan.

The West Adams - Baldwin Hills - Leimert Community Plan Map designates the property for Community Commercial land uses with corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4.

The zoning code is an implementing tool of the General Plan. Granting the zone variance request will result in a use that is not consistent with the Community Plan's Land Use designation and corresponding zoning. As such, granting the request will not be in conformance with the intent and purpose of the General Plan that promotes compatibility of land uses and preservation of residential neighborhoods.

The West Adams - Baldwin Hills - Leimert Community Plan includes Objectives and Policies to guide commercial land uses and changes in the community:

Goal LU18: A community where a diversity of uses which contribute to safe, pedestrian – friendly commercial environments are encouraged, and which enhance the health and welfare of the community by limiting certain uses and expanding opportunities for others.

Policy LU18-6 Limit Automotive Uses. Strive to limit the over-concentration and further proliferation of automotive uses and in particular, automotive repair uses within commercial areas. (P37, P78, P236, P237)

LU61-1 Limit Automobile Oriented Uses. Ensure that development parameters for commercial and industrial zoned land effectively limit certain uses identified as detrimental to the health and welfare of the community due to nuisance, overconcentration or reliance on a standardized development formula often dominated by excessive automobile orientation. (P79)

The Community Plan's designation of General Commercial land uses, and present zone of C2-2D-SP allows auto related uses without obtaining a conditional use permit if the development standards set forth in Paragraph (a) and the operating conditions set forth in Paragraph (b) of this subdivision are met." Additionally, Paragraph (b) of Section 12.22.A28 "Operating Conditions", provision (1) states, "Spray painting shall not be conducted."

The Community Plan recognizes the potential incompatibility of certain commercial uses near residential or sensitive uses, and the Plan seeks to prevent such situations. As stated, the goal is to limit certain uses through its implementation of policies that limit automotive uses, particularly auto repair within commercial areas. Therefore, the granting of the variance would set a precedent in undermining the recently adopted ordinances and would adversely affect the goals and objectives of the Community Plan regarding compatibility with adjacent parcels.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is not located in a flood zone.
7. On April 11, 2018, the subject project was issued a Categorical Exemption (CE), ENV-20168-473-CE. Pursuant to Section 21080(b)(5) of the California Environmental Quality Act, projects which a public agency rejects or disapproves are not subject to environmental review. In denying the project, the ZA did not issue a finding regarding the environmental clearance for this project.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after November 8, 2018, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>. Public offices are located at:

<i>Downtown Office</i> <i>Figueria Plaza</i> <i>201 North Figueria Street,</i> <i>4th Floor</i> <i>Los Angeles, CA 90012</i> <i>(213) 482-7077</i>	<i>Valley Office</i> <i>Marvin Braude Constituent</i> <i>Service Center</i> <i>6262 Van Nuys Boulevard,</i> <i>Suite 251</i> <i>Van Nuys, CA 91401</i> <i>(818) 374-5050</i>	<i>West Los Angeles</i> <i>Main Public Counter</i> <i>828 Sawtelle Blvd,</i> <i>2nd Floor</i> <i>Los Angeles, CA 90025</i> <i>(310) 231-2598</i>
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If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Inquiries regarding this matter shall be directed to Steve M. Garcia, Planning Assistant for the Department of City Planning at (213) 978-1388.



Theodore L. Irving, AICP
Associate Zoning Administrator

cc: Councilmember Marqueece Harris-Dawson
Eighth District
Adjoining Property Owners

**APPEAL
WITH
ATTACHMENTS**

ORIGINAL

**APPLICATIONS:****APPEAL APPLICATION**

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

Area Planning Commission City Planning Commission City Council Director of Planning

Regarding Case Number: ZA-2018-472 (ZV)

Project Address: 4606-4622 CRENSHAW BLVD

Final Date to Appeal: 11/08/2018

Type of Appeal: Appeal by Applicant/Owner
 Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
 Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Timothy J. Mullahey

Company: Pacific Elite Collision Center

Mailing Address: 4620 East Cerro Vista Dr.

City: Anaheim State: CA Zip: 92807

Telephone: (714) 501-0893 E-mail: tjmullahey@yahoo.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

Self Other: Pacific Elite Collision Center

- Is the appeal being filed to support the original applicant's position? Yes No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Bruce Ehrlich

Company: Ehrlich Group Law Office

Mailing Address: 601 S. Figueroa St Suite 4450

City: Los Angeles State: CA Zip: 90017

Telephone: (213) 787-0340 E-mail: behrlich@behrlichlaw.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

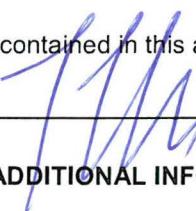
If Yes, list the condition number(s) here: _____

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature:  Date: 11/06/2018

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$6448.00</u>	Reviewed & Accepted by (DSC Planner): <u>LeTanya Roux</u>	Date: <u>11/8/18</u>
Receipt No: <u>0104966131</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified	<input checked="" type="checkbox"/> Original receipt and BTC receipt (if original applicant)	

ASSOCIATE ZONING ADMINISTRATORS

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HENRY CHU
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<http://planning.lacity.org>

October 24, 2018

Timothy J. Mullahey (A)
Pacific Elite Collision Center
4620 East Cerro Vista Drive
Anaheim, CA 92807

Randy Orozco (R)
RPO Designs
11662 West Street
Garden Grove, CA 92480

CASE NO. ZA-2018-472(ZV)
ZONE VARIANCE
4606-4622 Crenshaw Boulevard
West Adams - Baldwin Hills - Leimert
Planning Area
Zone: C2-2D-SP
D. M.: 111B185 256
C. D.: 8 - Marqueece Harris-Dawson
CEQA: ENV-2018-473-CE
Legal Description: Tract TR 4947,
Lots 147-151

Pursuant to Section 562 of the City Charter and Los Angeles Municipal Code Section 12.27.B, I hereby DENY:

a Zone Variance from Section 12.22 A.28 to allow two existing auto body spray booths within 500 feet of a residential zone.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on April 12, 2018, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that the five requirements and prerequisites for granting a variance as enumerated in Section 562 of the City Charter and Section 12.27.B of the Municipal Code have not been established by the following facts:

BACKGROUND

The subject property is located in the West Adams - Baldwin Hills - Leimert Community Plan Area, which designates it for Community Commercial uses with the corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4. The property is zoned C2-2D-SP and located within Subarea E of the Crenshaw Corridor Specific Plan, which is not a sub-area that prohibits automobile-related uses.

The property immediately adjacent to the north, is also zoned C2-2D-SP and developed with a 3,483 square-foot one-story commercial office building built in 1956. The property immediately adjacent to the south is zoned C2-2D-SP and is developed with a 5,432

square-foot one-story commercial store and office built in 1948. The five properties immediately adjacent to the east are zoned R2-1 and are developed with one and two-story single-family homes built between 1922 and 1925. Properties to the west, across Crenshaw Boulevard are zoned C2-2D-SP and are developed with one and two-story commercial office and retail buildings built between 1931 and 1959. Today's Fresh Start Charter School is located approximately 250 feet north of the project site. Sal's Premium Auto Collision and Chin's Auto Repair Shop are located approximate 0.4 miles north at 4242 South Crenshaw Boulevard and 4268 South Crenshaw Boulevard, respectively.

Crenshaw Boulevard is designated by the Mobility Plan as a Modified Boulevard I and has a designated right-of-way width of 180 feet with asphalt roadway, curb, gutter, sidewalk and street trees.

The project site is comprised of five (5) rectangular shaped lots with an approximate total area of 38,112 square feet, with a frontage of approximately 250 feet on the east side of Crenshaw Boulevard and an uniform depth of 152 feet. The site is improved with an existing 13,208 square-foot L-shaped building that has a partial front elevation of approximately 47 feet 10 inches along Crenshaw Boulevard, and another (stepped back) front elevation approximately 198 feet. The northerly side of the building extends 147 feet 1 inch along the northerly property line, and the rear of the building extends 241 feet 10 inches along the easterly property line, and the southerly portion of the building extends 34 feet 5.5 inches along the southerly property line. The 13,208 square-foot building operates as an auto body repair, paint and collision center. The one-story building includes 3,434 square-feet of office space and 9,774 square-feet of shop area. The subject site (as showed on the proposed Site Plan) includes 31 parking spaces, including 27 standard spaces, 2 compact spaces, 1 accessible space and 1 van accessible space. The activities on-site consist of general office, which includes estimators, receptionists, administration and a satellite rental car (Enterprise) operation. The rental car operation is limited to a representative located on-site that coordinates customer pick up and rental car returns; no rental cars are stored or kept on site overnight.

The auto body and paint activities includes removing and repairing damaged parts, installing new parts and painting the damaged areas to match the rest of the vehicle. The area of work for the two spray booths includes a 32-foot 5.5-inch by 41-foot 11.5-inch portion of the site located at the southeast corner of the property.

In 2016, the Department of Building Safety Code Enforcement Bureau conducted a couple of inspections of the subject property and determined that the auto repair operation violated several municipal code regulations, and ordered the operation be brought into compliance with the code. The property owner and operator were cited for having:

1. Conducted auto repair activities outside of a building or enclosure,
2. Two 2 spray booths constructed without the required plans, permits, inspection and approvals,
3. A metal canopy, approximately 20 ft. x 90 ft. constructed without the required plans, permits, inspection and approvals,
4. A metal canopy, approximately 18 ft. x 25 ft. constructed without the required plans, permits, inspection and approvals.

The operator was able to resolve the compliance issue with regards to the auto repair activities outside of a building or enclosure and the Code Enforcement Bureau closed the matter. However, the three remaining violations are still outstanding and the applicant is

seeking discretionary approvals to maintain the two spray paint booths and the two non-permitted canopies in conjunction with the auto repair operation.

Typically, the conditional use process would be the appropriate discretionary approval process to allow an automotive use in a commercial zone if the municipal code's development standards and operating conditions are not met; however, the required conditional use findings cannot be made in the affirmative for the subject the site with a spray booth, which is less than 500 feet from residential zoning (immediately adjacent) and a public school (250 feet). Hence, the applicant is requesting a zone variance from the municipal code's development standards and operating conditions outlined in L.A.M.C. Section 12.22.A.28 in order to allow two auto body spray booths to be established within 500 feet of a residential zone. The applicant is also requesting a zone variance to permit the construction, use and maintenance of a freestanding canopy and a 1,294 square-foot enclosed canopy in conjunction with the spray paint operation. Also, the applicant is proposing to add landscaping between the 8-foot wrought iron fence and the public sidewalk.

Previous related zoning actions on the site:

None

Previous related zoning actions in the vicinity:

Case No. ZA-1999-2289-RV – On March 16, 2001 the Associate Zoning Administrator dismissed the request for nuisance abatement relief without prejudice related to a raucous banquet hall activity being operated on the property at 4717 South Crenshaw Boulevard.

Case No. ZA-1999-2580-YV-SPR – On June 26, 2000 the Associate Zoning Administrator approved a variance from Section 12.13.5-C to permit the construction, use and maintenance of a 2,354 square-foot restaurant with a drive-through window, with the drive through portion of the property extending 3 feet into the required 5-foot side yard, together with Site Plan Review approval, in the [Q]C1.5-1 Zone at 3350 West Vernon Avenue.

Ordinance No. 184,796 - On March 7, 2017, the City Council adopted Ordinance No. 184,796, as part of the West Adams-Baldwin Hills-Leimert Community Plan Update, which change the subject property's zone from [Q]C1.5-1 to C2-2D-SP.

Ordinance No.178,382 - On March 24, 2007, the LAMC was amended by said ordinance number by adding Section 12.22 A.28 Automotive Use which in part reads "In the C2 or less restrictive zones, a new automotive use, change of use or addition of floor area to an existing automotive use may be established without first obtaining an approval pursuant to Section 12.24 W.4 of this Code if the development standards set forth in Paragraph (a) and the operating conditions set forth in Paragraph (b) of this subdivision are met. Notwithstanding the above, new automobile dealership franchises, and their associated activities, are exempt from the requirements of this subdivision." Additionally, Paragraph (b) of Section 12.22.A28 "Operating Conditions", provision (1) states, "Spray painting shall not be conducted."

The code provides in Subdivision 4 of Subsection W of Section 12.24 of the LAMC for a Conditional Use process for:

4. Automotive Uses in the C Zones that do not comply with the Development Standards and Operating Conditions Enumerated in Sections 12.22 A.28 or in the M Zones that do not comply with Section 12.17.6 of this Code. (Amended by Ord. No. 178,382, Eff. 3/24/07.)

Ordinance No. 173,492 – On August 12, 2000, the City Council adopted Ordinance No. 173,492, as part of the amendment to the L.A.M.C. necessitated by the implementation of the new city charter. The ordinance provided that automotive repair may be allowed in the C2 zone if the property is located more than 300 feet from A or R zone properties. (If less than 300 feet from an A or R zone, a conditional use must be obtained.) The ordinance also required all spray painting be conducted in full compliance with the provisions of Article 7, Chapter 5 of the Municipal Code (Fire Protection and Prevention), regulating such installations; provided further that no spray painting may be done except within a building.

Ordinance No. 172,913 – On November 17, 1999, the City Council adopted Ordinance No. 172,913, as part of the West Adams-Baldwin Hills-Leimert Community Plan Revision, which changed the subject property's zone from C2-1 to [Q]C1.5-1.

Ordinance No. 165,481 – On March 6, 1990, the City Council adopted Ordinance No. 165,481, as a part of the City General Plan Consistency Program (CPC-1986-0821(GPC)) which included the subject property's zone changed from C2-2 to C2-1.

Previous related Department of Building and Safety actions on the site:

Case No. 75068 (Order No A-4221657): On November 16, 2016, the Department of Building and Safety issued an Order to Comply for the following violations of the Building Code:

(V #5-AUTO/BODY) Discontinue vehicle repair operations being conducted outside of an approved building. All operations shall be conducted within a building enclosed on at least three sides, except for the following, which may be conducted within the first 18 feet in depth measured perpendicular to the bay door not exceeding the width of the bay door immediately adjacent to the outside of the garage bay door opening:

- (1) electrical diagnostics;
- (2) battery charging and changing;
- (3) tire removal and replacement, provided the vehicle is not elevated more than 12-inches off the ground measured to the bottom of the tire. A portable hoist may be used for this purpose

Case No. 75068 (Order No A-4037651): On April 18, 2016, the Department of Building and Safety issued an Order to Comply for the following violations of the Building Code.

1. **(V#3 Standard)** *The 2 spray booths were / are constructed without the required plans, permits inspection and approvals.* Demolish and remove all unapproved / unpermitted construction work performed without the required plans, permits inspections, approvals and clearances, and restore all buildings and site to its originally approved condition. OR Submit plans, obtain all required permits, inspections, approvals and all required clearances to secure a New Certificate of Occupancy to make the building/site conform and comply with requirements of the L.A.M.C.
2. **(V#3 Standard)** *The metal canopy, approximately 20 ft. x 90 ft. was / is constructed without the required plans, permits, inspection and approvals.* Demolish and remove all unapproved / unpermitted construction work performed without the required plans, permits inspections, approvals and clearances, and restore all buildings and site to its originally approved condition. OR Submit plans, obtain all required permits, inspections, approvals and all required clearances to secure a New Certificate of Occupancy to make the building/site conform and comply with requirements of the L.A.M.C.
3. **(V#3 Standard)** *The metal canopy, approximately 18 ft. x 25 ft. was / is constructed without the required plans, permits, inspection and approvals.* Demolish and remove all unapproved / unpermitted construction work performed without the required plans, permits inspections, approvals and clearances, and restore all buildings and site to its originally approved condition. OR Submit plans, obtain all required permits, inspections, approvals and all required clearances to secure a New Certificate of Occupancy to make the building/site conform and comply with requirements of the L.A.M.C.

PUBLIC HEARING

On March 14, 2018, a Notice of Public Hearing was sent to nearby property owners and/or occupants abutting a proposed development site for which an application, as described below, had been filed with the Department of City Planning. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. The hearing was conducted by Associate Zoning Administrator Theodore L. Irving, AICP, from the Office of Zoning Administration who acted under Case No. ZA 2018-0472(ZV) and CEQA No. ENV 2018-0473-CE on April 12, 2018, at approximately 10:30 a.m., at the Los Angeles City Hall, 200 North Spring Street, Room 1020, Los Angeles, CA 90012.

The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The environmental document was among the matters considered at the hearing. Before opening the matter to public testimony the Zoning Administrator looked through the file and reviewed the content therein, paying particular attention to maps, plans, and photos of the subject site. The following persons provided testimony and made the following points.

Randy Orozco – RPO Design, Representative

- Attempting to correct a few issues with the spray booths,
- 1) we want to permit the spray booth not permitted,
- 2) we want to legalize the one already on site, that is already permitted,
- We have all the AQMD records,
- We just want to legalized the un-permitted spray paint booth,

- So, we want to correct any violations and get legal with the City
- This is a great facility,

Tim Mullahey – Applicant/ Owner

- I mirrored what was said earlier,
- We purchased Crenshaw facility when it was a body shop
- It was a body shop as far back as the 1960s,
- It was part of the dealership,
- Cars would go through all the booths

Mike Salyards – Ownership Partner

- The facility has been a body shop for as long as I can remember,
- The facility provides jobs to 20-25 employees from the area,
- We've operated for over 10 years,
- We do business primarily with insurance companies (Farmers, State Farm, Mercury, etc...)

Bernard Washington – Employee

- This is family,
- I've been repairing cars 5 for years,
- This is a beautiful job,
- They are behind you 100%,
- This is not a fly by night operation, or an in and out business

Jaqueline Lair (Supporter)

- I've grown up in the neighborhood and lived here since 1964,
- It just so happens that I'm working in my neighborhood,
- My family has cars,
- It's been five years that I've been with them,

Aly Pirani – Supporter

- I'm an employee with the company,
- The company has been helpful to the kids in school in the area,
- They've been doing this for the last 3 years,

Lynell Washington – Planning Director CD- 8

- We generally support all viable business,
- It has been our goal to develop the business corridor along Crenshaw Boulevard,
- We object to projects not coming to the Council District Office,
- We generally require that an applicant go to the Neighborhood Council before a hearing,
- We have more than enough body shops in the district,
- We are concerned about the spillover effect of the spray booth.
- We should require them to discuss the conditional use versus the zone variance requests,

- We request that Zoning Administrator delay issuing the decision until we've had a chance to meet with the applicant,

MANDATED FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The strict application of the provisions of the Zoning Ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

In the past 30 years, the zoning for the subject property has change several times; in 1990 the zone was changed from C2-2 to C2-1 (height district) and in 1999 the zone was change from C2-1 to [Q]C1.5-1 and in 2017 the zone was changed from [Q]C2-2D-SP. While there have been several zone changes over the years, the commercial zoning of the property has consistently allowed neighborhood automotive related uses through specific zoning restrictions ([Q]Conditions) or Specific Plan regulations, yet, consistently prohibited auto spray painting unless a discretionary approval is obtained.

Generally, the C2 Zone allows automotive repair, provided the automotive repair is in compliance with all of the development standards and operating conditions set forth in L.A.M.C. Section 12.22 A.28. If the project does not comply with the stated development standards and operating conditions, then a conditional use approval is required. Typically, the conditional use process would be the appropriate discretionary approval process for relief if a proposed auto related use fails to meet the standards; however when the required additional findings cannot be made in the affirmative, as is the case for the subject site and its proposed related auto spray paint booth that is less than 500 feet from residential zoning, a zone variance is required. The applicant is requesting a zone variance from L.A.M.C. Section 12.22 A.28 to allow two auto body spray booths to be established within 500 feet of a residential zone. The applicant is also requesting a zone variance to permit a freestanding canopy and a 1,294 square-foot enclosed canopy.

In 2002, the Department of Building and Safety, received applications for plumbing and plan check for the installation of one new gas line, a medium pressure gas system for a spray booth, the installation of one medium pressure gas system for a spray both and the installation of a gas line (work to be done outside the building only). The application for the gas line and gas systems were received in preparation for spray paint booths uses, but no permits were issued for the actual installation of any spray paint booths. In 2011, applications for the installation of electrical, HVAC, and plumbing equipment related to a proposal to install a spray booth was approved by the Department of Building and Safety; however, the application for the actual building alteration or repair was withdrawn. Hence, the installation of any spray paint booths or the erection of the any canopies were done without any approvals at the risk of the owners.

Charter Section 562 states that a variance shall neither be used to grant a special privilege nor to permit a use substantially inconsistent with the limitation on other properties. A variance is an appropriate means to seek relief from a condition that is not self-imposed and to remedy a disparity of privileges. The installation of the spray paint related equipment preceded the property owner's or operator's right to use the subject property for spray painting purposes. The granting of the variance request would be bestowing special privileges which are not provided to other property owners who abide by applicable zoning provisions. Therefore, the strict application of the C2-2D-SP zone that allows automotive related uses in the commercial zone, except for spray painting, does not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.

- 2. There are NO special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

As stated previously, the project site is comprised of five (5) rectangular shaped lots with an approximate total area of 38,112 square feet, with a frontage of approximately 250 feet on the east side of Crenshaw Boulevard and an uniform depth of 152 feet. The site is improved with an existing 13,208 square-foot L-shaped building that has a partial front elevation of approximately 47 feet 10 inches along Crenshaw Boulevard, and another (stepped back) front elevation approximately 198 feet.

The subject site is situated along a commercial corridor that features properties with similar frontages and similar uniform depths, although the predominant size is slightly smaller. The surrounding properties also enjoy similar topographies and similar rectangular configurations, and have similar proximities to residential land uses. As with the subject property, most properties were originally developed with one-story commercial structures and have been repurposed or have experienced some form of renovation. In this instance, the installation of the actual spray paint booths and the installation of the plumbing and electrical systems without the proper land use approval is a condition that is self-imposed and not a function of some unusual circumstances of the site. Therefore, it cannot be said that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

- 3. Such variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

The West Adams - Baldwin Hills – Leimert Community Plan Map designates the property for Community Commercial land uses with corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4. The property is located Subarea E of the Crenshaw Corridor Specific Plan and the auto related operation, excluding auto spray painting, is not prohibited by the Crenshaw Corridor Specific Plan. The property is also located in the area governed by the South Los Angeles Alcohol

Sales specific plan. However, the subject property is not effected by the specific plan as the subject use does not involve the sale of alcohol.

No other similarly zoned properties in the same vicinity have been granted any variances to allow a spray paint use, which is prohibited by the underlying zone. The granting of the zone variance request would allow a use not permitted in the C2-2D-SP Zone when located in such proximity to residential uses and a public school, and would set a precedent. No preservation or enjoyment of a substantial property right or use generally possessed by other properties in the same zone and vicinity, is being denied the property owner or operator. All other uses generally allowed in the C2 zone are available to the subject property. Rather, the granting the variance request would have the effect of bestowing a special privilege to one property owner which is not enjoyed by others.

4. The granting of such variance will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.

The land use implications associated with granting the zone variance request and allowing an automotive spray booth use in the subject commercial zoning, can be cumulative. The immediate area is characterized by a variety of zones in proximity to each other, including low density residential zoning. Residential use, particularly single-family dwellings, are located immediately adjacent to the property. Neighborhood serving commercial uses are generally located north and northeast of the subject property, while other commercial uses are generally located south of the subject property.

The City Council, in its adoption of the recent ordinances for the West Adams-Baldwin Hills-Leimert Community Plan, approved the zone changes which sought to regulate automotive related uses along the Crenshaw Boulevard commercial corridor in recognition of past industrial and residential land use conflicts. The granting of the requested variance would establish a precedent that would allow uses categorized as "prohibited" in the recently adopted zoning ordinances, and this would be particularly troublesome if the grant of the variance grant is not based on legitimate land or zoning impediments; neither of which has been established in this case.

5. The granting of the variance will adversely affect an element of the General Plan.

The West Adams - Baldwin Hills - Leimert Community Plan Map designates the property for Community Commercial land uses with corresponding zones of CR, C1.5, C2, C4, R3, RAS3, R4, and RAS4.

The zoning code is an implementing tool of the General Plan. Granting the zone variance request will result in a use that is not consistent with the Community Plan's Land Use designation and corresponding zoning. As such, granting the request will not be in conformance with the intent and purpose of the General Plan that promotes compatibility of land uses and preservation of residential neighborhoods.

The West Adams - Baldwin Hills - Leimert Community Plan includes Objectives and Policies to guide commercial land uses and changes in the community:

Goal LU18: A community where a diversity of uses which contribute to safe, pedestrian – friendly commercial environments are encouraged, and which enhance the health and welfare of the community by limiting certain uses and expanding opportunities for others.

Policy LU18-6 Limit Automotive Uses. Strive to limit the over-concentration and further proliferation of automotive uses and in particular, automotive repair uses within commercial areas. (P37, P78, P236, P237)

LU61-1 Limit Automobile Oriented Uses. Ensure that development parameters for commercial and industrial zoned land effectively limit certain uses identified as detrimental to the health and welfare of the community due to nuisance, overconcentration or reliance on a standardized development formula often dominated by excessive automobile orientation. (P79)

The Community Plan's designation of General Commercial land uses, and present zone of C2-2D-SP allows auto related uses without obtaining a conditional use permit if the development standards set forth in Paragraph (a) and the operating conditions set forth in Paragraph (b) of this subdivision are met." Additionally, Paragraph (b) of Section 12.22.A28 "Operating Conditions", provision (1) states, "Spray painting shall not be conducted."

The Community Plan recognizes the potential incompatibility of certain commercial uses near residential or sensitive uses, and the Plan seeks to prevent such situations. As stated, the goal is to limit certain uses through its implementation of policies that limit automotive uses, particularly auto repair within commercial areas. Therefore, the granting of the variance would set a precedent in undermining the recently adopted ordinances and would adversely affect the goals and objectives of the Community Plan regarding compatibility with adjacent parcels.

ADDITIONAL MANDATORY FINDINGS

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is not located in a flood zone.
7. On April 11, 2018, the subject project was issued a Categorical Exemption (CE), ENV-20168-473-CE. Pursuant to Section 21080(b)(5) of the California Environmental Quality Act, projects which a public agency rejects or disapproves are not subject to environmental review. In denying the project, the ZA did not issue a finding regarding the environmental clearance for this project.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after November 8, 2018, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. Forms are available on-line at <http://planning.lacity.org>. Public offices are located at:

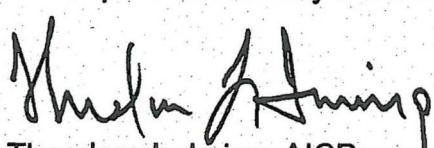
Downtown Office
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Valley Office
Marvin Braude Constituent
Service Center
6262 Van Nuys Boulevard,
Suite 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles
Main Public Counter
828 Sawtelle Blvd,
2nd Floor
Los Angeles, CA 90025
(310) 231-2598

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Inquiries regarding this matter shall be directed to Steve M. Garcia, Planning Assistant for the Department of City Planning at (213) 978-1388.



Theodore L. Irving, AICP
Associate Zoning Administrator

Form

cc: Councilmember Marqueece Harris-Dawson
Eighth District
Adjoining Property Owners

November 7, 2018

RE: APPEAL OF CASE NUMBER ZA-2018-472(ZA)

1) Reason for the appeal

The Appellant feels that the City, and/or the Zoning Administrator has erred in denying the Appellant's request for a Zone Variance to allow the continued operation of two paint spray booths, that are upgraded replacement spray booths that have been located on the subject property since the middle 1970's.

2) The points at issue

The Appellant is raising four points:

a) The property in question has been in use as an automotive repair facility since it was first constructed in the early 1950's, and the automotive repair facility has been operating as an automobile collision repair center since at least the mid-1960's. That automobile collision repair center operation has always included two properly permitted paint booths on the subject property operated on a continuous basis. Those paint booths existed and were in operation well before the City's 2007 adoption of the regulations requiring a Conditional Use Permit, or in the case of a property within 500' of a residential zone, a Zone Variance.

This is not a request for an approval related to a new development, nor is it a request related to adding paint booths that did not previously exist to the current facility. The Appellant has a right to continue to maintain two paint booths on site as a legally non-conforming use that reflects an ongoing "grandfathered" right regardless of whether the originally existing paint booths have been replaced by more modern equipment as required by ever more stringent statewide air quality regulations. As such, the Zone Variance request was in fact, not required in the current circumstance. The only prerequisite for the updating and continued operation of the paint booths should be a requirement that the current paint booths conform with the requirements of the current Building Code, and such other local and State regulations as may govern the installation and operation of paint booths.

b) Should it be determined that the Zone Variance action is appropriate in the current circumstance, the Appellant contends that the Zoning Administration erred in denying the application, and making the determination that the Findings could not be made. This action contradicts and is not consistent with the precedent set by other similar Zone Variance actions in

the City of Los Angeles related to the continued right to have paint booths within a facility where those paint booths existed and were in operation prior to the City's adoption of the regulations requiring a Conditional Use Permit, or in the case of a property within 500' of a residential zone, a Zone Variance. The Appellant specifically references Case No. ZA-2016-3246(ZV) (see attached), which, in a circumstance which was essentially identical to the current situation, made the necessary Findings and approved the requested Zone Variance.

c) The Appellant would further note that of the two upgraded paint booths in question, the first was completed in 2002, subject to approvals by the City's Fire and Building Departments, as well as the SCAQMD at a point in time when a paint spray booth was considered a piece of equipment not subject to a building permit. The only permits required were those related to various utilities and services attached to the paint booth, and those permits were properly approved and issued by the Building Department. With this being the case the Zoning Administrator erred, in not making a determination that this earlier installed paint booth would not be subject to the Zone Variance requirement.

d) Finally, the Appellant would also note that the Zoning Administrator erred in analyzing the current request as if it was a request for a Zone Variance to establish a new business. That is not the case in the current circumstance, this case should be analyzed in regards to maintaining and preserving a viable ongoing business that provides neighborhood jobs, and that under the current ownership has been in operation for sixteen years. Additionally, this is a property that has otherwise operated as an auto body repair facility, with two spray painting booths for over fifty years, and as some sort of auto repair facility for well over sixty years.

Any action taken in regards to this facility would not apply to a request to establish a new facility, and would certainly not set a precedent for any such new operations. In this case, all that is being asked is a variance that will allow the Appellant the expectation for the preservation and enjoyment of a long-standing and established substantial property right in being able to continue to operate their business without unreasonable regulatory interference.

3) How are you aggrieved by the decision

The Appellant has been operating an automobile collision center at the subject property over the past sixteen years, and intends to continue to operate in this location until the end of its lease on the property, which, without extensions, lasts at least until 2033. Without the ability to paint repaired vehicles at the facility, the Appellant is deprived of its right to continue its business, loses the value of its investments, the goodwill in the facility and would subject the Appellant to years of lease payments for a property on which they will not be able to operate their core business.

The Appellant would also note that the decision would bring great harm to the Appellant's employees at the facility, as 28 of the current 29 employees live in the immediate neighborhood surrounding the facility. The Appellant would contend that in the face of the entire record, the decision to deny a Zone Variance to continue to operate two paint booths on the subject property denies them the ability to operate their business, and amounts to an improper and illegal regulatory taking.

Further, the Appellant also feels that in consideration of the entire record, including the existence of two paint booths on the subject property over at least the past 46 years, and previous approvals of Zone Variance in substantially similar circumstances, the evidence suggests that the current decision denying the Zone Variance denies them equal protection under the law. The decision to deny the Zone Variance contradicts clear evidence of precedent set in the City (as noted above) to approve the replacement of existing paint booths for more modern versions particularly when those replacements are installed in order to remain compliant with the ever more restrictive requirements of the South Coast Air Quality Management District (SCAQMD), and the City's Fire Department.

4) We believe the Decision Maker erred in making their decision in the following manner:

a) The property in question has been in use as an automotive repair facility since it was first constructed in the early 1950's, and the automotive repair facility has been operating as an automobile collision repair center since at least the mid-1960's. That automobile collision repair center operation has always included two properly permitted paint booths on the subject property operated on a continuous basis. Those paint booths existed and were in operation well before the City's 2007 adoption of the regulations requiring a Conditional Use Permit, or in the case of a property within 500' of a residential zone, a Zone Variance.

As such the Appellant has a right to continue to maintain two paint booths on site as a legally non-conforming use that reflects an ongoing "grandfathered" right regardless as to whether the originally existing paint booths have been replaced by more modern equipment. As such, the Zone Variance was in fact, not required in the current circumstance. As such, the Zoning Administrator erred in not making a determination that the only prerequisite for updating and the continued operation of the paint booths should be a requirement that the current paint booths conform with the requirements of the current Building Code, and such other local and State regulations as may govern the installation and operation of paint booths.

b) The Appellant would further note that of the two upgraded paint booths in question, the first

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was completed in 2002, subject to approvals by the City's Fire and Building Departments, as well as the SCAQMD at a point in time when a paint spray booth was considered a piece of equipment not subject to a building permit. The only permits required were those related to various utilities and services attached to the paint booth, and those permits were properly approved and issued by the Building Department. With this being the case, the Zoning Administrator erred, in not making a determination that this earlier installed paint booth would not be subject to the Zone Variance requirement.

c) The Appellant contends that the Zoning Administration erred in denying the application, and making the determination that the required Findings could not be made. This action contradicts and is not consistent with the precedent set by other similar Zone Variance actions in the City of Los Angeles related to the continued right to have paint booths (including updated and replacement paint booths) within a facility where those paint booths existed and were in operation prior to the City's adoption of the regulations requiring a Conditional Use Permit, or in the case of a property within 500' of a residential zone, a Zone Variance. The specific errors made by the Zoning Administrator are as follows:

1. *In light of previous precedent setting decisions in substantially similar cases, the Zoning Administrator erred in determining that the strict application of the provisions of the Zoning Ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations. Specifically:*

As the subject property is located adjacent to a residential zone the Appellant is forced to file for a Zone Variance rather than a Conditional Use Permit. That is unfair, and results in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations given there have been auto repair uses operating at the subject property since 1952 including the operation as an auto body shop since at least the mid-1960s. The painting of damaged cars and car parts is a crucial and necessary aspect of an auto body shop.

Spray paint booths are regulated by the SCAQMD. On a consistent basis they update their requirements and regulations to limit the amount of volatile organic compound (VOC) emissions that can be released on a daily basis and they require permits to be issued for new booths.

The strict application of the zoning ordinance would require the Appellant to find another appropriately zoned property that is located more than 500 feet from a residential zone and then receive approval of a conditional use permit at any point in which it might be

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required to update the paint booths based on revised SCAQMD regulations. That is an unnecessary hardship for a legally established auto collision repair use located near a residential zone.

If the 2007 requirement for separation of 500 feet from a residential zone is strictly applied to this or other Appellants, it would prevent the Appellant from upgrading or updating their equipment in order to meet the ever more restrictive requirements of SCAQMD or otherwise modernize their business to remain competitive and provide improved service to customers. In light of the Appellant's current lease, which extends to at least 2033, and which began five years prior to the more restrictive 2007 regulations, it is not a reasonable, or practical expectation.

As such, the strict application of the zoning code would cause an unnecessary hardship by not allowing the continuous upgrading of spray paint booths in an existing auto repair business that is otherwise regulated, an subject to the changing regulations promulgated by the SCAQMD.

2. In light of previous precedent setting decisions in substantially similar cases, the Zoning Administrator erred in determining that the there are NO special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity. Specifically:

The Pacific Elite Collision Center has operated on the subject property for over 16 years and the property has been used for auto repair for more than 65 years. The basic improvements are unique to this property, as is the size and shape of that property. There is no other property within the immediate vicinity of the subject property that is subject to the unique regulatory limitations faced by this property.

As has been continually noted this property has operated as an auto repair facility, and as an auto body facility since the mid-1960's. As opposed to surrounding properties, during those years, the auto body use uniquely included two paint booths as a necessary and integral part of the auto body operation. Considering this historical use, the adjacency of the residentially zoned area and the impact of the 2007 Zoning Code revisions this property is subject to special circumstances and requirements regarding its continued viability and operation as a long standing and existing auto body repair facility, as opposed to the continued operation of another non-body-shop auto repair facility requesting approval of updates to their facility or equipment. Those unique circumstances do not generally apply to other properties within the vicinity of this property.

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3. *In light of previous precedent setting decisions in substantially similar cases, the Zoning Administrator erred in determining that such a variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.* Specifically:

As has been continually noted this property has operated as an auto repair facility, and as an auto body facility since the mid-1960's. Pursuant to the City's Planning and Zoning Code, an auto body repair facility is included in the same definition as an auto repair facility. Another non-body-shop auto repair facility which has been in operation since the mid-1960's, without paint spraying booths, would enjoy the right to continue to operate that use without the threat resulting from intervening 2007 regulation. As such the long-established auto body repair facility uniquely finds the continued preservation and enjoyment of that long-standing use under threat.

As we have noted elsewhere herein, preventing the owner of this facility to continue to operate a legally permitted use with the rights derived from the existence of paint booths that have been on the site for over fifty years, very clearly deprives the Appellant of the enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity.

4. *In light of previous precedent setting decisions in substantially similar cases, the Zoning Administrator erred in determining that the granting of such variance will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.* Specifically:

The auto spray paint booths are located in a fully enclosed, self-contained structure. The spray booths have been approved and permitted by the Fire Department and the SCAQMD and have been in operation in conformance with their requirements and permits for so long as such a use has been regulated by the SCAQMD. The auto spray paint booths must have a permit from the SCAQMD in order to operate and this permit is renewed annually. This permit ensures that the spray booth facility complies with the limits of allowable VOC emissions.

The hours of operation are limited such that no early morning or late-night operation will be conducted and there no Sunday service.

Additionally, upon approval of the Zone Variance conditions of approval can be imposed to ensure that the overall auto collision repair use, including the auto spray booths, will operate in a manner that will not be materially detrimental to the adjacent residential and commercial properties

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in the area. Those conditions could include restrictions on auto repair or spray painting occurring outdoors, that access to the site is maintained and such that the property is not otherwise used for auto storage, and that the appearance of the property is kept up by removing trash and debris and visible open storage of materials viewed from the public right of way. Based on the above, the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the surrounding area.

5. *The Zoning Administrator erred in determining that the granting of such variance will adversely affect an element of the General Plan.* Specifically:

The Zoning Administrator expresses a concern that the approval of the Zone Variance at tissue will set a precedent that will require the City to approve other such requests at the expense of recently adopted ordinances and the goals and objectives of the Community Plan.

As we have argued herein, this is not a request for a new facility. The request in question is unique to this facility, in that the property has a long and established legal history operating as an auto body repair facility with two paint spraying booths that have been located within the facility for over fifty years. As opposed to the approval of a new facility this request is related to the very reasonable desire to want to continue operations.

In regards to the Community Plan, as well as all other aspects. this case should be analyzed in regards to maintaining and preserving a viable ongoing established business, that under the current ownership has been in operation for sixteen years, on a property that has otherwise operated as an auto body repair facility, with two spray painting booths, for over fifty years, and as some sort of auto repair facility for well over sixty years. Any action taken in regards to this facility would not apply to a request to establish a new facility, and would certainly not set a precedent for any such new operations.

Again, this is not new development, in this case, all that is being asked is a variance that will allow the Appellant the expectation of the preservation and enjoyment of a long-standing and established substantial property right.

Additionally, and considering that 28 of the facility's 29 employees lives in the general vicinity of the property, the proposed Zoning Variance would be consistent with the following Community Plan Goals and Objectives:

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Goal LU23a: A community that maintains and increases the commercial employment base for community residents whenever possible.

Goal LU35: A community that maintains and increases the commercial employment base for community residents whenever possible.

Goal LU62-8 Retain existing businesses. Aid in the retention of existing business tenants.

Goal LU66-1 Link Jobs to Residents. To reconnect neighborhoods by linking residents to nearby jobs, training and needed services.

The Appellant would respectfully request that this action be remanded to the Zoning Administrator with the direction to approve the requested Zone Variance based on the reasons provided for herein, and impose reasonable and appropriate conditions of approval. The Appellant would further request that a determination be made based on the position stated herein, that the paint spray booth is a legally non-conforming use not subject to the need for a Zone Variance.

Thank you for your consideration,



By Bruce G. Ehrlich, AIA, Esq.
of the **EHRLICH GROUP LAW OFFICE**

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INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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<http://planning.lacity.org>

August 29, 2017

Socal Collision Center, Inc. (A)(O)
Tigran Vardanyan
14306 West Oxnard Street
Van Nuys, CA 91401

Antonio Puertas (R)
Leon Mapping and GIS Services
15031 Chatsworth Street, Suite 17
Mission Hills, CA 91345

CASE NO. ZA-2016-3146-ZV

ZONE VARIANCE

14306 West Oxnard Street

Van Nuys-North Sherman Oaks

Community Plan

Zone : CM-1

D. M. : 177B153

C. D. : 4

CEQA: ENV-2016-3417-CE

Legal Description: Lot 26, PM 6142

Pursuant to CEQA Guidelines Section 15601, I hereby DETERMINE:

Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to City CEQA Guidelines, Section 1, Article III, Class 1, Category 22, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27B, I hereby APPROVE:

a zone variance from LAMC Section 12.17.1A.1 to allow the continued maintenance of an auto spray paint booth at an existing auto repair use in the CM-1 Zone located within 500 feet of a residential zone in the CM-1 Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.
7. Approved herein is the maintenance of an enclosed spray paint booth in an auto repair building. Hours of operation are Monday through Saturday 8 a.m. to 6 p.m.
8. The applicant shall maintain a valid spray paint booth permit from the South Coast Air Quality Management District.
9. Automotive hoists of any type or size, shall be located and operated only inside a building enclosed on at least three sides.
10. All auto repair and spray painting shall be conducted inside the building.
11. Open storage of materials and equipment, including vehicles which are inoperable, wrecked, damaged or unlicensed, (i.e. not currently licensed by the Department of Motor Vehicles) shall be permitted only when incidental to the use of the subject auto repair business and provided that such storage is located on the rear half of the lot (not in required parking spaces), the storage area is completely enclosed by a solid wall or fence not less than six feet in height with necessary solid gates of the same height, and that no material or equipment is stored to a height greater than that of the wall or fence enclosing the storage area.
12. All parking areas and driveways shall remain open and accessible, and shall not be used for storage or display of cars or materials.

13. Trash storage bins shall be located on-site and shown on the site plan.
14. All exterior lighting shall be directed onto the lot and shall be designed to eliminate any glare to adjoining properties.
15. Junkyard or automobile dismantling activities shall not be conducted.
16. A public address system is not permitted.
17. Site cleaning, sweeping, trash collection, and deliveries to the business shall be limited to the following hours: Monday through Friday, 7 a.m. to 7 p.m. and Saturday and Sunday 8 a.m. to 5 p.m.
18. Vehicles being repaired shall be stored on-site, and may not be left on the street.
19. The site shall be kept clear of weeds, trash, and combustible materials.
20. The following types of signs are prohibited at the subject property: pennants, banners, ribbons, streamers, spinners, balloons and supergraphic signs.
21. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (ii).
- (v) If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD- EFFECTIVE DATE

The applicant's attention is called to the fact that this variance is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after SEPTEMBER 13, 2017, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando Valley Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles Development Services Center
1828 Sawtelle Blvd., 2nd Floor
West Los Angeles, CA 90025
(310) 231-2912

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other

time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on May 8, 2017, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a variance, as enumerated in LAMC Section 12.27B have been established by the following facts:

BACKGROUND

The property is a level, interior, rectangular-shaped lot consisting of 6,339 square feet, with an even width and depth of 50 feet and 126 feet respectively. The property is developed with a one-story 3,610 square-foot auto repair building. The building is located along the north and west property line with a narrow driveway on the east side of the building leading to the rear of the site which is an open area, approximately 50 feet wide by 30 feet deep, partially covered with canopies. There are two auto bay doors at the front of the building, facing Oxnard Street and a roll up door at the rear of the building. The existing 420 square-foot spray paint booth is fully enclosed and located inside the building near the center. Access to the site is from Oxnard Street. Building and Safety Records indicate that no parking is required (legal non-conforming). The site is within an Airport Hazard Area, an Urban Agriculture Incentive Zone, a Liquefaction area, and is 7.3 kilometers from the Hollywood Fault.

Properties to the east and west of the site are zoned CM-1 and CM-1VL and are developed primarily with older one-story auto repair buildings. North, across Oxnard Street is zoned PF-1XL and is developed with a DWP electric transmission station which occupies the north block face. Northeast of the site is zoned M2-1 and is similarly developed with older auto repair buildings/uses. The south adjoining properties are zoned [Q]RD2-1 and developed with a mix of one- and two-story single-family dwellings and four to seven unit multi-family dwellings. Tall mature trees/shrubs are located at the rear of the residential site. The west adjoining property is developed with a used car sales lot and the east adjoining property at 14300 Oxnard Street is vacant however appears to be partly used for the storage of vehicles by the applicant.

Oxnard Street is an Avenue II dedicated to a width of 86 feet and improved roadway width of 56 feet.

Previous zoning related actions on the site/in the area include:

Subject Property

Order to Comply No. A-3931702 – On November 27, 2015, LADBS issued an order for the following violations: 1) a conditional use required within 300 feet of an A or R Zone. Paint booth was constructed without the required plans, permits, inspection and approvals; 2) the 30' x 30' metal frame metal covered canopy and the approximate 20' x 20' canvas canopy was constructed without the required plans, permits, inspection and approvals; and 3) auto repair outside of building/enclosure

SCAQMD Permit (Facility ID 174729) - Issued June 21, 2013 for one auto paint spray booth. Permit includes 15 conditions.

Certificate of Occupancy- Issued July 1, 1986, to convert 38-foot by 64-foot portion of an existing one-story addition 38- foot by 91-foot tire sales building to auto repair.

Certificate of Occupancy- Issued April 23, 1958, to convert 30-foot by 38-foot portion of a 38-foot by 95-foot warehouse to a shop building.

Surrounding Properties

ZA-2010-3298-ZV- On March 30, 2011, the Zoning Administrator approved a variance to permit 10 on-site parking spaces in lieu of 24 spaces for 17,706 square feet of warehouse/office in the M2 Zone at 14149-14165 Bessemer Street.

ZA-2005-1242-CU - On June 10, 2005, the Zoning Administrator approved a conditional use for the construction of an automotive repair facility in the CM-1VL Zone located within 300 feet of a residential zone at 14152 Oxnard Street.

ZA-1997-167-CUZ-PA - On October 15, 2002, the Zoning Administrator denied a proposed 1,600 square-foot one-story addition to an existing 4,478 square-foot automotive repair business (total 6,078 square feet) within 300 feet of a residential zone at 14232 Oxnard Street. The decision was appealed to the South Valley Area Planning Commission who granted the appeal with conditions.

ZA-1997-303-CUZ - On July 5, 1997, the Zoning Administrator approved a conditional use for a 504 square-foot spray paint booth in a 2,000 square-foot auto repair facility in the CM Zone within 300 feet of an R zone at 14222 Oxnard Street.

ZA-1997-167-CUZ - On May 30, 1997, the Zoning Administrator approved a conditional use for the expansion of a 2,400 square-foot automotive repair facility within 300 feet of a residential zone in the CM Zone at 14232 Oxnard Street.

Public Hearing

A public hearing was conducted on May 8, 2017 in the Braude Building in Van Nuys.

Antonio Puertas, Representative:

- My client received an Order to Comply from LADBS in November 2015 stating they need a conditional use permit to allow a spray booth within 300 feet of a R Zone
- They were cited for had an unapproved metal canopy that has been removed
- We filed for a variance to continue the spray booth use
- The applicant has operated the body shop for 20 years
- Spray booth was installed in 2013 with an SCAQMD permit, Fire Department approval, and Department of Toxic Substance Control
- Did not know a building permit was needed, there have been no complaints
- AQMD checks it every six months
- The applicant has invested a great deal of money in the spray booth
- The business will have to close if it is denied
- Booth is typically used once a day for two hours
- Spray paint only the point of impact (rarely the entire car)
- We went to the Van Nuys NC PLUM Committee and Board several times
- PLUM supported the variance, full board did not
- Hours are 8 a.m. to 5 p.m. Monday through Friday
- There were complaints to LADBS about the business next door, the inspector came into our building after checking the adjacent use
- We have signatures of support from neighbors

Quirino de la Cuesta, Van Nuys Neighborhood Council PLUM Chair (speaking as an individual):

- PLUM understood that they only lacked approval of Planning for the spray booth
- PLUM approved the variance last fall
- There was chaos and dissention -some board members left before the vote
- Board meetings are now overseen by Department of Neighborhood Empowerment
- Their location on Oxnard Street is unique there are many auto repair uses
- They did a lot of outreach
- I think it can be brought back to PLUM and Board by June

Jack Broyan, Operating Manager:

- The booth uses water-based paint which is less hazardous than oil-based paint
- Six families rely (financially) on this business
- We purchase parts daily from local suppliers
- We support LAPD
- No issues or complaints in 20 years
- We have always obeyed the rules

Correspondence

Seven signatures of support from residential units on Tiara Street were submitted with the subject application which includes residents from the south adjoining property.

A letter dated August 24, 2017 was received from the Van Nuys Neighborhood Council stating that on August 9, 2017, the Planning and Land Use Committee of the Neighborhood Council voted in support of the continued maintenance and operation of the subject automotive repair use with a spray paint booth.

FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

- 1. The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The subject property is an interior, rectangular-shaped 6,339 square-foot lot zoned CM-1VL located in Van Nuys. The property is developed with a one-story 3,610 square-foot building containing an auto repair facility (Socal Collision Center). The applicant has requested a variance from LAMC Section 12.17.1A.1 to allow the continued maintenance of an unpermitted auto spray paint booth inside an existing auto repair building that is within 500 feet of a residential zone. The property has been used for auto repair since 1958. The applicant's auto repair business has been in operation at this location since 1991. The auto spray paint booth has been in use at the property since approximately 2013. The booth was issued a permit by the South Coast Air Quality Management District (SCAQMD), and was inspected by the Fire Department and the Department of Toxic Substance Control.

Pursuant to LAMC Section 12.17.1A.1, automotive uses such as auto repair shops (including auto body shops), are allowed by right in the CM Zone (first allowed by right in the C2 Zone) if all of the development standards and operating conditions are met under Section 12.22A.28. These standards and conditions were established in 2007 by the City Council to improve the appearance of auto related uses in commercial and industrial areas, and to protect nearby residential uses from associated operational noise and odors. The operating conditions prohibit auto spray painting in the CM Zone. An existing auto repair use in the CM Zone that wants to add an enclosed spray paint booth is required to file an application for a conditional use permit (Section 12.24W.4).

The City Council determined that those uses that could not be established by-right, would be subject to a public hearing to allow input from concerned parties and to allow for additional conditions to be required. A Zoning Administrator may approve the conditional use if they find that the auto spray facility conforms to the standards of Section 12.22A.28 and all of the seven findings can be made in the affirmative. The applicant could not file for a conditional use because Section 12.24W.4(b)(3) requires that a spray paint booth comply with the following:

Will be conducted within a fully enclosed structure located at least 500 feet away from a school or A or R Zone, and that all spray painting will be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, as well as South Coast Air Quality management District Rules 1132 and 1151, regulating these installations (emphasis added).

The subject property is adjacent to a residential zone so the applicant must file for a variance instead of a conditional use. That is unfair given there has been auto repair uses operating at the subject property since 1958 and painting the damaged car parts is crucial to an auto body shop. Spray paint booths are regulated by the SCAQMD. They require permits to be issued for new booths and they limit the amount of volatile organic compound (VOC) emissions that can be released on a daily basis. The strict application of the zoning ordinance would require the applicant to find a CM zoned property that is located more than 500 feet from a residential zone and then receive approval of a conditional use permit. That is an unnecessary hardship for the legally established auto repair use located near a residential zone. The applicant states:

"If the 2007 requirement for separation of 500 feet from an R-2 residential zone is strictly applied to this applicant, then it prevents him from upgrading or updating his equipment in order to modernize the business to remain competitive as well as to provide improved service to customers, notwithstanding that potential adverse impacts of the proposed use are fully mitigated. Relocation of the use to same or similar zoning cannot be made either reasonably near the present location or with the applicant's longstanding relationship between owner and tenant and antedating the 2007 regulations by sixteen years."

The spray paint booth allows for vehicles with body or fender damage to be fully repaired and painted if needed at one location. Such one-stop auto repair provides a more comprehensive and convenient service for customers and is becoming more commonplace amongst the auto service industry. As such, the strict application of the zoning code would cause an unnecessary hardship by not allowing an accessory spray paint booth to an existing auto repair business that is otherwise regulated by the SCAQMD via a permit.

2. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

The subject property is a 6,339 square-foot interior lot with 50 feet of frontage on Oxnard Street. The property is developed with a one-story 3,610 square-foot auto repair building. The building is located along the north and west property line with a narrow driveway on the east side of the building leading to the rear of the site which is a 50- by 30-foot partially-covered area. There are two auto bay doors at the front of the building, facing Oxnard Street and a roll up door at the rear of the building. The existing 420 square-foot spray paint booth is fully enclosed and located inside the building near the center, approximately 60 feet from the rear

property line. Access to the site is from Oxnard Street. Building and Safety Records indicate that no parking is required (legal non-conforming). The property is located within an Airport Hazard Area, an Urban Agriculture Incentive Zone, Liquefaction area, and is located 7.3 kilometers from the Hollywood Fault.

The property to the north of the site across Oxnard Street is zoned PF-1XL and is developed with a DWP electric transmission station which occupies the entire block. Properties to the east and west are zoned CM-1 and CM-1VL are developed with one-story auto repair buildings. The adjacent lot to the south is developed with a one- and two-story apartment building in the [Q]RD2-1 Zone. The auto repair building is approximately 30 feet from the residential property and is screened from view. The adjacent commercial buildings and walls extend to the rear property lines creating a visual buffer and the approximate 8-feet in height rear fence of the subject property is covered with a tarp and two canopies which cover approximately 50 percent of the rear. In addition, the apartment building has approximately 20-foot tall landscaping at the rear of the site which provides a natural buffer from the subject business.

SoCal Collision Center has operated on the subject property for over 20 years and the property has been used for auto repair for 60 years. This area of Oxnard Street is predominantly developed with auto repair uses, some spray booths, and the LADWP substation. Auto repair uses are allowed in the CM Zone however, paint spray booths are not allowed by right even though potential impacts of a paint spray booth with respect to air quality and human safety are regulated specifically by the SCAQMD. The spray booth is located in the middle of the building and is not visible from the public right-of-way. The property's size, shape, location, existing improvements and surroundings do not apply generally to other properties in the CM Zone in the vicinity.

3. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

As noted, the auto repair use has been well established at the subject location for close to 60 years and is permitted in the CM Zone. The request to allow the continued use of a fully enclosed spray paint booth will allow the business to provide a complete auto repair service on site which is becoming a more common and expected service with respect to auto body damage. The historical zoning pattern along this section of Oxnard Street to the east of Van Nuys Boulevard is CM zoned properties with residentially zoned properties located on adjacent lots. That zoning pattern makes it difficult to find commercial properties that comply with the 500-foot distance requirement from residential zones. As stated by the applicant there are other spray booth in the vicinity operating as non-conforming uses. The variance to allow a spray paint booth will enable the auto repair business to provide a better service to its customers and remain competitive with other auto repair businesses in the area that provide similar complete auto repair

services. Therefore the finding can be made that the variance is necessary for the preservation and enjoyment of a substantial property right or use as it relates to the specific property.

4. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

The auto spray paint booth is a fully enclosed, self-contained structure located near the central portion of the auto repair building. The spray booth has been approved and permitted by the SCAQMD and has been in operation for approximately four years. The booth is approximately 75 feet away from the closest residential building to the south. Additionally, signatures of support were provided by seven of the south adjoining residences and the Neighborhood Council voted in support of the project. The auto spray paint booth must have a permit from the SCAQMD in order to operate and is renewed yearly. Such permit ensures that the spray booth facility complies within the limits of allowable VOC emissions.

The subject building appears well maintained and freshly painted. The rear of the site is partly covered with canopies and is enclosed with building walls, tall fences, and landscaping. The auto bays face Oxnard Street, away from the residential properties. Additionally, the hours of operation are limited such that no early morning or late night operation will be conducted and there no Sunday service.

Conditions have been imposed herein to ensure that the overall auto-repair use including the auto spray booth will operate in a manner that will not be materially detrimental to the adjacent residential properties and commercial area in general, such as by ensuring no auto repair or spray painting occurs outdoors, that access to the site is maintained and not otherwise use for auto storage, and that the appearance of the property is kept up by removing trash and debris and visible open storage of materials viewed from the public right of way. Based on the above and as no opposition was received, the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the surrounding area.

5. The granting of the variance will not adversely affect any element of the General Plan.

The General Plan is the City's roadmap for future growth and development. The General Plan elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. Except for the entitlement described herein, the project does not propose to deviate from any LAMC requirements. The General Plan is comprised of the Framework Element and 11 additional elements. The Framework Element established the broad overall policy and direction for the General Plan. The granting of the variance to allow an

enclosed spray paint booth at an existing auto repair use in the CM Zone is substantially consistent with the following Framework Goals and Objectives:

Objective 3.14: Provide land and supporting services for the retention of existing and attraction of new industries.

Goal 7B: A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.

Objective 7.2: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Van Nuys-North Sherman Oaks Community Plan designates the subject property for Commercial Manufacturing land uses with the corresponding zone of CM. The site is not within a pedestrian oriented district, community design overlay, or specific plan area, that may otherwise prohibit auto related uses or expansion of an auto related use. Approval of the project is in substantial conformance with the Commercial objectives and policies as follows:

Objective 2-1: To conserve and strengthen viable commercial development.

Policies 2-1.1: New commercial uses shall be located in existing established commercial areas or existing shopping centers.

The approval of the auto paint booth at a long-standing auto repair business will support the economic sustainability of the business by allowing a more efficient complete auto repair service which in turn will be more convenient for the customer. Auto repair businesses along this area of Oxnard Street is a well-established use and continues to do well in this area. Conditions incorporated herein as part of the subject grant will help to ensure the use is consistent with the LAMC automotive development standards and operating conditions.

FLOOD HAZARD

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, outside of a Flood Zone area.

Inquiries regarding the matter shall be directed to Marianne King at (818)374-5059.

Maya E. Zaitzevsky
MAYA E. ZAITZEVSKY

Associate Zoning Administrator

MEZ:UP:MK:mh

cc: Councilmember David Ryu
Fourth District
Adjoining Property Owners

ENVIRONMENTAL CLEARANCE

CITY OF LOS ANGELES
CALIFORNIA ENVIRONMENTAL QUALITY ACT
NOTICE OF EXEMPTION
(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY

City of Los Angeles Department of City Planning

COUNCIL DISTRICT

8

PROJECT TITLE

Pacific Elite Collision Center *as*

LOG REFERENCE

ENV-2018-473-05

PROJECT LOCATION

4606 S. Crenshaw

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:

Apply for Variance

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:

CONTACT PERSON

Randy Orozco

AREA CODE

 714

TELEPHONE NUMBER

 504-6470

EXT.

EXEMPT STATUS: (Check One)

STATE CEQA GUIDELINES

CITY CEQA GUIDELINES

9	MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
9	DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
9	EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
Y	CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1

Class 5 Category 23 (City CEQA Guidelines)

9 OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)

JUSTIFICATION FOR PROJECT EXEMPTION: Granting or renewal of a variance or conditional use for a non-significant change of use of land.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE	TITLE	DATE
FEE: <u>\$81.00</u>	RECEIPT NO. <u>43184</u>	REC'D. BY <u>Danaylyn Dominguez</u>

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record

Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

 Randy Orozco
NAME (PRINTED)

 SIGNATURE
 1-25-18
DATE

PLANNING DEPARTMENT APPLICATION



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

ZA 2018-472-ZV

Case Number

Env. Case Number

Application Type

Case Filed With (Print Name)

Zone Variance

Danaylyn Dominguez

Date Filed

1/25/2018

Application includes letter requesting:

Waived hearing Concurrent hearing

Hearing not be scheduled on a specific date (e.g. vacation hold)

Related Case Number

Provide all information requested. Missing, incomplete or inconsistent information will cause delays.

All terms in this document are applicable to the singular as well as the plural forms of such terms.

1. PROJECT LOCATION

Street Address¹ 4606, 4610, 4612, 4616 & 4622 Crenshaw Blvd Unit/Space Number _____

Legal Description² (Lot, Block, Tract) Lots 147, 148, 149, 150 & 151. Tract 4947

Assessor Parcel Number 5013-021-014 & 5013-021-015 Total Lot Area 38,095 SF

2. PROJECT DESCRIPTION

Present Use Commercial Auto Body and Paint

Proposed Use Commercial Auto Body and Paint

Project Name (if applicable) Pacific Elite Collision Center

Describe in detail the characteristics, scope and/or operation of the proposed project This is an existing auto body and paint shop. We are proposing to permit the existing paint spray booth.

Additional information attached YES NO

Complete and check all that apply:

Existing Site Conditions

<input type="checkbox"/> Site is undeveloped or unimproved (i.e. vacant)	<input checked="" type="checkbox"/> Site is located within 500 feet of a freeway or railroad
<input checked="" type="checkbox"/> Site has existing buildings (provide copies of building permits)	<input checked="" type="checkbox"/> Site is located within 500 feet of a sensitive use (e.g. school, park)
<input checked="" type="checkbox"/> Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)	<input type="checkbox"/> Site has special designation (e.g. National Historic Register, Survey LA)

¹ Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)

² Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

Proposed Project Information

<input type="checkbox"/> Demolition of existing buildings/structures	<input checked="" type="checkbox"/> New construction: <u>368</u> & <u>Detail</u> square feet
<input type="checkbox"/> Relocation of existing buildings/structures	<input checked="" type="checkbox"/> Accessory use (<u>fence</u> , sign, wireless, carport, etc.)
<input checked="" type="checkbox"/> Interior tenant improvement	<input type="checkbox"/> Exterior renovation or alteration
<input type="checkbox"/> Additions to existing buildings	<input type="checkbox"/> Change of use <u>and/or</u> hours of operation
<input type="checkbox"/> Grading	<input type="checkbox"/> Haul Route
<input type="checkbox"/> Removal of any on-site tree	<input type="checkbox"/> Uses or structures in public right-of-way
<input type="checkbox"/> Removal of any street tree	<input type="checkbox"/> Phased project

Housing Component Information

Number of Residential Units: Existing _____ - Demolish(ed)³ _____ + Adding _____ = Total _____

Number of Affordable Units⁴ Existing _____ - Demolish(ed) _____ + Adding _____ = Total _____

Number of Market Rate Units Existing _____ - Demolish(ed) _____ + Adding _____ = Total _____

Mixed Use Projects, Amount of Non-Residential Floor Area: _____ square feet

3. ACTION(S) REQUESTED

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36?

YES NO

Authorizing section 12.27 Section from which relief is requested (if any): _____

Request: A zone variance for the (2) existing spray booths. (1) spray booth has a construction final and we are proposing to permit and final the non-permitted spray booth and permit the non-permitted free standing canopies.

Authorizing section _____ Section from which relief is requested (if any): _____

Request: _____

Authorizing section _____ Section from which relief is requested (if any): _____

Request: _____

Additional Requests Attached YES NO

³ Number of units to be demolished and/or which have been demolished within the last five (5) years.

⁴ As determined by the Housing and Community Investment Department

4. RELATED DEPARTMENT OF CITY PLANNING CASES

Are there previous or pending cases/decisions/environmental clearances on the project site? YES NO

If YES, list all case number(s) _____

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. _____

Ordinance No.: _____

- Condition compliance review
- Modification of conditions
- Revision of approved plans
- Renewal of entitlement
- Plan Approval subsequent to Master Conditional Use

- Clarification of Q (Qualified) classification
- Clarification of D (Development Limitations) classification
- Amendment to T (Tentative) classification

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? YES NO

Have you filed, or is there intent to file, a Subdivision with this project? YES NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

5. OTHER AGENCY REFERRALS/REFERENCE

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please check all that apply and provide reference number if known.

Are there any outstanding Orders to Comply/citations at this property? YES (provide copy) NO

Are there any recorded Covenants, affidavits or easements on this property? YES (provide copy) NO

Development Services Case Management Number _____

Building and Safety Plan Check Number _____

Bureau of Engineering Planning Referral (PCRF) _____

Bureau of Engineering Hillside Referral _____

Housing and Community Investment Department Application Number _____

Bureau of Engineering Revocable Permit Number _____

Other—specify _____

PROPERTY OWNER

9. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service or process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

A. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.

B. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.

C. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.

D. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

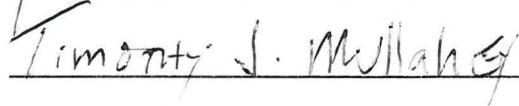
*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.
The City requires an original signature from the property owner with the "wet" notary stamp.
A Notary Acknowledgement is available for your convenience on following page.*

Signature



Date 10-25-2016

Print Name



Signature



Date 10-25-2016

Print Name



Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On October 25th, 2016 before me, Joey Hernandez Herrera
(Insert Name of Notary Public and Title)

personally appeared Timothy J. Mullahey and Michael Salvards, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

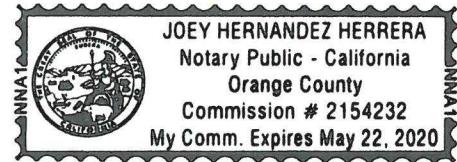
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

(Seal)



APPLICANT

10. APPLICANT DECLARATION. A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.

- A. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
- B. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
- C. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required.
- D. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
- E. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
- F. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
- G. I understand that if this application is denied, there is no refund of fees paid.
- H. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but is not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
- I. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.

Signature:



Date: 10-25-16

Print Name:

Timothy J. McNamee Michael Salvards

OPTIONAL
NEIGHBORHOOD CONTACT SHEET

SIGNATURES of adjoining or neighboring property owners in support of the request are not required but are helpful, especially for projects in single-family residential areas. Signatures may be provided below (attach additional sheets if necessary).

NAME (PRINT)	SIGNATURE	ADDRESS	KEY # ON MAP

REVIEW of the project by the applicable Neighborhood Council is not required, but is helpful. If applicable, describe, below or separately, any contact you have had with the Neighborhood Council or other community groups, business associations and/or officials in the area surrounding the project site (attach additional sheets if necessary).

Project Description

The applicant (Pacific Collision Center) is requesting a 'Conditional Use Permit' A 'Project Permit Compliance' **AND** a 'Zone Variance' application for the continued use, operation, and maintenance of an Auto Body Repair, Paint, and Collision Center with an existing Office, Storage and related facilities with approximately 13,208 sf. building within the C2-2D-SP zone at 4610 S Crenshaw Blvd Avenue (the "Project"). The project consists of legalizing two spray booths, which were 'ready to issue' under permits from July 2002 **AND** remodeling a 1,294 sf. free standing canopy, enclosed on three sides, to meet 1-hr construction standards.

The Project is located within the West Adams-Baldwin Hills-Leimert Community Plan, with a land use designation of Community Commercial and corresponding zones of CR, C1.5, **C2**, R3, R4, RAS3, RAS4 legally described as Lot 147-151 & Portions of lot 146 of Tract 4947, M.B. 51-97 and commonly known as 4610 S. Crenshaw Blvd (the "Project Site"). The Project Site has a computed net area of approximately 38,095 sf. or .87 net acres. The subject property is a flat, rectangular shaped interior lot having frontage of approximately 250-ft along Crenshaw Blvd and is approximate 700-feet south of Vermont Avenue **AND** $\frac{3}{4}$ of a mile north of Slauson Avenue; $\frac{3}{4}$ of a mile west of Van Ness Avenue **AND** approximately 2 miles east of La Brea Avenue.

Currently occupying the Project Site is a one-story auto body repair, paint, and collision center and related amenities. Single and multi-story commercial buildings occupy adjacent properties along Crenshaw Blvd, a commercial corridor and mostly single family homes occupy adjacent properties towards the rear facing 11th Avenue under the R2 zone.

The immediate requests are as follows:

1. A "Conditional Use Permit" per L.A.M.C 12.24.W4 for the continued use, operation, and maintenance of an Auto Body Repair, Paint, and Collision Center with Offices, Storage, Conference Rooms and related amenities within an existing 13,208 sf. one-story building; **AND**
2. A "Project Permit Compliance" per L.A.M.C 11.5.7 C to allow for an existing auto related use to be located within 2,640-ft of another auto related use. **AND**
3. A "Zone Variance" application per L.A.M.C 12.27 to allow for the operation and maintenance of an existing spray booth otherwise not permitted under 12.22A.28.

Note: The applicant has submitted documentation from the SCAQMD, L.A.F.D and RTI permits from 2002 which were never finalized for the operation of the two spray booths in question, for informational purposes.

(End of Request)

c. File

Conditional Use Permit
General Findings

- 1. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.***

The project site was leased by the current operator 15 years ago for the purpose to maintain, and operate an automotive body repair shop, paint and collision center. The owners believed that this was the case with the addition of the two spray booths, which were installed by the former operator.

The auto body repair, paint and collision facility is a long established use as referenced above and utilizes state of the art equipment to shield any potential emissions to be introduced into the atmosphere. The continued operation of the facility, including the spray booths, will not affect the surrounding neighborhood or alter the surrounding land use pattern as an automotive use, of some sort, has been in continuous operation for over 68 years.

Any mechanical and or general repair will be conducted wholly within the enclosed buildings and designated bays. The project will not utilize any public address system and if needed, will resubmit a new application to the SCAQMD to address any air filtration upgrades as needed. Further, the spray booths and or the plants operation has not known of any objections from adjacent residential or commercial owners.

The facility will adhere to the spirit of the development standards under 12.22.A.28, enumerated on March 2007. However, a conditional use permit is required because the project fails to meet 2, possibly 3 of 17 operating conditions, under code section referenced above, in:

- Spray painting will be conducted
- Automobile dismantling activities, in the form of auto body repair will be conducted
- A permanent 1-hr rated canopy will be visible from the street for auto detailing

Therefore, an automotive body repair and paint facility is prohibited unless approved under a conditional use permit per 12.24.W4 as submitted.

(c o n t i n u e d)

Similar developments exist in the immediate vicinity including mechanical auto repair tires sales and repair, and a recently vacated car wash. However, the applicant seeks to remain at the same property, which has an established and ever growing business clientele proximate to its location over decades of service.

2. *That the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood or the public health, welfare, and safety.*

As indicated, the application is for an existing auto body repair, paint and collision facility within a one-story commercial building, with an original auto related CofO dating back to 1948 under 1948LA25555 establishing the use. The location, size, height and operation have been well established for well over 68 years.

The applicant and owners have received no objections verbally or in written form from adjoining properties or the community at large. The application has been submitted due to an order to comply under case no. 75068 originally citing its zone violation under the [Q]C1.5-1 zone. Recently, an update to the zoning designation was changed to C2-2D-SP allowing the use to continue under a CUP if certain standards were met. Although the operation has evolved over the years and no physical exterior modifications have taken place, the conditional use application is required as not all operating standards are met.

(The current operators believed that the spray booths were allowed based on permit applications obtained from the previous operators and continued the use uninterrupted.)

Other similar facilities exist proximate to the project location in size, intensity and zone. The applicant asks for the same property rights enjoyed by others and while other facilities are related only by its automotive use the applicant feels the same spirit exist of the intended operation.

The operation is bounded on two sides by commercial uses and faces Crenshaw Blvd, a major commercial thoroughfare. At the rear the residential homes will be shielded by a 21-ft tall building with high non-operable windows. The openings to the repair shop will be oriented towards Crenshaw Blvd and shielded by a 8-ft tall wrought iron fence with a landscape buffer. The design layout of the plant prevents noise, fumes, and vibrations from negatively impacting adjacent uses.

(c o n t i n u e d)

3. *That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.*

The project conforms to the purpose, intent, and spirit of the general plan which allows for auto repair facilities under the C2 zone, if it meets certain development and operational conditions, which were enumerated in March of 2007. A conditional use permit is therefore required as two, possibly three operation standards are not met as the existing building intends to:

- Conduct spray painting
- Conduct automobile dismantling activities, in the form of auto body repair
- Remodel a permanent 1-hr rated canopy which will be visible from the street for auto detailing

Requiring to discontinue a use that has been established for over 15 years or to remove the spray booth in order to comply to the operational standards adopted within the zoning code is ignoring the relief under the conditional use permit option and the commercial element of the general plan to encourage established commercial properties to prosper.

The enclosed building works for this type of use as it screens the auto repair activities taking place within building envelope within the hours of operation.

Currently, the applicant is the only automotive use within a 500-ft radius and has served the community for over 15 years.

Further, in determination of this application, a zoning administrator may consider all of the development and operational conditions within 12.22A.28. and the applicant submits adherence to the following conditions where applicable.

(a) Development Standards:

Windows. *The exterior walls and doors of any building, excluding bay doors and/or security grills, housing an automotive use, which are parallel to a street, shall consist of at least 50 percent transparent windows, unless otherwise prohibited by law.*

The building is existing meets the 50% along the portion closest to Crenshaw Blvd. The remainder of the building is setback at least 115-ft from Crenshaw Blvd and of solid construction material with exceptions to openings.

(continued)

Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any school, lot with a Certificate of Occupancy for a one-family dwelling, multiple-family dwelling, or mixed use project containing a residential use, or A or R zone that is within 100-feet from the face of the building containing the bay door, vehicle entrance, exit or opening.

Wash Rack. Every wash rack shall be constructed or arranged so that entrances, exits and openings shall not face any school, lot with a Certificate of Occupancy for a one-family dwelling, multiple-family dwelling, or mixed use project containing a residential use, or A or R zone within 100-feet of the side of the building containing the bay door, vehicle entrance, exit or opening.

Fences. ~~Fences or walls erected along the front lot line shall not exceed 36 inches in height.~~

An 8-ft high wrought iron fence exists along the front of the property line which will be enhanced with ground cover and California Native drought tolerant landscaping.

Automotive hoists. Automotive hoists of any type or size, shall be located and operated only inside a building enclosed on at least three sides.

Signs. (i) In addition to the requirements set forth in Sections 91.6201 et seq. of this Code, no person shall erect a pole sign or projecting sign, as defined in Section 91.6203 of this Code, on the lot or lots without first obtaining a conditional use permit pursuant to Section 12.24 W.4. of this Code. (ii) Monument signs and information signs may only be located within the landscape-planted areas of the lot or lots.

Utilities. All new utility lines which directly service the lot or lots shall be installed underground. If underground service is not available at the time the application is submitted and fees paid for plan check, then provisions should be made for future underground service to the satisfaction of the Bureau of Engineering, if determined necessary by the Department of Water and Power.

Walls and Trash Storage. A solid masonry wall at least six feet in height shall be erected along the lot lines of the lot or lots where the lot or lots abut or are across an alley from any school, lot with a Certificate of Occupancy for a one-family dwelling, multiple-family dwelling, or mixed use project containing a residential use, or A or R zone, except for that portion of the lot line where an access driveway is required by the City as determined by the Department of Building and Safety. Trash storage bins shall be located within a gated enclosure constructed of solid masonry and finished to match the exterior wall materials of the main building.

(c o n t i n u e d)

Landscaping. All landscaping shall comply with Sections 12.41, 12.42 and 12.43 of this Code and the following requirements:

Landscaping - Setback. A landscaped, planted area having a minimum width of five feet shall be required along all street frontages of the lot or lots, except for that portion of the lot line where an access driveway is required by the City as determined by the Department of Building and Safety, and on the perimeters of all parking areas of the lot or lots that abut a residential zone or use.

The proposed project will provide for a 5-ft landscape buffer, to include ground cover, California Native Drought Tolerant plants, along the frontage of the project between Crenshaw Blvd and the 8-ft tall wrought iron fence.

Irrigation System. An automatic irrigation system shall be provided for all landscaped, planted areas. The system shall be installed and operational prior to the issuance of any certificate of occupancy.

Lighting. All exterior and flood lighting shall be directed onto the lot or lots and shall be designed to eliminate any glare to adjoining properties.

(b) Operating Conditions:

- 1) ~~Spray painting shall not be conducted. Spray Painting will be conducted~~
- 2) ~~Junkyard or automobile dismantling activities shall not be conducted. Automobile dismantling activities, in the form of auto body repair will be conducted~~
- 3) Public address system shall not be permitted.
- 4) Site cleaning, sweeping, trash collection, and deliveries to the site shall be limited to the following hours: Monday through Friday, 7:00 AM to 7:00 PM and Saturday and Sunday 8:00 AM to 5:00 PM. Notwithstanding the above, trash collection shall not be allowed on Sundays or legal holidays.
- 5) Hours of operation shall be limited to: Monday through Friday, 7:00 AM to 7:00 PM; Saturday, 9:00 AM to 8:00 PM; and Sunday, 11:00 AM to 8:00 PM.
- 6) All loading, including those of vehicles, shall occur on-site.
- 7) Vehicles being repaired shall be stored on-site. Any off-site parking shall comply with Section 12.21 A.6. of this Code.
- 8) Accessory sales activities shall not occur outside a fully enclosed building.
- 9) Trailers and/or temporary modular buildings shall not be permitted as a work area.
- 10) Arcades or game machines shall not be permitted.
- 11) ~~Temporary canopy tents shall not be permitted when the tents are visible from the street. A permanent 1-hr rated canopy will be visible from the street for auto detailing~~

(continued)

- 12) The site where the automotive use is located shall be kept clear of weeds, rubbish, and all types of litter and combustible materials at all times. One trash receptacles shall be located for every 200 square feet of open space and shall be uniformly distributed throughout the open areas of the site.
- 13) Any automotive laundry or wash rack, in which power driven or steam cleaning machinery is used, shall maintain noise levels below the levels provided in Table II of Section 111.03 of this Code. The comparison between the noise emanating from the automotive laundry or wash rack and from Table II shall be made in the manner set forth in Section 111.02(a) of this Code.
- 14) Any automotive sound shop or automotive alarm shop shall be wholly conducted within a fully enclosed building. No portion of the building or its associated parking area shall be within 50 feet of any school, lot with a Certificate of Occupancy for a one-family dwelling, multiple-family dwelling, or mixed use project containing a residential use, A or R zoned lot.
- 15) All operational conditions imposed by the Department of Building and Safety in its annual inspections of automotive repair and used vehicle sales area pursuant to Section 12.26 I. of this Code shall be followed.
- 16) On-site pennants, banners, ribbons, streamers, spinners, balloons and super graphic signs are prohibited.
- 17) All windows and glass doors shall be maintained free of any signs.
- 18) **Covenant.** Prior to the issuance of a building permit or land use permit, the owner of the lot or lots shall execute and record a covenant and agreement in a form satisfactory to the Director of Planning, acknowledging that the owner shall implement each of the conditions set forth in this paragraph, and shall not permit the establishment of any uses enumerated in Section 12.24 W.4. of this Code without first obtaining a conditional use approval. The covenant and agreement shall run with the land and be binding upon the owners, and any assignees, lessees, heirs, and successors of the owners. The City's right to enforce the covenant and agreement is in addition to any other remedy provided by law.

(c) Existing Building Changed to Automotive Use and/or an Existing Automotive Use Being Expanded or Remodeled. An existing building or buildings may be converted or an existing automotive use may be expanded without first obtaining a conditional use approval if all of the following requirements are met:

- 1) All alterations result in no more than a 20 percent increase in the existing floor area of all of the buildings on a lot or lots cumulatively over the previous five years.

No additional Floor area will be added as part of this proposal.

(c o n t i n u e d)

- 2) The proposed automotive use complies with all the conditions of operation of Paragraph (b) above.

The applicant will adhere to all operational conditions referenced above in paragraph (b) with a few exceptions under this conditional use and related variance permit application.

- 3) Any reuse of an existing structure that is required to go through a CUP process shall have all standards established by the Zoning Administrator

The applicant will adhere to all conditions established by the zoning administrator as part of the approval process.

###

Conditional Use Permit L.A.M.C 12.24.W4 –
Additional Findings, Auto Repair

- 1. That the project will not create or add to a detrimental concentration of automotive uses in the vicinity of the proposed automotive use.***

Currently, the applicant is the only automotive use within a 500-ft radius and has served the community for over 15 years as submitted with the automotive use established under certificate of occupancy no. 1948LA25555 on September 13, 1948 and continuous operation is some form of auto related use to the current date.

- 2. That based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associates parking of the automotive use will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.***

As an existing building, certain methods can be utilized to mitigate any potential adverse effects the application may have on traffic. Nonetheless, due to the size of the existing building and intensity of the project and the street designation of local, a threshold exemption exist and therefore exempting us for any review by the Department of Transportation.

- 3. That any spray painting will be conducted within a fully enclosed structure located at least 500-feet away from a school or A or R zone, and that all spray painting will be conducted in full compliance with the provisions of Article 7, Chapter 5 of this code, as well as South Coast Air Quality Management District Rules 1132 and 1151, regulating these installations.***

The two existing spray booth will be wholly enclosed and oriented towards Crenshaw Blvd. The adjacent residential properties to the rear are shielded by the existing building with no activity or obstruction affecting said uses.

- 4. That the applicant has submitted an appropriate landscape plan setting forth all plant materials an irrigation systems, and a written maintenance schedule indicating how the landscaping will be maintained.***

No landscaping is proposed as part of this application. However, the applicant proposes to add ground cover and California Drought Tolerant Plants and Shrubs to the area between the 8-ft wrought iron fence and the public sidewalk.

###

Specific Plan, Project Permit L.A.M.C Sec. 11.5.7 C
Project Findings

1. That the project substantially complies with the applicable regulations, findings, standards and provisions of the specific plan

The subject auto body repair paint and collision center is located within an established commercial corridor within the Crenshaw Corridor Specific Plan Map 3 Subarea E. The applicant is requesting to legalize two spray booths, which were submitted for plan check in 2002 to the South Coast Air Quality Management District, Los Angeles Fire and Building & Safety Departments. The auto use was established September 13, 1948 under certificate of occupancy 1948LA25555.

The subject retail liquor store was established in September of 1959 and has housed the same use since. The change of use to new restaurant will not introduce a new use to the area, but it will allow a more fitting use to be established and maintained under new ownership with a significant number of neighborhood-serving businesses adding value to an intrinsic part of the service amenities necessary for the development of a vibrant walkable commercial and urban environment.

Section 6A of the specific plan prohibits the following uses: gun shops, pawn shops, swap meets, public self storage facilities, motels, bars and recycling centers **AND** limits the following uses under Section 6B: Off-site sales of alcohol and auto related uses, with exception, to one per 2,640-ft radius. As mentioned above, our project is to legalize the two spray booths originally submitted back in July of 2002 and to remodel an existing canopy into a 1-hr rated free standing canopy in view from the street.

Section 11 prohibits, guides, and allows for certain signage within the project envelope. This project proposes neither new signage nor no new construction, other than the remodeling of the free standing canopy to allow for a more durable fire rated structure.

2. That the project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review which would mitigate the negative environmental effects of the project, to the extent physically feasible.

The continued operation of the auto body repair, paint and collision center will adhere to any additional mitigation measures feasible for approval of this grant. The commercial building, parking and physical improvements are existing, including signage and the remodel of the existing canopy will be of minimal value.

###

Zone Variance L.A.M.C Sec. 12.27
Project Findings

1. Explain why the strict application of the zone code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

As mentioned, the project site was leased by the current operator 15 years ago for the purpose of maintaining, and operating an automotive body repair shop, paint and collision center. The owners believed that this was the case with the addition of the two spray booths, which were installed by the former operator.

The auto body repair, paint and collision facility is a long established use as referenced above and utilizes state of the art equipment to shield any potential emissions to be introduced into the atmosphere. The continued operation of the facility, including the spray booths, will not affect the surrounding neighborhood or alter the surrounding land use pattern as an automotive use, of some sort, has been in continuous operation for over 68 years with no objections from any of the adjoining properties.

The facility will adhere to the spirit of the development standards under 12.22.A.28, enumerated on March 2007. However, a variance application is required because the project fails to meet 2, possibly 3 of 17 operating conditions, under code section referenced above, in:

- Spray painting will be conducted
- Automobile dismantling activities, in the form of auto body repair will be conducted
- A permanent 1-hr rated canopy will be visible from the street for auto detailing

Therefore, an automotive body repair and paint facility is prohibited unless approved under this application as submitted and any further limitations on this property will cause the applicant a severe hardship since then property has been leased, occupied and in continued operation for over 15 years and has maintained a local clientele base with no objections from adjoining properties or the public at large.

Further, the subject auto repair and body shop is located on a major highway and is easily accessed providing a necessary and desirable service to the nearby community.

(c o n t i n u e d)

2. Describe the special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

Regulations in the zoning code are deemed necessary in order to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air, and to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; and to promote health, safety, and the general welfare all in accordance with the comprehensive plan (L.A.M.C 12.02, Purpose of the Los Angeles Municipal Code). The general purpose and intent of the regulations are to limit uses to specific zones in order to comply with the general plan and provide compatibility between respective properties.

The project is located on a lot fronting Crenshaw Blvd, a major highway, with close to an acre in size. The use has had some sort of vehicle use for over 68 years. The applicant has leased this site for over 15 years with no objections from adjoining owners. Adjacent properties to the rear are mostly single family homes within an R2 zone and the properties fronting Crenshaw Blvd were recently zoned to C2-2D from [Q]C1.5-1 allowing the current auto repair use to remain by right with exception of the spray booth, restriction enumerated under 12.22.A.28. The size, shape, and configuration of the site does not hamper its use as an auto repair and body shop facility.

The C2 zone classification permits an auto repair use with a conditional use application for a spray booth, if no A or R zones are located within a 500-ft radius. An R zone exists adjacent to the property and more specifically, the spray booth is adjacent to the residential properties. However, the spray booth is fronting Crenshaw Blvd and away from the street with a physical barrier at the rear where the adjacent properties cannot come in contact or have access to the project site. The spray booth has remained part of the continued business operation of the operator, where shielding any activity from the public has been a standard at the plant.

(c o n t i n u e d)

The spray booth has been in operation since 2002 with no past impact on adjacent properties and this application is needed because of its location. The regulations enumerated within 12.22.A.28 are written on a citywide basis and cannot take into account individual unique characteristics of a specific property as well as consider dynamic changes in the economy and the use of land. A variance is a grant of permission to depart from the literal enforcement of a zoning ordinance and allow the property to be used in a manner otherwise not permitted provided that the spirit of the ordinance is observed and substantial justice is done without detrimental impacts to the community.

The spirit of the zoning code will prevail if this application is approved as submitted as it meets 14-15 of the 17 performance standards to allow for the continued use and operation of the existing spray booth.

3. Explain why the variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.

Conversely, a variance cannot grant the applicant a "special privilege" (LAMC 12.27.D). The C2 zone permits an auto repair use with a spray booth under a conditional use permit, if certain performance standards are met. In this instance, the spray booth is located within 500-feet of an 'R' zone.

However, the project has been developed and will operate in similar manner under the regulations enumerated under 12.22.A.28. 50% of the building parallel to the street will consist of transparent windows; Bay doors will not face any schools, residential or mixed used projects; A 5-foot Landscape buffer will be constructed with an 8-ft tall wrought iron fence to be relocated adjacent and behind the landscaping to protect the property and its customers; No junk yard activities will be performed and all dismantling of cars will be performed within an enclosed building; No public address system will be operational; all vehicle activity will be conducted wholly on-site; The hours of operation will be M-F, 7:00AM to 7:00 PM and Saturday, 9:00 AM to 8:00 PM and Sunday, 11:00 AM to 8:00 PM;

Paved off street parking will be provided and the use will be in parity with other commercial uses.

(continued)

4. Explain why the granting of the variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.

The existing spray booth would be permitted under a conditional use permit however, the location of such spray booth is within 500-ft of an 'R' zone, which is not allowed under 12.24.W4 or 12.22.A.28. Nonetheless, the property will operate in a similar manner. The property will be fully enclosed, with exceptions within the front yard. The spray booth is not an intrusion into the C2 zone that would result in materially detrimental impacts. Existing site conditions and surrounding uses, including its zone classification, indicate the spray booth is proper in its location. In fact, similar uses exist in the community with no evidence of adverse impacts.

5. Explain why the granting the variance would not adversely affect any element of the General Plan.

The West Adams – Baldwin Hills – Leimert Community Plan designates the property for Community Commercial land uses with corresponding zones of CR, C1.5, C2, C4, R3, R4, RAS3 and RAS4. Per the corresponding zone, the spray booth is allowed if certain performance standards are met under an approved conditional use permit. Generally, the plan seeks to protect investments, promote good design, and ensure public safety.

A significant investment has been put forward by the operator over the course of 15 plus years. The submitted application calls for a new five foot landscape buffer and the relocation of an 8-ft wrought iron fence within the front yard to soften the street experience and protect the business and encourage public safety.

To allow the continued use, maintenance and operation of the spray booth as a function of the auto repair and body shop will not hamper implementation of the general plan nor injure or degrade adjoining residential or commercial properties.

Absent any environmental impacts or other adverse impacts to the immediate surrounding properties, which have not surfaced over the course of 15 years, there is neither compelling reason nor legitimate governmental purpose for strict application of the zoning regulation.

MISCELLANEOUS

**(Reports,
Orders,
Permits, etc)**

LADBS
CODE ENFORCEMENT BUREAU

RANGE FILE

4610 S CRENSHAW BLVD
(ADDRESS)

4/21/09
(FILE DATE)

D. CAMPBELL
(PREPARED BY)

FILE IS: **CLOSED**

(Revised 10/99)



CUSTOMER SERVICE REQUEST

CSR No.: 220851

CALL DATE: April 16, 2009 9:31 am

GENERAL ENFORCEMENT

DUE BY: April 21, 2009 9:31 am

BRUCE TODD

SOURCE:

PRIORITY:3

TAKEN BY: LISA MILLER

CASE #:

4610 S CRENSHAW BLVD 90043

APN: 5013-021-014

ZONE: C1.5

LADBS Branch Office	LA	Council District	8
Community Plan Area	West Adams - Baldwin Hills -	Census Tract	2345.00
Area Planning Commission	South Los Angeles	Energy Zone	8
Earthquake-Induced Liquefaction Areas		Thomas Brothers Map Grid	673-F4
District Map	111B185	School Within 500 Foot Radius	YES
Certified Neighborhood Council	Park Mesa Heights	LAPD Bureau	SOUTH
LAPD Division	SOUTHWEST	LAPD Reporting District	0392
Near Source Zone Distance	2		
City Planning Cases	CPC-1983-506-SP	City Planning Cases	CPC-1995-80-CPR-ZC
Community Redevelopment Area	ZI 1927 CRENSHAW AMND/ORIG	Ordinance	ORD-162128
Ordinance	ORD-171682	Ordinance	ORD-172913-SA860
City Planning Cases	CPC-1986-821-GPC	Specific Plan Area	South Los Angeles Alcohol Sales
Zoning Information File	ZI-1927 Crenshaw Redevelopment Project (1st Amend)	City Planning Cases	CPC-2002-3854-SP
Low to moderate income %	50.36%	Community Development Block Gr	SEZ-Los Angeles State Enterprise Zone
Community Development Block Gr	LARZ-Central City	Ordinance	ORD-165481-SA5740
CNAP area	2	Zoning Information File	ZI-2393 Fast Food (ICO)
Specific Plan Area	Crenshaw Corridor	Zoning Information File	ZI-2374 Los Angeles State Enterprise Zone
City Planning Cases	CPC-2007-3827-ICO	Interim Control Ordinance	Fast Food (ICO)
Ordinance	ORD-180103		

PROBLEM: MISCELLANEOUS COMPLAINTS**CALLER COMMENT:** crenshaw carpet has exposed rolls of carpet that face an alley caller is concened that if someone walking in the alley were to throw a match every thing would go up**COMMENT:****SITE OWNER:** WILLIAM F FORTNER CO TR GEORGE C FORTNER TRUST
600 ANTON BLVD STE 150
COSTA MESA, CA 92626
Contact ID: AC338646**RESOLUTION:** No Violation Duplicate Complaint Start a Case Refer to:**APPROVED USE:** _____ **PRESENT USE:** _____ **STORIES:** _____ **TOTAL DWELLING UNITS:** _____**CONSTRUCTION TYPE:** _____ **APPROXIMATE SIZE:** _____ X**DWELLING UNITS IN VIOLATION:** _____ **NON RESIDENTIAL SQUARE FOOTAGE IN VIOLATION:** _____**USES:** **YARDS:** **OTHER STRUCTURES:** **HOME OCCUPATION:** **HISTORICAL PRESERVATION OVERLAY ZONE:** **RECYCLING CENTER:** **CONSTRUCTION EQUIPMENT:** **CODE VIOLATIONS (LOCATION & COMMENTS):**

4-17-09 No violation - B7000

INSPECTOR:

START TIME:

STOP TIME:

DATE:

CONFIDENTIAL CUSTOMER INFORMATION:

LURA (323)292-0611

Address of
Building

4606-10 Crenshaw Bl.



CITY OF LOS ANGELES
CERTIFICATE OF OCCUPANCY

Note: Any change of use of occupancy must be approved by the Department of Building and Safety.

This certifies that, so far as ascertained or made known to the undersigned, the vacant land, building or portion of building described below and located at the address complies with the applicable construction requirements (Chapter 9) and/or the applicable zoning requirements (Chapter 1) of the Los Angeles Municipal Code for the use, or occupancy group in which it is classified.* (Non-Residential Uses)

This certifies that, so far as ascertained by or made known to the undersigned, the building or portion of building described below and located at the above address complies with the applicable requirements of the Municipal Code, as follows: Ch. 1, as to permitted uses, Ch. 9, Arts. 1, 3, 4, and 5; and with applicable requirements of State Housing Law for following occupancies:† (Residential Uses)

Permit No. and Year 49LA13180

Two story, type IV 147'x50' auto sales room and garage. G1/F1 Occupancy.

THIS CERTIFICATE ISSUED TO CLARIFY
CERTIFICATE OF OCCUPANCY ISSUED 8/3/94
FOR PERMIT #LA13180 TO INCLUDE AUTO
BODY.

Total Parking Required _____ No Change in Parking requirement.

Total Parking Provided _____ = Standard _____ + Compact _____ + Disabled _____

* ALSO SUBJECT TO ANY AFFIDAVITS OR BUILDING AND ZONING CODE MODIFICATIONS WHETHER LISTED ABOVE OR NOT.

Issued By Office:
LAVN-WLA-SP-C.D. # 8

Bureau:
BLDG BCS

Division:
GI-MS-MSS-EC-BMI/COMM

Owner George C. Fortner Co. Tr.
Owner's Address 4695 MacArthur Blvd. #240
 Newport Beach, CA 92660

Issued: 7/8/93 By: R. SANCHEZ/mj

Address of
Building

4606-10 Crenshaw Bl.



CITY OF LOS ANGELES
CERTIFICATE OF OCCUPANCY

Note: Any change of use of occupancy must be approved by the Department of Building and Safety.

This certifies that, so far as ascertained or made known to the undersigned, the vacant land, building or portion of building described below and located at the address complies with the applicable construction requirements (Chapter 9) and/or the applicable zoning requirements (Chapter 1) of the Los Angeles Municipal Code for the use, or occupancy group in which it is classified.* (Non-Residential Uses)

This certifies that, so far as ascertained by or made known to the undersigned, the building or portion of building described below and located at the above address complies with the applicable requirements of the Municipal Code, as follows: Ch. 1, as to permitted uses, Ch. 9, Arts. 1, 3, 4, and 5; and ~~and~~ applicable requirements of State Housing Law-for following occupancies:*(Residential Uses)

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Issued By/Office.

LA/N-WLA-SP-C.D # 8

Bureau

BLDG BCS

Division

GI-MS-MSS-EQ-BMI/COMM

Owner George C. Fortner Co. Tr.

Owner's
Address 4695 MacArthur Blvd. #240
 Newport Beach, CA 92660

Issued: 7/8/93 By: R. SANCHEZ/mj

Los Angeles Department of Building and Safety

Certificate Information: 4610 S CRENSHAW BLVD 90043

Application / Permit	11016-10000-12164
Plan Check / Job No.	B11LA06911
Group	Building
Type	Bldg-Alter/Repair
Sub-Type	Commercial
Primary Use	()
Work Description	SAW CUT (E) SLAB-ON-GRADE FOR PROPOSED SPRAY BOOTH IN (E) AUTO REPAIR/BODY.
Permit Issued	No
Current Status	Application Withdrawn on 9/16/2011

Permit Application Status History

Submitted	6/28/2011	APPLICANT
Assigned to Plan Check Engineer	6/28/2011	LAWRENCE QUIRANTE
Corrections Issued	6/28/2011	LAWRENCE QUIRANTE
Application Withdrawn	9/16/2011	LUIS SANCHEZ
Application Withdrawn	9/16/2011	LUIS SANCHEZ

Permit Application Clearance Information

"Q" conditions	Not Cleared	6/28/2011	LAWRENCE QUIRANTE
Project located in CRA area	Not Cleared	6/28/2011	LAWRENCE QUIRANTE
Spray-paint booth	Not Cleared	6/28/2011	LAWRENCE QUIRANTE

Contact Information

Contractor	M L Spraybooth & Installation; Lic. No.: 940748-B	12123 CLARK STREET	SANTA FE SPRINGS, CA 90670
Engineer	, ; Lic. No.: C23319		

Inspector Information

No Data Available.

Pending Inspections

No Data Available.

Inspection Request History

No Data Available.

Los Angeles Department of Building and Safety

Certificate Information: 4610 S CRENSHAW BLVD 90043

Application / Permit	11044-10000-10683
Plan Check / Job No.	X11LA14465
Group	Mechanical
Type	HVAC
Sub-Type	Commercial
Primary Use	()
Work Description	10 HP AIR MAKE UP HEATED & 1 (10) HP AIR EXHAUST FAN. REF.#11042-10000-11189.
Permit Issued	Issued on 9/16/2011
Issuing Office	Metro
Current Status	Permit Finaled on 10/26/2011

Permit Application Status History

Issued	9/16/2011	LADBS
Permit Finaled	10/25/2011	RUDY MARTINEZ

Permit Application Clearance Information

No Data Available.

Contact Information

Contractor	M L Spraybooth & Installation; Lic. No.: 940748-B	13891 OAKS AVENUE	CHINO, CA 91710
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Inspector Information

DAVID ASHMAN, (213) 482-0340	Office Hours: 7:00-8:00 AM MON-FRI
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Pending Inspections

No Data Available.

Inspection Request History

Final	9/21/2011	Corrections Issued	VICENTE VARGAS
Final	10/25/2011	Permit Finaled	RUDY MARTINEZ

Los Angeles Department of Building and Safety

Certificate Information: 4610 S CRENSHAW BLVD 90043

Application / Permit 11042-10000-11189
Plan Check / Job No. X11LA09842
Group Mechanical
Type Plumbing
Sub-Type Commercial
Primary Use ()
Work Description INSTALL GAS LINE FOR SPRAY BOOTH. (1 OF 2 W/ PERMIT #11041-10000-13393)
Permit Issued Issued on 6/29/2011
Issuing Office Metro
Current Status Permit Finaled on 10/26/2011

Permit Application Status History

No Progress	6/28/2011	VINCENT LOU
Issued	6/29/2011	LADBS
Permit Finaled	10/26/2011	TIP WHITING

Permit Application Clearance Information

No Data Available.

Contact Information

Contractor M L Spraybooth & Installation; Lic. No.: 940748-B 12123 CLARK STREET SANTA FE SPRINGS, CA 90670

Inspector Information

NATHAN BUCK, (213) 482-7358

Office Hours: 7:00-8:00 AM MON-FRI

Pending Inspections

No Data Available.

Inspection Request History

Final	8/17/2011	Corrections Issued	GUS MCBEATH
Rough	8/26/2011	Corrections Issued	WILLIAM BELLEFONTAINE
Gas Test	8/29/2011	Approved	WILLIAM BELLEFONTAINE
Final	9/13/2011	Corrections Issued	TIP WHITING
Special/Order Compliance	9/21/2011	Not Ready for Inspection	TIP WHITING
Final	9/22/2011	Not Ready for Inspection	PIERRE VEGA

Los Angeles Department of Building and Safety

Certificate Information: 4610 S CRENSHAW BLVD 90043

Application / Permit	11042-10001-11189
Plan Check / Job No.	M11LA02937
Group	Mechanical
Type	Plumbing
Sub-Type	Commercial
Primary Use	()
Work Description	PLAN CHECK FOR MEDIUM PRESSURE GAS LINE AND NEW REGULATOR.
Permit Issued	Issued on 8/22/2011
Issuing Office	Metro
Current Status	Permit Finaled on 8/30/2011

Permit Application Status History

Submitted	8/22/2011	MANUEL HERNANDEZ
Assigned to Plan Check Engineer	8/22/2011	MANUEL HERNANDEZ
Issued	8/22/2011	LADBS
Permit Finaled	8/29/2011	WILLIAM BELLEFONTAINE

Permit Application Clearance Information

No Data Available.

Contact Information

Contractor	M L Spraybooth & Installation; Lic. No.: 940748-B	12123 CLARK STREET	SANTA FE SPRINGS, CA 90670
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Inspector Information

NATHAN BUCK, (213) 482-7358	Office Hours: 7:00-8:00 AM MON-FRI
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Pending Inspections

No Data Available.

Inspection Request History

Gas Test	8/26/2011	Partial Inspection	WILLIAM BELLEFONTAINE
Final	8/29/2011	Permit Finaled	WILLIAM BELLEFONTAINE

Los Angeles Department of Building and Safety

The information below was found on the following Parcel Identification Number (PIN):

111B185-265**Parcel Profile Report:**

1

Permit Information found:

1

 Expand Closed **4610 S CRENSHAW BLVD 90043**

Application/Permit #	PC/Job #	Type	Status	Work Description
11016 - 10000 - 12164	B11LA06911	Bldg-Alter/Repair	Application Withdrawn 9/16/2011	SAW CUT (E) SLAB-ON-GRADE FOR PROPOSED SPRAY BOOTH IN (E) AUTO REPAIR/BODY.
11041 - 10000 - 13393	X11LA09843	Electrical	Permit Finaled 8/29/2011	ELECTRICAL INSTALLATION FOF SPRAY BOOTH. (2 OF 2 W/ PERMIT #11042-10000-11189)
11044 - 10000 - 12202	M11LA03865	HVAC	PC Approved 10/20/2011	SPRAY BOOTH VENTILATION SYSTEM (10 HP AIR MAKE UP HEATED & 1 (10) HP AIR EXHAUST FAN AS APART OF SPRAY BOOTH). NOTE: PERMIT ISSUED UNDER APPLICATION # 11044-10000-10683.
11044 - 10000 - 10683	X11LA14465	HVAC	Permit Finaled 10/26/2011	10 HP AIR MAKE UP HEATED & 1 (10) HP AIR EXHAUST FAN. REF.#11042-10000-11189.
11042 - 10001 - 11189	M11LA02937	Plumbing	Permit Finaled 8/30/2011	PLAN CHECK FOR MEDIUM PRESSURE GAS LINE AND NEW REGULATOR.
11042 - 10000 - 11189	X11LA09842	Plumbing	Permit Finaled 10/26/2011	INSTALL GAS LINE FOR SPRAY BOOTH. (1 OF 2 W/ PERMIT #11041-10000-13393)

Code Enforcement Information:

1

Soft-story Retrofit Program Information:

1

23. Parcel delivery service branch, if all activities, including storage and loading and unloading, are conducted within a completely enclosed building.
24. Parking buildings and all buildings containing automobile parking as primary or accessory uses. All buildings containing automobile parking shall be subject to the requirements of Sections 12.21 A 5 and 12.12.1.5 A of this Code. (Amended by Ord. No. 160,273, Eff. 9/16/85.)
25. Pony riding ring, without stables.
26. Printing, publishing or lithographing establishments.
27. Automotive repair, provided that all of the following conditions are met:

✓ (a) The property is located more than 300 feet from an A or R Zone. Property located 300 feet or less from an A or R Zone shall be subject to the conditional use requirements of Section 12.24 W 4. (Amended by Ord. No. 173,492, Eff. 10/10/00.)

* (b) All automotive spray painting shall be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, regulating such installations; provided further, that no spray painting may be done except within a building.

(c) All other operations shall be conducted within a building enclosed on at least three sides, except for the following activities, which may be conducted within the first 18 feet in depth measured perpendicular to the entire length of the building wall containing a garage bay door; said area shall not displace any required parking:

(1) electrical diagnostics;

(2) battery charging and changing;

(3) tire removal and replacement, provided that the vehicle is elevated no more than 12 inches off the ground measured to the bottom of the tire. A portable hoist may be used for this function only.

(d) Except as provided in (c) (3) above, automotive hoists, of any type or size, shall be located and operated only inside a building.

(e) A minimum of 500 square feet of storage area shall be provided (open storage shall comply with Subdivision 42 of this subsection.)

(f) Notwithstanding (a) and (c) of this subdivision, an auto-sound shop or auto-alarm shop shall be permitted if it complies with the following:

(1) all operations are conducted within a fully enclosed building; and

(2) no portion of said building or its associated parking area shall be within 50 feet of an A or R zoned lot or any residential use in a C Zone.

(Amended by Ord. No. 172,468, Eff. 4/1/99.)

28. (Repealed by Ord. No. 96,776, Eff. 9/8/50.)

Chapter 5 Article 7

Fire Protection and Prevention (Fire Codes)

23. Parcel delivery service branch, if all activities, including storage and loading and unloading, are conducted within a completely enclosed building.

24. Parking buildings and all buildings containing automobile parking as primary or accessory uses. All buildings containing automobile parking shall be subject to the requirements of Sections 12.21 A 5 and 12.12.1.5 A of this Code. (Amended by Ord. No. 160,273, Eff. 9/16/85.)

25. Pony riding ring, without stables.

26. Printing, publishing or lithographing establishments.

27. Automotive repair, provided that all of the following conditions are met:

(a) The property is located more than 300 feet from an A or R Zone. Property located 300 feet or less from an A or R Zone shall be subject to the conditional use requirements of Section 12.24 W 4. (Amended by Ord. No. 173,492, Eff. 10/10/00.)

(b) All automotive spray painting shall be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, regulating such installations; provided further, that no spray painting may be done except within a building.

(c) All other operations shall be conducted within a building enclosed on at least three sides, except for the following activities, which may be conducted within the first 18 feet in depth measured perpendicular to the entire length of the building wall containing a garage bay door; said area shall not displace any required parking:

(1) electrical diagnostics;

(2) battery charging and changing;

(3) tire removal and replacement, provided that the vehicle is elevated no more than 12 inches off the ground measured to the bottom of the tire. A portable hoist may be used for this function only.

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(2) no portion of said building or its associated parking area shall be within 50 feet of an A or R zoned lot or any residential use in a C Zone.

(Amended by Ord. No. 172,468, Eff. 4/1/99.)

28. (Repealed by Ord. No. 96,776, Eff. 9/8/50.)

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS
—
VAN AMBATIELOS
PRESIDENT
E. FELICIA BRANNON
VICE-PRESIDENT
JOSELYN GEAGA-ROSENTHAL
GEORGE HOVAGUMIAN
JAVIER NUNEZ
—

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER

ORDER TO COMPLY

TIMOTHY J MULLAHEY TR MULLAHEY TRUST AND MICHAEL
AND DONNA SALYARDS
4620 E CERRO VISTA DR
ANAHEIM, CA 92807

CASE #: 75068
ORDER #: A-4037651

EFFECTIVE DATE: April 18, 2016
COMPLIANCE DATE: May 18, 2016

PROPERTY OWNER OF

SITE ADDRESS: 4606 S CRENSHAW BLVD 4606-22 S CRENSHAW BL
ASSESSORS PARCEL NO.: 5013-021-014

ZONE: C1.5; Limited Commercial Zone

NAME OF BUSINESS IN VIOLATION: PACIFIC ELITE COLLISION CENTER

In accordance to the Section(s) listed below, Pursuant to Chapter 1, Article 2 of the Los Angeles Municipal Code (L.A.M.C.), an inspection has been conducted at the property listed above.

Section 12.26 (I) of the Los Angeles Municipal Code, Vehicle Repair and/or Installation Establishments.

As a result of this inspection, the conditions listed below are in violation of the L.A.M.C. as follows:

VIOLATION(S):

1. (V #3-STANDARD) The 2 spray booths were were/are constructed without the required plans, permits, inspection, and approvals.

You are therefore ordered to: Demolish and remove all unapproved/unpermitted construction work performed with out the required plans, permits, inspections, approvals and clearances, and restore all buildings and the site to its originally approved condition.

Or

Submit plans, obtain all required permits, inspections, approvals, and all required clearances to secure a new Certificate of Occupancy to make the building/site conform and comply with all requirements of the L.A.M.C.

Code Section(s) in Violation: 91.8105, 91.106.1.1, 91.106.1.2, 91.108.4, 91.106.3.2, 91.103.1, 91.104.2.4, and 91.104.2.2 of the L.A.M.C.

Comments: Obtain a building permit for the 2 spray booths.

2. (V #3-STANDARD) The metal canopy, approximately 20 ft x 90 ft, was/is constructed without the required plans, permits, inspection, and approvals.

You are therefore ordered to: Demolish and remove all unapproved/unpermitted construction work performed with out the required plans, permits, inspections, approvals and clearances, and restore all buildings and the site to its originally approved condition.

Or

CODE ENFORCEMENT BUREAU

For routine City business and non-emergency services: Call 3-1-1

www.ladbs.org

Submit plans, obtain all required permits, inspections, approvals, and all required clearances to secure a new Certificate of Occupancy to make the building/site conform and comply with all requirements of the L.A.M.C.

Code Section(s) in Violation: 91.8105, 91.106.1.1, 91.106.1.2, 91.108.4, 91.106.3.2, 91.103.1, 91.104.2.4, and 91.104.2.2 of the L.A.M.C.

Location: Along southern property line

3. (V #3-STANDARD) The metal canopy, approximately 18 ft x 25 ft, was/is constructed without the required plans, permits, inspection, and approvals.

You are therefore ordered to: Demolish and remove all unapproved/unpermitted construction work performed without the required plans, permits, inspections, approvals and clearances, and restore all buildings and the site to its originally approved condition.

Or

Submit plans, obtain all required permits, inspections, approvals, and all required clearances to secure a new Certificate of Occupancy to make the building/site conform and comply with all requirements of the L.A.M.C.

Code Section(s) in Violation: 91.8105, 91.106.1.1, 91.106.1.2, 91.108.4, 91.106.3.2, 91.103.1, 91.104.2.4, and 91.104.2.2 of the L.A.M.C.

Location: Near offices

NON-COMPLIANCE FEE WARNING:

YOU ARE IN VIOLATION OF THE L.A.M.C. IT IS YOUR RESPONSIBILITY TO CORRECT THE VIOLATION (S) AND CONTACT THE INSPECTOR LISTED BELOW TO ARRANGE FOR A COMPLIANCE INSPECTION BEFORE THE NON-COMPLIANCE FEE IS IMPOSED. Failure to correct the violations and arrange for the compliance inspection within 15 days from the Compliance Date, will result in imposition of the fee noted below.

A proposed noncompliance fee in the amount of \$660.00 may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or request for slight modification is filed within 15 days of the compliance date.

If an appeal or request for slight modification is not filed within 15 days of the compliance date or extensions granted therefrom, the determination of the department to impose and collect a non-compliance fee shall be final. Section 98.0411 L.A.M.C.

NOTE: FAILURE TO PAY THE NON-COMPLIANCE FEE WITHIN 30 DAYS AFTER THE DATE OF MAILING THE INVOICE,

MAY RESULT IN A LATE CHARGE OF TWO (2) TIMES THE NON-COMPLIANCE FEE PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF \$2,310.00.

Any person who fails to pay the non-compliance fee, late charge and collection fee shall also pay interest. Interest shall be calculated at the rate of one percent per month.

PENALTY WARNING :

Any person who violates or causes or permits another person to violate any provision of the Los Angeles Municipal Code (L.A.M.C.) is guilty of a misdemeanor which is punishable by a fine of not more than \$1000.00 and/or six (6) months imprisonment for each violation. Section 11.00 (m) L.A.M.C.

REVOCATION OF CERTIFICATE OF OCCUPANCY and FINE WARNING :

The failure to correct the violations on or before the compliance date or any authorized extension thereof may result in commencement of proceedings to revoke the Certificate of Occupancy. Such proceedings may involve a Revocation Hearing. A personal appearance at the hearing may only be avoided if the violation is corrected and a fine paid according to the fine schedule in Section 12.26 F 14 or 12.26 I. 16 of this subsection. Sections 12.26 F. 9, 12.26 I. 11, 98.0402(f)2A L.A.M.C.

The compliance date as specified in the notice may be extended for an additional period not to exceed 45 days if the owner or operator of the yard presents satisfactory evidence to the Superintendent that unusual difficulties prevent substantial compliance without such extension.

APPEAL PROCEDURES:

Notwithstanding any provisions of the Municipal Code to the contrary, there shall be no appeal to the Board of Building and Safety Commissioners from any notice issued or determination made by the Superintendent pursuant to Subsection 12.26 F. 13, 12.26 I. 15. and/or

Except for extensions of time granted by the Department of Building and Safety and the Board of Building and Safety Commissioners as authorized in Subdivision 12.26 F. 4(b) and/or 12.26 I. 7(b), and notwithstanding any provisions of this code to the contrary, there shall be no appeal to the Board of Building and Safety Commissioners from any notice issued or determination made by the Department pursuant to Subsection(s) 12.26 F. and/or 12.26 I. Appeals may be made from Department determinations of violations of

Appeal rights for Code Sections other than Sections 12.26 F. and 12.26 I. are as follows.

There is an appeal procedure established in this city whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine err or abuse of discretion, or requests for slight modification of the requirements contained in this order when appropriate fees have been paid. Section 98.0403.1 and 98.0403.2 L.A.M.C.

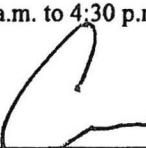
REPEAT VIOLATIONS :

If an Order to Comply is issued pursuant to Sections 12.26 F. or 12.26 K. of the Los Angeles Municipal Code, and after compliance with the Order, a subsequent Order to Comply is issued for violation of the same provisions occurring within one year of the date of the initial Order, the repair/installation facility or storage yard facility operator shall pay a fine as specified in Section 98.0402(f)1 L.A.M.C. as follows:

- A. For each auto dismantling, junk yard, scrap metal or recycling materials processing yards, recycling collection and/or buyback centers, recycling materials sorting facilities and cargo container storage yards....\$200.00
- B. For each vehicle repair garage, installation facility, or used car sales violation....\$200.00

Sections 12.26 F. 15, 12.26 I. 17 L.A.M.C.

If you have any questions or require any additional information please feel free to contact me at (213)252-3395.
Office hours are 7:00 a.m. to 4:30 p.m. Monday through Friday.

Inspector: 

Date: April 09, 2016

CLAUDIO MORENO
3550 WILSHIRE BLVD. SUITE 1800
LOS ANGELES, CA 90010
(213)252-3395
Claudio.Moreno@lacity.org


REVIEWED BY

The undersigned mailed this notice
by regular mail, postage prepaid,
to the addressee on this day.

APR 11 2016

To the address as shown on the
last equalized assessment roll.
Initiated by PC



CODE ENFORCEMENT BUREAU
For routine City business and non-emergency services: Call 3-1-1
www.ladbs.org

LADBS

CODE ENFORCEMENT BUREAU

RANGE FILE

**4606-22 S. CRENSHAW BLVD
(ADDRESS)**

4/18/16
(FILE DATE)

P.C.
(PREPARED BY)

FILE IS: **OPEN**

(Revised 10/99)

BOARD OF
BUILDING AND SAFETY
COMMISSIONERS
—
VAN AMBATIELOS
PRESIDENT
E. FELICIA BRANNON
VICE-PRESIDENT
JOSELYN GEAGA-ROSENTHAL
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—

CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER

FRANK BUSH
EXECUTIVE OFFICER
—

ORDER TO COMPLY

MIKE SALVAROS
4606 S CRENSHAW BLVD
LOS ANGELES, CA 90043

CASE #: 75068
ORDER #: A-4037651

EFFECTIVE DATE: April 18, 2016
COMPLIANCE DATE: May 18, 2016

BUSINESS OPERATOR OF

SITE ADDRESS: 4606 S CRENSHAW BLVD 4606-22 S CRENSHAW BL
ASSESSORS PARCEL NO.: 5013-021-014

ZONE: C1.5; Limited Commercial Zone

NAME OF BUSINESS IN VIOLATION: PACIFIC ELITE COLLISION CENTER

In accordance to the Section(s) listed below, Pursuant to Chapter 1, Article 2 of the Los Angeles Municipal Code (L.A.M.C.), an inspection has been conducted at the property listed above.

Section 12.26 (I) of the Los Angeles Municipal Code, Vehicle Repair and/or Installation Establishments.

As a result of this inspection, the conditions listed below are in violation of the L.A.M.C. as follows:

VIOLATION(S):

1. (V #3-STANDARD) The 2 spray booths were were/are constructed without the required plans, permits, inspection, and approvals.

You are therefore ordered to: Demolish and remove all unapproved/unpermitted construction work performed with out the required plans, permits, inspections, approvals and clearances, and restore all buildings and the site to its originally approved condition.

Or

Submit plans, obtain all required permits, inspections, approvals, and all required clearances to secure a new Certificate of Occupancy to make the building/site conform and comply with all requirements of the L.A.M.C.

Code Section(s) in Violation: 91.8105, 91.106.1.1, 91.106.1.2, 91.108.4, 91.106.3.2, 91.103.1, 91.104.2.4, and 91.104.2.2 of the L.A.M.C.

Comments: Obtain a building permit for the 2 spray booths.

2. (V #3-STANDARD) The metal canopy, approximately 20 ft x 90 ft, was/is constructed without the required plans, permits, inspection, and approvals.

You are therefore ordered to: Demolish and remove all unapproved/unpermitted construction work performed with out the required plans, permits, inspections, approvals and clearances, and restore all buildings and the site to its originally approved condition.

Or

Submit plans, obtain all required permits, inspections, approvals, and all required clearances to secure a new Certificate of Occupancy to make the building/site conform and comply with all requirements of the L.A.M.C.

Code Section(s) in Violation: 91.8105, 91.106.1.1, 91.106.1.2, 91.108.4, 91.106.3.2, 91.103.1, 91.104.2.4, and 91.104.2.2 of the L.A.M.C.

Location: Along southern property line

3. (V #3-STANDARD) The metal canopy, approximately 18 ft x 25 ft, was/is constructed without the required plans, permits, inspection, and approvals.

You are therefore ordered to: Demolish and remove all unapproved/unpermitted construction work performed without the required plans, permits, inspections, approvals and clearances, and restore all buildings and the site to its originally approved condition.

Or

Submit plans, obtain all required permits, inspections, approvals, and all required clearances to secure a new Certificate of Occupancy to make the building/site conform and comply with all requirements of the L.A.M.C.

Code Section(s) in Violation: 91.8105, 91.106.1.1, 91.106.1.2, 91.108.4, 91.106.3.2, 91.103.1, 91.104.2.4, and 91.104.2.2 of the L.A.M.C.

Location: Near offices

NON-COMPLIANCE FEE WARNING:

YOU ARE IN VIOLATION OF THE L.A.M.C. IT IS YOUR RESPONSIBILITY TO CORRECT THE VIOLATION (S) AND CONTACT THE INSPECTOR LISTED BELOW TO ARRANGE FOR A COMPLIANCE INSPECTION BEFORE THE NON-COMPLIANCE FEE IS IMPOSED. Failure to correct the violations and arrange for the compliance inspection within 15 days from the Compliance Date, will result in imposition of the fee noted below.

A proposed noncompliance fee in the amount of \$660.00 may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or request for slight modification is filed within 15 days of the compliance date.

If an appeal or request for slight modification is not filed within 15 days of the compliance date or extensions granted therefrom, the determination of the department to impose and collect a non-compliance fee shall be final. Section 98.0411 L.A.M.C.

NOTE: FAILURE TO PAY THE NON-COMPLIANCE FEE WITHIN 30 DAYS AFTER THE DATE OF MAILING THE INVOICE, MAY RESULT IN A LATE CHARGE OF TWO (2) TIMES THE NON-COMPLIANCE FEE PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF \$2,310.00.

Any person who fails to pay the non-compliance fee, late charge and collection fee shall also pay interest. Interest shall be calculated at the rate of one percent per month.

PENALTY WARNING :

Any person who violates or causes or permits another person to violate any provision of the Los Angeles Municipal Code (L.A.M.C.) is guilty of a misdemeanor which is punishable by a fine of not more than \$1000.00 and/or six (6) months imprisonment for each violation. Section 11.00 (m) L.A.M.C.

REVOCATION OF CERTIFICATE OF OCCUPANCY and FINE WARNING :

The failure to correct the violations on or before the compliance date or any authorized extension thereof may result in commencement of proceedings to revoke the Certificate of Occupancy. Such proceedings may involve a Revocation Hearing. A personal appearance at the hearing may only be avoided if the violation is corrected and a fine paid according to the fine schedule in Section 12.26 F 14 or 12.26 I. 16 of this subsection. Sections 12.26 F. 9, 12.26 I. 11, 98.0402(f)2A L.A.M.C.

The compliance date as specified in the notice may be extended for an additional period not to exceed 45 days if the owner or operator of the yard presents satisfactory evidence to the Superintendent that unusual difficulties prevent substantial compliance without such extension.

APPEAL PROCEDURES:

Notwithstanding any provisions of the Municipal Code to the contrary, there shall be no appeal to the Board of Building and Safety Commissioners from any notice issued or determination made by the Superintendent pursuant to Subsection 12.26 F. 13, 12.26 I. 15.

and/or

Except for extensions of time granted by the Department of Building and Safety and the Board of Building and Safety Commissioners as authorized in Subdivision 12.26 F. 4(b) and/or 12.26 I. 7(b), and notwithstanding any provisions of this code to the contrary, there shall be no appeal to the Board of Building and Safety Commissioners from any notice issued or determination made by the Department pursuant to Subsection(s) 12.26 F. and/or 12.26 I. Appeals may be made from Department determinations of violations of

Appeal rights for Code Sections other then Sections 12.26 F. and 12 .26 I. are as follows.

There is an appeal procedure established in this city whereby the Department of Building and Safety and the Board of Building and Safety Commissioners have the authority to hear and determine err or abuse of discretion, or requests for slight modification of the requirements contained in this order when appropriate fees have been paid. Section 98.0403.1 and 98.0403.2 L.A.M.C.

REPEAT VIOLATIONS :

If an Order to Comply is issued pursuant to Sections 12.26 F. or 12.26 K. of the Los Angeles Municipal Code, and after compliance with the Order, a subsequent Order to Comply is issued for violation of the same provisions occurring within one year of the date of the initial Order, the repair/installation facility or storage yard facility operator shall pay a fine as specified in Section 98.0402(f)1 L.A.M.C. as follows:

- A. For each auto dismantling, junk yard, scrap metal or recycling materials processing yards, recycling collection and/or buyback centers, recycling materials sorting facilities and cargo container storage yards....\$200.00
- B. For each vehicle repair garage, installation facility, or used car sales violation....\$200.00

Sections 12.26 F. 15, 12.26 I. 17 L.A.M.C.

If you have any questions or require any additional information please feel free to contact me at (213)252-3395.
Office hours are 7:00 a.m. to 4:30 p.m. Monday through Friday.

Inspector:



Date: April 09, 2016

CLAUDIO MORENO
3550 WILSHIRE BLVD. SUITE 1800
LOS ANGELES, CA 90010
(213)252-3395
Claudio.Moreno@lacity.org


REVIEWED BY

The undersigned mailed this notice
by regular mail, postage prepaid,
to the addressee on this day.

APR 11 2016

To the address as shown on the
last equalized assessment roll.
Initiated by PC



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www.ladbs.org



ERIC GARCETTI
MAYOR

ORDER TO COMPLY

MIKE SALVAROS
4610 S CRENSHAW BLVD
LOS ANGELES, CA 90043

CASE #: 75068
ORDER #: A-4221657

EFFECTIVE DATE: November 16, 2016
COMPLIANCE DATE: November 21, 2016

BUSINESS OPERATOR OF

SITE ADDRESS: 4606 S CRENSHAW BLVD (AKA 4610 S CRENSHAW BLVD)

ASSESSORS PARCEL NO.: 5013-021-014

ZONE: C1.5; Limited Commercial Zone

NAME OF BUSINESS IN VIOLATION: PACIFIC ELITE COLLISION CENTER

In accordance to the Section(s) listed below, Pursuant to Chapter 1, Article 2 of the Los Angeles Municipal Code (L.A.M.C.), an inspection has been conducted at the property listed above.

Section 12.26 (I) of the Los Angeles Municipal Code, Vehicle Repair and/or Installation Establishments.

As a result of this inspection, the conditions listed below are in violation of the L.A.M.C. as follows:

VIOLATION(S):

1. (V #5-AUTO/BODY) Auto repair outside of building/enclosure.

You are therefore ordered to: 1) Discontinue vehicle repair operations being conducted outside of an approved building. All operations shall be conducted within a building enclosed on at least three sides, except for the following, which may be conducted within the first 18 feet in depth measured perpendicular to the bay door not exceeding the width of the bay door immediately adjacent to the outside of the garage bay door opening:

(1) electrical diagnostics;

(2) battery charging and changing;

(3) tire removal and replacement, provided the vehicle is not elevated more than 12 -inches off the ground measured to the bottom of the tire. A portable hoist may be used for this purpose.

Code Section(s) in Violation: C1.5 12.13.5A.1., C2 12.14A.27.(c), C4 12.16A.2., C5 12.17A.1., CM 12.17.1A.1., M1 12.17.6A.2., 12.261.3.(d) and 12.21A.1.(a) of the L.A.M.C.

NON-COMPLIANCE FEE WARNING:

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As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles, does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.

A proposed noncompliance fee in the amount of **\$660.00** may be imposed for failure to comply with the order within 15 days after the compliance date specified in the order or unless an appeal or request for slight modification is filed within 15 days of the compliance date.

If an appeal or request for slight modification is not filed within 15 days of the compliance date or extensions granted therefrom, the determination of the department to impose and collect a non-compliance fee shall be final. Section 98.0411 L.A.M.C.

NOTE: FAILURE TO PAY THE NON-COMPLIANCE FEE WITHIN 30 DAYS AFTER THE DATE OF MAILING THE INVOICE,

MAY RESULT IN A LATE CHARGE OF TWO (2) TIMES THE NON-COMPLIANCE FEE PLUS A 50 PERCENT COLLECTION FEE FOR A TOTAL OF **\$2,310.00.**

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The compliance date as specified in the notice may be extended for an additional period not to exceed 45 days if the owner or operator of the yard presents satisfactory evidence to the Superintendent that unusual difficulties prevent substantial compliance without such extension.

APPEAL PROCEDURES:

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and/or

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- B. For each vehicle repair garage, installation facility, or used car sales violation....\$200.00

Sections 12.26 F. 15, 12.26 I. 17 L.A.M.C.

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CODE ENFORCEMENT BUREAU

For routine City business and non-emergency services: Call 3-1-1

www.ladbs.org

If you have any questions or require any additional information please feel free to contact me at (213)252-3395.
Office hours are 7:00 a.m. to 4:30 p.m. Monday through Friday.

Inspector: 

Date: November 08, 2016

CLAUDIO MORENO
221 N. FIGUEROA ST. SUITE 1100
LOS ANGELES, CA 90012
(213)252-3395
Claudio.Moreno@lacity.org


REVIEWED BY

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles, does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities.



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BOARD OF
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CITY OF LOS ANGELES

CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
BUILDING AND SAFETY
201 NORTH FIGUEROA STREET
LOS ANGELES, CA 90012

RAYMOND S. CHAN, C.E., S.E.
GENERAL MANAGER
FRANK BUSH
EXECUTIVE OFFICER

NOTICE OF NONCOMPLIANCE

May 18, 2016

TIMOTHY J MULLAHEY TR MULLAHEY TRUST AND MICHAEL ANI
4620 E CERRO VISTA DR
ANAHEIM, CA 92807

CASE #: 75068

PROPERTY OWNER OF:

SITE ADDRESS: 4606 S CRENSHAW BLVD 4606-22 S CRENSHAW BL

Assessors Parcel No.: 5013-021-014

NAME OF BUSINESS IN VIOLATION: PACIFIC ELITE COLLISION CENTER

Order number 4037651 was issued by the Department of Building and Safety (LADBS) with an effective date of April 18, 2016. The Order's compliance date of May 18, 2016 has now passed and the Department may soon impose a **noncompliance fee for failure to comply** with said order.

Section 98.0411 of the Los Angeles Municipal Code (L.A.M.C.) authorizes LADBS to impose a noncompliance fee if compliance is not obtained within **15 days** after the compliance date specified on the order.

Therefore you are ordered to comply with the provisions of the aforementioned order by June 02, 2016 or a noncompliance fee of **\$660.00** will be imposed and this case may be referred to the City Attorney for legal action without further notice.

This document is not an invoice. If a noncompliance fee is imposed, a separate invoice will be sent. If the fee is not paid within 30 days after the date of mailing the noncompliance fee invoice, the Department shall impose a late charge equal to two times the noncompliance fee and a collection fee equal to 50 percent of the original noncompliance fee. Any person who fails to pay the assessed noncompliance fee, late charge or collection fee shall also pay interest from the 60th day after the date of mailing the notice of noncompliance until the date of payment.

If you have complied with the provisions of the Order or require any additional information please contact me at (213)252-3395 between the hours of 7:00 a.m. and 3:30 p.m. Monday through Thursday. If you cannot contact me, my Supervisor AUGUSTUS ALBAS can be reached at (213)252-3041 between the same hours.

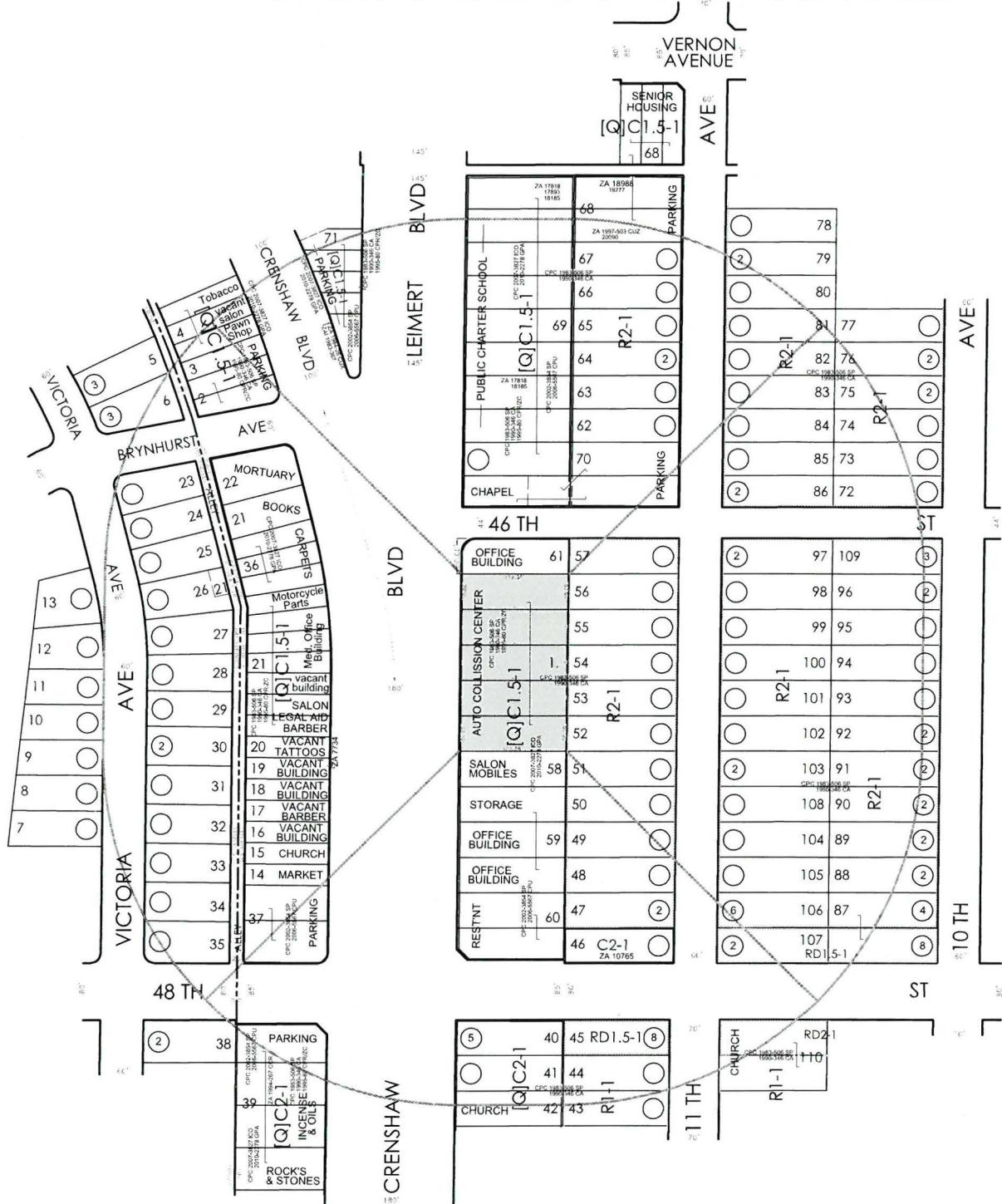
Inspector: CLAUDIO MORENO
3550 WILSHIRE BLVD. SUITE 1800
LOS ANGELES, CA 90010-2419



CODE ENFORCEMENT BUREAU
For routine City business and non-emergency services: Call 3-1-1
www.ladbs.org

Page 1 of 1

Plans



ZONE VARIANCE

 **Donna's Radius Maps**
684 S. Gentry Lane
Anaheim, Ca 92807
714-921-2921
ddradiusmaps@sbcglobal.net

THOMAS BROTHERS

PAGE: 673 GRID: F4

CD: 8

CASE:

DATE: 08.15.2016

Update: 12.13.2016

10.16.2017

LEGAL DESCRIPTION:

LOT: 147-151 & POR'S OF 146

CT: 2345.02

SCALE: 1" = 100'

PA: WEST ADAMS -
BALDWIN HILLS - LEIMERT

D.M: 111B185

Job No:2716029

TRACT: 4947
M.B 51-97
"SEE APP'S"

USES: FIELD

NET AC: .873 +

CONTACT:

PHONE:



INITIAL SUBMISSIONS

The following submissions by the public are in compliance with the Commission Rules and Operating Procedures (ROPs), Rule 4.3a. Please note that “compliance” means that the submission complies with deadline, delivery method (hard copy and/or electronic) AND the number of copies. The Commission’s ROPs can be accessed at <http://planning.lacity.org>, by selecting “Commissions & Hearings” and selecting the specific Commission.

The following submissions are not integrated or addressed in the Staff Report but have been distributed to the Commission.

Material which does not comply with the submission rules is not distributed to the Commission.

ENABLE BOOKMARKS ONLINE:

**If you are using Explorer, you will need to enable the Acrobat  toolbar to see the bookmarks on the left side of the screen.

If you are using Chrome, the bookmarks are on the upper right-side of the screen. If you do not want to use the bookmarks, simply scroll through the file.

If you have any questions, please contact the Commission Office at (213) 978-1300.

February 12, 2019

South Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Via Hand Delivery, and Email (etta.armstrong@lacity.org & apcsouthla@lacity.org)

Re: CASE NO. ZA 2018-472-ZV-1A (4606-4622 CRENSHAW BOULEVARD)

Dear Area Planning Commission Members,

This firm and the undersigned have been retained by the Appellant, Pacific Elite Collision Centers (“Pacific”) to represent them in regards to their appeal of the Zoning Administrator’s determination in the above referenced case.

As a preliminary matter, please ensure that notice of all hearings, actions, events and decisions related to the Project are timely provided to this office. All objections, including those regarding proper notice and due process, are expressly reserved.

The Appellant has been operating an automobile collision center with paint spray booths at the subject property over the past seventeen years, and intends to continue to operate in this location until the end of its lease on the property, which, without extensions, lasts at least until 2033. Without the ability to paint repaired vehicles at the facility, the Appellant is deprived of its right to continue its business, loses the value of its investments, the goodwill in the facility and would subject the Appellant to years of lease payments for a property on which they will not be able to operate their core business. It should be noted that there is evidence in the form of State of California permits that there have been paint spray booths located at this facility since at least 1967.

In consideration of the importance of this action to the Appellant they have reached out to Council District 8 (the “Council”) to discuss how the Appellant might respond to any concerns they or the surrounding local community may have in regards to the existing facility. To that end the Council office has asked Pacific to reach out to the local Neighborhood Council as well as other neighborhood groups to gather support for the ongoing business. To that end the undersigned initially attended the regularly scheduled meeting of the Park Mesa Heights Community Council (the “Community Council”) on February 9, 2019.

At that meeting the Community Council agreed to work with the Appellant to both identify, and endeavor to address any concerns the local community may have in regards to the ongoing use of the existing paint booths at Pacific’s facility. Unfortunately, the Neighborhood Council only meets once a month, which has provided

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no time to undertake that dialogue prior to this scheduled hearing.

With that being the case, the Appellant respectfully hereby requests that this hearing be continued for a period of not less than ninety days to allow for such discussions. Additionally, the Neighborhood Council, at their February ninth meeting voted to send correspondence to this body also asking for such a continuance. Finally, it is their understanding that the Council office has also expressed a willingness to see this matter continued to allow for the outreach to both the Neighborhood Council and other community groups. In the alternative, and should this body open the hearing to testimony, Pacific would again respectfully request that the public hearing be continued and the opportunity to hear testimony remain open for a period of not less than ninety days.

Please see below regarding the basis for this appeal, and the issues that are at question.

1) Reason for the appeal

The Appellant feels that the City, and/or the Zoning Administrator has erred in denying the Appellant's request for a Zone Variance to allow the continued operation of two paint spray booths, that are upgraded replacement spray booths that have been located on the subject property since at least 1967, as evidenced by contemporary permits.

2) The points at issue

The Appellant is raising four points:

a) The property in question has been in use as an automotive repair facility since it was first constructed in the early 1950's (the facility was first permitted as an automobile dealer with service facilities in 1949), and the automotive repair facility has been operating as an automobile collision repair center since at least the mid-1960's. That automobile collision repair center operation has always included two properly permitted paint booths on the subject property operated on a continuous basis. Those paint booths existed and were in operation well before the City's 2012 adoption of the regulations requiring a Conditional Use Permit, or in the case of a property within 500' of a residential zone, a Zone Variance.

This is not a request for an approval related to a new development, nor is it a request related to adding paint booths that did not previously exist to the current facility. The Appellant has a right to continue to maintain two paint booths on site as a legally non-conforming use that reflects an ongoing "grandfathered" right regardless of whether the originally existing paint booths have been replaced by more modern equipment as required by ever more stringent statewide air quality regulations. As such, the Zone Variance request was in fact, not required in the current circumstance. The only prerequisite for the updating and continued operation of the paint booths should be a requirement that the current

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paint booths conform with the requirements of the current Building Code, and such other local and State regulations as may govern the installation and operation of paint booths.

- b) Should, however, it be determined that the Zone Variance action is appropriate in the current circumstance, the Appellant contends that the Zoning Administration erred in denying the application, and making the determination that the Findings could not be made. This action contradicts and is not consistent with the precedent set by other similar Zone Variance actions in the City of Los Angeles related to the continued right to have paint booths within a facility where those paint booths existed and were in operation prior to the City's adoption of the regulations requiring a Conditional Use Permit, or in the case of a property within 500' of a residential zone, a Zone Variance. The Appellant specifically references Case No. ZA-2016-3146(ZV) (see attached), which, in a circumstance which was essentially identical to the current situation, made the necessary Findings and approved the requested Zone Variance.
- c) The Appellant would further note that of the two upgraded paint booths in question, the first was completed in 2002, subject to approvals by the City's Fire and Building Departments, as well as the SCAQMD at a point in time when a paint spray booth was considered a piece of equipment not subject to a building permit. The only permits required were those related to various utilities and services attached to the paint booth, and those permits were properly approved and issued by the Building Department. With this being the case the Zoning Administrator erred, in not making a determination that this earlier installed paint booth would not be subject to the Zone Variance requirement.
- d) Finally, the Appellant would also note that the Zoning Administrator erred in analyzing the current request as if it was a request for a Zone Variance to establish a new business. That is not the case in the current circumstance, this case should be analyzed, and findings made in regards to maintaining and preserving a viable ongoing business that provides neighborhood jobs, and that under the current ownership has been in operation for sixteen years, not to mention the existing paint spray booths dating back to at least 1967. Additionally, this is a property that has otherwise operated as an auto body repair facility, with two spray painting booths for over fifty years, and as some sort of auto repair facility for at least seventy years.

Any action taken in regards to this facility would not apply to a request to establish a new facility, and would certainly not set a precedent for any such new operations. In this case, all that is being asked is a variance that will allow the Appellant the expectation for the preservation and enjoyment of a long-standing and established substantial property right in being able to continue to operate their business without unreasonable regulatory interference.

3) How are you aggrieved by the decision

As noted above, Pacific has been operating an automobile collision center at the subject property over

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LAW OFFICE

the past seventeen years, and intends to continue to operate in this location until the end of its lease on the property, which, without extensions, lasts at least until 2033. Without the ability to paint repaired vehicles at the facility, the Appellant is deprived of its right to continue its business, loses the value of its investments, the goodwill in the facility and would subject the Appellant to years of lease payments for a property on which they will not be able to operate their core business.

The Appellant would also note that the decision would bring great harm to the Appellant's employees at the facility, as 28 of the current 29 employees live in the community surrounding the facility. The Appellant would contend that in the face of the entire record, the decision to deny a Zone Variance to continue to operate two paint booths on the subject property denies them the ability to operate their business, and amounts to an improper and illegal regulatory taking.

Further, the Appellant also feels that in consideration of the entire record, including the existence of two paint booths on the subject property over at least the past 52 years, and previous approvals of Zone Variances in substantially similar circumstances, the evidence suggests that the current decision denying the Zone Variance denies them equal protection under the law. The decision to deny the Zone Variance contradicts clear evidence of precedent set in the City (as noted above) to approve the replacement of existing paint booths for more modern versions particularly when those replacements are installed in order to remain compliant with the ever more restrictive requirements of the South Coast Air Quality Management District (SCAQMD), and the City's Fire Department.

4) We believe the Decision Maker erred in making their decision in the following manner:

a) The property in question has been in use as an automotive repair facility since it was first constructed in the early 1950's (as originally permitted in 1949), and the automotive repair facility has been operating as an automobile collision repair center since at least the mid-1960's. That automobile collision repair center operation has always included two properly permitted paint booths on the subject property operated on a continuous basis. Those paint booths existed and were in operation well before the City's 2012 adoption of the regulations requiring a Conditional Use Permit, or in the case of a property within 500' of a residential zone, a Zone Variance.

As such the Appellant has a right to continue to maintain two paint booths on site as a legally non-conforming use that reflects an ongoing "grandfathered" right regardless as to whether the originally existing paint booths have been replaced by more modern equipment. As such, the Zone Variance was in fact, not required in the current circumstance. As such, the Zoning Administrator erred in not making a determination that the only prerequisite for updating and the continued operation of the paint booths should be a requirement that the current paint booths conform with the requirements of the current Building Code, and such other local and State regulations as may govern the installation and operation of paint booths.

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b) The Appellant would further note that of the two upgraded paint booths in question, the first was completed in 2002, subject to approvals by the City's Fire and Building Departments, as well as the SCAQMD at a point in time when a paint spray booth was considered a piece of equipment not subject to a building permit. The only permits required were those related to various utilities and services attached to the paint booth, and those permits were properly approved and issued by the Building Department. With this being the case, the Zoning Administrator erred, in not making a determination that this earlier installed paint booth would not be subject to the Zone Variance requirement.

c) The Appellant contends that the Zoning Administration erred in denying the application, and making the determination that the required Findings could not be made. This action contradicts and is not consistent with the precedent set by other similar Zone Variance actions in the City of Los Angeles related to the continued right to have paint booths (including updated and replacement paint booths) within a facility where those paint booths existed and were in operation prior to the City's adoption of the regulations requiring a Conditional Use Permit, or in the case of a property within 500' of a residential zone, a Zone Variance. The specific errors made by the Zoning Administrator are as follows:

1. *In light of previous precedent setting decisions in substantially similar cases, the Zoning Administrator erred in determining that the strict application of the provisions of the Zoning Ordinance would NOT result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.* Specifically:

As the subject property is located adjacent to a residential zone the Appellant is forced to file for a Zone Variance rather than a Conditional Use Permit. That is unfair, and results in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations given there have been auto repair uses operating at the subject property since 1952 including the operation as an auto body shop since at least the mid-1960s. The painting of damaged cars and car parts is a crucial and necessary aspect of an auto body shop.

Spray paint booths are regulated by the SCAQMD. On a consistent basis they update their requirements and regulations to limit the amount of volatile organic compound (VOC) emissions that can be released on a daily basis and they require permits to be issued for new booths.

The strict application of the zoning ordinance would require the Appellant to find another appropriately zoned property that is located more than 500 feet from a residential zone and then receive approval of a conditional use permit at any point in which it might be required to update the paint booths based on revised SCAQMD regulations. That is an unnecessary hardship for a legally established auto collision repair use located near a residential zone.

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If the 2007 requirement for separation of 500 feet from a residential zone is strictly applied to this or other Appellants, it would prevent the Appellant from upgrading or updating their equipment in order to meet the ever more restrictive requirements of SCAQMD or otherwise modernize their business to remain competitive and provide improved service to customers. In light of the Appellant's current lease, which extends to at least 2033, and which began five years prior to the more restrictive 2007 regulations, it is not a reasonable, or practical expectation.

As such, the strict application of the zoning code would cause an unnecessary hardship by not allowing the continuous upgrading of spray paint booths in an existing auto repair business that is otherwise regulated, and subject to the changing regulations promulgated by the SCAQMD.

2. *In light of previous precedent setting decisions in substantially similar cases, the Zoning Administrator erred in determining that the there are NO special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.* Specifically:

The Pacific Elite Collision Center has operated on the subject property for over 16 years and the property has been used for auto repair for more than 65 years. The basic improvements are unique to this property, as is the size and shape of that property. There is no other property within the immediate vicinity of the subject property that is subject to the unique regulatory limitations faced by this property.

As has been continually noted this property has operated as an auto repair facility, and as an auto body facility since the mid-1960's. As opposed to surrounding properties, during those years, the auto body use uniquely included two paint booths as a necessary and integral part of the auto body operation. Considering this historical use, the adjacency of the residentially zoned area and the impact of the 2007 Zoning Code revisions this property is subject to special circumstances and requirements regarding its continued viability and operation as a long standing and existing auto body repair facility, as opposed to the continued operation of another non-body-shop auto repair facility requesting approval of updates to their facility or equipment. Those unique circumstances do not generally apply to other properties within the vicinity of this property.

3. *In light of previous precedent setting decisions in substantially similar cases, the Zoning Administrator erred in determining that such a variance is NOT necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.*

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Specifically:

As has been continually noted this property has operated as an auto repair facility, and as an auto body facility since the mid-1960's. Pursuant to the City's Planning and Zoning Code, an auto body repair facility is included in the same definition as an auto repair facility. Another non-body-shop auto repair facility which has been in operation since the mid-1960's, without paint spraying booths, would enjoy the right to continue to operate that use without the threat resulting from intervening 2007 regulation. As such the long-established auto body repair facility uniquely finds the continued preservation and enjoyment of that long-standing use under threat.

As we have noted elsewhere herein, preventing the owner of this facility to continue to operate a legally permitted use with the rights derived from the existence of paint booths that have been on the site for over fifty years, very clearly deprives the Appellant of the enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity.

4. *In light of previous precedent setting decisions in substantially similar cases, the Zoning Administrator erred in determining that the granting of such variance will be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located.* Specifically:

The auto spray paint booths are located in a fully enclosed, self-contained structure. The spray booths have been approved and permitted by the Fire Department and the SCAQMD and have been in operation in conformance with their requirements and permits for so long as such a use has been regulated by the SCAQMD. The auto spray paint booths must have a permit from the SCAQMD in order to operate and this permit is renewed annually. This permit ensures that the spray booth facility complies with the limits of allowable VOC emissions.

The hours of operation are limited such that no early morning or late-night operation will be conducted and there no Sunday service.

Additionally, upon approval of the Zone Variance conditions of approval can be imposed to ensure that the overall auto collision repair use, including the auto spray booths, will operate in a manner that will not be materially detrimental to the adjacent residential and commercial properties in the area. Those conditions could include restrictions on auto repair or spray painting occurring outdoors, that access to the site is maintained and such that the property is not otherwise used for auto storage, and that the appearance of the property is kept up by removing trash and debris and visible open storage of materials viewed from the public right of way. Based on the above, the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the surrounding area.

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5. *The Zoning Administrator erred in determining that the granting of such variance will adversely affect an element of the General Plan.* Specifically:

The Zoning Administrator expresses a concern that the approval of the Zone Variance at tissue will set a precedent that will require the City to approve other such requests at the expense of recently adopted ordinances and the goals and objectives of the Community Plan.

As we have argued herein, this is not a request for a new facility. The request in question is unique to this facility, in that the property has a long and established legal history operating as an auto body repair facility with two paint spraying booths that have been located within the facility for over fifty years. As opposed to the approval of a new facility this request is related to the very reasonable desire to want to continue operations.

In regards to the Community Plan, as well as all other aspects. this case should be analyzed in regards to maintaining and preserving a viable ongoing established business, that under the current ownership has been in operation for sixteen years, on a property that has otherwise operated as an auto body repair facility, with two spray painting booths, for over fifty years, and as some sort of auto repair facility for well over sixty years. Any action taken in regards to this facility would not apply to a request to establish a new facility, and would certainly not set a precedent for any such new operations.

Again, this is not new development, in this case, all that is being asked is a variance that will allow the Appellant the expectation of the preservation and enjoyment of a long-standing and established substantial property right.

Additionally, and considering that 28 of the facility's 29 employees lives in the general vicinity of the property, the proposed Zoning Variance would be consistent with the following Community Plan Goals and Objectives:

Goal LU23a: A community that maintains and increases the commercial employment base for community residents whenever possible.

Goal LU35: A community that maintains and increases the commercial employment base for community residents whenever possible.

Goal LU62-8 Retain existing businesses. Aid in the retention of existing business tenants.

Goal LU66-1 Link Jobs to Residents. To reconnect neighborhoods by linking residents to nearby jobs, training and needed services.

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The Appellant would respectfully request that this action be remanded to the Zoning Administrator with the direction to approve the requested Zone Variance, or conduct a re-hearing based on the reasons provided for herein, and impose reasonable and appropriate conditions of approval. The Appellant would further request that a determination be made based on the position stated herein, that the paint spray booth is a legally non-conforming use not subject to the need for a Zone Variance.

Thank you for your consideration,



By Bruce G. Ehrlich, AIA, Esq.
of the **EHRLICH GROUP LAW OFFICE**

cc: Kristen Gordon, Economic Development Deputy, Council District 8 (kristen.gordon@lacity.org)
Jim Riley, Pacific Elite Collision Centers (jim.riley@pacificelite.com)

CITY OF LOS ANGELES
CALIFORNIA

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August 29, 2017

Socal Collision Center, Inc. (A)(O)
Tigran Vardanyan
14306 West Oxnard Street
Van Nuys, CA 91401

Antonio Puertas (R)
Leon Mapping and GIS Services
15031 Chatsworth Street, Suite 17
Mission Hills, CA 91345

CASE NO. ZA-2016-3146-ZV
ZONE VARIANCE
14306 West Oxnard Street
Van Nuys-North Sherman Oaks
Community Plan
Zone : CM-1
D. M. : 177B153
C. D. : 4
CEQA: ENV-2016-3417-CE
Legal Description: Lot 26, PM 6142

Pursuant to CEQA Guidelines Section 15601, I hereby DETERMINE:

Based on the whole of the administrative record, the Project is exempt from CEQA pursuant to City CEQA Guidelines, Section 1, Article III, Class 1, Category 22, and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies.

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27B, I hereby APPROVE:

a zone variance from LAMC Section 12.17.1A.1 to allow the continued maintenance of an auto spray paint booth at an existing auto repair use in the CM-1 Zone located within 500 feet of a residential zone in the CM-1 Zone.

Upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Development Services Center for attachment to the subject case file.
7. Approved herein is the maintenance of an enclosed spray paint booth in an auto repair building. Hours of operation are Monday through Saturday 8 a.m. to 6 p.m.
8. The applicant shall maintain a valid spray paint booth permit from the South Coast Air Quality Management District.
9. Automotive hoists of any type or size, shall be located and operated only inside a building enclosed on at least three sides.
10. All auto repair and spray painting shall be conducted inside the building.
11. Open storage of materials and equipment, including vehicles which are inoperable, wrecked, damaged or unlicensed, (i.e. not currently licensed by the Department of Motor Vehicles) shall be permitted only when incidental to the use of the subject auto repair business and provided that such storage is located on the rear half of the lot (not in required parking spaces), the storage area is completely enclosed by a solid wall or fence not less than six feet in height with necessary solid gates of the same height, and that no material or equipment is stored to a height greater than that of the wall or fence enclosing the storage area.
12. All parking areas and driveways shall remain open and accessible, and shall not be used for storage or display of cars or materials.

13. Trash storage bins shall be located on-site and shown on the site plan.
14. All exterior lighting shall be directed onto the lot and shall be designed to eliminate any glare to adjoining properties.
15. Junkyard or automobile dismantling activities shall not be conducted.
16. A public address system is not permitted.
17. Site cleaning, sweeping, trash collection, and deliveries to the business shall be limited to the following hours: Monday through Friday, 7 a.m. to 7 p.m. and Saturday and Sunday 8 a.m. to 5 p.m.
18. Vehicles being repaired shall be stored on-site, and may not be left on the street.
19. The site shall be kept clear of weeds, trash, and combustible materials.
20. The following types of signs are prohibited at the subject property: pennants, banners, ribbons, streamers, spinners, balloons and supergraphic signs.
21. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (ii).
- (v) If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its conditions. The violation of any valid condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD- EFFECTIVE DATE

The applicant's attention is called to the fact that this variance is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any condition of this grant is violated or not complied with, then this variance shall be subject to revocation as provided in Section 12.27 of the Municipal Code. The Zoning Administrator's determination in this matter will become effective after SEPTEMBER 13, 2017, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Figueroa Plaza
201 North Figueroa Street
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando Valley Constituent Service Center
6262 Van Nuys Blvd., Room 251
Van Nuys, CA 91401
(818) 374-5050

West Los Angeles Development Services Center
1828 Sawtelle Blvd., 2nd Floor
West Los Angeles, CA 90025
(310) 231-2912

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other

time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on May 8, 2017, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements and prerequisites for granting a variance, as enumerated in LAMC Section 12.27B have been established by the following facts:

BACKGROUND

The property is a level, interior, rectangular-shaped lot consisting of 6,339 square feet, with an even width and depth of 50 feet and 126 feet respectively. The property is developed with a one-story 3,610 square-foot auto repair building. The building is located along the north and west property line with a narrow driveway on the east side of the building leading to the rear of the site which is an open area, approximately 50 feet wide by 30 feet deep, partially covered with canopies. There are two auto bay doors at the front of the building, facing Oxnard Street and a roll up door at the rear of the building. The existing 420 square-foot spray paint booth is fully enclosed and located inside the building near the center. Access to the site is from Oxnard Street. Building and Safety Records indicate that no parking is required (legal non-conforming). The site is within an Airport Hazard Area, an Urban Agriculture Incentive Zone, a Liquefaction area, and is 7.3 kilometers from the Hollywood Fault.

Properties to the east and west of the site are zoned CM-1 and CM-1VL and are developed primarily with older one-story auto repair buildings. North, across Oxnard Street is zoned PF-1XL and is developed with a DWP electric transmission station which occupies the north block face. Northeast of the site is zoned M2-1 and is similarly developed with older auto repair buildings/uses. The south adjoining properties are zoned [Q]RD2-1 and developed with a mix of one- and two-story single-family dwellings and four to seven unit multi-family dwellings. Tall mature trees/shrubs are located at the rear of the residential site. The west adjoining property is developed with a used car sales lot and the east adjoining property at 14300 Oxnard Street is vacant however appears to be partly used for the storage of vehicles by the applicant.

Oxnard Street is an Avenue II dedicated to a width of 86 feet and improved roadway width of 56 feet.

Previous zoning related actions on the site/in the area include:

Subject Property

Order to Comply No. A-3931702 – On November 27, 2015, LADBS issued an order for the following violations: 1) a conditional use required within 300 feet of an A or R Zone. Paint booth was constructed without the required plans, permits, inspection and approvals; 2) the 30' x 30' metal frame metal covered canopy and the approximate 20' x 20' canvas canopy was constructed without the required plans, permits, inspection and approvals; and 3) auto repair outside of building/enclosure

SCAQMD Permit (Facility ID 174729) - Issued June 21, 2013 for one auto paint spray booth. Permit includes 15 conditions.

Certificate of Occupancy- Issued July 1, 1986, to convert 38-foot by 64-foot portion of an existing one-story addition 38- foot by 91-foot tire sales building to auto repair.

Certificate of Occupancy- Issued April 23, 1958, to convert 30-foot by 38-foot portion of a 38-foot by 95-foot warehouse to a shop building.

Surrounding Properties

ZA-2010-3298-ZV- On March 30, 2011, the Zoning Administrator approved a variance to permit 10 on-site parking spaces in lieu of 24 spaces for 17,706 square feet of warehouse/office in the M2 Zone at 14149-14165 Bessemer Street.

ZA-2005-1242-CU - On June 10, 2005, the Zoning Administrator approved a conditional use for the construction of an automotive repair facility in the CM-1VL Zone located within 300 feet of a residential zone at 14152 Oxnard Street.

ZA-1997-167-CUZ-PA - On October 15, 2002, the Zoning Administrator denied a proposed 1,600 square-foot one-story addition to an existing 4,478 square-foot automotive repair business (total 6,078 square feet) within 300 feet of a residential zone at 14232 Oxnard Street. The decision was appealed to the South Valley Area Planning Commission who granted the appeal with conditions.

ZA-1997-303-CUZ - On July 5, 1997, the Zoning Administrator approved a conditional use for a 504 square-foot spray paint booth in a 2,000 square-foot auto repair facility in the CM Zone within 300 feet of an R zone at 14222 Oxnard Street.

ZA-1997-167-CUZ - On May 30, 1997, the Zoning Administrator approved a conditional use for the expansion of a 2,400 square-foot automotive repair facility within 300 feet of a residential zone in the CM Zone at 14232 Oxnard Street.

Public Hearing

A public hearing was conducted on May 8, 2017 in the Braude Building in Van Nuys.

Antonio Puertas, Representative:

- My client received an Order to Comply from LADBS in November 2015 stating they need a conditional use permit to allow a spray booth within 300 feet of a R Zone
- They were cited for had an unapproved metal canopy that has been removed
- We filed for a variance to continue the spray booth use
- The applicant has operated the body shop for 20 years
- Spray booth was installed in 2013 with an SCAQMD permit, Fire Department approval, and Department of Toxic Substance Control
- Did not know a building permit was needed, there have been no complaints
- AQMD checks it every six months
- The applicant has invested a great deal of money in the spray booth
- The business will have to close if it is denied
- Booth is typically used once a day for two hours
- Spray paint only the point of impact (rarely the entire car)
- We went to the Van Nuys NC PLUM Committee and Board several times
- PLUM supported the variance, full board did not
- Hours are 8 a.m. to 5 p.m. Monday through Friday
- There were complaints to LADBS about the business next door, the inspector came into our building after checking the adjacent use
- We have signatures of support from neighbors

Quirino de la Cuesta, Van Nuys Neighborhood Council PLUM Chair (speaking as an individual):

- PLUM understood that they only lacked approval of Planning for the spray booth
- PLUM approved the variance last fall
- There was chaos and dissention -some board members left before the vote
- Board meetings are now overseen by Department of Neighborhood Empowerment
- Their location on Oxnard Street is unique there are many auto repair uses
- They did a lot of outreach
- I think it can be brought back to PLUM and Board by June

Jack Broyan, Operating Manager:

- The booth uses water-based paint which is less hazardous than oil-based paint
- Six families rely (financially) on this business
- We purchase parts daily from local suppliers
- We support LAPD
- No issues or complaints in 20 years
- We have always obeyed the rules

Correspondence

Seven signatures of support from residential units on Tiara Street were submitted with the subject application which includes residents from the south adjoining property.

A letter dated August 24, 2017 was received from the Van Nuys Neighborhood Council stating that on August 9, 2017, the Planning and Land Use Committee of the Neighborhood Council voted in support of the continued maintenance and operation of the subject automotive repair use with a spray paint booth.

FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

1. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The subject property is an interior, rectangular-shaped 6,339 square-foot lot zoned CM-1VL located in Van Nuys. The property is developed with a one-story 3,610 square-foot building containing an auto repair facility (Socal Collision Center). The applicant has requested a variance from LAMC Section 12.17.1A.1 to allow the continued maintenance of an unpermitted auto spray paint booth inside an existing auto repair building that is within 500 feet of a residential zone. The property has been used for auto repair since 1958. The applicant's auto repair business has been in operation at this location since 1991. The auto spray paint booth has been in use at the property since approximately 2013. The booth was issued a permit by the South Coast Air Quality Management District (SCAQMD), and was inspected by the Fire Department and the Department of Toxic Substance Control.

Pursuant to LAMC Section 12.17.1A.1, automotive uses such as auto repair shops (including auto body shops), are allowed by right in the CM Zone (first allowed by right in the C2 Zone) if all of the development standards and operating conditions are met under Section 12.22A.28. These standards and conditions were established in 2007 by the City Council to improve the appearance of auto related uses in commercial and industrial areas, and to protect nearby residential uses from associated operational noise and odors. The operating conditions prohibit auto spray painting in the CM Zone. An existing auto repair use in the CM Zone that wants to add an enclosed spray paint booth is required to file an application for a conditional use permit (Section 12.24W.4).

The City Council determined that those uses that could not be established by-right, would be subject to a public hearing to allow input from concerned parties and to allow for additional conditions to be required. A Zoning Administrator may approve the conditional use if they find that the auto spray facility conforms to the standards of Section 12.22A.28 and all of the seven findings can be made in the affirmative. The applicant could not file for a conditional use because Section 12.24W.4(b)(3) requires that a spray paint booth comply with the following:

Will be conducted within a fully enclosed structure located at least 500 feet away from a school or A or R Zone, and that all spray painting will be conducted in full compliance with the provisions of Article 7, Chapter 5 of this Code, as well as South Coast Air Quality management District Rules 1132 and 1151, regulating these installations (emphasis added).

The subject property is adjacent to a residential zone so the applicant must file for a variance instead of a conditional use. That is unfair given there has been auto repair uses operating at the subject property since 1958 and painting the damaged car parts is crucial to an auto body shop. Spray paint booths are regulated by the SCAQMD. They require permits to be issued for new booths and they limit the amount of volatile organic compound (VOC) emissions that can be released on a daily basis. The strict application of the zoning ordinance would require the applicant to find a CM zoned property that is located more than 500 feet from a residential zone and then receive approval of a conditional use permit. That is an unnecessary hardship for the legally established auto repair use located near a residential zone. The applicant states:

“If the 2007 requirement for separation of 500 feet from an R-2 residential zone is strictly applied to this applicant, then it prevents him from upgrading or updating his equipment in order to modernize the business to remain competitive as well as to provide improved service to customers, notwithstanding that potential adverse impacts of the proposed use are fully mitigated. Relocation of the use to same or similar zoning cannot be made either reasonably near the present location or with the applicant’s longstanding relationship between owner and tenant and antedating the 2007 regulations by sixteen years.”

The spray paint booth allows for vehicles with body or fender damage to be fully repaired and painted if needed at one location. Such one-stop auto repair provides a more comprehensive and convenient service for customers and is becoming more commonplace amongst the auto service industry. As such, the strict application of the zoning code would cause an unnecessary hardship by not allowing an accessory spray paint booth to an existing auto repair business that is otherwise regulated by the SCAQMD via a permit.

2. **There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.**

The subject property is a 6,339 square-foot interior lot with 50 feet of frontage on Oxnard Street. The property is developed with a one-story 3,610 square-foot auto repair building. The building is located along the north and west property line with a narrow driveway on the east side of the building leading to the rear of the site which is a 50- by 30-foot partially-covered area. There are two auto bay doors at the front of the building, facing Oxnard Street and a roll up door at the rear of the building. The existing 420 square-foot spray paint booth is fully enclosed and located inside the building near the center, approximately 60 feet from the rear

property line. Access to the site is from Oxnard Street. Building and Safety Records indicate that no parking is required (legal non-conforming). The property is located within an Airport Hazard Area, an Urban Agriculture Incentive Zone, Liquefaction area, and is located 7.3 kilometers from the Hollywood Fault.

The property to the north of the site across Oxnard Street is zoned PF-1XL and is developed with a DWP electric transmission station which occupies the entire block. Properties to the east and west are zoned CM-1 and CM-1VL are developed with one-story auto repair buildings. The adjacent lot to the south is developed with a one- and two-story apartment building in the [Q]RD2-1 Zone. The auto repair building is approximately 30 feet from the residential property and is screened from view. The adjacent commercial buildings and walls extend to the rear property lines creating a visual buffer and the approximate 8-feet in height rear fence of the subject property is covered with a tarp and two canopies which cover approximately 50 percent of the rear. In addition, the apartment building has approximately 20-foot tall landscaping at the rear of the site which provides a natural buffer from the subject business.

Socal Collision Center has operated on the subject property for over 20 years and the property has been used for auto repair for 60 years. This area of Oxnard Street is predominantly developed with auto repair uses, some spray booths, and the LADWP substation. Auto repair uses are allowed in the CM Zone however, paint spray booths are not allowed by right even though potential impacts of a paint spray booth with respect to air quality and human safety are regulated specifically by the SCAQMD. The spray booth is located in the middle of the building and is not visible from the public right-of-way. The property's size, shape, location, existing improvements and surroundings do not apply generally to other properties in the CM Zone in the vicinity.

3. **Such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships, is denied the property in question.**

As noted, the auto repair use has been well established at the subject location for close to 60 years and is permitted in the CM Zone. The request to allow the continued use of a fully enclosed spray paint booth will allow the business to provide a complete auto repair service on site which is becoming a more common and expected service with respect to auto body damage. The historical zoning pattern along this section of Oxnard Street to the east of Van Nuys Boulevard is CM zoned properties with residentially zoned properties located on adjacent lots. That zoning pattern makes it difficult to find commercial properties that comply with the 500-foot distance requirement from residential zones. As stated by the applicant there are other spray booth in the vicinity operating as non-conforming uses. The variance to allow a spray paint booth will enable the auto repair business to provide a better service to its customers and remain competitive with other auto repair businesses in the area that provide similar complete auto repair

services. Therefore the finding can be made that the variance is necessary for the preservation and enjoyment of a substantial property right or use as it relates to the specific property.

4. The granting of the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located.

The auto spray paint booth is a fully enclosed, self-contained structure located near the central portion of the auto repair building. The spray booth has been approved and permitted by the SCAQMD and has been in operation for approximately four years. The booth is approximately 75 feet away from the closest residential building to the south. Additionally, signatures of support were provided by seven of the south adjoining residences and the Neighborhood Council voted in support of the project. The auto spray paint booth must have a permit from the SCAQMD in order to operate and is renewed yearly. Such permit ensures that the spray booth facility complies within the limits of allowable VOC emissions.

The subject building appears well maintained and freshly painted. The rear of the site is partly covered with canopies and is enclosed with building walls, tall fences, and landscaping. The auto bays face Oxnard Street, away from the residential properties. Additionally, the hours of operation are limited such that no early morning or late night operation will be conducted and there no Sunday service.

Conditions have been imposed herein to ensure that the overall auto-repair use including the auto spray booth will operate in a manner that will not be materially detrimental to the adjacent residential properties and commercial area in general, such as by ensuring no auto repair or spray painting occurs outdoors, that access to the site is maintained and not otherwise use for auto storage, and that the appearance of the property is kept up by removing trash and debris and visible open storage of materials viewed from the public right of way. Based on the above and as no opposition was received, the variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the surrounding area.

5. The granting of the variance will not adversely affect any element of the General Plan.

The General Plan is the City's roadmap for future growth and development. The General Plan elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from these elements are in the form of LAMC requirements. Except for the entitlement described herein, the project does not propose to deviate from any LAMC requirements. The General Plan is comprised of the Framework Element and 11 additional elements. The Framework Element established the broad overall policy and direction for the General Plan. The granting of the variance to allow an

enclosed spray paint booth at an existing auto repair use in the CM Zone is substantially consistent with the following Framework Goals and Objectives:

Objective 3.14: Provide land and supporting services for the retention of existing and attraction of new industries.

Goal 7B: A City with land appropriately and sufficiently designated to sustain a robust commercial and industrial base.

Objective 7.2: Establish a balance of land uses that provides for commercial and industrial development which meets the needs of local residents, sustains economic growth, and assures maximum feasible environmental quality.

The Land Use Element of the General Plan divides the City into 35 Community Plan areas. The Van Nuys-North Sherman Oaks Community Plan designates the subject property for Commercial Manufacturing land uses with the corresponding zone of CM. The site is not within a pedestrian oriented district, community design overlay, or specific plan area, that may otherwise prohibit auto related uses or expansion of an auto related use. Approval of the project is in substantial conformance with the Commercial objectives and policies as follows:

Objective 2-1: To conserve and strengthen viable commercial development.

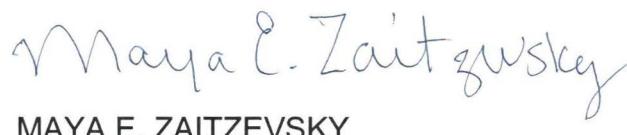
Policies 2-1.1: New commercial uses shall be located in existing established commercial areas or existing shopping centers.

The approval of the auto paint booth at a long-standing auto repair business will support the economic sustainability of the business by allowing a more efficient complete auto repair service which in turn will be more convenient for the customer. Auto repair businesses along this area of Oxnard Street is a well-established use and continues to do well in this area. Conditions incorporated herein as part of the subject grant will help to ensure the use is consistent with the LAMC automotive development standards and operating conditions.

FLOOD HAZARD

6. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, outside of a Flood Zone area.

Inquiries regarding the matter shall be directed to Marianne King at (818)374-5059.



A handwritten signature in blue ink that reads "Maya E. Zaitzevsky".

MAYA E. ZAITZEVSKY

Associate Zoning Administrator

MEZ:UP:MK:mh

cc: Councilmember David Ryu
Fourth District
Adjoining Property Owners

CORRESPONDENCE

South Los Angeles Area Planning Commission
200 N. Spring Street, Room 272
Los Angeles, CA 90012

Via: Email (etta.armstrong@lacity.org & apcsouthla@lacity.org)

Re: CASE NO. ZA 2018-472-ZV-1A (4606-4622 CRENSHAW BOULEVARD)

Dear Area Planning Commission Members,

At the request of Council District 8, the Appellant in the above referenced matter has entered into discussions with the Park Mesa Heights Community Council, in an effort to address any concerns the Community may have in regards to Zone Variance request that is the subject of an appeal to be heard on February 19, 2019. An initial meeting with the Appellant's representative is scheduled before our regular monthly meeting on February 9.

As the Council only meets once a month, additional time will be required in order for the discussions with the Council to take place, and the Council to take a position in regards to the subject of the appeal. In the issue of fairness, we respectfully request that the Area Planning Commission hearing be continued for a period of ninety days to facilitate those discussions. The Council is generally supportive of neighborhood businesses, and we would like additional time to fully understand the issues that are being raised in this circumstance, and provide the this business with the opportunity to address any concerns the community may have.

In the alternative, and should there be interested parties in attendance at the hearing, we would request that the Area Planning Commission keep the hearing open for additional testimony for the same ninety-day period mentioned above.

Thank you for your consideration in this matter,



Kahllid Al-Alim
President
Park Mesa Heights Community Council

cc: Kristen Gordon, Economic Development Deputy, Council District 8 (kristen.gordon@lacity.org)
Bruce Ehrlich, Ehrlich Group Law Office (behrlich@behrlichlaw.com)