



Los Angeles County  
Department of Regional Planning



*Planning for the Challenges Ahead*

Richard J. Bruckner  
Director

April 13, 2011

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Jose Tabarez  
207 Cheesbrough's Lane  
Los Angeles, CA 90063

**REGARDING: PROJECT NUMBER R2010-00732-(1)  
CONDITIONAL USE PERMIT NUMBER 201000065  
5338 EAST BEVERLY BOULEVARD**

Dear Applicant:

The Regional Planning Commission, by its action of Wednesday, April 13, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Regional Planning Commission's findings and conditions relating to the approval. Please carefully review each condition. Condition No. 2 requires that the permittee file an affidavit accepting the conditions before the grants becomes effective.

The applicant or and other interested person may appeal the Regional Planning Commission's decision to the Board of Supervisors through the office of Sachi A. Hamai, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. Please contact the Executive Office for the amount of the appeal fee at (213) 974-1426. **The appeal period for this project will end at 5:00 p.m. on Wednesday, April 27, 2011.** Any appeal must be delivered in person to the Executive Office by this time. If no appeal is filed during the specified period, the Regional Planning Commission action is final.

Upon completion of the appeal period, please notarize the attached acceptance forms and **hand deliver** this form and any other required fees or materials to the planner assigned to your case. Please **make an appointment** with the case planner to assure that processing will be completed expeditiously.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Anita Gutierrez of the Zoning Permits East Section at (213)974-6443 or by e-mail at AGutierrez@planning.lacounty.gov . Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

Richard J. Bruckner  
Director



Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)

c: Santos Martinez

MM:ag

Hearing Footage: 4/13/2011-Item #6

# **FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2010-00732-(1)  
CONDITIONAL USE PERMIT NUMBER 201000065**

## **REQUEST**

The proposed project is a request for a conditional use permit ("CUP") to allow for the operation of a tattoo parlor in the C-3 Zone in an existing building that is nonconforming due to parking standards.

## **REGIONAL PLANNING COMMISSION HEARING DATE: April 13, 2011**

A duly noticed public hearing was held on April 13, 2011 before the Regional Planning Commission. Commissioners Modugno, Valadez, Helsley and Pederson were present. Commissioner Bellamy was absent. The applicant's representative, Jose Tabarez and the applicant, Santos Martinez presented testimony in favor of the request and answered questions presented by the Commission.

Commissioner Helsley requested that the applicant improve the address numbers that are currently spray painted on the front of the building. The applicant agreed that they would replace the existing numbers and make them easier to read.

There being no further testimony, the Regional Planning Commission closed the public hearing and approved the permit with changes to the findings and conditions as agreed to by the applicant.

## **FINDINGS**

1. The subject property is located at 5338 East Beverly Boulevard in the unincorporated community of East Los Angeles, in the C-3 (Unlimited Commercial) Zone, and within the Eastside Unit No. 2 Zoned District. The subject property is also located within the East Los Angeles Community Standards District ("CSD").
2. The project is a request for a CUP to allow for the operation of a tattoo parlor in the C-3 Zone in an existing building that is nonconforming due to parking standards.
3. The project site is located within the East Los Angeles Community Plan area and is designated as MC - Major Commercial, which allows for areas containing mixtures of small and large businesses in major areas.
4. The proposed tattoo parlor is a small, individually owned business that will utilize an existing building within a heavily urbanized area. Although the tattoo parlor was initially established without the necessary approvals, nevertheless the use has existed in the same location for the past twelve years, has been compatible with the surrounding community, and is consistent with applicable policies specified in

the East Los Angeles Community Plan ("Community Plan"). The Community Plan seeks "to encourage rehabilitation of existing commercial uses and development of new commercial infill along the major corridors (Whittier, Olympic and Atlantic Boulevards), where commercial uses are designated on the Land Use Plan map and where transportation and other municipal services can support development." The project is occupying an existing building within an existing urban area along a commercial corridor and therefore meets the intent of the land use policy goals for the Community Plan.

5. The site plan depicts an existing two-story, 1,908 square-foot building with the first floor used as commercial space and the second floor used as a one-bedroom residential unit. Additionally, a 384 square foot garage and 135 square foot storage shed are depicted on the southern portion of the lot.
6. In 1949 the subject parcel was developed with a six-room two-story residential structure with necessary building permits from the Los Angeles County Department of Public Works, Building and Safety Division. Building permits show six rooms, so it is assumed that there were three 2 bedroom units. Residences were allowed in commercial zones without a conditional use permit prior to 1964. The parking standard in 1949 for residential was one open storage space for each family for which a dwelling unit is established, so three parking spaces would have been required at the time.
7. Currently, there is only one dwelling unit on the second floor and the first floor is occupied by retail. According to building permits the first floor space was converted to retail use in 1956, which was a legal use in the C-3 (Unlimited Commercial) Zone. The code is extremely vague from 1949, according to our Ordinance Studies Section, there were no parking requirements for general commercial at that time. Therefore, no parking was required for a general commercial use at the time this first floor was converted to retail/commercial use. It appears that from 1956 to present some form of retail has occupied the first floor of this building with the subject tattoo parlor having been located on the site for the last 12 years. The tattoo parlor was originally established on the subject property in the summer of 1999 without first obtaining the necessary approvals. Therefore, the tattoo parlor has been operating for the past twelve years without proper permits. The applicant was cited by Zoning Enforcement in 2010 and was issued a clean hands waiver in April 2010, allowing the applicant to continue to operate the tattoo parlor while pursuing the required CUP.
8. Signs: The project is consistent with the applicable development standards related to signage on the subject property. Pursuant to Section 22.44.118.C.3(b) of the County Code, the total permitted sign area of all signs on a building or site is limited to 10 percent of the building face (not to exceed 240 square feet). The building face area is the height of the building multiplied by its frontage. The building face area is the height of the building multiplied by its frontage. Here, the building face area is 600 square feet. The applicant has provided a sign plan, which depicts two

double faced wall mounted signs (each with 10 feet 6 inches sign area per side) and one box sign with 16 feet of sign area. Total sign area proposed is approximately 37 square feet of signage, which is 0.06 percent of the building face area. This standard has been met.

9. Parking: 1949 the subject parcel was developed with a six-room two-story residential structure and then converted to retail on the ground floor in 1956, leaving a two-bedroom, one-unit dwelling unit on the second floor and 954 square foot retail space on the ground floor. This is still the current configuration today. The parking standard in 1949 for residential was one open storage space for each family for which a dwelling unit is established and in 1956 (when the residential was converted to commercial) the County Code did not require any parking spaces for general commercial uses.
10. Per Section 22.52.1180 of the County Code current parking standards for residential uses are as follows: Each single-family residence, shall provide two covered standard automobile parking spaces per dwelling unit. There is a two car covered garage on-site that meets this requirement, as there is one residential unit on-site. Current standards for commercial or retail uses are: commercial uses shall provide one automobile parking space plus adequate access thereto for each 250 square feet of floor area of any building or structure so used, per Section 22.52.1100 of the County Code. Currently on-site parking consists of a two-car garage for the residential unit. No parking spaces are available onsite for the commercial use. Based upon the date in which the building was originally constructed and the date when a portion of the building's area was converted to retail space, it was determined that it complied with then-applicable parking standards. Therefore, the building is nonconforming due to parking standards.
11. According to Section 22.56.1510.E, conforming uses may be conducted in buildings that are nonconforming due to parking standards subject to certain provisions. Section 22.56.1510(E) states that a "building or structure nonconforming due to parking standards may be occupied by any use permitted in the zone in which it is located subject to the limitations and conditions governing such use as specified in the zone; provided, that: The use has the same or lesser parking requirement as the existing or previous use."
12. In order to improve the façade of the existing building, the Commission found it appropriate, to require as a condition of approval for this project, that the applicant replace the existing spray painted address numbers on the front of building with new easier to read block numbering, in the form of either, paint, channel-set block numbers or a light box.
13. The proposed project involves commercial retail space for a commercial retail use. The previous commercial use that occupied the subject property would have required the same number of parking spaces per 250 square feet as the proposed tattoo parlor, were it subject to current Code requirements. Therefore, the

proposed tattoo parlor is allowed on the subject property without requiring additional parking spaces. Additionally, the proposed project does not include any additions or expansion, therefore the subject property is not required to comply with current parking standards. Currently, customers park on the street along Beverly Boulevard, where sufficient street parking is available with a two-hour parking time limit.

14. The subject property is located on Beverly Boulevard, which is a commercial corridor lined with various retail and commercial businesses. The proposed use would be compatible with the other uses along Beverly Boulevard and would be consistent with other uses in the neighborhood. Directly behind the subject property (to the south) there are single-family and multi-family residential uses, they are separated from the commercial uses by an alley. The project is located on a major street with a commercial corridor and would add to the mix of small businesses along this corridor which provides services to the surrounding community, therefore the project would be is consistent with surrounding uses.
15. The project will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare. The applicant is required to comply with Title 7 and Title 11 of the County Code, which establishes strict standards for the operation of "body art" establishments. Such requirements include provisions for a waiting area within the building; presence of a manager on-site at all times; maintenance of a log of customers; dates and technicians providing service; preparation of a plan for exposure control; completion of exposure control training; age limitations of clients; and prohibition of technicians working while sick or while judgment is impaired. The applicant has maintained general compliance with Public Health code requirements, by obtaining a facilities permit and permits for their artists.
16. The proposed project site is adequately served by streets and necessary infrastructure, such as public water, sewer, and it is located on a fully improved street in a developed urban area
17. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting. One hundred twenty three notices were mailed, to surrounding property owners within a 500 foot radius on March 1, 2011. The site was posted by the applicant ton March 14, 2011 and the notice was published in the East L.A. Tribune and La Opinion newspapers on March 10, 2011 and March 5, 2011, respectively
18. To ensure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 10 years.

19. The location of the proposed use would not adversely affect the community provided that the permittee maintains and abides by all Business and Public Health permits. The proposed location is along a commercial corridor and residential units are buffered by an alley.
20. The proposed site is adequate in size to accommodate the use and although there is no parking provided for the commercial use, there is sufficient street parking available. The project can adequately accommodate the use as it exists. The project does not need to meet current parking standards due to the buildings nonconforming status due to parking. Landscaping requirements also do not need to be met by this project as it was developed before that standard was required.
21. The Project is categorically exempt Class 1 – Existing Facilities, pursuant to the California Environmental Quality Act (CEQA) and the Los Angeles County environmental reporting guidelines. The tattoo parlor is requesting to continue the use in an existing commercial space where the use has been located for twelve years and the applicant is not proposing any new construction or other intensification of use. Therefore, the project qualifies for a Class 1 categorical exemption from the California Environmental Quality Act for existing facilities.
22. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

**BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:**

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and

- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**REGIONAL PLANNING COMMISSION ACTION**

1. In view of the findings of fact and conclusions presented above, the Regional Planning Commission determines that the project is categorically exempt from CEQA pursuant to a Class 1 categorical exemption, and Conditional Use Permit 201000065 is approved subject to the attached conditions.

c: Each Commissioner, Building and Safety

**VOTE 4-0**

Concurring: Modugno, Valadez, Helsley and Pederson

Dissenting: None

Abstaining: None

Absent: Bellamy

Action Date: April 13, 2011

MM:ag  
03/22/2011

This grant authorizes the operation of a tattoo parlor in the C-3 Zone in an existing building that is nonconforming due to parking standards, subject to the following conditions of approval:

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition No. 9. The recorded affidavit shall be filed and the required monies shall be paid by **July 28, 2011**. Notwithstanding the foregoing, this Condition No. 2, and Condition Nos. 3, 4, and 8 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the permittee or property owner if other than the permittee shall **record the terms and conditions** of the grant in the office of the County Clerk/Registrar Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee or property owner if other than the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant shall terminate on April 13, 2021.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration of this grant and shall be accompanied by the required fee.
8. This grant shall expire unless used within two years from the date of final approval by the County. The date of final approval is the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **ten (10) annual (every year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
11. Upon receipt of this letter, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
13. All structures shall conform with the requirements of the Division of Building and Safety of the County Department of Public Works.
14. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by the Department of Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
15. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, a Revised Exhibit "A" shall be submitted to the Department of Regional Planning within sixty (60) days of the date of approval for the Conditional Use Permit.
16. The permittee shall comply with all conditions set forth in the County of Los Angeles Public Health letter dated August 4, 2010, except as otherwise required by said Department, which is attached hereto and incorporated by this reference as if set forth fully herein.
17. The permittee shall obtain a Certificate of Compliance for the subject property
18. The permittee and all tattoo artists employed by or utilizing the facility shall obtain and maintain in effect any required permits or licenses as may be required including, but not limited to business licenses pursuant to Title 7 of the County Code or public health facilities permits and public health operator permits pursuant to Title 11 of the County Code. The permittee shall comply with all regulations or conditions of said permits or licenses. Any violations of these permits or licenses shall also be considered violations of this grant. The permittee shall submit copies of said licenses and/or permits to zoning enforcement for verification purposes.

**The permittee shall provide proof of current public health facilities permit and business license within ninety (90) days of the date of final approval of this grant.**

19. The hours of operation of the facility shall be limited to those hours between 10:00 a.m. and 10:00 p.m., seven days a week. New customers shall not enter the facility outside of these hours, however customers that entered prior to closing may continue to be serviced until the work is complete.
20. There shall be no loitering permitted on the subject property and signage shall be posted on the premises to reflect this prohibition. The signage shall be in English and Spanish. The permittee shall advise all employees of the regulations prohibiting loitering outside the subject business.
21. No outside storage shall be allowed. Notwithstanding the prohibition on outside storage, the permittee shall be allowed to continue to use the accessory shed structure for storage .
22. The property shall remain free of trash, litter, and other debris.
23. All compressors which may create a noise nuisance must be housed inside the business and not outdoors where they will negatively impact neighbors.
24. Banners, streamers, flags, outdoor advertising signs, and other means of outdoor advertisement not permitted by the Zoning Code of the County of Los Angeles will not be permitted on the property.
25. The permittee shall maintain a current contact name, address and phone number on file with Regional Planning at all times.
26. Outside speakers, public address systems, bells, recorded, and/or live music shall be prohibited outside.
27. The permittee shall comply with all applicable signage requirements specified in Per Section 22.44.118.C.3(b) and Part 10 of Section 22.52 of the County Code.
28. The permittee shall comply with the submitted signage plan, marked Exhibit "A", which depicts two double faced wall mounted signs (each with 10 feet 6 inches sign area per side) and one box sign with 16 feet of sign area. Total sign area is proposed is approximately 37 square feet of signage. Any changes to the signage shall be processed with a Revised Exhibit "A."
29. The permittee shall replace the existing spray painted address numbers on the front of building with new easier to read block numbering, in the form of either, paint, channel-set block numbers or a light box.

MM:AG  
03/22/2011

Attachment: Public Health letter dated 8/4/2010