



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

December 7, 2011

BARRIO PLANNERS INC  
5271 E BEVERLY BLVD  
LOS ANGELES CA 90022  
ATTN: Luzmaria Chavez

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**REGARDING: PROJECT NO. R2010-01390 – (1)  
PARKING PERMIT NO.201000009  
5800 E. BEVERLY BLVD.**

Dear Applicant:

Hearing Officer Gina Natoli, by her action of December 6, 2011, **APPROVED** the above described project and entitlements. The attached documents contain the Hearing Officer'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 Hearing Officer's decision to the Regional Planning Commission at the office of the Commission secretary, Room 1350, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Please contact the Commission secretary for the appeal procedures and fee at (213) 974-6409. **The appeal period for this project will end at the 5:00 p.m. on December 20, 2011.** Any appeal must be delivered in person to the commission secretary by this time. If no appeal is filed during the specified period, the Hearing Officer's action is final.

Upon completion of the appeal period, **hand deliver** a notarized affidavit of acceptance form, a certified copy of the recorded findings and conditions of approval, and any other required fees or materials to the planner assigned to your case (see attached instructions for more information). Please **make an appointment** with the case planner to ensure that processing will be completed expeditiously. If the required documents and fees are not received within 60 days of this final letter's date, this permit will be transferred to Zoning Enforcement for further action.

For further information on appeal procedures or any other matter pertaining to these approvals, please contact Jeanine Nazar of the Zoning Permits East Section at (213) 974-6383 or e-mail at [jnazar@planning.lacounty.gov](mailto:jnazar@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner  
Director

  
Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Findings and Conditions, Affidavit (Permittee's Completion)  
c: DPW (Building and Safety), Fire Department, Zoning Enforcement, Owner  
MM: JN

## **FINDINGS AND ORDER OF THE HEARING OFFICER COUNTY OF LOS ANGELES**

**PROJECT NUMBER R2010-01390 – (1)  
PARKING PERMIT NUMBER 201000009**

### **REQUEST:**

The applicant is requesting a parking permit to authorize a reduction in the number of required parking spaces, pursuant to Code Sections 22.56.990 and 22.52.1110.

### **PROCEEDINGS BEFORE THE HEARING OFFICER:**

#### **December 6, 2011 Public Hearing**

A duly noticed public hearing was held on December 6, 2011 before the Hearing Officer, Gina Natoli. The applicant's representative, Luzmaria Chavez presented testimony in favor of the request and answered questions presented by the Hearing Officer.

The Hearing Officer addressed parking overflow and debris concerns raised by an adjacent neighbor and recommended to include additional conditions.

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

### **Findings**

1. The project is located at 5800 East Beverly Blvd in the East Side Unit No. 2 Zoned District within the unincorporated community of East Los Angeles. The mortuary is within an urbanized area and is surrounded by commercial and residential uses.
2. The proposed project is a request for a parking permit renewal to authorize a reduction in the required number of parking spaces for an existing mortuary facility. The parking permit was originally approved under Parking Permit Number 99-039 authorizing a reduction in the number of parking spaces from 80 required to 37 provided, a reduction of 43 parking spaces based on a 239 person occupancy load. There are no changes or alterations to the project and this application is identical to the prior approval.
3. The subject property is approximately 28,314 square-foot level lot developed with a two-story 13,284-square-foot commercial building. There are two rectangular parking lots on each side of the mortuary each providing 18 and 19 parking spaces. The subject property is located at the intersection of E. Beverly Blvd and S Gerhart Avenue. An alley separates the subject mortuary from the adjacent residential area on the south side. The property access is via Beverly Blvd. and the rear alley via Gerhart Avenue.

4. The subject property is zoned C-3 – (Unlimited Commercial), surrounded by commercial and residential zones within a 500-foot radius. The project site is also located within the East Los Angeles Community Standards District (CSD).

**Surrounding Zones**

North: C-3 (Unlimited Commercial)  
South: R-2 (Two-Family Residence)  
East: C-3 (Unlimited Commercial)  
West: C-3 (Unlimited Commercial)

5. The subject site is a mortuary and the immediate adjacent properties are commercial to the north, east and west and residential to the south.

**Surrounding Properties**

Surrounding properties within a 500-foot radius consists of the following:

North: Commercial, Single-Family Residential and City of Montebello  
South: Single-Family Residential, duplex and triplex  
East: Vacant. Parking, Medical Clinic  
West: Liquor Store

6. The site plan depicts a rectangular-shaped parcel at the corner of Beverly Boulevard and Gerhart Street with the mortuary building and two parking lots, one on each side of the structure. There are 19 parking spaces on the east side including four compact, 13 standard and two handicapped-accessible and 18 parking spaces on the west side including 11 compact and 7 standard parking spaces as well as a van-accessible aisle. There is landscape buffering on the south side of the property separating the mortuary from the alley and the adjacent residential neighborhood.
7. 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.
8. The subject property is within the East Los Angeles Community Plan and the plan designation of MC-(Major Commercial). This designation contains a mixture of small and large businesses. The Major Commercial designation is typically located in areas that are oriented toward the greater East Los Angeles. The East Los Angeles Community Plan encourages economic development and high standards of development. Applicable goals and policies from the plan are:
- Improve the aesthetic qualities of the community and implement high development standards  
*The existing mortuary enhances the appearance along Beverly Boulevard and Gerhart Avenue by providing a unique architectural style and visual effect.*
  - Improve the image of the major corridors by use of landscaping, lighting, graphics, and/or other streetscape treatments.  
*The landscaping along Beverly Blvd and the alley creates a buffer between the existing building and the street/alley separating the mortuary from the adjacent uses.*

- Promote the strengthening of existing commercial job-producing activities to create more jobs for residents of East Los Angeles.

*A total of 17 employees work at the mortuary, 12 are full-time.*

The circulation and transportation section of the plan sets parking outlines as such: Encourage existing commercial uses to provide common parking areas, improve automobile and truck access, and to establish attractive and unifying architectural elements and themes.

*The automobile and van access to the parking area is adequate. There are several entrances to both parking lots from Beverly Blvd and the rear alley. The parking is compatible with adjoining businesses. The mortuary has a unique architectural theme and elements that fit within the neighborhood.*

9. East Los Angeles Community Plan restricts the maximum building height to 40 feet; the existing building is approximately 40 feet.
10. The zoning on the subject property is C-3 (Unlimited Commercial). A mortuary is an allowed use in the C-3 Zone.
11. The County engineer determined the occupancy load for the proposed mortuary to be 239 which requires 80 parking spaces as per Section 22.52.1110. The occupancy load for the sanctuary is 135 requiring 27 parking spaces. The mortuary provides 37 parking spaces including 15 compact, and two handicapped-accessible. This is 43 parking spaces less than the required number of spaces.
12. The existing project complies with East Los Angeles Community Standards as such:
  - a. The project site provides a five-foot landscaped buffer adjacent to the property line on the south side as required by the CSD. Also, landscaping is provided on the north, east and west side of the subject lot. The applicant's agent provided a landscape plan showing the 15 gallon plants.
  - b. The loading area for the vans is next to the mortuary building within the carport area away from the residential area.
  - c. The existing building is approximately 40 feet in height.
13. The property is surrounded by a five-foot high block wall to the east and a two-foot high block wall on Gerhart Street and Beverly Blvd separating the parking area from the street. The south side has a landscaping buffer and there are no walls. This does not meet previous permit Condition Number 18. The Hearing Officer finds that the existing landscaping provides adequate buffering around the property and that a 5'-6" masonry wall would not provide additional buffering along the rear and side of the property.

14. There is one double-faced monument sign on Beverly Blvd. A condition is included requesting a sign plan showing the existing sign. The sign shall comply with CSD requirements.
15. Staff visited the site on November 7, 2011 and found the property neat and clean. The landscaping is well maintained and the building has unique architectural features which enhances the street view on Beverly Blvd. and provides a unique appearance.

As per the applicant's agent an average of 25-30 bodies per month visit the mortuary. The mortuary is open Monday through Saturday from 8:00 am to 9:00 pm and closed on Sunday. Per the applicant, most service, prayer and visitations are between 5:00-9:00 pm, and funeral arrangements are during business hours from 8:00 am to 5:00 pm.

The mortuary serves cemeteries within five miles such as Rose Hills, Resurrection and Calvary. As per the applicant most customers use catholic churches in the area for service. The facility also sells caskets, coffins and flowers and provides a display area. Body viewing and Rosary services are held in the chapel.

16. Staff received one phone message regarding this project. Staff left a message for the caller who has not returned the call to date.
17. The applicant's burden of proof states that the funeral services are held between 6:00 pm and 9:00 pm when other businesses in the area are closed and overflow parking is available off-site on the street. The burden of proof also states that tandem parking is used prior to the funeral procession to the burial site.
18. 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.
19. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 15 years.
20. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 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 HEARING OFFICER CONCLUDES:**

- A. That there will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 because:
  - 1. The nature of the use is such that there is a reduced occupancy.
- B. That there will be no conflicts arising from special parking arrangements allowing shared facilities, tandem spaces or compact spaces because:
  - 1. Uses sharing parking facilities operate at different times of the day or days of the week, or
  - 2. Parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan.
- C. That off-site facilities, leases of less than 20 years, rear lot transitional parking lots and uncovered residential parking spaces will provide the required parking for uses because:
  - 1. Such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use, or
- D. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property;
- E. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22.

**AND, THEREFORE,** the information submitted by the applicant and presented at the public hearing substantiates the required findings and burden of proof for a Parking Permit as set forth in Section 22.56.1020 of the Los Angeles County Code.

**HEARING OFFICER ACTION:**

- 1. I have considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact and conclusions presented above, Parking Permit No. 201000009 is APPROVED subject to the attached conditions.

**c: Hearing Officer, Zoning Enforcement, Building and Safety, Fire Department**

**MM: JN  
12/06/11**

**FINAL CONDITIONS OF APPROVAL  
DEPARTMENT OF REGIONAL PLANNING  
PROJECT NO. R2010-01390 - (1)  
PARKING PERMIT NO. 201000009**

**PROJECT DESCRIPTION**

The project is a parking permit renewal request in order to authorize a reduction in the required number of on-site parking spaces for an existing mortuary facility from 80 to 37 parking spaces subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on December 6, 2024.** 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 parking permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used before March 20, 2012. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of on-site parking and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1400.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **seven (7) biennial (one every other year)** inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental

to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.

12. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
13. All requirements of Title 22 of the County 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.
14. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
15. 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 Hearing Officer. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. 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, **five (5) copies** of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

#### PERMIT-SPECIFIC CONDITIONS

17. This grant authorizes less than required parking for a mortuary subject to the following terms:
  - a. A minimum of 37 parking spaces shall be provided. There shall be two parking spaces provided for handicapped persons, one of which shall be van accessible with an eight-foot-wide access aisle and at least 20 standard size parking spaces. The remaining 15 parking spaces (40 percent of the parking spaces) may be of compact size;
  - b. The access aisle for van accessible parking spaces shall not be counted as additional parking;
  - c. All parking lot lighting shall be directed away from neighboring residences to prevent direct illumination and glare. The primary parking lot lighting shall be turned off no later than 10:00 p.m. A security lighting system attached to the building is permitted and may remain on through the night. This security system may be extended beyond the mortuary building to include appropriately shielded poles in the parking area. If the security lighting is attached to poles, the poles shall be set back 20 feet from the property line to prevent unnecessary illumination of adjacent residential properties. The security system shall provide low-level lighting of the mortuary building, rear alley and the rear garage entry. The permittee shall submit plans of the lighting system for review by the Director of Planning;

- d. Rosary services held at the mortuary Monday through Friday shall be limited to evening hours, between 5:00 p.m. and 10:00 p.m. Daytime services shall be limited to twenty (20) occurrences per calendar year. This limitation is imposed to prevent excessive street parking during the more active business hours in the immediate area;
  - e. The use of bells or amplified sound equipment intended to be audible outside the building is prohibited;
  - f. The driveways within the parking areas shall be a minimum of 26 feet wide; and
  - g. The permittee shall employ a traffic control person (s) to coordinate traffic movement in and out of the mortuary parking lots during large services.
18. A landscaped buffer, at least five feet in width, shall be provided whenever parking areas are adjacent to property lines or where the mortuary property abuts a residential zone.
  19. Landscaping shall be provided and maintained in a neat and orderly manner. A 15-gallon tree shall be provided for every 50 square feet of landscaped area to be equally spaced along the buffer strip.
  20. The maximum permitted building height is 40 feet as specified in Section 22.44.118 of the Zoning Ordinance.
  21. The applicant shall submit before January 7, 2012 three (3) sets of sign plans. The plans shall include all dimensions, elevations and locations. One freestanding sign is permitted which shall not exceed 10 percent of the building face area or 240 square-feet.
  22. A Fire clearance letter shall be provided before January 7, 2012 to indicate that Condition Number 17 of Parking Permit No 99-039 has been satisfied.
  23. The Permittee shall post two signs visible to the public in each parking lot, restricting parking to authorized vehicle(s) only and indicating that any unauthorized vehicle(s) will be towed.
  24. Following any service, the Permittee shall immediately clean up any debris in the alley and surrounding the property.