

**DETERMINATION  
BY  
ZONING  
ADMINISTRATOR**

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INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

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**May 16, 2019**

Henry Chun (A)(O)  
Community Funeral Services, Inc.  
1605 South Catalina Street  
Los Angeles, CA 90006

Ariel Gutierrez (R)  
Cartomap Services  
1301 West 2<sup>nd</sup> Street, Unit 105  
Los Angeles, CA 90026

CASE NO. ZA-2014-0397-PAD-PA1  
APPROVAL OF PLANS  
1605 South Catalina Street;  
South Los Angeles Community Plan  
Area  
Zone : A1-1  
D. M. : 126B197  
C. D. : 1 – Cedillo  
CEQA: ENV 2018-5221-CE  
Legal Description: NE 1/4 SEC 36 T1S  
R14W

Pursuant to CEQA Guidelines Section 15601, I hereby DETERMINE:

Based on the whole of the administrative record, that on September 6, 2018, the project was issued a Notice of Exemption, log reference ENV-2018-5221-CE, for a Categorical Exemption Section 15301, Class 1 of the California CEQA Guidelines for granting the continuation of the operation of an existing facility with no expansion of use beyond that existing at the time of the lead agencies determination. That action is consistent with State CEQA Guidelines Article 19 (Categorical Exemptions) in that the Categorical Exemption does not meet any of the exceptions Contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects, scenic highways or hazardous waste sites;

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby DISMISS:

a Plan Approval of a Deemed to be Approved Conditional Use to permit the operation of a crematory and chapel within a 9,607 square foot building due to the fact that the crematory and chapel lost their deemed to be approved status when the original business closed in 2004 and was not resumed until 2008 by which time the business lost its deemed to be approved rights by not operating for over a one year period of time pursuant to Section 12.24-Q of the Los Angeles Municipal Code (LAMC);

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby DETERMINE:

that compliance has been partially attained with the conditions of the prior action imposed by South Los Angeles Area Planning Commission in approving in part an appeal of the Zoning Administrator's approval to allow the continued use and maintenance of an existing columbarium within an existing 9,607 square foot building and an exterior 1,917 square foot exterior columbarium.

The conditions for the columbarium use are hereby retained or amended as follows:

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. **REVISED**: Authorized herein is the continued use and maintenance of:
  - a. A 9,607 square-foot existing ~~crematory, chapel, and~~ columbarium structure.
  - b. Six outdoor columbarium structures within an area not to exceed 1,917 square feet, as shown in Exhibit "A". No additional outdoor columbaria shall be erected on the subject site and no niches may be included in the walls surrounding the outside columbarium.
  - e. No additional deviations from the Los Angeles Municipal Code are requested or approved.
7. **REVISED**: There shall be no mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains on site. ~~Viewing services and funeral~~

~~services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be cremated and incinerated into ash. Any human remains departing the site must be in the form of ash. Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without cremation, is a violation of the Zoning Code and this Conditional Use Permit. No viewing or funeral services are permitted on the site until such time as a new Conditional Use for the use of the site as a crematory and chapel are approved.~~

No earlier than 12 months and no later than 18 months from the effective date of this action, the applicant shall file for an Approval of Plans for review of compliance with these conditions of approval. The application shall be on appropriate forms and accompanied by the payment of fees as set forth in the Los Angeles Municipal Code. The application must be accepted as complete by the Department of City Planning. Mailing labels shall be provided with the application for abutting tenants and property owners of the subject property including the Council Office. The applicant shall also submit with the application a summary and all supporting documentation of how compliance with each condition has been attained.

A public hearing shall be required. The purpose of the hearing will be to consider the effectiveness of the conditions and of the compliance record of the applicant. The Zoning Administrator may upon receipt of testimony and review of the effectiveness of the conditions, modify, delete or add conditions. If there has been substantiated evidence of non-compliance prior to the hearing, the hearing may be set as a revocation hearing. This hearing may not be used as the public hearing for a new Conditional Use for a crematory and chapel on the site.

**NEW:** Failure to submit the application and the supporting Condition Compliance Report in a timely manner according to the above 12 to 18 month period of time from the end of the appeal period for this report or from the action of the South Los Angeles Area Planning Commission on appeal of this determination shall result in the City of Los Angeles, Department of City Planning filing a revocation proceeding pursuant to Section 12.27.1. of the Los Angeles Municipal Code (LAMC). The owner of the subject business shall be responsible for all fees and conditions resulting from any revocation proceeding pursuant to Section 19.01- P of the LAMC.

8. **REVISED:** All open area not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40.D) and to the satisfaction of the Development Services Center. The use of artificial turf is prohibited. Any new parking placed in the area currently covered with artificial turf shall be landscaped and trees planted pursuant to Section 12.21-A, 6(h) and (i) of the LAMC.
9. A minimum 5-foot wide landscaped buffer shall be maintained adjacent to the residential use.

10. NEW: The use of any landscaped or un-landscaped area on the site for the scattering of ashes is strictly prohibited especially in the landscaped area above the Ossuary on the east side of the property adjacent to Catalina Street.
11. NEW: The use of the on-site crematory shall be terminated upon the end of the appeal period of this case. Use of the crematory may only resume when a Conditional Use for the operation of a crematory is granted pursuant to Section 12.24-W, 12 of the Los Angeles Municipal Code. Pursuant to Condition No. 7 of this case, no on-site viewing or funeral services may occur until such time as a Conditional Use for the operation of a crematory is granted and effectuated.
12. NEW: After the disinterment, removal and reinternment of any remains due to the demolition of un-permitted columbaria, the columbarium owner shall produce a plan of the columbaria and niches where the remains are re-interred consistent with Sections 7954 and 7955 of the State of California Health and Safety Code and such plan shall be kept in the office of the columbarium and made available to relatives of the deceased and the Department of Building and Safety or other legal authority inspecting the site for compliance with these Conditions of Approval.
13. Prior to the issuance of any permits relative to this matter, 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.
14. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. 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.
- b. 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.

- c. 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 (b).
- d. 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 (b).
- e. 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 - TIME EXTENSION**

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 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 **May 31, 2019** unless an appeal therefrom is filed with the Department of City Planning. 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	San Fernando Valley	West Los Angeles
Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 <u>(213) 482-7077</u>	Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 <u>(818) 374-5050</u>	West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 <u>(310) 231-2598</u>

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, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a plan approval to a conditional use permit under the provisions of Section 12.24 W and 12.24 M have been established for the Columbarium use by the following facts:

### **BACKGROUND**

The subject site is a flat, rectangular lot approximately 54,118 square feet in size. The site has a frontage of 188 feet along the south side of Venice Boulevard and 288 feet along the west side of Catalina Street. The South Los Angeles Community Plan designates the site for Open Space land uses with corresponding zones of OS and A1. The site is zoned A1-1 and is not located in the South Los Angeles Community Plan Implementation Overlay (CPIO), which was adopted on December 29, 2018. The site is currently improved with a 9,607 square-foot chapel with internal columbarium structures and an external columbarium garden measuring 1,917 square feet.

The adjacent property to the north across Venice Boulevard is zoned R3-1 and is improved with Loyola High School of Los Angeles. The adjoining property to the south is zoned RD1.5-1 and is improved with single-family residential structures. The adjoining property to the west is zoned A1-1 and is improved with the Angelus Rosedale Cemetery. The adjacent properties to the east across Catalina Street are zoned CM-1-CPIO and RD1.5-1 and are currently improved with commercial structures, a surface parking lot, and single-family residential structures.

On June 1, 1961, the Zoning Administrator determined that the subject site has the status of a deemed approved Conditional Use for a crematory and columbarium, and conditionally approved the plans for the construction of a new outdoor columbarium to be used in conjunction with the existing chapel and crematory. Subsequent determinations issued by the Office of the Zoning Administration and South Los Angeles Area Planning Commission have upheld the determination that chapel, crematory, and columbarium uses are an approved use for the subject site.

The subject application is for a Plan Approval to allow the continued use and maintenance of a 9,607 square-foot chapel and crematory with interior columbarium and 1,917 square-foot exterior columbarium. The Zoning Administrator in testimony taken at the Plan Approval hearing received information that according to the records of the State of California's Cemetery and Funeral Bureau that the crematorium on the subject site was not used from 2004 to 2008, and thus, because it was not in use for over a year lost its deemed to be approved status for a Conditional Use Permit and needs to file anew for the continuation of the use.

Venice Boulevard, adjacent to the subject site to the north, is a designated Avenue II by the Mobility Plan 2035 with an 80-foot width and improved with concrete curb, gutter, and sidewalks.

Catalina Street, adjacent to the subject site to the east, is a designated Local Street – Standard by the Mobility Plan 2035 with a 60-foot width, and improved with concrete curb, gutter, and sidewalks.

**Previous zoning related actions on the subject site include:**

Building Permit Document No. 1913LA10986: On August 12, 1914, the Los Angeles Department of Building and Safety issued a permit for the construction of a one-story chapel building.

Building Permit Document No. 194916214: On June 15, 1949, LADBS issued a permit to install marble shelves, partitions back and front to form columbarium niches for cremated remains in conjunction with an existing columbarium and crematory building.

ZAI-1789: On June 1, 1961, the Zoning Administrator issued an interpretation that the site has the status of a deemed approved Conditional Use for a crematory and columbarium, and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing chapel and crematory building.

ZA-2014-0397-PAD: On October 20, 2015, the Zoning Administrator approved deemed-to-be-approved conditional use status and approved plans to allow the continued use and maintenance of an existing crematory, chapel, and columbarium and a 1,920 square-foot outdoor columbarium. On May 25, 2016, the Zoning Administrator issued a Letter of Correction modifying Condition No. 7 to prohibit on-site open casket viewings and funeral services unless such services are associated with on-site cremation. Condition No. 7 was also modified to prohibit any embalmed human remains from leaving the subject site unless such remains are cremated.

ZA-2014-0397-PAD-1A: On November 1, 2016, the South Los Angeles Area Planning Commission denied an appeal, sustained the Zoning Administrator's modified Condition No. 7, and required the applicant file a plan approval for condition compliance review after 12 months and not before 18 months from the effective date of the appeal's denial.

Order to Comply Case No. 807493, Order No. A-4654553: On March 14, 2018, the Los Angeles Department of Building and Safety issued an Order to Comply after an inspection showed that the size of the outdoor columbarium area measured approximately 5,246 square feet, exceeding the 1,920 square-foot maximum size imposed by the Zoning Administrator as a condition of approval in Case No. ZA-2014-0397-PAD.

Order to Comply Case No. 807493, Order No. A-4728537: On June 8, 2018, the Los Angeles Department of Building and Safety issued an Order to Comply after an inspection showed that a Plan Approval had not been filed pursuant to the requirement imposed by the South Los Angeles Area Planning Commission. The Order to Comply also specified a failure to comply with the Order No. A-4654553 to limit the outdoor columbarium space to 1,920 square feet pursuant to Condition No. 6 of Case No. ZA-2014-0397-PAD.

**Previous zoning related actions in the vicinity of the subject site include:**

ZA-1989-367-PAD: On April 28, 1989, the Zoning Administrator granted a Plan Approval on a deemed-to-be-approved Conditional Use site to allow for the construction of two modular buildings on an existing school site.

CPC-1996-192-CU: On May 15, 2001, the City Planning Commission approved a Conditional Use to allow the construction of a mausoleum in the Angelus Rosedale Cemetery.

ZA-2003-6886-CU-ZV-SPR: On May 28, 2005, the Zoning Administrator approved the demolition of an existing 17,160 square-foot auditorium and the construction, use, and maintenance of an approximately 36,240 square-foot auditorium as part of a phased master plan involving augmentation of an existing high school campus. On May 9, 2017, a Plan Approval was granted in conjunction with this master plan.

**PUBLIC HEARING**

A Notice of Public Hearing was mailed on January 29, 2019 to property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested parties were invited to attend the public hearing at which they could listen, ask questions, or present testimony

regarding the project. The purpose of the hearing was to obtain testimony from affected and/or interested parties regarding this application. Interested parties were also invited to submit written comments regarding the request prior to the hearing. The environmental

impact was among the matters considered at the hearing. The public hearing was held on February 28, 2019 at 9:00 a.m. in Room 1060 of Los Angeles City Hall.

The hearing was to review the compliance of the use with its Conditions of Approval. The applicant's representative stated that use was in compliance and submitted the Review of Condition Compliance below. The hearing was attended by the applicant, his zoning representative and his attorney. The hearing was also attended by approximately 15 people who testified and submitted written material in opposition to the Plan Approval including four attorneys for surrounding property owners or former clients of the facility, four members of a land use and planning firm in opposition and a representative of Council District 1 who testified in opposition to the use.

### **PUBLIC SPEAKERS**

#### **Speakers in Favor of the Application:**

The applicant's representative stated that the use was a deemed to be approved Conditional Use which had started operations in 1913. In 1961, the Zoning Administrator deemed the use as approved for the use of a crematorium, chapel and columbarium and issued permission for the development of an outdoor columbarium and garden. The columbarium is currently in the basement of the chapel building with additional space on the first floor and in the mezzanine. There are currently three rows of outdoor columbarium walls in the outdoor portion. They had built six rows, but were cited by the Department of Building and Safety for not building them with building permits so they demolished three rows. We were required by the South Los Angeles Area Planning Commission to file a Plan Approval for the site. A condition compliance review has been submitted and is the subject of this hearing.

The applicant's legal council stated that the applicant had been working with the City staff to come into compliance with all of the Conditions of Approval. We have met with the City Attorney and with Building and Safety to bring the use into compliance, have removed three rows of outdoor columbaria and have filed the required Covenant and Agreement. We attempt to be a good neighbor and loan our neighbors parking spaces when we don't need them for their use. We have received clearances from the proper Departments for all of our compliance with the Conditions. We don't do any embalming on the site, but we do, do it off-site. We think many of the complaints against our operation are innuendoes against the owner.

#### **Speakers in Opposition to the Application:**

Frank Lara from the Department of Building and Safety made the following comments regarding a number of Zoning Code enforcement actions taken by the Department to resolve complaints about the use of the property.

- In 2011, Order to Comply No. 2743142 was issued to the operator of the crematory establishment for various unapproved use and construction violations that were documented by the Department. These violations include unapproved mortuary use, the construction of various structures without permits, alterations to pre-existing structures without permits, and plumbing, electrical and mechanical equipment installed without permits;
- Also in 2011, Order to Comply No. 2783599 was issued for various sign violations;
- These violations were finally resolved in 2015, after criminal charges were filed against the operator of the establishment in Los Angeles County Superior Court;
- Complaints for unapproved use and construction continued to be received by the Department after the criminal court case was resolved, and in March of 2018, Order to Comply No. 4654553 was issued to the operator for various violations. This included an expansion of the Columbarium Garden, more than doubling the size that had been approved by the Zoning Administrator and the South Los Angeles Area Planning Commission in 2016. Sign violations had returned as well;
- In June of 2018, Order to Comply No. 4728537 was issued to the operator when inspectors determined that the operator had not submitted for Plan Approval review with the Zoning Administrator, as required by ZA Case No. 2014-0397;
- Although the Plan Approval application was subsequently submitted to the Zoning Administrator and a number of Columbarium structures were removed from the site, there are still structures and signs that remain and prevent the Code Enforcement Action to be closed; and
- In addition to the information being provided on prior code enforcement action, I want to express my concern with the enforceability of Condition No. 7 as it was modified by the Area Planning Commission. This condition prohibits actions by the operator that are extremely challenging for the Department to document. Due to the sensitive nature of the funeral services taking place, circumstances prevent normal investigative protocol from taking place and therefor encumber an appropriate investigation. The Department requests that this condition be modified in a way to achieve the goals of the Zoning Administrator, yet facilitate a reasonable investigation.

Other speakers in opposition made the following comments:

- The applicant currently operates a crematory and maintains columbarium structures at the site. For many years, they have knowingly and flagrantly violated the City's Zoning and construction laws resulting in substantial injury to nearby residents;
- They have operated a scheme to profit from the sale of columbarium niches for the interment of cremated human remains without disclosing to the buyers that the structures were built in violation of State construction standards and the City's Building and Zoning Codes;
- There is also evidence that they illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City;
- The property was historically operated by the Pierce Brothers as a crematory and columbarium. Pierce Brothers shut down the crematory operation in 2003. The current owners acquired the property in 2006 and started a number of illegal

- operations including opening a full-scale mortuary business without City permits including sale of cremations, funeral services, embalming and storage of bodies, sale of caskets and on-site funeral services. They constructed 27 un-permitted columbarium structures for the interment of cremated human remains within a 5,198 square foot outdoor memorial garden which was larger than the 1961 grant for an outdoor memorial garden and sold unpermitted columbarium niches to consumers;
- A Zoning Administrator, Plan Approval again limited the size of the outdoor memorial garden to 1,920 square feet and limited it to six stand alone columbaria structures instead of the 5,198 existing square feet and the existing 12 stand alone and 15 wall mounted columbaria. On appeal the South Los Angeles Area Planning Commission confirmed the Zoning Administrator's decision and further required a Plan Approval hearing for condition compliance no later than May 1, 2018. They were also required by the Conditions to file a Covenant and Agreement agree to the Conditions;
  - The applicant continued to operate in violation of the Conditions of Approval, did not reduce the size of the memorial garden as required and failed to file the Covenant and Agreement until two weeks prior to this hearing. The applicant only filed for the subject Plan Approval after the City Attorney held a hearing on non-compliance with the Conditions and under threat of a fine for non-compliance. The operator continued to sell niches in the un-permitted columbaria to unsuspecting clients. After the City Attorney Hearing the applicant hurriedly demolished six of the un-permitted columbaria some of which contained human remains in the niches and moved them without knowledge or permission of the families of the deceased. They are out of compliance with most of their conditions;
  - The applicant filed for a Conditional Use Plan Approval in an attempt to convince the Zoning Administrator that the crematory and chapel had been in continuous use. There was a letter submitted to the Department of Building and Safety so stating but the property described was actually the adjacent cemetery which has no affiliation with the subject property. From 2004 to 2008, California State records show that there were no cremations on the site. This means that the operation lost any deemed to be approved status because the crematorium was not operated during that time. A new Conditional Use not a Plan Approval is required to continue this use on the site;
  - This is an ineffective and dangerous operation, and they do not have the means to comply with their existing conditions. They have held funerals on the site with decedents in coffins which are then moved to burials at other cemeteries instead of cremating them. It is a violation to have a funeral on the site and then move a preserved body elsewhere to bury it. They also operate a scatter field for ashes on the site which is un-permitted by the State or the County. This should be done in a cemetery and approved by the County Health Department. They should be shut down by Code Enforcement; and
  - I am quite stunned by the history of non-compliance with State, County and City rules. I have spoken to parents of students of Loyola High School whose running track is across the street from the alleged scatter ground. They are quite upset that their children are breathing air polluted with ashes. I do not hear that they are willingly complying with their conditions. They talk about it, but they only comply when they are forced to by the City Attorney or Building and Safety. All activities

on the site should cease until they are brought into compliance. This proceeding is a gift.

Representative of Council District No. 1:

Arturo Chavez representing Council District No. 1 stated:

- The problems with this operation go back to 2011. Our office has been concerned with constant violations of the Conditions of Approval;
- We are concerned that the un-permitted columbarium structures had rented niches and then were torn down. Once gone they are gone and we are concerned about the disposition of the ashes in the demolished niches;
- Condition No. 7 says that services may only be held for cremations or ashes being placed in a columbarium. No services may be held for embalmed bodies in a casket that are to be buried elsewhere. We have received service notices for services for people at the site who are then buried elsewhere such as Rose Hills. We also have advertisements offering their facilities for services for those who are to be buried elsewhere;
- We have a concern that we, the Council Office, can't constantly monitor the site for violations of the Conditions. People are buried there and we can't just keep moving them around because the applicant buried them in un-permitted columbarium niches; and
- There is a constant effort by the operators to push the limits of their Conditions. We must enforce them, and Condition Compliance after Building and Safety cites them or the City Attorney forces them to comply under threat of fine or incarceration is not compliance. We should not approve this Condition Compliance review, and the Councilman says that it is time to cease and desist in this continued operation.

## CORRESPONDENCE

Mr. Larry Mondragon, Vice President of Zoning and Entitlements for Craig Fry & Associates, sent a letter dated September 12, 2018. Mr. Mondragon submitted a letter opposing the approval of plans for the continued use and maintenance of the existing chapel and columbarium based on the applicant's alleged failure to comply with the conditions of approval imposed by Case No. ZA-2014-0397-PAD and ZA-2014-0397-PAD-1A. Mr. Mondragon requests denial of Plan Approval, the initiation of revocation proceedings to determine if the applicant should be allowed continued operation on the subject site, the enforcement of LAMC 12.24.Q, and action by the City Attorney's office pursuant to LAMC section 12.29. Three other members of the firm submitted letters to the file and their comments are summarized in the other letters section of this report.

Mr. Michael Gonzales representing a local resident sent a letter dated February 27, 2019 and made the following points:

- The attached contains supporting evidence demonstrating the discontinuance of a deemed approved conditional use at the property. Pursuant to LAMC Section 12.24-Q when "a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in

accordance with the procedure prescribed in this section for the establishment of a conditional use.” The attached evidence clearly shows that the deemed approved use ceased for a period of at least four years. A plan approval request that is before you is insufficient to reestablish a conditional use that has been discontinued. The applicant must follow the procedure for filing a new conditional use under Section 12.24-W. The crematory and chapel operations currently occupying the property violate the LAMC and must be immediately stopped;

- The applicant in the subject case filed a Plan Approval to a deemed approved conditional use in 2014, and the Zoning Administrator approved the deemed approved status at the hearing. This was appealed to the South Los Angeles Area Planning Commission (SLAAPC) denied the appeal but added an additional condition requiring another Plan Approval within a 12 to 18month period of the effectuation of the case. During the hearing, we presented proof that the crematory operation had been closed for the period from 2004 to 2008 and thus, had lost its deemed approved status. This evidence was not available at the time of the Zoning Administrator’s hearing. The SLAAPC still denied the appeal in part and added an additional condition requiring the Plan Approval; and
- During the period that the crematory was not in use, the site continued to be used as a columbarium and allowed visitation of niche sites only for those people who already had relatives buried on the site. To our knowledge, no new burials occurred.

Other letters to the file make the following points:

- It appears that Dae Han hired a lobbyist to write a letter to the Department of Building and Safety to obtain a City Zoning Clearance letter for their State license application in 2009. The letter was convoluted and misrepresented that the property enjoys non-conforming rights and may continue to operate as it has for more than a century as a funeral establishment. This was a misrepresentation because the property had only been used as a crematorium and columbarium not as a funeral establishment. The Department of Building and Safety issued the letter stating they had non-conforming rights as the property had had its zone changed to the A1 Zone which did not permit the operation of crematories by right. The City caught its mistake and issued a letter in 2011 rescinding the clearance. They stated that the “existing crematory, chapel and columbarium uses at the above address are not permitted unless a City Zoning Administrator approval is obtained to continue the uses ...” Nothing in the record shows that these uses were properly legalized;
- The City has known about this illegal operation since 2011 and has allowed them to continue operations. The City has failed us by allowing these rogue and profit driven operators to sell their illegal products to unsuspecting victims in the community. Please take decisive action to prevent further sales of these unpermitted niches;
- My clients approached Dae Han Mortuary to cremate a loved one and negotiated a higher price so that the decedent would be cleaned, dressed and prepared for viewing prior to cremation. After making arrangements for family

members to attend, including international flights, Dae Han cremated the decedent before the viewing could take place despite having charged for premium handling. After confronting Dae Han, they were taken to an office where they were given an urn that presumably held the ashes of their father. The urn was a cardboard box that was stored in the office closet. There was nothing to confirm that it was their father other than the word of the individual representing Dae Han. The company said there was photographic evidence that the cleaning had occurred, but it took a heated confrontation to obtain them, and the body was still cremated before the viewing, which was part of the paid agreement, could occur. This office, through historic records, found out that "Chapel of the Pines" was historically a mausoleum and not a chapel at all. The pews and seating were installed to hold funerals and there is an area adjacent to the "chapel" area containing a casket and other materials apparently for viewings and open casket services;

- Despite assertions by Dae Han, there is an apparent community scatter garden. There is a monument on the grounds entitled "Garden of Memories" and a marble headstone with a long list of names and room for more. This is consistent with the statements of previous customers who were presented with a more affordable option of interment. A review of the permit application with the State indicates an underground storage area for 50 remains. This monument shows approximately 150 names; and
- My sons attend Loyola High School across Venice Boulevard from Dae Han. I am writing to express my concern that they are scattering clients remains on their premises across the street from the Loyola athletic fields and classrooms. I am deeply concerned about the potential detrimental impact this practice would present to our environment and the health of our community. I would like to know if Dae Han is licensed to perform scattering services at this location, if their practices include scattering of clients remains at this location and if they are in compliance with all City zoning and environmental requirements.

### **AUTHORITY FOR PLAN APPROVAL**

Section 12.24.L of the Los Angeles Municipal Code provides in pertinent part:

L. Existing Uses. Any lot or portion of lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized such use shall also continue in effect."

On June 1, 1961 the Zoning Administrator made an interpretation and decision that the site has the status of an approved Conditional Use for a crematory and columbarium and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing chapel and crematory building.

Section 12.24.M of the Los Angeles Municipal Code provides in pertinent part:

M. Development of Uses (Amended by Ord. No. 173,992, Eff. 07/06/01)

Development of Site. On any lot or portion of a lot on which a deemed approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ..."

The approval of plans, which is the subject of this determination, was filed under this Section.

**AUTHORITY AND REASONING FOR DISMISSAL OF AN APPROVAL OF PLANS FOR THE CONTINUED USE OF THE CREMATORY AND CHAPEL ON THE SITE**

Section 12.24-Q of the LAMC provides as follows:

Q. Discontinuance of Use

If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.

The crematory and chapel uses on the site were established prior to the adoption of the City of Los Angeles' Zoning Code in 1946. The Zoning Code has always listed the uses of columbarium, chapel and crematory as enumerated conditional use permits. As the uses on the site existed prior to 1946, the uses were deemed approved Conditional Uses pursuant to Section 12.24-L of the LAMC. The crematory and chapel were in use and owned and operated by Pierce Brothers Mortuary and then owned by SCI, Inc and operated by Pierce Brothers until the end of 2003 when cremations ceased to occur on the site while SCI prepared to sell the structure and lot. No cremations or chapel services occurred on the site according to records of the State of California's Cemetery and Funeral Bureau after 2004. The site was sold to the current operator titled Community Funeral Services, Inc. doing business as Dae Han Mortuary in 2006. State records also show that a crematory license was granted to Community Funeral Services in 2007. The State records show that no new cremations occurred on the site until 2010, however, because of budget cutbacks, the Cemetery and Funeral Bureau did not compile statistics on cremations from 2008 to 2009 so cremations on the site may have occurred starting in 2008. In any case, the crematory was not in operation from 2004 until 2007 and because of the lack of record keeping perhaps into 2010 when 114 cremations occurred. While Community Funeral Services obtained a license from the State of California, it did not submit for a new Conditional Use permit from the City of Los Angeles. Since it was out of the business of cremation from 2004 until 2007, it lost its rights to operate a crematory pursuant to Section 12.24-Q of the LAMC. Also during that time no chapel services were held on the site, thus, the rights to operate a chapel pursuant to Section 12.24-L were also lost. The Plan Approval approved by the Zoning Administrator in 2016

to continue the crematory as a deemed approved Conditional Use was incorrect because the information on the lack of cremations from 2004 until at least 2008 was not made available to the Zoning Administrator. Because the columbarium building itself, has operated for over a century and the deceased have been interred in it, the columbarium use has continued and a Plan Approval for Condition Compliance pursuant to Section 12.24-M of the LAMC is appropriate for that use only.

**REVIEW OF COMPLIANCE WITH CONDITIONS OF ZA-2014-0397-PAD** as submitted by the applicant:

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.**

STATUS – In compliance for the columbarium use.

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.**

STATUS – NOT IN COMPLIANCE. Though the mortuary stated that they were in compliance in their submittal, they were not in compliance because the outdoor columbaria and memorial garden were in excess of the size originally permitted in a Zoning Administrator Interpretation in 1961 at 1,521 square feet. Though permitted in 1961, it appears that the outdoor columbarium was not constructed until the previous owner, SCI, Inc., took over the site and built an outdoor columbarium containing 12 columbarium structures without a building permit. Subsequently, the Zoning Administrator and the South Los Angeles Area Planning Commission on appeal, reduced the size of the outdoor columbarium to 1,920 square feet and ordered the demolition of six of the unpermitted columbarium structures. The current applicant did not demolish the structures until cited by the Department of Building and Safety in April of 2018 at which time the applicant began to demolish six of the columbarium structures which had already had human remains interred in them. Compliance with Conditions of Approval only upon being cited by the Department of Building and Safety does not constitute compliance with Conditions of Approval.

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.**

STATUS – The applicant stated in their application for Condition Compliance that they were in compliance with Condition No. 3 as Orders to Comply issued by the Department of Building and Safety have been corrected. Again this compliance with conditions only occurred after the applicant was cited by the Department of

Building and Safety for non-compliance with Condition No. 7 of the Determination of the South Los Angeles Area Planning Commission which required the filing of a Plan Approval under Section 12.24-M of the LAMC in order to review compliance with the Conditions. The applicant then filed for his Condition Compliance review after the required time set in Condition No. 7 and then followed with an un-permitted demolition of the existing un-permitted columbarium buildings. This does not constitute Compliance with Condition No. 3 as it was only done under duress from two citations by the Department of Building and Safety for non-compliance with Conditions.

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.**

STATUS – In compliance.

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.**

STATUS – Not applicable, as no building plans will be submitted in connection with this Plan Approval.

6. **Authorized herein is the continued use and maintenance of:**
  - a. **A 9,607 square-foot existing crematory, chapel, and columbarium structure.**
  - b. **Six outdoor columbarium structures within an area not to exceed 1,917 square feet, as shown in Exhibit "A". No additional outdoor columbaria shall be erected on the subject site.**
  - c. **No additional deviations from the Los Angeles Municipal Code are requested or approved.**

STATUS - The applicant's Compliance Report states that the applicant is "In compliance". However, as previously stated the crematory and chapel uses lost their deemed to be approved status when they were not operated for at least a three year period from 2004 until 2007. As was previously stated, the outdoor Columbarium was not in compliance until they were cited by the Department of Building and Safety for both not holding a Condition Compliance Plan Approval within the time limits of Condition No. 7 of ZA-2014-0397 and for having more columbarium structures in an area larger than Exhibit A of the same case. In addition, they were limited to six columbarium structures, but aerial photographs of the site also show that they have columbarium niches in three of the surrounding walls of the exterior columbarium in violation of Condition 6 (b). Thus, the applicant is NOT IN COMPLIANCE with this Condition.

7. **There shall not be a mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains on site. Viewing services and funeral services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be cremated and incinerated into ash. Any human remains departing the site must be in the form of ash. Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without cremation, is a violation of the Zoning Code and this Conditional Use Permit.**

STATUS – The applicant's Compliance Report states that the applicant is "In compliance". However, the South Los Angeles Area Planning Commission on appeal changed the language of Condition No. 7 to include a new Plan Approval to review compliance with the Conditions of Approval within 12 months of the Commission action and no later than 18 months. The applicant only filed the Plan Approval, the subject of the current hearing and action, a year later when confronted by the City Attorney as a part of a separate legal proceeding for non-compliance with the conditions. In addition, it was testified to and advertisements offering full on-site viewings of non-cremated remains were presented at the hearing showing that prohibited viewings and services have been occurring on the site in violation of the Condition No. 7 requirement that viewing services only occur in association with on-site cremations. A service for a deceased in an open or closed casket may not occur if the deceased is to be buried off-site. This has occurred on numerous occasions testified to by both the public, the Council Office and in obituaries. Thus, the applicant is NOT IN COMPLIANCE with Condition No. 7.

8. **All open area not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40.D) and to the satisfaction of the decision maker.**

STATUS – The applicant's Compliance Report states that the applicant is "In compliance". However, aerial photographs of the site and viewing of the site through the site's fencing show that the attempts at landscaping the site are variable and not up to standards. There is a large area adjacent to the Catalina Avenue frontage which is covered by artificial turf obviously purchased second hand from a football stadium which still has hash marks and yardage markers from the former use. This area should either be paved for parking purposes or landscaped as required by the plans if it is not to be used for parking. The use of obviously second hand artificial turf is hardly "attractive landscaping". The site is occupied by the columbarium building which sits on a one story podium with occupied space underneath the building which is the site of the former crematory and other uses. The remainder of the surface area is either covered in un-marked concrete, the fore mentioned area of artificial turf, a un-maintained former landscaped area in the southwest quadrant of the lot that was formerly occupied by a lawn and trees, a landscaped area with a large tree that is the site of the

memorial garden, a small corner landscaped area at the intersection of Catalina Avenue and Venice Boulevard, the fore mentioned outdoor columbarium and another area of concrete surfacing. None of the parking areas are marked with individual parking spaces and none of these parking areas are landscaped in accordance with the Zoning Code. None of this supposed landscaping has been approved by the Department of City Planning as required by Condition No. 8 and if it has been approved, it was never installed. Aerial photographs of the site show that prior to 2006, the unpaved areas of the site were heavily landscaped including the area of artificial turf, the dead grass on the southeast corner of the site and the area adjacent to Venice Boulevard which was all grass. The outdoor columbarium and concrete was substituted for the grass, the area of artificial turf was placed over a lawn and the grass to the southeast was unmaintained. The applicant is NOT IN COMPLIANCE with Condition No. 8.

9. **A minimum 5-foot wide landscape buffer shall be maintained adjacent to the residential use.**

STATUS – In compliance pending applicant verification of buffer dimensions adjacent to residential use. The southern border of the site has a large four- to five-foot wide hedge planted adjacent to these residences.

10. **Prior to the issuance of any permits relative to this matter, 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 Zoning Administrator for attachment to the subject case file.**

STATUS – Non-compliant. Applicant to provide copy of covenant at hearing.

11. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

**Applicant shall do all of the following:**

- a. **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.**
- b. **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.

- c. 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 (b).

- d. 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 (b).
- e. 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.**

**STATUS** – The applicant's Compliance Report states that the applicant is “In Compliance”. However, this condition is complied with when the applicant files the Covenant and Agreement required by Condition No. 10. This was not done until the Zoning Administrator received the recorded Covenant at the Public Hearing. Thus, this Condition was NOT IN COMPLIANCE until the applicant was forced to by the City Attorney as is readily admitted to by his response the Condition No. 10.

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval process because it has been determined that such a use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within section 12.24.W of the Los Angeles Municipal Code. In order for a plan approval to be authorized, certain designated findings have to be made.

### **MANDATED FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. 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 proposed project is for a Plan Approval to allow the continued use and maintenance of an existing 9,607 square-foot crematory and chapel with interior columbarium and a 1,917 square-foot exterior columbarium.

The Zoning Administrator approved the subject site for use as a chapel, crematory, and columbarium in 1969 as a part of a Zoning Administrator's Interpretation of its Deemed Approved status. The Zoning Administrator and the South Los Angeles Area Planning Commission further affirmed the appropriateness of the site for chapel, crematory, and columbarium use in 2016. Taken together, these approvals indicate that the use of the subject site for a chapel, crematory and internal columbarium with an external columbarium is generally appropriate for the site. An unrelated 50-acre cemetery abuts the subject site to the west. The longstanding use of both sites demonstrates sufficient demand for both businesses.

On October 20, 2015, the Zoning Administrator issued an Approval of Plans confirming that the Dae Han Mortuary had deemed to be approved status as a crematory, chapel and columbarium. The Zoning Administrator also subjected the use to a set of Conditions of Approval which limited the outdoor columbarium to six structures in a 1,920 square foot area, that there be no mortuary operation on-site, no embalming of human remains or memorial services on-site for non-cremated remains and required the landscaping of open areas not used for structures or parking with approved landscape plans. At the time of the hearing, the information from the California State Cemetery and Funeral Bureau was not in the hands of the Zoning Administrator who did not know that the crematory and chapel had not been used for a four year period which would have terminated those uses' deemed approved status. The determination of the Zoning Administrator, was appealed to the South Los Angeles Area Planning Commission (SLAAPC) which denied the appeal but required that Dae Han should come back for another Approval of Plans to see if there had been substantial conformance with the Conditions of Approval. The Commission was made aware of the Cemetery and Funeral Bureau's information but did not recommend closure of the uses. Thus, Dae Han continued the use of the crematory and chapel to the present. Because the crematory and chapel use had ceased to operate for at least a four year period, the uses lost their Deemed Approved status pursuant to Section 12.24-Q of the LAMC and such uses should cease to operate upon conclusion of the appeal period for this case or after the SLAAPC makes a decision on any appeal. To continue the use, the applicant must file for a new Conditional Use under Section 12.24-W, 12 of the LAMC. This is memorialized in Condition No. 11 of the Conditions of Approval of this determination.

The scope of this decision is, therefore, limited to assessing compliance with those conditions of approval for the columbarium use on the site. The Department of Building and Safety has issued citations regarding non-compliance with two conditions of approval: that the applicant submit an application for a Plan Approval, and that the outdoor columbarium area may not exceed 1,920 square feet. The site plan submitted with this application for Plan Approval, marked as Exhibit "A", indicates an outdoor columbarium area of 1,917 square feet, thereby correcting the two Orders to Comply issued by the Los Angeles Department of Building and Safety on March 14, 2018 and June 8, 2018, respectively. Upon completion of the demolition of the excess structures and the construction of new walls that do not contain niches not permitted by previous approvals, the outdoor columbarium will comply with previous conditions of approval. As was previously stated in this determination, the applicant has failed to comply with Condition Nos. 2, 3, 6, 10 and 11 of the previous Conditions of Approval. The applicant still needs to file a complete landscape plan for the site in accordance with Condition No. 6, including the area outside of the reduced external columbarium that is now vacant. If the applicant desires to make the entire site except for existing gardens and structures a parking lot, then the parking area must be landscaped and striped in accordance with the LAMC. The current use of the property as a columbarium, even with the lack of compliance with the Conditions of Approval, is a historic use of the site, and because there are human remains which have been stored on the site since 1906, the use of the site as a columbarium does provide a service that is essential and beneficial to the community. The Zoning Administrator is not taking a position

on the future use of the site for a crematory or chapel as those uses are subject to a separate Conditional Use approval which must be applied for in the future. Any use of the site for memorials for human remains in the form of ashes to be placed in the niches may continue based on State Law which permits such services at the location where a deceased is to be interred, but the use of the site for services prior to cremation or interment elsewhere may not continue as those practices are either currently prohibited by the Conditions of Approval or may not occur because the crematory and the chapel are not permitted uses on the site. The applicant is also reminded that a new Covenant and Agreement must be filed for the use to continue pursuant to Condition No. 10 of these Conditions of Approval.

2. **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.**

The adjacent property to the north across Venice Boulevard is zoned R3-1 and is currently improved with Loyal High School of Los Angeles. Directly across Venice Boulevard, is the school's football/soccer stadium and the running track. The adjoining property to the south is zoned RD1.5-1 and is improved with single-family residential structures. The adjoining property to the west is zoned A1-1 and is improved with Angelus Rosedale Cemetery. The adjacent properties to the east across Catalina Street are zoned CM-1-CPIO and RD1.5-1 and are currently improved with commercial structures, a surface parking lot, and single-family residential structures.

The subject site has been approved for use as a chapel, crematory, and columbarium since 1969, and over the course of its operation, the continued use of the subject site has been examined twice by the Zoning Administrator and once by the South Los Angeles Area Planning Commission. The Zoning Administrator imposed conditions related to landscaping, screening requirements, and a limited scope of operation to ensure that the project's operations do not impose adverse traffic, noise, or visual effects on adjacent residential properties. Information provided at the public hearing, shows that the crematory operation and the attached chapel on the site were not in use for a four year period from 2003 to 2006 and thus, pursuant to Section 12.24-Q of the LAMC, the crematory and chapel use lost their deemed approved status. Notwithstanding the loss of deemed approved status, the operation of the chapel showed a blatant disregard for the approved Conditions of Approval imposed on the site by previous plan approvals. The once extensively landscaped area of the site has either been paved over, permitted to die from lack of water or covered with used artificial turf which still shows the numbers and hash marks from its previous use on a football field. Information in the form of newspaper advertisements in local Korean newspapers and anecdotal evidence provided at the public hearing by both participants and the Council Office show that funeral services and visitations were held for decedents who were not subsequently cremated as required by Condition No. 7. After constructing the outdoor columbaria at twice the authorized size without building permits from the Department of Building and Safety, the applicant then allowed the unpermitted niches within these structures to be sold and used

by decedent's families. After being cited by Building and Safety, the applicant then demolished these structures without demolition permits and moved the cremated remains to other locations on the site without informing the decedent's families as to the new location. Condition No. 12 was included in the Conditions of Approval to ensure that the operators of the columbarium provide the decedent's relatives with the new location for the remains.

Condition No. 10 was placed in the Conditions of Approval because the California Health and Safety Code allows Cemeteries and Columbaria to have scatter gardens. It is unclear from the Code Section whether or not such scatter gardens are permitted on just cemetery's which have a columbarium on them as a part of the facility or in an independent columbarium without a cemetery which are much smaller in area, such as Dae Han. A review of the services available at a number of local cemeteries show that not all cemeteries include the use of scatter gardens. The one, that this Zoning Administrator found that does permit this, was Hollywood Forever Cemetery which requires that the ashes be mixed with soil in their Rose Garden but not scattered in the air. The Condition was included because in the scattering of ashes, the State Code requires that the entire contents of the decedent be scattered in a scatter garden. Such a use in the middle of an urban area within 200 feet of an adjacent residence and with a High School athletic field across Venice Boulevard can not be considered compatible with or not adversely affecting the health, welfare and safety of these neighboring properties. Because Dae Han denies that they are using their memorial garden as a scatter garden, the imposition of such a Condition will not affect their current columbarium operation.

As currently operated, the Dae Han Mortuary has disregarded a number of conditions applied to their use by both the Zoning Administrator and by the South Los Angeles Area Planning Commission. They have operated a crematory without authorization by the City of Los Angeles as is required by the Zoning Code and used their chapel use for unauthorized funerals and viewings. For these reasons the Zoning Administrator is again requiring a Plan Approval to be filed with 12 to 18 months of the conclusion of this case's appeal period to ensure the local neighborhood that they are operating within the existing Conditions of Approval. These conditions and findings only apply to the use of the property as a columbarium. The previous uses are unpermitted by the Code pursuant to Section 12.24-Q of the LAMC and should be immediately terminated. Though Dae Han Mortuary has a State permit for the use of the site as a crematory, it does not have a locally required Conditional Use. Until one is filed for the use of the site as a crematory and chapel such uses may not be continued.

The use of the site as a columbarium, which has been the use since 1906, without the use of any land on the site as a scatter garden and the compliance with the other Conditions of Approval will result in a use whose operations will be compatible with and will not adversely affect or further degrade adjacent properties or the surrounding neighborhood or the public health, welfare and safety. The use of the site as a columbarium should continue because decedents have been interred there since 1906. It is located adjacent to though not a part of the historic Rosedale Cemetery. Even during the time that the site was not operated as a crematory, a person was located on the site by the previous owners to allow people

into the columbarium to visit deceased relatives thus maintaining the use as a columbarium pursuant to Section 12.24-L of the LAMC.

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

There are eleven elements of the General Plan. Each of these elements establishes policies 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 other LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The South Los Angeles Community Plan designates the property for Open Space land uses with corresponding zones of OS and A1. Allowing the proposed project to allow the continued use of both an outdoor and an indoor columbarium conforms with the following Land Use goals included in the South Los Angeles Community Plan:


Goal LU13.3 Local Business: Support local businesses that create a stable economic environment, serve the needs of local residents, and are compatible with the neighborhood.

The conditions imposed through this Plan Approval will ensure that a longstanding local use will continue to serve the needs of local residents in a manner that is compatible with the neighborhood. As such, the proposed project is conformance with the purpose, intent, and provisions of the South Los Angeles Community Plan.

**ADDITIONAL MANDATORY FINDINGS**

4. 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.

Inquiries regarding this matter shall be directed to Alan Como, City Planner, for the Department of City Planning at (213) 473-9985 or [alan.como@lacity.org](mailto:alan.como@lacity.org).

  
CHARLES J. FAUSCH, JR  
Associate Zoning Administrator

cc: Councilmember Gilbert Cedillo  
First Council District;  
Adjoining Property Owners

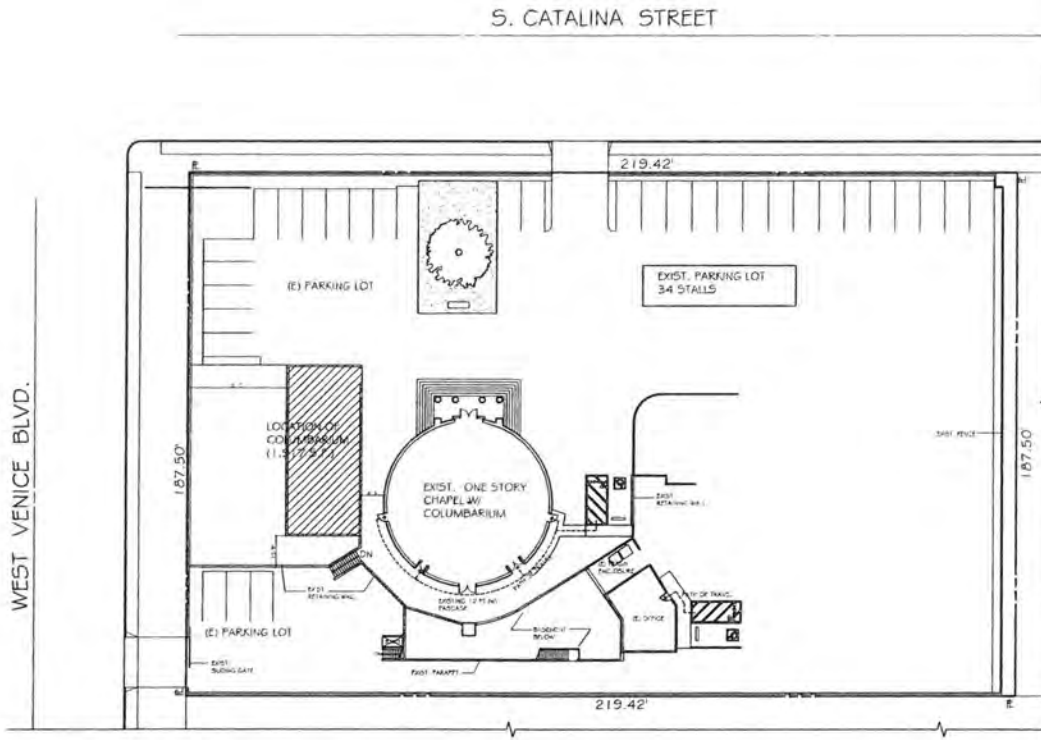
# IMPROVEMENT FOR GENERAL HOME

1605 S. CATALINA STREET, LOS ANGELES, CA 90006

REVISIONS	BY

**SOON KIM & ASSOCIATES**  
435 S. Carson Ave., 7J  
Los Angeles, CA 90036  
T: (213) 386-9230 F: (213) 386-9231  
email: soonkimarch@bormail.com

**PLOT PLAN** SCALE: 1/32" = 1'-0"



**1**  
**A-1** **PLOT PLAN** SCALE: 1/32" = 1'-0"  
LEGEND: [Hatched Box] AREA OF REIMAGINE FOR COLUMBARIUM

**GENERAL NOTES, PLOT PLAN  
& PROJECT INFORMATION**

**TENANT IMPROVEMENT MARKET FOR  
THE PINES FUNERAL HOME**  
1605 S. CATALINA STREET, LOS ANGELES, CA 90006  
TEL: (323) 731-4040

**GENERAL INFORMATION**

1605 S. CATALINA STREET,  
LOS ANGELES, CA 90006

COMMUNITY FUNERAL SERVICES, INC.  
1605 S. CATALINA STREET,  
LOS ANGELES, CA 90006  
TEL: 731-5179

349 S.F.

LEVEL	USE/AREA	GROSS
GROUND	CHAPEL	2,508.2
	COLUMBARIUM	532.8
		3,041.0
MEZZANINE		2,052.6
		2,052.6
BASEMENT LEVEL		1,961.4
		1,961.4
BASEMENT LEVEL		2,552.0
		2,552.0
TOTAL AREA	2,508.2	7,096.8
		9,607.0

1'-0" (ONE STORY BUILDING W/ MEZZANINE & BASEMENT)

1. A1 - 1

1. B, 5  
2. V-B, NON FIRE-SPRINKLERED

1. SIZE PROPOSED COLUMBARIUM AREA AT  
NORTH SIDE OF OUTDOOR AREA (1,917 S.F.)  
2. CALCULATION (9,607 S.F. X 20% = 1,921.4 S.F.)

1. 1/4 PT NE 1/4 SEC 36 T15 R14 W, Arb B  
5075-022-025, PIN. 1608 B193 205

**VICINITY MAP** SCALE: N.T.S.

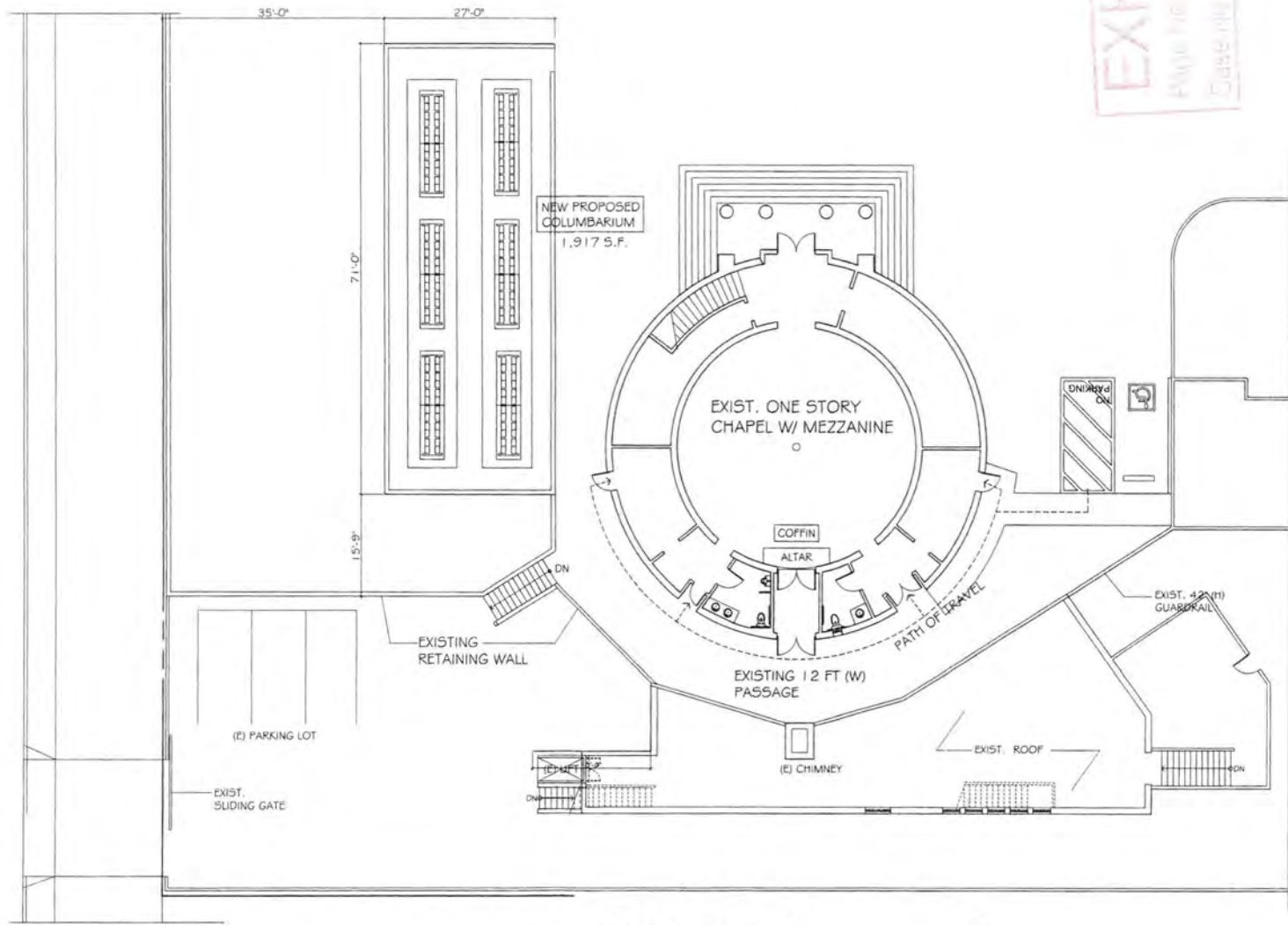


**SHEET INDEX**

- ARCHITECTURAL**
- A-1 : PLOT PLAN, PROJECT INFORMATION
  - A-2 : GROUND FLOOR PLAN, MEZZANINE LEVEL PLAN
  - A-3 : (B-1) MEZZANINE LEVEL PLAN
  - A-4 : (B-2) BASEMENT LEVEL PLAN
  - A-5 : COLUMBARIUM PLAN
  - A-6 : DISABLED ACCESSIBILITY NOTE
  - A-7 : DISABLED ACCESSIBLE DETAILS, HARDSHIP EXEMPTION FORM

**EXHIBIT 'A'**  
1 15  
2A-2014-397-PAD-PA

DATE	MAR. 10, '15
SCALE	AS SHOWN
DRAWN	S.K.
JOB	14112
SHEET	<b>A-1</b>
OF SHEETS	



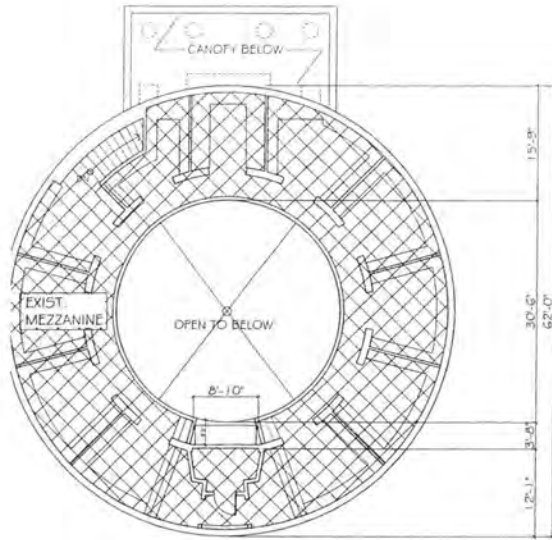
**EXHIBIT "A"**  
 Page No. 2 of 5  
 Drawing ZA-2014-397-PAD-PA1

1 PARTIAL SITE PLAN ↑  
A-2 SCALE: 1/8" = 1'-0"

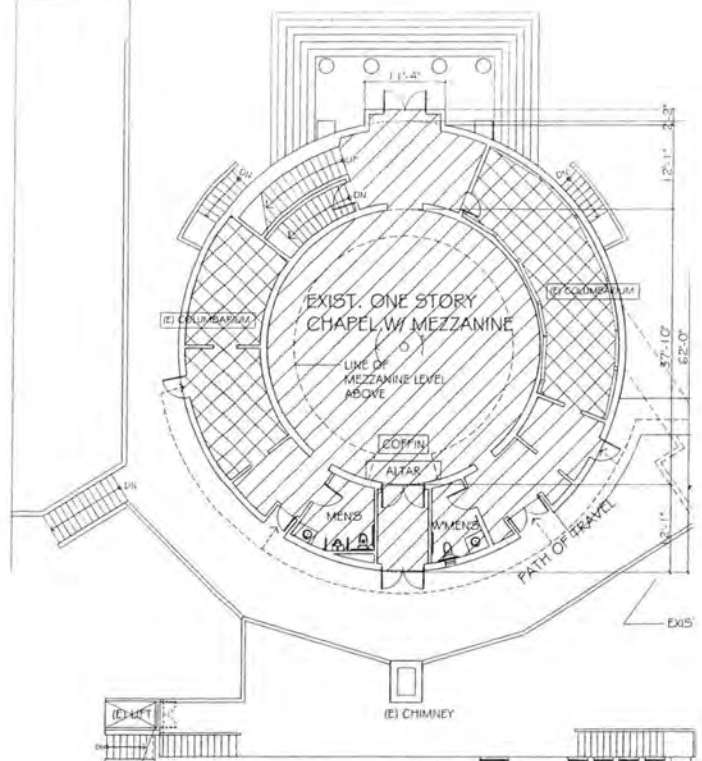
REVISIONS BY	DATE	MAX. LO '15

**FIRST FLOOR PLAN**


TENANT IMPROVEMENT MARKET FOR THE PINES FUNERAL HOME 1605 S. CATALINA STREET, LOS ANGELES, CA 90006 TEL. (323) 731-4040	SOON EIM & ASSOCIATES 433 S. Canon Ave. #7 Los Angeles, CA 90008 T (213) 386-9220 F (213) 386-9233 email: soon@eimarchitect.com
DATE: 10/15 SCALE: AS SHOWN DRAWN: S.K. JOB: 14102 SHEET: <b>A-2</b> OF: SHEETS	



2  
A-3 MEZZANINE LEVEL PLAN  
SCALE : 1/8" = 1'-0"

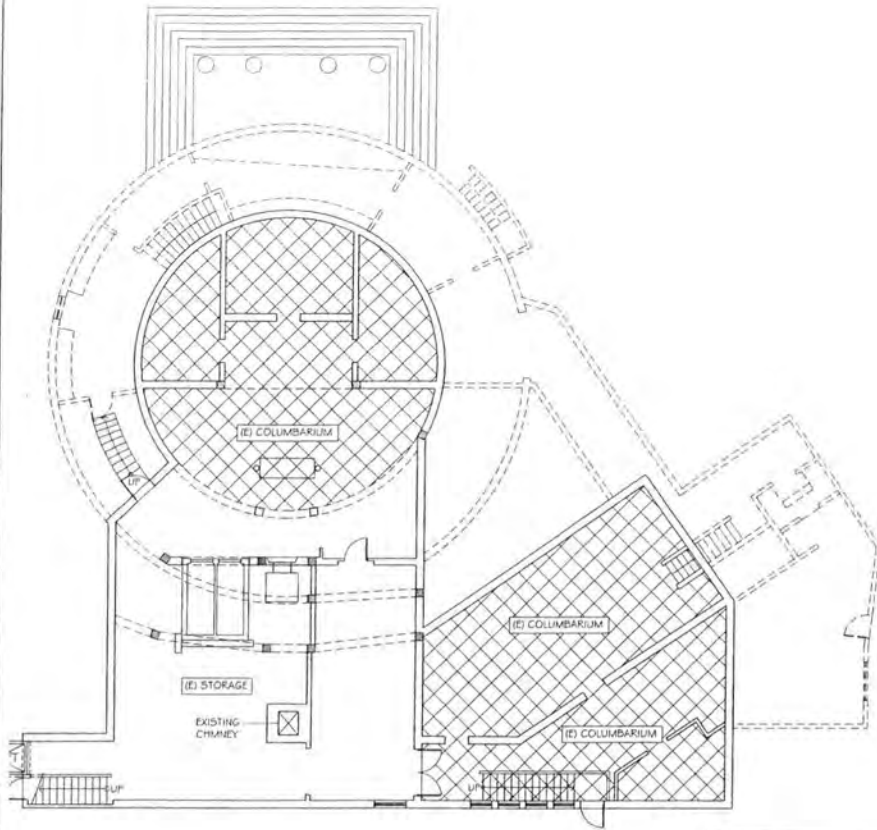


1  
A-3 GROUND LEVEL PLAN  
SCALE : 1/8" = 1'-0"


**LEGEND**  
 : AREA OF COLUMBARIUM

**AREA CALCULATION**  
 1 COLUMBARIUM : 2,052.6 S.F.

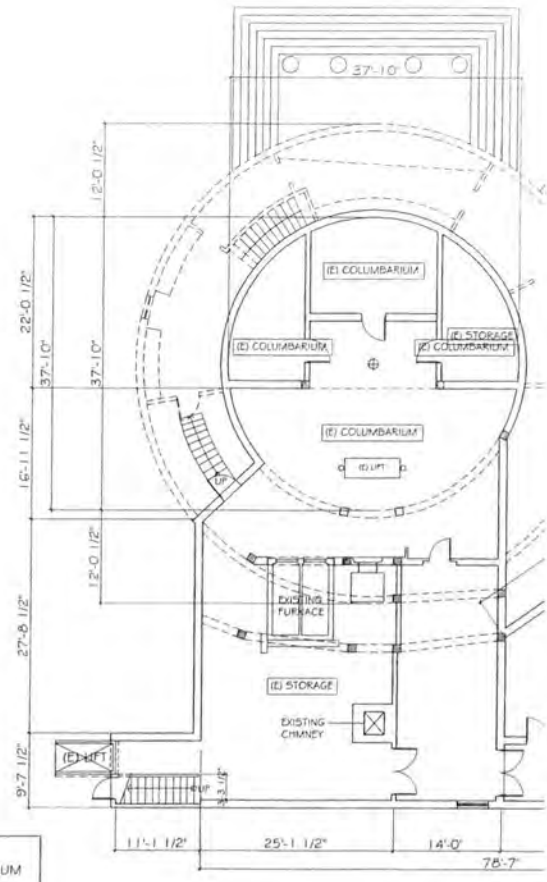
EXHIBIT "A"  
 3 5  
 ZR2014-397-PAD-PA1



1  
A-5 (B-2) LEVEL AREA CALCULATION  
SCALE: 1/8" = 1'-0"

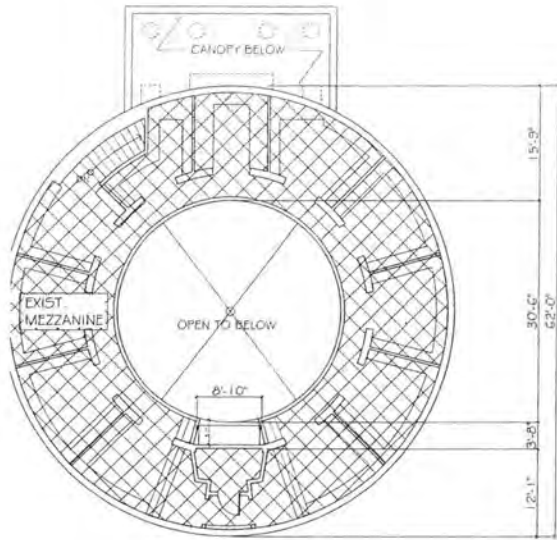
LEGEND  
 : AREA OF COLUMBARIUM

AREA CALCULATION  
 1. COLUMBARIUM : 2,552.05 SF.




1  
A-5 (B-2) BASEMENT LEVEL F  
SCALE: 1/8" = 1'-0"

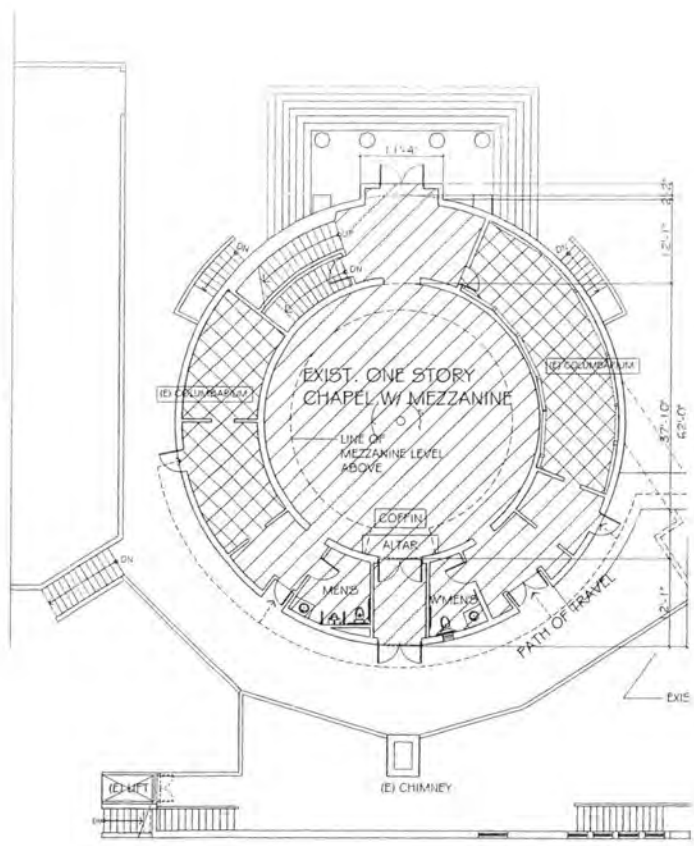
EXHIBIT "A"  
 4 5  
 ZA-2014-397-PAD-PA1



2 MEZZANINE LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0"

LEGEND  
 : AREA OF COLUMBARIUM

AREA CALCULATION  
 1. COLUMBARIUM : 2,052.6 S.F.



1 GROUND LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0"

EXHIBIT "A"  
 5 5  
 ZA-2014-397-PAD-PH1

# SCANNING REQUEST FORM

1	*Contact Person:	ALAN COMO	*Ext:		*Date:	
	*Case ID: (from PCTS or Cover Page)	223753	*Case Number: (matching PCTS)	ZA-2014-397-PAD-PA1		

\* Required Fields

## 2 Check Off Items to be Scanned

### 2a Letters

Determination    
  Correction    
  Clarification    
  Termination  
 Appeal Decision    
  Modification    
  Extension    
  Other: RLA

### 2b Exhibits, or Approved Plans (include # of sheets for each plan type)

Type	#	Type	#	Type	#
Conditions of Approval		Irrigation		Roof	
Demolition		Landscape		Sign	
Door/Windows		Lighting		Site	
Elevation		Open Space		Survey	
Equipment		Parcel Map		Title/Cover	
Floor		Parking		Tract Map	
Garage		Pictures			
Grading		Plot			

2c Additional Comments: \_\_\_\_\_

## 3 PLEASE RETURN TO:

Room # \_\_\_\_\_ Name: \_\_\_\_\_  
 Automated Records  
 Other: \_\_\_\_\_

### 4 Supervisory Review and Approval:

Signature: \_\_\_\_\_

### PDIS USE ONLY

By: \_\_\_\_\_ Date: \_\_\_\_\_  Not Scanned:

<p style="text-align: center;"><i>LOS ANGELES</i></p> <p style="text-align: center;"><i>CITY PLANNING DEPARTMENT</i></p> <p style="text-align: center;"><b><i>ADMINISTRATIVE</i></b></p> <p style="text-align: center;"><b><i>POLICY MANUAL</i></b></p>	<p>SECTION 23</p> <p>DOCUMENT IMAGING</p>	<p>PAGE: 2</p>
		<p>DATE: 2-3-92</p>
		<p>REVISED DATE: 4-23-08</p>

### DOCUMENT IMAGING UNIT

The Document Imaging Unit is located in Room 617, City Hall. Case documents submitted for scanning will be converted to PDF format and made available on the internet through the Planning Document Information System (PDIS).

#### 23.1 HOURS OF OPERATION

8:00 a.m. to 4:30 p.m.

#### 23.2 FUNCTIONS

Document Imaging staff perform the scanning, indexing and uploading of Planning case documents into PDIS. Staff will scan letters and exhibits from the City Planning Commission, Area Planning Commission, Director of Planning, Zoning Administrator, Advisory Agency, and Tract cases.

#### 23.3 REQUESTS FOR SERVICE

The following procedures must be followed when requesting scanning services.

- When submitting work to the unit, documents must be accompanied by a completed cover sheet, Scanning Request Form (CP 5216). If the entire case file is taken to Document Imaging, remove the documents to be scanned and rubber band them with the cover sheet to the front of the case folder.
- Set work on the counter located to the left as you enter the room.
- Exhibits should consist of only those sheets that are pertinent to Planning's decision.
- Exhibit sheets should be unstapled and separated from the set of plans. They also must be identified by stamping each sheet with an "Exhibit" stamp and numbered sequentially (e.g. 1 of 3, 2 of 3, 3 of 3).
- Approved Plans/Sign Off's should be separated and identified in the same manner as exhibits using the "Approved Plans" stamp.
- Turnaround time for cases submitted for scanning is one to two days.

**APPEAL  
WITH  
ATTACHMENTS**



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-2014-0397-PAD-PA1

Project Address: 1605 South Catalina Street

Final Date to Appeal: May 31, 2019

- 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): Henry Chun

Company: Community Funeral Services, Inc.

Mailing Address: 1605 Catalina Street

City: Los Angeles State: CA Zip: 90006

Telephone: (323) 731-5734 E-mail: daehanmortuary@sbcglobal.net

- Is the appeal being filed on your behalf or on behalf of another party, organization or company? Self, Other
Is the appeal being filed to support the original applicant's position? Yes, No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Nicole Kuklok-Waldman

Company: Collaborate, Inc.

Mailing Address: 555 West Fifth Street, Suite 3500

City: Los Angeles State: CA Zip: 90013

Telephone: 213-986-2131 E-mail: nicole@collaborate-la.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: 5/29/2019

**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:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)



APPLICATIONS:

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Appellant Body:

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Project Address: 1605 South Catalina Street

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This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**Appeal Justification for 1605 Catalina Street**  
ZA-2014-0397-PAD-PA1

**1. The reason for the appeal:**

The Applicant, Community Funeral Services, respectfully requests approval of the requested Plan Approval and revision of Conditions 6 through 8 and 9 through 12. Community Funeral Services readily acknowledges past infractions that have been resolved with the City of Los Angeles. However, Community Funeral Services' activities have been severely mischaracterized by opponents who lack understanding of both the operation of the Community Funeral Services site, as well as the State's regulation of Community Funeral Services' functions.

**2. How you were aggrieved by the decision:**

The decision by the Zoning Administrator would result in irreparable injury to Applicant's business by prohibiting its key operational components.

**3. Specifically, the points at issue:**

All points listed below are subject to supplementation up and until the time of the hearing to be scheduled.

Dismissal of Plan Approval: Applicant requests that the Area Planning Commission grant the Plan Approval requested.

Condition 6: Applicant requests Condition 6 to be modified to its original language. Applicant will present a detailed history and of its compliance with the previous determination and operations to evidence that this Condition should have remained as-is.

Condition 7: Applicant requests Condition 7 to be modified to its original language. Applicant will present a detailed history of the use of the site as a location for mortuary-related uses, events, as well as cremations that provide for continued operation as-is.

Condition 8: Applicant requests Condition 8 to be modified to its original language. Applicant uses artificial turf to cover areas also used for overflow parking, and the language in this Condition does not address use of overflow parking.

Condition 10: Applicant would like to clarify that, while scattering of ashes is legal under California law, the Applicant has not scattered and does not scatter ashes on-site. The Garden Ossuary near Catalina Street provides for group interment of cremains underground and Applicant would like to continue to do so to provide a cost-effective burial option to clients. Applicant would like to note that this Condition clearly reflects

much of the misinformation disseminated by opponents of Applicant's continued use of the site.

Condition 11: Applicant respectfully requests removal of this condition. Applicant has complied with City and State requirements for operation of a crematorium. The crematorium ceased operation for upgrades while the use of the remainder of the site was operational with off-site uses for crematoria in the interim. Applicant will provide evidence of these uses to provide vested rights for continued operation.

Condition 12: Applicant respectfully requests removal of this condition. The State of California regulates the removal and reinternment of cremains. The City cannot regulate the Applicant to act contrary to California law. All issues with the City Attorney and the enforcement divisions of the City of Los Angeles have been settled and the Applicant is complying with all applicable California Laws in addressing cremains.

**4. Why you believe the decision-maker erred or abused their discretion.**

The Applicant is prepared to provide evidence demonstrating that it has continued to work within the law to maintain a complaint business. Many of the statements made in the ZA determination are not true and will be detailed at the appeal hearing. In addition, many of the issues addressed in the Plan Approval are already regulated by the State and are therefore preempted. When all of the allegations stated are resolved, it will be clear that Community Funeral Services should be allowed to continue to operate as a member of the community.

ESTINEH MAILIAN  
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
THEODORE L. IRVING  
ALETA D. JAMES  
FRANKLIN N. QUON  
CHARLES J. RAUSCH JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
(213) 978-1271

VINCENT P. BERTONI, AICP  
DIRECTOR

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER

SHANA M.M. BONSTIN  
DEPUTY DIRECTOR

TRICIA KEANE  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

<http://planning.lacity.org>

May 16, 2019

Henry Chun (A)(O)  
Community Funeral Services, Inc.  
1605 South Catalina Street  
Los Angeles, CA 90006

Ariel Gutierrez (R)  
Cartomap Services  
1301 West 2<sup>nd</sup> Street, Unit 105  
Los Angeles, CA 90026

CASE NO. ZA-2014-0397-PAD-PA1  
APPROVAL OF PLANS  
1605 South Catalina Street;  
South Los Angeles Community Plan  
Area  
Zone : A1-1  
D. M. : 126B197  
C. D. : 1 – Cedillo  
CEQA : ENV 2018-5221-CE  
Legal Description: NE 1/4 SEC 36 T1S  
R14W

Pursuant to CEQA Guidelines Section 15601, I hereby DETERMINE:

Based on the whole of the administrative record, that on September 6, 2018, the project was issued a Notice of Exemption, log reference ENV-2018-5221-CE, for a Categorical Exemption Section 15301, Class 1 of the California CEQA Guidelines for granting the continuation of the operation of an existing facility with no expansion of use beyond that existing at the time of the lead agencies determination. That action is consistent with State CEQA Guidelines Article 19 (Categorical Exemptions) in that the Categorical Exemption does not meet any of the exceptions Contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects, scenic highways or hazardous waste sites;

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby DISMISS:

a Plan Approval of a Deemed to be Approved Conditional Use to permit the operation of a crematory and chapel within a 9,607 square foot building due to the fact that the crematory and chapel lost their deemed to be approved status when the original business closed in 2004 and was not resumed until 2008 by which time the business lost its deemed to be approved rights by not operating for over a one year period of time pursuant to Section 12.24-Q of the Los Angeles Municipal Code (LAMC);

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby DETERMINE:

that compliance has been partially attained with the conditions of the prior action imposed by South Los Angeles Area Planning Commission in approving in part an appeal of the Zoning Administrator's approval to allow the continued use and maintenance of an existing columbarium within an existing 9,607 square foot building and an exterior 1,917 square foot exterior columbarium.

The conditions for the columbarium use are hereby retained or amended as follows:

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. **REVISED**: Authorized herein is the continued use and maintenance of:
  - a. A 9,607 square-foot existing ~~crematory, chapel, and~~ columbarium structure.
  - b. Six outdoor columbarium structures within an area not to exceed 1,917 square feet, as shown in Exhibit "A". No additional outdoor columbaria shall be erected on the subject site and no niches may be included in the walls surrounding the outside columbarium.
  - c. No additional deviations from the Los Angeles Municipal Code are requested or approved.
7. **REVISED**: There shall be no mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains on site. ~~Viewing services and funeral~~

~~services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be cremated and incinerated into ash. Any human remains departing the site must be in the form of ash. Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without cremation, is a violation of the Zoning Code and this Conditional Use Permit. No viewing or funeral services are permitted on the site until such time as a new Conditional Use for the use of the site as a crematory and chapel are approved.~~

No earlier than 12 months and no later than 18 months from the effective date of this action, the applicant shall file for an Approval of Plans for review of compliance with these conditions of approval. The application shall be on appropriate forms and accompanied by the payment of fees as set forth in the Los Angeles Municipal Code. The application must be accepted as complete by the Department of City Planning. Mailing labels shall be provided with the application for abutting tenants and property owners of the subject property including the Council Office. The applicant shall also submit with the application a summary and all supporting documentation of how compliance with each condition has been attained.

A public hearing shall be required. The purpose of the hearing will be to consider the effectiveness of the conditions and of the compliance record of the applicant. The Zoning Administrator may upon receipt of testimony and review of the effectiveness of the conditions, modify, delete or add conditions. If there has been substantiated evidence of non-compliance prior to the hearing, the hearing may be set as a revocation hearing. This hearing may not be used as the public hearing for a new Conditional Use for a crematory and chapel on the site.

**NEW:** Failure to submit the application and the supporting Condition Compliance Report in a timely manner according to the above 12 to 18 month period of time from the end of the appeal period for this report or from the action of the South Los Angeles Area Planning Commission on appeal of this determination shall result in the City of Los Angeles, Department of City Planning filing a revocation proceeding pursuant to Section 12.27.1. of the Los Angeles Municipal Code (LAMC). The owner of the subject business shall be responsible for all fees and conditions resulting from any revocation proceeding pursuant to Section 19.01- P of the LAMC.

8. **REVISED:** All open area not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40.D) and to the satisfaction of the Development Services Center. The use of artificial turf is prohibited. Any new parking placed in the area currently covered with artificial turf shall be landscaped and trees planted pursuant to Section 12.21-A, 6(h) and (i) of the LAMC.
9. A minimum 5-foot wide landscaped buffer shall be maintained adjacent to the residential use.

10. NEW: The use of any landscaped or un-landscaped area on the site for the scattering of ashes is strictly prohibited especially in the landscaped area above the Ossuary on the east side of the property adjacent to Catalina Street.
11. NEW: The use of the on-site crematory shall be terminated upon the end of the appeal period of this case. Use of the crematory may only resume when a Conditional Use for the operation of a crematory is granted pursuant to Section 12.24-W, 12 of the Los Angeles Municipal Code. Pursuant to Condition No. 7 of this case, no on-site viewing or funeral services may occur until such time as a Conditional Use for the operation of a crematory is granted and effectuated.
12. NEW: After the disinterment, removal and reinterment of any remains due to the demolition of un-permitted columbaria, the columbarium owner shall produce a plan of the columbaria and niches where the remains are re-interred consistent with Sections 7954 and 7955 of the State of California Health and Safety Code and such plan shall be kept in the office of the columbarium and made available to relatives of the deceased and the Department of Building and Safety or other legal authority inspecting the site for compliance with these Conditions of Approval.
13. Prior to the issuance of any permits relative to this matter, 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.
14. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. 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.
- b. 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.

- c. 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 (b).
- d. 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 (b).
- e. 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 - TIME EXTENSION**

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 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 **May 31, 2019** unless an appeal therefrom is filed with the Department of City Planning. 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	San Fernando Valley	West Los Angeles
<p style="text-align: center;">                     Figueroa Plaza                      201 North Figueroa Street,                      4th Floor                      Los Angeles, CA 90012  <u>(213) 482-7077</u> </p>	<p style="text-align: center;">                     Marvin Braude San                      Fernando                      Valley Constituent Service                      Center                      6262 Van Nuys Boulevard,                      Room 251                      Van Nuys, CA 91401  <u>(818) 374-5050</u> </p>	<p style="text-align: center;">                     West Los Angeles                      Development Services                      Center                      1828 Sawtelle Boulevard,                      2nd Floor                      Los Angeles, CA 90025  <u>(310) 231-2598</u> </p>

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, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a plan approval to a conditional use permit under the provisions of Section 12.24 W and 12.24 M have been established for the Columbarium use by the following facts:

**BACKGROUND**

The subject site is a flat, rectangular lot approximately 54,118 square feet in size. The site has a frontage of 188 feet along the south side of Venice Boulevard and 288 feet along the west side of Catalina Street. The South Los Angeles Community Plan designates the site for Open Space land uses with corresponding zones of OS and A1. The site is zoned A1-1 and is not located in the South Los Angeles Community Plan Implementation Overlay (CPIO), which was adopted on December 29, 2018. The site is currently improved with a 9,607 square-foot chapel with internal columbarium structures and an external columbarium garden measuring 1,917 square feet.

The adjacent property to the north across Venice Boulevard is zoned R3-1 and is improved with Loyola High School of Los Angeles. The adjoining property to the south is zoned RD1.5-1 and is improved with single-family residential structures. The adjoining property to the west is zoned A1-1 and is improved with the Angelus Rosedale Cemetery. The adjacent properties to the east across Catalina Street are zoned CM-1-CPIO and RD1.5-1 and are currently improved with commercial structures, a surface parking lot, and single-family residential structures.

On June 1, 1961, the Zoning Administrator determined that the subject site has the status of a deemed approved Conditional Use for a crematory and columbarium, and conditionally approved the plans for the construction of a new outdoor columbarium to be used in conjunction with the existing chapel and crematory. Subsequent determinations issued by the Office of the Zoning Administration and South Los Angeles Area Planning Commission have upheld the determination that chapel, crematory, and columbarium uses are an approved use for the subject site.

The subject application is for a Plan Approval to allow the continued use and maintenance of a 9,607 square-foot chapel and crematory with interior columbarium and 1,917 square-foot exterior columbarium. The Zoning Administrator in testimony taken at the Plan Approval hearing received information that according to the records of the State of California's Cemetery and Funeral Bureau that the crematorium on the subject site was not used from 2004 to 2008, and thus, because it was not in use for over a year lost its deemed to be approved status for a Conditional Use Permit and needs to file anew for the continuation of the use.

Venice Boulevard, adjacent to the subject site to the north, is a designated Avenue II by the Mobility Plan 2035 with an 80-foot width and improved with concrete curb, gutter, and sidewalks.

Catalina Street, adjacent to the subject site to the east, is a designated Local Street – Standard by the Mobility Plan 2035 with a 60-foot width, and improved with concrete curb, gutter, and sidewalks.

**Previous zoning related actions on the subject site include:**

Building Permit Document No. 1913LA10986: On August 12, 1914, the Los Angeles Department of Building and Safety issued a permit for the construction of a one-story chapel building.

Building Permit Document No. 194916214: On June 15, 1949, LADBS issued a permit to install marble shelves, partitions back and front to form columbarium niches for cremated remains in conjunction with an existing columbarium and crematory building.

ZAI-1789: On June 1, 1961, the Zoning Administrator issued an interpretation that the site has the status of a deemed approved Conditional Use for a crematory and columbarium, and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing chapel and crematory building.

ZA-2014-0397-PAD: On October 20, 2015, the Zoning Administrator approved deemed-to-be-approved conditional use status and approved plans to allow the continued use and maintenance of an existing crematory, chapel, and columbarium and a 1,920 square-foot outdoor columbarium. On May 25, 2016, the Zoning Administrator issued a Letter of Correction modifying Condition No. 7 to prohibit on-site open casket viewings and funeral services unless such services are associated with on-site cremation. Condition No. 7 was also modified to prohibit any embalmed human remains from leaving the subject site unless such remains are cremated.

ZA-2014-0397-PAD-1A: On November 1, 2016, the South Los Angeles Area Planning Commission denied an appeal, sustained the Zoning Administrator's modified Condition No. 7, and required the applicant file a plan approval for condition compliance review after 12 months and not before 18 months from the effective date of the appeal's denial.

Order to Comply Case No. 807493, Order No. A-4654553: On March 14, 2018, the Los Angeles Department of Building and Safety issued an Order to Comply after an inspection showed that the size of the outdoor columbarium area measured approximately 5,246 square feet, exceeding the 1,920 square-foot maximum size imposed by the Zoning Administrator as a condition of approval in Case No. ZA-2014-0397-PAD.

Order to Comply Case No. 807493, Order No. A-4728537: On June 8, 2018, the Los Angeles Department of Building and Safety issued an Order to Comply after an inspection showed that a Plan Approval had not been filed pursuant to the requirement imposed by the South Los Angeles Area Planning Commission. The Order to Comply also specified a failure to comply with the Order No. A-4654553 to limit the outdoor columbarium space to 1,920 square feet pursuant to Condition No. 6 of Case No. ZA-2014-0397-PAD.

**Previous zoning related actions in the vicinity of the subject site include:**

ZA-1989-367-PAD: On April 28, 1989, the Zoning Administrator granted a Plan Approval on a deemed-to-be-approved Conditional Use site to allow for the construction of two modular buildings on an existing school site.

CPC-1996-192-CU: On May 15, 2001, the City Planning Commission approved a Conditional Use to allow the construction of a mausoleum in the Angelus Rosedale Cemetery.

ZA-2003-6886-CU-ZV-SPR: On May 28, 2005, the Zoning Administrator approved the demolition of an existing 17,160 square-foot auditorium and the construction, use, and maintenance of an approximately 36,240 square-foot auditorium as part of a phased master plan involving augmentation of an existing high school campus. On May 9, 2017, a Plan Approval was granted in conjunction with this master plan.

**PUBLIC HEARING**

A Notice of Public Hearing was mailed on January 29, 2019 to property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested parties were invited to attend the public hearing at which they could listen, ask questions, or present testimony

regarding the project. The purpose of the hearing was to obtain testimony from affected and/or interested parties regarding this application. Interested parties were also invited to submit written comments regarding the request prior to the hearing. The environmental

impact was among the matters considered at the hearing. The public hearing was held on February 28, 2019 at 9:00 a.m. in Room 1060 of Los Angeles City Hall.

The hearing was to review the compliance of the use with its Conditions of Approval. The applicant's representative stated that use was in compliance and submitted the Review of Condition Compliance below. The hearing was attended by the applicant, his zoning representative and his attorney. The hearing was also attended by approximately 15 people who testified and submitted written material in opposition to the Plan Approval including four attorneys for surrounding property owners or former clients of the facility, four members of a land use and planning firm in opposition and a representative of Council District 1 who testified in opposition to the use.

### **PUBLIC SPEAKERS**

#### **Speakers in Favor of the Application:**

The applicant's representative stated that the use was a deemed to be approved Conditional Use which had started operations in 1913. In 1961, the Zoning Administrator deemed the use as approved for the use of a crematorium, chapel and columbarium and issued permission for the development of an outdoor columbarium and garden. The columbarium is currently in the basement of the chapel building with additional space on the first floor and in the mezzanine. There are currently three rows of outdoor columbarium walls in the outdoor portion. They had built six rows, but were cited by the Department of Building and Safety for not building them with building permits so they demolished three rows. We were required by the South Los Angeles Area Planning Commission to file a Plan Approval for the site. A condition compliance review has been submitted and is the subject of this hearing.

The applicant's legal council stated that the applicant had been working with the City staff to come into compliance with all of the Conditions of Approval. We have met with the City Attorney and with Building and Safety to bring the use into compliance, have removed three rows of outdoor columbaria and have filed the required Covenant and Agreement. We attempt to be a good neighbor and loan our neighbors parking spaces when we don't need them for their use. We have received clearances from the proper Departments for all of our compliance with the Conditions. We don't do any embalming on the site, but we do, do it off-site. We think many of the complaints against our operation are innuendoes against the owner.

#### **Speakers in Opposition to the Application:**

Frank Lara from the Department of Building and Safety made the following comments regarding a number of Zoning Code enforcement actions taken by the Department to resolve complaints about the use of the property.

- In 2011, Order to Comply No. 2743142 was issued to the operator of the crematory establishment for various unapproved use and construction violations that were documented by the Department. These violations include unapproved mortuary use, the construction of various structures without permits, alterations to pre-existing structures without permits, and plumbing, electrical and mechanical equipment installed without permits;
- Also in 2011, Order to Comply No. 2783599 was issued for various sign violations;
- These violations were finally resolved in 2015, after criminal charges were filed against the operator of the establishment in Los Angeles County Superior Court;
- Complaints for unapproved use and construction continued to be received by the Department after the criminal court case was resolved, and in March of 2018, Order to Comply No. 4654553 was issued to the operator for various violations. This included an expansion of the Columbarium Garden, more than doubling the size that had been approved by the Zoning Administrator and the South Los Angeles Area Planning Commission in 2016. Sign violations had returned as well;
- In June of 2018, Order to Comply No. 4728537 was issued to the operator when inspectors determined that the operator had not submitted for Plan Approval review with the Zoning Administrator, as required by ZA Case No. 2014-0397;
- Although the Plan Approval application was subsequently submitted to the Zoning Administrator and a number of Columbarium structures were removed from the site, there are still structures and signs that remain and prevent the Code Enforcement Action to be closed; and
- In addition to the information being provided on prior code enforcement action, I want to express my concern with the enforceability of Condition No. 7 as it was modified by the Area Planning Commission. This condition prohibits actions by the operator that are extremely challenging for the Department to document. Due to the sensitive nature of the funeral services taking place, circumstances prevent normal investigative protocol from taking place and therefor encumber an appropriate investigation. The Department requests that this condition be modified in a way to achieve the goals of the Zoning Administrator, yet facilitate a reasonable investigation.

Other speakers in opposition made the following comments:

- The applicant currently operates a crematory and maintains columbarium structures at the site. For many years, they have knowingly and flagrantly violated the City's Zoning and construction laws resulting in substantial injury to nearby residents;
- They have operated a scheme to profit from the sale of columbarium niches for the interment of cremated human remains without disclosing to the buyers that the structures were built in violation of State construction standards and the City's Building and Zoning Codes;
- There is also evidence that they illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City;
- The property was historically operated by the Pierce Brothers as a crematory and columbarium. Pierce Brothers shut down the crematory operation in 2003. The current owners acquired the property in 2006 and started a number of illegal

operations including opening a full-scale mortuary business without City permits including sale of cremations, funeral services, embalming and storage of bodies, sale of caskets and on-site funeral services. They constructed 27 un-permitted columbarium structures for the interment of cremated human remains within a 5,198 square foot outdoor memorial garden which was larger than the 1961 grant for an outdoor memorial garden and sold unpermitted columbarium niches to consumers;

- A Zoning Administrator, Plan Approval again limited the size of the outdoor memorial garden to 1,920 square feet and limited it to six stand alone columbaria structures instead of the 5,198 existing square feet and the existing 12 stand alone and 15 wall mounted columbaria. On appeal the South Los Angeles Area Planning Commission confirmed the Zoning Administrator's decision and further required a Plan Approval hearing for condition compliance no later than May 1, 2018. They were also required by the Conditions to file a Covenant and Agreement agree to the Conditions;
- The applicant continued to operate in violation of the Conditions of Approval, did not reduce the size of the memorial garden as required and failed to file the Covenant and Agreement until two weeks prior to this hearing. The applicant only filed for the subject Plan Approval after the City Attorney held a hearing on non-compliance with the Conditions and under threat of a fine for non-compliance. The operator continued to sell niches in the un-permitted columbaria to unsuspecting clients. After the City Attorney Hearing the applicant hurriedly demolished six of the un-permitted columbaria some of which contained human remains in the niches and moved them without knowledge or permission of the families of the deceased. They are out of compliance with most of their conditions;
- The applicant filed for a Conditional Use Plan Approval in an attempt to convince the Zoning Administrator that the crematory and chapel had been in continuous use. There was a letter submitted to the Department of Building and Safety so stating but the property described was actually the adjacent cemetery which has no affiliation with the subject property. From 2004 to 2008, California State records show that there were no cremations on the site. This means that the operation lost any deemed to be approved status because the crematorium was not operated during that time. A new Conditional Use not a Plan Approval is required to continue this use on the site;
- This is an ineffective and dangerous operation, and they do not have the means to comply with their existing conditions. They have held funerals on the site with decedents in coffins which are then moved to burials at other cemeteries instead of cremating them. It is a violation to have a funeral on the site and then move a preserved body elsewhere to bury it. They also operate a scatter field for ashes on the site which is un-permitted by the State or the County. This should be done in a cemetery and approved by the County Health Department. They should be shut down by Code Enforcement; and
- I am quite stunned by the history of non-compliance with State, County and City rules. I have spoken to parents of students of Loyola High School whose running track is across the street from the alleged scatter ground. They are quite upset that their children are breathing air polluted with ashes. I do not hear that they are willingly complying with their conditions. They talk about it, but they only comply when they are forced to by the City Attorney or Building and Safety. All activities

on the site should cease until they are brought into compliance. This proceeding is a gift.

Representative of Council District No. 1:

Arturo Chavez representing Council District No. 1 stated:

- The problems with this operation go back to 2011. Our office has been concerned with constant violations of the Conditions of Approval;
- We are concerned that the un-permitted columbarium structures had rented niches and then were torn down. Once gone they are gone and we are concerned about the disposition of the ashes in the demolished niches;
- Condition No. 7 says that services may only be held for cremations or ashes being placed in a columbarium. No services may be held for embalmed bodies in a casket that are to be buried elsewhere. We have received service notices for services for people at the site who are then buried elsewhere such as Rose Hills. We also have advertisements offering their facilities for services for those who are to be buried elsewhere;
- We have a concern that we, the Council Office, can't constantly monitor the site for violations of the Conditions. People are buried there and we can't just keep moving them around because the applicant buried them in un-permitted columbarium niches; and
- There is a constant effort by the operators to push the limits of their Conditions. We must enforce them, and Condition Compliance after Building and Safety cites them or the City Attorney forces them to comply under threat of fine or incarceration is not compliance. We should not approve this Condition Compliance review, and the Councilman says that it is time to cease and desist in this continued operation.

## CORRESPONDENCE

Mr. Larry Mondragon, Vice President of Zoning and Entitlements for Craig Fry & Associates, sent a letter dated September 12, 2018. Mr. Mondragon submitted a letter opposing the approval of plans for the continued use and maintenance of the existing chapel and columbarium based on the applicant's alleged failure to comply with the conditions of approval imposed by Case No. ZA-2014-0397-PAD and ZA-2014-0397-PAD-1A. Mr. Mondragon requests denial of Plan Approval, the initiation of revocation proceedings to determine if the applicant should be allowed continued operation on the subject site, the enforcement of LAMC 12.24.Q, and action by the City Attorney's office pursuant to LAMC section 12.29. Three other members of the firm submitted letters to the file and their comments are summarized in the other letters section of this report.

Mr. Michael Gonzales representing a local resident sent a letter dated February 27, 2019 and made the following points:

- The attached contains supporting evidence demonstrating the discontinuance of a deemed approved conditional use at the property. Pursuant to LAMC Section 12.24-Q when "a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in

accordance with the procedure prescribed in this section for the establishment of a conditional use." The attached evidence clearly shows that the deemed approved use ceased for a period of at least four years. A plan approval request that is before you is insufficient to reestablish a conditional use that has been discontinued. The applicant must follow the procedure for filing a new conditional use under Section 12.24-W. The crematory and chapel operations currently occupying the property violate the LAMC and must be immediately stopped;

- The applicant in the subject case filed a Plan Approval to a deemed approved conditional use in 2014, and the Zoning Administrator approved the deemed approved status at the hearing. This was appealed to the South Los Angeles Area Planning Commission (SLAAPC) denied the appeal but added an additional condition requiring another Plan Approval within a 12 to 18 month period of the effectuation of the case. During the hearing, we presented proof that the crematory operation had been closed for the period from 2004 to 2008 and thus, had lost its deemed approved status. This evidence was not available at the time of the Zoning Administrator's hearing. The SLAAPC still denied the appeal in part and added an additional condition requiring the Plan Approval; and
- During the period that the crematory was not in use, the site continued to be used as a columbarium and allowed visitation of niche sites only for those people who already had relatives buried on the site. To our knowledge, no new burials occurred.

Other letters to the file make the following points:

- It appears that Dae Han hired a lobbyist to write a letter to the Department of Building and Safety to obtain a City Zoning Clearance letter for their State license application in 2009. The letter was convoluted and misrepresented that the property enjoys non-conforming rights and may continue to operate as it has for more than a century as a funeral establishment. This was a misrepresentation because the property had only been used as a crematorium and columbarium not as a funeral establishment. The Department of Building and Safety issued the letter stating they had non-conforming rights as the property had had its zone changed to the A1 Zone which did not permit the operation of crematories by right. The City caught its mistake and issued a letter in 2011 rescinding the clearance. They stated that the "existing crematory, chapel and columbarium uses at the above address are not permitted unless a City Zoning Administrator approval is obtained to continue the uses ..." Nothing in the record shows that these uses were properly legalized;
- The City has known about this illegal operation since 2011 and has allowed them to continue operations. The City has failed us by allowing these rogue and profit driven operators to sell their illegal products to unsuspecting victims in the community. Please take decisive action to prevent further sales of these unpermitted niches;
- My clients approached Dae Han Mortuary to cremate a loved one and negotiated a higher price so that the decedent would be cleaned, dressed and prepared for viewing prior to cremation. After making arrangements for family

members to attend, including international flights, Dae Han cremated the decedent before the viewing could take place despite having charged for premium handling. After confronting Dae Han, they were taken to an office where they were given an urn that presumably held the ashes of their father. The urn was a cardboard box that was stored in the office closet. There was nothing to confirm that it was their father other than the word of the individual representing Dae Han. The company said there was photographic evidence that the cleaning had occurred, but it took a heated confrontation to obtain them, and the body was still cremated before the viewing, which was part of the paid agreement, could occur. This office, through historic records, found out that "Chapel of the Pines" was historically a mausoleum and not a chapel at all. The pews and seating were installed to hold funerals and there is an area adjacent to the "chapel" area containing a casket and other materials apparently for viewings and open casket services;

- Despite assertions by Dae Han, there is an apparent community scatter garden. There is a monument on the grounds entitled "Garden of Memories" and a marble headstone with a long list of names and room for more. This is consistent with the statements of previous customers who were presented with a more affordable option of interment. A review of the permit application with the State indicates an underground storage area for 50 remains. This monument shows approximately 150 names; and
- My sons attend Loyola High School across Venice Boulevard from Dae Han. I am writing to express my concern that they are scattering clients remains on their premises across the street from the Loyola athletic fields and classrooms. I am deeply concerned about the potential detrimental impact this practice would present to our environment and the health of our community. I would like to know if Dae Han is licensed to perform scattering services at this location, if their practices include scattering of clients remains at this location and if they are in compliance with all City zoning and environmental requirements.

### **AUTHORITY FOR PLAN APPROVAL**

Section 12.24.L of the Los Angeles Municipal Code provides in pertinent part:

L. Existing Uses. Any lot or portion of lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized such use shall also continue in effect."

On June 1, 1961 the Zoning Administrator made an interpretation and decision that the site has the status of an approved Conditional Use for a crematory and columbarium and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing chapel and crematory building.

Section 12.24.M of the Los Angeles Municipal Code provides in pertinent part:

M. Development of Uses (Amended by Ord. No. 173,992, Eff. 07/06/01)

Development of Site. On any lot or portion of a lot on which a deemed approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ..."

The approval of plans, which is the subject of this determination, was filed under this Section.

**AUTHORITY AND REASONING FOR DISMISSAL OF AN APPROVAL OF PLANS FOR THE CONTINUED USE OF THE CREMATORY AND CHAPEL ON THE SITE**

Section 12.24-Q of the LAMC provides as follows:

Q. Discontinuance of Use

If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.

The crematory and chapel uses on the site were established prior to the adoption of the City of Los Angeles' Zoning Code in 1946. The Zoning Code has always listed the uses of columbarium, chapel and crematory as enumerated conditional use permits. As the uses on the site existed prior to 1946, the uses were deemed approved Conditional Uses pursuant to Section 12.24-L of the LAMC. The crematory and chapel were in use and owned and operated by Pierce Brothers Mortuary and then owned by SCI, Inc and operated by Pierce Brothers until the end of 2003 when cremations ceased to occur on the site while SCI prepared to sell the structure and lot. No cremations or chapel services occurred on the site according to records of the State of California's Cemetery and Funeral Bureau after 2004. The site was sold to the current operator titled Community Funeral Services, Inc. doing business as Dae Han Mortuary in 2006. State records also show that a crematory license was granted to Community Funeral Services in 2007. The State records show that no new cremations occurred on the site until 2010, however, because of budget cutbacks, the Cemetery and Funeral Bureau did not compile statistics on cremations from 2008 to 2009 so cremations on the site may have occurred starting in 2008. In any case, the crematory was not in operation from 2004 until 2007 and because of the lack of record keeping perhaps into 2010 when 114 cremations occurred. While Community Funeral Services obtained a license from the State of California, it did not submit for a new Conditional Use permit from the City of Los Angeles. Since it was out of the business of cremation from 2004 until 2007, it lost its rights to operate a crematory pursuant to Section 12.24-Q of the LAMC. Also during that time no chapel services were held on the site, thus, the rights to operate a chapel pursuant to Section 12.24-L were also lost. The Plan Approval approved by the Zoning Administrator in 2016

to continue the crematory as a deemed approved Conditional Use was incorrect because the information on the lack of cremations from 2004 until at least 2008 was not made available to the Zoning Administrator. Because the columbarium building itself, has operated for over a century and the deceased have been interred in it, the columbarium use has continued and a Plan Approval for Condition Compliance pursuant to Section 12.24-M of the LAMC is appropriate for that use only.

**REVIEW OF COMPLIANCE WITH CONDITIONS OF ZA-2014-0397-PAD** as submitted by the applicant:

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.**

STATUS – In compliance for the columbarium use.

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.**

STATUS – NOT IN COMPLIANCE. Though the mortuary stated that they were in compliance in their submittal, they were not in compliance because the outdoor columbaria and memorial garden were in excess of the size originally permitted in a Zoning Administrator Interpretation in 1961 at 1,521 square feet. Though permitted in 1961, it appears that the outdoor columbarium was not constructed until the previous owner, SCI, Inc., took over the site and built an outdoor columbarium containing 12 columbarium structures without a building permit. Subsequently, the Zoning Administrator and the South Los Angeles Area Planning Commission on appeal, reduced the size of the outdoor columbarium to 1,920 square feet and ordered the demolition of six of the unpermitted columbarium structures. The current applicant did not demolish the structures until cited by the Department of Building and Safety in April of 2018 at which time the applicant began to demolish six of the columbarium structures which had already had human remains interred in them. Compliance with Conditions of Approval only upon being cited by the Department of Building and Safety does not constitute compliance with Conditions of Approval.

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.**

STATUS – The applicant stated in their application for Condition Compliance that they were in compliance with Condition No. 3 as Orders to Comply issued by the Department of Building and Safety have been corrected. Again this compliance with conditions only occurred after the applicant was cited by the Department of

Building and Safety for non-compliance with Condition No. 7 of the Determination of the South Los Angeles Area Planning Commission which required the filing of a Plan Approval under Section 12.24-M of the LAMC in order to review compliance with the Conditions. The applicant then filed for his Condition Compliance review after the required time set in Condition No. 7 and then followed with an un-permitted demolition of the existing un-permitted columbarium buildings. This does not constitute Compliance with Condition No. 3 as it was only done under duress from two citations by the Department of Building and Safety for non-compliance with Conditions.

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.**

STATUS – In compliance.

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.**

STATUS – Not applicable, as no building plans will be submitted in connection with this Plan Approval.

6. **Authorized herein is the continued use and maintenance of:**
  - a. **A 9,607 square-foot existing crematory, chapel, and columbarium structure.**
  - b. **Six outdoor columbarium structures within an area not to exceed 1,917 square feet, as shown in Exhibit "A". No additional outdoor columbaria shall be erected on the subject site.**
  - c. **No additional deviations from the Los Angeles Municipal Code are requested or approved.**

STATUS - The applicant's Compliance Report states that the applicant is "In compliance". However, as previously stated the crematory and chapel uses lost their deemed to be approved status when they were not operated for at least a three year period from 2004 until 2007. As was previously stated, the outdoor Columbarium was not in compliance until they were cited by the Department of Building and Safety for both not holding a Condition Compliance Plan Approval within the time limits of Condition No. 7 of ZA-2014-0397 and for having more columbarium structures in an area larger than Exhibit A of the same case. In addition, they were limited to six columbarium structures, but aerial photographs of the site also show that they have columbarium niches in three of the surrounding walls of the exterior columbarium in violation of Condition 6 (b). Thus, the applicant is NOT IN COMPLIANCE with this Condition.

7. **There shall not be a mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains on site. Viewing services and funeral services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be cremated and incinerated into ash. Any human remains departing the site must be in the form of ash. Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without cremation, is a violation of the Zoning Code and this Conditional Use Permit.**

STATUS – The applicant's Compliance Report states that the applicant is "In compliance". However, the South Los Angeles Area Planning Commission on appeal changed the language of Condition No. 7 to include a new Plan Approval to review compliance with the Conditions of Approval within 12 months of the Commission action and no later than 18 months. The applicant only filed the Plan Approval, the subject of the current hearing and action, a year later when confronted by the City Attorney as a part of a separate legal proceeding for non-compliance with the conditions. In addition, it was testified to and advertisements offering full on-site viewings of non-cremated remains were presented at the hearing showing that prohibited viewings and services have been occurring on the site in violation of the Condition No. 7 requirement that viewing services only occur in association with on-site cremations. A service for a deceased in an open or closed casket may not occur if the deceased is to be buried off-site. This has occurred on numerous occasions testified to by both the public, the Council Office and in obituaries. Thus, the applicant is NOT IN COMPLIANCE with Condition No. 7.

8. **All open area not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40.D) and to the satisfaction of the decision maker.**

STATUS – The applicant's Compliance Report states that the applicant is "In compliance". However, aerial photographs of the site and viewing of the site through the site's fencing show that the attempts at landscaping the site are variable and not up to standards. There is a large area adjacent to the Catalina Avenue frontage which is covered by artificial turf obviously purchased second hand from a football stadium which still has hash marks and yardage markers from the former use. This area should either be paved for parking purposes or landscaped as required by the plans if it is not to be used for parking. The use of obviously second hand artificial turf is hardly "attractive landscaping". The site is occupied by the columbarium building which sits on a one story podium with occupied space underneath the building which is the site of the former crematory and other uses. The remainder of the surface area is either covered in un-marked concrete, the fore mentioned area of artificial turf, a un-maintained former landscaped area in the southwest quadrant of the lot that was formerly occupied by a lawn and trees, a landscaped area with a large tree that is the site of the

memorial garden, a small corner landscaped area at the intersection of Catalina Avenue and Venice Boulevard, the fore mentioned outdoor columbarium and another area of concrete surfacing. None of the parking areas are marked with individual parking spaces and none of these parking areas are landscaped in accordance with the Zoning Code. None of this supposed landscaping has been approved by the Department of City Planning as required by Condition No. 8 and if it has been approved, it was never installed. Aerial photographs of the site show that prior to 2006, the unpaved areas of the site were heavily landscaped including the area of artificial turf, the dead grass on the southeast corner of the site and the area adjacent to Venice Boulevard which was all grass. The outdoor columbarium and concrete was substituted for the grass, the area of artificial turf was placed over a lawn and the grass to the southeast was unmaintained. The applicant is NOT IN COMPLIANCE with Condition No. 8.

9. **A minimum 5-foot wide landscape buffer shall be maintained adjacent to the residential use.**

STATUS – In compliance pending applicant verification of buffer dimensions adjacent to residential use. The southern border of the site has a large four- to five-foot wide hedge planted adjacent to these residences.

10. **Prior to the issuance of any permits relative to this matter, 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 Zoning Administrator for attachment to the subject case file.**

STATUS – Non-compliant. Applicant to provide copy of covenant at hearing.

11. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

**Applicant shall do all of the following:**

- a. **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.**
- b. **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.

- c. **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 (b).**
- d. **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 (b).**
- e. **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.**

STATUS – The applicant's Compliance Report states that the applicant is “In Compliance”. However, this condition is complied with when the applicant files the Covenant and Agreement required by Condition No. 10. This was not done until the Zoning Administrator received the recorded Covenant at the Public Hearing. Thus, this Condition was NOT IN COMPLIANCE until the applicant was forced to by the City Attorney as is readily admitted to by his response the Condition No. 10.

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval process because it has been determined that such a use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within section 12.24.W of the Los Angeles Municipal Code. In order for a plan approval to be authorized, certain designated findings have to be made.

### **MANDATED FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. 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 proposed project is for a Plan Approval to allow the continued use and maintenance of an existing 9,607 square-foot crematory and chapel with interior columbarium and a 1,917 square-foot exterior columbarium.

The Zoning Administrator approved the subject site for use as a chapel, crematory, and columbarium in 1969 as a part of a Zoning Administrator's Interpretation of its Deemed Approved status. The Zoning Administrator and the South Los Angeles Area Planning Commission further affirmed the appropriateness of the site for chapel, crematory, and columbarium use in 2016. Taken together, these approvals indicate that the use of the subject site for a chapel, crematory and internal columbarium with an external columbarium is generally appropriate for the site. An unrelated 50-acre cemetery abuts the subject site to the west. The longstanding use of both sites demonstrates sufficient demand for both businesses.

On October 20, 2015, the Zoning Administrator issued an Approval of Plans confirming that the Dae Han Mortuary had deemed to be approved status as a crematory, chapel and columbarium. The Zoning Administrator also subjected the use to a set of Conditions of Approval which limited the outdoor columbarium to six structures in a 1,920 square foot area, that there be no mortuary operation on-site, no embalming of human remains or memorial services on-site for non-cremated remains and required the landscaping of open areas not used for structures or parking with approved landscape plans. At the time of the hearing, the information from the California State Cemetery and Funeral Bureau was not in the hands of the Zoning Administrator who did not know that the crematory and chapel had not been used for a four year period which would have terminated those uses' deemed approved status. The determination of the Zoning Administrator, was appealed to the South Los Angeles Area Planning Commission (SLAAPC) which denied the appeal but required that Dae Han should come back for another Approval of Plans to see if there had been substantial conformance with the Conditions of Approval. The Commission was made aware of the Cemetery and Funeral Bureau's information but did not recommend closure of the uses. Thus, Dae Han continued the use of the crematory and chapel to the present. Because the crematory and chapel use had ceased to operate for at least a four year period, the uses lost their Deemed Approved status pursuant to Section 12.24-Q of the LAMC and such uses should cease to operate upon conclusion of the appeal period for this case or after the SLAAPC makes a decision on any appeal. To continue the use, the applicant must file for a new Conditional Use under Section 12.24-W, 12 of the LAMC. This is memorialized in Condition No. 11 of the Conditions of Approval of this determination.

The scope of this decision is, therefore, limited to assessing compliance with those conditions of approval for the columbarium use on the site. The Department of Building and Safety has issued citations regarding non-compliance with two conditions of approval: that the applicant submit an application for a Plan Approval, and that the outdoor columbarium area may not exceed 1,920 square feet. The site plan submitted with this application for Plan Approval, marked as Exhibit "A", indicates an outdoor columbarium area of 1,917 square feet, thereby correcting the two Orders to Comply issued by the Los Angeles Department of Building and Safety on March 14, 2018 and June 8, 2018, respectively. Upon completion of the demolition of the excess structures and the construction of new walls that do not contain niches not permitted by previous approvals, the outdoor columbarium will comply with previous conditions of approval. As was previously stated in this determination, the applicant has failed to comply with Condition Nos. 2, 3, 6, 10 and 11 of the previous Conditions of Approval. The applicant still needs to file a complete landscape plan for the site in accordance with Condition No. 6, including the area outside of the reduced external columbarium that is now vacant. If the applicant desires to make the entire site except for existing gardens and structures a parking lot, then the parking area must be landscaped and striped in accordance with the LAMC. The current use of the property as a columbarium, even with the lack of compliance with the Conditions of Approval, is a historic use of the site, and because there are human remains which have been stored on the site since 1906, the use of the site as a columbarium does provide a service that is essential and beneficial to the community. The Zoning Administrator is not taking a position

on the future use of the site for a crematory or chapel as those uses are subject to a separate Conditional Use approval which must be applied for in the future. Any use of the site for memorials for human remains in the form of ashes to be placed in the niches may continue based on State Law which permits such services at the location where a deceased is to be interred, but the use of the site for services prior to cremation or interment elsewhere may not continue as those practices are either currently prohibited by the Conditions of Approval or may not occur because the crematory and the chapel are not permitted uses on the site. The applicant is also reminded that a new Covenant and Agreement must be filed for the use to continue pursuant to Condition No. 10 of these Conditions of Approval.

2. **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.**

The adjacent property to the north across Venice Boulevard is zoned R3-1 and is currently improved with Loyal High School of Los Angeles. Directly across Venice Boulevard, is the school's football/soccer stadium and the running track. The adjoining property to the south is zoned RD1.5-1 and is improved with single-family residential structures. The adjoining property to the west is zoned A1-1 and is improved with Angelus Rosedale Cemetery. The adjacent properties to the east across Catalina Street are zoned CM-1-CPIO and RD1.5-1 and are currently improved with commercial structures, a surface parking lot, and single-family residential structures.

The subject site has been approved for use as a chapel, crematory, and columbarium since 1969, and over the course of its operation, the continued use of the subject site has been examined twice by the Zoning Administrator and once by the South Los Angeles Area Planning Commission. The Zoning Administrator imposed conditions related to landscaping, screening requirements, and a limited scope of operation to ensure that the project's operations do not impose adverse traffic, noise, or visual effects on adjacent residential properties. Information provided at the public hearing, shows that the crematory operation and the attached chapel on the site were not in use for a four year period from 2003 to 2006 and thus, pursuant to Section 12.24-Q of the LAMC, the crematory and chapel use lost their deemed approved status. Notwithstanding the loss of deemed approved status, the operation of the chapel showed a blatant disregard for the approved Conditions of Approval imposed on the site by previous plan approvals. The once extensively landscaped area of the site has either been paved over, permitted to die from lack of water or covered with used artificial turf which still shows the numbers and hash marks from its previous use on a football field. Information in the form of newspaper advertisements in local Korean newspapers and anecdotal evidence provided at the public hearing by both participants and the Council Office show that funeral services and visitations were held for decedents who were not subsequently cremated as required by Condition No. 7. After constructing the outdoor columbaria at twice the authorized size without building permits from the Department of Building and Safety, the applicant then allowed the unpermitted niches within these structures to be sold and used

by decedent's families. After being cited by Building and Safety, the applicant then demolished these structures without demolition permits and moved the cremated remains to other locations on the site without informing the decedent's families as to the new location. Condition No. 12 was included in the Conditions of Approval to ensure that the operators of the columbarium provide the decedent's relatives with the new location for the remains.

Condition No. 10 was placed in the Conditions of Approval because the California Health and Safety Code allows Cemeteries and Columbaria to have scatter gardens. It is unclear from the Code Section whether or not such scatter gardens are permitted on just cemetery's which have a columbarium on them as a part of the facility or in an independent columbarium without a cemetery which are much smaller in area, such as Dae Han. A review of the services available at a number of local cemeteries show that not all cemeteries include the use of scatter gardens. The one, that this Zoning Administrator found that does permit this, was Hollywood Forever Cemetery which requires that the ashes be mixed with soil in their Rose Garden but not scattered in the air. The Condition was included because in the scattering of ashes, the State Code requires that the entire contents of the decedent be scattered in a scatter garden. Such a use in the middle of an urban area within 200 feet of an adjacent residence and with a High School athletic field across Venice Boulevard can not be considered compatible with or not adversely affecting the health, welfare and safety of these neighboring properties. Because Dae Han denies that they are using their memorial garden as a scatter garden, the imposition of such a Condition will not affect their current columbarium operation.

As currently operated, the Dae Han Mortuary has disregarded a number of conditions applied to their use by both the Zoning Administrator and by the South Los Angeles Area Planning Commission. They have operated a crematory without authorization by the City of Los Angeles as is required by the Zoning Code and used their chapel use for unauthorized funerals and viewings. For these reasons the Zoning Administrator is again requiring a Plan Approval to be filed with 12 to 18 months of the conclusion of this case's appeal period to ensure the local neighborhood that they are operating within the existing Conditions of Approval. These conditions and findings only apply to the use of the property as a columbarium. The previous uses are unpermitted by the Code pursuant to Section 12.24-Q of the LAMC and should be immediately terminated. Though Dae Han Mortuary has a State permit for the use of the site as a crematory, it does not have a locally required Conditional Use. Until one is filed for the use of the site as a crematory and chapel such uses may not be continued.

The use of the site as a columbarium, which has been the use since 1906, without the use of any land on the site as a scatter garden and the compliance with the other Conditions of Approval will result in a use whose operations will be compatible with and will not adversely affect or further degrade adjacent properties or the surrounding neighborhood or the public health, welfare and safety. The use of the site as a columbarium should continue because decedents have been interred there since 1906. It is located adjacent to though not a part of the historic Rosedale Cemetery. Even during the time that the site was not operated as a crematory, a person was located on the site by the previous owners to allow people

into the columbarium to visit deceased relatives thus maintaining the use as a columbarium pursuant to Section 12.24-L of the LAMC.

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

There are eleven elements of the General Plan. Each of these elements establishes policies 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 other LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The South Los Angeles Community Plan designates the property for Open Space land uses with corresponding zones of OS and A1. Allowing the proposed project to allow the continued use of both an outdoor and an indoor columbarium conforms with the following Land Use goals included in the South Los Angeles Community Plan:

Goal LU13.3 Local Business: Support local businesses that create a stable economic environment, serve the needs of local residents, and are compatible with the neighborhood.

The conditions imposed through this Plan Approval will ensure that a longstanding local use will continue to serve the needs of local residents in a manner that is compatible with the neighborhood. As such, the proposed project is conformance with the purpose, intent, and provisions of the South Los Angeles Community Plan.

**ADDITIONAL MANDATORY FINDINGS**

4. 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.

Inquiries regarding this matter shall be directed to Alan Como, City Planner, for the Department of City Planning at (213) 473-9985 or [alan.como@lacity.org](mailto:alan.como@lacity.org).



CHARLES J. RAUSCH, JR  
Associate Zoning Administrator

cc: Councilmember Gilbert Cedillo  
First Council District;  
Adjoining Property Owners

# IMPROVEMENT FOR GENERAL HOME

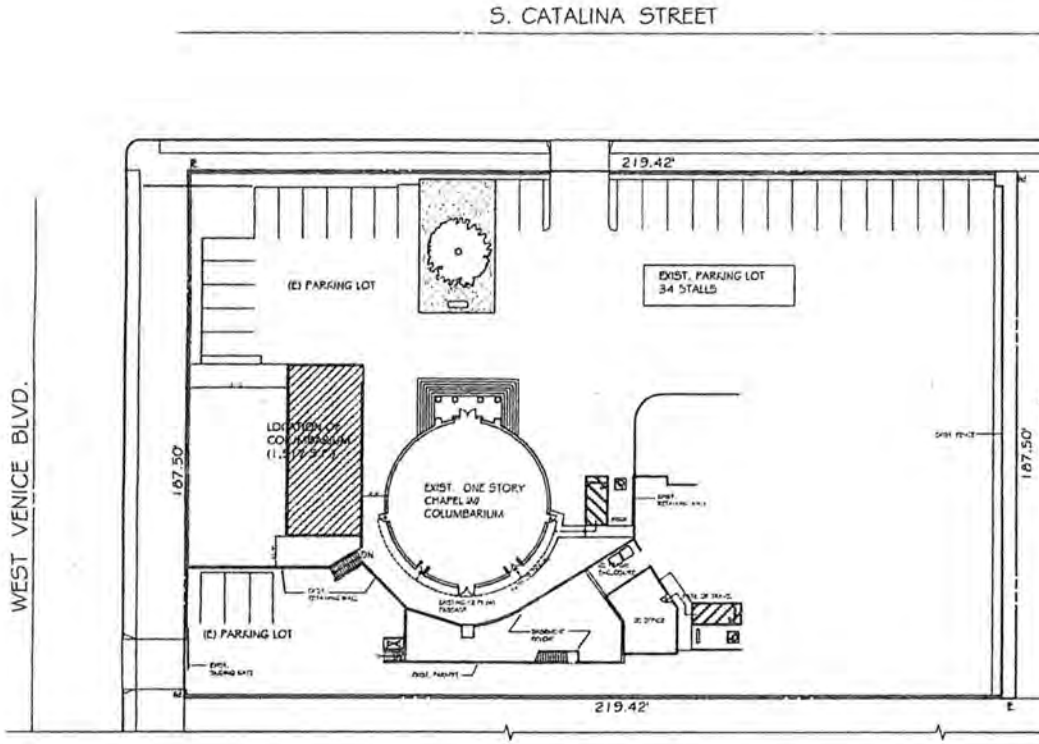
1605 S. CATALINA STREET, LOS ANGELES, CA 90006

REVISIONS	BY

SOON KIM & ASSOCIATES  
435 S. CANTON AVE., 7J  
LOS ANGELES, CA 90036  
T: (213) 386-9230 F: (213) 386-9231  
email: soonkimarch@soonkim.com

## PLOT PLAN

SCALE: 1/32" = 1'-0"



1 PLOT PLAN  
A-1 SCALE: 1/32" = 1'-0"



LEGEND  
[Hatched Area] AREA OF REMODEL FOR COLUMBARIUM

GENERAL NOTES, PLOT PLAN  
& PROJECT INFORMATION

### GENERAL INFORMATION

1605 S. CATALINA STREET,  
LOS ANGELES, CA 90006

GENERAL HOME FUNERAL SERVICES, INC.  
5 S. CATALINA STREET,  
LOS ANGELES, CA 90006  
313 731-5179

349 S.F.

VEL	USE/AREA	GROSS
GROUND	CHapel   COLUMBARIUM	3,041.0
MEZZANINE	—	2,052.6
LEVEL	—	1,961.4
LEVEL	—	2,552.0
TOTAL AREA	2,506.2   7,098.6	9,607.0

6' (ONE STORY BUILDING W/ MEZZANINE + BASEMENT)

1, A-1

1, B, 5

1 V-B, NON FIRE-SPRINKLERED

1 SIZE PROPOSED COLUMBARIUM AREA AT THE SIDE OF OUTDOOR AREA (1,917 S.F.)  
1 CALCULATION (9,607 S.F. X 20% = 1,921.4 S.F.)

1 1/4" PT NE 1/4 SEC 36 T15 R14 W, A6-B  
5075-022-025, PIN: 168 B193 265

### VICINITY MAP SCALE: N.T.S.



### SHEET INDEX

#### ARCHITECTURAL

- A-1 - PLOT PLAN, PROJECT INFORMATION
- A-2 - GROUND FLOOR PLAN, MEZZANINE LEVEL PLAN
- A-3 - (B-1) MEZZANINE LEVEL PLAN
- A-4 - (B-2) BASEMENT LEVEL PLAN
- A-5 - COLUMBARIUM PLAN
- A-6 - DISABLED ACCESSIBILITY NOTE
- A-7 - DISABLED ACCESSIBILITY DETAILS, HARDSHIP EXEMPTION FORM

EXHIBIT "A"  
PAGE NO. 1 OF 5  
JOB NO. ZA-2014-397-PA0-PA1

TENANT IMPROVEMENT MARKET FOR  
THE PINES FUNERAL HOME  
1605 S. CATALINA STREET, LOS ANGELES, CA 90006  
TEL: (323) 731-4040

DATE	MAR. 10. '15
SCALE	AS SHOWN
DRAWN	S.K.
JOB	14112
SHEET	A-1
OF SHEETS	1

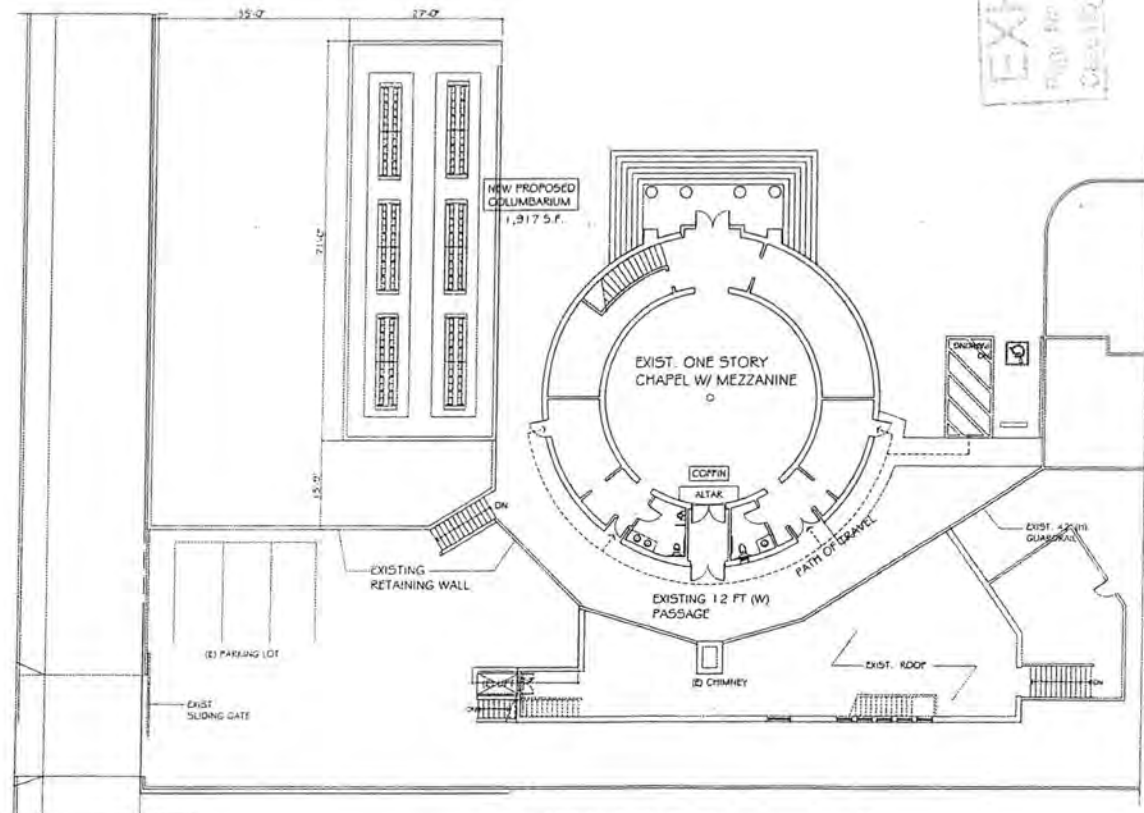
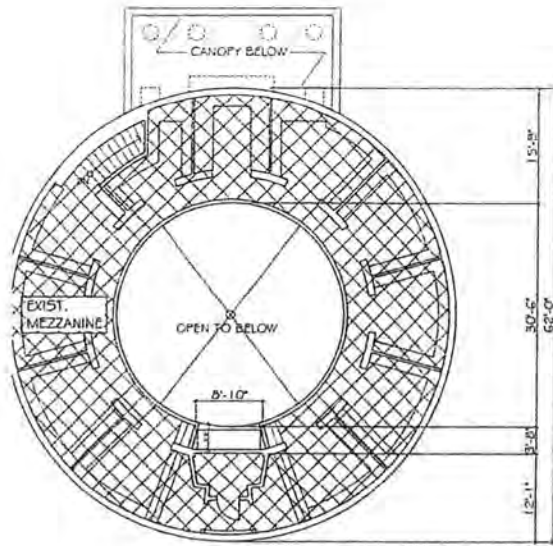


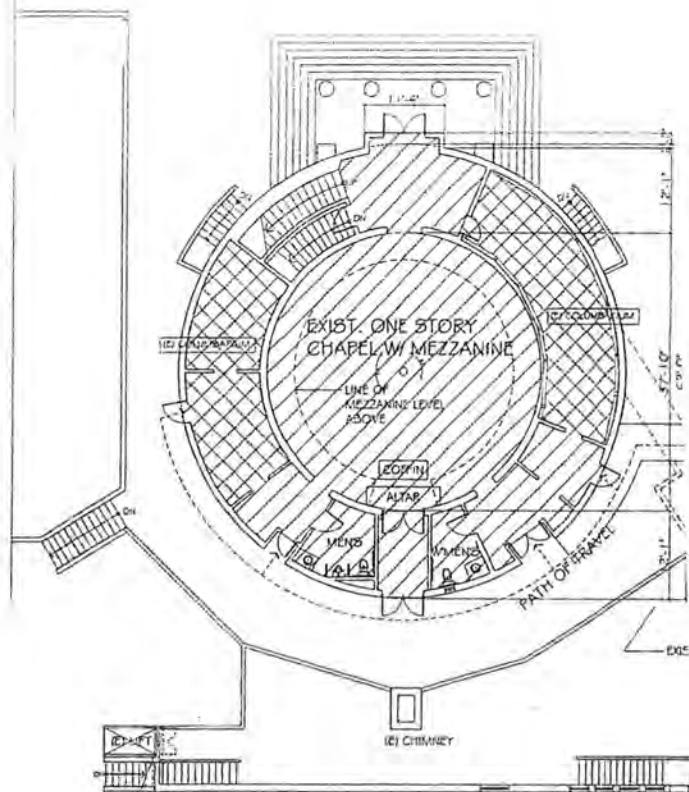
EXHIBIT 'A'  
 Plan No. 2  
 Case No. ZN-2014-397-PAD-PA1

1 PARTIAL SITE PLAN  
 A-2 SCALE: 1/8" = 1'-0"

REVISION  
 BOON KIM & ASSOCIATES  
 415 S. Canal Ave., 3rd  
 Los Angeles, CA 90013  
 TEL: (213) 697-1111 FAX: (213) 697-1112  
 FIRST FLOOR PLAN  
 TENANT IMPROVEMENT MARKET FOR  
 THE PINES FUNERAL HOME  
 1800 S. CATALINA STREET, LOS ANGELES, CA 90066  
 DATE: 01/11/15  
 SCALE: AS SHOWN  
 DRAWN: SK  
 CHECK: JAD  
 SHEET: A-2  
 OF: 2



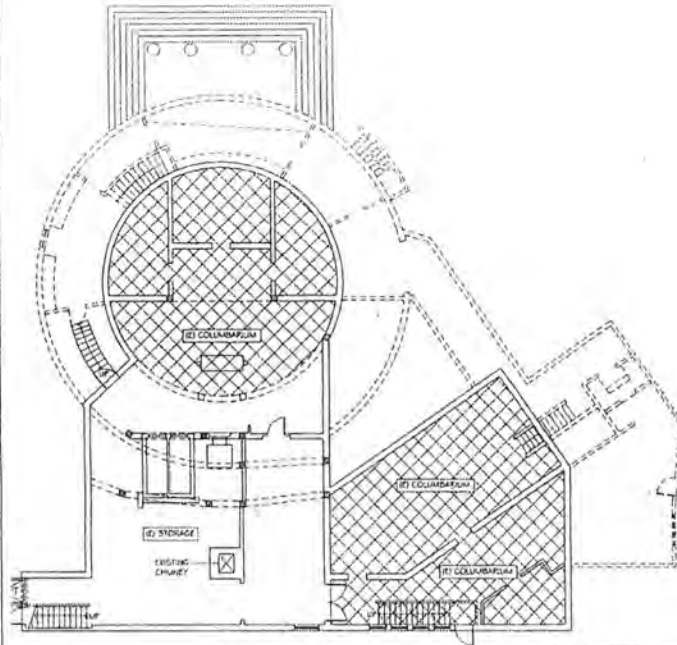
2 MEZZANINE LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0"




1 GROUND LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0"

LEGEND	
	AREA OF COLUMBARIUM
AREA CALCULATION	
1. COLUMBARIUM : 2,052 & S.F.	

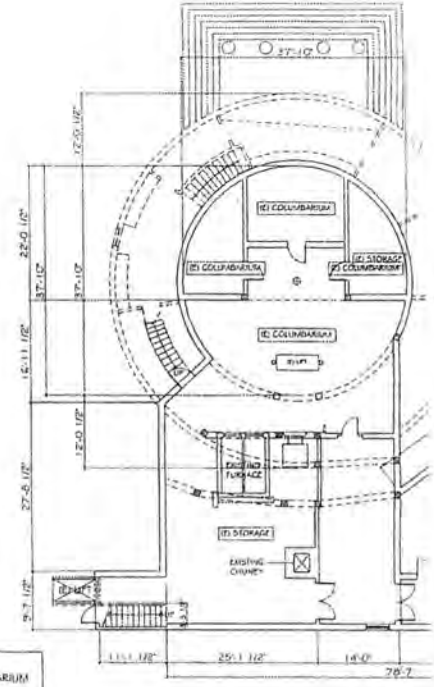
EXIST. PLAN  
3 5  
ZAZ2014-397-PAD-PA1



(B-2) LEVEL AREA CALCULATION  
SCALE: 1/8" = 1'-0"

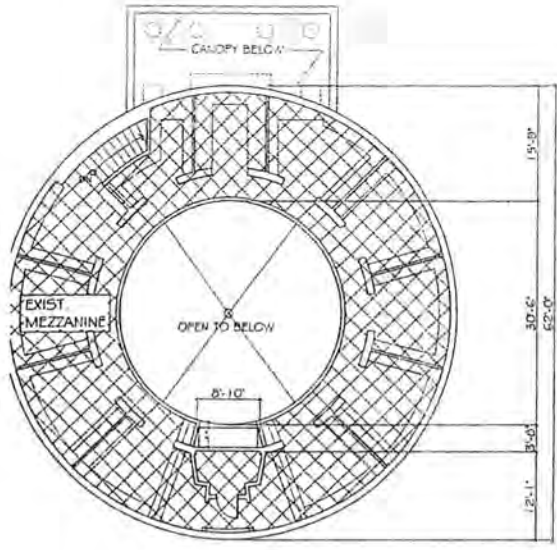
LEGEND  
 AREA OF COLUMBARIUM

AREA CALCULATION  
 1 COLUMBARIUM = 2,552.05 SF



(B-2) BASEMENT LEVEL F  
SCALE: 1/8" = 1'-0"

EXHIBIT "A"  
 PAGE NO. 4 OF 5  
 DRAWING NO. ZA-2014-397-PAD-PA1

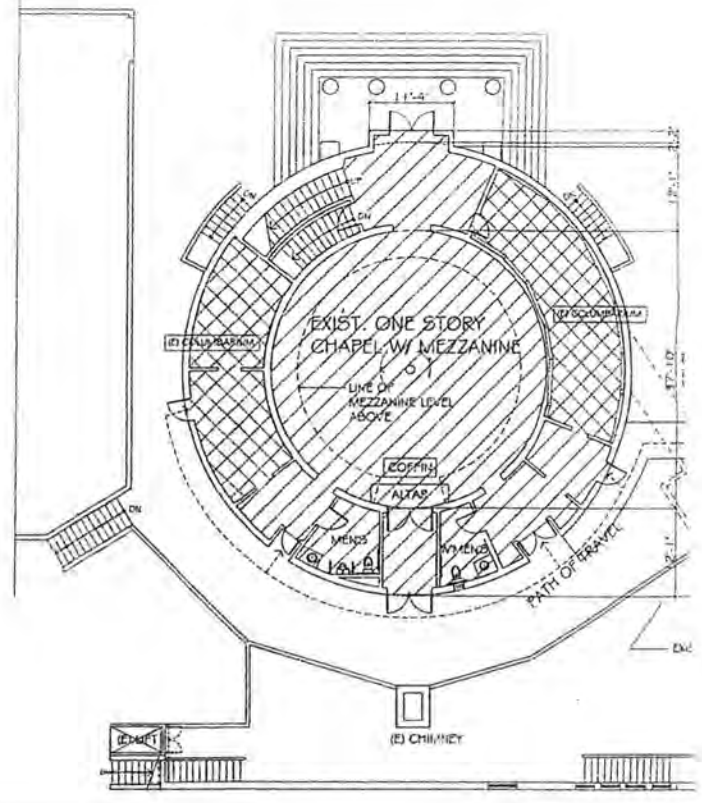


2 MEZZANINE LEVEL PLAN  
 A-3 SCALE: 1/8" = 1'-0"



LEGEND  
 [Cross-hatched box] : AREA OF COLUMBARIUM

AREA CALCULATION  
 1. COLUMBARIUM : 2,052.6 S.F.



1 GROUND LEVEL PLAN  
 A-3 SCALE: 1/8" = 1'-0"



EXHIBIT A  
 Page No. 5 of 5  
 Case No. ZA-2014-397-PAD-PA1

# **ENVIRONMENTAL CLEARANCE**

COUNTY CLERK'S USE

CITY CLERK'S USE

**CITY OF LOS ANGELES**  
 OFFICE OF THE CITY CLERK  
 200 NORTH SPRING STREET, ROOM 360  
 LOS ANGELES, CALIFORNIA 90012  
**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 <b>City of Los Angeles Department of City Planning</b>	COUNCIL DISTRICT <b>1</b>
--	------------------------------

PROJECT TITLE Ω <b>ZA-2014-397-PAD-PA1</b>	LOG REFERENCE ENV <b>2018-524-CE</b>
---	---

PROJECT LOCATION  
Ω **1605 S. Catalina St. L.A. CA 90006**

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:  
Ω **A Plan Approval per cond. 7a of ZA 2014-0397 (PAD)(1A)**

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

CONTACT PERSON Ω <b>Ariel Gutierrez</b>	AREA CODE Ω <b>213</b>	TELEPHONE NUMBER Ω <b>909-3335</b>	EXT.
--	---------------------------	---------------------------------------	------

EXEMPT STATUS: (Check One)

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1

Class 1 Category 22 (City CEQA Guidelines)

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 nonsignificant change of use in an existing facility.

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: <b>373-</b>	RECEIPT NO. <b>49373</b>	REC'D. BY <b>Steve Kim</b>	DATE
------------------	--------------------------	----------------------------	------

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record  
 Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:  
**ARIEL GUTIERREZ**  
 NAME (PRINTED)  
**9/6/18**  
 DATE

  
 SIGNATURE

**PLANNING  
DEPARTMENT  
APPLICATION**



APPLICATIONS:

DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number ZA-2014-397-PAD-PA1

Env. Case Number ENV-2018-5221-CE

Application Type Plan Approval for Condition Compliance

Case Filed With (Print Name) Steve Kim Date Filed 9/6/18

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.  
 Detailed filing instructions are found on form CP-7810*

1. PROJECT LOCATION

Street Address<sup>1</sup> 1605 S. CATALINA ST. LOS ANGELES, CA 90006 Unit/Space Number \_\_\_\_\_

Legal Description<sup>2</sup> (Lot, Block, Tract) LOT: PT NE 1/4 SEC 36 TIS: R14W ARB 5

Assessor Parcel Number 5075022BRK Total Lot Area 54,117.4 SF.

2. PROJECT DESCRIPTION

Present Use Chapel, Creamatory, Columbarium Building and [Exterior] Columbarium Garden

Proposed Use Chapel, Creamatory, Columbarium Building and [Exterior] Columbarium Garden

Project Name (if applicable) Dae Han Motuary

Describe in detail the characteristics, scope and/or operation of the proposed project A Deemed-to-be-Approved Plan Approval per Condition No. 7a of Case No. ZA 2014-0397(PAD)(1A) to allow the continued use and maintenance of a 9607.0 sf. crematory and chapel with interior columbarium and a 1917 sf. exterior columbarium within the garden columbarium area.

Additional information attached       YES       NO

Complete and check all that apply:

**Existing Site Conditions**

Site is undeveloped or unimproved (i.e. vacant)       Site is located within 500 feet of a freeway or railroad

Site has existing buildings (provide copies of building permits)       Site is located within 500 feet of a sensitive use (e.g. school, park)

<sup>1</sup> Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)  
<sup>2</sup> Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

- 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)

- Site has special designation (e.g. National Historic Register, Survey LA)

**Proposed Project Information**

(Check all that apply or could apply)

- Demolition of existing buildings/structures
- Relocation of existing buildings/structures
- Interior tenant improvement
- Additions to existing buildings
- Grading
- Removal of any on-site tree
- Removal of any street tree

- Removal of protected trees on site or in the public right of way
- New construction: \_\_\_\_\_ square feet
- Accessory use (fence, sign, wireless, carport, etc.)
- Exterior renovation or alteration
- Change of use and/or hours of operation
- Haul Route
- Uses or structures in public right-of-way
- Phased project

**Housing Component Information**

Number of Residential Units: Existing 0 – Demolish(ed)<sup>3</sup> 0 + Adding 0 = Total 00  
 Number of Affordable Units<sup>4</sup> Existing 0 – Demolish(ed) 0 + Adding 0 = Total 0  
 Number of Market Rate Units Existing 0 – Demolish(ed) 00 + Adding 0 = Total 0  
 Mixed Use Projects, Amount of Non-Residential Floor Area: 0 square feet

**Public Right-of-Way Information**

Have you submitted the Planning Case Referral Form to BOE? (required)  YES  NO

Is your project required to dedicate land to the public right-of-way?  YES  NO

If so, what is/are your dedication requirement(s)? 25 ft.

If you have dedication requirements on multiple streets, please indicate: \_\_\_\_\_

**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 Code Section** 12.24 M

**Code Section from which relief is requested (if any):** \_\_\_\_\_

**Action Requested, Narrative:** PAD per Condition 7a of ZA 2014-0397(PAD)(1A) to allow the continued use and maintenance of a 9607.0 sf. crematory and chapel with interior columbarium and a 1917 sf. exterior columbarium within the garden columbarium area.

**Authorizing Code Section** \_\_\_\_\_

**Code Section from which relief is requested (if any):** \_\_\_\_\_

**Action Requested, Narrative:** \_\_\_\_\_

Additional Requests Attached  YES  NO

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

<sup>4</sup> 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) ZA 2014-397-PAD

---

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. ZA 2014-397-PAD

Ordinance No.: \_\_\_\_\_

Condition compliance review

Clarification of Q (Qualified) classification

Modification of conditions

Clarification of D (Development Limitations) classification

Revision of approved plans

Amendment to T (Tentative) classification

Renewal of entitlement

Plan Approval subsequent to Master Conditional Use

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. RELATED DOCUMENTS / REFERRALS**

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please provide a copy of any applicable form and reference number if known.

a. Specialized Requirement Form N/A

b. Geographic Project Planning Referral N/A

c. Citywide Urban Design Guidelines Checklist N/A

d. Affordable Housing Referral Form N/A

e. Mello Form N/A

f. Unpermitted Dwelling Unit (UDU) Inter-Agency Referral Form N/A

g. HPOZ Authorization Form N/A

h. Management Team Authorization N/A

i. Expedite Fee Agreement N/A

j. Department of Transportation (DOT) Referral Form N/A

k. Bureau of Engineering (BOE) Planning Case Referral Form (PCRF) N/A

l. Order to Comply \_\_\_\_\_

m. Building Permits and Certificates of Occupancy N/A

n. Hillside Referral Form N/A

o. Low Impact Development (LID) Referral Form (Storm water Mitigation) N/A

p. Proof of Filing with the Housing and Community Investment Department N/A

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

**PROJECT TEAM INFORMATION** (Complete all applicable fields)

**Applicant<sup>5</sup> name** HENRY CHUN

Company/Firm COMMUNITY FUNERAL SERVICES INC.

Address: 1605 CATALINA ST. Unit/Space Number \_\_\_\_\_

City LOS ANGELES, State CA Zip Code: 90006

Telephone (323) 819-3373 E-mail: \_\_\_\_\_

Are you in escrow to purchase the subject property?  YES  NO

**Property Owner of Record**  Same as applicant  Different from applicant

Name (if different from applicant) \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Agent/Representative name** ARIEL GUTIERREZ

Company/Firm CARTOMAP SERVICES

Address: 1301 W. 2ND ST. Unit/Space Number 105

City LOS ANGELES State CA Zip: 90026

Telephone (213) 909-3335 E-mail: arielg@cmsla.net

**Other** (Specify Architect, Engineer, CEQA Consultant etc.) \_\_\_\_\_

Name \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address: \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone \_\_\_\_\_ E-mail: \_\_\_\_\_

**Primary Contact for Project Information**  Owner  Applicant  
(select only one)  Agent/Representative  Other

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

<sup>5</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).

**PROPERTY OWNER**

7. **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 \_\_\_\_\_ *Henry Chan*

Date \_\_\_\_\_ *5/18/18*

Print Name \_\_\_\_\_ *Henry Chan*

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

## ACKNOWLEDGMENT

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 Los Angeles

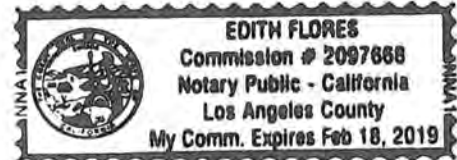
On May 18, 2018 before me, Edith Flores, Notary Public  
(insert name and title of the officer)

personally appeared Henry Chun  
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 of 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 Edith Flores (Seal)



**APPLICANT**

8. **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.
  - i. 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: 5/18/18

Print Name: Henry Chun

**OPTIONAL**  
**NEIGHBORHOOD CONTACT SHEET**

9. **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).

# **MISCELLANEOUS**

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

**LYNN K. WYATT**  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
HENRY CHU  
LOURDES GREEN  
ALETA D. JAMES  
JAE H. KIM  
CHARLES J. RAUSCH, JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

**CITY OF LOS ANGELES**  
CALIFORNIA



**ERIC GARCETTI**  
MAYOR

**DEPARTMENT OF  
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VINCENT P. BERTONI, AICP  
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May 25, 2016

Henry Chun (A)(O)  
Community Funeral Services, Inc.  
1605 South Catalina Street  
Los Angeles, CA 90006

Danny Lee (R)  
1605 South Catalina Street  
Los Angeles, CA 90006

CASE NO. ZA 2014-0397(PAD)  
LETTER OF CLARIFICATION  
1605 South Catalina Street  
South Los Angeles Planning Area  
Zone : A1-1  
D. M. : 126B197  
C. D. : 1  
CEQA : ENV 2010-1763-MND-REC1  
Legal Description: PT NE 1/4 SEC 36  
TIS R14W Arb 5

On October 20, 2015, the Zoning Administrator granted an approval to the applicant, Community Funeral Services, Inc., DBA Dae Han Mortuary, a deemed-to-be-approved conditional use Approval of Plans to allow the continued use and maintenance of an existing crematory, chapel, and columbarium and a 1,920 square-foot portion of an outdoor columbarium at the project site known as Chapel of the Pines.

Since the property had a prior violation of an unpermitted mortuary use and associated funeral services that drew large numbers of attendees causing traffic and parking impacts to the local neighborhood, the Zoning Administrator imposed Condition No. 7 to cease any possible future on-site mortuary use and related memorial services. The precise intent of Condition No. 7 aims to end the mortuary use, it also targets all subsequent operations relating to the mortuary use including memorial services that have no relation to the on-site crematorium, so to bring these services to an end. The intent is not to preclude operations and services that are permitted in association with the on-site crematorium, chapel and columbarium uses. Thus Condition No. 7 was written to include memorial services that relate to the mortuary uses only. Condition No. 7 is currently imposed as follows:

7. There shall be no mortuary operation, embalming of human remains, and associated memorial services on site.

On November 3, 2015, the applicant appealed the October 20, 2015 determination, specifically Condition No. 7, citing that Condition No. 7 is ambiguous and erroneous because the Condition is (a) a presumption that a "memorial service" is an activity only held by mortuaries and (b) a failure to consider "memorial service" is a fairly vague and broad term which is subject to numerous interpretations.

The applicant subsequently requested a meeting with the Office of Zoning Administration to present his case. In a meeting on November 20, 2015, the applicant explained to the Zoning Administrator that Chapel of the Pines is entitled to provide funeral services because the Superior Court adjudicated such right. The applicant submitted a transcript of the Superior Court criminal hearing proceedings that took place on November 5, 2014 and November 17, 2014. In the minutes of November 17, 2014, it shows that the Judicial Officer of the Superior Court had an extensive discussion with the City Attorney on whether the on-site chapel can conduct funeral services. The applicant expressed that the Court adjudicated that funeral services are not prohibited in the chapel. Funeral services can be conducted at any location. Also, the applicant had a recent dealing with the California State Department of Consumer Affairs, Cemetery and Funeral Bureau to clear clouds on the facility's licenses that resulted from City's disciplinary action. The State Bureau opined that Condition No. 7 would restrict the rights of the facility because the Condition is interpreted as it intends to prohibit all on-site memorial services. The State Bureau suggested the applicant to seek a clarification from the City on the memorial service matter.

Based on the statements and documents submitted, and a review of Condition No. 7, the Zoning Administrator agreed that a clarification of the Condition is warranted to explain and implement the Zoning Administrator's intent. The applicant requested the Zoning Administrator to delete "associate memorial service" from the condition. The Zoning Administrator conveyed that he will need to research further on the subject matter to make an appropriate clarification of his determination. The applicant filed a letter of clarification application on December 15, 2015, and also withdrew the appeal. The appeal period was reopened and ended on January 4, 2016.

Several parties of interest have submitted emails and letters to oppose the request to modify Condition No. 7. Communications received as follows:

- Mr. David C. Bolstad representing a local property owner sent a letter on January 8, 2016. In his letter, Mr. Bolstad informed the historical use and the events of the site. He provided evidence that the applicant is still violating the Zoning Code and reasons why a modification of Condition No. 7 is an intensification on the use of the site. Mr. Bolstad further provided rebuttals to applicant's comments on the site use, parity rights to neighboring Angeles-Rosedale Cemetery, Superior Court adjudication on the criminal proceeding, and that applicant's request will create additional traffic and parking impacts to the neighborhood without complying with CEQA.
- Mr. John Lee sent emails on January 6, 2016, and Jan 12, 2016. Mr. Lee stated that a deletion of the phrase "associated memorial service" constitutes an extension of applicant's off-site mortuary use. Mr. Lee also provided evidence alleging that the applicant is still using his property in violation of the Zoning Code. The applicant advertises Chapel of the Pines for funeral services, but the funeral businesses are conducted in an off-site mortuary office. It is clearly a violation that the applicant is extending his mortuary business to the chapel.

- Mr. Virgil County, an expert in funeral service industry, sent letters on January 7, 2016 and January 11, 2016. Mr. County stated in the letter that he was employed by Service Corporation International who owned Chapel of the Pines prior to the applicant's current ownership and operation. He provided detailed history of the site, its prior operation, and Zoning Code violations. Prior to Dae Han's ownership, Chapel of the Pines typically held small informal gatherings of families to witness bodies placed into the crematory furnace and the inurnment of the ashes. No large funeral services have ever taken place on the site. However, applicant currently conducts full scale funeral services with full display of open casketed remains. This type of service is a part of mortuary use and shall not be taking place on site. Mr. County further explains funeral service industry standard practices on viewing services, funeral service, burial arrangements and cremations arrangements, and their appropriate associations with funeral service facilities.
- Mr. Michael Gonzales representing a local property owner sent an email on January 11, 2016. Mr. Gonzales suggested that Condition No. 7 may be modified to state that no service at which any non-cremated body is present and displayed in a casket, or that no viewing and funeral service arranged shall take place by a mortuary business.

#### **Zoning Administrator Discussion**

The property currently known as the Chapel of the Pines was first established and permitted in 1905 as a crematorium. A building permit was issued for a chapel in 1913 at the same location. Permits for the columbarium were issued in later years. The site's legal permitted uses have been crematory, chapel and columbarium uses. No record in the permit history shows a funeral parlor or a mortuary use on the site. The Cemetery and Funeral Bureau issued cemetery and crematory licenses to Chapel of the Pines, but there is no on-site burial of non-cremated human remains, only the storage of cremated ash in chapel and columbarium niches, therefore, there is no issue with the burial of non-cremated human remains at this site. The goal of this clarification is to determine;

- (1) Whether conducting a funeral ceremonial service is limited to a funeral parlor or a mortuary use, and
- (2) If Chapel of the Pines may conduct a ceremonial service, what type of service can take place on site?

An important aspect of this case is to establish the definition of the uses since the funeral service related practices and land use are quite blurred. There is also much debate among the interested parties on what constitute as permitted uses on the site. In regulating funeral and burial uses, except for the cemetery use, the Los Angeles Municipal Code is silent on definitions of funeral parlor, mortuary, crematory, columbarium and mausoleum. Los Angeles Municipal Code does not differentiate funeral parlor and mortuary as the Code uses both terms interchangeably. The Code also allows one use to be inclusive of another use as cemeteries permit columbarium, crematory, mausoleum and mortuary uses on sites. The Municipal Code is most clear in stipulating funeral related uses according to the zones of the subject properties. A cemetery, columbarium, or crematorium is permitted as

a by-right use in M2 and M3 Zones, and any such use in A, R, C (except CR), M1 and MR2 Zones shall file for a Conditional Use Permit pursuant to Section 12.24-W, 12. A funeral parlor or a mortuary is permitted in MR2, M2 and M3 Zones, and any deviation from the allowed Zones shall apply for a use variance pursuant to Section 12.27.

The State of California, Department of Consumer Affairs, Cemetery and Funeral Bureau is the licensing agency to funeral service providers. As a regulatory agency, the Cemetery and Funeral Bureau has various laws governing uses and practices relating to the handling of deceased bodies and funeral arrangements. Same as the City of Los Angeles, the State does not make any distinction between funeral parlor and mortuary in its Codes. Both funeral parlor or funeral home and mortuary are classified as "Funeral Establishment" and defined in **Business and Professions Code, Section 7616** in the following:

- (a) A licensed funeral establishment is a place of business conducted in a building or separate portion of a building having a specific street address or location and devoted exclusively to those activities as are incident, convenient, or related to the preparation and arrangements, financial and otherwise, for the funeral, transportation, burial or other disposition of human remains and including, but not limited to, either of the following:
  - (1) A suitable room for the storage of human remains.
  - (2) A preparation room equipped with a sanitary flooring and necessary drainage and ventilation and containing necessary instruments and supplies for the preparation, sanitation, or embalming of human remains for burial or transportation.
- (b) Licensed funeral establishments under common ownership or by contractual agreement within close geographical proximity of each other shall be deemed to be in compliance with the requirements of paragraph (1) or (2) of subdivision (a) if at least one of the establishments has a room described in those paragraphs.
- (c) Except as provided in Section 7609, and except accredited mortuary science programs engaged in teaching students the art of embalming, no person shall operate or maintain or hold himself or herself out as operating or maintaining any of the facilities specified in paragraph (2) of subdivision (a), unless he or she is licensed as a funeral director.
- (d) Nothing in this section shall be construed to require a funeral establishment to conduct its business or financial transactions at the same location as its preparation or storage of human remains.
- (e) Nothing in this chapter shall be deemed to render unlawful the conduct of any ambulance service from the same premises as those on which a licensed funeral establishment is conducted, including the maintenance in connection with the funeral establishment of garages for the ambulances and living quarters for ambulance drivers.

The State defines a crematory in **Health and Safety Code, Section 7006**, as a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.

The State also defines a columbarium in **Health and Safety Code, Sections 7007, 7008, and 9506** as a structure, room, or other space in a building or structure containing niches for inurnment or interment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

In reviewing the State Code Sections for licensed funeral establishments, crematoriums and columbariums, there is no explicit language presented to address the limitation as to the location of ceremonies and services relating to funeral events. The main focus of **Business and Professions Code, Section 7616**, is to regulate human body embalming location and practice, and the funeral arrangement particularly the financial transaction, where these two uses must take place in licensed funeral establishments. **Health and Safety Code, Sections 7007, 7008, and 9506** also do not address funeral ceremonies and services, Code Sections focus mainly on the structures and uses of crematorium and columbarium. Lastly, the State Cemetery and Funeral Bureau does not specifically define the chapel use in its funeral laws and regulations, nor does the Los Angeles City Municipal Code define what a chapel is in code sections, so it shall be deferred to the conventional interpretation. Based on Merriam-Webster's Dictionary, a chapel is defined as:

1. A subordinate or private place of worship as:
  - a. A place of worship serving a residence or institution.
  - b. A small house of worship usually associated with a main church.
  - c. A room or recess in a church for meditation and prayer or small religious services.
2. A place of worship used by a Christian group other than an established church <a nonconformist chapel>.
3. A choir of singers belonging to a chapel.
4. A chapel service or assembly at a school or college.
5. An association of the employees in a printing office.
6.
  - a. Funeral home
  - b. A room for funeral services in a funeral home.

Therefore, essentially, a chapel is defined as a house of worship similar to a church use. Per Los Angeles Municipal Code, the church use is only permitted by-right in C2 Zone. Code Section 12.24-W,9 stipulates that churches located in A, R, C (except C2), and M Zones shall obtain conditional use permits to maintain their use. Since the chapel was already constructed in 1913, a deemed to be approved plan approval entitlement per 12.24-M for a continued use is applicable. The Code does not specifically address funeral services and how services relates to the use of churches, house of worship, and the like, including the Chapel of the Pines. However, it is widely accepted that churches are mainly assembly places incidental to religious prayers and services.

Many parties have offered opinions on whether the Chapel of the Pines can conduct funeral ceremonial services. The applicant stated that a ceremonial service is not a part of the mortuary use, and further stated that both the Bureau of Cemetery and Funeral and the Superior Court have determined the same. A funeral service involving ceremonies or memorial programs can be conducted at any place. The service is not a use limited to be a part of a permitted mortuary or funeral parlor, nor is there any law to require such strict and narrow limitation to funeral service locations. Mr. County, who is a licensed funeral counselor and an industry expert stated vehemently that the Chapel of the Pines never conducted any large funeral services on the site except informal family services. Mr. County also stated that the funeral memorial service is a part of mortuary use and it can only be conducted in a permitted funeral home or mortuary. Services cannot be conducted

in a crematorium, or inside of the chapel (of the Pines), as the chapel is used to house urn niches, and no open casket with a deceased body can be displayed. Mr. County further suggested that the Zoning Administrator contact the Cemetery and Funeral Bureau to confirm his statements.

The Zoning Administrator contacted Ms. Cathey Litral, who is the licensing analyst of Cemetery and Funeral Bureau, and asked Ms. Litral questions specifically regarding (1) the legal use of a license funeral establishment, crematorium and chapel, (2) where can be a legal place for a funeral service to be conducted per State Codes, and (3) is there any regulatory difference on funeral services provided for on-site cremation versus off-site burial, all in direct connection to the Chapel of the Pines.

Ms. Litral clarified that a licensed funeral establishment is only place can legally prepare and embalm human remains, and the only legal place for funeral counselors to conduct businesses with customers in arranging funeral proceedings and payment transactions. A crematorium is simply a structure housing a furnace to incinerate human remains, and there is no regulation on the chapel. For the Chapel of the Pines matter, the applicant cannot conduct funeral businesses on-site, the funeral arrangements need to be handled at a mortuary office. However, on the question of where can be legal locations to conduct funeral ceremonies and memorial services, Ms. Litral responded contrary to Mr. County's statements. She said that the Cemetery and Funeral Bureau does not have any restrictions on funeral ceremonies and their locations. Funeral services can be held anywhere, inside of a church, at gravesite in a cemetery, in any building, or even at someone's home. Ms. Litral also confirmed that the applicant can provide funeral services with open caskets in the chapel. In addition, she said in the case for the Chapel of the Pines, where it does not have burial plots, the State does not differentiate and regulate if a funeral ceremony is conducted for a subsequent on-site cremation proceeding or for an off-site burial. However, Ms. Litral said the local jurisdiction can make a distinction and regulate types of funeral services based on its zoning laws. Ms. Litral concluded the conversation by referring the Zoning Administrator to talk further with Bureau's Field Representative in Los Angeles region, Mr. John Gettys and obtain necessary details.

The Zoning Administrator subsequently contacted the Mr. John Gettys of Cemetery and Funeral Bureau and left a message regarding funeral service limitations, instead, the current Field Representative Mr. Dan Redmond replied. Mr. Redmond stated that both Mr. Gettys and he were involved in Dae Han Mortuary's disciplinary action during the Superior Court proceeding. Mr. Redmond is very aware of the history of the site, and he said that there is currently no violation existing at the Chapel of the Pines that he knows of. On the same three questions the Zoning Administrator asked Ms. Cathey Litral, Mr. Redmond gave identical answers. He verified that the State does not prohibit Dae Han conducting funeral services in the chapel. There is also no prohibition on the funeral services for off-site burial as memorial services of various types can be conducted anywhere. If the City wants to make a distinction, it will be based on City's zoning ordinance with no relation to the State law. Mr. Redmond also stated that most of Dae Han's customers are Korean descendants who burn incense in the funeral ceremonies. This act is a part of cultural and religious rituals that the State does not regulate, and so is open or closed caskets to view bodies during the services. It is misinformation that only mortuaries can hold funeral services, and that caskets must remain closed at all times at the chapel (of the

Pines). There may be a common funeral service practice and standard employed by the industry, but they are not the governing laws on funeral businesses. The State funeral law is the legal authority.

City Attorney Mr. David Shepherd, who was the prosecutor of Dae Han Mortuary's criminal case, was also contacted to sort out the legal authority on Superior Court's ruling for Dae Han's disciplinary action. The applicant asserted that the Court adjudicated the Chapel of the Pines can conduct funeral services regardless of whether they are for on-site cremation or off-site burial. The Court also denied City Attorney's request to modify probation terms to limit the scope of funeral services. While applicant's information is all accurate, the City Attorney explained that this case has no relation with the City of Los Angeles as the court action is a case of the People of California versus the Defendant, Community Funeral Services (aka Dae Han Mortuary). The entire prosecution was focused on Dae Han Mortuary's licensing violation, which has no part in establishing a legal use under the City of Los Angeles Zoning Code. Court's adjudication only serves as proof that the applicant did not violate any terms under the probation. Further, the City Attorney's request to the Court in modifying probation terms is intended to limit funeral services associated with off-site burials in the prior illegal use as the operation generated much traffic and parking nuisance, but the Court denied. City Attorney concluded that although the Court denied his request, Court's ruling essentially was only a no action to a probation term modification, and it shall not be construed as legal grant to conduct a specific use in lieu of City of Los Angeles authority. It is very clear that any legal use of the site relating to the crematorium, columbarium and the chapel shall be determined by a separate zoning action under the authority of City of Los Angeles such as this Conditional Use grant. City's action is independent and separate from Court's action. The determination from the Court also has no bearing on City's application and its local zoning laws. The Zoning Administrator will not consider any part of the Court action for the determination of this Conditional Use.

The Zoning Administrator intends to grant uses that are permitted within the limitation of State and City Codes. The Department of Consumer Affairs, Cemetery and Funeral Bureau, which is the governing agency of funeral service industry verified to the Zoning Administrator that conducting funeral services anywhere is permitted by the State, and that the State makes no distinction on funeral services in relating to an on-site cremation use or off-site burial. Funeral service is a State permitted use, which also includes how the funeral customers and providers intend to conduct the service, with preferred rituals and presentations of the bodies. The Cemetery and Funeral Bureau issued both crematory and cemetery licenses to Chapel of the Pines. No funeral establishment license was issued to the site. However, as long as there is no funeral arrangement, payment transaction, and the preparation of the bodies are occurring, Chapel of the Pines does not violate any State regulations. Further, the Los Angeles Department of Building and Safety building permit document also shows that the chapel was legally built in 1913. As stated previously, City recognizes the chapel use is similar to a church, and it is unreasonable to prohibit any congregation and assembly for prayer which includes funeral services on the site.

Interested parties contended that the chapel (of the Pines) was never used regularly for funeral services historically except small family gatherings, however, it shall not be construed that Los Angeles Municipal Code prohibits such on-site funeral service use. It is

also evident that viewing and memorial gatherings did occur on site, thus some forms of prayer assembly with ritual shall be continued on the site. Interested parties also contended that conducting any funeral services is an intensification of the site, and also an extension of Dae Han's off-site mortuary business and use illegally to the Chapel of the Pines. This claim would be correct if funeral arrangements are conducted at Chapel of the Pines, and that funeral services conducted do not include cremation proceedings. However, evidence provided to oppose the project actually shows that the applicant meets its customers at an office located at 751 Washington Boulevard owned by Dan Han Mortuary to formalize funeral arrangements and service contracts, so no funeral arrangement occurred at the project site. There is no violation of an unpermitted mortuary use on-site per the State law and City regulations. Also, if human remains are brought to the site for cremation, then the off-site mortuary use ends, and it marks the start of the on-site crematorium use, thus there is no violation of an unpermitted mortuary use in this incidence as well. Funeral directors can choose an appropriate operation, big or small, to best suit the business within the use limitation of the Code. The project site had a smaller funeral operation under the previous Service Corporation International ownership, but such preferred smaller business operation should not be interpreted as the restriction of the permitted use, nor should exercise an underutilized and permitted use to a bigger operation within the limitation of the Code be considered as an intensification or a violation of the use. An intensification of the site is an increased indoor floor area of the facility, not a part in this Plan Approval determination. An intensification is an expansion of use above and beyond permitted by the Code, also not a part in this determination. A true intensification of the use at Chapel of the Pines is its prior violation where both the buildings size and the mortuary use were expanded and conducted without obtaining proper permits from the City. As the prior illegal construction was removed, the overall facility has been restored to its prior physical condition, the building indoor floor area was returned to its previous legal size, and the mortuary use is ceased, so there is no adverse physical and environmental intensification occurring on the site that would bring back the same prior nuisance and violation. Funeral services associated with an on-site cremation is an on-site use, and it is permitted by both the State law and City's regulation and permits. Therefore, the grant of a funeral service use solely for on-site cremation is consistent with both the State Law and City's Municipal Code.

As much as the chapel (of the Pines) is permitted to provide funeral services, the chapel is not an independent and primary use. The chapel is accessory and secondary to the on-site primary crematorium and columbarium uses as the chapel is not a conventional church in a sense. No particular religion is practiced in the chapel on a regular basis similar to a church or a temple, there is not a God figure, and no one goes to the Chapel of the Pines to pray for the sake of practicing a religion. All prayers and attendance are associated with funeral events or to pay respect of the loved ones whose remains are located on site. The chapel cannot be an independent or a primary use by itself in this instance, and therefore, all chapel's uses including funeral services must be associated with the on-site crematorium and columbarium. A funeral service that does not involve on-site cremation is an extension of the off-site mortuary use, and it would be an illegal and intensified use of the site. Such funeral service requires either a mortuary/funeral parlor use permitted by a variance, or by an approved conditional use pursuant to Code Section 12.24-W,9 to establish an independent and primary church use in performing services for off-site burials. The applicant cannot circumvent Zoning requirements by contending all funeral

services regardless of their associations constitute a by-right use so to extend his mortuary business to the project site. This Deemed To Be Approved Plan Approval is a discretionary action, the City therefore has the local jurisdiction authority to place special limitations to project's use, size and operation including prohibition on funeral services for non-cremation off-site burials. In addition, the Zoning Administrator is well aware of the fact that prior large and frequent funeral services created much nuisance in the immediate neighborhood, including complaints and the disciplinary action. Therefore, any funeral services unrelated to the on-site permitted use must be curtailed to prevent traffic and parking nuisance they bring.

Dae Han Mortuary's disciplinary action completed at the end of 2014. Interested parties contend that the applicant is still conducting funeral services for off-site burial without cremation on site. However, no new complaints were brought to City's attention, nor were any new violation citations issued by the Department of Building and Safety since the closure of the disciplinary action. This Deemed To Be Approved Plan Approval had a public hearing on September 29, 2015. Hearing notices were mailed out to Council District No. 1, and abutting neighbors. A hearing notice was posted on-site on September 29, 2015. Pico Union Neighborhood Council was also notified at the filing of this Plan Approval. No opposition party attended the hearing to speak against the continued use of the crematorium, columbarium and chapel. One abutting neighbor, in fact, spoke in favor of the project as the applicant has complied with violation orders. There were also no opposition comments received from members of public prior to the application of this letter of clarification. Therefore, it is evident to the Zoning Administrator that the applicant is operating Chapel of the Pines in an acceptable manner not to disturb the peace and quiet of the immediate neighborhood with or without conducting alleged illegal funeral services associated with the off-site mortuary use. Applicant may be still following the direction of Cemetery and Funeral Bureau in conducting non-cremation related funeral services, as the Bureau permits funeral services while the City's Condition No. 7 is ambiguous. This is the exact reason that the Zoning Administrator needs to clarify what is the permitted use on-site, and make certain only on-site accessory funeral service is allowed. The State authorities and the City Attorney provided information confirming what Condition No. 7 is intended to regulate, which is to prohibit funeral services associated with mortuary use. Applicant may execute all currently arranged funeral services at Chapel of the Pines prior to the effective date of this Letter of Clarification. However, no new funeral services for the non-cremation purpose shall be arranged, and occur on-site, after this Letter of Clarification becomes effective. The Zoning Administrator hereby modifies Condition No.7 in precise terms as follows:

7. **MODIFIED** - There shall be no mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains associated memorial services on site.

Viewing services and funeral services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be cremated and incinerated into ash. Any human remains departing the site must be in the form of ash.

Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without a cremation, is a violation of the Zoning Code and this Conditional Use Permit.

**FINDING NOS. 1 AND 2 HAVE BEEN MODIFIED TO READ AS FOLLOWS:**

- 1. 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 applicant is requesting a deemed-to-be-approved conditional use Plan Approval to establish the continual use and maintenance of a 9,607 square foot chapel, crematory and columbarium building, and also to legalize a portion of an existing outdoor columbarium, which was built without permits and the required discretionary entitlements. The property was grant with ZAI 1789 in 1961 authorizing a chapel, crematory and columbarium use. However, the current a-recent operator purchased of the facility in 2006, engaged in an illegal mortuary use. The illegal mortuary use which was cited by the Department of Building and Safety in 2011. The current operator has ceased the mortuary operation without further order to comply, and the facility will comply with uses authorized in ZAI 1789 only.

In addition, previous operator constructed outdoor columbarium in an open area next to the chapel building without proper building permits. The applicant sought to legalize the entire outdoor columbarium. The Office of Zoning Administration advised that the outdoor columbarium addition could be reviewed as a deemed-to-be-approved conditional use Plan Approval under the provisions of Los Angeles Municipal Code Sections 12.24-L and M under a separate application independent of a variance, as noted below:

*A conditional use for a columbarium, crematory or a mausoleum other than in a cemetery may be requested pursuant to Section 12.24-W, 12 of the Municipal Code in the A, R, C (not CR), M1 and MR2 Zones. Since the crematory and columbarium existed prior to the formal establishment of a conditional use category for these uses in the 1946 Comprehensive Zoning Code, these specific uses (crematory and columbarium) may be considered to have deemed-to-be-approved conditional use status per Section 12.24-L of the Municipal Code. Likewise, Section 12.24-M of the Municipal Code permits that on property which has a deemed-to-be-approved conditional use status, new development or expansion of legally existing development may be allowed subject to a discretionary review and approval by a Zoning Administrator.*

In view of the above, the instant request for an expansion of the current deemed-to-be-approved conditional use by no more than 20 percent is appropriate. Therefore, the applicant revised the plan and sought to retain only six of the 12 existing columbarium structures and to reduce the total area of the outdoor garden columbarium from approximately 5,200 square feet to 1,920 square feet. All other

existing outdoor columbarium structures will be demolished and replaced with landscaping. As noted, the reduced in size outdoor garden columbarium will have an area of 1,920 square feet, which is less than 20 percent of the 9,607 square feet gross floor area of the existing legally-permitted chapel/columbarium building.

The project represents a reasonable expansion that will bring the outdoor columbarium into full compliance with the Municipal Code, including those provisions which pertain to the required front yard setback, while also balancing the community's desire to preserve columbarium niches of which some have already been sold. As conditioned, the proposed project will enhance the built environment and provide a service that is beneficial to the community, city, and region.

2. **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.**

The adjacent properties to the east, across Catalina Street, are zoned CM-2 and RD1.5-1 and developed with a one-story restaurant equipment and supply store, surface parking lot, and one- and two-family dwellings. The adjacent properties to the north, across Venice Boulevard are zoned [Q]RD5-1 and developed with a private school (Loyola High School). The adjacent property to the west is zoned A1-1 and developed with a cemetery (Rosedale Cemetery – City of Los Angeles Historic Monument No. LA-330). The adjacent properties to the south are zoned RD1.5-1 and developed with two-story multi-family residential uses.

This grant incorporates a number of conditions that ensure the project will be compatible with its surroundings. These conditions include the provision of landscaping where existing columbarium structures will be removed as well as the submittal of a new landscaping plan. Condition No. 7 is also imposed to limit all funeral services conducted in the chapel shall be in association with cremation in order to eliminate any intensification of the use on the site, to curtail traffic and parking impacts while preventing associated nuisance, and to cease all unpermitted use pursuant to Zoning Codes. Condition No. 7 is significantly modified to ensure a precise use of the site and the compliance to the Zoning Code. It is noted that no comments have been submitted specifically in opposition to the instant request for the continued use and maintenance of a 1,920 square-foot portion of the outdoor columbarium prior to the application of this letter of clarification on December 15, 2015. The project will observe the required 25-foot front yard setback. No deviations from the Municipal Code have been requested or granted. As such, the project will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

#### **APPEAL PERIOD - EFFECTIVE DATE**

The Zoning Administrator's determination in this matter will become effective after JUNE 9, 2016, 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

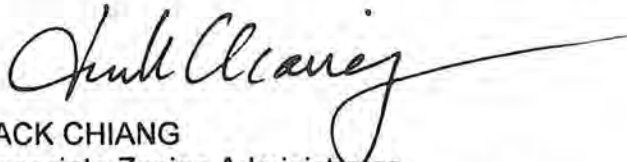
imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before 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 Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

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.

All other terms and conditions of ZA 2014-0397(PAD) shall remain as originally granted.

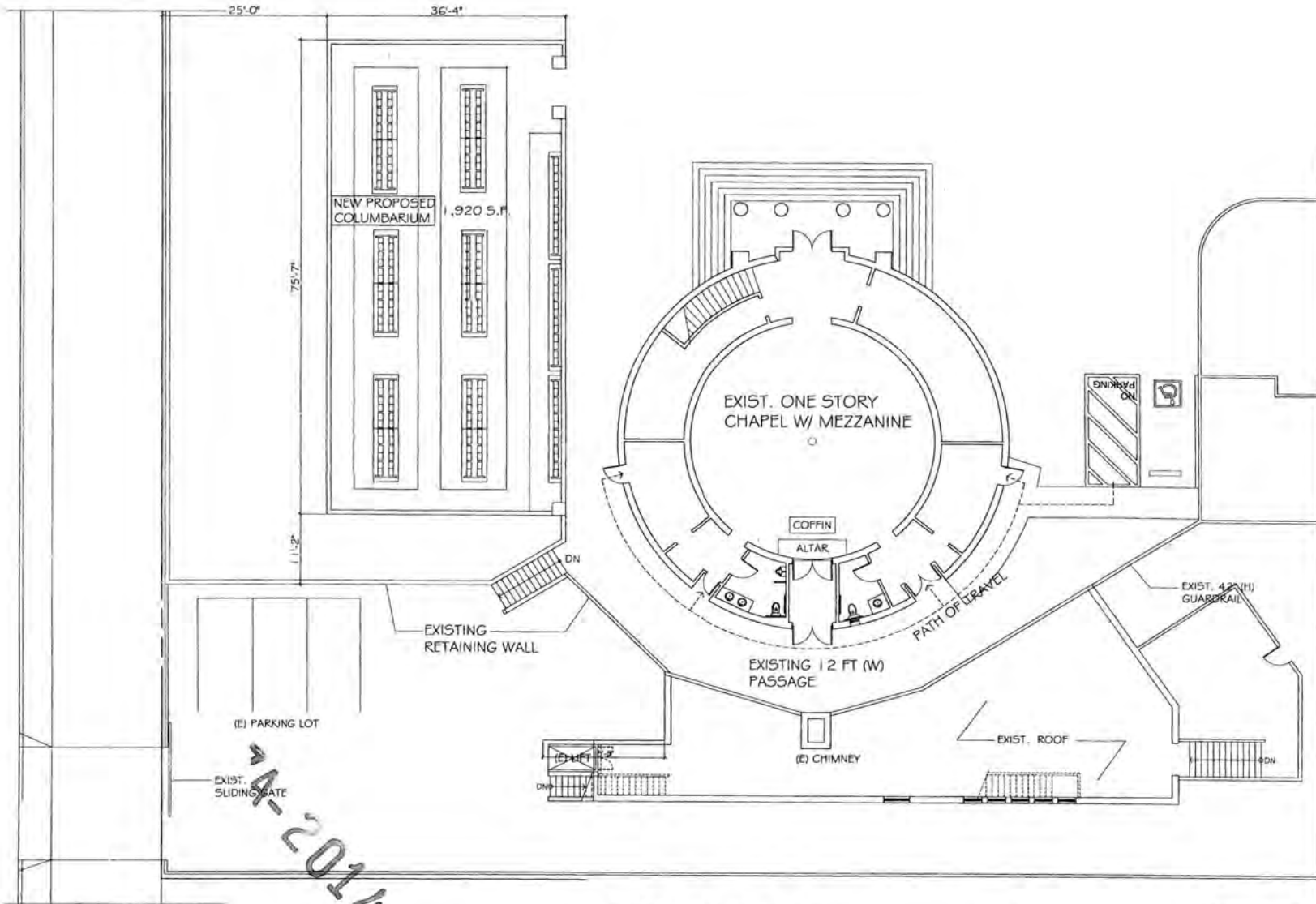


JACK CHIANG  
Associate Zoning Administrator  
Direct Telephone Number: (213) 978-0195

JC:lmc

cc: Councilmember Gilbert Cedillo  
First District  
Adjoining Property Owners  
Michael Gonzales  
555 South Flower Street, Suite 650  
Los Angeles, CA 90071  
Virgil County  
2065 Stanley Avenue  
Signal Hill, CA 90755  
John Lee  
635 Norton Avenue  
Los Angeles, CA 90005  
David Bolstad  
555 South Flower Street, Suite 650  
Los Angeles, CA 90071





1  
A-2

PARTIAL SITE PLAN  
SCALE: 1/8" = 1'-0"



**EXHIBIT "A"**  
Page No. 2 of 5  
Case No. BA-2014-397 P&P

A-2014-397

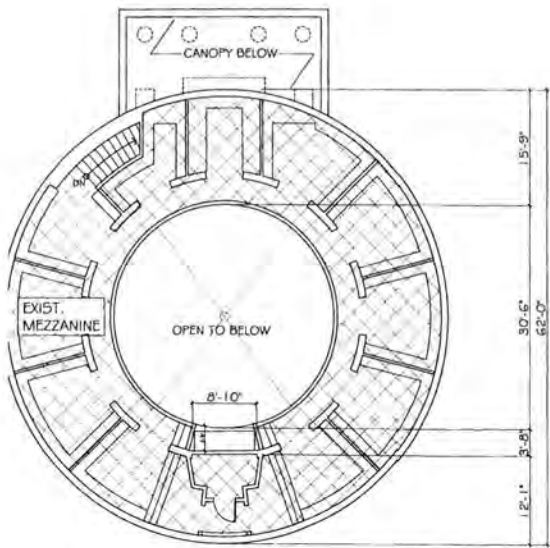
REVISIONS BY


**SOON EIM & ASSOCIATES**  
433 S. Camino Real  
Folsom, CA 95630  
T: (916) 386-9330 F: (916) 386-9321  
email: soonimach@sooneim.com

FIRST FLOOR PLAN

TENANT IMPROVEMENT MARKET FOR  
**THE PINES FUNERAL HOME**  
1606 S. CATALINA STREET, LC  
FOLSOM, CA 95630  
TEL: (916) 731-4040

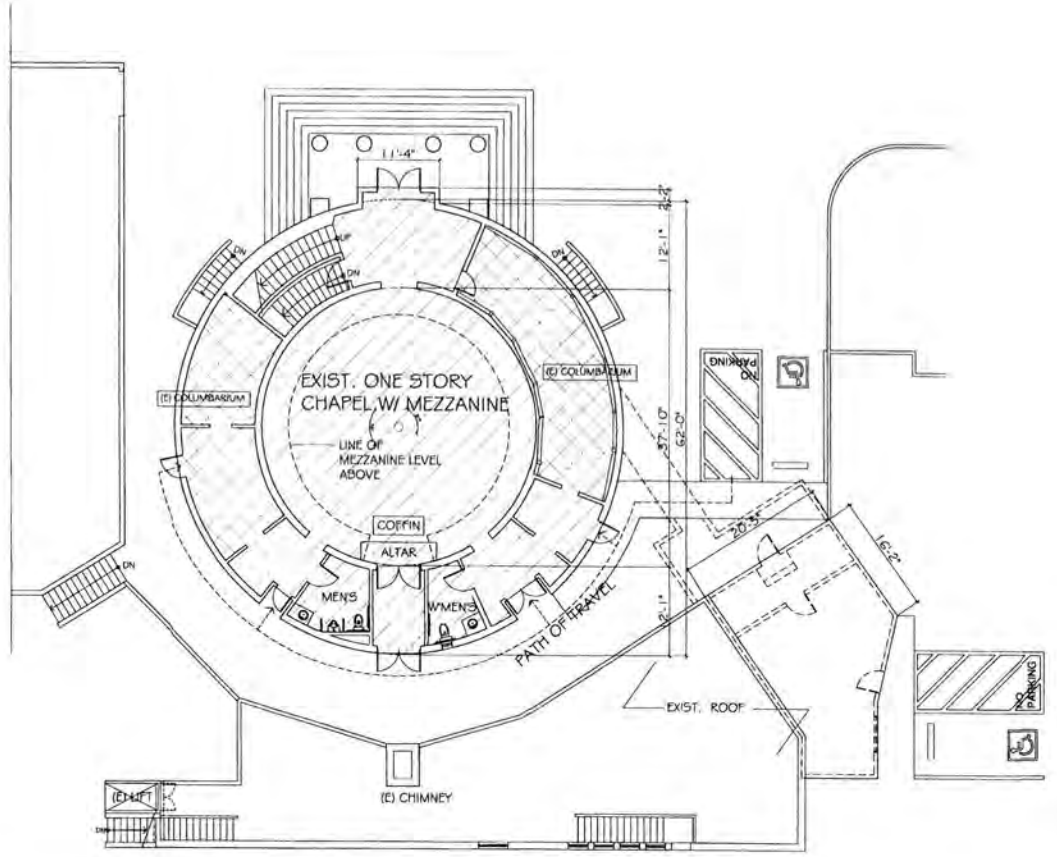
DATE DEC. 10, 14  
SCALE AS SHOWN  
DRAWN S.K.  
FOR 14102  
SHEET  
OF **A-2** SHEETS



2 MEZZANINE LEVEL PLAN  
 A-3 SCALE: 1/8" = 1'-0"

LEGEND	
	: AREA OF COLUMBARIUM

AREA CALCULATION	
1. COLUMBARIUM	: 2,052.6 S.F.



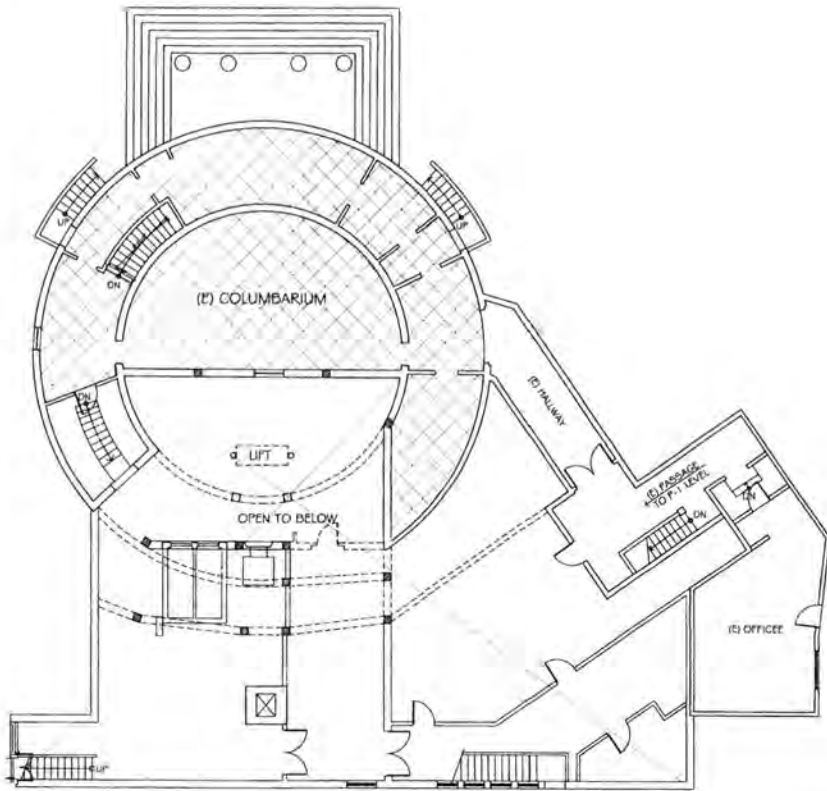
1 GROUND LEVEL PLAN  
 A-3 SCALE: 1/8" = 1'-0"

LEGEND	
	: AREA OF CHAPEL
	: AREA OF COLUMBARIUM


AREA CALCULATION	
1. CHAPEL	: 2,508.2 S.F.
2. COLUMBARIUM	: 532.8 S.F.

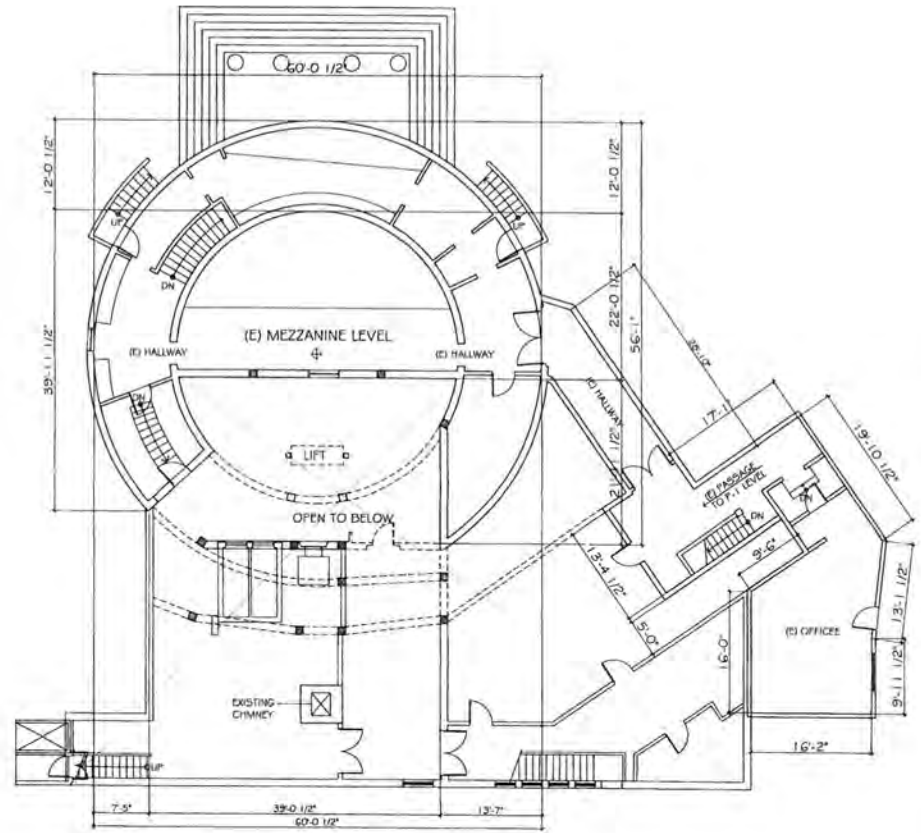
**EXHIBIT "A"**  
 Page No. 3 of 5  
 Case No. ZA-2014-397-PAD

ZA-2014-397



1 B-1 LEVEL AREA CALCULATION  
A-4 SCALE: 1/8" = 1'-0"

	LEGEND AREA OF COLUMBARIUM
AREA CALCULATION 1. COLUMBARIUM : 1,961.4 S.F.	



1 B-1 MEZZANINE LEVEL PLAN  
A-4 SCALE: 1/8" = 1'-0"

EXHIBIT "A"  
Page No. 4 of 5  
Case No. 24-2514-397 - P4D

SOON KIM & ASSOCIATES 435 S. CUNNAN AVE. #7 LOS ANGELES, CA 90007 (310) 366-0231 EMAIL: soonkimarchitect@gmail.com	(B-1) MEZZANINE LEVEL	REVISIONS BY
TEENANT IMPROVEMENT/MARKET FOR THE PINES FT PALM HOME 1605 S. CATALINA STREET, L LOS ANGELES, CA 90006 TEL: (323) 731-6640		
DATE: DEC 18 '14 SCALE: AS SHOWN DRAWN: S.K. JOB: 14105 SHEET		
A-4 OF SHEETS		

ZA-2014-397

REVISIONS BY

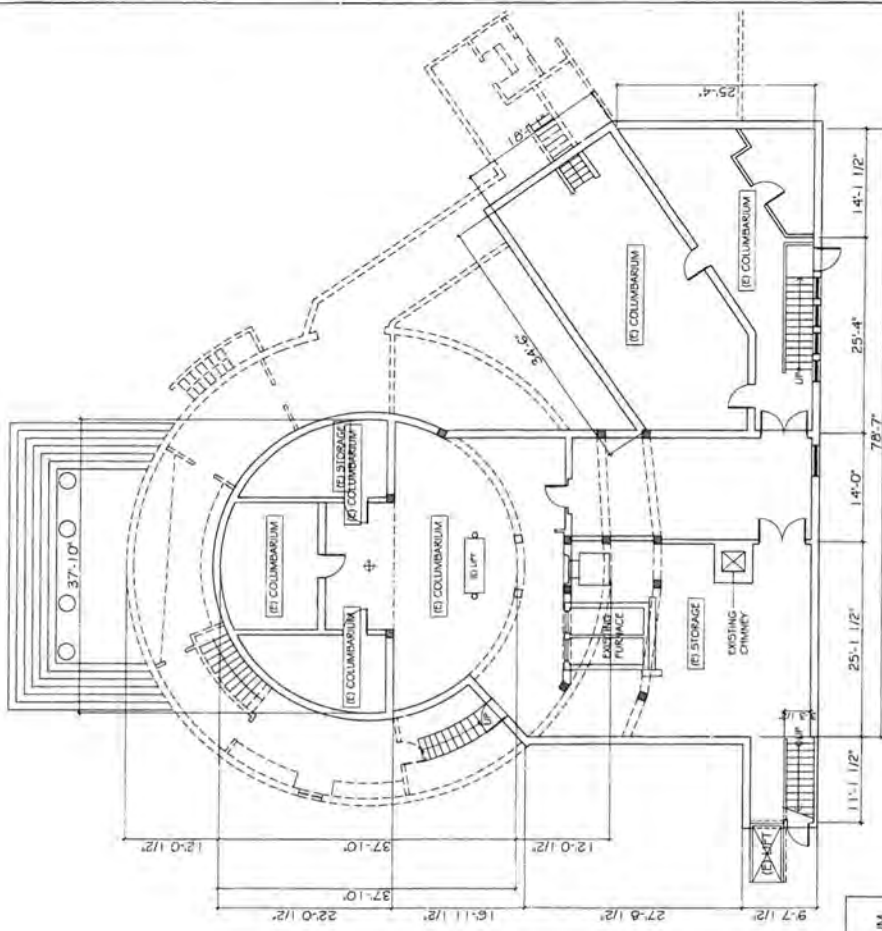

SOON KIM & ASSOCIATES  
 415 S. GARDEN AVE., 7J  
 LOS ANGELES, CA 90006  
 TEL (213) 386-9230 F (213) 386-9231  
 EMAIL: soonkimarchitect@gmail.com

(B-2) BASEMENT LEVEL

TENANT IMPROVEMENT MARKET FOR  
 THE PINES REAL HOME  
 ELES, CA 90006  
 1605 S CATALINA STREET  
 TEL (323) 731-4040

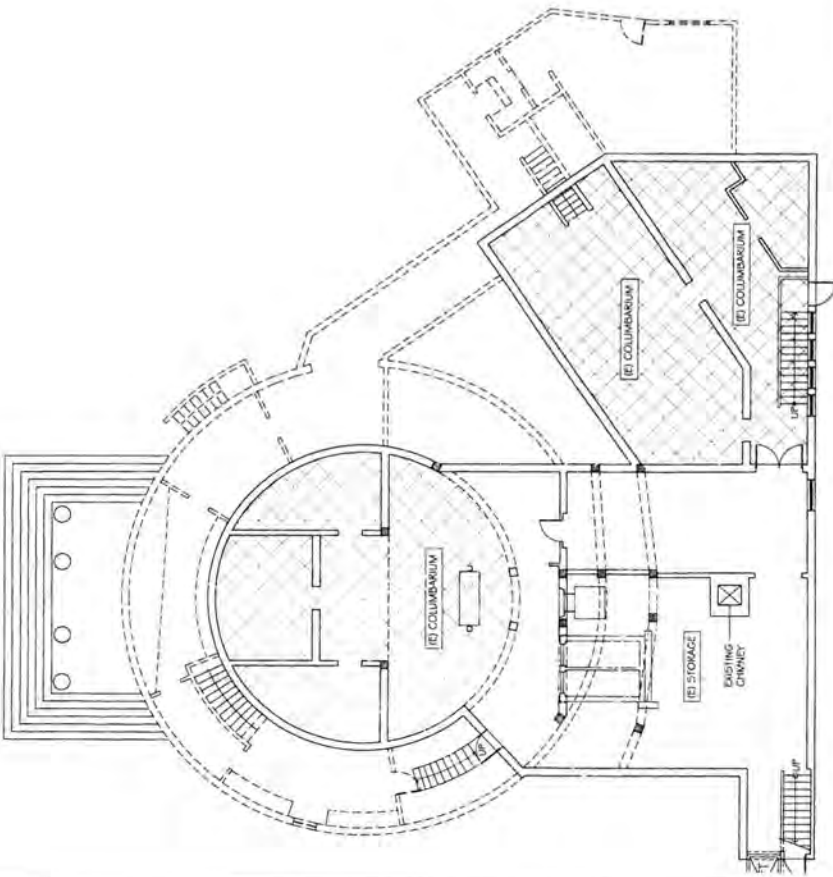
DATE DEC 18 '14  
 SCALE AS SHOWN  
 DRAWN S.K.  
 CHECKED H.L.O.S.  
 SHEET 14 OF 15

A-5  
 OF 5 SHEETS



1 (B-2) BASEMENT LEVEL PLAN  
 A-5 SCALE: 1/8" = 1'-0"

EXHIBIT "A"  
 Page No. 5 of 5  
 Case No. EA-2014-337 - PAP



LEGEND  
 [Cross-hatch symbol] : AREA OF COLUMBARIUM

AREA CALCULATION  
 1. COLUMBARIUM : 2,552.0 S.F.

1 (B-2) LEVEL AREA CALCULATION  
 A-5 SCALE: 1/8" = 1'-0"

2A-2014-337

LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
LOURDES GREEN  
THEODORE L. IRVING  
CHARLES J. RAUSCH, JR.  
JIM TOKUNAGA  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
MICHAEL J. LOGRANDE  
DIRECTOR

OFFICE OF  
ZONING ADMINISTRATION

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012  
(213) 978-1318  
FAX: (213) 978-1334  
www.planning.lacity.org

October 20, 2015

Henry Chun (A)(O)  
Community Funeral Services, Inc.  
1605 South Catalina Street  
Los Angeles, CA 90006

Danny Lee (R)  
1605 South Catalina Street  
Los Angeles, CA 90006

CASE NO. ZA 2014-0397(PAD)

APPROVAL OF PLANS

1605 South Catalina Street  
South Los Angeles Planning Area

Zone : A1-1

D. M. : 126B197

C. D. : 1

CEQA : ENV 2010-1763-MND-REC1

Legal Description: PT NE 1/4 SEC 36

TIS R14W Arb 5

ZA-2014-397

Pursuant to Los Angeles Municipal Code Sections 12.24-L and M, I hereby APPROVE:

deemed-to-be-approved conditional use status and Approval of Plans to allow the continued use and maintenance of an existing crematory, chapel, and columbarium and a 1,920 square-foot portion of an outdoor columbarium,

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. Authorized herein is the continued use and maintenance of:
  - a. A 9,607 square-foot existing crematory, chapel and columbarium structure.
  - b. Six outdoor columbarium structures within an area not to exceed 1,920 square feet, as shown in Exhibit "A." All other existing outdoor columbarium structures shall be removed and replaced with landscaping.
  - c. No. deviations from the LAMC were requested or approved.
7. There shall be no mortuary operation, embalming of human remains, or associated memorial service on-site.
8. This approval is tied to Case No. ENV-2010-1763-MND-REC1. The following mitigation measures, as modified, shall be adhered to:
  - a. Aesthetics (Landscape Plan)

All open area not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.
  - b. Aesthetics (Landscape Buffer)

A minimum 5-foot wide landscape buffer shall be planted adjacent to the residential use.
9. Prior to the issuance of any permits relative to this matter, 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 Zoning Administrator for attachment to the subject case file.
10. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of 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.
- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of 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.
- c. 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 \$25,000. 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 (b).
- d. 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 (b).
- e. 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 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 4, 2015, 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:

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4th Floor  
Los Angeles, CA 90012  
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Marvin Braude San Fernando  
Valley Constituent Service Center  
6262 Van Nuys Boulevard, Room 251  
Van Nuys, CA 91401  
(818) 374-5050

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 September 29, 2015, 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 for authorizing a conditional use plan approval under the provisions of Sections 12.24-L and M have been established by the following facts:

#### BACKGROUND

The subject property consists of a single deed-cut lot, rectangular in shape with slight topographic variations within its interior. Located on the southwest corner of Catalina Street and Venice Boulevard, the property is approximately 54,117 square feet (1.24 acres) in area with street frontages of approximately 288 feet along Catalina Street and 188 feet

along Venice Boulevard. The front yard to the property is located along its Venice Boulevard frontage. Access to the property is available along the Catalina Street frontage and via a closed access driveway located at the northwest corner along Venice Boulevard.

The property is zoned A1-1 and developed with a circular chapel building with a basement level crematorium with storage areas for boxed remains. The ground floor consists of an assembly area with bench seating and columbarium spaces within the perimeter halls. The rear walls facing the chapel service area serve as additional columbarium structures. The rotunda on the mezzanine level above also consists of columbarium walls within alcoves and is open to the chapel service area below.

The adjacent area to the north of the chapel building is developed with an enclosed outdoor garden type columbarium consisting of 12 separate structures (four rows with three structures each) approximately 6 feet in height. The area, which is approximately 5,200 square feet, is enclosed by a wall varying between 6 to 7 feet in height with the entrance gate being located at the southeast corner. A portion of the garden columbarium was observed to be built within the required front yard setback along Venice Boulevard.

The applicant is seeking deemed-to-be-approved conditional use status and Approval of Plans to allow the retention of six outdoor columbarium structures (two rows with three structures each) within an area not to exceed 1,920 square feet. All other existing outdoor columbarium structures will be demolished and replaced with landscaping.

The adjacent properties to the east, across Catalina Street, are zoned CM-2 and RD1.5-1 and developed with a one-story restaurant equipment and supply store, surface parking lot, and one- and two-family dwellings.

The adjacent properties to the north, across Venice Boulevard are zoned [Q]RD5-1 and developed with a private school (Loyola High School).

The adjacent property to the west is zoned A1-1 and developed with a cemetery (Rosedale Cemetery – City of Los Angeles Historic Monument No. LA-330).

The adjacent properties to the south are zoned RD1.5-1 and developed with two-story multi-family residential uses.

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

Case No. ZA 2010-1762(ZV)-1A – On December 12, 2012, the Zoning Administrator denied a variance from Section 12.05-A to permit: 1) the conversion and expansion of an originally legally permitted crematory and chapel with an interior columbarium into a funeral home facility/funeral establishment/mortuary as otherwise not permitted in the A1 Zone; 2) **the continuation of illegally non-permitted construction including a 5,198 square-foot outdoor columbarium**, a 1,347 square-foot office/retail space built on top of a basement level, a 518 square-foot carport and a 92 square-foot storage shed; and, 3) the construction, use and maintenance of a proposed two-story structure consisting of a second floor, 200-seat, 7,799 square-foot chapel and a 7,799 square-foot ground level parking garage with 15 parking stalls. On February 5, 2013, the South Los Angeles Area Planning

Commission denied an appeal from the applicant and sustained the Zoning Administrator's decision.

Order to Comply No. 418629 – An Order to Comply was issued effective June 6, 2011 by the Department of Building and Safety regarding the subject property citing unpermitted monument, pole, and channel letter wall signs.

Order to Comply No. 411822 – An Order to Comply was issued effective April 12, 2011 by the Department of Building and Safety regarding the subject property citing 11 violations including but not limited to the following: the unapproved use of the chapel/crematorium as a mortuary; **the unapproved construction of an exterior columbarium**; the unapproved construction of a second story office, bathroom and retail building; the unapproved construction of a carport and storage; the installation of a walk-in freezer; work done without electrical, plumbing and mechanical permits.

Case No. ZAI-1789 – On June 1, 1961, the Zoning Administrator made an interpretation and decision that **the site has the status of an approved Conditional Use for a crematory and columbarium** and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing Chapel of Pines and crematory building.

A query of Department of Building and Safety's records revealed that building permits have been issued in association with the subject property under two different street addresses, 1605 Catalina Street and 1605 Grover Street. The following is a summary of the records obtained:

1605 Grover Street –

Building Permit Document No. 1905LA07128 – On October 23, 1905, the Department of Building and Safety (LADBS) issued a permit for the construction of a 39 feet in height, 60 feet by 90 feet "crematory".

Building Permit Document No. 1913LA09275 – On July 14, 1913, LADBS issued a permit for the addition of a 26 feet by 40 feet "machinery room".

Building Permit Document No. 1913LA10986 – On August 21, 1914, LADBS issued a permit for the construction of a one-story, 20 feet in height, 30 feet by 32 feet chapel building.

1605 Catalina Street –

Building Permit Document No. 1949 16214 – On June 15, 1949, LADBS issued a permit to "install marble shelves, partitions back and front to form columbarium niches for cremated remains" in conjunction with an existing columbarium and crematory building.

Building Permit Document No. 1961LA93027 – On July 14, 1961, LADBS issued a permit for the construction of a 30 feet by 38 feet, eight feet in height columbarium.

LADBS Zoning Letter – On May 21, 2009, LADBS issued a Zoning Letter regarding “the maintenance of an existing cemetery and funeral establishment” on the subject property, in which it was concluded that “the existing cemetery and the funeral parlor located [on the subject property] meets the requirements of Section 12.24 L and therefore the use may be continued on the lot.”

LADBS Correction Zoning Letter – On December 9, 2011, LADBS issued a Zoning Letter rescinding the May 21, 2009 letter. The only uses that are permitted on the property are the existing crematory, chapel and columbarium thus retracting the prior conclusion that a funeral parlor/funeral establishment had existed on the property or had rights to continue said use.

### **PUBLIC HEARING**

On September 2, 2015, notices for public hearing were mailed to abutting property owners of the site. A public hearing was conducted by Associate Zoning Administrator, Jack Chiang, on September 29, 2015 in the Los Angeles City Hall at 200 North Spring Street, Room 1020.

The applicant’s representative Ariel Gutierrez were able to testify and provided the following comments:

- The applicant wishes to continue the chapel, crematory, and the columbarium use established by the 1961 ZAI 1789.
- The ZAI only included an indoor columbarium. This application is also requesting to legalize a portion of an outdoor columbarium.
- The applicant has been working with the Department and Building and Safety to address the orders to comply. 99% of the violations have been cleared.
- The applicant has already removed the portion of the outdoor columbarium in the required setback in the A Zone. There are only six columbarium structures left, with a total of 550 to 600 niches reduced from 1,000 niches.
- There is no expansion in the existing chapel/crematory/indoor columbarium structure.
- The facility will not have any more mortuary or embalming operations.

Mr. Allen Ming, applicant’s legal counsel provided the following comment:

- He has been working with the Building Department and all code violations have been addressed.
- Under California law, if human remains are still situated at a location, they should not be disturbed.
- There are 50 human remains located in the basement columbarium, and to shut down the premises would be an undue hardship.

Raul Horocha, a nearby resident who lives on Catalina Street provided the following comment:

- The operation was bad before, there were many trash, cars and bushes.

- It is a beautiful looking site now, nice and clean. No parking issues.
- No objections.

After the closing of the public comment period, the Zoning Administrator indicated that he will approve the project based on the review of the project and public testimony. The site will continue to operate as a chapel, crematory, and a columbarium in the existing building with an outdoor garden columbarium. There shall be no mortuary operations on site.

### **AUTHORITY FOR PLAN APPROVAL**

Section 12.24-L of the Los Angeles Municipal Code provides in pertinent part:

"L. Existing Uses. Any lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized such use shall also continue in effect. "

On June 1, 1961, the Zoning Administrator made an interpretation and decision that the site has the status of an approved Conditional Use for a crematory and columbarium and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing Chapel of Pines and crematory building.

A query of Department of Building and Safety's records revealed that building permits have been issued in association with the subject property under two different street addresses, 1605 Catalina Street and 1605 Grover Street.

Section 12.24-M of the Los Angeles Municipal Code provides in part:

"M. Development of Uses. (Amended by Ord. No. 173,992, Eff. 7/6/01)

1. Development of Site. On any lot or portion of a lot on which a deemed-approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ...".

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for expansion of a columbarium to be authorized, certain designated findings have to be made.

## FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. 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 applicant is requesting deemed-to-be-approved conditional use status and an approval of plans to establish the continual use and maintenance of a 9,607 square-foot chapel, crematory and columbarium building, and also to legalize a portion of an existing outdoor columbarium, which was built without permits and the required discretionary entitlements. The property was grant with ZAI 1789 in 1961 authorizing a chapel, crematory and columbarium use. However, a recent operator of the facility engaged in an illegal mortuary use which was cited by the Department of Building and Safety in 2011. The current operator has ceased the mortuary operation without further order to comply, and the facility will comply with uses authorized in ZAI 1789 only.

In addition, the previous operator constructed outdoor columbarium in an open area next to the chapel building without proper building permits. The applicant sought to legalize the entire outdoor columbarium. The Office of Zoning Administration advised that the outdoor columbarium addition could be reviewed as a deemed-to-be-approved conditional use Plan Approval under the provisions of Los Angeles Municipal Code Sections 12.24-L and M under a separate application independent of a variance, as noted below:

*A conditional use for a columbarium, crematory or a mausoleum other than in a cemetery may be requested pursuant to Section 12.24-W,12 of the Municipal Code in the A, R, C (not CR), M1 and MR2 Zones. Since the crematory and columbarium existed prior to the formal establishment of a conditional use category for these uses in the 1946 Comprehensive Zoning Code, these specific uses (crematory and columbarium) may be considered to have deemed-to-be-approved conditional use status per Section 12.24-L of the Municipal Code. Likewise, Section 12.24-M of the Municipal Code permits that on property which has a deemed-to-be-approved conditional use status, new development or expansion of legally existing development may be allowed subject to a discretionary review and approval by a Zoning Administrator.*

In view of the above, the instant request for an expansion of the current deemed-to-be-approved conditional use by no more than 20 percent is appropriate. Therefore, the applicant revised the plan and sought to retain only six of the 12 existing columbarium structures and to reduce the total area of the outdoor garden columbarium from approximately 5,200 square feet to 1,920 square feet. All other existing outdoor columbarium structures will be demolished and replaced with landscaping. As noted, the reduced in size outdoor garden columbarium will have

an area of 1,920 square feet, which is less than 20 percent of the 9,607 square feet gross floor area of the existing legally-permitted chapel/columbarium building.

The project represents a reasonable expansion that will bring the outdoor columbarium into full compliance with the Municipal Code, including those provisions which pertain to the required front yard setback, while also balancing the community's desire to preserve columbarium niches of which some have already been sold. As conditioned, the proposed project will enhance the built environment and provide a service that is beneficial to the community, city, and region.

2. **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.**

The adjacent properties to the east, across Catalina Street, are zoned CM-2 and RD1.5-1 and developed with a one-story restaurant equipment and supply store, surface parking lot, and one- and two-family dwellings. The adjacent properties to the north, across Venice Boulevard are zoned [Q]RD5-1 and developed with a private school (Loyola High School). The adjacent property to the west is zoned A1-1 and developed with a cemetery (Rosedale Cemetery – City of Los Angeles Historic Monument No. LA-330). The adjacent properties to the south are zoned RD1.5-1 and developed with two-story multi-family residential uses.

This grant incorporates a number of conditions that ensure the project will be compatible with its surroundings. These conditions include the provision of landscaping where existing columbarium structures will be removed as well as the submittal of a new landscaping plan. It is noted that no comments have been submitted specifically in opposition to the instant request for the continued use and maintenance of a 1,920 square-foot portion of the outdoor columbarium. The project will observe the required 25-foot front yard setback. No deviations from the Municipal Code have been requested or granted. As such, the project will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

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

The South Los Angeles Community Plan Map designates the property for Open Space land uses with corresponding zones of OS and A1 with Height District No. 1.

The Community Plan text does not specifically address the matter of crematories, chapels or columbaria. However, the General Plan promotes the provision of services throughout the City in locations that are appropriate and do not negatively affect nearby properties. A columbarium is a deemed-to-be-approved conditional use on this property. Sections 12.24-L and M of the Los Angeles Municipal Code authorize the Zoning Administrator to extend existing uses on an approved site provided that plans are submitted and approved. As such, the project substantially

conforms with the purpose, intent and provisions of the General Plan and the South Los Angeles Community Plan.

**ADDITIONAL MANDATORY FINDINGS**

4. 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, areas of minimal flooding.
5. On July 20, 2015, the Department of City Planning issued a Reconsideration of a previously issued Mitigated Negative Declaration (ENV 2010-1763-MND-REC1) for the proposed project. On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that with imposition of Mitigation Measures I-10 and I-20 identified in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment. I hereby adopt that action. This Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

Inquiries regarding this matter shall be directed to Michael Sin, Planning Staff for the Office of Zoning Administration at (213) 978-1345.



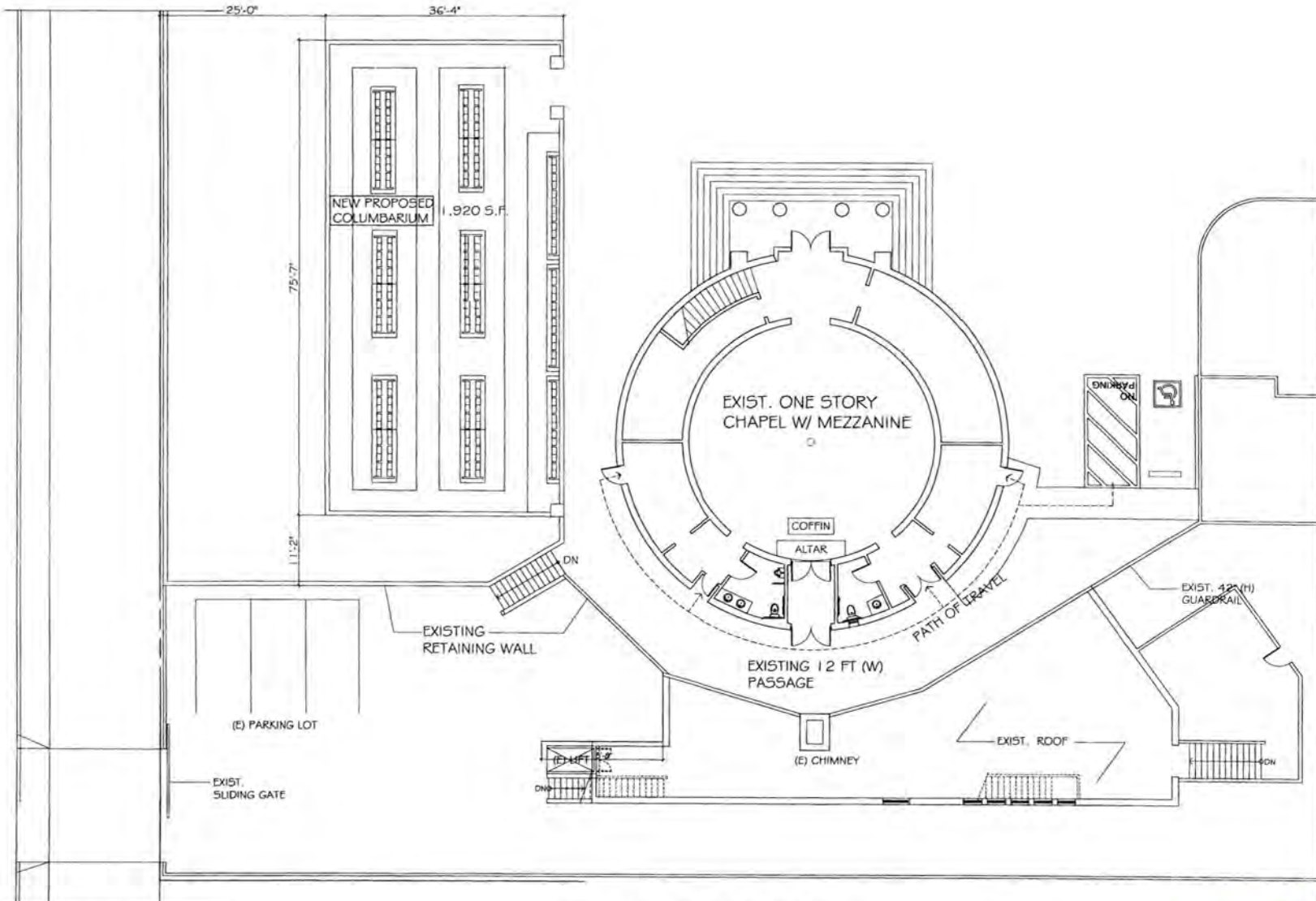
JACK CHIANG  
Associate Zoning Administrator

JC:MS:lmc

cc: Councilmember Gilbert Cedillo  
First District  
Adjoining Property Owners

# Plans





1 PARTIAL SITE PLAN  
 A-2 SCALE: 1/8" = 1'-0"



**EXHIBIT "A"**  
 Page No. 2 of 5  
 Case No. BA-2019-377 - PAP

REVISIONS BY


SOON KIM & ASSOCIATES  
 435 S. Canon Ave., 7  
 Los Angeles, CA 90008  
 T: (313) 886-9200 F: (313) 886-9231  
 email: soonkimarch@icloud.com

FIRST FLOOR PLAN

TENANT IMPROVEMENT MARKET FOR  
 THE PINES FUNEP "1" HOME  
 1605 S CATALINA STREET, L.C. (S. CA 90006)  
 TEL: (323) 731-4000

DATE: DEC. 18, 14  
 SCALE: AS SHOWN  
 DRAWN: S.K.  
 JOB: 14102  
 SHEET: A-2  
 OF SHEETS: 5

# TENANT IMPROVEMENT FOR THE PINE FUNERAL HOME

1605 S. CATALINA STREET, LOS ANGELES, CA 90006  
TEL. (323) 731-4040

REVISIONS BY  
SOON KIM & ASSOCIATES  
4155 Canyon Ave., 7J  
Los Angeles, CA 90024  
TEL: (323) 386-9238 FAX: (323) 386-9231  
email: soonkim@soongim.com

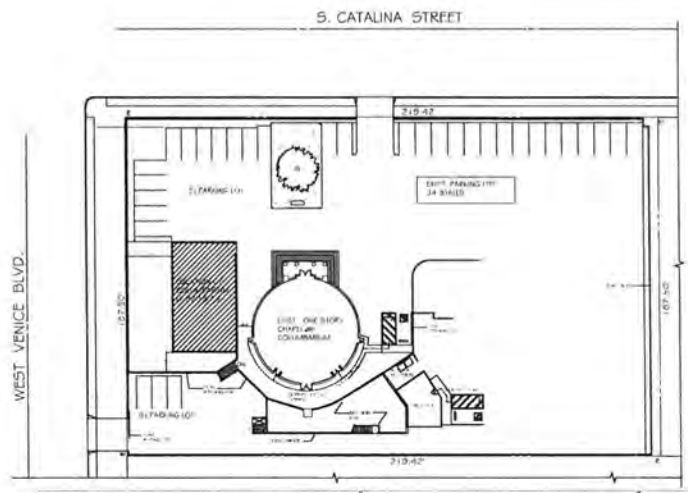
## GENERAL NOTES

1. ALL MATERIALS EXCEPT THE ONE (1) SPECIFIED SHALL BE OF THE BEST QUALITY AVAILABLE.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS FROM THE JOB AND VERIFY ALL DIMENSIONS AND LOCATIONS FROM THE ARCHITECT'S GENERAL NOTES, BEFORE BEGINNING WORK.
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS FROM THE ARCHITECT'S GENERAL NOTES, BEFORE BEGINNING WORK.
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25. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS FROM THE ARCHITECT'S GENERAL NOTES, BEFORE BEGINNING WORK.

## FIRE PROTECTION NOTES

1. PROVIDE A DETECTED FIRE EXTINGUISHER WITH A RATING OF NOT LESS THAN 2-A-10 WITH 10 FT. RANGE, PROVIDED BY AN INDEPENDENT TESTING AGENCY AND LISTED TO UL 200.
2. PROVIDE FIRE EXTINGUISHER AS REQUIRED BY THE CITY AND CALIFORNIA FIRE MARSHAL.
3. PROVIDE FIRE EXTINGUISHER AS REQUIRED BY THE CITY AND CALIFORNIA FIRE MARSHAL.
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24. PROVIDE FIRE EXTINGUISHER AS REQUIRED BY THE CITY AND CALIFORNIA FIRE MARSHAL.
25. PROVIDE FIRE EXTINGUISHER AS REQUIRED BY THE CITY AND CALIFORNIA FIRE MARSHAL.

## PLOT PLAN SCALE: 1/8" = 1'-0"



1 PLOT PLAN SCALE: 1/8" = 1'-0"

## PROJECT INFORMATION

ADDRESS: 1605 S. CATALINA STREET, LOS ANGELES, CA 90006

PROPERTY OWNERS NAME: COMMUNITY FUNERAL SERVICES, INC.  
DANERS ADDRESS: 1605 S. CATALINA STREET, LOS ANGELES, CA 90006 (323) 731-2179

LOT SIZE: 13,949 S.F.

LEVEL	AREA	USE	AREA	GROUND
GROUND	2,508.2	532.2	3,040.4	
MEZZANINE		2,092.4	2,092.4	
B-1 LEVEL		1,961.4	1,961.4	
B-2 LEVEL		4,552.0	2,092.0	
TOTAL AREA	2,508.2	10,638.0	9,207.8	

37' 0" ONE STORY BUILDING WITH MEZZANINE & BASEMENT

MAP: BUILDING HEIGHT: 10' 0" MAX. OCC. LOA: (C2.1, A, 1)

ZONING: A-2, B-5

GROUP OF OCCUPANCY: TYPE OF CONSTRUCTION: TYPE V-B, NON TYPE SPRINKLERED

SCOPE OF WORK: LEGAL PROPOSED COLUMBIAN AREA AT NORTH SIDE OF OUTDOOR AREA (2,600 S.F.) AREA CALCULATION (113,175 S.F. X 20% = 2,600 S.F.)

LEGAL DESCRIPTION: (10TH PT. ME. (18 SEC. 32 TH. R14 N. AN B. AN. S075 027-075. P91. 1605 1/83 285

## VICINITY MAP SCALE: N.T.S.

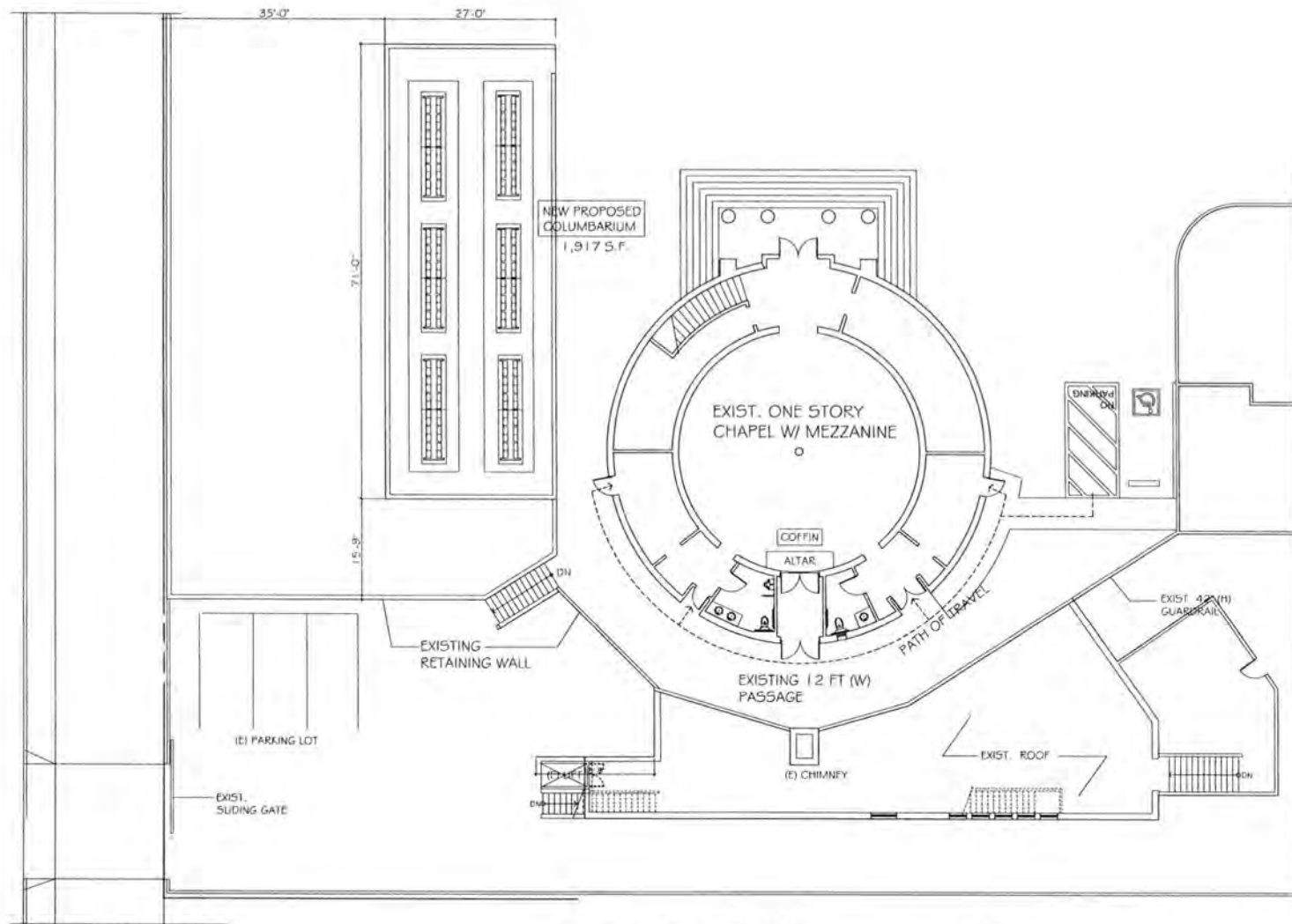


## SHEET INDEX

- ARCHITECTURAL
- A-1: PLOT PLAN, PROJECT INFORMATION
  - A-2: GROUND FLOOR PLAN, MEZZANINE LEVEL PLAN
  - A-3: B-1 MEZZANINE LEVEL PLAN
  - A-4: B-2 BASEMENT LEVEL PLAN
  - A-5: COLUMBIAN PLAN
  - A-6: DISABLED ACCESSIBILITY NOTE
  - A-7: DISABLED ACCESSIBILITY DETAILS, HANDED BY EXCEPTION FORM

TENANT IMPROVEMENT MARKET FOR THE PINE FUNERAL HOME  
1605 S. CATALINA STREET, LOS ANGELES, CA 90006  
TEL: (323) 731-4040

DATE: DEC 16, 2011  
SCALE: AS SHOWN  
DRAWN: SK  
JOB: 111112  
SHEET: A-1 OF SHEETS



1 PARTIAL SITE PLAN  
 A-2 SCALE: 1/8" = 1'-0" N

SOON KIM & ASSOCIATES  
 433 S. Canyon Ave., 7  
 Los Angeles, CA 90007  
 Tel: (310) 361-2770 Fax: (310) 361-0211  
 e-mail: soonkimarch@earthlink.net

FIRST FLOOR PL

TENANT IMPROVEMENT MARKET FOR  
 THE PINES FUN HOME  
 1600 S. CATALINA STREET, 1  
 LOS ANGELES, CA 90007  
 TEL: 323-731-4000

DATE: MAR. 10.15  
 SCALE: AS SHOWN  
 DRAWN: S.K.  
 JOB: 14102  
 SHEET: A-2  
 OF: 15

**1605 S. CATALINA ST. LOS ANGELES, CA 90006**  
Case No. ZA 2014-0397(PAD)(A1)  
Compliance Exhibits

Exhibit B: Current Columbarium Area Configuration



**1605 S. CATALINA ST. LOS ANGELES, CA 90006**

Case No. ZA 2014-0397(PAD)(A1)

Compliance Exhibits

Exhibit C: – Open areas without buildings, driveways, parking areas, recreational facilities or walks as well as buffer maintained adjacent to residential use





**1605 S. CATALINA ST. LOS ANGELES, CA 90006**  
Case No. ZA 2014-0397(PAD)(A1)  
Compliance Exhibits

Exhibit D: – Recorded Covenant

1605 S. CATALINA ST. LOS ANGELES, CA 90006

VICINITY MAP



ZA-2014-39

1605 S. CATALINA ST. LOS ANGELES, CA 90006

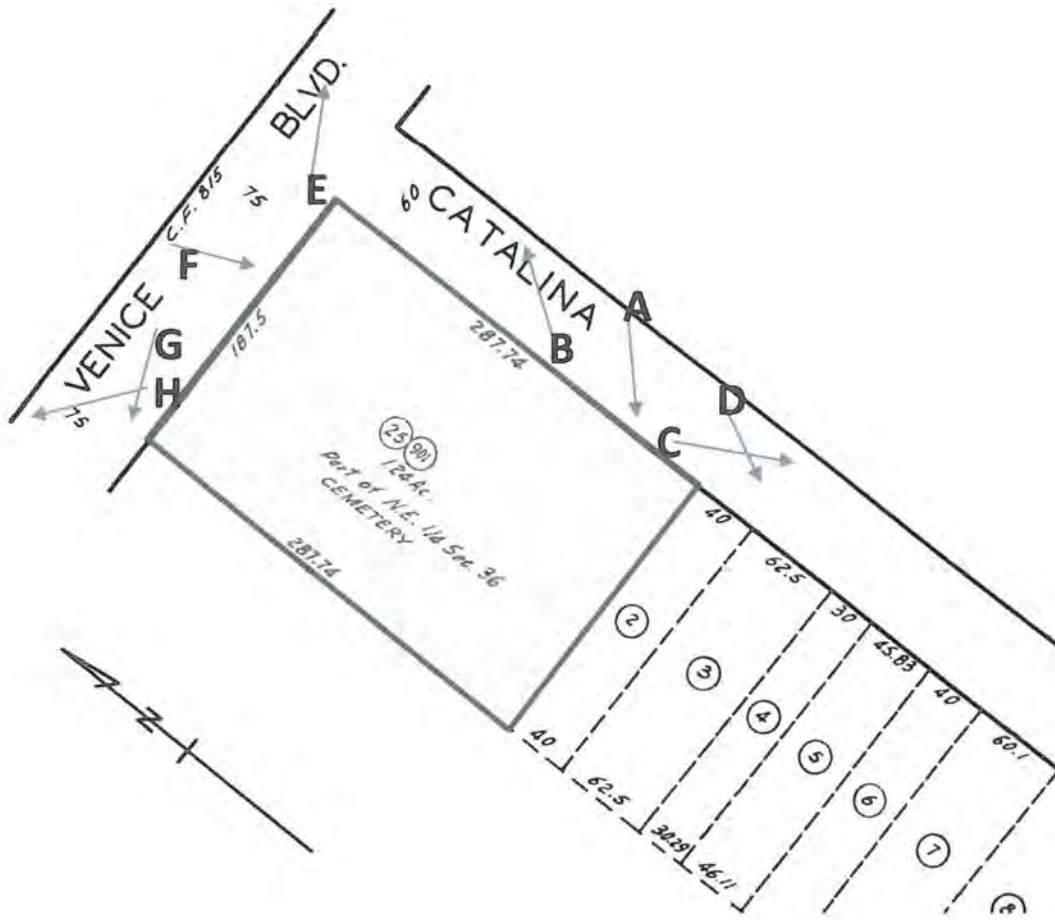
AERIAL MAP



ZA-2014-397

1605 S. CATALINA ST. LOS ANGELES, CA 90006

PHOTO BROCHURE



ZA-2014-397

A.



B.



C.



D.



E.



F.



G.



H.



# **CORRESPONDENCE**

Frank Lara

**Good Morning Mr. Rausch,  
Frank Lara representing the Department of Building and Safety.**

I want to provide information on a number of code enforcement actions taken by the Department to resolve complaints at 1605 S. Catalina St.

In 2011, Order to Comply No. 2743142 was issued to the operator of the crematory establishment for various unapproved use and construction violations that were documented by the Department. These violations include unapproved mortuary use, the construction of various structures without permits, alterations to pre-existing structures without permits, and plumbing, electrical and mechanical equipment installed without permits. I am submitting a copy of this Order to Comply for the record.

Also in 2011, Order to Comply No. 2783599 was issued for various sign violations. The order documents these violations in detail, which I am submitting for the record as well.

These violations were finally resolved in 2015, after criminal charges were filed against the operator of the establishment in Los Angeles County Superior Court.

Complaints for unapproved use and construction continued to be received by the Department after the criminal court case was resolved, and in March of 2018, Order to Comply No. 4654553 was issued to the operator of the establishment for various violations. This included an expansion of the Columbarium garden, more than doubling the size that had been approved by the Zoning Administrator and Area Planning Commission in 2016. Sign violations had returned as well. I am submitting a copy of this Order to Comply for the record.

In June of 2018, Order to Comply No. 4728537 was issued to the operator of the establishment when inspectors determined that the operator had not submitted for Plan Approval review with the Zoning Administrator, as required by ZA Case No. 2014-0397. I am submitting a copy of this Order to Comply for the record.

Although the Plan Approval application was subsequently submitted to the Zoning Administrator, and a number of columbarium structures were removed from the site, there are still structures and signs that remain and prevent the code enforcement case from being closed.

In addition to the information being provided on prior code enforcement actions, I want to express my concern with the enforceability of Condition No. 7, as it was modified by the Area Planning Commission in November of 2016. This condition prohibits actions by the operator that are extremely challenging for the Department to document. Due to the sensitive nature of the funeral services taking place, circumstances prevent normal investigative protocol from taking place and therefore encumber an appropriate investigation.

The Department request that this condition be modified in a way to achieve the goals of the Zoning Administrator, yet facilitate a reasonable investigation.

Thank you for ~~allowing me~~ the opportunity to present this information.

At their peak, in 2010 the applicant they had built out 9 single columbarium, 6 double columbarium, and 12 quadruple columbarium that occupied well over 5,000 sq ft.

They were ordered to cut back to six and the applicant claims, under penalty of perjury, to the City that they are currently in compliance with said order. This is a photo, which I would like to submit, from 6 days ago that shows they are still well over this limit and is another example of the applicant being dishonest to the City. (\_0167.jpg)

Even in the photo that the applicant provided as Exhibit B to the city (pg43) you can see the additional structures along the walls.

They currently have 5 single columbarium structures, 5 double columbarium structures and they have the big six.

The single and double niches that were never permitted around the perimeter, provide a total of 360 niches that would need to be removed, 44 of which are occupied with human remains.

This is a problem that needs to be fixed. There are going to be 44 families that will have to go through seeing their family members removed from their forever resting place and that is wrong. Its unimaginable to have to go through that again.

Moreover, this is a dilemma that has been completely manufactured by the applicant. For their profit.

1605 S. CATALINA ST. LOS ANGELES, CA 90006  
Case No. ZA 2014-0397(PAD)(A1)  
Compliance Exhibits

Exhibit B: Current Columbarium Area Configuration



*Jennifer Casola*

March 15, 2019

Dear Mr. Rausch,

I am a parent of a student at Loyola High School. I am writing to express my concern regarding DAE HAN MORTUARY.

Loyola High School is located at 1901 Venice Blvd. Los Angeles, CA 90006.

In relation to DAE HAN MORTUARY, Loyola High School is adjacent to the north, across Venice Blvd.

I am concerned that DAE HAN MORTUARY may be offering scattering services to its clientele, across from Loyola's athletic field.

I respectfully request that the City of Los Angeles investigate whether scattering services are being offered at this site and whether DAE HAN MORTUARY is licensed to perform this service at this location.

Additionally, I am requesting that the City of Los Angeles fully investigate whether the location of this scatter garden presents a risk of harm to its surrounding neighbors. In order to protect the well being of Loyola students, please ensure that DAE HAN MORTUARY is in compliance with all city, zoning and environmental regulations.

Thank you for your attention to this matter.

Sincerely yours,

Jennifer Casola

April 2, 2019

*Via email to charlie.rausch@lacity.org:*

Attn: Mr. Charlie Rausch  
Los Angeles Department of City Planning  
Office of Zoning Administration  
200 N. Spring Street, #763  
Los Angeles, CA 90012

RE: Case No. ZA-2014-0397-PAD-PA1; 1605 S. Catalina Avenue  
4/2/2019 Addendum

Dear Mr. Rausch,

On behalf of our client, Community Funeral Services, Inc. dba Daehan Mortuary (“Daehan”), we submit the following responses as an addendum to our responses provided on March 20, 2019. We noted that certain opposition responses in opposition were submitted on or about March 22, 2019 for which we believe contain much misleading and erroneous information as it pertains to Daehan’s operations.

#### BASIS FOR ADDENDUM - CLARIFICATION

On March 22, 2019, we had submitted a request for copies of documents submitted to the file pertaining to this matter, covering additional paperwork filed from March 15, 2019 to March 22, 2019. Upon confirmation of availability, we picked up the requested documents (“Requested Document Package”) on March 28, 2019.

Following our review of the Requested Document Package, we provide the following for your review and consideration:

#### OUTSIDE COMMUNITY VAULT/OSSUARY

As part of the Requested Document Package, there were two correspondences, dated March 10, 2019 from Lynda Rothman and dated March 15, 2019 from Jennifer Casola, inquiring about the licensing arrangement pertaining to the “scattering” of human remains as well as Daehan’s compliance with local environmental regulations. At the plan hearing of February 28, 2019, an attorney, in opposition to Daehan’s application, cited the possibility of “scattering” of human remains on Daehan’s property. To clarify, Daehan does not “scatter” ashes, they inter them.

There is a community vault also known as an “ossuary” which has existed on the premises of 1605 S. Catalina for more than fifty years’ by our estimate. The ossuary is an underground vault where human remains in the form of ash are interred (placed underground). Daehan, as its regular business practice, does not “scatter” ashes above ground. Upon the client’s wishes, it is carefully placed in the vault.

Based upon the contents of said correspondences, we believe that certain individuals and/or entities have spread disinformation to the public, asserting that Daehan "scatters"<sup>1</sup> ashes presuming above-ground as the note correspondences request confirmation of Daehan's licensing and compliance with environmental ordinances.

We wish to inform you that the County of Los Angeles also employs a very similar type of community vault/ossuary for the disposition of human remains. This was confirmed with discussion with the Department of Cemetery and Funeral Bureau.

Daehan's operations are compliant with local as well as AQMD rules and environmental regulations. In regards to its use of the community vault/ossuary, Daehan complies with all rules and regulations.

#### LAW OFFICE OF PETER PARK'S MARCH 22, 2019 CORRESPONDENCE

Daehan takes issue with the contents of the correspondence submitted by the Law Office of Peter Park dated March 22, 2019. First of all, there are pictures taken of staff members without their knowledge and consent incorporated in the letter. This is illegal and would not be admissible as a matter of law. Second, the correspondence compliance of negligent operations for which Daehan disputes. We believe that this allegation falls beyond the scope this application and of the City Planning Department's authority.

#### LAW OFFICE OF ELIZABETH KIM'S MARCH 22, 2019 CORRESPONDENCE

We dispute the allegations stated in this correspondence. We wish to restate our earlier contention that prior to the City Attorney's office hearing with Code Enforcement representatives on August 28, 2018, Daehan met with representatives of Code Enforcement detailing plans for compliance. Code Enforcement was informed of Daehan's plans for the demolition of the outside structures and for the submission of the plans for the outside columbarium.

On August 28, 2018, Daehan entered into an agreement with the City Attorney's office regarding compliance of outstanding issues. Daehan submitted its plans for review to Mr. Steve Kim of City Planning on November 6, 2018, a hard copy of the filing cover page was submitted to Mr. Daniel Sanchez of Code Enforcement on the same day.

---

<sup>1</sup> The term "scatter" is incorrect as applied in this case. We have verified with the Department of Cemetery and Funeral Bureau that as applied to the operations involving the community vault on 1605 S. Catalina, the human remains are interred and not scattered above ground. The "scatter box" reference is incorrect as well; the correct term is community vault or ossuary.

Subsequently, Code Enforcement had made several inspections and measurements of the Property and had stated to Daehan that everything was "okay" in regards to its compliance efforts to the outside columbarium following the demolition of certain structures. Daehan has relied upon those statements made by the Department of Code Enforcement inspectors as well as its extensive dialogue with the City Attorney's Office and other city officials in setting the framework for its mortuary business.

Attorney Elizabeth Kim's request for the closure of Daehan's business operations would cause an undue burden upon its operations and to its operators. Counter to the arguments posed by Ms. Kim, the City of Los Angeles was made aware that Daehan would be operating a chapel, columbarium and a crematorium. Furthermore, the City was notified that Daehan would be operating an office on Washington Boulevard as well as an embalming location at 1803 Hope Street. Daehan maintains these locations in accord with the framework for operations of a mortuary in the City of Los Angeles.

#### CONCLUSION

Finally, we wish to conclude this correspondence, Daehan has worked diligently towards compliance and has engaged both the City Attorney's office and the Department of Code Enforcement and other agencies towards compliance. It is compliance with the relevant environmental regulations.

To its credit, Daehan offers much needed services for the community. It offers low-cost services to cater to the needs of the constituents living in the surrounding area. Please note that Daehan has made substantial efforts in regards to resolving issues with the Department of Code Enforcement in the past. As such, we request that this application should be granted accordingly.

Sincerely,

LAW OFFICE OF ALLEN S. MIN

/s/

Allen S. Min

cc: client

# Elizabeth Kim

---

11601 Wilshire Blvd.  
Suite 500  
Los Angeles, CA 90025  
(310) 231-8717

March 22, 2019

Re: Case No. ZA-2014-0397-PAD-PA1

Dear Mr. Rausch,

This letter is regarding the above referenced case. After reviewing the current case file and the records from the underlying action, it is clear that DAE HAN MORTUARY has a long history of egregious violations and that they continue to knowingly violate zoning orders and regulations.

At this time, I am urging you to make a finding that the September 6, 2018 Department of City Planning Application, Plan Approval for Condition Compliance, filed by DAE HAN MORTUARY, failed to show that they are in compliance with the conditions set forth on October 15, 2015 (modified most recently on October 18, 2016).

Moreover, I would request that you order that a revocation hearing be set forthwith.

Finally, in the interim, in light of the lack of enforceability, evidence of ongoing violations of illegal mortuary services and the intensification of the use on site, I would ask that you order all business activities on site to be suspended, with the exception of the public being permitted to visit the sites of those already interred.

## **BACKGROUND**

As you know, on October 15, 2015, the Zoning Administrator granted an approval to Community Funeral Services, Inc., dba DAE HAN MORTUARY, a deemed-to-be Approved Conditional Use Approval of Plans to allow the continued use and maintenance of an existing crematory, chapel and columbarium and a 1,920 square-foot portion of an outdoor columbarium at the project site known as Chapel of the Pines.

Since the property had a prior violation of an unpermitted mortuary use and associated funeral services, the Zoning Administrator at the time imposed Condition 7 to cease any possible future on-site mortuary use and related memorial services.

DAE HAN MORTUARY appealed or filed a letter of clarification at least 3 times, specifically regarding that condition.

## **On-going Violations of Condition 7.**

On October 18, 2016, the South Los Angeles Area Planning Commission modified Condition 7 to provide in part that:

"There shall be no mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains on site."

"Viewing services and funeral services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be created and incinerated into ash. Any human remains departing the site must be in the form of ash."

"Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without a cremation, is a **violation of the Zoning Code and this Conditional Use Permit.**"

At the public hearing on February 28, 2019, testimony and photos were offered showing that DAE HAN MORTUARY will hold funeral services wherein the human remains are later buried at Rose Hills Cemetery. In fact, at least 4 such situations were attested to and verified by Rose Hills Cemetery. It is important to note that each instance is a violation of the Conditional Use Permit.

## **PRIOR FINDINGS**

Finding 2: provides in part that "This grant incorporates a number of conditions that ensure the project will be compatible with its surroundings. These conditions include the provision of landscaping where existing columbarium structures will be removed as well as the submittal of new landscaping plan."

"Condition No. 7 is also imposed to limit that all funeral services conducted in the chapel shall be in association with cremation in order to eliminate any intensification of the use on the site, to curtail traffic and parking impacts while preventing associated nuisance, and to cease all unpermitted use pursuant to Zoning Codes. Condition No. 7 is significantly modified to ensure a precise use of the site and the compliance to the Zoning Code."

Photographs of funeral services where the human remains leave the premises to be buried at a nearby cemetery also depict the impact these unlawful activities have on the neighborhood as well as impacting traffic and parking. These funeral services, that have no association with cremation, is an intensification of the use on the site, and is a clear violation of Condition No. 7.

DAE HAN MORTUARY has a scatter garden on its premises. This scatter garden is called "Garden of Memories." It is a grass area, shaded by a large tree, and contains large slabs of black stone etched with the names of the deceased that appear to have been scattered at that site.

Loyola High School neighbors DAE HAN MORTUARY. Members of Loyola High School's community are extremely upset with the notion that an unlicensed scatter garden may exist so close to the school. They are concerned about the health risks and environmental effects that a

scatter garden would pose and would like the City of Los Angeles to investigate the matter and to take immediate corrective action.

The funeral services that are not associated with cremation and the scatter garden are both constitute intensification of use and are violations to Condition 7.

#### **CONDITION 7(a)**

The South Los Angeles Area Planning Commission found that DAE HAN MORTUARY “has a history of State Regulation and City Code violations as a non-permitted mortuary use and operation were taken place on-site.” Recognizing the lack of enforcement of Condition No. 7, the Commission recommended a condition compliance condition (Condition No. 7a.) “requiring the applicant to file for a Plan Approval for a review after one year from the Commission decision.”

Condition 7(a) was modified to provide that “No earlier than 12 months and no later than 18 months from the effective date of this action. The applicant shall file for an Approval of Plans for review of compliance with conditions of approval...The applicant shall also submit with the application a summary and all supporting documentation of how compliance with each condition has been attained.”

“A public hearing shall be required. The purpose of the hearing will be to consider the effective of the conditions and of the compliance record of the applicant. The Zoning Administrator may upon receipt of testimony and review of the effectiveness of the conditions, modify, delete or add conditions. If there has been substantiated evidence of non-compliance prior to the hearing, the hearing **may be set as a revocation hearing.**”

Pursuant to Condition 7(a), in light of the information and evidence of non compliance, we would ask that a revocation hearing be set forth with.

#### **FAILURE TO SHOW CONDITIONS WERE MET**

At the time Jack Chiang, Associate Zoning Administrator approved the deemed-to-be-Approved Conditional Use status and Approval of Plans, the approval was made upon **10 additional terms and conditions**. Those conditions were enumerated on pages 1-4 in the October 20, 2015 Letter of Determination. Although Condition 7 was subsequently modified, all of the conditions were deemed valid and remain in full force and effect.

DAE HAN MORTUARY filed its application on September 6, 2018, however, the application does not sufficiently show that any of the conditions were met.

Condition 6 (b) provides that “Authorized herein is the continued use and maintenance of...six outdoor columbarium structures with an area not to exceed 1,920 square feet, as shown in Exhibit “A.” All other existing outdoor columbarium structures shall be removed and replaced with landscaping.”

On December 12, 2012, the Zoning Administrator denied a variance from Section 12.05-A “to permit...**the continuation of illegally non-permitted construction including a 5,198 square-foot outdoor columbarium**...” There has been no showing that DAE HAN MORTUARY has

complied with Condition 6. There is information that certain corrective measures were taken, however, Condition 6 is specific in its requirement and there is no showing of compliance.

## **JURISDICTION**

On May 25, 2016, the Zoning Administrator stated "This Deemed To Be Approved Plan Approval is a discretionary action, the City therefore has the local jurisdiction authority to place special limitations to project's use, size and operation including prohibition on funeral services for non-cremation off site burials."

City Attorney Mr. David Shepherd, who was the prosecutor of DAE HAN MORTUARY'S criminal case, was contacted to sort out the legal authority of the Superior Court's ruling for DAE HAN MORTUARY'S disciplinary action. The City Attorney explained that the ZA case has no relation to the City Attorney's case. The City Attorney's entire prosecution was focused on DAE HAN MORTUARY'S licensing violation, which has no part in establishing a legal use under the City of Los Angeles Zoning Code." Page 7. "It is very clear that any legal use of the site relating to the crematorium, columbarium and the chapel shall be determined by a separate zoning action under the authority of City of Los Angeles such as this Conditional Use grant. City's action is independent and separate from Court's action. The determination from the Court also has no bearing on City's application and its local zoning laws." Id. (Emphasis added.)

At the public hearing on February 28, 2019, Counsel for DAE HAN MORTUARY stated that "they met and spoke with representatives of the City Attorney's Office and members of Code Enforcement." **These discussions are not proof of compliance** of the Conditions set forth by the Zoning Administrator.

## **CONCLUSION**

For the reasons stated above, I would ask that you take the previously requested corrective measures.

Thank you for your time and consideration. If you have any questions, or are in need of additional information, please do not hesitate to contact me.

Sincerely,

Elizabeth Kim  
Attorney at Law.

# CRAIG FRY & ASSOCIATES<sup>LLC</sup><sub>TM</sub>

## DEVELOPMENT CONSULTING

1010 SOUTH ARROYO PARKWAY, NO. 6 | PASADENA, CA 91105 | (310) 621-2309 | DRAGON@CRAIGFRYANDASSOCIATES.COM

September 12, 2018

Lisa Webber  
Chief Zoning Administrator  
City of Los Angeles  
Department of City Planning  
200 North Spring Street  
7th Floor  
Mail Stop 395  
Los Angeles, California 90012



**Subject: 1605 S. Catalina Street, Los Angeles, CA ("Property")**  
**Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Dear Ms. Weber:

On behalf of concerned residents in the Koreatown community, I am writing to formally lodge a complaint for zoning violations against Community Funeral Services, Inc. (California SOS Entity No. C2832024). Community Funeral Services ("CFS") operates a crematory, mausoleum and mortuary at 1605 South Catalina Street in Los Angeles.

For many years, CFS has knowingly and flagrantly violated the City's zoning and construction laws, resulting in substantial injury to nearby residents. The sole purpose of this letter is to address the Company's most recent zoning violations and propose an appropriate remedy. However, to place the conduct of CFS in its property context, I need to point out there is also documented evidence that CFS engaged in the fraudulent sale of cremation niches for the interment of cremated remains within unpermitted columbarium<sup>1</sup> structures at the Property.

There is also evidence that CFS may also have illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City. These matters have been referred to the Los Angeles District Attorney's office for investigation and prosecution.<sup>2</sup> Furthermore, there is also substantial evidence that CFS

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<sup>1</sup> A columbarium is a room or structure designed as a final resting place to house cremated remains. Columbaria are permanent structures with banks of cremation niches (similar to cubbyholes, but with secure fronts) that hold cremation urns. Some columbaria have granite-front or bronze-front niches that can be engraved or memorialized with a plaque, similar to a grave marker.

<sup>2</sup> See letter at Exhibit A.

ignored multiple State laws that govern the construction, sale and maintenance of columbarium niches for cremated remains. These violations are concurrently being investigated by the State's Cemetery and Funeral Bureau.

### **Background**

The Property is located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School. The Property has a long history of being used as a crematory and mausoleum, despite its current zoning for agricultural uses and its designation as open space under the City's General Plan.

- The Property's crematory operation was shut down in 2003 by the prior owner.
- CFS acquired the dormant Property in 2006, and began a series of illegal activities that included the following:
  - Opening a full-scale mortuary business without permits and in violation of City law, including sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, and arrangement of onsite funeral services;
  - Construction of 27 illegal and unpermitted columbarium structures for the interment of cremated human remains within a 5,198 square-foot outdoor memorial garden; and
  - Sale of illegal and unpermitted columbarium niches to unsuspecting consumers.
  - Case History:
    - Case No. ZA-2010-1762-ZV
    - Case No. ZA-2010-1762-ZV-1A
    - Case No. ZA-2014-397-PAD
    - Case No. ZA-2014-397-PAD (Letter of Clarification)
    - Case No. ZA-2014-397-PAD-1A.
- CFS was unsatisfied with the limitations that the City had placed on its business In Case No. ZA-2014-397-PAD, and appealed the Zoning Administrator's determination to the Area Planning Commission.

- On November 1, 2016, in Case No. ZA-2014-397-PAD-1A, the South Los Angeles Planning Commission upheld the decision of the Zoning Administrator that limited the conduct of CFS' business.
- The Area Planning Commission affirmed the Zoning Administrator's conditions, including an order to reduce the size of an illegal and non-permitted 5,198 square-foot memorial garden containing 12 stand-alone and 15 wall-mounted columbarium structures to a 1,920 square-foot memorial garden having a maximum of 6 stand-alone columbaria.
- In addition, the South Los Angeles Planning Commission added a new condition requiring CFS to file a Plan Approval review with the City not later than May 1, 2018. This proceeding was intended to invite public comment and give the Zoning Administrator an opportunity to consider the effectiveness of the imposed conditions and the compliance record of CFS.
- The Area Planning Commission further added a new condition that put CFS on notice that if evidence of its non-compliance with any of the zoning conditions is received prior to the Plan Approval hearing, the proceeding could be transformed into a revocation hearing that would effectively terminate CFS' operations at the site.
- CFS was required to record all of the zoning conditions with the County Registrar-Recorder such that they would run with the land and be enforceable against CFS and any subsequent owner of the Property.
- Under the City Charter and Municipal Code, the decision of the Area Planning Commission was the City's final word on the matter, as no further avenue of appeal was available to CFS, except for judicial review.

### **Recent History**

In the months following the decision of the South Los Angeles Planning Commission, CFS took no action to comply with any of the following conditions that were imposed by the City:

- CFS has not filed the required Plan Approval action;
- CFS never effectuated the land use conditions imposed by the Zoning Administrator by recording them with the Los Angeles County Registrar-Recorder;

- CFS did not reduce the size of the memorial garden to the allowed area of 1,920 square feet.
- Moreover, CFS also failed to reduce the number of columbarium structures, defying the directive of the Planning Commission.
- All during this time, CFS continued the lucrative business practice it first began in 2009—knowingly selling unpermitted crematory niches to the public, with nearly all sales being made to bereaved families within the Korean-American community

In response to this delinquency, the Los Angeles Department of Building and Safety issued citations against CFS on March 14, 2018 and June 8, 2018. The violations cited included the failure of CFS to reduce the size of the outside columbarium and the removal of the columbarium structures therein. The matter was subsequently referred to the Office of City Attorney for prosecution, and an office hearing was scheduled between CFS and the City Attorney for August 28, 2018 ("City Attorney Hearing").

After failing to comply with the City's conditions since they became effective on November 1, 2016, in the week prior to the City Attorney Hearing, CFS engaged a crew to hurriedly destroy six of the columbaria in a belated attempt to comply with the City's removal order. Each of the demolished structures contained 96 cremation niches. We can provide you with photographs, videos and documents which will affirm the foregoing, and most shockingly, we can confirm that human remains were already interred in some of the cremation niches that were demolished.<sup>3</sup> We can further confirm that as of the date hereof, CFS had completed the removal of the six columbaria, but appears to have left many more unpermitted crematory niches in columbarium structures built into the walls surrounding the memorial garden.

### Summary of Issues

CFS resumed dormant crematory operations at the site as a "deemed-to-be-approved" conditional use in violation of City law after a prolonged break of at least 4 years that CFS failed to disclose.<sup>4,5</sup>

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<sup>3</sup> See Images 1 through 12 which are attached hereto.

<sup>4</sup> See Exhibit B, *Letter from the California Cemetery and Funeral Bureau*, dated September 23, 2016, showing that there was no cremation activity on the site during the years 2004, 2005, 2006 and 2007.

<sup>5</sup> Under Municipal Code Section 12.24(Q), any conditional use rights that are abandoned or discontinued for a continuous period of one year may not be re-established unless fully authorized in accordance with the procedure for the establishment of a new conditional use.

In addition, CFS has knowingly, purposefully and materially violated nearly every zoning condition imposed by the City to protect local citizens from the improper use of the Catalina Street site for the operation and maintenance of a deemed-to-be approved crematorium, chapel and columbaria. These infractions of CFS include the following:

- **Condition No. 2:** CFS did not use and develop the property in conformity with the submitted plot plan, as subsequently revised by the Zoning Administrator in case No. ZA-2014-0397(PAD).
- **Condition No. 3:** CFS did not conduct its use with due regard for the character of the surrounding community. In fact, CFS engaged in predatory actions in selling columbarium niches that were not legally permitted by City or State law, and that were never inspected to ensure compliance with the many building standards imposed by the Los Angeles Building Code and the State's Health and Safety Code.
- **Condition No. 6(b):** CFS did not reduce the size of the outdoor memorial garden to 1,920 square feet.
- **Condition No. 6(c):** CFS did not remove all unauthorized outdoor columbaria except for 6 units that were permitted to remain in the center of the memorial garden.
- **Condition No. 7(a):** CFS did not file for an Approval of Plans within 18 months from the Effective Date.<sup>6</sup>
- **Condition No. 8(a):** CFS did not landscape or maintain open area not used for buildings, driveways, parking areas, recreational facilities or walks.
- **Condition No. 8(b):** CFS did not plan a landscape buffer of a minimum 5-foot width on the portion of its lot abutting residential uses.
- **Condition No. 9:** CFS did not effectuate its rights to operate a crematory, chapel and columbaria by executing, notarizing and recording a Master Covenant and Agreement containing each of the required conditions with the Los Angeles County Registrar-Recorder.

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<sup>6</sup> Using the most generous interpretation of "Effective Date" available, the 18-month period in which CFS was required to file the Plan Approval would have been tolled during the appellate proceedings until the decision of the South Los Angeles Planning Commission became effective on November 1, 2016. This would mean that CFS had violated this condition by failing to file the Plan Approval by May 1, 2018.

- **Condition No. 10:** Since CFS failed to record any of the imposed conditions, including Condition No. 10, the City may have a limited ability to enforce its indemnity and reimbursement rights in any legal actions against the City related to the granted entitlements.

### **Request for Assistance**

The record clearly establishes that CFS has both repeatedly and consciously violated City and State laws in the pursuit of financial gains. The company has clearly demonstrated its indifference to the legitimate concerns of its neighbors and the City. Moreover, in this case there is overwhelming evidence that CFS has resisted multiple attempts by the Office of Zoning Administration to impose reasonable conditions for the conduct of a business that is normally not allowed on land zoned for agricultural purposes and designated for open space uses.

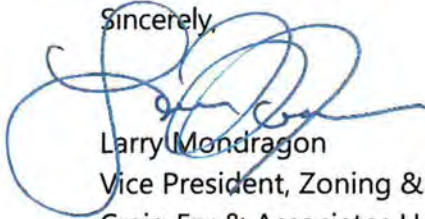
This pattern of conduct should disqualify CFS from continuing to benefit from the special rules that shield its business from the standards and public scrutiny demanded of other businesses seeking to conduct activities that are not permitted by right under existing zoning laws. Accordingly, in light of these exceptional circumstances, and order to protect the surrounding community from the continuing unlawful business practices of CFS, we respectfully ask you to exercise the reserved powers of the Zoning Administrator to accomplish each of the following:

- Deny the processing of any dilatory Plan Approval action that may be filed by CFS;
- In accordance with the remedy that was prescribed by the Area Planning Commission, immediately initiate a revocation proceeding that will determine whether CFS should be entitled to continue its use of the Property for crematory, chapel and columbaria purposes, and that will invite public comment and provide an opportunity for the City to consider the numerous and serious violations that have been committed by this operator;
- With regard to the discontinuance of the crematory operations at the Property for a period of at least 4 years, enforce Code Section 12.24(Q) and ensure that CFS fully complies with the law; and
- Refer this case to the City Attorney's office for the commencement of appropriate criminal proceedings against the owners of CFS pursuant to Section 12.29 of the Municipal Code, which provides that a violation of zoning conditions can be deemed a misdemeanor and

punished by a \$2,500 fine and/or imprisonment in the County jail for a period not to exceed six months.

Given the extreme sensitivity of the events I have detailed in this letter, we would be most appreciative if your office could take prompt action in this matter. Please do not hesitate to contact us to discuss the foregoing concerns in greater detail.

Sincerely,



Larry Mondragon  
Vice President, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Jack Chiang, Associate Zoning Administrator  
Hon. Gilbert Cedillo, Council District 1  
Jay Park, President, Pico Union Neighborhood Council

Attachments.

**EXHIBIT A**

Letter to District Attorney Office, Dated September 4, 2018

*[The Letter to the District Attorney Office should be placed here]*

# CRAIG FRY & ASSOCIATES<sup>LLC™</sup>

## DEVELOPMENT CONSULTING

1010 SOUTH ARROYO PARKWAY, NO. 6 | PASADENA, CA 91105 | (310) 621-2309 | DRAGON@CRAIGFRYANDASSOCIATES.COM

September 4, 2018

Mr. Stanley Williams, Esq.  
Head Deputy, Consumer Protection  
Los Angeles County  
District Attorney's Office  
211 West Temple Street  
Suite 1200  
Los Angeles, California 90012

**Subject: 1605 S. Catalina Street, Los Angeles, CA ("Property")**  
**Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Dear Mr. Williams:

As a follow up to our phone call, I am writing to formally lodge a complaint against Community Funeral Services, Inc. (California SOS Entity No. C2832024) on behalf of concerned citizens within the Korean-American community in the greater Los Angeles area. Community Funeral Services ("CFS") operates a crematory and mausoleum at 1605 South Catalina Street in Los Angeles. In addition, CFS also operates at the Property an illegal mortuary which knowingly sells unpermitted cremation niches for the interment of cremated remains within columbarium<sup>1</sup> structures at the Property.

### **Background**

The Property is located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School, and had a history of operating as a crematory and mausoleum. The Property's crematory operation was shut down in 2003 by the prior owner. CFS acquired the dormant Property in 2006, and began a series of illegal activities including the following:

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<sup>1</sup> A **columbarium** is a room or structure designed as a final resting place to house cremated remains. Columbaria are permanent structures with banks of cremation niches (similar to cubbyholes, but with secure fronts) that hold cremation urns. Some columbaria have granite-front or bronze-front niches that can be engraved or memorialized with a plaque, similar to a grave marker.

- Reactivation of dormant crematory operations in violation of City law, after a prolonged break of at least 4 years;
- Operation of an unpermitted full-scale mortuary business in violation of City law, including the sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, arrangement of onsite funeral services;
- Construction of illegal and unpermitted structures, in particular the construction of a 5,198 s.f. outside memorial garden with 27 unpermitted columbaria containing a total 1,656 crematory niches (see attached photos); and
- Sale of illegal and unpermitted columbarium niches to unsuspecting consumers since the inception of the business in or around 2009.

After receiving numerous citations from the City in connection with various zoning and building violations, CFS attempted to legalize the illegally constructed columbaria in 2012 (denied by the City on December 12, 2012), and again in a second application in 2014. The latter case resulted in a decision by the City in 2015, which was subsequently affirmed on appeal on November 1, 2016, which ordered the demolition of all of the illegally-constructed columbaria except for 6 structures that were to be contained in a memorial garden that could not exceed a total area of 1,920 s.f.

In the years following this decision, CFS took no action to comply with the conditions that were imposed by the City, and failed to demolish and remove all of the unpermitted columbaria structures. During this time, CFS continued the lucrative business practice it first began in 2008— knowingly selling unpermitted crematory niches to the public, with nearly all sales being made to bereaved families within the Korean-American community.

In response to this delinquency, the Los Angeles Department of Building and Safety issued citations against CFS on March 14, 2018 and June 8, 2018. The violations cited included the failure of CFS to reduce the size of the outside columbarium and the removal of the columbarium structures therein. The matter was subsequently referred to the Office of City Attorney for prosecution, and an office hearing was scheduled between CFS and the City Attorney for August 28, 2018 ("City Attorney Hearing").

#### **CFS' Removal of Demolition and Removal of Illegal Columbaria**

After failing to comply with the City's conditions since they became effective on November 1, 2016, in the week prior to the City Attorney Hearing, CFS engaged a crew to hurriedly destroy

six of the columbaria in an belated attempt to comply with the City's removal order. Each of the demolished structures contained 96 cremation niches. We can provide to you photographs, videos and documents which will affirm the foregoing, and most shockingly, we can confirm that human remains were already interred in some of the cremation niches that were demolished.

We have serious concerns that these cremated remains were unlawfully removed and relocated without following proper legal procedures and without proper notification to the affected families. California laws have strict regulations and procedures for the removal of any interred remains. This complaint is therefore based upon the confirmed acts of CFS, who defrauded unsuspecting and vulnerable consumers for financial gain, callously inflicting financial injury and emotional distress. Worse yet, some of these victims now face the prospect of having to bury a loved one for a second time.

#### **CFS' Fraudulent Activity**

Specifically, based on information and belief, CFS has engaged in multiple acts of fraud and misrepresentation involving the following:

- (1) The marketing, sale and maintenance of cremation niches within columbaria that had been constructed, maintained and used without a permit issued by the State of California, as required under *Health and Safety Code Section 9550*, and where CFS did not disclose this material fact to each buyer.
- (2) The marketing, sale and maintenance of cremation niches within columbaria that had been constructed, maintained and used without a permit issued by the City of Los Angeles as required under Section 91.8105 of the Municipal Code, and where CFS did not disclose this material fact to each buyer.
- (3) The marketing, sale and maintenance of cremation niches within columbaria that appear not to have been constructed by CFS in accordance with the requirements of *Health and Safety Code Section 9600-9647*, and where CFS did not disclose this material fact to each buyer.
- (4) The marketing, sale and maintenance of cremation niches within columbaria that were not inspected by the City of Los Angeles for compliance with the Building Code, as required under the Section 91.108 of the Municipal Code, and where CFS did not disclose this material fact to each buyer.

- (5) The marketing and sale of urns, crematory services, and memorial services that benefitted by being tied to the fraudulent sale of cremation niches within columbaria that had not been lawfully permitted or constructed in accordance with State and local laws.

In addition to the above, CFS may have also violated certain State laws applicable to the removal of cremated human remains interred within a columbarium pursuant to an agreement where CFS committed to provide perpetual maintenance and care.

In accordance with the provisions of *Health and Safety Code Section 7500-7502*, **no remains of a deceased person may be removed from a cemetery unless a permit for the removal has been issued, and even then, only with the consent of the family or upon a written order of the Health Department or Superior Court.** In the haste of CFS to comply with the imposed zoning conditions before the City Attorney hearing, we are concerned that no proper permission or directive was obtained that would have given CFS the authority to remove and relocate the sealed remains of deceased persons under their eternal care.

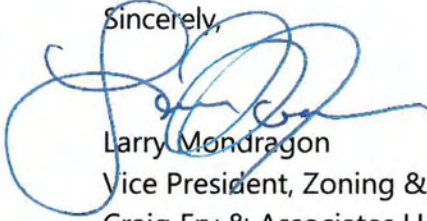
### **Conclusion**

In order to protect the Korean-American community from the predatory practices of CFS, we respectfully ask that you:

- Investigate the circumstances surrounding CFS's demolition and removal of human remains sealed within the six columbaria that were hastily demolished by CFS prior to the City Attorney Hearing, and that you ascertain whether the required legal notice was provided to the families of the deceased;
- Thoroughly investigate the CFS' practices in marketing, selling and providing perpetual repositories for cremated remains that have not been lawfully permitted or constructed in accordance with the laws of the City of Los Angeles and the State of California; and
- Upon your confirmation of these fraudulent activities, we ask that you immediately notify the members of the public to protect them from purchasing these illegal columbaria. We understand that CFS continues to advertise and sell these niches primarily targeting unsuspecting consumers in the Korean-American community.

We are most appreciative of your assistance with this highly-sensitive matter and please do not hesitate to contact us to discuss the foregoing in further detail.

Sincerely,



Larry Mondragon  
Vice President, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Hon. Jackie Lacey, District Attorney  
Hoon Chun, Assistant Head Deputy, Consumer Protection

Attachments.

**EXHIBIT B**

Letter from California Cemetery and Funeral Bureau, dated September 23, 2016

*[The Letter from the Cemetery and Funeral Bureau should be placed here]*



**CEMETERY AND FUNERAL BUREAU**  
1625 N. Market Blvd., Suite S-208  
Sacramento, CA 95834  
P 916.574.7870 F 916.928.7988 www.cfb.ca.gov

September 23, 2016

Paul Cho  
1044 S. Orange Drive  
Los Angeles, CA 90019-1512

**RE: Public Records Act Request**

Dear Mr. Cho:

This letter responds to your Public Records Act requested dated September 13, 2016, which was received by the Cemetery and Funeral Bureau (Bureau) on September 14, 2016. You have requested the number of cremations performed at Chapel of the Pines from January 1, 2000 through December 31, 2010.

During the time period in question, Chapel of the Pines has operated the crematory under a Certificate of Authority (COA 504) by Pierce Brothers Crematorium and was owned by Service Corporation International (SCI); in 2004 a separate Crematory License (CR 184) was issued to SCI; in 2007 SCI sold the crematory to Community Funeral Services, Inc. and Crematory License (CR 268) was issued following all of the licensing requirements.

Cremations performed at Chapel of the Pines:

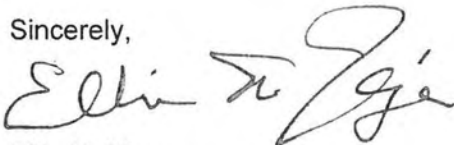
For COA 504	for 2000	0	
	For 2001	410	
	For 2002	444	
	For 2003	424	
CR 184	For 2004	0	License issued September 18, 2004
	For 2005	0	
	For 2006	0	
CR 268	For 2007	0	License issued May 18, 2007
	For 2008		non-reporting year for any crematory in California
	For 2009		non-reporting year for any crematory in California
	For 2010	114	
	For 2011	162	
	For 2012	70	
	For 2013	125	
	For 2014	42	
	For 2015	61	

The report for 2016 will be submitted in 2017.

Public Records Act Request  
Page 2 of 2

If you have any further questions please contact me at 916.574.7876.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ellis M. Kjer". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Ellis M. Kjer,  
Enforcement Analyst

**IMAGE 1**

Before CFS Purchase of Property – March 15, 2006



IMAGE 2

After CFS Purchase of Property – October 7, 2007



**IMAGE 3**

After CFS Construction of Illegal Columbaria – January 8, 2008



**IMAGE 4**

Showing Failure to Comply with City Order – December 3, 2017



IMAGE 5

Drone Photo of CFS Property – August 23, 2018



**IMAGES 6 & 7**

Showing Removal of Columbaria – August 23, 2018



**IMAGES 8 & 9**

Showing Destruction of Existing Columbaria – August 23, 2018



IMAGES 10, 11 & 12

Demolished Crematory Niches Occupied by Deceased Persons



# CRAIG FRY & ASSOCIATES<sup>LLC™</sup>

## DEVELOPMENT CONSULTING

1010 SOUTH ARROYO PARKWAY, NO. 6 | PASADENA, CA 91105 | (310) 621-2309 | DRAGON@CRAIGFRYANDASSOCIATES.COM

February 27, 2019

Charlie Rausch  
Zoning Administrator  
City of Los Angeles  
Department of City Planning  
200 North Spring Street  
7th Floor  
Mail Stop 395  
Los Angeles, California 90012

**Subject: 1605 S. Catalina Street, Los Angeles, CA ("Property")**  
**Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Dear Mr. Rausch:

On behalf of concerned residents in the Koreatown community, I am writing to provide an updated summary of the zoning violations and complaints against Community Funeral Services, Inc. (California SOS Entity No. C2832024). This letter is to supplement the previous letter sent to Lisa Webber, Chief Zoning Administrator, by our organization on September 12, 2018.

Community Funeral Services ("CFS") currently operates a crematory and maintains columbarium structures at 1605 South Catalina Street in Los Angeles. CFS operates under DBA Chapel of the Pines and Dae Han Mortuary.

For many years, CFS has knowingly and flagrantly violated the City's zoning and construction laws, resulting in substantial injury to nearby residents. In the face of code enforcement citations, abatement orders, and actions from the City Attorney, CFS's behavior can best be characterized by inaction and disregard for the surrounding community as well as the City's zoning laws. The sole purpose of this letter is to address the Company's most recent zoning violations and propose an appropriate remedy. However, before asking the City to exercise its considerable zoning powers, it is important to consider the context— that CFS engaged in a scheme to profit from the sale of columbarium niches for the interment of cremated human remains without disclosing to the buyers that the structures were built in violation of State construction standards and the City's building and zoning code.

There is also evidence that CFS has also illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City. These matters have been referred to the Los Angeles District Attorney's office for investigation and prosecution.<sup>1</sup> Furthermore, there is also substantial evidence that CFS ignored multiple State laws that govern the construction, sale and maintenance of columbarium niches for cremated remains. These violations are concurrently being investigated by the State's Cemetery and Funeral Bureau.

### **Background**

The Property is located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School. The Property has a long history of being used as a crematory and columbarium, despite its current zoning for agricultural uses and its designation as open space under the City's General Plan.

- The Property was historically operated by the Pierce Brothers as a crematory and columbarium.
  - The Property's crematory operation was shut down in 2003 by the prior owner.
  - CFS acquired the dormant Property in 2006, and began a series of illegal activities that included the following:
    - Opening a full-scale mortuary business without permits and in violation of City law, including sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, and arrangement of onsite funeral services;
    - Construction of 27 illegal and unpermitted columbarium structures for the interment of cremated human remains within a 5,198 square-foot outdoor memorial garden; and
    - Sale of illegal and unpermitted columbarium niches to unsuspecting consumers.
-

- Case History:
  - Case No. ZA-2010-1762-ZV
  - Case No. ZA-2010-1762-ZV-1A
  - Case No. ZA-2014-397-PAD
  - Case No. ZA-2014-397-PAD (Letter of Clarification)
  - Case No. ZA-2014-397-PAD-1A
- CFS was unsatisfied with the limitations that the City had placed on its business In Case No. ZA-2014-397-PAD, and appealed the Zoning Administrator's determination to the Area Planning Commission.
- On November 1, 2016, in Case No. ZA-2014-397-PAD-1A, the South Los Angeles Planning Commission upheld the decision of the Zoning Administrator that limited the conduct of CFS' business.
- The Area Planning Commission affirmed the Zoning Administrator's conditions, including an order to reduce the size of an illegal and non-permitted 5,198 square-foot memorial garden containing 12 stand-alone and 15 wall-mounted columbarium structures to a 1,920 square-foot memorial garden having a maximum of 6 stand-alone columbaria.
- In addition, the South Los Angeles Planning Commission added a new condition requiring CFS to file a Plan Approval review with the City not later than May 1, 2018. This proceeding was intended to invite public comment and give the Zoning Administrator an opportunity to consider the effectiveness of the imposed conditions and the compliance record of CFS.
- The Area Planning Commission further added a new condition that put CFS on notice that if evidence of its non-compliance with any of the zoning conditions is received prior to the Plan Approval hearing, the proceeding could be transformed into a revocation hearing that would effectively terminate CFS' operations at the site.
- CFS was required to record all of the zoning conditions with the County Registrar-Recorder such that they would run with the land and be enforceable against CFS and any subsequent owner of the Property.

- Under the City Charter and Municipal Code, the decision of the Area Planning Commission was the City's final word on the matter, as no further avenue of appeal was available to CFS, except for judicial review.

### **Recent History**

In the months following the decision of the South Los Angeles Planning Commission, CFS took no action to comply with any of the following conditions that were imposed by the City:

- CFS did not file for the required Plan Approval action within the required time set forth by the determination. Only after action by the City Attorney did CFS belatedly file on September 6, 2018.
- CFS continued to operate without effectuation the land use conditions imposed by the Zoning Administrator by recording them with the Los Angeles County Registrar-Recorder. As of the date of this letter, no covenant has been recorded with the county recorder.
- Despite assurance by the representative, and guaranteed by the owner in the property owner affidavit, CFS did not reduce the size of the memorial garden to the allowed area of 1,920 square feet. Additionally, the plans that have been submitted with this plan approval are out of scale and materially misrepresent the actual site.
- Moreover, CFS also failed to reduce the number of columbarium structures to a maximum of six, defying the directive of the Planning Commission. At the time of this letter, 10 additional columbarium structures exist around the perimeter of the memorial garden, containing 360 niches, 44 of which are occupied.
- All during this time, CFS continued the lucrative business practice it first began in 2009—knowingly selling unpermitted crematory niches to the public, with nearly all sales being made to bereaved families within the Korean-American community
- In response to this delinquency, the Los Angeles Department of Building and Safety issued citations against CFS on March 14, 2018 and June 8, 2018. The violations cited included the failure of CFS to reduce the size of the outside columbarium and the removal of the columbarium structures therein. The matter was subsequently referred to the Office of City Attorney for prosecution, and an office hearing was scheduled between CFS and the City Attorney for August 28, 2018 ("City Attorney Hearing").

- After failing to comply with the City's conditions since they became effective on November 1, 2016, in the week prior to the City Attorney Hearing, CFS engaged a crew to hurriedly destroy six of the columbaria in a belated attempt to comply with the City's removal order. Each of the demolished structures contained 96 cremation niches. Provided are photographs, videos, and documents which will affirm the foregoing, and most shockingly, we can confirm that human remains were already interred in some of the cremation niches that were demolished.<sup>2</sup> We can further confirm that as of the date hereof, CFS had completed the removal of the six freestanding columbarium structures and several of the perimeter structures, but still remains in excess of the amount allowed.

### Summary of Issues

CFS resumed dormant crematory operations at the site as a "deemed-to-be-approved" conditional use in violation of City law after a prolonged break of at least 4 years that CFS failed to disclose (Exhibit A). CFS obtained this "deemed-to-be-approved" status under false pretenses in a letter to LADBS on May 1, 2009. (Exhibit B). Through this method, CFS was able to avoid the standard proceedings of seeking a conditional use and the public attention and oversight that would normally be required.

In addition, CFS has knowingly, purposefully and materially violated nearly every zoning condition imposed by the City to protect local citizens from the improper use of the Catalina Street site for the operation and maintenance of a deemed-to-be approved crematorium, chapel and columbaria. These infractions of CFS include the following:

- **Condition No. 2:** CFS did not use and develop the property in conformity with the submitted plot plan, as subsequently revised by the Zoning Administrator in case No. ZA-2014-0397(PAD). The site plan submitted does not accurately reflect site conditions and has been developed to make the memorial garden area appear smaller. (Exhibit C)
  - **Condition No. 3:** CFS did not conduct its use with due regard for the character of the surrounding community. In fact, CFS engaged in predatory actions in selling columbarium niches that were not legally permitted by City or State law, and that were never inspected to ensure compliance with the many building standards imposed by the Los Angeles Building Code and the State's Health and Safety Code. In addition, CFS continued to act in violation of previous zoning actions to limit their services to permitted activities. On multiple occasions, CFS illegally provided unpermitted funeral ceremony services for off-site burial or interment (Accompanying Media)
-

- **Condition No. 6(b):** CFS did not reduce the size of the outdoor memorial garden to 1,920 square feet as of the date of this letter. CFS has been actively engaged in demolition of columbarium structures, including structures that contained occupied niches without notification of the families of the interned, but the current memorial garden is approximately 3,500 square feet, despite the misrepresentation on the plans (Exhibit C)
- **Condition No. 6(c):** CFS did not remove all unauthorized outdoor columbaria and only removed six units that were permitted to remain in the center of the memorial garden as well as two perimeter structures. As of the date of this letter, 6 columbarium structures remain on the interior and 10 on the perimeter for a total of 16 (Exhibit C)
- **Condition No. 7(a):** CFS did not file for an Approval of Plans within 18 months from the Effective Date. CFS filed for plan approval on 9/6/18, only after legal action by the City Attorney.
- **Condition No. 8(a):** CFS did not landscape or maintain open area not used for buildings, driveways, parking areas, recreational facilities or walks. CFS has not maintained the property and has most areas are covered by concrete, dirt, and repurposed AstroTurf from a football field (Exhibit D).
- **Condition No. 8(b):** CFS did not plan a landscape buffer of a minimum 5-foot width on the portion of its lot abutting residential uses (Exhibit D).
- **Condition No. 9:** As of the date of this letter, CFS did not effectuate its rights to operate a crematory, chapel and columbaria by executing, notarizing and recording a Master Covenant and Agreement containing each of the required conditions with the Los Angeles County Registrar-Recorder.
- **Condition No. 10:** Since CFS failed to record any of the imposed conditions, including Condition No. 10, the City may have a limited ability to enforce its indemnity and reimbursement rights in any legal actions against the City related to the granted entitlements.

### **Recommendation**

The record clearly establishes that CFS has both repeatedly and consciously violated City and State laws in the pursuit of financial gains. The company has clearly demonstrated its indifference to the legitimate concerns of its neighbors and the City. Moreover, in this case there is overwhelming evidence that CFS has resisted multiple attempts by the Office of

Zoning Administration to impose reasonable conditions for the conduct of a business that is normally not allowed on land zoned for agricultural purposes and designated for open space uses.

This pattern of conduct should disqualify CFS from continuing to benefit from the special rules that shield its business from the standards and public scrutiny demanded of other businesses seeking to conduct activities that are not permitted by right under existing zoning laws. Accordingly, in light of these exceptional circumstances, and order to protect the surrounding community from the continuing unlawful business practices of CFS, we respectfully ask you to exercise the reserved powers of the Zoning Administrator to accomplish each of the following:

- Deny the Plan Approval action that has been filed by CFS (ZA-2014-0397-PAD-PA1);
- Revoke CFS's right to operate as a crematory due to failing to meet the continued use requirement and misrepresentation by the Applicant, enforce Code Section 12.24(Q), negating the "deemed-to-be-approved" status. As a result, CFS's crematory operations should be permanently shuttered or resumed only after filing for a new grant under full public comment and the City's proper regulation through the imposition of enforceable conditions.
- Require CFS to immediately scale back their operation to 1,920 square feet and six columbarium structures, as required by the original zoning determination and as affirmed by the South Los Angeles Area Planning Commission. Because there appear to be at least 44 occupied niches in the unpermitted columbarium structures, CFS should be required to make appropriate arrangements with the families of the interred for relocation to a legally permitted site.
- Require the Chapel to immediately cease all funeral services not ancillary to the interment in permitted niches and a place for visitation from the families of the interred.
- Refer this case to the City Attorney's office for the commencement of appropriate criminal proceedings against the owners of CFS pursuant to Section 12.29 of the Municipal Code, which provides that a violation of zoning conditions can be deemed a misdemeanor and punished by a \$2,500 fine and/or imprisonment in the County jail for a period not to exceed six months.

Given the extreme sensitivity of the events detailed in this letter, it is essential that this project undergo the proper review and the Office of the Zoning Administrator take prompt and decisive action in this matter to limit further harm to the public.

Most Sincerely,

Matthew Marcote  
Land Use Consultant, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Roy Samaan, City Planning  
Gilbert Cedillo, Council District 1  
Jay Park, President, Pico Union Neighborhood Council

Attachments:



Gonzales Law Group, APC  
800 Wilshire Blvd., Suite 860 | Los Angeles, CA 90071  
Telephone: 213.279.6965 | Fax: 213.402.2638  
www.gonzaleslawgroup.com

Michael Gonzales  
E-mail: mgonzales@gonzaleslawgroup.com

February 27, 2019

VIA EMAIL AND HAND DELIVERY

Los Angeles Department of City Planning  
Office of Zoning Administration  
200 N. Spring Street, Room 763  
Los Angeles, CA 90012  
Attn: AZA Charlie Rausch

**RE:** Case No. ZA-2014-0397-PAD-PA1; Continued Illegal Operations at 1605 S. Catalina Avenue.

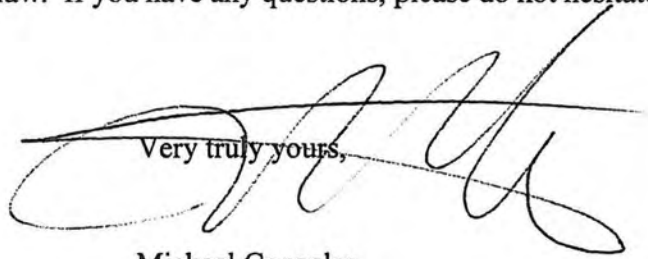
Dear AZA Rausch:

Attached, please find a letter dated November 8, 2016 transmitted to City Staff on that same date. The attached letter includes supporting evidence demonstrating the discontinuance of a deemed approved conditional use at the above referenced property. Pursuant to Los Angeles Municipal Code ("LAMC") Section 12.24.Q when "a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use." The attached evidence clearly demonstrates that the deemed approved use ceased for a period of at least four years. A plan approval request, which is procedurally before you tomorrow, is insufficient to reestablish a conditional use that has been discontinued or abandoned for a continuous period of one year. The applicant must file for a conditional use request pursuant to LAMC Section 12.24.W.12. The crematory and chapel operations currently occupying the property violate the LAMC and must be immediately stopped. We urge you to

AZA Charlie Rausch  
February 27, 2019  
Page 2

take the necessary actions to enforce the law. If you have any questions, please do not hesitate to contact my office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael Gonzales', written over the text 'Very truly yours,'.

Michael Gonzales

**Attachment**

Cc: William Chun, Deputy Mayor (via email only)  
Arturo Chavez, Senior Advisor Council District 1 (via email only)  
Lisa Webber, Deputy Director (via email only)  
Kevin Keller, Deputy Director (via email only)



**VIA EMAIL AND HAND DELIVERY**

November 8, 2016

Office of Councilmember Gilbert Cedillo  
Los Angeles City Hall  
200 N. Spring Street, Room 460  
Los Angeles, CA 90012

Attention: Honorable Gilbert Cedillo

**RE: Existing Illegal Operations at 1605 Catalina Street**

Dear Honorable Councilmember Cedillo:

We represent William Kim, the appellant in Case No. ZA-2014-0397(PAD) (the "ZA Case") for that certain real property located at 1605 Catalina Street, Los Angeles CA (the "Property"). As you may know, the Property has most recently been operating as a columbarium, crematory and chapel by Community Funeral Services, Inc., doing business as Dae Han Mortuary ("Dae Han"). Dae Han acquired the property on June 7, 2006 from SCI California Funeral Services, Inc., the prior operator. The ZA Case was Dae Han's attempt to establish deemed-approved conditional use status for a columbarium, crematory and chapel and to legalize an already existing outdoor columbarium which Dae Han illegally constructed in approximately 2008. The appeal was recently heard by the South Los Angeles Area Planning Commission. During the appeal hearing, we presented uncontroverted evidence that the crematory and ancillary chapel use ceased for a period of at least 4 years between 2004 and 2008. We understand that this evidence was not available when the Zoning Administrator assessed the Property's deemed approved conditional use status.

**I. Deemed Approved Conditional Use Status is Granted by Operation of the LAMC.**

The existing crematory, columbarium and chapel uses at the Property are deemed approved conditional uses by operation of Los Angeles Municipal Code Section 12.24.L provides:

"[a]ny lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, *shall* be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized the use shall also continue in effect." (Italics added)

Crematory, columbarium and chapel uses have always been enumerated *conditional* uses for the Property. When the zoning code was adopted in 1946, the Property was zoned M1, and at such time each of the aforementioned uses were conditional. In 1992, the Property was rezoned to RD1.5, and at such time, each of the aforementioned uses were conditional. In 2001, the Property was rezoned to A1, which is the current zoning designation. Again, each of the aforementioned uses were and are conditionally permitted uses in the A1 zone.<sup>1</sup> LAMC Section 12.24.L's classification of a lawfully established use that later becomes a conditional use as a deemed approved use is mandatory. By using the word *shall*, the deemed approved classification is afforded such uses the moment they convert from lawfully permitted to conditionally permitted.

**II. Deemed Approved Conditional Uses that are Discontinued for a Continuous One Year Period Require New Conditional Use Approval Before the Use Can be Reestablished**

LAMC Section 12.24.Q provides that “[i]f a conditional use is abandoned, or is *discontinued* for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.” (Italics added) The effect of this language is very clear. Whenever a conditional use regulated by LAMC Section 12.24 is *discontinued* for a continuous period of one year, the use must apply for new conditional use approval pursuant to the relevant provisions of LAMC Section 12.24. LAMC Section 12.24.Q applies to all conditional uses, whether such uses are approved pursuant to a conditional use permit or if they are granted deemed approved status pursuant to LAMC Section 12.24.L. The effect of this language is the same. If any such use is *discontinued* for a continuous period of one year, that use cannot be resumed unless a new conditional use permit is applied for and granted. The deemed approved conditional use status cannot be carried over when the use has been discontinued.

**III. The Deemed Approved Columbarium and Chapel Conditional Uses Ceased for at Least Four Years and Possibly for as Many as Six Year. A New Conditional Use Approval is Necessary**

The Property's crematory and chapel operations ceased for a period of at least four years and possibly as many as six. California Code of Regulations Title 16 Section 2351 requires annual reporting for all crematoria in the State. Annual reports must include the total number of cremations made during that year. A letter, dated September 23, 2016 from the Cemetery and Funeral Bureau of the California Department of Consumer Affairs (“Bureau”) demonstrates that 0 cremations were reported for the Property from 2004 to 2007 and possibly until 2009.<sup>2</sup> A copy of this letter is enclosed for your convenience. In 2003, Dae Han's predecessor reported 424 cremations from the Property. As noted above, Dae Han acquired the Property on June 7,

<sup>1</sup> See LAMC Section 12.24.W.9 (churches/chapel); LAMC Section 12.24.W.12 (columbarium and crematories).

<sup>2</sup> According to Bureau staff, the reporting requirement was not enforced during 2008 and 2009 because of the economic downturn.

2006. No cremations were reported in 2006 or 2007 and possibly 2008 and 2009. Additionally, we have obtained deposition testimony of Kimberly Bryant, who has worked at the Property for both Dae Han and SCI, the prior owner and operator. A copy of relevant portions of Ms. Bryant's testimony is also included for your convenience. Ms. Bryant's testimony clearly corroborates the Bureau letter. Crematory and chapel uses ceased from 2004 to 2007 and possibly as late as 2009. According to Ms. Bryant's testimony, during this time period, the Property was completely shut down with the exception of allowing access to the columbarium for visitors of the interred remains. Taken together, the Bureau letter and the Ms. Bryant's testimony are clear evidence that the crematory and chapel uses ceased for many years. As deemed approved conditional uses subject to the LAMC's regulations on conditional uses, the crematory and the chapel uses are allowed to continue in operation; provided they are not discontinued for a continuous period of one year. In such an event, as is the case here, the use cannot be re-established unless a conditional use approval is granted.

In this case, it is clear that SCI discontinued crematory and chapel operations prior to selling the Property to Dae Han in June 2006. After purchasing the Property, Dae Han did not restart the crematory and chapel operations for at least three years or more. Crematory and chapel uses were clearly discontinued for a continuous period of over one year. Therefore, Dae Han illegally reestablished the crematory and chapel uses without new conditional use approval in violation of LAMC Section 12.24.Q.

**IV. The ZA Case is Not the Conditional Use Approval Required to Re-establish a Discontinued Deemed Approved Conditional Use**

The ZA Case was only a plan approval request that assessed the Property's deemed approved conditional use status and allowed the partial legalization of an already constructed outdoor columbarium. The ZA Case was not a new conditional use approval which is what Dae Han must obtain in order to reestablish the crematory and chapel uses. LAMC Sections 12.24.W.9 and 12.24.W.12 conditionally authorize chapel and crematory uses in the A1 zone. The ZA Case relied on LAMC Sections 12.24.L (which automatically grants deemed approved conditional use status) and LAMC Section 12.24.M, which allows the expansion of a deemed approved conditional use. The ZA Case did not issue approvals pursuant to the authority granted in LAMC Sections 12.24.W.9 and 12.24.W.12. Moreover, the plan approval process is materially different from the typical conditional use process. The plan approval process permits limited notice to abutting owners and occupants. The new conditional use process requires notice to owners and occupants within a 500 foot radius. The plan approval process necessarily involves less public participation while the conditional use process involves much more public participation. Dae Han must apply for and obtain new conditional use approval before Dae Han is legally allowed to operate the Property with crematory and chapel use.

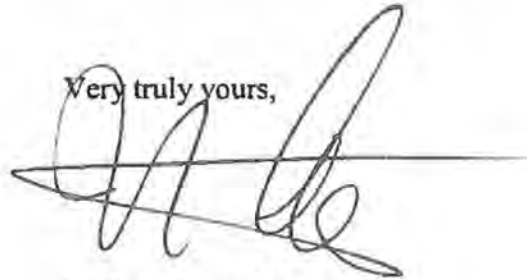
When issuing the ZA case, the Zoning Administrator was not aware that the crematory and chapel uses were discontinued for at least four years and possibly up to six years. This oversight, however, does not eliminate the effect of LAMC Section 12.24.Q. The crematory and chapel uses

were discontinued for more than one continuous year. Dae Han must apply for and win approval of new conditional use approval pursuant to LAMC Sections 12.24.W.9 and 12.24.W.12 before the chapel and crematory uses can legally continue.

V. Conclusion

Dae Han's current and continued use of the Property as a crematory and chapel violates the LAMC and must be stopped. The uses were discontinued for a period of over one continuous year and cannot be reestablished without the proper approval. Dae Han does not have the proper approvals. Dae Han must be forced to immediately cease operations until new conditional use approval authorizing crematory and chapel uses is granted. We urge your office to alert the Department of Building and Safety's Code Enforcement Division to these facts so immediate steps are taken to force Dae Han's compliance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Michael Gonzales', written over a horizontal line.

Michael Gonzales  
Gonzales Law Group APC

Enclosures

cc: Arturo Chavez  
Chief of Staff



VIA EMAIL AND HAND DELIVERY

November 8, 2016

Office of Councilmember Gilbert Cedillo  
Los Angeles City Hall  
200 N. Spring Street, Room 460  
Los Angeles, CA 90012

Attention: Honorable Gilbert Cedillo

**RE: Existing Illegal Operations at 1605 Catalina Street**

Dear Honorable Councilmember Cedillo:

We represent William Kim, the appellant in Case No. ZA-2014-0397(PAD) (the "ZA Case") for that certain real property located at 1605 Catalina Street, Los Angeles CA (the "Property"). As you may know, the Property has most recently been operating as a columbarium, crematory and chapel by Community Funeral Services, Inc., doing business as Dae Han Mortuary ("Dae Han"). Dae Han acquired the property on June 7, 2006 from SCI California Funeral Services, Inc., the prior operator. The ZA Case was Dae Han's attempt to establish deemed-approved conditional use status for a columbarium, crematory and chapel and to legalize an already existing outdoor columbarium which Dae Han illegally constructed in approximately 2008. The appeal was recently heard by the South Los Angeles Area Planning Commission. During the appeal hearing, we presented uncontroverted evidence that the crematory and ancillary chapel use ceased for a period of at least 4 years between 2004 and 2008. We understand that this evidence was not available when the Zoning Administrator assessed the Property's deemed approved conditional use status.

**I. Deemed Approved Conditional Use Status is Granted by Operation of the LAMC.**

The existing crematory, columbarium and chapel uses at the Property are deemed approved conditional uses by operation of Los Angeles Municipal Code Section 12.24.L provides:

"[a]ny lot or portion of a lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, *shall* be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized the use shall also continue in effect." (Italics added)

Crematory, columbarium and chapel uses have always been enumerated *conditional* uses for the Property. When the zoning code was adopted in 1946, the Property was zoned M1, and at such time each of the aforementioned uses were conditional. In 1992, the Property was rezoned to RD1.5, and at such time, each of the aforementioned uses were conditional. In 2001, the Property was rezoned to A1, which is the current zoning designation. Again, each of the aforementioned uses were and are conditionally permitted uses in the A1 zone.<sup>1</sup> LAMC Section 12.24.L's classification of a lawfully established use that later becomes a conditional use as a deemed approved use is mandatory. By using the word *shall*, the deemed approved classification is afforded such uses the moment they convert from lawfully permitted to conditionally permitted.

**II. Deemed Approved Conditional Uses that are Discontinued for a Continuous One Year Period Require New Conditional Use Approval Before the Use Can be Reestablished**

LAMC Section 12.24.Q provides that “[i]f a conditional use is abandoned, or is *discontinued* for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.” (Italics added) The effect of this language is very clear. Whenever a conditional use regulated by LAMC Section 12.24 is *discontinued* for a continuous period of one year, the use must apply for new conditional use approval pursuant to the relevant provisions of LAMC Section 12.24. LAMC Section 12.24.Q applies to all conditional uses, whether such uses are approved pursuant to a conditional use permit or if they are granted deemed approved status pursuant to LAMC Section 12.24.L. The effect of this language is the same. If any such use is *discontinued* for a continuous period of one year, that use cannot be resumed unless a new conditional use permit is applied for and granted. The deemed approved conditional use status cannot be carried over when the use has been discontinued.

**III. The Deemed Approved Columbarium and Chapel Conditional Uses Ceased for at Least Four Years and Possibly for as Many as Six Year. A New Conditional Use Approval is Necessary**

The Property's crematory and chapel operations ceased for a period of at least four years and possibly as many as six. California Code of Regulations Title 16 Section 2351 requires annual reporting for all crematoria in the State. Annual reports must include the total number of cremations made during that year. A letter, dated September 23, 2016 from the Cemetery and Funeral Bureau of the California Department of Consumer Affairs (“Bureau”) demonstrates that 0 cremations were reported for the Property from 2004 to 2007 and possibly until 2009.<sup>2</sup> A copy of this letter is enclosed for your convenience. In 2003, Dae Han's predecessor reported 424 cremations from the Property. As noted above, Dae Han acquired the Property on June 7,

<sup>1</sup> See LAMC Section 12.24.W.9 (churches/chapel); LAMC Section 12.24.W.12 (columbarium and crematories).

<sup>2</sup> According to Bureau staff, the reporting requirement was not enforced during 2008 and 2009 because of the economic downturn.

2006. No cremations were reported in 2006 or 2007 and possibly 2008 and 2009. Additionally, we have obtained deposition testimony of Kimberly Bryant, who has worked at the Property for both Dae Han and SCI, the prior owner and operator. A copy of relevant portions of Ms. Bryant's testimony is also included for your convenience. Ms. Bryant's testimony clearly corroborates the Bureau letter. Crematory and chapel uses ceased from 2004 to 2007 and possibly as late as 2009. According to Ms. Bryant's testimony, during this time period, the Property was completely shut down with the exception of allowing access to the columbarium for visitors of the interred remains. Taken together, the Bureau letter and the Ms. Bryant's testimony are clear evidence that the crematory and chapel uses ceased for many years. As deemed approved conditional uses subject to the LAMC's regulations on conditional uses, the crematory and the chapel uses are allowed to continue in operation; provided they are not discontinued for a continuous period of one year. In such an event, as is the case here, the use cannot be re-established unless a conditional use approval is granted.

In this case, it is clear that SCI discontinued crematory and chapel operations prior to selling the Property to Dae Han in June 2006. After purchasing the Property, Dae Han did not restart the crematory and chapel operations for at least three years or more. Crematory and chapel uses were clearly discontinued for a continuous period of over one year. Therefore, Dae Han illegally reestablished the crematory and chapel uses without new conditional use approval in violation of LAMC Section 12.24.Q.

**IV. The ZA Case is Not the Conditional Use Approval Required to Re-establish a Discontinued Deemed Approved Conditional Use**

The ZA Case was only a plan approval request that assessed the Property's deemed approved conditional use status and allowed the partial legalization of an already constructed outdoor columbarium. The ZA Case was not a new conditional use approval which is what Dae Han must obtain in order to reestablish the crematory and chapel uses. LAMC Sections 12.24.W.9 and 12.24.W.12 conditionally authorize chapel and crematory uses in the A1 zone. The ZA Case relied on LAMC Sections 12.24.L (which automatically grants deemed approved conditional use status) and LAMC Section 12.24.M, which allows the expansion of a deemed approved conditional use. The ZA Case did not issue approvals pursuant to the authority granted in LAMC Sections 12.24.W.9 and 12.24.W.12. Moreover, the plan approval process is materially different from the typical conditional use process. The plan approval process permits limited notice to abutting owners and occupants. The new conditional use process requires notice to owners and occupants within a 500 foot radius. The plan approval process necessarily involves less public participation while the conditional use process involves much more public participation. Dae Han must apply for and obtain new conditional use approval before Dae Han is legally allowed to operate the Property with crematory and chapel use.

When issuing the ZA case, the Zoning Administrator was not aware that the crematory and chapel uses were discontinued for at least four years and possibly up to six years. This oversight, however, does not eliminate the effect of LAMC Section 12.24.Q. The crematory and chapel uses

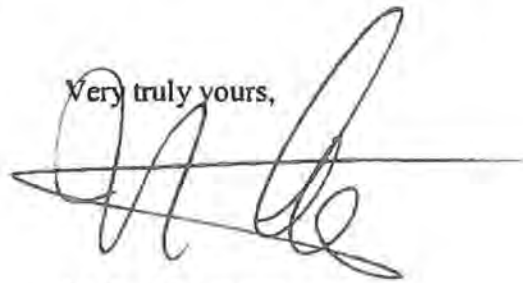
Honorable Gilbert Cedillo  
November 8, 2016  
Page 4

were discontinued for more than one continuous year. Dae Han must apply for and win approval of new conditional use approval pursuant to LAMC Sections 12.24.W.9 and 12.24.W.12 before the chapel and crematory uses can legally continue.

V. Conclusion

Dae Han's current and continued use of the Property as a crematory and chapel violates the LAMC and must be stopped. The uses were discontinued for a period of over one continuous year and cannot be reestablished without the proper approval. Dae Han does not have the proper approvals. Dae Han must be forced to immediately cease operations until new conditional use approval authorizing crematory and chapel uses is granted. We urge your office to alert the Department of Building and Safety's Code Enforcement Division to these facts so immediate steps are taken to force Dae Han's compliance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'M. Gonzales', written over a horizontal line.

Michael Gonzales  
Gonzales Law Group APC

Enclosures

cc: Arturo Chavez  
Chief of Staff



CEMETERY AND FUNERAL BUREAU
1625 N. Market Blvd., Suite S-208
Sacramento, CA 95834
P 916.574.7870 F 916.928.7988 www.cfb.ca.gov



September 23, 2016

Paul Cho
1044 S. Orange Drive
Los Angeles, CA 90019-1512

RE: Public Records Act Request

Dear Mr. Cho:

This letter responds to your Public Records Act requested dated September 13, 2016, which was received by the Cemetery and Funeral Bureau (Bureau) on September 14, 2016. You have requested the number of cremations performed at Chapel of the Pines from January 1, 2000 through December 31, 2010.

During the time period in question, Chapel of the Pines has operated the crematory under a Certificate of Authority (COA 504) by Pierce Brothers Crematorium and was owned by Service Corporation International (SCI); in 2004 a separate Crematory License (CR 184) was issued to SCI; in 2007 SCI sold the crematory to Community Funeral Services, Inc. and Crematory License (CR 268) was issued following all of the licensing requirements.

Cremations performed at Chapel of the Pines:

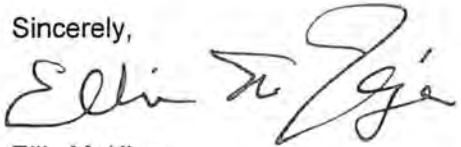
Table with 4 columns: License/COA, Year, Count, and Notes. Rows include data for COA 504 (2000-2003), CR 184 (2004-2006), and CR 268 (2007-2015).

The report for 2016 will be submitted in 2017.

Public Records Act Request  
Page 2 of 2

If you have any further questions please contact me at 916.574.7876.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellis M. Kjer". The signature is written in a cursive style with a large, stylized initial "E".

Ellis M. Kjer,  
Enforcement Analyst

PAUL CHO  
1044 S. ORANGE DRIVE  
LOS ANGELES, CA 90019

---

**PUBLIC RECORDS ACT REQUEST**

September 13, 2016

VIA E-MAIL ([ELLIS.KJER@DCA.CA.GOV](mailto:ELLIS.KJER@DCA.CA.GOV))  
AND FACSIMILE (916.928.7988)

Cemetery and Funeral Bureau  
1625 N. Market Blvd, Ste. S208  
Sacramento, CA 95834  
Attn: Ellis Kjer

Re: Public Records Act Request

Dear Mr. Kjer,

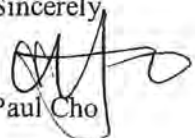
Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I hereby request a copy of the following, which I understand to be held by your agency:

1. Any and all records pertaining to the number of cremation cases performed each year by Chapel of the Pines located at 1605 S. Catalina Street, Los Angeles, CA for the period beginning on January 1, 2000 through and including December 31, 2010; and
2. Any and all records and/or correspondence reflecting that the Chapel of the Pines was closed or shut down between 2000 and 2010.

I ask for a determination on this request within 10 days of your receipt of it. If I can provide any clarification that will help expedite your attention to my request, please email me at [icaptain9@yahoo.com](mailto:icaptain9@yahoo.com). Any hard copies may be sent to the address above.

Thank you for your time and attention to this matter.

Sincerely,

  
Paul Cho

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

MIRNA ESPINOSA, AN  
INDIVIDUAL,

Plaintiff,

No. BC532054

vs.

COMMUNITY FUNERAL SERVICES,  
INC., A CALIFORNIA  
CORPORATION; HENRY CHUN, AN  
INDIVIDUAL; AND DOES 1-10,  
INCLUSIVE,

Defendants.

---

DEPOSITION OF KIMBERLY BRYANT  
Los Angeles, California  
Thursday, April 3, 2014

Reported by:  
MARIA ELLERSICK  
CSR No. 10531

Job No. 1836795

PAGES 1 - 184

1 Q Okay. At any time between 1992 and 2006, did  
2 the operations on the property change or was it  
3 consistent throughout?

4 A Yes, it did.

5 Q Okay. Can you tell me what changed and when?

6 A They actually stopped cremating in 2000- -- I  
7 want to say 2003.

8 Q And why did they do that?

9 A Because they had sold -- they were in the  
10 process of selling the business.

11 Q And the business -- when you say sell the  
12 business, you're referring --

13 A Selling SCI. SCI was in the process of  
14 selling the crematory.

15 Q Was there actually a business entity known as  
16 Chapel of the Pines that SCI had bought or did SCI buy  
17 Pierce Brothers in its entirety?

18 A I don't know.

19 Q Ultimately, SCI did sell that property; right?

20 A Yes.

21 Q Between 1992 and 2003 when they stopped doing  
22 cremations at the property, did the operations at all  
23 change or was it consistent throughout that time period  
24 from '92 to 2003?

25 A They were no longer doing cremations at that

1 Q And Pierce Brothers and Service Corp would  
2 arrange for and make the transportation of the remains?  
3 A Yes.  
4 Q And once the remains got to the  
5 Catalina Street location, what was done with them?  
6 Were they immediately cremated or were they stored?  
7 How did that work?  
8 A They were cremated within a 24-hour period.  
9 Q On all occasions?  
10 A Yes.  
11 Q And the 24-hour period is mandated by  
12 California law; right?  
13 A I don't know.  
14 Q But it was your understanding that that was  
15 what their practice was, to cremate within 24 hours of  
16 death?  
17 A Yes.  
18 Q And did -- at that time -- during that period,  
19 from 1992 to 2003, did they have any storage on the  
20 site for remains?  
21 A No.  
22 Q Did they have any freezers?  
23 A No.  
24 Q Did they have any refrigerators?  
25 A No.

1 A Yes.

2 Q And did they ultimately sell the crematory?

3 A Yes.

4 Q To whom?

5 A I don't really know who they sold it to.

6 Q So did they stop doing the cremations before  
7 the sale took place?

8 A Yes.

9 Q And after the sale, what occurred on the  
10 property?

11 MR. MIN: Objection. Vague.

12 MR. BOLSTAD: It is vague.

13 Q You continued to work there at the property?

14 A Yes. It's a columbarium. It's a cemetery.  
15 They can't close it. So there were people that were  
16 still visiting. So they had me there doing a lot of  
17 filing and helping the people, whoever came to the  
18 business.

19 Q And what period of time was that your job  
20 duty?

21 A That was during the 2003, 2006.

22 Q And who was your employer?

23 A It was still Service Corporation. I would  
24 also work at one of the other mortuaries also at 720  
25 Washington.

1 Q So Service Corp didn't sell -- didn't actually  
2 sell the property until 2006?

3 A Correct.

4 Q But it stopped doing --

5 A Cremations.

6 Q -- cremations in 2003?

7 A Right.

8 Q And between 2003 and 2006, all that was done  
9 out there was providing access to the niches for  
10 families of the deceased?

11 A That's correct.

12 Q No other operations other than that?

13 A No.

14 Q During that period of time, were any of the  
15 equipment removed?

16 A Only thing that was removed there were some of  
17 the records, boxes -- some of the records that they  
18 needed, I guess.

19 Q Okay. And you said that you would -- part of  
20 your duties -- well, maybe can you tell me what your  
21 duties were during that period of time. You said one  
22 of them was to --

23 A I would open and close, and I would always be  
24 on call for families that needed to come to Chapel of  
25 the Pines, and I did some filing.

1 Q How about with regard to the Memory Garden,  
2 were there any changes to the Memory Garden?

3 A No.

4 Q And did they change any of the equipment at  
5 the location between 2006 and 2009?

6 A Any of the equipment?

7 Q Such as the furnaces?

8 A Not that I know of.

9 Q Okay. Did they remove any of the landscaping  
10 during that period of time or pave any portion of the  
11 parking lot?

12 A I don't remember.

13 Q Any other alterations to the location -- to  
14 the building or the grounds around the building that  
15 you can recall between 2006 and 2009?

16 A No.

17 Q Between 2006 and 2009, did Dae Han make  
18 applications to recommence crematory activities on the  
19 site?

20 A I don't know.

21 Q Were you involved in any way in that?

22 A No.

23 Q Do you know whether there was ever any dispute  
24 with the City relating to whether crematory functions  
25 or mortuary functions were permitted on that site?

1           A    Outside the columbarum.  There's a wall of  
2 niches, and then the ossuary where cremated remains are  
3 buried in the Garden of Memories.

4           Q    So we have what you're referring to as the  
5 ossuary, which is the memorial garden; is that correct?

6           A    No.  It's the Garden of Memory is the ossuary.

7           Q    And where is that on the property?

8           A    That's right out in front of the building.

9           Q    And when you say in front, is it between the  
10 building and Catalina or is it between the building and  
11 Venice?

12          A    It's between the Catalina building and the  
13 walkway, actually.  It's right on the premises in the  
14 front.

15          Q    Okay.  And then you said there were niches in  
16 the chapel; correct?

17          A    Yes, upstairs, downstairs.

18          Q    And there's niches on one of the subfloors?

19          A    Yes.

20          Q    Is that the second floor?

21          A    Yes.

22          Q    And then there's -- at some point in time, did  
23 Dae Han construct an outdoor columbarum?

24          A    Yes.

25          Q    When was that?

1 A Between 2006 and 2009.

2 Q So that occurred prior to Dae Han opening its  
3 doors for business in 2009?

4 A Yes, for cremated remains.

5 Q And how many niches are in that outdoor  
6 columbarum?

7 A I don't know.

8 Q Do you know what those sell for?

9 A No.

10 Q Do you know how many of those are filled?

11 A No, I don't.

12 Q Do you know whether Dae Han ever obtained a  
13 permit to construct that building?

14 A No, I don't know.

15 Q Do you know if it was ever cited for violating  
16 any Code section or ordinance relating to the  
17 development of that outdoor columbarum?

18 A No, I don't.

19 Q Other than the outdoor columbarum, what else  
20 did Dae Han construct at the property since 2009?

21 A I don't know.

22 Q Did they construct additional retail space or  
23 office space?

24 A What do you mean "office space"?

25 Q Is there a new building there or an addition

Law Offices of  
**PETER A. KIM**



Telephone: (213) 387-0800  
Facsimile (213) 387-0880  
info@pkimlaw.com

LOS ANGELES  
3440 Wilshire Blvd. Suite 1208  
Los Angeles, California 90010

ORANGE COUNTY  
1211 W. Imperial Hwy Suite 205  
Brea, California 92821  
*\*By Appointment Only*

March 22, 2019

VIA ELECTRONIC MAIL

Mr. Charlie Rausch  
LOS ANGELES DEPARTMENT OF CITY PLANNING  
Office of Zoning Administration  
200 N. Spring St. #763  
Los Angeles, California 90012

Re: Case No. ZA-2014-0397-PAD-PA1

Mr. Rausch:

I am submitting this letter in connection with Case: #ZA-2014-0397-PAD-PA1 regarding 1605 S. Catalina Ave., Los Angeles, California.

My office represents Hai Soon Han and family with regards to the mishandling of the corpse of their deceased family member Man Jong Han by Dae Han Mortuary.

As a supplement to the testimony provided at the February 28, 2019 Public Hearing, we are submitting this letter and photographs for inclusion in the ZA file.

#### NEGLIGENT OPERATIONS

In short, the operators, Community Funeral Services, Inc. dba Chapel of the Pines, and dba Daehan Mortuary, are negligent operators. My clients approached Dae Han Mortuary to cremate a loved one and negotiated a higher price so that the decedent would be cleaned, dressed, and prepared for a viewing prior to cremation.

After making arrangements for family members to attend, including international flights, Dae Han Mortuary cremated the decedent before a viewing could take place despite having charged for premium handling. During this confrontation, they were taken to an office where they were given an urn that presumably held the ashes of their father. The urn was in a cardboard box that was stored in an office closet. There was nothing to confirm it was their father other than the word of the individual representing Dae Han.

//  
//  
//



The family was told that there were photographs to prove that the cleaning and preparation was done, and there was a heated argument to obtain the photographs, which was ultimately done after pleading with the Dae Han representative and following him around the facility as he kept walking away from the family.

The Han family confronted Dae Han at the 1605 S. Catalina location about the issue and video taped the discussions. The discussion ended without resolution between the parties.

#### ADDITIONAL ISSUES

After retaining counsel, the family further discovered more issues relating to Dae Han Mortuary. As a starting point, the agreement presented by Dae Han Mortuary to the Han Family was under the name "Chapel of the Pines". A quick search of the California Funeral Services Bureau showed that Dae Han Mortuary and Chapel of the Pines are two distinct licensees with two separate licenses and separate addresses.

This office was able to discover that Chapel of The Pines was historically a mausoleum and not a chapel at all. The pews and seating were all installed to hold full blown funeral services, and there is even a holding area adjacent to the main area with a casket and other materials, apparently for viewings and open casket services.



### SCATTER GARDEN

Despite assertions by counsel for Dae Han, there is an apparent community scattering garden. The exterior landscaping includes a monument entitled “Garden of Memories” and a marble headstone with a long list of names and plenty of room for more. This is consistent with the statements of previous customers who were presented with a more affordable option of interment.



City of Los Angeles  
Page Four  
March 22, 2019

Research uncovered an article published in the Korea Daily in 2017 describing the cremation of unclaimed individuals and included a photograph of the same monument showing the "Garden of Memories". (Please see attached)


A review of the permit application indicates an underground storage area for fifty remains. This monument shows approximately 150 names.



## CONCLUSION

This operation is a danger to the community. They profit off the public during the sensitive and vulnerable period of bereavement. My clients strongly object to the City of Los Angeles continuing to permit this business to operate in apparent disregard of any and all regulations and safety standards.

Very Truly Yours,  
LAW OFFICES OF PETER A. KIM

By:   
Peter Andrew Kim  
Attorney at Law

# Increasing Number of Lonely Deaths

2017-02-03



← DAE HAN  
SCATTER  
GARDEN

A mortuary service in Koreatown has created a joint-graveyard for unaffiliated deaths. Many of the corpses are those of first generation immigrants.

#. A Korean-American man, only identified by his initial A, died of a heart attack recently. The response to the 60-year-old's death was unfathomable. A has said that his family resides on the East Coast, but no one around him knew how to contact them. Later on, even the LAPD and FBI were involved to find A's family, but to no avail. It was only when South Korea's Ministry of Foreign Affairs got involved when the whereabouts of his family members were identified. Curiously, though, A's family thanked the investigators for contacting them, only to refuse to exercise any more responsibility for the cost of his death.

#. An elderly Korean woman, only identified by her last name Kim, visited the Daehan Mortuary Services recently with four of her friends. She immigrated to the United States 30 years ago after her daughter, who married an American veteran, invited her to the country. Over the last couple of decades, Kim had a falling out with her daughter, who lived in Texas, and chose to move out to Koreatown Los Angeles. Her husband has already passed away and the only people around her to look after her are

a few friends. At the mortuary services center, Kim asked the employees that she will pre-pay for her funeral and asked them to look after her when she is eventually found dead.

Lonely deaths of first generation Korean immigrants in the U.S. have been on the rise in recent years. There has even been a case in which a corpse of an elderly citizen whose families and friends could not be identified was left at the L.A. County Department of Medical Examiner-Coroner for more than two years.

In fact, such deaths occur regardless of age. While the life as an immigrant become a lonely battle over the years, more than a few of them spend the remainder of their lives without being in touch with their family members. Even those in their 20s have suffered a similar fate after dying of heart attack and car accidents.

"About 5 percent of the calls we receive are inquiries about funerals for people who died by themselves," said an employee at a Koreatown mortuary services center. "Generally, their friends volunteer to be responsible for their funerals, but it's often difficult to sort out arrangement for those types of deaths due to legal reasons."

The most disheartening part is that more and more people are dying lonely. The most convenient way to respond to their deaths is to find their families, but that is obviously not as easy as it sounds. If and when even their families refused to take care of the deaths, it is when the incident is categorized as unaffiliated deaths. In those cases, legal issues may arise even if friends want to volunteer to hold the funeral.

Mortuary services in Koreatown explained that the bodies of the unaffiliated deaths are first stored at the L.A. County Department of Medical Examiner-Coroner's office. The county department then attempts to identify the dead person's families with information such as social security number. Spouses are the first point of its contacts, followed by immediate family members. Once identified and the family agrees to take care of the corpse, a processing fee of \$400 is charged for further progression.

However, for many unaffiliated deaths of first generation immigrants, their families commonly refuse to take charge of taking the corpse. "There have been three cases recently in which we found families of those who passed away," said an employee at L.A.'s South Korean consulate office. "Two of the families refused to take responsibility. They usually just thank us for contacting them, but rarely take further action."

At times, friends and religious groups step up to help out. It roughly costs around \$1,000 to cover for funeral and other miscellaneous post-death costs.

By Hyung Jae Kim



---

**RE: ZA-2014-397-PA1-1A, 1605 S. Catalina -- Letter, Chapel of the Pines building permits + a 2011 "presentation"**

1 message

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**Laura Meyers** <lauramink@aol.com>

To: apcsouthla@lacity.org

Cc: Charlie.Rausch@lacity.org, alan.como@lacity.org

Mon, Jul 29, 2019 at 2:48 PM

Hello (again). I have copied both Charlie Rausch and Alan Como of the Planning Department so that they immediately have this material, which may contain information they do not have.

I submitted hard copies of most of the material attached above this morning (there are a few additional building permits attached). Included in the attachments is my comment letter and a "presentation" document I prepared in 2011. I have not been back inside the Chapel/Columbarium since that time, but it is my sincere hope that it remains in good condition as shown in the photos labeled "today" (today being 2011).

ALSO, I did not mention this in my letter, but should have: the Zoning Administrator states that "no cremations" took place between 2004 and 2007, and also I believe referred to the "fact" that no new remains were placed in that same period. I am not sure that is accurate.

In very, very quick and cursory online research that I conducted last night (meaning I did not go into the crematory/chapel/columbarium building and did NOT look at plaques with dates on them), I found several inurnments in the building:

- >> Edith Margaret Johnston Davis, March 2005
- >> Agnes Wong, 2005
- >> Marguerite Elaine Draper Ecker, February 2006

This is certainly not a complete list, just a few random reported deaths of a few people whose cremains now are at rest at the Chapel of the Pines. But the events took place in the period of time when purportedly no activity took place.

In any case, the other attachments to this e-mail include:

- 1). Los Angeles Times article in 1905 announcing and describing the crematory (plus chapel and columbarium functions)
- 2). 1905 -- permit to build the crematory (Charles Whittlesey is the architect, and building is made of concrete)
- 3). 1913, two permits, one identifying the chapel use
- 4). 1929 -- permit says present use of building is crematory and chapel
- 5). 1949 -- permit and certificate of occupancy, columbarium and crematory -- page 2 indicates that zone and yards are "OK" so in other words "approved." Also indicates that the use had been in use for 43 years, which takes us back to 1906, when the project was completed and the crematory opened.

# LAURA MEYERS

1818 South Gramercy Place • Los Angeles, CA 90019  
Tel: 323-737-6146 • Fax: 323-730-0432 • E-mail: lauramink@aol.com

July 28, 2019

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

RE: ZA-2014-397-PA1-1A and ENV-2018-5221-CE, 1605 S. Catalina, Los Angeles CA 90006

*A Plan Approval to allow the continued use and maintenance of a 9,607 square foot crematory and chapel with interior columbarium and 1,917 square foot exterior columbarium.*

Dear Commissioners:

I am writing today **neither in support** of the Applicant/Appellant (who has proven over the years to be a non-compliant owner) and **nor in support** of the Zoning Administrator and the Planning Department, who have over-reached in an effort to cause this owner to cease operations.

Someone needs to be a steward and protector of the historic Los Angeles Crematory, Chapel and Columbarium, aka “Chapel of the Pines,” aka Dai Han – and of the 3,500-plus souls for whom this cemetery is a final resting place.

I would like to repeat this: The Columbarium is a cemetery; it contains within the c. 1905 rotunda walls 3,500 niches which are filled with the cremains (cremated remains) of individuals who purchased over the past century these grave sites; and there is also a locked area (we hope locked) in the basement known as the “vaultage,” where an unknown number of cremains are also permanently stored.

The Zoning Administrator has concluded, based on third-party research reported to him and which he did not research himself (e.g., there is no reference in his Determination that he personally reviewed any primary records), that 1). The use as a crematory and columbarium was a grandfathered “deemed to be approved” conditional use; and 2). That the use was not in effect between the years 2004 and 2008 when the prior owner *purportedly* ceased all operations. As a result, according to the Determination that has been appealed to you, the conditional use permit became no longer in effect and therefore he cannot grant an approval of the applied-for Plan Approval AND that the operator must cease all business use of the property until and unless a new conditional use permit is obtained.

I have a serious concern about the City ordering a cease of use without considering HOW the cemetery (e.g. Columbarium) is to be maintained – where is the money? – and HOW the historic building housing the deceased individuals’ cremains is to be maintained.

If the City considers this owner to be a nuisance – and I believed he has operated in that manner – then the City should have invoked nuisance abatement proceedings, gone to court and asked a judge for a Receiver to be appointed. Someone must properly maintain the premises.

Instead, the Planning Department has made an effort to find a “work around” solution by declaring the so-called conditional use permit null and void – and by proposing a categorical exemption, does not even propose a mitigation that would protect this precious resource. (I am aware that the Planning Department’s position is that if there is no case then there is no CEQA clearance. My position is that if the City Planning Department makes a decision that is clearly-predictable to have a Significant Impact on the resource – in terms of both the cremains and the building – then that action itself is a CEQA event and requires mitigation.

Regarding whether or not there was a deemed to be approved conditional use permit and whether the prior operator actually discontinued operations from 2004 to 2008, I disagree with both assessments.

The building was permitted in 1905 (City of Los Angeles permit included in this package) as a crematory. The architect was Charles Whittlesey, well known by then for his pioneering use of concrete as a structural building material (something we now take for granted but which was not much in use at that time). Perhaps the Zoning Administrator did not realize that the street names in Los Angeles changed over time, and that at that the street now named “Catalina” was named “Grover.” Had he and/or staff researched the City’s own website with the proper street name and address, 1605 Grover, the attached permit would have been revealed.

There were a series of permits between 1913 and the 1940s in which the building was identified as a crematorium as well as a chapel and a columbarium. Then in 1949 a new permit and “application for Certificate of Occupancy” was applied for and obtained, in which among other things the building was described as being in “same” use for 43 years (e.g., from the time the work was completed in 1906), and that the “zone” was “OK” – that is, approved.

You may not be aware that the City of Los Angeles did not issue Certificates of Occupancy before the late 1940s. All buildings with proper permits and described uses before that have “deemed to be approved certificates of occupancy” – not “deemed to be approved conditional use permits.”

To believe otherwise would mean that there are thousands, scores of thousands, or perhaps hundreds of thousands, buildings throughout Los Angeles built from the 1870s through about 1946 that no longer enjoy their original permits, be they churches, streetcar commercial buildings with apartments above, duplexes and fourplexes in what are now single family zones, or in this instance, a 1905 historic building that is still in its original use that was permitted.

If this ruling is allowed to stand, you create a precedent for all the others, with resulting chaos.

Moreover, this Determination, if upheld, makes it not only extremely difficult for the current Operator/Applicant/Appellant to continue any operations – because it follows the land and not the person, it also makes it nearly impossible to find a replacement operator.

And on a practical basis, it appears as if Planning staff and the Zoning Administrator – and all the opposition parties – simply do not understand how older cemeteries operate and survive.

When a family purchases a grave site – or in this case, a niche – the family is buying a small piece of real estate and in addition the family contributes to a perpetual endowment. The family also purchases their own urn or other final container for their loved one’s cremains. The fees to the endowment may have been intended to last in perpetuity, but for most of Los Angeles’ historical cemeteries those early funds were not large enough and have been spent. That is why cemeteries must remain “active” with new chapel services and new burials. In this case, there is no room as far as we know for new burials, with the exception of the (some unpermitted) exterior columns, so, again practically speaking, if the one economic operation which can help generate funds for the maintenance of the “cemetery grounds” (the building) is ordered ceased, then there are likely no funds to maintain it.

Will the Planning Department take on that charge?

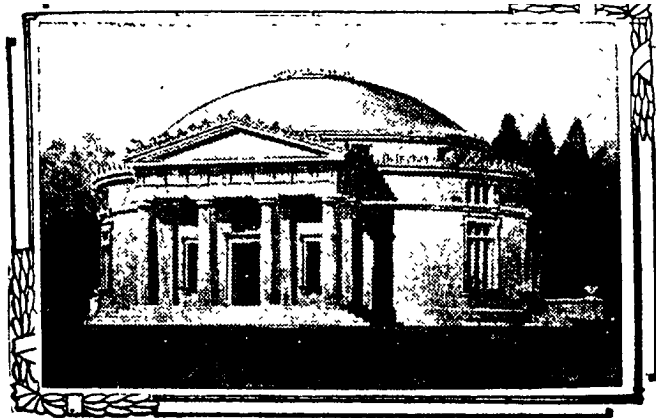
Commissioners, I am asking that you carefully consider your decision today (August 6, 2019). Is there an alternative decision that would allow the historical building and the thousands of souls in permanent rest there to be protected?

Thank you very much.

Laura Meyers

Cell 323-868-0854

# Crematory That Stirred Pico Heights.



Here is a picture of the proposed \$50,000 crematory which the Pico Heights people are fighting. It is to cost \$50,000 and be built at Sixteenth and Grover streets, on ground purchased for the purpose by the Los Angeles Crematory Association. Work will soon be commenced, announce officers.

Directors of the company last night emphatically disclaimed any idea of building a garbage plant, as has been rumored, and said positively that it will be used for crematory purposes only, that the combustion will be perfect, smokeless and odorless.

They stated further that they have chosen, as near as possible, a location removed from the growing section of Pico Heights, and their intention is to make the building ornate and imposing. The grounds have a frontage of 250 feet on Grover street and 187 feet on Sixteenth. A switch is to be built from the Los Angeles-Pacific Railway, adjacent to the property, for the accommodation of funeral cars.

The building is to be of reinforced concrete and will be ornamented with

decorative friezes. Four marble pillars, of Corinthian design, will adorn the main entrance. The porticos will be tiled and ornamented with marble. The crematory will be ninety-seven feet long and seventy-four feet wide. There will be two stories and a basement. The basement will contain the retorts, which will be built at a cost of \$15,000.

The main floor will contain a chapel, with a seating capacity for 200 persons. The chapel will be open through the second story to the ornamented dome. There will be a chancel and a choir loft. Around the lower story will be a circular hallway where niches will be built for the reception of the urns containing ashes of the dead. Niches will also be built within the main chapel.

The second story will consist of a wide balcony extending around the chapel, which will also contain burial niches. In all 3500 receptacles will be built in the walls.

The stockholders of the Los Angeles Crematory Association are: A. E. Vesper, Pasadena; Henry Newby, president Pasadena National Bank; E. T. Off, A. W. Bumiller, M. F. Reynolds, L. W. Vaughn and Luther G. Brown.

# Los Angeles Crematory, Chapel and Columbarium (AKA Chapel of the Pines)

1605 S. Catalina Ave.

Year built: 1905

Architect: Charles F. Whittlesey

This historic Chapel, Columbarium and Crematorium was erected on the edge of the Pico Heights Township in 1905, before the community was annexed to the City of Los Angeles. It is adjacent to the famous (landmark) Rosedale Cemetery, which had been established in 1887, and at the time of the construction of this structure the two properties were open to each other, so that funeral services and cremations could be held in either setting.

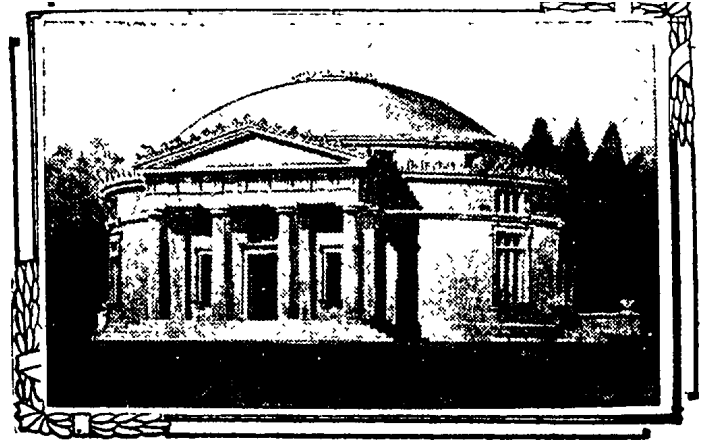
Today, the Columbarium holds the remains of some notable Hollywood denizens, including Ann Sheridan, Herbert Marshall (*The Letter, The Little Foxes*), Gilbert "Bronco Billy" Anderson, Thomas Mitchell (Uncle Billy in *It's a Wonderful Life*), Edmund Gwenn (Santa in *Miracle on 34th Street*), Maude Fulton, screenwriter of *The Maltese Falcon*, and William Nicholas Selig, motion picture pioneer.

The architect, Charles F. Whittlesey, was an internationally known designer who was among the first to use reinforced concrete. He designed the Philharmonic Auditorium and the Hotel Huntington (now the Langham Huntington Hotel) in Pasadena, and the El Tovar Hotel at the Grand Canyon.

The Crematorium's principal developer, Luther G. Brown, was a well known educator, politician, attorney, and business promoter. He was part of the defense team in the trial of Col. Griffith (Griffith Park) when the latter was prosecuted for the attempted murder of his wife, in 1904.

Crematory That Stirred Pico Heights.  
Los Angeles Times (1886-1922); Nov 5, 1905;  
ProQuest Historical Newspapers Los Angeles Times (1881 - 1987)  
pg. 115

## Crematory That Stirred Pico Heights.



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LUTHER G. BROWN, President Young Men's Republican Club, Who Called the Meeting to Order.



CREMATORY, LOS ANGELES, CAL.  
C. F. Whittlesey, Architect

THE INLAND ARCHITECT AND NEWS RECORD  
NOVEMBER, 1907

# Chapel of the Pines EXTERIOR TODAY





**Chapel of the Pines INTERIOR VIEWS**

**Current images (above)**

**Vintage photos and postcard (below)**



**Chapel of the Pines INTERIOR TODAY**  
**(Details: chandelier, niches, stained glass)**



# All Applications Must be Filled Out by Applicant

Bldg. Form 3

PLANS AND SPECIFICATIONS and other data must also be filed

BUILDING DIVISION

# 3

## DEPARTMENT OF BUILDING AND SAFETY

### Application to Alter, Repair or Demolish

To the Board of Building and Safety Commissioners of the City of Los Angeles:

Application is hereby made to the Board of Building and Safety Commissioners of the City of Los Angeles, through the office of the Superintendent of Building, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Los Angeles.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

REMOVED FROM

REMOVED TO

TAKE TO ROOM No. 248 (2ND FLOOR) CITY CLERK PLEASE VERIFY

TAKE TO ROOM No. 5 (MAIN ST. FLOOR) ENGINEER PLEASE VERIFY

Lot _____ Block _____	Lot _____ Block _____
Tract _____	Tract _____
Book _____ Page _____ F. B. Page _____	Book _____ Page _____ F. B. Page _____
From No. <u>1605 So. Catalina St.</u> Street _____	
To No. <u>18th St. &amp; 1st St. &amp; 1st St. &amp; 1st St.</u> Street _____	

O. K. City Clerk  
O. K. City Engineer  
By \_\_\_\_\_ Deputy

(USE INK OR INDELIBLE PENCIL)

- What purpose is the present Building now used for? Chapel + Cemetery
- What purpose will Building be used for hereafter? same
- Owner's name Los Angeles Cemetery Assn Phone Beacon 6831
- Owner's address 1605 So Catalina St.
- Architect's name \_\_\_\_\_ Phone \_\_\_\_\_
- Contractor's name Edwin G. Drush Phone Mut 8244
- Contractor's address 1018 Mignonne St.
- VALUATION OF PROPOSED WORK {Including all Material, Labor, Finishing, Equip-ment and Appliances in Completed Building.} \$ 432.00
- Class of present Building A No. of rooms at present \_\_\_\_\_
- Number of stories in height 1 Size present Building \_\_\_\_\_ x \_\_\_\_\_
- State how many buildings are on this lot \_\_\_\_\_
- State purpose buildings on lot are used for Cemetery  
(Apartment House, Hotel, Residence, or any other purpose.)
- What Zone is Property in? D

STATE ON FOLLOWING LINES EXACTLY WHAT ALTERATIONS, ADDITIONS, ETC., WILL BE MADE TO THIS BUILDING:

Removal of concrete canopy over driveway in rear of chapel - no disturbance of any structural part of main bldg.

I have carefully examined and read the above application and know the same is true and correct, and that all provisions of the Ordinances and Laws governing Building Construction will be complied with, whether herein specified or not.

(Sign here) Los Angeles Cemetery Assn  
by L. D. Cowan Assn  
(Owner or Authorized Agent)

OVER

FOR DEPARTMENT USE ONLY

PERMIT NO. <b>5909</b>	Plans and Specifications checked and found to conform to Ordinances, State Laws, etc. <u>[Signature]</u> Plan Examiner	Application checked and found O. K. <u>[Signature]</u> Clerk	STAMP HERE WHEN PERMIT IS ISSUED <b>MAR 6 1929</b> L.A. BLDG. DEPT.
---------------------------	--	--	---

OKnowell



3

ELECT. DIV.  
APPROV. FOR REG. 2  
before state permit  
Final filed  
ALVIN E. TOAKLEY  
ELECTRICAL INSPECTOR

APPLICATION TO  
ALTER, REPAIR, OR DEMOLISH  
AND FOR A  
Certificate of Occupancy

Form B-1-1949-1-2  
CITY OF LOS ANGELES  
DEPARTMENT  
OF  
BUILDING AND SAFETY  
BUILDING DIVISION

Lot No. \_\_\_\_\_  
Tract \_\_\_\_\_  
Location of Building 1605 So Catalina St.  
(House Number and Street)  
Between what cross streets Yenia and Washington Blvd.  
Approved by City Engineer \_\_\_\_\_  
Deputy \_\_\_\_\_

USE INK OR INDELIBLE PENCIL.  
1. Present use of building Columbarium + Crematory Families \_\_\_\_\_ Rooms \_\_\_\_\_  
(Store, Dwelling, Apartment House, Hotel, or other purpose)  
2. State how long building has been used for present occupancy 43 years  
3. Use of building AFTER alteration or moving same Families \_\_\_\_\_ Rooms \_\_\_\_\_  
4. Owner Peace Bros Crematorium Phone RE 5179  
5. Owner's Address 1605 So Catalina P. O. Los Angeles, Calif.  
6. Certified Architect \_\_\_\_\_ State License No. \_\_\_\_\_ Phone \_\_\_\_\_  
7. Licensed Engineer \_\_\_\_\_ State License No. \_\_\_\_\_ Phone \_\_\_\_\_  
8. Contractor Farnum Marble Co. State License No. 32303 Phone FR 7834  
9. Contractor's Address 3522 Corvial St. Los Angeles, Calif. C-29

10. VALUATION OF PROPOSED WORK 23,000  
(Including all labor and material and all permanent lighting, heating, ventilating, water supply, plumbing, fire sprinkler, electrical wiring and elevator equipment therein or thereon)  
11. State how many buildings NOW on lot and give use of each. One Columbarium + Crematory Building  
(Store, Dwelling, Apartment House, Hotel or other purpose)  
12. Size of existing building 141' x 113' Number of stories high 1 Height to highest point 50'  
13. Material Exterior Walls Masonry Exterior framework wood  
(Wood, Steel or Masonry) (Wood or Steel)  
14. Describe briefly all proposed construction and work:  
Install marble shelves, partitions backs and fronts to form Columbarium niches for cremated remains

NEW CONSTRUCTION

15. Size of Addition x Size of Lot x Number of Stories when complete \_\_\_\_\_  
16. Footing: Width \_\_\_\_\_ Depth in Ground \_\_\_\_\_ Width of Wall \_\_\_\_\_ (Size of Floor Joists)  
17. Size of Studs x Material of Floor \_\_\_\_\_ Size of Rafters \_\_\_\_\_ Type of Roofing \_\_\_\_\_

I hereby certify that to the best of my knowledge and belief the above application is correct and that this building or construction work will comply with all laws, and that in the doing of the work authorized thereby I will not employ any person in violation of the Labor Code of the State of California relating to Workman's Compensation Insurance.

DISTRICT OFFICE J.O. 29846 Sign here Peace Bros Crematorium  
By R.S. Smith (Owner or Authorized Agent)

FOR DEPARTMENT USE ONLY

Date <u>JUN 11 1949</u>	PLAN CHECKING	REINFORCED CONCRETE	Blk. _____	Cement _____	Tons of Reinforcing Steel _____	Fee Paid \$ <u>40</u>	Valuation <u>23,000</u>	Receipt No. <u>8632</u>	F.E.E.S. _____	Blk. Per _____	STAMP FEE <u>25</u>	Occupancy _____	Total <u>94</u>
TYPE <u>I</u>	GROUP <u>61</u>	Maximum No. Occupants _____	Inside Lot _____	Corner Lot _____	Key Lot _____	Lot Size _____	Zone <u>1</u>	Fire District _____	Dist. No. _____	Street Widening _____	Application checked and approved <u>JUN 15 1949</u>	Stamp here when Permit is issued	Inspector <u>E.H. Sachs</u>
PERMIT No. <u>LA 10214</u>	Plans and Specifications checked <u>Kantshover</u>	Construction Verified <u>Kantshover</u>	Plans, Specifications and Application reviewed and approved <u>W.H. Miller</u>	1st Plan Set _____	Filed with _____	1126 1/2	Continuation Inspection _____	Special-Required Valuation Included Yes _____ No _____	Inspector _____				

F 9800

APPROVED FOR  
DRIVEWAYS

H.D.T. JUN 13 1949

ZONE AND YARDS O. K.  
DATE 6-15-49 *H. H. Howard*

All applications must be filled out by applicant

WARD 4

PLANS AND SPECIFICATIONS and other data must also be filed

BOARD OF PUBLIC WORKS

DEPARTMENT OF BUILDINGS

2

Application for the Erection of Frame Building

CLASS "D"

To the Board of Public Works of the City of Los Angeles:

Application is hereby made to the Board of Public Works of the City of Los Angeles, through the office of the Chief Inspector of Buildings, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described or any portion thereof, for any purpose that is, or may hereafter be, prohibited by ordinance of the City of Los Angeles.

Third: That the granting of the permit does not affect or prejudice any claim of title to or right of possession in the property described in such permit.

L. A. CEMETARY ASSN.

(SIGN HERE)

Chas. Reynolds (Applicant)

Lot No. 79 Block 179
79 E. on W. side of Grover St. beg. at a point 1/2 mi. S. of W. end of L.A. Pacific Th. S. on W. line of Grover St. 200 ft. to W. 187.50 ft. to a line of Baseline Cemetery Th. 187.50 ft. to a line of Grover St. to beg.
District No. 9 W. B. Page 66 F. B. Page 66

No. 1605 Grover St

(USE INK OR INDELIBLE PENCIL)

PLANS CHECKED BY - O.K. ENGINEER

TAKE TO ROOM No. 6 FIRST FLOOR ASSESSOR PLEASE VERIFY
TAKE TO ROOM No. 34 THIRD FLOOR ENGINEER PLEASE VERIFY

O.K. City Assessor
O.K. City Engineer
Deputy

- 1. PURPOSE OF BUILDING: Chappell. Number of rooms: 1
2. OWNER'S NAME: L.A. Cemetery Assn. Phone:
3. Owner's address: 1605 Grover St. Reynolds
4. Architect's name: Phone: West 2101
5. CONTRACTOR'S NAME: L.A. Cemetery Assn. Phone:
6. Contractor's address:
7. ENTIRE COST OF PROPOSED BUILDING, \$: 2,000.00
8. Size of lot: 30 x 187.50. Size of building: 30 x 32
9. Will building be erected on front or rear of lot? Front
10. NUMBER OF STORIES IN HEIGHT: 1. Height to highest point of roof: 20 ft
11. Height of first floor joist above curb level, or surface:
12. Character of ground; rock, clay, sand, filled, etc.:
13. Of what material will FOUNDATION and cellar walls be built? Concrete
14. GIVE depth of FOUNDATION below the surface of ground: 7 ft
15. GIVE dimensions of FOUNDATION and cellar wall FOOTINGS: 12' x 6"
16. GIVE width of FOUNDATION and cellar wall at top: 8"
17. NUMBER and KIND of chimneys: 1 Brick. Number of flues: 1
18. Number of inlets to each flue: 1. Interior size of flues: 8 x 7
19. Give sizes of following materials: REDWOOD MUDSILLS 2 x 6. Girders 6 x 8. EXTERIOR studs 2 x 4. INTERIOR BEARING studs 2 x 4. Interior Non-bearing studs x. Ceiling joist 2 x 4. Roof rafters 2 x 4. FIRST FLOOR JOISTS 2 x 6. SECOND FLOOR JOIST x. Third floor joist x. Fourth floor joist x.

Date issued: AUG 21 1913

Entered in Book: 6A. Muddock

PERMIT NO. 10986

OVER

20. Specify material of roofing.....
21. Specify material of partitions.....
22. Specify material of floors.....
23. Specify how many thicknesses of floor.....
24. How will halls and soffits of stairs be plastered?.....
25. Will cellar or basement ceiling be plastered?.....
26. Specify size of vent shafts to water closet compartments .....
27. What means of access to roof?.....
28. How many fire escapes will be provided..... Where placed?.....
29. Specify number of buildings on this lot.....
30. What are the buildings now on this lot used for?.....

REMARKS:

Application Received..... Time..... Returned.....

All applications must be filled out by applicant

(USE INK OR INDELIBLE PENCIL)

PLANS AND SPECIFICATIONS and other data must also be filed

WARD 5

BOARD OF PUBLIC WORKS

3

DEPARTMENT OF BUILDINGS

Application to Alter, Repair or Demolish

To the Board of Public Works of the City of Los Angeles:

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Third: That the granting of the permit does not affect or prejudice in any way the right of possession in, the property described in such permit.

L. A. CREMATORY ASSN.

(SIGN HERE) Chas. Crispino Pres (Applicant)

CITY ASSESSOR: PLEASE VERIFY.

REMOVED FROM

REMOVED TO

W 11

TAKE TO ROOM NO. 6 FIRST FLOOR

Block	Lot	Block	Lot
169		169	
Page 2		Page 4	
Lot on W Side of Groves St beg at a Point 50' Prof of Groves St to S on W line of Groves St 200 ft. Th. W 187.5 ft. to E line of Rosedale Crematory th. N 200 ft. Th. E 187.5 ft. to W line of Groves St to beg			

O. K. City Assessor By [Signature]

TAKE TO ROOM NO 34 THIRD FLOOR

CITY ENGINEER: PLEASE VERIFY STREET NUMBER

No. 1605 Groves St

To No. A. CREMATORY ASSN. by Chas Crispino Pres

O.K. City Engineer By [Signature]

- Owner's name L. A. CREMATORY ASSN.
- Owner's address 1605 Groves St
- Architect's name L. A. CREMATORY ASSN.
- Contractor's name \_\_\_\_\_
- Contractor's address 1605 Groves St
- Entire cost of the proposed improvements, \$ 1500
- Purpose of the building Machinery Room
- Class of building D No. of rooms at present 1
- No. of stories in height 1 Size of present building 20 x 40
- Size of new addition 24 x 40 No. Stories in height 1
- Material of foundation Concrete Size footing 18x6 Size of wall 8" Depth below ground 1 1/2'
- Size of Redwood Posts 2 x 6 Size of exterior studs 1 1/2 x 4
- Size of interior bearing studs 2 x 6 Size of interior non-bearing studs \_\_\_\_\_
- Size of first floor joist 2x8 Second floor joist \_\_\_\_\_
- STATE ON FOLLOWING LINES JUST WHAT YOU WANT TO DO.

We desire to build as described above for the purpose of using as a Machinery Room. The foundation of building to be of concrete on earth.

PERMIT NO. 9275

Date issued Jul 14 1913

Application Received [Signature]  
6. a. OVER

250

REMARKS

[Faint, mostly illegible text in the upper section of the page, possibly bleed-through from the reverse side.]

This permit is issued for construction only.  
Does not give any right or permission to use  
the building or premises for any business or  
purpose that is, or may be hereafter prohibited,  
by Ordinance, rule or regulation of any Depart-  
ment, Officer, Board or Commission of the City  
of Los Angeles.

*B. P. Par 16*

Ward 4

Applicant must indicate the Building Line or Lines clearly and distinctly on the Drawings.

# Application for Erection of "Class A" Buildings

Application is hereby made to the Superintendent of Buildings of the City of Los Angeles, for the approval of the detailed statement of the specifications and plans herewith submitted for the erection of the building herein described. All provisions of the Building Ordinances shall be complied with in the erection of said building, whether specified herein or not.

(Sign here) The Los Angeles Crematory Association  
by Luther S. Brown, Secy  
Los Angeles, Cal., Oct 23 1905

OCT 24 1905  
J. J. BACKUS,  
SUPERINTENDENT.

Location: Lot 504 S. 4th Block 1  
Assessor: Lt. Col. Cal. S. Kim of L.A. Co. Pl. & M. Co. W. Line Comm.  
Please: 4th W. 9th 1875 1/2 ft. E. Kim of Pasadena Cemetery the City  
Verify: 200 ft. of 4th St. to middle north of L.A. Pl. & M. Co. 1875 1/2 ft.  
District No. 20 M. B. page 19 F. B. page 335  
Engineer: 1605 Grover  
Please: 1605 Grover  
Verify: 1605 Grover Street

- Purpose of the Building Crematory  
Is any part to be used for store or other business purposes? If so, state what No.
- Owner's name Los Angeles Crematory Association
- Owner's address 70 Luther S. Brown, Secy, 238 W. 12th St.
- Architect's name Chas. H. W. Littlesey & Co.
- Builder's name Weymouth Crowell
- Builder's Address 1029 W. Hill St.
- Estimated Cost of the Proposed Improvements, \$ 50,000.00
- Size of lot? 200 feet front; 200 feet rear; 187.50 feet deep.
- Size of building? 60 feet front;          feet rear; 90 feet deep;  
Size of extension?          feet front;          feet rear;          feet deep;
- Number of stories in height: main building? One and gallery Extension? one  
Height from curb level to highest point: main building? 39 feet. Extension          feet.
- What is the character of the ground: rock, clay, sand, filled, etc. Loam
- Will the foundation be laid on earth, rock, or piles? 2 arch
- Will there be a basement? yes
- What will be the base, stone or concrete? concrete  
Give thickness and how laid
- What will be the depth of foundation walls below curb level? 11' 0"
- Of what will foundation walls be built? concrete and steel rods
- Give thickness of foundation walls; front. 9" inches; sides. 9" inches;  
rear 7 inches.
- Will interior supports be C. I. or steel columns? concrete reinforced  
Give size of same. 12" x 30"
- Give size of piers and cap plates or stones
- Give base course, width and thickness 30" and 36", 12" thick

Permit No. 7128

1905



July 29, 2019

South Los Angeles Area Planning Commission  
Constituent Service Center Los Angeles  
8475 South Vermont Avenue  
Los Angeles, California 90044

**Subject: 1605 S. Catalina Street, Los Angeles, CA ("Property")  
Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Attention: South Los Angeles Area Planning Commission,

On behalf of the Koreatown residents affected by the illegal operations at 1605 Catalina, I am writing to provide a response to the Appeal filed on May 29, 2019 (Exhibit A) by Henry Chun, representing Community Funeral Services, Inc. ("Appellant"). The Appellant challenges the Zoning Administrator's dismissal of the Approval of Plans for a crematory and chapel and the conditions imposed for operation of the columbarium for the facility located at 1605 South Catalina Street in Los Angeles (Case Number ZA-2014-0397-PAD-PA1).

To provide a brief history, Community Funeral Services ("CFS") operates under DBA Chapel of the Pines and Dae Han Mortuary at a property located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School. The Property has a long history, predating the adoption of the Los Angeles Zoning Code in 1946, of being used as a crematory and columbarium under previous ownership, the Pierce Brothers, who shut down operations in 2003.

CFS purchased the property in 2006 and was first licensed by the State of California in May of 2007. During this time, the deemed to be approved status was effectively lost as a result of a discontinuance of use. Prior to the purchase of the property, CFS had every opportunity to fully assess the appropriateness of his business for use on this property and being an industry operator should enable CFS to easily determine that the proposed use was not permitted at 1605 Catalina without first obtaining a conditional use permit. Rather than apply for the required entitlement, CFS was granted by the City this "deemed-to-be-approved" status under false pretenses through the owner's representative, in a letter to the Los Angeles Department of Building and Safety on May 1, 2009, claiming that the property was in continuous use during the period in which it was not operational.

Further, CFS expanded its operations beyond the deemed to be approved uses and began a full-scale mortuary business without permits and in violation of City law, including the sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, and arrangement of onsite funeral services with the construction of 27 illegal and unpermitted columbarium structures for the interment of cremated human remains within a 5,198 square-

foot outdoor memorial garden.

As outlined in previous correspondence with the Office of the Zoning Administrator (Exhibit B, Exhibit C), we have provided evidence that CFS knowingly, consistently, and flagrantly violated the City's zoning and construction municipal code, resulting in substantial injury to nearby residents. In response to code enforcement citations, abatement orders, and actions by the City Attorney, CFS's behavior can best be characterized by inaction and a general disregard for city regulators as well as the welfare of the surrounding community.

These facts, when presented by the public and evaluated by the Zoning Administrator, culminated in two main determinations (in addition to CEQA): the dismissal of a Plan Approval for a Deemed to be Approved Conditional Use to permit the operation of a crematory and chapel and further, the clarification of the permitted scope of use of the columbaria structures in which ashes are interred.

In response to the determination letter by the Zoning Administrator, rather than end this behavior of ignoring and skirting the rules imposed by the City and finally complying with reasonable conditions, CFS filed an Appeal for the aforementioned action, requesting once again a granting of the requested Plan Approval and a modification or removal of six conditions. The filed Appeal documents do not provide any evidence and very few arguments to support their request for appeal and only includes vague references that the "Appellant will present" or "Appellant will provide" and that "all points listed below are subject to supplementation up and until the time of the hearing to be scheduled." Although this is technically true, this proclamation precisely characterizes the pattern of conduct by CFS to circumvent regulatory processes and avoid public comment. By providing a request for Appeal that is completely devoid of any substance with the sole purpose of providing supplementary information at the last possible moment, the Appellant is effectively cutting the community out of this fair and transparent process and removing their ability to properly evaluate the Appellant's claims.

In spite of the lack of substantiating evidence and in direct response to the Appellant's Appeal Justification, we would like to provide the following points that specifically address the Appellant's requests:

**Dismissal of Plan Approval: Appellant requests that the Area Planning Commission grant the Plan Approval requested.**

Once again, the Appellant seeks to take up the time of City regulators and asks that the South Los Angeles Area Planning Commission grant the Plan Approval that expands the scope of use above the level previously determined by the APC in 2016, and further clarified in the most recent Zoning Administrator Determination Letter issued in May of 2019. The granting of the proposed Plan Approval would allow CFS to expand their rights on the property to be consistent with the unpermitted structures they have erected and the unpermitted uses that they have engaged in on the property.

The reasons for the dismissal of the Plan Approval were correctly founded on the simple premise that the business ceased operations for a period of greater than one year. Section 12.24 (Q) "Discontinuance of Use" of the Los Angeles Municipal Code states

*If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.*

The operation at 1605 Catalina was clearly not in use for an amount of time exceeding one year at least between 2004 and 2007 according to the State of California Cemetery and Funeral Bureau (Exhibit E) and by the admission of the Appellant in the Appeal Justification.

This fact cannot be dismissed as a technicality by the City and likely was not overlooked by the operator. As industry professionals CFS should have known, and likely did know that a lapse in use resulted in a lapse in rights and as such, chose to materially misrepresented the operational history of the property to LADBS. Because sufficient information was not presented to the Zoning Administrator until before the most recent determination made on May 16, 2019, the City was only recently able to affirm that the deemed to be approved rights have been lost as a result of a discontinuance of use for a period greater than one year.

In the filed Appeal documents, the Appellant offers only one explanation in the form of a creative interpretation of 12.24 (Q) of the LAMC, asserting that CFS continued to operate the crematory and chapel off-site and have therefore retained their rights. This argument, however, does not meet the letter, nor the intent of the code, which requires a new discretionary entitlement proceeding should a conditional use be discontinued.

While undoubtedly the decision by the Zoning Administrator would likely result in injury to the Appellant's business, the Zoning Administrator, in its determination, did not require that the Appellant shut its doors and leave town, but only required that the Appellant comply with all conditions of their discretionary entitlement and should they desire to expand those rights, they must seek approval through the standards laid out in the Los Angeles Municipal Code.

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In addition to the dismissal of a Plan Approval for a Deemed to be Approved Conditional Use to permit the operation of a crematory and chapel the Zoning Administrator provided clarification of the permitted scope of use of the columbaria structures in which ashes are interred. The mechanism of this clarification was the imposition of a set of fourteen conditions that effectively required that the columbaria structures and uses be scaled back to those originally intended by previous determinations of the City. In the determination letter issued by Charles Rausch, Associate Zoning Administrator, on May 16, 2019 (Exhibit D), the City retained eight conditions from the prior action by the South Los Angeles Area Planning Commission relating to the columbaria, revised the language in three conditions, and added three additional conditions with the purpose of ensuring the CFS will only engage in activities for which they are permitted and that any continuation or expansion of use must be subject to the same regulatory oversight and public scrutiny as any operator seeking similar rights in the City of Los Angeles.

**Condition 6: Appellant requests Condition 6 to be modified to its original language. Appellant will present a detailed history and of its compliance with the previous determination and operations to evidence that this Condition should have remained as-is.**

The Appellant requests that the condition be modified back to its original language which would effectively create an ambiguous situation in which the Appellant could engage in crematory and chapel services previously determined to be unlawful.

To support this claim, the Appellant asserts that it can present a detailed history of compliance with the previous conditions although in contrast, the Appellant's behavior shows a blatant disregard for previously imposed conditions and only chose to remove a portion of the unpermitted structures after being threatened by the City Attorney.

Additionally, revision of this condition to the original language would remove the clarification that the outdoor columbaria structures should be limited to 1,917 square feet and only in six structures, not lining the walls of the area as originally intended in the decision by the South Los Angeles Area Planning Commission. As a result, the clarifying language should remain as-is for this condition.

**Condition 7: Appellant requests Condition 7 to be modified to its original language. Appellant will present a detailed history of the use of the site as a location for mortuary-related uses, events, as well as cremations that provide for continued operation as-is.**

The Appellant requests that this condition be modified to its original language which would allow unpermitted activities to be conducted by the operator on-site. The Appellant's history of unpermitted mortuary-related uses does not grant them legal-nonconforming rights as they do not meet the threshold established by the Los Angeles Municipal code for deemed to be approved status. As such, the language should remain as is and the operator shall not engage in viewing or funeral activities until such time as a Conditional Use is granted.

**Condition 8: Appellant requests Condition 8 to be modified to its original language. Appellant uses artificial turf to cover areas also used for overflow parking, and the language in this Condition does not address use of overflow parking.**

The Appellant requests that this condition be modified to its original language with the intent of the continued use of unattractive artificial turf on the property in areas that it has designated as "overflow parking." Although on its face, the Appellant may see this as a clever technicality, the intent of the original and revised language is to ensure that the property is not a blight on the neighborhood and is attractively designed through the mechanism of landscape requirements for open areas and parking standards for parking areas, including overflow parking areas, as required by 12.21-A, 6 (h) and 12.21-A, 6 (i) of the LAMC.

**Condition 10: Appellant would like to clarify that, while scattering of ashes is legal under California law, the Appellant has not scattered and does not scatter ashes on-site. The Garden Ossuary near Catalina Street provides for group interment of cremains underground and Appellant would like to continue to do so to provide a cost-effective burial option to clients. Appellant would like to note that this Condition clearly reflects much of the misinformation disseminated by opponents of Appellant's continued use of the site.**

In the Appeal Justification the Appellant clearly shows its intent to continue to skirt the rules regarding the interment of cremated remains outlined by the State of California and the City and County of Los Angeles. The interment of cremated remains is only permitted in designated areas that were specifically outlined in the documentation, evidence, and attestation provided by the Appellant during the discretionary entitlement process. The code does not allow for the Appellants assertion of "group interment" in the scatter garden area located near Catalina Street and only allows for interment in specific areas and as such, this condition should remain as written.

**Condition 11: Appellant respectfully requests removal of this condition. Appellant has complied with City and State requirements for operation of a crematorium. The crematorium ceased operation for upgrades while the use of the remainder of the site was operational with off-site uses for crematoria in the interim. Appellant will provide evidence of these uses to provide vested rights for continued operation.**

The Appellant requests removal of this condition, contending that the crematorium ceased operation for upgrades, and they conducted off-site uses during the period from 2004 until 2008 and asserts that it will provide evidence of these uses. The rights granted by the City of Los Angeles for the operation of a crematory, as a Deemed to Be Approved Conditional Use, lapse in situations where the business ceases operation for a period of greater than one year and that business would then be required to seek a new Conditional Use Permit in all circumstances. During this time, CFS, by its own admission and supported by evidence provided by the State of California Department of Cemetery and Funeral Bureau (Exhibit E), ceased crematory services at 1605 South Catalina for a period greater than one year, effectively losing its deemed to be approved rights and as such, this condition should remain as written.

**Condition 12: Appellant respectfully requests removal of this condition. The State of California regulates the removal and reinterment of cremains. The City cannot regulate the Appellant to act contrary to California law. All issues with the City Attorney and the enforcement divisions of the City of Los Angeles have been settled and the Appellant is complying with all applicable California Laws in addressing cremains.**

The Appellant requests the removal of this condition, attempting to leverage State of California law against the imposed condition when in fact no conflict exists. CFS knowingly sold unpermitted niches to members of the community and now seeks to keep them in operation stating that it is now too late to do anything about it because the remains have already been interred.

The State of California, the County of Los Angeles, and the City of Los Angeles all have legal authority to regulate various aspects of the interment of cremated remains and current regulations allow for all of these governing bodies to work in harmony. In this particular situation, the condition language is not in conflict with State of California law and potential solutions exist for cremated remains to be removed and reinterred on- or off-site from the unpermitted area without any violation of State or Local law. Furthermore, the entire responsibility, burden, and cost of rectifying this situation for the families of the interred should be borne by CFS.

As of July 29, 2019, the Appellant has not supported any claims made in the Appeal Justification with additional information or evidence. Based on the information provided as of this date, the appeal should clearly be denied, and the conditions remain as written. Thank you for considering our correspondence and please do not hesitate to contact us to discuss the foregoing in further detail.

Most Sincerely,

*Matthew Marcote*

Matthew Marcote  
Land Use Consultant, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Roy Samaan, City Planning  
Gilbert Cedillo, Council District 1  
Jay Park, President, Pico Union Neighborhood Council



**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-2014-0397-PAD-PA1

Project Address: 1605 South Catalina Street

Final Date to Appeal: May 31, 2019

- 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): Henry Chun

Company: Community Funeral Services, Inc.

Mailing Address: 1605 Catalina Street

City: Los Angeles State: CA Zip: 90006

Telephone: (323) 731-5734 E-mail: daehanmortuary@sbcglobal.net

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

Self  Other: \_\_\_\_\_

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

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Nicole Kuklok-Waldman

Company: Collaborate, Inc.

Mailing Address: 555 West Fifth Street, Suite 3500

City: Los Angeles State: CA Zip: 90013

Telephone: 213-986-2131 E-mail: nicole@collaborate-la.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
- Specifically the points at issue
- How you are aggrieved by the decision
- 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: 5/29/2019

**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:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**Appeal Justification for 1605 Catalina Street**  
ZA-2014-0397-PAD-PA1

**1. The reason for the appeal:**

The Applicant, Community Funeral Services, respectfully requests approval of the requested Plan Approval and revision of Conditions 6 through 8 and 9 through 12. Community Funeral Services readily acknowledges past infractions that have been resolved with the City of Los Angeles. However, Community Funeral Services' activities have been severely mischaracterized by opponents who lack understanding of both the operation of the Community Funeral Services site, as well as the State's regulation of Community Funeral Services' functions.

**2. How you were aggrieved by the decision:**

The decision by the Zoning Administrator would result in irreparable injury to Applicant's business by prohibiting its key operational components.

**3. Specifically, the points at issue:**

All points listed below are subject to supplementation up and until the time of the hearing to be scheduled.

Dismissal of Plan Approval: Applicant requests that the Area Planning Commission grant the Plan Approval requested.

Condition 6: Applicant requests Condition 6 to be modified to its original language. Applicant will present a detailed history and of its compliance with the previous determination and operations to evidence that this Condition should have remained as-is.

Condition 7: Applicant requests Condition 7 to be modified to its original language. Applicant will present a detailed history of the use of the site as a location for mortuary-related uses, events, as well as cremations that provide for continued operation as-is.

Condition 8: Applicant requests Condition 8 to be modified to its original language. Applicant uses artificial turf to cover areas also used for overflow parking, and the language in this Condition does not address use of overflow parking.

Condition 10: Applicant would like to clarify that, while scattering of ashes is legal under California law, the Applicant has not scattered and does not scatter ashes on-site. The Garden Ossuary near Catalina Street provides for group interment of cremains underground and Applicant would like to continue to do so to provide a cost-effective burial option to clients. Applicant would like to note that this Condition clearly reflects

much of the misinformation disseminated by opponents of Applicant's continued use of the site.

Condition 11: Applicant respectfully requests removal of this condition. Applicant has complied with City and State requirements for operation of a crematorium. The crematorium ceased operation for upgrades while the use of the remainder of the site was operational with off-site uses for crematoria in the interim. Applicant will provide evidence of these uses to provide vested rights for continued operation.

Condition 12: Applicant respectfully requests removal of this condition. The State of California regulates the removal and reinternment of cremains. The City cannot regulate the Applicant to act contrary to California law. All issues with the City Attorney and the enforcement divisions of the City of Los Angeles have been settled and the Applicant is complying with all applicable California Laws in addressing cremains.

#### **4. Why you believe the decision-maker erred or abused their discretion.**

The Applicant is prepared to provide evidence demonstrating that it has continued to work within the law to maintain a complaint business. Many of the statements made in the ZA determination are not true and will be detailed at the appeal hearing. In addition, many of the issues addressed in the Plan Approval are already regulated by the State and are therefore preempted. When all of the allegations stated are resolved, it will be clear that Community Funeral Services should be allowed to continue to operate as a member of the community.

# **CRAIG FRY & ASSOCIATES** LLC™ DEVELOPMENT CONSULTING

1010 SOUTH ARROYO PARKWAY, NO. 6 | PASADENA, CA 91105 | (310) 621-2309 | DRAGON@CRAIGFRYANDASSOCIATES.COM

February 27, 2019

Charlie Rausch  
Zoning Administrator  
City of Los Angeles  
Department of City Planning  
200 North Spring Street  
7th Floor  
Mail Stop 395  
Los Angeles, California 90012

**Subject:**       **1605 S. Catalina Street, Los Angeles, CA ("Property")**  
                  **Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Dear Mr. Rausch:

On behalf of concerned residents in the Koreatown community, I am writing to provide an updated summary of the zoning violations and complaints against Community Funeral Services, Inc. (California SOS Entity No. C2832024). This letter is to supplement the previous letter sent to Lisa Webber, Chief Zoning Administrator, by our organization on September 12, 2018.

Community Funeral Services ("CFS") currently operates a crematory and maintains columbarium structures at 1605 South Catalina Street in Los Angeles. CFS operates under DBA Chapel of the Pines and Dae Han Mortuary.

For many years, CFS has knowingly and flagrantly violated the City's zoning and construction laws, resulting in substantial injury to nearby residents. In the face of code enforcement citations, abatement orders, and actions from the City Attorney, CFS's behavior can best be characterized by inaction and disregard for the surrounding community as well as the City's zoning laws. The sole purpose of this letter is to address the Company's most recent zoning violations and propose an appropriate remedy. However, before asking the City to exercise its considerable zoning powers, it is important to consider the context— that CFS engaged in a scheme to profit from the sale of columbarium niches for the interment of cremated human remains without disclosing to the buyers that the structures were built in violation of State construction standards and the City's building and zoning code.

There is also evidence that CFS has also illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City. These matters have been referred to the Los Angeles District Attorney's office for investigation and prosecution.<sup>1</sup> Furthermore, there is also substantial evidence that CFS ignored multiple State laws that govern the construction, sale and maintenance of columbarium niches for cremated remains. These violations are concurrently being investigated by the State's Cemetery and Funeral Bureau.

### **Background**

The Property is located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School. The Property has a long history of being used as a crematory and columbarium, despite its current zoning for agricultural uses and its designation as open space under the City's General Plan.

- The Property was historically operated by the Pierce Brothers as a crematory and columbarium.
  - The Property's crematory operation was shut down in 2003 by the prior owner.
  - CFS acquired the dormant Property in 2006, and began a series of illegal activities that included the following:
    - Opening a full-scale mortuary business without permits and in violation of City law, including sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, and arrangement of onsite funeral services;
    - Construction of 27 illegal and unpermitted columbarium structures for the interment of cremated human remains within a 5,198 square-foot outdoor memorial garden; and
    - Sale of illegal and unpermitted columbarium niches to unsuspecting consumers.
-

- Case History:
  - Case No. ZA-2010-1762-ZV
  - Case No. ZA-2010-1762-ZV-1A
  - Case No. ZA-2014-397-PAD
  - Case No. ZA-2014-397-PAD (Letter of Clarification)
  - Case No. ZA-2014-397-PAD-1A
- CFS was unsatisfied with the limitations that the City had placed on its business In Case No. ZA-2014-397-PAD, and appealed the Zoning Administrator's determination to the Area Planning Commission.
- On November 1, 2016, in Case No. ZA-2014-397-PAD-1A, the South Los Angeles Planning Commission upheld the decision of the Zoning Administrator that limited the conduct of CFS' business.
- The Area Planning Commission affirmed the Zoning Administrator's conditions, including an order to reduce the size of an illegal and non-permitted 5,198 square-foot memorial garden containing 12 stand-alone and 15 wall-mounted columbarium structures to a 1,920 square-foot memorial garden having a maximum of 6 stand-alone columbaria.
- In addition, the South Los Angeles Planning Commission added a new condition requiring CFS to file a Plan Approval review with the City not later than May 1, 2018. This proceeding was intended to invite public comment and give the Zoning Administrator an opportunity to consider the effectiveness of the imposed conditions and the compliance record of CFS.
- The Area Planning Commission further added a new condition that put CFS on notice that if evidence of its non-compliance with any of the zoning conditions is received prior to the Plan Approval hearing, the proceeding could be transformed into a revocation hearing that would effectively terminate CFS' operations at the site.
- CFS was required to record all of the zoning conditions with the County Registrar-Recorder such that they would run with the land and be enforceable against CFS and any subsequent owner of the Property.

- Under the City Charter and Municipal Code, the decision of the Area Planning Commission was the City's final word on the matter, as no further avenue of appeal was available to CFS, except for judicial review.

### **Recent History**

In the months following the decision of the South Los Angeles Planning Commission, CFS took no action to comply with any of the following conditions that were imposed by the City:

- CFS did not file for the required Plan Approval action within the required time set forth by the determination. Only after action by the City Attorney did CFS belatedly file on September 6, 2018.
- CFS continued to operate without effectuation the land use conditions imposed by the Zoning Administrator by recording them with the Los Angeles County Registrar-Recorder. As of the date of this letter, no covenant has been recorded with the county recorder.
- Despite assurance by the representative, and guaranteed by the owner in the property owner affidavit, CFS did not reduce the size of the memorial garden to the allowed area of 1,920 square feet. Additionally, the plans that have been submitted with this plan approval are out of scale and materially misrepresent the actual site.
- Moreover, CFS also failed to reduce the number of columbarium structures to a maximum of six, defying the directive of the Planning Commission. At the time of this letter, 10 additional columbarium structures exist around the perimeter of the memorial garden, containing 360 niches, 44 of which are occupied.
- All during this time, CFS continued the lucrative business practice it first began in 2009—knowingly selling unpermitted crematory niches to the public, with nearly all sales being made to bereaved families within the Korean-American community
- In response to this delinquency, the Los Angeles Department of Building and Safety issued citations against CFS on March 14, 2018 and June 8, 2018. The violations cited included the failure of CFS to reduce the size of the outside columbarium and the removal of the columbarium structures therein. The matter was subsequently referred to the Office of City Attorney for prosecution, and an office hearing was scheduled between CFS and the City Attorney for August 28, 2018 ("City Attorney Hearing").

- After failing to comply with the City's conditions since they became effective on November 1, 2016, in the week prior to the City Attorney Hearing, CFS engaged a crew to hurriedly destroy six of the columbaria in a belated attempt to comply with the City's removal order. Each of the demolished structures contained 96 cremation niches. Provided are photographs, videos, and documents which will affirm the foregoing, and most shockingly, we can confirm that human remains were already interred in some of the cremation niches that were demolished.<sup>2</sup> We can further confirm that as of the date hereof, CFS had completed the removal of the six freestanding columbarium structures and several of the perimeter structures, but still remains in excess of the amount allowed.

### Summary of Issues

CFS resumed dormant crematory operations at the site as a "deemed-to-be-approved" conditional use in violation of City law after a prolonged break of at least 4 years that CFS failed to disclose (Exhibit A). CFS obtained this "deemed-to-be-approved" status under false pretenses in a letter to LADBS on May 1, 2009. (Exhibit B). Through this method, CFS was able to avoid the standard proceedings of seeking a conditional use and the public attention and oversight that would normally be required.

In addition, CFS has knowingly, purposefully and materially violated nearly every zoning condition imposed by the City to protect local citizens from the improper use of the Catalina Street site for the operation and maintenance of a deemed-to-be approved crematorium, chapel and columbaria. These infractions of CFS include the following:

- **Condition No. 2:** CFS did not use and develop the property in conformity with the submitted plot plan, as subsequently revised by the Zoning Administrator in case No. ZA-2014-0397(PAD). The site plan submitted does not accurately reflect site conditions and has been developed to make the memorial garden area appear smaller. (Exhibit C)
  - **Condition No. 3:** CFS did not conduct its use with due regard for the character of the surrounding community. In fact, CFS engaged in predatory actions in selling columbarium niches that were not legally permitted by City or State law, and that were never inspected to ensure compliance with the many building standards imposed by the Los Angeles Building Code and the State's Health and Safety Code. In addition, CFS continued to act in violation of previous zoning actions to limit their services to permitted activities. On multiple occasions, CFS illegally provided unpermitted funeral ceremony services for off-site burial or interment (Accompanying Media)
-

- **Condition No. 6(b):** CFS did not reduce the size of the outdoor memorial garden to 1,920 square feet as of the date of this letter. CFS has been actively engaged in demolition of columbarium structures, including structures that contained occupied niches without notification of the families of the interned, but the current memorial garden is approximately 3,500 square feet, despite the misrepresentation on the plans (Exhibit C)
- **Condition No. 6(c):** CFS did not remove all unauthorized outdoor columbaria and only removed six units that were permitted to remain in the center of the memorial garden as well as two perimeter structures. As of the date of this letter, 6 columbarium structures remain on the interior and 10 on the perimeter for a total of 16 (Exhibit C)
- **Condition No. 7(a):** CFS did not file for an Approval of Plans within 18 months from the Effective Date. CFS filed for plan approval on 9/6/18, only after legal action by the City Attorney.
- **Condition No. 8(a):** CFS did not landscape or maintain open area not used for buildings, driveways, parking areas, recreational facilities or walks. CFS has not maintained the property and has most areas are covered by concrete, dirt, and repurposed AstroTurf from a football field (Exhibit D).
- **Condition No. 8(b):** CFS did not plan a landscape buffer of a minimum 5-foot width on the portion of its lot abutting residential uses (Exhibit D).
- **Condition No. 9:** As of the date of this letter, CFS did not effectuate its rights to operate a crematory, chapel and columbaria by executing, notarizing and recording a Master Covenant and Agreement containing each of the required conditions with the Los Angeles County Registrar-Recorder.
- **Condition No. 10:** Since CFS failed to record any of the imposed conditions, including Condition No. 10, the City may have a limited ability to enforce its indemnity and reimbursement rights in any legal actions against the City related to the granted entitlements.

### **Recommendation**

The record clearly establishes that CFS has both repeatedly and consciously violated City and State laws in the pursuit of financial gains. The company has clearly demonstrated its indifference to the legitimate concerns of its neighbors and the City. Moreover, in this case there is overwhelming evidence that CFS has resisted multiple attempts by the Office of

Zoning Administration to impose reasonable conditions for the conduct of a business that is normally not allowed on land zoned for agricultural purposes and designated for open space uses.

This pattern of conduct should disqualify CFS from continuing to benefit from the special rules that shield its business from the standards and public scrutiny demanded of other businesses seeking to conduct activities that are not permitted by right under existing zoning laws. Accordingly, in light of these exceptional circumstances, and order to protect the surrounding community from the continuing unlawful business practices of CFS, we respectfully ask you to exercise the reserved powers of the Zoning Administrator to accomplish each of the following:

- Deny the Plan Approval action that has been filed by CFS (ZA-2014-0397-PAD-PA1);
- Revoke CFS's right to operate as a crematory due to failing to meet the continued use requirement and misrepresentation by the Applicant, enforce Code Section 12.24(Q), negating the "deemed-to-be-approved" status. As a result, CFS's crematory operations should be permanently shuttered or resumed only after filing for a new grant under full public comment and the City's proper regulation through the imposition of enforceable conditions.
- Require CFS to immediately scale back their operation to 1,920 square feet and six columbarium structures, as required by the original zoning determination and as affirmed by the South Los Angeles Area Planning Commission. Because there appear to be at least 44 occupied niches in the unpermitted columbarium structures, CFS should be required to make appropriate arrangements with the families of the interred for relocation to a legally permitted site.
- Require the Chapel to immediately cease all funeral services not ancillary to the interment in permitted niches and a place for visitation from the families of the interred.
- Refer this case to the City Attorney's office for the commencement of appropriate criminal proceedings against the owners of CFS pursuant to Section 12.29 of the Municipal Code, which provides that a violation of zoning conditions can be deemed a misdemeanor and punished by a \$2,500 fine and/or imprisonment in the County jail for a period not to exceed six months.

Given the extreme sensitivity of the events detailed in this letter, it is essential that this project undergo the proper review and the Office of the Zoning Administrator take prompt and decisive action in this matter to limit further harm to the public.

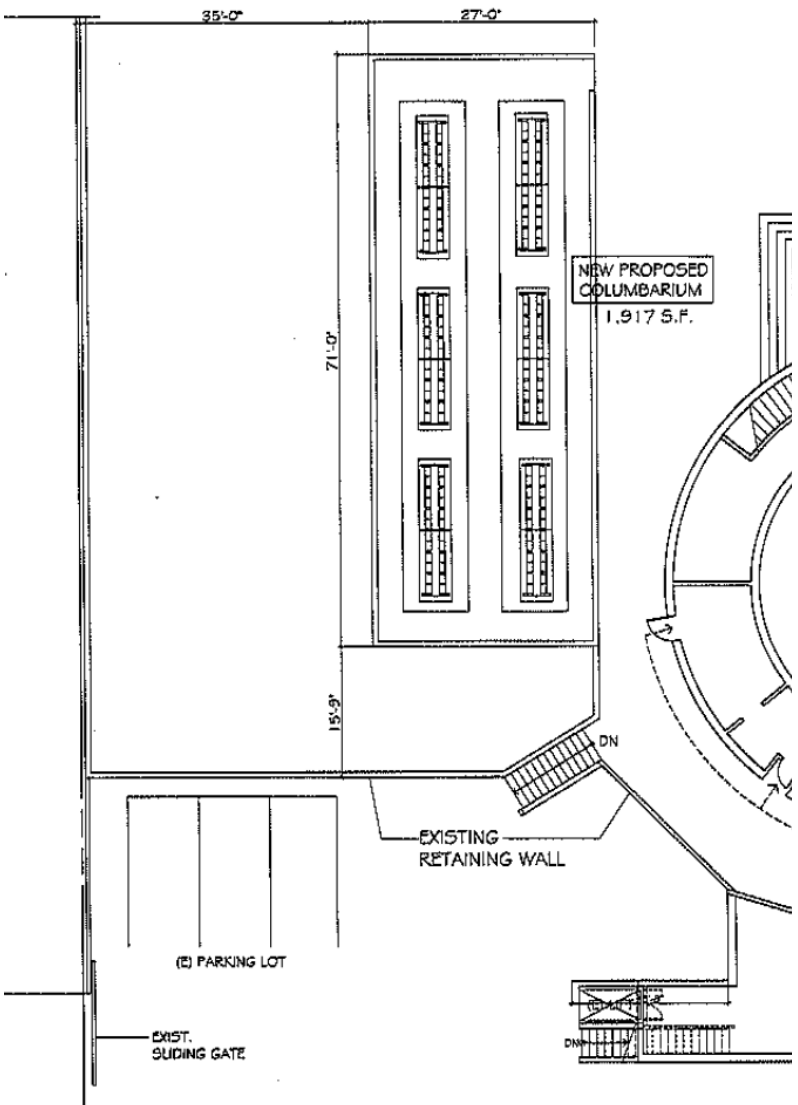
Most Sincerely,

Matthew Marcote  
Land Use Consultant, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Roy Samaan, City Planning  
Gilbert Cedillo, Council District 1  
Jay Park, President, Pico Union Neighborhood Council

Attachments:

Submitted Plans



Actual Site 2/21/19





# CRAIG FRY & ASSOCIATES<sup>LLC™</sup>

## DEVELOPMENT CONSULTING

1010 SOUTH ARROYO PARKWAY, NO. 6 | PASADENA, CA 91105 | (310) 621-2309 | DRAGON@CRAIGFRYANDASSOCIATES.COM

September 12, 2018

Lisa Webber  
Chief Zoning Administrator  
City of Los Angeles  
Department of City Planning  
200 North Spring Street  
7th Floor  
Mail Stop 395  
Los Angeles, California 90012

**Subject:** **1605 S. Catalina Street, Los Angeles, CA ("Property")**  
**Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Dear Ms. Weber:

On behalf of concerned residents in the Koreatown community, I am writing to formally lodge a complaint for zoning violations against Community Funeral Services, Inc. (California SOS Entity No. C2832024). Community Funeral Services ("CFS") operates a crematory, mausoleum and mortuary at 1605 South Catalina Street in Los Angeles.

For many years, CFS has knowingly and flagrantly violated the City's zoning and construction laws, resulting in substantial injury to nearby residents. The sole purpose of this letter is to address the Company's most recent zoning violations and propose an appropriate remedy. However, to place the conduct of CFS in its property context, I need to point out there is also documented evidence that CFS engaged in the fraudulent sale of cremation niches for the interment of cremated remains within unpermitted columbarium<sup>1</sup> structures at the Property.

There is also evidence that CFS may also have illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City. These matters have been referred to the Los Angeles District Attorney's office for investigation and prosecution.<sup>2</sup> Furthermore, there is also substantial evidence that CFS

---

<sup>1</sup> A **columbarium** is a room or structure designed as a final resting place to house cremated remains. Columbaria are permanent structures with banks of cremation niches (similar to cubbyholes, but with secure fronts) that hold cremation urns. Some columbaria have granite-front or bronze-front niches that can be engraved or memorialized with a plaque, similar to a grave marker.

<sup>2</sup> See letter at Exhibit A.

ignored multiple State laws that govern the construction, sale and maintenance of columbarium niches for cremated remains. These violations are concurrently being investigated by the State's Cemetery and Funeral Bureau.

### **Background**

The Property is located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School. The Property has a long history of being used as a crematory and mausoleum, despite its current zoning for agricultural uses and its designation as open space under the City's General Plan.

- The Property's crematory operation was shut down in 2003 by the prior owner.
- CFS acquired the dormant Property in 2006, and began a series of illegal activities that included the following:
  - Opening a full-scale mortuary business without permits and in violation of City law, including sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, and arrangement of onsite funeral services;
  - Construction of 27 illegal and unpermitted columbarium structures for the interment of cremated human remains within a 5,198 square-foot outdoor memorial garden; and
  - Sale of illegal and unpermitted columbarium niches to unsuspecting consumers.
  - Case History:
    - Case No. ZA-2010-1762-ZV
    - Case No. ZA-2010-1762-ZV-1A
    - Case No. ZA-2014-397-PAD
    - Case No. ZA-2014-397-PAD (Letter of Clarification
    - Case No. ZA-2014-397-PAD-1A.
- CFS was unsatisfied with the limitations that the City had placed on its business In Case No. ZA-2014-397-PAD, and appealed the Zoning Administrator's determination to the Area Planning Commission.

- On November 1, 2016, in Case No. ZA-2014-397-PAD-1A, the South Los Angeles Planning Commission upheld the decision of the Zoning Administrator that limited the conduct of CFS' business.
- The Area Planning Commission affirmed the Zoning Administrator's conditions, including an order to reduce the size of an illegal and non-permitted 5,198 square-foot memorial garden containing 12 stand-alone and 15 wall-mounted columbarium structures to a 1,920 square-foot memorial garden having a maximum of 6 stand-alone columbaria.
- In addition, the South Los Angeles Planning Commission added a new condition requiring CFS to file a Plan Approval review with the City not later than May 1, 2018. This proceeding was intended to invite public comment and give the Zoning Administrator an opportunity to consider the effectiveness of the imposed conditions and the compliance record of CFS.
- The Area Planning Commission further added a new condition that put CFS on notice that if evidence of its non-compliance with any of the zoning conditions is received prior to the Plan Approval hearing, the proceeding could be transformed into a revocation hearing that would effectively terminate CFS' operations at the site.
- CFS was required to record all of the zoning conditions with the County Registrar-Recorder such that they would run with the land and be enforceable against CFS and any subsequent owner of the Property.
- Under the City Charter and Municipal Code, the decision of the Area Planning Commission was the City's final word on the matter, as no further avenue of appeal was available to CFS, except for judicial review.

### **Recent History**

In the months following the decision of the South Los Angeles Planning Commission, CFS took no action to comply with any of the following conditions that were imposed by the City:

- CFS has not filed the required Plan Approval action;
- CFS never effectuated the land use conditions imposed by the Zoning Administrator by recording them with the Los Angeles County Registrar-Recorder;

- CFS did not reduce the size of the memorial garden to the allowed area of 1,920 square feet.
- Moreover, CFS also failed to reduce the number of columbarium structures, defying the directive of the Planning Commission.
- All during this time, CFS continued the lucrative business practice it first began in 2009—knowingly selling unpermitted crematory niches to the public, with nearly all sales being made to bereaved families within the Korean-American community

In response to this delinquency, the Los Angeles Department of Building and Safety issued citations against CFS on March 14, 2018 and June 8, 2018. The violations cited included the failure of CFS to reduce the size of the outside columbarium and the removal of the columbarium structures therein. The matter was subsequently referred to the Office of City Attorney for prosecution, and an office hearing was scheduled between CFS and the City Attorney for August 28, 2018 (“City Attorney Hearing”).

After failing to comply with the City’s conditions since they became effective on November 1, 2016, in the week prior to the City Attorney Hearing, CFS engaged a crew to hurriedly destroy six of the columbaria in a belated attempt to comply with the City’s removal order. Each of the demolished structures contained 96 cremation niches. We can provide you with photographs, videos and documents which will affirm the foregoing, and most shockingly, we can confirm that human remains were already interred in some of the cremation niches that were demolished.<sup>3</sup> We can further confirm that as of the date hereof, CFS had completed the removal of the six columbaria, but appears to have left many more unpermitted crematory niches in columbarium structures built into the walls surrounding the memorial garden.

### **Summary of Issues**

CFS resumed dormant crematory operations at the site as a “deemed-to-be-approved” conditional use in violation of City law after a prolonged break of at least 4 years that CFS failed to disclose.<sup>4,5</sup>

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<sup>3</sup> See Images 1 through 12 which are attached hereto.

<sup>4</sup> See Exhibit B, *Letter from the California Cemetery and Funeral Bureau*, dated September 23, 2016, showing that there was no cremation activity on the site during the years 2004, 2005, 2006 and 2007.

<sup>5</sup> Under Municipal Code Section 12.24(Q), any conditional use rights that are abandoned or discontinued for a continuous period of one year may not be re-established unless fully authorized in accordance with the procedure for the establishment of a new conditional use.

In addition, CFS has knowingly, purposefully and materially violated nearly every zoning condition imposed by the City to protect local citizens from the improper use of the Catalina Street site for the operation and maintenance of a deemed-to-be approved crematorium, chapel and columbaria. These infractions of CFS include the following:

- **Condition No. 2:** CFS did not use and develop the property in conformity with the submitted plot plan, as subsequently revised by the Zoning Administrator in case No. ZA-2014-0397(PAD).
- **Condition No. 3:** CFS did not conduct its use with due regard for the character of the surrounding community. In fact, CFS engaged in predatory actions in selling columbarium niches that were not legally permitted by City or State law, and that were never inspected to ensure compliance with the many building standards imposed by the Los Angeles Building Code and the State's Health and Safety Code.
- **Condition No. 6(b):** CFS did not reduce the size of the outdoor memorial garden to 1,920 square feet.
- **Condition No. 6(c):** CFS did not remove all unauthorized outdoor columbaria except for 6 units that were permitted to remain in the center of the memorial garden.
- **Condition No. 7(a):** CFS did not file for an Approval of Plans within 18 months from the Effective Date.<sup>6</sup>
- **Condition No. 8(a):** CFS did not landscape or maintain open area not used for buildings, driveways, parking areas, recreational facilities or walks.
- **Condition No. 8(b):** CFS did not plan a landscape buffer of a minimum 5-foot width on the portion of its lot abutting residential uses.
- **Condition No. 9:** CFS did not effectuate its rights to operate a crematory, chapel and columbaria by executing, notarizing and recording a Master Covenant and Agreement containing each of the required conditions with the Los Angeles County Registrar-Recorder.

---

<sup>6</sup> Using the most generous interpretation of "Effective Date" available, the 18-month period in which CFS was required to file the Plan Approval would have been tolled during the appellate proceedings until the decision of the South Los Angeles Planning Commission became effective on November 1, 2016. This would mean that CFS had violated this condition by failing to file the Plan Approval by May 1, 2018.

- **Condition No. 10:** Since CFS failed to record any of the imposed conditions, including Condition No. 10, the City may have a limited ability to enforce its indemnity and reimbursement rights in any legal actions against the City related to the granted entitlements.

### Request for Assistance

The record clearly establishes that CFS has both repeatedly and consciously violated City and State laws in the pursuit of financial gains. The company has clearly demonstrated its indifference to the legitimate concerns of its neighbors and the City. Moreover, in this case there is overwhelming evidence that CFS has resisted multiple attempts by the Office of Zoning Administration to impose reasonable conditions for the conduct of a business that is normally not allowed on land zoned for agricultural purposes and designated for open space uses.

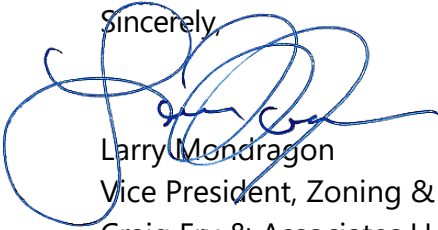
This pattern of conduct should disqualify CFS from continuing to benefit from the special rules that shield its business from the standards and public scrutiny demanded of other businesses seeking to conduct activities that are not permitted by right under existing zoning laws. Accordingly, in light of these exceptional circumstances, and order to protect the surrounding community from the continuing unlawful business practices of CFS, we respectfully ask you to exercise the reserved powers of the Zoning Administrator to accomplish each of the following:

- Deny the processing of any dilatory Plan Approval action that may be filed by CFS;
- In accordance with the remedy that was prescribed by the Area Planning Commission, immediately initiate a revocation proceeding that will determine whether CFS should be entitled to continue its use of the Property for crematory, chapel and columbaria purposes, and that will invite public comment and provide an opportunity for the City to consider the numerous and serious violations that have been committed by this operator;
- With regard to the discontinuance of the crematory operations at the Property for a period of at least 4 years, enforce Code Section 12.24(Q) and ensure that CFS fully complies with the law; and
- Refer this case to the City Attorney's office for the commencement of appropriate criminal proceedings against the owners of CFS pursuant to Section 12.29 of the Municipal Code, which provides that a violation of zoning conditions can be deemed a misdemeanor and

punished by a \$2,500 fine and/or imprisonment in the County jail for a period not to exceed six months.

Given the extreme sensitivity of the events I have detailed in this letter, we would be most appreciative if your office could take prompt action in this matter. Please do not hesitate to contact us to discuss the foregoing concerns in greater detail.

Sincerely,



Larry Mondragon  
Vice President, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Jack Chiang, Associate Zoning Administrator  
Hon. Gilbert Cedillo, Council District 1  
Jay Park, President, Pico Union Neighborhood Council

Attachments.

**EXHIBIT A**

Letter to District Attorney Office, Dated September 4, 2018

*[The Letter to the District Attorney Office should be placed here]*

# CRAIG FRY & ASSOCIATES<sup>LLC™</sup>

## DEVELOPMENT CONSULTING

1010 SOUTH ARROYO PARKWAY, NO. 6 | PASADENA, CA 91105 | (310) 621-2309 | DRAGON@CRAIGFRYANDASSOCIATES.COM

September 4, 2018

Mr. Stanley Williams, Esq.  
Head Deputy, Consumer Protection  
Los Angeles County  
District Attorney's Office  
211 West Temple Street  
Suite 1200  
Los Angeles, California 90012

**Subject:**        **1605 S. Catalina Street, Los Angeles, CA ("Property")**  
                  **Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Dear Mr. Williams:

As a follow up to our phone call, I am writing to formally lodge a complaint against Community Funeral Services, Inc. (California SOS Entity No. C2832024) on behalf of concerned citizens within the Korean-American community in the greater Los Angeles area. Community Funeral Services ("CFS") operates a crematory and mausoleum at 1605 South Catalina Street in Los Angeles. In addition, CFS also operates at the Property an illegal mortuary which knowingly sells unpermitted cremation niches for the interment of cremated remains within columbarium<sup>1</sup> structures at the Property.

### **Background**

The Property is located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School, and had a history of operating as a crematory and mausoleum. The Property's crematory operation was shut down in 2003 by the prior owner. CFS acquired the dormant Property in 2006, and began a series of illegal activities including the following:

---

<sup>1</sup> A columbarium is a room or structure designed as a final resting place to house cremated remains. Columbaria are permanent structures with banks of cremation niches (similar to cubbyholes, but with secure fronts) that hold cremation urns. Some columbaria have granite-front or bronze-front niches that can be engraved or memorialized with a plaque, similar to a grave marker.

- Reactivation of dormant crematory operations in violation of City law, after a prolonged break of at least 4 years;
- Operation of an unpermitted full-scale mortuary business in violation of City law, including the sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, arrangement of onsite funeral services;
- Construction of illegal and unpermitted structures, in particular the construction of a 5,198 s.f. outside memorial garden with 27 unpermitted columbaria containing a total 1,656 crematory niches (see attached photos); and
- Sale of illegal and unpermitted columbarium niches to unsuspecting consumers since the inception of the business in or around 2009.

After receiving numerous citations from the City in connection with various zoning and building violations, CFS attempted to legalize the illegally constructed columbaria in 2012 (denied by the City on December 12, 2012), and again in a second application in 2014. The latter case resulted in a decision by the City in 2015, which was subsequently affirmed on appeal on November 1, 2016, which ordered the demolition of all of the illegally-constructed columbaria except for 6 structures that were to be contained in a memorial garden that could not exceed a total area of 1,920 s.f.

In the years following this decision, CFS took no action to comply with the conditions that were imposed by the City, and failed to demolish and remove all of the unpermitted columbaria structures. During this time, CFS continued the lucrative business practice it first began in 2008— knowingly selling unpermitted crematory niches to the public, with nearly all sales being made to bereaved families within the Korean-American community.

In response to this delinquency, the Los Angeles Department of Building and Safety issued citations against CFS on March 14, 2018 and June 8, 2018. The violations cited included the failure of CFS to reduce the size of the outside columbarium and the removal of the columbarium structures therein. The matter was subsequently referred to the Office of City Attorney for prosecution, and an office hearing was scheduled between CFS and the City Attorney for August 28, 2018 (“City Attorney Hearing”).

#### **CFS’ Removal of Demolition and Removal of Illegal Columbaria**

After failing to comply with the City’s conditions since they became effective on November 1, 2016, in the week prior to the City Attorney Hearing, CFS engaged a crew to hurriedly destroy

six of the columbaria in an belated attempt to comply with the City's removal order. Each of the demolished structures contained 96 cremation niches. We can provide to you photographs, videos and documents which will affirm the foregoing, and most shockingly, we can confirm that human remains were already interred in some of the cremation niches that were demolished.

We have serious concerns that these cremated remains were unlawfully removed and relocated without following proper legal procedures and without proper notification to the affected families. California laws have strict regulations and procedures for the removal of any interred remains. This complaint is therefore based upon the confirmed acts of CFS, who defrauded unsuspecting and vulnerable consumers for financial gain, callously inflicting financial injury and emotional distress. Worse yet, some of these victims now face the prospect of having to bury a loved one for a second time.

### **CFS' Fraudulent Activity**

Specifically, based on information and belief, CFS has engaged in multiple acts of fraud and misrepresentation involving the following:

- (1) The marketing, sale and maintenance of cremation niches within columbaria that had been constructed, maintained and used without a permit issued by the State of California, as required under *Health and Safety Code Section 9550*, and where CFS did not disclose this material fact to each buyer.
- (2) The marketing, sale and maintenance of cremation niches within columbaria that had been constructed, maintained and used without a permit issued by the City of Los Angeles as required under Section 91.8105 of the Municipal Code, and where CFS did not disclose this material fact to each buyer.
- (3) The marketing, sale and maintenance of cremation niches within columbaria that appear not to have been constructed by CFS in accordance with the requirements of *Health and Safety Code Section 9600-9647*, and where CFS did not disclose this material fact to each buyer.
- (4) The marketing, sale and maintenance of cremation niches within columbaria that were not inspected by the City of Los Angeles for compliance with the Building Code, as required under the Section 91.108 of the Municipal Code, and where CFS did not disclose this material fact to each buyer.

- (5) The marketing and sale of urns, crematory services, and memorial services that benefitted by being tied to the fraudulent sale of cremation niches within columbaria that had not been lawfully permitted or constructed in accordance with State and local laws.

In addition to the above, CFS may have also violated certain State laws applicable to the removal of cremated human remains interred within a columbarium pursuant to an agreement where CFS committed to provide perpetual maintenance and care.

In accordance with the provisions of *Health and Safety Code Section 7500-7502*, **no remains of a deceased person may be removed from a cemetery unless a permit for the removal has been issued, and even then, only with the consent of the family or upon a written order of the Health Department or Superior Court.** In the haste of CFS to comply with the imposed zoning conditions before the City Attorney hearing, we are concerned that no proper permission or directive was obtained that would have given CFS the authority to remove and relocate the sealed remains of deceased persons under their eternal care.

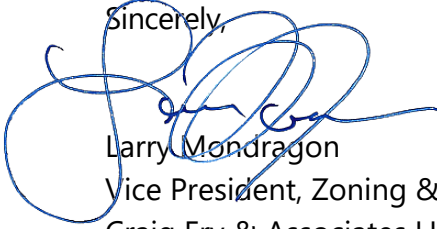
### **Conclusion**

In order to protect the Korean-American community from the predatory practices of CFS, we respectfully ask that you:

- Investigate the circumstances surrounding CFS's demolition and removal of human remains sealed within the six columbaria that were hastily demolished by CFS prior to the City Attorney Hearing, and that you ascertain whether the required legal notice was provided to the families of the deceased;
- Thoroughly investigate the CFS' practices in marketing, selling and providing perpetual repositories for cremated remains that have not been lawfully permitted or constructed in accordance with the laws of the City of Los Angeles and the State of California; and
- Upon your confirmation of these fraudulent activities, we ask that you immediately notify the members of the public to protect them from purchasing these illegal columbaria. We understand that CFS continues to advertise and sell these niches primarily targeting unsuspecting consumers in the Korean-American community.

We are most appreciative of your assistance with this highly-sensitive matter and please do not hesitate to contact us to discuss the foregoing in further detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Mondragon", is written over the typed name and title.

Larry Mondragon  
Vice President, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Hon. Jackie Lacey, District Attorney  
Hoon Chun, Assistant Head Deputy, Consumer Protection

Attachments.

**EXHIBIT B**

Letter from California Cemetery and Funeral Bureau, dated September 23, 2016

*[The Letter from the Cemetery and Funeral Bureau should be placed here]*



**CEMETERY AND FUNERAL BUREAU**

1625 N. Market Blvd., Suite S-208

Sacramento, CA 95834

P 916.574.7870 F 916.928.7988 www.cfb.ca.gov



September 23, 2016

Paul Cho  
1044 S. Orange Drive  
Los Angeles, CA 90019-1512

**RE: Public Records Act Request**

Dear Mr. Cho:

This letter responds to your Public Records Act requested dated September 13, 2016, which was received by the Cemetery and Funeral Bureau (Bureau) on September 14, 2016. You have requested the number of cremations performed at Chapel of the Pines from January 1, 2000 through December 31, 2010.

During the time period in question, Chapel of the Pines has operated the crematory under a Certificate of Authority (COA 504) by Pierce Brothers Crematorium and was owned by Service Corporation International (SCI); in 2004 a separate Crematory License (CR 184) was issued to SCI; in 2007 SCI sold the crematory to Community Funeral Services, Inc. and Crematory License (CR 268) was issued following all of the licensing requirements.

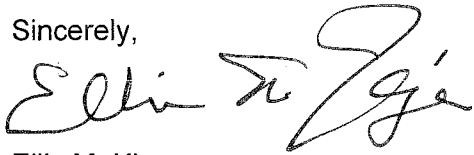
Cremations performed at Chapel of the Pines:

For COA 504	for 2000	0	
	For 2001	410	
	For 2002	444	
	For 2003	424	
CR 184	For 2004	0	License issued September 18, 2004
	For 2005	0	
	For 2006	0	
CR 268	For 2007	0	License issued May 18, 2007
	For 2008		non-reporting year for any crematory in California
	For 2009		non-reporting year for any crematory in California
	For 2010	114	
	For 2011	162	
	For 2012	70	
	For 2013	125	
	For 2014	42	
	For 2015	61	

The report for 2016 will be submitted in 2017.

If you have any further questions please contact me at 916.574.7876.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellis M. Kjer". The signature is written in a cursive style with a large, stylized initial "E".

Ellis M. Kjer,  
Enforcement Analyst

IMAGE 1

Before CFS Purchase of Property – March 15, 2006



IMAGE 2

After CFS Purchase of Property – October 7, 2007



**IMAGE 3**

After CFS Construction of Illegal Columbaria – January 8, 2008



IMAGE 4

Showing Failure to Comply with City Order – December 3, 2017



IMAGE 5

Drone Photo of CFS Property – August 23, 2018



**IMAGES 6 & 7**

Showing Removal of Columbaria – August 23, 2018



**IMAGES 8 & 9**

Showing Destruction of Existing Columbaria – August 23, 2018



IMAGES 10, 11 & 12

Demolished Crematory Niches Occupied by Deceased Persons



ESTINEH MAILIAN  
INTERIM CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
THEODORE L. IRVING  
ALETA D. JAMES  
FRANKLIN N. QUON  
CHARLES J. RAUSCH JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

EXECUTIVE OFFICES  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
(213) 978-1271

VINCENT P. BERTONI AICP  
DIRECTOR

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER

SHANA M.M. BONSTIN  
DEPUTY DIRECTOR

TRICIA KEANE  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

<http://planning.lacity.org>

May 16, 2019

Henry Chun (A)(O)  
Community Funeral Services, Inc.  
1605 South Catalina Street  
Los Angeles, CA 90006

Ariel Gutierrez (R)  
Cartomap Services  
1301 West 2<sup>nd</sup> Street, Unit 105  
Los Angeles, CA 90026

CASE NO. ZA-2014-0397-PAD-PA1  
APPROVAL OF PLANS  
1605 South Catalina Street;  
South Los Angeles Community Plan  
Area  
Zone : A1-1  
D. M. : 126B197  
C. D. : 1 – Cedillo  
CEQA: ENV 2018-5221-CE  
Legal Description: NE 1/4 SEC 36 T1S  
R14W

Pursuant to CEQA Guidelines Section 15601, I hereby DETERMINE:

Based on the whole of the administrative record, that on September 6, 2018, the project was issued a Notice of Exemption, log reference ENV-2018-5221-CE, for a Categorical Exemption Section 15301, Class 1 of the California CEQA Guidelines for granting the continuation of the operation of an existing facility with no expansion of use beyond that existing at the time of the lead agencies determination. That action is consistent with State CEQA Guidelines Article 19 (Categorical Exemptions) in that the Categorical Exemption does not meet any of the exceptions Contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects, scenic highways or hazardous waste sites;

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby DISMISS:

a Plan Approval of a Deemed to be Approved Conditional Use to permit the operation of a crematory and chapel within a 9,607 square foot building due to the fact that the crematory and chapel lost their deemed to be approved status when the original business closed in 2004 and was not resumed until 2008 by which time the business lost its deemed to be approved rights by not operating for over a one year period of time pursuant to Section 12.24-Q of the Los Angeles Municipal Code (LAMC);

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby DETERMINE:

that compliance has been partially attained with the conditions of the prior action imposed by South Los Angeles Area Planning Commission in approving in part an appeal of the Zoning Administrator's approval to allow the continued use and maintenance of an existing columbarium within an existing 9,607 square foot building and an exterior 1,917 square foot exterior columbarium.

The conditions for the columbarium use are hereby retained or amended as follows:

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. **REVISED**: Authorized herein is the continued use and maintenance of:
  - a. A 9,607 square-foot existing ~~crematory, chapel, and~~ columbarium structure.
  - b. Six outdoor columbarium structures within an area not to exceed 1,917 square feet, as shown in Exhibit "A". No additional outdoor columbaria shall be erected on the subject site and no niches may be included in the walls surrounding the outside columbarium.
  - c. No additional deviations from the Los Angeles Municipal Code are requested or approved.
7. **REVISED**: There shall be no mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains on site. ~~Viewing services and funeral~~

~~services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be cremated and incinerated into ash. Any human remains departing the site must be in the form of ash. Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without cremation, is a violation of the Zoning Code and this Conditional Use Permit. No viewing or funeral services are permitted on the site until such time as a new Conditional Use for the use of the site as a crematory and chapel are approved.~~

No earlier than 12 months and no later than 18 months from the effective date of this action, the applicant shall file for an Approval of Plans for review of compliance with these conditions of approval. The application shall be on appropriate forms and accompanied by the payment of fees as set forth in the Los Angeles Municipal Code. The application must be accepted as complete by the Department of City Planning. Mailing labels shall be provided with the application for abutting tenants and property owners of the subject property including the Council Office. The applicant shall also submit with the application a summary and all supporting documentation of how compliance with each condition has been attained.

A public hearing shall be required. The purpose of the hearing will be to consider the effectiveness of the conditions and of the compliance record of the applicant. The Zoning Administrator may upon receipt of testimony and review of the effectiveness of the conditions, modify, delete or add conditions. If there has been substantiated evidence of non-compliance prior to the hearing, the hearing may be set as a revocation hearing. This hearing may not be used as the public hearing for a new Conditional Use for a crematory and chapel on the site.

**NEW:** Failure to submit the application and the supporting Condition Compliance Report in a timely manner according to the above 12 to 18 month period of time from the end of the appeal period for this report or from the action of the South Los Angeles Area Planning Commission on appeal of this determination shall result in the City of Los Angeles, Department of City Planning filing a revocation proceeding pursuant to Section 12.27.1. of the Los Angeles Municipal Code (LAMC). The owner of the subject business shall be responsible for all fees and conditions resulting from any revocation proceeding pursuant to Section 19.01- P of the LAMC.

8. **REVISED:** All open area not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40.D) and to the satisfaction of the Development Services Center. The use of artificial turf is prohibited. Any new parking placed in the area currently covered with artificial turf shall be landscaped and trees planted pursuant to Section 12.21-A, 6(h) and (i) of the LAMC.
9. A minimum 5-foot wide landscaped buffer shall be maintained adjacent to the residential use.

10. **NEW:** The use of any landscaped or un-landscaped area on the site for the scattering of ashes is strictly prohibited especially in the landscaped area above the Ossuary on the east side of the property adjacent to Catalina Street.
11. **NEW:** The use of the on-site crematory shall be terminated upon the end of the appeal period of this case. Use of the crematory may only resume when a Conditional Use for the operation of a crematory is granted pursuant to Section 12.24-W, 12 of the Los Angeles Municipal Code. Pursuant to Condition No. 7 of this case, no on-site viewing or funeral services may occur until such time as a Conditional Use for the operation of a crematory is granted and effectuated.
12. **NEW:** After the disinterment, removal and reinterment of any remains due to the demolition of un-permitted columbaria, the columbarium owner shall produce a plan of the columbaria and niches where the remains are re-interred consistent with Sections 7954 and 7955 of the State of California Health and Safety Code and such plan shall be kept in the office of the columbarium and made available to relatives of the deceased and the Department of Building and Safety or other legal authority inspecting the site for compliance with these Conditions of Approval.
13. Prior to the issuance of any permits relative to this matter, 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.
14. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. 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.
- b. 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.

- c. 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 (b).
- d. 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 (b).
- e. 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 - TIME EXTENSION**

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 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 **May 31, 2019** unless an appeal therefrom is filed with the Department of City Planning. 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	San Fernando Valley	West Los Angeles
Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 <u>(213) 482-7077</u>	Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 <u>(818) 374-5050</u>	West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 <u>(310) 231-2598</u>

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, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a plan approval to a conditional use permit under the provisions of Section 12.24 W and 12.24 M have been established for the Columbarium use by the following facts:

### **BACKGROUND**

The subject site is a flat, rectangular lot approximately 54,118 square feet in size. The site has a frontage of 188 feet along the south side of Venice Boulevard and 288 feet along the west side of Catalina Street. The South Los Angeles Community Plan designates the site for Open Space land uses with corresponding zones of OS and A1. The site is zoned A1-1 and is not located in the South Los Angeles Community Plan Implementation Overlay (CPIO), which was adopted on December 29, 2018. The site is currently improved with a 9,607 square-foot chapel with internal columbarium structures and an external columbarium garden measuring 1,917 square feet.

The adjacent property to the north across Venice Boulevard is zoned R3-1 and is improved with Loyola High School of Los Angeles. The adjoining property to the south is zoned RD1.5-1 and is improved with single-family residential structures. The adjoining property to the west is zoned A1-1 and is improved with the Angelus Rosedale Cemetery. The adjacent properties to the east across Catalina Street are zoned CM-1-CPIO and RD1.5-1 and are currently improved with commercial structures, a surface parking lot, and single-family residential structures.

On June 1, 1961, the Zoning Administrator determined that the subject site has the status of a deemed approved Conditional Use for a crematory and columbarium, and conditionally approved the plans for the construction of a new outdoor columbarium to be used in conjunction with the existing chapel and crematory. Subsequent determinations issued by the Office of the Zoning Administration and South Los Angeles Area Planning Commission have upheld the determination that chapel, crematory, and columbarium uses are an approved use for the subject site.

The subject application is for a Plan Approval to allow the continued use and maintenance of a 9,607 square-foot chapel and crematory with interior columbarium and 1,917 square-foot exterior columbarium. The Zoning Administrator in testimony taken at the Plan Approval hearing received information that according to the records of the State of California's Cemetery and Funeral Bureau that the crematorium on the subject site was not used from 2004 to 2008, and thus, because it was not in use for over a year lost its deemed to be approved status for a Conditional Use Permit and needs to file anew for the continuation of the use.

Venice Boulevard, adjacent to the subject site to the north, is a designated Avenue II by the Mobility Plan 2035 with an 80-foot width and improved with concrete curb, gutter, and sidewalks.

Catalina Street, adjacent to the subject site to the east, is a designated Local Street – Standard by the Mobility Plan 2035 with a 60-foot width, and improved with concrete curb, gutter, and sidewalks.

**Previous zoning related actions on the subject site include:**

Building Permit Document No. 1913LA10986: On August 12, 1914, the Los Angeles Department of Building and Safety issued a permit for the construction of a one-story chapel building.

Building Permit Document No. 194916214: On June 15, 1949, LADBS issued a permit to install marble shelves, partitions back and front to form columbarium niches for cremated remains in conjunction with an existing columbarium and crematory building.

ZAI-1789: On June 1, 1961, the Zoning Administrator issued an interpretation that the site has the status of a deemed approved Conditional Use for a crematory and columbarium, and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing chapel and crematory building.

ZA-2014-0397-PAD: On October 20, 2015, the Zoning Administrator approved deemed-to-be-approved conditional use status and approved plans to allow the continued use and maintenance of an existing crematory, chapel, and columbarium and a 1,920 square-foot outdoor columbarium. On May 25, 2016, the Zoning Administrator issued a Letter of Correction modifying Condition No. 7 to prohibit on-site open casket viewings and funeral services unless such services are associated with on-site cremation. Condition No. 7 was also modified to prohibit any embalmed human remains from leaving the subject site unless such remains are cremated.

ZA-2014-0397-PAD-1A: On November 1, 2016, the South Los Angeles Area Planning Commission denied an appeal, sustained the Zoning Administrator's modified Condition No. 7, and required the applicant file a plan approval for condition compliance review after 12 months and not before 18 months from the effective date of the appeal's denial.

Order to Comply Case No. 807493, Order No. A-4654553: On March 14, 2018, the Los Angeles Department of Building and Safety issued an Order to Comply after an inspection showed that the size of the outdoor columbarium area measured approximately 5,246 square feet, exceeding the 1,920 square-foot maximum size imposed by the Zoning Administrator as a condition of approval in Case No. ZA-2014-0397-PAD.

Order to Comply Case No. 807493, Order No. A-4728537: On June 8, 2018, the Los Angeles Department of Building and Safety issued an Order to Comply after an inspection showed that a Plan Approval had not been filed pursuant to the requirement imposed by the South Los Angeles Area Planning Commission. The Order to Comply also specified a failure to comply with the Order No. A-4654553 to limit the outdoor columbarium space to 1,920 square feet pursuant to Condition No. 6 of Case No. ZA-2014-0397-PAD.

**Previous zoning related actions in the vicinity of the subject site include:**

ZA-1989-367-PAD: On April 28, 1989, the Zoning Administrator granted a Plan Approval on a deemed-to-be-approved Conditional Use site to allow for the construction of two modular buildings on an existing school site.

CPC-1996-192-CU: On May 15, 2001, the City Planning Commission approved a Conditional Use to allow the construction of a mausoleum in the Angelus Rosedale Cemetery.

ZA-2003-6886-CU-ZV-SPR: On May 28, 2005, the Zoning Administrator approved the demolition of an existing 17,160 square-foot auditorium and the construction, use, and maintenance of an approximately 36,240 square-foot auditorium as part of a phased master plan involving augmentation of an existing high school campus. On May 9, 2017, a Plan Approval was granted in conjunction with this master plan.

**PUBLIC HEARING**

A Notice of Public Hearing was mailed on January 29, 2019 to property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested parties were invited to attend the public hearing at which they could listen, ask questions, or present testimony

regarding the project. The purpose of the hearing was to obtain testimony from affected and/or interested parties regarding this application. Interested parties were also invited to submit written comments regarding the request prior to the hearing. The environmental

impact was among the matters considered at the hearing. The public hearing was held on February 28, 2019 at 9:00 a.m. in Room 1060 of Los Angeles City Hall.

The hearing was to review the compliance of the use with its Conditions of Approval. The applicant's representative stated that use was in compliance and submitted the Review of Condition Compliance below. The hearing was attended by the applicant, his zoning representative and his attorney. The hearing was also attended by approximately 15 people who testified and submitted written material in opposition to the Plan Approval including four attorneys for surrounding property owners or former clients of the facility, four members of a land use and planning firm in opposition and a representative of Council District 1 who testified in opposition to the use.

### **PUBLIC SPEAKERS**

#### **Speakers in Favor of the Application:**

The applicant's representative stated that the use was a deemed to be approved Conditional Use which had started operations in 1913. In 1961, the Zoning Administrator deemed the use as approved for the use of a crematorium, chapel and columbarium and issued permission for the development of an outdoor columbarium and garden. The columbarium is currently in the basement of the chapel building with additional space on the first floor and in the mezzanine. There are currently three rows of outdoor columbarium walls in the outdoor portion. They had built six rows, but were cited by the Department of Building and Safety for not building them with building permits so they demolished three rows. We were required by the South Los Angeles Area Planning Commission to file a Plan Approval for the site. A condition compliance review has been submitted and is the subject of this hearing.

The applicant's legal council stated that the applicant had been working with the City staff to come into compliance with all of the Conditions of Approval. We have met with the City Attorney and with Building and Safety to bring the use into compliance, have removed three rows of outdoor columbaria and have filed the required Covenant and Agreement. We attempt to be a good neighbor and loan our neighbors parking spaces when we don't need them for their use. We have received clearances from the proper Departments for all of our compliance with the Conditions. We don't do any embalming on the site, but we do, do it off-site. We think many of the complaints against our operation are innuendoes against the owner.

#### **Speakers in Opposition to the Application:**

Frank Lara from the Department of Building and Safety made the following comments regarding a number of Zoning Code enforcement actions taken by the Department to resolve complaints about the use of the property.

- In 2011, Order to Comply No. 2743142 was issued to the operator of the crematory establishment for various unapproved use and construction violations that were documented by the Department. These violations include unapproved mortuary use, the construction of various structures without permits, alterations to pre-existing structures without permits, and plumbing, electrical and mechanical equipment installed without permits;
- Also in 2011, Order to Comply No. 2783599 was issued for various sign violations;
- These violations were finally resolved in 2015, after criminal charges were filed against the operator of the establishment in Los Angeles County Superior Court;
- Complaints for unapproved use and construction continued to be received by the Department after the criminal court case was resolved, and in March of 2018, Order to Comply No. 4654553 was issued to the operator for various violations. This included an expansion of the Columbarium Garden, more than doubling the size that had been approved by the Zoning Administrator and the South Los Angeles Area Planning Commission in 2016. Sign violations had returned as well;
- In June of 2018, Order to Comply No. 4728537 was issued to the operator when inspectors determined that the operator had not submitted for Plan Approval review with the Zoning Administrator, as required by ZA Case No. 2014-0397;
- Although the Plan Approval application was subsequently submitted to the Zoning Administrator and a number of Columbarium structures were removed from the site, there are still structures and signs that remain and prevent the Code Enforcement Action to be closed; and
- In addition to the information being provided on prior code enforcement action, I want to express my concern with the enforceability of Condition No. 7 as it was modified by the Area Planning Commission. This condition prohibits actions by the operator that are extremely challenging for the Department to document. Due to the sensitive nature of the funeral services taking place, circumstances prevent normal investigative protocol from taking place and therefor encumber an appropriate investigation. The Department requests that this condition be modified in a way to achieve the goals of the Zoning Administrator, yet facilitate a reasonable investigation.

Other speakers in opposition made the following comments:

- The applicant currently operates a crematory and maintains columbarium structures at the site. For many years, they have knowingly and flagrantly violated the City's Zoning and construction laws resulting in substantial injury to nearby residents;
- They have operated a scheme to profit from the sale of columbarium niches for the interment of cremated human remains without disclosing to the buyers that the structures were built in violation of State construction standards and the City's Building and Zoning Codes;
- There is also evidence that they illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City;
- The property was historically operated by the Pierce Brothers as a crematory and columbarium. Pierce Brothers shut down the crematory operation in 2003. The current owners acquired the property in 2006 and started a number of illegal

operations including opening a full-scale mortuary business without City permits including sale of cremations, funeral services, embalming and storage of bodies, sale of caskets and on-site funeral services. They constructed 27 un-permitted columbarium structures for the interment of cremated human remains within a 5,198 square foot outdoor memorial garden which was larger than the 1961 grant for an outdoor memorial garden and sold unpermitted columbarium niches to consumers;

- A Zoning Administrator, Plan Approval again limited the size of the outdoor memorial garden to 1,920 square feet and limited it to six stand alone columbaria structures instead of the 5,198 existing square feet and the existing 12 stand alone and 15 wall mounted columbaria. On appeal the South Los Angeles Area Planning Commission confirmed the Zoning Administrator's decision and further required a Plan Approval hearing for condition compliance no later than May 1, 2018. They were also required by the Conditions to file a Covenant and Agreement agree to the Conditions;
- The applicant continued to operate in violation of the Conditions of Approval, did not reduce the size of the memorial garden as required and failed to file the Covenant and Agreement until two weeks prior to this hearing. The applicant only filed for the subject Plan Approval after the City Attorney held a hearing on non-compliance with the Conditions and under threat of a fine for non-compliance. The operator continued to sell niches in the un-permitted columbaria to unsuspecting clients. After the City Attorney Hearing the applicant hurriedly demolished six of the un-permitted columbaria some of which contained human remains in the niches and moved them without knowledge or permission of the families of the deceased. They are out of compliance with most of their conditions;
- The applicant filed for a Conditional Use Plan Approval in an attempt to convince the Zoning Administrator that the crematory and chapel had been in continuous use. There was a letter submitted to the Department of Building and Safety so stating but the property described was actually the adjacent cemetery which has no affiliation with the subject property. From 2004 to 2008, California State records show that there were no cremations on the site. This means that the operation lost any deemed to be approved status because the crematorium was not operated during that time. A new Conditional Use not a Plan Approval is required to continue this use on the site;
- This is an ineffective and dangerous operation, and they do not have the means to comply with their existing conditions. They have held funerals on the site with decedents in coffins which are then moved to burials at other cemeteries instead of cremating them. It is a violation to have a funeral on the site and then move a preserved body elsewhere to bury it. They also operate a scatter field for ashes on the site which is un-permitted by the State or the County. This should be done in a cemetery and approved by the County Health Department. They should be shut down by Code Enforcement; and
- I am quite stunned by the history of non-compliance with State, County and City rules. I have spoken to parents of students of Loyola High School whose running track is across the street from the alleged scatter ground. They are quite upset that their children are breathing air polluted with ashes. I do not hear that they are willingly complying with their conditions. They talk about it, but they only comply when they are forced to by the City Attorney or Building and Safety. All activities

on the site should cease until they are brought into compliance. This proceeding is a gift.

Representative of Council District No. 1:

Arturo Chavez representing Council District No. 1 stated:

- The problems with this operation go back to 2011. Our office has been concerned with constant violations of the Conditions of Approval;
- We are concerned that the un-permitted columbarium structures had rented niches and then were torn down. Once gone they are gone and we are concerned about the disposition of the ashes in the demolished niches;
- Condition No. 7 says that services may only be held for cremations or ashes being placed in a columbarium. No services may be held for embalmed bodies in a casket that are to be buried elsewhere. We have received service notices for services for people at the site who are then buried elsewhere such as Rose Hills. We also have advertisements offering their facilities for services for those who are to be buried elsewhere;
- We have a concern that we, the Council Office, can't constantly monitor the site for violations of the Conditions. People are buried there and we can't just keep moving them around because the applicant buried them in un-permitted columbarium niches; and
- There is a constant effort by the operators to push the limits of their Conditions. We must enforce them, and Condition Compliance after Building and Safety cites them or the City Attorney forces them to comply under threat of fine or incarceration is not compliance. We should not approve this Condition Compliance review, and the Councilman says that it is time to cease and desist in this continued operation.

### **CORRESPONDENCE**

Mr. Larry Mondragon, Vice President of Zoning and Entitlements for Craig Fry & Associates, sent a letter dated September 12, 2018. Mr. Mondragon submitted a letter opposing the approval of plans for the continued use and maintenance of the existing chapel and columbarium based on the applicant's alleged failure to comply with the conditions of approval imposed by Case No. ZA-2014-0397-PAD and ZA-2014-0397-PAD-1A. Mr. Mondragon requests denial of Plan Approval, the initiation of revocation proceedings to determine if the applicant should be allowed continued operation on the subject site, the enforcement of LAMC 12.24.Q, and action by the City Attorney's office pursuant to LAMC section 12.29. Three other members of the firm submitted letters to the file and their comments are summarized in the other letters section of this report.

Mr. Michael Gonzales representing a local resident sent a letter dated February 27, 2019 and made the following points:

- The attached contains supporting evidence demonstrating the discontinuance of a deemed approved conditional use at the property. Pursuant to LAMC Section 12.24-Q when "a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in

accordance with the procedure prescribed in this section for the establishment of a conditional use." The attached evidence clearly shows that the deemed approved use ceased for a period of at least four years. A plan approval request that is before you is insufficient to reestablish a conditional use that has been discontinued. The applicant must follow the procedure for filing a new conditional use under Section 12.24-W. The crematory and chapel operations currently occupying the property violate the LAMC and must be immediately stopped;

- The applicant in the subject case filed a Plan Approval to a deemed approved conditional use in 2014, and the Zoning Administrator approved the deemed approved status at the hearing. This was appealed to the South Los Angeles Area Planning Commission (SLAAPC) denied the appeal but added an additional condition requiring another Plan Approval within a 12 to 18 month period of the effectuation of the case. During the hearing, we presented proof that the crematory operation had been closed for the period from 2004 to 2008 and thus, had lost its deemed approved status. This evidence was not available at the time of the Zoning Administrator's hearing. The SLAAPC still denied the appeal in part and added an additional condition requiring the Plan Approval; and
- During the period that the crematory was not in use, the site continued to be used as a columbarium and allowed visitation of niche sites only for those people who already had relatives buried on the site. To our knowledge, no new burials occurred.

Other letters to the file make the following points:

- It appears that Dae Han hired a lobbyist to write a letter to the Department of Building and Safety to obtain a City Zoning Clearance letter for their State license application in 2009. The letter was convoluted and misrepresented that the property enjoys non-conforming rights and may continue to operate as it has for more than a century as a funeral establishment. This was a misrepresentation because the property had only been used as a crematorium and columbarium not as a funeral establishment. The Department of Building and Safety issued the letter stating they had non-conforming rights as the property had had its zone changed to the A1 Zone which did not permit the operation of crematories by right. The City caught its mistake and issued a letter in 2011 rescinding the clearance. They stated that the "existing crematory, chapel and columbarium uses at the above address are not permitted unless a City Zoning Administrator approval is obtained to continue the uses ..." Nothing in the record shows that these uses were properly legalized;
- The City has known about this illegal operation since 2011 and has allowed them to continue operations. The City has failed us by allowing these rogue and profit driven operators to sell their illegal products to unsuspecting victims in the community. Please take decisive action to prevent further sales of these unpermitted niches;
- My clients approached Dae Han Mortuary to cremate a loved one and negotiated a higher price so that the decedent would be cleaned, dressed and prepared for viewing prior to cremation. After making arrangements for family

members to attend, including international flights, Dae Han cremated the decedent before the viewing could take place despite having charged for premium handling. After confronting Dae Han, they were taken to an office where they were given an urn that presumably held the ashes of their father. The urn was a cardboard box that was stored in the office closet. There was nothing to confirm that it was their father other than the word of the individual representing Dae Han. The company said there was photographic evidence that the cleaning had occurred, but it took a heated confrontation to obtain them, and the body was still cremated before the viewing, which was part of the paid agreement, could occur. This office, through historic records, found out that "Chapel of the Pines" was historically a mausoleum and not a chapel at all. The pews and seating were installed to hold funerals and there is an area adjacent to the "chapel" area containing a casket and other materials apparently for viewings and open casket services;

- Despite assertions by Dae Han, there is an apparent community scatter garden. There is a monument on the grounds entitled "Garden of Memories" and a marble headstone with a long list of names and room for more. This is consistent with the statements of previous customers who were presented with a more affordable option of interment. A review of the permit application with the State indicates an underground storage area for 50 remains. This monument shows approximately 150 names; and
- My sons attend Loyola High School across Venice Boulevard from Dae Han. I am writing to express my concern that they are scattering clients remains on their premises across the street from the Loyola athletic fields and classrooms. I am deeply concerned about the potential detrimental impact this practice would present to our environment and the health of our community. I would like to know if Dae Han is licensed to perform scattering services at this location, if their practices include scattering of clients remains at this location and if they are in compliance with all City zoning and environmental requirements.

#### **AUTHORITY FOR PLAN APPROVAL**

Section 12.24.L of the Los Angeles Municipal Code provides in pertinent part:

L. Existing Uses. Any lot or portion of lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized such use shall also continue in effect."

On June 1, 1961 the Zoning Administrator made an interpretation and decision that the site has the status of an approved Conditional Use for a crematory and columbarium and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing chapel and crematory building.

Section 12.24.M of the Los Angeles Municipal Code provides in pertinent part:

M. Development of Uses (Amended by Ord. No. 173,992, Eff. 07/06/01)

Development of Site. On any lot or portion of a lot on which a deemed approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ..."

The approval of plans, which is the subject of this determination, was filed under this Section.

**AUTHORITY AND REASONING FOR DISMISSAL OF AN APPROVAL OF PLANS FOR THE CONTINUED USE OF THE CREMATORY AND CHAPEL ON THE SITE**

Section 12.24-Q of the LAMC provides as follows:

Q. Discontinuance of Use

If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.

The crematory and chapel uses on the site were established prior to the adoption of the City of Los Angeles' Zoning Code in 1946. The Zoning Code has always listed the uses of columbarium, chapel and crematory as enumerated conditional use permits. As the uses on the site existed prior to 1946, the uses were deemed approved Conditional Uses pursuant to Section 12.24-L of the LAMC. The crematory and chapel were in use and owned and operated by Pierce Brothers Mortuary and then owned by SCI, Inc and operated by Pierce Brothers until the end of 2003 when cremations ceased to occur on the site while SCI prepared to sell the structure and lot. No cremations or chapel services occurred on the site according to records of the State of California's Cemetery and Funeral Bureau after 2004. The site was sold to the current operator titled Community Funeral Services, Inc. doing business as Dae Han Mortuary in 2006. State records also show that a crematory license was granted to Community Funeral Services in 2007. The State records show that no new cremations occurred on the site until 2010, however, because of budget cutbacks, the Cemetery and Funeral Bureau did not compile statistics on cremations from 2008 to 2009 so cremations on the site may have occurred starting in 2008. In any case, the crematory was not in operation from 2004 until 2007 and because of the lack of record keeping perhaps into 2010 when 114 cremations occurred. While Community Funeral Services obtained a license from the State of California, it did not submit for a new Conditional Use permit from the City of Los Angeles. Since it was out of the business of cremation from 2004 until 2007, it lost its rights to operate a crematory pursuant to Section 12.24-Q of the LAMC. Also during that time no chapel services were held on the site, thus, the rights to operate a chapel pursuant to Section 12.24-L were also lost. The Plan Approval approved by the Zoning Administrator in 2016

to continue the crematory as a deemed approved Conditional Use was incorrect because the information on the lack of cremations from 2004 until at least 2008 was not made available to the Zoning Administrator. Because the columbarium building itself, has operated for over a century and the deceased have been interred in it, the columbarium use has continued and a Plan Approval for Condition Compliance pursuant to Section 12.24-M of the LAMC is appropriate for that use only.

**REVIEW OF COMPLIANCE WITH CONDITIONS OF ZA-2014-0397-PAD** as submitted by the applicant:

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.**

STATUS – In compliance for the columbarium use.

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.**

STATUS – NOT IN COMPLIANCE. Though the mortuary stated that they were in compliance in their submittal, they were not in compliance because the outdoor columbaria and memorial garden were in excess of the size originally permitted in a Zoning Administrator Interpretation in 1961 at 1,521 square feet. Though permitted in 1961, it appears that the outdoor columbarium was not constructed until the previous owner, SCI, Inc., took over the site and built an outdoor columbarium containing 12 columbarium structures without a building permit. Subsequently, the Zoning Administrator and the South Los Angeles Area Planning Commission on appeal, reduced the size of the outdoor columbarium to 1,920 square feet and ordered the demolition of six of the unpermitted columbarium structures. The current applicant did not demolish the structures until cited by the Department of Building and Safety in April of 2018 at which time the applicant began to demolish six of the columbarium structures which had already had human remains interred in them. Compliance with Conditions of Approval only upon being cited by the Department of Building and Safety does not constitute compliance with Conditions of Approval.

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.**

STATUS – The applicant stated in their application for Condition Compliance that they were in compliance with Condition No. 3 as Orders to Comply issued by the Department of Building and Safety have been corrected. Again this compliance with conditions only occurred after the applicant was cited by the Department of

Building and Safety for non-compliance with Condition No. 7 of the Determination of the South Los Angeles Area Planning Commission which required the filing of a Plan Approval under Section 12.24-M of the LAMC in order to review compliance with the Conditions. The applicant then filed for his Condition Compliance review after the required time set in Condition No. 7 and then followed with an un-permitted demolition of the existing un-permitted columbarium buildings. This does not constitute Compliance with Condition No. 3 as it was only done under duress from two citations by the Department of Building and Safety for non-compliance with Conditions.

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.**

STATUS – In compliance.

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.**

STATUS – Not applicable, as no building plans will be submitted in connection with this Plan Approval.

6. **Authorized herein is the continued use and maintenance of:**
  - a. **A 9,607 square-foot existing crematory, chapel, and columbarium structure.**
  - b. **Six outdoor columbarium structures within an area not to exceed 1,917 square feet, as shown in Exhibit "A". No additional outdoor columbaria shall be erected on the subject site.**
  - c. **No additional deviations from the Los Angeles Municipal Code are requested or approved.**

STATUS - The applicant's Compliance Report states that the applicant is "In compliance". However, as previously stated the crematory and chapel uses lost their deemed to be approved status when they were not operated for at least a three year period from 2004 until 2007. As was previously stated, the outdoor Columbarium was not in compliance until they were cited by the Department of Building and Safety for both not holding a Condition Compliance Plan Approval within the time limits of Condition No. 7 of ZA-2014-0397 and for having more columbarium structures in an area larger than Exhibit A of the same case. In addition, they were limited to six columbarium structures, but aerial photographs of the site also show that they have columbarium niches in three of the surrounding walls of the exterior columbarium in violation of Condition 6 (b). Thus, the applicant is NOT IN COMPLIANCE with this Condition.

7. **There shall not be a mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains on site. Viewing services and funeral services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be cremated and incinerated into ash. Any human remains departing the site must be in the form of ash. Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without cremation, is a violation of the Zoning Code and this Conditional Use Permit.**

STATUS – The applicant's Compliance Report states that the applicant is "In compliance". However, the South Los Angeles Area Planning Commission on appeal changed the language of Condition No. 7 to include a new Plan Approval to review compliance with the Conditions of Approval within 12 months of the Commission action and no later than 18 months. The applicant only filed the Plan Approval, the subject of the current hearing and action, a year later when confronted by the City Attorney as a part of a separate legal proceeding for non-compliance with the conditions. In addition, it was testified to and advertisements offering full on-site viewings of non-cremated remains were presented at the hearing showing that prohibited viewings and services have been occurring on the site in violation of the Condition No. 7 requirement that viewing services only occur in association with on-site cremations. A service for a deceased in an open or closed casket may not occur if the deceased is to be buried off-site. This has occurred on numerous occasions testified to by both the public, the Council Office and in obituaries. Thus, the applicant is NOT IN COMPLIANCE with Condition No. 7.

8. **All open area not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40.D) and to the satisfaction of the decision maker.**

STATUS – The applicant's Compliance Report states that the applicant is "In compliance". However, aerial photographs of the site and viewing of the site through the site's fencing show that the attempts at landscaping the site are variable and not up to standards. There is a large area adjacent to the Catalina Avenue frontage which is covered by artificial turf obviously purchased second hand from a football stadium which still has hash marks and yardage markers from the former use. This area should either be paved for parking purposes or landscaped as required by the plans if it is not to be used for parking. The use of obviously second hand artificial turf is hardly "attractive landscaping". The site is occupied by the columbarium building which sits on a one story podium with occupied space underneath the building which is the site of the former crematory and other uses. The remainder of the surface area is either covered in un-marked concrete, the fore mentioned area of artificial turf, a un-maintained former landscaped area in the southwest quadrant of the lot that was formerly occupied by a lawn and trees, a landscaped area with a large tree that is the site of the

memorial garden, a small corner landscaped area at the intersection of Catalina Avenue and Venice Boulevard, the fore mentioned outdoor columbarium and another area of concrete surfacing. None of the parking areas are marked with individual parking spaces and none of these parking areas are landscaped in accordance with the Zoning Code. None of this supposed landscaping has been approved by the Department of City Planning as required by Condition No. 8 and if it has been approved, it was never installed. Aerial photographs of the site show that prior to 2006, the unpaved areas of the site were heavily landscaped including the area of artificial turf, the dead grass on the southeast corner of the site and the area adjacent to Venice Boulevard which was all grass. The outdoor columbarium and concrete was substituted for the grass, the area of artificial turf was placed over a lawn and the grass to the southeast was unmaintained. The applicant is NOT IN COMPLIANCE with Condition No. 8.

9. **A minimum 5-foot wide landscape buffer shall be maintained adjacent to the residential use.**

STATUS – In compliance pending applicant verification of buffer dimensions adjacent to residential use. The southern border of the site has a large four- to five-foot wide hedge planted adjacent to these residences.

10. **Prior to the issuance of any permits relative to this matter, 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 Zoning Administrator for attachment to the subject case file.**

STATUS – Non-compliant. Applicant to provide copy of covenant at hearing.

11. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

**Applicant shall do all of the following:**

- a. **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.**
- b. **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.

- c. 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 (b).

- d. 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 (b).
- e. 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.**

STATUS – The applicant's Compliance Report states that the applicant is “In Compliance”. However, this condition is complied with when the applicant files the Covenant and Agreement required by Condition No. 10. This was not done until the Zoning Administrator received the recorded Covenant at the Public Hearing. Thus, this Condition was NOT IN COMPLIANCE until the applicant was forced to by the City Attorney as is readily admitted to by his response the Condition No. 10.

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval process because it has been determined that such a use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within section 12.24.W of the Los Angeles Municipal Code. In order for a plan approval to be authorized, certain designated findings have to be made.

### **MANDATED FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

- 1. 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 proposed project is for a Plan Approval to allow the continued use and maintenance of an existing 9,607 square-foot crematory and chapel with interior columbarium and a 1,917 square-foot exterior columbarium.

The Zoning Administrator approved the subject site for use as a chapel, crematory, and columbarium in 1969 as a part of a Zoning Administrator's Interpretation of its Deemed Approved status. The Zoning Administrator and the South Los Angeles Area Planning Commission further affirmed the appropriateness of the site for chapel, crematory, and columbarium use in 2016. Taken together, these approvals indicate that the use of the subject site for a chapel, crematory and internal columbarium with an external columbarium is generally appropriate for the site. An unrelated 50-acre cemetery abuts the subject site to the west. The longstanding use of both sites demonstrates sufficient demand for both businesses.

On October 20, 2015, the Zoning Administrator issued an Approval of Plans confirming that the Dae Han Mortuary had deemed to be approved status as a crematory, chapel and columbarium. The Zoning Administrator also subjected the use to a set of Conditions of Approval which limited the outdoor columbarium to six structures in a 1,920 square foot area, that there be no mortuary operation on-site, no embalming of human remains or memorial services on-site for non-cremated remains and required the landscaping of open areas not used for structures or parking with approved landscape plans. At the time of the hearing, the information from the California State Cemetery and Funeral Bureau was not in the hands of the Zoning Administrator who did not know that the crematory and chapel had not been used for a four year period which would have terminated those uses' deemed approved status. The determination of the Zoning Administrator, was appealed to the South Los Angeles Area Planning Commission (SLAAPC) which denied the appeal but required that Dae Han should come back for another Approval of Plans to see if there had been substantial conformance with the Conditions of Approval. The Commission was made aware of the Cemetery and Funeral Bureau's information but did not recommend closure of the uses. Thus, Dae Han continued the use of the crematory and chapel to the present. Because the crematory and chapel use had ceased to operate for at least a four year period, the uses lost their Deemed Approved status pursuant to Section 12.24-Q of the LAMC and such uses should cease to operate upon conclusion of the appeal period for this case or after the SLAAPC makes a decision on any appeal. To continue the use, the applicant must file for a new Conditional Use under Section 12.24-W, 12 of the LAMC. This is memorialized in Condition No. 11 of the Conditions of Approval of this determination.

The scope of this decision is, therefore, limited to assessing compliance with those conditions of approval for the columbarium use on the site. The Department of Building and Safety has issued citations regarding non-compliance with two conditions of approval: that the applicant submit an application for a Plan Approval, and that the outdoor columbarium area may not exceed 1,920 square feet. The site plan submitted with this application for Plan Approval, marked as Exhibit "A", indicates an outdoor columbarium area of 1,917 square feet, thereby correcting the two Orders to Comply issued by the Los Angeles Department of Building and Safety on March 14, 2018 and June 8, 2018, respectively. Upon completion of the demolition of the excess structures and the construction of new walls that do not contain niches not permitted by previous approvals, the outdoor columbarium will comply with previous conditions of approval. As was previously stated in this determination, the applicant has failed to comply with Condition Nos. 2, 3, 6, 10 and 11 of the previous Conditions of Approval. The applicant still needs to file a complete landscape plan for the site in accordance with Condition No. 6, including the area outside of the reduced external columbarium that is now vacant. If the applicant desires to make the entire site except for existing gardens and structures a parking lot, then the parking area must be landscaped and striped in accordance with the LAMC. The current use of the property as a columbarium, even with the lack of compliance with the Conditions of Approval, is a historic use of the site, and because there are human remains which have been stored on the site since 1906, the use of the site as a columbarium does provide a service that is essential and beneficial to the community. The Zoning Administrator is not taking a position

on the future use of the site for a crematory or chapel as those uses are subject to a separate Conditional Use approval which must be applied for in the future. Any use of the site for memorials for human remains in the form of ashes to be placed in the niches may continue based on State Law which permits such services at the location where a deceased is to be interred, but the use of the site for services prior to cremation or interment elsewhere may not continue as those practices are either currently prohibited by the Conditions of Approval or may not occur because the crematory and the chapel are not permitted uses on the site. The applicant is also reminded that a new Covenant and Agreement must be filed for the use to continue pursuant to Condition No. 10 of these Conditions of Approval.

2. **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.**

The adjacent property to the north across Venice Boulevard is zoned R3-1 and is currently improved with Loyal High School of Los Angeles. Directly across Venice Boulevard, is the school's football/soccer stadium and the running track. The adjoining property to the south is zoned RD1.5-1 and is improved with single-family residential structures. The adjoining property to the west is zoned A1-1 and is improved with Angelus Rosedale Cemetery. The adjacent properties to the east across Catalina Street are zoned CM-1-CPIO and RD1.5-1 and are currently improved with commercial structures, a surface parking lot, and single-family residential structures.

The subject site has been approved for use as a chapel, crematory, and columbarium since 1969, and over the course of its operation, the continued use of the subject site has been examined twice by the Zoning Administrator and once by the South Los Angeles Area Planning Commission. The Zoning Administrator imposed conditions related to landscaping, screening requirements, and a limited scope of operation to ensure that the project's operations do not impose adverse traffic, noise, or visual effects on adjacent residential properties. Information provided at the public hearing, shows that the crematory operation and the attached chapel on the site were not in use for a four year period from 2003 to 2006 and thus, pursuant to Section 12.24-Q of the LAMC, the crematory and chapel use lost their deemed approved status. Notwithstanding the loss of deemed approved status, the operation of the chapel showed a blatant disregard for the approved Conditions of Approval imposed on the site by previous plan approvals. The once extensively landscaped area of the site has either been paved over, permitted to die from lack of water or covered with used artificial turf which still shows the numbers and hash marks from its previous use on a football field. Information in the form of newspaper advertisements in local Korean newspapers and anecdotal evidence provided at the public hearing by both participants and the Council Office show that funeral services and visitations were held for decedents who were not subsequently cremated as required by Condition No. 7. After constructing the outdoor columbaria at twice the authorized size without building permits from the Department of Building and Safety, the applicant then allowed the unpermitted niches within these structures to be sold and used

by decedent's families. After being cited by Building and Safety, the applicant then demolished these structures without demolition permits and moved the cremated remains to other locations on the site without informing the decedent's families as to the new location. Condition No. 12 was included in the Conditions of Approval to ensure that the operators of the columbarium provide the decedent's relatives with the new location for the remains.

Condition No. 10 was placed in the Conditions of Approval because the California Health and Safety Code allows Cemeteries and Columbaria to have scatter gardens. It is unclear from the Code Section whether or not such scatter gardens are permitted on just cemetery's which have a columbarium on them as a part of the facility or in an independent columbarium without a cemetery which are much smaller in area, such as Dae Han. A review of the services available at a number of local cemeteries show that not all cemeteries include the use of scatter gardens. The one, that this Zoning Administrator found that does permit this, was Hollywood Forever Cemetery which requires that the ashes be mixed with soil in their Rose Garden but not scattered in the air. The Condition was included because in the scattering of ashes, the State Code requires that the entire contents of the decedent be scattered in a scatter garden. Such a use in the middle of an urban area within 200 feet of an adjacent residence and with a High School athletic field across Venice Boulevard can not be considered compatible with or not adversely affecting the health, welfare and safety of these neighboring properties. Because Dae Han denies that they are using their memorial garden as a scatter garden, the imposition of such a Condition will not affect their current columbarium operation.

As currently operated, the Dae Han Mortuary has disregarded a number of conditions applied to their use by both the Zoning Administrator and by the South Los Angeles Area Planning Commission. They have operated a crematory without authorization by the City of Los Angeles as is required by the Zoning Code and used their chapel use for unauthorized funerals and viewings. For these reasons the Zoning Administrator is again requiring a Plan Approval to be filed with 12 to 18 months of the conclusion of this case's appeal period to ensure the local neighborhood that they are operating within the existing Conditions of Approval. These conditions and findings only apply to the use of the property as a columbarium. The previous uses are unpermitted by the Code pursuant to Section 12.24-Q of the LAMC and should be immediately terminated. Though Dae Han Mortuary has a State permit for the use of the site as a crematory, it does not have a locally required Conditional Use. Until one is filed for the use of the site as a crematory and chapel such uses may not be continued.

The use of the site as a columbarium, which has been the use since 1906, without the use of any land on the site as a scatter garden and the compliance with the other Conditions of Approval will result in a use whose operations will be compatible with and will not adversely affect or further degrade adjacent properties or the surrounding neighborhood or the public health, welfare and safety. The use of the site as a columbarium should continue because decedents have been interred there since 1906. It is located adjacent to though not a part of the historic Rosedale Cemetery. Even during the time that the site was not operated as a crematory, a person was located on the site by the previous owners to allow people

into the columbarium to visit deceased relatives thus maintaining the use as a columbarium pursuant to Section 12.24-L of the LAMC.

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

There are eleven elements of the General Plan. Each of these elements establishes policies 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 other LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The South Los Angeles Community Plan designates the property for Open Space land uses with corresponding zones of OS and A1. Allowing the proposed project to allow the continued use of both an outdoor and an indoor columbarium conforms with the following Land Use goals included in the South Los Angeles Community Plan:

Goal LU13.3 Local Business: Support local businesses that create a stable economic environment, serve the needs of local residents, and are compatible with the neighborhood.

The conditions imposed through this Plan Approval will ensure that a longstanding local use will continue to serve the needs of local residents in a manner that is compatible with the neighborhood. As such, the proposed project is conformance with the purpose, intent, and provisions of the South Los Angeles Community Plan.

**ADDITIONAL MANDATORY FINDINGS**

4. 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.

Inquiries regarding this matter shall be directed to Alan Como, City Planner, for the Department of City Planning at (213) 473-9985 or alan.como@lacity.org.

A handwritten signature in blue ink, reading "Charles Rausch, Jr.", with a long horizontal line extending to the right.

CHARLES J. RAUSCH, JR  
Associate Zoning Administrator

cc: Councilmember Gilbert Cedillo  
First Council District;  
Adjoining Property Owners

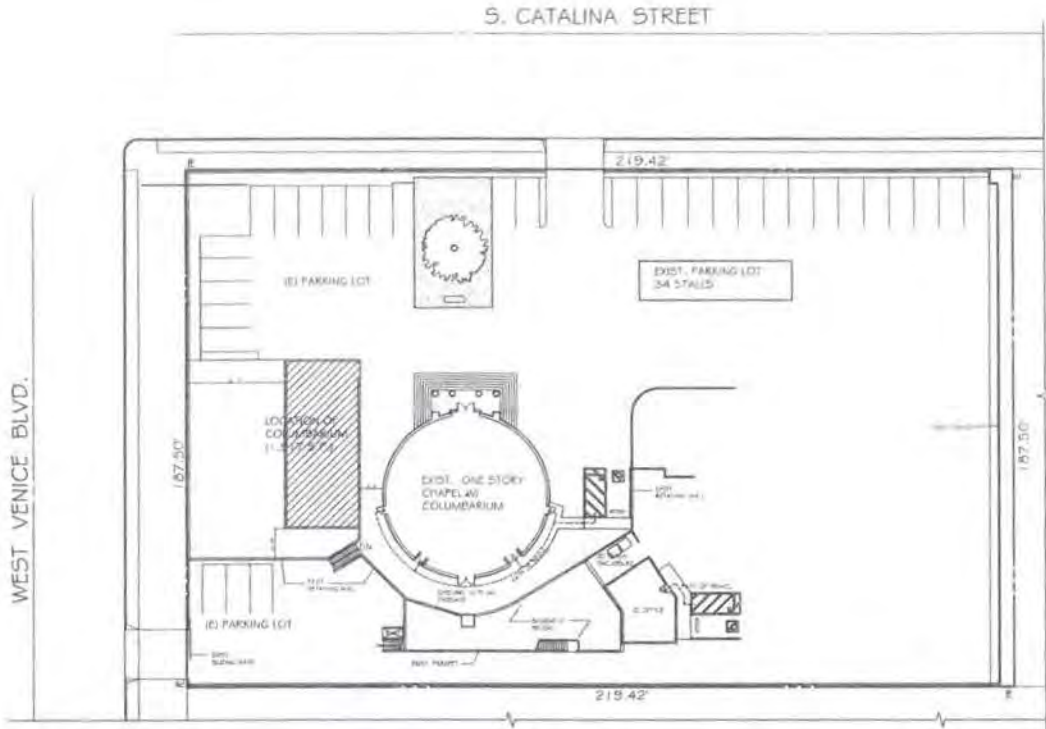
# IMPROVEMENT FOR GENERAL HOME

1605 S. CATALINA STREET, LOS ANGELES, CA 90006

PLOT PLAN SCALE: 1/32" = 1'-0"

REVISIONS BY


SOON KIM & ASSOCIATES  
435 S. Curson Ave., #7  
Los Angeles, CA 90006  
T: (213) 386-9230 F: (213) 386-9231  
email: soonkimurch@hottmail.com



1 PLOT PLAN  
A-1 SCALE: 1/32" = 1'-0"

GENERAL NOTES, PLOT PLAN  
& PROJECT INFORMATION

## GENERAL INFORMATION

1605 S. CATALINA STREET,  
LOS ANGELES, CA 90006

COMMUNITY FUNERAL SERVICES, INC.  
1605 S. CATALINA STREET,  
LOS ANGELES, CA 90006  
313 731-5175

349 S.F.

VEL.	USE/AREA	GROSS
CHAPEL	2,508.2	3,041.0
COLUMBARIUM	532.8	2,052.6
MEZZANINE	2,052.6	1,961.4
BAS. LEVEL	1,961.4	2,552.0
MEZZANINE LEVEL	2,552.0	9,607.0
TOTAL AREA	2,508.2	7,096.8

C1 (ONE STORY BUILDING W/ MEZZANINE & BASEMENT)

1. A1 - 1

2. B.5

3. V.B. NON PRF-SPRINKLERED

4. USE PROPOSED COLUMBARIUM AREA AT THE SOUTH SIDE OF OUTDOOR AREA (1,917 S.F.)

5. CALCULATION (9,607 S.F. X 20% = 1,921 S.F.)

6. PT. NE. (1/4 SEC. 36 T15 R14 W, Arb. B)  
3075-022-025, PIN: 166 B153 265

## VICINITY MAP SCALE: N.T.S.



## SHEET INDEX

ARCHITECTURAL

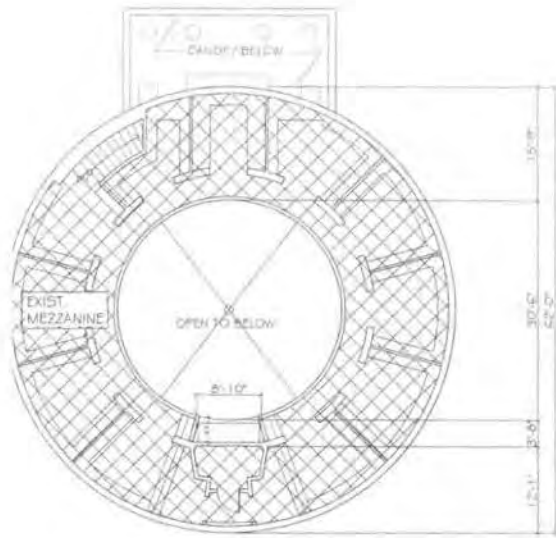
- A-1 PLOT PLAN, PROJECT INFORMATION
- A-2 GROUND FLOOR PLAN, MEZZANINE LEVEL PLAN
- A-3 1B-1 MEZZANINE LEVEL PLAN
- A-4 1B-21 BASEMENT LEVEL PLAN
- A-5 COLUMBARIUM PLAN
- A-6 DISABLED ACCESSIBILITY NOTE
- A-7 DISABLED ACCESSIBILITY DETAILS, HARDSHIP EXEMPTION FORM

EXHIBIT "A"  
PAGE NO. 1 OF 5  
PROJECT NO. ZA-2014-397-PAD-PH

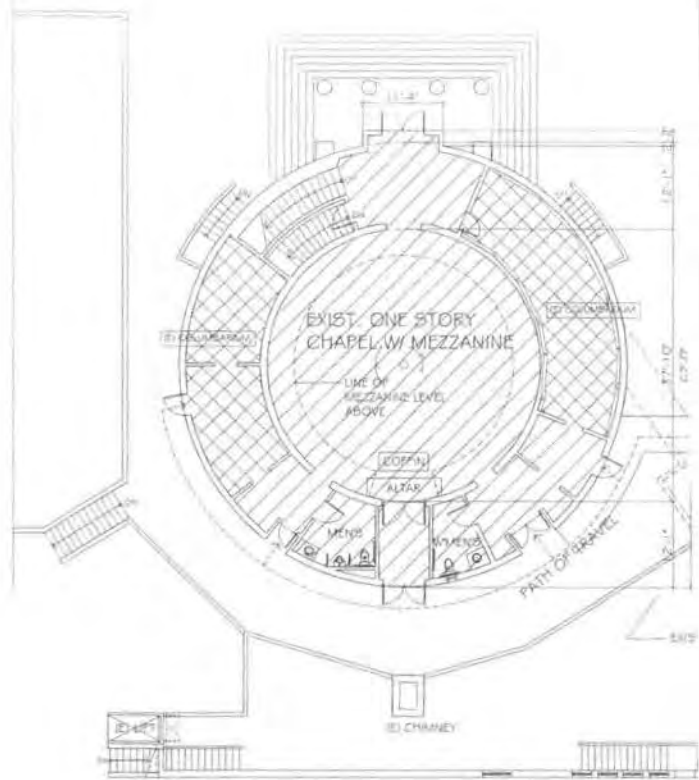
TENANT IMPROVEMENT MARKET FOR  
THE PINES FUNERAL HOME  
1605 S. CATALINA STREET, LOS ANGELES, CA 90006  
TEL: (323) 731-4040

DATE MAR. 10, 15  
SCALE AS SHOWN  
DRAWN S.K.  
JOB 14112  
SHEET  
A-1  
OF SHEETS





2  
A-3 MEZZANINE LEVEL PLAN  
SCALE: 1/8" = 1'-0"



1  
A-3 GROUND LEVEL PLAN  
SCALE: 1/8" = 1'-0"


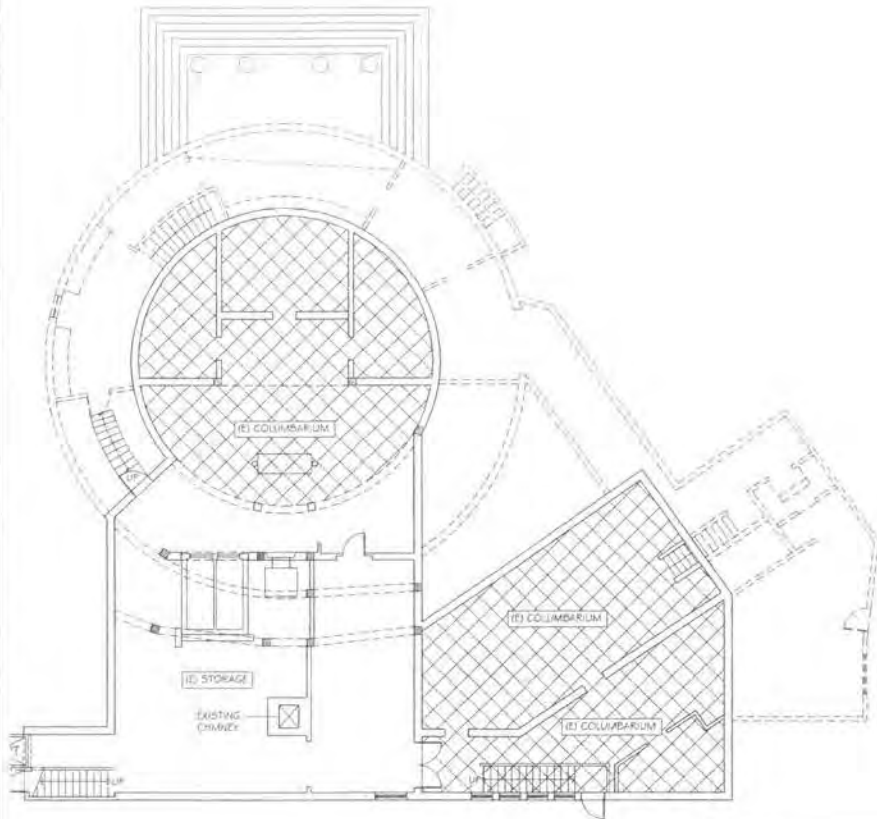
LEGEND	
	AREA OF COLUMBARIUM
AREA CALCULATION	
1	COLUMBARIUM - 2,052 C.S.F.

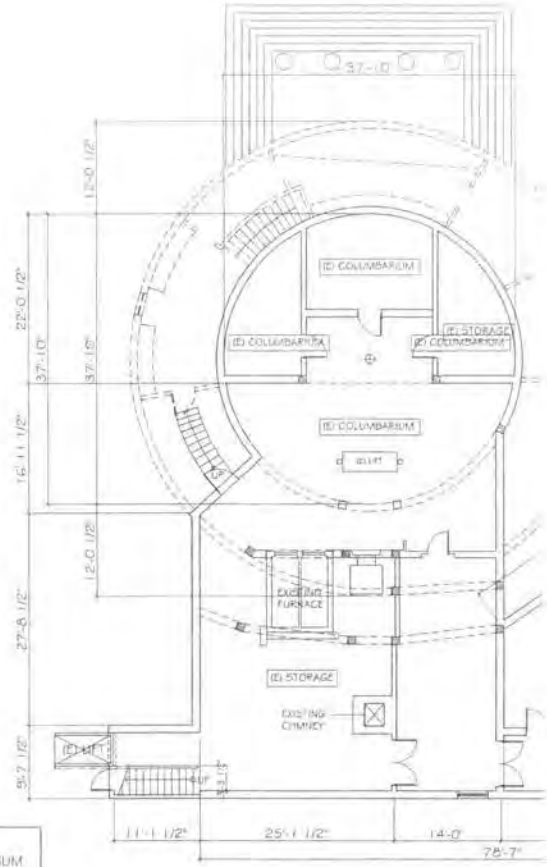
EXHIBIT "A"  
Page No. 3 of 5  
Case No. ZA2014-397-PAD-PAI



1 (B-2) LEVEL AREA CALCULATION  
A-5 SCALE: 1/8" = 1'-0"

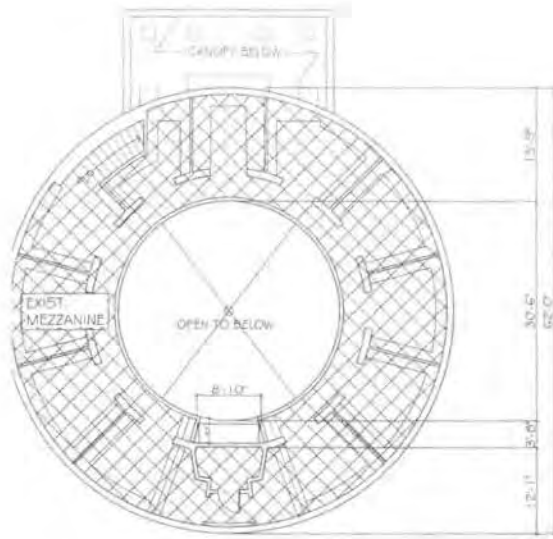
LEGEND  
 AREA OF COLUMBARIUM

AREA CALCULATION  
 1 COLUMBARIUM : 2,552 O.S.F.

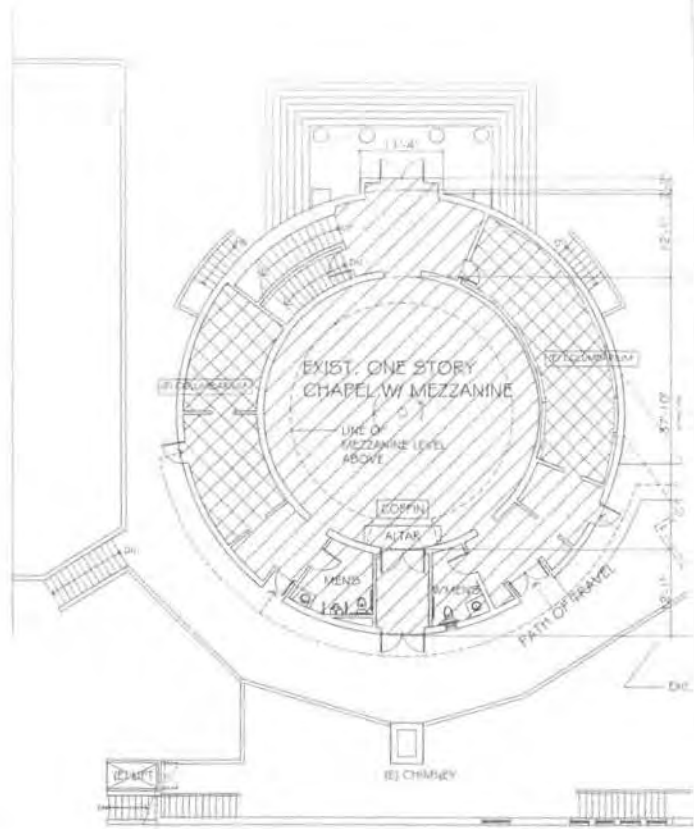


1 (B-2) BASEMENT LEVEL F  
A-5 SCALE: 1/8" = 1'-0"

EXHIBIT "A"  
 4 5  
 ZA-2014-397-PAD-PA1



2 MEZZANINE LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0"



1 GROUND LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0"


LEGEND	
	AREA OF COLUMBARIUM
AREA CALCULATION	
1 COLUMBARIUM	2,052.65 SF

EXHIBIT "A"  
5 5  
2A-2014-397-PAD-PA1



**CEMETERY AND FUNERAL BUREAU**

1625 N. Market Blvd., Suite S-208

Sacramento, CA 95834

P 916.574.7870 F 916.928.7988 www.cfb.ca.gov



September 23, 2016

Paul Cho  
1044 S. Orange Drive  
Los Angeles, CA 90019-1512

**RE: Public Records Act Request**

Dear Mr. Cho:

This letter responds to your Public Records Act requested dated September 13, 2016, which was received by the Cemetery and Funeral Bureau (Bureau) on September 14, 2016. You have requested the number of cremations performed at Chapel of the Pines from January 1, 2000 through December 31, 2010.

During the time period in question, Chapel of the Pines has operated the crematory under a Certificate of Authority (COA 504) by Pierce Brothers Crematorium and was owned by Service Corporation International (SCI); in 2004 a separate Crematory License (CR 184) was issued to SCI; in 2007 SCI sold the crematory to Community Funeral Services, Inc. and Crematory License (CR 268) was issued following all of the licensing requirements.

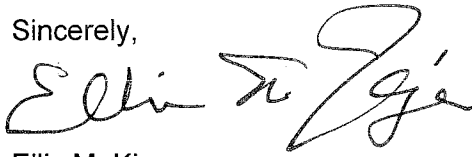
Cremations performed at Chapel of the Pines:

For COA 504	for 2000	0	
	For 2001	410	
	For 2002	444	
	For 2003	424	
CR 184	For 2004	0	License issued September 18, 2004
	For 2005	0	
	For 2006	0	
CR 268	For 2007	0	License issued May 18, 2007
	For 2008		non-reporting year for any crematory in California
	For 2009		non-reporting year for any crematory in California
	For 2010	114	
	For 2011	162	
	For 2012	70	
	For 2013	125	
	For 2014	42	
	For 2015	61	

The report for 2016 will be submitted in 2017.

If you have any further questions please contact me at 916.574.7876.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellis M. Kjer". The signature is written in a cursive style with a large, stylized initial "E".

Ellis M. Kjer,  
Enforcement Analyst



---

**RE: ZA-2014-397-PA1-1A, 1605 S. Catalina -- Letter, Chapel of the Pines building permits + a 2011 "presentation"**

1 message

---

**Laura Meyers** <lauramink@aol.com>

To: apcsouthla@lacity.org

Cc: Charlie.Rausch@lacity.org, alan.como@lacity.org

Mon, Jul 29, 2019 at 2:48 PM

Hello (again). I have copied both Charlie Rausch and Alan Como of the Planning Department so that they immediately have this material, which may contain information they do not have.

I submitted hard copies of most of the material attached above this morning (there are a few additional building permits attached). Included in the attachments is my comment letter and a "presentation" document I prepared in 2011. I have not been back inside the Chapel/Columbarium since that time, but it is my sincere hope that it remains in good condition as shown in the photos labeled "today" (today being 2011).

ALSO, I did not mention this in my letter, but should have: the Zoning Administrator states that "no cremations" took place between 2004 and 2007, and also I believe referred to the "fact" that no new remains were placed in that same period. I am not sure that is accurate.

In very, very quick and cursory online research that I conducted last night (meaning I did not go into the crematory/chapel/columbarium building and did NOT look at plaques with dates on them), I found several inurnments in the building:

- >> Edith Margaret Johnston Davis, March 2005
- >> Agnes Wong, 2005
- >> Marguerite Elaine Draper Ecker, February 2006

This is certainly not a complete list, just a few random reported deaths of a few people whose cremains now are at rest at the Chapel of the Pines. But the events took place in the period of time when purportedly no activity took place.

In any case, the other attachments to this e-mail include:

- 1). Los Angeles Times article in 1905 announcing and describing the crematory (plus chapel and columbarium functions)
- 2). 1905 -- permit to build the crematory (Charles Whittlesey is the architect, and building is made of concrete)
- 3). 1913, two permits, one identifying the chapel use
- 4). 1929 -- permit says present use of building is crematory and chapel
- 5). 1949 -- permit and certificate of occupancy, columbarium and crematory -- page 2 indicates that zone and yards are "OK" so in other words "approved." Also indicates that the use had been in use for 43 years, which takes us back to 1906, when the project was completed and the crematory opened.

# LAURA MEYERS

1818 South Gramercy Place • Los Angeles, CA 90019  
Tel: 323-737-6146 • Fax: 323-730-0432 • E-mail: lauramink@aol.com

July 28, 2019

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

RE: ZA-2014-397-PA1-1A and ENV-2018-5221-CE, 1605 S. Catalina, Los Angeles CA 90006

*A Plan Approval to allow the continued use and maintenance of a 9,607 square foot crematory and chapel with interior columbarium and 1,917 square foot exterior columbarium.*

Dear Commissioners:

I am writing today **neither in support** of the Applicant/Appellant (who has proven over the years to be a non-compliant owner) and **nor in support** of the Zoning Administrator and the Planning Department, who have over-reached in an effort to cause this owner to cease operations.

Someone needs to be a steward and protector of the historic Los Angeles Crematory, Chapel and Columbarium, aka “Chapel of the Pines,” aka Dai Han – and of the 3,500-plus souls for whom this cemetery is a final resting place.

I would like to repeat this: The Columbarium is a cemetery; it contains within the c. 1905 rotunda walls 3,500 niches which are filled with the cremains (cremated remains) of individuals who purchased over the past century these grave sites; and there is also a locked area (we hope locked) in the basement known as the “vaultage,” where an unknown number of cremains are also permanently stored.

The Zoning Administrator has concluded, based on third-party research reported to him and which he did not research himself (e.g., there is no reference in his Determination that he personally reviewed any primary records), that 1). The use as a crematory and columbarium was a grandfathered “deemed to be approved” conditional use; and 2). That the use was not in effect between the years 2004 and 2008 when the prior owner *purportedly* ceased all operations. As a result, according to the Determination that has been appealed to you, the conditional use permit became no longer in effect and therefore he cannot grant an approval of the applied-for Plan Approval AND that the operator must cease all business use of the property until and unless a new conditional use permit is obtained.

I have a serious concern about the City ordering a cease of use without considering HOW the cemetery (e.g. Columbarium) is to be maintained – where is the money? – and HOW the historic building housing the deceased individuals’ cremains is to be maintained.

If the City considers this owner to be a nuisance – and I believed he has operated in that manner – then the City should have invoked nuisance abatement proceedings, gone to court and asked a judge for a Receiver to be appointed. Someone must properly maintain the premises.

Instead, the Planning Department has made an effort to find a “work around” solution by declaring the so-called conditional use permit null and void – and by proposing a categorical exemption, does not even propose a mitigation that would protect this precious resource. (I am aware that the Planning Department’s position is that if there is no case then there is no CEQA clearance. My position is that if the City Planning Department makes a decision that is clearly-predictable to have a Significant Impact on the resource – in terms of both the cremains and the building – then that action itself is a CEQA event and requires mitigation.

Regarding whether or not there was a deemed to be approved conditional use permit and whether the prior operator actually discontinued operations from 2004 to 2008, I disagree with both assessments.

The building was permitted in 1905 (City of Los Angeles permit included in this package) as a crematory. The architect was Charles Whittlesey, well known by then for his pioneering use of concrete as a structural building material (something we now take for granted but which was not much in use at that time). Perhaps the Zoning Administrator did not realize that the street names in Los Angeles changed over time, and that at that the street now named “Catalina” was named “Grover.” Had he and/or staff researched the City’s own website with the proper street name and address, 1605 Grover, the attached permit would have been revealed.

There were a series of permits between 1913 and the 1940s in which the building was identified as a crematorium as well as a chapel and a columbarium. Then in 1949 a new permit and “application for Certificate of Occupancy” was applied for and obtained, in which among other things the building was described as being in “same” use for 43 years (e.g., from the time the work was completed in 1906), and that the “zone” was “OK” – that is, approved.

You may not be aware that the City of Los Angeles did not issue Certificates of Occupancy before the late 1940s. All buildings with proper permits and described uses before that have “deemed to be approved certificates of occupancy” – not “deemed to be approved conditional use permits.”

To believe otherwise would mean that there are thousands, scores of thousands, or perhaps hundreds of thousands, buildings throughout Los Angeles built from the 1870s through about 1946 that no longer enjoy their original permits, be they churches, streetcar commercial buildings with apartments above, duplexes and fourplexes in what are now single family zones, or in this instance, a 1905 historic building that is still in its original use that was permitted.

If this ruling is allowed to stand, you create a precedent for all the others, with resulting chaos.

Moreover, this Determination, if upheld, makes it not only extremely difficult for the current Operator/Applicant/Appellant to continue any operations – because it follows the land and not the person, it also makes it nearly impossible to find a replacement operator.

And on a practical basis, it appears as if Planning staff and the Zoning Administrator – and all the opposition parties – simply do not understand how older cemeteries operate and survive.

When a family purchases a grave site – or in this case, a niche – the family is buying a small piece of real estate and in addition the family contributes to a perpetual endowment. The family also purchases their own urn or other final container for their loved one’s cremains. The fees to the endowment may have been intended to last in perpetuity, but for most of Los Angeles’ historical cemeteries those early funds were not large enough and have been spent. That is why cemeteries must remain “active” with new chapel services and new burials. In this case, there is no room as far as we know for new burials, with the exception of the (some unpermitted) exterior columns, so, again practically speaking, if the one economic operation which can help generate funds for the maintenance of the “cemetery grounds” (the building) is ordered ceased, then there are likely no funds to maintain it.

Will the Planning Department take on that charge?

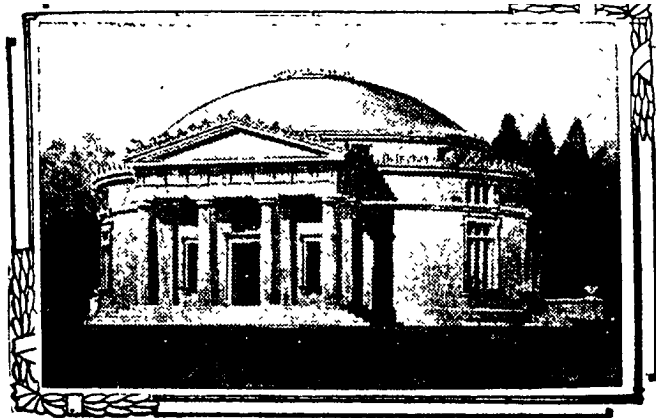
Commissioners, I am asking that you carefully consider your decision today (August 6, 2019). Is there an alternative decision that would allow the historical building and the thousands of souls in permanent rest there to be protected?

Thank you very much.

Laura Meyers

Cell 323-868-0854

# Crematory That Stirred Pico Heights.



Here is a picture of the proposed \$50,000 crematory which the Pico Heights people are fighting. It is to cost \$50,000 and be built at Sixteenth and Grover streets, on ground purchased for the purpose by the Los Angeles Crematory Association. Work will soon be commenced, announce officers.

Directors of the company last night emphatically disclaimed any idea of building a garbage plant, as has been rumored, and said positively that it will be used for crematory purposes only, that the combustion will be perfect, smokeless and odorless.

They stated further that they have chosen, as near as possible, a location removed from the growing section of Pico Heights, and their intention is to make the building ornate and imposing. The grounds have a frontage of 250 feet on Grover street and 187 feet on Sixteenth. A switch is to be built from the Los Angeles-Pacific Railway, adjacent to the property, for the accommodation of funeral cars.

The building is to be of reinforced concrete and will be ornamented with

decorative friezes. Four marble pillars, of Corinthian design, will adorn the main entrance. The porticos will be tiled and ornamented with marble. The crematory will be ninety-seven feet long and seventy-four feet wide. There will be two stories and a basement. The basement will contain the retorts, which will be built at a cost of \$15,000.

The main floor will contain a chapel, with a seating capacity for 200 persons. The chapel will be open through the second story to the ornamented dome. There will be a chancel and a choir loft. Around the lower story will be a circular hallway where niches will be built for the reception of the urns containing ashes of the dead. Niches will also be built within the main chapel.

The second story will consist of a wide balcony extending around the chapel, which will also contain burial niches. In all 3500 receptacles will be built in the walls.

The stockholders of the Los Angeles Crematory Association are: A. E. Vesper, Pasadena; Henry Newby, president Pasadena National Bank; E. T. Off, A. W. Bumiller, M. F. Reynolds, L. W. Vaughn and Luther G. Brown.

# Los Angeles Crematory, Chapel and Columbarium (AKA Chapel of the Pines)

1605 S. Catalina Ave.

Year built: 1905

Architect: Charles F. Whittlesey

This historic Chapel, Columbarium and Crematorium was erected on the edge of the Pico Heights Township in 1905, before the community was annexed to the City of Los Angeles. It is adjacent to the famous (landmark) Rosedale Cemetery, which had been established in 1887, and at the time of the construction of this structure the two properties were open to each other, so that funeral services and cremations could be held in either setting.

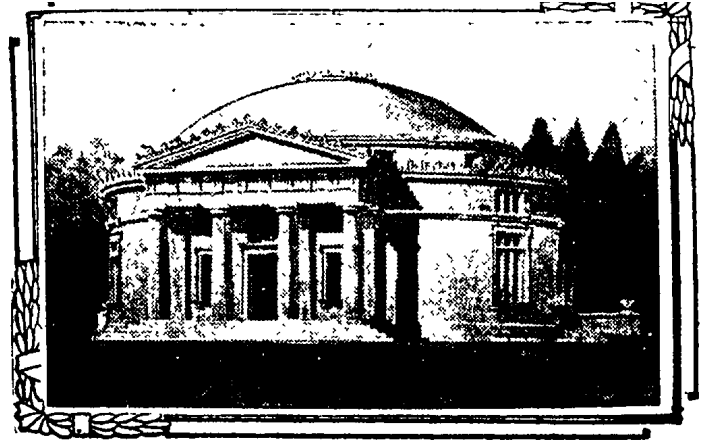
Today, the Columbarium holds the remains of some notable Hollywood denizens, including Ann Sheridan, Herbert Marshall (*The Letter, The Little Foxes*), Gilbert "Bronco Billy" Anderson, Thomas Mitchell (Uncle Billy in *It's a Wonderful Life*), Edmund Gwenn (Santa in *Miracle on 34th Street*), Maude Fulton, screenwriter of *The Maltese Falcon*, and William Nicholas Selig, motion picture pioneer.

The architect, Charles F. Whittlesey, was an internationally known designer who was among the first to use reinforced concrete. He designed the Philharmonic Auditorium and the Hotel Huntington (now the Langham Huntington Hotel) in Pasadena, and the El Tovar Hotel at the Grand Canyon.

The Crematorium's principal developer, Luther G. Brown, was a well known educator, politician, attorney, and business promoter. He was part of the defense team in the trial of Col. Griffith (Griffith Park) when the latter was prosecuted for the attempted murder of his wife, in 1904.

Crematory That Stirred Pico Heights.  
Los Angeles Times (1886-1922); Nov 5, 1905;  
ProQuest Historical Newspapers Los Angeles Times (1881 - 1987)  
pg. 115

## Crematory That Stirred Pico Heights.



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LUTHER G. BROWN, President Young Men's Republican Club, Who Called the Meeting to Order.



CREMATORY, LOS ANGELES, CAL.  
C. F. Whittlesey, Architect

THE INLAND ARCHITECT AND NEWS RECORD  
NOVEMBER, 1907

# Chapel of the Pines EXTERIOR TODAY





**Chapel of the Pines INTERIOR VIEWS**  
**Current images (above)**

**Vintage photos and postcard (below)**



**Chapel of the Pines INTERIOR TODAY**  
**(Details: chandelier, niches, stained glass)**



# All Applications Must be Filled Out by Applicant

Bldg. Form 3

PLANS AND SPECIFICATIONS and other data must also be filed

BUILDING DIVISION

# 3

## DEPARTMENT OF BUILDING AND SAFETY

### Application to Alter, Repair or Demolish

To the Board of Building and Safety Commissioners of the City of Los Angeles:

Application is hereby made to the Board of Building and Safety Commissioners of the City of Los Angeles, through the office of the Superintendent of Building, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be prohibited by ordinance of the City of Los Angeles.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

#### REMOVED FROM

#### REMOVED TO

TAKE TO ROOM No. 248 (2ND FLOOR) CITY CLERK PLEASE VERIFY

TAKE TO ROOM No. 5 (MAIN ST. FLOOR) ENGINEER PLEASE VERIFY

Lot _____ Block _____	Lot _____ Block _____
Tract _____	Tract _____
Book _____ Page _____ F. B. Page _____	Book _____ Page _____ F. B. Page _____
From No. <u>1605 So. Catalina St.</u> Street	
To No. <u>W. 1st St. Venice Blvd.</u> Street	

O. K. City Clerk  
By \_\_\_\_\_ Deputy  
O. K. City Engineer  
By \_\_\_\_\_ Deputy

(USE INK OR INDELIBLE PENCIL)

1. What purpose is the present Building now used for? Chapel + Crematory
2. What purpose will Building be used for hereafter? same
3. Owner's name Los Angeles Crematory Assn Phone Beacon 6831
4. Owner's address 1605 So Catalina St.
5. Architect's name \_\_\_\_\_ Phone \_\_\_\_\_
6. Contractor's name Edwin G. Drush Phone Mut 8244
7. Contractor's address 1018 Mignonette St.
8. VALUATION OF PROPOSED WORK {Including all Material, Labor, Finishing, Equip-} \$ 432.00  
ment and Appliances in Completed Building.
9. Class of present Building A No. of rooms at present \_\_\_\_\_
10. Number of stories in height 1 Size present Building \_\_\_\_\_ x \_\_\_\_\_
11. State how many buildings are on this lot \_\_\_\_\_
12. State purpose buildings on lot are used for Crematory  
(Apartment House, Hotel, Residence, or any other purpose.)
13. What Zone is Property in? D

STATE ON FOLLOWING LINES EXACTLY WHAT ALTERATIONS, ADDITIONS, ETC., WILL BE MADE TO THIS BUILDING:

Removal of concrete canopy over driveway in rear of chapel - no disturbance of any structural part of main building.

I have carefully examined and read the above application and know the same is true and correct, and that all provisions of the Ordinances and Laws governing Building Construction will be complied with, whether herein specified or not.

**OVER**

(Sign here) Los Angeles Crematory Assn  
E. D. Cowan (Owner or Authorized Agent.)

PERMIT NO. <b>5909</b>	Plans and Specifications checked and found to conform to Ordinances, State Laws, etc.	Application checked and found O. K.	Stamp here when permit is issued
	<u>[Signature]</u> Plan Examiner	<u>[Signature]</u> Clerk	<b>MAR 6 1929</b>

OK



3

ELECT. DIV.  
ELECTRICAL INSPECTOR

# APPLICATION TO ALTER, REPAIR, OR DEMOLISH AND FOR A Certificate of Occupancy

CITY OF LOS ANGELES  
DEPARTMENT  
OF  
BUILDING AND SAFETY  
BUILDING DIVISION

Lot No. \_\_\_\_\_

Tract \_\_\_\_\_

Location of Building 1605 So Catalina St.  
(House Number and Street)

Approved by  
City Engineer

Between what cross streets Jennie and Washington Blvd.

Deputy

### USE INK OR INDELIBLE PENCIL.

1. Present use of building Columbarium + Crematory Families \_\_\_\_\_ Rooms \_\_\_\_\_  
(Store, Dwelling, Apartment House, Hotel or other purpose)

2. State how long building has been used for present occupancy 43 years

3. Use of building AFTER alteration or moving Same Families \_\_\_\_\_ Rooms \_\_\_\_\_

4. Owner Peace Bros Crematorium Phone RE 5179

5. Owner's Address 1605 So Catalina P.O. Los Angeles, Calif.

6. Certificated Architect \_\_\_\_\_ State License No. \_\_\_\_\_ Phone \_\_\_\_\_

7. Licensed Engineer \_\_\_\_\_ State License No. \_\_\_\_\_ Phone \_\_\_\_\_

8. Contractor Fernand Marble Co State License No. 32303 Phone FA 7834

9. Contractor's Address 3522 Council St. Los Angeles, Calif. Class C-29

10. VALUATION OF PROPOSED WORK 23,000  
(Including all labor and material and all permanent lighting, heating, ventilating, water supply, plumbing, fire sprinkler, electrical wiring and elevator equipment therein or thereon)

11. State how many buildings NOW on lot and give use of each. One Columbarium + Crematory Building  
(Store, Dwelling, Apartment House, Hotel or other purpose)

12. Size of existing building 1st Fl. Number of stories high 1 Height to highest point 50

13. Material Exterior Walls Masonry Exterior framework wood steel  
(Wood, Steel or Masonry) (Wood or Steel)

14. Describe briefly all proposed construction and work:  
Install marble shelves, partitions, backs and fronts to form Columbarium niches for cremated remains.

### NEW CONSTRUCTION

15. Size of Addition \_\_\_\_\_ x \_\_\_\_\_ Size of Lot \_\_\_\_\_ x \_\_\_\_\_ Number of Stories when complete \_\_\_\_\_

16. Footing: Width \_\_\_\_\_ Depth in Ground \_\_\_\_\_ Width of Wall \_\_\_\_\_ Size of Floor Joists \_\_\_\_\_

17. Size of Studs \_\_\_\_\_ x \_\_\_\_\_ Material of Floor \_\_\_\_\_ Size of Rafter \_\_\_\_\_ x \_\_\_\_\_ Type of Roofing \_\_\_\_\_

I hereby certify that to the best of my knowledge and belief the above application is correct and that this building or construction work will comply with all laws, and that in the doing of the work authorized thereby I will not employ any person in violation of the Labor Code of the State of California relating to Workmen's Compensation Insurance.

Sign here Peace Bros Crematorium  
(Owner or Authorized Agent)

DISTRICT OFFICE J.O. 29246

By R. S. Slight

### FOR DEPARTMENT USE ONLY

PLAN CHECKING		REINFORCED CONCRETE		F.E.E.S.		Bid Price <u>09.00</u>	
Date <u>2/11/49</u>	Receipt No. <u>8612</u>	Bbls. Cement _____	Tons of Reinforcing Steel _____	Occupancy Fee <u>5.25</u>		Total <u>94.25</u>	
Valuation <u>23,000</u>	Fee Paid <u>40</u>	Maximum No. Occupants _____	Inside Lot <u>Corner Lot</u>	Key Lot _____	Lot Size <u>12x60</u>	By how many ft. wide alley _____	Lot _____
PERMIT No. <u>1126</u>	Plans and Specifications checked <u>Kushner</u>	Zone <u>1</u>	Fire District <u>2</u>	Dist. No. _____	Street Widening _____	Dist. No. _____	Stamp here when Permit is issued
PLANS	Corrective Verbal _____	Blg. Line _____	Application checked and approved <u>JUN 15 1949</u>	Continuous Inspection _____	SPRINKLER _____	Inspected _____	<u>E.H. Sachs</u>
Plans checked _____	Plans filed with _____	Specs. checked _____	Specs. required _____	Valuation included _____	Yes _____ No _____	Inspector _____	

79800

APPROVED FOR  
DRIVEWAY

H.D.T. JUN 13 1948

ZONE AND YARDS O. K.

DATE 6-15-48

*[Handwritten signature]*

All applications must be filled out by applicant

WARD

PLANS AND SPECIFICATIONS and other data must also be filed

BOARD OF PUBLIC WORKS

DEPARTMENT OF BUILDINGS

2

Application for the Erection of Frame Building CLASS "D"

To the Board of Public Works of the City of Los Angeles:

Application is hereby made to the Board of Public Works of the City of Los Angeles, through the office of the Chief Inspector of Buildings, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be, prohibited by ordinance of the City of Los Angeles.

Third: That the granting of the permit does not affect or prejudice any claim of title to, or right of possession in, the property described in such permit.

L. A. ORNAMENTARY ASSN.

(SIGN HERE)

Chas. Crivello (Applicant)

Lot No. 79, Block, 50 ft S of NW corner of LA Pacific, 187 ft to line of Graven St, 187 ft to west line of Graven St to beg. District No. 19, M. B. Page 2, F. B. Page 66. No. 1605 Graven St. Street

O. K. City Assessor

Deputy

O. K. City Engineer

Deputy

PLANS CHECKED BY - O.K.

TAKE TO ROOM No. 6 FIRST FLOOR ASSESSOR PLEASE VERIFY TAKE TO ROOM No. 34 THIRD FLOOR ENGINEER PLEASE VERIFY

(USE INK OR INDELIBLE PENCIL)

- 1. PURPOSE OF BUILDING: Chappell, Number of rooms: 1
2. OWNER'S NAME: L.A. Ornamentary Assn, Phone:
3. Owner's address: 1605 Graven St, Reynolds
4. Architect's name: Phone: West 2101
5. CONTRACTOR'S NAME: L.A. Ornamentary Assn, Phone:
6. Contractor's address:
7. ENTIRE COST OF PROPOSED BUILDING, \$: 2000.00
8. Size of lot: 50 x 187.57, Size of building: 30 x 32
9. Will building be erected on front or rear of lot? Front
10. NUMBER OF STORIES IN HEIGHT: 1, Height to highest point of roof: 20 ft
11. Height of first floor joist above curb level, or surface:
12. Character of ground; rock, clay, sand, filled, etc:
13. Of what material will FOUNDATION and cellar walls be built? Concrete
14. GIVE depth of FOUNDATION below the surface of ground: 7 ft
15. GIVE dimensions of FOUNDATION and cellar wall FOOTINGS: 12' x 6"
16. GIVE width of FOUNDATION and cellar wall at top: 8"
17. NUMBER and KIND of chimneys: 1 - Brick, Number of flues: 1
18. Number of inlets to each flue: 1, Interior size of flues: 8 x 7
19. Give sizes of following materials: REDWOOD MUDSILLS 2 x 6, Girders 6 x 8, EXTERIOR studs 2 x 4, INTERIOR BEARING studs 2 x 4, Interior Non-bearing studs x, Ceiling joist 2 x 4, Roof rafters 2 x 4, FIRST FLOOR JOISTS 2 x 6 and 8, SECOND FLOOR JOIST x, Third floor joist x, Fourth floor joist x

Date issued: AUG 21 1913

Entered in Book: G.A. Mudock

PERMIT NO. 10986

OVER



All applications must be filled out by applicant

USE INK OR INDELIBLE PENCIL

WARD 5

PLANS AND SPECIFICATIONS and other data must also be filed

3

BOARD OF PUBLIC WORKS

DEPARTMENT OF BUILDINGS

Application to Alter, Repair or Demolish

To the Board of Public Works of the City of Los Angeles:

Application is hereby made to the Board of Public Works of the City of Los Angeles, through the office of the Chief Inspector of Buildings, for a building permit in accordance with the description and for the purpose hereinafter set forth. This application is made subject to the following conditions, which are hereby agreed to by the undersigned applicant and which shall be deemed conditions entering into the exercise of the permit:

First: That the permit does not grant any right or privilege to erect any building or other structure therein described, or any portion thereof, upon any street, alley, or other public place or portion thereof.

Second: That the permit does not grant any right or privilege to use any building or other structure therein described, or any portion thereof, for any purpose that is, or may hereafter be, prohibited by ordinance of the City of Los Angeles.

Third: That the granting of the permit does not affect or prejudice in any way the right of possession in the property described in such permit.

L. A. CREMATORY ASSN.

(SIGN HERE) Chas. Crespien Pres (Applicant)

CITY ASSESSOR: PLEASE VERIFY.

REMOVED FROM

REMOVED TO

MA 1011

TAKE TO ROOM NO. 6 FIRST FLOOR

Block Lot Block Tract
Lot on W. Side of Groves St. beg. at a point 50 ft. S. of E. of Pac. Co. Th. S. on W. line of Groves St. 200 ft. Th. W. 1875 ft. to E. line of Randolph Cemetery Th. N. 200 ft. Th. E. 1875 ft. to W. line of Groves St. to beg.
Book 19 Page 2 F. B. Page 64 Book Page F. B. Page

O. K. City Assessor By Deputy

TAKE TO ROOM NO 34 THIRD FLOOR

CITY ENGINEER: PLEASE VERIFY STREET NUMBER

No. 1605 Groves St. To No. A. CREMATORY ASSN. by Chas. Crespien Pres

O.K. City Engineer By Deputy

- 1. Owner's name
2. Owner's address 1605 Groves St.
3. Architect's name L. A. CREMATORY ASSN.
4. Contractor's name
5. Contractor's address 1605 Groves St.
6. Entire cost of the proposed improvements, \$ 1500
7. Purpose of the building Machinery Room
8. Class of building No. of rooms at present 1
9. No. of stories in height 1 Size of present building 20 x 40
10. Size of new addition 24 x 40 No. Stories in height 1
11. Material of foundation Concrete Size footing 12 x 6 Size of wall 8" Depth below ground 12"
12. Size of Redwood Mudsills 2 x 6 Size of exterior studs 1 1/2 x 6 and 2 x 4
13. Size of interior bearing studs 2 x 6 Size of interior non-bearing studs
14. Size of first floor joist Concrete Second floor joist
15. STATE ON FOLLOWING LINES JUST WHAT YOU WANT TO DO.

We desire to build as described above for the purpose of using as a Cigarette factory. The floor buffer Room in the building to be of concrete on earth.

PERMIT NO. 9275

Date issued July 14 1913

Application Received by W. Lewis

6. a. OVER

250

REMARKS:

[Faint, illegible text lines]

This permit is issued for construction only.  
Does not give any right or permission to use  
the building or premises for any business or  
purpose that is, or may be hereafter prohibited,  
by Ordinance, rule or regulation of any Depart-  
ment, Officer, Board or Commission of the City  
of Los Angeles.

*B. P. Par 16*

Ward 4

Applicant must indicate the Building Line or Lines clearly and distinctly on the Drawings.

# Application for Erection of "Class A" Buildings

Application is hereby made to the Superintendent of Buildings of the City of Los Angeles, for the approval of the detailed statement of the specifications and plans herewith submitted for the erection of the building herein described. All provisions of the Building Ordinances shall be complied with in the erection of said building, whether specified herein or not.

(Sign here)

*The Los Angeles Crematory Association  
by Luther E Brown, Secy*

Los Angeles, Cal., Oct 23 1905

**OCT 24 1905**  
**J. J. BACKUS,**  
**SUPERINTENDENT.**

Location: Lot 50 ft S. of Block \_\_\_\_\_  
Assessor L. T. Curran, Secy of L. A. P. of the Los Angeles Crematory  
Please the W. 187 50 ft E. of E. of the Los Angeles Crematory  
Verify 2nd St. 187 50 ft E. of E. of the Los Angeles Crematory  
District No. 20 M. B. page 19 F. B. page 330  
Engineer 1605 Street \_\_\_\_\_  
Please \_\_\_\_\_  
Verify \_\_\_\_\_

- Purpose of the Building Crematory  
Is any part to be used for store or other business purposes? If so, state what No.
- Owner's name Los Angeles Crematory Association
- Owner's address 238 W. 1st St
- Architect's name Chas. H. Hillberry & Co
- Builder's name Weymouth Crowell
- Builder's Address 1029 W. Hill St
- Estimated Cost of the Proposed Improvements, \$ 50,000
- Size of lot? 200 feet front; 200 feet rear; 187.50 feet deep.
- Size of building? 60 feet front; \_\_\_\_\_ feet rear; 90 feet deep;  
Size of extension? \_\_\_\_\_ feet front; \_\_\_\_\_ feet rear; \_\_\_\_\_ feet deep;  
Number of stories in height: main building? One and gallery Extension? one  
Height from curb level to highest point: main building? 39 feet. Extension \_\_\_\_\_ feet.
- What is the character of the ground: rock, clay, sand, filled, etc. Loam
- Will the foundation be laid on earth, rock, or piles? earth
- Will there be a basement? yes
- What will be the base, stone or concrete? concrete  
Give thickness and how laid \_\_\_\_\_
- What will be the depth of foundation walls below curb level? 11'-0"
- Of what will foundation walls be built? concrete and steel rods
- Give thickness of foundation walls; front. 9" inches; sides. 9" inches;  
rear 7 inches.
- Will interior supports be C. I. or steel columns? concrete, reinforced  
Give size of same. 12" x 30"
- Give size of piers and cap plates or stones \_\_\_\_\_
- Give base course, width and thickness 30" and 36", 12" thick

Permit No. 7128

See 1917

20. Will any part of front, side or rear wall be supported on piers in cellar? yes  
Give size: front \_\_\_\_\_ size of base course \_\_\_\_\_  
rear 12" X 18" " " " \_\_\_\_\_  
side " " " \_\_\_\_\_

Size of cap stones \_\_\_\_\_ size of bond stories \_\_\_\_\_

21. Of what materials will the upper walls be constructed? Reinforced concrete

What will be thickness of upper walls, exclusive of ashlar, if any?

Basement:	front	rear	side	party	inches.
1st story:	9"	9"	9"		
2d story:	"	"	"		
3d story:	"	"	"		
4th story:	"	"	"		
5th story:	"	"	"		
6th story:	"	"	"		
7th story:	"	"	"		
8th story:	"	"	"		
9th story:	"	"	"		
10th story:	"	"	"		
11th story:	"	"	"		
12th story:	"	"	"		

22. What will be the materials of the front artificial stone If of stone, what kind? \_\_\_\_\_ If ashlar, give thickness \_\_\_\_\_

23. Number and kind of chimneys and flues one chimney and one flue, furnace

24. Will any wall be supported on iron or steel girders? no

Front, material \_\_\_\_\_ size \_\_\_\_\_ weight or thickness \_\_\_\_\_

Side, " \_\_\_\_\_ size \_\_\_\_\_ " \_\_\_\_\_

Rear, " \_\_\_\_\_ size \_\_\_\_\_ " \_\_\_\_\_

Interior, " \_\_\_\_\_ size \_\_\_\_\_ " \_\_\_\_\_

Will any wall be supported on iron or steel columns? no

Front, material \_\_\_\_\_ size \_\_\_\_\_ weight or thickness \_\_\_\_\_

Side, " \_\_\_\_\_ size \_\_\_\_\_ " \_\_\_\_\_

Rear, " \_\_\_\_\_ size \_\_\_\_\_ " \_\_\_\_\_

Interior, " \_\_\_\_\_ size \_\_\_\_\_ " \_\_\_\_\_

25. Give material of girders Reinforced concrete of columns Reinforced concrete

Under 1st tier—size of girders \_\_\_\_\_ Size columns \_\_\_\_\_

" 2d " " " \_\_\_\_\_ " \_\_\_\_\_

" 3d " " " \_\_\_\_\_ " \_\_\_\_\_

" 4th " " " \_\_\_\_\_ " \_\_\_\_\_

" 5th " " " \_\_\_\_\_ " \_\_\_\_\_

" 6th " " " \_\_\_\_\_ " \_\_\_\_\_

" 7th " " " \_\_\_\_\_ " \_\_\_\_\_

" 8th " " " \_\_\_\_\_ " \_\_\_\_\_

" 9th " " " \_\_\_\_\_ " \_\_\_\_\_

" 10th " " " \_\_\_\_\_ " \_\_\_\_\_

" 11th " " " \_\_\_\_\_ " \_\_\_\_\_

" 12th " " " \_\_\_\_\_ " \_\_\_\_\_

" Roof " " " \_\_\_\_\_ " \_\_\_\_\_

26. Give material, size and distance on centres of floor beams.

1st tier, material Concrete; size \_\_\_\_\_; distance on centres \_\_\_\_\_

2d " " \_\_\_\_\_; size \_\_\_\_\_; " " \_\_\_\_\_

3d " " \_\_\_\_\_; size \_\_\_\_\_; " " \_\_\_\_\_

4th " " \_\_\_\_\_; size \_\_\_\_\_; " " \_\_\_\_\_

5th " " \_\_\_\_\_; size \_\_\_\_\_; " " \_\_\_\_\_

6th " " \_\_\_\_\_; size \_\_\_\_\_; " " \_\_\_\_\_

7th " " \_\_\_\_\_; size \_\_\_\_\_; " " \_\_\_\_\_

8th " " \_\_\_\_\_; size \_\_\_\_\_; " " \_\_\_\_\_

Roof " " \_\_\_\_\_; size \_\_\_\_\_; " " \_\_\_\_\_

Give size of headers \_\_\_\_\_ of trimmers \_\_\_\_\_

27. Specify construction of floor filling \_\_\_\_\_

28. Is the building to be fire-proof? yes

29. Of what material will partitions be built? metal studs, metal lath and plaster

30. Give material of skylights Iron, copper & gal. iron; size 4 x 5 and 10-3/4 diameter

31. What will be the material of roofing? Reinforced concrete

Will roof be flat, peak or mansard? Domed

32. What will be the material of elevator shafts? \_\_\_\_\_

33. What will be the material of the cornices? Stone and gal. iron

34. Will fire escapes be provided, and where placed? no

35. Give size of vent shafts to water closet apartments \_\_\_\_\_; and of what material constructed? \_\_\_\_\_

36. What means of access to roof; how constructed? \_\_\_\_\_

37. With what material will walls be coped? Cement

38. How will building be heated? Furnace How lighted? Electricity

39. Is there any other building erected on lot or permit granted for one? no

Size \_\_\_\_\_ x \_\_\_\_\_; height \_\_\_\_\_ feet. How occupied? \_\_\_\_\_

Give distance between same and proposed building \_\_\_\_\_ feet.

40. Are any buildings to be taken down? no; how many? \_\_\_\_\_

41. Will shafts be open or covered with skylights full size of shafts? \_\_\_\_\_

Size of shaft? \_\_\_\_\_

42. Of what material will hall partitions be constructed? \_\_\_\_\_

43. Of what materials will hall floors be constructed? \_\_\_\_\_

44. How will hall ceilings and soffits of stairs be plastered? \_\_\_\_\_

45. How will halls be lighted and ventilated? \_\_\_\_\_

46. Of what material will stairways be constructed? Concrete and marble

Give sizes of stair well holes? 4'-0"

47. Number and location of water closets: Cellar \_\_\_\_\_; 1st floor 2; 2d floor \_\_\_\_\_;

3d floor \_\_\_\_\_; 4th floor \_\_\_\_\_; 5th floor \_\_\_\_\_; 6th floor \_\_\_\_\_; 7th floor \_\_\_\_\_;

8th floor \_\_\_\_\_; 9th floor \_\_\_\_\_; 10th floor \_\_\_\_\_; 11th floor \_\_\_\_\_; 12th floor \_\_\_\_\_

48. Total area of shafts over 25 square feet? \_\_\_\_\_ Of courts? \_\_\_\_\_

July 29, 2019

South Los Angeles Area Planning Commission  
Constituent Service Center Los Angeles  
8475 South Vermont Avenue  
Los Angeles, California 90044

**Subject: 1605 S. Catalina Street, Los Angeles, CA ("Property")  
Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Attention: South Los Angeles Area Planning Commission,

On behalf of the Koreatown residents affected by the illegal operations at 1605 Catalina, I am writing to provide a response to the Appeal filed on May 29, 2019 (Exhibit A) by Henry Chun, representing Community Funeral Services, Inc. ("Appellant"). The Appellant challenges the Zoning Administrator's dismissal of the Approval of Plans for a crematory and chapel and the conditions imposed for operation of the columbarium for the facility located at 1605 South Catalina Street in Los Angeles (Case Number ZA-2014-0397-PAD-PA1).

To provide a brief history, Community Funeral Services ("CFS") operates under DBA Chapel of the Pines and Dae Han Mortuary at a property located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School. The Property has a long history, predating the adoption of the Los Angeles Zoning Code in 1946, of being used as a crematory and columbarium under previous ownership, the Pierce Brothers, who shut down operations in 2003.

CFS purchased the property in 2006 and was first licensed by the State of California in May of 2007. During this time, the deemed to be approved status was effectively lost as a result of a discontinuance of use. Prior to the purchase of the property, CFS had every opportunity to fully assess the appropriateness of his business for use on this property and being an industry operator should enable CFS to easily determine that the proposed use was not permitted at 1605 Catalina without first obtaining a conditional use permit. Rather than apply for the required entitlement, CFS was granted by the City this "deemed-to-be-approved" status under false pretenses through the owner's representative, in a letter to the Los Angeles Department of Building and Safety on May 1, 2009, claiming that the property was in continuous use during the period in which it was not operational.

Further, CFS expanded its operations beyond the deemed to be approved uses and began a full-scale mortuary business without permits and in violation of City law, including the sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, and arrangement of onsite funeral services with the construction of 27 illegal and unpermitted columbarium structures for the interment of cremated human remains within a 5,198 square-

foot outdoor memorial garden.

As outlined in previous correspondence with the Office of the Zoning Administrator (Exhibit B, Exhibit C), we have provided evidence that CFS knowingly, consistently, and flagrantly violated the City's zoning and construction municipal code, resulting in substantial injury to nearby residents. In response to code enforcement citations, abatement orders, and actions by the City Attorney, CFS's behavior can best be characterized by inaction and a general disregard for city regulators as well as the welfare of the surrounding community.

These facts, when presented by the public and evaluated by the Zoning Administrator, culminated in two main determinations (in addition to CEQA): the dismissal of a Plan Approval for a Deemed to be Approved Conditional Use to permit the operation of a crematory and chapel and further, the clarification of the permitted scope of use of the columbaria structures in which ashes are interred.

In response to the determination letter by the Zoning Administrator, rather than end this behavior of ignoring and skirting the rules imposed by the City and finally complying with reasonable conditions, CFS filed an Appeal for the aforementioned action, requesting once again a granting of the requested Plan Approval and a modification or removal of six conditions. The filed Appeal documents do not provide any evidence and very few arguments to support their request for appeal and only includes vague references that the "Appellant will present" or "Appellant will provide" and that "all points listed below are subject to supplementation up and until the time of the hearing to be scheduled." Although this is technically true, this proclamation precisely characterizes the pattern of conduct by CFS to circumvent regulatory processes and avoid public comment. By providing a request for Appeal that is completely devoid of any substance with the sole purpose of providing supplementary information at the last possible moment, the Appellant is effectively cutting the community out of this fair and transparent process and removing their ability to properly evaluate the Appellant's claims.

In spite of the lack of substantiating evidence and in direct response to the Appellant's Appeal Justification, we would like to provide the following points that specifically address the Appellant's requests:

**Dismissal of Plan Approval: Appellant requests that the Area Planning Commission grant the Plan Approval requested.**

Once again, the Appellant seeks to take up the time of City regulators and asks that the South Los Angeles Area Planning Commission grant the Plan Approval that expands the scope of use above the level previously determined by the APC in 2016, and further clarified in the most recent Zoning Administrator Determination Letter issued in May of 2019. The granting of the proposed Plan Approval would allow CFS to expand their rights on the property to be consistent with the unpermitted structures they have erected and the unpermitted uses that they have engaged in on the property.

The reasons for the dismissal of the Plan Approval were correctly founded on the simple premise that the business ceased operations for a period of greater than one year. Section 12.24 (Q) "Discontinuance of Use" of the Los Angeles Municipal Code states

*If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.*

The operation at 1605 Catalina was clearly not in use for an amount of time exceeding one year at least between 2004 and 2007 according to the State of California Cemetery and Funeral Bureau (Exhibit E) and by the admission of the Appellant in the Appeal Justification.

This fact cannot be dismissed as a technicality by the City and likely was not overlooked by the operator. As industry professionals CFS should have known, and likely did know that a lapse in use resulted in a lapse in rights and as such, chose to materially misrepresented the operational history of the property to LADBS. Because sufficient information was not presented to the Zoning Administrator until before the most recent determination made on May 16, 2019, the City was only recently able to affirm that the deemed to be approved rights have been lost as a result of a discontinuance of use for a period greater than one year.

In the filed Appeal documents, the Appellant offers only one explanation in the form of a creative interpretation of 12.24 (Q) of the LAMC, asserting that CFS continued to operate the crematory and chapel off-site and have therefore retained their rights. This argument, however, does not meet the letter, nor the intent of the code, which requires a new discretionary entitlement proceeding should a conditional use be discontinued.

While undoubtedly the decision by the Zoning Administrator would likely result in injury to the Appellant's business, the Zoning Administrator, in its determination, did not require that the Appellant shut its doors and leave town, but only required that the Appellant comply with all conditions of their discretionary entitlement and should they desire to expand those rights, they must seek approval through the standards laid out in the Los Angeles Municipal Code.

---

In addition to the dismissal of a Plan Approval for a Deemed to be Approved Conditional Use to permit the operation of a crematory and chapel the Zoning Administrator provided clarification of the permitted scope of use of the columbaria structures in which ashes are interred. The mechanism of this clarification was the imposition of a set of fourteen conditions that effectively required that the columbaria structures and uses be scaled back to those originally intended by previous determinations of the City. In the determination letter issued by Charles Rausch, Associate Zoning Administrator, on May 16, 2019 (Exhibit D), the City retained eight conditions from the prior action by the South Los Angeles Area Planning Commission relating to the columbaria, revised the language in three conditions, and added three additional conditions with the purpose of ensuring the CFS will only engage in activities for which they are permitted and that any continuation or expansion of use must be subject to the same regulatory oversight and public scrutiny as any operator seeking similar rights in the City of Los Angeles.

**Condition 6: Appellant requests Condition 6 to be modified to its original language. Appellant will present a detailed history and of its compliance with the previous determination and operations to evidence that this Condition should have remained as-is.**

The Appellant requests that the condition be modified back to its original language which would effectively create an ambiguous situation in which the Appellant could engage in crematory and chapel services previously determined to be unlawful.

To support this claim, the Appellant asserts that it can present a detailed history of compliance with the previous conditions although in contrast, the Appellant's behavior shows a blatant disregard for previously imposed conditions and only chose to remove a portion of the unpermitted structures after being threatened by the City Attorney.

Additionally, revision of this condition to the original language would remove the clarification that the outdoor columbaria structures should be limited to 1,917 square feet and only in six structures, not lining the walls of the area as originally intended in the decision by the South Los Angeles Area Planning Commission. As a result, the clarifying language should remain as-is for this condition.

**Condition 7: Appellant requests Condition 7 to be modified to its original language. Appellant will present a detailed history of the use of the site as a location for mortuary-related uses, events, as well as cremations that provide for continued operation as-is.**

The Appellant requests that this condition be modified to its original language which would allow unpermitted activities to be conducted by the operator on-site. The Appellant's history of unpermitted mortuary-related uses does not grant them legal-nonconforming rights as they do not meet the threshold established by the Los Angeles Municipal code for deemed to be approved status. As such, the language should remain as is and the operator shall not engage in viewing or funeral activities until such time as a Conditional Use is granted.

**Condition 8: Appellant requests Condition 8 to be modified to its original language. Appellant uses artificial turf to cover areas also used for overflow parking, and the language in this Condition does not address use of overflow parking.**

The Appellant requests that this condition be modified to its original language with the intent of the continued use of unattractive artificial turf on the property in areas that it has designated as "overflow parking." Although on its face, the Appellant may see this as a clever technicality, the intent of the original and revised language is to ensure that the property is not a blight on the neighborhood and is attractively designed through the mechanism of landscape requirements for open areas and parking standards for parking areas, including overflow parking areas, as required by 12.21-A, 6 (h) and 12.21-A, 6 (i) of the LAMC.

**Condition 10: Appellant would like to clarify that, while scattering of ashes is legal under California law, the Appellant has not scattered and does not scatter ashes on-site. The Garden Ossuary near Catalina Street provides for group interment of cremains underground and Appellant would like to continue to do so to provide a cost-effective burial option to clients. Appellant would like to note that this Condition clearly reflects much of the misinformation disseminated by opponents of Appellant's continued use of the site.**

In the Appeal Justification the Appellant clearly shows its intent to continue to skirt the rules regarding the interment of cremated remains outlined by the State of California and the City and County of Los Angeles. The interment of cremated remains is only permitted in designated areas that were specifically outlined in the documentation, evidence, and attestation provided by the Appellant during the discretionary entitlement process. The code does not allow for the Appellants assertion of "group interment" in the scatter garden area located near Catalina Street and only allows for interment in specific areas and as such, this condition should remain as written.

**Condition 11: Appellant respectfully requests removal of this condition. Appellant has complied with City and State requirements for operation of a crematorium. The crematorium ceased operation for upgrades while the use of the remainder of the site was operational with off-site uses for crematoria in the interim. Appellant will provide evidence of these uses to provide vested rights for continued operation.**

The Appellant requests removal of this condition, contending that the crematorium ceased operation for upgrades, and they conducted off-site uses during the period from 2004 until 2008 and asserts that it will provide evidence of these uses. The rights granted by the City of Los Angeles for the operation of a crematory, as a Deemed to Be Approved Conditional Use, lapse in situations where the business ceases operation for a period of greater than one year and that business would then be required to seek a new Conditional Use Permit in all circumstances. During this time, CFS, by its own admission and supported by evidence provided by the State of California Department of Cemetery and Funeral Bureau (Exhibit E), ceased crematory services at 1605 South Catalina for a period greater than one year, effectively losing its deemed to be approved rights and as such, this condition should remain as written.

**Condition 12: Appellant respectfully requests removal of this condition. The State of California regulates the removal and reinterment of cremains. The City cannot regulate the Appellant to act contrary to California law. All issues with the City Attorney and the enforcement divisions of the City of Los Angeles have been settled and the Appellant is complying with all applicable California Laws in addressing cremains.**

The Appellant requests the removal of this condition, attempting to leverage State of California law against the imposed condition when in fact no conflict exists. CFS knowingly sold unpermitted niches to members of the community and now seeks to keep them in operation stating that it is now too late to do anything about it because the remains have already been interred.

The State of California, the County of Los Angeles, and the City of Los Angeles all have legal authority to regulate various aspects of the interment of cremated remains and current regulations allow for all of these governing bodies to work in harmony. In this particular situation, the condition language is not in conflict with State of California law and potential solutions exist for cremated remains to be removed and reinterred on- or off-site from the unpermitted area without any violation of State or Local law. Furthermore, the entire responsibility, burden, and cost of rectifying this situation for the families of the interred should be borne by CFS.

As of July 29, 2019, the Appellant has not supported any claims made in the Appeal Justification with additional information or evidence. Based on the information provided as of this date, the appeal should clearly be denied, and the conditions remain as written. Thank you for considering our correspondence and please do not hesitate to contact us to discuss the foregoing in further detail.

Most Sincerely,

*Matthew Marcote*

Matthew Marcote  
Land Use Consultant, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Roy Samaan, City Planning  
Gilbert Cedillo, Council District 1  
Jay Park, President, Pico Union Neighborhood Council



**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-2014-0397-PAD-PA1

Project Address: 1605 South Catalina Street

Final Date to Appeal: May 31, 2019

- 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): Henry Chun

Company: Community Funeral Services, Inc.

Mailing Address: 1605 Catalina Street

City: Los Angeles State: CA Zip: 90006

Telephone: (323) 731-5734 E-mail: daehanmortuary@sbcglobal.net

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

Self  Other: \_\_\_\_\_

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

**3. REPRESENTATIVE/AGENT INFORMATION**

Representative/Agent name (if applicable): Nicole Kuklok-Waldman

Company: Collaborate, Inc.

Mailing Address: 555 West Fifth Street, Suite 3500

City: Los Angeles State: CA Zip: 90013

Telephone: 213-986-2131 E-mail: nicole@collaborate-la.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
- Specifically the points at issue
- How you are aggrieved by the decision
- 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 5/29/2019

**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:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

**Appeal Justification for 1605 Catalina Street**  
ZA-2014-0397-PAD-PA1

**1. The reason for the appeal:**

The Applicant, Community Funeral Services, respectfully requests approval of the requested Plan Approval and revision of Conditions 6 through 8 and 9 through 12. Community Funeral Services readily acknowledges past infractions that have been resolved with the City of Los Angeles. However, Community Funeral Services' activities have been severely mischaracterized by opponents who lack understanding of both the operation of the Community Funeral Services site, as well as the State's regulation of Community Funeral Services' functions.

**2. How you were aggrieved by the decision:**

The decision by the Zoning Administrator would result in irreparable injury to Applicant's business by prohibiting its key operational components.

**3. Specifically, the points at issue:**

All points listed below are subject to supplementation up and until the time of the hearing to be scheduled.

Dismissal of Plan Approval: Applicant requests that the Area Planning Commission grant the Plan Approval requested.

Condition 6: Applicant requests Condition 6 to be modified to its original language. Applicant will present a detailed history and of its compliance with the previous determination and operations to evidence that this Condition should have remained as-is.

Condition 7: Applicant requests Condition 7 to be modified to its original language. Applicant will present a detailed history of the use of the site as a location for mortuary-related uses, events, as well as cremations that provide for continued operation as-is.

Condition 8: Applicant requests Condition 8 to be modified to its original language. Applicant uses artificial turf to cover areas also used for overflow parking, and the language in this Condition does not address use of overflow parking.

Condition 10: Applicant would like to clarify that, while scattering of ashes is legal under California law, the Applicant has not scattered and does not scatter ashes on-site. The Garden Ossuary near Catalina Street provides for group interment of cremains underground and Applicant would like to continue to do so to provide a cost-effective burial option to clients. Applicant would like to note that this Condition clearly reflects

much of the misinformation disseminated by opponents of Applicant's continued use of the site.

Condition 11: Applicant respectfully requests removal of this condition. Applicant has complied with City and State requirements for operation of a crematorium. The crematorium ceased operation for upgrades while the use of the remainder of the site was operational with off-site uses for crematoria in the interim. Applicant will provide evidence of these uses to provide vested rights for continued operation.

Condition 12: Applicant respectfully requests removal of this condition. The State of California regulates the removal and reinternment of cremains. The City cannot regulate the Applicant to act contrary to California law. All issues with the City Attorney and the enforcement divisions of the City of Los Angeles have been settled and the Applicant is complying with all applicable California Laws in addressing cremains.

**4. Why you believe the decision-maker erred or abused their discretion.**

The Applicant is prepared to provide evidence demonstrating that it has continued to work within the law to maintain a complaint business. Many of the statements made in the ZA determination are not true and will be detailed at the appeal hearing. In addition, many of the issues addressed in the Plan Approval are already regulated by the State and are therefore preempted. When all of the allegations stated are resolved, it will be clear that Community Funeral Services should be allowed to continue to operate as a member of the community.

# **CRAIG FRY & ASSOCIATES** LLC<sup>TM</sup>

DEVELOPMENT CONSULTING

1010 SOUTH ARROYO PARKWAY, NO. 6 | PASADENA, CA 91105 | (310) 621-2309 | DRAGON@CRAIGFRYANDASSOCIATES.COM

February 27, 2019

Charlie Rausch  
Zoning Administrator  
City of Los Angeles  
Department of City Planning  
200 North Spring Street  
7th Floor  
Mail Stop 395  
Los Angeles, California 90012

**Subject:**        **1605 S. Catalina Street, Los Angeles, CA ("Property")**  
                  **Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Dear Mr. Rausch:

On behalf of concerned residents in the Koreatown community, I am writing to provide an updated summary of the zoning violations and complaints against Community Funeral Services, Inc. (California SOS Entity No. C2832024). This letter is to supplement the previous letter sent to Lisa Webber, Chief Zoning Administrator, by our organization on September 12, 2018.

Community Funeral Services ("CFS") currently operates a crematory and maintains columbarium structures at 1605 South Catalina Street in Los Angeles. CFS operates under DBA Chapel of the Pines and Dae Han Mortuary.

For many years, CFS has knowingly and flagrantly violated the City's zoning and construction laws, resulting in substantial injury to nearby residents. In the face of code enforcement citations, abatement orders, and actions from the City Attorney, CFS's behavior can best be characterized by inaction and disregard for the surrounding community as well as the City's zoning laws. The sole purpose of this letter is to address the Company's most recent zoning violations and propose an appropriate remedy. However, before asking the City to exercise its considerable zoning powers, it is important to consider the context— that CFS engaged in a scheme to profit from the sale of columbarium niches for the interment of cremated human remains without disclosing to the buyers that the structures were built in violation of State construction standards and the City's building and zoning code.

There is also evidence that CFS has also illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City. These matters have been referred to the Los Angeles District Attorney's office for investigation and prosecution.<sup>1</sup> Furthermore, there is also substantial evidence that CFS ignored multiple State laws that govern the construction, sale and maintenance of columbarium niches for cremated remains. These violations are concurrently being investigated by the State's Cemetery and Funeral Bureau.

### **Background**

The Property is located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School. The Property has a long history of being used as a crematory and columbarium, despite its current zoning for agricultural uses and its designation as open space under the City's General Plan.

- The Property was historically operated by the Pierce Brothers as a crematory and columbarium.
  - The Property's crematory operation was shut down in 2003 by the prior owner.
  - CFS acquired the dormant Property in 2006, and began a series of illegal activities that included the following:
    - Opening a full-scale mortuary business without permits and in violation of City law, including sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, and arrangement of onsite funeral services;
    - Construction of 27 illegal and unpermitted columbarium structures for the interment of cremated human remains within a 5,198 square-foot outdoor memorial garden; and
    - Sale of illegal and unpermitted columbarium niches to unsuspecting consumers.
-

- Case History:
  - Case No. ZA-2010-1762-ZV
  - Case No. ZA-2010-1762-ZV-1A
  - Case No. ZA-2014-397-PAD
  - Case No. ZA-2014-397-PAD (Letter of Clarification)
  - Case No. ZA-2014-397-PAD-1A
  
- CFS was unsatisfied with the limitations that the City had placed on its business In Case No. ZA-2014-397-PAD, and appealed the Zoning Administrator's determination to the Area Planning Commission.
  
- On November 1, 2016, in Case No. ZA-2014-397-PAD-1A, the South Los Angeles Planning Commission upheld the decision of the Zoning Administrator that limited the conduct of CFS' business.
  
- The Area Planning Commission affirmed the Zoning Administrator's conditions, including an order to reduce the size of an illegal and non-permitted 5,198 square-foot memorial garden containing 12 stand-alone and 15 wall-mounted columbarium structures to a 1,920 square-foot memorial garden having a maximum of 6 stand-alone columbaria.
  
- In addition, the South Los Angeles Planning Commission added a new condition requiring CFS to file a Plan Approval review with the City not later than May 1, 2018. This proceeding was intended to invite public comment and give the Zoning Administrator an opportunity to consider the effectiveness of the imposed conditions and the compliance record of CFS.
  
- The Area Planning Commission further added a new condition that put CFS on notice that if evidence of its non-compliance with any of the zoning conditions is received prior to the Plan Approval hearing, the proceeding could be transformed into a revocation hearing that would effectively terminate CFS' operations at the site.
  
- CFS was required to record all of the zoning conditions with the County Registrar-Recorder such that they would run with the land and be enforceable against CFS and any subsequent owner of the Property.

- Under the City Charter and Municipal Code, the decision of the Area Planning Commission was the City's final word on the matter, as no further avenue of appeal was available to CFS, except for judicial review.

### Recent History

In the months following the decision of the South Los Angeles Planning Commission, CFS took no action to comply with any of the following conditions that were imposed by the City:

- CFS did not file for the required Plan Approval action within the required time set forth by the determination. Only after action by the City Attorney did CFS belatedly file on September 6, 2018.
- CFS continued to operate without effectuation the land use conditions imposed by the Zoning Administrator by recording them with the Los Angeles County Registrar-Recorder. As of the date of this letter, no covenant has been recorded with the county recorder.
- Despite assurance by the representative, and guaranteed by the owner in the property owner affidavit, CFS did not reduce the size of the memorial garden to the allowed area of 1,920 square feet. Additionally, the plans that have been submitted with this plan approval are out of scale and materially misrepresent the actual site.
- Moreover, CFS also failed to reduce the number of columbarium structures to a maximum of six, defying the directive of the Planning Commission. At the time of this letter, 10 additional columbarium structures exist around the perimeter of the memorial garden, containing 360 niches, 44 of which are occupied.
- All during this time, CFS continued the lucrative business practice it first began in 2009—knowingly selling unpermitted crematory niches to the public, with nearly all sales being made to bereaved families within the Korean-American community
- In response to this delinquency, the Los Angeles Department of Building and Safety issued citations against CFS on March 14, 2018 and June 8, 2018. The violations cited included the failure of CFS to reduce the size of the outside columbarium and the removal of the columbarium structures therein. The matter was subsequently referred to the Office of City Attorney for prosecution, and an office hearing was scheduled between CFS and the City Attorney for August 28, 2018 ("City Attorney Hearing").

- After failing to comply with the City's conditions since they became effective on November 1, 2016, in the week prior to the City Attorney Hearing, CFS engaged a crew to hurriedly destroy six of the columbaria in a belated attempt to comply with the City's removal order. Each of the demolished structures contained 96 cremation niches. Provided are photographs, videos, and documents which will affirm the foregoing, and most shockingly, we can confirm that human remains were already interred in some of the cremation niches that were demolished.<sup>2</sup> We can further confirm that as of the date hereof, CFS had completed the removal of the six freestanding columbarium structures and several of the perimeter structures, but still remains in excess of the amount allowed.

### Summary of Issues

CFS resumed dormant crematory operations at the site as a "deemed-to-be-approved" conditional use in violation of City law after a prolonged break of at least 4 years that CFS failed to disclose (Exhibit A). CFS obtained this "deemed-to-be-approved" status under false pretenses in a letter to LADBS on May 1, 2009. (Exhibit B). Through this method, CFS was able to avoid the standard proceedings of seeking a conditional use and the public attention and oversight that would normally be required.

In addition, CFS has knowingly, purposefully and materially violated nearly every zoning condition imposed by the City to protect local citizens from the improper use of the Catalina Street site for the operation and maintenance of a deemed-to-be approved crematorium, chapel and columbaria. These infractions of CFS include the following:

- **Condition No. 2:** CFS did not use and develop the property in conformity with the submitted plot plan, as subsequently revised by the Zoning Administrator in case No. ZA-2014-0397(PAD). The site plan submitted does not accurately reflect site conditions and has been developed to make the memorial garden area appear smaller. (Exhibit C)
  - **Condition No. 3:** CFS did not conduct its use with due regard for the character of the surrounding community. In fact, CFS engaged in predatory actions in selling columbarium niches that were not legally permitted by City or State law, and that were never inspected to ensure compliance with the many building standards imposed by the Los Angeles Building Code and the State's Health and Safety Code. In addition, CFS continued to act in violation of previous zoning actions to limit their services to permitted activities. On multiple occasions, CFS illegally provided unpermitted funeral ceremony services for off-site burial or interment (Accompanying Media)
-

- **Condition No. 6(b):** CFS did not reduce the size of the outdoor memorial garden to 1,920 square feet as of the date of this letter. CFS has been actively engaged in demolition of columbarium structures, including structures that contained occupied niches without notification of the families of the interned, but the current memorial garden is approximately 3,500 square feet, despite the misrepresentation on the plans (Exhibit C)
- **Condition No. 6(c):** CFS did not remove all unauthorized outdoor columbaria and only removed six units that were permitted to remain in the center of the memorial garden as well as two perimeter structures. As of the date of this letter, 6 columbarium structures remain on the interior and 10 on the perimeter for a total of 16 (Exhibit C)
- **Condition No. 7(a):** CFS did not file for an Approval of Plans within 18 months from the Effective Date. CFS filed for plan approval on 9/6/18, only after legal action by the City Attorney.
- **Condition No. 8(a):** CFS did not landscape or maintain open area not used for buildings, driveways, parking areas, recreational facilities or walks. CFS has not maintained the property and has most areas are covered by concrete, dirt, and repurposed AstroTurf from a football field (Exhibit D).
- **Condition No. 8(b):** CFS did not plan a landscape buffer of a minimum 5-foot width on the portion of its lot abutting residential uses (Exhibit D).
- **Condition No. 9:** As of the date of this letter, CFS did not effectuate its rights to operate a crematory, chapel and columbaria by executing, notarizing and recording a Master Covenant and Agreement containing each of the required conditions with the Los Angeles County Registrar-Recorder.
- **Condition No. 10:** Since CFS failed to record any of the imposed conditions, including Condition No. 10, the City may have a limited ability to enforce its indemnity and reimbursement rights in any legal actions against the City related to the granted entitlements.

### **Recommendation**

The record clearly establishes that CFS has both repeatedly and consciously violated City and State laws in the pursuit of financial gains. The company has clearly demonstrated its indifference to the legitimate concerns of its neighbors and the City. Moreover, in this case there is overwhelming evidence that CFS has resisted multiple attempts by the Office of

Zoning Administration to impose reasonable conditions for the conduct of a business that is normally not allowed on land zoned for agricultural purposes and designated for open space uses.

This pattern of conduct should disqualify CFS from continuing to benefit from the special rules that shield its business from the standards and public scrutiny demanded of other businesses seeking to conduct activities that are not permitted by right under existing zoning laws. Accordingly, in light of these exceptional circumstances, and order to protect the surrounding community from the continuing unlawful business practices of CFS, we respectfully ask you to exercise the reserved powers of the Zoning Administrator to accomplish each of the following:

- Deny the Plan Approval action that has been filed by CFS (ZA-2014-0397-PAD-PA1);
- Revoke CFS's right to operate as a crematory due to failing to meet the continued use requirement and misrepresentation by the Applicant, enforce Code Section 12.24(Q), negating the "deemed-to-be-approved" status. As a result, CFS's crematory operations should be permanently shuttered or resumed only after filing for a new grant under full public comment and the City's proper regulation through the imposition of enforceable conditions.
- Require CFS to immediately scale back their operation to 1,920 square feet and six columbarium structures, as required by the original zoning determination and as affirmed by the South Los Angeles Area Planning Commission. Because there appear to be at least 44 occupied niches in the unpermitted columbarium structures, CFS should be required to make appropriate arrangements with the families of the interred for relocation to a legally permitted site.
- Require the Chapel to immediately cease all funeral services not ancillary to the interment in permitted niches and a place for visitation from the families of the interred.
- Refer this case to the City Attorney's office for the commencement of appropriate criminal proceedings against the owners of CFS pursuant to Section 12.29 of the Municipal Code, which provides that a violation of zoning conditions can be deemed a misdemeanor and punished by a \$2,500 fine and/or imprisonment in the County jail for a period not to exceed six months.

Given the extreme sensitivity of the events detailed in this letter, it is essential that this project undergo the proper review and the Office of the Zoning Administrator take prompt and decisive action in this matter to limit further harm to the public.

Most Sincerely,

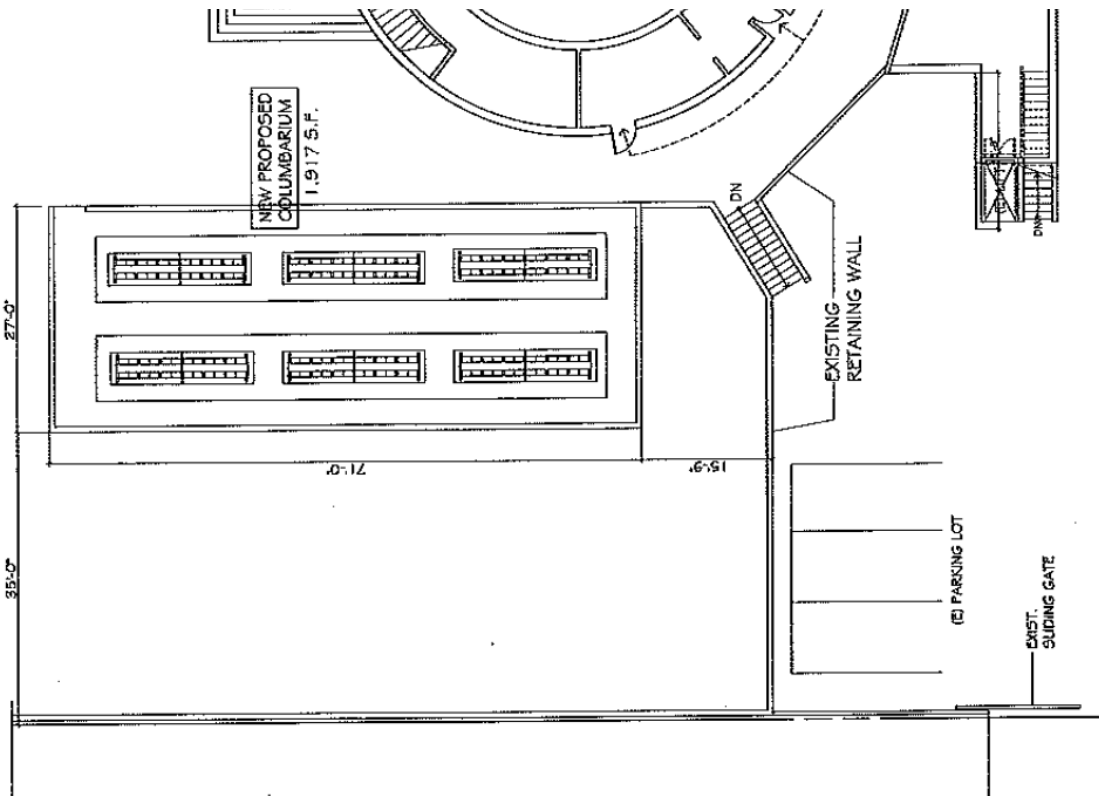
Matthew Marcote  
Land Use Consultant, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Roy Samaan, City Planning  
Gilbert Cedillo, Council District 1  
Jay Park, President, Pico Union Neighborhood Council

Attachments:



Actual Site 2/21/19



Submitted Plans



# CRAIG FRY & ASSOCIATES<sup>LLC™</sup>

## DEVELOPMENT CONSULTING

1010 SOUTH ARROYO PARKWAY, NO. 6 | PASADENA, CA 91105 | (310) 621-2309 | DRAGON@CRAIGFRYANDASSOCIATES.COM

September 12, 2018

Lisa Webber  
Chief Zoning Administrator  
City of Los Angeles  
Department of City Planning  
200 North Spring Street  
7th Floor  
Mail Stop 395  
Los Angeles, California 90012

**Subject: 1605 S. Catalina Street, Los Angeles, CA ("Property")  
Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Dear Ms. Weber:

On behalf of concerned residents in the Koreatown community, I am writing to formally lodge a complaint for zoning violations against Community Funeral Services, Inc. (California SOS Entity No. C2832024). Community Funeral Services ("CFS") operates a crematory, mausoleum and mortuary at 1605 South Catalina Street in Los Angeles.

For many years, CFS has knowingly and flagrantly violated the City's zoning and construction laws, resulting in substantial injury to nearby residents. The sole purpose of this letter is to address the Company's most recent zoning violations and propose an appropriate remedy. However, to place the conduct of CFS in its property context, I need to point out there is also documented evidence that CFS engaged in the fraudulent sale of cremation niches for the interment of cremated remains within unpermitted columbarium<sup>1</sup> structures at the Property.

There is also evidence that CFS may also have illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City. These matters have been referred to the Los Angeles District Attorney's office for investigation and prosecution.<sup>2</sup> Furthermore, there is also substantial evidence that CFS

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<sup>1</sup> A columbarium is a room or structure designed as a final resting place to house cremated remains. Columbaria are permanent structures with banks of cremation niches (similar to cubbyholes, but with secure fronts) that hold cremation urns. Some columbaria have granite-front or bronze-front niches that can be engraved or memorialized with a plaque, similar to a grave marker.

<sup>2</sup> See letter at Exhibit A.

ignored multiple State laws that govern the construction, sale and maintenance of columbarium niches for cremated remains. These violations are concurrently being investigated by the State's Cemetery and Funeral Bureau.

### **Background**

The Property is located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School. The Property has a long history of being used as a crematory and mausoleum, despite its current zoning for agricultural uses and its designation as open space under the City's General Plan.

- The Property's crematory operation was shut down in 2003 by the prior owner.
- CFS acquired the dormant Property in 2006, and began a series of illegal activities that included the following:
  - Opening a full-scale mortuary business without permits and in violation of City law, including sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, and arrangement of onsite funeral services;
  - Construction of 27 illegal and unpermitted columbarium structures for the interment of cremated human remains within a 5,198 square-foot outdoor memorial garden; and
  - Sale of illegal and unpermitted columbarium niches to unsuspecting consumers.
  - Case History:
    - Case No. ZA-2010-1762-ZV
    - Case No. ZA-2010-1762-ZV-1A
    - Case No. ZA-2014-397-PAD
    - Case No. ZA-2014-397-PAD (Letter of Clarification
    - Case No. ZA-2014-397-PAD-1A.
- CFS was unsatisfied with the limitations that the City had placed on its business In Case No. ZA-2014-397-PAD, and appealed the Zoning Administrator's determination to the Area Planning Commission.

- On November 1, 2016, in Case No. ZA-2014-397-PAD-1A, the South Los Angeles Planning Commission upheld the decision of the Zoning Administrator that limited the conduct of CFS' business.
- The Area Planning Commission affirmed the Zoning Administrator's conditions, including an order to reduce the size of an illegal and non-permitted 5,198 square-foot memorial garden containing 12 stand-alone and 15 wall-mounted columbarium structures to a 1,920 square-foot memorial garden having a maximum of 6 stand-alone columbaria.
- In addition, the South Los Angeles Planning Commission added a new condition requiring CFS to file a Plan Approval review with the City not later than May 1, 2018. This proceeding was intended to invite public comment and give the Zoning Administrator an opportunity to consider the effectiveness of the imposed conditions and the compliance record of CFS.
- The Area Planning Commission further added a new condition that put CFS on notice that if evidence of its non-compliance with any of the zoning conditions is received prior to the Plan Approval hearing, the proceeding could be transformed into a revocation hearing that would effectively terminate CFS' operations at the site.
- CFS was required to record all of the zoning conditions with the County Registrar-Recorder such that they would run with the land and be enforceable against CFS and any subsequent owner of the Property.
- Under the City Charter and Municipal Code, the decision of the Area Planning Commission was the City's final word on the matter, as no further avenue of appeal was available to CFS, except for judicial review.

### **Recent History**

In the months following the decision of the South Los Angeles Planning Commission, CFS took no action to comply with any of the following conditions that were imposed by the City:

- CFS has not filed the required Plan Approval action;
- CFS never effectuated the land use conditions imposed by the Zoning Administrator by recording them with the Los Angeles County Registrar-Recorder;

- CFS did not reduce the size of the memorial garden to the allowed area of 1,920 square feet.
- Moreover, CFS also failed to reduce the number of columbarium structures, defying the directive of the Planning Commission.
- All during this time, CFS continued the lucrative business practice it first began in 2009—knowingly selling unpermitted crematory niches to the public, with nearly all sales being made to bereaved families within the Korean-American community

In response to this delinquency, the Los Angeles Department of Building and Safety issued citations against CFS on March 14, 2018 and June 8, 2018. The violations cited included the failure of CFS to reduce the size of the outside columbarium and the removal of the columbarium structures therein. The matter was subsequently referred to the Office of City Attorney for prosecution, and an office hearing was scheduled between CFS and the City Attorney for August 28, 2018 (“City Attorney Hearing”).

After failing to comply with the City’s conditions since they became effective on November 1, 2016, in the week prior to the City Attorney Hearing, CFS engaged a crew to hurriedly destroy six of the columbaria in a belated attempt to comply with the City’s removal order. Each of the demolished structures contained 96 cremation niches. We can provide you with photographs, videos and documents which will affirm the foregoing, and most shockingly, we can confirm that human remains were already interred in some of the cremation niches that were demolished.<sup>3</sup> We can further confirm that as of the date hereof, CFS had completed the removal of the six columbaria, but appears to have left many more unpermitted crematory niches in columbarium structures built into the walls surrounding the memorial garden.

### **Summary of Issues**

CFS resumed dormant crematory operations at the site as a “deemed-to-be-approved” conditional use in violation of City law after a prolonged break of at least 4 years that CFS failed to disclose.<sup>4,5</sup>

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<sup>3</sup> See Images 1 through 12 which are attached hereto.

<sup>4</sup> See Exhibit B, *Letter from the California Cemetery and Funeral Bureau*, dated September 23, 2016, showing that there was no cremation activity on the site during the years 2004, 2005, 2006 and 2007.

<sup>5</sup> Under Municipal Code Section 12.24(Q), any conditional use rights that are abandoned or discontinued for a continuous period of one year may not be re-established unless fully authorized in accordance with the procedure for the establishment of a new conditional use.

In addition, CFS has knowingly, purposefully and materially violated nearly every zoning condition imposed by the City to protect local citizens from the improper use of the Catalina Street site for the operation and maintenance of a deemed-to-be approved crematorium, chapel and columbaria. These infractions of CFS include the following:

- **Condition No. 2:** CFS did not use and develop the property in conformity with the submitted plot plan, as subsequently revised by the Zoning Administrator in case No. ZA-2014-0397(PAD).
- **Condition No. 3:** CFS did not conduct its use with due regard for the character of the surrounding community. In fact, CFS engaged in predatory actions in selling columbarium niches that were not legally permitted by City or State law, and that were never inspected to ensure compliance with the many building standards imposed by the Los Angeles Building Code and the State's Health and Safety Code.
- **Condition No. 6(b):** CFS did not reduce the size of the outdoor memorial garden to 1,920 square feet.
- **Condition No. 6(c):** CFS did not remove all unauthorized outdoor columbaria except for 6 units that were permitted to remain in the center of the memorial garden.
- **Condition No. 7(a):** CFS did not file for an Approval of Plans within 18 months from the Effective Date.<sup>6</sup>
- **Condition No. 8(a):** CFS did not landscape or maintain open area not used for buildings, driveways, parking areas, recreational facilities or walks.
- **Condition No. 8(b):** CFS did not plan a landscape buffer of a minimum 5-foot width on the portion of its lot abutting residential uses.
- **Condition No. 9:** CFS did not effectuate its rights to operate a crematory, chapel and columbaria by executing, notarizing and recording a Master Covenant and Agreement containing each of the required conditions with the Los Angeles County Registrar-Recorder.

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<sup>6</sup> Using the most generous interpretation of "Effective Date" available, the 18-month period in which CFS was required to file the Plan Approval would have been tolled during the appellate proceedings until the decision of the South Los Angeles Planning Commission became effective on November 1, 2016. This would mean that CFS had violated this condition by failing to file the Plan Approval by May 1, 2018.

- **Condition No. 10:** Since CFS failed to record any of the imposed conditions, including Condition No. 10, the City may have a limited ability to enforce its indemnity and reimbursement rights in any legal actions against the City related to the granted entitlements.

### Request for Assistance

The record clearly establishes that CFS has both repeatedly and consciously violated City and State laws in the pursuit of financial gains. The company has clearly demonstrated its indifference to the legitimate concerns of its neighbors and the City. Moreover, in this case there is overwhelming evidence that CFS has resisted multiple attempts by the Office of Zoning Administration to impose reasonable conditions for the conduct of a business that is normally not allowed on land zoned for agricultural purposes and designated for open space uses.

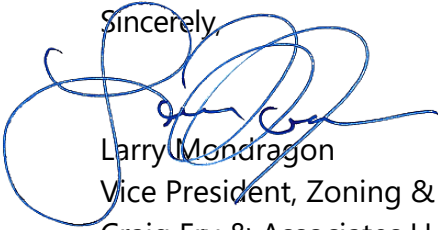
This pattern of conduct should disqualify CFS from continuing to benefit from the special rules that shield its business from the standards and public scrutiny demanded of other businesses seeking to conduct activities that are not permitted by right under existing zoning laws. Accordingly, in light of these exceptional circumstances, and order to protect the surrounding community from the continuing unlawful business practices of CFS, we respectfully ask you to exercise the reserved powers of the Zoning Administrator to accomplish each of the following:

- Deny the processing of any dilatory Plan Approval action that may be filed by CFS;
- In accordance with the remedy that was prescribed by the Area Planning Commission, immediately initiate a revocation proceeding that will determine whether CFS should be entitled to continue its use of the Property for crematory, chapel and columbaria purposes, and that will invite public comment and provide an opportunity for the City to consider the numerous and serious violations that have been committed by this operator;
- With regard to the discontinuance of the crematory operations at the Property for a period of at least 4 years, enforce Code Section 12.24(Q) and ensure that CFS fully complies with the law; and
- Refer this case to the City Attorney's office for the commencement of appropriate criminal proceedings against the owners of CFS pursuant to Section 12.29 of the Municipal Code, which provides that a violation of zoning conditions can be deemed a misdemeanor and

punished by a \$2,500 fine and/or imprisonment in the County jail for a period not to exceed six months.

Given the extreme sensitivity of the events I have detailed in this letter, we would be most appreciative if your office could take prompt action in this matter. Please do not hesitate to contact us to discuss the foregoing concerns in greater detail.

Sincerely,



Larry Mondragon  
Vice President, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Jack Chiang, Associate Zoning Administrator  
Hon. Gilbert Cedillo, Council District 1  
Jay Park, President, Pico Union Neighborhood Council

Attachments.

**EXHIBIT A**

Letter to District Attorney Office, Dated September 4, 2018

*[The Letter to the District Attorney Office should be placed here]*

# CRAIG FRY & ASSOCIATES<sup>LLC™</sup>

## DEVELOPMENT CONSULTING

1010 SOUTH ARROYO PARKWAY, NO. 6 | PASADENA, CA 91105 | (310) 621-2309 | DRAGON@CRAIGFRYANDASSOCIATES.COM

September 4, 2018

Mr. Stanley Williams, Esq.  
Head Deputy, Consumer Protection  
Los Angeles County  
District Attorney's Office  
211 West Temple Street  
Suite 1200  
Los Angeles, California 90012

**Subject:**        **1605 S. Catalina Street, Los Angeles, CA ("Property")**  
                  **Community Funeral Services, Inc. DBA "Dae Han Mortuary"**

Dear Mr. Williams:

As a follow up to our phone call, I am writing to formally lodge a complaint against Community Funeral Services, Inc. (California SOS Entity No. C2832024) on behalf of concerned citizens within the Korean-American community in the greater Los Angeles area. Community Funeral Services ("CFS") operates a crematory and mausoleum at 1605 South Catalina Street in Los Angeles. In addition, CFS also operates at the Property an illegal mortuary which knowingly sells unpermitted cremation niches for the interment of cremated remains within columbarium<sup>1</sup> structures at the Property.

### **Background**

The Property is located at the corner of Venice Boulevard and Catalina Street, directly across the street from Loyola High School, and had a history of operating as a crematory and mausoleum. The Property's crematory operation was shut down in 2003 by the prior owner. CFS acquired the dormant Property in 2006, and began a series of illegal activities including the following:

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<sup>1</sup> A columbarium is a room or structure designed as a final resting place to house cremated remains. Columbaria are permanent structures with banks of cremation niches (similar to cubbyholes, but with secure fronts) that hold cremation urns. Some columbaria have granite-front or bronze-front niches that can be engraved or memorialized with a plaque, similar to a grave marker.

- Reactivation of dormant crematory operations in violation of City law, after a prolonged break of at least 4 years;
- Operation of an unpermitted full-scale mortuary business in violation of City law, including the sale of cremations and funeral services, embalming and storage of bodies, sale of caskets, arrangement of onsite funeral services;
- Construction of illegal and unpermitted structures, in particular the construction of a 5,198 s.f. outside memorial garden with 27 unpermitted columbaria containing a total 1,656 crematory niches (see attached photos); and
- Sale of illegal and unpermitted columbarium niches to unsuspecting consumers since the inception of the business in or around 2009.

After receiving numerous citations from the City in connection with various zoning and building violations, CFS attempted to legalize the illegally constructed columbaria in 2012 (denied by the City on December 12, 2012), and again in a second application in 2014. The latter case resulted in a decision by the City in 2015, which was subsequently affirmed on appeal on November 1, 2016, which ordered the demolition of all of the illegally-constructed columbaria except for 6 structures that were to be contained in a memorial garden that could not exceed a total area of 1,920 s.f.

In the years following this decision, CFS took no action to comply with the conditions that were imposed by the City, and failed to demolish and remove all of the unpermitted columbaria structures. During this time, CFS continued the lucrative business practice it first began in 2008— knowingly selling unpermitted crematory niches to the public, with nearly all sales being made to bereaved families within the Korean-American community.

In response to this delinquency, the Los Angeles Department of Building and Safety issued citations against CFS on March 14, 2018 and June 8, 2018. The violations cited included the failure of CFS to reduce the size of the outside columbarium and the removal of the columbarium structures therein. The matter was subsequently referred to the Office of City Attorney for prosecution, and an office hearing was scheduled between CFS and the City Attorney for August 28, 2018 (“City Attorney Hearing”).

#### **CFS’ Removal of Demolition and Removal of Illegal Columbaria**

After failing to comply with the City’s conditions since they became effective on November 1, 2016, in the week prior to the City Attorney Hearing, CFS engaged a crew to hurriedly destroy

six of the columbaria in an belated attempt to comply with the City's removal order. Each of the demolished structures contained 96 cremation niches. We can provide to you photographs, videos and documents which will affirm the foregoing, and most shockingly, we can confirm that human remains were already interred in some of the cremation niches that were demolished.

We have serious concerns that these cremated remains were unlawfully removed and relocated without following proper legal procedures and without proper notification to the affected families. California laws have strict regulations and procedures for the removal of any interred remains. This complaint is therefore based upon the confirmed acts of CFS, who defrauded unsuspecting and vulnerable consumers for financial gain, callously inflicting financial injury and emotional distress. Worse yet, some of these victims now face the prospect of having to bury a loved one for a second time.

### **CFS' Fraudulent Activity**

Specifically, based on information and belief, CFS has engaged in multiple acts of fraud and misrepresentation involving the following:

- (1) The marketing, sale and maintenance of cremation niches within columbaria that had been constructed, maintained and used without a permit issued by the State of California, as required under *Health and Safety Code Section 9550*, and where CFS did not disclose this material fact to each buyer.
- (2) The marketing, sale and maintenance of cremation niches within columbaria that had been constructed, maintained and used without a permit issued by the City of Los Angeles as required under Section 91.8105 of the Municipal Code, and where CFS did not disclose this material fact to each buyer.
- (3) The marketing, sale and maintenance of cremation niches within columbaria that appear not to have been constructed by CFS in accordance with the requirements of *Health and Safety Code Section 9600-9647*, and where CFS did not disclose this material fact to each buyer.
- (4) The marketing, sale and maintenance of cremation niches within columbaria that were not inspected by the City of Los Angeles for compliance with the Building Code, as required under the Section 91.108 of the Municipal Code, and where CFS did not disclose this material fact to each buyer.

- (5) The marketing and sale of urns, crematory services, and memorial services that benefitted by being tied to the fraudulent sale of cremation niches within columbaria that had not been lawfully permitted or constructed in accordance with State and local laws.

In addition to the above, CFS may have also violated certain State laws applicable to the removal of cremated human remains interred within a columbarium pursuant to an agreement where CFS committed to provide perpetual maintenance and care.

In accordance with the provisions of *Health and Safety Code Section 7500-7502*, **no remains of a deceased person may be removed from a cemetery unless a permit for the removal has been issued, and even then, only with the consent of the family or upon a written order of the Health Department or Superior Court.** In the haste of CFS to comply with the imposed zoning conditions before the City Attorney hearing, we are concerned that no proper permission or directive was obtained that would have given CFS the authority to remove and relocate the sealed remains of deceased persons under their eternal care.

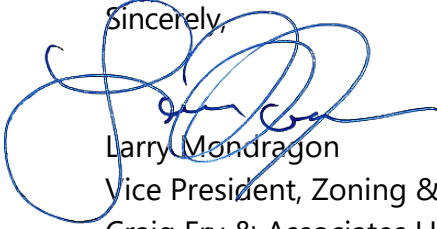
### **Conclusion**

In order to protect the Korean-American community from the predatory practices of CFS, we respectfully ask that you:

- Investigate the circumstances surrounding CFS's demolition and removal of human remains sealed within the six columbaria that were hastily demolished by CFS prior to the City Attorney Hearing, and that you ascertain whether the required legal notice was provided to the families of the deceased;
- Thoroughly investigate the CFS' practices in marketing, selling and providing perpetual repositories for cremated remains that have not been lawfully permitted or constructed in accordance with the laws of the City of Los Angeles and the State of California; and
- Upon your confirmation of these fraudulent activities, we ask that you immediately notify the members of the public to protect them from purchasing these illegal columbaria. We understand that CFS continues to advertise and sell these niches primarily targeting unsuspecting consumers in the Korean-American community.

We are most appreciative of your assistance with this highly-sensitive matter and please do not hesitate to contact us to discuss the foregoing in further detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Mondragon", is written over the typed name and title.

Larry Mondragon  
Vice President, Zoning & Entitlements  
Craig Fry & Associates LLC

cc: Hon. Jackie Lacey, District Attorney  
Hoon Chun, Assistant Head Deputy, Consumer Protection

Attachments.

**EXHIBIT B**

Letter from California Cemetery and Funeral Bureau, dated September 23, 2016

*[The Letter from the Cemetery and Funeral Bureau should be placed here]*



**CEMETERY AND FUNERAL BUREAU**  
1625 N. Market Blvd., Suite S-208  
Sacramento, CA 95834  
P 916.574.7870 F 916.928.7988 www.cfb.ca.gov



September 23, 2016

Paul Cho  
1044 S. Orange Drive  
Los Angeles, CA 90019-1512

**RE: Public Records Act Request**

Dear Mr. Cho:

This letter responds to your Public Records Act requested dated September 13, 2016, which was received by the Cemetery and Funeral Bureau (Bureau) on September 14, 2016. You have requested the number of cremations performed at Chapel of the Pines from January 1, 2000 through December 31, 2010.

During the time period in question, Chapel of the Pines has operated the crematory under a Certificate of Authority (COA 504) by Pierce Brothers Crematorium and was owned by Service Corporation International (SCI); in 2004 a separate Crematory License (CR 184) was issued to SCI; in 2007 SCI sold the crematory to Community Funeral Services, Inc. and Crematory License (CR 268) was issued following all of the licensing requirements.

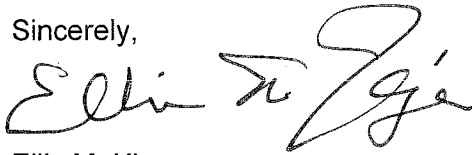
Cremations performed at Chapel of the Pines:

For COA 504	for 2000	0	
	For 2001	410	
	For 2002	444	
	For 2003	424	
CR 184	For 2004	0	License issued September 18, 2004
	For 2005	0	
	For 2006	0	
CR 268	For 2007	0	License issued May 18, 2007
	For 2008		non-reporting year for any crematory in California
	For 2009		non-reporting year for any crematory in California
	For 2010	114	
	For 2011	162	
	For 2012	70	
	For 2013	125	
	For 2014	42	
	For 2015	61	

The report for 2016 will be submitted in 2017.

If you have any further questions please contact me at 916.574.7876.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellis M. Kjer". The signature is written in a cursive style with a large, stylized initial "E".

Ellis M. Kjer,  
Enforcement Analyst

IMAGE 1

Before CFS Purchase of Property – March 15, 2006



IMAGE 2

After CFS Purchase of Property – October 7, 2007



**IMAGE 3**

After CFS Construction of Illegal Columbaria – January 8, 2008



IMAGE 4

Showing Failure to Comply with City Order – December 3, 2017

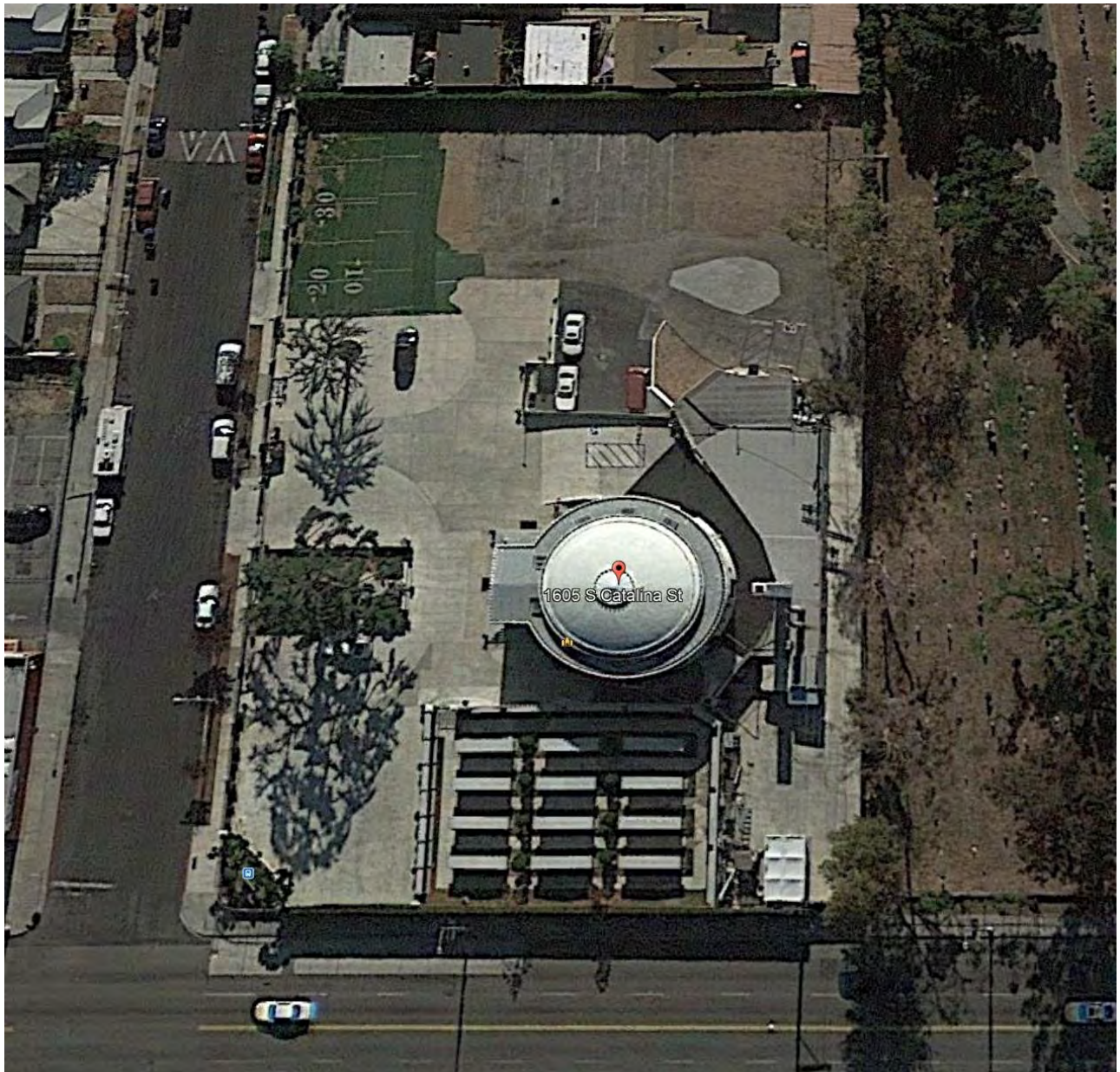


IMAGE 5

Drone Photo of CFS Property – August 23, 2018



**IMAGES 6 & 7**

Showing Removal of Columbaria – August 23, 2018



**IMAGES 8 & 9**

Showing Destruction of Existing Columbaria – August 23, 2018



IMAGES 10, 11 & 12

Demolished Crematory Niches Occupied by Deceased Persons



ESTINEH MAILIAN  
INTERIM CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
HENRY CHU  
THEODORE L. IRVING  
ALETA D. JAMES  
FRANKLIN N. QUON  
CHARLES J. RAUSCH JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

**CITY OF LOS ANGELES**  
CALIFORNIA



ERIC GARCETTI  
MAYOR

**EXECUTIVE OFFICES**  
200 N. SPRING STREET, ROOM 525  
LOS ANGELES, CA 90012-4801  
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VINCENT P. BERTONI, AICP  
DIRECTOR

KEVIN J. KELLER, AICP  
EXECUTIVE OFFICER

SHANA M.M. BONSTIN  
DEPUTY DIRECTOR

TRICIA KEANE  
DEPUTY DIRECTOR

ARTHI L. VARMA, AICP  
DEPUTY DIRECTOR

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR

<http://planning.lacity.org>

**May 16, 2019**

Henry Chun (A)(O)  
Community Funeral Services, Inc.  
1605 South Catalina Street  
Los Angeles, CA 90006

Ariel Gutierrez (R)  
Cartomap Services  
1301 West 2<sup>nd</sup> Street, Unit 105  
Los Angeles, CA 90026

CASE NO. ZA-2014-0397-PAD-PA1  
APPROVAL OF PLANS  
1605 South Catalina Street;  
South Los Angeles Community Plan  
Area  
Zone : A1-1  
D. M. : 126B197  
C. D. : 1 – Cedillo  
CEQA: ENV 2018-5221-CE  
Legal Description: NE 1/4 SEC 36 T1S  
R14W

Pursuant to CEQA Guidelines Section 15601, I hereby DETERMINE:

Based on the whole of the administrative record, that on September 6, 2018, the project was issued a Notice of Exemption, log reference ENV-2018-5221-CE, for a Categorical Exemption Section 15301, Class 1 of the California CEQA Guidelines for granting the continuation of the operation of an existing facility with no expansion of use beyond that existing at the time of the lead agencies determination. That action is consistent with State CEQA Guidelines Article 19 (Categorical Exemptions) in that the Categorical Exemption does not meet any of the exceptions Contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects, scenic highways or hazardous waste sites;

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby DISMISS:

a Plan Approval of a Deemed to be Approved Conditional Use to permit the operation of a crematory and chapel within a 9,607 square foot building due to the fact that the crematory and chapel lost their deemed to be approved status when the original business closed in 2004 and was not resumed until 2008 by which time the business lost its deemed to be approved rights by not operating for over a one year period of time pursuant to Section 12.24-Q of the Los Angeles Municipal Code (LAMC);

Pursuant to Los Angeles Municipal Code Section 12.24-M, I hereby DETERMINE:

that compliance has been partially attained with the conditions of the prior action imposed by South Los Angeles Area Planning Commission in approving in part an appeal of the Zoning Administrator's approval to allow the continued use and maintenance of an existing columbarium within an existing 9,607 square foot building and an exterior 1,917 square foot exterior columbarium.

The conditions for the columbarium use are hereby retained or amended as follows:

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. **REVISED**: Authorized herein is the continued use and maintenance of:
  - a. A 9,607 square-foot existing ~~crematory, chapel, and~~ columbarium structure.
  - b. Six outdoor columbarium structures within an area not to exceed 1,917 square feet, as shown in Exhibit "A". No additional outdoor columbaria shall be erected on the subject site and no niches may be included in the walls surrounding the outside columbarium.
  - e. No additional deviations from the Los Angeles Municipal Code are requested or approved.
7. **REVISED**: There shall be no mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains on site. ~~Viewing services and funeral~~

~~services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be cremated and incinerated into ash. Any human remains departing the site must be in the form of ash. Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without cremation, is a violation of the Zoning Code and this Conditional Use Permit. No viewing or funeral services are permitted on the site until such time as a new Conditional Use for the use of the site as a crematory and chapel are approved.~~

No earlier than 12 months and no later than 18 months from the effective date of this action, the applicant shall file for an Approval of Plans for review of compliance with these conditions of approval. The application shall be on appropriate forms and accompanied by the payment of fees as set forth in the Los Angeles Municipal Code. The application must be accepted as complete by the Department of City Planning. Mailing labels shall be provided with the application for abutting tenants and property owners of the subject property including the Council Office. The applicant shall also submit with the application a summary and all supporting documentation of how compliance with each condition has been attained.

A public hearing shall be required. The purpose of the hearing will be to consider the effectiveness of the conditions and of the compliance record of the applicant. The Zoning Administrator may upon receipt of testimony and review of the effectiveness of the conditions, modify, delete or add conditions. If there has been substantiated evidence of non-compliance prior to the hearing, the hearing may be set as a revocation hearing. This hearing may not be used as the public hearing for a new Conditional Use for a crematory and chapel on the site.

**NEW:** Failure to submit the application and the supporting Condition Compliance Report in a timely manner according to the above 12 to 18 month period of time from the end of the appeal period for this report or from the action of the South Los Angeles Area Planning Commission on appeal of this determination shall result in the City of Los Angeles, Department of City Planning filing a revocation proceeding pursuant to Section 12.27.1. of the Los Angeles Municipal Code (LAMC). The owner of the subject business shall be responsible for all fees and conditions resulting from any revocation proceeding pursuant to Section 19.01- P of the LAMC.

8. **REVISED:** All open area not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40.D) and to the satisfaction of the Development Services Center. The use of artificial turf is prohibited. Any new parking placed in the area currently covered with artificial turf shall be landscaped and trees planted pursuant to Section 12.21-A, 6(h) and (i) of the LAMC.
9. A minimum 5-foot wide landscaped buffer shall be maintained adjacent to the residential use.

10. **NEW:** The use of any landscaped or un-landscaped area on the site for the scattering of ashes is strictly prohibited especially in the landscaped area above the Ossuary on the east side of the property adjacent to Catalina Street.
11. **NEW:** The use of the on-site crematory shall be terminated upon the end of the appeal period of this case. Use of the crematory may only resume when a Conditional Use for the operation of a crematory is granted pursuant to Section 12.24-W, 12 of the Los Angeles Municipal Code. Pursuant to Condition No. 7 of this case, no on-site viewing or funeral services may occur until such time as a Conditional Use for the operation of a crematory is granted and effectuated.
12. **NEW:** After the disinterment, removal and reinternment of any remains due to the demolition of un-permitted columbaria, the columbarium owner shall produce a plan of the columbaria and niches where the remains are re-interred consistent with Sections 7954 and 7955 of the State of California Health and Safety Code and such plan shall be kept in the office of the columbarium and made available to relatives of the deceased and the Department of Building and Safety or other legal authority inspecting the site for compliance with these Conditions of Approval.
13. Prior to the issuance of any permits relative to this matter, 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.
14. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- a. 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.
- b. 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.

- c. 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 (b).
- d. 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 (b).
- e. 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 - TIME EXTENSION**

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 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 **May 31, 2019** unless an appeal therefrom is filed with the Department of City Planning. 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	San Fernando Valley	West Los Angeles
Figueroa Plaza 201 North Figueroa Street, 4th Floor Los Angeles, CA 90012 <u>(213) 482-7077</u>	Marvin Braude San Fernando Valley Constituent Service Center 6262 Van Nuys Boulevard, Room 251 Van Nuys, CA 91401 <u>(818) 374-5050</u>	West Los Angeles Development Services Center 1828 Sawtelle Boulevard, 2nd Floor Los Angeles, CA 90025 <u>(310) 231-2598</u>

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, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a plan approval to a conditional use permit under the provisions of Section 12.24 W and 12.24 M have been established for the Columbarium use by the following facts:

### **BACKGROUND**

The subject site is a flat, rectangular lot approximately 54,118 square feet in size. The site has a frontage of 188 feet along the south side of Venice Boulevard and 288 feet along the west side of Catalina Street. The South Los Angeles Community Plan designates the site for Open Space land uses with corresponding zones of OS and A1. The site is zoned A1-1 and is not located in the South Los Angeles Community Plan Implementation Overlay (CPIO), which was adopted on December 29, 2018. The site is currently improved with a 9,607 square-foot chapel with internal columbarium structures and an external columbarium garden measuring 1,917 square feet.

The adjacent property to the north across Venice Boulevard is zoned R3-1 and is improved with Loyola High School of Los Angeles. The adjoining property to the south is zoned RD1.5-1 and is improved with single-family residential structures. The adjoining property to the west is zoned A1-1 and is improved with the Angelus Rosedale Cemetery. The adjacent properties to the east across Catalina Street are zoned CM-1-CPIO and RD1.5-1 and are currently improved with commercial structures, a surface parking lot, and single-family residential structures.

On June 1, 1961, the Zoning Administrator determined that the subject site has the status of a deemed approved Conditional Use for a crematory and columbarium, and conditionally approved the plans for the construction of a new outdoor columbarium to be used in conjunction with the existing chapel and crematory. Subsequent determinations issued by the Office of the Zoning Administration and South Los Angeles Area Planning Commission have upheld the determination that chapel, crematory, and columbarium uses are an approved use for the subject site.

The subject application is for a Plan Approval to allow the continued use and maintenance of a 9,607 square-foot chapel and crematory with interior columbarium and 1,917 square-foot exterior columbarium. The Zoning Administrator in testimony taken at the Plan Approval hearing received information that according to the records of the State of California's Cemetery and Funeral Bureau that the crematorium on the subject site was not used from 2004 to 2008, and thus, because it was not in use for over a year lost its deemed to be approved status for a Conditional Use Permit and needs to file anew for the continuation of the use.

Venice Boulevard, adjacent to the subject site to the north, is a designated Avenue II by the Mobility Plan 2035 with an 80-foot width and improved with concrete curb, gutter, and sidewalks.

Catalina Street, adjacent to the subject site to the east, is a designated Local Street – Standard by the Mobility Plan 2035 with a 60-foot width, and improved with concrete curb, gutter, and sidewalks.

**Previous zoning related actions on the subject site include:**

Building Permit Document No. 1913LA10986: On August 12, 1914, the Los Angeles Department of Building and Safety issued a permit for the construction of a one-story chapel building.

Building Permit Document No. 194916214: On June 15, 1949, LADBS issued a permit to install marble shelves, partitions back and front to form columbarium niches for cremated remains in conjunction with an existing columbarium and crematory building.

ZAI-1789: On June 1, 1961, the Zoning Administrator issued an interpretation that the site has the status of a deemed approved Conditional Use for a crematory and columbarium, and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing chapel and crematory building.

ZA-2014-0397-PAD: On October 20, 2015, the Zoning Administrator approved deemed-to-be-approved conditional use status and approved plans to allow the continued use and maintenance of an existing crematory, chapel, and columbarium and a 1,920 square-foot outdoor columbarium. On May 25, 2016, the Zoning Administrator issued a Letter of Correction modifying Condition No. 7 to prohibit on-site open casket viewings and funeral services unless such services are associated with on-site cremation. Condition No. 7 was also modified to prohibit any embalmed human remains from leaving the subject site unless such remains are cremated.

ZA-2014-0397-PAD-1A: On November 1, 2016, the South Los Angeles Area Planning Commission denied an appeal, sustained the Zoning Administrator's modified Condition No. 7, and required the applicant file a plan approval for condition compliance review after 12 months and not before 18 months from the effective date of the appeal's denial.

Order to Comply Case No. 807493, Order No. A-4654553: On March 14, 2018, the Los Angeles Department of Building and Safety issued an Order to Comply after an inspection showed that the size of the outdoor columbarium area measured approximately 5,246 square feet, exceeding the 1,920 square-foot maximum size imposed by the Zoning Administrator as a condition of approval in Case No. ZA-2014-0397-PAD.

Order to Comply Case No. 807493, Order No. A-4728537: On June 8, 2018, the Los Angeles Department of Building and Safety issued an Order to Comply after an inspection showed that a Plan Approval had not been filed pursuant to the requirement imposed by the South Los Angeles Area Planning Commission. The Order to Comply also specified a failure to comply with the Order No. A-4654553 to limit the outdoor columbarium space to 1,920 square feet pursuant to Condition No. 6 of Case No. ZA-2014-0397-PAD.

**Previous zoning related actions in the vicinity of the subject site include:**

ZA-1989-367-PAD: On April 28, 1989, the Zoning Administrator granted a Plan Approval on a deemed-to-be-approved Conditional Use site to allow for the construction of two modular buildings on an existing school site.

CPC-1996-192-CU: On May 15, 2001, the City Planning Commission approved a Conditional Use to allow the construction of a mausoleum in the Angelus Rosedale Cemetery.

ZA-2003-6886-CU-ZV-SPR: On May 28, 2005, the Zoning Administrator approved the demolition of an existing 17,160 square-foot auditorium and the construction, use, and maintenance of an approximately 36,240 square-foot auditorium as part of a phased master plan involving augmentation of an existing high school campus. On May 9, 2017, a Plan Approval was granted in conjunction with this master plan.

**PUBLIC HEARING**

A Notice of Public Hearing was mailed on January 29, 2019 to property owners and/or occupants residing near the subject site for which an application, as described below, had been filed with the Department of City Planning. All interested parties were invited to attend the public hearing at which they could listen, ask questions, or present testimony

regarding the project. The purpose of the hearing was to obtain testimony from affected and/or interested parties regarding this application. Interested parties were also invited to submit written comments regarding the request prior to the hearing. The environmental

impact was among the matters considered at the hearing. The public hearing was held on February 28, 2019 at 9:00 a.m. in Room 1060 of Los Angeles City Hall.

The hearing was to review the compliance of the use with its Conditions of Approval. The applicant's representative stated that use was in compliance and submitted the Review of Condition Compliance below. The hearing was attended by the applicant, his zoning representative and his attorney. The hearing was also attended by approximately 15 people who testified and submitted written material in opposition to the Plan Approval including four attorneys for surrounding property owners or former clients of the facility, four members of a land use and planning firm in opposition and a representative of Council District 1 who testified in opposition to the use.

### **PUBLIC SPEAKERS**

#### **Speakers in Favor of the Application:**

The applicant's representative stated that the use was a deemed to be approved Conditional Use which had started operations in 1913. In 1961, the Zoning Administrator deemed the use as approved for the use of a crematorium, chapel and columbarium and issued permission for the development of an outdoor columbarium and garden. The columbarium is currently in the basement of the chapel building with additional space on the first floor and in the mezzanine. There are currently three rows of outdoor columbarium walls in the outdoor portion. They had built six rows, but were cited by the Department of Building and Safety for not building them with building permits so they demolished three rows. We were required by the South Los Angeles Area Planning Commission to file a Plan Approval for the site. A condition compliance review has been submitted and is the subject of this hearing.

The applicant's legal council stated that the applicant had been working with the City staff to come into compliance with all of the Conditions of Approval. We have met with the City Attorney and with Building and Safety to bring the use into compliance, have removed three rows of outdoor columbaria and have filed the required Covenant and Agreement. We attempt to be a good neighbor and loan our neighbors parking spaces when we don't need them for their use. We have received clearances from the proper Departments for all of our compliance with the Conditions. We don't do any embalming on the site, but we do, do it off-site. We think many of the complaints against our operation are innuendoes against the owner.

#### **Speakers in Opposition to the Application:**

Frank Lara from the Department of Building and Safety made the following comments regarding a number of Zoning Code enforcement actions taken by the Department to resolve complaints about the use of the property.

- In 2011, Order to Comply No. 2743142 was issued to the operator of the crematory establishment for various unapproved use and construction violations that were documented by the Department. These violations include unapproved mortuary use, the construction of various structures without permits, alterations to pre-existing structures without permits, and plumbing, electrical and mechanical equipment installed without permits;
- Also in 2011, Order to Comply No. 2783599 was issued for various sign violations;
- These violations were finally resolved in 2015, after criminal charges were filed against the operator of the establishment in Los Angeles County Superior Court;
- Complaints for unapproved use and construction continued to be received by the Department after the criminal court case was resolved, and in March of 2018, Order to Comply No. 4654553 was issued to the operator for various violations. This included an expansion of the Columbarium Garden, more than doubling the size that had been approved by the Zoning Administrator and the South Los Angeles Area Planning Commission in 2016. Sign violations had returned as well;
- In June of 2018, Order to Comply No. 4728537 was issued to the operator when inspectors determined that the operator had not submitted for Plan Approval review with the Zoning Administrator, as required by ZA Case No. 2014-0397;
- Although the Plan Approval application was subsequently submitted to the Zoning Administrator and a number of Columbarium structures were removed from the site, there are still structures and signs that remain and prevent the Code Enforcement Action to be closed; and
- In addition to the information being provided on prior code enforcement action, I want to express my concern with the enforceability of Condition No. 7 as it was modified by the Area Planning Commission. This condition prohibits actions by the operator that are extremely challenging for the Department to document. Due to the sensitive nature of the funeral services taking place, circumstances prevent normal investigative protocol from taking place and therefor encumber an appropriate investigation. The Department requests that this condition be modified in a way to achieve the goals of the Zoning Administrator, yet facilitate a reasonable investigation.

Other speakers in opposition made the following comments:

- The applicant currently operates a crematory and maintains columbarium structures at the site. For many years, they have knowingly and flagrantly violated the City's Zoning and construction laws resulting in substantial injury to nearby residents;
- They have operated a scheme to profit from the sale of columbarium niches for the interment of cremated human remains without disclosing to the buyers that the structures were built in violation of State construction standards and the City's Building and Zoning Codes;
- There is also evidence that they illegally removed human remains that were interred in these unauthorized columbaria structures after receiving a removal order from the City;
- The property was historically operated by the Pierce Brothers as a crematory and columbarium. Pierce Brothers shut down the crematory operation in 2003. The current owners acquired the property in 2006 and started a number of illegal

operations including opening a full-scale mortuary business without City permits including sale of cremations, funeral services, embalming and storage of bodies, sale of caskets and on-site funeral services. They constructed 27 un-permitted columbarium structures for the interment of cremated human remains within a 5,198 square foot outdoor memorial garden which was larger than the 1961 grant for an outdoor memorial garden and sold unpermitted columbarium niches to consumers;

- A Zoning Administrator, Plan Approval again limited the size of the outdoor memorial garden to 1,920 square feet and limited it to six stand alone columbaria structures instead of the 5,198 existing square feet and the existing 12 stand alone and 15 wall mounted columbaria. On appeal the South Los Angeles Area Planning Commission confirmed the Zoning Administrator's decision and further required a Plan Approval hearing for condition compliance no later than May 1, 2018. They were also required by the Conditions to file a Covenant and Agreement agree to the Conditions;
- The applicant continued to operate in violation of the Conditions of Approval, did not reduce the size of the memorial garden as required and failed to file the Covenant and Agreement until two weeks prior to this hearing. The applicant only filed for the subject Plan Approval after the City Attorney held a hearing on non-compliance with the Conditions and under threat of a fine for non-compliance. The operator continued to sell niches in the un-permitted columbaria to unsuspecting clients. After the City Attorney Hearing the applicant hurriedly demolished six of the un-permitted columbaria some of which contained human remains in the niches and moved them without knowledge or permission of the families of the deceased. They are out of compliance with most of their conditions;
- The applicant filed for a Conditional Use Plan Approval in an attempt to convince the Zoning Administrator that the crematory and chapel had been in continuous use. There was a letter submitted to the Department of Building and Safety so stating but the property described was actually the adjacent cemetery which has no affiliation with the subject property. From 2004 to 2008, California State records show that there were no cremations on the site. This means that the operation lost any deemed to be approved status because the crematorium was not operated during that time. A new Conditional Use not a Plan Approval is required to continue this use on the site;
- This is an ineffective and dangerous operation, and they do not have the means to comply with their existing conditions. They have held funerals on the site with decedents in coffins which are then moved to burials at other cemeteries instead of cremating them. It is a violation to have a funeral on the site and then move a preserved body elsewhere to bury it. They also operate a scatter field for ashes on the site which is un-permitted by the State or the County. This should be done in a cemetery and approved by the County Health Department. They should be shut down by Code Enforcement; and
- I am quite stunned by the history of non-compliance with State, County and City rules. I have spoken to parents of students of Loyola High School whose running track is across the street from the alleged scatter ground. They are quite upset that their children are breathing air polluted with ashes. I do not hear that they are willingly complying with their conditions. They talk about it, but they only comply when they are forced to by the City Attorney or Building and Safety. All activities

on the site should cease until they are brought into compliance. This proceeding is a gift.

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Representative of Council District No. 1:

Arturo Chavez representing Council District No. 1 stated:

- The problems with this operation go back to 2011. Our office has been concerned with constant violations of the Conditions of Approval;
- We are concerned that the un-permitted columbarium structures had rented niches and then were torn down. Once gone they are gone and we are concerned about the disposition of the ashes in the demolished niches;
- Condition No. 7 says that services may only be held for cremations or ashes being placed in a columbarium. No services may be held for embalmed bodies in a casket that are to be buried elsewhere. We have received service notices for services for people at the site who are then buried elsewhere such as Rose Hills. We also have advertisements offering their facilities for services for those who are to be buried elsewhere;
- We have a concern that we, the Council Office, can't constantly monitor the site for violations of the Conditions. People are buried there and we can't just keep moving them around because the applicant buried them in un-permitted columbarium niches; and
- There is a constant effort by the operators to push the limits of their Conditions. We must enforce them, and Condition Compliance after Building and Safety cites them or the City Attorney forces them to comply under threat of fine or incarceration is not compliance. We should not approve this Condition Compliance review, and the Councilman says that it is time to cease and desist in this continued operation.

## CORRESPONDENCE

Mr. Larry Mondragon, Vice President of Zoning and Entitlements for Craig Fry & Associates, sent a letter dated September 12, 2018. Mr. Mondragon submitted a letter opposing the approval of plans for the continued use and maintenance of the existing chapel and columbarium based on the applicant's alleged failure to comply with the conditions of approval imposed by Case No. ZA-2014-0397-PAD and ZA-2014-0397-PAD-1A. Mr. Mondragon requests denial of Plan Approval, the initiation of revocation proceedings to determine if the applicant should be allowed continued operation on the subject site, the enforcement of LAMC 12.24.Q, and action by the City Attorney's office pursuant to LAMC section 12.29. Three other members of the firm submitted letters to the file and their comments are summarized in the other letters section of this report.

Mr. Michael Gonzales representing a local resident sent a letter dated February 27, 2019 and made the following points:

- The attached contains supporting evidence demonstrating the discontinuance of a deemed approved conditional use at the property. Pursuant to LAMC Section 12.24-Q when "a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in

accordance with the procedure prescribed in this section for the establishment of a conditional use." The attached evidence clearly shows that the deemed approved use ceased for a period of at least four years. A plan approval request that is before you is insufficient to reestablish a conditional use that has been discontinued. The applicant must follow the procedure for filing a new conditional use under Section 12.24-W. The crematory and chapel operations currently occupying the property violate the LAMC and must be immediately stopped;

- The applicant in the subject case filed a Plan Approval to a deemed approved conditional use in 2014, and the Zoning Administrator approved the deemed approved status at the hearing. This was appealed to the South Los Angeles Area Planning Commission (SLAAPC) denied the appeal but added an additional condition requiring another Plan Approval within a 12 to 18month period of the effectuation of the case. During the hearing, we presented proof that the crematory operation had been closed for the period from 2004 to 2008 and thus, had lost its deemed approved status. This evidence was not available at the time of the Zoning Administrator's hearing. The SLAAPC still denied the appeal in part and added an additional condition requiring the Plan Approval; and
- During the period that the crematory was not in use, the site continued to be used as a columbarium and allowed visitation of niche sites only for those people who already had relatives buried on the site. To our knowledge, no new burials occurred.

Other letters to the file make the following points:

- It appears that Dae Han hired a lobbyist to write a letter to the Department of Building and Safety to obtain a City Zoning Clearance letter for their State license application in 2009. The letter was convoluted and misrepresented that the property enjoys non-conforming rights and may continue to operate as it has for more than a century as a funeral establishment. This was a misrepresentation because the property had only been used as a crematorium and columbarium not as a funeral establishment. The Department of Building and Safety issued the letter stating they had non-conforming rights as the property had had its zone changed to the A1 Zone which did not permit the operation of crematories by right. The City caught its mistake and issued a letter in 2011 rescinding the clearance. They stated that the "existing crematory, chapel and columbarium uses at the above address are not permitted unless a City Zoning Administrator approval is obtained to continue the uses ..." Nothing in the record shows that these uses were properly legalized;
- The City has known about this illegal operation since 2011 and has allowed them to continue operations. The City has failed us by allowing these rogue and profit driven operators to sell their illegal products to unsuspecting victims in the community. Please take decisive action to prevent further sales of these unpermitted niches;
- My clients approached Dae Han Mortuary to cremate a loved one and negotiated a higher price so that the decedent would be cleaned, dressed and prepared for viewing prior to cremation. After making arrangements for family

members to attend, including international flights, Dae Han cremated the decedent before the viewing could take place despite having charged for premium handling. After confronting Dae Han, they were taken to an office where they were given an urn that presumably held the ashes of their father. The urn was a cardboard box that was stored in the office closet. There was nothing to confirm that it was their father other than the word of the individual representing Dae Han. The company said there was photographic evidence that the cleaning had occurred, but it took a heated confrontation to obtain them, and the body was still cremated before the viewing, which was part of the paid agreement, could occur. This office, through historic records, found out that "Chapel of the Pines" was historically a mausoleum and not a chapel at all. The pews and seating were installed to hold funerals and there is an area adjacent to the "chapel" area containing a casket and other materials apparently for viewings and open casket services;

- Despite assertions by Dae Han, there is an apparent community scatter garden. There is a monument on the grounds entitled "Garden of Memories" and a marble headstone with a long list of names and room for more. This is consistent with the statements of previous customers who were presented with a more affordable option of interment. A review of the permit application with the State indicates an underground storage area for 50 remains. This monument shows approximately 150 names; and
- My sons attend Loyola High School across Venice Boulevard from Dae Han. I am writing to express my concern that they are scattering clients remains on their premises across the street from the Loyola athletic fields and classrooms. I am deeply concerned about the potential detrimental impact this practice would present to our environment and the health of our community. I would like to know if Dae Han is licensed to perform scattering services at this location, if their practices include scattering of clients remains at this location and if they are in compliance with all City zoning and environmental requirements.

#### **AUTHORITY FOR PLAN APPROVAL**

Section 12.24.L of the Los Angeles Municipal Code provides in pertinent part:

L. Existing Uses. Any lot or portion of lot which is being lawfully used for any of the purposes enumerated in this section at the time the property is first classified in a zone in which the use is permitted only by conditional use or at the time the use in that zone first becomes subject to the requirements of this section, shall be deemed to be approved for the conditional use and may be continued on the lot. Further, the conditions included in any special district ordinance, exception or variance which authorized such use shall also continue in effect."

On June 1, 1961 the Zoning Administrator made an interpretation and decision that the site has the status of an approved Conditional Use for a crematory and columbarium and conditionally approved plans for the construction of a new garden-patio type columbarium to be utilized in conjunction with the existing chapel and crematory building.

Section 12.24.M of the Los Angeles Municipal Code provides in pertinent part:

M. Development of Uses (Amended by Ord. No. 173,992, Eff. 07/06/01)

Development of Site. On any lot or portion of a lot on which a deemed approved conditional use is permitted pursuant to the provisions of this section, new buildings or structures may be erected, enlargements may be made to existing buildings, existing uses may be extended on an approved site, as permitted in Subsection L of this Section, provided plans are submitted to and approved by the Zoning Administrator, the Area Planning Commission, or the City Planning Commission, whichever has jurisdiction at that time ..."

The approval of plans, which is the subject of this determination, was filed under this Section.

**AUTHORITY AND REASONING FOR DISMISSAL OF AN APPROVAL OF PLANS FOR THE CONTINUED USE OF THE CREMATORY AND CHAPEL ON THE SITE**

Section 12.24-Q of the LAMC provides as follows:

Q. Discontinuance of Use

If a conditional use is abandoned, or is discontinued for a continuous period of one year, it may not be re-established unless authorized in accordance with the procedure prescribed in this section for the establishment of a conditional use.

The crematory and chapel uses on the site were established prior to the adoption of the City of Los Angeles' Zoning Code in 1946. The Zoning Code has always listed the uses of columbarium, chapel and crematory as enumerated conditional use permits. As the uses on the site existed prior to 1946, the uses were deemed approved Conditional Uses pursuant to Section 12.24-L of the LAMC. The crematory and chapel were in use and owned and operated by Pierce Brothers Mortuary and then owned by SCI, Inc and operated by Pierce Brothers until the end of 2003 when cremations ceased to occur on the site while SCI prepared to sell the structure and lot. No cremations or chapel services occurred on the site according to records of the State of California's Cemetery and Funeral Bureau after 2004. The site was sold to the current operator titled Community Funeral Services, Inc. doing business as Dae Han Mortuary in 2006. State records also show that a crematory license was granted to Community Funeral Services in 2007. The State records show that no new cremations occurred on the site until 2010, however, because of budget cutbacks, the Cemetery and Funeral Bureau did not compile statistics on cremations from 2008 to 2009 so cremations on the site may have occurred starting in 2008. In any case, the crematory was not in operation from 2004 until 2007 and because of the lack of record keeping perhaps into 2010 when 114 cremations occurred. While Community Funeral Services obtained a license from the State of California, it did not submit for a new Conditional Use permit from the City of Los Angeles. Since it was out of the business of cremation from 2004 until 2007, it lost its rights to operate a crematory pursuant to Section 12.24-Q of the LAMC. Also during that time no chapel services were held on the site, thus, the rights to operate a chapel pursuant to Section 12.24-L were also lost. The Plan Approval approved by the Zoning Administrator in 2016

to continue the crematory as a deemed approved Conditional Use was incorrect because the information on the lack of cremations from 2004 until at least 2008 was not made available to the Zoning Administrator. Because the columbarium building itself, has operated for over a century and the deceased have been interred in it, the columbarium use has continued and a Plan Approval for Condition Compliance pursuant to Section 12.24-M of the LAMC is appropriate for that use only.

**REVIEW OF COMPLIANCE WITH CONDITIONS OF ZA-2014-0397-PAD** as submitted by the applicant:

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.**

STATUS – In compliance for the columbarium use.

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.**

STATUS – NOT IN COMPLIANCE. Though the mortuary stated that they were in compliance in their submittal, they were not in compliance because the outdoor columbaria and memorial garden were in excess of the size originally permitted in a Zoning Administrator Interpretation in 1961 at 1,521 square feet. Though permitted in 1961, it appears that the outdoor columbarium was not constructed until the previous owner, SCI, Inc., took over the site and built an outdoor columbarium containing 12 columbarium structures without a building permit. Subsequently, the Zoning Administrator and the South Los Angeles Area Planning Commission on appeal, reduced the size of the outdoor columbarium to 1,920 square feet and ordered the demolition of six of the unpermitted columbarium structures. The current applicant did not demolish the structures until cited by the Department of Building and Safety in April of 2018 at which time the applicant began to demolish six of the columbarium structures which had already had human remains interred in them. Compliance with Conditions of Approval only upon being cited by the Department of Building and Safety does not constitute compliance with Conditions of Approval.

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.**

STATUS – The applicant stated in their application for Condition Compliance that they were in compliance with Condition No. 3 as Orders to Comply issued by the Department of Building and Safety have been corrected. Again this compliance with conditions only occurred after the applicant was cited by the Department of

Building and Safety for non-compliance with Condition No. 7 of the Determination of the South Los Angeles Area Planning Commission which required the filing of a Plan Approval under Section 12.24-M of the LAMC in order to review compliance with the Conditions. The applicant then filed for his Condition Compliance review after the required time set in Condition No. 7 and then followed with an un-permitted demolition of the existing un-permitted columbarium buildings. This does not constitute Compliance with Condition No. 3 as it was only done under duress from two citations by the Department of Building and Safety for non-compliance with Conditions.

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.**

STATUS – In compliance.

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 Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.**

STATUS – Not applicable, as no building plans will be submitted in connection with this Plan Approval.

6. **Authorized herein is the continued use and maintenance of:**
  - a. **A 9,607 square-foot existing crematory, chapel, and columbarium structure.**
  - b. **Six outdoor columbarium structures within an area not to exceed 1,917 square feet, as shown in Exhibit "A". No additional outdoor columbaria shall be erected on the subject site.**
  - c. **No additional deviations from the Los Angeles Municipal Code are requested or approved.**

STATUS - The applicant's Compliance Report states that the applicant is "In compliance". However, as previously stated the crematory and chapel uses lost their deemed to be approved status when they were not operated for at least a three year period from 2004 until 2007. As was previously stated, the outdoor Columbarium was not in compliance until they were cited by the Department of Building and Safety for both not holding a Condition Compliance Plan Approval within the time limits of Condition No. 7 of ZA-2014-0397 and for having more columbarium structures in an area larger than Exhibit A of the same case. In addition, they were limited to six columbarium structures, but aerial photographs of the site also show that they have columbarium niches in three of the surrounding walls of the exterior columbarium in violation of Condition 6 (b). Thus, the applicant is NOT IN COMPLIANCE with this Condition.

7. **There shall not be a mortuary operation including the preparation, sanitation, or embalming of human remains, and having separate dedicated rooms to store un-cremated human remains on site. Viewing services and funeral services with the deceased in open caskets in the chapel shall only be permitted in association with on-site cremation. Any embalmed human remains brought to the site must be cremated and incinerated into ash. Any human remains departing the site must be in the form of ash. Any embalmed human remains brought to the site for a viewing service or funeral ceremony or service, and departing the site intact without cremation, is a violation of the Zoning Code and this Conditional Use Permit.**

STATUS – The applicant's Compliance Report states that the applicant is "In compliance". However, the South Los Angeles Area Planning Commission on appeal changed the language of Condition No. 7 to include a new Plan Approval to review compliance with the Conditions of Approval within 12 months of the Commission action and no later than 18 months. The applicant only filed the Plan Approval, the subject of the current hearing and action, a year later when confronted by the City Attorney as a part of a separate legal proceeding for non-compliance with the conditions. In addition, it was testified to and advertisements offering full on-site viewings of non-cremated remains were presented at the hearing showing that prohibited viewings and services have been occurring on the site in violation of the Condition No. 7 requirement that viewing services only occur in association with on-site cremations. A service for a deceased in an open or closed casket may not occur if the deceased is to be buried off-site. This has occurred on numerous occasions testified to by both the public, the Council Office and in obituaries. Thus, the applicant is NOT IN COMPLIANCE with Condition No. 7.

8. **All open area not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with a landscape plan and automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40.D) and to the satisfaction of the decision maker.**

STATUS – The applicant's Compliance Report states that the applicant is "In compliance". However, aerial photographs of the site and viewing of the site through the site's fencing show that the attempts at landscaping the site are variable and not up to standards. There is a large area adjacent to the Catalina Avenue frontage which is covered by artificial turf obviously purchased second hand from a football stadium which still has hash marks and yardage markers from the former use. This area should either be paved for parking purposes or landscaped as required by the plans if it is not to be used for parking. The use of obviously second hand artificial turf is hardly "attractive landscaping". The site is occupied by the columbarium building which sits on a one story podium with occupied space underneath the building which is the site of the former crematory and other uses. The remainder of the surface area is either covered in un-marked concrete, the fore mentioned area of artificial turf, a un-maintained former landscaped area in the southwest quadrant of the lot that was formerly occupied by a lawn and trees, a landscaped area with a large tree that is the site of the

memorial garden, a small corner landscaped area at the intersection of Catalina Avenue and Venice Boulevard, the fore mentioned outdoor columbarium and another area of concrete surfacing. None of the parking areas are marked with individual parking spaces and none of these parking areas are landscaped in accordance with the Zoning Code. None of this supposed landscaping has been approved by the Department of City Planning as required by Condition No. 8 and if it has been approved, it was never installed. Aerial photographs of the site show that prior to 2006, the unpaved areas of the site were heavily landscaped including the area of artificial turf, the dead grass on the southeast corner of the site and the area adjacent to Venice Boulevard which was all grass. The outdoor columbarium and concrete was substituted for the grass, the area of artificial turf was placed over a lawn and the grass to the southeast was unmaintained. The applicant is NOT IN COMPLIANCE with Condition No. 8.

9. **A minimum 5-foot wide landscape buffer shall be maintained adjacent to the residential use.**

STATUS – In compliance pending applicant verification of buffer dimensions adjacent to residential use. The southern border of the site has a large four- to five-foot wide hedge planted adjacent to these residences.

10. **Prior to the issuance of any permits relative to this matter, 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 Zoning Administrator for attachment to the subject case file.**

STATUS – Non-compliant. Applicant to provide copy of covenant at hearing.

11. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

**Applicant shall do all of the following:**

- a. **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.**
- b. **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.

- c. 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 (b).
- d. 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 (b).
- e. 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.**

STATUS – The applicant's Compliance Report states that the applicant is “In Compliance”. However, this condition is complied with when the applicant files the Covenant and Agreement required by Condition No. 10. This was not done until the Zoning Administrator received the recorded Covenant at the Public Hearing. Thus, this Condition was NOT IN COMPLIANCE until the applicant was forced to by the City Attorney as is readily admitted to by his response the Condition No. 10.

### **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use plan approval process because it has been determined that such a use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within section 12.24.W of the Los Angeles Municipal Code. In order for a plan approval to be authorized, certain designated findings have to be made.

### **MANDATED FINDINGS**

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. **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 proposed project is for a Plan Approval to allow the continued use and maintenance of an existing 9,607 square-foot crematory and chapel with interior columbarium and a 1,917 square-foot exterior columbarium.

The Zoning Administrator approved the subject site for use as a chapel, crematory, and columbarium in 1969 as a part of a Zoning Administrator's Interpretation of its Deemed Approved status. The Zoning Administrator and the South Los Angeles Area Planning Commission further affirmed the appropriateness of the site for chapel, crematory, and columbarium use in 2016. Taken together, these approvals indicate that the use of the subject site for a chapel, crematory and internal columbarium with an external columbarium is generally appropriate for the site. An unrelated 50-acre cemetery abuts the subject site to the west. The longstanding use of both sites demonstrates sufficient demand for both businesses.

On October 20, 2015, the Zoning Administrator issued an Approval of Plans confirming that the Dae Han Mortuary had deemed to be approved status as a crematory, chapel and columbarium. The Zoning Administrator also subjected the use to a set of Conditions of Approval which limited the outdoor columbarium to six structures in a 1,920 square foot area, that there be no mortuary operation on-site, no embalming of human remains or memorial services on-site for non-cremated remains and required the landscaping of open areas not used for structures or parking with approved landscape plans. At the time of the hearing, the information from the California State Cemetery and Funeral Bureau was not in the hands of the Zoning Administrator who did not know that the crematory and chapel had not been used for a four year period which would have terminated those uses' deemed approved status. The determination of the Zoning Administrator, was appealed to the South Los Angeles Area Planning Commission (SLAAPC) which denied the appeal but required that Dae Han should come back for another Approval of Plans to see if there had been substantial conformance with the Conditions of Approval. The Commission was made aware of the Cemetery and Funeral Bureau's information but did not recommend closure of the uses. Thus, Dae Han continued the use of the crematory and chapel to the present. Because the crematory and chapel use had ceased to operate for at least a four year period, the uses lost their Deemed Approved status pursuant to Section 12.24-Q of the LAMC and such uses should cease to operate upon conclusion of the appeal period for this case or after the SLAAPC makes a decision on any appeal. To continue the use, the applicant must file for a new Conditional Use under Section 12.24-W, 12 of the LAMC. This is memorialized in Condition No. 11 of the Conditions of Approval of this determination.

The scope of this decision is, therefore, limited to assessing compliance with those conditions of approval for the columbarium use on the site. The Department of Building and Safety has issued citations regarding non-compliance with two conditions of approval: that the applicant submit an application for a Plan Approval, and that the outdoor columbarium area may not exceed 1,920 square feet. The site plan submitted with this application for Plan Approval, marked as Exhibit "A", indicates an outdoor columbarium area of 1,917 square feet, thereby correcting the two Orders to Comply issued by the Los Angeles Department of Building and Safety on March 14, 2018 and June 8, 2018, respectively. Upon completion of the demolition of the excess structures and the construction of new walls that do not contain niches not permitted by previous approvals, the outdoor columbarium will comply with previous conditions of approval. As was previously stated in this determination, the applicant has failed to comply with Condition Nos. 2, 3, 6, 10 and 11 of the previous Conditions of Approval. The applicant still needs to file a complete landscape plan for the site in accordance with Condition No. 6, including the area outside of the reduced external columbarium that is now vacant. If the applicant desires to make the entire site except for existing gardens and structures a parking lot, then the parking area must be landscaped and striped in accordance with the LAMC. The current use of the property as a columbarium, even with the lack of compliance with the Conditions of Approval, is a historic use of the site, and because there are human remains which have been stored on the site since 1906, the use of the site as a columbarium does provide a service that is essential and beneficial to the community. The Zoning Administrator is not taking a position

on the future use of the site for a crematory or chapel as those uses are subject to a separate Conditional Use approval which must be applied for in the future. Any use of the site for memorials for human remains in the form of ashes to be placed in the niches may continue based on State Law which permits such services at the location where a deceased is to be interred, but the use of the site for services prior to cremation or interment elsewhere may not continue as those practices are either currently prohibited by the Conditions of Approval or may not occur because the crematory and the chapel are not permitted uses on the site. The applicant is also reminded that a new Covenant and Agreement must be filed for the use to continue pursuant to Condition No. 10 of these Conditions of Approval.

2. **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.**

The adjacent property to the north across Venice Boulevard is zoned R3-1 and is currently improved with Loyal High School of Los Angeles. Directly across Venice Boulevard, is the school's football/soccer stadium and the running track. The adjoining property to the south is zoned RD1.5-1 and is improved with single-family residential structures. The adjoining property to the west is zoned A1-1 and is improved with Angelus Rosedale Cemetery. The adjacent properties to the east across Catalina Street are zoned CM-1-CPIO and RD1.5-1 and are currently improved with commercial structures, a surface parking lot, and single-family residential structures.

The subject site has been approved for use as a chapel, crematory, and columbarium since 1969, and over the course of its operation, the continued use of the subject site has been examined twice by the Zoning Administrator and once by the South Los Angeles Area Planning Commission. The Zoning Administrator imposed conditions related to landscaping, screening requirements, and a limited scope of operation to ensure that the project's operations do not impose adverse traffic, noise, or visual effects on adjacent residential properties. Information provided at the public hearing, shows that the crematory operation and the attached chapel on the site were not in use for a four year period from 2003 to 2006 and thus, pursuant to Section 12.24-Q of the LAMC, the crematory and chapel use lost their deemed approved status. Notwithstanding the loss of deemed approved status, the operation of the chapel showed a blatant disregard for the approved Conditions of Approval imposed on the site by previous plan approvals. The once extensively landscaped area of the site has either been paved over, permitted to die from lack of water or covered with used artificial turf which still shows the numbers and hash marks from its previous use on a football field. Information in the form of newspaper advertisements in local Korean newspapers and anecdotal evidence provided at the public hearing by both participants and the Council Office show that funeral services and visitations were held for decedents who were not subsequently cremated as required by Condition No. 7. After constructing the outdoor columbaria at twice the authorized size without building permits from the Department of Building and Safety, the applicant then allowed the unpermitted niches within these structures to be sold and used

by decedent's families. After being cited by Building and Safety, the applicant then demolished these structures without demolition permits and moved the cremated remains to other locations on the site without informing the decedent's families as to the new location. Condition No. 12 was included in the Conditions of Approval to ensure that the operators of the columbarium provide the decedent's relatives with the new location for the remains.

Condition No. 10 was placed in the Conditions of Approval because the California Health and Safety Code allows Cemeteries and Columbaria to have scatter gardens. It is unclear from the Code Section whether or not such scatter gardens are permitted on just cemetery's which have a columbarium on them as a part of the facility or in an independent columbarium without a cemetery which are much smaller in area, such as Dae Han. A review of the services available at a number of local cemeteries show that not all cemeteries include the use of scatter gardens. The one, that this Zoning Administrator found that does permit this, was Hollywood Forever Cemetery which requires that the ashes be mixed with soil in their Rose Garden but not scattered in the air. The Condition was included because in the scattering of ashes, the State Code requires that the entire contents of the decedent be scattered in a scatter garden. Such a use in the middle of an urban area within 200 feet of an adjacent residence and with a High School athletic field across Venice Boulevard can not be considered compatible with or not adversely affecting the health, welfare and safety of these neighboring properties. Because Dae Han denies that they are using their memorial garden as a scatter garden, the imposition of such a Condition will not affect their current columbarium operation.

As currently operated, the Dae Han Mortuary has disregarded a number of conditions applied to their use by both the Zoning Administrator and by the South Los Angeles Area Planning Commission. They have operated a crematory without authorization by the City of Los Angeles as is required by the Zoning Code and used their chapel use for unauthorized funerals and viewings. For these reasons the Zoning Administrator is again requiring a Plan Approval to be filed with 12 to 18 months of the conclusion of this case's appeal period to ensure the local neighborhood that they are operating within the existing Conditions of Approval. These conditions and findings only apply to the use of the property as a columbarium. The previous uses are unpermitted by the Code pursuant to Section 12.24-Q of the LAMC and should be immediately terminated. Though Dae Han Mortuary has a State permit for the use of the site as a crematory, it does not have a locally required Conditional Use. Until one is filed for the use of the site as a crematory and chapel such uses may not be continued.

The use of the site as a columbarium, which has been the use since 1906, without the use of any land on the site as a scatter garden and the compliance with the other Conditions of Approval will result in a use whose operations will be compatible with and will not adversely affect or further degrade adjacent properties or the surrounding neighborhood or the public health, welfare and safety. The use of the site as a columbarium should continue because decedents have been interred there since 1906. It is located adjacent to though not a part of the historic Rosedale Cemetery. Even during the time that the site was not operated as a crematory, a person was located on the site by the previous owners to allow people

into the columbarium to visit deceased relatives thus maintaining the use as a columbarium pursuant to Section 12.24-L of the LAMC.

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

There are eleven elements of the General Plan. Each of these elements establishes policies 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 other LAMC requirements. The General Plan is comprised of the Framework Element, seven state-mandated elements, and four additional elements. The Framework Element establishes the broad overall policy and direction for the General Plan.

The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The South Los Angeles Community Plan designates the property for Open Space land uses with corresponding zones of OS and A1. Allowing the proposed project to allow the continued use of both an outdoor and an indoor columbarium conforms with the following Land Use goals included in the South Los Angeles Community Plan:

Goal LU13.3 Local Business: Support local businesses that create a stable economic environment, serve the needs of local residents, and are compatible with the neighborhood.

The conditions imposed through this Plan Approval will ensure that a longstanding local use will continue to serve the needs of local residents in a manner that is compatible with the neighborhood. As such, the proposed project is conformance with the purpose, intent, and provisions of the South Los Angeles Community Plan.

**ADDITIONAL MANDATORY FINDINGS**

4. 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.

Inquiries regarding this matter shall be directed to Alan Como, City Planner, for the Department of City Planning at (213) 473-9985 or [alan.como@lacity.org](mailto:alan.como@lacity.org).

  
CHARLES J. RAUSCH, JR  
Associate Zoning Administrator

cc: Councilmember Gilbert Cedillo  
First Council District;  
Adjoining Property Owners

# IMPROVEMENT FOR GENERAL HOME

1605 S. CATALINA STREET, LOS ANGELES, CA 90006

## PLOT PLAN

SCALE: 1/32" = 1'-0"

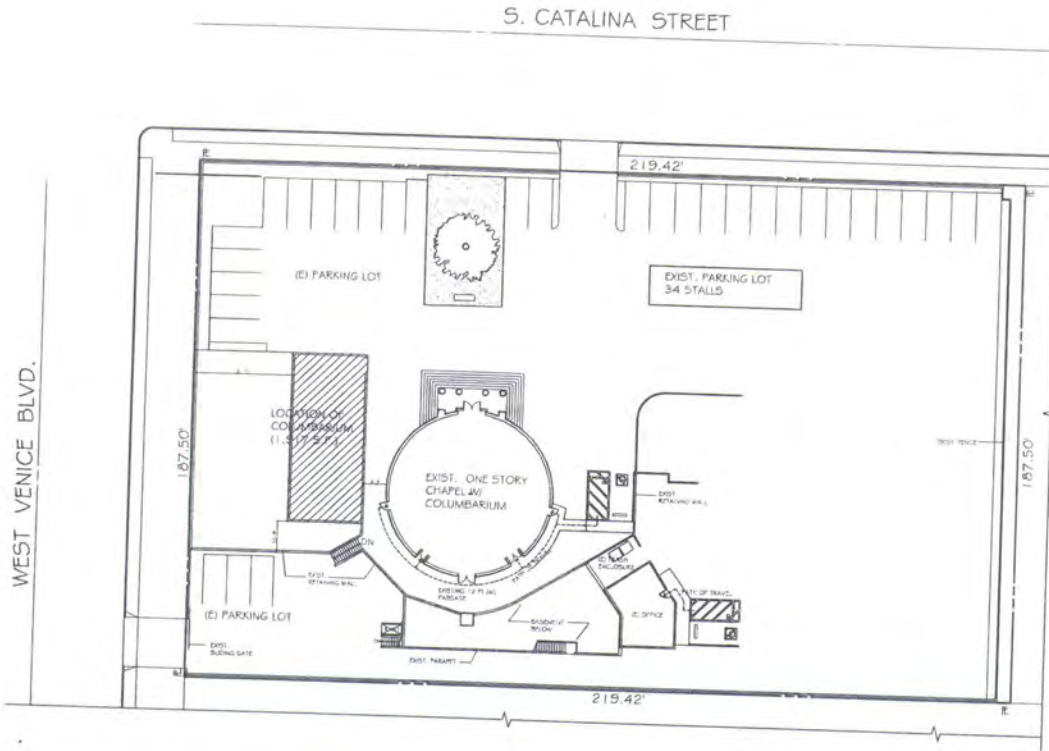
REVISIONS BY

SOON KIM & ASSOCIATES  
435 S. Curson Ave., 7J  
Los Angeles, CA 90036  
T: (213) 386-9230 F: (213) 386-9231  
email: soonkimarch@bortmail.com

GENERAL NOTES, PLOT PLAN  
& PROJECT INFORMATION

TENANT IMPROVEMENT MARKET FOR  
THE PINES FUNERAL HOME  
1605 S. CATALINA STREET, LOS ANGELES, CA 90006  
TEL: (323) 731-4040

DATE MAR. 10, '15  
SCALE AS SHOWN  
DRAWN S.K.  
JOB 14112  
SHEET  
A-1  
OF SHEETS



1 PLOT PLAN  
A-1 SCALE: 1/32" = 1'-0"



## GENERAL INFORMATION

1605 S. CATALINA STREET,  
LOS ANGELES, CA 90006

COMMUNITY FUNERAL SERVICES, INC.  
1605 S. CATALINA STREET,  
LOS ANGELES, CA 90006  
TEL: (323) 731-5179

349 S.F.

LEVEL	USE/AREA	GROSS
FLOOR	CHapel	532.8
FLOOR	COLUMBARIUM	3,041.0
MEZZANINE	—	2,052.6
BASMENT	—	1,961.4
BASMENT	—	2,552.0
TOTAL AREA	2,508.2	7,098.8
TOTAL GROSS AREA	—	9,607.0

6' (ONE STORY BUILDING W/ MEZZANINE & BASEMENT)

1, A1 - 1

1, B, 5  
2 V-B, NON FIRE-SPRINKLERED

1. SIZE PROPOSED COLUMBARIUM AREA AT  
1. NORTH SIDE OF OUTDOOR AREA (1,917 S.F.)  
2. CALCULATION (9,607 S.F. X 20% = 1,921.4 S.F.)

1. 1/4 SEC 36 T15 R14 W, A+B  
5075-022-025, PIN: 168 B193 285

## VICINITY MAP

SCALE: N.T.S.

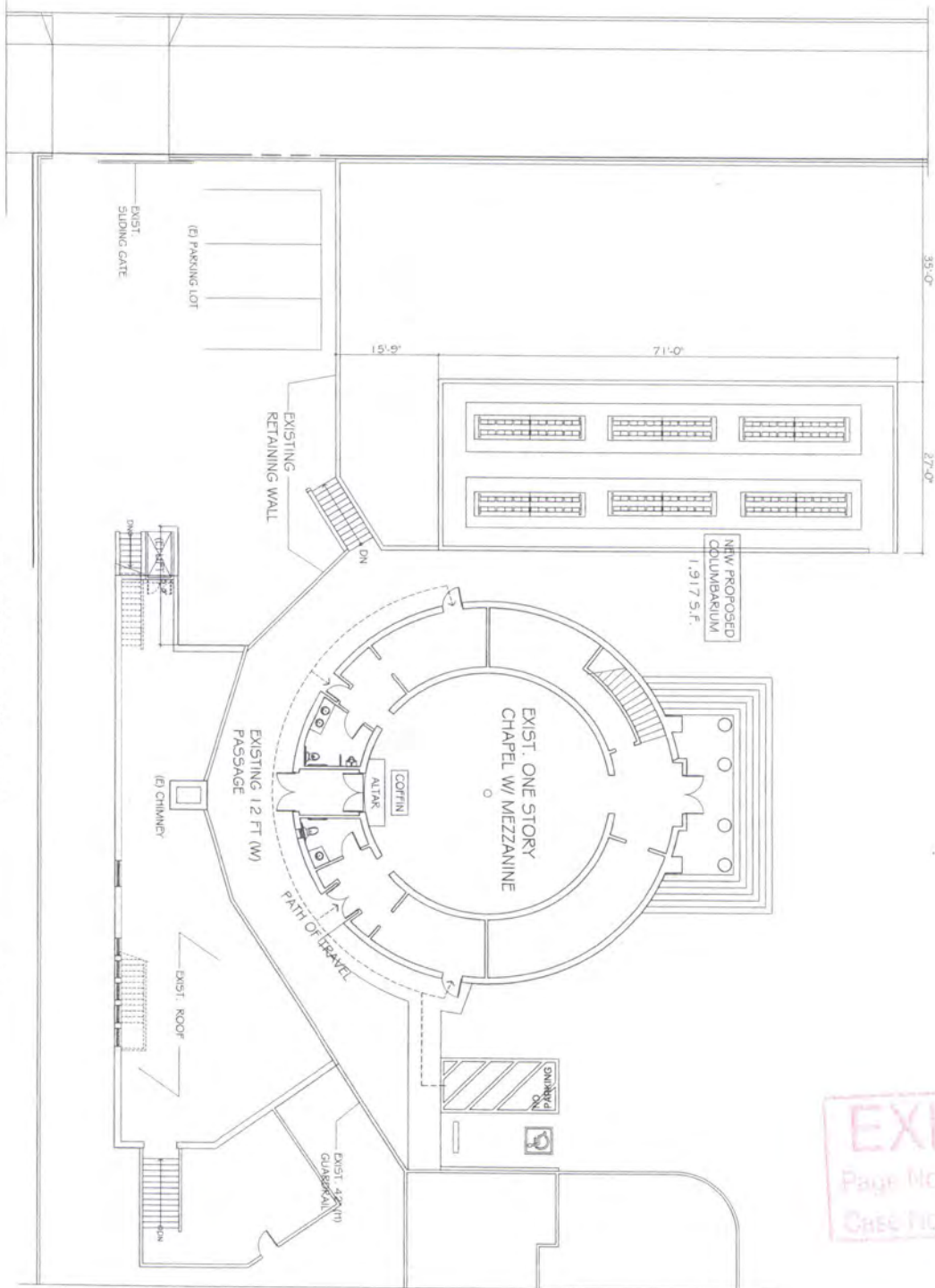


## SHEET INDEX

### ARCHITECTURAL

- A-1 : PLOT PLAN, PROJECT INFORMATION
- A-2 : GROUND FLOOR PLAN, MEZZANINE LEVEL PLAN
- A-3 : (B-1) MEZZANINE LEVEL PLAN
- A-4 : (B-2) BASEMENT LEVEL PLAN
- A-5 : COLUMBARIUM PLAN
- A-6 : DISABLED ACCESSIBILITY NOTE
- A-7 : DISABLED ACCESSIBLE DETAILS, HARDSHIP EXEMPTION FORM

EXHIBIT "A"  
Page No. 1 of 5  
Case No. ZA-2014-397-PAD-PAI



1 PARTIAL SITE PLAN  
 A-2 SCALE: 1/8" = 1'-0"

EXHIBIT "A"  
 Page No 2 of 5  
 CASE NO ZA-2014-397-PAD-PA1

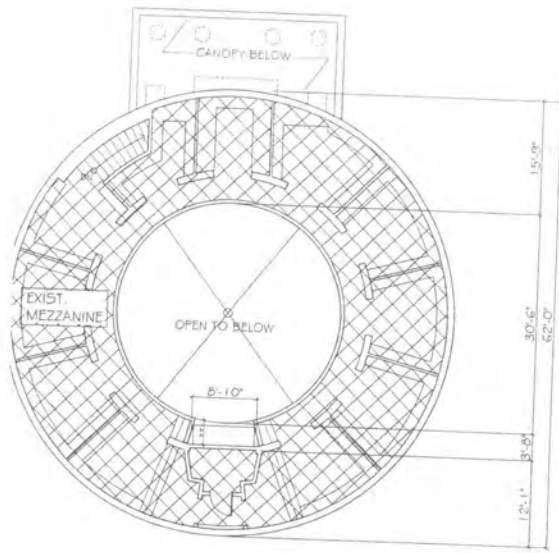
DATE: MAY 16, 2015  
 SCALE: AS SHOWN  
 DRAWN: S.K.  
 SHEET: 14 OF 22  
 OF A-2 SHEETS

TENANT IMPROVEMENT MARKET FOR  
 THE PINES FUNERAL HOME  
 1805 S. CATALINA STREET, LOS ANGELES, CA 90006  
 TEL: (323) 731-4040


FIRST FLOOR PLAN

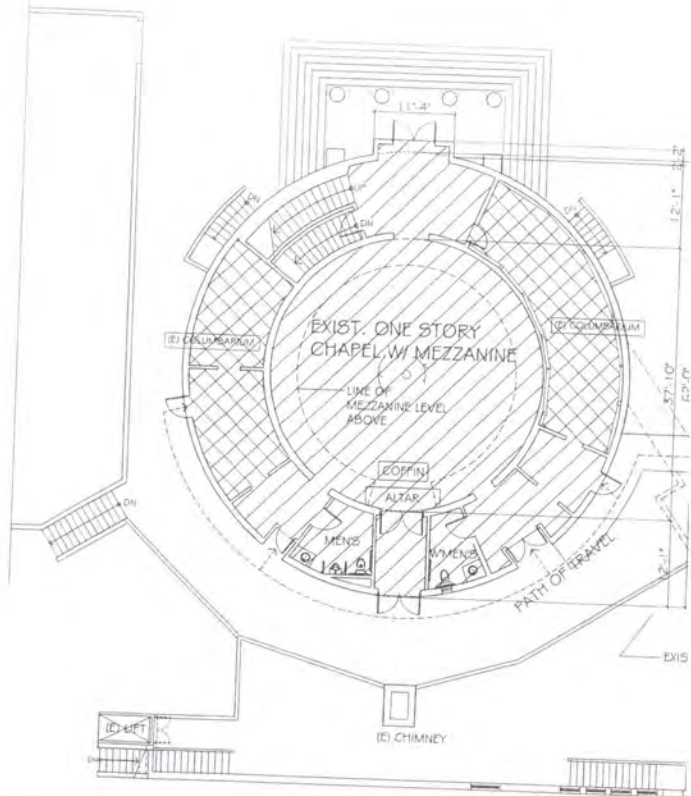
SOON KIM & ASSOCIATES  
 435 S. Curson Ave., Tj  
 Los Angeles, CA 90006  
 T: (213) 386-9230 F: (213) 386-9231  
 email: soonkimarchitect@gmail.com

REVISIONS



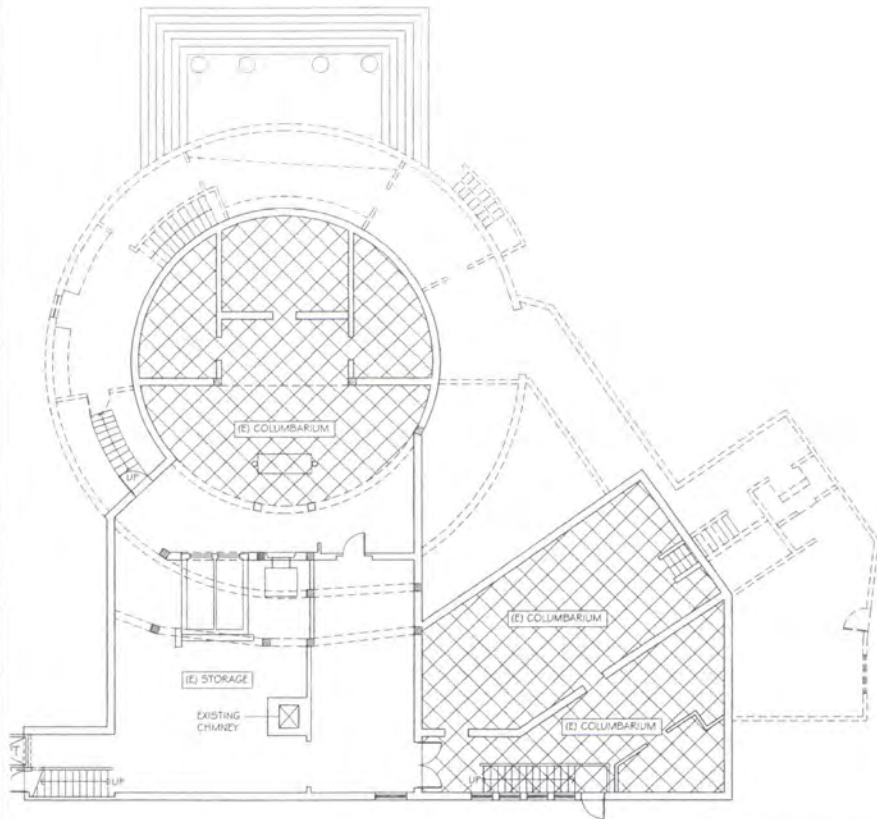
2 MEZZANINE LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0" N

LEGEND	
	AREA OF COLUMBARIUM
AREA CALCULATION	
1.	COLUMBARIUM - 2,052.6 S.F.



1 GROUND LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0" N

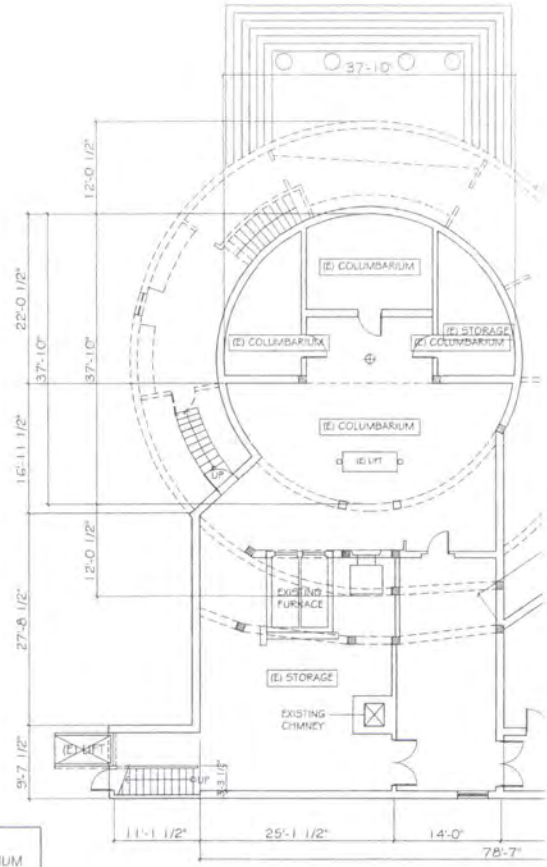
EXHIBIT "A"  
Page No. 3 of 5  
CASE NO. ZA2014-397-PAD-PAI



1 (B-2) LEVEL AREA CALCULATION  
A-5 SCALE : 1/8" = 1'-0"

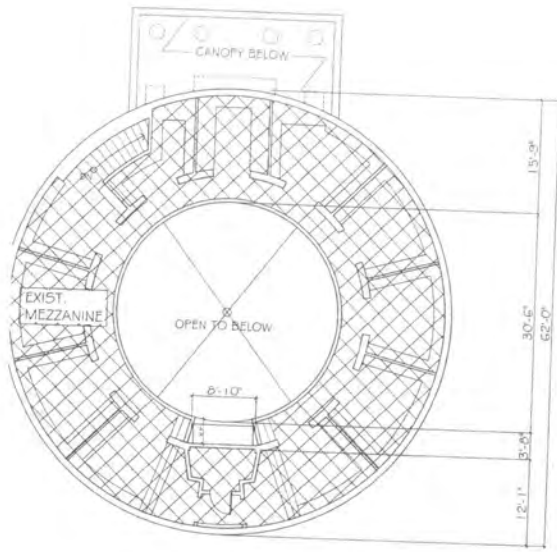
LEGEND  
 : AREA OF COLUMBARIUM

AREA CALCULATION  
 1 COLUMBARIUM : 2,552.0 S.F.




1 (B-2) BASEMENT LEVEL F  
A-5 SCALE : 1/8" = 1'-0"

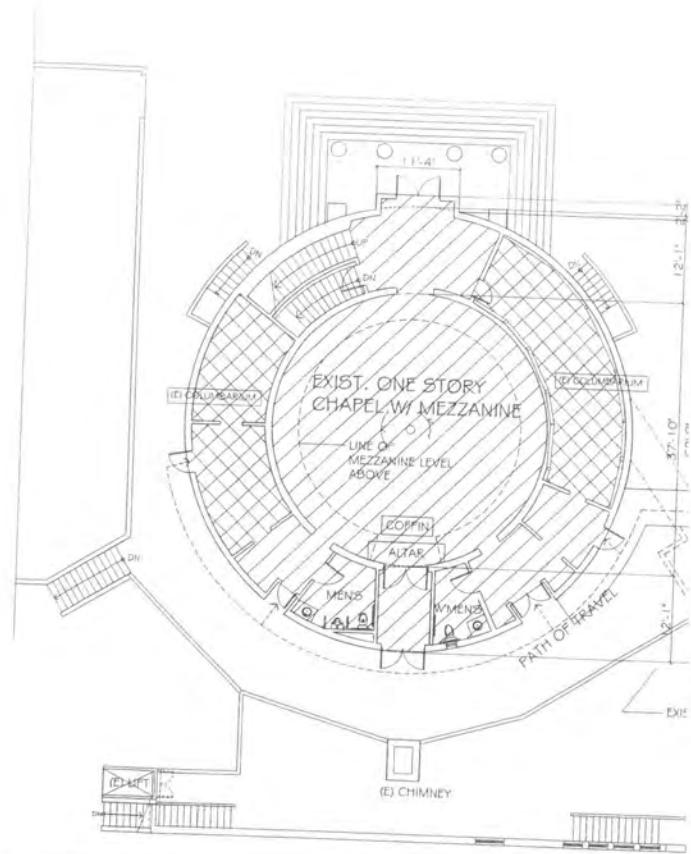
EXHIBIT "A"  
 4 5  
 ZA-2014-397-PAD-PA1



2 MEZZANINE LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0" N

LEGEND  
 = AREA OF COLUMBARIUM

AREA CALCULATION  
 1: COLUMBARIUM = 2,052.6 S.F.



1 GROUND LEVEL PLAN  
A-3 SCALE: 1/8" = 1'-0" N

EXHIBIT "A"  
 Page No 5 of 5  
 Case No ZA-2014-397-PAD-PA1



**CEMETERY AND FUNERAL BUREAU**  
1625 N. Market Blvd., Suite S-208  
Sacramento, CA 95834  
P 916.574.7870 F 916.928.7988 www.cfb.ca.gov



September 23, 2016

Paul Cho  
1044 S. Orange Drive  
Los Angeles, CA 90019-1512

**RE: Public Records Act Request**

Dear Mr. Cho:

This letter responds to your Public Records Act requested dated September 13, 2016, which was received by the Cemetery and Funeral Bureau (Bureau) on September 14, 2016. You have requested the number of cremations performed at Chapel of the Pines from January 1, 2000 through December 31, 2010.

During the time period in question, Chapel of the Pines has operated the crematory under a Certificate of Authority (COA 504) by Pierce Brothers Crematorium and was owned by Service Corporation International (SCI); in 2004 a separate Crematory License (CR 184) was issued to SCI; in 2007 SCI sold the crematory to Community Funeral Services, Inc. and Crematory License (CR 268) was issued following all of the licensing requirements.

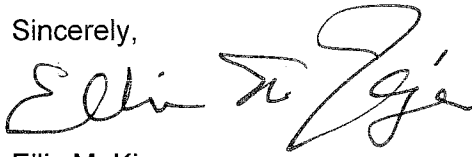
Cremations performed at Chapel of the Pines:

For COA 504	for 2000	0	
	For 2001	410	
	For 2002	444	
	For 2003	424	
CR 184	For 2004	0	License issued September 18, 2004
	For 2005	0	
	For 2006	0	
CR 268	For 2007	0	License issued May 18, 2007
	For 2008		non-reporting year for any crematory in California
	For 2009		non-reporting year for any crematory in California
	For 2010	114	
	For 2011	162	
	For 2012	70	
	For 2013	125	
	For 2014	42	
	For 2015	61	

The report for 2016 will be submitted in 2017.

If you have any further questions please contact me at 916.574.7876.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellis M. Kjer". The signature is written in a cursive style with a large, stylized initial "E".

Ellis M. Kjer,  
Enforcement Analyst