



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 24, 2010

TO: Alex Garcia, Hearing Officer

FROM: Donald Kress, Regional Planning Assistant II *DKress*
Land Divisions Section

SUBJECT: PROJECT NO. 02-270 – (2)
CONDITIONAL USE PERMIT NO. 200900110
PARKING PERMIT CASE NO. 200900008

December 7, 2010; AGENDA ITEM NOS. 11a and b

PROJECT BACKGROUND

The applicant is requesting a conditional use permit to authorize the continued operation of one massage parlor and three tattoo and piercing parlors within an existing swap meet. The applicant is requesting a parking permit to allow shared, off-site leased parking of 91 parking spaces and an incentive program for employees to use means of transportation other than the automobile to account for 53 parking spaces, in addition to the 289 parking spaces provided on-site, for a total of 433 parking spaces.

The Los Angeles County Department of Regional Planning has determined that a Class 1 Categorical Exemption is the appropriate environmental documentation under California Environmental Quality Act (CEQA) reporting requirements. This project is included in Class 1 as the project consists of the operation of an existing private facility involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

SEPTEMBER 21, 2010 PUBLIC HEARING

During the September 21, 2010 public hearing, the case planner made a presentation to the Hearing Officer, which included an explanation of the additional documentation required from the applicant to evaluate the project, including documentation to indicate that the number of parking spaces provided is sufficient to accommodate the current

peak parking demand for the subject property, documentation regarding the occupant load of the two café-type food establishments, a proposed Transportation Demand Management (“TDM”) program for review by Regional Planning, a revised application and burden of proof to reflect the current parking request, and verification that certain conditions of previous Parking Permit 02-270 (“PKP 02-270”) have been complied with. Staff recommended that the Hearing Officer not open the public hearing but continue the matter to December 7, 2010 to allow the applicant time to provide the requested materials and for staff to review these materials.

During the September 21, 2010 public hearing, the Hearing Officer continued the public hearing to December 7, 2010. The applicant agreed to the continuance.

ACTIVITY SINCE THE SEPTEMBER 21, 2010 PUBLIC HEARING

The applicant’s representative met with staff on November 18, 2010, and provided the following items:

- A copy of the TDM program, as described in condition no. 29 of PKP No. 02-270;
- Documentation to indicate that the parking spaces provided are sufficient to accommodate the current peak parking demand for the subject property, both on the weekdays and on the weekend (copy attached);
- A draft of the covenant as described and required by condition no. 24 of PKP No. 02-270 – (2) for review prior to recordation; and
- Documentation of the occupant load of the two café-type (sit-down) food establishments. This documentation includes a floor plan of the establishment (the actual booth) which has been reviewed by the Division of Building and Safety (“Building and Safety”) of the Los Angeles County Department of Public Works (“Public Works”) and stamped by them with the occupant load.

The applicant’s representative yet to provide staff with the following items:

- Draft lease agreements to be executed between the swap meet and the owners of the offsite parking lots;
- Documentation regarding compliance with the Public Works conditions referred to in condition no. 36 of PKP 02-270.

Staff also verified that the subject property has complied with the Los Angeles County

Fire Department conditions referred to in Condition No. 35 of PKP 02-270.

PROJECT ISSUES

Pursuant to County Code Section 22.52.1100, parking must be provided at a ratio of one parking space plus adequate access thereto for every 250 square feet of floor area for a commercial use. The 101,604 square foot subject building requires 406 parking spaces. Pursuant to County Code Section 22.52.1110 (B), parking for each snack-bar type food establishment within the swap meet must be provided at a ratio of 10 spaces for each establishment. The swap meet includes two such establishments, for a total requirement of 20 parking spaces. Pursuant to County Code Section 22.52.1110 (1)(b), parking for each café-type food establishment within the swap meet must be provided at the ratio of one space for every three persons, based on the occupant load determined by Building and Safety. The swap meet includes two such establishments, with a total occupant load of 50 persons. This occupant load requires 17 parking spaces. Based on these County Code requirements, the project requires a total of 443 parking spaces. Of these 443 spaces, 177 spaces may be compact spaces and seven spaces are required to be handicapped spaces, including one van-accessible space. The subject property provides 289 spaces, of which 107 are compact spaces and seven are handicapped spaces, including one van-accessible space.

The total of 443 required spaces is 37 spaces larger than the 406 required spaces noted in the hearing materials for the September 21, 2010 public hearing due to the addition of 10 spaces for the snack bars

In order to account for the 154 parking spaces not provided on the subject property, the applicant requests a parking permit to allow the use of a total of 91 leased, shared, off-site parking spaces on two adjacent properties (42 spaces at First Student Bus Company and 49 spaces at Pacific Coast Tire Retreaders) which will be available after 5:00 p.m. on weekdays and all day Saturday and Sunday for employee and tenant parking. The parking permit also requests the use of a TDM to provide incentives for employees to use means of transportation other than the single-occupant automobile to reduce the demand for parking by 63 spaces.

STAFF EVALUATION

Parking Permit

The applicant contracted with a parking consultant to conduct a study to determine whether the parking spaces provided are sufficient to accommodate the current peak parking demand for the subject property, both on the weekdays and on the weekend. This study indicated that the peak parking demand on the study weekday, Monday,

September 27, 2010 (“Study Weekday”), was 209 spaces, including one handicapped space. This peak was reached at 12:30 p.m. This study indicated that the peak parking demand on the study Saturday, September 25, 2010 (“Study Saturday”), was 278 spaces, including three handicapped spaces. This peak was reached between 2:00 and 2:30 p.m. The subject property provides 289 parking spaces, including seven handicapped spaces, and therefore, according to the study, has sufficient parking spaces to accommodate the peak parking demand.

Staff visited the project site on Saturday, November 20, 2010 (“Visit Saturday”), drove through the parking lot at approximately 3:30 p.m., and found 261 parking spaces in use, including two handicapped spaces. The study indicated that on the Study Saturday, the parking demand at 3:30 p.m. was 253 spaces, including three handicapped spaces. The difference between the total parking spaces in use at 3:30 p.m. on the Study Saturday and on the Visit Saturday is three percent.

Staff also found that all 42 of the spaces at First Student Bus Company were in use, and none of the spaces at Pacific Coast Tire Retreaders were in use on the Visit Saturday. The study did not indicate whether these off-site parking locations were in use on the Study Saturday.

Although there is not an existing TDM program approved by Regional Planning in place at this time, the applicant has offered incentives, such as would be included in a TDM, to his employees encouraging the use of transportation other than the single-occupant automobile as transportation to work, and has encouraged the tenants to offer similar incentives to their employees. The applicant has provided documentation that these incentives have resulted in 49 tenants or their employees taking public transportation and 24 carpooling to work at the swap meet. A copy of this documentation was attached to the Hearing Officer package for the September 21, 2010 Hearing Officer public hearing.

Staff believes that the peak parking demand for customer parking on the subject property does not exceed the number of spaces available on-site; that off-site parking locations provide adequate parking for employees and tenants of the swap meet; and that a TDM program could reduce the parking demand by 53 spaces. Thus, the existing on-site parking spaces plus the requested parking permit can account for the 443 required parking spaces for the project. The project meets the burden of proof stated in County Code Section 22.56.1020.

Conditional Use Permit

There were no additional issues related to the request for the CUP to authorize the continued operation of one massage parlor and three tattoo and piercing parlors within an existing swap meet. Staff’s analysis concludes that the applicant has met the burden

of proof stated in Section 22.56.040 of the County Code.

RECOMMENDATION

Staff recommends that the Hearing Officer close the public hearing and approve CUP No. 200900110 and Parking Permit No. 200900008..

SMT:dck

11/24/2010

Attachments: Draft Findings
Draft Conditions
Parking demand study

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

**PROJECT NO. 02-270 – (2)
CONDITIONAL USE PERMIT CASE NO. 200900110
PARKING PERMIT NO. 200900008**

REQUEST: The applicant, Thomas Kim, is requesting the approval of a conditional use permit to authorize the continued operation of one massage parlor and three tattoo and piercing parlors within an existing swap meet, and a parking permit to authorize the continued use of off-site leased parking of 91 parking spaces and an incentive program for employees to use means of transportation other than the automobile to account for 63 parking spaces in the M-2 (Heavy Manufacturing) Zone.

HEARING DATES: September 21, 2010, December 7, 2010

PROCEEDINGS BEFORE THE HEARING OFFICER:

Findings

1. The subject property is located at 2787 East Del Amo Boulevard, Rancho Dominguez, in the Del Amo Zoned District.
2. The subject property is zoned M-2 (Heavy Manufacturing). The surrounding properties are zoned as follows:
 - North: M-2
 - East: M-2
 - South: City of Carson
 - West: M-2
3. The existing land use for the subject property is a swap meet. The existing land use for the surrounding properties are as follows:
 - North: Warehouse and Manufacturing
 - East: Metro Blue Line Station and Parking Lot; Compton Creek
 - South: Trucking company, restaurant; light industrial
 - West: Tire retreading shop; school bus operator
4. The project shall comply with the development standards of the M-2 Zone. Massage parlors and tattoo parlors are permitted in the M-2 Zone pursuant to Section 22.32.190 of the Los Angeles County Code ("County Code"), provided a conditional use permit has first been obtained as provided in Part 1 of Chapter 22.56 and while such permit is in full force and effect in conformity with the conditions of such permit.
5. The proposed use is consistent with the adopted general plan for the area. The subject property is depicted within Category I (Industrial) in the Los Angeles Countywide General Plan ("General Plan"). The land use of the subject property, a

swap meet, is not an industrial use. Under the General Plan General Conditions and Standards for Development, non-industrial uses in Major Industrial area must:

- Demonstrate a desirable, compatible, and well-integrated pattern of employment and housing opportunities, and thereby further the General Plan objectives pertaining to reduced energy consumption and improved air quality;
- Individually or in combination with adjacent uses, not adversely impact the viability of surrounding areas for the maintenance or expansion of industrial activities; and
- Have compatibility with current and future industrial activities in the area ensured through specific site plan review and approval.

The swap meet satisfies condition no. 1 by providing employment opportunities in the form of 125 leasable retail spaces available to small entrepreneurs. The swap meet satisfies the condition no. 2 as all swap meet activities are contained on the subject property. Leased parking on adjacent properties is only available when the businesses on those properties are closed. The swap meet satisfies condition no. 3 as the swap meet itself as well as some of the businesses it contains are authorized by conditional use permits of a fixed term, the conditions of which include regular inspections for compliance with the permit's conditions.

6. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features described in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area. The site currently meets these standards and requirements, and there are no open zoning violations on the subject property at this time.
7. The existing swap meet provides 289 of the 443 on-site parking spaces required by Part 11 of Chapter 22.52 of the County Code. A parking permit pursuant to Part 7 of Chapter 22.56 of the County Code is required to account for the remaining 154 parking spaces by authorizing an additional 91 parking spaces through shared, leased, off-site parking and an incentive program for employees to use means of transportation other than driving an individual automobile to reduce the demand for parking space by 63 parking spaces.
8. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public and private service facilities as are required. The subject property takes access from the east from Santa Fe Avenue, and from the south from Del Amo Boulevard. Both Santa Fe Avenue and Del Amo Boulevard are 100-foot wide Major Highways, as depicted on the Los Angeles County Master Plan of Highways.

9. There will be no need for the number of parking spaces required on-site by Part 11 of Chapter 22.52 of the County Code because the business has established a viable transportation demand management program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities. The project has been conditioned to provide such a program to reduce the demand for parking spaces by at least 63 spaces. An existing incentive program for employees and tenants of the swap meet to use transportation other than driving an individual automobile has resulted in 24 employees and tenants who carpool and 49 who take the train or bus. Additionally, 10 employees and tenants of the swap meet are dropped off at work and do not require a parking space.
10. Off-site facilities and leases of less than 20 years will provide the required parking for the use because such off-site facilities are controlled through leasing by the owner of the uses for which the sites serve and are conveniently accessible to the main use and such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces and such leases shall contain other guarantees assuring continued availability of the spaces. The applicant has provided draft leases for shared, leased, off-site parking located on two properties to the west of the subject property, along Del Amo Boulevard. Pacific Coast Retreaders provides 49 parking spaces and First Student Bus Company provides 42 spaces. These spaces are located less than one-quarter mile from the entrance to the swap meet.
11. There will be no conflicts arising from special parking arrangements allowed shared facilities because uses sharing parking facilities operate on different days of the week. These parking spaces are available for employees and tenants of the swap meet on weekday evenings and all day on weekends, when Pacific Coast Retreaders and First Student Bus Company are closed.
12. The requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property. The off-site parking locations are accessed by their own driveways from East Del Amo Boulevard. Off-site parking accounts for 21 percent of the total required parking. The requested parking permit fully accounts for all the required parking, discouraging the unauthorized use of parking facilities developed to serve surrounding property.
13. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
14. Staff has received no comments or correspondence from the public.

15. During the September 21, 2010 public hearing, the case planner made a presentation to the Hearing Officer, which included an explanation of the additional documentation required from the applicant to evaluate the project, including documentation to indicate that the number of parking spaces provided is sufficient to accommodate the current peak parking demand for the subject property, documentation regarding the occupant load of the two café-type food establishments, a proposed Transportation Demand Management (“TDM”) program for review by Regional Planning, a revised application and burden of proof to reflect the current parking request, and verification that certain conditions of previous Parking Permit 02-270 (“PKP 02-270”) have been complied with. Staff recommended that the Hearing Officer not open the public hearing but continue the matter to December 7, 2010 to allow the applicant time to provide the requested materials and for staff to review these materials.
16. During the September 21, 2010 public hearing, the Hearing Officer continued the public hearing to December 7, 2010. The applicant agreed to the continuance.
17. SUMMARIZE EVENTS AT THE DECEMBER 7, 2010 PUBLIC HEARING
18. Title 22 (Zoning Code) of the County Code does not contain specific standards related to massage parlors or tattoo/piercing parlors. However, Title 7 (Business License Code) contains standards regulating these businesses. Appropriate standards have been included as conditions of the Conditional Use Permit (“CUP”) No. 200900110.
19. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 10 years from the date of approval.
20. Staff has determined that a Categorical Exemption, Class 1-Existing Facilities, is the appropriate environmental documentation for this project pursuant to the California Environmental Quality Act (CEQA) and the Los Angeles County Environmental Document Reporting Guidelines, as the proposed project consists of permitting of existing private structures involving no expansion of use beyond that existing at the time of the lead agency’s determination.
21. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer’s decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits 1 Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

The information submitted by the applicant and presented at the public hearing substantiate the required findings identified by Section 22.56.040 and 22.56.1020 of the County Code.

WITH RESPECT TO THE CONDITIONAL USE PERMIT, THE HEARING OFFICER FINDS THAT:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property or other persons located in the vicinity of the site, and will jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. The proposed site is adequate in size and shape to accommodate the development features described in Title 22 of the County Code, or as otherwise required in order to integrate said uses with the uses in the surrounding area;
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public and private service facilities as are required.

WITH RESPECT TO THE PARKING PERMIT, THE HEARING OFFICER FINDS THAT:

- A. There will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 of the County Code because the business has established a viable transportation demand management program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities;
- B. There will be no conflicts arising from special parking arrangements allowed shared facilities because uses sharing parking facilities operate on different days of the week;
- C. Off-site facilities and leases of less than 20 years will provide the required parking for the use because such off-site facilities are controlled through leasing by the owner of the uses for which the sites serve and are conveniently accessible to the main use and such leases are written in such a way as to

prevent multiple leasing of the same spaces or cancellation without providing alternate spaces and such leases shall contain other guarantees assuring continued availability of the spaces;

- D. The requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding; and
- E. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping, and other development features described in Title 22 of the County Code.

HEARING OFFICER ACTION:

1. The Hearing Officer finds that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 200900110 and Parking Permit No. 200900008 are **approved** subject to the attached conditions.

SMT:dck
11/24/2010

c: Hearing Officer, Zoning Enforcement, Building and Safety

This grant authorizes the continued operation of one massage parlor and three tattoo and piercing parlors within an existing swap meet.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this condition No. 2, and Condition Nos. 3, 4, and 6 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted.
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code ("County Code") Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. This grant shall expire unless used within 90 days from the date of final approval by the county. A single 30-day time extension may be requested in writing and with payment of the applicable fee. For purposes of this grant, the recordation of the terms and conditions of approval shall constitute the use of this grant.
7. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
8. **This grant will terminate on December 7, 2025.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with Regional Planning at least six (6) months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.

Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$3,000.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 15 annual inspections. Inspections shall be unannounced.

10. If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as

well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director of Regional Planning for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
14. All structures shall conform to the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance, or to exercise reasonable oversight of tenants or other so that development or activities not in full compliance are allowed to continue unabated, shall be a violation of these conditions.

18. The permittee shall continuously maintain the property in a neat, clean, and healthful condition, free of litter and debris, to the satisfaction of Regional Planning.
19. All swap meet operations shall be conducted within the swap meet building. Any outdoor storage that may be proposed in the future shall comply with Part 7 of Chapter 22.52 of the County Code, shall not be established in required parking spaces, and shall be subject to review and approval of a revised Exhibit "A". Outdoor sales, displays, or services are prohibited.
20. The permittee shall not permit the establishment of any use on the property that is listed in the County Code as a use subject to a Conditional Use Permit in the M-2 zone without first obtaining a Conditional Use Permit for such use. If it is discovered that the permittee has allowed such a use to be established without first obtaining a Conditional Use Permit, such use shall terminate immediately and the Director shall not waive the provisions of Section 22.04.110 of the County Code.
21. The permittee shall provide and continuously have on file with Regional Planning a contact name and phone number for the swap meet manager and the manager of each permitted tattoo/body piercing and massage booth.
22. The conditions of this grant shall be retained in the on-site manager's office at all times and shall be immediately produced upon request of any Los Angeles County Sheriff ("Sheriff"), Regional Planning zoning inspector, or any other county official. The swap meet manager, all employees of the swap meet and all tattoo, body piercing, or massage tenants or technicians in any such booths shall be knowledgeable of the conditions herein and all tenants or vendors shall be notified in writing to the terms of this grant.
23. The permittee shall maintain a floor plan of all swap meet vendors in the manager's office. The floor plan shall be updated annually to reflect changes in vendors.
24. The following conditions apply to the establishment and operation of the approved massage booth:
 - a. The operator of the massage parlor and all technicians employed in or utilizing the parlor shall obtain a Business License pursuant to Title 7 of the County Code and such license shall be maintained in effect for the life of the grant. The massage parlor operator and all technicians shall comply with all regulations or conditions of said license and violations of this license shall also be considered violations of this grant. Copies of all current licenses for the parlor and technicians shall be submitted to the Director of Regional Planning subsequent to all renewals and new licenses being granted.

- b. The permittee shall comply with all requirements of Chapter 7.54 of the Los Angeles County Business License Code including, but not limited to, the following:
- i. No massage or massage services shall be given in a business or premises within any cubicle, room, booth, or other area which is fitted with a door capable of being locked. The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during business hours (including electric locking devices).
 - ii. Minimum lighting shall be provided in accordance with the building code, and, in addition, at least one artificial light of not less than 40 watts shall be provided in each enclosed room or booth where massage services are being performed on a patron.
 - iii. Minimum ventilation shall be provided in accordance with the building code.
 - iv. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.
 - v. Hot and cold running water shall be provided at all times.
 - vi. Separate closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," "Soiled Linen."
 - vii. In any establishment in which massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room; or the operators of the massage establishment may elect to place such persons of the same sex in separate enclosed rooms having adequate ventilation to an area outside said room while massage services are being performed.
 - viii. A minimum of one separate washbasin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each

washbasin sanitary towels placed in permanently installed dispensers.

- ix. The licensee shall conduct or operate a massage parlor from 10:30 a.m. to 9:00 p.m. Mondays through Fridays, 10:30 a.m. to 5:00 p.m. on Saturdays and 12:30 a.m. to 6:00 p.m. on Sundays, and shall exclude all customers, patrons and visitors before or after those hours.
- x. No building or part thereof where massage or massage services are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers.
- xi. All walls, ceilings, floors and all other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.
- xii. Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.
- xiii. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. Foam pads more than four inches thick or more than four feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.
- xiv. A person shall not enter, be or remain in any part of a massage parlor or premises licensed as such while in the possession of, consuming or using any alcoholic beverage or drugs. The licensee, manager, and every supervising employee, shall not permit any such person to enter or remain upon such premises.
- xv. No massage or massage services may be administered unless the patron wears clothing which covers the patron's genitals, and if the patron is female, the breasts. The massage technician shall at all times while on the premises of the establishment, be clean, and wear nontransparent outer garments covering the body from knee to neck.
- xvi. All massage technicians must wear a picture identification issued by the Los Angeles County Treasurer and Tax Collector ("Treasurer

and Tax Collector”) while working in a massage parlor. The Sheriff shall conduct a background check on all massage parlor personnel prior to the issuance of a picture identification by the Treasurer and Tax Collector.

xvii. All establishments licensed under Section 7.54.210 of the Business License Code shall at all times the establishment is open have a responsible person licensed under Section 7.54.210 acting as manager on the premises at all times. The manager must be familiar with the requirements of Chapter 7.54 of the Business License Code and be capable of communicating these provisions to employees and patrons of the establishment. Further, that person shall meet the following qualifications:

1. Shall be at least twenty-one (21) years of age.
2. Shall possess on the premises a valid state picture identification card or driver's license.
3. Shall have the ability to effectively communicate with any County regulatory officials.

The manager shall introduce himself to any County regulatory official immediately upon notification of that official's presence at the business. The manager and all staff members shall cooperate with any County regulatory official's investigation.

- c. All massage technicians shall be maintained as “employees” as defined by State and federal labor law unless a written sublease is executed to assign a specific treatment area to an independent contractor. Any independent contractors utilizing the booth shall obtain a separate massage parlor business license prior to commencing operation.
- d. The massage parlor operator and all technicians shall comply with any requirements subsequently adopted by the Business License Commission with respect to the operation of the facility.
- e. The business license commission shall revoke any license issued pursuant to Part 1 and Part 2 of Chapter 7.54 of the Business License Code upon receiving satisfactory evidence that either:
 - i. The licensee has been convicted of or entered a plea of guilty or nolo contendere to any violation of Penal Code Section 647(b), 266(h), 266(i), 315, or 316; or

- ii. The licensee has violated any provision of Chapter 7.54 of the county code on two separate occasions within a 12-month period.

Whenever a license has been revoked, the former licensee, whether a person, partnership, or corporation, shall not be granted a new license for a period of one year from the date of revocation. Should the Business License Commission revoke any license, the Commission shall initiate proceedings to revoke or modify the Conditional Use Permit for this use.

- f. No adult programming shall be aired on any television or other electronic device within the parlor.
 - g. Patrons of the establishment shall not remove or change clothing at any time during their patronage of the establishment.
 - h. The massage booth operator shall, within 60 days of the approval date of this grant, submit to the Director of Regional Planning for review and approval four copies of floor plans of their respective booth, drawn to scale, and depicting the layout of the booth including, but not limited to, any partitions, waiting areas, massage areas, sinks, etc. The subject booth shall be developed and maintained in substantial compliance with the approved floor plans. Any changes to the floor plans shall be submitted to the Director for review and approval as a revised Exhibit "A".
25. The following conditions apply to the continued operation of the three approved tattoo and body piercing parlors:
- a. Each tattoo/body piercing booth operator shall, within 60 days of the approval date of this grant, submit to the Director for review and approval four copies of floor plans of their respective booth, drawn to scale and depicting the layout of the booth including, but not limited to, any partitions, waiting areas, tattoo and piercing stations, sinks, etc. The subject booths shall be developed and maintained in substantial compliance with the approved floor plans. Any changes to the floor plans shall be submitted to the Director for review and approval as a revised Exhibit "A".
 - b. No person under the age of 18 years, unless accompanied by a parent or guardian, and no person possessing, consuming, or using any alcoholic beverage or illegal drug shall be permitted within the tattoo/piercing booths at any time. A clear and legible sign giving notice of this provision shall be prominently posted at the entrance to each tattoo/piercing booth.

- c. Within 30 days of the approval date of this grant, all tattoo and/or body piercing artists employed by or utilizing any of the tattoo/piercing booths shall obtain any required permits or licenses as may be required including, but not limited to, Business Licenses pursuant to Title 7 of the County Code or Public Health Facilities Permits and Public Health Operator Permits pursuant to Title 11 of the County Code and such permits or licenses shall be maintained in effect for the life of the grant. The permittee shall comply with all regulations or conditions of said permits or licenses and violations of these permits or licenses shall also be considered violations of this grant. Copies of all current licenses for each booth and each artist shall be submitted to the Director of Regional Planning subsequent to all renewals and new licenses being granted.

DRAFT

This grant authorizes the off-site leased parking of 91 parking spaces and an incentive program for employees to use means of transportation other than the automobile to account for 63 parking spaces to account for the total of 443 required spaces for the swap meet.

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7. Notwithstanding the foregoing, this condition No. 2, and Condition Nos. 3, 4, and 6 shall be effective immediately upon final approval of this grant by the County.
3. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten (10) days of the filing pay Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code ("County Code") Section 2.170.010.

5. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
6. This grant shall expire unless used within 90 days from the date of final approval by the county. A single 30-day time extension may be requested in writing and with payment of the applicable fee. For purposes of this grant, the recordation of the terms and conditions of approval shall constitute the use of this grant.
7. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the Los Angeles County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
8. **This grant will terminate on December 7, 2025.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Regional Planning at least six (6) months prior to the termination date of this permit, whether or not any modification of the use is requested at that time.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions.
10. If inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$200 per inspection).
11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Los Angeles County Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer

finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. The subject property shall be maintained in substantial conformance with the plans marked Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit four (4) copies of the proposed plans to the Director of Regional Planning for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
14. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance, or to exercise reasonable oversight of tenants or other so that development or activities not in full compliance are allowed to continue unabated, shall be a violation of these conditions.
15. All structures, walls and fences open to public view shall remain free of extraneous markings, drawings or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises.
16. In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
17. The permittee shall continuously maintain the property in a neat, clean, and healthful condition, free of litter and debris, to the satisfaction of Regional Planning.
18. The property owner shall ensure that a minimum of 289 parking spaces are provided on the subject property. Seven (7) of the required spaces must be accessible to, designated, and reserved for disabled persons, one of which must be van-accessible. A maximum of 116 spaces may be compact size spaces. All required parking spaces shall remain free and clear of debris, shall be continuously maintained for vehicular parking only, and shall not be used for storage, vehicular repair, or any other unauthorized uses. No inoperable vehicles shall be parked or stored in any required parking spaces.

19. Within 60 days of the approval date of this grant, the permittee shall submit for review and approval by County Counsel and agreement, as a covenant running with the land for the benefit of the County of Los Angeles, providing that should this parking permit terminate, the permittee or his successor in interest will either develop the parking spaces need to bring the use or occupancy into conformance with the requirements of Part 11 of Chapter 22.52 of the County Code or modify the use of the building such that all required parking spaces are provided on-site. The approved document shall be recorded prior to the use of this grant.
20. Within 60 days of the approval date of this grant, the permittee shall submit for review and approval by the Director and County Counsel a lease agreement to be executed between the permittee and the owners of the off-site parking lots located at 2757 and 2727 East Del Amo Boulevard which shall remain in effect for the duration of this grant. Said leases shall be written in such a way as to prevent multiple leasing of the same spaces or cancellation of the leases without providing alternate space, and the lease shall contain other guarantees assuring continued availability of the spaces. The approved lease agreement shall be executed prior to the use of this grant and shall remain in effect for the duration of this grant. A minimum of 91 total spaces shall be provided off-site.
21. The conditions of this grant shall be retained in the on-site manager's office at all times and shall be immediately produced upon request of any Los Angeles County Sheriff, Regional Planning zoning inspector, or any other county official. The swap meet manager, all employees of the swap meet shall be knowledgeable of the conditions herein and all tenants or vendors shall be notified in writing to the terms of this grant.
22. The permittee shall establish a functional Transportation Demand Management ("TDM") program to provide monetary incentives, or incentives equal to monetary value, to encourage employees and tenants of the swap meet to use transportation modes other than the single-occupant automobile in order to reduce the demand for parking by at least 63 parking spaces. The TDM shall provide incentives related to the use of any combination of the following alternatives:
- Carpools and vanpools, including preferential parking for carpool/vanpool vehicles;
 - Transit fare subsidies;
 - Commuter travel allowances;
 - Bicycle commuter facilities.
23. An annual report on the participation in the TDM program shall be submitted to the Area "B" Zoning Enforcement Section of Regional Planning for evaluation. This report shall document, month by month:
- The number of persons using each incentive;

- The total value of incentives used;
- The total number of persons participating in the TDM program; and
- Whether the target number of participants was achieved.

24. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval a written proposal for such a TDM program. This proposal shall state:

- The incentives offered;
- The value of the individual incentives; and
- The target number of participants for the overall TDM program.

25. Any changes in use, occupancy, off-site parking lease or TDM program shall require a Director's Review unless such a change will result in increase on-site parking demand or relocated off-site parking. If a use or occupancy change will result in increased parking demand or relocated off-site parking, a new Parking Permit shall be required to authorize such a change. The permittee shall promptly notify the Director in the event of any off-site parking lease agreement is terminated.

26. Circulation controls shall be implemented to ensure that vehicles only travel north on the eastern side of the building, west on the northern side of the building, and south on the western side of the building. These measures shall be depicted on the revised Exhibit "A".

Rancho Dominguez Parking Study

Project # 10-5377-001
 Location: 2787 E Del Amo Blvd
 City: Rancho Dominguez

Day: Monday
 Date: 09/27/2010

TIME	ZONE 1			ZONE 2	ZONE 3	ZONE 4		TOTAL
	Regular		Illegal			Regular		
Spaces	110	4		43	25	105	2	289
10:00 AM	30	0	0	4	19	25	0	78
10:30 AM	68	1	1	11	23	48	0	152
11:00 AM	74	3	0	13	25	46	1	162
11:30 AM	82	2	0	20	25	50	1	180
12:00 PM	91	3	0	24	25	56	0	199
12:30 PM	94	3	0	28	24	59	1	209
1:00 PM	100	2	0	29	24	60	1	216
1:30 PM	93	4	0	20	24	64	1	206
2:00 PM	90	3	0	17	23	56	0	189
2:30 PM	82	3	0	15	23	50	0	173
3:00 PM	90	2	0	14	24	58	0	188
3:30 PM	92	4	0	16	25	65	0	202
4:00 PM	86	2	1	16	25	52	0	182
4:30 PM	88	2	1	29	24	54	0	198
5:00 PM	84	2	0	28	24	58	0	196
5:30 PM	87	3	0	24	24	59	0	197
6:00 PM	85	3	0	22	23	62	0	195
6:30 PM	81	3	0	18	22	53	1	178
7:00 PM	32	1	0	10	12	27	0	82

Rancho Dominguez Parking Study

Project # 10-5377-001
 Location: 2787 E Del Amo Blvd
 City: Rancho Dominguez

Day: Saturday
 Date: 09/25/2010

TIME	ZONE 1			ZONE 2	ZONE 3	ZONE 4		TOTAL
	Regular		Illegal			Regular		
Spaces	110	4		43	25	105	2	289
10:00 AM	42	0	0	16	12	45	2	117
10:30 AM	73	2	1	23	24	50	1	174
11:00 AM	77	3	0	26	25	59	1	191
11:30 AM	86	4	1	29	25	74	2	221
12:00 PM	106	4	1	36	24	87	2	260
12:30 PM	104	3	0	41	25	89	2	264
1:00 PM	106	3	1	41	25	94	1	271
1:30 PM	108	4	1	42	24	96	2	277
2:00 PM	107	4	1	42	25	97	2	278
2:30 PM	105	3	1	41	25	101	2	278
3:00 PM	104	2	1	41	23	96	2	269
3:30 PM	100	4	1	38	22	86	2	253
4:00 PM	105	4	1	42	23	100	2	277
4:30 PM	103	3	1	40	22	98	2	269
5:00 PM	100	3	1	39	20	85	1	249
5:30 PM	98	2	1	42	22	81	2	248
6:00 PM	94	2	0	38	21	74	2	231
6:30 PM	82	1	0	29	20	58	1	191
7:00 PM	49	1	0	14	14	31	1	110

