



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

December 1, 2015

Barrio Planners Inc.  
5271 East Beverly Blvd  
Los Angeles, CA 90022

**REGARDING: PROJECT NO. R2015-01515-(1)  
SUBSTANTIAL CONFORMANCE REVIEW NO. 201500002  
326 S. ATLANTIC BLVD., LOS ANGELES (APN: 6341-001-014)**

Hearing Officer Alex Garcia, by his action of **December 1, 2015**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **December 15, 2015**. **Appeals must be delivered in person.**

**Appeals: To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Kristina Kulczycki of the Zoning Permits North Section at (213) 974-6443, or by email at [kkulczycki@planning.lacounty.gov](mailto:kkulczycki@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

  
Maria Masis, Supervising Regional Planner  
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)  
c: DPW (Building and Safety); Zoning Enforcement  
MM:KK

CC 060412

**FINDINGS OF THE HEARING OFFICER  
AND ORDER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-01515-(1)  
SUBSTANTIAL CONFORMANCE REVIEW NO. 201500002**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Substantial Conformance Review No. 201500002 ("SCR") on December 1, 2015.
2. The permittee, Pablo Cesar Gorrocino ("permittee"), requests the SCR to authorize the operation of a hookah lounge, a restricted commercial use, within an existing tenant space ("Project") on a property located at 326 South Atlantic Boulevard in the unincorporated community of East Los Angeles ("Project Site") in the 3rd Street (TOD) Transect Zone of the East Los Angeles Third Street Form-Based Code Specific Plan ("Third Street Form-Based Code") pursuant to Los Angeles County Code ("County Code") Subsection "C" of Section 22.46.3009.
3. The Project Site is 0.2 acres in size and consists of one legal lot. The Project Site is irregular in shape and is developed with a commercial building containing two tenant spaces.
4. The Project Site is located in the Eastside Unit No. 2 Zoned District and is currently within the 3<sup>rd</sup> Street (TOD) Transect Zone and the East Los Angeles Community Standards District.
5. The Project Site is located within the Specific Plan land use category of the Los Angeles Third Street Plan Land Use Policy Map.
6. Surrounding zoning within a 500-foot radius includes:
  - North: 3rd Street (TOD) Transect Zone
  - South: 3rd Street (TOD) Transect Zone, Low-Medium Density Residential Transect Zone (LMD), and Atlantic Boulevard Transect Zone (AB)
  - East: 3rd Street (TOD) Transect Zone, Low-Medium Density Residential Transect Zone (LMD), and Neighborhood Center Transect Zone (NC)
  - West: 3rd Street (TOD) Transect Zone
7. Surrounding land uses within a 500-foot radius include:
  - North: Commercial, auto-related services, restaurants, a bar, a recording studio, and medical offices
  - South: Retail, restaurants, auto-related services, a car wash, vacant land, a church, single-family residential, and multi-family residential
  - East: Auto repair, gas station, offices, a martial arts studio, a bar, a tattoo parlor, a smoke shop, single-family residential, and multi-family residential
  - West: Auto-related uses, utility companies, light industrial, commercial, restaurants, an ice cream truck company, and an ambulance company

8. According to the Los Angeles County Assessor, the commercial building was constructed in 1940 with an auto display area. In December of 2014, the East Los Angeles Third Street Form-Based Code Specific Plan was adopted by the Board of Supervisors and included a zone change of the subject property from C-3 to SP-Specific Plan.
9. The site plan for the Project depicts a corner lot with street frontages along Atlantic Boulevard and Via Corona Street. There is an alley abutting the property to the east of the site. Most of the lot is occupied by the commercial building which contains the subject tenant space to the west and the automotive repair shop to the east. The floor plan of the hookah lounge depicts a reception area, a lounge, an employee break room, a storage area, one pool table, a cashier, and restrooms. The floor plan identifies the remodel of the existing bathrooms in the southeastern corner.
10. The main entrance of the hookah lounge tenant space is located on the northeastern corner of Atlantic Boulevard and Via Corona Street. No on-site parking is provided for this tenant. However, the automotive repair shop does have on-site parking and vehicular access from Via Corona Street.
11. The County Sheriff's Department ("Sheriff") indicated that the tenant space where the hookah lounge is proposed has been vacant and therefore, there have been minimal law enforcement related issues at the site in the past five years. Although the Sheriff did not advocate support or opposition to the permit, recommended conditions of approval were included in the letter. Staff has incorporated conditions to address the timely removal of graffiti, require surveillance footage to be maintained for at least thirty days, and ensure that management contacts the local law enforcement if problems arise at the subject site.
12. Prior to the public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involved the operation of a hookah lounge within an existing building. The project only involves interior tenant improvements for the bathrooms and exterior building façade updates.
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 Project's public hearings by mail, newspaper, and property posting.
14. No correspondence was received from the public regarding the Project.
15. A duly noticed public hearing was held on December 1, 2015 before the Hearing Officer. The applicant's representative, William Villalobos, presented testimony in favor of the request and provided additional information on available street parking near the site. There being no further testimony, the Hearing Officer closed the public hearing and adopted the recommended changes by staff and agreed to by the applicant.

16. The Hearing Officer finds that the Project is consistent with the goals and policies of the East Los Angeles Third Street Plan based on the following. The project site is located within the SP-Specific Plan land use category of the East Los Angeles Third Street Plan and is also within the TOD area. This designation is intended to allow for mixed-use buildings that provide a range of goods, services, housing, and employment opportunities. The hookah lounge sells tobacco goods and provides a service for the local community and is therefore consistent with the permitted uses of the underlying land use category.
17. The hookah lounge is a use listed under the "Commercial, Restricted" classification as a permitted use with the approval of a SCR. The project is not required to comply with the current development standards as the hookah lounge will occupy an existing building and the project only includes minor interior tenant improvements and voluntary updates to the building façade. Therefore, the Hearing Officer finds that the Project is consistent with the 3<sup>rd</sup> Street (TOD) Transect Zone classification of the Third Street Form-Based Code and the East Los Angeles Community Standards District as well as other applicable provisions of Title 22.
18. The project includes façade updates that will improve the aesthetic of the building. Furthermore, the hookah lounge will occupy a currently vacant tenant space and bring more commerce to the area. The hookah lounge provides a service to the community with hours that are complementary to the automotive repair business on the site. Therefore, the Hearing Officer finds that approval of the project is in the interest of the public health, safety, and general welfare.
19. The hookah lounge will occupy an existing tenant space. The project does include voluntary improvements to the site including painting the building exterior, updating the lighting, adding awnings and a new planter, and remodeling the bathrooms. As the building was constructed prior to the current development requirements and is located in close proximity to alternative transportation options, the Hearing Officer finds that site layout, open space, orientation and location of buildings, vehicular access, circulation, and parking, setbacks, heights, and walls and fences are designed to provide a desirable environment within a unifying context that encourages increased pedestrian activity and promotes compatibility among neighboring land uses.
20. The building façade will be updated to add additional color to the tenant space through the addition of new awnings and painting. The proposed lighting fixtures depicted on the elevation plans will further elevate the architectural character of the site. Therefore, the Hearing Officer finds that building materials, colors, and other elements are designed to ensure compatibility of the development with the Third Street Form-Based Code and the character of the neighborhood.
21. Although the building occupies most of the project site, the project includes the addition of a planter on the side of the building. Furthermore, there are trees within the public right-of-way adjacent to the sidewalk. The Hearing Officer finds that additional landscaping for this project is not required.

22. Pursuant to Subsection "D" of Section 22.46.3009, the number of required parking spaces in the 3rd Street (TOD) Transect Zone is based on the area of the building. If the building is less than 10,000 square feet in area, no parking spaces are required. The commercial building is less than 10,000 square feet in area; therefore, the Hearing Officer finds that no on-site parking is provided or required for the hookah lounge.
23. The elevation plans depict the proposed removal of the existing lighting and the addition of new lighting fixtures along the building façade. The new lighting will highlight the building design elements and will provide safety lighting for the patrons. Therefore, the Hearing Officer finds that lighting and lighting fixtures are designed to complement buildings, are of appropriate scale, avoid creating glare, and provide adequate light over walkways and parking areas to foster pedestrian safety.
24. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the Substantial Conformance Review to ten (10) years.
25. The Hearing Officer finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at the East Los Angeles Library. On October 14, 2015, a total of 79 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the Eastside Unit No. 2 Zoned District and to any additional interested parties.
26. 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, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

**BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:**

- A. Approval of the project conforms with the applicable provisions of the Third Street Form-Based Code and other applicable provisions of Title 22.
- B. Approval of the project is in the interest of the public health, safety, and general welfare.
- C. Site layout, open space, orientation and location of buildings, vehicular access, circulation, and parking, setbacks, heights, and walls and fences are designed to provide a desirable environment within a unifying context that encourages

increased pedestrian activity and promotes compatibility among neighboring land uses.

- D. Architectural character, scale, quality of design, building materials, colors, screening of exterior appurtenances, and signs are designed to ensure compatibility of the development with the Third Street Form-Based Code and the character of the neighborhood.
- E. Project landscaping, including its location, type, size, color, texture, and coverage of plant materials at the time of planting are designed and developed to provide visual interest, complement buildings and structures, and provide an attractive environment for the public. The project landscaping shall also include measures to provide for irrigation, maintenance, and protection of the landscaped areas.
- F. Parking areas are designed and developed to buffer surrounding land uses, complement pedestrian-oriented development, enhance the environmental quality of the site such as to minimize stormwater run-off and the heat-island effect, and achieve a safe, efficient, and harmonious development.
- G. Lighting and lighting fixtures are designed to complement buildings, are of appropriate scale, avoid creating glare, and provide adequate light over walkways and parking areas to foster pedestrian safety.

**THEREFORE, THE HEARING OFFICER:**

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
2. Approves Substantial Conformance Review No. 201500002, subject to the attached conditions.

MM:KK  
12/1/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2015-01515-(1)  
SUBSTANTIAL CONFORMANCE REVIEW NO. 201500002**

**PROJECT DESCRIPTION**

The project is for the operation of a hookah lounge within an existing tenant space subject to the following conditions of approval:

**GENERAL CONDITIONS**

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

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

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

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on December 1, 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, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Substantial Conformance Review application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within two (2) years from the date of final approval of the grant. A single one-year time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate

Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **ten (10) annual** inspections. Inspections shall be unannounced.

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

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the 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, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by 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. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of 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.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **February 1, 2016**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

#### PROJECT SITE SPECIFIC CONDITIONS

19. This grant shall authorize the operation of a hookah lounge at the subject premises.
20. The hookah lounge shall only operate between the hours of 6:00 p.m. and 2:00 a.m.
21. The hookah lounge shall be limited to one pool table. No additional coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines shall be permitted on the premises.
22. No outside storage is permitted on the premises.
23. No alcohol shall be sold on the premises.
24. No food shall be prepared on the premises.
25. No live entertainment is authorized or permitted on the premises.
26. At least one on-site security camera shall be maintained in good operating condition within the hookah lounge and shall be in operation during regular business hours. Footage from the security cameras shall be retained for at least 30 days, during which time it shall be made available to law enforcement upon request.
27. The permittee shall post telephone numbers of local law enforcement agencies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public. The permittee shall instruct employees to contact law enforcement if problems, such as gang activity or

intoxicated persons congregating outside the business, arise at the subject location.

28. All litter and trash shall be collected daily from the premises and the adjacent right-of-way.
29. The permittee shall provide adequate lighting above all entrances and exits to the premises and in all parking areas and walkways under control of the permittee or required as a condition of this grant.
30. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.
31. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
32. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff or Zoning Inspector. The manager and all employees of the facility shall be knowledgeable of the conditions herein.