

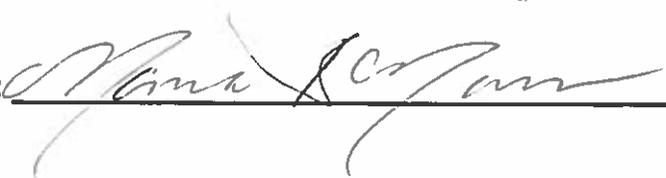
Hearing Officer Transmittal Checklist

Hearing Date
12/1/2015

Agenda Item No.
3

Project Number: R2015-01515-(1)
Case(s): Substantial Conformance Review No. 201500002
Environmental Assessment Case No. 201500141
Planner: Kristina Kulczycki

- Project Summary
- Property Location Map
- Staff Analysis
- Draft Resolution / Draft Ordinance / 8.5x11 Map (ZC or PA)
- Draft Findings
- Draft Conditions
- Burden of Proof Statement(s)
- Environmental Documentation (ND / MND / EIR)
- Correspondence
- Photographs
- Aerial Image(s)
- Land Use/Zoning Map
- Tentative Tract / Parcel Map
- Site Plan / Floor Plans / Elevations
- Exhibit Map
- Landscaping Plans

Reviewed By: 



Department of Regional Planning
 320 West Temple Street
 Los Angeles, California 90012

PROJECT NUMBER
 R2015-01515-(1)

HEARING DATE
 December 1, 2015

PROJECT SUMMARY

REQUESTED ENTITLEMENTS

Substantial Conformance Review No. 201500002
 Environmental Assessment No. 201500141

OWNER / APPLICANT

Victor Serrano / Pablo Cesar Gorrocino

MAP/EXHIBIT DATE

4/17/15

PROJECT OVERVIEW

The applicant is requesting a Substantial Conformance Review for the operation of a hookah lounge within an existing building. This project includes updates to the façade of the building and interior tenant improvements to the bathrooms.

LOCATION

326 S. Atlantic Boulevard, Los Angeles

ACCESS

Entrance is located on the corner of Atlantic Blvd. and Via Corona

ASSESSORS PARCEL NUMBER(S)

6341-001-014

SITE AREA

0.2 Acres

GENERAL PLAN / LOCAL PLAN

East Los Angeles Third Street Plan

ZONED DISTRICT

Eastside Unit No. 2

LAND USE DESIGNATION

SP-Specific Plan

ZONE

3rd Street (TOD) Transect Zone

PROPOSED UNITS

N/A

MAX DENSITY/UNITS

N/A

COMMUNITY STANDARDS DISTRICT

East Los Angeles

ENVIRONMENTAL DETERMINATION (CEQA)

Class 1 Categorical Exemption – Existing Facilities

KEY ISSUES

- Consistency with the East Los Angeles Third Street Plan
- Satisfaction of the following Section(s) of Title 22 of the Los Angeles County Code:
 - 22.46.3004.D.4 (Specific Plan Substantial Conformance Review Burden of Proof Requirements)

CASE PLANNER:

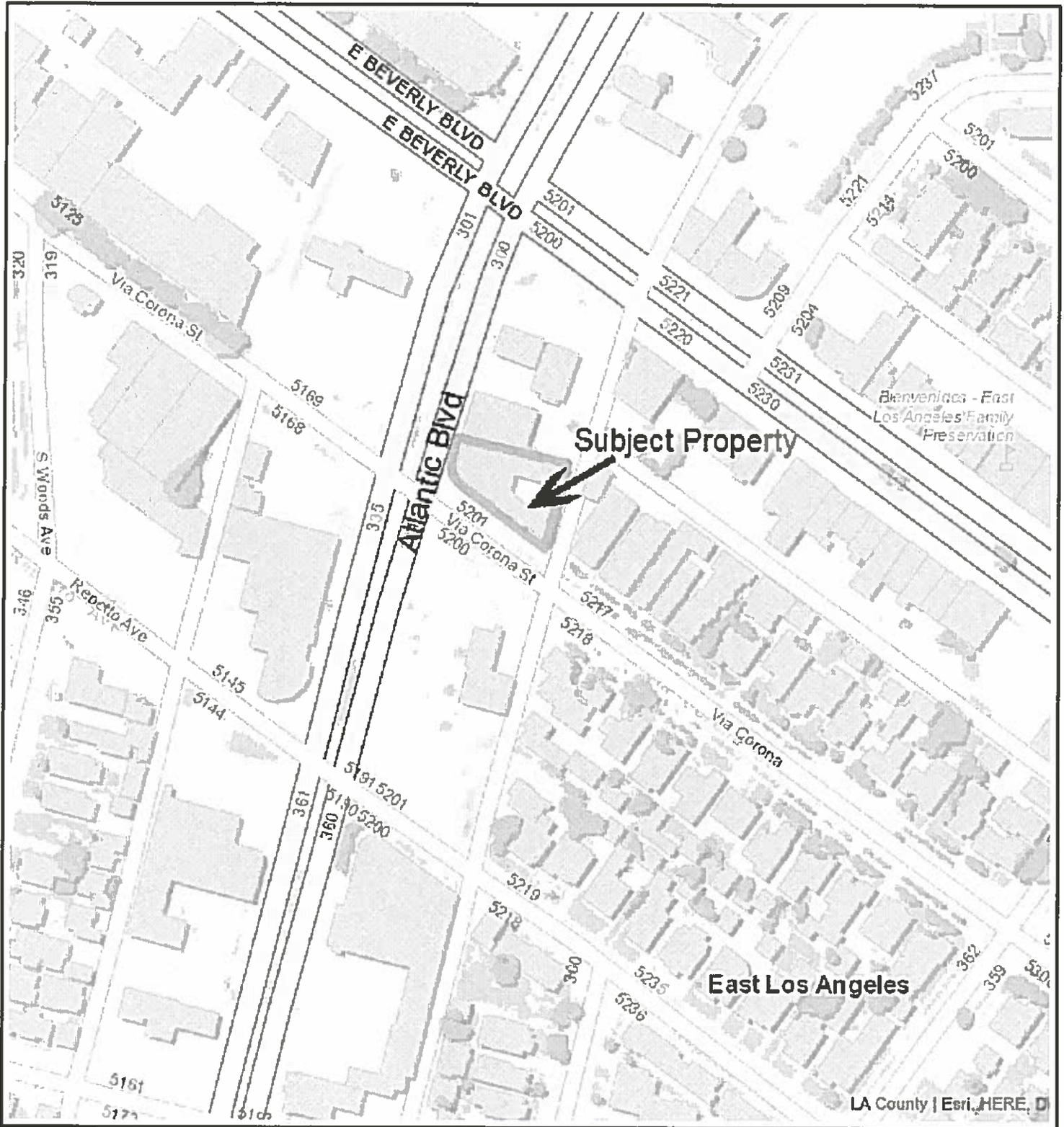
Kristina Kulczycki

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R2015-01515

Printed: Nov 18, 2015



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ENTITLEMENTS REQUESTED

- Substantial Conformance Review to operate a hookah lounge in the 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 Subsection "C" of County Code Section 22.46.3009.

PROJECT DESCRIPTION

The project is located on the northeast corner of Atlantic Boulevard and Via Corona Street. There is an existing building on the property containing two tenant spaces. The proposed hookah lounge will occupy the western tenant space closest to the intersection of Atlantic Boulevard and Via Corona Street. The other tenant space is occupied by an automotive repair shop. The hookah lounge will operate between 6:00 p.m. and 2:00 a.m. Monday through Sunday. The maximum number of employees per shift will be five including one security guard. No food will be prepared and served on-site. No live entertainment is proposed. The façade of the building will be repainted, existing signage and lighting will be removed, awnings will be added, and new lighting is proposed as depicted on the elevation plans. Additionally, the bathrooms will be remodeled. No signage is proposed as part of this project.

EXISTING ZONING

The subject property is zoned 3rd Street (TOD) Transect Zone and is located within the East Los Angeles Community Standards District ("CSD").

Surrounding properties are zoned as follows:

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

EXISTING LAND USES

The subject property is developed with a commercial building containing two tenant spaces. One tenant space is vacant and will be occupied by the hookah lounge. The other tenant space contains an automotive repair shop.

Surrounding properties are developed as follows:

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

PREVIOUS CASES/ZONING HISTORY

Ordinance No. 2023 was adopted by the Board of Supervisors on December 14, 1931 and established the C-3 zone on the site.

Regional Planning does not have any record of approval for the construction of the building currently on the project site; however, the Los Angeles County Assessor has records identifying the construction of a store with an auto display area in 1940.

Ordinance No. 2014-0048Z was adopted by the Board of Supervisors on November 12, 2014 (effective December 12, 2014) and changed the zone of the property to SP-Specific Plan.

Ordinance No. 2014-0049 was adopted by the Board of Supervisors on November 12, 2014 (effective December 12, 2014) and amended Title 22 (Planning and Zoning) of the Los Angeles County Code to add Part 5 of Chapter 22.46 to create the East Los Angeles Third Street Form-Based Code Specific Plan.

ENVIRONMENTAL DETERMINATION

Los Angeles County ("County") Staff recommends that this project qualifies for a Categorical Exemption (Class 1 Exemption, Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. No changes to the existing building are proposed other than façade updates including painting, a new awning, the removal of existing signage and lighting, and the addition of new lighting. Therefore, staff recommends that the Hearing Officer determine that the project is categorically exempt from CEQA.

STAFF EVALUATION

General Plan/Community Plan Consistency

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.

The following policies of the General Plan are applicable to the proposed project:

- *Maintain and conserve sound existing development (Policy No. 20, Page I-21).*
- *Encourage a strong, diversified economy that will provide business opportunities, an adequate number of jobs for this County's labor force and an improved standard of living (Policy No. 60, Page I-25).*

The addition of the hookah lounge within the existing tenant space preserves the existing building and provides additional job opportunities within the community.

The following policies of the East Los Angeles Third Street Plan are applicable to the proposed project:

- *Stimulate and diversify the Plan area's economic base and create high value employment opportunities (Policy 2b, Page 1:2).*
- *Encourage a complementary mix of national brand and local merchant businesses (Policy 2d, Page 1:2).*

The hookah lounge provides additional employment opportunities in the area and promotes a diversified variety of commercial businesses in the area.

Zoning Ordinance and Development Standards Compliance

Pursuant to Subsection "C" of County Code Section 22.46.3009, an approved Substantial Conformance Review is required in order to operate a restricted commercial use in the 3rd Street (TOD) Transect Zone. Hookah bars are listed as a use categorized under "Commercial, Restricted." Pursuant to the definition listed in Section 22.46.3005, restricted commercial uses are uses which, because of their characteristics or location, may be suitable only in specific locations and only if such uses are designed or arranged on the site in a particular manner. For such uses, the Hearing Officer may impose conditions to ensure the purpose and intent of the Third Street Form-Based Code are satisfied including conditions related to, but not limited to, location, construction, maintenance, operation, site planning, traffic control, and time limits for the use.

Pursuant to Subsection "B" of County Code Section 22.46.3002, when an addition, repair, or modification to existing development is subject to the Third Street Form-Based Code, only the actual addition, repair, or modification shall be required to comply with the Third Street Form-Based Code. The hookah lounge use is being established in an existing commercial building. Therefore, many of the architectural standards and building placement requirements are not applicable for this project. The applicant is voluntarily updating the building façade to incorporate additional architectural features in order to be more consistent with other tenants in the area. 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. As the lot size is less than 10,000 square feet and the buildings on the site are only one-story in height, no parking is required for the hookah lounge.

Site Visit

Staff conducted a site visit to the subject property on November 9, 2015 and identified one notification poster on each frontage with information on the upcoming public hearing. The subject tenant space has a blank façade that is painted black. However, the elevation plans depict proposed updates to the façade including additional painting, new lighting, awnings, and removal of the signage on the top of the building. Staff observed graffiti on both the trash enclosure and the planter box. There is street parking

available adjacent to Atlantic Boulevard and approximately two or three parking spaces are also available adjacent to the site along Via Corona Street.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.46.3004.D.4 of the County Code. The Burden of Proof with applicant's responses is attached. Staff is of the opinion that the applicant has met the burden of proof.

Neighborhood Impact/Land Use Compatibility

The subject building was constructed in 1940 and has been used for commercial purposes since its establishment. The addition of the hookah lounge within the existing tenant space will improve the area with the proposed updates to the building façade. Additionally, the project site is located along Atlantic Boulevard, an existing major highway as identified in the Master Plan of Highways, which contains a variety of commercial uses. There is an alley buffering the site from the residential uses along Via Corona Street. The site is consistent with the Third Street Form-Based Code, the Third Street Specific Plan, and the Countywide General Plan. Therefore, staff is of the opinion that with the proposed draft conditions, the hookah lounge will not adversely affect the health, peace, comfort or welfare of persons residing or working in the area, or endanger or otherwise constitute a menace to the public health, safety or general welfare.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Correspondence dated September 9, 2015 was received from the Los Angeles County Sheriff's Department East Los Angeles Station. According to the letter, the site location has had minimal law enforcement related issues in the past five years. However, this may be due to the space being unoccupied. The Sheriff indicated that there are no other hookah lounges in this policing area, but they surveyed another policing area and found that the hookah lounge in that area had minimal law enforcement issues. The Sheriff raised a concern over the potential of the hookah lounge attracting customers who also use illicit drugs. There are two schools to the south of the site over 500 feet away that may be impacted by the customers who use other illicit drugs and loiter in the area. The Sheriff included recommended conditions of approval as part of the letter.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

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, property posting, library posting and DRP website posting.

PUBLIC COMMENTS

Staff has not received any comments at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-01515-(1), Substantial Conformance Review Number 201500002 subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES.

I, THE HEARING OFFICER, APPROVE SUBSTANTIAL CONFORMANCE REVIEW NUMBER 201500002 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Kristina Kulczycki, Senior Regional Planning Assistant, Zoning Permits North

Reviewed by Maria Masis, Supervising Regional Planner, Zoning Permits East Section

Attachments:

Draft Findings, Draft Conditions of Approval

Applicant's Burden of Proof statement

Correspondence

Site Photographs

Site Plan, Land Use Map

MM:KK

11/18/15

**DRAFT 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 3rd 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. *To be inserted after the public hearing to reflect hearing proceedings.*
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 3rd Street (TOD) Transect Zone classification of the Third Street Form-Based Code 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
11/18/15

c: Hearing Officer, Zoning Enforcement, Building and Safety

**DRAFT 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 or otherwise provide 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 regularly 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.



Los Angeles County
Department of Regional Planning
Planning for the Challenges Ahead



BURDEN OF PROOF

**FOR THE EAST LOS ANGELES 3RD STREET FORM-BASED CODE AND SPECIFIC PLAN
 SUBSTANTIAL CONFORMANCE REVIEW**

Pursuant to Zoning Code Section 22.46.3004, the applicant shall substantiate the following:

(Do not repeat the statement or provide Yes/No responses. Attach additional sheets if necessary.)

<p>A. Approval of the project conforms with the applicable provisions of this Form-Based Code and other applicable provisions of Title 22;</p> <p><u>The proposed project site is located in the 3rd Street (TOD) zone within the designated Transect Zone of the LA County Form-Based Code Specific Plan. The proposed use, hookah lounge, has a land-use, per table to as commercial restricted, TOD Column SCH = Specific Plan Substantial Conformance Review 22453004D.</u></p>
<p>B. Approval of the project is in the interest of the public health, safety, and general welfare;</p> <p><u>The business will promote pedestrian traffic and patron frequency; providing a social/entertainment environment to an area that is of relative non-use after approximately 5:30 PM. Business frontage aesthetic/ambient lighting will promote pedestrian safety at said intersection which is currently only modestly lit.</u></p>
<p>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;</p> <p><u>Proposed Business use is located within an existing building built in 1956. The building is one story of Type-V construction, stucco/framed. Prior use was retail use and has store front entry at sidewalk property line. The proposed business is approximately two blocks south of the Atlantic Station Metro Gold Line and promotes pedestrian traffic.</u></p>
<p>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 Form-Based Code and the character of the neighborhood;</p> <p><u>The proposed business has improved the existing building frontage by painting facade side only. The existing character of the original building design has been untouched.</u></p>

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;

Existing sidewalk frontage has street trees. existing sidewalk paving is concrete with landscape parkway on via Corona frontage, small trees are provided in planter pots.

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; and

The existing site is fully developed with building footprint. Second use on property is an auto repair garage. No parking is provided. Applicant seeks approval of use based on third Street form-based plan TOD; no parking requirements per specific plan due to proximity to transit station being within two blocks.

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.

Business location is at the corner of Allantic Boulevard and Via Corona. Street light fixture directly in front of business location provides adequate pedestrian safety and encourages safe passage.



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF
(323) 264-4151



September 9, 2015

RECEIVED
SEP 14 2015
BY: _____

Ms. Kristina Kulczycki
Los Angeles County Department of Regional Planning
Zoning Permits East Section
320 West Temple Street, Room #1346
Los Angeles, California 90012

Re: 326 South Atlantic Boulevard
Los Angeles, CA 90022

Dear Ms. Kulczycki:

It is my understanding the owner(s) of a hookah lounge would like to open a lounge at: 326 South Atlantic Boulevard, Los Angeles. While I am not advocating my support or opposition to their request for such a permit, it is my responsibility to provide the necessary factual information for those who will make the decision.

My staff has checked calls for service over the past five years at the location and has seen minimal law enforcement related issues. It is possible the building itself has been vacant during this time as well. I am unable to provide criminal activity involved with this type of business due to the fact we do not have any established hookah lounges in our policing area. My staff queried the law enforcement activity associated with one hookah lounge in a separate Sheriff's policing area and there was minimal law enforcement issues.

The Sheriff's Department Narcotics Bureau team members, however, are concerned with the potential of a hookah lounge attracting customers who also use marijuana and concentrated cannabis. With the recent popularity, and advancement in technology, of smoking devices, illicit drugs are more frequently ingested with them. In addition, 4th Street Elementary School and the 4th Street Primary Center Pre-School are located approximately two blocks away. The potential of customers using illicit drugs and remaining in the area exists and would be a detriment to the local schools.

If the location is granted a permit, we would request law enforcement be called by management and/or employees if problems arise at the location, so they do not escalate into serious problems

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

A Tradition of Service
— Since 1850 —

such as fights or shootings. We request all gang graffiti be removed from the premises immediately. We also request the business provide ample customer parking so they do not burden the community with the addition of parked vehicles.

The proposed site appears to be restricted to curbside parking only, with no attached parking lot. In addition, we request surveillance video be retained for at least thirty days, to provide ample time for law enforcement to review when necessary for criminal investigations.

If you have any questions or wish to discuss this matter further, you may contact Captain Steven E. Biagini, Lieutenant Joshua Bardon, or Deputy Scott Hennessy, at (323) 264-4151.

Sincerely,

JIM McDONNELL, SHERIFF

A handwritten signature in black ink, appearing to read "S. Biagini". The signature is fluid and cursive, with a prominent initial "S" and a long, sweeping underline.

Steven E. Biagini, Captain
East Los Angeles Station



ATLANTIC HOOKAH LOUNGE 326 S. Atlantic Blvd, Los Angeles, CA 90022 (portion painted black)



FRONT ELEVATION (WEST FACING) ATLANTIC HOOKAH LOUNGE 326 S. Atlantic Blvd, Los Angeles, CA 90022



SIDE ELEVATION (FACING SOUTH)

ATLANTIC HOOKAH LOUNGE 326-A S. Atlantic Blvd, Los Angeles, CA 90022 (portion painted black)



SIDE ELEVATION (FACING SOUTH)

SERRANO'S AUTO REPAIR 326-B S. Atlantic Blvd, Los Angeles, CA 90022



SIDE ELEVATION (FACING SOUTH AT ALLEY)
SERRANO'S AUTO REPAIR 326-B S. Atlantic Blvd, Los Angeles, CA 90022



REAR ELEVATION (FACING EAST AT ALLEY) SERRANO'S AUTO REPAIR
326-B S. Atlantic Blvd, Los Angeles, CA 90022

