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Decision Date: May 20, 2024

Appeal Period Ends: June 4, 2024

Erwin Bucy (A)  
PCG BP LLC c/o Paragon Commercial  
Group  
133 Penn Street  
El Segundo, CA 90254

Greg Palaski (R)  
Nadel Studio One, Inc.  
1990 South Bundy Drive  
Los Angeles, CA 90025

CASE NO. ZA-2023-2107-CU  
CONDITIONAL USE  
1602 West 25th Street (1636, 1660  
West 25th Street; and 2401 South  
Western Avenue)  
San Pedro Community Plan  
Zone: [Q]C2-1XL  
D. M.: M B 505-44/46  
C. D.: 15 – McOsker  
CEQA: ENV-2023-2108-CE  
Legal Description: Lot 149, TR 19063

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

A categorical exemption pursuant to California Environmental (CEQA) Guidelines, Section 15332 (Class 32, Infill Development) and that there is not substantial evidence demonstrating that any exceptions contained in Section 15300.2 of the State CEQA Guidelines regarding location, cumulative impacts, significant effects or unusual circumstances, scenic highways, hazardous waste sites or historic resources applies and;

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.17, I hereby APPROVE:

a Conditional Use to allow a drive-through fast-food establishment on a site abutting a residential zone,

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.27, I hereby APPROVE:

a Conditional Use to allow deviations from Mini-Shopping Center/Commercial Corner Development provisions to allow hours of operation from 5:00 a.m. to 11:00 p.m., daily, in lieu of 7:00 a.m. to 11:00 p.m., daily.

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Development Services Center and the Department of Building and Safety for purposes of having a building permit issued.
6. Prior to the effectuation of this grant, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Department of City Planning for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided for inclusion in case file.
7. Authorized herein is the construction, use and maintenance of a 2,200 square-foot drive-through coffee shop. The grant shall be subject to the following limitations:
  - a. Hours of operation shall be limited to 5:00 a.m. to 11:00 p.m. daily.
  - b. Interior seating shall be limited to a maximum of 21 seats. The number of seats shall not exceed the maximum allowable occupant load as determined by the Department of Building and Safety

8. Trash/recycling pick-up and emptying or disposing of trash/recycling into outside containers is permitted to occur only between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, and 10:00 a.m. to 4:00 p.m., Saturdays and Sundays.
9. Any music, sound or noise including amplified or acoustic music, which is under control of the applicant, shall not constitute a violation of Sections 112.06 or 116.01 of the Los Angeles Municipal Code (Citywide Noise Ordinance) and shall not be audible beyond the subject premises. At any time during the term of the grant, a City inspector may visit the site during operating hours to measure the noise levels using a calibrated decibel/sound level meter. If, upon inspection, it is found that the noise level exceeds those allowed by the Citywide Noise Ordinance, the owner/operator will be notified and will be required to modify or, eliminate the source of the noise or retain an acoustical engineer to recommend, design and implement noise control measures within property such as, noise barriers, sound absorbers or buffer zones.
10. A camera surveillance system shall be installed and operating at all times to monitor the interior, entrance, exits and exterior areas, in front of and around the premises. Recordings shall be maintained for a minimum period of 30 days and are intended for use by the Los Angeles Police Department.
11. The applicant/business operator shall be responsible for maintaining free of litter, the area and adjacent to the premises over which they have control.
12. Parking shall be provided in compliance with the Municipal Code and to the satisfaction of the Department of Building and Safety. No variance from the parking requirements has been requested or granted herein.
13. All exterior portions of the site shall be adequately illuminated in the evening to make discernible the faces and clothing of persons utilizing the space. Lighting shall be directed onto the site without being disruptive to persons on adjacent properties.
14. Lighting shall be installed in all areas within the business in conformance with the Los Angeles Municipal Code. The lighting shall be such that it renders all objects and persons clearly visible within the establishment.
15. **Complaint Log.** A telephone number and email address shall be provided for complaints or concerns from the community regarding the operation. The phone number and email address shall be posted at the following locations.
  - a. Entry, visible to pedestrians

Complaints shall be responded to within 24-hours. The applicant shall maintain a log of all calls and emails, detailing: (1) date complaint received; (2) nature of complaint, and (3) the manner in which the complaint was received.

16. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
17. The business operator and or the operator's agents shall comply with California Labor Code Section 6404.5, which prohibits the smoking of tobacco or any non-tobacco substance, including from electronic smoking devices, within any place of employment.
18. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering" signs in English and the predominant language of the facility's clientele shall be posted in and outside of the subject facility.

#### **ADMINISTRATIVE CONDITIONS**

##### **19. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.**

Applicant shall do all of the following:

- i. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- ii. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
- iii. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$50,000. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
- v. Submit supplemental deposits upon notice by the City. Supplemental



deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).

- vi. If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions include actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the applicant otherwise created by this condition.

#### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

“A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code.”

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

### **NOTICE**

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the staff assigned to this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

### **FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on March 6, 2024, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24 W have been established by the following facts:

### **BACKGROUND**

The subject property is an irregular-shaped 158,750 square-foot site developed with a shopping center on three separate parcels. The subject property has a depth of 523.36

feet. The subject property is zoned [Q]C2-1XL with a land use designation of Neighborhood Commercial within the San Pedro Community Plan area. The property is subject to Qualified "Q" Conditions pursuant to Ordinance No. 159,650, which limits uses to those uses existing upon the effective date of this ordinance and thereafter to those uses permitted in the C1.5 Zone except that those uses first permitted in the R residential zones may be permitted only above the first-floor level, provided that the maximum number of dwelling units shall be limited to those uses permitted in the RD1.5 Zone classification. The project is located within a Hillside Area, Special Grading Area, liquefaction Zone, Harbor Gateway State Enterprise Zone (ZI-2130), and within 4.2 kilometers of the Palos Verdes Fault Zone. The subject property is not located within a Specific Plan Area or any Overlay Zone.

The project consists of the demolition of an 8,002 square-foot vacant Bank of America building on the northeast corner of the subject property, and the construction of a new 2,200 square-foot Starbucks building with two drive-through lanes, located on the southeast corner of the subject site. The project will also result in the relocation of the existing driveway on Western Avenue. The applicant is requesting a Conditional Use to allow deviations from Mini-Shopping Center/Commercial Corner Development provisions to allow hours of operation from 4:00 am to 11:00 pm., daily, in lieu of 7:00 am to 11:00 pm, daily and to allow a drive-through fast-food establishment on a site abutting a residential zone. On-site parking for the project will be provided within the confines of the existing subject property. Vehicular access to the project site will be provided through a network of five driveways: three right-turn in/right-turn out driveways located along 25<sup>th</sup> Street, one full access driveway on Moray Avenue, and an existing driveway along Western Avenue that will be removed and relocated along the northwest side of Western Avenue.

### **Surrounding Properties**

The surrounding land uses consists of a mix of residential, commercial, including restaurants, retail stores, grocery stores, banks, and other fast-food establishments. Properties to the north are zoned R1-1XL with single-family dwellings in a cul-de-sac neighborhood that includes a small pathway onto South Western Avenue. Properties to the South and East are zoned [Q]C2-1XL, which include restaurants, a bank, gas station, and a pet clinic. Properties to the west across South Moray Avenue are zoned [Q]C2-1XL, which include a 7-Eleven and two hair supply stores. Further west properties are zoned R1-1XL with single-family dwellings. The subject property is developed with a Smart & Final Extra! grocery store, an auto repair shop, and a soon demolished bank with a surface parking lot.

### **Previous Cases, Affidavits, Permits, and Orders on the Applicant's Property:**

Permit No. 23016-10000-14039 – On November 6, 2023, the Department of Building and Safety issued a Building Alteration permit to improve the Façade with an existing Grocery Market.

Permit No. 16016-10000-13875 – On June 23, 2016, the Department of Building and Safety issued a building altering permit to install a railing at the roof of the office bank building.

Ordinance No. 159,650 – On February 5, 1985, the Los Angeles City Council adopted Ordinance No. 159,650, which limits uses to those uses existing upon the effective date of this ordinance and thereafter to those uses permitted in the C1.5 Zone except that those uses first permitted in the R residential zones may be permitted only above the first-floor level, provided that the maximum number of dwelling units shall be limited to those uses permitted in the RD1.5 Zone classification.

Ordinance No. 158,859 – On April 13, 1984, the Los Angeles City Council adopted Ordinance No. 158,859, which states “the property classified in the [Q]C2-1XL Zone, located at the northeast, northwest and southwest corners of Western Avenue and Twenty-Fifth Street and at the northwest and northeast corners of Moray Avenue and Twenty-Fifth Street, shall be subject to the following limitations: Any residential development shall be limited to R1 Zone uses, and any commercial development after the effective date of this zone change shall be limited to C1 Zone uses”.

#### **Previous Cases, Affidavits, Permits, and Orders on Surrounding Properties:**

Staff utilized a 1,000-foot radius map via the Zoning Information Mapping Access System (ZIMAS) and the Planning Case Tracking System (PCTS), seeking past Zoning Administrator determinations associated with Conditional Use Permits for deviations from Mini-Shopping Center/Commercial Corner Development standards and no relevant cases were identified as being within 1,000 feet of the project site.

#### **Streets**

Western Avenue, abutting the property to the west, is a designated Boulevard II, with a designated right-of-way width of 110 feet, a roadway width of 80 feet, and improved with asphalt roadway, concrete curb, gutter and sidewalk.

25<sup>th</sup> Street, abutting the subject property to the south, is a designated Avenue II, with a designated right-of-way width of 86 feet, a roadway width of 56 feet, and improved with asphalt roadway, concrete curb, gutter and sidewalk.

#### **PUBLIC CORRESPONDENCE**

In a letter dated February 15, 2023, Casey Lynch, Vice President of Real Estate for Smart and Final expressed support for the replacement of the Bank of America building and shared their intent to update and modernize the Smart and Final store on-site.

In a letter dated October 3, 2023, the San Pedro Waterfront Arts District expressed their support for the proposed project.

San Pedro Chamber of Commerce Board of Directors submitted a letter, dated November 16, 2023 stating their strong support for the proposed fast-food (Starbucks) establishment on 1602 West 25<sup>th</sup> Street.

Coastal San Pedro Neighborhood Council president submitted a letter, dated November 28, 2023, stating their strong support for the proposed fast-food (Starbucks) establishment on 1602 West 25<sup>th</sup> Street, with conditions.

In an email dated December 11, 2023, Thea Zullani expressed her opposition to the project due to traffic, idling cars, and noise.

In an email dated March 6, 2024, Eric Johnson expressed his support for the proposed project.

In an email dated March 7, 2024, Jerry Gaines expressed his support for the proposed project.

In an email dated March 11, 2024, Michael Vezzuto expressed his support for the project without the drive-thru component.

In an email dated March 15, 2024, a Shannon Reese submitted a survey of residence from the local and their support and opposition of the proposed project.

On March 18, 2024 the applicant's representative submitted volunteered conditions which include the following:

- Use of native landscape palette
- Educational signage regarding Native Landscaping as well as honoring Palos Verdes Peninsula Land Conservancy
- Rebranding of Shopping Center to South Shores Crossing
- Public Art mural on east elevation of Starbucks Building
- Hotline: A 24 hour hotline phone number shall be posted to allow for inquiries or complaints.
- Hours of Operation: Given the long-term lease and capital investment required by the tenant, the proposed hours will be 5 am to 11 pm. In the event the operator opens before 6 am and remains open after 9 pm, and there are negative impacts to the community, additional conditions may be implemented by the Zoning Administrator to mitigate these impacts.
- Trash/Recycling: Pickup shall be limited to 7 am to 8 pm, Monday through Friday and 10 am to 4 pm on Saturdays and Sundays.
- Noise: Signage shall be posted at the site asking patrons to be respectful of neighbors and turn down radios, speakers, and keep noise to a minimum in the drive through.
- Security Cameras: Request property owner to install security cameras throughout the shopping center parking lot with cameras facing points of ingress and egress.
- Traffic Signal at 25th and Moray: Request the Council Office submit a letter to



LADOT asking for a study to be conducted to determine if a traffic signal can be installed at 25th Street and Moray to assist with traffic safety in the area.

### **PUBLIC HEARING**

The public hearing was held virtually over Zoom Webinar on March 6, 2024 at 10:30 a.m. The purpose of the hearing was to obtain public testimony from affected and/or interested persons regarding the application. Interested parties were also invited to submit written comments regarding the request prior to the public hearing. The hearing was attended by the applicant, the applicant's representative, eighteen members of the public, and Councilmember Tim McOsker of Council District 15.

Greg Plasnki and Erwin Bucy, the applicant's representatives presented the project and made the following comments:

- New Starbucks drive thru
- Replaces existing bank building.
- Project located in supermarket anchored shopping center
- Access point along Western Avenue is being relocated.
- Smart and Final (anchor tenant of shopping center) is in full support.
- Native landscaping is proposed.
- LED lighting
- Pedestrian amenities
- Project is supported by many stakeholders.
- Parking is to LAMC standards
- LADOT and Caltrans has approved.

Councilmember Tim McOsker of Council District 15 made the following comments:

- Appreciates work out applicant.
- Concerned about drive-thru component.
- Busy intersection
- Moving of driveway is helpful.
- Appreciates queuing on-site, but existing will not be safe
- Spill over traffic onto adjoining residential area
- Commute time will increase
- Proposal is not a "café"
- Supports coffee shop but not the drive-thru.

Elise Swanson made the following comments:

- President of the San Pedro Chamber of Commerce
- Full support of project
- Has discussed project with applicant.
- Thrilled with the art component.
- Net decrease in traffic
- Spill over traffic should not be a concern.

Allan Colman made the following comments:

- Lives in San Pedro.
- Fully supportive of project.
- Project will take cars off the street.

Hugh Van Kleist made the following comments:

- Lives on 23<sup>rd</sup> Street
- Supportive, but does not want drive-thru component.

John Mune made the following comments:

- Why is the meeting on Zoom?
- Against drive thru
- Creates traffic, specially cut through traffic onto the neighborhood.
- Against 4 am opening

Philip Jabbia made the following comments:

- Previous owner of shopping center.
- Supportive of project
- Benefit to community

Robin Rudisill made the following comments:

- Supported by Coastal San Pedro Neighborhood Council
- Support contained landscape condition.

Scott Brust made the following comments:

- Living in South Shores for the past six years.
- Intersection of 25<sup>th</sup> Street and Western Avenue has a lot of commuter traffic.
- Mornings have surges of traffic.
- Project will have negative impacts on traffic.

Veronica S. made the following comments:

- Opposes drive-thru.
- Traffic and impacts traffic impacts to kids
- Volume of traffic to increase.
- Concerned about safety for the neighbors.

Katherine Johnson made the following comments:

- Lives on Morea Street
- No community outreach was conducted.
- Supports business, but not drive-thru.
- Community not involved.

Michael Smallwood made the following comments:

- Starbucks across from proposed project should be closed if project goes through.
- Against drive-thru due to traffic impacts

Richard made the following comments:

- For project, but not the drive-thru component.

Jennifer McMullen made the following comments:

- Drive-thru on wrong corner
- Built traffic light at 25<sup>th</sup> Street and Moray Avenue

Mike Grannis made the following comments:

- Resident in area for entire life.
- Benefit for the community
- Keeps traffic off of the street.

Stephanie Vazzato

- Supports café, but not drive-thru.
- Does not support 4 am opening.
- Concerned about cut through traffic on Morea Street

Rita Stratton made the following comments:

- Lives on near the corner of Mantis Avenue and Moray Avenue
- Signal needed at intersection

Branko made the following comments:

- Lived in San Pedro since 1970
- Supportive of the project

John Cigliano

- 35 year resident
- Supportive of project

In response to the issues raised during the hearing and questions raised by the Zoning Administrator, the applicant team made the following comments:

- The project will not generate more traffic. A VMT study was conducted and no further analysis was needed.
- Project will be utilizing existing access.
- Driveway will be moved to the north.
- Mostly passerby traffic
- Driveway at Smart and Final is full turns.
- Moray Avenue has speedbumps
- Project will incorporate a mural on the east elevation
- Project provides indoor and outdoor seating

At the conclusion of the hearing the Zoning Administrator took the case under advisement for two weeks to allow for additional information.

## **BASIS FOR CONDITIONAL USE PERMITS**

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a Conditional Use Permit from the Zoning Administrator are located within Section 12.24 W of the Los Angeles Municipal Code. In order for the expansion of operating hours to be authorized, certain designated findings have to be made. In these cases, there are additional findings in lieu of the standard findings for most other conditional use categories.

## **FINDINGS**

1. **The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject property is an irregular-shaped 158,750 square-foot site developed with a shopping center on three separate parcels. The subject property has a depth of 523.36 feet. The subject property is zoned [Q]C2-1XL with a land use designation of Neighborhood Commercial within the San Pedro Community Plan area.

The project consists of the demolition of an 8,002 square-foot vacant Bank of America building on the northeast corner of the subject property, and the construction of a new 2,200 square-foot Starbucks building with two drive-through lanes, located on the southeast corner of the subject site. The project will also result in the relocation of the existing driveway on Western Avenue. The proposed drive-through fast food establishment is known as Starbucks, a well-known coffee shop. The applicant is requesting a Conditional Use to a Conditional Use to allow deviations from Mini-Shopping Center/Commercial Corner Development provisions to allow hours of operation from 5:00 a.m. to 11:00 p.m., daily, in lieu of 7:00 am to 11:00 pm, daily. On-site parking for the project will be provided within the confines of the existing subject property. Vehicular access to the project site will be provided through a network of five driveways: three right-turn in/right-turn out driveways located along 25<sup>th</sup> Street, one full access driveway on Moray Avenue, and an existing driveway along Western Avenue that will be removed and relocated along the northwest side of Western Avenue.

The proposed drive-through Starbucks provides an essential and beneficial service for nearby residents by enhancing the built environment and activating an underutilized commercially zoned site with a new viable commercial use. The project will redevelop the existing site with a new building that includes a drive-through lane and a walk-up window and will operate in a compatible manner to surrounding uses. The project will also add new landscaping throughout the site, along the street frontages, and along the project's perimeter to improve the overall aesthetics of the site.

With operating hours of 5:00 a.m. to 11:00 p.m., seven days a week, the operation will offer convenience of coffee beverages and snacks during the early morning hours and late into the evening, serving the neighborhood. Activating this corner of the commercial site with a new drive-through use will enhance the surrounding community by repurposing the property to a new use which will be beneficial to the community.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

The subject property is an irregular-shaped 158,750 square-foot site developed with a shopping center on three separate parcels. The subject property has a depth of 523.36 feet. The project consists of the demolition of an 8,002 square-foot vacant Bank of America building on the northeast corner of the subject property, and the construction of a new 2,200 square-foot Starbucks building with two drive-through lanes, located on the southeast corner of the subject site. The project will also result in the relocation of the existing driveway on Western Avenue. The proposed drive-through fast food establishment is known as Starbucks, a well-known coffee shop.

The surrounding land uses consists of a mix of residential, commercial, including restaurants, retail stores, grocery stores, banks, and other fast-food establishments. Properties to the north are zoned R1-1XL with single-family dwellings in a cul-de-sac neighborhood that includes a small pathway onto Western Avenue. Properties to the South and East are zoned [Q]C2-1XL, which include restaurants, a bank, gas station, and a pet clinic. Properties to the west across Moray Avenue are zoned [Q]C2-1XL, which include a 7-Eleven and two hair supply stores. Further west properties are zoned R1-1XL with single-family dwellings. The subject property is developed with a Smart & Final Extra! grocery store, an auto repair shop, and a soon demolished bank with a surface parking lot.

The fast-food drive-through establishment will be oriented towards 25<sup>th</sup> Street and operations are enclosed within the building. Residential properties abutting the project site to the north are separated by a surface parking lot. It is expected that the project will not degrade adjacent properties. The proposed hours of operation of 4:00 am to 11:00 pm, daily, are reasonable and the use will provide maximum convenience with minimum disturbance to residential neighborhoods. As such, the project's location, size, height, operations, and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety.

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



There are eleven elements of the General Plan. Each of these Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of Los Angeles Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Los Angeles Municipal Code. The Land Use Element of the City's General Plan divides the city into 35 Community Plans. The San Pedro Community Plan Map designates the property for Neighborhood Commercial land uses with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The subject property is zoned [Q]C2-1XL and is thus consistent with the General Plan's land use designation. The subject property is not located within the boundaries of, or subject to, any Specific Plan, Community Design Overlay, or Interim Control Ordinance.

The General Plan is the City's roadmap for the future growth and development. The General Plan elements establish goals, policies, purposes, and programs that provide for the regulatory environment in managing the City, and for addressing environmental concerns and problems. The majority of the policies derived from the City's elements. The project is consistent with the following Framework residential objectives and policies:

*GOAL 3A: A physically balanced distribution of land uses that contributes towards and facilitates the City's long-term fiscal and economic viability, revitalization of economically depressed areas, conservation of existing residential neighborhoods, equitable distribution of public resources, conservation of natural resources, provision of adequate infrastructure and public services, reduction of traffic congestion and improvement of air quality, enhancement of recreation and open space opportunities, assurance of environmental justice and a healthful living environment, and achievement of the vision for a more livable city.*

*Objective 3.1: Accommodate a diversity of uses that support the needs of the City's existing and future residents, businesses, and visitors.*

*Policy 3.1.1: Identify areas on the Long-Range Land Use Diagram and in the community plans sufficient for the development of a diversity of uses that serve the needs of existing and future residents (housing, employment, retail, entertainment, cultural/institutional, educational, health, services, recreation, and similar uses), provide job opportunities, and support visitors and tourism.*

The granting of the request would provide a neighborhood serving use for a healthy lifestyle for the needs of existing and future residents in San Pedro as well as for those who are employed near the site.

The Land Use Elements of the City's General Plan divides the City into 35 Community Plan areas. The San Pedro Community Plan designates the property

for Neighborhood Commercial land uses with corresponding zones of C1, C1.5, C2, C4, R3, and RAS3. The property is not located with any specific plan. The project is consistent with the following goals and objectives of the San Pedro Community Plan:

*Goal LU5: Strong and competitive commercial districts that are aesthetically appealing, pedestrian-oriented, easily accessible and serve the needs of the community while preserving the unique commercial and cultural character of the community.*

*LU5.1: **Investment.** Conserve, strengthen and encourage investment in San Pedro's existing commercial districts.*

The Conditional Use to permit hours of operation of 4:00 am to 11:00 pm, in lieu of 7:00 a.m. to 11:00 p.m. in a mini-shopping center is not specifically addressed in the Community Plan text. In such cases, the Zoning Administrator must interpret the intent of the Plan. The Community Plan intends to promote an arrangement of land uses, streets and services, which will encourage and contribute to the economic, social, and physical health, safety, welfare and convenience of the people who live and work in the community. The plan also intends to guide development in order to create a healthful and pleasant environment.

The Zoning Administrator's grant is subject to certain conditions and findings. The new 2,200 square-foot fast-food drive-through would create a new economic opportunity for the area and be accessible to the community as it will be in close proximity to surrounding residential neighborhoods and other businesses located in the immediate vicinity of Western Avenue and 25<sup>th</sup> Street. The proposed fast-food drive-through is a neighborhood-oriented use that provides an essential service. The project adheres to the use and development parameters of the existing zone, except where the conditional use approval has been requested. Given the conditions of approval imposed herein, the proposed use can be deemed to be in harmony with the General Plan and Community Plan.

#### **MINI-SHOPPING CENTER/COMMERCIAL CORNER FINDINGS**

4. **Based on data provided by the Department of Transportation or a licensed traffic engineer, ingress to, egress from and associated parking on the project will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.**

The proposed 2,200 square-foot project will have a total of 22 parking spaces within a surface parking lot and a double drive-through lane that merges into one lane that would accommodate queuing for 18 vehicles. Vehicular access to the project site will be provided through a network of five driveways: three right-turn in/right-turn out driveways located along 25<sup>th</sup> Street, one full access driveway on Moray Avenue, and an existing driveway along Western Avenue that will be

removed and relocated along the northwest side of Western Avenue.

In a letter dated September 22, 2023, the Department of Transportation (LADOT) reviewed the transportation assessment prepared by Linscott Law & Greenspan Engineers dated May 9, 2023, with a subsequent revision dated August 3, 2023, and determined that the proposed project would not result in a significant transportation impact on Vehicle Miles Traveled (VMT) and the project does not obstruct or conflict with the City's development policies and standards for the transportation system. Furthermore, it is anticipated that the proposed project may experience peak drive-through lane queues of up to 18 vehicles. All queuing for the new fast-food drive through will occur on-site which will minimize and reduce impacts to surrounding streets. The proposed project will relocate the existing driveway further north on the project site, away from the intersection which will mitigate traffic on Western Avenue. The proposed layout with a storage capacity for 18 vehicles and parking for 22 vehicles should be sufficient to accommodate the maximum queue without causing congestion in the drive-aisles or adjacent streets. Therefore, based on the VMT analysis and the layout, ingress to and egress from associated parking will not constitute a traffic hazard or cause significant traffic congestion or disruption of vehicular circulation on adjacent streets.

5. **Project approval will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.**

The subject property will enhance the existing corner with new development, landscaping, and lighting by replacing a vacant lot. The proposed fast-food drive through will not add another mini-shopping center to the area as it is a single use structure withing a shopping center. Therefore, the proposed new coffee shop with drive-through window will not create or add to a detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments in the vicinity of the proposed project.

#### **DRIVE-THROUGH FAST FOOD ESTABLISHMENT FINDINGS**

6. **The residential uses in the vicinity of a proposed drive-through fast-food establishment will be adequately protected from any significant noise resulting from outdoor speakers, autos, or other sources of noise associated with the lot.**

The applicant is requesting a Conditional Use to a to allow deviations from Mini-Shopping Center/Commercial Corner Development provisions to allow hours of operation from 4:00 am to 11:00 pm., daily, in lieu of 7:00 am to 11:00 pm, daily and to allow a drive-through fast-food establishment on a site abutting a residential zone.

The site is zoned [Q]C2-1XL and is located within the San Pedro Community Plan area with a General Plan Land Use Designation of Neighborhood Commercial. The surrounding land uses consists of a mix of residential, commercial, including restaurants, retail stores, grocery stores, banks, and other fast-food establishments. Properties to the north are zoned R1-1XL with single-family dwellings in a cul-de-sac neighborhood that includes a small pathway onto Western Avenue. Properties to the South and East are zoned [Q]C2-1XL, which include restaurants, a bank, gas station, and a pet clinic. Properties to the west across Moray Avenue are zoned [Q]C2-1XL, which include a 7-Eleven and two hair supply stores. Further west properties are zoned R1-1XL with single-family dwellings. The subject property is developed with a Smart & Final Extra! grocery store, an auto repair shop, and a soon demolished bank with a surface parking lot.

The drive-through use is buffered by landscaping, automobile parking spaces and is located more than 50 feet from residential properties. The northerly property lines, adjacent to residential uses, will be lined with landscaping that will also serve as a buffer between the drive-through and adjoining properties. Furthermore, the drive-through lane is adjacent to Western Avenue and can accommodate queuing for up to 18 vehicles.

The project has been conditioned to require that the trash receptacles be fully enclosed to help reduce noise and odor impacts. Trash pickup will be limited to 7:00 a.m. and 8:00 p.m., Monday through Friday, and 10 a.m. to 4 p.m., Saturdays and Sundays to prevent late night or early morning noise on adjacent residential properties. Conditions have been imposed herein requiring noise from the speaker box to comply with the City's Noise Ordinance. Therefore, residential uses in the vicinity will be adequately protected from any significant noise resulting from outdoor speakers, autos, or other sources of noise associated with the lot.

**7. All stationary light generated on the lot is screened to avoid any significant adverse impact on nearby residential uses.**

The project will include the creation of new parking spaces and drive-through lanes which do not currently exist on-site, which represents a new potential source of light and glare. However, outdoor lighting associated with the project will be primarily for security purposes and to illuminate the surface parking lot. Furthermore, all lighting within the site will be shielded and directed inward on the project site in order to avoid any glare on adjacent residential uses. As a result of the design of the project, and as conditioned, stationary light sources will not cause any adverse impacts on nearby residential uses.

**8. The trash storage, trash pickup hours, driveways, parking locations, screening walls, trees and landscaping are provided for and located so as to minimize disturbance to the occupants of nearby residential uses, and to enhance the privacy of those uses.**

The project has been well designed to help minimize impacts on surrounding

properties. The project's trash storage area will be located within a masonry trash enclosure within the middle of the surface parking lot to the north of the new building and the enclosure will be surrounded by landscaping that includes trees and vines. It will be fully enclosed to minimize noise and odor impacts on surrounding uses. Trash pickup hours have been limited to reduce disturbances to residential uses near the site.

The proposed project includes 12 employee automobile parking spaces within a surface lot and a double drive-through lane that merges into one that would accommodate queuing for 18 vehicles. Access to the new drive-through restaurant is gained from a driveway along Western Avenue with vehicles directed to the eastern portion of the project site. Vehicles move along this path and continue west to a turn-around along the perimeter of the property until order pickup.

The project will also add new landscaping throughout the site, along the street frontages, and along the project's perimeter to improve the overall aesthetics of the site. Shrubs and trees are proposed along the perimeter of the project site.

Therefore, as conditioned, trash storage, trash pickup hours, driveways, parking locations, screening walls, trees and landscaping will be provided for and located so as to minimize disturbance to the occupants of nearby residential uses, and to enhance the privacy of those uses.

#### **ADDITIONAL MANDATORY FINDINGS**

9. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 186,952, have been reviewed and it has been determined that this project is outside the flood zone.

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

This grant is not a permit or license and any permits and/or licenses required by law must be obtained from the proper public agency. If any Condition of this grant is violated or not complied with, then the applicant or their successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Los Angeles Municipal Code (LAMC).

This determination will become effective after the end of appeal period date on the first page of this document, unless an appeal is filed with the Department of City Planning. An appeal application must be submitted and paid for before 4:30 PM (PST) on the final day to appeal the determination. Should the final day fall on a weekend or legal City holiday, the time for filing an appeal shall be extended to 4:30 PM (PST) on the next succeeding working day. Appeals should be filed early to ensure the Development Services Center (DSC) staff has adequate time to review and accept the documents, and to allow appellants time to submit payment.



An appeal may be filed utilizing the following options:

**Online Application System (OAS):** The OAS (<https://planning.lacity.org/oas>) allows entitlement appeals to be submitted entirely electronically by allowing an appellant to fill out and submit an appeal application online directly to City Planning's DSC, and submit fee payment by credit card or e-check.

**Drop off at DSC.** Appeals of this determination can be submitted in-person at the Metro or Van Nuys DSC location, and payment can be made by credit card or check. City Planning has established drop-off areas at the DSCs with physical boxes where appellants can drop off appeal applications; alternatively, appeal applications can be filed with staff at DSC public counters. Appeal applications must be on the prescribed forms and accompanied by the required fee and a copy of the determination letter. Appeal applications shall be received by the DSC public counter and paid for on or before the above date or the appeal will not be accepted.

Forms are available online at <http://planning.lacity.org/development-services/forms>.  
Public offices are located at:

Metro DSC (213) 482-7077 201 N. Figueroa Street Los Angeles, CA 90012 <a href="mailto:planning.figcounter@lacity.org">planning.figcounter@lacity.org</a>	Van Nuys DSC (818) 374-5050 6262 Van Nuys Boulevard Van Nuys, CA 91401 <a href="mailto:planning.mbc2@lacity.org">planning.mbc2@lacity.org</a>	West Los Angeles DSC (CURRENTLY CLOSED) (310) 231-2901 1828 Sawtelle Boulevard West Los Angeles, CA 90025 <a href="mailto:planning.westla@lacity.org">planning.westla@lacity.org</a>
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City Planning staff may follow up with the appellant via email and/or phone if there are any questions or missing materials in the appeal submission, to ensure that the appeal package is complete and meets the applicable LAMC provisions.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Verification of condition compliance with building plans and/or building permit applications are done at the City Planning Metro or Valley DSC locations. An in-person or virtual appointment for Condition Clearance can be made through the City's [BuildLA](https://build.la) portal ([appointments.lacity.org](https://appointments.lacity.org)). The applicant is further advised to notify any consultant representing you of this requirement as well.



QR Code to  
Online Appeal Filing



QR Code to Forms for In-Person  
Appeal Filing



QR Code to BuildLA  
Appointment Portal for  
Condition Clearance

Inquiries regarding the matter shall be directed to Andres Gutierrez, Planning Staff for the Department of City Planning at (213) 682-6399 or [andres.gutierrez@lacity.org](mailto:andres.gutierrez@lacity.org).

A handwritten signature in blue ink, reading "Jordann F.D. Turner".

JORDANN TURNER  
Associate Zoning Administrator

JT:AC:AT:AG

cc: Councilmember Tim McOsker  
Fifteenth District  
Adjoining Property Owners  
Interested Parties

## Overall Summary

Land ±4.3 AC ±187,480 SF  
Building 35,727 SF  
Coverage 19%

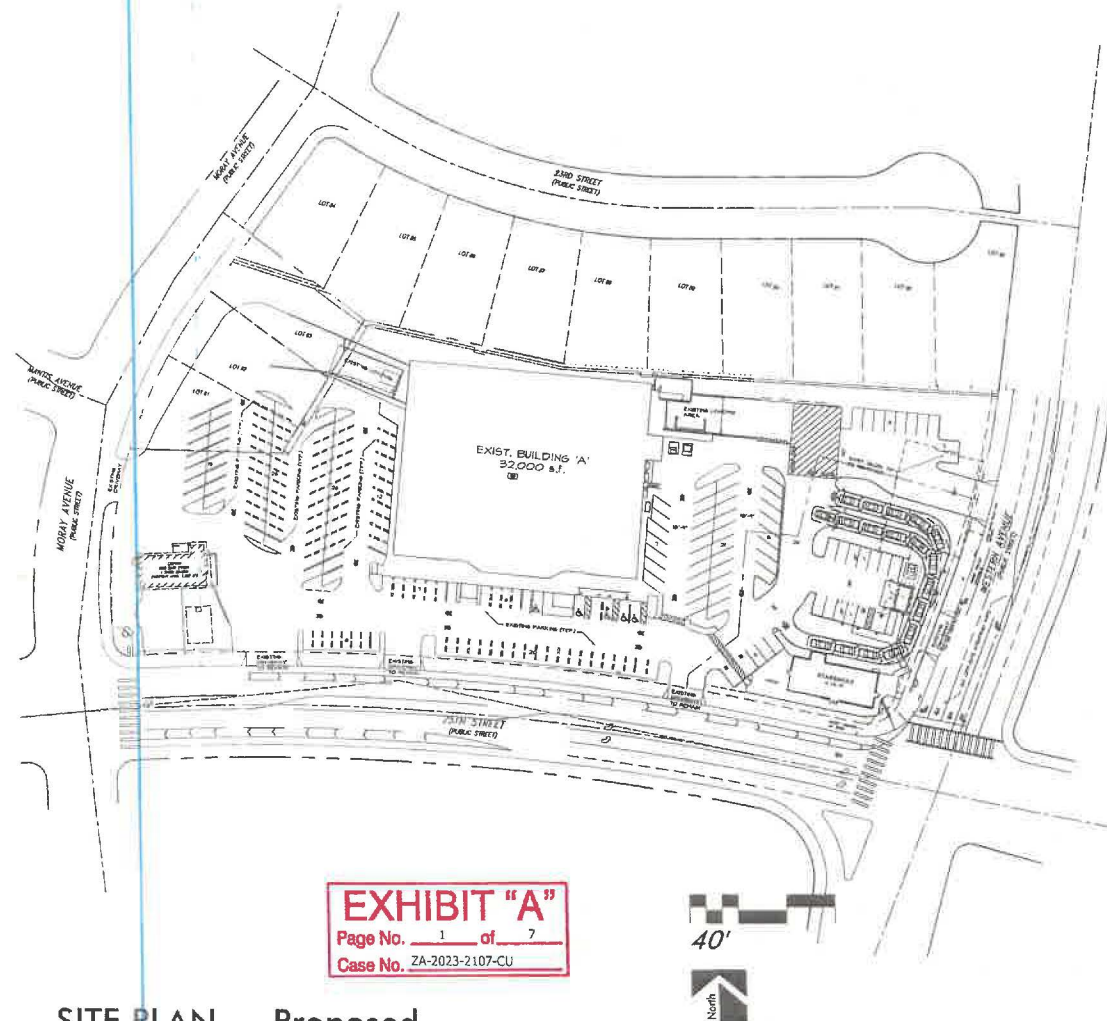
Parking Required 156 stalls  
Parking Provided 187 stalls  
Parking Ratio 5.2 /1,000

## New Parcel

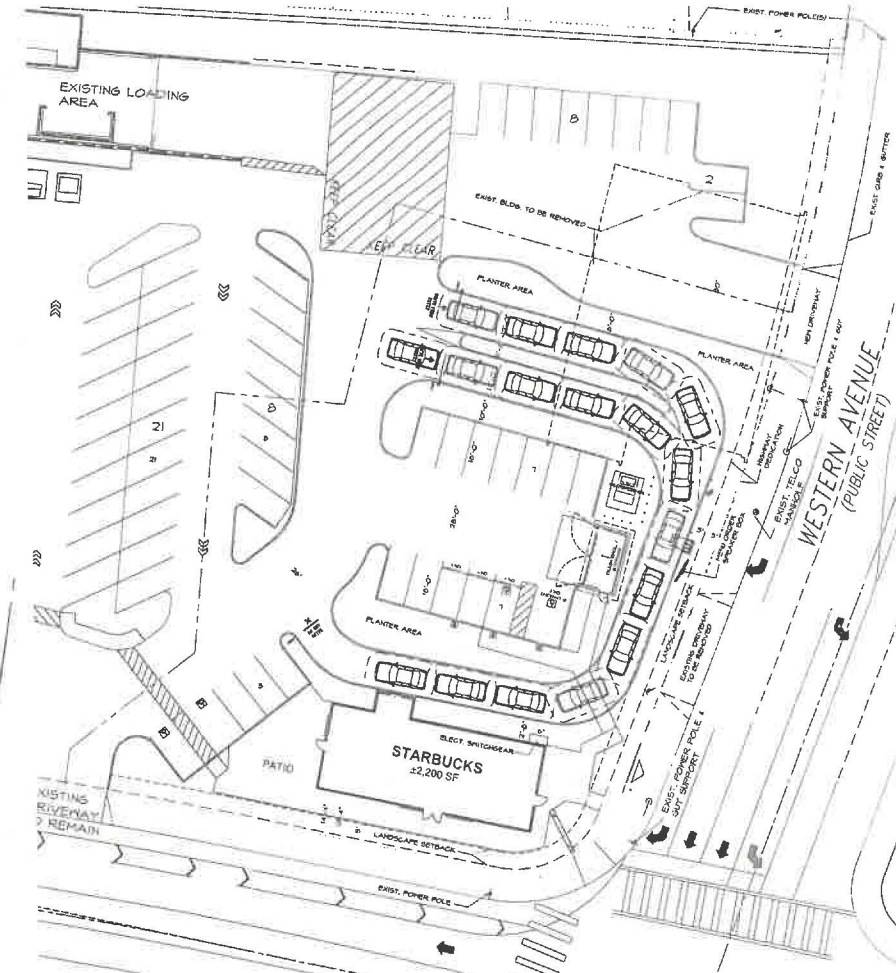
Land ±.72 AC ±31,295 SF  
Building 2,200 SF

Parking Required 22 stalls  
Parking Provided 22 stalls  
Parking Ratio 10 /1,000

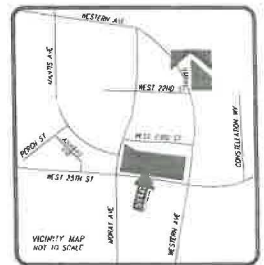
**ZONING:** [Q]C2-1XL  
**Setback Requirements:**  
Front Yard - Not Required  
Side & Rear Yard - Not Required  
**Landscape Setback Requirements:**  
Street Adjacent - 5'-0"



**EXHIBIT "A"**  
Page No. 1 of 7  
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ENLARGED PLAN-AREA OF WORK



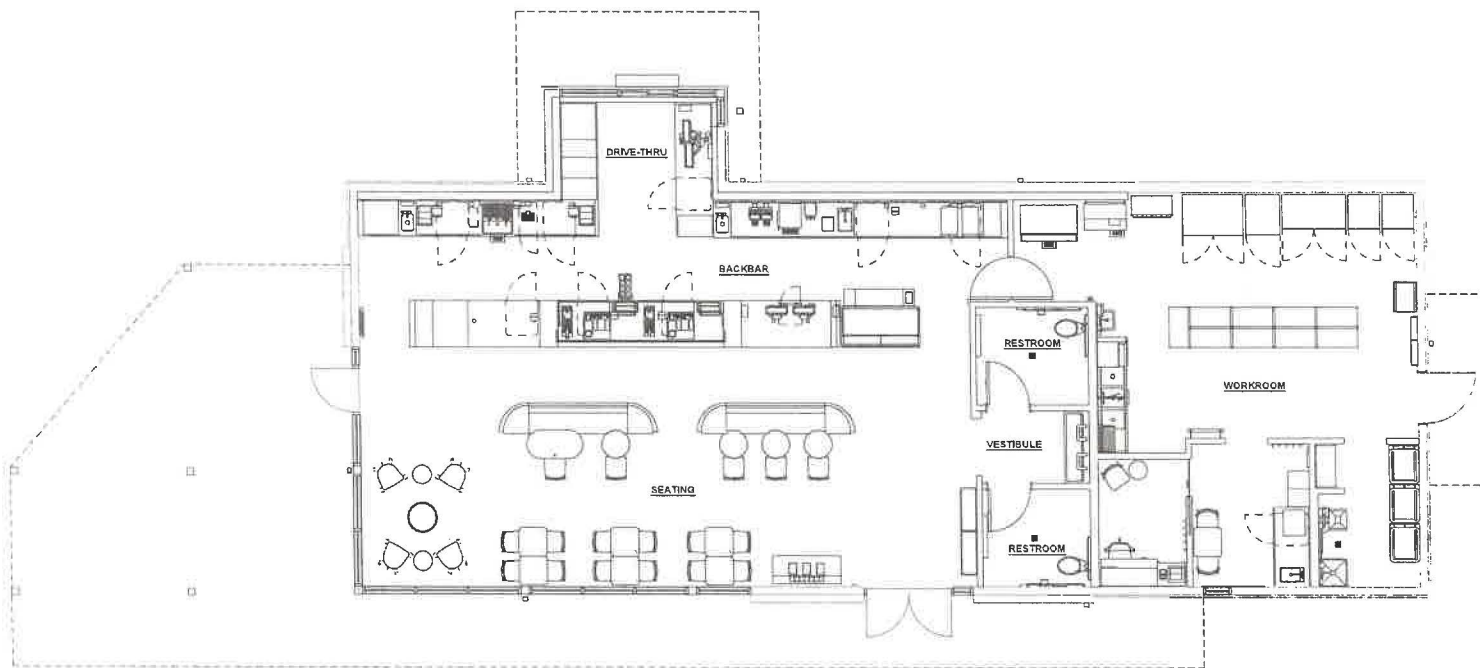
**SITE PLAN - Proposed**

**25th Street & Western**  
**SAN PEDRO, CA**

NADEL STUDIO ONE, INC.  
1990 S. BUNNY DR., SUITE 400  
LOS ANGELES, CA 90015  
T: 310.828.2100 F: 310.828.0182  
WWW.NADELARC.COM  
DATE: AUGUST 28, 2023  
NADEL JOB#: 22007

**NADEL**





FLOOR PLAN  
SCALE: 1/4" = 1'-0"

# EXHIBIT "A"

Page No. 2 of 7  
Case No. ZA 2023-210-CU

30 EXEDUVE PARK,  
SUITE 100  
IRVINE, CA 92614  
T 949 236 1150



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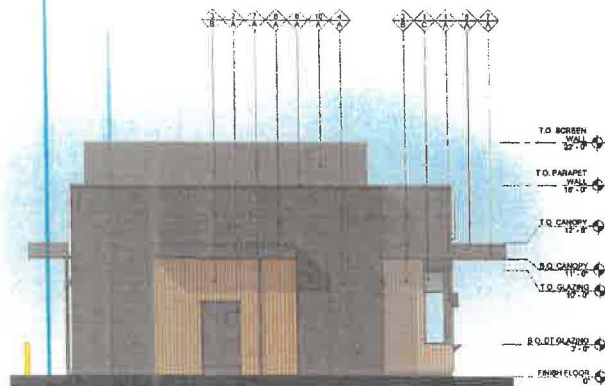
**STARBUCKS** | **FLOOR PLAN**  
25th STREET & WESTERN  
SAN PEDRO, CA  
202308260.0 08/10/2023



1 ELEVATION  
SCALE: 3/16" = 1'-0"



2 ELEVATION  
SCALE: 3/16" = 1'-0"



3 ELEVATION  
SCALE: 3/16" = 1'-0"



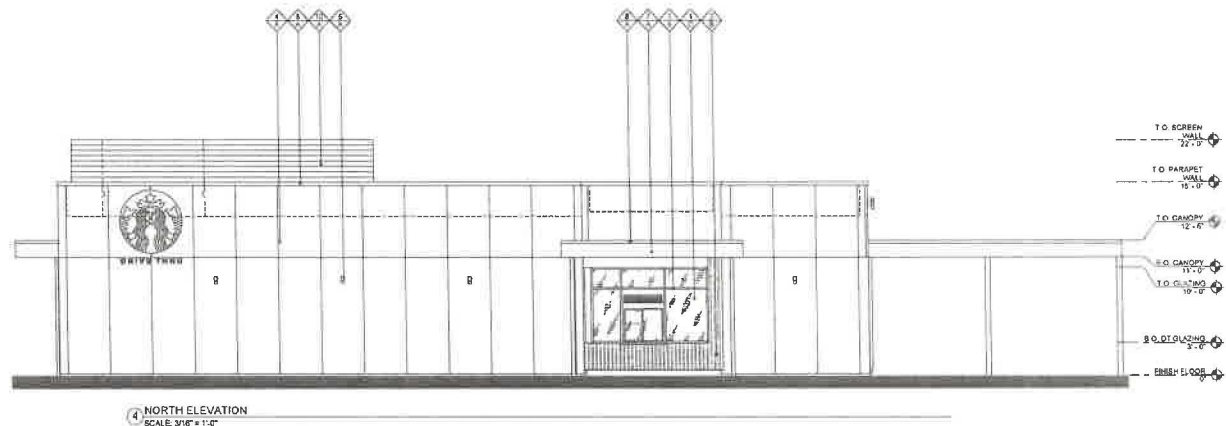
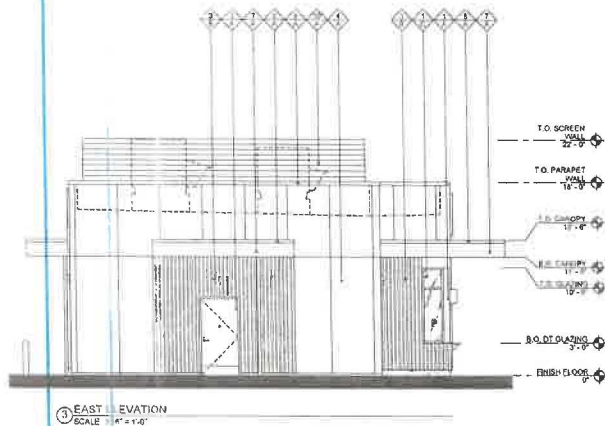
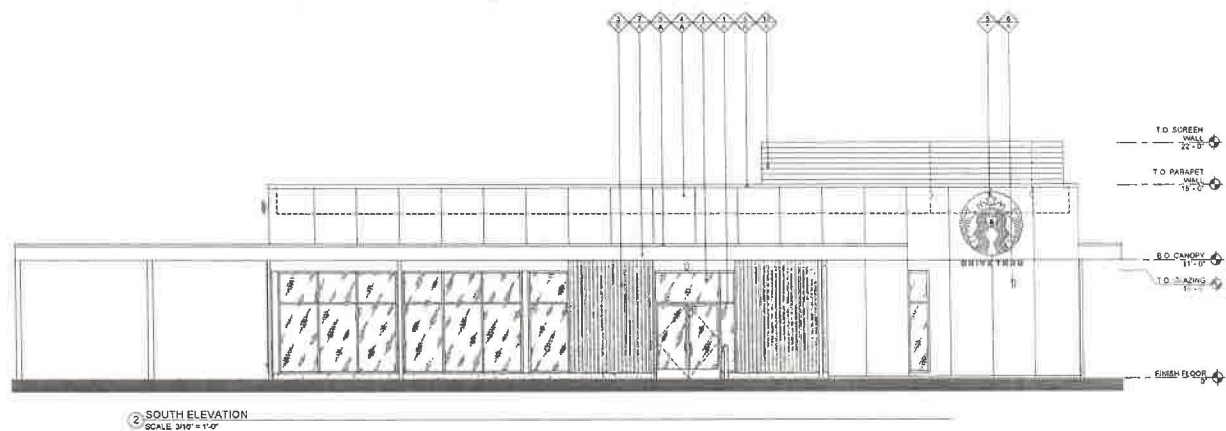
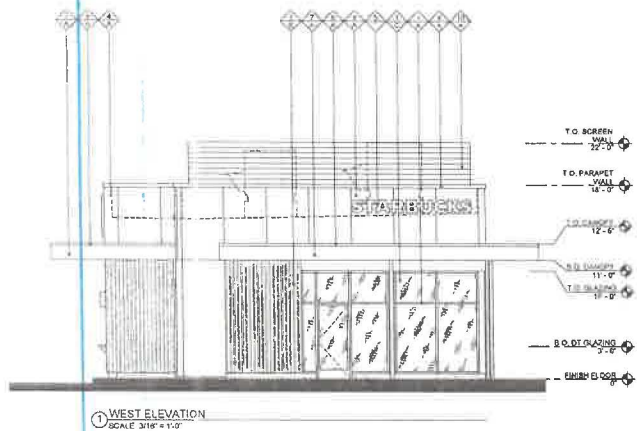
4 ELEVATION  
SCALE: 3/16" = 1'-0"

**EXHIBIT "A"**  
Page No. 3 of 7  
Case No. ZA-2023-2107-CU

FINISH SCHEDULE	
FINISH MATERIAL	FINISH COLOR
1 ALUMINUM STOREFRONT DOORS / WINDOWS SYSTEM	A FLAT BLACK (RAL 7021)
2 HOLLOW METAL DOOR AND FRAME	B LIGHT CEDAR DS SM
3 PAIR WOOD FLUTED VERTICAL SING	C DOUBLE PANE CLEAR GLASS
4 METAL PANEL CLADDING	
5 SIGNAGE (UNDER SEPARATE PERMIT)	
6 WALL SCIENCE	
7 METAL CANOPY	
8 METAL CORING	
9 ELECTRICAL CABINET	
10 CORRUGATED METAL PANEL	



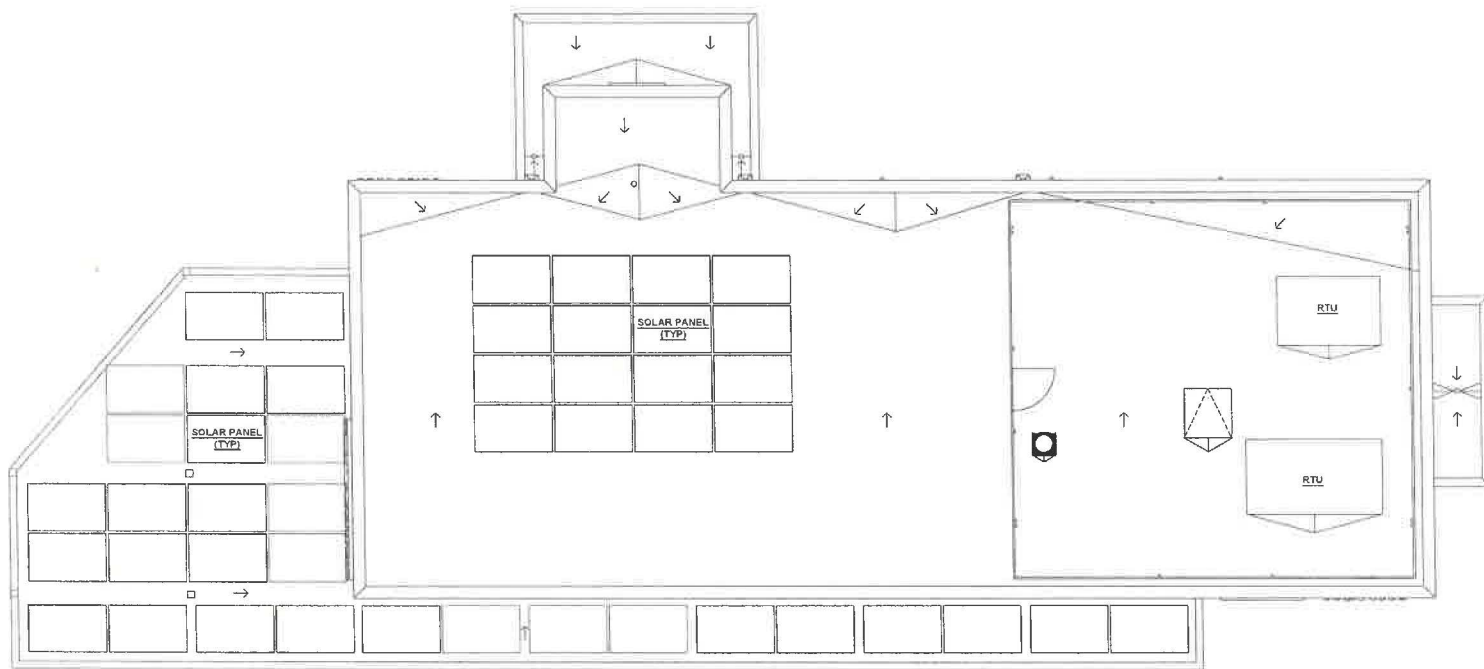




**EXHIBIT "A"**  
Page No. 4 of 7  
Case No. ZA-2023-2107-CU

FINISH SCHEDULE	
FINISH MATERIAL	FINISH COLOR
1 ALUMINUM STOREFRONT DOORS / WINDOWS SYSTEM	A FLAT BLACK (RAL 7021)
2 HOLLOW METAL DOOR AND FRAME	B LIGHT CEDAR OR SIA
3 FAUX WOOD FLUTED VERTICAL SOUNG	C DOUBLE PANE CLEAR GLASS
4 METAL PANEL CLADDING	
5 SIGNAGE (UNDER SEPARATE PERMIT)	
6 WALL SOUNG	
7 METAL CANOPY	
8 METAL COPING	
9 ELECTRICAL CABINET	
10 CORRUGATED METAL PANEL	





1 ROOF PLAN  
SCALE: 1/4" = 1'-0"

# EXHIBIT "A"

Page No. 5 of 7

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30 EXECUTIVE PARK,  
SUITE 100  
IRVINE, CA 92614  
T 949 256 1150



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**STARBUCKS**

25th STREET & WESTERN  
SAN PEDRO, CA

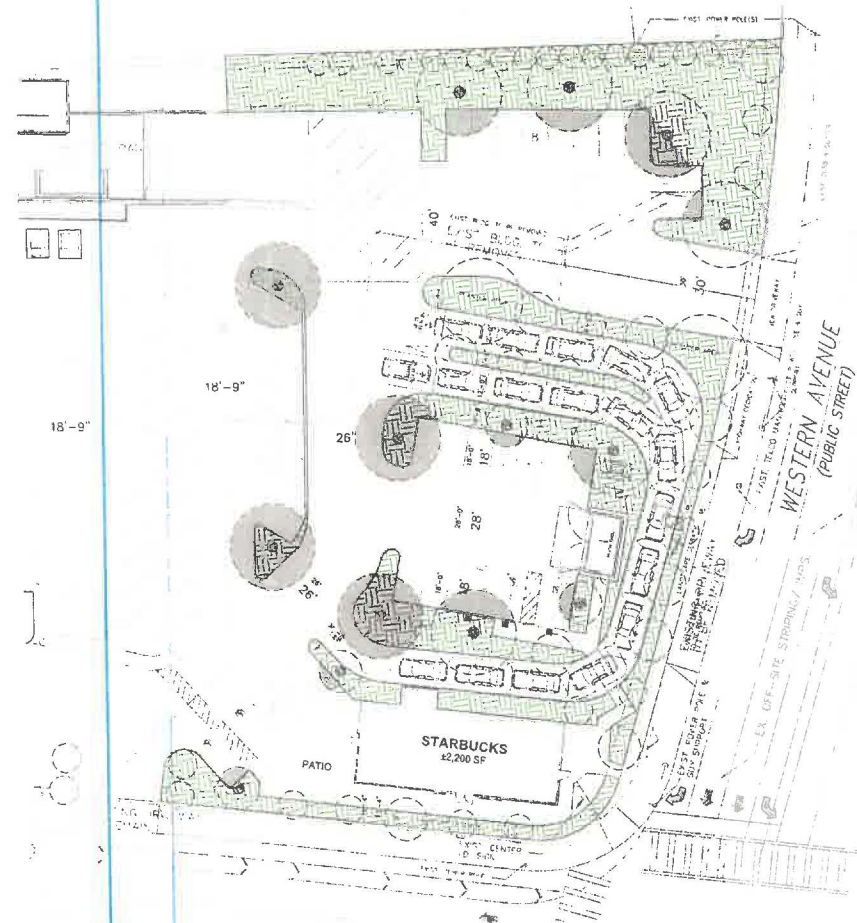
202308260.0

**ROOF PLAN**

08/10/2023







PARKING LOT SHADE CALCULATION TABLE											Uncovered Parking Area:		5,968
Complete white cells only. Grey cells are calculated. Diameters are in feet and areas are in square feet.											Required Shade Area:		2,984
Symbol	Species Name	Common	Canopy Diameter	Canopy Area	100% Shade Credit	75% Shade Credit	50% Shade Credit	25% Shade Credit	Provided	Shade Area			
(T1)	Bauhinia variegata 'Candida'	African Fern Pine	30	707	2.00	1414	0	0	3.00	530	1,944		
(T2)	Rhapheolepis Indica 'Majestic Beauty'	London Plane Tree	30.00	707	2.00	1414	0	3	1060	0	2,474		
(T3)	Lyonothamnus floribundus asplenifolius	Fernleaf Catalina Island Ironwood	20.00	314	0	0	0	2	314	2.00	157	471	
				0	0	0	0	0	0	0	-		
				0	0	0	0	0	0	0	-		
				0	0	0	0	0	0	0	-		
				0	0	0	0	0	0	0	-		
				0	0	0	0	0	0	0	-		
Total Provided Trees: 14					4	0	5	5					
Total Provided Shade Area :											4,889		
Percent Shade Coverage (50% Minimum):											82%		

#### LANDSCAPE REQUIREMENTS

SITE TREES REQUIRED: 1 TREE PER EVERY 4 STALLS (26 STALLS)  
 AREA: 5,968 SF 9 TREES REQUIRED  
 14 SITE TREES PROVIDED (+5 TREES)  
 PARKING LOT LANDSCAPE: 19% PARKING LOT LANDSCAPE  
 5,968 SF PARKING LOT LANDSCAPE REQUIRED  
 5,048 SF PARKING LOT LANDSCAPE PROVIDED (82% (+32%))  
 TOTAL SITE LANDSCAPE PROVIDED 13,344 SF  
 31,385 SF SITE AREA (0.72 ACRES)

PARKING AREA SHADED BY TREES  
 LANDSCAPE AREA, REFER TO SHEET WA-1 FOR PLANTING

**EXHIBIT "A"**  
 Page No. 7 of 7  
 Case No. ZA-2023-2107-CU

