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Decision Date: June 2, 2025

Appeal Period Ends: June 17, 2025

Gagandeep Singh (A)
Howe Mart Liquor Inc.
8501 South Pershing Drive
Playa del Rey, CA 90293

Frank Bardi (O)
Pershing Center Group, LLC
1721 Steward Street
Santa Monica, CA 90404

Louie Cano (R)
Cano Liquor License Consulting
21515 Hawthorne Boulevard, Suite 200
Torrance, CA 90503

CASE NO. ZA-2024-7046-CUB
CONDITIONAL USE-ALCOHOL
8501, 8505, and 8511 South Pershing
Drive; 446 and 450 East Manchester
Avenue
Westchester – Playa del Rey Community
Plan
Zone : C2-1VL
D. M. : 096B153
C. D. : 11 – Park
CEQA: ENV-2024-7047-CE
Legal Description: Lots 9 and FR 10,
Block 21, Town of Port Ballona Tract

Pursuant to the California Environmental Quality Act (CEQA), I hereby DETERMINE:

based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15301, Class 1 (Existing Facilities), and there is no 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, or hazardous waste sites, or historical resources applies; and,

Pursuant to Los Angeles Municipal Code (LAMC) Section 12.24 W.1, I hereby APPROVE:

a Class 2 Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the an existing market in the C2-1VL Zone; and

Pursuant to LAMC Section 12.24 W.27, I hereby APPROVE:

a Class 2 Conditional Use Permit to allow hours of operation from 6:00 a.m. to 12:00 a.m., daily, in lieu of the hours of operation from 7:00 a.m. to 11:00 p.m. permitted for a Mini-Shopping Center/Commercial Corner Development;

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 Department of City Planning and the Department of Building and Safety for purposes of having a building permit issued at any time during the term of this grant.
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 sale of a full line of alcoholic beverages for off-site consumption in conjunction with an existing 2,340 square-foot market. The grant shall be subject to the following limitation:
 - a. The hours of operation shall be limited to 6:00 a.m. to 12:00 a.m., daily.
8. After hour use shall be prohibited, except routine clean-up. This includes but is not limited to private or promotional events, special events, excluding any activities

which are issued film permits by the City.

9. The establishment shall be maintained as a bona fide grocery store, offering perishable food items for sale as well as a selection of packaged food, fresh food, and household items. Items for sale may include fresh and packaged meats, drinks, dairy products, produce, dry goods, frozen goods, sundries, paper goods, and other similar products.
10. Coin-operated game machines, pool tables or similar game activities or equipment shall not be permitted. Official California State lottery games and machines are allowed.
11. 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.
12. 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.
13. Only the front door shall be used for patron access. All other doors shall be equipped on the inside with an automatic locking device and shall be kept closed at all times, other than to permit access for deliveries, trash removal, and emergency access.
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. All exterior portions of the site shall be adequately illuminated in the evening so as 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.
16. The exterior windows and glass doors of the store shall be maintained substantially free of signs and other materials from the ground to at least 6 feet in height above the ground so as to permit surveillance into the store by Police and/or private security.
17. **Good Neighbor Program.** 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.
 - b. Customer service desk, front desk or near the cash registers.

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 resolved.

18. **STAR/LEAD/RBS Training.** Within the first six months of operation, all employees involved with the sale of alcohol shall enroll in the Los Angeles Police Department "Standardized Training for Alcohol Retailers" (STAR) or Department of Alcoholic Beverage Control "Licensee Education on Alcohol and Drugs" (LEAD) training program or the Responsible Beverage Service (RBS) Training Program. Upon completion of such training, the applicant shall request the Police Department or Department of Alcohol Beverage Control to issue a letter identifying which employees completed the training. STAR or LEAD or RBS training shall be conducted for all new hires within three months of their employment.
19. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under the control of the applicant to assure such conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.
20. Loitering is prohibited on or around these premises and the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
21. At least one on-duty manager with authority over the activities within the facility shall be on the premises during business hours. The on-duty manager's responsibilities shall include the monitoring of the premises to ensure compliance with all applicable State laws, Municipal Code requirements, the conditions imposed by the Department of Alcoholic Beverage Control (ABC), and the conditional use granted herein. Every effort shall be undertaken in managing the facility to discourage illegal and criminal activities on the subject premises and in any exterior area, including accessory parking areas, over which the building owner exercises control, in an effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism, and truancy occur.
22. The approved conditions shall be retained on the premises at all times and produced immediately upon request of the Police Department, Department of Alcoholic Beverage Control, the Department of Building and Safety, the Department of City Planning, or other responsible agencies. The on-site Manager and employees shall be knowledgeable of the conditions herein.
23. The applicant shall be responsible for maintaining the premises over which they have control, including the adjoining sidewalk and any public or temporarily closed alleys abutting the site, free of debris and litter.
24. An electronic age verification device shall be purchased and retained on the premises to determine the age of any individual and shall be installed on at each

point-of-sales location. This device shall be maintained in operational condition and all employees shall be instructed in its use.

25. The applicant(s) shall comply with 6404.5(b) of the Labor Code, which prohibits smoking within any place of employment. The applicant shall not possess ashtrays or other receptacles used for the purpose of collecting trash or cigarettes/cigar butts within the interior of the subject establishment.

ADMINISTRATIVE CONDITIONS

26. **MViP – Monitoring Verification and Inspection Program.** Prior to the effectuation of this grant, fees required per L.A.M.C Section 19.01- E,.3 - Monitoring of Conditional Use Permits, Inspection, and Field Compliance for Review of Operations and Section 19.04 - Miscellaneous Clearance - ZA shall be paid to the City.
 - a. Within 24 months from the beginning of operations or issuance of a Certificate of Occupancy, a City inspector will conduct a site visit to assess compliance with, or violations of, any of the conditions of this grant. A second inspection will take place within 36 months of the first inspection. Observations and results of said inspection will be documented and included in the administrative file.
 - b. The owner and operator shall be notified of the deficiency or violation and required to correct or eliminate the deficiency or violation. Multiple or continued documented violations or Orders to Comply issued by the Department of Building and Safety which are not addressed within the time prescribed, may result in additional corrective conditions imposed by the Zoning Administrator.
27. Should there be a change in the ownership and/or the operator of the business, the property owner and the business owner or operator shall provide the prospective new property owner and the business owner/operator with a copy of the conditions of this action prior to the legal acquisition of the property and/or the business. Evidence that a copy of this determination including the conditions required herewith has been provided to the prospective owner/operator shall be submitted to the Department of City Planning in a letter from the new operator indicating the date that the new operator/management began and attesting to the receipt of this approval and its conditions. The new operator shall submit this letter to the Department of City Planning within 30 days of the beginning day of their new operation of the establishment along with any proposed modifications to the existing floor plan, seating arrangement, or number of seats of the new operation.
28. Should there be a change in the ownership and/or the operator of the business, the Zoning Administrator reserves the right to require that the new owner or operator file a Plan Approval application if it is determined that the new operation is not in substantial conformance with the approved floor plan, or the operation has

changed in mode or character from the original approval. The application, in association with the appropriate fees, shall be submitted to the Development Services Center, Department of City Planning, within 30 days of the date of legal acquisition by the new owner or operator. The purpose of the plan approval will be to review the operation of the premise and establish conditions applicable to the use as conducted by the new owner or operator, consistent with the intent of the Conditions of this grant. Upon this review, the Zoning Administrator may modify, add, or delete conditions, and if warranted, reserves the right to conduct a public hearing, that may also be conducted for nuisance abatement/revocation purposes.

29. At any time during the period of validity of this grant, should documented evidence be submitted showing continued violation of any condition of this grant and/or the ABC license of the location, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator (Upon their initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing requiring the applicant to file for a plan approval application together with associated fees pursuant to LAMC Section 19-01-E, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall prepare a radius map and cause notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office and the Los Angeles Police Department's corresponding division. The applicant shall also submit a summary and any supporting documentation of how compliance with each condition of this grant has been attained. Upon this review, the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.

18. 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).
- (iv) 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).
- (v) 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 includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

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

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the approval shall be fulfilled before the use may be established. Unless otherwise provided in Chapter 1A, Chapter 1 (General Provisions and Zoning), or in a project's conditions of approval, any approval by the Zoning Administrator, Director of Planning, an Area Planning Commission, or the City Planning Commission as initial decision makers that is not effectuated within three years of its effective date becomes null and 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 13A.2.7.G of Chapter 1 A of the Los Angeles Municipal Code provides:

"A Quasi-judicial action or any conditional approval granted by the Director, pursuant to the authority of this Chapter or Chapter 1 (General Provisions and Zoning) of this Code 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 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 or Chapter 1 (General Provisions and Zoning), shall constitute a violation of this Chapter or Chapter 1 (General Provisions and Zoning) 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 subsequent contact regarding this determination must be with the Development Services Center. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans

submitted therewith, and the statements made at the public hearing on April 22, 2025, 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 Class 2 Conditional Use under the provisions of Section 12.24 of the LAMC have been established by the following facts:

BACKGROUND

The subject property is a corner lot and consists of two contiguous parcels (one rectangular and one rectangular with a rounded corner) with a combined lot area of 11,318 square feet. The subject property has frontages of approximately 130 feet along the westerly side of Pershing Drive and 72 feet along the southerly side of Manchester Avenue. The subject property is zoned C2-1VL and designated for Neighborhood Commercial land uses in the Westchester – Playa del Rey Community Plan Area. The subject property is in a Single Permit Jurisdiction Area of the California Coastal Zone, Methane Zone, and Special Grading Area (BOE Basic Grid Map A-13372).

Currently, the subject property is developed with a 6,269 square-foot one-story multi-tenant commercial building and associated surface parking lot with 11 parking spaces. The existing structure and improvements were constructed in 1977. Vehicular and pedestrian access are provided from both Pershing Drive and Manchester Avenue. The subject tenant (Howe Mart) currently occupies a 2,340 square-foot space and has been operating since 2024 with a Type 20 ABC license for the sale of beer and wine for off-site consumption but is now seeking an upgrade to sell a full line of alcoholic beverages in addition to extended hours of operation. The applicant is requesting a Class 2 Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption and extended hours of operation from 6:00 a.m. to 12:00 a.m., daily, in lieu of the hours of operation from 7:00 a.m. to 11:00 p.m. permitted for a Mini-Shopping Center/Commercial Corner Development

Surrounding Properties

The adjacent properties to the north, south, and east are zoned C2-1VL and developed with commercial and multi-family residential buildings. The adjacent properties to the west are zoned R1-1 and developed with single-family dwellings.

Streets

Pershing Drive, adjoining the subject property to the east, is a designated Avenue II with a designated right-of-way width of 86 feet and designated roadway width of 56 feet. It has an actual right-of-way width of approximately 94 feet and actual roadway width of approximately 71 feet and is improved with asphalt roadway, gutters, curbs, sidewalks, streetlights, and street trees.

Manchester Avenue, adjoining the subject property to the south, is a designated Collector Street with a designated right-of-way width of 66 feet and designated roadway width of 40 feet. It has an actual right-of-way width of approximately 80 feet and actual roadway

width of approximately 56 feet and is improved with asphalt roadway, gutters, curbs, sidewalks, streetlights, and street trees.

Previous Cases, Affidavits, Permits, and Orders on the Subject Property:

None

Previous Cases, Affidavits, Permits, and Orders on the Surrounding Properties:

Case No. ZA-2018-1624-CUB – On November 1, 2018, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant on a lot located at 8415 South Pershing Drive.

Case No. ZA-2008-2274-CUB – On August 12, 2009, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant on a lot located at 8415 South Pershing Drive.

Case No. ZA-2003-3603-CUB – On September 12, 2003, the Zoning Administrator approved a Conditional Use to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing restaurant, to allow public parking in the R1-1 Zone, and to allow a parking area with reduced front and rear yard setbacks of five feet, all on a lot located at 8415 South Pershing Drive.

PUBLIC CORRESPONDENCE

None

AGENCY CORRESPONDENCE

In a letter dated January 2, 2025, the Los Angeles Police Department, Pacific Area Vice Unit stated their non opposition to the proposed project and requested that certain conditioned be applied.

In a letter dated April 1, 2025, the Neighborhood Council of Westchester Playa, indicated that they voted to support the proposed project.

PUBLIC HEARING

The public hearing was held virtually over Zoom Webinar on April 22, 2025, at 9:00 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's representative (Louis Cano). No members of the public attended.

Mr. Cano presented the project and made the following comments:

- Project consists of a request for Conditional Use to upgrade from the sale of beer and wine for off-site consumption to the sale of a full line of alcoholic beverages for off-site consumption.
- Market is approximately 2,340 square feet in size.
- Currently operates from 6 am to 12 midnight daily.
- Upgrading will establish a solid selection of spirits to meet the demands of the local neighborhood and is important for the older residents who prefer not to travel far for their liquor needs, making it a matter of convenience for the community.
- Additionally, it is becoming increasingly difficult to survive unless the store owner adapts to the changing needs of the neighborhood by offering a diverse range of products, particularly spirits.
- Served by 11 parking spaces.
- Have met with LAPD and CD 11.
- LAPD sent letter of non-opposition.
- Land use committee of Westchester Playa del Rey Neighborhood Council voted to approve project. Full board has not have a chance to vote on project.

Conclusion

At the conclusion of the hearing, the Zoning Administrator stated that he was inclined to approve and requested the letter from the Neighborhood Council land use committee.

CONDITIONS IDENTIFIED FOR CONSIDERATION BY THE STATE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL RELATIVE TO THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES

In approving the instant grant, the Zoning Administrator has not imposed Conditions specific to the sale or distribution of alcoholic beverages, even if such Conditions have been volunteered or negotiated by the applicant, in that the Office of Zoning Administration has no direct authority to regulate or enforce Conditions assigned to alcohol sales or distribution.

The Zoning Administrator has identified a set of Conditions related to alcohol sales and distribution for further consideration by the State of California Department of Alcoholic Beverage Control (ABC). In identifying these conditions, the Office of Zoning Administration acknowledges the ABC as the responsible agency for establishing and enforcing Conditions specific to alcohol sales and distribution. The Conditions identified below are based on testimony and/or other evidence established in the administrative record and provide the ABC an opportunity to address the specific conduct of alcohol sales and distribution in association with the Conditional Use granted herein by the Zoning Administrator.

- No alcohol shall be allowed to be consumed on any adjacent property under the

control of the applicant.

- There shall be no exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- No signs are permitted on the outside of the building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- No sale of alcohol shall be permitted at any self-service, automated check-out station (checkout conducted primarily by the customer, with assistance by a store monitor) if such are available on the site. All sales of alcohol shall be conducted at a full-service checkout station directly attended by a cashier/checkout clerk specifically assigned solely to that station.
- Cashiers selling alcoholic beverages shall be 18 years of age or older.
- Signs shall be posted in English and Spanish stating that the California state law prohibits the sale of alcoholic beverages to people who are under 21 years of age.
- There shall be no service, sales or open containers of alcoholic beverages on any sidewalk or parking lot. The business shall post a prominent, permanent sign stating, "NO OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES" in a place that is clearly visible to patrons of the licensed premises. The sign shall be at least two feet squared with at least two-inch block lettering and include "VIOLATORS ARE SUBJECT TO ARREST." The signage shall be posted in English and Spanish.

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 sale of a full line of alcoholic beverages for off-site consumption 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.

CONDITIONAL USE 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 a corner lot and consists of two contiguous parcels (one rectangular and one rectangular with a rounded corner) with a combined lot area of 11,318 square feet. The subject property has frontages of approximately 130 feet along the westerly side of Pershing Drive and 72 feet along the southerly side of Manchester Avenue. The subject property is zoned C2-1VL and designated for Neighborhood Commercial land uses in the Westchester – Playa del Rey Community Plan Area. The subject property is in a Single Permit Jurisdiction Area

of the California Coastal Zone, Methane Zone, and Special Grading Area (BOE Basic Grid Map A-13372).

The subject property is developed with a 6,269 square-foot one-story multi-tenant commercial building and associated surface parking lot consisting of 11 parking spaces that were constructed in 1977. The subject tenant (Howe Mart) currently occupies a 2,340 square-foot space and has a Type 20 ABC license to sell beer and wine for off-site consumption. The applicant is requesting a Class 2 Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption and extended hours of operation from 6:00 a.m. to 12:00 a.m., daily, in lieu of the hours of operation from 7:00 a.m. to 11:00 p.m. permitted for a Mini-Shopping Center/Commercial Corner Development.

Alcohol service is an ancillary service commonly requested by patrons and provided by convenience stores and grocery markets. As mentioned above, Howe Mart has been operating with a Type 20 ABC license for the sale of beer and wine for off-site consumption but is now seeking an upgrade to sell a full line of alcoholic beverages. General retail stores and markets such as this project provide a convenient service in mixed-use neighborhoods that provide more diverse commercial businesses, job centers, and residential living options. A variety of commercial uses are an intrinsic part of the service amenities necessary for the conservation, development, and success of a vibrant neighborhood. The existing market with the upgraded ability to sell a full line of alcoholic beverages will cater to the local community, local employees, patrons of adjacent commercial uses, and the residents in the neighborhood.

Moreover, the subject site and surrounding properties were planned, zoned, and subsequently developed for commercial uses such as the existing market. Said use will continue to be a convenience to the general public including a wide variety of commercial uses along and around Pershing Drive, a well-travelled thoroughfare for residents and passers-by alike. The subject property is also developed in a manner similar to surrounding properties and commercial areas involve similar uses, including retail and restaurant uses that serve a diverse population within the Westchester – Playa del Rey Community Plan area. As such, the existing market with the right to sell a full line of alcoholic beverages will offer an increasingly convenient location and amenity for local residents and visitors and will perform a function and provide a service that is beneficial to the surrounding community.

Furthermore, the grant to allow the sale of a full line of alcoholic beverages has been well conditioned to ensure that that use will not adversely impact neighboring residents or other sensitive uses. As such, the project will enhance the built environment in the surrounding neighborhood and will provide a service that is beneficial to the community, city and region.

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

welfare, and safety.

The subject property is a corner lot and consists of two contiguous parcels (one rectangular and one rectangular with a rounded corner) with a combined lot area of 11,318 square feet. The subject property has frontages of approximately 130 feet along the westerly side of Pershing Drive and 72 feet along the southerly side of Manchester Avenue. The subject property is zoned C2-1VL and designated for Neighborhood Commercial land uses in the Westchester – Playa del Rey Community Plan Area. The subject property is in a Single Permit Jurisdiction Area of the California Coastal Zone, Methane Zone, and Special Grading Area (BOE Basic Grid Map A-13372).

The subject property is developed with a 6,269 square-foot one-story multi-tenant commercial building and associated surface parking lot consisting of 11 parking spaces that was built in 1977. The subject tenant (Howe Mart) occupies a 2,340 square-foot space and has a Type 20 ABC license to sell beer and wine for off-site consumption. The applicant is requesting a Class 2 Conditional Use Permit to allow the sale of a full line of alcoholic beverages for off-site consumption and hours of operation from 6:00 a.m. to 12:00 a.m., daily, in lieu of the extended hours of operation from 7:00 a.m. to 11:00 p.m. permitted for a Mini-Shopping Center/Commercial Corner Development in conjunction with the continued operation of the market.

Properties surrounding the subject property are zoned C2-1VL and R1-1. These properties are developed with single- and multi-family residential buildings and low-rise commercial structures. The subject property fronts Pershing Drive, which serves as a commercial corridor connecting residents, workers, and visitors to retail businesses, jobs, and nearby housing in the vicinity.

As previously mentioned, the existing market has been in operation in the same location for several years. The proposed changes to the operation, including the right to sell a full line of alcoholic beverages and extended hours of operation, will be compatible with the surrounding properties as it will continue to enhance economic activity within the Playa del Rey neighborhood as a market offering food, beverages, and other goods with ancillary alcohol service for off-site consumption. Market operations and activities will continue to take place within the tenant space. Furthermore, the Zoning Administrator has imposed numerous conditions to prevent adverse impacts and integrate the use into the neighborhood. Conditions address responsible management, addressing of nuisance, and surveillance and training. In addition, the ABC will impose their own set of conditions, which the applicant will also be subject to. Therefore, 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 of the community.

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

specific plan.

The elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and issues. The majority of the policies derived from these Elements are in the form of Code Requirements of the LAMC. Except for the entitlement described herein, the project does not propose to deviate from any of the requirements of the LAMC.

The Land Use Element of the General Plan divides the City of Los Angeles into 35 Community Plan areas. The Westchester – Playa del Rey Community Plan designates the subject property for Neighborhood Commercial land uses with corresponding zones of C1, C1(PV), C2, C4, RAS3, and RAS4. The subject property is zoned C2-1VL. The subject property is zoned C2. The C2 Zones allow lots to be used as markets by right with the sale of full line of alcoholic beverages permitted through the granting of a Conditional Use.

The Community Plan promotes an arrangement of land uses, streets, and services that encourage and contribute to the economic, social and physical health, safety, welfare, and convenience of the people who live and work in the community. Approval of the project is in substantial conformance with the Community Plan as follows:

- **Goal 2:** *Encourage a strong and competitive commercial sector that promotes economic vitality and serves the needs of the Westchester – Playa del Rey Community through safe, accessible, and well-designed commercial districts, while preserving the historic and cultural character of the community.*
 - **Objective 2-1:** *Preserve and strengthen viable commercial development in the community, and provide additional opportunities for new commercial development and services within existing commercial areas.*
 - **Policy 2-1.3:** *Enhance the viability of existing neighborhood stores and businesses which support the needs of local residents and are compatible with the neighborhood.*

The project supports the Community Plan's goals, objectives, and policies by providing a desirable and beneficial service to the community. The project occupies one of several tenant spaces within a commercial strip mall comprised of restaurants and retail stores. The existing market will continue to contribute to the economic vitality and commercial character of the neighborhood through the sale of a full line of alcoholic beverages for off-site consumption. The required findings in support have been made and the operation has been imposed with conditions of approval to minimize potential impacts on the surrounding neighborhood. Therefore, the project conforms to the purpose, intent, and provisions of the General Plan and the Westchester – Playa del Rey Community Plan.

4. **The proposed use will not adversely affect the welfare of the pertinent community.**

The Westchester – Playa del Rey Community Plan area encompasses several commercial thoroughfares that provide residents with retail and service uses. The subject property is zoned for commercial uses and will be utilized as such with the proposed sale of a full line of alcohol beverages in conjunction with the continued use and operation of the market on the project site. Approval of the request to sell a full line of alcoholic beverages will cater to the customers by providing an additional amenity incidental to the products offered by the market. This use may reduce the need for local residents and visitors to travel to other areas of the City. The grant incorporates several conditions which have been imposed to maintain compatibility with the character of the immediate neighborhood. Moreover, the grant imposes conditions that requires security measures to ensure that the use is not detrimental, this includes the requirement that all employees participate in training provided by the Los Angeles Police Department STAR (Standardized Training for Alcohol Retailers) Program. The operator is responsible for monitoring both patron and employee conduct on the premises and within the parking areas under their control to assure behavior that does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses and will ensure that the subject site does not become a nuisance to the community. Additionally, the condition requiring the operator provide a contact number will allow the community to communicate complaints and concerns due to the operations of the subject site. In an effort to address potential noise impacts, the Zoning Administrator has imposed conditions to safeguard peaceful enjoyment and quality of life for neighboring properties. The approval of this request will not adversely affect the welfare of the community because the availability of a full line of alcoholic beverages for off-site consumption is expected in conjunction with establishments such as markets and grocery stores and contribute positively to the local economy.

5. **The granting of the application will not result in an undue concentration of premises for the sale or dispensing for consideration of alcoholic beverages, including beer and wine, in the area of the City involved, giving consideration to applicable State laws and to the California Department of Alcoholic Beverage Control's guidelines for undue concentration; and also giving consideration to the number and proximity of these establishments within a one thousand foot radius of the site, the crime rate in the area (especially those crimes involving public drunkenness, the illegal sale or use of narcotics, drugs or alcohol, disturbing the peace and disorderly conduct), and whether revocation or nuisance proceedings have been initiated for any use in the area.**

According to the California Department of Alcoholic Beverage Control ("ABC") licensing criteria, three (3) on-sale and one (1) off-sale alcoholic beverage licenses are allocated to subject Census Tract No. 2781.02. Currently, there are 17 active

on-site licenses and six (6) active off-site licenses in the subject Census Tract:

- (3) Type 20 – Off-Sale Beer and Wine
- (1) Type 21 – Off-Sale General
- (4) Type 41 – On-Sale Beer and Wine – Eating Place
- (7) Type 47 – On-Sale General Eating Place
- (1) Type 48 – On-Sale General – Public Premises
- (2) Type 58 – Caterer's Permit
- (1) Type 67 – Bed and Breakfast Inn
- (4) Type 77 – Event Permit

According to statistics provided by the Los Angeles Police Department Pacific Division, which has jurisdiction over the subject property within Crime Reporting District No. 1472, a total of 38 crimes were reported in 2024 (22 Part I Crimes and 16 Part II Arrests) compared to the citywide average of 89 crimes and arrests and the high crime average of 106 crimes for 2024. In 2024, there were (0) Narcotics, (0) Liquor Law, (0) Public Drunkenness, (0) Disturbing the Peace, (0) Disorderly Conduct, (0) Gambling, and (0) DWI related arrests. These numbers do not reflect the total number of arrests in the subject reporting district over the accountable year. Arrests for this calendar year may reflect crimes reported in previous years.

Concentration of establishments offering the sale of alcohol can be undue when the addition of a license will negatively impact a community. Concentration is not undue when the approval of such a license does not negatively impact an area, but rather such a license will benefit the public welfare and convenience. The approval of the request will allow the applicant to continue to provide a convenient amenity to the community and visitors. The immediate area where the existing market is located is concentrated with uses that support the surrounding community. The existing market is within a building along an established commercial corridor where there is a concentration of commercial and residential uses, therefore an establishment such as the subject site is not uncommon.

The use is not expected to contribute to the area's crime rate or generate any nuisance activity and will not result in an undue concentration of establishments providing alcohol for on-site and off-site sales. The 2024 crime report further shows 0 public drunkenness occurred and documented by the LAPD, which is not excessive. Moreover, the site is located in a district where the crime rate is actually lower than the citywide average. No evidence was submitted for the record establishing any nexus between the subject site and the area's crime rate. Nevertheless, conditions such as those related to the STAR Program, age verification, and security cameras, have been imposed by the Zoning Administrator in conjunction with this approval. Public safety measures to mitigate nuisance and criminal activities have been incorporated into the grant to assure better oversight. Therefore, the approval of the request will not result in an undue concentration of licensed premises.

6. The proposed use will not detrimentally affect nearby residentially zoned

communities in the area of the City involved, after giving consideration to the distance of the proposed use from residential buildings, churches, schools, hospitals, public playgrounds and other similar uses, and other establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The only sensitive uses observed within a 600-foot radius of the project site were residential uses. The project site is zoned for commercial use and will be utilized as such. The proposed project is consistent with the zoning and in keeping with the existing uses adjacent to the project site. The surrounding neighborhood is characterized with a mixture of commercial and residential uses. The Zoning Administrator has considered the distance of the subject establishment from the residential uses. The conditions of the grant address safety, noise and security to protect the health, safety and welfare of the community. The availability of a full line of alcoholic beverages for off-site consumption within the existing market will contribute to the development of the community and will serve residents and the local employees as well as visitors. Therefore, as conditioned, the proposed project will not detrimentally affect residentially zoned properties or any other sensitive uses in the area.

COMMERCIAL CORNER / MINI-SHOPPING CENTER FINDINGS

7. **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 Los Angeles Department of Transportation exempts discretionary projects solely related to the sale or dispensing of alcoholic beverages for on- or off-site consumption from the requirement to provide a transportation and circulation study. Further, no evidence was brought forth from the public hearing or through written comments conveying concern regarding existing and similarly proposed access and circulation. Therefore, access, ingress, and egress are not expected to create a traffic hazard, cause significant traffic congestion, or cause disruption of vehicular circulation on adjacent streets.

8. **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 project includes the sale of a full line of alcoholic beverages as well as extended of hours of operation of one additional hour before the opening time restriction and one additional hour past the closing time restriction, daily. There will be no new construction of a new Mini-Shopping Center or Commercial Corner Development. Therefore, the grant will not add to the detrimental concentration of Mini-Shopping Centers or Commercial Corner Developments.

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 located in Zone X, areas of minimal flood hazard. The project shall conform with both the applicable specific provisions and the intent of the Floodplain Hazard Management Ordinance.

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.gov/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 locations, 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.gov/development-services/forms>. Public offices are located at:

Metro DSC	Van Nuys DSC
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201 N. Figueroa Street Los Angeles, CA 90012 planning.figcounter@lacity.org (213) 482-7077	6262 Van Nuys Boulevard Van Nuys, CA 91401 planning.mbc2@lacity.org (818) 374-5050
South LA DSC	West LA DSC
(In person appointments available on Tuesdays and Thursdays 8am-4pm only) 8475 S. Vermont Avenue 1st Floor Los Angeles, CA 90044 planning.southla@lacity.org	(CURRENTLY CLOSED) 1828 Sawtelle Boulevard West Los Angeles, CA 90025 planning.westla@lacity.org (310) 231-2901

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 portal (appointments.lacity.gov). 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

Note of Instruction Regarding the Notice of Exemption: Applicant is hereby advised to file the Notice of Exemption for the associated categorical exemption after the issuance

of this letter. If filed, the form shall be filed with the County of Los Angeles, 12400 Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). More information on the associated fees can be found online here: <https://www.lavote.net/home/county-clerk/environmental-notice-fees>. The best practice is to go in person and photograph the posted notice in order to ensure compliance. Pursuant to Public Resources Code Section 21167 (d), the filing of this notice of exemption starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations, and the possibility of a CEQA appeal, being extended to 180 days.

Inquiries regarding the matter shall be directed to Kenton Trinh, City Planner, at (213) 482-7092.



JORDANN TURNER
Associate Zoning Administrator

JT:KT:mc

cc: Councilmember Traci Park
Eleventh District
Adjoining Property Owners
Interested Parties



REVISED

Submitted on 12-16-24
Authorized by KT
Comment:

106130

REVISION	DATE	DESCRIPTION

Howe Market
8501 Pershing Dr.
Los Angeles, CA 90243

DRAWING PROVIDED BY:
CLARK BLUEPRINTS
LOS ANGELES, CA 90028
323.382.0935
clarkblueprints@gmail.com



A-1 Site Plan
A-2 Floor Plan

SCALE (1/8" = 1')

EXHIBIT "A"
Page No. 1 of 2
Case No. 2A-2024-7076-CLB

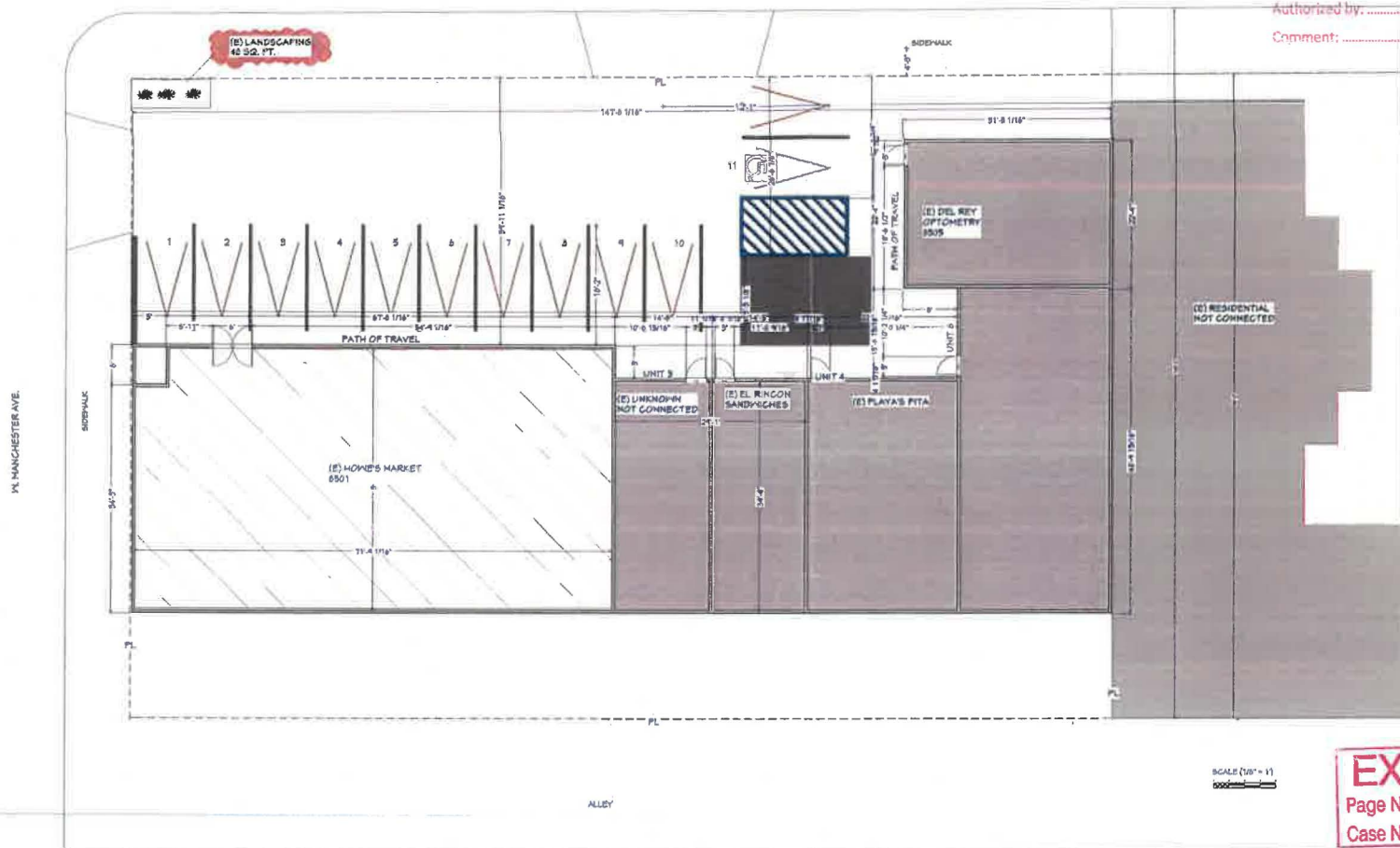
PARKING SUMMARY

- 11 Standard Stalls
- 1 Handicap Stall
- Landscaping 40 sq.ft.
- 1 Parking space per 250 sq. ft.
- 9 Parking Spaces Required

Site Address:
Site Address:
Site Address:
Zip Code:
Pin:
Lot/Fence/
Track:
Assessor Parcel No. (APN):
BLOCK:
LOT:
ARB:
Map Sheet:
Total Lot:

8501 S Pershing Dr.
8509 S Pershing Dr.
450 E Manchester Ave.
90243
0468153 1024
5.015-1 (sq. ft.)
TOWN OF PORT BALLONA
4116024035
21
NONE
0468153
14,800 (sq. ft.)

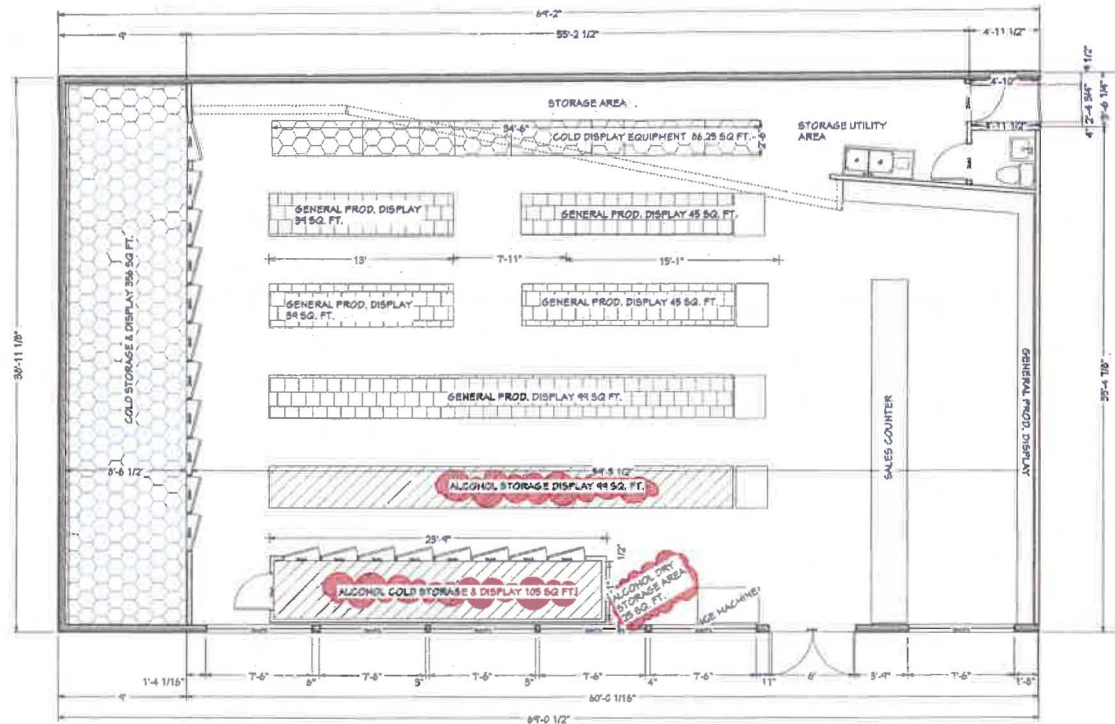
DATE:
12/4/24
SCALE:
1/8"
SHEET:
A-1



REVISION	DATE	REVISION BY	DESCRIPTION

Howe Market
8501 Pershing Dr.
Los Angeles, CA 90293

DRAWINGS PROVIDED BY:
LOS ANGELES, CA 90009
323.552.2585
e@cartluprints.com



- = SOFFIT
- = GENERAL PROD. DISPLAY & STORAGE
- = ALCOHOL DISPLAY & STORAGE
- = COLD STORAGE & DISPLAY

BUILDING SUMMARY

EXISTING RETAIL SPACE

MAX. CAP. 24

TOTAL ALCOHOL DISPLAY & STORAGE SQ. FT. 229

TOTAL SQ. FT. COLD STORAGE 547.25

TOTAL SQ. FT. GENERAL STORAGE 287

TOTAL SQ. FT. 2,340

SCALE (1/4" = 1')



EXHIBIT "A"
Page No. 2 of 2
Case No. 2A-2024-7096-LAD

DATE:

12/4/24

SCALE:

1/4"

SHEET:

A-2