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CALIFORNIA



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MAYOR

**LOS ANGELES DEPARTMENT
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EXECUTIVE OFFICES**

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DEPUTY DIRECTOR

planning.lacity.org

October 25, 2022

TAWA Retail Group (A)
6338 Regio Avenue
Buena Park, CA 90620

Normandie 168, LLC (O)
c/o Property Management Advisors
1234-B East 17th Street
Santa Ana, CA 92701

Liliger Damaso (R)
Liquor License Agents
5243 East Beverly Boulevard
Los Angeles, CA 90022

CASE NO. ZA-2022-3279-CUB
CONDITIONAL USE - ALCOHOL
19100 South Harborgate Way, 1400 West
190th Street
Harbor Gateway Community Plan
Zone: [Q]C2-1
C.D: 15
D.M.: 060B193
CEQA: ENV-2022-3280-CE
Legal Description: Lot 6, TR52172-01

Pursuant to California Environmental Quality Act, I hereby DETERMINE:

based on the whole of the administrative record, that the Project is exempt from the California Environmental Quality Act (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.

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

a conditional use to permit the sale of a full line of alcoholic beverages for off-site consumption, in conjunction with a grocery store in the [Q]C2-1 Zone,

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 and floor 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 master 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 Development Services Center 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. **Authorization.** Authorized herein is the sale of a full line of alcohol beverages for off-site consumption, in conjunction with a 29,739-square-foot grocery store. The grant shall be subject to the following limitations:
 - a. The hours of operation shall be limited to 8:00 a.m-9:00 p.m. daily.
8. 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.
9. 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.
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 shall provide at least one State licensed security guard for every 75 patrons on a daily basis. The guards shall comply with the requirements of the California Business and Profession Code Section 7582.26(f).
12. State licensed security guards shall be provided. There shall be at least one security guard on duty at any one shift during operating hours. Security personnel shall wear clothing or uniforms that are easily identifiable. The security guard shall regularly patrol the area under the control of the establishment to prevent loitering or undesirable activity by persons around the premises. The security guard must be certified by the State Department Bureau of Consumer Affairs, Bureau and Security and Investigative Services.
13. Only the front door or entryway 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. 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.
15. 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.
16. **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
 - b. Customer service desk

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.
17. **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.
18. The applicant shall be responsible for monitoring both patron and employee conduct on the premises and within the parking areas under his/her control to assure such

conduct does not adversely affect or detract from the quality of life for adjoining residents, property owners, and businesses.

19. Loitering is prohibited on or around these premises or the area under the control of the applicant. "No Loitering or Public Drinking" signs shall be posted in and outside of the subject facility.
20. 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 and the conditions imposed by the Department of Alcoholic Beverage Control (ABC) and the conditional use herein. Every effort shall be undertaken in managing the subject premises and the facility to discourage illegal and criminal activities and any exterior area over which the building owner exercises control, in effort to ensure that no activities associated with such problems as narcotics sales, use or possession, gambling, prostitution, loitering, theft, vandalism and truancy occur.
21. 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 or litter.
22. 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.
23. 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.
24. **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 ZA Sign Offs 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. 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.

25. Should there be a change in the ownership and/or the operator of the business, the property owner and/or 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 Development Services Center, 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 Development Services Center, Department of City Planning, within 30 days of the beginning day of his/her new operation of the establishment along with any proposed modifications to the existing the floor plan, seating arrangement or number of seats of the new operation.
26. 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 own initiative, or upon written request by LAPD or Department of ABC) reserves the right to call for a public hearing, the purpose of which will be to review the applicant's compliance with and the effectiveness of these conditions. The applicant shall file for a plan approval application together with associated fees, 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.
27. **INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS**

Applicant shall do all of the following:

 - a. 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.
 - b. 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.

- c. 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 (b).
- d. 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 (b).
- e. 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.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **November 9, 2022**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

Downtown
Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
[\(213\) 482-7077](tel:(213)482-7077)

San Fernando Valley
Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard,
Room 251
Van Nuys, CA 91401
[\(818\) 374-5050](tel:(818)374-5050)

West Los Angeles
West Los Angeles
Development Services Center
1828 Sawtelle Boulevard,
2nd Floor
Los Angeles, CA 90025
[\(310\) 231-2598](tel:(310)231-2598)

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.

NOTICE

The applicant is further advised that subsequent contact 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 October 6, 2022, 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 approval under the provisions of Section 12.24 have been established by the following facts:

BACKGROUND

The property is located within the Harbor Gateway Community Plan, which designates the site for Neighborhood Office Commercial Land Uses, having corresponding zones of CR, C1, C2, C4, RAS3, P and Height District No. 1. The permanent [Q] Condition which was established under Ordinance No.171,965 (effective date in May 3, 1998), pertains to a General Plan Amendment and Zone Change that changed the zone and zone boundary from M3-1 to [Q] C2-1 Zone to allow a retail center and hotel on the property which contains limitation on the hotel use and regulate the design for the development within the center. Since the project is proposing a grocery store, the [Q] condition does not apply. The site is further located in the Border Zone Property: 2000 feet Buffer Zone (ZI-1192), Freeway Adjacent Advisory Notice for Sensitive Uses (ZI-2427) and Urban Agriculture Incentive Zone, the Harbor Gateway State Enterprise Zone (ZI-2130) and is within 4.50 kilometers of the Newport-Inglewood Fault Zone (Onshore).

Surrounding properties are improved with a mix of commercial and manufacturing uses, with no sensitive or residential uses in close proximity. Properties to the north of the project site

across 190th Street are zoned M2-1 and improved with retail, restaurant and office uses. Properties to the east are zoned [Q]C2-1 and are developed with restaurant and retail uses. Properties to the south are zoned [Q]C2-1 and M3-1 and developed with a hotel and recycling use. Across Harborsgate Way to the west of the project site are zoned M3-1 and are developed with manufacturing uses.

190th Street, adjoining the property to the west is designated Boulevard II, dedicated to a width of approximately 110 feet and improved with asphalt roadway, concrete curb, gutter and sidewalk.

Harborsgate Way, adjoining the property to the south is designated Local Street-Standard, dedicated to a width of approximately 60 feet and improved with asphalt roadway, curb, gutter and sidewalk.

The subject property is a level, irregular-shaped lot, approximately 120,057 square-foot (approximately 2.76 acres) parcel of land with an approximately 344-foot frontage on the east side of Harborsgate Way and an approximately 176-foot frontage on the south side of 190th Street.

The property is improved with an existing one-story, 29,739 square-foot retail store. There are 200 existing parking spaces and only 121 parking spaces are required for the new grocery store (168 Market). The applicant has submitted an application for a building permit with the Department of Building and Safety (Building Permit No. 21016-10000-56393) for the proposed project, which is currently pending at the time of preparing this report.

The applicant requests a conditional use authorization for the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 29,739 square foot grocery store. The store's hours of operations will be 8:00 a.m to 9:00 p.m hours daily, with alcohol sales from 8:00 a.m. to 9:00 p.m. daily. There are 200 existing parking spaces and only 121 parking spaces are required for the new grocery store (168 Market).

Previous Cases, Affidavits, and Orders

City Planning staff, utilizing the Department's Zoning Information and Map Access System (ZIMAS) and the Planning Case Tracking System (PCTS), reviewed current and prior actions associated with the subject property and those within a 500-foot radius of the subject property and found the following:

Subject Property:

Case No. ZA-1997-327-(CUB)(CUZ): On June 25, 1997, the Zoning Administrator approved a conditional use authorization for the sale and dispensing of all full line of alcoholic beverages for on-site consumption for a maximum of four establishments with two establishments having live entertainment/dancing with hours of operation from 7 a.m. to 2 a.m., and approved a Conditional Use Permit to the permit the sale and dispensing of a full line of alcoholic beverages for off-site consumption for a maximum of three establishments operating 24 hours per day, seven days per week and approved a Conditional Use Permit to permit floor area ratio averaging for the

office and industrial portions of a unified development permit, all of the above in conjunction with the development of a 170-acres site with approximately 3 million square feet of retail, office and industrial park uses in the M3-1 Zone.

Surrounding Properties:

Case No. ZA-2019-3432-CUB-CUX – On March 19, 2020, the Zoning Administrator approved a conditional use to permit the sale and dispensing of a full line of alcoholic beverages for on-site consumption, in conjunction with an existing restaurant on property located within the [Q]C2-1 Zone, at 1431 West Knox Street, Unit 300.

Case No. ZA-2017-3496-CUB – On August 7, 2018, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine only for on-site consumption, in conjunction with a new restaurant having karaoke and live entertainment, on property located within the [Q]C2-1 Zone, at 1431 West Knox Street, Unit 300.

Case No. ZA-2005-5000-CUB – On November 16, 2005, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine only for on-site consumption, in conjunction with two restaurants, on property located within the [Q]C2-1 Zone, at 1441 West Knox Street.

Case No. ZA-2005-3743-CUB: On August 31, 2005, the Zoning Administrator approved a conditional use to permit the sale and dispensing of beer and wine only for on-site consumption, in conjunction with an existing restaurant, on property located within the [Q]C2-1 Zone, at 1441 West Knox Street, Unit 100.

Case No. ZA-2004-0004-CUB: On April 21, 2004, the Zoning Administrator approved a conditional use to permit for the sale and dispensing of a full line of alcoholic beverages for off-site consumption, in conjunction with a proposed retail store, on property located within the [Q]C2-1 Zone, at 19503 South Normandie Avenue.

Correspondence

At its August 24, 2022 meeting, the Harbor Gateway South Neighborhood Council voted unanimously to support the applicant's conditional use request.

PUBLIC HEARING

A Notice of Public Hearing was sent to nearby property owners and/or occupants abutting a proposed development site for which an application, as described below, had been filed with the Department of City Planning. All interested persons were invited to attend the public hearing at which they could listen, ask questions, or present testimony regarding the project. The hearing was conducted by Associate Zoning Administrator Theodore L. Irving, AICP, from the Office of Zoning Administration who acted under Case No. ZA 2022-3279(CUB) and CEQA No. ENV 2022-3280-CE on October 6, 2022, at approximately 9:30 a.m., via teleconference pursuant to the Governor's Executive Order N-29-20 issued March 17, 2020.

The purpose of the hearing was to obtain testimony from affected and/or interested persons regarding the project. The environmental document was among the matters considered at the hearing. Before opening the matter to public testimony the Zoning Administrator looked through the file and reviewed the content therein, paying particular attention to maps, plans, and photos of the subject site.

Liliger Damaso – Representative

- We are seeking a Type 21 ABC license,
- The hours of operation will be from 8:00am to 9:00pm,
- This is an existing building; it was formerly an Office Depot store,
- We aim to improve the function and the design of the obsolete building,
- In 2006, TAWA supermarkets joined 99 Ranch Markets,
- Since 2006, we have been providing a wide variety of Asian products,
- 168 Markets serves communities throughout Los Angeles,
- The public comes to expect it to carry a specific set of Asian and America products,
- The ability to offer beer, wine and distilled spirits is critical to its success,
- We are proposing to have 80-90 employees; there will be two security guards,
- We will have security cameras,
- We met with the Harbor Gateway Neighborhood Council two times,
- They support our request; we emailed CD 15 but no response,
- We spoke with LAPD Vice and there was no opposition.

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.

- The following conditions are submitted for consideration:
- No alcohol shall be allowed to be consumed on any adjacent property under the control of the applicant.
- **The quarterly gross sales of food shall not exceed the quarterly gross sales of alcohol.** The business operator shall maintain records which reflect these numbers and make them available to the Police Department upon request.

- Fortified wine (greater than 16% alcohol) shall not be sold.
- No signs are permitted on the outside of building or directed from the inside to the outside which display or advertise the availability of alcoholic beverages.
- Electronic age verification device(s) which can be used to determine the age of any individual attempting to purchase alcoholic beverages and shall be installed on the premises at each point-of-sale location. The device(s) shall be maintained in an operational condition and all employees shall be instructed in their use prior to the sale of any alcoholic beverages.
- No beer or wine coolers will be sold in single cans.
- No wine containers less than 750 ml will be sold.
- 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 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.
- The alcoholic beverages license shall not be exchanged for a public premises type license nor operated as a public premises.

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 of the Los Angeles Municipal Code. In order for the sale and dispensing 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.

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 level, irregular-shaped lot, approximately 120,057 square-foot (approximately 2.76 acres) parcel of land with an approximately 344-foot frontage on the east side of Harborgate Way and an approximately 176-foot frontage on the south side of 190th Street.

The property is improved with an existing one-story, 29,739 square-foot retail store. There are 200 existing parking spaces and only 121 parking spaces are required for the new grocery store (168 Market). The applicant has submitted an application for a building permit with the Department of Building and Safety (Building Permit No. 21016-10000-56393) for the proposed project, which is currently pending at the time of preparing this report.

The property is located within the Harbor Gateway Community Plan, which designates the site for Neighborhood Office Commercial Land Uses, having corresponding zones of CR, C1, C2, C4, RAS3, P and Height District No. 1. The permanent [Q] Condition which was established under Ordinance No.171,965 (effective date in May 3, 1998), pertains to a General Plan Amendment and Zone Change that changed the zone and zone boundary from M3-1 to [Q] C2-1 zone to allow a retail center and hotel on the property which contains limitation on the hotel use and regulate the design for the development within the center. Since the project is proposing a grocery store, the [Q] condition does not apply. The site is further located in the Border Zone Property: 2000 feet Buffer Zone (ZI-1192), Freeway Adjacent Advisory Notice for Sensitive Uses (ZI-2427) and Urban Agriculture Incentive Zone, the Harbor Gateway State Enterprise Zone (ZI-2130) and is within 4.50 kilometers of the Newport-Inglewood Fault Zone (Onshore).

Surrounding properties are improved with a mix of commercial and manufacturing uses, with no sensitive or residential uses in close proximity. Properties to the north of the project site across 190th Street are zoned M2-1 and improved with retail, restaurant and office uses. Properties to the east are zoned [Q]C2-1 and are developed with restaurant and retail uses. Properties to the south are zoned [Q]C2-1 and M3-1 and developed with a hotel and recycling use. Across Harborgate Way to the west of the project site are zoned M3-1 and are developed with manufacturing uses.

The applicant requests a conditional use authorization for the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 29,739 square foot grocery store. The store's hours of operations will be 8:00 a.m to 9:00 p.m hours daily, with alcohol sales from 8:00 a.m. to 9:00 p.m. daily. There are 200 existing parking spaces and only 121 parking spaces are required for the new grocery store (168 Market).

The new grocery store will offer a beneficial "one-stop" shopping experience in which nearby residents can purchase limited grocery items, beverages, and/or other necessary retail items. A variety of commercial uses, including grocery stores, are an intrinsic part of the services amenities necessary for the conservation, development, and success of a vibrant commercial area. The availability of alcoholic beverages ancillary to a grocery store is consistent with the pattern of many neighborhood grocery stores in Los Angeles. The proposed alcohol amenities will likely draw in more patrons, thus increasing the viability and longevity of the grocery store. The grocery store will offer fresh ingredients and products from Asia and will promote pedestrian activity by providing nearby residents and local workforce with a key neighborhood amenity. The project will also benefit the community by drawing in visitors from around the city and bringing a new revenue for local businesses along 190th Street and Harborgate Way.

No complaints have been received concerning the proposed grocery store, the local Council Office and local Los Angeles Police Department division does not oppose the request, and the local Neighborhood Council supports the project and request.

Through the approval of these requests, the grocery store will serve its patrons as well as contribute to the collection of tax revenue and increased employment opportunities. Therefore, as conditioned, the project will provide a service that is beneficial to the community, city or 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 level, irregular-shaped lot, approximately 120,057 square-foot (approximately 2.76 acres) parcel of land with an approximately 344-foot frontage on the east side of Harborgate Way and an approximately 176-foot frontage on the south side of 190th Street.

Surrounding properties are improved with a mix of commercial and manufacturing uses, with no sensitive or residential uses in close proximity. Properties to the north of the project site across 190th Street are zoned M2-1 and improved with retail, restaurant and office uses. Properties to the east are zoned [Q]C2-1 and are developed with restaurant and retail uses. Properties to the south are zoned [Q]C2-1 and M3-1 and developed with a hotel and recycling use. Across Harborgate Way to the west of the project site are zoned M3-1 and are developed with manufacturing uses.

A 29,739 square foot grocery store building is not out of character with the surrounding area that consists of large industrial buildings and 4-5 story office buildings. The store's hours of operations will be 8:00 a.m to 9:00 p.m hours daily, with alcohol sales from 8:00 a.m. to 9:00 p.m. daily, will be in keeping with the hours of operation found within the nearby area. The proposed 121 parking spaces, which are required for the new grocery store (168 Market), is compatible with the parking provided on nearby properties.

Also, conditions such as maintenance of a complaint/response log, surveillance camera system, security measures, alcoholic beverage sales training and good management have been incorporated to better ensure continued compatibility with the surrounding neighborhood.

The grant authorized herein incorporates conditions that are intended to ensure that the proposed operation will be compatible with other uses in the surrounding community. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. Further, conditions have been imposed to delineate steps to be taken if the operation of the store is found to be noncompliant with these conditions. Conditions have also been recommended to the Department of Alcoholic Beverages Control for consideration as part of their license issuing process, which the applicant may also be subject to. Therefore, based on the facts herein and in conjunction with the imposition of operational conditions, 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.**

The General Plan is the City's roadmap for 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 these elements are implemented in the form of Municipal Code requirements. 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 City's General Plan divides the City into 35 Community Plans. The subject property is located within the Harbor Gateway Community Plan area. The Community Plan Area Map designates the property for Neighborhood Office Commercial land uses, with corresponding zones of CR, C1, C2, C4, RAS3, P, and Height District No. 1. The property is zoned [Q]C2-1. The property's zoning is thus consistent with the General Plan's land use designation for the site.

The Harbor Gateway Community Plan is silent with regards to the sale and dispensing of alcohol. In such cases, the Zoning Administrator must interpret the intent of the Plans. The subject grocery store is a permitted use that is in conformance with the underlying C2 Zone of the property. The requested sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 29,739 square foot grocery store, located in the [Q]C2-1 zone. The store's hours of operations will be 8:00 a.m to 9:00 p.m hours daily, with alcohol sales from 8:00 a.m. to 9:00 p.m. daily. There are no policies applicable to the property that otherwise restrict or prohibit the sale of alcoholic beverages at this location. Thus, the project substantially conforms with the purpose, intent, and provisions of the General Plan and Community Plan.

CONDITIONAL USE BEVERAGE FINDINGS

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

The applicant requests a conditional use authorization for the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 29,739 square foot grocery store. The store's hours of operations will be 8:00 a.m to 9:00 p.m hours daily, with alcohol sales from 8:00 a.m. to 9:00 p.m. daily. There are 200 existing parking spaces and only 121 parking spaces are required for the new grocery store (168 Market).

The proposed grocery store and the sale of a full line of alcoholic beverages for off-site consumption are compatible with the designated land uses on the subject property. The project is further compatible with the project's location along a major commercial corridor in a heavily urbanized area. As a new grocery store providing

unique services and amenities, the project is a desirable and compatible use with the other uses in the area. The proposal is in keeping with the nature of the development in the area, which caters to a variety of need and provides a casual alternative to grocery shopping for residents and employees in the area.

Furthermore, the Zoning Administrator has imposed numerous conditions of approval that the owner/operator/manager is required to comply with. These conditions represent limitations on the type of activity that is allowed to be conducted on the site as well as explicit advisories about the responsibilities of the applicant. The requested entitlement is carefully conditioned to reflect the mode of operation stated in the application for a grocery store; that if the mode and character is changed or if evidence collected shows that the establishment is causing nuisances to the immediate community, the Zoning Administrator has the authority to require the applicant to file a plan approval with a hearing to examine the changes and the effectiveness of the conditions of approval and modify these conditions. Further, conditions have been imposed to delineate steps to be taken if the operation of the store is found to be noncompliant with these conditions. Additional conditions have been recommended for consideration by the Department of Alcoholic Beverage Control (ABC) in conjunction with their approval process. Conditions are intended to ensure that the proposed use and operation of the restaurant is well integrated into the community as well as protect community members from potential adverse impacts associated with alcohol sales. Conditions imposed will require responsible operations and will maintain the order and ensure cleanliness of the project and its surroundings.

Adherence to and compliance with these conditions of approval will minimize the potential for adverse impacts on the surrounding community, and as a result, granting the request will not adversely affect the welfare of the pertinent community. Thus, as conditioned, it can be found that the proposed use, including the sale of a full line of alcoholic beverages for off-site consumption in conjunction with the proposed grocery store will not adversely affect the welfare of the pertinent community.

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 State of California Department of Alcoholic Beverage Control (ABC) licensing criteria, 5 on-sale and 2 off-sale licenses are allocated to Census Tract No. 2920.01. There is currently 7 on-sale and 5 off-sale licenses in this Census Tract.

According to the applicant, the following alcohol-serving establishments are located within a 1,000-foot radius of the site:

- The Hair Lounge (1431 West Knox Street)

Undue concentration can occur when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather when such a license benefits the public welfare and convenience. While the subject location is within an area where the threshold of allocated licenses has been reached, approval of the request will not increase their number because the applicant is already in possession of their license.

As reported by the Los Angeles Police Department, within Crime Reporting District No. 504 which has jurisdiction over the subject property, a total of 191 crimes (230 Part I crimes and 39 Part II arrests) were reported in 2021, compared to the citywide average of 149 crimes and the high crime reporting district average of 179 crimes for the same period. Part II alcohol-related arrests reported include: Narcotics (5), Liquor Laws (0), Public Drunkenness (0), Disturbing the Peace (1), Disorderly Conduct (0), Gambling (0), DUI related (11), Moving Traffic Violations (0), and Miscellaneous Other Violations (6). 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.

The number of active off-site ABC licenses within the census tract where the subject site is meets the ABC guidelines. Concentration can be undue when the addition of a license will negatively impact a neighborhood. Concentration is not undue when the approval of a license does not negatively impact an area, but rather such license benefits the public welfare and convenience. Approval of the request will not increase the number of licenses in the area because the applicant already maintains an active license. The above statistics indicate that the crime rate in the reporting district where the subject site is located is higher than the citywide average, but lower than the citywide high crime average. No evidence has been submitted to the record linking the subject site or use to the crime rates in the area. No comments from the community at-large were received concerning the concentration of alcoholic-beverage establishments in the area.

Nevertheless, to safeguard the welfare of the community and provide for a reasonable operation, negative impacts commonly associated with the sale of alcohol for off-site consumption such as criminal activity, public drunkenness, and loitering are mitigated by the imposition of conditions set forth by the Zoning Administrator. The State Department of Alcoholic Beverage Control also has discretion to approve an application if there is evidence that normal operations will not be contrary to public welfare and will not interfere with the quiet enjoyment of property by residents. Employees will be required to fulfill specialized training relating to the sale of alcohol with additional security and monitoring conditions imposed. The applicant's compliance with the conditions will help to safeguard the welfare of the community.

Therefore, granting of the application, as conditioned, will not result in an undue concentration of premises for the sale for consideration of a full line of alcoholic beverages, in the area of the City involved because the request does not result in any additional alcoholic beverages licenses within the community.

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 applicant requests a conditional use authorization for the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 29,739 square foot grocery store. The store's hours of operations will be 8:00 a.m to 9:00 p.m hours daily, with alcohol sales from 8:00 a.m. to 9:00 p.m. daily. There are 200 existing parking spaces and only 121 parking spaces are required for the new grocery store (168 Market).

Surrounding properties are improved with a mix of commercial and manufacturing uses, with no sensitive or residential uses in close proximity. Properties to the north of the project site across 190th Street are zoned M2-1 and improved with retail, restaurant and office uses. Properties to the east are zoned [Q]C2-1 and are developed with restaurant and retail uses. Properties to the south are zoned [Q]C2-1 and M3-1 and developed with a hotel and recycling use. Across Harborgate Way to the west of the project site are zoned M3-1 and are developed with manufacturing uses.

The following sensitive uses are located within a 1,000-foot radius of the site:

- Single Family Residential (60 parcels)

No communications voicing any concerns over the proposed project have been received.

Consideration has been given to the distance of the subject establishment from the above-referenced sensitive uses. The grant has been well-conditioned, which should protect the health, safety, and welfare of the surrounding neighbors. Conditions have been imposed as a part of this approval that will minimize community-voiced nuisance activities associated with the property. Numerous other conditions, several of which have been recommended to ABC, have been incorporated into this grant to minimize the potential for adverse effects on the community. The site is located in a retail center, along a commercial corridor where the diversity amongst the uses is not uncommon. The project is appropriate given the surrounding context and commercial corridor it which it is located. The applicant requests a conditional use authorization for the sale of a full line of alcoholic beverages for off-site consumption in conjunction with a 29,739 square foot grocery store. The store's hours of operations will be 8:00 a.m to 9:00 p.m hours daily, with alcohol sales from 8:00 a.m. to 9:00 p.m. daily. The

project is consistent with the zoning and in keeping with the form and function of the surrounding area. The project will contribute to the neighborhood character and will serve neighboring residents and local employees as well as visitors. Therefore, the Zoning Administrator finds that, as conditioned operation of a 29,739 square-foot grocery store will not detrimentally affect nearby residentially zoned communities in the area of the City involved.

ADDITIONAL MANDATORY FINDINGS

7. 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. 172,081, have been reviewed and it has been determined that this project is located in Zone X, outside of a flood zone area.

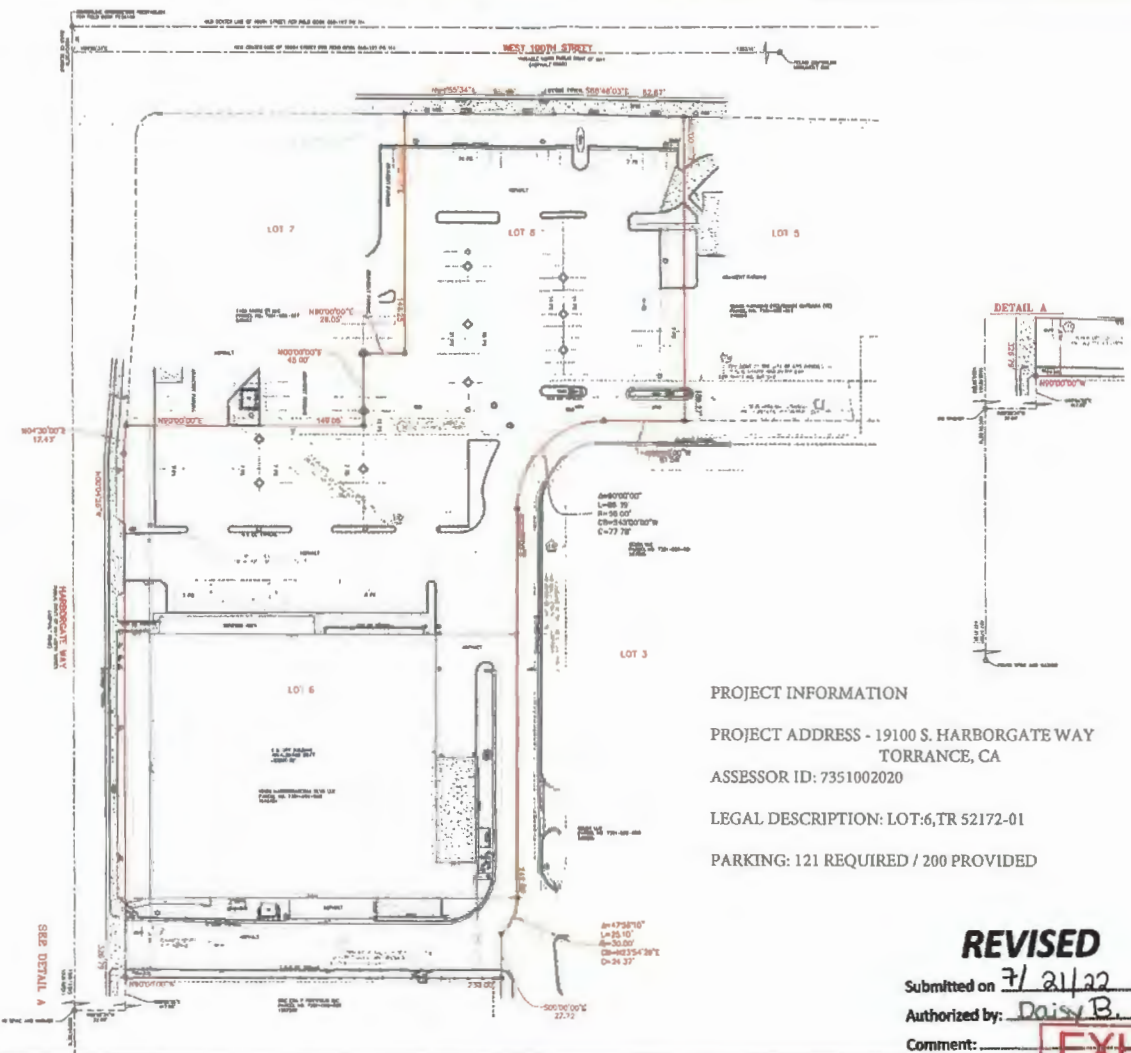
Inquiries regarding this matter shall be directed to Daisy Benicia, Planning Staff for the Department of City Planning at Daisy.benicia@lacity.org.



THEODORE L. IRVING, AICP
Associate Zoning Administrator

TLI:MS:db

cc: Councilmember Joe Buscaino
Fifteenth Council District
Adjoining Property Owners



PROJECT INFORMATION

PROJECT ADDRESS - 19100 S. HARBORGATE WAY
 TORRANCE, CA
 ASSESSOR ID: 7351002020
 LEGAL DESCRIPTION: LOT:6, TR 52172-01
 PARKING: 121 REQUIRED / 200 PROVIDED

REVISED

Submitted on 7/21/22

Authorized by: Daisy B.

Comment: _____

EXHIBIT "A"
 Page No. 1 of 2
 Case No. 2A-2022-279(CUE)

SHRIFT COORDINATED BY GIS GROUP | GIS-GLOBAL.COM

REPUBLIC NATIONAL GROUP

DATE	REVISION	BY
08/04/22	1	DB

1" = 30'

DATE PLOTTED: 08/04/22

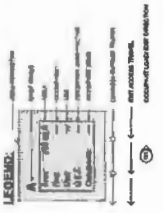
SCALE: 1" = 30'

PROJECT: 2A-2022-279(CUE)

DATE: 08/04/22



AREA	CODE	DESCRIPTION OF AREA	O.A.	EXITS
1	20	REAR OFFICE	20	101
2	20	REAR OFFICE	20	102
3	20	REAR OFFICE	20	103
4	20	REAR OFFICE	20	104
5	20	REAR OFFICE	20	105
6	20	REAR OFFICE	20	106
7	20	REAR OFFICE	20	107
8	20	REAR OFFICE	20	108
9	20	REAR OFFICE	20	109
10	20	REAR OFFICE	20	110
11	20	REAR OFFICE	20	111
12	20	REAR OFFICE	20	112
13	20	REAR OFFICE	20	113
14	20	REAR OFFICE	20	114
15	20	REAR OFFICE	20	115
16	20	REAR OFFICE	20	116
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19	20	REAR OFFICE	20	119
20	20	REAR OFFICE	20	120

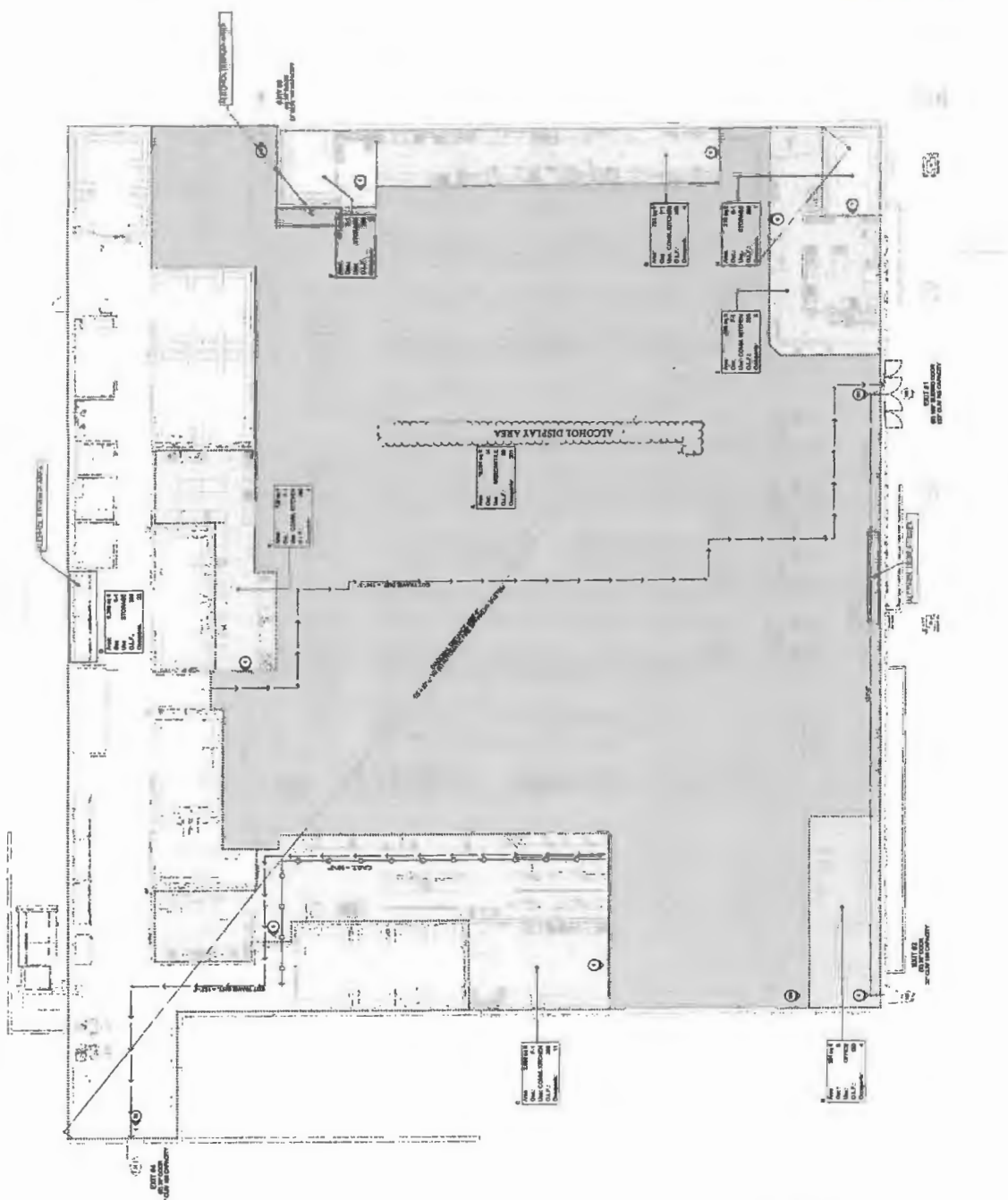


EXIT ANALYSIS:

CONSTRUCTION: 1980
 NUMBER OF FLOORS: 2
 OCCUPANCY: 100 (A-1)
 OCCUPANT LOAD: 100

EXIT REQUIREMENTS:
 EXIT HEADCOUNT: 100
 EXIT WIDTH: 100"
 EXIT SIGN: 100"
 EXIT LIGHTING: 100"
 EXIT ACCESS: 100"
 EXIT ACCESS THRESHOLD: 100"
 EXIT ACCESS SIGN: 100"
 EXIT ACCESS SIGN: 100"
 EXIT ACCESS SIGN: 100"

EXHIBIT "A"
 Page No. 2 of 2
 Case No. ZA-2022-3279 (C4)



AREA DIAGRAM / EXIT ANALYSIS
 SCALE: 1/4" = 1'-0"