

**HARBOR AREA PLANNING COMMISSION
REGULAR MEETING AGENDA
TUESDAY, MAY 7, 2024 AFTER 4:30 P.M.
SAN PEDRO REGIONAL BRANCH LIBRARY
PHIL SCOTT MEETING ROOM
931 SOUTH GAFFEY STREET
SAN PEDRO, CA 90731**

Meeting presentations will be made available here (<https://tinyurl.com/HarborAPC5-7-24>) by Friday, May 3, 2024.
Compliant Day of Submissions will be added to this drive.

Esther Hatch, President
Mona Sutton, Vice President
John Bagakis, Commissioner
Joe Gatlin, Commissioner
Amber Sheikh, Commissioner

Vincent P. Bertoni, AICP, Director
Shana M. M. Bonstin, Deputy Director
Haydee Urita-Lopez, Deputy Director
Arthi L. Varma, AICP, Deputy Director
Lisa M. Webber, AICP, Deputy Director

Cecilia Lamas, Commission Executive Assistant II
apcharbor@lacity.org
(213) 978-1299

POLICY FOR DESIGNATED PUBLIC HEARING ITEMS:

Pursuant to the Commission's general operating procedures, the Commission at times must necessarily limit the speaking times of those presenting testimony on either side of an issue that is designated as a public hearing item. In all instances, however, equal time is allowed for presentation of pros and cons of matters to be acted upon. Every person wishing to address the commission in person must complete a speaker's request form and submit it to the Commission staff.

HARBOR AREA PLANNING COMMISSION MEETINGS CAN BE LISTENED TO BY DIALING (213) 621-2489 OR (818) 904-9450.

YOU CAN ALSO VIEW THE MEETING ONLINE VIA ZOOM AT: <https://planning-lacity-org.zoom.us/j/81559904738> AND USE MEETING ID: 815 5990 4738 AND PASSCODE 277266. Members of the public who wish to participate in the meeting and offer verbal public comment remotely to the Harbor Area Planning Commission can either access the link located above or call **(213) 338-8477 or (669) 900-9128** and use **Meeting ID No. 815 5990 4738** and then press #. Press # again when prompted for participant ID. Please use **Meeting Passcode 277266**. The ability to provide public comment remotely, an optional participation feature, may be subject to technical issues. Should technical difficulties occur or persist, the in-person meeting shall continue to be conducted. For hybrid meeting participation information, please click [here](#). The ability to provide public comment remotely, an optional participation feature, may be subject to technical issues. Should technical difficulties occur or persist, the in-person meeting shall continue to be conducted. **Remote participation is available only for those wishing to provide public comment; Applicants, Appellants, and/or Representatives are required to attend the meeting in person.**

Written submissions, which are optional, may be submitted prior to, or at, the meeting. These submissions are governed by the Harbor Area Planning Commission Rules and Operating Procedures posted online at <https://planning.lacity.org>. However, please see submission guidelines below which have been modified to accommodate the hybrid meeting format.

Initial Submissions, not limited as to volume, must be received by the Commission Executive Assistant no later than by 4:00 p.m. on the Monday prior to the week of the Commission meeting. Materials are to be emailed to apcharbor@lacity.org. **Secondary Submissions** in response to a Staff Recommendation Report or additional comments must be received electronically no later than 3:00 p.m., Thursday of the week prior to the Commission meeting. Submissions shall not exceed ten (10) pages, including exhibits, and must be submitted electronically to apcharbor@lacity.org. Photographs do not count toward the page limitation. **Day of Hearing Submissions**, after 3:00 p.m. on Thursday before the Commission meeting up to and including the day of the meeting are limited to 2 pages plus accompanying photographs. Day of Hearing Submissions are to be submitted electronically to apcharbor@lacity.org and 12 hard copies must be submitted at the in-person meeting. Submissions that do not comply with these rules will be stamped "**File Copy. Non-Complying Submission.**" Non-complying submissions will be placed into the official case file, but they will not be delivered to or considered by the Commission, and will not be included in the official administrative record for the item at issue.

The Commission may RECONSIDER and alter its action taken on items listed herein at any time during this meeting or during the next regular meeting, in accordance with the Commission Rules and Operating Procedures and provided that the Commission retains jurisdiction over the case. If a Commission meeting is canceled or adjourned due to lack of quorum, all remaining agenda

items shall be continued to the next regular meeting or beyond as long as the continuance is within the legal time limits of the case or cases.

Requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act can be made by contacting the Commission Executive Assistant at (213) 978-1299 or by email at apcharbor@lacity.org no later than three working days (72 hours) prior to the meeting. For Telecommunication Relay Services for the hearing impaired, please see the information located on the last page of this agenda.

If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to this agency at or prior to the public hearing.

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.

Agendas and Adopted Minutes are available online at <http://planning.lacity.org>, by selecting "About," "Commissions, Boards & Hearings," filter by "Harbor Area Planning Commission." For additional information regarding the format of this telephonic public meeting, please visit our website at <http://planning.lacity.org>.

If you would like to receive a determination letter for any item on today's agenda, please email your request to apcharbor@lacity.org. Please include your contact information (email or mailing address) and the case number associated with the item.

Información en español acerca de esta junta puede ser obtenida llamando al (213) 978-1300. Servicios de traducción al español están disponibles, de ser solicitados con un mínimo de 72 horas de anticipación, en todas las juntas de la comisión.

1. DIRECTOR'S REPORT AND COMMISSION BUSINESS

- Legal actions and issues update
- Items of Interest
- Advance Calendar
- Commission Requests
- Approval of Meeting Minutes - September 19, 2023

2. NEIGHBORHOOD COUNCIL POSITION STATEMENTS ON AGENDA ITEMS

Presentations by Neighborhood Council representatives on any Neighborhood Council resolution, or community impact statement filed with the City Clerk, which relates to any agenda item listed or being considered on this agenda. The Neighborhood Council representative shall provide the Board or Commission with a copy of the Neighborhood Council's resolution or community impact statement by email to apcharbor@lacity.org. At the Chair's discretion, presentations of Neighborhood Councils on any matter listed on the agenda for this Commission meeting may be taken at the time the agenda item is taken for consideration.

3. GENERAL PUBLIC COMMENT

The Commission shall provide an opportunity in open meetings for the public to address it **on non-agenda items**, for a cumulative total of up to thirty (30) minutes, on items of interest to the public that are within the subject matter jurisdiction of the Commission.

Members of the public who wish to participate in the meeting and offer public comment to the Harbor Area Planning Commission, can either access the link located at the top of this agenda or call **(213) 338-8477**

or (669) 900-9128 and use **Meeting ID No. 815 5990 4738** and then press #. Press # again when prompted for participant ID. Please use **Meeting Passcode 277266**.

4. **RECONSIDERATIONS**

- a. **MOTIONS TO RECONSIDER** – The Commission may make a motion to reconsider a Commission Action on any agenda items from its previous meeting, consistently with the Commission Rule 9.3, provided the Commission retains jurisdiction over the matter.
- b. **MERITS OF ANY ITEM THE COMMISSION HAS VOTED TO RECONSIDER** – If a majority of the Commission has approved a motion to reconsider a Commission Action, the Commission may address the merits of the original Commission Action.

5. **ZA-2023-4461-CU-1A**

Council District: 15 – McOsker

CEQA: ENV-2023-4468-CE

Last Day to Act: 05-17-24

Plan Area: Wilmington – Harbor City

PUBLIC HEARING REQUIRED

PROJECT SITE: 1333 West Pacific Coast Highway

PROPOSED PROJECT:

Construction, use, and maintenance of a 1,287 square-foot Starbucks coffee shop with a drive-through window and a walk-up pedestrian window. The proposed coffee shop does not provide any indoor or outdoor seating. Proposed hours of operation for the drive-through and walk-up windows are 24 hours a day, seven days a week. The proposed project also includes six parking spaces within a surface parking lot and a single drive-through lane that would accommodate queuing for 13 vehicles.

APPEAL:

A partial appeal, specifically appealing the grant to allow 24-hour daily operations and condition No. 7a of the Zoning Administrator's determination which:

1. Determined, 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 15303, Class 3 (New Construction or Conversion of Small Structures), and Section 15332, Class 32 (In-Fill Development), 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;
2. Approved, pursuant to Section 12.24 W.17 of the Los Angeles Municipal Code (LAMC), a Conditional Use to allow a drive-through fast food establishment on a lot that abuts a residential use or zone, in the [Q]C2-1 VL Zone;
3. Approved, pursuant to LAMC Section 12.24 W.27, a Conditional Use to allow the following deviations from the Commercial Corner Development regulations, LAMC Section 12.22 A.23:
 - a. Hours of operation of 24 hours a day, seven days a week;
 - b. Reduced window transparency of 26 percent along Frampton Avenue and 16.9 percent along Pacific Coast Highway; and
 - c. The use and maintenance of the existing five-foot six-inch solid masonry wall along the northerly and westerly property lines, in the [Q]C2-1VL Zone; and
4. Adopted the Conditions of Approval and Findings.

Applicant: Shervin Darvish, Darvish Investment Group, LLC
Representative: Hoa "Sean" Nguyen, EZ Permits, LLC

Appellant: The Office of Councilmember Tim McOsker

Representative: Pamela Thornton, Planning Director

Staff: Monique Acosta, City Planner
monique.acosta@lacity.org
(213) 978-1173

Jonathan Hershey, Associate Zoning Administrator

The next regular meeting of the Harbor Area Planning Commission
will be held on **Tuesday, May 21, 2024 at 4:30 p.m.**

Wilmington Municipal Building
Manuel Louis Conference Room
544 North Avalon Boulevard
Wilmington, CA 90744

Notice to Paid Representatives:

If you are compensated to monitor, attend, or speak at this meeting, City law may require you to register as a lobbyist and report your activity. See Los Angeles Municipal Code Section 48.01 et seq. More information is available at ethics.lacity.org/lobbying. For assistance, please contact the Ethics Commission at (213) 978-1960 or ethics.commission@lacity.org.

Reasonable Accommodations Consistent with Federal and State Law

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodations to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services must be requested **72 hours prior to the meeting** by calling the Commission Executive Assistant at (213) 978-1299 or by email at apcharbor@lacity.org.

Telecommunication Relay Services

Telephone communication is one of the most important forms of communication in society today. Due to advancements in technology, telephone devices have evolved with new services and capabilities. Individuals who are deaf and hard of hearing, and individuals with a speech disability are following these trends and are rapidly migrating to more advanced telecommunications methods, both for peer-to-peer and third-party telecommunications relay service (TRS) communications.

Telecommunications Relay Service is a telephone service that allows persons with hearing or speech disabilities to place and receive telephone calls. TRS is available in all 50 states, the District of Columbia, Puerto Rico and the U.S. territories for local and/or long distance calls. TRS providers - generally telephone companies - are compensated for the costs of providing TRS from either a state or a federal fund. There is no cost to the TRS user.

What forms of TRS are available? There are several forms of TRS, depending on the particular needs of the user and the equipment available: TRS includes: Text to Voice TTY-Based TRS; Speech-to-Speech Relay Service; Shared Non-English Language Relay Service; Captioned Telephone Relay Service; Internet Protocol Relay Service; and Video Relay Service. Please visit this site for detailed descriptions, <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Don't hang up! Some people hang up on TRS calls because they think the Communications Assistant (CA) is a telemarketer. If you hear, "Hello. This is the relay service ..." when you pick up the phone, please don't hang up! You are about to talk, through a TRS provider, to a person who is deaf, hard-of-hearing, or has a speech disability.

For more information about FCC programs to promote access to telecommunications services for people with disabilities, visit the FCC's Disability Rights Office website.