

SUPPLEMENTAL MEMO TO THE HEARING OFFICER

DATE ISSUED: May 25, 2023

HEARING DATE: June 6, 2023 AGENDA ITEM: 3

PROJECT NUMBER: PRJ2020-002324-(2)

PERMIT NUMBER(S): Conditional Use Permit ("CUP") RPPL2020007231

SUPERVISORIAL DISTRICT: 2

PROJECT LOCATION: 1125 East El Segundo Boulevard, West Rancho Dominguez

OWNER: Smart & Final Stores LLC

APPLICANT: Smart & Final Stores LLC

CASE PLANNER: Sean Donnelly, Planner
Sdonnelly@planning.lacounty.gov

Item No. 3 is an application for a CUP to allow the continued sale of a full line of alcoholic beverages for off-site consumption with a Type 21 (Off-Sale General) California State Department of Alcoholic Beverage Control ("ABC") License in an existing grocery store in the C-1 (Restricted Business) Zone ("Project"). This Project is located at 1125 East El Segundo Boulevard in the West Rancho Dominguez community.

Updated Floor Plan

An updated floor plan dated May 23, 2023, was submitted by the applicant to reflect changes to the floor layout of the grocery store. These changes consist of adjusting the layout of aisles and moving the prefab office from the south wall near the entrance to the southwest corner of the grocery store. The changes to the aisles will shift the location of some shelving allocated to alcoholic beverages. However, the total shelf space allocated to alcoholic beverages remains limited to 1.52%, which will comply with the condition of Project approval that limits shelf space allocated to alcoholic beverages to five percent of the grocery store's total shelf space. Alcoholic beverages stored on top of shelving in public areas are included in the calculation, as discussed at the March 6, 2023, public hearing. These changes are minor tenant improvements and do not alter LA County Planning staff's ("Staff's") recommendation regarding the Project.

Updated Project Narrative

An updated Project narrative dated May 23, 2023, was submitted by the applicant to request modifications to certain conditions of Project approval. These modifications include allowing on-site instructional tasting and extending the hours during which alcoholic beverages may be sold.

Instructional Tasting

At the March 6, 2023, public hearing, the applicant requested that Staff consider including on-site instructional tasting in the Project scope and conditions of Project approval. Instructional tasting is allowed by ABC with the issuance of a Type 86 License.

An updated Project narrative submitted by the applicant indicated that instructional tasting would occur periodically (ranging from one time each quarter to one time each month) between the hours of 11 a.m. and 9 p.m. on a weekend day. Customers would not be charged for tastings, with product introduction being the main purpose. Samples would be limited to one ounce in size for wine and one quarter ounce for distilled spirits. Customers would be limited to three samples per customer. Samples of beer would be limited to three samples amounting to eight ounces in total.

The floor plan submitted May 23, 2023, includes an area on the site plan designated for instructional tasting located to the left of the entrance, beyond the cash registers. Tastings would be limited to this single area.

Hours of Alcohol Sales

In the Project narrative dated May 23, 2023, the applicant requests that the condition of Project approval regarding the hours during which alcoholic beverages may be sold be modified from the proposed 7 a.m. to 10 p.m. to 6 a.m. to 10 p.m. to match the grocery store's hours of operation. The Project narrative states that this modification is consistent with the conditions of the original CUP. However, the conditions of both CUP No. 99058, which originally authorized the sale of alcoholic beverages for off-site consumption, and CUP No. 201900123, which reauthorized the sale of alcoholic beverages for off-site consumption, limited the hours during which alcoholic beverage sales may be sold from 7 a.m. to 10 p.m.

The Project narrative also states that Staff provided copies of the CUP application, including the applicant's request to modify the condition of Project approval regarding the hours during which alcoholic beverages may be sold, to the Los Angeles County Sheriff's Department ("Sheriff"). Although Staff sent a request for consultation to the Sheriff, which is a standard procedure for CUP applications regarding the sale of alcoholic beverages, this consultation request consisted of a standard request form, which does not consist of the entire CUP application, nor any discussion of the hours during which alcoholic beverages may be sold. The Sheriff makes their recommendation based on the nature of calls of service to the Project Site and security concerns.

Staff's recommended condition of Project approval limiting the hours during which alcoholic beverage sales may be sold from 7 a.m. to 10 p.m. is consistent with the previous CUP approvals. Staff does not recommend extending these hours to 6 a.m. to 10 p.m.

Staff Recommendation

Staff has reviewed the updated documents submitted by the applicant and updated the Findings and conditions of Project approval to accommodate the inclusion of instructional tastings.

Staff recommends the following motion:

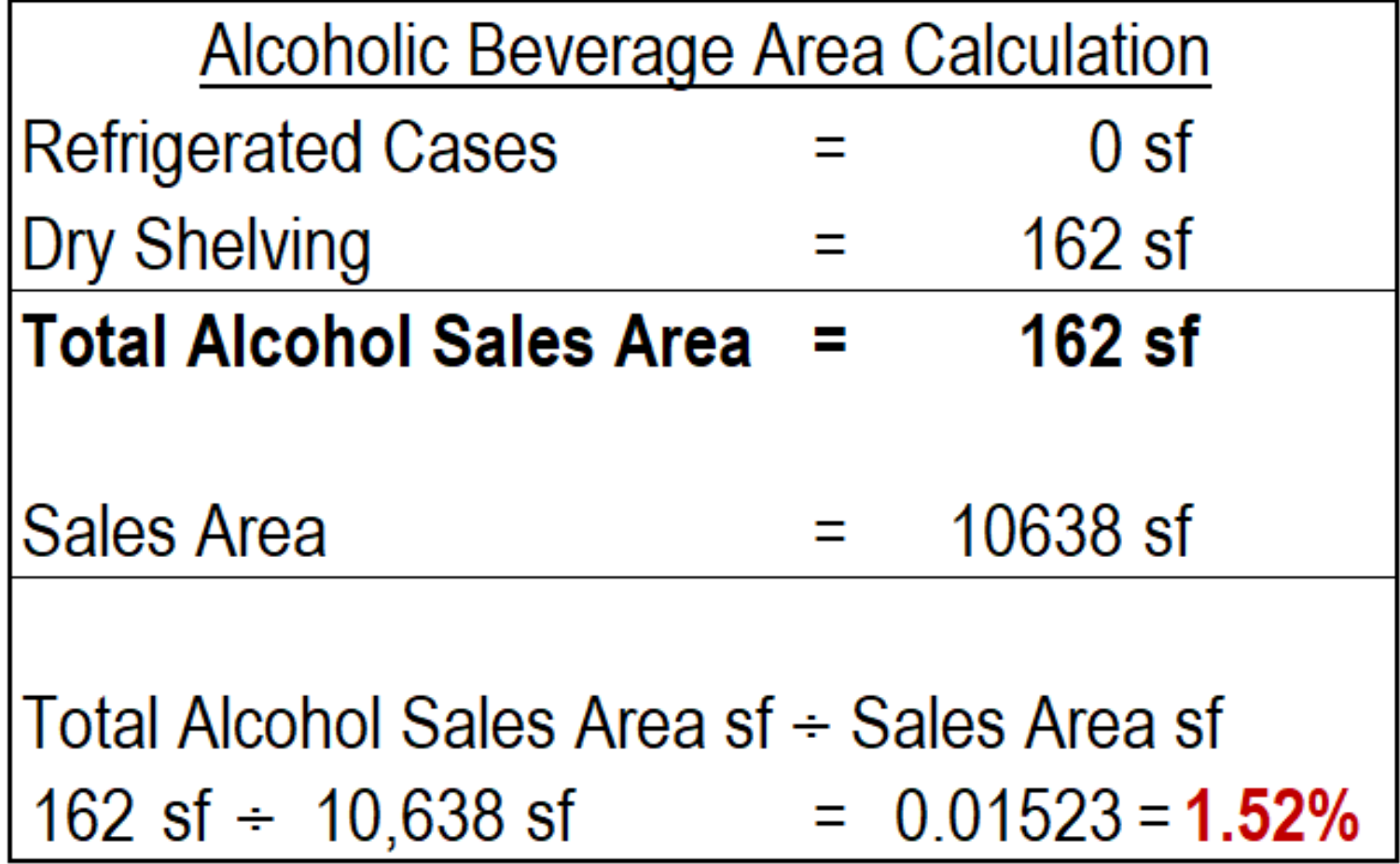
I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES AND APPROVE PERMIT NUMBER RPPL2020007231 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS AS MODIFIED.

Report
Reviewed By: Carmen Sainz
Carmen Sainz, Supervising Regional Planner

Report
Approved By: M. Glaser
Mitch Glaser, Assistant Administrator

Attached: Site Plan submitted May 23, 2023
Project Narrative dated May 23, 2023
Findings
Conditions

CABINET #	LENGTH (L) - FEET	TOTAL # OF SHELVES	TOTL # OF SHELVES DEVOTED TO ALCOHOLIC BEVERAGES	TOTAL LINEAR FEET OF SHEVES	TOTAL LINEAR FEET OF SHELVES DENOTED TO ALCOHOLIC BEVERAGES	PERCENTAGE OF SHELF SPACE DEVOTED TO ALCHOLIC BEVERAGES
1	24	5	5	120	120	
2	27	5	5	135	135	
3	4	4	4	16	16	
4	3	4	4	60	60	
5	3	4	4	16	16	
6	3	4	4	12	12	
7	3	4	4	12	12	
8	3	4	4	12	12	
9	4	4	4	16	16	
TOTAL	74	38	38	399	399	100%



Smart & Final®

1125 E. EL SEGUNDO BLVD.
LOS ANGELES, CA. 90059
2023 REMODEL PROJECT

STORE #341

FFP

4IFFP (COMPTON)



Art Rodriguez Associates

444 E. Huntington Dr, Suite 208, Arcadia, CA 91006

May 23, 2023

Sean Donnelly
REGIONAL PLANNER, Metro Development Services
Los Angeles County Department of Regional Planning
320 West Temple Street, 13th Floor, Los Angeles, CA 90012

RE: Smart & Final - RPAP2020006579 Updated Narrative

At the request of the hearing officer and planner at the March 7, 2023 Hearing, we are providing the following, additional information:

CONDITION MODIFICATION REQUEST/UPDATED NARRATIVE:

17.g This condition prohibited on-site consumption of alcoholic beverages on the subject property. Smart & Final is requesting **limited on-site instructional tasting** be allowed through the issuance of a **Type 86 Instructional Tasting License** by the Department of Alcoholic Beverage Control. As requested, submitted with this narrative, is the ABC Type 86 Industry Advisory providing detail on its use and standard operating conditions. The following are some points that differentiate an Instructional Tasting License from a Type 42 traditional wine tasting license:

- The Type 86 License is held by a retailer, but the tastings are conducted by an "Authorized Licensee" such as a winegrower, wholesaler, rectifier or manufacturer. Retail employees of the Type 86 licensee, in this case Smart & Final, cannot conduct tastings.
- The tasting area is set up for an event, separated from the rest of the store by temporary barriers and taken down after the event. Signage must be displayed prohibiting persons under 21 from entering the tasting area.
- A single tasting of wine is equal to one ounce and a single tasting of a distilled spirit is equal to a quarter ounce. No more than three tastings are permitted. The sampling of beer is limited to three tastes, no more than 8 ounces total.
- No charge of any sort is made for tasting at an event. Instructional tasting is solely to familiarize a potential customer with a product.

Smart & Final has not applied for the Type 86 license yet pending approval of the CUP. If granted, Smart & Final intends to follow all ABC conditions when utilizing the license. The following points are in response to the planer's operational questions:

- Tastings are estimated to be held no more than once a month and as infrequently as once every quarter.
- Tastings would most likely be conducted on a weekend between the hours of 11AM and 5PM lasting only one or two hours. State law only allows tastings between the hours of 10AM and 9PM.
- Tastings to be conducted by the "Authorized Licensee" (a winegrower, wholesaler, rectifier or manufacturer). Smart & Final employees may assist with the set up and take down of the tasting area but are prohibited by state law from conducting tastings.
- Tastings are open to the public via walk in. Customers that are over 21 and are interested in sampling a product, may step into the tasting area for a maximum of three samples.
- There will be no charge for tastings per state law.
- The area where tastings will be conducted has been added to the plans. The tasting area will be set up and taken down for each event.

17.i This condition states: **Any conditions on hours of alcohol sales should be consistent with store operating hours.** When CUP NO. 200900123 was approved in March 2011, store hours of operation were 7AM to 10PM. All Smart & Final stores now have operating hours of 6AM to 10PM. Smart & Final is requesting alcohol sales hours from 6AM to 10PM, consistent with store operating hours. The following information is in support of this request:

- The request is consistent with the original CUP condition.
- The store is currently operating with license number: [21-456538](#). ABC conditions issued in 2007 limited alcohol sales hours from 7AM to 10PM. On April 6, 2023 the Dept. of ABC issued new conditions for this store consistent with current store operating hours. ABC Condition No. 1 permits the sale of alcohol between the hours of 6AM to 10PM daily. (2007 and 2023 conditions attached)
- As part of the condition modification process, the Dept of ABC reached out to the LA County Sheriff regarding the hour's modification. The Sheriff did not have any concerns or opposition to the one-hour change to 6AM.
- As part of the CUP application process, LA County Planning reached out to the Office of the Sheriff and provided copies of our application, including our request to modify four conditions. The Sheriff recommended approval of our CUP and did not express any concerns.
- This store was originally licensed with License No [20-262050](#) in 1991 and was upgraded to a Type 21 license in 1999 and has been continuously operating since then without a single violation.

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
FINDINGS OF THE HEARING OFFICER
AND ORDER
PROJECT NO. PRJ2020-002324-(2)
CONDITIONAL USE PERMIT NO. RPPL2020007231

RECITALS

1. **HEARING DATE(S).** The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. RPPL2020007231 ("CUP") on March 7, 2023.
2. **ENTITLEMENT(S) REQUESTED.** The permittee, Smart & Final Stores LLC ("permittee"), requests the CUP to authorize the continued sale of a full line of alcoholic beverages for off-site consumption with a Type 21 Alcohol Beverage Control ("ABC") License and on-site instructional tasting with a Type 86 ABC License at an existing grocery store ("Project") on a property located at 1125 East El Segundo Boulevard in the unincorporated community of West Rancho Dominguez ("Project Site") in the C-1 (Restricted Business) Zone pursuant to Los Angeles County Code ("County Code") Section 22.20.030 (Land Use Regulations for Commercial Zones).
3. **PREVIOUS ENTITLEMENT(S).**

CASE NO.	REQUEST	DATE OF ACTION
RCUP-200900123	CUP for the sale of a full line of alcoholic beverages for off-site consumption at an existing grocery store.	Approved March 15, 2011 Expired March 15, 2021
RCUP-99058	CUP for the sale of a full line of alcoholic beverages for off-site consumption at an existing grocery store.	Approved July 20, 1999 Expired July 20, 2009

4. **LAND USE DESIGNATION.** The Project Site is located within the CG (General Commercial) land use designation of the Los Angeles County General Plan ("General Plan") Land Use Policy Map.
5. **ZONING.** The Project Site is located in the Willowbrook-Enterprise Zoned District and is currently zoned C-1. Pursuant to County Code Section 22.20.030 (Land Use Regulations for Commercial Zones), a CUP is required for the sale of alcoholic beverages for off-site consumption.
6. **SURROUNDING LAND USES AND ZONING**

LOCATION	LAND USE POLICY	ZONING	EXISTING USES
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NORTH	CG, H9 (Residential 9)	C-1, R-1 (Single-Family Residence)	Housing office, vacant, single-family residences ("SFRs")
EAST	H9, City of Compton	R-1, City of Compton	SFRs, multi-family residences ("MFRs"), gas station, minimart, restaurant, self-storage facility, Centennial High School
SOUTH	CG, H9, H50 (Residential 50), City of Compton	C-1, R-1, R-4 (Medium Density Multiple Residence)	Restaurant, mini-market, SFRs, MFRs, Centennial High School.
WEST	H9, OS-PR (Parks and Recreation)	R-1, R-1-5000	SFRs, Magic Johnson Park

7. PROJECT AND SITE PLAN DESCRIPTION.

A. Existing Site Conditions

The Project Site is 0.92 acres in size and consists of two lots. The Project Site is rectangular in shape with flat topography and is developed with the subject grocery store.

B. Site Access

The Project Site is accessible via entrances/exits on East El Segundo Boulevard to the south and North Central Avenue to the east.

C. Site Plan

The grocery store is approximately 12,400 square-feet in size and is located on the northeastern portion of the Project Site. A parking lot with 33 parking spaces occupies the southern portion of the Project Site. The site includes existing signage and landscaping. The shelf space allocated to alcoholic beverages is located to the left of the grocery store's entrance, past the checkout counters. In accordance with the conditions of Project approval, the shelf space allocated to alcoholic beverages will be limited to five percent of total shelf space. An area designated for on-site instructional tasting is located to the left of the entrance beyond the checkout registers.

D. Parking

A parking lot with 33 parking spaces occupies the southern portion of the Project Site.

8. COMMUNITY OUTREACH. Staff is not aware of any community outreach at the time of staff report preparation.

9. **PUBLIC COMMENTS.** Staff has not received any comments at the time of staff report preparation.

10. AGENCY RECOMMENDATIONS.

- A. The County Sheriff's Department, Compton Station ("Sheriff"), in a letter dated July 21, 2021, did not report an extensive history of calls for service to the Project Site and recommended that the Project be approved at the public hearing.
- B. ABC, in a report dated September 6, 2022 stated that the Project Site is in an area with an overconcentration of alcoholic beverage licenses, so the Hearing Officer must make a finding of public convenience or necessity. The report also stated that the Project Site is not in a high crime reporting area.

11. CEQA DETERMINATION.

Prior to the Hearing Officer's public hearing on the Project, County Department of Regional Planning ("LA County Planning") staff determined that the Project qualified for a Class 1, Existing Facilities, Categorical Exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project consists of the continued sale of alcoholic beverages for off-site consumption, and onsite instructional tasting, as an accessory use to an existing grocery store within an existing building with no development or expansion. The Project is not on a scenic highway or a hazardous waste site, is not known to contain historic resources, and will not have a significant or cumulative environmental impact.

GENERAL PLAN CONSISTENCY FINDINGS

12. **LAND USE POLICY.** The Hearing Officer finds that the Project is consistent with the goals and policies of the General Plan because the CG land use designation is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services, such as grocery stores. This Project is accessory to the established grocery store, which is a commercial use that is compatible with the CG land use designation.

13. **GOALS AND POLICIES.** The Hearing Officer finds that the Project supports the following goals and policies of the General Plan:

- *Goal Land Use ("LU") 5: Vibrant, livable and healthy communities with a mix of land uses, services and amenities*
- *Policy LU 5.2: Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs.*
- *Goal LU7: Compatible land uses that complement neighborhood character and the natural environment.*
- *Policy Economic Development ("ED") 1.1: Encourage a diverse mix of industries and services in each Planning Area.*

The Project is a commercial use located along a commercial corridor. The sale of alcoholic beverages is a common accessory use to a grocery store. The Project contributes to the variety of uses and services in the community and provides access to groceries and other home goods to the local community. The Project will continue to add to the diversity of uses in the area and provides a key service to the community. Instructional tasting would add an additional method for the applicant to generate interest in offered products, and provide an innovative service to customers, while being adequately conditioned to ensure that it is operated in a safe manner which does not disturb the surrounding area and communities.

ZONING CODE CONSISTENCY FINDINGS

14. **PERMITTED USE IN ZONE.** The Hearing Officer finds that the Project is consistent with the C-1 zoning classification as the continued sale of alcoholic beverages for off-site is permitted with a CUP pursuant to County Code 22.20.030 (Land Use Regulations for Commercial Zones).
15. **C-1 DEVELOPMENT STANDARDS.** The Hearing Officer finds that while there are no development standards applicable to the Project, it would occur within a structure and in conjunction with an existing use that is consistent with the C-1 Zone's development standards, as verified and originally approved by CUP Number 99058.
16. **SIGNAGE.** The Hearing Officer finds that the Project is consistent with the standard identified in County Code Section 22.114.050. The Project will not alter or expand the existing signage associated with the grocery store.
17. **PARKING.** The Hearing Officer finds that the Project is inconsistent with the standard identified in County Code Section 22.112.070 (Required Parking). Commercial uses such as grocery stores require one parking space for each 250 square feet of floor area. The grocery store is 12,400 square feet in size and requires 50 parking spaces. A parking lot containing 33 parking spaces is located on the Project Site. Although the Project does not provide the required number of parking spaces, it is an existing previously approved use.
18. **ALCOHOL BEVERAGE SALES.** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Section 22.140.030 (Alcoholic Beverage Sales). A condition of Project approval will limit the shelf space allocated to alcoholic beverages to five percent of the total shelf space. Another condition of Project approval will require the supermarket to offer a minimum of three varieties of fresh produce free from spoilage and a minimum of two whole grain items for sale on a continuous basis. On-site instructional tasting will be limited to once a month, on the weekend between the hours of 11 a.m. and 9 p.m. Customers will not be charged for tastings, with product introduction being the main purpose. Samples would be limited to one ounce in size for wine, and one quarter ounce for distilled spirits. Customers will be limited to three samples per customer. Samples of beer will be limited to three samples amounting to eight ounces in total.

19. **COMMUNITY STANDARDS DISTRICT (“CSD”).** The Hearing Officer finds that the Project is consistent with the standards identified in County Code Chapter 22.350. The West Rancho Dominguez-Victoria CSD requires that all exterior walls remain free from graffiti, and the Project is sufficiently conditioned to comply with this standard. The Project is not a prohibited use in the CSD.

CONDITIONAL USE FINDINGS

20. **The Hearing Officer finds that the proposed use will be consistent with the adopted General Plan for the area.** The CG land use designation is intended to support a variety of commercial activities dispersed community wide. The Project is located at an intersection between two roads designated as major highways in the County's Master Plan of Highways. The Project Site is a natural location for a commercial use such as a grocery store. The sale of alcoholic beverages and sample tastings is a common accessory use to a grocery store. The Project contributes to the variety of uses and services in the community and provides increased access to groceries and other home goods to the local community.
21. **The Hearing Officer finds that the proposed use at the site will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.** The Project is located at an intersection between two roads designated as major highways in the County's Master Plan of Highways. The Project Site is a natural location for a commercial use such as a grocery store. The sale of a full line of alcoholic beverages for off-site consumption has occurred at the grocery store since 1999 pursuant to previously approved CUPs. A condition of Project approval will require compliance with all noise control provisions of County Code Chapter 12.08. Another condition of Project approval will limit the sale of alcoholic beverages to between the hours of 7:00 a.m. and 10:00 p.m. seven days a week, consistent with previous approvals. On-site instructional tasting will be limited to weekend days between the hours of 11 a.m. and 9 p.m., with limited samples per customer. The sale of a full line of alcoholic beverages is an ancillary use to the grocery store and will remain consistent with the land use designation and will not adversely impact the nearby community's public welfare or economic welfare if conducted in compliance with the conditions of Project approval.
22. **The Hearing Officer finds that the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.** The Project will occur within a structure and in conjunction with an existing use and does not include any new improvements or expansions.
23. **The Hearing Officer finds that the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the**

kind and quantity of traffic such use would generate, and by other public or private service facilities as are required. The Project is located within an existing grocery store and does not propose additional development. The Project will not increase or generate traffic to an extent that expansion or improvement of existing roadways will be required. The development standards for the Project were reviewed and approved pursuant to CUP Number 99058, which originally authorized the sale of a full line of alcoholic beverages for off-site consumption.

24. The Hearing Officer finds that to ensure continued compatibility between the Project and the surrounding land uses, it is necessary to limit the CUP to 10 years.

SUPPLEMENTAL FINDINGS – ALCOHOL USES

25. **The Hearing Officer finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.** Currently there are one park and one high school within 600 feet of the Project Site. These uses have coexisted with the grocery store since it first began selling alcoholic beverages for off-site consumption in 1999. The Project does not propose any changes or expansions to the existing, previously approved grocery store. The continued sale of a full line of alcoholic beverages along with the offering of on-site instructional tasting at the existing grocery store will not impact these sensitive uses if conducted in compliance with the conditions of Project approval.
26. **The Hearing Officer finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.** The Project is located at an intersection between two roads designated as major highways in the County's Master Plan of Highways. The Project Site is a natural location for a commercial use such as a grocery store. Residences exist to the north, west, and south of the Project Site. The Sheriff was consulted as part of the review of this Project, did not report an extensive history of calls for service to the Project Site, and recommended approval of this Project at the public hearing. The Project is an accessory use to an existing grocery store and does not propose new development or expansions. The continued sale of alcoholic beverages for off-site consumption along with the offering of on-site instructional tasting at the existing grocery store will not impact these residential areas if conducted in compliance with the conditions of Project approval.
27. **The Hearing Officer finds that the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.** The Project is an accessory use to an existing grocery store and does not propose new development or expansions. The sale of a full line of alcoholic beverages is an ancillary use to the existing grocery store and will not adversely affect public welfare, or the economic welfare of the nearby community if conducted in compliance with the conditions of Project approval. The Project is compatible with the other uses in the immediate area and would instead contribute to the economic welfare of the area by providing more

expansive access to groceries and household items, as well as employment opportunities. The Project contributes to the variety of uses and services in the community.

28. **The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.** The Project is located within an existing building that has a design in keeping with the character of the other commercial structures in the area. The Project proposes no outward changes to the structure or design of the Project Site thus maintaining the physically consistent character of the building with its surroundings.
29. **The Hearing Officer finds that even though the proposed sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.** Correspondence with ABC indicated that three off-site sale licenses are allocated to the Census Tract and there are currently four off-site sale licenses in the Census Tract. Since the ratio of off-site retail sales licenses to population in the Census Tract exceeds the ratio of off-sale retail sales licenses to population in the County, there is an undue concentration of licenses in the Census Tract and the Hearing Officer must make a finding of public convenience or necessity. The Project Site is not located in a high crime area according to ABC. The Sheriff did not report an extensive history of calls for service to the Project Site and recommended that the Project be approved at the public hearing. The Project is sufficiently buffered from other establishments selling alcoholic beverages, with none being located within 500 feet. Sensitive uses including one park and one high school are located within 600 feet of the Project Site. These uses have been operating alongside the Project since 1999. The Project contributes to the variety of uses and services in the community, provides employment opportunities to the area, and improves the economic conditions in the area.

ENVIRONMENTAL FINDINGS

30. The Hearing Officer finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption). The Project consists of the continued sale of alcoholic beverages for off-site consumption as an accessory use to an existing grocery store within an existing building with no development or expansion beyond. The Project is not on a scenic highway or a hazardous waste site, is not known to contain historic resources, and will not have a significant or cumulative environmental impact.

ADMINISTRATIVE FINDINGS

31. **HEARING PROCEEDINGS.** A duly noticed public hearing was held for this Project at the March 6, 2023 Hearing Officer meeting. Staff presented the item and responded to the Hearing Officer's questions provided in her memo dated February 28, 2023. The applicant indicated that an updated site plan was being prepared to reflect changes to the floor plan and requested that the Project scope be amended to include the offering of on-site instructional tastings and extend the hours of alcohol sales. Staff indicated that they would review this request. The Hearing Officer then continued the hearing to June 6, 2023, to give the applicant time to submit updated documents and to give Staff time to review the request for on-site instructional tasting and extended alcohol sales.
32. **LEGAL NOTIFICATION.** The Hearing Officer finds that pursuant to County Code Section 22.222.120 (Public Hearing Procedure), the community was properly notified of the public hearing by mail and newspaper (*The Los Angeles Sentinel, La Opinion*). Additionally, the Project was noticed and case materials were available on LA County Planning's website. On January 26, 2023, a total of 90 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as four notices to those on the courtesy mailing list for the Willowbrook-Enterprise Zoned District and to any additional interested parties.
33. **LOCATION OF DOCUMENTS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at LA County Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Metro Development Services Section, LA County Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity, so as not to adversely affect said area.
- G. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- H. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood, so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.
- I. The proposed sale of alcohol would occur at a site within a high crime reporting district or in an area of undue concentration, pursuant to the California Alcoholic Beverage Control Act and the regulations adopted under that Act, or that the use selling alcoholic beverages for off-site consumption is proposed within a 500-foot radius of another use selling alcoholic beverages for off-site consumption, the sale of alcohol at the subject property contributes to the public convenience or necessity.

THEREFORE, THE HEARING OFFICER:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines section 15301 (Class 1, Existing Facilities categorical exemption); and
- 2. Approves **CONDITIONAL USE PERMIT NO. RPPL2020007231**, subject to the attached conditions.

ACTION DATE:

CS:SD

5/25/2023

c: Hearing Officer, Zoning Enforcement, Building and Safety

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

CONDITIONS OF APPROVAL
PROJECT NO. PRJ2020-002324-(2)
CONDITIONAL USE PERMIT ("CUP") NO. RPPL2020007231

PROJECT DESCRIPTION

The project is a CUP for the continued sale of a full line of alcoholic beverages for off-site consumption and on-site alcoholic beverage instructional tasting in conjunction with an existing grocery store subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("LA County Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 6, and until all required monies have been paid pursuant to Condition No. 9. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 3, 4, and 8 shall be effective immediately upon the date of final approval of this grant by the County.
3. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
4. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with LA County Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in LA County Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring

the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

5. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
6. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
7. **This grant shall terminate on June 6, 2033.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with LA County Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least twelve months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
8. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the off-site sale of alcohol and satisfaction of Condition No. 2 shall be considered use of this grant.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. No provision of any easement of any other encumbrance on the property shall exempt the permittee and/or property owner from compliance with these conditions and applicable regulations. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum **\$1,600.00**, which shall be placed in a performance fund and be used exclusively to reimburse LA County Planning for all expenses incurred while inspecting the premises to determine

the permittee's compliance with the conditions of this grant. The fund provides for eight (8) inspections. Inspections may be unannounced and may be conducted utilizing any available technologies, including, but not limited to, unmanned aircraft systems (UAS).

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse LA County Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost established by LA County Planning at the time any additional inspections are required, whichever is greater.

10. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.238 of the County Code.
11. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.
12. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
13. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of LA County Planning ("Director").
14. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
15. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by LA County Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 48 hours of such

notification, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

16. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **an electronic copy of a modified Exhibit "A" shall be submitted to LA County Planning by August 7, 2023.**
17. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **an electronic copy of** the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT-SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)

18. This grant shall authorize the continued sale of alcoholic beverages for off-site consumption with a Type 21 (Off-Sale General) State of California Department of Alcoholic Beverage Control ("ABC") license.
19. This grant authorizes the sale of alcoholic beverages from 7:00 a.m. to 10:00 p.m. seven days a week.
20. The Conditions of this grant shall always be retained on the premises and shall be immediately produced upon request of any County Sheriff, Zoning Enforcement inspector, or ABC agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein. Violation of the conditions herein may subject the use to the provisions of County Code Chapter 22.238 (Modifications and Revocations).
21. The shelf space devoted to alcoholic beverages shall be limited to five percent of the total shelf space, as depicted on the approved shelf plan labeled Exhibit "A;"
22. The permittee shall offer a minimum of three (3) varieties of fresh produce free from spoilage and two (2) whole grain items for sale on a continuous basis. For purposes of the condition, "fresh produce" shall be defined as any edible portion of a fresh fruit or vegetable, whether offered for sale whole or pre-sliced, and "whole grain items" shall be defined as any food from either:
 - a. A single ingredient product of the seed or fruits of various food plants, such as brown rice, whole oats, quinoa, or barley; or
 - b. A pre-packaged grain product, such as whole wheat bread or whole wheat crackers, in which the word "whole" appears first in the ingredients list of the product.

These products shall be displayed in high-visibility areas meeting one or more of the following criteria, as depicted on the approved floor and shelf plans labeled Exhibit "A:"

- a. Within ten feet of the front door;
 - b. Within five feet of a cash register;
 - c. At eye-level on a shelf or within a cooler, refrigerator, or freezer case;
 - d. On an end cap of an aisle; or
 - e. Within a display area dedicated to produce that is easily accessible to customers;
23. Loitering, including loitering by employees of the subject property, shall be prohibited on or within the immediate vicinity of the subject property, including adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way. Signage in compliance with County Code Chapter 22.114 (Signs) shall be placed on the exterior of the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary. If loitering occurs on a continuous basis, as determined by the County Sheriff, a security guard shall be required during business hours at the discretion of the Director.
24. All employees who directly serve or are in the practice of selling alcoholic beverages, including managers and security personnel, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control, or a similar program, such as STAR (Standardized Training for Alcohol Retailers) or another comparable State of California-certified program. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment, such as the lobby, indicated they have participated in this program. Proof of completion of the facility's training program by employees, the licensee, and all managers shall be provided to Zoning Enforcement within 90 days of the effective date of this Conditional Use Permit, and subsequently within 90 days of the hire date of all new employees and/or managers.
25. The permittee and all managers and employees shall not allow the sale of alcoholic beverages to any intoxicated person, any person appearing to be intoxicated, or any person exhibiting behaviors associated with being intoxicated.
26. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property, including windows, walls, fences or similar structures, or within any portion of the interior of any structure that is visible from the outside.
27. No publicly accessible telephones shall be maintained or permitted on the exterior of the premises. Any existing publicly accessible telephones shall be removed within 90 days of the effective date of this Conditional Use Permit.
28. Alcoholic beverages shall only be sold to patrons age 21 or older.

29. The permittee shall post the telephone numbers of local law enforcement agencies and shall post the telephone numbers of taxicab companies or a sign promoting ridesharing options, at or near the cashier or within a similar public service area. Such telephone numbers shall be visible by, and available to, the public.
30. The permittee shall provide adequate exterior lighting above all entrances and exits to the premises and in all public and private parking lots and walkways under control of the permittee or required as a condition of this grant. All exterior lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed to direct light and glare only onto the premises. All exterior lighting by this grant shall also be hooded and directed away from any neighboring residences to prevent direct illumination and glare, shall comply with County Code Chapter 22.80 (Rural Outdoor Lighting District) if applicable, and shall be turned off within thirty minutes after conclusion of activities, except for sensor-activated security lights and/or low level lighting along all pedestrian walkways leading to and from public and private parking lots.
31. A numbering address sign, in compliance with County Code Chapter 22.114 (Signs), shall be located at the front of the building in a location clearly visible from the property grounds and the nearest public street to the satisfaction of the Director.
32. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
33. The premises, including exterior facades, adjacent public and private parking lots, fences, and adjacent sidewalks, alleys, and other public rights-of-way, shall be maintained in a neat and orderly condition and be free of garbage, trash, debris, or junk and salvage, except in designated trash collection containers and enclosures. All garbage, trash, debris, or junk and salvage shall be collected, and disposed of, daily.
34. The permittee shall maintain active and functional surveillance recording equipment which captures video recordings of adjacent public and private parking lots, public sidewalks, alleys, and other public rights-of-way on a continuous loop. Recordings shall be retained for a minimum of 30 days and shall be immediately produced upon request of any County Sheriff or Zoning Enforcement Inspector.
35. Alcoholic beverages shall not be sold from a drive-in or drive-through window.
36. The permittee shall comply with the noise control provisions of Chapter 12.08 (Noise Ordinance) in Title 12 of the County Code.
37. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.
38. Alcoholic beverages shall not be sold from a drive-in or drive-through window.

39. Malt beverages (e.g. beer, ale, stout, and malt liquors) shall not be sold in a single bottle or container less than 16 ounces or greater than 750 milliliters or 25.4 ounces. The permittee shall post signs on the coolers and cashier station stating that the selling of single bottles or containers of malt beverages (e.g. beer, ale, stout, and malt liquors) less than 16 ounces or greater than 750 milliliters or 25.4 ounces is prohibited. Notwithstanding this condition, malt beverages (e.g. beer, ale, stout, and malt liquors) in single bottles or containers less than 16 ounces or greater than 750 milliliters or 25.4 ounces may be sold in manufacturer pre-packaged multi-unit quantities, such as a six-pack of 12-ounce bottles or containers or a three-pack of 24-ounce bottles or containers.
40. There shall be no wine, except for wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.
41. Alcoholic beverages shall not be displayed in an ice tub.
42. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the floor plan and shelf plans labeled Exhibit "A." No additional display of alcoholic beverages shall be provided elsewhere on the premises.
43. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, except for official State Lottery machines.

PROJECT SITE-SPECIFIC CONDITIONS

44. On-site alcoholic beverage instructional tasting shall be limited to Saturdays and Sundays between the hours of 11 a.m. and 9 p.m.
45. A Type 86 ABC License shall be maintained in good standing during all instructional tasting events. A copy of this license shall be kept on the premises and be made available to LA County Planning Staff when requested.
46. All regulations of the State of California prohibiting the sale and/or service of alcoholic beverages to minors shall be strictly enforced.
47. All tasting events shall be held within the designated area on the approved Exhibit "A."
48. No furniture shall be placed within the designated on-site instructional tasting area, except for one demonstration cart or stand.
49. Samples shall be limited to one ounce in size for wine, and one quarter ounce for distilled spirits, with a total of three samples allowed per customer per day. Samples

of beer shall be limited to three samples amounting to eight ounces in total allowed per customer per day.

50. All servers of alcoholic beverages must be at least 18 years of age.
51. The placement of portable signs on sidewalks adjacent to the premise and temporary signs on walls, poles, and/or windows are prohibited.