

## SUPPLEMENTAL MEMO TO THE HEARING OFFICER

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**DATE ISSUED:** June 1, 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

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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. Staff received the Hearing Officer's memo with seven questions dated May 31, 2023, and is providing the following responses.

The first question asks to clarify the calculations used to determine the percentage of shelf space allocated to alcoholic beverages. Staff has asked the applicant for this information and expects to receive it prior to the hearing date.

The second question asks why the Project does not need a Parking Permit. Staff's memo dated March 2, 2023, stated that the grocery store on the Project Site was initially authorized by Plot Plan No. 34429 in 1989. However, upon further research, Staff found this to be inaccurate. Plot Plan No. 33429 authorized the construction of the grocery store in 1987 with its current amount of 33 parking spaces. At that time, the parking requirement for a grocery store was one parking space per 400 square feet, which would result in a minimum requirement of 30 parking spaces. The parking requirement for a grocery store was subsequently changed on October 16, 1988, to one parking space per 250 square feet. Therefore, the grocery store is legally nonconforming with respect to parking requirements and a Parking Permit is not required.

Question three asks why the conditions require eight inspections during a 10-year grant term. This is an oversight. The typical recommendation is to require an inspection every other year during the CUP's grant term. Staff has updated the condition to require five inspections.

Question four asks how instructional tastings would be consistent with the General Plan. The Project Site's General Plan land use designation is CG (General Commercial), which is intended for local-serving commercial uses, including retail, restaurants, and personal and professional services, such as grocery stores. Instructional tasting would add an accessory service to the grocery store, providing customers with an innovative way of learning about the alcoholic beverages that are sold for off-site consumption in a manner that is consistent with the CG land use designation.

Question five asks what the temporary barriers that separate the instructional tasting area from the remainder of the grocery store would look like. The applicant provided an updated Site Plan on May 31, 2023, which includes an example of these temporary barriers.

Question six asks how individuals conducting the instructional tastings can be conditioned to prohibit serving alcoholic beverages to individuals who are or appear to be intoxicated. Condition 25 has been updated to make it clear that serving alcoholic beverages through instructional tastings is included in that prohibition in addition to the sale of alcoholic beverages for off-site consumption.

Question seven asks to identify alternative locations for the instructional tasting area. The updated Site Plan provided by the applicant on May 31, 2023, identifies two optional areas for the instructional tasting.

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

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

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Attached: Updated Site Plan provided by applicant on May 31, 2023  
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	
<b>TOTAL</b>	<b>74</b>	<b>38</b>	<b>38</b>	<b>399</b>	<b>399</b>	<b>100%</b>


$$\frac{\text{Total Alcohol Sales Area sf}}{\text{Sales Area sf}} = \frac{162 \text{ sf}}{10,638 \text{ sf}} = 0.01523 = \mathbf{1.52\%}$$

REFRIGERATED BEER/WINE	0 L.F.
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34IFFP (COMPTON)

600 CITADEL Drive • Commerce, CA 90040 • (323) 889-7500

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 **\$1,000.00**, 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 five (5) 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, employees, servers, and representatives shall not allow the sale and/or service 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.