

## SUPPLEMENTAL MEMO TO THE HEARING OFFICER

DATE ISSUED: June 5, 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

CASE PLANNER:

PROJECT LOCATION: 1125 East El Segundo Boulevard, West Rancho

Dominguez

OWNER: Smart & Final Stores LLC APPLICANT: Smart & Final Stores LLC

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.

Sean Donnelly, Planner

## Request for Change in Minimum Wine Container Size

Staff received a request from the applicant to modify draft Condition 40, which requires that all wine be sold in containers which are a minimum of 750 milliliters in size. The applicant's request is to modify this condition to reduce this minimum container size to 350 milliliters, and to allow the sale of smaller containers in manufacturer pre-packaged multi-unit quantities. The applicant attached a copy of the ABC conditions that apply to their license. ABC Condition 3 allows the sale of wine coolers in manufacturer pre-packaged, multi-unit quantities.

Draft Condition 40 is currently a standard condition that is generally applied to CUPs for the sale of alcoholic beverages for off-site consumption that are reviewed by LA County Planning Staff ("Staff"). In addition, Condition 17-m of CUP 200900123, which previously allowed the sale of alcoholic beverages for off-site consumption, had similar language regarding the minimum wine container size. Therefore, Staff recommends keeping the current language for draft Condition 40.

PAGE 2 OF 2

# Request for Change in Alcoholic Beverage Sales Hours

Staff also received the following correspondence from the applicant in support of their request to extend the hours during which alcoholic beverages may be sold from 7 a.m. to 10 p.m. to 6 a.m. to 10 p.m.

- Copy of email correspondence dated March 29, 2023, and March 30, 2023, between ABC Licensing Representative Jonica Hughley, and Dee Ann Anderson, Senior Legal Analyst at Smart & Final.
- ABC conditions dated April 6, 2023, reflecting the requested extended hours of 6 a.m. to 10 p.m. This is the same set of ABC conditions which was attached to the above request to modify draft Condition 40.
- Letters of support dated between May 31, 2023, and June 1, 2023.

Report

Reviewed By:

Carmen Sainz

Carmen Sainz, Supervising Regional Planner

Report

Approved By:

Mitch Glaser, Assistant Administrator

Attached: Request from applicant to alter Condition 40

ABC conditions dated April 6, 2023

Copy of email correspondence between ABC, and Smart and Final dated

March 29, 2023 and March 30, 2023

Letters of support dated between May 31, 2023 and June 1, 2023.

#### Re: Smart and Final 1125 El Segundo

#### Maria Impala <maria@aralicenses.com>

Wed 5/31/2023 4:45 PM

To:Sean Donnelly <SDonnelly@planning.lacounty.gov>

Cc:Carmen Sainz <csainz@planning.lacounty.gov>;Angelyn Mendoza <angelyn@aralicenses.com>;Kim Ngoc Le <kim@aralicenses.com>;Peter Impala <peter@aralicenses.com>

#### CAUTION: External Email. Proceed Responsibly.

Hi Sean,

Just a quick update, S & F confirmed they are fine with condition 39 as written so no need to spend time on that so it's just the wine condition, number 40 (corrected condition number).

Thank you, Maria

# Maria Impala Rodriguez, President ARA Liquor License Consultants ART RODRIGUEZ ASSOCIATES

444 E. Huntington Dr. Ste 208 Arcadia, CA 91006 P: 626-683-9777 E: maria@aralicenses.com

#### www.aralicenses.com

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From: Maria Impala <maria@aralicenses.com> Date: Wednesday, May 31, 2023 at 3:22 PM

To: Sean Donnelly <SDonnelly@planning.lacounty.gov>

Cc: Carmen Sainz <csainz@planning.lacounty.gov>, Angelyn Mendoza <angelyn@aralicenses.com>, Kim Ngoc Le <kim@aralicenses.com>, Peter Impala

<peter@aralicenses.com>

Subject: Re: Smart and Final 1125 El Segundo

Hi Sean,

It was good talking to you this morning as well and I very much appreciate your guidance on the hearing protocol for our presentation.

I have Smart & Final working on the Hearing Officer information request for items 1, 5 and 7 and I'll have it to you by tomorrow. It would be great if we can take care of her questions prior to the hearing.

I spoke with them about conditions 39 and 40 and they are checking with their buyer on the volume/ounces of craft beers they sell but they want to confirm that condition 39 does allow for the sale of 16 oz singles?

For condition number 30 regarding wine, they would like to know the following: Can the wine restriction to be limited 350 mls, with the exception of wine in containers less than than 350 mls to be sold in manufactures multi unit packs? The rest of the wording regarding miniatures and wine coolers is fine.

I've attached a copy of the ABC conditions as condition number 3 also has some language regarding pre-packaged, multi-unit quantities.

With regard to the hearing officer's question about shelf space, the 1.52% is based on square footage. The linear shelf calculation is just for the alcohol department, so we don't have that calculation readily available but I'm sure they are way under 5%. Per the SAAFE ordinance, isn't the 5% shelf space restriction and calculation only required when the business is "located within 500 feet of another business offering off-site alcohol sales"? According to the radius package this store is the only off-site use within 500 feet. Please let me know.

Thank you, Maria

Maria Impala Rodriguez, President
ARA Liquor License Consultants
ART RODRIGUEZ ASSOCIATES

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From: Sean Donnelly <SDonnelly@planning.lacounty.gov>

**Date:** Wednesday, May 31, 2023 at 1:40 PM

# BEFORE THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF

SMART & FINAL STORES LLC	}	FILE 21-456538
SMART & FINAL 341	}	
1125 E EL SEGUNDO BLVD, LOS ANGELES, CA	}	REG.
90059-3101	}	
	}	
	}	
	}	
	}	PETITION FOR CONDITIONAL
	}	LICENSE

For Issuance of an Off-Sale General - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision C of Section 23958.4, than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned high crime, grounds exist for denial of the applied-for license(s); and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s), and

WHEREAS, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the proposed premises are located within 600 feet from Centennial High School and Earvin "Magic" Johnson Park and Recreational area; and,

WHEREAS, issuance of an unrestricted license without the below-described conditions may interfere with the public-use of the above mentioned consideration points; and,

WHEREAS, the County of Los Angeles, on approved a Conditional Use Permit Number 99-058-(2), limiting the petitioner's licensed operation; and,

Initials

ABC-172 (5/94)

WHEREAS, protest(s) has/have been filed against the issuance of the applied-for premises; and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

- Sales and service of alcoholic beverages shall be permitted only between the hours of 6:00 AM and 10:00 PM each day of the week.
- There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- Wine-coolers, beer-coolers, or pre-mixed distilled spirit cocktails (if allowed by the licensee) must be sold in manufacturer pre-packaged multi-unit quantities.
- 4 No wine shall be sold with an alcohol content of greater than 15% by volume except for "Dinner Wines" which have been aged two years or more and maintained in corked bottles.
- No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the ABC-257 dated 09-20-99 and ABC-253 dated 09-20-99.
- The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of persons on or about the parking lot.

  Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
- 7 The petitioners shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control as depicted on the ABC-257 dated 09-20-99 and ABC-253 dated 09-20-99.
- 8 There shall be no coin operated games or video machines maintained upon the premises at any time.
- 9 There shall be no cups, glasses, or similar receptacles commonly used for drinking of beverages, sold, furnished, or given away at the petitioner's premises in quantities of less than twenty-four in their original multi-container package.
- 10 Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-253 dated 09-20-99
- 11 The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around these premises as depicted on the ABC-253 dated 09-20-99.
- 12 The licensee shall keep the property, adjacent to the licensed premises and under the control of the licensee(s) as depicted on the ABC-253 dated 09-20-99, clear of newspaper racks, benches, pay telephone, bicycle racks and other objects which may encourage loitering.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 6th	DAY OFA	pril , 20 23
		Mullal
Applicant/Petitioner	*	Applicant/Petitioner
		RICHARD N. PHEGLEY

Executive Vice President

Subject: FW: #341 1125 E. El Segundo Bl., Los Angeles 90059 Lic# 21-456538 ABC Modification Request

Date: Wednesday, May 31, 2023 at 5:59:29 PM Pacific Daylight Time

From: Maria Impala

From: Hughley, Jonica@ABC

Sent: Thursday, March 30, 2023 6:02 PM

To: Dee Ann Anderson < deeann.anderson@smartandfinal.com >

Subject: RE: #341 1125 E. El Segundo Bl., Los Angeles 90059 Lic# 21-456538 ABC Modification

Request

Hello Dee Ann,

I called to follow-up with the condition modification request. The Sgt. Informed me that he will give me the decision by end of day tomorrow 03/31. Please be advised that our office is closed Friday, 03/31 in observance of Cesar Chavez Day and I will be out of the office on Monday, 04/03/2023. I will be sure to update you on Tuesday 04/04 before end of day (5:00 PM).

Best, JH

From: Dee Ann Anderson <a href="mailto:deeann.anderson@smartandfinal.com">deeann.anderson@smartandfinal.com</a>

Sent: Wednesday, March 29, 2023 8:07 AM

To: Hughley, Jonica@ABC < Jonica. Hughley@abc.ca.gov >

Subject: RE: #341 1125 E. El Segundo Bl., Los Angeles 90059 Lic# 21-456538 ABC Modification

Request

CAUTION: External Email. Do not click on links or attachments unless you recognize the sender and know the content is safe.

Hi Jonica, just following up with our conversation last week wherein you advised that you have now spoken with the right person at the Sheriff's Dept regarding our modification request. Just wondering if there is any more information or if you know when they will be getting back to you?

Thank you.

RE: Smart & Final - RPAP2020006579 Hearing Date: 6/6/2023

Dear Mr. Donnelly and Hearing Officer,

I understand that Smart & Final is in process of renewing their Conditional Use Permit with LA County Planning to continue the sale of alcoholic beverages at the store located at 1125 E El Segundo Blvd. I also understand that they have requested hours of alcoholic beverage sales to be the same as the store's operating hours from 6AM to 10PM.

This grocery store has been responsibly serving our community for over 30 years and I am in complete support of their application, including the request for their alcoholic beverage department to be open during all store hours. One stop shopping is an important and expected convenience in a full-service grocery store.

As a regular customer of this Smart & Final store, I encourage the Hearing Officer to approve Smart & Final's request and allow shoppers the convenience of purchasing alcoholic beverages when they do their morning shopping and during all operating hours.

Sincerely

Signature

Print name

Address

Address

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Tulianappones @) ginail. co.

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MM.ALLEN 997 DBMA. L.COV Email address or phone number

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May My Lan

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Marsha Green

Address

Address 907-

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Sincerely,

Alexes Castellor

Print name

Address

Address

Email address or phone number

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