

ATTACHMENT F

**November 17, 2020 Staff Report & Resolution
2020-103 CC (PCN)**

RESOLUTION CC 2020-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DETERMINING THAT PUBLIC CONVENIENCE OR NECESSITY IS SERVED BY ISSUANCE OF AN OFF-SALE BEER AND WINE (TYPE 20) LICENSE AT 562 WEST ARROW HIGHWAY (7-ELEVEN CONVENIENCE STORE)

WHEREAS, on September 2, 2020, the City received an initial request from Michael Pauls, Applicant, seeking a conditional use permit, CUP 20-015 (CUP), in order to sell beer and wine for off-site consumption (off-sale liquor) at a proposed 7-Eleven convenience store located at 562 W. Arrow Highway, California 91722; and

WHEREAS, California Business and Professions Code (“B&P” Code”) Section 23958 provides that the California Department of Alcoholic Beverage Control (“ABC”) shall deny an application for a license if issuance of that license would result in or add to an undue concentration of licenses, except as provided in B&P Code Section 23958.4; and

WHEREAS, B&P Code Section 23958.4 allows the ABC to issue a license if the city in which the license would be issued determines that public convenience or necessity would be served by permit issuance; and

WHEREAS, the Property falls within seven hundred (700) feet, measured as a pedestrian travels, from a place used exclusively for school use and for residential purposes; and

WHEREAS, the Property also falls within seven hundred (700) feet, measured as a pedestrian travel, from the property lines of two other existing off-sale liquor uses; and

WHEREAS, where a proposed new off-sale liquor use falls within the "700-foot rule" identified above, Covina Municipal Code, Section 17.62.026(B)(3) requires that the Planning Commission make four additional findings of local “public convenience and necessity” (City PCN), demonstrating that the proposed off-sale liquor use will serve the community, will be limited in scope, and will not adversely affect the community; and

WHEREAS, on October 27, 2020, the Planning Commission conducted a duly noticed public hearing at which time parties were afforded the opportunity to present oral and written evidence to the Planning Commission and rebut the oral and written evidence presented. At this meeting the Planning Commission voted 5-0 endorsing the issuance of the PCN, recommending the City Council adopt a resolution affirming the determination.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated herein and made an operative part of this Resolution.

SECTION 2. Findings. The Covina City Council finds and determines, based on the information made available at the November 17, 2020 public hearing, the staff report and related

documents submitted to the Planning Commission prior to and at the October 27, 2020 hearing, the oral presentation of City staff, public testimony, and all other written and oral evidence presented to the Planning Commission at or prior to the public hearing, that:

- (a) The Planning Commission considered a variety of factors derived from case law in making the PCN determination. These factors include the character of the premises, the aesthetics and ambience of the proposed business, the attractiveness of the proposed business, the manner in which the business is to be conducted or unique features, the types of guests likely to be patrons, the predicted mode of operation, and the convenience of purchasing alcohol in conjunction with specialty food sales or service.
- (b) Based upon the review of information submitted by the Applicant, review of the plans for the business, site reconnaissance, the administrative record and consultation with City Staff (including the Planning and Police Departments), the Planning Commission concluded that the requirements for an Off-Sale General (Type 21) License and considerations for a PCN have been met based upon, but not limited to, the following findings:

Off-Sale Establishments (Beer, Wine, and Liquor):

1. ***The public convenience and necessity for the proposed use outweigh the distance restrictions of subsection (B)(2)(b) of this section, upon additional findings that: (A) The immediate neighborhood requires and needs such services; and (B) Not greater than five percent of the sales floor area or 1,000 square feet, whichever is less, shall be used for the display or sale of alcoholic beverages;***

Fact: There are currently two existing businesses that sell alcoholic beverages for off-site consumption and that lie within 700 feet, measured as a pedestrian travel, of the proposed 7-Eleven convenience store. The sale of beer and wine would be a reasonable component of 7-Eleven business. Further, Staff believes many of 7-Eleven's customers would reside in the immediate neighborhood and essentially need the availability of beer and wine at the store to save time (relative to avoiding having to patronize other businesses) and considering that the total sales area of the 7-Eleven would be 1,887 square feet, the 28-square foot area in which the beer and wine would be displayed would be considerably below the maximum permitted display or sales area for alcohol-related products. ***Therefore, as proposed, this criterion has been met.***

2. ***The exterior appearance of the structure of the proposed use 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 or deterioration, or substantially diminish or impair the property values within the neighborhood;***

Fact: The exterior design is an important consideration. The applicant proposed to modernize the exterior of the building reflecting the 7-Eleven branding. The interior and exterior improvements, and site upgrades

together with the conditions of approval will enhance the site appearance and contribute to the character of the neighborhood. ***Therefore, as proposed this criterion has been met.***

3. *The immediate neighborhood requires and needs such services;*

Fact: There are two existing businesses that sell alcoholic beverages for off-site consumption that lie within 700 feet of the immediate neighborhood. The addition of the proposed off-sale Type 20 license within a convenience store with 28 square foot display area will not create undue overconcentration. The determination of public convenience for the business will provide needed services to the immediate neighborhood. Furthermore, the repurposing of the existing vacant building will contribute to the City's economic development. ***Therefore, as proposed this criterion has been met.***

SECTION 3. Action. In consideration of the findings stated above, the Covina City Council hereby takes the following actions:

- (a) The PCN endorsement is issued.
- (b) The City Clerk of the City Council is directed to serve, by first class mail, a written notice of this decision to the Applicant within five (5) days.


SECTION 4. CEQA. The City has determined that the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines. The project qualified as a Class 1 exemption under State CEQA Guidelines Section 15301(a), which covers the permitting and minor alterations of existing structures that involve negligible or no expansion of use beyond that existing at the time of the lead agency's original determination. The project would consist of beer and wine sales at a proposed convenience store in a tenant space of 2,700 square feet. Staff finds that there is no substantial evidence that the project will have a significant effect on the environment. The City Council hereby authorizes and directs staff to file a Notice of Exemption with the Clerk of the Board of Supervisors of the County of Los Angeles, California, within five (5) working days following the date of adoption of this Resolution.

SECTION 5. Effective Date. This resolution shall become effective immediately upon its adoption.

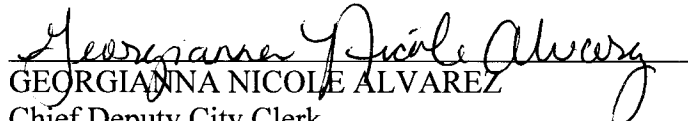
SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

APPROVED and PASSED this 17th day of November, 2020.

City of Covina, California

BY: 
VICTOR LINARES, Mayor

ATTEST:


GEORGIANNA NICOLE ALVAREZ
Chief Deputy City Clerk

CERTIFICATION

I, Georgianna Nicole Alvarez, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution CC 2020-103 was duly adopted by the City Council of the City of Covina at a regular meeting held on the 17th day of November, 2020, by the following vote:

AYES: COUNCIL MEMBERS: ALLEN, CORTEZ, KING, MARQUEZ, LINARES
NOES: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE

Dated: November 18, 2020


GEORGIANNA NICOLE ALVAREZ
Chief Deputy City Clerk