

PLANNING DEPARTMENT STAFF REPORT

Planning Commission Regular Meeting

2.

Meeting Date: August 13, 2024

Prepared By: Moises Lomeli, Planning Intern

SUBJECT

CONDITIONAL USE PERMIT NO. 24-04

CATEGORICAL EXEMPTION

APPLICANT: Valeria Salampessy

LOCATION: 1333 W. Merced Avenue

REQUEST: The applicant is requesting a Conditional Use Permit (CUP) to allow the sales of beer and wine (Type 20 Off-Sale) for off-site consumption within an existing 1,453 square foot convenience store at a service station, known as Arco, located in the "Neighborhood Commercial Mixed Use " (NMU) Zone.

BACKGROUND

The subject property is located within the Neighborhood Commercial Mixed Use Zone, on the east corner of West Merced Avenue and South Sunset Avenue intersection.

ITEM	DESCRIPTION
Zoning & General Plan	Zoning: Neighborhood Commercial Mixed Use (NMU) General Plan: Commercial (C)
Surrounding Land Uses & Zoning	North: Neighborhood Commercial Mixed Use (NMU), Specific Plan (SP-1) East: Neighborhood Commercial Mixed Use (NMU), Residential Single Family (R-1) South: Office Professional Mixed Use (OPMU), Neighborhood Commercial Mixed Use (NMU) West: Neighborhood Commercial Mixed Use (NMU), Office Professional Mixed Use (OPMU)
Current Development	Service Station and Convenience Store
Legal Notice	Legal Notice was given at least ten (10) days prior to the public hearing date.

DISCUSSION

The applicant is requesting the approval of a CUP to allow the sale of beer and wine (Type 20) for off-site consumption within an existing 1,453 square foot convenience store operating as an incidental use to a service station. The West Covina Municipal Code (WCMC) allows for the sale of beer and wine with the approval of a CUP. The sale of distilled spirits is not allowed.

BUSINESS OPERATION

The WCMC allows for a maximum of ten (10) percent of the retail floor area for the display and sale of alcohol. The existing convenience store has a retail sales floor area of 763 square feet. The proposed use will occupy 26 square feet, which is 50 square feet less than the permitted 76 square feet. Three (3) reach-in coolers will be equal to 20 square feet in floor area: One (1) of the reach-in coolers will be dedicated to wine, one (1) will be dedicated to beer, and one (1) will be dedicated to both beer and wine. The remaining six (6) square feet will be bulk display.

The convenience store will operate twenty-four (24) hours a day, seven (7) days a week. Alcohol sales will be limited between

the hours of 6:00 am to 2:00 am, as permitted by the California Department of Alcoholic Beverage Control (ABC). The convenience store will have six (6) employees, as indicated in the Business Operation Plan (Attachment No. 2). All employees processing alcohol sales will be responsible for verifying a customer's age using an identification card reader. The identification card reader is required to determine the authenticity of the identification that displays the age of the customer.

To address any safety concerns, the business will be required to have a Closed Circuit Television (CCTV) surveillance system installed prior to the issuance of the alcohol license and prior to the sale of any alcohol products, that views and records all areas within the interior of the store sales floor, as well as the exterior of the service station, including all points of ingress and egress to the subject site. A Flock Safety Camera with license plate recognition that is integrated with the Police Department's system shall also be installed prior to the issuance of the alcohol license and prior to the sale of any alcohol products, at every vehicle entry/exit point for the subject site.

CENSUS TRACT ANALYSIS

The subject property is located in Census Tract No. 4067.02 of Los Angeles County. Per ABC, based on the population ratio within the County and the Census Tract, the subject property is located in an area of undue concentration for alcohol licenses. The Census Tract allows for four (4) off-sale licenses. Currently, there are five (5) active off-sale licenses. The off-sale licenses are issued to neighboring commercial uses: Vons, CVS, HK2, 7-Eleven, and Jerry's House of Spirits.

There is an existing Chevron service station located across the subject property at 1209 S. Sunset Avenue. However, it is located within a different Census Tract (No. 4068.01), so this use was not included in the active ABC license count for the subject site's census tract. This service station was approved for a CUP by the Planning Commission on February 13, 2024.

If the proposed use is located in an area where there is an over-concentration of alcoholic beverage licenses, or the crime rate in the area is 20% or more above the average within a given crime reporting district (only one of these circumstances needs to exist), ABC is required to deny the alcohol license application. Exceptions to this legislation can be made if public convenience or necessity can be established. Public Convenience or Necessity (PCN) is determined by the local governing body of the jurisdiction in which the premises lie. PCN is a discretionary action that would be decided by the Planning Commission as part of the CUP review after considering the location, need, and surrounding land uses.

The City does not have mandatory findings related to a PCN. In order to support an additional license, the Commission should consider the fact that the proposed use is within the Neighborhood Commercial Mixed Use (NMCU) zone that provides services to nearby residential areas. The City's General Plan encourages diversity of uses within this zone, including grocery stores, markets, specialty stores, restaurants, and gasoline stations, as long as it provides adequate physical and safety measures to prevent negative impacts on adjacent properties. This diversity of uses should be allowed as long as they do not adversely impact existing residential uses, or conflict with other General Plan goals and objectives.

There are no concerns from the West Covina Police Department (WCPD) regarding the proposed use. Although the Census Tract has an over-concentration of licenses, the proposed use will provide for public convenience. The Arco convenience store would offer the same convenience for purchasing alcohol as other retailers in the area. Alcohol would be a small percentage of the service station's overall sales; allowing such sales decreases the need and reduces vehicular trips that require customers to go to a separate store. There is no evidence that the proposed use will be detrimental to public health, safety, or general welfare when operating under the conditions indicated in the draft resolution. As such, staff feels that the finding of public convenience or necessity could be made.

PARKING

The WCMC requires one (1) parking space for every two hundred fifty (250) square feet of floor area for retail use. The required number of parking spaces for the subject site is six (6) parking spaces. The subject site will provide six (6) parking spaces, meeting the minimum number of required parking spaces. The applicant and/or business operator shall work with staff to address any parking issues. In the event where issues remain unresolved, the Planning Commission shall review the CUP for the use and may, at its discretion, modify or impose new conditions.

REQUIRED FINDINGS

The findings necessary for the approval of a Conditional Use Permit are as follows:

a. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.

The proposed use is consistent with the Neighborhood Commercial Mixed Use (NMU) Zone. The NMU Zone is composed primarily of retail and service commercial uses, which by their nature are of moderate intensity; are necessary in order to provide convenient daily shopping facilities for residential home and apartment dwellers; and are generally adjacent to, or within close proximity to residential zoning or development. The proposed use is the sale of beer and wine (Type 20) for off-site consumption within an existing 1,453 square foot convenience store. The Arco convenience store would offer the same convenience for purchasing alcohol as other retailers in the area. Alcohol would be a small percentage of the service station's overall sales; allowing such sales decreases the need and reduces vehicular trips that require customers to go to a separate store.

b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The proposed use is the sale of beer and wine (Type 20) for off-site consumption within an existing 1,453 square foot convenience store. The convenience store is open twenty-four (24) hours a day, seven (7) days a week. However, alcohol sales will be limited between the hours of 6:00am to 2:00am. There are no concerns from the West Covina Police Department (WCPD) regarding the proposed use, as there is no evidence that the proposed use will be detrimental to public health, safety, or general welfare when operating under the conditions indicated in the resolution.

c. That the site for the proposed use is adequate in size and is so shaped as to accommodate said use, as well as all yards, spaces, walls, fences, parking, loading, landscaping, and any other features necessary to adjust said use to the land and uses in the neighborhood and make it compatible therewith.

The existing building and site are adequate in size and are properly designed to accommodate all existing uses. The service station and accessory convenience store are long-standing facilities and uses that have provided sufficient parking on site for a number of years. There is no evidence that the addition of alcohol sales within the accessory convenience store will increase the current parking demand.

d. That the site abuts streets and highways adequate in width and improvements to carry traffic generations typical of the proposed use and that street patterns of such a nature exist as to guarantee that such generations will not be channeled through residential areas on local residential streets.

The subject property abuts West Merced Avenue and South Sunset Avenue and can be accessed by either street. The service station and accessory convenience store are long-standing facilities and uses. There is no evidence that the addition of alcohol sales within the accessory convenience store will generate a substantial amount of vehicular traffic, nor alter the present circulation patterns.

e. That the granting of such Conditional Use Permit will not adversely affect the general plan of the city, or any other adopted plan of the City.

Granting the CUP for the proposed use of sale of beer and wine will not compromise the character of the surrounding neighborhood nor be detrimental to the surrounding land uses. Allowing the proposed use is consistent with the policies and actions of the General Plan. The proposed use is consistent with Policy 2.1: Maintain and enhance the City's current tax base.

GENERAL PLAN CONSISTENCY

The proposed use is consistent with the following policy of the General Plan:

- Policy 2.1: Maintain and enhance the City's current tax base.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is considered to be categorically exempt, pursuant to Section 15301 (Class 1, Existing Facilities) in that it consists of minor alterations of the existing structure in order to operate the requested use.

STAFF RECOMMENDATIONS

Planning Staff recommends that the Planning Commission adopt Resolution No. 24-6150 approving Conditional Use Permit No. 24-04.

LARGE ATTACHMENTS

Plans may be viewed at the West Covina City Hall Planning Division Counter at 1444 W. Garvey Avenue South, 2nd Floor - Room 208, West Covina CA, 91790.

Submitted by: Moises Lomeli, Planning Intern

Attachments

Attachment No. 1 - Resolution of Approval

Attachment No. 2 - Business Operation Plan
