



STAFF REPORT
7/14/2021

TO: Honorable Mayor and City Council Members

FROM: Gabriel Perez, Assistant Community Development Director

SUBJECT: Paradise Liquor – Alcohol Sales Request

SPECIFICS: Adopt resolution to deny Conditional Use Permit No. 338 a request for liquor sales as part of a proposed 2,500 square foot convenience store (ABC Type 21, Off-Sale General) in an existing commercial building located at 50-223 Cesar Chavez Street, Suite “B” in the C-G (General Commercial) zone. Paradise Liquor, Inc. (Applicant)

STAFF RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 2021-48 denying Conditional Use permit (CUP) No. 338, a request to allow a liquor sales license (Type 21, Off-Sale, General) at “Paradise Liquor” located at 50-223 Cesar Chavez Street, Suite “B” pursuant to the findings attached resolution.

BACKGROUND:

The applicant, Paradise Liquor, Inc. requests a Conditional Use Permit to allow the off-sale of liquor (beer, wine and spirits) in conjunction with a new 2,500 square foot convenience grocery market. At the regular Planning Commission meeting of June 2, 2021, the Commission voted to deny CUP 338 and on June 16, 2021, the Planning Commission approved a resolution to deny CUP 3438.

DISCUSSION/ANALYSIS:

The applicant, Paradise Liquor, Inc. has submitted a request for CUP 338 to allow the off-sale of liquor (beer, wine and spirits) in conjunction with a new 2,500 square foot convenience grocery market. The owner has stated that this will allow local residents to have “grab and go” capabilities without having to go to the larger markets for their grocery items (i.e., Cardenas, 99 Cents Store, Smart & Final, etc.). As such, they envision that the store will serve the neighborhood commercial use of the immediate neighborhoods to the east and west of the property.

The zoning designation of the commercial center where the store is proposed is within the C-G (General Commercial) and allows retail sales and grocery stores by right. Several years ago the City adopted an ordinance requiring a conditional use permit for any off-sale alcohol sales

establishment, with additional land use regulations contained in Section 17.74.015 of the Zoning Code. The additional land use regulations state as follows:

Section 17.74.015C-2

- a. The establishment does not fall within seven hundred (700) feet, measured from property line to property line, of a use for religious worship, school (public or private), park, playground, residential or any similar sensitive use; and*
- b. The establishment does not fall within seven hundred (700) feet, measured from property line to property line, of an existing liquor, off-sale use.*

The proposed liquor sales store is located within 200 feet away from the playground located on the west side of the parking lot, and within 700 feet away from other residential uses on the east side of Cesar Chavez Street. Currently, there is one off-sale alcohol license within 700 feet located at the “99 Cent Store” at 50-249 Cesar Chavez Street, Suite J.

Section 17.74.015C of the Zoning Code allows the City to allow off-sale liquor establishments (liquor stores) that are less than 700 feet from playgrounds, residential property, and other liquor stores, provided the following additional findings are made:

- i. The planning commission may find that the public benefit outweighs the distance restrictions of subsections (a) and/or (b) above, upon additional findings that:
 - (A) The establishment provides a substantial benefit to the immediate neighborhood not provided by another existing establishment within the restricted distance; and*
 - (B) Not greater than five percent of the sales floor area or one thousand (1,000) square feet, whichever is less, shall be used for the display or sale of alcoholic beverages;**
- c. That the requested establishment at the proposed location will not adversely affect the economic welfare of the nearby community; and*
- d. That the exterior appearance of the structure of the proposed establishment 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.*

Proposed Floor Plan:

The floor plan shows a large walk-in cooler along the long side of the tenant space (Attachment 6). The owner has stated that a variety of non-alcoholic beverages and food items will be displayed for sale, in addition to alcoholic beverages, in the coolers. Additionally, there will be several gondolas in the open sales area of the store to display packaged foods, canned food items, dry goods, and similar convenience store items.

In order to allow the proposed liquor sales within 700 feet of the existing playground, residential uses, and 99-Cent Store off-sale alcohol establishment, the above special findings shall be made, in addition to the normal CUP findings of fact. At the Planning Commission meeting of June 2, 2021, Commissioners stated that they were unable to support the project as they could not make the special findings.

Hours of Operation:

The applicant has not indicated specific hours of operation for the convenience store. The City Municipal Code does not legislate any hour of operation restrictions. However, staff is concerned that the late evening hour sale of alcoholic beverages could have an adverse effect on the adjoining residential uses to the west. Accordingly, staff recommended that the hours of operation for the business be limited to 7:00 am to 10:00 pm Sunday through Wednesday, and 7:00 am to 11:00 pm Thursday through Saturday.

Environmental Setting:

The subject site is a small commercial center located at the southwest corner of Westerfield Way and Cesar Chavez Street and is substantially surrounded by urban uses, with adjoining zoning and land uses as follows:

North: Cardenas Shopping Center, multi-tenant uses / (C-G, General Commercial)

South: Multifamily Residential / (R-M, Residential Multifamily)

East: Single-family residential / (C-G, General Commercial)

West: Playground/ Single Family Residential / (R-M, Multifamily Residential)

Site Plan / Parking and Circulation:

The site is fully developed with one driveway access from Westerfield Way and an additional driveway along Cesar Chavez Street. The site provides ample parking spaces for all the existing uses at the commercial center.

ENVIRONMENTAL REVIEW:

Staff has determined that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as “Existing Facilities” (CEQA Guidelines, Section 15301). The proposed project consists of the operation, licensing and minor alteration of an existing private commercial structure involving no expansion of existing or former commercial use on the property. The subject site has been used for commercial retail establishments and no expansions of floor area are proposed.

ALTERNATIVES:

1. Adopt Resolution No. 2021-48 and deny Conditional Use Permit No. 338.
2. Direct Staff to modify the Conditions of Approval of Conditional Use Permit No. 338.
3. Continue this item and provide staff direction.
4. Grant the appeal and direct staff to prepare a resolution to approve Conditional Use Permit 338.

CONCLUSIONS AND RECOMMENDATIONS

Based on the analysis contained herein and the findings listed below, staff is recommending that the City Council adopt Resolution No. 2021-48 denying Conditional Use Permit No. 338 with the findings and conditions listed below, and in the attached resolution.

- Attachments:
1. Resolution No. 2021-48
 2. Planning Commission Staff Report June 2, 2021
 3. Draft Planning Commission Minutes June 2, 2021
 4. Vicinity Map
 5. Site Plan
 6. Floor Plan