



# DE NOVO CONSIDERATION OF A USE PERMIT TO UPGRADE AN EXISTING ALCOHOL LICENSE AT 1221 ARTESIA BOULEVARD, SUITE 101

MAY 17, 2022



# APPLICATION TIMELINE

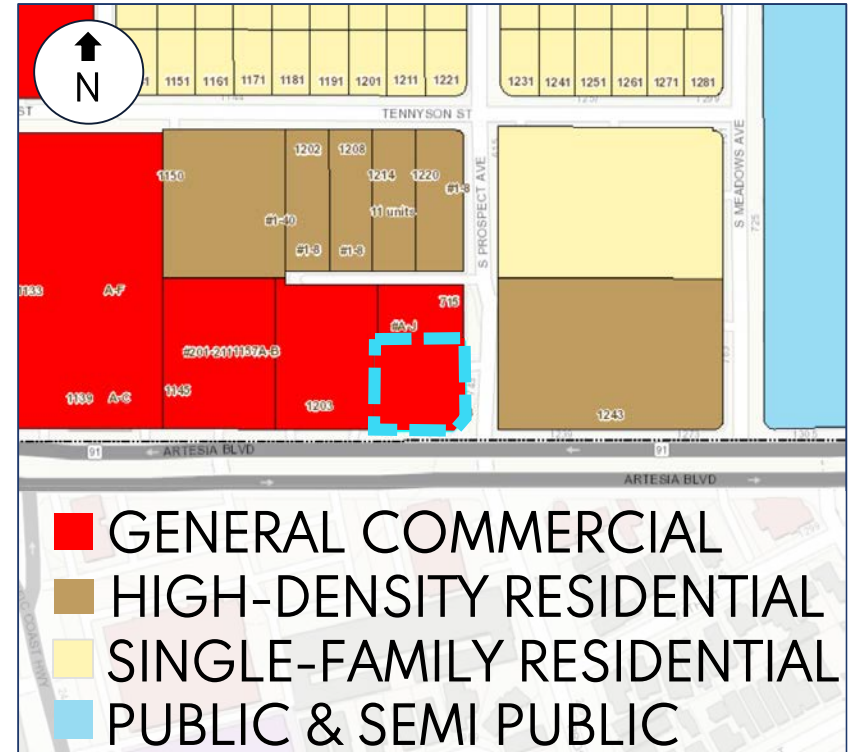
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- Nov. 10, 2021** 7-Eleven submitted an application for a Use Permit to upgrade their existing off-sale beer and wine alcohol license to one that would also allow off-sale distilled spirits.
- Feb. 9, 2022** Planning Commission approved the Use Permit request.
- Feb. 22, 2022** Richard McQuillin appealed the approval of the Use Permit.



# VICINITY & ZONING MAPS

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- Northwest corner of Artesia Blvd. & Prospect Ave.
- Surrounded by commercial, church, office, & multi-family residential, and school properties



# BACKGROUND

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**1984** Applicant (7-Eleven) has operated at its current location with an alcohol license that has allowed off-sale beer and wine.

**REQUEST** Upgrade existing off-sale beer and wine alcohol license to include off-sale of distilled spirits.

**LIMITS OF REQUEST** No physical exterior modifications or expansion are proposed.

**HOURS** 24/7 store operation with alcohol sales from 6 AM to 2 AM daily.





# BACKGROUND (CONTINUED)

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## **SAFETY MEASURE**

The applicant proposes to store distilled spirits to allow direct access only to employees.

## **RECORD**

In 37 years of operation, no notable alcohol license violations.

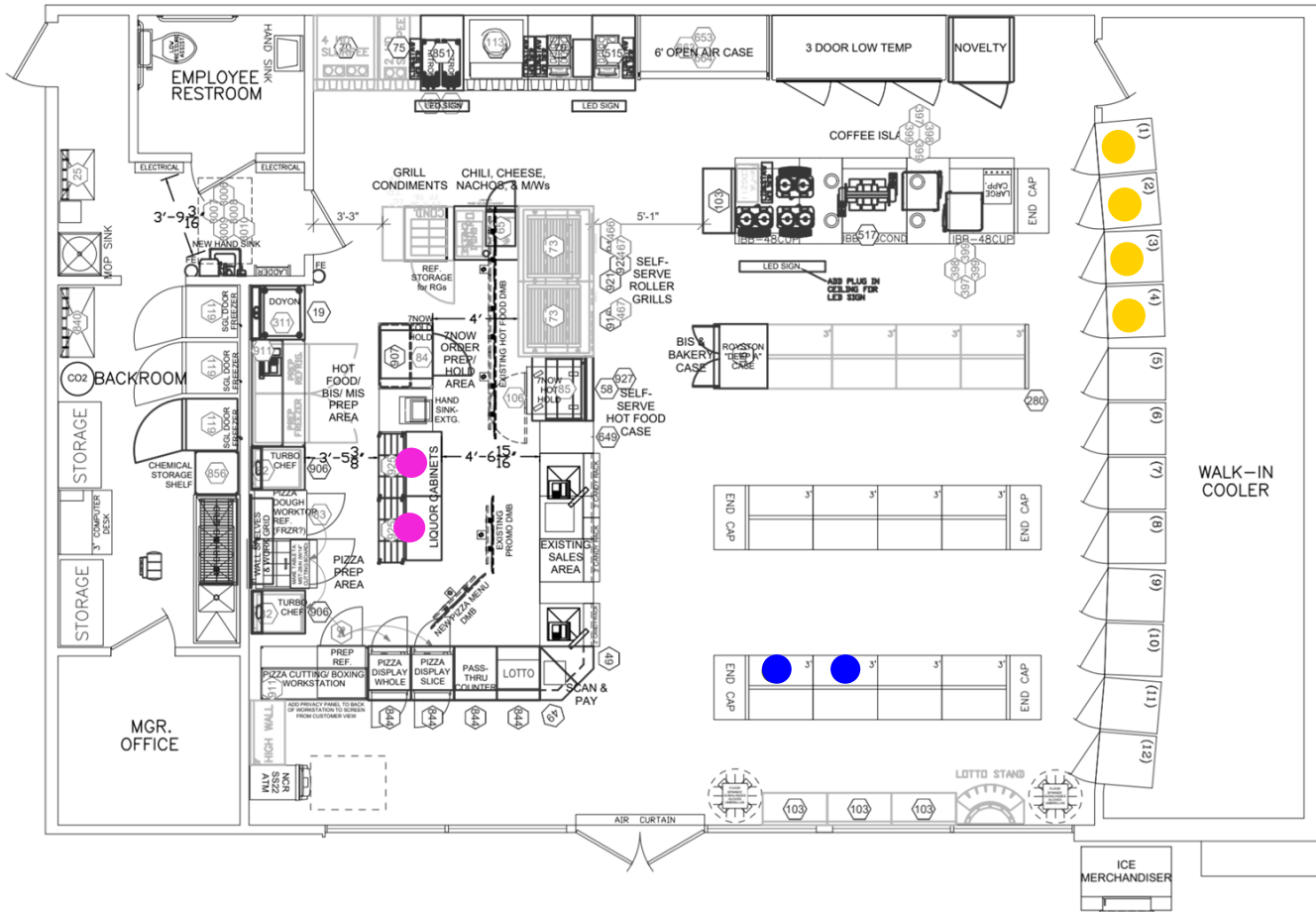
## **POLICE**

Reviewed by the Police Department; no concerns or objections.



# 7-ELEVEN FLOOR PLAN

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## COLOR LEGEND:

- Beer
- Wine
- Distilled Spirits



# USE PERMIT REQUIRED FINDINGS

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- 1 “The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located.”
- 2 “The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent ....”
- 3 “The proposed use will comply with the provisions of the City’s Planning and Zoning Title, including any specific condition required for the proposed use in the district in which it would be located.”
- 4 “The proposed use will not adversely impact or be adversely impacted by nearby properties.”



# PLANNING COMMISSION SUMMARY

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- Planning Commission conducted public hearing on 2/9/2022
- Staff presented the Use Permit request.
- The applicant's representative spoke in favor of the project.
- One member of the public (Mr. Richard McQuillin) expressed concerns regarding the Use Permit.
- Planning Commission voted 5-0 to approve.





# APPEAL POINTS

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## FOUR MAJOR POINTS IN THE APPEAL:

1. The store's proximity to residences.
2. An alleged existing abundance of liquor stores.
3. An alleged existence of nuisances in the neighborhood.
4. The alleged existence of litter and graffiti at the store.



# APPEAL POINT #1

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**POINT 1:** The store's proximity to residences.

- STAFF ANALYSIS:**
- City regulations do not dictate minimum distance between store that sells alcohol and nearest residence.
  - Conditions of approval designed to minimize potential adverse impacts of the sale of distilled spirits to surrounding uses.
  - Applicant must obtain Alcoholic Beverage Control (ABC) license and comply with State regulations.



# APPEAL POINT #2

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**POINT 2:** An alleged existing abundance of liquor stores.

- STAFF ANALYSIS:**
- City regulations do not limit number of similar businesses within a given area.
  - There are 16 stores in the City with same alcohol license as requested by 7-Eleven. None open as late as 2 AM; most close before midnight.
  - 7-Eleven is 24-hour business and cuts off alcohol sales at 2 AM in compliance with ABC regulations.



# APPEAL POINT #3

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**POINT 3:** An alleged existence of nuisances in the neighborhood.

- STAFF ANALYSIS:**
- No proof that nuisances were caused by 7-Eleven.
  - Proposed conditions hold 7-Eleven accountable.
  - Noncompliance with conditions may result in loss of alcohol sale privileges.
  - Without a Use Permit, 7-Eleven is legally permitted to sell beer and wine until 2 AM. Granting a Use Permit gives the City greater ability to regulate alcohol sales.



# APPEAL POINT #4

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**POINT 4:** The alleged existence of litter and graffiti at the store.

- STAFF ANALYSIS:**
- City records do not show reports or confirmed violations of litter or graffiti on the subject property.
  - Draft Condition No. 10 requires property management to police the property and keep it free of litter and food debris. A lack of compliance with this or any other condition could trigger a review of the Use Permit and loss of alcohol sales privilege.





# REVIEW SUMMARY

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## APPEAL

Staff evaluated the appeal and found no basis for granting the appeal.

## USE PERMIT

Staff was able to make the findings in support of the Use Permit request's approval.



# ENVIRONMENTAL DETERMINATION

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## **CEQA GUIDELINES**

### **Categorical Exemption Section 15301 (Class 1)**



Exempts the permitting and licensing of existing private structures involving negligible expansion of existing or former use



Thus, no further environmental review is necessary



# NOTICING AND PUBLIC COMMENT

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- **May 5, 2022** – In compliance with MBMC 10.84.040(B), notices were mailed (500-foot radius & 79 properties), posted at City Hall, and published in Beach Reporter.
- **May 11, 2022** – Staff report and attachments released for public review
- **No public comments received**



# RECOMMENDATIONS

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- Conduct public hearing **de novo**
- Direct staff to draft a resolution making an environmental determination of exemption under CEQA and approving the Use Permit subject to conditions.





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