



- I. **CALL TO ORDER: A REGULAR PLANNING COMMISSION MEETING - 6:30 P.M.**
- II. **ROLL CALL:** Commissioners Uva, Ortiz, Duarte, and Chair Owens
- III. **PLANNING COMMISSIONER ANNOUNCEMENTS; REQUEST FOR FUTURE AGENDA ITEMS; AND CONFERENCE/MEETING REPORTS:**
- IV. **PRESENTATIONS:**
- V. **REPORT ON CITY COUNCIL ACTION:**
- VI. **PUBLIC HEARINGS:**

RECOMMENDED ACTION

1. PLN-22-00026 (Conditional Use Permit)

Approve

Location: 12555 Paramount Boulevard

Request: A request to allow an existing gasoline service station with an accessory convenience store to operate with a Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine) license on property Zoned C-2 (General Commercial).

CEQA: Categorical Exemption – Section 15301 (Class 1, Existing Facilities)

Staff: Senior Planner, Alfonso Hernandez

Contact: ashernandez@downeyca.org

562-904-7154

2. PLN-22-00027 (Conditional Use Permit)

Approve

Location: 7360 Florence Avenue

Request: A request to allow an existing gasoline service station with an accessory convenience store to operate with a Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine) license on property zoned C-2 (General Commercial).

CEQA: Categorical Exemption – Section 15331 (Class 1, Existing Facilities)

Staff: Senior Planner, Alfonso Hernandez

Contact: ashernandez@downeyca.org

562-904-7154



- VII. **NON-AGENDA PUBLIC COMMENTS:** This portion of the agenda provides an opportunity for the public to address the Planning Commission on non-agenda, consent and other business items within the jurisdiction of the Planning Commission and not listed on the agenda. It is requested, but not required, that you state your name, address and subject matter upon which you wish to speak. Please limit your comments for non-agenda items to no more than four (4) minutes. Pursuant to the Brown Act, no discussion or action, other than a brief response, referral to the City Planning staff or schedule for a subsequent agenda, shall be taken by the Planning Commission on any issue brought forth under this section.
- VIII. **CONSENT CALENDAR ITEMS:** Items in this section will be voted on in one motion unless Commissioner requests separate actions. Any Consent Calendar items removed from the agenda will be considered by the Commission following the public hearing items.
- IX. **OTHER BUSINESS:**
- X. **STAFF MEMBER COMMENTS:**
- XI. **ADJOURNMENT:** To Wednesday, July 6, 2022 at 6:30 pm, at Downey City Hall, 11111 Brookshire Avenue, Downey, CA. 90241.

NOTICE: SECTION 9806 – APPEALS

Any person aggrieved or affected by any final determinations of the Commission concerning an application for action of an administrative nature, including a variance or a permit, or any condition or requirement thereon, or upon the failure of the Commission to make its findings and determinations within thirty (30) days after the closure of the hearing thereon, no later than fifteen (15) calendar days, (Exception: subdivisions, no later than ten (10) calendar days) after the date of the decision or of the Commission's failure to make a determination, may file with the City Planner a written notice of appeal therefrom to the Council. Such appeal shall set forth specifically wherein it is claimed the Commission's findings were in error, and wherein the decision of the Commission is not supported by the evidence in the matter, and wherein the public necessity, convenience, and welfare require the Commission's decision to be reversed or modified

Supporting documents are available at: www.downeyca.org; City Hall-Planning Division, 11111 Brookshire Avenue, Monday – Friday, 7:30 a.m. – 5:30 p.m. Video streaming of the meeting is available on the City's website. In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in this meeting, complete the City's Title II ADA Reasonable Accommodation Form located on the City's website and at City Hall - Planning Division, 11111 Brookshire Avenue, Monday – Friday, 7:30 a.m. – 5:30 p.m., and submit to the Planning Division or contact the Planning Division office at (562) 904-7154 or the California Relay Service at 7-1-1. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

The City of Downey prohibits discrimination on the basis of disability in any of its program and services. For questions, concerns, complaints, or for additional information regarding the ADA, contact the City's ADA/Section 504 Coordinator at ADACoordinator@downeyca.org; Phone: (562) 299-6619; or TTY at 7-1-1.

In compliance with Title VI of the Civil Rights Act, the City of Downey prohibits discrimination of any person in any of its program and services. If written language translation of City agendas or minutes, or for oral



language interpretation at a City meeting is needed, contact (562) 299-6619, 48 business hours prior to the meeting.

En cumplimiento con el Título VI de la Ley de Derechos Civiles, la Ciudad de Downey prohíbe la discriminación de cualquier persona en todos sus programas y servicios. En caso de necesitar una traducción escrita de los órdenes del día o las actas de las reuniones de la ciudad, o para solicitar un intérprete oral para una reunión de la ciudad, comuníquese con el (562) 299-6619 en el horario de atención comercial, 48 horas hábiles antes de la reunión.

Supporting data for items included in this agenda is available for public review and inspection in the office of the Planning Division during regular workday hours between 8:00 a.m. and 5:00 p.m., and in the City Library during regular hours and on the City's website at <http://www.downeyca.org>.

I Mary Cavanagh, Secretary to the Planning Commission, City of Downey, do hereby certify, under penalty of perjury under the laws of the State of California that the foregoing notice was posted pursuant to Government Code Section 54950 Et. Seq. and City of Downey Ordinance at the following locations: Downey City Hall, Downey City Library, and Barbara J. Riley Senior Center.

Dated this 9th day of June, 2022

Guillermo Arreola

Guillermo Arreola
Principal Planner



DATE: JUNE 15, 2022

TO: PLANNING COMMISSION

SUBMITTED BY: CRYSTAL LANDAVAZO, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT *CL*

REVIEWED BY: ALFONSO HERNANDEZ, SENIOR PLANNER

PREPARED BY: REBECCA CONTRERAS, CONTRACT ASSOCIATE PLANNER

SUBJECT: **CONDITIONAL USE PERMIT (PLN-22-00026) – A REQUEST TO, ALLOW THE OFF-SALE OF BEER AND WINE (TYPE 20 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE) AT AN EXISTING GASOLINE SERVICE STATION WITH A 2,029 SQUARE FOOT CONVENIENCE STORE.**

LOCATION: 12555 PARAMOUNT BOULEVARD

ZONING: C-2 (GENERAL COMMERCIAL)

REPORT SUMMARY

This is a request to approve a Conditional Use Permit (PLN-22-00026) application to allow the existing gasoline service station with an incidental convenience store to operate with an ABC Type 20 (Off-Sale Beer & Wine) license in the C-2 (General Commercial) zone.

Based on the analysis contained in this report, staff is recommending the Planning Commission adopt the following titled resolution:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT PLN-22-00026, A REQUEST TO ALLOW THE OFF-SALE OF BEER AND WINE (TYPE 20 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE) AT AN EXISTING GASOLINE SERVICE STATION WITH A 2,029 SQUARE FOOT CONVENIENCE STORE AT 12555 PARAMOUNT BOULEVARD.

BACKGROUND

The site is currently developed with an existing Chevron service station with six (6) pumping stations and a 2,029 square foot convenience store, located on the northwest corner of Imperial Hwy and Paramount Boulevard. The site is zoned General Commercial (C-2) and has a General Plan Land Use designation of General Commercial (GC). The properties directly abutting from the east, south, and west have a zoning designation of C-2, and the north property has a zoning designation of R-3O (Multi-Family Ownership).

On February 11, 2022 the applicant filed a request for a Conditional Use Permit. Subsequently, the applicant was issued an incomplete letter, on March 17, 2022. After submitting all required documents, the application was deemed complete on May 12, 2022. On June 2, 2022, notice of the pending public hearing was published in the *Downey Patriot* and mailed to all property owners within 500 feet of the subject property.

DISCUSSION

Section 9314 of the City of Downey Zoning Code states that off-sale alcohol establishments are only permitted if the Planning Commission grants a Conditional Use Permit. The purpose of a Conditional Use Permit is to review the location, site development and/or conduct of the uses that generally have unique and distinct impact on the area in which they are located. Conditional Use Permits maybe granted at the discretion of the Planning Commission only if the Commission can make the required four findings listed in Section 9824.6 of the Zoning Code. The findings are discussed later in this report.

It is typical for convenience stores, such the existing ExtraMile and Chevron, to conduct the sale of beer and wine. The applicant proposes that the storage and display of the beer and wine, will be located within a portion of the coolers, a space measuring approximately 20 square feet and totals about one (1) percent of the 2,029 square foot convenience store. Alcoholic beverages will only be stored within the shelves of coolers and will be ordered as needed to re-stock cooler shelves. No additional storage is reserved within the walk-in cooler area or store floor area. Additionally, all alcohol will be “pre-pack” and will not comprise of “single” alcoholic beverages. The convenience store will continue to operate 24 hours a day, seven days a week. The beer and wine sales will be consistent with State law and will take place between 6:00 am to 2:00 am daily. The request for a Conditional Use Permit will only add the sale of beer and wine as an accessory use and no additional improvements are proposed to the gasoline station or convenience store.

DEVELOPMENT REVIEW COMMITTEE

On April 12, 2022, the Development Review Committee (DRC) discussed and evaluated the project as it pertains to Planning, Police, Fire, Public Works, and Building matters. No department expressed concerns or opposition over the project, and issued standard conditions. Recommended conditions of approval have been included in the attached resolution reflecting standard conditions of approval.

ENVIRONMENTAL ANALYSIS

Staff has reviewed the proposed Conditional Use Permit for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, staff has determined that this request is categorically exempt from CEQA, pursuant to CEQA Guideline Section No. 15301 (Class 1 – Existing Facilities) Class 1 exempts minor alteration of existing structures.

FINDINGS

Pursuant to Municipal Code Section 9824.06, there are four (4) findings that must be adopted prior to approving the Conditional Use Permit. The findings are as follows:

- A. The requested Conditional Use Permit will not adversely affect the intent and purpose of this article or the City’s General Plan or the public convenience or**

general welfare of persons residing or working in the neighborhood thereof.

The proposed off-site sale of beer and wine is intended to serve only as a complement to the limited need for convenience goods and services that the convenience store provides in its immediate locality without detriment to the character of the area. Specifically, the following policy is promoted by the Conditional Use Permit:

Policy 1.1.4. – Provide an appropriate amount of land area for people to acquire goods and services.

The requested Conditional Use Permit will allow the operation of a convenience store with a Type 20 (Off-Sale, Beer and Wine, Package Store) license, and will continue to provide the surrounding neighborhood with limited shopping needs. The sale of beer and wine will complement and enhance the variety of goods offered and will comply with state law which prohibits sales from 2:00 am to 6:00 am.

B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located.

The site was previously developed as a service station with a convenience store. The site has been used for commercial and service activities and the proposed use will continue to be used for commercial and service activities. The use that requires a Conditional Use Permit is the sale of beer and wine. The sale of beer and wine will not generate increased activity on the site which could result in adverse impacts to adjoining land uses. The sale of beer and wine at a convenience store is incidental to the sale of other goods in the convenience store including pre-packaged food and sundries. Such uses are common within commercial areas and occasionally found in close proximity to residential areas.

C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area.

The convenience market, without the sale of beer and wine, is permitted by right. The sale of beer and wine can be accommodated within existing coolers, a space measuring approximately 20 square feet and totals about one (1) percent of the 2,029 square foot convenience store. The alcoholic beverages will only be stored within the shelves of cooler doors and will be ordered as needed to re-stock cooler shelves. No additional storage is reserved within the walk-in cooler area or store floor area. The shape and size of the lot can accommodate the entire 2,029 square foot store while continuing to comply with all setback and parking requirements. The additional sale of beer and wine will complement the existing convenience store without altering its operations or causing a detriment to the area.

D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.

The proposed request for the off-sale of beer and wine, which will occupy approximately one (1) percent of the floor area of the proposed convenience market, is not anticipated to generate significant traffic impacts. The existing streets are designed to accommodate the traffic expected to be generated by the existing convenience store and the complementary sale of beer and wine will not generate a notable increase in traffic.

CORRESPONDENCE

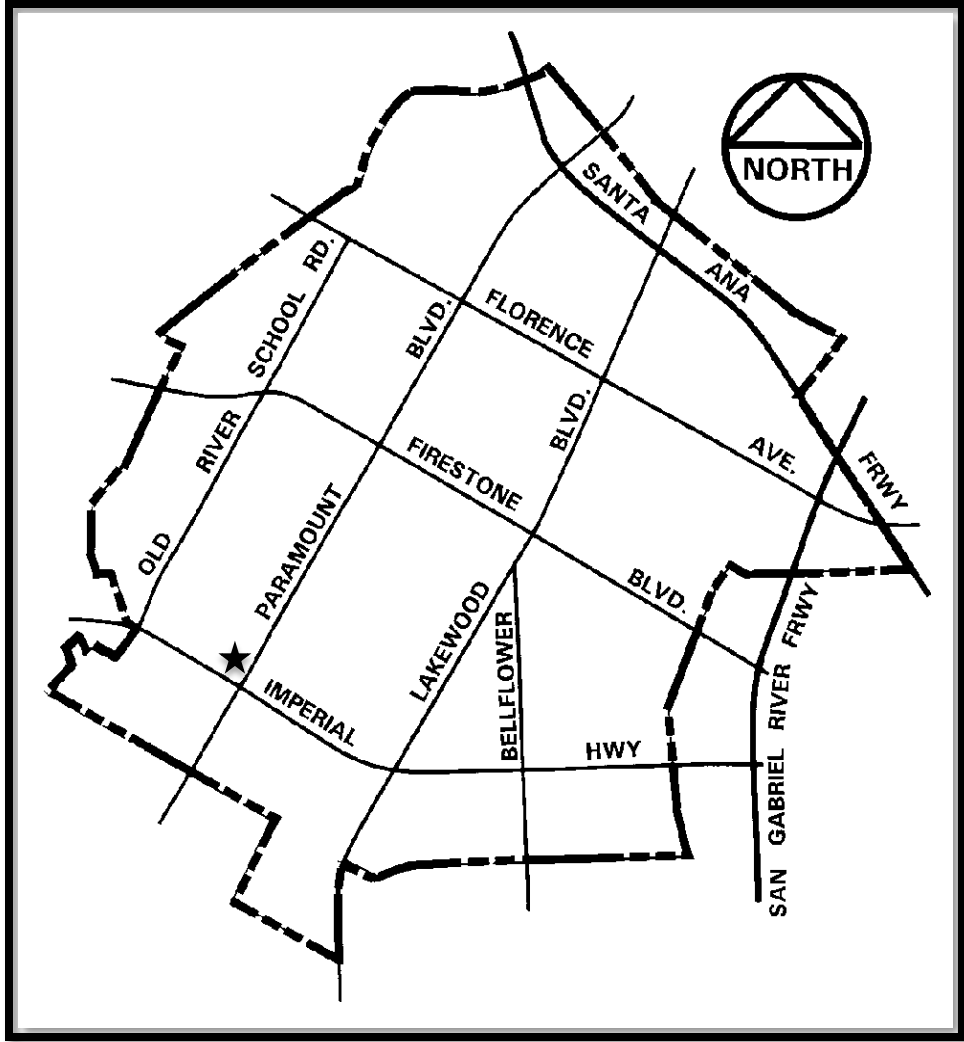
Staff had not received any correspondence as of the date this report was prepared.

CONCLUSION

Based on the analysis contained within this report, staff concludes that all required findings can be made in a positive manner, therefore staff recommends that the Planning Commission approve Conditional Use Permit (PLN-22-00026), subject to the recommended conditions of approval.

EXHIBITS

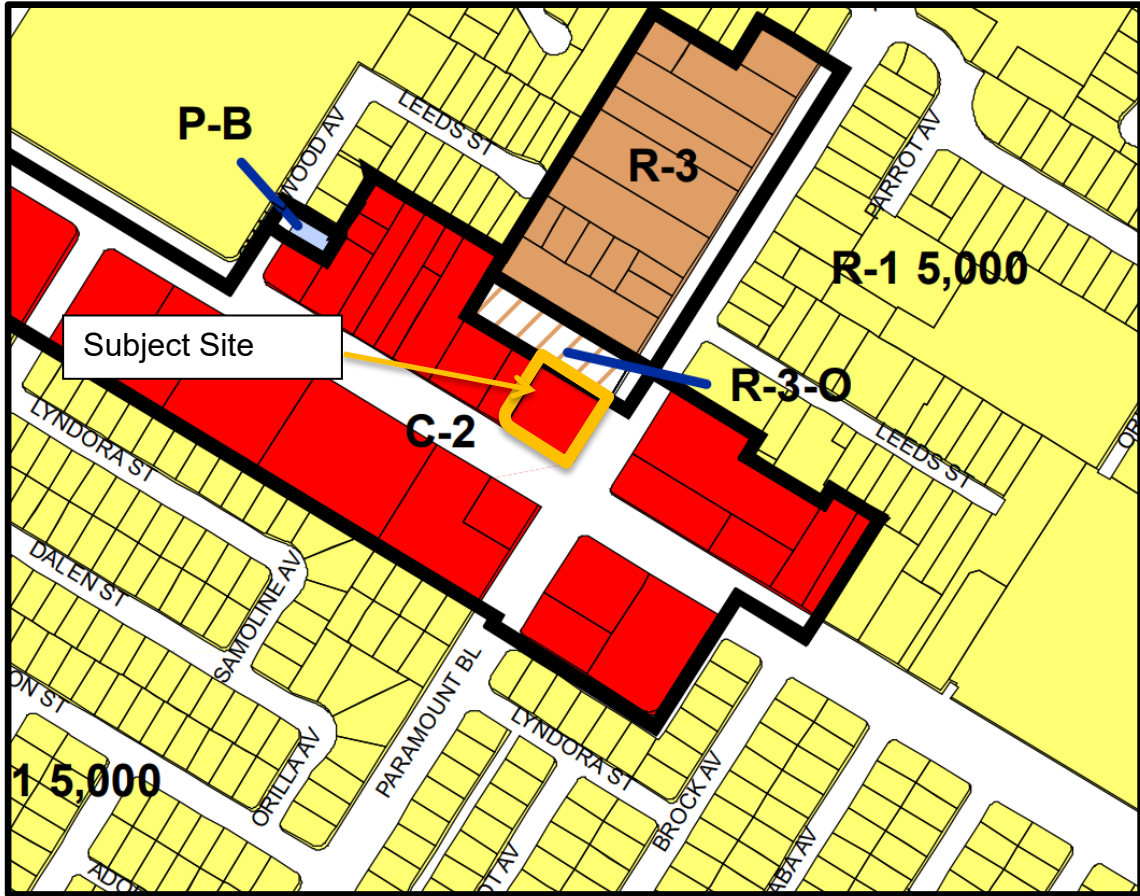
- A. Maps
- B. Draft Resolution
- C. Project Plans



Location



Aerial Photograph



Zoning

RESOLUTION NO. 22-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT PLN-22-00026, A REQUEST TO ALLOW THE OFF-SALE OF BEER AND WINE (TYPE 20 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE) AT AN EXISTING GASOLINE SERVICE STATION WITH A 2,029 SQUARE FOOT CONVENIENCE STORE AT 12555 PARAMOUNT BOULEVARD, AND ZONED C-2 (GENERAL COMMERCIAL)

THE PLANNING COMMISSION OF THE CITY OF DOWNEY DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Downey does hereby find, determine and declare that:

- A. On February 11, 2022, Mike Heglund, representing G&M Oil Co., LLC (hereinafter “applicant”), submitted a request to allow the off-sale of beer and wine at an existing convenience store and service station; and,
- B. On March 17, 2022, the application was deemed incomplete; and,
- C. On May 12, 2022, after receiving all necessary material, the application was deemed complete; and,
- D. On June 2, 2022, a notice of the public hearing was sent to all property owners within 500’ of the subject site and the notice was published in *Downey Patriot*; and,
- E. The Planning Commission held a duly noticed public hearing on June 15, 2022, and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing adopted this resolution.

SECTION 2. The Planning Commission further finds, determines and declares the environmental impact of the proposed development has been reviewed for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Class 1, Existing Facilities). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of CEQA. Class 1 consists of projects that exempts minor alteration of existing structures.

SECTION 3. Having considered all of the oral and written evidence presented to it at said public hearings, the Planning Commission further finds, determines and declares that:

- A. The requested Conditional Use Permit will not adversely affect the intent and purpose of this article or the City’s General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof. The proposed off-site sale of beer and wine is intended to serve only as a compliment to the limited need for convenience goods and services that the convenience store provides in its immediate locality without detriment to the character of the area. Specifically, the following policy is promoted by the Conditional Use Permit:

Policy 1.1.4. – Provide an appropriate amount of land area for people to acquire goods and services.

The requested Conditional Use Permit will allow the operation of a convenience store with a Type 20 (Off-Sale, Beer and Wine, Package Store) license, and will continue to provide the surrounding neighborhood with limited shopping needs. The sale of beer and wine will complement and enhance the variety of goods offered and will comply with state law which prohibits sales from 2:00 am to 6:00 am.

- B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located. The site was previously developed as a service station with a convenience store. The site has been used for commercial and service activities and the proposed use will continue to be used for commercial and service activities. The use that requires a Conditional Use Permit is the sale of beer and wine. The sale of beer and wine will not generate increased activity on the site which could result in adverse impacts to adjoining land uses. The sale of beer and wine at a convenience store is incidental to the sale of other goods in the convenience store including pre-packaged food and sundries. Such uses are common within commercial areas and occasionally found in close proximity to residential areas.
- C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area. The convenience market, without the sale of beer and wine, is permitted by right. The sale of beer and wine can be accommodated within existing coolers, a space measuring approximately 20 square feet and totals about one (1) percent of the 2,029 square foot convenience store. The alcoholic beverages will only be stored within the shelves of cooler doors and will be ordered as needed to re-stock cooler shelves. No additional storage is reserved within the walk-in cooler area or store floor area. The shape and size of the lot can accommodate the entire 2,029 square foot store while continuing to comply with all setback and parking requirements. The additional sale of beer and wine will complement the existing convenience store without altering its operations or causing a detriment to the area.
- D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area. The proposed request for the off-sale of beer and wine, which will occupy approximately one (1) percent of the floor area of the proposed convenience market, is not anticipated to generate significant traffic impacts. The existing streets are designed to accommodate the traffic expected to be generated by the existing convenience store and the complementary sale of beer and wine will not generate a notable increase in traffic.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this Resolution, the Planning Commission of the City of Downey hereby approves the Conditional Use Permit (PLN-22-00026), subject to conditions of approval attached hereto, which are necessary to preserve the health, safety and general welfare of the community and enable the Planning Commission to make the findings set forth in the previous sections. The conditions are fair and reasonable for the accomplishment of these purposes.

Resolution No. 22-
Downey Planning Commission

SECTION 5. The Secretary shall certify the adoption of this Resolution.
PASSED, APPROVED AND ADOPTED this 15th day of June, 2022

Patrick Owens, Chairman
City Planning Commission

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Downey at a regular meeting thereof held on the 15th day of June, 2022 by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

Linda Thai
Deputy City Clerk

**PLANNED SIGN PROGRAM (PLN-22-00026)
CONDITIONS OF APPROVAL**

- 1) The approval of this Conditional Use Permit (PLN-22-00026), to allow the off-sale of beer and wine (Type 20 Alcoholic Beverage Control (ABC) license) at an existing gasoline service station with a 2,029 square foot convenience store with a service station, located at 12555 Paramount Blvd, and Zoned C-2 (General Commercial).
- 2) Approval of this Conditional Use Permit (PLN-22-00026) shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Downey Municipal Code shall apply.
- 3) The City Planner is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
- 4) The Owner/Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution, to challenge the determination made by City under the California Environmental Quality Act or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition.
- 5) An affidavit of Acceptance of Conditions, as provided by the City of Downey, shall be signed, notarized, and returned to the Planning Division within fifteen (15) days of approval. This approval will be considered invalid until this condition has been fulfilled.
- 6) Prior to the operation of the Type 20 ABC license, the owner/Applicant shall obtain any and all required Police Department permits for this Conditional Use Permit.
- 7) A copy of this Resolution and any Police Department permit shall be prominently posted on the premises at all times. The applicant shall make available said copies upon request by any Police Officer or other City official charged with the enforcement of the City's laws, ordinances, or regulations.
- 8) Signs shall be posted at all entrances to the premises and business identifying a zero-tolerance policy for nuisance behavior at the premises (including the parking lot). Signs shall be posted along the exterior and shall also include verbiage prohibiting the possession and consumption of alcohol outside the premises.
- 9) The owner/applicant shall not permit any loitering on the subject site.
- 10) The Licensee shall be responsible for monitoring the business to prevent anyone under the age of 21 from purchasing alcohol.

- 11) The applicant/owner of the establishment shall comply with all state requirements. The applicant must obtain and maintain a valid Type 20 – Alcoholic Beverage License (ABC) for Off-Sale Beer and Wine. All conditions of the Type 20 – ABC license shall be maintained at all times and failure to do so will be grounds for revocation.
- 12) Refrigerators where beer is kept need to be locked during non-sale hours.
- 13) The permitted hours of operation of the convenience store are 24 hours a day, seven days a week. Sales of beer and wine shall be prohibited between the hours of 2:00 a.m. and 6:00 a.m.
- 14) The sale of beer and wine for on-site consumption is strictly prohibited.
- 15) The sale of liquor/spirits is strictly prohibited.
- 16) The convenience store shall comply with the following conditions:
 - a) Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack containers or more per sale;
 - b) Malt beverages shall not be sold in less than six-pack containers per sale;
 - c) Wine shall not be sold with an alcoholic content greater than 15 percent by volume;
 - d) The sale of beer or malt beverages in quantities of quarts, 40 oz., or similar size containers shall be prohibited;
 - e) Beer, malt beverages, or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities;
 - f) The sale of single cigarettes is prohibited.
- 17) No alcohol advertising will be located on the exterior walls, windows or door of the storefront. Windows shall be kept free and clear, except for temporary window signs, as allowed per section 9612 of the Downey Municipal Code.
- 18) Prior to the final of building permits, the applicant shall install and maintain “No Loitering” signage to prevent patrons from congregating or loitering in the parking lot.
- 19) The subject property, and the surrounding public sidewalks, shall be maintained free of trash, litter, and debris at all times.
- 20) For security purposes, lighting shall be placed in such a way as to illuminate the area surrounding the convenience store and trash enclosure. This lighting shall be un-switched and photo-sensor controlled. All lighting shall be designed/shielded to eliminate spillover onto the street and adjoining properties.
- 21) All buildings and walls shall be finished with graffiti resistant materials. Prior to the issuance of building permits, the applicant shall demonstrate to the satisfaction of the City Planner, that the finished materials will comply with this requirement.
- 22) Any graffiti applied to the site shall be removed within 48 hours.
- 23) Trucks making deliveries shall turn off all engines and not be allowed to idle on the site.
 - a) Deliveries shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- 24) Noise levels shall be limited as required per the Downey Municipal Code.

POLICE

- 25) The business shall have security video cameras operating during all hours that the business is open. All cameras must record onto a videotape or similar recording device. The recordings of the security video cameras shall be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras shall be located at the gas pump and parking lot areas and all areas of the cash register/cashier and where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
- 26) The business shall be equipped with a panic/hold up alarm system. Employees shall have access to panic button(s) that will notify an alarm monitoring company of a robbery or other emergency at the location and who will in turn notify the Downey Police Department of the emergency. The business manager/owner will obtain an alarm permit from the Downey Police Department.
- 27) The business shall be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Downey Police of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The manager/owner will obtain an alarm permit from the Downey Police Department.

END OF CONDITIONS

EXHIBIT - C

LEGEND:

-  PROPERTY LINE
-  STREET CENTER LINE

Site Description

Total Site Area = 25,500 Sq.Ft.
 A.P.N. 6245-019-046

Floor Area:
 Existing Market = 1,887 Sq.Ft.
 Existing Utility Room = 102 Sq.Ft.
 Total Floor Area = 2,009 Sq.Ft.

Total Landscape Area = 3,340 Sq.Ft.

Parking Provided
 Total Spaces Provided = 13 Spaces

Parking Required
 Existing Market, 1,887 S.F., 1/250 S.F. = 7.47 Spaces

Note:
 All structures, landscape areas, fixtures and layout are subject to verify. No easements on the property.

CADFILE: PARAMOUNT G6M-SP-FP

SITE PLAN

SCALE: 1" = 10"

ZUPAY MAPPING SERVICE
 15645 SHARLOW AVE.
 STUMAR, CA 91342
 818-633-9059
 zupay@aol.com

SITUS: EXTRA MILE
 12555 PARAMOUNT BOULEVARD
 DOWNEY, CA 90241
 JOB # 21-670

CASE No:

DATE: NOVEMBER 23, 2021

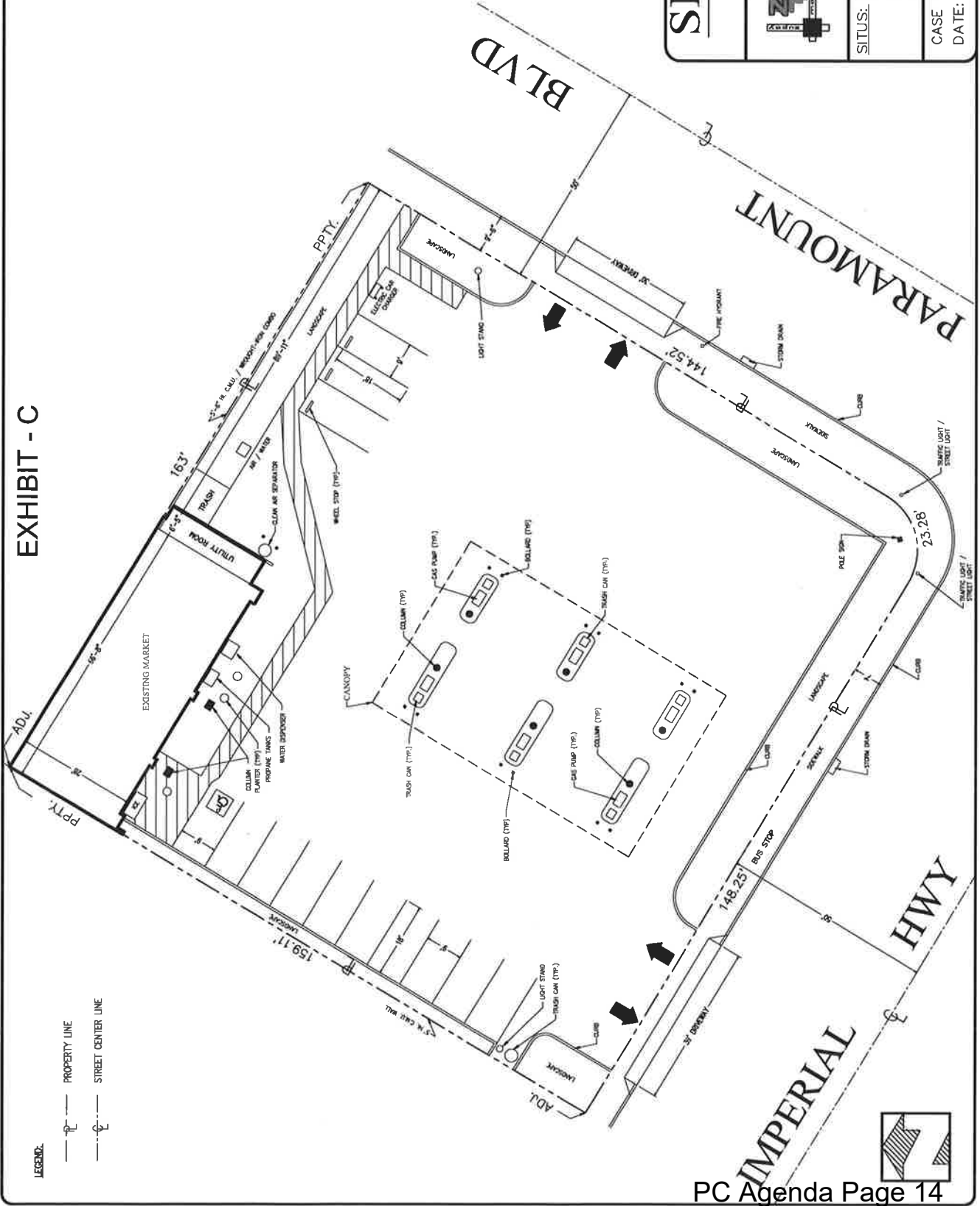
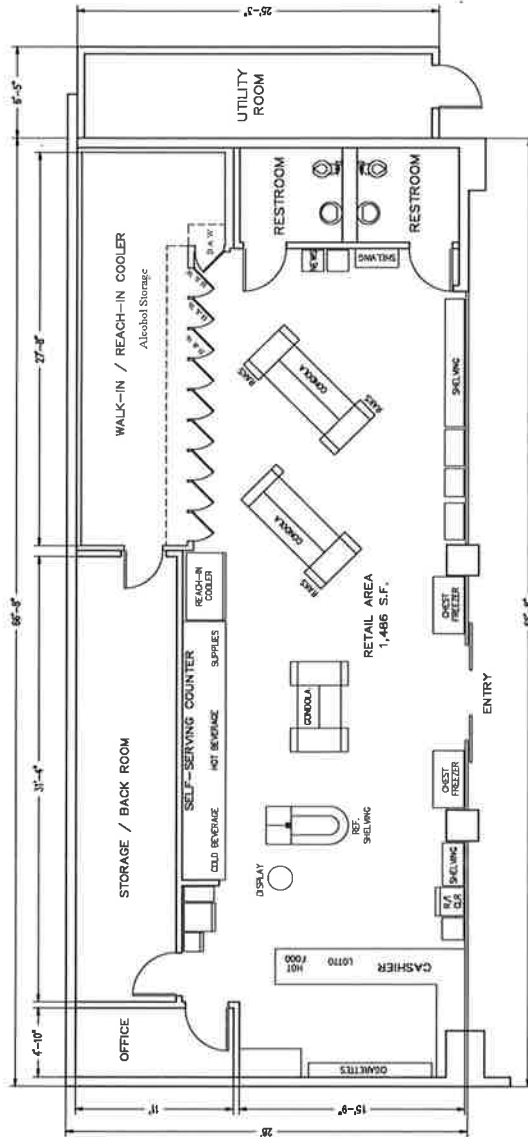


EXHIBIT - C



CADFILE: PARAMOUNT 6684-SP-FP

FLOOR PLAN

SCALE: 1/4" = 1'-0"



ZUPAY MAPPING SERVICE
13645 SHUBLOW AVE.
STILLMAR, CA 91342
818-833-9059
zupay1@aol.com

SITUS: EXTRA MILE
12555 PARAMOUNT BOULEVARD
DOWNEY, CA 90241
JOB # 21-670

CASE No:

DATE: NOVEMBER 23, 2021

FUNCTION OF SPACE	AREA (S.F.)
RETAIL	1,486
UTILITY ROOM	162
TOTAL	2,029

GROSS AREA = 2,029 Sq.Ft.





STAFF REPORT

PLANNING DIVISION

DATE: JUNE 15, 2022

TO: PLANNING COMMISSION

SUBMITTED BY: CRYSTAL LANDAVAZO, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT *cf*

REVIEWED BY: ALFONSO HERNANDEZ, SENIOR PLANNER

PREPARED BY: REBECCA CONTRERAS, CONTRACT ASSOCIATE PLANNER

SUBJECT: **CONDITIONAL USE PERMIT (PLN-22-00027) – A REQUEST TO ALLOW THE OFF-SALE OF BEER AND WINE (TYPE 20 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE) AT AN EXISTING GASOLINE SERVICE STATION WITH 1,554 SQUARE FOOT CONVENIENCE STORE.**

LOCATION: 7360 FLORENCE AVENUE

ZONING: C-2 (GENERAL COMMERCIAL)

REPORT SUMMARY

This is a request to approve a Conditional Use Permit (PLN-22-00027) application to allow the existing gasoline service station with an incidental convenience store to operate with an ABC Type 20 (Off-Sale Beer & Wine) license in the C-2 (General Commercial) zone.

Based on the analysis contained in this report, staff is recommending the Planning Commission adopt the following titled resolution:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT PLN-22-00027, A REQUEST TO ALLOW THE OFF-SALE OF BEER AND WINE (TYPE 20 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE) AT AN EXISTING GASOLINE SERVICE STATION WITH A 1,554 SQUARE FOOT CONVENIENCE STORE AT 7360 FLORENCE AVENUE.

BACKGROUND

The site is currently developed with an existing Chevron service station with four (4) pumping stations and a 1,554 square foot convenience store located on the southwest corner of Old River School Drive and Florence Avenue. The site is zoned General Commercial (C-2) and has a General Plan Land Use designation of Neighborhood Commercial (NC). The properties directly abutting from the east and west have a zoning designation of C-2, while the property to the north also has a zoning designation of C-2 and also has a zoning designation of P-B (Parking Buffer)

along Florence Avenue. Lastly the property directly abutting from the south has a zoning designation of C-1 (Neighborhood Commercial).

On February 11, 2022 the applicant filed a request for a Conditional Use Permit. Subsequently, the applicant was issued an incomplete letter, on March 17, 2022 (in response to the initial submittal. After submitting all required documents, the application was deemed complete on May 12, 2022. On June 2, 2022, notice of the pending public hearing was published in the *Downey Patriot* and mailed to all property owners within 500 feet of the subject property.

DISCUSSION

Section 9314 of the City of Downey Zoning Code states that off-sale alcohol establishments are only permitted if the Planning Commission grants a Conditional Use Permit. The purpose of a Conditional Use Permit is to review the location, site development and/or conduct of the uses that generally have unique and distinct impact on the area in which they are located. Conditional Use Permits maybe granted at the discretion of the Planning Commission only if the Commission can make the required four findings listed in Section 9824.6 of the Zoning Code. The findings are discussed later in this report.

It is typical for convenience stores, such the existing ExtraMile and Chevron, to conduct the sale of beer and wine. The applicant proposes that the storage and display of the beer and wine, will be located within a portion of the coolers, a space measuring approximately 20 square feet totaling about one (1) percent of the 1,554 square foot convenience store. Alcoholic beverages will only be stored within the shelves of coolers and will be ordered as needed to re-stock cooler shelves. No additional storage is reserved within the walk-in cooler area or store floor area. Additionally, all alcohol will be “pre-pack” and will not comprise of “single” alcoholic beverages. The convenience store will continue to operate 24 hours a day, seven days a week. The beer and wine sales will be consistent with State law and will take place between 6:00 am to 2:00 am daily. The request for a Conditional Use Permit will only add the sale of beer and wine as an accessory use and no additional improvements are proposed to the gasoline station or convenience store.

DEVELOPMENT REVIEW COMMITTEE

On April 12, 2022, the Development Review Committee (DRC) discussed and evaluated the project as it pertains to Planning, Police, Fire, Public Works, and Building matters. No department expressed concerns or opposition over the project, and issued standard conditions. Recommended conditions of approval have been included in the attached resolution reflecting standard conditions of approval.

ENVIRONMENTAL ANALYSIS

Staff has reviewed the proposed Conditional Use Permit for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, staff has determined that this request is categorically exempt from CEQA, pursuant to CEQA Guideline Section No. 15301 (Class 1 – Existing Facilities) Class 1 exempts minor alteration of existing structures.

FINDINGS

Pursuant to Municipal Code Section 9824.06, there are four (4) findings that must be adopted prior to approving the Conditional Use Permit. The findings are as follows:

A. The requested Conditional Use Permit will not adversely affect the intent and purpose of this article or the City's General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof.

The proposed off-site sale of beer and wine is intended to serve only the limited need for convenience goods and services in their immediate locality without detriment to the character of the area. Specifically, the following policy is promoted by the Conditional Use Permit:

Policy 1.1.4. – Provide an appropriate amount of land area for people to acquire goods and services.

The requested conditional use permit will allow the operation of a convenience store with a Type 20 (Off-Sale, Beer and Wine, Package Store) license, and will continue to provide the surrounding neighborhood with limited shopping needs. The sale of beer and wine will compliment and enhance the variety of goods offered and will comply with state law which prohibits sales from 2:00 am to 6:00 am.

B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located.

The site has been used for commercial and service activities and the proposed use will continue to be used for commercial and service activities. The use that requires a Conditional Use Permit is the sale of beer and wine. The sale of beer and wine will not generate increased activity on the site which could result in adverse impacts to adjoining land uses. The sale of beer and wine at a convenience store is incidental to the sale of other goods in the convenience store including pre-packaged food and sundries. Such uses are common within commercial areas and occasionally found in close proximity to residential areas.

C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area.

The convenience market, without the sale of beer and wine, is permitted by right. The sale of beer and wine can be accommodated within existing coolers, a space measuring approximately 20 square feet and totals about one (1) percent of the 1,554 square foot convenience store. The alcoholic beverages will only be stored within the shelves of cooler doors and will be ordered as needed to re-stock cooler shelves. No additional storage is reserved within the walk-in cooler area or store floor area. The shape and size of the lot can accommodate the entire 1,554 square foot store while continuing to comply with all setback and parking requirements. The additional sale of beer and wine will compliment the existing convenience store without altering its operations or causing a detriment to the area.

D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area.

The proposed request for the off-sale of beer and wine, which will occupy approximately one (1) percent of the floor area of the proposed convenience market, is not anticipated to generate significant traffic impacts. The existing streets are designed to accommodate

the traffic expected to be generated by the existing convenience store and the complimentary sale of beer and wine will not generate a notable increase in traffic.

CORRESPONDENCE

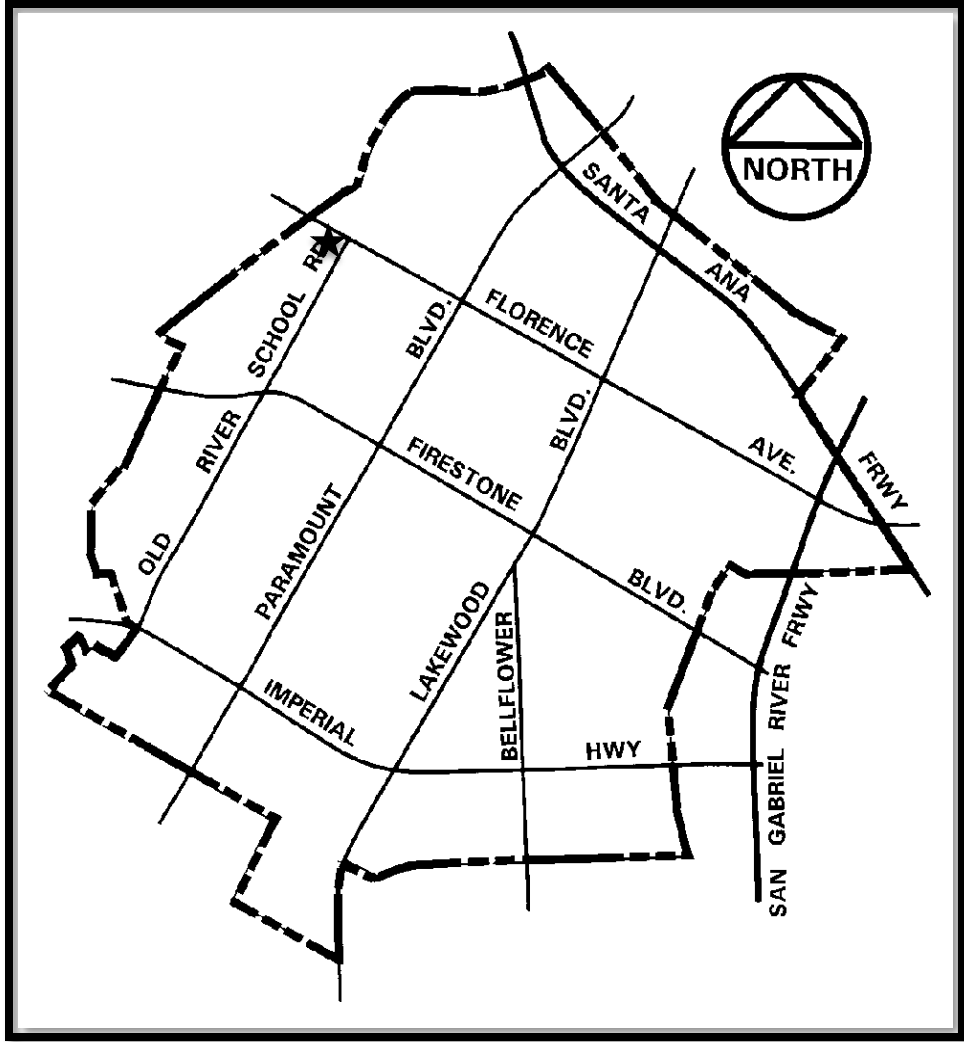
Staff had not received any correspondence as of the date this report was prepared.

CONCLUSION

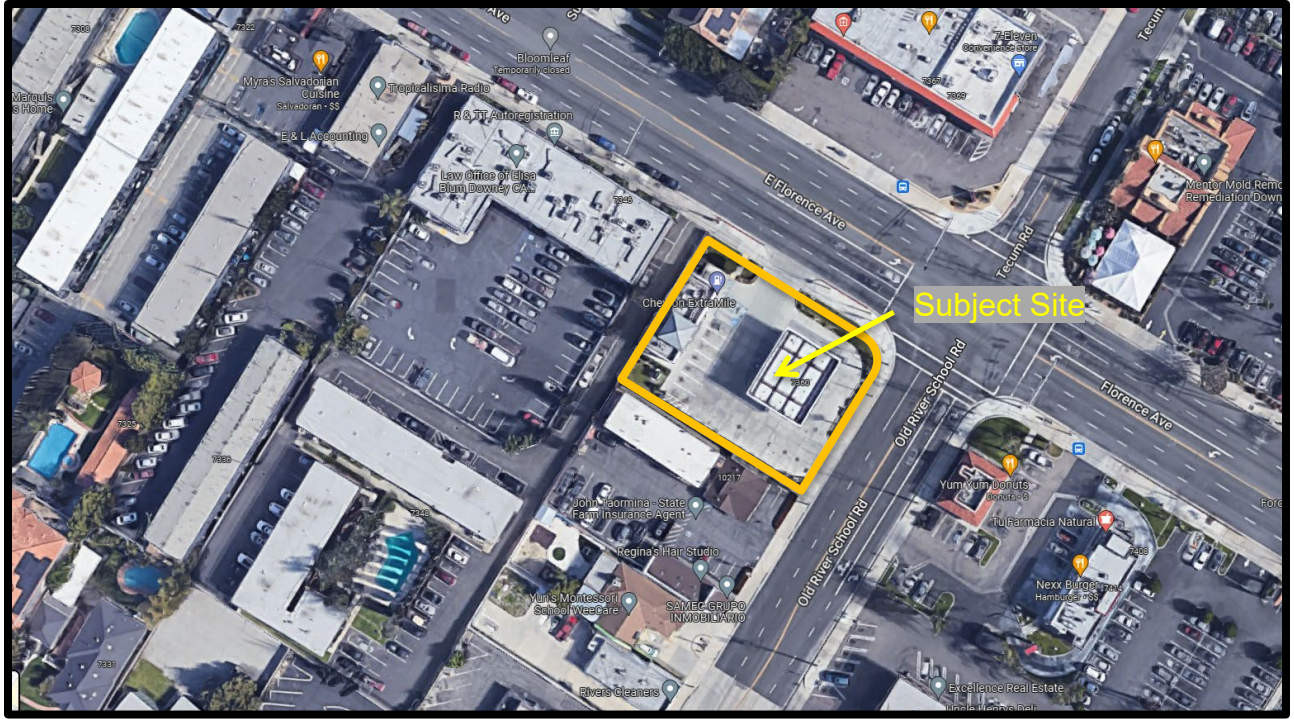
Based on the analysis contained within this report, staff concludes that all required findings can be made in a positive manner, therefore staff recommends that the Planning Commission approve Conditional Use Permit (PLN-22-00027), subject to the recommended condition of approval.

EXHIBITS

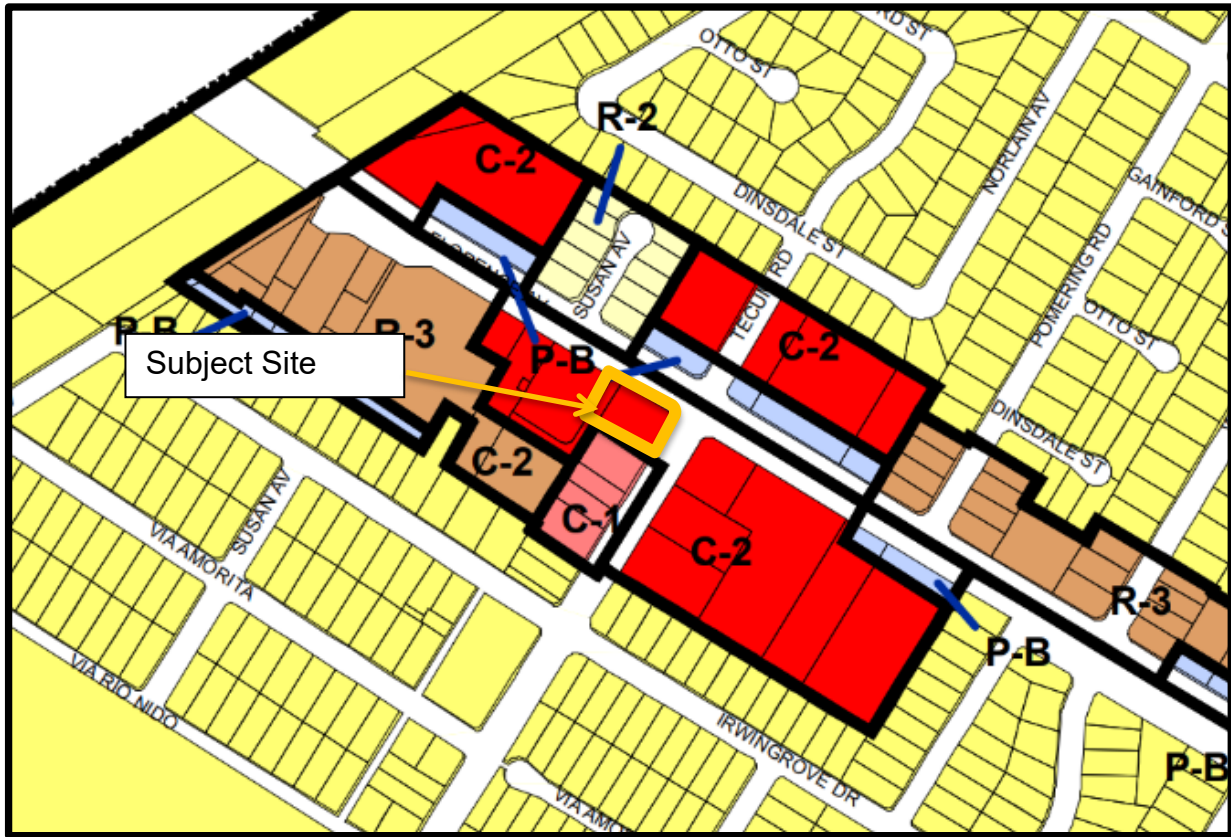
- A. Maps
- B. Draft Resolution
- C. Project Plans



Location



Aerial Photograph



Zoning

RESOLUTION NO. 22-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DOWNEY APPROVING CONDITIONAL USE PERMIT PLN-22-00027, A REQUEST TO ALLOW THE OFF-SALE OF BEER AND WINE (TYPE 20 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE) AT AN EXISTING GASOLINE SERVICE STATION WITH A 1,554 SQUARE FOOT CONVENIENCE STORE AT 7360 FLORENCE AVENUE, AND ZONED C-2 (GENERAL COMMERCIAL)

THE PLANNING COMMISSION OF THE CITY OF DOWNEY DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Downey does hereby find, determine and declare that:

- A. On February 11, 2022, Mike Heglund, representing G&M Oil Co., LLC (hereinafter “applicant”), submitted a request for to allow the off-sale of beer and wine at an existing convenience store and service station; and,
- B. On March 17, 2022, the application was deemed incomplete; and,
- C. On May 12, 2022, after receiving all necessary material, the application was deemed complete; and,
- D. On June 2, 2022, a notice of the public hearing was sent to all property owners within 500’ of the subject site and the notice was published in *Downey Patriot*; and,
- E. The Planning Commission held a duly noticed public hearing on June 15, 2022, and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing adopted this resolution.

SECTION 2. The Planning Commission further finds, determines and declares the environmental impact of the proposed development has been reviewed for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, it has been determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Class 1, Existing Facilities). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of CEQA. Class 1 consists of projects that exempts minor alteration of existing structures.

SECTION 3. Having considered all of the oral and written evidence presented to it at said public hearings, the Planning Commission further finds, determines and declares that:

- A. The requested Conditional Use Permit will not adversely affect the intent and purpose of this article or the City’s General Plan or the public convenience or general welfare of persons residing or working in the neighborhood thereof. The proposed off-site sale of beer and wine is intended to serve only the limited need for convenience goods and services in their immediate locality without detriment to the character of the area. Specifically, the following policy is promoted by the Conditional Use Permit:

Policy 1.1.4. – Provide an appropriate amount of land area for people to acquire goods and services.

The requested conditional use permit will allow the operation of a convenience store with a Type 20 (Off-Sale, Beer and Wine, Package Store) license, and will continue to provide the surrounding neighborhood with limited shopping needs. The sale of beer and wine will compliment and enhance the variety of goods offered and will comply with state law which prohibits sales from 2:00 am to 6:00 am.

- B. The requested use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located. The site has been used for commercial and service activities and the proposed use will continue to be used for commercial and service activities. The use that requires a Conditional Use Permit is the sale of beer and wine. The sale of beer and wine will not generate increased activity on the site which could result in adverse impacts to adjoining land uses. The sale of beer and wine at a convenience store is incidental to the sale of other goods in the convenience store including pre-packaged food and sundries. Such uses are common within commercial areas and occasionally found in close proximity to residential areas.
- C. The size and shape of the site proposed for the use is adequate to allow the full development of the proposed use in a manner not detrimental to the particular area. The convenience market, without the sale of beer and wine, is permitted by right. The sale of beer and wine can be accommodated within existing coolers, a space measuring approximately 20 square feet and totals about one (1) percent of the 1,554 square foot convenience store. The alcoholic beverages will only be stored within the shelves of cooler doors and will be ordered as needed to re-stock cooler shelves. No additional storage is reserved within the walk-in cooler area or store floor area. The shape and size of the lot can accommodate the entire 1,554 square foot store while continuing to comply with all setback and parking requirements. The additional sale of beer and wine will compliment the existing convenience store without altering its operations or causing a detriment to the area.
- D. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways in the area. The proposed request for the off-sale of beer and wine, which will occupy approximately one (1) percent of the floor area of the proposed convenience market, is not anticipated to generate significant traffic impacts. The existing streets are designed to accommodate the traffic expected to be generated by the existing convenience store and the complimentary sale of beer and wine will not generate a notable increase in traffic.

SECTION 4. Based upon the findings set forth in Sections 1 through 3 of this Resolution, the Planning Commission of the City of Downey hereby approves the Conditional Use Permit (PLN-22-00027), subject to conditions of approval attached hereto, which are necessary to preserve the health, safety and general welfare of the community and enable the Planning Commission to make the findings set forth in the previous sections. The conditions are fair and reasonable for the accomplishment of these purposes.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 15th day of June, 2022

Patrick Owens, Chairman
City Planning Commission

I HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Downey at a regular meeting thereof held on the 15th day of June, 2022 by the following vote, to wit:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

Linda Thai
Deputy City Clerk

**PLANNED SIGN PROGRAM (PLN-22-00027)
CONDITIONS OF APPROVAL**

- 1) The approval of this Conditional Use Permit (PLN-22-00027), to allow the off-sale of beer and wine (Type 20 Alcoholic Beverage Control (ABC) license) at an existing gasoline service station with a 1,554 square foot convenience store with a service station, located at 7360 Florence Ave, and Zoned C-2 (General Commercial).
- 2) Approval of this Conditional Use Permit (PLN-22-00027) shall not be construed to mean any waiver of applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the City of Downey Municipal Code shall apply.
- 3) The City Planner is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
- 4) The Owner/Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution, to challenge the determination made by City under the California Environmental Quality Act or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition.
- 5) An affidavit of Acceptance of Conditions, as provided by the City of Downey, shall be signed, notarized, and returned to the Planning Division within fifteen (15) days of approval. This approval will be considered invalid until this condition has been fulfilled.
- 6) Prior to the operation of the Type 20 ABC license, the owner/Applicant shall obtain any and all required Police Department permits for this Conditional Use Permit.
- 7) A copy of this Resolution and any Police Department permit shall be prominently posted on the premises at all times. The applicant shall make available said copies upon request by any Police Officer or other City official charged with the enforcement of the City's laws, ordinances, or regulations.
- 8) Signs shall be posted at all entrances to the premises and business identifying a zero-tolerance policy for nuisance behavior at the premises (including the parking lot). Signs shall be posted along the exterior and shall also include verbage prohibiting the possession and consumption of alcohol outside the premises.
- 9) The owner/applicant shall not permit any loitering on the subject site.
- 10) The Licensee shall be responsible for monitoring the business to prevent anyone under the age of 21 from purchasing alcohol.

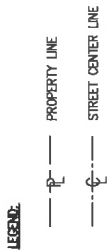
- 11) The applicant/owner of the establishment shall comply with all state requirements. The applicant must obtain and maintain a valid Type 20 – Alcoholic Beverage License (ABC) for Off-Sale Beer and Wine. All conditions of the Type 20 – ABC license shall be maintained at all times and failure to do so will be grounds for revocation.
- 12) Refrigerators where beer is kept need to be locked during non-sale hours.
- 13) The permitted hours of operation of the convenience store are 24 hours a day, seven days a week. Sales of beer and wine shall be prohibited between the hours of 2:00 a.m. and 6:00 a.m.
- 14) The sale of beer and wine for on-site consumption is strictly prohibited.
- 15) The sale of liquor/spirits is strictly prohibited.
- 16) The convenience store shall comply with the following conditions:
 - a) Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack containers or more per sale;
 - b) Malt beverages shall not be sold in less than six-pack containers per sale;
 - c) Wine shall not be sold with an alcoholic content greater than 15 percent by volume;
 - d) The sale of beer or malt beverages in quantities of quarts, 40 oz., or similar size containers shall be prohibited;
 - e) Beer, malt beverages, or wine cooler products, regardless of container size, must be sold in manufacturer pre-packaged multi-unit quantities;
 - f) The sale of single cigarettes is prohibited.
- 17) No alcohol advertising will be located on the exterior walls, windows or door of the storefront. Windows shall be kept free and clear, except for temporary window signs, as allowed per section 9612 of the Downey Municipal Code.
- 18) Prior to the final of building permits, the applicant shall install and maintain “No Loitering” signage to prevent patrons from congregating or loitering in the parking lot.
- 19) The subject property, and the surrounding public sidewalks, shall be maintained free of trash, litter, and debris at all times.
- 20) For security purposes, lighting shall be placed in such a way as to illuminate the area surrounding the convenience store and trash enclosure. This lighting shall be un-switched and photo-sensor controlled. All lighting shall be designed/shielded to eliminate spillover onto the street and adjoining properties.
- 21) All buildings and walls shall be finished with graffiti resistant materials. Prior to the issuance of building permits, the applicant shall demonstrate to the satisfaction of the City Planner, that the finished materials will comply with this requirement.
- 22) Any graffiti applied to the site shall be removed within 48 hours.
- 23) Trucks making deliveries shall turn off all engines and not be allowed to idle on the site.
 - a) Deliveries shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
- 24) Noise levels shall be limited as required per the Downey Municipal Code.

POLICE

- 25) The business shall have security video cameras operating during all hours that the business is open. All cameras must record onto a videotape or similar recording device. The recordings of the security video cameras shall be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras shall be located at the gas pump and parking lot areas and all areas of the cash register/cashier and where cash is stored. If the Chief of Police determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Chief of Police can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Chief of Police.
- 26) The business shall be equipped with a panic/hold up alarm system. Employees shall have access to panic button(s) that will notify an alarm monitoring company of a robbery or other emergency at the location and who will in turn notify the Downey Police Department of the emergency. The business manager/owner will obtain an alarm permit from the Downey Police Department.
- 27) The business shall be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Downey Police of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place. The manager/owner will obtain an alarm permit from the Downey Police Department.

END OF CONDITIONS

EXHIBIT - C



Site Description
 Total Site Area = 18,130 Sq.Ft.
 A.P.N. 0229-002-001
 Total Floor Area = 1,554 Sq.Ft.
 Total Landscape Area = 3,200 Sq.Ft.
 Parking Provided = 8 Spaces
 Total Spaces Provided = 8 Spaces
 Parking Required = 8 Spaces
 Existing Market, 1,554 S.F., 1/720 S.F. = 6.2 Spaces

Note:
 All structures, landscape areas, fixtures and layout are subject to change. No warranty is made by the preparer of this plan.

CADFILE: FLORENCE 08A1-SP-PP

SITE PLAN

SCALE: 1" = 10"



ZUPAY MAPPING SERVICE
 13645 SHUBLOW AVE.
 STILMAR, CA 91342
 818-433-9059
 zupay1@aol.com

SITUS: EXTRA MILE
 7360 FLORENCE AVENUE
 DOWNEY, CA 90240
 JOB # 21-671

CASE No:
DATE: NOVEMBER 23, 2021

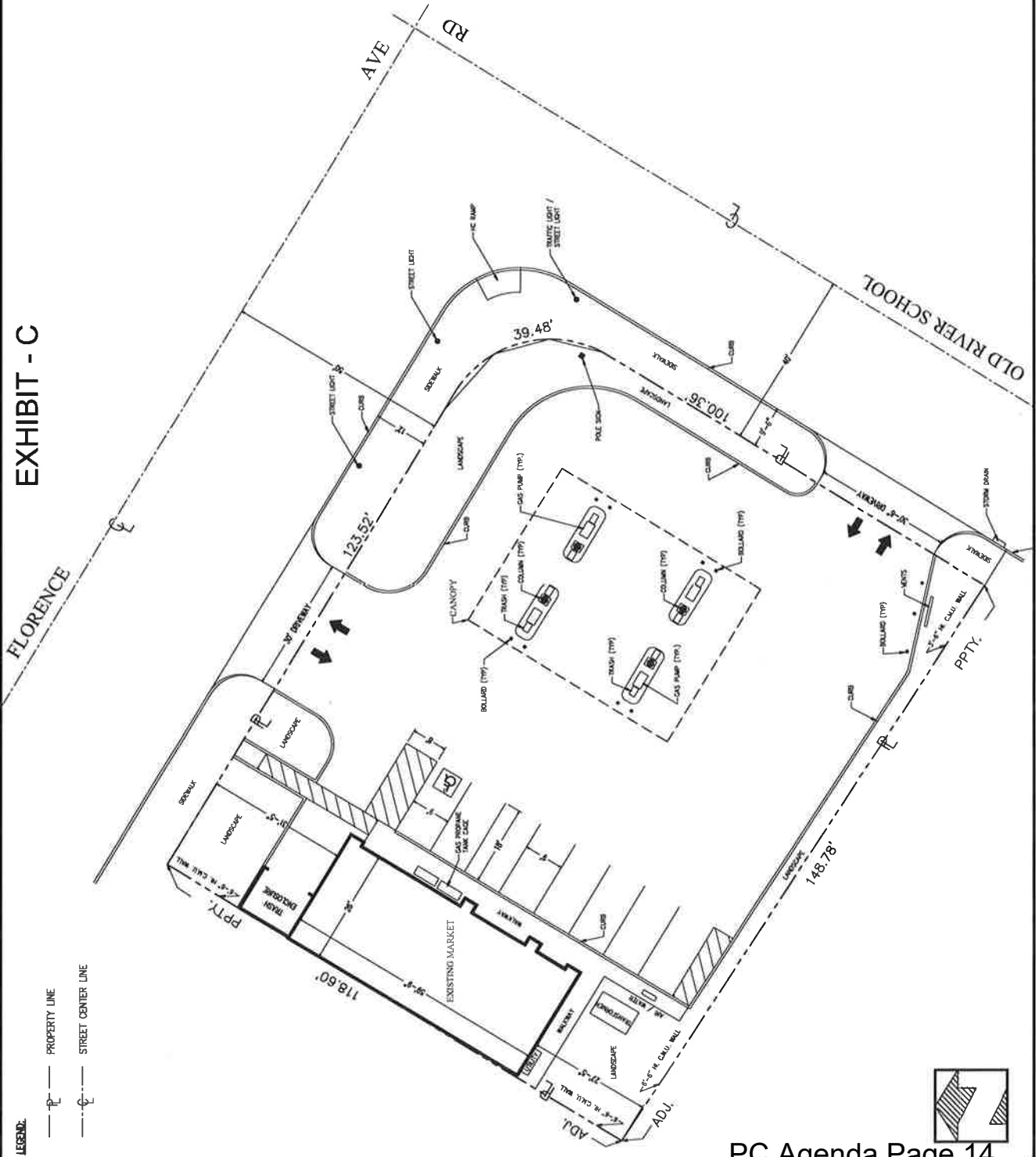
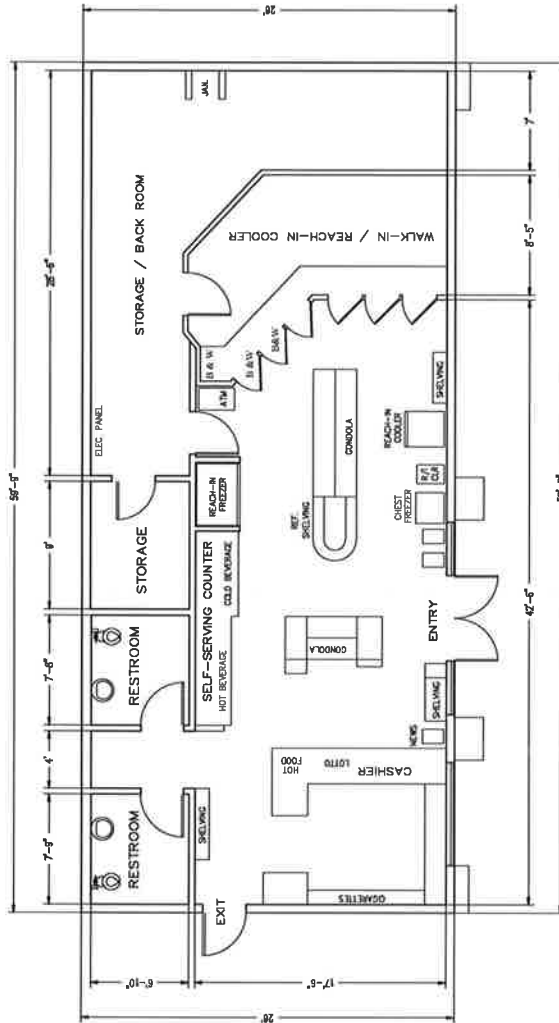


EXHIBIT - C



GROSS AREA = 1,854 Sq.Ft.



CADFILE: FLORENCE GRM-SP-FP

FLOOR PLAN

SCALE: 1/4" = 1'-0"



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zupay1@icloud.com

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