

## **RESOLUTION NO. 2020-**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, MAKING FINDINGS OF PUBLIC CONVENIENCE OR NECESSITY (PCN 2020-04) FOR THE SALE OF ALCOHOLIC BEVERAGES (TYPE 21 ABC) FOR OFF-SITE CONSUMPTION LOCATED AT APNS: 378-030-007 AND 009**

**Whereas**, Joseph Karaki, Karaki Western States Engineering, Inc. has filed an application with the City of Lake Elsinore (City) requesting approval of Public Convenience or Necessity No. 2020-04 for finding of Public Convenience or Necessity for concurrent sale of beer, wine, and distilled spirits for off-site consumption (ABC Type 21 License) within an approximately 8,360 sq. ft. convenience store and a gas station. The project is located at the southwest corner of Riverside Drive and Collier Avenue (APNs: 378-030-007 and 009); and,

**Whereas**, the Department of Alcohol Beverage Control (ABC), a state agency, regulates the distribution of liquor licenses in the State of California; and,

**Whereas**, Section 23958.4 of the Business and Professions Code defines “undue concentration” of liquor licenses and establishes a procedure for the local agency to determine if the Public Convenience and Necessity will be served by the issuance of a license notwithstanding a determination that there is an undue concentration of licenses; and,

**Whereas**, Section 23958.4 of the Business and Professions Code allows the City Council to delegate the responsibility making the finding of Public Convenience and Necessity; and,

**Whereas**, pursuant to City Council Resolution No. 2008-83, the Planning Commission (Commission) has been authorized to determine whether Public Convenience and Necessity would be served to warrant the issuance of an alcoholic beverage license from the State Department of Alcohol Beverage Control (ABC) as allowed by Section 23958.4 of the Business and Professions Code of the State of California and the City Clerk or Director of Community Development are authorized to issue letters of Public Convenience and Necessity after a determination is made; and,

**Whereas**, on October 6, 2020, at a duly noticed Public Meeting, the Commission has considered evidence presented by the Community Development Department and other interested parties with respect to this item.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE ELSINORE, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1:** The project is located within Census Tract No. 430.05, which contains seven (7) off-premise alcohol establishment licenses. ABC guidelines only allows for two (2) off-premise alcohol establishments within this census tract. Before issuing a license, ABC requires a Public Convenience or Necessity (PCN) finding from the local jurisdiction for alcohol sales establishments that are located within a census tract that is over concentrated with similar alcohol related uses.

**Section 2:** The Commission makes the following findings for Public Convenience or Necessity for the sale of beer, wine, and distilled spirits for off-site consumption (ABC Type 21 License):

1. The use is essential or desirable to the public convenience and public welfare.

*The availability of alcohol with the sale of convenience store items allows customers to have readily available products in one location where they would otherwise be obliged to travel to other locations to further purchase their items; thus, the establishment of off-site alcoholic beverage sale serves a public convenience.*

2. The granting the permit will not be materially detrimental to the public welfare and to other property in vicinity.

*The store is primarily for the sale everyday items such as coffee, groceries, snack foods, confectionery, soft drinks, over-the-counter drugs, toiletries, newspapers, and magazines. The sale of alcohol is incidental and in conjunction with the sale of such items. The proposed sale of alcohol would not be detrimental to the public health, safety, or welfare because the proposed store is located in a commercial area away from churches, schools, and residences. In addition, the store has been designed where all the windows are facing the street and parking lot allowing for motorists and patrons outside the store to have a direct view inside the store. Security of alcohol will include the use of theft deterrent equipment and a floor plan that keeps alcohol shelves and coolers unobstructed for store management and staff and permits staff to monitor customers and reduce alcohol theft. The store will operate in compliance with the state's Alcohol Beverage Control Act, together with any conditions of the license that may be issued by ABC. Therefore, the granting of the permit will not be detrimental to public welfare and to other properties in the vicinity.*

3. The use conforms to good zoning practices and development standards.

*The current zoning for the subject site is Commercial Manufacturing (C-M). The proposed service station is a permitted use in the C-M Zone. Establishments engaged in the concurrent sale of motor vehicle fuel with alcoholic beverages are also subject to a Conditional Use Permit approval that include the requirements outlined in Section 17.112.090.O of the Lake Elsinore Municipal Code (LEMC) as conditions of approval. A Design Review (CDR 2016-17) and a Conditional Use Permit (CUP 2018-03) have been approved for the subject property ensuring that the project meets all the development standards of the C-M zone and the requirements outlined in Section 17.112.090.O of the LEMC are included in the conditions of approval.*

4. The use is not contrary to any of the objectives of any part of the adopted General Plan.

*The Project complies with the goals and objectives of the General Plan because it will assist in providing a service that serves to provide the full spectrum of commercial needs for a community in a commercial retail center.*

**Section 3:** Based upon the evidence presented, the above findings, and the Conditions of Approval imposed upon the Project, the Commission hereby makes findings of Public Convenience and Necessity (PCN) for the sale of alcoholic beverages (Type 21 Off-Sale General) at APNs: 378-030-007 and 009 and authorizes the Director of Community Development to issue the letter of Public Convenience and Necessity.

**Section 4:** This Resolution shall take effect immediately upon its adoption.

**Passed and Adopted** on this 6<sup>th</sup> day of October, 2020.

---

Rendell Klaarenbeek, Chairman

**Attest:**

---

Justin Kirk,  
Assistant Community Development Director

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF LAKE ELSINORE        )

I, Justin Kirk, Assistant Community Development Director of the City of Lake Elsinore, California, hereby certify that Resolution No. 2020-\_\_ was adopted by the Planning Commission of the City of Lake Elsinore, California, at a regular meeting held on October 6, 2020 and that the same was adopted by the following vote:

AYES  
NOES:  
ABSTAIN:  
ABSENT:

---

Justin Kirk,  
Assistant Community Development Director