

AGENDA ITEM: 3.

DATE: 05-17-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-07

DATE: May 17, 2010
TO: Lancaster Planning Commission
FROM: Planning Department
APPLICANT: The Walgreen Company
LOCATION: 1834 West Avenue J
REQUEST: Addition of Type 20 (Off Sale beer and wine) for the incidental off-sale of alcoholic beverages at an existing Walgreen's in the C (Commercial) Zone

RECOMMENDATION: Adopt Resolution No. 10-21 approving Conditional Use Permit No. 10-07.

BACKGROUND: The Planning Commission approved Conditional Use Permit 06-23 on November 27, 2007, for a 13,000 square-foot drug store with drive-through prescription service on 1.8± acres in the C Zone.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject location is designated C (Commercial) by the General Plan and is zoned C (Commercial), and is currently developed with a 13,000 square-foot retail building. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	C	C	Retail
EAST	C	C	Retail
SOUTH	C	C	Retail
WEST	C	C	Retail

PUBLIC IMPROVEMENTS: The site is bounded to the north by Avenue J and to the west by 20th Street West. All utilities are available to serve the site.

ENVIRONMENTAL REVIEW: The proposed project is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3), which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”. As the proposed project is a use permit for the sale of alcohol at an existing facility, no impacts on environmental resources would be expected to occur.

LEGAL NOTICE: Notice of Public Hearing was mailed to all property owners within a 500-foot radius of the project, posted in three places, posted on the subject property, and noticed in a newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant, Walgreen Company, is requesting a conditional use permit for an incidental off-sale alcoholic (Alcohol Beverage Control Type 20, Off-Sale Beer and Wine) beverages. The Lancaster Municipal Code, Section 17.42.030 states that “no place where alcoholic beverages are sold, served, or given away as a normal course of business for on-sale and off-sale consumption, shall be established without first obtaining a conditional use permit from the City of Lancaster.”

The proposed sale of alcoholic beverages would be between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Saturday. The floor plan indicates 63 square feet of the floor area would be utilized for the storage and display of alcoholic beverages, which is less than the ten percent (10%) or 1,300 square feet maximum allowed under the ordinance. The use of on-site security cameras and public view monitors is in place; these digital images are stored for up to 90 days.

Incidental off-sale alcoholic beverage establishments are exempt from the distance requirements of the City code. However, the applicant must comply with a list of standard conditions from the alcohol ordinance for off-sale alcoholic beverage establishments (Section 17.42.080). Also, the Planning Director has the discretion to require on-site security in the future, if necessary.

The Planning Department has received the Alcoholic Beverage Establishment Application Investigation form from Deputy Michael L. Kuper of the Lancaster Sheriff’s Station stating that the Los Angeles Sheriff’s Department does not oppose the applicants request for a Type 20 ABC license. According to Deputy Kuper, the request for a Type 20 license would not be detrimental to the public safety based on the criteria outline in the investigation report, which coincides with the Lancaster Municipal Code

Staff is recommending approval of the proposed alcohol use for the existing store because it meets all the requirements of the zone, and will not adversely affect nearby residences or businesses. The conditions of approval would ensure that the safety and general welfare of the surrounding area would be maintained. Therefore, staff is recommending approval of the proposed incidental off-sale alcoholic beverage establishment (Type 20).

Respectfully submitted,

Christopher Aune, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 10-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-07

WHEREAS, a conditional use permit has been requested by Walgreen Company for the incidental off-sale of alcohol beverages (Alcohol Beverage Control Type 20) at the existing 13,000 square-foot commercial building with drive-thru service, located in the C Zone at 1834 West Avenue J, as shown on the attached site map; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of chapter 17.32 and chapter 17.42 of the Lancaster Municipal Code; and

WHEREAS, a notice of intention to consider the granting of a Conditional Use Permit has been given as required in Article V of Chapter 17.32 of the Lancaster Municipal Code and in Section 65905 of the Government Code of the State of California; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of this conditional use application, subject to conditions; and

WHEREAS, public notice was provided as required by law and a public hearing was held on May 17, 2010; and

WHEREAS, the proposed project is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3), which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”. As the proposed project is a use permit for the sale of alcohol at an existing facility, no impacts on environmental resources would be expected to occur; and

WHEREAS, this Commission hereby adopts the following findings per Section 17.42.050 in support of approval of this application:

1. The proposed use is located within the (C) Commercial Zone which permits alcoholic beverages to be sold, served or given away for on-sale or off-sale consumption with a conditional use permit and would be subject to Chapter 17.42 (alcoholic Beverage Establishments).
2. The proposed use will not adversely affect nearby residents and facilities primarily devoted to use by children, families, and the general public, after giving consideration to the distance or proximity of the proposed alcoholic beverage establishment to residential districts, schools (public or private), day care centers, public parks, playgrounds and other recreational facilities, churches, or other places of religious worship, hospitals, clinics or health care facilities because the request for incidental off-sale of alcoholic beverages occupies a total of 63 square feet located at rear of the

store; the request is exempt from the distance requirement; and hours of operation would be limited to between 7:00 am to 12:00 am Sunday through Saturday.

3. The proposed use serves the public convenience and necessity based on all factors outlined in Section 17.42.060 of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No. 10-07 for the incidental off-sale of alcoholic beverages, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 17th day of May 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ATTACHMENT TO PC RESOLUTION NO. 10-21
CONDITIONAL USE PERMIT NO. 10-07
CONDITIONS LIST
May 17, 2010

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution Number 06-16 for Conditional Use Permits shall apply except for Condition No. 5, 7-9, 11-24, 29, 31, 32, 37-39.

ALCOHOL CONDITIONS

2. Per the direction of the Planning Director, the applicant shall comply with Chapter 17.42 and Section 17.42.080 (Conditions of Approval for Off-Sale Alcoholic Beverage Establishments) except for Section 17.42.42.080.F to be replaced with, "The sale of alcoholic beverages shall be from 7:00 a.m. to 12:00 a.m., Sunday through Saturday." Any reference to beer and wine shall apply to all alcoholic beverages. In addition, Section 17.42.080.K shall be replaced with, "No sales of separated packages of alcoholic beverages (i.e. individual containers, cans or bottles) shall be allowed.
3. On-site security shall be provided if determined necessary by the Planning Director.
4. The conditional use permit shall be subject to an annual review by the Planning Commission should on-site operations or effects on adjacent uses warrant such review.