

AGENDA ITEM: 4.

DATE: 05-17-10

**STAFF REPORT**

**CONDITIONAL USE PERMIT NO. 10-08**

DATE: May 17, 2010  
TO: Lancaster Planning Commission  
FROM: Planning Department  
APPLICANT: The Walgreen Company  
LOCATION: 2840 West Avenue L  
REQUEST: Addition of incidental off-sale of alcoholic beverages (Type 20, off-site sale of beer and wine) for an existing Walgreen's store in the CPD Zone

RECOMMENDATION: Adopt Resolution No. 10-22 approving Conditional Use Permit No. 10-08.

BACKGROUND: The Planning Commission approved Conditional Use Permit No. 00-02 on October 16, 2000, for a 15,000 square-foot drug store with drive-through prescription service on 2.5± acres in the CPD Zone.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject location is designated C (Commercial) by the General Plan and is zoned CPD (Commercial Planned Development). 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	CPD	Commercial Center
EAST	UR	R-10,000	Single Family Residential
SOUTH	UR, NU	R-10,000, SRR	Single Family Residential
WEST	OP, NU	SP, SRR	Vacant, Single Family Residential

PUBLIC IMPROVEMENTS: The site is bounded to the north by Avenue L and to the west by 30<sup>th</sup> 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, The Walgreen Company, is requesting a conditional use permit for incidental off-site sale of alcohol (Alcohol Beverage Control Type 20, Off-Sale Beer and Wine). 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 or off-sale consumption, shall be established without first obtaining a conditional use permit from the City of Lancaster.”

The applicant has been operating continuously at the current location since December 2000. The applicant proposes to offer a limited selection of beer and wine that will make up a small portion of the existing store floor area. Storage and display area for beer and wine will occupy 46 total square feet of floor area that comprises less than 1 percent of the 14,490 square feet of floor area in the store. The sale of alcoholic beverages would be co-terminus with the hours of operation, which would be between the hours of 7:00 a.m. to 10:00 p.m. Sunday through Saturday. The use of on-site security cameras and public view monitors is in place; these digital images are stored for up to 90 days.

Although the store is in close proximity to residential uses, incidental off-sale alcoholic beverage establishments are exempt from the distance requirements (Section 17.42.040.A). 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).

The proposed establishment has been reviewed by the Los Angeles County Sheriff’s Department (Lancaster Station) for a history of law enforcement problems, crime rate, etc. and their recommended approval was given on March 18, 2010.

Staff is recommending approval of the proposed alcohol use for the Walgreen’s store, because it meets all the requirements of the zone, and will not adversely affect nearby residences or businesses. Conditions of approval have been included which would ensure that the safety and general welfare of the surrounding area would be maintained. Staff does not feel that the operation would

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cause conflict with neighboring uses. Therefore, staff is recommending approval of the proposed incidental off-sale alcoholic beverage establishment (Type 20).

Respectfully submitted,

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Elma Watson, Assistant Planner

cc: Applicant

## RESOLUTION NO. 10-22

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-08

WHEREAS, a conditional use permit has been requested by The Walgreen Company, for the incidental off-site sale and consumption of alcohol (Type 20, off-site sale of beer and wine) in an existing 14,490 square-foot commercial building, located at 2840 West Avenue L in the CPD Zone, 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 Conditional Use Permit findings per Section 17.42.050 in support of approval of this application:

1. The proposed use is located within the (CPD) Commercial Planned Development 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 46 square feet located at the rear of the store; the request is exempt from the distance

requirement; and hours of operation would be limited to between 7:00 a.m. to 10:00 p.m., 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 10-08, subject to the conditions attached hereto and incorporated herein.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 10-22**  
**CONDITIONAL USE PERMIT 10-08**  
**CONDITIONS LIST**  
**May 17, 2010**

**GENERAL/ADVISORY**

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

**ADDED CONDITIONS**

2. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment, and be presented to the City of Lancaster of Los Angeles County Sheriff's personnel upon request.
3. Per the direction of the Planning Director, the applicant shall comply with Lancaster Municipal Code Sections 17.42.080 (Conditions of Approval for Off-Sale Alcohol Beverage Establishments); except Section 17.42.080.F shall be replaced with "The sale of alcoholic beverage shall be from 7:00 a.m. to 10:00 p.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, bottles) shall be allowed."
4. The City reserves the right to review the Conditional Use Permit (CUP) one year from the date the CUP was first approved and at one-year intervals thereafter.
5. The Planning Director has the discretion to require on-site security in the future if necessary.