

AGENDA ITEM: 2.

DATE: 05-17-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-06

DATE: May 17, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: The Walgreen Company

LOCATION: 831 East Avenue K

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 CPD (Commercial Planned Development) Zone

RECOMMENDATION: Adopt Resolution No. 10-20 approving Conditional Use Permit No. 10-06.

BACKGROUND: On April 4, 2008, the Planning Director approved Site Plan Review No. 00-05, for a 15,120 square-foot retail building for a pharmacy on 1.69± acres.

GENERAL PLAN DESIGNATION, EXISTING ZONING, AND LAND USE: The subject location is designated C (Commercial) by the General Plan and zoned CPD (Commercial Planned Development), and is developed with an existing 15,120 square-foot pharmacy. 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	Commercial	CPD	McDonald's Restaurant
EAST	Commercial	CPD	Mini-mart/Gasoline
SOUTH	Commercial	CPD	Commercial/retail Center
WEST	Commercial	CPD	Commercial/retail Center

PUBLIC IMPROVEMENTS: The site is bounded to the south by Avenue K, and to the east by Challenger Way, both of which are improved with two travel lanes in each direction. 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. Notice of intent to find that the action is categorically exempt has been legally advertised.

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 is requesting a conditional use permit to allow the incidental off-sale of alcoholic beverages (Alcohol Beverage Control Type 20, Off Sale beer and wine) at the existing 15,120 square-foot Walgreen’s pharmacy. A conditional use permit is required for the incidental off-site sale of beer and wine (Lancaster Municipal Code, Section 17.42.030) for consumption off the premises.

The floor plan indicates less than one percent (1%) or 46 square feet of the sales floor area will be utilized for the sale, display and storage of alcoholic beverages for consumption off the premises, which is less than the ten percent (10%) or 5,000 square feet maximum allowed under Section 17.42.020 of the ordinance. Although the project is in proximity to sensitive uses (i.e. residences, residential zoning, schools, etc.), incidental off-sale alcoholic beverage establishments are exempt from the distance requirements. The applicant does not have a negative history with the California State Department of Alcoholic Beverage Control (ABC), and the Los Angeles County Sheriff’s Department (Lancaster Station) was not opposed to the issuance of the of the conditional use permit. The applicant has been conditioned to comply with Chapter 17.42 (Alcoholic Beverage Establishments). Staff has recommended additional conditions of approval to ensure the compatibility of the use with nearby uses and the other commercial tenants by restricting the container type and size on beer and wine sales.

The applicant has indicated that security will be provided by security cameras and public view monitors. Additionally, beer and wine will be positioned on the opposite end of the store from where the entrance is located, thereby forcing customers to walk the length of the store serving as an additional deterrent. Also, the Planning Director has the discretion to require on-site security in the future, if necessary. Therefore, staff does not feel that the operation would cause conflict with neighboring uses.

Staff is recommending approval of the proposed change to add incidental off-sale of alcoholic beverages to the existing retail use, because it meets all the requirements of the zone, will not

PC Staff Report
Conditional Use Permit No. 10-06
May 17, 2010
Page 3

adversely affect nearby residences or businesses, and the proposed conditions of approval will ensure that the business operates in a manner consistent with contemporary retailing strategies of customer convenience.

Respectfully submitted,

Brigitte Ligons, Assistant Planner

cc: Applicant
Land Use Consultant

RESOLUTION NO. 10-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-06

WHEREAS, a conditional use permit has been requested by Walgreen Co., for the incidental off-sale and consumption of alcoholic beverages (Alcohol Beverage Control Type 20, Off-Sale Beer and Wine) in an existing 15,120 square-foot pharmacy, located at 831 East Avenue K, in 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 to add the incidental off-sale of alcoholic beverages at an existing retail store, no impacts on environmental resources would be expected to occur; and

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

1. The proposed use of incidental off-sale of alcohol beverages would be located within the existing 15,120 square-foot Walgreen’s retail store and will be in conformance with the General Plan land use designation of (C) Commercial.
2. The requested use at the location proposed will not:
 - a. Adversely affect the 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 because the request is for 46 square feet of the sale, display and storage of alcoholic beverages for consumption off the premises. The incidental off-sale of alcoholic beverages are limited to a maximum of 10 percent or 5,000 square feet (whichever is less) of sales floor area for

the sale and display of alcoholic beverages. The incidental off-sale of alcoholic beverages is exempt from the established distance requirements, and the hours of operation would be limited to between 8:00 a.m. and 10:00 p.m., Sunday through Saturday.

b. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because the proposed project would operate in conformance with Chapter 17.42 (Alcoholic Beverage Establishments) and conditions of approval have been made a part of the project.

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. 10-06, 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