

AGENDA ITEM: 6.

DATE: 06-21-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-11

DATE: June 21, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Super Center Concepts (Superior Grocers)

LOCATION: 1010 East Avenue J

REQUEST: Addition of incidental off-sale of alcoholic beverages at a proposed Superior grocery store (Type 21, off-sale general) in the CPD (Commercial Planned Development) Zone

RECOMMENDATION: Adopt Resolution No. 10-29 approving Conditional Use Permit No. 10-11.

BACKGROUND: The City of Lancaster approved Site Plan Review 87-07 on October 23, 1987, for a 107,000 square-foot shopping center on 8.6± acres. The shopping center included the former Albertson's grocery store, which went out of business approximately spring of 2009. Superior grocery store is proposed to locate in the same structure formerly occupied by Albertson's, which also had off-sale alcohol; but license lapsed after 90 days.

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), and is currently developed with a shopping center, including a mixture of retail, service, office and restaurant uses. 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	Retail and office uses
SOUTH	UR	R-7000	Single-family residential
EAST	UR	R-7000	Single-family residential
WEST	C	CPD	Retail and office uses

PUBLIC IMPROVEMENTS: The site is bounded to the north by Avenue J and to the west by Challenger Way (10th Street East). 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.” Since the proposed project is a use permit for the sale of alcohol at a formerly existing facility of the same use, 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, Super Center Concepts (Superior Grocers), is requesting a conditional use permit for incidental off-sale alcoholic beverages (Alcohol Beverage Control Type 21, off-sale general). 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 6:00 a.m. and 11:00 p.m., seven days a week, concurrent with the hours of operation for the full-service grocery store. The application and floor plan indicates that approximately 1.3 percent or 548 of the 41,243 total square feet of floor area would be utilized for the storage and display of alcoholic beverages, which is less than the 10 percent maximum allowed under the ordinance.

The applicant will have 24-hour security guard coverage to ensure the safety and security of the grocery store. Multiple digital video recording devices, each of which is keyed to 16 cameras, will be used to monitor the site. There will be a total of 80 security cameras in all, which will be accessed remotely from corporate headquarters and audited randomly. Liquor will be locked in cabinets and staffed by an attendant.

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).

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 applicant’s request for a Type 21 ABC license. According to Deputy Kuper, the request for a Type 21 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.

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Staff is recommending approval of the proposed alcohol use for the proposed grocery 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 21).

Respectfully submitted,

Chuen Ng, Associate Planner

cc: Applicant
Engineer

RESOLUTION NO. 10-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-11

WHEREAS, a conditional use permit has been requested by Super Center Concepts (Superior Grocers) for the incidental off-sale of alcohol beverages (Alcohol Beverage Control Type 21) at a proposed grocery store, in an existing 41,243 square-foot commercial building, located in the CPD zone at 1010 East 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 June 21, 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.” Since the proposed project is a use permit for the sale of alcohol at a formerly existing facility of the same use, 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 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 approximately 1.3 percent of the total floor area of the grocery store;

the request is exempt from the distance requirement; there will be adequate security measures on the project site, including cameras and on-site guard; and hours of operation would be limited to between 6:00 a.m. to 11:00 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:

1. This Commission hereby approves Conditional Use Permit No. 10-11 for the incidental off-sale of alcoholic beverages, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21st day of June 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. 10-29
CONDITIONAL USE PERMIT NO. 10-11
CONDITIONS LIST
June 21, 2010

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 for Conditional Use Permits shall apply except for Condition No. 4, 7, 8, 10-14, 16-30, 36-37, and 42-46.

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 17.42.080.F to be replaced with, "The sale of alcoholic beverages shall be from 6:00 a.m. to 11:00 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 or bottles) shall be allowed."
3. The applicant is approved for 548 square feet of floor area for the display and sales of alcoholic beverages. Planning Director is authorized to make minor modifications of this sales floor area within the intent of the Planning Commission approval.