

AGENDA ITEM: 3.

DATE: 03-19-12

STAFF REPORT

CONDITIONAL USE PERMIT NO. 12-04

DATE: March 19, 2012
TO: Lancaster Planning Commission
FROM: Planning Department
APPLICANT: Firas Hannoun and Samer Kassab (Lancaster International Market)
LOCATION: 903 West Avenue J, Suite A
REQUEST: Addition of incidental off-sale of alcoholic beverages at the existing Lancaster International Market (Type 21, off-sale general) in the C (Commercial) Zone

RECOMMENDATION: Adopt Resolution No. 12-06 approving Conditional Use Permit No. 12-04.

BACKGROUND: There have been no prior hearings before the City Council or Planning Commission concerning this property.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject property is designated C (Commercial) by the General Plan and is zoned C (Commercial). 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 and MR2	C and HDR	Partially vacant/Multi-family and single-family uses
EAST	C and UR	C and R-7,000	Vacant
SOUTH	C	C	Retail and office uses
WEST	C	C	Retail and office uses

PUBLIC IMPROVEMENTS: The site is bounded to the south by Avenue J, which is developed with three lanes of travel in each direction, and to the east by Genoa Avenue, which is improved with one lane of travel 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.” 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 the newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant, Firas Hannoun and Samer Kassab (Lancaster International Market), 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.”

Lancaster International Market has been in operation since August 1, 2011. The proposed sale of alcoholic beverages would be between the hours of 8:00 a.m. and 9:00 p.m., seven days a week, concurrent with the hours of operation for the service market. The floor plan indicates that approximately 390 of the 5,000 total square feet, or 7.8 percent of the floor area would be utilized for the storage and display of alcoholic beverages, which is less than the 10 percent maximum allowed under city’s ordinance. Upon inspection by Planning Department staff, greater than 10 percent of the floor area is used for the sale of meats and fresh produce, qualifying the use as a convenience market and an incidental off-sale alcohol beverage establishment.

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 (Sections 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 public safety based on the criteria outlined in the investigation report, which coincides with the Lancaster Municipal Code. The applicant has ADT security in addition to six (6) digital video recording devices to monitor the market during all hours.

Staff is recommending approval of the proposed incidental off-sale alcohol use (Type 21) for the existing market 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.

Respectfully submitted,

Randie Davis, Assistant Planner

RESOLUTION NO. 12-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 12-04

WHEREAS, a Conditional Use Permit has been requested by Firas Hannoun and Samer Kassab (Lancaster International Market) for the incidental off-sale of alcohol beverages (Alcohol Beverage Control Type 21) in an existing 5,000 square-foot convenience market of a 46,464 square-foot commercial shopping center, located in the C (Commercial) zone at 903 West Avenue J, as shown on the attached site plan; 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, 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 application, subject to conditions; and

WHEREAS, public notice was provided as required by law and a public hearing was held on March 19, 2012; and

WHEREAS, the proposed project is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3), which stated 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 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 approximately 7.8 percent of the total floor area of the grocery store; the request

is in an existing convenience market that sells meats and produce, and is exempt from the distance requirement; there would be adequate security measures on the project site, and the hours of operation would be limited to 8:00 a.m. to 9:00 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 No. 12-04 for the incidental off-sale of alcoholic beverages, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 19th day of March 2012, 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. 12-06
CONDITIONAL USE PERMIT NO. 12-04
CONDITIONS LIST
March 19, 2012

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution Number 10-23 for Conditional Use Permits shall apply except for Condition Nos. 4, 7, 8, 11-14, 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 8:00 a.m. to 9:00 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 alcohol (i.e. individual containers, cans or bottles) shall be allowed.”
3. The applicant is approved for 390 square feet of floor area for the display and sales of alcoholic beverages. The Planning Director is authorized to make minor modifications of the sales floor area within the intent of the Planning Commission approval.
4. The applicant shall maintain a minimum of 10 percent of the overall floor area for the sale of fresh meats and produce to ensure classification as a convenience market, and an incidental off-sale alcoholic beverage establishment.
5. No malt beverage products shall be sold, regardless of individual container size, in quantities of less than six per sale, except in manufacturer prepackaged 4-packs.
6. There shall be no singles sales of beer in quantities less than 40 ounces. Wine shall not be sold in containers less than 750 ml, and wine coolers must be sold in manufacturers prepackaged multi-unit quantities.