

STAFF REPORT
City of Lancaster

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MVB

Date: February 23, 2016

To: Mayor Parris and City Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Appeal of Planning Commission’s Denial of Conditional Use Permit No. 15-11 (Request for a Type 21 General Off-Sale Alcohol License for an Existing Mini-Mart at 1752 West Avenue K)**

Recommendation:

Adopt **Resolution No. 16-08**, a resolution of the City of Lancaster, California, upholding the Planning Commission’s decision, by denying the appeal for Conditional Use Permit No. 15-11.

Fiscal Impact:

None.

Background:

The site contains an existing mini-mart with associated gasoline sales, quick lube, and car wash facilities. The original mini-mart was approved in 1996, with a subsequent approval for the car wash and quick lube in 2001. Alcohol sales were not part of the original request approved in 1996.

The applicant filed the conditional use permit application in September 2015. Since a mini-mart is defined as “primary seller” by the City’s alcohol regulations, it is subject to separation distances as established by Section 17.42.040 of the Lancaster Municipal Code. This site is located within 300 feet of residential property to the south and, as such, would require approval of a distance waiver under Section 17.42.040.C of the LMC. The Planning Commission conducted a public hearing on November 16, 2015, and by a 5-1 vote denied Conditional Use Permit No. 15-11, because it could not make the findings required to grant a distance waiver. The applicant appealed the decision on November 30, 2015.

In order to grant a distance waiver, the City must make two findings under Section 17.42.040.C of the LMC; the first being that the alcohol beverage establishment will serve a specific community need, and second, that the approval of the waiver is not expected to result in an adverse effect on adjacent property, uses, or residents. The Planning Commission noted that there currently exists within the immediate area, an off-site sales at a grocery store and an existing mini-mart, on the southwest and southeast corners of Avenue K and 20th Street West, as well as an existing mini-mart on the northeast corner of Avenue K and 17th Street West. The Commission also considered information from the Los Angeles County Sheriff's Department indicating a total of 440 crimes were committed within a half-mile radius of the site between October 15, 2014, and October 15, 2015, along with the Sheriff Department's concerns that alcohol sales at the location could create public safety issues. In addition, a business owner on the north side of Avenue K, near the site, provided written correspondence indicating their concerns with another alcohol sales establishment being located in the immediate area. Based on this information, the Commission was not able to make the findings required to approve a distance waiver.

The applicant, in both the initial conditional use permit application and the appeal, states that there is a need for an additional alcohol sales outlet because of the closure of a previous sales establishment at the northwest corner of Avenue K and 20th Street West. The applicant also notes that the site exceeds the required distance from the other alcohol sales establishments in the immediate area and that providing this additional sales location would help alleviate congestion at the existing mini-mart on the southeast corner of Avenue K and 20th Street West.

Staff originally recommended denial of the request based upon the inability to substantiate the findings necessary to grant the distance waiver. The applicant did not provide any indication at the hearing of working with area residents, business owners, or the Sheriff's Department to identify their concerns. It is possible that mitigating circumstances or requirements such as restrictions on the type and size of containers or product, security, or other operational approaches could be proposed by the applicant as part of the waiver request to address the identified concerns.

BSL:jr:lcs

Attachments:

Resolution No. 16-08

PC Staff Report dated November 16, 2015

Appeal Filed November 30, 2015