

AGENDA ITEM: 6.

DATE: 06-15-09

STAFF REPORT

CONDITIONAL USE PERMIT NO. 09-03

DATE: June 15, 2009
TO: Lancaster Planning Commission
FROM: Planning Department
APPLICANT: Gaffield Beach CVS LLC/ Longs Drugstores California LLC
LOCATION: Northwest corner of 60th Street West and Avenue K
REQUEST: Incidental off-sale alcoholic beverage establishment (Type 21)

RECOMMENDATION: Adopt Resolution No. 09-17 approving Conditional Use Permit No. 09-03.

BACKGROUND: General Plan No. 05-01 and Zone Change No. 05-01 were approved May 12, 2009. Approval of Conditional Use Permit No. 09-03 is only valid if Conditional Use Permit No. 07-12 is approved.

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 consists of two adjoining undeveloped parcels. 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	UR	R-7,000	Single Family Residences, Vacant
EAST	UR	R-7,000	Single Family Residences
SOUTH	UR	R-7,000	Vacant
WEST	UR	R-7,000	Single Family Residences

PUBLIC IMPROVEMENTS: The site is bounded to the north by future Avenue J-12, to the east by 60th Street West which is fully dedicated at 120-foot right-of-way and partially improved with four northbound lanes and one southbound lane, and to the south by Avenue K, which is partially improved with one lane in each direction. All utilities are available to serve the site.

ENVIRONMENTAL REVIEW: A final EIR has been prepared that analyzes the potential impacts of the proposed project. On April 23, 2009, the Planning Commission recommended to the City Council certification of the final EIR. On May 12, 2009, the City Council certified the final EIR.

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, Gaffield Beach CVS LLC/ Longs Drugstores California LLC, is requesting a conditional use permit for an incidental off-sale alcoholic (Alcohol Beverage Control Type 21, Off-Sale General License). The sale of alcoholic beverages would be co-terminus with the hours of operation, which would be between the hours of 8:00 a.m. and 12:00 a.m. Sunday through Saturday. The floor plan indicates 3.95 percent or 388 feet of the sales floor area will be used for the sale and display of alcoholic beverages for consumption off the premises, which is less than the 10 percent or 9,808 square feet maximum allowed under the ordinance. Incidental off-sale alcoholic beverage establishments are exempt from the distance requirements of the City code. The project has been conditioned to comply with operating conditions of Section 17.42.080., with some modifications to apply to the unique circumstances of this proposal. Staff has recommended additional conditions of approval to ensure the compatibility of the use with nearby uses by restricting the container type and size on beer and wine products. Also, the Planning Director has the discretion to require on-site security in the future, if necessary.

On April 2, 2009, the Planning Department 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 applicants 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

Staff believes that the proposed use would provide a service that is not currently available in this area of Lancaster. In addition, the conditions of approval will ensure that the proposed use operates in a manner that would not be detrimental to surrounding residential uses in the area. Therefore, staff is recommending approval of the proposed incidental off-sale alcoholic beverage establishment (Type 21).

Respectfully submitted,

Christopher Aune, Assistant Planner

cc: Applicant
Engineer

Attachment: Alcoholic Beverage Establishment CUP Application Investigators Report

RESOLUTION NO. 09-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 09-03

WHEREAS, a conditional use permit has been requested by Gaffield Beach CVS LLC/ Longs Drugstores California LLC for the incidental off-sale of alcohol beverages (Alcohol Beverage Control Type 21) at the proposed 12,900 square-foot commercial building with drive-thru service. The proposed project is located in the CPD Zone for PAD C at the northwest corner of 60th Street West and Avenue K, 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 15, 2009; and

WHEREAS, the Environmental Impact Report was certified by the City Council on May 12, 2009, in accordance with the requirements of CEQA; and

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

1. The requested alcohol use at the location proposed will not:
 - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because the project is not located adjacent to residential use and sufficient parking will be provided.
 - b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because City development standards will be met, and adequate parking and landscaping will be provided. The proposed buildings are of a height compatible with the height limits of the commercial zones and are designed with adequate setbacks from the adjacent street.
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and improvements will be part of the project.

2. The 21.32± gross acre shopping center is adequate in size and shape to accommodate building setback, 52 parking spaces, and landscaping, and other development features prescribed in the Zoning Ordinance or as is otherwise required in order to integrate said use with the uses in the surrounding areas.
3. The proposed site is adequately served:
 - a. By 60th Street West and Avenue K, which will be of sufficient width and improved as necessary to carry the anticipated daily vehicle trips such use would generate; and
 - b. By other public or private service facilities, including sewer, water, fire, and police services are required.
4. A final EIR that analyzes the potential impacts of the proposed project has been prepared. The City Council, prior to approving the General Plan Amendment and Zone Change, certified on May 12, 2009, that the EIR was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), and found that the identified environmental effects are insignificant, adequately mitigated, or acceptable due to overriding considerations.
5. There is a need for the proposed commercial/retail center because the project will augment the variety of goods and services that are currently available in this area.
6. The proposed 12,900 square-foot drug store will be in conformance with the General Plan land use designation of CPD (Commercial Planned Development) for the subject property, and is located within a zone which permits alcoholic beverages to be sold, served, or given away for off-sale consumption.
7. The requested alcohol 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 the sale and display of alcoholic beverages for consumption off the premises. The incidental off-sale of alcoholic beverages are limited to a maximum of 10 percent or 9,808 square feet (whichever is less) of sales floor area for the sale and display of alcoholic beverages. The incidental off-sale of alcoholic beverages are exempt from the established distance requirements to residential districts, and the hours of operation would be limited to between 8:00 a.m. to 12:00 a.m., Sunday through Saturday.
 - b. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare because the project would operate in conformance with Chapter 17.42 and conditions of approval have been

8. The proposed 12,900 square-foot drug store serves the public convenience and necessity based upon all factors outlined in Chapter 17.42.060.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No. 09-03 for the incidental off-sale of alcoholic beverages, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 15th day of June 2009, 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. 09-17
CONDITIONAL USE PERMIT NO. 09-03
CONDITIONS LIST
June 15, 2009

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 No. 5, 7-9, 11-24, 29, 31, 32, 37-39.

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 17.42.42.080.F to be replaced with “The sale of alcoholic beverages shall be from 8:00 a.m. to 12:00 a.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. On-site security shall be provided if determined necessary by the Planning Director.
4. The applicant shall limit the floor area for the display and sales of alcoholic beverages to a maximum of 10 percent of sales floor area.
5. The conditional use permit shall be subject to an annual review by the Planning Commission should on-site operations or effects on adjacent uses warrant such review.