

## **RESOLUTION NO. 20-11**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 17-19 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A GAS CANOPY ISLAND, GARAGE AND MINI-MART WITH THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION (TYPE 20 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE AND A WAIVER FROM THE DISTANCE REQUIREMENTS IN THE COMMERCIAL (C) ZONE AT THE NORTHWEST CORNER OF AVENUE I AND 20<sup>TH</sup> STREET WEST AND ADOPTING A NOTICE OF EXEMPTION

WHEREAS, a Conditional Use Permit has been requested by George Alseryani (“Applicant”) for the construction and operation of a gas canopy island, garage, and a mini-mart with a Type 20 Alcohol Beverage Control (ABC) License with a distance waiver in the Commercial (C) zone; and

WHEREAS, an application for the above-described Conditional Use Permit has been filed pursuant to Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code (“LMC”); and

WHEREAS, staff has performed the necessary investigations, prepared a written report, and recommended approval of this conditional use permit application, subject to conditions; and

WHEREAS, a notice of intention to consider the granting of a Conditional Use Permit has been given as required by Article V of Chapter 17.32 of the LMC, and Section 65905 of the Government Code of the State of California; and

WHEREAS, public notice was published and given as required by law, and a public hearing was held on June 15, 2020; and

WHEREAS, the Planning Commission, after considering all evidence presented, desires to approve Applicant’s requested Conditional Use Permit.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LANCASTER, DOES HEREBY RESOLVE, DETERMINE AND ORDER, AS FOLLOWS:

Section 1. That the foregoing Recitals are true, correct and a substantive part of this Resolution.

Section 2. That the Planning Commission hereby adopts the following finding pursuant to Section 17.32.090 of the LMC:

- a. That the proposed use will not be in substantial conflict with the adopted General Plan for the area.
- b. That the requested use at the proposed location will not:
  - 1. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, or
  - 2. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, or
  - 3. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
- c. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- d. That the proposed site is adequately served:
  - 1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and;
  - 2. By other public or private service facilities as are required.

Section 3. That the Planning Commission hereby adopts the following findings pursuant to Section 17.42.050 of the LMC:

- a. That the proposed use will be located within a zone, which permits alcoholic beverage to be sold, served, or given away for on-sale or off-sale consumption, as the case may be, upon obtaining a conditional use permit.
- b. That 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 center, public parks, playgrounds and other recreational facilities, churches or other places of religious worship, hospitals, clinics or other health care facilities.
- c. That the propose use serves the public convenience and necessity based upon all factors outlined in Section 17.42.060.

Section 4. That the Planning Commission hereby finds the project exempt from the provisions of the California Environmental Quality Act (CEQA) under Article 9, Section 15332,

Infill Development, of the State CEQA Guidelines. Staff is hereby authorized and directed to prepare, execute, and file a Notice of Exemption pursuant to CEQA and the State CEQA Guidelines.

Section 5. That the Planning Commission hereby approves Conditional Use Permit No. 17-19, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 15<sup>th</sup> day of June 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

RECUSED:

ABSENT:

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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DANIELLE WINTER, Recording Secretary – Community Development  
City of Lancaster

**Attachment:**  
Conditions List