



**AGENDA
ITEM:** 2.

DATE: 8-17-2020

**STAFF REPORT
CONDITIONAL USE PERMIT NO. 17-19**

DATE: August 17, 2020

TO: Lancaster Planning Commission

FROM: Jocelyn Swain, Senior Planner
Community Development Division, Development Services Department

APPLICANT: George Alseryani

LOCATION: 0.51± gross acres located at the northwest corner of Avenue I and 20th Street West (APN: 3114-013-069)

REQUEST: Request for Conditional Use Permit (CUP) No. 17-19 to allow for the construction and operation of a gas canopy island, garage, and a mini-mart allowing the sale of beer and wine for off-site consumption (Type 20 California State Alcoholic Beverage Control [ABC] license) with a waiver from the distance requirements

RECOMMENDATION: Adopt Resolution No. 20-11 approving Conditional Use Permit No. 17-19 to allow for the construction and operation of a gas canopy island, garage, and a 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 20th Street West and adopting a Notice of Exemption.

BACKGROUND

The project site is currently developed with a SMOG station and repair shop. The building was constructed in 1968.

Conditional Use Permit No. 89-39 was approved by the Planning Commission on December 11, 1989, for a gas station, mini-mart, and carwash. This project expired on December 11, 1991.

GENERAL INFORMATION

Table 1 summarizes the general information concerning this project.

Table 1: General Information

ITEM	DESCRIPTION
APNS	3114-013-069
LOCATION	0.51± gross acres located at the northwest corner of Avenue I and 20 th Street West
ZONING AND LAND USE	Commercial (C) zoning and land use designation
SURROUNDING LAND USES AND ZONING	North: Commercial uses/vacant lot followed by a residential subdivision; C and R-7,000 (single family residential, minimum lot size 7,000 square feet) South: AM/PM gas station; Commercial Planned Development (CPD) East: Commercial shopping center/residential subdivision to the northeast; CPD and R-7,000 West: In-N-Out and California Highway Patrol; C
CURRENT DEVELOPMENT	SMOG station and auto-repair shop
ENVIRONMENTAL REVIEW	The proposed project was reviewed for compliance with the California Environmental Quality Act (CEQA) and staff determined that the project is exempt from further environmental review under CEQA Section 15332, Class 32, Infill Development Projects. A Notice of Exemption has been prepared for the proposed project.

PROJECT DESCRIPTION:

The proposed project consists of the redevelopment of the site with a gas island canopy, garage, and mini-mart with the sale of beer and wine for off-site consumption and a waiver from the distance requirements.

The gas island canopy would be located in the central portion of the project site and would consist of 12 fueling stations. These fueling stations would be screened, to the extent feasible, by the mini-mart/garage buildings located along Avenue I and 20th Street West.

The mini-mart/garage building would wrap around the corner fronting both Avenue I and 20th Street West. The mini-mart would be 2,635 square feet with its primary frontage along Avenue I.

Access to the building would be provided from the street side at the corner of the intersection and from the interior of the site. Within the mini-mart would be a restaurant area with limited seating (e.g., a sandwich shop, etc.). Four cooler areas totaling 128 square feet (4.9%) would be provided for alcohol (three for beer and one for wine). Adjacent to the mini-mart, and fronting on 20th Street West, would be a 1,300 square foot garage building for auto-repair. This building would contain 2 roll-up doors for the auto repair bays along with a small office, restroom, and storage area. The roll up doors and access to the office area would be from the interior of the project site and would not face the public right-of-way.

Access to the project site would be provided via driveways from both 20th Street West and Avenue I. Landscaping and parking would be provided throughout the project site. A trash enclosure would be located just north of the garage building and would be constructed of blocks with a wrought iron gate. The enclosure would be painted to match the colors of the building. Landscaping would be provided along 20th Street West to screen the trash enclosure.

The proposed development would operate with the hours shown in the below. Alcohol sales would coincide with the hours of operation for the mini mart. The gas station/pumps would operate 24 hours a day, 7 days a week.

- Garage/Auto Repair Facility: Monday – Friday, 8 a.m. to 5 p.m., closed Saturday/Sunday
- Mini-Mart: Monday – Sunday, 6 a.m. to 11 p.m.
- Restaurant (interior to the mini-mart): Monday – Sunday, 10 a.m. to 10 p.m.

ANALYSIS:

General Plan Consistency

The project site has a General Plan Land Use designation of Commercial (C) and the proposed development would be consistent with the following goals, objectives, policies, and specific actions:

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| Policy 3.2.5 | Promote the use of water conservation measures in the design of new developments. |
| Policy 3.3.1 | Minimize the amount of vehicular miles traveled. |
| Objective 3.6 | Encourage efficient use of energy resources through the promotion of efficient land use patterns and the incorporation of energy conservation practices into new and existing development, and appropriate use of alternative energy. |
| Policy 4.5.1 | Ensure that activities within the City of Lancaster transport, use, store, and dispose of hazardous materials in a responsible manner which protects the public health and safety. |

- Policy 15.2.2** Minimize the generation of solid wastes as required by State law (AB-939) through an integrated program of public education, source reduction, and recycling.
- Policy 15.3.1** Direct growth to areas with adequate existing facilities and services, areas which have adequate facilities and services committed, or areas where public services and facilities can be economically extended.
- Goal 16** To promote economic self-sufficiency and a fiscally solvent and financially stable community.
- Objective 16.2** Promote programs that stress the retention and expansion of existing businesses within the City and for the recruitment of new businesses to Lancaster.
- Policy 16.2.1** Stress the retention and expansion of basic industries to maximize economic growth.
- Policy 16.2.3** Ensure that there are sufficient and suitable finished sites to accommodate commercial and industrial growth.
- Policy 16.2.6** Ensure that a variety of sites are available for a diversity of industrial and commercial users.
- Policy 16.3.1** Promote development patterns which will minimize the costs of infrastructure development, public facilities development and municipal service cost delivery.
- Policy 17.1.4:** Provide for office and industrial-based employment-generating lands which are highly accessible and compatible with other uses in the community.
- Policy 18.2.1** Encourage appropriate infill development.
- Policy 18.2.2:** Encourage appropriate development to locate so that municipal services can be efficiently provided.
- Policy 19.2.3** Encourage the rehabilitation and revitalization of declining development, in a manner consistent with community design and development objectives.

There are no goals, objectives, policies, or specific actions of the General Plan that would conflict with the proposed project. The proposed project would redevelop an existing SMOG/Auto Repair facility with an updated development containing a gas station, mini-mart and auto repair facility.

Compliance with the Lancaster Municipal Code

Gas stations and mini-markets require a conditional use permit in the C zone. The proposed project is consistent with the requirements of the C zone and complies with all applicable development standards and guidelines as identified in the LMC.

The applicant is also requesting a Type 20, ABC license for the off-sale of beer and wine with a waiver from the distance requirements. A CUP is required for an ABC license to be held in the City of Lancaster per Lancaster Municipal Code (LMC) Section 17.42.030.

A mini-mart is considered to be a primary off-sale alcoholic beverage establishment per Section 17.42.020 of the LMC. As such, it is subject to the separation distance requirements established in Section 17.42.040. Specifically, this section states that a new primary off-sale establishment is required to be 300 feet from residential uses or residentially designated properties and 500 feet from other primary alcoholic beverage establishments. These distances are measured from closest property line to closest property line.

The closest residential uses are located approximately 334 feet to the northeast and 461 feet to the north of the project site. As such a waiver from the residential uses is not required. However, there are two primary off-sale establishments located within the specified 500-foot distance: Arco-AM/PM (107 feet) and Chevron (163 feet). Additionally, the Vallarta Supermarket sells alcoholic beverages (Type 21), but is not considered a primary off-sale establishment. The distance to the shopping center the supermarket is located in is approximately 110 feet, while the actual supermarket is 720 feet from the project site. As such, the proposed project would need a waiver from the separation distance requirements for the two mini-market/gas stations located on the south side of Avenue I.

In order to grant a waiver, the findings with respect to convenience and necessity need to be made pursuant to the factors identified in Section 17.42.060 of the LMC. These findings have been made below.

Compliance with the City of Lancaster Design Guidelines

The Lancaster Design Guidelines were adopted on December 8, 2009, and subsequently updated on March 30, 2010. These guidelines contain standards for new residential, commercial, and industrial development. The commercial standards identify items to improve the aesthetic value of new developments. Additionally, specific standards are identified for gas stations. These standards identify five guidelines to ensure an aesthetically pleasing gas station:

- Site building at corner or street edge for screening purposes.
- Design gas stations to be architecturally consistent with the project site, or surround contextual environment
- Articulate all facades
- Use quality long-lasting materials for gas station amenities

- Screen gas pumps from public ways by placing buildings/landscaping adjacent to street.

The proposed buildings would wrap the corner of the project site along both Avenue I and 20th Street West. The buildings would be various shades of cream/tan stucco with a dark greyish brown trim. The base of the buildings would have a brown/grey ledgestone stone veneer. The entrance to the mini-mart building from the street would have an attractive entryway flanked by landscaped areas on both sides. Windows are located along the public right-of-way. The gas island canopy would be located in the center portion of the project site and would be shielded from public view, to the extent feasible, by the buildings.

CONDITIONING/USE PERMIT FINDINGS:

In order to grant a CUP, Section 17.32.090 of the Lancaster Municipal Code states that the Planning Commission must make all of the following findings:

1. The proposed use will not be in substantial conflict with the adopted general plan for the area.

The proposed development will be in conformance with the General Plan land use designation of Commercial and with the various objectives, policies, and specific actions of the General Plan as identified above. The proposed project would not conflict with the goals, objectives, policies, or specific actions identified in the General Plan.

2. That the requested 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, or**
- b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, or**
- c. Jeopardize, endanger, or otherwise constitute a menace to the public health, safety or general welfare.**

The proposed design and improvements of the proposed project are consistent with the General Plan land use designation of C, and the standards identified for Commercial Uses set forth in Section 17.12.130 and alcohol sales in Section 17.42 of the Zoning Ordinance. Compliance with these development standards and the conditions of approval would ensure that the proposed project would not adversely affect the health, peace, comfort or welfare of persons; be materially detrimental to the use, enjoyment or valuation of property; or endanger public health and safety.

- 3. 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.**

The proposed site is adequate in size and shape to accommodate all of the required development standards including landscaping and access. Additionally, the development features would be compatible with the uses in the surrounding area.

- 4. That the proposed site is adequately served:**
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and;**
 - b. By other public and private service facilities as are required.**

The proposed project is located at the northwest corner of the intersection of 20th Street West and Avenue I, which have sufficient width and are improved to carry the daily vehicle trips generated by the proposed use. Additionally, project site is served by all necessary utilities and services including water, sewer, fire, and police services.

Section 17.42.050 of the Lancaster Municipal Code states that the Planning Commission must make all of the following findings for alcoholic beverage establishments:

- 1. That the proposed use will be located within a zone which permits alcoholic beverages 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.**

The proposed use would be located in the C zone with a Type 20 ABC license for the off-sale of beer and wine. The C zone allows for the off-sale of alcoholic beverages upon obtaining a conditional use permit.

- 2. That the proposed use will not adversely affect nearby residents 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 or other recreational facilities, churches or other places of religious worship, hospitals, clinics or other health care facilities.**

The conditions of approval would ensure that the proposed use and the associated sale of beer and wine for off-site consumption would not adversely affect nearby residents or sensitive facilities.

3. That the proposed use serves the public convenience and necessity based upon all factors outlined in Section 17.42.060

The proposed use would serve the public convenience and necessity based upon all the factors outlined in Section 17.42.060. The sale of alcohol would provide the public another option on the north side of Avenue I. The amount of alcohol floor sales area in the mini-mart is minimal and would allow the applicant to more successfully compete with the gas station/mini-marts on the south side of Avenue I.

LEGAL NOTICE

A 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 Antelope Valley Press on June 5, 2020.

RECOMMENDATION

Adopt Resolution No. 20-11 approving Conditional Use Permit No. 17-19 to allow for the construction and operation of a gas canopy island, garage, and a 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 20th Street West and adopting a Notice of Exemption.

Attachment:
Resolution No. 20-11