



**AGENDA  
ITEM:** 3.

**DATE:** 8-17-2020

**STAFF REPORT  
CONDITIONAL USE PERMIT NO. 20-01**

**DATE:** August 17, 2020

**TO:** Lancaster Planning Commission

**FROM:** Monique Garibay, Planner  
Community Development Division, Development Services

**APPLICANT:** ASI Development

**LOCATION:** 1859 West Avenue J (Assessor Parcel Numbers: 3122-003-002 & -020)

**REQUEST:** A Conditional Use Permit (CUP) No. 20-01 to allow for the construction and operation of a fueling canopy island in conjunction with a mini-mart (7 Eleven) allowing for the sale of beer and wine for off-site consumption (Type 20 California Department of Alcoholic Beverage Control (ABC) license) with a waiver from the distance requirements

**RECOMMENDATION:** Adopt Resolution No. 20-18 approving Conditional Use Permit No. 20-01 to allow for the construction and operation of a fueling canopy island in conjunction with a mini-mart (7 Eleven) allowing for the sale of beer and wine for off-site consumption (Type 20 California Department of Alcoholic Beverage Control (ABC) license) with a waiver from the distance requirements and adopting a Notice of Exemption.

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**BACKGROUND**

The project site is approximately 22,000 square feet in size and is located on the northeast corner of 20<sup>th</sup> Street West and West Avenue J. The project site is zoned Commercial (C) and is currently developed with a 9,044 square foot commercial building (built in 1979) with an adjacent parking lot.

On January 30, 2020, ASI Development submitted an application for a Conditional Use Permit

(CUP) for a proposed fueling canopy island and 24-hour mini-mart (7 Eleven) at this site.

**GENERAL INFORMATION**

Table 1 summarizes the general information concerning this project.

ITEM	DESCRIPTION
APN	3122-003-002 & -020
LOCATION	1859 West Avenue J
ZONING AND LAND USE	The property is located in the Commercial (C) zone and has a General Plan Land Use Designation of Commercial (C).
SURROUNDING ZONING AND LAND USES	North: C; Restaurant (Previously Sizzler’s) South: C; Commercial Property (Previously Walgreen’s) East: C; Commercial Property (Calvary Chapel Bookstore/ Offices) West: C; Commercial Property (Circle K Mini-Mart/ Mobil Gas Station)
CURRENT DEVELOPMENT	An approximately 9,000 square-foot commercial building with an adjacent parking lot.
ENVIRONMENTAL REVIEW	The 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 would redevelop the site with a new 24-hour mini-mart (7 Eleven) with the sale of beer and wine for off-site consumption, a fueling canopy, pumps, underground storage tanks, and surface parking. In addition, the development would incorporate new landscaping, lighting, and signage to the property. The applicant is also requesting a waiver from the distance requirements.

The proposed mini-mart would be 2,454 square feet in size and would be placed at the corner of 20<sup>th</sup> and West Avenue J. The proposed 1,340 square-foot fueling canopy, located next to the mini-mart, would accommodate six fuel dispensers. The proposed architectural features would carry throughout the property site and can be seen on the mini-mart, fueling canopy, and trash enclosure elevations. The proposed surface parking would provide nine (9) standard parking

stalls and one (1) accessible parking space. Access to the site would be provided off of both 20<sup>th</sup> Street West and West Avenue J.

Lighting would be incorporated throughout the site, around the perimeter of the property, as well as on the mini-mart building and the fuel canopy. The proposed mini-mart would be equipped with security cameras both inside the store and in the parking lot. The store front windows would be free from any obstructions, and no advertising of alcohol would be visible from the exterior of the building.

The percentage of shelving space devoted to alcohol sales is less than five percent. In addition, the alcohol displays are located furthest away from any store point of entry. The business would have the cooler doors, with the alcohol displays, locked during “those hours of the evening when the sale of alcohol is restricted.” Staff has conditioned the cooler doors to be locked between the hours of 12:00 AM – 8:00 AM.

### **ACTIVE OFF-SALE ABC RETAIL LICENSES:**

The proposed 7 Eleven would be located in Census Tract 9008.05. Per the California Department of Alcoholic Beverage Control, there are six active, off-sale licenses in addition to the proposed mini-mart. The Census Tract map with the businesses’ locations has been provided as Attachment A.

#### **Type 20 License**

Off-Sale Beer and Wine

- Chevron – 1860 West Avenue I
- Alta Dena Dairy – 44949 10<sup>th</sup> Street West

#### **Type 21 License**

Off-Sale General

- Batz Liquor – 1448/1450 West Avenue I
- BL Liquor – 1304 West Avenue I
- PB Store Liquor – 44549 10<sup>th</sup> Street West
- Cactus Liquor – 1345 West Avenue J

### **DISTANCE REQUIREMENTS**

Section 17.42.040 of the Lancaster Municipal Code (LMC) sets forth specific distance requirements for new alcoholic beverage establishments. The project site is not located within 300 feet of any religious assemblies, day care centers, or residential uses. The site is also not within 1,000 feet of a public or private school. However, there are currently two active, off-sale ABC licenses within 300 feet of the subject property, which are not located within the same Census Tract (Attachment B). The Circle K mini-mart also has an off-sale license and is defined as a “primary off-sale alcoholic beverage establishment.” At the time of the public hearing, the proposed project would need a waiver from the distance requirements for only the Circle K mini-mart.

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.

## **SHERIFF'S DEPARTMENT REVIEW**

Staff received the Alcoholic Beverage Establishment Application Investigation form from Deputy Lance Jordan of the Lancaster Sheriff's Station (Attachment C), stating that the Los Angeles Sheriff's Department neither supports or opposes the applicant's request for a Type 20 ABC license. In an effort to mitigate potential adverse impacts of the use, the Sheriff's Department and staff have included several conditions for the project.

## **ANALYSIS:**

### **GENERAL PLAN CONSISTENCY**

The General Plan Land Use Designation for the subject property is Commercial (C), and the proposed development would be consistent with the following goals and policies:

- **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.
- **Goal 16:** To promote economic self-sufficiency and a fiscally solvent and financially stable community.
- **Policy 16.2.6:** Ensure that a variety of sites are available for a diversity of industrial and commercial users.
- **Policy 19.2.3:** Encourage the rehabilitation and revitalization of declining development, in a manner consistent with community design and development objectives.

### **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. **That the proposed use will not be in substantial conflict with the adopted general plan for the area.**

The proposed development would be in conformance with the General Plan Land Use Designation of Commercial. In addition, the proposed development would be consistent

with the goals, objectives, policies, and specific actions identified within 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 development is consistent with the General Plan Commercial Designation as well as the Commercial zone's development standards in Sections 17.12.130 and 17.42 of the Lancaster Municipal Code. The project was reviewed by staff and conditions of approval have been placed on the project to ensure that the proposed use would not adversely affect or jeopardize 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 subject property is adequate in size and shape in order to accommodate the mini-mart, fueling canopy, access to the site, and required parking and landscape.

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 or private service facilities as are required.**

The proposed project is located at the northeast corner of 20<sup>th</sup> Street West and West Avenue J, which have sufficient width and are improved to carry the daily vehicle trips generated by the proposed use. Additionally, the project site location has adequate sewer, water, 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 mini-mart and fueling canopy would be located in the C zone. The Commercial 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 resident's 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 sale of beer and wine for off-site consumption would not adversely affect nearby residents or resident 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 off-sale of alcohol would provide residents and visitors other retail options within the area around Avenue J. The percentage of shelving space devoted to alcohol sales is less than five percent of the mini mart's total floor area.

Section 17.42.040 of the Lancaster Municipal Code states that the Planning Commission must make all of the following findings in order to grant a waiver of the distance requirements:

- 1. The alcoholic beverage establishment will serve a specific community need.**

The mini-mart and gas station would be open 24 hours a day, but the sale of alcoholic beverages would be limited between the hours of 8:00 a.m. to 12:00 a.m., seven days a week. No advertising of alcohol would be visible from the exterior of the building. In addition, the percentage of shelving space devoted to alcohol sales is less than 5% and would be located furthest away from any store point of entry.

- 2. The distance waiver approved for the alcoholic beverage establishment is not expected to result in an adverse effect on adjacent property, uses or residents.**

The proposed Type 20 ABC license would only allow for the sale of beer and wine as opposed to beer, wine, and spirits. Beer and wine would likely be purchased by patrons also purchasing food items from the mini-mart, similar to that of a grocery store or

convenience store without a gas station. On-site consumption of beer and wine as well as loitering on or around the premises would be prohibited.

### **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 the Antelope Valley (AV) Press on August 7, 2020.

### **RECOMMENDATION**

Adopt Resolution No. 20-18 approving Conditional Use Permit No. 20-01 to allow for the construction and operation of a fueling canopy island in conjunction with a mini-mart (7 Eleven) allowing for the sale of beer and wine for off-site consumption (Type 20 California Department of Alcoholic Beverage Control (ABC) license) with a waiver from the distance requirements and adopting a Notice of Exemption.

#### **Attachments:**

- A. Attachment A – Census Tract Map
- B. Attachment B – Radius Map
- C. Investigator's Report
- D. Resolution No. 20-18