

FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION COUNTY OF LOS ANGELES

**PROJECT NUMBER R2008-00152
CONDITIONAL USE PERMIT 200800020**

HEARING DATE: 5/13/2009

SYNOPSIS:

To be inserted.

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. The subject property is located on 22847 West Avenue D, West Lancaster, CA 93536 in the community of Antelope Valley within the Antelope Valley West Zoned District in unincorporated Los Angeles County.
2. The subject property has direct access to West Avenue D/SR138, a designated major highway, and 230th Street West, a collector street. No change in existing access is proposed.
3. Pursuant to Section 22.56.010 of the County Code, the applicant has requested a conditional use permit to authorize the sale of beer and wine for off-site consumption at an existing convenience store and off-site consumption at a previously approved restaurant with a proposed outdoor eating area; and the conversion of an office space to a caretaker residential unit in the C-2 (Neighborhood Business) zone.
4. The property is designated as Non-Urban 1 in the Antelope Valley Areawide General Plan (AVAGP) and the request will not conflict with the provisions of the AVAGP. Although the N1 is primarily a residential land use designation since it represents the dominant use of the area, the AVAGP allows local and highway oriented commercial uses to serve the needs of local residents and travelers in non-urban areas. The nearest residence is located approximately 350 feet north of the building that accommodates the proposed uses and it is buffered by a parking area, vacant land and a line of trees which provides buffer to minimize potential impacts to the nearby residence. The subject property is surrounded by vacant agricultural land to the south, east and west.
5. The subject property is zoned C-2 (Neighborhood Business) and A-1-2 (Light Agricultural – Two acres minimum lot size). Approximately 1.8 acre of the site is zoned C-2, and 2.5 acres are zoned A-1-2. All the existing facilities related to this request are located within portion of the property zoned C-2.

The Surrounding Properties are zoned as follows:

North: A-1-2 (Light Agricultural – Two acres minimum lot size).

South: A-1-2
East: A-1-2
West: A-2-5 (Light Agricultural – Five acres minimum lot size).

6. Surrounding land uses within 500 include:
 - North: Single-Family Residences
 - South: Vacant Agricultural Land
 - East: Vacant Agricultural Land
 - West: Vacant Agricultural Land
7. Although the subject property is zoned C-2 (Neighborhood Business) and A-1-2 (Light Agricultural – Two acres minimum lot size), the development is completely located within the portion of the subject property that is zoned C-2. Therefore, the C-2 development standards are applicable.
8. The commercial use of the subject property has been established in 1966 through an approved plot plan for the construction of a commercial building and an automobile fuel station. The commercial establishment has been in operation without conflict with the existing community. The site is appropriate for commercial development since it fronts on an improved major highway. The proposal is to allow the sales of beer and wine for on-site consumption at the established market and off-site consumption at the approved restaurant. The restaurant is currently closed. An outdoor eating area is also proposed to be located on the patio enclosed by a fence. No changes to the existing access and circulation pattern are proposed. The conversion of an office space into a caretaker will not include any exterior modification to the building and circulation pattern. In addition, the caretaker unit can provide additional security and oversight to subject property with minimum impact to surrounding uses.
9. The site plan depicts the existing 5,145 square feet “U” shaped one-story building and fueling pumps as approved by Plot Plan No. 15336. The building is depicted at the southeastern portion of the property with 29 parking spaces, one of which is designated for people with disabilities, located to the northwest and south of the building. The parking area is covered with loose gravel, wheel stoppers will be installed to indicate the individual parking spaces. Elevation drawings of the building depict the maximum height of the building as 13’6”. A total of 7,884 square feet of landscaping is shown including existing and proposed landscaped areas.

The building floor plan depicts a 930 square foot convenience store, with 300 square feet of dry storage area and a 300 square foot management office; the 1,230 square foot fast food restaurant includes a kitchen, a 560 square foot indoor eating area (occupancy load of 37 persons) and a 400 square foot outdoor eating area (occupancy load of 28 persons), and two restrooms to serve the restaurant and the store. The existing kitchen is located behind the counter at the market. The indoor eating area is located adjacent to the market but separated by a wall. Access from the market to the eating area is provided through an existing patio area. The applicant proposed to use this patio for outdoor dining. The caretaker unit is 493

square feet in size and includes a bathroom. Two office suites, 568 and 613 square feet in size, and a 546 square feet retail area are also depicted as part of the building. No expansion to the building was proposed.

10. The design of the existing one-story building is similar to the appearance of a single-family house and consistent with the rural character of the community.
11. The convenience store and fueling station are currently open from 7:00 a.m. to 8:00 p.m., seven days a week. The kitchen is not currently operating other than for minor food preparation for the convenience store staff
12. All required services are in place to for existing uses.
13. The existing 5,145 square foot building occupies approximately seven percent of the portion of the property that is zoned C-2 (1.8 acres) area and three percent of the entire property (4.3 acres).
14. The property currently has 6,143 square feet of landscaping. The site plan depicts an additional 1,741 square feet of new landscaping. The applicant's request is consistent with the required landscaping for commercial development in the C-2 zone.
15. Per section 22.52.170 of the County Code, the area occupied by buildings shall not exceed 90 percent of the net area of the property. Landscaped area shall occupy a minimum of 10 percent of the net area. The existing 5,145 square foot building occupies approximately seven percent of the portion of the property that is zoned C-2 (1.8 acres) area and three percent of the entire property (4.3 acres).
16. The applicant is not proposing any grading or change to the topography of the property.
17. The convenience store is currently operational. The restaurant was approved by a plot plan in 1999 but it is not open to the public. The addition of the sales of beer and wine for on-site and off-site consumption will not require any additional service or infra-structure beyond of what is currently available and approved. The proposed caretaker unit will replace an office space which has a bathroom.
18. The sales of beer and wine for on-site and off-site consumption and the conversion of an office space to a caretaker are not potentially polluting or hazardous uses. The nearest residence is located approximately 350 feet north of the building that accommodates the proposed uses and it is buffered by a parking area, vacant land and a line of trees. The subject property is surrounded by vacant agricultural land to the south, east and west.
19. No odor will be generated as a result of the sale of beer and wine and the addition of the caretaker unit.
20. The addition of the caretaker residential unit is incidental to the existing commercial development and justified by the remote location of the property.

21. The applicant is proposing that the sale of beer and wine be concurrent with the proposed hours of operation for the convenience store and the restaurant as follows:
Convenience store and fueling station hours of operation: 7:00 a.m. to 11:00 p.m. Monday through Sunday; Restaurant hours of operation: 11:00 a.m. to 10:00 p.m. Monday through Sunday.
22. As depicted on the site plan, the beer and wine coolers are located approximately forty feet away from the cash register and the front door.
23. Although the sale of beer and wine is incidental to the on-site consumption of food only, the request to allow eating area with consumption of beer and wine can potentially generate noise impact to the existing neighborhood. If on-site consumption of beer and wine is restricted to the interior of the building, consequently, potential noise impact can be minimized and not likely to negatively impact adjacent and nearby uses. However, allowing an outdoor eating area on a property fronting a major highway would not be compatible and may pose noise impact to the nearby residential uses.
24. There are no establishments licensed which sell alcoholic beverages within 500 feet of the subject property. The two nearest establishments that sell beer and wine for off-site consumption are approximately five miles away to the east and west of the subject property. The hours of operation of one of the establishments are from 7 a.m. to 8 p.m. Monday through Sunday. The nearest establishment that sells beer and wine for on-site consumption within the census tract is 19 miles away. There are no sensitive uses within 600 feet of the subject property.
25. There are no schools, parks, playgrounds, places used exclusively for religious worship or other similar uses within 600' of the project site. The nearest single-family dwelling is located 350 feet northwest from the building that contains the convenience store and restaurant. A line of trees along the northern property line and a parking area north of the building serves as a buffer between the two uses. With the exception of the single-family dwelling, the project site is surrounded by vacant agricultural land. Existing access to the building is located at the southern facade of the building, opposite to the direction of the single-family dwelling unit. The outdoor eating area is also located on the southern portion of the building.
26. Per section 22.52.1110 of the County Code, every structure used for amusement, assembly, drinking, eating or entertainment shall provide one or more automobile parking spaces for each three persons based on the occupant load as determined by the county engineer. Other uses like business or professional offices shall provide one parking space for each 400 square feet of floor area, while commercial/retail uses shall provide one parking space for each 250 square feet of floor area of any building or structure to be used.

Based on the occupant load dated October 16, 2009, and County Code parking requirements, the subject convenience store, restaurant and indoor seating area require 20 parking spaces and the outdoor eating area requires 9.3 parking spaces.

Additional office and retail business within the building provide a total amount of square footage requiring 7.14 parking spaces. The total parking required is 37 (36.44) spaces. Without the outdoor eating area, the number of required parking spaces is 28 (27.3). The applicant proposed to provide 29 parking spaces.

27. A report from the California Alcoholic Beverage Control (ABC), received by fax on January 8, 2009, states that the Census Tract in which the subject property is located (number 9012.03, with population of 1,482 persons) has undue concentration of licenses for off-site sale but not for on-site sale. The number of licenses allowed for the sale of alcoholic beverages for on-site consumption in this area is two and one license currently exists. One license is allowed for off-site consumption of alcoholic beverages for this area and four licenses have been issued. Crime report data for the year of 2007 was provided indicating that the total number of offences in the district was 38 and that the location is not within a high crime reporting district. The two nearest establishments that sell alcohol in the area for off-site consumption are approximately five miles east and west of the subject property. The subject census tract is relatively large in size but small in population containing approximately 160,000 acres with a population of 1,482 persons. A query from the ABC website shows that of the five existing establishments that sell alcoholic beverages in the census tract, three are located in Gorman and two in Lancaster, approximately 19 and 5 miles away respectively.
28. An e-mail from Deputy Michael L. Kuper, Special Assignment Officer, was received by staff on January 28, 2009 and states that there were three calls for service at the subject location during the past five years but none of the calls were serious. Two were medical and one was for repossession. The Los Angeles County Sheriff's Department does not oppose the issuance of a Conditional Use Permit to allow the sale of alcoholic beverages at this location.
29. One phone call was received regarding this case from a resident who lives north of the subject property. The resident opposes to the sale of beer and wine for on-site consumption and has concerns regarding impacts on the community from intoxicated patrons, potential traffic safety issues and lack of law enforcement oversight.
30. This project has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) and Environmental Guideline of Los Angeles County pursuant to the Class 3 Categorical Exemption (conversion of small structures).
31. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
32. To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to 10 years.

33. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Special Projects Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE PLANNING COMMISSION CONCLUDES

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, landscaping and other development features;
- D. That the proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required;
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius;
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area;
- G. The requested use at the proposed location will not result in an undue concentration of similar premises;
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. The exterior appearance of the structure is not inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

AND, THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Sections 22.56.090 and 22.56-195, Title 22, of the Los Angeles County Code (Zoning Ordinance)

PLANNING COMMISSION ACTION:

I have/The Commission has considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

In view of the findings of fact and conclusions presented above, Conditional Use Permit 200800020 is approved subject to the attached conditions.

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

c: Commissioner, Zoning Enforcement, Building and Safety

SD:CB:cb