# CITY OF SANTA CLARITA STAFF REPORT MASTER CASE NO. 15-035 CONDITIONAL USE PERMIT NO. 15-002

DATE:

June 2, 2015

TO:

Chairperson Trautman and Members of the Planning Commission

FROM:

Jeff Hogan, Planning Manager

CASE PLANNER:

Mike Ascione, Assistant Planner II

APPLICANT:

Golden Stop Market

LOCATION:

25810 Sierra Highway (APN 2842-036-064)

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow for the sales of liquor and spirits at a convenience store in a 2,304 square-foot tenant space in a 9,982 square-foot multi-tenant commercial center.

## **BACKGROUND**

In July of 2011, the City approved the development of a 9,982 square-foot multi-tenant commercial center. Development of the center broke ground in early 2015 and is expected to be constructed by the end of 2015.

On February 19, 2015, the City received an application for a Conditional Use Permit (CUP) from Golden Stop Market to operate a convenience store that will sell beer, wine, and liquor/spirts as an accessory use. Whereas convenience stores, including those that sell beer and wine, are permitted in commercial zones, convenience stores that sell liquor and other spirits require a CUP. The project application was deemed complete on May 5, 2015.

## PROJECT DESCRIPTION

The applicant is proposing to open a convenience store with beer, wine, and liquor/spirts within a 2,304 square-foot tenant space in a 9,982 square-foot community shopping center that is currently under construction. The sale of liquor/spirts in a store under 3,500 square feet requires the approval of a CUP. The business would operate seven days a week, between the hours of 6:00 a.m. and 12:00 a.m. The applicant is proposing liquor/spirits sales as an accessory use to the convenience store and is proposing to use up to 10% of the total store shelf space for liquor/spirits sales. No on-site consumption is proposed with this application.

Agenda Item: 4

## GENERAL PLAN DESIGNATION AND ZONING

The General Plan and zoning designation for the subject property is Community Commercial (CC), which encourages retail and service uses that primarily serve the local market as stated in Section 17.34.010 of the Unified Development Code (UDC).

The shopping center was approved in July 2011 and is currently under construction. The proposed use is consistent with the general retail and commercial uses envisioned for the shopping center. Approval of the proposed convenience store with liquor/spirits sales would not increase commercial density nor change the character of the center or surrounding properties.

The following table summarizes the General Plan designations, zoning, and land uses surrounding the subject property:

Subject Property: 25810 Sierra Highway (APN 2842-036-064)

	General Plan	Zoning	Land Use
Project site:	Community Commercial	Community Commercial	Commercial Shopping Center
North:	Urban Residential 2	Urban Residential 2	Single-Family Residential
South:	Urban Residential 2	Urban Residential 2	Vacant
East:	Urban Residential 2	Urban Residential 2	Single-Family Residential
West:	Urban Residential 3	Urban Residential 3	Single-Family Residential

Section 17.43.010 of the UDC requires the approval of a CUP for liquor/spirits sales in a store under 3,500 square feet in the Community Commercial zone. This is to allow neighboring property owners the opportunity to comment on the proposal and the issuance of conditions of approval to ensure such a use will not adversely impact nearby properties and residents.

#### **ANALYSIS**

General Plan and UDC Consistency

The proposed use was analyzed for compliance with the General Plan and the UDC. The use would be located within an approved shopping center that met the applicable codes and regulations when the development was approved. The use is permitted in the Community Commercial zone subject to a public hearing and the issuance of a CUP. The proposed use is consistent with the following aspects of the Land Use Element of the General Plan:

Goal LU 4:

[Provide for] A diverse and healthy economy;

Goal LU 4.2.2:

[Provide for] job creation;

Objective LU 4.1:

Promote creation of strong regional and local economies,

Policy LU 4.1.4: Promote economic opportunity for all segments of the community, including small businesses and new businesses.

The proposed use would promote the local economy by adding a convenience store use in an appropriate location that would not negatively affect surrounding properties or residential areas. Approving the request would also support economic opportunities for small businesses and new businesses.

Although the UDC permits convenience stores, including those that sell beer and wine, in commercial zones, convenience stores that sell liquor and other spirts require approval of a CUP. As a condition of approval, the proposed convenience store would be limited to 10% of its shelf space for the sale of liquor/spirits. Other conditions, including compliance with all California Department of Alcoholic Beverage Control (ABC) requirements, are also included in the proposed conditions of approval. Based on the project description and staff analysis, with the issuance of a CUP, and subject to the proposed conditions of approval, the project would be consistent with the General Plan and the UDC.

## Community Impacts

Staff contacted the Los Angeles County Sheriff's Department and California ABC regarding this application. The Sherriff's Department noted that Golden Valley High School is approximately a half-mile away from the proposed store location and wanted confirmation that there would be conditions ensuring compliance with state requirements. Some of the highlighted conditions of approval that were discussed include the following:

- Condition PL3 Requires the applicant to comply with all provisions of the California ABC, including limiting alcohol sales to customers 21 years of age and older;
- Condition PL6 Prohibits customers from loitering upon the premises; and
- Condition PL2 Limiting hours of operation and sales of liquor/spirits.

With the application of these conditions and others included in the CUP, the Sherriff's questions have been addressed.

Furthermore, staff has determined that there are two (2) liquor sales establishments within one mile of the project site. The approval of an alcohol license for Golden Stop Market would not create a proliferation of alcohol permits.

#### LIQUOR SALES WITHIN ONE MILE OF THE PROJECT SITE

LOCATION	LICENSE TYPE	BUSINESS NAME
19201 Golden Valley Road	Off-site Consumption	BevMo!
26364 Sierra Highway	Off-site Consumption	Friendly Market

#### **ENVIRONMENTAL STATUS**

The project is exempt from the California Environmental Quality Act (CEQA) under Article 19 Categorical Exemptions, Section 15301 Class 1. A Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or

Master Case 15-035 June 2, 2015 Page 4 of 4

private structures. The proposed convenience store with liquor/spirits sales qualifies as a Class 1 exemption because the CUP falls under the City's jurisdiction for permitting and also because all construction associated with the project will be located within an existing tenant space in a commercial center developed for such uses.

## **NOTICING**

As required by the UDC, 352 property owners within a 1,000-foot radius of the subject property were notified of the public hearing by mail. A public notice was placed in The Signal on May 12, 2015, and a sign was posted at the site on May 19, 2015, for this public hearing. To date, the Community Development Department has received no correspondence in response to this proposal.

## **CONCLUSION**

The proposed convenience store with up to 10% of liquor/spirts sales is compatible with the kinds of uses envisioned for the Community Commercial zone as defined by the UDC. Therefore, staff has drafted the necessary findings for approval of a Conditional Use Permit.

## RECOMMENDATION

Based on the project's compliance with the City of Santa Clarita General Plan and Unified Development Code, staff recommends that the Planning Commission:

- 1) Open the public hearing;
- 2) Receive testimony from the public;
- 3) Close the public hearing; and
- 4) Adopt Resolution P15-07, approving Master Case 15-035, Conditional Use Permit 15-002, to allow for the sales of liquor/spirits of up to 10% within a 2,304 square-foot convenience store at 25810 Sierra Highway in the Community Commercial zone, subject to the attached conditions of approval (Exhibit "A").

#### ATTACHMENTS

Resolution P15-07
Conditions of Approval- MC 15-035 (Exhibit A)
Vicinity Map
Zoning Map
Site Plan
Floor Plan
Notice of Exemption
Public Notice

#### **RESOLUTION NO. P15-07**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARITA APPROVING MASTER CASE 15-035, CONDITIONAL USE PERMIT 15-002, TO ALLOW FOR THE SALES OF LIQUOR AND SPIRITS WITHIN A 2,304 SQUARE-FOOT CONVENIENCE STORE AT 25810 SIERRA HIGHWAY IN THE COMMUNITY COMMERCIAL ZONE, IN THE CITY OF SANTA CLARITA

THE PLANNING COMMISSION OF THE CITY OF SANTA CLARITA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. <u>FINDINGS OF FACT</u>. The Planning Commission does hereby make the following findings of fact:

- A. An application for Master Case No. 15-035 (CUP15-002) was filed by Golden Stop Market (hereinafter "Applicant") with the City of Santa Clarita on February 19, 2015. The property for which this application was filed is located at 25810 Sierra Highway (APN: 2842-036-064) (hereinafter "Subject Site");
- B. The application was deemed complete on May 5, 2015;
- C. The applicant proposes to operate a convenience store with no more than 10% of the shelf space devoted to liquor/spirits sales on the subject site;
- D. The zoning and General Plan designation for the subject site is Community Commercial (CC);
- E. The surrounding land uses include single family residential to the north, east and west and vacant residential land to the south of the subject site;
- F. On June 2, 2015, a duly noticed public hearing was held before the City of Santa Clarita Planning Commission at 6:00 p.m. at City Hall, Council Chambers, 23920 Valencia Boulevard, Santa Clarita; and
- G. At this public hearing, the Planning Commission considered the staff report, staff presentation, applicant's presentation, and public testimony.

SECTION 2. <u>CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS</u>. Based upon the foregoing facts and findings, the Planning Commission hereby find as follows:

- A. A Notice of Exemption for this project was prepared in compliance with the California Environmental Quality Act (CEQA);
- B. This project is exempt per Article 19: Categorical Exemptions, Section 15301 of the California Environmental Quality Act (CEQA) as a Class 1 exemption. A Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing,

Resolution P15-07 Master Case No. 15-035 June 2, 2015 Page 2 of 4

or minor alteration of existing public or private structures. The proposal includes the operation of a business within a previously approved tenant space;

- C. The documents and other materials that constitute the record of proceedings upon which the decision of the Planning Commission is based is the Master Case No. 15-035 project file and that this project file is located within the Community Development Department and is in the custody of the Director of Community Development; and
- D. Based upon the findings set forth above, the Planning Commission hereby finds the Notice of Exemption for this project has been prepared in compliance with CEQA.

SECTION 3. <u>GENERAL FINDINGS FOR MASTER CASE NO. 15-035.</u> Based on the foregoing facts and findings for Master Case No. 15-035, the Planning Commission hereby determines as follows:

- A. That the proposal is consistent with the General Plan;
- B. The proposal is allowed within the applicable underlying zone and complies with all other applicable provisions of the UDC;
- C. The proposal will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare, or be materially detrimental or injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located; and
- D. The proposal is physically suitable for the site. The factors related to the proposal's physical suitability for the site shall include, but are not limited to, the following:
  - 1) The design, location, shape, size, and operating characteristics are suitable for the proposed use;
  - 2) The highways or streets that provide access to the site are of sufficient width and are improved as necessary to carry the kind and quantity of traffic such proposal would generate;
  - 3) Public protection services (e.g., Fire protection, Sheriff protection, etc.) are readily available; and
  - 4) The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.) is adequate to serve the site.

The proposed convenience store with the sale of liquor/spirits is located in a retail center currently under construction in the community of Canyon Country. A convenience store with liquor/spirits sales is permitted in the CC zone with the approval of a Conditional Use Permit.

Resolution P15-07 Master Case No. 15-035 June 2, 2015 Page 3 of 4

The project site was approved for a commercial shopping center that will be 9,982 square feet, once complete. The subject commercial center is physically suitable to accommodate the proposed use as it is considered a neighborhood serving commercial use. The proposed convenience store will occupy 2,304 square feet in the retail center. The convenience store will be permitted for the sale of liquor/spirits for up to 10% of its shelf space with no on-site consumption. The business would operate seven days a week between the hours of 6:00 a.m. to 12:00 a.m. Once fully constructed, the project site will be adequately served by existing traffic facilities with driveway access on Sierra Highway and Golden Valley Road that will allow for adequate customer and emergency access to the project site. With the approval of the Conditional Use Permit, as conditioned, the convenience store with alcohol sales will be consistent with the City's General Plan and Unified Development Code. Further, the establishment of a new business within an existing vacant tenant space will result in job creation that supports General Plan Land Use Policy 4.2.2.

SECTION 4. NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Santa Clarita, California, as follows:

Adopt Resolution P15-07, approving Master Case 15-035, Conditional Use Permit 15-002, to allow for the sale of liquor/spirits of up to 10% within a 2,304 square-foot convenience store at 25810 Sierra Highway in the Community Commercial zone, subject to the attached conditions of approval (Exhibit "A").

Resolution P15-07 Master Case No. 15-035 June 2, 2015 Page 4 of 4

PASSED, APPROVED, AND ADOPTED this 2 <sup>nd</sup> day of June, 201	PASSED	D. APPROVED	. AND ADOPTED	this 2 <sup>nd</sup> day	v of June.	. 2015.
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	DIANE TRAUTMAN, CHAIRPERSON PLANNING COMMISSION
ATTEST:	
JEFF W. HOGAN, SECRETARY PLANNING COMMISSION	
STATE OF CALIFORNIA ) COUNTY OF LOS ANGELES ) CITY OF SANTA CLARITA )	
that the foregoing Resolution was duly a	a Secretary of the City of Santa Clarita, do hereby certify adopted by the Planning Commission of the City of Santa d on the 2 <sup>nd</sup> day of June, 2015 by the following vote of
AYES: COMMISSIONERS:	
NOES: COMMISSIONERS:	
ABSENT: COMMISSIONERS:	
	PLANNING COMMISSION SECRETARY

 $S:\c CD\c PLANNING\c DIVISION\c CURRENT\c 2015\c 15-035\c (CUP15-002)\c Planning\c Commission\c PC\c RESOLUTION\c 15-035.doc$ 

# EXHIBIT A CONDITIONS OF APPROVAL MASTER CASE 15-035 CONDITIONAL USE PERMIT 15-002 CONDITIONS OF APPROVAL

### **GENERAL CONDITIONS**

- GC1. The approval of this project shall expire if the approved use is not commenced within two (2) years from the date of this approval, unless it is extended in accordance with the terms and provisions of the City of Santa Clarita's Unified Development Code (UDC).
- GC2. To the extent the use approved with this project is a different use than previously approved for the property, the prior approval shall be terminated along with any associated vested rights to such use, unless such prior approved use is still in operation, or is still within the initial pre-commencement approval period. Once commenced, any discontinuation of the use approved with this project for a continuous period of one hundred eighty (180) calendar days or more shall terminate the approval of this use along with any associated vested rights to such use. The use shall not be re-established or resumed after the one hundred eighty (180) day period. Discontinuation shall include cessation of a use regardless of intent to resume.
- GC3. The applicant may file for an extension of the conditionally approved project prior to the date of expiration. If such an extension is requested, it must be filed no later than sixty (60) days prior to expiration.
- GC4. The applicant shall be responsible for notifying the Director of Community Development, in writing, of any change in ownership, designation of a new engineer, or change in the status of the developer, within thirty (30) days of said change.
- GC5. Unless otherwise apparent from the context, the term "applicant" shall include the applicant and any other persons, corporation, or other entity making use of this grant. The applicant shall defend, indemnify, and hold harmless the City of Santa Clarita, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the approval of this project by the City, including any related environmental approvals. In the event the City becomes aware of any such claim, action, or proceeding, the City shall promptly notify the applicant. If the City fails to notify the applicant or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, if both of the following occur: 1) the City bears its own attorneys' fees and costs; and 2) the City defends the action in good faith. The applicant shall not be required to pay or perform any settlement unless the settlement is approved by the applicant.

Conditions of Approval – Exhibit A Resolution P15-07 Master Case No.15-035 Conditional Use Permit 15-002 Page 2 of 3

- GC6. The property shall be developed and maintained in substantial conformance with the approvals granted by the City. Any modifications shall be subject to further review by the City.
- GC7. The applicant and property owner shall comply with all inspections requirements as deemed necessary by the City of Santa Clarita.
- GC8. The owner, at the time of issuance of permits or other grants of approval agrees to develop the property in accordance with City codes and other appropriate ordinances including, but not limited to, the California Building Code (Building, Mechanical, Plumbing, Electrical, Green Building, and Energy Codes), Fire Code, Unified Development Code (Grading Code and Undergrounding of the Utilities Ordinance), Utilities Code (Sanitary Sewer and Industrial Waste Ordinance), and Highway Permit Ordinance.
- GC9. This grant shall not be effective for any purpose until the applicant has filed with the Director of Community Development, their affidavit (Acceptance Form) stating that they are aware of, and agree to accept, all of the conditions of this grant.
- GC10. Details shown on the site plan are not necessarily approved. Any details which are inconsistent with the requirements of state or local ordinances, general conditions of approval, or City policies and not modified by this permit must be specifically approved.
- GC11. It is hereby declared and made a condition of this permit that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the City may commence proceedings to revoke this approval.

#### PLANNING DIVSION

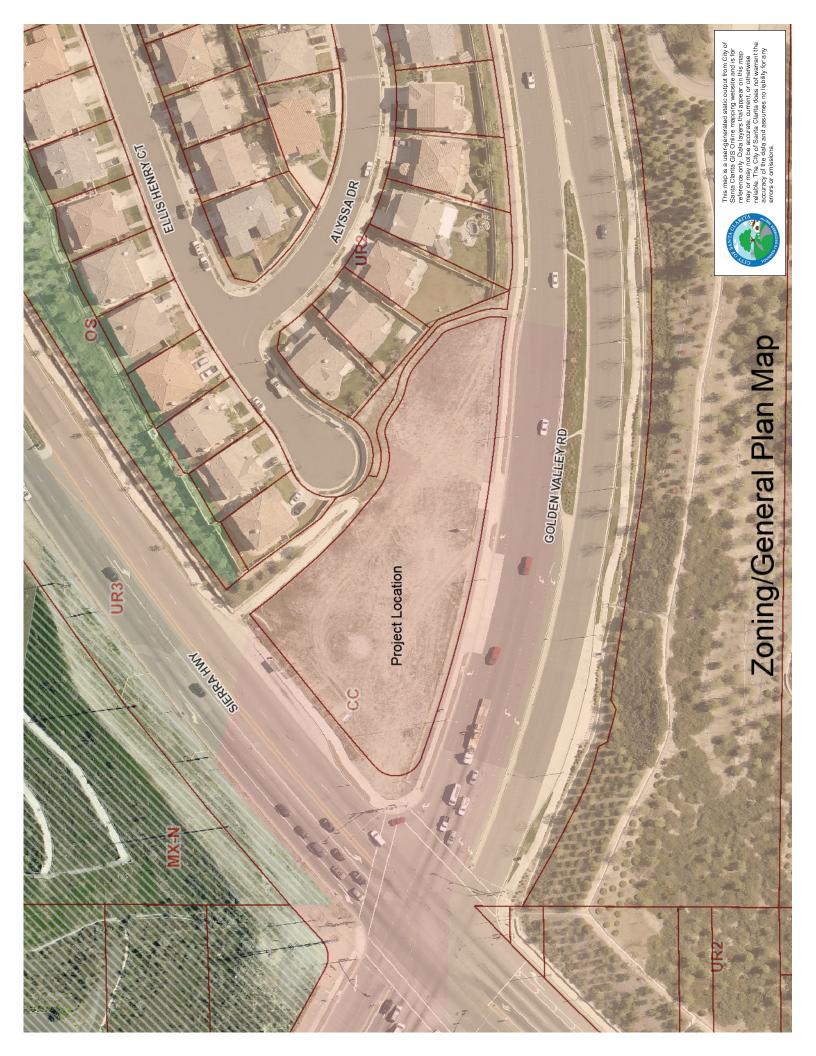
- PL1. This approval shall permit the operation of a 2,304 square-foot convenience store with up to 10% of its shelf space devoted to the sales of liquor and other spirits at 25810 Sierra Highway.
- PL2. Liquor sales shall only occur between the operating hours of 6:00 a.m. and 12:00 a.m. daily.
- PL3. The proposed use shall comply with all provisions of the requirements of the California Department of Alcoholic Beverage Control.
- PL4. The applicant shall operate the business in substantial conformance with the floor plan on file with the Planning Division. The applicant shall not be permitted to expand the walk-in refrigerator or substantially alter the aisle layout without City approval.

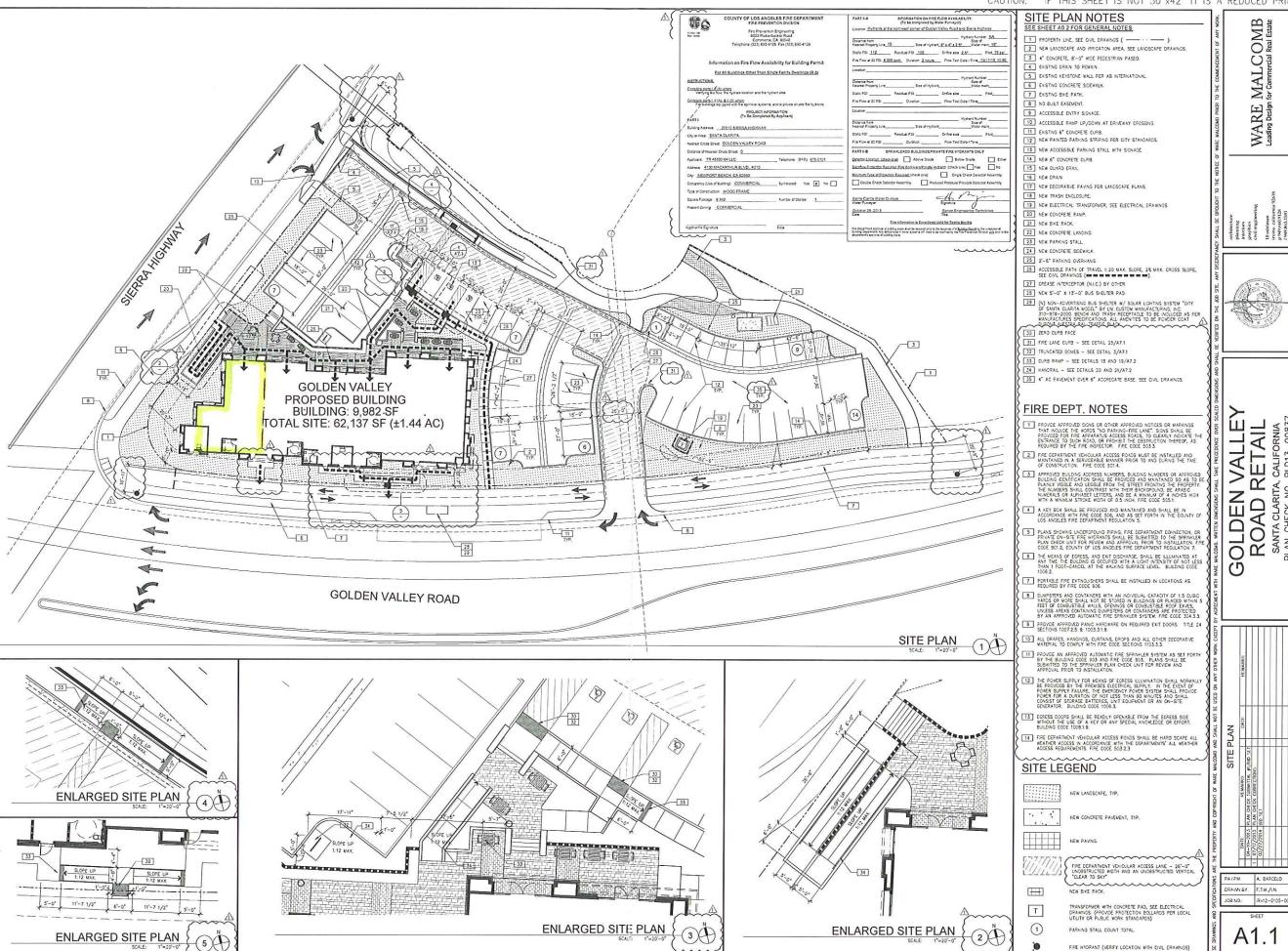
Conditions of Approval – Exhibit A Resolution P15-07 Master Case No.15-035 Conditional Use Permit 15-002 Page 3 of 3

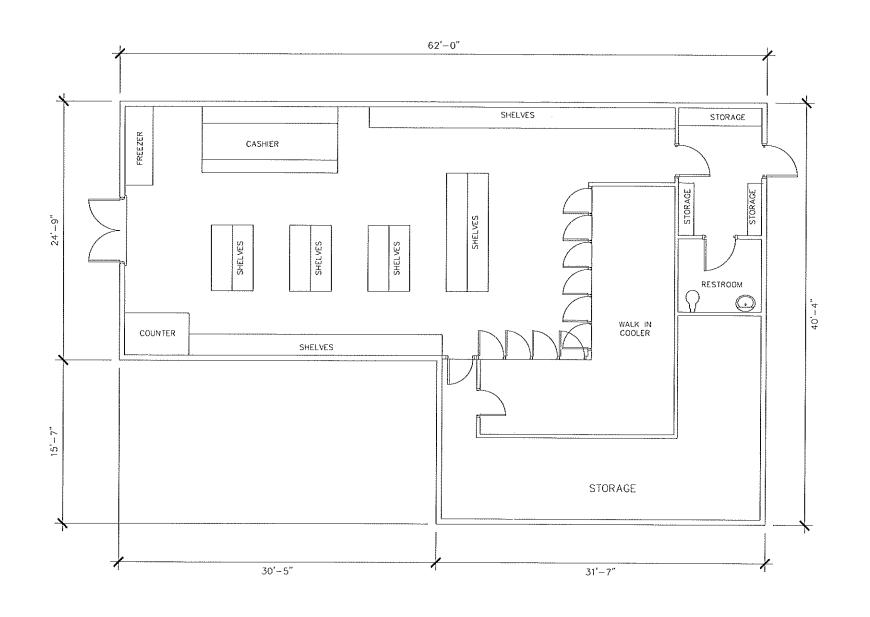
- PL5. No on-site consumption of alcohol shall be permitted by this Conditional Use Permit.
- PL6. The applicant shall not permit loitering upon the premises.
- PL7. This approval shall not supersede the approval of any other affected agencies' requirements.
- PL8. The applicant and property owner shall comply with all inspection requirements as deemed necessary by the City of Santa Clarita.
- PL9. All requirements of the Unified Development Code (UDC) and of the CC (Community Commercial) zone of the subject property must be complied with unless set forth in the permit.
- PL10. The applicant shall comply with all applicable regulations and fees of affected agencies at the building permit stage, including Los Angeles County Fire Department.

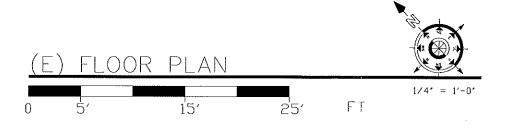
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WALL LEGEND

EXISTING WALL

Dote:
Revised:
A-2

25810 SIERRA HWY SANTA CLARITA CA 91321

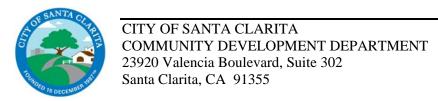
STAMP

NIEVES AND ASSOCIATES
21250 HAWTHORNE BLVD #700
TORRANCE, CA 90503
(310) 375-5925

FLOOR PLAN

## NOTICE OF EXEMPTION

TO:		FROM:
x] County Clerk, County of Los Angeles 12400 Imperial Highway, Room 2001 Norwalk, CA 90650		City of Santa Clarita 23920 Valencia Boulevard, Suite 302 Santa Clarita, CA 91355
[ ] Office of Planning and Rese 1400 Tenth Street, Room 12 Sacramento, CA 95814		
APPLICATION:	Master Case 15-035, Con	nditional Use Permit 15-002
PROJECT LOCATION:	25810 Sierra Highway Assessor Parcel Number 2842-036-064	
PROJECT APPLICANTS:	Golden Stop Market	
PROJECT DESCRIPTION:	to allow for liquor sa	esting approval of a Conditional Use Permit les at a convenience store in a 2,304 square- a 9,982 square-foot multi-tenant commercial
Commission [ ] City Council 1	has approved the above d	rector of Community Development [X] Planning escribed project on June 2, 2015 and has found the environmental Quality Act (CEQA).
15301: Existing Facilities, Class permitting, leasing, licensing, convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the City's jurisdiction for particular to the convenience store with alcohol sunder the convenience store with all sunder the convenience store with all sunder the convenience store with alcohol sunder the convenience store with all s	or minor alteration of exales qualifies as a Class 1 permitting and also because	exticle 19 CATEGORICAL EXEMPTION, Section on consists of the operation, repair, maintenance, isting public or private structures. The proposed exemption because the Conditional Use Permit falls e all construction associated with the project will be aercial center that was developed for such uses.
Mike Ascione, Assistant Planner City of Santa Clarita Community 23920 Valencia Boulevard, Suite Santa Clarita, CA 91355 (661) 255-4330	Development Departmen	Date



## **NOTICE OF PUBLIC HEARING**

APPLICATION: Master Case No. 15-035; Conditional Use Permit 15-002

PROJECT APPLICANT: Golden Stop Market

PROJECT LOCATION: 25810 Sierra Highway (APN: 2842-036-064)

PROJECT DESCRIPTION: The applicant is requesting a Conditional Use Permit to allow for the sale of liquor within a proposed 2,304-square foot convenience store in the Golden Valley Road Retail Center, currently under construction. No more than 10% of the total shelf space within the store will contain the sale of liquor, for off-site consumption, under this proposal.

The City of Santa Clarita Planning Commission will conduct a public hearing on this matter on the following date:

DATE: Tuesday, June 2, 2015 TIME: At or after 6:00 p.m.

LOCATION: City Hall, Council Chambers

23920 Valencia Blvd., First Floor

Santa Clarita, CA 91355

A NOTICE OF EXEMPTION was prepared for the proposed project. The project is exempt from the California Environmental Quality Act (CEQA) under Article 19 Categorical Exemptions, Section 15301, Class 1. A Class 1 "Existing Facilities" exemption consists of the operation, permitting, leasing or minor alteration of existing public or private structures.

If you wish to challenge the action taken on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or written correspondence delivered to the City of Santa Clarita at, or prior to, the public hearings. If you wish to have written comments included in the materials the Planning Commission receives prior to the public hearing, it must be submitted to the Community Development Department by Friday, May 22, 2015.

For further information regarding this proposal, you may contact the project planner at the City of Santa Clarita, Permit Center, 23920 Valencia Blvd., Suite 140, Santa Clarita, CA 91355. Telephone: (661) 255-4330. Website: <a href="www.santa-clarita.com/planning">www.santa-clarita.com/planning</a>. Send written correspondence to: 23920 Valencia Blvd., Suite 302, Santa Clarita, CA 91355. Project Planner: Mike Ascione, Assistant Planner II, mascione@santa-clarita.com.

Jeff W. Hogan, AICP Planning Manager

Published: The Signal, May 12, 2015.

