

AGENDA ITEM: 8.

DATE: 04-19-10

**STAFF REPORT**

**CONDITIONAL USE PERMIT NO. 10-09**

DATE: April 19, 2010  
TO: Lancaster Planning Commission  
FROM: Planning Department  
APPLICANT: Guido and Claudia Gil  
LOCATION: 518 West Lancaster Boulevard  
REQUEST: A Conditional Use Permit for on-site sale and consumption of alcohol (Type 41, sale of beer and wine for a bona fide restaurant) for an existing restaurant

RECOMMENDATION: Adopt Resolution No. 10-16 approving Conditional Use Permit No. 10-09.

BACKGROUND: There have been no prior hearings before either the City Council or the Planning Commission concerning this property.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject location is designated C (Commercial) and Downtown Specific Plan by the General Plan and is zoned SP 08-01 (Downtown Lancaster Specific Plan), and is currently a 2,000 square-foot restaurant. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

	<u>GENERAL PLAN</u>	<u>ZONING</u>	<u>LAND USE</u>
NORTH	C/Downtown Specific Plan	SP 08-01	Sheriff Station
EAST	C/Downtown Specific Plan	SP 08-01	Retail
SOUTH	C/Downtown Specific Plan	SP 08-01	Parking lot
WEST	C/Downtown Specific Plan	SP 08-01	Retail

PUBLIC IMPROVEMENTS: The site is bounded to the north by Lancaster Boulevard, which is undergoing a transformation and is to be narrowed from its current four-lane cross section to a two-lane cross section between 10th Street West and Sierra Highway. All utilities are available to serve the site.

ENVIRONMENTAL REVIEW: The proposed project is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3), which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”. As the proposed project is a use permit for the sale of alcohol at an existing facility, no impacts on environmental resources would be expected to occur.

LEGAL NOTICE: 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 a newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant, Guido and Claudia Gil, is requesting a conditional use permit for on-site sale and consumption of alcohol in an existing restaurant. A conditional use permit is required for on-site sale of beer and wine per Lancaster Municipal Code Section 17.42.030. The applicant has requested a Type 41 license for on-site sale beer and wine from the California State Department of Alcoholic Beverage Control (ABC).

The applicant has been operating a bona fide restaurant at its current location for approximately six months, and based on the floor plan and discussions with the applicant, the proposed project would continue to meet the definition a “bona fide restaurant” as established by the Municipal Code Section 17.42.020. The hours of operation would remain Monday through Friday from 8:00 a.m. to 7:00 p.m., and Saturday from 8:00 a.m. to 6:00 p.m., and Sunday from 9:00 a.m. to 4:00 p.m.

The proposed restaurant is exempt from the City’s alcohol ordinance distance requirements (Section 17.42.040A), since it is a bona fide restaurant and is located within the Transit District established in the Downtown Lancaster Specific Plan area (Section 17.42.040.D). However, the proposed project must comply with a list of standard conditions from the alcohol ordinance (Section 17.42.070).

In analysis of the conditional use for alcohol sales, staff reviewed factors regarding public convenience and necessity. Operation of the restaurant will be conducted by well-trained staff in a manner that will maintain a pleasant dining experience, and enhance the overall ambiance of downtown Lancaster. The alcohol sales will accompany the existing restaurant use.

The Los Angeles County Sheriff’s Department (Lancaster Station) was not opposed to the issuance of the conditional use permit, based on a conducted investigation and the applicant’s agreement to the conditions.

The proposed project meets the requirements of the zone, and will not adversely affect nearby residences or businesses. The conditions of approval have been included, which would ensure that the safety and general welfare of the surrounding area would be maintained. The alcohol sales will complement the existing restaurant. Staff believes the Planning Commission could make a favorable determination in support of the proposal.

Respectfully submitted,

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Christopher Aune, Assistant Planner

cc: Applicant  
Engineer

## RESOLUTION NO. 10-16

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-09

WHEREAS, a conditional use permit has been requested by Guido and Claudia Gil for on-site and consumption of alcohol (Type 41, sale of beer and wine for a bona fide restaurant) in an existing 2,000 square-foot restaurant located at 518 West Lancaster Boulevard, in the SP 08-01 (Downtown Lancaster Specific Plan) Zone, as shown on the attached site map; and

WHEREAS, an application for the above-described conditional use permit has been filed pursuant to the regulations contained in Article I of Chapter 17.32 and Chapter 17.42 of the Lancaster Municipal Code; and

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

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

WHEREAS, public notice was provided as required by law and a public hearing was held on April 19, 2010; and

WHEREAS, the proposed project is not subject to the California Environmental Quality Act (CEQA) per Section 15061(b)(3) which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”. As the proposed project is a use permit for the sale of alcohol at an existing facility, no impacts on environmental resources would be expected to occur.”

WHEREAS, this Commission hereby adopts the following findings in support of approval of this application:

1. The proposed use would be located within an existing 2,000 square-foot restaurant, and will be in conformance with the General Plan land use designation of (C) Commercial/Downtown Specific Plan.
2. The requested alcohol 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, because the project is not located adjacent to a residential use. The hours of operation would be Monday through Friday from 8:00 a.m. to 7:00 p.m., Saturday from 8:00 a.m. to 6:00 p.m., and Sunday from 9:00 a.m. to 4:00 p.m.

- b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because City development standards will be met, and adequate parking will be provided.
    - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and improvements are be part of the project.
  3. The proposed site is adequately served:
    - a. By Lancaster Boulevard, which is of sufficient width and improved to carry the anticipated daily vehicle trips such use would generate; and
    - b. By other public or private service facilities, including sewer, water, fire, and police services are required.
  4. The proposed use will not result in a significant effect on the environment because all potential impacts have been found to not be significant as noted in the environmental review section of the staff report prepared for this project.
  5. The proposed 2,000 square-foot restaurant is adequate in size and shape to accommodate the development features prescribed in the Zoning Ordinance, or as otherwise required in order to integrate said use with the use in the surrounding areas.

WHEREAS, this Commission hereby adopts the following Conditional Use Permit findings per Section 17.42.050 in support of approval of this application:

1. The proposed alcohol use within an existing bona-fide restaurant is located in the SP 08-01 (Downtown Lancaster Specific Plan) zone, which permits alcoholic beverages to be sold, served or given away for on-sale or off-sale consumption with a conditional use permit.
2. The proposed use will not adversely affect the 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 centers, public parks, playgrounds and other recreational facilities, churches or other places of religious worship, hospitals, clinics or other health care facilities, because it is not in proximity to any of the above.
3. The proposed restaurant serves the public convenience and necessity based on all factors outlined in Section 17.42.060 of the Municipal Code.

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NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No. 10-09, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 19<sup>th</sup> day of April 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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JAMES D. VOSE, Chairman  
Lancaster Planning Commission

ATTEST:

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BRIAN S. LUDICKE, Planning Director  
City of Lancaster

**ATTACHMENT TO PC RESOLUTION NO. 10-16**  
**CONDITIONAL USE PERMIT NO. 10-09**  
**CONDITIONS LIST**  
**January 19, 2010**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution Number 06-16 for Conditional Use Permits shall apply except for Condition No. 5, 7-9, 11-24, 29, 31, 32, 37-39.

**ALCOHOL CONDITIONS**

2. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment, and be presented to the City of Lancaster or Los Angeles County Sheriff's personnel upon request.
3. Per the direction of the Planning Director, the applicant shall comply with Lancaster Municipal Code Section 17.42.070 (Conditions of Approval for On-Sale Alcoholic Beverage Establishments) except as specifically modified in these conditions.
4. The City reserves the right to review the Conditional Use Permit (CUP) one year from the date the CUP was first approved and at one-year intervals thereafter.
5. The typical hours of operation of the restaurant use shall be from Monday through Thursday from 8:00 a.m. to 7:00 p.m., Friday and Saturday from 8:00 a.m. to 6:00 p.m., and Sunday from 9:00 a.m. to 4:00 p.m.