

AGENDA ITEM: 7.

DATE: 06-21-10

**STAFF REPORT**

**CONDITIONAL USE PERMIT NO. 10-12**

DATE: June 21, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: CEC (Chuck E Cheese) Entertainment, Inc.

LOCATION: 44410 Valley Central Way

REQUEST: A Conditional Use Permit to allow family entertainment with an arcade, and on-site consumption of alcohol (Type 41, sale of beer and wine for a bona fide restaurant) for Chuck E Cheese in the CPD Zone

RECOMMENDATION: Adopt Resolution No. 10-30 approving Conditional Use Permit No. 10-12

BACKGROUND:

- Tentative Parcel Map No. 19401 was approved by the Planning Commission on December 22, 1987, to merge and re-subdivide the subject property into 6 parcels ranging in size from 20 to 158 acres.
- Conditional Use Permit No. 87-45 was approved by the Planning Commission on January 11, 1988, for the construction of a 556,693 square-foot commercial shopping center.
- Conditional Use Permit No. 92-03 was approved by the Planning Commission on May 11, 1992, to allow for a family entertainment and an arcade center within a 7,618 square-foot building located at 44650 Valley Central Way.

GENERAL PLAN DESIGNATION, EXISTIING ZOING AND LAND USE: The subject location is designated C (Commercial) by the General Plan and is zoned CPD (Commercial Planned Development). The General Plan designation, zoning, and land use of the surrounding properties are as follows:

GENERAL PLAN

ZONING

LAND USE

NORTH	C	CPD	Commercial/Retail Center
EAST	C	CPD	Interstate 14
SOUTH	C	CPD	Commercial/Retail Center
WEST	C	CPD	Commercial/Retail Center

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 entertainment, and the sale of alcohol in an existing building, no impacts on environment 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, and posted in three places, posted on the subject property, and noticed in a newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant, CEC (Chuck E Cheese), is requesting a conditional use permit for family entertainment within a proposed 17,700 square-foot building to include arcade and video games. The Lancaster Municipal Code Section 17.12.080.C requires a conditional use permit for entertainment. The primary use would be for a Chuck E Cheese restaurant; however, this chain of restaurants is typically known for the entertainment and amusement devices (kiddie rides, skill and video games) that it provides for children ages 2-11. Chuck E Cheese is currently located at 44650 Valley Central Way, and would relocate to the southern portion of the existing shopping center (44410 Valley Central Way). Conditional use permits are site specific; since the applicant is relocating, a new conditional use permit would be required for the new location.

In addition, the applicant is requesting a conditional use permit for the on-site sale and consumption of beer and wine in a proposed restaurant within an existing commercial center. The Lancaster Municipal Code, Section 17.42.030 states that “no place where alcoholic beverages are sold, served, or given away as a normal course of business for on-sale or off-sale consumption, shall be established without first obtaining a conditional use permit from the City of Lancaster.” The applicant has requested a Type 41 license for on-site sale of beer and wine from the California State Department of Alcoholic Beverage Control (ABC). CEC has a Responsible Alcohol Service program to train the cast members and drinking is "one drink per person per ID".

The project would require 187 (561 number of seat/3= 187) parking spaces, and currently the site has a total of 1,040 on-site parking spaces. The proposed family entertainment will be conducted within an enclosed building, and trained staff will be provided to monitor the activities, and the landlord would provide on-site security for the exterior common areas of the site seven days a week.

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The hours of operation would be Sunday through Thursday from 9:00 a.m. to 10:00 p.m., and Friday and Saturday from 9:00 a.m. to 11:00 p.m. 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.

Staff is recommending approval of the proposed entertainment and alcohol use for Chuck E Cheese restaurant, because it meets all the requirements of the zone, and will not adversely affect nearby residences or businesses. The conditions of approval have been included, which ensures that the safety and general welfare of the surrounding area would be maintained. The entertainment and alcohol sales are related to the function of the proposed use, and the restaurant would add to the inventory of entertaining dining establishments to the City, thereby contributing to the vibrancy of the area.

Respectfully submitted,

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Randie Davis, Assistant Planner

cc: Applicant

## RESOLUTION NO. 10-30

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-12

WHEREAS, a conditional use permit has been requested by CEC, to allow family entertainment with an arcade and for on-site and consumption of alcohol (Type 41, sale of beer and wine for a bono fide restaurant) located at 44410 Valley Central Way, in the CPD Zone; 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 June 21, 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 propose project is a use permit for entertainment and the sale of alcohol in an existing building, no impacts on environment resources would be expected to occur.

WHEREAS, this Commission hereby adopts the following Conditional Use Permit findings per Chapter 17.42 (Alcoholic Beverage Establishments), in support of approval of this application:

1. The proposed restaurant is located in the CPD zone, which permits alcoholic beverages to be sold, served or given away for on-sale consumption within 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.

WHEREAS, this Commission hereby adopts the following Conditional Use Permit findings per Section 17.12.080.C (Conditional Use Permit), a request for family entertainment in support of the approval of this application:

1. The proposed family entertainment consisting of various types arcade games would be a part of the restaurant and will be in conformance with the General Plan land use designation of (C) Commercial.
2. The request use at the proposed location will not:
  - a. Adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, because the existing building is not in proximity to any sensitive land uses. The proposed family entertainment will be conducted within an enclosed building, and trained staff will be provided to monitor the activities and the landlord would provide on-site security for the exterior common areas of the site seven days a week. The hours of operation would be Sunday through Thursday from 9:00 a.m. to 10:00 p.m., and Friday and Saturday from 9:00 a.m. to 11:00 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 the proposed project is located within a developed commercial center, development standards have been met and adequate parking is provided. The building is of a height that meets the height limits of the commercial zones and is designed within adequate setbacks form the adjacent street.
  - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because no one under the age of eighteen would be permitted without adult supervision, in addition, the landlord would provide on-site security for the exterior common areas of the site seven days a week to prevent loitering and malicious behavior. In addition, adequate sewer, water, drainage, and improvements are available to serve the site.
3. The proposed site is adequately served:
  - a. By Valley Central Way, 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 as required.
4. The proposed use will not result in a significant effect on the environment because all potential impacts have been found to not significant as noted in the environmental review section of the staff report prepared for his project.
5. The proposed 17,700 square-foot Chuck E Cheese 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.

6. The proposed restaurant and family entertainment center use will contribute to and complement the City's inventory of dining and entertainment uses.

NOW, THEREFORE, BE IT RESOLVED:

1. This Commission hereby approves Conditional Use Permit No. 10-12, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21<sup>st</sup> day of June 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 10-30  
CONDITIONAL USE PERMIT NO. 10-12  
CONDITIONS LIST  
June 21, 2010**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution Number 10-23 for Conditional Use Permits shall apply except for Condition Nos. 7, 8, 10-14, 17-30, 36, 37, and 42-46.