

AGENDA ITEM: 5.

DATE: 08-16-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-16

DATE: August 16, 2010
TO: Lancaster Planning Commission
FROM: Planning Department
APPLICANT: Bachan Kaur (Charo Chicken)
LOCATION: 2053 West Avenue J
REQUEST: Conditional Use Permit for on-site sale of alcohol (Type 41, sale of beer and wine for a bona fide restaurant) for Charo Chicken in the Commercial Zone

RECOMMENDATION: Adopt Resolution No. 10-37 approving Conditional Use Permit No. 10-16.

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

GENERAL PLAN DESIGNATION, EXISTIING ZOING AND LAND USE: The subject location is designated C (Commercial) by the General Plan and is zoned C (Commercial). 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	C	Commercial/Retail Center
EAST	C	C	Commercial/Retail Center
SOUTH	C	C	Commercial/Retail Center
WEST	C	C	Commercial/Retail Center

PUBLIC IMPROVEMENTS: The site is bounded to the south by Avenue J, which is improved with three lanes of travel in each direction. All utilities are available to serve the site.

ENVIRONMENTAL REVIEW: The 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.

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, Charo Chicken, 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 of beer and wine from the California State Department of Alcoholic Beverage Control (ABC).

Charo Chicken is an established restaurant that has been operating at the existing location, in the City of Lancaster, for the past three years. Based on the floor plan, the project meets the definition of a “Bona fide restaurant” as established by the Municipal Code Section 17.42.020. The hours of operation would be Sunday through Saturday, from 10:00 a.m. until 10:00 p.m.

The proposed use is exempt from the City’s alcohol ordinance distance requirements (Section 17.42.040.A), since it is a bona fide restaurant. 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 permit 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 create a pleasant dining experience. 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.

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Staff is recommending approval of the proposed alcohol use for Charo Chicken 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 alcohol sales will complement the existing restaurant.

Respectfully submitted,

Randie Davis, Assistant Planner

cc: Applicant

RESOLUTION NO. 10-37

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-16

WHEREAS, a conditional use permit has been requested by Charo Chicken, for on-site and consumption of alcohol (Type 41, sale of beer and wine for a bona fide restaurant) in an existing 1,960 square-foot building located at 2053 West Avenue J, in the C 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 August 16, 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 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 findings in support of approval of the application:

1. The proposed use would be located within an existing 1,960 square-foot restaurant, and will be in conformance with the General Plan land use designation of (C) Commercial.
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 request is for alcohol sales in conjunction with a restaurant. The hours of operation would be Sunday through Saturday, from 10:00 a.m. to 10:00 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 available to serve the site.
 3. The proposed site is adequately served:
 - a. By Avenue J, 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 be significant as noted in the environmental review section of the staff report prepared for his project.

WHEREAS, this Commission hereby adopts the following Conditional Use Permit findings per Chapter 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 C (Commercial) 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 proximately 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.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No. 10-16, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 16th day of August 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster

ATTACHMENT TO PC RESOLUTION NO. 10-37
CONDITIONAL USE PERMIT NO. 10-16
CONDITIONS LIST
August 16, 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 No. 4, 5, 7, 8, 10, 11-30, 35-37, and 42-46.
2. The typical hours of operation of the restaurant use shall be Sunday through Saturday, from 10:00 a.m. until 10:00 p.m.