

AGENDA ITEM: 5.

DATE: 12-20-10

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-26

DATE: December 20, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Jody Cherbonneaux and Jason Brookins

LOCATION: 741 West Lancaster Boulevard

REQUEST: A Conditional Use Permit for a wine bar and bistro (ABC License Types 20 and 42) that includes wine tasting, the sale of wine and beer for consumption on the premises, sale of bottled wine for offsite consumption, live entertainment, in conjunction with a façade improvement

RECOMMENDATION: Adopt Resolution No. 10-55 approving Conditional Use Permit No. 10-26.

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) by the General Plan and is zoned SP 08-01 (Downtown Lancaster Specific Plan), and is currently a vacant 1,728± square-foot tenant space. The General Plan designation, zoning, and land use of the surrounding properties are as follows:

| | GENERAL PLAN | ZONING | LAND USE |
|-------|--------------|---|--------------------------------|
| NORTH | C | SP 08-01 (Downtown Lancaster Specific Plan) | Multi-family residences |
| EAST | C | SP 08-01 (Downtown Lancaster Specific Plan) | Restaurant |
| SOUTH | C | SP 08-01 (Downtown Lancaster Specific Plan) | Future movie theatre/bookstore |
| WEST | C | SP 08-01 (Downtown Lancaster Specific Plan) | Retail |

PUBLIC IMPROVEMENTS: The site is bounded to the south by Lancaster Boulevard, which is improved with one lane of traffic in each direction. All utilities are available to serve the site.

ENVIRONMENTAL REVIEW: The proposed project is categorically exempt pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environment Quality Act, which exempts minor alterations to existing structures.

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, Jody Cherbonneaux and Jason Brookins, propose to open a wine bar and bistro within an existing commercial building located at 741 West Lancaster Boulevard. The request for a wine bar facility requires both a conditional use permit and a State Alcoholic and Beverage Control (ABC) License Types 20 and 42. The proposal would allow patrons the experience of tasting a variety of wines, and offer them the opportunity to purchase wine bottles for offsite consumption. Beer would also be sold for consumption on the premises.

The proposed restaurant is exempt from the City's alcohol ordinance distance requirements since it is located within the mixed use Boulevard District established in the Downtown Lancaster Specific Plan area. However, the proposed project must comply with a list of standard conditions from the alcohol ordinance (Sections 17.42.070. and 080).

The regular hours of operation would be daily from 8:00 a.m. to 2:00 a.m. The live entertainment is proposed daily from 2:00 p.m. to 2:00 a.m., although it is not expected to be a daily event. The scope of the proposed live entertainment would include, but is not limited to:

- a. Karaoke
- b. Disc jockeys
- c. Local jazz bands

The key issues related to approval of live entertainment involve the appropriateness of the location and the nature of operations to be conducted. Overall, under this proposal, with the activities proposed, staff does not foresee issues with the noise levels of the events, as long as the live entertainment is contained within the establishment. The conditional use permit approval allows the City to place operating conditions upon the subject use, and to monitor the use to ensure that it does not become a public nuisance. Should there be issues with enforcement, the application can be further evaluated by the Planning Commission as to whether it can remain in use or revoked.

The floor plan indicates the food preparation area would be located at the rear of the building with the wine bar located in the center of the space towards the western wall. The applicant proposes to take advantage of the newly widened sidewalk for an outdoor seating area, which is specifically what the Boulevard beautification project envisioned. The floor plan illustrates a new intimate balcony space including seating that would afford patrons a unique opportunity to enjoy a glass of wine and view the Boulevard from a new perspective.

The applicant wishes to modify the existing façade. Several businesses are in the process or have already completed much needed façade improvements. The plan is to contribute to the dynamic Boulevard transformation. The existing structure is a flat rectangular building and contains no features of architectural significance. The proposed exterior improvements include adding a brick façade that would match the proposed Brewpub.

The proposed wine bar and bistro with live entertainment would be an ideal fit for the Boulevard District. The façade improvement would be a significant enhancement for the existing building and complies with the Development Specifications for Commercial Block Buildings within the Downtown Lancaster Specific Plan. The proposed project meets the requirements of the zone, and would 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. Staff believes the Planning Commission should make a favorable determination in support of the proposal.

Respectfully submitted,

Christopher Aune, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 10-55

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-26

WHEREAS, a conditional use permit has been requested by Jody Cherbonneaux and Jason Brookins, for a wine bar and bistro (ABC License Types 20 and 42) that includes wine tasting, the sale of wine and beer for consumption on the premises, sale of bottled wine for offsite consumption, live entertainment, in conjunction with a façade improvement, that is located in an existing building at 741 West Lancaster Boulevard. The project site is located 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 December 20, 2010; and

WHEREAS, the proposed project is categorically exempt pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environment Quality Act, which exempts minor alterations to existing structures; and

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

1. The proposed alcoholic and live entertainment establishment is part of a use type that is consistent with the purposes of the Zoning Ordinance for the Downtown Lancaster Specific Plan Zone.
2. The proposed establishment 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 distance requirements do not apply within the Downtown Lancaster Specific Plan Zone and because the project has been adequately conditioned to minimize the impacts to the surrounding area.

- b. Be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, because the brewpub is compatible with the uses in the immediate vicinity and within the Downtown Lancaster Specific Plan Zone.
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because adequate sewer, water, drainage, and improvements are part of the project and adequate security will be provided.
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 the project is categorically exempt pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environment Quality Act, which exempts minor alterations to existing structures.

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 use for an ABC Type 20 and 42 licenses and live entertainment is located in the SP 08-01 (Downtown Lancaster Specific Plan) Zone, which permits alcoholic beverages to be sold and served on the premises, and consumed on or off the premises 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 because, the live entertainment and alcohol sales are in conjunction with a wine bar, and it is located in a mixed use area and fulfills the objective of, "creating a destination place with a mix of commercial, retail, dining, entertainment, residential, and transit uses".
3. The proposed use for a wine bar and bistro (ABC License Types 20 and 42) that includes wine tasting, the sale of wine and beer for consumption on the premises, sale of bottled wine for offsite consumption, and live entertainment, 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. 10-26, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 20th day of December 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. 10-55
CONDITIONAL USE PERMIT NO. 10-26
CONDITIONS LIST
December 20, 2010

GENERAL ADVISORY

1. All standard conditions as set forth in Planning Commission Resolution No. 10-23 for Conditional Use Permits shall apply except for Condition No. 11, 13, 14, 16-22, 24-30, 35-37, and 42-46.
2. The hours of operation for the wine bar and bistro will be daily from 8:00 a.m. to 2:00 a.m. The entertainment hours will be daily from 2:00 p.m. to 2:00 a.m.
3. All entertainment shall be conducted inside the building. Types of entertainment include:
 - a. Karaoke
 - b. Disc jockeys
 - c. Local jazz bands
4. Any changes to the uses enumerated in Condition No. 3 shall be reviewed and approved by the Planning Director. Uses found inconsistent shall require Planning Commission approval.
5. Prior to the transfer of ownership and/or operation of the site, the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and/or operator.
6. Per the Public Works Director, an encroachment permit shall be obtained from the City prior to installation of any outdoor display or seating.