

AGENDA ITEM: 3.

DATE: 03-21-11

STAFF REPORT

CONDITIONAL USE PERMIT NO. 10-28

DATE: March 21, 2011

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Crystal Neal

LOCATION: 731 West Lancaster Boulevard

REQUEST: A Conditional Use Permit for a banquet facility for private catered events, and to allow alcohol (beer, wine, spirits) to be served or sold on the premises, in the Downtown Lancaster SP 08-01 Zone

RECOMMENDATION: Adopt Resolution No. 11-05 approving Conditional Use Permit No. 10-28.

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 property is designated C (Commercial with the Downtown Lancaster Specific Plan overlay) by the General Plan, is zoned SP 08-01 (Downtown Lancaster Specific Plan), and is currently a vacant 1,600± square-foot tenant space. 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	SP 08-01 (Downtown Lancaster Specific Plan)	Parking Lot
EAST	C	SP 08-01 (Downtown Lancaster Specific Plan)	Retail
SOUTH	C	SP 08-01 (Downtown Lancaster Specific Plan)	Restaurant/Bank
WEST	C	SP 08-01 (Downtown Lancaster Specific Plan)	Future brew pub

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 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 a banquet facility with 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 is seeking approval of a conditional use permit to operate a banquet facility associated with private catered events, and to allow alcohol (beer, wine, spirits) to be served or sold on the premises. The applicant would rent the facility for private parties and catered events. If beer, wine, or spirits is served without charge, a permit from the ABC (Alcohol Beverage Control) is not necessary. If beer, wine, or spirits is sold, the renter must choose one of the following:

1. Either a licensed (Type 58) caterer must serve the beverages, or a temporary permit must be obtained from ABC.
2. If the renter does not represent an organized group or club, and beer, wine, or spirits is sold, a licensed (Type 58) caterer must be hired.

The name of the proposed use is called “The Main Event”. The Main Event will host various types of private events, such as wedding receptions, quinceaneras, birthdays, dances, and other similar conference/meeting type events.

As The Main Event is not a restaurant, it will only be open on the days when there is a scheduled private event. The interior of the building includes a preparation area, restroom facilities, and an office space. There is no permanent dance floor in the facility. A floor area measuring approximately 46’ x 51’ is designated as a meeting area. There is space located towards the front of the facility that can be utilized as a speaker/presenter or dance floor area. The location and size of the dance floor is individually decided on a per event basis. Similarly the banquet area would be arranged in several different configurations based on the type of event. Live entertainment associated with some of the private catered events in the facility would consist of such things as fashion shows, musicians, DJs, vocalists, dancers, etc. for the private hosted event. As the project is not an entertainment establishment, such as a night club, cabaret, or similar establishment, a condition has also been included in the Conditions of Approval that prohibit the facility to operate as an entertainment establishment. A condition is being placed to limit live entertainment to banquet events, which are by invitation only rather than events open to the general public. No live entertainment in the form of bands would be allowed with the exception of banquets.

The separation distance requirements as contained in Chapter 17.42 do not apply within the Downtown Lancaster Specific Plan. The applicant will be required to comply with all standard conditions from the alcohol ordinance for on-sale alcoholic beverage establishments (Section 17.42.070).

Staff believes that the applicant's proposal would provide the City additional banquet hall facilities that are not currently available on the Boulevard. Staff feels that the proposed conditions of approval would ensure that the project does not adversely impact the neighboring businesses. The project is in conformance with the General Plan and is consistent with the provisions of the Downtown Specific Plan 08-01 Zone. 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. 11-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 10-28

WHEREAS, a conditional use permit has been requested by Crystal Neal, for a banquet facility for private catered events, and to allow alcohol (beer, wine, spirits) to be served or sold on the premises, that is located in an existing building at 731 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 March 21, 2011; 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”.

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

1. The proposed banquet facility is part of a use type that is consistent with the purposes of the Downtown Land Uses 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 banquet facility 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 and the existing network of local streets in the downtown area, which are sufficient 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 site is already developed and provided with necessary services.

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 a banquet facility for private catered events, and to allow alcohol (beer, wine, spirits) to be served or sold on the premises 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 banquet facility, 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 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. 10-28, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 21st day of March 2011, 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. 11-05
CONDITIONAL USE PERMIT NO. 10-28
CONDITIONS LIST
March 21, 2011

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. 11, 13, 14, 16-22, 24-30, 36-37, and 42-46.

Ongoing Operational Conditions Of Approval To Be Complied With At All Times

2. Employees shall park at rear of facility except as necessary to use handicapped accessible parking.
3. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written copy of the application, staff report and resolutions for the project to the new owner and/or operator.
4. Per the Public Works Director, an encroachment permit shall be obtained from the City prior to installation of any outdoor display or seating.
5. The hours of operation will vary depending on the days when there is a scheduled private catered event. The banquet halls may be rented out seven days a week, but shall close by 1:30 a.m. every night. No patrons shall be admitted after 12:00 a.m., and no alcohol sales/service shall occur after 1:00 a.m. All music and/or live entertainment being played shall end by 1:15 a.m., and patrons shall be informed that they must exit the premises by 1:30 a.m.
6. At no time shall the applicant offer any banquet events, dance parties, or any other similar events that are open to the public, either free of charge, or upon payment of an entry/cover charge. Admission made available to the general public through selling of tickets or reservations shall not be permitted and a guest list shall not be open to participation of the general public.
7. Adequate seating and tables must be provided for all guests during all banquet events and private parties.
8. Live entertainment and/or dancing are allowed as ancillary uses at any banquet event but shall not be the primary use at any time.
9. A written guest list shall be compiled in advance of each private banquet event and shall be made available to any peace officer or other City employee upon request.
10. The applicant shall maintain and provide a list to the Los Angeles County Sheriff's Department of the on-site managers (those with authority and responsibility to maintain order during operations), with their phone numbers.

11. Crystal Neal, or the representative thereof, shall be present at all banquet events offering alcoholic beverage service, music, or dancing. These events include, but are not limited to corporate parties, wedding receptions, and any other social gathering determined to be a "special event" by the Los Angeles County Sheriff's Department. Security personnel for all such events shall be provided at the following ratios: Two (2) security guards per 100 patrons, with one (1) additional guard for each additional 50 patrons. The Sheriff's Department reserves the right to increase the required number of security guards based on the nature of the event and the number of patrons expected to attend the event. Security personnel shall wear clothing/uniforms that is/are easily identifiable or possess forms of identification approved by the Los Angeles County Sheriff's Department. Each security guard shall be licensed and possess a current "guard card". Security personnel shall not be armed at any time. All personal protective equipment used by security officers must be approved by the Sheriff's Department prior to being deployed.
12. The banquet hall facilities shall not be open until the minimum required number of management/security personnel is present and prepared to commence security duties. Management/Security staff must remain on-site until any banquet hall in use has closed and all patrons have departed from the parking lot.
13. The applicant shall install a video camera surveillance system for all entrances and exits, compatible with the requirements of the City's forthcoming surveillance ordinance.
14. In addition to posting maximum occupant load signs, the applicant and facility operator shall provide the current occupant load count to Los Angeles County Sheriff or Fire Department upon request. One employee or one member of the security team shall monitor occupancy loads at all times while the banquet facilities are in use.
15. Management/Security officers shall patrol the parking lot and will remain in the parking lot until all the patrons have left. The applicant must develop a policy on how security officers will address intoxicated patrons leaving the parking lot; the policy must be approved by the Los Angeles County Sheriff's Department.
16. Pyrotechnic displays are prohibited at any events unless approved in advance by the Fire Marshal.
17. Special effects or events which diminish the effectiveness of fire protection systems, occupant notification systems, or infringe upon the means of egress are prohibited.
18. The applicant shall comply with all applicable state and local laws and regulations pertaining to smoking.
19. All exterior doors shall be kept closed at all times when amplified or live music is being played in the banquet hall facility.

20. Loitering in the parking lot shall be prohibited. The onsite manager shall inform all clients that when coming or leaving the building they must not congregate in the parking lot.
21. The applicant is responsible for litter control and graffiti control/abatement, and for the sweeping/washing of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept within twelve (12) hours after an event to prevent the accumulation of litter and debris from banquet events. If surfaces are pressure-washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agents may be discharged to the storm drain.