

AGENDA ITEM: 4.

DATE: 05-21-12

**STAFF REPORT**

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

DATE: May 21, 2012

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Papa's Place

LOCATION: 1525 West Avenue K

REQUEST: A Conditional Use Permit to add live entertainment on Thursday, Friday, and Saturday evenings from 10:00 p.m. until 2:00 a.m., and to add an Alcoholic Beverage Control Type 47 license (on-sale general for a bona fide restaurant) in the CPD (Commercial Planned Development) Zone

RECOMMENDATION: Adopt Resolution No. 12-11 approving Conditional Use Permit No. 12-10.

BACKGROUND: There have been no prior hearings before the City Council or 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 CPD (Commercial Planned Development), and is developed as an existing 5,170± 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                   | CPD           | Commercial retail and restaurants/offices    |
| EAST  | C                   | CPD           | Commercial retail and restaurants            |
| SOUTH | C                   | CPD           | Commercial retail and restaurants/Highway 14 |
| WEST  | O                   | O             | Amargosa Creek/Highway 14                    |

PUBLIC IMPROVEMENTS: The site is bounded to the south by Avenue K, which is improved with three lanes of travel 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 the sale of alcohol and live entertainment at an existing restaurant, 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 the newspaper of general circulation per prescribed procedure.

ANALYSIS: The applicant is requesting approval to allow Alcohol Beverage Control (ABC) Type 47 license (on-sale general for a bona fide restaurant) and live entertainment on Thursday, Friday, and Saturday evenings from 10:00 p.m. until 2:00 a.m., and within an existing 5,170± square-foot restaurant. A conditional use permit is required for live entertainment per Lancaster Municipal Code Section 17.12.080C, and for the sale of alcohol per Section 17.42.030 to ensure compatibility with other surrounding commercial users.

The restaurant as proposed is considered a bona fide restaurant as defined in Section 17.42.020 of the Lancaster Municipal Code; therefore, the alcohol use is exempt from the distance requirements of the City code. The applicant will be required to comply with all standards conditions from the alcohol ordinance for on-sale alcoholic beverage establishments (Section 17.42.070).

The live entertainment portion would consist of karaoke on Thursday evenings; live bands and music on Friday evenings; and comedy acts on Saturday evenings from 10:00 p.m. until 2:00 a.m. The live entertainment portion would commence after regular business hours. The restaurant intends to close at approximately 9:30 p.m. on Thursdays, Fridays, and Saturdays, and then reopen at 10:00 p.m. for the live entertainment portion. No one under the age of 21 will be allowed in the restaurant after 10:00 p.m. However, the kitchen would remain open offering all menu items, and the entertainment portion will be an accessory to the primary use of a restaurant. Security will be provided by Protect Pros, and will arrive 30 minutes prior to opening hours for live entertainment, and will remain one hour after closing, or until all the patrons have departed from the site. The security along with staff members will card each person for age verification, and ensure that no one under the age of 21 shall be permitted inside the premises after 10:00 p.m.

The operation of the restaurant with alcohol sales and live entertainment will be conducted by well-trained staff and security in a manner that will maintain a safe and pleasant environment for patrons. The proposed uses will contribute to and complement the City’s inventory of dining and entertainment venues. 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; in particular, the condition that all entertainment patrons be 21 and over, that allows for a more effective regulation of alcohol consumption during entertainment

events. Staff has added a condition that all alcohol sales shall cease at 1:30 a.m. In addition, the applicant will install a video surveillance system for all entrances and exits, for added security.

There are no residential communities or sensitive receptors (school or church) within at least 650 feet on the site. In consideration of the existing ambient noise levels generated by State Route 14 and Avenue K, staff believes that the existing location is highly suitable for the proposed use.

Staff is recommending approval of the proposed use to add a Type 47 liquor license, and to allow live entertainment on Thursday, Friday, and Saturday evenings to an existing restaurant, because it meets all the requirements of the zone, will not adversely affect nearby residences or businesses, and will provide an additional dining and entertainment experience to this area of Lancaster.

Respectfully submitted,

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Randie Davis, Assistant Planner

cc: Applicant  
Engineer

## RESOLUTION NO. 12-11

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

WHEREAS, a Conditional Use Permit has been requested by Papa's Place, to add a Alcoholic Beverage Control Type 47 license (on-sale general for a bona fide restaurant) and live entertainment on Thursday, Friday, and Saturday evenings between the hours of 10:00 p.m. and 2:00 a.m. to the existing 5,170± square-foot restaurant, located at 1525 West Avenue K, in the Commercial Planned Development Zone (CPD), 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, 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 application, subject to conditions; and

WHEREAS, public notice was provided as required by law, and a public hearing was held on May 21, 2012; and

WHEREAS, the proposed project is not subject to the California Environmental Quality Act (CEQA) per Section 15061 (b)(3), which state 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 live entertainment at an existing restraint, no impacts on environmental resources would be expected to occur; and

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

1. The proposal to add a Type 47 ABC license and live entertainment to an existing bona fide restaurant will be in conformance with the General Plan land use designation of Commercial (C).
2. The requested 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 existing building is not in proximity to any sensitive land uses. The Alcoholic Beverage Control Type 47 license (on-sale general for a bona fide restaurant) is exempt from the distance

requirements. The proposed live entertainment (band performances, karaoke, and comedy) will be conducted within an enclosed building, and on-site security will be provided to monitor the evening activities. The hours of operation for the live entertainment would be from 10:00 p.m. to 2:00 a.m. on Thursday, Friday, and Saturday evenings.

- 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 use is located within an existing building, and adequate parking is available for the re-use of an existing building.
  - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because during live entertainment events no one under the age of 21 will be allowed into the establishment after 10:00 p.m., and on-site security would be provided 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 Avenue K, which is of sufficient width and improved as necessary 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 uses 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 addition of an Alcoholic Beverage Control Type 47 license and entertainment, serves the public convenience and necessity.
  6. The proposed restaurant with an Alcoholic Beverage Control Type 47 license and live entertainment use will contribute to and complement the City's inventory of dining and entertainment uses.

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NOW, THEREFORE, BE IT RESOLVED:

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

PASSED, APPROVED and ADOPTED this 21<sup>st</sup> day of May 2012, 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. 12-11**  
**CONDITIONAL USE PERMIT NO. 12-10**  
**CONDITIONS LIST**  
**May 21, 2012**

**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. 4, 7, 8, 10, 11, 13, 14, 16-30, 36-37, and 43-46.

**ADDITIONAL CONDITIONS**

2. No person under the age of 21 shall serve alcoholic beverages.
3. Only patrons 21 and over shall be permitted after 10:00 p.m. Thursday through Saturday, except entertainers, band members etc., and only during performance.
4. No self-service of alcoholic beverages shall be permitted.
5. The sale of alcoholic beverages for consumption off the premises is prohibited.
6. The business shall employ not less than one full-time cook that is engaged in the preparation of meals for patrons during the permissible hours of operation, and the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.
7. During all business hours, the premises will have an operable kitchen and a dining area that constitute permanent and identifiable portions of the business, and the business shall provide a printed menu, containing an assortment of foods, to patrons by a server for the purpose of ordering meals.
8. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training provided by the Department of Alcoholic Beverage Control, or equivalent training, within 90 days of hire. Records of such training shall be maintained on the premises, and made available to the City of Lancaster or the Los Angeles County Sheriff's Department upon request.
9. Not less than fifty-one percent of the business enterprise shall be derived from the sale of food and non-alcoholic beverages. The business owner shall at all times maintain records, which reflect separately the gross sale of food and the gross sales of alcoholic beverages. Said records shall be kept on a quarterly basis, and shall be made available to the City of Lancaster, the Department of Alcoholic Beverage Control, and the Los Angeles County Sheriff's Department upon request.

10. All entertainment shall be conducted inside the building. Types of entertainment shall be limited to:
  - a. Karaoke
  - b. Comedy acts
  - c. Live bands and music
11. The restaurant is located at 1525 West Avenue K. Any entertainment or event permitted by this Conditional Use Permit shall be an accessory use to the primary restaurant use on the property. The proposed entertainment use may occur only as incidental to and in conjunction with the restaurant. The types of events permitted are limited to the events as described by Condition No. 10. In the event of any conflict or discrepancy between the project description provided in the applicant's application and the conditions established by this Conditional Use Permit, this Conditional Use Permit shall prevail.
12. Any changes to the uses enumerated in Condition No. 10 shall be reviewed and approved by the Planning Director. Uses found to be significantly different shall require Planning Commission approval.
13. All exterior doors shall be kept closed at all times when amplified or live music is being played in the restaurant.
14. Hours of operation of the restaurant use shall be Sunday through Wednesday from 11:00 a.m. until 12:00 a.m., and Thursday through Saturday from 11:00 a.m. until 2:00 a.m.
15. Sales service and consumption of alcoholic beverages permitted between the hours of 11:00 a.m. and 12:00 midnight Sunday through Thursday, and 11:00 a.m. until 1:30 a.m. Thursday through Saturday.
16. Hours of operation of the live entertainment use shall be limited to Thursday through Saturday from 10:00 p.m. until 2:00 a.m.
17. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises.
18. The applicant shall install a video camera surveillance system that covers the restaurant seating area, all entrances and exits, and parking lot. The tapes/CD's/recordings shall be kept for at least two weeks, and be compatible with the requirements of the City's forthcoming surveillance ordinance. All tapes/CD's/recordings shall be made available to the Los Angeles County Sheriff's Department upon request.



Conditions List

Attachment to PC Resolution No. 12-11

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19. 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. Security shall be provided at a ratio of not less than one security officer per 100 anticipated patrons.
20. 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.
21. The live entertainment shall not start 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 the entertainment portion has stop and all patrons have departed from the parking lot.
22. Loitering shall be prohibited on or around the parking lot or areas under the control of the owner. Professional quality signs stating "No Loitering" shall be posted on and around the building. The onsite manager shall inform all clients that when coming or leaving the building, they must not congregate in the parking lot.
23. 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.
24. A special events application is required for any event that exceeds the entertainment request as outlined in this Conditional Use Permit (outdoor Bar-B-Que cookouts, parking lot events, etc).
25. The licensee shall be active in the management of the entertainment activities, and will not rent or lease the facility or space to outside promoters who would provide their own entertainment (floor shows, concerts, etc.).
26. There shall be no payphones on the exterior of the premises.
27. There shall be no pool tables or coin operated video games on the premises.
28. The exterior of the premises shall be kept free of litter. All graffiti shall be removed within in 72-hours from posting.