

AGENDA ITEM: 2.

DATE: 11-18-13

**STAFF REPORT**

**CONDITIONAL USE PERMIT NO. 13-10**

DATE: November 18, 2013

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Chipotle Mexican Grill

LOCATION: 855 West Avenue K, Unit #101

REQUEST: Addition of on-site consumption of alcoholic beverages (Alcoholic Beverage Control Type 47, for Bona Fide Public Eating Place) within an existing restaurant (Chipotle Mexican Grill), in the C (Commercial) Zone

RECOMMENDATION: Adopt Resolution No. 13-17 approving Conditional Use Permit No. 13-10.

BACKGROUND: On June 9, 2012, the City of Lancaster approved Site Plan Review No. 12-01 for the construction of a 4,907 multi-tenant building for retail and restaurant use (including a 2,285 square-foot Chipotle Mexican Grill, 1,795 square-foot Starbucks and an 827 square-foot Domino's Pizza). No prior hearings before the City Council or Planning Commission concerning this property have been heard.

GENERAL PLAN DESIGNATION, EXISTING ZONING AND LAND USE: The subject location is designated C (Commercial) by the General Plan and is zoned C (Commercial), and is developed with an existing 2,285± square-foot restaurant located at 855 West Avenue K, Unit #101. 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 (Jack 'N the Box)
EAST	C	C	Commercial retail (Enterprise Rent A Car)
SOUTH	C	CPD	Commercial retail (CVS/Pharmacy)
WEST	C	C	Commercial retail (Used car lot)

**PUBLIC IMPROVEMENTS:** The site is bounded by Avenue K to the south and by 10<sup>th</sup> Street West to the west; both streets are 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 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 (Chipotle Mexican Grill), is seeking approval of a Conditional Use Permit to allow on-site consumption of alcoholic beverages (Alcoholic Beverage Control Type 47, for Bona Fide Public Eating Place), during normal business hours. A conditional use permit is required for an Alcoholic Beverage Control license to be held in the City of Lancaster per Lancaster Municipal Code Section 17.42.030.

The proposed use would not create a substantial change in the current operation, since the primary use would be a restaurant, with the sale of alcoholic beverages as an accessory use. The regular hours of operation would be Sunday through Saturday from 11:00 a.m. until 10:00 p.m.

As a bona fide restaurant, the alcohol use is exempt from the distance requirements of the City code (Section 17.42.040.A), since the alcohol sales will be incidental to the sale of food. The applicant would be required to comply with all standard conditions from the alcohol ordinance (Section 17.42.070).

The operation of the restaurant with a Type 47 ABC license would be conducted by well-trained staff members, and would create a safe and pleasant dining environment for all patrons. The restaurant along with the addition of alcohol sales would contribute to and complement the City’s inventory of dining 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. To prevent any loitering issues, the applicant will monitor the restaurant and the activities surrounding the establishment.

According to the Lancaster Municipal Code, restaurants require 1 parking space for every 100 square feet of gross floor area. Therefore, a total of 23 parking spaces are required for the restaurant (2,285 square feet /100 = 23). The site contains 49 on-site parking spaces, shared with other businesses. Therefore, adequate parking would be provided.

The proposed project meets the requirements of the zone, and will 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. Therefore, staff is

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recommending approval of the proposed use, and feels that it will provide a unique dining experience to this area of Lancaster.

Respectfully submitted,

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Randie Davis, Assistant Planner

cc: Applicant  
Engineer

## **RESOLUTION NO. 13-17**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 13-10**

WHEREAS, a Conditional Use Permit has been requested by Chipotle Mexican Grill, to add a Alcoholic Beverage Control Type 47 license (Alcoholic Beverage Control Type 47, for Bona Fide Public Eating Place) to the existing 2,285 square-foot restaurant, located at 855 West Avenue K, Unit #101, in the Commercial Zone (C), 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 November 18, 2013; 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 the sale of alcohol at an existing restaurant, 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 to an existing bona fide restaurant would 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 (for Bona Fide Public Eating Place) is exempt from the distance requirements.

- 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.
    - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare, because on-site staff would be trained to handle any noise concerns or any other 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 to the south and 10<sup>th</sup> Street West to the west, both of which are 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, serves the public convenience and necessity.
6. The proposed restaurant with an Alcoholic Beverage Control Type 47 license will contribute to and complement the City's inventory of dining establishments.

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NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby approves Conditional Use Permit No. 13-10, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 18<sup>th</sup> day of November 2013, 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. 13-17**  
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**CONDITIONS LIST**  
**November 18, 2013**

**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 Nos. 4, 7, 8, 10, 11, 13, 14, 16-30, 35-37, and 43-46.

**ALCOHOL CONDITIONS**

2. The hours of operations for the restaurant shall be Sunday through Saturday from 11:00 a.m. until 10:00 p.m.

**OTHER CONDITIONS**

3. The applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City concerning this conditional use permit and the uses(s) and development permitted by its approval. The City shall promptly notify the applicant of any claim, action, or proceeding, and shall cooperate fully in the defense; this condition shall not be imposed if the City fails to promptly notify the applicant or fails to cooperate fully in the defense.