

AGENDA ITEM: 4.

DATE: 07-20-09

**STAFF REPORT**

**CONDITIONAL USE PERMIT NO. 09-04**

DATE: July 20, 2009

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Schooners Patio Grille, Inc.

LOCATION: 2797 West Avenue L

REQUEST: A Conditional Use Permit for on-site sale and consumption of alcohol (Type 47, sale of beer, wine and distilled spirits for a bona fide restaurant) for Schooners Patio Grille in the CPD (Commercial Planned Development) Zone.

RECOMMENDATION: Adopt Resolution No. 09-25 approving Conditional Use Permit No. 09-04

BACKGROUND: On July 13, 1981, the Planning Commission approved Conditional Use Permit No. 81-02 for a retail shopping center (West Lancaster Plaza).

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 currently a vacant 3,640 square-foot retail unit within the shopping center for a proposed 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	MU, MR2	HDR, R-7,000	Vacant
SOUTH	C, UR, NU	CPD, SRR, R-10,000	Commercial, Single Family Residential

EAST	MR1, UR	R-7,000	Vacant, Single Family Residence
WEST	C, UR	CPD, R-7,000	Commercial/Retail Center, Single Family Residential

**PUBLIC IMPROVEMENTS:** The site is bounded to the south by Avenue L and to the west by 30<sup>th</sup> Street West, both of which are improved with two lanes in each direction. All utilities are available to serve the site.

**ENVIRONMENTAL REVIEW:** The proposed project is classified as a Class 1 categorical exemption from the California Environmental Quality Act (CEQA) under Section 15301 (Existing Facilities) because the request would only involve a tenant improvement to the existing building. Notice of intent to find that the action is categorically exempt has been legally advertised.

**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, Schooners Patio Grille, Inc., is requesting a conditional use permit for on-site sale and consumption of alcohol in a proposed 3,640 square-foot restaurant (Schooners Patio Grille). A conditional use permit is required for on-site sale of beer, wine and distilled spirits (Lancaster Municipal Code, Section 17.42.030). The applicant has requested a Type 47 license for on-site sale of beer, wine and distilled spirits from the California State Department of Alcoholic Beverage Control (ABC).

The proposed business is considered a bona fide restaurant, as established by Municipal Code 17.42.020. The code defines a bona fide restaurant as, “a business enterprise which is conducted, or proposed to be conducted, in compliance with the following requirements: issuance by ABC of a Type 41 or 47 license; kitchen and dining area that constitute permanent and identifiable portions of the business; a printed menu; not less than fifty-one percent of sales from food and non-alcoholic beverage; at least one full-time cook and no drinking contests or similar activities.”

Based on the floor plan and discussions with the applicant, the proposed project meets the definition of a “bona fide restaurant”. The main hours of operation would be from 11 a.m. to 2 a.m. Monday through Saturday, and Sunday from 10 a.m. to 12 a.m. The use of on-site security shall be provided by the property owner through privately contracted security personnel for the parking lot and the applicant shall provide closed-circuit video cameras for the restaurant.

In the analysis of the conditional use 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 maintain a pleasant dining experience and enhance ambiance. The restaurant will 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

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of the conditional use permit, based on a conducted investigation and the applicant's agreement to the conditions.

Staff is recommending approval of the proposed alcohol use for the proposed restaurant because it meets all the requirements of the zone, and will not adversely affect nearby residences or businesses. The alcohol sales are related to the function of the proposed use and will provide a unique dining experience to this area of Lancaster.

Respectfully submitted,

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Brigitte Ligons, Assistant Planner

cc: Applicant

## RESOLUTION NO. 09-25

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 09-04

WHEREAS, a conditional use permit has been requested by Schooners Patio Grille, Inc., for on-site sale and consumption of alcohol (Type 47, sale of beer, wine and distilled spirits for a bona fide restaurant) in a proposed 3,640 square-foot restaurant building, located at 2797 West Avenue L, in the CPD 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 July 20, 2009; and

WHEREAS, the proposed project is categorically exempt under Class 1, Section 15301 (Existing Facilities) of the State Guidelines for the Implementation of the California Environmental Quality Act, and a Notice of Exemption will be filed with the County Clerk of Los Angeles County; and

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

1. The proposed use of on-site sale and consumption of alcohol would be located in a proposed 3,640 square-foot restaurant and will be in conformance with the General Plan land use designation of (C) Commercial.
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 proximate to any sensitive land uses. The main hours of operation would be from 11 a.m. to 2:00 a.m. Monday through Saturday and Sunday from 10:00 a.m. to 12 a.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 is provided. The building is of a height that meets the height

limits of the commercial zones and is designed within adequate setbacks from the adjacent street.

- 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 L and 30<sup>th</sup> Street West, 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 this project.
  5. The proposed 3,640 square-foot restaurant is adequate in size and shape to accommodate the development features prescribed in the Zoning Ordinance or as otherwise required in order to integrate said use with the use in the surrounding areas.

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 restaurant is located in the (CPD) Commercial Planned Development 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 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 proximity to any of the above and is exempt from the distance requirements as a bona fide restaurant; and
3. The proposed restaurant serves the public convenience and necessity based on all factors outlined in Section 17.42.060 of the Municipal, including the aesthetic character and ambiance of the establishment.

NOW, THEREFORE, BE IT RESOLVED:

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This Commission hereby approves Conditional Use Permit No. 09-04, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 20<sup>th</sup> day of July 2009, 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. 09-25**  
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**CONDITIONS LIST**  
**July 20, 2009**

**GENERAL ADVISORY**

1. All standard conditions as set forth in Planning Commission Resolution Number 06-16 for Conditional Use Permits shall apply except for Condition Nos. 5, 7-9, 11-24, 29, 31, 32, and 37-39.

**ALCOHOL**

2. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment, and be presented to the City of Lancaster or Los Angeles County Sheriff's personnel upon request.
3. Per the direction of the Planning Director, the applicant shall comply with Lancaster Municipal Code Section 17.42.070 (Conditions of Approval for On-Sale Alcoholic Beverage Establishments).
4. The City reserves the right to review the Conditional Use Permit (CUP) one year from the date the CUP was first approved and at one-year intervals thereafter.