

AGENDA ITEM: 3.

DATE: 08-17-09

STAFF REPORT

CONDITIONAL USE PERMIT NO. 09-05

DATE: August 17, 2009

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: Purple Cow Hospitality Corporation

LOCATION: 858 West Lancaster Boulevard

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 Giannini Bistro and Grill in SP 08-01 (Downtown Lancaster Specific Plan)

RECOMMENDATION: Adopt Resolution No. 09-26 approving Conditional Use Permit No. 09-05.

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 (Commerce District/Downtown Lancaster Specific Plan) and is currently a vacant 3,650 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	SP 08-01	Office uses
EAST	C	SP 08-01	Retail uses
SOUTH	MR2	HDR	Residential uses
WEST	C	SP 08-01	Retail uses

PUBLIC IMPROVEMENTS: The site is bounded by to the north by Lancaster Boulevard which is improved with two travel 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, Purple Cow Hospitality, Inc., is requesting a conditional use permit for on-site sale and consumption of alcohol in a proposed 3,650 square-foot restaurant (Giannini Bistro and Grill). 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 beer, wine, and distilled spirits from the California State Department of Alcoholic Beverage Control (ABC).

The proposed business would be within the building formerly occupied by the Argentine Bistro restaurant, located on 858 West Lancaster Boulevard, on the south side of Lancaster Blvd., between Genoa and Gadsden Avenues. The applicant is incorporating a 163 square-foot outdoor patio dining area along the front of the building. Based on the floor plan and discussions with the applicant, the proposed project meets the definition of a “bona fide restaurant” as established by the Municipal Code Section 17.42.020. The main hours of operation would be from 11:00 a.m. to 9:00 p.m. Monday through Thursday, and from 11:00 a.m. to 11:00 p.m. Friday through Sunday, with occasional varied hours to complement show schedules for the Lancaster Performing Arts Center (LPAC). The use of on-site security for the restaurant will not be provided. However, the applicant has contracted with a private security company to monitor security of the exterior premises (door, windows, etc.).

The proposed restaurant is exempt from the City’s alcohol ordinance distance requirements (Section 17.42.040.D), since it is located within the Commerce District established in the Downtown Lancaster Specific Plan area. The ordinance states that “distance requirements shall not be applicable to an alcoholic beverage establishment located within a mixed use development or a mixed use district,” such as the Downtown Lancaster Specific Plan area. However, the proposed project must comply with a list of standard conditions from the alcohol ordinance (Section 17.42.070).

In analysis of the conditional use for alcohol sales, staff reviewed factors regarding public convenience and necessity. The request would not result in a net increase in the number of licenses, since the previous use was also a restaurant with a license for on-site alcohol use. 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 Downtown’s inventory of dining venues, and other entertainment establishments such as LPAC.

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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. The Alcohol Beverage Control board had no negative reports for the former establishment.

Staff is recommending approval of the proposed alcohol use for the existing 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 the restaurant would add to the inventory of dining establishments to the City's Downtown, thereby contributing to the vibrancy of the area.

Respectfully submitted,

Brigitte Ligons, Assistant Planner

cc: Applicant

RESOLUTION NO. 09-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 09-05

WHEREAS, a conditional use permit has been requested by Purple Cow Hospitality, 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 3,650 square-foot restaurant building, located at 858 West Lancaster Boulevard, in SP 08-01 (Downtown Lancaster Specific Plan), 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 August 17, 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 3,650 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 entrance faces Lancaster Boulevard. The main hours of operation would be from 11:00 a.m. to 9:00 p.m. Monday through Thursday, and from 11:00 a.m. to 11:00 p.m. Friday through Sunday, with occasional varied hours to complement show schedules for the Lancaster Performing Arts Center (LPAC).

- 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 proposed building is of a height compatible with the height limits of the commercial zones and is designed with 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 part available to serve the site.
 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 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 3,650 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 SP 08-01 (Downtown Lancaster Specific Plan) 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 either not in proximity to any of the above or because the proposed use is exempt due to its location within a mixed use district.
3. The proposed restaurant 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. 09-05, subject to the conditions attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 17th day of August 2009, 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. 09-26
CONDITIONAL USE PERMIT NO. 09-05
CONDITIONS LIST
August 17, 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, 31, 32, and 37-39.

ALCOHOL CONDITIONS

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 of 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.

17.42.070 Conditions of Approval for On-sale Alcoholic Beverage Establishments.

Establishments engaged in the retail sale of alcoholic beverages for on-premises consumption shall be operated in a manner which does not interfere with the normal use of adjacent properties. In addition to those conditions which the planning commission, or the city council on appeal, may otherwise impose, all conditional use permits for on-sale beverage establishments shall be subject to the following conditions of approval:

- A. The exterior of the premises shall be kept free of litter.
- B. Graffiti shall be removed from the site within 72 hours.
- C. Alcoholic beverages shall not be permitted to be consumed in the parking area or other exterior areas of the premises, except for designated outdoor areas approved as part of the application.
- D. Exterior lighting of the parking area shall be kept at an intensity of between one and 2-foot candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from the adjacent properties and from the sky.

E. Adequate security measures shall be provided as specified by the planning commission including, but not limited to, retaining trained staff and security personnel and providing security devices, such as surveillance or burglar alarm systems.

F. Hours of operation, including deliveries to the proposed establishment, shall be compatible with the need and character of the surrounding neighborhood. In order to protect the public health, safety and welfare, the planning commission may limit the hours of operation.

G. All employees who serve or sell alcoholic beverages shall successfully complete a responsible beverage service training program that meets the requirements of the State ABC within 90 days of hire. Records of such training shall be maintained on the premises and made available to city of Lancaster or Los Angeles County sheriff's personnel upon request.

H. Noise levels at the property line of any sensitive use as listed in Section 17.24.040 adjoining the site of the alcoholic beverage establishment shall not exceed 65 dBA.

I. The management of any establishment selling alcohol shall take necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises, and to assure timely response to concerns of neighbors and local officials about problems related to alcohol sales and service at the establishment.

J. The owner of the establishment shall maintain all required permits and/or licenses for the sale of alcoholic beverages in good standing.

K. The establishment shall conspicuously post an interior sign stating: "We ID everyone under 30 years of age for alcohol sales." The language of such sign shall be English, as well as the predominant language of the establishment's clientele.
(Ord. 896 § 1 (Exh. A § 29 (part)), 2008)