

PUBLIC HEARINGS

**CITY COUNCIL
FEBRUARY 24, 2004**

To: Mayor and City Council

From: George J. Rodericks, City Manager **GR**

SUBJECT: Consideration of Conditional Use Permit No. 0572; Operation of a Tasting License – Location: 17851 Santiago Boulevard (Khaled Dahdoul)

BACKGROUND

The applicant is requesting permission to operate a tasting facility in conjunction with the current liquor store operation.

AUTHORITY

Conditional Use Permits

In order to give the City's current zoning regulations the flexibility necessary to achieve the objectives of the Zoning Code, the City Council has the authority to permit conditional uses subject to the approval of a Conditional Use Permit. Because of their unusual characteristics, Conditional Use Permits require special review and consideration so that they may be located properly with respect to the objectives of the City's zoning regulations and with respect to their effects on surrounding properties. To achieve these objectives, the City Council is empowered to grant and to deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. The City Council shall make the following findings before granting a Conditional Use Permit:

- 1) The project is in accord with the objectives of the Villa Park Zoning Code and the purpose of the Zone in which it is located.
- 2) The project is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- 3) The project complies with all applicable provisions of the Zoning Code.

Article 23-6.6 of the Villa Park Municipal Code requires a Conditional Use Permit for all accessory uses not expressly permitted.

FINDINGS

The subject property is located at 17851 Santiago Boulevard and is in the E4 zoning district. The lot area is approximately 10,000 square feet and surrounding uses are commercial, residential and educational.

The applicant is requesting permission to operate the tasting facility using in-house staff six (6) days a week between the hours of 11 a.m. and 8 p.m. The applicant is proposing two educational events per month using the services of a certified sommelier. These educational events are proposed one Saturday per month between the hours of 12 p.m. to 4 p.m. and one Thursday per month between the hours of 7 p.m. and 10:30 p.m. Portions are limited to one ounce per consumer. The tasting facility will be located within the facility in a roped off location within the wine cellar.

Tasting facilities are regulated by the California Department of Alcoholic Beverage Control under the Alcohol Beverage Control Act within the California Business and Professions Code. Conditions imposed under the ABC guidelines include limitations on the size and quantity of tasting, location and protection of the tasting area, and appropriate signage. Licensing is conducted through the issuance of an on-sale retail license.

The City may further restrict operation of the tasting facility through the Conditional Use Permit process by imposing conditions with a nexus to the facilities operation. These may include hours of operation, limitations on special events, parking requirements, outside signage, and other similar conditions.

Section 23386(b) of the Business and Professions Code provides that an on-sale retail licensee is authorized to instruct consumers at the on-sale retail licensed premises regarding distilled spirits. The instruction may include, without limitation, the history, nature, values, and characteristics of the product, and the methods of presenting and serving the product. The instruction may include the furnishing of not more than three tastings to any individual in one day. A single tasting of distilled spirits may not exceed one-fourth of one ounce and a single tasting of wine may not exceed one ounce.

CEQA COMPLIANCE

This project is exempt from requirements of the California Environmental Quality Act by Section 15301 – Existing Facilities – Class 1. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application, with conditions.

APPROVAL MOTION

Adopt Resolution No. 2003-2734, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0572, for operation of a tasting license, with conditions; Location: 17851 Santiago Boulevard.

RECOMMENDED ACTION

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

CONDITIONS OF APPROVAL

1. Operation of the tasting facility under this Conditional Use Permit shall be consistent with all applicable California Department of Alcohol Beverage Control regulatory requirements and applicable guidelines and rules as promulgated by the Agency.
2. Operation of the tasting facility under this Conditional Use Permit shall be consistent with all applicable City Business License, Zoning, and Public Safety standards.
3. If the use is discontinued for a period of six-months, this Conditional Use Permit shall lapse and become void.
4. The hours of the tasting facility shall be limited to 11 a.m. and 8 p.m. Monday through Saturday.
5. Exterior banners, signs, and displays are not authorized in conjunction with the tasting facility. Banners, signs, and displays shall be limited to window advertisements and interior advertising.
6. It is understood that an "Educational Event" shall be defined as a specified tasting period under the instruction of a certified sommelier.
7. One Saturday Educational Event per month shall be authorized under this Conditional Use Permit. The event shall be limited to the hours of 12 p.m. to 4 p.m.
8. One Thursday Educational Event per month shall be authorized under this Conditional Use Permit. The event shall be limited to the hours of 7 p.m. and 10:30 p.m.
9. Parking for the tasting facility shall not significantly impact overall parking within the Town Center.
10. The applicant shall provide a minimum 7 day advance notice to adjacent businesses of any Educational Event.
11. This Conditional Use Permit shall be reviewed annually by the City Manager and Community Development Committee to determine if the use remains compliant with the conditions of approval. If it is determined that the use is not compliant with the conditions of approval or the use has substantially changed, the Conditional Use Permit shall be revoked and/or resubmitted for review and approval. If it is determined to be in compliance, the permit shall be modified and/or approved annually thereafter.