PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 4-2002 - PROPOSED SALE OF BEER AND WINE UNDER AN ON-SALE LICENSE AT THE SUNG VILLAGE RESTAURANT LOCATED AT 520 WEST OLIVE AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicants are requesting approval of a Conditional Use Permit to allow the sale of beer and wine under an on-sale license in conjunction with the serving of meals at an existing restaurant (Sung Village) located at 520 West Olive Avenue in a C-3 (Heavy Commercial) Zone. The present hours of operation are from 11:00 a.m. until 9:30 p.m., seven (7) days a week.

On May 17, 1994, the City Council adopted a Resolution of Denial for Conditional Use Permit 1-94 which would have allowed the on-sale of beer and wine in conjunction with the serving of meals at the existing Sung Village Restaurant.

On April 16, 2002, the Porterville City Council voted to allow the applicant to reapply for a Conditional Use Permit to allow for the on-sale of beer and wine in conjunction with the serving of meals at the existing Sung Village Restaurant.

Section 2100 B-1 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for establishments proposing to sell alcoholic beverages under an on-sale license in conjunction with the serving of meals.

The applicants have made application to the Alcoholic Beverage Control Board (ABC) for a Type 41 (beer and wine) liquor license. Census Tract 38-01 allows for three (3) on-sale beer and wine licenses. At present, three (3) exist. As a result of this, the applicant/owner will also be required to submit a Letter of Public Convenience or Necessity to the Department of Alcoholic Beverage Control for their approval.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 4-2002.

ATTACHMENT:

1. Complete Staff Report
TITLE: CONDITIONAL USE PERMIT 4-2002

APPLICANTS: Connie Wong and Billy Kwok Ho Sung
520 West Olive Avenue
Porterville, CA 93257

SPECIFIC REQUEST: The applicants are requesting approval of a Conditional Use Permit to allow the sale of beer and wine under an on-sale license (Type 41) at the existing Sung Village Restaurant located at 520 West Olive Avenue in a C-3 (Heavy Commercial) Zone.

PROJECT DETAILS: The applicant is proposing to sell beer and wine in conjunction with the serving of meals at the existing Sung Village Restaurant. The present hours of operation are from 11:00 a.m. until 9:30 p.m., seven (7) days a week.

Section 2100 B-1 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for new establishments proposing to sell alcoholic beverages under an on-sale license in conjunction with the serving of meals.

The applicant has made application to the Alcoholic Beverage Control Board (ABC) for a Type 41 (beer and wine) liquor license. Census Tract 38-01 allows for three (3) on-sale beer and wine licenses. At present, three (3) exist. As a result of this, the applicant/owner will also be required to submit a Letter of Public Convenience or Necessity to the Department of Alcoholic Beverage Control.

GENERAL PLAN AND LAND USE/ZONING DESIGNATION:

The site is designated for Heavy Commercial under the General Plan and is zoned C-3 (Heavy Commercial).

SURROUNDING AREA ZONING AND LAND USE:

NORTH: R-1 - Apartments and single family dwellings.
SOUTH: C-3 - Olive Avenue and Porterville High School.
EAST: C-3 - Commercial uses.
WEST: C-3 - Carmelita Street, apartments and commercial uses.
STAFF ANALYSIS: On November 7, 2001, the Project Review Committee reviewed the application request. Section 2100 B-1 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for establishments proposing to sell alcoholic beverages under an on-sale license in conjunction with the serving of meals.

On April 16, 2002, the Porterville City Council voted to allow the applicant to reapply for a Conditional Use Permit to allow for the on-sale of beer and wine in conjunction with the serving of meals at the existing Sung Village Restaurant.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. Denial of the proposed use permit would allow the applicants to operate the existing restaurant (Sung Village) absent the sale of beer and wine.

2. Approve the project. Approval of the request would result in the applicants being conditionally allowed to sell beer and wine under an on-sale license in conjunction with serving of meals at the existing restaurant.

ENVIRONMENTAL: The project is Categorically Exempt pursuant to Class 23, Section 15323 of the CEQA Guidelines - Normal Operations of Facilities for Public Gatherings. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.


RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 4-2002 subject to the conditions of approval enumerated therein.

ATTACHMENTS:

1. Locator Map
2. Application
3. Notice of Exemption
4. Draft Resolution
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR CONDITIONAL USE PERMIT 4-2002 TO ALLOW THE SALE OF BEER AND WINE UNDER AN ON-SALE LICENSE IN CONJUNCTION WITH SERVING OF MEALS FOR SUNG VILLAGE RESTAURANT LOCATED AT 520 WEST OLIVE AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of September 17, 2002, conducted a public hearing to consider Conditional Use Permit 4-2002, being a request to allow the sale of beer and wine under an on-sale license (Type 41) in conjunction with the serving of meals for Sung Village Restaurant located at 520 West Olive Avenue in a C-3 (Heavy Commercial) Zone; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That pursuant to Class 23, Section 15323 of the California Environmental Quality Act Guidelines, the Conditional Use Permit to allow the sale of beer and wine under an on-sale license in conjunction with an existing restaurant is Categorically Exempt.

2. That Section 2100 B-1 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for establishments proposing to sell alcoholic beverages under an on-sale license in conjunction with the serving of meals.

3. That the proposed project is consistent with the General Plan.

4. That the design and operation of the proposed project are consistent with the General Plan.

5. That the proposed use is not likely to cause substantial environmental damage.

6. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

7. That the standards of population density, site area, dimensions, site coverage, yard
spaces, height of structures, distance between structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

8. That the proposed sale of alcoholic beverages (beer and wine) under an on-sale license (type 41) in conjunction with a restaurant is allowed in the C-3 Zone subject to the approval of a Conditional Use Permit.

9. Census Tract 38-01 allows for three (3) on-sale beer and wine licenses. At present, three (3) exist. As a result of this, the applicant/owner will also be required to submit a Letter of Public Convenience or Necessity to the Department of Alcoholic Beverage Control for their approval.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2002 subject to the following conditions:

1. That the hours of operation shall be as follows:
   
   Weekdays: 11:00 a.m. to 9:30 p.m.
   Weekends: 11:00 a.m. to 9:30 p.m.

2. Upon approval of the Conditional Use Permit, any future violations of regulations and codes relating to the sales or consumption of alcohol, and/or excessive service calls to the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.

3. The Conditional Use Permit shall become null and void at the expiration of the term thereof, or if not undertaken and actively and continuously pursued within the time specified in the permit or within one (1) year if no time is specified therein.

________________________________________
Gordon T. Woods, Mayor

ATTEST:

________________________________________
John Longley, City Clerk