

PC Attachment 1

RESOLUTION NO. PC 2024-____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING
USE PERMIT 08-24-5726 FOR THE ONLINE SALES OF
SAKE WITH A TYPE 85 LICENSE (LIMITED OFF-SALE
WINE LICENSE) FROM THE CALIFORNIA DEPARTMENT
OF ALCOHOLIC BEVERAGE CONTROL AT 22772
CENTRE DRIVE, SUITE 110**

WHEREAS, on August 15, 2024, Xiaochen Wang of Sakezen LLC, submitted an application for a Use Permit for online retail sales of sake from an existing office building tenant space located at 22772 Centre Drive, Suite 110, Lake Forest, CA; and

WHEREAS, the property is zoned Mixed-Use 43 in the Lake Forest Planned Community and is regulated by the Lake Forest Municipal Code, which requires Planning Commission approval of a Use Permit for “Alcohol Sales for Off-Site Consumption”; and

WHEREAS, the Director of Community Development has reviewed the project’s potential effects on the environment and has recommended that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19, *Categorical Exemptions*, Sec. 15301, Class 1: *Existing Facilities*, of the CEQA Guidelines; and

WHEREAS, on September 19, 2024, the City gave notice of a Planning Commission public hearing by advertisement in a newspaper of general circulation, and on September 19, 2024, the City mailed notices to owners of all properties located within 300 feet of the project site property lines and tenants within the subject office buildings; and

WHEREAS, on October 3, 2024, the Planning Commission conducted a duly noticed public hearing to consider Use Permit 08-24-5726, at which interested persons had an opportunity to testify in support of, or opposition to the request, and at which the Planning Commission considered the application; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS. The Lake Forest Planning Commission hereby finds, based on consideration of the whole record before it, as follows:

1. General Plan Consistency: The use or project proposed is consistent with the General Plan.

The project site is designated Mixed-Use 43 on the General Plan Land Use Map. This designation provides opportunities for mixtures of commercial, office, and residential uses in the same building, on the same parcel of land, or within the same area. Single-use projects, such as an office building, are also allowed in this land use designation. The online retail business, as proposed, is an appropriate use in an office building. As such, the use is consistent with the Mixed-Use 43 General Plan Land Use designation and is not in conflict with any General Plan goals or policies.

2. Zoning Code: The use, activity, or improvement(s) proposed by the application is consistent with the provisions of the Zoning Code.

The project site is located within the Mixed-Use 43 zoning district in the Lake Forest Planned Community. Pursuant to LFMC Section 9.73.065(A), "Alcohol Sales for Off-Site Consumption" require Planning Commission approval of a Use Permit. Additionally, Zoning Code Section 9.146.130 includes 4 findings specifically for the sale of alcohol for off-site consumption. These findings are included in this resolution (Findings 8-11). In addition, the project does not include any exterior modifications to the building or parking area. The proposed operation of the business is similar to an administrative office and would therefore be subject to the office parking requirement of 1 parking stall per 250 square feet of gross floor area. Based on City records, the office building complies with the City's office parking requirements and therefore there is adequate parking at the existing office building to comply with the parking requirements for the business. Based on the nature of this project, applicable zoning code requirements are limited to compliance with the City's parking regulations and Zoning Code Section 9.146.130. Accordingly, with the approval of this Use Permit, the project is consistent with the provisions of the City's Zoning Code.

3. CEQA: The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, Categorical Exemptions, Class 1 – Existing Facilities, which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures involving negligible or no expansion of use. A Notice of Exemption has been prepared and will be filed in accordance with the provisions of CEQA.

4. Compatibility: The location, size, design, and operating characteristics of the proposed use will not create significant noise, traffic, or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity.

The business is proposed in an existing office building. The office building includes a variety of different office uses and one retail automobile dealership. The property is surrounded by other office and commercial uses. Currently, the closest residential property is a single-family residential neighborhood over 500 feet away, across Lake Forest Drive.

The office tenant space will be used for administrative activities, storage of sake, and packaging of merchandise. The proposed hours of operation are consistent with an office use and all business activities will occur inside the tenant space. Therefore, there are no noise impacts anticipated from the business. The business does propose the delivery and pick-up of merchandise to the office. In order to ensure that delivery or mail service vehicles related to the business does not impact the other tenants in the building, conditions of approval have been added ensuring that these vehicles do not block parked vehicles or prevent the flow of two-way traffic at the site and that all deliveries occur during the business' normal hours of operation. Lastly, the project is in compliance with the City's parking code and the parking is adequate to meet the parking demand of the business. Therefore, the proposed business, as conditioned, will not create significant noise, traffic, or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity.

5. General Welfare: The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

The project, as conditioned, will comply with all applicable State, County, and City design, building, and other safety-related laws, codes, and regulations, including, but not limited to, the California Building Code and California Fire Code. Furthermore, the proposed use has not been designated as a hazardous or ultra-hazardous use. Accordingly, the project will not result in any conditions or circumstances contrary to the public health and safety, or the general welfare.

6. Development Fees for Provision of Public Facilities:

The proposed project is located in an existing building for which all applicable development fees were paid at the time the building was constructed.

7. City Design Guidelines: The project has been reviewed in accordance with Citywide Design Guidelines and is consistent with the purpose and intent of the guidelines.

The project does not include any modifications to the site or exterior of the building necessitating review for conformance with the Citywide Design Guidelines.

8. Nuisance Activities: The sale of alcohol for off-site consumption, as part of the operation of the business, will not result in nuisance activities within the premises or in close proximity to the premises.

The proposed online retail sales of sake from the office building, will not have any customers coming to the office building. The office building will be used for administrative activities, storage of sake, and packaging of merchandise. These activities in the building are not anticipated to result in any nuisance activities within or in close proximity to the office building.

9. Law Enforcement: The sale of alcohol for off-site consumption, as part of the operation of the business, will not create a need to change any operational requirements or staffing of law enforcement personnel.

The proposed online retail sales of sake from the office building, will not have any customers coming to the office building. The office building will be used for administrative activities, storage of sake, and packaging of merchandise. Based on the business description, the Chief of Police concluded that the requested Type 85 ABC license would not trigger a need

for increased law enforcement services or contribute to an existing law enforcement problem in the area.

10. Physical Design and Layout: The physical design and layout of the business floor plan and associated parking area will not create loitering, noise, traffic, or other conditions or situations that may be detrimental or incompatible with other businesses in the adjacent area or permitted uses in the vicinity.

The business is proposed in a 530-square foot office space. The office tenant space is comprised of three rooms that will be used for administrative activities, storage of sake, and packaging of merchandise. The Chief of Police Services reviewed the layout of the floor plan and did not have any concerns. As such, the physical design and layout of the business floor plan and associated parking area will not create loitering, noise, traffic, or other conditions or situations that may be detrimental or incompatible with other businesses in the adjacent area or permitted uses in the vicinity.

11. Management Standards: The proposed management standards, training, and site supervision of the business will deter loitering, noise, traffic, and other conditions or situations that may be detrimental or incompatible with other businesses in the adjacent area or permitted uses in the vicinity.

Use Permit 08-24-5726 will be subject to condition of approval designed to minimize any potential detrimental impacts, including a requirement for employee training pertaining to alcohol sales, and limits on signs advertising alcoholic products.

SECTION 2. PLANNING COMMISSION ACTIONS. The PLANNING COMMISSION hereby takes the following actions:

1. Approves a categorical exemption for the project under CEQA Guidelines Section 15301, Class 1 – Existing Facilities, and directs the Director of Community Development to prepare and file with the Clerk for the County of Orange a Notice of Exemption pursuant to the provisions of Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

A copy of the exemption notice shall be kept on file and available for public review at the City of Lake Forest City Hall, 100 Civic Center Drive, Lake Forest, CA 92630.

2. Approves Use Permit 08-24-5726 to allow the online retail sales of sake at 22772 Centre Drive, Suite 110, subject to the following conditions:

CONDITIONS OF APPROVAL:

USE PERMIT 08-24-5726

The following Conditions of Approval shall apply to the Applicant for the permit and/or owner of the property, whichever is appropriate for the condition.

INDEMNIFICATION:

1. The applicant shall indemnify, protect, defend, and hold the City, and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Community Redevelopment Law, Code of Civil Procedure Sections 1085 or 1094.5, or any other federal, state, or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

EXPIRATION:

2. Use Permit 08-24-5726 shall expire 24 months from the date of this approval if the use has not been established and an extension of time has not been approved by the Director of Community Development. (PLNG)

GENERAL:

3. The Planning Division processes discretionary applications on a deposit basis. Deposit funds are provided by applicants/developers to cover the actual costs associated with staff time and resources utilized in processing an application. If, at any time, the cost to process the application exceeds the deposit on file, additional funds shall be deposited by the applicant/developer. A final accounting for this project will be prepared following the Planning Commission's decision on the project and if needed, a request for additional funds will be provided to the applicant within 60 business days of the decision. Should additional funds be required, the applicant shall submit a check or money order, payable to the City of Lake Forest, for the additional funds. (PLNG)

The use shall be operated and maintained in compliance with the following:

4. The project shall be developed and maintained in substantial compliance with the project description, security measures and floor plans approved by the Planning Commission and on file with the City of Lake Forest Community Development Department, except as modified by conditions of approval contained herein. (PLNG)
5. Any vehicles related to the business, including vehicles making deliveries or picking up packages, shall not stop or park in a parking aisle, a fire lane, a drive aisle, or in any manner that would block parked vehicles or prevent the flow of two-way traffic at the site. (PLNG)
6. All delivery of merchandise or mail pick-up services shall occur during the business' normal hours of operation. (PLNG)
7. Prior to the addition of alcohol sales, the business owner must obtain, and then maintain, a Type 85 ABC license as required by the California Department of Alcoholic Beverage Control. (PLNG)
8. The business owner shall comply with all rules, regulations and conditions of the required alcohol licenses and the California Department of Alcoholic Beverage Control, as well as all applicable federal, state, and local laws. (PLNG)
9. There shall be no advertising, promoting, or indicating the availability of alcoholic beverages at the business. (PLNG)
10. There shall be no change to the location(s) of the alcoholic beverages storage as shown on the approved floor plan without approval from the Chief of Police Services and Director of Community Development. Any major

changes to the location of the alcoholic beverages, as determined by the Chief of Police Services or the Director of Community Development may require an amendment to the approved Use Permit. (PLNG/POL)

11. In the event security problems occur at the business, and at the request of the Chief of Police Services, the business owner, at his/her own expense, shall provide a security plan with additional security provisions as determined by the Chief of Police Services. The additional security provisions may include, but are not limited to, interior and exterior security cameras, additional lighting, or posted signs. Non-mitigatable security problems directly related to the sale of alcohol may be cause for revocation of this Use Permit. (POL)
12. All required/approved digital recording camera equipment shall be in place and in good working order at all times. Video recordings from the equipment shall be submitted to the Chief of Police Services, upon request by the Chief, within 72 hours. (POL)
13. All employees of the business involved in the sales of alcoholic beverages shall complete training from the State of California Department of Alcoholic Beverage Control (ABC) Leadership and Education in Alcohol and Drugs (LEAD) Program or an ABC-accepted equivalent program. The business shall maintain certificates of completion of the course for each employee at the site and provide the certificates to the City upon request. (POL)

PASSED, APPROVED AND ADOPTED this 3rd day of October 2024, by the following vote, to wit:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAINED: COMMISSIONERS

JORDAN VILLWOCK
CHAIR
LAKE FOREST PLANNING COMMISSION

DATE

ATTEST:

GAYLE ACKERMAN, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT

DATE