



Applicant's Guide to Submitting
**A USE PERMIT APPLICATION FOR
RETAIL ALCOHOL SALES WITH OR
WITHOUT A REQUEST FOR A
DETERMINATION OF PUBLIC
CONVENIENCE OR NECESSITY (PCN)**

PURPOSE:

A USE PERMIT (UP) provides flexibility within the City's zoning ordinance to allow for certain uses that are not specifically permitted but would still be compatible with the surrounding uses. The process also enables the City to restrict certain uses which could have detrimental effects on the community.

Consideration of a Use Permit is a discretionary act. A Use Permit application filed by a project proponent is considered at a public hearing by the Planning Commission and, if approved, is generally subject to conditions of approval. Planning Commission meetings are held regularly on the first Thursday of each month. The City provides advance notice of the date, time, and place of the hearing to property owners in vicinity of the project site. Decisions on Use Permit applications rendered by the Planning Commission may be appealed to the City Council within 15 days.

PUBLIC CONVENIENCE OR NECESSITY DETERMINATION

The California Department of Alcoholic Beverage Control (ABC) regulates the issuance of liquor licenses pursuant to Division 9 of the Business and Professions Code (BPC). Section 23958 of the BPC states that ABC shall deny an application for an off-sale liquor license if the issuance of the license would create a law enforcement problem or if the issuance would result in or add to an undue concentration of licenses.

The BPC provides a definition for "undue concentration" and sets forth a procedure for an applicant to request a license for an establishment within an area determined by ABC to have an undue concentration of off-sale licenses. Notwithstanding an undue concentration, BPC Subsection 23958.4(b)(2) allows ABC to issue a license if the city in which the applicant's premises is located determines that "public convenience or necessity" would be served by the license issuance.

In the City of Lake Forest, the applicant for a license within a census tract with an undue concentration (as determined by ABC) must submit a request for a determination of public convenience or necessity for review by the City. Prior to submitting any Use Permit application for alcohol sales, applicants must request a determination from ABC as to whether a public convenience or necessity determination from the City is required. Contact ABC at (714) 558-1401 <http://www.abc.ca.gov/>.

APPLICATION FILING:

Use Permit applications with or without a request for a Determination of Public Convenience or Necessity (PCN) may be submitted to the Community Development Department Monday through Friday between the hours of 8:00 a.m. and 6:00 p.m. The Community Development counter is closed for lunch 11:45 a.m. to 1:00 p.m. All PCN requests must be submitted concurrently with an application for a Use Permit for Alcohol Sales for Off-site Consumption, pursuant to Lake Forest Municipal Code 9.72.090(A).

For additional information on filing a Use Permit application, please contact the Community Development Department at (949) 461-3535.

APPLICATION SUBMITTAL REQUIREMENTS:

The following information is required at time of submittal:

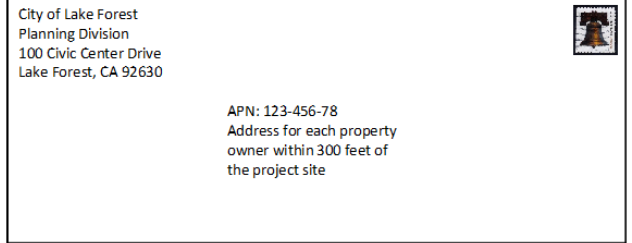
1. Completed Planning Application for Use Permit with or without a Request for Determination of Public Convenience or Necessity (as applicable), including property owner authorization signature.
2. Application Processing Deposit: **\$5,000**; Check Payable to: **City of Lake Forest** (per fee schedule established by City Council Resolution No. 2008-08). The fee for a project application is based on the actual costs associated with staff time and resources. If the costs of processing the application is less than the submitted deposit, staff will refund the remaining balance when the project is finalized. Should the cost of processing the application exceed the deposit, staff will require additional funds from the applicant.
3. Notice of Exemption Administrative Filing Fee: **\$50**; Check Payable to: **Orange County Clerk-Recorder**. This filing fee is applicable to projects deemed exempt (by the City) from the provisions of the California Environmental Quality Act (CEQA).
4. Written description of the proposed business/alcohol sales, including, but not limited to the following:
 - Hours/days of operation;
 - Type of merchandise sold at business;
 - Type(s), configuration (i.e., 6-packs, single bottles) of alcohol proposed to be sold at the business and the size of the smallest single unit (in ounces) of each type of alcohol;
 - Any services provided at the business;
 - Description of the security measures (existing and proposed) at the business including, but not limited to: surveillance cameras, security lighting and employee training. Include any specific measures designed to ensure that underage customers cannot buy alcohol, and to deter theft, loitering, and public consumption of alcohol at the premises (including the parking lot);

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- A history of any alcohol licenses and violations from the business or any other businesses the business owner has owned
 - A description about how this business may be different than other businesses in the local vicinity that also sell alcohol, such as specialty goods or services, unique products (in terms of price, quality or variety), hours of operation, etc.
 - Anticipated number of employees.
5. Written justification describing why the City should issue a determination of public convenience or necessity for the business (if applicable). The City considers multiple factors that are used to determine public convenience or necessity, including but not limited to: the character of the premises, the aesthetics and ambiance of the business, the manner in which the business is to be conducted or unique features, the operational characteristics, the ability to serve an underserved population and the convenience of purchasing alcohol in conjunction with specialty food sales or services.
6. Twelve (12) sets of full-size, fully-dimensioned project plans, one (1) set of plans reduced to 11" x 17" and one electronic set of plans in pdf format on a CD or flash drive. **All full-sized plans shall be folded to 8 1/2' X 11"**. All plans shall contain the following information:**
- a. Vicinity Map.
 - b. Site Plan depicting all proposed and existing improvements, including but not limited to: property lines; buildings and building floor areas; parking spaces (including disabled accessible stalls), drive aisles, driveways; striping, street names, sidewalks, accessible path of travel; walls and fences (height and type); trash and storage areas; and on-site lighting.
 - c. Fully-dimensioned Floor Plan of the premises including the following:
 - Square-footage of the entire tenant space;
 - Location of all walls, counters, refrigerators/coolers, restrooms, cashier areas, doors and other fixtures (provide labels);
 - Location and type of all merchandise and services provided (provide labels);
 - Proposed location of all alcoholic beverages (provide labels) and the square-footage of these areas;
 - Specify which improvements are existing and which are proposed.
 - d. Project Address on each sheet of the plan set.
 - e. Name and Address of Property Owner and Applicant on title sheet.
 - f. Drawing scale.
 - g. North arrow.
 - h. Drawn date.
 - i. Parking tabulation (existing, required and proposed number of parking spaces and corresponding building floor area to parking space ratios).

7. Labeled photographs of the premises (inside and outside).

8. Public hearing notification materials:

- a. One set of postage-stamped (not metered) envelopes addressed to property owners of record (as shown on the latest Orange County Tax Assessment rolls) of all parcels located within 300 feet of the perimeter of the project site. As shown in the preceding graphic, each envelope shall include the City's return address and the mailing label shall include the corresponding Tax Assessor's Parcel Number (APN).
- b. One set of postage-stamped (not metered) envelopes addressed to "Current Occupant" of each tenant space on the same property as the proposed business.
- c. One property owner and tenant mailing list, based on all parcels located within 300 feet of the project site.
- d. One copy of Orange County Tax Assessor's map(s) identifying the project site and all parcels located within 300 feet of the project site.
- e. One copy of a signed and dated statement by the person who prepared the public notification materials certifying that the accompanying mailing list represents the names and addresses of the owners all property located within 300 feet of the perimeter of the project site, based on the latest Orange County Tax Assessment roll.



Other plans/ documents/ information may be required depending on the specifics and complexity of the project.