

PLANNING COMMISSION STAFF REPORT

September 8, 2015 Hearing

Applicant:

Ralph's Grocery Store
1100 West Artesia Boulevard
Compton, CA 90220

Owner:

Frankel Chorub La Canada Center, LLC
251 South Robertson Boulevard, #104
Beverly Hills CA 90211

Case Planner:

Harriet Harris

Project Address:

521 Foothill Boulevard

Case Type/No.:

Minor Conditional Use Permit 516



1. Request:

The applicant is requesting a Minor Conditional Use Permit (MCUP) to allow instructional tastings at an existing Ralph's grocery store.

2. Location:

The site is located along the north side of Foothill Boulevard, between Gould and Indiana Avenues, in the Mixed Use 2 (MU 2) zone of the Downtown Village Specific Plan.

3. Staff Recommendation:

It is recommended that the Minor Conditional Use Permit Amendment **BE APPROVED** subject to the attached conditions.

4. Project Area:

Project Site: 149,554 sq. ft. (3.4 acres)

Total Building Area: 47,283 sq. ft.

Ralphs Store: 35,456 sq. ft.

(From Previous approval)

5. General Plan/Zoning/Existing Land Use:

The Downtown Village Specific Plan designates the site as Mixed Use 2. It is developed with a shopping center that includes Bank of America, and other retail shops.

6. Environmental Impact Review:

Based on the review of the Initial Study Questionnaire and related materials, staff has determined that the project is without environmental impacts, under Section 2.2 of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

7. Previous Actions:

- Design Review 98-08 approved façade changes.
- Conditional Use Permit 440 was approved on June 9, 2009 which allowed the expansion of the grocery store. Design Review 09-04 was approve July 16, 2009.

8. Pending and Potential Actions:

- Issuance of ABC Type 86 License.

9. Staff Analysis:

A. Context:

The 149,554 sq. ft. project site is on the north side of Foothill Boulevard, between Gould and Indiana Avenues in the City's Downtown Village Specific Plan and is zoned Mixed Use 2. The shopping center consists of a 47,283 sq. ft. single building with various retail tenants including the Ralph's, Bank of America and retail shops. The buildings back up to other small businesses on Indiana Avenue and the Gould Avenue off-ramp of the 210 freeway. A total of 184 parking spaces are provided in the center and are not anticipated to change as a result of the added uses.



B. Project Description:

The request would allow instructional tastings of beer, wine and distilled spirits within an existing grocery store. The Alcohol Beverage Control (ABC) currently licenses Ralph's Grocery store for a Type 21 License which authorizes the off-site sales of alcoholic beverages. Ralph's hours of operation are 5:00 a.m. to midnight seven days a week. The tastings would be limited to the liquor aisles of the store between the hours of 10 a.m. to 9 p.m.

The proposed use is a new type of license (Type 86) that was created by the State of California. The tastings are intended to be educational in nature, are required to be conducted by vendors or manufacturers, and are not permitted to be conducted by the store (the Type 21 license holder). The tastings are solely intended to be an educational tool as a way to inform and educate the general public about the different types and varieties of alcoholic beverages.

The license type is only available to eligible off-sale retailers for use in conjunction with Type 20 or 21 licenses (Off-Sale Beer and Wine and Off-Sale General) and under strict guidelines (See attached Industry Advisory and Statute). Most importantly, it has strict limitations on the amount of alcohol that can be served and must be conducted in a specified area that is separated from the rest of the retail area and must end by 9 p.m. The Type 86 License is obtained and held by the retail licensee but it requires the participation of a qualified supplier.

C. Conditional Use Permit:

Issues

In the Mixed Use 2 Zone, the grocery use is permitted by right and this grocery store was established before City incorporation. A CUP review is required for the addition of instructional tastings; therefore, the analysis focuses on the incremental effect of this added use. In reviewing the project, the City must ensure that the proposed accessory alcohol uses does not adversely affect surrounding permitted uses or the character of the Mixed Use 2 zone. According to the City's Traffic Engineer, parking generation rates by the addition of on-sale alcohol and tastings to an existing grocery store use are not anticipated to change.

The tastings are intended to be educational in nature, are required to be conducted by vendors or manufacturers, and are not permitted to be conducted by the store (the Type 21 license holder). The tastings are solely intended to be an educational tool as a way to inform and educate the general public about the different types and varieties of alcoholic beverages the grocery store offers.

According to the ABC, the typical discussions regarding undue concentration and high crime are not applicable to Type 86 license requests. This is because the proposed use is incidental to the retail store and would be conducted occasionally at limited times within a store that already has an off-sale liquor license. It is, therefore, not anticipated to be a detriment to the safety and public welfare of the neighborhood in general. Staff has, however, included the crime statistics data provided by the ABC. The low-intensity nature

of the tastings of alcoholic beverages would not negatively impact any sensitive uses in the vicinity in the way that other establishments like a restaurant or bar could where larger quantities of alcohol would be consumed.

Findings

1. The proposed use will not be in substantial conflict with the adopted general plan for the area.

The retail use is consistent with the General Plan policy of encouraging a balanced commercial base. The use is consistent with the General Plan designation of the area as suitable for mixed commercial use. The added incidental tastings use will not change the use's consistency with the General Plan. Staff supports the finding.

- 2. The requested use of the location proposed will not:**
- a. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or**
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or**
 - c. Jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare.**

There is no evidence that any detrimental effects could be anticipated in terms of noise, litter, or other nuisances. Traffic effects would be also reasonable, given the incidental nature of the added use. The use is not anticipated to create any adverse impact for the surrounding business. The incidental use would not be visible from outside the Ralph's Grocery store. Staff supports the finding.

3. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features to integrate said use with the uses in the surrounding area.

The incidental use would not significantly add to the intensity of the existing use. The existing structure and parking layout would remain unchanged. No exterior/visible changes are proposed. Staff supports the finding.

- 4. The proposed site is adequately served:**
- a. by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and**
 - b. other public and private service facilities as are required.**

The additional accessory use is not anticipated to increase the amount of traffic since it does not expand the floor area of the use and does not increase the scope and intent of the original approval. Parking and traffic would remain unchanged. Staff supports the finding.

5. **The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood:**

The use occurs completely within the existing structure and is incidental to the longstanding primary retail use. Staff supports the finding.

E. Recommendation:

Based on the above analysis, staff recommends that the requested Minor Conditional Use Permit (CUP) **BE APPROVED.**

cc:

Ralph's Grocery Store / 1100 West Artesia Boulevard / Compton, CA 90220
Frankel Chorub La Canada Center, LLC / 251 South Robertson Boulevard, #104 /
Beverly Hills CA 90211
Becky Cho / Art Rodriguez & Associates / 709 E. Colorado Blvd, Suite 200 / Pasadena,
CA 91101

CITY OF LA CAÑADA FLINTRIDGE

RESOLUTION NO. 15-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA CAÑADA FLINTRIDGE APPROVING MINOR CONDITIONAL USE PERMIT 516 TO ALLOW INSTRUCTIONAL TASTINGS (TYPE 86 ABC LICENSE) AT 521 FOOTHILL BOULEVARD REQUESTED BY RALPH'S GROCERY STORE

WHEREAS, a request by Ralph's Grocery Store has been received for a Minor Conditional Use Permit to allow instructional tastings of beer, wine and distilled spirits at the Ralph's Grocery Store, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on September 8, 2015, held a public hearing and conducted a review of the request; and

WHEREAS, in compliance with the California Environmental Quality Act, the Planning Commission reviewed the Initial Study Questionnaire and related materials and hereby determines that the project is without environmental impacts, under Section 2.2 of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA; and

WHEREAS, the Planning Commission finds that all the facts contained in the staff report dated September 8, 2015, regarding the application for a Minor Conditional Use Permit at 521 Foothill Boulevard are true and correct, and the Planning Commission hereby adopts said staff report as its own findings of facts; and

WHEREAS, based on the evidence presented by the application materials, staff report, and public testimony, the Planning Commission finds the following:

Conditional Use Permit

1. The retail use is consistent with the General Plan policy of encouraging a balanced commercial base. The use is consistent with the General Plan designation of the area as suitable for mixed commercial use. The added incidental tastings use will not change the use's consistency with the General Plan.
2. There is no evidence that any detrimental effects could be anticipated in terms of noise, litter, or other nuisances. Traffic effects would be also reasonable, given the incidental nature of the added use. The use is not anticipated to

create any adverse impact for the surrounding business. The incidental use would not be visible from outside the Ralph's Grocery store.

3. The incidental use would not significantly add to the intensity of the existing use. The existing structure and parking layout would remain unchanged. No exterior/visible changes are proposed.
4. The additional accessory use is not anticipated to increase the amount of traffic since it does not expand the floor area of the use and does not increase the scope and intent of the original approval. Parking and traffic would remain unchanged.
5. The use occurs completely within the existing structure and is incidental to the longstanding primary retail use.

NOW, THEREFORE, be it resolved that the Planning Commission approves Minor Conditional Use Permit 516 at 521 Foothill Boulevard, with said approval subject to the conditions attached to this resolution.

PASSED, APPROVED AND ADOPTED this 8th day of September, 2015.

Chair of the Planning
Commission

ATTEST:

Secretary to the Planning Commission

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT 516
521 Foothill Boulevard**

1. Compliance with and execution of all conditions listed herein shall be necessary prior to obtaining final building inspection clearance and/or prior to obtaining any occupancy clearance. Deviation from this requirement shall be only by written consent of the Director of Community Development.
2. This approval is granted for the land or land use as described in the application and any attachments thereto, and as shown on the site plan submitted, labeled MCUP 516.
3. Prior to obtaining a building permit or when applicable initiation of use, the applicant and property owner shall file with the Secretary of the Planning Commission written acknowledgment of the conditions stated herein on forms provided by the Planning Department.
4. All structures, site work and other features including but not limited to, buildings, roadways, parking areas, landscaping and other facilities shall be located and maintained as shown on the project plans labeled MCUP 516.
5. This approval will expire unless "start of construction" is commenced within 12 months after approval is granted and diligently pursued thereafter. The Director of Community Development may extend the original expiration date by as much as 12 months upon receipt of a written request from the applicant prior to expiration of the original approval if the approved project and applicable zoning standards are unchanged. Start of construction is defined as:
 - a. All zoning and related approvals are effective; and
 - b. All required building and grading permits for the project have been issued; and
 - c. The "foundation inspection" and "concrete slab or underfloor inspection" have been made and received approval from the Division of Building and Safety; i.e., all trenches must be excavated, forms erected, and all materials for the foundation delivered on the job and all in-slab or underfloor building service equipment, conduit, piping accessories and other ancillary equipment items must be in place. Nothing in this definition shall be construed to alter the applicable legal standards for determining when vested property rights to complete the project have arisen.

6. All applicable requirements of any law, ordinance, or regulation of the State of California, City of La Cañada Flintridge, and any other governmental entity shall be complied with.
7. This approval is subject to the applicant paying all fees, deposits and assessments to the City of La Cañada Flintridge, as established by policy, ordinance or resolution of the City Council prior to occupancy or initiation of use. This includes payment for contracted staff services as invoiced to the city.
8. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant agrees to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails in the enforcement proceeding.
9. The applicant shall defend, indemnify, and hold harmless the City and its officers, agents, and employees from any claim, action or proceeding against the City or its officers, agents, or employees to attack, set aside, void, or annul approval of this Conditional Use Permit. The City shall promptly notify the applicant of any such claim, action, or proceeding and shall cooperate fully in the defense.
10. An approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction. An appropriate permit issued by the Division of Building and Safety must be obtained prior to construction, enlargement, relocation, conversion, or demolition of any building or structure within the City.
11. The Alcohol Beverage Control rules governing Type 86 licenses shall be strictly adhered to at all times.

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