

CITY OF LA CAÑADA FLINTRIDGE

PLANNING COMMISSION STAFF REPORT

October 13, 2015 Hearing

Applicant:

Luna Grill (Premier Food Concepts)
9255 Towne Centre Drive Ste. 950
San Diego, CA 92121

Case Type/No.:

Minor Conditional Use Permit 519

Owner:

La Canada Retail, LLC
c/o IDS Real Estate Group
515 S. Figueroa Street, 16th Floor
Los Angeles, CA 90071

Case Planner:

Jo-Anne Parinas

Project Address:

965 Foothill Blvd. Unit A

1. Request:

The applicant is requesting a Minor Conditional Use Permit (MCUP) to allow on-premises sale of beer and wine within a new restaurant

2. Location:

The site is located along the north side of Foothill Boulevard, east of its intersection with Angeles Crest Highway, in the in the Mixed Use 1 zone within the Downtown Village Specific Plan area.

3. Staff Recommendation:

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

4. General Plan/Zoning/Existing Land Use:

The General Plan Land Use Map designates the site Downtown Village Specific Plan. The site is zoned Mixed Use 1. The property is developed with a shopping center.

5. 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
CUP 519

Flintridge Guidelines for the Implementation of CEQA.

6. Previous Actions (Case Related):

- On August 7, 2006 the City Council approved CUP 403, ZC 06-01, TR 06-16 and TPM 066491 to allow for the development of the Town Center. The approval also allowed a 223-parking space deficit within the shopping center.
- On August 20, 2015 Design Review 15-14 was approved by the Design Commission to allow improvements for a new outdoor dining patio and related amenities.

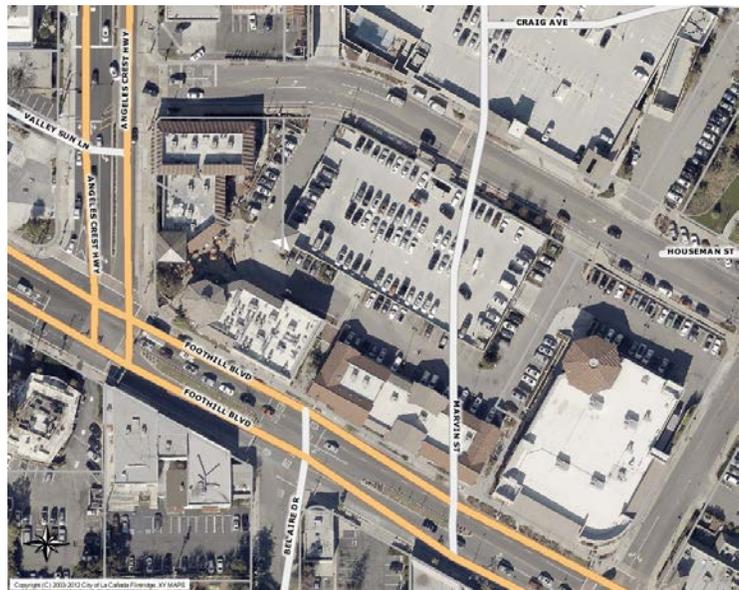
7. Pending and Potential Actions:

- Issuance of Department of Alcohol Beverage Control (ABC) Type 41 (On-Sale Beer and Wine for Bona Fine Public Eating Place) license.
- Design Review amendment approval for future signage.

8. Staff Analysis:

A. Context:

Luna Grill restaurant would be located in building “E” in the Town Center and is immediately west of Caterpillar Kids Place. The tenant improvement for the restaurant is currently being undertaken. Luna Grill is a restaurant chain serving Mediterranean cuisine.



The August 7, 2006 City Council approval of the entitlements that allowed for the Town Center (CUP 403, ZC 06-01, Tree Removal Permit 06-16 and TPM 066491), approved a 223-parking space deficit within the shopping center. Since the 2006 approval, Ordinance No. 380 was adopted and the parking calculations for the Downtown Village

Specific Plan were reduced (general commercial – 4 parking spaces per 1,000 sf; restaurants – 10 parking spaces per 1,000 sf). Based on the reduced parking calculations, the Town Center would have a parking deficit of 53 parking spaces with Luna Grill occupying the subject tenant space. Since the 53-parking space deficit is less than the 223-parking space deficit approved by the City Council, Luna Grill was allowed to occupy the tenant space by right, therefore, the submitted Minor Conditional Use Permit application only applies to the proposed alcohol service.

B. Project Description:

The request would allow beer/wine service at an existing restaurant. The proposed on-sale of beer and wine would be a service provided solely within a bona fide eating-place. The restaurant owner is required to obtain a liquor license from the Department of Alcohol Beverage Control (ABC) prior to the sale of alcoholic beverages.

Luna Grill's hours of operation are: 11:00 a.m. to 9:00 p.m., Sunday through Monday. Luna Grill's proposed outdoor dining is not a part of this review because outdoor dining is allowed without approval of a Conditional Use Permit in the Mixed-Use 1 zone of the Downtown Village Specific Plan area.

C. Conditional Use Permit:

Issues

In the Mixed Use 1 Zone, the restaurant use is allowed by right. However, CUP review is required for "the sale of alcoholic beverages" alone; therefore, the analysis focuses on the incremental effect of this aspect of the project. In reviewing the project the City must ensure that the proposed use does not adversely affect surrounding permitted uses or the character of the Mixed Use 1 zone and Downtown Village Specific Plan.

On-Sale of Beer and Wine

The applicant is required to apply to the ABC for a Type 41 liquor licenses for the use as proposed. A Type 41 license is an "on-sale" beer and wine license, allowing the sale of beer and wine in conjunction with a bona fide eating-place. According to ABC, the location of the is in an area of undue concentration for "on-sale." The census tract allows for four establishments to have an "on-sale" liquor license, there are 10 other establishments in the census tract with on-sale alcohol licenses. Although the restaurant is in an area of undue concentration a letter of public convenience or necessity (PCN) is not required because it is not located in a high-crime area. The census tract that the project site belongs to (Census Tract 4605.02) covers a large area that encompasses the north side of Foothill Boulevard from Alta Canyon Road to Viro Road and includes establishments as far east as Gelsons Market and as far west as Penelope Café.

The proposed beer and wine sales are not anticipated to significantly impact the surrounding uses and will enhance the restaurant use. While the closest residential property (La Porte Drive) is approximately 20 feet away from the Town Center, Luna Grill is 200 feet away from residential properties (across Foothill Boulevard on Bel Aire Drive).

Findings

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

The restaurant with beer and wine sales 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 commercial use. 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.**

This use is similar to other restaurant uses throughout the town and based on their observation of use, there is no evidence that any detrimental effects could be anticipated in terms of noise, or other nuisances. The restaurant would obtain a license from the Department of Alcohol Beverage Control. Traffic effects would be also reasonable, given adequate parking and its location along Foothill Boulevard. 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 tenant space and parking lot are longstanding facilities and were constructed with building permits. The size of the tenant space and parking lot is adequate for the proposed restaurant use. The proposed beer/wine service will enhance the dining experience within the restaurant. Restaurant uses are allowed by right in the Mixed Use 1 zone. 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 driveways on Foothill Boulevard and Angeles Crest Highway would provide adequate street access to the parking lot. No further improvements to the circulation system are required as a result of this project. 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 beer/wine service would supplement the restaurant use. The proposed restaurant would compliment the surrounding businesses in the area. Staff supports the finding.

E. Recommendation:

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

CITY OF LA CAÑADA FLINTRIDGE

**RESOLUTION NO.
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF LA CAÑADA FLINTRIDGE
APPROVING MINOR CONDITIONAL USE PERMIT 519
FOR BEER AND WINE SALES WITHIN A RESTAURANT
AT 965 FOOTHILL BLVD A
AS REQUESTED BY LUNA GRILL**

WHEREAS, a request by Luna Grill has been received for a Minor Conditional Use Permit (MCUP) to allow beer and wine sales within a restaurant, said request attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Commission, on October 13, 2015, after publication and posting of notice in the prescribed manner, held a public hearing on the MCUP 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 will have no significant impact on the environment, which is Categorical Exempt from the provisions of the California Environmental Quality Act, under Section 2.5(a)(1) of the City of La Cañada Flintridge Guidelines for the Implementation of CEQA.

WHEREAS, the Planning Commission finds that all the facts contained in the staff report dated October 14, 2015, regarding the application for a MCUP at 965 Foothill Boulevard A are true and correct, and the Planning Commission hereby adopts said staff report as its own findings of facts; and

NOW, THEREFORE, the Planning Commission hereby finds and determines as follows:

Section 1.

Conditional Use Permit:

1. The restaurant with beer and wine sales 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 commercial use.
2. This use is similar to other restaurant uses throughout the town and based on their observation of use, there is no evidence that any detrimental effects could be anticipated in terms of noise, or other nuisances. The restaurant would obtain a license from the Department of Alcohol Beverage Control. Traffic effects would be also reasonable, given

adequate parking and its location along Foothill Boulevard.

3. The tenant space and parking lot are longstanding facilities and were constructed with building permits. The size of the tenant space and parking lot is adequate for the proposed restaurant use. The proposed beer/wine service will enhance the dining experience within the restaurant. Restaurant uses are allowed by right in the Mixed Use 1 zone.
4. The driveways on Foothill Boulevard and Angeles Crest Highway would provide adequate street access to the parking lot. No further improvements to the circulation system are required as a result of this project.
5. The beer/wine service would supplement the restaurant use. The proposed restaurant would compliment the surrounding businesses in the area.

Section 2.

Based on the above findings, the Planning Commission of the City of La Cañada Flintridge hereby APPROVES the Minor Conditional Use Permit to allow beer and wine sales at 965 Foothill Boulevard, subject to the conditions attached to this resolution.

PASSED, APPROVED AND ADOPTED this 13th day of October, 2015.

Chair of the Planning Commission

ATTEST:

Secretary to the Planning Commission

EXHIBIT "A"
CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT 519
965 Foothill Boulevard A

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 Minor Conditional Use Permit 519.
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 plan labeled Minor Conditional Use Permit 519, except as otherwise stated in these conditions.
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 City of La Cañada Flintridge shall be complied with.
7. This approval is subject to the applicant paying all fees and assessments to the City of La Cañada Flintridge, as established by ordinance, resolution or policy of the City Council.
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 request. 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 beer and wine sales shall be in conjunction with a bona fide eating-place. Suitable kitchen facilities and the substantial sales of meals for consumption on the premises shall be made during the established hours of operation.

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