



PLANNING COMMISSION STAFF REPORT

APPLICATION: CUP2018-07

AGENDA ITEM: PH-1

PREPARED BY: Teresa Santilena
Assistant Planner

MEETING DATE: May 9, 2018

SUBJECT: Conditional Use Permit CUP2018-07
915 West Huntington Drive

REQUEST: Approve a Conditional Use Permit for the service and sales of beer and wine (Type 41 ABC License) at an existing restaurant (Pieology). This property is located in the CRS (Commercial Regional/Subregional) zone.

APPLICANT: Parham Oshidari
915 West Huntington Drive
Monrovia, CA 91016

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: The Applicant is requesting approval of a Conditional Use Permit (CUP) to serve beer and wine (Type 41 ABC License) for indoor dining at an existing restaurant "Pieology." Monrovia Municipal Code (MMC) Section 17.44.025 was established to review and mitigate adverse conditions associated with establishments which sell or serve alcoholic beverages. A CUP is required when alcoholic beverages are sold or served at a location that is located within 500 feet of any residential zone, park, school, recreation center, religious assembly or hospital. The existing restaurant is located within 500 feet of residential properties.

SUBJECT PROPERTY: The subject restaurant is located within the Monrovia Gateway Center on the north side of West Huntington Drive, between South Fifth Avenue and the 210 Freeway. The 5.3 acre shopping center is developed over eight contiguous parcels and contains a 123 room Extended Stay America hotel, a 7,827 square foot stand-alone restaurant (Zen Buffet), and two commercial multi-tenant buildings, one consisting of 7 tenant spaces, and one consisting of three tenant spaces. The existing restaurant occupies one 2,345 square foot tenant space within the three-tenant building. The shopping center is surrounded by the following land designations and uses.

North:

General Plan: 210 Freeway and Residential High Density
Zoning: 210 Freeway and RH (Residential High Density)
Land Use: 210 Freeway and Multifamily Residential

South:

General Plan: Retail Corridor Mixed
Zoning: RCM (Retail Corridor Mixed)
Land Use: Red Lobster restaurant, Doubletree Hotel

East:

General Plan: 210 Freeway and Commercial Regional/Subregional
Zoning: 210 Freeway and CRS (Commercial Regional Subregional)
Land Use: 210 Freeway and Petsmart, OSH, Shell Gasoline Station

West:

General Plan: City of Arcadia
Zoning: City of Arcadia
Land Use: City of Arcadia (Commercial Uses)

DISCUSSION/ANALYSIS: Pieology offers customers a build-your-own pizza experience in a quick casual dining setting. Pieology has been serving Monrovia residents in this location since 2016. Prior to that, Daphne's Greek Café was in this location for 11 years. Though Daphne's received approval of a CUP to serve beer and wine, the Monrovia Municipal Code specifies that an alcohol CUP expires 30 days after an establishment ceases operations. When Pieology opened in this location, they chose not to offer any service of alcoholic beverages; therefore, approval of a new CUP is required before Pieology may offer beer and wine service.

Pieology is open from 11:00 a.m. to 9:30 p.m., seven days per week. The applicant does not propose to modify the existing hours of operations with the added service of beer and wine. There are four employees on site per shift. The service of beer and wine will be incidental to the overall operations of the restaurant. The establishment will maintain a restaurant atmosphere and would not become a bar. As stated in Condition No. 11 on Data Sheet No. 1, only pre-recorded amplified music that is inaudible outside the boundaries of the establishment is permitted. The conditions of approval and Alcohol Beverage Control (ABC) require that the establishment be operated as a "Bona Fide Eating Place" with a full restaurant kitchen. The kitchen is required to be open and preparing food during all hours of operation as stated in Condition No. 1 on Data Sheet No. 1.

Floor Plan

There are three building entry points; two designated for patrons; and one for employees only. The customer entrances are on the south and west sides of the building. The employee entrance is located on the north side of the building. No tenant improvements are proposed with the introduction of the service of beer and wine. The 2,345 square foot restaurant contains a dining room, located within the southern portion of the restaurant with seating for up to 45 patrons. The northern portion of the restaurant is improved with a service counter, where customers place their orders and pay, a kitchen, storage area, office and restrooms.

The restaurant includes indoor seating and an outdoor patio, which is shared with Taisho, another restaurant user in the center. At this time, the applicant is only proposing service of beer and wine for the indoor dining area. Condition No. 22 on Data Sheet No. 1 requires that signs be posted at the two customer dining room exits that state, "No Alcohol Beyond This Point." If the owner would like to expand beer and wine service to the outdoor patio in the future, it would require an amendment to this CUP.

Parking

The restaurant is located within the Monrovia Gateway shopping center, the development of which was approved with a CUP (CUP99-05) in March of 1999. The subject tenant space was developed as a restaurant, "Koo Koo Roo," and has operated as a restaurant since its construction. At the time the center was developed, a parking standard of 1 space per 200

square feet of floor area was required. The center provided 264 parking spaces, exceeding the minimum requirement of 262 parking spaces. Upon completion of the center, a reciprocal parking arrangement was recorded that allowed equal use of all parking spaces on-site. The introduction of beer and wine to the Pieology menu is not expected to increase the parking demand at the existing site. The floor area and number of customer seats (both indoors and outdoors) are not being increased as a result of the request to sell beer and wine. Accordingly, no additional parking is required.

Conclusion

The existing restaurant is a permitted within the CRS zone and is consistent with surrounding uses. Though Daphne's Greek Café previously operated in this same location and had been granted approval of a CUP to serve beer and wine, more than 30 days have passed since that restaurant ceased operations, and a new CUP is required. The service of beer and wine will be incidental to the overall restaurant operations of the business. Granting the ability to serve beer and wine will allow this business the same opportunity as other existing restaurants in the Monrovia Gateway Center. The proposed conditions of approval for the sale of beer and wine for on-site consumption will ensure that the restaurant will not negatively impact surrounding properties.

RECOMMENDATION: Staff and the Development Review Committee (DRC) recommend approval of CUP2018-07. If the Planning Commission concurs with this recommendation then, following the public hearing, the following actions would be:

1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the Planning Commission in the exercise of its independent judgment finds that CUP2018-07 is categorically exempt from CEQA under Class 1.
2. The Planning Commission finds that the custodian of records for all other materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California, 91016.
3. The Planning Commission in the exercise of its independent judgment hereby makes the findings listed on attached Data Sheet No. 3 for CUP2018-07, which are incorporated herein by this reference.
4. The Planning Commission approves CUP2018-07, subject to the attached Planning Conditions on Data Sheet No. 1 and recommendations in the Staff Report, all of which are incorporated herein by this reference.

MOTION:

Approve CUP2018-07 pursuant to the recommendations in the Staff Report.



DATA SHEET 1

Planning Conditions

CUP2018-07

915 West Huntington Drive

Development of the subject property and operations on the site must remain in substantial conformance at all times with the request and application forms and plans submitted by the applicant for Conditional Use Permit No. CUP2018-07, allowing the indoor service of beer and wine (Type 41 ABC License) in an existing restaurant (Pieology), as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this conditional use permit.

1. The establishment shall be operated as a "Bona Fide Eating Place" as defined by ABC. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods and a full menu normally offered in restaurants. The service of sandwiches or salads shall not be deemed in compliance with this requirement.
2. Serving of alcoholic beverages must be accompanied by the sale of food based on the everyday dining menu. Alcoholic beverages cannot be sold or consumed to a patron who is not seated or to anyone when the restaurant kitchen is closed.
3. The quarterly gross sales of beer and wine shall not exceed 33 percent of all gross sales of all products during the same period. The licensee shall maintain records which reflect separately the gross sales of beer and wine. Records for the last quarter shall be made available to the City only if complaints have been received regarding the violation of conditions of the CUP.
4. The approved floor plan (indoor dining area) is an integral part of the decision approving this CUP. There shall be no change in the design of the floor plan without the approval of the Planning Division or unless a modification is required by the Building Official. Any change in the approved floor plan which has the effect of expanding or intensifying the present use shall require an amendment to the CUP.
5. All areas in the restaurant shall be available for inspection by the Police Department and the Community Development Department during all open business hours.
6. No sporting game or games of competition shall be permitted in conjunction with the business unless approved as part of the CUP application.
7. The display, posting or airing via closed circuit television of any gambling odds shall be prohibited unless pre-empted by the State.

8. No patrons shall be on the premises during closed hours.
9. There shall be no uses or activities permitted of an adult-oriented nature as defined in Title 17 of the Monrovia Municipal Code.
10. The use of pornographic material in the form of videos, slides, magazines, or pictures shall be prohibited within the business establishment.
11. Only pre-recorded amplified music is permitted on the premises, and such music shall not be audible outside the boundaries of the establishment, which includes the outdoor dining area. No entertainment facilities as defined by the Monrovia Municipal Code (such as live entertainment or dancing) are permitted unless approved by the Planning Commission pursuant to the Monrovia Municipal Code.
12. No locking devices shall be allowed on interior doors that enclose rooms open to the public.
13. No warning devices and/or any action by employees that could serve to alert patrons and employees to the presence of law enforcement or other inspectors shall be permitted.
14. If it is determined by the Community Development Director or Public Services Director that patrons are littering the surrounding streets, sidewalks, parking lots, parks, or adjoining private properties as a result of their coming to or leaving from the establishment, the business will provide employees to pick-up and properly dispose of all litter.
15. In the event security/policing problems occur, this CUP shall be subject to review by the Development Review Committee (DRC) and may be modified to require uniformed security guards as determined necessary by the DRC.
16. The exterior of the premises shall be illuminated during the hours of darkness with sufficient lighting to illuminate and make easily discernible the appearance and conduct of all persons on or about the establishment.
17. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the public sidewalk or entrance to the premises.
18. Any graffiti painted or marked upon the premises or on an adjacent area under the control of the licensee shall be removed or painted over within forty-eight hours, unless any law in effect at that time imposes a shorter time period for eradication.
19. No happy hour, no drink specials or other bar promotions are permitted to be advertised outside or in the window/door area.

20. The Applicant shall provide education to restaurant staff pertaining to service of alcoholic beverages, including common indications that a patron has been overserved.
21. Hours of operation shall be limited to 11:00 AM to 9:30 PM Monday through Sunday. Before any change is made in these hours of operation, approval by the Development Review Committee (DRC) must be obtained. Alternatively, the DRC may refer the matter to the Planning Commission for its review, in which case no change in the hours of operation shall be made without Planning Commission approval.
22. Signs shall be posted at the restaurant exits stating that consumption or service of beer and wine is prohibited in the patio area.
23. Any violation of these conditions of approval or the Monrovia Municipal Code may be subject to the Administrative Fine Ordinance, other available remedies and/or revocation or modification of this permit at the discretion of the City Attorney and City Prosecutor.
24. In addition to Planning (Data Sheet No. 1) conditions of approval, the Applicant shall also comply with all requirements of the Building Division and Fire Department that are directly applicable to the project.
25. This CUP may be called for review, including modification or revocation, at any time by City Staff, the City Council, or Planning Commission if a violation of the approved conditions or the Monrovia Municipal Code (MMC) is alleged, or if it is alleged that the establishment, or its patrons, are creating a public nuisance, and such violation or public nuisance is verified as valid by the Police Department, Code Enforcement, or other City department. In addition to any other remedy available to the City, security measures may be required such as adding an additional employee to monitor the area where problems are occurring.
26. Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, suits, demands, actions, losses, damages, judgments, settlements, penalties, fines, defensive costs or expenses (including without limitation, interest, attorneys' fees and expert witness fees), or liability of any kind or nature arising out of or attributable to the acts or omissions of Applicant, or Applicant's officers, officials, employees, or agents which in any way arise out of, result from, or are in any way related to sale of alcoholic beverages at the property, excepting only liability arising out of the sole negligence or willful misconduct of City, its officers, officials, employees, agents, or volunteers. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at the Applicant's expense.

27. Additional Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, or proceeding against the City, its officers, officials, employees, agents and/or volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at Applicant's expense.
28. The Applicant shall, within 30 days after approval by the Planning Commission, submit to the Community Development Department his/her written acknowledgment of receipt of the decision approving the Conditional Use Permit and his/her written consent to all of the conditions of approval contained in Data Sheet Number 1. This CUP shall be void and of no force or effect unless such written acknowledgment and consent is submitted to the City within the 30 day period.
29. The Development Review Committee shall review this CUP one year from the date the sale of alcoholic beverages commences.
30. The use or development associated with this CUP shall begin within one (1) year after its approval or it will expire without further action by the City.
31. All of the above conditions shall be complied with prior to commencement of the sale of alcoholic beverages, unless an earlier compliance period is specified as part of a condition of approval.



DATA SHEET 3

Findings

CUP2018-07

915 West Huntington Drive

CONDITIONAL USE PERMIT 2018-07 (Service of Beer and wine)

As required by Section 17.52.290 of the Monrovia Municipal Code (MMC), the decision for granting CUP2018-07 to allow the indoor and outdoor service of beer and wine for on-site consumption at an existing restaurant located at 915 West Huntington Drive is based on the following findings:

- A. The project site is adequate in size, shape and topography for the proposed sale of beer and wine for on-site consumption in an existing restaurant that will have indoor and outdoor dining. *The topography of this commercial shopping center is relatively flat and is improved with three commercial buildings and an extended stay hotel. The interior building area is adequate in size to accommodate the service of beer and wine in conjunction with restaurant operations. There is no alcohol service proposed in outdoor seating area at this time.*
- B. The project site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the restaurant. *The proposed use is located in a commercial area, which is suited to support these types of uses and traffic loads. The introduction of service of beer and wine is not expected to significantly increase traffic as the main operation is a restaurant use and not a bar. The floor area and number of customer seats within the existing restaurant are not proposed to increase in conjunction with the proposed beer and wine service.*
- C. The proposed sale of beer and wine for on-site consumption in an existing restaurant is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The proposed service of beer and wine in a bona fide eating place is consistent with the General Plan. The restaurant is located within the Commercial Regional/Subregional zone, which is intended for retail, entertainment, hotels and office facilities serving the regional and sub-regional markets. The service of beer and wine is an ancillary use to the full service dine-in restaurant.*
- D. The proposed sale of beer and wine for on-site consumption in an existing restaurant will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this CUP. A restaurant is a permitted use in the Commercial Regional/Subregional zone. The use will continue to operate as a restaurant with the service of beer and wine and will not operate as a bar.*
- E. The location of the existing restaurant with indoor service of beer and wine and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. *The Applicant will comply with the conditions of approval for the indoor service of beer and wine as part of the restaurant operation to ensure the service of beer and wine is not detrimental or injurious to the public and surrounding uses. The service of beer and wine is an ancillary use to the full service*

dine-in restaurant. Condition of Approval No. 15 states that if any security/policing problems occur, the CUP may be subject to review by the Development Review Committee, and the Committee may require additional mitigation measures.

Further, as required by Section 17.44.025 of the Monrovia Municipal Code (MMC), the decision for granting CUP2018-07 to allow the indoor service of beer and wine for on-site consumption at an existing restaurant located at 915 West Huntington Drive is also based on the following findings:

- A. The proposed sale of beer and wine for on-site consumption at an existing restaurant will not adversely and seriously affect the peace, health, safety and welfare of residents of the community. *Condition of Approval No. 1 requires the establishment to operate as a “bona fide eating place.” The service of beer and wine is an ancillary use to the full service dine-in restaurant. Additional conditions of approval require that all areas of the restaurant shall be available for inspection by the Police Department and Community Development Department during all open business hours. Furthermore, the CUP may be called for review at any time if a violation of the approved conditions or the MMC is alleged or if the sale of alcoholic beverages is creating a public nuisance.*
- B. The proposed use will not directly contribute to peace, health, safety and general welfare problems including but not limited to loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions as well as traffic circulation, parking, and noise problems on public streets and adjacent parking lots. *The restaurant will be required to adhere to the conditions of approval that set forth regulations that are specific to the sale of beer and wine and the overall business operation. Condition of Approval No. 14 states that if the Community Development or Public Services Director determine that patrons are littering as a result of coming to or leaving from the establishment, the business will be responsible for the pick-up and properly disposal of all liter.*
- C. The proposed use will not create serious adverse impacts to the commercial district. *The restaurant will continue to operate as a “bona fide eating place” and will provide a service that has been previously granted to other restaurants in the same location. The business will not become a bar and conditions of approval have been included prohibiting such type of operation.*
- D. The proposed use is adequately served by sufficient parking to serve the quantity of traffic such use generates. *The restaurant is located within an existing commercial shopping center that has shared parking. Reciprocal parking agreements are in place. The service of beer and wine is not expected to significantly increase the parking demand as the use will remain primarily a restaurant and not a bar. The floor area and number of customer seats are not proposed to increase in conjunction with this CUP. Previous restaurants that have occupied this building have been approved for service of beer and wine through a Conditional Use Permit. Accordingly, no additional parking is required.*
- E. The proposed use will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation. *The restaurant is part of an existing commercial shopping center and with the conditions of approval it will be a restaurant use that will*

operate as a “bona fide eating place.” Beer and wine will only be served in the approved indoor dining area. Within the shopping center, there are existing restaurants uses that also provide incidental beer and wine as part of their operation.

- F. *The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. There are no parks, schools, recreation centers, religious assembly facilities, or hospitals located near the existing restaurant. Beer and wine will only be served to restaurant patrons with the purchase of food items. Furthermore, sufficient safeguards exist that will allow the City to exercise control measures that will protect the peace, health, and safety of surrounding properties. The CUP may be called for review at any time by City Staff, the City Council, or Planning Commission if complaints are filed and verified as valid by the Police Department, Code Enforcement Division or other City departments concerning a violation of the approved conditions, or if the establishment or its customers creating a public nuisance.*

SITE PLAN



