



PLANNING COMMISSION STAFF REPORT

APPLICATION: CUP2014-05

AGENDA ITEM: PH-2

PREPARED BY: Ili Lobaco
Associate Planner

MEETING DATE: May 14, 2014

SUBJECT: Conditional Use Permit CUP2014-05
108 West Foothill Boulevard

REQUEST: Allow the indoor service of beer and wine at a restaurant (Blaze Pizza) in the Foothill Plaza Center located in the NC (Neighborhood Commercial) Zone.

APPLICANT: F. E. Design and Consulting
327 East 2nd Street, Suite 222
Los Angeles, CA 90012

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: The applicant is requesting approval of a Conditional Use Permit to serve beer and wine (Type 41 ABC License) for indoor dining at “Blaze Pizza”, a new restaurant that will soon be opening in the Foothill Plaza Center.

SUBJECT PROPERTY: The subject property is located on the south side of Foothill Boulevard between Myrtle and Primrose Avenues. The restaurant will be located in the eastern section of this multi-tenant commercial building as the second suite in from Myrtle Avenue next to Baskin Robbins. The shopping center site has approximately 487’ of frontage on Foothill Boulevard and approximately 554’ of depth on Myrtle and Primrose Avenues. The parking lot has 379 spaces with six driveway access points. There are two driveway approaches on Primrose Avenue, two on Foothill Boulevard and two on Myrtle Avenue. The site can also be accessed via an alley on Myrtle Avenue.

Directly north and to the east of the shopping center there are commercial businesses while to the west is the Masonic Temple and residential properties. To the south is a bank, the City’s Community Services offices, residences and a church. Only the bank is directly behind the suite being occupied by Blaze Pizza.

DISCUSSION/ANALYSIS: The Monrovia Municipal Code Section 17.44.025 was established to review and mitigate adverse conditions associated with establishments which sell, or serve alcoholic beverages. The purpose of this Code Section is to establish reasonable conditions which will prevent undesirable community impacts associated with such uses. It requires a conditional use permit when alcoholic beverages are sold or served on-site and the facility is located within 500 feet of any residential zone, park, school, recreation center, religious assembly or hospital. The new restaurant location is within 500 feet of residential properties.

Floor Plan

The proposed service of beer and wine will be for indoor dining only with seating for approximately 78 patrons. The restrooms are located in the rear of the suite and are accessed via a hallway on the west side of the suite. The kitchen is located at the center of the suite. There is both fixed seating via a counter and tables and chairs for two to four patrons.

Business Operation

Blaze Pizza is open seven days a week. Sunday through Thursday the restaurant hours are 11:00 AM to 11:00 PM and Friday and Saturday 11:00 AM to midnight.

Blaze Pizza is a rapidly expanding franchise of custom-made fast-fire'd pizzas. Customers select from a wide assortment of toppings in order to build their own custom personal pizza. The pizza is then cooked for two minutes in a high-temperature oven (see attached menu). Blaze Pizza has locations in Irvine, Pasadena, La Canada, Carlsbad and Torrance.

Alcoholic Beverage Service

The City has emphasized that alcoholic beverage sales at restaurants should be incidental to the sale of food. In order for a restaurant to serve alcoholic beverages it must have a full restaurant kitchen and the kitchen must be open and used for food preparation during all hours the establishment is open. The menu must include an assortment of foods that are normally offered in restaurants. The quarterly gross sales of alcoholic beverages cannot exceed 33% of the gross sales of all products during the same period. The standard conditions for alcoholic beverage service are included on Data Sheet No. 1 which will mitigate potential issues related to the request.

Parking

The Foothill Park Plaza was developed prior to 1990 and is thus subject to Monrovia Municipal Code Section 17.24.060, Note 3, which allows the Development Review Committee to determine the allowable amount of square footage devoted to restaurants or fast food establishments based on location, available parking and mix of uses. The Foothill Park Plaza has 379 parking spaces of which 9 are handicapped accessible parking. In February 2013, Foothill Park Plaza's Management Company hired a firm to conduct a survey of the center's parking demands and needs. Staff and the Development Review Committee reviewed the parking demand study and concurred with the determination that the existing number of parking spaces could adequately accommodate all the existing uses along with filling the vacant suites with retail, restaurant or medicals uses.

Conclusion

Over time more and more restaurants in the City are providing beer and wine or full alcohol service as part of their business operation. In the Foothill Park Plaza Center the restaurants that include alcohol sales are Hon Sushi and Wingstop. The majority of the nearby restaurants in Old Town serve alcoholic beverages. Permitting the sale of beer and wine at the subject restaurant location allows this business the same opportunities as other restaurants that serve alcoholic beverages. There will be no outdoor service and with the proposed conditions of approval for the indoor service of beer and wine it ensures that the restaurant will be compatible with and not cause adverse impacts on the surrounding properties.

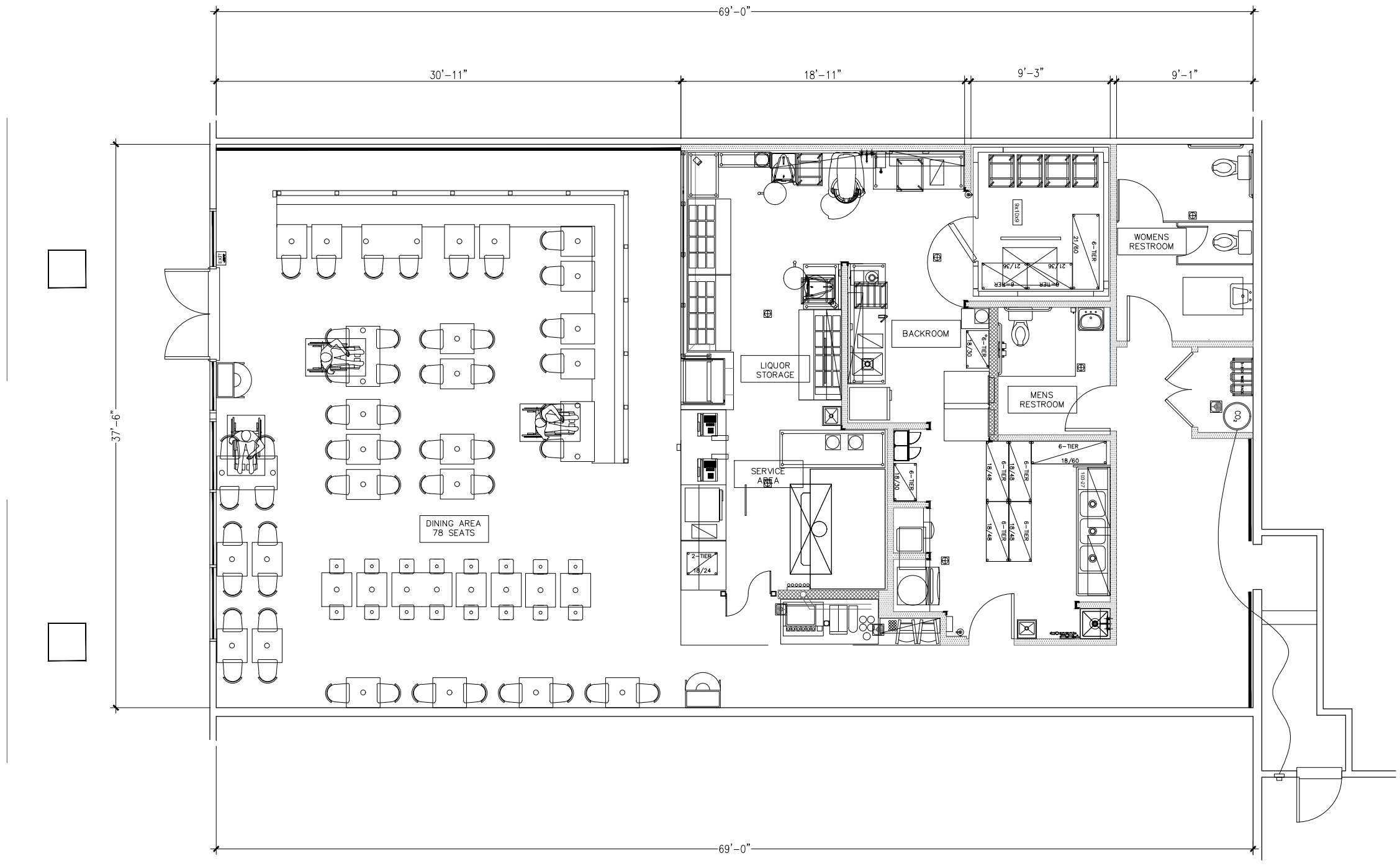
RECOMMENDATION: The Development Review Committee and Staff recommend approval of the Conditional Use Permit. If the Planning Commission concurs with this recommendation then, following the public hearing, the adoption of the following resolution is appropriate:

The Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows:

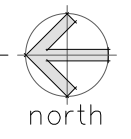
1. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the Planning Commission in the exercise of its independent judgment finds that CUP 2014-05 is categorically exempt from CEQA under Class 1.
2. The Planning Commission finds that the custodian of records 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 CUP2014-05, which are incorporated herein by this reference.
4. The Planning Commission approves CUP2014-05, 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:

Close the public hearing and adopt the Resolution approving CUP2014-05 as presented in the Staff Report.



FLOOR PLAN
SCALE 1/8" = 1'-0"



PROJECT INFO.

BLAZE PIZZA
FOOTHILL PARK PLAZA
108 W FOOTHILL BLVD.
SUITE C
MONROVIA, CA 91016

SUBMITTAL

REV#	DATE	DESCRIPTION
3-31-14		

NOTES:

FLOOR PLAN

SHEET NO.

A-01



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 CUP2014-05, allowing indoor service of beer and wine in a new restaurant, 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. The quarterly gross sales of alcohol beverages 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 alcoholic beverages. 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.
3. The approved floor plan 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 unless modification is required by the Building Official, in which case additional approval of the Planning Division is not required. 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.
4. All areas in the restaurant shall be available for inspection by the Police Department during all open business hours.
5. No sporting game or games of competition shall be permitted in conjunction with the business unless approved as part of the CUP application.
6. The display, posting or airing via closed circuit television of any gambling odds shall be prohibited unless pre-empted by the State.
7. No patrons shall be on the premises during closed hours.

8. There shall be no uses or activities permitted of an adult-oriented nature as defined in Title 17 of the Monrovia Municipal Code.
9. The use of pornographic material in the form of videos, slides, magazines, or pictures shall be prohibited within the business establishment.
10. Only pre-recorded amplified music is permitted on the premises, and such music shall not be audible outside the boundaries of the establishment. 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.
11. No locking devices shall be allowed on interior doors that enclose rooms open to the public.
12. 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.
13. If it is determined by the Community Development Director or Public Works Director that patrons are littering the surrounding streets, sidewalks, parking lots, parks, or adjoining private properties as a result of their coming or leaving the establishment, the business will provide employees to pick-up and properly dispose of all litter.
14. 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 additional uniformed security guards as determined necessary by the DRC.
15. The exterior of the premises, including adjacent public sidewalks 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.
16. 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.
17. 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.
18. No sale of alcoholic beverages for outside service or consumption shall be permitted unless approved by the Planning Commission pursuant to the Monrovia Municipal Code.
19. No happy hour, no drink specials or other bar promotions are permitted to be advertised outside or in the window/door area.

20. Hours of operation shall be limited to Sunday through Thursday from 11:00 AM to 11:00 PM and Friday and Saturday from 11:00 AM to midnight. 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.
21. 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.
22. In addition to Planning (Data Sheet No. 1) the Applicant shall also comply with all requirements of the Building Division and Fire Department that are directly applicable to the project.
23. 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.
24. 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.
25. 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 Numbers 1 and 2. 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.
26. The Development Review Committee shall review this CUP one year from the date the use commences.

27. 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.
28. All of the above conditions shall be complied with prior to commencement of the operation, unless an earlier compliance period is specified as part of a condition.



CONDITIONAL USE PERMIT

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. CUP2014-05 for the service of beer and wine for Blaze Pizza located at 108 West Foothill Boulevard is based on the following findings:

- A. The project site is adequate in size, shape and topography for sale of beer and wine for on-site consumption in a new restaurant that has indoor dining. *The topography of this commercial area is relatively flat, and the beer and wine will only be served inside the new restaurant with seating for approximately 78 patrons.*
- 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.*
- C. The proposed sale of beer and wine for on-site indoor consumption in a new restaurant is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The proposed service of alcohol in a bona fide eating place is consistent with the General Plan, including those General Plan requirements specific to the NC (Neighborhood Commercial) designation.*
- D. The proposed sale of beer and wine for on-site indoor consumption in a new restaurant will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this CUP.*
- E. The proposed location of the 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, *in that the applicant will be required to adhere to the conditions of approval on Data Sheet No. 1 to ensure the service of alcohol is not detrimental or injurious to the public and surrounding uses.*

CONDITIONAL USE PERMIT (alcohol service)

As required by Section 17.44.025 of the Monrovia Municipal Code, the decision for granting CUP2014-05 to allow the indoor service of beer and wine for on-site consumption at a new restaurant located at 108 West Foothill Boulevard is also based on the following findings:

- A. The proposed sale of beer and wine for on-site consumption (indoors) at a new restaurant will not adversely and seriously affect the peace, health, safety and

welfare of residents of the community *with the conditions of approval insuring that the restaurant will operate as a “bona fide eating place.”*

- 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 sets forth regulations that are specific to the sale of beer and wine and the overall business operation.*
- C. The proposed use will not create serious adverse impacts to the commercial district. *The restaurant will operate as a “bona fide eating place” and will provide a business that is beneficial to the surrounding businesses.*
- D. The proposed use is adequately served by sufficient parking to serve the quantity of traffic such use generates in that *the restaurant is located in a shopping center that has 379 parking spaces, which was determined adequate by the Development Review Committee based on a previously performed parking study.*
- E. The proposed use will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation, as *it is in a commercial area 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 areas that include the inside dining areas of the restaurant.*
- F. The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. *The nearby residential properties and park will not be negatively impacted with the conditions of approval in place because beer and wine will only be served to restaurant patrons, and the use will be a “bona fide eating place.”*



DATA SHEET 4

Surrounding Land Uses

CUP2014-05

108 West Foothill Boulevard

Property Description:

Located on the south side of Foothill Boulevard between Myrtle and Primrose Avenues the site is in the eastern part of the Foothill Park Plaza. The entire site has about 487' of frontage on Foothill Boulevard and about 554' of depth on Myrtle and Primrose Avenues. The parking lot has 379 spaces with six driveway access points.

Zoning

Subject site: NC (Neighborhood Commercial)

Surrounding pattern:

north: NC (Neighborhood Commercial)

south: HCD (Historic Commercial Downtown)

east: HCD (Historic Commercial Downtown)

west: NC (Neighborhood Commercial)

Land Use

Subject site: Vacant (previously a card shop)

Surrounding pattern:

north: Parking Lot and Bank

south: Alley and Bank

east: Commercial Businesses

west: Commercial Businesses

Environmental Determination: Categorical Exemption Class 1

Applicable Ordinance Regulations: MMC 17.52.020 Planning Commission Authority for CUP