

## PLANNING COMMISSION STAFF REPORT

APPLICATION: CUP2015-17 AGENDA ITEM: PH-1

PREPARED BY: Teresa Santilena MEETING DATE: December 9, 2015

**Assistant Planner** 

**SUBJECT:** Conditional Use Permit CUP2015-17

123-137 West Pomona Avenue

**REQUEST:** Occupy an existing industrial building with an office use, warehousing,

and a new retail establishment with incidental wine tasting. Allow the sale of wine and beer for off-site consumption to be located in an existing industrial building in the PD (Planned Development Area) - 12 zone.

**APPLICANT:** Paul Kalemkiarian

907 South Magnolia Avenue

Monrovia, CA 91016

**ENVIRONMENTAL DETERMINATION:** Categorical Exemption (Class 1)

**BACKGROUND:** The applicant is requesting approval of a Conditional Use Permit for a proposed retail establishment, "The Wine of the Month Club" to locate in an existing 15,700 square foot industrial building in the PD-12 zone. The majority of the building will be occupied as an office and warehouse use which are both permitted uses. The 1,800 square foot retail component dedicated to retail wine and beer sales require the approval of a Conditional Use Permit. Wine and beer will be sold for off-site consumption and wine tastings will be offered. These services are covered by the Type 2 and 20 ABC (state Alcohol and Beverage Control) Licenses.

The property is part of Station Square, an 80-acre area around the soon-to-open Metro Gold Line station. Earlier this year, the guidelines for this area (PD-12) were amended to respond to the new reality of a post-redevelopment world. Understanding that future development will be driven by private developers responding to the demands of the marketplace, the City's primary role will be to provide clear development guidelines and direction.

The adopted changes to the Land Use Element of the General Plan continue to emphasize the long time vision for this area as "a dynamic, mixed-use, transit oriented community", however, the revised guidelines should result in development and uses that are more in scale with the existing neighborhoods. The PD-12 guidelines address the unique opportunities of each of the neighborhoods of Station Square and encourage development of new uses that are appropriate to the location.

The Sussessor Agency to the Redevelopment Agency recently transferred the subject property to the applicant. The terms of the sale agreement require the applicant to redevelop the property with an artisan food and beverage complex which includes relocating the Wine of the

Month operation to the subject site. This application represents the first phase of that plan which focuses solely on the Wine of the Month.

**SUBJECT PROPERTY:** The subject site is located on the north side of West Pomona Avenue with additional frontage on Evergreen Avenue. The irregular shaped double frontage lot is comprised of three parcels with approximately 274' of frontage on Pomona Avenue and approximately 255' of frontage on Evergreen Avenue. The west property line is 218.5' deep, and the east property line is approximately 234' deep, jogging in 20' approximately 117' from Pomona Avenue. The total lot area is 59,344 square feet and is developed with two industrial buildings. The proposed use will occupy the east buildings.

**DISCUSSION/ANALYSIS:** The Wine of the Month Club, a mail order wine club, is proposing to move their existing facility from 907 S. Magnolia Avenue to the subject property. This is the first phase of the redevelopment of the site. The applicant proposes to initially occupy the approximately 15,700 square foot building (10,900 s.f. first floor and 4,800 s.f. second floor) located at 123 West Pomona Avenue. The applicant has also purchased two additional parcels, including the building located at 137 West Pomona Avenue. Ultimately, the applicant will bring forward a larger development project that will propose improvements on the entire site, including creating a dining and commercial experience in the Western Gateway of PD-12. Therefore, the proposed area for the CUP will include the square footage from the entire site, though the initial operation will be confined to the east building. Consolidation of the three existing lots will be a requirement the the larger development proposal.

### **Business Operation/Floor Plan**

The Wine of the Month Club currently employs 18 non-seasonal employees. The main operation of the proposed use is to pack and ship approximately 40,000 bottles of wine each month. Orders are taken via the website, telephone, and email. The orders are processed by five customer service representatives and are handed to the warehouse supervisor to be picked, packed and shipped. FedEx, UPS, and GSO generally pick up shipments daily at around 4:00 p.m. Wine deliveries are made about 3 times a week, typically before noon. The majority of the building will be occupied by this portion of the use. Office, warehousing, and distribution facilities are permitted by right.

The retail operation of the Wine of the Month Club will allow patrons to purchase wine and beer and will provide incidential wine tasting. Retail sales of alcoholic beverages require the approval of a Conditional Use Permit. The retail operation will be limited to the northern portion of the building and will occupy 1,800 square feet and will be directly adjacent to the main entry which currently faces Evergreen Avenue. Initially, the retail component will be open the same hours as the rest of the business. However, the conditions of approval as proposed allow for longer hours of operation if the demand warrants. Condition No. 6 allows retail sales as follows: Monday through Friday from 8:00 a.m. to 9:00 p.m., Saturday from 10:00 a.m. to 10:00 p.m., and Sunday 11:00 a.m. to 7:00 p.m. Any proposed changes to the hours of operation will be reviewed and approved by the Development Review Committee. Alternately, 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.

### Parking

The subject site is currently improved with a parking lot that can accomodate approximately 75 vehicles. The proposed floor plan requires a total of 38 parking spaces, 9 spaces for the retail

use, 12 spaces for the office use, and 17 spaces for the warehousing use. The parking will be further studied when the applicant moves forward with the larger development project.

#### Conclusion

The overall vision for the site as an artisan food and beverage complex fits in the long term goal of creating a dynamic and successful place in Station Square. The proposed office use, warehousing, and retail establishment is a permitted within the PD-12 zone and is consistent with surrounding uses. The retail sale of alcoholic beverages requires a CUP. The proposed conditions of approval for the sale of alcohol for off site consumption will ensure that the retail establishment will not negatively impact surrounding properties. Staff anticipates that the plans for the future redevelopment of the site will come forward to the Planning Comission in the first half of 2016.

**RECOMMENDATION:** Staff and the Development Review Committee recommend approval of CUP2015-17. If the Planning Commission concurs with this recommendation then, following the public hearing, the appropriate 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 CUP2015-17 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.
- The Planning Commission in the exercise of its independent judgment hereby makes the findings listed on attached Data Sheet No. 3 for CUP2015-17, which is incorporated herein by this reference.
- 4. The Planning Commission approves CUP2015-17 subject to the attached Planning Conditions on Data Sheet No. 1 and recommendations in the Staff Report, both of which are incorporated herein by this reference.

#### **MOTION:**

Approve CUP2015-17 pursuant to the recommendations in the Staff Report.

## DATA SHEET 1

# **Planning Conditions**

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CUP2015-17

123-137 West Pomona Avenue

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 CUP2015-17, allowing the sale for off-site and on-premises consumption of wine and beer at the Wine of the Month Club, 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.

- The approved floor plan is an integral part of the decision approving this CUP. There shall be no change in the floor plan that enlarges the area dedicated to retail sales of wine and beer without the approval of the Planning Division. Any change in the approved floor plan which has the effect of expanding or intensifying the use may require an amendment to the CUP as determined by the Development Review Committee.
- 2. The establishment shall be operated as an office and warehouse use with 1,800 square feet dedicated to retail wine and beer sales and incidental wine tasting.
- 3. 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.
- 4. 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 or leaving the establishment, the business will provide employees to pick-up and properly dispose of all litter.
- 5. 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.
- 6. Hours of operation for the on-site retail sale of wine and beer shall be limited to 8:00 AM to 9:00 PM Monday through Friday, 10:00 AM to 10:00 PM Saturday and 11:00 AM to 7:00 PM 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.
- 7. All rooms including office space shall be available for inspection by the Police Department or other designated City officials during all open business hours to the extent allowed by law.
- 8. All conditions set forth by ABC with regard to the "Off Sale Alcohol Sales Permit" and the "Instructional Tasting License for Off-Sale Licensees" shall be strictly adhered to.
- 9. Alcoholic beverages shall not be sold to obviously intoxicated persons.
- 10. Except for employees, contractors or vendors whose presence is necessary to conduct business after hours, or who perform cleaning, maintenance or repair of the premises, no other person shall be on the premises during closed hours.
- 11. This CUP is one component of a larger development project that will come forward to the Planning Commission at a later date. The Applicant shall paint the building and maintain the property site. Any additional change to the property or any additional use will require an amendment to this CUP.
- 12. 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.
- 13. The Applicant shall comply with all requirements of the Building Division and Fire Department that are directly applicable to the project.
- 14. 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.
- 15. 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.

- 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 this use. 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.
- 17. 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 No. 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.
- 18. The use associated with this CUP shall begin within one (1) year after its approval or it will expire without further action by the City.
- 19. 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.

## **DATA SHEET 3**

**Findings** 



123-137 West Pomona Avenue

## **CONDITIONAL USE PERMIT**

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting CUP2015-17 to allow the sale of wine and beer for off-site consumption with incidental wine tasting at a new retail establishment and warehouse facility located at 123-137 West Pomona Avenue is based on the following findings:

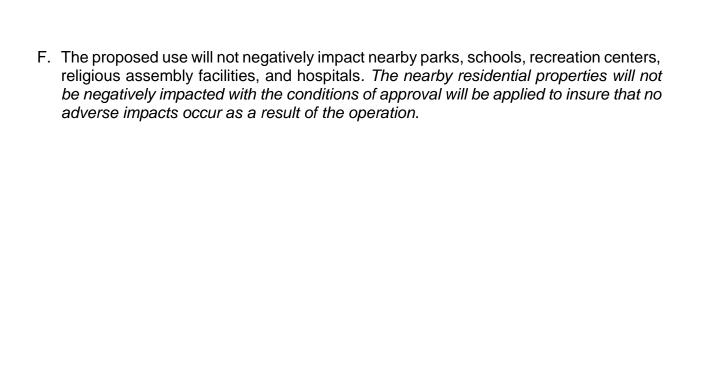
- A. The project site is adequate in size, shape and topography for the proposed office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment. The topography of the subject site is relatively flat and is improved with two industrial buildings and parking areas. The interior building area is adequate in size to accommodate the office use, warehousing, and 1,800 square feet of retail area.
- 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 office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment. The proposed use is located in a Planned Development Area that is already developed with industrial buildings and parking and is suited to support these types of uses and traffic loads. Based on the design, siting and anticipated traffic load, this project would not have an adverse impact on the roadway system in either quality or quantity.
- C. The proposed office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment is compatible with the General Plan and will not adversely impact the objectives of the General Plan. The proposed office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment is consistent with the General Plan, including those General Plan requirements specific to the PD (Planned Development Area) 12 designation.
- D. The proposed office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment will comply with the applicable provisions of the zoning ordinance. The approval of the requested CUP with the conditions of approval complies with the provisions of the zoning ordinance. Additionally, there are no variances requested as part of this application.
- E. The proposed location of the office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment 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 sale of wine and beer for

off-site consumption and incidental wine tasting is not detrimental or injurious to the public and surrounding uses. 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.

### **CONDITIONAL USE PERMIT** (alcohol service)

As required by Section 17.44.025 of the Monrovia Municipal Code, the decision for granting CUP2015-17 to allow the sale of wine and beer for off-site consumption with incidental wine tasting at a new retail establishment and warehouse facility located at 123-137 West Pomona Avenue is also based on the following findings:

- A. The proposed sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment 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 office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment shall operate in accordance with all conditions set forth by ABC with regard to the "Off-Sale Alcohol Sales Permit" and the "Instructional Tasting License for Off-Sale Licensees." Sufficient safeguards exist that will allow the City to exercise control measures that will protect the peace, health, and safety of surrounding residents and businesses.
- 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 office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment will be required to adhere to the conditions of approval that set forth regulations that are specific to the sale of alcohol and the overall business operation.
- C. The proposed use will not create serious adverse impacts to the commercial district (Western Gateway). The office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment will provide a business operation that is beneficial and compatible 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 office use, warehousing, and sale of wine and beer for off-site consumption with incidental wine tasting in a new retail establishment will be served by existing parking lots that provide adequate parking.
- 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 Planned Development Area that has a mixture of warehouse, office and light manufacturing uses and with the conditions of approval it will operate in accordance with all conditions set forth by ABC with regard to the "Off-Sale Alcohol Sales Permit" and the "Instructional Tasting License for Off-Sale Licensees."





# **Surrounding Land Uses**

123-137 West Pomona Avenue

**Property Description:** 

Located on the north side of West Pomona Avenue with additional frontage on Evergreen Avenue. The irregular shaped, through lot is three parcels measuring approximately 274' wide on Pomona Avenue and approximately 255' wide on Evergreen Avenue. The west property line is 218.5' deep, and the east property line is approximately 234' deep, jogging in 20' approximately 117' from Pomona Avenue. The total lot area is 59,344 square feet and is developed with two industrial buildings. The proposed use will occupy one of the existing

buildings.

**Zoning** 

Subject site: PD (Planned Development Area) - 12

Surrounding pattern:

north: 210 Freeway

south: PD (Planned Development Area) - 12

east: PD (Planned Development Area) - 12

west: PD (Planned Development Area) - 12

Land Use

Subject site: Retail (Wine of the Month)

Surrounding pattern:

north: 210 Freeway

south: Industrial Condominium (Hamby Park)

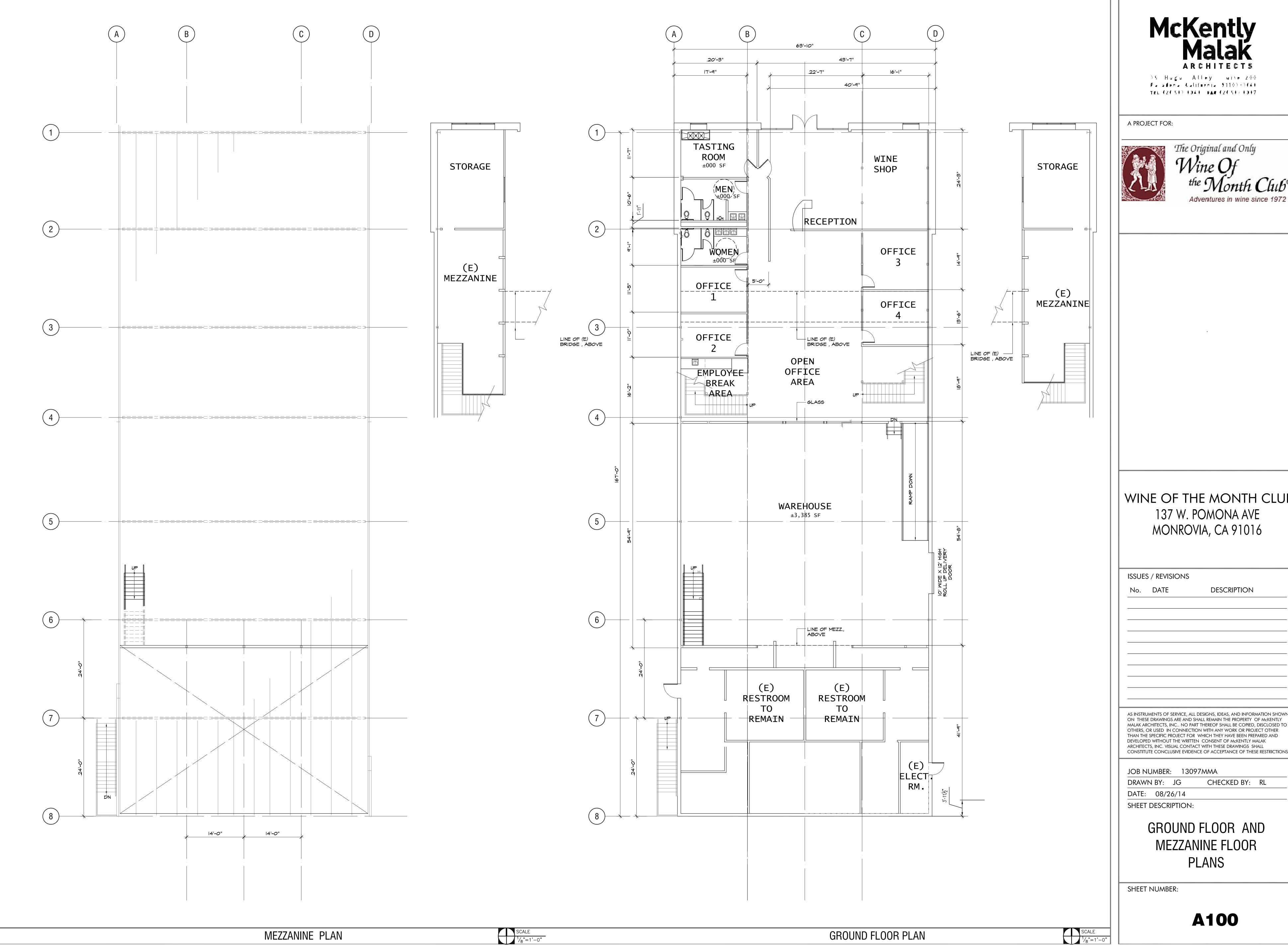
east: Gas Station (Chevron)

west: Retail (Wine of the Month expansion)

Environmental Determination: Categorical Exemption Class 1

Applicable Ordinance Regulations: MMC 17.52.020 Planning Commission Authority

for CUP





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WINE OF THE MONTH CLUB 137 W. POMONA AVE MONROVIA, CA 91016

DESCRIPTION

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