



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
JUNE 17, 2021

TO: Members of the Planning Commission

FROM: Brenda Magaña, Associate Planner

FILE NO.: Conditional Use Permit (CUP) No. 2021-003

PROPOSAL: Request for a Conditional Use Permit for a Type-47 On-Sale General license from the State Department of Alcoholic Beverage Control to allow for the onsite consumption of beer, wine and spirits in conjunction with the existing restaurant, Barney's, located at 4776 Commons Way, Suite D (APN: 2068-003-023) within the Commercial, Mixed Use (CMU) zoning district.

APPLICANT: Whitney Heller of EZ Home Permits

RECOMMENDATION: Adopt Resolution No. 2021-725, approving File No. CUP 2021-003.

STAFF RECOMMENDATION:

That the Commission adopt Resolution No. 2021-725, approving CUP No. 2021-003 for a Conditional Use Permit for a Type-47 On-Sale General license from the State Department of Alcoholic Beverage Control to allow for the onsite consumption of beer, wine and spirits within the existing restaurant, Barney's, located at 4776 Commons Way, Suite D.

REVIEW AUTHORITY:

The project is before the Planning Commission for review pursuant to Calabasas Municipal Code Section 17.12.035(B), which states that alcoholic beverages may be sold for on-premises consumption at an establishment where the primary use is a restaurant, provided that a conditional use permit is obtained for the establishment and sales are conducted in compliance with the Alcoholic Beverage Act of the State of California. In accordance with Section 17.62.060(D) of the CMC, the director shall make a recommendation to the Planning Commission who shall hold a public hearing to review the project.

BACKGROUND:

On April 14, 2021, Whitney Heller (applicant's agent) submitted an application on behalf of Barney's Gourmet Hamburgers (the applicant) to request a Conditional Use Permit (associated with a Type-47 On-Sale General license from the State Department of Alcoholic Beverage Control) to allow for the onsite consumption of beer, wine and spirits in conjunction with the existing restaurant, Barney's Gourmet Hamburgers, located at 4776 Commons Way, Suite D. The applicant is in the process of opening up a new table service restaurant, Barney's Gourmet Hamburgers, in a vacant tenant space that was previously occupied by Menchie's, a yogurt shop that also had table seating. Barney's Gourmet Hamburgers is requesting a Conditional Use Permit to allow for the consumption of beer, wine, and spirits on the premises in conjunction with the Type 47 ABC license.

STAFF ANALYSIS:

A. Alcohol Sales: The Type 47 ABC license, for which Barney's Gourmet Hamburgers is applying, is the "On Sale General – Eating Place (Restaurant)" license. This license authorizes the sale of beer, wine and spirits for consumption on or off the premises where sold, and with the following provisions (State ABC requirements):

- Must operate and maintain the licensed premises as a bona fide eating place.
- Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises.

Barney's Gourmet Hamburgers intends to sell beer, wine, and distilled spirits during their proposed hours of operation from 10:30am until 1:00am Monday through Sunday. Distribution is by table and bar service dining. Sales partners working in this store must be a minimum of 21 years of age and will be certified per ABC's requirements. All customers who appear 40 years old or younger will be asked to show identification.

Alcohol sales are conditionally permitted in the CMU zoning district per the Municipal Code. The project application and plans were reviewed by the City's Development Review Committee and no concerns were raised by the Committee. The Los Angeles County Sheriff's Department has indicated that the Sheriff has no objections to the request and that the project is acceptable as proposed.

B. Site Design/Building Layout: The applicant currently has approvals (and is under construction) to operate a new Gourmet Hamburger restaurant in the tenant space previously occupied by Menchie's yogurt shop. The total interior floor area of the restaurant space is 1,290 square feet with 450 square feet of that accommodating

the seating area. No outdoor dining space currently exists, and no outdoor dining space has been approved. At this time, the tenant space improvements include only interior improvements that do not result in expansion of the existing building. However, staff would note that outdoor dining is permitted under Code, and could be established in the future through appropriate City approvals. To that end, approval of a Conditional Use Permit to establish beer, wine, and distilled spirits service would apply to all bar and table service areas associated with the restaurant.

C. Parking: In accordance with section 17.28.040(D)(4) the parking requirement for a restaurant with table service is 1 space for each 2.5 seats or 1 space for each 100 sq. ft. of gross floor area, whichever is greater. Because the proposed project does not increase the square footage of the building and will continue to operate as a restaurant, there is no change in the required parking.

REQUIRED FINDINGS:

The findings required in Section 17.62.060 of the Calabasas Municipal Code for a Conditional Use Permit are contained in the resolution attached as Exhibit A.

ENVIRONMENTAL REVIEW:

This project is exempt from environmental review in accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines (General Rule Exemption) and Section 15301 (Existing Facilities) of the Guidelines. A Notice of Exemption has been prepared and is attached as Exhibit C.

CONDITIONS OF APPROVAL:

See conditions contained in the resolution attached as Exhibit A.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

May 4, 2021

No comments.

ATTACHMENTS:

Exhibit A: Planning Commission Resolution No. 2021-725

Exhibit B: Project Plans

TECHNICAL APPENDIX

Location Map:



Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Restaurant	Commercial, Mixed Use	Mixed Use
North	Commercial Shopping Center	Commercial, Mixed Use	Mixed Use
East	Commercial Shopping Center	Commercial, Old Town	Business, Old Town
South	Commercial Shopping Center	Commercial, Mixed Use	Mixed Use
West	Commercial Shopping Center	Commercial, Mixed Use	Mixed Use