



CITY of CALABASAS

**PLANNING COMMISSION AGENDA REPORT
DECEMBER 2, 2021**

TO: Members of the Planning Commission

FROM: Jaclyn Rackerby, Associate Planner

FILE NO.: CUP-2021-001, ZCL-2021-138

PROPOSAL: Request for a Conditional Use Permit and Zoning Clearance Permit to allow for the sale of beer and wine for on-site consumption via a Type 41 liquor license from the State Department of Alcoholic Beverage Control, the installation of a new railing around the existing outdoor seating area, and the operation of a new indoor restaurant within the existing Gelson's market located at 22277 Mulholland Hwy (APN: 2078-009-022), within the Commercial Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

APPLICANT: Gelson's Markets

RECOMMENDATION: Adopt Resolution No. 2021-735, approving File No. CUP-2021-001 and ZCL-2021-138.

STAFF RECOMMENDATION:

That the Commission adopt Resolution No. 2021-735, approving CUP-2021-001 and ZCL-2021-138, a request for a Conditional Use Permit and a Zoning Clearance to allow for the sale and on-site consumption of beer and wine via a Type 41 liquor license from the State Department of Alcoholic Beverage Control (ABC) and the operation of a new restaurant within the existing Gelson's Market lease area located at 22277 Mulholland Hwy.

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 Control 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 January 5, 2021, Brett Engstrom (applicant's representative) submitted an application on behalf of Gelson's Markets (applicant) to initiate a request for approval of a Conditional Use Permit to allow for the sale and on-site consumption of beer and wine via a Type 41 liquor license from the State Department of Alcoholic Beverage Control for a proposed new restaurant in association with the existing Gelson's market located at 22277 Mulholland Hwy (APN: 2078-009-022). Gelson's currently sells a full line of alcoholic beverages for off-site consumption via a Type 21 license from the State Department of Alcoholic Beverage Control (ABC), and offers on-site instructional tastings via a Type 86 license from ABC approved under Planning Commission Resolution No(s) 95-08 and 11-515, respectively. Presently, the applicant is proposing to create a new restaurant within Gelson's that will include the on-site consumption of beer and wine via a Type 41 license from ABC. With all outstanding comments addressed, the project was deemed complete by staff on November 17, 2021.

STAFF ANALYSIS:

- A. Alcohol Sales: The Type 41 liquor license, for which Gelson's Markets is applying, is the "On-Sale Beer & Wine – Eating Place" license. This license authorizes the sale of beer and wine for consumption on or off the premises where sold, and stipulates that the applicant must operate and maintain the licensed premises as a bona fide eating place. Additionally, this license type allows minors on the premises.

The existing market is in operation between 7am-10am daily, and the new restaurant area within the market's lease area for which on-site beer & wine consumption is proposed, will be limited to the same operating hours of 7am-10pm. The on-site restaurant area is not meant to draw additional patrons, but rather to better serve patrons who are already visiting the market. Thus, the number of patrons is not projected to change as a result of the proposed CUP application.

Alcohol sales are conditionally permitted in conjunction with a primary allowable use (grocery store/restaurant) in the CR 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 subject site is located on the western side of Mulholland Hwy, just south of the intersection between Mulholland Hwy and Mulholland Dr, within the Commercial Retail (CR) zoning district. Because the shopping center is located within 500ft of Mulholland Hwy, the site is located within the Mulholland Hwy Scenic Corridor. However, the proposed new restaurant is within the existing market, and the extent of the exterior modifications is a railing surrounding the existing outdoor dining area, required per the Dept of ABC. There is no proposed change to the square footage of the outdoor dining area, but there will be additional table/counter seating, for 20 outdoor seats in total (4 more than the existing outdoor area contains). There are no other proposed modifications to the site layout or to the exterior of the building, and thus a Scenic Corridor Permit is not necessary for the current project.

The applicant is applying for a Conditional Use Permit for a Type 41 liquor license for the operation of a new restaurant within an existing grocery store. There are no other tenants in the shopping center's vicinity that operate via a Type 41 liquor license. The existing grocery store has been operating in this location, with the proper licenses from the Dept of ABC, since 1995. The proposed interior remodel will create an on-site restaurant area of 646 square feet, with 16 seats for patrons. The restaurant operation will offer freshly prepared appetizers, sandwiches, tapas, sushi, etc, in addition to the sale of beer & wine.

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.

CONDITIONS OF APPROVAL:

See conditions contained in the resolution attached as Exhibit A.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

January 26, 2021

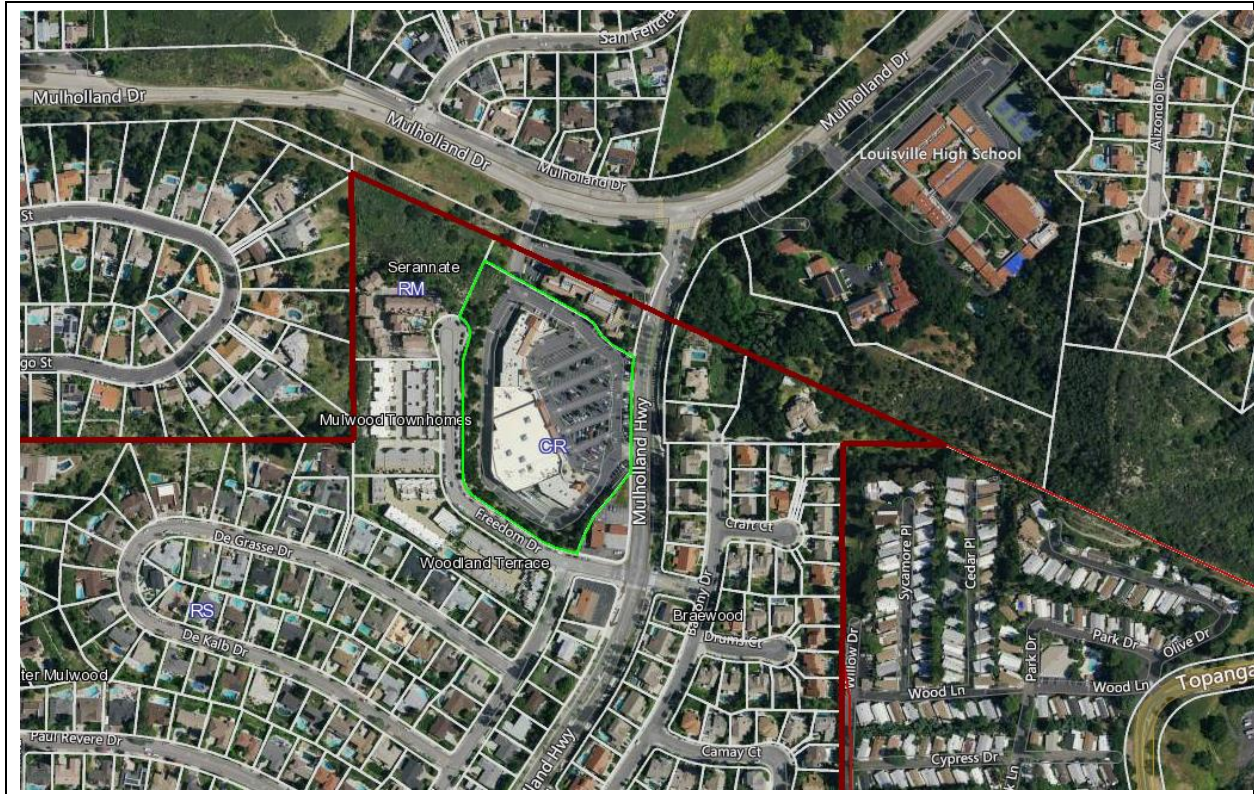
No major comments.

ATTACHMENTS:

- Exhibit A: Planning Commission Resolution No. 2021-735
- Exhibit B: Project Plans
- Exhibit C: Project Description

TECHNICAL APPENDIX

Location Map:



Surrounding Properties:

| | Existing Land Use | Zoning | General Plan Designation |
|-------|--------------------------|----------------------------|-----------------------------------|
| Site | Shopping Center | Commercial, Retail | Business, Retail |
| North | Office Building | Commercial, Retail | Business, Retail |
| East | Single-family residences | Residential, Single-Family | Residential- Single Family |
| West | Townhomes | Residential, Multi-Family | Residential- Multiple Family (16) |
| South | Gas Station | Commercial, Retail | Business, Retail |