



CITY of CALABASAS

PLANNING COMMISSION AGENDA REPORT
OCTOBER 17, 2024

TO: Members of the Planning Commission

FROM: Jaclyn Rackerby, Planner

FILE NO(s): CUP-2024-002

PROPOSAL: Request for a Conditional Use Permit (CUP) for a Type 21 Off-Sale General Liquor License for a new wine, beer, and liquor specialty shop called 'The Library', located at 23504 Calabasas Rd Ste 3, in the Commercial Old Town (CT) zoning district, Scenic Corridor (-SC) overlay zone, and Old Town Master Plan Area. The project also includes a request for a Determination of Similar Use that a wine, beer, and liquor specialty shop is similar to a wine and beer specialty shop, which is a conditionally permitted use in the CT zone.

APPLICANT: The Zeff Group LLC

RECOMMENDATION: That the Commission direct Staff to prepare a resolution for approval, or a resolution for denial, of File No. CUP-2024-002.

REVIEW AUTHORITY:

The project is before the Planning Commission for review pursuant to Calabasas Municipal Code (CMC) Section 17.62.060, which stipulates that Conditional Use Permits require review and approval by the Planning Commission. Furthermore, Section 17.11.010(F) of the CMC stipulates that a wine and beer specialty shop is allowed via Conditional Use Permit in the Commercial, Old Town (CT) zoning district, where in compliance with the Old Town Calabasas Master Plan and Guidelines. Lastly, pursuant to Section 17.11.020 of the CMC, the review authority may make a "determination of similar use" decision, which is a determination that

the proposed use is similar to one or more other permitted and listed uses.

BACKGROUND:

On September 2, 2024, an application for a Conditional Use Permit was submitted on behalf of a new tenant for a wine, beer, and liquor specialty shop called 'The Library', located at 23504 Calabasas Rd Ste 3 in the Commercial Old Town (CT) zoning district and Scenic Corridor (-SC) overlay zone. The request also includes a Determination of Similar Use, pursuant to Section 17.11.020 of the CMC, due to the fact that a wine, beer, and liquor shop is not a use listed within the development code; the land use table addresses wine/beer specialty shops only, not including liquor.

The project was reviewed by the City's Development Review Committee on September 17, 2024, resulting in no major comments. Staff reviewed the submitted plans and deemed the project application incomplete on September 24, 2024. The applicant resubmitted on September 26, 2024. With all outstanding comments addressed, the project application and plans were deemed complete on October 3, 2024.

STAFF ANALYSIS:

- A. Alcohol Sales: The applicant has applied for a Type 21 liquor license from the State Department of Alcoholic Beverage Control (ABC), which is for "Off-Sale General". This license type is issued to retail stores, and authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold. Additionally, this license type allows minors on the premises.

The proposed store will provide a selection of specialty wines, whiskeys, and other spirits, as explained in the applicant's project description attached as Exhibit C. The proposed hours of operation are 10:00 am to 8:00 pm Monday-Friday, 8:00 am to 6:00 pm Saturday, and 11:00am to 7:00 pm Sunday, with the earlier opening on Saturday to accommodate the Calabasas Farmer's Market. Alcohol will be sold for off-site consumption only, with no on-site consumption proposed—feature tables and armchairs depicted on the floor plan are for aesthetic purposes only. The proposed store will have between 2-4 employees, including one who is a certified sommelier, trained in basic wine and beverage theory, and familiar with deductive tasting methodology.

The project application and plans were reviewed by the City's Development Review Committee, and no concerns were raised. Additionally, the Los Angeles County Sheriff's Department provided their written confirmation that the Sheriff has no objections to the request, and that the project is acceptable as proposed. The sheriff's written confirmation is included in the project file.

- B. Existing Site/Building Layout:** The subject site is located at 23504 Calabasas Rd (APN: 2068-004-066), and is part of the of the 'Kramer Store' building in Old Town Calabasas. The Kramer Grocery Store (also previously known as the Calabasas Grocery Store, Cooper's store, and Hunter's Inn) was operated as a grocery store until 1968. The property is the location of one of the oldest commercial buildings in Calabasas, with the original portion of the building still recognizable. As such, the structure is eligible for listing as a local historic landmark. However, the applicant proposes an interior remodel only, with no exterior alterations.
- C. Zoning Compliance:** The City's Land Use Table within Section 17.11.010(F) of the CMC lists a wine/beer specialty shop as a conditionally permitted use in the Commercial Old Town (CT) zoning district. In the CT zoning district, no retail use is permitted by-right; all retail uses which are typically permitted by-right in other commercial zoning districts within the City instead require a Conditional Use Permit, and are allowed only where in compliance with the Old Town Calabasas Master Plan and Guidelines. The Old Town Master Plan encourages ground floor commercial retail on this parcel (Parcel #3 in the Land Use section of the Master Plan), and therefore, the proposed wine, beer, and liquor retail store use is allowed in this location via a Conditional Use Permit—provided that the Commission makes the determination that the proposed use is similar to a wine and beer retail store—and is a preferred use in the master plan. The Municipal Code does not provide specific standards for retail wine, beer, and liquor specialty stores; however, the CUP requirement simply offers the Planning Commission an opportunity to impose conditions for a proposed retail use in this location, and gives the Commission an opportunity to examine the details of a particular proposal.

Note: The project site is located within the Highway 101 Scenic Corridor; however, the proposed project does not involve any modifications to the building exterior, and therefore no Scenic Corridor Permit is required.

- D. Determination of Similar Use:** As mentioned above, the Land Use Table lists wine/beer specialty shop as a conditionally permitted use in the CT zone, and

Section 17.12.035(E) of the CMC defines the Retail Sale of Wine and Beer Only as a specialty store where the predominant product sold is wine or beer (up to one hundred (100) percent of the sales floor), may be permitted through approval of a conditional use permit for the establishment and must be conducted in compliance with the Alcoholic Beverage Control Act of the State of California. However, liquor sales are not specified within this section, and a retail store that sells wine, beer, and liquor only (and no other products, in contrast with a grocery store/convenience store) is not mentioned within the City's Land Use Table or within Section 17.12.035. When a land use is not specifically listed within the development code, the review authority may make a "determination of similar use" decision, which is a determination that the proposed use is similar to one or more other permitted and listed uses.

Per Section 17.11.020(1) of the CMC, in making a determination of similar use, the review authority shall consider the following:

- a. Volume and type of sales (retail or wholesale), the size and type of items sold and nature of inventory on the premises;
- b. Processing, assembly, manufacturing, warehousing, shipping and distribution done on the premises; and dangerous, hazardous, toxic or explosive materials used in processing;
- c. Nature and location of storage and display of merchandise (enclosed, open, inside or outside the principal building), and the predominant types of items stored (business vehicles, work-in-progress, inventory and merchandise, construction materials, scrap and junk);
- d. Type, size and nature of buildings and structures supporting the use;
- e. Number and density of employees and customers, business hours and employment shifts;
- f. Transportation requirements by volume, type and characteristics of traffic generation to and from the site and trip purposes;
- g. Parking characteristics, turnover and generation, and the ratio of the number of spaces required per unit area or activity; and
- h. Amount and nature of potential nuisances generated on the premises (smoke, noise, odor, glare, vibration, radiation, fumes, etc.)

The applicant has provided the project description attached as Exhibit C to better explain the proposed use, as well as responses to the required findings for a determination for similar use attached as Exhibit B.

Additionally, per Section 17.11.020(2) of the CMC, the review authority may attach reasonable conditions and restrictions to the use, in addition to those required by the development code, to ensure that the proposed use will not

endanger the public health, safety, or welfare; will not injure the value of adjoining or abutting property; will not result in any significant environmental impacts; will be in harmony with the area in which it is located; and will be in conformity with the General Plan and/or applicable specific plan(s). Draft conditions of approval are included within Exhibit B, including specific draft conditions to ensure that if approved, the proposed use would be required to be consistent with the operating characteristics of a wine/beer specialty shop, which is permitted via a CUP in the CT zone.

- E. Parking: The Calabasas Municipal Code defines a shopping center as a group of retail stores and similar complementary commercial establishments on a site, planned and built as a coordinated unit with shared pedestrian and vehicular circulation and off-street parking. The subject site is considered a shopping center. The off-street parking standards for a shopping center (per Table 3-11 of the CMC), require 1 space per 250 square feet. The center provides insufficient off-street parking, however, because the center was developed prior to City incorporation under less restrictive County standards. Nonetheless, the parking required for the proposed wine, beer, and liquor retail shop, 'The Library', is the same as for the previous use—MSFTS Rep clothing store—and there will be no change to the existing legal nonconforming off-street parking.
- F. Signage: No signage is proposed as part of this application. A request for a sign permit will be submitted by the applicant at a future date.

REQUIRED FINDINGS:

The Planning Commission would have to make Conditional Use Permit findings to support a project approval; the Conditional Use Permit findings are stated in Section 17.62.060 of the Calabasas Municipal Code, as follows:

- 1. The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;*
- 2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;*
- 3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and*

- 4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.*

The findings for a Determination of Similar Use, and which the Planning Commission would also have to make for project approval, are stated in Section 17.11.020(C) of the Calabasas Municipal Code as follows:

- 1. The proposed use meets the intent of, and is consistent with, the goals, objectives and policies of the adopted General Plan;*
- 2. The proposed use meets the stated purpose and general intent of the zoning district in which the use is proposed to be located;*
- 3. The proposed use will not adversely impact the public health, safety or general welfare of the city's residents; and*
- 4. The proposed use shares characteristics common with, and is not of a greater intensity, density or generate more environmental impact than, those listed in the zoning district in which it is to be located.*

The applicant's proposed justification for the findings listed above is attached as Exhibit B.

REQUESTED COMMISSION ACTION:

Staff requests the Commission conduct a public hearing, and then direct Staff to develop findings in support of either approval or denial of the project, supported by the facts and testimony provided at the hearing. Note: A resolution of denial must include an explanation as to why at least one of the required findings discussed in this report cannot be made.

ENVIRONMENTAL REVIEW:

This project is Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule Exemption) and Section 15301 (Existing Facilities) of the California CEQA Guidelines.

CONDITIONS OF APPROVAL:

If the Commission directs Staff to prepare a resolution of approval, potential project conditions of approval are attached as Exhibit D and will be incorporated into an approval resolution, which would return for Commission adoption at the next meeting.

PREVIOUS REVIEWS:

Development Review Committee (DRC):

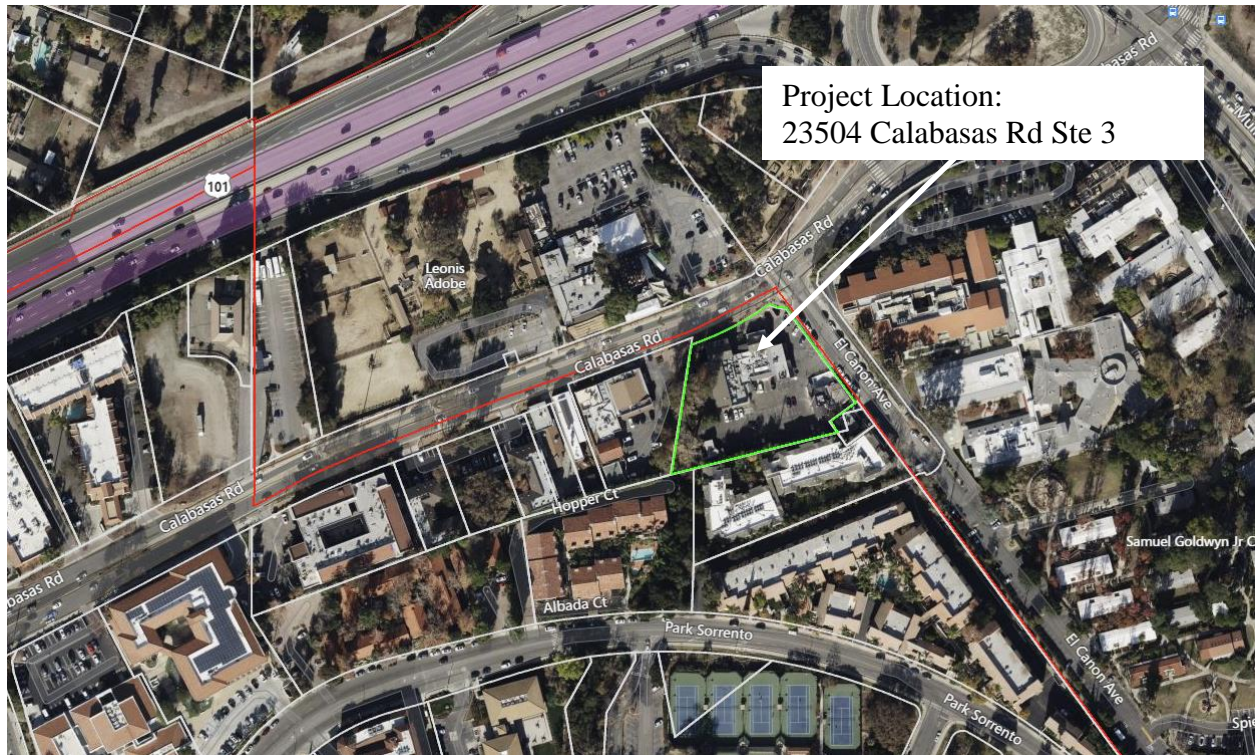
September 17, 2024 No major comments.

ATTACHMENTS:

- Exhibit A: Conceptual Project Plans
- Exhibit B: Findings Justification Submitted by Applicant
- Exhibit C: Project Description
- Exhibit D: Draft Conditions of Approval

TECHNICAL APPENDIX

Location Map



Surrounding Properties:

	Existing Land Use	Zoning	General Plan Designation
Site	Shopping Center	Commercial, Old Town	Business, Old Town
North	Restaurant	N/A – LA City	N/A – LA City
East	Offices/Health Care Center	N/A – LA City	N/A – LA City
West	Shopping Center	Commercial, Old Town	Business, Old Town
South	Senior Housing	Commercial, Old Town	Business, Old Town