

Council Meeting of
June 19, 2012

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Development – Adopt **RESOLUTION** reflecting City Council decision to approve a Conditional Use Permit to allow the expansion of an existing restaurant, in conjunction with a request for a beer and wine license, and as-built restaurant improvements on property located in the C-2 Zone at 3901 Pacific Coast Highway.

CUP10-00007: Chicken Maison (Patricia Wick)

RECOMMENDATION

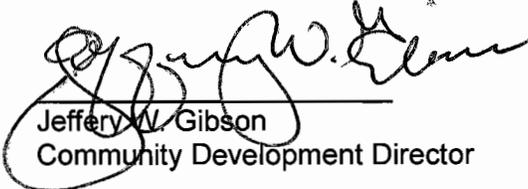
Recommendation of the Community Development Director that City Council adopt a **RESOLUTION** reflecting City Council decision at the May 22, 2012 meeting to approve a Conditional Use Permit to allow the expansion of an existing restaurant, in conjunction with a request for a beer and wine license, and as-built restaurant improvements on property located in the C-2 Zone at 3901 Pacific Coast Highway.

BACKGROUND

On May 22, 2012, the City Council considered an appeal of a Planning Commission's denial without prejudice of the subject request. The City Council voted 7-0, to approve the appeal. A revised resolution of approval for the subject entitlement has been provided for the City Council's consideration.

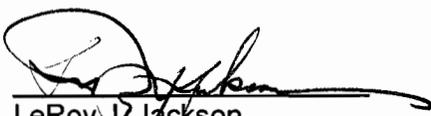
CONCUR:

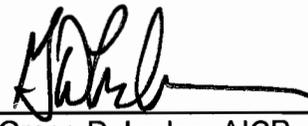
Respectfully submitted,


Jeffery W. Gibson
Community Development Director

JEFFERY W. GIBSON
COMMUNITY DEVELOPMENT DIRECTOR

NOTED:


LeRoy J. Jackson
City Manager

By 
Gregg D. Lodan, AICP
Planning Manager

Attachment: A) Revised Resolution

RESOLUTION NO. 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE EXPANSION OF AN EXISTING RESTAURANT, IN CONJUNCTION WITH THE APPROVAL OF A BEER AND WINE LICENSE AND AS-BUILT RESTAURANT IMPROVEMENTS ON PROPERTY LOCATED IN AN EXISTING SHOPPING CENTER IN THE C-2 ZONE AT 3901 PACIFIC COAST HIGHWAY.

CUP10-00007: Chicken Maison (Patricia Wick)

WHEREAS, the City Council of the City of Torrance conducted a public hearing on May 22, 2012 and APPROVED an application for a Conditional Use Permit filed by Chicken Maison (Patricia Wick) to allow the expansion of an existing restaurant, in conjunction with the approval of an on-site beer and wine license, and as-built restaurant improvements on property located in the C-2 Zone at 3901 Pacific Coast Highway; and

WHEREAS, the City Council of the City of Torrance conducted a public hearing on March 27, 2012 and CONTINUED an application for a Conditional Use Permit filed by Chicken Maison (Patricia Wick) to allow the expansion of an existing restaurant, in conjunction with the approval of an on-site beer and wine license, and as-built restaurant improvements on property located in the C-2 Zone at 3901 Pacific Coast Highway; and

WHEREAS, on May 3, 2011 the applicant appealed the Planning Commission's denial citing that the proposed expansion met all qualifications, and that personal issues were taken into account when Conditional Use Permit was approved; and

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on April 20, 2011 and DENIED an application for a Conditional Use Permit filed by Chicken Maison (Patricia Wick) to allow the expansion of an existing restaurant, in conjunction with the approval of an on-site beer and wine license, and as-built restaurant improvements on property located in the C-2 Zone at 3901 Pacific Coast Highway; and

WHEREAS, the Planning Commission of the City of Torrance conducted a public hearing on June 16, 2010 and continued an application for a Conditional Use Permit filed by Chicken Maison (Patricia Wick) to allow the expansion of an existing restaurant, in conjunction with the approval of an on-site beer and wine license and as-built restaurant improvements on property located in the C-2 Zone at 3901 Pacific Coast Highway; and

WHEREAS, due and legal publication of notice was given to owners of property in the vicinity thereof and due and legal hearings have been held, all in accordance with the provisions of Division 9, Chapter 5, Article 2 of the Torrance Municipal Code; and

WHEREAS, Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances are Categorically Exempted by the Guidelines for Implementation of the California Environmental Quality Act Section 15301; and

WHEREAS, the City Council of the City of Torrance does hereby find and determine as follows:

- a) That property for which this Conditional Use Permit is approved is located at 3901 Pacific Coast Highway, Suite D;
- b) That the property for which this Conditional Use Permit is approved is described as Parcel Map as per Lot Com E and Tract Meadow Park;
- c) That the subject commercial use is conditionally permitted within C-2 Zone and complies with all of the applicable provisions of the Torrance Municipal Code including the C-2 Zone and all conditions imposed on the property;
- d) That the expanded restaurant operation will not impair the integrity and character of the zoning district as the parking lot has been renovated and its capacity has been increased to accommodate the proposed restaurant expansion;
- e) That the subject site is physically suitable for the type of land use being proposed because the shopping center has been brought into substantial compliance with the removal of unpermitted additions and the submission of an application for a building permit;
- f) That the project is compatible with the existing operations and with the existing nearby land uses as approval of this request would allow a non-conforming restaurant to be brought into compliance and allow the expansion of another successful local business;
- g) That the proposed project will be compatible with existing and proposed future land uses within the C-2 Zone and the general area in which the proposed use is to be located as there is an extensive mix of commercial and retail uses in the subject shopping center and the vicinity, and the use is permitted in the Zoning and General Plan designations;
- h) That the proposed use will encourage and be consistent with the orderly development of the City as provided for in the General Plan and the C-2 Zone as the use is permitted in the C-2 Zone and consistent with the General Plan.

- i) That the proposed use will not discourage the appropriate existing or planned future use of surrounding property or tenancies as the project will serve the area and the community in general;
- j) That there will be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed development is not detrimental to public health and safety;
- k) That there are is adequate provisions for public access to serve the proposed use because there are three existing driveways that provide access from both Pacific Coast Highway and Ocean Boulevard;
- l) That the proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interest, health, safety, convenience or welfare, or to the property of persons located in the area;
- m) That the proposed use will not produce any or all of the following results:
 - Damage or nuisance from noise, smoke, odor, dust or vibration,
 - Hazard from explosion, contamination or fire,
 - Hazard occasioned by unusual volume or character of traffic or the congregating of large numbers of people or vehicles;

NOW, THEREFORE, BE IT RESOLVED that CUP10-00007, filed by Chicken Maison (Patricia Wick) to allow the expansion of an existing restaurant, in conjunction with the approval of an on-site beer and wine license, and as-built restaurant improvements on property located in the C-2 Zone at 3901 Pacific Coast Highway on file in the Community Development Department of the City of Torrance, is hereby APPROVED.

1. That the development and use of the subject property as a restaurant shall be subject to all conditions imposed in Conditional Use Permit 10-00007 and any amendments thereto or modifications thereof as may be approved from time to time pursuant to Section 92.28.1 et seq of the Torrance Municipal Code on file in the office of the Community Development Director of the City of Torrance; and further, that the said restaurant shall maintained in conformance with such maps, plans, drawings, specifications, applications or other documents presented by the applicant to the Community Development Department and upon which the City Council relied in granting approval;
2. That if this Conditional Use Permit is not used within one year after granting of the permit, it shall expire and become null and void unless extended by the Community Development Director for an additional period of time as provided for in Section 92.27.2;
3. That the applicant shall prepare a Landscape Plan showing the improvements to be made, including but not limited to compatible canopy trees along both street frontages to the satisfaction of the Community Development Director (Development

Review);

4. That the landscape layout shall include landscape elements of high quality, and should embrace a cohesive landscape design theme throughout the property. The plan shall incorporate landscape elements of different heights, colors and textures in order to provide a more appealing design to the satisfaction of the Community Development Director (Development Review);
5. That any existing or proposed ground equipment shall be screened from view in a way that is compatible with the site to the satisfaction of the Community Development Department (Development Review).
6. That the outdoor dining areas on the walkway adjacent to the restaurants on site shall be removed as it obstructs handicap accessible circulation in the shopping center; (Development Review); and
7. That this approval is only valid in conjunction with the operation of a bona fide eating establishment, and if the restaurant ceases to serve food, continued sale of alcoholic beverages shall require Planning Commission approval; (Development Review); and
8. That any new roof equipment related to the restaurant expansion shall be screened from view with architecturally compatible materials to the satisfaction of the Community Development Department (Development Review); and
9. That the existing trash enclosures shall be provided with roll-up doors, and a decorative trellis cover with a solid liner under it to prevent wind blown litter, dumping, and rain water from infiltrating into the receptacle. The enclosures, doors and trellis shall be designed to match the design theme for the site to the satisfaction of the Community Development Department (Development Review);
10. That the first parking space from the north driveway (marked as stall # 21) shall be removed to ease access and circulation through the site to the satisfaction of the Community Development Department (Development Review);
11. That any new signs or changes to existing signs require a separate approval from the Environmental Division (Environmental Division); and
12. That the applicant shall install an additional " Do Not Enter / One Way" sign on the safety bollard at the end of the one-way parking lane to the satisfaction of the Community Development Department (Transportation Planning Division); and.
13. That interior security lighting shall be installed in expanded dining room for natural surveillance after hours to the satisfaction of the Police Department and the Community Development Director (Police Department / Development Review)

14. That window frontage shall maintain two-way visibility and be unobstructed for natural surveillance from main fairway (Police Department / Development Review)

Introduced, approved and adopted this _____ day of _____, 2012.

MAYOR, of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:
JOHN L. FELLOWS III, City Attorney

By _____