



## Legislation Text

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**File #:** 21-992, **Version:** 1

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**FROM:**

Planning Department

**TITLE:**

Master Case No. 21-066; Conditional Use Permit No. 11-007R1 - A request for La Katrina Mexican Grill and Cantina to upgrade an existing Type 41 ABC license to a Type 47 for wine, beer and distilled spirits to be consumed on-site.

**RECOMMENDATION:**

Based on the information contained within this staff report, and subject to the attached Findings and Conditions of Approval, staff recommends that the Planning Commission adopt Resolution PC No. 2021-\_\_\_\_; and,

1. Determine that the project is categorically exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22 of the 2019 Local Guidelines for implementing the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption; and,
2. Approve Conditional Use Permit No. 11-007R1.

**APPLICANT:**

Josue Paiz  
17305 Redmaple Street  
Fontana, CA 92337

**LOCATION:**

The project site is located at 17122 Slover Avenue Suite 101K (APN: 0254-221-48).

**REQUEST:**

Conditional Use Permit Modification (CUP No. 11-007R1) is a request for La Katrina Mexican Grill and Cantina to upgrade an existing Type 41 ABC license to a Type 47 for wine, beer and distilled spirits to be consumed on-site.

**PROJECT PLANNER:**

Alejandro Rico, Associate Planner

I. BACKGROUND INFORMATION:

A. Land Use Designations:

|                | General Plan Designation | Zoning Designation          | Existing Land Use   |
|----------------|--------------------------|-----------------------------|---|
| Property Site: | General Commercial (C-G) | Empire Center Specific Plan | Commercial Multi-Tenant Building  |
| North:         | General Commercial (C-G) | Empire Center Specific Plan | Commercial Businesses (Ross, T.J. Maxx and 24-Hour Fitness)                               |
| South:         | General Commercial (C-G) | Empire Center Specific Plan | Brandon's Diner and Starbucks   |
| East:          | General Commercial (C-G) | Empire Center Specific Plan | Commercial Businesses (Tutti Frutti Frozen Yogurt, Dentist, Barber)                       |
| West:          | General Commercial (C-G) | Empire Center Specific Plan | Commercial Multi-Tenant Building (Tasty Good Chinese Food, Beauty Salon, The Blazin Crab) |

**B. Previous Approvals:**

On August 16, 2011, the above referenced parcel was approved for a Type 41 ABC license under CUP11-007. The current restaurant operator is permitted to sell beer and wine to be consumed on-site but is not permitted to serve distilled spirits. This parcel was annexed into the City of Fontana on August 1, 1963 as part of Annexation 003.

**II. PROJECT DESCRIPTION:**

**A. Existing Center:**

The existing La Katrina Mexican Grill and Cantina restaurant is located on the northeast corner of Sierra Avenue and Slover Avenue as part of an existing shopping center. There are currently various businesses within the shopping center including several restaurants, massage establishments, banks, retail stores and beauty salons. As referenced above, the site was part of the County of San Bernardino's jurisdiction prior to the annexation. Entitlements for the shopping center were approved by the City of Fontana.

La Katrina Mexican Grill and Cantina is located in a suite that is 1,936 square feet. The suite is part of a multi-tenant commercial building with various other businesses occupying the adjacent suites. This commercial building is part of the Palm Court shopping center that has several anchor tenants including Target, Ross and 24-Hour Fitness.

**B. ABC License:**

**Proposed Type of ABC License:**

Type 47 (On-Sale Beer, Wine and Distilled Spirits) License, authorizes the sale of beer, wine and distilled spirits for on-site consumption.

**Census Tract No.:**

The restaurant is located within Census Tract No. 26.08. The census tract boundary is rectangularly

shaped as follows: the northern boundary is the I-10 Freeway; the western boundary is Sierra Avenue; the southern boundary the City of Fontana boundary with the County of Riverside; and the eastern boundary is Locust Avenue. This is an area of approximately eight and three fourth's miles (3.3 square miles). A map outlining the census tract is shown on Attachment No. 4.

**Concentration:**

According to the California Department of Alcoholic Beverage Control (ABC), four (4) on-sale licenses may be permitted within Census Tract No. 26.08. Currently, there are ten (10) on sale licenses active within the tract. ABC will require that the Planning Commission make findings for public convenience or necessity.

**III. ANALYSIS:**

**CUP No. 11-007R1 (Type 47 ABC):**

The applicant, La Katrina Mexican Grill and Cantina, is requesting that the Planning Commission review and approve CUP No. 11-007R1, to allow the sale of beer, wine and distilled spirits to be consumed on-site under a Type 47 ABC license. The restaurant currently has a CUP for a Type 41 license to sell beer and wine to be consumed on-site. The restaurant will be allowed to sell beer, wine and distilled spirits from 9 am to 10 pm seven days a week.

In addition to the City of Fontana's Zoning and Development Code requirements and standards, staff has reviewed the location with particular consideration to the physical relationship and proximity of the proposed use to that of similar uses on the same or surrounding sites. Staff found that there are ten (10) on-sale establishments within the same tract (Census Tract No. 26.08), which is depicted on the table below:

| Business Name                     | Address                           | License |    | CUP |
|-----------------------------------|-----------------------------------|---------|----|-----|
| EL CHILITOS MEXICAN RESTAURANT    | 11251 SIERRA AVE, STE C2          | On      | 41 | YES |
| SHAKEYS PIZZA PARLOR FONTANA      | 16940 SLOVER AVE                  | On      | 41 | YES |
| BRANDONS DINE 4                   | 17132 SLOVER AVE                  | On      | 47 | YES |
| HILTON GARDEN INN FONTANA         | 10543 SIERRA AVE                  | On      | 68 | YES |
| HILTON GARDEN INN FONTANA         | 10543 SIERRA AVE                  | On      | 47 | YES |
| CORKYS KITCHEN & BAKERY           | 10926 SIERRA AVE                  | On      | 41 | YES |
| CHIPOTLE MEXICAN GRILL STORE 2317 | 10515 SIERRA AVE, STE D           | On      | 41 | YES |
| BLAZIN CRAB THE                   | 17052 SLOVER AVE, #J-105          | On      | 41 | YES |
| SPICE JAR                         | 17052 SLOVER AVE, STE J110 & J111 | On      | 47 | YES |
| LA KATRINA MEXICAN GRILL          | 17122 SLOVER AVE, STE K-101       | On      | 41 | YES |

The Police Department has reviewed the project site for calls for service and had no objections to this ABC upgrade. Staff finds the existing licenses, as well as the proposed license upgrade, to be appropriate in conjunction with their associated uses.

#### Environmental Review:

This project has been determined not to have a significant effect on the environment and is Categorically Exempt pursuant to Section No. 15301 (Existing Facilities) of the California Environmental Quality Act and Section No. 3.22, of the 2019 Local Guidelines for Implementing the California Environmental Quality Act. CEQA exemption 15301 is based on the following: a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; (c) The project site has no value, as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services. Further, there are no unusual circumstances present under 15300.2 that could provide an exception under 15300.2.

#### MOTION:

Accept staff recommendation.

#### ATTACHMENTS:

1. Vicinity Map
2. Floor Plan

3. Planning Commission Resolution and Conditions of Approval
4. Census Tract Map No. 26.08
5. Matrix of On-Sale Establishments
6. Notice of Exemption
7. Public Hearing Notice

**UNDER SEPARATE COVER:**

1. Floor Plan