



PLANNING COMMISSION STAFF REPORT

APPLICATION: Amendment to CUP96-09 **AGENDA ITEM:** PH-1
CUP2018-0013

PREPARED BY: Nancy Lee, Associate **MEETING DATE:** August 15, 2018
Planner

SUBJECT: Amendment to Conditional Use Permit CUP96-09 and Conditional Use Permit CUP2018-0013
408-410 South Myrtle Avenue

REQUEST: Amendment to Conditional Use Permit CUP96-09 and Conditional Use Permit CUP2018-0013 for the on-site service and sales of alcoholic beverages (Type 47 ABC License) in conjunction with in-theater dining within an existing theater (Studio Movie Grill). This property is located in the HCD (Historic Commercial Downtown) and Area PD-5 (Planned Development Area 5) zone.

APPLICANT: Studio Movie Grill; c/o Steve Rawlings
26023 Jefferson Ave., Suite B
Murrieta, CA 92562

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: In 1996, the Planning Commission approved CUP96-09, permitting the construction of the Krikorian Premier Theater. Following this, the City Council approved the necessary ordinances and amendments to allow the location of the theater in Old Town. Subsequently, a referendum petition was filed with the City Council and the issues were put on the March 4, 1997 ballot. The voters approved the 12 screen theater with a maximum of 2,700 seats.

In 1998, Krikorian Premier Theaters received Planning Commission approval to modify the site plan to allow for a main theater entry on Myrtle Avenue (408-410 South Myrtle Avenue) for queuing instead of an open pedestrian entry originally proposed. In 2000, Krikorian Premier Theaters opened in Old Town Monrovia. Krikorian Premier Theaters offered movie patrons stadium seating and a concession stand that offered snacks and non-alcoholic beverages.

In August of 2017, the applicant, Studio Movie Grill (SMG) purchased the Krikorian Premiere Theaters located in Old Town Monrovia. There are approximately 25 SMG locations in the United States with six locations in California, including Bakersfield, Downey, Redlands, Rocklin and Simi Valley. The SMG movie theater (www.studiomoviegrill.com) business model offers a unique movie-going experience with luxury recliners, reserved seating, and the ability to enjoy an entire meal while watching a movie. SMG also offers a modern lounge

for movie patrons to socialize and enjoy a meal or drink before or after the show. Interior and exterior improvements are in progress.

In order to secure the necessary entitlements for their business model, the applicant, Studio Movie Grill, is requesting approval of an amendment to CUP96-09; and approval of CUP2018-0013 for the service and sales of alcoholic beverages (Type 47 ABC License) in conjunction with in-theater dining within an existing theater (Studio Movie Grill). Based on their request for a state Department of Alcoholic Beverage Control (ABC) Type 47 license, this requires approval of both ABC and the Monrovia Planning Commission. ABC will not issue a license without the approval of a local jurisdiction.

SUBJECT PROPERTY: The T-shaped site is 1.29 acre in area and located on the east side of Myrtle Avenue between Lemon and Lime Avenues in Old Town Monrovia. The main theater entry is located along south Myrtle Avenue, close to Lime Avenue.

The subject site is within the Old Town Parking District boundaries.

Site and Surrounding Land Uses

The project site is designated Historic Commercial Downtown (HCD) and Public/Quasi Public (P/QP) in the General Plan and is zoned HCD (Historic Commercial Downtown) and PD-5 (Planned Development – Area 5). The site is surrounded by the following land uses:

North:

General Plan: Historic Commercial Downtown (HCD)
Zoning: Historic Commercial Downtown (HCD)
Land Use: Restaurant

South:

General Plan: Historic Commercial Downtown (HCD)
Zoning: Historic Commercial Downtown (HCD)
Land Use: Retail

East:

General Plan: Public/Quasi Public (P/QP)
Zoning: Planned Development Area 5 (PD-5)
Land Use: Monrovia Police Department and Fire Department

West:

General Plan: Historic Commercial Downtown (HCD)
Zoning: Historic Commercial Downtown (HCD)
Land Use: Commercial (Retail and Restaurant)

DISCUSSION/ANALYSIS: Section 17.44.025 of the Zoning Ordinance (Title 17) was adopted to allow for review and mitigation of potential adverse impacts associated with establishments which sell or serve alcoholic beverages. A conditional use permit (CUP) is required when alcoholic beverages are sold or served within 500 feet of residential zones, parks, schools, recreation centers, religious assembly or hospital uses. The subject site at 408-410 South Myrtle Avenue is within 500 feet of Monrovia Library Park. In Monrovia, the Planning Commission is granted the authority to approve, approve with conditions, or deny conditional use permits.

Business Operations

SMG combines first-run movies, alternate and family programming, with in-theater dining from an extensive American Grill menu and full-service bar. The SMG concept is “eat, drink, movies”.

SMG’s in-theater dining offers a freshly-prepared American Grill Menu that includes appetizers, entrees, and deserts. The full-service bar features hand-crafted cocktails, margaritas, and beers, and a modern lounge for socializing before or after the show. At the push of a button, patrons are able to place their order with an SMG team member directly from their seats and have their food and beverages delivered before and during the movie showing. Patrons are also able to order food and beverages to enjoy in the lounge.

Since business operation commencement, SMG has been working with the City’s Community Development Department on a variety of building enhancements to accommodate their business concept, which up to this point have included:

- Installing approximately 1,295 new high-back reclining seats with built in swing out tables;
- Converting one of their twelve theaters into a commercial kitchen;
- Constructing a bar and dining area within the existing main theater entry area; and
- Exterior façade upgrades and new signage.

The provisions of the ABC permit as well as the City’s conditions of approval on Data Sheet 1 require the establishment to operate as a bona fide eating establishment. As noted above, a commercial kitchen is proposed and will function as a full service restaurant within the theater, serving freshly prepared meals for patrons. It is important to note that SMG is applying for an ABC Type 47 license, which is a restaurant (“Bona Fide Eating Place”) that serves alcoholic beverages (beer, wine, and distilled spirits). The theater is open daily from 10:00am to 2:00am. The hours that SMG will be serving alcohol are:

Monday – Thursday	11:00 am – 1:00 am
Friday – Saturday	11:00 am – 1:00 am
Sunday	12:00 pm – 12:00 am

The Amendment to CUP96-09 is to eliminate the previously approved conditions of approval (COA) that prohibits alcoholic beverage consumption within the theater (COA no. 33) and modify the security requirement to a security management plan (COA no. 31) that fits the SMG business operation model (Amendment CUP96-09 Data Sheet 1).

SMG anticipates approximately 20-75 employees working per shift. For typical weekday nights, SMG anticipates 25 employees working during each shift, while approximately 50-60

employees are anticipated to work during each shift for Friday and Saturday nights. For busy holiday seasons, SMG anticipates up to 75 employees working per shift. Each employee will be required to go through a weeklong detailed training on alcohol service best practices.

Floor Plan

The main theater entry is located along south Myrtle Avenue. The existing theater occupies 55,896 square feet on the first floor and 13,197 square feet on the second floor. As noted above, the main theater entry will be transformed with the addition of a bar and lounge area. One of the existing theater auditoriums will be remodeled into a commercial kitchen. The proposed service of alcohol would take place indoors and limited to the first floor (auditoriums and within the bar and lounge area). The floor plan indicates seating for approximately 102 in the bar and lounge area and a total of approximately 1,295 auditorium seats. The second floor contains projection booths, storage, and employee restrooms and lockers. Access to the second floor is limited only to employees.

Security Plan

SMG has the following measures in place to ensure that alcoholic beverages stay with the purchaser and within the theater:

- Patrons who order alcohol beverages will be fitted with a wristband;
- Alcohol beverages are served in cups that differ from non-alcoholic beverages;
- Signs prohibiting alcohol beverages outside of the building are placed at all exits; and
- Theater employees monitor the auditoriums every 30 minutes to ensure that alcohol stays within the building and alcohol is not passed to minors.

Additionally, a condition of approval for CUP96-09 has been amended to require the submittal of a final security management plan to the Police Chief for review and approval.

Development Review Committee Review

At their meeting of July 18, 2018, the Development Review Committee (DRC) reviewed the proposed application for SMG. The Committee reviewed the proposed operation and conditions and unanimously recommended approval of the request to the Planning Commission.

Conclusion

SMG is offering an upgraded movie-going experience by offering reserved seating, luxury recliners, and in-theater dining. Since their business model is “eat, drink, movies”, the in-theater dining concept is unlike a conventional movie theater and brings a unique service to Old Town. Unlike the other Monrovia full service restaurants, SMG is a theater and a bona-fide eating establishment that if approved will provide beer, wine, and distilled spirits with meals. The proposed conditions of approval for the service of alcohol for on-site consumption will ensure that SMG will be compatible with and not cause adverse impacts on the surrounding properties.

RECOMMENDATION: The Development Review Committee and Staff recommend approval of Amendment to CUP96-09 and CUP2018-0013. If the Planning Commission concurs with this recommendation then, following the public hearing, the appropriate actions would be:

1. Pursuant to the California Environmental Quality Act (“CEQA”) and the City’s local CEQA Guidelines, the Planning Commission in the exercise of its independent

judgment finds that Amendment to CUP96-09 and CUP2018-0013 are categorically exempt from CEQA under Class 1.

2. The Planning Commission finds that the custodian of records for all other materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California, 91016.
3. The Planning Commission in the exercise of its independent judgment hereby makes the findings listed on attached Data Sheet 3 for CUP96-09 and Data Sheet No. 3 for CUP2018-013, which are incorporated herein by this reference.
4. The Planning Commission approves Amendment to CUP96-09, subject to the attached Planning Conditions on Data Sheet No. 1 and CUP2018-0013, subject to the attached Planning Conditions on Data Sheet No. 1, and the Recommendations in the Staff Report, all of which are incorporated herein by this reference..

MOTION:

Close the public hearing and approve Amendment to CUP96-09 and CUP2018-0013 pursuant to the recommendations in the Staff Report.



DATA SHEET 1

Planning Conditions

**CUP96-09 Movie Theater
(Amendment)**

408-410 South Myrtle Avenue

Development of the subject property and operations on the site must remain in substantial conformance at all times with the request and application forms and plans submitted by the applicant for CUP96-09, allowing a movie theater, as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to this conditional use permit.

1. These CUP96-09 (Amendment) Planning Conditions shall replace the 45 original CUP96-09 Planning Conditions as approved on May 13, 1998 by the Planning Commission.
2. A landscape plan prepared by a licensed landscaped architect shall be submitted to the Community Development Department for plan check showing the type, size and locations of all on-site planting areas. A combination of 24" and 36" box trees shall be required throughout the site (on-site only). All landscaping shall be maintained by a permanent automatic irrigation sprinkler system.
3. No roof mounted mechanical equipment shall be permitted unless completely screened by the proposed roof design from street level.
4. Ground level mechanical equipment shall be completely screened with landscaping.
5. The entire development shall be constructed in strict compliance with the approved site, elevation and landscape plans.
6. Exterior lighting shall be required and shall be designed, arranged and installed so as to confine direct rays onto the premises and to direct light away from adjacent uses.
7. All utilities and structures such as gas meters, electrical meters, telephone pedestal mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions, shall be noted on plan with provisions for appropriate screening.
8. A detailed sign program shall be submitted for review and approval by the Development Review Committee.
9. The applicant shall submit the required filing fee for submittal of the Negative Declaration to the County Recorder (required by State of California).

10. Electrical power, telephone service and cable to the development shall be underground.
11. The final design, building materials and colors of the building elevation shall be approved by the Development Review Committee, the Planning Commission and the Historic Preservation Commission.
12. A transportation information area inside the building shall be established consisting of a bulletin board kiosk, or similar display area so that transportation information, including transit route maps, bicycle route maps, information for local transit operations and ridesharing information may be available to employees. (Note: Congestion Management Requirement).
13. A bicycle rack shall be provided. (Note: Congestion Management Requirement).

POLICE CONDITIONS

14. A Coordinating Committee shall be formed to include members of the Community Activist Policing Committee, The Old Town Merchants Association, Chamber of Commerce and representatives of the movie theater and representatives from the community. The Committee will meet to discuss issues of mutual concern to maintain a safe and friendly environment in the Old Town area.
15. Hours of operation shall be permitted between 10:00 a.m. and 2:00 a.m. seven (7) days a week unless an amendment to the Conditional Use Permit is approved by the Planning Commission.
16. No patrons shall be on the premises during closed hours unless an amendment to the Conditional Use Permit is approved by the Planning Commission.
17. Live entertainment, dancing and modeling shall be prohibited within the theater. Amplified music is permitted, but the sound emitted from the premises shall not be audible outside the boundaries of the theater.
18. Exhibitions shall not be conducted in conjunction with the theater unless an amendment to the Conditional Use Permit is approved by the Planning Commission.
19. No sporting game or games of competition shall be permitted in conjunction with the theater unless an amendment to the Conditional Use Permit is approved by the Planning Commission.
20. The display, posting or airing via closed circuit of any gambling odds shall be prohibited unless preempted by State Law.
21. The use of pornographic material in the form of movies, videos, slides, magazines, or pictures shall be prohibited on theater property.

22. There shall be no activities permitted of an adult-oriented nature as defined in Title 17 of the Monrovia Municipal Code.
23. No warning devices and/or any action by employees that could serve to alert patrons or employees to the presence of law enforcement or other inspectors shall be permitted.
24. All rooms including office space shall be available for inspection by the Police Department during all open business hours.
25. The applicant shall, at the request of the Police Department, remove or modify public telephones on theater property to prevent incoming calls.
26. The exterior of the premises, including adjacent public sidewalks and all parking lots under control of the theater, shall be illuminated during the hours of darkness with sufficient lighting to illuminate and make easily discernable the appearance and conduct of all persons on or about the theater.
27. Any graffiti painted or marked upon the premises or on adjacent areas under the control of the theater shall be removed or painted over at the expense of the theater within forty- eight hours.
28. If it is determined by the Community Development Director, or Public Services Director that patrons of the theater are littering the surrounding streets, sidewalks, parking lots, parks, or adjoining private properties as a result of their coming or leaving the establishment, the theater will provide sufficient employees to pick-up and properly dispose of all litter immediately at the end of each business day.
29. In the event that crime problems increase in the area because of the theater, the Conditional Use Permit shall be subject to review and modification to require the theater to pay for additional security personnel as determined by the Chief of Police.
30. If waiting lines outside of the theater extend onto public walkways, sidewalks and streets, the Chief of Police may determine that additional security personnel are required to exclusively supervise the patrons in line.
- ~~31. Uniformed security guards are responsible for the safety and security of the patrons and the theater and shall not be used for any other purposes. A final security management plan shall be submitted to the Police Chief for review and approval.~~
32. The owner shall maintain video surveillance cameras with a recorder to monitor and record hallways and common areas, including the immediate parking lot areas, courtyards, and walkways. Video recordings shall be kept for a minimum of ten days and shall be available for review by the Police Department upon request. The applicant shall provide video surveillance camera or other method approved by the Police Chief.

33. Prominent, permanent signs stating; 1) No loitering is allowed on or around these premises, ~~2) No open alcoholic beverage containers are allowed on these premises~~ and, 2) No alcoholic beverages may be taken outside of the theater premises and 3) Signs alerting the public of the video surveillance shall be posted in places clearly visible to patrons in common areas, immediate parking lots, courtyards and the walkways.
34. Decorative gates shall be installed at the entry to the walkways from Lime and Lemon Avenues. Design to be reviewed and approved by the Development Review Committee and the Police Department.
35. Violation of any municipal, state, or federal laws can be grounds for revocation of the Conditional Use Permit.
36. The owner and manager of the theater shall be strictly accountable for compliance with each and every condition imposed as part of Conditional Use Permit, whether or not the owner or manager is personally present at the location.
37. The violation of any condition imposed as part of the Conditional Use Permit shall be grounds for revocation of the theater's business license as well as revocation of the Conditional Use Permit.

FIRE CONDITIONS

38. Building to be fully fire sprinklered per N.F.P.A. 13.
39. Building to have a 24-hour monitored smoke detection and alarm system to be monitored by a central or remote station.
40. All decorations used shall be non-combustible or flame proofed in an approved manner (Title 19) (curtains, drapes, shades, hangings, etc.).
41. Submit and obtain Fire Department approval for any kitchen fire suppression systems for cooking equipment that produces grease laden vapors prior to installation.
42. Knox boxes required for Fire Department access.
43. Provide all required exit signs and emergency lighting.
44. Provide fire lanes and Fire Department access shall be provided. Lime Avenue parking conversion shall maintain a 28' clear pathway from Myrtle Avenue to Ivy Avenue or maintain 24' clear pathway with designated spaces for Fire Department aerial apparatus outrigger extensions.
45. Must meet all A.D.A. requirements.

46. Provide designated parking for fire administration and fire prevention personnel. Total 8 spaces with proper signage to say "NO PARKING - FIRE DEPARTMENT ONLY". Suggested parking to be located north side of Lemon Avenue, just west of Fire Station 101. Also, 12 temporary spaces between the hours of 6:30 a.m. and 9:00 a.m., seven days a week for fire -suppression personnel at the exchange for their work shifts. Any modification to Lemon Avenue including parking, curb cuts, and lane widths shall be approved by the Fire Department (City responsibility).

All other requirements will be on approved plans.



CONDITIONAL USE PERMIT 96-09 (Amendment)

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for amending Conditional Use Permit No. 96-09 is to modify the conditions of approval for an existing movie theater to allow for the on-site service and sales of alcoholic beverages (Type 47 ABC License) in conjunction with in-theater dining for property located at 408-410 South Myrtle Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for the proposed use. *The topography of this commercial area is relatively flat and is improved with a commercial building that has operated as a theater since 2000 (CUP96-09). The size of the interior building area will remain the same and is adequate in size and shape to accommodate the service of alcoholic beverages as an ancillary use in conjunction with in-theater dining within an existing theater.*
- B. The project site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. *The existing movie theater use, approved under CUP96-09 is located in a commercial area, which is suited to support these types of uses and traffic loads. Parking is provided within the Old Town Parking district. The number of auditorium seats proposed has been reduced from 2,700 to 1,295. Since the main operation continues to be a movie theater, the introduction of in-theater dining and service of alcoholic beverages and the reduction of auditorium seating are not expected to generate additional traffic.*
- C. That the proposed use is compatible with the General Plan and any applicable specific plan, and will not adversely impact the objectives of the General Plan and any applicable specific plan. *The existing movie theater, approved under CUP96-09, is proposing the service of alcoholic beverages in a bona fide eating place (in-theater dining) is consistent with the General Plan, including those General Plan requirements specific to the HCD (Historic Commercial Downtown) and Planned Development Area 5 designation, which promote a variety of retail and entertainment uses. Further, the applicant is required to comply with the conditions of approval to ensure the service of alcoholic beverages will not adversely impact the objectives of the General Plan.*
- D. That the use will comply with the applicable provisions of the zoning ordinance, except for approved variances. *There are no variances requested for this CUP. The existing theater was approved under CUP96-09 as required by the zoning ordinance. The existing movie theater is constructing a commercial kitchen that will function as a full service restaurant within the theater, serving freshly prepared meals for patrons. Conditions of approval for a previously approved*

movie theater are being amended to allow for the service of alcoholic beverages within the movie theater. Therefore, the proposed service of alcoholic beverages in a bona fide eating place is consistent with the zoning ordinance and the standard Monrovia Municipal Code conditions.

- E. The proposed location of the use and the conditions under which it will be operated or maintained will not be detrimental to the public health safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. *The existing movie theater opened in 2000 (CUP96-09), and will continue to operate with reduced auditorium seating (2,700 to 1,295). Conditions of approval for a previously approved movie theater are being amended to allow for the service of alcoholic beverages as an ancillary use to the full service restaurant within the existing theater. The applicant is required to comply with the conditions of approval for the service of alcoholic beverages as part of the theater operation to ensure the service of alcoholic beverages is not detrimental or injurious to the public and surrounding uses. Further, a condition of approval is being amended to require a security management plan, subject to the review and approval of the Police Chief to ensure that the theater will continue to operate in a fashion that will not be detrimental to public health, safety or welfare or materially injurious to properties or improvements within the vicinity.*



DATA SHEET 1

Planning Conditions

CUP2018-0013
On-Site Alcohol Sales (ABC Type 47)

408-410 South Myrtle Avenue

Development of the subject property and operations on the site must remain in substantial conformance at all times with the request and application forms and plans submitted by the applicant for CUP2018-0013, allowing for the service and sales of alcoholic beverages (Type 47 ABC License) in conjunction with in-theater dining within an existing theater (Studio Movie Grill), as approved by the Planning Commission and placed on file in the office of the Planning Division, except as modified by the conditions imposed by the Planning Commission and by subsequent modifications determined by the Planning Division Manager to be in substantial compliance with the conditions of approval. The term "Applicant" as used herein shall include the applicant, the property developer and all successors in interest to these conditional use permits.

1. The establishment shall be operated as a "Bona Fide Eating Place" as defined by the Department of Alcoholic Beverage Control (ABC). The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods and a full menu normally offered in restaurants. The service of sandwiches or salads shall not be deemed in compliance with this requirement.
2. Alcoholic beverages cannot be sold or consumed to a patron who is not seated or to anyone when the restaurant kitchen is closed.
3. The quarterly gross sales of alcohol beverages shall not exceed 33 percent of all gross sales of all products during the same period. The licensee shall maintain records which reflect separately the gross sales of alcoholic beverages. Records for the last quarter shall be made available to the City only if complaints have been received regarding the violation of conditions of the CUP.
4. The approved floor plan is an integral part of the decision approving this CUP. There shall be no change in the design of the floor plan without the approval of the Planning Division unless modification is required by the Building Official. Any change in the approved floor plan which has the effect of expanding or intensifying the present use shall require an amendment to the CUP.
5. All areas in the restaurant shall be available for inspection by the Police Department and the Community Development Department during all open business hours.
6. No sporting game or games of competition shall be permitted in conjunction with the business unless approved as part of the CUP application.
7. The display, posting or airing via closed circuit television of any gambling odds shall be prohibited unless pre-empted by the State.

8. No patrons shall be on the premises during closed hours.
9. There shall be no uses or activities permitted of an adult-oriented nature as defined in Title 17 of the Monrovia Municipal Code.
10. The use of pornographic material in the form of videos, slides, magazines, or pictures shall be prohibited within the business establishment.
11. If amplified music is approved, the sound emitted from the premises shall not be audible outside the boundaries of the establishment.
12. No locking devices shall be allowed on interior doors that enclose rooms open to the public.
13. No warning devices and/or any action by employees that could serve to alert patrons and employees to the presence of law enforcement or other inspectors shall be permitted.
14. If it is determined by the Community Development Director or Public Services Director that patrons are littering the surrounding streets, sidewalks, parking lots, parks, or adjoining private properties as a result of their coming or leaving the establishment, the business will provide employees to pick-up and properly dispose of all litter.
15. All supplies, products, materials, and equipment shall be stored within the building. Outdoor storage of supplies, products, materials, and equipment is prohibited. The outdoor area to the rear of the restaurant shall be kept free of supplies, products, materials, and equipment.
16. In the event security/policing problems occur, this CUP shall be subject to review by the Development Review Committee (DRC) and may be modified to require uniformed security guards as determined necessary by the DRC.
17. The exterior of the premises, including adjacent public sidewalks shall be illuminated, during the hours of darkness with sufficient lighting to illuminate and make easily discernible the appearance and conduct of all persons on or about the establishment.
18. Window signs shall be placed and maintained in a manner so that there is a clear and unobstructed view of the interior of the premises from the public sidewalk or entrance to the premises.
19. Any graffiti painted or marked upon the premises or on an adjacent area under the control of the licensee shall be removed or painted over within forty-eight hours, unless any law in effect at that time imposes a shorter time period for eradication.
20. No happy hour, no drink specials or other bar promotions are permitted to be advertised outside or in the window/door area.

21. The Applicant shall provide education to restaurant staff pertaining to service of alcoholic beverages, including common indications that a patron has been overserved.
22. Alcohol service hours shall be limited to 11:00 AM to 1:00 AM Monday through Thursday; 11:00 AM to 1:00 AM Friday and Saturday; 12:00 PM to 12:00 AM Sunday. Before any change is made in these Alcohol service hours, approval by the DRC must be obtained. Alternatively, the DRC may refer the matter to the Planning Commission for its review, in which case no change in the hours of operation shall be made without Planning Commission approval.
23. Alcohol service and consumption is not permitted within the second floor of the movie theater.

GENERAL REQUIREMENTS

Any violation of these conditions of approval or the Monrovia Municipal Code may be subject to the Administrative Fine Ordinance, other available remedies and/or revocation or modification of this permit at the discretion of the City Attorney and City Prosecutor.

24. In addition to Planning (Data Sheet No. 1), the Applicant shall also comply with all requirements of the Building Division and Fire Department that are directly applicable to the project.
25. These CUPs may be called for review, including modification or revocation, at any time by City Staff, the City Council, or Planning Commission if a violation of the approved conditions or the Monrovia Municipal Code is alleged, or if it is alleged that the establishment, or its patrons, are creating a public nuisance, and such violation or public nuisance is verified as valid by the Police Department, Code Enforcement, or other City department. In addition to any other remedy available to the City, security measures may be required such as adding an additional employee to monitor the area where problems are occurring.
26. Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, suits, demands, actions, losses, damages, judgements, settlements, penalties, fines, defensive costs or expenses (including without limitation, interest, attorneys' fees and expert witness fees), or liability of any kind or nature arising out of or attributable to the acts or omissions of Applicant, or Applicant's officers, officials, employees, or agents which in any way arise out of, result from, or are in any way related to sale of alcoholic beverages at the property, excepting only liability arising out of the sole negligence or willful misconduct of City, its officers, officials, employees, agents, or volunteers. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at the Applicant's expense.

27. Additional Indemnification. As a condition of approval, Applicant agrees to defend, indemnify, protect and hold harmless City, its officers, officials, employees, agents and volunteers from and against any and all claims, actions, or proceeding against the City, its officers, officials, employees, agents and/or volunteers to attack, set aside, void or annul, an approval of the City, Planning Commission or City Council concerning this permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at Applicant's expense.
28. The Applicant shall, within 30 days after approval by the Planning Commission, submit to the Community Development Department his/her written acknowledgment of receipt of the decision approving the Conditional Use Permits and his/her written consent to all of the conditions of approval contained in Data Sheet Number 1. The CUP shall be void and of no force or effect unless such written acknowledgment and consent is submitted to the City within the 30 day period.
29. The Development Review Committee shall review the use permitted by the CUP one (1) year from the date the use commences.
30. The use or development associated with the CUP shall begin within one (1) year after its approval or it will expire without further action by the City.
31. All of the above conditions shall be complied with prior to commencement of the sale of alcoholic beverages, unless an earlier compliance period is specified as part of a condition.



DATA SHEET 3

Findings

CUP2018-0013

On-Site Alcohol Sales (ABC Type 47)

408-410 South Myrtle Avenue

CONDITIONAL USE PERMIT 2018-013 (Service of Alcoholic Beverages)

As required by Section 17.52.290 of the Monrovia Municipal Code (MMC), the decision for granting CUP2018-0013 to allow for the on-site service and sales of alcoholic beverages (Type 47 ABC License) in conjunction with in-theater dining within an existing theater (Studio Movie Grill) located at 408-410 South Myrtle Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for the proposed on-site service and sales of alcoholic beverages (Type 47 ABC License) in conjunction with in-theater dining within an existing theater (Studio Movie Grill). *The topography of this commercial area is relatively flat and is improved with the commercial building that has operated as a theater since 2000. The size of the interior building area will remain the same and is adequate in size and shape to accommodate the service of alcoholic beverages as an ancillary use in conjunction with in-theater dining within an existing theater.*
- B. The project site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. *The existing theater, located in Old Town, has been in operation since 2000 and has sufficient access to streets and highways that are adequate in width and pavement to carry the quantity and quality of traffic generated. Further, the number of auditorium seats proposed has been reduced from 2,700 to 1,295 (Studio Movie Grill). Parking is provided within the Old Town Parking district. Therefore, the introduction of in-theater dining and service of alcoholic beverages is not expected to generate additional traffic as the main operation continues to be a theater.*
- C. The proposed sale of alcoholic beverages for on-site consumption in an existing theater is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *Studio Movie Grill (SMG) is constructing a commercial kitchen that will function as a full service restaurant within the theater, serving freshly prepared meals for patrons. Therefore, SMG is applying for an ABC Type 47 license this location, under CUP2018-013, which is a restaurant that serves alcoholic beverages (beer, wine, and distilled spirits). Furthermore, the proposed service of alcoholic beverages in a bona fide eating place is consistent with the General Plan, including those General Plan requirements specific to the HCD (Historic Commercial Downtown) and Planned Development Area 5 designation. The service of alcoholic beverages is an ancillary use to the in-theater dining options.*
- D. The proposed sale of alcoholic beverages for on-site consumption in an existing theater will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this CUP. Studio Movie Grill is constructing a commercial kitchen that will function as a full service restaurant within the theater, serving freshly*

prepared meals for patrons. The existing theater was approved under CUP96-09 as required by the zoning ordinance. Therefore, the proposed service of alcoholic beverages in a bona fide eating place is consistent with the zoning ordinance and the standard Monrovia Municipal Code conditions.

- E. The location of the existing theater requesting approval for the on-site service and sales of alcoholic beverages in conjunction with in-theater dining and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety or welfare, nor will it be materially injurious to properties or improvements in the vicinity. *The applicant is required to comply with the conditions of approval for the service of alcoholic beverages as part of the restaurant operation to ensure the service of alcoholic beverages is not detrimental or injurious to the public and surrounding uses. The service of alcoholic beverages is an ancillary use to the full service restaurant within the existing theater. Condition of Approval No. 16 states that if any security/policing problems occur, the CUP may be subject to review by the Development Review Committee, which may require additional mitigation measures.*

Further, as required by Section 17.44.025 of the Monrovia Municipal Code (MMC), the decision for granting CUP2018-0013 to allow for the on-site service and sales of alcoholic beverages (Type 47 ABC License) in conjunction with in-theater dining within an existing theater (Studio Movie Grill) located at 408-410 South Myrtle Avenue is based on the following findings:

- A. The proposed on-site service and sales of alcoholic beverages (Type 47 ABC License) in conjunction with in-theater dining within an existing theater will not adversely and seriously affect the peace, health, safety and welfare of residents of the community. *Condition of Approval No. 1 requires the establishment to operate as a “bona fide eating place.” Since Studio Movie Grill is constructing a commercial kitchen that will function as a full service restaurant within the theater, serving freshly prepared meals for patrons, the service of alcoholic beverages is an ancillary use. Additional conditions of approval require that all areas of the restaurant shall be available for inspection by the Police Department and Community Development Department during all open business hours. Furthermore, the CUP may be called for review at any time if a violation of the approved conditions or the MMC is alleged in creating a public nuisance.*
- B. The proposed use will not directly contribute to peace, health, safety and general welfare problems including but not limited to loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions as well as traffic circulation, parking, and noise problems on public streets and adjacent parking lots. *The applicant will be required to adhere to the conditions of approval that set forth regulations that are specific to the sale of alcoholic beverages and the overall business operation. Condition of Approval No. 14 indicates that if the Community Development or Public Services Director determine that patrons are littering as a result of coming or leaving establishment, the business will be responsible for the pick-up and proper disposal of all liter.*
- C. The proposed use will not create serious adverse impacts to the commercial district. *Studio Movie Grill is constructing a commercial kitchen that will function as a full*

service restaurant within the theater, serving freshly prepared meals for patrons. The in-theater dining concept is unlike a conventional movie theater and will be a unique entertainment feature in Old Town. Therefore, the introduction of in-theater dining and service of alcoholic beverages is not expected to create serious adverse impacts to the commercial district because the main operation will continue to be a theater. Furthermore, conditions of approval have been imposed on the operation of the business that will prevent such adverse impacts from occurring and will require them to be addressed immediately by the operator of the business.

- D. *The proposed use is adequately served by sufficient parking to serve the quantity of traffic such use generates. The existing theater, located in Old Town, has been in operation since 2000 and parking has been provided within the Old Town Parking district. Further, the current operator has reduced the number of auditorium seats proposed 2,700 to 1,295. It is not anticipated that the introduction of in-theater dining and the service of alcoholic beverages will generate additional parking and traffic demands as the main operation will continue to be a theater, and the number of auditorium seats has been reduced.*
- E. *The proposed use will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation. The existing theater, located in Old Town, has been in operation since 2000. Further, the current operator has reduced the number of auditorium seats proposed 2,700 to 1,295. It is not anticipated that the introduction of in-theater dining and service of alcoholic beverages will be incompatible with adjoining uses as the main operation of a theater will remain.*
- F. *The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. The nearby park and recreation center properties will not be negatively impacted because alcoholic beverages will only be served to theater patrons for consumption within the theater. Furthermore, sufficient safeguards exist that will allow the City to exercise control measures that will protect the peace, health, and safety of surrounding properties. The CUP may be called for review at any time by City Staff, the City Council, or Planning Commission if complaints are filed and verified as valid by the Police Department, Code Enforcement Division or other City departments concerning a violation of the approved conditions, or the establishment or its customers creating a public nuisance.*

Project Narrative/Statement of Operations

**Studio Movie Grill
410 South Myrtle Ave.
Monrovia, CA
July 23, 2018**

Proposed Use: Permit to sell beer, wine and spirits (ABC Type 47 License) at a new Studio Movie Grill restaurant/theater. Remodel of the interiors and exterior will be performed under separate building permit. Proposed interior configuration is depicted on floor plans.

Hours of Operation: 10am to 2am daily

Alcohol Service Hours:

Sunday: 12:00 pm (Noon) – 12:00 am (Midnight)

Monday – Thursday: 11:00 am to 1:00 am

Friday & Saturday: 11:00 am to 1:00 am

Alcohol Service:

Alcohol may be ordered in the restaurant, bar or from a patron's seat in the auditorium. Alcohol sales cease 30 minutes after the last movie starts and no patrons are admitted into the building 10 minutes after the last movie starts. Patrons may dine in the restaurant whether or not they purchase a movie ticket. Patrons may purchase alcohol without food, though food is always available whenever alcohol is being sold.

Patrons ordering alcohol are fitted with a wristband. Auditoriums are monitored at least every 30 minutes. Alcohol is served in containers that are different than containers for other beverages. Signs are placed at all exterior exit doors stating that alcohol is prohibiting outside.

Approximate Employees Per Shift: 20 – 75

Menu: See Attached

Security Measures: See Attached "Security Measures" for information.

Employee Training: All Studio Movie Grill servers undergo a comprehensive week long training program that includes detailed training on alcohol service best practices. See Attached "Server Training Manual" for more information. All managers undergo the same training. Managers politely ask patrons that are disruptive to alter their behavior. If patrons become unruly, then Managers are trained to contact local law enforcement.

THE SMG EXPERIENCE

Studio Movie Grill has approximately 25 locations in the United States with 6 locations in CA: Bakersfield, Downey, Redlands, Rocklin and Simi Valley. A trip to SMG is unlike any other entertainment experience. Whether you come early or stay late, we'll set the mood for a great night to socialize and connect. We've created an immersive movie-going experience with custom luxury recliners paired with laser projection, studio extreme large format auditoriums, and Q-SYS sound systems so you can enjoy this season's biggest blockbuster, take in a family feature, or host a private event. Service buttons are placed at every seat, so your server instantly knows when you need to place your order or need assistance, and we'll deliver your order directly to your seat anytime during the show.

What's the difference between SMG and other movie theaters?

SMG combines first-run movies, alternate and family programming, with in-theater dining from an extensive American Grill menu and full-service bar. At the push of a button, place your order with an SMG team member directly from your seat and have your food and beverages delivered before and during the show.

How does SMG work? Do I have to arrive early to order?

Enjoying SMG is easy. Here are some helpful tips on how to SMG: Purchase tickets online or at the theater. We encourage guests to arrive 15-20 minutes prior to show time. If seating hasn't begun for your movie, please enjoy a cocktail or non-alcoholic beverage from our lobby bar until seating is announced. Once seated, service is available by pushing your Service Button, conveniently located at every seat, table or counter. Our team is trained to deliver your order to your seat without compromising your viewing experience or interrupting other guests. You can order from our menu as often as you like throughout the movie. Towards the end of the movie, we will drop your check for payment. Enjoy your show!

What types of seating options are available?

SMG provides four different types of seating for your experience (not all seating styles are available at each location). Table A and B seats share a table surface that offer either a desk style chair or stationary chair option. Counter-top seats share a counter space for all parties on that row and offer a desk style chair option. The lounge seat with a tray table is a stationary chair that include a built-in tray table as well as a more expansive seating area. The reclining lounge seat with a tray table is a stationary chair that include a built-in tray table and the ability to power recline your chair. A matter of personal preference, all four seating options provide an exceptional dining and viewing experience.

When does SMG publish movie listings and show times?

Movie listings and show times for all SMG locations are posted in full schedule every Tuesday evening for the upcoming weekend through the following Thursday. Sometimes, Federal Holidays may delay a schedule from being posted. Please note: Some films have advance ticketing available for purchase online and in-theater up to several weeks in advance of opening. You can see what movie titles are available for advanced purchase through the Movies

page. Movie titles and show times are subject to change. Our web site is the most accurate website for show time information. We recommend to check the listings on the day you plan to see the movie.

When are you open for business?

We are open 365 days a year, unless an unforeseen situation does not allow us to be open. Each location's box office opens 1 hour prior to the start of the first show for each day.

Security Measures

Studio Movie Grill

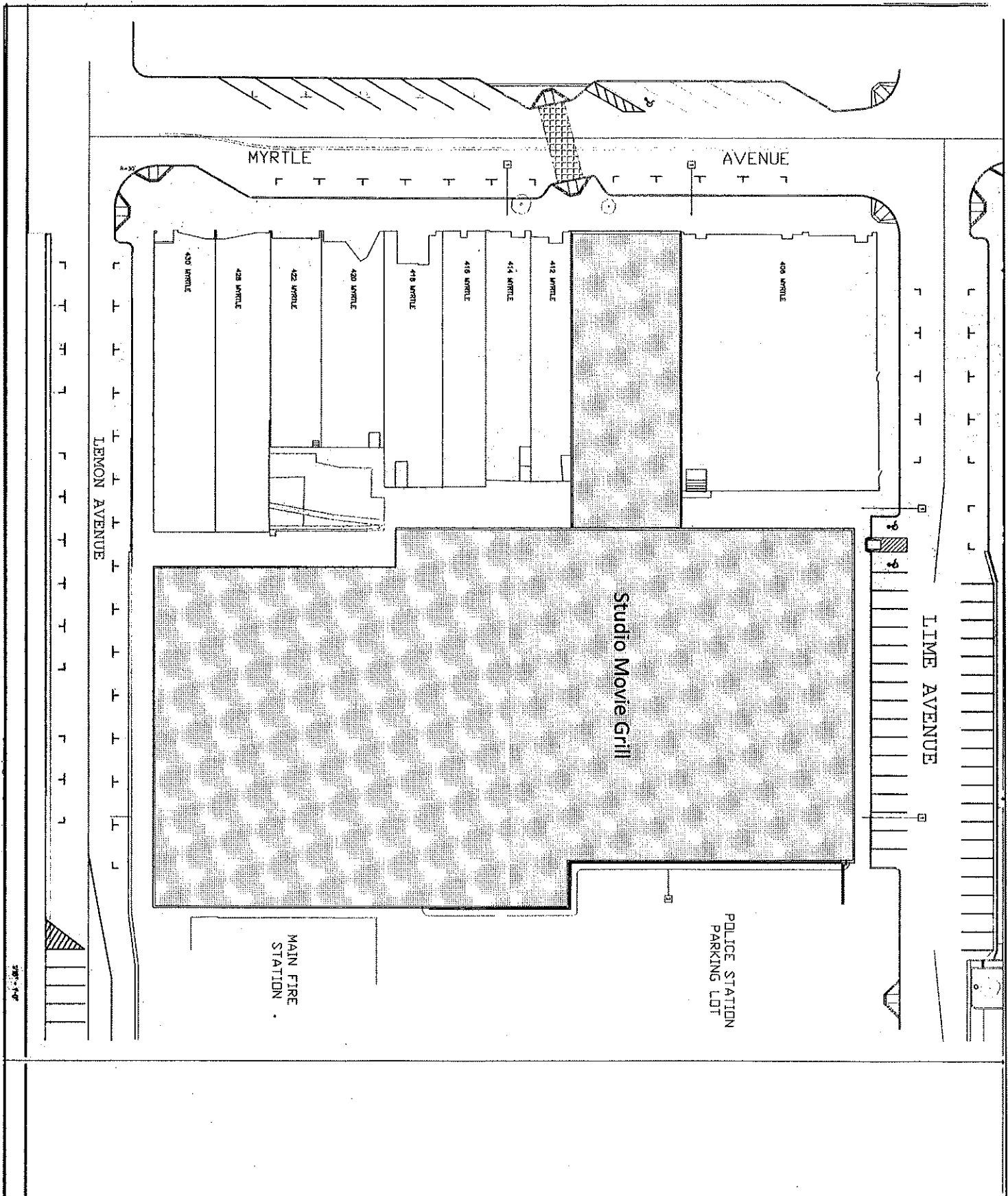
- External cameras covering all emergency exits (Perimeter)
- External cameras covering the back side of the building, to cover the rear kitchen entrances, vendor entrance, dumpster area, and rear parking areas if applicable.
- Internal cameras covering the Entry, Box/register area, lobby areas, sitting areas, bar area, hallways, kitchen, manager' offices, offices with safes, and employee rest area.
- Perimeter alarms/contacts at all perimeter doors, panic buttons at Manager's office, Bar and reception/Box.
- Detex alarm at all emergency exit doors
- Managers offices will be zoned.
- Burglar Alarm will be monitored
- Fire alarm will be monitored
- Fire suppression system
- Fire Panel installed in accordance with local fire ordinances
- Emergency lighting in main areas, theatres and kitchen
- Cintas is contracted for Safety and Kitchen (semi-annual/annual) inspections

Responsible Service of Alcoholic Beverages

Studio Movie Grill is committed to the responsible service of alcoholic beverages. In accordance with this commitment, all team members are required to follow the procedures listed below:

1. No team member will serve an alcoholic beverage to anyone under the age of 21.
2. All team members will carefully check Identification of anyone who appears to be under 30 years of age.
 - a. Acceptable documentation is a valid driver's license with a photo issued by the state or a U.S military ID.
 - b. The team member will carefully check the identification to determine its authenticity. The manager should be informed if there is any appearance of forgery or tampering.
 - c. In the absence of authentic identification, or in case of doubt, the team member will refuse service of alcoholic beverages to the customer.
3. No team member will serve an alcoholic beverage to anyone who is intoxicated.
<http://www.abc.ca.gov/forms/abc637.pdf>
4. No team member will serve alcoholic beverages to anyone to the point of intoxication.
5. It is the team member's responsibility to notify a manager when a customer shows signs of intoxication or is requesting alcoholic beverages above the limits of responsible beverage service.
6. Any intoxicated customer wishing to leave the establishment will be urged to use alternative transportation provided by the establishment. (This can be a cab service, designated driver, etc.)
7. All team members are obligated to inform law enforcement authorities when intervention attempts fail.
8. No team member will drink alcoholic beverages while working.
9. Studio Movie Grill will closely monitor service and consumption of alcohol including measuring drinks, and serving only one drink at a time.

All team members who serve/sell alcoholic beverages will successfully complete a training course when beginning employment.



Property Address
410 South Myrtle Ave.

APN: 8516-017-026 & 028

Applicant:

Steve Rawlings
Alcoholic Beverage Specialists
26023 Jefferson Ave., Suite B
Murietta, CA 92562

Proposed Use:

Permit to sell beer, wine and spirits
(ABC Type 47 License) at a new Studio
Movie Grill theater/restaurant.

Studio Movie Grill

410 S. Myrtle Ave.

Monrovia, CA

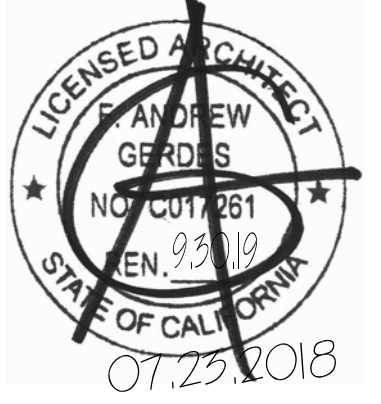
Site Plan



1st LEVEL FLOOR PLAN



Architecture / Development
14901 Quorum Drive
Suite 300
Dallas Texas 75254
Ph: (972) 239-8884
Fax: (972) 239-5054



STUDIO MOVIE GRILL - PHASE II REMODEL
11-PLEX MOTION PICTURE THEATRE
410 S. MYRTLE AVE.
MONROVIA, CA 91016
SMG - MONROVIA, CA

STUDIO MOVIE GRILL
MOVIE GRILL
EAT • DRINK • MOVIES

DO NOT SCALE DRAWINGS
CONTRACTOR TO VERIFY
ALL EXISTING CONDITIONS AND
DIMENSIONS - NOTIFY ARCHITECT
OF ANY DISCREPANCIES PRIOR
TO BEGINNING CONSTRUCTION

NO REVISION

PROJECT NUMBER
170451

SHEET NUMBER

FP-1

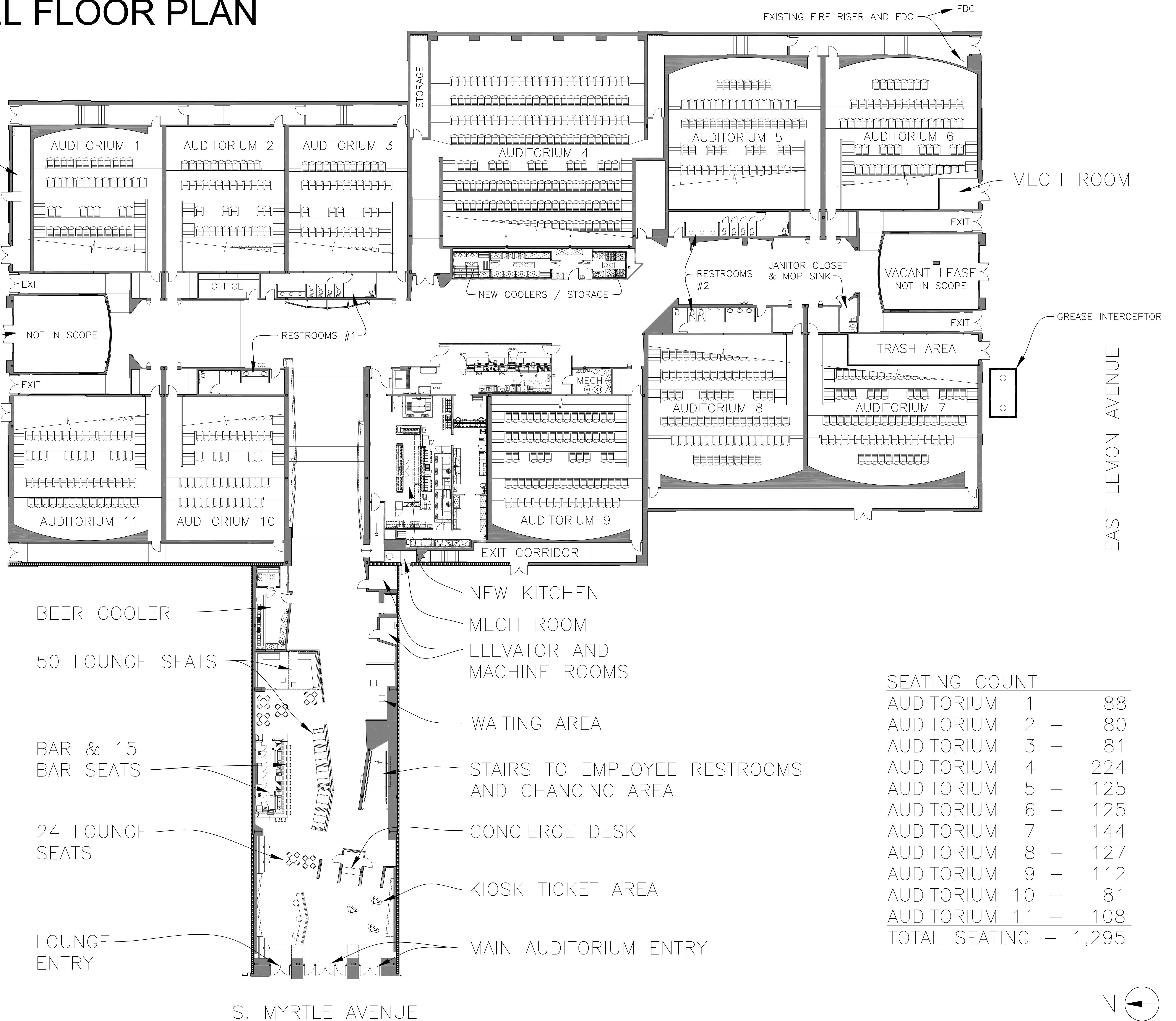
ORIGINAL ISSUE DATE - 03/29/2018

EXISTING MECH & ELECTRICAL

EXISTING RESTAURANT

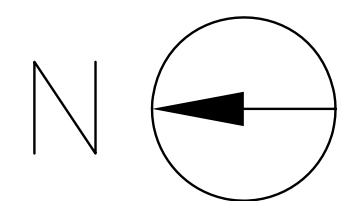
EAST LIME AVE

EAST LEMON AVENUE



SEATING COUNT

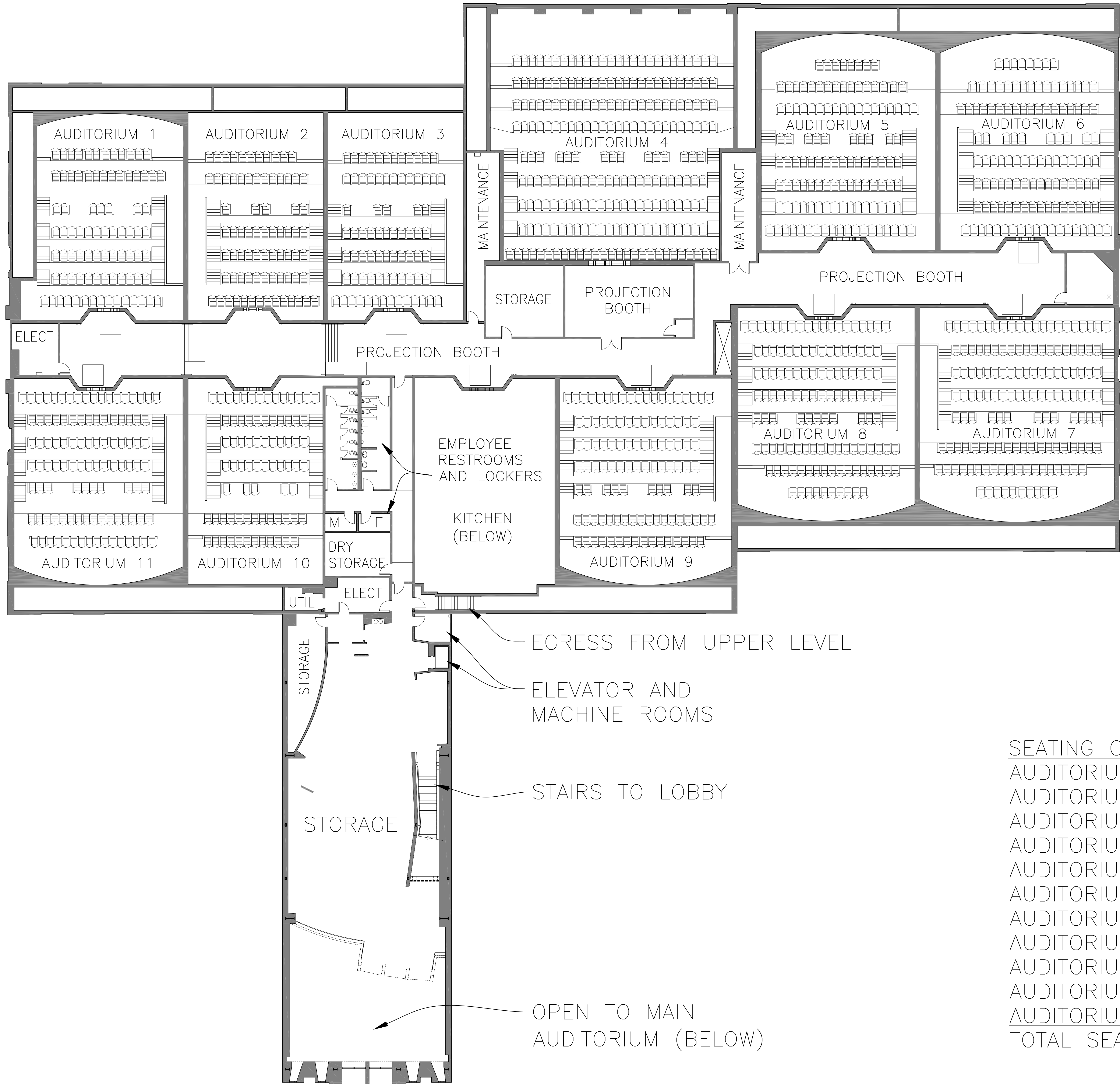
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AUDITORIUM	2	-	80
AUDITORIUM	3	-	81
AUDITORIUM	4	-	224
AUDITORIUM	5	-	125
AUDITORIUM	6	-	125
AUDITORIUM	7	-	144
AUDITORIUM	8	-	127
AUDITORIUM	9	-	112
AUDITORIUM	10	-	81
AUDITORIUM	11	-	108
TOTAL SEATING			1,295



S. MYRTLE AVENUE

PRINTED BY: PARS
DRAWING NAME: GSP - SUBMITTAL.DWG
DATE: FP-1
JUL 23, 2018 - 2:27pm

2nd LEVEL FLOOR PLAN



EGRESS FROM UPPER LEVEL

ELEVATOR AND MACHINE ROOMS

STAIRS TO LOBBY

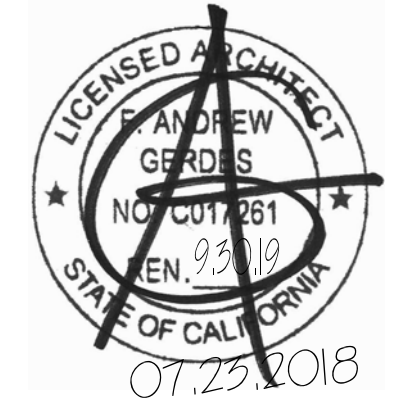
OPEN TO MAIN AUDITORIUM (BELOW)

SEATING COUNT

AUDITORIUM	1	—	88
AUDITORIUM	2	—	80
AUDITORIUM	3	—	81
AUDITORIUM	4	—	224
AUDITORIUM	5	—	125
AUDITORIUM	6	—	125
AUDITORIUM	7	—	144
AUDITORIUM	8	—	127
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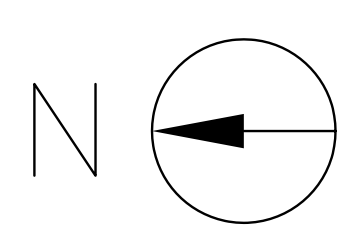
NO REVISION

PROJECT NUMBER
170451

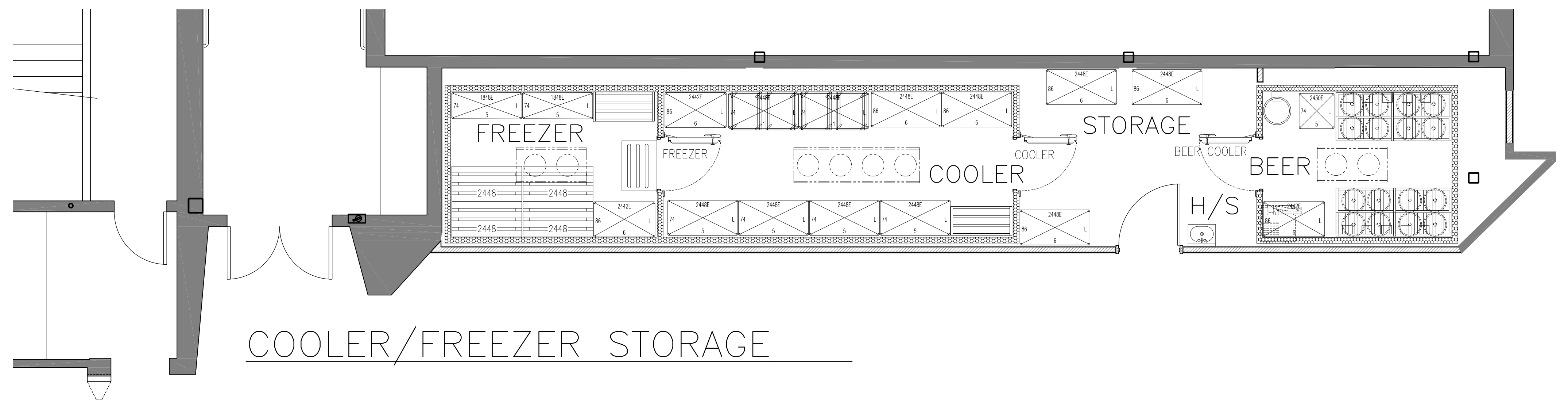
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FP-2

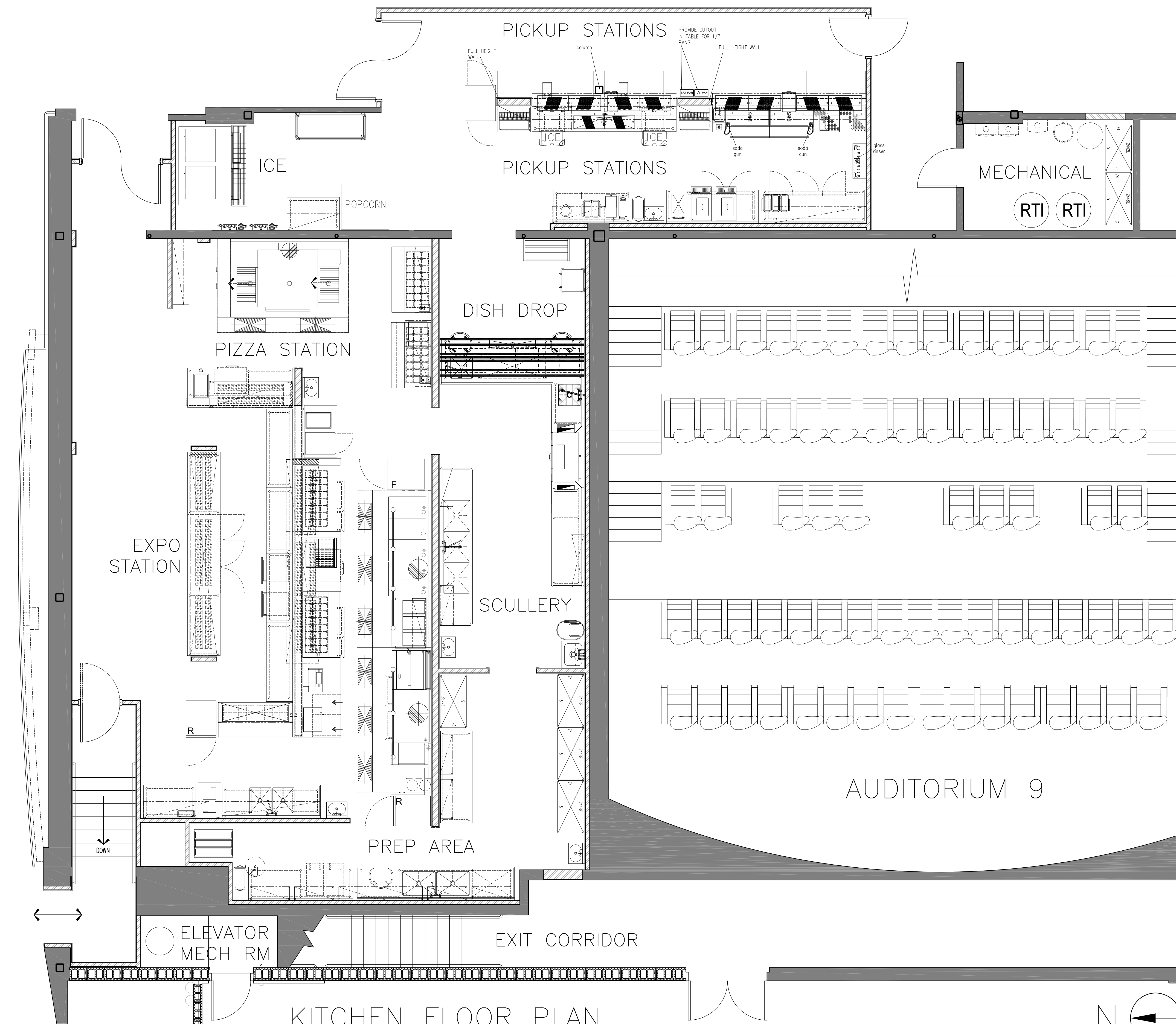
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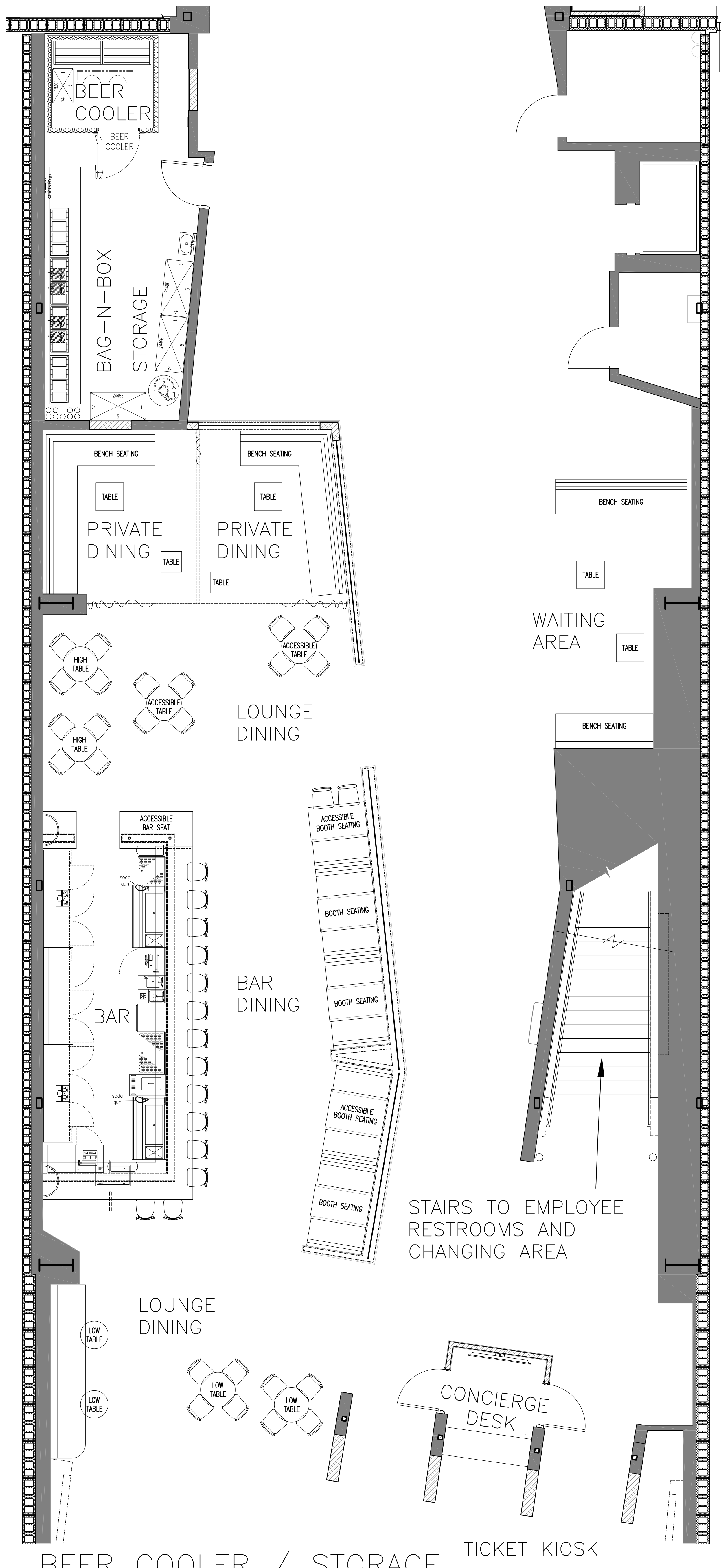
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DATE: FP-2
JUL 23, 2018 - 2:26pm



COOLER/FREEZER STORAGE



KITCHEN FLOOR PLAN



BEER COOLER / STORAGE

