



PLANNING COMMISSION STAFF REPORT

APPLICATION: CUP2014-11
CUP2014-12

AGENDA ITEM: PH-3

PREPARED BY: Barbara Lynch
Senior Planner

MEETING DATE: August 13, 2014

SUBJECT: Conditional Use Permit CUP2014-11 (Full Alcohol Service)
Conditional Use Permit CUP2014-12 (Live Entertainment)
422 South Myrtle Avenue

REQUEST: Allow the indoor and outdoor service of alcoholic beverages and live entertainment at the Bella Sera Restaurant in the HCD (Historic Commercial Downtown) Zone.

APPLICANT: Marti Hedge
422 South Myrtle Avenue
Monrovia, CA 91016

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: The applicant is requesting approval of a Conditional Use Permit (CUP) to serve full alcohol (Type 47 ABC License) for indoor and outdoor dining at an existing restaurant (Bella Sera). A CUP is required when alcoholic beverages are sold or served for on-site consumption and the facility is within 500 feet of any residential zone, park, school, recreation center, religious assembly or hospital. Bella Sera is within 500 feet of Library Park. Currently the restaurant serves beer and wine (Type 41 License) in accordance with CUP2002-24. When an establishment changes its type of license classification a new CUP is required (§17.44.025).

A second CUP is being requested to allow live entertainment with amplified music indoors and outdoors in the rear patio area (§17.44.055). This property is located in the HCD (Historic Commercial Downtown) Zone.

SUBJECT PROPERTY: The subject property is located on the east side of Myrtle Avenue between Lemon and Lime Avenues. The parcel has 53.2' of frontage and is 150' deep totaling 7,980 square feet. The restaurant occupies the southerly half of the parcel and Gem City Jewelers and two smaller retail spaces (located behind the jewelry store) occupy the northerly half. Between Bella Sera and Gem City Jewelers is an interior corridor that serves as access to all businesses. Bella Sera also has a separate entrance on Myrtle Avenue. A rear covered patio area is located behind the restaurant and can be accessed from the restaurant and from a pedestrian walkway that leads to a side entrance of the Krikorian Theater from Lemon Avenue.

The surrounding uses include a vacant retail store to the south, Krikorian Theater to the east, Paint N Play to the north and across the street to the west is Stix Board Shop. There are nearby public parking lots to the north, south and west that are available for use by the Bella Sera patrons and employees.

DISCUSSION/ANALYSIS: The Monrovia Municipal Code (MMC) Section 17.44.025 Alcoholic Beverage Sales was established to review and mitigate adverse conditions associated with establishments which sell, or serve alcoholic beverages, and Sections 17.44.115 Outdoor Dining, 17.44.055 Entertainment Facilities, and 17.44.057 Outdoor Entertainment Facilities provides additional regulations when the sale, service or consumption of alcoholic beverages occurs in conjunction with outdoor dining and live entertainment. The purpose of these Code Sections is to establish reasonable conditions which will prevent undesirable community impacts associated with such uses.

Floor Plan/Outdoor Dining

The restaurant occupies approximately 2,500 square feet of floor space. The indoor dining room provides seating for approximately 69 patrons located in the front half of the restaurant. The kitchen, prep area and restrooms are located in the rear half of the floor space. Outdoors there will be seating for 8 in front of the restaurant and seating for approximately 52 in the rear patio area.

Live Entertainment

The Applicant is requesting to provide live amplified entertainment inside the restaurant and outdoors in the rear patio area. The entertainment provided will consist of musicians (up to a 4 person ensemble), vocalists and DJ's. A single amplifier will be used. Also there will be guest speakers and movie showings (on the theatre wall in the pedestrian walkway) that is part of the proposed entertainment.

Business Operation

The restaurant is open seven days a week. Hours of operation are Monday through Thursday 11:00 AM to 9:30 PM, Friday and Saturday 11:00 AM to 10:30 PM and Sunday 11 AM to 9:00 PM. The requested hours are in compliance with the Zoning Ordinance, which prohibits the service of alcoholic beverages outdoors after 11:00 PM Sunday through Thursday and after midnight on Friday and Saturday. Live entertainment will typically be on a Thursday, Friday and Saturday evening or on a Sunday afternoon and will not occur beyond the restaurant hours.

Alcoholic Beverage Service

The City has emphasized that alcoholic beverage sales at restaurants should be incidental to the sale of food. In order for a restaurant to serve alcoholic beverages it must have a full restaurant kitchen and the kitchen must be open and used for food preparation during all hours the establishment is open. The menu must include an assortment of foods that are normally offered in restaurants. The quarterly gross sales of alcoholic beverages cannot exceed 33% of the gross sales of all products during the same period.

There are several restaurants in the vicinity that currently have a Type 47 ABC license. Some of those restaurants include Wang's Place, the Monrovia Restaurant, Café Mundial, Rudy's Mexican Food, London Gastropub, Flamz Pizza, Sena, Miyako and T Phillips. The standard conditions for alcoholic beverage service are included on Data Sheet No. 1 which will mitigate potential issues related to the request.

Conclusion

The majority of the nearby restaurants in Old Town either serve beer and wine or full alcohol. Permitting the Bella Sera Restaurant to change their license type from beer and wine to full alcohol and permitting live entertainment allows the restaurant to continue to grow and be competitive with other restaurants in Old Town. The rear patio area was specifically designed to integrate with and bring activity to the public space leading to the Krikorian Theater. The proposed live entertainment will bring vitality into an area that was designed for such a use. It is an area that is surrounded by commercial buildings and there are no nearby residential uses that could potentially be adversely impacted.

RECOMMENDATION: The Development Review Committee and Staff recommend approval of the Conditional Use Permits. If the Planning Commission concurs with this recommendation then, following the public hearing, the adoption of the following resolution is appropriate:

The Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows:

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 CUP 2014-11 and CUP2014-12 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 No. 3 for CUP2014-11 and CUP2014-12, which are incorporated herein by this reference.
4. The Planning Commission approves CUP2014-11 and CUP2014-12, subject to the attached Planning Conditions on Data Sheet No. 1 and recommendations in the Staff Report, all of which are incorporated herein by this reference.

MOTION:

Close the public hearing and adopt the Resolution approving CUP2014-11 and CUP2014-12 as presented in the Staff Report.



DATA SHEET 1

Planning Conditions

**CUP2014-11 (Alcohol Service)
CUP2014-12 (Live Entertainment)**

422 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 CUP2014-11, allowing the indoor and outdoor service of alcohol for on-site consumption at the Bella Sera Restaurant, and CUP2014-12, allowing live entertainment with amplified music indoors and outdoors in the rear patio, 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 the conditional use permits.

Conditions of Approval for Alcohol Service (CUP2014-11)

1. The establishment shall be operated as a "Bona Fide Eating Place" as defined by 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. 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.
3. 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 or unless modification is required by the Building Official, in which case additional approval of the Planning Division is not required. 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.
4. All areas in the restaurant shall be available for inspection by the Police Department during all open business hours.
5. No sporting game or games of competition shall be permitted in conjunction with the business unless approved as part of the CUP application.
6. The display, posting or airing via closed circuit television of any gambling odds shall be prohibited unless pre-empted by the State.

7. No patrons shall be on the premises during closed hours.
8. There shall be no uses or activities permitted of an adult-oriented nature as defined in Title 17 of the Monrovia Municipal Code.
9. The use of pornographic material in the form of videos, slides, magazines, or pictures shall be prohibited within the business establishment.
10. Applicant has requested a separate conditional use permit to allow indoor and outdoor live entertainment (CUP2014-12). In the event that CUP2014-12 is not approved, or is subsequently abandoned, revoked, or otherwise terminated, CUP2014-11 permits only pre-recorded amplified music on the premises, and such music shall not be audible outside the boundaries of the establishment. No entertainment facilities as defined by the Monrovia Municipal Code (such as live entertainment or dancing) are permitted unless approved by the Planning Commission pursuant to the Monrovia Municipal Code.
11. No locking devices shall be allowed on interior doors that enclose rooms open to the public.
12. 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.
13. If it is determined by the Community Development Director or Public Works 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.
14. 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 additional uniformed security guards as determined necessary by the DRC.
15. 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.
16. 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.
17. 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.
18. No happy hour, no drink specials or other bar promotions are permitted to be advertised outside or in the window/door area.

19. Hours of operation shall be Monday through Thursday 11:00 AM to 9:30 PM, Friday and Saturday 11:00 to 10:30 PM, and Sunday 11:00 AM to 9:00 PM. Before any change is made in these hours of operation, approval by the Development Review Committee (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.
20. Outdoor dining with outdoor service of alcoholic beverages is permitted in front of the building and in the rear patio area as delineated on the floor plan.
21. Outdoor dining with the service of alcoholic beverages is subject to the following additional conditions:
 - (a) Outdoor furniture shall be of sturdy construction. Applicant shall keep outdoor furniture clean, attractive, and serviceable.
 - (b) Decorative umbrellas and tablecloths are encouraged.
 - (c) A minimum, unobstructed pedestrian clearance of at least 48" in width shall be maintained along the entire length of the sidewalk for outdoor dining located in front of the building. If after commencement of operations, City Staff determines that 48" is inadequate based upon obstructions, pedestrian traffic volume, or other similar problems that may arise in the future, the DRC may review and require more clearance area based on the location of sidewalk obstructions, pedestrian traffic volumes, or other similar problems.
 - (d) Power washing shall be required for the outdoor dining area a minimum of one time per month. Any reduction in this standard shall first be reviewed and approved by the Public Works Director.
 - (e) The materials used and the design and style of (i) the portable barriers delineating the outdoor dining areas and (ii) the outdoor dining furniture, shall be in substantial conformance with the design, style and materials approved by the DRC.
 - (f) 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, judgments, 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 the Applicant's use of City's public sidewalks for outdoor dining and alcoholic beverage service, 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 Applicant's expense.

- (g) Insurance. The Applicant shall carry, maintain, and keep in full force and effect at all times a policy or policies of liability insurance in the amount, scope of coverage, endorsements and form required by the City's Risk Manager, including without limitation, an endorsement naming the City and its officers, officials, employees, agents, and volunteers as additional named insureds, and secure an encroachment permit from the City prior to placing any object, including without limitation, outdoor dining furniture and the portable barriers used to delineate outdoor dining areas, in the City's right-of-way.
- (h) The placement of approved outdoor dining furniture and the placement of approved portable barriers used for delineation of outdoor dining areas shall be in substantial conformance with the outdoor dining floor plan approved by the DRC. There shall be no change in the design of the outdoor dining floor plan without the approval of the DRC.
- (i) The hours of operation for service of alcohol beverages in the outdoor dining area shall be limited to the restaurant's hours of operation delineated above.
- (j) The hours of operation for outdoor dining and alcohol service shall be reviewed by the Development Review Committee for modification if compatibility problems with adjacent uses develop or other nuisance problems develop, and based upon a finding that those problems exist, the DRC may modify the hours of operation. This authorization is in addition to any other authority the DRC has pursuant to the Monrovia Municipal Code, including without limitation, the authority to revoke an outdoor dining permit. Alternatively, the DRC may refer the matter to the Planning Commission for its review, in which case the Planning Commission may modify the hours of operation if incompatibility with adjacent uses or the existence of other nuisance problems justifies the change, or the Planning Commission may take any other action permitted pursuant to the Monrovia Municipal Code, including modification or revocation of the CUP.
- (k) Serving of alcoholic beverages in the outdoor dining setting must be accompanied by the sale of food based on the everyday dining menu. Alcoholic beverages cannot be sold or consumed in the outdoor dining area to a patron who is not seated or to anyone when the restaurant kitchen is closed.

Conditions of Approval for Live Entertainment (CUP2014-12)

All Planning Conditions applicable to CUP2014-11 shall apply to CUP2014-12. In addition to the Planning Conditions on this Data Sheet 1 for CUP2014-11, the following shall also apply when live non-amplified or amplified entertainment takes place:

1. All live entertainment activities shall be conducted in the rear patio or within the restaurant and all exterior doors (with the exception of the rear patio door) shall be kept closed during live entertainment.
2. A maximum of a four (4) person ensemble, including instrumentalists and/or vocalists, may perform at one time, or instead of an ensemble, a maximum of one (1) DJ may perform at one time. No increase in the number of performers is permitted until reviewed and approved by the Development Review Committee.
3. No cover charge shall be permitted.
4. No dancing shall be permitted.
5. The hours of operation for live entertainment activities shall be limited to the restaurant's hours of operation delineated in CUP2014-11.
6. The hours of operation for live entertainment shall be reviewed by the Development Review Committee for modification if compatibility problems with adjacent uses develop or other nuisance problems develop, and based upon a finding that those problems exist, the DRC may modify the hours of operation. This authorization is in addition to any other authority the DRC has pursuant to the Monrovia Municipal Code. Alternatively, the DRC may refer the matter to the Planning Commission for its review, in which case the Planning Commission may modify the hours of operation if incompatibility with adjacent uses or the existence of other nuisance problems justifies the change, or the Planning Commission may take any other action permitted pursuant to the Monrovia Municipal Code, including modification or revocation of the CUP.
7. The live entertainment/amplified music shall comply with MMC §17.32.030 (Performance Standard, Noises) and MMC §17.32.040 (Vibration).
8. The applicant is prohibited from operating the entertainment activities in any way that adversely and seriously affects the peace, health, safety and welfare of residents of the community, and the entertainment activities must not 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 to the commercial district.
9. 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, judgments, 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 the Applicant's outdoor entertainment activities, 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 Applicant's expense.

10. Insurance. The Applicant shall carry, maintain, and keep in full force and effect at all times a policy or policies of liability insurance in the amount, scope of coverage, endorsements and form required by the City's Risk Manager, including without limitation, an endorsement naming the City and its officers, officials, employees, agents, and volunteers as additional named insureds, prior to commencing outdoor entertainment activities.

Additional Conditions of Approval for CUP2014-11 and CUP 2014-12

The following conditions of approval apply to both CUP2014-11 and CUP2014-12:

1. Any violation of the 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 the permit at the discretion of the City Attorney and City Prosecutor.
2. In addition to Planning (Data Sheet No. 1) conditions of approval, the Applicant shall also comply with all requirements of the Building Division and Fire Department that are directly applicable to the project.
3. Either or both CUP2014-11 and CUP2014-12 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 (MMC) 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.
4. 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 CUP2014-11 or CUP2014-12, or both, 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.

5. 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. CUP2014-11 and CUP2014-12 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.
6. The Development Review Committee shall review each use permitted by the CUPs six months from the date the use commences and yearly after the six-month review.
7. The use or development associated with each CUP shall begin within one (1) year after its approval or it will expire without further action by the City.
8. All of the conditions of approval shall be complied with prior to commencement of the operation, unless an earlier compliance period is specified as part of a condition.



CONDITIONAL USE PERMIT (CUP2014-11/indoor and outdoor alcohol service)

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. CUP2014-11 to allow the indoor and outdoor service of alcohol for on-site consumption at the Bella Sera Restaurant located at 422 South Myrtle Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for the sale of alcohol for on-site consumption in the Bella Sera Restaurant that has indoor and outdoor dining. *The topography of this commercial area is relatively flat, and the service of alcohol is incidental to the sale of food. This location currently serves beer and wine indoors and outdoors in front on Myrtle Avenue and in the rear in a defined patio area.*
- 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 restaurant. *The proposed use is located in Old Town, a commercial area, which is suited to support these types of uses and traffic loads.*
- C. The proposed sale of alcohol for on-site indoor and outdoor consumption in the Bella Sera Restaurant is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The proposed service of alcohol in a bona fide eating place is consistent with the General Plan.*
- D. The proposed sale of alcohol for on-site indoor and outdoor consumption in the Bella Sera Restaurant will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this CUP.*
- E. The location of the restaurant with indoor and outdoor service of alcohol 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, *in that the applicant will be required to adhere to the conditions of approval on Data Sheet No. 1 to ensure the service of alcohol is not detrimental or injurious to the public and surrounding uses.*

Further, as required by Section 17.44.025 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. CUP2014-11 to allow the indoor and outdoor service of alcohol for on-site consumption at the Bella Sera Restaurant located at 422 South Myrtle Avenue is based on the following additional findings:

- A. The proposed indoor and outdoor service of alcohol for on-site consumption at the Bella Sera Restaurant located at 422 South Myrtle Avenue (the "proposed use") will not adversely and seriously affect the peace, health, safety and welfare

of residents of the community. *The restaurant currently serves beer and wine indoors and outdoors and has had no adverse impacts to neighbors and changing to alcoholic beverage sales will not change the overall restaurant operation that would create any new impacts.*

- 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 restaurant operation with the service of beer and wine indoors and outdoors has not had any problems and the addition of full alcohol service will not change this.*
- C. The proposed use will not create serious adverse impacts to the commercial district. *The change from beer and wine to full alcohol service will not change the overall restaurant operation that currently has not created any adverse impacts to the nearby businesses.*
- D. The proposed use is adequately served by sufficient parking to serve the quantity of traffic such use generates in that *it is located in Old Town, a commercial area that has public parking lots available for use by the restaurant employees and patrons.*
- E. The proposed use will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation, *as the restaurant is in Old Town, a commercial area that has several restaurants that serve alcohol indoors and outdoors with similar hours of operation.*
- F. The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. *Library Park is within 500' of the restaurant and there has been no impact from the current restaurant operation and the change from beer and wine to full alcohol service will not create any potential new impacts.*

CONDITIONAL USE PERMIT (CUP2014-12 Live Entertainment)

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting CUP2014-12 to allow live indoor entertainment and live outdoor entertainment in the rear patio area at the Bella Sera Restaurant located at 422 South Myrtle Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for live indoor entertainment and live outdoor entertainment in the rear patio area at the Bella Sera Restaurant because *it is located in Old Town, a commercial corridor and the rear patio where the outdoor entertainment will occur is isolated and is adjacent to the rear of other businesses and the Krikorian Theaters 4-story wall.*
- 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 indoor

and outdoor live entertainment because *the business operation continues as a restaurant use and the addition of live entertainment is incidental. The restaurant use has not adversely impacted the quantity or quality of traffic in Old Town.*

- C. Indoor and outdoor live entertainment associated with a restaurant is compatible with the General Plan, and will not adversely impact the objectives of the General Plan. *The Land Use Element classifies Old Town as HCD (Historic Commercial Downtown) and encourages commercial business that will bring vitality into this area such as theaters and restaurants.*
- D. Indoor and outdoor live entertainment associated with a restaurant will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this CUP.*
- E. The proposed location for live indoor entertainment and live outdoor entertainment in the rear patio area at the Bella Sera Restaurant 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, *as the Applicant will comply with the conditions of approval for providing live entertainment as part of the restaurant use.*

Further, as required by Section 17.44.055 of the Monrovia Municipal Code, the decision for granting CUP2014-12 to allow live indoor entertainment and live outdoor entertainment in the rear patio area at the Bella Sera Restaurant located at 422 South Myrtle Avenue is based on the following additional findings:

- A. The proposed entertainment at the Bella Sera Restaurant will not adversely and seriously affect the peace, health, safety and welfare of residents of the community *with the conditions of approval insuring that the live entertainment will take place during restaurant hours and the restaurant will continue to operate as a “bona fide eating place.”*
- 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 live entertainment will be required to adhere to the conditions of approval that set forth regulations that are specific to the sale of alcohol, live entertainment and the overall business operation.*
- C. The proposed use will not create serious adverse impacts to the commercial district. *The restaurant will continue to operate as a “bona fide eating place” with the addition of live entertainment providing a business that is beneficial to the surrounding businesses.*
- D. The proposed use is adequately served by sufficient parking to serve the quantity of traffic such use generates in that *the restaurant is located near public parking lots that provide sufficient parking for businesses in Old Town.*

- E. The proposed use will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation, as *it is in a commercial area and with the conditions of approval it will be a restaurant use that will operate as a “bona fide eating place” that provides live entertainment indoors and outdoors in the rear patio area. The rear patio area is only adjacent to a pedestrian access leading to the Krikorian Theater and rear entrances to adjacent businesses and will not negatively impact the business operation of neighboring properties.*
- F. The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. *There are no nearby uses that will be negatively impacted with the conditions of approval in place and the use is a “bona fide eating place” and live entertainment will only take place when the restaurant is open.*



DATA SHEET 4

Surrounding Land Uses

CUP2014-11/CUP2014-12

422 South Myrtle Avenue

Property Description:

The parcel is 53.2' wide and 150' deep totaling 7,980 square feet. It is improved with a multi-tenant building and the Bella Sera Restaurant occupies the southerly half with a patio to the rear.

Zoning

Subject site: HCD (Historic Commercial Downtown)

Surrounding pattern:

north: HCD (Historic Commercial Downtown)

south: HCD (Historic Commercial Downtown)

east: PD-5 (Planned Development-Area 5)

west: HCD (Historic Commercial Downtown)

Land Use

Subject site: Bella Serra Restaurant, Gem City Jewelers and rear retail spaces

Surrounding pattern:

north: Paint N Play

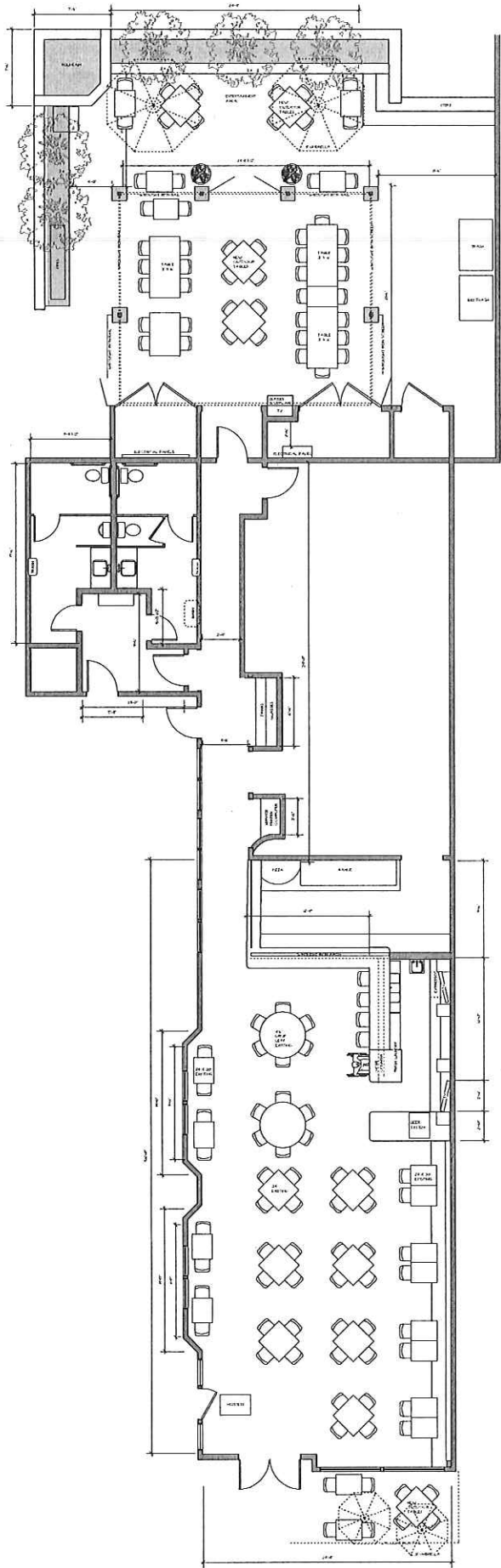
south: Vacant retail storefront

east: Krikorian Theater

west: Stix Board Shop

Environmental Determination: Categorical Exemption Class 1

Applicable Ordinance Regulations: MMC 17.52.020 Planning Commission Authority for CUP




 ARCHITECTURAL FIRM
 1234 MAIN ST
 SUITE 500
 LOS ANGELES, CA 90001
 TEL: (213) 555-1234
 FAX: (213) 555-5678
 WWW: WWW.ARFIRM.COM

SCALE: 1/8" = 1'-0"
 DATE: 01/15/2024
 DRAWN BY: J. SMITH
 CHECKED BY: M. JONES
 PROJECT: RESTAURANT LAYOUT

NOTICE OF PUBLIC HEARING

MONROVIA PLANNING COMMISSION
415 South Ivy Avenue
Monrovia, CA 91016

This Notice is to inform you of a public hearing to determine whether or not the following request should be granted under Title 16 and/or 17 of the Monrovia Municipal Code:

APPLICATION: Conditional Use Permit CUP2014-11 (service of alcoholic beverages)/Conditional Use Permit CUP2014-12 (live entertainment)

REQUEST: Allow the indoor and outdoor service of alcoholic beverages and live entertainment at the Bella Sera Restaurant in the HCD (Historic Commercial Downtown) Zone.

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

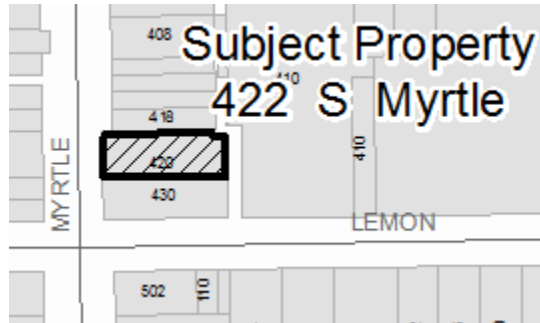
APPLICANT: Marti Hedge
422 South Myrtle Avenue
Monrovia, CA 91016

PROPERTY ADDRESS: 422 South Myrtle Avenue

DATE AND HOUR OF HEARING: Wednesday, August 13, 2014 at 7:30 PM

PLACE OF HEARING: Monrovia City Hall, Council Chambers, 415 South Ivy Avenue, Monrovia, California

AREA MAP:



If you challenge this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Division at, or prior to, the public hearing. This application will not alter the zoning status of your property. For further information regarding this application, please contact the Planning Division at (626) 932-5565.

Staff Report pertaining to this item will be available on Thursday, August 7, 2014 after 4 p.m. on the City's website: www.cityofmonrovia.org or in person at Monrovia City Hall, 415 South Ivy Avenue, Monrovia.

Este aviso es para informarle sobre una junta pública acerca de la propiedad indicada mas arriba.

Si necesita información adicional en español, favor de ponerse en contacto con el Departamento de Planificación al número (626) 932-5587.

Craig Jimenez, AICP
Planning Division Manager

PLEASE PUBLISH ON JULY 31, 2014