



PLANNING COMMISSION STAFF REPORT

APPLICATION: CUP2016-17

AGENDA ITEM: PH-1

PREPARED BY: Jose Barriga
Assistant Planner

MEETING DATE: November 9, 2016

SUBJECT: Conditional Use Permit CUP2016-17 (On-site Indoor/Outdoor Service of Beer and Wine)
Conditional Use Permit CUP2016-18 (Live Entertainment)
504 South Myrtle Avenue

REQUEST: Approve a Conditional Use Permit for indoor/outdoor on-site service of beer and wine and a Conditional Use Permit for live entertainment in an existing bona-fide eating establishment, "The Salad Bistro." The subject property is located in the Historic Commercial Downtown (HCD) zone.

APPLICANT: 1776/Bar Bell Investments – Joe Kouchakian
504 South Myrtle Avenue
Monrovia, CA 91016

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: This application was continued from the October 12, 2016 Planning Commission at the request of the Applicant. After the required 10-day public hearing noticing was issued, the Applicant indicated that he wishes to modify his application to include an additional Conditional Use Permit request for live entertainment. Given that the public noticing did not include a request for live entertainment, the Applicant requested a continuance so that both applications could be noticed and heard at the same time. A noticed was mailed on October 27, 2016, to property owners within 300 feet of the subject property with an updated request to include both the on-site service of beer and wine and live entertainment.

The Applicant is requesting approval of two Conditional Use Permits; one to serve beer and wine (Type 41 ABC License) for indoor/outdoor dining and one for live entertainment at "The Salad Bistro", an existing restaurant. The Monrovia Municipal Code (MMC) Section 17.44.025 was established to review and mitigate adverse conditions associated with establishments which serve beer and wine. A Conditional Use Permit is required when beer and wine are sold or served at a location that is located within 500 feet of any residential zone, park, school, recreation center, religious assembly or hospital. The existing restaurant is located within 500 feet of a park, recreation center and residential units. The applicant also proposes live entertainment during weekend hours. A second CUP is required for live entertainment facilities, in order to mitigate any adverse impacts to the surrounding neighborhood in accordance with MMC Section 17.44.055.

SUBJECT PROPERTY: The subject business is located in Old Town Monrovia, near the southwest corner of South Myrtle Avenue and East Lemon Avenue. The lot measures 53.3 feet wide and 99 feet deep, for a total lot area of approximately 5,276 square feet. It is improved with a multi-tenant commercial building that totals approximately 6,100 square feet. The existing business occupies one tenant space that totals 1,300 square feet. The subject site is surrounded by shoe store to the north, bakery to the south, restaurant to the east and a salon to the west. The restaurant has been in operation since February 2015.

DISCUSSION/ANALYSIS:

Business Operation

“The Salad Bistro” provides an indoor and outdoor sit down casual dining experience for its patrons by providing a wide range of options from their menu that include salads, sandwiches, pastas and pizzas. The restaurant currently does not provide any type of alcoholic beverage for patrons to enjoy with their meals. The main purpose, as indicated by the Applicant, is that the addition of the service of beer and wine will enhance the dining experience for the patrons by allowing beer or wine to complement their meals. The proposed hours of operations are Monday through Sunday from 11:00 AM – 2:00 AM. The establishment will maintain a restaurant atmosphere and will not become a bar. The service of beer and wine shall be incidental to the overall operations of the restaurant. As indicated in Condition No. 2, the quarterly gross sales of beer and wine shall not exceed 33 percent of all gross sales. The conditions of approval and Alcoholic Beverage Control (ABC) require that the establishment be operated as a “Bona Fide Eating Place” with a full restaurant kitchen. The kitchen is required to be open and preparing food during all hours of operation as stated in Condition No. 1.

Also, the Applicant proposes expanding the menu with additional food items which will further contribute to a “Bone Fide Eating Place” and draw in a dinner crowd. The additional food items include barbeque food such as tri-tip and ribs. With the addition of barbeque food items, the theme of the restaurant is proposed to shift to an American barbeque restaurant and with a name change to “1776,” representing the birth year of the U.S.A.

Live Entertainment

In addition to the service of beer and wine, the Applicant is proposing to incorporate live entertainment to the existing restaurant operation. The live indoor entertainment will be in the form of one (1) disc jockey that will be limited to Thursday through Saturday from 8:00 PM to 2:00 AM. The disc jockey will utilize an existing counter space where live entertainment will be played and amplified throughout the existing restaurant. As part of the operations, there will be no dance floor and the business will not become a bar and/or nightclub as such uses are not permitted in the HCD zone by the Municipal Code. As conditions of approval, the live entertainment must be conducted within the facility and all exterior doors shall be kept closed during live entertainment, no dance floor is permitted, and the live entertainment shall not be audible outside the boundaries of the establishment and shall comply with MMC §17.32.030 (Performance Standard, Noises) and MMC §17.32.040 (Vibration).

Floor Plan

The restaurant offers both indoor and outdoor seating for its patrons. The indoor dining area has seating for approximately 25 patrons and the outdoor dining area accommodates approximately 10 patrons, based on the floor plan provided by the Applicant. The outdoor dining area is located on private property. Approximately 10 seats are located within private property in front of the main building and it is secured by a decorative wrought iron fixed

barrier. The Applicant is not proposing any additional outdoor dining within the public-right-of-way at this time or any modifications to the existing floor plan at the time. As indicated in Condition No. 3 the floor plan is integral to the CUP and no change in the design is permitted without the approval of the Planning Division unless required by the Building Official. If any proposed change has the effect of expanding or intensifying the present use, it shall require an amendment to the CUP.

The restaurant has two building entry points; one designated for patrons; and one designated for employees only at the rear. The main customer entrance is on the west side of the building that is accessed from South Myrtle Avenue street frontage. The rear entrance is located on the east side of the building. The indoor floor plan provides a service counter, full kitchen with prep area, walk-in cooler, storage area, and a dining area with soft drink (non-alcoholic beverages) dispenser.

Parking

The restaurant is located in the Old Town parking district, which has a shared parking arrangement for all commercial uses in Old Town. Parking in the Old Town area can be found on the street and in the public parking lots. The parking lot directly to the south of the subject property has over 100 parking spaces. Additionally, 61 public parking spaces are provided in the Colorado Commons parking structure, which is located within a block south of the restaurant. The floor area and number of customer seats (both indoors and outdoors) are not being increased as a result of the request to sell beer and wine or the request to have live entertainment. Accordingly, no additional parking is required.

Conclusion

The existing restaurant is a permitted use within the HCD zone and is compatible with existing surrounding uses. The service of beer and wine and the addition of live entertainment each require review and approval of a CUP. The service of beer and wine and the live entertainment will be incidental to the overall restaurant operations of the business. As stated in Condition No. 3, the quarterly gross sales of beer and wine shall not exceed 33 percent of all gross sales of all products during the same period. Granting the ability to serve beer and wine will allow this business a similar opportunity as other existing restaurants in the Old Town Monrovia. The proposed conditions of approval for the sale of beer and wine for on-site consumption and the addition of live entertainment will ensure that the restaurant will not negatively impact surrounding properties.

RECOMMENDATION: Staff and the Development Review Committee (DRC) recommend approval of CUP2016-17 and CUP2016-18. If the Planning Commission concurs with this recommendation then, following the public hearing, the following 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 CUP2016-17 and CUP2016-18 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 CUP2016-17 and CUP2016-18, which are incorporated herein by this reference.
4. The Planning Commission approves CUP2016-17 and CUP2016-18, 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:

Approve CUP2016-17 and CUP2016-18 pursuant to the recommendations in the Staff Report.



DATA SHEET 1

Planning Conditions

**CUP2016-17 (Service of Beer and Wine)
CUP2016-18 (Live Entertainment)**

504 South Myrtle Avenue

STANDARD CONDITIONS FOR SERVING BEER AND WINE

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 Conditional Use Permit CUP2016-17 for on-site indoor/outdoor service of Beer and Wine (Type 41 ABC License) and CUP2016-18 for live entertainment at an existing restaurant, The Salad Bistro, 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 (CUPs).

CUP2016-17 (ON-SITE INDOOR/OUTDOOR SERVICE OF BEER AND WINE)

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 beer and wine 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 beer and wine. 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 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.
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. No locking devices shall be allowed on interior doors that enclose rooms open to the public.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. No sale of beer and wine for outside service or consumption shall be permitted, beyond the existing outdoor seating area as shown on the approved floor plan, unless approved by the Planning Commission pursuant to the Monrovia Municipal Code.
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 limited to Monday through Sunday from 11:00 AM to 2:00 AM. 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.

ADDITIONAL REQUIREMENTS FOR OUTDOOR DINING WITH BEER AND WINE SERVICE

- 20. Outdoor dining with outdoor service of beer and wine is permitted as delineated on the site plan/floor plan.
- 21. Outdoor dining with the service of beer and wine is subject to the following additional conditions:
 - (a) The hours of operation for service of beer and wine in the outdoor dining area shall be limited to the hours of 11:00 AM to 11:00 PM Monday through Thursday and Sunday, and 11:00 AM to 12:00 midnight Friday and Saturday.
 - (b) The hours of operation for outdoor dining and beer and wine 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.
 - (c) Serving of beer and wine in the outdoor dining setting must be accompanied by the sale of food based on the everyday dining menu. Beer and wine 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.

CUP2016-18 (LIVE ENTERTAINMENT)

All Planning Conditions applicable to CUP2016-17 shall apply to CUP2016-18. In addition to the Planning Conditions on this Data Sheet 1 for CUP2016-17, the following shall also apply when live entertainment takes place:

22. All live entertainment activities shall be conducted within the facility and all exterior doors shall be kept closed during live entertainment.
23. 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.
24. No cover charge shall be permitted.
25. No dance floor shall be permitted.
26. The hours of operation for live entertainment activities shall be limited to 8:00 PM to 2:00 AM Thursday through Saturday.
27. 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.
28. The live entertainment/amplified music shall not be audible outside the boundaries of the establishment and shall comply with MMC §17.32.030 (Performance Standard, Noises) and MMC §17.32.040 (Vibration).
29. 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.
30. 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 indoor entertainment activities or the service of beer and wine, 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.

31. 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 indoor entertainment activities.

GENERAL REQUIREMENTS

32. 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.
33. 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.
34. 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 (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.
35. 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.
36. 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. This CUPs 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.

37. The Development Review Committee shall review each use permitted by these CUPs one year from the date the use commences.
38. The use or development associated with these CUPs shall begin within one (1) year after its approval or they will expire without further action by the City.
39. All of the above conditions 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 2016-17 (Service of Beer and Wine)

As required by Section 17.52.290 of the Monrovia Municipal Code (MMC), the decision for granting CUP2016-17 to allow the indoor and outdoor service of beer and wine for on-site consumption at an existing restaurant located at 504 South Myrtle Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for the proposed sale of beer and wine for on-site consumption in an existing restaurant that will have indoor and outdoor dining. *The topography of this commercial area is relatively flat and is improved with the commercial building. The interior building area and outdoor seating area are adequate in size to accommodate the service of beer and wine in conjunction with restaurant operations.*
- 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 a commercial area, which is suited to support these types of uses and traffic loads. The introduction of service of beer and wine is not expected to significantly increase traffic as the main operation is a restaurant use and not a bar. The floor area and number of customer seats (both indoors and outdoors) are not being increased as a result of the request to sell beer and wine. Accordingly, no additional parking is required.*
- C. The proposed sale of beer and wine for on-site (indoor and outdoor) consumption in an existing restaurant is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The proposed service of beer and wine in a bona fide eating place is consistent with the General Plan, including those General Plan requirements specific to the HCD (Historic Commercial Downtown) designation that is intended for pedestrian-oriented uses such as small shops, banks and restaurants. The service of beer and wine is an ancillary use to the full service dine-in restaurant.*
- D. The proposed sale of beer and wine for on-site (indoor and outdoor) consumption in an existing restaurant will comply with the applicable provisions of the zoning ordinance. There are no variances requested for this CUP. *A restaurant is a permitted in the HCD zone. The use will continue to operate as a restaurant with the service of beer and wine and will not operate as a bar.*
- E. The location of the existing restaurant with indoor and outdoor service of beer and wine 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 will comply with the conditions of approval for the indoor and outdoor service of beer and wine as part of*

the restaurant operation to ensure the service of beer and wine is not detrimental or injurious to the public and surrounding uses. The service of beer and wine is an ancillary use to the full service dine-in restaurant. Condition of Approval No. 14 states that if any security/policing problems occur, the CUP may be subject to review by the Development Review Committee requiring additional mitigation measures.

Further, as required by Section 17.44.025 of the Monrovia Municipal Code (MMC), the decision for granting CUP2016-17 to allow the indoor and outdoor service of beer and wine for on-site consumption at an existing restaurant located at 504 South Myrtle Avenue is also based on the following findings:

- A. The proposed sale of beer and wine for on-site consumption (indoor and outdoor) at an existing restaurant 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.” The service of beer and wine is an ancillary use to the full service dine-in restaurant. 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 restaurant will be required to adhere to the conditions of approval that set forth regulations that are specific to the sale of beer and wine and the overall business operation. Condition of Approval No. 13 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 litter.*
- 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” and will provide a service that has been previously granted to other surrounding restaurants. The business will not become a bar and conditions of approval have been included prohibiting such type of operation.*
- D. The proposed use is adequately served by sufficient parking to serve the quantity of traffic such use generates. *The restaurant is located within the Historic Commercial Downtown zone that is served by public parking lots. The service of beer and wine is not expected to significantly increase the parking demand as the use will remain primarily a restaurant and not a bar. The floor area and number of customer seats (both indoors and outdoors) are not being increased as a result of the request to sell beer and wine. Accordingly, no additional parking is required.*
- E. The proposed use will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation. *The restaurant is part of the downtown commercial corridor and with the conditions of approval it will be a restaurant use*

that will operate as a “bona fide eating place.” Beer and wine will only be served in the approved areas that include the inside dining area and outdoor tables adjacent to the front of the restaurant. Within the downtown commercial corridor, there are a number of existing restaurants uses that also provide incidental beer and wine as part of their operation.

- 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 beer and wine will only be served to restaurant patrons with the purchase of food items. 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.*

CONDITIONAL USE PERMIT 2016-18 (Live Entertainment)

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. 2016-18 to allow live indoor entertainment located at 504 South Myrtle Avenue is based on the following findings:

- A. The project site is adequate in size, shape and topography for live indoor entertainment at the proposed restaurant. *The existing restaurant is located in a commercial area that is relatively flat, and the live entertainment will be limited to 2:00 PM to 2:00 AM Friday and Saturday, and 2:00 PM to 11:00 PM Sunday within the existing enclosed building.*
- 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 live indoor entertainment. *The Salad Bistro will primarily operate as a restaurant and the live entertainment has limited hours of operation. The purpose of live entertainment is to enhance the experience while patrons enjoy a meal on-site. The proposed use is located in a commercial area, which is suited to support these types of uses and traffic loads. Parking and access is provided from the neighboring public parking lots located near the existing restaurant.*
- C. The restaurant with indoor and outdoor sales and service of alcohol and live indoor entertainment is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The project site is located the Historic Commercial Downtown (HCD) zone. The General Plan HCD designation encourages well-designed, pedestrian-oriented commercial uses, such as small shops, banks, and restaurants. Per conditions of approval outlined in Data Sheet 1, the live entertainment must be conducted within the facility and all exterior doors shall be kept closed during live entertainment, no dance floor is permitted, and the live entertainment shall not be audible outside the boundaries of the establishment and*

shall comply with MMC §17.32.030 (Performance Standard, Noises) and MMC §17.32.040 (Vibration).

- D. The proposed live indoor entertainment associated with the restaurant will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this CUP. A project condition of approval will further require that the live entertainment shall comply with MMC §17.32.030 (Performance Standard, Noises) and MMC §17.32.040 (Vibration).*
- E. The proposed location of live indoor entertainment within the 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. *The Applicant shall comply with the conditions of approval for live entertainment. The Development Review Committee shall review any modification to the hours of operation for live entertainment for any compatibility problems with adjacent uses. The live entertainment/amplified music shall not be audible outside the boundaries of the businesses and shall comply with MMC §17.32.030 (Performance Standard, Noises) and MMC §17.32.040 (Vibration).*

Further, as required by Section 17.44.055 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. 2016-18 to allow live indoor entertainment at The Salad Bistro located at 504 South Myrtle Avenue is based on the following findings:

- A. The proposed live indoor entertainment (the “proposed use”) will not adversely and seriously affect the peace, health, safety and welfare of residents of the community. *The conditions of approval insure that the live entertainment will take place indoors only during limited hours. The introduction of live entertainment will not negatively impact the area as the business will remain a restaurant and not become a bar or nightclub. The conditions of approval prohibit a dance floor and music audible outside the boundaries of the establishment.*
- 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 indoor 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. No cover charge shall be permitted, and no dance floor shall be permitted. Additionally, Condition of Approval No. 13 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 litter.*
- C. The proposed use will not create serious adverse impacts to the commercial district. *The Salad Bistro will primarily operate as a restaurant facility, with occasional live indoor. A condition of approval requires that the hours of operation for live entertainment activities shall be limited to 2:00 PM to 2:00 AM Friday and Saturday, and 2:00 PM to 11:00 PM Sunday.*

- D. The proposed use is adequately served by sufficient parking to serve the quantity of traffic such use generates. *The restaurant is located in the Historic Commercial Downtown zone that is served by public parking lots. There is one public parking lot in close proximity to the east of existing restaurant. There are over 100 parking spaces in this lot that service the 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. *The existing restaurant is located within a commercial area of the City and is a compatible use to the surrounding businesses. There are other existing businesses with similar operations with both alcoholic beverages and live entertainment within the commercial area. Conditions of approval require that the live entertainment shall comply with MMC §17.32.030 (Performance Standard, Noises) and MMC §17.32.040 (Vibration), and that all live entertainment activities shall be conducted within the facility only during limited hours and all exterior doors shall be kept closed during live entertainment.*
- F. The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. *The nearby park and recreation center will not be negatively impacted because sufficient safeguards exist that will allow the City to exercise control measures that will protect the peace, health, and safety of surrounding properties. Conditions of approval will require that the live entertainment shall comply with MMC §17.32.030 (Performance Standard, Noises) and MMC §17.32.040 (Vibration), and that all live entertainment activities shall be conducted within the facility and all exterior doors shall be kept closed during live entertainment.*



DATA SHEET 4

Surrounding Land Uses

CUP2016-17
CUP2016-18

504 South Myrtle Avenue

Property Description:

Located near the southeast corner of South Myrtle Avenue and East Lemon Avenue. The lot measures 53.3 feet wide and 99 feet deep for an approximate lot area of 5,277 square feet. The property is developed with an approximately 6,000 square foot commercial building with two tenant spaces.

Zoning

Subject site:

Historic Commercial Downtown (HCD)

Surrounding pattern:

north: Historic Commercial Downtown (HCD)

south: Historic Commercial Downtown (HCD)

east: Planned Development Area 5 (PD-5)

west: Historic Commercial Downtown (HCD)

Land Use

Subject site:

Restaurant

Surrounding pattern:

north: Retail

south: Retail

east: Restaurant

west: Service Commercial

Environmental Determination:

Categorical Exemption Class 1

Applicable Ordinance Regulations:

MMC 17.52.020 Planning Commission Authority for CUP, MMC 17.44.025 Alcohol Beverage Sales and MMC 17.44.055.

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 CUP2016-17 (service of beer and wine) and CUP2016-18 (live entertainment)

REQUEST: Allow a Conditional Use Permit for indoor/outdoor on-site service of beer and wine and a Conditional Use Permit allowing live entertainment in an existing bona-fide eating establishment, "The Salad Bistro." The subject property is located in the Historic Commercial Downtown (HCD) zone.

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

APPLICANT: Joe Kouchakian – 1776/Bar Bell Enterprise

PROPERTY ADDRESS: 504 South Myrtle Avenue

DATE AND HOUR OF HEARING: Wednesday, November 9, 2016 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, November 3, 2016 after 4 p.m. at:
Monrovia City Hall
415 South Ivy Avenue
Monrovia, CA 91016

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

Si necesita información adicional en español, favor de ponerse en contacto con el Departamento de Planificación al número (626) 932-5565.

Sheri Bermejo
Planning Division Manager

PLEASE PUBLISH ON OCTOBER 27, 2016