



PLANNING COMMISSION STAFF REPORT

APPLICATION: CUP2016-19/CUP2016-20/ CUP2016-21 **AGENDA ITEM:** PH-2

PREPARED BY: Jose Barriga **MEETING DATE:** November 9, 2016
Assistant Planner

SUBJECT: Conditional Use Permit CUP2016-19 (On-site Indoor/Outdoor Service of Beer and Wine)
Conditional Use Permit CUP2016-20 (Off-site Sale of Beer and Wine)
Conditional Use Permit CUP2016-21 (Live Entertainment)
405-407 South Myrtle Avenue

REQUEST: Approve a Conditional Use Permit for indoor/outdoor on-site service of beer and wine, a Conditional Use Permit for off-site sales of beer and wine, and a Conditional Use Permit for live entertainment in an existing bona-fide eating establishment, "Myrtle Tree Garden Café & Market." The subject property is in the HCD (Historic Commercial Downtown) zone.

APPLICANT: Myrtle Tree LLC, Michael Bruno - Owner
405-407 South Myrtle Avenue
Monrovia, CA 91016

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

BACKGROUND: The applicant is requesting approval of three Conditional Use Permits (CUP) for the on-site indoor/outdoor service of beer and wine, off-site sales of beer and wine, and live entertainment at "Myrtle Tree Garden Café & Market," an existing restaurant in the Historic Commercial Downtown (HCD) Zone. The Monrovia Municipal Code (MMC) Section 17.44.025 was established to review and mitigate adverse conditions associated with establishments which sell, or 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 CUP is also required for live entertainment facilities in accordance with MMC Section 17.44.055 in order to mitigate any adverse impacts to the surrounding neighborhood.

SUBJECT PROPERTY: The subject site is located on the west side of South Myrtle Avenue, between West Lime and Lemon Avenues. The lot measures 53.3 feet wide and 128.5 feet deep, for a total lot area of approximately 6,849 square feet. It is improved with two commercial buildings that total approximately 4,600 square feet. The existing restaurant occupies two tenant spaces that totals 3,100 square feet. Previously Le Gourmand Gourmet Market & Café occupied the tenant space from May 2015 to February 2015. Due to a change

in ownership, a change in name resulted in Myrtle Tree Garden Café & Market that has continued in operation since March 2016. The subject property is surrounded on all sides by commercial uses that support the HCD Zone.

DISCUSSION/ANALYSIS:

Business Operation

The Myrtle Tree Garden Café & Market offers both an indoor/outdoor café dining experience along with a market and deli. The café offers a wide range menu with teas, coffees, pastries, paninis, salads, soups and Spanish tapas. The market and deli sell gourmet meats, cheeses, chocolates, pastas and other specialty food items that are imported from various European countries. The proposed hours of operation for the café and market are 9:00 AM to 1:00 AM, seven days per week. The business operates with up to four employees onsite at a time. As a condition of approval, the restaurant must maintain operation as a “Bona Fide Eating Place” as defined by the Department of Alcoholic Beverage Control (ABC). Therefore, the kitchen must be open and used for food preparation during all hours the establishment is open. The applicant proposes to introduce the on-site and off-site sales of beer and wine to complement both the on-site dining and retail sales of the market and deli products. Additionally, the applicant proposes to introduce live entertainment into the operation of the café and market with limited days and hours.

Floor Plan

The floor plan includes both indoor and outdoor seating. The indoor dining area provides a seating capacity for up to 68 patrons with four tables with seating for up to four patrons each and five communal tables with stools or benches. The existing outdoor dining includes seating for up to 8 patrons. The Development Review Committee (DRC) reviewed and approved the outdoor dining floor plan and furniture in March of 2016. Since service of beer and wine is proposed outside directly in front of the building facade, the outdoor dining area must have a clear delineation and separation from the remaining sidewalk area. Specifically, a 48” clearance must be maintained at all times to allow for ADA access at the entrance to the building and along the sidewalk as stated in the conditions of approval.

No increase in the restaurant’s seating capacity is proposed. The existing kitchen and restrooms are located in the rear of the establishment. The restaurant floor plan will remain as it exists today, with the exception of a proposed revised seating plan for live entertainment events. During live entertainment events the indoor seating area would be modified to accommodate a proposed dance floor in the middle of the dining area.

On-site Service of Beer and Wine

The Applicant is proposing to add the service of beer and wine to the existing menu for both indoor and outdoor dining. The Applicant wishes to further enhance the dining experience by allowing patrons to enjoy a glass of wine that will complement the meals served on-site. The service of beer and wine would be an incidental component of the full service dine-in restaurant. Several conditions of approval have been included in the attached Data Sheet 1 to specifically address the business’ maintenance of a full service restaurant and the service of alcohol. Condition of Approval No. 3 will require that the quarterly gross sales of alcoholic beverages shall not exceed 33 percent of all gross sales of all products during the same period. Furthermore, Conditions of Approval No. 20 and 6 require that restaurant staff be educated to recognize signs of overconsumption, and that all areas of the restaurant be available for inspection by the Police Department and the Community Development Department during all open business hours.

Off-site Sales of Beer and Wine

In addition to the on-site service of beer and wine, the Applicant is also proposing the incidental off-site sales of beer and wine. The existing business currently operates a small specialty retail component where patrons can purchase prepackaged gourmet meats, cheeses, chocolates, and pastas for off-site consumption, as well as gift baskets. To complement the retail food item sales, the proposed off-sale of beer and wine will be sold as incidental products to the goods and services within the market area. The intent is to offer pre-packaged gift baskets with various items from the market or deli which would include wine bottles for patrons to enjoy and consume off-site. These gift baskets will be stored at the rear of the store on shelves that are not visible from the exterior. The Applicant's floor plan shows that the total market area comprises approximately 25% or 775 square feet of the total building floor area, and only 138 square feet will be devoted to display and sales area for beer and wine and with an additional 261 square feet would be used for storage of beer and wine in a stock room at the back of the building. There will be no visible exterior advertising or signage that would signify that beer and wine is sold within the store.

Therefore, the off-site sales of beer and wine will be a very limited and incidental component of the main business operation.

Live Entertainment

The Applicant would also like to provide occasional live indoor entertainment in the form of four (4) person band or one (1) disc jockey with a dance floor area in the existing restaurant. As indicated on the floor plan, there is a designated area for a stage and a dance floor. The Applicant has stated that both the band and disc jockey would not be performing at the same time, but would alternate dates of operation. The stage area, primarily for the band use, will occupy an approximate 12' x 12' area in the southeast corner of the building. The band will perform not more than two days per month on Fridays and Saturdays from 2:00 PM to 1:00 AM or Sundays from 2:00 PM to 11:00 PM.

When the disc jockey is performing, the Applicant is proposing a 20' x 20' dance floor area that will be assembled with the relocation of existing tables and chairs where dance classes and community dance events will be held. The dance floor area would be located near the front, within the dining area, as indicated on the floor plan. The operation of the dance events will consist of an instructional component of the dances, followed by free dancing to class participants and café patrons. The music and dancing, as indicated on the operation statement, will be restricted to blues, tango, and swing. The dance events will be held up to twice per month on Sundays only from 7:00 PM to 11:00 PM.

During the DRC advisory review, questions were raised regarding the operation of live entertainment and how it would fit in to the overall restaurant business operation. They wanted to ensure that incidental entertainment, specifically the dance events, did not evolve into night club venue, given that such use is not permitted within the HCD zone. For this reason, they requested that the applicant clearly define the hours of operation for each type of entertainment function, as well as clearly denote the dance floor and stage area on the floor plan. The DRC recommended that the conditions of approval state the hours of operation for dance events and designate the location and maximum floor area for the dance floor. Additional conditions of approval have been included in Data Sheet 1 which state that the live entertainment must be conducted within the facility, all exterior doors shall be kept closed during live entertainment and the live entertainment shall not be audible outside the

boundaries of the establishment in accordance with MMC §17.32.030 (Performance Standard, Noises) and MMC §17.32.040 (Vibration).

Parking

Parking in the Old Town area can be found on the street and in the public parking lots. There is one public parking lot in close proximity to the proposed restaurant, with entrances in the 100 blocks of East Lemon and East Lime Avenues. There are well over 100 parking spaces in this lot that serve the businesses in Old Town. A restaurant is a permitted use within the HCD zone and parking is only triggered when any additional square footage is proposed. The service of beer and wine, off-sales of beer and wine, and live entertainment does not trigger any additional parking.

Conclusion

The existing restaurant is a permitted use within the HCD zone, has been in operation since May 2015 and is consistent with surrounding uses. Many of the restaurants in Old Town include the incidental service of beer and wine on their menus. However, the service of alcohol, as well as the live indoor entertainment require CUPs to mitigate any adverse impacts related to those aspects of the restaurant operations. The proposed conditions of approval for the indoor and outdoor service of beer and wine, as well as live indoor entertainment, will ensure that the restaurant will not negatively impact surrounding properties. The applicant's request for the incidental offsite sales of beer and wine is intended to provide convenience to existing customers while shopping for the retail gourmet food items offered within the market.

RECOMMENDATION: Staff and the DRC recommend approval of CUP2016-19, CUP2016-20 and CUP2016-21. 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 CUP2016-19, CUP2016-20 and CUP2016-21 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 CUP2016-19, CUP2016-20 and CUP2016-21, which are incorporated herein by this reference.
4. The Planning Commission approves CUP2016-19, CUP2016-20 and CUP2016-21, 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 CUP2016-19, CUP2016-20 and CUP2016-21 pursuant to the recommendations in the Staff Report.



DATA SHEET 1

Planning Conditions

CUP2016-19 (On-site Service of Beer and Wine)

405-407 South Myrtle Avenue

CUP2016-20 (Off-site Sales of Beer and Wine)

CUP2016-21 (Live Entertainment)

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 CUP2016-19 allowing the indoor and outdoor on-site service of beer and wine, CUP2016-20 allowing off-site sales of beer and wine, and CUP2016-21 allowing live entertainment with music in an existing restaurant, "Myrtle Garden Tree Café", 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.

CUP2016-19 (ON-SITE INDOOR/OUTDOOR SERVICE OF BEER AND WINE)

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. Serving of beer and wine, for on-site consumption, must be accompanied by the sale of food based on the everyday dining menu. Beer and wine 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 beer and wine beverages, for on-site consumption, 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.
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. The service of beer and wine for on-site consumption shall be limited to the designated dining area shown on the approved floor plan.
6. All areas in the restaurant shall be available for inspection by the Police Department and the Community Development Department during all open business hours.
7. No sporting game or games of competition shall be permitted in conjunction with the business unless approved as part of the CUP application.
8. The display, posting or airing via closed circuit television of any gambling odds shall be prohibited unless pre-empted by the State.
9. No patrons shall be on the premises during closed hours.
10. There shall be no uses or activities permitted of an adult-oriented nature as defined in Title 17 of the Monrovia Municipal Code.
11. The use of pornographic material in the form of videos, slides, magazines, or pictures shall be prohibited within the business 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. 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.
16. 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.
17. 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.
18. 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.

19. No happy hour, no drink specials or other bar promotions are permitted to be advertised outside or in the window/door area.
20. The Applicant shall provide education to restaurant staff pertaining to service of beer and wine, including common indications that a patron has been overserved.
21. Hours of operation shall be limited to 9:00 AM to 1:00 AM Monday through Sunday. Before any change is made in these hours of operation, 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.
22. The transfer of the CUP to another owner shall require DRC review and approval.
23. The hours of operation for service of beer and wine in the dining area for on-site consumption shall be limited to the hours of 11:00 AM to 1:00 AM Monday through Sunday.
24. Outdoor dining with outdoor service of beer and wine is permitted in front of the building along South Myrtle Avenue as delineated on the site plan/floor plan.
25. Outdoor dining with the service of beer and wine 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. 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) If it is determined that the sidewalks are not being maintained in a cleanly manner, then additional maintenance measures may be required as determined by the Public Services 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) The final outdoor dining floor plan shall be reviewed in the field and approved by staff.
- (g) 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 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.
- (h) 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.
- (i) Chairs and tables shall be arranged so as to be parallel to the sidewalk, in order to prevent chairs from encroaching into the required pedestrian clearance area on the sidewalk. 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.
- (j) 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 Sunday through Thursday and 11:00 AM to 12:00 AM (midnight) Friday and Saturday.
- (k) The hours of operation for outdoor dining and service of beer and wine 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.

- (l) 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.

CUP2016-20 (OFF-SITE SALES OF BEER AND WINE)

- 26. The Conditional Use Permit allows for the sale of beer and wine only for off-site consumption. If the sale of other alcoholic beverages is proposed in the future, it shall require an amendment to this CUP to be approved by the Planning Commission.
- 27. All conditions set forth by ABC with regard to the "Off Sale Beer and Wine Sales Permit" shall be strictly adhered to. All requirements and appropriate licenses of the State of California and California State Department of Alcohol Beverage Control shall be complied with and maintained at all times. Loitering, open containers, and other signs specified by Alcohol Beverage Control shall be posted as required.
- 28. The sale of beer and wine for off-site consumption shall be limited to the designated retail area shown on the approved floor plan.
- 29. Employees will verify all beer and wine transactions are made to person that are a minimum of 21 years old.
- 30. Bottles or cans of beer less than 32 ounces in size shall be sold only in six packs or greater. Single containers of beer sold shall not be less than 32 ounces in size.
- 31. No wine shall be sold in bottles or containers smaller than 750 ml except "wine coolers." Wine coolers shall only be sold in four packs or larger. Wine coolers shall not contain more than 10% alcohol by volume.
- 32. The sale of fortified wines shall be prohibited unless such wines have aged two or more years and are sealed in corked bottles.

33. The management and employees shall not sell alcoholic beverages to obviously intoxicated persons.
34. Off-site sales of beer and wine shall be limited to the following hours of operation 11:00 AM to 1:00 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.
35. Prominent, permanent signs stating: "No loitering is allowed on or around these premises" shall be posted in places clearly visible to patrons in common areas, immediate parking lots, courtyards and the entry breezeway. Prior to posting, all signs shall be submitted to the City for review and approval to ensure compliance with the Monrovia Municipal Code.
36. The owner and manager of the establishment shall be strictly accountable for compliance with each and every condition imposed as part of the CUP, whether or not the owner or manager is personally present at the location.
37. Advertising beer and wine products on the windows or the building is prohibited

CUP2016-21 (LIVE ENTERTAINMENT)

In addition to the Planning Conditions on this Data Sheet 1 for CUP2016-19 and CUP2016-20, the following shall also apply when entertainment takes place:

38. Live entertainment shall consist of either an ensemble, including instrumentalists and/or vocalists, **OR** one (1) DJ with dancing. No increase in the number of performers is permitted until reviewed and approved by the Development Review Committee. The approved live entertainment shall be permitted indoors as follows:
 - A. Ensemble (live performers)
 - i. Shall be limited to a maximum of four (4) performers, and
 - ii. Shall be limited to no more than two events per month during the following days and hours
 1. 2:00 PM to 1:00 AM Friday through Saturday, or
 2. 2:00 PM through 11:00 PM Sunday.
 - B. Dance events
 - i. Shall be limited to no more than twice per month on Sundays between 7:00 PM through 11:00 PM.
39. All live entertainment activities shall be conducted within the facility and all exterior doors shall be kept closed during live entertainment.

40. The approved floor plan is an integral part of the decision approving this CUP for live entertainment. There shall be no change in the design of the floor plan in the area designated for live entertainment 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.
41. The live entertainment staging area shall be limited to no more than a 12' x 12' area for musicians and/or vocalists as indicated on the approved floor plan.
42. The dance area shall be limited to no more than a 20' by 20' area as indicated on the approved floor plan.
43. No cover charge shall be permitted.
44. 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.
45. 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).
46. 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.
47. 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, 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.

48. 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

49. 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.
50. 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.
51. 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.
52. 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.

53. 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. These 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.
54. The Development Review Committee shall review each use permitted by these CUPs one (1) year from the date the use commences.
55. The use or development associated with these CUPs shall begin within one (1) year after its approval or it will expire without further action by the City.
56. 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 2016-19 (On-site Service of Beer and Wine)

As required by Section 17.52.290 of the Monrovia Municipal Code (MMC), the decision for granting CUP2016-19 to allow the indoor and outdoor service of beer and wine for on-site consumption at an existing restaurant located at 405-407 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 the City's downtown 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 serve beer and wine with dine-in meals. 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. The Historic Commercial Downtown land use designation's role is to preserve the historic role of the commercial downtown, and pedestrian-oriented commercial uses such as small shops, banks and restaurants are permitted.*
- 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. The service of beer and wine would be an incidental component of the full service dine-in restaurant.*
- 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 would be an incidental component of the full service dine-in restaurant.*

Further, as required by Section 17.44.025 of the Monrovia Municipal Code (MMC), the decision for granting CUP2016-19 to allow the indoor and outdoor service of beer and wine for on-site consumption at an existing restaurant located at 405-407 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. *The service of beer and wine would be an incidental component of the full service dine-in restaurant. Condition of Approval No. 1 insures that the restaurant will operate as a “bona fide eating place” and that the kitchen shall be open and preparing food during all hours of operation. All areas of the restaurant shall be available for inspection by the Police Department and Community Development Department during all open business hours. Additionally, 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 service of beer and wine would be an incidental component of the full service dine-in restaurant. The restaurant shall be responsible to pick-up and properly dispose of all litter if it is determined by the Community Development or Public Services Director that patrons are littering as a result of their coming to or leaving from the establishment as stated in Condition of Approval No. 14. The restaurant will be required to adhere to the conditions of approval that set forth regulations that are specific to the service of beer and wine and the overall business operation.*
- C. The proposed use will not create serious adverse impacts to the commercial district. *The restaurant will operate primarily as a “bona fide eating place” and will provide a service that has been previously granted to other surrounding restaurants within the City’s Historic Commercial Downtown. Condition of Approval No. 15 requires that the CUP be subject to review by the Development Review Committee (DRC) in the event security/policing problems occur this site. The DRC may require additional uniformed security guards or other security measures if determined to be necessary.*
- 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 Old Town Monrovia which is serviced by multiple public parking lots located throughout the vicinity. The service of beer and wine is not expected to significantly increase the parking demand as the primary use of the site will remain 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 serve beer and wine to patrons eating dine-in meals. 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 a downtown commercial center and conditions of approval have been added to enforce that it will be a restaurant use that will operate as a “bona fide eating place.” The service of beer and wine would be an incidental component of the full service dine-in restaurant. Beer and wine will only be served in the approved indoor and outdoor dining areas shown on the floor plan.*

- F. The proposed use will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. *The closest park and recreation center to the subject site is Library Park and the City’s community center which are within 500 feet from the restaurant. However, these properties will not be negatively impacted by the proposed use as the restaurant will operate as a “bona fide eating place” and not a bar. In accordance with ABC requirements. Furthermore, the service of beer and wine would be an incidental component of the full service dine-in restaurant. 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 2016-20 (Sale of Beer and Wine for Off-site Consumption)

As required by Section 17.52.290 of the Monrovia Municipal Code (MMC), the decision for granting CUP2016-20 to allow the sale of beer and wine for off-site consumption at an existing restaurant located at 405-407 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 off-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. The proposed sale of beer and wine for off-site consumption will be limited to the small existing retail area at the back of the existing business. There is no proposal to expand the existing retail 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 a commercial area, which is suited to support these types of uses and traffic loads. The introduction of sale of specialty beer and wine for off-site consumption is not expected to significantly increase traffic as the main operation is a restaurant use and not a bar. The site is served by on-street parking and public parking located near the existing business establishment.*

- C. The proposed sale of beer and wine for off-site consumption in an existing restaurant is compatible with the General Plan and will not adversely impact the objectives of the General Plan. *The proposed retail sale of beer and wine in at the establishment is consistent with the General Plan, including those General Plan requirements specific to the HCD (Historic Commercial Downtown) designation. The Historic Commercial Downtown land use designation's role is to preserve the historic role of the commercial downtown, and pedestrian-oriented commercial uses such as small shops, banks and restaurants are permitted. Several conditions of approval have been incorporated to allow for inspection by the Police Department or other designated City officials during all open business hours to the extent allowed by the law.*
- D. The proposed sale of beer and wine for off-site consumption in an existing restaurant will comply with the applicable provisions of the zoning ordinance. *There are no variances requested for this CUP. A restaurants and retail stores are permitted land uses in the HCD zone. The restaurant establishment, which includes incidental sales of specialty gourmet food products, will continue to operate as such. The sales of beer and wine will be sold in prepacked gift baskets. The Applicant's floor plan shows that the total market area comprises approximately 25% or 775 square feet of the total building floor area, and only 138 square feet will be devoted to retail sales area for specialty beer and wine and with an additional 261 square feet would be used for storage of beer and wine in a stock room at the back of the building. Therefore, the sales of beer and wine will be incidental to the gourmet food retail sales within the market area and will significantly different from a liquor store which usually offers a wide range of alcoholic beverages, in terms of price and type.*
- E. The location of the existing restaurant with sale of beer and wine for off-site consumption 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 restaurant establishment, which includes incidental sales of specialty gourmet food products within a delineated market area, will continue to operate as such. The sales of beer and wine will be sold in prepacked gift baskets. The Applicant's floor plan shows that the total market area comprises approximately 25% or 775 square feet of the total building floor area, and only 138 square feet will be devoted to retail sales area for specialty beer and wine and with an additional 261 square feet would be used for storage of beer and wine in a stock room at the back of the building. Therefore, the sales of beer and wine will be incidental to the gourmet food retail sales within the market area and will significantly different from a liquor store which usually offers a wide range of alcoholic beverages, in terms of price and type. The modest selection will be tailored to provide a safe, convenient alternative for patrons who seek specialty items to meet the needs of the Myrtle Tree Café & Market existing customer base. The applicant will be required to adhere to the conditions of approval on Data Sheet No. 1 to ensure sales of beer and wine for off-site consumption is not detrimental or injurious to the public and surrounding uses. A condition of approval further requires that all areas in the establishment be available for inspection by the Police Department and Community Development Department during all open business hours. 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.

Further, as required by Section 17.44.025 of the Monrovia Municipal Code (MMC), the decision for granting CUP2016-20 to allow sale of beer and wine for off-site consumption at an existing restaurant located at 405-407 South Myrtle Avenue is also based on the following findings:

- A. *The proposed sale of beer and wine for off-site consumption at an existing restaurant will not adversely and seriously affect the peace, health, safety and welfare of residents of the community. The restaurant establishment, which includes incidental sales of specialty gourmet food products within a delineated market area, will continue to operate as such. The sales of beer and wine will be sold in prepacked gift baskets. The Applicant's floor plan shows that the total market area comprises approximately 25% or 775 square feet of the total building floor area, and only 138 square feet will be devoted to retail sales area for specialty beer and wine and with an additional 261 square feet would be used for storage of beer and wine in a stock room at the back of the building. Therefore, the sales of beer and wine will be incidental to the gourmet food retail sales within the market area and will significantly different from a liquor store which usually offers a wide range of alcoholic beverages, in terms of price and type. The modest selection will be tailored to provide a safe, convenient alternative for patrons who seek specialty items to meet the needs of the Myrtle Tree Café & Market existing customer base. Condition of Approval No. 27 insures that the establishment will operate by all conditions and appropriate licenses of the Department of Alcoholic Beverage Control (ABC) for the issuance of Type 20 license. All areas of the restaurant shall be available for inspection by the Police Department and Community Development Department during all open business hours. Additionally, 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 sale of beer and wine for off-site consumption 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 proposed sale of beer and wine for off-site consumption (Type 20 ABC License) within a delineated market area at an existing restaurant will be required to adhere to the conditions of approval that set forth regulations that are specific to the sale of alcohol and the overall business operation. 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. 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. 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.

- C. *The proposed sale of beer and wine for off-site consumption will not create serious adverse impacts to the commercial district. The sale of beer and wine within a delineated market area at the existing restaurant will not create adverse impacts due to the conditions of approval recommended. The exterior of the premises shall be illuminated with sufficient lighting to easily discern the appearance and conduct of all persons on or about the establishment. Additionally, within forty-eight hours any graffiti painted or marked on the premises shall be eradicated.*
- D. *The proposed sale of beer and wine for off-site consumption is adequately served by sufficient parking to serve the quantity of traffic such use generates. The existing business establishment is located within the Old Town Monrovia that is serviced by multiple public parking lots located throughout the vicinity. The sale of beer and wine for off-site consumption is not expected to significantly increase the parking demand as the use will maintain primarily as a restaurant. The sales of beer and wine will be incidental to the gourmet food retail sales within the small market area. The sales of beer and wine will also be significantly different from a liquor store which usually offers a wide range of alcoholic beverages, in terms of price and type. The special retail sales of beer and wine will only comprise 4.5% of the total building area. The floor area for sale of beer and wine for off-site consumption is not being increased. Accordingly, no additional parking is required.*
- E. *The proposed sale of beer and wine for off-site consumption will not be incompatible with the adjoining uses as it relates to noise, traffic, and hours of operation. The sale of beer and wine is not expected to significantly increase noise, traffic or the hours of operation that may negatively impact the adjoining uses. The establishment shall provide signage stating that no loitering is allowed on or around the premises. The modest selection of specialty beer and wine products will be tailored to provide a safe, convenient alternative for patrons who seek specialty food items to meet the needs of the Myrtle Tree Café & Market existing customer base. The sale of beer and wine will be incidental to the existing restaurant and market, and the no signage that would advertise the off premise sale of beer and wine is permitted.*
- F. *The proposed sale of beer and wine for off-site consumption will not negatively impact nearby parks, schools, recreation centers, religious assembly facilities, and hospitals. The sales of beer and wine will be incidental to the gourmet food retail sales within the small market area. The sales of beer and wine will also be significantly different from a liquor store which usually offers a wide range of alcoholic beverages, in terms of price and type. The special retail sales of beer and wine will only comprise 4.5% of the total building area. Adjacent properties and uses 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. No signage that would advertise the off premise sale of beer and wine is permitted. The CUP may be called for review at any time by City Staff, the City Council, or the 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 2016-21 (Live Entertainment)

As required by Section 17.52.290 of the Monrovia Municipal Code, the decision for granting Conditional Use Permit No. 2016-21 to allow live indoor entertainment located at 405-407 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 the downtown commercial area that is relatively flat. The live entertainment will be operated within a closed building and will only occur within a limited schedule Fridays and Saturdays from 2:00 PM to 1:00 AM and Sundays from 2:00 PM to 11:00 PM.*
- 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 existing business will continue to operate primarily as a restaurant. The incidental live entertainment will have limited hours of operation. The proposed use is located in the City's downtown 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 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. Live entertainment events will be free of charge and will be open to all members of the community. Conditions of approval require that the live entertainment be conducted within the facility and that all exterior doors be kept closed during live entertainment 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 Myrtle Tree Garden Café and Market 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 at Myrtle Tree Garden Café and Market 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 live entertainment will be very limited in nature and will operate in the form of four (4) person band or one (1) disc jockey with a dance floor area in the existing restaurant. As indicated on the floor plan, there is a designated area for a stage area and a dance floor plan. The band and disc jockey would not be performing at the same time, but would alternate dates of operation. The operation of the limited dance events will consist of dance instruction in the limited genre of blues, tango, and swing, which will be followed by free dancing to class participants and café patrons. These dance events will be held not*

more than twice a month, occurring only on Sundays from 7:00 PM to 11:00PM. The live band will provide entertainment to patrons that dine during the approved hours of operation. The dance events will be free community based events that will allow for patrons to learn and practice various styles of dance. 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. 2016-21 to allow live indoor entertainment at Myrtle Tree Garden Café and Market located at 405-407 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. Live entertainment will not negatively impact the area as the use will be incidental to the overall business. Conditions of approval are in place that will limit the date and hours of operation and the floor plan of the restaurant is not being expanded to allow live entertainment. Furthermore, the business will remain a restaurant and not become a bar or nightclub.*
- 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. 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 existing business will primarily operate as a restaurant establishment, with occasional live indoor entertainment in a vibrant downtown commercial district. A condition of approval limits the hours of operation for live entertainment activities to not more than two events, for either live band or dance event, per month occurring on the following days and times: Fridays and Saturdays from 2:00 PM to 1:00 AM and Sundays from 7:00 PM to 11:00 PM. Any proposed changes to the hours would require review by the Development Review Committee to determine if there are any compatibility problems with adjacent uses in the area.*
- 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 and is served by public parking lots. There is one public parking lot*

in close proximity to the proposed restaurant, with an entrance in the 100 block of West Lemon and Lime Avenues. 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 live entertainment will be very limited in nature and will operate in the form of four (4) person band or one (1) disc jockey with a dance floor area in the existing restaurant. As indicated on the floor plan, there is a designated area for a stage area and a dance floor plan. The band and disc jockey would not be performing at the same time, but would alternate dates of operation. The operation of the limited dance events will consist of dance instruction in the limited genre of blues, tango, and swing, which will be followed by free dancing to class participants and café patrons. These dance events will be held not more than twice a month, occurring only on Sundays from 7:00 PM to 11:00PM. The live band will provide entertainment to patrons that dine during the approved hours of operation. The dance events will be free community based events that will allow for patrons to learn and practice various styles of dance. The restaurant is located within a commercial area of the City and the use is a compatible with the surrounding existing restaurant and retail businesses. 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 closest park and recreation center to the subject site is Library Park and the City's community center which are within 500 feet from the restaurant. However, these properties will not be negatively impacted by the proposed use as the restaurant will operate as a "bona fide eating place" and not a bar or nightclub. The nearby park and recreation center properties 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. The limited live entertainment is an incidental use to the full-service dine-in restaurant. 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

CUP2016-18
CUP2016-20
CUP2016-21

504 South Myrtle Avenue

Property Description:

Located near along South Myrtle Avenue between East Lemon and Lime Avenues. The lot measures 53.3 feet wide and 128.5 feet deep, for a total lot area of approximately 6,849 square feet. It is improved with two commercial buildings that total approximately 4,600 square feet.

Zoning

Subject site: Historic Commercial Downtown (HCD)

Surrounding pattern:

north: Historic Commercial Downtown (HCD)

south: Historic Commercial Downtown (HCD)

east: Historic Commercial Downtown (HCD)

west: Planned Development Area 5 (PD-5)

Land Use

Subject site: Restaurant

Surrounding pattern:

north: Retail

south: Restaurant

east: Restaurant

west: Office

Environmental Determination: Categorical Exemption Class 1

Applicable Ordinance Regulations: MMC 17.52.020 Planning Commission Authority for CUP and MMC 17.44.025 Alcohol Beverage Sales

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 CUP2016-19 (service of beer and wine), CUP2016-20 (off-site sale of beer and wine) and CUP2016-21 (live entertainment)

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

ENVIRONMENTAL DETERMINATION: Categorical Exemption (Class 1)

APPLICANT: Myrtle Tree LLC, Michael Bruno – Owner

PROPERTY ADDRESS: 405-407 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

*Application for Wine and Beer and Occasional Live Entertainment at
Myrtle Tree Garden Café
405-407 S. Myrtle Avenue*

Project Description and Narrative

Myrtle Tree Garden Café and Market has been in operation since May, 2016. It is located on the west side of the 400 block of S. Myrtle Avenue, across from the Krikorian Theater.



Figure 1. Entrance on Myrtle Avenue to Myrtle Tree Garden Café and Market.

The business is owned and operated by Michael Bruno, a 30 year resident of Monrovia, and a longtime owner and principal of two small engineering and research companies located in Monrovia. The mission and goal of Myrtle Tree Garden Cafe is to provide a casual, relaxed, garden environment with an emphasis on healthy and organic food and gourmet market items. The beautiful, high ceiling interior surrounded by red brick walls is made inviting and interesting with live trees, herbs, flowers, an interior waterfall, and both communal tables and individual seating (see Figure 2). Background music is casual, soft, and international in style. Customer satisfaction has been very high since our opening.

The restaurant provides full meal service, including breakfast, lunch, and dinner. We now propose to add afternoon wine and beer service to enhance the afternoon tapas menu, and to provide wine and cheese plates and basket offerings for taking offsite. We also plan to have occasional (once or twice per month) live music such as acoustic guitar and/or blues and jazz.



Operating Plan

There are no significant changes planned to the current operations or to the primary food preparation and seating area. Per City and ABC requirements, a second ADA compliant bathroom will be added adjacent to the existing bathroom in the back part of the building. Construction plans have already been approved by the City.

Wine and beer will be served to patrons at tables. Wine will also be added to basket displays in the market area. No seating or interior layout changes are planned. Occupancy levels and limits (currently 68) will not change. Wine and beer revenues, including incidental sales, will not exceed 25% to 30% of total business revenues.

Normal operating hours will remain 9am to 9pm, with occasional (once or twice per month) opening until 1 am. We plan to offer live music about once or twice per month, either afternoon or evening. A small corner area about 12ft x 12ft will be used for single musicians or up to a maximum of four.

About once or twice a month, on Sunday evenings from about 7pm to 11pm, we plan to hold dance classes and free community dance events. The music and dancing will be restricted to blues, tango, and swing (i.e. not night-club type dancing). These events will sometimes start with professional instruction, followed by dancing by class participants and/or café patrons.

Salads

with bread

Kale	10
organic kale	
sweet golden raisins	
sliced almonds	
parmesano reggiano	
lemon vinaigrette	
Carrot	10
organic heirloom carrots	
shaved fennel	
granny smith apple	
English blue stilton	
citrus dressing w walnuts	
Caprese	10
organic heirloom tomatoes	
organic basil	
fresh mozzarella	
aged balsamic vinegar	
Tuna	10
Italian tuna in oil	
organic roma tomatoes	
spring mix greens	
heirloom carrots	
heirloom cucumber	
balsamic vinaigrette	

Dinner Entrees

Smoked Salmon	12
mint and garlic tapenade	
organic bread	
mixed greens	
Corned Beef	14
cabbage wild rice	
Chicken Cacciatore Siciliana	15
free range chicken	
tomato sauce	
onions peppers garlic	
over rice	
Frittata Primavera	10
organic spinach	
artichoke kale	
mixed greens fresh bread	

Deli Plates

Euro Meat	15
prosciutto di parma	
genoa salami	
pate de campagne	
mortadella w/ pistachio	
Euro Cheese	15
st. andre tallegio	
old amsterdam gouda	
roquefort bleu	
Combination Plate	15
two meats two cheeses	

Organic Juices

\$8/16 oz | \$10/20 oz

Myrtle Green	
cucumber kale carrots	
Myrtle Red	
apples grapes carrots	
Myrtle Blue	
berries grape cucumber	
Myrtle Madness	
kale apples grapes	
cucumbers carrots	

Organic Coffee & Tea

Intelligentsia Brand Selections

Coffee	3
regular decaf	
Espresso	3 4
single double	
Cappuccino	5
Latte	5
Mocha	5
Loose Leaf Teas	3 5
<i>Mighty Leaf & Tea Forte</i>	
cup pot	



fresh | organic | natural

405 S Myrtle Ave
 (626) 386 5024
myrtletreecafe.com

Monday closed
 Tuesday 10am – 8pm
 Wednesday 10am – 8pm
 Thursday 10am – 8pm
 Friday 9am – 9pm
 Saturday 9am – 9pm
 Sunday 9am – 8pm

Breakfast

served all day

Vegetarian Quiche	10
vegetables organic fruit slices mixed greens	
Quiche Lorraine	10
fresh fruit organic toast	
Euro Continental	10
gourmet cheese & meat fresh organic fruit croissant	
Smoked Salmon	10
organic toast fresh organic fruit mixed greens	
Organic Steel Cut Oatmeal	8
berries nuts brown sugar	
Belgian Waffle	10
berries cream	
Poached Egg over Prosciutto	10
free range egg fresh greens organic bread & jam	

Soup

with bread

Butternut Bisque	4.5 7
organic squash	
Clam Chowder	4.5 7
Soup du Jour	4.5 7

Panini

+ side salad

Italian Prosciutto di Parma	10
goat cheese organic arugula organic roma tomatoes	
Organic Turkey Breast	10
gruyere organic arugula organic roma tomatoes dijon	
Jamón Serrano	10
spanish manchego organic arugula fig jam	
Smoked Salmon	10
organic cream cheese organic tomatoes red onions capers	
Marinated Artichoke	10
organic basil fresh mozzarella sun dried tomatoes	
Fresh Mozzarella	10
pesto black olives organic basil	

Tapas

Bruschetta	8
Meat, Cheese, & Fruit	8
Baked Cheese and Olives	8
Heirloom Tomatoes & Mozzarella	8
Smoked Salmon & Mint Garlic Toast	8

Sandwiches

+ side salad

Angus Roast Beef	10
hormone free beef organic butter lettuce organic tomatoes mayo french dijon	
French Ham	10
cornichons bric	
Corned Beef	10
hormone free beef sauerkraut organic roma tomatoes comte cheese	
Pate de Campagne	10
organic roma tomatoes cornichons organic mixed greens	
Italian Tuna	10
organic roma tomatoes organic cucumber black olives pesto	
Organic Heirloom Tomatoes & Mozzarella	10
organic basil aged balsamic vinegar	
1/2 Sandwich + Salad	12

Kids Menu

Grilled Cheese	5
Any Half Sandwich	5