CITY OF MONTEBELLO December 20, 2011

TO:

Planning Commission

FROM:

Planning Division

SUBJECT:

Conditional Use Permit 5-11

LOCATION:

410 W. Whittier Boulevard

APPLICANT:

Gabriela Pineda for Arvso Grill

CASE PLANNER:

Nancy Lee, Assistant Planner W

STAFF RECOMMENDATION: Acknowledge the Environmental Determination and approve Conditional Use Permit 5-11 with the specific findings and conditions in the Draft Resolution (Attachment 2).

REQUESTED

ENTITLEMENTS

Conditional Use Permit - To allow the on-site sale of beer and wine in

conjunction within a bona-fide restaurant (Aryso Grill).

ENVIRONMENTAL

DETERMINATION

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Division 6, Chapter 3, Class 1 §15301 (Existing Facilities). This exemption applies to additions, expansions, or alterations to existing structures where there is negligible or no expansion of the use.

SITE CHARACTERISTICS

Site Location and Size

The subject site is located on the north side of Whittier Boulevard between 4th Street and 5th Street and has a lot area of 5,850 square feet. The subject site is also located in the Montebello Economic Revitalization Project area.

Zoning

Subject Site:

C-2 (General Commercial)

North:

R-3 (Multi-Family Residential) and C-2 (General Commercial)

South:

C-2 (General Commercial)

East: West: C-2 (General Commercial) C-2 (General Commercial)

Land Use

Subject Site:

Restaurant and Beauty Salon

North:

Multiple-Family Residential and Professional Offices

South:

Retail

East:

Furniture Store

West:

Tire Sales

Previous Entitlements

None.

Application Submitted: October 26, 2011

Application Deemed Complete: November 10, 2011

PROJECT DESCRIPTION

The applicant, Gabriela Pineda, is requesting a Conditional Use Permit to allow the on-site sale of beer and wine (ABC License Type 41) within an existing bona-fide restaurant (Aryso Grill). A Conditional Use Permit is required for on-site alcohol sales in conjunction with a bona-fide restaurant in the C-2 (General Commercial) zone.

ANALYSIS

The subject site has hosted a number of different restaurants without the on-site sale of alcohol since 1976. The restaurant is approximately 1,573 square feet in size. City records show that the restaurant was approved with a total of 52 seats. There are a total of four, 40 inch television screens within the dining area. Restaurant patrons may access the restaurant through the front door located on Whittier Boulevard or through the rear entrance from the on-site parking lot. The restaurant operates between the hours of 8 a.m. to 9 p.m. seven days a week. The applicant is currently proposing to continue the operation of the subject site as a bona-fide restaurant with the introduction of on-site beer and wine sales to complement the Mexican cuisine dining experience of patrons. A Conditional Use Permit is required for the establishment of on-sale beer and wine in conjunction with a bona-fide restaurant in the C-2 (General Commercial) zone.

Conditional Use Permit -- According to Section 17.61.010 of the Zoning Code, the purpose and intent of the Alcohol Ordinance is to preserve a healthy environment for residents and businesses by establishing a set of consistent standards for the safe operation of alcoholic beverage establishments. It is recognized that hospitality, entertainment, recreation and related businesses are a significant part of the City's economy, and that alcoholic beverage sales are important to the operation of these businesses. It is also recognized that alcohol abuse can create environments that jeopardize the continued success of these businesses and seriously affect the health, safety and general welfare in surrounding areas, particularly residential neighborhoods.

This chapter is also intended to deal with and prevent alcohol-related problems and conditions by imposing restrictions on the location of such establishments in relation to one another, and in relation to facilities primarily devoted to use by children and families and the general public; and by requiring that each establishment obtain a Conditional Use Permit in connection with its business operations or its events and activities which involve the sale of alcoholic beverages, and imposing conditions therein on a case by case basis, thereby limiting the number of such establishments in the City and preventing undesirable community impact of such uses by the imposition of reasonable conditions upon the operation of all such uses, both existing and in the future.

The findings that must be made to approve a Conditional Use Permit request must substantiate that (1) the site is adequate in size and shape for the use, that (2) it has sufficient access to streets and highways, that (3) the proposed use will not adversely affect the area, that (4) the proposal is consistent with the City's General Plan and that (5) the proposed use is consistent with the objectives of the Community Redevelopment Project Area in which the site is located. In addition, findings for all alcoholic beverage establishments include that (6) the proposed use serves the public convenience and necessity, based upon all factors outlined in Section 17.61.060 of the Zoning Code, and that (7) the proposed use will not adversely affect nearby residents and facilities primarily devoted to use by children, families, and the general public, after giving consideration to the distance or proximity of the proposed alcoholic beverage establishment to residential districts, schools (public or private), day care centers, public parks, playgrounds and other recreational facilities, churches and other places of religious worship, hospitals, clinics or other health care facilities.

In relating the required findings to the proposal, the subject site has hosted a number of different restaurant establishments since 1976 with the same layout and similar general operation. The restaurant will have a maximum of 52 seats, no new square footage is proposed to the existing building, and the introduction of the on-site sale of beer and wine will be incidental and complementary to the primary use as a restaurant. Therefore, since the existing use at the subject site is not increasing in size or number of seats, the subject site is adequate in size and shape to accommodate a restaurant with the on-site sale of beer and wine if operated in association with the Conditions of Approval.

The site has sufficient access to streets and highways and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The subject site is located along Whittier Boulevard which is a major commercial road that carries traffic east/west. Off-street parking for the property is provided on the north side of the existing building, which is accessible from the alley entrances along 4th Street and 5th Street. The intensity of the use will not increase as a result of this proposal so the existing infrastructure will not be compromised or require improvements. Since the subject site has operated as a

restaurant since 1976 with no record of troubles, the site possesses sufficient access to streets and highways, and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

In reviewing the proposal, staff has determined that the proposed use will not have an adverse effect upon adjacent or abutting properties because the use is located on a major commercial corridor and is a compatible use for the district. Additionally, the operations of the proposed use are required to operate in compliance with the Conditions of Approval, which will further ensure compatibility. Specifically, Conditions of Approval place restrictions on the restaurant use, hours, safety, loitering, lighting, and are intended to mitigate any Impacts caused by the proposed use to lessen any impacts to the adjacent properties. The requested introduction of on-site beer and wine sales in conjunction with a bona-fide restaurant will not expand the existing building footprint or intensify the current operations of the use. The proposal does not include live entertainment or a bar area in the restaurant, therefore, the proposal will not significantly change from the existing restaurant conditions. The applicant plans to adopt the State of California Alcoholic Beverage Control's training program so that their staff will lawfully serve patrons within the restaurant.

Policies of the General Plan Land Use Element state that commercial development in the City shall be sited in appropriate locations according to need and that the City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenue to the City. In this case, the proposed use is located in a commercial area that is compatible with the surrounding area. The location on Whittier Boulevard is an appropriate site for the proposed use to achieve this goal. The proposed use will offer beer and wine to complement the Mexican cuisine served to customers. Therefore, granting approval of the proposed use is consistent with the policies of the General Plan. Additionally, the proposed use is located in the Montebello Economic Revitalization Project area. Objectives of the community redevelopment project area are being met with proposed introduction of on-site beer and wine sales which would broaden the redevelopment project area's tax base. Further, the subject site has not been targeted for future redevelopment at this time and the approval of this Conditional Use Permit would not hinder any redevelopment efforts along Whittier Boulevard.

The proposed restaurant would offer public convenience and necessity to the community. The State of California Alcoholic Beverage Control (ABC) has indicated that an undue concentration of alcohol-related uses exists in the census tract (census tract no. 5301.01). Specifically, the undue concentration exists because the total number of ABC licenses exceeds the maximum allowable total of five ABC licenses within the census tract. In the immediate vicinity, there are two other sites within 300 feet of the subject site that provide alcohol sales. One business is Jewel Market, which provides off-site beer and wine sales. The other is the Montebello Elks Lodge, a social organization that provides on-site full alcohol (beer, wine, distilled spirits) sales in conjunction with their social functions. As such, the applicant is able to offer public convenience and necessity in that the proposed on-sale beer and wine service offered to patrons with meals at Aryso Grill will provide a service that differs from Jewel Market and the Montebello Elks Lodge in the immediate vicinity. Therefore, the proposed use will service a niche that is currently not filled by other alcoholic beverage establishment licenses in the immediate area.

Lastly, there are residential uses and two churches (Inglesia Cristiana and St. Pius X Knanaya Catholic Church) within 300 feet of the subject property. There is a private school (Montebello Christian School) within 1,000 feet of the subject site. Given the proximity of these uses, the impacts associated with the proposal are still important and should be evaluated as part of the Conditional Use Permit request. The proposed alcohol sales within the bona-fide restaurant will be required to meet conditions of approval that affect the hours of operation, safety, parking, lighting, and property maintenance of the proposed use, which are reasonable for this type of use and will ensure minimal impacts to neighboring uses and surrounding properties.

Traffic, Parking, and Circulation. The Off-Street Parking requirements have been established in the Zoning Code to ensure that adequate off-street parking is provided for a variety of uses throughout the City. Currently, Aryso Grill does not meet the Off-Street Parking required by the Zoning Code. However, according to Zoning Code section 17.52.030, additional parking is only required when the intensity of a use or building is increased through the addition of floor area or seating capacity. As such, the proposed introduction of alcohol sales is not considered an intensification or expansion of the existing use. Therefore, no additional off-street parking spaces are required.

DEPARTMENT COMMENTS

The proposal was routed to several City departments. The Montebello Police Department and Code Enforcement Division determined the proposed introduction of on-site beer and wine sales within the bona-fide restaurant is not expected to be a detriment to the public health, safety, or the general welfare of the nearby commercial, residential, and other sensitive uses because the establishment is required to operate according to the recommended Conditions of Approval established by the City. Additionally, the Building and Safety Division has recommended conditions of approvals which require that the restaurant provide A.D.A. accessibility. These conditions are included in the attached Draft Resolution.

SUMMARY/CONCLUSION

The applicant, Gabriela Pineda for Aryso Grill, is requesting a Conditional Use Permit to allow the on-site sale of beer and wine (ABC License Type 41) within an existing bona-fide restaurant (Aryso Grill). Staff has determined that the subject site is adequate in size and shape to accommodate the proposed use without negatively impacting the surrounding properties since it has operated as a restaurant with no record of problems since 1976. The proposal will not significantly change existing conditions on the property and its location on Whittier Boulevard is compatible with surrounding uses while providing sufficient access to street and highways. Conditions of Approval place restrictions on the restaurant use, hours, safety, loitering, lighting, and are intended to mitigate any impacts caused by the proposed use to lessen any impacts to the adjacent properties. Approval of this Conditional Use Permit would not hinder any redevelopment efforts along Whittier Boulevard.

Further, the proposal alcohol-related use would be serving a public convenience and necessity by offering the convenience of purchasing alcohol in conjunction with Mexican cuisine. The proposed alcohol-related use will be required to meet conditions of approval to ensure minimal impacts to uses primarily devoted to use by children, families, and the general public, such as residential uses, schools, and churches. Therefore, staff is recommending that the Planning Commission approve Conditional Use Permit 5-11 subject to the conditions of approval contained herein.

RECOMMENDATION

Pending public testimony and Planning Commission input:

- Find that the Conditional Use Permit 5-11 is categorically exempt from the California Environmental Quality Act (CEQA) guidelines under Class 1 §15301 (Existing Facilities) and approve the Notice of Exemption.
- 2. Approve the findings listed in the attached Draft Resolution; and
- Approve Conditional Use Permit, subject to the Conditions of Approval as contained in the Draft Resolution.

ATTACHMENTS & EXHIBITS

- 1. Exhibit "A" Site and Floor Plan, Operations Plan, and Menu
- 2. Draft Resolution
- Location Map
- 4. Environmental Document Notice of Exemption

RESOLUTION NO. PC 13-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE ON-SITE SALE OF BEER AND WINE (ABC LICENSE TYPE 41) WITHIN AN EXISTING BONA-FIDE RESTAURANT (ARYSO GRILL).

Case No.:

Conditional Use Permit 5-11

Applicant:

Gabriela Pineda for Aryso Grill

Location:

410 Whittier Boulevard

THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO DOES HEREBY RESOLVES AS FOLLOWS:

SECTION 1. That the Planning Commission of the City of Montebello does find, determine, and declare as follows:

- The applicant, Gabriela Pineda for Aryso Grill has submitted a Conditional Use Permit
 application to allow the on-site sale of beer and wine (ABC License Type 41) within an
 existing bona-fide restaurant (Aryso Grill) on property located in the C-2 (General
 Commercial) zoning district;
- 2. That the Planning Commission conducted a duly noticed public hearing upon said application on December 20, 2011, and, based on evidence presented in the staff report, the Planning Commission being familiar with the subject site, has determined that the facts necessary to support the approval of Conditional Use Permit 5-11 can be made, subject to the conditions of approval hereinafter set forth.

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds that the proposed project complies with the California Environmental Quality Act (CEQA) and hereby adopts the Notice of Exemption for the following reasons:

Pursuant to California Environmental Quality Act (CEQA) Section 15301, the proposed project is Categorically Exempt under a Class 1 (Existing Facilities) exemption. A Class 1 exemption specifically relates to the operation of existing public or private structures involving negligible or no expansion of the use beyond what already exists. In this case, the existing restaurant use would introduce the on-site sale of beer and wine.

SECTION 3. That the following findings are hereby adopted as the Findings of the Planning Commission as follows:

- 1. The site for the proposed use is adequate in size and shape in that the subject site has hosted a number of different restaurant establishments in the same location since 1976 with no history of problems. The applicant is proposing to continue the bona-fide restaurant use with the introduction of on-site beer and wine sales to complement the meal service. The restaurant will continue to have a maximum of 52 seats. No new square footage is proposed to the existing building. As such, operations will remain the same and the subject site is adequate in size and shape to accommodate the continued use of the site as a bona-fide restaurant with the introduction of on-sale of beer and wine subject to the Conditions of Approval.
- 2. The site has sufficient access to streets and highways, and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use. The subject site has been operating as a restaurant since 1976. The subject site is located along Whittier Boulevard, which is a primary commercial corridor that carries traffic east/west. Off-street parking for the property is provided on the north side of the existing building, which is accessible from the alley entrances along 4th Street and 5th Street. As such, the site possesses sufficient access to streets and highways, and is adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

- 3. The proposed use will not have an adverse effect upon adjacent or abutting properties in that the subject site is located on a major commercial corridor. The subject site has operated as a bona-fide restaurant since 1976 with no history of problems. The requested introduction of on-site beer and wine sales in conjunction with a bona-fide restaurant does not intensify the use or expand the existing building footprint. The proposal does not include live entertainment or a bar area in the restaurant. Therefore, the proposal will not significantly change from the existing restaurant conditions which are compatible with the surrounding area. Conditions of Approval place restrictions on the restaurant use, hours, safety, loitering, lighting, and are intended to mitigate any impacts caused by the proposed use to lessen any impacts to the adjacent properties.
- 4. The proposed use is consistent with the objectives of the Community Redevelopment Project area in which the site is located in that it is broadening the tax base with increased sales in the Montebello Economic Revitalization Project area. Further, the subject site has not been targeted for redevelopment at this time and the approval of this Conditional Use Permit would not hinder any redevelopment efforts along Whittier Boulevard.
- 5. The location of the conditional use and the conditions under which it would be operated or maintained will be consistent with the General Plan. It is the policies of the General Plan Land Use Element that the commercial development in the City should be sited in appropriate locations according to need and that the City should contain ampte commercial facilities to meet the needs of its residents as well as provide taxable revenue to the City. The location on Whittier Boulevard is in a commercial area and is an appropriate site for the proposed use to achieve this goal. The proposed use will offer the option of serving on-site beer and wine along with their customer's meal service.
- 6. The proposed use serves the public convenience and necessity, based upon all factors outlined in Section 17.61.060 of the Montebello Municipal Code. Findings of Public Convenience and Necessity apply to the approval of new alcohol related uses. The applicant, Aryso Grill, plans to serve public convenience and necessity by providing onsale beer and wine in conjunction with the existing dining service. There are two other sites within 300 feet of the subject site that provide beer and wine and full alcohol sales. One business is Jewel Market, which provides off-site alcohol sales. The other is the Montebello Elks Lodge, a social organization which provides on-site full alcohol (beer, wine, distilled spirits) sales. As such, the proposed on-sale beer and wine service offered to patrons with Mexican cuisine at Aryso Grill will provide a service that differs from Jewel Market or the Montebello Elks Lodge. It is an accepted common practice that beer and wine beverages are available to customers to consume with their meals in a full service restaurant like Aryso Grill. Therefore, the proposed use will service a niche that is currently not filled by other alcoholic beverage establishment licenses in the immediate area. Therefore, the proposed use serves as a public convenience to the surrounding neighborhood.
- 7. The proposed use will not adversely affect nearby residents and facilities primarily devoted to use by children, families, and the general public, after giving consideration to the distance or proximity of the proposed alcoholic beverage establishment to residential districts, schools (public or private), day care centers, public parks, playgrounds and other recreational facilities, churches and other places of religious worship, hospitals, clinics or other health care facilities. The proposed use is within 300 feet of residential uses and two churches (Inglesia Cristiana and St. Pius X Knanaya Catholic Church). A private school (Montebello Christian School) is located within 1,000 feet of the subject site. The proposed alcohol sales within the bona-fide restaurant will be required to meet conditions of approval that affect the hours of operation, safety, parking, lighting, and property maintenance of the proposed use to ensure minimal impacts to neighboring uses and surrounding properties. The service of alcohol is incidental to meal service. Impacts to sensitive uses are not typically associated with this type of

SECTION 4. That the Planning Commission approves Conditional Use Permit 5-11 subject to the following conditions of approval:

 The development and utilization of the subject site shall substantially conform to the site plan labeled Planning Commission Exhibit "A" dated December 20, 2011, including the uses as shown, except as provided for herein, and by subsequent revisions found by the Planning Manager to be in substantial compliance with these provisions.

- Development of the site shall be consistent with all of the provisions of the Montebello Municipal Code (MMC) and the specifications of the Planning Division, including but not limited to:
 - a. The Planning Manager, at any time, can call for a review of the Conditional Use Permit at a duly noticed public hearing. At that time, the Conditions of Approval may be modified or new conditions may be added to reduce any impacts of the use. The Planning Commission may revoke the Conditional Use Permit if sufficient cause is given.
 - The applicant or successor in interest shall meet the applicable code requirements of all other City Departments.
 - c. The operator and/or successor of the restaurant shall bear the full costs of all monitoring and inspection activities to be conducted by City staff, or its designated representative(s), as necessary to ensure compliance with the conditions of this Resolution.
 - d. Any substantial change, expansion, intensification, or modification to the proposed site plan, use, or mode of operations shall be subject to the review and approval of a Modification to the Conditional Use Permit by the Planning Commission at a noticed public hearing.
 - e. It is the responsibility of the property owner to have all graffiti on the site removed within 24 hours of its appearance, or be subject to citation from the Code Enforcement Division.
 - f. The business shall be operated as a restaurant at all times. A full menu shall be available during all hours of operation.
 - g. The approval is for a bona-fide restaurant with the on-site sale of beer and wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment. All menus shall be subject to the review and approval of the Police Department and Planning Manager prior to the issuance of a Certificate of Occupancy.
 - h. No more than 50% of total gross revenues per year shall be from alcohol sales. The operator shall maintain records of gross revenue sources which shall be submitted annually to the City of Montebello Planning Division at the beginning of the calendar year and also available to the City of Montebello and the State Alcoholic Beverage Control upon request.
 - Prior to the commencement of alcohol service, the operator shall submit a plan for approval by the Planning Manager regarding employee alcohol awareness training programs and policies. The plan shall outline a mandatory alcohol awareness training program for all employees having contact with the public and shall state management's policies addressing alcohol consumption and inebriation. The program shall require all employees having contact with the public to complete a California Department of Alcoholic Beverage Control (ABC) sponsored alcohol awareness training program within 90 days of the effective date of this approval. In the case of new employees, the employee shall attend the alcohol awareness training within 90 days of hiring. In the event the ABC no longer sponsors an alcohol awareness training program, all employees having contact with the public shall complete an alternative program approved by the Planning Manager. The operator shall provide the City with an annual report regarding compliance with this condition.
 - j. This approval does not authorize any signage for the property. All signage shall be approved under a separate permit as part of the plan check process and subject to review and approval by the Planning Division.
 - No beer in pitchers shall be served from a container of origin of 24 ounces or more.

- All employees shall be out of the premises no later than one hour after closing. No "After Hours" operations shall be permitted.
- m. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions.
- The parking area shall be sufficiently lit to discourage loitering and/or late night activity.
- The operator shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.
- p. The sale of alcoholic beverages for consumption outside or off the premises shall be prohibited. As stated in Section 9.04.010 of the Montebello Municipal Code, no person shall drink any intoxicating liquor in or upon any public street or public place within the City. Signs shall be posted on the premises both inside and outside indicating that the sale of alcoholic beverages for consumption outside or off the premises is prohibited. It is management's responsibility to take appropriate measures to ensure that there is no consumption of alcoholic beverages outside of the building, in the parking lot; or around the premises.
- q. Management shall patrol the business premises and the surrounding vicinity, including the public rights-of-way adjacent to the property, during all hours of business operation. Management shall ensure that no littering, loitering, or consumption of alcohol occurs in and around the project site.
- r. No person shall sell alcoholic beverages for on-premise consumption if there has been any lapse or breach in the good standing of any one or more of the permits and/or licenses required for such sale.
- The availability of a variety of non-alcoholic beverages shall be made known and offered to customers.
- Alcoholic beverages shall not be served in any disposable container such as disposable plastic or paper cups.
- u. The number of seats in the dining area shall not exceed 52.
- No pool tables, dart boards, video games, juke box, karaoke, or similar entertainment devices are permitted on the premises.
- w. There shall be no pay telephone maintained on the exterior of the premises.
- x. Signs advertising brands of alcoholic beverages or the availability of alcoholic beverages for sale at the subject site shall not be visible from the exterior of the building.
- y. The Planning Commission's approval, conditions of approval, or denial of this application may be appealed to the City Council if the appeal is filed with the City Clerk within 20 days after the Planning Commission decision, or the day after the subsequent City Council meeting (whichever comes first). Any appeal must be made in the form required by the Planning Manager.
- z. The approval of this Conditional Use Permit shall expire if the rights granted are not exercised within one year from the permit's effective date. Exercise of rights shall mean issuance of a building permit to commence construction, or similar activities demonstrating the intent to proceed with the project, as determined by the Planning Manager.
- aa. Within 30 days of the City Planning Division transmittal of the Acceptance Form, the operator shall sign and return a copy of the Acceptance Form, agreeing to the conditions of approval and acknowledging that failure to comply with such conditions shall constitute grounds for potential revocation of the permit approval. Failure to return the Acceptance Form within 30 days shall constitute grounds for terminating the permit.

- bb. Prior to the issuance of a Business License the applicant shall post a notice in a conspicuous location at the building entry stating that, "This site is regulated by a Conditional Use Permit 5-11, and its associated Acceptance Form, which includes the establishment's conditions of approval. These documents are available upon request." This notice shall remain posted at all times the establishment is in operation.
- cc. In the event the applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.
- dd. This approval shall not supersede the approval of any other responsible agencies. The applicant shall comply with all Federal, State, and local laws.
- The development and utilization of the site shall comply with all of the provisions of the Montebello Municipal Code, and the City adopted versions of the Uniform Building Code and of the Building and Safety Division, including but not limited to:
 - The project shall meet the requirements of all current Building, Plumbing, Mechanical, Electrical codes and City Ordinances (CBC 2010, NEC 2008, UMC 2010, UPC 2010).
 - All A.D.A. requirements shall be met including (but not limited to) A.D.A. van sized parking stall, seating areas, and hallways.
 - c. All entries and exits shall be A.D.A. accessible.
 - d. The building shall have an A.D.A. accessible restroom.
- The development and utilization of the site shall comply with all the provisions of the Uniform Fire Code as well as additional requirements from the Fire Department.
- The following on-site requirements shall comply with the security provisions of the Montebello Municipal Code and/or the specifications of the Police Department and Code Enforcement Division:
 - The maximum allowable number of televisions in the dining area shall be four with television screens not to exceed 40 inches.
 - b. Adult entertainment of any nature is strictly prohibited. Televised and/or recorded adult entertainment is prohibited. The Police Department shall determine what constitutes "adult" entertainment.
 - c. Typical televised sporting events are permitted. Major televised sporting events, such as: World Series Baseball games, the Superbowl Game, World Cup Soccer, major boxing matches, etc. shall require prior approval by the Police Department. The business shall be required to contact the Police Department a minimum of ten (10) days prior to any such event and comply with all security requirements as requested by the Police Department. Sporting events requiring prior approval and security requirements from the Police Department are not limited to those listed above. It shall be the responsibility of the business owner/management to check with the Police Department to see if an event requires authorization. The Police Department shall provide the business owner/manager with written approval, stating security requirements if any prior to the televised event.
 - d. Pay-Per-View events shall be prohibited.
 - The applicant shall instruct all employees to follow the directions and comply with the requests of any on-duty law enforcement officer or public safety personnel.
 - Cash handling procedures shall be discussed with the Police Department for their approval.
 - g. Oversized menu boards for the purpose of ordering meals shall be prohibited.
 - Live entertainment and dancing shall be prohibited.

- i. The hours of operation shall be limited to 6:00 a.m. until 10:00 p.m. seven days per week. The business may operate anything within these time limits (example: 8:00 a.m. until 9:00 p.m.) but must apply for a modification of this CUP to extend the hours of operation beyond these time restrictions.
- j. Private parties are not permitted.
- k. Fundraisers for bona-fide non-profit organizations shall be permitted provided that they are open to the public and fall within the Conditions of Approval.
- I. The business shall post occupant load signage.
- m. Promotional or reduced drink specials shall be prohibited.
- n. The premises shall be subject to inspection by members of the Montebello Police Department, Montebello Fire Department, Montebello Code Enforcement, the Los Angeles County Department of Public Health, or any other law enforcement agency during normal business hours without warrant.
- Seating and/or alcohol consumption outside of building on the subject site shall be prohibited.
- p. The premises shall be subject to inspection by members of the Montebello Police Department, Montebello Fire Department, Montebello Code Enforcement Division, Los Angeles County Department of Public Health or, any other law enforcement officer at any time without warrant.
- q. A responsible person over the age of 21 must be on the premises at all times while the business is open. This person must possess valid identification.
- r. No gambling of any type shall be allowed on the premises.
- s. The Police Department reserves the right to close the business if it appears that the continued operation would create an unsafe environment for the employees, patrons, bystanders, or emergency personnel. Examples would include, but not limited to, patrons fighting, overcrowding, unruly crowds, etc.
- The front entry and rear parking area shall have a minimum of 5 foot candles of light. A photometric plan shall be submitted for approval.
- The applicant shall provide an Emergency Access Plan to the Police and Fire Departments for their approval.

SECTION 5. FINALLY RESOLVED, that the Secretary be instructed to forward a copy of this Resolution to the applicant for his attention, and that the Secretary advise the applicant that this decision, or any part of it, may be appealed to the City Council by the applicant, opponent, or the City Council on its own motion, in the manner specified in Section 17.78.070 of the Montebello Municipal Code.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Planning Commission of the City of Montebello at a regular meeting held on Tuesday, December 20, 2011, and carried by the following vote:

AYES:

Commissioner(s):

NOES:

Commissioner(s):

ABSENT:

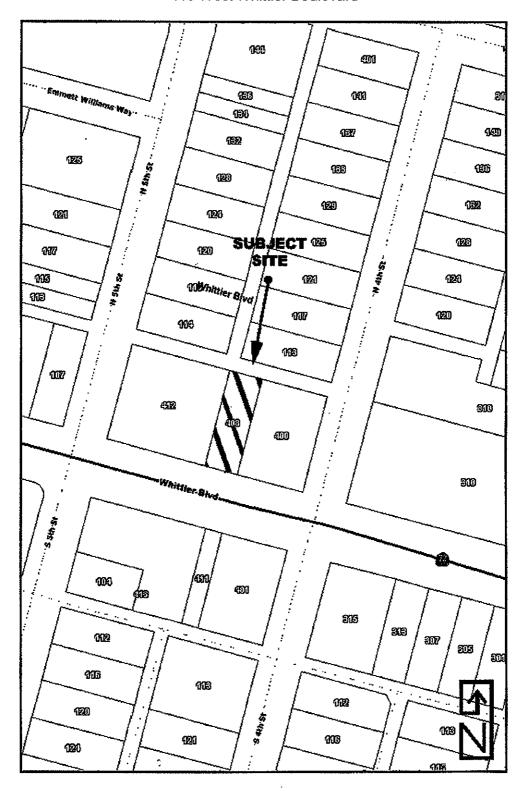
Commissioner(s):

ABSTAIN: Commissioner(s):

Ariel Socarras, Planning Manager and Secretary to the Planning Commission

PC 13-11

CITY OF MONTEBELLO Conditional Use Permit 5-11 410 West Whittier Boulevard



Location Map

CALIFORNIA ENVIRONMENTAL QUALITY ACT NOTICE OF EXEMPTION

TO:	Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814	FROM:	City of Montebello 1600 W. Beverly Blvd. Montebello, CA 90640
<u>_X</u> _	County Clerk County of Los Angeles		\$
Project Title			
Cond	litional Use Permit 5-11		
Project Loca	tion – Specific		
410 \	West Whittier Boulevard		
Project Location - City		Project Location – County	
Montebello		Los Angeles	
Description (of nature, purpose and beneficiaries of pr	oject	
estal	applicant, Gabriela Pineda, has submitte olish the on-site sale of alcohol (beer eurant on a property located in the C-2 (G	and wine) w	ithin an existing bona fide
Name of pul	blic agency approving project:		
City o	of Montebello		
Name of per	rson or agency carrying out project:		
Gabr	riela Pineda of Aryso Grill		
N	ius (check one) //inisterial – Section 15268 //eclared Emergency – Section 15269(a) Emergency Project – Section 15269(b) an //categorical Exemption – Class 1, Section	id (c) 15301	· .
Reasons wh	ny project is exempt:		
Existing Factor or private st	code of Regulations (CCR) Section 153 cilities. A Class 1 exemption specifically tructure involving negligible or no expan taurant use would include the on-site sa	elates to the o	peration of an existing public isting use. In this case, the
Nancy Lee	Assistant Planner		(323) 887-1484 Telephone Number
Contact Per	,		relephone number
	on of Exemption made on: November	er 10, 2011	
2. Has	oplicant: ch certified document of exemption findin a notice of exemption been filed by the pX No	ublic agency a	pproving the project? Signature
	• •	,	Signature
Date Receiv	ved for Filing: December 20, 2011		

• 1