CITY OF MONTEBELLO
CALL AND NOTICE OF A SPECIAL PLANNING COMMISSION MEETING AGENDA

TUESDAY, SEPTEMBER 26, 2023 AT 4:00 PM

CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA

NOTICE IS HEREBY GIVEN that a Special Meeting for the City of Montebello Planning Commission is hereby called to be held on **Tuesday, September 26, 2023 at 4:00 p.m.** at City Hall, Council Chambers, located at 1600 West Beverly Boulevard, Montebello, CA 90640. All matters have been continued from the Regular Planning Commission Meeting of September 19, 2023.

The meeting will be live streamed and can be watched on the City's website and YouTube Channel via the following link: https://www.montebelloca.gov, and may also be viewed on Spectrum Public Access Channel 3 for all Spectrum cable subscribers.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act (ADA) any person with a disability who requires special accommodations in order to participate in a meeting should contact the Administration Office at (323) 887-1493 Monday-Thursday from 7:30 a.m.-5:30 p.m. Please call 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II 1203). If you require translation services, please contact the City Clerk's office 48 hours before this meeting. Si necesita servicios de traducción, comuníquese con la Oficina del Secretario Municipal 72 horas antes de esta reunión. 如果您需要翻译服务，请在会议前 72 小时联系市书记员办公室

PUBLIC COMMENTS:
In-Person: For those interested in participating during the Public Comment period(s) or public testimony period for Public Hearings of the Planning Commission meetings, you may only address the Planning Commission in person the day of the meeting. The public may only address the Planning Commission during this Special Meeting on items which have been described in the notice of this meeting, in accordance with Government Code Section 54954.3(a). Speakers will be required to fill out a speaker card provided at the door and submit it to Samantha Nevarez prior to the Public Comment announcement period; Public Hearing items do not require a speaker card. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per person; staff will number and call each speaker card in the order received.

RULES OF DECORUM:
Pursuant to Section 54957.95 of the Government Code, the presiding member of the legislative body conducting a meeting, or their designee, is authorized to remove, or cause the removal of, an individual for disrupting the meeting. Any such removal will be preceded by a warning to the disruptive individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to promptly cease their disruptive behavior may result in their removal.

AGENDA MATERIALS: The agenda/agenda packet are available for public inspection at City's website at: Agendas, Minutes, and Videos.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CORRECTIONS TO THE AGENDA

PUBLIC COMMENTS (30 MINUTES)
At this time, the general public may address the Commission/Committee on any items listed on the Agenda, including items not listed on the Agenda (Non-Agenda Items) that are within subject matter jurisdiction. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per person. State Law prohibits the Commission/ Committee from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Chairperson.

STAFF COMMUNICATIONS

MINUTES

1. AUGUST 1, 2023 - MINUTES

RECOMMENDATION: Approval of the Minutes from the Planning Commission meeting held on August 1, 2023.

2. AUGUST 15, 2023 - MINUTES

RECOMMENDATION: Approval of the Minutes of the Planning Commission meeting held on August 15, 2023.

PUBLIC HEARING

3. LOT LINE ADJUSTMENT ("LLA") (CASE NO. PC-2023-0005-LLA) TO ADJUST THE EXISTING PROPERTY BOUNDARY LINES LOCATED AT 2302 W. WHITTIER BLVD (COLLECTIVELY "THE PROPERTY").

RECOMMENDATION: It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. ADOPT Resolution No. 11-23 approving a Lot Line Adjustment (Case No. PC-2023-0005-LLA), subject to certain findings and conditions to adjust the existing property boundary for the property located at 2302 W. Whittier Blvd. ("Project Site"); and

2. DETERMINE AND FIND that the project (ENV No. 10-23-CE) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 related to Class 15 "Minor Land Divisions".

4. CONDITIONAL USE PERMIT ("CUP") (CASE NO. PC-2023-0010-CUP-ZV) TO ALLOW PERMANENT COSMETICS AT AN EXISTING BEAUTY SALON AND A ZONE VARIANCE TO PERMIT THE PROPOSED USE WITHIN 1,000 FEET OF SENSITIVE USES, PURSUANT TO MONTEBELLO MUNICIPAL CODE CHAPTER 17.70 AND 17.72, ON AN EXISTING LOT AT 806 W BEVERLY BLVD WITHIN THE CITY OF MONTEBELLO.

RECOMMENDATION: It is recommended that the Planning Commission take the following action:
1. ADOPT Resolution No. 13-23 Approving Conditional Use Permit ("CUP") and Zone Variance ("ZV") No. PC-2023-0010-CUP-ZV with conditions to allow semi-permanent makeup within an existing business as an ancillary use to the existing beauty salon ("Project") Sola Salon Los Angeles LLC for Scott Ditsworth ("Applicant") at the property located at 806 W. Beverly Blvd ("Project Site") pursuant to Montebello Municipal Code (MMC) Chapter 17.70 – Conditional Use Permits and Chapter 17.72 – Variances; and

2. DETERMINE AND FIND that the project (ENV No. 09-23-CE) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section (15301) - Class 1 (Existing Facilities) because it involves negligible or no expansion of the existing or former use.

CONSENT ITEM(S)

5. COMPLIANCE REVIEW FOR CONDITIONAL USE PERMIT ("CUP") NO. PC-2022-0011-CUP FOR THE SALE OF ALCOHOL (TYPE 41 LICENSE – ON-SALE BEER AND WINE - EATING PLACE) WITHIN AN EXISTING BONA FIDE RESTAURANT (SIZZLER'S) LOCATED AT 1908 WEST BEVERLY BOULEVARD ("PROJECT SITE").

RECOMMENDATION: It is recommended that the Planning Commission of the City of Montebello ("Planning Commission") review, receive and file this report, attachments, and/or any other supportive evidence to confirm:

1. That Sizzler USA Restaurant Inc. (the "Applicant") has demonstrated compliance with the conditions of approval contained in Resolution No. 09-22/Conditional Use Permit No. PC-2022-0011-CUP (Attachment "A") for the property located at 1908 West Beverly Boulevard.

6. COMPLIANCE REVIEW FOR CONDITIONAL USE PERMIT ("CUP") CASE NO. PC-2020-0014-CUP FOR THE SALE OF A FULL-LINE OF ALCOHOL (TYPE 41 LICENSE – ON-SALE BEER AND WINE - EATING PLACE) WITHIN AN EXISTING FOOD INCUBATOR (BLVD MRKT) LOCATED AT 520 WEST WHITTIER BOULEVARD ("PROJECT SITE").

RECOMMENDATION: It is recommended that the Planning Commission review, receive and file this report, attachments, and/or any other supportive evidence to confirm:

1. That BLVD Foods, LLC (the "Applicant") has demonstrated compliance with the conditions of approval contained in Resolution No. 18-20/Conditional Use Permit No. PC-2020-0014-CUP (Attachment "A") for the property located at 520 West Whittier Boulevard.

7. COMPLIANCE REVIEW FOR CONDITIONAL USE PERMIT ("CUP") NO. 24-19 FOR THE SALE OF BEER AND WINE (TYPE 20 – OFF-SALE BEER & WINE) AT A CONVENIENCE STORE OPERATED BY 7-ELEVEN, INC. AND LOCATED AT 2900 WEST BEVERLY BOULEVARD, SUITES A-B.

RECOMMENDATION: It is recommended that the Planning Commission of the City of Montebello ("Planning Commission") review, receive and file this report, attachments, and/or any other supportive evidence to confirm:

1. That 7-Eleven, Inc. (the "Applicant") has demonstrated compliance with the conditions of approval contained in Resolution No. 20-24/Conditional Use Permit 24-19 (Attachment "A").

PLANNING COMMISSION ORALS

Planning Commission member announcements; requests for future agenda items; conference/meetings reports.

ADJOURNMENT

The City of Montebello Planning Commission will adjourn to the next Regular Meeting on Tuesday, October 03, 2023 at 6:30 p.m. at City Hall Council Chambers located at 1600 W. Beverly Boulevard, Montebello, CA 90640.

I, Alexis Huerta, Senior Administrative Assistant for the City of Montebello hereby certify that a copy of this agenda has been posted on or before Thursday, September 21, 2023 at 5:30 p.m.

Alexis Huerta

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Alexis Huerta, Senior Administrative Assistant

CITY OF MONTEBELLO

PLANNING COMMISSION
MEETING AGENDA

M I N U T E S

TUESDAY, AUGUST 1, 2023 AT 6:30 PM

CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA

CALL TO ORDER – Chair Cuevas called the meeting to order at 6:35 p.m.

ROLL CALL – Chair Cuevas, Commissioner Lomeli, Commissioner Medina and Commissioner Morales. The record shall reflect that Commissioner Valdez was absent from this meeting.

PLEDGE OF ALLEGIANCE – Chair Cuevas

CORRECTIONS TO THE AGENDA – None

PUBLIC COMMENTS (30 MINUTES)
At this time, the general public may address the Commission on any items listed on the Agenda, including items not listed on the Agenda (Non-Agenda Items) that are within subject matter jurisdiction. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per person. State Law prohibits the Commission from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Chairperson.

STAFF COMMUNICATIONS

PUBLIC HEARING

1. **TENTATIVE PARCEL MAP ("TPM") FOR A PARCEL MAP WAIVER (CASE NO. PC-2023-0002-TPM) TO COMBINE TWO LOTS INTO ONE FOR THE PROPERTIES LOCATED AT 443 AND 439 MONTEBELLO WAY (COLLECTIVELY "THE PROPERTIES").**

Director Palombi introduced the item. The Public Hearing was opened at 6:48 p.m. Assistant Planner, Grace Hayashi provided a brief presentation regarding Case No. PC-2023-0002-TPM to the Planning Commission. Upon Ms. Hayashi's presentation, attorney Mr. Chad Harrington on behalf of the San Gabriel Valley Council of Government addressed the commission. The record shall reflect that there were no speaker cards for this item. The Public Hearing was closed at 6:45 p.m. Motion to approve PC-2023-0002-TPM motioned by Commissioner Lomeli and Seconded by Commissioner Morales. Director Palombi took roll and the item was approved 4-0.

2. **Text Code Amendment ("TCA") (Case No. PC-2023-0006-TCA) amending Chapter 17.62 Signs of the Montebello Municipal Code (MMC) to include regulations related to conversions of off-premises signs. The Applicant seeks to enter into two (2) Amended and Restated Development Agreements between the City of Montebello and Clear Channel Outdoor, LLC. replacing Development Agreement No. 02-22 (Agreement No. 4032) and Development Agreement No. 03-22 (Agreement No. 4033) for the relocation and replacement existing lawfully permitted dual-face 12' x 25' static off-premises outdoor advertising signs located at 1633 Washington Boulevard and 1720 Bluff Road in the City of Montebello with a new 12'x 25' dual-faced digital off-premises outdoor advertising sign at each respective location.**

   The Applicant, Clear Channel Outdoor, LLC submitted a written request to continue this item to the next regularly meeting scheduled for August 15, 2023. Motion to continue this item motioned by Chair Cuevas and seconded by Commissioner Lomeli. Director Palombi took roll and the motion passed 4-0.

PLANNING COMMISSION ORALS

Planning Commission member announcements; requests for future agenda items; conference/meeting reports.

ADJOURNMENT

The City of Montebello Planning Commission adjourned at 6:54 p.m. to the next regularly scheduled meeting on August 15, 2023.

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Joseph Palombi, Planning Commission Secretary

CITY OF MONTEBELLO

PLANNING COMMISSION
MEETING AGENDA

M I N U T E S

TUESDAY, AUGUST 15, 2023 AT 6:30 PM

CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA

CALL TO ORDER – Chair Cuevas called the meeting to order at 6:35 p.m.

ROLL CALL – Chair Cuevas, Commissioner Lomeli, Commissioner Medine and Commissioner Morales. The record shall reflect that Commissioner Valdez was absent.

PLEDGE OF ALLEGIANCE – Chair Cuevas

CORRECTIONS TO THE AGENDA – None.

PUBLIC COMMENTS (30 MINUTES)
At this time, the general public may address the Commission/Committee on any items listed on the Agenda, including items not listed on the Agenda (Non-Agenda Items) that are within subject matter jurisdiction. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per person. State Law prohibits the Commission/ Committee from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Chairperson.

STAFF COMMUNICATIONS – None.

PUBLIC HEARING

1. **TEXT CODE AMENDMENT ("TCA") (CASE NO. PC-2023-0006-TCA) AMENDING CHAPTER 17.62 SIGNS OF THE MONTEBELLO MUNICIPAL CODE (MMC) TO INCLUDE REGULATIONS RELATED TO CONVERSIONS OF OFF-PREMISES SIGNS. THE APPLICANT SEEKS TO ENTER INTO TWO (2) AMENDED AND RESTATED DEVELOPMENT AGREEMENTS BETWEEN THE CITY OF MONTEBELLO AND CLEAR CHANNEL OUTDOOR, LLC. REPLACING DEVELOPMENT AGREEMENT NO. 02-22 (AGREEMENT NO. 4032) AND DEVELOPMENT AGREEMENT NO. 03-22 (AGREEMENT NO. 4033) FOR THE RELOCATION AND REPLACEMENT OF EXISTING LAWFULLY PERMITTED DUAL-FACE 12' X 25' STATIC OFF-PREMISES OUTDOOR ADVERTISING SIGNS LOCATED AT 1633 WASHINGTON BOULEVARD AND 1720 BLUFF ROAD IN THE CITY OF MONTEBELLO WITH A NEW 12'X 25' DUAL-FACED DIGITAL OFF-PREMISES OUTDOOR ADVERTISING SIGN AT EACH RESPECTIVE LOCATION.**

Director Palombi introduced the item. Planning Manager, Monica Mercado-Rodriguez provided a presentation regarding Case No. PC-2023-0006-TCA to the Planning Commission. The Public Hearing was opened at 6:50 p.m. Upon Mrs. Mercado-Rodriguez's presentation, David McWalters the Senior Vice President of Real Estate and Public Affairs of Clear Channel provided a presentation on behalf of the Applicant. Commissioner Lomeli motioned to approve Case No. PC-2023-0006-TCA and was Seconded by Commissioner Medina. Director Palombi took roll and the item was approved 4-0.

MOTIONED: Commissioner Lomeli
SECONDED: Commissioner Medina
APPROVED: 4-0-0-1
AYES: Chair Cuevas, Commissioner Lomeli, Commissioner Medina and Commissioner Morales
NOES: None.
ABSTAIN: None.
ABSENT: Commissioner Valdez

2. CONDITIONAL USE PERMIT ("CUP") CASE NO. PC-2023-0007-CUP TO ALLOW THE ON-SALE DISPENSING OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE RESTAURANT (BAG O' CRAB) LOCATED AT 2501 VIA CAMPO BOULEVARD ("PROJECT SITE").

Director Palombi introduced the item. Assistant Planner, Emilie Fernandez provided a presentation regarding Case No. PC-2023-0007-CUP to the Planning Commission. The Public Hearing was opened at 7:01 p.m. Upon Ms. Fernandez's presentation, the Applicant Mr. Wang of Bag o' Crab addressed the Planning Commission to provide background on the project. The Public Hearing was closed at 7:04 p.m. Commissioner Medina motioned to approve Case No. PC-2023-0007-CUP and was Seconded by Chair Cuevas. Director Palombi took roll and the item was approved 4-0.

MOTIONED: Commissioner Medina
SECONDED: Chair Cuevas
APPROVED: 4-0-0-1
AYES: Chair Cuevas, Commissioner Lomeli, Commissioner Medina and Commissioner Morales
NOES: None.
ABSTAIN: None.
ABSENT: Commissioner Valdez

CONSENT ITEM(S)

3. OBJECTIVE DEVELOPMENT STANDARDS

Director Palombi introduced the item. Assistant Planner, Mr. Daniel Ruiz provided a brief description of the project and was followed by a presentation provided by the Applicant, SCAG. The Applicant, answered some questions from the Commission. Commissioner Lomeli motioned to Receive and File the Objective Development Standards and was Seconded by Chair Cuevas. Director Palombi took roll and the item was approved 4-0.

4. TENTATIVE PARCEL MAP ("TPM") NO. 01-20 REQUEST TO EXTEND THE EXPIRATION DATE FOR ONE (1) YEAR.

Director Palombi introduced the item. Assistant Planner, Ms. Grace Hayashi provided a brief description of the project TPM No. 01-20 which was a request to extend the expiration date for one year. Commissioner Lomeli motioned to approve Case No. 01-20 and was Seconded by Chair Cuevas. Director Palombi took roll and the item was approved 4-0.

PLANNING COMMISSION ORALS

Planning Commission member announcements; requests for future agenda items; conference/meetings reports.

ADJOURNMENT

The meeting was adjourned at 7:35 p.m. to the next regularly scheduled meeting that will be held on September 5, 2023.

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Joseph Palombi, Planning Commission Secretary

ITEM # 3

CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Grace Hayashi, Assistant Planner

SUBJECT: **LOT LINE ADJUSTMENT ("LLA") (CASE NO. PC-2023-0005-LLA) TO ADJUST THE EXISTING PROPERTY BOUNDARY LINES LOCATED AT 2302 W. WHITTIER BLVD (COLLECTIVELY "THE PROPERTY").**

DATE: September 26, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission conduct a public hearing and take the following action:

1. ADOPT Resolution No. 11-23 approving a Lot Line Adjustment (Case No. PC-2023-0005-LLA), subject to certain findings and conditions to adjust the existing property boundary for the property located at 2302 W. Whittier Blvd. ("Project Site"); and

2. DETERMINE AND FIND that the project (ENV No. 10-23-CE) is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315 related to Class 15 "Minor Land Divisions".

FISCAL IMPACT:

None.

BACKGROUND:

On May 22, 2023, Super Star Car Wash ("Applicant"), on behalf of the Whittier Wilcox, L.P. ("Property Owner"), filed an application for a Lot Line Adjustment to adjust the existing property line and terminate the lot tie between Parcel 1 (APN: 6343-022-011) and Parcel 2 (APN: 6343-022-063) located at 2302 W. Whittier Blvd to facilitate the sale

of the existing car wash.

On June 23, 2023, staff issued a deemed complete letter to the Applicant.

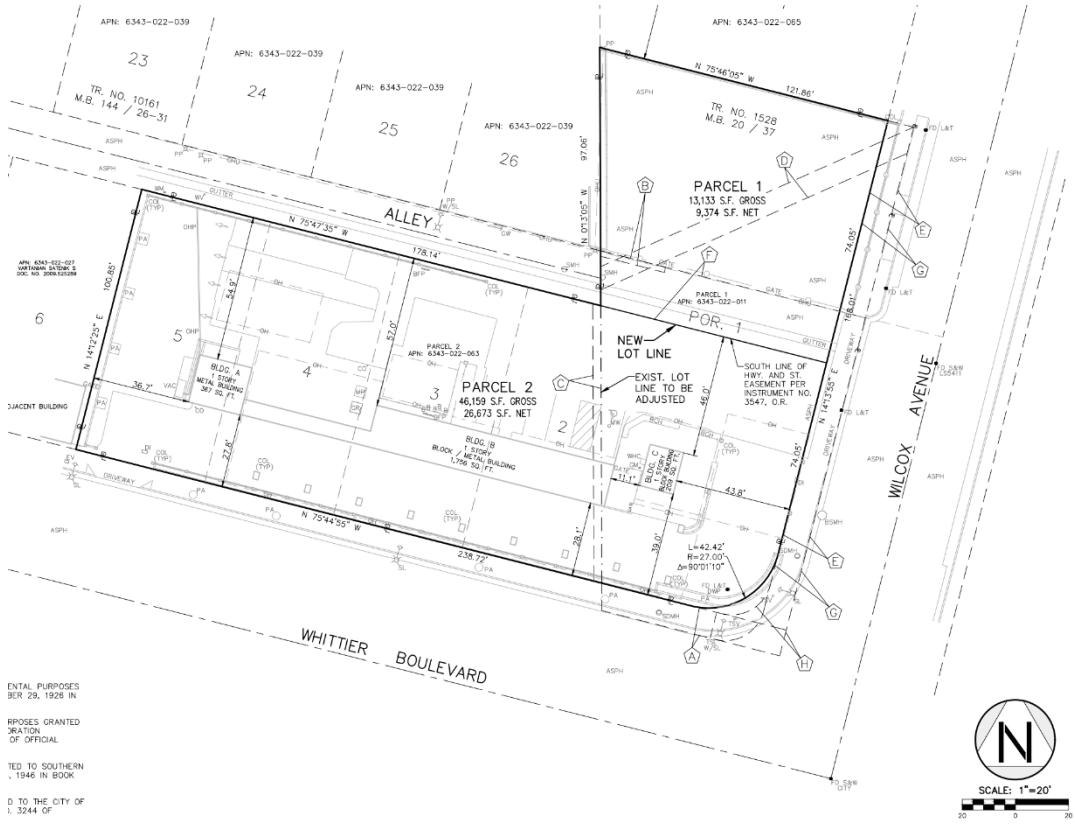
PROJECT /APPLICANT INFORMATION

Project Location: 2302 W. Whittier Blvd.
Project Applicant: Super Star Car Wash
Property Owner: Whittier Wilcox, L.P.
General Plan Designation: General Commercial
Zoning: C-2
Existing Use on Property: Commercial

PROJECT DESCRIPTION

The Applicant, on behalf of the Whittier Wilcox, L.P. is seeking to adjust the lot line boundary between Parcel 1 and Parcel 2 to operate the Super Star Car Wash separately on Parcel 2 ("Project Site"). Currently, Parcel 2 is operating as a car wash and Parcel 1 is a vacant lot providing off-street parking for the existing car wash, as shown in "Exhibit A" below. With the realignment of the property boundaries, Parcel 2 will provide the required off-street parking for the proposed car wash renovation per the City of Montebello Municipal Code (MMC) Chapter 17.52.050 Parking Space Requirements.

Exhibit A



The Applicant seeks to terminate the lot ties between Parcel 1 and Parcel 2 so that the existing car wash use is no longer a part of Parcel 1. Since the property is comprised of two parcels, the Applicant seeks to reconfigure property boundaries between the adjacent lots (see "Exhibit A"). The twenty (20) foot alleyway bounded by both Parcel 1 and Parcel 2 is owned by the City of Montebello and is utilized for public-right-of-way purposes, which will remain.

For the proposed project to be approved in compliance with the City's Municipal Code, the Applicant is requesting approval of the following entitlement requests:

- Lot Line Adjustment (to adjust the boundary lines of the existing property).

Project Site

The Project Site is zoned for General Commercial (C-2) and is designated Commercial under the Land Use Element of the General Plan. Land uses surrounding the Project Site are primarily single-family residential, multi-family residential, and commercial uses. The surrounding zoning and land uses are listed as follows:

Direction	Zone	Land Use
North	R-1, R-3	Single-family Residential, Multi-family Residential
South	C-2	Commercial
East	C-2	Commercial
West	C-2	Commercial

The project site is comprised of 5 lots. Parcel 1 is approximately 7,369 square feet in size and currently serves as a parking lot to provide the required parking for the existing car wash. Parcel 2 is comprised of four (4) lots held as one parcel which totals approximately 26,673 square feet in size and currently developed with an existing car wash and other uses. Parcels 1 and 2 are bifurcated by a 20-foot-wide alley which serves as an easement for the purpose of public street, road, highway, and incidental purposes granted to the City, which will remain as is.

The LLA will facilitate the realignment of property boundaries for Parcels 1 and 2 as well as terminate the lot tie between Parcels 1 and 2 to operate independently from one another. In addition, the realignment will enable the sale of Parcel 2, which contains the existing car wash and Parcel 1 will remain independent from Parcel 2.

Separately, the Applicant is proposing to renovate the existing car wash by modernizing the car wash and providing the required parking on-site. The proposed car wash renovation is not subject to discretionary review and may be reviewed and approved administratively.

LOT LINE ADJUSTMENT

In accordance with the Subdivision Map Act (California Government Code sections 66410 *et seq*.), a Lot Line Adjustment is required where the property lines of four (4) or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed is not thereby created. Furthermore, Section 66412 of the California Government Code specifies that a local agency or advisory

agency shall limit its review and approval to a determination of whether parcels resulting from the lot line adjustment will conform to the local general plan, any applicable specific plan, any applicable coastal plan, and zoning and building ordinances.

Pursuant to Section 16.04.030 of the MMC, the Planning Commission shall approve lot line adjustments. The findings that must be made by the Planning Commission to approve a Lot Line Adjustment include finding that the proposal is in conformance and consistent with the City of Montebello's General Plan, the Montebello Municipal Code, as well as the Subdivision Map Act.

As a part of this project proposal, the Applicant seeks to adjust the existing property boundary line. The proposed project is to adjust the boundary line between Parcel 1 and Parcel 2 to contain the existing car wash use entirely on Parcel 2 and terminating the lot tie between both parcels. The purpose of this lot line adjustment is solely to reconsolidate the lot lines to facilitate the sale of the existing car wash. The Applicant is not proposing any expansions to the existing car wash; however, it is anticipated that the existing car wash will undergo a renovation, which is not subject to any discretionary review and may be approved administratively.

A. Describe how the proposed Lot Line Adjustment/Merger, together with its design and improvement, is consistent with the General Plan and with any applicable specific plan.

The proposed Lot Line Adjustment will not consist of any construction or change of use for both Parcel 1 and Parcel 2. This action will not impact the site design or use and is consistent with the General Plan and any applicable specific plans. In addition, the project aligns with *Goal 1* of the *Land Use Element* is *"to formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development."* The applicant is proposing to better define the boundaries of the existing development. The reconfiguration of the parcels will not affect the existing structures on Parcel 2.

B. Describe how the site is physically suitable for the type of development:

The site is physically suitable for the type of development proposed because it is located within the C-2 zone and is surrounded by other similar businesses within the C-2 zone. There is no change of use or construction proposed for both Parcel 1 and Parcel 2. This Lot Line Adjustment will not impact the site design or use, and it is consistent with the City of Montebello's Municipal Code and the Subdivision Act since to additional lots will be created as part of this proposal and the proposed tenant improvements will comply with the Zoning Code.

ENVIRONMENTAL:

The proposed project is considered a "project," per the California Environmental Quality Act definition of a "project." The project is Categorically Exempt per Section 15315 (Minor Land Divisions). Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to current standards, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel

does not have an average slope greater than 20 percent.

ANALYSIS:

None.

SUMMARY:

REPORTS RECEIVED

On June 21, 2023, the application materials for Case Number PC-2023-0005-LLA were forwarded to the Building and Safety, Public Works, Parks and Recreation, Traffic, and Police Departments for review, comments, and conditions. No significant comments or conditions were made during the Department Review period.

PUBLIC NOTIFICATION

Pursuant to MMC Section 17.78 (Public Hearings, Notices, and Appeals), the following noticing was performed:

- On September 7, 2023, the Public Hearing Notice was published in the Daily Journal (Whittier Daily News); and
- On September 7, 2023, the Public Hearing Notice was mailed to all property owners within a 300-foot radius from the exterior boundaries of project site.

ATTACHMENT(S)

1. Attachment A. Resolution No. 11-23_2302 W. Whittier Blvd.
2. Attachment B. 2302 W. Whittier NOE
3. Attachment C. Public Hearing Notice 2302 W. Whittier Blvd.
4. Attachment D. LLA Site Plan

RESOLUTION NO. 11-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, APPROVING A LOT LINE ADJUSTMENT (LLA) (CASE NO. PC-2023-0005-LLA) TO ADJUST THE PROPERTY BOUNDARY LINE BETWEEN TWO PARCELS LOCATED AT 2302 W. WHITTIER BOULEVARD AND FINDING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT MINOR LAND DIVISIONS (CEQA §15315 TO BE APPLICABLE TO THE PROPOSED PROJECT (ENV NO. 10-23-CE).

WHEREAS, on June 23, 2023, a Lot Line Adjustment ("LLA") (Case No. PC-2023-0005-LLA) application was filed by Super Star Car Wash, on behalf of Whittier Wilcox, L.P.("Applicant") to adjust the property boundaries and terminate the lot tie between two (2) parcels for the property located at 2302 W. Whittier Boulevard in the City of Montebello ("City") the Project Site ("Project"); and

WHEREAS, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State California Environmental Quality Act ("CEQA") Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project; and

WHEREAS, the LLA (PC-2023-0005-LLA) is considered a "project", per the California Environmental Quality Act definition of a "project"; and

WHEREAS, the project is considered covered by the Minor Land Divisions found under CEQA Section §15315, which states that "CEQA applies only to projects which have the potential for causing a significant effect on the environment" and also states that "where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA", and

WHEREAS, the proposed lot line adjustment does not have the potential to degrade the quality of the environment or have a significant effect on the environment; and

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other matters presented at the public hearing and included in the record for this matter, and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Montebello resolves that:

SECTION 1. RECITALS. Based on staff presentations, testimony, and all other evidence presented to the Planning Commission during the noticed public hearing on this matter, the Planning Commission hereby finds and declares that the foregoing recitals are true and correct, and expressly incorporates them as substantive findings into this Resolution.

SECTION 2. FINDINGS. Pursuant to Section 16.04.030 of the City of Montebello Municipal Code and Title 16 of the California Government Code, the following findings are hereby adopted as the findings of the Planning Commission:

A. *Describe how the proposed Lot Line Adjustment/Merger, together with its design and improvement, is consistent with the General Plan and with any applicable specific plan*;

The proposed Lot Line Adjustment will not consist of any construction or change of use for both Parcel 1 and Parcel 2. This action will not impact the site design or use and is consistent with the General Plan and any applicable specific plans. In addition, the project aligns with *Goal 1* of the *Land Use Element* is *"to formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development."* The applicant is proposing to better define the boundaries of the existing development. The reconfiguration of the parcels will not affect the existing structures on Parcel 2.

B. *Describe how the site is physically suitable for the type of development;*

The site is physically suitable for the type of development proposed because it is located within the C-2 zone and is surrounded by other similar businesses within the C-2 zone. There is no change of use or construction proposed for both Parcel 1 and Parcel 2. This Lot Line Adjustment will not impact the site design or use, and it is consistent with the City of Montebello's Municipal Code and the Subdivision Act since to additional lots will be created as part of this proposal and the proposed tenant improvements will comply with the Zoning Code.

SECTION 3. CEQA. The Planning Commission finds that the LLA (PC-2023-0005-LLA) is categorically exempt by the Minor Land Divisions found under CEQA Section §15315.

SECTION 4. APPROVAL. The Planning Commission hereby approves LLA (Case No. PC-2023-0005-LLA) subject to compliance with all applicable laws and ordinances of the City as well subject to compliance with the conditions of approval set forth in Section 5.

SECTION 5. CONDITIONS. The Planning Commission finds that the following conditions of approval are necessary and appropriate.

A. Planning Division Conditions

1. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters, of the City), for or concerning the project, whether such actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City during the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with the applicant in the defense of the Action.

2. This approval shall lapse and become automatically void if the privilege authorized is not utilized and recordation by the County of the certificate of compliance is not obtained within (2) two years from the date of this approval. The Planning Commission may extend this period for one (1) year upon receipt of written request by the applicant at least thirty (30) days before the expiration date.

3. Within 30 days of the Planning Department transmittal of the Acceptance Form, the Applicant 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.

4. In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violation(s) have been fully remedied.

B. Fire Division Conditions

1. Address identification based on requirements for commercial property, located on the street side.

2. Fire extinguishers per 2022 Editions California Fire Code.

PASSED AND ADOPTED this 26th day of September 2023 by the following vote of the Planning Commission.

Commissioner Cuevas: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Morales: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Valdez: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Lomeli: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Medina: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN

_____
Victor Cuevas, Chair

ATTEST:

_____
Joseph A. Palombi, Director
Planning and Community Development

Notice of CEQA Exemption

To:	From:
County of Los Angeles Registrar-Recorder/County Clerk 12400 Imperial Highway Norwalk, CA 90650	City of Montebello Planning & Community Development Department 1600 W. Beverly Blvd. Montebello, CA 90640

Lead Agency: City of Montebello Planning and Community Development Department
Project Title: Lot Line Adjustment
Project Location: 2302 W. Whittier Boulevard
Case Number(s): PC-2023-0005-LLA & ENV No. 10-23-CE

Description of Nature, Purpose, and Beneficiaries of Project: The Applicant, Super Star Car Wash, seeks approval of a Lot Line Adjustment to adjust the existing property boundary lines located at 2302 W. Whittier Boulevard.

Name of the Public Agency Approving the Project: City of Montebello
Name of Person or Agency Carrying Out the Project: Super Star Car Wash

Exempt Status (*check one*)
☐ Ministerial (Sec. 21080(b)(1); 15268(b)(3))
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a)).
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)).
☒ Categorical Exemption. State type and section number: Sectio 15315 (Minor Land Divisions)
☐ Statutory Exemptions. State code number:

Justification for Project Exemption:

The proposed project is considered a "project," per the California Environmental Quality Act definition of a "project." The project is Categorically Exempt, Section 15315 (Minor Land Divisions), Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to current standards, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Lead Agency Contact Person: Joseph Palombi, Director of Planning & Community Development
Area Code/Telephone/Extension: (323) 887-1478

If filed by applicant, attach certified document issued by the Planning and Community Development Department stating that the Department has found the project to be exempt.

Signature: _____ **Date:** _____ **Title:** _____

☒ Signed by Lead Agency ☐ Signed by Applicant

NOTICE OF PUBLIC HEARING
CITY OF MONTEBELLO PLANNING COMMISSION

Lot Line Adjustment
Categorical Exemption (Section §15315 Class 15 "Minor Land Divisions")

Location: 2302 W. Whittier Boulevard, Montebello, CA 90640
Case No.: PC-2023-0005-LLA/ENV No. 10-23-CE
Applicant: Super Star Car Wash on behalf of Whittier Wilcox, L.P. ("Property Owner")

Project Description: The Super Star Car Wash ("Applicant") is requesting a Lot Line Adjustment to adjust the existing property boundary lines for 2302 W. Whittier Blvd.

Zone: C-2
General Plan Designation: General Commercial

Environmental: Pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15315, the project is considered a Class 15 (Minor Land Divisions) categorical exemption. Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. The proposed subdivision is consistent with these requirements.

NOTICE IS HEREBY GIVEN that the City of Montebello ("City") Planning Commission ("Planning Commission") will hold a public hearing to consider whether to recommend approval of the entitlements described above to the City Council. The meeting is scheduled to be held on:

Date: Tuesday, September 5th, 2023
Time: 6:30 p.m.
Place: City Hall Council Chambers
1600 West Beverly Boulevard, Montebello, CA, 90640

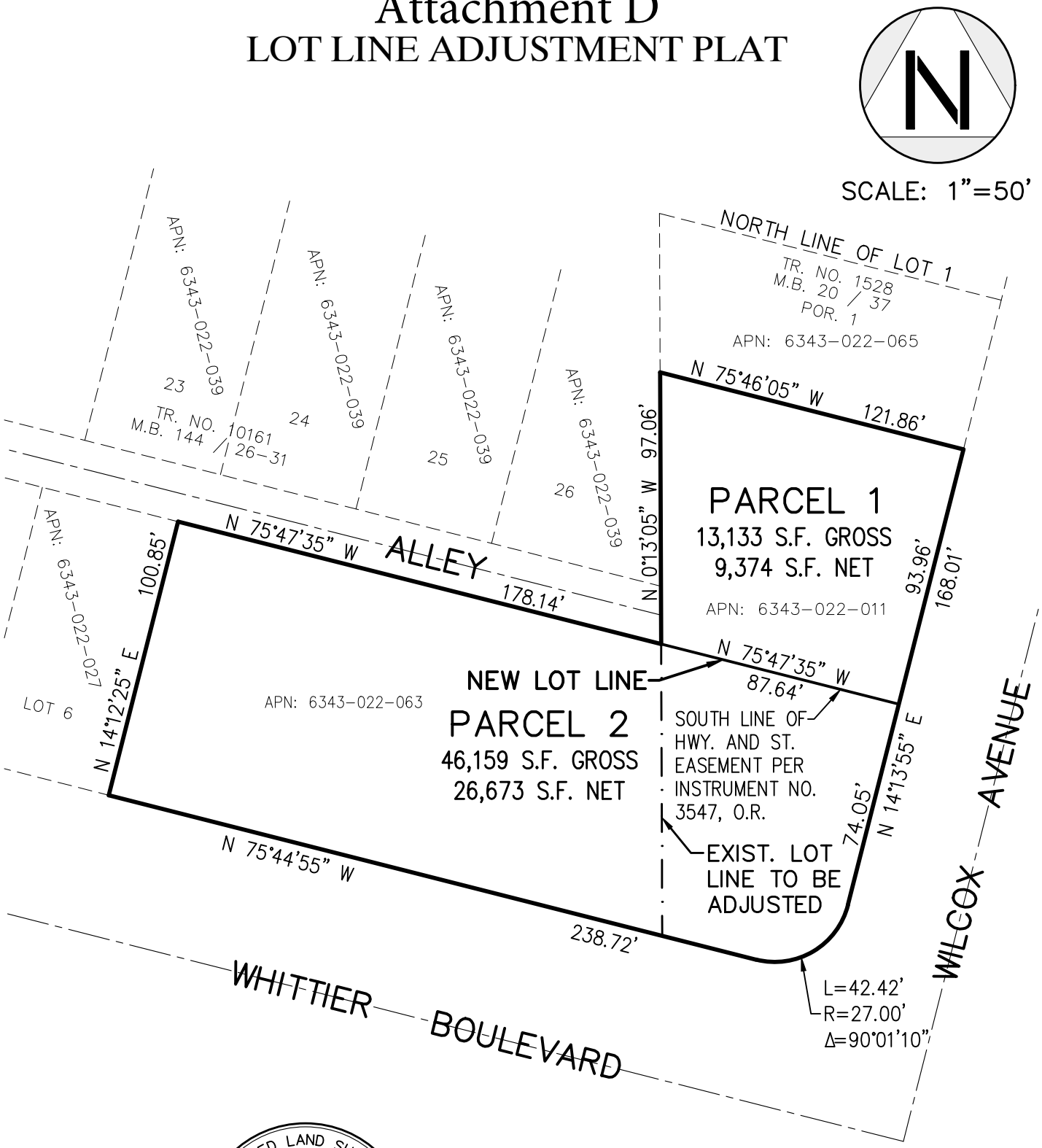
For those interested in participating in-person during the Public Comment period(s) or public testimony period for Public Hearings of the Planning Commission, you may address the Planning Commission in person the day of the meeting. Speakers will be required to fill out a speaker card provided at the door and turn it into the Administrative Secretary prior to each Public Comment announcement period. Staff will number and call each speaker card in the order received.

The public may also submit emailed comments via the City's email address: pcpubliccomment@montebelloca.gov where the public can submit written public comments up until the day of the meeting, **Tuesday, September 5, 2023 between 7:30 a.m. – 6:00 p.m.** These comments will not be read out loud but will be entered into the record and submitted to all members of the Planning Commission. Additional Information related to the Planning Commission meetings can be located on the City's webpage: https://www.montebelloca.gov/cms/One.aspx?portalId=58756&pageId=61848.

Written comments may also be mailed or delivered to the Planning Commission at the Planning Division office address identified below on or before the meeting date. If you challenge the matter in court, you may be limited to raising those issues you or someone else raised at the public hearing, or in written correspondence delivered to the City of Montebello at, or prior to, the public hearing.

For more information about the project and the related environmental documentation please contact:
Contact Person: Grace Hayashi, Assistant Planner
Phone: 323.887.1200 Ext. 463 / **Email:** ghayashi@montebelloca.gov
Address: City of Montebello, City Hall, Planning Division, 1600 W. Beverly Blvd, Montebello, CA 90640
City Website: www.montebelloca.gov
Date of Publication: August 24th, 2023

EXHIBIT "B" -
Attachment D
LOT LINE ADJUSTMENT PLAT



LICENSED LAND SURVEYOR
BERNHARD K. MAYER
NO. 7319
Exp. 6-30-23
STATE OF CALIFORNIA

05/05/23

BERNHARD K. MAYER DATE

ITEM # 4

CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Emilie Fernandez, Assistant Planner

SUBJECT: **CONDITIONAL USE PERMIT ("CUP") (CASE NO. PC-2023-0010-CUP-ZV) TO ALLOW PERMANENT COSMETICS AT AN EXISTING BEAUTY SALON AND A ZONE VARIANCE TO PERMIT THE PROPOSED USE WITHIN 1,000 FEET OF SENSITIVE USES, PURSUANT TO MONTEBELLO MUNICIPAL CODE CHAPTER 17.70 AND 17.72, ON AN EXISTING LOT AT 806 W BEVERLY BLVD WITHIN THE CITY OF MONTEBELLO.**

DATE: September 26, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission take the following action:
1. ADOPT Resolution No. 13-23 Approving Conditional Use Permit ("CUP") and Zone Variance ("ZV") No. PC-2023-0010-CUP-ZV with conditions to allow semi-permanent makeup within an existing business as an ancillary use to the existing beauty salon ("Project") Sola Salon Los Angeles LLC for Scott Ditsworth ("Applicant") at the property located at 806 W. Beverly Blvd ("Project Site") pursuant to Montebello Municipal Code (MMC) Chapter 17.70 – Conditional Use Permits and Chapter 17.72 – Variances; and

2. DETERMINE AND FIND that the project (ENV No. 09-23-CE) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section (15301) - Class 1 (Existing Facilities) because it involves negligible or no expansion of the existing or former use.

FISCAL IMPACT:

None.

BACKGROUND:

On July 24, 2023, Scott Ditsworth (the "Applicant") filed a Conditional Use Permit and Zone Variance application to allow permanent cosmetics at 806 W. Beverly Blvd.

On July 27, 2023, staff issued a deemed complete letter to the Applicant.

PROJECT /APPLICANT INFORMATION

Project Location: 806 West Beverly Blvd.
Project Applicant: Scott Ditsworth (Sola Salon)
Property Owner: Montebello Edens, LLC
General Plan Designation: General Commercial
Zoning: C-2 (General Commercial)
Existing Use on Property: Multiple Commercial Uses

PROJECT DESCRIPTION

The Applicant is requesting to allow permanent cosmetics as an ancillary service to an existing beauty salon at the property located at 806 W. Beverly Blvd. Sola Salon is a salon studio concept that leases space to cosmetologists and other personal services professionals such as hair stylists, nail technicians, and skincare professionals. The salon also provides more intensive services such as micro bladers (semi-permanent makeup) which is categorized as a body art establishment per section 17.08.835 of the MMC and is subject to the review and approval of a Conditional Use Permit by the Planning Commission.

ENVIRONMENTAL:

The Conditional Use Permit (Case No. PC-2023-0010-CUP-ZV) is considered a "project," per the California Environmental Quality Act definition of a "project." The project is Categorically Exempt per Section §15301 (a) (Existing Facilities) because Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination such as interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. There will be no expansion to the interior or exterior of the existing facilities in this proposed Project.

ANALYSIS:

Project Site

The project site is located on the northwest corner of Montebello and Beverly Boulevard with a zoning designation of C-2, General Commercial. The existing commercial/ retail shopping center is approximately 84,947 square feet (1.95 acres) is size. The Applicant

currently operates a salon studio within an existing 11,860 square foot building located within the existing commercial shopping center. There are various businesses on the property including a grocery store, pharmacy, and retail stores. The project site is located on the northern part of the shopping center right next to Vons Grocery store. Vehicular access to the proposed business would be provided via existing driveways located off Beverly and Montebello Boulevard.

The following table list the zoning designations of the surrounding land uses:

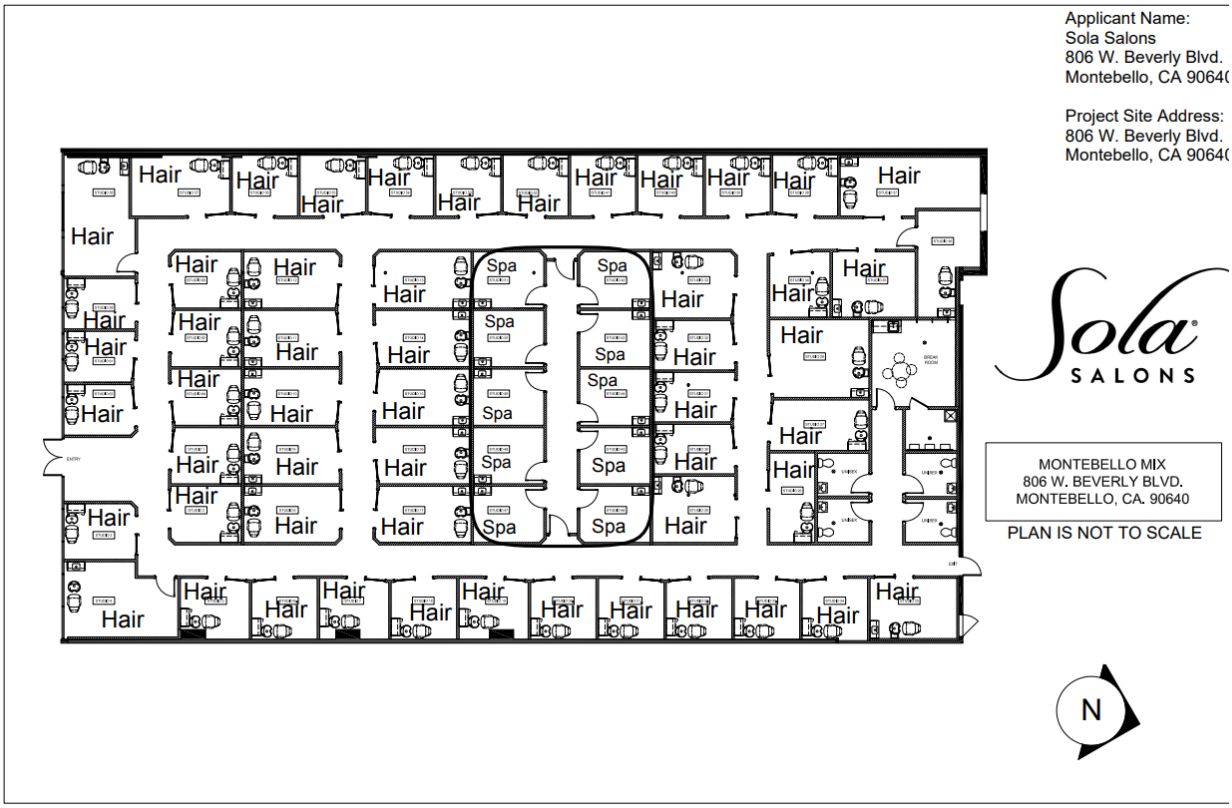
Direction	Zone	Land Use
North	C-2	General Commercial
South	C-2	General Commercial
East	C-2	General Commercial
West	C-2	General Commercial

Business Operation
The Applicant is requesting to provide permanent cosmetic type services, which include Cosmetic Tattooing (Nano/ Microblading, Ombre or Combo brows, Lip blush, Scalp Micropigmentation, Hairline, Eyeliners, Freckles, Areola) as an ancillary use. Per the MMC, permanent cosmetics is categorized as a Body Art Establishment. Body Art Establishment required the review and approval of a CUP within a C-2 Zone. In addition, Body Art Establishments shall not be located within five hundred feet of another existing body art establishment and shall not be located within one thousand feet of the following sensitive uses such as schools, residential uses, churches, libraries, or parks. The existing beauty salon is located within 1,000 feet of residential uses and park facility, therefore, the Applicant has filed a Zone Variance to deviate from the distance requirements. No expansion of the existing structure is being proposed as part of this request.

The existing uses within the commercial center include several restaurants, clothing stores, grocery stores, convenience store and a bank. The proposed use will provide an additional service to the patrons of the commercial shopping center.

The primary use of the facility is to operate as a beauty salon with additional personal services to be offered to the customers of Sola Salon. The business hours of the existing beauty salon are 9am – 6pm every day. Other services in addition to the permanent cosmetics include barbers, hair stylists, lashes, makeup, skincare, threading, and waxing. As shown in the floor plan below (Exhibit A) the existing layout of the salon includes individual rooms that facilitate the services previously mentioned. Minor interior improvements were approved administratively to accommodate the existing beauty salon.

Exhibit A



GENERAL PLAN

Per the Montebello General Plan, the Project conforms to:

General Plan Land Use Element Goal #3 states that "To provide for development and location of commercial shopping areas within the community in a manner compatible with other land uses".

General Plan Land Use Element Objective #5 states "That 'cluster' type commercial development is preferential to proliferation of strip commercial.

General Plan Land Use Element Commercial Policy #5 states that "the City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City".

The proposed project conforms to the City of Montebello General Plan Land Use Element in that the proposed use will allow the Montebello community to benefit from the addition of permanent cosmetic services offered at the site. The establishment of the proposed project will be beneficial to those members of the community in need of this specific service. Additionally, the establishment of the business will contribute to the local economy by creating jobs, stimulating consumer spending, increase the taxable revenue to the city and will increase the variety of commercial developments available in the city. The site is in an appropriate location given that it is located along Beverly Boulevard, which is a major commercial thoroughfare in the city.

REQUIRED FINDINGS MONTEBELLO MUNICIPAL CODE (MMC)

CONDITIONAL USE PERMITS (MMC 17.70)

The purpose of the conditional use permit is to allow proper integration of uses into the community which may only be suitable in specific locations, or only if such uses are designed or constructed in a particular manner on the site, and under certain conditions.

A Conditional Use Permit is required for Body Art Establishments (permanent cosmetics) in the C-2 Zone.

Pursuant to Section 17.70.070 of the MMC, before any conditional use permit shall be granted, all of the following findings must be made:

A. That the site for the proposed use is adequate in size and shape.

The project site is adequate in size and shape for the proposed use. The project site is located within an existing salon. The existing salon is located within an existing shopping center that is already using existing roads, and public utilities. There will be no expansion or work proposed to be done to the building. The request entails the ancillary service of permanent cosmetics to an existing beauty salon.

B. That 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 existing beauty salon is located within an existing shopping center that provides seven (7) separate entrances and exits to Sola Salon. The nearest freeway is located within two miles of the existing commercial center, giving users access to the nearest freeway in proximity. Given that the salon is already in full use, the activity that anticipated to be generated by the salon will not increase.

C. That the proposed use will not have an adverse effect upon adjacent or abutting properties.

In reviewing the proposal, Staff has determined that the proposed Project will not have an adverse effect upon adjacent or abutting properties. The Project Site is an existing site and any noise emitted will be in conformance with the permitted noise levels found in Section 17.22.110 of the MMC. The Project as a salon will be consistent with surrounding properties and is listed as an allowed use per the MMC.

D. That the proposed use is consistent with the objectives of the community redevelopment project area in which the site is located.

The project site is on a lot that is already fully developed, and the development is consistent with the general commercial zone requirements for lot area, width, depth, height, landscaping, building intensity, lot coverage, access, screening, trash areas, and all other commercial zone requirements for the City of Montebello.

Additionally, the proposed use is consistent with General Plan Land Use Element Goal 3, as well as with General Plan Land Use Element Commercial Policy #5 and the Land Use objective #5. These goals and policies relate to the project being responsive to the needs of the community, to the City permitting for the orderly

arrangement of land uses, to the City situating commercial developments in appropriate locations according to need, to the City providing a variety of types of commercial development, as well as to commercial developments providing taxable revenue to the City. The proposed project conforms with the City of Montebello General Plan Land Use Element in that the proposed use is in a developed commercial area, the use of a beauty salon with an ancillary service of permanent cosmetics is compatible with the existing site and surrounding uses in the area.

VARIANCES (MMC 17.72)

The sole purpose of a variance shall be to ensure that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. No variance shall be granted which would have the effect of granting a special privilege not shared by other properties in the same vicinity and zone.

A Zone Variance is being requested to deviate from the required 1,000-foot distance requirement between Body Art Establishments and sensitive uses. According to the MMC, Body Art Establishments are allowed in the General Commercial zone with a Conditional Use Permit. Per the Appendix A – Index of Primary Uses of the MMC, "Body art establishments… shall not be located within one thousand feet of the following sensitive uses such as schools, residential uses, parks and religious institutions".

Pursuant to Section 17.72.060 of the MMC, before any variance shall be granted, the planning commission shall satisfy itself that the applicant has demonstrated the following facts:

A. That there are special or unusual circumstances applicable to the property involved, such as size, shape, topography, location or surroundings, which do not generally apply to other properties in the vicinity included in the same zone as the subject property.

The Project Site is an existing developed commercial center. The Applicant currently operates a beauty salon within an existing building approximately 11,860 square feet in size. Per the MMC, a beauty salon is an allowed use within a commercially zone property and distance requirements from sensitive uses are not applicable. Since the Applicant is requesting an ancillary service of permanent cosmetics, a distance requirement of 1,000 feet from sensitive uses is applicable to the existing beauty salon, which would not be typically applied to a traditional beauty salon. The Applicant envisioned the Project Site as a business opportunity due to the heavily trafficked shopping center, as well as provide a service to the adjacent neighborhoods and making the salon accessible to patrons of the shopping center.

B. That due to such special or unusual circumstances, the strict application of the provisions of the code would result in practical difficulties or unnecessary hardships, or would deprive such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Sola Salon's business motto is to provide an equal opportunity to any entrepreneur. With this regulation, the salon is not able to rent out a room to a vendor which provides permanent cosmetics as a special skill causing a hardship for the artists to find jobs and an opportunity to share their skills. The applicants' goal is to be able to

rent out the rooms to a variety of artists and be able to give their customers a unique experience of being able to get permanent cosmetics at this location while also providing this safe space for the vendors to meet with clients.

C. That the variance is necessary for the preservation of a substantial property right of the applicant to facilitate a reasonable use of the subject property which right is possessed by other property in the same vicinity and zoning as the subject property.

The variance is necessary to deviate from the distance requirements and allow the business to offer permanent makeup as an additional service to the existing beauty salon. The zone variance would allow the salon to hire artist with this special skill to be able to have an equal opportunity of renting out a room and allow them to perform their skill and provide a specific niche for those looking to get this specific work done.

D. That the granting of the variance will not cause an adverse effect on the public welfare or surrounding properties.

The granting of the variance will not cause an adverse effect on the public welfare or the surrounding properties because the addition of permeant cosmetics will not affect the circulation of traffic at the property site, nor will it have any sort of change to any of the surrounding businesses. The proposed project will not adversely affect the public welfare or activity in the shopping center as the Salon operates 7 days a week from 9am-6pm.

E. That the granting of such variance will be consistent with the general purpose and intent of the MMC and will not adversely affect the general plan.

The proposed use conforms to the Zoning Code's provisions for our location, which is designated for commercial use. A beauty salon offers a comprehensive use as the salon would add an extra compatible service to the existing center and provide the community with quality beauty care services.

SUMMARY:

REPORTS RECEIVED

The application for Case No. PC-2023-0010-CUP-ZV was forwarded to the Fire Department, Building Department, Police Department, Parks and Recreation Department, and Public Works Department for review, comments, and conditions. No comments were received.

PUBLIC NOTIFICATION

Pursuant to MMC Section 17.78 (Public Hearings, Notices, and Appeals), the following noticing was performed:

- On September 6, 2023, the Public Hearing Notice was mailed to property owners within the 500-foot radius from the exterior boundaries of the subject property.

- On September 7, 2023, the Public Hearing Notice was published in the Daily Journal (Whittier Daily News).

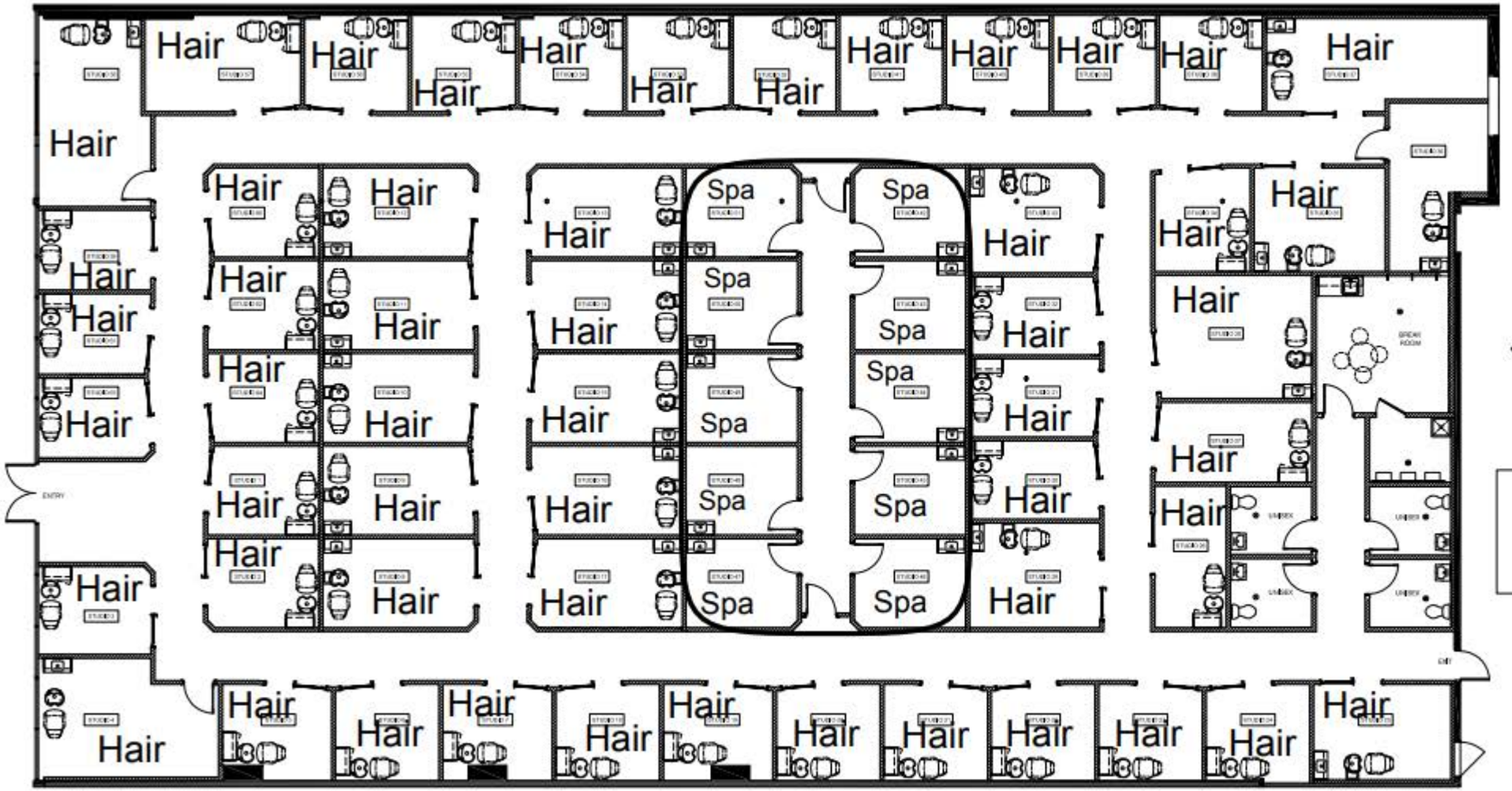
ATTACHMENT(S)

1. Attachment A. Floor Plan Exhibit A
2. Attachment B. Resolution No. 13-23_806 W. Beverly Blvd.
3. Attachment C. CEQA Notice of Exemption

Attachment A

Applicant Name:
Sola Salons
806 W. Beverly Blvd.
Montebello, CA 90640

Project Site Address:
806 W. Beverly Blvd.
Montebello, CA 90640



Sola SALONS

MONTEBELLO MIX
806 W. BEVERLY BLVD.
MONTEBELLO, CA. 90640

PLAN IS NOT TO SCALE

N

CITY OF MONTEBELLO
PLANNING COMMISSION

RESOLUTION NO. 13-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO APPROVING CONDITIONAL USE PERMIT AND ZONE VARIANCE (PC-2023-0010-CUP-ZV) WITH CONDITIONS TO PERMIT PERMANENT COSMETICS AT AN EXISTING SALON WITHIN 1000 FT OF SENSITIVE USES LOCATED AT 806 WEST BEVERLY BOULEVARD AND ADOPTING A NOTICE OF EXEMPTION UNDER CEQA 15301 (EXISTING FACILITIES)

WHEREAS, a Conditional Use Permit (CUP) and Zone Variance (ZV) application has been received and accepted; and

WHEREAS, the Conditional Use Permit would allow permanent cosmetics at an existing salon and the Zone Variance would permit the use to be located within 1000 feet of sensitive uses ("Project") for Scott Ditsworth ("Applicant") at the property located at 806 West Beverly Boulevard ("Project Site") pursuant to Montebello Municipal Code (MMC) Chapter 17.70 – Conditional Use Permit and Chapter 17.72 - Variances; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello ("City") is the lead agency for the proposed Project; and

WHEREAS, the Conditional Use Permit and Zone Variance for Case No. PC-2023-0010-CUP-ZV / ENV No. 09-23-CE is considered a "project", as per CEQA's definition of a "project"; and

WHEREAS, the Project is Categorically Exempt per CEQA §15301, Class 1 (Existing Facilities) because there will be no expansion of the interior or exterior footprint of the existing facility; and

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other matters presented at the public hearing and included in the record for this matter, and all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Montebello hereby resolves that:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. FINDINGS

A. GENERAL PLAN. The Planning Commission of the City of Montebello finds that the proposed Project is consistent with the General Plan.

1. **General Plan Land Use Element Goal #3** states that "To provide for development and location of commercial shopping areas within the community in a manner compatible with other land uses".

2. **General Plan Land Use Element Objective #5** states "That 'cluster' type commercial development is preferential to proliferation of strip commercial.

3. **General Plan Land Use Element Commercial Policy #5** states that "the City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City".

   The proposed project conforms to the City of Montebello General Plan Land Use Element in that the proposed use will allow the Montebello community to benefit from the addition of permanent cosmetic services offered at the site. The establishment of the proposed project will be beneficial to those members of the community in need of this specific service. Additionally, the establishment of the business will contribute to the local economy by creating jobs, stimulating consumer spending, increase the taxable revenue to the city and will increase the variety of commercial developments available in the city. The site is in an appropriate location given that it is located along Beverly Boulevard, which is a major commercial thoroughfare in the city.

B. CONDTIONAL USE PERMIT. Pursuant to Section 17.70.070 of the MMC, before any conditional use permit shall be granted, all of the following findings must be made:

1. *That the site for the proposed use is adequate in size and shape;*

   The project site is adequate in size and shape for the proposed use. The project site is located within an existing salon. The existing salon is located within an existing shopping center that is already using existing roads, and public utilities. There will be no expansion or work proposed to be done to the building. The request entails the ancillary service of permanent cosmetics to an existing beauty salon.

2. *That 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 existing beauty salon is located within an existing shopping center that provides seven (7) separate entrances and exits to Sola Salon. The nearest freeway is located within two miles of the existing commercial center, giving users access to the nearest freeway in proximity. Given that the salon is already in full use, the activity that anticipated to be generated by the salon will not increase.
   .

3. *That the proposed use will not have an adverse effect upon adjacent or abutting properties.*

   In reviewing the proposal, Staff has determined that the proposed Project will not have an adverse effect upon adjacent or abutting properties. The Project Site is an existing site and any noise emitted will be in conformance with the permitted noise levels found in Section 17.22.110 of the MMC. The Project as a salon will be consistent with surrounding properties and is listed as an allowed use per the MMC

4. *That the proposed use is consistent with the objectives of the community redevelopment project area in which the site is located*.

   The project site is on a lot that is already fully developed, and the development is consistent with the general commercial zone requirements for lot area, width, depth, height, landscaping, building intensity, lot coverage, access, screening, trash areas, and all other commercial zone requirements for the City of Montebello.

   Additionally, the proposed use is consistent with General Plan Land Use Element Goal 3, as well as with General Plan Land Use Element Commercial Policy #5 and the Land Use objective #5. These goals and policies relate to the project being responsive to the needs of the community, to the City permitting for the orderly arrangement of land uses, to the City situating commercial developments in appropriate locations according to need, to the City providing a variety of types of commercial development, as well as to commercial developments providing taxable revenue to the City. The proposed project conforms with the City of Montebello General Plan Land Use Element in that the proposed use is in a developed commercial area, the use of a beauty salon with an ancillary service of permanent cosmetics is compatible with the existing site and surrounding uses in the area.

C. VARIANCES. Pursuant to Section 17.72.060 of the MMC, before any variance shall be granted, the planning commission shall satisfy itself that the applicant has demonstrated the following facts:

1. *That there are special or unusual circumstances applicable to the property involved, such as size, shape, topography, location or surroundings, which do not generally apply to other properties in the vicinity included in the same zone as the subject property.*

   The Project Site is an existing developed commercial center. The Applicant currently operates a beauty salon within an existing building approximately 11,860 square feet in size. Per the MMC, a beauty salon is an allowed use within a commercially zone property and distance requirements from sensitive uses are not applicable. Since the Applicant is requesting an ancillary service of permanent cosmetics, a distance requirement of 1,000 feet from sensitive uses is applicable to the existing beauty salon, which would not be typically applied to a traditional beauty salon. The Applicant envisioned the Project Site as a business opportunity due to the heavily trafficked shopping center, as well as provide a service to the adjacent neighborhoods and making the salon accessible to patrons of the shopping center.

2. *That due to such special or unusual circumstances, the strict application of the provisions of the code would result in practical difficulties or unnecessary hardships, or would deprive such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.*

   Sola Salon’s business motto is to provide an equal opportunity to any entrepreneur. With this regulation, the salon is not able to rent out a room to a vendor which provides permanent cosmetics as a special skill causing a hardship for the artists to find jobs and an opportunity to share their skills. The applicants' goal is to be able to rent out the rooms to a variety of artists and be able to give their customers a unique experience of being able to get permanent cosmetics at this location while also providing this safe space for the vendors to meet with clients.

3. *That the variance is necessary for the preservation of a substantial property right of the applicant to facilitate a reasonable use of the subject*

property which right is possessed by other property in the same vicinity and zoning as the subject property.

The variance is necessary to deviate from the distance requirements and allow the business to offer permanent makeup as an additional service to the existing beauty salon. The zone variance would allow the salon to hire artist with this special skill to be able to have an equal opportunity of renting out a room and allow them to perform their skill and provide a specific niche for those looking to get this specific work done.

4. *That the granting of the variance will not cause an adverse effect on the public welfare or surrounding properties.*

   The granting of the variance will not cause an adverse effect on the public welfare or the surrounding properties because the addition of permeant cosmetics will not affect the circulation of traffic at the property site, nor will it have any sort of change to any of the surrounding businesses. The proposed project will not adversely affect the public welfare or activity in the shopping center as the Salon operates 7 days a week from 9am-6pm.

5. *That the granting of such variance will be consistent with the general purpose and intent of this code and will not adversely affect the general plan.*

   The proposed use conforms to the Zoning Code's provisions for our location, which is designated for commercial use. A beauty salon offers a comprehensive use as the salon would add an extra compatible service to the existing center and provide the community with quality beauty care services.

SECTION 3. CEQA. The Planning Commission approves and adopts the CEQA Categorical Exemption § 15301 (Existing Facilities) Class 1 exemption. A Class 1 exemption under CEQA § 15301 applies to projects resulting in the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structure involving negligible or no expansion of use. There will be no expansion to the interior or exterior of the existing facilities in the proposed Project.

SECTION 4. APPROVALS. The Planning Commission hereby approves Conditional Use Permit ("CUP") and Zone Variance ("ZV") Case No. PC-2023-0010-CUP-ZV with conditions to permit permanent cosmetics at an existing salon ("Project") (Sola Salon) for Scott Ditsworth ("Applicant") at the property located at 806 W Beverly Blvd

("Project Site") pursuant to MMC Chapter 17.70 – Conditional Use Permits and Chapter 17.72 – Variances.

SECTION 5. CONDITIONS. The Planning Commission finds that the foregoing conditions of approval are necessary and appropriate:

1. Scott Ditsworth (the "Applicant") shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceeding

2. The development of the subject site shall be consistent with all of the provisions of the Montebello Municipal Code ("MMC") and Conditional Use Permit and Zone Variance (Case No. PC-2023-0010-CUP-ZV / ENV No. 09-23-CE), and the specifications of the City's Planning Division ("Planning Division" or "Planning Department").

3. Within thirty (30) days of the Planning Division transmittal of the Acceptance Form, the Applicant 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 thirty (30) days shall constitute grounds for terminating the permit.

4. The Director of Planning & Community Development ("Director"), at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These condition(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke Conditional Use Permit (Case No. PC-2023-0010-CUP-ZV) if sufficient cause is given upon the required findings and procedure outlined in MMC Chapter 17.80 "Revocations and Expirations."

5. The Applicant or successor in interest shall meet the applicable code requirements and all other City department regulations.

6. It is the responsibility of the property owner to have all graffiti on the site removed within twenty-four (24) hours of its appearance or be subject to citation from the City of Montebello Code Enforcement Division ("Code Enforcement").

7. Landscape Plan. The site shall be attractively landscaped and maintained in accordance with the standards established in the MMC and to the satisfaction of the Planning Department.

8. The property owner will 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.

9. The approval shall not supersede the approval of any other responsible agencies. The Applicant shall comply with all Federal, State, and Local laws.

10. In the event of a violation of the conditions of approval, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.

11. All exposed mechanical equipment shall be screened in a way architecturally compatible with the site.

12. All beauty professionals shall be required to obtain a city business license prior to conducting services.

PASSED AND ADOPTED this 26th day of September 2023 by the Planning Commission.

Commissioner Cuevas: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Morales: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Valdez: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Lomeli: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Medina: ( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN

_____
Victor Cuevas, Chair

ATTEST:

_____
Joseph A. Palombi, Director
Planning & Community Development Department

Notice of CEQA Exemption

To:	From:
County of Los Angeles Registrar-Recorder/County Clerk 12400 Imperial Highway Norwalk, CA 90650	City of Montebello Planning & Community Development Department 1600 W. Beverly Blvd. Montebello, CA 90640

Lead Agency: City of Montebello Planning and Community Development Department
Project Title: Conditional Use Permit to allow the application of permanent cosmetics within an existing beauty salon and a Zone Variance to allow the use within 1,000 ft of sensitive uses.
Project Location: 806 West Beverly, Montebello, CA 90640
Case Number(s): PC-2023-0010-CUP & ENV No. 9-23-CE

Description of Nature, Purpose, and Beneficiaries of Project: Conditional Use Permit ("CUP") Case No. PC-2023-0010-CUP to allow the application of permanent cosmetics within an existing beauty salon (Sola Salon) located at 806 West Beverly Blvd. ("Project Site").
Name of the Public Agency Approving the Project: City of Montebello
Name of Person or Agency Carrying Out the Project: Scott Ditsworth on behalf of Sola Salons Los Angeles LLC (Montebello Edens LLC) ("Property Owner") – Sola Salon

Exempt Status (*check one*)
☐ Ministerial (Sec. 21080(b)(1); 15268(b)(3))
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Class 1- CEQA Guidelines Section 15301 (Existing Facilities)
☐ Statutory Exemptions. State code number:

Justification for Project Exemption:

The Project is Categorically Exempt per §15301 - Class 1 (Existing Facilities) of the CEQA Guidelines and none of the exceptions under § 15300.2 apply. The project is consistent with the General Plan as well as applicable zoning designation and regulations being in the C-2 Zone with various permitted uses, the Project occurs within City limits and is on a project site of no more than five (5) acres, and the Project Site has no value as habitat for endangered, rare, or threatened species because it is on an existing developed site. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality and the site can be adequately served by all required utilities and public services.

Lead Agency Contact Person: Joseph A. Palombi, Director of Planning & Community Development
Area Code/Telephone/Extension: (323) 887-1200

If filed by applicant, attach certified document issued by the Planning and Community Development Department stating that the Department has found the project to be exempt.

Signature: _____ **Date:** _____ **Title:** _____

☒ Signed by Lead Agency ☐ Signed by Applicant

ITEM # 5

CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Daniel Ruiz, Assistant Planner

SUBJECT: **COMPLIANCE REVIEW FOR CONDITIONAL USE PERMIT ("CUP") NO. PC-2022-0011-CUP FOR THE SALE OF ALCOHOL (TYPE 41 LICENSE – ON-SALE BEER AND WINE - EATING PLACE) WITHIN AN EXISTING BONA FIDE RESTAURANT (SIZZLER'S) LOCATED AT 1908 WEST BEVERLY BOULEVARD ("PROJECT SITE").**

DATE: September 26, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission of the City of Montebello ("Planning Commission") review, receive and file this report, attachments, and/or any other supportive evidence to confirm:

1. That Sizzler USA Restaurant Inc. (the "Applicant") has demonstrated compliance with the conditions of approval contained in Resolution No. 09-22/Conditional Use Permit No. PC-2022-0011-CUP (Attachment "A") for the property located at 1908 West Beverly Boulevard.

FISCAL IMPACT:

None.

BACKGROUND:

- On May 10, 2022, the Applicant filed a Conditional Use Permit application (PC-2022-0011-CUP) to allow the on-sale dispensing of beer and wine at the Project Site.

- On June 21, 2022, the Planning Commission approved Resolution No. 09-22 (Attachment "A"), with conditions, allowing for the on-sale dispensing of beer and wine (Type 41 License) for the property located at 1908 West Beverly Blvd.
- Pursuant to Condition No. 7 of Resolution No. 09-22, the Applicant is required to demonstrate compliance with the conditions of approval in the form of a quarterly compliance review starting from the date of issuance of an Alcoholic Beverage Control ("ABC") license. The report is due quarterly for the first two (2) years of alcohol sales.
- On August 4, 2022, a Type 41 ABC license was issued by the CA Department of Alcoholic Beverage Control. The first compliance report would have been initiated in November 2022, however, to allow the applicant to establish their alcohol license and provide the applicant sufficient time to furnish the required reports, the compliance review was postponed.
- On February 21, 2023, the first compliance report was conducted, and the applicant demonstrated compliance with the conditions of approval found within Resolution No. 09-22/Conditional Use Permit No. PC-2022-0011-CUP.
- On August 30, 2023, Planning Division staff conducted a site visit to confirm continued compliance with the conditions of approval outlined in Resolution No. 09-22 for the second compliance review.
- Since the second quarterly compliance review was conducted on September 19, 2023, the next compliance review will be due on December 19, 2023.

PROJECT/APPLICANT INFORMATION

Project Location: 1908 W. Beverly Blvd
Project Applicant: Sizzler USA Restaurant, Inc.
Property Owner(s): BEVMONT LLC
General Plan Designation: Boulevard Commercial
Zoning: C-2 (General Commercial)
Existing Use on Property: Restaurant

PROJECT SITE

Direction	Zone	Land Use
North	C-1	Boulevard Commercial
South	C-1	Boulevard Commercial
East	C-2	Boulevard Commercial
West	C-2	Boulevard Commercial

COMPLIANCE REPORT

Pursuant to Condition No. 7 of Resolution No. 09-22, "[t]he applicant and operator shall submit an annual project compliance report. This report is due quarterly for the first two (2) years of alcohol sales, starting from the date of issuance" of an ABC license. Additionally, Condition No. 7 states that "the Director shall transmit the quarterly project compliance report to the Planning Commission to either receive and file or take any other action as deemed necessary". The Planning Commission adopted Resolution No. 09-22 on June 21, 2022, and the Applicant was issued an ABC license on August 4, 2022. The first compliance review

was conducted on February 21, 2023. For this compliance review, the Applicant submitted the Compliance Report on August 2, 2023.

The compliance report (Attachment "B") received from the Applicant has been reviewed by Planning staff. Staff has confirmed that the compliance report demonstrates compliance with the conditions of approval.

Based on staff's inspection conducted on August 30, 2023, and based on the information provided by the Applicant, the following provides status of compliance with the conditions of approval:

- Conditions No. 1-41 outlined in the approved Resolution No. 09-22 have been met.

POLICE CALLS FOR SERVICE

- The Montebello Police Department (MPD) has confirmed calls for service between the dates of February 1, 2023 to August 7, 2023. The calls for service report received by the MPD is included for reference as "Attachment D".

ENVIRONMENTAL:

The compliance review for CUP No. PC-2022-0011-CUP is not considered a "project" per the California Environmental Quality Act (CEQA) definition of a "project." CEQA is not applicable to this compliance review since the item is not considered a project, does not have the potential for resulting in a physical change in the environment, and since no discretionary action is being taken by the Planning Commission.

ANALYSIS:

None.

SUMMARY:

CONCLUSION

The results of the compliance review for Sizzler USA Restaurant, Inc. show that the restaurant is in compliance with the conditions contained in Resolution No. 09-22/Conditional Use Permit No. PC-2022-0011-CUP. Based on the findings and attachments contained in this report, it is recommended that this information be received and filed.

Pursuant to Resolution No. 09-22/Conditional Use Permit No. PC-2022-0011-CUP, the next quarterly compliance report is due on December 19, 2023.

ATTACHMENT(S)

1. Attachment A. Resolution No. 09-22
2. Attachment B. CUP Compliance Review Report
3. Attachment C. Sizzler's Compliance Review Items
4. Attachment D. Sizzler's Call for Service

CITY OF MONTEBELLO
PLANNING COMMISSION

RESOLUTION NO. 09-22

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. PC-2022-0011-CUP TO ALLOW THE ON-SALE DISPENSING OF BEER AND WINE FOR THE PROPERTY LOCATED AT 1908 WEST BEVERLY BOULEVARD AND FINDING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT CATEGORICAL (CEQA) EXEMPTION § 15301(A) (EXISTING FACILITIES) TO BE APPLICABLE TO THE PROPOSED PROJECT (ENV NO. 14-22-CE).

WHEREAS, a Conditional Use Permit ("CUP") (PC-2022-0011-CUP) application has been received and accepted; and

WHEREAS, the CUP would allow on-sale dispensing of beer and wine within a bona fide restaurant at the property located at 1908 West Beverly Boulevard ("Project Site"); and

WHEREAS, on May 10th, 2022, Sizzler USA Restaurant Inc. ("Applicant") filed a CUP application (PC-2022-0011-CUP) to allow the on-sale dispensing of beer and wine at the Project Site; and

WHEREAS, the establishment meets the definition of a "bona fide restaurant" contained in MMC Section 17.61.020; and

WHEREAS, per MMC Section 17.61.030, approval of a CUP by the Planning Commission is required to allow the sale of alcoholic beverages for on-sale consumption; and

WHEREAS, pursuant to Section 21067 of the Public Resources Code, and Section 15367 of the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project; and

WHEREAS, the CUP (PC-2022-0011-CUP) is considered a "project," as per the CEQA definition of a "project"; and

WHEREAS, the project is Categorically Exempt per CEQA Section §15301, Class 1 (Existing Facilities); and

WHEREAS, a duly noticed public hearing has been held, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other matters presented at the public hearing and included in the record for this matter, and all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of Montebello hereby finds, declares and resolves as follows:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. FINDINGS.

a. Per MMC 17.61.050 the proposed use must meet CUP findings and determine if the use:

1. *The site for the proposed use would not adversely affect the general welfare of the surrounding property owners*;

The project is located within the General Commercial (C-2) zone and Boulevard Commercial land use designation. The zoning district is intended to offer a large variety of commercial opportunities serving the local community. Some of the identified commercial uses include, but are not limited to, retail, professional offices, restaurants and/or specialty shops. The current use at the Project Site is an existing restaurant and the proposal will allow the Applicant to sell alcohol for on-site consumption.

The restaurant has been servicing their customers for several years at this location and the approval of this permit will create a consistent service experience for returning guests of the restaurant. It is located adjacent to commercial uses and is in close proximity to residential uses via walking or public transit. Consistent with MMC Section 17.61.070 "Mandatory conditions of approval for on-sale alcoholic beverage establishments," the proposed sale of alcohol for on-site consumption requires imposition of strict, mandatory conditions addressing operational and alcohol-related issues to ensure that the service will not be disruptive to the community or jeopardize the safety and welfare of the community. In addition, the mandatory conditions will also offer a consistent experience to the returning guests of the local community and visitors to the area when dining at the establishment.

2. *Would not result in an undesirable concentration of premises for the sale of alcoholic beverages, including beer and wine, in the area;*

The "Project Site" is located in Census Tract No. 5302.03, which permits three (3) on-sale license types and two (2) off-sale license types. Census Tract No. 5302.03 currently has six (6) on-sale type licenses and two (2) off-sale type license, therefore this census tract would continue to be over concentrated with a proposed total of seven (7) on-sale type licenses.

By State law, Alcoholic Beverage Control ("ABC") may only grant a limited number of alcohol licenses based on a "per census-tract" quantity. Meaning that only a certain number of licenses types are granted in any given census tract area to avoid undue concentration of alcohol sales. As a result, the approval of PC-2022-0011-CUP does not guarantee that the Applicant will receive an alcohol license from the State. As the sole alcohol licensing and enforcement agency, ABC will ultimately determine the appropriate license types and requirements at the proposed Project Site. To help with that determination, California Business and Professions Code Sections 23958 and 23858.4 (and as codified in Section 17.61.060 of the MMC) requires that the Applicant provide evidence allowing the Planning Commission to make the additional finding that the proposed CUP is necessary for public convenience or necessity, which is outlined in finding letter *F* of this Staff Report (below).

The establishment is a family friendly environment with a focus on serving the community and ultimately improving the City as a whole. Food establishments offer a convenient service to the local residents, working population and visitors to the area. The City of Montebello is consistently developing commercial enhancements. The proposed request supports the community's progress, adding to the growth of the City. Any operational, training, or security conditions placed on the approval of the request will safeguard the public's welfare and further protect the integrity of the community.

3. *Would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to other on-sale or off-sale alcoholic beverage establishments, residential districts and uses, 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;*

   If operated in accordance with the law and the mandatory conditions of approval, the primary use of the subject site as a family restaurant should not be problematic to surrounding sensitive uses because the conditions of approval will contain mitigation measures including, but not limited to, noise levels limits, adequate lighting, security measures imposed by Montebello Police Department, alcohol awareness training for staff, and an annual compliance review. Additionally, the Applicant may be required to meet further conditions of approval that the Planning Commission sees fit to impose with respect to the business operation and surrounding uses. The restaurant meets the MMC definition of a "bona fide restaurant" (see MMC 17.61.020) and will not contain a bar. As a member of the community, the applicant understands the character of the neighborhood and is committed to help uphold its integrity through reasonable service of alcoholic beverages.

4. *Would not aggravate existing problems created by the sale of alcohol (e.g., littering, loitering, noise, public drunkenness, calls for service, and sales to minors);*

   The Applicant is requesting a CUP to allow on-site alcohol sales to complement its primary use as a restaurant. As a compliment to the primary use, the potential to aggravate any existing problems created by the sale of alcohol is minimal. There are currently no existing problems and the restaurant will not have live entertainment, a dance floor, or a designated bar area. The mandatory conditions of approval will also help mitigate any potential issues related to noise, lighting, and operation. In addition, a mandatory employee training program related to the sale of alcohol will be required.

5. *Is in conformance with the goals, policies, and objectives of the general plan and the purpose and intent of this code and any applicable specific plan;*

   The Elements of the General Plan establish policies that provide for the regulatory environment in managing the City and for addressing concerns and problems. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the MMC or the General Plan. The restaurant is located within an existing structure with no plans to expand or alter the exterior or interior. The proposed use conforms with the City of Montebello Land Use Element, Goal #1, "To formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development;" Objective #3, "cluster" type commercial development is preferential to proliferation of strip commercial;" Policy Commercial #1, "Commercial development in the City should be sited in appropriate locations according to need," and Policy Commercial #5, "The City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City"; because the proposed use will add an additional service to an existing business that will increase the taxable revenue from this business to the City and that the site is in an appropriate location.

6. *Serves the public convenience or necessity based upon factors outlined in Section 17.61.060 of the MMC. This finding shall only apply to conditional use permit applications for bars, off-sale alcoholic beverage establishments, and any other applications that the State Department of Alcoholic Beverage Control determines are located in an area of undue concentration as defined by state law (California Business and Professions Code Section 23958.4.). The factors outlined in Section 17.61.060 of the MMC are:*

   - *Whether the proposed use will result in a net employment gain in the city (especially of local residents);*

     Approximately 35 - 40 employees will be hired at the restaurant driven from the local area. The request to have an alcohol license will also attract more

customers, thus generating more revenue and subsequently the hiring of more employees.

- *Whether the proposed use will result in a substantial increase in business taxes;*

  Offering the sale of alcohol with a meal will result in an increase in tax revenues because more customers will choose to dine at Sizzler resulting in an increase in business revenue. Obtaining an on-sale license to sell alcohol will help the restaurant continue to grow and generate additional tax revenues for the City. This proposal will also help retain paying customers within the City instead of losing customers to surrounding cities.

- *Whether the proposed establishment is a unique business addition to the community;*

  The restaurant is an existing establishment that has been at this location for many years, but has been able to survive the tumultuous conditions brought upon by the pandemic and would like to continue to be a part of the Montebello business community. This will be the only full-service Sizzler restaurant in the City.

- *Whether the proposed use will contribute to the long-term economic development goals of the community;*

  The Applicant's restaurant adds to the character of the City as a whole since it provides a neighborhood serving amenity that is enjoyed by nearby residents and visitors. Additionally, it contributes positively to the City's economic health due to the fact that the restaurant provides jobs and provides taxable revenues that can help provide essential services within the City.

- *Whether the aesthetic character ambiance of the proposed use will result in an overall positive upgrade in the area and community;*

  The restaurant is an existing establishment and approval of the proposed use will only help continue its operation as a family-oriented restaurant. As mentioned, there is no bar on-site and the project has been conditioned to require the business to provide training to their employees to ensure proper handling of alcoholic beverages. The business seeks to offer its customers the full experience and cater to each individual as much as possible.

- *The viability of the business to operate profitable without alcohol sales.*

While the operations of a Sizzler's restaurant does not require alcohol sales in order to sustain itself, the revenue earned through such sales is always a benefit that only ensures the business's success and longevity.

SECTION 3. CEQA. The Planning Commission approves and adopts the CEQA Categorical Exemption §15301 (Existing Facilities) Class 1 exemption, as the proposed use constitutes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structure involving negligible or no expansion of use. There will be no expansion to the interior or exterior of the existing facilities in this proposed Project.

SECTION 4. APPROVALS. The Planning Commission hereby approves CUP (PC-2022-0011-CUP) for the on-sale dispensing of beer and wine subject to the conditions of approval set forth in Section 5 of this Resolution.

SECTION 5. CONDITIONS. The Planning Commission finds that the foregoing conditions of approval are necessary and appropriate.

1. The Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.

2. The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development ("Director") Department ("Planning Department") to be in substantial compliance with these provisions.

3. Development of the site shall be consistent with all of the provisions of the Montebello Municipal Code ("MMC") and Conditional Use Permit ("CUP") (PC-2022-0011-CUP), and the specifications of the Planning Department.

4. Within 30 days of the Planning Department transmittal of the Acceptance Form, the Applicant 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.

5. The Director at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These conditions(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke the CUP (PC-2022-0011-CUP) if sufficient cause is given.

6. In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violation(s) has been fully remedied.

7. The applicant and operator shall prepare and submit an annual project compliance report. This report is due quarterly for the first two (2) years of alcohol sales, starting from the date of issuance of an Alcoholic Beverage Control ("ABC") license. The compliance report must be submitted to the Director to demonstrate compliance with the Conditions of Approval. The Director shall transmit the quarterly project compliance report to the Planning Commission to either receive and file or take any other action as deemed necessary.

8. In the event of a change of ownership, business name, or transfer of ABC License, the CUP will be brought back to the Planning Commission for review. The Planning Department shall be notified within 30 days of said changes.

9. Any outdoor entertainment activities or sponsored events shall be subject to a Temporary Use Permit pursuant to Chapter 12.16 *et seq.*, of the MMC.

10. The kitchen shall be open and serving food during all hours of operation in all dining areas of the establishment. Menus are subject to review and approval from the Planning Department as part of the annual compliance review.

11. The business shall be operated as a "bona fide restaurant" at all times, as defined in Section 17.61.020 of the MMC. A full menu shall be available to all patrons during all hours of operation. There shall be no restriction on the age of customers except as stated in the conditions of approval.

12. Prior to the commencement of alcohol sales, all employees who will sell alcoholic beverages shall be required to attend either ABC LEAD training or a comparable in-house training program approved by the Director. Any employees hired after the commencement of alcohol sales shall be required to attend LEAD training or the approved in-house training within thirty (30) days of their hire date.

13. No more than 50% of total gross revenues per year shall be from alcohol sales. The Applicant shall maintain records of gross revenue sources which shall be submitted to the Director and/or ABC upon request.

14. 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, and other actions. Site project management ("Management") shall patrol the business premises and the surrounding vicinity, including the public rights-of-way to the property, during all hours of operation. Management shall ensure that no littering, loitering, or consumption of alcohol occurs in and around the project site.

15. No sale of alcohol shall be allowed prior to 30 minutes before closing.

16. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that occurs on the site shall be removed within 24 hours at Applicant, Site Owner ("Site Owner"), and/or Operator's own expense.

17. While the MMC requires that a decorative masonry wall of six feet in height be constructed around the parking area of such establishments when said area is adjacent to properties zoned or used for residential purposes or any other sensitive use, such as schools, churches, parks, etc., the City hereby waives this condition No. 17, finding that it is not applicable given the current site specifications.

18. That the noise levels generated by the operation of such establishment shall not exceed sixty-five (65) dBA between the hours of seven (7) a.m. to ten (10) p.m., and not exceed sixty (60) dBA between the hours of ten (10) p.m. to seven (7) a.m., so as to mitigate the impact of adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.

19. That exterior lighting of the parking area shall be kept at an intensity of between one (1) and two (2) foot candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from adjacent properties and from the sky.

20. That the sale of alcoholic beverages for consumption outside or off the premises shall be prohibited; except, that this provision shall not apply to bona fide restaurants with approved outdoor or sidewalk dining, or to a bona fide restaurant with an approved CUP and an approved license with the ABC for off-sale consumption.

21. That adequate security measures shall be provided as specified by the Police Department, including, but not limited to, retaining trained staff and security personnel and providing security devices such as surveillance or burglar alarm systems.

22. All bona fide restaurants shall possess a supply of food and goods adequate to make substantial food sales and comply with Section 23038 of the Business and Professions Code. All food must be maintained in a sanitary condition and comply with all Health Department regulations. Failure to serve food (for any reason) shall result in the automatic

suspension of all alcoholic beverage sales that are served for on-site consumption until food sales are resumed.

23. The sorting of empty bottles and other recyclable products shall be limited to the hours between 8:00 a.m. to 9:00 p.m. daily.

24. That no signs shall be installed on the site until a sign permit has been approved by the Planning Department and Building & Safety Division in conformance with the provisions set forth in Chapter 17.62 ("Signs") of the MMC.

25. As stated in Section 9.04.010 ("Drinking in Public") of the MMC, 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 specifically citing "Section 9.04.010 - Drinking in Public" of the MMC.

26. That premises shall be kept clean and the Applicant, Operator, and/or Management of the establishment shall insure that no trash or litter originating from the site is deposited onto neighboring properties or onto the public right-of-way.

27. The Applicant, Operator and/or Management of the establishment shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.

28. The Applicant/Operator/Management of the establishment shall maintain all required State and/or local permits and/or licenses for the sale of alcoholic beverages in good standing.

29. No person shall sell alcoholic beverages for on-site consumption if there has been any lapse or breach in good standing of any one or more of the permits and/or licenses required for such sale.

30. In addition to the conditions enumerated above, any other condition may be imposed by City staff.

31. No alcoholic beverages shall be served in any disposable container such as disposable plastic or paper cups.

32. No outside alcoholic beverages shall be brought into the establishment, Project Site, or premises for personal use or consumption.

33. Any outstanding violations of the MMC shall be remedied prior to the issuance of a Certificate of Occupancy or commencement of alcohol sales, as applicable. The Applicant, Operator, Site Owner, and/or Management shall be responsible for remedying outstanding Code Enforcement issues. When corrective action requires the issuance of a building

permit, the building permit must be issued within 12 months of the effective date of this approval. Corrective action that does not require a building permit shall be remedied within one month of the effective date of this approval. The Director may grant an extension to these time frames, but such extensions shall not extend more than one (1) year from the date of this approval.

34. Exterior signage and window signs advertising brands of alcoholic beverages or other signage advertising alcoholic beverages shall not be visible from public right-of-way.

35. All windows of the facility shall be treated with anti-graffiti film. It is the responsibility of the Applicant, Site Owner, Operator and/or Management, at their sole expense and cost, to have all graffiti on the site removed within 24 hours of its appearance, or be subject to citations from the City Code Enforcement Division ("Code Enforcement").

36. All outdoor utilities, machinery and equipment, including roof-mounted equipment, shall be completely screened from public right-of-way, in a manner that is compatible with the structure. The method of screening shall be subject to the review and approval of the Planning Department prior to the issuance of building permits.

37. The approval of the entitlement shall expire if the rights granted are not exercised within one (1) year from the conditional use permit's effective date. Exercise of right shall mean issuance of a building permit to commence construction, issuance of alcohol license from ABC, or similar activities demonstrating the intent to proceed with the project, as determined by the Director.

38. Prior to commencement of alcohol sales, the Applicant/Operator/Management shall post a notice in a conspicuous location within the building stating that the site is regulated by a CUP and the Acceptance Form, which includes the establishment's conditions of approval, is available upon request. This notice shall remain posted at all times the establishment is in operation.

39. The Applicant, Operator, Management and/or successor of the use shall bear full cost (hereinafter referred to as the "Inspection Fees") of all monitoring and inspection activities to be conducted by City staff or its designated consultant representative(s) as necessary to ensure compliance with the conditions of this Resolution

40. This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with Federal, State, and local requirements.

41. The following on-site requirements of the MMC and/or the specifications of the Police Department and Code Enforcement Division shall be complied with at all times:

    a. Live entertainment (i.e. musician(s), disc jockey, comedy acts, pay-per-view sporting broadcasts, recitals, seminars and other live acts) is authorized during

permitted hours unless expressly stated otherwise in this Resolution. The Applicant, Operator and/or Management of the establishment is required to notify the City and obtain the Director's approval for live entertainment.

b. Promoter produced parties or events shall be prohibited. These events include private parties with outside promoters who profit from organizing and/or drawing attendees to the events. Any and all type of advertisements and promotions which promote events or operations in violation of this CUP and conditions of approval shall be subject to citation(s) from the Code Enforcement Division.

c. All live entertainment (when permitted) shall cease no later than 30 minutes prior to closing time.

d. Fundraisers for non-profit organizations registered with the federal government shall be permitted provided that they are open to the public and fall within the conditions of this CUP.

e. Adult entertainment of any nature is strictly prohibited. Televised and/or recorded adult entertainment is prohibited. The Police Department and regulations contained in the MMC shall determine what constitutes "adult" entertainment and where it is allowed.

f. There shall be no bottle service provided, except for wine.

g. Dial-A-Ride and taxicab phone numbers shall be posted in conspicuous locations throughout the establishment at all times.

h. The availability of a variety of non-alcoholic beverages shall be made known and offered to the customers.

i. Licensed private patrol officers or security guards may be required for any events that trigger a Temporary Use Permit pursuant to MMC Chapter 12.16 – Temporary Permits for Outdoor Activities.

j. Should a line form outside the restaurant, the line shall be kept quiet and orderly at all times. Lines which block the entrances to any other open business or any parking space or any part of the public-right-of way are prohibited.

k. No promotional or reduced drink specials shall be allowed all day on Saturday and/or Sunday, and/or after 8:00 p.m. Monday through Friday, and/or when dancing and/or live entertainment are occurring in any area.

l. A copy of the ABC license, business license, health permit, seller's permit, and all other required licenses shall be posted and made readily available to any licensing, code enforcement, public health, and law enforcement officer.

m. The premises shall be subject to inspection by members of the Police Department, Fire Department, Code Enforcement, Los Angeles County Department of Public Health or, any other law enforcement officer at any time without warrant.

n. 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.

o. No person under the age of 21 may serve alcohol.

p. No gambling of any type shall be allowed on the premises.

q. The Police Department reserves the right to review this CUP at any time if there are excessive calls for service or if the Police Department feels that the operation of the establishment is a risk to public health, safety, welfare, or morals.

r. 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, threats to public health and welfare, etc.

s. The business owner shall install, maintain, and obtain City permits for a burglary and robbery alarm system. The Police Department shall approve the plans for the alarm system and placement of the panic buttons prior to the issuance of a Certificate of Occupancy or commencement of alcohol sales, as applicable.

t. Doors that are not utilized for customer access shall be locked from the outside and have alarmed panic hardware.

u. If police or fire services are required at the location, the Applicant will be responsible for reimbursing the City for all related costs.

v. If Code Enforcement is required due to any code violations and/or violations of the conditions of this CUP, the applicant will be responsible to reimburse the City for all inspections and costs.

w. An approved Emergency Access Plan shall be provided, subject to review and approval of the Police and Fire Departments prior to issuance of the Certificate of Occupancy or commencement of alcohol sales, as applicable.

x. A signed copy of the Acceptance Form shall be kept at the business and presented to any law enforcement officer on demand.

y. Any violation of the conditions of this permit may cause the revocation of the subject CUP.

PASSED AND ADOPTED this 21st day of June, 2022 by the Planning Commission.

Vacant:	( ) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Chair Franco:	(X) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Alikasanian:	( ) AYE ( ) NOE (X) ABSENT ( ) ABSTAIN
Commissioner Lomeli:	(X) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Cuevas:	(X) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN

Edward Franco, Commissioner

ATTEST:

Joseph A. Palombi, Director
Planning & Community Development Department

CONDITIONAL USE PERMIT COMPLIANCE REVIEW REPORT

	Conditions	Agreed	Evidence of Compliance
1.	The Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.	√	
2.	The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development ("Director") Department ("Planning Department") to be in substantial compliance with these provisions.	√	
3.	Development of the site shall be consistent with all of the provisions of the Montebello Municipal Code ("MMC") and Conditional Use Permit ("CUP") (PC-2022-0011-CUP), and the specifications of the Planning Department.	√	
4.	Within 30 days of the Planning Department transmittal of the Acceptance Form, the Applicant 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.	√	
5.	The Director at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These conditions(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke the CUP (PC-2022-0011-CUP) if sufficient cause is given.	√	
6.	In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violation(s) has been fully remedied.	√	
7.	The applicant and operator shall prepare and submit an annual project compliance report. This report is due quarterly for the first two (2) years of alcohol sales, starting from the date of issuance of an Alcoholic Beverage Control ("ABC") license. The compliance report must be submitted to the Director to demonstrate compliance with the Conditions of Approval. The Director shall transmit the quarterly project compliance report to the Planning Commission to either receive and file or take any other action as deemed necessary.	√	
8.	In the event of a change of ownership, business name, or transfer of ABC License, the CUP will be brought back to the Planning Commission for review. The Planning Department shall be notified within 30 days of said changes.	√	
9.	Any outdoor entertainment activities or sponsored events shall be subject to a Temporary Use Permit pursuant to Chapter 12.16 et seq., of the MMC.	√	
10.	The kitchen shall be open and serving food during all hours of operation in all dining areas of the establishment. Menus are subject to review and approval from the Planning Department as part of the annual compliance review.	√	Exhibit A - Photo of menu
11.	The business shall be operated as a "bona fide restaurant" at all times, as defined in Section 17.61.020 of the MMC. A full menu shall be available to all patrons during all hours of operation. There shall be no restriction on the age of customers except as stated in the conditions of approval.	√	
12.	Prior to the commencement of alcohol sales, all employees who will sell alcoholic beverages shall be required to attend either ABC LEAD training or a comparable in-house training program approved by the Director. Any employees hired after the commencement of alcohol sales shall be required to attend LEAD training or the approved in-house training within thirty (30) days of their hire date.	√	Exhibit B - ABC RBS Training Certifications & Server Roster
13.	No more than 50% of total gross revenues per year shall be from alcohol sales. The Applicant shall maintain records of gross revenue sources which shall be submitted to the Director and/or ABC upon request.	√	
14.	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, and other actions. Site project management ("Management") shall patrol the business premises and the surrounding vicinity, including the public rights-of-way to the property, during all hours of operation. Management shall ensure that no littering, loitering, or consumption of alcohol occurs in and around the project site.	√	
15.	No sale of alcohol shall be allowed prior to 30 minutes before closing.	√	
16.	The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that occurs on the site shall be removed within 24 hours at Applicant, Site Owner ("Site Owner"), and/or Operator's own expense.	√	
17.	While the MMC requires that a decorative masonry wall of six feet in height be constructed around the parking area of such establishments when said area is adjacent to properties zoned or used for residential purposes or any other sensitive use, such as schools, churches, parks, etc., the City hereby waives this condition No. 17, finding that it is not applicable given the current site specifications.	n/a	
18.	That the noise levels generated by the operation of such establishment shall not exceed sixty-five (65) dBA between the hours of seven (7) a.m. to ten (10) p.m., and not exceed sixty (60) dBA between the hours of ten (10) p.m. to seven (7) a.m., so as to mitigate the impact of adjoining properties zoned or used for residential purposes. The	√	
19.	That exterior lighting of the parking area shall be kept at an intensity of between one (1) and two (2) foot candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from adjacent properties and from the sky.	√	
20.	That the sale of alcoholic beverages for consumption outside or off the premises shall be prohibited; except, that this provision shall not apply to bona fide restaurants with approved outdoor or sidewalk dining, or to a bona fide restaurant with an approved CUP and an approved license with the ABC for off-sale consumption.	√	

21.	That adequate security measures shall be provided as specified by the Police Department, including, but not limited to, retaining trained staff and security personnel and providing security devices such as surveillance or burglar alarm systems.	√	Exhibits M, N, O, P and Q - Photos of cameras and camera views
22.	All bona fide restaurants shall possess a supply of food and goods adequate to make substantial food sales and comply with Section 23038 of the Business and Professions Code. All food must be maintained in a sanitary condition and comply with all Health Department regulations. Failure to serve food (for any reason) shall result in the automatic suspension of all alcoholic beverage sales that are served for on-site consumption until food sales are resumed.	√	
23.	The sorting of empty bottles and other recyclable products shall be limited to the hours between 8:00 a.m. to 9:00 p.m. daily.	√	
24.	That no signs shall be installed on the site until a sign permit has been approved by the Planning Department and Building & Safety Division in conformance with the provisions set forth in Chapter 17.62 ("Signs") of the MMC.	√	
25.	As stated in Section 9.04.010 ("Drinking in Public") of the MMC, 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 specifically citing "Section 9.04.010 - Drinking in Public" of the MMC.	√	Exhibits D & E - Photo of "Drinking in Public" Sign
26.	That premises shall be kept clean and the Applicant, Operator, and/or Management of the establishment shall insure that no trash or litter originating from the site is deposited onto neighboring properties or onto the public right-of-way.	√	
27.	The Applicant, Operator and/or Management of the establishment shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.	√	
28.	The Applicant/Operator/Management of the establishment shall maintain all required State and/or local permits and/or licenses for the sale of alcoholic beverages in good standing.	√	Exhibit F - Copy of ABC License
29.	No person shall sell alcoholic beverages for on-site consumption if there has been any lapse or breach in good standing of any one or more of the permits and/or licenses required for such sale.	√	
30.	In addition to the conditions enumerated above, any other condition may be imposed by City staff.	√	
31.	No alcoholic beverages shall be served in any disposable container such as disposable plastic or paper cups.	√	
32.	No outside alcoholic beverages shall be brought into the establishment, Project Site, or premises for personal use or consumption.	√	
33.	Any outstanding violations of the MMC shall be remedied prior to the issuance of a Certificate of Occupancy or commencement of alcohol sales, as applicable. The Applicant, Operator, Site Owner, and/or Management shall be responsible for remedying outstanding Code Enforcement issues. When corrective action requires the issuance of a building permit, the building permit must be issued within 12 months of the effective date of this approval. Corrective action that does not require a building permit shall be remedied within one month of the effective date of this approval. The Director may grant an extension to these time frames, but such extensions shall not extend more than one (1) year from the date of this approval.	√	
34.	Exterior signage and window signs advertising brands of alcoholic beverages or other signage advertising alcoholic beverages shall not be visible from public right-of-way.	√	
35.	All windows of the facility shall be treated with anti-graffiti film. It is the responsibility of the Applicant, Site Owner, Operator and/or Management, at their sole expense and cost, to have all graffiti on the site removed within 24 hours of its appearance, or be subject to citations from the City Code Enforcement Division ("Code Enforcement").	√	
36.	All outdoor utilities, machinery and equipment, including roof-mounted equipment, shall be completely screened from public right-of-way, in a manner that is compatible with the structure. The method of screening shall be subject to the review and approval of the Planning Department prior to the issuance of building permits.	√	Exhibit G- Photos 1-6 / public view of exterior equipment
37.	The approval of the entitlement shall expire if the rights granted are not exercised within one (1) year from the conditional use permit's effective date. Exercise of right shall mean issuance of a building permit to commence construction, issuance of alcohol license from ABC, or similar activities demonstrating the intent to proceed with the project, as determined by the Director.	√	
38.	Prior to commencement of alcohol sales, the Applicant/Operator/Management shall post a notice in a conspicuous location within the building stating that the site is regulated by a CUP and the Acceptance Form, which includes the establishment's conditions of approval, is available upon request. This notice shall remain posted at all times the establishment is in operation.	√	
39.	The Applicant, Operator, Management and/or successor of the use shall bear full cost (hereinafter referred to as the "Inspection Fees") of all monitoring and inspection activities to be conducted by City staff or its designated consultant representative(s) as necessary to ensure compliance with the conditions of this Resolution.	√	
40.	This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with Federal, State, and local requirements.	√	
41.	The following on-site requirements of the MMC and/or the specifications of the Police Department and Code Enforcement Division shall be complied with at all times:	√	
a.	Live entertainment (i.e. musician(s), disc jockey, comedy acts, pay-per-view sporting broadcasts, recitals, seminars and other live acts) is authorized during permitted hours unless expressly stated otherwise in this Resolution. The Applicant, Operator and/or Management of the establishment is required to notify the City and obtain the Director's approval for live entertainment.	√	n/a
b.	Promoter produced parties or events shall be prohibited. These events include private parties with outside promoters who profit from organizing and/or drawing attendees to the events. Any and all type of advertisements and promotions which promote events or operations in violation of this CUP and conditions of approval shall be subject to citation(s) from the Code Enforcement Division.	√	n/a
c.	All live entertainment (when permitted) shall cease no later than 30 minutes prior to closing time.	√	n/a
d.	Fundraisers for non-profit organizations registered with the federal government shall be permitted provided that they are open to the public and fall within the conditions of this CUP.	√	
e.	Adult entertainment of any nature is strictly prohibited. Televised and/or recorded adult entertainment is prohibited. The Police Department and regulations contained in the MMC shall determine what constitutes "adult" entertainment and where it is allowed.	√	n/a

f.	There shall be no bottle service provided, except for wine.	√	n/a
g.	Dial-A-Ride and taxicab phone numbers shall be posted in conspicuous locations throughout the establishment at all times.	√	Exhibit D - Photo of Dial-a-Ride and Yellow Taxi Sign
h.	The availability of a variety of non-alcoholic beverages shall be made known and offered to the customers.	√	Exhibits D & I - Photos of non-alcoholic beverages
i.	Licensed private patrol officers or security guards may be required for any events that trigger a Temporary Use Permit pursuant to MMC Chapter 12.16 – Temporary Permits for Outdoor Activities.	√	
j.	Should a line form outside the restaurant, the line shall be kept quiet and orderly at all times. Lines which block the entrances to any other open business or any parking space or any part of the public-right-of way are prohibited.	√	
k.	No promotional or reduced drink specials shall be allowed all day on Saturday and/or Sunday, and/or after 8:00 p.m. Monday through Friday, and/or when dancing and/or live entertainment are occurring in any area.	√	
l.	A copy of the ABC license, business license, health permit, seller's permit, and all other required licenses shall be posted and made readily available to any licensing, code enforcement, public health, and law enforcement officer.	√	
m.	The premises shall be subject to inspection by members of the Police Department, Fire Department, Code Enforcement, Los Angeles County Department of Public Health or, any other law enforcement officer at any time without warrant.	√	
n.	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.	√	
o.	No person under the age of 21 may serve alcohol.	√	
p.	No gambling of any type shall be allowed on the premises.	√	
q.	The Police Department reserves the right to review this CUP at any time if there are excessive calls for service or if the Police Department feels that the operation of the establishment is a risk to public health, safety, welfare, or morals.	√	
r.	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, threats to public health and welfare, etc.	√	
s.	The business owner shall install, maintain, and obtain City permits for a burglary and robbery alarm system. The Police Department shall approve the plans for the alarm system and placement of the panic buttons prior to the issuance of a Certificate of Occupancy or commencement of alcohol sales, as applicable.	√	Exhibit K - Copy of Alarm Permit
t.	Doors that are not utilized for customer access shall be locked from the outside and have alarmed panic hardware.	√	Exhibit R, S and T - Photos of Panic Alarm, ADT Alarm Panel, and backdoor push bar.
u.	If police or fire services are required at the location, the Applicant will be responsible for reimbursing the City for all related costs.	√	
v.	If Code Enforcement is required due to any code violations and/or violations of the conditions of this CUP, the applicant will be responsible to reimburse the City for all inspections and costs.	√	
w.	An approved Emergency Access Plan shall be provided, subject to review and approval of the Police and Fire Departments prior to issuance of the Certificate of Occupancy or commencement of alcohol sales, as applicable.	√	
x.	A signed copy of the Acceptance Form shall be kept at the business and presented to any law enforcement officer on demand.	√	
y.	Any violation of the conditions of this permit may cause the revocation of the subject CUP.	√	

Condition Number 10

COMBO NATION

STEAK COMBOS SERVED WITH
6OZ. TRI-TIP SIRLOIN & CHOICE OF SIDE 80-760 CALS

		CALS
STEAK* & JUMBO CRISPY SHRIMP (6)	17.49	720
★ STEAK* & UNLIMITED CRISPY SHRIMP	20.99	900+
STEAK* & ITALIAN HERB CHICKEN	16.49	490
STEAK* & MALIBU CHICKEN®	15.99	920
STEAK* & GRILLED SHRIMP SKEWERS (2) *New!* ALL-NATURAL, WILD CAUGHT JUMBO SHRIMP	20.99	690
★ CLASSIC STEAK* TRIO STEAK, JUMBO CRISPY SHRIMP & MALIBU CHICKEN®	20.99	1270
★ STEAK* & LOBSTER WILD CAUGHT, COLD WATER LOBSTER	27.99	720

UNLIMITED ITEMS ARE PRICED PER PERSON. PLEASE NO SHARING.

UPGRADE YOUR STEAK* TO 8OZ. FOR AN EXTRA $3.29

★ SIZZLER FAVORITES

*THESE ITEMS ARE COOKED TO ORDER. CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELL FISH OR EGGS WHICH MAY CONTAIN HARMFUL BACTERIA MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS, ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS. ALL SPECIFIED STEAK WEIGHTS ARE BASED ON PRE-COOKED WEIGHTS. WE FRY IN TRANS FAT FREE OIL ONLY.
2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE, BUT CALORIE NEEDS VARY.
CALORIES DO NOT INCLUDE CHOICE OF SIDE. WRITTEN NUTRITION INFORMATION IS AVAILABLE UPON REQUEST.

HAND CUT STEAKS

CHOICE OF SIDE INCLUDED 80-760 CALS

		CALS
TRI-TIP SIRLOIN* 8OZ. OUR SIGNATURE STEAK PERFECTLY SEASONED & FULL OF FLAVOR	16.99	340
★ NEW YORK STRIP* 12OZ. THE STEAK LOVERS CUT. LEAN, JUICY & TENDER	20.99	830
★ RIB EYE* 14OZ. WELL-MARBLED, TENDER, JUICY & DELICIOUS	24.49	1100
ADD SAUTÉED MUSHROOMS	2.59	180
ADD SAUTÉED ONIONS	2.29	80

SAVORY SEAFOOD

CHOICE OF SIDE INCLUDED 80-760 CALS

		CALS
★ ♥ FRESH GRILLED SALMON 6OZ.	17.99	370
CILANTRO LIME BARRAMUNDI THE SUSTAINABLE SEABASS®	17.49	450
♥ GRILLED SHRIMP SKEWERS (2) *New!* ALL-NATURAL, WILD CAUGHT JUMBO SHRIMP	16.49	440
SHRIMP, SHRIMP, SHRIMP MINI CRISPY, JUMBO CRISPY AND SHRIMP SKEWER ON RICE SIDE NOT INCLUDED	17.99	1240

★ SIZZLER FAVORITES ♥ HEALTHY DINING APPROVED ENTRÉE

*THESE ITEMS ARE COOKED TO ORDER. CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELL FISH OR EGGS WHICH MAY CONTAIN HARMFUL BACTERIA MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS, ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS. ALL SPECIFIED STEAK WEIGHTS ARE BASED ON PRE-COOKED WEIGHTS. WE FRY IN TRANS FAT FREE OIL ONLY.
2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE, BUT CALORIE NEEDS VARY.
CALORIES DO NOT INCLUDE CHOICE OF SIDE. WRITTEN NUTRITION INFORMATION IS AVAILABLE UPON REQUEST.

SLOW COOKED RIBS & CHICKEN

CHOICE OF SIDE INCLUDED 80-760 CALS

		CALS
STEAK HOUSE RIBS 1LB. SERVED WITH FRIES & COLESLAW	18.49	1870
STEAK HOUSE RIBS & CHICKEN 1/2LB. RIBS & CHICKEN BREAST SERVED WITH FRIES & COLESLAW	18.49	1170
★ DOUBLE MALIBU CHICKEN®	15.99	1090

SMALLER PLATES

INCLUDES CREATE YOUR OWN SIDE SALAD* & CHOICE OF SIDE 80-760 CALS

*SEE SALAD BAR FOR CALORIE DECLARATIONS.

SENIORS RECEIVE A FREE BEVERAGE 0-300 CALS

		CALS
★ TRI-TIP SIRLOIN* 6OZ.	14.99	260
MALIBU CHICKEN®	11.99	680
♥ ITALIAN HERB CHICKEN	12.99	230
JUMBO CRISPY SHRIMP (6)	11.99	430

KIDS MENU AVAILABLE AT REGISTER

★ SIZZLER FAVORITES ♥ HEALTHY DINING APPROVED ENTRÉE

*THESE ITEMS ARE COOKED TO ORDER. CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELL FISH OR EGGS WHICH MAY CONTAIN HARMFUL BACTERIA MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS, ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS. ALL SPECIFIED STEAK WEIGHTS ARE BASED ON PRE-COOKED WEIGHTS. WE FRY IN TRANS FAT FREE OIL ONLY.
2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE, BUT CALORIE NEEDS VARY.
CALORIES DO NOT INCLUDE CHOICE OF SIDE. WRITTEN NUTRITION INFORMATION IS AVAILABLE UPON REQUEST.

SMOKEY BACON BURGER

HAND CRAFTED BURGERS

SERVED WITH FRIES 500 CALS

		CALS
★ MEGA BACON BURGER* 1/3LB.	12.49	900
CLASSIC BURGER* 1/3LB.	10.69	670
SMOKEY BACON BURGER* 1/3LB.	12.49	930
GRILLED CHICKEN CLUB	11.99	760

Try our refreshing

SPECIALTY LEMONADES

MANGO | PEACH | STRAWBERRY

★ SIZZLER FAVORITES

*THESE ITEMS ARE COOKED TO ORDER. CONSUMING RAW OR UNDERCOOKED MEATS, POULTRY, SEAFOOD, SHELL FISH OR EGGS WHICH MAY CONTAIN HARMFUL BACTERIA MAY INCREASE YOUR RISK OF FOODBORNE ILLNESS, ESPECIALLY IF YOU HAVE CERTAIN MEDICAL CONDITIONS. ALL SPECIFIED STEAK WEIGHTS ARE BASED ON PRE-COOKED WEIGHTS. WE FRY IN TRANS FAT FREE OIL ONLY.
2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE, BUT CALORIE NEEDS VARY.
CALORIES DO NOT INCLUDE CHOICE OF SIDE. WRITTEN NUTRITION INFORMATION IS AVAILABLE UPON REQUEST.

SUSA-TIER1-8/23

HOW TO SALAD AT SIZZLER

SALAD BAR UNLIMITED
LUNCH OR DINNER

OR *Add Something Special to Your Entrée*

ADD TO ENTRÉE
Unlimited Salad Bar
LUNCH OR DINNER

ADD TO ENTRÉE
Create Your Own Side Salad

ADD TO ENTRÉE
Soup Bar

Complete Your

PERFECT MEAL!

Add-On

MUSHROOMS 2.59 180 CALS

OR

ONIONS 2.29 80 CALS

Add-On

LOADED BAKED POTATO

BACON, CHEESE & SOUR CREAM

2.89

760 CALS

Add-On

UNLIMITED CRAFT SALAD BAR 7.49

SIDE SALAD (CREATE YOUR OWN)

5.29

Savory

SIDES

SELECT YOUR CHOICE OF SIDE INCLUDED WITH YOUR MEAL

	CALS
BAKED POTATO	510
FRENCH FRIES	500
RICE PILAF	170
GARLIC MASHED POTATOES	150
♥ CILANTRO LIME RICE	150
♥ VEGETABLE MEDLEY	80

♥ HEALTHY DINING APPROVED ENTRÉE

2,000 CALORIES A DAY IS USED FOR GENERAL NUTRITION ADVICE, BUT CALORIE NEEDS VARY. WRITTEN NUTRITION INFORMATION IS AVAILABLE UPON REQUEST.

Refreshing DRINKS

START WITH REFRESHING DRINKS

0-300 CALS

Dr Pepper · pepsi · diet pepsi · Starry · Mtn Dew · Tropicana Fruit Punch · Lipton Brisk Raspberry Iced Tea · Caffeine Free Mug

ASK YOUR CASHIER FOR ADDITIONAL FOUNTAIN AND BOTTLED DRINK OPTIONS

COFFEE
FRESH BREWED

ICED TEA
FRESH BREWED

HOT TEA
FRESH BREWED

Iced Cold BEER

BY THE BOTTLE

BUDWEISER, BUD LIGHT, CORONA, HEINEKEN

ASK YOUR CASHIER ABOUT OUR SEASONAL OPTIONS

Line 39 WINE

BY THE GLASS OR BOTTLE

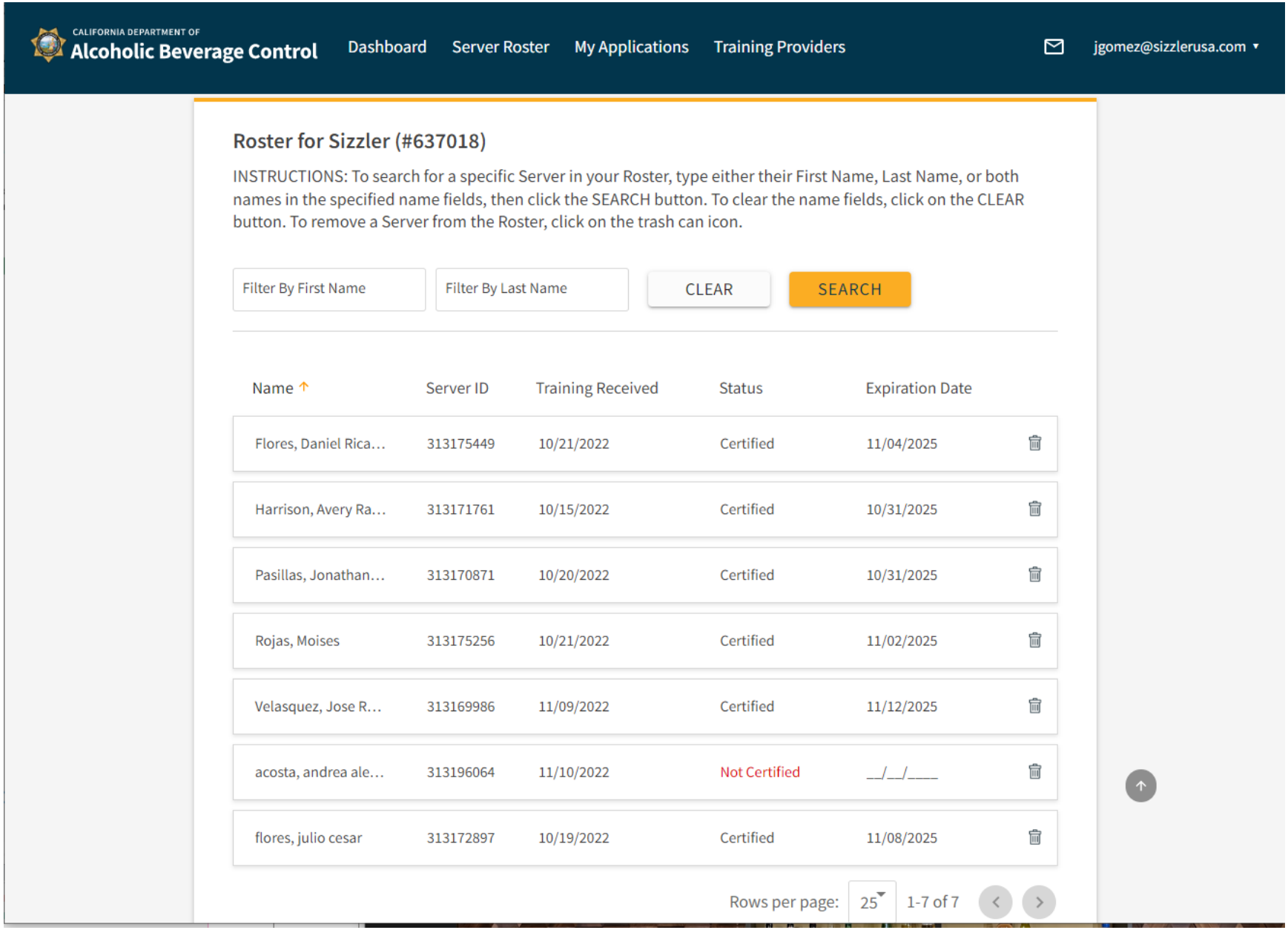
CHARDONNAY
ROSÉ
CABERNET SAUVIGNON
MERLOT

Specialty LEMONADES

MANGO | PEACH | STRAWBERRY

Condition Number 36

Condition Number 12



Condition Number 25 and 41

We deliver with DOORDASH
A
Hours We Sizzle!
Sunday - Thursday
11AM - 9PM
Friday - Saturday
11AM-9:30P
CITY ORDINANCE
9.04.010
RINKING
IN PUBLIC
PROHIBITED

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE

ON-SALE BEER AND WINE - EATING PLACE

VALID FROM

Aug 01, 2023

SIZZLER USA RESTAURANTS INC
23352 MADERO RD
STE B
MISSION VIEJO, CA 92691

EXPIRES

Jul 31, 2024

TYPE NUMBER DUP

41 637018

AREA CODE

1938 02

RENEWAL

BUSINESS ADDRESS (IF DIFFERENT) DBA: SIZZLER
1908 W BEVERLY BLVD
MONTEBELLO, CA 90640-3957

CONDITIONS

7

OWNERS: SIZZLER USA RESTAURANTS INC

Condition Number 28

IMPORTANT INFORMATION

EFFECTIVE PERIOD: This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit http://www.abc.ca.gov/datport/LQSMenu.html.

RENEWAL NOTICES: Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

RENEWAL DATES: It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above. A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

RENEWAL PAYMENTS: Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. ?renewal?) must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

SEASONAL LICENSES: It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

POSTING: Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

CONDITIONS: A copy of all applicable conditions must be kept on premises.

LICENSEE NAME: Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

DBA: If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at http://www.abc.ca.gov/distmap.html.

NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.

http://www.abc.ca.gov

@ca_abc CaliforniaABC

License Serial# 2777174

STATE OF CALIFORNIA — BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY
Gavin Newsom, *Governor*

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
3927 Lennane Drive, Suite, 100
Sacramento, CA 95834
(916) 419-2530

Dear Licensee:

The enclosed license is issued conditionally, pursuant to the petition for a conditional license filed with the original application. A copy of the conditions is also attached.

The conditions must be retained upon the premise at all times, and you should be prepared to produce it immediately upon the request of any peace officer.

Sincerely,

Debra Holden

Debra Holden
Staff Services Manager I

BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF

SIZZLER USA RESTAURANTS INC SIZZLER 1908 W BEVERLY BLVD MONTEBELLO, CA 90640-3957	}	FILE 41-637018 REG.
	}	**PETITION FOR CONDITIONAL LICENSE**

For Issuance of an On-Sale Beer And Wine - Eating Place - License

Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, pursuant to Section 23958 of the Business and Professions Code, the Department may deny an application for a license where issuance would result in or add to an undue concentration of licenses; and

WHEREAS, the proposed premises are located in Census Tract 5300.06 where there presently exists an undue concentration of licenses as defined by Section 23958.4 of the Business and Professions Code; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s), and issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the proposed premises are located within the immediate vicinity of a church or hospital, to wit: St. John Lutheran Church at 433 N 18th St, and issuance of the applied-for license without the below-described conditions would interfere with the normal operation of said facility and constitute grounds for the denial of the application under the provisions of Section 23789 of the Business and Professions Code; and

WHEREAS, the proposed premises are located within 600 feet of a school, public playground or non-profit youth facility, to wit: Montebello/Commerce at 2000 E Beverly Blvd, and issuance of the applied-for license without the below-described conditions would interfere with the normal operation of said facility and constitute grounds for the denial of the application under the provisions of Section 23789 of the Business and Professions Code; and,

CR

Initials

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

1 Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as depicted on the most recently certified ABC-257.

2 No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee(s) as depicted on the most recently certified ABC-257 and ABC-253.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 22nd DAY OF July, 20 22.

Applicant/Petitioner

Applicant/Petitioner

Department of Alcoholic Beverage Control

LICENSED PREMISES DIAGRAM (RETAIL)

State of California
Gavin Newsom, Governor

1 APPLICANT NAME (If individual, Last, first, middle)
SIZZLER USA RESTAURANTS, INC.

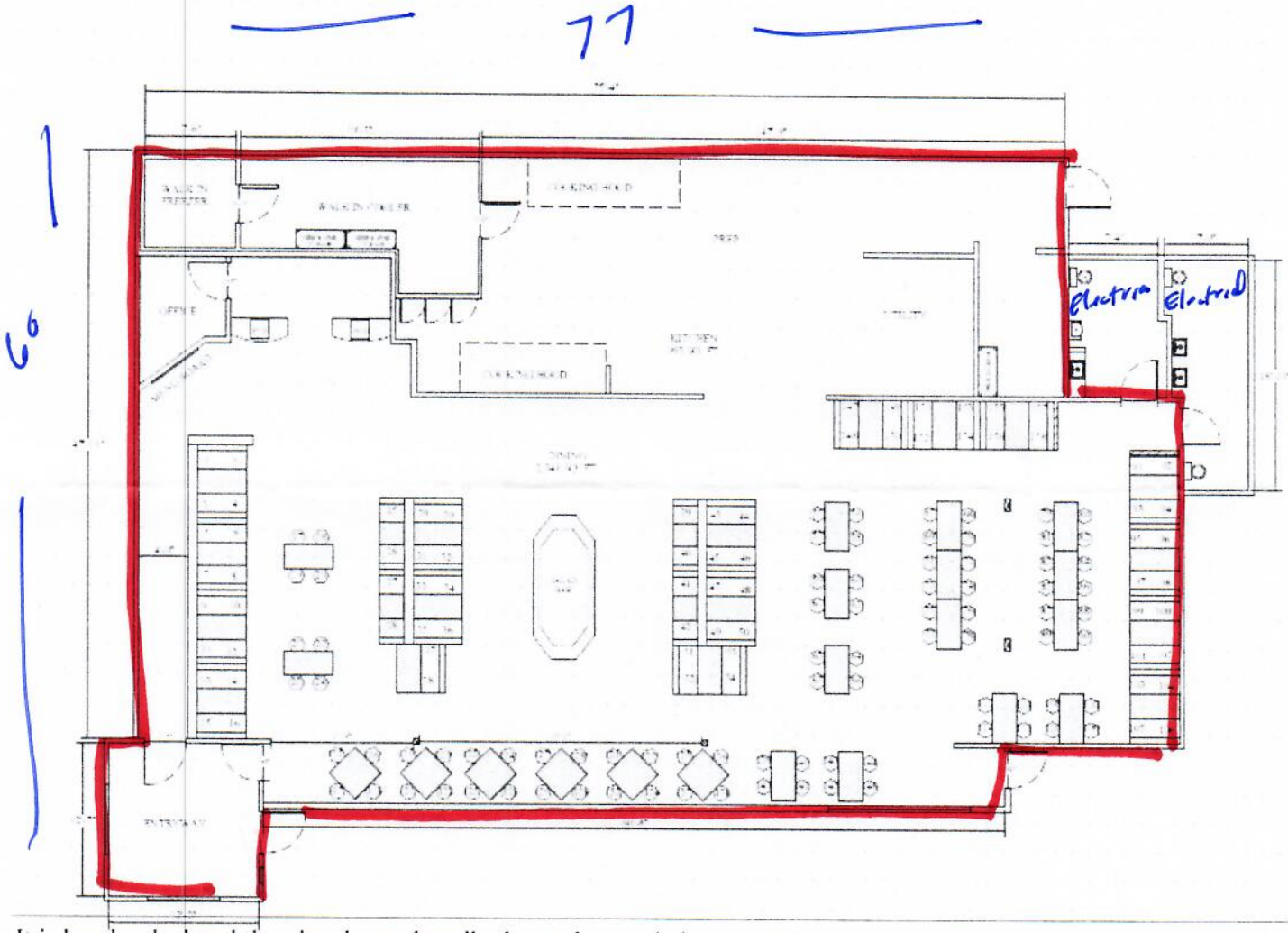
2 LICENSE TYPE
41

3 PREMISES ADDRESS (Street number and name, city, zip code)
1908 W BEVERLY BLVD MONTEBELLO CA 90640

4 NEAREST CROSS STREET
N 19TH STREET

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, *including dimensions and identification of each room (i.e., "storeroom", "office", etc.).*

DIAGRAM



It is hereby declared that the above-described premises and character of premises, as indicated on the reverse side, will not be changed in accordance with Rule 64.2 of the California Code of Regulations without first notifying and securing approval of the Department of Alcoholic Beverage Control. Substantial changes to the premises may require an application fee in accordance with Section 24072 of the Business and Professions Code. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)

DATE SIGNED
9/16/22

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)

PRINTED NAME
Ed Herrera

INSPECTION DATE
4/27/22 & 7/12/22

ABC-257 (07/19)

Department of Alcoholic Beverage Control

PLANNED OPERATION (RET. -)

SECTION I - FOR ALL RETAIL APPLICANTS

1 APPLICANT NAME(S) (If individual Last First Middle Initial)

SIZZLER USA RESTAURANTS, INC.

2 LICENSE TYPE(S)

41

3 PREMISES ADDRESS (Street number and name city zip code)

1908 W BEVERLY BLVD MONTEBELLO CA 90640

4 NEAREST CROSS STREET

N 19TH STREET

5 TYPE OF BUSINESS (Choose one that best describes the planned operation)

- ✓ Full Service Restaurant
- Deli or Specialty Restaurant
- Cafe/Coffee Shop
- Bed & Breakfast
- Cafeteria/Hofbrau
- Comedy Club
- Brew Pub
- Theater
- Cocktail Lounge
- Night Club
- Tavern
- Wine Tasting Room
- Private Club
- Veterans Club
- Fraternal Club

- Supermarket
- Liquor Store
- Variety/Drug Store
- Other - describe:
- Membership Store
- Department Store
- Gift Shop/Florist
- Service Station
- Convenience Market
- Convenience Market w/Gasoline
- Swap Meet/Flea Market
- Drive-in Dairy

6 PATRON CAPACITY

158

7 SURROUNDING AREA

- ✓ Commercial
- Residential
- Other
- Rural
- Industrial

8 PREMISES IS LOCATED IN

- ✓ Free Standing Building
- Shopping Center (Name):
- 10 Units or Less
- More than 10 Units

9 FOOD SERVICE

- None
- Minimal
- ✓ Full Meals

10 PARKING LOT?

- ✓ Yes
- No

11 PATIO?

- Yes
- ✓ No

12 WILL YOU HIRE A MANAGER? (Rule 57.5)

- Yes
- ✓ No

13 WILL YOU HAVE A FOOD LESSEE? (Rule 57.7)

- Yes
- ✓ No

14 MEAL TYPE

- ✓ Dinner House
- Fast Food/Deli
- Pizza/Pasta
- Seafood
- Other:

15 TYPE OF FOOD

- ✓ American
- Chinese
- Japanese
- Greek
- Korean
- Other:
- Indian
- Italian
- French
- Thai

16 HOURS OF FOOD SERVICE

BREAKFAST HOURS From: To:

LUNCH HOURS From: 11:00 AM To: 4:30 PM

DINNER HOURS From: 4:30 PM To: 9:30 PM

17 OPERATING HOURS

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time	10:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Closing Time	9: 00 PM	9:00 PM	9:00 PM	9:00 PM	9:00 PM	9:30 PM	9:30 PM

18 ENTERTAINMENT (One or more may apply Please describe any entertainment with an asterick (*) below)

- ✓ None
- Recorded Music
- Juke Box
- *Other
- *Amplified Music
- *Live Entertainment
- *Floor/Stage Shows
- Karaoke
- Patron Dancing
- Bikini/Topless/Exotic
- Pool/Billiard Tables
- *Amateur/Pro Sports Events
- Card Room
- Movies
- "Hot Spot"/Lottery
- Video/Coin-Operated Games

*Description:

19 PREMISES IS LOCATED ON

- ✓ Major Thoroughfare
- Secondary Street
- Other

20 TYPE OF STRUCTURE

- ✓ Single Story
- Two-Story
- Multi-Story - Number of stories:

21 PASS-THROUGH WINDOW?

- Yes
- ✓ No

22 FIXED BARS?

- Yes - how many:
- ✓ No

23 WHAT PERCENTAGE OF YOUR TOTAL SALES WILL BE ALCOHOLIC BEVERAGES?

5%

FOR ABC USE ONLY

24 INFORMATION GIVEN (R-27, R-107, Sec. 25612.5, Sec. 23790.5, etc.)

25 DATE ENTERED INTO CABIN

ABC-257 (REVERSE) (07/19)

Department of Alcoholic Beverage Control

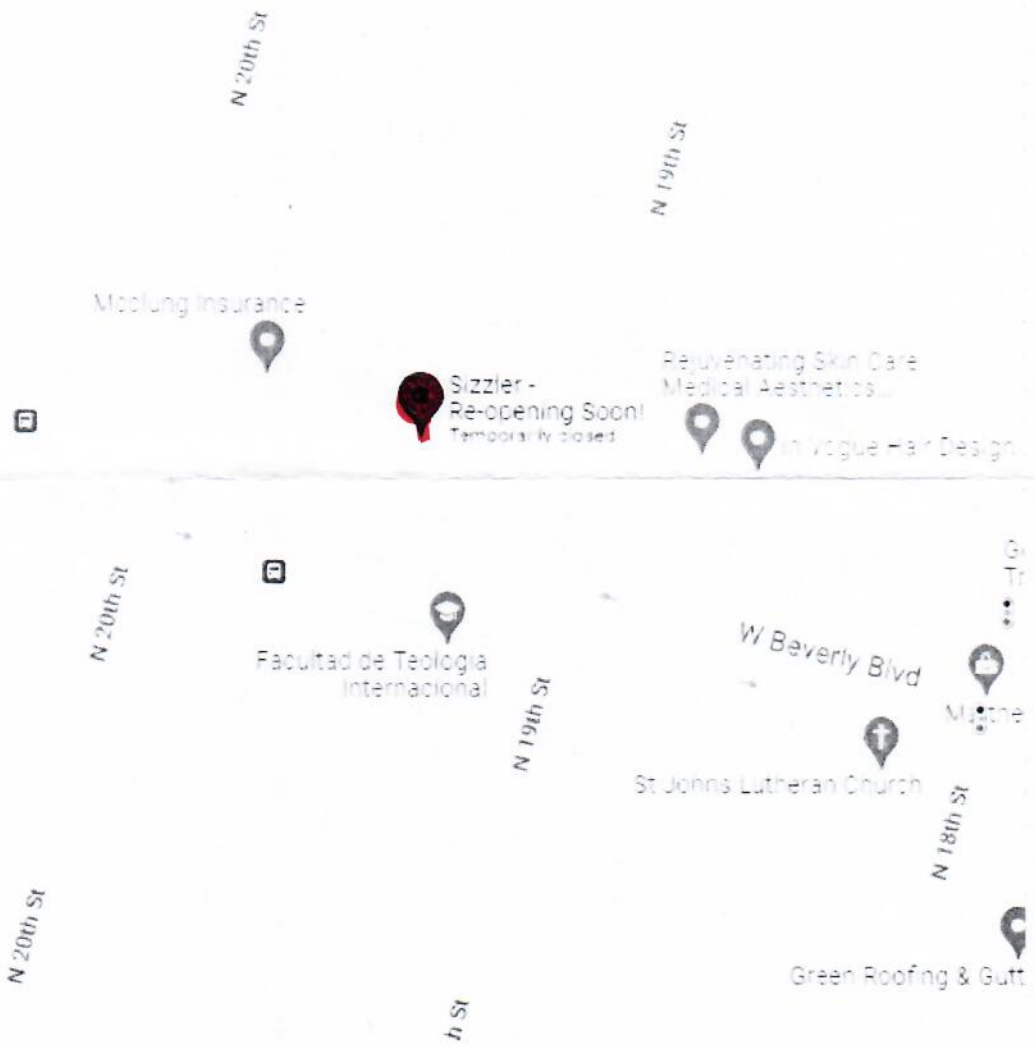
State of California
Gavin Newsom, Governor

SUPPLEMENTAL DIAGRAM

Instructions to Applicant:
Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. *If this is an event for a daily license, catering authorization, event authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.*

1 APPLICANT NAME (Last, first, middle)	2 LICENSE TYPE
SIZZLER USA RESTAURANTS, INC.	41
3 PREMISES ADDRESS (Street number and name, city, zip code)	**4 NEAREST CROSS STREET**
1908 W BEVERLY BLVD MONTEBELLO CA 90640	N 19TH STREET

DIAGRAM



I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE	DATE SIGNED
	9/16/22

FOR ABC USE ONLY

CERTIFIED CORRECT (Signature)	PRINTED NAME	INSPECTION DATE
	M. Herrera	9/29/22 & 1/12/22

ABC-253 (rev. 07/19)

City of Montebello

Permit Information

Permit #
22-665248

Condition Number 41

Permit Status
Permitted

Alarm Company
*ALARM COMPANY UNKNOWN

Expiration Date
2023-07-23

Delivery Preference
Not Set

Contact Information

Name
LICENSING PERMITS

jgomez@sizzlerusa.com
N/A
N/A

Alarm Location Address

SIZZLER
1908 W BEVERLY BOULEVARD
MONTEBELLO, CA 90640

Alarm Billing Address

SIZZLER
1908 W BEVERLY BOULEVARD
MONTEBELLO, CA 90640

Condition Number 21 and 41

Solink
Live
Recorded

EXIT
FIRE
PUSH IN
PULL DOWN

EMERGENCY EXIT ONLY
ALARM WILL SOUND

1370 North Dynamics St. Suite C
Anaheim , CA 92806
(714) 983-7933
paul@theglassfixer.com

Estimate

ESTIMATE#	11039
DATE	08/03/2023
PO#	

CUSTOMER	SERVICE LOCATION
Sizzler USA Restaurants, Inc 25910 Acero Rd. Suite 350 Mission Viejo CA 92691 (818) 317-8892	Sizzler Montebello 1908 West Beverly Boulevard Montebello CA 90640 (818) 312-6547

DESCRIPTION Anti Grafitti film on all windows

Estimate

Description	Qty	Rate	Total
Anti-Graffiti Film all exterior windows 46pcs Install new anti-graffiti film- All exterior windows Field installation Labor and materials	431.00	9.25	3,986.75
Note_ AG Film ========== Graffiti film (AG) is a sacrificial window film designed to protect the glass beneath from graffiti scratches and acid etching. Since this is an exterior film, the average life span is 3 to 5 years. Exterior Lettering & Graphics - AG film will be applied over exterior lettering. When removing AG film in the future, the lettering under the film may be damaged. Exterior Film - The outside is a dusty and windy environment: even though we work hard to minimize dust trapped behind the film, it still happens and is to be expected to a slight degree.	1.00	0.00	0.00

CUSTOMER MESSAGE

Estimate Total: $3,986.75

Condition Number 35

Cleared Call Search Results

Report Time:	08/07/2023 08:32	**Login ID:**	RIVERAN	**Jurisdiction:**	CA0194700: MONTEBELLO POLICE DEPARTMEN
Incident Number:		**Call Number:**		**Agencies:**	Police, Fire, EMS
From Date:	02/01/2023 00:00	**To Date:**	08/07/2023 23:59	**Phone Number:**	
Last Name:		**First Name:**		**Location:**	1908 W BEVERLY BLVD, MONTEBELLO
Plate #:		**Plate State:**		**Include Canceled:**	No
Type:		**Priority:**		**Source:**	
Disposition:		**Unit:**		**Officer:**	
Narrative:					

Call Number	Create Date/Time	Call Type	Location		Primary Incident	Case Number
4338	3/12/2023 13:24	415HOM	1908 W	BEVERLY BLVD, MONTEBELLO	2023-00006258	
3376	5/9/2023 5:15	459A	1908 W	BEVERLY BLVD, MONTEBELLO	2023-00011837	
4814	5/17/2023 21:53	594R	1908 W	BEVERLY BLVD, MONTEBELLO	2023-00012674	2023-00003054
7791	6/5/2023 1:07	459A	1908 W	BEVERLY BLVD, MONTEBELLO	2023-00014483	
1840	7/1/2023 0:03	SUSVEH	1908 W	BEVERLY BLVD, MONTEBELLO	2023-00017007	
2459	7/4/2023 7:33	459A	1908 W	BEVERLY BLVD, MONTEBELLO	2023-00017400	

ITEM # 6

CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Daniel Ruiz, Assistant Planner

SUBJECT: **COMPLIANCE REVIEW FOR CONDITIONAL USE PERMIT ("CUP") CASE NO. PC-2020-0014-CUP FOR THE SALE OF A FULL-LINE OF ALCOHOL (TYPE 41 LICENSE – ON-SALE BEER AND WINE - EATING PLACE) WITHIN AN EXISTING FOOD INCUBATOR (BLVD MRKT) LOCATED AT 520 WEST WHITTIER BOULEVARD ("PROJECT SITE").**

DATE: September 26, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission review, receive and file this report, attachments, and/or any other supportive evidence to confirm:

1. That BLVD Foods, LLC (the "Applicant") has demonstrated compliance with the conditions of approval contained in Resolution No. 18-20/Conditional Use Permit No. PC-2020-0014-CUP (Attachment "A") for the property located at 520 West Whittier Boulevard.

FISCAL IMPACT:

None.

BACKGROUND:

On February 20, 2018, the Planning Commission of the City of Montebello ("Planning Commission") approved Resolution No. 04-18 with a recommendation to the City Council of

the City of Montebello ("City Council") for the approval of a General Plan Amendment (GPA01-18), Density Overlay (DO01-18), Zone Change (ZC01-18), Planned Development (PD01-18), and Vesting Tentative Tract Map (VTTM No.78215) to allow the construction and operation of a 28-unit residential townhome project and a small food incubator project located at 520, 522, 528, West Whittier Blvd, 117, 121, 125 North 5th St, and 114 North 6th St.

On March 14, 2018, the City Council approved Resolution No. 14-30 of General Plan Amendment (GPA01-18), Density Overlay (DO01-18), Planned Development (PD01-18), and Vesting Tentative Tract Map (VTTM No. 78215), and adoption and certification of the Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) for a 28-unit residential townhome and small food incubator project at 520, 522, 528 West Whittier Boulevard, 117, 121, 125 North 5th Street, and 114 North 6th Street.
On March 28, 2018, the City Council approved Ordinance No. 2401 allowing a Zone Change (ZC01-18) for the properties listed in Resolution No. 04-18 resulting in a Zone Change that added a Planned Development District Overlay and Density Overlay to the C-2 zone district allowing the residential use and the small food incubator retail use at the proposed Project Site.

On November 13, 2019, a building permit (B18-000-891) was issued for the Applicant to begin construction on a multi-tenant food hall located at the Project Site.

On August 10, 2020, the Applicant filed a Conditional Use Permit application (PC-2020-0014-CUP) to allow the on-sale and off-sale dispensing for a full line of alcoholic beverages along with live entertainment and events at the Project Site.

On November 4, 2020, the Planning Commission approved Resolution No. 18-20, with conditions, allowing for the on-sale and off-sale dispensing of alcoholic beverages (Type 41 License) for the property located at 520 West Whittier Boulevard. Currently, the project site is comprised of a total of eight (8) operators offering a variety of culturally diverse food and beverage options. Of the eight (8) operators, Alchemy Craft is the only operator which sells alcohol. The menu options for the operators, including the alcohol menu for Alchemy Craft, can be found within Attachment "C" (Compliance Report Attachments).

Pursuant to Condition No. 8 of Resolution No. 18-20, the Applicant is required to demonstrate compliance with the conditions of approval in the form of an annual compliance review. The first compliance review was held on August 16, 2022.

On September 6, 2023, Planning Staff conducted a site visit to confirm compliance with the conditions of approval outlined in Resolution No. 18-20 prior to the 2nd compliance review scheduled for September 19, 2023.

PROJECT/APPLICANT INFORMATION

Project Location:	520 West Whittier Boulevard
Project Applicant:	BLVD Foods, LLC
Property Owner(s):	BLVD Foods, LLC
General Plan Designation:	Boulevard Commercial
Zoning:	C-2 (General Commercial)
Existing Use on Property:	Food Incubator/ Restaurant

PROJECT SITE

Direction	Zone	Land Use
North	C-2-PD	General Commercial
South	C-2-PD	General Commercial
East	C-2	General Commercial
West	C-2	General Commercial

COMPLIANCE REPORT

Pursuant to Resolution No. 18-20, Condition No. 8 (Attachment "A"), "…an annual compliance review will be required on the date of the Planning Commission's approval of Conditions." The Planning Commission adopted Resolution No. 18-20 on November 4, 2020, and the first compliance review was held on August 16, 2022. Since this compliance review is being conducted on September 19, 2023, the next compliance review will be due in September of 2024.

Prior to the first compliance review, staff provided the Applicant with an advisory letter on July 19, 2022, regarding several complaints for noise associated with the property. These complaints were noted during the previous compliance review presented to the Planning Commission as they occurred on the following dates: February 26, 2022, April 13, 2022, April 30, 2022, May 12, 2022, and June 15, 2022. The advisory letter issued by the Planning Division was intended to address noise concerns stemming from complaints received by the Code Enforcement Division.

Regarding this compliance review period, noise complaints were received for the subject site between July 24, 2023, through September 3, 2023, as reflected within Attachment "E" (My Montebello App Complaints). Staff from the Planning and Community Development Department scheduled a meeting with representatives from BLVD Foods, LLC as well as the complainant. This meeting occurred on June 1, 2023. In addition, staff scheduled a follow-up meeting on August 31, 2023, to discuss mitigation measures related to noise and the property owner agreed to install aesthetically pleasing material to help alleviate noise in the surrounding area adjacent to the alley and reposition noise producing equipment to further this effort. Staff will continue to work with the property owner to implement these measures in an effort to alleviate any noise concerns.

The compliance report (Attachment "B") received from the Applicant has been reviewed by Planning staff. Staff has confirmed that the compliance report demonstrates compliance with the conditions of approval. Based on staff's inspection conducted on September 6, 2023, and information provided by the Applicant, the following provides status of compliance with the conditions of approval:

- Conditions No. 1-51 outlined in the approved Resolution No. 18-20 have been met.

POLICE CALLS FOR SERVICE

The Montebello Police Department (MPD) has confirmed calls for service between the dates of August 1, 2022, to September 7, 2023. During this time, a total of 12 calls were received. The calls for service report received by the MPD includes additional information related to the type of calls received and is included for reference as “Attachment D”.

ENVIRONMENTAL:

The compliance review for CUP No. PC-2020-0014-CUP is not considered a “project” per the California Environmental Quality Act (CEQA) definition of a “project.” CEQA is not applicable to this compliance review since the item is not considered a project, does not have the potential for resulting in a physical change in the environment, and since no discretionary action is being taken by the Planning Commission.

ANALYSIS:

None.

SUMMARY:

CONCLUSION

The results of the compliance review for BLVD Foods, LLC show that the food incubator/ restaurant is in compliance with the conditions contained in Resolution No. 18-20/Conditional Use Permit No. PC-2020-0014-CUP. Based on the findings and attachments contained in this report, it is recommended that the Planning Commission receive and file this report, which will be added to the City’s record.

ATTACHMENT(S)

1. Attachment A. RESOLUTION NO. 18-20_520 W Whittier Blvd
2. Attachment B. BLVD MRKT Compliance Review Report
3. Attachment C. Compliance Report Items BLVD MRKT
4. Attachment D. 520 W. Whittier Blvd Calls for Service
5. Attachment E. MyCivicApp Complaint Log

CITY OF MONTEBELLO
PLANNING COMMISSION
RESOLUTION NO. 18-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONTEBELLO APPROVING CONDITIONAL USE PERMIT NO. PC-2020-0014-CUP TO ALLOW THE ON-SALE AND OFF-SALE DISPENSING OF ALCOHOLIC BEVERAGES FOR THE PROPERTY LOCATED AT 520 WEST WHITTIER BOULEVARD.

WHEREAS, A Conditional Use Permit (PC-2020-0014-CUP) application has been received and accepted;

WHEREAS, the Conditional Use Permit would allow On-Sale and Off-Sale dispensing for a full line of alcoholic beverages at the property located at 520 W. Whittier Boulevard ("Project Site");

WHEREAS, on February 20th, 2018, the Planning Commission of the City of Montebello ("Planning Commission") approved Resolution 04-18 with a recommendation to the City Council of the City of Montebello ("City Council") for the approval of a General Plan Amendment (GPA01-18), Density Overlay (DO01-18); Zone Change (ZC01-18), Planned Development (PD01-18), and Vesting Tentative Tract Map (VTTM No.78215) to allow construction and operation of a 28-unit residential townhome project and a small food incubator project located at 520, 522, 528, West Whittier Blvd, 117, 121, 125 North 5th St, and 114 North 6th St.;

WHEREAS, on March 14th, 2018, the City Council approved Resolution 14-30 of General Plan Amendment (GPA01-18), Density Overlay (DO01-18), Planned Development (PD01-18), and Vesting Tentative Tract Map (VTTM No.78215), and adoption and certification of the Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA), for a 28-unit residential townhome and small food incubator project at 520, 522, 528 West Whittier Boulevard, 117, 121, 125 North 5th Street, and 114 North 6th Street;

WHEREAS, on March 28th, 2018, the City Council approved Ordinance No. 2401 allowing a Zone Change (ZC01-18) for the properties listed in Resolution 04-18 resulting in a Zone Change that added a Planned Development District Overlay and Density Overlay to the C-2 zone district allowing residential use and small food incubator retail use at the proposed Project Site;

WHEREAS, on November 13th, 2019, a building permit (B18-000-891) was issued for BLVD MRKT to begin construction on a multi-tenant food hall located at the Project Site;

WHEREAS, on August 10th, 2020, BLVD Foods, LLC (the "Applicant") filed a Conditional Use Permit application (PC-2020-0014-CUP) to allow the on-sale and off-sale dispensing for a full line of alcoholic beverages along with live entertainment and events at the Project Site;

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project;

WHEREAS, the Conditional Use Permit (PC-2020-0014-CUP) is considered a "project," as per the California Environmental Quality Act definition of a "project";

WHEREAS, the project is Categorically Exempt per CEQA Section §15301, Class 1 (Existing Facilities);

WHEREAS, after conducting a duly noticed public hearing, and considering the evidence submitted by the Applicant, public testimony, staff presentations, and such other matters properly presented during the hearing on this matter; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of Montebello hereby resolves that:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. FINDINGS

a. Per MMC 17.61.050 the proposed use must meet Conditional Use Permit findings and determine if the use:

   1. *The site for the proposed use would not adversely affect the general welfare of the surrounding property owners.*

The project is located within the General Commercial (C-2 Zone) and is consistent with the land use designations. The zoning district is intended to offer a large variety of commercial opportunities serving the local communities. Some of the identified commercial uses include but are not limited to: retail, professional offices, restaurants and/or specialty shops. The direct proposal is not a new use and was previously approved in a previous planning commission meeting for its proposed use as a food hall and incubator.

The food hall will be conveniently located near commercial uses and is also in close proximity to residential uses via walking or public transit. Consistent with MMC 17.71.070 "Mandatory conditions of approval for on-sale alcoholic beverage establishments," the proposed sale of alcohol for on-site and off-site consumption require imposition of strict, mandatory conditions addressing operational and alcohol-related issues to ensure that the service will not be disruptive to the community or jeopardize the safety and welfare of the community. In addition, the mandatory conditions will also offer a consistent experience to the returning guests of the local community and visitors to the area when dining at the establishment. The proposed use will create a family friendly community environment and will enhance the quality and general welfare of the neighborhood. Live bands will not use amplified music and will make sure the sound does not exceed the approved decibels levels for the Downtown Corridor. In addition, the proposed use will allow the food hall to act as an Economic Development catalyst for the Downtown Montebello district that will help create a destination location, which will attract future investment from entrepreneurs, small businesses, and Real Estate Developers.

2. *Would not result in an undesirable concentration of premises for the sale of alcoholic beverages, including beer and wine in the area;*

By state law, ABC may only grant a limited number of alcohol licenses based on a "per census-tract" quantity. Meaning that only a certain number of licenses types are granted in any given census tract area to avoid undue concentration of alcohol sales. As a result, the approval of PC-2020-0014-CUP does not guarantee that the Applicant will receive an alcohol license from the State. As the sole alcohol licensing and enforcement agency, ABC will ultimately determine the appropriate License Types and requirements at the proposed Project Site. To help with that determination, California Business and Professions Code Sections 23958 and 23858.4

(and as codified in Section 17.61.060 of the MMC), the Applicant is also required to provide evidence allowing the Planning Commission to make the additional finding that the proposed CUP is necessary for public convenience or necessity, which is outlined in finding # 6 of this Staff Report (below).

The establishment is a family friendly environment with a focus on serving the community and ultimately improving the City as a whole. Food establishments offer a convenient service to the local residents, working population and visitors to the area. The City of Montebello is consistently developing commercial enhancements. The proposed request supports the community's progress, adding to the growth of the City. Any operational conditions placed on the approval of the request will safeguard the public's welfare and further protect the integrity of the community.

3. *Would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to other on-sale of off-sale alcoholic beverage establishments, residential districts and uses, schools (public private), day care center, 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 a residential district, 3 Type 41 Licenses (On Sale Beer & Wine-Eating Place), and 1 Type 47 (On Sale General- Eating Place). The proposed use is within 1000 feet of sensitive uses such as Dusk to Dawn Urgent Care, Montebello Christian School, St. Pius X Knanaya Catholic Church and Shri Shirdi Sai Baba Sansthan LA temple. If operated in accordance with the law and the Mandatory Conditions of Approval, the primary use of the subject site as a restaurant food hall, bar, complimented with live entertainment, should not be problematic to surrounding sensitive uses because the conditions of approval will contain mitigation measures such as limits to noise levels, alcohol awareness training for staff, security, and an annual compliance review. Additionally, it 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 the neighboring uses and surrounding properties.

4. *Would not aggravate existing problems created by the sale of alcohol (e.g.*

littering, loitering, noise, public drunkenness, calls for service and sales to minors);

The Applicant is requesting the conditional use permit to allow on-site alcohol sales, off-site alcohol sales, and live entertainment to complement its primary use as a restaurant food hall and community family hub. As a secondary featured use, the potential to aggravate any existing problems created by the sale of alcohol is very minimal. Appropriate measure will be taken to ensure the safety and well-being of the food hall's patrons. While there is no concern for an overconcentration in the area, additional security measures will be taken in preparation to maintain a safe environment both inside and outside the establishment. Security cameras will be on-site for interior and exterior monitoring. The surveillance footage will be kept on premise for at least a 30-day period. Additionally, a facilities manager will be required to be present at the food hall daily from opening until close. The exterior of the location will be illuminated at all entrances and exits, along with the alleyway located directly behind the food hall.

Although there is a request for live entertainment, the Applicant will operate the feature respectfully to the surrounding establishments. At no point will the noise level go beyond what is approved by the City's guidelines. The live band entertainment will not be amplified by speakers and only be played during weekends and special events.

5. *Is in conformance with the goals, policies and objectives of the General Plan and the purpose and intent of this code and any applicable specific plan;*

Each of the General Plan Elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The majority of the policies derived from these Elements are in the form of Code Requirements of the Montebello Municipal Code. Except for those entitlements described herein, the project does not propose to deviate from any of the requirements of the Montebello Municipal Code. The proposed use conforms with the City of Montebello Land Use Element, Goal #1, "To formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development;" Objective #3, "cluster" type commercial development is preferential to proliferation of strip commercial;" Policy Commercial #1,

"Commercial development in the City should be sited in appropriate locations according to need," and Commercial Policy #5. "The City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City"; because the project site is developed with commercial uses and the development will occupy the existing commercial space and provide a service to the community and bring taxable revenue to the City.

6. *Serves the public convenience or necessity. This finding shall only apply to conditional use permit applications for bars, off-sale alcoholic beverage establishments, and any other applications that the State Department of Alcoholic Beverage Control determines are located in an area of undue concentration as defined by state law (California Business and Professions Code Section 23958.4.).*

    a. *Whether the proposed use will result in a net employment gain in the city (especially of local residents);*

    Economic Development and community development are the key value drivers for this development. It is estimated that 90-110 new jobs will be created from all businesses housed within this food hall. A focused effort will be made by the developer and tenants to hire local residents, we will create a job listings board on our website and give priority to Applicants who live within the city of Montebello.

    b. *Whether the proposed use will result in a substantial increase in business taxes;*

    The Applicant has projected that the food hall's tenants will generate an estimated $4,000,000 in gross annual food and beverage sales. Given the new 10.25% sales tax increase, an estimated $418,200 will be generated in taxable revenue for local & county government use.

    c. *Whether the proposed establishment is a unique business addition to the community;*

    The Applicant is building a food hall business incubator housed in shipping containers and repurposed 100-year-old-building.

There is nothing in the City and immediate surrounding cities that currently exists, which can compare to the unique value, business model, and design aesthetic of the proposed project. The Planning Commission's approval for the use as a food hall business incubator is a testament to the unique use and business addition this project will be for the community.

d. *Whether the proposed use will contribute to the long-term economic development goals of the community;*

The Applicant's business model allows it to be an economic development driver for the local economy. As part of its programming, BLVD MRKT will work with new restaurant business's, provide coaching, access to capital, a built-out kitchen and additional resources for 24 months. After this business incubation timeframe, BLVD MRKT will work with each business to secure capital and launch their storefront in Montebello within a traditional storefront. This will ensure a new slate of restaurants continue to grow in Montebello for years to come. In addition, BLVD MRKT will work with Applied Technology Center High School to create apprenticeship and internships with their culinary program in order to create viable career pathways for local Montebello residents.

e. *Whether the aesthetic character ambiance of the proposed use will result in an overall positive upgrade in the area and community;*

A large investment is being made in the overall design aesthetic of the development. BLVD MRKT is pulling its influence from architectural design elements from the Arts District in Downtown Los Angeles, Downtown Culver City, and Downtown Project in Las Vegas. BLVD MRKT will incorporate art murals, street art, bold paint, contemporary popular music, and art installations to create an environment where creative people feel welcomed.

f. *The viability of the business to operate profitable without alcohol sales.*

While the business operations of BLVD MRKT does not require alcohol sales in order to sustain itself, the revenue earned through alcohol sales ensures the company can generate the needed operating income in order to compensate early investors who took a substantial risk investing in Montebello. In addition, the added revenue from alcohol sales allows BLVD MRKT to be able to build its capacity to build out its community and economic development programming. Services like a podcasting booth for the community, an outdoor yoga studio, a farmer's market, and an initiative to provide the community with free workshops on healthy eating.

Since the proposed Project here will also require use of outdoor dining space, the findings required for Outdoor Patio Seating per MMC Section 17.61.082 (and as specified in Section 17.61.050 above):

a. The proposed outdoor patio and/or patio seating is accessory to the establishment;

The development is an indoor / outdoor food hall establishment. Two-thirds of the development will consist of a large outdoor courtyard which will house (5) restaurants. The courtyard will see the largest amount of customer activity and will contain the largest proportion of seating for guests to eat, enjoy music, and participate in community events.

b. The establishment, maintenance or operation of the accessory outdoor patio and/or patio seating area will not be detrimental to the health, safety, peace, comfort, and general welfare of persons in the neighborhood or injurious to property or improvements in the area;

The developments outdoor courtyard is enclosed by a large perimeter fence that encloses the entire property, protecting it and guests from any outside safety concerns.

c. *The proposed accessory outdoor patio and/or patio seating area will not eliminate any required on-site parking, interfere with public easements, and will comply with all applicable regulations of the Montebello Municipal Code.*

The BLVD MRKT Project Pursuant to Resolution No. 04-18, was approved to use the City's parking district, Newmark Mall, in order to offset the lack of on-site parking and comply with the Montebello Municipal Code.

SECTION 3. CEQA. The Planning Commission approves and adopts the CEQA Categorical Exemption §15301 (Existing Facilities) Class 1 exemption, as the proposed use constitutes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structure involving negligible or no expansion of use. There will be no expansion to the interior or exterior of the existing facilities in this proposed Project.

SECTION 4. APPROVALS. The Planning Commission hereby approves Conditional Use Permit (PC-2020-0014-CUP) for the On-Sale and Off-Sale of a full line of alcoholic beverages subject to the conditions of approval set forth in Section 5 of this Resolution.

SECTION 5. CONDITIONS. The Planning Commission finds that the foregoing conditions of approval are necessary and appropriate.

1. BLVD Foods, LLC (the "Applicant") shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.

2. The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development ("Director") Department ("Planning Department") to be in substantial compliance with these provisions.

3. Development of the site shall be consistent with all of the provisions of the Montebello Municipal Code (MMC) and Conditional Use Permit (PC-2020-0014-CUP), and the specifications of the Planning Department.

4. Within 30 days of the Planning Department transmittal of the Acceptance Form, the Applicant 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.

5. The Director at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These conditions(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke the Conditional Use Permit (PC-2020-0014-CUP) if sufficient cause is given.

6. Existing and/or proposed table layout shall meet the minimum aisle clearance as determined by the Building and Safety Division and City of Montebello Fire Department ("Fire Department").

7. In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violation(s) has been fully remedied.

8. An annual compliance review will be required on the date of the Planning Commission's approval of Conditions.

9. Any outdoor entertainment activities or sponsored events shall be subject to a Temporary Use Permit pursuant to Chapter 12.16 et Seq. of the Montebello Municipal Code.

10. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment. Menus are subject to review and approval from the Montebello Planning Department as part of the annual compliance review.

11. The business shall be operated as a restaurant at all times. A full menu shall be available to patrons in the patios and bar areas, as well as the rest of the dining areas during all hours of operation. There shall be no restriction on the age of customers except as stated in the conditions of approval.

12. Prior to the issuance of the Certificate of Occupancy, the operator (or each individual operator) at the Project Site ("Operator") shall submit a plan for approval by the Planning Department 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.

13. Prior to issuance of a Certificate of Occupancy, the Operator shall also submit a plan describing the establishment's designated driver program, which shall be offered by the Operator to the establishment's patrons. The plan shall specify how the Operator will inform patrons of the program, such as offering on the menu a free non-alcoholic drink for every party of two or more ordering alcoholic beverages.

14. 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 to the Planning Department and/or the ABC upon request.

15. 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, and other actions. Site Project management ("Management") shall patrol the business premises and the surrounding vicinity, including the public rights-of-way to the property, during all hours of operation. Management shall ensure that no littering, loitering, or consumption of alcohol occurs in and around the project site.

16. Permitted business hours will be 6AM to 10PM Sunday-Wednesday and 6 a.m. to 12 a.m. Thursday-Saturday.

17. The permitted hours of alcohol service shall be from 11:00 a.m. to last call, with all tables cleared by 9:30 p.m. Sunday-Wednesday; and 11:00 a.m. to last call, with all tables cleared by 11:30 p.m. Thursday-Saturday. Complete closure of the business and all customers shall be vacated from the building by 12:00 a.m., Thursday-Saturday and by 10 p.m. Sunday-Wednesday. In addition, all employees of the business shall be out of the premises no later than one (1) hour after closing. No "after hours" operations shall be permitted.

18. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that occurs on the site shall be removed within 24 hours at Applicant, Site Owner ("Site Owner"), and/or Operator's own expense.

19. The Applicant/Operator/Management of the establishment shall maintain all required state and/or local permits and/or licenses for the sale of alcoholic beverages in good standing.

20. No person shall sell alcoholic beverages for on-site consumption if there has been any lapse or breach in good standing of any one or more of the permits and/or licenses required for such sale.

21. Alcoholic beverages sold for off-site consumption shall not be consumed on-site.

22. No alcoholic beverages shall be served in any disposable container such as disposable plastic or paper cups.

23. No outside alcoholic beverages shall be brought into the establishment, Project Site or premises for personal use or consumption.

24. There shall be no pay telephone maintained on the interior or exterior of the premises.

25. The Applicant, Operator and/or Management of the establishment shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.

26. Any outstanding violations of the MMC shall be remedied prior to the issuance of a Certificate of Occupancy. The Applicant, Operator, Site Owner, and/or Management shall be responsible for remedying outstanding Code Enforcement issues. When corrective action requires the issuance of a building permit, the building permit must be issued within 12 months of the effective date of this

approval. Corrective action that does not require a building permit shall be remedied within one month of the effective date of this approval. The Director may grant an extension to these time frames, but such extensions shall not extend more than one (1) year from the date of this approval.

27. Adequate illumination of the exterior building shall be provided and maintained subject to the review and approval by the Police Department of a Photometric Plan certified by a licensed lighting engineer, including, but not limited to:

    1) A maximum of 10 foot-candles along fronts of buildings shall be provided. The maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.

28. Exterior signage and window signs advertising brands of alcoholic beverages or other signage advertising alcoholic beverages shall not be visible from public right-of-way.

29. All windows of the facility shall be treated with anti-graffiti film. It is the responsibility of the Applicant, Site Owner, Operator and/or Management, at their sole expense and cost, to have all graffiti on the site removed within 24 hours of its appearance, or be subject to citations from the City Code Enforcement Division ("Code Enforcement").

30. All outdoor utilities, machinery and equipment, including roof-mounted equipment, shall be completely screened from public right-of-way, in a manner that is compatible with the structure. The method of screening shall be subject to the review and approval of the Planning Manager and the City Building Official prior to the issuance of building permits.

31. The approval of the entitlement shall expire if the rights granted are not exercised within one (1) year from the permit's effective date. Exercise of right 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 Director.

32. Prior to the issuance of the Certificate of Occupancy, the Applicant/Operator/Management shall post a notice in a conspicuous location at the building entry stating that the site is regulated by a Conditional Use Permit and the Acceptance Form, which includes the establishment's conditions of approval,

is available upon request. This notice shall remain posted at all times the establishment is in operation.

33. The Applicant, Operator, Management and/or successor of the use shall bear full cost (hereinafter referred to as the "Inspection Fees") of all monitoring and inspection activities to be conducted by City staff or its designated consultant representative(s) as necessary to ensure compliance with the conditions of this Resolution

34. This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with Federal, State, and local requirements.

35. Fire Department Conditions:

a) All special events shall apply and obtain a Temporary Use Permit from the Fire Department.
b) Any tents over 400 square feet (side walls) or 700 square feet (open all sides) will trigger an operational permit/inspection from the Fire Department.
c) Provide seating diagram and show all exits.
d) Provide emergency lighting.
e) Fire extinguishers shall be mounted in a visible and easily accessible location.
f) Maximum travel distance of 75 feet to a 2A10BC fire extinguisher is required.
g) No open flame devices allowed, Exemption:
    I. Only listed and approved portable outdoor heating gas-fired heating appliances utilizing a fuel gas container that is integral to the appliance shall be used.
    II. Portable outdoor heating gas-fired heating appliances shall be located not let than five (5') feet from buildings, combustible decorations and combustible overhands, awnings, sunshades, or similar combustible attachments to buildings.
    III. Portable outdoor heating gas-fired heating appliances shall not be located within five (5') feet of exits or exit discharges.
ii. Fire lanes, fire hydrants, or fire department connections shall not be blocked.

36. The development and utilization of the site shall comply with all of the provisions of the MMC, and the City adopted versions of the Uniform Building Code and of the Building and Safety Division, including but not limited to:

    a. The project shall meet the requirements of all current Building, Plumbing, Mechanical, Electrical codes and City Ordinances (CBC 2010, NEC 2008, T-24 2008, CGB 2010, UPC 2010, UMC 2010, CRC 2010, and Americans with Disabilities Act ("ADA") 2008).

    b. A complete set of construction plans shall be submitted for Plan Check for the proposed project.

    c. Construction plans submitted for Plan Check shall satisfy ADA seating requirements for the new outdoor dining area.

    d. Construction plans submitted for Plan Check shall show a clear path from the new outdoor dining area to the ADA accessible restrooms.

37. The development and utilization of the site shall comply with all the provisions of the City adopted version of the California Fire Code, including, but not limited to:

    a. The entire structure shall be provided with an automatic and manual fire alarm system or life safety system.

38. The following on-site requirements shall comply with the security provisions of the MMC and/or the specifications of the Police Department and Code Enforcement:

    a. Live entertainment (televisions, disc jockey, comedy acts, pay-per-view sporting broadcasts, recitals and seminars) is authorized during permitted hours unless expressly stated otherwise in this resolution. The Applicant, Operator and/or Management of the establishment is required to **notify the City and obtain the Director's approval** for comedy acts, sporting events (pay-per-view) recitals, and seminars.

    b. Promoter produced parties or events shall be prohibited. These events include private parties with outside promoters who profit from organizing and/or drawing attendees to the events. Any and all type of advertisements and promotions which promote events or operations in violation of this CUP and Conditions of approval shall be subject to citation from Code Enforcement.

c. All live entertainment (when permitted) shall cease no later than 30 minutes prior to closing time.

d. Fundraisers for non-profit organizations registered with the federal government shall be permitted provided that they are open to the public and fall within the conditions of this Conditional Use Permit.

e. 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.

f. There shall be no bottle service provided, except for wine.

g. Dial-A-Ride and Taxicab phone numbers shall be posted in conspicuous locations throughout the establishment at all times.

h. The availability of a variety of non-alcoholic beverages shall be made known and offered to the customers.

i. The noise levels generated by the operation of such establishment shall not exceed sixty five dBA between the hours of 7:00 a.m. to 10:00 p.m., and not exceed sixty dBA between the hours of 10:00 p.m. to 7:00 a.m., in accordance with the MMC. All deliveries to the establishment shall be between 7:00 a.m. to 10:00 p.m. daily.

j. A minimum of two (2) licensed and bonded security guards shall be on duty during any outdoor entertainment, activities, or sponsored events that require a Temporary Use Permit pursuant to Condition No. 9.

k. Should form a line outside the restaurant, the line shall be kept quiet and orderly at all times. Lines which block the entrances to any other open business or any parking space or any part of the public-right-of way are prohibited.

l. No promotional or reduced drink specials shall be allowed all day on Saturday and/or Sunday, and/or after 8:00 p.m. Monday through Friday, and/or when dancing and/or live entertainment are occurring in any area.

m. A copy of the ABC license, business license, health permit, seller's permit, and all other required licenses shall be posted and made readily available to any licensing, code enforcement, public health, and law enforcement officer.

n. The premises shall be subject to inspection by members of the Police Department, Fire Department, Code Enforcement, Los Angeles County Department of Public Health or, any other law enforcement officer at any time without warrant.

o. The Applicant, Operator, and/or Management shall maintain a video surveillance system that captures the entrance(s) and exit(s) of the restaurant, parking lot area, and the interior of their restaurant. Placement of cameras shall be approved by the Police Department prior to issuance of the Certificate of Occupancy. The recordings shall be kept for a minimum of ninety (90) days. Recordings requested by the Police Department shall be provided immediately. The system shall record during the hours of the business operation' and all equipment must be maintained in good working order at all times.

p. 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.

q. No gambling of any type shall be allowed on the premises.

r. The Police Department reserves the right to review this CUP at any time if there are excessive calls for service or if the Police Department feels that the operation of the establishment is a risk to public health, safety, welfare, or morals.

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, threats to public health and welfare, etc.

t. The business owner shall install, maintain, and obtain City permits for a burglary and robbery alarm system. The Police Department shall approve

the plans for the alarm system and placement of the panic buttons prior to the issuance of a Certificate of Occupancy.

u. Doors that are not utilized for customer access shall be locked from the outside and have alarmed panic hardware.

v. If police or fire services are required at the location the applicant will be responsible for reimbursing the City for all related costs.

w. If Code Enforcement is required due to any code violations and/or violations of the conditions of this Conditional Use Permit, the applicant will be responsible to reimburse the City for all inspections and costs.

x. An approved Emergency Access Plan shall be provided, subject to review and approval of the Police and Fire Departments prior to issuance of the Certificate of Occupancy.

y. A signed copy of the Acceptance Form shall be kept at the business and presented to any law enforcement officer on demand.

z. Any violation of the conditions of this permit may cause the revocation of the subject Conditional Use Permit.

39. That a decorative masonry wall of six (6) feet in height shall be constructed around the parking area of such establishments when said area is adjacent to properties zoned or used for residential purposes or any other sensitive use, such as schools, churches, parks, etc.

40. That the noise levels generated by the operation of such establishment shall not exceed sixty-five dBA between the hours of seven a.m. to ten p.m., and not exceed sixty dBA between the hours of ten p.m. to seven a.m., so as to mitigate the impact on adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.

41. That exterior lighting of the parking area shall be kept at an intensity of between one- and two-foot candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from adjacent properties and from the sky.

42. That adequate security measures shall be provided as specified by the Police Department, including but not limited to, retaining trained staff and security personnel and providing security devices such as surveillance or burglar alarm systems.

43. All bona fide restaurants shall possess a supply of food and goods adequate to make substantial food sales and comply with Section 23038 of the Business and Professions Code. All food must be maintained in a sanitary condition and comply with all health department regulations.

44. The sorting of empty bottles and other recyclable products shall be limited to the hours between 8:00 a.m. to 9:00 p.m. daily.

45. That no signs shall be installed on the site until a sign permit has been approved by the Planning and Building Departments in conformance with the provisions set forth in Chapter 17.62 ("Signs") of the MMC.

46. As stated in Section 9.04.010 ("Drinking in Public") of the MMC, 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 specifically citing "Section 9.04.010 - Drinking in Public" of the MMC.

47. That premises shall be kept clean and the Applicant, Operator, and/or Management of the establishment shall insure that no trash or litter originating from the site is deposited onto neighboring properties or onto the public right-of-way.

48. The Applicant, Owner, and/or Management of any establishment selling alcohol shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.

49. The Applicant, Owner, and/or Management of the establishment shall maintain all required permits and/or licenses for the sale of alcoholic beverages in good standing.

50. That no person shall sell alcoholic beverages for on-premises 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.

51. In addition to the conditions enumerated above, any other condition may be imposed by city staff.

PASSED AND ADOPTED this 4th day of November, 2020 by the Planning Commission.

Commissioner Mooradian:	( ) AYE ( ) NOE (X) ABSENT ( ) ABSTAIN
Commissioner Aliksanian:	(X) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Briseno:	(X) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Lomeli:	(X) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN
Commissioner Ramirez:	(X) AYE ( ) NOE ( ) ABSENT ( ) ABSTAIN

Natalia Lomeli, Chair

ATTEST:

Joseph A. Palombi, Director
Planning & Community Development Department

Condition	Status	Notes	Document
1. BLVD Foods, LLC (the "Applicant") shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the Applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the Applicant, the City and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the Applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein. The City shall have the right to choose its own legal counsel to represent the City's interest in the proceedings.	Complete		
2. The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development ("Director") Department ("Planning Department") to be in substantial compliance with these provisions.	Complete		
3. Development of the site shall be consistent with all of the provisions of the Montebello Municipal Code (MMC) and Conditional Use Permit (PC-2020-0014-CUP), and the specifications of the Planning Department.	Complete		
4. Within 30 days of the Planning Department transmittal of the Acceptance Form, the Applicant 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.	Complete		
5. The Director at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These conditions(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke the Conditional Use Permit (PC-2020-0014-CUP) if sufficient cause is given.	Complete		

6. Existing and/or proposed table layout shall meet the minimum aisle clearance as determined by the Building and Safety Division and City of Montebello Fire Department ("Fire Department")**.**	Complete	Seating Complies with ADA & Fire Department & Building & Safety	
7. In the event the Applicant violates or fails to comply with any conditions of approval of this permit, no further permits, licenses, approvals, or certificate of occupancy shall be issued until such violation(s) has been fully remedied.	n/a	We've been fully compliant	
8. An annual compliance review will be required on the date of the Planning Commission's approval of Conditions.	In progress	Annual review in progress	
9. Any outdoor entertainment activities or sponsored events shall be subject to a Temporary Use Permit pursuant to Chapter 12.16 et Seq. of the Montebello Municipal Code.	Compliant	We've pulled TUP's for special events and corporate collaborations.	
10. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment. Menus are subject to review and approval from the Montebello Planning Department as part of the annual compliance review.	Compliant	We serve food during all hours of operations.	Menus are in the Drive
11. The business shall be operated as a restaurant at all times. A full menu shall be available to patrons in the patios and bar areas, as well as the rest of the dining areas during all hours of operation. There shall be no restriction on the age of customers except as stated in the conditions of approval.	Compliant	BLVD MRKT Is operated as a restaurant at all times. Full menu is accessible anywhere in courtyard and inside building at each concept.	Photos are in the Drive

12. Prior to the issuance of the Certificate of Occupancy, the operator (or each individual operator) at the Project Site ("Operator") shall submit a plan for approval by the Planning Department 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.	Compliant	100% of our beer serving staff is registered on ABC and received the ABC mandated RBS training.	ABC Roster in the Drive
13. Prior to issuance of a Certificate of Occupancy, the Operator shall also submit a plan describing the establishment's designated driver program, which shall be offered by the Operator to the establishment's patrons. The plan shall specify how the Operator will inform patrons of the program, such as offering on the menu a free non-alcoholic drink for every party of two or more ordering alcoholic beverages.	Compliant	We provide free 16oz water bottles for customers who appear to be intoxicated. We have an official program document in our drive.	Program in the Drive
14. 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 to the Planning Department and/or the ABC upon request.	Compliant	We're currently at 40% total gross revenues per year from alcohol sales in comparison to food.	Breakdown provided to Planning Staff
15. 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, and other actions. Site Project management ("Management") shall patrol the business premises and the surrounding vicinity, including the public rights-of-way to the property, during all hours of operation. Management shall ensure that no littering, loitering, or consumption of alcohol occurs in and around the project site.	Compliant	Our porter patrols interior and exterior perimeter ongoingly throughout the night to ensure place is clean and no one is consuming alcohol outside.	
16. Permitted business hours will be 6AM to 10PM Sunday-Wednesday and 6 a.m. to 12 a.m. Thursday-Saturday.	Compliant	Our current operating hours are Sunday through Wednesday 8AM to 9PM; Mondays Closed, Thursday 8AM to 10PM, Friday & Saturday 8AM to Midnight.	

17. The permitted hours of alcohol service shall be from 11:00 a.m. to last call, with all tables cleared by 9:30 p.m. Sunday-Wednesday; and 11:00 a.m. to last call, with all tables cleared by 11:30 p.m. Thursday-Saturday. Complete closure of the business and all customers shall be vacated from the building by 12:00 a.m., Thursday-Saturday and by 10 p.m. Sunday-Wednesday. In addition, all employees of the business shall be out of the premises no later than one (1) hour after closing. No "after hours" operations shall be permitted.	Compliant		
18. The site and surrounding area shall be maintained in a litter and graffiti free manner. Any graffiti that occurs on the site shall be removed within 24 hours at Applicant, Site Owner ("Site Owner"), and/or Operator's own expense.	Compliant	We remove all Graffiti indoors and outdoors within 24 hours.	
19. The Applicant/Operator/Management of the establishment shall maintain all required state and/or local permits and/or licenses for the sale of alcoholic beverages in good standing.	Compliant	Our ABC & Food Permit is 100% active and updated.	In Drive
20. No person shall sell alcoholic beverages for on-site consumption if there has been any lapse or breach in good standing of any one or more of the permits and/or licenses required for such sale.	Compliant		
21. Alcoholic beverages sold for off-site consumption shall not be consumed on-site.	Compliant	We do not allow off-site beverages to be consumed on-site.	
22. No alcoholic beverages shall be served in any disposable container such as disposable plastic or paper cups.	Compliant	All of our serving cups are made of Glass	
23. No outside alcoholic beverages shall be brought into the establishment, Project Site or premises for personal use or consumption.	Compliant	We have signs posted that tells customers no outside food or alcoholic beverages are allowed inside.	
24. There shall be no pay telephone maintained on the interior or exterior of the premises.	Compliant	we do not have a pay phone on site or off-site	
25. The Applicant, Operator and/or Management of the establishment shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises**.**	Compliant	We have a family environment so there is never any issues with guests. If there is, we've trained our staff on how to de-escalate issues	

26. Any outstanding violations of the MMC shall be remedied prior to the issuance of a Certificate of Occupancy. The Applicant, Operator, Site Owner, and/or Management shall be responsible for remedying outstanding Code Enforcement issues. When corrective action requires the issuance of a building permit, the building permit must be issued within 12 months of the effective date of this approval. Corrective action that does not require a building permit shall be remedied within one month of the effective date of this approval. The Director may grant an extension to these time frames, but such extensions shall not extend more than one (1) year from the date of this approval.	Compliant		
27. Adequate illumination of the exterior building shall be provided and maintained subject to the review and approval by the Police Department of a Photometric Plan certified by a licensed lighting engineer, including, but not limited to: 1) A maximum of 10 foot-candles along fronts of buildings shall be provided. The maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.	Compliant		
28. Exterior signage and window signs advertising brands of alcoholic beverages or other signage advertising alcoholic beverages shall not be visible from public right-of-way.	Compliant	We don't have any exterior signage promoting alcohol	
29. All windows of the facility shall be treated with anti-graffiti film. It is the responsibility of the Applicant, Site Owner, Operator and/or Management, at their sole expense and cost, to have all graffiti on the site removed within 24 hours of its appearance, or be subject to citations from the City Code Enforcement Division (“Code Enforcement”).	Compliant	All street facing windows are covered with Anti-graffiti film	Photos in drive
30. All outdoor utilities, machinery and equipment, including roof-mounted equipment, shall be completely screened from public right-of-way, in a manner that is compatible with the structure. The method of screening shall be subject to the review and approval of the Planning Manager and the City Building Official prior to the issuance of building permits.	Compliant	Our equipment are all screened	Photos in drive
31. The approval of the entitlement shall expire if the rights granted are not exercised within one (1) year from the permit's effective date. Exercise of right 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 Director.	Compliant		

32. Prior to the issuance of the Certificate of Occupancy, the Applicant/Operator/Management shall post a notice in a conspicuous location at the building entry stating that the site is regulated by a Conditional Use Permit and the Acceptance Form, which includes the establishment's conditions of approval, is available upon request. This notice shall remain posted at all times the establishment is in operation.	Compliant		
33. The Applicant, Operator, Management and/or successor of the use shall bear full cost (hereinafter referred to as the "Inspection Fees") of all monitoring and inspection activities to be conducted by City staff or its designated consultant representative(s) as necessary to ensure compliance with the conditions of this Resolution	Compliant		
34. This approval shall not supersede the approval of any other affected agencies. The applicant shall comply with Federal, State, and local requirements.	Compliant		

35. Fire Department Conditions: a) All special events shall apply and obtain a Temporary Use Permit from the Fire Department. b) Any tents over 400 square feet (side walls) or 700 square feet (open all sides) will trigger an operational permit/inspection from the Fire Department. c) Provide seating diagram and show all exits. d) Provide emergency lighting. e) Fire extinguishers shall be mounted in a visible and easily accessible location. f) Maximum travel distance of 75 feet to a 2A10BC fire extinguisher is required. g) No open flame devices allowed, Exemption: I. Only listed and approved portable outdoor heating gas-fired heating appliances utilizing a fuel gas container that is integral to the appliance shall be used. II. Portable outdoor heating gas-fired heating appliances shall be located not let than five (5') feet from buildings, combustible decorations and combustible overhands, awnings, sunshades, or similar combustible attachments to buildings. III. Portable outdoor heating gas-fired heating appliances shall not be located within five (5') feet of exits or exit discharges. ii. Fire lanes, fire hydrants, or fire department connections shall not be blocked.	Compliant	We've been signed off and approved by fire department before opening	

36. The development and utilization of the site shall comply with all of the provisions of the MMC, and the City adopted versions of the Uniform Building Code and of the Building and Safety Division, including but not limited to: a. The project shall meet the requirements of all current Building, Plumbing, Mechanical, Electrical codes and City Ordinances (CBC 2010, NEC 2008, T-24 2008, CGB 2010, UPC 2010, UMC 2010, CRC 2010, and Americans with Disabilities Act (“ADA") 2008). b. A complete set of construction plans shall be submitted for Plan Check for the proposed project. c. Construction plans submitted for Plan Check shall satisfy ADA seating requirements for the new outdoor dining area. d. Construction plans submitted for Plan Check shall show a clear path from the new outdoor dining area to the ADA accessible restrooms.	Compliant		
37. The development and utilization of the site shall comply with all the provisions of the City adopted version of the California Fire Code, including, but not limited to: a. The entire structure shall be provided with an automatic and manual fire alarm system or life safety system.	Compliant		

38. The following on-site requirements shall comply with the security provisions of the MMC and/or the specifications of the Police Department and Code Enforcement: a. Live entertainment (televisions, disc jockey, comedy acts, pay-per-view sporting broadcasts, recitals and seminars) is authorized during permitted hours unless expressly stated otherwise in this resolution. The Applicant, Operator and/or Management of the establishment is required to notify the City and obtain the Director's approval for comedy acts, sporting events (pay-per-view) recitals, and seminars. b. Promoter produced parties or events shall be prohibited. These events include private parties with outside promoters who profit from organizing and/or drawing attendees to the events. Any and all type of advertisements and promotions which promote events or operations in violation of this CUP and Conditions of approval shall be subject to citation from Code Enforcement. c. All live entertainment (when permitted) shall cease no later than 30 minutes prior to closing time. d. Fundraisers for non-profit organizations registered with the federal government shall be permitted provided that they are open to the public and fall within the conditions of this Conditional Use Permit. e. 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.	Compliant	a. Compliant b.compliant (we don't work with promoters) c.compliant d. compliant e. we don't do adult entertainment	

38. f. There shall be no bottle service provided, except for wine. g. Dial-A-Ride and Taxicab phone numbers shall be posted in conspicuous locations throughout the establishment at all times. h. The availability of a variety of non-alcoholic beverages shall be made known and offered to the customers. i. The noise levels generated by the operation of such establishment shall not exceed sixty five dBA between the hours of 7:00 a.m. to 10:00 p.m., and not exceed sixty dBA between the hours of 10:00 p.m. to 7:00 a.m., in accordance with the MMC. All deliveries to the establishment shall be between 7:00 a.m. to 10:00 p.m. daily. j. A minimum of two (2) licensed and bonded security guards shall be on duty during any outdoor entertainment, activities, or sponsored events that require a Temporary Use Permit pursuant to Condition No. 9. k. Should form a line outside the restaurant, the line shall be kept quiet and orderly at all times. Lines which block the entrances to any other open business or any parking space or any part of the public-right-of way are prohibited. l. No promotional or reduced drink specials shall be allowed all day on Saturday and/or Sunday, and/or after 8:00 p.m. Monday through Friday, and/or when dancing and/or live entertainment are occurring in any area.		f. we only do wine bottle service g. compliant h.we provide free water I. we use sound decible reader to ensure compliance J. compliant K. compliant L. Compliant	

38. m. A copy of the ABC license, business license, health permit, seller's permit, and all other required licenses shall be posted and made readily available to any licensing, code enforcement, public health, and law enforcement officer. n. The premises shall be subject to inspection by members of the Police Department, Fire Department, Code Enforcement, Los Angeles County Department of Public Health or, any other law enforcement officer at any time without warrant. o. The Applicant, Operator, and/or Management shall maintain a video surveillance system that captures the entrance(s) and exit(s) of the restaurant, parking lot area, and the interior of their restaurant. Placement of cameras shall be approved by the Police Department prior to issuance of the Certificate of Occupancy. The recordings shall be kept for a minimum of ninety (90) days. Recordings requested by the Police Department shall be provided immediately. The system shall record during the hours of the business operation' and all equipment must be maintained in good working order at all times. p. 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. q. No gambling of any type shall be allowed on the premises.	Compliant	M.Compliant N.compliant O. Compliant (we have video system) P. Compliant Q. Compliant	
r. The Police Department reserves the right to review this CUP at any time if there are excessive calls for service or if the Police Department feels that the operation of the establishment is a risk to public health, safety, welfare, or morals. 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, threats to public health and welfare, etc. t. The business owner shall install, maintain, and obtain City permits for a burglary and robbery alarm system. The Police Department shall approve the plans for the alarm system and placement of the panic buttons prior to the issuance of a Certificate of Occupancy. u. Doors that are not utilized for customer access shall be locked from the outside and have alarmed panic hardware. v. If police or fire services are required at the location the applicant will be responsible for reimbursing the City for all related costs.	Compliant	R. Compliant S. Compliant. T. Compliant. U. Compliant V. compliant W. compliant. X. Compliant. Y Compliant. Z. Compliant.	

w. If Code Enforcement is required due to any code violations and/or violations of the conditions of this Conditional Use Permit, the applicant will be responsible to reimburse the City for all inspections and costs. x. An approved Emergency Access Plan shall be provided, subject to review and approval of the Police and Fire Departments prior to issuance of the Certificate of Occupancy. y. A signed copy of the Acceptance Form shall be kept at the business and presented to any law enforcement officer on demand. z. Any violation of the conditions of this permit may cause the revocation of the subject Conditional Use Permit.	Compliant	W. compliant. X. Compliant. Y Compliant. Z. Compliant.	
39. That a decorative masonry wall of six (6) feet in height shall be constructed around the parking area of such establishments when said area is adjacent to properties zoned or used for residential purposes or any other sensitive use, such as schools, churches, parks, etc.	N/a	Not applicable	
40. That the noise levels generated by the operation of such establishment shall not exceed sixty-five dBA between the hours of seven a.m. to ten p.m., and not exceed sixty dBA between the hours of ten p.m. to seven a.m., so as to mitigate the impact on adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.	Complliant	We use Sound Decible Readers and document each event / musician so we're 100% compliant. System was created in collaboration with Director of Development	
41. That exterior lighting of the parking area shall be kept at an intensity of between one- and two-foot candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be screened from adjacent properties and from the sky.	N/A	Not applicable	
42. That adequate security measures shall be provided as specified by the Police Department, including but not limited to, retaining trained staff and security personnel and providing security devices such as surveillance or burglar alarm systems.	Compliant		
43. All bona fide restaurants shall possess a supply of food and goods adequate to make substantial food sales and comply with Section 23038 of the Business and Professions Code. All food must be maintained in a sanitary condition and comply with all health department regulations.	Compliant		

44. The sorting of empty bottles and other recyclable products shall be limited to the hours between 8:00 a.m. to 9:00 p.m. daily.	Compliant		
45. That no signs shall be installed on the site until a sign permit has been approved by the Planning and Building Departments in conformance with the provisions set forth in Chapter 17.62 ("Signs") of the MMC.	Compliant		
46. As stated in Section 9.04.010 ("Drinking in Public") of the MMC, 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 specifically citing "Section 9.04.010 - Drinking in Public" of the MMC.	Compliant		
47. That premises shall be kept clean and the Applicant, Operator, and/or Management of the establishment shall insure that no trash or litter originating from the site is deposited onto neighboring properties or onto the public right-of-way.	Compliant		
48. The Applicant, Owner, and/or Management of any establishment selling alcohol shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises	Compliant	Our staff is fully trained	
49. The Applicant, Owner, and/or Management of the establishment shall maintain all required permits and/or licenses for the sale of alcoholic beverages in good standing.	Complaint	fully permitted	forms in drive
50. That no person shall sell alcoholic beverages for on-premises 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.	compliant		
51. In addition to the conditions enumerated above, any other condition may be imposed by city staff.	Compliant		

BEER MENU

	12oz Draft	16oz Draft
LIGHT		
Agua De Oro 💥Limited Release💥 Norwalk Brew 🇲🇽 Mexican Lager · 4.8% ABV · Norwa	-	$7.50
Tropical Mist Pure Project Brewing Citrus Blonde Ale · 5.1% ABV · San Dieg	-	$8
HOPPY/HAZY		
DDH The Other Brian Green Cheek Beer Con DDH Double Hazy · 8.5% ABV · Orang	$10	-
The BLVD 💥Exclusive Release💥 People's Republic of South Hazy IPA · 7% ABV · Los Angeles, CA	-	$8.50
Walking Backwards everywhere Dry hopped Pilsner - New Zealand style · 5.5% ABV · Ora	-	$9.50
Favoring the Bold Radiant Beer Co. DWC IPA · 9.1% ABV · Anaheim, CA	$9.50	-
Over The Bridge Upshift Brewing Con WC IPA 💥New Release💥 · 6.6% ABV · El Segun	-	$9
CIDER/MEAD/SOUR/SELTZER/SPRITZ/GOSE		
almost everyday everywhere Wine Spritz with 🍊🍎 · 10.5% ABV · Orar	$10	-
Mexican Lollipop Honest Abe Cider H Cider-Watermelon & Habanero · 7% ABV · Gard	$8	-
RED/AMBER/DARK		
Californio Brewjeria Company Amber-California Common · 5.9% ABV · Pico Ri	-	$8
WHEAT/WITBIER		
Punch Buggy Upshift Brewing Com POG inspired Wheat Ale · 4.8% ABV · El Segun	-	$8.50

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WINE/SPECIALITY ITEMS

SPARKLING WINES

CA BRUT Champagne Light, sparkling CA Brut	$9
Mimosa CA Brut/ choice of OJ or Raspberry Lemonade	$9

WHITE WINES

Moscato d'Asti - 2021 Winery Tintero 5.5% ABV - Italian - Light & Sweet	. $10
Brea Chardonnay - 2021 Brea Wine Company 13% ABV-Santa Barbara, Acidity and fruit; Bold & Dry	$11
Vino Blanco - 2021 (Blend) 11.5% Abv - Italian - Elvio Tintero - Light & Zesty	$9
Gruener Veltiliner - 2020 Winery MEHOFER 12% ABV - Austria - Natural - Herbaceous	$10
Sauvignon Blanc - 2020 Winery Land of Saints 12.3% abv. - Santa Barbara County - Herbaceous	. $12

ROSÉ WINES

Rośe - Brunn 2020 12.9% ABV. Weinland, Austria - Light, Fruity, Crisp & Dry	. $10

RED WINES

Love Red - 2021 (Blend) Broc Cellars Winery 12.5% abv - Mendocino County - Light Bodied	$12
Acrata Tinta (Grenache) Winery Aborigen 14.5% ABV-Valle De Guadalupe-Medium Body	. $12
No Fine Print - 2019 (Cabernet Sauvignon) 14.5% ABV- Sierra Foothills, CA, Full Bodied	. $13

SIGNATURE DRINKS

Michelada Paired with a Mexican Lager and Tajin/Chamoy Rim	$9
Fidelio Margarita Tequila Blanco infused Sake - Simple Syrup & Lime Juice	$10
Hibiscus Fidelio Margarita Tequila Blanco Infused Sake - Hibiscus Syrup	$12
Spicy Cucumber Fidelio Cucumber Juice & Habanero Syrup W/ Sake Tequila Blanco	. $12

Subscribe to u

Condition #10 and 11

OFF MENU SPECIALS

CHILE RELLENO PLATE OR BURRTIO-$12.99

3 BIRRIA TACOS-$10.99

3 QUESABIRRIA TACOS-$12.99

BURRTIO MOJADO EN SALSA VERDE $13.99

JOIN US FOR BRUNCH ON SAT & SUN 11AM-2PM

PICK UP

Los Taquero Mucho

TACOS CLASICOS 4 X $11.99

your choice of meat topped with grilled onions, cilantro and green or red salsa

Asada
Pollo
Al Pastor
carnitas

SPECIALTY TACOS 3 X $14.99

Pork Belly Cochinita Pibil

Habanero infused black bean base, topped with pickled onions and cilantro

El Cremita

Melted cheese, grilled chicken topped with special house white sauce, pomegranate seeds, raja de jalapeno and cilantro

MIXT

Guacamo… GUATEMALAN STYLE S… ED WITH GROUND PORK TOP… ITH Jamaica pickled red cabbage and cilantro

WILL BE BACK SOON!

Whiskil Taco (V)

Grilled squash with rajas sautéed in coconut milk, topped with chia seeds and cilantro

Taco de Chicharron

Crispy chicharron con carne topped with a mild pico de gallo curtido, queso cotija and cilantro

SPECIALTY TACOS COMBO $17.99

MULITAS $8.99

Heart shaped, hand pressed tortilla, your choice of meat and quesamex cheese

NACHOS $16.99

Blue corn chips, refried bean with melted quesamex cheese, your choice of meat, sour cream and guacamole

BURRITO $11.99

Your choice of meat, beans,Mexican rice, onion and cilantro (+$4.99 for specialty meat)

QUESADILLA $6.99

Add meat +$3.99 ,
+$4.99 for specialty

KIDS MENU $7.99

Your choice of:
1 taco with rice & beans and fruit
1 cheese quesadilla with rice & beans and fruit

AGUA FRESCA DEL DIA $4.99

32oz Homemade Agua Fresca

ADD ON'S/SIDES :

- Blue corn chips & Guacamole $4.99
- Side of rice and beans $2.99
- Pickled onion $0.99
- Jamaica pickled cabbage $0.99

LOS TAQUERO MUCHO

www.lostaqueromucho.com

TIPS

BREAKFAST BURRITOS

Made with 2 pasture raised, scrambled eggs,
crispy hash brown, smokey queso, frijoles & Tecate braised onions

BULLS HEAD BARBACOA $16

BACON CON QUESO $15

FIRE ROASTED RAJAS $14

Served Wednesday to Sunday 9am-noon or SOL'D out

BURGERS

Served with our Hand Cut Papitas

WED-TH-SUN
NOON-6P
FRI-SAT
NOON-8P

SMASHIE $14
Beef patty, griddled onion, house pickles, cheese & spread

QUESA-BURGER $14.5
Beef patty,Tecate braised onions, griddled queso, smoky cheese sauce, pickled jalapeños & spread

PATTY MELT $15
Beef patty, griddled onion, double cheese, house pickles & rye mustard

SMASHITO $12
OUR KIDS MEAL...
meat cheese bun only, with small fries and a gelatina

ADD ONS

BACON
FRIED EGG
AVOCADO
$2 EACH

MAKE IT A DOUBLE
$2.5

SUBSTITUTE IMPOSSIBLE
$3

A LA CARTE

HAND CUT PAPITAS $5

BEER BATTERED PASILLA RINGS $7

WEDGE SALAD $12

QUESA-FRIES $8
Our Papitas, smokey cheese sauce, Tecate braised onions & spread

BEBIDAS

BESITOS $3.5
MEXI- COKE $3
SINGHA $3
SANGRIA $3

DESSERT

ICE CREAM SANDWICH $3

MAKE. DO. Hospitality

SolRád

HAND CRAFTED FROM SCRATCH USING ONLY FRESH INGREDIENTS

★ = GLUTEN FREE

PUPUSAS ★ (2) 9.00

A hand crafted Salvadoran thick corn tortilla, stuffed with your choices below. Served with our house Curtido (pickled cabbage) and our house Salsa.

CHOOSE ANY 2 BELOW

ADD CASAMIENTO OR FRIED PLANTAINS 1.50 Extra

- PORK, BEAN & CHEESE (REVUELTA)
- PORK & CHEESE
- PORK & BEAN (DAIRY FREE)
- CHICKEN, SPINACH AND CHEESE
- LOROCO & CHEESE (VEGETARIAN)
- SPINACH & CHEESE (VEGETARIAN)
- BEAN & CHEESE (VEGETARIAN)
- BEAN ONLY (VEGAN)
- VEGAN REVUELTA (CONTAINS NUTS)
- SHRIMP SPINACH AND CHEESE

V CHO SLIDERS (3) 15

Angus Beef mini burgers topped with our house Creamy chipotle sauce, Melted Cheese, Bacon, Curtido, grilled mushrooms, spinach and crispy onion strings served with Seasoned Fries

YUCA CON CHICHARRÓN ★ 15

Fried or steamed cassava (yuca), loaded with our fried pork belly, tomato sauce, radish pickled cabbage.
(VEGAN AVAILABLE)

CHICKEN PASTELITO ★ 6.00

SALVADORAN EMPANADA

A savory, crunchy corn pocket loaded with seasoned chicken White meat, diced potatoes and carrots.

PLATANO PLATE ★ 11

Organic ripe Colombian Plantains Caramelized to perfection served with mashed beans and our house made salvi Cream. (vegan without the cream)

PLATANO EMPANADA ★ 6.00

Mashed plantains formed into an empanada stuffed with our house made custard, topped with sprinkled sugar.
Vegan available (with black beans stuffing)

LOADED STEAK FRIES ★ 15.00

Fries fully loaded with our rib eye steak, melted cheese covered with our house made chipotle and guacamole sauces.

PAN CON POLLO 5.00

Braised marinated chicken breast, lettuce, beet salad, cabbage, cucumber & radish.
(Vegan pan sin pollo also available)
(Contains sesame pumkin seeds)

BREAKFAST

AVOCADO TOAST $12
Avocado, olive oil, lemon zest, salsa macha, cherry tomatoes on country bread.

PAN FRANCÉS $13.50
French toast -Brioche bread dipped in house made batter topped with fresh berries, Vanilla infused mascarpone cream

[redacted] $7.50 half / $13.50 whole
whole grain

OR

[redacted] parsley

BURRITOS

BACON $11.50
Egg, bacon, red & green peppers, caramelized onions, muenster cheese, hash browns

VEGGIE $10.50
Egg, zucchini red & green peppers, caramelized onions, muenster cheese, hash browns

SANDWICHES

TWO CHEESE MELT w/ SIDE OF ARUGULA $12
Gouda cheese, muenster cheese, sundried tomatoes on a country bread. Arugula Salad with Balsamic fig dressing.

[redacted] $12.50
mustard aioli and
seed bread

BOWLS

GRANOLA BOWL $7.50
Granola mix, strawberries, blueberries & whole milk *contains nuts (alternative milk +.50)

BITES

TOAST W/ JAM $5.50
Toasted country bread slice with butter and a side of mixed berry jam **or** cream cheese

BISCUIT ~~$6.00~~
With butter and mixed berry jam

BAGEL $5.50
w/ cream cheese **or** butter

NEW!

B.A.T. SANDWICH $11.50
BACON, ARUGULA, TOMATO, & CHIPOTLE MAYO ON A COUNTRY BREAD

ADD: AVOCADO +$1.50

EXACT CHANGE CARD. APPLE PAY

DRIP $3.75
FILTER COFFEE 12 OZ
ESPRESSO $3.50
DOUBLE SHOT ESPRESSO 2OZ

AMERICANO $3.50
DOUBLE SHOT ESPRESSO & WATER 10 OZ
CAPPUCCINO $4.75
DOUBLE SHOT ESPRESSO & MILK 10 OZ

LATTE $5.00
DOUBLE SHOT ESPRESSO & MILK 12 OZ
OAXACAN MOCHA $6.00
OAXACAN CHOCOLATE DOUBLE SHOT ESPRESSO 12 OZ & MILK

VANILLA LATTE $6.00
VANILLA POWDER / DOUBLE SHOT ESPRESSO 12 OZ & MILK
DIRTY CHAI $7.00
CHAI POWDER / DOUBLE SHOT ESPRESSO & MILK 12 OZ

COLD BREW 16 OZ $5.00
ALTERNATIVE MILK +$1
OAT / ALMOND

OAXACAN CHOCOLATE $5.00
OAXACAN CHOCOLATE & MILK * CONTAINS ALMONDS 12 OZ
SEMI AMARGO BY RITO 12 OZ $5.50
60% CACAO CANE SUGAR & CINNAMON

NUEZ BY RITO 12 OZ $5.50
80% CACAO / SUGAR CANE / WALNUTS
XOCO SHOT BY RITO 2OZ $3.50
100% CACAO

CHAI LATTE 12 OZ $5.50
CHAI POWDER & MILK
MATCHA LATTE 12 OZ $6.00
ORGANIC GREEN TEA POWDER & MILK

ORANGE JUICE 16 OZ $4.75

L A

BURRITO COMPANY

- EST. 2020 -

BURRITOS

Get it wet!...red or green...Add $2

SOCAL BURRITOS

East LA
Carne asada or chicken tinga, Jack cheese, pico de gallo, lime rice, black beans $14

Mid-City
Fried chicken tenders, Valentina-Caesar slaw, lime rice, black beans $15

San Fernando Valley
Chorizo, scrambled egg, queso fresco, tater tots, pico de gallo, refried beans $14

Highland Park
Chile verde carnitas, chicharron, pico de gallo, mojo sauce, lime rice, black beans $15

Montebello
Carne asada "fajitas", tater tots, pico de gallo, mojo sauce, lime rice, black beans $15

Hollywood
Cuban pork, ham, Jack cheese, pickles, pico de gallo, mojo sauce, lime rice, black beans $16

Filipinotown
Chicken adobo, chile puya aioli, crispy onions, pickled onions, lime rice, black beans $14

Ktown
Grilled shrimp AND carne asada, Jack cheese, kimchi pico de gallo, lime rice, black beans $17

PACIFIC BURRITOS

Malibu
Beer battered Alaskan cod, citrus slaw, chipotle aioli, lime rice, black beans, tortilla negra $15

Santa Monica
Beer battered shrimp, citrus slaw, chipotle aioli, lime rice, black beans, tortilla negra $16

VEGGIE BURRITOS

Pasadena
Chile relleno, pepper Jack, pico de gallo, poblano crema, lime rice, black beans $15

Silverlake
Roasted cauliflower, pico de gallo, poblano crema, rice, black beans $14

Culver City
Chorizo refried beans or black beans and Jack cheese $12

BOWLS

Make it a Bowl
Add $2 to any of our burritos

Choose your greens:
Romaine, mixed greens or kale power mix

Choose your vinaigrette:
Cilantro-lime vinaigrette
Caesar "verde" vinaigrette
Honey-mustard vinaigrette

Choose your toppings online!

SIGNATURE DISHES

Chilaquiles (*green, red or black*)
Black beans, poblano crema, queso fresco, chicharron $15

Pozole Verde
Farm chicken stewed in green chile broth with hominy and the fixins $13

EXTRAS

Chips and Salsa $4

Chips and Guacamole $9

Additional salsas $2
Mild: House / Verde / Negra
Spicy: Chipotle / Diabla

BEVERAGES

Frozen Mangonada $7
Frozen Hibiscus Punch $7
[redacted]
Canned Soda $3
Bottled water $4

SCAN QR TO ORDER

SPECIALITY PLATES

NO SUBSTITUTIONS / ADD FRIED EGG $1

ALL PLATES ARE SERVED WITH 1/2 ROASTED CHICKEN, NAAN BREAD, WITH A CHOICE OF TWO (2) DIPPING SAUCES.

THE GARLIC CHICKEN PLATE [redacted]
BUTTER GARLIC ROASTED CHICKEN ON A BED
OF WHITE RICE & BRUSSEL SPROUTS

THE CUBAN STYLE PLATE [redacted]
ROASTED CHICKEN, WHITE RICE, BLACK BEANS & PLANTAINS

THE CANADIAN STYLE PLATE [redacted]
ROASTED CHICKEN WITH SIDE OF POUTINE
(FRENCH FRIES,MOZZARELLA CHEESE AND BROWN GRAVY)

ROASTED CHICKEN

1/2 - ALL WHITE MEAT, ADDITIONAL $3
WHOLE - ALL WHITE MEAT, ADDITIONAL $5
ADD FRIED EGG $1

UPGRADE ANY SIDE TO A POUTINE
1/4 & 1/2 ADDITIONAL $2 OR WHOLE CHICKEN $5

1/4 DARK MEAT CHICKEN PLATE [redacted]
CHOICE OF REG. SIDE DISH AND REG. DIPPING SAUCE
UPGRADE CHICKEN TO BUTTER GARLIC/HAWIIAAN STYLE - $1.5*

1/4 WHITE MEAT ROASTED CHICKEN [redacted]
CHOICE OF REG. SIDE DISH AND REG. DIPPING SAUCE
UPGRADE CHICKEN TO BUTTER GARLIC/HAWIIAAN STYLE - $1.5

1/2 ROASTED CHICKEN PLATE [redacted]
CHOICE OF 2 REG. SIDE DISHES AND 2 REG. DIPPING SAUCES
UPGRADE CHICKEN TO BUTTER GARLIC/HAWIIAAN STYLE - $2

WHOLE ROASTED CHICKEN MEAL [redacted]
CHOICE OF 3 REG. SIDE DISHES AND 3 REG. DIPPING SAUCES
UPGRADE CHICKEN TO BUTTER GARLIC/HAWIIAAN STYLE - $3

ALL PLATES AVAILABE WITH FRIED CHICKEN - FEE WILL APPLY

FRIED CHICKEN

FRIED CHICKEN A LA CARTE [redacted]
MIX 3 PIECES

FRIED CHICKEN & WAFFLE [redacted]
MARINATED FRIED CHICKEN BREAST, WAFFLE WITH
BELGIAN PEARL SUGAR & DUSTED WITH
POWERED SUGAR, MAPLE SYRUP & BUTTER

WAFFLE A LA CARTE [redacted]
WAFFLE WITH BELGIAN PEARL SUGAR & DUSTED WITH
POWERED SUGAR, MAPLE SYRUP & BUTTER

FRIED CHICKEN & WAFFLE BREAKFAST [redacted]
BUTTERMILK WAFFLE TOPPED WITH FRIED CHICKEN (3),
2 EGGS SUNNY SIDE UP, BACON WITH SIDE OF MAPLE SYRUP & BUTTER

DESSERT [redacted]

SPICY CHICKEN TENDERS

THE CUBAN STYLE PLATE

SIDE CHICK FRIED CHICKEN

CHICKEN POZOLE SOUP

ALL PRICES ARE SUBJECT TO CHANGE WITHOUT PRIOR NOTICE

LA CROSTA

WOOD FIRED PIZZA

PIZZA NAPOLITANA

		Mini / 12”
Brooklyn	Grande Low Moisture mozzarella, San Marzano Tomato Sauce, Oregano Add Ezzo Pepperoni + 1.5 / 3	8 / 14
Mootzarell	Classic Margherita, fresh mozzarella, san marzano tomato sauce, basil, extra virgin olive oil Add Ezzo Pepperoni + 1.5 / 3	9 / 16
veggie **Funghi**	Cremini Mushroom, Onion, Garlic, Truffle Oil, Mozzarella, Oregano	10 / 19
spicy **Hot Burrata**	san marzano tomato sauce, basil, Calabrese peppers, Topped with Burrata Cheese and hot honey,	9.5 / 17
Made Man	Classic Pepperoni, fresh mozzarella, san marzano tomato sauce, Ezzo’s pepperoni, basil	10 / 19
God Father	Meat Lovers fresh mozzarella, san marzano tomato sauce, basil, sausage, pepperoni, and coppa	11 / 21
Fugazzi	fresh mozzarella, san marzano tomato sauce, basil, pineapple, bacon, hot honey, jalapeños	10.5 / 20

PASTA $12

Choose Pasta

Penne, Spaghetti, or Fusilli

Choose Sauce

Pomodoro Sauce, Spicy Vodka, or Garlic Herb Butter

(Tomato, Basil, Garlic)

Add Protein

Wood Fired Shrimp $7, Sausage $5, or Chicken $5

Coke, Diet Coke $2 | San Pellegrino Sparkling Waters $4

BLVD, MONTEBELLO, CA.

Server ID Number*

SEARCH

Last Name*

Condition #12

Roster for Alchemy Craft (#621706)

INSTRUCTIONS: To search for a specific Server in your Roster, type either their First Name, Last Name, or both names in the specified name fields, then click the SEARCH button. To clear the name fields, click on the CLEAR button. To remove a Server from the Roster, click on the trash can icon.

Filter By First Name

Filter By Last Name

CLEAR

SEARCH

Name	Server ID	Training Received	Status	Expiration Date	
Baez, Victor E…	312926…	08/24/2022	Certified	08/25/2…	
Gonzalez, Bri…	312858…	08/31/2022	Certified	08/30/2…	
Goreen, Winst…	312658…	08/30/2022	Certified	08/29/2…	
Jaimes, Christ…	312858…	08/27/2022	Certified	08/27/2…	
Mena, Stephe…	312924…	08/27/2022	Certified	08/27/2…	

santos, barney…	312849…	09/03/2022	Certified	09/02/2…	

Rows per page:

Help center

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ALCHEMY
CRAFT

Intoxicated Customer Safety Measures
"Designated Driver Program"

The staff is trained to identify when customers have become intoxicated by using the following signs as per suggested by the Department of Alcoholic Beverage Control.

Reactions:

- Slurred Speech
- Slow & Deliberate Movement
- Decreased Alertness
- Quick, slow or fluctuating pace of speech

Inhibitions:

- Overly Friendly
- Loud
- Changing Volume of Speech
- Drinking Alone
- Annoying Others'
- Using Foul Language
- Drinking More or Faster than Usual

Condition #13

Physical Appearance:

- Red, Watery Eyes
- Disheveled Clothing
- Sweating
- Smell of An Alcoholic Beverage on Person
- Droopy Eyelids
- Lack of Eye Focus
- Flushed (red) Face

Coordination:

- Fumbling With Money
- Swaying, Drowsy
- Stumbling
- Bumping into Things
- Falling

Judgement:

- Argumentative
- Belligerent
- Careless with Money
- Irrational Statements
- Losing Train of Thought

The law states that no person may sell or give alcohol to anyone who is obviously intoxicated. Therefore, every person at Alchemy Craft has been instructed to not sell any alcoholic beverage to any OBVIOUSLY intoxicated person.

In order to help remain in compliance with local and state laws we've established Customer Safety Measures for intoxicated customers.

1. Customer has been identified as OBVIOUSLY intoxicated by our staff, using ABC's standard protocols.
2. Management and/or Bartender will inform the customer that we are refusing to continue selling alcohol to them in this observed intoxicated state.
3. We offer the intoxicated customer up to two, 16-ounce bottles of water free of charge.
4. We provide the intoxicated customer or someone who's with them not intoxicated the contact information to Fiesta Taxi (877)-722-2122.
5. If the taxi is ordered, one of our beer servers will wait until the intoxicated customer boards the vehicle and leaves.
6. If no taxi is ordered, we suggest calling a friend, family member or help identify a designated driver from the customer group.

STATE OF CALIFORNIA
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
ALCOHOLIC BEVERAGE LICENSE

ON-SALE BEER AND WINE - EATING PLACE

VALID FROM

Aug 01, 2023

GENTEFY INC.
622 W HART PL
MONTEBELLO, CA 90640-5243

EXPIRES

Jul 31, 2024

TYPE NUMBER DUP

41 621706

AREA CODE

1938 02

RENEWAL

BUSINESS ADDRESS (IF DIFFERENT)

DBA: ALCHEMY CRAFT
520 W WHITTIER BLVD
MONTEBELLO, CA 90640-5234

CONDITIONS

7

OWNERS: GENTEFY INC.

Condition #19

IMPORTANT INFORMATION

EFFECTIVE PERIOD: This license is effective only for the operating period shown above. A new license will be sent 4 to 6 weeks after the expiration date on your license if payment is timely. Your license status will remain in good standing for 60 days after the expiration date if the renewal payment was received timely. To check the status of your license, visit http://www.abc.ca.gov/datport/LQSMenu.html.

RENEWAL NOTICES: Renewal notices are sent to premises address unless a specific mailing address is requested. If a notice is not received 30 days before expiration date shown above, contact the nearest ABC office. To assure receipt of notices, advise your local ABC office of any change in address.

RENEWAL DATES: It is the licensee's responsibility to pay the required renewal fee by the expiration date shown above. A Penalty is charged for late renewal and the license can be automatically revoked for failure to pay.

RENEWAL PAYMENTS: Renewal payments can be made in person by visiting your local office or sent by mail to ABC Headquarters, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834. If you do not have your renewal notice, your license number and the reason for payment (ex. ?renewal?) must be clearly indicated on the check. You can contact your local ABC office for your renewal fee amount.

SEASONAL LICENSES: It is the licensee's responsibility to pay the required renewal fee prior to the next operating period.

POSTING: Cover this license with glass or other transparent material and post it on premises in a conspicuous place.

CONDITIONS: A copy of all applicable conditions must be kept on premises.

LICENSEE NAME: Only 10 names will be printed on each license. If there are more names associated with the license, they will be indicated by "AND XX OTHERS". All names are on file and available upon request from your local ABC office.

DBA: If you change your business name please notify your local ABC office.

If you have any questions regarding this license, contact your local ABC office. You can find the contact information for each district office at http://www.abc.ca.gov/distmap.html.

NOTE: CONTACT YOUR LOCAL ABC OFFICE IF YOUR LICENSED PREMISES WILL BE TEMPORARILY CLOSED FOR MORE THAN 15 DAYS OR WILL BE PERMANENTLY CLOSED.

http://www.abc.ca.gov

@ca_abc CaliforniaABC

License Serial# 2816310

CITY OF MONTEBELLO

BUSINESS LICENSE

"For Services Provided in the City of Montebello, California Only"

2023

TO BE POSTED IN A CONSPICUOUS PLACE AND NOT TRANSFERABLE OR ASSIGNABLE.

Business Name	BLVD MRKT
Business Location	520 W WHITTIER BLVD MONTEBELLO, CA 90640-5234
Business Owner(s)	BLVD FOODS, LLC
License Description	COMMERCIAL RENTAL

BLVD MRKT
PO BOX 5024
WOODLAND HILLS, CA 91365-5021

License Number	10715385
Effective Date	January 01, 2023
Expiration Date	December 31, 2023

The person, firm or corporation above named is hereby granted license to engage in, carry on, in the CITY OF MONTEBELLO, CALIFORNIA, the business trading calling, profession, exhibition or occupation described above, for the period indicated. This license is permission only, not an endorsement of license.

For all inquiries regarding this license, contact HdL Business Tax Support Center at (323) 248-8614.

BLVD MRKT :

Thank you for your payment on your City of Montebello Business License. **ALL LICENSES MUST BE AVAILABLE FOR INSPECTION UPON REQUEST.** If you have questions concerning your business license, contact the Business Support Center via email at: montebello@hdlgov.com or by telephone at: (323) 248-8614.

Keep this portion for your license separate in case you need a replacement for any lost, stolen, or destroyed license. A fee may be charged for a replacement or duplicate license.

This certificate does not entitle the holder to conduct business before complying with all requirements of the Montebello Municipal code and other applicable laws, nor to conduct business in a zone where conducting such business violates law.

If you have a fixed place of business within the City of Montebello please display the Business License above in a conspicuous place at the premises. Otherwise, every Business License holder not having a fixed place of business in the City shall keep the Business License upon his or her person, or affixed in plain view any cart, vehicle, van or other movable structure or device at all times if required by the Collector.

Starting January 1, 2021, Assembly Bill 1607 requires the prevention of gender-based discrimination of business establishments. A full notice is available in English or other languages by going to: https://www.dca.ca.gov/publications/

BUSINESS LICENSING
8839 N CEDAR AVE #212
FRESNO, CA 93720-1832

City of Montebello

BUSINESS LICENSE

BLVD MRKT
PO BOX 5024
WOODLAND HILLS, CA 91365-5021

License Number:	**10715385**
Date of Issue:	**01/01/2023**

Condition #23

¡ESPERA!
NO ALCOHOLIC
BEVERAGES BEYOND
THIS POINT
BLVD MRKT
FIRE
FIRE

PORFA

NO OUTSIDE
FOOD OR BEVERAGES
ARE PERMITTED INSIDE

BLVD MRKT

FIRE

VICHOS

PUPUSERIA MODERNA

FIRE

¡ESPERA!
NO ALCOHOLIC
BEVERAGES BEYOND
THIS POINT
BLVD
MRKT
525

¡ESPERA!

BLVD MRKT

NO ALCOHOLIC BEVERAGES BEYOND THIS POINT

"Section 9.04.010 – Drinking in Public" of the Montebello Municipal Code"

Condition #30

WHITTIER
BLVD
BLVD MRKT
CAFÉ SANTO
mobile espresso bar
@cafe.santo
CHICKEN KOOP
CHICKENKOOP.COM

BLVD MRKT
PEZ CANTINA
PEZ CANTINA
CERVEZAS
TACOS
GOODIES

TAXI
877.722.2122

¡ESPERA!

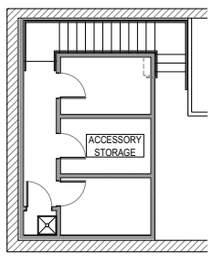
NO ALCOHOLIC
BEVERAGES BEYOND
THIS POINT

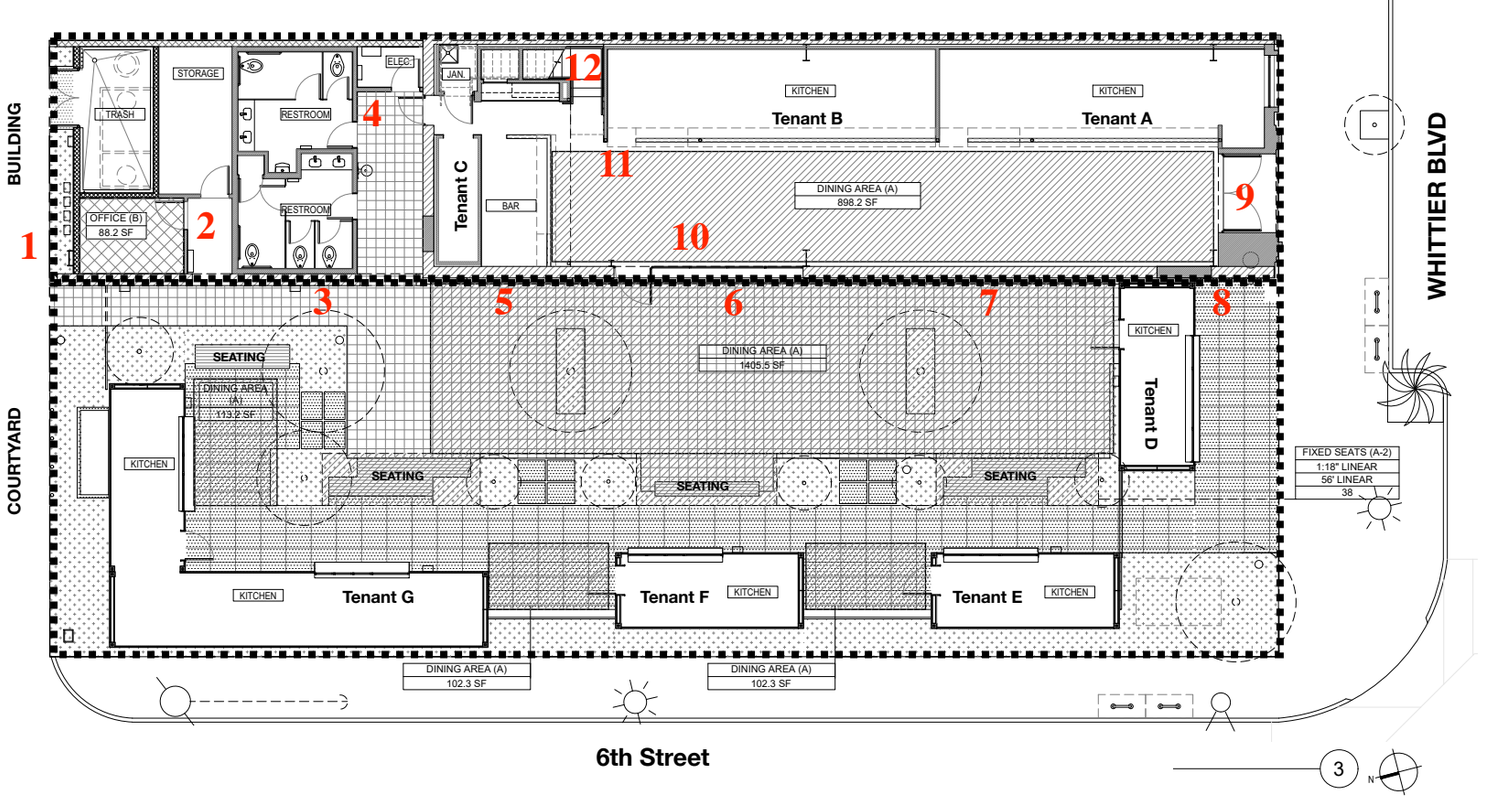
BLVD
MRKT

TAXI
877.722.2122

Z-29
FIRE
PUSH IN
PULL DOWN
FIRE-LITE ALARMS
by Honeywell

TAXI
877.722.2122





Lot Size	8613
Number of Fixed Seats	38
Square Footage of Seating / Dining Area	2621.5
Building Square Footage	3853.1
Courtyard Square Footage	4759.9

Tenant A	399
Tenant B	388
Tenant C	197
Tenant D	160
Tenant E	160
Tenant F	160
Tenant G	480
Total Leasable Square Footage	1944

#38(O)

Barney Santos
BLVD Foods, LLC
622 West Hart Place
Montebello, CA 90640

LICENSED ARCHITECT
SAMUEL A. RAMOS
C 37675
EXP. 6/30/21
STATE OF CALIFORNIA

BLVD MRKT

RETAIL DEVELOPMENT
520 WHITTIER BLVD
MONTEBELLO, CA 90640

No.	Date	Issue
	02/05/18	Entitlement Package
	03/15/18	100% SD Set
	08/02/18	100% DD Set
	12/20/18	Bid Set
	01/04/19	Addendum 1 to Bid Set
	01/22/19	Addendum 2 to Bid Set
	05/09/19	Value Engineering Set 1
	07/10/19	Value Engineering Set 2
1	08/21/19	Plan Check 2 Revisions

Cleared Call Search Results

Report Time:	08/07/2023 08:28	**Login ID:**	RIVERAN	**Jurisdiction:**	CA0194700: MONTEBELLO POLICE DEPARTMEN
Incident Number:		**Call Number:**		**Agencies:**	Police, Fire, EMS
From Date:	08/22/2022 00:00	**To Date:**	08/07/2023 23:59	**Phone Number:**	
Last Name:		**First Name:**		**Location:**	520 W WHITTIER BLVD, MONTEBELLO
Plate #:		**Plate State:**		**Include Canceled:**	No
Type:		**Priority:**		**Source:**	
Disposition:		**Unit:**		**Officer:**	
Narrative:					

Call Number	Create Date/Time	Call Type	Location		Primary Incident	Case Number
7375	8/27/2022 8:51	DETAIL	520 W	WHITTIER BLVD, MONTEBELLO	2022-00029793	
7485	8/27/2022 21:38	415MUS	520 W	WHITTIER BLVD, MONTEBELLO	2022-00029857	
9626	9/10/2022 13:17	415MUS	520 W	WHITTIER BLVD, MONTEBELLO	2022-00031216	
1278	9/21/2022 20:28	415FIG	520 W	WHITTIER BLVD, MONTEBELLO	2022-00032250	
1536	9/23/2022 20:06	415MUS	520 W	WHITTIER BLVD, MONTEBELLO	2022-00032421	
1806	9/25/2022 12:26	415MUS	520 W	WHITTIER BLVD, MONTEBELLO	2022-00032589	
4650	10/15/2022 20:08	415MUS	520 W	WHITTIER BLVD, MONTEBELLO		
4654	10/15/2022 20:41	415MUS	520 W	WHITTIER BLVD, MONTEBELLO	2022-00034539	
4663	10/15/2022 21:32	415MUS	520 W	WHITTIER BLVD, MONTEBELLO	2022-00034547	
9526	4/14/2023 21:17	415MUS	520 W	WHITTIER BLVD, MONTEBELLO	2023-00009478	
4028	5/13/2023 8:05	484R	520 W	WHITTIER BLVD, MONTEBELLO	2023-00012216	2023-00002966
4864	5/18/2023 7:28	SPEWAT	520 W	WHITTIER BLVD, MONTEBELLO	2023-00012708	

Open Date	Type	Department	Address	Notes
9/3/2023 14:43	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	09/03/2023 69.3 dBA measured 30ft into residential property (50 ft away from property line). Loud music consistently playing for 2.5 hours. CUP states noise at business should not exceed 65dBA at their property line. City has not notified me of any corrective actions. Business owner is aware of CUP noise requirements as stated and acknowledged in the presence of city officials including Joseph Palombi. Code enforcement requested to monitor amplified music events which take place approximately 5 times a week. Wednesday night, Friday night, Saturday morning, Saturday night, Sunday morning.
8/11/2023 22:40	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	Property consistently disturbing peace by not adhering to conditional use permit (hereafter refereed to as CUP). Property owner, city representatives, my property manager and I clarified CUP as the governing rules for noise levels and other conditions of use. This was supposed to mitigate the issue. City has been provided with more than 35 documented cases of suspected noise violations. City has confirmed business noise level violations with their code enforcement division on site. The city has not informed me of any corrective actions. 08/11/2023 10:17 PM Amplified music on a week day exceeding CUP noise level for duration of event. Noise level recorded at 74.4 dBA ; 14.4 dBA higher than what is allowed at or after 10PM.
7/24/2023 22:20	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	6/21/2023 Wed at 8:37 PM. Loud amplified music recorded at property, recorded 72.4 dBA. CUP states noise at this time shall not exceed 65 dBA ; Restrictions on amplified music during the week.
7/24/2023 22:15	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	6/23/2023 at 10:36 PM. loud music for duration of event at property. Recorded noise level at 70.9 dBA. CUP states that after 10 pm noise should not exceed 60 dBA.
7/24/2023 22:11	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	6/24/2023 loud music from event recorded music stoped playing at 12:07 AM on 6/25/2023. Recorded music at 66.4 dBA CUP states after 10 PM noise should not exceed 60 dBA. Music was much louder before it was recorded.
7/24/2023 22:04	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	6/25/2023 at 2:50 PM. Loud music playing at property recorded at 78.7 dBA. CUP states noise should not exceed 65 dBA. Music was loud for entirety of event.
7/24/2023 21:57	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	6/30 10:37 PM music recorded at 70.2 dBA. CUP requires noise shall not exceed 60 dBA past 10 PM.
7/24/2023 21:51	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	Loud amplified music recorded at 80.2 dBA playing on Wednesday 7/24/23. CUP states noise shall not exceed 65 dBA. Restrictions on amplified music outside and during the week.
8/24/2022 12:37	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	Picture attached
8/4/2022 18:06	Property Complaints	Planning - Code Enforcement	520 W Whittier Blvd Montebello 90640	Car & delivery truck/ food trailer was blocking alleyway unable to cross to the side of the other street. It happens often.

ITEM # 7

CITY OF MONTEBELLO
PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Joseph Palombi, Planning & Community Development Director

BY: Grace Hayashi, Assistant Planner

SUBJECT: **COMPLIANCE REVIEW FOR CONDITIONAL USE PERMIT ("CUP") NO. 24-19 FOR THE SALE OF BEER AND WINE (TYPE 20 – OFF-SALE BEER & WINE) AT A CONVENIENCE STORE OPERATED BY 7-ELEVEN, INC. AND LOCATED AT 2900 WEST BEVERLY BOULEVARD, SUITES A-B.**

DATE: September 26, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission of the City of Montebello ("Planning Commission") review, receive and file this report, attachments, and/or any other supportive evidence to confirm:

1. That 7-Eleven, Inc. (the "Applicant") has demonstrated compliance with the conditions of approval contained in Resolution No. 20-24/Conditional Use Permit 24-19 (Attachment "A").

FISCAL IMPACT:

None.

BACKGROUND:

- On August 6, 2019, the Applicant received denial for CUP 24-19 from the Planning Commission for a convenience store with a Type 20 License for the sale of beer and wine through Resolution No. 20-24.

- On March 25, 2020, City Council of the City of Montebello reversed the decision of the Planning Commission denying CUP 24-19 and approved CUP 24-19 through Resolution No. 20-24.
- On August 18, 2020, Building Permit No. B19-000-603 was issued for interior tenant improvements for the proposed convenience store.
- On October 20, 2020, a landscape plan for the project was approved by the City's Planning and Community Development Department.
- On December 2, 2020, Building Permit No. B19-000-603 received a final inspection and approval for the improvements from the City's Building Inspector.
- On May 27, 2021, Planning Staff conducted a site visit to confirm compliance with the conditions of approval outlined in Resolution No. 20-24.
- On June 15, 2021, the Planning Commission conducted a compliance review for CUP 24-19. At that meeting, the Planning Commission provided the following direction:
    - That Staff continue to provide compliance reviews for this business and other businesses with similar conditions of approval;
    - That the Applicant update signage to be in compliance with Condition No. 32 of Resolution No. 20-24; and
    - That the Applicant obtain approval of the security system from Montebello Police Department and complete the installation of the security system per the approved plan at 2900 West Beverly Boulevard before the next quarterly Compliance Review.
- On September 14, 2021, the Compliance Review was continued to the next available Planning Commission meeting at the request of the Applicant.
- On October 19, 2021, the Planning Commission conducted a compliance review for CUP 24-19 and determined the Applicant to be in compliance with the conditions of approval in CUP 24-19.
- On January 24, 2022, Planning Staff conducted a site visit to confirm compliance with the conditions of approval outlined in Resolution No. 20-24.
- On February 1, 2022, the Planning Commission conducted a compliance review for CUP 24-19 and determined the Applicant to be in compliance with the conditions of approval in CUP 24-19.
- On August 3, 2022, Planning Staff conducted a site visit to confirm compliance with the conditions of approval outlined in Resolution No. 20-24.
- On February 1, 2022, the Planning Commission conducted a compliance review for CUP 24-19 and determined the Applicant to be in compliance with the conditions of approval in CUP 24-19.
- On February 8, 2023, Planning Staff conducted a site visit to confirm compliance with the conditions of approval outlined in Resolution No. 20-24.
- On February 21, 2023, the Planning Commission conducted a compliance review for CUP 24-19 and determined the Applicant to be in compliance with the conditions of approval in CUP 24-19.
- On August 1, 2023, Planning Staff conducted a site visit to confirm compliance with the conditions of approval outlined in Resolution No. 20-24.

- On August 1, 2023, the Applicant was asked to provide proof of compliance with condition 31 (b) and 40, as outlined in Resolution No. 20-24 in Attachment A. The Applicant provided proof of compliance with conditions.

PROJECT/APPLICANT INFORMATION

Project Location: 2900 West Beverly Blvd, Suite A - B
Project Applicant: 7-Eleven, Inc.
Property Owner(s): Alina, LLC
General Plan Designation: Boulevard Commercial
Zoning: C-2 (General Commercial)
Existing Use on Property: Multi-tenant building

PROJECT SITE

Direction	Zone	Land Use
North	C-2	General Commercial
South	C-2	General Commercial
East	C-2	General Commercial
West	C-2	General Commercial

COMPLIANCE REPORT

Pursuant to Resolution No. 20-24, Condition No. 45 (Attachment “A”) – “The Applicant and operator shall prepare and submit a quarterly project compliance report. This report is due quarterly for the first three (3) years of operation and annually during the first quarter of the year every three (3) years thereafter. The compliance report must be submitted to the Director of Planning and Community Development to demonstrate compliance with the Conditional Use Permit .” The next compliance report will be due by August 1st, 2024.

POLICE CALL OF SERVICE

The Montebello Police Department has confirmed a total of 21 calls of service between February 1, 2023, to August 20, 2023, as shown in Attachment D.

ENVIRONMENTAL:

None.

ANALYSIS:

None.

SUMMARY:

The results of the compliance review for 7-11, Inc. show that the business is in compliance with the conditions contained in in Resolution No. 20-24, pending the applicant completing the additional items referenced above. Based on the findings contained in this report including all attachments, it is recommended that this information be received and filed.

ATTACHMENT(S)

1. Attachment A. Resolution No. 20-24
2. Attachment B. 7 Eleven Compliance Report
3. Attachment C. Compliance Report Exhibits
4. Attachment D. Police Department Call Log

RESOLUTION NO. 20-24

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO REVERSING THE DECISION OF THE PLANNING COMMISSION DENYING CONDITIONAL USE PERMIT (CUP 24-19) TO ALLOW THE SALES OF ALCOHOL (TYPE 20 LICENSE) WITHIN A NEW CONVIENENCE STORE LOCATED AT 2900 WEST BEVERLY BOULEVARD, SUITE A-B

WHEREAS, Conditional Use Permit (CUP 24-19) application was received and accepted;

WHEREAS, CUP 24-19 would allow sales of alcohol (type 20 License) within a new convenience store located at 2900 West Beverly Boulevard, Suite A-B;

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Montebello is the lead agency for the proposed Project;

WHEREAS, CUP 24-19 is considered a "project," as per the California Environmental Quality Act definition of a "project";

WHEREAS, the project is Categorically Exempt per CEQA Section §15301, Class 1 (Existing Facilities); and

WHEREAS, a duly notice public hearing on the proposed Project was held on August 6, 2019, at which the Planning Commission received and considered staff presentations, recommendations, public testimony, and all other maters presented at the public hearing and included in the record for this matter; and

WHEREAS, at the August 6, 2019 public hearing, the Planning Commission denied CUP 24-19; and

WHEREAS, an appeal was filed by the applicant in a timely manner and this City Council is now required to hold a public hearing and make the same findings and consider the same criteria as required of the Planning Commission; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Montebello hereby resolves, finds, and declares as follows:

SECTION 1. The foregoing recitals are true and correct and are hereby incorporated as substantive findings in this Resolution.

SECTION 2. The City Council hereby reverses the decision of the Planning Commission denying CUP 24-19 and approves CUP 24-19 based on the findings below.

SECTION 3. The City Council approves and adopts a CEQA Categorical Exemption, Class 1 ("Existing Facilities") for the Project, in accordance with CEQA Guidelines Section 15301, based on the following findings:

1. The Project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designations and regulations. No General Plan Amendment or Zone Change will be required to accommodate the proposed Project; and

2. The Project involves negligible expansion of use to the current restaurant use and no expansion of the physical structure or floor area in which the use is operating.

SECTION 4. That the City Council hereby finds and declares as follows:

1. The proposed use conforms with the City of Montebello General Plan Land Use Element, Goal 1, "[T]o formulate a plan which is responsive to the needs of the community and which permits the orderly arrangement of land uses, permitting sufficient areas for reasonable development;" Objective #3, "cluster" type commercial development is preferential to proliferation of strip commercial;" Policy Commercial #1, "Commercial development in the City should be sited in appropriate locations according to need," and Commercial Policy #4. "The City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City"; because the Project site is currently vacant underutilized space, and the Project will occupy the existing commercial space and provide a service to the community while bringing tax revenues to the City.

2. Pursuant to Montebello Municipal Code, Title 17, Section 17.61.050, the proposed Project:

    a. Is consistent with the purposes and intent of Chapter 17.61 – Alcoholic Beverage Establishments – of the Montebello Municipal Code.

        The subject site is zoned for commercial uses and will continue to be utilized as such with the new convenience store. The proposed sale of beer and wine for off-site consumption would complement the new convenience store operated by 7-Eleven and would occupy a space within an existing commercial space that is currently vacant. The operator will install advanced security equipment that includes indoor/outdoor circuit cameras with audio capabilities and colored monitors to enhance security measures for the surrounding area. In addition to the sale of beer and wine for off-site consumption, the operator is committed to providing healthy fresh food delivered daily. These amenities would promote and preserve a healthy environment consistent with Chapter 17.61 of the MMC.

    b. Would not adversely affect the general welfare of the surrounding property owners;

        The approval of the conditional use request will not adversely affect the general welfare of the community. The property is zoned for commercial use and will continue to be utilized as such with the subject convenience store. With oversight from the California Department of Alcoholic Beverage Control and conditions which have been imposed upon the convenience store as well as the subject site, the project will be compatible with the character of the immediate neighborhood.

    c. Would not result in an undesirable concentration of premises for the sale of alcoholic beverages in the area in light of the findings set forth below.

The subject request would allow the sale of beer and wine for off-site consumption. Pursuant to Condition No. 41, the operator would be required to acquire one additional alcohol license within the City of Montebello within two years of the effective date of the conditional use permit with the option for a one year extension. Nevertheless, the subject site is located within a census tract that is statutorily "over concentrated." It is noted that 7-Eleven would offer a different mix of merchandize including healthy selection of grab and go food options.

d. Would not detrimentally affect the nearby surrounding area after giving special consideration to the proximity and nature of the proposed use with respect to other on-sale or off-sale alcoholic beverage establishments, residential districts and uses, 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 subject site is zoned for commercial uses and will continue to be utilized as such with the new convenience store. As mentioned above, 7-Eleven would offer a variety of snacks, including healthy food options, and a variety of medicines to serve the local community. Sensitive uses located within 600-feet include Ashiya Park and Temple B'nai Emet. These sensitive uses are buffered by other business establishments and public streets. The security measures, lockable cooler doors and conditions of approval would help mitigate any potential concerns associated with the new convenience store.

e. Would not aggravate existing problems created by the sale of alcohol (e.g. littering, loitering, noise, public drunkenness, calls for service, and sales to minors); and

   The proposed Project would not aggravate existing problems created by the sale of alcohol. There will be added food amenities including healthy food options at a currently underutilized vacant commercial space. In addition, 7-Elevent is committed to becoming a community partner by donating fresh bottled water pallets to local high school athletic programs as well as contributing toward educational effort targeting youth crime prevention. Furthermore, 7-Eleven would install a surveillance system surrounding the building with indoor and outdoor closed circuit cameras with audio capabilities, silent alarm system, and colored high definition monitors. Additional lighting will be installed in the parking lot as part of upgrades to the landscaping and façade of the commercial center for customer and community safety. Adequate checks will be implemented through a point of sale system on all age restricted products. In addition, the conditions of approval will help mitigate any issues associated with the proposed sale of beer and wine for off-site consumption.

f. Is in conformance with the goals, policies, and objectives of the general plan and the purpose and intent of this code and any applicable specific plan.

   There are 12 elements of the General Plan. Each of these elements establishes policies that provide for the regulatory environment in managing the City and for addressing environmental concerns and problems. The Land Use Element of the City's General Plan designates the subject site as Boulevard Commercial (B-C) land uses with corresponding commercial

zones. The subject site is zoned C-2 and the proposed use conforms to the following objectives of the General Plan: Objective No. 3, "cluster" type commercial development is preferential to proliferation of strip commercial;" Policy Commercial #1, "Commercial development in the City should be sited in appropriate locations according to need," and Commercial Policy #4. "The City should contain ample commercial facilities to meet the needs of its residents as well as provide taxable revenues to the City"; therefore, the proposed Project is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of the Zoning Code because the Project site currently consists of vacant underutilized commercial space, and the Project will occupy the existing vacant commercial space and provide a service to the community while bringing tax revenues to the City.

SECTION 5. The City Council finds and declares that the foregoing conditions of approval are necessary and appropriate, and therefore adopts and imposes such conditions on the Project:

1. The applicant shall defend, indemnify, and hold harmless the city, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the city, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the city, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the applicant, the city and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the applicant's obligation to indemnify the city for all the city's costs, fees, and damages that the city incurs in enforcing the indemnification provisions set forth herein. The city shall have the right to choose its own legal counsel to represent the city's interest in the proceedings.

2. The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development to be in substantial compliance with these provisions.

3. The development of the subject site shall be consistent with all of the provisions of the Montebello Municipal Code (MMC) and Conditional Use Permit (CUP24-19).

4. The Director of Planning and Community Development, at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These condition(s) may be modified, or new condition(s) added to reduce any impacts of the use. The Planning Commission may revoke the Conditional Use Permit (CUP24-19) if sufficient cause is given.

5. Any change in ownership, lease and/or any other change should be given written notice to the Director of Planning and Community Development prior to the change.

6. The applicant or successor in interest shall meet the applicable Code requirements and all other City Departments regulations.

7. All applicable conditions of approval from previous entitlements on the property shall remain in full force and effect, unless otherwise specifically noted in this Resolution.

8. The property owner will 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.

9. Any change, expansion, intensification and/or modification to the proposed plans use, or mode of operations shall be subject to the review and approval by the Director of Planning and Community Development who may take action or call for review by the Planning Commission at a noticed public hearing.

10. The property owner shall have all graffiti on-site removed within 24 hours of its appearance.

11. The operation of the said use shall at all times be conducted in a manner not detrimental to surrounding properties or residents because of lights, noise, activities, parking or other actions.

12. All employees of the businesses on-site shall be out of the premises no later than one hour after closing. No "after hours" operations shall be permitted.

13. No loitering in the parking area and shall control noisy patrons leaving the location. Signs shall be posted notifying customers of the courtesy to adjacent residential uses. The size, content, and location of the sign(s) are subject to the review and approval of the Director of Planning and Community Development prior to installation.

14. All business operators shall take the necessary steps to assure the orderly conduct of employees, patrons, and visitors on the premises.

15. The establishment shall maintain all required permits and/or licenses for the sale of beer and wine in good standing.

16. The parking area shall be sufficiently lit and secured to discourage loitering and/or late night activity.

17. This approval shall not supersede the approval of any other responsible agencies. The applicant shall comply with all Federal, State and local laws.

18. The approval of this Conditional Use Permit (CUP24-19) shall expire if the rights granted are not exercised within two (2) years from the effective date of this Resolution. Exercise of rights shall mean the issuance of an ABC license to the applicant.

19. The approval of this Conditional Use Permit (CUP24-19) can be extended up to and not to exceed an additional two (2) years with a written request by the property owner stating the reason and need for an extension and upon review and approval by the Director of Planning and Community Development.

20. In the event of a violation of the conditions of approval, no further permits, licenses, approvals or certificates of occupancy shall be issued until such violation has been fully remedied.

21. The premises shall be kept clean, and the operator of the establishment shall ensure that no trash or litter originating from the site is deposited onto neighboring properties or public right-of-way.

22. If at any time, a litter problem arises, the Director of Planning and Community Development may require a litter clean-up plan to be submitted and reviewed. The litter clean-up plan shall include a schedule of time and frequency of litter clean-up activities. Upon approval of the plan by the Director of Planning and Community Development, the measures of the plan shall be implemented. This condition may require the operator of the use to post a bond to ensure litter compliance.

23. The development and utilization of the site shall comply with all the provisions of all of the current Building, Plumbing, Mechanical, Electrical Codes, and City Ordinances, as well as additional requirements from the Montebello Building and Safety Division.

24. The development and utilization of the site shall be subject to the review and approval of the Public Works Department. Additional Montebello Public Works Department requirements may be required prior to issuing building permits.

25. The development and utilization of the site shall comply with all the provisions of all of the California Fire Code, International Fire Code, and National Fire Protection Association standards as well as additional requirements from the Montebello Fire Department.

26. No pay telephone(s) on the exterior of the premises.

27. Exterior storage of any kind shall be prohibited.

28. No alcohol shall be consumed on the premises.

29. That no signs shall be installed on the site until a sign permit has been issued

30. The Planning Commission and the City Council on appeal shall have the right to impose additional conditions for the protection of the public health, safety, and welfare.

31. The following Mandatory Conditions of Approval for on-sale alcoholic beverage establishments (Section 17.61.080) shall be met, where applicable to the said use.

    a. Any off-sale alcoholic beverage establishments seeking to sell or store motor fuels on the same premises as alcoholic beverages shall comply with the following conditions:

    b. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.

    c. No advertisements of alcoholic beverages shall be displayed at motor fuel islands and no self-illuminated advertising for alcoholic beverages shall be located on buildings or windows.

d. No sale of alcohol beverages shall be made from a drive-up window.

e. No display or sale of beer or wine shall be made from an ice tub.

f. Employees on duty between the hours of ten p.m. and two a.m. shall be at least twenty-one years of age to sell beer and wine.

g. The permittee at all times shall comply with all terms and provisions of the license issued by the State Department of Alcoholic Beverage Control and/or the terms and provisions of the Alcoholic Beverage Control Act.

h. No sale of single containers of beer and/or wine coolers shall be made.

i. In addition to the conditions enumerated above, additional conditions may be imposed by city staff.

j. That the noise levels generated by the operation of such establishment shall not exceed sixty-five dBA between the hours of seven a.m. to ten p.m., and not exceed sixty dBA between the hours of ten p.m. to seven a.m., so as to mitigate the impact on adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.

k. That exterior lighting of the parking area shall be kept at an intensity of between one- and two-foot candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be shielded from adjacent properties and from the sky.

l. The sorting of empty bottles and other recyclable products shall be limited to the hors between eight a.m. to nine p.m. daily.

m. That the sale of alcoholic beverages for consumption on premises shall be prohibited and appropriate posting of signs stating that drinking on the premises is prohibited by law shall be posted both inside and outside the establishment. The premises shall include the establishment proper and/or the appurtenant common area if located in a commercial center.

n. That special security measures such as burglar alarm systems as specified by the police department may be required.

o. That exterior public telephones that permit incoming calls may not be located on the premises.

p. That exterior storage of any kind shall be prohibited.

q. That litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of

such establishments shall remove trash and debris on a daily basis.

r. That paper or plastic cups shall not be sold or given away in quantities less than their usual and customary packaging.

s. That no signs shall be installed on the site until a sign permit has been approved by the building and safety division and the planning department in conformance with the provisions set forth in Chapter 17.62 of the Montebello Municipal Code.

32. Per 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, citing Section 9.04.010 of the Montebello Municipal Code.

33. Premises shall be kept clean and the operator of the establishment shall ensure that no trash or litter originating from the site is deposited onto neighboring properties or public right-of-way.

34. The management of any establishment selling alcohol shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.

35. The owner of the establishment shall maintain all required permits and/or licenses for the sale of alcoholic beverages in good standing.

36. No person shall sell alcoholic beverages for on-premises 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.

37. In addition to the conditions enumerated above, any other condition may be imposed by city staff.

38. There shall be no exterior advertising of any kind or interior window signage visible from the exterior, advertising the sale of alcoholic beverages.

39. No alcoholic beverages shall be stored, maintained, displayed or sold from an ice tub.

40. Beer, malt liquor, wine cooler and any other similar type of alcoholic beverage shall be sold and purchased in minimum quantities of 6 or more, except that wine coolers may be sold and purchased in minimum quantities of 4 or more. The applicant shall not display, offer for sale or sell single units of such alcoholic beverages in any size. Further, the applicant shall not store, maintain, display, and offer to sell or sell the following sized containers of such alcoholic beverages: 32 ounces, 40 ounces, 64 ounces or greater.

41. The subject alcoholic beverage license shall not be exchanged for any other type of on-sale license.

42. Before the location opens, all employees who will sell alcoholic beverages shall be required to attend either ABC LEAD training or a comparable in-house training program approved by the Director of Community Department. If the employees

are hired after the location is open, they shall be required to attend LEAD training or the approved in-house training within thirty (30) days of their hire date.

43. The sale of alcoholic beverages shall be limited between the hours of 6:00 a.m. to 2:00 a.m. Monday through Sunday. During the hours that the sale of beer and wine are not permitted the coolers must be locked to prohibit customers from purchasing alcohol.

44. The applicant shall post a permanent sign or signs complying with 16-31 PC, "Possession of Opened Alcoholic Beverages containers on the premise is prohibited by law. The sign or signs shall be posted in areas that are clearly visible to patrons at all times.

45. The applicant and operator shall prepare and submit a quarterly project compliance report. This report is due quarterly for the first three years of operation and annually during the first quarter of the year every three years thereafter. The compliance report must be submitted to the Director of Planning and Community Development to demonstrate compliance with the Conditional Use Permit.

46. The applicant and operator shall acquire one additional alcohol license within the City of Montebello within two years of the effective date of the conditional use permit. A one-year extension would be allowed to comply with this condition.

47. The property owner shall prepare and submit a landscape plan for review and approval by the Planning and Community Development Department within six months of the effective date of the Conditional Use Permit. The landscape plan shall include enhancements to the parking area and perimeter of the subject property and must be approved within the first year of operation.

SECTION 6. Council decisions contrary to Planning Commission Action. Per MMC 17.78.130, if the decision of the City Council is in any way contrary to the action taken by the Planning Commission, including a decisions regarding the approval or denial of a conditional use permit (MMC 17.70.140), the City Council is required to refer its findings to the Planning Commission and request a further report of the Planning Commission on the matter. Failure of the Planning Commission to report to the City Council within forty (40) days after reference may be deemed to be approval by the Planning Commission.

SECTION 7. The City Council's decision reversing the Planning Commission's decision denying CUP 24-19 and approving CUP 24-19 shall go into effect upon the earlier date of: (i) the Planning Commission issues a further report to the City Council; or (ii) forty days after the City Council refers its findings. (MMC 17.78.130).

PASSED AND ADOPTED this 25th day of March, 2020 by the City Council.

Salvador Melendez, Mayor

ATTEST:

Irma Barajas, City Clerk

APPROVED AS TO FORM:

Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF MONTEBELLO)

I, Irma Barajas, City Clerk of the City of Montebello, do hereby certify that the foregoing City Council Resolution No. 20-24 was duly and regularly approved and adopted by the City Council of the City of Montebello at their meeting held on the 25th day of March, 2020, as approved by law by the following vote:

AYES: Hadjinian, Cobos-Cawthorne, Jimenez, Torres, Melendez
NOES: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City on the 26th day of March, 2020.

IRMA BARAJAS, City Clerk

CONDITION #	CONDITIONS OF APPROVAL - QUARTERLY REVIEW 8/1/23	DATE/ONGOING/N/A	EXHIBIT #	
1	The applicant shall defend, indemnify, and hold harmless the city, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the city, its elected and appointed offcials agents, officers, or employees arising out of, or which are related to the applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the city, if any, and cost of suit, attorney's fees, and other costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the applicant, the city and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the applicant's obligation to indemnify the city for all the city's costs, fees, and damages that the city incurs in enforcing the indemnification provisions set forth herein. The city shall have the right to choose its own legal counsel to represent the city's interest in the proceedings.	Ongoing		
2	The utilization of the subject site shall conform to the allowed use, except as provided for herein and by subsequent revisions found by the Director of Planning and Community Development to be in substantial compliance wit these provisions	Ongoing		
3	The development of the subject site shall be consistent with all of the provisions of the Montebello Municipal Code (I	Ongoing		
4	The Director of Planning and Community Development, at any time, can call for a review of the approved conditions of approval at a duly noticed public hearing before the Planning Commission. These Conditions 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 (CUP24-19) if suffcient cause is given.	Ongoing		
5	Any change in ownership, lease and/or any other change should be given written notice to the Director of Planning a	Ongoing		
6	The applicant or successor in interest shall meet the applicable Code requirements and all other City Departments reg	Ongoing		
7	All applicable conditions of approval from previous entitlements on the property shall remain in full force and effect,	Ongoing		
8	The property owner will 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.	Ongoing		

9	Any change, expansion, intensification and/or modification to the proposed plans use, or mode of operations shall be subject to the review and approval by the Director of Planning and Community Development who may take action or call for review by the planning commission at a noticed public hearing.	Ongoing		
10	The property owner shall have all graffiti on-site removed within 24 hours of its appearance.			
11	The operation of the said use shall at all times be conducted in a manner not detrimental to surrounding properties o	Ongoing		
12	.All employees of the businesses on-site (off) shall be out of the premises no later than one hour after closing. No "af	N/A 24 hours operation		
13	No loitering in the parking area and shall control noisy patrons leaving the location. Signs shall be posted notifying customers of the courtesy to adjacent residential uses. The size, content, and location of the signs are subject to the review and approval of the Director of Planning and Community Development prior to installation.	12/22/2020		
14	All business operators shall take the necessary steps to assure the orderly conduct of employees, patrons, and visitor	Ongoing		
15	The establishment shall maintain all required permits and/or licenses for the sale of beer and wine in good standing.	Ongoing		
16	The parking area shall be sufficiently lit and secured to discourage loitering and/or late night activity.	In Compliance well lt		
17	This approval shall not supersede the approval of any other responsible agencies. The applicant shall comply with all	In Compliance		
18	The approval of this Conditional Use Permit (CUP24-19) shall expire if the rights granted are not exercised within two (2) years from the effective date of this Resolution. Exercise of rights shall mean the issuance of a license to the applicant.	Open 12/22/20		
19	The approval of this Conditional Use Permit (CUP24-19) can be extended up to and not to exceed an additional two (2) years with a written request by the property owner stating the reason and need for an extension an upon review and approval by the Director of Planning and Community Development.	Open 12/22/20		
20	In the event of a violation of the conditions of approval, no further permits, licenses, approvals or certificates of occu	Ongoing		
21	The premises shall be kept clean, and the operator of the establishment shall ensure that no trash or litter originating from the site is deposited onto neighboring properties or public right -away.	Ongoing		

22	If at any time, a litter problem arises, the Director of Planning and Community Development may require a litter clean-up plan to be submitted and reviewed. The litter clean-up plan shall include a schedule of time and frequency of litter clean-up activities. Upon approval of the plan by the Director of Planning and Community Development, the measures of the plan shall be implemented. This condition may require the operator of the use to post a bond to ensure litter compliance.	Ongoing		
23	The development and utilization of the site shall comply with all the provisions of all of the current Building, Plumbing, Mechanical, Electrical Codes, and City Ordinances, as well as additional requirements from the Montebello Building and Safety Divison.	Ongoing		
24	The development and utilization of the site shall be subject to the review and approval of the Public Works Department. Additional Montebello Public Works Department requirements may be required prior to issuing building permits.	Compliance Opne 12/22/		
25	The development and utilization of the site shall comply with all the provisions of all of the California Fire Code, International Fire Code, and National Fire Protection Association standars as well as additonal requirements from Montebello Fire Department.	In Compliance		
26	No pay telephone(s) on the exterior of the premises.	In Compliance		
27	Exterior storage of any kind shall be prohibited.	In Compliance		
28	No alcohol shall be consumed on the premises.	Ongoing		
29	That no signs shall be installed on the site until a sign permit has been issued	Ongoing		
30	The Planning Commission and the City Council on appeal shall have the right to impose additional conditions for the p	Ongoing		
31	The following Mandatory Conditions of Approval for on-sale alcoholic beverage establishments (Section 17.61.080) sh	N/A we are off-sale		
a.	Any off-sale alcoholic beverage establishments seeking to sell or store motor fuels on the same premises as alcoholic	N/A Not a gas station		
b.	No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently a	In Complaince		
c.	No advertisements of alcoholic beverages shall be displayed at motor fuel islands and no self-illuminated advertising	N/A		

d.	No sale of alcohol beverages shall be made from a drive-up window.	N/A		
e.	No display or sale of beer or wine shall be made from an ice tub.	In Compliance		
f.	Employees on duty between the hours of ten p.m. and two a.m. shall be at least twenty-one years of age to sell beer	In Compliance		
g.	The permittee at all times shall comply with all terms and provisions of the license issued by the State Department of Alcoholic Beverage Control and/or the terms and provisions of the Alcohol Beverage Control Act.	In Compliance Ongoing		
h.	No sale of single containers of beer and/or wine coolers shall be made.	Compliance - no single sale		
i.	In addition to the conditions enumerated above, additional conditions may be imposed by city staff.	Ongoing		
j.	That the noise levels generated by the operation of such establishment shall not exceed sixty-five dBA between the hours of seven a.m. to ten p.m., and not exceed sixty dBA between the hours of seven am., to ten p.m. and notexceed sixty dBA between the ours of ten pm. and seven am, so as to mitigate the impact on adjoining properties zoned or used for residential purposes. The measurement of noise levels shall be taken at the location of the shared property line.	In Compliance		
k.	That exterior lighting of the parking area shall be kept at an intensity of between one- and two-foot candles, so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Light sources shall be shielded from adjacent properties and from the sky.	In Compliance		
l.	The sorting of empty bottles and other recyclable products shall be limited to the hors between eight a.m. to nine p.r	Ongoing		
m.	That the sale of alcoholic beverages for consumption on premises shall be prohibited and appropriate posting of signs stating that drinking on the premises is prohibited by law shall be posted both inside and outside the establishment The premises shall include the establishment proper and/or the appurtenant common area if located in a commercial center.	12/22/20 Signs posted	Exhibit 1	
n.	That special security measures such as security guards and burglar alarm systems as specified by the police departme	8/21 abd 8/11/21 Camersas		
o.	That exterior public telephones that permit incoming calls may not be located on the premises.	In Compliance	Exhibit 2	

p.	That exterior storage of any kind shall be prohibited.	In Compliance Ongoing	Exhibit 2	
q.	That litter and trash receptacles shall be located at convenient locations inside and outside establishments, and operators of such establishments shall remove trash and debris on a daily basis.	Ongoing	.	
r.	That paper or plastic cups shall not be sold or given away in quantities less than their usual and customary packaging	In Compliance Ongoing		
s.	That no signs shall be installed on the site until a sign permit has been approved by the building and safety division and the planning department in conformance with the provisions set forth in Chapeter 17.62 of the Montebello Muncipal Code.	Ongoing		
32	Per 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, citing Section 9.04.010 of the Montebello Municipal Code.	7/11/21 corrected sign posted inside & Outside	Exhibit 1 & 2	
33	Premises shall be kept clean and the operator of the establishment shall ensure that no trash or litter originating from the site is deposited onto neighboring properties or public right-of-way	Ongoing		
34	. The management of any establishment selling alcohol shall take the necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.			
35	The owner of the establishment shall maintain all required permits and/or licenses for the sale of alcoholic beverages	Ongoing		
36	No person shall sell alcoholic beverages for on-premises 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	Ongoing		
37	In addition to the conditions enumerated above, any other condition may be imposed by city staff.	Ongoing		
38	There shall be no exterior advertising of any kind or interior window signage visible from the exterior, advertising the sale of alcoholic beverages.	In Compliance Ongoing	Exhibit 2, 6	
39	No alcoholic beverages shall be stored, maintained, displayed or sold from an ice tub.	In Compliance Ongoing		

40	Beer, malt liquor, wine cooler and any other similar type of alcoholic beverage shall be sold and purchased in minimum quantities of 6 or more, except that wine coolers may be sold and purchased in miniimum quantuies of 4 or more. The applicant shall not display, offer for sale or sell single units of such alcoholic beverages in any size. Further, the applicant shall not store, maintain, display, and offer to sell or sell the following sized containers of such alcoholic beverages: 32 ounces, 40 ounces, 64 ounces or greater.	22/21 Completed - Ongo		
41	. The subject alcoholic beverage license shall not be exchanged for any other type of on-sale (Off) license.	Ongoing		
42	Before the location opens, all employees who will sell alcoholic beverages shall be required to attend either ABC LEAD training or a comparable in-house training program approved by the Direct or of Community Department. If the employees are hired after the location is open, they shall be required to attend LEAD training or the approved in-house training within thirty (30) days of their hire date.	4/2/20 - current Ongoin	Exhibit 4	
43	The sale of alcoholic beverages shall be limited between the hours of 6:00 a.m. to 2:00 a.m. Monday through Sunday. During the hours that the sale of beer and wine are not permitted the coolers must be locked to prohbit customers from purchasing alcohol.	/22/21 installed - Ongoi		
44	The applicant shall post a permanent sign or signs complying with 16-31 PC, "Possession of Opened Alcoholic Beverages containers on the premise is prohibited by law. The sign or signs shall be posted in areas that are clearly visible to patrons at all times	7/1/21 Completed	Exhibit 1. 3	
45	The applicant and operator shall prepare and submit a quarterly project compliance report. This report is due quarterly for the first three years of operation and annually during the first quarter of the year every three years	Ongoing	Attached	
46	The applicant and operator shall acquire one additional alcohol license within the City of Montebello within two years of the effective date of the conditional use permit. A one year extension would be allowed to comply with this condition.	15/21 Completed purcha	Exhibit 5	
47	The property owner shall prepare and submit a landscape plan for the review and approval by the Planning and Community Development Department within six months of the effective date of Conditional Use Permit. The Landscape plan shall include enhancements to the parking area and perimeter of the subject property and must be approved within the first year of operation.	12/22/20 Completed	12/22/2020	

48	Security Plan - location of cameras marked in red on site and floor plan. Please Refer to power point for secuirty plar	1st set cameras installed 7/23/21 2nd set installed 8/11/21	Exhibit 19 Power Point & Exhibit 8-14	

EXHIBIT 1

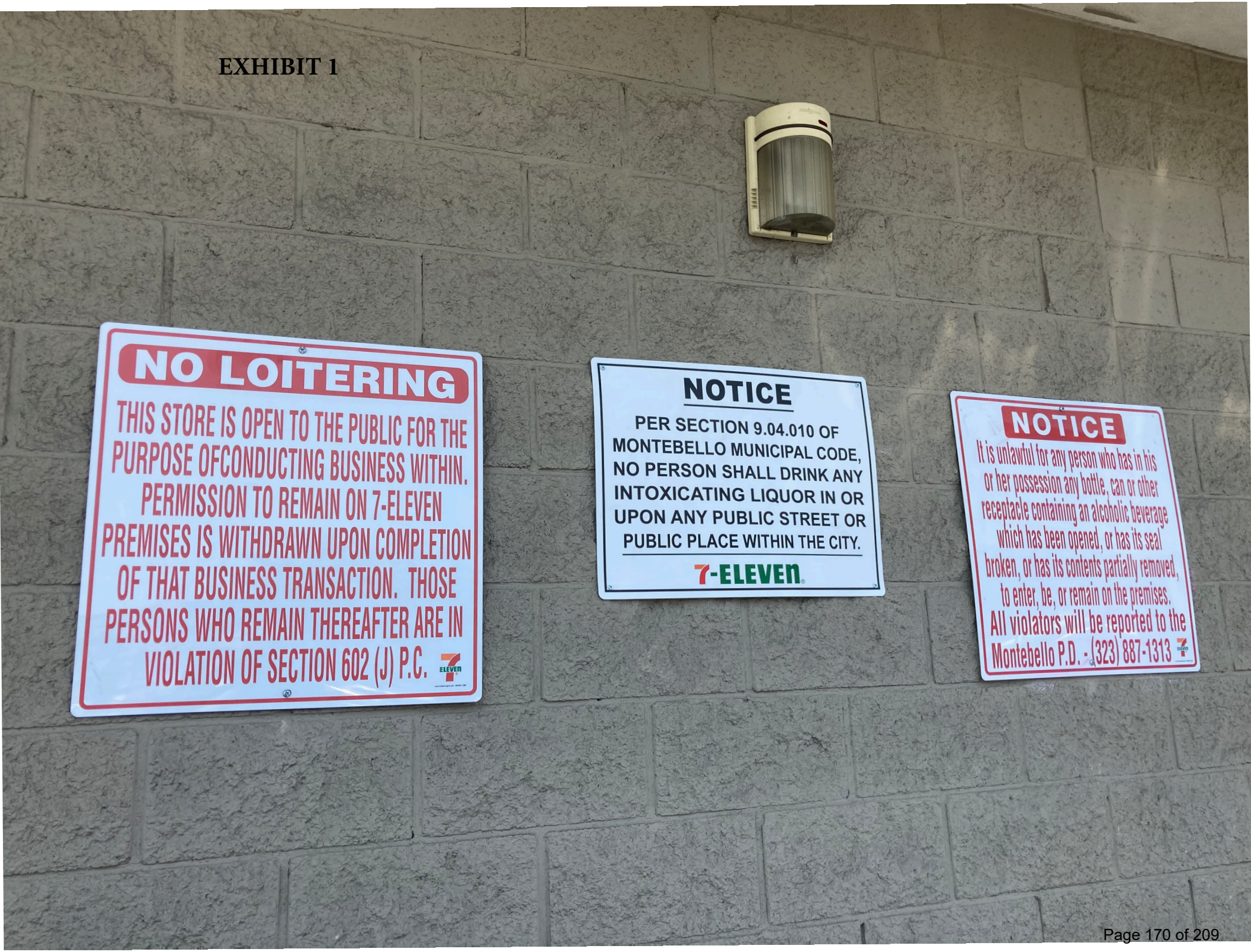

NO LOITERING
THIS STORE IS OPEN TO THE PUBLIC FOR THE PURPOSE OFCONDUCTING BUSINESS WITHIN. PERMISSION TO REMAIN ON 7-ELEVEN PREMISES IS WITHDRAWN UPON COMPLETION OF THAT BUSINESS TRANSACTION. THOSE PERSONS WHO REMAIN THEREAFTER ARE IN VIOLATION OF SECTION 602 (J) P.C.
NOTICE
PER SECTION 9.04.010 OF MONTEBELLO MUNICIPAL CODE, NO PERSON SHALL DRINK ANY INTOXICATING LIQUOR IN OR UPON ANY PUBLIC STREET OR PUBLIC PLACE WITHIN THE CITY.
7-ELEVEN
NOTICE
It is unlawful for any person who has in his or her possession any bottle, can or other receptacle containing an alcoholic beverage which has been opened, or has its seal broken, or has its contents partially removed, to enter, be, or remain on the premises.
All violators will be reported to the Montebello P.D. - (323) 887-1313

EXHIBIT 2

2900
BOGO Mix & Match
ROUND UP FOR REWARDS
NO LOITERING
THIS STORE IS OPEN TO THE PUBLIC FOR THE PURPOSE OFCONDUCTING BUSINESS WITHIN. PERMISSION TO REMAIN ON 7-ELEVEN PREMISES IS WITHDRAWN UPON COMPLETION OF THAT BUSINESS TRANSACTION. THOSE PERSONS WHO REMAIN THEREAFTER ARE IN VIOLATION OF SECTION 602 (J) P.C.
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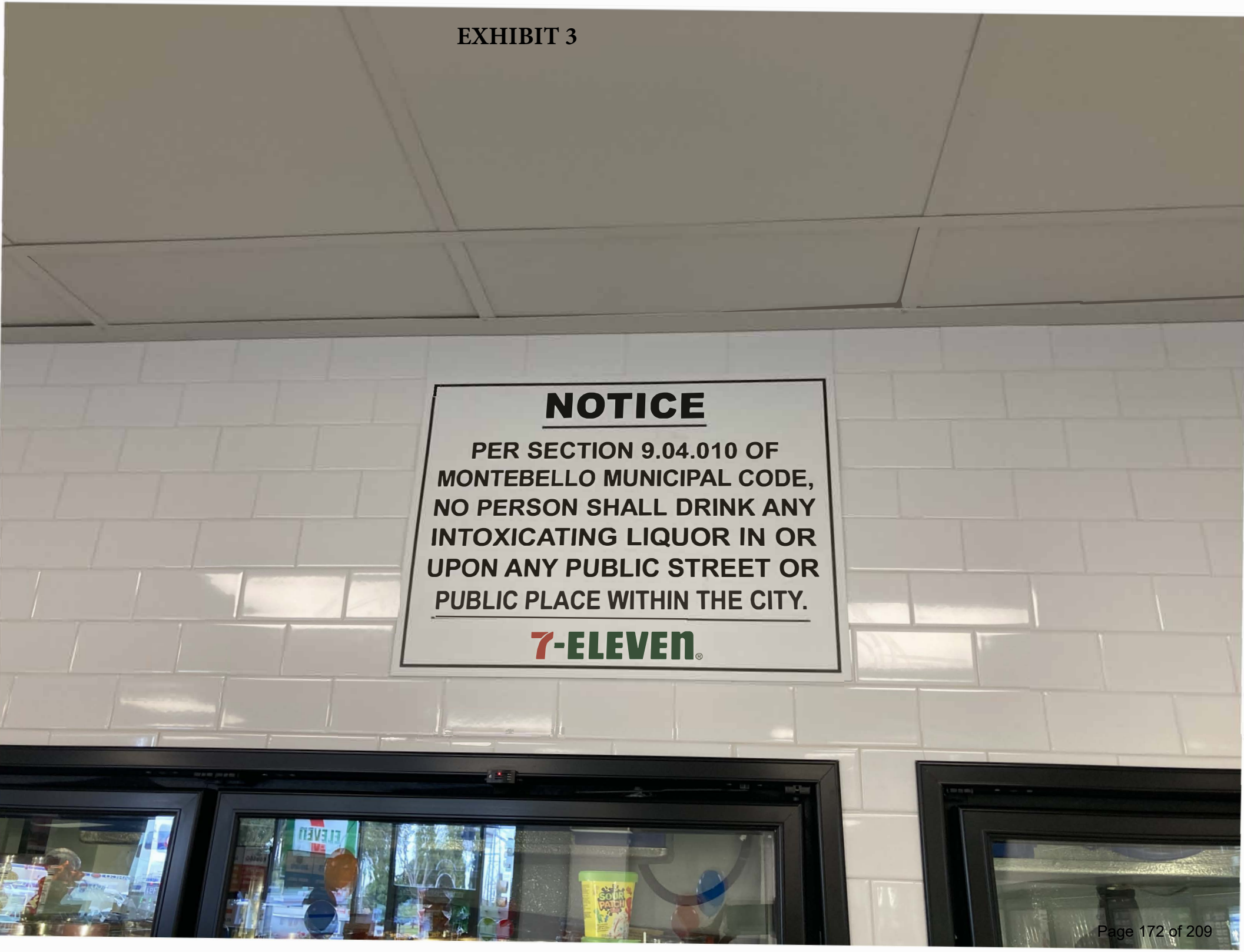
EXHIBIT 3


NOTICE
PER SECTION 9.04.010 OF MONTEBELLO MUNICIPAL CODE, NO PERSON SHALL DRINK ANY INTOXICATING LIQUOR IN OR UPON ANY PUBLIC STREET OR PUBLIC PLACE WITHIN THE CITY.
7-ELEVEN

Zone	Marke	Market Leader	Area Leader	Store	Employee Name	Job Title	Course	Status	ID
Western	1756	Jim Mcdonald	Edgar Ortega	38946	AKE, YESENIA	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2086679
Western	1756	Jim Mcdonald	Edgar Ortega	38946	ARDON NAJERA, ADAM	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2092160
Western	1756	Jim Mcdonald	Edgar Ortega	38946	BAKER, JACQUON	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2085047
Western	1756	Jim Mcdonald	Edgar Ortega	38946	BARRERA-JIMENEZ, JESUS	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2084744
Western	1756	Jim Mcdonald	Edgar Ortega	38946	DAVIS, REBECCA	SR SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	1994524
Western	1756	Jim Mcdonald	Edgar Ortega	38946	DURAN, ANGELIC	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2071233
Western	1756	Jim Mcdonald	Edgar Ortega	38946	GALVAN, JOSE	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2103547
Western	1756	Jim Mcdonald	Edgar Ortega	38946	GARCIA, DIANA	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2093057
Western	1756	Jim Mcdonald	Edgar Ortega	38946	JUATEZ, MIGUEL	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2112109
Western	1756	Jim Mcdonald	Edgar Ortega	38946	KELLEY, DIANA	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2093077
Western	1756	Jim Mcdonald	Edgar Ortega	38946	MONTGOMERY, DEJAI	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2085832
Western	1756	Jim Mcdonald	Edgar Ortega	38946	NIETO, CHRISTOPHER	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2109035
Western	1756	Jim Mcdonald	Edgar Ortega	38946	PROCTOR, SHADDAI	STORE MANAGER	Age Restricted Sales/ID Zone	Compliant	2035063
Western	1756	Jim Mcdonald	Edgar Ortega	38946	RIOS JR, JOSE	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2091004
Western	1756	Jim Mcdonald	Edgar Ortega	38946	PEREZ, KARLA	CERTIFIED SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2025904
Western	1756	Jim Mcdonald	Edgar Ortega	38946	SALCIDO, STEPHANIE	SALES ASSOCIATE	Age Restricted Sales/ID Zone	Compliant	2099937

EXHIBIT 5

EXHIBIT 6

EXHIBIT 7

ANYTIME ANYWHERE
NICOTINE POUCHES
NOW AVAILABLE
$6.12
7.13
SMOOTH FLAVOR
POUCHES
WARNING: This product can cause gum disease and tooth loss.
WARNING: This product is not a safe alternative to cigarettes.
SAVE $3.00
MARLBORO BLACK
$7.94
$3.99
$3.00
ENJOY at check 99¢
$6.79
SPECIAL PRICE
PLUS TAX
DISPOSABLES
12.49
PLUS TAX
A VAPE THAT IS YOURS
HAND SANITIZER

EXHIBIT 10

EXHIBIT 11

EXHIBIT 12

EXHIBIT 13

EXHIBIT 14

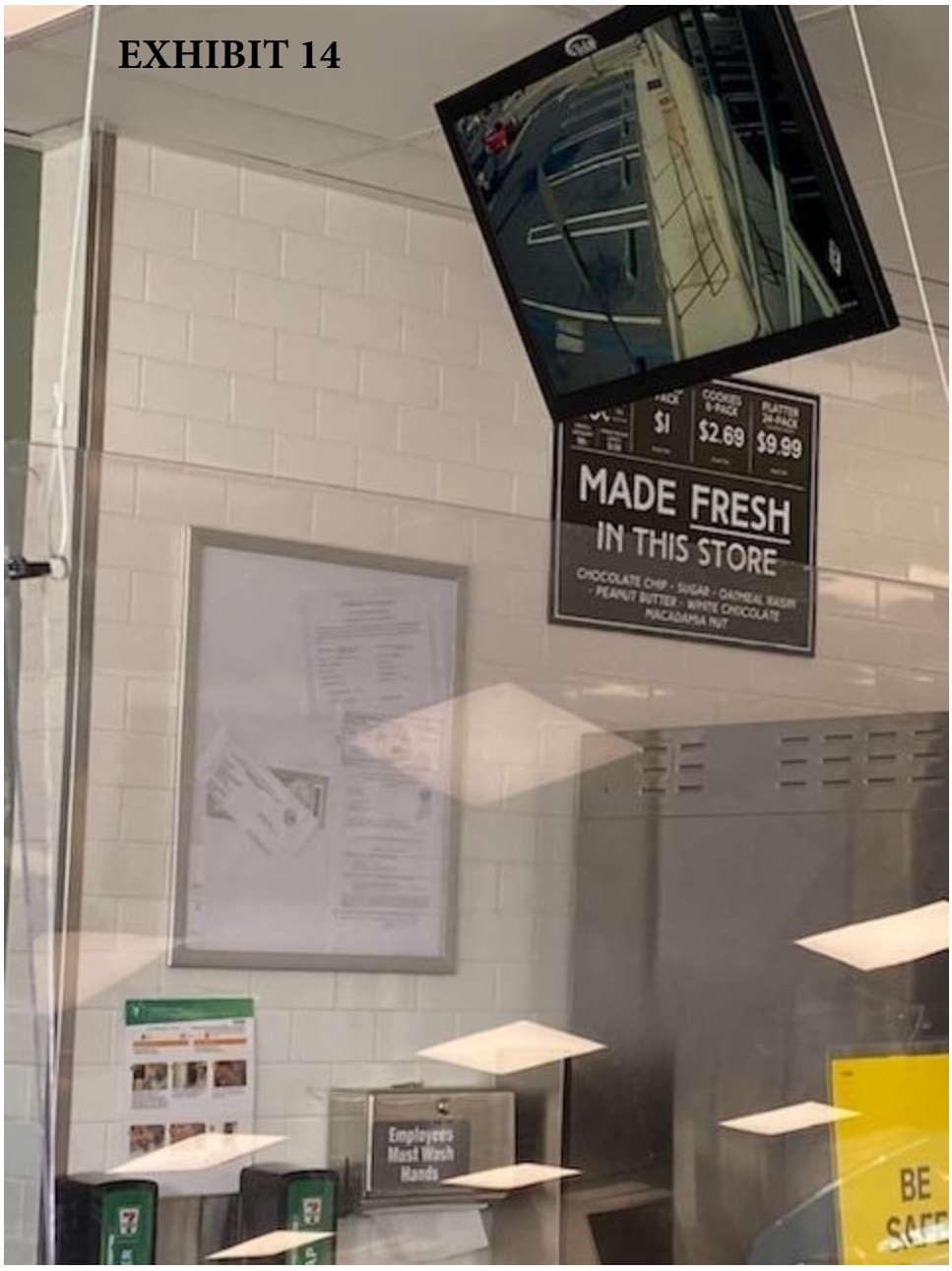

$1
$2.69
$9.99
MADE FRESH
IN THIS STORE
Employees
Must Wash
Hands
BE

EXHIBIT 15

EXHIBIT 16

EXHIBIT 17

EXHIBIT 18

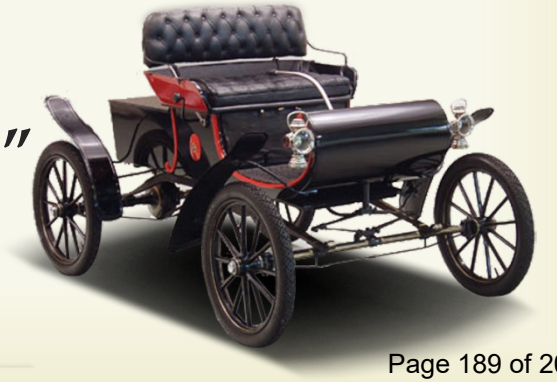
EXHIBIT 19 7-ELEVEN 2900 W BEVERLY BLVD SECURITY PLAN

HEALTHY FOODS = HEALTHY LIVING

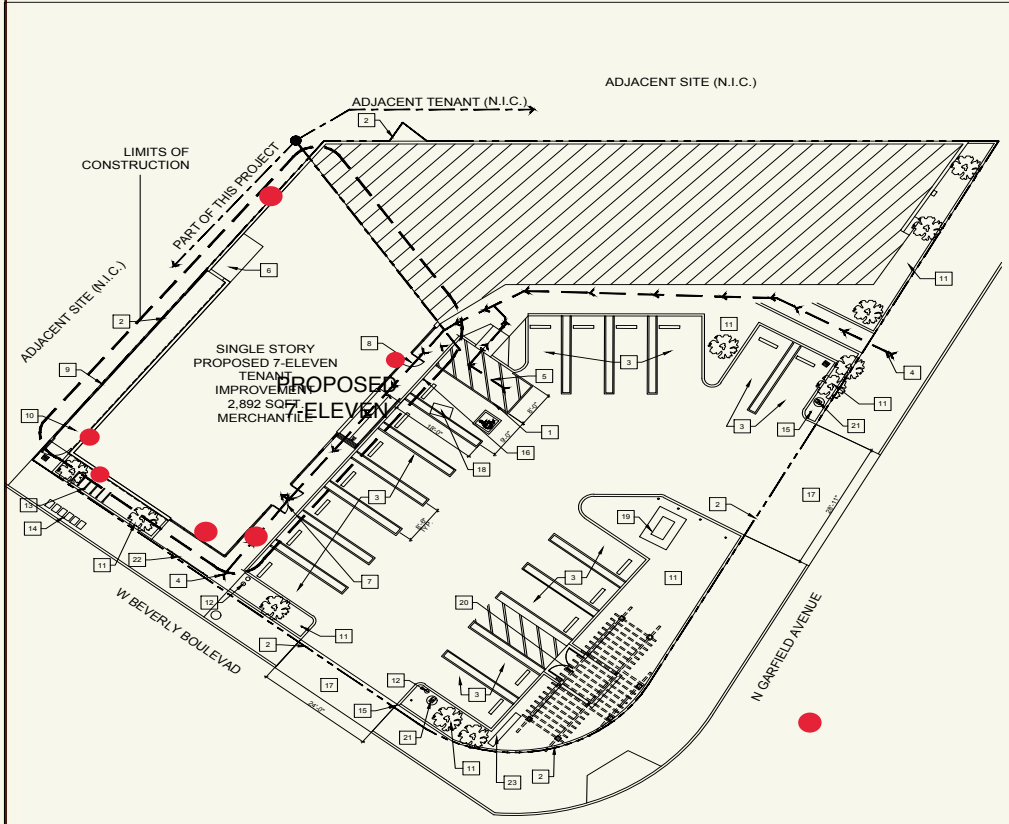
Overview

- Beer/Wine License Type 20 ABC License)Beer and Wine-Purchased within the City under License # 20-191638 – canceled per CUP. No net gain in city!
- Lockable cooler doors.
- Public Safety (Security and Surveillance)
- Economic Benefits for the City and Community of Montebello
- New Branding: Healthy Foods = Healthy Life w/New Interiors
- Parking
- Community Partner

“Not Your Father’s 7-11”



Site Plan



1 ARCHITECTURAL SITE PLAN FOR REFERENCE ONLY
1" = 10'-0"

PROJECT DIRECTORY	
PROJECT OWNER: ALINA, LLC 1260 NORTH BUNDY DRIVE LOS ANGELES, CA 90049	TENANT: 7-ELEVEN, INC. JOE JENGO 3200 HACKBERRY ROAD, IRVING, TX 75063
ARCHITECTURE: FIEDLER GROUP PATRICK FIEDLER, P.E. 299 N. EUCLID AVENUE STE. 550 PASADENA, CA 91101 PHN: (213) 381-7891	

SITE INFORMATION	
SITE ZONE:	C-2 (GENERAL COMMERCIAL)
IS REZONING NECESSARY?	NO
LOT AREA (SF):	16,270 SF
NORTH PROPERTY LINE LENGTH:	111.91 FT + 8.29 FT + 5 FT + 12.77 FT (IRREGULAR)
EAST PROPERTY LINE LENGTH:	139.61 FT
SOUTH PROPERTY LINE LENGTH:	101.02 FT + R=30' @ 54.79FT
WEST PROPERTY LINE LENGTH:	92.05 FT
PROPOSED STORE GROSS SF:	2,892 SQ FT

PARKING SUMMARY	
1 OFF STREET PARKING SPACE PER EACH 400 SF OF LEASABLE FLOOR AREA.	2,892 / 400 = 7.23 = 8 SPACES, 1 ACCESSIBLE MINIMUM
TOTAL SPOTS ON SITE:	18 SPACES, INCLUDES 1 ACCESSIBLE

SCOPE OF WORK

THE SUBJECT PROPERTY IS LOCATED AT THE INTERSECTION OF BEVERLY BLVD AND GARFIELD AVE, IN THE CITY OF MONTEBELLO, CA. THE PROJECT SITE IS AN APPROXIMATELY 3,000 S.F. OF TENANT SPACE CURRENTLY DIVIDED INTO TWO VACANT UNITS. THE SITE HAS BUILDING SIGNS, ONE MONUMENT SIGN, AND COVERED TRASH ENCLOSURE. THERE IS CURRENTLY A T-MOBILE STORE, A PIZZA RESTAURANT, AND A TAX BUSINESS IN THE MULTI-TENANT BUILDING.

NO EXTERIOR SITE IMPROVEMENTS ARE PROPOSED UNDER THIS PERMIT OTHER THAN THE CHANGES ON THE STOREFRONT WITH 3M BLACKOUT FILM.

SECURITY CAMERAS

SHEET INDEX	
NO.	SHEET TITLE
A1.0	EXISTING SITE PLAN
A2.0	PROPOSED FLOOR PLAN
A3.0	EXISTING EXTERIOR ELEVATIONS
A3.1	PROPOSED EXTERIOR ELEVATIONS
ABC-1	ABC PLAN

GENERAL NOTES

1. REFER TO ELECTRICAL DOCUMENTS FOR ADDITIONAL INFORMATION.
2. REFER TO MECHANICAL DOCUMENTS FOR ADDITIONAL INFORMATION.
3. CIVIL SITE IMPROVEMENTS ARE NOT PART OF THIS PERMIT.

KEYNOTES

1. EXISTING HANDICAP STALL.
2. PROPERTY LINE.
3. EXISTING PARKING.
4. EXISTING ACCESSIBLE PEDESTRIAN PUBLIC RIGHT OF WAY SITE ACCESS.
5. ACCESSIBLE PATH OF TRAVEL FOR DISABLED ACCESSIBLE PARKING STALL AND PUBLIC WAY TO PUBLIC ENTRANCE.
6. EXISTING SITE ELECTRICAL ROOM.
7. EXISTING MAIN ENTRY DOOR.
8. EXISTING EXIT DOOR.
9. EXISTING WROUGHT IRON FENCE, 6'-0" HEIGHT.
10. EXISTING CONC. WALKWAY.
11. EXISTING LANDSCAPE AREA.
12. EXISTING IRRIGATION CONTROL VALVE.
13. EXISTING SITE BUILDING BACKFLOW PREVENTERS.
14. EXISTING WATER METERS.
15. EXISTING ACCESSIBLE SITE PARKING SIGN.
16. EXISTING ACCESSIBLE PARKING SIGN.
17. EXISTING DRIVEWAY.
18. EXISTING EDISON VAULT.
19. EXISTING TRANSFORMER AND PAD.
20. EXISTING TRASH ENCLOSURE AND TRELLIS.
21. EXISTING SITE LIGHTING.
22. EXISTING HANDRAIL.
23. NEW PROPOSED PYLON SIGN BY SIGN CONTRACTOR.

EXISTING ADJACENT TENANT SPACES (N.I.C.)

Rev. #	Date	Description
		PROTO 02-28-2019

7-ELEVEN, INC.
3200 HACKBERRY ROAD, IRVING, TEXAS 75063

7-11 #38946 / 1044906
2000 W. BEVERLY BLVD. SITE A & B
MONTEBELLO, CA 90640

EXISTING SITE PLAN

fiedlergroup
Project Performance
299 N. Euclid Ave., Ste 550
Pasadena, CA 91101
(213) 381-7891
fiedlergroup.com

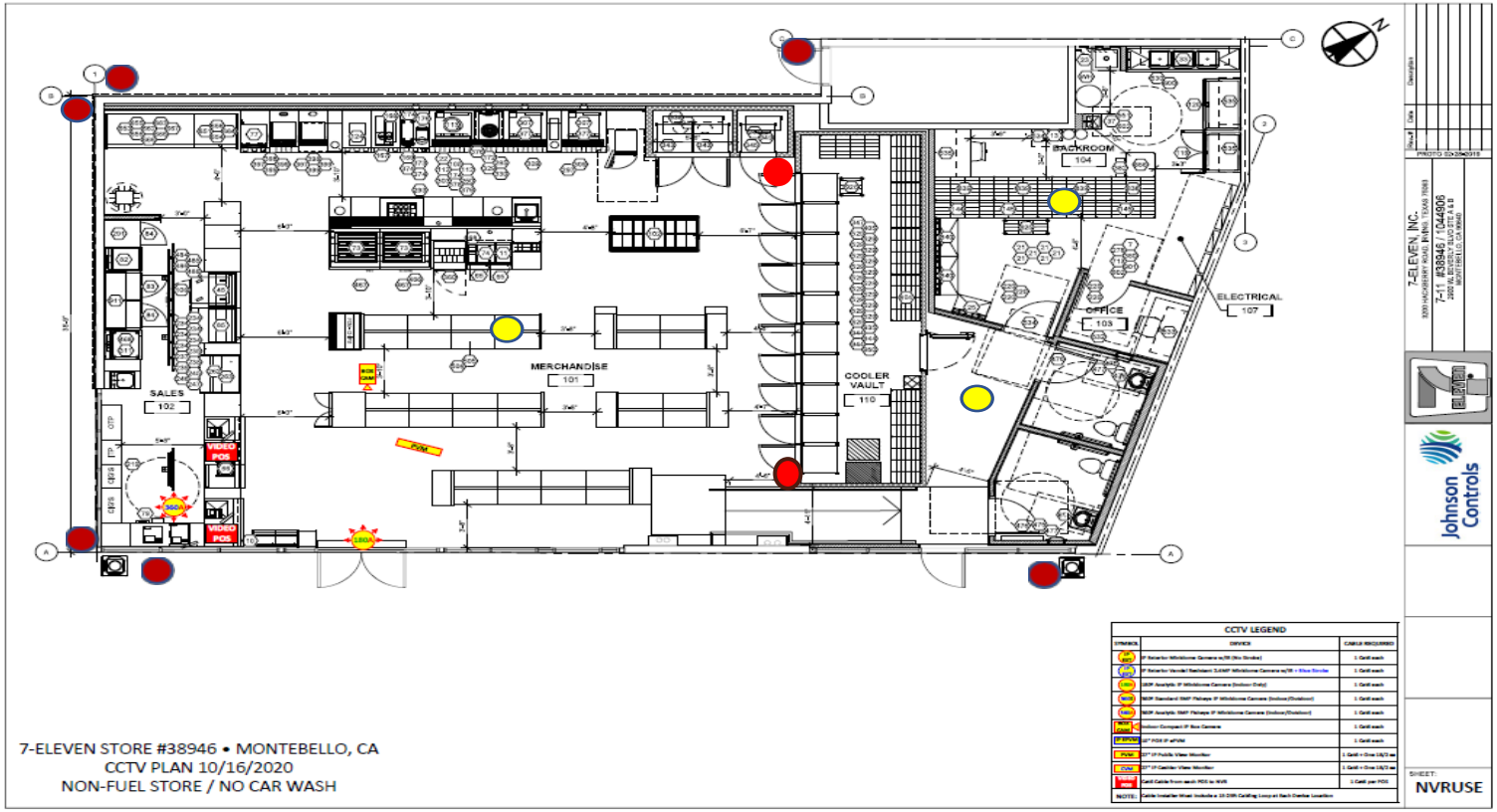
JOB:	16377
SCALE:	AS NOTED
DATE:	05.02/2019
DRAWN BY:	JC
CHECKED BY:	WT

PATRICK O. FIEDLER
No. C-38123
Exp. 2-31-2021
CIVIL
STATE OF CALIFORNIA

SHEET:
A1.0

PRINTED BY: JCHANG
DRAWING NAME: 16377 – ABC SITE PLAN & A3.0 A3.1 EXT. ELEVATIONS.DWG
PRINT DATE: Jun 24, 2019 - 10:06am

Floor Plan – Alcohol space 10% of 2,892 S.F.



Public Safety & Security

- POS system scans all aged restricted products
- 7-Eleven will install additional security cameras system that includes indoor/outdoor circuit cameras. installed
- Police Dept will have 24 hour direct video access.
- 7-Eleven corporation provides franchisees with Secret Shopper Program
- Lockable alcohol cooler doors on age restricted products.
- Well lit parking lot
- Safe haven program for kids being bullied
- No Single sales of beer – Sold in manufactured pre-packaged only
- Wine sold in 750ml
- Wine coolers sold in manufactured four packs

Public Safety & Security

- 7-Eleven's Crime Deterrence Program:
  - trains employees on 4 primary crime deterrence components:
    - visibility into and out of the store
    - bright interior and exterior lighting
    - cash control with no more than $50 in the register during the day and $30 at night
- 7-Eleven's Operation Alert Program:
  - trains employees on operation procedures to discourage robbery and emphasizes a no-resistance policy toward robbery
    - adopted by the National Crime Prevention Institute at the University of Louisville
    - taught to law enforcement officers throughout the country

Public Safety & Security

- 7-Eleven's Come of Age Program:
  - trains employees on legal sales of age restricted products
    - policies, procedures, identifying characteristics of minors and state law to ensure all stores are prepared and committed to safe and legal sale of age-restricted products.
    - POS System.
- Employee Affidavit: All employees are required to sign an affidavit stating they are aware of obligations should they not comply with the law.

Economic Benefits for the City of Montebello

- Sales Tax: Approx. $15,600/yr to City of Montebello
- Jobs: 8-15 jobs created in the community
- Increased foot traffic results in increased $$ for other Center tenants and surrounding businesses
- Property Tax:
  - National tenant attracts other businesses to surrounding area.
  - 7-Eleven as a tenant will bring significant increase in property values due to lower cap rate and higher rents; therefore higher property tax revenue to City.
  - 7- Eleven anchors centers and decreases vacancies in centers.

Healthy Foods = Healthy Living

- Everything is fresh, delivered daily.
- Fresh sandwiches/wraps; white and wheat bread.
- Fresh salads, veggie snack packs, fruit cups, etc.
- Fresh fruit (bananas, red/green apples, oranges, grapes, mangos – all if in season).
- Fresh Latte & Coffee bar (latte, bean brewed coffee).
- Fresh bakery goods delivered daily.
- Lemonade now offered.

Focus on Fresh Food

- Daily prepared sandwiches & bakery
- Salads, vegetable & fruit cups
- Bananas, oranges, apples & lemons
- Healthy Choice snack section
- Pizza, chicken wings & tenders
- Taquitos & hot dogs
- Minimal shelf space is dedicated to beer and wine

Focus on Fresh Food

New Interior Branding

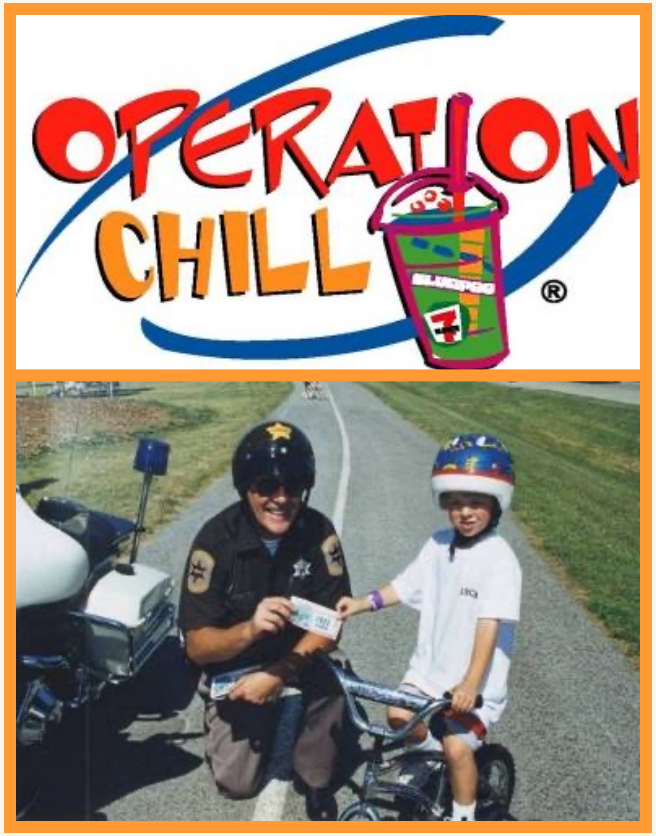
New Interior Finishes

New Interior Finishes

New Interior Finishes

New Interior Finishes

In the Community | Partner



- **Operation Chill:** award-winning youth crime prevention/reward program enabling local law enforcement to "**ticket kids caught**" doing good deeds with a free Slurpee coupon.
- 7-Eleven has donated fresh bottled water pallets to local high school football teams during practice
- 7-Eleven has planted a Garden Center
- Since the program's inception, 7-Eleven has donated more than 10 million Slurpee coupons nationwide.

In the Community | Slurpee Incentives

- 7-Eleven donates Slurpee coupons to local schools for teachers to encourage/reward students for:
  - Attendance
  - Timeliness
  - Good grades
  - Academic improvements
  - Positive behavior
  - Reading goals

Community Partner
Changing One Neighborhood at a Time

- 7-Eleven works with local schools on programs and scholarships
- 7-Eleven partners with other organizations to bring change to the area.
- 7-Eleven stores donate food to local non-profits)
- Being a good neighbor and corporate citizen is part of doing business with 7-Eleven.

EXHIBIT 20

Capital Trust Escrow

280 S. Beverly Drive, #300
Beverly Hills, CA 90212

Phone: (310) 273-0100
Fax: (888) 908-0836
Email: teamfran@capitaltrustescrow.com

7-ELEVEN, INC.
3200 Hackberry Rd
Irving, TX 75063

Date: April 1, 2021
Escrow No. 010687-FM
Re: 21/191638 (Store #38946)

Dear Client:

The above referenced escrow closed on . In connection therewith, we are enclosing the following documents:

Final Closing/Settlement Statement. PLEASE RETAIN FOR INCOME TAX PURPOSES.

Your escrow will be held by our office for a period of five years from the close of escrow. It has been a pleasure to have handled your escrow, and we trust we may be of service to you in the future.

Sincerely,
Capital Trust Escrow

Gabby Garcia for
Frances Meron
Senior Escrow Officer

Capital Trust Escrow

280 S. Beverly Drive, #300
Beverly Hills, CA 90212

Phone: (310) 273-0100
Fax: (888) 908-0836
Email: teamfran@capitaltrustescrow.com

BUYER'S FINAL SETTLEMENT STATEMENT

LICENSE NO: 21-191638 **DATE:** April 1, 2021

BUYER: 7-ELEVEN, INC. (Store #38946) **CLOSING DATE:** **ESCROW NO.:** 010687-FM

	DEBITS	CREDITS
FINANCIAL CONSIDERATION		
Total Allocation	35,000.00	
Deposit from 7-ELEVEN,INC.		46,615.00
OTHER DEBITS/CREDITS		
Liquor License Auctioneers, Inc. Finder's Fee	10,000.00	
ESCROW CHARGES - Capital Trust Escrow		
Escrow Fee	1,400.00	
Delivery Fees	170.00	
Archive Fee	45.00	
TOTAL	$ 46,615.00	$ 46,615.00

SAVE THIS STATEMENT FOR INCOME TAX PURPOSES

Cleared Call Search Results

Report Time:	07/20,	**Login ID:**	RIVER	**Jurisdiction:**	CA0194700: MONTEBELLO POLICE
Incident Number:		**Call Number:**		**Agencies:**	Police, Fire, EMS
From Date:	02/01,	**To Date:**	07/20,	**Phone Number:**	
Last Name:		**First Name:**		**Location:**	2900 W BEVERLY BLVD, MONTEBE
Plate #:		**Plate State:**		**Include Canceled:**	No
Type:		**Priority:**		**Source:**	
Disposition:		**Unit:**		**Officer:**	
Narrative:					

Create Date/Time	Call Type	Location		Primary Incident
2/11/2023 14:19	SPEWAT	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00003688
2/16/2023 0:08	COPMORE	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00004051
2/20/2023 1:33	COPMORE	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00004441
3/4/2023 18:53	415HOM	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00005619
3/4/2023 20:08	SUICIDE	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00005626
3/14/2023 3:46	COPMORE	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00006453
3/17/2023 16:05	415SUB	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00006770
4/2/2023 16:48	CITAS	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00008353
4/9/2023 16:42	TS	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00009026
4/11/2023 11:14	415HOM	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00009184
4/19/2023 23:59	COPMORE	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00009958
4/20/2023 14:45	415HOM	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00010016
4/27/2023 22:53	415SUB	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00010739
4/28/2023 0:23	415SUB	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00010746
4/28/2023 16:26	SPEWAT	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00010820
5/1/2023 10:17	273 5R	2900 W	BEVERLY BLVD, MONTEBELLO	
5/2/2023 12:50	415HOM	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00011221
5/7/2023 2:39	TS	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00011654
6/17/2023 14:23	415SUB	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00015619
6/21/2023 2:09	1015	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00015982
6/25/2023 11:08	TS	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00016403
7/7/2023 18:39	314	2900 W	BEVERLY BLVD, MONTEBELLO	2023-00017863