

**CITY OF MONTEBELLO
PLANNING COMMISSION
MINUTES**

April 7, 2020

Planning Commission meets at 6:30 p.m., on the day scheduled in City Hall Council Chambers

1. CALL MEETING TO ORDER

6:30 P.M. by Chair Mooradian

2. ROLL CALL

Commissioners Present: Chair Mooradian, Vice Chair Aliksanian,
Commissioner Briseno, Commissioner Lomeli and Commissioner Ramirez

Absent: None

Also present:

Director of Planning and Community Development – Joseph Palombi
Planning Commission Legal Counsel – Gloria Ramirez
Staff - Maria Roman and Michael Donovan

3. PLEDGE OF ALLEGIANCE

Commissioner Briseno

4. PLANNING COMMISSION SECRETARY –CORRECTION TO AGENDA
NONE

5. STATEMENT OF PUBLIC ORAL COMMUNICATIONS

Speakers wishing to address the Planning Commission were encouraged to call in and/or email per the Governor's Executive Order No. N- 29-20, those interested in making public comments, were allowed to call on Tuesday, April 7, 2020 between 9:00 a.m. – 3:00 p.m. at (323) 887-1200, ext. 493. Staff completed public comment cards in the order received. The public will be called during the Planning Commission meeting that begins at 6:30 p.m. the exact call back time is not predictable due to the nature of the Planning Commission agenda. As a result, you must be available until the end of the meeting to receive a live call from staff during the meeting. In addition, the City has created an email address pcpubliccomment@cityofmontebello.com where the public can submit public comments from 4:30 p.m. – 5:30 p.m. on Tuesday, April 7, 2020. These questions will be read out loud and submitted for the record. The email address for Planning Commission meetings can be

located on the City's webpage under
<https://www.cityofmontebello.com/planning-commission-meeting.html>.

***Recess taken at 6:39pm due to phone difficulties and commenced at 6:57pm

6. APPROVAL OF MINUTES:

- A. February 18, 2020 – Approved
- B. March 3, 2020 – No vote needed, meeting adjourned
- C. March 17, 2020 – No vote needed, meeting cancelled

7. STAFF COMMUNICATIONS ON ITEMS OF COMMUNITY INTEREST
NONE

8. PUBLIC HEARINGS

A. Conditional Use Permit (CUP 06-20)

A Conditional Use Permit application to allow off-site sales of general alcohol (Type 21) and replace an existing approval for off-site sales of alcohol for beer and wine (Type 20) previously approved under CUP 03-18, within the existing mini-mart located at 7825 Telegraph Road.

Director Palombi – Good evening Madam Chair and members of the Commission.

Joseph Palombi, Director of the City's Planning and Community Development Department.

Item 8A on today's agenda is a request from Superior Merchandise to upgrade their existing Type 20 License which currently allows them to sell beer and wine for off-site consumption to a full line of alcohol for "off-sale consumption" under Conditional Use Permit No. 06-20. This would essentially add liquor to the existing selection of beer and wine under an upgraded Type 21 License. This request is directly related to the Applicant's recent selection to purchase an existing Type 21 License through a recent lottery process conducted by the California Department of Alcoholic Beverage Control.

The subject site is currently improved with a Chevron Service Station as well as an existing convenience store totaling approximately 1,680 square feet. Improvements associated with this request would include minimal interior upgrades to install a 32 square foot cabinet display behind the sales counter. This request would replace and upgrade the existing license to sell alcohol for off-site consumption. Staff has made the required findings contained in the staff report as well as the Resolution before you today. This project is exempt from the California Environmental Quality Act per Section 15301(a) "Existing Facilities."

Conditional Use Permit No. 06-20 was originally scheduled on March 3, 2020, and adjourned to March 17, 2020. The March 17th meeting was canceled due to the COVID-19 pandemic. The Public Hearing Notice for this item was published in the Whittier Daily News and mailed to the required radius per the Montebello Municipal Code. No comments have been received by City staff regarding the subject request.

Therefore, the recommendation from staff is that you adopt the Resolution approving Conditional Use Permit Modification No. 06-20.

At this time, the Applicant is available to provide a brief presentation and answer any questions.

Staff is also available to answer any questions you may have. Thank you.

Chair Mooradian - Commissioners is there any conflict of interests?

Commissioner Lomeli – No

Commissioner Aliksanian – No

Commissioner Ramirez - No

Commissioner Briseno – No

Commissioner Briseno – I don't agree with A through E.

Legal Counsel Ramirez – The commissioners have to find A through F, yes. It's part of the necessity requirement. That would be the basis for approval.

Director Palombi – The findings staff prepared is justified to justify the action.

Commissioner Briseno – I don't agree with A through E.

MOTION: Commissioner Ramirez motions to approve a Conditional Use Permit application to allow off-site sales of general alcohol (Type 21) that will replace an existing off-site sales of alcohol; beer and wine (Type 20) previously approved under CUP 03-18, within the existing mini-mart located at 7825 Telegraph Road.

SECOND: Commissioner Lomeli

ACTION: 5-0-0-0

2ND MOTION: Commissioner Ramirez motions to approve a Conditional Use Permit application to allow off-site sales of general alcohol (Type 21) that will replace an existing off-site sales of alcohol; beer and wine (Type

20) previously approved under CUP 03-18, within the existing mini-mart located at 7825 Telegraph Road.

SECOND: Commissioner Lomeli

ACTION: 4-1-0-0 (Briseno)

B. Conditional Use Permit (CUP 07-20/ENV 04-20-CE)

A Conditional Use Permit Modification to reinstate the sale and dispensing of a full line of alcohol (beer, wine, and distilled spirits) for on-site consumption within a new restaurant located at 620-624 W. Whittier Blvd, Montebello.

Director Palombi – Madam Chair and members of the Commission. Joseph Palombi, Director of the Planning and Community Development Department.

Item 8B before you today is a request from 701 Bar and Restaurant Inc. regarding Conditional Use Permit Modification No. 07-20 which would reinstate the previously approved conditional use permit to allow the sale and dispensing of a full line of alcoholic beverages for on-site consumption under a Type 47 License in conjunction with a new restaurant located at 620-624 W. Whittier Boulevard.

The subject site is located on the north side of Whittier Boulevard in the middle of the block generally bounded by 6th Street to the east and Montebello Blvd. to the west. The property is zoned C-2 (General Commercial) and the space associated with this request consists of an existing 6,189 square foot commercial building. Please note that restaurants are permitted by right in the C2 Zone. However, a conditional use permit is required for a “Bona Fide Restaurant” where alcoholic beverages are served for on-sale or off-sale consumption pursuant to Montebello Municipal Code Section 17.61.030.

On November 25, 1996, the Planning Commission approved CUP 13-96 to authorize a Bona Fide Restaurant, which included a cocktail bar with live music, dancing and banquet room facilities at the subject property. On November 19, 2013, the Planning Commission approved a modification to the original CUP to expand the use and offer a full line of alcoholic beverages under a Type 47 License. This modification established a condition that required, among other things, annual compliance review to demonstrate compliance with the approved conditions. In 2018, the previous operator (“Gringos Cantina”) vacated the subject site and the premises have remained vacant for approximately 2 years.

On February 13, 2020, 701 Bar and Restaurant Inc. filed a request and paid the necessary fees to modify the previously approved conditional use permit to reinstate the Type 47 License for a Bona Fide Restaurant and confirm their willingness to comply with the conditions of approval. Based on issues encountered under previous operators, and comments from the Montebello Police Department, staff has taken the initiative to incorporate additional conditions that would prohibit any outdoor patio areas as well as expanding the video surveillance storage capability from 30 days to 90 days. In addition, the hours of operation would be limited to 7:00 a.m. to 12:00 a.m. Sunday thru Wednesday, and 7:00 a.m. to 2:00 a.m. Thursday thru Saturday. Finally, promoter produced events are prohibited and Director's approval would be required prior to any proposed comedy acts, sporting events, and seminars. Staff recommends the following revisions to the Resolution before you today: 1) Replace all references to "Planning Manager" with "Director"; remove any references that would infer "patio areas" and "banquets" would be allowed; and 3) revise Condition 5.C to specifically prohibit "banquets" and "promotion events."

The proposed Project is Categorically Exempt per Section 15301(a) "Existing Facilities" of the California Environmental Quality Act and the recommendation from staff is that you adopt the Resolution, with the modification recommended by staff and/or additional modification that the Commission wishes to include, approving Conditional Use Permit Modification No. 07-20. This concludes staff's presentation.

Please note that staff has received two public speaker cards and one comment letter regarding this item. At this time, the Applicant's representative will provide a brief presentation and staff is available to answer any questions you may have. Thank you.

Chair Mooradian - Commissioners is there any conflict of interests?

Commissioner Lomeli – No

Commissioner Aliksanian – No

Commissioner Ramirez - No

Commissioner Briseno – No

Chair Mooradian - Should applicant presentation occur before comments?

Legal Counsel – Correct, after comments are made.

Krista Garritano (Applicant) - The applicant has 25 years' experience in the industry with approximately 80 employees. As a result understands the rules and regulation.

** Recess taken at 7:20pm. Meeting commenced at 7:31pm

Barney Santos – I am a business owner of Market Boulevard. I am excited and hopeful, downtown needs hub of inspiration. Have a dense and walkable corridor so the community can flourish. Consider the front entrance in the front and not in the back, provide a dress code. Majority of gross sale is from food and not alcohol. It's important to think of the community that we are building today. We need a bigger vision for Downtown. I want to welcome the business and owner. I want to support and welcome them in everything.

Nathaniel McCusker – There are a few items to address we think would help to enhance the Boulevard. First, recommend conditions should be 51% food and 49% alcohol and should be consistent with ABC. Second, commissioners should work with the business owner to recommend the entrance in front of the building instead of back of the building. The entry activates the Boulevard and the back entrance deactivates it. Third, recommend to keep security camera footage for 90 days and cameras in the front. Fourth, offer valet parking it's a small parking lot spread among the community.

Director Palombi – I have a letter from the Montebello Chamber of Commerce which reads:

Dear Planning Commissioners,

We are writing you today in regard to CUP 07-20/ENV 04-20-CE. Established in 1912, the Montebello Chamber of Commerce supports the success of local businesses by providing opportunities for networking, promotion, client referrals, and introduction to the business community and public. The Chamber also supports legislation which create a business-friendly environment and fosters communication between public officials and local businesses.

The Montebello Chamber Of Commerce Economic Development Committee is a group of leaders in the community dedicated to creating a vision and standard for development in Montebello that will achieve the long term growth goals of the community.

The Economic Development Committee is strongly in favor of new restaurants and other businesses in Downtown Montebello that will enhance the community and provide a safe place for residents to live, work and play. We are excited to welcome new businesses that will activate the Boulevard and help to drive foot traffic downtown.

At this time, the committee has taken a neutral position to the conditional use permit for this project since we have not had the opportunity to speak with the operator. However, the committee is supportive of restaurants with type 47 licenses in the downtown community with the conditions suggested by the Montebello Police Department.

In addition, in an effort to help activate the Boulevard and meet the communities' long-term economic goals, the committee respectfully recommends the inclusion of the following conditions:

1. The entrance of the restaurant should face Whittier Blvd. and not the public lot at the back of the building. This will help activate the Boulevard and also will reduce sound that could be carried to residents from the back.
2. The business should consider providing valet parking out front on Whittier Blvd. on nights when music and dancing are scheduled due to the lack of parking provided by the business.
3. The business maintains its classification as a Bona fide eating-place and shows that a minimum of 51% of its gross receipts are from food sales to be consistent with ABC requirements to type 47 licenses.
4. The business implements a dress code, as a security measure, during approved dancing hours.

Thank you for your consideration. We look forward to welcoming the new restaurant to the community.

Commissioner Ramirez - Façade upgrade, more detailed façade, include landscape plan in parking lot, 24 hour graffiti removal and entrance in front. Upgrade windows to be more inviting/ open. No big open empty walls use window or plants.

Krista Garritano (Applicant) – We are looking to upgrade landscaping in the back area and use modern aesthetics.

Commissioner Ramirez - Make some of those things in the conditions.

Director Palombi - We can incorporate those conditions into the resolution.

Commissioner Ramirez – More specifically the façade.

Chair Mooradian – Any more questions?

Commissioner Briseno – Applicant comments regarding recommendations regarding valet and dress code?

Krista Garritano (Applicant) – As far as valet, it is something that they would consider.

Dress code, I don't think they would oppose to the dress code for dance hours.

Chair Mooradian – Are conditions proposed added more restrictive?

Director Palombi – With limited institutional knowledge, the conditions were established based on use. For example, the conditions require them to prepare annual plan review to ensure conditions are followed.

Chair Mooradian – For applicant, Commissioner Briseno mentioned to include comments and conditions. The response was that applicant would consider it.

Krista Garritano (Applicant) - Correct, applicant would consider and the goal is to become a valuable asset to the community.

Commissioner Aliksonian – I'm confused at all these things. Applicant is willing to consider but I'm not sure what that means. Are we going to propose a motion for certain conditions?

Legal Counsel Ramirez– For options we can ask staff to come back with conditions of approval or approve and modify conditions and if applicant is on board with everything.

Krista Garritano (Applicant) - As far as the conditions reviewed now he has no problem. There has been a new one brought to the table. The valet and entrance he was aware of. The dress code is new but don't think he would oppose.

Legal Counsel Ramirez - We can get a quick list of conditions we want to include.

Director Palombi - The modifications of conditions:

1. Modify graffiti removal from 48 hours to 24 hours.
2. Landscape improvement to parking lot.
3. Preferred entrance to front but not required.

Legal Counsel Ramirez– Dress code we'd have to review due to 1st amendment right. Mandatory condition or volunteer due to good faith.

Director Palombi – 4. Valet parking.

Chair Mooradian - Would valet service be in the front or back?

Director Palombi - It would be from Whittier Boulevard. Conditions would be:

1. Revise reference from Planning Manager to Director
2. Remove reference that patio/banquets are allowed

3. Prohibit banquets and promotional events.

Commissioner Aliksanian - Why isn't promotional events allowed?

Director Palombi – It was recommended by the Police Department.

Commissioner Aliksanian – Why?

Commissioner Lomeli - I believe because of the history of that location.

Chair Mooradian - Conditions based on site that's been vacant for 2 years. I would make a recommendation not to impose restrictions on events and drink specials and allow them to be able to demonstrate good neighbor and business practices. If the new operator demonstrates a history of compliance some of the restrictions could be reviewed and/or removed.

Commissioner Aliksanian – Yes, I am open to that.

Commissioner Ramirez - A comment on not approving façade. Applicant should bring in a conceptual new façade design to planning department for review.

Commissioner Briseno - Are we requiring valet because of no parking?

Commissioner Aliksanian – The main reason to use valet is to use the front, not necessarily because there's not enough parking.

Chair Mooradian - Valet is not required and is a recommendation.

Krista Garritano (Applicant) – Façade, graffiti, valet and entrance has been agreed to and is in the condition.

MOTION: Commissioner Ramirez motions to approve a Conditional Use Permit Modification to reinstate the sale and dispensing of a full line of alcohol (beer, wine, and distilled spirits) for on-site consumption within a new restaurant located at 620-624 W. Whittier Blvd, Montebello
SECOND: Commissioner Lomeli
ACTION: 5-0-0-0

C. Appeal Report for Conditional Use Permit (CUP 24-19)

Referral of City Council's Findings to Planning Commission per Montebello Municipal Code Section 17.78.130 - Resolution of the City Council Reversing the decision of the Planning Commission denying Condition Use Permit ("CUP") No. 24-19 to allow the sales of alcohol (Type 20 License) for off-site consumption within a new convenience store located at 2900 West Beverly Blvd., Suite A and B.

Director Palombi – Madam Chair and members of the Commission.

Item 8C on today's agenda is an appeal report regarding the Planning Commission's action from August 6, 2019 denying Conditional Use Permit No. 24-19. Pursuant to Resolution No. 24-19, the City Council voted to reverse the Commission's decision and allow the sale of beer and wine within a 7-Eleven convenience store for the property located at 2900 W. Beverly Blvd. The Resolution, including Council's findings attached to the report before you today, was approved by the City Council on March 25, 2020.

The City Council's decision is final and the Planning Commission is not required to provide a further report regarding this matter. However, the Planning Commission may direct staff to prepare and transmit a further report to City Council regarding this matter if such action is desired. This concludes staff's report regarding this item.

9. CONSENT ITEM (S)

None

10. STAFF COMMUNICATIONS TO THE PLANNING COMMISSION

None

11. ORAL COMMUNICATIONS –CONTINUED

None

12. PLANNING COMMISSION ORALS

Chair Mooradian – Commissioner Ramirez was absent on February 18, 2020 and will abstain from voting on meeting minutes for February 18, 2020.

Vice Chair Aliksanian

Commissioner Briseno

Commissioner Lomeli

Commissioner Ramirez – City of Montebello doesn't have a Specific Plan for Downtown Montebello. We should treat this as a sensitive item until we get the Specific Plan established. Just to mention, this area is very special. Anything that comes we should be cautious with what comes in.

13. ADJOURNMENT

The meeting adjourned at 8:26p.m.



Joseph Palombi, Planning Commission Secretary