



PLANNING COMMISSION STAFF REPORT

Date: May 18, 2015

Subject: Conditional Use Permit 15-02: Accessory Outdoor Cooking at Don Reyes Restaurant

Location: 1306 Duarte Road (Southeast corner of Duarte Road and Buena Vista Street)

Applicant: Julio Santiago, Don Reyes Restaurant

SUMMARY

Don Reyes Restaurant has applied for a Conditional Use Permit (CUP) for the accessory use of outdoor cooking incidental to the operation of an existing sit-down restaurant located at 1306 Duarte Road. The proposed accessory outdoor cooking use is proposed to operate every Friday, Saturday and Sunday from 5:00 p.m. to 12:00 a.m. The proposed outdoor cooking component includes a temporary food station with a grill for food preparation and cooking which will be covered by a freestanding canopy that will be stored when not in use.

Staff has concerns with odor, noise, parking, hours of operation, canopy appearance and coordination of Health and Fire Department regulations. With the incorporation of the recommended conditions of approval, Staff believes the proposed accessory outdoor cooking use will not be detrimental to the shopping center or surrounding properties.

BACKGROUND

Don Reyes Restaurant has been in operation since July 2003, located at 1306 Duarte Road at the southeast corner of Buena Vista Street and Duarte Road. The business is full-service, sit-down restaurant that is approximately 1,750 sq. ft. in size. In June 2004, CUP 04-3 was approved allowing Don Reyes to sell beer and wine for onsite consumption (Type-41 ABC license). In July 2014, Don Reyes was approved for accessory outdoor dining (approximately 200 s.f.), which allows up to three tables with four chairs per table. This activity has not generated complaints from adjacent businesses or properties.

On May 17, 2014, Code Enforcement Staff observed the business preparing and serving food from an outdoor grill and canopy cover. The business was provided a warning notice to obtain City approval for that use.. Pursuant to Duarte Development Code (DDC) 19.12.020, Table 2-5, and DDC Ch. 19.60.120.C.6.c, the restaurant must apply for a Conditional Use Permit for accessory outdoor cooking. Based upon that encounter, the owner ceased the unpermitted outdoor cooking and has been working with Staff to gain approval for the accessory use.

PROJECT DESCRIPTION

The applicant is requesting approval of a CUP to operate an accessory outdoor cooking grill that will offer tacos, burritos and other Mexican food items, in addition to the regular menu items that will be prepared inside the restaurant. Due to Health Department regulations, the outdoor grill will only be providing cooked meat, vegetables and tortillas; as patrons must go inside the restaurant to finish the preparation of their item (e.g. add toppings, condiments, etc.).

The outdoor cooking area will be situated within a corner of the 13' foot sidewalk area, between the front of the restaurant, parking lot and east wall of the subject building. A temporary 8' by 8' portable canopy is proposed to cover the outdoor cooking food station. The applicant plans on utilizing the existing soffit lights and other portable lights powered by extension cords to provide lighting for the food preparation area. The food grill will utilize propane fuel, which will be located by the grill and in storage when not in use.

The food station proposes to operate on Friday, Saturday, Sunday from the hours of 5:00 p.m. to 12:00 a.m. The applicant is proposing to extend hours of operation on days the restaurant will feature the accessory outdoor cooking from 10:00 p.m. to a proposed 12:00 a.m. closing. When the food station and canopy are not in use they will be properly cleaned and stored within the restaurant or adjacent storage/electrical room, similar to the outdoor dining tables and chairs.

Business operation for the sit-down restaurant will remain substantially unchanged, including the number of employees serving the inside of the restaurant. Outdoor dining will continue to be offered, pursuant to the conditions associated with that approval. Proposed outdoor cooking will slightly modify the overall business operations due to an anticipated increase of an additional 100 customers per day and the Health Department requirements for food preparation. In order to accommodate the additional demand, Don Reyes Restaurant will be hiring two additional employees, a cook who will be assigned to the outdoor food station only and another server for outdoor diners. There will generally be a total of six employees working during the proposed outdoor cooking hours.

ANALYSIS

Staff has reviewed the proposed design and plans for the project and finds that the project design and proposed use are generally consistent with the standards set forth in the Commercial-General (C-G) zone, Staff does have concerns with odor, noise, parking, hours of operation, canopy appearance and coordination of Health and Fire Department regulations. By understanding the businesses impacts and incorporating appropriate conditions, Staff believes the proposed accessory outdoor cooking use will not be detrimental to the shopping center or surrounding properties.

Odor

Odor impacts must be analyzed when considering the proposed use and its adjacency to nearby residential properties and surrounding businesses. R-4, Multiple-Family Residential (High Density), zoned residential properties are located approximately 125' to the south and 225' to the west. R-1, Single-Family Residential, zoned properties are situated generally 250-300' across Duarte Road and the Gold Line tracks.

Odor from outdoor cooking can be an impact to surrounding businesses and properties if not thoroughly analyzed and mitigated. Research of other cities dealing with odor issues associated with outdoor cooking generally revolve around the: fuel used, regularity in which the outdoor cooking operates and proximity to residential and other sensitive uses. The proposed outdoor cooking equipment will utilize propane fuel, not wood or charcoal; therefore reducing pungent hardwood smoke odors. Secondly, the location of the food cooking area will be situated within the corner of the outdoor sidewalk; between a utility/storage area and the front door of the Don Reyes Restaurant. This provides the building as a physical barrier for odors between the cooking area and the residential properties to the south. Although there is no physical barrier, residential uses to the west and north are far enough away from the cooking area and are located across arterials streets where most odors should dissipate in those conditions. Finally, the business is proposing a limited operating schedule; approximately 20 hours during a week. The use of propane fuel, proposed cooking area location and limited operating schedule were designed to reduce the impacts associated with the outdoor cooking due to the proximity of nearby residential uses.

Noise/Hours of Operation

Staff analyzed the potential impacts to adjacent residential zones and businesses related to noise generated by the use and extended operating hours. A survey of existing businesses in the subject shopping center and the adjacent shopping center found that only one business operates beyond 10 p.m. - Duarte Liquors open until 11:00 p.m. on weekends. The primary sources of noise associated with the outdoor cooking and dining use includes normal cooking and food preparation operations, music (either provided by the business or associated with customers/vehicles) and dining/patron activity.

Food preparation and cooking will generate noise, but the impacts for those uses themselves are less than significant. Due to Health Department regulations, preparation and service of the food must be conducted within the building. Secondly, the business will not be relocating their cash register; therefore all transactions must occur inside. Lastly, the act of cooking is not anticipated to generate significant noise.

Music can cause significant noise impacts. Although the business is not proposing music outdoors or the installation of exterior speakers, Staff is proposing a condition to limit those specific concerns. Music impacts from customers or their vehicles is a separate concern and more difficult to address. Even with additional staff proposed by

the business, it is challenging for cooking and serving staff to also monitor customer music or to patrol the parking lot for vehicles that are playing their car stereos too loudly.

Similar to the concerns with customer music, patrons and dining activities can generate significant noise and be disruptive to neighboring properties. This generally includes noise from patron conversations, dining activities and normal car noise. In addition to the noise associated with the permitted outdoor dining area, it is also anticipated that some of the outdoor cooking patrons will be eating within the parking lot. This scenario is a concern to Staff, since this would bring customers closer to residential properties and further away from the noise cancelling effects of the building.

Furthermore, the applicant is proposing to extend the hours of operation from 9:00 p.m. to 12:00 a.m. This means that the business plans to operate outdoors three hours beyond the decibel shift provided in Ch. 9.68 (Noise) of the Duarte Municipal Code and one-hour beyond the closing time for the adjacent convenience store.

Due to the closing hours of adjacent businesses, proximity of the proposed business activities to residential properties and the limitations on restaurant staff to control patron noise, vehicle noise and music, Staff is recommending a series of mitigating conditions. The first and most critical is a reduction in the proposed hours of operation from 12:00 a.m. to 11:00 p.m. Secondly, Staff is asking the Commission provide the authority for the Community Development Director to further limit the outdoor operating hours to 9:00 p.m. based upon complaints or other violations. Finally, Staff is recommending the installation of "No Loitering" signs and the requirement for parking lot trash pick-up. If noise complaints become a reoccurring issue or major neighborhood concern, the permit could be brought back to the Commission for modification or revocation. Furthermore, Chapter 9.68 of the Duarte Municipal Code provides the authority for the Public Safety Department to enforce and cite noise concerns.

Parking

The Shopping Center was built in 1986 with 22 parking stalls including one for ADA purposes. The number of stalls are not currently compliant with Development Code standards, which would require approximately 30 parking stalls. Although the provided parking is non-conforming, Section 19.12.020 of the Duarte Development Code provides a parking exemption for accessory outdoor dining up to 800 sq. ft. Staff has also analyzed the hours of operation of adjacent businesses, which include Patty's Video closing at 9:00 p.m. and Duarte Liquors closing at of 11:00 p.m. on weekends and 10:00 p.m. on Sundays.

Parking impacts were previously considered as part of the outdoor dining permit. Due to the accessory outdoor dining parking exemption and non-conforming nature of the property, additional stalls were not required at that time. Hours of operation for adjacent businesses indicate that additional parking for the proposed outdoor cooking will occur later in the evening; providing little impact to the overall parking situation. Staff also

anticipates that many patrons will be taking food to go, which will increase the turnover of each parking space, in essence reducing the overall parking demand. Furthermore, it has been expressed to Staff that many of the outdoor cooking/dining customers are also users of Duarte Liquor. It is reasonable that a certain percentage of customers patronizing the outdoor cooking grill at Don Reyes would also be customers who were already buying snacks, drinks or other products from the abutting market; therefore reducing the overall parking demand. Due to these factors described above, Staff does not have serious concerns over the parking provided in the center.

Canopy Aesthetics

The canopy depicted in the photos shown in Exhibit C was never reviewed or approved by the City. Staff has concerns with the aesthetics and appearance of the proposed canopy, since the structure does not appear to be made of quality materials or compliment the color or style of either the business or building. A condition has been added that requires the applicant submit plans for a new outdoor cooking area cover. The cover plan will require Community Development Department approval prior to beginning the outdoor cooking use. The condition has been written in a manner to allow flexibility in approving either a permanently mounted gazebo-style cover, permanent building modification (e.g. extended overhand or similar) or to allow a portable canopy structure. The intent behind the condition is to achieve a high quality covering that compliments the property and meets the requirements of the Fire and Health Departments.

Health and Fire Department Regulations

Staff consulted with the Health and Fire Departments to ensure proper life safety and sanitation measures are implemented by Don Reyes Restaurant. Several significant Fire and Health Department regulations apply to the proposed project.

The Los Angeles County Fire Department has some concerns about the proposed operations, including the use of fire-treated canopy materials and the placement and number of exterior fire extinguishers.

The Los Angeles County Health Department monitors food safety, especially outdoor food service. As discussed above, Health Department regulations require that the preparation of food, including both the Restaurant's preparation of vegetables and condiments and the customer's preparation of their individual food items, must be conducted indoors. This regulation also extends to food service, which is also required to be done indoors. In preliminary conversations with the Health Department, they will also be mandating additional trash receptacles in the outdoor area.

The applicant will be required to gain both Fire and Health Department approval before the outdoor cooking use is permitted.

RECOMMENDATION

Staff is of the opinion that with the inclusion of the proposed conditions of approval, particularly limitations to operating hours, requirement for a new outdoor cooking area cover, use of propane fuel and compliance with Health and Fire regulations, the project as a whole will provide the community a unique dining experience and not significantly affect abutting businesses or adjacent residential properties.

Based on the information provided in the Staff report, along with the required findings, Staff recommends that Planning Commission approve Conditional Use Permit 15-02, subject to conditions, allowing outdoor cooking as an accessory and incidental use to the Don Reyes sit-down restaurant operation, by adopting PC Resolution 15-03.

ATTACHMENTS

- Exhibit A: General Project Information
- Exhibit B: Resolution No. PC 15-03 and Conditions of Approval
- Exhibit C: Project Plans (Site plan, floor plan, elevations, pictures)

EXHIBIT A

Exhibit A
General Property Information
Conditional Use Permit 15-02
1306 Duarte Road (Don Reyes Restaurant)

PROPERTY CHARACTERISTICS

Property Address: 1306 Duarte Road

APN: 8533-007-011

Owner: Dr. C.C. Shah

Lot/Building Area: 16,109 s.f. (0.37 acres) / 5,298 s.f. (Lease appx. 1,750 s.f.)

Public Notice: A public hearing notice was published in the "The Pasadena Star News" and posted at Duarte City Hall, Public Safety Office, and Public Library on May 7, 2015. One hundred and forty-three (143) public hearing notices were also sent to property owners within 600' of the subject property on May 7, 2015.

Environmental: Staff has determined that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions of the California Code of Regulations (Title 14): Section 15301, Class 1 of Title 14 Section 15301 Existing Facilities (e) (1) - the accessory structure associated with the building will not result in an increase of more than 50 percent or 2,500 square feet; Section 15303 (e) - the proposed outdoor cooking canopy is an accessory structure; Section 15311 Accessory Structures (c) the addition involves the placement of a temporary canopy incidental to the primary restaurant business. Therefore, no further environmental documentation is necessary in accordance with CEQA Guidelines and a Notice of Exemption will be prepared for the project.

Zoning: Commercial-General (C-G)

SURROUNDING ZONES & LAND USE

LOCATION	GENERAL PLAN	ZONING	LAND USE
North	Industrial/Low Density Resd.	M/R-1	Vacant/Single Family Resd.
South	Medium/High Density Residential	R-3/R-4	Multiple-Family Residential
East	General Commercial	C-G	Commercial
West	Medium/High Density Residential	R-3/R-4	Multiple-Family Residential

EXHIBIT B

RESOLUTION NO. PC 15-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST FOR A CONDITIONAL USE PERMIT FOR ACCESSORY OUTDOOR COOKING IN CONJUNCTION WITH THE OPERATION OF A SIT-DOWN RESTAURANT WITH OUTDOOR DINING FOR DON REYES RESTAURANT LOCATED AT 1306 DUARTE ROAD MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE DEVELOPMENT CODE 19.114.050(B) AND THUS APPROVES CONDITIONAL USE PERMIT 15-02 SUBJECT TO CONDITIONS OF APPROVAL

WHEREAS, the applicant is requesting approval of a Conditional Use Permit for accessory outdoor cooking at the existing Don Reyes Restaurant located at 1306 Duarte Road; and

WHEREAS, accessory outdoor cooking associated with sit-down restaurants is a conditionally permitted use pursuant to Duarte Development Code Section 19.12.020, Table 2-5; and

WHEREAS, accessory outdoor cooking associated with outdoor dining is a conditionally permitted use pursuant to Duarte Development Code Section 19.60.120.C.6.c; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report and all of the information, evidence and public testimony received at the public meeting held on May 18, 2015 at 7:00 p.m. in the City Council Chambers;

NOW THEREFORE, the Planning Commission of the City of Duarte resolves as follows:

SECTION 1. That the Planning Commission approves PC Resolution 15-03 with conditions, the request for Conditional Use Permit 15-02 at 1306 Duarte Road.

SECTION 2. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 3. The Planning Commission finds and determines as follows, that:

1. The proposed use is consistent with the General Plan;

The existing Don Reyes Restaurant development is consistent with the land use designation of the General Plan, in that it furthers the General Plan land use policy 2.1.3 by providing for the shopping and service needs of residents in a conveniently clustered commercial establishment, encouraging "one-stop" shopping.

2. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Development Code and the Municipal Code;

Don Reyes Restaurant is consistent with the General Commercial (C-G) Zoning District designation, in that the business provides for local needs with the operation of a full service restaurant, offering an assortment of menu and meal options. Outdoor cooking is permitted only through the approval of a conditional use permit; which proposed use must also be accessory to the primary business use of a restaurant and secondary to the previously approved outdoor dining.

3. The design, location, size and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;

Don Reyes restaurant is located in the shopping center located at the southeast corner of Duarte Road and Buena Vista Street. The Property is developed with a full service restaurant, Video Rental business and convenience store. Multi-Family Residential developments exist to the west and south of the subject property. A R-1, Single-Family Residential, zone is located to the north across Duarte Road and the future light rail tracks. A separate commercial shopping center abuts the subject property to the east. The applicant has designed the accessory outdoor cooking to be compatible within the shopping center and adjacent properties through several operational business decisions, including but not limited to: selecting a location in front of the subject restaurant that minimizes the spatial impacts of outdoor cooking; utilizing propane fuel to reduce odor impacts to adjacent businesses and hiring additional staff to accommodate increased patronage. Furthermore, the City is recommending conditions of approval that will further reduce potential negative impacts to the adjacent properties and business owners.

4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

Outdoor Cooking may be permitted as an incidental use associated with a full service restaurant and also with outdoor dining through the approval of a conditional use permit. The restaurant is required to operate primarily as a full-service, sit-down restaurant. The addition of outdoor cooking will not create an adverse impact on surrounding developments, provided that the conditions of approval are adhered to and the outdoor cooking use remains incidental to the full-service restaurant. The restaurant's primary use will be to prepare and serve an assortment of meals to its guests and the ability to cook outdoors will allow an opportunity to create a dining experience that is unique to full service restaurants. Additionally, conditions of approval will help avoid adverse and detrimental effects on the City and surrounding community, as well as laws regulated by the Health and Fire Departments.

5. The subject site is:
 - a. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities; and

- b. Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.

Don Reyes restaurant is located within the General Commercial (C-G) zoning district. The project site is within a shopping center located at the southeast corner of Duarte Road and Buena Vista Street. The site is approximately 16,109 square feet in size (0.37 acres), and developed with a single story, 5,298 square foot freestanding commercial building. Two of the City's arterial streets, Duarte Road and Buena Vista Street, provide primary access to the property, which can efficiently accommodate the demand generated by the business use and operations. The shopping circulation is suitable for efficient access for public and emergency vehicles. The additional outdoor cooking will be accessory to the primary use as a restaurant and should not generate additional traffic to a point that is detrimental to the site and/or surrounding developments.

SECTION 4. The Planning Commission approves Conditional Use Permit 15-02 based on the findings listed in Section 3 and the conditions attached hereto.

SECTION 5. The approval of Conditional Use Permit 15-02 by the Planning Commission is exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions of the California Code of Regulations (Title 14): Section 15301, Class 1 of Title 14 Section 15301 Existing Facilities (e) (1) - the accessory structure associated with the building will not result in an increase of more than 50 percent or 2,500 square feet; Section 15303 (e) - the proposed outdoor cooking canopy is an accessory structure; Section 15311 Accessory Structures (c) the addition involves the placement of a temporary canopy incidental to the primary restaurant business;. Therefore, no further environmental review is necessary.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 18th day of May 2015.

Sheryl Lefmann, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

CITY OF DUARTE
COUNTY OF LOS ANGELES } ss.
STATE OF CALIFORNIA

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on May 18, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Hensley, AICP

CONDITIONS OF APPROVAL
Conditional Use Permit 15-02
1306 Duarte Road (Don Reyes Restaurant)

1. Outdoor cooking shall only be allowed in areas designated on the approved plans on file with the Community Development Department (Exhibit C). The Community Development Director may allow minor modifications to the size and location of the food preparation area, based upon review and approval of a revised plan. Food preparation areas shall not be accessible to the public.
2. The applicant must comply with all Health and Fire Department requirements, which shall also be incorporated as conditions of approval of Conditional Use Permit 15-02 . The applicant shall provide approvals from both the Health and Fire Departments prior to beginning the outdoor cooking operations.
3. Outdoor cooking shall remain as an accessory to the primary use of a full service restaurant. The restaurant must be open, operational and offer food and beverage for sale during approved outdoor cooking hours.
4. Operating hours for outdoor cooking is limited to Friday, Saturday and Sunday from 5:00 p.m. to 11:00 p.m. and Federally recognized holidays. The Community Development Director may restrict the hours of operation to 9:00 p.m. based upon complaints, problems or other detrimental activities associated with the operation of the accessory outdoor cooking.
5. Only propane or natural gas fuel shall be used for the outdoor cooking equipment.
6. No music or the use/installation of speakers are permitted outside of the business.
7. The applicant shall use proper mats or other floor/surface coverings to prevent grease, oils and food from contacting the sidewalk area associated with the approved outdoor cooking area.
8. At no time should accumulated grease, oil or food residue be present on the sidewalk area in front of the restaurant. The applicant is encouraged to steam-clean the sidewalk on a regular basis to mitigate this concern.
9. The applicant shall remove restaurant litter and other trash from the parking lot every night that outdoor cooking is permitted.
10. Onsite management and staff shall ensure outdoor cooking and dining areas are properly maintained at all times, including regular cleaning of the outdoor cooking area cover. Trash and debris shall be disposed of in its proper place in a prompt manner.

11. The trash enclosure gates shall be replaced and repainted to match the colors of the shopping center. The applicant or property owner shall obtain City approval prior to construction.
12. The applicant shall install a GFCI receptacle on the front wall of the business, adjacent to the location of the outdoor cooking area, to be used in association with outdoor lighting or as accessory to the outdoor cooking use. The applicant shall obtain an electrical permit and install the receptacle prior to beginning outdoor cooking operations.
13. "No Loitering" signs shall be placed on the building exterior and/or parking lot conforming to California Penal Code Section 602. Signage size, design and placement shall be reviewed by the Community Development Department before outdoor cooking operations begin.
14. The applicant shall prepare and submit plans to the Community Development Department for the consideration of either a new temporary or permanently installed outdoor cooking area cover. The cover shall be designed for commercial use, made of quality and architecturally-compatible materials and compliment the colors and style of the subject business and/or building. The plans should include elevations, photos, brochures, material samples, installation details or other documentation that provides the information necessary for Staff to consider the proposed covering. Said covering must be approved by the Community Development Department prior to operation of the outdoor cooking use.
15. A lighting plan must be prepared and submitted to the Community Development Department. Said plan shall be approved prior to operation of the outdoor cooking use. The plan shall include photos, brochures, details or other documentation that will provide the information necessary for Staff to consider the proposed lighting. Any lighting within the food preparation cover area must include a light cover
16. The portable canopy (if selected by the applicant and approved by the City), food preparation station, trash cans and other equipment associated with the outdoor cooking operation shall be stored every night, away from public view. At no time can the temporary canopy structure and/or food preparation station be in use except for the approved hours of operation.
17. Any outdoor storage associated with this use is prohibited.
18. The sale or consumption of alcoholic beverages outside of the restaurant building is prohibited.
19. Any expansion or modification to the approved use, as part of Conditional Use Permit 15-02 will require an application for a new or modified conditional use permit.

20. The filing fee for Notices of Exemption (NOE) for a Categorical Exemption will require a payment fee of \$75.00 for payment that shall be submitted to the City within five (5) working days of the approval of the project. The check should be made payable to County of Los Angeles Registrar-Recorder. Failure to submit such payment within such five (5) day time frame stated renders the approval of this project null and void.
21. This CUP may be called for review or revocation at any time by the City Staff, if a violation of the approved conditions is alleged, or if it is alleged that the use, or its patrons, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal and/or, Development Codes, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
22. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times, including compliance with curfew and daytime loitering regulations pursuant to the provision of Section 9.56 of the Duarte Municipal Code (DMC). Problems or continued/repeated violations of any municipal, Health Code, or other violations associated with outdoor cooking, conditions of approval or any other governmental regulations, as determined by the City of Duarte, Los Angeles County Health Services Department, or Los Angeles County Fire Department, may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
23. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
24. The decision of the Planning Commission may be appealed to the City Council within 15 days of the Planning Commission's decision. Said appeal must be in writing and filed with fees paid to the City Clerk's Office. The written appeal shall include reasons for the appeal.
25. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of this conditional use permit which may be brought within the time period provided for such actions or challenges under applicable law.

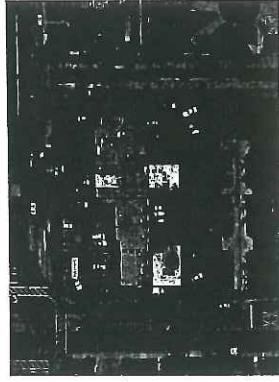
26. The applicant shall sign an affidavit accepting the conditions of approval of the Conditional Use Permit within 15 days from the date of approval by the Planning Commission. Failure of the applicant to sign such affidavit within such time period shall render the approval of this Conditional Use Permit null and void.

EXHIBIT C

Default Title

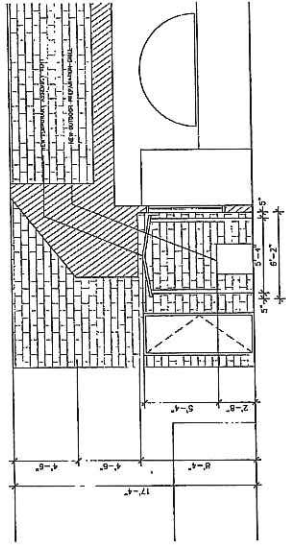
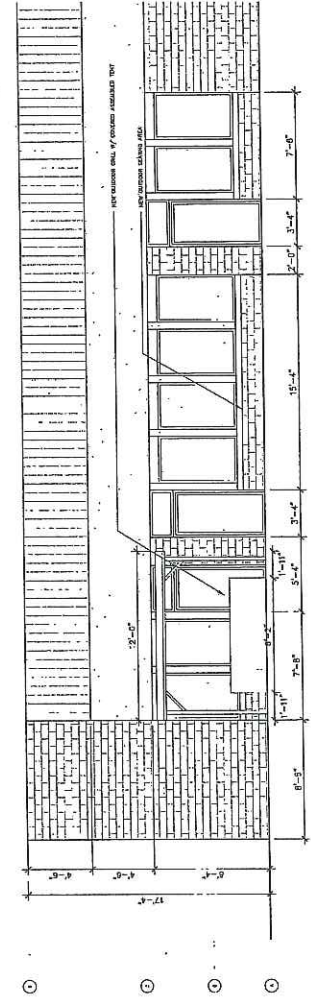
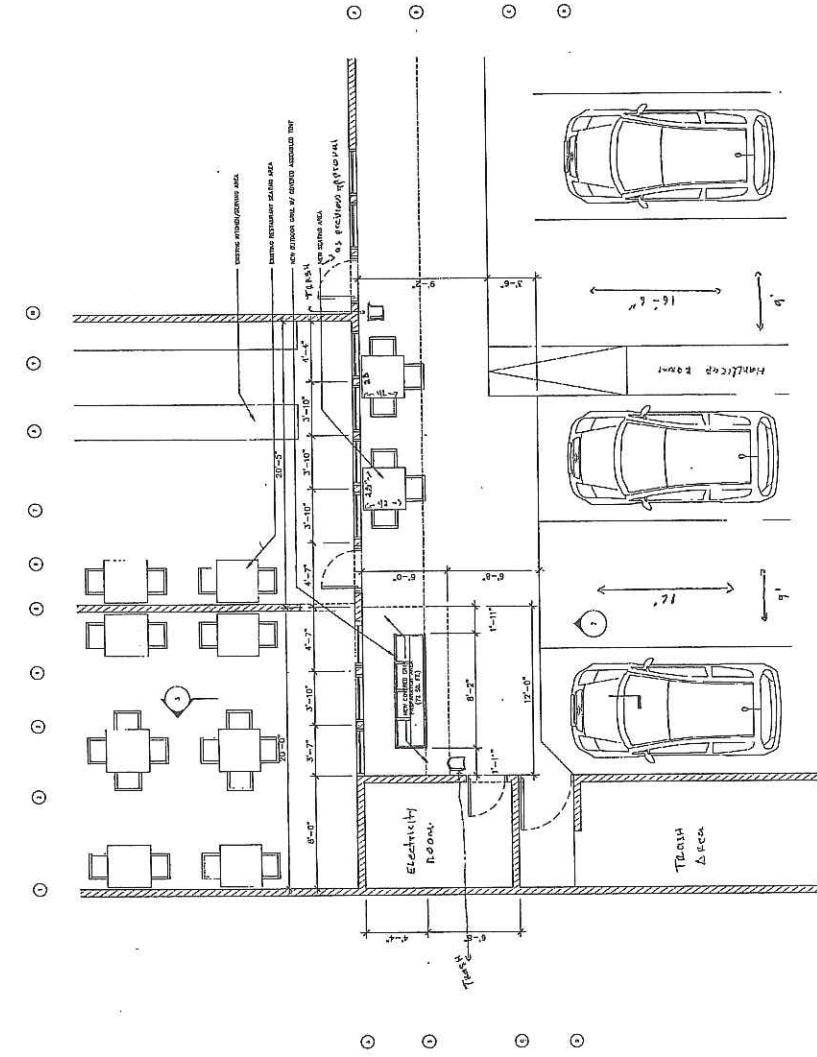


1" = 188 ft	Sub Title	05/12/2015	
This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Duarte staff for the most up-to-date information.			



2 SITE PLAN
SCALE: N.T.S.

PROJECT DATA
 PROPOSED TEMPORARY COVERED GRILL WITH ADJACENT
 SEATING AREA AND RESTROOMS. THE GRILL WILL BE FOR
 COOKING PURPOSES ONLY. NOT FOR SERVING. FOOD
 WILL BE SERVED INSIDE THE RESTAURANT.
 LOCATION: 1305 QUARTE RD., QUARTE CA 91010
 ASSESSORS PARCEL # 6531-007-011
 AIN# 8533007011
 ZONING: COMMERCIAL



Los Reyes Restaurant

LEVEL 01
FLOOR PLAN
EL. + 00'

PLANTING @ EL. + 4'-0" FFL

PROJECT: 2014-002
SCALE: 1/8"=1'-0"
DATE: OCT 11, 2014

A2-1.01

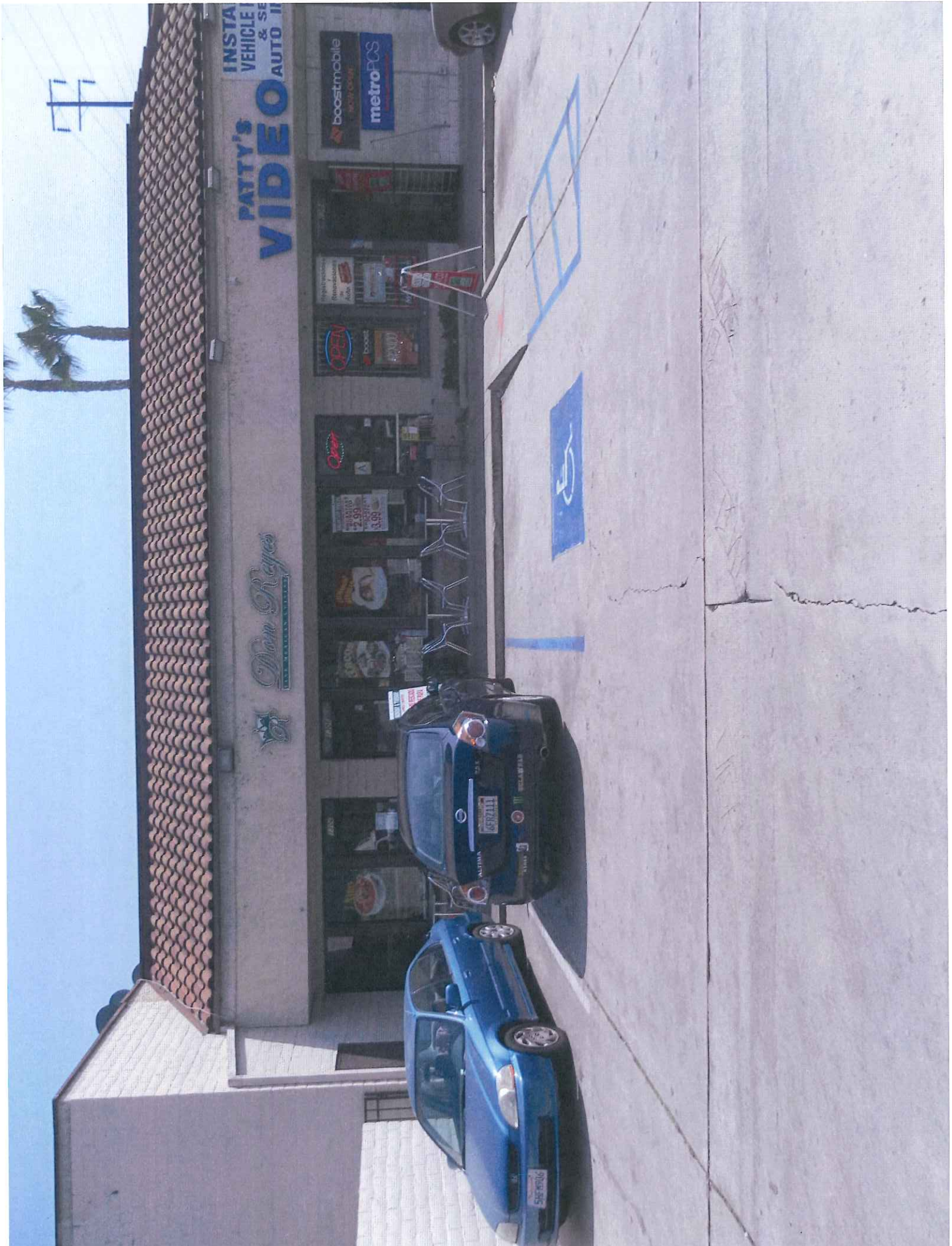


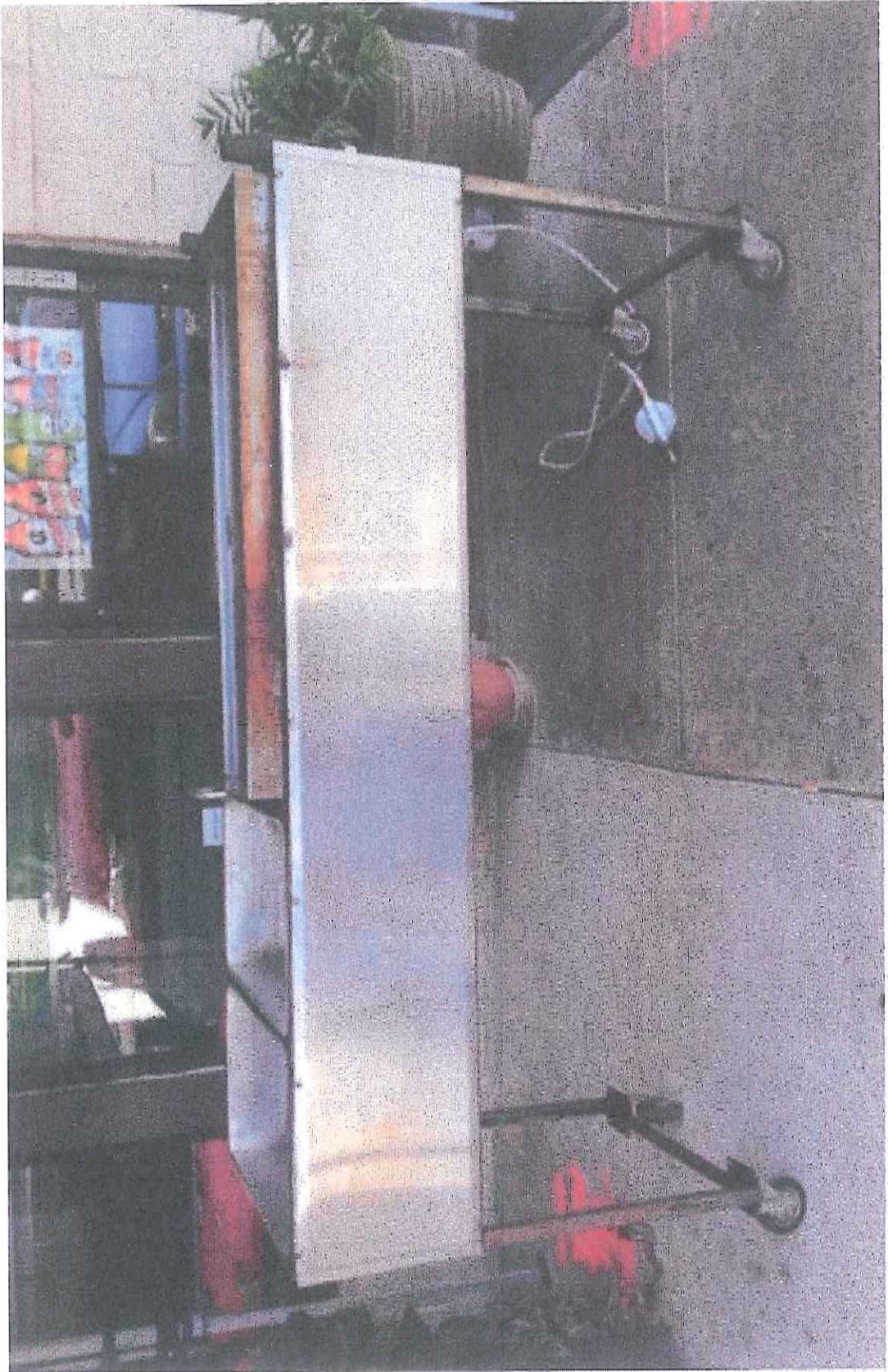
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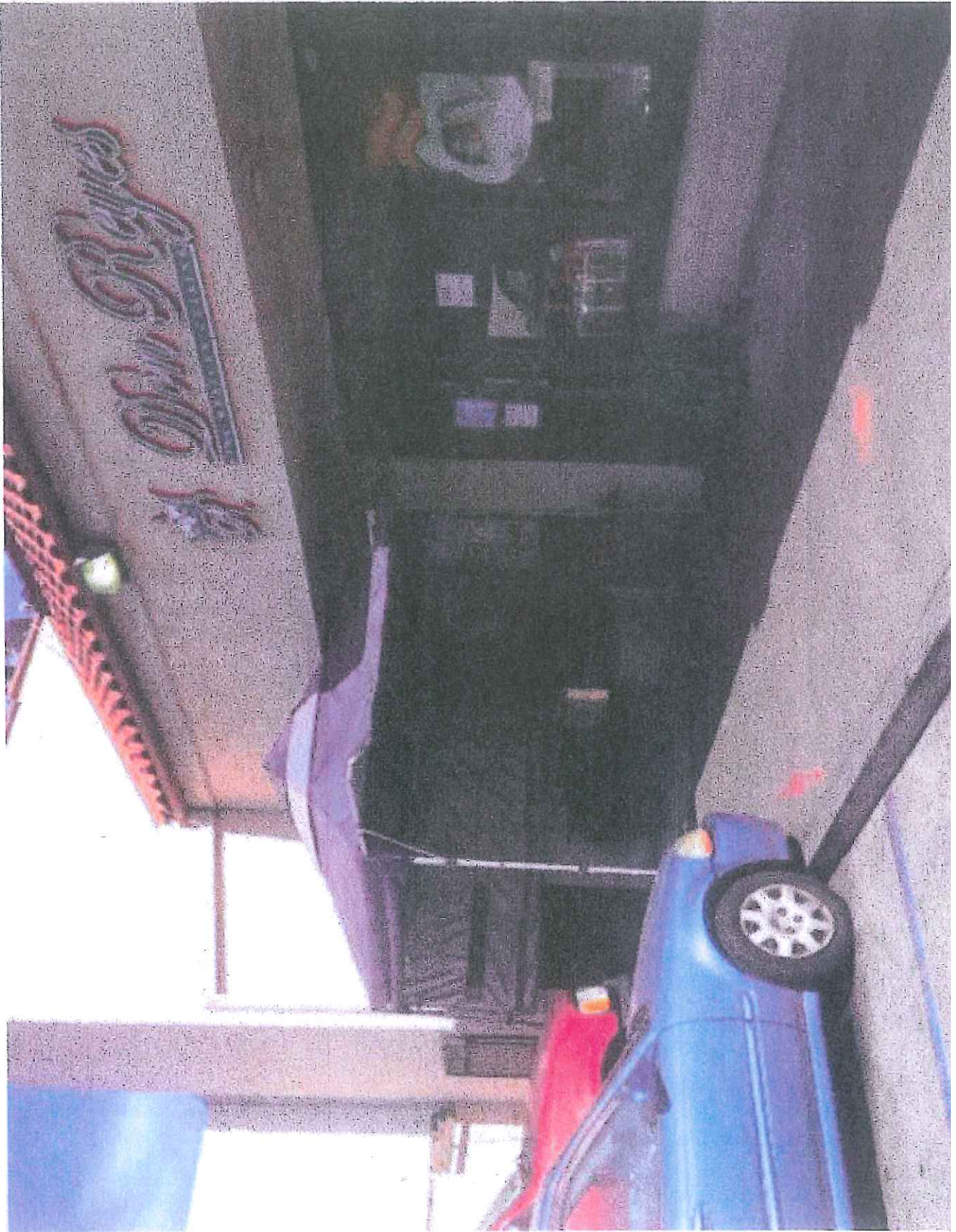
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AFEX
ENVIOS DE DINERO

NUMERO GRATUITO 1(855)851-5162

MONDAY & TUESDAY
LUNCH & DINNER
TACO DE PESCADO
TACO DE PAPA
TOSTADA MEXICANA
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PC Resolution 15-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST FOR A CONDITIONAL USE PERMIT FOR ACCESSORY OUTDOOR COOKING IN CONJUNCTION WITH THE OPERATION OF A SIT-DOWN RESTAURANT WITH OUTDOOR DINING FOR DON REYES RESTAURANT LOCATED AT 1306 DUARTE ROAD MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE DEVELOPMENT CODE 19.114.050(B) AND THUS APPROVES CONDITIONAL USE PERMIT 15-02 SUBJECT TO CONDITIONS OF APPROVAL.



MEMORANDUM

TO: PLANNING COMMISSION

FROM: DAVID F. EOFF IV, ASSOCIATE PLANNER

DATE: MAY 18, 2015

**SUBJECT: PUBLIC HEARING FOR A REQUEST BY THE CITY TO MODIFY
CONDITIONAL USE PERMIT (CUP) 95-1 FOR THE ROUTE 66
ROADHOUSE & TAVERN LOCATED AT 1846 HUNTINGTON DRIVE**

The business owner of the Route 66 Roadhouse & Tavern has requested a postponement of the Planning Commission public hearing for the modification to CUP 95-1 to the next regularly scheduled meeting of June 15, 2015. The business owner is unable to attend the May 18, 2015 Planning Commission meeting due to unexpected personal matters.

Staff recommends the Planning Commission open the public hearing and continue the item to the next scheduled meeting on June 15, 2015. A staff report, PC Resolution, and all other exhibits will be provided at the June 15, 2015 meeting.

PC Resolution 15-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE MODIFYING CONDITIONAL USE PERMIT 95-1 FOR THE ROUTE 66 ROADHOUSE & TAVERN DUE TO REOCCURRING LAW ENFORCEMENT ACTIVITY AND NON-COMPLIANCE WITH CONDITONS OF APPROVAL WHICH HAVE CAUSED THE USE TO BECOME DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND CONSTITUTES A PUBLIC NUISANCE, PURSUANT TO CHAPTER 19.152 OF THE DUARTE DEVELOPMENT CODE.