



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
May 18, 2015**

*Planning Commission
Commissioners
Chair, Sheryl Lefmann
Vice-Chair, Anna Lisa Hernandez
William Lawrence
Shauna Pierce*

1. CALL TO ORDER AND NOTATION OF ABSENCES

Chairperson Lefmann called the meeting to order at 7:02 p.m.

The following were in attendance:

PRESENT: Lefmann, Lawrence, Pierce

ABSENT: Hernandez

STAFF: Hensley, Golding, Eoff IV, Tachiki, N. Hernandez

2. PLEDGE OF ALLEGIANCE

Director Hensley led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – March 16, 2015

Chairperson Lefmann moved to approve the minutes, seconded by **Commissioner Pierce**. Motion was approved 3-0-1-0. (Absent: Hernandez)

4. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

None

5. PLANNING ITEMS

None

6. PUBLIC HEARINGS:

A. Conditional Use Permit 15-02: A request for accessory use of outdoor cooking incidental to the operation of an existing sit-down restaurant (Don Reyes) located at 1306 Duarte Road. The CUP also includes a request to extend their operating hours for the accessory use from 9:00 p.m. to 12:00 a.m.

Hensley introduced and welcomed Alex Tachiki, Community Development Technician to present his first staff report to the Planning Commission.

Tachiki provided details on Conditional Use Permit (CUP) 15-02. 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. He stated that the restaurant has been operating since July of 2003; the business is full-service, sit-down restaurant. In June of 2004 CUP 04-3 was approved to allow the sale of beer and wine for onsite consumption (Type-41 ABC license). He also added that the restaurant was approved for accessory outdoor dining in 2014.

Tachiki also discussed staff concerns with odor, noise, parking, hours of operation, canopy appearance and coordination of Health and Fire Department regulations.

Tachiki concluded his presentation and stated that based on the information provided in the Staff Report, Staff recommends the Planning Commission adopt Resolution 15-03, approving Conditional Use Permit 15-02.

Chairperson Lefmann opened comments to the Commissioners.

Commissioner Lawrence inquired on the number of seating available inside the restaurant. **Tachiki** stated that the maximum occupancy for the establishment is approximately 50 people.

Commissioner Lawrence asked if alcohol was served outside. **Tachiki** responded that no alcohol is allowed outside the restaurant, adding that there was discussion with the applicant of the training required of staff regarding no outside sale or consumption of alcohol.

Commissioner Pierce inquired about the process of ordering and payment of food. **Tachiki** responded that all transactions of serving food, serving of condiments and payments are handled inside the restaurant.

Chairperson Lefmann inquired if music was currently a problem. **Tachiki** stated that the proposal did not include music or outdoor speakers and under the conditions of approval #6, there is no music or the use/ installation of speakers permitted outside of the business.

Chairperson Lefmann inquired of the closing and cooking ending time. **Tachiki** stated that 11:00 p.m. is the ending of the cooking, put away outside items and stop of food sales.

Chairperson Lefmann asked if water would be used outside for the cooking of the meat. **Tachiki** responded that all food preparation is done inside, and no water is to be used outside the restaurant.

Chairperson Lefmann opened the Public Hearing.

Steve Hernandez inquired about the process on how the meat will be cooked outside and the traffic activity that is going to be created outside the restaurant. He also expressed his concerns on the smoke nuisance that will be created by this new arrangement. Mr. Hernandez indicated that he believes AQMD requires a permit for outdoor cooking. **Senior Planner Golding** commented that the meat will be grilled outside and that all condiments are handled inside the restaurant as usual. He also added that the Commission could add a condition for the applicant to meet all AQMD requirements.

Dr. Shah, Owner of Shopping Center, stated he is very pleased with the quality of food, the cleanliness of the establishment and the neighborhood demand for this type of business. He also added that he frequently stops by the restaurant to supervise it.

Chairperson Lefmann closed the Public Hearing.

Hensley addressed the smoke/air quality concerns and recommended to change the Conditions of Approval to read as: "Applicant should provide Health Department, Fire Department and any other required permits prior to cooking operations"

Chairperson Lefmann made a motion to approve Conditional Use Permit 15-02 and PC Resolution 15-03. Seconded by **Commissioner Pierce**. Motion was approved 3-0-1-0. (Vote: Yes: Lefmann, Lawrence, Pierce; No: None; Absent: Hernandez; Abstain: None).

B. Modification to Conditional Use Permit 95-1: A request by the City of Duarte to modify Conditional Use Permit 95-1 currently allowing the on-premise sale of alcoholic beverages and entertainment at the Route 66 Roadhouse & Tavern. Pursuant to Chapter 19.152 of the Duarte Development Code, the modification is being considered due to reoccurring law enforcement activity and non-compliance with conditions of approval that have caused the business operation to become detrimental to the public health, safety and welfare, and constitutes a public nuisance.

Hensley stated that due to unexpected personal matters, the business owner of the Route 66 Roadhouse & Tavern has requested a postponement of the Public Hearing for the modification to CUP 95-1 to the next regularly scheduled meeting on June 15, 2015. Therefore, the staff report, PC Resolution and all other exhibits will be provided at the June meeting.

7. ITEMS FROM THE DIRECTOR

Director Hensley provided an update on following projects:

- Announced the coming of a new coffee shop with drive-thru amenity at Huntington Drive and Buena Vista Street. Item will be introduced at the June 15th Planning Commission meeting.
- The Andres Duarte Development at the southeast corner of Huntington Drive and Pops Road is nearly complete.
- The Magellan Self Storage at the northwest corner of Buena Vista Street and Duarte Road is in the last phase of construction.

8. ITEMS FROM COMMISSIONERS

Commissioner Lawrence inquired about the continued incidents of graffiti in the city.

Hensley stated that several locations have been continually targeted but the contracted company quickly responds to the removal of the graffiti.

9. ADJOURNMENT

The meeting was adjourned at 7:33 p.m.

Craig Hensley, Secretary