



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
April 20, 2020**

**Planning Commission
Commissioners**
Paula Watson-Gardner, Chair
Sara Vasquez, Vice-Chair
George K. Farra
Tina Heany
Wally Wolff

NOTICE: Due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19), Governor Newsom has issued Executive Order N-29-20 in which Section 3 supersedes Paragraph 11 of Executive Order N-25-20 (issued on March 12, 2020) addressing Brown Act regulations. This new order states that the City does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. The Order allows the City to hold City Council meetings via teleconferencing and allows for members of the public to observe and address the meeting electronically.

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Chair Watson-Gardner called the meeting to order at 7:07 p.m. The following were in attendance:

PRESENT:	Watson-Gardner, Vasquez, Heany, Farra, Wolff
ABSENT:	None
STAFF:	Hensley, Golding, Baldwin, Hernandez
DEPUTY CITY ATTORNEY:	Thai Phan

2. PLEDGE OF ALLEGIANCE:

None

3. APPROVAL OF MINUTES: [March 16, 2020](#)

Vasquez moved to approve the minutes of March 16, 2020. Seconded by Heany. The motion was approved 5-0-0-0.

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

None

5. PUBLIC HEARINGS:

Because of City Hall Closure (COVID-19) all public comments will be required to be submitted by email prior to the meeting. Please send all emails to: Jason Golding at goldingj@accessduarte.com. Public Comments will be read during the meeting. To participate in the meeting via call-in, please contact the Community Development Department at 626.357.7931 before 4:00 p.m. the day of the meeting and you

will be given a call-in number and issued a personal password that you may not share with others. The applicant will be permitted to make a presentation via call in and will be able to respond to questions asked by the Commission. You will only be able to listen to this exchange if you choose to call in.

A. Conditional Use Permit 2020-01: A request to operate a charter school within a recently remodeled tenant suite located at 1202-1204 Huntington Drive

Attachments: [Staff Report](#) and [Resolution 2020-03](#)

Nick Baldwin, Associate Planner presented a staff report about the new Charter School, located within an existing commercial center on the property shared with El Pollo Loco restaurant and the Duarte Inn.

Hensley provided the Chairperson Watson-Gardner the point of order for the operation of the Zoom meeting.

[Chair Watson-Gardner opened Commissioners' inquiries.](#)

Baldwin answered questions from the Commissioners pertaining to the Monrovia School location, students assigned parking, enforcement of parking conditions, type of laboratory on site, sales tax, city revenue, the appeal process, comments received from nearby businesses, and required notification to property owners. He also explained to the Commission that the applicant was not in favor of restrictions to students parking on the property.

[Chairperson Watson-Gardner opened the Public Hearing.](#)

Richard Moreno, Principal of Opportunities for Learning, a public charter school authorized by Duarte Unified School District (DUSD) presented an extensive statement noting emails of support from students, parents of the community, DUSD and Chamber of Commerce. He provided background information of the different services/programs provided for the students. He discussed the Staff's and student's safety practices and how the school is dealing with COVID19 pandemic crisis; the positive impact for students in the local community during the uncertainty of when they will be returning to school, and the partnership/support of the school district and city.

Principal Moreno answered questions from the Commissioners pertaining to the limited number of parking/mitigation process and alternative transportation/parking measures for staff and students.

Principal Moreno asked Staff for clarification regarding the 35 maximum students permitted and if the students waiting to be picked up would be counted towards the

condition. Baldwin indicated that it was not the Staff intention to count the students in the waiting area as part of the required condition.

Chair Watson-Gardner closed the Public Hearing and opened Commissioners' deliberation.

Hensley spoke about changes in the economy prior to the virus and expressed concern on the future changes to commercial spaces being taken by non-traditional commercial uses. He discussed the importance of addressing the issue of the parking; a section of the code that allows offsite parking with a Conditional Use Permit; and the issue of parking regulation and parking impact to nearby businesses.

Farra commented on how the uses were compatible, the issue of parking, and the appropriateness of allowing the applicant some leeway on the parking restrictions. He discussed alternative options on permitted parking with options including some spaces marked for five minute drop off only, the use of the security guard to prevent blockage of traffic flow for Pollo Loco, and the use of appropriate attire for the security guard.

Hensley addressed these comments and the ones that were sent prior to the meeting from Farra, pertaining to the condition requirements that Public Safety requested regarding the security plan implementation.

Farra discussed an additional comment that was sent to Hensley, regarding the drop off process for students.

Hensley stated that the condition of student drop-off came from the operational plan that was submitted.

There was continued discussion among Farra, Hensley and Moreno regarding an alternative option on the student drop off to alleviate traffic control.

Chair Watson-Garden closed Commissioners' deliberation and called for a vote on the item.

Wolff asked Staff before the motion of the item, about the commission alternatives on approving the item and outcome if parking becomes an issue.

Hensley provided a practical and technical answer to address the alternative options for the Commission.

Vasquez asked Moreno about the parking situation at the Monrovia location. Moreno indicated they have limited parking as well, but street parking was permitted.

Vasquez asked Hensley if there was any permitted street parking near the site. Hensley responded that there is no ability for any street parking near the location and referred to the conditions that were tailored for the site.

Chair Watson-Gardner called for a motion to approve Resolution 20202- 03 and CUP 2020-01.

Farra moved to approve the item with three amendments to the conditions. 1) to allow the school to manage which students and staff get parking; 2) to allow/require the security guard direct traffic to prevent impediment of the flow of traffic in the adjacent business and 3) to allow the security guard or other school staff to check in students from the outside prior to entering into the lobby.

Chair Watson-Gardner called for a Second on the item with Farra's amendments to the conditions, and asked Hensley if the commission can do a second motion. Hensley responded it is possible, if it is the commission's desire. Hensley offered an alternate condition for the commission to consider in order to come to consensus.

Hensley read the alternative condition as follow: up to five (5) students may be allowed to park on site within stalls designated to Opportunities for Learning. The applicant shall prepare a parking management plan approved by the Community Development Department to address onsite students parking demands.

Chair Watson-Gardner stated the Farra's motion died in lack of second and recalled the motion. Chair Watson-Gardner made a motion with amendments as stated by Hensley's alternative condition to designate five (5) parking spaces for students. The motion was seconded by Heany.

Farra called for additional amendments to his previous motion, which are to have the security guard to direct traffic and to have someone checking in students on the outside. Hensley added a comment about the presented condition that does not prohibit the checking in of students.

Vasquez asked Moreno about the process on signing in and out students. Moreno responded that the students are required to sign out only when they are leaving their appointment early and explained the process of students signing in the school.

Chair Watson-Gardner indicated there is no need for the amendment on the checking in of students and recalled the motion and the second for the item with a roll called as followed: Vote: Yes: Heany, Farra, Vasquez, Wolff, Watson-Gardner; No: None; Abstained: None; Absent: None. The motion was approved unanimous.

6. ITEMS FROM DIRECTOR:

Hensley commented on the meeting being different and thanked everyone that participated; provided development updates and answered an inquiry from Heany pertaining to the property for sale on Bradbourne and Huntington.

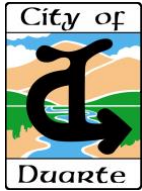
7. ITEMS FROM COMMISSIONERS:

There were no items from the Commissioners.

8. ADJOURNMENT: Monday, May 18, 2020

Chair Watson-Gardner adjourned the meeting at 8:14 p.m.

Craig Hensley, Secretary



PLANNING COMMISSION STAFF REPORT

Date: May 18, 2020

Project: Conditional Use Permit 2019-02
Use Classification 2020-01

Subject: A request to upgrade from a Type 20 (Off-Sale Beer and Wine) to a Type 21 (Off-Sale General) Alcoholic Beverage Control license to allow for the sale of distilled spirits (liquor) for offsite consumption, and a Use Classification, per Chapter 19.04 of the Duarte Development Code that liquor sales should be considered an incidental use to a grocery store use in the Town Center Specific Plan.

Location: 1322 Huntington Drive (Grocery Outlet)

Applicant: Steve Rawlings, Rawlings Consulting, on behalf of Grocery Outlet

SUMMARY

The applicant, Steve Rawlings, Rawlings Consulting, on behalf of Grocery Outlet, is requesting approval of a conditional use permit (CUP) to allow the sale of distilled spirits (liquor) for offsite consumption at Grocery Outlet, located at 1322 Huntington Drive. Grocery Outlet is an existing retail establishment in the City, providing grocery retail goods to the residents of Duarte and those of the surrounding areas. Grocery Outlet currently operates with a State of California Department of Alcohol Beverage Control (ABC) Type 20 license and would like to change to a Type 21 license.

In order for the Planning Commission to take action on Conditional Use Permit 2019-02, a Use Classification is required pursuant to Chapter 19.04 of the Duarte Development Code (DDC). That use classification (interpretation) would clarify that liquor sales could be considered an accessory, incidental and subordinate use to grocery store use in the Town Center Specific Plan (TCSP), upon meeting specific requirements.

BACKGROUND

The TCSP was adopted in 2016 and categorizes the sale of beer and wine for offsite consumption as a conditionally permitted use in the Mixed-Use Town Center (MUTC), Mixed Use Corridor (MUC) and Town Center Commercial Core (TCCC) land use designations (Chapter 3 - Land Use and Zoning, Table 3-1). When the TCSP was being considered, there were reoccurring issues involving liquor stores in the area such as loitering, intoxicated persons, littering, urinating in public, and similar problems. These issues were part of the decision process in limiting liquor stores and liquor sales in the plan. The issue of accessory liquor sales was not specifically addressed, but also not specifically listed as a conditionally permitted use.

The commercial building at 1322 Huntington Drive was built in 1954. It has operated as a grocery store since original construction. Grocery Outlet received approval of Conditional Use Permit 16-01 on March 21, 2016, to allow the sale of beer and wine for offsite consumption as an accessory service to their supermarket business. The supermarket has been in continuous operation since that date with little to no detriment to the shopping center or neighborhood.

The request to upgrade the license to allow the sale of distilled spirits requires the approval of a new Conditional Use Permit (CUP) from the Planning Commission and a new license from ABC. The current Type 20 license for Grocery Outlet has remained in good standing with ABC. Grocery Outlet has submitted an application to ABC; the status is pending the approval of this CUP.

PROJECT ANALYSIS

Use Classification

The initial action that the Commission must take is to determine if liquor sales should be determined to be accessory to a grocery store use. If the Commission does not make this determination, the proposed conditional use permit may not be approved. If the Commission makes the determination that liquor sales are accessory to a grocery store use that also has a Type 20 (beer and wine) ABC license, with a conditional use permit, then the Commission may either approve or deny the conditional use permit.

Chapter 19.04.030 of the DDC provides procedures for interpretation. The initial process places the decision determination with the Community Development Director, but allows the Director to refer the item to the Planning Commission. In this case, the Director has referred the item to allow the Commission to address the use classification and the conditional use permit comprehensively. It is important to note that the use classification will relate to all of the specific plan land use designations where off-sale wine and beer are allowed (MUC, MUTC, and TCCC), not only the Grocery Outlet property.

If the Commission desires to conditionally permit liquor sales as accessory to a grocery store use, Staff recommends that the description be very limited. One option is:

Distilled Spirits (liquor) sales as a conditional use, when accessory, incidental and subordinate to an existing grocery store use, when: the grocery store is over 15,000 square feet, total area of liquor sales is no greater than 100 square feet, and when associated with a grocery store use that currently possesses an active Type 20 (beer & wine) ABC license.

When making this determination, it is important to understand that the use classification is not intended to be a list of operational conditions, the CUP process will include operational conditions. The use classification is intended to specifically address use issues.

Conditional Use Permit

Grocery Outlet is requesting approval of CUP 2019-02 to change from a Type 20 ABC license to a Type 21, allowing the sale of liquor, in addition to beer and wine, for offsite consumption in conjunction with the continued operation of a retail grocery store. Grocery Outlet is a full-service retail grocery store and will continue to operate as such. Alcoholic beverages are one of the many products offered by Grocery Outlet, and will remain accessory to Grocery Outlet's primary operation as a discount grocery retailer. The store employs 35-40 full and part-time staff. All employees are properly trained in alcohol beverage sales protocol. The market operates from 7:00 a.m. to 10:00 p.m. seven days a week.

The tenant space is approximately 19,933 square feet with approximately 13,747 square of total sales floor area. A total of 597 square feet of sales floor area is devoted to the sale and display of beer and wine; an additional 120 square feet of floor area is in the back-storage room. The total area devoted to the sale, display, and storage of liquor, beer, and wine is 717 square feet, which is approximately 3.6 % of the total floor area. There will be 24 square feet of the 597 square feet, dedicated to sales and display

of liquor (see Exhibit A). The display area for distilled spirits includes three (3) cabinets that are: four (4) feet in width, two (2) feet in depth, and six (6) feet tall. Grocery Outlet proposes that the cabinets, which have several display shelves, be locked at all times and only accessible by store management. Assistant Store Manager, or other Grocery Outlet management personnel. If approved, this would be a condition of that approval. Furthermore, the building will not be altered to accommodate the sale of distilled spirits and removal of existing shelving and installation of locking cabinets will not require any tenant improvement permits.

As part of its Type 20 ABC license approval, Grocery Outlet was required to install a fully operational security surveillance system consisting of 19 cameras. Several cameras are installed within the store using specific viewing angles to provide proper surveillance of the alcohol display and sales area. Cameras operate on a continuous loop and recorded material is stored for 30 days. To enhance the security system, if approved, Grocery Outlet will be required to provide two (2) additional surveillance cameras that will be dedicated to monitoring the alcohol display area. Security cap locks on the distilled spirits has also been proposed to prevent potential theft. Both have been added as conditions of approval, if the Commission decides to approve the use classification and CUP. Furthermore, the alcohol display is located at the northwest end of the store adjacent to the cash registers and away from the store exit.

Section 19.60.030 of the Duarte Municipal Code provides general guidelines and operational standards for alcoholic beverage sales businesses. A CUP may be granted to retail establishments that exceed 2,500 square feet in size and does not devote more than 10% of the floor area to the sale, display and/or storage of alcoholic beverages. These requirements were met when Conditional Use Permit 16-01 was approved for a Type 20 ABC license. Based upon the use classification that would need to be approved by the Planning Commission, additional restrictions would pertain to the application being made by Grocery Outlet. In Staff's analysis, Grocery Outlet would be eligible for CUP consideration since their proposal includes 24 square feet of floor area dedicated to the sales of liquor, their floor area exceeds 15,000 square feet and they currently have an active Type 20 ABC license.

Duarte has a limited number of retailers that sell beer, wine and distilled spirits. A review of records from the State of California Alcohol Beverage Control Board (ABC) shows that the following nearby businesses have Type 21 licenses, allowing them to sell distilled spirits for offsite consumption:

- Rite Aid, 1335 Huntington Dr.
- Walmart, 1600 Mountain Ave.
- Target, 1050 Huntington Dr.
- Smart & Final Extra, 1193 Huntington Dr.
- CVS, 2315 Huntington Dr.
- Duarte Liquor, 1300 Duarte Rd.

Grocery Outlet has been selling beer and wine at the location since 2016. Since their approval, Grocery Outlet's has complied with conditions of approval and operated with minimal impact to the surrounding properties. The conditions of approval from CUP 2016-01 remain in effect and, if CUP 2019-02 is approved, additional conditions will be included specifically related to the sales of liquor and to strengthen operational conditions related to security and loss prevention. These include conditions requiring lockable caps on the distilled spirits to deter theft, requiring liquor cabinets to remain locked and accessible only by store management, that all alcohol shall be in the original packaging, and prohibiting the sale, storage, or display of bottles or other containers less than three hundred and seventy-five

milliliters (375 ml) in size. Proper alcohol sales training will continue to be required as a condition of the permit.

A review of calls for service by the Sheriff's Department at this location shows that problems related to alcohol have been minimal. The calls for service provided were for a one (1) year period, from May 2019 to May 2020. Over the past year there have been a total of 45 calls for service. Of those calls, only one (1) call was related to the theft of beer and wine. Four (4) other calls for service involved theft, but the report did not disclose if alcohol was involved. Many of the calls have been related to transient activity.

Planning staff consulted with our Public Safety Department regarding the request to sell distilled spirits. The Public Safety Department concurs that modifications to the existing security systems, employee training, cap locks, locked cabinets, and liquor cabinet access only by management personnel appear to address the issues related to the sale of alcoholic beverages. A condition of approval has been added per their request to include a revised security plan that addresses the need for any additional cameras, operational modifications or other security related matters. The Director of Public Safety has provided an email, attached as Exhibit E, commenting on their past business operations and impacts to public safety related to this proposal.

RECOMMENDATION

Staff recommends that the Planning Commission review the information and carefully evaluate the potential impacts of the proposed interpretation and use.

If the Planning Commission determines that the use classification should be approved, the Commission should:

- Motion and approve Use Classification 2020-01 based on the wording provided in Exhibit F. This action would classify distilled spirits (liquor) sales as an accessory, incidental and subordinate use to a grocery store use in the Town Center Specific Plan (TCSP), subject to requirements.

If the Commission approves the Use Classification and desires to approve the Conditional Use Permit, Staff has provided an approval resolution with conditions and should:

- Adopt PC Resolution 2020-04, (Exhibit G), approving Conditional Use Permit 2019-02 to allow Grocery Outlet to obtain a Type 21 alcohol license, allowing the sale of beer, wine, and distilled spirits for offsite consumption, subject to conditions of approval.

In the event the Commission is not supportive of the request; the Commission would not approve Use Classification 2020-01.

Respectfully Submitted,

Ivan Galeazzi
Associate Planner

ATTACHMENTS

Exhibit A – Project Plans

Exhibit B – Project Photos

Exhibit C – Applicant Submitted Project Narrative

Exhibit D – CUP 2016-01 Conditions of Approval

Exhibit E – Public Safety Email

Exhibit F – Use Classification 2020-01

Exhibit G – PC Resolution 2020-04 (Conditional Use Permit 2019-02)

EXHIBIT A

**GROCERY
OUTLET**
bargain market™

Tenant Improvement
1322 Huntington Drive
Duarte, CA 91010

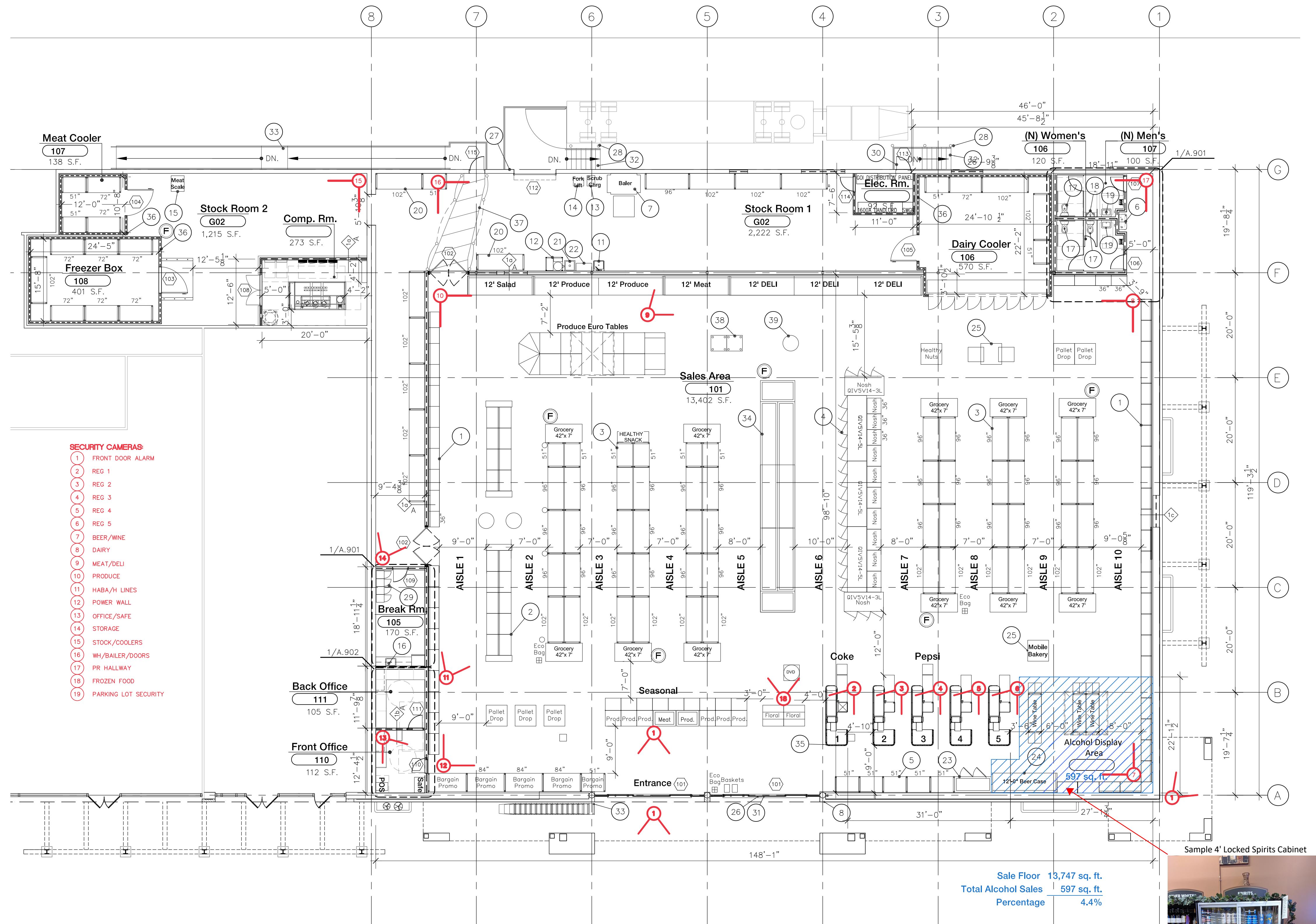
Ashdown

Architecture, Inc.
1681 Folsom Street, SF, CA 94103
tel 415 552 5126 fax 415 552 5854

VLMK Consulting Engineers
Structural
3933 SW Kelly Avenue
Portland, OR 97239
tel 503 222-4453 fax 503 248 9263

ACIES Engineering
Electrical + Plumbing
3371 Olcott St.
Santa Clara, CA 95054
tel 408 522 5255 fax 408 522 5260

Source Refrigeration
Refrigeration + HVAC
800 E. Orangethorpe Ave.
Anaheim, CA 92801
tel 714 578 2300 fax 714 578 2386



Proposed Use:
Sales of distilled spirits for off-site consumption (ABC Type 21 License)
at an existing grocery store that has sold beer and wine for off-site consumption
for nearly three years.
DISTILLED SPIRITS TO BE DISPLAYED IN LOCKED CABINETS (Approximately 72" H x 48" W X 24" D - ea)
NO ADDITIONAL DISPLAY AREA WILL BE ADDED TO ACCOMODATE DISTILLED SPIRITS.
NO NEW CONSTRUCTION PROPOSED.

No.	Date	Issues and Revisions	By	Check
	12/08/15	ISSUE FOR PERMIT	KH	DA
Δ	01/26/16	REVISION 1	KH	DA
Δ	02/11/16	REVISION 2	KH	DA

Scale 3/32" = 1'-0"	Project Name
0' 2' 6' 12' 18'	Grocery Outlet
Ref. North	1322 Huntington Drive
	Duarte, CA 91010
	Project Number
	Description
	Floor Plan
	Sheet

A.201

or
All drawings and written material appearing herein constitute original and unexecuted work of the architect and may not be duplicated, used or disclosed without the written consent of the architect.

Exhibit B



Facing west inside of Grocery Outlet at existing beer and wine display and sales floor area.



Facing north inside of Grocery Outlet at existing beer and wine display and sales floor area.

EXHIBIT C



Project Narrative – November 11, 2019

Grocery Outlet owns over 100 stores in California with off-sale alcohol licenses. Operators and employees of all locations are careful to make sure the store is always clean, neat and free from debris. Grocery Outlet has had no significant issues raised by local law enforcement agencies with respect to alcoholic products or public disturbances associated with the sale of these products.

The Duarte Grocery Outlet has been operating for about 2 years and open no earlier than 7:00AM and closes no later than 10:00PM, seven days a week. There are approximately 35-40 employees, both full and part time at this location. The shifts for each employee vary based on customer traffic into the store. More employees are scheduled during peak times such as end of the work day and on weekends.

Grocery Outlet in Duarte has five check stands. The check stands are staffed as necessary based on customer traffic. All register clerks have been trained in proper alcoholic beverage sales rules and regulations, including use of point of sale required identification age verification. Each item sold at Grocery Outlet will have the SKU scanned across the Point-of-Sale system. If an item requires age verification, the software automatically locks up, requiring the clerk to input the date of birth of the customer. All of the clerks have read and signed the Alcoholic Beverage Control's Clerk's Affidavit. These affidavits are kept on file by the store operator. The affidavit requires acknowledgement by the employee understands the laws regarding sales to underage persons; checking the identification; allowed hours of sale of alcoholic beverages; sales to obviously intoxicated persons; and ABC license privileges. Employees are trained as necessary to comply with ABC rules and regulations.

Alcoholic beverages that are sold to Grocery Outlet in manufacturer's pre-packaged multiple containers will remain in the manufacturer's pre-packaged containers for sale to the customer. Alcoholic beverages will not be re-bundled and packaged by Grocery Outlet. Craft beer will remain in single bottles and will not be bundled for sale to the customer. Distilled spirits are proposed to be displayed in a glass cabinet that is locked at all times. Customers that desire to purchase liquor will have to ask a store manager or assistant manager to unlock and open the cabinet. The employee will take out the bottle and hand it directly to the customer.

For security, Grocery Outlet has installed 19 high definition camera system which has a view of all parts of the store, especially the alcoholic beverage display and check stands. Numerous monitors are available for continuous viewing in the room labeled as "Manager's Office" on the floor plan provided to City of Duarte with the CUP application. The video system has a 30-day

retrieval function with which allows Grocery Outlet, and law enforcement as and if necessary, to track previous days' activity. The location of cameras and field of angle for each camera has been submitted to the City of Duarte. If local law enforcement requests or requires exterior cameras, Grocery Outlet will work with the police department regarding specific location.

The Duarte store does not have any graphics or exterior signage regarding alcoholic beverages except for an occasional window graphic that would change based on marketing considerations or promotions. The window graphic would not contain any pricing but instead would be a depiction of wine or beer in a setting with other food and items sold at the store. No more than one panel would have any depiction of beer or wine. The panel size is 7' tall; the width of the panel is approximately 3'.

Alcoholic beverages constitute about four percent of total volume. Given the "one-time buy" nature of Grocery Outlet's business, the amount of sales area devoted to alcoholic beverages will vary. The total area for the Grocery Outlet store is approximately 19,403 square feet. The alcohol display area as depicted on the floor plan will not exceed the 10% of the floor area as allowed per City requirements.

EXHIBIT D

Conditions of Approval
Conditional Use Permit 16-01
1322 Huntington Drive (Grocery Outlet)

1. The sale, display and storage of alcoholic beverages shall be in compliance with the approved plans on file with the Community Development Department. The current floor plan shows 597 square feet dedicated to the sales, display and storage of alcoholic beverages in the northwest corner of the store. The applicant shall not exceed 120 square feet in the stock room for storage purposes. The total square footage in the store dedicated to sales, display and storage of alcoholic beverages shall not exceed 717 square feet, which represents 3.6% of the total floor area. Any requests to increase the amount of floor area used for display, sale and storage of alcohol is subject to review and approval by the Community Development Director. The sale of alcohol shall remain as an accessory use to the primary use of a full service retail grocery store.
2. Alcohol display, sale and storage area shall only be allowed in areas designated on the approved plans on file with the Community Development Department (Exhibit A). Any modifications or requests to increase or change the floor area utilized for the display, sale and storage of alcohol shall require Community Development Director approval. A revised floor plan showing any proposed changes must be reviewed and approved prior to modifications to the display, sales and storage area.
3. Alcohol sales shall remain incidental to the retail grocery operation and shall be limited to beer and wine, only, as permitted with a Type-20 alcohol license.
4. All alcoholic beverages must be sold in the original commercially packaged form, as produced by the manufacturer, and cannot be separated into singular units or combined to form multiple units.
5. The singular sale of beer, less than 22 ounces in size, shall be prohibited. Singular sales of any malt or similar beverages are prohibited.
6. The sale of alcoholic beverages for on-site consumption is prohibited.
7. All employees serving or selling alcohol shall participate in an alcohol sales training program prior to serving/selling alcohol. The alcohol sales training program shall include a component related to age verification to prevent the unlawful sale of alcohol to minors. All employees serving or selling alcohol shall verify the age of any patron appearing to be 30 years old or younger. Contact the ABC district office for more information on alcohol sales training programs and materials. Satisfactory proof of completion of the alcohol sales training materials provided by ABC shall be provided to the City prior to sales of alcoholic beverages. The applicant shall also provide current proof of employee training certifications within 24 hours of City request. All employees shall participate in training on an as needed basis and will require additional training upon new regulations.
8. Prior to commencing alcohol sales, the applicant shall obtain the appropriate license from ABC, comply with the licensing requirements, and provide evidence of said license to the Planning Division. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
9. All laws of the Alcoholic Beverage Control Act, as defined by Division 9 of the California Business Professions Code shall be complied with at all times. Should at anytime the Alcoholic Beverage

license issued to the applicant be revoked for any purpose, this Conditional Use Permit shall become invalid.

10. The business owner shall provide a security plan to the Community Development Department and Public Safety Department for review. Additional cameras shall be installed on the exterior of the premises, capable of capturing footage of the parking lot(s), in locations approved by the Community Development and Public Safety Departments. The security plan shall include details on a closed circuit television system consisting of interior and exterior surveillance cameras and a digital video recorder (DVR) for recording surveillance camera footage. The security system hard drive shall save footage/data for a minimum of 30 days. The hard drive shall be locked and secured, and accessible only to the business owner and/or designees. All saved data shall be made available to the Public Safety Department and/or City personnel upon reasonable request. All components of the approved security plan shall be operational prior to implementing any new services allowed by this CUP and shall remain fully operational at all times. Any changes to the security system shall require review from the Community Development Department and Public Safety Department prior to implementing.
11. Clearly distinguishable height markers shall be installed and maintained on the interior side of the doorjamb, or on the interior edge of a pair of doors, of all doors used by the public to access the store. Horizontal marks, one-inch wide by three inches long, in different colors, and in a contrasting color to the background, shall be placed every six inches beginning at 5' and ending at 6'6". A standard marking system used by the applicant may be substituted, subject to review and approval by the Director of Public Safety.
12. Adequate management staff shall be present during all business hours and shall be responsible for ensuring compliance with all conditions of this conditional use permit.
13. Onsite Consumption of alcoholic beverages is prohibited, per Duarte Municipal Code 9.24.025. All signage related to alcohol sales and/or "No Onsite Consumption" may be displayed in accordance with the laws and requirements of ABC and in accordance with Section 19.42 of the Duarte Development Code. An exterior sign plan shall be prepared by the applicant and reviewed/approved by the Community Development and Public Safety Departments prior to sign production and placement. All signs shall be maintained in good condition.
14. Exterior signs shall be posted indicating "No Loitering", conforming to California Penal Code Section 602. An exterior sign plan shall be prepared by the applicant and reviewed/approved by the Community Development and Public Safety Departments prior to sign production and placement. All signs shall be maintained in good condition.
15. All signage related to regulation of alcohol sales and/or consumption, as required by ABC, shall be displayed in accordance with the laws and requirements of ABC.
16. All new signage related to alcoholic beverages shall be submitted to the Community Development Department for approval prior to installation.
17. Outdoor storage associated with this use is prohibited.
18. Any expansion or modification to the approved use as part of this conditional use permit, including any substantial changes to the floor plan that may affect or intensify areas related to any portion of the alcohol display, sales and storage shall be reviewed by the Planning Division, and may require an application for a modification to the conditional use permit.

19. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
20. This CUP may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the restaurant establishment, or its patrons, are creating a public nuisance, as verified and validated 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 added security measures and any other remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, Health Code, or other violations associated with the sale of alcoholic beverages, conditions of approval or any other governmental regulations, as determined by the City of Duarte, Los Angeles County Health Services Department, Department of Alcoholic Beverage Control (ABC), 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.
21. 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). Any problems associated with the sale of alcoholic beverages on the subject site, and/or any violation of the Conditions of Approval, Municipal, or other governmental regulations may warrant the matter being scheduled for a revocation hearing before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
22. 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.
23. 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.

Exhibit E

Email from Public Safety

Villalobos, Brian C.

May 6, 2020, 11:44

To: Jason Golding <goldingj@accessduarte.com>

Cc: Ivan Galeazzi <igaleazzi@accessduarte.com>; Larry Breceda <lbreceda@accessduarte.com>

Subject: Re: Public Notice Grocery Outlet

Agree with Larry. Just need the posting.

They have been a responsive business and we have no objections to the modification of their CUP.

Brian C. Villalobos,
Public Safety Director
Public Safety Department
1042 Huntington Dr.,
Duarte, CA 91010
(626) 359-5671 EXT. 302
BCVillal@lasd.org

From: Larry Breceda [mailto:lbreceda@accessduarte.com]

Sent: Wednesday, May 6, 2020 11:42 AM

To: Jason Golding <goldingj@accessduarte.com>

Cc: Ivan Galeazzi <igaleazzi@accessduarte.com>; Villalobos, Brian C. <BCVillal@lasd.org>

Subject: Re: Public Notice Grocery Outlet

Those would be some great additions. The only comment I have is they need to add exterior signage per DMC SEC: 9.24.025 - Possession of opened alcoholic beverage container.

We will work on getting you those calls for service ASAP.

Larry Breceda
Public Safety Manager
Public Safety Department
1042 Huntington Dr,
Duarte, CA 91010
(626) 359-5671 EXT. 315
larryb@accessduarte.com



MEMORANDUM

TO: Development Code Policy and Interpretation
(Use Classification 2020-01)

FROM: Duarte Planning Commission

DATE: May 18, 2020

SUBJECT: Town Center Specific Plan – Determination regarding the sales of distilled spirits (liquor) as an accessory use for grocery store uses

CODE SECTION UNDER CONSIDERATION FOR INTERPRETATION:

Town Center Specific Plan (TCSP), Table 3-1, Mixed Use Town Center (MUTC), Mixed Use Corridor (MUC), and Town Center Commercial Core (TCCC) land use designations.

COMMISSION INTERPRETATION:

Distilled Spirits (liquor) sales may be allowed as a conditional use, when accessory, incidental and subordinate to an existing grocery store use, when: the grocery store is over 15,000 square feet, total area of liquor sales is no greater than 100 square feet, and when associated with a grocery store use that currently possesses an active Type 20 (beer & wine) ABC license.

CONTEXT & DISCUSSION FOR INTERPRETATION:

The TCSP was adopted in 2016 and categorizes the sale of beer and wine for offsite consumption as a conditionally permitted use in the Mixed-Use Town Center (MUTC), Mixed Use Corridor (MUC) and Town Center Commercial Core (TCCC) land use designations (Chapter 3 Land Use and Zoning, Table 3-1). When the TCSP was being considered, there were reoccurring issues in the area created primarily by Sparr Liquor such as: loitering, intoxicated persons, littering, urinating in public, and similar problems. These issues were part of the decision process in limiting liquor stores and liquor sales in the plan. The issue of accessory liquor sales was left unaddressed. The table does not specifically address accessory liquor sales or specifically list such a use as a conditionally permitted use.

It was not the intent of the TCSP to prohibit the off-site sales of liquor completely. The restriction to liquor sales was intended to prevent the establishment of a liquor store, convenience store, or multiple smaller businesses that offered the sales of distilled spirits. The interpretation by the Planning Commission allows larger grocery stores the ability to apply for a conditional use permit, which would let such business offer a variety of alcoholic beverages, in a one-stop shopping experience, and similar to other larger grocery stores (e.g. Smart & Final

Extra) and general merchandise stores with grocery sales (e.g. Target and Wal-Mart) that are located outside of the TCSP zone.

When making this determination, it is important to understand that the use classification process is not intended to be a list of operational conditions. Instead this process is intended to specifically address use issues and provide an opportunity for the type of stores described above to apply for a conditional use permit. The conditional use permit process will evaluate the particular location, operations and situation of eligible businesses and, if approved, establish operational conditions.

RESOLUTION NO. PC 2020-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 2019-02 TO ALLOW THE SALE OF DISTILLED SPIRITS, IN ADDITION TO BEER AND WINE, FOR OFFSITE CONSUMPTION FOR GROCERY OUTLET LOCATED AT 1322 HUNTINGTON DRIVE.

WHEREAS, the applicant operates an existing grocery store ("Grocery Outlet"), that was previously approved on March 16, 2016, to allow the sales of beer and wine for off-site consumption in conjunction with a full-service retail grocery store; and

WHEREAS, the applicant is requesting approval of a conditional use permit to allow the sale of distilled spirits, in addition to beer and wine, for offsite consumption; and

WHEREAS, the sale of beer and wine in conjunction with a retail grocery store is a conditionally permitted use in the Mixed Use Town Center (MUTC), Mixed Use Corridor (MUC), and Town Center Commercial Core (TCCC), land use designations of the Town Center Specific Plan zone (TCSP), pursuant to Chapter 19.60.030 of the Duarte Development Code; and

WHEREAS, the Planning Commission has approved Use Classification 2020-01, pursuant to Chapter 19.04.030 of the Duarte Development Code, that provides limited circumstances in which grocery stores are considered eligible to apply for a condition use permit for the sale of distilled spirits for offsite consumption in the Mixed Use Town Center (MUTC), Mixed Use Corridor (MUC), and Town Center Commercial Core (TCCC) land use designations of the Town Center Specific Plan zone (TCSP); and

WHEREAS, notice of a public hearing on Conditional Use Permit 2019-02 was given pursuant to the Duarte Development Code Chapter 19.46 and in accordance with applicable State law; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for Conditional Use Permit 2019-02 and all of the information, evidence and public testimony received at the public meeting held on May 18, 2020 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 finds and determines that the proposed Conditional Use Permit 2019-02, is in the best interests and welfare of the City and its residents.

SECTION 2. The Planning Commission finds and determines that the Conditional Use Permit 2019-02, is consistent with the City's General Plan, and is hereby recommended for adoption by the City Council.

SECTION 3. In recommending adoption of this Resolution for Conditional Use Permit 2019-02, to allow the sale of distilled spirits, in addition to the sale of beer and wine, the Planning Commission finds and determines the project is exempt from the California Environmental Quality Act guidelines pursuant to Article 19, Section 15301, Class 1 Existing Facilities of Title 14 of the California Code of Regulations, therefore no further environmental review is necessary in accordance with CEQA.

SECTION 4. That the Planning Commission recommends approval of Conditional Use Permit 2019-02, with conditions of approval, for the Grocery Outlet, located at 1322 Huntington Drive.

SECTION 5. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 6. The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.040(B), as:

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

Grocery Outlet is consistent with Land Use Goal 3 of the General Plan by providing unique areas to better serve the needs of Duarte residents. The use is also consistent with the objectives of the Town Center Specific Plan (3.1 Overarching Objectives 3.1) long term land use direction, where this approval would facilitate a mix of commercial services that are compatible and harmonious with the surrounding area.

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;

Grocery Outlet, is consistent with the Mixed Use Town Center land use designation of the Town Center Specific Plan, as amended, as the business provides for local needs with the operation of a full-service retail grocery store, offering an assortment of food and grocery items. The sale of alcohol for offsite consumption is an accessory to the retail grocery store function, which is permitted with a Conditional Use Permit.

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

Grocery Outlet is located at 1322 Huntington Drive. The property is rectangular in shape and contains approximately 41,640 square feet of land area, which is sufficient to accommodate the commercial building, the parking lot area, and necessary circulation. Uses located to the north, east, and west of the property are commercial and generally compatible in nature, with no sensitive uses that may be impacted by the subject use. However, the property is also adjacent to residential uses on the south. To ensure the operation remains compatible with the allowed uses in the vicinity, the retail grocery store will remain the primary use on the property and the additional use of offering beer, wine and distilled spirits for offsite consumption will be ancillary and properly conditioned to avoid adverse impacts.

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;

The sale of beer and wine is permitted as an accessory use associated with a retail grocery store (2,500 square feet or larger). The amount of display, sale and storage dedicated to alcohol is restricted to a maximum floor area of 10%, preventing alcohol sales from becoming the primary goods being offered. In the case of Grocery Outlet, no more than 3.6% of the building's floor area will be used for the sales, display and storage of alcoholic beverages, with only 24 square feet dedicated to the sales of distilled spirits. In consultation with the Public Safety Department, they have provided support of the proposed use with conditions, including that the sale of alcohol will be for offsite consumption only; no onsite consumption will be permitted. Conditions of approval will help avoid adverse and detrimental effects on the City and surrounding community, as well as state laws regulated by the Department of Alcoholic Beverage Control.

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.

Grocery Outlet is located within the Mixed Use Town Center (MUTC) land use district of the Town Center Specific Plan. The project site is located along the City's main arterial street, Huntington Drive, which provides primary access to the property. The site has multiple driveways from Huntington Drive and Buena Vista Street that provide access to public and emergency vehicles. The addition of distilled spirits to beer and wine already offered for sale is accessory to the primary use and is unlikely to generate additional traffic to a point that is detrimental to the site and surrounding developments.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 18th day of May, 2020

Paula Watson-Gardner, 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, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Hensley, Community Development Director

EXHIBIT G

Conditions of Approval
Conditional Use Permit 2019-02
1322 Huntington Drive (Grocery Outlet)

1. The sale, display, and storage of alcoholic beverages shall comply with the approved plans on file with the Community Development Department. The current floor plan shows 597 square feet dedicated to the sales floor area, display and storage of alcoholic beverages in the northwest corner of the store. The applicant shall not exceed 120 square feet in the stock room for storage purposes of alcoholic beverages. The total square footage in the store dedicated to sales, display, and storage of alcoholic beverages shall not exceed 717 square feet, which represents 3.6% of the total floor area. The maximum square footage allowed for the sales and display of the distilled spirits (liquor) is 24 square feet. Any request to increase the amount of floor area or modify the approved location used for display, sale and storage of alcohol beverages, is subject to modification of this Conditional Use Permit.
2. The sale of alcohol shall remain as an accessory, incidental and subordinate use to the primary use of a full-service retail grocery store. As described through a determination of the Planning Commission, the subject business is allowed to sell distilled spirits (liquor) sales as a conditional use, so long as the business: remains a grocery store over 15,000 square feet in floor area, has total area of liquor sales is no greater than 24 square feet (or as otherwise approved by the Planning Commission), and simultaneously possesses an active Type 20 (beer & wine) ABC license.
3. Prior to commencing the liquor sales, the applicant shall obtain the appropriate license from the Department of Alcoholic Beverage Control (ABC), comply with the licensing requirements, and provide evidence of said license to the Planning Division. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
4. Conditions of approval from Conditional Use Permit 2016-01 remain in full effect.
5. The storage, display or sale of distilled spirits in bottles or other containers smaller than three hundred and seventy-five milliliters (375 ml) is prohibited.
6. Security cap locks shall be provided on all containers containing distilled spirits. Cashiers shall only remove security caps once age verification and the transaction is complete.
7. The cabinets in which liquor is stored, displayed, and sold shall be locked at all times. The liquor shall only be accessible by store management.
8. All alcoholic beverages must be sold in the original commercially packaged form, as produced by the manufacturer, and cannot be separated into singular units or combined to form multiple units.
9. The sale of alcoholic beverages for on-site consumption is prohibited.
10. All employees serving or selling alcohol shall participate in an alcohol sales training program prior to serving/selling alcohol. The alcohol sales training program shall include a component related to age verification to prevent the unlawful sale of alcohol to minors. All employees serving or selling alcohol shall verify the age of any patron appearing to be 30

years old or younger. Contact the ABC district office for more information on alcohol sales training programs and materials. Satisfactory proof of completion of the alcohol sales training materials provided by ABC shall be provided to the City prior to sales of alcoholic beverages. The applicant shall also provide current proof of employee training certifications within 24 hours of City request. All employees shall participate in training on an as needed basis and will require additional training upon new regulations.

11. Prior to commencing alcohol sales, the applicant shall obtain the appropriate license from ABC, comply with the licensing requirements, and provide evidence of said license to the Planning Division. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
12. All laws of the Alcoholic Beverage Control Act, as defined by Division 9 of the California Business Professions Code shall be complied with at all times. Should at any time the Alcoholic Beverage license issued to the applicant be revoked for any purpose, this Conditional Use Permit shall become invalid.
13. The business owner shall add two (2) additional security cameras, located within the alcohol sales and display area, to the current security plan. The business owner shall provide the updated security plan to the Community Development Department and Public Safety Department for review. The security plan shall include details on a closed circuit television system consisting of interior and exterior surveillance cameras and a digital video recorder (DVR) for recording surveillance camera footage. The security system hard drive shall save footage/data for a minimum of 30 days. The hard drive shall be locked and secured, and accessible only to the business owner and/or designees. All saved data shall be made available to the Public Safety Department and/or City personnel upon reasonable request. All components of the approved security plan shall be operational prior to implementing any new services allowed by this CUP and shall remain fully operational at all times. Any changes to the security system shall require review from the Community Development Department and Public Safety Department prior to implementing.
14. Clearly distinguishable height markers shall be installed and maintained on the interior side of the doorjamb, or on the interior edge of a pair of doors, of all doors used by the public to access the store. Horizontal marks, one-inch wide by three inches long, in different colors, and in a contrasting color to the background, shall be placed every six inches beginning at 5' and ending at 6'6". A standard marking system used by the applicant may be substituted, subject to review and approval by the Director of Public Safety.
15. Adequate management staff shall be present during all business hours and shall be responsible for ensuring compliance with all conditions of this conditional use permit.
16. Onsite consumption of alcoholic beverages or the possession of opened alcoholic beverages is prohibited, per Duarte Municipal Code 9.24.025. All signage related to alcohol sales and/or "No Onsite Consumption" shall be displayed in accordance with the laws and requirements of ABC and in accordance with Section 19.42 of the Duarte Development Code. An exterior sign plan shall be prepared by the applicant and reviewed/approved by the Community Development and Public Safety Departments prior to sign production and placement. All signs shall be maintained in good condition.
17. Exterior signs shall be posted indicating "No Loitering", conforming to California Penal Code Section 602. An exterior sign plan shall be prepared by the applicant and

reviewed/approved by the Community Development and Public Safety Departments prior to sign production and placement. All signs shall be maintained in good condition.

18. All signage related to regulation of alcohol sales and/or consumption, as required by ABC, shall be displayed in accordance with the laws and requirements of ABC.
19. All new signage related to alcoholic beverages shall be submitted to the Community Development Department for approval prior to installation.
20. Outdoor storage associated with this use is prohibited.
21. Any expansion or modification to the approved use as part of this conditional use permit, including any substantial changes to the floor plan that may affect or intensify areas related to any portion of the alcohol display, sales and storage shall be reviewed by the Planning Division, and may require an application for a modification to the conditional use permit.
22. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
23. This CUP may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the restaurant establishment, or its patrons, are creating a public nuisance, as verified and validated 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 added security measures and any other remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, Health Code, or other violations associated with the sale of alcoholic beverages, conditions of approval or any other governmental regulations, as determined by the City of Duarte, Los Angeles County Health Services Department, Department of Alcoholic Beverage Control (ABC), 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.
24. 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). Any problems associated with the sale of alcoholic beverages on the subject site, and/or any violation of the Conditions of Approval, Municipal, or other governmental regulations may warrant the matter being scheduled for a revocation hearing before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
25. 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.
26. 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.

27. 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.
28. The business owner shall address any unpermitted alterations on the property or current violations of the State, the Los Angeles County Health Department, the California Building Code, and the Duarte Development Code, as part of this CUP approval and as identified by the Planning Division prior to implementing any new services allowed by this CUP into the business operation.

RESOLUTION NO. PC 2020-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 2019-02 TO ALLOW THE SALE OF DISTILLED SPIRITS, IN ADDITION TO BEER AND WINE, FOR OFFSITE CONSUMPTION FOR GROCERY OUTLET LOCATED AT 1322 HUNTINGTON DRIVE.

WHEREAS, the applicant operates an existing grocery store ("Grocery Outlet"), that was previously approved on March 16, 2016, to allow the sales of beer and wine for off-site consumption in conjunction with a full-service retail grocery store; and

WHEREAS, the applicant is requesting approval of a conditional use permit to allow the sale of distilled spirits, in addition to beer and wine, for offsite consumption; and

WHEREAS, the sale of beer and wine in conjunction with a retail grocery store is a conditionally permitted use in the Mixed Use Town Center (MUTC), Mixed Use Corridor (MUC), and Town Center Commercial Core (TCCC), land use designations of the Town Center Specific Plan zone (TCSP), pursuant to Chapter 19.60.030 of the Duarte Development Code; and

WHEREAS, the Planning Commission has approved Use Classification 2020-01, pursuant to Chapter 19.04.030 of the Duarte Development Code, that provides limited circumstances in which grocery stores are considered eligible to apply for a condition use permit for the sale of distilled spirits for offsite consumption in the Mixed Use Town Center (MUTC), Mixed Use Corridor (MUC), and Town Center Commercial Core (TCCC) land use designations of the Town Center Specific Plan zone (TCSP); and

WHEREAS, notice of a public hearing on Conditional Use Permit 2019-02 was given pursuant to the Duarte Development Code Chapter 19.46 and in accordance with applicable State law; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for Conditional Use Permit 2019-02 and all of the information, evidence and public testimony received at the public meeting held on May 18, 2020 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 finds and determines that the proposed Conditional Use Permit 2019-02, is in the best interests and welfare of the City and its residents.

SECTION 2. The Planning Commission finds and determines that the Conditional Use Permit 2019-02, is consistent with the City's General Plan, and is hereby recommended for adoption by the City Council.

SECTION 3. In recommending adoption of this Resolution for Conditional Use Permit 2019-02, to allow the sale of distilled spirits, in addition to the sale of beer and wine, the Planning Commission finds and determines the project is exempt from the California Environmental Quality Act guidelines pursuant to Article 19, Section 15301, Class 1 Existing Facilities of Title 14 of the California Code of Regulations, therefore no further environmental review is necessary in accordance with CEQA.

SECTION 4. That the Planning Commission recommends approval of Conditional Use Permit 2019-02, with conditions of approval, for the Grocery Outlet, located at 1322 Huntington Drive.

SECTION 5. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 6. The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.040(B), as:

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

Grocery Outlet is consistent with Land Use Goal 3 of the General Plan by providing unique areas to better serve the needs of Duarte residents. The use is also consistent with the objectives of the Town Center Specific Plan (3.1 Overarching Objectives 3.1) long term land use direction, where this approval would facilitate a mix of commercial services that are compatible and harmonious with the surrounding area.

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;

Grocery Outlet, is consistent with the Mixed Use Town Center land use designation of the Town Center Specific Plan, as amended, as the business provides for local needs with the operation of a full-service retail grocery store, offering an assortment of food and grocery items. The sale of alcohol for offsite consumption is an accessory to the retail grocery store function, which is permitted with a Conditional Use Permit.

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

Grocery Outlet is located at 1322 Huntington Drive. The property is rectangular in shape and contains approximately 41,640 square feet of land area, which is sufficient to accommodate the commercial building, the parking lot area, and necessary circulation. Uses located to the north, east, and west of the property are commercial and generally compatible in nature, with no sensitive uses that may be impacted by the subject use. However, the property is also adjacent to residential uses on the south. To ensure the operation remains compatible with the allowed uses in the vicinity, the retail grocery store will remain the primary use on the property and the additional use of offering beer, wine and distilled spirits for offsite consumption will be ancillary and properly conditioned to avoid adverse impacts.

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;

The sale of beer and wine is permitted as an accessory use associated with a retail grocery store (2,500 square feet or larger). The amount of display, sale and storage dedicated to alcohol is restricted to a maximum floor area of 10%, preventing alcohol sales from becoming the primary goods being offered. In the case of Grocery Outlet, no more than 3.6% of the building's floor area will be used for the sales, display and storage of alcoholic beverages, with only 24 square feet dedicated to the sales of distilled spirits. In consultation with the Public Safety Department, they have provided support of the proposed use with conditions, including that the sale of alcohol will be for offsite consumption only; no onsite consumption will be permitted. Conditions of approval will help avoid adverse and detrimental effects on the City and surrounding community, as well as state laws regulated by the Department of Alcoholic Beverage Control.

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.

Grocery Outlet is located within the Mixed Use Town Center (MUTC) land use district of the Town Center Specific Plan. The project site is located along the City's main arterial street, Huntington Drive, which provides primary access to the property. The site has multiple driveways from Huntington Drive and Buena Vista Street that provide access to public and emergency vehicles. The addition of distilled spirits to beer and wine already offered for sale is accessory to the primary use and is unlikely to generate additional traffic to a point that is detrimental to the site and surrounding developments.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 18th day of May, 2020

Paula Watson-Gardner, 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, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Hensley, Community Development Director

EXHIBIT G

Conditions of Approval
Conditional Use Permit 2019-02
1322 Huntington Drive (Grocery Outlet)

1. The sale, display, and storage of alcoholic beverages shall comply with the approved plans on file with the Community Development Department. The current floor plan shows 597 square feet dedicated to the sales floor area, display and storage of alcoholic beverages in the northwest corner of the store. The applicant shall not exceed 120 square feet in the stock room for storage purposes of alcoholic beverages. The total square footage in the store dedicated to sales, display, and storage of alcoholic beverages shall not exceed 717 square feet, which represents 3.6% of the total floor area. The maximum square footage allowed for the sales and display of the distilled spirits (liquor) is 24 square feet. Any request to increase the amount of floor area or modify the approved location used for display, sale and storage of alcohol beverages, is subject to modification of this Conditional Use Permit.
2. The sale of alcohol shall remain as an accessory, incidental and subordinate use to the primary use of a full-service retail grocery store. As described through a determination of the Planning Commission, the subject business is allowed to sell distilled spirits (liquor) sales as a conditional use, so long as the business: remains a grocery store over 15,000 square feet in floor area, has total area of liquor sales is no greater than 24 square feet (or as otherwise approved by the Planning Commission), and simultaneously possesses an active Type 20 (beer & wine) ABC license.
3. Prior to commencing the liquor sales, the applicant shall obtain the appropriate license from the Department of Alcoholic Beverage Control (ABC), comply with the licensing requirements, and provide evidence of said license to the Planning Division. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
4. Conditions of approval from Conditional Use Permit 2016-01 remain in full effect.
5. The storage, display or sale of distilled spirits in bottles or other containers smaller than three hundred and seventy-five milliliters (375 ml) is prohibited.
6. Security cap locks shall be provided on all containers containing distilled spirits. Cashiers shall only remove security caps once age verification and the transaction is complete.
7. The cabinets in which liquor is stored, displayed, and sold shall be locked at all times. The liquor shall only be accessible by store management.
8. All alcoholic beverages must be sold in the original commercially packaged form, as produced by the manufacturer, and cannot be separated into singular units or combined to form multiple units.
9. The sale of alcoholic beverages for on-site consumption is prohibited.
10. All employees serving or selling alcohol shall participate in an alcohol sales training program prior to serving/selling alcohol. The alcohol sales training program shall include a component related to age verification to prevent the unlawful sale of alcohol to minors. All employees serving or selling alcohol shall verify the age of any patron appearing to be 30

years old or younger. Contact the ABC district office for more information on alcohol sales training programs and materials. Satisfactory proof of completion of the alcohol sales training materials provided by ABC shall be provided to the City prior to sales of alcoholic beverages. The applicant shall also provide current proof of employee training certifications within 24 hours of City request. All employees shall participate in training on an as needed basis and will require additional training upon new regulations.

11. Prior to commencing alcohol sales, the applicant shall obtain the appropriate license from ABC, comply with the licensing requirements, and provide evidence of said license to the Planning Division. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
12. All laws of the Alcoholic Beverage Control Act, as defined by Division 9 of the California Business Professions Code shall be complied with at all times. Should at any time the Alcoholic Beverage license issued to the applicant be revoked for any purpose, this Conditional Use Permit shall become invalid.
13. The business owner shall add two (2) additional security cameras, located within the alcohol sales and display area, to the current security plan. The business owner shall provide the updated security plan to the Community Development Department and Public Safety Department for review. The security plan shall include details on a closed circuit television system consisting of interior and exterior surveillance cameras and a digital video recorder (DVR) for recording surveillance camera footage. The security system hard drive shall save footage/data for a minimum of 30 days. The hard drive shall be locked and secured, and accessible only to the business owner and/or designees. All saved data shall be made available to the Public Safety Department and/or City personnel upon reasonable request. All components of the approved security plan shall be operational prior to implementing any new services allowed by this CUP and shall remain fully operational at all times. Any changes to the security system shall require review from the Community Development Department and Public Safety Department prior to implementing.
14. Clearly distinguishable height markers shall be installed and maintained on the interior side of the doorjamb, or on the interior edge of a pair of doors, of all doors used by the public to access the store. Horizontal marks, one-inch wide by three inches long, in different colors, and in a contrasting color to the background, shall be placed every six inches beginning at 5' and ending at 6'6". A standard marking system used by the applicant may be substituted, subject to review and approval by the Director of Public Safety.
15. Adequate management staff shall be present during all business hours and shall be responsible for ensuring compliance with all conditions of this conditional use permit.
16. Onsite consumption of alcoholic beverages or the possession of opened alcoholic beverages is prohibited, per Duarte Municipal Code 9.24.025. All signage related to alcohol sales and/or "No Onsite Consumption" shall be displayed in accordance with the laws and requirements of ABC and in accordance with Section 19.42 of the Duarte Development Code. An exterior sign plan shall be prepared by the applicant and reviewed/approved by the Community Development and Public Safety Departments prior to sign production and placement. All signs shall be maintained in good condition.
17. Exterior signs shall be posted indicating "No Loitering", conforming to California Penal Code Section 602. An exterior sign plan shall be prepared by the applicant and

reviewed/approved by the Community Development and Public Safety Departments prior to sign production and placement. All signs shall be maintained in good condition.

18. All signage related to regulation of alcohol sales and/or consumption, as required by ABC, shall be displayed in accordance with the laws and requirements of ABC.
19. All new signage related to alcoholic beverages shall be submitted to the Community Development Department for approval prior to installation.
20. Outdoor storage associated with this use is prohibited.
21. Any expansion or modification to the approved use as part of this conditional use permit, including any substantial changes to the floor plan that may affect or intensify areas related to any portion of the alcohol display, sales and storage shall be reviewed by the Planning Division, and may require an application for a modification to the conditional use permit.
22. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
23. This CUP may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the restaurant establishment, or its patrons, are creating a public nuisance, as verified and validated 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 added security measures and any other remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, Health Code, or other violations associated with the sale of alcoholic beverages, conditions of approval or any other governmental regulations, as determined by the City of Duarte, Los Angeles County Health Services Department, Department of Alcoholic Beverage Control (ABC), 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.
24. 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). Any problems associated with the sale of alcoholic beverages on the subject site, and/or any violation of the Conditions of Approval, Municipal, or other governmental regulations may warrant the matter being scheduled for a revocation hearing before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
25. 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.
26. 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.

27. 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.
28. The business owner shall address any unpermitted alterations on the property or current violations of the State, the Los Angeles County Health Department, the California Building Code, and the Duarte Development Code, as part of this CUP approval and as identified by the Planning Division prior to implementing any new services allowed by this CUP into the business operation.