



MEMORANDUM

TO: PLANNING COMMISSION

FROM: DAVID F. EOFF IV, ASSOCIATE PLANNER

DATE: APRIL 18, 2016

**SUBJECT: UPDATE ON THE OPERATION STATUS AND COMPLIANCE WITH
CONDITIONAL USE PERMIT 95-1 FOR THE ROUTE 66 ROADHOUSE &
TAVERN LOCATED AT 1846 HUNTINGTON DRIVE**

In early 2015, the Public Safety Department and the LA County Sheriff's Department informed Staff that the Route 66 Roadhouse and Tavern was experiencing a high rate of law enforcement calls for service. According to a law enforcement activities report at the time, roughly 75 calls for law enforcement services occurred at the Route 66 bar dating back to 2010. These service calls were related to burglary alarms, vehicle and personal theft, response to loitering, or response to patron and/or business owner disputes. Disputes were often a result of disagreements or intoxication, and usually lead to physical altercations and even assault with a deadly weapon. Based on this, Staff and Public Safety reviewed the conditions of approval associated with the Route 66 business conditional use permit (CUP 95-1), inspected the location for compliance, and found a number of violations on the property. Examples of the violations included inadequate/improper exterior lighting, stored recreation vehicles being used as a residence, numerous large gatherings and outdoor events, repeated problems associated with the sale of alcohol, and other violations of the Duarte Municipal Code in addition to the excessive calls for law enforcement service. As such, Staff determined it was reasonable to initiate the modification process.

Working together with the Public Safety Department, Staff proposed a modification to several of the existing conditions of approval and the addition of several new conditions to create a new set of standards for the Route 66 business to comply with. These conditions were designed to address many of the violations and detrimental activity at the business while creating a safe and orderly operation. The modifications were presented to the Planning Commission at a regular scheduled meeting on June 15, 2015 and approved through PC Resolution 15-04. The business owner appealed the Planning Commission's decision to the City Council and requested a change to one of the conditions of approval. After reviewing the CUP modifications and the business owners appeal, the City Council adopted Resolution 15-R-18 on September 8, 2015, upholding the appeal and approving the revised conditions to the CUP. The Route 66 business is now required to comply with the revised set of conditions of approval (Exhibit A) to remain in operation.

Community Development and Public Safety have assisted the business owner with understanding and addressing each of the conditions of approval. Several meetings involving the business owner, contractors, engineers, and designers have occurred at City Hall and at the business to discuss the CUP requirements. The most notable and also time sensitive conditions include new security measures, new lighting upgrades, and a six-month review.

The business owner was given thirty (30) days from the date of the City Council decision to provide a security plan to the Public Safety Department for review. This established a deadline of October 8, 2015. The business owner was also given sixty (60) days from the date of the City Council decision to provide a lighting plan to the Community Development Department for review. This established a

deadline of November 9, 2015. Written correspondence with reminders of these time sensitive conditions, deadlines, and consequences of noncompliance were provided to the business owner.

The six-month review was necessary to ensure the revised conditions were sufficient for the business operation. During the six-month period the Public Safety Department and Community Development Department worked together to monitor the activity on the property and verify fulfillment of the required conditions. There have been numerous site inspections and regular interior and exterior inspections of the building by a Sheriff deputy. The conditions included on-going operational requirements and others needing immediate action. Currently, the following items have been completed or are no longer occurring:

- Condition 4 - Security Plan. Although the deadline was not met, the business owner submitted a security plan with details on the security personnel and the closed circuit surveillance camera system on April 7, 2016. The plan is currently under review.
- Condition 6 - RV Storage. The recreation vehicle that was being used a residence was promptly removed. Compliance with the condition was observed during a site inspection following the Planning Commission meeting on September 9, 2015.
- Condition 8 - Special Events. In the past there have been several occurrences where large groups associated with notable motorcycle clubs have been observed at the Route 66 bar partaking in special events involving outdoor music, outdoor cooking, and canopy structures without a special event permit/approval. Condition 8 was included as part of the modification to ensure the proper procedures and security measures are in place if large gatherings occurred in the future. Since the approval of the modification, no special events have occurred and no requests have been submitted.

The lighting plan and installation of penal code signage remain outstanding. During recent discussion, the business owner and contractor indicated they're in the process of finalizing the lighting plan and obtaining the required signage. The operational conditions such as keeping all activities inside, prohibiting outdoor storage, maintaining a clean parking lot, complying with other outside agencies, and complying with the entertainment restrictions were also monitored during the six month review; no reportable complaints or issues have been noted. The CUP modification was also fueled by the excessive law enforcement activity occurring at the business. The high rate and nature of these calls created an undesirable operation within the community and undue toll on law enforcement resources. Since the six-month review there have not been any major law enforcement related issues at the business.

In summary, the current operation is not in compliance with the CUP, as the business owner has not adequately addressed condition 3 and condition 7. Staff has provided regular input to the business owner and has sent letters addressing non-compliance on three occasions since October 2015. Staff is not requesting the Planning Commission take any action at this time. Over the past couple weeks the business owner has made an effort to meet the requirements of the CUP. Staff will continue to work with the business owner to ensure all the conditions of approval are complied with in a timely manner. Staff's suggestion to the Commission is that the owner be given until July 31, 2016 to fully comply with all conditions. If full compliance has not occurred by this time, a revocation hearing will be scheduled for the August Planning Commission meeting.

Attachments

- Exhibit A: City Council Resolution 15-R-18, with Conditions of Approval
Exhibit B: Six-Month Timeline of Events

MEMORANDUM

TO: David Eoff IV
FROM: City Clerk's Office
DATE: September 9, 2015
SUBJECT: Resolution No. 15-18 – Route 66 Roadhouse & Tavern
Appeal of Planning Commission Decision – CUP 95-1

The Duarte City Council, at its meeting of September 8, 2015, conducted a continued Public Hearing pertaining to the appeal by Route 66 Roadhouse & Tavern of the Planning Commission's decision requiring security personnel, took public input, amended Condition 4.C, added Condition 28, and adopted Resolution No. 15-18 (as amended to reflect the changes/addition to the Conditions), as follows:

RESOLUTION NO. 15-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DENYING AN APPEAL FILED BY BETTY BARNES, OWNER/OPERATOR OF THE ROUTE 66 ROADHOUSE & TAVERN, AND UPHOLDING THE PLANNING COMMISSION DECISION TO MODIFY CONDITIONAL USE PERMIT 95-1 FOR THE ROUTE 66 ROADHOUSE & TAVERN DUE TO RECURRING LAW ENFORCEMENT ACTIVITY AND NON-COMPLIANCE WITH CONDITIONS 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

You indicated you would follow up with the owner about the above action. Attached are two certified copies of Resolution No. 15-18.


Marla Akana
City Clerk

RESOLUTION NO. 15-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DENYING AN APPEAL FILED BY BETTY BARNES, OWNER/OPERATOR OF THE ROUTE 66 ROADHOUSE & TAVERN, AND UPHOLDING THE PLANNING COMMISSION DECISION TO MODIFY CONDITIONAL USE PERMIT 95-1 FOR THE ROUTE 66 ROADHOUSE & TAVERN DUE TO RECURRING LAW ENFORCEMENT ACTIVITY AND NON-COMPLIANCE WITH CONDITIONS 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

WHEREAS, Route 66 Roadhouse & Tavern (the "Business") is regulated by Conditional Use Permit 95-1 ("CUP 95-1"), which includes conditions of approval and allows the sale of alcoholic beverages for on-site consumption in conjunction with dancing and entertainment at the site located at 1846 Huntington Drive; and

WHEREAS, the Business is a well known gathering place for motorcycle clubs, resulting in large gatherings in the parking lot areas and unpermitted outdoor activities; and

WHEREAS, the Los Angeles County Sheriff's Department has responded to nearly 75 calls for service at the Business over the past five years; and

WHEREAS, there have been repetitious and ongoing violations of the City of Duarte's Municipal Code, Development Code and the Conditions of Approval to CUP 95-1 at the Business; and

WHEREAS, in 2003 and 2005, the City provided written notice to the owner of the Business of the repetitious and ongoing violations of the Municipal Code, Development Code and Conditions of Approval to CUP 95-1; and

WHEREAS, on February 23, 2015 Los Angeles County Sheriff's responded to an assault with a deadly weapon and attempted murder call at the Business; and

WHEREAS, Condition #10 of CUP 95-1 allows the permit to be scheduled for a revocation hearing before the Planning Commission based on any problems associated with the sale of alcoholic beverages; and

WHEREAS, Section 19.152.040 of the Duarte Development Code lists seven findings that provide the grounds for the modification or revocation of a conditional use permit, of which, only one of the seven findings needs to be made by the Planning Commission to modify or revoke the permit; and

WHEREAS, on June 15, 2015 at 7:00 p.m., the Planning Commission of the City of Duarte held a duly noticed public hearing in the City Council Chambers for the revocation or modification of CUP 95-1, considered the analysis and recommendation provided in the staff report, and all of the information, evidence and public testimony received at the hearing, and adopted PC Resolution 15-04 approving the modifications to CUP 95-1 for the Route 66 Roadhouse & Tavern; and

WHEREAS, Chapter 19.144 of the Duarte Development Code provides procedures for the appeal of decisions rendered by the Planning Commissions; and

WHEREAS, on July 14, 2015, the owner/operator of the Route 66 Roadhouse & Tavern filed an appeal of the Planning Commission decision to modify CUP 95-1 with the Duarte City Clerk in compliance with Chapter 19.144 of the Duarte Development Code; and

WHEREAS, on August 25, 2015 the City Council of the City of Duarte held a duly noticed public hearing to receive oral and written testimony related to the appeal of the modification of CUP 95-1; and

WHEREAS, the City Council continued the hearing to the September 8, 2015 meeting to allow Staff to provide additional detail to clarify the Sheriff call logs; and

WHEREAS, on September 8, 2015 the City Council of the City of Duarte held a continued public hearing to receive oral and written testimony related to the appeal of the modification of CUP 95-1; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for the appeal of the modification of CUP 95-1 and all of the information, evidence and public testimony received at the continued public hearing held on September 8, 2015 at 7:00 p.m. in the City Council Chambers.

NOW THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. In accordance with Section 19.152.040 of the Duarte Development Code, based upon substantial evidence presented to the City Council during the public hearing conducted with regard to the appeal of the modification of CUP 95-1, including written staff reports and verbal testimony, the City Council hereby finds as follows:

- (a) One or more of the conditions of the original CUP 95-1 have not been substantially fulfilled or have been violated and/or the original CUP 95-1 is in violation of statute, ordinance, law or regulation in that:

Condition #10 of the original conditions of approval for CUP 95-1 states: "Any problems associated with the sale of alcoholic beverages on the subject site may warrant the matter being scheduled for a revocation hearing before the planning commission". The Business' operation has created a nuisance and has become incompatible with the reasonable operation of a business of this type and in this area. According to the LA County Sheriff's incident report there have been approximately 75 calls for law enforcement service at the Business since 2010. These calls range from patron disputes and fights to, most recently, assault with a deadly weapon. Often times the disputes and physical altercations occur within the parking lot areas and involve a large number of people, which can negatively impact the surrounding developments. The disputes are often a result of intoxication.

Furthermore, dating back to 2003, the owner of the Business has failed to address non-compliance with several conditions of approval associated with CUP 95-1. Examples of such non-compliance include: The recreation vehicle stored in the rear parking area being used for living or sleeping; Improper illumination of the parking lot and drive aisles, the damaged and/or inoperable exterior building light fixtures; and special events, involving large outdoor gatherings, outdoor cooking and outdoor music, conducted on the property without the proper approval from the City. There has been correspondence with the business regarding the non-compliance and direction on correcting it. However, recent inspections show that many of the violations were never addressed or have reoccurred.

- (b) The improvement/use allowed by the original CUP 95-1 has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a public nuisance in that:

As discussed in section (a) above, there have been roughly 75 calls for law enforcement services at the Route 66 Roadhouse & Tavern over the past five years. The number of service calls and the magnitude of these calls have created adverse impacts on the community and surrounding developments. The high rate and nature of these calls creates an undesirable operation within the community and undue toll on law enforcement resources.

SECTION 3. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the City Council hereby adopts this Resolution and denies the appeal by upholding the Planning Commission decision to modify CUP 95-1, subject to the conditions of approval attached hereto as Exhibit "A-1" and

incorporated herein by this reference. The Conditions of Approval are deemed necessary to protect the public health, safety and general welfare and are reasonable and proper in accordance with the intent and purposes of the Duarte Development Code.

SECTION 4. The modification of Conditional Use Permit 95-1 by the Planning Commission, upheld by the City Council, is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15301, Class 1 of Title 14 of the California Code of Regulations. Approval of the modification to CUP 95-1 involves negligible or no expansion of an existing use. Therefore, no further environmental review is necessary.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and transmit a certified copy of this Resolution, by mail, to the owner of the Business at the address of record set forth in the application.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Duarte at a regular meeting held on the 8th day of September 2015.

/s/ Tzeitel Paras-Caracci
Mayor Tzeitel Paras-Caracci

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 15-18 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 8th day of September, 2015, by the following vote:

- AYES: Councilmembers: Fasana, Finlay, Kang, Reilly, Paras-Caracci
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California

EXHIBIT A-1

Conditions of Approval **Modification to Conditional Use Permit 95-1** **On-Sale of Alcoholic Beverages in Conjunction with Dancing and Live Entertainment** **Located at 1846 Huntington Drive (Route 66 Roadhouse & Tavern)**

The following conditions of approval are hereby incorporated as part of Conditional Use Permit 95-1 to ensure the business maintains a safe and orderly operation that will prevent and alleviate adverse impacts to the surrounding community. All conditions of approval shall be fully complied with by the owner, applicant, and all agents thereof. Any violation or failure to comply with the conditions of approval associated with this Conditional Use Permit should be grounds for initiation of proceedings for the revocation of the CUP by the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.

1. This CUP is subject to a six (6) month review from the date of the Planning Commission's decision. The Planning Division shall conduct a review of the property and business operation to ensure compliance with all conditions of approval. An update of the six (6) month review shall be provided to the Planning Commission during a scheduled Planning Commission meeting. Additionally, this CUP may be called for review or revocation at any time if a violation of the approved conditions is alleged, or if it is alleged that the business operation 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 Code or Development Code provisions, 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.
2. The business owner shall submit sufficient detail to the Community Development Department to ensure that food is available to patrons at all times. Failure to provide food shall require the scheduling of this matter to the Planning Commission for possible revocation of the Conditional Use Permit.
3. All exterior areas, including parking areas and drive aisles shall be illuminated in a manner that ensures the safety of the business, patrons, employees, and the general public. The existing wall mounted lights and pole lights extending above the roofline shall be removed. New parking lot light standards and exterior wall-mounted security lighting shall be installed to provide sufficient illumination throughout the entire parking lot area and around the building perimeter without creating light glare and/or spill-over onto adjacent properties. The business owner shall submit a lighting site plan and a certified photometric study with a point-by-point analysis to the Planning Division within sixty (60) days of the Planning Commission's decision. The lighting plan shall depict the location, type, and related specifications of the parking lot lights and wall-mounted lights. The lighting plan shall also be prepared by licensed architect or design professional and shall accurately depict the property line boundaries to ensure all lighting and associated installations occur within the subject property's boundaries. Removal of the existing lights, and installation and operation of the new lights shall be complete no later than sixty (60) days from the City's approval. All necessary permits shall be obtained prior to installation of any lights. All lighting shall use an energy-efficient lighting source such LED. A final inspection from the Planning Division shall be required following the installation of all the lights.
4. The business owner or representative shall submit a security plan to the Public Safety Department for review and approval. The contents of the security plan shall be incorporated as conditions of approval associated with CUP 95-1. The security plan shall be submitted within thirty (30) days from the Planning Commission's decision. Upon approval, the business owner shall obtain any necessary permits for the security plan and implement the contents of the security plan into the business operation within thirty (30) days. A final approved copy of the security plan shall be provided to the Public Safety Department and Planning Department, and shall be subject to an annual review. Failure to comply with the approved security plan at any time shall constitute as a violation of this Conditional Use Permit. At minimum, the security plan shall include the following:

A.A designated contact person for all safety and security management, including telephone numbers where the contact person may be reached 24 hours a day, seven days a week.

- B. An operational security alarm system equipped with burglary and emergency alarms monitored by a reputable alarm monitoring company 24 hours a day, seven days a week. The alarm monitoring company shall take the immediate and appropriate action when an alarm is triggered. Additionally, the business owner shall comply with all requirements of Chapter 9.05 of the Duarte Municipal Code (Burglar and Robbery Alarms).
- C. At least one (1) acceptable security personnel on duty who will monitor and control the behavior of patrons inside and outside the building, including the parking lot and any adjacent property under the establishment's control and/or influence. Additionally, a minimum of two security personnel shall be on duty at any point the business is expected to have 50 patrons or has unexpectedly reached or exceeded 50 patrons. The Public Safety Director shall have the ability to require additional security personnel regardless of the time of day for special events or as deemed necessary for the general welfare of the business and community. The security personnel shall:
- Be licensed and retained from a security firm approved by the Public Safety Director. If the business owners decides to employ security personnel that will be in possession of a firearm while on the establishment's premises, the security personnel shall provide the proper documentation to the Public Safety Director, including but not limited too, a copy of the license issued to the security authorizing the possession of the firearm, a copy of the security personnel's law enforcement identification, a copy of the security personnel's California drivers license or ID card.
 - Be on duty during the Friday and Saturday evening hours of operation beginning at 8:00 p.m. and shall remain on duty for at least one-half hour after the establishment closes or until all patrons have vacated the area utilized and/or adjacent to the subject property to ensure the areas are free of people loitering or causing a disturbance.
 - While on duty, wear a nameplate containing the security personnel's name and the word "SECURITY" printed in bold capital lettering and in a contrasting color. The nameplate shall be exhibited prominently on the security personnel clothing and shall be visible and easily read at all times. As an alternative, the security personnel name and word "SECURITY" may be embroidered on the security personnel's outermost garment, still meeting the above requirements.
 - Not sit at the bar, consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any violations of the law while on duty.
 - Along with the business operator, manage all activity outside the establishment to ensure there are no impediments to pedestrian travel in the walkways, sidewalks or other Public right-of-way, no blockage of neighboring businesses, and no disturbance of the public peace.
- D. A closed circuit television system consisting of interior and exterior surveillance cameras and a digital video recorder (DVR) for recording surveillance camera footage. The cameras shall provide sufficient coverage of the entire establishment on the inside and along the perimeter on the outside, as determined by the Public Safety Director. All DVR footage shall remain stored for a minimum of thirty (30) days and shall remain locked in a location accessible only to the business owner or management. The DVR footage shall also be made available for review upon reasonable request to City Manager, City Manager's designee, City law enforcement or any City Code Compliance officer.
5. The business owner shall correct any safety or security problem or security plan violation immediately after receiving written notice of such problem from the Public Safety Department.
6. The recreation vehicle parked/stored near the southwest area of the property and any additional inoperable vehicles shall be promptly removed from the premises within ten (10) days of receiving written notice from the City. As stated in Section 19.38.030 of the Duarte Development Code, living or sleeping in any vehicle or trailer is strictly prohibited. Continued non-compliance with this condition of approval or Section 19.38.030 of the

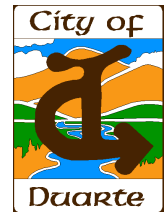
Duarte Development Code constitutes a violation of this CUP and may lead to a possible revocation hearing before the Planning Commission.

7. "No Loitering", "No Drinking", and "No Possession of Opened Alcoholic Beverage Container" signs shall be placed on the building exterior. Signage size, design and placement shall be reviewed by the Community Development Department. No signs advertising the sale of beer, wine, other alcoholic beverage products, or tobacco shall be installed on the exterior of the premises, or within the interior of the premises directed and intended to be visible toward the exterior of the premises, in accordance with the provisions of the Duarte Municipal Code.
8. Special events shall require approval from the Public Safety Department and Community Development Department, and be in compliance with Chapter 19.124 of the Duarte Development Code. Special events include but are not limited to: yard, rummage, or other sales events; car washes; donation events, fairs, exhibitions, food events, gatherings or congregations outside of the business walls and/or the use of: temporary structures or canopies within the parking lot, and porta-potties or other mobile restrooms. Unless otherwise approved through a special event permit, the business owner shall not allow patrons to gather and/or congregate in the parking lot areas of the property in a manner that may create a public nuisance to the community and surrounding developments.
9. All activities related to this business shall be conducted inside the enclosed building, unless otherwise approved through with a Special Event/Temporary Use Permit.
10. The playing of music or other forms of audio projections through outside speakers is prohibited, unless otherwise approved with a Special Event/Temporary Use Permit.
11. Any outdoor storage, including trailers, associated with the use is expressly prohibited on the subject property.
12. The parking lot area shall be properly maintained and kept clear from litter and debris at all times.
13. The business owner shall comply with all applicable California Laws including the Alcohol Beverage Control Act as defined by Division 9 of the California Business and Professions Code. Should at any time the Alcoholic Beverage License issued to the business owner be revoked for any purpose, this CUP shall be come null and void.
14. All requirements of the Department of Alcoholic Beverage Control (ABC) shall be complied with and such requirements shall be made conditions of approval of this Conditional Use Permit.
15. The sale of alcoholic beverages for offsite consumption is strictly prohibited. Alcoholic beverages may only be consumed inside the building. The consumption of alcoholic beverages outside of the building in the parking area or anywhere else on-site is strictly prohibited.
16. Any problems associated with the sale of alcoholic beverages on the subject site may warrant the matter being scheduled for a revocation hearing before the Planning Commission.
17. The business owner, on an annual basis, shall apply for and maintain a Dance & Entertainment Permit pursuant to Section 5.82 of the Duarte Municipal Code. All conditions of approval of the Dance & Entertainment Permit are incorporated as conditions of this Conditional Use Permit, and shall be fully complied with.
18. Entertainment shall be defined consistent with Exhibit C of February 21, 1995 staff report as amended below:
 - Modification to line number 4 - The entertainment shall be for patron dancing only to live and recorded music only.
 - Modification to line number 7 - Sporting events will sometimes be televised.
19. The doors of the establishment shall be kept closed during televised sports events, live entertainment, dancing, or music-related entertainment.
20. Sporting events shall be restricted to televised programming only.

21. Dancing shall be limited to patron dancing only.
22. All requirements of the Duarte Municipal Code, including the Duarte Development Code, as such requirements apply to this entitlement, shall be fully complied with and such requirements shall be made a Condition of Approval.
23. Any expansion or modification to the approved use as part of this conditional use permit, including but not limited to any substantial changes to the floor plan or additional services that may affect or intensify the business operation shall be reviewed by the Planning Division, and may require Planning Commission approval of a new conditional use permit.
24. In the event that the current business (Route 66 Roadhouse & Tavern) vacates the subject tenant space or a change of ownership occurs, the Conditional Use Permit in compliance with the provisions of Chapter 19.114 of the Duarte Development Code shall continue to be valid based on this approval, provided the new tenant/successor owner meets the requirements of this Conditional Use Permit. In the event the subject tenant space becomes vacant and/or the Conditional Use Permit is not actively exercised for a continuous period of twelve (12) months, this Conditional Use Permit and approval shall become invalid.
25. The decision of the Planning Commission may be appealed to the City Council of the Planning Commission's decision. Said appeal shall be in writing and filed with the City Clerks Office. The written appeal shall include reasons for the appeal and include the required appeal fee.
26. 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. The Business Owner shall sign an affidavit accepting the new conditions of approval of this Conditional Use Permit within 15 days from the date of approval by the Planning Commission. Failure of the Business Owner to sign such affidavit within such time period shall warrant revocation of this Conditional Use Permit pursuant to Section 19.152.030 of the Duarte Development Code.
28. If a non-routine call occurs at any time, the City shall have the right to conduct a further review and to determine whether further revisions to or revocation of the permit is necessary.

Exhibit B - Timeline of Events
CUP 95-1 Route 66 Roadhouse & Tavern
Planning Commission Six-Month Update

Date	Event
Sept. 10, 2015	- Meeting with Betty Barnes (business owner) to discuss COA's, and façade improvements - Site Inspection - RV trailer removed from the property (COA #6)
Sept. 14, 2015	- Formal action letter for City Council decision mailed to business owner and property owner - Met with business owner contractor to discuss façade changes and COA's
Sept. 15, 2015	Copy of City Council action letter provided to Public Safety for their records
Sept. 17, 2015	- Façade improvements to building on-going (paint, gen. maintenance) met with contractor at job site - Unpermitted electrical previously installed at property was removed, not allowed to be reinstalled
Sept. 21, 2015	Met with contractor to discuss COA's and upcoming deadline for security plan
Oct. 13, 2015	- Follow up letter #1 mailed to business owner and property owner - reminder of COA's compliance - Deadline for submitting security plan was missed - Oct. 8, 2015
Oct. 19, 2015	Met with contractor and engineer to discuss: lighting plan requirements, surveillance cameras (security plan), deadline for security plan, and upcoming deadline for lighting plan
Nov. 11, 2015	- Follow up letter #2 mailed to business owner and property owner - reminder of COA compliance - Deadline for submitted lighting plan was missed - Nov. 9, 2015 - Security plan still not submitted (due Oct. 8, 2015)
Feb. 29, 2016	Follow up letter #3 mailed to business owner and property owner - reminder of COA compliance and upcoming six-month review
Mar. 23, 2016	Met with business owner, new contractor, and new designer to discuss COA
Apr. 7, 2016	Security plan submitted; Currently under review



MEMORANDUM

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FROM: DAVID F. EOFF IV, ASSOCIATE PLANNER

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The business owner was given thirty (30) days from the date of the City Council decision to provide a security plan to the Public Safety Department for review. This established a deadline of October 8, 2015. The business owner was also given sixty (60) days from the date of the City Council decision to provide a lighting plan to the Community Development Department for review. This established a

deadline of November 9, 2015. Written correspondence with reminders of these time sensitive conditions, deadlines, and consequences of noncompliance were provided to the business owner.

The six-month review was necessary to ensure the revised conditions were sufficient for the business operation. During the six-month period the Public Safety Department and Community Development Department worked together to monitor the activity on the property and verify fulfillment of the required conditions. There have been numerous site inspections and regular interior and exterior inspections of the building by a Sheriff deputy. The conditions included on-going operational requirements and others needing immediate action. Currently, the following items have been completed or are no longer occurring:

- Condition 4 - Security Plan. Although the deadline was not met, the business owner submitted a security plan with details on the security personnel and the closed circuit surveillance camera system on April 7, 2016. The plan is currently under review.
- Condition 6 - RV Storage. The recreation vehicle that was being used a residence was promptly removed. Compliance with the condition was observed during a site inspection following the Planning Commission meeting on September 9, 2015.
- Condition 8 - Special Events. In the past there have been several occurrences where large groups associated with notable motorcycle clubs have been observed at the Route 66 bar partaking in special events involving outdoor music, outdoor cooking, and canopy structures without a special event permit/approval. Condition 8 was included as part of the modification to ensure the proper procedures and security measures are in place if large gatherings occurred in the future. Since the approval of the modification, no special events have occurred and no requests have been submitted.

The lighting plan and installation of penal code signage remain outstanding. During recent discussion, the business owner and contractor indicated they're in the process of finalizing the lighting plan and obtaining the required signage. The operational conditions such as keeping all activities inside, prohibiting outdoor storage, maintaining a clean parking lot, complying with other outside agencies, and complying with the entertainment restrictions were also monitored during the six month review; no reportable complaints or issues have been noted. The CUP modification was also fueled by the excessive law enforcement activity occurring at the business. The high rate and nature of these calls created an undesirable operation within the community and undue toll on law enforcement resources. Since the six-month review there have not been any major law enforcement related issues at the business.

In summary, the current operation is not in compliance with the CUP, as the business owner has not adequately addressed condition 3 and condition 7. Staff has provided regular input to the business owner and has sent letters addressing non-compliance on three occasions since October 2015. Staff is not requesting the Planning Commission take any action at this time. Over the past couple weeks the business owner has made an effort to meet the requirements of the CUP. Staff will continue to work with the business owner to ensure all the conditions of approval are complied with in a timely manner. Staff's suggestion to the Commission is that the owner be given until July 31, 2016 to fully comply with all conditions. If full compliance has not occurred by this time, a revocation hearing will be scheduled for the August Planning Commission meeting.

Attachments

- Exhibit A: City Council Resolution 15-R-18, with Conditions of Approval
Exhibit B: Six-Month Timeline of Events

MEMORANDUM

TO: David Eoff IV
FROM: City Clerk's Office
DATE: September 9, 2015
SUBJECT: Resolution No. 15-18 – Route 66 Roadhouse & Tavern
Appeal of Planning Commission Decision – CUP 95-1

The Duarte City Council, at its meeting of September 8, 2015, conducted a continued Public Hearing pertaining to the appeal by Route 66 Roadhouse & Tavern of the Planning Commission's decision requiring security personnel, took public input, amended Condition 4.C, added Condition 28, and adopted Resolution No. 15-18 (as amended to reflect the changes/addition to the Conditions), as follows:

RESOLUTION NO. 15-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DENYING AN APPEAL FILED BY BETTY BARNES, OWNER/OPERATOR OF THE ROUTE 66 ROADHOUSE & TAVERN, AND UPHOLDING THE PLANNING COMMISSION DECISION TO MODIFY CONDITIONAL USE PERMIT 95-1 FOR THE ROUTE 66 ROADHOUSE & TAVERN DUE TO RECURRING LAW ENFORCEMENT ACTIVITY AND NON-COMPLIANCE WITH CONDITIONS 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

You indicated you would follow up with the owner about the above action. Attached are two certified copies of Resolution No. 15-18.


Marla Akana
City Clerk

RESOLUTION NO. 15-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DENYING AN APPEAL FILED BY BETTY BARNES, OWNER/OPERATOR OF THE ROUTE 66 ROADHOUSE & TAVERN, AND UPHOLDING THE PLANNING COMMISSION DECISION TO MODIFY CONDITIONAL USE PERMIT 95-1 FOR THE ROUTE 66 ROADHOUSE & TAVERN DUE TO RECURRING LAW ENFORCEMENT ACTIVITY AND NON-COMPLIANCE WITH CONDITIONS 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

WHEREAS, Route 66 Roadhouse & Tavern (the "Business") is regulated by Conditional Use Permit 95-1 ("CUP 95-1"), which includes conditions of approval and allows the sale of alcoholic beverages for on-site consumption in conjunction with dancing and entertainment at the site located at 1846 Huntington Drive; and

WHEREAS, the Business is a well known gathering place for motorcycle clubs, resulting in large gatherings in the parking lot areas and unpermitted outdoor activities; and

WHEREAS, the Los Angeles County Sheriff's Department has responded to nearly 75 calls for service at the Business over the past five years; and

WHEREAS, there have been repetitious and ongoing violations of the City of Duarte's Municipal Code, Development Code and the Conditions of Approval to CUP 95-1 at the Business; and

WHEREAS, in 2003 and 2005, the City provided written notice to the owner of the Business of the repetitious and ongoing violations of the Municipal Code, Development Code and Conditions of Approval to CUP 95-1; and

WHEREAS, on February 23, 2015 Los Angeles County Sheriff's responded to an assault with a deadly weapon and attempted murder call at the Business; and

WHEREAS, Condition #10 of CUP 95-1 allows the permit to be scheduled for a revocation hearing before the Planning Commission based on any problems associated with the sale of alcoholic beverages; and

WHEREAS, Section 19.152.040 of the Duarte Development Code lists seven findings that provide the grounds for the modification or revocation of a conditional use permit, of which, only one of the seven findings needs to be made by the Planning Commission to modify or revoke the permit; and

WHEREAS, on June 15, 2015 at 7:00 p.m., the Planning Commission of the City of Duarte held a duly noticed public hearing in the City Council Chambers for the revocation or modification of CUP 95-1, considered the analysis and recommendation provided in the staff report, and all of the information, evidence and public testimony received at the hearing, and adopted PC Resolution 15-04 approving the modifications to CUP 95-1 for the Route 66 Roadhouse & Tavern; and

WHEREAS, Chapter 19.144 of the Duarte Development Code provides procedures for the appeal of decisions rendered by the Planning Commissions; and

WHEREAS, on July 14, 2015, the owner/operator of the Route 66 Roadhouse & Tavern filed an appeal of the Planning Commission decision to modify CUP 95-1 with the Duarte City Clerk in compliance with Chapter 19.144 of the Duarte Development Code; and

WHEREAS, on August 25, 2015 the City Council of the City of Duarte held a duly noticed public hearing to receive oral and written testimony related to the appeal of the modification of CUP 95-1; and

WHEREAS, the City Council continued the hearing to the September 8, 2015 meeting to allow Staff to provide additional detail to clarify the Sheriff call logs; and

WHEREAS, on September 8, 2015 the City Council of the City of Duarte held a continued public hearing to receive oral and written testimony related to the appeal of the modification of CUP 95-1; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for the appeal of the modification of CUP 95-1 and all of the information, evidence and public testimony received at the continued public hearing held on September 8, 2015 at 7:00 p.m. in the City Council Chambers.

NOW THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. In accordance with Section 19.152.040 of the Duarte Development Code, based upon substantial evidence presented to the City Council during the public hearing conducted with regard to the appeal of the modification of CUP 95-1, including written staff reports and verbal testimony, the City Council hereby finds as follows:

- (a) One or more of the conditions of the original CUP 95-1 have not been substantially fulfilled or have been violated and/or the original CUP 95-1 is in violation of statute, ordinance, law or regulation in that:

Condition #10 of the original conditions of approval for CUP 95-1 states: "Any problems associated with the sale of alcoholic beverages on the subject site may warrant the matter being scheduled for a revocation hearing before the planning commission". The Business' operation has created a nuisance and has become incompatible with the reasonable operation of a business of this type and in this area. According to the LA County Sheriff's incident report there have been approximately 75 calls for law enforcement service at the Business since 2010. These calls range from patron disputes and fights to, most recently, assault with a deadly weapon. Often times the disputes and physical altercations occur within the parking lot areas and involve a large number of people, which can negatively impact the surrounding developments. The disputes are often a result of intoxication.

Furthermore, dating back to 2003, the owner of the Business has failed to address non-compliance with several conditions of approval associated with CUP 95-1. Examples of such non-compliance include: The recreation vehicle stored in the rear parking area being used for living or sleeping; Improper illumination of the parking lot and drive aisles, the damaged and/or inoperable exterior building light fixtures; and special events, involving large outdoor gatherings, outdoor cooking and outdoor music, conducted on the property without the proper approval from the City. There has been correspondence with the business regarding the non-compliance and direction on correcting it. However, recent inspections show that many of the violations were never addressed or have reoccurred.

- (b) The improvement/use allowed by the original CUP 95-1 has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a public nuisance in that:

As discussed in section (a) above, there have been roughly 75 calls for law enforcement services at the Route 66 Roadhouse & Tavern over the past five years. The number of service calls and the magnitude of these calls have created adverse impacts on the community and surrounding developments. The high rate and nature of these calls creates an undesirable operation within the community and undue toll on law enforcement resources.

SECTION 3. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the City Council hereby adopts this Resolution and denies the appeal by upholding the Planning Commission decision to modify CUP 95-1, subject to the conditions of approval attached hereto as Exhibit "A-1" and

incorporated herein by this reference. The Conditions of Approval are deemed necessary to protect the public health, safety and general welfare and are reasonable and proper in accordance with the intent and purposes of the Duarte Development Code.

SECTION 4. The modification of Conditional Use Permit 95-1 by the Planning Commission, upheld by the City Council, is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15301, Class 1 of Title 14 of the California Code of Regulations. Approval of the modification to CUP 95-1 involves negligible or no expansion of an existing use. Therefore, no further environmental review is necessary.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and transmit a certified copy of this Resolution, by mail, to the owner of the Business at the address of record set forth in the application.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Duarte at a regular meeting held on the 8th day of September 2015.

/s/ Tzeitel Paras-Caracci
Mayor Tzeitel Paras-Caracci

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 15-18 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 8th day of September, 2015, by the following vote:

- AYES: Councilmembers: Fasana, Finlay, Kang, Reilly, Paras-Caracci
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California

EXHIBIT A-1

Conditions of Approval Modification to Conditional Use Permit 95-1 On-Sale of Alcoholic Beverages in Conjunction with Dancing and Live Entertainment Located at 1846 Huntington Drive (Route 66 Roadhouse & Tavern)

The following conditions of approval are hereby incorporated as part of Conditional Use Permit 95-1 to ensure the business maintains a safe and orderly operation that will prevent and alleviate adverse impacts to the surrounding community. All conditions of approval shall be fully complied with by the owner, applicant, and all agents thereof. Any violation or failure to comply with the conditions of approval associated with this Conditional Use Permit should be grounds for initiation of proceedings for the revocation of the CUP by the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.

1. This CUP is subject to a six (6) month review from the date of the Planning Commission's decision. The Planning Division shall conduct a review of the property and business operation to ensure compliance with all conditions of approval. An update of the six (6) month review shall be provided to the Planning Commission during a scheduled Planning Commission meeting. Additionally, this CUP may be called for review or revocation at any time if a violation of the approved conditions is alleged, or if it is alleged that the business operation 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 Code or Development Code provisions, 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.
2. The business owner shall submit sufficient detail to the Community Development Department to ensure that food is available to patrons at all times. Failure to provide food shall require the scheduling of this matter to the Planning Commission for possible revocation of the Conditional Use Permit.
3. All exterior areas, including parking areas and drive aisles shall be illuminated in a manner that ensures the safety of the business, patrons, employees, and the general public. The existing wall mounted lights and pole lights extending above the roofline shall be removed. New parking lot light standards and exterior wall-mounted security lighting shall be installed to provide sufficient illumination throughout the entire parking lot area and around the building perimeter without creating light glare and/or spill-over onto adjacent properties. The business owner shall submit a lighting site plan and a certified photometric study with a point-by-point analysis to the Planning Division within sixty (60) days of the Planning Commission's decision. The lighting plan shall depict the location, type, and related specifications of the parking lot lights and wall-mounted lights. The lighting plan shall also be prepared by licensed architect or design professional and shall accurately depict the property line boundaries to ensure all lighting and associated installations occur within the subject property's boundaries. Removal of the existing lights, and installation and operation of the new lights shall be complete no later than sixty (60) days from the City's approval. All necessary permits shall be obtained prior to installation of any lights. All lighting shall use an energy-efficient lighting source such LED. A final inspection from the Planning Division shall be required following the installation of all the lights.
4. The business owner or representative shall submit a security plan to the Public Safety Department for review and approval. The contents of the security plan shall be incorporated as conditions of approval associated with CUP 95-1. The security plan shall be submitted within thirty (30) days from the Planning Commission's decision. Upon approval, the business owner shall obtain any necessary permits for the security plan and implement the contents of the security plan into the business operation within thirty (30) days. A final approved copy of the security plan shall be provided to the Public Safety Department and Planning Department, and shall be subject to an annual review. Failure to comply with the approved security plan at any time shall constitute as a violation of this Conditional Use Permit. At minimum, the security plan shall include the following:

A.A designated contact person for all safety and security management, including telephone numbers where the contact person may be reached 24 hours a day, seven days a week.

- B. An operational security alarm system equipped with burglary and emergency alarms monitored by a reputable alarm monitoring company 24 hours a day, seven days a week. The alarm monitoring company shall take the immediate and appropriate action when an alarm is triggered. Additionally, the business owner shall comply with all requirements of Chapter 9.05 of the Duarte Municipal Code (Burglar and Robbery Alarms).
- C. At least one (1) acceptable security personnel on duty who will monitor and control the behavior of patrons inside and outside the building, including the parking lot and any adjacent property under the establishment's control and/or influence. Additionally, a minimum of two security personnel shall be on duty at any point the business is expected to have 50 patrons or has unexpectedly reached or exceeded 50 patrons. The Public Safety Director shall have the ability to require additional security personnel regardless of the time of day for special events or as deemed necessary for the general welfare of the business and community. The security personnel shall:
- Be licensed and retained from a security firm approved by the Public Safety Director. If the business owners decides to employ security personnel that will be in possession of a firearm while on the establishment's premises, the security personnel shall provide the proper documentation to the Public Safety Director, including but not limited too, a copy of the license issued to the security authorizing the possession of the firearm, a copy of the security personnel's law enforcement identification, a copy of the security personnel's California drivers license or ID card.
 - Be on duty during the Friday and Saturday evening hours of operation beginning at 8:00 p.m. and shall remain on duty for at least one-half hour after the establishment closes or until all patrons have vacated the area utilized and/or adjacent to the subject property to ensure the areas are free of people loitering or causing a disturbance.
 - While on duty, wear a nameplate containing the security personnel's name and the word "SECURITY" printed in bold capital lettering and in a contrasting color. The nameplate shall be exhibited prominently on the security personnel clothing and shall be visible and easily read at all times. As an alternative, the security personnel name and word "SECURITY" may be embroidered on the security personnel's outermost garment, still meeting the above requirements.
 - Not sit at the bar, consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any violations of the law while on duty.
 - Along with the business operator, manage all activity outside the establishment to ensure there are no impediments to pedestrian travel in the walkways, sidewalks or other Public right-of-way, no blockage of neighboring businesses, and no disturbance of the public peace.
- D. A closed circuit television system consisting of interior and exterior surveillance cameras and a digital video recorder (DVR) for recording surveillance camera footage. The cameras shall provide sufficient coverage of the entire establishment on the inside and along the perimeter on the outside, as determined by the Public Safety Director. All DVR footage shall remain stored for a minimum of thirty (30) days and shall remain locked in a location accessible only to the business owner or management. The DVR footage shall also be made available for review upon reasonable request to City Manager, City Manager's designee, City law enforcement or any City Code Compliance officer.
5. The business owner shall correct any safety or security problem or security plan violation immediately after receiving written notice of such problem from the Public Safety Department.
6. The recreation vehicle parked/stored near the southwest area of the property and any additional inoperable vehicles shall be promptly removed from the premises within ten (10) days of receiving written notice from the City. As stated in Section 19.38.030 of the Duarte Development Code, living or sleeping in any vehicle or trailer is strictly prohibited. Continued non-compliance with this condition of approval or Section 19.38.030 of the

Duarte Development Code constitutes a violation of this CUP and may lead to a possible revocation hearing before the Planning Commission.

7. "No Loitering", "No Drinking", and "No Possession of Opened Alcoholic Beverage Container" signs shall be placed on the building exterior. Signage size, design and placement shall be reviewed by the Community Development Department. No signs advertising the sale of beer, wine, other alcoholic beverage products, or tobacco shall be installed on the exterior of the premises, or within the interior of the premises directed and intended to be visible toward the exterior of the premises, in accordance with the provisions of the Duarte Municipal Code.
8. Special events shall require approval from the Public Safety Department and Community Development Department, and be in compliance with Chapter 19.124 of the Duarte Development Code. Special events include but are not limited to: yard, rummage, or other sales events; car washes; donation events, fairs, exhibitions, food events, gatherings or congregations outside of the business walls and/or the use of: temporary structures or canopies within the parking lot, and porta-potties or other mobile restrooms. Unless otherwise approved through a special event permit, the business owner shall not allow patrons to gather and/or congregate in the parking lot areas of the property in a manner that may create a public nuisance to the community and surrounding developments.
9. All activities related to this business shall be conducted inside the enclosed building, unless otherwise approved through with a Special Event/Temporary Use Permit.
10. The playing of music or other forms of audio projections through outside speakers is prohibited, unless otherwise approved with a Special Event/Temporary Use Permit.
11. Any outdoor storage, including trailers, associated with the use is expressly prohibited on the subject property.
12. The parking lot area shall be properly maintained and kept clear from litter and debris at all times.
13. The business owner shall comply with all applicable California Laws including the Alcohol Beverage Control Act as defined by Division 9 of the California Business and Professions Code. Should at any time the Alcoholic Beverage License issued to the business owner be revoked for any purpose, this CUP shall be come null and void.
14. All requirements of the Department of Alcoholic Beverage Control (ABC) shall be complied with and such requirements shall be made conditions of approval of this Conditional Use Permit.
15. The sale of alcoholic beverages for offsite consumption is strictly prohibited. Alcoholic beverages may only be consumed inside the building. The consumption of alcoholic beverages outside of the building in the parking area or anywhere else on-site is strictly prohibited.
16. Any problems associated with the sale of alcoholic beverages on the subject site may warrant the matter being scheduled for a revocation hearing before the Planning Commission.
17. The business owner, on an annual basis, shall apply for and maintain a Dance & Entertainment Permit pursuant to Section 5.82 of the Duarte Municipal Code. All conditions of approval of the Dance & Entertainment Permit are incorporated as conditions of this Conditional Use Permit, and shall be fully complied with.
18. Entertainment shall be defined consistent with Exhibit C of February 21, 1995 staff report as amended below:
 - Modification to line number 4 - The entertainment shall be for patron dancing only to live and recorded music only.
 - Modification to line number 7 - Sporting events will sometimes be televised.
19. The doors of the establishment shall be kept closed during televised sports events, live entertainment, dancing, or music-related entertainment.
20. Sporting events shall be restricted to televised programming only.

21. Dancing shall be limited to patron dancing only.
22. All requirements of the Duarte Municipal Code, including the Duarte Development Code, as such requirements apply to this entitlement, shall be fully complied with and such requirements shall be made a Condition of Approval.
23. Any expansion or modification to the approved use as part of this conditional use permit, including but not limited to any substantial changes to the floor plan or additional services that may affect or intensify the business operation shall be reviewed by the Planning Division, and may require Planning Commission approval of a new conditional use permit.
24. In the event that the current business (Route 66 Roadhouse & Tavern) vacates the subject tenant space or a change of ownership occurs, the Conditional Use Permit in compliance with the provisions of Chapter 19.114 of the Duarte Development Code shall continue to be valid based on this approval, provided the new tenant/successor owner meets the requirements of this Conditional Use Permit. In the event the subject tenant space becomes vacant and/or the Conditional Use Permit is not actively exercised for a continuous period of twelve (12) months, this Conditional Use Permit and approval shall become invalid.
25. The decision of the Planning Commission may be appealed to the City Council of the Planning Commission's decision. Said appeal shall be in writing and filed with the City Clerks Office. The written appeal shall include reasons for the appeal and include the required appeal fee.
26. 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. The Business Owner shall sign an affidavit accepting the new conditions of approval of this Conditional Use Permit within 15 days from the date of approval by the Planning Commission. Failure of the Business Owner to sign such affidavit within such time period shall warrant revocation of this Conditional Use Permit pursuant to Section 19.152.030 of the Duarte Development Code.
28. If a non-routine call occurs at any time, the City shall have the right to conduct a further review and to determine whether further revisions to or revocation of the permit is necessary.

Exhibit B - Timeline of Events
CUP 95-1 Route 66 Roadhouse & Tavern
Planning Commission Six-Month Update

Date	Event
Sept. 10, 2015	- Meeting with Betty Barnes (business owner) to discuss COA's, and façade improvements - Site Inspection - RV trailer removed from the property (COA #6)
Sept. 14, 2015	- Formal action letter for City Council decision mailed to business owner and property owner - Met with business owner contractor to discuss façade changes and COA's
Sept. 15, 2015	Copy of City Council action letter provided to Public Safety for their records
Sept. 17, 2015	- Façade improvements to building on-going (paint, gen. maintenance) met with contractor at job site - Unpermitted electrical previously installed at property was removed, not allowed to be reinstalled
Sept. 21, 2015	Met with contractor to discuss COA's and upcoming deadline for security plan
Oct. 13, 2015	- Follow up letter #1 mailed to business owner and property owner - reminder of COA's compliance - Deadline for submitting security plan was missed - Oct. 8, 2015
Oct. 19, 2015	Met with contractor and engineer to discuss: lighting plan requirements, surveillance cameras (security plan), deadline for security plan, and upcoming deadline for lighting plan
Nov. 11, 2015	- Follow up letter #2 mailed to business owner and property owner - reminder of COA compliance - Deadline for submitted lighting plan was missed - Nov. 9, 2015 - Security plan still not submitted (due Oct. 8, 2015)
Feb. 29, 2016	Follow up letter #3 mailed to business owner and property owner - reminder of COA compliance and upcoming six-month review
Mar. 23, 2016	Met with business owner, new contractor, and new designer to discuss COA
Apr. 7, 2016	Security plan submitted; Currently under review