



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
April 16, 2018**

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

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES

Chairperson Watson-Gardner called the meeting to order at 7:00 p.m.

The following were in attendance:

PRESENT:	Vasquez, Wolff, Farra, Pierce, Watson-Gardner
ASSENT:	None
STAFF:	Hensley, Golding, Eoff IV, Hernandez
DEPUTY CITY ATTORNEY:	Alisha Patterson

2. PLEDGE OF ALLEGIANCE

Vasquez led the Pledge of Allegiance.

3. APPROVAL OF MINUTES: March 19, 2018

Pierce moved to approve the minutes of March 19, 2018 and Seconded by Wolff. Motion approved 5-0-0-0.

4. COMMISSION REORGANIZATION

Director Hensley opened nominations for Chairperson. Watson-Gardner nominated Vasquez. Farra seconded the nomination. Director Hensley called for a roll call on Vasquez:

Ayes: Farra, Pierce, Vasquez, Watson-Gardner, Wolff

The vote carried unanimously for Commissioner Vasquez to be Chairperson, 5-0-0-0.

Chairperson Vasquez opened nominations for Vice-Chair. Farra nominated Wolff for Vice-Chair. Watson-Gardner seconded the nomination. Chairperson Vasquez called for the roll call vote on Wolff:

Ayes: Vasquez, Wolff, Farra, Pierce, Watson-Gardner

The vote carried unanimously for Commissioner Wolff to be Vice-Chair, 5-0-0-0.

5. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA

Chairperson Vasquez opened Oral Communications for items not on the Agenda. Seeing none Chairperson Vasquez closed Oral Communications.

6. PUBLIC HEARINGS

A. [Conditional Use Permit 17-04; Site Plan and Design Review 17-30: Operation and Construction of a New Meditation Temple \(Place of Religious Assembly\) at 2632 Royal Oaks Drive](#)

[Staff Report](#), [PC Resolution 18-06](#) and [PC Resolution 18-07](#)

Hensley indicated the City Attorney apprised Staff of a code related issue that necessitates an amendment to the code before the item can be considered.

Chairperson Vasquez opened the Public Hearing and continued the item of the Conditional Use Permit 17-04 to the May 21, 2018 meeting.

Farra requested a discussion to understand what code sections are of concern. Deputy City Attorney Patterson explained that when the Development Code was amended for places of worship it provided standards that did not take into consideration small lots with one-point of access like the one presented on this item. She continued to explain that with a code amendment the Commission could consider the findings for approval.

7. [ITEMS FROM DIRECTOR](#)

No items from the Director.

8. [ITEMS FROM COMMISSIONERS](#)

No items from the Commissioners.

9. ADJOURNMENT: Monday, May 21, 2018

Chairperson Vasquez motioned to adjourn the meeting, Commissioner Watson-Gardner seconded. Motion carried 5-0-0-0. The Planning Commission adjourned at 7:08 p.m. The next meeting is scheduled for May 21, 2018.

Craig Hensley, Secretary

RESOLUTION NO. PC 18-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT 17-04 TO THE CITY COUNCIL FOR THE USE AND OPERATION A MEDITATION TEMPLE LOCATED AT 2632 ROYAL OAKS DRIVE

WHEREAS, the applicant is requesting approval to operate a meditation temple, also known as a place of religious assembly, at 2632 Royal Oaks Drive; and

WHEREAS, a place of religious assembly is an allowed use in the R-1 zone with an approved conditional use permit; and

WHEREAS, the existing church was constructed in the 1970's and operated without a conditional use permit and prior to Section 19.60.140 being incorporated into the Duarte Development Code; and

WHEREAS, Municipal Code Amendment 18-01 clarifies the applicability of Section 19.60.140(C)(1) as it pertains to parcel size and location standards for places of religious assembly; and

WHEREAS, the proposed temple meets the development standards of the R-1 zone and complies with architectural design guidelines outlined in Chapter 19.44 of the Duarte Development Code; and

WHEREAS the proposed meditation temple will be regulated under the requirements and conditions associated with this Resolution, which grants approval of a conditional use permit; and

WHEREAS, notice of a public hearing on the Conditional Use Permit 17-04 was given pursuant to Duarte Development Code Chapter 19.146 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 application 17-04 and all the information, evidence and public testimony received at the public meeting held on May 21, 2018 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. RECITALS

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

SECTION 2. FINDINGS FOR CONDITIONAL USE PERMITS

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;

The project conforms to the goals and objectives of the General Plan and the regulations of Chapter 19.10 (Residential Zones), including the intent and purpose, permitted uses, and other development standards. The use is also consistent with the land use goal by providing compatible and harmonious land uses by providing a mix of uses consistent with projected future social, environmental, and economic conditions.

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;

A place of religious assembly is allowed within the R-1 zone with an approved conditional use permit pursuant to Section 19.10.020 of the Duarte Development Code. Section 19.60.140 of the Duarte Development Code provides additional locational and operational criteria for religious facilities; however, Municipal Code Amendment 18-01 addresses the applicability of the Section 19.60.140. As an existing place of religious assembly, the Kwan Yin Temple is exempt from the standards outlined Section 19.60.140(C)(1). Furthermore, the temple has been designed to comply with the development standards of the R-1 zone with respect to lot coverage, setbacks, and height. The proposed lot coverage of roughly 20% is below the maximum allowed in the R-1 zone; a rear setback of 20 feet exceeds the minimum requirement for the R-1 zone, creating a sufficient buffer between the temple and adjacent residential properties to the south; and the overall height of the structure is less than the maximum allowed within the R-1 zone as well as consistent with a typical of height of a single-story or two-story home.

By adoption of this resolution, the temple will be regulated by a conditional use permit and will meet the requirements of Section 19.10.020 and Section 19.60.140 of the Duarte Development Code.

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

The project site is located within the R-1 zone and is currently improved with an existing church structure. The site is accessible from Royal Oaks Drive. The property is roughly 20,600 square feet, with a street frontage width of approximately 200 feet. The site is surrounded by single-family residential properties to the south and west. The structure is setback 20 feet from the south property line to create a sufficient buffer between the adjacent properties. The single-family homes to the west are not directly adjacent to the subject site, as they are located on the west side of Park View Court. Additionally, the parking lot area is located generally on

the west side of the property, creating a large separation between the homes and the temple. The temple is designed in a Spanish architectural style that has resemblance to a single-family home. The scale and massing is proportionate to the site and surroundings, and is consistent with the development standards allowed for a single-family home in that zone.

The temple operation is low intensity and limited by the size of the temple. The temple does not include large daily or weekly gatherings, as all gatherings occur on a scheduled basis throughout the year. Additionally, all activities will occur inside the temple buildings, keeping the activity and noise levels within a controlled area. Conditions of approval will be added to ensure the temple remains compatible with the surrounding uses.

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 general nature of the temple includes a low intense operation that is suitable for the proposed location and will not be detrimental to surrounding neighborhood. All activities will remain indoors, and the gatherings and special events will be limited in size and occurrence. The temple is available to members only and functions as a satellite location that is designed to accommodate elderly members. Daily operations will consist of individual and/or family consultations, or Buddhism studying. Conditions of approval will be imposed to ensure the operation does not create any adverse impacts on the City of surrounding community.

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.

The site is approximately 20,600 square feet in size, which is sufficient for the 3,787 square-foot temple and parking lot area. The property is in the R-1 zone along Royal Oaks Drive with one access point for ingress and egress. Onsite circulation is maintained with a two-way drive aisle that provides access to the parking stalls and sufficient turn around for safe exiting. The site is suitable for the temple operation and emergency vehicle access.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-06 for the proposed use and operation of a meditation temple, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines)

because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15301.

SECTION 4. RECOMMENDATION

The Planning Commission approves PC Resolution 18-06, based on the findings listed in Section 2 and the conditions listed in "Exhibit A-1", and recommends approval of Conditional Use Permit 17-04 to the City Council, for the use and operation of a meditation temple at 2632 Royal Oaks Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez
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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT A-1
Conditions of Approval
Conditional Use Permit 17-04
2362 Royal Oaks Drive

1. This approval is for the operation of the Kwan Yin Meditation temple (place of religious assembly) located at 2632 Royal Oaks Drive, as stated in the staff report and described in the applicant's business proposal statement, on file with the Planning Division.
2. Approval of this Conditional Use Permit (CUP) shall be contingent upon the approval of Municipal Code Amendment MCA 18-01 by the Duarte City Council. In the event MCA 18-01 is not approved, this CUP shall become void.
3. The temple shall be accessible to members only and not intended for general public use.
4. No more than thirty (30) members and two (2) monks shall be on the premise at anytime for daily operations and/or special events/gatherings, unless approved by the Community Development Director.
5. The hours of operation for the temple shall be from 7:00 AM to 4:00 PM daily. The daily hours of operation shall be for incidental services conducted by the temple – consultation, study sessions, etc. and not intended for daily or routine events or large gatherings. Any request to alter these hours shall require approval from the Community Development Director prior to implementing. Such changes may require additional review from the Planning Commission.
6. The Duarte temple shall operate as the secondary/satellite location to the main temple located in Monrovia. In the event the main temple shall cease operation, an updated operation statement for the Duarte temple shall be provided to the Community Development Department for review to ensure the operation does not intensify or create adverse impacts on the surrounding neighborhood. Proper notification of the main temple ceasing operation shall be provided to the Duarte Community Development Department within a reasonable amount of time.
7. Special events and gatherings shall occur on a scheduled basis with a frequency no greater than once per month; no more than 30 members shall be in attendance at any special event or gathering, unless prior written approval is obtained from the Community Development Director. Such events or gatherings that are expected to occur more than once per month or exceed 30 members may require review and approval of a Special Event Permit.
8. All activities, services, gatherings, events, etc. shall remain indoors unless prior written approval from the Planning Division is obtained.

9. No more than two (2) monks shall reside on the property at all times. The monk residency area shall be restricted to the monk room as depicted on the approved floor plan on file with the Planning Division. Any changes to the size, location, or use of the monk room shall require approval from the Community Development Director prior to implementing. Such changes may require additional review from the Planning Commission.
10. The meditation hall and/or dining hall shall not be rented or used by outside organizations or the general public for weddings, private banquets, or similar. The use of the temple is for members only and shall not be considered or used as a venue for non-member social gatherings.
11. Any outdoor storage associated with this use is strictly prohibited.
12. In the event that the applicant (Kwan Yin Temple) vacates the subject property 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 as it was originally approved, provided the new tenant/successor owner meets the requirements of this Conditional Use Permit for places of a religious assembly. In the event the Conditional Use Permit is not actively exercised for a continuous period of twelve (12) months, the Conditional Use Permit and approval shall become invalid.
13. 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, additional services, transition from satellite location to main temple, or other changes 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.
14. The project shall comply with all regulations of the R-1 Single-Family Residential Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections of both the Duarte Development Code and Duarte Municipal Code.
15. The temple activities shall be maintained at reasonable audible levels, not to exceed the City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code. Any substantiated complaints regarding noise, sound or other audible impacts may require submittal of a Noise Study by the Community Development Director to address any noise concerns and propose appropriate measures as needed to comply with the City's noise ordinance. The Noise Study shall be prepared by a qualified consultant, to the satisfaction of the City. Continued concerns or violations may require a public hearing before the Planning Commission.
16. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.

17. 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 temple 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, 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.
18. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
19. 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.
20. 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.

RESOLUTION PC 18-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE RECOMMENDING APPROVAL OF SITE PLAN AND DESIGN REVIEW CASE 17-30 TO THE CITY COUNCIL, FOR THE CONSTRUCTION OF A NEW MEDITATION TEMPLE AND ASSOCIATED SITE IMPROVEMENTS, LOCATED AT 2632 ROYAL OAKS DRIVE

WHEREAS, Kwan Yin Temple is requesting approval to construct two new single-story structures totaling 3,787 square feet along with additional site improvements that include new landscape, and a new parking lot at 2632 Royal Oaks Drive; and

WHEREAS, Table 7-2 listed in Section 19.122.030.B of the Duarte Development Code requires a recommendation from the Architectural Review Board for nonresidential construction greater than 2,500 square feet; and

WHEREAS, on March 12, 2018, the Architectural Review Board reviewed the project for ARB Case 17-30 and recommended approval to the Planning Commission subject to conditions; and

WHEREAS, the Planning Commission of the City of Duarte ("Planning Commission") has considered the project proposal, which provides, among other provisions, for the construction of a 3,787 square foot meditation temple and associated site improvements at 2632 Royal Oaks Drive; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report and all of the information, evidence and public testimony received at the public meeting held on May 21, 2018 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. RECITALS

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

SECTION 2. FINDINGS FOR SITE PLAN AND DESIGN REVIEW

The Planning Commission finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the proposed development is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

The project conforms to the goals and objectives of the General Plan and the regulations of Chapter 19.10 (Residential Zones), including the intent and purpose, permitted uses, and other development standards. The use is also consistent with the land use goal by maintaining a balanced community.

2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development:

The project will consist of a total of 3,787 square feet of building area constructed on to an existing parcel that is roughly 20,600 square feet. The project will include two structures, 1,432 square feet and 2,355 square feet, both of which can be accommodated on the project site. Furthermore, the new addition meets the development standards of the Duarte Development Code.

3. In compliance with the applicable criteria specified in Subsection 19.122.040(D), and the site is suitable for the proposed development:

- a. Compatibility. *The project will create an enhancement to the property and surrounding community. The project meets the requirements of the R-1 zone and has been designed to be compatible with design, scale and proportion of the surrounding developments.*
- b. Architectural Design and Detail. *The project has been designed with unique elements that reflect a Spanish-style architecture. A variety of elements such as: smooth stucco, light tan colors, recessed windows, tile accents, among others, help define the architectural design and create a visual enhancement along Royal Oaks Drive. Furthermore, the project is consistent with the design guidelines outlined in the Duarte Development Code.*
- c. Landscape, Lighting, Parking, Signs, and Other Design Details.
 - Equipment and Utilities. *All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within attic area or ground-mounted in rear or side of the property, or underground, and screened from the public right-of-way. Roof-mounted equipment will not be allowed.*
 - Fences/Walls. *The project will include repairs and improvements to the existing perimeter block wall, and the construction of a new block wall along the south and east property line. A block wall plan will be required for review and approval.*
 - Landscaping. *The project includes new landscape improvements throughout the property, around the new structures and the perimeter of the parking lot. All landscape proposals will require separate review and approval to ensure landscape areas have been designed to meet the intent and purpose of Chapter 19.40 (Landscaping) of the Duarte Development Code, and will complement the project by providing a welcoming appeal along Royal Oaks Drive.*
 - Lighting. *The project includes new parking lot lighting and exterior wall-mounted light fixtures. The exterior lighting will require separate review and approval to ensure compliance with the performance standards for outdoor lighting outlined in the Duarte Development Code. The exterior lighting will be*

required to meet energy efficiency requirements and contain a decorative design that complements the architectural style of the property. A separate review and approval will be required.

- *Parking. The project exceeds the minimum parking requirements for places of religious assembly, as outlined in the Duarte Development Code. A total of 25 parking stalls are provided, which includes 2 additional stalls intended for monk residence. The project will improve the on-site parking and circulation with the construction of a new parking lot that includes 90-degree parking and a 26-foot wide two-way drive aisle. The drive aisle will provide access to the parking area and adequate turn-around for safe exiting. There are no foreseeable issues with parking.*
 - *Signs. The project does not include the approval of any signs. All new signs will require separate review to ensure compliance with the Duarte Development Code.*
4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

The site is sufficient in size and shape to accommodate the proposed use and operation. The project site is in the R-1 zone surrounded by residential uses. The scale and operation of the temple is consistent with what the R-1 zone would allow. With the conditions of approval imposed on the project it is unlikely to cause any significant impacts to the surrounding uses.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-07 for the proposed construction of a meditation temple, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15332.

SECTION 4. RECOMMENDATION

The Planning Commission approves PC Resolution 18-07, based on the findings listed in Section 2 and the conditions listed in “Exhibit B-1”, and recommends approval of ARB Site Plan and Design Review Case 2017-30 to the City Council, for the construction of a meditation temple and associated site improvements at 2632 Royal Oaks Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Community Development Director 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT B-1
Conditions of Approval
Site Plan & Design Review Case 17-30
Construction of a New Meditation Temple at 2632 Royal Oaks Drive
(Kwan Yin Temple)

1. This approval is for the construction of a new meditation temple and associated site improvements, as noted on the approved plans on file with the Community Development Department. The construction shall be in substantial compliance with all components of the approved plans.
2. The land use and other operational characteristics of the meditation temple are not included with this approval. Approval of this Site Plan and Design Review application is contingent upon approval of the associated conditional use permit application. In the event the conditional use permit application for the use and operation of the meditation temple is not approved, this site plan and design review approval shall become void.
3. The final tile selection shall be subject to the approval of the Community Development Director prior to installation. The tile shall be designed to accentuate the overall project with a contrasting color in a glazed finish. The size of the tile shall be suitable/proportionate with the approved locations. A precast trim cap shall be included with the tile accent in a complementary or matching color. Details, samples, and plans as necessary shall be provided to the Community Development Department for review.
4. The recessed window depth shall be no less than ten inches on the two pop-out features on the north elevation of the Dining Hall. The final design of all windows, including the depth, style, trim, colors, among others, shall be subject to the approval of the Community Development Director prior to installation. A window plan and schedule with all the necessary details, cut-sections, etc., shall be provided to the Community Development Department for review.
5. Exterior lighting, including freestanding and wall-mounted, shall require final approval from the Planning Division prior to issuance of building permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. A lighting plan with a photometric analysis prepared by licensed engineer or approved equivalent shall be provided to the Planning Division for review. The lighting plan shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed. Separate review fees may apply.
6. All elevations of both buildings shall be reviewed and approved by the Planning Division prior to permit issuance. Final review shall include approval of the color palette, placement of colors, and all finished building materials, including but not limited to the type, color, and/or placement of all stucco, trims, cornices, tile, among others. All finished building materials incorporated into the building design shall be

of high quality and high durability, and shall take into consideration locations that may be more vulnerable to damage or potential maintenance concerns.

7. Landscape improvements are not included with this approval. All landscape and irrigation improvements shall require separate review and approval prior to installation to ensure compliance with the landscape and water conservation guidelines outlined in Chapter 19.40 of the Duarte Development Code. Separate review fees may apply.
8. All signs shall require separate approval from Planning Division prior to installation. A detailed sign package with cut sheets shall be provided for review. All signs shall be in compliance with the sign regulations outlined in the Duarte Development Code. Contact the Planning Division for more information.
9. A fence and wall plan shall be submitted to the Planning Division for review prior to installation. Fences/gates shall contain a decorative design using a high-quality material such as wrought-iron. All walls shall be constructed to provide security and separation between adjacent properties. Final approval of the location, height, design etc. of all fences and walls shall be required by the Planning Division.
10. The parking lot shall be constructed in substantial compliance with the approved plans and the requirements of the Duarte Development Code, including parking stall width and depth, aisle depth, and adequate turn-around areas for efficient circulation. A separate parking lot plan shall be submitted to the Public Works Division and Planning Division for review.
11. A separate permit shall be required for closing the driveway approach along Royal Oaks Drive prior to beginning any work. The driveway approach shall be replaced with sidewalk, curb, gutter, in compliance with the City standard to the satisfaction of the Public Works Division. Additional offsite improvements, including but not limited to, sidewalk replacement, curb and gutter repairs, etc. may be included as part of the project scope of work. Separate review fees may apply. Contact the Public Works Division for more information.
12. Prior to the issuance of a permits, the applicant shall submit a Low Impact Development (LID) plan to the Community Development Director for review. The LID plan shall be prepared by a California registered civil engineer, architect, or landscape architect knowledgeable about storm-water management issues, and shall comply with Section 6.15.140 of the Duarte Municipal Code. All LID work must be completed prior to occupancy.
13. A drainage plan and grading plan shall be submitted to the Public Works Division for review prior to beginning any drainage and/or grading activity. The grading plan shall address all grading issues and required improvements on the property. Contact the Public Works Division for more information.
14. Follow the list of Best Management Practices (BMP's) of the National Pollution Discharge Elimination System (NPDES), including recommendations from the City grading inspector.

15. The project shall comply with all the regulations of the R-1 Single Family Residential zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections from the Duarte Development Code and Duarte Municipal Code.
16. The project is considered a level one (1) project, according to Chapter 19.52 (Sustainable Development Practices) of the Duarte Development Code. The project will be reviewed for minimum compliance with the requirements outlined in this chapter, including but not limited to: solar access protection, energy efficient outdoor lighting, landscaping efficiency, etc.
17. This project is subject to the requirements of Chapter 6.10 of the Duarte Municipal Code, Diversion and Demolition Waste. Prior to the issuance of any permits, the applicant shall submit a Construction and Demolition Diversion Plan and required security deposit. Contact the Planning Division for more information.
18. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; such changes may require review and approval from the Planning Commission.
19. Mechanical equipment and related ducts, vents and other apparatus, including HVAC, shall be screened from public view. Vents, pipes, caps, hoods, and other roof penetrations that must be installed on the roof shall be painted or finished to match the roof color. Ground mounted equipment shall be shielded from public view by landscaping and/or screen walls, subject to approval from the Planning Division.
20. All utilities for direct service to the project shall be installed underground and concealed from view.
21. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the Planning Commission.
22. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District and proof of payment provided to the City. Contact Duarte Unified School District at (626) 599-5000 for more information.
23. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
24. Building permits for this project must be issued within one-year from the date of final approval and may be extended in compliance with Section 19.130.070 of the Duarte Development Code.

25. The property owner, contractor, and all representatives shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction related idling of engines or other disturbances shall occur outside of noted work hours.
26. A final inspection shall be made by the Planning Division prior to final sign-off of any building permits to ensure that all conditions have been met.
27. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of approval. Said appeal must be in writing and filed with the Community Development Department (DDC 19.144). The written appeal shall include reasons for the appeal and the applicable fee.
28. 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 approval which may be brought within the time period provided for such actions or challenges under applicable law.

RESOLUTION NO. PC 18-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, RECOMMENDING APPROVAL OF MUNICIPAL CODE AMENDMENT 18-01 TO THE CITY COUNCIL FOR THE AMENDMENT OF SECTION 19.60.140(C)(1) "PARCEL SIZE AND LOCATION" OF THE DUARTE DEVELOPMENT CODE

WHEREAS, Section 19.60.140 of the Duarte Development Code provides standards for places of religious assembly; and

WHEREAS, Section 19.60.140(C)(1) provides locational, developmental, and operational standards, such as: parcel size and location, for places of religious assembly but does not differentiate on the applicability of the standards for new or existing places of religious assembly; and

WHEREAS, Municipal Code Amendment 18-01 proposes to clarify the applicability of the parcel size and location standards for legally established places of religious assembly by including subsection 19.60.140(C)(1)(c); and

WHEREAS, the Planning Commission of the City of Duarte conducted a duly-noticed public hearing on May 21, 2018, pursuant to Development Code Section 19.142.040 to consider Municipal Code Amendment 18-01, a city-initiated request to amend Chapter 19.60.140(C)(1) (Places of Religious Assembly) of the Duarte Development Code; and

WHEREAS, notice of a public hearing on Municipal Code Amendment 18-01 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission received and considered the analysis and recommendation provided in the staff report for the Municipal Code Amendment 18-01, and all of the information, evidence, and testimony received at the public hearing held on May 21, 2018 at 7:00 p.m. in the City Council Chambers; and

WHEREAS, after careful study and the holding of a duly noticed public hearing, the Planning Commission recommended the City Council adopt and approve Municipal Code Amendment 18-01.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF DUARTE RESOLVES AS FOLLOWS:

SECTION 1. RECITALS

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

SECTION 2. **FINDINGS FOR DEVELOPMENT CODE AMENDMENTS**

The Planning Commission finds and determines as follows, findings for Development Code Amendments, as set forth in DDC Section 19.142.060:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan

The proposed amendment includes a modification to Section 19.60.140(C)(1), Places of Religious Assembly. The proposed amendment does not involve an amendment to the City's current General Plan, and all current land use designations will remain the same.

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment clarifies the applicability of the parcel size requirements for legally established places of religious assembly. The amendment will affect only existing religious assemblies, which have maintained an operation prior to the requirements of Section 19.60.140 being incorporated into the Duarte Development Code. Religious assemblies that have not been legally established must comply with the development standards outlined in Section 19.60.140.

3. Additional findings for development code amendments. The proposed amendment is internally consistent with applicable provisions of this Development Code.

The proposed amendment will not impact other provisions of this Development Code. Places of religious assembly require a conditional use permit, which remain applicable for all operations. The code amendment will help clarify the applicability of the parcel size standards for existing uses.

SECTION 3. **CEQA DETERMINATION**

In recommending adoption of this PC Resolution 18-01 for the proposed amendment to Section 19.60.140(C)(1) of the Duarte Development Code, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Sections 15061(b)(3) and 15378(b)(5).

SECTION 4. **RECOMMENDATION**

The Planning Commission approves this Resolution and recommends to the City Council that Chapter 19.60.140(C)(1) of the Duarte Development Code be amended to add Subsection c, to read as follows:

- c. Properties on which an existing place of religious assembly has continuously operated, and was legally established prior to 2010 that does not meet the property

size standard in subsection (a) above shall be exempt from the requirements in subsection (a) and subsection (b) above.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a public meeting held on the 21st day of May 2018.

Sara Vasquez, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Community Development Director 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director



PLANNING COMMISSION STAFF REPORT

Date: May 21, 2018

Project: Conditional Use Permit 17-04 and Site Plan and Design Review 17-30

Subject: Continued Public Hearing: A Request to Operate a Place of Religious Assembly and Construct Two New Single-Story Structures

Location: 2632 Royal Oaks Drive

Applicant: B&K Home Inc. (For Kwan Yin Temple)

SUMMARY

Kwan Yin Meditation Temple Inc. is requesting approval to construct and operate a new meditation temple at 2632 Royal Oaks Drive. The new meditation temple will consist of two separate structures, both single story, designed in a Spanish architectural style. The property will also be improved with a new parking lot and new landscape throughout. The temple will operate with designated hours and include occasional special events and celebrations. The temple will be available for member use only.

At the April 16, 2018 Planning Commission meeting, the public hearing for Conditional Use Permit 17-04 and Site Plan and Design Review 17-30 was continued to the May 21, 2018 due to a discrepancy with Section 19.60.140(C)(1) of the Duarte Development Code. Section 19.60.140(C)(1) provides parcel size and location standards for places of religious assembly. However, the Code section does not consider legal existing religious assemblies that may not meet these standards.

To clarify the applicability of Section 19.60.140(C)(1), the City has initiated a Municipal Code Amendment. The Code amendment will be processed concurrently with the conditional use permit and site plan and design review applications for the meditation temple. Municipal Code Amendments require approval from the City Council, therefore the Planning Commission will serve as the recommending body to City Council for all three applications. Approval of Conditional Use Permit 17-04 and Site Plan and Design Review 17-30 are contingent upon approval of Municipal Code Amendment 18-01.

Staff recommends the Planning Commission recommend approval of PC Resolution 18-06 (CUP), PC Resolution 18-07 (Site Plan and Design Review), and PC Resolution 18-08 (Municipal Code Amendment) to the City Council for consideration.

ENVIRONMENTAL

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15332, Class 32 of Title 14 of the California Code of Regulations. Therefore, no further environmental review is necessary in accordance with CEQA Guidelines and a Notice of Exemption has been prepared for this project.

BACKGROUND

The existing geodesic dome structure at 2632 Royal Oaks was built in 1972 for the operation of a church. The property changed ownership several times with the intention of continuing to operate as a church. The Kwan-Yin Meditation Temple purchased the property in 2016 with a desire to demolish the existing structure and build a new meditation temple. Kwan Yin has also applied for a conditional use permit to operate the meditation temple.

Kwan-Yin Temple has owned and operated a meditation temple in the City of Monrovia since 1997. Their current temple operates in a historic building in the City of Monrovia. The Monrovia location has presented challenges for their elderly members due to inadequate accessibility throughout the property and within the two-story building. The Monrovia temple will continue to operate as the primary location. The proposed temple in the City of Duarte will serve as the secondary (satellite) location that will be more accommodating for elderly members.

A conditional use permit (CUP) and site plan and design review is required for the operation and construction of a new place of religious assembly. Pursuant to Section 19.122.050(C) of the Duarte Development Code, the Architectural Review Board is the recommending body for the site plan and design review application. On March 12, 2018, the Architectural Review Board recommended approval of the project, with conditions, for the Planning Commission's consideration.

The project site is located within the R-1, Single Family Residential zone at the southeast corner of Royal Oaks Drive and Park View Court. Although the property is a corner lot, vehicle and pedestrian access is only available from Royal Oaks Drive. The property contains an L-shaped design and is roughly 20,600 square feet. It is surrounded by single-family residential to the south and west, Royal Oaks Park to the north, and a water company building owned by California American Water to the east.

PROJECT DESCRIPTION

The Kwan Yin Meditation Temple is proposing the following:

New construction and Site Improvements.

The Kwan Yin temple will consist of two single-story structures – the Meditation Hall and the Dining Hall – designed in a Spanish architectural style. The combined building area of the temple is roughly 3,787 square feet.

- The Meditation Hall is 1,432 square feet and will be designed as an open space with two small changing rooms.
- The Dining Hall is 2,355 square feet and will include a kitchen, dining area, office, and monk's room.
- Both structures will contain a height of 18 feet, however the Meditation hall includes a tower element that will extend to 22 feet. Both structures will be setback 20 feet from the front property line and 20 feet from the rear property line

- Both structures will include a smooth stucco finish in light tan colors. The windows will include a recessed design, which is typical with the proposed architectural style. Additional elements such as faux clay pipes, exposed rafter tails and a decorative cornice will also be incorporated into the design. To further accentuate the project, tile will be added to the base of the buildings and columns, and inset around the entry door.

The property will be substantially upgraded with a new parking lot and parking lot lights, new landscaping and decorative walkways throughout the site, and new fences and walls.

- The current parking lot is located along the west property line. The new parking lot will be reconstructed in the same general location and include one approach and drive aisle for ingress/egress, while another remaining approach and drive aisle will be removed. A total of 25 parking stalls will be provided, including two ADA accessible parking stalls, served by a 26-foot wide drive aisle.
- Landscape improvements will incorporate a variety of drought-tolerant plants and trees throughout the property, most notably along Royal Oaks Drive and along the perimeter of the parking lot. The site improvements will also incorporate new concrete walkways to complement the landscape areas and provide efficient pedestrian access. The landscape will provide an added appeal to the project and property.
- Fences and walls will be improved to increase screening from adjacent properties that will address many years of deferred maintenance related to fencing. A new block wall will be constructed along the south property line between the temple and residential properties. The east property line contains an existing chain link fence; this will be replaced with a block wall. The west property line also contains an existing block wall. This wall will remain to provide screening of vehicles and shield headlights from the residential homes on Park View Court. The wall be repaired and adjusted as needed to address the above concerns. The front property line will remain open with no fence or wall along Royal Oaks Drive.

Operation

The Kwan-Yin temple will be a place for individual and small group meditations, Buddhism study, and consultations. The temple is a members-only operation that is not open to the general public. Hours of operation of the temple will occur between 7:00 AM and 4:00 PM daily. Consultations, which may include assistance with weddings or member relocation, will occur by appointment during the temple hours. The temple will not be used or rented to outside organizations or the general public for the use of weddings, private banquets, etc.

Annual events that coincide with different Buddhist deities and holidays will be held at the Duarte temple. These events will include celebrations such as the Lunar/Chinese New Year, Buddha's birthday, 4th of July, Labor Day, and celebration of ancestors, among others. The current temple in Monrovia will continue to be used for the large/major events and gatherings while the Duarte temple will be primarily used for small gatherings.

The meditation hall, as described above, will be used for group gatherings during meditation and chanting ceremonies. The number of participants will be limited to a maximum of 30 members. Typically, meditation and chanting ceremonies last roughly one hour to one hour and a half. The meditation and chanting ceremonies do not occur every day or on a routine schedule. Chanting and meditations are planned gatherings that usually occur as part of a special occasion or celebration recognized by the temple. Chanting and meditation occur earlier in the day, normally by noon. The two changing rooms in the meditation hall will be for monks to change into their clothing for chanting participation.

The dining hall building will be used for several activities and services. The kitchen and dining area will be used to prepare and serve meals for members after group meditations. The office area will be a place for members, membership inquiries, and consultation services. The monk's room will be a designated place for the Head Monk to seek solitude before and after ceremonies. The monk's room will also function as a bedroom. One to two monks will reside on site to conduct services and be caretakers of the temple when it is closed. The monk room is roughly 174 square feet and includes a $\frac{3}{4}$ restroom (toilet, sink, shower).

ANALYSIS

Conditional Use Permit

A CUP is required for the operation of a place of religious assembly. Uses such as this have the potential to create impacts on the property and surrounding community when established within a residential zone. The existing church was constructed without a conditional use permit in 1972. This is also prior to Section 19.60.140 being incorporated into the Duarte Development Code, which provides additional criteria for places of religious assembly.

The applicant is requesting approval of a CUP, which, if granted, will provide operational regulations for the meditation temple. The CUP will also include conditions of approval to ensure the temple operation remains compatible with the surrounding uses. As such, granting the CUP will establish the necessary entitlement for the use and meet the requirements of section 19.10.020 of the Duarte Development Code.

The Kwan Yin Temple currently has a main location established in the City of Monrovia with roughly 250 members. The Monrovia temple operates out of a larger building and property, giving it the ability to provide more services and accommodate the larger population. The Kwan Yin Temple in Duarte will not replace the Monrovia temple or inherit the full member population. The primary purpose of the Duarte temple is to provide a location that is accommodating and convenient for the matured/elder members of the temple. The Duarte temple will serve as a satellite location intended as a place for individual or small group gatherings only. Group gatherings will range in size but will not exceed 30 persons for the Duarte temple. Meditation require a certain amount of space per member to comfortably carry out the meditation practices. The meditation area at the Duarte temple is roughly 1,344 square feet, which according to the Temple is sufficient for up to 30 members.

The temple operates daily from 7:00 AM to 4:00 PM, consistent with the Monrovia temple. During these hours the temple will be open mostly for consultation services. Consultations usually involve two to three members at a time and occur on an appointment-only basis. This is unlikely to generate much daily activity. The meditation ceremonies and small gatherings occur on a scheduled basis

following the Buddhist/Lunar calendar. These events or gatherings are mostly on an annual basis, ranging from five to six events per year, and do not occur routinely throughout regular business hours. Events that are known to generate a large attendance will occur at the main temple in Monrovia. Occasionally, both temples may be used during an event to alleviate the capacity and accommodate local members. However, the operation will still limit the attendance to no more than 30 as a result of the available space.

As a satellite location with limitations on the size and frequency of gatherings, the operation appears unlikely to cause impacts to the surrounding community. The temple has established an operation that essentially incorporates these restrictions in effort not to disturb the surrounding neighborhood. To ensure the operation is maintained as such, a condition of approval will be added that limits gatherings to a maximum of 30 people unless a larger amount is approved by the Community Development Director.

Monk on-site residency is also typical part of the temple operation. The monks live on site to function as spiritual leaders and caretakers of the temple. The monks will reside on site alone and will not be accompanied by families. The Duarte temple will provide a relatively small break/monk room (174 square feet) that includes an open area and a $\frac{3}{4}$ bathroom. The room is roughly the size of a bedroom that is designed to accommodate one or two monks at the most. Two monks residing in the temple are unlikely to generate activity or impacts greater than the surrounding single-family homes. Although monks typically do not drive, two additional parking have been provided for the resident monks above the minimum requirement for the temple use. The additional parking stalls will ensure the parking minimum for the temple use and members is properly maintained. Furthermore, two additional parking stalls is consistent with parking requirements of a single-family home. The temple will be limited to a maximum of two monks only. A condition of approval will be added to ensure the residency does not extend beyond two monks or become detrimental to the community.

Site Plan and Design Review

The temple makes good use of a Spanish architectural style throughout the entire project. The overall design provides an improvement to the property and compatibility with surrounding structures. The exterior finish sets the tone of the overall design. Smooth stucco and a light tan color palette establish the Spanish-style influence; the accent details such as base tile, recessed windows, clay pipes, help to reinforce the architectural style. The front (north) elevation is the most prominent as it sits along Royal Oaks Drive. The applicant took this into consideration by incorporating numerous detail into the overall design to establish a strong street presence. This is typical for the most prominent elevation. However, a 360-degree approach was incorporated into the project design, emphasizing major and subtle details into all sides of the project. In doing so, the same details such as the recessed windows, faux clay pipes, tile work, etc. can be seen along all sides of the project, including those less visible from the street.

Separating the temple into two structures helps control architectural massing. Both structures will incorporate a hipped roof design using concrete Spanish tiles in a complementary color range. Hipped roofs help minimize building massing and keep the structures proportionate to the site and surroundings. The hipped roof also complements the architectural style. The overall height of 18 feet and the tower height of 22 feet is consistent with development standards allowed within a single family residential zone. Both structures incorporate good horizontal and vertical building articulation. There are various pop-out features throughout each elevation and varying roof heights. Two

covered entries and an architectural tower feature increase the articulation and provide focal elements in the design.

The placement of the structures also contribute to the overall design of the project. The structures maintain setbacks of 20 feet along the front and rear property lines. The R-1 zone requires 20 feet along the front, however the minimum along the rear is only 10 feet. The additional 10 feet proposed along the rear will allow greater opportunity for landscape improvements and a create a larger buffer between the adjacent residential properties to the south.

Parking and Circulation

Typically, in Buddhist culture, the amount of vehicle traffic and drivers is relatively low. However, the parking standards remain applicable. The Duarte Development Code requires 23 parking stalls. A total of 25 parking stalls, including two additional stalls for the resident monks, will be provided within the parking lot area. This exceeds the minimum requirements for places of religious assembly and appears suitable for the temple operation.

The parking lot area will incorporate new parking lot lights. The light standards (poles) will be designed to prevent spillover lighting on the adjacent properties to the best extent possible. This will be achieved with adequate optics, a sufficient light standard height, and a photometric study. A condition of approval will be added requiring approval of a photometric study prior to beginning the Building plan check process.

Municipal Code Amendment

A City-initiated Municipal Code Amendment, MCA 18-01, is being process concurrently with the CUP and Design Review applications for the Kwan Yin Temple. MCA 18-01 will clarify the applicability of parcel size and location standards provided in Section 19.60.140(C)(1) of the Duarte Development Code. By adding subsection “c”, existing properties with an establish religious assembly will be allowed to maintain their operation as a place of religious assembly and will be exempt from the parcel size and location standards. Allowing this Code amendment is unlikely to have any adverse impacts to the community, nor is it likely to result in any significant change. The amendment will affect three existing properties where places of religious assembly have already been established, including the property for the Kwan Yin Temple. These three churches have existed in harmony with their predominantly residential surroundings for several decades and have not generated complaints or concerns from the City or neighbors. Details on MCA 18-01 are addressed in a separate Staff report.

RECOMMENDATION

Staff recommends that Planning Commission review the information provided and adopt:

1. PC Resolution 18-06 for Conditional Use Permit 17-04.
2. PC Resolution 18-07 for Site Plan and Design Review 17-30.

Respectfully Submitted,



David F. Eoff IV
Associate Planner

ATTACHMENTS

- Exhibit A: PC Resolution 18-06
- Exhibit B: PC Resolution 18-07
- Exhibit C: Colored Rendering, Project Plans, and Sample Building Color Elevations
- Exhibit D: Supplemental Zoning and Property Info Sheet

RESOLUTION NO. PC 18-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT 17-04 TO THE CITY COUNCIL FOR THE USE AND OPERATION A MEDITATION TEMPLE LOCATED AT 2632 ROYAL OAKS DRIVE

WHEREAS, the applicant is requesting approval to operate a meditation temple, also known as a place of religious assembly, at 2632 Royal Oaks Drive; and

WHEREAS, a place of religious assembly is an allowed use in the R-1 zone with an approved conditional use permit; and

WHEREAS, the existing church was constructed in the 1970's and operated without a conditional use permit and prior to Section 19.60.140 being incorporated into the Duarte Development Code; and

WHEREAS, Municipal Code Amendment 18-01 clarifies the applicability of Section 19.60.140(C)(1) as it pertains to parcel size and location standards for places of religious assembly; and

WHEREAS, the proposed temple meets the development standards of the R-1 zone and complies with architectural design guidelines outlined in Chapter 19.44 of the Duarte Development Code; and

WHEREAS the proposed meditation temple will be regulated under the requirements and conditions associated with this Resolution, which grants approval of a conditional use permit; and

WHEREAS, notice of a public hearing on the Conditional Use Permit 17-04 was given pursuant to Duarte Development Code Chapter 19.146 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 application 17-04 and all the information, evidence and public testimony received at the public meeting held on May 21, 2018 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. RECITALS

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

SECTION 2. FINDINGS FOR CONDITIONAL USE PERMITS

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;

The project conforms to the goals and objectives of the General Plan and the regulations of Chapter 19.10 (Residential Zones), including the intent and purpose, permitted uses, and other development standards. The use is also consistent with the land use goal by providing compatible and harmonious land uses by providing a mix of uses consistent with projected future social, environmental, and economic conditions.

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;

A place of religious assembly is allowed within the R-1 zone with an approved conditional use permit pursuant to Section 19.10.020 of the Duarte Development Code. Section 19.60.140 of the Duarte Development Code provides additional locational and operational criteria for religious facilities; however, Municipal Code Amendment 18-01 addresses the applicability of the Section 19.60.140. As an existing place of religious assembly, the Kwan Yin Temple is exempt from the standards outlined Section 19.60.140(C)(1). Furthermore, the temple has been designed to comply with the development standards of the R-1 zone with respect to lot coverage, setbacks, and height. The proposed lot coverage of roughly 20% is below the maximum allowed in the R-1 zone; a rear setback of 20 feet exceeds the minimum requirement for the R-1 zone, creating a sufficient buffer between the temple and adjacent residential properties to the south; and the overall height of the structure is less than the maximum allowed within the R-1 zone as well as consistent with a typical of height of a single-story or two-story home.

By adoption of this resolution, the temple will be regulated by a conditional use permit and will meet the requirements of Section 19.10.020 and Section 19.60.140 of the Duarte Development Code.

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

The project site is located within the R-1 zone and is currently improved with an existing church structure. The site is accessible from Royal Oaks Drive. The property is roughly 20,600 square feet, with a street frontage width of approximately 200 feet. The site is surrounded by single-family residential properties to the south and west. The structure is setback 20 feet from the south property line to create a sufficient buffer between the adjacent properties. The single-family homes to the west are not directly adjacent to the subject site, as they are located on the west side of Park View Court. Additionally, the parking lot area is located generally on

the west side of the property, creating a large separation between the homes and the temple. The temple is designed in a Spanish architectural style that has resemblance to a single-family home. The scale and massing is proportionate to the site and surroundings, and is consistent with the development standards allowed for a single-family home in that zone.

The temple operation is low intensity and limited by the size of the temple. The temple does not include large daily or weekly gatherings, as all gatherings occur on a scheduled basis throughout the year. Additionally, all activities will occur inside the temple buildings, keeping the activity and noise levels within a controlled area. Conditions of approval will be added to ensure the temple remains compatible with the surrounding uses.

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 general nature of the temple includes a low intense operation that is suitable for the proposed location and will not be detrimental to surrounding neighborhood. All activities will remain indoors, and the gatherings and special events will be limited in size and occurrence. The temple is available to members only and functions as a satellite location that is designed to accommodate elderly members. Daily operations will consist of individual and/or family consultations, or Buddhism studying. Conditions of approval will be imposed to ensure the operation does not create any adverse impacts on the City of surrounding community.

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.

The site is approximately 20,600 square feet in size, which is sufficient for the 3,787 square-foot temple and parking lot area. The property is in the R-1 zone along Royal Oaks Drive with one access point for ingress and egress. Onsite circulation is maintained with a two-way drive aisle that provides access to the parking stalls and sufficient turn around for safe exiting. The site is suitable for the temple operation and emergency vehicle access.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-06 for the proposed use and operation of a meditation temple, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines)

because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15301.

SECTION 4. RECOMMENDATION

The Planning Commission approves PC Resolution 18-06, based on the findings listed in Section 2 and the conditions listed in "Exhibit A-1", and recommends approval of Conditional Use Permit 17-04 to the City Council, for the use and operation of a meditation temple at 2632 Royal Oaks Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez
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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT A-1
Conditions of Approval
Conditional Use Permit 17-04
2362 Royal Oaks Drive

1. This approval is for the operation of the Kwan Yin Meditation temple (place of religious assembly) located at 2632 Royal Oaks Drive, as stated in the staff report and described in the applicant's business proposal statement, on file with the Planning Division.
2. Approval of this Conditional Use Permit (CUP) shall be contingent upon the approval of Municipal Code Amendment MCA 18-01 by the Duarte City Council. In the event MCA 18-01 is not approved, this CUP shall become void.
3. The temple shall be accessible to members only and not intended for general public use.
4. No more than thirty (30) members and two (2) monks shall be on the premise at anytime for daily operations and/or special events/gatherings, unless approved by the Community Development Director.
5. The hours of operation for the temple shall be from 7:00 AM to 4:00 PM daily. The daily hours of operation shall be for incidental services conducted by the temple – consultation, study sessions, etc. and not intended for daily or routine events or large gatherings. Any request to alter these hours shall require approval from the Community Development Director prior to implementing. Such changes may require additional review from the Planning Commission.
6. The Duarte temple shall operate as the secondary/satellite location to the main temple located in Monrovia. In the event the main temple shall cease operation, an updated operation statement for the Duarte temple shall be provided to the Community Development Department for review to ensure the operation does not intensify or create adverse impacts on the surrounding neighborhood. Proper notification of the main temple ceasing operation shall be provided to the Duarte Community Development Department within a reasonable amount of time.
7. Special events and gatherings shall occur on a scheduled basis with a frequency no greater than once per month; no more than 30 members shall be in attendance at any special event or gathering, unless prior written approval is obtained from the Community Development Director. Such events or gatherings that are expected to occur more than once per month or exceed 30 members may require review and approval of a Special Event Permit.
8. All activities, services, gatherings, events, etc. shall remain indoors unless prior written approval from the Planning Division is obtained.

9. No more than two (2) monks shall reside on the property at all times. The monk residency area shall be restricted to the monk room as depicted on the approved floor plan on file with the Planning Division. Any changes to the size, location, or use of the monk room shall require approval from the Community Development Director prior to implementing. Such changes may require additional review from the Planning Commission.
10. The meditation hall and/or dining hall shall not be rented or used by outside organizations or the general public for weddings, private banquets, or similar. The use of the temple is for members only and shall not be considered or used as a venue for non-member social gatherings.
11. Any outdoor storage associated with this use is strictly prohibited.
12. In the event that the applicant (Kwan Yin Temple) vacates the subject property 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 as it was originally approved, provided the new tenant/successor owner meets the requirements of this Conditional Use Permit for places of a religious assembly. In the event the Conditional Use Permit is not actively exercised for a continuous period of twelve (12) months, the Conditional Use Permit and approval shall become invalid.
13. 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, additional services, transition from satellite location to main temple, or other changes 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.
14. The project shall comply with all regulations of the R-1 Single-Family Residential Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections of both the Duarte Development Code and Duarte Municipal Code.
15. The temple activities shall be maintained at reasonable audible levels, not to exceed the City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code. Any substantiated complaints regarding noise, sound or other audible impacts may require submittal of a Noise Study by the Community Development Director to address any noise concerns and propose appropriate measures as needed to comply with the City's noise ordinance. The Noise Study shall be prepared by a qualified consultant, to the satisfaction of the City. Continued concerns or violations may require a public hearing before the Planning Commission.
16. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.

17. 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 temple 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, 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.
18. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
19. 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.
20. 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.

RESOLUTION PC 18-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE RECOMMENDING APPROVAL OF SITE PLAN AND DESIGN REVIEW CASE 17-30 TO THE CITY COUNCIL, FOR THE CONSTRUCTION OF A NEW MEDITATION TEMPLE AND ASSOCIATED SITE IMPROVEMENTS, LOCATED AT 2632 ROYAL OAKS DRIVE

WHEREAS, Kwan Yin Temple is requesting approval to construct two new single-story structures totaling 3,787 square feet along with additional site improvements that include new landscape, and a new parking lot at 2632 Royal Oaks Drive; and

WHEREAS, Table 7-2 listed in Section 19.122.030.B of the Duarte Development Code requires a recommendation from the Architectural Review Board for nonresidential construction greater than 2,500 square feet; and

WHEREAS, on March 12, 2018, the Architectural Review Board reviewed the project for ARB Case 17-30 and recommended approval to the Planning Commission subject to conditions; and

WHEREAS, the Planning Commission of the City of Duarte ("Planning Commission") has considered the project proposal, which provides, among other provisions, for the construction of a 3,787 square foot meditation temple and associated site improvements at 2632 Royal Oaks Drive; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report and all of the information, evidence and public testimony received at the public meeting held on May 21, 2018 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. RECITALS

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

SECTION 2. FINDINGS FOR SITE PLAN AND DESIGN REVIEW

The Planning Commission finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the proposed development is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

The project conforms to the goals and objectives of the General Plan and the regulations of Chapter 19.10 (Residential Zones), including the intent and purpose, permitted uses, and other development standards. The use is also consistent with the land use goal by maintaining a balanced community.

2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development:

The project will consist of a total of 3,787 square feet of building area constructed on to an existing parcel that is roughly 20,600 square feet. The project will include two structures, 1,432 square feet and 2,355 square feet, both of which can be accommodated on the project site. Furthermore, the new addition meets the development standards of the Duarte Development Code.

3. In compliance with the applicable criteria specified in Subsection 19.122.040(D), and the site is suitable for the proposed development:

- a. Compatibility. *The project will create an enhancement to the property and surrounding community. The project meets the requirements of the R-1 zone and has been designed to be compatible with design, scale and proportion of the surrounding developments.*
- b. Architectural Design and Detail. *The project has been designed with unique elements that reflect a Spanish-style architecture. A variety of elements such as: smooth stucco, light tan colors, recessed windows, tile accents, among others, help define the architectural design and create a visual enhancement along Royal Oaks Drive. Furthermore, the project is consistent with the design guidelines outlined in the Duarte Development Code.*
- c. Landscape, Lighting, Parking, Signs, and Other Design Details.
 - Equipment and Utilities. *All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within attic area or ground-mounted in rear or side of the property, or underground, and screened from the public right-of-way. Roof-mounted equipment will not be allowed.*
 - Fences/Walls. *The project will include repairs and improvements to the existing perimeter block wall, and the construction of a new block wall along the south and east property line. A block wall plan will be required for review and approval.*
 - Landscaping. *The project includes new landscape improvements throughout the property, around the new structures and the perimeter of the parking lot. All landscape proposals will require separate review and approval to ensure landscape areas have been designed to meet the intent and purpose of Chapter 19.40 (Landscaping) of the Duarte Development Code, and will complement the project by providing a welcoming appeal along Royal Oaks Drive.*
 - Lighting. *The project includes new parking lot lighting and exterior wall-mounted light fixtures. The exterior lighting will require separate review and approval to ensure compliance with the performance standards for outdoor lighting outlined in the Duarte Development Code. The exterior lighting will be*

required to meet energy efficiency requirements and contain a decorative design that complements the architectural style of the property. A separate review and approval will be required.

- *Parking. The project exceeds the minimum parking requirements for places of religious assembly, as outlined in the Duarte Development Code. A total of 25 parking stalls are provided, which includes 2 additional stalls intended for monk residence. The project will improve the on-site parking and circulation with the construction of a new parking lot that includes 90-degree parking and a 26-foot wide two-way drive aisle. The drive aisle will provide access to the parking area and adequate turn-around for safe exiting. There are no foreseeable issues with parking.*
 - *Signs. The project does not include the approval of any signs. All new signs will require separate review to ensure compliance with the Duarte Development Code.*
4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

The site is sufficient in size and shape to accommodate the proposed use and operation. The project site is in the R-1 zone surrounded by residential uses. The scale and operation of the temple is consistent with what the R-1 zone would allow. With the conditions of approval imposed on the project it is unlikely to cause any significant impacts to the surrounding uses.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-07 for the proposed construction of a meditation temple, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15332.

SECTION 4. RECOMMENDATION

The Planning Commission approves PC Resolution 18-07, based on the findings listed in Section 2 and the conditions listed in “Exhibit B-1”, and recommends approval of ARB Site Plan and Design Review Case 2017-30 to the City Council, for the construction of a meditation temple and associated site improvements at 2632 Royal Oaks Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Community Development Director 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT B-1
Conditions of Approval
Site Plan & Design Review Case 17-30
Construction of a New Meditation Temple at 2632 Royal Oaks Drive
(Kwan Yin Temple)

1. This approval is for the construction of a new meditation temple and associated site improvements, as noted on the approved plans on file with the Community Development Department. The construction shall be in substantial compliance with all components of the approved plans.
2. The land use and other operational characteristics of the meditation temple are not included with this approval. Approval of this Site Plan and Design Review application is contingent upon approval of the associated conditional use permit application. In the event the conditional use permit application for the use and operation of the meditation temple is not approved, this site plan and design review approval shall become void.
3. The final tile selection shall be subject to the approval of the Community Development Director prior to installation. The tile shall be designed to accentuate the overall project with a contrasting color in a glazed finish. The size of the tile shall be suitable/proportionate with the approved locations. A precast trim cap shall be included with the tile accent in a complementary or matching color. Details, samples, and plans as necessary shall be provided to the Community Development Department for review.
4. The recessed window depth shall be no less than ten inches on the two pop-out features on the north elevation of the Dining Hall. The final design of all windows, including the depth, style, trim, colors, among others, shall be subject to the approval of the Community Development Director prior to installation. A window plan and schedule with all the necessary details, cut-sections, etc., shall be provided to the Community Development Department for review.
5. Exterior lighting, including freestanding and wall-mounted, shall require final approval from the Planning Division prior to issuance of building permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. A lighting plan with a photometric analysis prepared by licensed engineer or approved equivalent shall be provided to the Planning Division for review. The lighting plan shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed. Separate review fees may apply.
6. All elevations of both buildings shall be reviewed and approved by the Planning Division prior to permit issuance. Final review shall include approval of the color palette, placement of colors, and all finished building materials, including but not limited to the type, color, and/or placement of all stucco, trims, cornices, tile, among others. All finished building materials incorporated into the building design shall be

of high quality and high durability, and shall take into consideration locations that may be more vulnerable to damage or potential maintenance concerns.

7. Landscape improvements are not included with this approval. All landscape and irrigation improvements shall require separate review and approval prior to installation to ensure compliance with the landscape and water conservation guidelines outlined in Chapter 19.40 of the Duarte Development Code. Separate review fees may apply.
8. All signs shall require separate approval from Planning Division prior to installation. A detailed sign package with cut sheets shall be provided for review. All signs shall be in compliance with the sign regulations outlined in the Duarte Development Code. Contact the Planning Division for more information.
9. A fence and wall plan shall be submitted to the Planning Division for review prior to installation. Fences/gates shall contain a decorative design using a high-quality material such as wrought-iron. All walls shall be constructed to provide security and separation between adjacent properties. Final approval of the location, height, design etc. of all fences and walls shall be required by the Planning Division.
10. The parking lot shall be constructed in substantial compliance with the approved plans and the requirements of the Duarte Development Code, including parking stall width and depth, aisle depth, and adequate turn-around areas for efficient circulation. A separate parking lot plan shall be submitted to the Public Works Division and Planning Division for review.
11. A separate permit shall be required for closing the driveway approach along Royal Oaks Drive prior to beginning any work. The driveway approach shall be replaced with sidewalk, curb, gutter, in compliance with the City standard to the satisfaction of the Public Works Division. Additional offsite improvements, including but not limited to, sidewalk replacement, curb and gutter repairs, etc. may be included as part of the project scope of work. Separate review fees may apply. Contact the Public Works Division for more information.
12. Prior to the issuance of a permits, the applicant shall submit a Low Impact Development (LID) plan to the Community Development Director for review. The LID plan shall be prepared by a California registered civil engineer, architect, or landscape architect knowledgeable about storm-water management issues, and shall comply with Section 6.15.140 of the Duarte Municipal Code. All LID work must be completed prior to occupancy.
13. A drainage plan and grading plan shall be submitted to the Public Works Division for review prior to beginning any drainage and/or grading activity. The grading plan shall address all grading issues and required improvements on the property. Contact the Public Works Division for more information.
14. Follow the list of Best Management Practices (BMP's) of the National Pollution Discharge Elimination System (NPDES), including recommendations from the City grading inspector.

15. The project shall comply with all the regulations of the R-1 Single Family Residential zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections from the Duarte Development Code and Duarte Municipal Code.
16. The project is considered a level one (1) project, according to Chapter 19.52 (Sustainable Development Practices) of the Duarte Development Code. The project will be reviewed for minimum compliance with the requirements outlined in this chapter, including but not limited to: solar access protection, energy efficient outdoor lighting, landscaping efficiency, etc.
17. This project is subject to the requirements of Chapter 6.10 of the Duarte Municipal Code, Diversion and Demolition Waste. Prior to the issuance of any permits, the applicant shall submit a Construction and Demolition Diversion Plan and required security deposit. Contact the Planning Division for more information.
18. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; such changes may require review and approval from the Planning Commission.
19. Mechanical equipment and related ducts, vents and other apparatus, including HVAC, shall be screened from public view. Vents, pipes, caps, hoods, and other roof penetrations that must be installed on the roof shall be painted or finished to match the roof color. Ground mounted equipment shall be shielded from public view by landscaping and/or screen walls, subject to approval from the Planning Division.
20. All utilities for direct service to the project shall be installed underground and concealed from view.
21. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the Planning Commission.
22. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District and proof of payment provided to the City. Contact Duarte Unified School District at (626) 599-5000 for more information.
23. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
24. Building permits for this project must be issued within one-year from the date of final approval and may be extended in compliance with Section 19.130.070 of the Duarte Development Code.

25. The property owner, contractor, and all representatives shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction related idling of engines or other disturbances shall occur outside of noted work hours.
26. A final inspection shall be made by the Planning Division prior to final sign-off of any building permits to ensure that all conditions have been met.
27. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of approval. Said appeal must be in writing and filed with the Community Development Department (DDC 19.144). The written appeal shall include reasons for the appeal and the applicable fee.
28. 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 approval which may be brought within the time period provided for such actions or challenges under applicable law.

R.	AND	FLR.	FLOOR	Q.T.	QUARRY TILE
L	ANGLE	FLSH.	FLASHING	R.	RISER
0	AT	FLOOR.	FLOORESCENT	R.	RADIUS
1	CENTERLINE	F.O.C.	FACE OF CONCRETE	R.	RAD. REF.
2	D.I.C.	F.O.F.	FACE OF FINISH	R.	ROUGH DRAIN
3	D.I.C.	PPRF.	FIREPROOF	REF.	REFERENCE
4	D.I.C.	F.S.	FULL SIZE	REFR.	REFRIGERATOR
5	EXISTING	FT.	FOOT OR FEET	RGTR.	REGISTER
6	NEW	FTG.	FOOTING	REINF.	REINFORCED
7	ABV.	FURR.	FURRING	REQD.	REQUIRED
8	ACQUS.	FUT.	FUTURE	RESIL.	RESILIENT
9	A.D.			R.M.	ROOM
10	ADJ.	GA.	GAUGE	R.O.	ROUGH OPENING
11	AGGR.	GALV.	GALVANIZED	R.WD.	REDWOOD
12	AL.	GRAB BAR	G.B.	R.W.L.	RAIN WATER LADDER
13	APPROX.	GL.	GLASS		
14	ARCH.	GND.	GROUND	S.	SOUTH
15	ASPH.	GRADE	GRADE	S.C.	SOUTH CORE
16	ASPHALT	GYP.	GYPSPUM	S.C.D.	SEAT COVER DISPENSER
17				SCHED.	SCHEDULE
18	BD.	H.B.	HOLE BBB	S.D.	SOAP DISPENSER
19	BITUM.	H.C.	HOLLOW CORE	S.D.	SOAP DISPENSER
20	BLDG.	HDWD.	HARDWOOD	SEC.	SECTION
21	BLK.	HDWD.	HARDWARE	SH.	SHED
22	BLK.	H.W.	HOLLOW METAL	SHR.	SHOWER
23	BLK.	HR.	HORIZONTAL	SHT.	SHEET
24	BLM.	HR.	HOUR	S.M.	SIMILAR
25	BOT.	HT.	HEIGHT	S.N.D.	SANITARY NAPKIN DISPENSER
26	B.U.			S.N.R.	SANITARY NAPKIN RECEPTACLE
27	CAB.	I.D.	IN. DIAMETER (DIM.)	SPEC.	SPECIFICATION
28	C.B.	INSUL.	INSULATION	SQR.	SQUARE
29	C.B.	INT.	INTERIOR	S.S.T.	STAINLESS STEEL
30	CEM.	JAN.	JANITOR	S.S.K.	SERVICE SINK
31	CEM.	JT.	JOINT	STA.	STATION
32	C.I.	KT.	KITCHEN	STD.	STANDARD
33	C.I.			STL.	STEEL
34	C.G.			STOR.	STORAGE
35	C.G.			STRL.	STRUCTURAL
36	CLG.			SUSP.	SUSPENDED
37	CLG.			SYM.	SYMMETRICAL
38	CL.	LAB.	LABORATORY		
39	CL.	LAM.	LAMINATE		
40	C.O.	LAV.	LAVATORY		
41	C.O.	LKR.	LOCKER		
42	C.O.	LT.	LIGHT		
43	C.O.				
44	C.O.				
45	C.O.				
46	C.O.				
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95	C.O.				
96	C.O.				
97	C.O.				
98	C.O.				
99	C.O.				
100	C.O.				

	COLUMN REFERENCE GRID BUBBLES		WALL TYPES
	REFERENCE NORTH		REFERENCE NOTES
	REVISION		EXIT SIGNS
	ENTRY		WORKING POINT
	ROOM SYMBOL REFER TO FINISH SCHEDULE		EARTH
	DOOR SYMBOL REFER TO DOOR SCHEDULE		CONCRETE (LARGE SCALE)
	WINDOW SYMBOL REFER TO WINDOW SCHEDULE		MASONRY
	REFERENCE NOTES SYMBOL		METAL
	SECTION CUT		BATT INSULATION
	DETAIL REFERENCE		RIGID INSULATION
	ELEVATIONS		PLYWOOD
			CERAMIC TILE
			BLOCKING OR SHIMMING
			CONTINUOUS BLOCKING
			CONC. OR SLAT. (ELEVATION)
			GRAVEL FILL
			GLASS
			GLASS BLOCK
			GRANITE
			1 HR. FIRE RATED WALL



PARK VIEW COURT

ROYAL OAKS DRIVE

MEDITATION HALL
TOTAL 1,432 SF.

DINING HALL
TOTAL 2,355 SF.

LANDSCAPE AREA
321 SF
111 SF
94 SF
1,319 SF
161 SF

FRONT YARD SETBACK

REAR YARD SETBACK

SIDE YARD SETBACK

LANDSCAPE

PARKING AREA
10,550 SF
LANDSCAPE AREA REQUIRED: 10% MIN = 1,055 SF
LANDSCAPE AREA PROVIDED:
 $1319 + 318 + 94 + 111 + 321 = 2,163$ SF (20.5%)

REFERENCE NOTES

- WIDEN ENTRY DRIVEWAY TO ALIGN WITH EXISTING CMU FENCE WALL OPENING
- CLOSED OFF DRIVEWAY, REPAIR CURB & GUTTER, SIDEWALK & PARKWAY PER CITY STANDARDS
- (E) PARKING AREA
- (N) ACCESSIBILITY PARKING STALL & VAN LOADING SPACE
- (N) CONCRETE WALKWAY. TYP.
- (E) CMU WALL FENCE TO REMAIN
- (N) PARKING STRIPPING AND 6" HIGH CONCRETE CURB PER CITY STANDARDS.
- (N) 6' HIGH CMU FENCE WALLS.
- (N) TRASH ENCLOSURE WITH METAL TRELLIS CITY STANDARDS. SEE A3/A3.2 FOR ELEVATIONS
- (N) LED LIGHT POLE FIXTURE
- PARKING BACK UP / TURNING AROUND SPACE
- 5' HIGH SHRUB, LANDSCAPE BUFFER
- 6' HIGH WROUGHT IRON FENCE WITH 3' WIDE GATE
- 6' HIGH WROUGHT IRON FENCE WITH 2-3' WIDE GATE

NEW SITE PLAN	SCALE	2
	1/16" = 1'-0"	

A R C H I T E C T U R E	
A1.1	PROJECT DATA
T-1	EXISTING SURVEY
A2.1	FLOOR & ROOF PLANS
A3.1	EXTERIOR ELEVATIONS
A3.2	EXTERIOR ELEVATIONS
E1.1	PHOTOMETRIC SITE PLAN
L-1	LANDSCAPE PLAN
L-1A	LANDSCAPE PLANTS

NO.	PROJECT ADDRESS:	2632 ROYAL OAKS DR, DUARTE, CA			
1.0	PROJECT DESCRIPTION:	A NEW 1-STORY MEDITATION TEMPLE			
1.1	ZONE:	R-1 (CUP IS REQUIRED)			
1.2	CONSTRUCTION TYPE:	TYPE V-B	SPRINKLERED		
1.3	OCCUPANCY:	A-3 / B			
1.4	LOT AREA (SF):	20,597			
1.5	NO. OF STORY	1-STORY			
1.6	MAX. HEIGHT	35'-0"			
			MAX. ALLOW	PROPOSED	%
1.7	MAX. LOT COVERAGE (SF)	40% (1-STORY)	8,238.8	4,089.0	19.85%
		35% (2-STORY)	7,209.0	N/A	N/A
1.8	MAX. F.A.R.				
1.9	SETBACKS	FRONT YARD	SIDE YARD	REAR YARD (1-STORY)	REAR YARD (2-STORY)
		20'-0"	5'-0"	10'-0"	20'-0"
2.0	BUILDING AREA	HABITABLE SPACES (SF)	COVERED PORCH (SF)	TOTAL LOT COVERAGE (SF)	EXISTING BUILDING AREA (SF)
2.1	TOTAL MEDITATION HALL	1,432	235		
2.2	TOTAL DINING HALL	2,355	67		
2.3	TOTAL BUILDING AREA	3,787	302	4,089	3438*
	*TO BE DEMOLISH				
2.4	MEDITATION HALL	1,344			
2.5	DINING HALL / MULTI FUNCTION	967			
2.6	TOTAL ASSEMBLY AREA	2,311			

A Google Map of the area around 2672 Royal Oaks Drive. The map shows several streets including Garfield St, Hamilton Dr, Maynard Dr, Beardsall St, Central Ave, and others. Key locations marked include Royal Oaks Elementary School, Rancho Duarte Golf Course, Duarte Azules Animal Hospital, and Duarte Historical Museum. A red pin marks the project site at 2672 Royal Oaks Drive, which is also circled in black. Other landmarks like CVS, P-Eleven, and Asian Ceramics, Inc. are also visible. A north arrow and scale bar are present in the bottom right corner.

Project:

KWAN YIN
MEDITATION
TEMPLE

Owner:
KWAN YIN MEDITATION
TEMPLE

2632 ROYAL OAKS DR.,
DUARTE, CA 91010

contents

PROJECT DATA

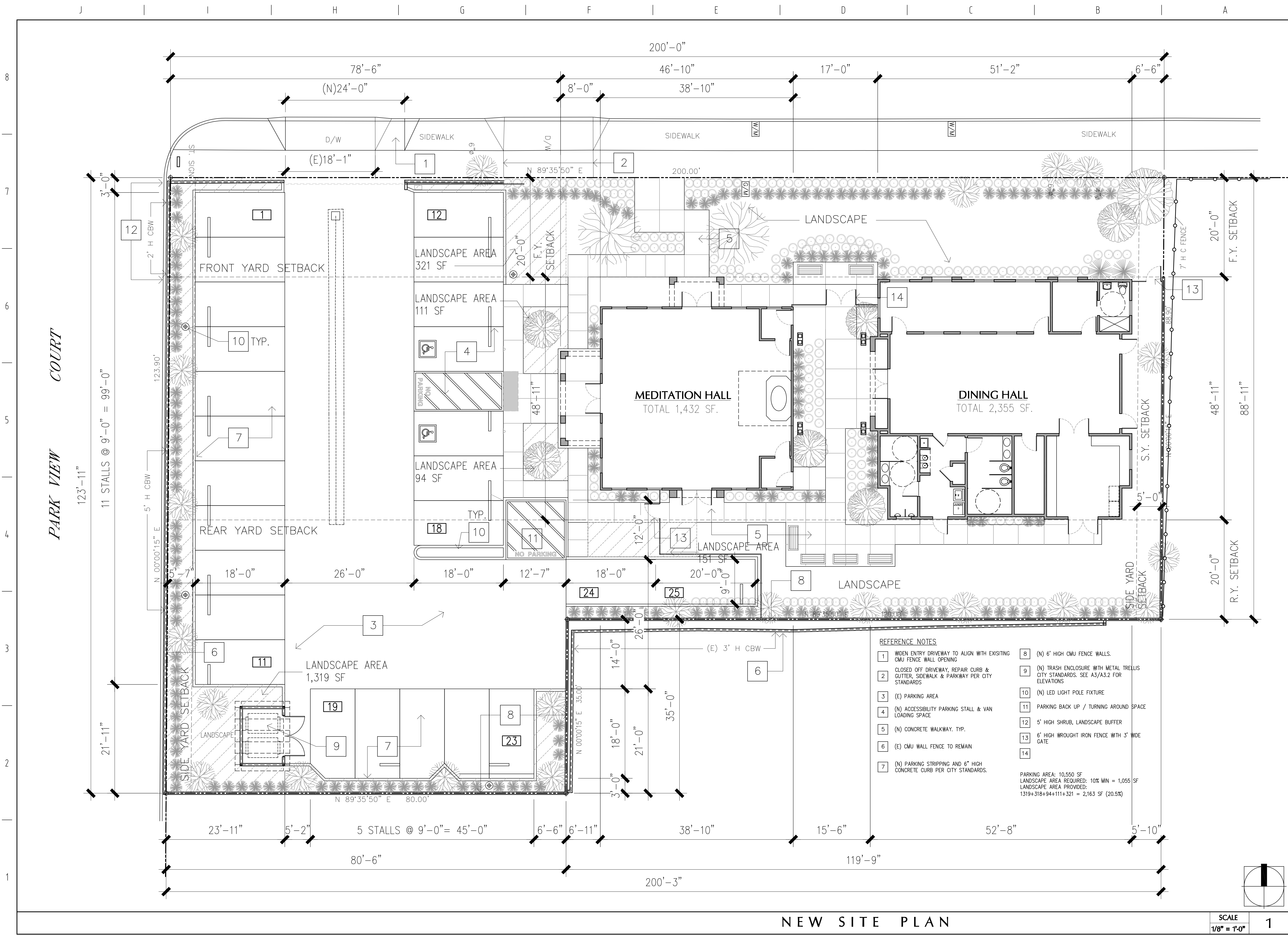
date	
planning review #1	10/19/2017
planning review #2nd, 3rd	1/28/2018
	
drawn by	nw/c
checked by	nw/c

SHEET NO:

A1.1

OF





REFERENCE NOTES

- 1 WIDEN ENTRY DRIVEWAY TO ALIGN WITH EXISTING CMU FENCE WALL OPENING
- 2 CLOSED OFF DRIVEWAY, REPAIR CURB & GUTTER, SIDEWALK & PARKWAY PER CITY STANDARDS
- 3 (E) PARKING AREA
- 4 (N) ACCESSIBILITY PARKING STALL & VAN LOADING SPACE
- 5 (N) CONCRETE WALKWAY, TYP.
- 6 (E) CMU WALL FENCE TO REMAIN
- 7 (N) PARKING STRIPPING AND 6" HIGH CONCRETE CURB PER CITY STANDARDS.
- 8 (N) 6" HIGH CMU FENCE WALLS.
- 9 (N) TRASH ENCLOSURE WITH METAL TRELLIS CITY STANDARDS. SEE A3/A3.2 FOR ELEVATIONS
- 10 (N) LED LIGHT POLE FIXTURE
- 11 PARKING BACK UP / TURNING AROUND SPACE
- 12 5' HIGH SHRUB, LANDSCAPE BUFFER
- 13 6' HIGH WROUGHT IRON FENCE WITH 3' WIDE GATE
- 14

PARKING AREA: 10,550 SF
LANDSCAPE AREA REQUIRED: 10% MIN = 1,055 SF
LANDSCAPE AREA PROVIDED:
1319+318+94+111+321 = 2,163 SF (20.5%)

Project:
**KWAN YIN
MEDITATION
TEMPLE**

2632 ROYAL OAKS DR.,
DUARTE, CA 91010

Owner:
KWAN YIN MEDITATION
TEMPLE

2632 ROYAL OAKS DR.,
DUARTE, CA 91010

contents
**PROJECT
DATA**

date	
planning review #1	10/19/2017
planning review #2nd. 3rd	1/28/2018
drawn by	nw/jic
checked by	nw/jic

Project:

**KWAN YIN
MEDITATION
TEMPLE**

2632 ROYAL OAKS DR.,
DUARTE, CA 91010

Owner:
KWAN YIN MEDITATION
TEMPLE

2632 ROYAL OAKS DR.,
DUARTE, CA 91010

contents
**FLOOR PLAN
&
ROOF PLAN**

date
planning review #1 10/19/2017
planning review #2nd. 3rd 1/28/2018

drawn by
checked by

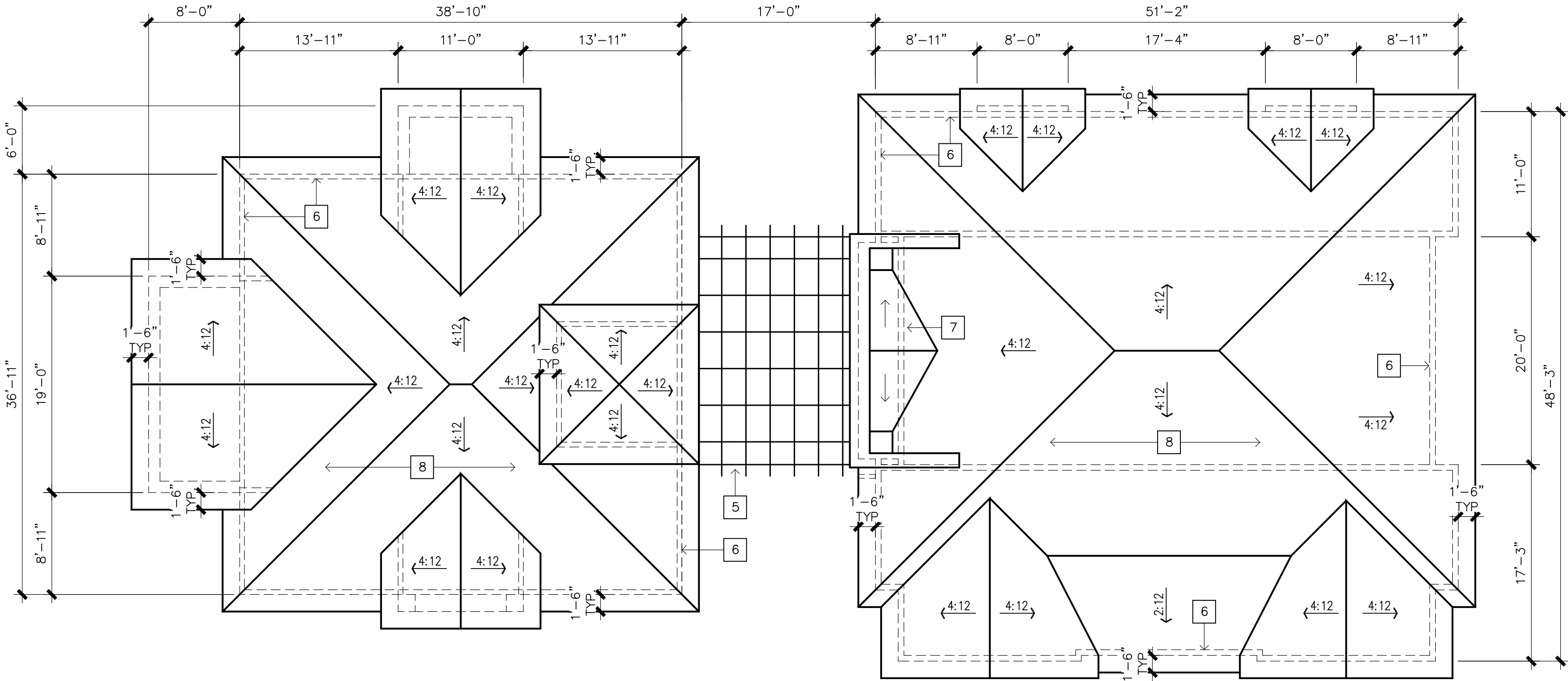
SHEET NO:

A2.1

OF

REFERENCE NOTES

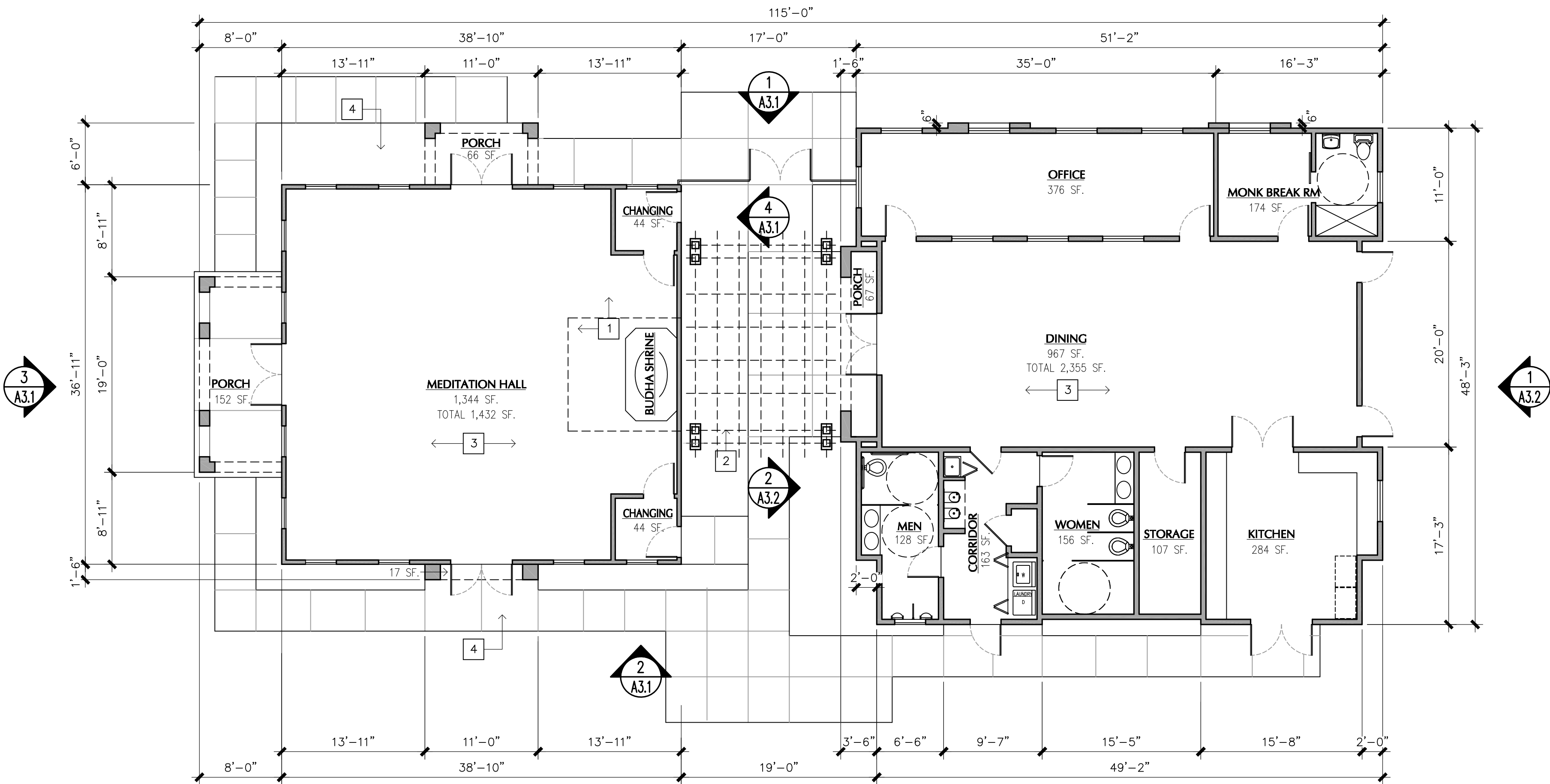
- 1 LINE OF CLERESTORY ABOVE
- 2 TRELLIS ABOVE
- 3 CONCRETE SLAB ON GRADE TYP.
- 4 CONCRETE WALKWAY TYP.
- 5 WOOD TRELLIS
- 6 LINE OF WALL BELOW, TYP.
- 7 ROOF CRICKET
- 8 CONCRETE TILE ROOFING
EAGLE ROOFING : CAPISTRANO - 3814-SAN PABLO BLEND



ROOF PLAN

SCALE
1/8" = 1'-0"

1



FLOOR PLAN

SCALE
1/8" = 1'-0"

2

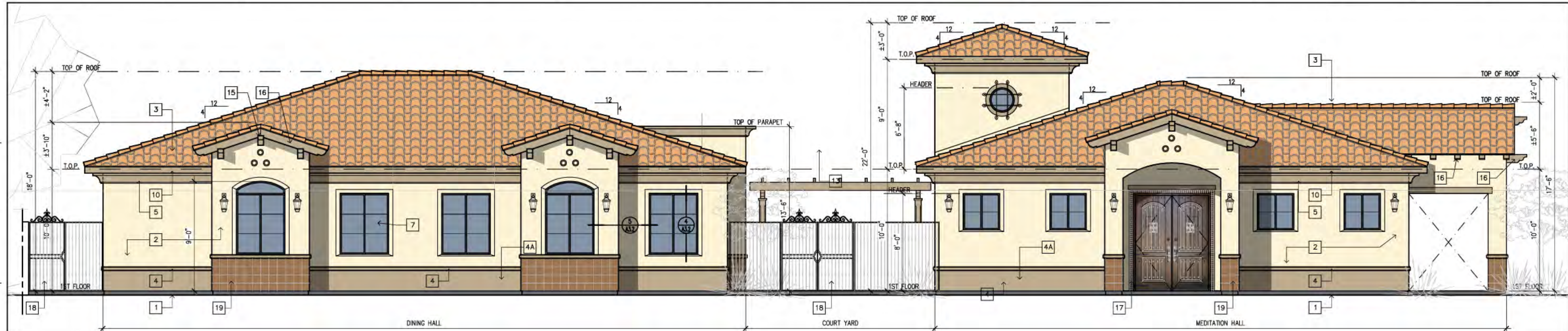
Project:
KWAN YIN
MEDITATION
TEMPLE

2632 ROYAL OAKS DR.,
DUARTE, CA 91010

Owner:
KWAN YIN MEDITATION
TEMPLE

2632 ROYAL OAKS DR.,
DUARTE, CA 91010

contents
EXTERIOR
ELEVATIONS



FRONT / NORTH ELEVATION

SCALE
1/4" = 1'-0" 1



SOUTH ELEVATION

SCALE
1/4" = 1'-0" 2



MEDITATION HALL EAST ELEVATION

SCALE
1/4" = 1'-0" 4



MEDITATION HALL WEST ELEVATION

SCALE
1/4" = 1'-0" 3

REFERENCE NOTES

- 1 FINISH GRADE
- 2 EXTERIOR STUCCO, SMOOTH FINISH, LA HABRA STUCCO, COLOR # 86 SANDSTONE
- 3 CONCRETE TILE ROOFING
EAGLE ROOFING : CAPISTRANO - 3814-SAN PABLO BLEND
- 4 PRECAST WALL TRIM BAND
- 5 STUCCO COVERED FOAM CORNICE
- 6 EXTERIOR LIGHT FIXTURES
- 7 VINYL WINDOW BY MILGARD: TUACANY SERIES
COLOR: ESPRESSO
- 8 WOOD ENTRY DOOR
- 9 WOOD DOOR
- 10 2X6 WOOD FASCIA
- 11 PRECAST DOOR TRIM
- 12 METAL LATTICE
- 13 WOOD TRELLIS
- 14 WOOD POST
- 15 6X10 WOOD OUTRIGGERS
- 16 4X8 RAFTER TAILS, SEE DET 6/A3.2
- 17 NOT USE
- 18 6" WROUGHT IRON HIGH GATE & FENCE
- 19 8X8 TERRAZZOTA TILES BASE

date
planning review #1 10/19/2017
planning review #2nd 3rd 1/28/2018

drawn by nw/c
checked by nw/c

SHEET NO.

A3.1

OF

Project:

**KWAN YIN
MEDITATION
TEMPLE**

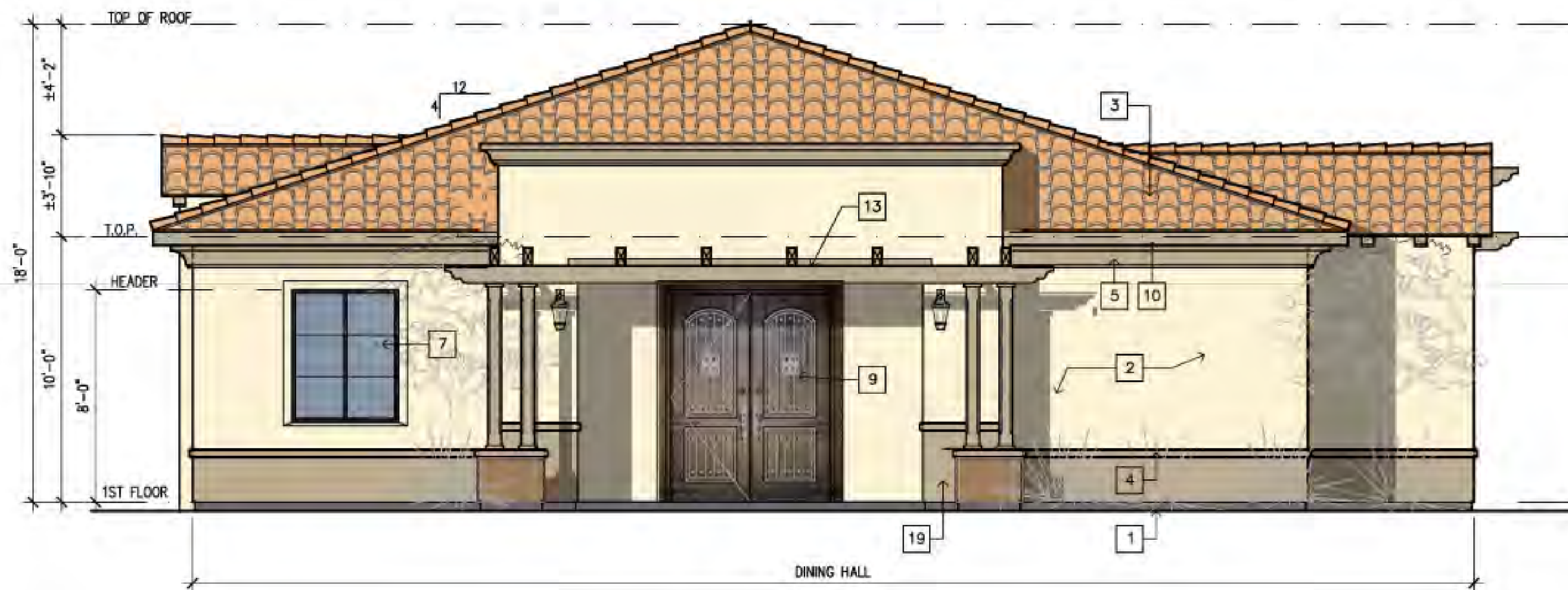
2632 ROYAL OAKS DR.,
DUARTE, CA 91010

Owner:
KWAN YIN MEDITATION
TEMPLE

2632 ROYAL OAKS DR.,
DUARTE, CA 91010

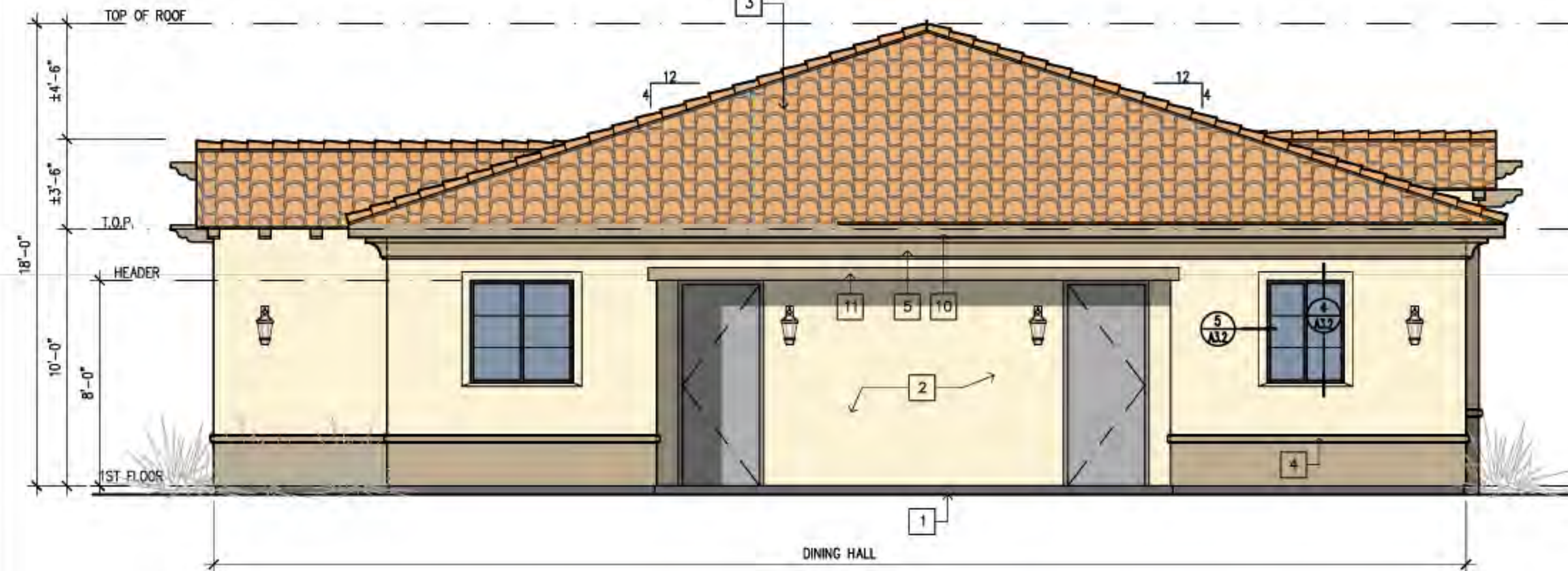
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**EXTERIOR
ELEVATIONS**



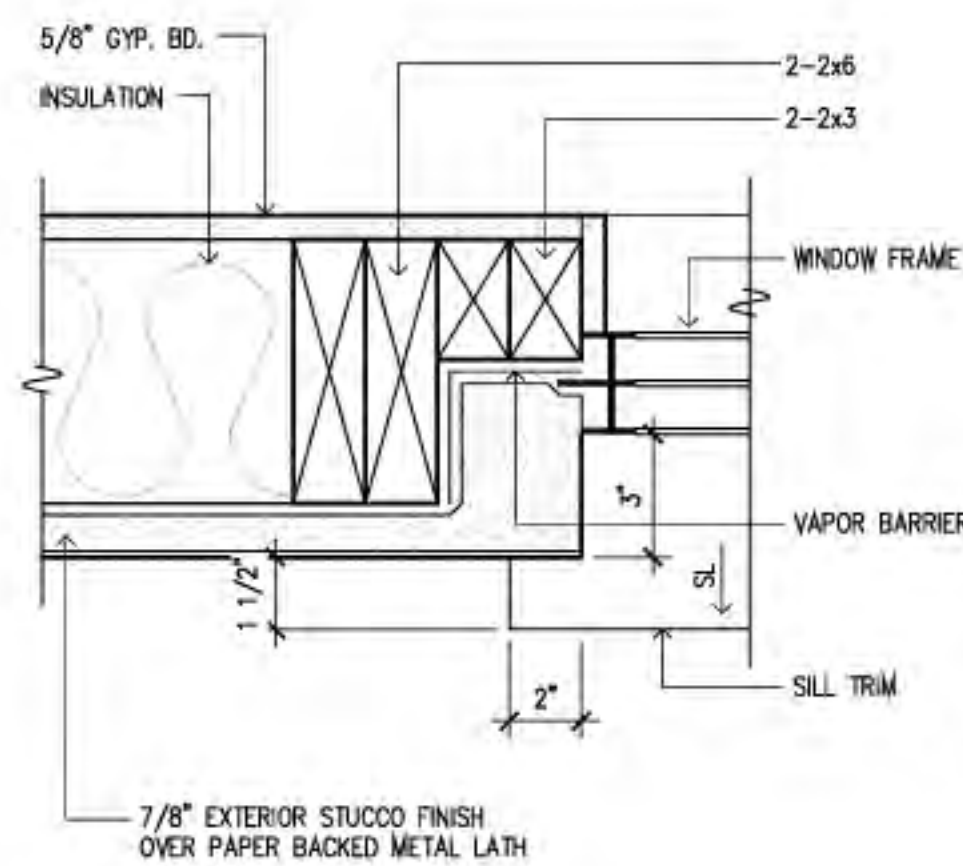
DINING HALL EAST ELEVATION

SCALE
1/4" = 1'-0" 2



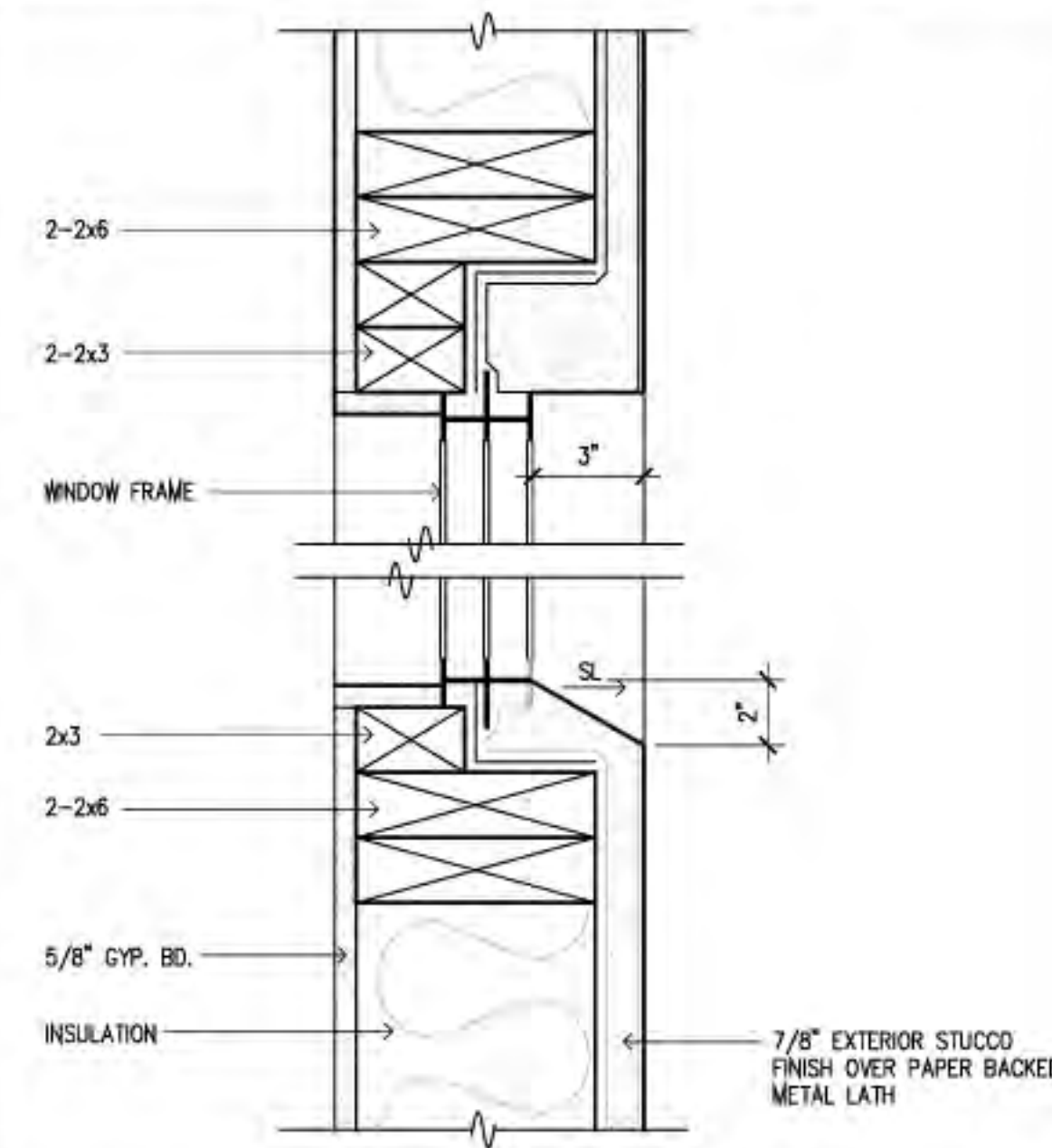
DINING HALL WEST ELEVATION

SCALE
1/4" = 1'-0" 1



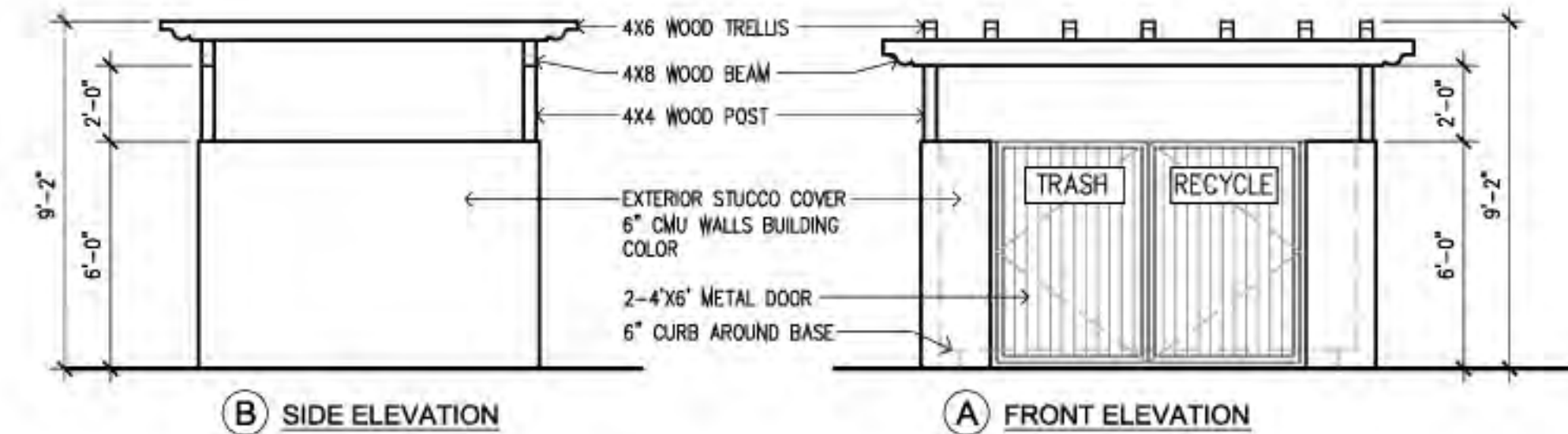
WINDOW JAMB

SCALE
3/8" = 1'-0" 5



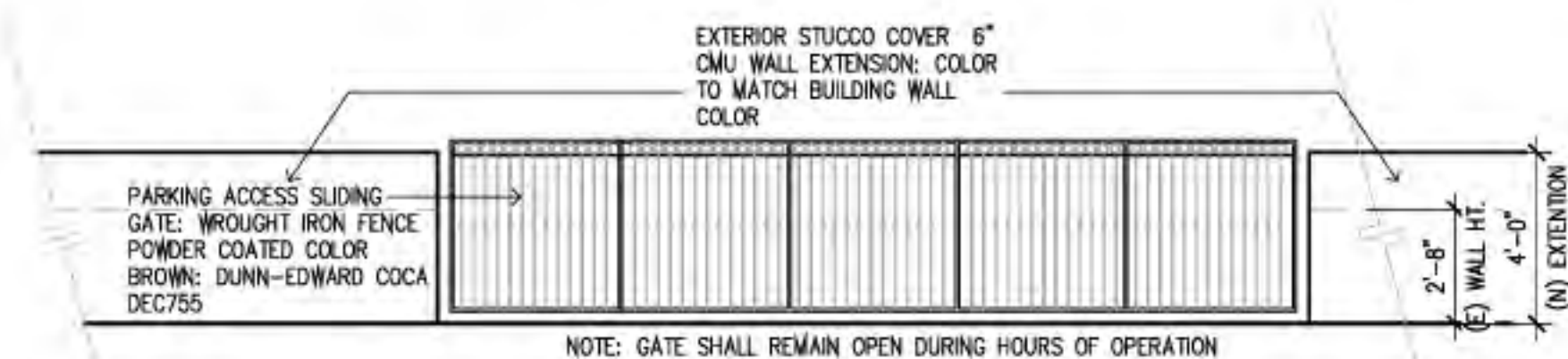
WINDOW HEADER / SILL

SCALE
3/8" = 1'-0" 4



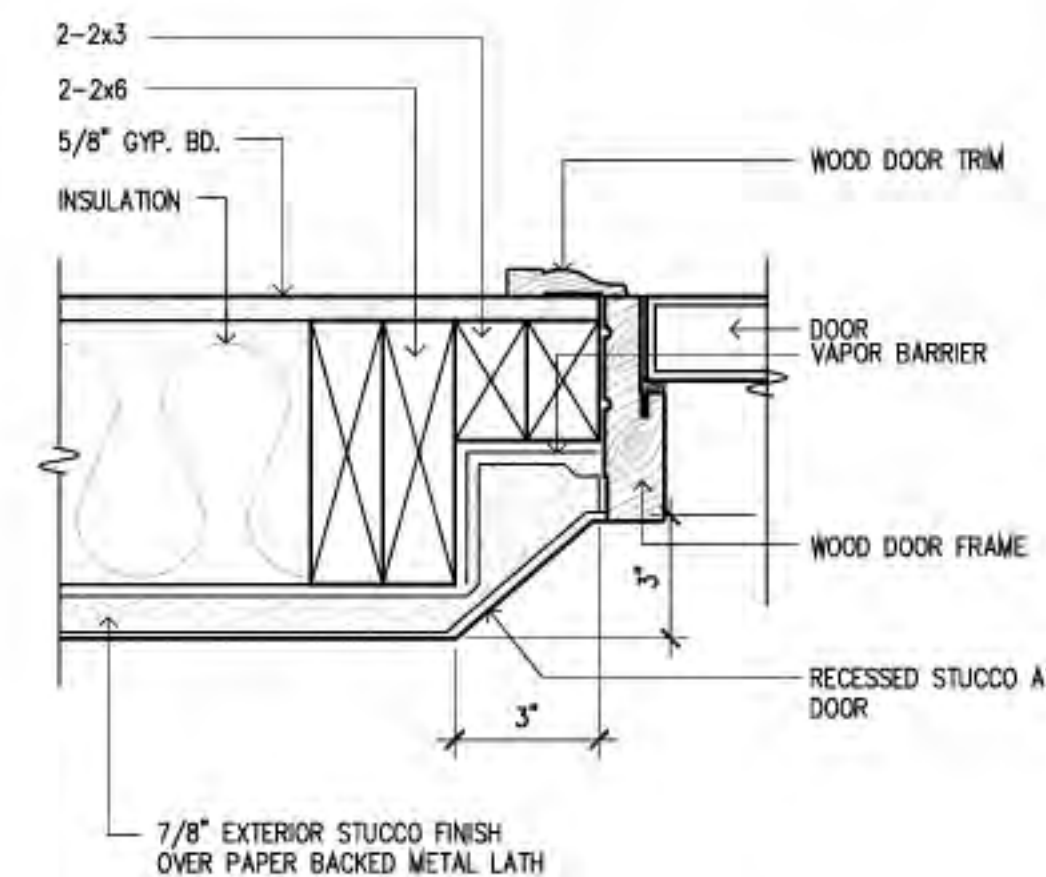
TRASH ENCLOSURE ELEVATION

SCALE
1/4" = 1'-0" 3



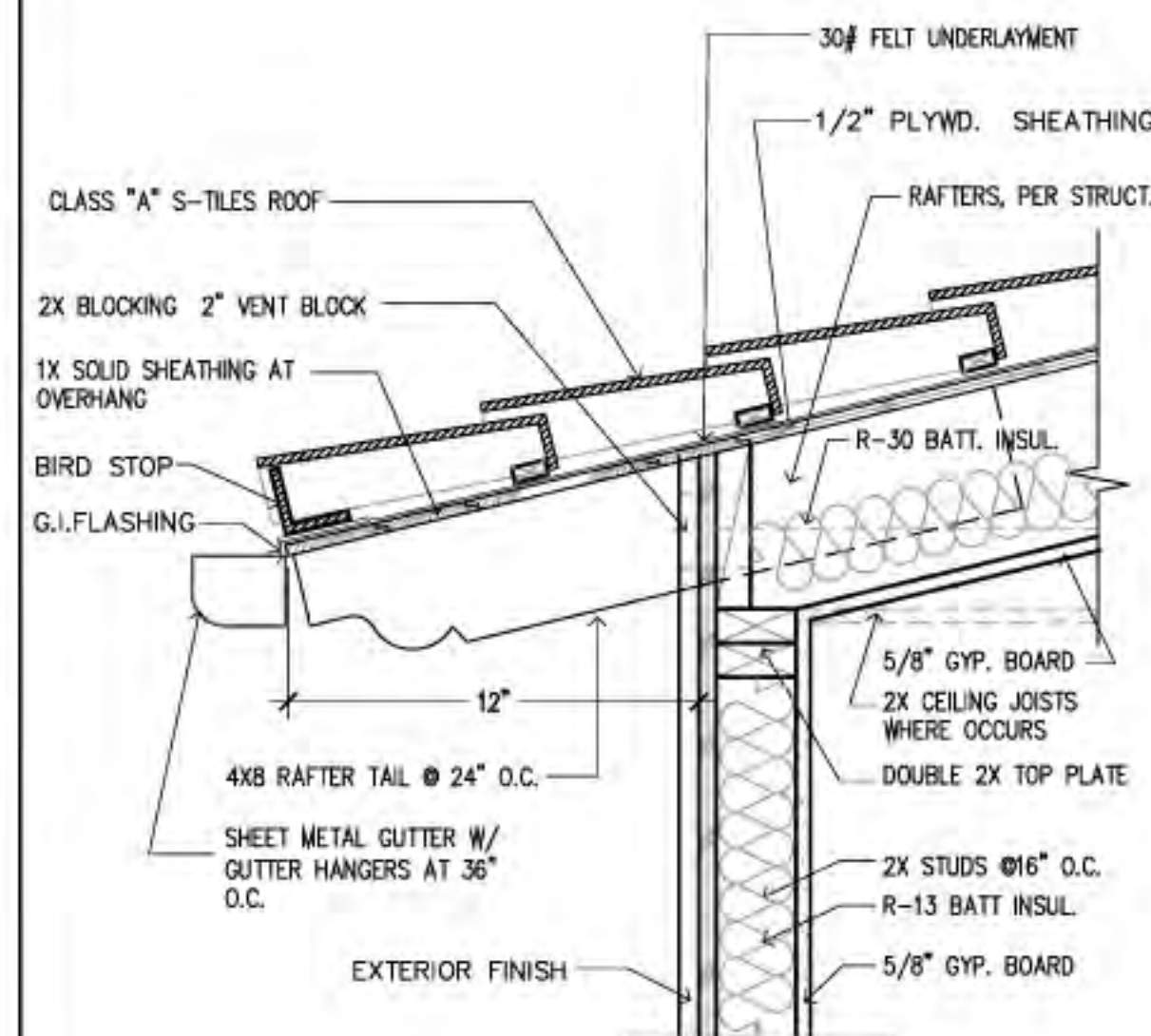
PARKING ACCESS GATE

SCALE
1/4" = 1'-0" 8



DOOR JAMB

SCALE
3/8" = 1'-0" 7



REFERENCE NOTES

- 1 FINISH GRADE
- 2 EXTERIOR STUCCO, SMOOTH FINISH, LA HABRA STUCCO, COLOR # 86 SANDSTONE
- 3 CONCRETE TILE ROOFING
EAGLE ROOFING : CAPISTRANO - 3814-SAN PABLO BLEND
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- 16 4X8 RAFTER TAILS, SEE DET 6/A3.2
- 17 NOT USE
- 18 6' WROUGHT IRON HIGH GATE & FENCE
- 19 8X8 TERRACOTTA TILES BASE

date
planning review #1 10/19/2017
planning review #2nd 3rd 1/28/2018

drawn by
checked by

SHEET NO.

A3.2

OF



KWAN YIN MEDITATION TEMPLE

2632 ROYAL OAKS DR., DUARTE, CA 91010

Exhibit D

General Property Information
Conditional Use Permit 17-04
2632 Royal Oaks Drive

PROPERTY CHARACTERISTICS

Property Address: 2632 Royal Oaks Drive

APN: 8604-008-029

Owner: Kwan Yin Meditation Temple, Inc.

Lot Area: **Project Site:** Approx. 20,600 square feet (0.47 acres)

Public Notice: A public hearing notice was published in the "*The Duartean*" and posted at Duarte City Hall, Public Safety Office, and Public Library on April 5, 2018. One hundred and ninety-two (192) public hearing notices were also sent to property owners within 600' of the subject property on April 7, 2018.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15332, Class 32 of Title 14 of the California Code of Regulations. Therefore, no further environmental review is necessary in accordance with CEQA Guidelines and a Notice of Exemption has been prepared for this project.

General Plan: Low Density Residential

Zoning: R-1 Single-Family Residential

SURROUNDING ZONES & LAND USE

LOCATION	GENERAL PLAN	ZONING	LAND USE
North	Open Space; Park	Open Space	City Park
South	Low Density Residential	R-1 Single-Family Residential	Residential
East	Low Density Residential	R-1 Single-Family Residential	Water Company Utility Building
West	R-1 Single-Family Residential	R-1 Single-Family Residential	Residential



PLANNING COMMISSION STAFF REPORT

Date: May 21, 2018

Project: Municipal Code Amendment 18-01

Subject: A City-Initiated Request to Amend Section 19.60.140(C)(1) "Parcel Size and Location" to Address Parcel Size Standards for Properties on which Places of Religious Assembly were Legally Established Prior to 2010

Location: City-Wide

Applicant: City of Duarte

SUMMARY

Section 19.60.140 of the Duarte Development Code (DDC) provides locational, operational, and developmental standards for places of religious assembly. Municipal Code Amendment MCA 18-01 will clarify the applicability of these standards for existing sites which places of religious assembly were legally established but do not meet the parcel size standards of Section 19.60.140.

BACKGROUND

In 2016 the Kwan Yin Temple purchased the property at 2632 Royal Oaks Drive with intentions to construct and operate a new meditation temple. The prior use on the property was also a place of religious assembly, which has been the case since the property was developed in 1970. In 2010, as part of the comprehensive update to the Duarte Development Code, Section 19.60.140 was added to regulate locational, developmental, and operation standards for places of religious assembly within the City. As currently written under Subsection 19.60.140(C)(1), standards for parcel size and location are provided as noted below:

- (a) The minimum parcel size for a place religious assembly shall be 40,000 square feet;*
- (b) A place of religious assembly use shall have a frontage on a site with a minimum of two separate access points to secondary or larger roadways, as designated in the General Plan.*

The Code section does not distinguish the applicability of these standards between new sites or existing sites where a place of religious assembly is proposed. The Code section also does not discuss existing sites that are less than 40,000 square feet where a place of religious assembly is currently located. This is the case with the property at 2632 Royal Oaks Drive and two other locations in the City of Duarte. The property at 2632 Royal Oaks Drive is roughly 20,580 square feet. This property also faces Royal Oaks Drive, which is a minor arterial street as designated by the General Plan

While the property does not contain a minimum parcel size of 40,000 square feet, the parcel is a legally subdivided lot and the current use is a legally established religious assembly. The existing

church was constructed in the early 1970's. The property has changed ownership several times, but has always operated as a place of religious assembly. The current property owners submitted an application to construct a new meditation temple on the property. However, the minimum parcel size standard of Section 19.60.140 would prevent consideration of the meditation temple operation, despite remaining under the same previous land use category.

ANALYSIS

The proposed Code change is to clarify the applicability of Section 19.60.140(C)(1) and address existing sites that do not meet the minimum parcel size. The City is recommending the following amendment with the insertion of subsection "c" to Section 19.60.140(C)(1):

(c) Properties on which an existing place of religious assembly has continuously operated, and was legally established prior to 2010 that does not meet the property size standard in subsection (a) above shall be exempt from the requirements in subsection (a) and subsection (b) above.

The remainder of Section 19.60.140 will not be amended.

Places of religious assembly are allowed in residential zones with an approved conditional use permit (CUP). DDC Section 19.60.140(C)(1) was intended to address potential locational, developmental, and operational impacts of proposed new places of religious assembly as part of a CUP entitlement. Section 19.60.140(C)(1) addresses two areas: parcel size and location. The required minimum parcel size helps reduce the possibility of establishing a new place of religious assembly on a standard sized lot in the middle of a single-family neighborhood. Requiring a minimum 40,000 square foot lot helps locate religious facilities on larger parcel sizes where their operational and developmental impacts are minimized and can be contained on their own property. This Section also requires a minimum of two access points to a secondary or larger roadway. This standard is intended to work in tandem with the minimum parcel size requirement. Religious facilities, especially those on larger sized parcels, can produce intense peak period traffic flows, as congregations and/or assemblies of people enter and leave the facility. The two-access point requirement is designed to alleviate potential traffic impacts, by providing separate driveways that can accommodate higher peak traffic flows.

Section 19.60.140 does not address existing churches that are established on properties less than 40,000 square feet or with less than two access points. It is unlikely an existing site can enlarge the property to meet the minimum size requirements and it is also challenging for a smaller property to provide two access points. Additionally, smaller parcels will have religious facilities with smaller assembly and parking areas, which make the additional access point unnecessary.

There are currently eight existing places of religious assembly in the City of Duarte, three are churches established on properties that are less than 40,000 square feet. The amendment to Section 19.60.140 will provide clarity with the parcel size and location requirements. By adding subsection "c", those existing churches will be allowed to maintain their operation as a place of religious assembly. This will only apply to three churches if they maintain their current use as a place of religious assembly. In the event the use changes to something other than place of

religious assembly, the exemption provided in subsection “c” will no longer be applicable to that property.

Allowing this Code amendment is unlikely to have any adverse impacts to the community, nor is it likely to result in any significant change. The amendment will affect three existing properties where places of religious assembly are already established. These three churches have existed in harmony with their predominantly residential surroundings for several decades and have not generated complaints or concerns from the City or neighbors.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval of Municipal Code Amendment MCA 18-01 to the City Council for consideration by adopting PC Resolution 18-08

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "D. F. Eoff IV".

David F. Eoff IV
Associate Planner

ATTACHMENTS

- Exhibit A: Duarte Development Code Sections: 19.60.140
- Exhibit B: Resolution PC 18-08
- Exhibit C: List of Established Places of Religious Assembly

Exhibit A
Duarte Development Code Section 19.60.140(C)(1) Amended with Subsection “c”

19.60.140 - Places of religious assembly.

- A. *Purpose.* This Section provides locational, developmental, and operational standards for places of religious assembly.
- B. *Applicability.* The provisions in this Section shall apply to places of religious assembly as defined in Article 9 and where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards) and the following standards.
- C. *City locational, developmental, and operational standards.* Except as specified in this Section, the premises on which a place of religious assembly use is located shall comply with the regulations and restrictions applicable to the zone in which it is located.
 - 1. *Parcel size and location.*
 - a. The minimum parcel size for a place of religious assembly shall be 40,000 square feet.
 - b. A place of religious assembly use shall have frontage on a site with a minimum of two separate access points to secondary or larger roadways, as designated in the General Plan.
 - c. Properties on which an existing place of religious assembly has continuously operated, and was legally established prior to 2010 that does not meet the property size standard in subsection (a) above shall be exempt from the requirements in subsection (a) and (b) above.
 - 2. *Overconcentration.* A place of religious assembly use shall not be located within a 300-foot radius of another existing place of religious assembly use, disregarding the corporate boundary of the City, unless the applicable review authority grants an exception. The review authority, in granting an exception, shall first find that the proposed concentration will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of the proposed place of religious assembly use.

RESOLUTION NO. PC 18-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, RECOMMENDING APPROVAL OF MUNICIPAL CODE AMENDMENT 18-01 TO THE CITY COUNCIL FOR THE AMENDMENT OF SECTION 19.60.140(C)(1) "PARCEL SIZE AND LOCATION" OF THE DUARTE DEVELOPMENT CODE

WHEREAS, Section 19.60.140 of the Duarte Development Code provides standards for places of religious assembly; and

WHEREAS, Section 19.60.140(C)(1) provides locational, developmental, and operational standards, such as: parcel size and location, for places of religious assembly but does not differentiate on the applicability of the standards for new or existing places of religious assembly; and

WHEREAS, Municipal Code Amendment 18-01 proposes to clarify the applicability of the parcel size and location standards for legally established places of religious assembly by including subsection 19.60.140(C)(1)(c); and

WHEREAS, the Planning Commission of the City of Duarte conducted a duly-noticed public hearing on May 21, 2018, pursuant to Development Code Section 19.142.040 to consider Municipal Code Amendment 18-01, a city-initiated request to amend Chapter 19.60.140(C)(1) (Places of Religious Assembly) of the Duarte Development Code; and

WHEREAS, notice of a public hearing on Municipal Code Amendment 18-01 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission received and considered the analysis and recommendation provided in the staff report for the Municipal Code Amendment 18-01, and all of the information, evidence, and testimony received at the public hearing held on May 21, 2018 at 7:00 p.m. in the City Council Chambers; and

WHEREAS, after careful study and the holding of a duly noticed public hearing, the Planning Commission recommended the City Council adopt and approve Municipal Code Amendment 18-01.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF DUARTE RESOLVES AS FOLLOWS:

SECTION 1. RECITALS

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

SECTION 2.

FINDINGS FOR DEVELOPMENT CODE AMENDMENTS

The Planning Commission finds and determines as follows, findings for Development Code Amendments, as set forth in DDC Section 19.142.060:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan

The proposed amendment includes a modification to Section 19.60.140(C)(1), Places of Religious Assembly. The proposed amendment does not involve an amendment to the City's current General Plan, and all current land use designations will remain the same.

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

The proposed amendment clarifies the applicability of the parcel size requirements for legally established places of religious assembly. The amendment will affect only existing religious assemblies, which have maintained an operation prior to the requirements of Section 19.60.140 being incorporated into the Duarte Development Code. Religious assemblies that have not been legally established must comply with the development standards outlined in Section 19.60.140.

3. Additional findings for development code amendments. The proposed amendment is internally consistent with applicable provisions of this Development Code.

The proposed amendment will not impact other provisions of this Development Code. Places of religious assembly require a conditional use permit, which remain applicable for all operations. The code amendment will help clarify the applicability of the parcel size standards for existing uses.

SECTION 3.

CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-01 for the proposed amendment to Section 19.60.140(C)(1) of the Duarte Development Code, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Sections 15061(b)(3) and 15378(b)(5).

SECTION 4.

RECOMMENDATION

The Planning Commission approves this Resolution and recommends to the City Council that Chapter 19.60.140(C)(1) of the Duarte Development Code be amended to add Subsection c, to read as follows:

- c. Properties on which an existing place of religious assembly has continuously operated, and was legally established prior to 2010 that does not meet the property

size standard in subsection (a) above shall be exempt from the requirements in subsection (a) and subsection (b) above.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a public meeting held on the 21st day of May 2018.

Sara Vasquez, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Community Development Director 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

Exhibit C
List of Established Places of Religious Assembly

1. Grace Fellowship Church
1551 Highland Avenue
Property Size: 50,094 square feet; 1.15 acres
2. Chinese Alliance Bible Church
1108 Highland Avenue
Property Size: 42,627 square feet; 0.97 acres
3. Church of the Foothills
1014 Highland Avenue
Property Size: 83,632 square feet; 1.92 acres
4. New Life Assembly-God Church
822 Bradbourne Avenue
Property Size: 107,157 square feet; 2.46 acres
5. The Church of Jesus Christ of Latter-Day Saints
1452 Royal Oaks Drive
Property Size: 82,764 square feet; 1.90 acres
6. Church of Christ
1330 Highland Avenue
Property Size: 38,546 square feet; 0.88 acres
Established 1953
7. First Baptist Church of Duarte
2200 Huntington Drive
Property Size: 9,866 square feet; 0.23 acres
Established 1961
8. Kwan Yin Temple (Formerly Duarte Christian Church)
2632 Royal Oaks Drive
Property Size: 20,600 square feet; 0.47 acres
Established 1970

RESOLUTION NO. PC 18-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 18-02, FOR THE USE AND OPERATION OF AN INDOOR PLAY SPACE, LOCATED AT 1040 HUNTINGTON DRIVE

WHEREAS, the applicant is requesting approval of a conditional use permit to operate a commercial entertainment and recreation business, a children's indoor play space named See Jack Play, at 1040 Huntington Drive; and

WHEREAS, a commercial entertainment and recreation business located in the Commercial-Freeway (C-F) zone is a conditionally permitted use pursuant to Duarte Development Code Section 19.12.020.A(1); and

WHEREAS, notice of a public hearing on the Conditional Use Permit 18-02 was given pursuant to Duarte Development Code Chapter 19.146 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 application 18-02 and all of the information, evidence and public testimony received at the public meeting held on May 21, 2018 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. **RECITALS**

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

SECTION 2. **FINDINGS FOR CONDITIONAL USE PERMITS**

The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.050(B), as:

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

The indoor play business is consistent with Land Use Goal 1 of the General Plan by maintaining a balanced community consisting of various commercial activities and industrial developments. Also, the proposed business is consistent with Land Use Policy 2.1.3, which calls for the clustering of services for community members to provide one-stop shopping. The use is also consistent with the General Commercial land use designation by providing uses that will meet the needs of the entire community.

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;

A commercial entertainment and recreation use is permitted with a Conditional Use Permit within the Commercial-Freeway (C-F) zone. The use is consistent with the C-F zoning designation as it provides and added service and convenience for the community. The use is in compliance with all regulations of the Duarte Development Code and Municipal Code, and conditions of approval have been included to ensure such compliance.

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

The indoor play area will occupy one of 18 tenant spaces within an existing multi-tenant building at the Mountain Vista Plaza shopping center. The facility's space is approximately 2,200 square feet, which is sufficient for accommodating the use and proposed recreational activities. The indoor play area is compatible with the project site and other uses in the vicinity. It will have minimal impacts to surrounding uses since customers will access the business in a dispersed manner during the week and parties on the weekend will be spaced out appropriately to prevent overlapping of customers. Furthermore, the operation of this business complements the existing businesses since it is likely to bring in new customers that may wish to also patronize other businesses within the shopping center before leaving the property.

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 indoor play space is allowed with a conditional use permit in the C-F zone. The operation of the business is designed to minimize the intensity of the use and limit any potential conflicts with adjacent businesses and surrounding developments. Conditions of approval have been imposed to help avoid adverse and detrimental impacts on the City and surrounding community.

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.

The site consists of several parcels that collectively form the Mountain Vista Plaza shopping center, located in the C-F zone. The center is accessible from Huntington Drive and Bradbury Avenue. Onsite circulation will not be altered and is suitable for the existing uses, the proposed indoor play business, and emergency vehicle access. The multi-tenant building in the shopping center is divided into 18 tenant

spaces. With the proposed business, there will be 14 occupied tenant spaces. The proposed indoor play business will occupy a 2,200 square-foot tenant space.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-14 for the proposed use and operation of an indoor play space, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15301.

SECTION 4. RECOMMENDATION

The Planning Commission approves PC Resolution 18-14 based on the findings listed in Section 2, and the conditions listed in "Exhibit D-1", for the use and operation of an indoor play space at 1040 Huntington Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez, 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT D-1

Conditions of Approval

Conditional Use Permit 18-02

1040 Huntington Drive (Commercial Recreation and Entertainment – See Jack Play)

1. This approval is for the establishment of an indoor play business at 1040 Huntington Drive as stated in the staff report and described in the applicant's business proposal statement, on file with the Planning Division. The services provided by this business include free play, private parties, and occasional child-oriented community programs, as further described in the proposed schedule below. Operations of this business shall be limited to these services.
2. The maximum operating hours are as described below. Any request to modify the hours shall be reviewed and approved by the Planning Division before implementation. Such changes may be referred to the Planning Commission for review, in which case a modified conditional use permit and Planning Commission approval will be required.

Maximum Operating Schedule			
Activity	Monday - Friday	Saturday	Sunday
Free Play*	7:00 a.m. – 9:00 p.m.	7:00 a.m. – 9:00 p.m.	7:00 a.m. – 9:00 p.m.
Private Parties^		9:00 a.m. – 8:00p.m.	9:00 a.m. – 8:00 p.m.
Special Events	5:00 p.m. – 9:00 p.m.		

* - Free Play activities are permitted throughout the business's operating hours, so long as private parties are not operating simultaneously.

^ - Private parties may occur throughout the business's operating hours and be of any time duration, so long as there is a 15-minute gap between parties.

3. There shall be no more than 49 people within the unit at any time.
4. The preparation of food and drink shall not be permitted, with the exception of coffee service and pre-packaged, non-alcoholic drinks. If these incidental drinks are offered, then the regulations of the Los Angeles County Health Department shall apply.
5. Music and/or singing shall be at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses. Amplified music and drums are prohibited.
6. The project shall comply with all regulations of the Commercial-Freeway C-F Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections.

7. Outdoor storage is prohibited.
8. 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 business operation, or floor plan that may affect or intensify the use, shall be reviewed by the Planning Division and may require an application for a new conditional use permit.
9. Any signage associated with the business is not included as part of this approval; a separate review and approval process will be required for all proposed signage. All signage shall comply with the Sign Guidelines of the Duarte Development Code.
10. Any required plans and plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits.
11. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.
12. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
13. 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 indoor play business, 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, 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.
14. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
15. The applicant shall obtain a valid business license with the City of Duarte prior to commencement of business operation. Contact the City Finance Division for more information.
16. 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.

17. 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.



PLANNING COMMISSION STAFF REPORT

Date: May 21, 2018

Project: Conditional Use Permit 18-02
New Indoor Play Space (See Jack Play)

Location: 1040 Huntington Drive (Mountain Vista Plaza)

Applicant: Tzeitel Paras-Caracci (See Jack Play, LLC), Business Owner

SUMMARY

The applicant, Tzeitel Paras-Caracci, is requesting approval to operate an indoor play space called See Jack Play at 1040 Huntington Drive. The business will be located in an existing vacant tenant space that is part of Mountain Vista Plaza (Target) Shopping Center. The business will primarily offer an opportunity for free play oriented towards young children and will also be a place where birthday parties can be held. Programming for infants and toddlers will also be provided periodically. The facility will be open for free play Monday through Friday from 10:00 a.m. to 6:00 p.m. and will be open for parties and special events on Saturday from 11 a.m. to 7 p.m. and on Sunday from 11 a.m. to 5 p.m.

The operation of a commercial entertainment and recreation business in the Commercial-Freeway (C-F) zone requires approval of Conditional Use Permit by the Planning Commission.

PROJECT DESCRIPTION

The project site is located within the Mountain Vista Plaza shopping center. The property is zoned Commercial-Freeway (C-F) and contains five (5) separate buildings with commercial, retail, and service uses. The tenant space is located within the multi-tenant building adjacent to Public Safety Office. Currently, there are eighteen tenant spaces within this portion of the building; the proposed indoor play space will occupy one of the vacant spaces (Exhibit B).

The proposal is for a play space oriented towards small children where they can play indoors (Exhibit A). Parents would bring their children, ages 0-8, for open-ended free play. The unit will be configured to be a large open room with various themed play stations placed intermittently throughout the room (Exhibit B). These play stations will feature toys, dress-up clothes, and books on non-fixed, kid-friendly furniture. As the business develops, the owner proposes to incorporate child-oriented programming within the play area, such as story time for babies and toddlers. In addition to the open play space, there will be a separate room for private parties to celebrate birthdays and special events. Music may be played in the background, but no microphones or amplified music is proposed. There will be a maximum of 49 people, including employees and customers, within the unit at any one time. The business will be available for open play Monday through Friday from 10:00 a.m. to 6:00 p.m. and will be available for birthdays and private parties on Saturday from 11:00 a.m. to 7:00 p.m. and on Sunday from 11:00 a.m. to 5:00 p.m. On a typical weekday, the applicant anticipates that between five and ten children and their parents will visit the business within a two-hour period to participate in free play. The business may also be open Monday through Friday from 5:00 p.m. to 9:00 p.m. for private parties and special events (see full schedule below).

Proposed Schedule			
Activity	Monday - Friday	Saturday	Sunday
Free Play	10:00 a.m. – 6:00 p.m.	11:00 a.m. – 1:00 p.m.	11:00 a.m. – 1:30 p.m.
Private Parties		2:00 p.m. – 4:00 p.m. 5:00 p.m. – 7:00 p.m.	2:30 p.m. – 5:00 p.m.
Special Events	5:00 p.m. – 9:00 p.m.		

For birthdays and private parties, food and cake may be brought into the private room, however no food preparation or cooking facilities will be provided onsite. Up to two staff members would be made available to assist with these private events.

ANALYSIS

The proposed indoor play space is a use that will fit well into the established commercial environment within the Mountain Vista Shopping Center. Not only is the use compatible with the other uses in the vicinity, but it will also be complementary to the other businesses because of the hours proposed and the services offered. When evaluating the compatibility of the proposed use with the existing businesses in the area, the topics of safety, noise, and parking and circulation were examined since those are the main areas where impact could occur.

Safety

The vision for this business is to create a comfortable and safe environment for children to play, so safety is a prime concern for the business owner. The floor plan is designed so that persons entering the business must pass through an entry point by the check-in counter that will be monitored by an employee of the business (see Exhibit B). The purpose of this entry point is to prevent persons that are not customers from entering the business and to prevent children from leaving without their parent or caregiver. Business employees will promote safety by keeping a clean environment and explaining the safety rules to the customers when they arrive. Parents and caregivers will also be with their children to provide necessary supervision.

Noise

Soft background music may be played as part of normal business operations. The business owner is aware of the noise limits as prescribed in the Duarte Municipal Code and intends on complying with those regulations. If future programming includes live singing and/or music, it should be limited to acoustic music only and a condition of approval has been included with this staff report to reflect this restriction.

Parking and Circulation

The proposed use operates like a studio use, which requires five parking spaces for 1,000 square-feet of floor area. The previous use at this location was a service use, which had the same parking requirement. The Mountain Vista Plaza Shopping Center has a total of 740 parking spaces and when this figure is compared to the 683 parking spaces required by the Duarte Development Code for a shopping center, the outcome is a 57-space parking surplus for the property. Since there is no change in the parking requirement for this unit, there is no intensification of use that would increase the parking demand for the property.

The proposed business offers unscheduled free play during the week as its primary service; this business model allows customers to come and go as they please throughout the day. This dispersion of customers is generally positive in relation to parking and circulation because it avoids the clustering of customers seeking parking spaces in the portion of the parking lot closest to the business at the same time. During the weekend, the business may host up to three birthday parties per day at specific time slots. This appointment-based model will create higher demands on parking at certain times of the day and requires further analysis.

This parking information applies to the whole shopping center, so it is still important to consider the circulation and demand for parking spaces in the parking area in the immediate vicinity of the proposed business. Within this multi-tenant portion of the shopping there are 18 tenant spaces, 14 are occupied and four remain vacant. The businesses nearest the proposed indoor play area include the Sheriff Substation (adjacent space), Hollywood Eyebrow (adjacent space), Target, Samaritana Medical Clinic, Villa Italia restaurant, and two vacant units. Of these units that are occupied by businesses, only Target and Hollywood Eyebrow will be open on Sunday, so there is anticipated to be little demand for parking in this part of the parking lot on this day. All of these businesses will be open on Saturday during the hours that See Jack Play would be open. Even with the increased demand for parking in this portion of the parking lot on Saturday afternoons, the impact on parking caused by the subject business will be mitigated by the gap between party time slots, which will ensure that customers for the business will not be leaving at the same time as other arrive. Several other factors help to offset potential parking demand generated by the business. First, most expected customers will arrive by vehicle, and will include a parent(s) and one or more children. The predominance of multiple occupant vehicles will reduce overall parking demand. Secondly, observations of the shopping center's parking supply over the last several weeks indicate that although there can be localized parking supply issues on the property, there are generally many unused parking stalls available within the center, including weekends. Finally, a condition is being proposed to limit attendance to the business by setting a maximum occupancy of 49 persons. This provides an opportunity to host parties or free play, while setting a cap on occupants to address both potential parking and building occupancy concerns.

The shopping center is well maintained and accommodating for a variety of uses. The shopping center contains adequate lighting on the building and throughout the parking lot area, which is suitable for the business to operate in the day and evening hours. No exterior changes are proposed. The interior of the unit will be renovated with new paint and flooring with minimal repair work required. The proposed alteration of the interior wall to install a window or door will require a building permit. Exterior signage will be requested through a separate permit.

RECOMMENDATION

Based on the information provided in the Staff report, Staff recommends that Planning Commission review the information and adopt PC Resolution 18-14 approving Conditional Use Permit 18-02 to allow the operation of and indoor play space, subject to conditions of approval.

Respectfully Submitted



Nick Baldwin, AICP
Associate Planner

ATTACHMENTS

Exhibit A: Project Operational Statement
Exhibit B: Project Plans/Photos
Exhibit C: General Project Information
Exhibit D: PC Resolution 18-14

MAY 01 2018

CITY OF DUARTE
COMMUNITY DEVELOPMENT**Brief Description of Indoor Play Space**

See Jack Play will offer an open floor plan within 2,200 square feet conducive to imaginative and interactive play for infants, young children (up to age 8 recommended), families and their friends. To be intentional in encouraging quality time to create, imagine, interact, learn and play with others.

Special Events and Parties with private use of entire dining and play space. These events may have up to 2 staff members helping to coordinate the event/party.

Site Location

See Jack Play will be located within the Target Center at the Mountain Vista Plaza on Huntington Drive. There is ample parking in the center for guests and staff members.

Planned Hours of Operation**Open Play Hours**

Monday thru Friday 10am - 6pm

Special Events/Private Parties

Saturday 11am - 7pm (11am-1pm, 2pm-4pm, 5pm-7pm)

Sunday 11am - 5pm (11am-1:30pm, 2:30pm-5pm)

Additional programs will be offered specifically for infants & toddlers. For example, Mommy/Daddy & Me classes, Storytime for Babies & Toddlers, Parent/Grandparent Educational Workshops, etc. In addition, site may be open periodically Mon-Fri 5pm-9pm for special events or private parties.

Description of Planned Operations

Open Play for infants and children up to the recommended age of 8 years old. A variety of play areas, such as home life with kitchen, grocery checkout stand, ice cream cart, "show & tell" stage for story time and

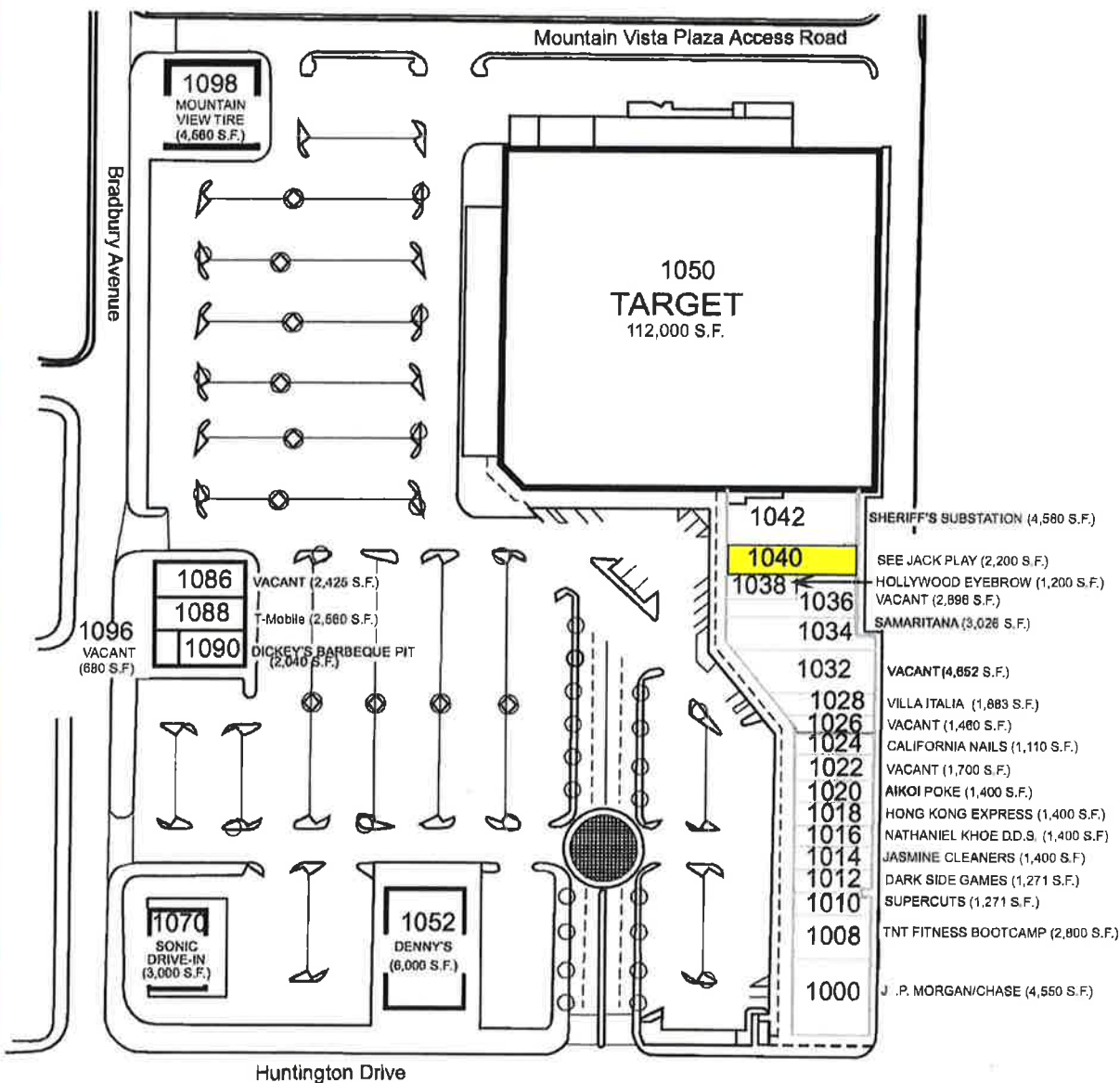
performances, costume closet (dress-up play), arts & crafts and more. There will be an admission fee per child, with a sibling and family discount offered. Membership and Play passes with special added benefits will also be available.

Child & Family Workshops/Special Events will include partnering with local schools, service organizations, and business professionals to offer a unique space for educational and networking opportunities, campaigns for awareness and fundraising. In addition, celebrate cool days, such as May the 4th, National Pizza or Donut days, Route 66, month of August as Duarte Days to celebrate the City of Duarte's Incorporation, etc.

Semi-Private & Private Parties will include but not limited to birthdays, baby showers, play date parties. There will be party packages available from basic rental of space to having party coordinators to assist in planning, set-up, decorations, crafts, games and more. There will be no cooking of food on premises. Food and drink for parties may be brought in or ordered for delivery. Parties may last 2 - 3 hours depending on booking with no more than 3 parties on either Saturday or Sunday. Open play hours or parties may not exceed 50 guests.

Exhibit B

SITE PLAN

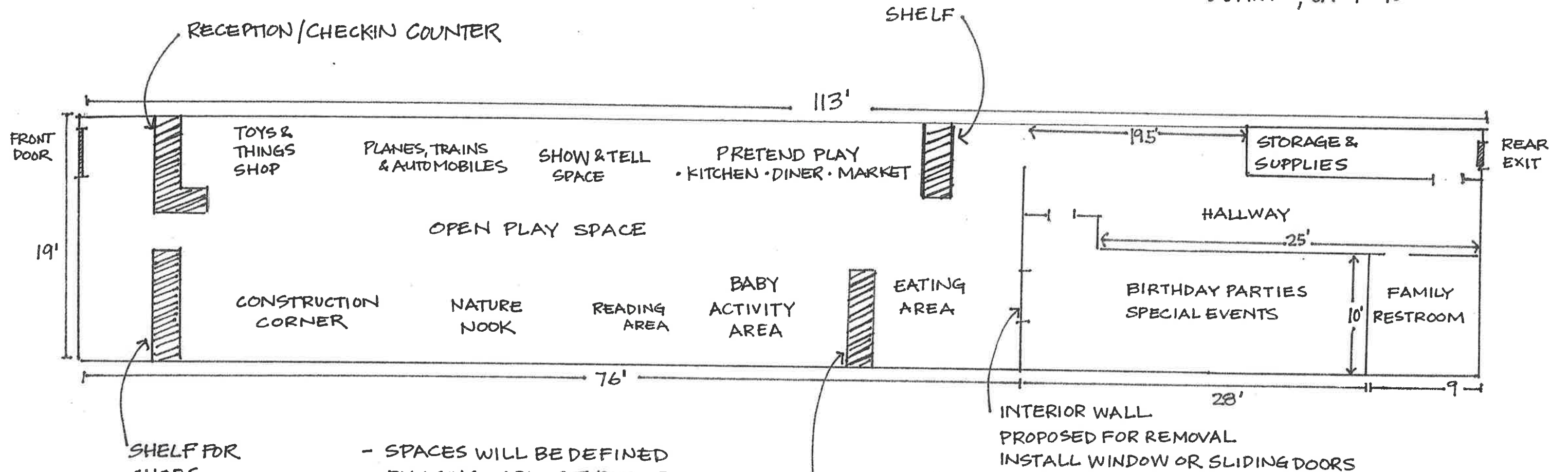


MOUNTAIN VISTA PLAZA

1000-1098 Huntington Drive, Duarte California

All data is approximate

SEE JACK PLAY
1040 HUNTINGTON DRIVE
DUARTE, CA 91010



- SPACES WILL BE DEFINED BY USING VARIOUS TYPES OF FLOORING, RUGS, & PAINT COLOR/DESIGN ON WALLS

- AREAS WILL INCLUDE DIFFERENT TYPES OF SEATING. IE. CHAIRS, STOOLS, BEAN BAGS, BENCHES, FLOOR PILLOWS FOR CHILDREN & ADULTS



RECEIVED

MAY 01 2018

CITY OF DUARTE
COMMUNITY DEVELOPMENT



Subject Unit, 1040 Huntington Drive
View from the Parking Lot



Subject Unit Interior, View from the front



Subject Unit Interior, Rear of the Unit as Viewed from the Middle

Exhibit C
General Property Information
Conditional Use Permit 18-02
1040 Huntington Drive (See Jack Play)

PROPERTY CHARACTERISTICS

Property Address: 1040 Huntington Drive

APN: 8530-014-040

Owner: Mountain Vista Plaza

Lot Area: **Project Site:** Approximately 6.48 acres

Public Notice: A public hearing notice was published in the "Duartean" on May 12, 2018 and posted at Duarte City Hall, Public Safety Office, and Public Library on May 10, 2018. One hundred eighty-nine (189) public hearing notices were also sent to property owners within 600' of the subject property on May 10, 2018.

Environmental: Staff has determined that this project 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. Therefore, no further environmental documentation is necessary in accordance with CEQA Guidelines and a Notice of Exemption will be prepared for the project.

General Plan: General Commercial

Zoning: Commercial-Freeway (C-F)

SURROUNDING ZONES & LAND USE

LOCATION	GENERAL PLAN	ZONING	LAND USE
North	General Commercial	Commercial-Freeway	Commercial/Retail
South	General Commercial	Commercial-Freeway	Commercial/Retail
East	General Commercial	Commercial-Freeway	Commercial/Retail
West	Medium Density Residential	R-3 Multiple Family	Single-Family Residential

RESOLUTION NO. PC 18-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 18-02, FOR THE USE AND OPERATION OF AN INDOOR PLAY SPACE, LOCATED AT 1040 HUNTINGTON DRIVE

WHEREAS, the applicant is requesting approval of a conditional use permit to operate a commercial entertainment and recreation business, a children's indoor play space named See Jack Play, at 1040 Huntington Drive; and

WHEREAS, a commercial entertainment and recreation business located in the Commercial-Freeway (C-F) zone is a conditionally permitted use pursuant to Duarte Development Code Section 19.12.020.A(1); and

WHEREAS, notice of a public hearing on the Conditional Use Permit 18-02 was given pursuant to Duarte Development Code Chapter 19.146 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 application 18-02 and all of the information, evidence and public testimony received at the public meeting held on May 21, 2018 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. **RECITALS**

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

SECTION 2. **FINDINGS FOR CONDITIONAL USE PERMITS**

The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.050(B), as:

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

The indoor play business is consistent with Land Use Goal 1 of the General Plan by maintaining a balanced community consisting of various commercial activities and industrial developments. Also, the proposed business is consistent with Land Use Policy 2.1.3, which calls for the clustering of services for community members to provide one-stop shopping. The use is also consistent with the General Commercial land use designation by providing uses that will meet the needs of the entire community.

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;

A commercial entertainment and recreation use is permitted with a Conditional Use Permit within the Commercial-Freeway (C-F) zone. The use is consistent with the C-F zoning designation as it provides and added service and convenience for the community. The use is in compliance with all regulations of the Duarte Development Code and Municipal Code, and conditions of approval have been included to ensure such compliance.

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

The indoor play area will occupy one of 18 tenant spaces within an existing multi-tenant building at the Mountain Vista Plaza shopping center. The facility's space is approximately 2,200 square feet, which is sufficient for accommodating the use and proposed recreational activities. The indoor play area is compatible with the project site and other uses in the vicinity. It will have minimal impacts to surrounding uses since customers will access the business in a dispersed manner during the week and parties on the weekend will be spaced out appropriately to prevent overlapping of customers. Furthermore, the operation of this business complements the existing businesses since it is likely to bring in new customers that may wish to also patronize other businesses within the shopping center before leaving the property.

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 indoor play space is allowed with a conditional use permit in the C-F zone. The operation of the business is designed to minimize the intensity of the use and limit any potential conflicts with adjacent businesses and surrounding developments. Conditions of approval have been imposed to help avoid adverse and detrimental impacts on the City and surrounding community.

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.

The site consists of several parcels that collectively form the Mountain Vista Plaza shopping center, located in the C-F zone. The center is accessible from Huntington Drive and Bradbury Avenue. Onsite circulation will not be altered and is suitable for the existing uses, the proposed indoor play business, and emergency vehicle access. The multi-tenant building in the shopping center is divided into 18 tenant

spaces. With the proposed business, there will be 14 occupied tenant spaces. The proposed indoor play business will occupy a 2,200 square-foot tenant space.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-14 for the proposed use and operation of an indoor play space, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15301.

SECTION 4. RECOMMENDATION

The Planning Commission approves PC Resolution 18-14 based on the findings listed in Section 2, and the conditions listed in “Exhibit D-1”, for the use and operation of an indoor play space at 1040 Huntington Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez, 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT D-1

Conditions of Approval

Conditional Use Permit 18-02

1040 Huntington Drive (Commercial Recreation and Entertainment – See Jack Play)

1. This approval is for the establishment of an indoor play business at 1040 Huntington Drive as stated in the staff report and described in the applicant's business proposal statement, on file with the Planning Division. The services provided by this business include free play, private parties, and occasional child-oriented community programs, as further described in the proposed schedule below. Operations of this business shall be limited to these services.
2. The maximum operating hours are as described below. Any request to modify the hours shall be reviewed and approved by the Planning Division before implementation. Such changes may be referred to the Planning Commission for review, in which case a modified conditional use permit and Planning Commission approval will be required.

Maximum Operating Schedule			
Activity	Monday - Friday	Saturday	Sunday
Free Play*	7:00 a.m. – 9:00 p.m.	7:00 a.m. – 9:00 p.m.	7:00 a.m. – 9:00 p.m.
Private Parties^		9:00 a.m. – 8:00p.m.	9:00 a.m. – 8:00 p.m.
Special Events	5:00 p.m. – 9:00 p.m.		

* - Free Play activities are permitted throughout the business's operating hours, so long as private parties are not operating simultaneously.

^ - Private parties may occur throughout the business's operating hours and be of any time duration, so long as there is a 15-minute gap between parties.

3. There shall be no more than 49 people within the unit at any time.
4. The preparation of food and drink shall not be permitted, with the exception of coffee service and pre-packaged, non-alcoholic drinks. If these incidental drinks are offered, then the regulations of the Los Angeles County Health Department shall apply.
5. Music and/or singing shall be at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses. Amplified music and drums are prohibited.
6. The project shall comply with all regulations of the Commercial-Freeway C-F Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections.

7. Outdoor storage is prohibited.
8. 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 business operation, or floor plan that may affect or intensify the use, shall be reviewed by the Planning Division and may require an application for a new conditional use permit.
9. Any signage associated with the business is not included as part of this approval; a separate review and approval process will be required for all proposed signage. All signage shall comply with the Sign Guidelines of the Duarte Development Code.
10. Any required plans and plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits.
11. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.
12. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
13. 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 indoor play business, 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, 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.
14. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
15. The applicant shall obtain a valid business license with the City of Duarte prior to commencement of business operation. Contact the City Finance Division for more information.
16. 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.

17. 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.

RESOLUTION PC 18-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 14-02, FOR THE USE AND OPERATION OF A WIRELESS COMMUNICATION FACILITY FOR VERIZON WIRELESS, LOCATED AT 2701 ROYAL OAKS DRIVE (ROYAL OAKS PARK EXTENSION)

WHEREAS, Verizon Wireless has requested approval to operate a new freestanding wireless communication facility in the Royal Oaks Park Extension located at 2701 Royal Oaks Drive; and

WHEREAS, operation of a new wireless communication facility in the Open Space (O) zone requires approval of a conditional use permit from the Planning Commission of the City of Duarte ("Planning Commission"); and

WHEREAS, notice of a public hearing on the Conditional Use Permit 14-02 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission has considered the project proposal for the operation of a new freestanding wireless communication facility located at 2701 Royal Oaks Drive in Royal Oaks Park Extension, which provides, among other provisions, for the approval of CUP #14-02 to allow the use, operation, and maintenance of a wireless communication facility for Verizon Wireless; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the Staff report and all of the information, evidence and public testimony received at the public meeting held on May 21, 2018.

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

SECTION 1. RECITALS

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

SECTION 2. FINDINGS FOR WIRELESS COMMUNICATIONS FACILITIES

The Planning Commission finds and determines as follows, findings for Wireless Communication Facilities, as set forth in DDC Section 19.60.190(H), as the proposed development is:

1. *Co-location or alternative. The applicant has located the antenna on an approved co-location facility, or has demonstrated to the City, in compliance with this Section, a good-faith effort to locate the antenna on an approved co-location facility, but has demonstrated that co-location is not technically feasible due to coverage needs, potential interference, or other technical reason supported by substantial evidence:*

The wireless carrier Verizon Wireless has analyzed several locations and facility options to fulfill a gap in service coverage in the northeast part of the City. Nearby wireless communication facilities were not suitable because of site constraints with existing infrastructure or uses, or because of lack of interest from other private property ownership. The proposed park location is optimal for addressing the carrier's gap coverage and requires the construction of a new freestanding facility. The facility will not interfere with the use of the park or any other infrastructure in the area.

2. *No conflicting with existing use. There is adequate space on the property for the WCF so that it does not conflict with the use of existing structures on the property, does not reduce required parking, and does not conflict with or reduce landscaping setbacks or development standards:*

The WCF is located in the Royal Oaks Park Extension amongst a cluster of trees near the southwest corner of the property. The park is an open field area with a large gazebo and picnic tables as the only structures on the property. The location of the WCF will not impact the structures or the use of the park. The wireless facility has been placed on the outer portion of the open space in a relatively underutilized area. The parking lot will not be impacted nor will the structure impact development standards or landscaped setbacks. The landscape will be repaired as needed around the WCF.

3. *No conflicting with surrounding environment. The design and placement of the WCF does not adversely impact the use of the property, other structures located on the property, or the surrounding area or neighborhood:*

The WCF is located in the Royal Oaks Park Extension amongst a cluster of trees near the southwest corner of the property. The structure has been oriented in a manner to minimize the need of removing or substantially trimming the cluster of trees. The WCF setback from the corner and Royal Oaks Drive is roughly 60 feet and 23 feet, respectively. The location will not obstruct pedestrian or vehicular traffic, or the overall use of the park. The park is an open field area with a large gazebo and picnic tables as the only structures in on the property. The location of the WCF will not impact the structures or the use of the park.

4. *Compliant with Section. The proposed WCF is consistent with the intent and purpose specified in Subsection A, and complies with the design standards in the Section.*

The WCF meets the intent and purpose of Wireless Communication Facilities by providing such facilities for the convenience of the public and emergency services. Concerns over aesthetics and visual impacts have been addressed with the high-quality tower design to provide a focal element in the park and screen all the wireless facility components.

5. *Least possible visual impact. The applicant has demonstrated that the WCF will have the least possible visual impact on the environment taking into account economic, engineering, technical, and other relevant factors to be considered in compliance with*

this Section.

The WCF is located in the Royal Oaks Park extension, which contains an open space park area and a variety of trees. The structure will be designed as an integrated tower/equipment enclosure and is placed within a cluster of trees. The tower will be a focal element in the park without substantially impacting the use and operation of the park.

SECTION 3. FINDINGS FOR CONDITIONAL USE PERMITS

The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.040(B), as the proposed development is:

1. Consistent with the General Plan.

The project conforms to the goals and objectives of the General Plan by meeting Land Use Goal 3 by providing unique areas for the location of the Wireless Communication Facility, which better serves the needs of residents and businesses, and allows an important and convenient service with improved wireless coverage.

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

The subject property is located in the Open Space Zone, which allows wireless communication facilities with an approved conditional use permit. The WCF will comply with the applicable provisions of DDC Section 19.60.190, including the intent and purpose, and standards for new WCF structures. Additionally, the project will include a variety of conditions of approval to ensure continued compliance.

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

The WCF is located near the southwest area of the park amongst a cluster of trees. The facility is designed with a minimal footprint, keeping the antenna and other equipment within the same area. The structure maintains compatibility with the park and surroundings areas by providing a high-quality design that will serve as a focal element for the community. Lastly the facility will not impact the use of the park as it has been placed in an area that is relatively underutilized.

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 the neighborhood of the proposed use.

Wireless Communication Facilities are permitted with an approved conditional use permit within the Open Space Zone. The project creates a public convenience with enhanced cellular coverage in the vicinity and improvements to wireless service for residents, businesses, general consumers, and emergency personnel. The

architectural tower structure will not impact the use of the park or the surrounding areas. The design will provide a focal element in the park while screening all antennas and other associated equipment within the tower.

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.*

The project site is located on the extension portion of Royal Oaks Park. The site is roughly 2.7 acres of open grass area with a few picnic tables and a large gazebo. The park area does not include any children play equipment or recreation facilities such as tennis courts or basketball courts. This portion of the park is used mostly for City activities or birthday party/social gatherings. The tower will be located in a cluster of trees, on the outer portion of the open park area. The tower is located in the park area and will not reduce parking or drive aisle widths. However, the project will include a requirement to reconstruct the parking lot with better access and improved ADA accessibility. The parking lot improvement will also include improvements to the pedestrian access with a new sidewalk along Los Lomas Road and additional walkways from the parking lot to the park area. Lastly, the park is adjacent to the Royal Oaks Drive and Las Lomas Road, which is adequate for access to the wireless facility. Current highways and streets are sufficient for accommodating the existing park use along with the WCF, as the facility will not create any additional traffic beyond what exists.

SECTION 4. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-09 for the proposed use and operation of an indoor play space, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15332.

SECTION 5. RECOMMENDATION

The Planning Commission approves Resolution PC 18-09, based on the findings listed in Section 2 and Section 3, and the conditions of approval listed in “Exhibit C-1”, for the use, operation, and maintenance of a wireless communication facility for Verizon Wireless, located at 2701 Royal Oaks Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez, 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT C-1
Conditions of Approval
Conditional Use Permit 14-02
2701 Royal Oaks Drive

1. This approval is for the operation of an unmanned freestanding wireless communication facility for Verizon Wireless, located in the Royal Oaks Park Extension at 2701 Royal Oaks Drive, as depicted on the approved plans on file with the Community Development Department.
2. The use and operation of the wireless communication facility shall remain within the limits of the lease/easement area identified in the lease agreement with the City of Duarte. This shall include all access to the tower for maintenance or equipment change outs.
3. The applicant and/or successor shall provide a maintenance plan to the City of Duarte to keep on file with the Planning Division. The maintenance plan shall provide details on the frequency of routine maintenance and service checks; the process for addressing any damages to the structure, premises, or equipment failure; the proposed location of lift truck parking for antenna enclosure access; among others. The maintenance plan shall be provided to the Planning Division for review prior to occupancy/operation of the wireless communication facility.
4. The Applicant (Verizon Wireless or successor) shall continuously maintain the wireless communication facility, associated equipment, stealth/camouflaging materials, and art work as necessary, to ensure the tower appearance remains in a high-quality condition, and/or technology remains current and compliant with all applicable regulations and standards. Any problems or concerns identified by the City shall be corrected in a timely manner, but in no case less than 10 days from written correspondence provided to Applicant. Failure to address any problems associated with the proposed use as a wireless telecommunications facility, or non-compliance with required conditions and regulations may warrant the matter being scheduled for a revocation hearing before the Planning Commission for review.
5. The proposed emergency generator shall include a low decibel rating and shall be used for emergencies or testing only. Details on the generator shall be provided to the Community Development Department for review prior to permit issuance or this conditional use permit becoming effective.
6. The applicant and/or successor shall coordinate with the Park and Recreation Department prior to accessing the facility to perform any maintenance to ensure conflict with recreation activities in the park do not occur.
7. All wiring and or other conduit associated with the proposed use shall be buried underground, run inside the tower, or enclosed within the equipment cabinet.

8. All antenna and equipment storage shall occur within the enclosure areas only. Exterior storage is prohibited.
9. No advertising material shall be allowed on any portion of the facility, unless otherwise approved by the City of Duarte.
10. No form of video transmission shall be allowed unless approved by the City of Duarte.
11. No preclusion to co-location. The Facility shall be designed so as not to preclude a possible future co-location by other carriers, owners, or operators of a WCF.
12. Any request for co-location of a secondary carrier shall require review from the Planning Division prior to implementing. The co-location shall require a separate lease agreement with the City of Duarte and comply with all regulations of the Conditional Use Permit and any applicable sections of the Duarte Municipal and Development Code.
13. The applicant/telecommunications service provider shall retain a valid business license for the duration of the antenna facility operation.
14. Any and all correction notices generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
15. Any expansion or modification of the approved use beyond what is approved, as part of Conditional Use Permit 14-02 will require review from the Community Development Director and possibly approval of a new Conditional Use Permit from the Planning Commission.
16. The applicant and/or successor shall comply with applicable regulations of the Open Space Zone and Section 19.60.190 of Duarte Development Code.
17. The applicant and/or successor shall comply with all conditions of approval associated with Site Plan and Design Review Case 14-34. The conditions of approval shall be incorporated as a condition of approval by reference and shall be fully complied with at all times.
18. The applicant shall comply with the requirements outlined in the lease agreement between the City and the wireless carrier occupying the facility. The lease agreement shall be incorporated as a condition of approval by reference and shall be fully complied with at all times. This conditional use permit approval shall be contingent on the approval of the lease agreement by the City Council. In the event the lease agreement is not approved by the Duarte City Council, this conditional use permit approval shall become void.

19. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of this letter. Said appeal must be in writing and filed with the City Clerk's office (DMC 19.144). The written appeal shall include reasons for the appeal.
20. 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 approval which may be brought within the time period provided for such actions or challenges under applicable law.

RESOLUTION PC 18-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING SITE PLAN AND DESIGN REVIEW CASE 14-34, FOR CONSTRUCTION OF A NEW WIRELESS COMMUNICATION FACILITY FOR VERIZON WIRELESS LOCATED AT 2701 ROYAL OAKS DRIVE

WHEREAS, Verizon Wireless has requested approval to construct a new freestanding wireless communication facility in the Royal Oaks Park Extension located at 2701 Royal Oaks Drive; and

WHEREAS, the construction of a wireless facility in the Open Space (O) zone is subject to design review by the Architectural Review Board, pursuant to Section 19.122.030 of the Duarte Development Code; and

WHEREAS, the operation of a wireless facility in the Open Space (O) zone requires approval of a conditional use permit from the Planning Commission; and

WHEREAS, the applicant has applied for a conditional use permit to allow the operation of the wireless communication facility located at 2701 Royal Oaks Drive in Royal Oaks Park Extension, which provides, among other provisions, for the approval of CUP #14-02 to allow the use, operation, and maintenance of a wireless communication facility for Verizon Wireless; and

WHEREAS, pursuant to Section 19.122.040 of the Duarte Development Code, when an application for design review is accompanied by a discretionary review such as a conditional use permit, the applications shall be filed concurrently and the Planning Commission shall serve as the approving body for both applications; and

WHEREAS, the project was presented to the Architectural Review Board at the April 23, 2018 meeting, where a recommendation of approval was made for Planning Commission consideration; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report and all of the information, evidence and public testimony received at the public meeting held on May 21, 2018 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. RECITALS

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

SECTION 2. FINDINGS FOR SITE PLAN AND DESIGN REVIEW

The Planning Commission finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the proposed development is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

The project conforms to the goals and objectives of the General Plan by meeting Land Use Goal 3 by providing unique areas for the location of the Wireless Communication Facility, which better serves the needs of residents and businesses, and allows an important and convenient service with improved wireless coverage.

2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development:

The project site is located on the extension portion of Royal Oaks Park. The site is roughly 2.7 acres of open grass area with a few picnic tables and a large gazebo. The park area does not include any children play equipment or recreation facilities such as tennis courts or basketball courts. This portion of the park is used mostly for City activities or birthday party/social gatherings. The tower will be located in a cluster of trees, on the outer portion of the open park area to prevent impacts to the park or any loss of park use.

3. In compliance with the applicable criteria specified in Subsection 19.122.040(D), and the site is suitable for the proposed development:

- a. Compatibility. *The wireless tower will create an enhancement to the property and surrounding community. The project meets the requirements of the Open Space zone and has been designed to be compatible with design, scale and proportion of the surrounding developments and prevailing heights within the surrounding environment.*

- b. Architectural Design and Detail. *The project has been designed with unique elements that evoke Duarte's citrus industry history. An earth tone color palette will blend well with the surrounding property, the antenna enclosure and equipment enclosure contain a decorative finish and artwork that complement the citrus theme. The tower will create a focal element in the park and community while screening all of the facility components. Furthermore, the project is consistent with the design guidelines outlined in the Duarte Development Code.*

- c. Landscape, Lighting, Parking, Signs, and Other Design Details.

- Equipment and Utilities. *All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within antenna enclosure at the top of the tower or in the equipment enclosure at the base of the tower. Cables and conduits will run inconspicuously down the pole shaft and/or underground.*
- Fences/Walls. *The project does not include the construction of any fences or walls beyond the walls needed for the equipment enclosure. Additional fences or walls around the perimeter of the tower are not included with this approval.*
- Landscaping. *The project will include repairs and/or upgrades to the landscape near the tower structure. The landscape improvements will require separate*

review and approval to ensure landscape areas have been designed to meet the intent and purpose of Chapter 19.40 (Landscaping) of the Duarte Development Code.

- *Lighting. The project will include decorative up-lighting along the base of the tower to accentuate the finished details along the equipment enclosure. The exterior lighting will require separate review and approval to ensure compliance with the performance standards for outdoor lighting outlined in the Duarte Development Code. The exterior lighting will be required to meet energy efficiency requirements and is subject to design review. A separate review and approval will be required.*
 - *Parking. The project will include a requirement to reconstruct the parking lot with better access and improved ADA accessibility. The parking lot improvement will also include improvements to the pedestrian access with a new sidewalk along Los Lomas Road and additional walkways from the parking lot to the park area. The project will not reduce parking or drive aisle widths, and remains clear of vehicular and pedestrian travel to allow safe access for public and emergency services.*
 - *Signs. The project does not include the approval of any signs. All new signs, except for required FCC signage, will require separate review to ensure compliance with the Duarte Development Code.*
4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

The site is sufficient in size and shape to accommodate the proposed use and operation. The project site is located on the extension portion of Royal Oaks Park. The site is roughly 2.7 acres of open grass area with a few picnic tables and a large gazebo. The park area does not include any children play equipment or recreation facilities such as tennis courts or basketball courts. The tower will be located in a cluster of trees, on the outer portion of the open park area. The tower does not reduce parking or drive aisle widths, and remains clear of vehicular and pedestrian travel to allow safe access and use of the park area. The wireless facility is unlikely to cause any significant impacts to the surrounding uses.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-10 for the proposed use and operation of an indoor play space, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15332.

SECTION 4. **RECOMMENDATION**

The Planning Commission approves Resolution PC 18-10, based on the findings listed in Section 2 and the conditions of approval listed in “Exhibit D-1”, for the construction of a new freestanding wireless communication facility located at 2701 Royal Oaks Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Community Development Director 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT D-1

Conditions of Approval
Site Plan & Design Review Case 14-34
Construction of a New Wireless Communication Facility at 2701 Royal Oaks Drive
(Verizon Wireless)

1. This approval is for the construction of a new wireless communication facility at Royal Oaks Park extension, as noted on the approved plans on file with the Community Development Department. The construction shall be in substantial compliance with all components of the approved plans.
2. The elevations of the wireless facility structure shall be reviewed and approved by the Planning Division prior to permit issuance. Final review shall include approval of the color palette, placement of colors, and all finished materials. All finished materials shall be incorporated into the tower design shall be of high quality and high durability, and shall take into consideration locations that may be more vulnerable to damage or potential maintenance concerns.
3. The art elements on the antenna enclosure and equipment enclosure shall be designed by a professional artist with experience in public display art pieces. The final design, type, material, and location of the themed art shall require a separate review and approval by the Architectural Review Board.
4. The removal and/or substantial trimming of any trees in the park area is not included with this approval. Any request to remove and/or trim existing trees shall require approval from the Director prior to commencing work. The applicant, contractor, or any representative thereof shall provide documentation of some form that demonstrates the need for such removal or trimming without any other feasible options.
5. Landscape improvements are not included with this approval. All landscape and irrigation improvements shall require separate review and approval prior to installation to ensure compliance with the landscape guidelines outlined in Chapter 19.40 of the Duarte Development Code. Separate review fees may apply.
6. Any damages to the park, park equipment, parking lot area, etc., as a result of construction and/or maintenance shall be promptly addressed/repaired.
7. The facility, including all art and stealth material, shall remain in good condition at all times. Any damages or deferred maintenance observed shall be promptly addressed/repaired upon notification from the City of Duarte.
8. The land use and other operational characteristics of the wireless facility are not included with this approval. This Site Plan and Design Review application becoming effective shall be contingent upon approval of the associated conditional use permit application. In the event the conditional use permit application is not approved, this site plan and design review approval shall become void.
9. Any exterior lighting shall require final approval from the Planning Division prior to

issuance of building permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. A lighting plan shall be provided to the Planning Division for review and shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed. Separate review fees may apply.

10. All signs, except for required FCC signage, will require separate review to ensure compliance with the sign guidelines outlined in the Duarte Development Code..
11. Follow the list of Best Management Practices (BMP's) of the National Pollution Discharge Elimination System (NPDES), including recommendations from the City grading inspector.
12. The project shall comply with all the regulations of the Open Space zone including the intent and purpose, permitted uses, development standards, and any other applicable sections from the Duarte Development Code and Duarte Municipal Code.
13. The applicant and/or successor shall comply with all conditions of approval associated with Conditional Use Permit 14-02. The conditions of approval shall be incorporated as a condition of approval by reference and shall be fully complied with at all times.
14. The applicant and/or successor shall comply with the requirements outlined in the lease agreement between the City and the wireless carrier occupying the facility. The lease agreement shall be incorporated as a condition of approval by reference and shall be fully complied with at all times. This site plan and design review approval shall be contingent on the approval of the lease agreement by the City Council. In the event the lease agreement is not approved by the Duarte City Council, this site plan and design review approval shall become void.
15. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; such changes may require review and approval from the Architectural Review Board or Planning Commission.
16. All utilities for direct service to the project shall be installed underground and concealed from view. All facility equipment shall remain the equipment enclosure, all antennas shall remain in the antenna enclosure, both screened from view at all times. All cable connections and conduit shall run up the pole shaft within the tower legs. No exterior conduit or connections shall be allowed.
17. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the Planning Commission.

18. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
19. Building permits for this project must be issued within one-year from the date of final approval and may be extended in compliance with Section 19.130.070 of the Duarte Development Code.
20. The property owner, contractor, and all representatives shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction related idling of engines or other disturbances shall occur outside of noted work hours.
21. A final inspection shall be made by the Planning Division prior to final sign-off of any building permits to ensure that all conditions have been met.
22. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of approval. Said appeal must be in writing and filed with the Community Development Department (DDC 19.144). The written appeal shall include reasons for the appeal and the applicable fee.
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 approval which may be brought within the time period provided for such actions or challenges under applicable law.



PLANNING COMMISSION STAFF REPORT

Date: May 21, 2018

Project: Conditional Use Permit 14-02; Site Plan and Design Review 14-34

Subject: A request to operate and construct a new wireless communication facility for Verizon Wireless

Location: 2701 Royal Oaks Drive – Royal Oaks Park Extension

Applicant: Vince Amaya, Delta Groups Engineering Inc. – Verizon Representative

SUMMARY

Verizon Wireless is requesting approval to construct and operate a new freestanding unmanned wireless communication facility at Royal Oaks Park Extension (2701 Royal Oaks Drive) to fulfil a gap in Verizon's service coverage in the northeast part of the City. The facility will also be located in an underutilized part of the park to minimize impacts and loss of park use. The facility will be designed as a decorative tower to adequately screen the wireless equipment and serve as an architectural feature in the park.

BACKGROUND

Wireless communication facilities in the Open Space (O) zone require approval of a conditional use permit and approval of a site plan and design review application. At the April 23, 2018 meeting, Site Plan and Design Review case 14-34 was presented to the Architectural Review Board where a recommendation for approval was made for the Planning Commission's consideration. The Planning Commission will serve as the approving body for the conditional use permit (CUP) and the design review application.

The project will also be presented to the Parks and Recreation Commission as an informational item. Although the Parks and Recreation Commission is not an approving authority for CUP's or Design Review, the Commission will have an opportunity to understand the project better.

Royal Oaks Park is owned and maintained by the City of Duarte. As the landlord of the property, Verizon will be required to enter into a lease agreement with the City of Duarte in addition to obtaining Planning Commission approval of the CUP and design review. The lease agreement will require separate approval from the City Council and must be signed by both parties. The conditional use permit and design review application is contingent upon approval of the lease agreement.

PROJECT DESCRIPTION

The project site is located on the extension portion of Royal Oaks Park, also referred to as Royal Oaks Park East. This portion of the park is one of the City's larger park areas. The site is roughly

2.7 acres of open grass area with a few picnic tables and a large gazebo. The park area does not include any play equipment or recreation facilities such as tennis courts or basketball courts. This portion of the park is used mostly for City activities or birthday party/social gatherings. The site is surrounded by single-family residential to the north, east and south. The main Royal Oaks Park is located to the west.

Verizon is proposing the construction of a new wireless communication facility (WCF) support tower with an overall height of 58 feet 6 inches within the southwesterly portion of the park (near the northeast corner of Las Lomas Road and Royal Oaks Drive). The tower is placed within a small cluster of mature trees, setback roughly 58 feet from the southwest corner and roughly 23 feet from the curb face along the north side of Royal Oaks Drive. The wireless facility has been placed on the outer portion of the park's open space in a relatively low use area.

The WCF was designed to minimize impact to the park, while providing a visual enhancement to the surrounding area. The proposed facility integrates the equipment enclosure and tower in one location to minimize the footprint. The exterior finish and design elements of the facility tower are inspired by Duarte's citrus crop history. The WCF is generally broken into three areas:

- *Framing*. The WCF tower will be supported by four 10"x10" steel tube legs and diagonal bracing. Approximately 39 feet of the tower's framing will be open/exposed as part of the overall design. Medallion attachments will be included down the center of the framing where the diagonal bracing intersects. These medallions will resemble an orange to promote a citrus theme.
- *Antenna Enclosure*. The antenna enclosure will be located at the top of the support frame, beginning at 47 feet, measured to the bottom of the antenna enclosure. The enclosure will extend roughly 11 feet tall to complete the overall height of 58 feet. A total of twelve (12) antennas and eighteen (18) remote radio units will be installed within the enclosure using additional framing and mounting supports. The antennas and radio units will be fully screened from view by the enclosure. The antenna enclosure will be constructed out of a fiber reinforced plastic (FRP) material. The FRP around the antenna enclosure will contain a faux brown wood finish to resemble a wood crate used for citrus packing. The enclosure will also include an architectural feature to complete the enclosure design. This could be in the form of a painted mural (depicted on the proposed plans) or a clock, similar to the existing tower in Duarte Park.
- *Equipment enclosure*. An 8-foot tall CMU wall will be constructed at the base of the tower around the support legs. The CMU wall will create a 15-foot by 15-foot footprint that will be used to house the WCF equipment cabinets and backup generator. A man-door will be installed on the north side of the enclosure to allow access to the equipment for maintenance. The enclosure will contain an open pergola roof to allow natural air ventilation for the equipment. A sand stucco finish, painted brown, will be applied to the exterior of the enclosure to match the color palette of the tower. As the final touch, an architectural feature will be installed on two or three sides of the equipment enclosure to complement the antenna enclosure and the overall design of the tower. This is more likely to be in the form of an art piece to enhance the overall design and continue the citrus theme of the tower.

ANALYSIS

Wireless communication facilities provide an added convenience to the public and increase the reliability of emergency communication services. Unfortunately, wireless communication facilities often come with aesthetic concerns. Section 19.60.190 of the Duarte Development Code (DDC) provides regulations for the establishment of wireless communication facilities in the City of Duarte. These regulations help protect the health and safety of the public, and ensure that wireless facilities appear as visually unobtrusive as possible. After exploring several sites, the Royal Oaks Park Extension was the optimal location for enhancing Verizon's wireless service coverage in the northeast part of Duarte. As an open space park area, the best option for locating the facility was as a new stealth ground-mounted structure.

Consideration of the surrounding uses and the significance of the park area were taken into consideration with the facility's design. The tower is located a suitable distance from homes and placed amongst a cluster of mature trees. The trees help slightly obscure the tower and also keep it in context with other taller elements in the park. The location of the tower also took pedestrian scale into consideration. The tower is setback nearly 60 feet from the intersection and over 20 feet from Royal Oaks Drive. Setting the tower back from the pedestrian areas helps reduce the imposing feeling of the structure. Additionally, the tower is oriented in a manner that will minimize the need to remove and/or substantially trim the cluster of existing trees. The tower has also been designed to use the minimum size footprint possible by constructing an integrated equipment enclosure and tower in one location, rather than placing these elements separately. This limits the bulk of the structure and ultimately helps minimize the loss of park use or any impacts to open space areas. Picnic and gathering areas adjacent to the WCF will continue to have adequate space to the north and east of the facility.

Typically, with wireless facilities there is a desire to screen the structure, which usually takes the form of simulated trees, church steeples, water tanks or other architectural towers. The City worked with Verizon's design team to create an aesthetically pleasing facility that would be beneficial to the City and surrounding community. After exploring simulated trees and other tower designs, the proposed integrated, citrus-inspired tower was selected to provide a visual enhancement and architectural focal element to the community without substantially impacting the open space of the park. The details put into the design create more interest on the architectural form of the tower and less on the working features of a wireless facility. All elements of the WCF are full screened from view, including all antennas and equipment components. From the exterior, the structure appears as an architectural tower and not a wireless facility – a true stealth design.

The tower will incorporate a complementary color palette consisting of earth tone colors, such as deep shades of brown and green, to complement the surroundings. The citrus theme features provide a nod to Duarte's history and enhances the overall design. The most notable features are the wood crate design and art details. The wood crate antenna enclosure will accentuate the tower from a distant vantage point. From a closer vantage point, the featured artwork on the equipment enclosure will help complement the citrus theme and provide a visual interest for pedestrians. The final design feature of both enclosures will require additional review and approval prior to installation. This has been included as a condition of approval.

Subtle details also contribute to the design. The citrus medallions in the framing supports help tie together the architectural elements of the antenna enclosure and equipment enclosure. The pergola roof of the equipment enclosure will be constructed using 4x12 beams and include

decorative corbel ends. The pergola adds visual enhancement to the structure. An open roof design allows for natural ventilation and eliminates the need for air condition units that often produce unwanted noise.

The project includes additional site improvements as part of the overall project. The parking lot area adjacent to the tower will be completely redesigned to be more efficient and ADA accessible. The parking lot improvements will also incorporate improved pedestrian access with a new sidewalk along Las Lomas and additional walkways from the parking lot towards the park area. These improvements will be included as financial conditions with the lease agreement.

The City Council has agreed, in concept, to the proposed lease and terms for the wireless facility. The City Council provided direction on the general location of the wireless facility and tower amenities. Following the Commission's action, the Council will consider the lease agreement between Verizon Wireless and the City for final approval. During construction, the parking lot adjacent to the project site will be used as a staging area for roughly four to five months. At the completion of construction, the City will use proceeds from the lease agreement to construct a parking lot upgrade. The upgrades will include improved access, ADA accessibility, and new sidewalks.

Staff has reviewed the proposal and finds the project to be in compliance with requirements of DDC Section 19.60.190. Conditions approval have been included to ensure Verizon maintains the facility in compliance with Section 19.60.190 and the pending lease agreement with the City of Duarte.

RECOMMENDATION

Staff recommends that Planning Commission adopt PC Resolution 18-09 approving Conditional Use Permit #14-02, and PC Resolution 18-10, approving Site Plan and Design Review #14-34, both subject to conditions of approval.

Respectfully Submitted,



David Eoff IV
Associate Planner

ATTACHMENTS

- Exhibit A – General Project Information
- Exhibit B – Project Plans
- Exhibit C – PC Resolution 18-09
- Exhibit D – PC Resolution 18-10

Exhibit A

General Property Information
Conditional Use Permit 14-02; Site Plan and Design Review 14-34
2701 Royal Oaks Drive

PROPERTY CHARACTERISTICS

Property Address: 2701 Royal Oaks Drive

APN: 8602-019-900 through 8602-019-905; 8602-019-907 through 8602-019-910

Owner: City of Duarte

Lot Area: **Project Site:** Approx. 17,357 square feet (0.40 acres)

Public Notice: A public hearing notice was published in the "*The Duartean*" on May 12, 2018 and posted at Duarte City Hall, Public Safety Office, and the Public Library on May 10, 2018. Two hundred and eighty-five (285) public hearing notices were also sent to property owners within 600' of the subject property on May 10, 2018.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15332, Class 32 of Title 14 of the California Code of Regulations. Therefore, no further environmental review is necessary in accordance with CEQA Guidelines and a Notice of Exemption has been prepared for this project.

General Plan: Open Space

Zoning: Open Space

SURROUNDING ZONES & LAND USE

LOCATION	GENERAL PLAN	ZONING	LAND USE
North	Low Density Residential	R-1 Single-Family Residential	Residential
South	Low Density Residential	R-1 Single-Family Residential	Residential
East	Low Density Residential	R-1 Single-Family Residential	Residential
West	Open Space	Open Space	Public Park

PROJECT INFORMATION:

ROYAL OAKS

CITY PARK
2701 ROYAL OAKS DRIVE
DUARTE, CALIFORNIA 91010

ORIGINAL ISSUE DATE:

08/12/15

REV.: DATE: DESCRIPTION: BY:

1	08/20/2015	FINAL	MF
2	12/19/2016	REVISE LEASE (C)	CK
3	05/26/2017	ADDITIONAL TOPO (C)	CK

PLANS PREPARED BY:

**DELTA GROUPS
ENGINEERING, INC.**
CONSULTING ENGINEERS

2362 McGAW AVE
IRVINE, CA 92614
TEL. (949) 822-0333 FAX (949) 822-0331

CONSULTANT:

**ambit consulting**

428 MAIN STREET
SUITE 206
HUNTINGTON BEACH, CA 92648
PH. (480) 659-4072
www.ambitconsulting.us

DRAWN BY: CHK.: APV.:

CK	MF	JG
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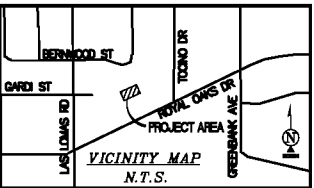
LICENSER:

SHEET TITLE:

SITE SURVEY

SHEET NUMBER:

LS-1



DIRECTIONS TO SITE
15505 SAND CANYON AVE
IRVINE, CA 92618
1. HEAD SOUTHWEST ON SAND CANYON AVE TOWARD BARRANCA PKWY
2. TAKE THE 1ST RIGHT ONTO BARRANCA PKWY
3. TURN RIGHT ONTO JEFFREY RD
4. TAKE THE RAMP ONTO I-5 N
5. TAKE THE EXIT ONTO CA-57 N TOWARD POMONA
6. SLIGHT RIGHT TO STAY ON CA-57 N
7. KEEP LEFT AT THE FORK, FOLLOW SIGNS FOR I-210 W/PASADENA/FOOTHILL FWY AND MERGE ONTO I-210 W/FOOTHILL FWY
8. TAKE THE IRWINDALE AVE EXIT TOWARD IRWINDALE
9. TURN RIGHT ONTO N IRWINDALE AVE
10. TURN LEFT ONTO E FOOTHILL BLVD
11. CONTINUE ONTO HUNTINGTON DR
12. TURN RIGHT TO STAY ON HUNTINGTON DR
13. TAKE THE 1ST RIGHT ONTO LAS LOMAS RD
DESTINATION WILL BE ON THE LEFT

LINE TABLE		
LINE#	LENGTH	DIRECTION
L1	15.33'	S23°30'51"W
L2	15.33'	S00°28'13"E
L3	15.33'	N23°30'51"E
L4	15.33'	N00°28'13"W

LEGEND

NG

NATURAL GRADE

D/W

ACCESS DRIVEWAY

TOP

TOP OF SLOPE

TOE

TOE OF SLOPE

WALL

CONCRETE MASONRY WALL

(R)

LANDSCAPE BOULDER

P.O.C.

POINT OF COMMENCEMENT

P.O.B.

POINT OF BEGINNING

POSITION OF GEODETIC COORDINATES

SPOT ELEVATION

FIRE HYDRANT

POWER POLE

LIGHT POLE

PINE TREE

TREE

SHRUB

LIMITS OF LESSOR'S PROPERTY

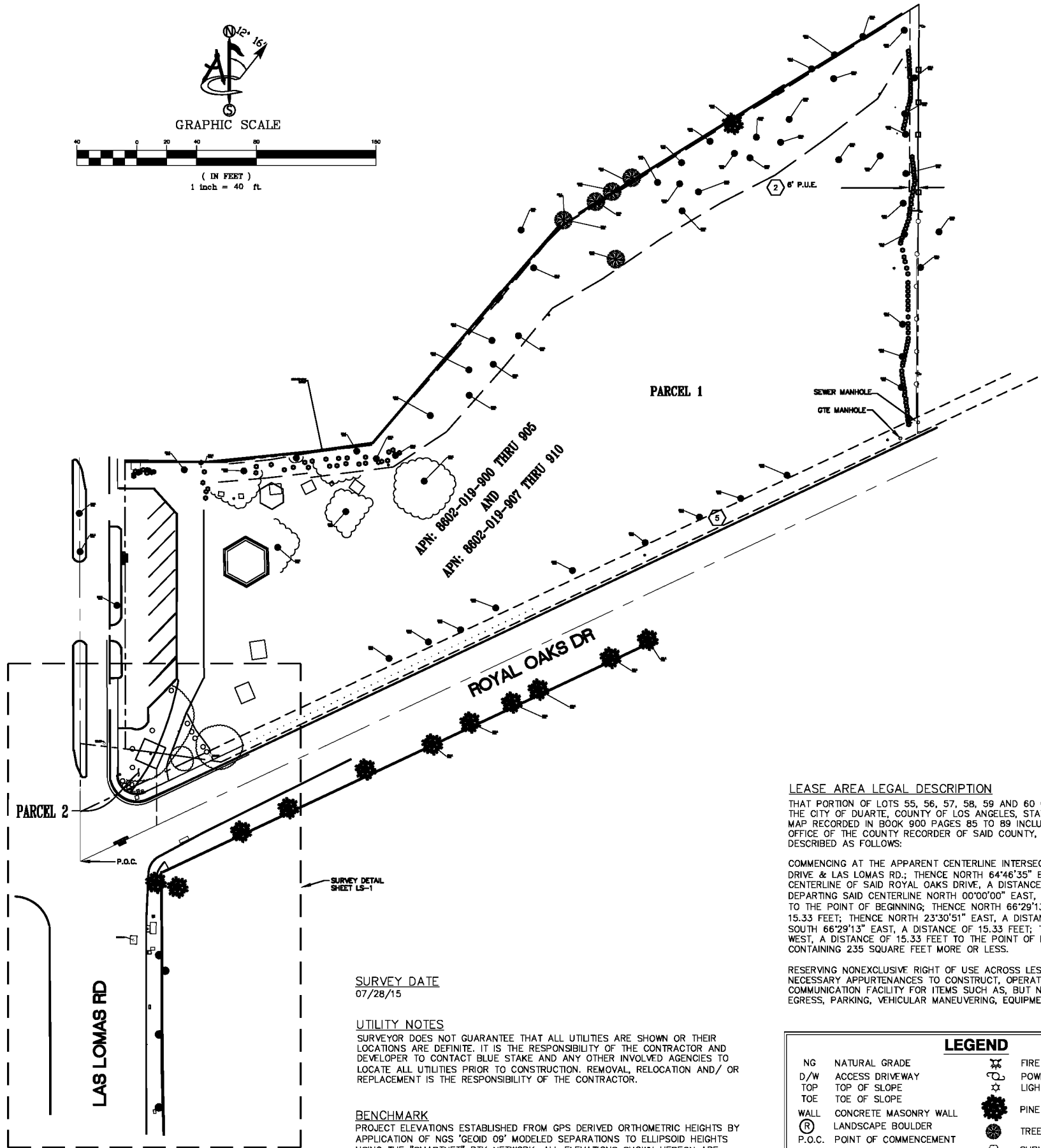
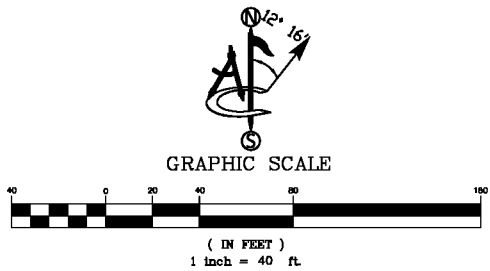
CHAIN LINK FENCE

WOOD OR IRON FENCE



GRAPHIC SCALE





SURVEY DATE
07/28/15

UTILITY NOTES

SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS ARE DEFINITE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT BLUE STAKE AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/ OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

BENCHMARK

PROJECT ELEVATIONS ESTABLISHED FROM GPS DERIVED ORTHOMETRIC HEIGHTS BY APPLICATION OF NGS 'GEOID 09' MODELED SEPARATIONS TO ELLIPSOID HEIGHTS USING THE "SMARTNET" RTK NETWORK. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD88.

BASIS OF BEARING

BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM CALIFORNIA STATE PLANE COORDINATE ZONE FIVE, DETERMINED BY GPS OBSERVATIONS.

LEASE AREA LEGAL DESCRIPTION

THAT PORTION OF LOTS 55, 56, 57, 58, 59 AND 60 OF TRACT NO. 35135, IN THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 900 PAGES 85 TO 89 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE APPARENT CENTERLINE INTERSECTION OF ROYAL OAKS DRIVE & LAS LOMAS RD.; THENCE NORTH 64°46'35" EAST ALONG THE CENTERLINE OF SAID ROYAL OAKS DRIVE, A DISTANCE OF 56.30 FEET; THENCE DEPARTING SAID CENTERLINE NORTH 00°00'00" EAST, A DISTANCE OF 37.84 FEET TO THE POINT OF BEGINNING; THENCE NORTH 66°29'13" WEST, A DISTANCE OF 15.33 FEET; THENCE NORTH 23°30'51" EAST, A DISTANCE OF 15.33 FEET; THENCE SOUTH 66°29'13" EAST, A DISTANCE OF 15.33 FEET; THENCE SOUTH 23°30'51" WEST, A DISTANCE OF 15.33 FEET TO THE POINT OF BEGINNING. CONTAINING 235 SQUARE FEET MORE OR LESS.

RESERVING NONEXCLUSIVE RIGHT OF USE ACROSS LESSOR'S PROPERTY FOR NECESSARY APPURTENANCES TO CONSTRUCT, OPERATE, AND MAINTAIN A COMMUNICATION FACILITY FOR ITEMS SUCH AS, BUT NOT LIMITED TO INGRESS, EGRESS, PARKING, VEHICULAR MANEUVERING, EQUIPMENT, AND UTILITIES.

LEGEND			
NG	NATURAL GRADE		FIRE HYDRANT
D/W	ACCESS DRIVEWAY		POWER POLE
TOP	TOP OF SLOPE		LIGHT POLE
TOE	TOE OF SLOPE		PINE TREE
WALL	CONCRETE MASONRY WALL		TREE
	LANDSCAPE BOULDER		SHRUB
P.O.C.	POINT OF COMMENCEMENT		
P.O.B.	POINT OF BEGINNING		
	POSITION OF GEODETIC COORDINATES	-----	LIMITS OF LESSOR'S PROPERTY
	SPOT ELEVATION	---o---o---o---	CHAIN LINK FENCE
		---o---o---o---	WOOD OR IRON FENCE

SCHEDULE "B" NOTE

REFERENCE IS MADE TO THE TITLE REPORT ORDER #08022274, ISSUED BY COMMONWEALTH LAND TITLE COMPANY, DATED JUNE 29, 2015. ALL EASEMENTS CONTAINED WITHIN SAID TITLE REPORT AFFECTING THE IMMEDIATE AREA SURROUNDING THE LEASE HAVE BEEN PLOTTED.

2. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
PURPOSE: UTILITIES
RECORDED: IN BOOK 42308 PAGE 13 OF OFFICIAL RECORDS
AFFECTS: THE EASTERLY 6 FEET OF LOT 60 (PLOTTED)

3. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: CITY OF DUARTE
PURPOSE: SANITARY SEWER
RECORDED: IN BOOK 54245 PAGE 425 OF OFFICIAL RECORDS
AFFECTS: A PORTION OF LOT 55, AS MORE PARTICULARLY DESCRIBED THEREIN (DOES NOT AFFECT)

4. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: AGREEMENT PERTAINING TO THE FURNISHING OF DOMESTIC AND IRRIGATION WATER FROM THE WELL
EXECUTED BY: A.G. MADDOCK
RECORDING DATE: NOVEMBER 6, 1967
RECORDING NO: IN BOOK 56011 PAGE 56 OF OFFICIAL RECORDS
REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. (DOES NOT AFFECT)

5. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: THE CITY OF DUARTE
PURPOSE: SANITARY SEWER
RECORDING DATE: MARCH 9, 1967
RECORDING NO: IN BOOK D3579 PAGE 248 OF OFFICIAL RECORDS
AFFECTS: THAT PORTION OF SAID LAND AS DESCRIBED THEREIN (PLOTTED)

6. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:
GRANTED TO: LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
PURPOSE: A COVERED STORM DRAIN
RECORDING DATE: JULY 14 1967
RECORDING NO: IN BOOK D3703 PAGE 902 OF OFFICIAL RECORDS
AFFECTS: A PORTION OF SAID LAND
REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. (DOES NOT AFFECT)

7. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: WATER DITCHES FOR IRRIGATION
RECORDED: IN BOOK 96 PAGE 401 OF DEEDS
AFFECTS: SAID LAND
THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.
AFFECTS: PARCEL 2 (DOES NOT AFFECT)

8. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT:
PURPOSE: RIGHT OF WAY FOR WATER PIPE
RECORDED: IN BOOK 369 PAGE 115 OF DEEDS
AFFECTS: SAID LAND
THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.
AFFECTS: PARCEL 2 (DOES NOT AFFECT)

LESSOR'S LEGAL DESCRIPTION

PARCEL 1:
LOTS 55, 56, 57, 58, 59 AND 60 OF TRACT NO. 35135, IN THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 900 PAGES 85 TO 89 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
EXCEPT THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, IN OR UNDER SAID LAND BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND BUT WITHOUT THE RIGHT OF ENTRY UPON THE SURFACE OF SAID LAND OR THE TOP 500 FEET THEREOF, FOR THE PURPOSE OF DEVELOPING THE SAME, TOGETHER WITH THE RIGHT TO PROSPECT FOR, DEVELOP, PRODUCE AND REMOVE SAID OIL, GAS AND OTHER HYDROCARBON SUBSTANCES BY MEANS OF SLANT DRILLING OR OTHER MEANS FROM LANDS OTHER THAN THE LAND HEREIN CONVEYED AS RESERVED BY DEVELOPMENT ENGINEERS, INCORPORATED, A CALIFORNIA CORPORATION, IN DEED RECORDED JULY 21, 1978 AS INSTRUMENT NO. 793973 OF OFFICIAL RECORDS.

PARCEL 2:
THAT PORTION OF LOT 8, SECTION 29, TOWNSHIP 1 NORTH, RANGE 10 WEST, IN THE SUBDIVISION OF RANCHO AZUSA DE DUARTE, IN THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 6, PAGES 80, 81 AND 82, OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:
BEGINNING AT THE INTERSECTION OF A LINE PARALLEL WITH AND 30 FEET WESTERLY MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF LOT 55, TRACT NO. 35135, AS SHOWN ON MAP FILED IN BOOK 900, PAGES 85 TO 89 INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER, WITH THE NORTHERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND DESCRIBED LAST IN DEED TO THE REDEVELOPMENT AGENCY OF THE CITY OF DUARTE, RECORDED ON DECEMBER 31, 1980, AS OFFICIAL RECORDS AS INSTRUMENT NO. 80-1308202, OF OFFICIAL RECORDS, THENCE EASTERLY ALONG SAID NORTHERLY BOUNDARY TO THE SOUTHEASTERLY LINE OF SAID LOT 55; THENCE SOUTH 64° 48' 35" WEST ALONG THE SOUTHWESTERLY PROLONGATION OF SAID SOUTHEASTERLY LINE TO SAID PARALLEL LINE; THENCE NORTH 0° 04' 22" WEST ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING.

verizon

PROJECT INFORMATION:

ROYAL OAKS

CITY PARK
2701 ROYAL OAKS DRIVE
DUARTE, CALIFORNIA 91010

ORIGINAL ISSUE DATE:

08/12/15

REV.: DATE: DESCRIPTION: BY:

1	08/20/2015	FINAL	MF
2	12/19/2016	REVISE LEASE (C)	CK
3	05/26/2017	ADDITIONAL TOPO (C)	CK

PLANS PREPARED BY:

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CONSULTANT:

ambit consulting

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PH. (480) 659-4072
www.ambitconsulting.us

DRAWN BY: CHK.: APV.:

CK	MF	JG
----	----	----

LICENSER:

SHEET TITLE:

OVERALL DETAIL

SHEET NUMBER:

LS-2

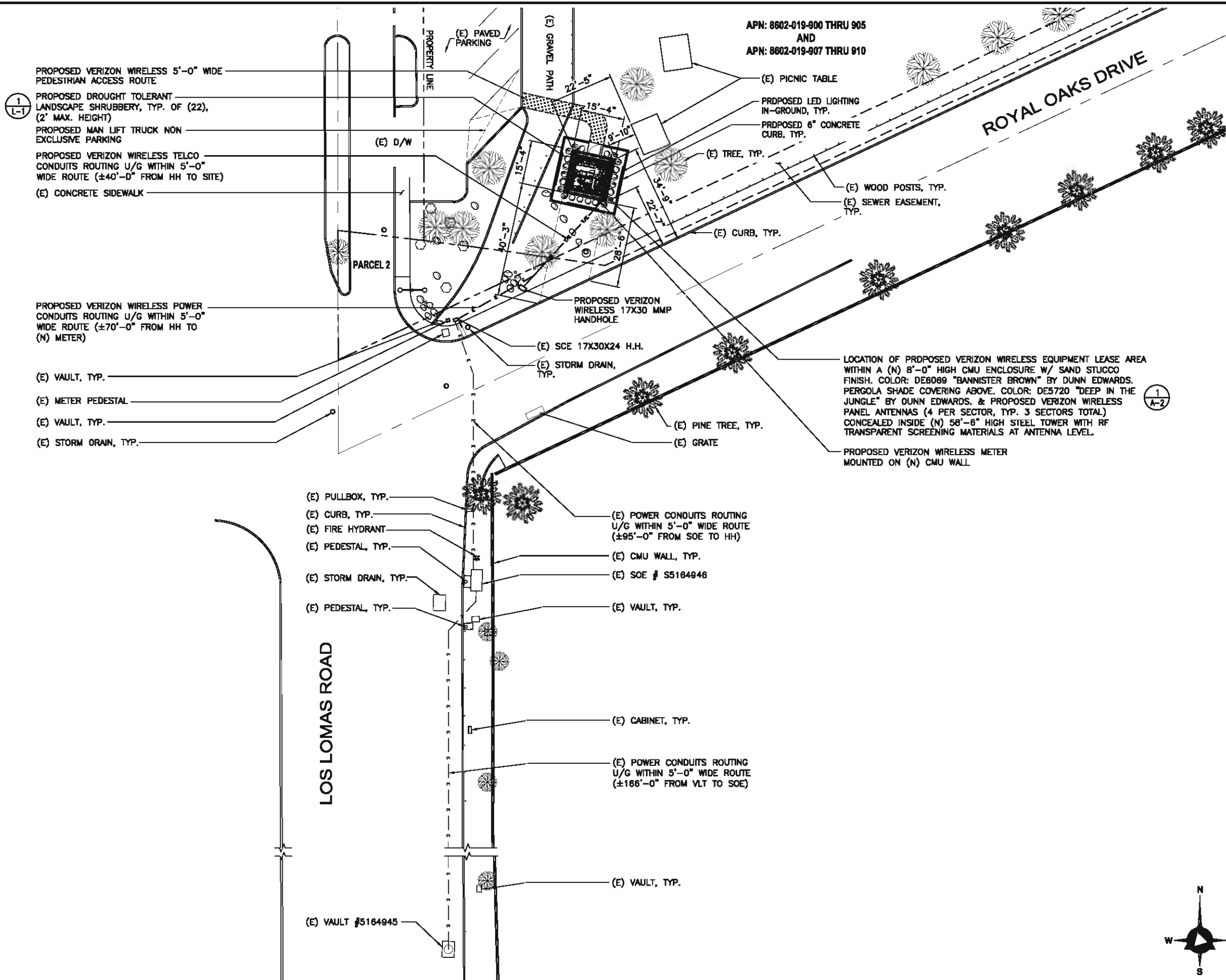


A-1

ENTER YOUR PREFERENCES

SCALE:
1 in = 30 ft

A horizontal scale bar with alternating black and white segments. It is marked with 0', 30', and 60'.



ISSUE STATUS

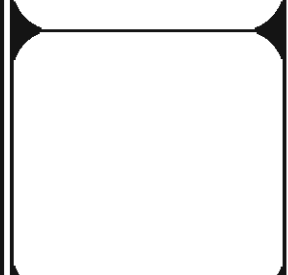
REV.	DATE	DESCRIPTION	BY
0	06/12/16	90% ZD	
1	06/12/16	100% ZD	
2	11/10/16	100% ZD	
3	12/02/16	100% ZD	JD
4	12/21/16	100% ZD	JD
5	06/30/17	100% ZD	JD
6	06/31/17	100% ZD	JD
7	03/28/18	90% ZD -RELOCATED	TT



2362 McGAW AVE. IRVINE, CA 92614
TEL: 949-622-0393 FAX: 949-622-0391
DGE JOB # H3VW033B

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS
ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED



ROYAL OAKS
CITY PARK
2701 ROYAL OAKS DR.
DUARTE, CA 91010

SHEET TITLE:

SITE PLAN

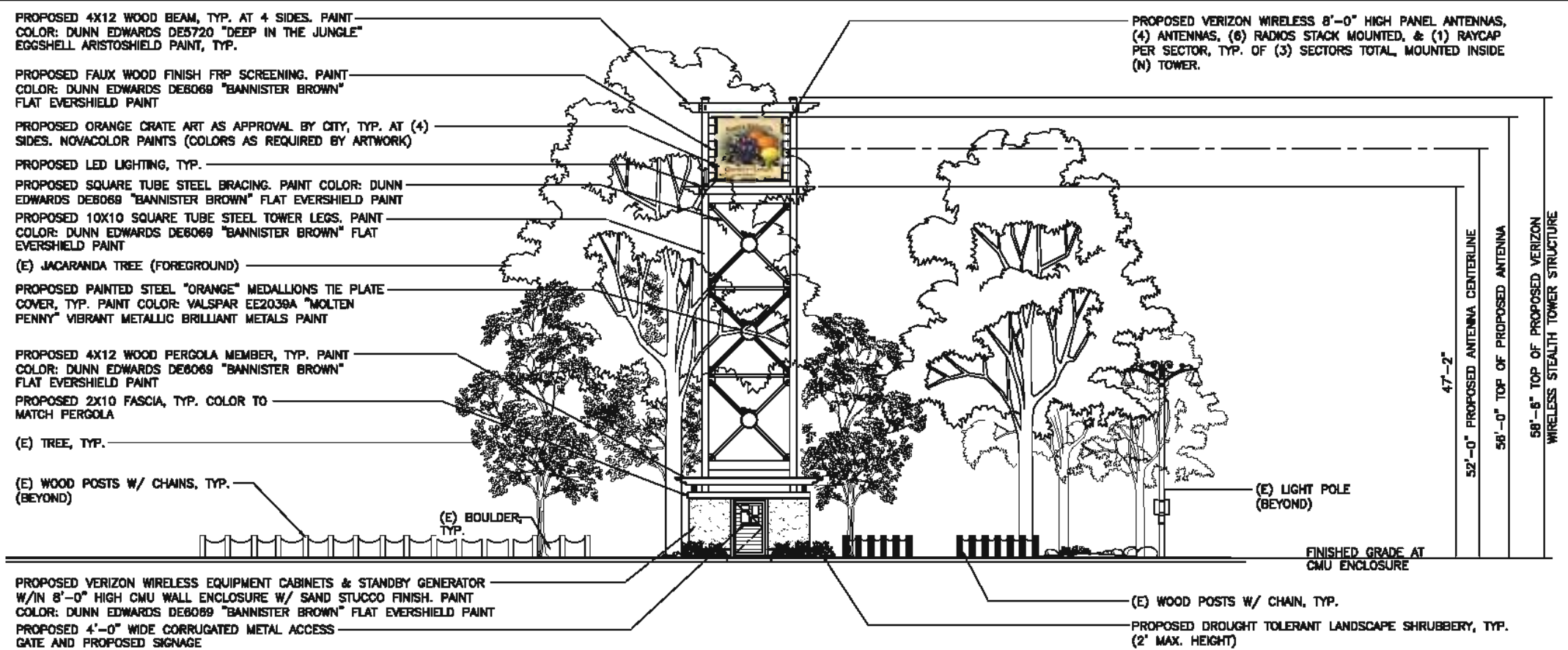
A-1.1

SITE PLAN

SCALE: 1/16" = 1'-0"

NOTES:
- ORANGE CRATE LABELS TO BE REPRODUCED USING SILKSCREEN OR APPROVED EQUIVALENT METHOD OF FULL COLOR REPRODUCTION APPLIED DIRECTLY TO FRP SURFACE. LABELS TO BE SCALED TO FILL SURFACE TO WITHIN 12" OF BORDER ON 4 SIDES.

* ANTENNA AZIMUTHS SUBJECT TO CHANGE

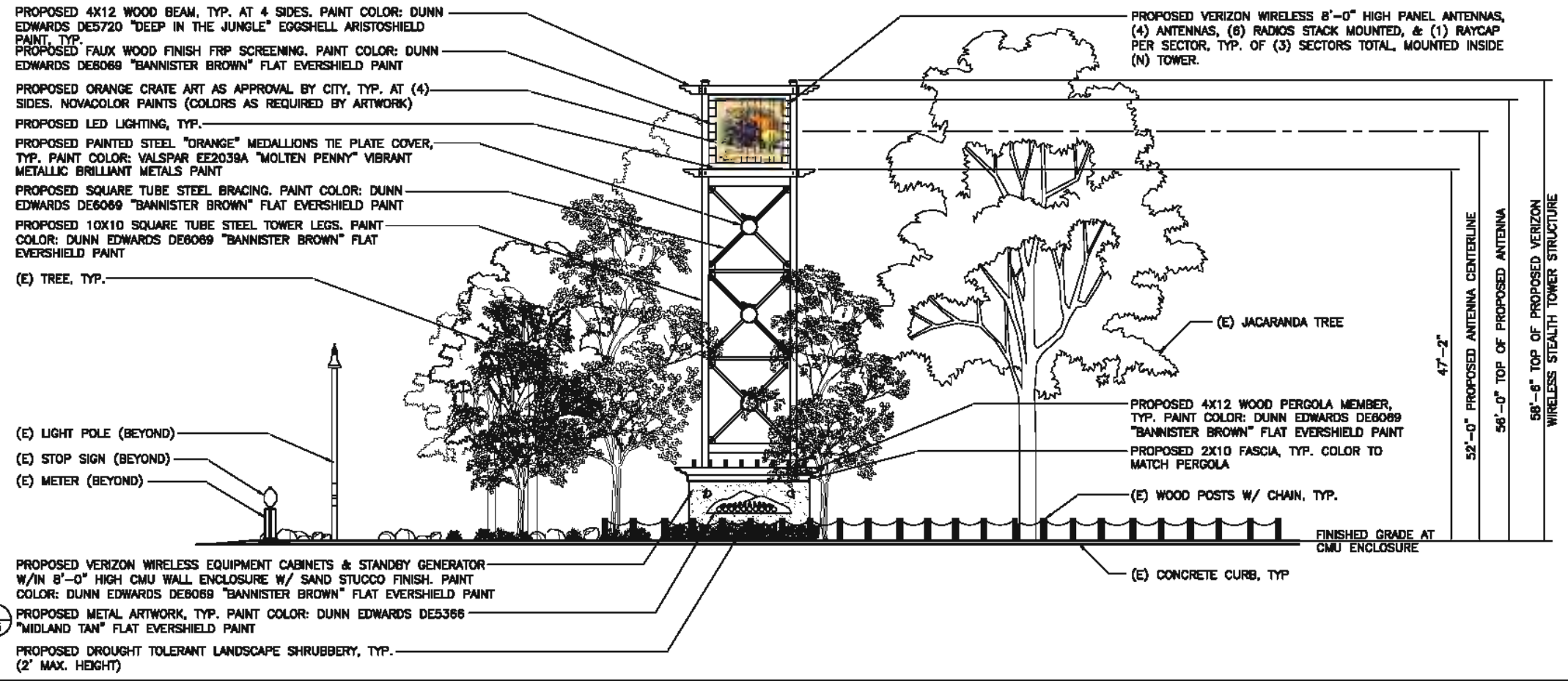


NORTH ELEVATION

SCALE: 1/8" = 1'-0" 1

NOTES:
- ORANGE CRATE LABELS TO BE REPRODUCED USING SILKSCREEN OR APPROVED EQUIVALENT METHOD OF FULL COLOR REPRODUCTION APPLIED DIRECTLY TO FRP SURFACE. LABELS TO BE SCALED TO FILL SURFACE TO WITHIN 12" OF BORDER ON 4 SIDES.

* ANTENNA AZIMUTHS SUBJECT TO CHANGE



EAST ELEVATION

SCALE: 1/8" = 1'-0" 2

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	08/12/16	90% 2D	
1	08/12/16	100% 2D	
2	11/10/16	100% 2D	
3	12/02/16	100% 2D	JD
4	12/02/16	100% 2D	JD
5	05/09/17	100% 2D	JD
6	08/01/17	100% 2D	JD
7	03/28/18	90% 2D -RELOCATED	TT

DELTA GROUPS
ENGINEERING, INC.
COMMERCIAL DIVISION

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TEL: 949-822-0933 FAX: 949-822-0981
DCE JOB # H3VW0238

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verizon

15505 SAND CANYON AVENUE, D1
IRVINE, CA 92618

ROYAL OAKS
CITY PARK
2701 ROYAL OAKS DR.
DUARTE, CA 91010

SHEET TITLE:
NORTH & EAST ELEVATIONS

A-3

PROPOSED VERIZON WIRELESS 8'-0" HIGH PANEL ANTENNAS, (4) ANTENNAS, (6) RADIOS STACK MOUNTED, & (1) RAYCAP PER SECTOR, TYP. OF (3) SECTORS TOTAL, MOUNTED INSIDE (N) TOWER.

PROPOSED 4X12 WOOD BEAM, TYP. AT 4 SIDES, PAINT COLOR: DUNN EDWARDS DE5720 "DEEP IN THE JUNGLE" EGGSHELL ARISTOSHIELD PAINT, TYP.

PROPOSED FAUX WOOD FINISH FRP SCREENING, PAINT COLOR: DUNN EDWARDS DE6069 "BANNISTER BROWN" FLAT EVERSHIELD PAINT

PROPOSED ORANGE CRATE ART AS APPROVAL BY CITY, TYP. AT (4) SIDES, NOVACOLOR PAINTS (COLORS AS REQUIRED BY ARTWORK)

PROPOSED LED LIGHTING, TYP.

PROPOSED SQUARE TUBE STEEL BRACING, PAINT COLOR: DUNN EDWARDS DE6069 "BANNISTER BROWN" FLAT EVERSHIELD PAINT

PROPOSED 10X10 SQUARE TUBE STEEL TOWER LEGS, PAINT COLOR: DUNN EDWARDS DE6069 "BANNISTER BROWN" FLAT EVERSHIELD PAINT

PROPOSED PAINTED STEEL "ORANGE" MEDALLIONS TIE PLATE COVER, TYP. PAINT COLOR: VALSPAR EE2038A "MOLTEN PENNY" VIBRANT METALLIC BRILLIANT METALS PAINT

PROPOSED VERIZON WIRELESS HYBRID CABLE WITHIN 4" CONDUITS ROUTING UP THROUGH TOWER SUPPORT (±70'-0" FROM ANTENNA TO EQUIPMENT)

(E) LIGHT POLE

(E) CONCRETE CURB, TYP.

(E) METER

(E) STOP SIGN, TYP.

PROPOSED DROUGHT TOLERANT LANDSCAPE SHRUBBERY, TYP. (2' MAX. HEIGHT)

(E) JACARANDA TREE (BEYOND)

(E) TREE, TYP.

PROPOSED 4X12 WOOD PERGOLA MEMBER, TYP. PAINT COLOR: DUNN EDWARDS DE6069 "BANNISTER BROWN" FLAT EVERSHIELD PAINT

PROPOSED 2X10 FASCIA, TYP. COLOR TO MATCH PERGOLA

(E) WOOD POSTS W/ CHAIN, TYP.

PROPOSED VERIZON WIRELESS METER

PROPOSED VERIZON WIRELESS EQUIPMENT CABINETS & STANDBY GENERATOR W/IN 8'-0" HIGH CMU WALL ENCLOSURE W/ SAND STUCCO FINISH. PAINT COLOR: DUNN EDWARDS DE6069 "BANNISTER BROWN" FLAT EVERSHIELD PAINT

(E) BOULDER, TYP. (IN FOREGROUND)

NOTES:

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* ANTENNA AZIMUTHS SUBJECT TO CHANGE

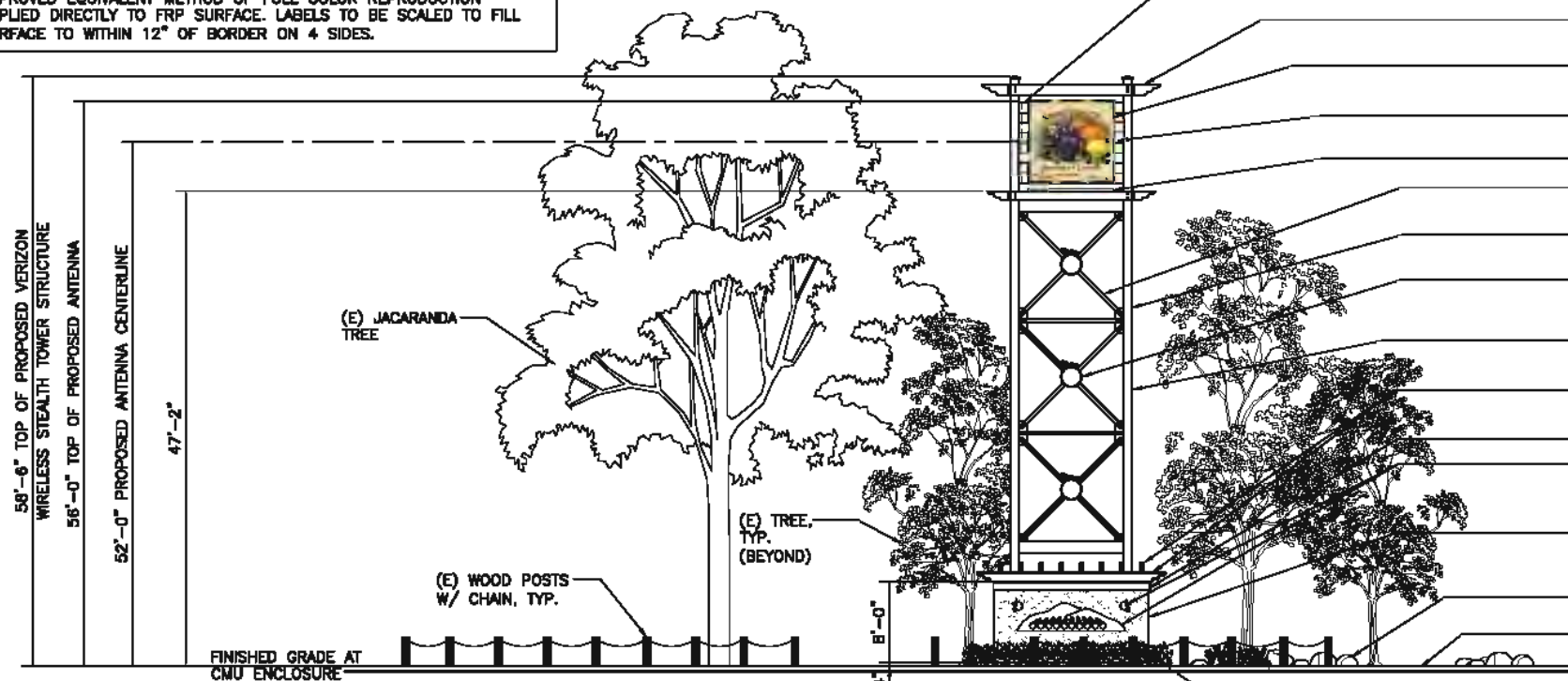
SOUTH ELEVATION

SCALE:
1/8" = 1'-0"

1

NOTES:

- ORANGE CRATE LABELS TO BE REPRODUCED USING SILKSCREEN OR APPROVED EQUIVALENT METHOD OF FULL COLOR REPRODUCTION APPLIED DIRECTLY TO FRP SURFACE. LABELS TO BE SCALED TO FILL SURFACE TO WITHIN 12" OF BORDER ON 4 SIDES.



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PROPOSED 4X12 WOOD PERGOLA MEMBER, TYP. PAINT COLOR: DUNN EDWARDS DE6069 "BANNISTER BROWN" FLAT EVERSHIELD PAINT

PROPOSED 2X10 FASCIA, TYP. COLOR TO MATCH PERGOLA

PROPOSED METAL ARTWORK, TYP. PAINT COLOR: DUNN EDWARDS DE3366 "MIDLAND TAN" FLAT EVERSHIELD PAINT

PROPOSED VERIZON WIRELESS EQUIPMENT CABINETS & STANDBY GENERATOR W/IN 8'-0" HIGH CMU WALL ENCLOSURE W/ SAND STUCCO FINISH. PAINT COLOR: DUNN EDWARDS DE6069 "BANNISTER BROWN" FLAT EVERSHIELD PAINT

(E) BOULDER, (BEYOND), TYP.

(E) CONCRETE CURB, TYP.

PROPOSED DROUGHT TOLERANT LANDSCAPE SHRUBBERY, TYP. (2' MAX. HEIGHT)

* ANTENNA AZIMUTHS SUBJECT TO CHANGE

WEST ELEVATION

SCALE:
1/8" = 1'-0"

2

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
0	08/12/16	90% ZD	
1	08/12/16	100% ZD	
2	11/10/16	100% ZD	
3	12/02/16	100% ZD	JD
4	12/02/16	100% ZD	JD
5	05/09/17	100% ZD	JD
6	08/01/17	100% ZD	JD
7	03/28/18	90% ZD - RELOCATED	TT



2382 McGAW AVE. IRVINE, CA 92614
TEL: 949-822-0933 FAX: 949-822-0981
DCE JOB # H3VW0238

PROPRIETARY INFORMATION

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verizon

15505 SAND CANYON AVENUE, D1
IRVINE, CA 92618

ROYAL OAKS

CITY PARK

2701 ROYAL OAKS DR.
DUARTE, CA 91010

SHEET TITLE:

SOUTH & WEST
ELEVATIONS

A-4



ROYAL OAKS

2701 ROYAL OAKS DRIVE DUARTE CA 91010





ROYAL OAKS

2701 ROYAL OAKS DRIVE DUARTE CA 91010





ROYAL OAKS

2701 ROYAL OAKS DRIVE DUARTE CA 91010



LOCATION

©2018 Google Maps



EXISTING



PROPOSED

LOOKING SOUTHWEST FROM PARK



RESOLUTION PC 18-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 14-02, FOR THE USE AND OPERATION OF A WIRELESS COMMUNICATION FACILITY FOR VERIZON WIRELESS, LOCATED AT 2701 ROYAL OAKS DRIVE (ROYAL OAKS PARK EXTENSION)

WHEREAS, Verizon Wireless has requested approval to operate a new freestanding wireless communication facility in the Royal Oaks Park Extension located at 2701 Royal Oaks Drive; and

WHEREAS, operation of a new wireless communication facility in the Open Space (O) zone requires approval of a conditional use permit from the Planning Commission of the City of Duarte ("Planning Commission"); and

WHEREAS, notice of a public hearing on the Conditional Use Permit 14-02 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission has considered the project proposal for the operation of a new freestanding wireless communication facility located at 2701 Royal Oaks Drive in Royal Oaks Park Extension, which provides, among other provisions, for the approval of CUP #14-02 to allow the use, operation, and maintenance of a wireless communication facility for Verizon Wireless; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the Staff report and all of the information, evidence and public testimony received at the public meeting held on May 21, 2018.

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

SECTION 1. RECITALS

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

SECTION 2. FINDINGS FOR WIRELESS COMMUNICATIONS FACILITIES

The Planning Commission finds and determines as follows, findings for Wireless Communication Facilities, as set forth in DDC Section 19.60.190(H), as the proposed development is:

1. *Co-location or alternative. The applicant has located the antenna on an approved co-location facility, or has demonstrated to the City, in compliance with this Section, a good-faith effort to locate the antenna on an approved co-location facility, but has demonstrated that co-location is not technically feasible due to coverage needs, potential interference, or other technical reason supported by substantial evidence:*

The wireless carrier Verizon Wireless has analyzed several locations and facility options to fulfill a gap in service coverage in the northeast part of the City. Nearby wireless communication facilities were not suitable because of site constraints with existing infrastructure or uses, or because of lack of interest from other private property ownership. The proposed park location is optimal for addressing the carrier's gap coverage and requires the construction of a new freestanding facility. The facility will not interfere with the use of the park or any other infrastructure in the area.

2. *No conflicting with existing use. There is adequate space on the property for the WCF so that it does not conflict with the use of existing structures on the property, does not reduce required parking, and does not conflict with or reduce landscaping setbacks or development standards:*

The WCF is located in the Royal Oaks Park Extension amongst a cluster of trees near the southwest corner of the property. The park is an open field area with a large gazebo and picnic tables as the only structures on the property. The location of the WCF will not impact the structures or the use of the park. The wireless facility has been placed on the outer portion of the open space in a relatively underutilized area. The parking lot will not be impacted nor will the structure impact development standards or landscaped setbacks. The landscape will be repaired as needed around the WCF.

3. *No conflicting with surrounding environment. The design and placement of the WCF does not adversely impact the use of the property, other structures located on the property, or the surrounding area or neighborhood:*

The WCF is located in the Royal Oaks Park Extension amongst a cluster of trees near the southwest corner of the property. The structure has been oriented in a manner to minimize the need of removing or substantially trimming the cluster of trees. The WCF setback from the corner and Royal Oaks Drive is roughly 60 feet and 23 feet, respectively. The location will not obstruct pedestrian or vehicular traffic, or the overall use of the park. The park is an open field area with a large gazebo and picnic tables as the only structures in on the property. The location of the WCF will not impact the structures or the use of the park.

4. *Compliant with Section. The proposed WCF is consistent with the intent and purpose specified in Subsection A, and complies with the design standards in the Section.*

The WCF meets the intent and purpose of Wireless Communication Facilities by providing such facilities for the convenience of the public and emergency services. Concerns over aesthetics and visual impacts have been addressed with the high-quality tower design to provide a focal element in the park and screen all the wireless facility components.

5. *Least possible visual impact. The applicant has demonstrated that the WCF will have the least possible visual impact on the environment taking into account economic, engineering, technical, and other relevant factors to be considered in compliance with*

this Section.

The WCF is located in the Royal Oaks Park extension, which contains an open space park area and a variety of trees. The structure will be designed as an integrated tower/equipment enclosure and is placed within a cluster of trees. The tower will be a focal element in the park without substantially impacting the use and operation of the park.

SECTION 3. FINDINGS FOR CONDITIONAL USE PERMITS

The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.040(B), as the proposed development is:

1. Consistent with the General Plan.

The project conforms to the goals and objectives of the General Plan by meeting Land Use Goal 3 by providing unique areas for the location of the Wireless Communication Facility, which better serves the needs of residents and businesses, and allows an important and convenient service with improved wireless coverage.

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

The subject property is located in the Open Space Zone, which allows wireless communication facilities with an approved conditional use permit. The WCF will comply with the applicable provisions of DDC Section 19.60.190, including the intent and purpose, and standards for new WCF structures. Additionally, the project will include a variety of conditions of approval to ensure continued compliance.

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

The WCF is located near the southwest area of the park amongst a cluster of trees. The facility is designed with a minimal footprint, keeping the antenna and other equipment within the same area. The structure maintains compatibility with the park and surroundings areas by providing a high-quality design that will serve as a focal element for the community. Lastly the facility will not impact the use of the park as it has been placed in an area that is relatively underutilized.

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 the neighborhood of the proposed use.

Wireless Communication Facilities are permitted with an approved conditional use permit within the Open Space Zone. The project creates a public convenience with enhanced cellular coverage in the vicinity and improvements to wireless service for residents, businesses, general consumers, and emergency personnel. The

architectural tower structure will not impact the use of the park or the surrounding areas. The design will provide a focal element in the park while screening all antennas and other associated equipment within the tower.

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.*

The project site is located on the extension portion of Royal Oaks Park. The site is roughly 2.7 acres of open grass area with a few picnic tables and a large gazebo. The park area does not include any children play equipment or recreation facilities such as tennis courts or basketball courts. This portion of the park is used mostly for City activities or birthday party/social gatherings. The tower will be located in a cluster of trees, on the outer portion of the open park area. The tower is located in the park area and will not reduce parking or drive aisle widths. However, the project will include a requirement to reconstruct the parking lot with better access and improved ADA accessibility. The parking lot improvement will also include improvements to the pedestrian access with a new sidewalk along Los Lomas Road and additional walkways from the parking lot to the park area. Lastly, the park is adjacent to the Royal Oaks Drive and Las Lomas Road, which is adequate for access to the wireless facility. Current highways and streets are sufficient for accommodating the existing park use along with the WCF, as the facility will not create any additional traffic beyond what exists.

SECTION 4. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-09 for the proposed use and operation of an indoor play space, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15332.

SECTION 5. RECOMMENDATION

The Planning Commission approves Resolution PC 18-09, based on the findings listed in Section 2 and Section 3, and the conditions of approval listed in “Exhibit C-1”, for the use, operation, and maintenance of a wireless communication facility for Verizon Wireless, located at 2701 Royal Oaks Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez, 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT C-1
Conditions of Approval
Conditional Use Permit 14-02
2701 Royal Oaks Drive

1. This approval is for the operation of an unmanned freestanding wireless communication facility for Verizon Wireless, located in the Royal Oaks Park Extension at 2701 Royal Oaks Drive, as depicted on the approved plans on file with the Community Development Department.
2. The use and operation of the wireless communication facility shall remain within the limits of the lease/easement area identified in the lease agreement with the City of Duarte. This shall include all access to the tower for maintenance or equipment change outs.
3. The applicant and/or successor shall provide a maintenance plan to the City of Duarte to keep on file with the Planning Division. The maintenance plan shall provide details on the frequency of routine maintenance and service checks; the process for addressing any damages to the structure, premises, or equipment failure; the proposed location of lift truck parking for antenna enclosure access; among others. The maintenance plan shall be provided to the Planning Division for review prior to occupancy/operation of the wireless communication facility.
4. The Applicant (Verizon Wireless or successor) shall continuously maintain the wireless communication facility, associated equipment, stealth/camouflaging materials, and art work as necessary, to ensure the tower appearance remains in a high-quality condition, and/or technology remains current and compliant with all applicable regulations and standards. Any problems or concerns identified by the City shall be corrected in a timely manner, but in no case less than 10 days from written correspondence provided to Applicant. Failure to address any problems associated with the proposed use as a wireless telecommunications facility, or non-compliance with required conditions and regulations may warrant the matter being scheduled for a revocation hearing before the Planning Commission for review.
5. The proposed emergency generator shall include a low decibel rating and shall be used for emergencies or testing only. Details on the generator shall be provided to the Community Development Department for review prior to permit issuance or this conditional use permit becoming effective.
6. The applicant and/or successor shall coordinate with the Park and Recreation Department prior to accessing the facility to perform any maintenance to ensure conflict with recreation activities in the park do not occur.
7. All wiring and or other conduit associated with the proposed use shall be buried underground, run inside the tower, or enclosed within the equipment cabinet.

8. All antenna and equipment storage shall occur within the enclosure areas only. Exterior storage is prohibited.
9. No advertising material shall be allowed on any portion of the facility, unless otherwise approved by the City of Duarte.
10. No form of video transmission shall be allowed unless approved by the City of Duarte.
11. No preclusion to co-location. The Facility shall be designed so as not to preclude a possible future co-location by other carriers, owners, or operators of a WCF.
12. Any request for co-location of a secondary carrier shall require review from the Planning Division prior to implementing. The co-location shall require a separate lease agreement with the City of Duarte and comply with all regulations of the Conditional Use Permit and any applicable sections of the Duarte Municipal and Development Code.
13. The applicant/telecommunications service provider shall retain a valid business license for the duration of the antenna facility operation.
14. Any and all correction notices generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
15. Any expansion or modification of the approved use beyond what is approved, as part of Conditional Use Permit 14-02 will require review from the Community Development Director and possibly approval of a new Conditional Use Permit from the Planning Commission.
16. The applicant and/or successor shall comply with applicable regulations of the Open Space Zone and Section 19.60.190 of Duarte Development Code.
17. The applicant and/or successor shall comply with all conditions of approval associated with Site Plan and Design Review Case 14-34. The conditions of approval shall be incorporated as a condition of approval by reference and shall be fully complied with at all times.
18. The applicant shall comply with the requirements outlined in the lease agreement between the City and the wireless carrier occupying the facility. The lease agreement shall be incorporated as a condition of approval by reference and shall be fully complied with at all times. This conditional use permit approval shall be contingent on the approval of the lease agreement by the City Council. In the event the lease agreement is not approved by the Duarte City Council, this conditional use permit approval shall become void.

19. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of this letter. Said appeal must be in writing and filed with the City Clerk's office (DMC 19.144). The written appeal shall include reasons for the appeal.
20. 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 approval which may be brought within the time period provided for such actions or challenges under applicable law.

RESOLUTION PC 18-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING SITE PLAN AND DESIGN REVIEW CASE 14-34, FOR CONSTRUCTION OF A NEW WIRELESS COMMUNICATION FACILITY FOR VERIZON WIRELESS LOCATED AT 2701 ROYAL OAKS DRIVE

WHEREAS, Verizon Wireless has requested approval to construct a new freestanding wireless communication facility in the Royal Oaks Park Extension located at 2701 Royal Oaks Drive; and

WHEREAS, the construction of a wireless facility in the Open Space (O) zone is subject to design review by the Architectural Review Board, pursuant to Section 19.122.030 of the Duarte Development Code; and

WHEREAS, the operation of a wireless facility in the Open Space (O) zone requires approval of a conditional use permit from the Planning Commission; and

WHEREAS, the applicant has applied for a conditional use permit to allow the operation of the wireless communication facility located at 2701 Royal Oaks Drive in Royal Oaks Park Extension, which provides, among other provisions, for the approval of CUP #14-02 to allow the use, operation, and maintenance of a wireless communication facility for Verizon Wireless; and

WHEREAS, pursuant to Section 19.122.040 of the Duarte Development Code, when an application for design review is accompanied by a discretionary review such as a conditional use permit, the applications shall be filed concurrently and the Planning Commission shall serve as the approving body for both applications; and

WHEREAS, the project was presented to the Architectural Review Board at the April 23, 2018 meeting, where a recommendation of approval was made for Planning Commission consideration; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report and all of the information, evidence and public testimony received at the public meeting held on May 21, 2018 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. RECITALS

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

SECTION 2. FINDINGS FOR SITE PLAN AND DESIGN REVIEW

The Planning Commission finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the proposed development is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

The project conforms to the goals and objectives of the General Plan by meeting Land Use Goal 3 by providing unique areas for the location of the Wireless Communication Facility, which better serves the needs of residents and businesses, and allows an important and convenient service with improved wireless coverage.

2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development:

The project site is located on the extension portion of Royal Oaks Park. The site is roughly 2.7 acres of open grass area with a few picnic tables and a large gazebo. The park area does not include any children play equipment or recreation facilities such as tennis courts or basketball courts. This portion of the park is used mostly for City activities or birthday party/social gatherings. The tower will be located in a cluster of trees, on the outer portion of the open park area to prevent impacts to the park or any loss of park use.

3. In compliance with the applicable criteria specified in Subsection 19.122.040(D), and the site is suitable for the proposed development:

- a. Compatibility. *The wireless tower will create an enhancement to the property and surrounding community. The project meets the requirements of the Open Space zone and has been designed to be compatible with design, scale and proportion of the surrounding developments and prevailing heights within the surrounding environment.*

- b. Architectural Design and Detail. *The project has been designed with unique elements that evoke Duarte's citrus industry history. An earth tone color palette will blend well with the surrounding property, the antenna enclosure and equipment enclosure contain a decorative finish and artwork that complement the citrus theme. The tower will create a focal element in the park and community while screening all of the facility components. Furthermore, the project is consistent with the design guidelines outlined in the Duarte Development Code.*

- c. Landscape, Lighting, Parking, Signs, and Other Design Details.

- Equipment and Utilities. *All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within antenna enclosure at the top of the tower or in the equipment enclosure at the base of the tower. Cables and conduits will run inconspicuously down the pole shaft and/or underground.*
- Fences/Walls. *The project does not include the construction of any fences or walls beyond the walls needed for the equipment enclosure. Additional fences or walls around the perimeter of the tower are not included with this approval.*
- Landscaping. *The project will include repairs and/or upgrades to the landscape near the tower structure. The landscape improvements will require separate*

review and approval to ensure landscape areas have been designed to meet the intent and purpose of Chapter 19.40 (Landscaping) of the Duarte Development Code.

- *Lighting. The project will include decorative up-lighting along the base of the tower to accentuate the finished details along the equipment enclosure. The exterior lighting will require separate review and approval to ensure compliance with the performance standards for outdoor lighting outlined in the Duarte Development Code. The exterior lighting will be required to meet energy efficiency requirements and is subject to design review. A separate review and approval will be required.*
 - *Parking. The project will include a requirement to reconstruct the parking lot with better access and improved ADA accessibility. The parking lot improvement will also include improvements to the pedestrian access with a new sidewalk along Los Lomas Road and additional walkways from the parking lot to the park area. The project will not reduce parking or drive aisle widths, and remains clear of vehicular and pedestrian travel to allow safe access for public and emergency services.*
 - *Signs. The project does not include the approval of any signs. All new signs, except for required FCC signage, will require separate review to ensure compliance with the Duarte Development Code.*
4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

The site is sufficient in size and shape to accommodate the proposed use and operation. The project site is located on the extension portion of Royal Oaks Park. The site is roughly 2.7 acres of open grass area with a few picnic tables and a large gazebo. The park area does not include any children play equipment or recreation facilities such as tennis courts or basketball courts. The tower will be located in a cluster of trees, on the outer portion of the open park area. The tower does not reduce parking or drive aisle widths, and remains clear of vehicular and pedestrian travel to allow safe access and use of the park area. The wireless facility is unlikely to cause any significant impacts to the surrounding uses.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 18-10 for the proposed use and operation of an indoor play space, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15332.

SECTION 4. **RECOMMENDATION**

The Planning Commission approves Resolution PC 18-10, based on the findings listed in Section 2 and the conditions of approval listed in “Exhibit D-1”, for the construction of a new freestanding wireless communication facility located at 2701 Royal Oaks Drive.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 21st day of May 2018.

Sara Vasquez
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Community Development Director 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 21, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT D-1

Conditions of Approval
Site Plan & Design Review Case 14-34
Construction of a New Wireless Communication Facility at 2701 Royal Oaks Drive
(Verizon Wireless)

1. This approval is for the construction of a new wireless communication facility at Royal Oaks Park extension, as noted on the approved plans on file with the Community Development Department. The construction shall be in substantial compliance with all components of the approved plans.
2. The elevations of the wireless facility structure shall be reviewed and approved by the Planning Division prior to permit issuance. Final review shall include approval of the color palette, placement of colors, and all finished materials. All finished materials shall be incorporated into the tower design shall be of high quality and high durability, and shall take into consideration locations that may be more vulnerable to damage or potential maintenance concerns.
3. The art elements on the antenna enclosure and equipment enclosure shall be designed by a professional artist with experience in public display art pieces. The final design, type, material, and location of the themed art shall require a separate review and approval by the Architectural Review Board.
4. The removal and/or substantial trimming of any trees in the park area is not included with this approval. Any request to remove and/or trim existing trees shall require approval from the Director prior to commencing work. The applicant, contractor, or any representative thereof shall provide documentation of some form that demonstrates the need for such removal or trimming without any other feasible options.
5. Landscape improvements are not included with this approval. All landscape and irrigation improvements shall require separate review and approval prior to installation to ensure compliance with the landscape guidelines outlined in Chapter 19.40 of the Duarte Development Code. Separate review fees may apply.
6. Any damages to the park, park equipment, parking lot area, etc., as a result of construction and/or maintenance shall be promptly addressed/repaired.
7. The facility, including all art and stealth material, shall remain in good condition at all times. Any damages or deferred maintenance observed shall be promptly addressed/repaired upon notification from the City of Duarte.
8. The land use and other operational characteristics of the wireless facility are not included with this approval. This Site Plan and Design Review application becoming effective shall be contingent upon approval of the associated conditional use permit application. In the event the conditional use permit application is not approved, this site plan and design review approval shall become void.
9. Any exterior lighting shall require final approval from the Planning Division prior to

issuance of building permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. A lighting plan shall be provided to the Planning Division for review and shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed. Separate review fees may apply.

10. All signs, except for required FCC signage, will require separate review to ensure compliance with the sign guidelines outlined in the Duarte Development Code..
11. Follow the list of Best Management Practices (BMP's) of the National Pollution Discharge Elimination System (NPDES), including recommendations from the City grading inspector.
12. The project shall comply with all the regulations of the Open Space zone including the intent and purpose, permitted uses, development standards, and any other applicable sections from the Duarte Development Code and Duarte Municipal Code.
13. The applicant and/or successor shall comply with all conditions of approval associated with Conditional Use Permit 14-02. The conditions of approval shall be incorporated as a condition of approval by reference and shall be fully complied with at all times.
14. The applicant and/or successor shall comply with the requirements outlined in the lease agreement between the City and the wireless carrier occupying the facility. The lease agreement shall be incorporated as a condition of approval by reference and shall be fully complied with at all times. This site plan and design review approval shall be contingent on the approval of the lease agreement by the City Council. In the event the lease agreement is not approved by the Duarte City Council, this site plan and design review approval shall become void.
15. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; such changes may require review and approval from the Architectural Review Board or Planning Commission.
16. All utilities for direct service to the project shall be installed underground and concealed from view. All facility equipment shall remain the equipment enclosure, all antennas shall remain in the antenna enclosure, both screened from view at all times. All cable connections and conduit shall run up the pole shaft within the tower legs. No exterior conduit or connections shall be allowed.
17. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the Planning Commission.

18. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
19. Building permits for this project must be issued within one-year from the date of final approval and may be extended in compliance with Section 19.130.070 of the Duarte Development Code.
20. The property owner, contractor, and all representatives shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction related idling of engines or other disturbances shall occur outside of noted work hours.
21. A final inspection shall be made by the Planning Division prior to final sign-off of any building permits to ensure that all conditions have been met.
22. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of approval. Said appeal must be in writing and filed with the Community Development Department (DDC 19.144). The written appeal shall include reasons for the appeal and the applicable fee.
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 approval which may be brought within the time period provided for such actions or challenges under applicable law.