



PLANNING COMMISSION STAFF REPORT

Date: February 16, 2016

Project: Conditional Use Permit 15-06

Subject: Request to allow the sale of beer and wine for onsite consumption, hookah, live entertainment, and late night hours in conjunction with an existing restaurant operation

Location: 2150 Huntington Drive - The Patio Restaurant

Applicant: Sebouh Nalbandian, Owner/Operator

SUMMARY

The applicant, Sebouh Nalbandian, owner/operator of The Patio Mediterranean Cuisine restaurant located at 2150 Huntington Drive, is requesting approval of a Conditional Use Permit to allow: the sale of beer and wine for onsite consumption, late night hours, hookah, and live entertainment, in conjunction with the restaurant operation. The Patio is a full service restaurant and will continue to operate as such, offering lunch and dinner options seven days a week. The added services through the Conditional Use Permit will serve as ancillary uses to the restaurant operation.

The C-G Commercial General zone permits a restaurant use by right, however the sale of alcoholic beverages, late night operating hours, hookah, and entertainment, in conjunction with the restaurant requires approval of a conditional use permit (CUP) by the Planning Commission.

Based primarily on concerns related to the proximity of residential uses adjacent to the property and the potential for negative impacts generated by the proposed activities, Staff is recommending substantial modification to the uses proposed at the business, including reductions to the operating hours and limitations on how entertainment is provided to patrons. PC Resolution 16-03, attached as Exhibit B, will allow the sale of beer and wine, the use of light entertainment, and includes hookah. Hookah is regulated by the State and the Los Angeles County Health Department; the business owner will be required to comply with each of those agency's processes. While hookah use has been included in the Resolution, Staff is not making a recommendation, but leaving the decision to the pleasure of the Commission.

BACKGROUND

In 1969, a new commercial building, roughly 1,500 square feet, was constructed at 2150 Huntington Drive for the operation of a restaurant business. The building was originally constructed with a small indoor dining area, and over the years several changes have been made that include a large covered outdoor patio. There have been several different restaurants that have operated at this location. The Patio restaurant began operations in 2015.

The restaurant property is roughly 20,000 square feet, with a frontage width of 100 feet along Huntington Drive. The restaurant building is located towards the front of the property; the outdoor patio/porch area is approximately 6 feet from the sidewalk along Huntington Drive. There are commercial uses to the north, east, and west of the property, as well as single-family residential uses to the south and a multi-family use to the west. In addition to the restaurant building, the property is also improved with a rear parking lot. The parking lot area contains 25 parking stalls and four parking lot lights poles. The parking stalls

are striped in an angled direction to accommodate the ingress and egress circulation of the property. The parking lot lights are located along the perimeter at the entry and exit at Huntington Drive and towards the rear of the parking area. The lighting appears dated and may not conform to the current standards for parking lot lighting. An aerial photograph and additional pictures are included as Exhibit C.

The following is a description of the operation that is proposed by the applicant:

The Patio Mediterranean Cuisine is a full service restaurant, offering an assortment of Mediterranean dishes for lunch and dinner. The restaurant consists of a small indoor dining area and a large covered patio for outdoor dining. The business owner is requesting approval to incorporate the following services into the restaurant's business operation:

Beer and Wine. Beer and wine will be offered for on-site consumption (Type-41 license). Alcoholic beverages will be offered only to dine-in customers and will not be sold with to-go orders. Once an order is placed, patrons will be served their alcoholic beverage by table service from a waiter or waitress. The alcoholic beverages will be served in restaurant glasses and/or manufacturer's individual packaging. Alcohol will be stored in the kitchen area in a large refrigerator and/or storage closet, and will be inaccessible to restaurant customers. The owner intends on participating in alcohol service training, using materials from the Department of Alcohol Beverage Control (ABC) for all employees. All employees will need to complete the training prior to serving and/or preparing alcoholic beverages at the restaurant. Age verification training will also be included. Employees will verify the age of patrons ordering alcohol by checking a legal form of photo identification.

Late Night Hours. The business is currently open seven days a week from 11:00 AM to 10:00 PM. The business owner would like to extend the hours to 11:00 AM to 11:00 PM Sunday through Thursday, and 11:00 AM to 1:00 AM Friday and Saturday.

Hookah. Hookah will be offered to restaurant patrons within the outdoor dining patio area from 6:00 PM until closing, seven days a week. The preparation of hookah, which involves the use of a large glass or metal pipe, hot coals and tobacco, will occur in the kitchen area. Restaurant patrons requesting to partake in hookah will be provided the hookah equipment once they're seated and their age is verified using a legal form of photo identification. Once the patrons are finished with the hookah, the equipment and any other related accessories are removed from the table and taken to the rear kitchen area to be sanitized. Hookah equipment and accessories will be stored inside the indoor dining area. Customers will not be allowed to access the hookah equipment on their own, however the pipes and tobacco accessories will be displayed for patrons to choose from. Customers will not be required to purchase a meal to partake in hookah, however in most cases a meal is ordered. Hookah will only occur on the outdoor dining patio area, but the business owner has indicated the patio will not be exclusive to hookah customers only.

Entertainment. Light entertainment with a belly dancer and a guitarist is proposed in a designated area on the outdoor patio from Thursday through Sunday. The belly dancer would perform in 15-minute to 20-minute increments from 8:00 PM to 11:00 PM, using light background music playing from a recorded CD. The live music/guitarist would perform between 9:00 PM to 1:00 AM on the outdoor patio. The guitarist would provide soft music using non-amplified equipment while patrons dine on the patio. Neither dancing nor the installation of a dance floor is proposed. The proposed entertainment also includes the use of a Disc Jockey (DJ) for special occasions such as birthdays and weddings. The frequency of such events is unknown, however the business owner suggests there may be one or two per month on average.

ANALYSIS

The CUP request contains several discretionary uses that may impact the surrounding community and create a variety of concerns. Beer and wine is typical for most restaurant operations. However, extending the business hours to 1:00 AM, adding entertainment, and adding hookah creates an increased intensity to the operation. The requested services are designed to create a social environment, and attract patrons of different ages. Providing beer and wine, hookah, and entertainment while remaining open until 1:00 AM is not a typical restaurant operation, and there are concerns that the combination of these activities adjacent to residential properties may lead to negative impacts. Additionally, the restaurant is comprised mostly of outdoor dining, and will likely be the preferred gathering place for most patrons. The full operation as proposed does not appear suitable for the restaurant operation or location. However, portions of the requested services may be conditioned in a manner that avoids incompatibility and negative impacts. Staff's analysis of each component of the CUP request is outlined below.

Beer and Wine. Section 19.60.030 of the Duarte Development Code (DDC) provides operational standards for establishments that may be granted a conditional use permit for an ABC license. Through the conditional use permit process, alcohol sales for onsite consumption is permitted as an accessory use to sit-down restaurants. As stated in the DDC, a sit-down restaurant is an area that regularly and in a bona fide manner is used and kept open for the serving of at least lunch or dinner, with a suitable kitchen facility connected to the restaurant containing conveniences for cooking an assortment of meals.

The DDC operational standards for an ABC license also restricts any lounge/bar areas designed for exclusive alcohol service to a maximum of twenty-percent of the total aggregate area of the restaurant. The restaurant includes a 415 square-foot indoor dining area and a large 950 square-foot outdoor dining patio. The total dining area of 1,365 square feet allows for a maximum of 91 occupants. Food and beverage service will be provided to patrons seated in both dining areas and neither will be designated exclusively for alcohol service. The indoor dining area has two large windows and a door in the front wall of the restaurant building that separates indoor dining from the outdoor patio area. The windows and door help create the feel of an open design and allow efficient service and monitoring of both dining areas.

The customer areas are separated from the employee/service areas where alcohol will be stored and prepared. Customers will not be permitted access to the kitchen and/or service areas. Alcohol will be stored in a refrigerator cooler and a storage closet located in the kitchen area, out of reach from patrons. Furthermore, all alcohol beverages are delivered to customers while seated at their table; patrons will not be able to order from a service counter and handle their own alcohol beverage back to their table.

To prevent potential concerns related to alcohol, such as unlawful sales to minors, The Patio will be required to implement an employee-training program as part of their business operation. ABC will provide training programs and materials to help educate managers and employees in all areas of alcohol sales and service. All employees engaged in the sales or service of alcohol will be required to complete the training program, newly hired employees that will sale or serve alcohol will be required to complete the training as part of their hiring process. The training materials will cover several areas, including age verification. The Patio has indicated they will verify the age of patrons who appear to be 21 years old or younger by requesting to see a legal form of photo identification. However, Staff suggests The Patio require patrons who appear to be 30 years of age or younger to provide photo identification to employees prior to receiving any alcoholic beverage.

The addition of beer and wine will provide an added service to the restaurant, giving the business the ability to compete with other restaurants in the area and be successful. The beer and wine will be an

ancillary part of the business operation. The owner will be required to provide food during all hours of operation, which is typical of sit-down restaurants that offer onsite alcohol consumption. This helps ensure the business continues to function as a bon-a-fide restaurant and not like a bar. Additionally, alcohol will be properly stored, prepared, and served, and proper alcohol sales training will be implemented as part of the business operation, which has been included with the conditions of approval.

The proposed conditions would also limit the hours of alcohol sales to allow sales up to 11:00 PM. This limitation is addressed in the next section.

Hours of Operation. The business owner has requested to modify the current hours of operation to a closing time of 11:00 PM Sunday through Thursday, and 1:00 AM on Friday and Saturday. The closing time of 11:00 PM appears reasonable for restaurant operations, however, closing at 1:00 AM creates noise and compatibility concerns. Extending the business operation to 1:00 AM could potentially lead to a high level of pedestrian traffic during late night hours. During late hours, customers will most likely gather and dine on the outdoor patio, generating an increase in noise and impacting the adjacent residential properties. Additionally, once the restaurant is closed for business, customers may have the tendency to linger and/or socialize in the parking lot. This may lead to additional noise impacts as well as safety concerns. The late night hours and the business activities will create a land use that is incompatible with its surroundings and could potentially become detrimental to the community.

A brief survey was conducted of other restaurants establishments with similar operating characteristics. The results indicated most restaurants close between 10:00 PM and 11:00 PM, including weekends. Over the past few years, several local restaurants have added services such as beer and wine to their business through the CUP process and have requested new hours of operation. None were granted late night hours by the Planning Commission. One particular business is allowed to remain open until 12:00 AM midnight, however, the business has been the subject of recurring noise complaints from surrounding properties. Two of the most recent approved CUP's for on-site alcohol sales, SR Indian and Cabrera's Restaurant, were conditioned to close at 10:00 PM and 11:00 PM, respectively.

Staff recommends the Planning Commission deny the request for late night hours and limit the hours of operation of alcohol sales to be allowed up to 11:00 PM only. Since the Development Code permits restaurant use by right until midnight, this condition would limit the restaurant use until midnight and alcohol sales and consumption would be required to end by 11:00 PM.

Entertainment. The belly dancer and the solo guitarist appear to be light forms of entertainment and are unlikely to cause any impacts to the surrounding community. The entertainment will be restricted to the covered outdoor dining area only, and will not be permitted to occur on the uncovered "porch" area of the patio. The business owner has stated that the belly dancer will require only a recorded CD during performance and the guitarist will play lightly in the background while patrons dine. The equipment required to play the recorded CD may consist of a typical portable stereo player, wall-mounted speaker system or something more complex. The music will need to remain at a low level, intended to be heard by outdoor dining guests only. The guitarist will perform as a solo act and will not require the use of any amplified equipment. To ensure the entertainment does not become a nuisance or detrimental to the adjacent property, Staff has added conditions of approval that limit the entertainment to be allowed up to 11:00 PM. Additionally, the business owner will be required to provide details on the stereo equipment for review and the use of amplified equipment by the guitarist will be prohibited.

The business owner has also indicated they would like to provide a greater form of entertainment with a Disc Jockey (DJ) that will be used for special occasions such as birthdays and weddings. The location of the business is not conducive for such a substantial form of entertainment. There is a strong likelihood

the DJ will create noise impacts to the residents and other surrounding properties, especially during the later hours into the evening. The special events could potentially draw large crowds on the outdoor patio and eventually spill over into the parking lot areas.

Staff recommends the Planning Commission amend the entertainment request to allow the use of a belly dancer and solo guitarist up to 11:00 PM, subject to the conditions of approval; while prohibiting the use of a DJ, microphones, professional sound board, or similar stereo system as part of the business operation and/or prohibiting any special events that may occur during the late evening hours.

Hookah. Hookahs are glass or metal pipes that are used for inhaling flavored tobacco, also known as Shisha. The tobacco used in hookah smoking is a legal substance and has become somewhat popular with Mediterranean/Middle Eastern restaurant operations. It creates a social atmosphere that caters to a variety of crowd types and tends to attract patrons looking for an expanded dining experience.

The business owner has indicated the hookah will occur on the entire outdoor patio during the evening hours of operation. The outdoor patio is adjacent to the Huntington Drive right-of-way and encompasses nearly all of the available dining area at the restaurant. The use of such a large area near the City's main thoroughfare creates a variety of concerns:

- The hookah activity and equipment may not be visually appealing along Huntington Drive;
- Hookah smoke tends to produce a notable scent that will linger within the patio and likely spread throughout the public right of way and adjacent residential properties; and
- The full use of the patio will likely prevent customers from dining on the patio if they do not wish to partake in hookah, indirectly creating an exclusive use of the patio for hookah smoking.

Hookah establishments must comply with stringent State law and Health code requirements, including the Smoke Free Work Place law. Staff was able to discuss the project with the Los Angeles County Health Department, which indicated concerns with food/beverage service to the hookah areas and customer access to the dining areas. The project will require a plan check review from the County Health Department to ensure compliance with all State and County requirements. No hookah activity will be allowed unless proper approval is secured from the Health Department.

Despite these concerns, the hookah activity is a use typically associated with this type of restaurant operation. With the proper mitigations and conditions of approval there is a possibility the hookah activity can occur without creating adverse impacts to the surround properties. Staff has prepared a resolution that includes the approval of hookah based on the request submitted by the applicant with conditions that regulate the use. Staff is not making a positive recommendation for this use but leaving the decision to the pleasure of the Commission. Staff recommends the Planning Commission discuss the use of hookah as part of the CUP application and provide Staff with feedback and direction.

Security

For increased safety and monitoring, The Patio will install a new security surveillance system. Four cameras will be located on the property, three will provide surveillance of the parking lot and drive aisles, and one will provide surveillance of the outdoor patio. The security control/monitor and media storage will be located in the office. The cameras will be required to provide surveillance on a continuous loop and the media will be stored on the hard drive for a minimum of 30 days. Only the business owner and/or his designee will have access to the hard drive storage. The property is fairly small, however the minimal amount of cameras may not be sufficient for adequate security for the current and/or added

business operations. As a condition of approval, the business will owner will be required to provide a security plan for review. The security plan will likely include details on an adequate surveillance system for the interior and exterior, proper exterior and parking lot lighting, and an operating alarm system linked to a reputable call center.

Building Modifications

The uses requested through this CUP will require compliance with other agencies such as ABC and the Health Department, which tend to include modifications and upgrades to the restaurant building. At minimum, the changes include a Health Department requirement to create a separate door leading into the interior of the restaurant, as to avoid hookah smoke within the patio; and new construction of separate men and women's restrooms for ABC compliance. To ensure these modifications are completed, conditions of approval have been added to require compliance with all State, County, and Local requirements. The business owner will be required to complete any required upgrades or modifications to the building prior to implementing the CUP requests into the business operation. All building changes and/or upgrades will require review and approval from the Community Development Department.

RECOMMENDATION

Based on the information provided in the Staff report, along with the required findings, Staff recommends that Planning Commission discuss the CUP request, and if it is the desire of the Commission, approve Conditional Use Permit 15-06, subject to conditions, by adopting PC Resolution 16-03.

Respectfully Submitted,



David F. Eoff IV
Associate Planner

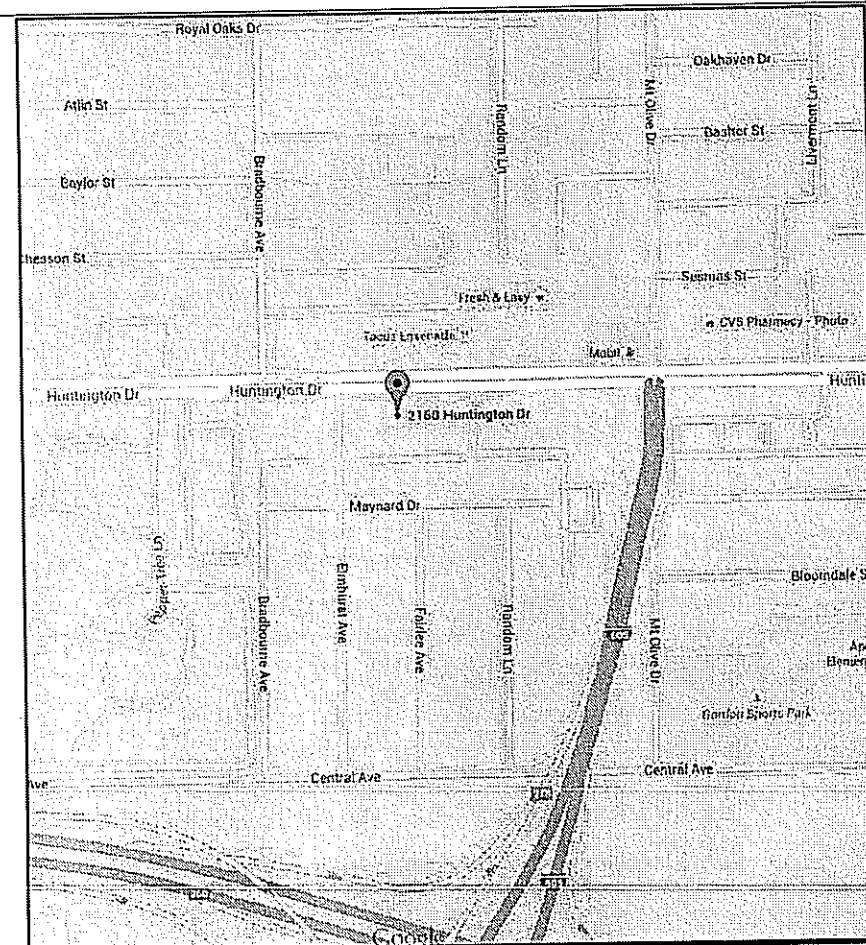
ATTACHMENTS

Exhibit A - Project Plans
Exhibit B - PC Resolution 16-03
Exhibit C - Project Photos

PATIO
MEDITERRENEAN RESTAURANT
2150 HUNTINGTON DR.
DUARTE, CA. 91010

EXHIBIT A
PROJECT PLANS

VICINITY MAP



PROJECT INFORMATION

APN# 8529-13-036
TRACT # 14824 LOTS 7 AND 8
RESTAURANT AREA 1,443 SQ.FT.
PATIO AREA 900 SQ.FT.

APPLICABLE CODES

2014 CBC AND FULLERTON MUNICIPAL CODE,
2014 CALIFORNIA MECHANICAL CODE
2014 CALIFORNIA ELECTRICAL CODE
2014 CALIFORNIA PLUMBING CODE
2014 CALIFORNIA ENERGY CODE
2014 CALIFORNIA FIRE CODE

NOTES

SEPARATE APPLICATION, PLAN CHECK, AND PERMITS ARE REQUIRED FOR:
a. ELECTRICAL WORK
b. MECHANICAL WORK
c. PLUMBING WORK

CONSULTANTS

PLANS PREPARED BY:
DARKJIAN ASSOCIATES
CONTACT : BEDROS DARKJIAN
527 TANCANYON RD
DUARTE, CA 91010
TEL. (626) 215-4826

OWNER:

SHEET CONTENT

ARCHITECTURAL

A-1	COVER SHEET AND SITE PLAN
A-2	FLOOR PLAN
A-3	FIXTURE PLAN

DARKJIAN ASSOCIATES

2411 FOOTHILL BLV.
PASADENA, CA, 91107
TEL: (626) 405-0556

COVER SHEET
SITE PLAN

PATIO

2150 HUNTINGTON DR.
DUARTE, CA. 91010

Rev.:

Date:

Scale:

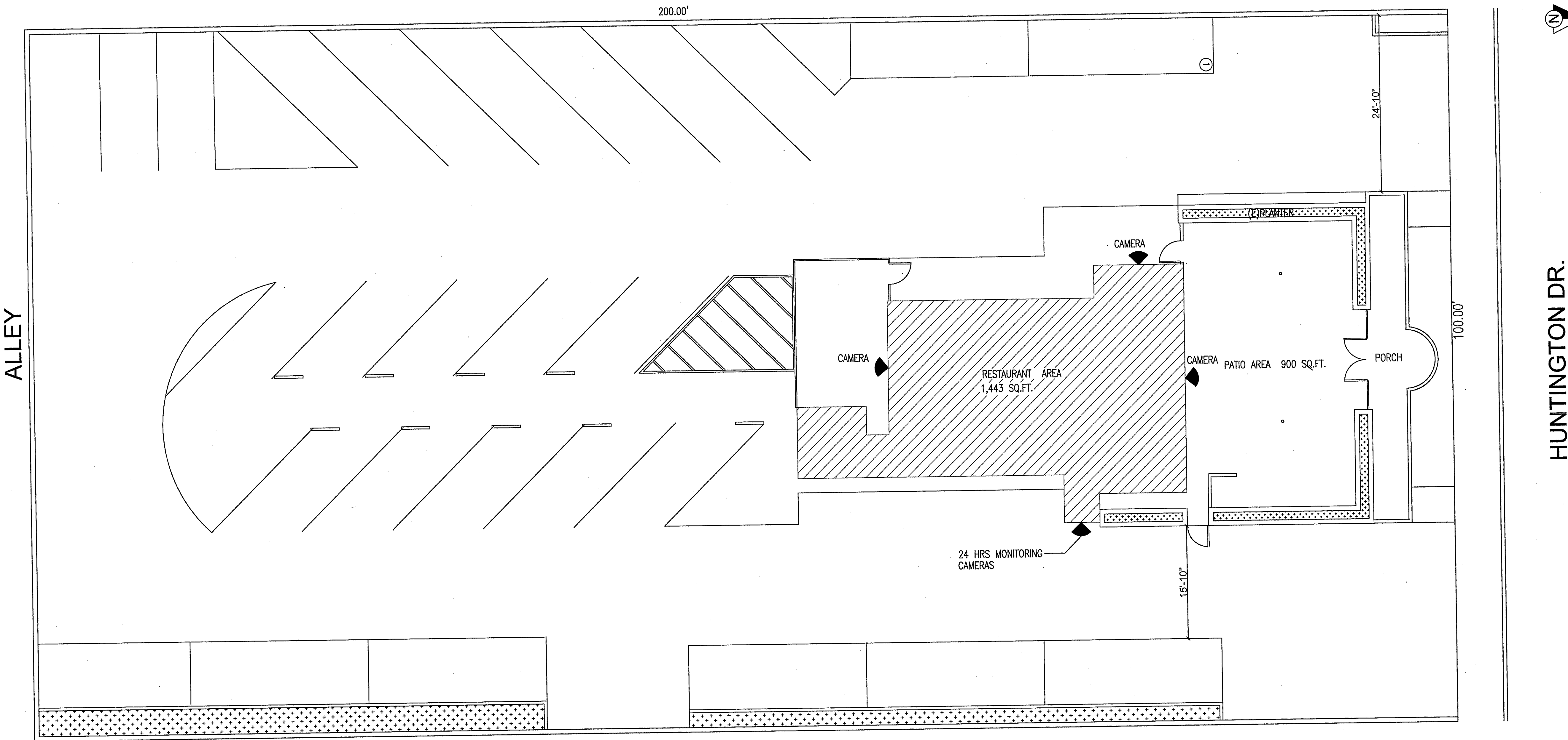
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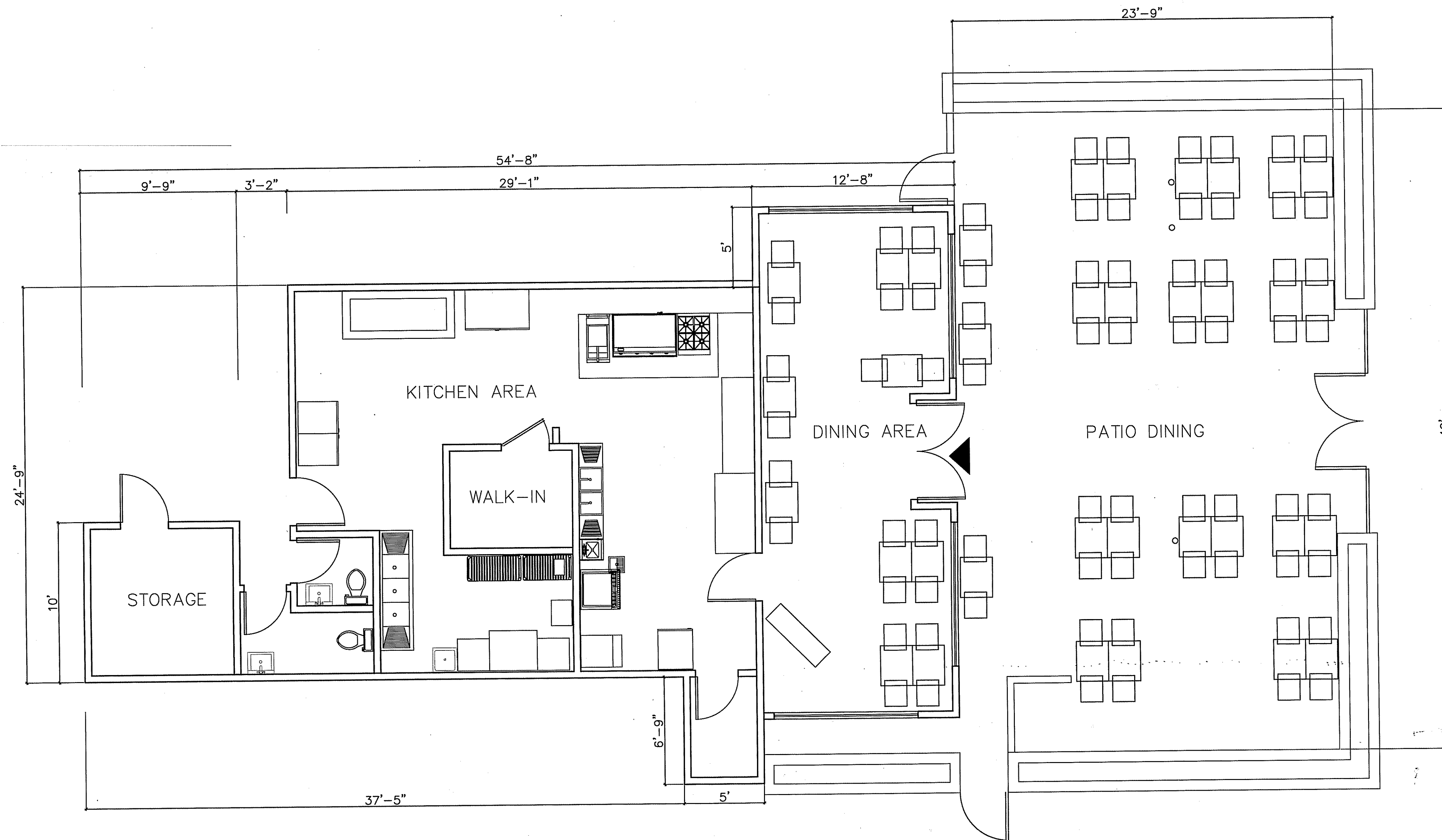
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SITE PLAN

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



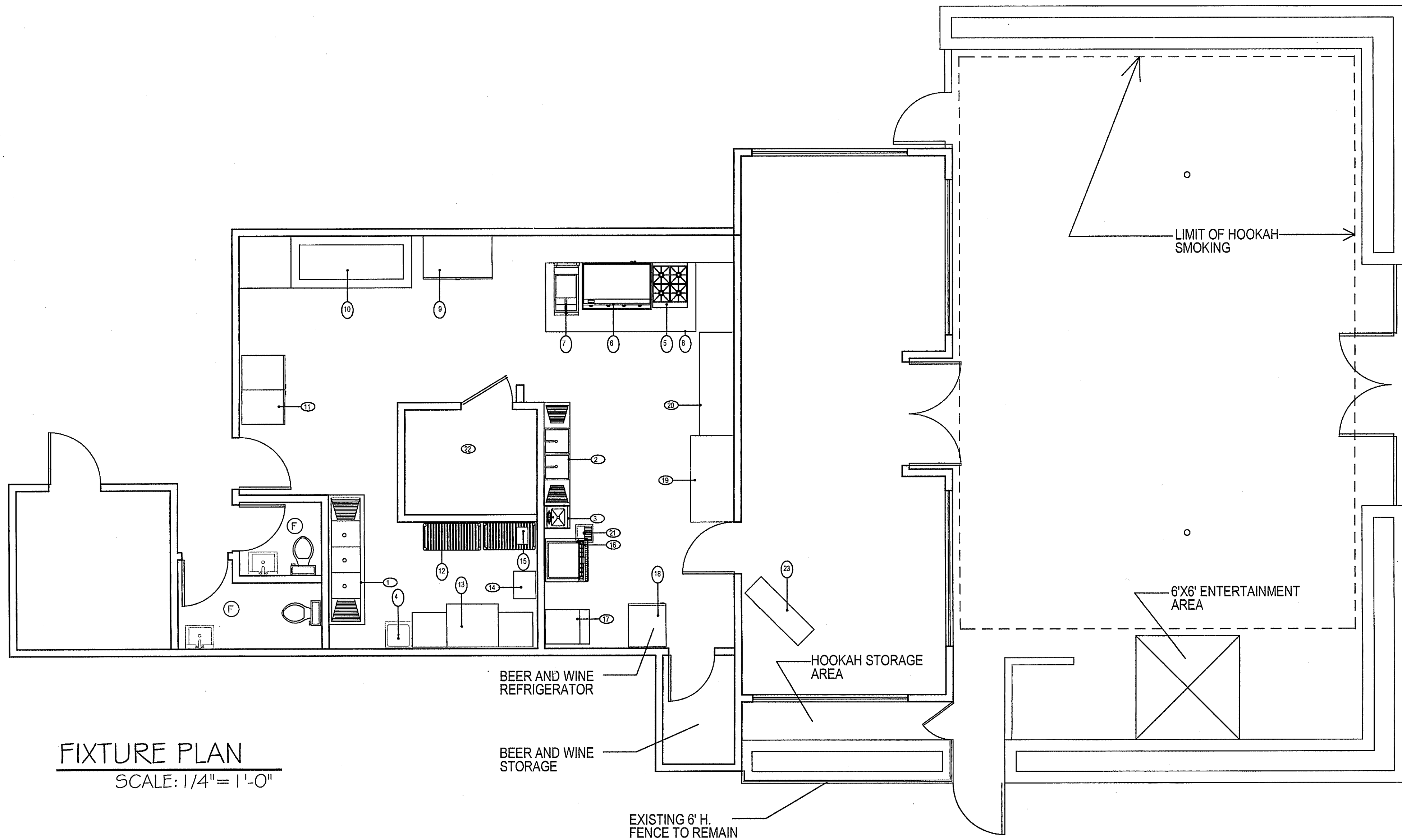
FLOOR PLAN
SCALE: 1/4" = 1'-0"

DARKJIAN ASSOCIATES
2411 FOOTHILL BLV.
PASADENA, CA 91107
TEL: (626) 405-0556

FLOOR PLAN

PATIO
2150 HUNTINGTON DR.
DUARTE, CA 91010

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FIXTURES & EQUIPMENT SCHEDULE						
NO.	DISCRPTION	MANUFACTURER	QTY	BY	ELECTRICAL REMA.	PLUMBING REMA.
1	3 COMPARTMENT SINK	ADVANCE TABCO 18"X18"X12" W/ 18"X18" DRAIN BOARDS	1			1/2" HOT AND COLD WATER
2	2 COMP.PREP. SINK	ADVANCE TABCO 18"X18" DRAIN BOARDS	1			1/2" HOT AND COLD WATER
3	HAND SINK 13"X13"	ADVANCE TABCO	1			1/2" HOT AND COLD WATER
4	MOP SINK	ADVANCE TABCO	1			
5	COOK RANGE	IMPERIAL	1			203,000 B.T.U.
6	GRIDDLES	WELLS BLOOMFIELD	1			90,000B.T.U.
7	FRYER	PITCO	1			90,000B.T.U.
8	48"X104" S.S. HOOD		1			
9	REFRIGERATOR					
10	7' X 3' BRICK OVEN		1			
11	2 DOOR REFRIGERATOR	VICTORY	1			MODEL VR-SA-2D
12	WIRE SHELING(4 SHELVES)	METRO (SEE PLAN FOR SIZE)	1			
13	DISH WASHER					
14						
15	SODA SYRUP		1			
16	SODA DISPENSER	LANCER	1			MODEL-IBD 4500
17	ICE MAKER		1			
18	BEER AND WINE REFRIGERATOR		1			
19	COLD TABLE	KOOL STAR	1		6.5 AMP.	MODEL KSPT67
20	STAINLESS STEEL WORK TABLE	ADVANCE TABCO	1			KLAG-248 72"X24"
21	FLOOR SINK					
22	WALK IN COOLER		1			
23	COUNTER		1			
24						

* ALL EQUIPMENT SHALL BE NSF APPROVED
** PERMANENTLY WIRED W/ SELF ACTIVATING SWITCH & AIR VELOCITY OF AT LEAST 1600 FEET PER MINUTE. .

LEGEND:

- FD FLOOR DRAIN
- F FAN
- FLOOR SINK

DARKJIAN ASSOCIATES
2411FOOTHILL BLV.
PASADENA CA 91107
TEL: (626)405-0556

FIXTURE PLAN

PATIO

2150 HUNTINGTON DR.
DUARTE,CA 91010

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**EXHIBIT C
PROJECT PHOTOS**



Front Elevation



Rear Elevation



West Elevation



West Elevation



East Elevation



East Elevation



RESOLUTION NO. PC 16-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 15-06 ALLOWING THE SALE OF BEER AND WINE, HOOKAH, AND ENTERTAINMENT IN CONJUNCTION WITH A RESTAURANT OPERATION KNOWN AS THE PATIO LOCATED AT 2150 HUNTINGTON DRIVE

WHEREAS, the applicant operates an existing restaurant in the City of Duarte; and

WHEREAS, the applicant is requesting approval of a conditional use permit to allow beer and wine for onsite consumption, hookah, and entertainment in conjunction with a full service restaurant operation at 2150 Huntington Drive; and

WHEREAS, the requests listed above are conditionally permitted uses in the Commercial-General (C-G) zone, pursuant to Chapter 19.12 of the Duarte Development Code; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for Conditional Use Permit application 15-06 and all of the information, evidence and public testimony received at the public meeting held on February 16, 2016 at 7:00 p.m. in the City Council Chambers;

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

SECTION 1. That the Planning Commission approves PC Resolution 16-03 with conditions, for Conditional Use Permit 15-06 at 2150 Huntington Drive.

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

SECTION 3. The Planning Commission finds and determines as follows, 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 Patio restaurant is consistent with Land Use Goal 3 of the General Plan by providing unique areas to better serve the needs of Duarte residents. The use is also consistent with the General Commercial land use designation by providing sites 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;

The Patio restaurant is consistent with the General Commercial (C-G) zoning designation as the business provides for local needs with the operation of a full service restaurant, offering an assortment of menu and meal options. The alcoholic beverages, entertainment, and hookah serve as an accessory to the restaurants primary function, all of which are permitted with a Conditional Use Permit.

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

The Patio restaurant is located at 2150 Huntington Drive. The property is rectangular in shape and contains approximately 20,000 square feet of land area, which is sufficient for accommodating the freestanding restaurant building, the parking lot area, and necessary circulation. The commercial uses located to the north, east, and west of the property are typical and raise little concern with compatibility. However, the property is also adjacent to residential uses on the south and west. To ensure the operation remains compatible with the allowed uses in the vicinity, the restaurant will remain the primary use on the property and all additional uses/services, including beer and wine, entertainment, and hookah will be ancillary and properly conditioned to avoid adverse impacts. Furthermore, the hours of operation for alcohol sales and live entertainment will be limited based on compatibility with adjacent residential uses. The parking lot for the use is directly adjacent to residential use to the south and west and the outdoor nature of much of the proposed business would create an undue and significant impact if business hours for alcohol sales and live entertainment were to extend later than 11:00 pm. The size, scale, and operation of the restaurant itself is relatively low in intensity, which is common for locations such as these. The added services will likely increase the customer activity and overall business of the restaurant. However, the intensified operation has been conditioned to avoid potential impacts and ensure the restaurant remains compatible with the surrounding properties.

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 restaurant is the primary use on the property and all other uses must remain incidental to the restaurant operation. The restaurant is required to remain open for the serving of at least lunch or dinner to guests for compensation during all hours of operation. The added services will likely increase the business activity and intensify the use; however, the limitations imposed on the added services reduce the potential for adverse impacts on the surrounding properties. The restaurant's primary use will be to prepare and serve an assortment of meals to its guests, while the ability to offer beer and wine, entertainment, and hookah will allow an opportunity to create a unique dining experience. The hours of operation for alcohol sales and live entertainment will be limited based on compatibility with adjacent residential uses. The parking lot for the use is directly adjacent to residential use to the south and west and the outdoor nature of much of the proposed business would create an undue and significant impact if business hours for alcohol sales and live entertainment were to extend later than 11:00 pm. Conditions of approval will help avoid adverse and detrimental effects on the City and surrounding community, as well as laws regulated by State and County agencies.

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 Patio restaurant is located within the General Commercial (C-G) zoning district. The project site is located along the City's main arterial street, Huntington Drive, which provides primary access to the property. The site also meets the parking requirements and the

circulation on the property is suitable for public and emergency vehicle access. The added beer and wine, entertainment and hookah, will likely generate additional traffic, however, the traffic should not reach a point that is detrimental to the site and surrounding developments.

SECTION 4. The Planning Commission approves Conditional Use Permit 15-06 based on the findings listed in Section 3 and the conditions listed in "Exhibit B-1".

SECTION 5. The approval of Conditional Use Permit 15-06 by the Planning Commission 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 review is necessary.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 16th day of February 2016

Shauna Pierce, 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 February 16, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT B-1
Conditions of Approval
Conditional Use Permit 15-06
2150 Huntington Drive (The Patio Mediterranean Cuisine Restaurant)

Hours of Operation

1. The hours of operation for alcohol sales and live entertainment shall not extend beyond 11:00 PM, seven days a week. Any request to modify the hours for alcohol sales and live entertainment beyond 11:00 PM will be referred to the Planning Commission for review, in which case a modification to this conditional use permit will be required prior to changes being made.

Alcohol Services

2. Alcoholic beverage consumption, storage, service, and preparation area shall only be allowed in areas designated on the approved plans on file with the Community Development Department (Exhibit A).
3. Alcohol sales shall remain incidental to the restaurant operation and shall be limited to beer and wine, only, as permitted with a Type-41 alcohol license. The business owner shall maintain records that separately reflect the gross sales of alcoholic beverages, and such records shall be made available to the City upon reasonable request.
4. The business establishment shall continually operate as a restaurant/"bona fide eating place" as defined by the Duarte Development Code and the State of California Department of Alcoholic Beverage Control (ABC). The sale of alcohol shall remain as an accessory to the primary use of a full service restaurant. Service of lunch and/or dinner shall be available to guests for compensation during all hours of operation, providing an assortment of foods with a full menu.
5. Alcohol beverages shall be sold in conjunction with food orders for dine-in patrons only.
6. Alcohol storage and service/preparation areas shall not be accessible to the public.
7. The sale of alcohol beverages for off-site consumption is prohibited.
8. All signage related to regulation of alcohol sales and/or consumption, as required by ABC, shall be displayed in accordance with the laws and requirements of ABC.
9. All employees serving or selling alcohol shall participate in an alcohol sales training program prior to serving/selling alcohol. The alcohol sales training program shall include a component related to age verification to prevent the unlawful sale of alcohol to minors. All employees serving or selling alcohol shall verify the age of any patron appearing to be 30 years old or younger. Contact the ABC district office for more information on alcohol sales training programs and materials. Satisfactory proof of completion of the alcohol sales training materials provided by ABC shall be provided to the City prior to sales of alcoholic beverages. The applicant shall also provide current proof of employee training certifications within 24 hours of City request.

10. Prior to commencing alcohol sales, the applicant shall obtain the appropriate license from ABC, comply with the licensing requirements, and provide evidence of said license to the Planning Division. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
11. All laws of the Alcoholic Beverage Control Act, as defined by Division 9 of the California Business Professions Code shall be complied with at all times. Should at anytime the Alcoholic Beverage license issued to the applicant be revoked for any purpose, this Conditional Use Permit shall become invalid.

Entertainment Services

12. All entertainment shall occur only within the outdoor patio or the indoor dining area. Entertainment is limited to one belly dancer and/or one solo guitarist, Thursday through Sunday from 8:00 PM to closing. The use of amplified music and/or equipment is strictly prohibited. The use of a Disc Jockey (DJ), Karaoke machine, or other forms of live entertainment is strictly prohibited, regardless if associated with the general operation of the restaurant business or a special event (birthday, wedding, or similar).
13. The entertainment shall remain an ancillary use to the restaurant operation. Any change or increase to the type, location, frequency, or any other entertainment characteristics shall be reviewed by the Planning Division prior to commencing such changes. The Planning Division may refer the requested changes to entertainment to the Planning Commission for review, in which case a modification to the conditional use permit will be required prior to changes being made.
14. All regulations of the Duarte Noise Ordinance outlined in Chapter 9.68 of the Duarte Municipal Code shall be fully complied with at all times. Any violation of the noise ordinance or recurring complaints related to noise levels may result in review of this CUP and possibly changes to the entertainment operation of the business.
15. If it is determined that the noise exceeds the requirements of the City's municipal code, the Community Development Department may require the applicant to pay for a City-hired noise consultant to perform a noise study and propose measures to assure compliance with the Municipal Code.

Hookah Smoking

16. Hookah activity shall occur on the outdoor patio only, as shown on the approved plans on file with the Planning Division. No hookah activity shall extend or be allowed on the uncovered portion of the covered patio (labeled as the "porch" on the approved plans).
17. Minors (under the age of 18) shall not be permitted to partake in any hookah related activities.
18. Hookah operation shall comply with all State laws, including laws regarding the smoke-free work place.

19. The hookah operation shall meet all the requirements of the Los Angeles County Health Department. Commencement of the hookah operation is contingent upon receiving approval from the County Health Department.
20. All hookah equipment and accessories shall be properly stored and inaccessible to customers when not in use.
21. The business owner shall provide details on the method and location of hookah preparation and sanitizing the Planning Division for review. Any request to install and/or construct any equipment, appliances, etc for the preparation of hookah coals shall require review by the Planning Division prior to implementing. Additionally, such improvements may require review by other agencies including Fire Department and Health Department.
22. The outdoor patio shall not become an exclusive area for hookah use only. Patrons requesting to be seated and/or dine on the outdoor patio shall be allowed to do so regardless if the patron plans to partake in hookah service.

General

23. Any expansion or modification to the approved use as part of this conditional use permit, including any substantial changes to the floor plan that may affect or intensify areas related to any portion of the restaurant operation shall be reviewed by the Planning Division, and may require an application for a modification to the conditional use permit.
24. The business owner shall address any unpermitted alterations on the property or current violations of the State, the Los Angeles County Health Department, the California Building Code, and the Duarte Development Code, as part of this CUP approval and as identified by the Planning Division prior to implementing any new services allowed by this CUP into the business operation.
25. The use of the facility as a rental facility for exclusive use by private parties is expressly prohibited.
26. Adequate management staff shall be present during all business hours and shall be responsible for ensuring compliance with all conditions of this conditional use permit.
27. The business owner shall provide a security plan to the Community Development Department for review. The security plan shall include details on a closed circuit television system consisting of interior and exterior surveillance cameras and a digital video recorder (DVR) for recording surveillance camera footage. The security system hard drive shall save footage/data for a minimum of 30 days. The hard drive shall be locked and secured, and accessible only to the business owner and/or designees. All saved data shall be made available to the Public Safety Department and City personnel upon reasonable request. All components of the security plan shall be operational prior to implementing any new services allowed by this CUP and shall remain fully operational at all times. Any changes to the security system shall require review from the Community Development Department and Public Safety Department prior to implementing.
28. New security lighting shall be installed along the exterior perimeter of the building, specifically on the east, west and south elevations. The light fixtures shall be a wall-pack design with cut-off shields, and installed with a time clock or photocell. The parking lot

lighting shall be upgraded to meet the current Development Code standards for parking lot lights. The business owner shall consult with a Lighting Professional to help determine the quantity and location of light fixtures that will provide sufficient lighting of the rear parking lot and around the building's perimeter. Details on the light fixtures shall be provided to the Planning Division prior to installation (manufacturer specs, illumination levels, area coverage, etc.). The required upgrades and installation of any new lighting shall be completed prior to implementing any new services allowed by this CUP. A final inspection is required from Planning Staff.

29. This CUP may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that the restaurant establishment, or its patrons, are creating a public nuisance, as verified and validated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include added security measures and any other remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, Health Code, or other violations associated with the sale of alcoholic beverages, conditions of approval or any other governmental regulations, as determined by the City of Duarte, Los Angeles County Health Services Department, Department of Alcoholic Beverage Control (ABC), or Los Angeles County Fire Department, may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
30. Outdoor storage associated with this use is prohibited.
31. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
32. 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.
33. 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: February 16, 2016

Project: Site Plan & Design Review Case ARB 15-16

Subject: New Commercial Building, Façade & Site Improvements to the Duarte Nissan Dealership

Location: 1434 Buena Vista Street

Applicant: Arun Phadnis, Architect; Rinaldi Halim, Business Owner

SUMMARY

Duarte Nissan is proposing a substantial remodel to the car dealership property. The project includes the construction of a new showroom building, construction of a new vehicle delivery building, construction of a new service reception building, and façade improvements to the existing parts building and the service bay walls. All of the new buildings are attached to each other to create the appearance of one large building. To accommodate the new construction and façade improvements, the existing showroom and the front portion of the existing parts building will be demolished. The existing Pre-Owned-Vehicle building will also be demolished and replaced with a new vehicle inventory parking area. The project also includes various site improvements such as new landscaping and irrigation, new parking lot light fixtures, and a new vehicle display platform along Buena Vista Street.

The remodel will incorporate a new architectural style, using a combination of aluminum and stucco material, and a new color scheme. The improvements are in line with Nissan's new corporate identity that has been applied to dealerships throughout the country.

On February 8, 2016 the Architectural Review Board met at a regular scheduled meeting to hear the proposal and recommended approval to the Planning Commission for consideration, subject to conditions of approval.

PROPERTY DESCRIPTION

The Nissan Dealership is located on approximately 5.5 acres of land at the northeast corner of Buena Vista Street and Central Avenue within the C-F Commercial Freeway zone. The property contains a variety of parking for employees, customers, and vehicle inventory, along with four structures: a 9,765 square-foot showroom building, a 9,940 square-foot two story parts building, an 8,560 square-foot service building (service bays), and a 2,688 square-foot pre-owned vehicle building. The property is accessible from Central Avenue using three driveway approaches. Two additional driveway approaches are located along the Buena Vista frontage, however they're closed off with a wrought-iron gate and are not intended to allow secondary access to the property. Adjacent uses include the Duarte Teen Center to the north, Duarte High School and the Duarte skate park to the east, the California 210 freeway to the south, and commercial development across Buena Vista Street to the west.

PROJECT DESCRIPTION

The project is a result of Nissan's new corporate image, consisting of a new architectural style, color scheme and a combination of metal, stucco, and large glazing materials. The project includes

demolition of buildings, construction of new buildings, and façade enhancements to existing buildings. The project also includes a variety of site improvements related to parking and circulation, lighting, and landscaping. The proposed changes to the Duarte Nissan dealership, shown on Exhibit A, are outlined below.

Showroom/Sales Building (Bldg. 1). The existing showroom building will be demolished and replaced with a new showroom/sales building, approximately 14,250 square feet. The proposed showroom/sales building is single story, standing roughly 25 feet tall, and located in the same general area as the existing showroom. A majority of the front (south) elevation will consist of a new storefront glazing system. The proposed system includes 15-foot tall clear glazing that is framed with clear anodized aluminum mullions to create clear visibility into the showroom area. The south elevation also incorporates fixed aluminum louvers located above the storefront glazing, extending roughly 6 feet in height. The louvers are designed as an accent element and intended to add architectural interest to the building. The showroom/sales building also includes an enclosed vehicle delivery area along the east elevation. The vehicle delivery area is approximately 1,000 square feet and can accommodate parking for three vehicles.

The new showroom/sales building will contain a modern architectural style and incorporate a combination of aluminum composite material (ACM) and stucco on the exterior. The building contains a rectangular form, spanning nearly 170 feet wide, incorporating some minor movement into the building plane. The storefront glazing along the showroom/sales building is recessed roughly 18 inches, creating a soffit that is suitable for decorative down lighting. The vehicle delivery portion is setback approximately 14 feet from the front of the showroom/sales building, creating a greater break in the south elevation. The exterior will be mostly finished in a "silver metallic" color with some small accent areas finished in a "Nissan red" color. The exterior of the vehicle delivery area is finished with the same "silver metallic" color, it incorporates storefront glazing on the south elevation that matches the showroom/sales area, and three 12-foot tall sectional glass overhead doors on the east elevation for vehicle access. The exterior colors and materials are reflective of the corporate Nissan image. The interior of the showroom/sales building will include a variety of office space, employee areas, and areas for vehicle display along the storefront. A new concrete area will also be constructed outside of the showroom/sales building to allow additional vehicle displays outdoor.

Service Reception Building (Bldg. 2). The current vehicle service reception area consist of two drive aisles (entry, exit) allowing customers to pull up to the service window and drop their vehicle off for service. The drive aisles will be removed to allow construction of the new service reception building. The new service reception building is approximately 3,600 square feet and is attached on the west side of the showroom/sales building. The service reception will allow customers to pull the vehicle into the service building area to check in the cars for service. The building stands approximately 20' tall. The front (south) and rear (north) elevations will include three 12-foot tall sectional glass overhead doors for vehicle pass through to the service bay areas. The remaining exterior will consist of an Aluminum Ribbed Material (ARM) finished in a natural stainless steel color. The service building is set back roughly 25 feet from the front of the showroom/sales building.

Parts Department Building (Bldg. 3). The front portion of the existing parts department building, which consisted of lobby and customer service areas, will be demolished to create an open hardscape area for additional outdoor vehicle display. The remainder of the parts building, which is roughly 25 feet tall with a slump-block finish, will receive a façade upgrade. A majority of the front

elevation will be improved with the ribbed aluminum, similar to the service reception building. The front elevation will also include a furred column/soffit feature around the building entrance. The feature will extend roughly 2 feet from the building wall and will be finished using the silver metallic ACM. The existing slump-block material will remain on the rear, east and west elevation of the building and will be painted light grey to match the color scheme throughout the property. The existing height of the building will remain at roughly 25 feet. With the removal of the front portion, the parts building will be set back approximately 20 feet from the service building and an additional 25 feet from the showroom/sales building.

Service Bays Screen Wall (Bldg. 4). The existing service bay screen walls are roughly 18 feet tall and designed to screen the dealership's vehicle service areas from view. The screen walls, which contain the slump-block finish as the parts building, will be improved using the ribbed aluminum material as the main body of the screen and incorporate large pop-out features using the ACM. The west and north elevation of the screen wall will remain as slump-block and will also be painted light grey to match the property color scheme.

Existing Pre-Owned Vehicle (POV) Building. The existing pre-owned vehicle building, located adjacent to Buena Vista Street, will be completely demolished. In place of the POV building, the project has proposed additional parking for vehicle inventory, new parking lot lighting, new landscape planters throughout the parking area and an enlarged landscape buffer along Buena Vista Street. The area will also include a new raised platform roughly 2 feet above grade located adjacent to Buena Vista Street. The platform will be constructed with concrete and will be used for the display of up to four vehicles.

Site Improvements. The project also includes a variety of site improvements throughout the property. New parking areas and circulation are necessary due to the change in building location and shapes. New parking lot lights will be added, existing parking lot lights will be repainted and upgraded to LED technology. New landscape planters throughout the parking lot and along the building frontages are also included with the site improvements.

ANALYSIS

The project proposal has been well designed to meet the guidelines of the Duarte Development Code and the corporate requirements of Nissan's image upgrade. The overall architecture takes on a modern style, incorporating combinations of metal, stucco, and large storefront glazing. The color palette is comprised of grey tones that complement the overall design changes to the dealership despite being a fairly simple palette.

The ARB recommended several revisions to the plans to improve the project quality. The showroom building is the focal point of the property and should incorporate an accentuated design. The service reception building, the parts building, and the service bay screen walls use the same metal material along the south elevation. There may be room to improve the elevation by incorporating a change in the material and breaking up the portions of the metal. Additionally, the west elevation of the service bay screen wall is visible from Buena Vista Street and simply painting the slump block may not provide the visual appeal that is necessary along Buena Vista Street. It may be beneficial to incorporate additional materials and architectural treatments to the wall that will complement the design changes to the property.

The items recommended by ARB were agreed to by the business owner and have been incorporated into the conditions of approval.

RECOMMENDATION

Based on the information provided in the Staff report, along with the required findings and recommendation from the Architectural Review Board, Staff recommends that Planning Commission approve Site Plan and Design Review Case ARB 15-16 by adopting PC Resolution 16-04, allowing the renovations to the Duarte Nissan Dealership as described in the staff report above, subject to conditions.

Respectfully Submitted,

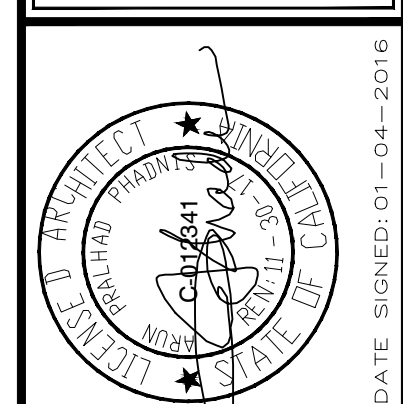


David F. Eoff IV
Associate Planner

ATTACHMENTS

Exhibit A - Project Plans

Exhibit B - PC Resolution 16-04

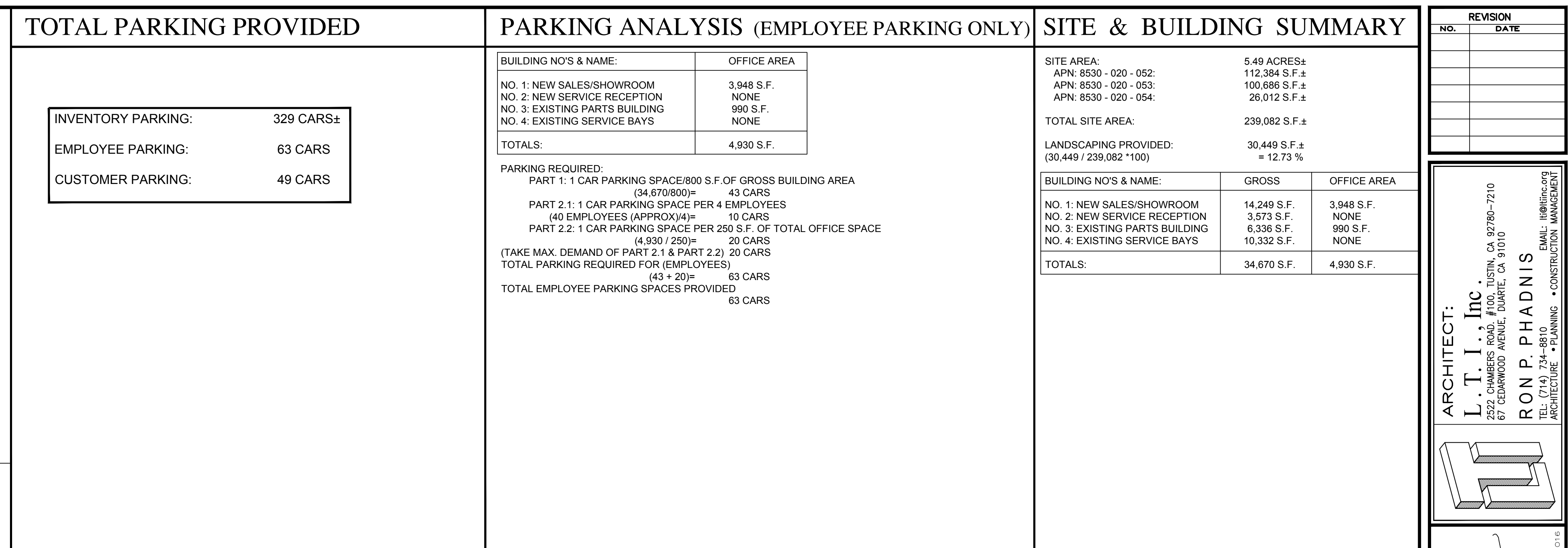
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NISSAN

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EXISTING SITE & DEMOLITION	SCALE 1"=30'-0"	1
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PROPOSED SITE PLAN	SCALE 1"=30'-0"	1
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SCALE	1
1"=30'-0"	

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PROJECT ADDRESS: **REMODEL & ADDITION FOR:
NISSAN OF DUARTE**
1434 BUENA VISTA ST. DUARTE, CA 91010

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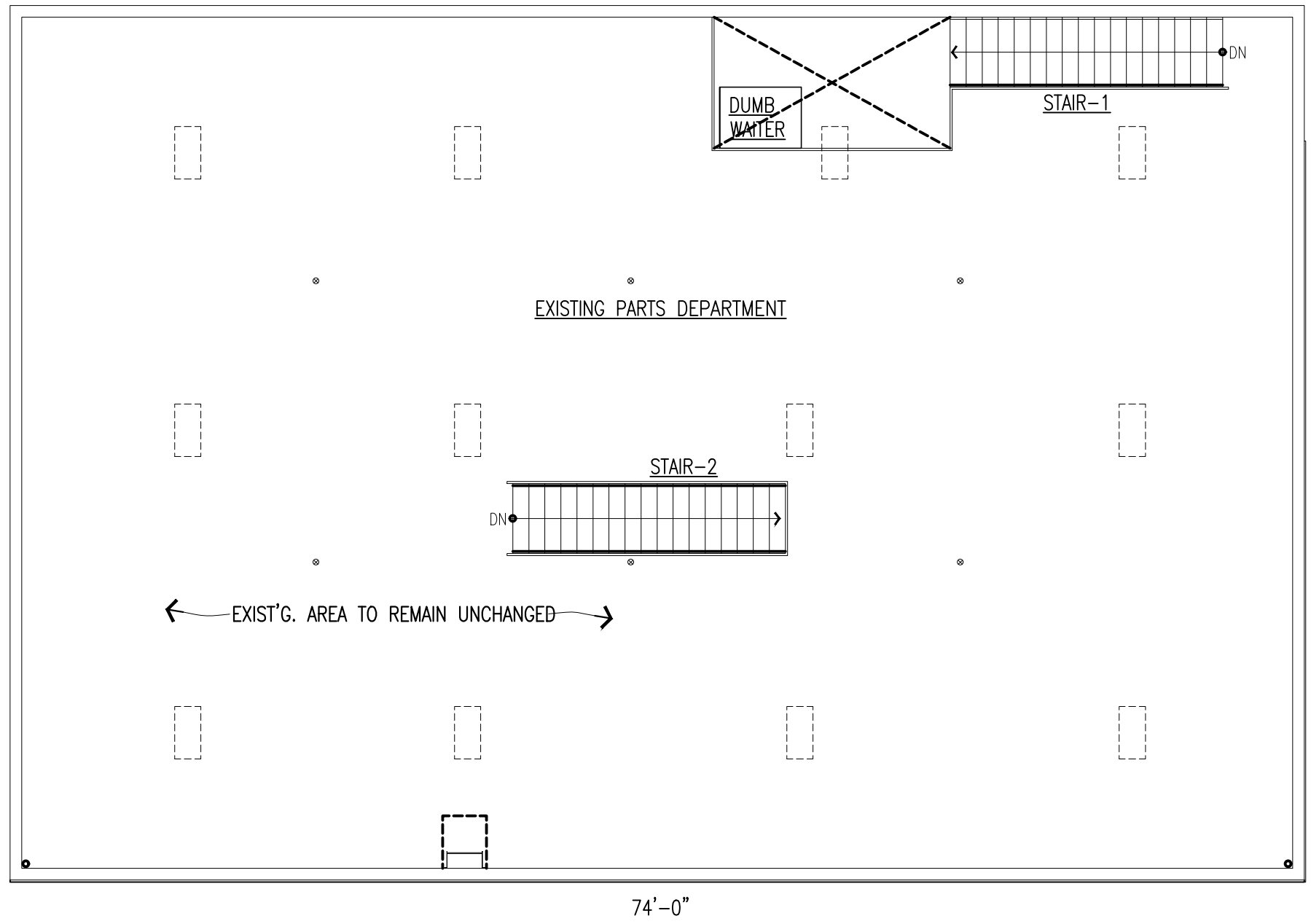
ARB REVIEW SET: JAN. 4, 2016

NISSAN DEALER:
MR. RINALDI HALIM
GENERAL MANAGER

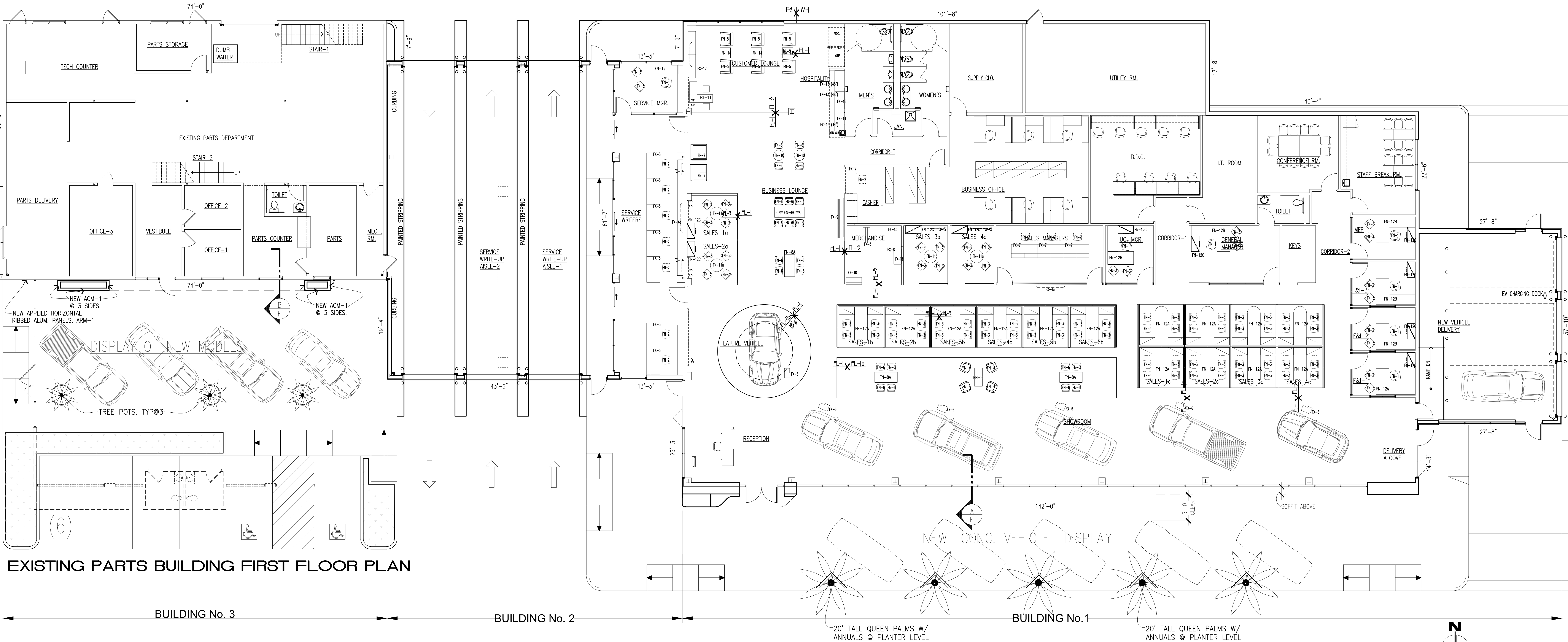
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EMAIL: RINALDI@NISSANOFDUARTE.COM

ARCHITECT:
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ARCHITECTURE • PLANNING • CONSTRUCTION MANAGEMENT



EXISTING PARTS BUILDING SECOND FLOOR PLAN



EXISTING PARTS BUILDING FIRST FLOOR PLAN

REVISION	
NO.	DATE

ARCHITECT:
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ARCHITECT'S SEAL:

DATE SIGNED: 01-04-2016

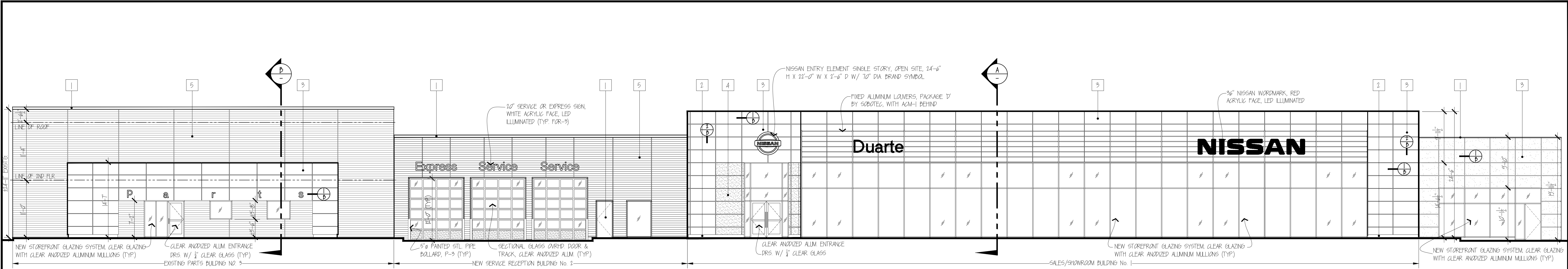
NISSAN DEALER:
MR. RINALDI HALIM
GENERAL MANAGER
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TEL: (626) 305-3000
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NISSAN

SHEET TITLE:
PROPOSED FIRST FLOOR PLAN
PROJECT ADDRESS:
**REMODEL & ADDITION FOR:
NISSAN OF DUARTE
1434 BUENA VISTA ST. DUARTE, CA 91010**

DRAWN: CB
CHECKED: AP
DATE: 1/4/2016
SCALE: 1/8"=1'-0"
JOB NO: 15-117
FILE NAME:
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SHEETS: 1 OF 1

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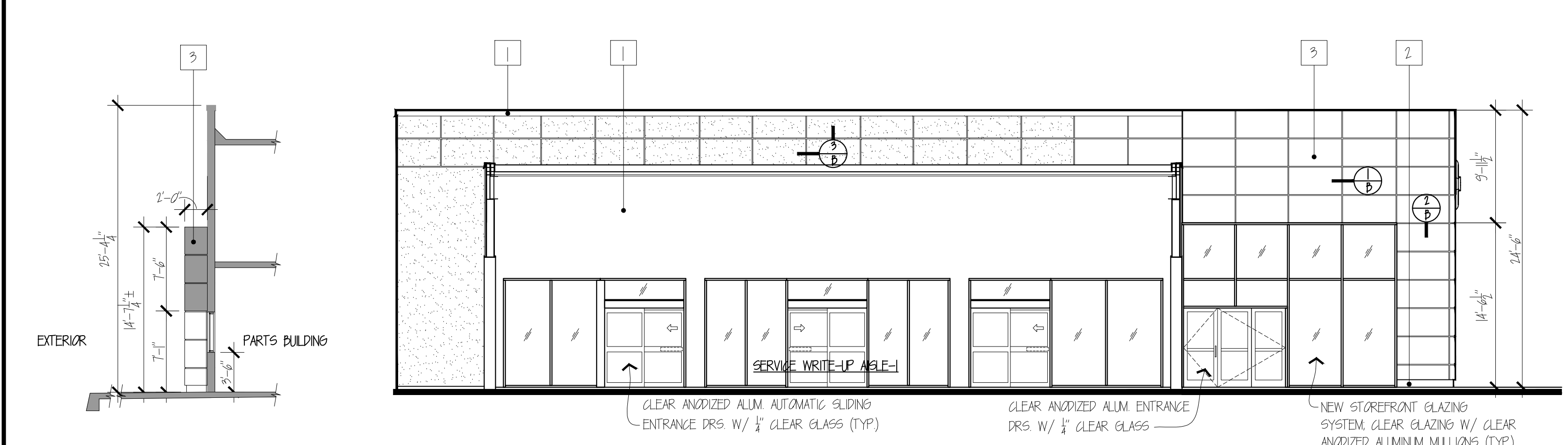


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SOUTH ELEVATION
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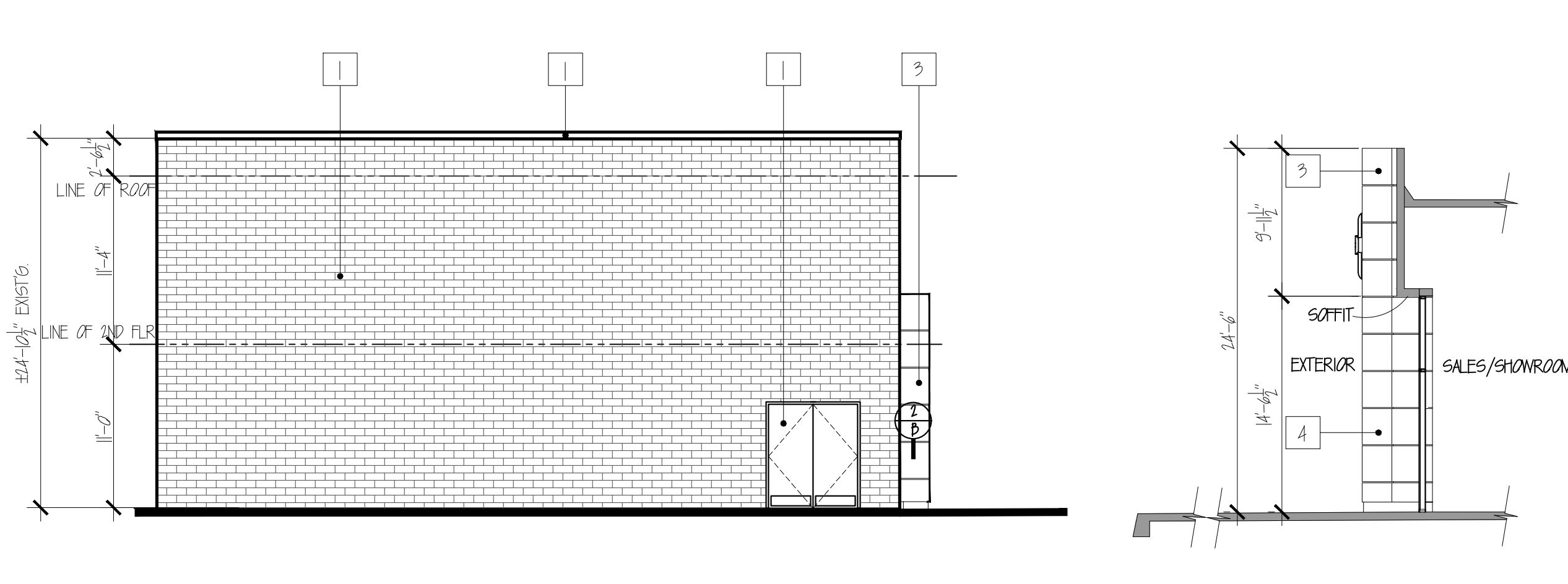
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SOUTH ELEVATION
(NEW VEHICLE DELIVERY BUILDING No.1)



SECTION - B

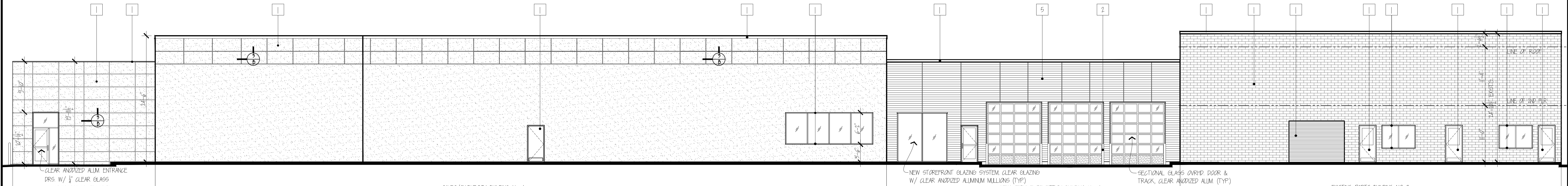
WEST ELEVATION
(SALES/SHOWROOM BUILDING No.1)



SECTION - A

WEST ELEVATION
(EXISTING PARTS BUILDING No.3)

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1 P-1/P-2 LIGHT GREY PAINT
SILVER HALF-DOLLAR 2121-40
2 P-3 DARK GREY PAINT
STEEL WOOL 2121-20
SOBOTEK:
3 ACM-1 ALUMINUM COMPOSITE MATERIAL (ACM)
SILVER METALLIC
4 ACM-2 ALUMINUM COMPOSITE MATERIAL (ACM)
ALUCOBOND NISSAN RED
5 ARM-1 ALUMINUM RIBBED MATERIAL (ARM)
RIBBED METAL PANELS

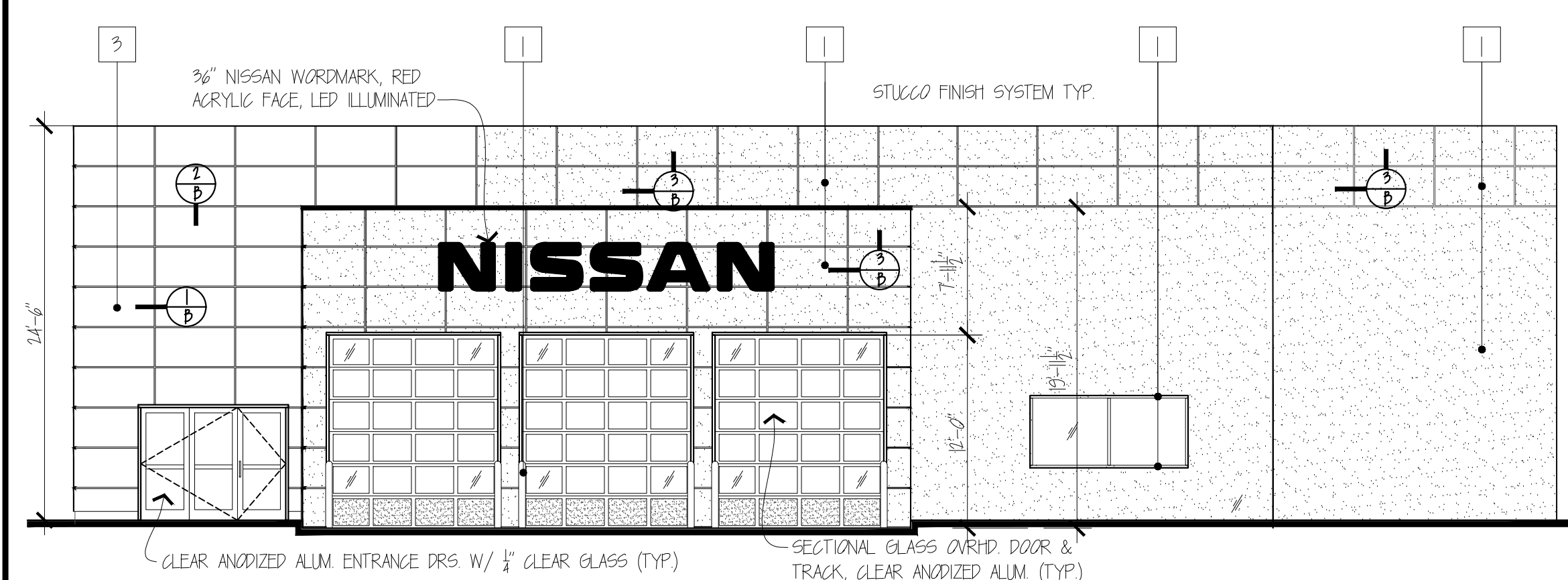


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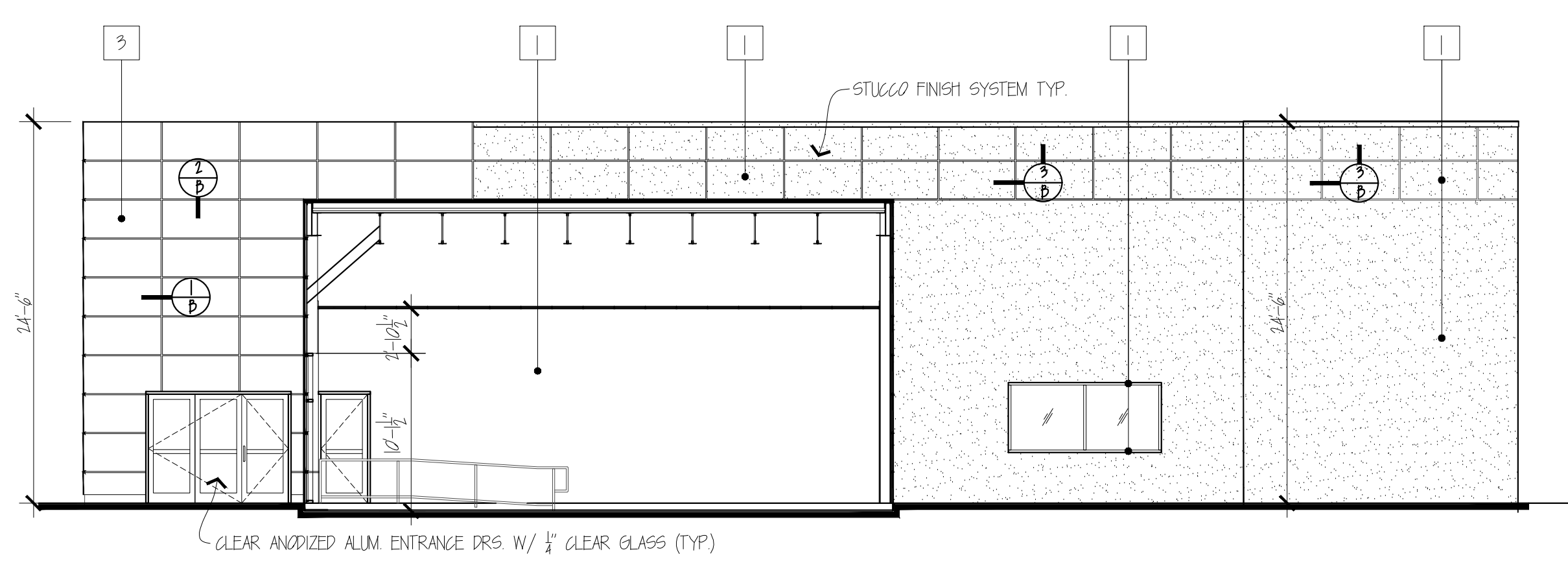
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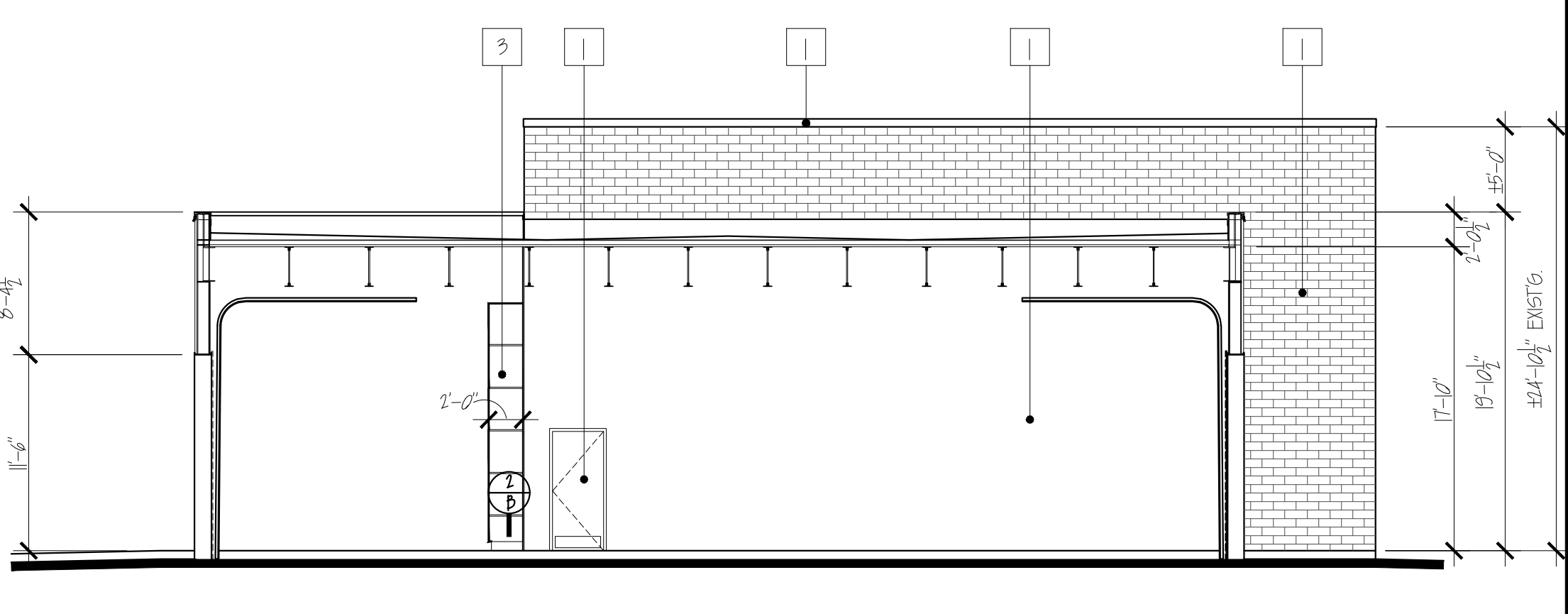
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EAST ELEVATION
(NEW VEHICLE DELIVERY BUILDING No.1)



EAST ELEVATION
(SALES/SHOWROOM BUILDING No.1)



EAST ELEVATION
(EXISTING PARTS BUILDING No.3)

REVISION	
NO.	DATE

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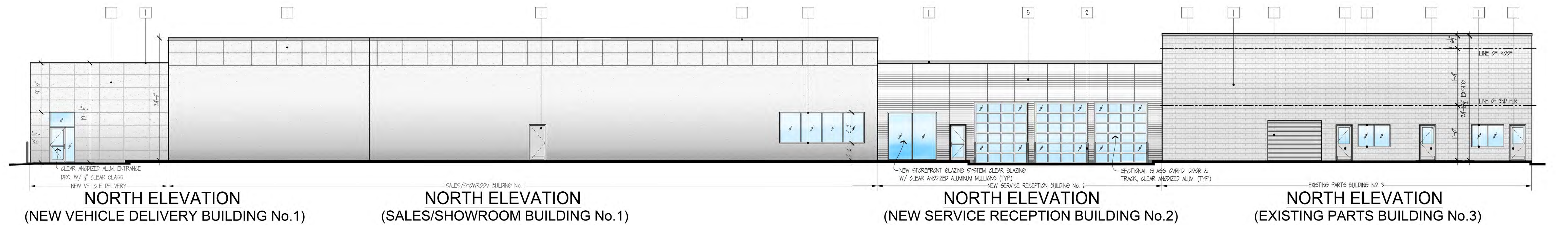
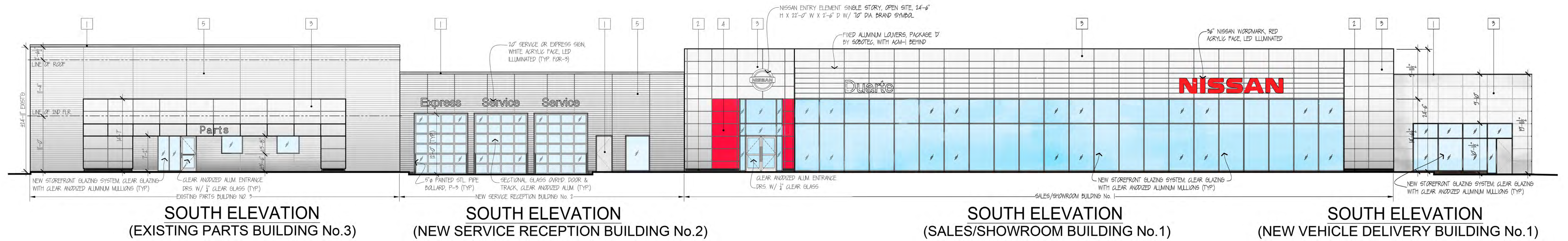
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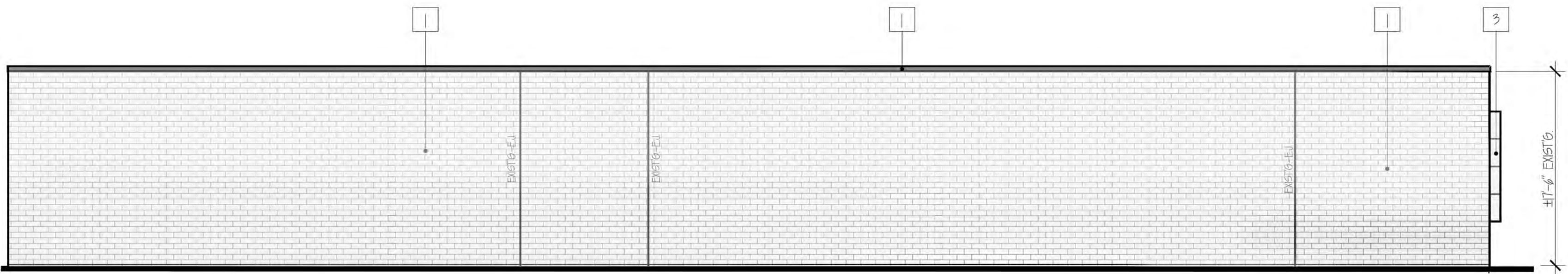
ELEVATIONS
REMODEL & ADDITION FOR:
NISSAN OF DUARTE
1434 BUENA VISTA ST. DUARTE, CA 91010

DRAWN: CB
CHECKED: AP
DATE: 1-4-2016
SCALE: 1/8"=1'-0"
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OF SHEETS

ARB REVIEW SET: JAN. 4, 2016



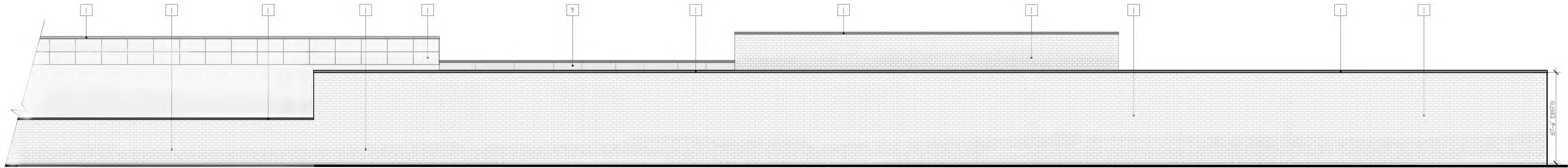




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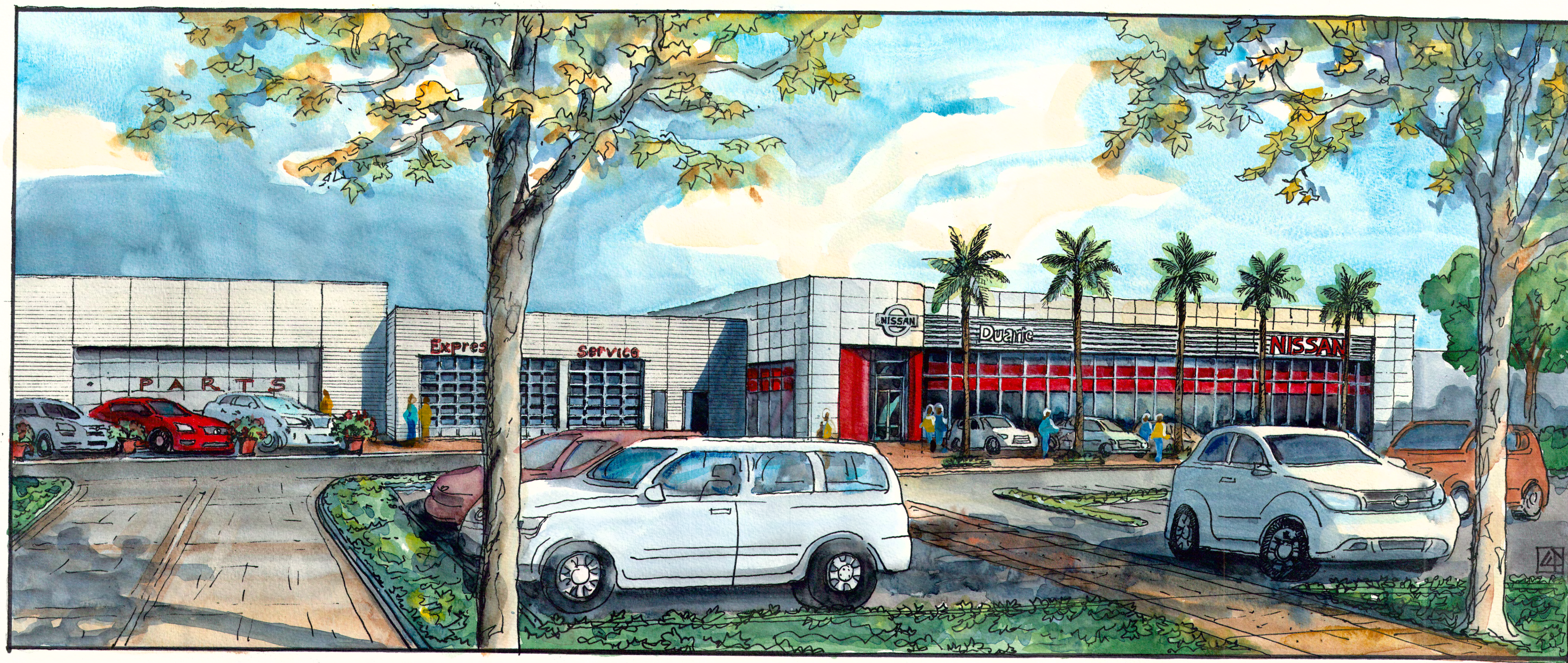
SOUTH ELEVATION
(EXISTING SERVICE BAYS BUILDING No. 4)



PARTIAL NORTH ELEVATION
(REAR WALL OF EXISTING SERVICE BAYS BUILDING No. 4)



PARTIAL NORTH ELEVATION
(REAR WALL OF EXISTING SERVICE BAYS BUILDING No. 4)



RESOLUTION PC 16-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING ARB CASE 15-16, A REQUEST BY DUARTE NISSAN FOR A NEW COMMERCIAL BUILDING FOR AUTO SALES, FAÇADE ENHANCEMENT, SITE IMPROVMENTS AND REMOVAL OF SEVERAL BUILDINGS AT 1434 BUENA VISTA STREET

WHEREAS, The Duarte Nissan submitted a design review application for renovations and new construction at the Nissan dealership located at 1434 Buena Vista Street; and

WHEREAS, New nonresidential construction requires recommendation from the Architectural Review Board and approval from the Planning Commission, pursuant to Table 7-2 in Section 19.122.030 of the Duarte Development Code; and

WHEREAS, On February 8, 2016 the Architectural Review Board reviewed the plans for the Site Plan and Design Review Case ARB 15-16 and recommended approval to the Planning Commission subject to conditions; and

WHEREAS, the Planning Commission of the City of Duarte has considered the project proposal, which provides, among other provisions, for the renovation and new construction at the Duarte Nissan dealership; 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 February 16, 2016.

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

SECTION 1. That the Planning Commission approves Resolution PC 16-04 with conditions of approval "Exhibit B-1" for the renovations and construction of new commercial buildings on the Duarte Nissan located at 1434 Buena Vista Street.

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

SECTION 3. The Planning Commission finds and determines as follows, 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 the Commercial Freeway C-F zone, including the intent and purpose, permitted uses, and other development standards. Furthermore, the project is consistent with the General Plan by maintaining a balanced community consisting of various commercial activities, meeting the shopping needs of the entire community,

and providing sites for regionally oriented uses.

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

The project consists of several adjoining parcels totaling approximately 5.5 acres. A parcel merger will be required as part of the project approval. The property contains an overall width of approximately 800 feet and a depth of 300 feet, which is adequate in size and shape to accommodate the new construction and renovations to the Nissan dealership, as shown on the project plans.

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

- *Compatibility. The project development has been well designed to improve the dealership property and provide a visual enhancement to the surrounding community. The surrounding land uses include the Duarte teen center to the north, the 210-freeway to the south, the Duarte High School softball field and skate park to the east, and commercial development across Buena Vista to the west. The car dealership will continue to operate as a dealership, which is suitable for the location near the 210 freeway and other commercial operations. Furthermore, the use meets the intent and guidelines of the C-F zone.*
- *Architectural Design and Detail. The project utilizes a combination of design features and a modern architectural style that help define the appearance of the building. The design incorporates variations of metal and stucco into the exterior, while a simple color palette consisting of grey tones to complement the modern design. The project has been designed to reflect the corporate image of Nissan and provide a visual enhancement at one of the main access points to the City.*
- *Landscape, Lighting, Parking, Signs, and Other Design Details.*
 - a. *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 and screened from the public right-of-way. All utilities will be required to be installed underground.*
 - b. *Fences/Walls. Changes to the existing perimeter fences, walls, and/or retaining walls will require review and approval from the Community Development Department. The property currently contains a combination of wrought-iron fencing and slump-block wall along the perimeter. The project does not include or require any changes to the fencing or block wall, however if changes are proposed in the future they will require review and approval from the Community Development Department to ensure compliance with the Duarte Development Code.*
 - c. *Landscaping. New landscape improvements will be required as a condition of approval. The landscape areas will be designed to meet the intent and*

purpose of Chapter 19.40 (Landscaping) of the Duarte Development code and will include a variety of drought tolerant plants, tree types, and decorative hardscape materials. Landscape and Irrigation plans will be prepared by a licensed landscape architect and will require review and approval by the Planning Division.

- d. Lighting. The existing parking lot light will be upgraded to LED technology and refinished to complement the new architectural style of the buildings. New parking lot light standards will be installed and will also use LED technology and complement the building design. A lighting plan will be required for review prior to installing/replacing any light fixtures. The project does not include new wall-mounted light fixtures into the building elevations. If new exterior wall lighting is proposed in the future it will require review and approval from the Planning Division to ensure each fixture will be of high quality, decorative form and scaled to compliment the massing of the building. Lighting design will be reviewed to also ensure offsite glare is avoided.*
 - e. Parking. The project includes revisions to existing parking areas. New parking areas will be added and/or relocated to accommodate the new building construction and buildings being demolished. The projects meets the off-street parking requirements of C-F zone by providing adequate surface parking for customers, employees, and vehicle inventory. The project also allows adequate circulation into and throughout the property.*
 - f. Signs. The existing pylon sign located at the southwest corner of the property will be removed. The sign is dated and does not match the new architectural design and corporate image of Nissan. Additionally, removal of the pylon sign will bring the property into compliance with the Duarte Development Code, which allows a maximum of one pylon sign per development. The project does not include the approval to install any new signs, however the corporate upgrade to the Nissan image will require a variety of new signs to complement the architectural style. All future sign proposal will require separate review and approval.*
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 Nissan dealership. The project site is within the C-F zone, which is designed land uses and operations such as these. The general layout of the property allows for adequate and safe vehicular/pedestrian traffic, ensuring the safety and general welfare of the public and surrounding community.

SECTION 4. The Planning Commission approves Site Plan and Design Review Case ARB 15-16 based on the findings listed in Section 3 and the conditions of approval listed in "Exhibit B-1".

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 16th day of February 2016.

Shauna Pierce, 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 February 16, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT B-1

Conditions of Approval
Site Plan & Design Review Case ARB 15-16
New Construction and Façade and Site Improvements to the
Duarte Nissan Dealership Located at 1434 Buena Vista Street

1. This project is subject to a final review and approval by the Planning Division for all building elevations and design details (including color/material scheme, and architectural features).
2. The design showroom/sales building (Building No. 1 on the approved plans) shall be revised to accentuate the building and create a greater focal element on the property. Revisions to the showroom/sales building shall include, but not be limited to: increasing the height of the building, increasing the height of the storefront glazing, including additional complementary material in the front façade, and modifications to color placements, subject to review and approval of the Planning Division. Additional plans and color details shall be required prior to implementing any changes. A final onsite inspection from the Planning Division shall also be required prior to receiving final sign-off on building permits.
3. The façade improvements to the Parts Department Building (Building No. 3 on the approved plans) shall incorporate stucco in place of the ribbed aluminum on portions of the front elevations, subject to review and approval of the Planning Division. Additional plans and details shall be required prior to implementing the changes. A final onsite inspection from the Planning Division shall also be required prior to receiving final sign-off on building permits.
4. The façade improvements to the Service Bays screen walls (Building No. 4 on the approved plans) shall incorporate stucco along the west elevation, and on portions of the front elevation in place of the ribbed aluminum, subject to review and approval of the Planning Division. The stucco areas shall be painted using Benjamin Moore color 2121-40 "Silver Half-Dollar" (light grey). The service bay screen walls shall also incorporate additional revisions/improvements, including but not limited to: framing in the space between the two taller screen walls and finishing with stucco or another approved material, and adding architectural features to the east and west elevation walls. Additional plans and details shall be required prior to implementing the changes. A final onsite inspection from the Planning Division shall also be required prior to receiving final sign-off on building permits.
5. A sample of the Aluminum Ribbed Material (ARM - ribbed metal panels) shall be provided to the Planning Division for review prior to beginning the Building & Safety Plan Check process.
6. Provide details on the changes to the parking lot light fixtures to the Planning Division for review prior to installing. The details shall include all necessary cut

sheets and photometric information, including a photometric study identify the illumination levels throughout the property. All lighting shall use LED technology and be designed to avoid offsite glare. A final inspection from the Planning Division shall be required prior to receiving final sign-off on building permits.

7. Provide design details on the new raised platform for vehicle display along Buena Vista Street. The vehicle display platforms shall contain a decorative design that complements the architectural style and appearance of the property. The existing vehicle display platform along Central Avenue shall also be improved to reflect the architectural design of the new platform and the appearance of the property. The design and details for both vehicle display platforms shall require approval from the Planning Division prior to issuance of Building Permits. A final inspection from the Planning Division shall be required prior to receiving final sign-off on building permits.
8. The landscape improvements shall require review and approval from the Planning Division prior to installation or construction of new planter areas. A full landscape and irrigation plan shall be submitted for review, and may include requirements for additional landscaping installed throughout the parking lot areas and adjacent to buildings. The landscape plan shall include all details on the plant material, size, spacing and the irrigation system. All landscape improvements shall be in compliance with the Landscape Chapter of the Duarte Development Code. Contact the Planning Division for more information on the plant palette options.
9. Any exterior wall lighting shall require final approval from the Planning Division prior to installation and/or issuance of permits. Any proposed 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.
10. The existing pylon sign located at the northeast corner of the Buena Vista Street and Central Avenue shall be removed and the area repaired/replaced with landscaping. All new walls and any changes to the monument sign shall require separate review and approval. All signs shall be designed to complement the property they serve, with colors, materials and style. The applicant shall prepare a sign submittal outlining all the necessary details and locations of all proposed signs and shall submit to the Planning Division for review and approval prior to installation. Separate review fees apply.
11. A parcel merger shall be required to consolidate the adjoining parcels comprising the project site. The merger may be designed to consolidate the parcels into one single parcel or two parcels, subject to the review and approval of the Director. Prior to permit issuance, an application and all necessary documents shall be reviewed and approved by the Community Development Department in accordance with Section 19.76.040 of the Duarte Development Code.

12. The improvements to the parking areas and circulation throughout the property shall be in compliance with the Duarte Development Code.
13. Prior to the issuance of 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 stormwater management issues in compliance with Section 6.15.140 of the Duarte Municipal Code.
14. Any Building Code, Development Code and/or Municipal Code violations shall be address and corrected as needed prior to receiving final sign-off on any building permits or issuance of Certificate of Occupancy.
15. The project shall comply with all the regulations of the C-F Commercial Freeway 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. 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.
17. Mechanical equipment and related ducts, vents and other apparatus, including HVAC, shall be screened from public view and must be located inside the structure, attic, or ground mounted. 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.
18. All utilities for direct service to the project shall be installed underground and concealed from view.
19. 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.
20. Construction of the project shall follow the list of Best Management Practices (BMP's) of the National Pollution Discharge Elimination System (NPDES), including recommendations from the City grading inspector. During grading, watering shall be established to adequately reduce on and off site dust. Grading is prohibited during high wind conditions.
21. 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.

22. Building permits for this project must be issued within one-year from the date of final approval by the Community Development Director and may be extended in compliance with Section 19.130.070 of the Duarte Development Code.
23. The Developer 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.
24. 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.
25. 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.
26. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.