



**CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
February 16, 2016**

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

1. CALL TO ORDER AND NOTATION OF ABSENCES

Chairperson Pierce called the meeting to order at 7:03 p.m.

The following were in attendance:

PRESENT:	Pierce, Watson-Gardner, Farra, Lefmann, Vasquez
ABSENT:	None
STAFF:	Hensley, Golding, Eoff IV, Hernandez

2. PLEDGE OF ALLEGIANCE

Commissioner Watson-Gardner led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – January 19, 2015

Commissioner Lefmann moved to approve the minutes, seconded by Commissioner Farra. Motion approved 5-0-0-0.

4. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

Chairperson Pierce opened Oral Communications for Items not on the Agenda. Seeing none, Chair Pierce closed the Oral Communications Item.

5. PUBLIC HEARINGS

A. Conditional Use Permit 15-06 and PC Resolution 16-03

Associate Planner Eoff IV presented details of the Staff Report addressing the request from Sebouh Nalbandian, owner/operator of The Patio Restaurant located at 2150 Huntington Drive, requesting approval of a Conditional Use Permit on the following four components: the sale of beer and wine consumption, hookah, live entertainment and late night hours in conjunction with an existing restaurant operation.

Eoff IV discussed Staff's concerns related to the proximity of the residential uses adjacent to the business and potential for negative impact generated by the proposed activities, which may include additional noise impacts and safety concerns. He also discussed the recommendation from Staff, including reductions to operating hours and limitations on how entertainment is allowed.

Eoff IV indicated that a condition of approval has been added that requires the business owner to provide a security plan that will be reviewed by Community Development and Public Safety Departments.

Eoff IV discussed the building modifications that are required by other agencies, including: the Health Department's requirement to create a separate door leading into the interior of the restaurant to avoid hookah smoke within the patio; and new construction of separate men and women's restrooms for Department of Alcoholic Beverage Control (ABC).

Eoff IV concluded his presentation stating that Staff recommends the Planning Commission discuss the CUP request, and if it is the desire of the Commission, to approve Conditional Use Permit 15-06, subject to conditions, by adopting PC Resolution 16-03.

Chairperson Pierce opened comments to Commissioners.

Commissioner Farra inquired about late night hours, stated that late night hours are typical at these types of restaurants; commented that the City's noise ordinance is adequate for sound enforcement; and recommends not imposing additional requirements.

Eoff IV responded by stating that staff analyzed the same type of restaurants within the City and a few of outside the City limits. He added that this restaurant is different than others due to its proximity to residential property. He added that there were noise complaints at similar restaurants.

Commissioner Lefmann inquired about the access to the interior without going through the patio, what areas would be used for the dancing and entertainment, and how does hookah fit into the tobacco sale ordinance.

Eoff IV recapped the County's requirements regarding the access of the interior dining and indicated that the entertainment area shown in the plan is not a dance area, but rather for the guitarist. He also stated that hookah use is excluded from the Tobacco sales ordinance.

Commissioner Vasquez inquired about the restaurant's operating hours during different days of the week and weekend, and also if there are any existing bathrooms.

Eoff IV stated the proposed operating hours; commented that there is a recommendation to add a urinal to meet ABC requirements; and a proposal to make the existing bathrooms ADA compliant.

Chairperson Pierce opened Public Comments.

City Planner Golding noted that the existing restaurant that serves hookah across the street from City Hall has received various complaints relating to noise, traffic, parking and smoke generated from restaurant.

Yolanda Vera, City of Duarte resident, read a letter describing a theoretical account of driving down Huntington Drive with multiple smoke shops and questioned how the proposed project would support the community and assist with resident's quality of life.

Sebouh Nalbandian, owner of The Patio Restaurant, addressed the Commission regarding the entertainment, belly dancer, and noise control. He also explained that the entertainment would be a guitar playing in the background without amplification and dancing for about 20 minutes at a time.

Bedros Darkjian, resident of City of Duarte, talked about his family choosing to live in the city because it matched their lifestyle. He spoke in favor of the Patio Restaurant operating in the City of Duarte.

There was discussion among the Commissioners and Mr. Nalbandian on the use of the DJ, entertainment, liquor served, along with the closure time of his business, his overall vision and striving objectives for his business.

Commissioner Lefmann noted her concerns for the amplification of music in close proximity to residential property, the smoke, cut-off of alcohol serving time, and the cameras not pointing to the entire restaurant.

Commissioner Farra reiterated his recommendation by stating that he recommends allowing longer operating hours with limitations when alcohol is served; that noise levels be addressed by the existing noise ordinance; and additional limitations should not be imposed.

Commissioners stated different hours of operation and addressed different concerns in respect to hours of operation, hours of serving alcohol, use of amplified music or not, entertainment, and hookah use.

Community Development Director Hensley recommended that the Commission come to consensus before making a recommendation for approval or not. And indicated that Golding will modify the conditions according to the Commission recommendations.

After a lengthy discussion among the Commissioners in regards to hours of operation, hours of serving alcohol, use of amplified music, entertainment, and hookah use. Golding provided modifications to the conditions according to the Commission's recommendations as follows:

Condition 1: The hours of operation for the restaurant shall not extend beyond 11:00 PM, Sunday through Thursday, and 12:00 AM, Friday and Saturday. Any request to modify the operating hours beyond those approved herein 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.

Condition 2: Alcoholic beverages must be ordered and served at least one hour prior to closing, but may be consumed up until closing.

Condition 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, and/or a DJ, which shall occur no later than 9:00 PM, Sunday through Thursday, and 10:00 PM, Friday and Saturday. The use of a Karaoke machine or other forms of live entertainment are strictly prohibited.

Condition 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. Noise generated from the DJ and related equipment shall not exceed the decibel limits established by Chapter 9.68 of the Duarte Municipal Code. 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.

Commissioner Lefmann motioned to approve new modifications noted by Golding to approve PC Resolution 16-03 and CUP 15-06. Seconded by **Farra**. Motion was approved 5-0-0-0.

B. ARB 15-16 and PC Resolution 16-04

Eoff IV presented a project to renovate the Duarte Nissan Dealership located at 1434 Buena Vista Street. He indicated that the project is consistent with the Nissan corporate image upgrade and includes the construction of several new buildings, façade improvements to existing buildings, and the removal of existing buildings. The project also includes a variety of site improvements including landscaping, lighting, and parking.

Eoff IV stated that the proposed project went through ARB process on February 8, 2016 with modifications to the design of the buildings and conditions of approval. He indicated that the Board had a few recommendations that were agreed by the Applicant and have been incorporated into the conditions of approval.

Eoff IV concluded his presentation by stating that Staff recommends the Planning Commission approve Site Plan and Design Review Case ARB 15-16 by adopting PC Resolution 16-04.

Chairperson Pierce opened comments to Commissioners.

Vice-Chair Watson-Gardner inquired about dust control in consideration to the surrounding schools. Eoff IV replied by stating that there are best management practices that need to be followed and that this is a standard dust mitigation practice.

Commissioner Lefmann inquired about the reflectivity of the proposed louvers. Eoff IV stated that they are not highly reflective.

Commissioner Farra asked if there are architectural design standards to address the modern look in projects or other requirements for projects that may not match the City of Duarte traditional Spanish themed architectural appearance.

Eoff IV stated that there are standards and the project is being reviewed within the current design guidelines. He added, that projects are reviewed using a combination of factors, including the City's design guidelines, compatibility with the site and surrounding properties, the use of high quality materials and the required findings.

Commissioner Farra suggested using some public art to combine the new design with the more established appearance of the City. He asked if the new landscaping will need to comply with new landscape ordinance and if permeable paving will be used in the parking lot.

Eoff IV responded by stating that the project may be subject to the new landscape ordinance if their landscaping plan meets or exceeds the area thresholds that require compliance. In addition, he stated that the project would be reviewed for low impact development practices where permeability of storm runoff will be looked at, in conjunction with the Engineering Division.

Chairperson Pierce opened Public Comments, seeing none Public Comments were closed.

Commissioner Lefmann motion to approved ARB 15-16 and PC Resolution 16-04. Seconded by Commissioner Watson-Gardner. Commissioner Farra motioned to amend the motion.

Commissioner Farra stated his proposed amendments for the project to require improvements on the west elevations, west iron fence, landscaping, enhancements that are comparable with the architectural appearance of the city to mitigate the modern architectural design on the south side elevation. Therefore, Hensley recommended a condition to be added and read the modification as followed: First Line: The applicant shall provide an element or piece of public art on either the west-building wall or at Buena Vista Ave. and Central Ave. corner. Second Line: Final design of art should be subject to approval by ARB.

Commissioner Farra moved to amend by inserting statement Hensley read.

Commissioner Lefmann motion to approved ARB 15-16 and PC Resolution 16-04 with added new conditions by Hensley. Seconded by Vice-Chair Watson-Gardner. Motion carried 5-0-0-0.

6. ITEMS FROM THE DIRECTOR

Hensley provided updates on projects that are currently active in the city and answered questions from Commissioners on the status of: Starbucks Drive-Thru, Smart & Final Extra, Grocery Outlet and the vacant Fresh & Easy market.

7. ITEMS FROM COMMISSIONERS

Commissioner Farra explained his intentions and issues he encountered in the previous meeting. Adding that he meant no disrespect to Staff on the final voting of the presented ordinances.

Golding responded stating that we appreciate his feedback, that his comments were valid and as a result, Council Member Fasana recommended two changes to the ordinances that will be implemented for final review.

Commissioner Lefmann praised Eoff IV for the presentation related to the Patio Restaurant Conditional Use Permit. She also discussed last council meeting regarding the restructuring of the Architectural Review Board, and thanked the City Council for listening to her personal feedback and moving forward on adding a position to ARB.

8. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

Craig Hensley, Secretary