

**CITY OF DUARTE
REGULAR MEETING AGENDA
PLANNING AND ECONOMIC
DEVELOPMENT COMMISSION**

Commissioners
Yesenia Paez, Chair
Wally Wolff, Vice-Chair
Daniel Becker
Tina Heany
Brian Quandt

**Duarte Community Center
1600 Huntington Drive
Duarte, CA 91010
Tuesday, February 18, 2025
7:00 PM**

MISSION STATEMENT

With integrity and transparency, the City of Duarte provides exemplary public services in a caring and fiscally responsible manner with a commitment to our community's future.

ADA ACCESSIBILITY NOTICE:

In compliance with the Americans with Disabilities Act, if you need assistance participating in this meeting, contact the Community Development Department at (626) 357-7931 Ext.230 or 235. Notification no later than 1:00 p.m. on the day preceding the meeting will enable the City to make reasonable arrangements to assist your accessibility to this meeting.

Notice:

Planning and Economic Development meetings are audio-recorded for later broadcast. Attendance at the meeting constitutes consent by members of the public to the City's and any third party's use in any media, without compensation or further notice, of audio, and/or pictures of meeting attendees.

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES
 - A. **1-21-25 Minutes**
4. ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA
5. PUBLIC HEARINGS
 - A. **Conditional Use Permit 24-07 and Administrative Variance 25-01. A request to allow the operation of a full-service day care facility located at 2329 Huntington Drive. The facility offers day care for infants six week to children of five years old, and emphasizes educational development. Consideration to allow an eight-foot-tall fence located around the perimeter of the outdoor play area.**

RESOLUTION PC 25-01

**A RESOLUTION OF THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION
OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 24-07 TO
ALLOW A DAY CARE FACILITY (KNOWN AS THE MODERN SCHOOLHOUSE) AT
2329 HUNTINGTON DRIVE.**

6. BUSINESS ITEMS

A. **Local Hazard Mitigation Plan Presentation**

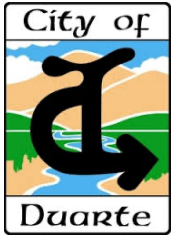
7. ITEMS FROM DIRECTOR

A. **Update on development**

B. **Recognition of outgoing Commissioner Heany**

8. ITEMS FROM COMMISSIONERS

9. ADJOURNMENT



MINUTES
CITY OF DUARTE
PLANNING AND ECONOMIC
DEVELOPMENT COMMISSION

January 21, 2025

Commissioners
Yesenia Paez, Chair
Wally Wolff, Vice-Chair
Daniel Becker
Tina Heany
Brian Quandt

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Chair Heany called the meeting to order at 7:03 p.m. The following were in attendance:

PRESENT:	Heany, Wolff, Becker, Paez, Quandt
ABSENT:	None
STAFF:	Hensley, Golding, Abdul-Ahad, Nash, Bautista, Grigorian

2. PLEDGE OF ALLEGIANCE:

Chair Heany led the pledge.

3. COMMISSION REORGANIZATION:

Chair Heany motioned to nominate Yesenia Paez for Chair. Seconded by Commissioner Wolff. Motion passed unanimously.

Chair Heany motioned to nominate Wally Wolff for Vice-Chair. Seconded by Commissioner Quandt. Motion passed unanimously.

4. APPROVAL OF MINUTES:

Commissioner Quandt motioned to approve the October 21, 2024 minutes. Seconded by Commissioner Heany. The motion carried 5-0-0-0.

(Yes: Paez, Wolff, Heany, Quandt, Becker; No: None; Abstain: None; Absent: None).

5. ORAL COMMUNICATIONS - ITEMS NOT ON THE AGENDA:

None

6. PUBLIC HEARINGS:

- A. Conditional Use Permit 24-05:** A request to allow the operation of a medical spa located within the Mountain Vista Plaza, at 1040 Huntington Drive;

RESOLUTION PC 24-11

A RESOLUTION OF THE PLANNING AND ECONOMIC DEVELOPMENT

COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL
USE PERMIT 24-05 FOR THE OPERATION OF A MEDICAL CLINIC
(MEDICAL SPA) LOCATED AT 1040 HUNTINGTON DRIVE

Associate Planner Abdul-Ahad presented a staff report for CUP 24-05 for the approval of the operation of a medical spa located at 1040 Huntington Drive. Abdul-Ahad explained that the business will offer injectables such as Botox, dermal fillers, laser skin resurfacing, semi-permanent eyebrow makeup, and body contouring. Abdul-Ahad stated that staff recommends the Planning Commission adopt Resolution PC 24-11 to approve the operation of a medical spa, based on the information provided in the staff report and subject to conditions of approval.

Linh Thai, applicant of Skin Fit Medical Spa, introduced herself to the commission. Commissioner Heany inquired whether Thai will be administering the treatments. Thai confirmed that she will be the Nurse Practitioner on site administering treatments.

Carlos Rivas, the project designer, expressed his excitement and hope for the business, stating that he believes the service will have a positive affect within the City.

Commissioner Quandt made a motion to approve CUP 24-05 including Resolution PC 24-11; motion carried 5-0-0-0 (Yes: Paez, Wolff, Becker, Heany, Quandt; No: None; Abstain: None; Absent; None).

- B. Conditional Use Permit 24-06:** A request for a new Conditional Use Permit (CUP) to allow the continued operation of a wireless communication facility (WCF) installed on an existing monopine, located at 1720 Flower Avenue.

RESOLUTION PC 24-10

A RESOLUTION OF THE PLANNING AND ECONOMIC DEVELOPMENT
COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL
USE PERMIT 24-06 FOR THE CONTINUED OPERATION OF A
WIRELESS COMMUNICATION FACILITY MONOPINE STRUCTURE AT
1720 FLOWER AVENUE

Associate Planner Scott Nash presented a staff report for CUP 24-06 and Resolution PC 24-10, a request to allow the continued operation of a wireless communication facility (WCF) installed on an existing monopine, located at 1720 Flower Avenue. Nash stated that the new CUP has been requested by CCATT LLC, the owner of the existing tower. This request does not currently include any proposed modification or improvements. The current antennas and monopine were approved and operating under CUP 11-04; CUP 11-04 expired in 2021, and a new CUP must be obtained in order to be in compliance with local zoning requirements.

The applicant, Jacob Hamilton, stepped forward to introduce himself and provide clarification of

the scope of the project.

Commissioner Heany initiated the motion to approve CUP 24-06 including Resolution PC 24-10 and Commissioner Becker seconded the motion. The motion carried 4-1-0-0 (Yes: Paez, Wolff, Becker, Heany; No: Quandt; Abstain: None; Absent; None).

7. ITEMS FROM DIRECTOR

Director Hensley updated the Commission on the recent EIR Scoping meeting and discussed the process for the proposed Andres Duarte School development. Director Hensley estimates that the project will come before the commission sometime during the summer.

Director Hensley also provided an update on the Wyndham – Hawthorn Suites hotel development project at 1230 Huntington, stating that the project has received building permits and that construction is anticipated to begin around March.

8. ITEMS FROM COMMISSIONERS

None.

9. ADJOURNMENT:

Chair Paez motioned to adjourn the meeting at 7:42 p.m. The next meeting is scheduled for February 18, 2025.

Craig Hensley, Secretary



PLANNING AND ECONOMIC DEVELOPMENT COMMISSION STAFF REPORT

Date: February 18, 2025

Subject: Conditional Use Permit 24-07 for a full-service day care facility within an existing 1,950 s.f. commercial tenant space with a new rear outdoor play Area; and Administrative Variance 25-01 for an increase fence height of up to eight-feet.

Location: 2329 Huntington Drive

Applicant: Modern Schoolhouse

SUMMARY

The applicant, Modern Schoolhouse, is requesting approval of a Conditional Use Permit (CUP) to allow a 1,950 square foot day care facility within an existing tenant space located in a commercial center on the northeast corner of Huntington Drive and Mt. Olive Drive. This permit would allow the business owner to operate a California Department of Social Services (CDSS) licensed childcare facility for infants and young children, and would include the construction of a 1,230 square foot fenced outdoor play on the rear of the building. An Administrative Variance is also proposed to allow an eight-foot-tall fence to enclose the outdoor play area.

BACKGROUND

The subject property is located on a 2.05 acre commercial property located on the northeast corner of the Huntington Drive and Mount Olive Drive intersection, with existing tenants – CVS and a Bank of America ATM. The site is developed with a single-story 19,497-square-foot commercial building and 107-stall surface parking lot. Surrounding uses include residential uses to the east (separated by roughly 100ft and a block wall), retail uses to west (across Mt. Olive Drive), residential uses to the north (across Sesmas St.), and residential to the south (across Huntington Drive). The proposed use will occupy the tenant space on the east of the building, which is 1,950 square feet and was formerly “Children 1st Pediatric Group”. The project site is located within the Commercial General (C-G) Zone, in which day care facilities require review and approval by the Planning Commission.



PROJECT DESCRIPTION

“The Modern Schoolhouse” is a full-service childcare facility designed to provide educational care for children ranging from infants (6 weeks) to children up to 5 years of age. The applicant states that the center will focus on fostering individualized educational development and achievement through innovative learning styles and techniques. The facility will operate Monday through Friday, from 7:30 AM to 6:00 PM, and will employ eight to ten staff members including six to eight teaching staff, two floaters who provide classroom coverage, and one administrative assistant.

Tenant Improvements

Proposed interior improvements include the construction of three classrooms (one infant classroom with a capacity of eight children, and two toddler/preschool classrooms each with a capacity of 12-15 children), a new reception area, and a total of three restrooms. All classrooms and common areas will comply with CDSS regulations, and exterior doors to the classrooms will be for emergency exits only. The facility will be equipped with both interior and exterior cameras.

Exterior modifications to the site include the construction of a new 1,230 square foot outdoor play area off the rear of the building (as required by CDSS). The area will be constructed with a six-inch (6") raised curb, eight-foot (8') tall wrought-iron fencing, with a two-foot wide landscape buffer consisting of hedges and trees to screen the outdoor equipment and area. The play area itself will consist of artificial turf with movable playground equipment and benches. Minimal changes to the exterior of the existing building are proposed, with the exception of some conditions of approval requiring things like repainting faded surfaces, removing window films, and patching holes in the stucco. Since the fenced area is designed to allow property ownership access to shared utilities on the rear of the building, this creates an area between the fence and commercial spaces which may foster loitering or unwanted activities. To prevent this, the applicant must construct a gate that spans between the west side of the play area to the CVS building, which only property management or ownership will have access to.

Parking and Drop-off

Parents will drop off their children directly at the facility. Drop off times will be staggered via "windows" between 7:30 AM and 8:30 AM to ensure not everyone arrives at once, with pick-up between 4:30 PM and 6:00 PM. The drop-off process is designed to be efficient and quick, with parents bringing their child inside and signing them in. The applicant predicts that each drop-off or pick-up will take no more than one to two minutes, ensuring minimal disruption to the surrounding neighborhood.

No buses or outside transport services will be utilized. Children are dropped off and picked up by parents or guardians only, and there will be no shared transportation arrangements with other businesses.

Licensing and Certifications

The facility will undergo an inspection by the California Department of Social Services (CDSS) to ensure that all safety, health, and capacity requirements are met, including verification of the number of toilets, sinks, emergency exits, and the adequacy of both indoor and outdoor space for the children. Upon successful inspection, the center will receive its operating license.

All staff members will undergo background checks processed through the Department of Justice (DOJ) and must meet CDSS requirements, including Mandated Reporter training. Lead Teachers will be required to hold a bachelor's degree in early childhood education or a related field, and Teaching Assistants must have at least one (1) year of experience in the childcare industry or 12 units of early childhood education.

ANALYSIS

Day care facilities with an outdoor play area have the potential to impact the surrounding community if noise, operating hours, and outdoor uses are not properly regulated. If granted, this CUP will provide operational standards and requirements for the day care

facility. The CUP will include conditions of approval to ensure that the day care facility remains compatible with surrounding uses. These conditions are designed to prevent the following potential impacts:

Sound

Since this use involves groups of young children including an outdoor play area, there is likely to be some degree of noise from the business. Accordingly, it is important to incorporate practices that limit noise levels to avoid creating noise impacts that negatively affect nearby businesses and residents. The current conditions of approval that address noises restrict outdoor activities, prohibit outdoor speakers, and limit noise to levels established in section 9.68 of the Duarte Municipal Code.

To avoid noise impacts, the following conditions of approval are proposed:

- The business owner, and/or all representatives, shall ensure that parents or children arriving prior to 7:30 AM do not congregate, linger, and/or make unnecessary noise in the parking lot or outside of their business.
- All outdoor play sessions must take place between the hours of 9:00am and 6:00pm. Modifications to these times may be approved by the Community Development Director.
- Sound dampening is required between the subject site and the adjacent tenant suite to the west. Tenant improvement plans need to specify a proven sound mitigating technique or construction method along the west wall of the tenant space.
- Exterior doors and windows must remain in a closed position when any noise-generating activities are occurring within the building.
- Music, noise-generating equipment, or any other business activities shall be operated at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses. Furthermore, music shall not be played at a volume that is audible outside the business. In no case shall live music be permitted in association with this business or minor use permit approval.
- Outdoor speakers or other exterior audible devices are prohibited, unless approved through a temporary use/special event permit.
- In the event of substantiated noise issues, the Community Development Director may require the applicant to pay for the preparation of a noise study, prepared by a professional noise or acoustics consultant of the City's selection. Adherence to the study's recommendations will be required of the applicant. Failure to promptly comply with this requirement will result in a modification/revocation hearing before the Planning Commission.

Rooftop HVAC units (RTUs) can also be a source of noise. The building has two existing RTUs. In the event additional mechanical units are proposed to be installed on the roof,

a condition of approval has been incorporated to either prepare a noise study conducted by a professional sound engineer hired by the applicant or require the installation of sound barriers around the units, which will reduce the sound generated by the units to a more reasonable level. The condition related to additional RTUs will also include requirements for mechanical screening.

Outdoor Play Area

The day care use includes the construction of an outdoor play area, as required by CDSS. Given that the project site is proximate to residential areas, adjacent residents have the highest potential to be impacted by operational issues generated by the outdoor use. The operation of this outdoor area necessitates strict adherence to the proposed conditions of approval to prevent disruptions for the residents in the area.

Outdoor play is structured with staggered schedules based on age groups, ensuring that at no point will more than 20 children be outdoors simultaneously, and that no outdoor play time is too early in the morning or late in the afternoon. The outdoor playtime is currently proposed as follows:

- Morning Sessions: Infants and toddlers (6 weeks – 3 years) from 9:30 AM – 10:15 AM, and Pre-K (3-5 years) from 10:15 AM – 11:00 AM.
- Afternoon Sessions: Infants and toddlers from 2:00 PM – 3:00 PM, and Pre-K from 3:00 PM – 4:00 PM.

Parking

The subject property is developed with 107 parking spaces. The other uses on this property are the existing roughly 15,700 square foot CVS which requires 79 parking spaces, and a roughly 1700 square foot unattended Bank of America ATM requiring 7 parking spaces, meaning the property has approximately 21 available parking stalls. The day care use requires 1 space per employee plus 1 space for each 10 students resulting in a maximum parking requirement of 14 spaces. The construction of the play area requires demolition of two rear parking spaces to allow for the relocation of the trash enclosure. Therefore, the amount of parking provided is exceeded by five (5) parking spots. Based on these calculations, and with observance of low parking space usage in the past, staff does not predict any parking issues related to this new use.

ADMINISTRATIVE VARIANCE FOR PLAY AREA FENCE

Per DDC 19.36.030, the outdoor fence can be a maximum height of 6 feet tall. The outdoor play area may include play equipment or activities that are not visually attractive to surrounding uses, and this height restriction may create safety concerns for the children. Administrative Variance 25-01 will allow the proposed fence and gates to be constructed at eight feet (8') in height rather than six feet (6'), in order to provide a taller security barrier between the parking lot and the outdoor play area, and to allow taller partial screening of the equipment. While an Administrative Variance can be approved by the Community

Development Director, DMC 19.112.030 states that “An applicant for a development project that requires the filing of more than one application shall file all related applications concurrently”. In this case, the Director has reviewed the proposal and recommends approval.

The Planning Commission may approve the Administrative Variance 25-01 by motion, along with action on the CUP. The Staff recommends approval, , pursuant to the following required findings as set forth in DDC Section 19.126.040 as:

1. *There are special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features, etc.) that do not apply generally to other properties in the vicinity under an identical zoning classification;*

The subject property is located within the Commercial (C-G) zone and the proposed play area is constructed within a commercial parking lot. The property's location and the CDSS requirement for the business to have an outdoor play area, means there is an elevated potential for safety risks and negative visual impacts. Therefore, the circumstances of the subject property and the required outdoor use do require that additional measures be taken to avoid potential negative impacts.

2. *Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;*

Strict compliance with the six foot (6') maximum wall height permitted within the Commercial (C-G) zone would provide a less effective separation between the day care operations at the site and the parking lot it is constructed within. Approving the Administrative Variance will allow the subject property to utilize the site as designed and intended through the associated conditional use permit approval.

3. *Approving the Variance or Administrative Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated; and*

Approval of the Administrative Variance will allow for the installation of eight foot (8') high fences and gates around the rear play area of the subject property, which is a day care use uniquely located within a commercial parking lot. As specified in Findings 1 and 2 above, the additional fence height will allow the subject property to be utilized for these operations in a manner comparable to other commercial uses and will help mitigate potential operational risks.

4. *The requested Variance or Administrative Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.*

Fences and walls are permitted within the Commercial (C-G) zone, subject to meeting height and location requirements. The Commercial (C-G) zone restricts fences and walls to a maximum height of six feet (6') within the rear yard. The applicant has requested to deviate from the height requirements and increase the maximum fence and wall height to eight feet (8'), which meets the criteria and applicability of the Administrative Variance process.

ENVIRONMENTAL

The proposal has been reviewed with respect to environmental impact and staff has determined that the application for a Conditional Use Permit is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303, Class 1 of Title 14 of the California Code of Regulations. No further environmental review is required at this time in accordance with CEQA Guidelines.

RECOMMENDATION

Based on the information provided in the Staff report, Staff recommends the Planning Commission approve Conditional Use Permit 23-04 and Administrative Variance 25-01 by:

- 1) adopting PC Resolution 25-01 (Exhibit A), and
- 2) approving Administrative Variance 25-01 based in the findings in this report.

Respectfully Submitted,



Scott Nash
Associate Planner

Attachments

- Exhibit A: Resolution PC 25-01, Conditional Use Permit 24-07
- Exhibit B: Business Operations Plan (Provided by Applicant)
- Exhibit C: Architectural Plans
- Exhibit D: Photos of Site and Vicinity

RESOLUTION PC 25-01

A RESOLUTION OF THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 24-07 TO ALLOW A DAY CARE FACILITY (KNOWN AS THE MODERN SCHOOLHOUSE) AT 2329 HUNTINGTON DRIVE

WHEREAS, the Planning and Economic Development Commission (Planning Commission) has been assigned, by the Duarte City Council, the duties and functions of a planning agency under State law and other duties as directed by the City Council; and

WHEREAS, the applicant has submitted an application requesting approval of a Conditional Use Permit to allow a day care business located at 2329 Huntington Drive; and

WHEREAS, a day care is permitted with a Conditional Use Permit within the Commercial General (C-G) zone pursuant to Duarte Development Code Section 19.12.020; and

WHEREAS, Section 19.114.040 through 19.114.050 of the Duarte Development Code authorizes the Planning and Economic Development Commission to consider such requests subject to certain findings; and

WHEREAS, notice of a public hearing on Conditional Use Permit 24-07 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for Conditional Use Permit 24-07 and all of the information, evidence and public testimony received at the public meeting held on February 18, 2025 at 7:00 p.m. in the City Council Chambers Conference Room;

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

SECTION 1. RECITALS

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

SECTION 2. FINDINGS

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

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

The day care facility is consistent with Land Use Goal 2 of the General Plan by creating

compatible and harmonious land uses between residential, work places, and childcare, which are consistent with projected future social, environmental and economic conditions.

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

A day care facility is permitted within the Commercial General (C-G) zone with the approval of a Conditional Use Permit. The use follows all regulations of the Duarte Development Code and Municipal Code, and conditions of approval have been included to ensure such compliance.

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

The subject business is located on a 89,559 square foot commercial property located on the northeast corner of the Huntington Drive and Mount Olive Drive intersection. Residential uses are located to the north, east, and south of the subject site, but through conditions of approval and operational policies, sound will be managed to be no greater than other noise generated in this commercial area and will be limited to certain staggered times of day. The operation of the facility complements Huntington's commercial corridor and provides an additional essential service to the community of Duarte.

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;*

Conditions of Approval such as noise and operation restrictions have been added to ensure the proposed use remains consistent with the zoning, and will help avoid any adverse and detrimental effects on the City and surrounding community.

5. *The subject site is:*

- a. *Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities; and*
- b. *Served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate.*

The site is an existing 89,559 square foot commercial shopping center with a large 107-space surface parking lot. The property is accessible from a drive aisle on Huntington Drive as well as Mount Olive Drive. Onsite circulation will not be altered and is suitable for the existing uses, the new day facility, and emergency vehicle access. The proposed day care facility will occupy a 1,950 square feet tenant space within the existing building.

SECTION 3. CEQA DETERMINATION

In recommending adoption of this PC Resolution 25-01 for the proposed use, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Sections 15301 and 15303.

SECTION 4. RECOMMENDATION

Staff recommends that the Planning Commission approves PC Resolution 25-01 based on the findings listed in Section 2, and the conditions listed in “Exhibit A-1”, for a day care facility at 2329 Huntington Drive.

APPROVED, AND ADOPTED by the Planning and Economic Commission of the City of Duarte at a regular meeting held on the 18th day of February, 2025.

Yesenia Paez, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Community Development Director of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on February 18, 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT A-1
Conditions of Approval
Conditional Use Permit 24-07 & Administrative Variance 25-01
2329 Huntington (Day Care Facility)

1. This approval is for use of an existing commercial tenant space as a day care business with a fenced outdoor play area located at 2329 Huntington Drive as stated in the staff report and described in the applicant's business operational statement and architectural plans, on file with the Planning Division.
2. A fence/gate must be installed and maintained that spans between the west side of the new play area and the CVS building to prevent unauthorized access to the side and rear of the fenced play area. The fence must be locked at all times and have a locking device that is controlled by property management or property ownership.
3. Fixed play area equipment or furnishings must be approved and permitted by the City of Duarte prior to use.
4. Approval of Conditional Use Permit 24-07 is contingent on the approval of Site Plan Design Review (SPDR) 25-05 for the architectural and site design of the proposed exterior improvements. Elements to be reviewed and considered as part of the SPDR involve the items listed below. These items must be approved, permitted (if applicable), and completed prior to opening the business.
 - a. A drainage plan stamped by a licensed engineer shall be submitted to the City Engineer for review and approval. The drainage plan must address all potential drainage impacts caused by the proposed modifications to the parking lot and outdoor area, including but not limited to: changes to pavement and curbs; adjustments that may include or affect drains, swales and underground piping; and account for the roof scuppers and downspouts from the building.
 - b. An outdoor improvement plan shall be prepared for the outdoor play area, parking lot repairs/restriping, fixed outdoor equipment, furnishings, fencing and gates.
 - c. A landscape plan shall be submitted which provides shrubs and trees to screen the outdoor play area, playground, or outdoor equipment. Landscaping shall be permanently irrigated with an automatic irrigation system. All landscaping and irrigation shall comply with Chapter 19.40 (Landscaping) of the Duarte Development Code, including but not limited to being permanently landscaped and irrigated with a variety of drought-tolerant plants, shrubs, and ground cover, and compliance with maintenance and fuel modification requirements. Separate review fees may apply. Prior to the issuance of a Certificate of Occupancy, landscaping and irrigation shall be installed and functional.
 - d. Elevations shall be included with the tenant improvement plans which address both existing and any proposed window tint on the building. Many windows on the building currently have window film which obstructs visibility into the building, has

been vandalized, and/or is deteriorated and must be replaced or removed. Provide the remediation and/or proposed replacement of all window tint.

- e. Sound dampening is required between the subject site and the adjacent tenant suite to the west (2325 Huntington Drive). Tenant improvement plans need to specify a proven sound mitigating technique or construction method along the west wall of the tenant space.
 - f. The existing trash enclosure must be relocated and replaced with a new one that meets current standards and solid waste requirements provided by the City's franchise waste hauler, Burrtec. The enclosure must include a solid, decorative roof and incorporate elements that prevent illegal dumping. The design of the enclosure requires review and written consent from Burrtec, and final approval from the Planning Division prior to the business license issuance.
 - g. The parking lot must be restriped to the rear of the subject business. Include this scope of work on associated plans.
5. Prior to permit final, Planning Staff must verify that all nearby parking lot lighting are illuminated at night. Near permit final, please confirm with a Planner that the lights are operational so staff can verify. All surface parking lots must include adequate lighting to ensure the safety and security of vehicles and pedestrians.
 6. The building shall be repainted or repaired as needed, including but not limited to the covering of graffiti, patching holes, and repainting faded or stained surfaces. All finished building materials incorporated into the building design shall be of high quality and high durability, and shall take into consideration locations that may be more vulnerable to damage or potential maintenance concerns.
 7. The number of children served on-site at this location shall not exceed 38 at one time.
 8. All use activities shall take place within the existing building or designated outdoor play area. No activities shall extend to the parking lot or other areas of the shopping center.
 9. The applicant is required to obtain all licenses, waivers, and permits required by State law for operation of the facility. The applicant shall keep all State licenses or permits valid and current.
 10. The existing "Children 1st Pediatric Group" sign shall be removed prior to occupancy. Any damage resulting from removal of the sign (e.g. holes, scuffs, damaged or discolored paint, etc.) must be corrected and painted to match the adjacent wall surface.
 11. Fence and gate height shall not exceed eight-feet (8') in height, contingent on approval of Administrative Variance 25-01.

12. Fencing shall be constructed of decorative wrought iron, masonry, or a combination of those materials, as approved by the Community Development Department.

Operation and Improvement Conditions

13. All outdoor play sessions must take place between the hours of 9:00am and 6:00pm. Modifications to these times may be approved by the Community Development Director.
14. Business operations shall be conducted only between the hours of 7:00 AM and 9:00 PM. Modification to operating hours may be approved by the Community Development Director.
15. The business owner, and/or all representatives, shall ensure that parents or children arriving prior to 7:30 AM or after 6:00 PM do not congregate, linger, and/or make unnecessary noise in the parking lot or outside of their business.
16. Exterior doors and windows must remain in a closed position when any noise-generating activities are occurring within the building.
17. Outdoor speakers or other exterior audible devices are prohibited, unless otherwise approved by the City.
18. Music, noise-generating equipment, or any other business activities shall be operated at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses. Furthermore, music shall not be played at a volume that is audible outside the business. In no case shall live music be permitted in association with this business.
19. In the event of substantiated noise issues, the Community Development Director may require the applicant to pay for the preparation of a noise study, prepared by a professional noise or acoustics consultant of the City's selection. Adherence to the study's recommendations will be required of the applicant. Failure to promptly comply with this requirement will result in a modification/revocation hearing before the Planning Commission.
20. In the event additional rooftop mechanical units are proposed to be installed, the business owner shall either prepare a noise study conducted by a professional sound engineer hired by the applicant or propose the installation of sound barriers around the units, subject to the approval of the Community Development Director. Any mechanical equipment must be fully screened.
21. Any outdoor storage, equipment, etc. shall be limited only to the boundaries of the play area. No outdoor storage is permitted within the parking lot or walkway area.

22. Other tenants or owners of the shopping center must be allowed access to the roof ladder, electrical equipment, and other shared utilities located on the rear wall of the tenant space.
23. There shall be no vehicles associated with this business allowed to park overnight on the subject property.
24. Parking spaces shall not be designated or marked for exclusive use, loading, or similar.
25. Operations shall be conducted in a manner that does not create a nuisance. Any such nuisance must be abated immediately upon notice by the City.
26. A final inspection by the Planning Division shall be conducted prior to occupancy approval or permit final, whichever occurs first.

General Conditions

27. The owner/tenant shall be responsible for continuous maintenance of the building, fencing, outdoor play area and equipment, associated parking, and landscaping. Landscaping shall be permanently irrigated.
28. Any revisions to the site plan, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; such changes may require review and approval from the Planning Commission.
29. The applicant shall obtain a valid business license with the City of Duarte prior to commencement of business operation. Contact the City Finance Division for more information.
30. Any signage associated with the business is not included as part of this approval; a separate review and approval process will be required for all proposed signage. All signage shall comply with the Sign Guidelines of the Duarte Development Code.
31. Any expansion or modification to the approved use authorized as part of Conditional Use Permit 24-07 shall require an application for the modification of the existing permit, or an entirely new Conditional Use Permit.
32. 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.

33. The applicant must obtain Planning Division approval as well as Building & Safety Division approval and permits for all tenant improvements and other associated site improvements.
34. Any required plans and plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits.
35. 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.
36. This entitlement shall be contingent upon the privileges being utilized within twelve (12) months from the effective approval date. Discontinuance of the approved use for twelve (12) consecutive months or more shall constitute an abandonment of the permits and the Conditional Use Permit shall become invalid.
37. The project shall comply with all the regulations of Chapter 19.12 (Commercial Zones) of the Duarte Development Code, including the intent and purpose, permitted uses, development standards, and any other applicable sections.
38. The property owner and/or applicant shall comply with the City's Construction Diversion Program. Prior to the issuance of any permits, the applicant shall submit a Construction Diversion form and required security deposit. Contact the Planning Division for more information.
39. The owner and contractors 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, excluding Federal holidays. No construction related idling of engines or other disturbances shall occur outside of noted work hours.
40. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of the approval letter. Said appeal must be in writing and filed with the City Clerk's office (DMC 19.144) and include all associated fees. The written appeal shall include reasons for the appeal.
41. The 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 day care facility, or its patrons, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.

42. 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.

Exhibit B (Provided by Applicant)

Operations

The Modern Schoolhouse is a full-service childcare that provides care for infants 6 weeks to children of 5 years. With innovating learning styles and techniques, The Modern Schoolhouse is focused on the child individually, with emphasis on educational development and achievement. The Duarte Center will have 2 toddler/preschool classrooms of 12-15 children and 1 infant classroom of 8 children (3 total classrooms | 32-38 children). There will be a total 8-10 employees at the Duarte Center. Each classroom is staffed by 2 teachers. There are also 2 “floaters” who work within all the classrooms to provide coverage for breaks etc. Lastly, there is one administrative assistant. The standard hours of operations are Monday-Friday, 7:30-6 PM. Meals are provided daily by a third-party vendor, so there is no gas hookup requirement.

Children are generally outdoors between 9:30 AM – 11:00 AM and 2:00 – 4:00 PM. These are hours where most people are at work/school. Furthermore, children outdoor time is staggered based on age and classroom. 8 infants (6-weeks – 18-months) in a separate area, and 12 toddlers (18-months – 3-years-old) are outdoors during the first morning shift, 9:30 AM – 10:15 AM. 12 Pre-K (3-5 years) are then outdoors for the second morning shift, 10:15 AM – 11 AM. A similar structure is followed in the afternoon, with the infants and toddlers outdoors from 2 PM – 3 PM. And Pre-K outdoors from 3 PM – 4 PM. At any given time, the maximum number of children outdoors will be 20, with a minimum of 12. The infant/toddler cohort are paired, due to age and development, mitigating the potential for excess noise. Lastly, our program inherently mitigates noise as we emphasize social-emotional development, which teaches children how to regulate their emotions. Whether in the classroom or outdoors, our program is noted for its calm, nurturing environment.

All locations have state-of-the-art interior and exterior cameras. The crib room is not staffed unless there are children sleeping in the room. When there are children sleeping, the area is staffed at the ratios set forth by the CDSS. All doors are locked during business hours. The exterior doors to the toddler classrooms are not entry points, only emergency exits. Existing light poles will not be removed. Furthermore, there will not be any structural/fixed elements added to the playground. (Other than fencing)

Parking/Drop-off

Parents will park and bring the child into the facility. This serves as the “sign in”. Staff tracks what children attend each day through an app. The nature of pick up and drop off is that parents arrive at various times from 7:30-8:30 AM (drop off) and 4:30 – 6 PM (pick up). There are never more than a few families at a time. The whole process of picking up or dropping off a child takes no more than 1-2 minutes. Children are dropped off each day by parent or guardian. We do not have buses pick up or drop off children. We do not work with any other business to transport children.

Certification

CDSS comes to inspect the site once it is ready for operations. They measure the classrooms and outdoor space. They count the number of toilets and sinks. They ensure there are emergency exits. All of this comes together to set the number of students the program is allowed to enroll. After this inspection the license is granted.

All staff must pass a DOJ background check that is processed/governed by the CDSS. All staff must have Mandated Reporter (child abuse) training. Lead Teachers must have completed a set amount of early childhood education units. Teaching Assistants are not required to have any completed childhood education units. These are the minimum standards the state requires. However, as a program, our standards are higher. For our Lead Teachers, we require a bachelor’s degree in early childhood education or a related field. For our Teaching Assistants, we require a minimum of 1-year experience in the childcare industry or 12-units of early childhood education or a related field. Another CDSS requirement is 90-minutes of outdoor time per day, weather permitting.

CHILDCARE FACILITY THE MODERN SCHOOLHOUSE

2359 E HUNTINGTON DR
DUARTE, CA 91010

PLANNING - CUP

PROJECT NUMBER: 2312E

SHEET INDEX

GENERAL	
G0.01	GENERAL PROJECT INFORMATION
G2.10	EXISTING SITE PLAN
G2.11	DEMO SITE PLAN
G2.30	SITE PLAN AND DETAILS
DEMOLITION	
D2.01	DEMOLITION FLOOR PLAN
ARCHITECTURAL	
A2.01	FLOOR PLAN



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DATE ISSUE

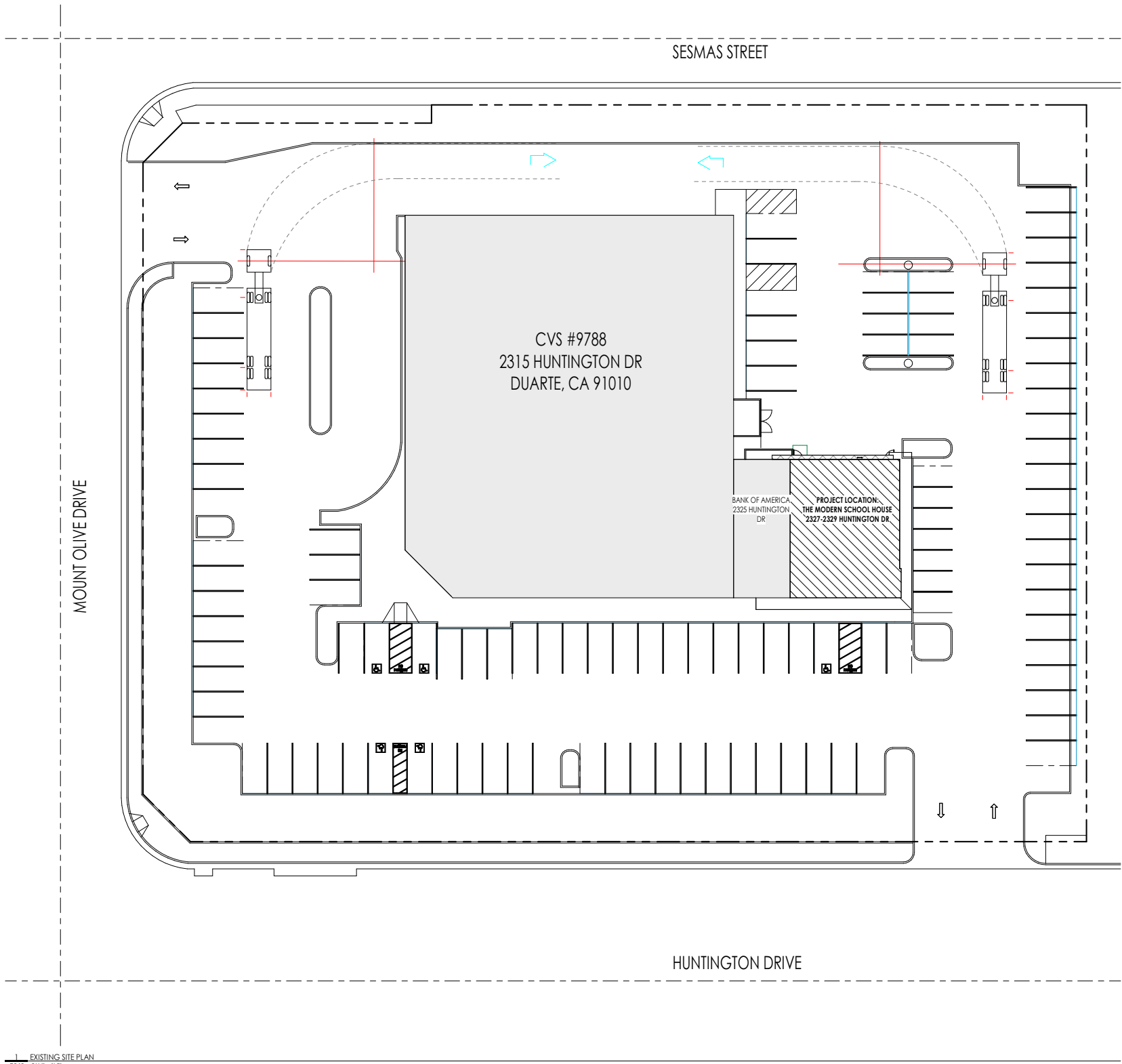
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DRAWN BY: AA
CHECKED BY: AA

PLANNING - CUP

GENERAL PROJECT INFORMATION

G0.01

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DATE ISSUE

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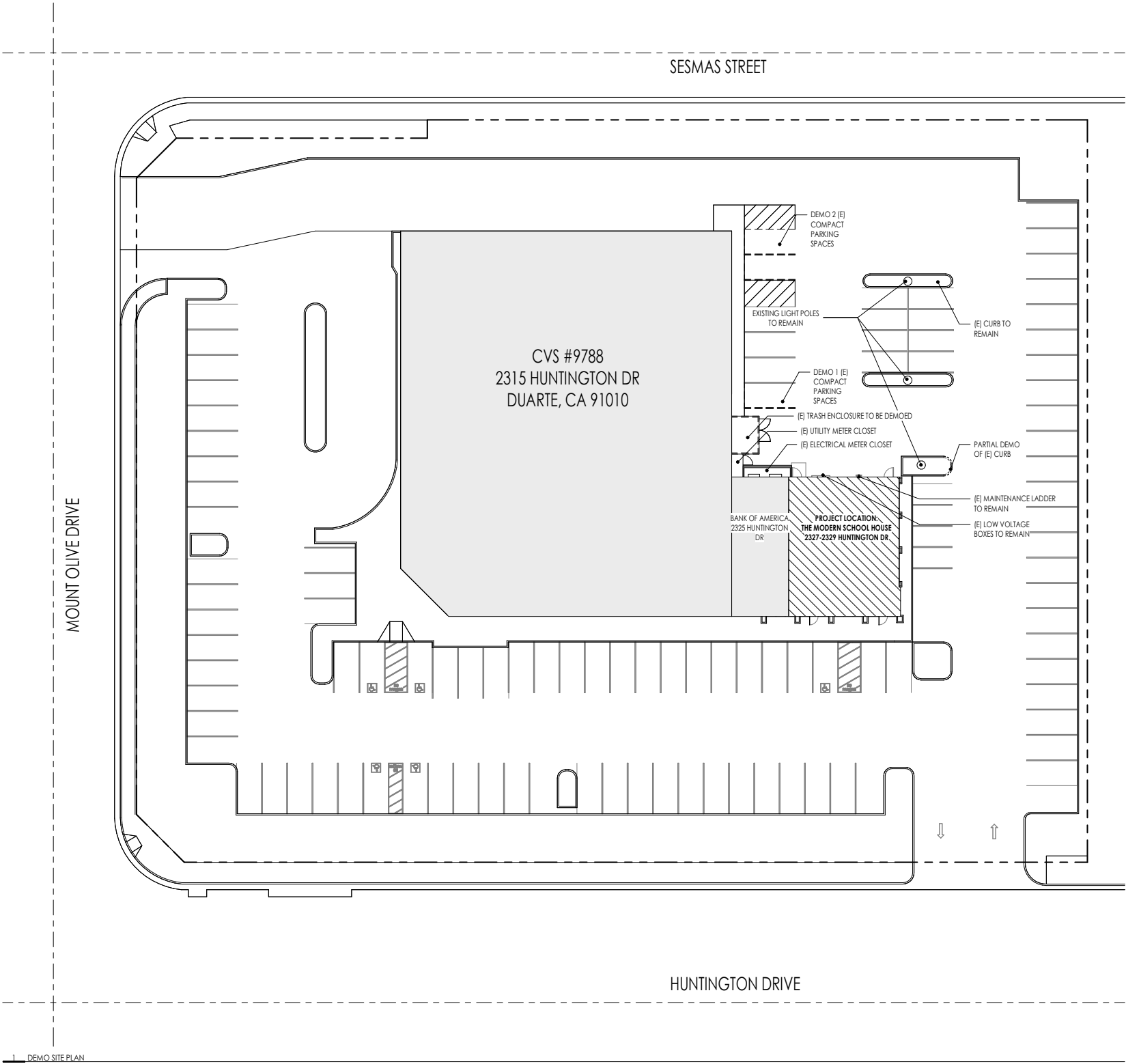
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EXISTING SITE PLAN



G2.10

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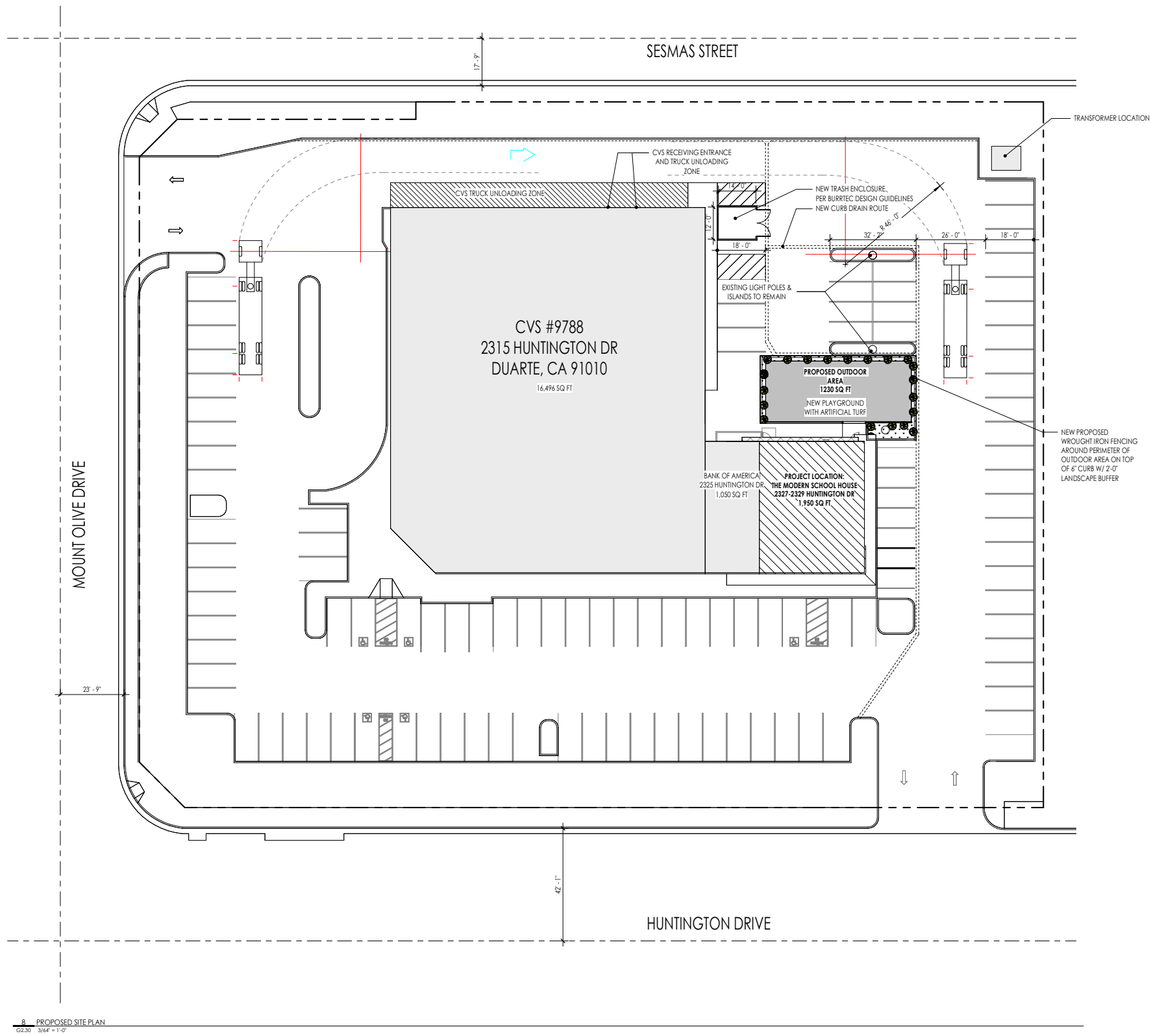
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PLANNING - CUP

DEMO SITE PLAN

G2.11

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8 PROPOSED SITE PLAN
G2.30 3/16" = 1'-0"



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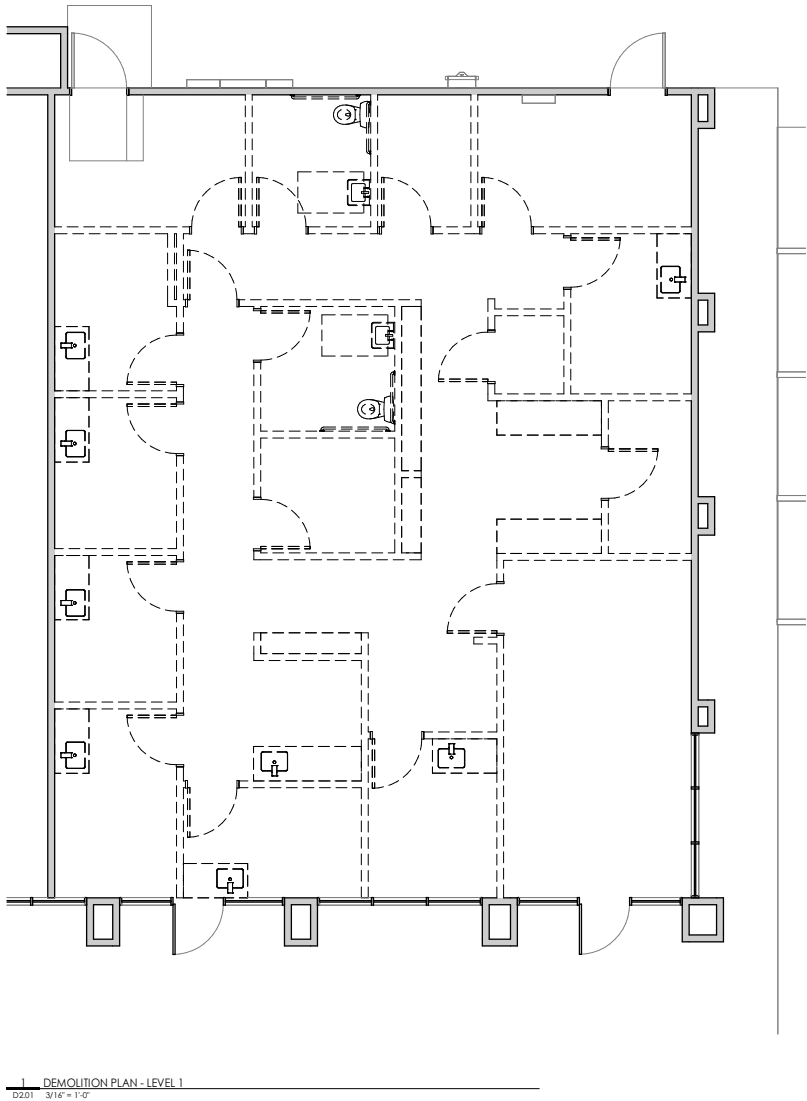
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SITE PLAN AND DETAILS

G2.30

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DEMO PLAN GENERAL NOTES

- A. CONFIRM AND SATISFY ALL BUILDING OWNER REQUIREMENTS PRIOR TO COMMENCING WORK.
- B. ALL EXISTING SURFACES, WALLS, DOORS, WINDOWS, FRAMES, HARDWARE, ETC., NOT SHOWN TO BE REMOVED OR ALTERED SHALL REMAIN. REMAINING SURFACES AND ITEMS SHALL BE PROTECTED FROM DAMAGE DURING DEMOLITION AND RECONSTRUCTION AS PART OF THE RECONSTRUCTION.
- C. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ALL DAMAGE TO EXISTING ITEMS TO REMAIN, AS PART OF THE RECONSTRUCTION OF THIS BUILDING.
- D. CAP ALL UTILITIES THAT ARE TO BE ABANDONED BEHIND THE FACE OF FINISH, I.E., AT WALLS FLOORS, CEILINGS, FINISH GRADE, ETC. RECORD THE LOCATIONS ON THE RECORD DRAWINGS.
- E. ALL ITEMS SCHEDULED TO BE REMOVED AND NOT RELOCATED ARE TO BE REMOVED FROM THE SITE AND DISPOSED OF IN THE PROPER MANNER.
- F. REMOVE ALL NAILS, PINS, HANGERS, ETC., FROM THE EXISTING WALLS AND CEILINGS. PREPARE THE WALLS AND CEILINGS FOR THE WORK SCHEDULED FOR THOSE SPECIFIC AREAS.
- G. REMOVE ALL ABANDONED WIRING, CABLING, PLUMBING, FRAMING, DEVICES AND ACCESSORIES, NOT SPECIFICALLY IDENTIFIED AS EXISTING TO REMAIN, WITHIN THE AREA OF WORK. SEE MECHANICAL, PLUMBING, ELECTRICAL, AND STRUCTURAL DRAWINGS.
- H. (E) FIRE SPRINKLER SYSTEM TO REMAIN, MODIFY AS REQ'D.
- I. DEMOLITION SHALL NOT BE STARTED IN ANY AREA UNTIL ALL POWER, GAS, WATER, AND OTHER PERTINENT UTILITIES HAVE BEEN DISCONNECTED.
- J. THE GENERAL CONTRACTOR PERFORMING DEMOLITION WORK IS TO COORDINATE WORK WITH THE GENERAL, ELECTRICAL, MECHANICAL, AND PLUMBING CONTRACTORS FOR THE PURPOSE OF DISCONNECTING POWER AND OTHER SERVICES WHICH MAY BE DISTURBED BY THE DEMOLITION.
- K. IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR PERFORMING DEMOLITION WORK TO VISIT THE SITE PRIOR TO SUBMITTING A BID FOR THE WORK. ANY EXISTING CONDITIONS OBSERVED THAT WILL AFFECT THE DEMOLITION NOT OTHERWISE INDICATED IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PRIOR TO DEMOLITION.
- L. DEMOLITION PLANS ARE PROVIDED TO ASSIST THE GENERAL CONTRACTOR IN THE GENERAL DETERMINATION OF THOSE ITEMS TO BE REMOVED AND RELOCATED. GENERAL CONTRACTOR IS TO REVIEW ALL DRAWINGS AND SPECIFICATIONS TO DETERMINE THE COMPLETE SCOPE OF DEMOLITION.
- M. REFER TO THE STRUCTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS FOR THE EXTENT OF DEMOLITION WORK IN ALL AREAS.
- N. EXISTING WORK IS BASED UPON OWNER PROVIDED DOCUMENTS AND/OR SITE OBSERVATION. ANY DISCREPANCIES OR DISCOVERY OF UNFORESEEN ITEMS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE DEMOLITION PROCEEDS.
- O. THE DEMOLITION GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SHORING AND BRACING REQUIRED TO SUPPORT ADJACENT WALLS, CEILINGS, OR OTHER BUILDING ELEMENTS.
- P. PRIOR TO UNDERTAKING ANY SAW-CUTTING OR CORING WORK, COORDINATE WITH THE BUILDING ARCHITECT AND ENGINEER.
- Q. SEE PLUMBING AND ELECTRICAL DRAWINGS FOR LOCATION AND EXTENT OF REQUIRED SLAB CORING.

DEMOLITION PLAN SHEET KEYNOTES

DEMOLITION PLAN LEGEND

- NO WORK IN THIS AREA
- EXISTING TO REMAIN
- EXISTING TO BE DEMOLISHED



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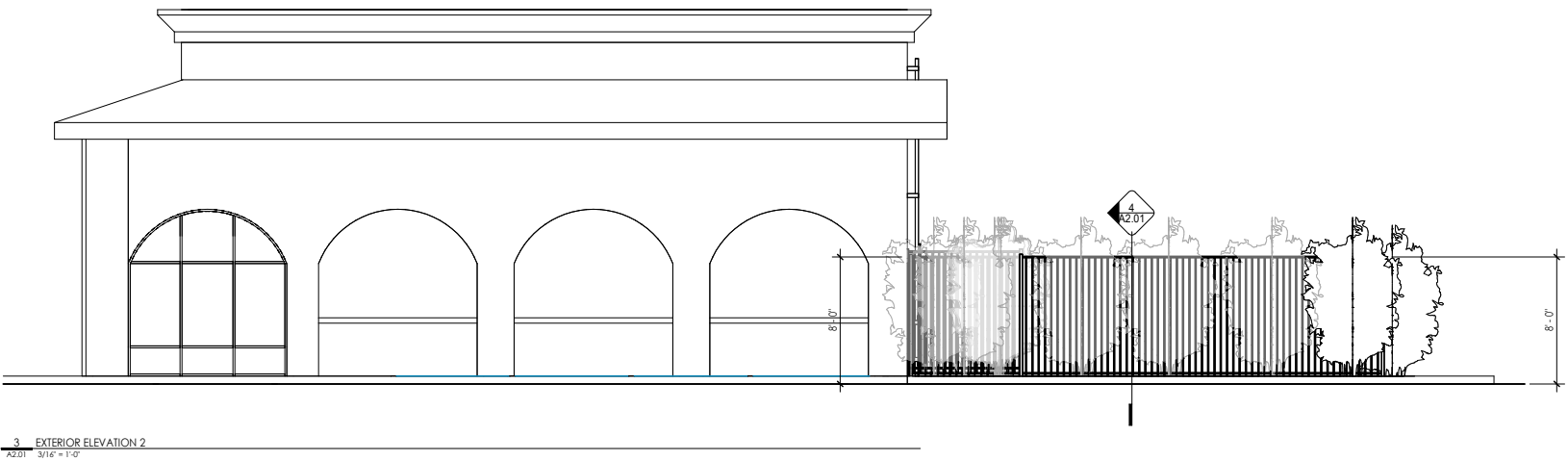
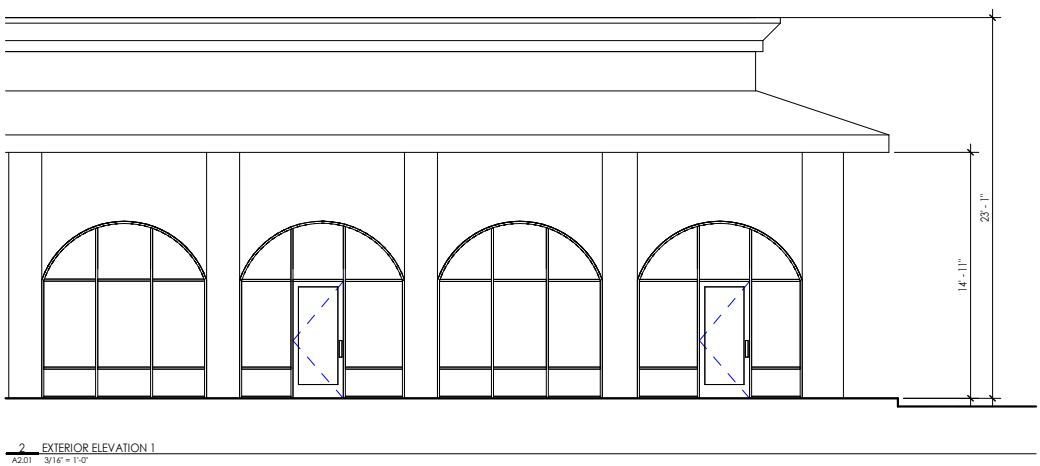
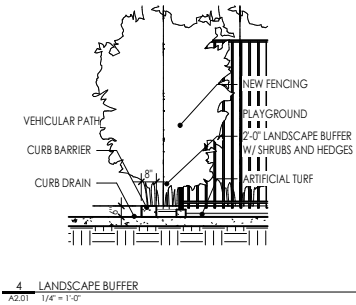
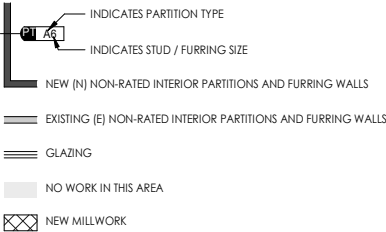
DEMOLITION FLOOR PLAN

D2.01

- A. FLOOR PLAN WALL DIMENSIONS ARE TO FACE OF FINISH UNLESS OTHERWISE NOTED.
- B. DIMENSIONS TO CENTERLINES OF WALLS ARE TO CENTERLINE OF FRAMING.
- C. HINGE JAMB, TYP. 3" CLEARANCE TO THE WALL TO ACCOMMODATE DOOR HARDWARE.
- D. DOORS NOT TAGGED ARE (E) TO REMAIN. TAGGED DOORS ARE NEW UON.
- E. ALL INTERIOR PARTITIONS ARE TYPE A3, UON.
- F. APPLY ACOUSTIC SEALANT AT ALL (N) + (E) PARTITION LOCATIONS.
- G. ALL J-BOXES AND WALL PENETRATIONS TO BE ACOUSTICALLY SEALED.
- G. INFILL AT (E) PARTITIONS TO MATCH (E) FIRE RATING, IF REQUIRED.
- H. REMOVE ALL NON-CODE-REQUIRED LABELS FROM CONDUIT, PIPE, DUCTWORK, DEVICES AND SWITCHES OR ELBOWS.
- I. GENERAL CONTRACTOR TO FURNISH AND INSTALL ALL CODE REQUIRED ROOM SIGNAGE, TACTILE EXIT SIGNAGE AND EGRESS SIGNAGE.
- J. PROVIDE ACOUSTIC BATT INSULATION AT ALL NEW PARTITIONS, UON
- K. REVIEW WALL MOUNTED TRANSFER GRILL LOCATIONS WITH ARCHITECT PRIOR TO INSTALLATION.
- L. FOR PARTITION DETAILS SEE SHEET [A9.01W](#)
- M. FOR WINDOW SCS ASSEMBLY SEE SHEET [A7.02](#) AND SHEET [A7.01](#)
- N. FOR ROOF SCS ASSEMBLY SEE SHEET [A9.03](#)
- O. FOR EXTERIOR WALL SCS ASSEMBLY SEE SHEET [A9.01W](#)

NEW SITE FENCING
NEW OUTDOOR PLAY AREA W/ ARTIFICIAL TURF
(E) ROOF LADDER ACCESS
2'-0" LANDSCAPE BUFFER W/ SHRUBS AND MULCH COVERING
NEW SITE FENCING

PLAN INDICATION





City of Duarte
Community Development Department

EXHIBIT D
VICINITY MAP AND SITE PHOTOS

PROJECT AND SURROUNDING ZONING

<u>Subject Property:</u>	C-G, Commercial General
<u>North:</u>	R-1, Single-Family Residential
<u>South:</u>	SP, Las Brisas Residential Specific Plan
<u>East:</u>	R-3, Multi-family
<u>West:</u>	C-G, Commercial General

SUBJECT PROPERTY-AERIAL





City of Duarte
Community Development Department

Subject Tenant Space



North Wall of Tenant Space
(Behind Building)





**City of Duarte
Community Development Department**

**West of Project Site
(CVS and Mt. Olive Dr.)**



East of Project Site





City of Duarte
Community Development Department

South of Project Site
(Huntington Dr.)

