

**CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
October 18, 2021**

**Planning Commission
Commissioners**
Sara Vasquez, Chair
Tina Heany, Vice-Chair
Danny Ramirez
Wally Wolff

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Chair Vasquez called the meeting to order at 7:02 p.m. The following were in attendance:

PRESENT:	Vasquez, Heany, Ramirez, Wolff
ABSENT:	None
STAFF:	Hensley, Golding, Baldwin, McCurley, Hernandez
DEPUTY CITY ATTORNEY:	Phan

2. PLEDGE OF ALLEGIANCE:

None.

3. APPROVAL OF MINUTES: May 17, 2021 and August 16, 2021

Vasquez called for a motion on the Minutes for May and August. Heany motioned to approve the May 17, 2021 minutes, seconded by Ramirez and carried 3-0-1-0 (Yes: Vasquez, Heany, Ramirez; No: None; Abstain: Wolff; Absent: None).

Wolff moved to approve the August 16, 2021 minutes, seconded by Heany and carried 3-0-1-0 (Yes: Heany, Ramirez, Wolff; No: None; Abstain: Vasquez; Absent: None).

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

None.

5. PUBLIC HEARINGS:

A. General Plan Amendment 2021-01. A request to update the Duarte Housing Element with the 2021-2029 Housing Element of the General Plan.

Vasquez read the proposed General Plan Amendments, and stated that Item A, B and C will be read together in the presentation.

Hensley provided an overview of the 2021 - 2029 Housing Element of the General Plan, the Safety Element Updates, and Environmental Justice policies. He introduced the consultant team: Karen Warner of Karen Warner Associates and Lexi Journey, Camilia Bobroff, and Susanne Huerta of Rincon Consultants, as the presenters of the items.

Karen Warner provided a PowerPoint presentation discussing the project schedule, the release of the public review draft for the Housing Element Update, and the revisions/comments received by the HCD.

Maia McCurley, Associate Planner, discussed items B and C, providing a brief overview of the contents of the Safety element Update; the Environmental Justice policies to be incorporated into the General Plan; and the California Environmental Quality Act (CEQA) review process for the project.

Lexie Journey, Senior Planner, Rincon Consultants, provided additional information related to the Safety Element Update, the Environmental Justice policies, and the CEQA environmental review. She indicated that Susanne Huerta was available to answer any questions regarding the CEQA analysis and concluded her presentation.

Hensley stated that there were three letters of Public Comments that were provided to the Commissioners before the meeting and would be read during the Public Hearing segment. Hensley concluded the presentation, indicated the recommendation to approve the three Resolutions, the documents, and changes for the approval of the City Council with the removal of Site 9 from opportunity sites, based on a request from a public comment that would be read later.

Vasquez opened Commissioner's inquiries and comments.

Heany requested an explanation of what affordability levels are in real life and how some people misinterpret what it means to be "low low" income. She stated that it would be useful to be more specific on what is considered "low low" housing. Hensley provided information on existing affordable housing developments.

Warner further explained the category of affordable housing and referred to the Housing Element, on page 2-16 that included a table with different occupations and salaries defining the very low-, low-, and moderate-income category.

Hensley indicated that it was noted for the council presentation to add a slide of what is considered affordable housing and low income.

Vasquez inquired on the process of purchasing a site for affordable housing. Hensley addressed her inquiry.

Vasquez inquired about on the unit shortage for the affordable housing. Warner and Hensley responded. And further discussed the factors and categories of what is considered affordable housing and the types of funding that is available for this type of housing.

Vazquez closed Commissioner's inquiries and opened the Public Hearing for the three items.

Hensley indicated that there were three comment letters that were received, one was after the deadline of 6:00 p.m. but still presented it to the Commission. Hensley read the letters from the Southwest Regional Council of Carpenters. represented by members Marcus Baisley, Duarte Resident and Mitchell Tsai, Attorney at Law. Hensley also discussed comments and conversation he had with Mr. DJ Anawalt, owner of 1153 Three Ranch Road.

Vasquez opened Commissioners' inquiries on comments received.

Vasquez asked for confirmation on considering adding participation of the union in the project. Hensley responded.

Vasquez closed the Public Hearing. And opened Commissioners' discussion. There were none.

Vasquez called for a motion to approve General Plan Amendment 2021-01 & 2021-02, on Items A and B, PC Resolution 21-03 with removal of Site 9, also motion to approve GPA 2021-02 with PC Resolution 21-04. Wolff moved to approve the item and seconded by Heany. The motion was approved 4-0-0-0. (Yes: Vasquez, Heany, Ramirez, Wolff; No: None; Abstain: None; Absent: None).

Vasquez called for a motion to approved Item C, GPA 2021-03. Heany moved to approved and seconded by Wolff. The motion was approved unanimous 4-0-0-0. (Yes: Vasquez, Heany, Ramirez, Wolff; No: None; Abstain: None; Absent: None).

6. ITEMS FROM DIRECTOR:

Hensley thanked the commissioners for their time and thorough review of the extensive Housing Element of the General Plan and provided development updates.

7. ITEMS FROM COMMISSIONERS:

No items from the Commissioners. City Attorney Phan commented on the importance of roll calling the votes on the proposed projects and continuation of the use of zoom meetings being scheduled on future Planning Commission meetings.

8. ADJOURNMENT: Monday, November 15, 2021

Vasquez asked for a motion to adjourn. Wolff motioned to adjourn at 8:32 p.m. The next meeting is scheduled for November 15, 2021.

Craig Hensley, Secretary



PLANNING COMMISSION STAFF REPORT

Date: November 15, 2021

Project: Conditional Use Permit 2021-01

Subject: Request for approval of a Type-41 alcohol license to allow the sale of beer and wine for on-site consumption in connection with a sit-down restaurant

Location: 1221 Huntington Drive

Applicant: Euihyun Chung, Managing Member and Business Owner

SUMMARY

The applicant, Euihyun Chung, is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer and wine for on-site consumption at Heemo Sushi, which is proposed to be located at 1221 Huntington Drive within the Buena Vista Marketplace shopping center. The project site is located within the Huntington Drive/Buena Vista Street Specific Plan area, which permits sit-down restaurants without late-night hours by right and conditionally permits on-site alcohol consumption that is incidental to an eating and drinking establishment. The CUP for the on-sale of alcohol requires review and approval by the Planning Commission. As such, staff recommends the Planning Commission adopt PC Resolution 21-06 to approve the sale of beer and wine for on-site consumption as an accessory component of the full-service restaurant operation, based on the information provided in the staff report and subject to conditions of approval.

BACKGROUND

1221 Huntington Drive is an approximately 2,000 square foot suite that is part of an overall 18,862 square foot retail building built in 1990 within the Buena Vista Marketplace shopping center located at the northwest corner of Huntington Drive and Buena Vista Street. The suite was previously occupied by a Flame Broiler restaurant and is proposed to be the first location of Heemo Sushi, a new, full-service restaurant owned and operated by Euihyun Chung. Mr. Chung has fifteen (15) years of experience working as a chef at Kabuki Japanese Restaurant. It is anticipated that Heemo Sushi will open in early February 2022 following the completion of planned tenant improvements, which will consist of the addition of new partition walls and ceiling along with new mechanical, electrical, and plumbing fixtures. The operation of the restaurant is a permitted use within the Huntington Drive/Buena Vista Street Specific Plan area.

The State Department of Alcoholic Beverage Control (ABC) allows on-site consumption of alcohol with various license types. The applicant is requesting approval for a Type-41 license – on-sale beer and wine (eating place). According to ABC, an application for an alcohol license has never been filed or granted for the subject property. Currently, there are eight (8) restaurant establishments within the City with an active Type-41 license, and one (1) restaurant establishment with a suspended Type-41 license – Don Reyes Mexican Restaurant located at 1306-1308 Duarte Road. Three (3) of the restaurant establishments with active licenses are in

close proximity to the proposed Heemo Sushi restaurant: El Salvadoreno located at 1313 Huntington Drive within the Big Lots/99 Cents/Rite Aid shopping center located at the northeast corner of Huntington Drive and Buena Vista Street, operating under CUP 2012-03; Young's Gourmet located at 1340 Huntington Drive within the Grocery Outlet shopping center located at the southeast corner of Huntington Drive and Buena Vista Street, operating under CUP 2000-05; and Las Palmas Mexican Food located at 1408 Huntington Drive also within the Grocery Outlet shopping center, operating under Minor Use Permit (MUP) 2019-01.

An application for a Type-41 license has been submitted to ABC for Heemo Sushi. The status of the application is pending approval of the CUP.

PROJECT DESCRIPTION

Heemo Sushi will operate as a full-service restaurant offering a variety of dishes that encompass the regional and traditional foods of Japan with a particular emphasis on seasonal ingredients. The restaurant staff will consist of seven (7) employees and at all times the restaurant will strive to maintain a ratio of one (1) employee for every ten (10) patrons. The hours of operation are 11 AM to 12 AM daily.

The alcoholic beverages proposed to be offered, including draft beer as well as bottled beer and wine, will only be available to customers who have ordered a meal – either for dine-in or for take-out – though it is not anticipated that many customers will want to order alcohol for take-out alongside their meals. Alcoholic beverages will be served in restaurant glasses and/or the manufacturer's individual packaging. Storage of alcoholic beverages will occur in two (2) locations: the walk-in storage area for stocking and in the walk-in cooler. Both storage areas and alcohol preparation areas are accessible only to employees.

ANALYSIS

Section 19.60.030 of the Duarte Development Code (DDC) provides operational standards for establishments that may be granted a CUP for an ABC license. Through the CUP process, alcohol sales for on-site 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 restrict any lounge/bar areas designed for exclusive alcohol service to a maximum of twenty (20) percent of the total aggregate area of the restaurant. There is a bar area proposed within Heemo Sushi; however, it is not exclusive for alcohol service and it is less than twenty (20) percent of the total aggregate area of the restaurant. Alcoholic beverages will be limited to the customer dining areas; service areas for alcohol preparation; and alcohol storage and cooler areas.

The restaurant floor plan is designed in a manner that delineates customer areas from service areas. The serving area is separated from the dining area using partition walls to keep the alcohol storage and alcohol preparation areas inaccessible to customers seated in the dining area.

Furthermore, all alcoholic beverages will be delivered to customers while seated at their table in order to maintain a safe and orderly environment.

The restaurant does not propose to provide any outdoor dining and all alcohol consumption will occur inside the restaurant's approximately 980 square foot dining area at the front of the restaurant along the suite's south-facing elevation. The dining area is arranged with an assortment of accessible seating options and can accommodate a maximum Building Code occupancy load of forty-four (44) individuals. The dining area has an open design allowing employees efficient service and unobstructed views to monitor the area from several locations.

Alcohol Sales Training

Employees of Heemo Sushi will verify patrons' age by checking photo identification before completing alcohol orders to prevent unlawful sales of alcohol to minors. Alcohol specific training will be provided to reinforce this policy and to prevent other potential concerns related to alcohol. The proposed conditions of approval will require that all restaurant employees serving or selling alcohol participate in an alcohol sales training program prior to serving or selling alcohol. The proposed conditions of approval also require that the applicant obtain information on alcohol sales training programs and materials from the local ABC district office. Furthermore, all newly hired employees shall participate in the training before completion of their hiring process and all regular employees shall complete the training program annually or on a more frequent basis, if needed. Updates to the training materials shall occur as necessary in accordance with ABC district office guidelines.

Security

For increased safety and monitoring, Heemo Sushi has purchased a sixteen (16) camera closed-circuit television (CCTV) system. At this time, Heemo Sushi has proposed to install twelve (12) of the sixteen (16) CCTV cameras throughout the interior of the restaurant, as shown in the Security Floor Plan in Exhibit B. All CCTV cameras will remain on a continuous loop that will be stored on a hard-drive system with 10 terabytes of memory. Footage for all cameras will be retained for thirty (30) days. The security camera control center and storage hard-drive will be located in the office at the rear of the restaurant. The office has a door with a lock and is only accessible to employees. The security plan and security floor plan has been reviewed by the Public Safety Department and they have no concerns with the proposal.

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 Section 15301, 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, and a Notice of Exemption has been prepared for the project.

RECOMMENDATION

Staff recommends that the Planning Commission review and adopt PC Resolution 21-06 (Exhibit C) approving CUP 2021-01 allowing a Type-41 alcohol license for the sale of beer and wine for on-site consumption as an incidental use to the operation of Heemo Sushi restaurant.

Respectfully Submitted,



Maia McCurley
Associate Planner

ATTACHMENTS

Exhibit A – Project Description and Floor Plan
Exhibit B – Security Description and Security Plan
Exhibit C – PC Resolution 21-06
Exhibit C-1 – Conditions of Approval

Heemo sushi description

Japanese cuisine encompasses the regional and traditional foods of Japan, which have developed through centuries of political, economic, and social changes. The traditional cuisine of Japan is based on rice with miso soup and other dishes; there is an emphasis on seasonal ingredients. Side dishes often consist of fish, pickled vegetables, and vegetables cooked in broth. Seafood is common, often grilled, but also served raw as sashimi or in sushi. Seafood and vegetables are also deep-fried in a light batter, as tempura. Apart from rice, a staple includes noodles, such as soba and [udon](#).

Heemo Sushi brings cuisine that is second to none. Our fresh ingredients that go on the Sushi to rolls with our innovation that balances western intrigue with original Japanese ingredients. We serve in an eloquent settings that will bring surely your appetite and smile.

Heemo Sushi is a full service Japanese restaurant.

Our hours of operations:

11:00 a.m. to 12:00 a.m.(midnight) 7 days a week

Beer and wine will not be sold as a retail and no outdoor dining is available.

We will employ 7 persons.

Security Plan for Heemo Sushi

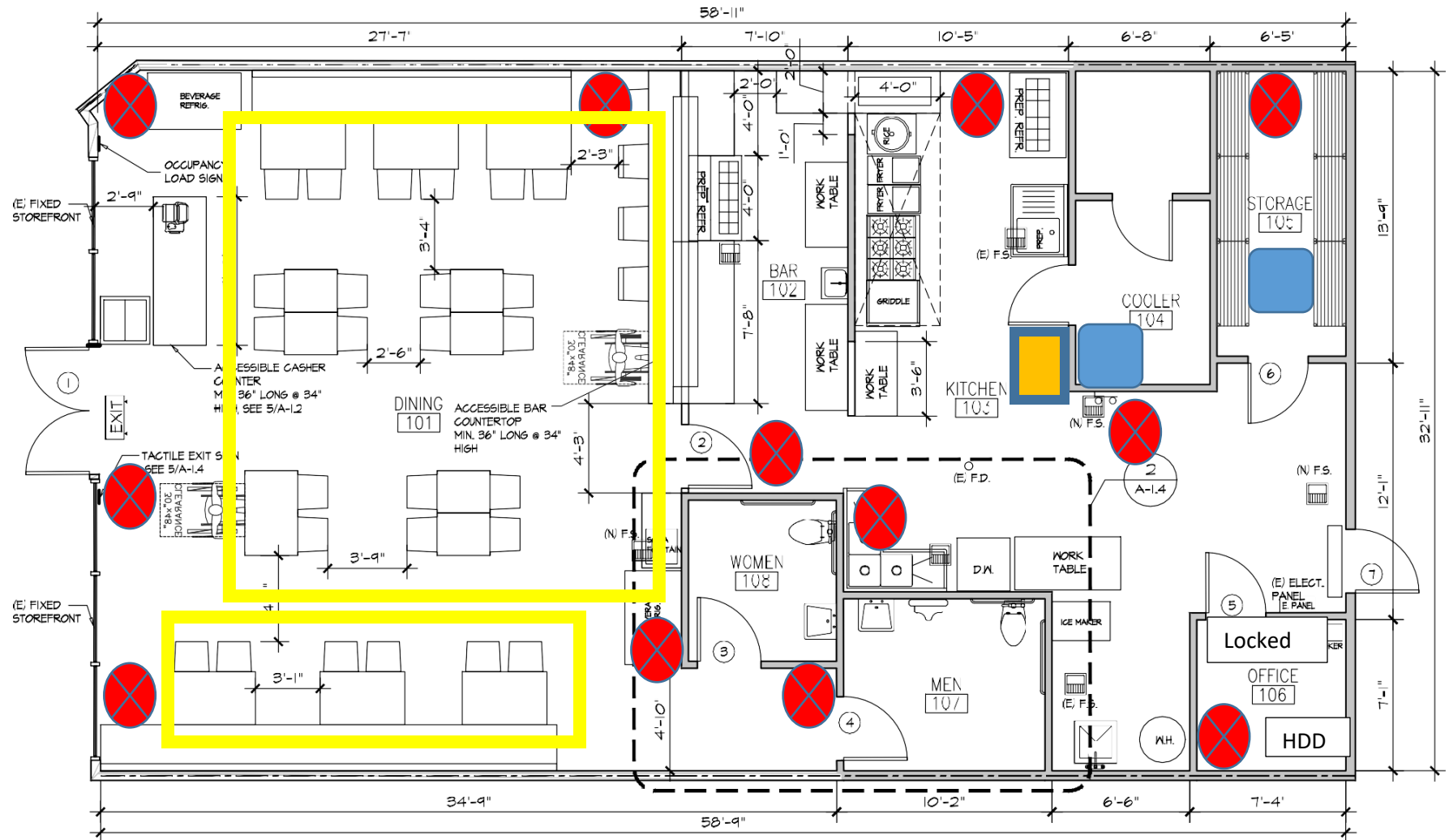
1221 E. Huntinggon Drive, Duarte CA 91010

1. Euiyun Chung is responsible individual at the store at all times. Cell Phone Number is 714-222-0203.
2. Every employee will be trained for Alcohol service and procedures. Also at all times employee will keep an eye at the exit door to ensure no patrons leave with alcohol.
3. We will be checking a valid California ID for anyone under the age of 30.
4. Install a sign at the interior of the exit doors. Sign states “no alcohol beyond this point”
5. During the Operation Hours – We will try to maintain ratio of 10 patrons to 1 employee. At all times, employees are trained to keep eye on patrons with alcohol on the table.
6. Intoxicated and Disorderly Patrons - Procedures for staff to look for the following:
 - Loud speech
 - Ordering drinks rapidly
 - Slurred speech
 - Stumbling
 - Spilling drinks or missing their own mouth when drinking
 - Aggressive behavior

When we observe any of the above employee will ask the shift manager to make decision to stop serving the patron, give warning, or to call police for further handling of the patron.

7. CCTV system – We will install 16 camera CCTV system. It will have 10 Terabyte memory to retain 30 days of CCTV footage for all cameras installed. Camera will be Full HD capability for high definition images.

CCTV



FLOOR PLAN

$$1/4'' = 1'-0''$$

CCTV System Spec:
Full HD Camera
16 Ch 10 TB
recorder

Alcohol
Serving
Area

Alcohol Prep
Area

RESOLUTION NO. PC 21-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST FOR A CONDITIONAL USE PERMIT FOR A TYPE-41 ALCOHOL LICENSE FOR HEEMO SUSHI RESTAURANT LOCATED AT 1221 HUNTINGTON DRIVE MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE DEVELOPMENT CODE 19.114.050(B) AND THUS APPROVES CONDITIONAL USE PERMIT 2021-01 SUBJECT TO CONDITIONS OF APPROVAL

WHEREAS, on September 15, 2021, Euihyun Chung submitted an application requesting approval of a Conditional Use Permit for a Type-41 alcohol license allowing the sale of beer and wine for on-site consumption at the Heemo Sushi restaurant proposed to be located at 1221 Huntington Drive; and

WHEREAS, alcoholic beverage sales associated with sit-down restaurants is a conditionally permitted use pursuant to Duarte Development Code section 19.60.030(D)(1) and section V (Development Regulations) of the Huntington Drive/Buena Vista Street Specific Plan; and

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

WHEREAS, the Community Development Department has reviewed the project with respect to environmental impact and has determined that the application is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 of Title 14 of the California Code of Regulations; and

WHEREAS, a notice of a public hearing on the proposed Conditional Use Permit was published in the local newspaper, posted at three (3) public locations, and mailed to all property owners within 600 feet of the property in accordance with applicable law; and

WHEREAS, the Planning Commission of the City of Duarte held a duly noticed public hearing on November 15, 2021 at 7 PM, whereupon the Planning Commission received and considered the staff report and all of the information, evidence, and public testimony presented in connection with the foregoing public hearing on the proposed Conditional Use permit;

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

SECTION 1. That the Planning Commission approves PC Resolution 21-06 with conditions of approval, approving the request for Conditional Use Permit 2021-01 at 1221 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, that:

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

FINDING: The proposed Heemo Sushi restaurant is consistent with the City's Specific Plan land use designation of the General Plan, in that it furthers the General Plan land use policy 2.1.3 by providing for the shopping and service needs of residents in a conveniently clustered commercial establishment, encouraging "one-stop" shopping.

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.*

FINDING: Heemo Sushi restaurant is consistent with the Huntington Drive/Buena Vista Street Specific Plan zoning designation, in that the business provides for local needs with the operation of a full-service restaurant offering an assortment of Japanese cuisine menu options. Sale of beer and wine for on-site consumption is a conditionally permitted use that will serve as an accessory component of the restaurant's primary function.

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

FINDING: Heemo Sushi will be located in the Buena Vista Marketplace shopping center located at the northwest corner of the Huntington Drive and Buena Vista Street intersection. Heemo Sushi will be located within a multi-tenant building that is an integral part of the shopping center. Surrounding businesses include commercial/retail, health/fitness, bank/financial institutions, medical, and other restaurant/food establishments within the shopping center. Commercial and retail developments are located to the east, west, and south of the project site, and a medical facility is located to the north of the project site. The restaurant is compatible with the project site, uses within the commercial shopping center, and surrounding developments.

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.*

FINDING: The sale of alcohol is permitted as an incidental use associated with a full-service restaurant. 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 addition of beer and wine will not create an adverse impact on surrounding developments, provided that the alcohol sales remain incidental to the full-service restaurant. 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 will allow an opportunity to create a dining experience that is typical of most full-service restaurants. Additionally, conditions of approval and laws regulated by the California Department of Alcoholic Beverage Control will help avoid 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.*
- 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.*

FINDING: Heemo Sushi restaurant is located within the Huntington Drive/Buena Vista Street Specific Plan zone. The project site is within the Buena Vista Marketplace shopping center in a portion of one of the retail buildings that comprises an integral part of the overall shopping center. Two of the City's main arterial streets, Huntington Drive and Buena Vista Street, provide primary access to the property, which can efficiently accommodate the demand generated by the business use and operations. The circulation of the shopping center is suitable for efficient access for public and emergency vehicles. The addition of alcohol sales will be accessory to the primary use as a restaurant and should not generate additional traffic to a point that is detrimental to the site and surrounding developments.

SECTION 4. The Planning Commission approves Conditional Use Permit 2021-01 based on the findings listed in Section 3 and the conditions listed in Exhibit C-1 of the Planning Commission Staff Report.

SECTION 5. The approval of Conditional Use Permit 2021-01 by the Planning Commission is categorically exempt from CEQA pursuant to Section 15301, Class 1 of Title 14 of the California Code of Regulations, and no further environmental review is necessary.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 15th day of November, 2021.

Sara Vasquez, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Community Development Director of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on November 15, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Hensley, Community Development Director

CONDITIONS OF APPROVAL
Conditional Use Permit 2021-01
On-Sale of Beer & Wine at Heemo Sushi located at 1221 Huntington Drive

1. 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 B of the Planning Commission Staff Report).
2. Incidental alcohol sales shall be limited to beer and wine only. All State of California Department of Alcoholic Beverage Control (ABC) laws and requirements shall be fully complied with. Such requirements shall become conditions of this approval.
3. The sale of alcohol shall remain as an accessory use to the establishment's primary use as a full-service restaurant. Service of lunch and/or dinner shall be available to guests for compensation during all hours of operation.
4. Beer and wine shall be primarily served in restaurant glassware.
5. Alcoholic beverages shall be sold only in conjunction with food orders.
6. Any expansion or modification to the approved use authorized as part of Conditional Use Permit 2021-01 shall require an application for a new Conditional Use Permit.
7. Alcohol sales shall be limited from 11 AM to 12 AM daily. Any request to modify these hours shall be reviewed by the Community Development Department.
8. Prior to commencing alcohol sales, the applicant shall obtain the appropriate license from ABC, comply with all of 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 Conditional Use Permit approval and those imposed by ABC in relation to the Type-41 license, the more restrictive provisions shall apply.
9. All signage related to alcohol sales and/or consumption shall be displayed in accordance with the laws and requirements of ABC.
10. All employees serving or selling alcohol shall be required to 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 thirty (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 twenty-four (24) hours of City request.

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 any time the Alcoholic Beverage license issued to the applicant be revoked for any purpose, this Conditional Use Permit shall become invalid.
12. A new security surveillance camera system shall be installed at the restaurant as depicted on the approved floor plan. The security system shall be fully operational to ensure the safety and monitoring of the business operation and property. The security system shall also include a hard drive that saves camera footage/data for a minimum of thirty (30) days. The hard drive shall be locked and secured, and accessible only to the business owner and/or managers. A final inspection of the security cameras by Planning Division staff shall be required.
13. All saved data shall be made available to the Public Safety Department and City personnel upon their request.
14. Storefront windows at the south building elevation shall remain clear for visibility and safety purposes.
15. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times, including compliance with curfew and daytime loitering regulations pursuant to the provision of Section 9.56 of the Duarte Municipal Code (DMC). Problems or continued/repeated violations of any municipal, 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, ABC, or Los Angeles County Fire Department, may be grounds for initiation of proceedings for the revocation of this Conditional Use Permit before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code (DDC).
16. Any outdoor storage associated with this use is prohibited.
17. Any problems associated with the sale of alcoholic beverages on the subject site may warrant the matter being scheduled for a revocation hearing before the Planning Commission.
18. Any violation of the Conditions of Approval, Municipal, or other governmental regulations may be grounds for initiation of proceedings for the revocation of this Conditional Use Permit.
19. The filing fee for Notices of Exemption (NOE) for a Categorical Exemption will require a payment of \$75.00, which shall be submitted to the City within five (5) working days of the approval of the project. The check shall be made payable to County of Los Angeles

Registrar-Recorder. Failure to submit payment within the stated time frame shall render the approval of the project null and void.

20. This entitlement shall be contingent upon the privileges being utilized within twelve (12) months from the effective approval date.
21. The decision of the Planning Commission may be appealed to the City Council within fifteen (15) days of the Planning Commission's decision. Said appeal must be in writing and filed with the required fees, in the City Clerk's Office. The written appeal shall include reasons for the appeal.
22. 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.
23. The applicant shall sign an affidavit accepting the conditions of approval of the Conditional Use Permit within fifteen (15) days from the date of approval by the Planning Commission. Failure of the applicant to sign such affidavit within such time period shall render the approval of this Conditional Use Permit null and void.

RESOLUTION NO. PC 21-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED REQUEST FOR A CONDITIONAL USE PERMIT FOR A TYPE-41 ALCOHOL LICENSE FOR HEEMO SUSHI RESTAURANT LOCATED AT 1221 HUNTINGTON DRIVE MEETS THE REQUIRED FINDINGS DESCRIBED UNDER DUARTE DEVELOPMENT CODE 19.114.050(B) AND THUS APPROVES CONDITIONAL USE PERMIT 2021-01 SUBJECT TO CONDITIONS OF APPROVAL

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WHEREAS, alcoholic beverage sales associated with sit-down restaurants is a conditionally permitted use pursuant to Duarte Development Code section 19.60.030(D)(1) and section V (Development Regulations) of the Huntington Drive/Buena Vista Street Specific Plan; and

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

WHEREAS, the Community Development Department has reviewed the project with respect to environmental impact and has determined that the application is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 of Title 14 of the California Code of Regulations; and

WHEREAS, a notice of a public hearing on the proposed Conditional Use Permit was published in the local newspaper, posted at three (3) public locations, and mailed to all property owners within 600 feet of the property in accordance with applicable law; and

WHEREAS, the Planning Commission of the City of Duarte held a duly noticed public hearing on November 15, 2021 at 7 PM, whereupon the Planning Commission received and considered the staff report and all of the information, evidence, and public testimony presented in connection with the foregoing public hearing on the proposed Conditional Use permit;

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

FINDING: The proposed Heemo Sushi restaurant is consistent with the City's Specific Plan land use designation of the General Plan, in that it furthers the General Plan land use policy 2.1.3 by providing for the shopping and service needs of residents in a conveniently clustered commercial establishment, encouraging "one-stop" shopping.

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.*

FINDING: Heemo Sushi restaurant is consistent with the Huntington Drive/Buena Vista Street Specific Plan zoning designation, in that the business provides for local needs with the operation of a full-service restaurant offering an assortment of Japanese cuisine menu options. Sale of beer and wine for on-site consumption is a conditionally permitted use that will serve as an accessory component of the restaurant's primary function.

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

FINDING: Heemo Sushi will be located in the Buena Vista Marketplace shopping center located at the northwest corner of the Huntington Drive and Buena Vista Street intersection. Heemo Sushi will be located within a multi-tenant building that is an integral part of the shopping center. Surrounding businesses include commercial/retail, health/fitness, bank/financial institutions, medical, and other restaurant/food establishments within the shopping center. Commercial and retail developments are located to the east, west, and south of the project site, and a medical facility is located to the north of the project site. The restaurant is compatible with the project site, uses within the commercial shopping center, and surrounding developments.

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.*

FINDING: The sale of alcohol is permitted as an incidental use associated with a full-service restaurant. 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 addition of beer and wine will not create an adverse impact on surrounding developments, provided that the alcohol sales remain incidental to the full-service restaurant. 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 will allow an opportunity to create a dining experience that is typical of most full-service restaurants. Additionally, conditions of approval and laws regulated by the California Department of Alcoholic Beverage Control will help avoid 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.*
- 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.*

FINDING: Heemo Sushi restaurant is located within the Huntington Drive/Buena Vista Street Specific Plan zone. The project site is within the Buena Vista Marketplace shopping center in a portion of one of the retail buildings that comprises an integral part of the overall shopping center. Two of the City's main arterial streets, Huntington Drive and Buena Vista Street, provide primary access to the property, which can efficiently accommodate the demand generated by the business use and operations. The circulation of the shopping center is suitable for efficient access for public and emergency vehicles. The addition of alcohol sales will be accessory to the primary use as a restaurant and should not generate additional traffic to a point that is detrimental to the site and surrounding developments.

SECTION 4. The Planning Commission approves Conditional Use Permit 2021-01 based on the findings listed in Section 3 and the conditions listed in Exhibit C-1 of the Planning Commission Staff Report.

SECTION 5. The approval of Conditional Use Permit 2021-01 by the Planning Commission is categorically exempt from CEQA pursuant to Section 15301, Class 1 of Title 14 of the California Code of Regulations, and no further environmental review is necessary.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 15th day of November, 2021.

Sara Vasquez, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Community Development Director of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on November 15, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Hensley, Community Development Director



PLANNING COMMISSION PROJECT UPDATE

Date: November 15, 2021

To: Planning Commission

Location: 2215 Huntington Drive

Project: **Project Update on Conditional Use Permit 2019-07**
ReStore retail and second hand store

SUMMARY

Because this conditional use permit included performance requirements associated with the approval, Staff is bringing this item to the Commission as an informational item.

In March 2020, the City Council approved ReStore to operate as a retail and secondhand store at 2215 Huntington Drive. One of the conditions of approval required the applicant/property owner to make renovations to the shopping center with a focus on upgrading the building façade (see Condition 6 in the attached resolution for a full list of required upgrades). The improvements to the shopping center were required to be completed by the deadlines shown below in Table A:

Table A <i>Required Improvements and deadlines</i>	
1	The City will provide the property owner a proposed concept plan for property renovation on or before September 10, 2020. The property owner shall hire an Architect who will prepare detailed architectural drawings consistent with the concept plan, and who will work with City Staff to clarify design questions
2	The property owner shall submit construction plans for the City's Site and Development Plan Review process no later than March 10, 2021
3	The property owner shall submit plans for building plan check no later than June 10, 2021
4	Construction shall begin no later than September 10, 2021
5	Project completion shall occur no later than September 10, 2022

The property owner is currently on schedule to meet the deadlines provided in the approval. Building permits were issued on September 14, 2021 which was a few days off of the schedule, but the property owner had been making positive progress and did a good job of keeping Staff informed. Construction began in late October which was also a bit behind schedule, but this is typical for the current construction climate.

To be clear about the construction process, the contractor submitted a construction schedule on October 28, 2021 and is shown in the Table B.

Table B	
Work Schedule	
11/1/21-11/12/21	Mobilization, move-in, fence-in, pedestrian canopies
11/15/21-12/22/21	Demolition & hauling
12/23/21-1/9/22	Holiday break
1/10/22-2/28/22	Framing, roofing
3/1/22-3/31/22	Roofing, lathing & papering
4/1/22-4/29/22	Plastering & brick veneers
5/2/22-5/6/22	Pressure wash
5/9/22-5/31/22	Painting
6/1/22-6/30/22	Miscellaneous pick up work
7/1/22-7/29/22	Final pick up work, cleanup, inspections, move-out
Note	The above schedule is tentative and will vary depending on weather, holidays, actual job condition and inspections. Any cause beyond general contractor's control and availability of construction materials/supplies will also impact the actual work schedule.

Based on the cooperation by the property owner up to this time, Staff is optimistic that the schedule is attainable. However, it is important to point out that failure to meet the schedule would be a violation of the approval and the Planning Commission has the authority to take action to modify or revoke the approval.

RECOMMENDATION

The Commission should receive and file this update and request that Staff continue to monitor progress.

Respectfully Submitted,



Nick Baldwin
Associate Planner

Attachments: City Council Resolution 20-R-4 for ReStore
Photos of construction fencing
Approved Elevations

RESOLUTION NO. 20-04**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING AN APPEAL FILED BY DAVE MCKECHNIE ON BEHALF OF RESTORE/HABITAT FOR HUMANITY OVERTURNING THE PLANNING COMMISSION DENIAL AND APPROVING CONDITIONAL USE PERMIT 2019-07, FOR THE USE AND OPERATION OF A SECONDHAND STORE, LOCATED AT 2215 HUNTINGTON DRIVE**

WHEREAS, the applicant is requesting approval of a conditional use permit to operate a retail secondhand business, named ReStore, at 2215 Huntington Drive; and

WHEREAS, a retail secondhand business located in the Commercial-General (C-G) zone is a conditionally permitted use pursuant to Duarte Development Code Section 19.12.020.A(1); and

WHEREAS, notice of a public hearing on the Conditional Use Permit 2019-07 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission considered the analysis and recommendation provided in the staff report for Conditional Use Permit application 2019-07 and all of the information, evidence and public testimony received at the public meeting held on January 21, 2020 at 7:00 p.m. in the City Council Chambers; and

WHEREAS, the Planning Commission, during its January 21, 2020 meeting, approved a motion to continue the public hearing to the next Planning Commission meeting on February 18, 2020; and

WHEREAS, the Planning Commission considered the analysis and recommendation provided in the staff report for Conditional Use Permit application 2019-07 and all of the information, evidence and public testimony received at the public meeting held on February 18, 2020 at 7:00 p.m. in the City Council Chambers.

WHEREAS, the Planning Commission, during its February 18, 2020 meeting, approved a motion to deny the project and adopted PC Resolution 20-01, denying Conditional Use Permit 19-07; and

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

WHEREAS, on February 25, 2020, Dave McKechnie, on behalf of ReStore/Habitat for Humanity, filed an appeal of the Planning Commission decision to deny Conditional Use Permit 19-07 with the Duarte City Clerk in compliance with Chapter 19.144 of the Duarte Development Code; and

WHEREAS, on March 10, 2020, the City Council of the City of Duarte held a duly noticed public hearing to receive oral and written testimony related to the appeal of Conditional Use Permit 19-07; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for the appeal of Conditional Use Permit 19-07 and all of the information, evidence, and public testimony received at the public hearing held on March 10, 2020 at 7:00 p.m. in the City Council Chambers.

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

SECTION 1.

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

SECTION 2.

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

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

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

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

The retail secondhand store will occupy one of 11 tenant spaces within an existing shopping center. The facility's space is approximately 15,036 square feet, which is sufficient for accommodating the retail and secondhand uses and for the processing of donated products. The proposed store will be compatible with the project site and other uses in the vicinity provided the conditions of approval are followed. There should be no negative parking impacts to the other nearby uses since the proposed business is the same use type as the previous business occupying this unit. The operation of this business complements the existing businesses since it is likely to bring in new customers that may wish to also patronize other businesses within the shopping center before leaving the property.

4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The proposed secondhand retail business is allowed with a conditional use permit in the C-G zone. The operation of the business is designed to prevent adverse impacts, such as scavenging and illegal dumping, that would be detrimental to the City. Conditions of approval have also been imposed to help avoid adverse and detrimental impacts on the City and surrounding community. If this business results in repeated impacts that are detrimental to the health and harmony of the City, then the conditional use permit may be called by the Planning Commission for review and or revocation, per conditions of approval number 19.

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 developed with a shopping center, located in the C-G zone. The center is accessible from Huntington Drive and Mount Olive Drive and is located at the terminus of the 605 Freeway. Onsite circulation will not be altered and is suitable for the existing

uses, the proposed retail secondhand business, and emergency vehicle access. The multi-tenant building in the shopping center is divided into 11 tenant spaces and one kiosk located in the parking lot. With the proposed business, there will be 11 occupied tenant spaces plus the kiosk. The proposed retail and secondhand business will occupy a 15,036 square-foot tenant space.

SECTION 3.

In recommending adoption of this Resolution 20-R-04 for the proposed use and operation of a retail secondhand store, the City Council finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15301.

SECTION 4.

The City Council approves Resolution 20-R-04 based on the findings listed in Section 2, and the conditions listed in "Exhibit A", and approves CUP 19-07 for the use and operation of a retail secondhand business at 2215 Huntington Drive.

PASSED, APPROVED, AND ADOPTED this 24th day of March, 2020.

/s/ Samuel Kang
Mayor Samuel Kang

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 20-04 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 24th day of March, 2020, by the following vote:

AYES: Councilmembers: Lewis, Reilly, Paras-Caracci, Finlay, Fasana, Urias, Kang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

EXHIBIT A

Conditions of Approval

Conditional Use Permit 2019-07

2215 Huntington Drive (Retail and Secondhand Store – ReStore)

1. This approval is for the establishment of a retail secondhand business at 2215 Huntington Drive as stated in the staff report and described in the applicant's business project operational statement, on file with the Planning Division. The goods sold by this business include new and used cabinets, doors, windows, rugs, tile, flooring, artwork, paint, appliances, tools, furniture, lighting, lumber, building materials, and related home improvement items and housewares. Goods sold at this business shall be limited to these listed items and similar items subject to the approval of the Community Development Department Director.
2. Over 70% of products sold at the store at any given time shall be new.
3. Donations shall not be received at the store. All donated materials shall be delivered to the store via the applicant's delivery vehicles.
4. The business shall remove any products or materials dumped or inadvertently donated at the project location. The business shall properly dispose/recycle of said products or materials immediately, but no later than two-hours after being informed by any City of Duarte or law enforcement official.
5. Forklifts and pallet jacks may not be used outside except for delivery offload.
6. As agreed to by the property owner and applicant at the hearing on appeal of this CUP, the property owner or the applicant shall as a condition of CUP issuance complete a comprehensive shopping center renovation. Renovation shall include, but not be limited to: improvement, renovation, upgrade, and modernization of: (i) the facade of the entire building including the addition of focal elements to provide the center with an updated appearance; (ii) storefront upgrades; (iii) repair and replacement of all worn and damaged exterior building material; (iv) accent building lighting; (v) security lighting; (vi) parking lot lighting; (vii) new signs, including a new monument sign, if determined necessary by the Director of Community Development; (viii) new landscaping and irrigation; and (ix) other items deemed necessary by the Director of Community Development to give the shopping center a like new appearance. The upgrade and modernization project shall be based on the following timeline:
 - the City will provide the property owner a proposed concept plan for property renovation on or before September 10, 2020. The property owner shall hire an Architect who will prepare detailed architectural drawings consistent with the concept plan, and who presented the plans and will work with City Staff to clarify design questions;
 - the property owner shall submit construction plans for the City's Site and Development Plan Review process no later than March 10, 2021;
 - the property owner shall submit plans for building plan check no later than June 10, 2021;
 - construction shall begin no later than September 10, 2021; and
 - project completion shall occur no later than September 10, 2022.
7. Signs shall be installed on the building and in the parking lot advertising that onsite donations are not accepted and illegal dumping is prohibited. A telephone number for a person/company affiliated with the subject business, responsible for addressing illegally dumped materials or products, shall be provided on any signage required to display that information, as directed by the City. The number of signs, their location, and content shall be prepared by the applicant and subject to the approval of the Community Development Director.
8. The applicant shall install signs within the parking lot area that prohibits loitering on the property. The wording of the sign and the location of each sign shall be to the

satisfaction of the Community Development Department Director or designee. The applicant shall submit a Letter of Agency to the City of Duarte Public Safety Department to make the posted prohibition enforceable by local police and Public Safety officers.

9. The applicant shall develop an On-Site Waste Management program to ensure that the areas outside their store on the property are kept clean. This shall include but is not limited to a procedure for cleaning spilled paint, cleaning trash left or dumped, and providing trash receptacles for customers to deposit their own trash. This program shall be prepared by the applicant and shall be completed to the satisfaction of the Community Development Department Director, prior to business license issuance.
10. A shopping cart retention system shall be implemented to prevent shopping carts from being taken from the property, prior to business license issuance. The design of the system shall be prepared by the applicant and is subject to the approval of the Community Development Department Director. This system shall be utilized and maintained for as long as shopping carts are in use.
11. Existing shopping cart corrals, located near the building behind the decorative brick wall and within the parking lot, shall be preserved and perpetually maintained. Any proposed modification to a corral(s) shall be first approved by the Community Development Director.
12. Security cameras shall be utilized at the locations shown on plans and video from these cameras shall be recorded by a digital video recorder. 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.
13. Used goods to be sold at the store shall be clean and in good condition.
14. If items delivered to the store do require cleaning, they shall be cleaned indoors and with the doors closed.
15. The following improvements to the shopping center shall be made prior to the issuance of a business license to the applicant:
 - a) The parking lot areas to the south and east of the shopping center building shall be resurfaced or replaced as needed and these areas shall be restriped. A paving plan shall be prepared by a paving professional and provided to the City by the applicant, subject to the approval of the Community Development Department Director. The resurfacing of the parking lot is a remediation measure intended to address the issue for the near term only and as such, the quality of the paving within this area shall be reviewed every five (5) years from the date of this hearing by the property owner and the City and repairs determined to be necessary by the Community Development Department shall be made.
 - b) All rotted wood on the building façade and covered walkway shall be removed and replaced.
 - c) The building shall be painted a minimum of three colors. The color palette shall be subject to the approval of the Community Development Department Director. The rear trash enclosure shall also be painted to the satisfaction of the Community Development Department Director.

- d) Any missing brick veneer from the front elevation shall be patched to the satisfaction of the Community Development Department Director.
 - e) Handicap signs shall be placed in front of any handicap parking stalls that don't already have a sign.
 - f) Any existing posts for special parking designation signs that have been abandoned shall be removed.
 - g) Parking lot landscaping shall be supplemented and/or replaced to the satisfaction of the Community Development Department Director.
16. The applicant shall propose a program to prevent scavenging that shall include but is not limited to locking the trash bins and coordinating with the trash hauler so that recyclable materials are quickly picked up after being brought out of the building. The program shall be designed by the applicant and is subject to the approval of the Community Development Department Director.
17. The store shall not operate between the hours of 9 p.m. and 7 a.m.
18. Outdoor storage and display is prohibited.
19. 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.
20. New lighting may be required to be installed, used, and maintained along the exterior perimeter of the parking lot, on the building and in any other areas that require illumination for safety and security purposes. All exterior lighting, including freestanding and wall-mounted, shall require final approval from the Planning Division prior to issuance of building permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. The lighting system shall incorporate the use of a time clock or photocells to address lighting when not being used during business hours. A lighting plan with a photometric analysis prepared by licensed engineer or approved equivalent shall be provided to the Planning Division for review and approval prior to permit issuance. The lighting plan shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed. Installation of any new lighting shall be completed prior to implementing any new services allowed by this CUP.
21. A new or modified conditional use permit will be required at the time of change of business owner when the subsequent business owner/operator proposes changes to the area, configuration or manner in which the original conditional use permit was approved.
22. The project shall comply with all regulations of the Commercial-General C-G Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections of the Duarte Development or Municipal Code.
23. Any expansion or modification to the approved use as part of this conditional use permit, including but not limited to: any substantial changes to the business operation, or floor plan that may affect or intensify the use, shall be reviewed by the Planning Division and may require an application for a new conditional use permit.
24. 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.
25. 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.
26. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.

27. 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.
28. 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 retail and secondhand business, or its patrons, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
29. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
30. 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.
31. 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.
32. 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.





1 PROPOSED SOUTH ELEVATION



2 EXISTING SOUTH ELEVATION



3 SOUTH ELEVATION - PART 1
SCALE: 3/32" = 1'-0"

A PAINT COLOR: DE6381 Silver Bullet By Dunn Edwards	B PAINT COLOR: DET674 Gunnsack By Dunn Edwards
E PAINT COLOR: DE6234 Serene Thought By Dunn Edwards	C PAINT COLOR: DEC770 Drifting By Dunn Edwards
F PAINT COLOR: DE5188 Ruddy Oak By Dunn Edwards	D PAINT COLOR: DE6386 Snow Peak By Dunn Edwards G PAINT COLOR: METAL ROOF



4 SOUTH ELEVATION - PART 2
SCALE: 3/32" = 1'-0"

HUNTINGTON DRIVE
N.W.C. of Huntington Dr & Mt Oliver Dr
Duarte, California

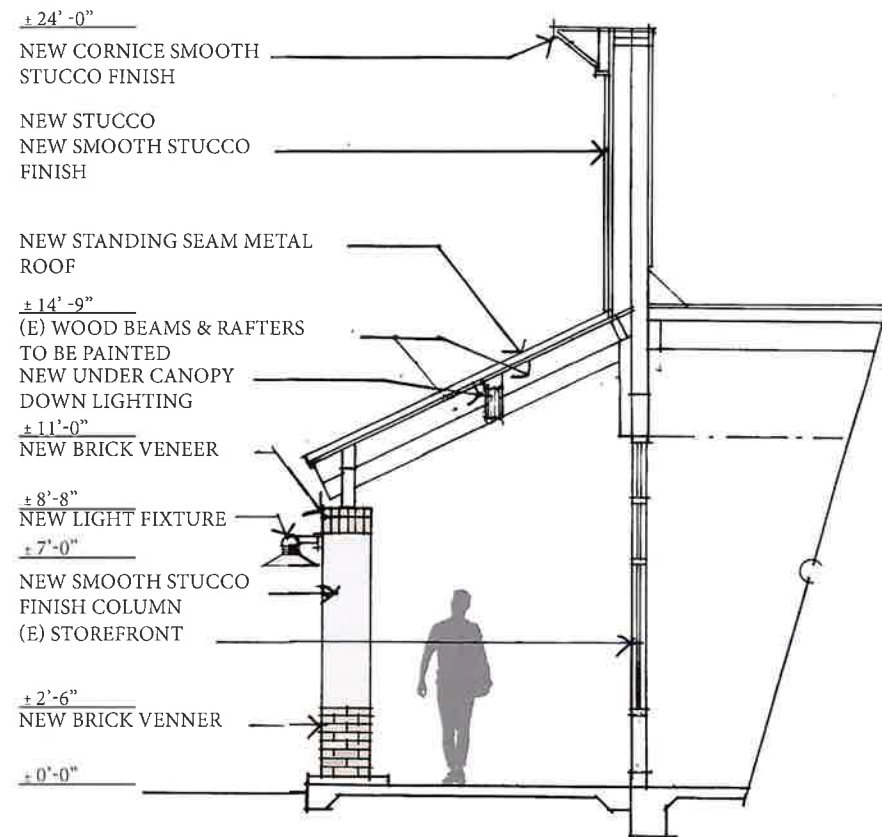
CONCEPTUAL SUBJECT TO CHANGE

**McKently
Malak**
ARCHITECTS
35 Hugus Alley Suite 200
Pasadena, California 91103-3648
TEL 626 583 8348 FAX 626 583 8387

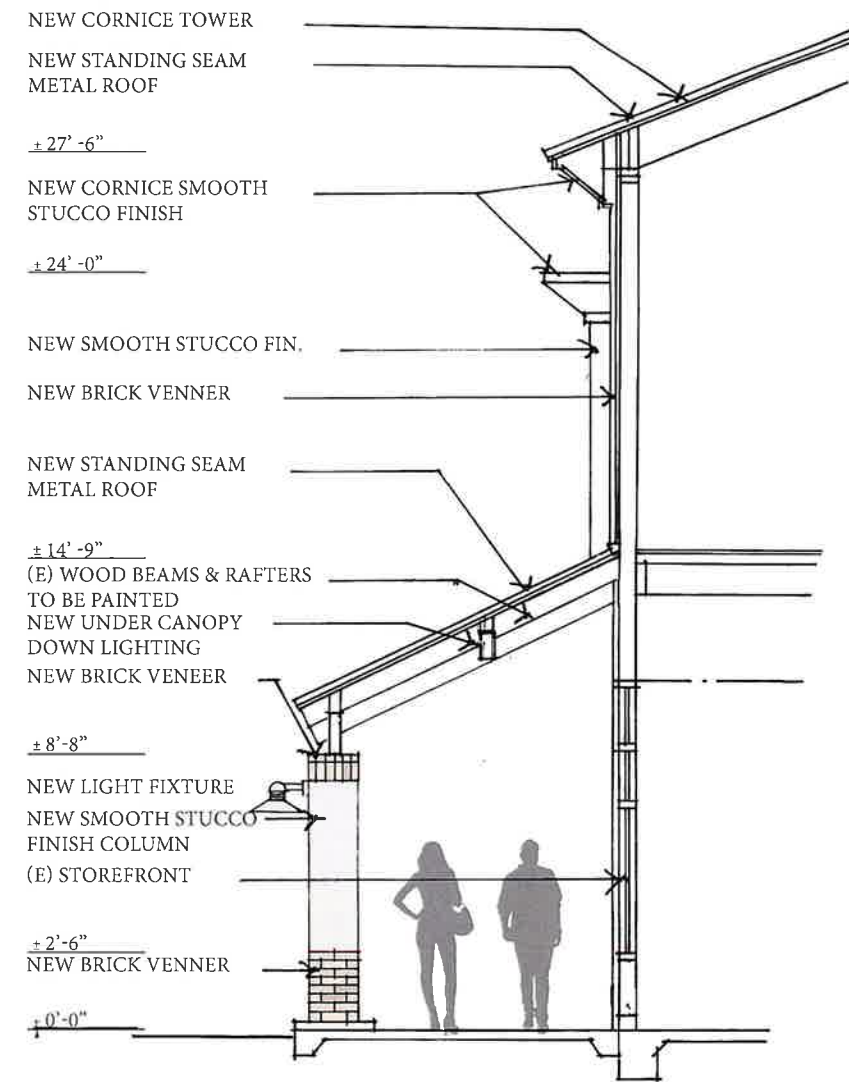
EXTERIOR ELEVATIONS

06.30.2020 20090MMA

EL-01



1 SECTION A
SCALE: 3/8" = 1'-0"



1 SECTION B
SCALE: 3/8" = 1'-0"

HUNTINGTON DRIVE

N.W.C. of Huntington Dr & Mt Oliver Dr
Duarte, California

CONCEPTUAL SUBJECT TO CHANGE

**McKently
Malak**
ARCHITECTS

35 Hugus Alley Suite 200
Pasadena, California 91103-3648
TEL 626 583 8349 FAX 626 583 8387

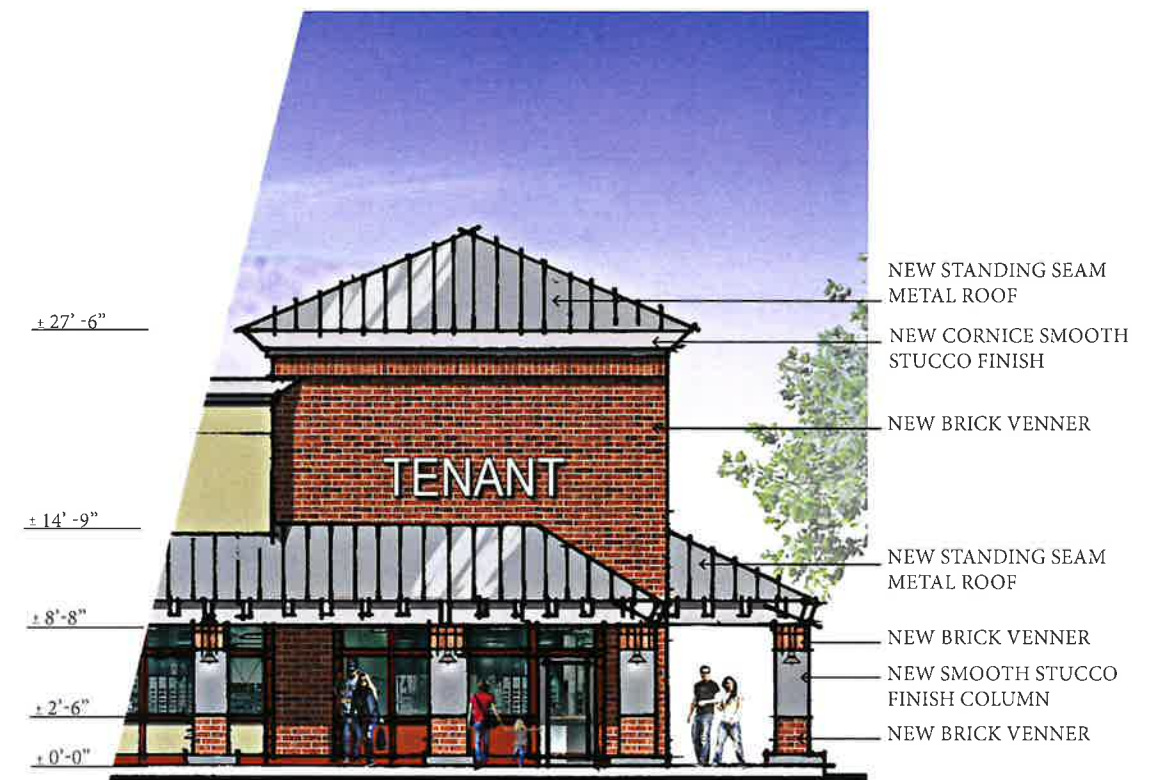
BUILDING SECTIONS

06.30.2020 20090MMA

SEC-01



1 PARTIAL ELEVATION AT CANOPY
SCALE: 3/8" = 1'-0"



2 PARTIAL ELEVATION AT TOWER
SCALE: 3/16" = 1'-0"

HUNTINGTON DRIVE
N.W.C. of Huntington Dr & Mt Oliver Dr
Duarte, California

CONCEPTUAL SUBJECT TO CHANGE

**McKently
Malak**
ARCHITECTS

35 HUGUS ALLEY SUITE 200
PASADENA, CALIFORNIA 91103-3648
TEL 626 583 8349 FAX 626 583 8387

EXTERIOR ELEVATIONS

06.30.2020 2009OMMA

EL-02

RESOLUTION NO. 20-04**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING AN APPEAL FILED BY DAVE MCKECHNIE ON BEHALF OF RESTORE/HABITAT FOR HUMANITY OVERTURNING THE PLANNING COMMISSION DENIAL AND APPROVING CONDITIONAL USE PERMIT 2019-07, FOR THE USE AND OPERATION OF A SECONDHAND STORE, LOCATED AT 2215 HUNTINGTON DRIVE**

WHEREAS, the applicant is requesting approval of a conditional use permit to operate a retail secondhand business, named ReStore, at 2215 Huntington Drive; and

WHEREAS, a retail secondhand business located in the Commercial-General (C-G) zone is a conditionally permitted use pursuant to Duarte Development Code Section 19.12.020.A(1); and

WHEREAS, notice of a public hearing on the Conditional Use Permit 2019-07 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission considered the analysis and recommendation provided in the staff report for Conditional Use Permit application 2019-07 and all of the information, evidence and public testimony received at the public meeting held on January 21, 2020 at 7:00 p.m. in the City Council Chambers; and

WHEREAS, the Planning Commission, during its January 21, 2020 meeting, approved a motion to continue the public hearing to the next Planning Commission meeting on February 18, 2020; and

WHEREAS, the Planning Commission considered the analysis and recommendation provided in the staff report for Conditional Use Permit application 2019-07 and all of the information, evidence and public testimony received at the public meeting held on February 18, 2020 at 7:00 p.m. in the City Council Chambers.

WHEREAS, the Planning Commission, during its February 18, 2020 meeting, approved a motion to deny the project and adopted PC Resolution 20-01, denying Conditional Use Permit 19-07; and

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

WHEREAS, on February 25, 2020, Dave McKechnie, on behalf of ReStore/Habitat for Humanity, filed an appeal of the Planning Commission decision to deny Conditional Use Permit 19-07 with the Duarte City Clerk in compliance with Chapter 19.144 of the Duarte Development Code; and

WHEREAS, on March 10, 2020, the City Council of the City of Duarte held a duly noticed public hearing to receive oral and written testimony related to the appeal of Conditional Use Permit 19-07; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for the appeal of Conditional Use Permit 19-07 and all of the information, evidence, and public testimony received at the public hearing held on March 10, 2020 at 7:00 p.m. in the City Council Chambers.

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

SECTION 1.

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

SECTION 2.

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

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

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

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

The retail secondhand store will occupy one of 11 tenant spaces within an existing shopping center. The facility's space is approximately 15,036 square feet, which is sufficient for accommodating the retail and secondhand uses and for the processing of donated products. The proposed store will be compatible with the project site and other uses in the vicinity provided the conditions of approval are followed. There should be no negative parking impacts to the other nearby uses since the proposed business is the same use type as the previous business occupying this unit. The operation of this business complements the existing businesses since it is likely to bring in new customers that may wish to also patronize other businesses within the shopping center before leaving the property.

4. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

The proposed secondhand retail business is allowed with a conditional use permit in the C-G zone. The operation of the business is designed to prevent adverse impacts, such as scavenging and illegal dumping, that would be detrimental to the City. Conditions of approval have also been imposed to help avoid adverse and detrimental impacts on the City and surrounding community. If this business results in repeated impacts that are detrimental to the health and harmony of the City, then the conditional use permit may be called by the Planning Commission for review and or revocation, per conditions of approval number 19.

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 developed with a shopping center, located in the C-G zone. The center is accessible from Huntington Drive and Mount Olive Drive and is located at the terminus of the 605 Freeway. Onsite circulation will not be altered and is suitable for the existing

uses, the proposed retail secondhand business, and emergency vehicle access. The multi-tenant building in the shopping center is divided into 11 tenant spaces and one kiosk located in the parking lot. With the proposed business, there will be 11 occupied tenant spaces plus the kiosk. The proposed retail and secondhand business will occupy a 15,036 square-foot tenant space.

SECTION 3.

In recommending adoption of this Resolution 20-R-04 for the proposed use and operation of a retail secondhand store, the City Council finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), and State regulations in Title 14 of the California Code of Regulations, (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Section 15301.

SECTION 4.

The City Council approves Resolution 20-R-04 based on the findings listed in Section 2, and the conditions listed in "Exhibit A", and approves CUP 19-07 for the use and operation of a retail secondhand business at 2215 Huntington Drive.

PASSED, APPROVED, AND ADOPTED this 24th day of March, 2020.

/s/ Samuel Kang
Mayor Samuel Kang

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 20-04 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 24th day of March, 2020, by the following vote:

AYES: Councilmembers: Lewis, Reilly, Paras-Caracci, Finlay, Fasana, Urias, Kang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

EXHIBIT A

Conditions of Approval

Conditional Use Permit 2019-07

2215 Huntington Drive (Retail and Secondhand Store – ReStore)

1. This approval is for the establishment of a retail secondhand business at 2215 Huntington Drive as stated in the staff report and described in the applicant's business project operational statement, on file with the Planning Division. The goods sold by this business include new and used cabinets, doors, windows, rugs, tile, flooring, artwork, paint, appliances, tools, furniture, lighting, lumber, building materials, and related home improvement items and housewares. Goods sold at this business shall be limited to these listed items and similar items subject to the approval of the Community Development Department Director.
2. Over 70% of products sold at the store at any given time shall be new.
3. Donations shall not be received at the store. All donated materials shall be delivered to the store via the applicant's delivery vehicles.
4. The business shall remove any products or materials dumped or inadvertently donated at the project location. The business shall properly dispose/recycle of said products or materials immediately, but no later than two-hours after being informed by any City of Duarte or law enforcement official.
5. Forklifts and pallet jacks may not be used outside except for delivery offload.
6. As agreed to by the property owner and applicant at the hearing on appeal of this CUP, the property owner or the applicant shall as a condition of CUP issuance complete a comprehensive shopping center renovation. Renovation shall include, but not be limited to: improvement, renovation, upgrade, and modernization of: (i) the facade of the entire building including the addition of focal elements to provide the center with an updated appearance; (ii) storefront upgrades; (iii) repair and replacement of all worn and damaged exterior building material; (iv) accent building lighting; (v) security lighting; (vi) parking lot lighting; (vii) new signs, including a new monument sign, if determined necessary by the Director of Community Development; (viii) new landscaping and irrigation; and (ix) other items deemed necessary by the Director of Community Development to give the shopping center a like new appearance. The upgrade and modernization project shall be based on the following timeline:
 - the City will provide the property owner a proposed concept plan for property renovation on or before September 10, 2020. The property owner shall hire an Architect who will prepare detailed architectural drawings consistent with the concept plan, and who presented the plans and will work with City Staff to clarify design questions;
 - the property owner shall submit construction plans for the City's Site and Development Plan Review process no later than March 10, 2021;
 - the property owner shall submit plans for building plan check no later than June 10, 2021;
 - construction shall begin no later than September 10, 2021; and
 - project completion shall occur no later than September 10, 2022.
7. Signs shall be installed on the building and in the parking lot advertising that onsite donations are not accepted and illegal dumping is prohibited. A telephone number for a person/company affiliated with the subject business, responsible for addressing illegally dumped materials or products, shall be provided on any signage required to display that information, as directed by the City. The number of signs, their location, and content shall be prepared by the applicant and subject to the approval of the Community Development Director.
8. The applicant shall install signs within the parking lot area that prohibits loitering on the property. The wording of the sign and the location of each sign shall be to the

satisfaction of the Community Development Department Director or designee. The applicant shall submit a Letter of Agency to the City of Duarte Public Safety Department to make the posted prohibition enforceable by local police and Public Safety officers.

9. The applicant shall develop an On-Site Waste Management program to ensure that the areas outside their store on the property are kept clean. This shall include but is not limited to a procedure for cleaning spilled paint, cleaning trash left or dumped, and providing trash receptacles for customers to deposit their own trash. This program shall be prepared by the applicant and shall be completed to the satisfaction of the Community Development Department Director, prior to business license issuance.
10. A shopping cart retention system shall be implemented to prevent shopping carts from being taken from the property, prior to business license issuance. The design of the system shall be prepared by the applicant and is subject to the approval of the Community Development Department Director. This system shall be utilized and maintained for as long as shopping carts are in use.
11. Existing shopping cart corrals, located near the building behind the decorative brick wall and within the parking lot, shall be preserved and perpetually maintained. Any proposed modification to a corral(s) shall be first approved by the Community Development Director.
12. Security cameras shall be utilized at the locations shown on plans and video from these cameras shall be recorded by a digital video recorder. 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.
13. Used goods to be sold at the store shall be clean and in good condition.
14. If items delivered to the store do require cleaning, they shall be cleaned indoors and with the doors closed.
15. The following improvements to the shopping center shall be made prior to the issuance of a business license to the applicant:
 - a) The parking lot areas to the south and east of the shopping center building shall be resurfaced or replaced as needed and these areas shall be restriped. A paving plan shall be prepared by a paving professional and provided to the City by the applicant, subject to the approval of the Community Development Department Director. The resurfacing of the parking lot is a remediation measure intended to address the issue for the near term only and as such, the quality of the paving within this area shall be reviewed every five (5) years from the date of this hearing by the property owner and the City and repairs determined to be necessary by the Community Development Department shall be made.
 - b) All rotted wood on the building façade and covered walkway shall be removed and replaced.
 - c) The building shall be painted a minimum of three colors. The color palette shall be subject to the approval of the Community Development Department Director. The rear trash enclosure shall also be painted to the satisfaction of the Community Development Department Director.

- d) Any missing brick veneer from the front elevation shall be patched to the satisfaction of the Community Development Department Director.
 - e) Handicap signs shall be placed in front of any handicap parking stalls that don't already have a sign.
 - f) Any existing posts for special parking designation signs that have been abandoned shall be removed.
 - g) Parking lot landscaping shall be supplemented and/or replaced to the satisfaction of the Community Development Department Director.
16. The applicant shall propose a program to prevent scavenging that shall include but is not limited to locking the trash bins and coordinating with the trash hauler so that recyclable materials are quickly picked up after being brought out of the building. The program shall be designed by the applicant and is subject to the approval of the Community Development Department Director.
17. The store shall not operate between the hours of 9 p.m. and 7 a.m.
18. Outdoor storage and display is prohibited.
19. 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.
20. New lighting may be required to be installed, used, and maintained along the exterior perimeter of the parking lot, on the building and in any other areas that require illumination for safety and security purposes. All exterior lighting, including freestanding and wall-mounted, shall require final approval from the Planning Division prior to issuance of building permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. The lighting system shall incorporate the use of a time clock or photocells to address lighting when not being used during business hours. A lighting plan with a photometric analysis prepared by licensed engineer or approved equivalent shall be provided to the Planning Division for review and approval prior to permit issuance. The lighting plan shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed. Installation of any new lighting shall be completed prior to implementing any new services allowed by this CUP.
21. A new or modified conditional use permit will be required at the time of change of business owner when the subsequent business owner/operator proposes changes to the area, configuration or manner in which the original conditional use permit was approved.
22. The project shall comply with all regulations of the Commercial-General C-G Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections of the Duarte Development or Municipal Code.
23. Any expansion or modification to the approved use as part of this conditional use permit, including but not limited to: any substantial changes to the business operation, or floor plan that may affect or intensify the use, shall be reviewed by the Planning Division and may require an application for a new conditional use permit.
24. 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.
25. 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.
26. Any required building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.

27. 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.
28. 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 retail and secondhand business, or its patrons, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
29. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
30. 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.
31. 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.
32. 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.