

MEMORANDUM

TO: City Council
FROM: City Manager
DATE: September 3, 2015
SUBJECT: Comments on Agenda Items, Meeting of September 8, 2015

Note: At 4:30 p.m., interviews for City Commissions will be held in the lounge at the Community Center.

ITEM 7.A. The City Council will recognize Boy Scout Troop 185, Girl Scout Troop 4701, and Cub Packs 66 and 188 who participated in the recent Gold Line Station dedication held on August 15, 2015.

ITEM 7.B. A proclamation will be given to the Duarte Elks Lodge #1427 to officially proclaim the week of September 7-13, 2015, as Patriotism Week in the City of Duarte. Residents are encouraged to join with the Benevolent and Protective Order of Elks in expressing gratitude for the privilege of American citizenship.

ITEM 7.C. A proclamation will be presented commemorating the 25th Anniversary of the Americans With Disabilities Act. The City of Duarte encourages all residents to celebrate and recognize the progress that has been made to reaffirm the principles of equality and inclusion, and to reach full ADA compliance.

ITEM 11.D (Consent Calendar). This item requests City Council approval of a three-year Agreement with Service Line Warranties of America, Inc., to offer service line policies to residential property owners for water and sewer lines, and for in-home plumbing. Service Line Warranties of America, Inc. (SLWA), a subsidiary of Utility Service Partners (USP), offers insurance warranties to residential property owners, which cover the cost to repair or replace utility service lines. The National League of Cities endorsed USP as of November 10, 2010. USP has implemented the program in 230 cities throughout 31 states, and has processed over 100,000 residential claims paying out over \$64 million. USP began servicing California based cities in 2012.

ITEM 11.E (Consent Calendar). The Vehicle Use Policy addresses the procedures regarding the use of City-owned and employee-owned vehicles operated during the course of City business. The use of City-owned vehicles should be the primary means of vehicle usage; however, there may be cases where the use of a privately-owned vehicle may be more efficient for official City business, and under those circumstances, the policy will guide the use, liability, and mileage reimbursement. The policy memorializes the accident reporting and insurance requirements for each driver. The policy does not change what we currently have in place; it memorializes it in one specific policy. For example, personal vehicle use and mileage reimbursement are explained in the Personnel Rules and Regulations, and are now repeated and further detailed in this Vehicle Use Policy.

ITEM 13.A. This item was continued from the August 25, 2015, Council meeting, and is a resolution denying an appeal filed by the owner of the Route 66 Roadhouse & Tavern, and upholding the Planning Commission decision to modify the CUP due to recurring law enforcement activity and non-compliance.

ITEM 13.B. This is the first reading of an Ordinance recommending the adoption of an amendment to the Huntington Drive/Buena Vista Street Specific Plan. This would modify various sections of the Specific Plan including, but not limited to, permitting uses, signs, design review, definitions, and permit processing for the property located at 1155-1247 Huntington Drive. This project is part of an economic

development effort by the City. The Specific Plan revisions are a partnership between the City and Weingarten, the shopping center owner, to make adjustments to the zoning standards that will allow the owner to attract and maintain quality tenants. With Ralphs, the center's largest tenant, recently leaving, and Starbucks, a valuable end cap space, soon to leave, it is important to the center owner and the City that the shopping center be marketable. The existing Specific Plan is more restrictive than the Development Code in a few areas, and the proposed changes will remedy that concern.

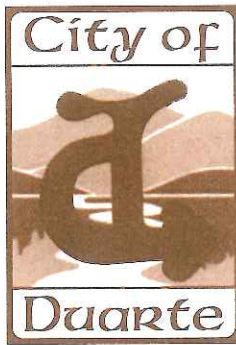
ITEM 14.A. The City Council will make appointments for the two vacancies on the Planning Commission and one vacancy on the Public Services Commission. Interviews of prospective candidates will have taken place earlier in the evening.

ITEM 14.B. Staff will provide an update on the progress made on the Active Transportation Program (ATP) project, to construct pedestrian improvements along Duarte Road and develop a City-wide way-finding program, and the Bicycle Pedestrian Master Plan that is currently being prepared.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darrell J. George", with a stylized flourish at the end.

Darrell J. George
City Manager



Proclamation

PATRIOTISM WEEK

WHEREAS, the Benevolent and Protective Order of Elks, through its Constitution, is a Patriotic Order; and

WHEREAS, the Order promotes the ideals that the citizens of this nation live in freedom, won through the great sacrifices and many tribulations which have provided the foundation for a free, prosperous, and independent life; and

WHEREAS, each generation must work to maintain this freedom, otherwise, through carelessness or indifference, the rights and liberties enjoyed may vanish; and

WHEREAS, it is fitting and proper to recognize this freedom and to honor the nation which provides it;

NOW, THEREFORE, BE IT RESOLVED that the City of Duarte hereby proclaims the week of September 7-13, 2015, as PATRIOTISM WEEK in the City of Duarte, and invites and encourages all residents of Duarte to join with the Benevolent and Protective Order of Elks in expressing gratitude for the privilege of American citizenship with appropriate celebrations and observances.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk Marla Akana
Duarte, California
September 8, 2015





Duarte Elks Lodge #1427

2436 E. Huntington Drive
Duarte, CA 91010-2153
Phone: 626-357-6771

August 10, 2015

To The Honorable Tzeitel Paras-Caracci
Mayor of the City of Duarte, CA
1600 Huntington Drive
Duarte, CA 91010

Dear Ms. Paras-Caracci,

The Order of Elks is committed to promoting the patriotic principles of individual freedom, opportunity, and dignity. Most organizations have a primary goal and objective. In contrast, the Elks support just about every community and national program that helps those in need and often contributes to the success of programs sponsored by other organizations. Elks support and contribute regularly to schools, Veteran's organizations, hospitals, nursing homes, police, fire departments and emergency services. Elks assist the young and the needy throughout this great nation.

Duarte Elks Lodge #1427 supports our local communities in many ways. We have been very involved in the schools through our Dictionary Project, Americanism Essay Contest, Drug Awareness Essay and Poster Contests, Bicycle Program, and Scholarship programs. In addition, we have helped with community events, such as the Christmas Basket Program. We also work with the Veterans in the community, as well. As part of our Americanism outreach, the Americanism Committee at Duarte Elks Lodge is making a request to you to officially proclaim the week of September 7-13, 2015, as **National Patriotism Week**. The purpose of this Proclamation project is to honor all of our nation's protectors and heroes, both past and present. In addition, this particular week encompasses the date of September 11th, which has been nationally proclaimed as Patriot's Day.

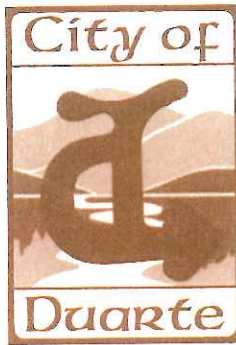
I have included a suggested proclamation text for your convenience. We would also be delighted to work with you to develop or participate in a proclamation signing ceremony at a date which we could set in the future. Your participation will help generate public awareness of the importance of the Elk's mission and our commitment to the members of the Duarte Community.

Thank you in advance for considering this request. Please let me know of your decision. I can be reached at my home number 626-961-5069 or by email at jdmcentire@verizon.net.

Sincerely,


Fred Krinke
Americanism Chairperson


John D. McEntire, Jr., District State Vice President
Government Relations Chairperson



Proclamation

25th ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

WHEREAS, on July 26, 1990, the Americans With Disabilities Act (ADA) was signed into law, guaranteeing persons with disabilities equal opportunities in public accommodations, commercial facilities, employment, education, transportation, governmental services, and telecommunications; and

WHEREAS, the ADA has proved to be more than a law about curb ramps and elevator buttons with Braille; it is civil rights legislation promoting inclusion of people with disabilities in every aspect of community life; and

WHEREAS, for 25 years, the ADA has enabled persons with mental and physical disabilities to live independently in the community, to gain and/or retain employment, and to have ready access to public accommodations, including retail stores, theaters, restaurants, medical facilities, and sports venues; and

WHEREAS, the full transformation of attitudes that Americans with disabilities, their families, and allies are working to achieve requires widespread discussion, education, and consciousness-raising; and

WHEREAS, the City of Duarte desires to reaffirm a commitment to achieve the goals of the ADA and to support its efforts by providing information at the City Picnic;

NOW, THEREFORE, BE IT RESOLVED that the City of Duarte hereby commemorates the 25th ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT, and encourages all to celebrate and recognize the progress that has been made to reaffirm the principles of equality and inclusion, and to reach full ADA compliance.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk Marla Akana
Duarte, California
September 8, 2015



MINUTES

JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY/COMMUNITY FACILITIES FINANCING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – AUGUST 25, 2015

RECEPTION - City of Duarte's 58 th Anniversary Celebration	At 6:00 p.m., a Reception was held in celebration of the City of Duarte's 58 th year of incorporation.
CALL TO ORDER	The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority/Community Facilities Financing Authority of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Paras-Caracci called the meeting to order at 7:08 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana, Finlay, Kang, Reilly, Paras-Caracci ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Melching
ADOPTION OF AGENDA	Finlay moved, Reilly seconded to adopt the Agenda, and carried unanimously.
PLEDGE TO THE FLAG	Kay Pearlman led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Kang and Finlay provided the warm-up.
SPECIAL ITEMS Recognition – Irma Hernandez	Mayor Paras-Caracci presented a plaque to Irma Hernandez in recognition and appreciation of her 13 years of service to the City of Duarte as Associate Planner and Senior Planner.
Introduction – Chief Johnson	Captain Jacob introduced LASD Chief Stephen Johnson, the newly appointed Chief of East Patrol Division, who provided information about his experience with the Department, and stated he looks forward to serving the area.
Recognition – Kay Pearlman	Mayor Paras-Caracci introduced Kay Perlman, and presented her a Certificate of Appreciation for her 16 years of service as the Duarte Library Children's Librarian.
Recognition – Duarte Library Teen Volunteers	Mayor Paras-Caracci presented Certificates of Appreciation to the teen volunteers who participated in the 2015 Duarte Library Summer "Volunteer" Reading Program.
Introduction – Mayor's Youth Council	Mayor Paras-Caracci introduced the members of the Mayor's Youth Council, and presented them Certificates of Appointment.
Recognition – Swati Puri	Mayor Paras-Caracci noted outgoing Public Services Commissioner Swati Puri was not in attendance, and she will receive her plaque for serving on the Public Services Commission from

January 2014-July 2015.

ANNOUNCEMENTS

Wendy Wright, Friends of the Duarte Library, announced monthly book club and Wine Down event in November.

Joanna Gee, Duarte Library, announced upcoming events and programs in August, September, and October.

Sheryl Lefmann announced upcoming Chamber events and mixers in September and November.

Karen Herrera presented community announcements about City events, programs, exhibits, and activities in August, September, and October, and announced today is Councilmembers Fasana and Reilly's birthday.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Phillip Montanez – Southeast corner of Duarte Road/Mountain.

Mayor Paras-Caracci asked that a report be provided about the overall construction as it gets closer to the completion of the Gold Line.

CONSENT CALENDAR

Finlay moved, Kang seconded to approve the Consent Calendar, as follows, and carried unanimously.

Approve Items B, C, E, F, H.

Remove Items A, D, G.

ITEMS REMOVED – Item A Minutes 8/11/15

Mayor Paras-Caracci clarified her comments regarding sponsorships, and stated she feels it should come to Council if money or items are being requested "on behalf of the Mayor and City Council on letterhead."

ITEM A – APPROVED

Finlay moved, Kang seconded to approve the minutes of August 11, 2015, as clarified, and carried unanimously.

Item D – Council Bill 15-R-19 Deny appeal – R. Ponce de Leon

Council Bill 15-R-19 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DENYING THE APPEAL BY ROXANA PONCE DE LEON C/O BELLAGIO FOUNTAIN OF YOUTH OF THE DETERMINATION OF THE CITY'S FINANCE DIRECTOR TO REVOKE A BUSINESS LICENSE FOR ACTIVITIES AT 1740 HUNTINGTON DRIVE, SUITE 102

Steve Hernandez stated the hearing turned out well, and asked if she applied for a license and what conditions will be included. Melching responded.

ITEM D – APPROVED RESOLUTION NO. 15-19

Fasana moved, Kang seconded to adopt Resolution No. 15-19, and carried unanimously.

Item G – Aquatic Design Group RFP – Pool Repairs

Melching clarified that the Agenda packet includes the proposal from Aquatic Design Group, the Professional Services Agreement that would be signed pending approval of the item is the standard one used by the City, and includes a sentence stating if

there is any inconsistency between the documents, the City's Agreement will control/supersede the inconsistency.

ITEM G – APPROVED

Reilly moved, Finlay seconded to authorize the City Manager to execute a Professional Services Agreement with Aquatic Design Group in an amount up to \$19,500.00 for the development of a detailed Request for Proposal and Scope of Work for repairs to the Duarte pools, and to conduct oversight over the duration of the project, and carried unanimously.

PUBLIC HEARING

Council Bill 15-R-18

Deny Appeal of Planning Comm.

Decision – Route 66 Roadhouse &

Tavern – CUP 95-1

Mayor Paras-Caracci announced this was the time and place set for a Public Hearing to consider this item.

Melching read by title Council Bill 15-R-18:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DENYING AN APPEAL FILED BY BETTY BARNES, OWNER/OPERATOR OF THE ROUTE 66 ROADHOUSE & TAVERN, AND UPHOLDING THE PLANNING COMMISSION DECISION TO MODIFY CONDITIONAL USE PERMIT 95-1 FOR THE ROUTE 66 ROADHOUSE & TAVERN DUE TO RECURRING LAW ENFORCEMENT ACTIVITY AND NON-COMPLIANCE WITH CONDITIONS OF APPROVAL WHICH HAVE CAUSED THE USE TO BECOME DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND CONSTITUTES A PUBLIC NUISANCE, PURSUANT TO CHAPTER 19.152 OF THE DUARTE DEVELOPMENT CODE

Notice of the hearing was given, the affidavit is on file, and no written communications were received about the item.

David Eoff IV, Associate Planner, presented a detailed staff report about the item, including background, Planning Commission action, CUP conditions of approval, compliance requirements, law enforcement calls for service since 2010, violations, revocation process, offer of second opportunity to comply, modifications/removal of conditions, new set of conditions as a result of recurring law enforcement activity and non-compliance with the previous conditions of approval, and appeal filed by Betty Barnes, owner/operator, regarding Condition 4-C of the modified conditions pertaining to a security plan.

Mayor Paras-Caracci asked if anyone in the audience wished to speak on the item.

Betty Barnes described her history of ownership, stated she tried to follow the codes brought to her attention, described the required conditions she has completed and the ones she is working on, asked that the condition requiring security seven days a week from 6:00 p.m. to 2:00 a.m. be changed to Friday and Saturday from 8:00 p.m. to 2:00 a.m., stated she will increase

security as business picks up, and there has been one incident and one complaint in the past 12 months.

Rhonda Lyons stated this bar is a piece of history, it is a safe place, it is not as bad as it is made out to be, the people who complain do not like loud music, and she would hate to see a piece of history be gone.

Eric Young stated he is a handyman, he fixes problems at the business, he never saw a problem there, a few transients caused problems, there were no physical altercations inside or outside, this is a small business, Betty is a hard worker, and this is unfair.

Steven Young stated he has been going to Route 66 since it's been there, Betty took care of whatever problems have come up, she lets Westminster Gardens use the parking lot, she tries to make this work, a few incidents have been beyond her control, and she is doing a benefit for Duarte.

Mary Garnett said she met people at Route 66 that she went to school with, it is a reunion spot with pool, darts, and entertainment, and she hopes it doesn't get closed down.

Cheryl Butler stated this is her favorite local business, Betty is hard-working, she has been going there for 11 years, people start fights in nice restaurants, Betty does special things for customers, and they are family.

Steve Hernandez stated security could start with weekends and progress from there, two full-time guards takes a lot of money, if there are still problems, you can tier in more than two days, and stated we benefit when we work together.

Shauna Short stated during the week, there are sometimes only three people, and to have a full-time guard seven days a week is a financial struggle.

Mayor Paras-Caracci closed the Public Hearing.

There was discussion and questions answered pertaining to number of incidents, days of the week when most incidents occurred, extent and varying degrees of incidents, lack of guards for the past 4-5 years, citations, volume of resources, recent incidents, matrix of incidents, displacement of resources, new condition requirements, need for more information, risk management, further analysis, safety, and categorization of incidents in context with the rest of the City.

Fasana moved, Finlay seconded to re-open the Public Hearing, and carried unanimously.

(Continued to 9/8/15)

Fasana moved, Kang seconded to continue the Public Hearing to September 8, 2015, with staff to prepare a matrix of the Sheriff's logs for the past five years, categorizing various requests for

service at the location, and carried unanimously.

BUSINESS ITEM

Duarte Gold Line Station Report

Kristen Petersen introduced Steve Wilks, IBI Group, who provided a detailed presentation of his assessment of findings, suggestions, community survey results/findings, potential improvement concepts, transit service modifications, local circulator service, capital improvements, pedestrian/bicycle facilities, public information, marketing, branding of transit fare policy, demand management, and early action improvements.

There was discussion about gas tax money, private contracts, shuttle, electronic fares system, and apps. Petersen noted a workshop will be held to discuss existing buses.

Finlay moved, Fasana seconded to receive and file the Duarte Gold Line Station Transit Analysis Final Report, and carried unanimously.

ITEMS FROM CITY COUNCIL/ CITY MANAGER

GEORGE: Stated we have been working with our partners about encampments along the riverbed, and we are getting close to an implementation plan.

KANG: Stated this is a great group with great synergy.

FINLAY: Provided information to the City Manager and asked that we place a business card ad for \$30 in the programs for the Monrovia Guild of Children's Hospital fundraiser on October 18 at Embassy Suites in Arcadia, the Inland Empire Regional Composting Authority composted its millionth ton of bio solids, attended Contract Cities Sheriff's dinner, and stated yesterday was the first day of school, and asked all to be careful when the kids are walking to school.

FASANA: Stated when City Council works together as a team, we can accomplish great things, he is honored to serve, although there is not an election, there are anxieties and concerns, he pledges to work on that while in office, thanked all for the opportunity to continue to serve, stated the Gold Line is a great opportunity for us, he was contacted by Mike Cacciotti regarding the upcoming CicLAvia-type event, he was concerned with crossing the bridge over the river and closing part of Huntington Drive, asked if we could get more information about it, and stated he would like to know how the route is going through our City.

REILLY: Stated July 26 was the 25th anniversary of the Americans with Disabilities Act, requested a Proclamation be presented to the Pasadena ADA Commission at a Council Meeting, a person from Mosquito and Vector Control District came to her home to check her property, asked that Commissioners Howard and Hernandez who resigned from their Commissions be recognized, she is excited about the Gold Line passenger service opening in

Spring 2016, attended Arcadia station dedication and two new business ribbon cuttings, inquired about futsal (staff responded), she is looking forward to the new parking lot on Pops/Huntington Drive, thanked residents for the opportunity to serve on the City Council, and stated she intends to do her very best in the next four years.

PARAS-CARACCI: Congratulated Councilmembers Fasana and Reilly on their next four years of service, stated it is exciting to have a team working together and moving forward, the Duarte Community Service Council needs a temporary space for its storage container and provided information to the City Manager, requested that a Proclamation for National Patriotism Week be presented to the Duarte Elks Lodge, inquired about the residency requirement for a Planning Commission applicant (Melching responded), the Gold Line impacts a number of cities in the San Gabriel Valley, thanked Councilmember Fasana for his service regarding the Gold line, attended Arcadia's event, requested that the Boy and Girl Scouts in attendance at the Gold Line dedication event be recognized at a Council Meeting, wished Happy Anniversary to the City of Duarte, and stated the recent school press releases are great, with a positive outlook for our City.

ADJOURNMENT

The meeting was adjourned at 10:19 p.m.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk



AGENDA MEMO

TO: CITY COUNCIL

FROM: Karen A. Herrera, Deputy City Manager

SUBJECT Service Line Warranties of America Warranty Policies

DATE: September 2, 2015

RECOMMENDATION: That the Duarte City Council approve a) three year agreement with Service Line Warranties of America, Inc. to offer Service Line Warranty Policies to residential property owners for water and sewer service lines and for in-home plumbing; and b) consider selecting one of the following options: 1) the City can choose to receive royalties, a flat fee of .75¢ per participant every month, which are used at the City's discretion, or 2) the City can choose to decline the royalties and provide a discounted rate to participating homeowners.

BACKGROUND: The City Council directed staff to research the National League of Cities Service Line Warranty Program and provide additional information for Council consideration. Staff conducted additional research with other agencies and met with Bonnie Cureton, Regional Account Manager of Utility Service Partners.

Formed in 1996, Service Line Warranties of America Inc. (SLWA), a subsidiary of Utility Service Partners (USP), offers insurance warranty to residential property owners, which cover the cost to repair or replace utility service lines. The National League of Cities endorsed USP as of November 10, 2010. USP has implemented the program in 230 cities throughout 31 states and has processed over 100,000 residential claims paying out over \$64 million. USP began servicing California based cities in 2012. Given each state has unique requirements for approval and oversight of warranty programs, California was one of the last states rolled out due to the rigor and complexity of the state approval process. USP currently services the following cities: Daly, Cathedral City, Culver City, Lemon Grove, Palmdale and San Diego.

Approximately, 95% of participating cities have selected to receive royalties and in most cases, earmarked the funds for homeowners requiring additional financial assistance. The following California based cities have elected to receive royalties: Cathedral City; Culver City; Lemon Grove; Palmdale and San Diego.

Utility Service Partners staff solely administers the program during the duration of the agreement, which includes an information campaign to inform Duarte homeowners via a standard mail campaign; enrolling homeowners in the program; assisting homeowners to process a claim; vetting contractors; and issuing and collecting customer service satisfaction surveys.

Utility Service Partners will provide the City online access, via login information to view the number of residents enrolled in the program, customer satisfaction surveys and (if selected) royalty fees collected.

In terms of indemnification, there is a deviation from the City's standard professional services agreement. In its typical indemnification provisions, the City requires that it be defended by counsel selected by the City. In this unique circumstance, the indemnification provision provides that SLWA will select counsel to defend the City of Duarte, and that if the City wants additional counsel of its own, it must pay that incremental additional costs. The likelihood of liability to the City under this agreement is low, given that the warranty and contractual relationship is between SLWA and individual consumers (not the City).

DISCUSSION: According to the 2010 census, the City of Duarte has 4,703 owner occupied residences. A homeowner has complete discretion to participate in the Service Line Warranty Program and can select to participate in one, two, or all of the following programs: water line warranty, sewer line warranty and in-home plumbing. Residents can cancel the warranty or warranties at any time.

Warranty Options

The Water Line Warranty covers the buried, outside water line, which runs from the meter and/or curb box, which includes the service line under the concrete floor until it, daylight into the home. The warranty provides coverage of up to \$4,000.00 for each water line repair plus an additional \$500.00 for public sidewalk cutting if needed. This warranty does not provide coverage for inside the home. Residents have the option to pay a fee monthly of \$6.75 or a one-time fee of \$76.00 for the year.

The Sewer Line Warranty covers the buried, outside sewer line that runs from the city tap until the line daylight inside the home of which includes the service line under the concrete floor. The warranty provides coverage of up to \$4,000.00 for each sewer line repair plus an additional \$4,000.00 for public road cutting if needed. The warranty does not provide coverage for inside the home. Residents have the option to pay a fee monthly of \$9.75 or a one-time fee of \$112.00 for the year.

The In-Home Plumbing Warranty covers residential in-home water and in-home sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry. Coverage includes broken or leaking water, sewer, or drain lines that may be leaking in walls and under the slab or basement floor. Coverage also includes the repair of clogged toilets. It does not cover the damage done to personal or household items normally covered by a homeowner's policy. Residents have the option to pay \$6.50 monthly or \$73.00 annually.

Enrollment

A homeowner may select to enroll by mail, Internet or by directly calling Utility Service Partners. Once a homeowner is enrolled, the resident calls the 24-hour

hotline and will speak with a claims representative when a repair is needed. A USP approved contractor must call within one hour to schedule an onsite visit, which typically occurs within a 24-hour period, including weekends and holidays. USP approved contractors do not set predetermined rates for repairs. Most repairs are completed within one to two days of USP receiving a claim. After each repair is completed, the homeowner fills out a customer satisfaction survey.

USP does not place a cap on the number of incidents a customer can report per year. Coverage under the warranties is provided on a per-incident basis and all work performed, partial and complete repairs, are warranted for one year. The warranty program does not have a deductible or pre-existing exclusions.

Rate Increases

In terms of a rate increase, increases must be filed and approved by the California Insurance Board, which may take up to one year. Homeowners would receive notification of such filing and potential increase months in advance of any price adjustments.

Marketing

USP will work with City staff to execute an informative public education campaign in order to inform the community about the program and stress participation is optional. City staff will utilize various outreach outlets including, the quarterly published Duarte City News, City website, press release, electronic sign and approved social media outlets. Additionally, residents will be notified about the program via direct mail, which is administered entirely by USP staff. City staff will review and approve all materials before mailing occurs. USP requests that the City provide the following for purposes of a high letter "open-rate;" copy of the City seal for solicitation letterhead; City's return address for outer envelope; name, title and signature sample of designated solicitation signor and zip codes of the City to allow USP to purchase a mailing list of residents. Two mailings will be sent during each campaign.

FISCAL IMPACT: Fiscal impact varies, depending on if Option 1 is selected where the City could receive a royalty fee. If option 2 is selected, there would be no fiscal impact.

ATTACHMENT: Exhibit A – License Agreement

Exhibit B- Template Fall Campaign Letter

EXHIBIT A

MARKETING LICENSE AGREEMENT BETWEEN THE CITY OF DUARTE, CALIFORNIA, AND SERVICE LINE WARRANTIES OF AMERICA, INC.

This MARKETING LICENSE AGREEMENT ("Agreement") entered into as of September __, 2015 ("Effective Date"), by and between the City of Duarte, California ("City"), and Service Line Warranties of America, Inc. a California corporation ("SLWA"), herein collectively referred to singularly as "Party" and collectively as the "Parties".

RECITALS:

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners ("Residential Property Owner"); and

WHEREAS, City is willing to allow SLWA to offer Residential Property Owners the opportunity, but not the obligation, to purchase a service line warranty and other similar products ("Warranty") from SLWA; and

WHEREAS, SLWA is a Home Protection Company, licensed by the State of California;

and

WHEREAS, SLWA desires to the Warranty available to Residential Property Owners subject to, among other things, the terms and conditions contained herein so that Residential Property Owners may choose to purchase the Warranty from SLWA; and

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

AGREEMENT

1. **Purpose.** City hereby grants to SLWA the right to offer the Warranty to Residential Property Owners subject to the terms and conditions herein.

2. **Grant of License.** City hereby grants to SLWA a non-exclusive license ("License") to use City's name and logo on SLWA's letterhead, SLWA's bills and SLWA's marketing materials that SLWA may send to Residential Property Owners from time to time, and to be used in SLWA's advertising, all at SLWA's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. City agrees that it will not extend a similar license to any competitor of SLWA during the term of this Agreement. The City's grant of the License does not and shall not convey any intellectual property rights to SLWA. The License shall be utilized exclusively and only for the purposes, and during the Term, expressly set forth in this Agreement.

3. **Term.** The term of this Agreement ("Term") shall be for three (3) years from the Effective Date. The Agreement will automatically renew for one additional one (1) year term ("Renewal Term") unless one of the Parties gives the other written notice at least ninety (90)

days prior to end of the Term or of the Renewal Term that the Party does not intend to renew this Agreement. However, this Agreement shall automatically terminate if SLWA is in breach of this Agreement and fails to cure said breach within thirty (30) days after receiving written notice of such breach from City.

4. **SLWA Campaigns.** During the Term, SLWA shall conduct a Spring and Fall campaign each year in accordance with the schedules set forth in Exhibit A. The pricing for each such campaign shall be in accordance with Exhibit A attached hereto.

5. **Consideration.** As consideration for such license, SLWA will pay to City a License Fee of Seventy-Five-Cents (\$.75) for each month a Warranty shall be in force (and for which payment is received by SLWA) from a Residential Property Owner ("License Fee") during the term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term and any Renewal Term, due and payable on January 30th of the succeeding year. Each License Fee payment herein shall be paid within thirty (30) days after it becomes due. SLWA shall include with each License Fee payment to City a statement signed by an SLWA corporate officer certifying the calculation of the License Fee. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of SLWA's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

6. **Indemnification.** SLWA hereby agrees to protect, defend, indemnify, and hold the City, its elected officials, officers, employees and agents (collectively or individually, "Indemnitee") harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs (individually or collectively, "Claim"), which an Indemnitee may suffer or which may be sought against or are recovered or obtainable from an Indemnitee, that arise from, result from, or relate to any act or omission, negligent or otherwise, of the SLWA or its officers, employees, contractors, subcontractors, agents or anyone who is directly or indirectly employed by, or is acting in concert with, the SLWA or its officers, its employees, contractors, subcontractors, or agents in the performance of this Agreement; provided that the applicable Indemnitee notifies SLWA of any such Claim within a time that does not prejudice the ability of SLWA to defend against such Claim (which time shall, at a minimum, be thirty (30) days following actual notice to City of the existence of such Claim). Any Indemnitee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

7. **Notice.** Any notice required to be given hereunder shall be deemed to have been given when notice is (i) received by the Party to whom it is directed by personal service, (ii) telephonically faxed to the telephone number below provided confirmation of transmission is received thereof, or (iii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

To: City:

ATTN: City Manager
City of Duarte
1600 Huntington Drive
Duarte, CA 91010
Phone: (626) 357-7931

To: SLWA:

ATTN: Vice President
Business Development Utility Service
Partners Private Label, Inc.

11 Grandview Circle, Suite 100
Canonsburg, PA 15317
Phone: (724) 749-1003

8. **Modifications or Amendments/Entire Agreement.** Any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a party unless in writing signed by both Parties.

9. **Assignment.** This Agreement and the License granted herein may not be assigned by SLWA without the prior written consent of the City, such consent not to be unreasonably withheld.

10. **Counterparts/Electronic Delivery.** This Agreement may be executed in counterparts, all **such** counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter.

11. **Choice of Law.** The interpretation and enforcement of this Agreement shall be governed by the laws of the State of California, and any legal action arising from or relating to the interpretation or enforcement of this Agreement (including an action for breach of this Agreement) shall be commenced and litigated in the Superior Courts of the County of Los Angeles or the United States District Court for the Central District of California.

12. **Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written above.

**MARKETING LICENSE AGREEMENT BETWEEN THE CITY OF DUARTE AND
SERVICE LINE WARRANTIES OF AMERICA, INC.**

CITY OF DUARTE

By: _____
Darrell J. George, City Manager

SERVICE LINE WARRANTIES OF AMERICA, INC.

By: _____
Brad H. Carmichael, Vice President

By: _____
Edwin F. Westfield, III, Chief Financial Officer

Exhibit A

NLC Service Line Warranty Program City of Duarte, CA Term Sheet June 30, 2015 (Term Sheet valid for 90 days)

I. Term of agreement

a. Initial term

- i. Three years (total of 9 campaigns)

II. Annual royalty - \$0.75 per month per paid warranty contract

a. City logo on letterhead, advertising, billing, and marketing materials

- b. Prior approval of specific proposed use of City logo, given by an authorized City official, is required before any such use may occur.

III. Products offered

a. External sewer line warranty

b. External water line warranty

c. In-home plumbing warranty

IV. Scope of Coverage

a. External sewer line warranty

- i. Scope is from the city main tap until line daylights inside home...of which includes the service line under the concrete floor.

b. External water line warranty

- i. Scope is from the curb stop, or curb line, until line daylights inside home...of which includes the service line under the concrete floor.

c. In-home plumbing warranty

- i. Scope covers residential in-home water supply lines and in-home sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry. Coverage includes broken or leaking water, sewer, or drain lines that may be embedded under the slab or basement floor. Coverage also includes repair of clogged toilets.

V. Marketing Campaigns - three seasonal campaigns per year (Spring, Fall and Winter)

- a. 2015 Fall - Sewer
- b. 2015 Winter - In-home plumbing
- c. 2016 Spring - Water
- d. 2016 Fall - Sewer
- e. 2016 Winter - In-home plumbing
- f. 2017 Spring - Water
- g. 2017 Fall - Sewer
- h. 2017 Winter - In-home plumbing
- i. 2018 Spring - Water

VI. Campaign Pricing

a. Sewer

- i. Year 1 - \$9.75 per month; \$112.00 annually
- ii. Year 2 - \$9.75 per month; \$112.00 annually (subject to annual review)
- iii. Year 3 - \$9.75 per month; \$112.00 annually (subject to annual review)

b. Water

- i. Year 1 - \$6.75 per month; \$76.00 annually
- ii. Year 2 - \$6.75 per month; \$76.00 annually (subject to annual review)
- iii. Year 3 - \$6.75 per month; \$76.00 annually (subject to annual review)

c. In-home plumbing

- i. Year 1 - \$6.99 per month; \$78.99 annually
- ii. Year 2 - \$6.99 per month; \$78.99 annually (subject to annual review)
- iii. Year 3 - \$6.99 per month; \$78.99 annually (subject to annual review)



City of Anywhere

EXHIBIT B

State



T1 P1*****AUTO**5-DIGIT 26301

John Smith
987 Main Street
Anytown, ST 12345



Contact ID: 1234567

Re: Sewer Service Line Repair
Coverage for [City] Homeowners

Reminder - Please disregard if you have already enrolled

Dear [Customer Name]:

Did you know that necessary repairs to the sewer line that runs between your home and the public utility connection are the responsibility of the homeowner? These lines have been subjected to the same elements that have caused our public service lines to decay – age, ground shifting, root invasion, fluctuating temperatures and more.

As a [City Name] homeowner and city official, I understand the importance of water conservation and protecting the environment. While efforts are underway in many communities to improve public water and sewer systems, these fixes don't address the sewer line located on your property. Homeowners can spend from hundreds to upwards of \$3,500 to repair a broken or leaking sewer line on their property – and that can be hard on a budget.

This is why I am pleased to introduce a new voluntary service line repair program which provides repair coverage for your outside sewer line, up to \$4,000 per incident with no deductibles. The Service Line Warranties of America (SLWA) Sewer Line Warranty Program is the only service line protection program for homeowners fully supported by [City Name] and endorsed by the National League of Cities. The program provides coverage 24 hours a day, 365 days a year.

SLWA, an independent organization, administers the program and is an accredited BBB organization with an A+ rating. SLWA has helped more than 100,000 homeowners across the country save over \$64 million in service line repair costs.

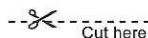
Pay just \$0.00 per month – a savings of more than XX% on the standard price, or save even more with an annual payment of \$0.00 – a savings of more than XX%. Plus, we'll waive the 30-day waiting period, so you'll get immediate coverage! To receive these benefits, enroll by [DATE].

Enroll in this optional program by returning the completed bottom portion of this letter in the enclosed envelope or call 1-800-000-000 to speak with an SLWA agent Monday through Friday 9:00 am to 5:00 pm. Or visit www.slwofa.com where you can enroll online – and learn about other service line warranty products available in your area!

Sincerely,

City Official Name
City Official Title

Complete warranty terms and conditions will be provided following enrollment. Program participation may be terminated at any time. You have 30 days from the date you enroll to receive a full refund. After 30 days, you will be reimbursed the pro rata share of any amount you paid for any portion of the warranty period subject to cancellation.



Cut here

[LETTERCD]



John Smith
987 Main Street
Anytown, ST 12345
Contact ID: 1234567

To enroll or to view the Terms and Conditions, please visit www.slwofa.com.

Please mark your selection:

- ☐ Yes, please enroll me in the Sewer Line Warranty for just \$_____ per month.
- ☐ I want to save more. Enroll me in the Sewer Line Warranty for \$_____ per year.

I certify to the best of my knowledge that my line is in good working order.

Signature: _____ Email: _____ Date: _____

To protect your privacy, we do not share your information.



MEMORANDUM

TO: Darrell J. George, City Manager
FROM: Kristen Petersen, Assistant City Manager
DATE: September 1, 2015
SUBJECT: VEHICLE USE POLICY

Background

In 2010 the JPIA made several recommendations in a Risk Management Evaluation that aim to improve our operations and reduce our risk. Many of these recommendations were focused on creating formal documents that memorialize the policies and procedures that we are already implementing appropriately, but for which we do not have formal written policy documents. As a result, staff has been working to prepare all of these written policies and bringing them forward to Council for consideration over the last few years. While we have used JPIA recommended sample policies as the framework, in most cases the policies do not change anything that we currently do, they simply memorialize it in a more detailed document.

The attached Vehicle Use Policy addresses the procedures regarding the use of City owned and employee owned vehicles operated during the course of City business. The use of City owned vehicles should be the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection and insurance. However, there may be cases where the use of a privately owned vehicle may be more efficient for official City business and under those circumstances the policy will guide the use, liability and mileage reimbursement. The policy also memorializes the accident reporting and insurance requirements for each driver. As noted above, the policy does not change what we currently have in place; it memorializes it in one specific policy. For example, personal vehicle use and mileage reimbursement is explained in the Personnel Rules and Regulations and is now repeated and further detailed in this Vehicle Use Policy.

Recommendation

It is recommended that the City Council adopt the attached Vehicle Use Policy.



VEHICLE USE POLICY

I. PURPOSE

This policy establishes procedures regarding the use of City owned and employee owned vehicles operated during the course of City business. Use of City owned vehicles shall be relied upon as the primary means of vehicle usage, as it provides the greatest control over operating costs, usage, maintenance, inspection, and insurance.

II. AUTHORITY

This policy has been approved by the City in matters regarding the use of vehicles operated during the course of City business.

III. POLICY

A. Definitions

Accident Kit (Red Book): An information packet that should be kept in the vehicle's glove box to include a pen, Driver's Report of Accident, Information Exchange cards, Witness cards, and first response instructions after an accident. An Accident Kit (Red Book) is available from the Transit Supervisor.

City Business: Activities that require the use of a vehicle and are authorized by the employee's supervisor. In the use of personal vehicles, City business also means that the operator is being reimbursed for mileage expenses that they submit for according to Internal Revenue Service guidelines.

City Owned Vehicle: A vehicle owned by the City, and assigned on a shared, designated, or permanent basis.

Commercial Motor Vehicle (CMV): Any self-driven or towed vehicle used on public highways in interstate commerce to transport passengers or property when: 1) The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or 2) The vehicle is designed to transport more than 15 passengers, including the driver; or 3) The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued by

the Secretary of Transportation under the Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813). (49CFR350) (49CFR390)

Non-Preventable Accident: The vehicle operator did everything reasonably possible to prevent the accident.

Preventable Accident: The vehicle operator failed to do everything reasonably possible to prevent the accident.

Privately Owned Vehicle: A personally owned vehicle used by an employee, whether owned by the employee or not.

Vehicle Operator: An employee who is operating a City owned vehicle or a personally owned vehicle on City business.

- B. Use of City vehicles must be approved by immediate supervisor and scheduled if appropriate.
- C. The Transit Supervisor shall maintain a list of employees authorized to drive City owned or privately owned vehicles on City business, and shall be responsible for overseeing the implementation of applicable driver training programs and ensuring that employees attend required training as needed.
- D. The Transit Supervisor shall coordinate applicable driver-training programs and shall maintain attendance records. The Human Resources Division shall ensure that driver's license information is maintained in each employee's file. The Transit Supervisor shall receive and record Department of Motor Vehicles Pull Notice reports and notify Human Resources and supervisors when necessary.
- E. The Risk Manager shall review all accidents to determine whether an accident was preventable or non-preventable, and make disciplinary recommendations to Supervisor as needed.
- F. Supervisors shall routinely monitor the driving of each employee while performing the job-related driving responsibilities. Supervisors will be made aware of any driving record notification that the City receives. Supervisors shall report accidents as indicated in Section XI.
- G. Employees authorized to use special purpose vehicles will maintain and comply with vehicle specific training and licensing requirements as defined by any relevant rules and regulations, and/or the California Department of Motor Vehicles, and/or the employees job classification minimum qualifications.

- H. The City reserves the right to request at any time that any City employee promptly provide insurance and driver license information when notified that their job duties include driving a City owned or privately owned vehicle. Employees will comply with the requirements of this policy. Failure to comply may result in disciplinary action, up to and including termination.

IV. VEHICLE TYPES AND USE

A. Use of City owned vehicles

1. City owned vehicles are categorized and restricted based upon type and use:
 - a) Vehicles kept overnight at City facilities, assigned for use on a shared or designated basis for daily City business. Personal use is expressly prohibited.
 - b) Vehicles assigned to management on a permanent basis, used for daily commuting to and from the City. According to the Internal Revenue Service, commuting to and from work and other incidental personal usage is not official use, and reported as taxable income.
 - c) Vehicles for emergency or on-call use, authorized for use to and from work to respond on a 24-hour basis. Employees authorized to operate emergency or on-call vehicles may make reasonable, but limited stops before and after work shifts for traveling to and from work. According to the Internal Revenue Service, commuting to and from work and other incidental personal usage is not official use, and reported as taxable income.
2. Only City employees and authorized City volunteers are permitted to operate City owned vehicles.
3. Prior to driving a City owned vehicle, employees shall contact the Transit Supervisor or designee to reserve vehicles through the calendar located in the Transit Department.

4. City owned vehicles are for transporting employees whose duties require a motor vehicle, and other persons to conduct business activities important to City interests only.
5. Employees who are permanently assigned a City owned vehicle or assigned department use of a vehicle are responsible for ensuring that only those persons with a valid driver's license and on official City business are allowed the use of the City owned vehicle.
6. Misuse (negligent or reckless operation) of city owned automobiles on City time or business will be considered a serious breach of these rules and regulations and will be grounds for appropriate disciplinary action.

B. Use of Privately Owned Vehicles

The use of an employee's personal vehicle may be preferable and more efficient for official City business if a City owned vehicle is not available. Under those circumstances, the following policy will apply:

1. An employee may use his or her privately owned vehicle for City business upon direct authorization by the supervisor.
2. Each employee is responsible for maintaining valid automobile insurance, maintaining their vehicle in a safe operable condition, and maintaining accurate maintenance records.
3. Employees using a privately owned vehicle shall maintain accurate records of the purpose and extent of travel, and submit reimbursement claims per the City's reimbursement policy. The mileage allowance is intended to cover the employee's cost of operating and insuring the vehicle on City business. The employee is responsible for all operating expenses of the privately owned vehicles including but not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance.
4. The City is not liable for any damage to an employee's privately owned vehicle, unless caused by the City's negligence (employee's negligence excepted). Employees are responsible for notifying his/her supervisor, the Department of Motor Vehicles, and the employee's insurance company in case of an accident. If an employee is responsible for an accident while driving a City owned or personally owned vehicle, he/she is responsible for any increase in his or her personal automobile insurance premium.
5. Misuse (negligent or reckless operation) of private automobiles on City time or business will be considered a serious breach of these rules and regulations and will be grounds for appropriate disciplinary action.

V. NON-CITY EMPLOYEES (VOLUNTEERS/CONTRACTORS/OTHER)

- A. Generally, non-City employees are prohibited from driving City vehicles. Non-City employees may be authorized to drive City vehicles on a case-by-case basis. Such authorization must meet the requirements set forth for City employees in addition to complying with the terms described in this policy.
- B. Non-City employees authorized to drive any vehicle (City or personal) in the course of conducting City business must possess a valid California State Driver License appropriate to the type of vehicle being driven and must also be able to furnish proof of current liability insurance upon request, as required by the California Insurance Code §11580.1b.
- C. Non-City employees authorized to drive City vehicles must also obtain written approval from the City's Department Director (or designee) who is responsible for the services being provided by the non-City employee. This is in addition to the requirements provided above.
- D. Non-City employees authorized to drive a City vehicle must be at least 18 years of age.
- E. Non-City employees authorized to use special purpose vehicles will maintain and comply with vehicle specific training and licensing requirements as mandated by any relevant rules and regulations, and/or the California Department of Motor Vehicles.
- F. Non-City employees authorized to drive a City vehicle on City business shall immediately cease driving the vehicle and notify the Department Director (or designee) who is responsible for the services being provided by the non-City employee in writing of the suspension, revocation, cancellation, expiration, lost privilege, disqualification, or other action affecting the status of their driver license or their authority to drive a vehicle.
- G. Non-City employees who are unable to comply with these requirements shall not be permitted to drive any vehicle (City or personal) to conduct City business and may not drive onto any City property or City facility.

VI. MILEAGE REIMBURSEMENT

- A. To be eligible for reimbursement, the employee shall maintain a valid driver's license, auto liability insurance as required by the California Insurance Code §11580.1b, and use safe driving techniques.

- B. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov). These rates are adjusted by the IRS on a regular basis and are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. A clear description of mileage incurred on City business must be submitted for reimbursement. Please note that mileage reimbursement does not apply to car rentals.
- C. Rental rates that are equal or less than those available through the State of California's website (www.catravelsmart.com) shall be considered the most economical and reasonable for purposes of reimbursement under this policy. Mileage reimbursement rates will not be paid for rental vehicles; only the cost of car rental and any receipted fuel expenses.

VII. DRIVER TRAINING

- A. Employees authorized to operate City vehicles or private vehicles to conduct official City business may be required to complete a defensive driver-training course.
- B. Special Purpose/Commercial Vehicles - Employees required to operate specialized vehicles such as aerial lifts, dump trucks, water truck and other heavy vehicles shall be trained in the specific use of such vehicles by their supervisor or designee.
- C. Refresher training and re-evaluation may be required if the operator is involved in an accident or near-miss incident, if the operator has been observed using the vehicle in an unsafe manner, or significant changes are made at the workplace that could affect safe operation of a vehicle.
- D. Employees required to participate in defensive driver training may be required to repeat training at least once every five (5) years.

VIII. GENERAL GUIDELINES

- A. Employees shall obey all Federal, State and local laws while operating City owned or privately owned vehicles on official City business.
- B. Employees are not permitted, under any circumstances, to operate a City vehicle or a personal vehicle for City business when any physical or mental impairment causes the employee to be unable to drive safely.
- C. Employees shall not operate any City vehicle at any time or operate any personal vehicle while on City business while using or consuming alcohol, illegal drugs or prescription medications that may affect their ability to drive.

- D. No smoking is allowed in any City-owned vehicle.
- E. Employees operating a City owned or privately owned vehicle shall ensure that all persons in the vehicle use seat belts and are properly adjusted before starting the engine.
- F. When transporting cargo, materials or tools, the vehicle operator is responsible for securing such items
- G. No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating. An exception to this shall be vehicles designed and equipped for passengers outside the cab area.
- H. Any injuries sustained by the vehicle operator or other employees while operating a vehicle on City business shall be covered by workers' compensation.
- I. When the vehicle operator is determined to be involved in a preventable accident, the Transit Supervisor shall recommend disciplinary action subject to review and approval by the supervisor.
- J. Any employee operating a City owned vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle while under the employee's control.
- K. Before operating the vehicle, the employee shall check to make certain that all vehicle safety equipment including headlights, turn signals, brake lights and windshield washers are functioning properly.
- L. Any vehicle damage beyond normal wear and tear or that includes defects affecting the safe operation of the vehicle must be documented and reported to the employee's supervisor and the Transit Supervisor.
- M. No employee shall operate a City owned vehicle found to be in an unsafe condition.

IX. USE OF ELECTRONIC DEVICES

Safe driving practices as well as the California Vehicle Code require the use of a hands-free device while using cell phones during the operation of a motor vehicle. Employees shall refrain from operating laptop computers, navigational devices and any other device that may cause vehicle operator distraction while operating a vehicle in the course of conducting City business.

X. RENTAL VEHICLES

When it is necessary for a City employee to use a rental vehicle for City business, the employee shall use a City approved rental agency. Optional loss damage coverage should be purchased from the rental agency at the time of rental.

XI. ACCIDENT REPORTING REQUIREMENTS

All accidents involving a City owned vehicle, rented or leased vehicle or privately owned vehicle used in the performance of City business must be reported, regardless of severity. All accidents must be reported as follows:

- A. The vehicle operator shall summon medical care for any injured parties.
- B. A police report should be obtained. If the accident occurred locally the Temple Station should be contacted at (626) 448-9861. If the accident occurred out of the area please contact the local law enforcement agency.
- C. **DO NOT ADMIT GUILT**-Do not discuss the accident with anyone except your employer, our claim representative and the police.
- D. An employee shall under no circumstance offer and/or attempt to pay for damages.
- E. The vehicle operator shall notify his/her supervisor of the accident. The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required City reports and notifying the Transit Supervisor. In the event of serious bodily injury, an Incident Report form shall be completed by the supervisor and given to the Risk Manager for submission to the City's insurance carrier.
- F. The supervisor shall notify the City's Administrative Services Director (Risk Manager) of the accident and provide any necessary forms.
- G. **EXCHANGE INFORMATION**-In the event that the law enforcement agency refuses to take a police report, give your name, employer's name (City of Duarte), City address, vehicle registration information, proof of insurance, and driver's license number to the other party. Registration and proof of insurance are located in the City owned vehicle's Accident Kit (Red Book).

1. Secure the names and addresses of any witnesses or first persons at scene (use green witness cards located in pocket folder in Red Book).
 2. Secure the names of passengers at the time of the accident (use green witness cards located in pocket folder in Red Book).
 3. Secure name of the other party(s) involved in the accident (use yellow information exchange card located in pocket folder in Red Book).
- H. Take pictures of the scene and all damages and turn in to supervisor the same day.
- I. Complete accident report at scene and turn in to supervisor same day.
- J. The vehicle operator shall complete the "Accident Report" located in the City owned vehicle's Accident Kit (Red Book) and turn in to supervisor or designee same day.
- K. The vehicle operator must report the accident to the DMV if more than \$750 in property damage, or anyone was injured (no matter how slight) or killed. The report must be filed, whether the vehicle operator caused the accident or not and even if the accident occurred on private property. The report must be made on the California Traffic Accident Report, form SR 1, and must be made within ten days of the accident. If the report is not filed with the DMV, the vehicle operator's driving privilege will be suspended. The police or California Highway Patrol will not file this report.¹
- L. Under Section 19D (Substance Abuse Policy) of the Personnel Rules and Regulations, the City reserves the right to require an alcohol/drug test whenever an accident occurs and/or there is reasonable suspicion.

XII. THEFT

In the event of the theft of a City vehicle, notify local police and the Transit Supervisor immediately. The City will not accept liability for theft or damage to a personal vehicle used for City business. It is the responsibility of the employee to purchase collision and/or comprehensive insurance, and failing to do so, will be deemed a self-insurer in that regard.

XIII. INSURANCE REQUIREMENTS

- A. Proof of insurance may be required before any privately owned vehicle can be authorized for City business. The City reserves the right to request, at any time,

¹ California Vehicle Code, Section, 16000(b) – A report is not required under subdivision (a) if the motor vehicle involved in the accident was owned, or leased by, or under the direction of, the United States, this state, another state, or a local agency.

that any City employee promptly provide proof of insurance when notified that their job duties include driving a City owned or privately owned vehicle.

- B. Employees who are authorized to use privately owned vehicles on agency business shall maintain coverage in the minimum amounts of \$25,000/\$30,000/\$5,000, per Section 29 (Use of Private Automobiles) of the City's Personnel Rules and Regulations.² The employee is responsible for providing proof of coverage to the employer as needed.
- C. California Insurance Code §11580.9 states that where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which the motor vehicle is described or rated as an owned vehicle is primary and the insurance afforded by any other policy shall be excess.
- D. The Agency shall not be responsible for any increase in the employee's automobile insurance premium as a result of an accident.
- E. In the event of an accident, the employee is responsible for paying any deductible required by the insurance company.
- F. If insurance coverage is canceled, terminated, lapsed, or curtailed for any reason, the employee must notify the immediate supervisor and the vehicle shall not be used for City business.
- G. When an employee operating a City owned vehicle is involved in an accident, defense and settlement of any claim shall be the responsibility of the California JPIA, to the maximum protection limit (the California JPIA Memorandum of Coverage provides automobile liability coverage to all member entities, their Agency councils, commissions, committees, and employees). If an employee operating an Agency owned vehicle is sued independently as a result of an at-fault accident, the California JPIA may provide coverage to that employee if the accident qualifies as a covered occurrence
- H. Should an employee using a privately owned vehicle on Agency business be involved in an accident resulting in injury or property damage, the employee's own insurance carrier shall respond to defend the employee. Should a claim exceed the limits of the employee's own insurance, the California JPIA liability protection program would respond in an excess capacity if the accident qualifies as a covered occurrence.

XIV. DRIVER'S LICENSE

² California Insurance Code, Section 11580b, sets the minimum liability insurance requirements for private passenger vehicles: \$15,000 for injury/death to one person, \$30,000 for injury/death to more than one person, \$5,000 for damage to property.

- A. The City reserves the right to request, at any time, that any City employee promptly provide insurance and driver license information when notified that their job duties include driving a City owned or privately owned vehicle. Obtaining a driver's license is a personal expense and the City shall not incur any associated costs.
- B. City employees must maintain a driver's license for the class of vehicle to be driven.
- C. An employee whose driver's license is suspended or revoked for any reason must notify their supervisor no later than the first workday following suspension or revocation of their driver's license. Such employee shall not be allowed to operate any City owned or privately owned vehicles on City business.
- D. Employees who possess temporary driving permits or hardship licenses shall not be permitted to operate City or privately owned vehicles in the performance of official City duties.

XV. REVIEW OF DRIVING RECORD

- A. The City shall enroll employees and authorized non-employees that operate City owned or privately owned vehicles on City business in the Department of Motor Vehicles (DMV) Pull Notice Program. When a vehicle operator has received a violation, the DMV assigns points according to the type of violation, and automatically sends notification to the City. Appendix B contains a list of violation point counts.
- B. In compliance with Vehicle Code Section 1808.47, information received from the DMV shall be used solely for the intended purpose, and kept in an electronic file with limited access. Under no circumstances shall addresses or other information be given to a third party.
- C. Employees accumulating four or more points in a 12 month period or six in a 24 month period or eight in a 36 month period may have City driving privileges suspended at the discretion of the Administrative Services Director.
- D. Employees involved in a preventable collision or demonstrating questionable driving capabilities shall be required to attend remedial training in defensive driving. An employee may be regarded as having questionable capabilities based on a review of points assigned by the DMV for citations or vehicular accidents.
- E. Employees involved in preventable accidents or have a disqualifying action taken against their driver's license shall be subject to disciplinary action, the severity determined by the nature of the offense and the employee's past driving and disciplinary action records.

- F. Employees involved in two or more preventable accidents within a 36 month period while operating an City owned or privately owned vehicle in the performance of official City business shall be subject to disciplinary action up to and including suspension of City driving privileges.
- G. Employees convicted of driving while under the influence of drugs or alcohol (DUI) or refusing to submit to a lawful roadside sobriety test are subject to disciplinary action up to and including suspension of City driving privileges.
- H. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any vehicle may result in the suspension of employee driving privileges and further disciplinary action.
- I. Temporary or permanent suspension of City driving privileges for employees whose position requires operation of a vehicle shall be considered a loss of the ability to perform an essential job function.
- J. If an employee has City driving privileges suspended, the City shall attempt to arrange for the employee to perform the essential functions of the job. If such accommodation is not possible or creates an unreasonable hardship for the City or coworkers, loss of City driving privileges shall be considered just cause for reassignment to a position that does not require operation of a vehicle at a pay rate commensurate with that position. If no such position is open, the employee may be terminated.

XVI. RECORDS RETENTION

- A. Training documentation shall include the employee's name, training date, type of training, instructor's name and an outline of what was presented or be recorded on a training checklist. This documentation will be maintained for at least five (5) years per the Records Retention Schedule for the City of Duarte Human Resources Division.
- B. Medical and exposure records will be maintained per legal requirements.
- C. All other records pertaining to the Vehicle Use Policy will be maintained per legal requirements.

XVII. ACKNOWLEDGEMENT

Upon receipt of this policy, employees shall sign a form acknowledging that he or she is aware of this policy, including the legal issues arising out of the use of his or her privately owned vehicle on City business.

XVIII. REFERENCES

Vehicle Code Sections 464, 1808.47, 12810, 16056, 27315

California Insurance Code §11580.1b

Cal. Veh. Code §1808.47.

Hazardous Materials Transportation Act (49 U.S.C. App. 1801-1813).
(49CFR350) (49CFR390)

Appendix A
Employee Acknowledgement of Vehicle Usage Policy

This is to acknowledge that I have received a copy of the City of Duarte's Vehicle Usage Policy and that I have read the policy and understand my rights and obligations under the Policy.

As a driver of a City vehicle or my own vehicle on the City's behalf, I understand that it is my responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage. I also understand that I must have a valid driver's license for the type of vehicle to be operated and keep the licenses(s) with me at all times while driving. I also understand that I must maintain and carry proof of insurance when driving my personal vehicle on City business. I agree to comply with all applicable regulations.

I understand that my employer may enroll me in the Department of Motor Vehicles Pull Notice Program to receive a driver record report at least once every twelve (12) months or when any subsequent conviction, failure to appear, accident, driver's license suspension, revocation, or any other action is taken against my driving privilege during my employment.

I understand that this Policy represents only current policies, procedures, rights and obligations and does not create a contract of employment. Regardless of what the Policy states or provides, the City retains the right to add, change or delete provisions of the Policy and all other working terms and conditions without obtaining another person's consent or agreement.

My signature below further signifies that I have read this Policy and that I accept and will abide by all of its provisions.

EMPLOYEE NAME (PRINT) _____

DRIVERS LICENSE NUMBER _____

EMPLOYEE SIGNATURE _____

DATE _____

Appendix B Common California Vehicle Code Violations Used In Negligent Operator Counts

Violation Point Assessment

Violation points are assigned to Vehicle Code sections and any other code section, or city or county ordinance, involving the safe operation of a motor vehicle. Any violation occurring as a pedestrian or a bicyclist has no point assigned. The department may suspend and place on probation, or revoke, the driving privilege of a negligent operator.

Per Vehicle Code section 12810.5a, a Class C negligent operator has

- 4 or more points in 12 months,
- 6 in 24 months, or
- 8 in 36 months.

Although a Class A or B driver without a special certificate may be allowed 2 additional points, a violation received in a commercial vehicle carries 1 1/2 times the point count normally assessed (12810.5b VC). A minor, under 18 years of age, may receive a 30-day restriction for 2 points in 12 months, or be suspended for 3 points in 12 months (12814.6 VC).

One Point Count California Vehicle Code Violations

Section	Violation
2800	Disobedience to traffic officer
2800.1	Evading peace officer
2801	Disobedience to fire official
2803, 2803a, 2803b, 2803c	Unsafe vehicle load
2815	Disregarding non-student crossing guard
2816	Youth bus/children crossing highway
2817	Disregarding funeral escort officer
2818	Crossing safety flares/cones
14601.5	Driving, suspended/revoked for refusing test
14603	Violation of license restrictions
21100.3	Disregarding traffic officer's directions
21209, 21209a	Driving in bicycle lane
21367, 21367a, 21367b, 21367c	Disobedience to traffic signs/controller
21451, 21451a, 21451b	Illegal movement/green light/arrow
21452, 21452a	Illegal movement/yellow light/arrow
21453, 21453a, 21453b, 21453c	Illegal movement/red light/arrow
21454, 21454a - d, 21455	Traffic signals
21457, 21457a, 21457b	Disobedience to flashing signals
21460a, 21460b	Double lines/one broken line
21460.5c	Use of two-way left turn lane
21461, 21461a, 21462	Disobedience to traffic control device

21650, 21650a - f	Keep right
21651, 21651a	Crossing divided highway
21652	Entering highway from service road
21654, 21654a, 21654b, 21655, 21655b	Lane use/slow moving vehicle
21655.8	High-occupancy vehicle lane/entering/exiting
21656 - 21662, 21662a, 21662b	Improper lane use
21663	Driving on sidewalk
21664	Freeway ramp/entering/exiting
21700	Load obstructing driver's view
21701	Interfering with driver's control of vehicle
21702, 21702a, 21702b	Driving hours limitation
21703, 21704, 21704a, 21705, 21706	Following too closely
21707	Driving in fire area
21709	Driving in safety zone
21711	Towed vehicle swerving
21712, 21712a, 21712d, 21712f, 21715, 21715a, 21715b	Unlawful riding/towing
21717	Turning across bicycle lane
21750 - 21757, 21758, 21759	Illegal passing
21800 - 21804, 21804a, 21804b	Right-of-way
21805, 21805b	Yielding right-of-way to horseback rider
21806, 21806a	Yielding right-of-way to emergency vehicle
21807	Unsafe operation of emergency vehicle
21950, 21950a, 21951, 21952	Yielding right-of-way to pedestrian
21954, 21954b	Due care for pedestrian on roadway
21960a	Prohibited use of freeway
21963	Yielding right-of-way to blind pedestrian
22100 - 22105	Turning and U-turns
22106	Unsafe staring/backing of vehicle
22107 - 22111, 22111a, 22111b, 22111c	Signaling turns and stops
22112, 22112a	School bus signaling
22348, 22348a, 22348c	Speed/use of designated lanes
22349, 22349.5	Maximum speed
22350, 22351, 22352, 22352a, 22352b	Basic/prima facie speed limit
22354, 22355	Exceeding posted/freeway speed limit
22356, 22356b	Maximum speed 70 mph
22357, 22358.4	Speed in excess of local limits
22359, 22360, 22361	Speed in excess of local limits
22362	Speed/construction zone
22363	Restricted speed/weather conditions
22364	Speed/traffic lanes
22400, 22400a, 22400b	Driving too slow
22405, 22405a	Speed/bridge/tunnel
22406, 22407	Maximum designated vehicle speed
22409, 22410	Speed/solid/metal tires
22413	Speed limit on grades
22450, 22451, 22452, 22452a, 22452b	Stop required/railroad crossing

22454	Stop for school bus
23109, 23109b, 23109d	Speed contest/aiding or abetting
23116, 23116a	Transporting person in truck load space
23127	Driving on trails and paths
23220	Drinking while driving
23222, 23222a, 23222b	Marijuana or open container/driving
23235	Ignition interlock verification
23244, 23244b	Defeating ignition interlock device
23253	Disobedience to toll highway officer
23270, 23270a	Unauthorized towing
23330, 23330c	Width/load of vehicle at crossing
23336	Disobedience to sign/vehicle crossing
24002, 24002a, 24002b	Unsafe/unlawfully equipped vehicle
24004	Operation after notice by officer
24250	Lighting equipment
24409, 24409a, 24409b	Failure to dim lights
24604	Lamps/flag for extended load
25103, 25103a, 25103b	Lamps on projecting load
26301, 26302, 26302a, 26302b, 26302c	Brakes
26303, 26304, 26304a, 26304b	Brakes/combination vehicles
26307	Forklift truck brakes
26311, 26311a, 26311b, 26311c	All wheel service brakes
26456, 26457	Brakes/stopping distance
26458, 26458a, 26458.5	Braking system/towing vehicles
26502a	Adjustment/use of air brakes
26503 - 26506, 26506a, 26507	Airbrake system
26508, 26508a - c, 26508e - k, 26508o	Emergency stopping system
26520, 26521, 26522	Vacuum brakes
27360, 27360a - c, 27360.5, 27360a - c	Child Passenger restraint
27363, 27363b	Child seat belt
27800, 27801, 27801a, 27801b	Motorcycle/passengers and equipment
29001, 29002	Fifth wheel connecting/locking device
29003a, 29003b, 29003c	Hitch and coupling device
29004, 29004a - c, 29006, 29006a	Towed vehicle coupling
29201	Pole dolly/load and length
31301, 31301a	Caldecott tunnel restrictions
31303, 31303b, 31303c, 31303e	Hazardous waste transportation
31402	Farm labor vehicle/unsafe operation
31540, 31504b	Removable containers/regulations
31614, 31614a, 3164b, 31614d - f 31614h, 31614i	Explosives transportation
32104, 32104a, 32104b, 32105, 32105a, 32105c-e	Inhalation hazard transportation
32106, 32106a - d	Inhalation hazard transportation
34102	Tank vehicle regulations
34501.2, 34501a, 34501c	Driving hours limitations
34506, 34506a - g	Driving hours, equipment, maintenance, operation
34506.3	Safety regulation violation

34509, 34509c, 34509d	Vanpool vehicle maintenance inspection
35784, 35784a, 35784b	Violation of special permit
35784.5, 35784a, 35784b	Extralegal load/weight
36400	Lift-carrier/speed
36705	Bale wagon load width during darkness

Two Point Count California Vehicle Code Violations

Section	Violation
2800.2, 2800.3	Evading peace officer/reckless driving
14601, 14601a, 14601 b, 14601.1-14601.4	Driving while suspended/revoked
20001, 20001a 20002, 20002a, 20002b	Hit and run/injury/property damage
21651b	Driving wrong side/divided highway
22348b	Speed over 100 MPH
23103, 23103a, 23103 b	Reckless driving
23104, 23104a	Reckless driving/causing bodily injury
23109a, 23109c	Speed contest /exhibition of speed
23140, 23140a, 23140b	Minor driving with BAC of 0.05% or more
23152, 23152a-d	DUI/alcoholic beverage or drugs
23153, 23153a-d	DUI/causing bodily injury or death
31602, 31602a, 31602b, 31602c	Explosives transportation

Other Common California Code Violations Used In Negligent Operator Count

Section	Code	Violation	Points
49307 or 12059	Education	Disobedience to school safety patrol	1
191.5a, 192c1-192c4, 192.3c, 192.3d	Penal	Vehicular manslaughter with gross negligence	2
192c, 192.3, 192.3a, 192.3b	Penal	Vehicular manslaughter without gross negligence	1
27176	Streets and highways	Speeding on Golden Gate Bridge	1

One Point Count Out of State Violations

Section	Violation	Section	Violation
01	Speed/too fast or over speed limit	34	Entering/exiting from thoroughfare
03	Speed/too slow or failure to turn out	40	Illegally modified vehicle
04	Passing/illegal, improper or unsafe	45	Explosives transportation
05	Following too close	51	Equipment/unsafe, illegal or defective
06	Failure to yield right-of-way	58	Driving while impaired
07	Illegal/unsafe use or change of lanes	61	Child passenger seat restraint

08	Turns/illegal or unsafe	67	Defective headlights
09	Signaling/improper or no signal	69	Following emergency vehicle unlawfully
10	Failure to obey traffic control device	70	Using vehicle for felony/aiding or abetting
11	Crossing double lines/markers/dividers	72	Erratic driving/suddenly changing speeds
12	Wrong way on one-way street	73	Fleeing scene or evading arrest by turning lights off
13	Brakes	74	Unsafe operation of a vehicle
14	Lights	75	Driving off road/on shoulder/on sidewalk
21	Violation of restricted license	77	No required equipment/using prohibited equipment
26	Negligent/careless/inattentive driving	86	Felony involving commercial vehicle
27	Starting or backing/illegal or unsafe	87	Felony controlled substance/commercial vehicle
28	Driving in a prohibited area	88	Speeding 15 mph plus/commercial vehicle
30	Disobedience of lawful order	91	Illegal lane change/commercial vehicle
31	Towing/improper, unsafe or illegal	92	Following too closely/commercial vehicle
32	Obstructing driver's view or interfering	93	Fatal accident violation/commercial vehicle
33	Unlawful riding on motor vehicle		

Two Point Count Out of State Violations

Section	Violation	Section	Violation
02	Speed contest/aiding or abetting	38	DUI/dangerous drugs not narcotics
15	Reckless driving	46	Manslaughter without gross negligence
16	Reckless driving/injury	47	Manslaughter with gross negligence
17	Drunk driving	81	DUI/BAC 0.04% or more/commercial vehicle
18	Drunk driving/injury	82	DUI/commercial vehicle
19	Hit and run	84	DUI/controlled substance/commercial vehicle
20	Driving while suspended or revoked	85	Hit and run/commercial vehicle
37	DUI/narcotics	89-90	Reckless driving/commercial vehicle

Code of Federal Regulations Violations

Section	Violation	Points
36423 or 36FR46	DUI/alcoholic beverage or any drug	2



CALIFORNIA
J · P · I · A

DRIVER'S REPORT OF ACCIDENT

IMPORTANT INSTRUCTIONS

DO NOT DISCUSS ACCIDENT WITH ANYONE EXCEPT YOUR EMPLOYER, YOUR C/JPIA CLAIMS REPRESENTATIVE AND THE POLICE.
WHEN AN ACCIDENT OCCURS, REPORT IT TO YOUR SUPERVISOR WITHOUT DELAY. FOLLOW YOUR AGENCY'S AUTO/VEHICLE USE POLICY.
PLEASE COMPLETE REPORT AND SUBMIT TO THE PERSON OR DEPARTMENT AS STATED IN YOUR AGENCY'S AUTO/VEHICLE USE POLICY.

YOUR AGENCY

NAME				
ADDRESS - STREET	CITY	STATE	ZIP CODE	TELEPHONE

TIME AND PLACE OF ACCIDENT

DATE OF ACCIDENT	HOUR	AM PM	LOCATION STREET OR HIGHWAY	CITY	COUNTY	STATE
------------------	------	----------	----------------------------	------	--------	-------

ABOUT YOUR VEHICLE

YEAR AND MAKE OF VEHICLE	BODY TYPE	LICENSE PLATE NO	VEHICLE ID NUMBER	IF TRAILER, SERIAL NO	MILEAGE
NAME OF OWNER/LEASING COMPANY		ADDRESS - STREET		CITY	STATE ZIP CODE
NAME OF DRIVER		ADDRESS - STREET		CITY	STATE ZIP CODE
DRIVER'S AGE		DRIVER'S LICENSE NUMBER		WAS LICENSE IN EFFECT AT TIME OF ACCIDENT?	
WAS VEHICLE BEING OPERATED FOR BUSINESS OR PLEASURE?		WHO GAVE PERMISSION TO OPERATE?		WAS VEHICLE BEING USED FOR ERRAND FOR OWNER?	
DESCRIBE PARTS DAMAGED AND EXTENT OF DAMAGE. NOTE: By terms of your policy, the company must be given reasonable opportunity to examine the auto before repairs are made.					
ADDRESS WHERE VEHICLE MAY BE INSPECTED		ESTIMATED COST OF REPAIRS		WHERE IS VEHICLE NORMALLY GARAGED (CITY & STATE)	

OTHER VEHICLE INVOLVED

YEAR AND MAKE OF VEHICLE	LICENSE NUMBER	ESTIMATED COST OF REPAIRS
PARTS DAMAGED AND EXTENT OF DAMAGE		
NAME OF DRIVER	ADDRESS - STREET	CITY STATE ZIP TELEPHONE
NAME OF OWNER	ADDRESS - STREET	CITY STATE ZIP TELEPHONE
IS VEHICLE INSURED?	NAME OF INSURANCE COMPANY	

PROPERTY DAMAGE OTHER THAN VEHICLE

NAME OF OWNER / LEASING COMPANY	ADDRESS	STREET	CITY	STATE	ZIP CODE
KIND OF PROPERTY					
ESTIMATED COST OF REPAIR			ADDRESS WHERE PROPERTY MAY BE INSPECTED		



CALIFORNIA
J · P · I · A

DRIVER'S REPORT OF ACCIDENT

DESCRIPTION OF ACCIDENT

ON WHAT STREET OR ROAD WERE YOU DRIVING?		DIRECTION	SPEED	STREET/ROAD OTHER AUTO WAS DRIVING	DIRECTION	SPEED
WERE YOUR LIGHTS ON? ☐ YES ☐ NO ☐ BRIGHT ☐ DIM	WERE OTHER AUTO'S LIGHTS ON? ☐ YES ☐ NO ☐ BRIGHT ☐ DIM	WHAT TRAFFIC CONTROLS?		FOR WHOM?	SPEED LIMIT	
DID EITHER DRIVER GIVE SIGNAL OF ANY KIND? ☐ YES ☐ NO IF YES, WHO?		IF AT INTERSECTION, WHO ENTERED FIRST?		WHO HAD RIGHT OF WAY?		
WHICH DRIVER VIOLATED TRAFFIC ORDINANCE?		CHARGE?	DID POLICE INVESTIGATE ACCIDENT? ☐ YES ☐ NO		POLICE ADDRESS	
DESCRIBE IN YOUR OWN WORDS HOW THE ACCIDENT HAPPENED						

Show on the diagram the positions of all vehicles, persons, stop lights, stop signs and other objects. Show street names.

1 MY VEHICLE 2 OTHER VEHICLE 3 THIRD VEHICLE PEDESTRIAN YIELD SIGN
STOP SIGN STOP LIGHT

WITNESSES

NAME	ADDRESS - STREET	CITY	STATE	ZIP	TELEPHONE

INJURIES (No matter how minor)

NAME OF INJURED PERSON	AGE	ADDRESS - STREET	CITY	STATE	ZIP	TELEPHONE

IN WHICH VEHICLE WAS/WERE THE INJURED PERSON/PEOPLE RIDING?

NAME OF DOCTOR OR HOSPITAL	ADDRESS - STREET	CITY	STATE

DATE OF THIS WRITTEN REPORT	SIGNATURE



DRIVER'S REPORT OF ACCIDENT

WITNESS CARD

USE REVERSE SIDE IF NECESSARY

NAME		PHONE	
ADDRESS	CITY	STATE	ZIP
DATE	TIME		

DID YOU SEE THE ACCIDENT HAPPEN?

REMARKS



DRIVER'S REPORT OF ACCIDENT

INFORMATION EXCHANGE

USE THIS CARD TO OBTAIN KEY INFORMATION FROM THE OTHER DRIVER INVOLVED
USE REVERSE SIDE IF NECESSARY

NAME		PHONE	
ADDRESS	CITY	STATE	ZIP
NAME OF YOUR INSURANCE COMPANY			
YEAR AND MAKE OF VEHICLE			LICENSE NUMBER
ARE YOU THE OWNER?			
INJURED PASSENGERS	ADDRESS	CITY	TELEPHONE
WITNESSES	ADDRESS	CITY	TELEPHONE

Craig Hensley, AICP
Community Development Director
City of Duarte
1600 Huntington Drive
Duarte, CA 91010-2592
p - 626.357.7931
f - 626.358.0018
chensley@accessduarte.com

Duarte: LAEDC's Most Business Friendly City

Begin forwarded message:

From: Nathan Kirschenbaum <nathan.kirschenbaum@gmail.com>
Subject: My Resignation
Date: August 31, 2015 at 2:48:45 PM PDT
To: "Craig Hensley, AICP" <chensley@accessduarte.com>, Irma Hernandez
<hernandez@accessduarte.com>, Nohemi Hernandez <hernandezn@accessduarte.com>

Good afternoon,

It has been a privilege to serve as an Economic Development Commissioner in the City of Duarte over the past 3 years. I have enjoyed our meetings and am happy with the progress being made in our city.

My term would officially end in December of this year, however, my schedule would preclude me from making this weeks meeting and seeing only two months remaining after that I am submitting my resignation at this time so that the Council and your staff have an opportunity to find another citizen that may bolster the efforts of the commission.

Please accept my resignation, effective immediately.

I am certain that I will see all of you at civic events and wish you the best.

Sincerely,

Nathan Kirschenbaum

--

Nathan Kirschenbaum
626-536-7928

MEMORANDUM

TO: Mayor and Councilmembers
FROM: Darrell J. George, City Manager
DATE: September 3, 2015
SUBJECT: Conference Attendance – City Council Meeting of September 8, 2015



NAACP Pasadena Branch
30th Annual Ruby McKnight Williams Awards Dinner
October 8, 2015 – 6:00 p.m.
Pasadena Hilton Hotel – Pasadena
\$160 per ticket

30TH RUBY MCKNIGHT WILLIAMS AWARDS DINNER

THE FOUNDATION HAS BEEN LAID...
THE COMMITMENT CONTINUES

YOUTH

ART

SPORTS

CIVICS

PRESIDENTS

COMMUNITY

FAITH

EDUCATION

CORPORATE

PASADENA BRANCH

THURSDAY, OCTOBER 8, 2015, PASADENA HILTON HOTEL



NAACP

Pasadena Branch

30th Annual Ruby McKnight Williams Awards Dinner

The Foundation Has Been Laid... The Commitment Continues

Please RSVP by September 22, 2015

Name or Organization _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email Address _____

Company Representative _____

Please indicate the number of tickets/tables or Sponsorship Level:
(All Ads Will Be Shown In Souvenir Journal)

My Check in the Amount of \$ _____ is enclosed
_____ Ticket(s) @ \$160 per Ticket

Platinum, Gold, Silver and Bronze Sponsorship

Call 626.793.1293 to obtain 501(c)3 details

_____ \$10,000 Platinum Sponsor (Two Tables, a Banner & Premium
Full Page Color Ad)

_____ \$7,500 Gold Sponsor (One Table, a Banner & Premium
Full Page Color Ad)

_____ \$5,000 Silver Sponsor (One Table and a Full Page Color Ad)

_____ \$2,500 Bronze Sponsor (One Table and a Half Page Ad)

Donations under \$2,500 please make checks payable to:

NAACP, Pasadena Branch #1054

These Contributions are not tax deductible for federal income tax purposes,
however, they are deductible as ordinary business expenses.

_____ \$1,600 Table Sponsor (One Table, Recognition in Souvenir Journal)

_____ \$1,250 (Two tickets and Full Page Ad) _____ \$350 (Third Page Ad)

_____ \$1,000 (Full Page Ad) _____ \$250 (Quarter Page Ad)

_____ \$500 (Half Page Ad) _____ \$100 (Business Card Ad)

Email Ads to naacppasadena@gmail.com by September 15, 2014

Mail checks to: NAACP, Pasadena Branch #1054

595 N. Lincoln Avenue, Suite 103, Pasadena, CA 91103, (626)793-1293

To make donations or to purchase tickets online:

<http://pasadenanaacprmw2015.eventbrite.com>

Guest of _____

Tickets will be held at the door



HONOREES

RUBY MCKNIGHT WILLIAMS AWARD

Charles Johnson, Lifetime NAACP Member, Community Activist

COMMUNITY AWARD

Kenneth Bell, School Board Member, Duarte Unified School District

Diane Scott, Executive Director, Medical Practice

Leon Washington, Retired U.S. Postmaster

EDUCATION AWARD

Portia Harris, Director of Marketing & Development, Caltech Y

Trudell Skinner, Principal, Blair High School, PUSD

YOUTH AWARD

Madison Triplett, 2015 Tournament of Roses Queen

PRESIDENT'S AWARD

Anthony Massengale, Business Services Manager, L.A. County

CORPORATE AWARD

David DiCristofaro, President, Greater L.A. Region, Wells Fargo

Lincoln Property Company

The Maureen Tyson Family, Crown City Medical Group

FAITH AWARD

Rev. Wayne Cooper, Senior Pastor, Lincoln Avenue Baptist Church

CIVIC AWARD

Pasadena Armenian Genocide Memorial Committee

ARTS AWARD

Joan Palmer, Board Member, Pasadena Education Foundation

SPORTS AWARD

Ryan Hollins, Professional Basketball Player, Sacramento Kings



The Pasadena Branch of
The National Association for the Advancement of Colored People

30TH ANNUAL

RUBY MCKNIGHT WILLIAMS AWARDS DINNER

"The Foundation Has Been Laid...The Commitment Continues"

HONORARY CHAIRPERSONS

Darryl Dunn, Rose Bowl Operating Manager

William & Brenda Galloway, Summit Enterprises

KEYNOTE SPEAKER

Darrell Miller

MASTER OF CEREMONIES

Andre Coleman, Deputy Editor, Pasadena Weekly

THURSDAY, OCTOBER 8, 2015

Reception 6:00 p.m.

Dinner 7:00 p.m.

PASADENA HILTON HOTEL

International Ballroom

150 South Los Robles Avenue

Pasadena, CA

Gary L. Moody, President

Pasadena NAACP

Tickets will be held at the door
Please RSVP by September 22, 2015

**AT THE AUGUST 25, 2015, CITY COUNCIL MEETING, THIS
PUBLIC HEARING WAS CONTINUED TO SEPTEMBER 8, 2015**

AUGUST 9 - 15, 2015

Legal Notice	Legal Notice	Legal Notice	Legal Notice
--------------	--------------	--------------	--------------

CITY OF DUARTE

Notice is hereby given that the City Council of the City of Duarte will conduct a public hearing on August 25, 2015 at 7:00 p.m., in the City Hall Council Chambers, 1600 Huntington Drive, Duarte, California, to consider the following:

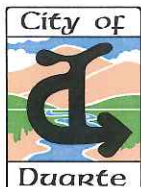
Appeal of Planning Commission Decision to Modify Conditional Use Permit 95-1: The Duarte City Council will consider an appeal of the Planning Commission's decision to modify Conditional Use Permit (CUP) 95-1. CUP 95-1 currently regulates the Route 66 Roadhouse & Tavern located at 1846 Huntington Drive. At a regular scheduled meeting the Planning Commission adopted PC Resolution 15-04 to modify CUP 95-1 with updated conditions of approval for the business owner/operator to comply with. The appellant Betty Barnes, owner and operator of the Route 66 Roadhouse & Tavern, is appealing from the Planning Commission decision.

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15301, Class 1 of Title 14 of the California Code of Regulations. Therefore, no further environmental review is necessary in accordance with CEQA Guidelines and a Notice of Exemption has been prepared for this project.

Any interested party may appear in person or by agent and be heard. If you challenge this matter in court, you may be limited to raising only the issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing. Written correspondence may be sent to Duarte City Hall, Community Development Department, at 1600 Huntington Drive, Duarte, CA 91010. For further information regarding this application, please contact David F. Eoff IV, Associate Planner in the Community Development Department, Monday through Thursday at (626) 357-7931, ext. 239, between the hours of 7:30 a.m. and 6:00 p.m.

Marla Akana
City Clerk

PUBLISH: August 15, 2015
"The Duartean"
MAIL/POST: August 13, 2015
Duarte City Hall
Duarte Library
Duarte Office of Public Safety
Published: Duartean Aug 15, 2015 AD#701263



CITY COUNCIL STAFF REPORT

DATE: September 8, 2015

TO: Mayor and Duarte City Council

FROM: David F. Eoff IV, Associate Planner

SUBJECT: Continued Public Hearing for the Appeal of the Planning Commission Decision to Modify Conditional Use Permit (Cup) 95-1 for the Route 66 Roadhouse & Tavern

At the August 25, 2015 meeting, City Council conducted a public hearing on the appeal of the Planning Commission's decision to modify CUP 95-1. After receiving the staff report and public input, the City Council continued the public hearing to allow Staff to provide additional detail to clarify the Sheriff call logs. The August 25, 2015 Staff Report is attached as Exhibit D for additional reference.

Public Safety Staff provided detailed information regarding the number of calls for service to the Route 66 Roadhouse & Tavern. Table 1, shown below, provides a breakdown of the number of calls that occurred each day of the week and the total number of calls each year at the Route 66 Business. Since 2010, there have been 73 calls for service.

NUMBER OF CALLS								
DAY	2010	2011	2012	2013	2014	2015	2010-2015	PERCENTAGE
Monday	4	2	3	1	0	0	10	14%
Tuesday	2	4	2	1	3	0	12	16%
Wednesday	0	5	2	1	0	0	8	11%
Thursday	0	3	2	0	0	1	6	8%
Friday	0	5	3	2	2	1	13	18%
Saturday	4	5	1	2	2	2	16	22%
Sunday	1	1	1	3	1	1	8	11%
TOTAL	11	25	14	10	8	5	73	100%

Table 1

The highest percentage of calls for service was on Saturday with 22% of all calls. The balance of calls was spread throughout the week. Table 2 indicates the type of calls for service over the same time period and includes a listing of routine and non-routine calls at the Route 66 business. Non-routine calls typically require a substantial amount of law enforcement resources and tend to have more significant impacts on the business than typical routine calls. Examples of routine calls include burglary alarms, minor theft, and vandalism. The non-routine calls include more severe incidents such as assault, gang activity, and attempted murder.



TYPES OF CALLS								
TYPE	2010	2011	2012	2013	2014	2015	2010-2015	PERCENT
Routine								
Burglary Alarm	6	1	3	1	2	0	13	45 Routine 62%
Disturbance (routine)	0	2	1	0	1	1	5	
Fraud	0	0	0	0	0	0	0	
Medical	0	0	0	1	0	0	1	
Patrol Check	0	0	1	0	2	1	4	
Subpoena	0	6	3	0	0	0	9	
Theft	0	4	0	1	0	1	6	
Unrelated	0	1	1	2	1	0	5	
Vandalism	0	0	2	0	0	0	2	
Non-Routine								
Assault w/ deadly weapon	1	0	0	0	0	1	2	28 Non-Routine 38%
Assault w/ bodily injury	1	0	0	0	0	1	1	
Attempted Murder	0	0	0	0	0	1	1	
Disturbance (non-routine)	3	10	2	4	2	0	21	
Gang Activity	0	1	1	1	0	0	3	
TOTAL	11	25	14	10	8	5	73	

Table 2

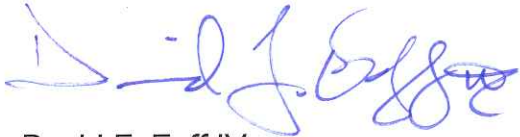
Route 66 Roadhouse & Tavern, Cabrera's Mexican Cuisine, and Ranchero Mexican Restaurant contain similar operations in the Duarte community. In comparison, there is a notable difference in the type of calls between the three establishments. Severe incidents such as attempted murder, assault with a deadly weapon, gang activity, and excessive physical altercations, occurred at the Route 66 business on more than one occasion in the past five years and not at the others. According to the Public Safety and LA County Sheriff Department, over the past five years nearly forty percent of the service calls for the Route 66 business were "non-routine", while all of the calls for Cabrera's and Ranchero were routine. There is also a significant difference in the quantity of service calls between the three establishments. The total for the Route 66 business is nearly two to four times greater than the amount of Ranchero (36) and Cabrera's (19). Neither Ranchero nor Cabrera's had non-routine calls during the 2010-2015 period. Tables showing activity at each of these establishments is attached as Exhibit B.

The owner of the Route 66 Roadhouse & Tavern appealed the Planning Commission decision to modify CUP 95-1. The appeal was directly related to the hours for security personnel. The modification by the Planning Commission required security personnel to be on duty during the evening hours beginning at 6:00 PM until closing, seven days a week. The appellant requested a reduction to the security personnel hours to Friday and Saturday only between 8:00 PM and 2:00 AM. According to the appellant, live entertainment and dancing is provided on Friday and Saturday evenings.

Based on the information regarding the number and types of calls at the Route 66 Roadhouse & Tavern, Staff continues to recommend that the City Council deny the appeal and uphold the Planning Commission decision. The facility has not followed the requirements of the existing conditional use permit by maintaining adequate security and this has contributed to the excessive number of calls for service.

However, after discussing the case in more detail, Planning, Administration and Public Safety Staff do feel that a slight adjustment to Condition #4.C that will require one security person on site from 8:00 p.m. to closing time each evening could be an option for Council to consider. This coupled with the security requirement for additional security personnel for all special events and the requirement to light the parking lot based on a professionally prepared plan may be adequate.

Respectfully Submitted,



David F. Eoff IV
Associate Planner

Attachments

- Exhibit A - Council Resolution No. 15-R-18
- Exhibit B - Incident Matrix Summary
- Exhibit C - August 25, 2015 City Council Staff Report

**CITY OF DUARTE
RESOLUTION NO. 15-R-18**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DENYING AN APPEAL FILED BY BETTY BARNES, OWNER/OPERATOR OF THE ROUTE 66 ROADHOUSE & TAVERN, AND UPHOLDING THE PLANNING COMMISSION DECISION TO MODIFY CONDITIONAL USE PERMIT 95-1 FOR THE ROUTE 66 ROADHOUSE & TAVERN DUE TO RECURRING LAW ENFORCEMENT ACTIVITY AND NON-COMPLIANCE WITH CONDITIONS OF APPROVAL WHICH HAVE CAUSED THE USE TO BECOME DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE, AND CONSTITUTES A PUBLIC NUISANCE, PURSUANT TO CHAPTER 19.152 OF THE DUARTE DEVELOPMENT CODE

WHEREAS, Route 66 Roadhouse & Tavern (the "Business") is regulated by Conditional Use Permit 95-1 ("CUP 95-1"), which includes conditions of approval and allows the sale of alcoholic beverages for on-site consumption in conjunction with dancing and entertainment at the site located at 1846 Huntington Drive; and

WHEREAS, the Business is a well known gathering place for motorcycle clubs, resulting in large gatherings in the parking lot areas and unpermitted outdoor activities; and

WHEREAS, the Los Angeles County Sheriff's Department has responded to nearly 75 calls for service at the Business over the past five years; and

WHEREAS, there have been repetitious and ongoing violations of the City of Duarte's Municipal Code, Development Code and the Conditions of Approval to CUP 95-1 at the Business; and

WHEREAS, in 2003 and 2005, the City provided written notice to the owner of the Business of the repetitious and ongoing violations of the Municipal Code, Development Code and Conditions of Approval to CUP 95-1; and

WHEREAS, on February 23, 2015 Los Angeles County Sheriff's responded to an assault with a deadly weapon and attempted murder call at the Business; and

WHEREAS, Condition #10 of CUP 95-1 allows the permit to be scheduled for a revocation hearing before the Planning Commission based on any problems associated with the sale of alcoholic beverages; and

WHEREAS, Section 19.152.040 of the Duarte Development Code lists seven findings that provide the grounds for the modification or revocation of a conditional use permit, of which, only one of the seven findings needs to be made by the Planning Commission to modify or revoke the permit; and

WHEREAS, on June 15, 2015 at 7:00 p.m., the Planning Commission of the City of Duarte held a duly noticed public hearing in the City Council Chambers for the revocation or modification of CUP 95-1, considered the analysis and recommendation provided in the staff report, and all of the information, evidence and public testimony received at the hearing, and adopted PC Resolution 15-04 approving the modifications to CUP 95-1 for the Route 66 Roadhouse & Tavern; and

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

WHEREAS, on July 14, 2015, the owner/operator of the Route 66 Roadhouse & Tavern filed an appeal of the Planning Commission decision to modify CUP 95-1 with the Duarte City Clerk in compliance with Chapter 19.144 of the Duarte Development Code; and

WHEREAS, on August 25, 2015 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 the modification of CUP 95-1; and

WHEREAS, the City Council continued the hearing to the September 8, 2015 meeting to allow Staff to provide additional detail to clarify the Sheriff call logs; and

WHEREAS, on September 8, 2015 the City Council of the City of Duarte held a continued public hearing to receive oral and written testimony related to the appeal of the modification of CUP 95-1; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for the appeal of the modification of CUP 95-1 and all of the information, evidence and public testimony received at the continued public hearing held on September 8, 2015 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. In accordance with Section 19.152.040 of the Duarte Development Code, based upon substantial evidence presented to the City Council during the public hearing conducted with regard to the appeal of the modification of CUP 95-1, including written staff reports and verbal testimony, the City Council hereby finds as follows:

- (a) One or more of the conditions of the original CUP 95-1 have not been substantially fulfilled or have been violated and/or the original CUP 95-1 is in violation of statute, ordinance, law or regulation in that:

Condition #10 of the original conditions of approval for CUP 95-1 states: "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". The Business' operation has created a nuisance and has become incompatible with the reasonable operation of a business of this type and in this area. According to the LA County Sheriff's incident report there have been approximately 75 calls for law enforcement service at the Business since 2010. These calls range from patron disputes and fights to, most recently, assault with a deadly weapon. Often times the disputes and physical altercations occur within the parking lot areas and involve a large number of people, which can negatively impact the surrounding developments. The disputes are often a result of intoxication.

Furthermore, dating back to 2003, the owner of the Business has failed to address non-compliance with several conditions of approval associated with CUP 95-1. Examples of such non-compliance include: The recreation vehicle stored in the rear parking area being used for living or sleeping; Improper illumination of the parking lot and drive aisles, the damaged and/or inoperable exterior building light fixtures; and special events, involving large outdoor gatherings, outdoor cooking and outdoor music, conducted on the property without the proper approval from the City. There has been correspondence with the business regarding the non-compliance and direction on correcting it. However, recent inspections show that many of the violations were never addressed or have reoccurred.

- (b) The improvement/use allowed by the original CUP 95-1 has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a public nuisance in that:

As discussed in section (a) above, there have been roughly 75 calls for law enforcement services at the Route 66 Roadhouse & Tavern over the past five years. The number of service calls and the magnitude of these calls have created adverse impacts on the community and surrounding developments. The high rate and nature of these calls creates an undesirable operation within the community and undue toll on law enforcement resources.

SECTION 3. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the City Council hereby adopts this Resolution and denies the appeal by upholding the Planning Commission decision to modify CUP 95-1, subject to the conditions of approval attached hereto as Exhibit "A-1" and incorporated herein by this reference. The Conditions of Approval are deemed necessary to protect the public health, safety and general welfare and are reasonable and proper in accordance with the intent and purposes of the Duarte Development Code.

SECTION 4. The modification of Conditional Use Permit 95-1 by the Planning Commission, upheld by the City Council, is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15301, Class 1 of Title 14 of the California Code of Regulations. Approval of the modification to CUP 95-1 involves negligible or no expansion of an existing use. Therefore, no further environmental review is necessary.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and transmit a certified copy of this Resolution, by mail, to the owner of the Business at the address of record set forth in the application.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Duarte at a regular meeting held on the 8th day of September 2015.

Mayor Tzeitel Paras-Caracci

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

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 15-18 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 8th day of September, 2015, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

EXHIBIT A-1

Conditions of Approval

Modification to Conditional Use Permit 95-1

**On-Sale of Alcoholic Beverages in Conjunction with Dancing and Live Entertainment
Located at 1846 Huntington Drive (Route 66 Roadhouse & Tavern)**

The following conditions of approval are hereby incorporated as part of Conditional Use Permit 95-1 to ensure the business maintains a safe and orderly operation that will prevent and alleviate adverse impacts to the surrounding community. All conditions of approval shall be fully complied with by the owner, applicant, and all agents thereof. Any violation or failure to comply with the conditions of approval associated with this Conditional Use Permit should be grounds for initiation of proceedings for the revocation of the CUP by the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.

1. This CUP is subject to a six (6) month review from the date of the Planning Commission's decision. The Planning Division shall conduct a review of the property and business operation to ensure compliance with all conditions of approval. An update of the six (6) month review shall be provided to the Planning Commission during a scheduled Planning Commission meeting. Additionally, this CUP may be called for review or revocation at any time if a violation of the approved conditions is alleged, or if it is alleged that the business operation or its patrons are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code or Development Code provisions, 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.
2. The business owner shall submit sufficient detail to the Community Development Department to ensure that food is available to patrons at all times. Failure to provide food shall require the scheduling of this matter to the Planning Commission for possible revocation of the Conditional Use Permit.
3. All exterior areas, including parking areas and drive aisles shall be illuminated in a manner that ensures the safety of the business, patrons, employees, and the general public. The existing wall mounted lights and pole lights extending above the roofline shall be removed. New parking lot light standards and exterior wall-mounted security lighting shall be installed to provide sufficient illumination throughout the entire parking lot area and around the building perimeter without creating light glare and/or spill-over onto adjacent properties. The business owner shall submit a lighting site plan and a certified photometric study with a point-by-point analysis to the Planning Division within sixty (60) days of the Planning Commission's decision. The lighting plan shall depict the location, type, and related specifications of the parking lot lights and wall-mounted lights. The lighting plan shall also be prepared by licensed architect or design professional and shall accurately depict the property line boundaries to ensure all lighting and associated installations occur within the subject property's boundaries. Removal of the existing lights, and installation and

operation of the new lights shall be complete no later than sixty (60) days from the City's approval. All necessary permits shall be obtained prior to installation of any lights. All lighting shall use an energy-efficient lighting source such LED. A final inspection from the Planning Division shall be required following the installation of all the lights.

4. The business owner or representative shall submit a security plan to the Public Safety Department for review and approval. The contents of the security plan shall be incorporated as conditions of approval associated with CUP 95-1. The security plan shall be submitted within thirty (30) days from the Planning Commission's decision. Upon approval, the business owner shall obtain any necessary permits for the security plan and implement the contents of the security plan into the business operation within thirty (30) days. A final approved copy of the security plan shall be provided to the Public Safety Department and Planning Department, and shall be subject to an annual review. Failure to comply with the approved security plan at any time shall constitute as a violation of this Conditional Use Permit. At minimum, the security plan shall include the following:
 - A. A designated contact person for all safety and security management, including telephone numbers where the contact person may be reached 24 hours a day, seven days a week.
 - B. An operational security alarm system equipped with burglary and emergency alarms monitored by a reputable alarm monitoring company 24 hours a day, seven days a week. The alarm monitoring company shall take the immediate and appropriate action when an alarm is triggered. Additionally, the business owner shall comply with all requirements of Chapter 9.05 of the Duarte Municipal Code (Burglar and Robbery Alarms).
 - C. At least one (1) acceptable security personnel on duty who will monitor and control the behavior of patrons inside and outside the building, including the parking lot and any adjacent property under the establishment's control and/or influence. Additionally, a minimum of two security personnel shall be on duty at any point the business is expected to have 50 patrons or has unexpectedly reached or exceeded 50 patrons. The Public Safety Director shall have the ability to require additional security personnel regardless of the time of day for special events or as deemed necessary for the general welfare of the business and community. The security personnel shall:
 - o Be licensed and retained from a security firm approved by the Public Safety Director. If the business owners decides to employ security personnel that will be in possession of a firearm while on the establishment's premises, the security personnel shall provide the proper documentation to the Public Safety Director, including but not limited too, a copy of the license issued to the security authorizing the possession of the firearm, a copy of the security personnel's law enforcement identification, a copy of the security personnel's California drivers license or ID card.
 - o Be on duty during the evening hours of operation beginning at 6:00 p.m. and shall remain on duty for at least one-half hour after the establishment closes or until all patrons have vacated the area utilized and/or adjacent to the subject property to ensure the areas are free of people loitering or causing a disturbance.

- While on duty, wear a nameplate containing the security personnel's name and the word "SECURITY" printed in bold capital lettering and in a contrasting color. The nameplate shall be exhibited prominently on the security personnel clothing and shall be visible and easily read at all times. As an alternative, the security personnel name and word "SECURITY" may be embroidered on the security personnel's outermost garment, still meeting the above requirements.
 - Not sit at the bar, consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any violations of the law while on duty.
 - Along with the business operator, manage all activity outside the establishment to ensure there are no impediments to pedestrian travel in the walkways, sidewalks or other Public right-of-way, no blockage of neighboring businesses, and no disturbance of the public peace.
- D. A closed circuit television system consisting of interior and exterior surveillance cameras and a digital video recorder (DVR) for recording surveillance camera footage. The cameras shall provide sufficient coverage of the entire establishment on the inside and along the perimeter on the outside, as determined by the Public Safety Director. All DVR footage shall remain stored for a minimum of thirty (30) days and shall remain locked in a location accessible only to the business owner or management. The DVR footage shall also be made available for review upon reasonable request to City Manager, City Manager's designee, City law enforcement or any City Code Compliance officer.
5. The business owner shall correct any safety or security problem or security plan violation immediately after receiving written notice of such problem from the Public Safety Department.
 6. The recreation vehicle parked/stored near the southwest area of the property and any additional inoperable vehicles shall be promptly removed from the premises within ten (10) days of receiving written notice from the City. As stated in Section 19.38.030 of the Duarte Development Code, living or sleeping in any vehicle or trailer is strictly prohibited. Continued non-compliance with this condition of approval or Section 19.38.030 of the Duarte Development Code constitutes a violation of this CUP and may lead to a possible revocation hearing before the Planning Commission.
 7. "No Loitering", "No Drinking", and "No Possession of Opened Alcoholic Beverage Container" signs shall be placed on the building exterior. Signage size, design and placement shall be reviewed by the Community Development Department. No signs advertising the sale of beer, wine, other alcoholic beverage products, or tobacco shall be installed on the exterior of the premises, or within the interior of the premises directed and intended to be visible toward the exterior of the premises, in accordance with the provisions of the Duarte Municipal Code.
 8. Special events shall require approval from the Public Safety Department and Community Development Department, and be in compliance with Chapter 19.124 of the Duarte Development Code. Special events include but are not limited to: yard, rummage, or other sales events; car washes; donation events, fairs, exhibitions, food events, gatherings or

congregations outside of the business walls and/or the use of: temporary structures or canopies within the parking lot, and porta-potties or other mobile restrooms. Unless otherwise approved through a special event permit, the business owner shall not allow patrons to gather and/or congregate in the parking lot areas of the property in a manner that may create a public nuisance to the community and surrounding developments.

9. All activities related to this business shall be conducted inside the enclosed building, unless otherwise approved through with a Special Event/Temporary Use Permit.
10. The playing of music or other forms of audio projections through outside speakers is prohibited, unless otherwise approved with a Special Event/Temporary Use Permit.
11. Any outdoor storage, including trailers, associated with the use is expressly prohibited on the subject property.
12. The parking lot area shall be properly maintained and kept clear from litter and debris at all times.
13. The business owner shall comply with all applicable California Laws including the Alcohol Beverage Control Act as defined by Division 9 of the California Business and Professions Code. Should at any time the Alcoholic Beverage License issued to the business owner be revoked for any purpose, this CUP shall be come null and void.
14. All requirements of the Department of Alcoholic Beverage Control (ABC) shall be complied with and such requirements shall be made conditions of approval of this Conditional Use Permit.
15. The sale of alcoholic beverages for offsite consumption is strictly prohibited. Alcoholic beverages may only be consumed inside the building. The consumption of alcoholic beverages outside of the building in the parking area or anywhere else on-site is strictly prohibited.
16. 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.
17. The business owner, on an annual basis, shall apply for and maintain a Dance & Entertainment Permit pursuant to Section 5.82 of the Duarte Municipal Code. All conditions of approval of the Dance & Entertainment Permit are incorporated as conditions of this Conditional Use Permit, and shall be fully complied with.
18. Entertainment shall be defined consistent with Exhibit C of February 21, 1995 staff report as amended below:
 - Modification to line number 4 - The entertainment shall be for patron dancing only to live and recorded music only.
 - Modification to line number 7 - Sporting events will sometimes be televised.
19. The doors of the establishment shall be kept closed during televised sports events, live entertainment, dancing, or music-related entertainment.

20. Sporting events shall be restricted to televised programming only.
21. Dancing shall be limited to patron dancing only.
22. All requirements of the Duarte Municipal Code, including the Duarte Development Code, as such requirements apply to this entitlement, shall be fully complied with and such requirements shall be made a Condition of Approval.
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 floor plan or additional services that may affect or intensify the business operation shall be reviewed by the Planning Division, and may require Planning Commission approval of a new conditional use permit.
24. In the event that the current business (Route 66 Roadhouse & Tavern) vacates the subject tenant space or a change of ownership occurs, the Conditional Use Permit in compliance with the provisions of Chapter 19.114 of the Duarte Development Code shall continue to be valid based on this approval, provided the new tenant/successor owner meets the requirements of this Conditional Use Permit. In the event the subject tenant space becomes vacant and/or the Conditional Use Permit is not actively exercised for a continuous period of twelve (12) months, this Conditional Use Permit and approval shall become invalid.
25. The decision of the Planning Commission may be appealed to the City Council of the Planning Commission's decision. Said appeal shall be in writing and filed with the City Clerks Office. The written appeal shall include reasons for the appeal and include the required appeal fee.
26. 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.
27. The Business Owner shall sign an affidavit accepting the new conditions of approval of this Conditional Use Permit within 15 days from the date of approval by the Planning Commission. Failure of the Business Owner to sign such affidavit within such time period shall warrant revocation of this Conditional Use Permit pursuant to Section 19.152.030 of the Duarte Development Code.

Exhibit B

Incident Matrix Summary

City Council Appeal Hearing

ROUTE 66								
NUMBER OF CALLS								
	2010	2011	2012	2013	2014	2015	2010-2015	PERCENTAGE
Monday	4	2	3	1	0	0	10	14%
Tuesday	2	4	2	1	3	0	12	16%
Wednesday	0	5	2	1	0	0	8	11%
Thursday	0	3	2	0	0	1	6	8%
Friday	0	5	3	2	2	1	13	18%
Saturday	4	5	1	2	2	2	16	22%
Sunday	1	1	1	3	1	1	8	11%
TOTAL	11	25	14	10	8	5	73	100%

TYPES OF CALLS								
	2010	2011	2012	2013	2014	2015	2010-2015	PERCENTAGE
Routine								
Burglary Alarm	6	1	3	1	2	0	13	45 Routine 62%
Disturbance (routine)	0	2	1	0	1	1	5	
Fraud	0	0	0	0	0	0	0	
Medical	0	0	0	1	0	0	1	
Patrol Check	0	0	1	0	2	1	4	
Subpoena	0	6	3	0	0	0	9	
Theft	0	4	0	1	0	1	6	
Unrelated	0	1	1	2	1	0	5	
Vandalism	0	0	2	0	0	0	2	
Non-Routine								
Assault w/ deadly weapon	1	0	0	0	0	1	2	28 Non-Routine 38%
Assault w/ bodily injury	1	0	0	0	0	1	1	
Attempted Murder	0	0	0	0	0	1	1	
Disturbance (non-routine)	3	10	2	4	2	0	21	
Gang Activity	0	1	1	1	0	0	3	
TOTAL	11	25	14	10	8	5	73	

RANCHERO								
NUMBER OF CALLS								
	2010	2011	2012	2013	2014	2015	2010-2015	PERCENTAGE
Monday	1	2	0	0	0	2	5	14%
Tuesday	1	0	1	2	0	1	5	14%
Wednesday	1	1	1	1	0	0	4	11%
Thursday	0	3	2	2	0	0	7	19%
Friday	2	1	1	2	0	0	6	17%
Saturday	1	1	0	1	0	0	3	8%
Sunday	0	2	2	0	1	1	6	17%
TOTAL	6	10	7	8	1	4	36	100%

TYPES OF CALLS								
	2010	2011	2012	2013	2014	2015	2010-2015	PERCENTAGE
Routine								
Burglary Alarm	2	4	1	6	0	0	13	36 Routine 100%
Disturbance (routine)	3	5	5	2	0	3	18	
Fraud	0	0	0	0	0	0	0	
Medical	0	1	1	0	1	0	3	
Patrol Check	0	0	0	0	0	0	0	
Subpoena	0	0	0	0	0	0	0	
Theft	0	0	0	0	0	1	1	
Unrelated	1	0	0	0	0	0	1	
Vandalism	0	0	0	0	0	0	0	
Non-Routine								
Assault w/ deadly weapon	0	0	0	0	0	0	0	0 Non-Routine 0%
Assault w/ bodily injury	0	0	0	0	0	0	0	
Attempted Murder	0	0	0	0	0	0	0	
Disturbance (non-routine)	0	0	0	0	0	0	0	
Gang Activity	0	0	0	0	0	0	0	
TOTAL	6	10	7	8	1	4	36	

CABRERA'S								
NUMBER OF CALLS								
	2010	2011	2012	2013	2014	2015	2010-2015	PERCENTAGE
Monday	1	0	0	2	0	0	3	16%
Tuesday	0	0	1	0	0	2	3	16%
Wednesday	0	0	0	1	0	1	2	11%
Thursday	0	0	0	2	0	1	3	16%
Friday	0	0	0	0	0	0	0	0%
Saturday	1	0	0	3	1	1	6	32%
Sunday	0	0	0	0	2	0	2	11%
TOTAL	2	0	1	8	3	5	19	100%

			TYPES OF CALLS					
	2010	2011	2012	2013	2014	2015	2010-2015	PERCENTAGE
Routine								
Burglary Alarm	1	0	1	2	0	1	5	19 Routine 100%
Disturbance (routine)	0	0	0	1	0	0	1	
Fraud	1	0	0	1	0	0	2	
Medical	0	0	0	2	1	1	4	
Patrol Check	0	0	0	0	0	0	0	
Subpoena	0	0	0	0	0	0	0	
Theft	0	0	0	1	2	2	5	
Unrelated	0	0	0	0	0	0	0	
Vandalism	0	0	0	1	0	1	2	
Non-Routine								
Assault w/ deadly weapon	0	0	0	0	0	0	0	0 Non-Routine 0%
Assault w/ bodily injury	0	0	0	0	0	0	0	
Attempted Murder	0	0	0	0	0	0	0	
Disturbance (non-routine)	0	0	0	0	0	0	0	
Gang Activity	0	0	0	0	0	0	0	
TOTAL	2	0	1	8	3	5	19	



CITY COUNCIL STAFF REPORT

DATE: AUGUST 25, 2015

TO: HONORABLE MAYOR AND DUARTE CITY COUNCIL

FROM: DAVID F. EOFF IV, ASSOCIATE PLANNER

SUBJECT: APPEAL OF PLANNING COMMISSION DECISION TO MODIFY CONDITIONAL USE PERMIT (CUP) 95-1 FOR THE ROUTE 66 ROADHOUSE & TAVERN

SUMMARY

Conditional Use Permit (CUP) 95-1 allows the sale of alcoholic beverages along with live entertainment and dancing at the Route 66 Roadhouse & Tavern, located at 1846 Huntington Drive. On June 15, 2015 the Planning Commission adopted PC Resolution 15-04 modifying CUP 95-1 with updated conditions of approval. The Planning Commission's decision to modify the CUP was a result of recurring law enforcement activity and non-compliance with the previous conditions of approval. The owner/operator of the Route 66 Roadhouse & Tavern, Betty Barnes, is appealing the Planning Commission decision to modify the CUP.

Staff recommends the City Council adopt Resolution 15-R-18 denying the appeal and upholding the Planning Commission decision to modify CUP 95-1 with the updated conditions of approval previously approved with PC Resolution 15-04.

BACKGROUND

CUP 95-1 was approved on February 21, 1995. The CUP allows the sale of alcoholic beverages for onsite consumption and a variety of entertainment (dancing, live music) at the Route 66 Roadhouse & Tavern at 1846 Huntington Drive. There were 16 conditions of approval imposed on the CUP at the time of approval, including a condition allowing the City to schedule the CUP for modification and/or revocation before the Planning Commission (COA #10 Exhibit F). Shortly after in 1995, a Dance and Entertainment permit (required by CUP 95-1) was granted to the owner at the time and included 11 additional conditions of approval that became part of the conditions imposed on CUP 95-1. All of the conditions were intended to ensure the business maintains a safe and orderly operation, and prevent adverse impacts on the surrounding community.

In early February 2015, Public Safety and the Sheriff's Department personnel informed City Staff that the Route 66 Roadhouse & Tavern has generated a significantly high rate of law enforcement calls for service over the past several years. According to a law enforcement activities report from the Los Angeles County Sheriff's Department, roughly 75 calls for law enforcement services occurred at the Route 66 bar dating back to 2010. Many of these service calls were a response to patron and/or owner disputes, which often lead to physical altercations including assault with a deadly weapon. The activities report also identified responses to loitering, intoxication, vehicle and personal theft, and excessive burglary alarms that were often times false alarms. These disputes or altercations occur both inside and outside of the

business, and sometimes involve a large number of people causing the dispute to impact adjacent properties.

Based on this, Planning and Public Safety Staff reviewed the conditions of approval for the Route 66 business, inspected the location for compliance, and found a number of CUP violations on the property in addition to the excessive calls for law enforcement service. Many of the violations are related to the law enforcement service calls, while others are simply a result of non-compliance. The Route 66 bar is also a well-known gathering place for notable motorcycle clubs. There have been several occurrences where large groups of people associated with these clubs have been observed at the Route 66 bar gathering in the parking lot areas. The Public Safety Department has indicated that the business owner has advertised, promoted, and facilitated special events for the motorcycle clubs at the Route 66 property all without approved special event permits and in violation of the conditional use permit. These special events attract large number of attendees, mainly members of the motorcycle clubs, and involve a variety of outdoor activities such as outdoor music, portable restrooms, and the use of canopy structures. These occurrences necessitated the use of "Safe Streets" or "Special Assignment" deputies by the Sheriff's Department to monitor the events at the Route 66 so patrons and the community remain safe.

Staff determined that it was reasonable to initiate the revocation/modification process. The extent of the violations at the Route 66 Roadhouse and Tavern could warrant revocation of the existing CUP, which would require the business operation to cease at the site. However, Staff recommended the Planning Commission modify the conditions of approval associated with the CUP to create standards that will allow the business to continue operation as long as the business remains in compliance. The existing conditions from CUP 95-1 and the Dance & Entertainment permit were combined into one complete set of regulations applicable to the business. The changes to the combined set consist of updated/expanded conditions, brand new conditions, existing conditions with no substantive change, and existing conditions that were removed because they were no longer applicable. The final set of conditions was included with PC Resolution 15-04 and adopted by the Planning Commission at the June 15, 2015 meeting. For reference, the Planning Commission Staff Report is attached (Exhibit C) and includes additional analysis on the CUP modification.

APPEAL

Chapter 19.144 of the Duarte Development Code outlines the procedures for the appeal of decisions rendered by the Planning Commission. During the appeal hearing, the issues raised and considered by the City Council are not limited to those raised by the appellant, and may include any aspect of the proposed project, whether or not originally considered as part of the decision being appealed. In hearing the appeal, the City Council may affirm, affirm in part, or reverse the Planning Commission decision being appealed. The City Council may also adopt additional conditions of approval to address issues or concerns other than the subject of the appeal.

Mrs. Barnes filed an appeal of the Planning Commission's decision and is requesting an amendment to condition number 4.C (Exhibit A) of the modified conditions of approval. Condition number 4 requires the business owner or representative to provide a security plan to

the Public Safety Department for review. The security plan contains several components that cover: A - a designated contact person; B - an operational security system; C - acceptable security personnel; and D - a closed circuit surveillance system. Section 4.C requires at least one (1) acceptable security personnel on duty to monitor and control the behavior of patrons inside and outside the building. The condition also provides specific criteria for licensing, scheduling, attire, and other responsibilities for security personnel to comply with.

The appeal is directly related to the required schedule of security personnel. The condition as approved by the Planning Commission requires security personnel to:

- Be on duty during the evening hours of operation beginning at 6:00 PM and must remain on duty for at least one half-hour after the establishment closes or until all patrons have vacated the area utilized and/or adjacent to the subject property to ensure the areas are free of people loitering or causing a disturbance.

As stated in the letter of appeal (Exhibit B), the appellant is requesting the condition be amended to require security personnel to:

- Be on duty during the evening hours of operation of **Friday and Saturday beginning at 8:00 PM**. Security personnel must remain on duty for at least one half-hour after the establishment closes or until all patrons have vacated the area utilized and/or adjacent to the subject property to ensure the areas are free of people loitering or causing a disturbance.

The appellant indicated the calls for law enforcement service have decreased over the past two years. Friday and Saturday are the evenings that include live entertainment and dancing, which typically generates the most business and likelihood for security.

ANALYSIS

The Planning Commission decision to modify CUP 95-1 was based upon reoccurring law enforcement activity and non-compliance with various conditions of approval. To mitigate these ongoing matters the CUP was reanalyzed and the associated conditions of approval were clarified and/or expanded to address the lack of security and other property violations.

The requirement for security personnel is not a “new” condition being imposed on the business owner. In 1995, approval of the Dance and Entertainment Permit included Condition #9, which states: *“A minimum of two uniformed security guards shall be posted on the premises during special entertainment programs whereby a cover charge or admission fee is required. One security guard shall be posted at each entrance and one security guard shall monitor the parking lot areas and the exterior areas of the building.”* It is unlikely this condition was complied with in the past. It is also unlikely the condition, as it is written above, will be sufficient enough to prevent many of ongoing activities that are the subject and reason behind the modifications. The Planning Commission decision to modify this condition came as a recommendation from Public Safety Department and LA County Sheriff’s Department as a way to abate the recurring need for law enforcement and the unwanted activities stemming from the Route 66 business operation. The condition was expanded substantially with supplemental

criteria and included as a component of the comprehensive security plan as seen in Condition #4.

Route 66 Roadhouse is permitted to operate seven days a week from 6:00 AM to 2:00 AM. While some days may be busier than others, the business is open regularly to patrons and tends to follow a typical operation schedule. Like most bar, lounge, night club or tavern establishments that provide alcoholic beverages and entertainment, the amount of patrons and potential activity occurring on any given night is difficult to anticipate. The business owner has requested to minimize the on-duty hours for the security personnel to Friday and Saturday evenings only, when they provide live entertainment and generate the most business. This may be true, however, further analyzing the Sheriff's incident report shows the calls for service occurring sporadically throughout the week with various requests ranging from physical altercations and assault with a deadly weapon, to loitering and intoxication. The Route 66 business website also promotes a variety of entertainment events that also occur throughout the week. According to the website, patrons can partake in karaoke on Tuesdays, an "open mic blues jam" on Thursdays (similar to karaoke), live sporting events are shown on television throughout the week, and billiard and dart leagues are also provided. Many of the incidents occurring at the Route 66 establishment might be avoided or mitigated by the on-duty security personnel, without assistance from law enforcement.

The Planning Commission also imposed a condition requiring a six-month review of the Route 66 property and business operation to ensure compliance with all of the conditions. As part of this review the Sheriff's incident report was updated and similar calls for service from the previous report were identified, including brandishing and assault with a firearm. These factors, along with additional observations from the Public Safety and LA County Sheriff Department, warrant the need for security personnel to be on duty seven days a week and solidify the approval of the entire modification.

RECOMMENDATION

Staff recommends the City Council adopt Resolution 15-R-18 denying the appeal and upholding the Planning Commission decision to modify CUP 95-1 with the updated conditions of approval.

Respectfully Submitted,



David F. Eoff IV
Associate Planner

Attachments

- Exhibit A - Council Resolution No. 15-R-18
- Exhibit B - Letter of Appeal from Mrs. Betty Barnes
- Exhibit C - Planning Commission Staff Report Dated June 15, 2015
- Exhibit D - Letter from Temple Station Captain, LA County Sheriff Department
- Exhibit E - Letter from the Director of Public Safety Department
- Exhibit F - Original Conditions of Approval for CUP 95-1

AUGUST 23- 29, 2015

Legal Notice

Legal Notice

Legal Notice

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Duarte will conduct a public hearing on Tuesday, September 8, 2015, at 7:00 p.m., in the City Hall Council Chambers, 1600 Huntington Drive, Duarte, California, to consider the following:

Specific Plan Amendment (Huntington Dr./Buena Vista St. Specific Plan): A city-initiated amendment to the "Huntington Dr./Buena Vista St. Specific Plan". The proposed amendment includes comprehensive revisions to the various sections of the specific plan including but not limited to: permitted uses, signs, design review, definitions and permit processing. The Specific Plan applies to an existing commercial shopping center generally located north of Huntington Drive and west of Buena Vista St. (1155-1247 Huntington Drive, Duarte, CA). The existing commercial shopping center was originally developed in 1989 on approximately 6.68 acres of land. The shopping center continues to serve local and regional commercial needs. The proposed amendment to the Specific Plan will continue to allow the use of the subject property as a commercial shopping center at the same land use intensity. At its June 15, 2015, meeting, the Planning Commission unanimously (3-0-1-0) recommended approval of the proposed specific plan amendment.

This project is exempt from the California Environmental Quality Act pursuant to the following exemptions, and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of this Ordinance proposes no activity that may have a significant effect on the environment, and pursuant to Title 14 California Code of Regulations Section 15301, in that this Ordinance involves no expansion of use of existing facilities.

Any interested party may appear in person or by agent and be heard. If you challenge this matter in court, you may be limited to raising only the issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, at 1600 Huntington Drive, Duarte, CA 91010. For further information regarding this application, please contact Craig Hensley, Community Development Director in the Community Development Department, Monday through Thursday at (626) 357-7931, ext. 230 or 235, between the hours of 7:30 a.m. and 6:00 p.m.

Marla Akana, City Clerk

MAIL/POST: August 27, 2015 (Duarte City Hall, Duarte Library, Duarte Office of Public Safety)
PUBLISH: Duartean, Saturday, August 29,
2015 AD#706283



CITY COUNCIL STAFF REPORT

Date: September 8, 2015

Project: Huntington Dr./Buena Vista St. Specific Plan Amendment

Location: Commercial shopping center generally located north of Huntington Drive and west of Buena Vista St. (1155-1247 Huntington Drive, Duarte, CA)

Applicant: City-Initiated Request

SUMMARY

At its June 15th, 2015 meeting, the Planning Commission held a public hearing and unanimously recommended that the City Council adopt the proposed Specific Plan Amendment (Exhibit A, Ordinance 15-O-05). The proposed amended Specific Plan (Exhibit A-1) includes comprehensive revisions to the various sections of the specific plan including but not limited to: the list of permitted uses, signs, design review, clarification of definitions and permit processing.

This project is part of an economic development effort by the City. The specific plan revisions are a partnership between the City and Weingarten, the shopping center owner, to make adjustments to the zoning standards that will allow the owner to attract and maintain quality tenants. With Ralph's, the center's largest tenant, recently leaving and Starbucks, a valuable end cap space, soon to leave it is important to the center owner and the City that the shopping center be marketable. The existing specific plan is more restrictive than the Development Code in a few areas and the proposed changes will remedy that concern.

The proposed amendment to the Huntington Drive/Buena Vista St. Specific Plan will continue to allow the use of the subject property as a commercial shopping center at the same land use intensity. The existing Buena Vista Marketplace shopping center was originally developed in 1980's under the development regulations set forth by the Huntington Drive/Buena Vista St. Specific Plan. The Specific Plan's boundaries encompass approximately 6.68 acres of land generally located north of Huntington Drive and west of Buena Vista St. (1155-1247 Huntington Drive, Duarte, CA).

PROJECT DESCRIPTION

The purpose of a Specific Plan is to provide a comprehensive set of land use regulations, development standards, and design standards to guide development. The Buena Vista Marketplace is a commercial shopping center regulated by the existing Huntington Dr./Buena Vista St. Specific Plan. The current Specific Plan dates back to 1989.

Staff proposes amendments to various sections of the Plan to address the Plan's deficiencies (*the proposed new specific plan is attached to Ord. 15-O-5*). The existing Specific Plan: 1) does not

provide clear use definitions nor use definitions that are compatible with the Development Code; 2) has parking standards that are more restrictive than the "shopping center" requirement in the Development Code; and 3) does not provide clear permitting procedures for alterations to tenant spaces in the center.

Staff feels confident that the proposed amendments will ensure that the center remains an attractive and economically viable center serving the community's needs. The following describes some of the proposed amendments:

Land Uses and Definitions - The existing Specific Plan dates back to 1989 and provides an extremely detailed list of allowable land uses to a point of becoming limiting. The Plan's exhaustive list specifies: "bicycle shop, cosmetic shop, hobby supply, yarn shop, toy store, tailor, picture framing...". These land uses are currently categorized in the Duarte Development Code under more general land use categories using the terms "Retail" or "Service". The proposed amendment uses land use categories consistent with the City's Development Code, which will provide greater clarity when interpreting if a specific business type is permitted.

The Duarte Development Code Chapter 19.160 (Definitions) would define the revised list of uses in the amended Specific Plan. For example, retail would be defined as: "An establishment which offers goods (such as books, gifts, and clothing) to the general public. Does not include swap meet, pawn shop, or thrift sales". The existing Specific Plan only defines two use terms: Fast Food and Convenience Market. The proposed amendments also categorizes uses by those: permitted by right, with a minor use permit (permitting process not previously used in the Plan) and uses subject to Conditional Use Permits, which also provides a higher level of clarity for prospective tenants.

Parking Standards - The amended Specific Plan will change the parking requirements, consistent with a "shopping center" (as defined by the Development Code) use, to a minimum of 1 space for every 250 s.f.. The existing Specific Plan requires 1 space for 220 s.f.. According to a recent on-site inspection, the center provides 385 parking spaces, a number that exceeds the requirement for 363 spaces if calculated under the "shopping center" land use category. The proposal to change the parking requirement is consistent with the "shopping center" parking requirement that applies to existing commercial shopping centers located in commercial zones.

Design Review and Standards - The proposed amendment requires Architectural Review Board approval for building façade alterations and any proposed changes to the square footage of the anchor tenant space. Reference is also made to the applicability of site plan and design review requirements pursuant to DDC 19.122.

Reference to Duarte Development Code - The Duarte Development Code (DDC) was revised in 2010 and has proved to be a useful tool for streamlining design reviews, allows for a parking ratio specifically for "shopping centers", provides comprehensive permit streamlining procedures and definitions. Reference and applicability of Duarte Development Code has been included in various sections of the amended Specific Plan.

Land Use Intensity – The Specific Plan amendment does not change the land uses intensity described in the Specific Plan.

To make the revisions that are proposed more clear, a "revision copy" has been attached that addresses the main changes to the plan (*Exhibit B*).

RECOMMENDATION

Staff requests the City Council hold a public hearing, and review, consider and approve the proposed Ordinance 15-O-05 to amend the Huntington Dr./Buena Vista St. Specific Plan.

Respectfully Submitted,



Craig Hensley, AICP
Community Development Director

ATTACHMENTS

Exhibit A: Ordinance 15-O-05
Exhibit B: Revision Copy

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE,
CALIFORNIA, RECOMMENDING THE DUARTE CITY COUNCIL ADOPT AN
AMENDMENT TO THE HUNTINGTON DRIVE/BUENA VISTA STREET
SPECIFIC PLAN, MODIFYING VARIOUS SECTIONS OF THE SPECIFIC PLAN
INCLUDING BUT NOT LIMITED TO PERMITTING USES, SIGNS, DESIGN
REVIEW, DEFINITIONS, AND PERMIT PROCESSING FOR THE PROPERTY
LOCATED AT 1155-1247 HUNTINGTON DRIVE**

WHEREAS, on June 15, 2015 the Planning Commission held a public hearing and adopted Resolution No. 15-07 to recommend that the City Council approve the proposed amendments to the Huntington Drive/Buena Vista St. Specific Plan attached hereto (Exhibit A-1) to modify various sections of the specific plan including but not limited to: permitted uses, signs, design review, definitions and permit processing; and

WHEREAS, notice of a public hearing on the proposed Specific Plan Amendment was given in accordance with applicable law; and

WHEREAS, on September 8, 2015, the City Council held a duly noticed public hearing on the proposed Specific Plan Amendment; and

WHEREAS, the City Council received and considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, after careful study and the holding of a duly noticed public hearing, the City Council adopts and approves the Specific Plan Amendment for the Huntington Drive/Buena Vista St. Specific Plan;

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

Section 1. The City Council finds and determines that the proposed amendment to the Huntington Drive/Buena Vista St. Specific Plan is in the best interests and welfare of the City and its residents.

Section 2. The City Council finds and determines that the amendment to the Huntington Drive/Buena Vista St. Specific Plan is consistent with the City's General Plan, and is hereby approves the proposed Specific Plan Amendment.

Section 3. In adopting this Ordinance, the City Council finds and determines, based on all of the information in the record and on the basis of its independent judgment, that this Ordinance is exempt from the California Environmental Quality Act pursuant to the following exemptions, and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of this Ordinance proposes no activity that may have a significant effect on the environment, and pursuant to Title 14 California Code of Regulations Section 15301, in that this Ordinance involves no expansion of use of existing facilities.

Section 4. The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

Section 5. This Ordinance shall take effect thirty (30) days following its second reading.

PASSED, APPROVED, AND ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this _____ day of _____, 2015.

Mayor Tzeitel Paras-Caracci

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

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 Ordinance No. ____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2015, by the following Roll Call vote:

AYES:
NOES:
ABSENT:

City Clerk Marla Akana
City of Duarte, California

HUNTINGTON DR./BUENA VISTA ST.

SPECIFIC PLAN

CITY OF DUARTE
COMMUNITY DEVELOPMENT DEPARTMENT
Initially Adopted 7-11-89
Amended 9-8-2015

DRAFT
SPECIFIC PLAN
AMENDMENT
September 8, 2015

Exhibit A-1

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I. INTRODUCTION

PURPOSE OF SPECIFIC PLAN

The purpose of the Huntington Drive/Buena Vista Street Specific Plan is to allow for the development of approximately 6.68 acres of land located north of Huntington Drive, west of Buena Vista Street. The planning analysis and development standards that comprise this text are intended to provide for the total and uniform development of the site through the preparation of a "master plan" of development.

Specific plans are allowed pursuant to Section 65450 et. seq. -65457 of the California Government Code, as an alternative to conventional zoning for implementation of a jurisdiction's general plan. A specific plan is to "...include all detailed regulations, conditions, programs & proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the General Plan...". The following sections of this text identify planning constraints, development standards, and egress and ingress standards for the proposed project.

SPECIFIC PLAN OBJECTIVES

This planning analysis has been prepared to identify the opportunities and constraints applicable to the development of the property. The Specific Plan, with the legal requirements for public hearings, gives the most opportunity for staff to give and receive public input for the development of a critical corner in the growth of the City of Duarte. The Specific Plan is intended to regulate the development of the subject site.

Implementation of the Huntington Drive/Buena Vista Street Specific Plan will provide for the development of the project site into a planned community shopping center which will be compatible with the uses along Huntington Drive. The regulations established by the Specific Plan have been developed specifically for the project site to ensure harmonious and sensitive development, while ensuring substantial compliance with the intent of the development standards of the commercial zone of the City of Duarte.

The objectives of this Specific Plan include:

1. To identify the natural, physical, and legal constraints of the property which will enhance development concepts.
2. To establish guidelines for development based on the natural constraints and opportunities afforded by the property.
3. To design a community shopping center consistent with the spirit and intent of the Duarte General Plan.

4. The utilization of structural and landscaped buffers to minimize the impact to surrounding land uses.
5. The use of setbacks and landscaping to reduce the visual impact of the parking areas from Huntington Drive and Buena Vista.
6. Promote the "Early California" design theme for the development along Huntington Drive.

INTERPRETATION

The Director of Community Development of the City of Duarte, or his designee, shall have the responsibility to interpret the proposed Specific Plan and its provisions. All interpretations shall be in writing to ensure consistency and disclosure to the developer. Such interpretations shall be permanently maintained by the City of Duarte pursuant to Duarte Development Code Chapter 19.04.

II. PHYSICAL SETTING

PROJECT LOCATION

The Huntington Drive/Buena Vista Street Specific Plan consists of approximately 7.38 acres of land area, located in the westerly portion of the City of Duarte. The City is bounded by the City of Irwindale to the south, the City of Monrovia to the west, the City of Bradbury and the San Gabriel Mountains to the north and the San Gabriel River and the City of Azusa to the east. Figure 1 identifies the regional location of the City of Duarte.

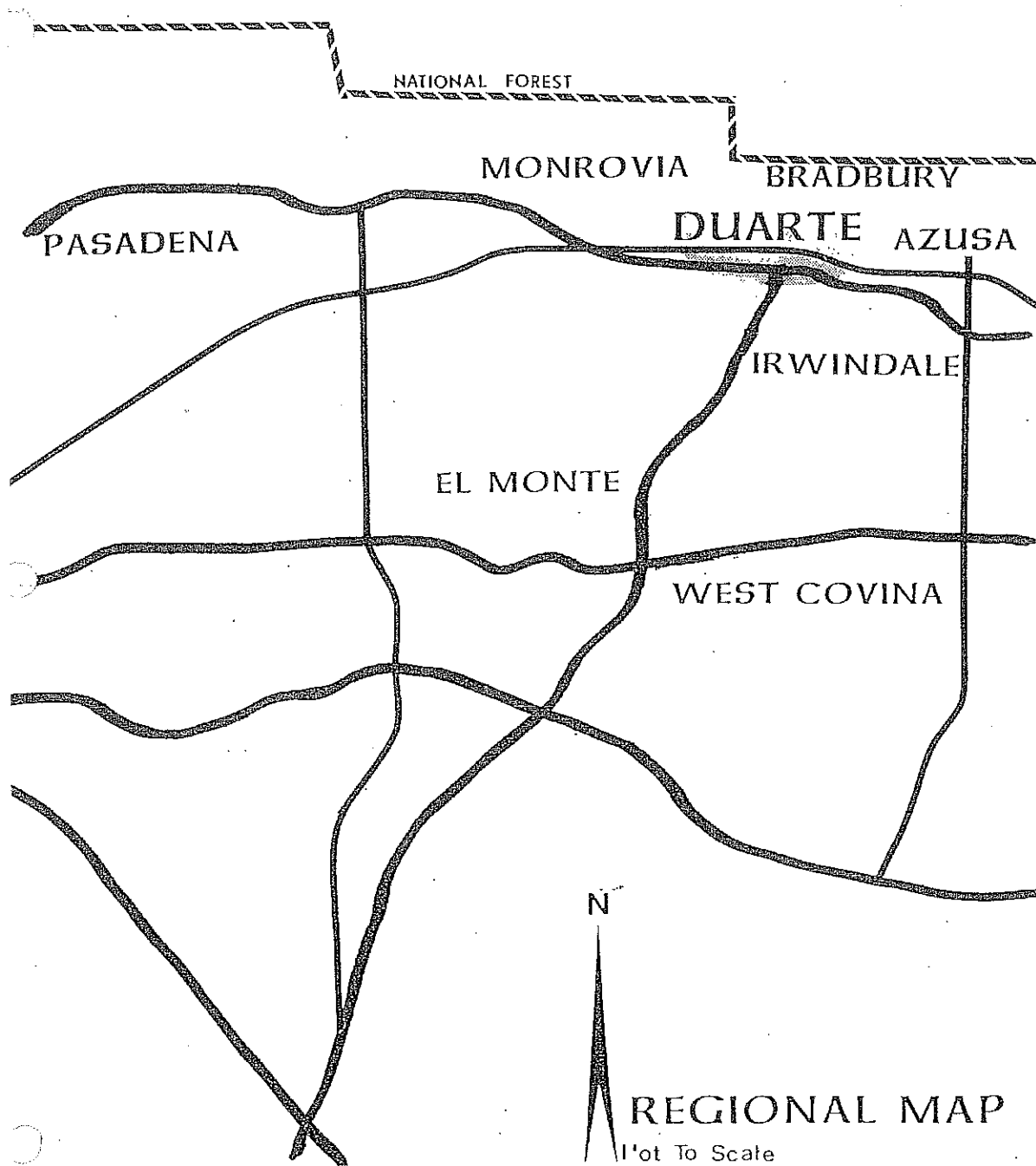


FIGURE 1

Regional access to the site is via the Foothill Freeway (Route 210) and the San Gabriel River Freeway (Route 605). Buena Vista off ramp along route 210 will provide direct access into the site.

EXISTING CONDITIONS

The initial Huntington Drive/Buena Vista Street Specific Plan (1989) contained 7.38 acres of land area intended for the development of a community shopping center. The project site, located on the northerly side of Huntington Drive and the westerly side of Buena Vista Street, was also located in the former Huntington Drive Phase II and Rancho Duarte Phase III redevelopment project areas, designated as commercial land uses.

The City of Duarte's former Redevelopment Agency acquired all parcels of land and facilitated development of the commercial shopping center as sole property owner of the project site (see Figure 2). To implement the Specific Plan, the former City of Duarte Redevelopment Agency entered into a Disposition and Development Agreement with the Trammel Crow Company and conveyed the property to the developer. The existing shopping center has continuously operated since its initial development.

III. DEVELOPMENT PLAN

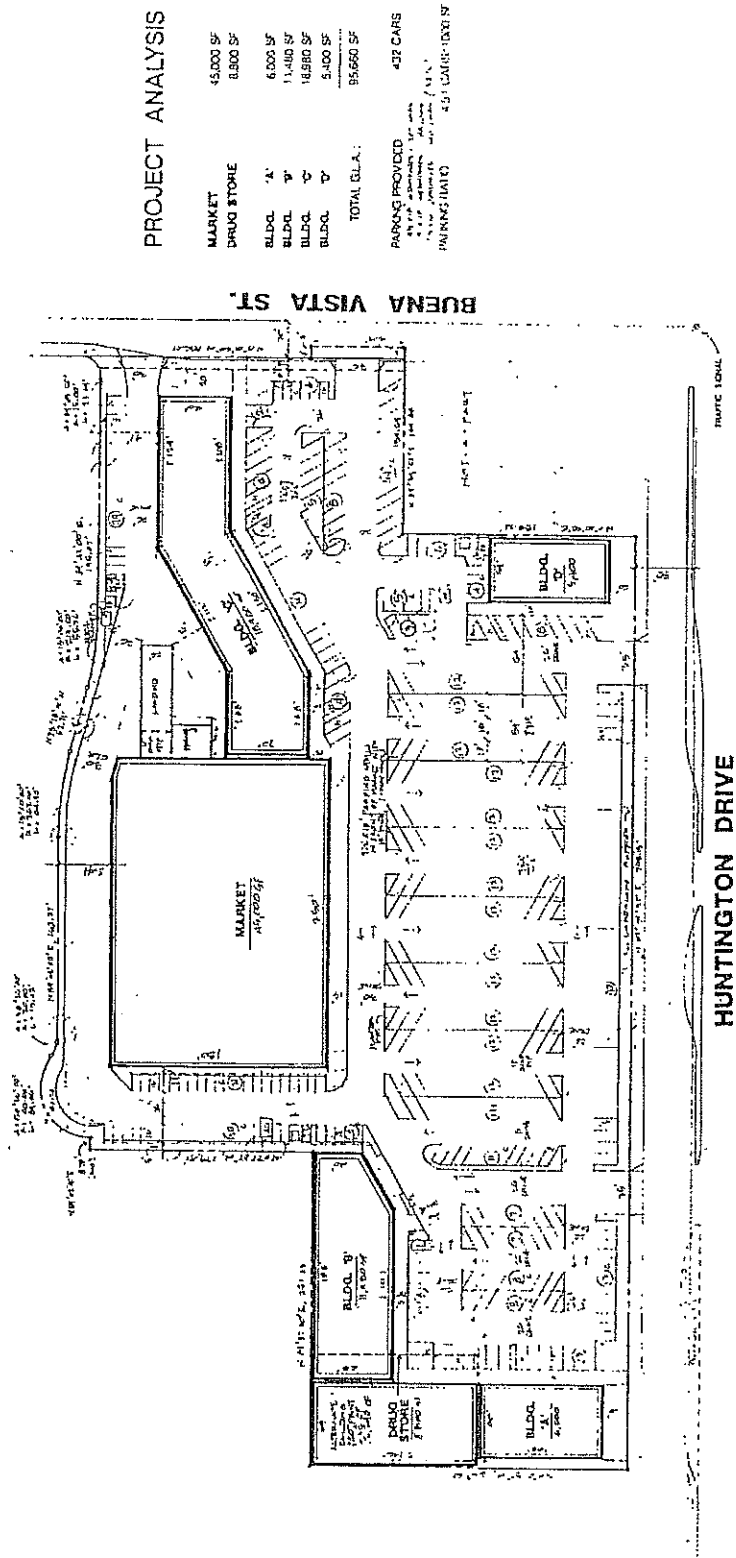
As identified in the Specific Plan Objectives, the purpose of the Specific Plan is to allow for the comprehensive development of the planning area. It is the goal of the City to provide a quality community shopping center anchored by a major tenant. The development regulations described in this Specific Plan shall ensure the goal is met and in addition, shall ensure that compatible uses occupy the center while enhancing the architectural style of the development.

To accomplish this goal, in 1989, the site was developed with 95,660 square feet of retail floor space. Originally, two anchor tenants included 45,000 square feet for a major supermarket and 8,800 square feet of floor space for a drug store. Since then, the space of the smaller of the two original anchor tenants has been subdivided and the supermarket tenant space remains at 45,000 square feet. The remaining shopping center space (41,860 square feet) has been historically used for other retail uses, included food and service uses (see Exhibit 3), with retail spaces ranging from 870 square feet to 7,694 square feet. The proposed Specific Plan amendment facilitates the reuse of the existing anchor tenant space to a relevant land uses category should it be necessary. The permit process for subdividing the anchor tenant space is described in this Specific Plan. Landscaping setbacks will continue along Huntington Drive and Buena Vista Street to provide a buffer zone between the site and the major arterial streets, Huntington Drive and Buena Vista Street.

In keeping with the Early California design criteria, the Architectural treatment of the site will feature the use of wood trellises, mission tile, stucco siding and decorative sidewalks (see Exhibit 4). A comprehensive remodel of an anchor tenant's façade or a shopping center shall require review by the appropriate review body as described in this Specific Plan.

IV. GENERAL PLAN CONSISTENCY

The City General Plan, and former Huntington Drive Phase II and Rancho Duarte Phase III Redevelopment Plans established parameters within which decisions are made regarding development. These plans designated the site for commercial development which includes uses such as banks, restaurants, offices, and retail sales. Since its initial development, the subject property has been developed and operated as an integrated shopping center.



95.70
NORTH
1" = 40'
APRIL 11, 1959
REV. APRIL 18, 1959

FIGURE 3

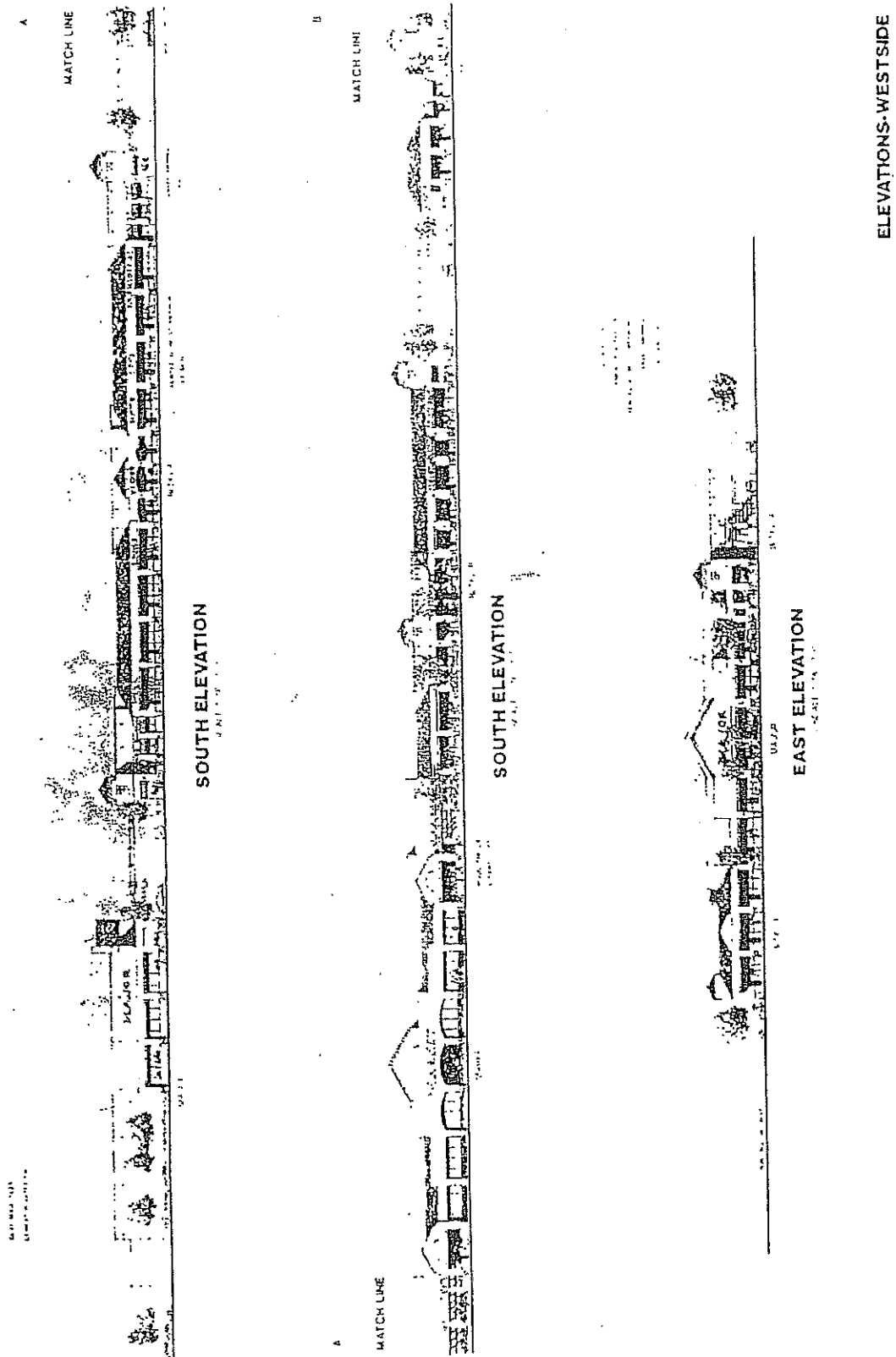


FIGURE 4

GENERAL PLAN IMPLEMENTATION

As indicated in the objectives for this Specific Plan, the development regulations included herein are designed to be used by planners, developers, land owners and decision makers in making decisions regarding design and use of the commercial shopping center. This Specific Plan represents a tool to implement the policies and elements of the Duarte General Plan. The basic purpose of a general plan is to state clearly the policy of a community regarding how it shall develop physically, socially, and economically. A Specific Plan refines these policies as they relate to a particular parcel of land. For this reason, an evaluation of consistency with the Duarte General Plan is an integral part of the specific plan analysis. The proposed Specific Plan amendments will continue to implement the City's General Plan.

LAND USE ELEMENT

The following discussion analyzes the site's consistency with the applicable elements of the Duarte General Plan Land Use Element:

1. Land Use Goal 1: Improve on Duarte's balance of uses.
2. Land Use Goal 2: Develop compatible and harmonious land uses providing for a mix of uses consistent with projected future social, environmental and economic conditions.
3. Land Use Goal 3: Provide unique areas to better serve the needs of Duarte residents and businesses.

The proposed site plan was developed with the idea that Huntington Drive is the central corridor of Duarte and that the City is in need of a community shopping center featuring a major supermarket. The initial Specific Plan facilitated the development of a shopping center that met the community's needs. The Specific Plan will continue to provide for a community shopping center and will continue to specify certain development standards and uses to create an environment of even greater quality for the community.

SAFETY ELEMENT

The proposed Huntington Drive/Buena Vista Street Specific Plan is consistent with the goals, objectives and policies of the Safety Element of the Duarte General Plan.

Policy Safe 1.1.4: Enforce requirements that all development proposals be reviewed in order that they may be analyzed for safety implications.

Consistent with this policy, the City and Specific Plan requires that all projects in the Specific Plan area adhere to applicable building code requirements.

CIRCULATION ELEMENT

The objective for **balanced** circulation and transportation as stated by the Duarte General Plan is:

To maintain effective planning for new development.

Several features of the proposed development are consistent with the principals of these objectives:

1. Access is available to the site from designated major arterials.
2. On-street parking will be provided.
3. Sidewalks will be provided along dedicated roadways along Huntington Drive and Buena Vista street for pedestrian safety.

OPEN SPACE ELEMENT

The area included in the Huntington Drive/Buena Vista Street Specific Plan is located adjacent to Huntington Drive and Buena Vista Street, and therefore, will not require the installation of public streets. The proposed development will, pursuant to the development standards of the Duarte Development and Municipal Code. A goal of the General Plan is to protect Duarte's environment through proper consideration of the environmental implications of new development in the City. The development meets this requirement.

NOISE ELEMENT

The Huntington Drive/Buena Vista Street Specific Plan implements of following objective of the noise element of the General Plan.

1. Land use planning decisions directly relate to potential noise impacts. Therefore, careful consideration of noise impacts should be part of all land use decisions.

Several features of the proposed development are consistent with the principal of these objectives:

1. Pursuant to the Section 9.68.050 of the Duarte Municipal Code it is unlawful for any person within the City of Duarte to make, or cause or allow to be produced noise which is received on property occupied by another person or adjacent parcel of property. The following table is the maximum acceptable decibel levels as specified in Section 9.68.050 of the Duarte Municipal Code.

STANDARDS

	<u>DAY</u> 7:00 A.M. – 10:00 P.M.	<u>NIGHT</u> 10:00 P.M. – 7:00 A.M.
R-1 & R-2	55 dBA	45
R-3 & R-4	55 dBA	50
Commercial	60 dBA	55
Industrial & Light Mfg.	70 dBA	70

V. DEVELOPMENT REGULATIONS

PURPOSE AND INTENT

The purpose of these regulations is to provide for the development of the subject property in a manner that is sensitive to the constraints of the surrounding land uses, while allowing for the existing and established community shopping center. It is further the purpose of these regulations to provide amenities that would complement the surrounding properties and uses. The development regulations included herein are designed to be used by planners, developers, landowners and decision makers in making decisions regarding design and use of the commercial shopping center.

The following objectives have been incorporated into the development standards:

1. The development of a site plan which would act as a positive image for the Huntington Drive corridor area of Duarte.
2. To develop an attractive shopping center that will be compatible with adjacent land uses.

Huntington Drive/Buena Vista Street Specific Plan (1989)

The specific objectives of this plan are:

1. Enhance the physical environment and aesthetic appeal of Huntington Drive.

2. Eliminate and prevent the spread of physical blight and deterioration along Huntington Drive.
3. Improve the economic viability of Huntington Drive.

In addition, the Huntington Drive/Buena Vista Street Specific Plan sets a design theme of “Early California”. The original development project (1989) incorporated the “Early California” theme. Any future façade and/or exterior Improvements (inclusive of color changes) that deviant from the original theme would be subject to the approval process described in this Specific Plan.

GENERAL NOTES

1. Unless otherwise specified, all development within the Huntington Dr./Buena Vista St. Specific Plan shall comply with the Duarte Development Code and Duarte Municipal Code.
2. Terms used herein shall have the same meaning as defined in the Duarte Development Code and Duarte Municipal Code unless otherwise defined herein.
3. Any regulations or design standards not specifically covered by the Huntington Drive/ Buena Vista Street Specific Plan shall be subject to the regulations of the Duarte Development Code and Duarte Municipal Code.
4. The approval of development within the specific plan shall be governed by Duarte Development Code Chapter 19.150 and Government Code Section 65450.

PERMITTED USES

Buildings, structures and land shall be used, erected, structurally altered, or enlarged only for those uses enumerated herein. Uses not listed may be permitted pursuant to Chapter 19.04 of the Duarte Development Code. Uses permitted by right, uses permitted as an accessory use, or with a minor or conditional use permit are subject to all applicable regulations in this Specific Plan, Duarte Municipal Code and Duarte Development Code.

1) Permitted by Right

- (a) Business, Financial, and Professional
 - i. Financial Institutions and Related Services
 - ii. Offices – Business or Corporate.

- (b) Retail Stores
 - i. Retail Store
 - ii. Medical Supplies
 - iii. Vehicle Parts Sales (including stereos/alarms, but no installation)
- (c) Services
 - i. Animal Grooming
 - ii. Maintenance and Repair Services (other than vehicle)
 - iii. Personal Services, General
 - iv. Postal and Mailing Services
 - v. Printing and Duplicating Services (Commercial)
- (d) Medical Related and Social Services
 - i. Medical, Dental Clinics/Offices (up to a maximum of 10 percent of gross floor area of Shopping Center)
- (e) Eating and Drinking Establishments
 - i. Fast Food or (Sit Down) Restaurant (no late-night hours)
 - ii. Fast Food (with or without late night hours)
 - iii. Take-Out Service

2) Minor Use Permit

- i. Health/Fitness Facilities (Small – 2,000 sf or less)
- ii. Studio – Art, Dance, Martial Arts, Music
- iii. Outdoor Displays/Sales (Permanent)

3) Conditional Use Permit

- (a) Retail Trade Uses
 - i. Alcohol Sales (off-sale)
 - ii. Alcohol Sale on-sale (incidental to Eating and Drinking Establishment)
 - iii. Convenience Store
- (b) Eating and Drinking Establishments
 - i. Outdoor Dining, Limited (more than 800 sf)
 - ii. Restaurant – Sit Down (with late night uses)
- (c) Other Uses
 - i. Drive-Through or Drive-Up Facilities
 - ii. Late Night and/or Twenty Four Hour Uses
 - iii. Outdoor Entertainment (when accessory to a primary use)
 - iv. Utilities

- (d) Recreation and Education
 - i. Commercial and Recreation and Entertainment
 - ii. Game Arcade, Internet Café, or Similar Business
 - iii. Health/Fitness Facilities (Large, 2,001 sf or greater)

4) Accessory Uses

- i. Accessory Food Service (open to the public)
- ii. ATMs not associated with an on-site Financial Institution
- iii. Outdoor Dining, Limited (up to 800 sf)
- iv. Tobacco Product, Electronic Cigarette and Vaping Devices, Electronic Cigarette and Vaping Accessories, and Tobacco Paraphernalia Sales (Accessory Use Only)

5) Prohibited Uses

- i. Ambulance services
- ii. Assembly/Meeting Facilities
- iii. Automobile Washing/Detailing
- iv. Bars, Lounges, Nightclubs, and Taverns
- v. Day Care facility
- vi. Donation Boxes
- vii. Electronic Cigarette and Vaping Establishments
- viii. Emergency and/or Urgent Care Clinic
- ix. Fueling Stations
- x. Funeral Homes and Mortuaries, and/or Crematorium
- xi. Off-Site Advertising
- xii. Outdoor Cooking
- xiii. Outpatient Surgery/Care Facilities
- xiv. Pawnshop
- xv. Personal Services, Restricted
- xvi. Places of Religious Assembly
- xvii. Public and Private Parking Lots and Structures (not associated with a primary use)
- xviii. Recycling Facilities (Reverse Vending Machine and Small Collection Facility)
- xix. Residential care facilities
- xx. Schools, Private
- xxi. Schools, related to medical professions
- xxii. Secondhand store
- xxiii. Tobacco Shop
- xxiv. Tobacco Smoking Establishments
- xxv. Vehicle Rental
- xxvi. Vehicle Repair, Limited and General
- xxvii. Vehicle Sales, New
- xxviii. Vehicle Sales, Used

- xxix. Vending Machines (outside)
- xxx. Veterinary Services
- xxxi. Visitor Accommodations to include hotel/motel, and (extended stay) long-term hotels

PROPERTY DEVELOPMENT STANDARDS

The following property development standards have been designed to implement the original Specific Plan and were tailored to the precise site plan.

1. Lot Area and Dimensions – The Shopping Center development consists of one parcel of land constituting approximately 6.68 acres which was originally developed as an integrated commercial shopping center intended to serve local and regional needs.
2. Building Height – Maximum building height shall not exceed 35 feet.
3. Setbacks –
 - a.) Front – a 10' landscaped parking lot setback along Huntington Drive (not including allowed “bumper overhang”). Buildings to be set back 20 feet.
 - b.) Side/Rear – building may be set on property line provided that it is in accordance with Section 504 of the Uniform Building Code.
4. Walls – Any walls contiguous to a residential zone shall be constructed of a solid decorative masonry wall not less than 6' in height.
5. Off-Street Parking Regulations and Design – Off-street parking regulations and design shall apply to this development pursuant to Duarte Development Code Chapter 19.38.
6. Signs – All signs shall relate to the character and architectural style of the structures upon which it is placed. A sign program utilizing a uniform design shall be reviewed and approved pursuant to the provisions of Duarte Development Code 19.42. Sign Programs may be amended from time to time pursuant to the Duarte Development Code.
7. Landscaping – Landscaping shall be installed and maintained as necessary to keep such landscaping alive and free of disease. Landscaping shall consist of trees, shrubs, and ground cover in appropriate numbers and density and a

complete automatic irrigation system. Maintenance shall include, but shall not be limited to, necessary weeding, fertilizing, and watering. Plans shall be reviewed for approval by the Architectural Review Boards.

8. Mechanical Equipment – All mechanical equipment including but not limited to air conditioning units, electrical switch gear and panels compressors and similar mechanical and electrical equipment shall be screened with a decorative material approved by the Architectural Review Board. Said equipment shall not be visible from any public right-of-way nor adjacent properties.
9. Outdoor Use and Storage – All permitted uses shall be wholly within an enclosed structure, except the following:
 - a. On-site parking
 - b. Uses permitted by DDC 19.60.120 (Outdoor Displays, Permanent) or DDC 19.60.110 (Outdoor Dining), or DDC 19.60.124 (Temporary Uses)
 - c. Permitted Uses
10. Waste Disposal – All refuse disposal shall be enclosed by a solid decorative masonry wall, pursuant to the City of Duarte standard plan, adequate to conceal such facilities from adjoining properties.
11. Outdoor Lighting – Outdoor lighting shall not exceed 16' in overall height and shall be located so as not to shine on any public right-of-way or any adjacent properties and shall be energy efficient LED Lighting. All freestanding light standards must be Mission Bell or as approved by the Director pursuant to Duarte Development Code Chapter 19.122. All outdoor lighting, new or replacement shall be subject to subject to Director Review.
12. New Construction – All construction in the Project Area shall comply with and meet or exceed all applicable state and local laws in effect as amended from time to time including, but not necessarily limited to, fire, building, electrical, heating, grading, and plumbing codes of the City of Duarte.
13. Subdivision of Anchor Tenant Space – Shall be subject to approval by the Architectural Review Board subject to Duarte Development Code Section 19.122.
14. Façade and Exterior Improvements (inclusive of color changes), landscaping, restriping of parking lots, roof pitch changes – Shall be subject to approval by the Director subject to Duarte Development Code Section 19.122.

Subdivision of Consolidation of Parcels – No parcels in the Project Area, including any parcels retained by a participant, shall be subdivided or consolidated without the prior approval of the City of Duarte.

VI. IMPLEMENTATION

Before any building or structure is erected, a development plan shall have been submitted for review and approval to the Architectural Review Board pursuant to provisions of Duarte Municipal Code Section 19.70.210A. This will ensure the project will conform with the Specific Plan regulations and responsiveness to applicable guidelines.

Amendment – An amendment to the adopted Specific Plan shall follow the procedures as outlined in Duarte Development Code Chapter 19.150 and Government Code Section 65453.

VII. DEFINITIONS

The definitions for the Specific Plan shall be the same as those provided in Duarte Development Code Chapter 19.60.

HUNTINGTON DR./BUENA VISTA ST.

SPECIFIC PLAN

CITY OF DUARTE
COMMUNITY DEVELOPMENT DEPARTMENT
Initially Adopted 7-11-89
Amended 9-8-2015

DRAFT SPECIFIC
PLAN
AMENDMENT
September 8, 2015

Exhibit B

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I. INTRODUCTION

PURPOSE OF SPECIFIC PLAN

The purpose of the Huntington Drive/Buena Vista Street Specific Plan is to allow for the development of approximately 6.68 acres of land located north of Huntington Drive, west of Buena Vista Street. The planning analysis and development standards that comprise this text are intended to provide for the total and uniform development of the site through the preparation of a “master plan” of development.

Specific plans are allowed pursuant to Section 65450 et. seq. -65457 of the California Government Code, as an alternative to conventional zoning for implementation of a jurisdiction’s general plan. A specific plan is to “...include all detailed regulations, conditions, programs & proposed legislation which shall be necessary or convenient for the systematic implementation of each element of the General Plan...”. The following sections of this text identify planning constraints, development standards, and egress and ingress standards for the proposed project.

SPECIFIC PLAN OBJECTIVES

This planning analysis has been prepared to identify the opportunities and constraints applicable to the development of the property. The Specific Plan, with the legal requirements for public hearings, gives the most opportunity for staff to give and receive public input for the development of a critical corner in the growth of the City of Duarte. The Specific Plan is intended to regulate the development of the subject site.

Implementation of the Huntington Drive/Buena Vista Street Specific Plan will provide for the development of the project site into a planned community shopping center which will be compatible with the uses along Huntington Drive. The regulations established by the Specific Plan have been developed specifically for the project site to ensure harmonious and sensitive development, while ensuring substantial compliance with the intent of the development standards of the commercial zone of the City of Duarte.

The objectives of this Specific Plan include:

1. To identify the natural, physical, and legal constraints of the property which will enhance development concepts.
2. To establish guidelines for development based on the natural constraints and opportunities afforded by the property.
3. To design a community shopping center consistent with the spirit and intent of the Duarte General Plan.

4. The utilization of structural and landscaped buffers to minimize the impact to surrounding land uses.
5. The use of setbacks and landscaping to reduce the visual impact of the parking areas from Huntington Drive and Buena Vista.
6. Promote the “Early California” design theme for the development along Huntington Drive.

INTERPRETATION

The Director of Community Development of the City of Duarte, or his designee, shall have the responsibility to interpret the proposed Specific Plan and its provisions. All interpretations shall be in writing to ensure consistency and disclosure to the developer. Such interpretations shall be permanently maintained by the City of Duarte pursuant to Duarte Development Code Chapter 19.04.

II. PHYSICAL SETTING

PROJECT LOCATION

The Huntington Drive/Buena Vista Street Specific Plan consists of approximately 7.38 acres of land area, located in the westerly portion of the City of Duarte. The City is bounded by the City of Irwindale to the south, the City of Monrovia to the west, the City of Bradbury and the San Gabriel Mountains to the north and the San Gabriel River and the City of Azusa to the east. Figure 1 identifies the regional location of the City of Duarte.

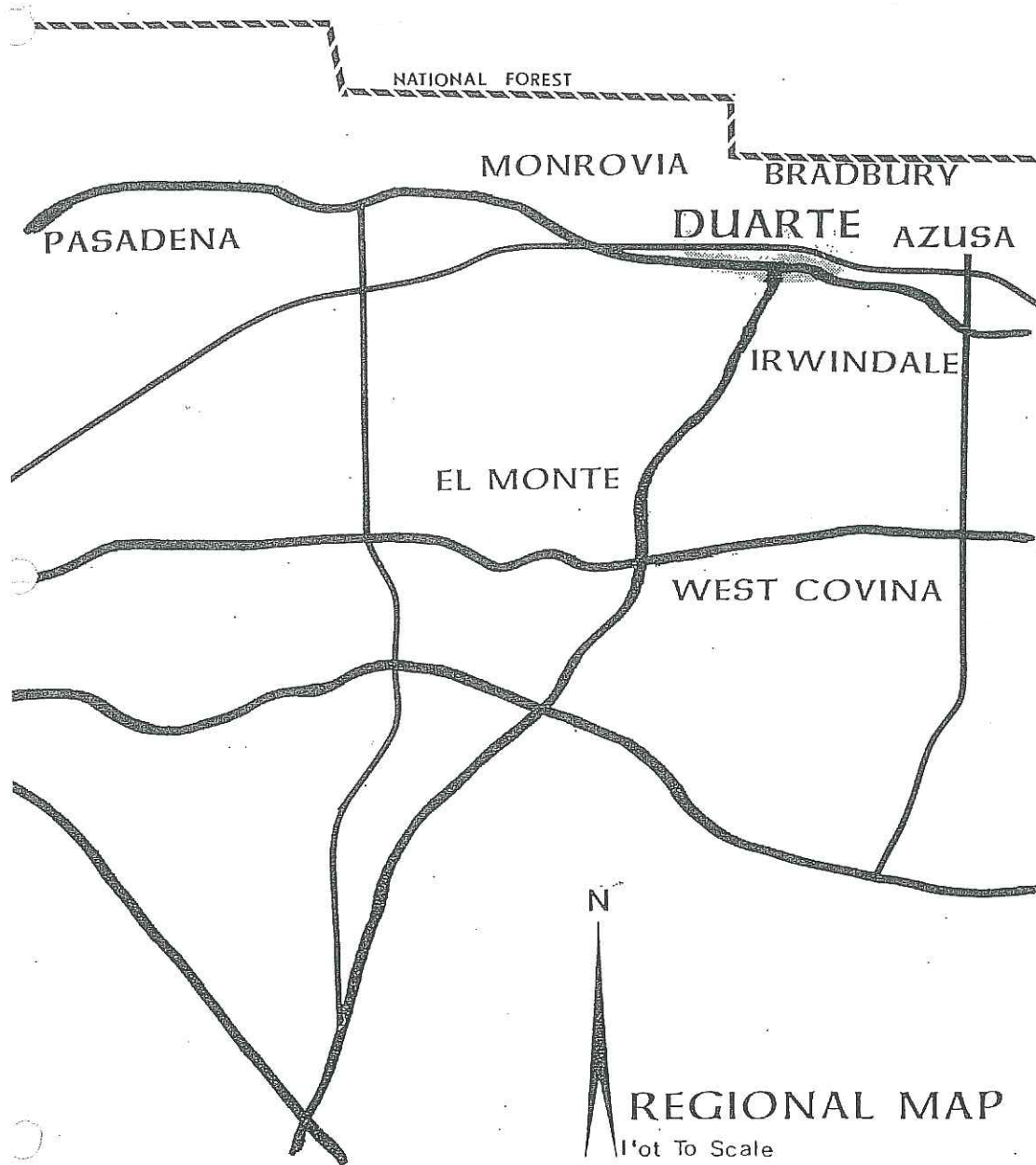


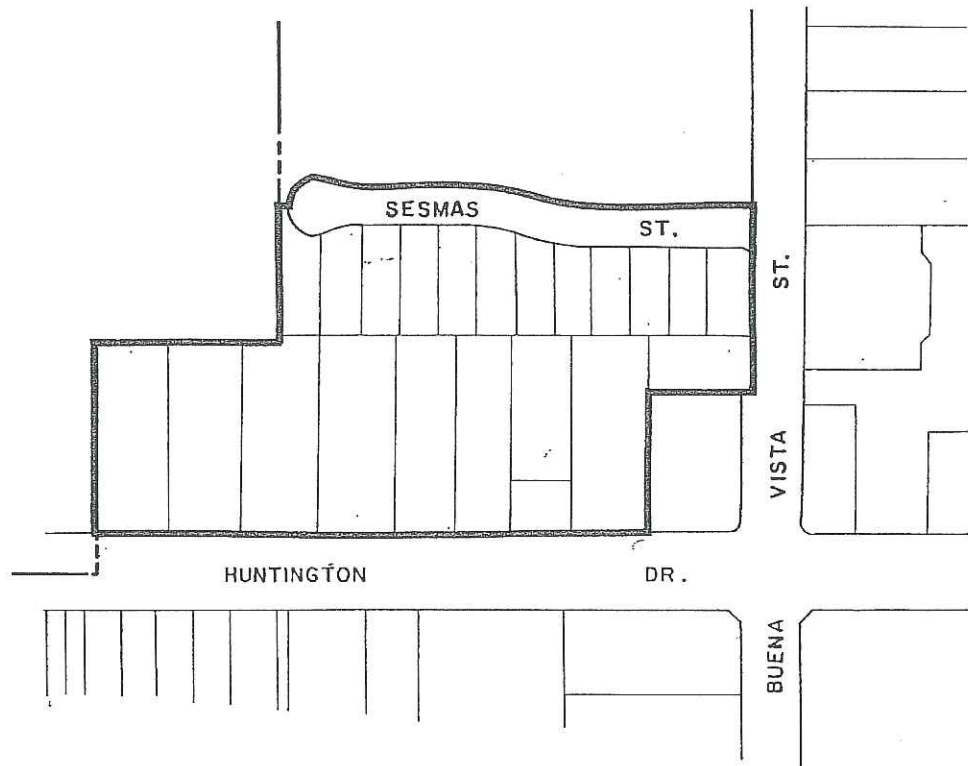
FIGURE 1

Regional access to the site is via the Foothill Freeway (Route 210) and the San Gabriel River Freeway (Route 605). Buena Vista off ramp along route 210 will provide direct access into the site.

EXISTING CONDITIONS

The initial Huntington Drive/Buena Vista Street Specific Plan (1989) containeds 7.38 acres of land area intended for the development of a community shopping center. The project site, is-located on the northerly side of Huntington Drive and the westerly side of Buena Vista Street, —The site was is also located in the former Huntington Drive Phase II and Rancho Duarte Phase III redevelopment project areas, —and are designated as commercial land uses.

The City of Duarte's former Redevelopment Agency has-acquired all parcels of land and facilitated development of the commercial shopping center ais sole property owner of the project site (see Figure 2). To implement the Specific Plan, the former City of Duarte Redevelopment Agency has-entered into a Disposition and Development Agreement with the Trammel Crow Company and will conveyed the property to the developer. The existing shopping center has continuously operated since its initial development.



PROJECT BOUNDARIES

FIGURE 2

III. DEVELOPMENT PLAN

As identified in the Specific Plan Objectives, the purpose of the Specific Plan is to allow for the comprehensive development of the planning area. It is the goal of the City to provide a quality community shopping center anchored by a major supermarkettenant. The ~~proposed~~ development regulations described in this Specific Plan shall ensure the goal is met and in addition, shall ensure that ~~it is a~~ compatible uses occupy the center while enhancing the architectural style of the development site.

To accomplish this goal, in 1989, the site ~~will be~~ was developed with 95,660 square feet of retail floor space. Originally, The two anchors tenants included ~~will feature~~ 45,000 square feet ~~of floor space~~ for a major supermarket, and 8,800 square feet of floor space for a drug store. Since then, the space of the smaller of the two original anchor tenants has been subdivided and the supermarket tenant space remains at 45,000 square feet. The remaining shopping center space (41,860 square feet) has been historically used ~~will be intended~~ for other retail uses, included food and service uses (see Exhibit 3), with retail spaces ranging from 870 square feet to 7,694 square feet. The proposed Specific Plan amendment facilitates the reuse of the existing anchor tenant space to a relevant land uses category should it be necessary. The permit process for subdividing the anchor tenant space is described in this Specific Plan. ~~Extensive~~ Landscaping setbacks will continue ~~be provided~~ along Huntington Drive and Buena Vista Street to provide a buffer zone between the site and the major arterial streets, Huntington Drive and Buena Vista Street ~~roadways~~.

In keeping with the Early California design criteria, the Architectural treatment of the site will feature the use of wood trellises ~~is~~, mission tile, stucco ~~side~~ ingsiding and decorative sidewalks (see Exhibit 4). A comprehensive remodel of an anchor tenant's façade or a shopping center shall require review by the appropriate review body as described in this Specific Plan.

IV. GENERAL PLAN CONSISTENCY

The City General Plan, and former Huntington Drive Phase II and Rancho Duarte Phase III Redevelopment Plans established parameters within which decisions are made regarding development. These plans designated the site for commercial development which includes uses such as banks, restaurants, offices, and retail sales. Since its initial development, the subject property has been developed and operated as an integrated shopping center. ~~The Redevelopment Plans further expands on the objectives of commercial uses.~~

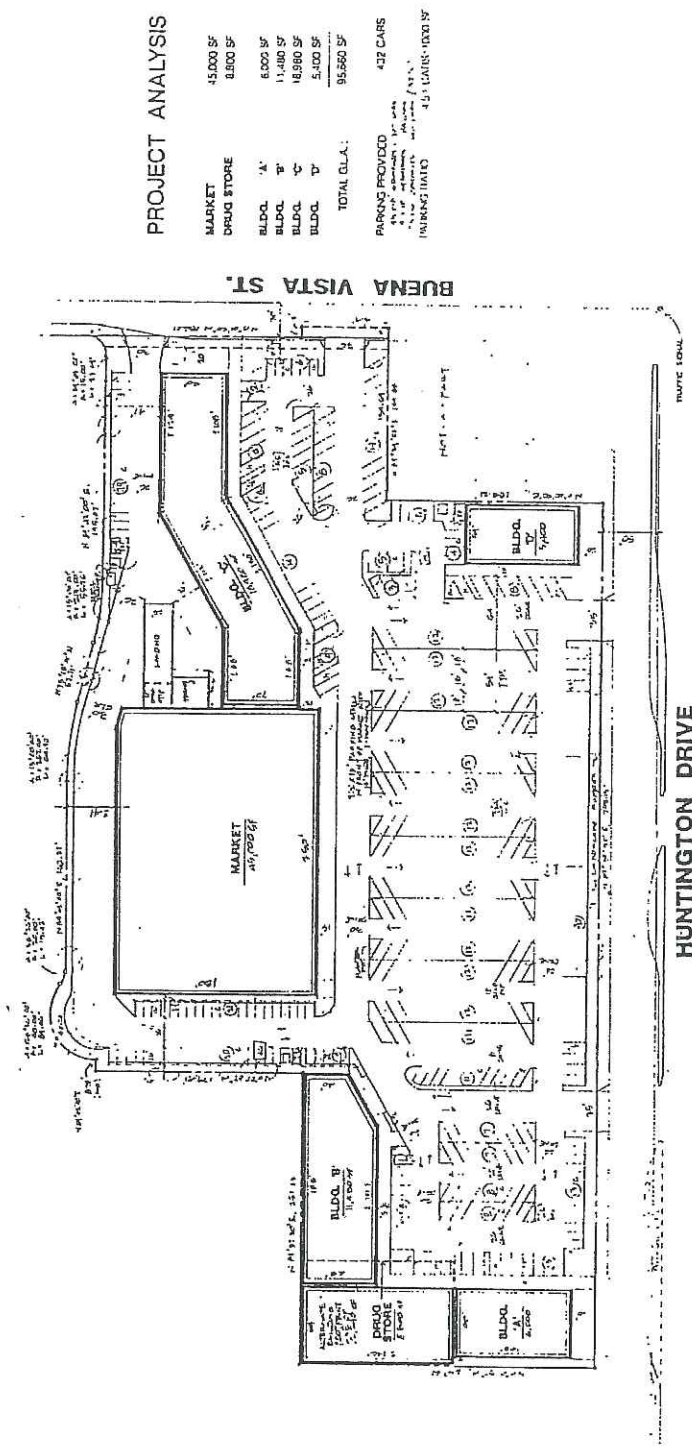
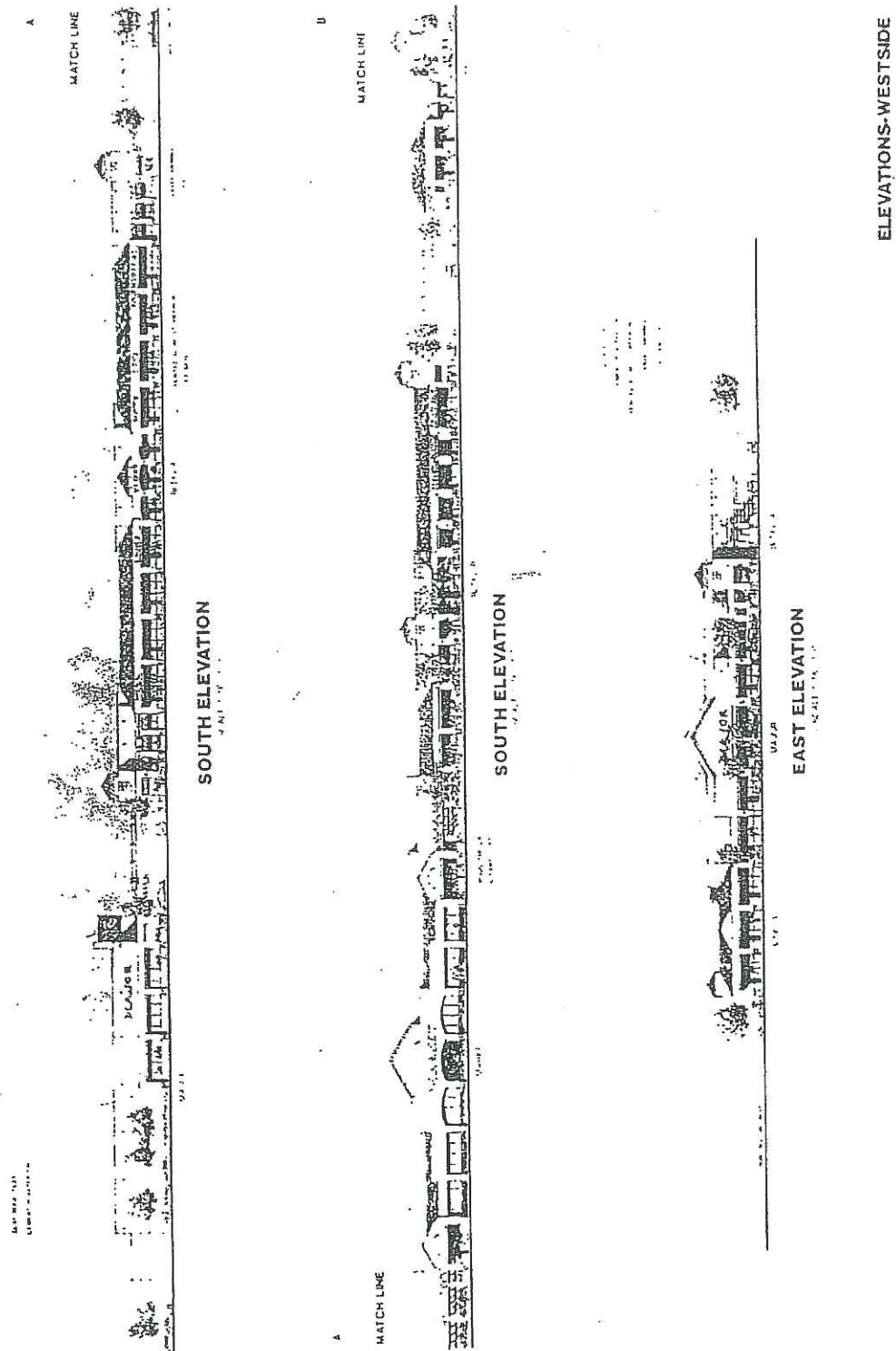


FIGURE 3



GENERAL PLAN IMPLEMENTATION

As indicated in the objectives for this Specific Plan, the development ~~guidelines regulations and planning analysis~~ included herein are designed to be used by planners, developers, land owners and decision makers in ~~making decisions regarding the~~ design and ~~use review~~ of ~~the~~ commercial ~~shopping center development~~. This Specific Plan represents a tool to implement the policies and elements of the Duarte General Plan. The basic purpose of a general plan is to state clearly the policy of a community regarding how it shall develop physically, socially, and economically. A Specific Plan refines these policies as they relate to a particular parcel of land. For this reason, an evaluation of consistency with the Duarte General Plan is an integral part of the specific plan analysis. The proposed Specific Plan amendments will continue to implement the City's General Plan.

LAND USE ELEMENT

The following discussion analyzes the site's consistency with the applicable elements of the Duarte General Plan Land Use Element:

1. Land Use Goal 1: Improve on Duarte's balance of uses. ~~Reallocate permitted uses along Huntington Drive through changes in zoning so that these reflect the true economic potential for the area and so that compatible activities will be grouped together and protected from detrimental neighbors.~~
2. Land Use Goal 2: Develop compatible and harmonious land uses providing for a mix of uses consistent with projected future social, environmental and economic conditions. ~~In light of Huntington Drive's continuing importance of the City of Duarte, upgrade its physical environment through landscaping and other beautification methods and technique by providing recognizable urban design elements such as districts and landmarks along its route.~~
- 2.3. Land Use Goal 3: Provide unique areas to better serve the needs of Duarte residents and businesses.

The proposed site plan was developed with the idea that Huntington Drive is the central corridor of Duarte and that the City is in need of a community shopping center featuring a major supermarket. The initial Specific Plan facilitated the development of a shopping center that met the community's needs. The Specific pPlan will continue to provide for a community shopping center and will continue to incorporate this desire by specifying that certain development standards and uses of the existing zone be upgraded to create provide an environment of even greater quality for the community.

PUBLIC SAFETY AND SEISMIC

SAFETY ELEMENT

~~The Huntington Drive/Buena Vista Specific Plan implements two particular goals of the public safety and seismic safety element of the Duarte General Plan.~~

- ~~1. To identify, appraise, and mitigate seismic, geologic, fire, and inundation hazards to an acceptable level of risk with the overall objective of reducing loss of life, injuries, damage to property, and social-economic dislocations resulting from such natural occurrences.~~
- ~~2. To assist in allocation of public resources in Duarte and to develop information regarding safety and seismic hazards and thereby to develop a systematic approach to the protection of public health, safety and welfare from such hazards. Such information and protective devices are designed for further judicious growth and land use policies in conjunction with previously established City policies contained within the General Plan.~~

The proposed Huntington Drive/Buena Vista Street Specific Plan project is consistent with the above goals, objectives and policies of the public safety & seismic safety Element of the Duarte General Plan.

Policy Safe 1.1.4: Enforce requirements that all development proposals be reviewed in order that they may be analyzed for safety implications.

Consistent with this policy, the City and Specific Plan requires that all projects in the Specific Plan area adhere to applicable building code requirements.

~~All building and structures for the proposed site must be designed to comply with Section 2312 "Earthquake Regulations" of the Uniform Building Code as adopted by the City of Duarte.~~

CIRCULATION ELEMENT

The objective for balanced circulation and transportation as stated by the Duarte General Plan is:

~~To provide maintain effective planning for new development, the maximum freedom, safety and economy of movement for individuals and goods consistent with the desires and needs of the community as a whole.~~

Several features of the proposed development are consistent with the principals of these objectives:

1. Access is available to the site from designated major arterials.
2. On-street parking will be ~~limited if not prohibited~~provided.
3. Sidewalks will be provided along dedicated roadways along Huntington Drive and Buena Vista street for pedestrian safety.

OPEN SPACE ELEMENT

The area included in the Huntington Drive/Buena Vista Street Specific Plan is located adjacent to Huntington Drive and Buena Vista Street, and therefore, will not require the installation of public streets. The proposed development will, pursuant to the development standards of the Duarte Development and Section 19.78 of the Municipal Code, ~~provide off-street parking~~. A goal of the General Plan is to protect Duarte's environment through proper consideration of the environmental implications of new development in the City. restrict future surface streets from cutting up open areas. The development meets this requirement.

NOISE ELEMENT

The Huntington Drive/Buena Vista Street Specific Plan implements of following the ~~three objectives~~ of the noise element of the General Plan.

1. Land use planning decisions directly relate to potential noise impacts. Therefore, careful consideration of noise impacts should be part of all land use decisions.
1. ~~Noise levels in commercial areas may exceed levels in residential areas, but they should be less than levels in industrial areas.~~
2. ~~Noise levels in commercial areas should not interfere with normal business and commercial activity.~~
3. ~~Noise levels transmitted beyond or across commercial property lines should not exceed the desired maximum noise level for the adjacent residential areas.~~

Several features of the proposed development are consistent with the principal of these objectives:

1. Pursuant to the Section 9.68.050 of the Duarte Municipal Code it is unlawful for any person within the City of Duarte to make, or cause or allow to be produced noise which is received on property occupied by another person or adjacent parcel of property. The following table is the maximum acceptable decibel levels as specified in Section 9.68.050 of the Duarte Municipal Code.

STANDARDS

	<u>DAY</u> 7:00 A.M. – 10:00 P.M.	<u>NIGHT</u> 10:00 P.M. – 7:00 A.M.
R-1 & R-2	55 dBA	45
R-3 & R-4	55 dBA	50
Commercial	60 dBA	55
Industrial & Light Mfg.	70 dBA	70

~~V. REDEVELOPMENT PLAN CONSISTENCY~~~~REDEVELOPMENT PLAN~~

~~A portion of the Huntington Drive/Buena Vista Specific Plan is included in the Huntington Drive Phase II and Rancho Duarte Phase III Redevelopment Plans. The Redevelopment Plans designates the property as commercial development. It is the intent of this Plan to allow and encourage a wide variety of retail commercial and office uses within the Project Area, including but not limited to service establishments, commercial/retail uses, neighborhood retail shops, business offices, professional offices, private recreational enterprises, hotel and motel uses, restaurants, and other related and compatible uses.~~

~~The proposed plan does reverse the economic decline. The plan exceeds the standards of the zone and meets the development standards of the Redevelopment Plan.~~

~~VI.V. DEVELOPMENT REGULATIONS~~

PURPOSE AND INTENT

The purpose of these regulations is to provide for the development of the subject property in a manner that is sensitive to the constraints of the surrounding land uses, while allowing for the existing and established establishment of a unique community shopping center. It is further the purpose of these regulations to provide amenities that would protect complement the surrounding residential neighborhoods properties and uses. The development regulations included herein are designed to be used by planners, developers, landowners and decision makers in making decisions regarding design and use of the commercial shopping center.

~~These regulations are intended for use by planners, landowners, engineers and public decision makers for the development of the subject property.~~

The following objectives have been incorporated into the development standards:

1. The development of a site plan which would act as a positive image for the Huntington Drive corridor area of Duarte.
2. To develop an attractive shopping center that will be compatible with adjacent land uses.

Huntington Drive/~~Buena Vista Street~~ Specific Plan (1989~~1~~)

The specific objectives of this plan are:

1. Enhance the physical environment and aesthetic appeal of Huntington Drive.
2. Eliminate and prevent the spread of physical blight and deterioration along Huntington Drive.
3. Improve the economic viability of Huntington Drive.

In addition, the Huntington Drive/~~Buena Vista Street~~ Specific Plan sets a design theme of "Early California".

The ~~original development proposed~~ project (1989) ~~does~~ incorporated the "Early California" theme ~~and does enhance the physical appearance of the subject property by the development of a new center. Any future~~
façade and/or exterior Improvements (inclusive of color changes) that deviant from the original theme would be subject to the approval process described in this Specific Plan.

GENERAL NOTES

1. Unless otherwise specified, all development within the ~~area covered by the~~ Huntington Drive/~~Buena Vista Street~~ Specific Plan shall comply with the ~~Duarte Development Code and Duarte Municipal Code, and the Huntington Drive Phase II and Rancho Duarte Phase III Redevelopment Plans.~~
2. Terms used herein shall have the same meaning as defined in the Duarte Development Code and Duarte Municipal Code unless otherwise defined herein.
3. Any ~~details or issues~~ regulations or design standards not specifically covered by the Huntington Drive/ Buena Vista Street Specific Plan shall be subject to

the regulations of the Duarte Development Code and Duarte Municipal Code, ~~the Redevelopment Plans, and any architectural review board requirements.~~

4. The approval of development within the specific plan shall be governed by Duarte Development Code Chapter 19.150 and Government Code Section 65450 ~~of the State of Cal. Government Code.~~

PERMITTED USES^[1]

Buildings, structures and land shall be used, erected, structurally altered, or enlarged only for those uses enumerated herein. ^[2]~~Uses not listed Other such uses, as the Planning Commission may deem appropriate, may will~~ be permitted pursuant to Chapter Section 19.70.07019.04 of the Duarte DevelopmentMunicipal Code, ~~to be similar and not more obnoxious or detrimental to the public health, safety and welfare than said enumerated uses.~~ Uses permitted by right, uses permitted as an accessory use, or with a minor or conditional use permit are subject to all applicable regulations in this Specific Plan, Duarte Municipal Code and Duarte Development Code.

1) Permitted by Right

- (a) Business, Financial, and Professional
 - i. Financial Institutions and Related Services
 - ii. ^[3]Offices – Business or Corporate.
- ^[4]
- (b) Retail Stores
 - i. Retail Store
 - ii. ^[5]^[6]^[7]Medical Supplies
 - iii. Vehicle Parts Sales (including stereos/alarms, but no installation)^[8]^[9]^[10]
- (c) Services
 - i. Animal Grooming
 - ii. Maintenance and Repair Services (other than vehicle)
 - iii. Personal Services, General
 - iv. Postal and Mailing Services
 - v. Printing and Duplicating Services (Commercial)
- ^[11]
- (d) Medical Related and Social Services
 - i. Medical, Dental Clinics/Offices (up to a maximum of 10 percent of gross floor area of Shopping Center)
- (e) Eating and Drinking Establishments
 - i. Fast Food or (Sit Down) Restaurant (no late-night hours)
 - ii. Fast Food (with or without late night hours)

iii. Take-Out Service

2) Minor Use Permit

- i. Health/Fitness Facilities (Small – 2,000 sf or less)
- ii. Studio – Art, Dance, Martial Arts, Music
- iii. Outdoor Displays/Sales (Permanent)

3) Conditional Use Permit

(a) Retail Trade Uses

- i. Alcohol Sales (off-sale)
- ii. Alcohol Sale on-sale (incidental to Eating and Drinking Establishment)
- iii. Convenience Store

(b) Eating and Drinking Establishments

- i. Outdoor Dining, Limited (more than 800 sf)
- ii. Restaurant – Sit Down (with late night uses)

(c) Other Uses

- i. Drive-Through or Drive-Up Facilities
- ii. Late Night and/or Twenty Four Hour Uses
- iii. Outdoor Entertainment (when accessory to a primary use)
- iv. Utilities

(d) Recreation and Education

- i. Commercial and Recreation and Entertainment
- ii. Game Arcade, Internet Café, or Similar Business
- iii. Health/Fitness Facilities (Large, 2,001 sf or greater)

4) Accessory Uses

- i. Accessory Food Service (open to the public)
- ii. ATMs not associated with an on-site Financial Institution
- iii. Outdoor Dining, Limited (up to 800 sf)
- iv. Tobacco Product, Electronic Cigarette and Vaping Devices, Electronic Cigarette and Vaping Accessories, and Tobacco Paraphernalia Sales (Accessory Use Only)

5) Prohibited Uses

- i. Ambulance services
- ii. Assembly/Meeting Facilities
- iii. Automobile Washing/Detailing
- iv. Bars, Lounges, Nightclubs, and Taverns
- v. Day Care facility

- vi. Donation Boxes
- vii. Electronic Cigarette and Vaping Establishments
- viii. Emergency and/or Urgent Care Clinic^[12]
- ix. Fueling Stations
- x. Funeral Homes and Mortuaries, and/or Crematorium
- xi. Off-Site Advertising
- xii. Outdoor Cooking
- xiii. Outpatient Surgery/Care Facilities
- xiv. Pawnshop
- xv. Personal Services, Restricted
- xvi. Places of Religious Assembly
- xvii. Public and Private Parking Lots and Structures (not associated with a primary use)
- xviii. Recycling Facilities (Reverse Vending Machine and Small Collection Facility)
- xix. Residential care facilities
- xx. Schools, Private
- xxi. Schools, related to medical professions
- xxii. Secondhand store
- xxiii. Tobacco Shop
- xxiv. Tobacco Smoking Establishments
- xxv. Vehicle Rental^[13]
- xxvi. Vehicle Repair, Limited and General
- xxvii. Vehicle Sales, New
- xxviii. Vehicle Sales, Used
- xxix. Vending Machines (outside)
- xxx. Veterinary Services
- xxxi. Visitor Accommodations to include hotel/motel, and (extended stay) long-term hotels

~~(a) — Office Uses~~

- ~~• Administrative, financial, and professional ^[14]offices.~~
- ~~• Artist's and photographer's studios.~~
- ~~• General research, not involving manufacture, fabrication of processing of sale of products, listed in any other commercial or industrial zone.~~
- ~~• Insurance brokers, adjusters and agents.~~
- ~~• Medical, dental, optical, biological, and therapeutic clinics, laboratories, and equipment and supplies.~~
- ~~• Notary public.~~
- ~~• Real estate brokers.~~

- ~~Stenographers, public.~~
- ~~Tax consulting services.~~
- ~~Ticket agency.~~
- ~~[15] Vocational/business college, such as barber and beauty colleges, modeling schools, medical training schools, dancing academy, music instruction.~~
- ~~[16]~~

~~(b)~~ ~~Retail Stores~~

- ~~Antique shop [17]~~
- ~~Art gallery~~
- ~~[18] Art supplies~~
- ~~Bakery, baking for retail sales~~
- ~~Bicycles shop~~
- ~~Clothing or wearing apparel~~
- ~~Confectionery shop~~
- ~~Cosmetic shop~~
- ~~Craft shop~~
- ~~[19] Delicatessen~~
- ~~[20] Drug store or pharmacy [21]~~
- ~~Electrical fixture supply (retail)~~
- ~~Florist~~
- ~~Furniture, new only~~
- ~~Furrier~~
- ~~Hobby supply~~
- ~~Home furnishings~~
- ~~Household appliances~~
- ~~Ice cream parlor~~
- ~~Jewelry~~
- ~~Leather goods and luggage~~
- ~~Maternity shop~~
- ~~[22] Music, musical instruments, records~~
- ~~Newsstand/book store~~
- ~~Novelty shop~~
- ~~Pet store~~
- ~~[23] Pharmacy~~
- ~~[24] Photographic supplies~~
- ~~Printing and office supply, retail~~
- ~~Shoe store~~
- ~~Sporting goods~~
- ~~Soda fountain~~
- ~~Specialty (unique) food stores, i.e. cheese shop, etc.~~
- ~~[25] Supermarkets~~

- ~~[26] Stationary store~~
- ~~Toy store~~
- ~~Video equipment and supplies~~
- ~~Wallpaper materials and supplies~~
- ~~Yarn shop~~
- ~~[27]~~

~~(c) — Services~~

- ~~Appliance, radio television store and repair (when associated with retail sales)~~
- ~~Bank [28]~~
- ~~Barber shop or beauty shop~~
- ~~Bill paying office [29]~~
- ~~Blueprinting and photocopy~~
- ~~Dance studio [30]~~
- ~~Dry cleaning and/or laundry agency~~
- ~~Employment agency~~
- ~~Financial institutions~~
- ~~[31] Floor covering service and sales~~
- ~~Gunsmith~~
- ~~Library~~
- ~~[32] Locksmith~~
- ~~Mail order office~~
- ~~Mimeographing~~
- ~~[33] Music and/or dance studio~~
- ~~[34] Museums [35]~~
- ~~Off street parking lots~~
- ~~[36] Photographer~~
- ~~Picture framing~~
- ~~Post Office~~
- ~~Public utility customer service office [37]~~
- ~~Restaurant~~
- ~~[38] Shoe repair~~
- ~~Tailor~~
- ~~[39] Taxidermist [40]~~
- ~~Upholstery [41]~~

~~(d) — Conditional Uses~~

- ~~Alcoholic beverage on sale (incidental with restaurant)~~
- ~~Alcoholic beverage off sale~~
- ~~Caretaker's dwelling and necessary accessory building~~

- ~~Gunsmith~~
- ~~Health salons~~
- ~~Printing shop~~
- ~~Restaurant with dancing~~
- ~~Vocational/Business College~~

(e) ~~Uses Expressly Prohibited~~

- ~~Adult orientated businesses i.e. "Adult Bookstore", "Massage Parlor",~~
- ~~Alcoholic beverage on sale not incidental to a restaurant~~
- ~~Arcades~~
- ~~Card parlors and games of chance~~
- ~~Commercial uses other than those specifically listed or provided for~~
- ~~Convenience market~~
- ~~Dance hall when not incidental to a restaurant~~
- ~~Fast food restaurants~~
- ~~Industrial use~~
- ~~Motels and hotels~~
- ~~Outdoor storage or any use requiring outdoor storage~~
- ~~Recreational uses per Section 19.62.021 (f) other than those specifically listed or provided for~~
- ~~Residential uses, except as otherwise provided~~
- ~~Trailer Parks~~
- ~~Wholesaling and warehousing^[42]~~

^[43] PROPERTY DEVELOPMENT STANDARDS

The following property development standards have been designed to implement the original is-s Specific pPlan and wereare tailored to the precise site plan.

1. Lot Area and Dimensions – The Shopping Center development consists of one~~22~~ parcels of land constituting approximately 6.68 acres which was originally developed as an integrated commercial shopping center intended to serve local and regional needs~~is intended to be combined into one uniform development.~~
2. Building Height – Maximum building height shall not exceed 35 feet.
3. Setbacks –
 - a.) Front – a 10' landscaped parking lot setback along Huntington Drive (not including allowed "bumper overhang"). Buildings to be set back 20 feet.

- b.) Side/Rear – building may be set on property line provided that it is in accordance with Section 504 of the Uniform Building Code.
4. Walls – Any walls contiguous to a residential zone shall be constructed of a solid decorative masonry wall not less than 6' in height.
5. Off-Street Parking Regulations and Design – Off-street parking ~~is required~~ regulations and design shall apply to this development –pursuant to Duarte Development Code Chapter 19.38~~at a ratio of 1 space per 220 square feet of gross floor area for office and retail use, plus one for each employee.~~
6. Signs – All signs shall relate to the character and architectural style of the structures upon which it is placed. A sign program utilizing a uniform design shall be reviewed and approved pursuant to the provisions of ~~Section IX, Implementation and~~ Duarte Municipal Development Code 19.42~~80~~. Sign Programs may be amended from time to time pursuant to the Duarte Development Code.
7. Landscaping – Landscaping shall be installed and maintained as necessary to keep such landscaping alive and free of disease. Landscaping shall consist of tree's, shrubs, and ground cover in appropriate numbers and density and a complete automatic irrigation system. Maintenance shall include, but shall not be limited to, necessary weeding, fertilizing, and watering. Plans shall be reviewed for approval by the Architectural Review Boards.
8. Mechanical Equipment – All mechanical equipment including but not limited to air conditioning units, electrical switch gear and panels compressors and similar mechanical and electrical equipment shall be screened with a decorative material approved by the Architectural Review Board. Said equipment shall not be visible from any public right-of-way nor ~~from Santa Teresita Hospital adjacent properties.~~
9. Outdoor Use and Storage – ~~Any outdoor storage is expressly prohibited.~~All permitted uses shall be wholly within an enclosed structure, except the following:
- a. On-site parking
 - b. Uses permitted by DDC 19.60.120 (Outdoor Displays, Permanent) or DDC 19.60.110 (Outdoor Dining), or DDC 19.60.124 (Temporary Uses)
 - c. Permitted Uses
- 9.—

10. Waste Disposal – All refuse disposal shall be enclosed by a solid decorative masonry wall, pursuant to the City of Duarte standard plan, adequate to conceal such facilities from adjoining properties.
11. Outdoor Lighting – Outdoor lighting shall not exceed 16' in overall height and shall be located so as not to shine on any public right-of-way or any adjacent properties and shall be energy efficient LED Lighting~~high-pressure sodium-low energy type~~. All freestanding light standards must be Mission Bell or as approved equal by the Architectural Review Board~~the Director pursuant to Duarte Development Code Chapter 19.122~~. All outdoor lighting, new or replacement shall be subject to subject to Director Review.
12. New Construction – All construction in the Project Area shall comply with and meet or exceed all applicable state and local laws in effect as amended from time to time including, but not necessarily limited to, fire, building, electrical, heating, grading, and plumbing~~and sign~~ codes of the City of Duarte.
13. Subdivision of Anchor Tenant Space – Shall be subject to approval by the Architectural Review Board subject to Duarte Development Code Section 19.122.
- ~~12,14.~~ Façade and Exterior Improvements (inclusive of color changes), landscaping, restriping of parking lots, roof pitch changes – Shall be subject to approval by the Director subject to Duarte Development Code Section 19.122.
13. Incompatible Uses – ~~No uses or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors would be incompatible with the surrounding areas, structures or uses shall be permitted in any part of the Project Area.~~
14. Subdivision^[44] of Consolidation of Parcels – No parcels in the Project Area, including any parcels retained by a participant, shall be subdivided or consolidated without the prior approval of the City of Duarte~~Agency~~.

VII.VI. IMPLEMENTATION

Before any building or structure is erected, a development plan shall have been submitted for review and approval to the Architectural Review Board pursuant to provisions of Duarte Municipal Code Section 19.70.210A. This will ensure the project will conform with the Specific Plan regulations and responsiveness to applicable guidelines.

Amendment – An amendment to the adopted Specific Plan shall follow the procedures as outlined in Duarte Development Code Chapter 19.150 and Calif. Government Code Section 6545003.

~~Monitoring the Program – The project shall be monitored periodically once work commences to ensure that the plan is working in accordance with the jurisdiction's expectations. Monitoring shall be conducted by staff and building inspectors.~~

VII. DEFINITIONS^[45]

The definitions for the Specific Plan shall be the same as those provided in Duarte Development Code Chapter 19.60.

~~Fast Food Restaurant – Activities include the retail sale of ready to eat cooked foods and beverages, for on or off premises consumption, wherever the foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates; but exclude establishments which have interior seating capacity of 65 or more persons, and off street parking for 45 or more automobiles.~~

~~Convenience Market – Shall be activities that include the retail sales of food, beverages, and small personal convenience items, primarily for off premises consumption and typically found in establishments with long or late hours of operation and a relatively small building, but exclude delicatessens and other specialty food shops and also exclude establishments which have a sizable assortment of fresh fruits and vegetables and fresh cut meat.~~