



PLANNING COMMISSION STAFF REPORT

Date: June 15, 2015

Project: Modification of Conditional Use Permit 95-1

Subject: Modification of Conditional Use Permit 95-1 for the operation of on-premise sales of alcoholic beverages and dancing & live entertainment

Location: 1846 Huntington Drive - Route 66 Roadhouse & Tavern

Applicant: City of Duarte

SUMMARY

The City of Duarte is pursuing a modification to Conditional Use Permit (CUP) 95-1, which allows the sell of alcoholic beverages or onsite consumption and live dancing and entertainment at the Route 66 Roadhouse & Tavern. The decision to modify the CUP is based upon reoccurring law enforcement activity and non-compliance with various conditions of approval. These ongoing matters have caused the business to become detrimental to the public health, safety, and general welfare of the community.

BACKGROUND

In 1964 CUP 28 was granted by the Planning Commission allowing the establishment to sell on-premise alcoholic beverages at 1846 Huntington Drive. The business operation has remained generally the same since the CUP's approval, however changes and/or expansion of services have led to the issuance of several new CUP's. Following CUP 28, the property was granted CUP 32 in 1966, CUP 66 in 1975, CUP 83-8 in 1983, CUP 83-12 in 1984, CUP 90-2 in 1990, and finally CUP 95-1 in 1995, which is the current CUP in effect on the property.

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 ranging from dancing to live and recorded music, billiards and other gaming devices, and satellite TV for viewing sporting events. 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 A). Shortly after, the applicant obtained a Dance and Entertainment permit (required by CUP 95-1) that included 11 conditions of approval that became part of the conditions imposed on CUP 95-1. All of the conditions are intended to ensure the business maintains a safe and orderly operation, and adverse impacts on the surrounding community are prevented.

In 2003 the business changed ownership to the current owner. As part of the ownership change, the new owner was required to maintain the same business operation as the previous approval, comply with all conditions approval, and address any non-compliance on the property. However, since the ownership change there has been on-going noncompliance with the conditions of approval, violations of the Duarte Development Code and Municipal Code, and several incidents

that question the acceptable operation of the business. The following information summarizes some of the incidents that have occurred during operation under the current owner.

In February of 2003, at the time of the ownership change, a letter was provided to the prospective owner explaining the requirements of CUP 95-1 and outlining concerns regarding compliance with the conditions of approval. The letter included a timeframe of roughly nine months to address violations related to: inability to serve food at all times (no operational kitchen), illegal mobile trailers stored in the rear parking lot area, inadequate or inoperable parking lot lighting, improper use of temporary banners, and general site maintenance.

After continued noncompliance, a second letter was sent to the business owner in September of 2005. The follow up letter reiterated the requirements of CUP 95-1 and provided an updated list of remaining items, which included everything from the previous letter except for the inability to serve food and some of the general site maintenance. A new item related to special events conducted on the property without the proper approval or permits was also listed on the follow up letter. Another timeframe of nearly one year was given to the business owner to address the non-compliance on the property. However upon recent inspections, it is evident that many of the same violations from 2003 and 2005 are still present on the property today.

The Route 66 Bar has seen an excessive amount of detrimental activity over the past several years. According to a law enforcement activities report from the Los Angeles County Sheriff's Department, there has been an excess of 75 calls for law enforcement services at the Route 66 bar dating back to 2010. Many of these service calls range from burglary alarm response to patron and/or business owner disputes. The disputes are often a result of disagreements or intoxication, which usually lead to physical altercations and/or assault with a deadly weapon. These disputes or altercations occur inside the business and outside in the parking lot areas, and sometimes involve a large number of people causing the dispute to carry over on to adjacent properties.

The Route 66 bar is also a well-known gathering place for notable motorcycle clubs. There have been several occurrences where large groups associated with these clubs have been observed at the Route 66 bar gathering in the parking lot areas. The Public Safety Department reports 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 have attracted large number of attendees, mainly members of the motorcycle clubs, and involve a variety of outdoor activities such as outdoor cooking, outdoor music, portable restrooms, and the use of canopy structures. These occurrences have necessitated the Sheriff's Department to assign Operation Safe Street Deputies or Duarte Special Assignment Deputies to monitor the events at Route 66 so patrons and the community remain safe.

ANALYSIS

In order to establish a bar, Lounge, Night Club or Tavern business that serves alcohol, prospective business owners must obtain approval of a conditional use permit that provides operational guidelines and conditions related to the operation of its business. Proprietors must then abide by these rules and operate a business that would not be detrimental to the City or endanger, jeopardize or otherwise constitute a hazard to the public convince, health, interest, safety or general welfare of persons residing or working in the neighborhood of the use (DDC Section 19.114.050.B). If a

business does not operate in compliance with the conditions of approval imposed or is otherwise detrimental to the public health, safety or welfare, the CUP is subject to a modification or revocation hearing. The Planning Commission has the authority to modify conditions of the conditional use permit or revoke the conditional use permit based on lack of compliance with conditions.

Staff was informed by Public Safety and the Sheriff's Department that the Route 66 Roadhouse and Tavern has experienced a significantly high rate of law enforcement calls for service over the past several years. These calls are mostly a response to physical altercations and disputes that would often time escalate to a level of uncontrollable. However, the service calls also include response to loitering, intoxication, vehicle and personal theft, and excessive burglary alarms that were often times false alarms. The high rate and nature of these calls creates an undesirable operation within the community and undue toll on law enforcement resources.

Based on this, Staff and Public Safety 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. Examples of the violations include, inadequate/improper exterior lighting, stored recreation vehicles being used as a residence, numerous large gatherings and outdoor events, repeated problems associated with the sale of alcohol, and other violations of the Duarte Municipal Code were observed in addition to the excessive calls for law enforcement service. Many of the violations are directly related to the excessive calls for law enforcement services, while others are simply a result of non-compliance. Based on the number and severity of the violations of the CUP, 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 that the business operation cease at the site. However, Staff is proposing the modification of several conditions and the addition of new conditions to create a new set of 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 will be combined into one complete set. The changes to the combined set, as illustrated in Exhibit D, will consist of updated/expanded conditions, brand new conditions, existing conditions that have no substantive change, and existing conditions no longer applicable that will be removed. The final set of conditions is included with PC Resolution 15-04 (Exhibit E). The following conditions clarify and expand the security requirements that have been lacking at the business and address other property violations.

Violation of Original Conditions

Original Condition

#10 (CUP 95-1): *"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".*

Violation: The excessive amount of law enforcement service calls resulting from the operation of the Route 66 business has created a nuisance and has become incompatible with the reasonable operation of a business of this type and in this area. The type of service calls and severity of these calls has created a business operation that has become detrimental the public health, safety and general welfare.

Recommended Action: Staff recommends modifying Condition #3 and #9 of the Dance & Entertainment (D&E) Permit. As explained below, modifying condition #3 will require improvements to the exterior lighting, modifying condition #9 will provide specific details for creating/implementing a security plan. The reoccurring need for law enforcement services at the Route 66 business could likely be a result of lacking security measures. Modifying the conditions will clarify the standards associated with operating a business like the Route 66 and provide additional requirements to ensure a safe and orderly operation is maintained. Condition #10 from CUP 95-1 will remain stated as is, but will be listed as Condition #16 on PC Resolution 15-04.

- Security Lighting. The current condition for exterior lighting is very general in nature, and based on the ongoing activities it does not appear that the intent of the condition is being met. The revised condition will be expanded to clarify typical lighting requirements for businesses like the Route 66. The condition will require installation of new parking lot lights and wall-mounted security lights to provide sufficient illumination throughout the property. To ensure the proper lighting is installed, the business owner will also be required to submit a lighting plan to the Community Development Department that will include the location of all the light fixtures and a certified photometric study showing the intensity and spread of illumination. Lastly, the expanded condition will require the removal of all the existing lighting that does not meet the current code requirements or the intent of the condition of approval. This revision is listed as Condition #3 on PC Resolution 15-04.
- Security Personnel. The current condition for security personnel requires two security guards during special entertainment programs. It is unlikely this condition has ever been complied with, and unlikely it is sufficient enough to prevent the current ongoing activities. The revised condition has been expanded substantially to abate many of the activities stemming from the Route 66 operation. The business owner will be required to submit a detailed security plan to the Public Safety Department and Planning Department for review that will include requirements such as a designated contact person, a operational security system linked to a reputable monitoring company, specific details on security personnel, and an operational surveillance camera system. This is listed as Condition #4 on PC Resolution 15-04.

Original Conditions

#2 (D&E Permit) - *"The applicant shall comply with all requirements of the Duarte Municipal Code."*

#5 (D&E Permit) - *"The playing of music or other forms of audio projections through outside speakers is prohibited."*

#11 (D&E Permit) - *"All activities related to this business shall be conducted within a totally enclosed building."*

#12 (CUP 95-1) - *"All requirements of the Duarte Municipal Code, as such requirements apply to this entitlement, shall be fully complied with and such requirements shall be made a Condition of Approval."*

Violation: The Route 66 business has repeatedly organized, promoted, and facilitated various outdoor events within the parking lot areas on the property. These events typically involve a variety of outdoor activities, such as cooking, music, and the use of tents and canopies. They also result in large gatherings of motorcycle club members occupying the parking lot and front door area, intimidating the general public who may consider patronizing the business. The conditions mentioned above specifically prohibit such activities. Furthermore, activities such as these require approval of a Special Event/Temporary Use Permit, as specified in Chapter 19.124 of the Duarte Development Code.

Recommended Action: Staff recommends adding a new condition (Condition #8 PC Resolution 15-04) that will require the business owner to obtain approval from the Public Safety Department and Community Development Department for all special events in compliance with Chapter 19.124 of the Duarte Development Code. The condition includes a variety of examples to help clarify when the permit may be necessary, many of which regularly occur at the Route 66 business. The condition will also restrict the business owner from allowing patrons to gather and/or congregate in the parking lot areas without approval of an outdoor special event. Staff understands there is a possibility that large crowds may arrive unannounced and unknowingly to the business owner. To address this concern, the security plan will allow the Public Safety Director to require immediate and/or additional security if whenever deemed necessary. Original Conditions #5 and #11 from D&E Permit and #12 from CUP 95-1 will remain stated as is but will be listed as Conditions #10, #9, and #22, respectively on PC Resolution 15-04. Original Condition #2 from D&E Permit will be stricken from the final list because it is a duplicate.

Original Condition

#6 (CUP 95-1): *"Any outdoor storage, including trailers, associated with the use is expressly prohibited on the subject property."*

Violation: There is currently a recreation vehicle and other vehicles being stored in the rear parking lot of the property. It is likely the recreation vehicle is being used as someone's living quarters, which is a violation of Development Code Section 19.38.080.B. Furthermore, Section 19.12.050.B of the Duarte Development Code prohibits outdoor storage of all types in the C-G zone.

Recommended Action: Staff recommends adding a new condition (Condition #6 PC Resolution 15-04) that will require the recreation vehicle and any other stored/inoperable vehicles to be removed from the property within ten days. Noncompliance could potentially lead to revocation of the CUP. The original Condition #6 from CUP 95-1 will remain stated as is, but will be listed as Condition #11 on PC Resolution 15-04.

Original Condition:

#10 (D&E Permit): *"The following exterior signs shall be posted at the site by June 12, 1995, subject to final approval by the Duarte Public Safety Department."*

Sign A:
Customer Parking Only.

Violators may be cited or towed away at owners expense.
Section 22658 (a) CVC DMC 11.04
Sec. 156.270 L.A. County Sheriff 4449861

Sign B:

No Drinking	No Loitering
DMC 9.24.025	DMC 9.16.010

Violation: None of the required signs above were observed during recent inspections of the Route 66 property. While all three signs are typical and necessary for the business operation, Sign B helps regulate and potentially prevent any unwanted activity, such as loitering, which is identified in the LA Count Sheriff's law enforcement activities report for the Route 66 business.

Recommended Action: Staff recommends modifying Original Condition #10 to include updated language that clarifies the type of signs required and the approval process that is needed. The modified condition will include the No Drinking and No Loitering signs, and require an additional sign to address possession of open alcoholic beverage containers. The modified condition will also include advertisement restrictions for alcoholic beverage and other similar products. The contents of the Original Condition #10 will be stricken, the modified/replacement condition will be listed as Condition #7 on PC Resolution 15-04.

In further response to the violations and ongoing activities at the Route 66 business, several brand new conditions have been added to CUP 95-1. The new conditions are not necessarily a modification to any original conditions but are still necessary for the safe and orderly operation of the business. The most notable new condition is discussed below, the remaining new conditions are standard conditions that are imposed on all CUP entitlements.

New Condition

#1 (PC Reso 15-04): *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.*

Necessity for Condition: Due to the on going problems associated with the Route 66 business and the propensity reoccur, Staff suggests conducting a six-month review of the Route 66 to evaluate business operation and compliance with all the conditions approval. The results of the review will be provided to the Planning Commission as an update.

The Los Angeles County Sheriff's Department and the Duarte Public Safety Department have provided letters (Exhibit B and C respectively) discussing the activities at the Route 66 and recommendations on modifying the conditions. The business owner will be required to show compliance with all the updated conditions and new conditions, and provide proof that the business is in compliance with any existing conditions that were not significantly modified.

If the Planning Commission approves Resolution 15-04, in so doing so will modify CUP 95-1 and all modifications will become effective unless appealed to the City Council within 15 days of the Planning Commission's decision. Said appeal must be in writing and filed with the City Clerk's Office. The written appeal shall include reasons for the appeal.

RECOMMENDATION:

Based on the evidence set forth in this Staff Report, and repetitive activities and Code violations, which are detrimental to the public health, safety and welfare, Staff recommends the Planning Commission modify CUP 95-1 by adopting Resolution 15-04 (Exhibit E).

Respectfully Submitted,



David F. Eoff IV
Associate Planner

ATTACHMENTS

Exhibit A – Conditions of Approval CUP 95-1
Exhibit B – Letter from LA County Sheriff, Temple Station Captain
Exhibit C – Letter from Director of Public Safety
Exhibit D – Modified Conditions of Approval
Exhibit E – PC Resolution 15-04

CONDITIONAL USE PERMIT 95-1

CONDITIONS

1. Prior to the issuance of a Business License, the applicant 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.
2. The applicant, on an annual basis, shall apply for and **maintain a *Dance and Entertainment Permit*** pursuant to Section 5.82 of the Duarte Municipal Code. All fees associated with the prior business shall be paid prior to **approval of the Dance and Entertainment Permit**. All Conditions of Approval of the **Dance and Entertainment Permit** shall become conditions of this Conditional Use Permit. This Conditional Use Permit shall **not become effective** until approval of the Dancing and Entertainment Permit.
3. Prior to the issuance of a business license, **the applicant shall submit an improvement plan that will show improvements to the exterior of the building and the parking area**. Said plans shall pay particular attention to **the trash enclosure, landscape areas, parking lot lighting and improvements to the exterior of the building**. In addition, **plans shall be submitted to the Building and Safety Department to ensure compliance with the American Disability Act**.
4. All requirements of the Alcoholic Beverage Control board shall be complied with and such requirements **shall be made a Conditions of Approval**.
5. The sale of alcoholic beverages for consumption **off the premises** is prohibited.
6. any outdoor storage, **including trailers, associated with the use** is expressly prohibited on the subject property.
7. The parking lot area shall be **properly maintained and kept clear from litter and debris** at all times.
8. No signs or advertising of any type whatsoever shall be placed, erected and/or installed until plans have been submitted to and approved by the City's architectural Review Board.
9. The applicant 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 applicant be revoked for any purpose, this Conditional Use Permit shall become null and void.

10. 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.
11. Any modifications and/or expansion to the use or changes in ownership including any transfer in stock of the Corporation shall require a new Conditional Use Permit.
12. All requirements of the Duarte Municipal Code, as such requirements apply to this entitlement, shall be fully complied with and such requirements shall be made a Condition of Approval.
13. The applicant shall sign an affidavit accepting the conditions of this Conditional Use Permit within 15 days from the date of approval by the Planning Commission.
14. The decision of the Planning Commission may be appealed to the City Council within 15 days 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.
15. In the event that the herein specified entitlement is not exercised within one year from the date of Planning Commission approval this entitlement shall become null and void.
16. Entertainment shall be defined consistent with Exhibit C of February 21, 1995 staf report as amended.

Description of Business: Exhibit C

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.

/cup95-1c

ADDING - Condition No. 16. Entertainment shall be defined consistent with Exhibit C of February 21, 1995 staff report as amended.

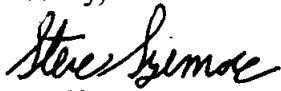
Description of Business: Exhibit C

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.

If you have any questions, please call me at (818) 357-7931, ext. 231.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Sizemore". The signature is fluid and cursive, with the first name "Steve" being more prominent than the last name "Sizemore".

Steve Sizemore
Senior Planner

/cup95-1a

DANCING AND ENTERTAINMENT PERMIT

**FOR LEGENDS NIGHTCLUB
1846 E. Huntington Drive**

CONDITIONS

1. All requirements of Conditional Use Permit 95-1 shall apply to this Dancing and Entertainment Permit and shall be complied with by the applicant.
2. The applicant shall comply with all requirements of the Duarte Municipal Code.
3. All exterior areas, parking lots and drive aisles shall be illuminated in a manner which ensures the safety of the business patrons, employees and the general public, as determined by the City's Public Safety Department. The existing parking lot lighting shall be improved to meet this standard and shall be inspected by the Public Safety Department prior to the release of the applicant's improvement bond.
4. The doors of the establishment shall be kept closed during televised sports events, live entertainment, dancing or music-related entertainment.
5. The playing off music or other forms of audio projections through outside speakers is prohibited.
6. All requirements of the Duarte Noise Ordinance shall be complied with. (Duarte Municipal Code Section 9.68.)
7. Sporting events shall be limited to televised programming only.
8. Dancing shall be limited to patron dancing only, unless prior written approval is obtained from the City of Duarte. Application for non-patron dancing shall be filed at least ten days prior to the first date of the proposed program.
9. 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.

Dancing & Entertainment Permit
Legends Nightclub
Page Two

10. The following exterior signs shall be posted at the site by June 12, 1995, subject to final approval by the Duarte Public Safety Department.

SIGN A

Customer Parking Only

Violators may be cited
or towed away at owner's
expense.

Section 22658 (a) CVC
DMC 11.04 Sec. 156.270
L.A. County Sheriff 4449861

SIGN B

No Drinking
D.M.C. 9.24.025

No Loitering
D.M.C. 9.16.010

11. All activities related to this business shall be conducted within a totally enclosed building.



Jim McDonnell, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

*4700 Ramona Boulevard
Monterey Park, California 91754-2169*



March 24, 2015

Darrell George
Duarte City Manager
1600 Huntington Drive
Duarte, California 91010

Re: Route 66 Roadhouse & Tavern at 1846 Huntington Drive, Duarte, CA 91010

Darrell
Dear Mr. George:

In the past five years, Temple Station, the city of Duarte specifically, has received in excess of 75 calls for service at the Route 66 Roadhouse & Tavern. Calls for service have ranged from business disputes and fights, up to the most recent and significant, a stabbing assault. Historically, the bar has been a congregation spot for two motorcycle gangs, the Vagos and the Mongols.

In regard to the aforementioned stabbing assault, witnesses identified the suspects as members of the Mongols motorcycle gang. Considering the number of calls for service and this most recent assault, the city of Duarte has grown concerned with the lack of security and video surveillance at the location. As a result of their concern, the city of Duarte is currently seeking authority to mandate full-time security and surveillance at the Route 66 Roadhouse & Tavern.

Temple Sheriff's Station is in full support of the City's recommendation for a full-time security operation and video surveillance at this location.

Sincerely,

JIM McDONNELL, SHERIFF

Coronne L. Jacob
Coronne L. Jacob, Captain
Temple Station



City of Duarte

1600 Huntington Drive, Duarte, CA 91010 - (626) 357-7931 - FAX (626) 358-0018

To: Craig Hensley; Director of Community Development

From: Brian Villalobos; Director of Public Safety

Subject: Conditional Use Permit for the Route 66 Roadhouse and Tavern

Date: March 23, 2015

On February 23, 2015, Temple Station Deputies responded to an assault with a deadly weapon call at the Route 66 Roadhouse and Tavern located at 1846 Huntington Drive in the City of Duarte. Deputies ended up writing an attempt murder report after gathering the facts surrounding the incident. Those facts included that the victim engaged in an argument with members of the Mongol Outlaw Motorcycle Gang inside the bar. When the victim walked out of the bar he was attacked by members of the gang and stabbed in the back by one of the gang members.

The Route 66 Roadhouse and Tavern has been known to be frequented by Outlaw Motorcycle Gangs most notably by the Vago's Outlaw Motorcycle Gang. There have been instances of the Vago's having approximately 20-40 members at the Route 66 Roadhouse and Tavern which has necessitated the Sheriff's Department assigning Operation Safe Street Deputies or Duarte Special Assignment Deputies to the location to monitor events to keep patrons and the community safe.

Additionally, Temple Station has had to respond to over 75 calls for service over the past five years to the Route 66 Roadhouse and Tavern. The calls ranging in service from burglary alarm calls, fights, drunken angry customers, and reports of stolen vehicles in the parking lot.

Based on the inordinate amount of times that Temple Station deputies have had to respond for calls for service to the Route 66 Roadhouse and Tavern and the fact that the establishment is frequented by Outlaw Motorcycle Gangs, it is my recommendation that the Conditional Use Permit for the Route 66 Roadhouse and Tavern be modified to include some security measures to ensure the patrons and community members safety. Those safety measures should include on site security for when the establishment has live music and special events as well as the installation of a video surveillance system that monitors both inside and outside the establishment.

EXHIBIT D Modified Conditions of Approval

This exhibit is intended to depict the suggested changes to the current conditions of approval associated with CUP 95-1 and the Dance & Entertainment Permit for the Route 66 Roadhouse & Tavern. The following information lists the current conditions of approval in their current order from their respective entitlements with ~~STRICKEN TEXT~~, **ADDED TEXT**, and TEXT TO REMAIN as is (in typical font style/color). This list also includes brand new conditions identified in **GREEN** that will be included on the final list of conditions. For the final list in a reformatted/proper order, refer to PC Resolution 15-04 (Exhibit E-1).

Conditions from CUP 95-1

1. 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.
2. The ~~applicant~~ **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 fees associated with the prior business shall be paid prior to approval of the Dance and Entertainment Permit.~~ All conditions of approval of the Dance & Entertainment Permit ~~shall become~~ **are incorporated as** conditions of this Conditional Use Permit, **as listed in the Dance & Entertainment section, and shall be fully complied with.** ~~This Conditional Use Permit shall not become effective until approval of the Dancing and Entertainment Permit.~~
3. ~~Prior to the issuance of a business license, the applicant shall submit an improvement plan that will show improvements to the exterior of the building and the parking area. Said plans shall pay particular attention to the trash enclosure, landscape areas, parking lot lighting and improvements to the exterior of the building. In addition, plans shall be submitted to the Building and Safety Department to ensure compliance with the American Disability Act.~~
4. All requirements of the ~~Alcoholic Beverage Control board~~ **Department of Alcoholic Beverage Control (ABC)** shall be complied with and such requirements shall be made ~~a~~ conditions of approval **of this Conditional Use Permit.**
5. The sale of alcoholic beverages for **offsite** consumption ~~off the premises~~ 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.**
6. ~~any~~ **Any** outdoor storage, including trailers, associated with the use is expressly prohibited on the subject property.
7. The parking lot area shall be properly maintained and kept clear from litter and debris at all times.
8. ~~No signs or advertising of any type whatsoever shall be placed, erected and/or installed until plans have been submitted to and approved by the City's Architectural Review Board.~~
9. 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.

10. 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.
 11. ~~Any Modifications and/or expansion to the use or a change in ownership including any transfer in stock of the corporation shall require a new Conditional Use Permit.~~
 12. 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.
 13. The **Business Owner applicant** 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.**
 14. 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.**
 15. In the event that the ~~herein specified entitlement is not exercised within one year from the date of Planning Commission approval this entitlement shall become null and void.~~ **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.**
 16. 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.
-

Conditions from the Dance & Entertainment Permit

1. ~~All requirements of Conditional Use Permit 95-1 shall apply to this Dancing and Entertainment Permit and shall be complied with by the applicant.~~
2. ~~The applicant shall comply with all requirements of the Duarte Municipal Code.~~
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. ~~as determined by the City's Public Safety Department. The existing parking lot lighting shall be improved to meet this standard and shall be inspected by the Public Safety Department prior to the release of the applicant's improvement bond.~~ **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 doors of the establishment shall be kept closed during televised sports events, live entertainment, dancing, or music-related entertainment.
5. The playing of music or other forms of audio projections through outside speakers is prohibited.
6. ~~All requirements of the Duarte Noise Ordinance outlined in Chapter 9.68 of the Duarte Municipal Code shall be complied with at all times.~~
7. Sporting events shall be restricted to televised programming only.
8. Dancing shall be limited to patron dancing only. ~~unless prior written approval is obtained from the City of Duarte. Application for non-patron dancing shall be filed at least ten days prior to the first date of the proposed program. The entertainment shall be restricted to patron dancing only to live and/or recorded music only.~~
9. ~~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 shall monitor the parking lot areas and the exterior areas of the building.~~ 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:

- 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.
- 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.

10. ~~The following exterior signs shall be posted at the site by June 12, 1995, subject to final approval by the Duarte Public Safety Department.~~

~~Sign A:~~

~~Customer Parking Only.~~

~~Violators may be cited or towed away at owners expense.~~

~~Section 22658 (a) CVC DMC 11.04~~

~~Sec. 156.270 L.A. County Sheriff 4449861~~

~~Sign B:~~

~~No Drinking~~

~~DMC 9.24.025~~

~~No Loitering
DMC 9.16.010~~

“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.

11. All activities related to this business shall be conducted inside the enclosed building, **unless otherwise approved through with a Special Event/Temporary Use Permit.**

New Conditions of Approval

1. 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.
2. 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.
3. The establishment shall correct any safety or security problem or security plan violation immediately after receiving written notice of such problem from the Public Safety Department.
4. 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.
5. 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.

6. 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.

RESOLUTION NO. PC 15-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE MODIFYING 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 over 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, the Planning Commission of the City of Duarte held a duly noticed public hearing to receive oral and written testimony related to the modification or revocation of CUP 95-1; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for the revocation or modification of CUP 95-1 and all of the information, evidence and public testimony received at the public hearing held on June 15, 2015 at 7:00 p.m. in the City Council Chambers.

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

SECTION 1. 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 Planning Commission during the public hearing conducted with regard to the modification of CUP 95-1, including written staff reports and verbal testimony, the Planning Commission 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 disagreements or 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 over 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 Planning Commission hereby adopts this Resolution and approves the modification to CUP 95-1, subject to the conditions of

approval attached hereto as Exhibit "E-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 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 Secretary 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.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 15th day of June 2015.

Sheryl Lefmann, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on June 15, 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT E-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:
 - 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 personnel 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.
 - 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.



PLANNING COMMISSION STAFF REPORT

Date: June 15, 2015

Project: Site Plan and Design Review 15-02 and Conditional Use Permit 15-03

Subject: Review of New Freestanding (Starbucks) Building with Drive-Through and Patio; New Freestanding Retail Building with Outdoor Patio

Location: Northwest corner of Huntington Drive and Buena Vista Street (1263 Huntington Drive, Duarte, CA)

Applicant: Arbor Capital Group

SUMMARY

The applicant, Arbor Capital Group, is requesting approval to construct a new 1,850 s.f. freestanding (Starbucks) coffee and tea retailer with a drive-through and limited outdoor patio and a new 2,600 s.f. freestanding retail building with a limited outdoor patio. The subject site is approximately .56 acres and is generally located on the northwest corner of Huntington Drive and Buena Vista Street (1263 Huntington Drive, Duarte, CA). On June 8, 2015, the Architectural Review Board recommended approval of the project, subject to conditions of approval.

Site Plan and Design Review is required for a new commercial construction and outdoor patios subject to DDC Chapter 19.122 and 19.60.120. A conditional use permit is required for the operation of a drive-through and late night and/twenty four hour uses pursuant to Duarte Development Code (DDC) 19.12 and DDC Chapter 19.60. Pursuant to Section 19.122.050(C) of the Duarte Development Code, the Architectural Review Board is the recommending body for both applications, and the Planning Commission is the final decision making body.

PROPERTY DESCRIPTION

The rectangular, .56-acre site, enjoys corner visibility along Huntington Drive and Buena Vista Street. The proposed project will be developed on vacant land with a commercial land uses consistent with the Commercial-General (C-G) zoning designation and General Plan Designation. The former use of the site included an (Texaco) automotive gas station / car wash up until about April 2001. The current ownership, Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte, acquired the subject site in 2012 in the recent dissolution of California redevelopment agencies. According to the Successor Agency's Long Range Property Management Plan and a recent real estate appraisal of the property, the highest and best use of the subject site is for it to be commercially developed as legally allowed by the zoning while exploiting its corner visibility. The City Council entered into an exclusive negotiating agreement with the applicant, Arbor Capital Group, in September 2014 to establish a retail center with a drive-through Starbucks at the subject site.

ANALYSIS

Starbucks Building - The project proposal includes a freestanding 1,850 s.f. building which will be home to a new Starbucks coffee and tea retailer with a drive through operation. The new Duarte Starbucks location will operate seven days a week from 4:30 AM to 11:30 PM. The store will offer interior and outdoor patio seating. The store will have a total of 4-5 employees per shift with a total of 12-15 store partners (employees). Store deliveries will be front door loaded outside of normal business hours. The tenant improvement for the store will be LEED certified.

Starbucks stores offer coffee and tea beverages, packaged roasted whole bean and ground coffees, single serve products, and juices and bottled water. Its stores also provide fresh food offerings; ready-to-drink beverages; and various food products, such as pastries, and breakfast sandwiches and lunch items, as well as beverage-making equipment and accessories. The Duarte location will offer the coveted Clover brewing system. The Clover offers coffee brewing technology that crafts a single cup of perfectly brewed coffee using Innovative Vacuum-Press technology and precise control over water temperature and brew time.

Secondary Retail Building – The project proposal includes a freestanding 2,600 s.f. building which will be occupied by retail and possibly a food use. The tenants for this building have not been identified. A small outdoor patio is proposed for the retail building (described below under Outdoor Patios). The parking requirements for retail and food are the same so there is use flexible for this building. If a food use does occupy the building, it will likely be limited to no more than 1,800 s.f. (see discussion below on Circulation).

Project Design, Materials, and Colors - The buildings have been designed using contemporary Tuscan inspired details, materials and colors. The corner building includes a prominent tower, capped with a gabled roof, and covered in tile, and featuring broad eaves and decorative rafter tails. The buildings include architectural details such as: (1) 12" deep, recessed windows with a dark bronze aluminum windows (2) 30" square columns featuring decorative (Coronado) stone (3) a complementary 3" bullnose stone 36" from the ground and (4) decorative step and faux stone cornice.

The secondary (2,600 s.f.) retail building has been designed to complement the Starbucks building in design, colors and materials. However, the primary (Starbucks) building exemplifies a significantly superior level of architectural quality, mostly due to the prominence of the tower at the corner, additional architectural stone added at the drive through pick up window elevation and varying building parapet heights. At its June 8th Architectural Review Board meeting, ARB requested that the applicant embellish the retail building with additional architectural details in order to upgrade its architectural quality. Some suggestions to accomplish this included: (1) add stone to greater portions of the building elevations (2) vary parapet heights (3) revise storefront entries to include increased use of stone, change in plane, or add other architectural elements. ARB requested that the final details of the revised elevations be reviewed and approved by Staff prior to building and safety plan check. A condition of approval has been included to require that the applicant upgrade the design quality based on ARB's recommendations.

Starbucks Drive Through - The proposed drive-through requires the approval of a conditional use permit per DDC Section 19.60.050. The drive-through is outwardly focused but a building tower covers a portion of the drive through, driving the focus of the eye to the tower element. The drive

through is adjacent to a 15-foot landscaped setback along Huntington Drive and Buena Vista Street which will be landscaped. Refer to discussion below on Landscaping, Lighting, and Hardscape. The drive through lane provides queuing for up ten vehicles as required by the Development Code. The required queuing distance does not interfere with on-site parking or driveway access aisles. Additional analysis regarding queuing is provided below under Circulation.

Circulation - The property has no access to Buena Vista Street. As part of the proposed project, access to Buena Vista Street will be gained via the adjacent property's existing driveway (shopping center to the north) by acquiring a shared access agreement and by creating a north-south drive aisle between the project site and existing shopping center. The shared access agreement is currently being negotiated with the assistance of the City. The property management company (of the Buena Vista Marketplace) has indicated a desire to limit the maximum square footage of the secondary retail building to no more than 1,800 s.f. dedicated for food use as a condition for agreeing to a reciprocal easement access.

Access along Huntington Drive to the project site is right-turn only (ingress and egress). It is anticipated that the required ten-car queuing distance will be sufficient to prevent drive-through queuing spillover onto Huntington Drive. Staff recommends a condition of approval which provides solutions should stacking and vehicle spillovers occur onto Huntington Drive. The condition of approval states that the Community Development Director may require that the Huntington Drive driveway become an egress only driveway or to place signage with the message to not block driveway, whichever is more feasible at the time of assessment.

The Community Development Department is working with Duarte and Foothill Transit to permanently relocate the bus stop on Huntington Drive (immediately south of the subject site). The relocation is recommended by staff in order to facilitate right turn into the project site and to eliminate potential interference with idling, transit buses on Huntington Drive. The bus stop will be relocated immediately to the west, adjacent to the Wells Fargo Building. The existing bus stop will be red curbed and marked as "No Parking".

Grand Opening of Starbucks – At its June 8th meeting, the ARB discussed the potential for vehicle spillover onto Huntington Drive due to the novelty of the new Starbucks drive-through location. ARB requested that staff impose temporary conditions using the temporary use permit (pursuant to DDC 19.124) process to mitigate potential issues associated with the grand opening period which is generally the first two months. The temporary use permit process is used to craft conditions with input from the Public Works Division and Public Safety Department to mitigate any potential temporary safety issues that may arise.

Starbucks Hours of Operation - The store and drive through will operate from 4:30 AM to 11:30 PM. Pursuant to DDC 19.60.110, any business operation between the hours of midnight and 6:00 AM is subject to approval of a conditional use permit for "late night and/twenty-four hour uses". Although the proposal only includes early hour business hours, staff recommends that approval be granted for a twenty-four hour use to allow for the flexibility of late night or early hour deliveries and business hour flexibility in the future. Conditions of approval are recommended to (1) ensure that deliveries occur outside of normal business hours and (2) limit noise levels per the Duarte Municipal Code.

Outdoor Patios - The Starbucks outdoor seating area is proposed at approximately 272 s.f. and the other patio (adjacent to the secondary retail building) is proposed at approximately 187 s.f. Both patios are classified as a "limited outdoor patios" subject specific land use requirements described in DDC Section 19.60.120. Limited outdoor dining areas are allowed up to 800 square feet subject to Site Plan and Design Review approval. Per DDC 19.38.050, no additional parking is required for the proposed outdoor dining area. Conditions are recommended to require: (1) a barrier between the patio and drive through & parking areas (2) landscaping to include but not limited to outdoor planter boxes within the patio (3) continual clean-up and maintenance of the outdoor dining area (4) review and approval of the design compatibility of the physical elements in the patio (i.e. furniture, umbrellas, barriers), pursuant to DDC Sections 19.60.120 (C)(5-7).

Parking - The Development Code requires 22 parking spaces and the site includes parking for up to 27 vehicles. The proposed site plan is consistent the off-street parking and design regulations set forth in DDC Chapter 19.38.

Landscaping, Lighting, and Hardscape Plans - The project will include decorative building and parking lot lighting and drought-tolerant, water efficient landscaping. Two decorative pedestrian walkways will be provided, one located between the buildings along Buena Vista Street and the second from Huntington Drive. Conditions are recommended that require staff level approval for: final landscape/irrigation, hardscape plan; acceptable methods of mechanical/electrical/utility equipment screening (i.e. behind parapet walls/equipment rooms); and approval of final building materials and colors.

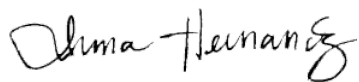
Signs – Signage will require approval of a Comprehensive Sign Program for the site in compliance with Chapter 19.42 before installation of any signs occur on the subject site.

RECOMMENDATION

Staff recommends that Planning Commission review the information provided and adopt:

1. PC Resolution 15-05 approving Site Plan and Design Review 15-02.
2. PC Resolution 15-06 approving Conditional Use Permit 15-03.

Respectfully Submitted,



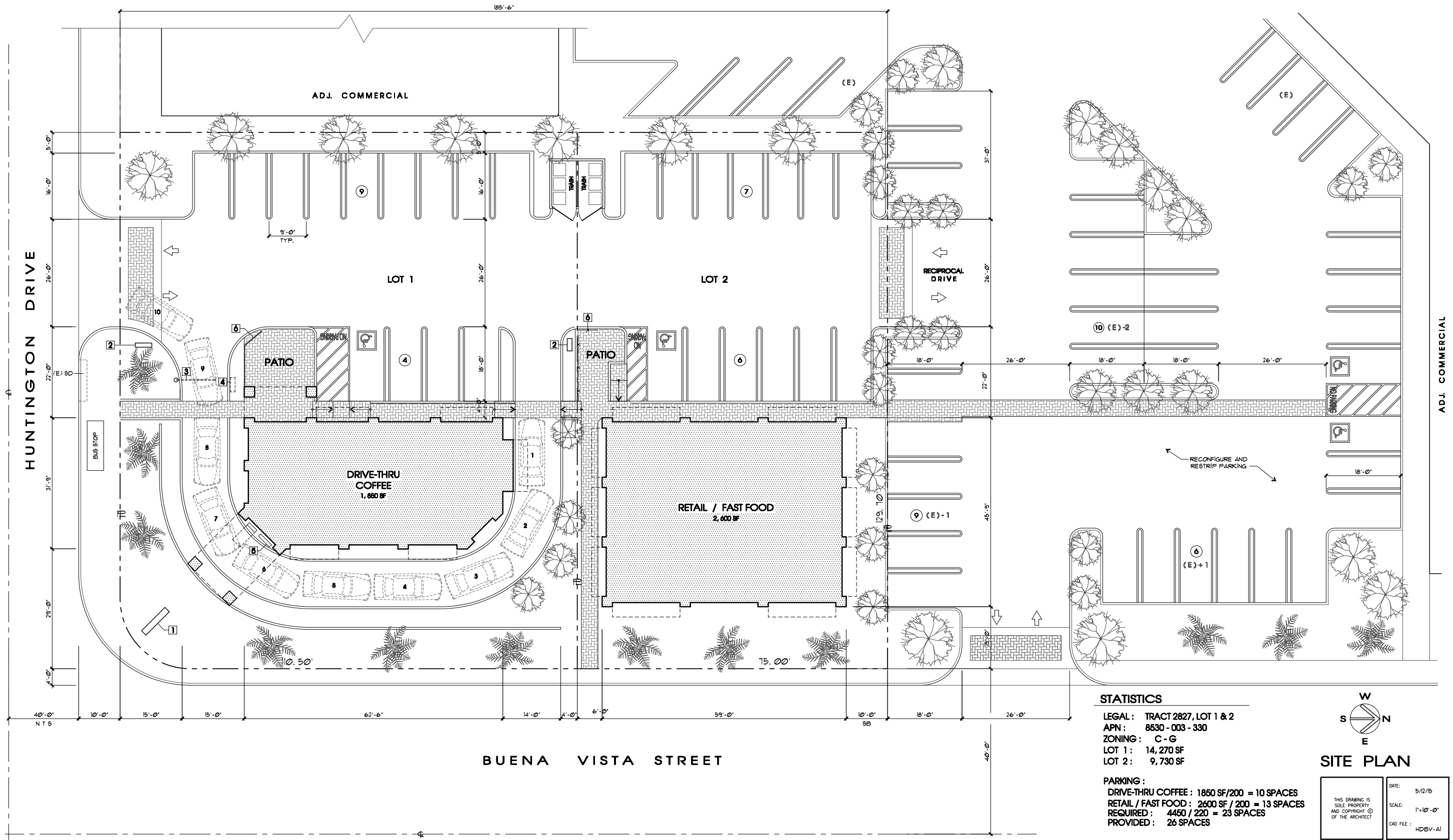
Irma Hernandez
Senior Planner

ATTACHMENTS

- Exhibit A: PC Resolution 15-05
Exhibit B: PC Resolution 15-06
Exhibit C: Colored Rendering, Project Plans, and Sample Building Color Elevations



STARBUCKS COFFEE



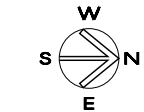
STATISTICS

LEGAL : TRACT 2827, LOT 1 & 2
APN : 8530 - 003 - 330
ZONING : C - G
LOT 1 : 14,270 SF
LOT 2 : 9,730 SF

PARKING :
DRIVE-THRU COFFEE : 1850 SF / 200 = 10 SPACES
RETAIL / FAST FOOD : 2600 SF / 200 = 13 SPACES
REQUIRED : 4450 / 220 = 23 SPACES
PROVIDED : 26 SPACES

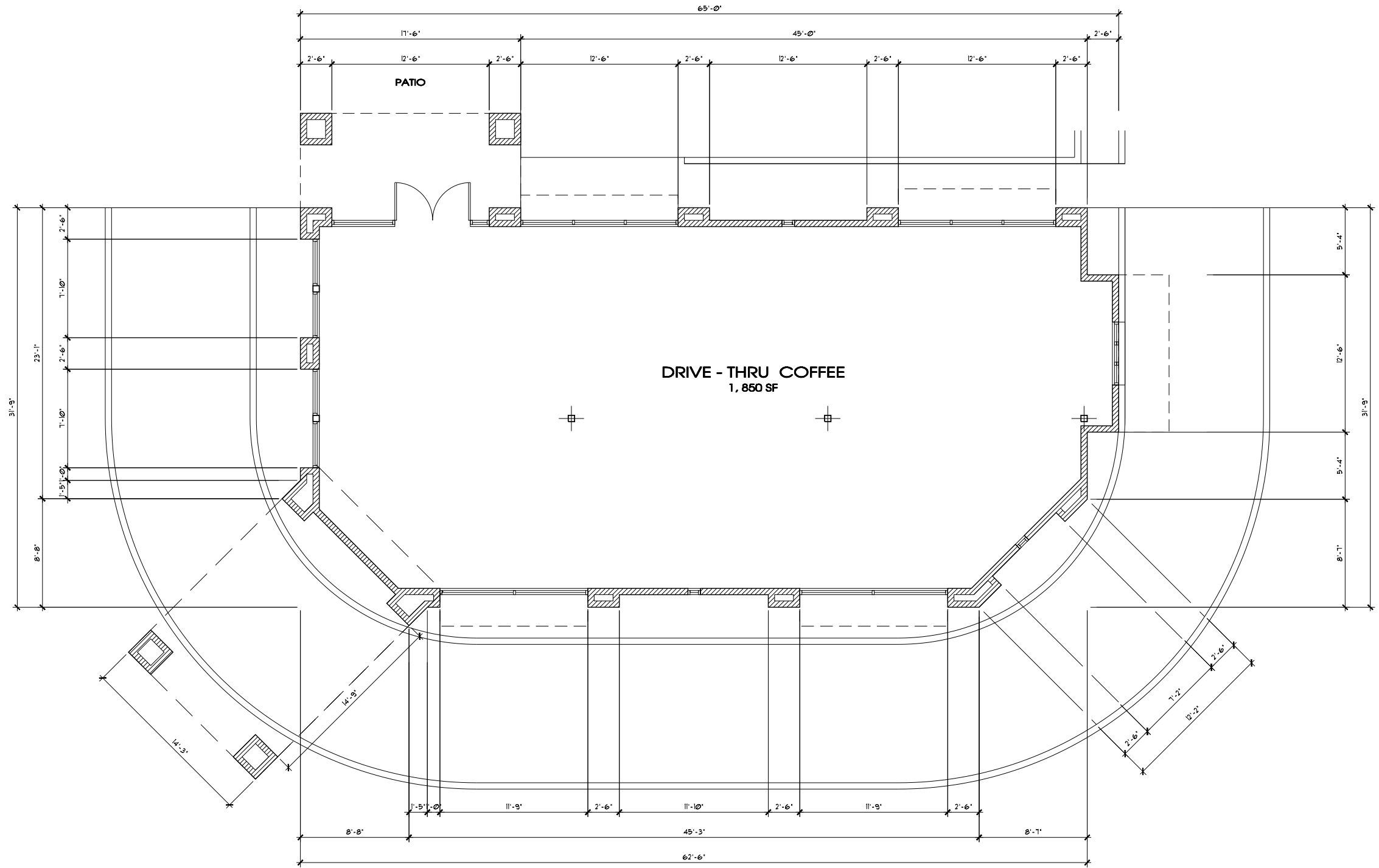
KEYNOTES

- 1 MONUMENT SIGN
- 2 DIRECTIONAL SIGN
- 3 CLEARANCE BAR
- 4 PRE MENU
- 5 MENU BOARD
- 6 PATIO W/ GUARD RAIL



SITE PLAN

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JEFF BERGSSMA ARCHITECT	RETAIL CENTER / DRIVE-THRU COFFEE 1223 & 1225 HUNTINGTON DRIVE DUARTE CALIFORNIA
TEAM D · E · S · I · G · N 714.536.5888 221 MAIN STREET SUITE 5 HUNTINGTON BEACH, CA 92648 FAX 714.536.5889	A1

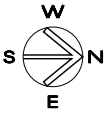
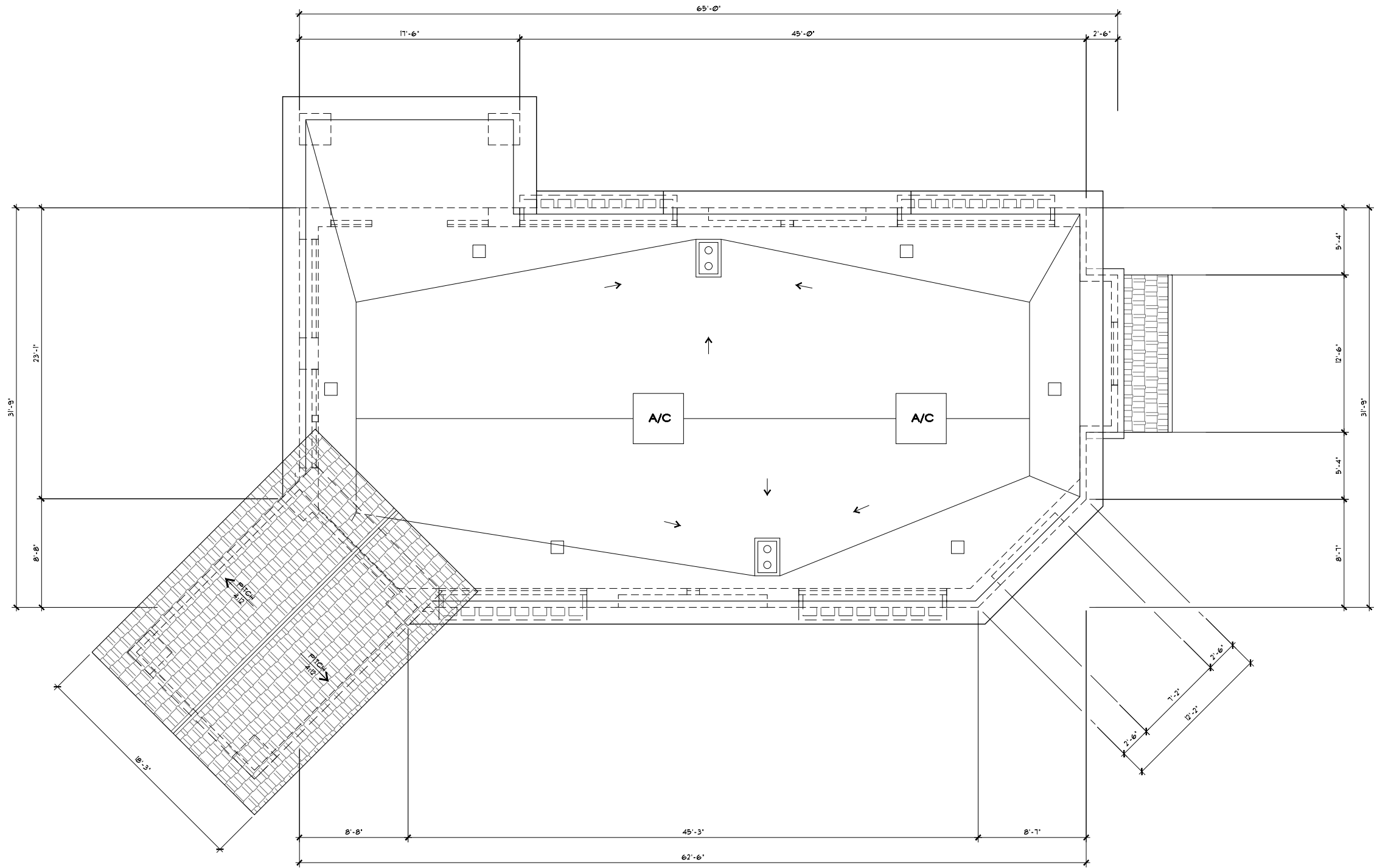


DRIVE - THRU COFFEE FLOOR PLAN

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JEFF BERGSMAN ARCHITECT	RETAIL CENTER / DRIVE-THRU COFFEE 1233 & 1245 HUNTINGTON DRIVE DUBLIN, CALIFORNIA
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TEAM D · E · S · I · G · N 714 · 536 · 5888 221 MAIN STREET SUITE 5 HUNTINGTON BEACH, CA 92648 TEL: 714 · 536 · 5888	A2
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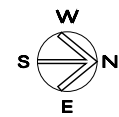
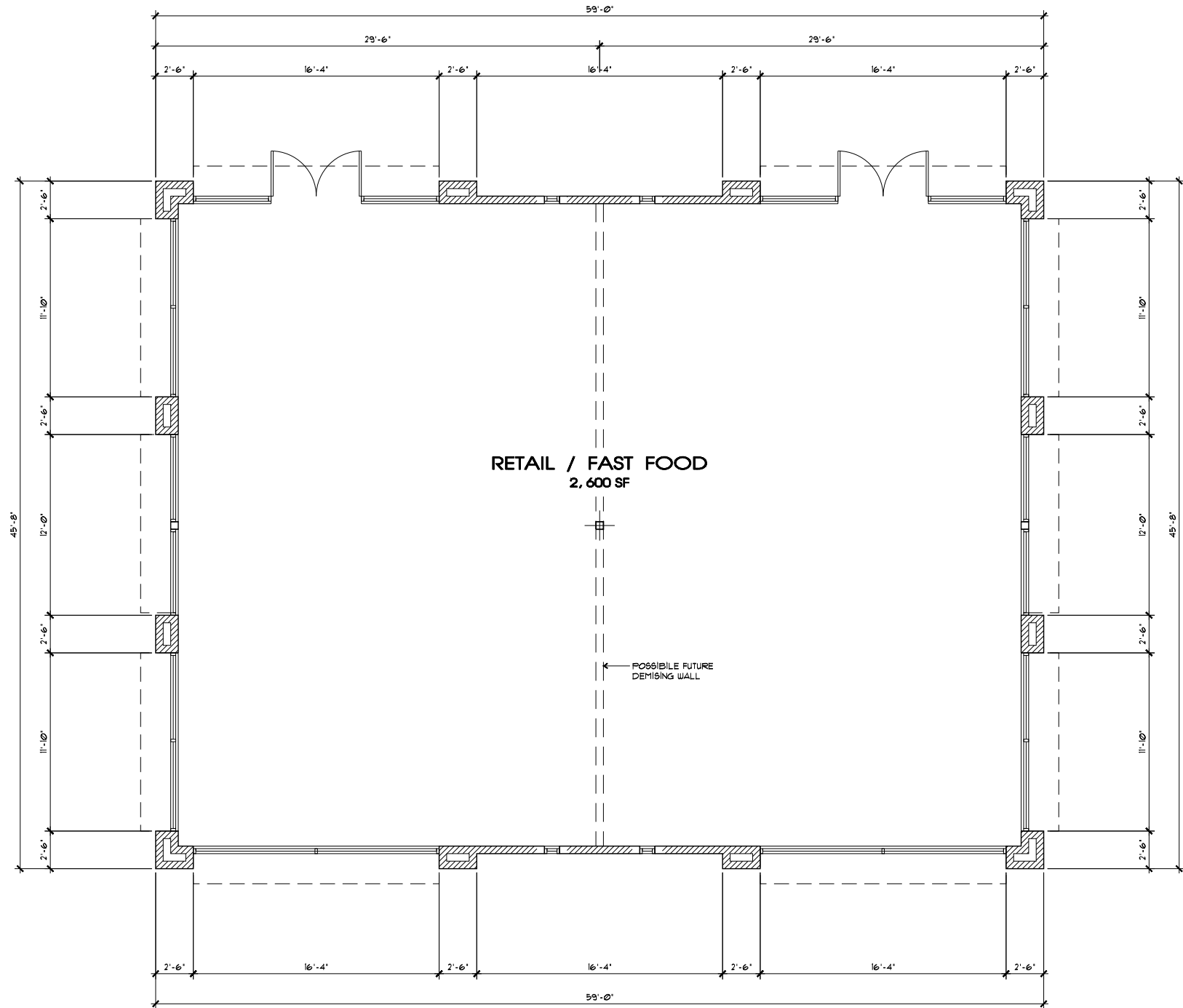


DRIVE - THRU
COFFEE
ROOF PLAN

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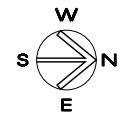
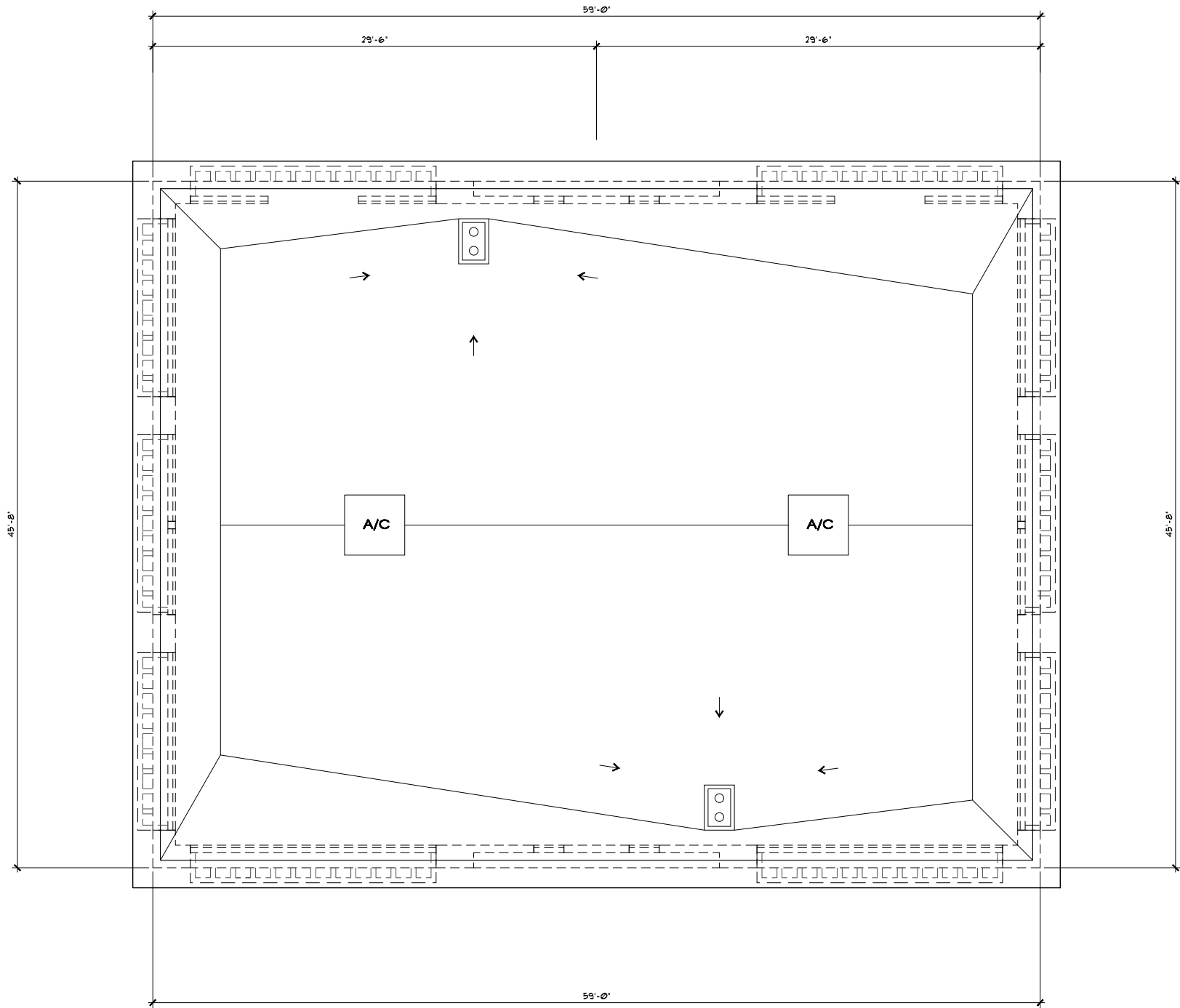
JEFF BERGSMAN ARCHITECT	RETAIL CENTER / DRIVE-THRU COFFEE 1233 & 1245 HUNTINGTON DRIVE DUBLIN, CALIFORNIA
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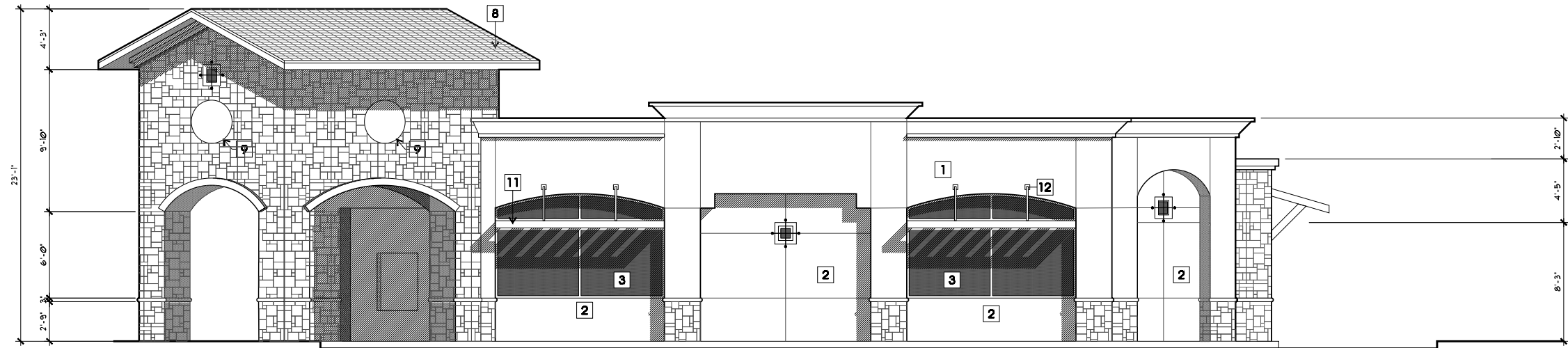
RETAIL / FASTFOOD FLOOR PLAN

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TEAM D · E · S · I · G · N 714 · 536 · 5888 221 MAIN STREET SUITE 5 HUNTINGTON BEACH, CA 92648 FAX: 714 · 536 · 5889	A4

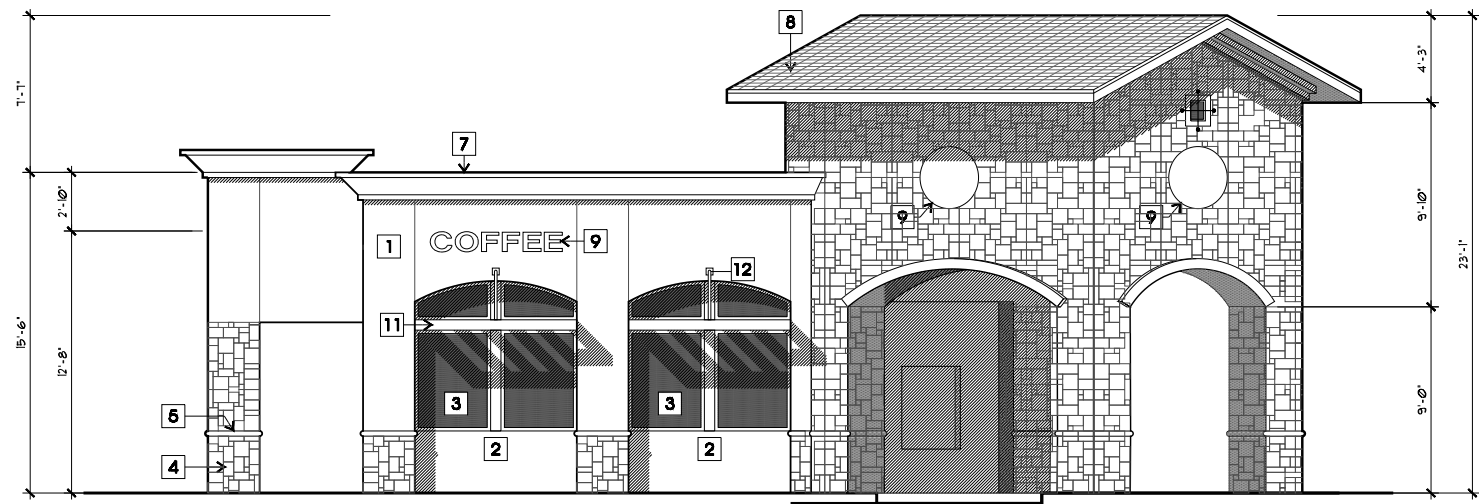


RETAIL /
FASTFOOD
ROOF PLAN

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TEAM D • E • S • I • G • N 714.536.5888 221 MAIN STREET SUITE 5 HUNTINGTON BEACH, CA 92648 FAX: 714.536.5889	A5



EAST ELEVATION



SOUTH ELEVATION

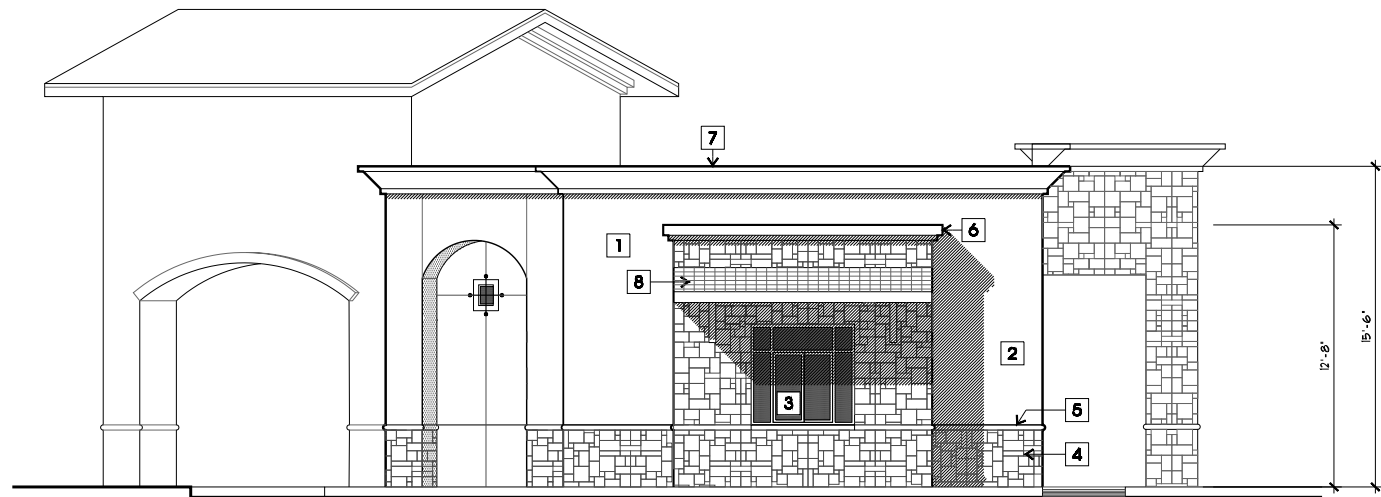
- KEYNOTES**
- 1 STUCCO - SAND
 - 2 ACCENT PANEL - SMOOTH STUCCO
 - 3 STOREFRONT - 2 X 4 BRONZE ALUM.
CLEAR DUAL PANE LOW-E TEMPERED GLAZING
 - 4 CORONADO STONE - 'SANTA BARBARA SAND DUNE'
 - 5 3' BULLNOSE - STONE
 - 6 STEP CONICE
 - 7 CORNICE - FAUX STONE
 - 8 EAGLETILE - DEL NORTE BLEND
 - 9 SIGN PER SEPARATE REVIEW AND
DEVELOPMENT PERMIT
 - 10 2' X 2' FROSTED GLASS WINDOW
 - 11 RUSTIC WOOD SUNSHADE
 - 12 WROUGHT IRON

DRIVE - THRU
COFFEE
ELEVATIONS

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WEST ELEVATION



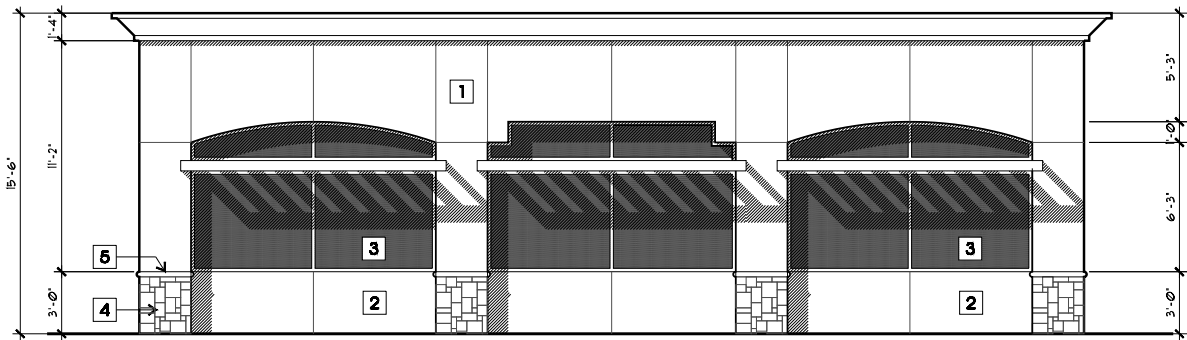
NORTH ELEVATION

KEYNOTES

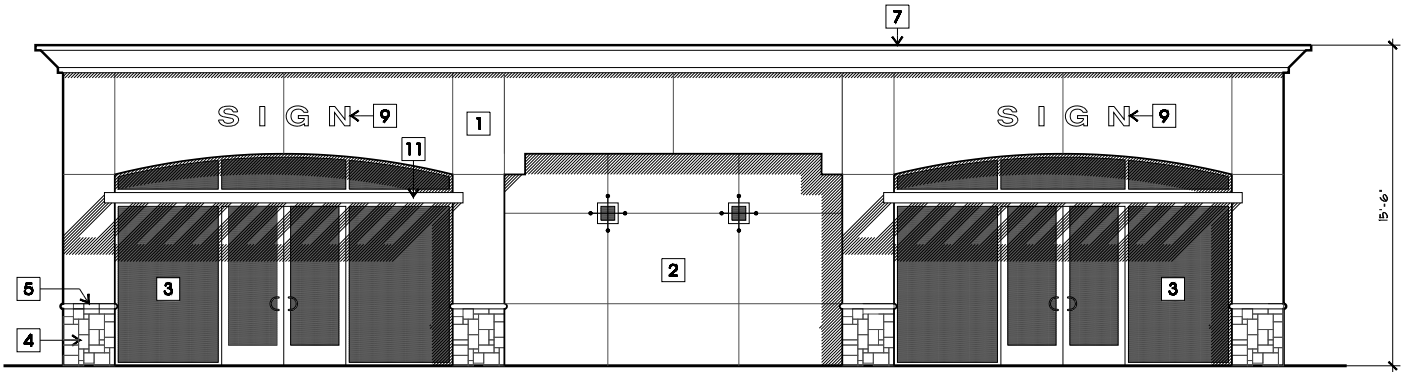
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DRIVE - THRU COFFEE ELEVATIONS

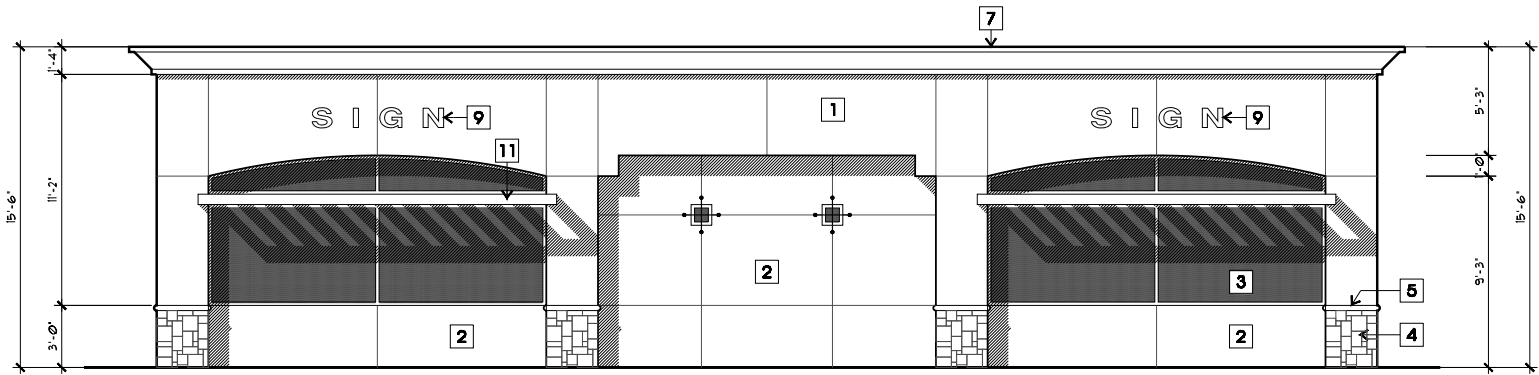
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NORTH / SOUTH ELEVATION



WEST ELEVATION



EAST ELEVATION

- KEYNOTES**
- 1 STUCCO - SAND
 - 2 ACCENT PANEL - SMOOTH STUCCO
 - 3 STOREFRONT - 2 X 4 BRONZE ALUM.
CLEAR DUAL PANE LOW-E TEMPERED GLAZING
 - 4 CORONADO STONE - "SANTA BARBARA SAND DUNE"
 - 5 3' BULLNOSE
 - 6 SMALL CORNICE
 - 7 LARGE CORNICE
 - 9 SIGN PER SEPARATE REVIEW AND
DEVELOPMENT PERMIT
 - 11 RUSTIC WOOD SUNSHADE

**RETAIL /
FASTFOOD
ELEVATIONS**

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JEFF BERGSMAN ARCHITECT	RETAIL CENTER / DRIVE-THRU COFFEE 1288 & 1295 HUNTINGTON DRIVE DUARTE CALIFORNIA
TEAM D · E · S · I · G · N 714 · 936 · 9888 221 MAIN STREET SUITE 5 HUNTINGTON BEACH, CA 92648 FAX 714 · 936 · 9889	A8

TEAM - Duarte: Drive-Thru Coffee

Paint colors represented in this digital imaging are approximations of the actual color and are not to be construed as exact color matches.
Final color selections are to be based on the actual color chips supplied with the digital image and responsibility of the property owner or owner's representative.



EAST & SOUTH ELEVATIONS



TEAM - Duarte: Retail / Fastfood

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NORTH / SOUTH ELEVATIONS

TEAM - Duarte: Retail / Fastfood

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Final color selections are to be based on the actual color chips supplied with the digital image and responsibility of the property owner or owner's representative.



WEST & EAST ELEVATIONS



RESOLUTION PC 15-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DETERMINING THAT THE PROPOSED CONSTRUCTION OF TWO NEW FREESTANDING COMMERCIAL BUILDINGS AND LIMITED OUTDOOR PATIOS AT 1263 HUNTINGTON DRIVE MEETS THE REQUIRED FINDINGS UNDER DUARTE DEVELOPMENT CODE SECTION 19.122.050(E) AND CONFORMS TO THE APPLICABLE STANDARDS IN DUARTE DEVELOPMENT CODE SECTIONS 19.122 & 19.60 AND THUS APPROVES SITE PLAN & DESIGN REVIEW CASE 15-02, SUBJECT TO CONDITIONS

WHEREAS, the applicant is requesting approval to construct a new 1,850 s.f. freestanding (Starbucks) coffee and tea retailer with a drive-through and limited outdoor patio and a new 2,600 s.f. freestanding retail building with a limited outdoor patio; and

WHEREAS, site plan and design review is required for a new commercial construction and outdoor patios subject to DDC Chapter 19.122 and 19.60.120 and a conditional use permit is required for the operation of a drive-through and late night and/twenty four hour uses pursuant to Duarte Development Code (DDC) 19.12 and DDC Chapter 19.60; and

WHEREAS, on June 8, 2015, the Architectural Review Board reviewed the plans for Site Plan & Design Review application 15-02 and recommended approval to the Planning Commission of the City of Duarte ("Planning Commission") for consideration, subject to conditions; and

WHEREAS, the Planning Commission has considered associated Conditional Use Permit 15-03 as part of the overall project proposal for the operation of a drive through and late night / twenty four hour operation; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for Site Plan & Design Review application 15-02 and all of the information, evidence, and public testimony received at the public meeting held on June 15, 2015 at 7:00 p.m. in the City Council Chambers;

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

SECTION 1. That the Planning Commission approves Resolution PC 15-05 with conditions of approval "Exhibit A-1" allowing the proposed new commercial construction and associated limited outdoor patios located at 1263 Huntington Drive.

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

SECTION 3. The Planning Commission finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the proposed development is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

The proposed commercial construction is consistent with Land Use Goal 1 of the General Plan by maintaining a balanced community consisting of various commercial activities and industrial developments. The use is also consistent with the Commercial designation by

providing for the development of uses that will meet the commercial needs of the entire community.

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

The proposed commercial construction is located on the northwest corner of Huntington Drive and Buena Vista Street. The proposed land area, site plan and drive through are sufficient for accommodating the building, parking lot area, and adequate circulation. The development has been designed and situated in a manner to maximize optimal use of the land.

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

- *Compatibility. The project development has been well designed to bring an aesthetical and economically viable use to the vacant parcel. According to the Successor Agency's Long Range Property Management Plan and a recent real estate appraisal of the property, the highest and best use of the subject site is for it to be commercially developed as legally allowed by the zoning while exploiting its corner visibility.*
- *Architectural Design and Detail. The buildings have been designed using contemporary Tuscan inspired details, materials and colors. The corner building includes a prominent tower, capped with a gabled roof, and covered in tile, and featuring broad eaves and decorative rafter tails. The buildings include architectural details such as: (1) 12" deep, recessed windows with a dark bronze aluminum windows (2) 30" square columns featuring decorative (Coronado) stone (3) a complementary 3" bullnose stone 36" from the ground and (4) decorative step and faux stone cornice. The secondary retail building will be designed to complement and incorporate the architectural theme and details.*
- *Landscape, Lighting, Parking, Signs, and Other Design Details.*
 - a. *Equipment and Utilities. All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within equipment rooms or adequately screened by parapet walls from the public right-of-way. All utilities will be required to be installed underground.*
 - b. *Fences/Walls. Any proposed property walls along the perimeter shall meet the requirements of Chapter 19.36 (Fences, Walls, and Hedges) of the Duarte Development Code. Prior to construction, all new property fences and walls, and repairs to existing fences or walls will require review and approval from the Community Development Department.*
 - c. *Landscaping. The project will include drought-tolerant, water efficient landscaping. Two decorative pedestrian walkways will be provided, one located between the buildings along Buena Vista Street and the second from Huntington Drive.*
 - d. *Lighting. The project will include decorative building and parking lot lighting. Exterior light fixtures will be integrated into building elevations and will be designed to complement the overall appearance of the building. Each fixture will be of high quality, decorative form and scaled to complement the massing of the building.*

Lighting design will be reviewed by the Planning Division to ensure both design qualities and optics characteristics will provide efficient illumination of the property and avoid offsite glare into the neighboring properties.

- e. Parking. *The Development Code requires 22 parking spaces and the site includes parking for up to 27 vehicles. The proposed site plan is consistent the off-street parking and design regulations set forth in DDC Chapter 19.38.*
 - f. Signs. *Signage will require approval of a Comprehensive Sign Program for the site in compliance with Chapter 19.42 before installation of any signs occur on the subject site.*
4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

The site is sufficient in size and shape to accommodate the proposed commercial development. The general layout of the property allows for adequate and safe vehicular/pedestrian traffic, ensuring the safety and general welfare of the public and surrounding community. The project has also been designed to avoid potential adverse and detrimental impacts on the City and surrounding community by imposing conditions of approval. It is not anticipated that the development will cause a hazard to the public convenience or general welfare to the surrounding areas.

SECTION 4. The Planning Commission approves Site Plan and Design Review Case 15-02 based on the findings listed in Section 3 and the conditions of approval listed in “Exhibit A-1”.

SECTION 5. The approval of Conditional Use Permit 15-3 by the Planning Commission is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15332, Class 32 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.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 15th day of June 2015.

Sheryl Lefmann, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

CITY OF DUARTE
COUNTY OF LOS ANGELES } ss.

STATE OF CALIFORNIA

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on June 15, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Hensley, Community Development Director

EXHIBIT A-1

Conditions of Approval

Site Plan & Design Review Case (SPDR) 15-02
New Starbucks/Retail Buildings (1263 Huntington Drive)

PLANNING DIVISION

1. Final elevations shall be reviewed and approved by Planning Division staff prior to permit issuance (including details, color/material scheme, and architectural features). All finished building materials (e.g. roof tile, trim, stucco finish, stone, etc.) incorporated into the building design shall be of high quality.
2. Changes to the (2,600 s.f.) retail building elevations shall be subject to review and approval by the Community Development Director, pursuant to procedures outlined in DDC 19.122.
3. All conditions generated through the Architectural Review Board and Planning Commission process are hereby incorporated by reference as conditions of approval and shall be fully complied with by the applicant and all agents thereof.
4. Review for design compatibility of the physical elements in the patios (i.e. furniture, umbrellas, barriers), pursuant to DDC Sections 19.60.120 (C)(5-7) shall be reviewed and approved by the Planning Division prior to permit issuance or installation.
5. Planning staff shall review the revised plans for the secondary retail building to ensure that the design is upgraded as per the recommendations made by the ARB at its June 8, 2015 meeting.
6. Planning Division staff shall approve final details, colors, materials and finishes.
7. The existing public (Duarte/Foothill) transit bus stop on Huntington Drive, adjacent to the project site, be relocated immediately to the west, adjacent to the Wells Fargo Building, to facilitate right turn into the project site and to eliminate potential interference with idling, transit buses on Huntington Drive. The existing bus stop will be red curbed and marked as "No Parking".
8. A complete landscape and irrigation plan, prepared by a licensed landscape architect, shall be submitted to the Planning Division for review and approval prior to permit issuance. All landscape areas shall be permanently landscaped and irrigated with a variety of drought-tolerant plants, shrubs, and ground cover. All landscaping and irrigation shall comply with Chapter 19.40 (Landscaping) of the Duarte Development Code.
9. A hardscape plan shall include decorative hardscape for the proposed outdoor patios and decorative pedestrian walkways. The plan shall be reviewed and approved by the Planning Division prior to permit issuance or installation.
10. All exterior lighting shall require final approval from the Planning Division prior to installation and/or issuance of permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. All lighting shall use an energy-efficient lighting source such LED. A certified photometric study with a point-by-

point analysis of the parking lot shall be provided to the Planning Division for review prior to Building & Safety plan check approval. A final inspection and approval from the Planning Division shall be required prior to business operation beginning.

11. Any proposed signage shall require separate review and approval of a Comprehensive Sign Program pursuant to DDC 19.42. The applicant shall prepare a sign submittal outlining the style, material, color, size, and locations of all proposed signs and shall submit to the Planning Division for review and approval, prior to installation. Separate review fees apply.
12. A lot line adjustment shall be required to adjust the property line locations between the two parcels. Prior to permit issuance, an application and all necessary documents shall be reviewed and approved by the Community Development Department in accordance with Section 19.76.030 of the Duarte Development Code.
13. The project shall comply with all the regulations of Commercial General (CG) Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections of the Duarte Municipal Code.
14. The project shall comply with all requirements of the Exclusive Negotiation Agreement (ENA) by and between the Arbor Capital Group and City including all of the terms, conditions, provisions, etc.
15. All parties using shared access easements shall sign a legal reciprocal access agreement. The applicant shall be required to execute a REA with the adjacent property owner (Weingarten Realty) as shared access is depicted in the project plans. The City Attorney and Community Development Director shall approve the legal agreement. The legal agreement shall be recorded with the Los Angeles County Recorder and shall continue to be valid upon change of ownership. Permits shall not be issued until the City receives valid proof that a reciprocal access agreement has been executed.
16. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; such changes may require review and approval from the Architectural Review Board.
17. Mechanical equipment and related ducts, vents and other apparatus, including HVAC, shall be screened from public view and must be located inside the structure, attic, or ground mounted. Vents, pipes, caps, hoods, and other roof penetrations that must be installed on the roof shall be painted or finished to match the roof color. Ground mounted equipment shall be shielded from public view by landscaping and/or screen walls, subject to approval from the Planning Division.
18. All utilities for direct service to the project shall be installed underground and concealed from view.
19. This project is subject to the requirements of Chapter 6.10 of the Duarte Municipal Code, Diversion and Demolition Waste. Prior to the issuance of any permits, the applicant shall submit a Construction and Demolition Diversion Plan and required security deposit. Contact the Planning Division for more information.

20. A final inspection shall be made by the Planning Division prior to final of any building permits to ensure that all conditions have been met.

PUBLIC WORKS DIVISION

21. The following shall be prepared by a registered professional engineer and submitted to the City Engineer for review:
 - a. Submittal of soils/geology report.
 - b. Submittal of hydrology study.
 - c. Submittal of Standard Urban Storm Water Mitigation Plan – SUSMP.
 - d. Submittal of grading/drainage plan. Grading plan shall comply with most recent County of Los Angeles Building Code.
 - e. Submittal of utility plan indicating location of all proposed utilities for the project including but not limited to sanitary sewer, storm drain structures, water mains, and fire hydrants and fire flows as required by the County of Los Angeles Fire Department. Location of utility vaults or other utility facilities shall be reviewed by the City Engineer to avoid conflicts with visibility and accessibility of public path of travel.
22. A Traffic Control Plan, prepared by a traffic engineer, shall be submitted to the Public Works Division for approval, prior to the start of construction.
23. Encroachment permits shall be obtained from the Public Works Division prior to commencement of any work within the public right of way.
24. Follow the list of Best Management Practices (BMP's) of the National Pollution Discharge Elimination System (NPDES), including recommendations from the City grading inspector. During grading, watering shall be established to adequately reduce on and off site dust. Grading is prohibited during high wind conditions.

GENERAL REQUIREMENTS

25. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the Planning Commission.
26. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
27. Building permits for this project must be issued within one-year from the date of approval from the Planning Commission or the application and approval shall expire.
28. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District and proof of payment provided to the City. Contact Duarte Unified School District for more information.

29. The property owner shall contact the City's waste disposal company, Burrtec Waste, to create a sufficient disposal schedule that will ensure waste generated by the residents is hauled off site in a timely manner.
30. The Developer shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction related idling of engines or other disturbances shall occur outside of noted work hours.
31. The decision of the Planning Commission may be appealed to the City Council within 15 days from the date of this letter. Said appeal must be in writing and filed with the City Clerk's office (DDC 19.144). The written appeal shall include reasons for the appeal.
32. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.

RESOLUTION NO. PC 15-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE APPROVING CONDITIONAL USE PERMIT 15-3 TO ALLOW THE OPERATION OF A DRIVE THROUGH AND LATE NIGHT / TWENTY FOUR HOUR USE ASSOCIATED WITH A NEW STARBUCKS STORE LOCATION AT THE NORTHWEST CORNER OF HUNTINGTON DRIVE AND BUENA VISTA STREET (1263 HUNTINGTON DRIVE)

WHEREAS, the applicant is requesting approval of a conditional use permit to operate a drive through and late night/twenty four use associated with a new Starbucks store location at the northwest corner of Huntington Drive and Buena Vista Street (1263 Huntington Drive); and

WHEREAS, a drive-through operation located in the Commercial-General (C-G) zone is a conditionally permitted use pursuant to Duarte Development Code Section 19.16.050; and

WHEREAS, a commercial land use open to the public past 12:00 am and before 6:00 am is a conditionally permitted use pursuant to Duarte Development Code Section 19.60.110; and

WHEREAS, the Planning Commission has considered the analysis and recommendation provided in the staff report for Conditional Use Permit application 15-3 and all of the information, evidence and public testimony received at the public meeting held on June 15, at 7:00 p.m. in the City Council Chambers;

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

SECTION 1. That the Planning Commission approves PC Resolution 15-06 with conditions of approval "Exhibit B-1, allowing the request for Conditional Use Permit 15-03 and late night / twenty four hour operation associated with a Starbucks drive through at 1263 Huntington Drive.

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

SECTION 3. The Planning Commission finds and determines as follows, findings for Conditional Use Permits, as set forth in DDC Section 19.114.040(B), as:

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

The Starbucks store and associated drive through and extended late night hours are consistent with Land Use Goal 1 of the General Plan by maintaining a balanced community consisting of various commercial activities. The use is also consistent with the Commercial land use designation by providing neighborhood retail and service uses serving the daily needs of nearby residential areas.

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

The associated drive through and extended late night hours associated with a Starbucks store are permitted with a Conditional Use Permit within the Commercial-General (C-G) zone. The conditionally permitted uses are consistent with the C-G zoning designation as it provides and added service and convenience for the community. The use is in compliance with all regulations of the Duarte Development Code and Municipal Code, and

conditions of approval have been included to ensure such compliance.

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

The Starbucks store and associated drive through and extended late night hours will be located in one of two newly constructed freestanding buildings at the corner of Huntington Drive and Buena Vista Street. The new, 1,600 s.f. (Starbucks) building and drive through operation will be constructed specifically to accommodate the proposed use. The drive through lane provides queuing for up ten vehicles as required by the Development Code. The required queuing distance does not interfere with on-site parking or driveway access aisles. The store and drive through will operate from 4:30 AM to 11:30 PM. Although the proposal only includes early hour business hours, staff recommends that approval be granted for a twenty-four hour use to allow for the flexibility of late night or early hour deliveries and business hour flexibility in the future. Conditions of approval are recommended to (1) ensure that deliveries occur outside of normal business hours and (2) limit noise levels per the Duarte Municipal Code.

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

The associated drive through and extended late night hours associated with a Starbucks store are permitted with a Conditional Use Permit within the Commercial-General (C-G) zone. The location of proposed uses are suitable and typical in the commercial zone as it provides an added convenience. Finally, the conditions of approval are designed to help prevent any adverse and detrimental impacts on the City and surrounding community.

5. The subject site is:

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

The rectangular, .56-acre site, enjoys corner visibility along Huntington Drive and Buena Vista Street. The proposed project will be developed on vacant land with a commercial land uses consistent with the Commercial-General (C-G) zoning designation and General Plan Designation. The proposed use replaces the former use of the site which included an (Texaco) automotive gas station/ car wash up until about April 2001. Per a recent real estate appraisal of the property, the highest and best use of the subject site is for it to be commercially developed as legally allowed by the zoning while exploiting its corner visibility. The City Council entered into an exclusive negotiating agreement with the applicant in September 2014 to establish a retail center with a drive-through Starbucks at the subject site. The site is served with major arterial streets, Huntington Drive and Buena Vista Street.

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

SECTION 5. The approval of Conditional Use Permit 15-3 by the Planning Commission is exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in Section 15332, Class 32 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.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 15th day of June 2015.

Sheryl Lefmann, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on June 15, 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director

EXHIBIT B-1

Conditions of Approval

Conditional Use Permit 15-3

Starbucks Drive-Through with Late Night/Twenty Four Hours (1263 Huntington Drive)

1. This approval is for the establishment of a Starbucks retail store and drive-through, with late night/twenty four hours located at 1263 Huntington Drive as stated in the staff report and project plans on file with the Planning Division (refer to Site Plan and Design Review 15-02 for approved project plans).
2. The store and a drive-thru lane equipped with a drive-thru ordering menu, shall be allowed to operate 24 hours, seven days a week to allow for the flexibility of late night or early hour deliveries and business hour flexibility in the future.
3. Starbucks store deliveries shall occur between 11:30 pm and 4:30 am, so as to not interfere with customer parking and the drive through operation.
4. The "limited outdoor patio" shall remain an integral part of the Starbucks business operation and shall be comply with the following: (1) seating (i.e. tables and chairs) and trash receptacles shall be provided (2) a barrier shall be installed between the patio and drive through & parking areas (3) patio landscaping shall include but not limited to outdoor planter boxes (4) continual clean-up and maintenance of the outdoor dining area shall be provided.
5. The drive-through shall continuously provide a queuing distance for at least ten vehicles as per the plan on file with the Planning Division.
6. To prevent continuous drive-through queuing spillover onto Huntington Drive, the Community Development Director may require that the Huntington Drive driveway become an egress only driveway or to place signage with the message to not block driveway, whichever is more feasible at the time of assessment.
7. In the event the drive-through causes adverse impacts (i.e. vehicular spillover onto Huntington Drive) or is determined to be detrimental to the health, safety, or general welfare of the public, the Community Development Director shall review the business operation and issue a written notice to the business owner requiring modification to the drive through operation as necessary pursuant to Condition #6. Such written notice from the Director may be appealed to the Planning Commission, in which case the Planning Commission will hold a public hearing to modify the permit in compliance with the provisions of Section 19.152 of the Duarte Development Code.
8. Music, menu/ordering devices, ambiance music, or any other business activities shall be operated at reasonable audible levels, not to exceed City Noise Regulations outlined in Chapter 9.68 of the Duarte Municipal Code or be detrimental to the operations of adjoining businesses or surround developments.
 - a. The sound produced by all menu boards shall not be allowed to exceed the maximum allowable noise standards setforth under Duarte Municipal Code Chapter 9.68 (Noise Ordinance).

- b. The sound speaker system shall include automatic volume control into the system to adjust sound against changes in the ambient noise (i.e. daytime vs. nighttime ambient noise).
 - c. The Community Development Department may require the submittal of a Noise Study prepared by a qualified consultant (to the satisfaction of the City) and shall address the noise environment and propose appropriate measures to comply with Duarte Municipal Code Chapter 9.68.
- 9. The storefront windows shall remain clear and free of obstructions that may prevent view from the exterior into business establishment.
- 10. All parties using shared access easements shall sign a legal agreement for the access easement. The City Attorney and Community Development Director shall approve the legal agreement. The legal agreement shall be recorded with the Los Angeles County Recorder and shall continue to be valid upon change of ownership. Proof of recordation shall be provided to the Planning Division prior to business operation beginning.
- 11. All properties owners of the subject site's parcels shall sign a legal agreement to share responsibility for the on-going maintenance of the properties including but not limited to cleanliness of interior walkways and sidewalk; parking lot maintenance; parking and aisle shared access; landscaping, irrigation and lighting; trash enclosures and receptacles; building's exteriors, etc. The legal agreement shall be recorded with the Los Angeles County Recorder and shall continue to be valid upon change of ownership. Proof of recordation shall be provided to the Planning Division.
- 12. A property management plan shall be submitted to the City for approval that demonstrates that property maintenance will be provided pursuant to Duarte Municipal Code Chapter 9.32 and to demonstrate that the property will be maintained pursuant to the approved plans for the development. The legal agreement shall be recorded with the Los Angeles County Recorder and shall continue to be valid upon change of ownership. Proof of recordation shall be provided to the Planning Division.
- 13. Any outdoor storage associated with this use is strictly prohibited.
- 14. 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 and/or drive-through operation shall be reviewed by the Planning Division, and may require Planning Commission approval of a new conditional use permit.
- 15. The project shall comply with all regulations of the Commercial-General (C-G) Zone, including the intent and purpose, permitted uses, development standards, and any other applicable sections of both the Duarte Development Code and Duarte Municipal Code.
- 16. Any expansion or modification of the approved use beyond what is approved, as part of Conditional Use Permit 15-03, will require an application for a new conditional use permit.
- 17. A temporary use permit (DDC 19.124) shall be required prior to the Starbucks grand opening event to ensure that conditions are in place to mitigate increased traffic volumes associated with higher than normal customer visits to the Starbucks location.

18. All conditions generated through the Architectural Review Board and Planning Commission process are hereby incorporated by reference as conditions of approval and shall be fully complied with by the applicant and all agents thereof.
19. This entitlement shall be contingent upon the privileges being utilized within 12 months from the effective approval date.
20. The entitlement shall be contingent upon change of property ownership (of the subject property) from the Successor Agency to the Dissolved Redevelopment Agency of the City of Duarte.
21. The decision of the Planning Commission may be appealed to the City Council within 15 days of the Planning Commission's decision. Said appeal must be in writing and filed with fees paid to the City Clerk's Office. The written appeal shall include reasons for the appeal.
22. This Conditional Use Permit shall terminate and be of no force or effect, and shall be null and void, upon the earlier of (A) applicant's abandonment of the lease or the expiration or earlier termination of the applicant's lease for any reason except if a new lease for the same space is entered into by applicant such that there is interruption of the lease period, or (B) the abandonment or termination for any reason of the use herein conditionally permitted.
23. This CUP may be called for review or revocation at any time by City Staff, City Council, or Planning Commission if a violation of the approved conditions is alleged, or if it is alleged that business, or its patrons, are creating a public nuisance, as substantiated by the LA County Sheriff's Department, Public Safety Department, or any other City Department. The applicant and successors shall operate the subject premises in a safe and sanitary manner at all times. Such review of the CUP may include any remedy available to the City that will prevent negative impacts on the property and surrounding developments. Problems or continued/repeated violations of any Municipal Code, conditions of approval or any other governmental regulations may be grounds for initiation of proceedings for the revocation of this CUP before the Planning Commission pursuant to Section 19.152.030 of the Duarte Development Code.
24. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of this conditional use permit which may be brought within the time period provided for such actions or challenges under applicable law.
25. The applicant shall sign an affidavit accepting the conditions of approval of the Conditional Use Permit within 15 days from the date of approval by the Planning Commission. Failure of the applicant to sign such affidavit within such time period shall render the approval of this Conditional Use Permit null and void.



PLANNING COMMISSION STAFF REPORT

Date: June 15, 2015

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

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 shopping center continues to serve local and regional commercial needs. 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). 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. The proposed amended Specific Plan (Exhibit A) 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. At its June 8, 2015 meeting, the Architectural reviewed the proposed amendments and recommended that the Planning Commission recommend approval of the amendments. Pursuant Duarte Development Code 19.150, the Planning Commission's recommendation will be forwarded to City Council for final review and approval.

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 existing Specific Plan (1) does not provide clarity on allowable land uses or procedures for interpreting compatible land uses that are not listed in the Specific Plan (2) the Specific Plan's parking standards are not consistent with "shopping center" parking requirements allowed in the City's commercially zoned areas (3) the Plan does not provide 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 not 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 which 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.

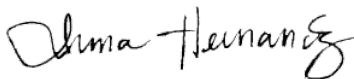
Reference to Duarte Development Code - The Duarte Development Code (DDC) was revised in 2010 and has proved to be a useful tool for streamlining design reviews, allows for a parking ratio specifically for "shopping centers", provides comprehensive permit streamlining procedures and definitions. Reference 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.

RECOMMENDATION

Staff requests the Planning Commission review the information provided and adopt Planning Commission Resolution 15-07 (Exhibit A) to recommend that the City Council approve the amended Huntington Dr./Buena Vista St. Specific Plan.

Respectfully Submitted,



Irma Hernandez
Senior Planner

ATTACHMENT

Exhibit A: PC Resolution 15-07

HUNTINGTON DR./BUENA VISTA ST.

SPECIFIC PLAN

CITY OF DUARTE
COMMUNITY DEVELOPMENT DEPARTMENT
JUNE 1989
ADOPTED 7-11-89

DRAFT
SPECIFIC PLAN
AMENDMENT
JUNE 15, 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 einsure 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.

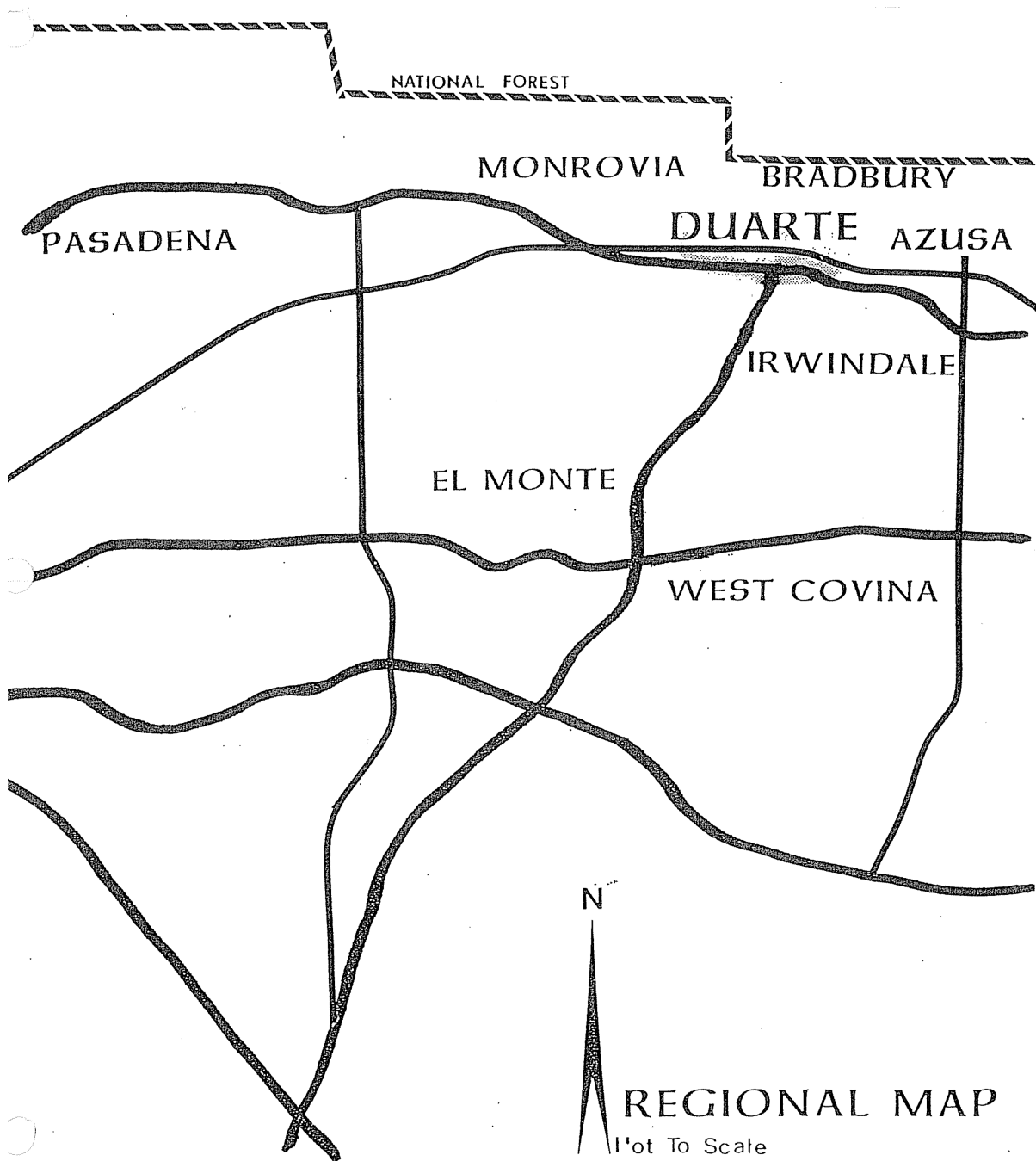


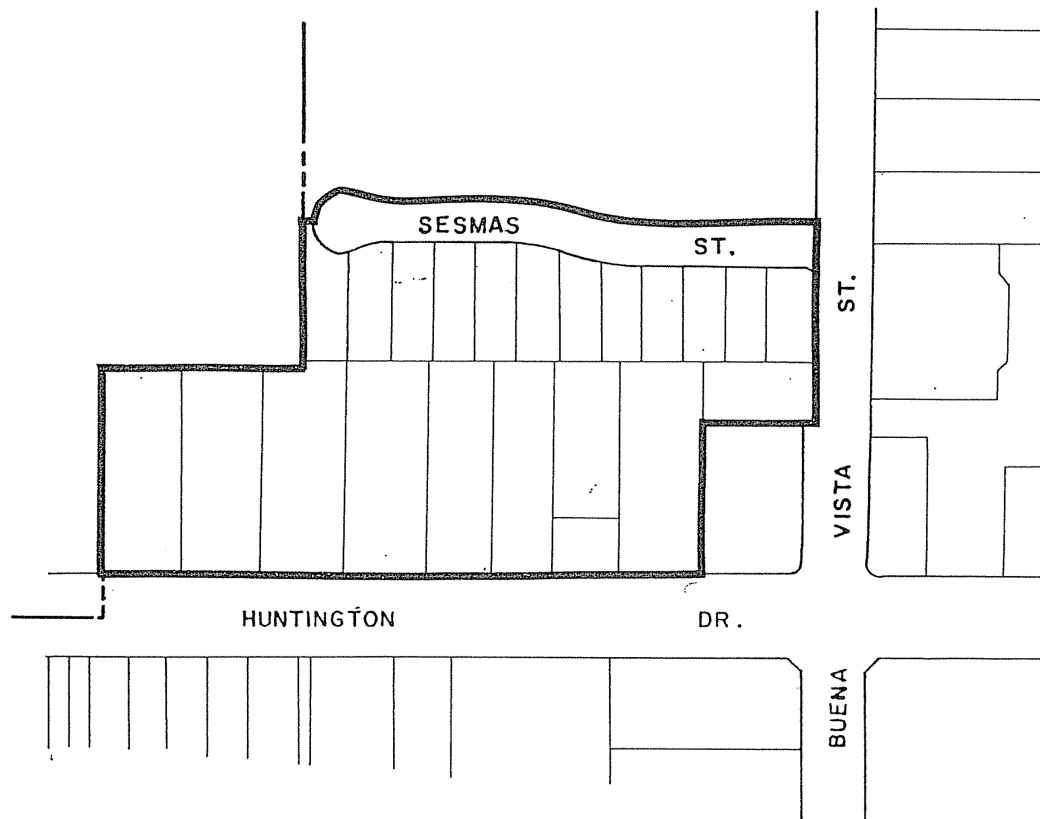
FIGURE 1

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~~eds~~ 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 a~~ is 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~~ convey~~ed~~ 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 ~~supermarket~~ ~~tenant~~. 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 trellis ~~ies~~ ~~is~~, mission tile, stucco ~~side~~ ~~ings~~ ~~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. The Redevelopment Plans further expands on the objectives of commercial uses.~~

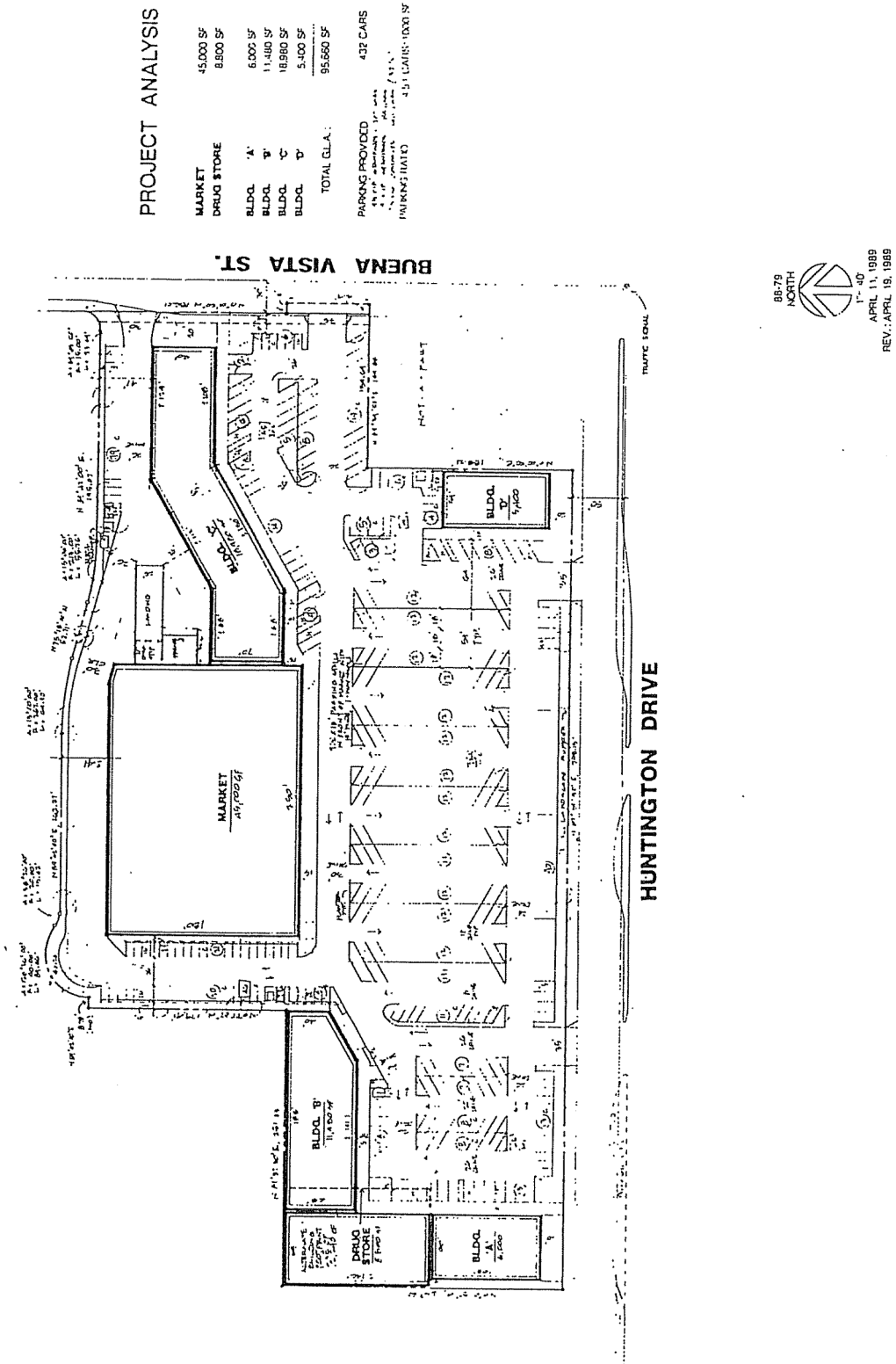


FIGURE 3

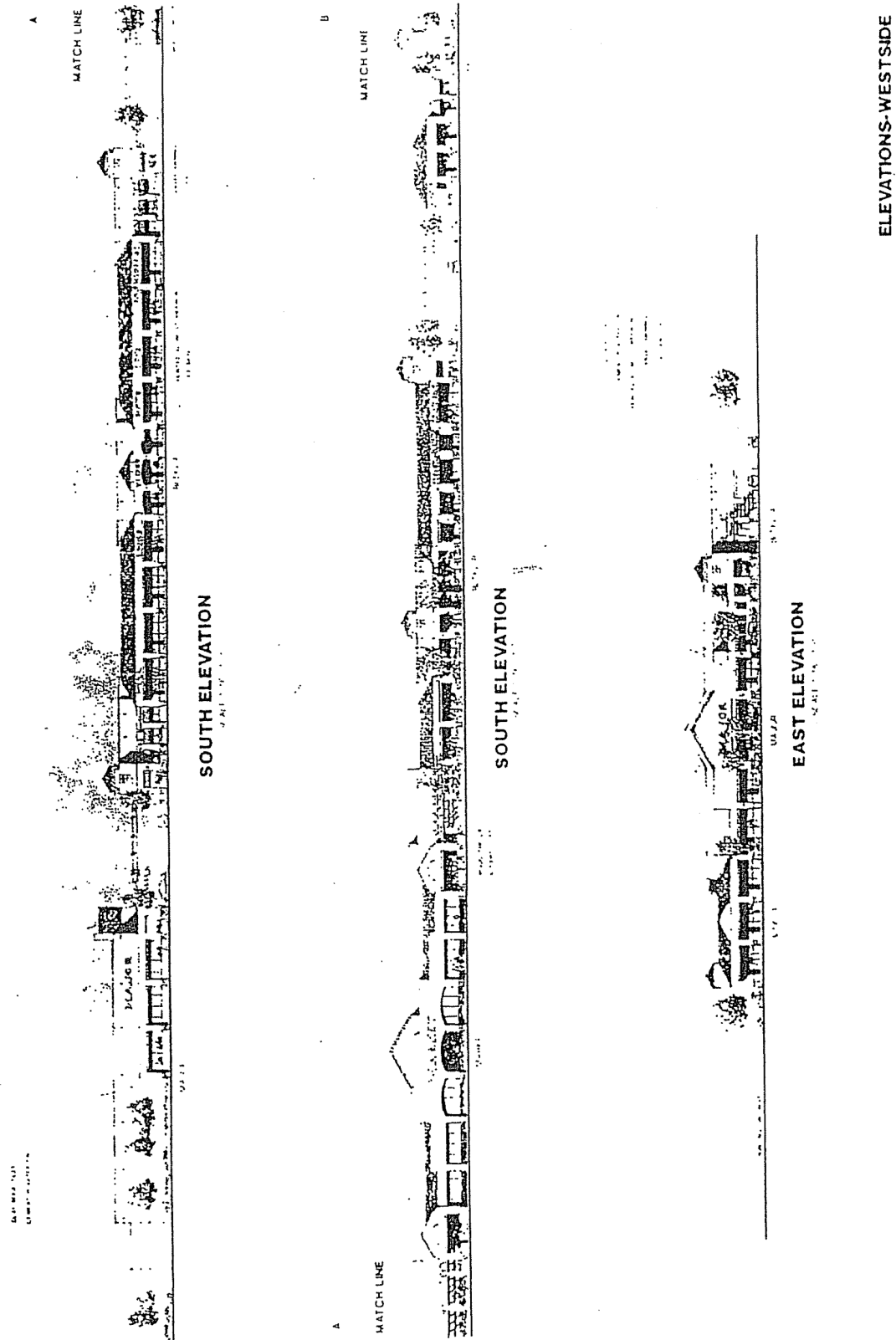


FIGURE 4

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 Plan 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 Ssafety & seismic safety Eelement 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 (198~~91~~)

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 19.70.070~~19.04 of the Duarte ~~Development~~Municipal 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 ~~p~~Plan and were~~are~~ 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 16’² 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.~~

RESOLUTION NO. PC 15-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, CALIFORNIA, RECOMMENDING THE DUARTE CITY COUNCIL ADOPT AN AMENDMENT TO THE HUNTINGTON DR./BUENA VISTA ST. SPECIFIC PLAN, MODIFYING VARIOUS SECTIONS OF THE SPECIFIC PLAN INCLUDING BUT NOT LIMITED TO PERMITTED USES, SIGNS, DESIGN REVIEW, DEFINITIONS, AND PERMIT PROCESSING FOR THE PROPERTY LOCATED AT 1155-1247 HUNTINGTON DRIVE

WHEREAS, on June 8, 2015 the Architectural Review Board recommended approval of the amended Huntington Drive/Buena Vista St. Specific Plan to the Planning Commission; and

WHEREAS, the Planning Commission of the City of Duarte has considered a proposed amendment 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 June 15, 2015, the Planning Commission held a duly noticed public hearing on the proposed Specific Plan Amendment; and

WHEREAS, the Planning Commission 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 Planning Commission recommends the City Council adopt and approve the Specific Plan Amendment for the Huntington Drive/Buena Vista St. Specific Plan;

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

Section 1. The Planning Commission 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 Planning Commission 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 recommended for adoption by the City Council.

Section 3. In recommending adoption of this Resolution for the amendment to the Huntington Drive/Buena Vista St. Specific Plan, the Planning Commission finds and determines the project is exempt from the California Environmental Quality Act guidelines 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 amendment 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 amendment involves no expansion of use of existing facilities.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 15th day of June 2015.

Sheryl Lefmann, Chairperson
City of Duarte Planning Commission

ATTEST:

Craig Hensley, Community Development Director

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

I, Craig Hensley, Secretary of the Planning Commission of the City of Duarte, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission of the City of Duarte held on June 15, 2015, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Craig Hensley, Community Development Director