CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
JUNE 15, 2015

1. CALL TO ORDER AND NOTATION OF ABSENCES

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

The following were in attendance:

PRESENT:	Lefmann, Lawrence, Pierce
ABSENT:	Hernandez
STAFF:	Hensley, Hernandez I., Golding, Eoff IV, Hernandez N.
DEPUTY CITY ATTORNEY:	Alisha Patterson

2. PLEDGE OF ALLEGIANCE

Commissioner Pierce led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – May 18, 2015

Commissioner Lawrence moved to approve the minutes, seconded by **Commissioner Pierce**. Motion was approved 3-0-1-0. (Absent: Hernandez)

4. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

None

5. PUBLIC HEARINGS:

A. (Continued from May 18, 2015)

Modification to Conditional Use Permit 95-1 and PC Resolution 15-04

Associate Planner Eoff IV presented details of the Staff Report addressing the request by the City of Duarte to modify Conditional Use Permit 95-1, which allows the sale of alcoholic beverages or onsite consumption, live dancing and entertainment at the Route 66 Roadhouse & Tavern located at 1846 Huntington Drive.

Eoff IV provided background information of the property and discussed the current status of Conditional Use Permit (CUP). He indicated that in 2003 the business changed ownership to the current owner, which was given in various occasions detail information on the requirements associated with CUP 95-1 and level of compliance required.

Eoff IV discussed guidelines to establish a bar, Lounge, Night Club or Tavern business that serves alcohol. And also explained the processes that proprietors face in the event the guidelines are not followed. He stated that the Planning Commission has the authority to modify conditions of the CUP permit or revoke the CUP based on lack of compliance with conditions.

Eoff IV stated that Public Safety and the Sheriff's Department informed Staff that the Roadhouse and Tavern has experience significantly high rate of law enforcement calls for service over the past years. He discussed the service calls to be mostly physical altercations, owner's disputes, loitering, intoxication, vehicle/personal theft, excessive false burglary alarms and most recently assault with a deadly weapon. He indicated that these altercations have been inside the business and often into the parking area involving large crowds of people affecting adjacent properties.

Eoff IV stated that the Route 66 business is a known gathering place for notable motorcycle clubs and there have been several occurrences were large groups associated with these clubs gathered in the parking lot area. He stated that the Public Safety Department reported that the business owner has advertised, promoted and facilitated these events without the proper special event approvals and were in violation of the Conditional Use Permit. Eoff IV discussed nuisance activities to be out door cooking, music, canopy structures and portable restrooms.

Eoff IV indicated that Public Safety and Staff reviewed the conditions of approval for the Route 66 business and conducted an inspection of the location for compliance. He indicated that the following CUP violations were found at the property: inadequate/improper exterior lighting, stored recreation vehicles, numerous large gatherings and outdoor events, repeated problems associated with sale of alcohol and other violations of the DMC.

Eoff IV discussed some of the major changes of the CUP for the following items: existing conditions, new conditions, security personnel, stored vehicles and exterior lighting throughout the property.

Eoff IV concluded his presentation and stated that based on the evidence set forth in the Staff Report, and repetitive activities and code violations, which are detrimental to the public health, safety and welfare, Staff recommended the Planning Commission modify CUP 95-1 by adopting Resolution 15-04.

Eoff IV acknowledged the attendance of Brian Villalobos, Public Safety Director, Sergeant Tony Haynes from the Los Angeles County Sheriff's Department, Property and Business Owner of the Route 66 establishment.

Chairperson Lefmann opened comments to Commissioners.

Commissioner Lawrence inquired if consideration was given to the number of security guards needed in the establishment. **Eoff IV** stated the number of security guards was discussed with the Public Safety Dept. and indicated that in the CUP additional security guards can be added if needed for special events, however only one security guard is required for routine operations.

Chairperson Lefmann inquired on the time frame for removal of future stored vehicles in the property. **Eoff IV** stated that future stored vehicles are required to be removed from the property within ten days after receiving a notice.

Chairperson Lefmann inquired about the frequency of the inspections and if a monthly inspection may be considered. **Eoff IV** stated that the frequency of the inspections were not discuss, however Public Safety and Staff would be reporting back to the Planning Commission in six months.

Chairperson Lefmann opened Public Comments.

Property Owner Betty Barnes, discussed the motorcycle events she has twice a year and stated there has never been an incident or a need to call the police. She also stated that the Mongols were responsible for the stabbing that happened a couple of months ago, and she is no longer allowing them back in the establishment. **Ms. Barnes** indicated that as far as having security in the location when she has less than 20 people is not profitable for her business. She briefly talked about the false alarms and loitering incidents. **Ms. Barnes** stated that her business is good and visited by incredibly good people.

Director Villalobos, addressed the comments made by **Ms. Barnes** regarding the two events she has twice a year, and indicated that the events were for a motorcycle gang name the Vago's. He added that the Vago's are extreme rivals of another outlaw gang name Mongols. **Villalobos** expressed his concerns for the safety of patrons and community stating that having these motorcycle gangs together twice a year cannot be taken lightly, the 50 bikers are outlaws motorcycle gangs that are extremely dangerous and known by the State and Federal Courts.

City of Duarte Resident Margaret Griffith, stated she lives near the Route 66 Roadhouse & Tavern since 2005. She indicated that she has observed and dealt with situations on a weekly basis usually on the weekends regarding loud music, people arguing and fighting in the parking lot. **Ms. Griffith** stated that she has called the business to report the incidents but instead was treated rudely and ignored. She added that she has called the Sheriff's Dept. in several occasions especially at the time of the gun shooting where the Sheriff's Dept. caught the suspect. She also discussed the RV's that are stored in the parking lot that have people who smoke "dope" and the constant nuisances.

Chairperson Lefmann closed Public Comments, and opened Commission discussion.

There was a discussion among members on the Commissioner Lawrence's visit at the location, also on the benefit and safety concerns on hiring a security guard for the evenings.

Commissioner Pierce made a motion to adopt Modification to Conditional Use Permit 95-1 and PC Resolution 15-04. Seconded by **Chairperson Lefmann**. Motion was approved 3-0-1-0 (Vote: Yes: Lefmann, Lawrence, Pierce; No: None; Absent: Hernandez; Abstain: None).

B. Site Plan and Design Review 15-02 and Conditional Use Permit 15-03

Senior Planner Hernandez presented details of Staff Report discussing Site Plan and Design Review 15-02 and Conditional Use Permit (CUP) 15-03 for a property located at the northwest corner of Huntington Drive and Buena Vista Street. The applicant, Arbor Capital Group, is requesting approval to construct a new freestanding (Starbucks) coffee and tea retailer with a drive-through operation, outdoor patio and also another freestanding retail building with a limited outdoor patio at the Huntington Drive location.

Hernandez described the site location and property ownership. She indicated that a Site Plan and Design Review per Duarte Development Code (DDC) are required for a new commercial construction and outdoors patios. Also a Conditional Use Permit (CUP) is required for the operation or establishment of a new drive-through and for late night 24- hour uses.

Hernandez indicated that the proposed project will be developed on vacant land and according to the Successor Agency's Long Range Property Management Plan and a recent real estate appraisal indicated that the best use of the property is for commercial development. She also added that in September 2014, the City Council entered into an exclusive negotiating agreement with the applicant, Arbor Capital Group to establish a retail center with a drive-through Starbucks at the subject site.

Hernandez provided a description of the two buildings proposed for the corner site to be the Starbucks Building and a secondary retail building. She described the square footage for each site, days/hours of operation and employees per shift. She also discussed the project design, elevations, materials, landscape and colors that will be used for each establishment.

Hernandez explained the circulation process for the Starbucks drive-through. She indicated that as part of the project the applicant and the City are working with the Weingarten Property Management, property owners of the Ralph's Shopping Center to gain access or driveway that will connect the project site to the north side of the shopping center. She explained the access on Huntington Drive of the project site to be right-turn only and anticipate that the required ten-car queuing distance will be sufficient to prevent drive-though queuing spillover onto Huntington Drive. She also discussed the relocation of the Huntington drive bus stop along with Staff recommendations.

Hernandez stated that the Grand Opening of Starbucks was discussed in the June 8th Architectural Review Board (ARB) meeting along with the requirements that Staff imposed on temporary conditions using the Special Event Permit for the sixty day grand opening period, Conditional Use Permit for the hours of operation and the conditions recommended for the outdoor patios.

Hernandez discussed the parking Development Code requirements in which, the site meets the requirements of 22 parking stalls by having up to 27 vehicles, that is consistent with off-street parking and design regulations set forth in the Development Code (DDC).

Hernandez concluded her presentation indicating that based on ARB review of this project on the June 8th meeting, Staff is recommending that the Planning Commission approve PC

Resolution 15-05 and 15-06 for the corresponding applications Site Plan and Design Review and Conditional Use Permit.

Hernandez indicated that the Applicant and Architect Representatives are available for questions.

Chairperson Lefmann opened comments to the Commissioners.

Commissioner Lawrence asked about square footage and how it compares to the existing site.

Charlie Arben, Starbuck Corporation Real State Manager stated that proposed building would be 1,850 s.f. is the current prototype size to accommodate all the programs and initiatives that were looked into this location. He stated that they have been working closely with staff on the concerns regarding the drive through lane. He thanked the Commissioners for the consideration on this project.

Commissioner Pierce inquired about the towers in the site plan and where the ordering window is located in addition to the queuing spill over issue.

Hernandez confirmed where the ordering window would be and discussed some of the options the applicant would have if queuing spill over to Huntington Dr. would become an issue after the grand opening days were over.

Chairperson Lefmann asked if anyone in the audience wished to speak on the item. There was none. **Chairperson Lefmann** closed the Public Hearing.

Commissioner Lawrence motioned to approve Site Plan and Design Review 15-02 and Conditional Use Permit 15-03 along with PC Resolutions 15-05 and 15-06. Seconded by **Commissioner Pierce.** Motion was approved 3-0-1-0 (Vote: Yes: Lefmann, Lawrence, Pierce; No: None; Absent: Hernandez; Abstain: None).

C. Specific Plan Amendment to the Huntington Drive/Buena Vista Street Specific Plan.

Senior Planner Hernandez stated that this item is a City-Initiated Request; modifying various sections of the Specific Plan for the commercial shopping center that was just discussed earlier located north of Huntington Drive and west of Buena Vista Street (1155-1247 Huntington Drive, Duarte, CA)

Hernandez provided background information regarding the Buena Vista Marketplace Shopping Center that was originally developed in 1980's. She stated that the proposed amendment will continue to allow the use of the subject property as a commercial shopping center at the same land use intensity. She discussed the amendments to be comprehensive revisions to the various sections of the specific plan including but not limited to: permitted uses, signs, design review, definitions and clarification on permit processing.

Hernandez provided detail information on the proposed amendments to address the Plan's deficiencies on the Land Uses and Definitions, Parking Standards, Design Review and Standards, referenced to Duarte Development Code and Land Use Intensity. Hernandez indicated that these items were reviewed by the Architectural Review Board (ARB) on the meeting of June 8, 2015 and recommended that the Planning Commission approve these amendments as well.

Hernandez discussed Staff recommendation on the design review processing that is currently identified by the Development Code. And the proposal to reference a develop code in various sections such as the definition for fast food and convenience stores.

Hernandez concluded her presentation and indicated that Staff requests the Planning Commission review the information provided adopt and approve Planning Commission Resolution 15-07 to amend the Huntington Drive/Buena Vista Street Specific Plan.

Chairperson Lefmann opened comments to the Commissioners.

Commissioner Pierce reference to page 16, item 5 Prohibited Uses and inquired about the recycling facility.

Hernandez explained the legal non-conforming uses status on a business. She stated that the recycling facility has become an eyesore and maintenance issue for the shopping center.

Chairperson Lefmann referenced to page 14, and inquired on clarification of the late hours for eating and drinking establishments.

Hernandez explained the operational standards that are listed in the Development Code along with certain findings and requirements that need to be met in order to operate a business on late night hours.

Chairperson Lefmann Chairperson Lefmann opened Public Hearing. There was none. **Chairperson Lefmann** closed the Public Hearing.

Chairperson Lefmann opened comments to the Commissioners.

Commissioners had no additional comments on the item. **Hensley** elaborated on the reasons the City-Initiated request on the changes to the Specific Plan and discussed the partnership between the City and Weingarten's along with the positive changes that is important to the community and adjacent property.

Commissioner Lawrence made a motion to approve Commission Resolution 15-07. Seconded by **Chairperson Lefmann**. Motion was approved 3-0-1-0 (Vote: Yes: Lefmann, Lawrence, Pierce; No: None; Absent: Hernandez; Abstain: None).

6. ITEMS FROM THE DIRECTOR

Hensley provided project updates on the following establishments:

- Ralph Shopping Center closure in July 2015
- Mike's Food space vacancy and expected façade enhancement

- Projects near completion: Magellan Storage, Pops Road Parking lot, Andres Duarte Grand Opening mid July, and Gold Line Ribbon Cutting in August 15, 2015.

Commissioner Lawrence inquired about the property previously occupied by Burger King.

Hensley responded there is an exclusive negotiating agreement with Genton Property Group on a complex project that includes facade rehab and purchase of the other corner piece that has the liquor store. Adding that it has been challenging but continue to go on a positive direction.

7. ITEMS FROM COMMISSIONERS

None.

8. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

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Craig Hensley, Secretary