



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
May 16, 2016**

**Planning Commission
Commissioners**
Shauna Pierce, Chair
Paula Watson-Gardner, Vice-Chair
George K. Farra
Sheryl Lefmann
Sara Vasquez

1. CALL TO ORDER AND NOTATION OF ABSENCES

Chairperson Pierce called the meeting to order at 7:00 p.m.

The following were in attendance:

PRESENT:	Pierce, Farra, Lefmann, Vasquez, Watson-Gardner
ABSENT:	None
STAFF:	Hensley, Golding, Hernandez

2. PLEDGE OF ALLEGIANCE

Commissioner Watson-Gardner led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – April 18, 2016

Commissioner Lefmann moved to approve the minutes, seconded by Commissioner Farra, Motion approved 5-0-0-0.

4. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

Chairperson Pierce opened Oral Communications for Items not on the Agenda. Seeing none, Oral Communications was closed.

5. PUBLIC HEARINGS

City Planner Golding presented Municipal Code Amendment 16-02: A city-initiated request to amend Section 19.30.050 of the Duarte Municipal Code, relating to inclusionary housing. The amendment will propose a temporary, five-year suspension of the enforcement of the City's Inclusionary Housing Program.

Golding provided a summary of the City adopted Inclusionary Housing Program; the efforts the City has made to comply with the program; and the historical impediments of the program due to the collapse of the housing market, the dissolution of the redevelopment agencies. He described the surveys taken from neighboring cities; noting that Arcadia, Glendora, Monrovia, and Temple City never adopted an Inclusionary Housing Program.

Golding added that the City continues to work towards the Southern California Association of Governments' (SCAG) housing needs based on the 2013-2021 Regional Housing Needs Assessment (RHNA). He stated that the City has approved and is considering multiple major projects such as the Duarte Station Specific Plan, Town Center Specific Plan, and the Oak development project. He included an illustration of current housing conditions and the cost of

the in-lieu fee contribution amongst multiple types and sizes of housing developments to demonstrate the possible financial impacts. He stated that the in-lieu fees may discourage residential developers to develop in the City, which is in direct competition with similar transit-oriented/transit-adjacent projects being considered in adjacent cities that do not have an inclusionary housing program or in-lieu fees.

He stated that the recommendation for a temporary suspension of this Program should not be mistaken for an abandonment of, or waning enthusiasm for, or commitment to accomplish the goals of encouraging affordable housing in Duarte. The City will continue to promote public/private partnerships for the provision of affordable housing, provide regulatory incentives for affordable housing, and will continue to support regional first time buyer and rental assistance programs.

The presentation ended by Staff recommending that the Planning Commission approve PC Resolution 16-08 (Exhibit B) amending Chapter 19.30.050 (Inclusionary Housing) of the Duarte Development Code, which would recommend to City Council the temporary suspension of the City's Inclusionary Housing Program for a period of (5) years.

Farra inquired about the State provisions on the suspension or elimination of the program and asked for clarification on the reasons behind the five-year inclusionary program suspension request.

Golding explained that the City attorney assisted with the code amendment and would propose code modifications only if it would be within state law provisions; and that many cities have abandoned the program. Golding continued to explain that five-years is being proposed due to that time frame coinciding with revisions of the housing element cycle and RHNA; and that it would provide an ample evaluation period to assess state policy changes.

Lefmann asked for clarification on the California Labor Code SS 1702(b)(4) referenced on page 4 of the staff report; requested information on what would happen to the Inclusionary Housing Trust Fund if the program were suspended; and inquired about enforcement of the Inclusionary Housing Program.

Golding noted that the City attorney provided the additional California Labor Code information for clarity on when prevailing wages would be triggered. He also explained that the Inclusionary Housing Trust Fund is earmarked and meant for the development of affordable housing and explained that the enforcement is in collaboration between Public Safety and the Community Development Department.

Watson-Gardner requested clarification of the State's Density Bonus Law. Golding explained the State's Density Bonus Law and how the Duarte Development Code allows for various types of concessions for increased density for affordable housing developments.

There was discussion on providing additional research information about the creation of the Inclusionary Housing Program and the request for a five-year suspension. **Golding** clarified the historical formation and the evolution of the program throughout the highs and lows of the

housing market. He explained the reasons behind the request for a five-year suspension and the benefits of allowing the suspension.

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

There was additional discussion amongst the commissioners in reference to the five-year suspension of the Inclusionary Housing Program and its effect on housing development within the City. The commissioners concurred that it is important to promote housing development and allow the City to be competitive with surrounding cities.

Lefmann made a motion to approve PC Resolution 16-08, amending Chapter 19.30.050 (Inclusionary Housing) of the Duarte Development Code, which would thereby temporarily suspend the City's Inclusionary Housing Program for a period of five (5) years. Motion seconded by **Watson-Gardner**. Motion was approved 5-0-0-0.

6. ITEMS FROM THE DIRECTOR

Hensley provided updates and potential opening dates for Starbucks, Harbor Freight Tools, Smart & Final and Grocery Outlet. He also explained the progress for future development improvements for the other businesses at the Grocery Outlet Shopping Center.

7. ITEMS FROM COMMISSIONERS

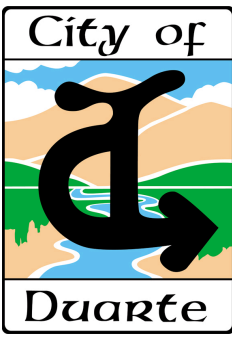
Lefmann promoted the Taste of Duarte event.

Vasquez inquired about the proposed street sweeping pilot program. **Hensley** described the location and explained the reasons behind the pilot program.

8. ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

Craig Hensley, Secretary

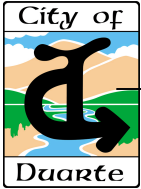


City of Duarte

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

PC RESOLUTION 16-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DENYING
CONDITIONAL USE PERMIT 16-02, WHICH REQUESTS THE OPERATION OF A TATTOO
STUDIO LOCATED AT 1740 HUNTINGTON DRIVE, SUITE 311.



PLANNING COMMISSION STAFF REPORT

Date: July 18, 2016

Project: **Conditional Use Permit 16-02;** request to allow a new tattoo studio (personal services restricted use)

Location: 1740 Huntington Drive, Suite 311

Applicant: Steven Sharble, Supreme Social Club / Business Owner

SUMMARY

The applicant, Steven Sharble, is requesting approval of Conditional Use Permit (CUP) 16-02 to convert approximately 1,600 square feet of vacant office space to a new tattoo studio (Personal Service, Restricted land use).

Staff has multiple and significant concerns about the proposed use, including but not limited to: proximity to, Northview Middle School and Duarte High School; its orientation on the same side of the street as the primary route for students going to and from school; its location approximately 350', an existing tattoo business; operational characteristics that are unique to tattoo business that are potentially problematic such as increased loitering and the frequency of additional guests that accompany the tattoo recipient; and the applicant's lack of experience in running or managing a personal service business, let alone, a potentially more detrimental use, like a tattoo studio. Due to these concerns, Staff is recommending denial since the proposed operation of the use presents many opportunities for incompatibility with other businesses and would cause detrimental impacts to the shopping center and the nearby neighborhood.

BACKGROUND

The subject property is developed with three office/retail buildings totaling 29,045 square feet, constructed in 1979 and 1980. The commercial center is comprised of 19 tenant spaces including: YBPC Medical Clinic, Manaforge, Kim and Sue Hair Salon, Rainbow Spa, Inspire Charter, Baby Castle, Diagnostic Laboratories, Ole Ole Dance and Fitness Academy, Villari's Martial Arts, Botanica Florist, Wild Thyme Pizza, and other professional office uses. The proposed tattoo studio will occupy one of three vacant tenant spaces.

Within the City of Duarte there is only one other tattoo studio, Resurrection Tattoo, which was approved by CUP 15-05 on October 19, 2015. The business is located at 1802 Huntington Drive #E, approximately 350' from the proposed tattoo studio.

On May 24, 2016, staff was notified by Code Enforcement that the applicant was doing work at the proposed tattoo studio location. A site visit was completed on May 25, 2016, along with the Building Inspector to verify the scope of work that was started. The site inspection revealed that flooring was removed, an interior partition wall (previously constructed without permits) was removed, T-bar ceiling was removed, HVAC system (ducting) was removed, drywall was repaired, and electrical work completed. The building inspector indicated that the majority of the

work that was observed required building permits. Staff instructed the applicant to stop work immediately; making the applicant aware that the work that took place was at his own risk, without approval to operate the proposed business. Code Enforcement followed up with a stop work order that same morning.

PROJECT DESCRIPTION

The business has proposed to locate at 1740 Huntington Drive, Suite 311. The tenant suite is located at the rear and westerly portion of the center with parking located to both the front and rear of the building. Rainbow Spa (Suite 310) and Ole Ole Dance Academy (Suite 309) currently occupy the two adjacent suites. The size of tenant suite 311 is 24' by 60' and contains 1,600 square feet of floor area. A 6-foot by 10-foot window provides visibility from the exterior of the tenant space to the lobby/waiting area. An exterior man door is located at the rear of the suite (Exhibit A - Plans and Exhibit B - Photos).

Supreme Social Club's business operation will initially consist of a manager and two tattoo artists, operating on an appointment only basis. Walk-in customers will be required to book an appointment with an artist at a future time. The tenant space consists of five workstations that can be utilized by up to five artists. The tenant space will include a lobby/waiting area, art/painting/drafting area, manager/CCTV area, procedure area, break room, and a single-occupant unisex restroom. The requested hours of operation are between 11:00 a.m. to 9:00 p.m., Monday through Saturday (Exhibit C - Applicant's Statement of Operations)

Clients entering the business will be greeted by an employee at the appointment counter that divides the lobby/waiting area from the procedure area by a 4-foot pony wall and a small access gate. Customer access to the procedure area will only be allowed when a staff member accompanies patrons. A door buzzer will be installed, which notifies staff when someone opens the front door and enters the waiting area.

Typically a tattoo session can span from two to eight hours depending on the size and location of the tattoo. In many cases a customer becomes a returning customer to add to his or her artwork. When employees are not busy with a procedure, they will have the ability to utilize the drafting and art area to draft new tattoos, sculptures or life like paintings for their customers.

ANALYSIS

The conditional use permit request contains several potential areas of concern that may impact the surrounding community and create a variety of issues. The subject property is located in the C-G (Commercial-General) Zoning District, which is intended to provide for areas appropriate for a wide variety of commercial enterprises serving local and regional needs. These may include professional and medical offices, restaurant, retail, and service uses. Section 19.12.020 of the Duarte Development Code allows Personal Services, Restricted use in the C-G zone with the approval of a conditional use permit. Per Section 19.160.170 ("P" definitions), tattoo and body piercing services are defined as a Personal Service, Restricted use, which are defined as Personal Services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts.

Ownership and Tattoo Experience

Steven Sharble is the business owner and manager for Supreme Social Club. He is a fine arts and tattoo enthusiast who has been collecting award winning tattoos for over fifteen years. The applicant intends to open a tattoo shop that stands out from all others because he envisions it having an art gallery type setting that would be welcoming to broader audiences.

The applicant has no experience as a tattoo artist or owning a tattoo or other personal services type business. Mr. Sharble has indicated that his intentions are to hire award winning artists that have their own following and clientele; including two well-known artists that have committed to working at the shop if the conditional use permit is approved. At this time, Mr. Sharble cannot release the names of the two future artists due to the fact that they are currently working at other tattoo shops.

This way in which ownership/management is proposed for the Supreme Social Club makes it difficult for staff to investigate the history of business ownership, verify references acknowledging the experience of successfully operating or performing tattoos within the business, or validate the management credentials of the applicant. This step is especially important for a personal services restricted business, like tattoo, which tend to cause more impacts than other personal service businesses.

Experience with Tattoo and Other Personal Service Businesses

Since the City approved Resurrection Tattoo in October 2015, Staff has begun to recognize differences between the operation of a tattoo studio compared to other personal service uses, such as a beauty salon (hair and nail) and massage uses.

Many personal services uses such as a hair and nail salons, and massage parlors provide services to their clients that typically last no more than one or two hours. While a tattoo session, as stated in the applicants business plan, can range anywhere from two to eight hours. Most clients receiving a tattoo over several hours would likely need multiple breaks, including the artist themselves, which in turn creates the potential for loitering. Clients receiving tattoo work are also more likely to be accompanied by friends or family. These family and friends may place additional demand for parking spaces and would also increase the potential for larger groups to loiter. Loitering is a concern since this activity typically leads to other associated activities, such as consuming beverages, smoking and increased littering.

Location and Land Use Compatibility

Supreme Social Club would be situated at the southwest corner of an existing commercial center, comprised of mostly office and retail uses. The proposed location lacks visibility from Highland Avenue and provides minimal visibility from Huntington Drive. This situation may make it more difficult to monitor the business and creates an environment that tends to support loitering behavior.

Staff measured the distance from the proposed business to nearby sensitive uses and the existing Resurrection Tattoo. There is 80' between the two parcels that either have or are proposed to have a tattoo business. The businesses would be located approximately 350' apart from one another, as measured from their respective entrances. In addition, Duarte High School is located approximately 690' to the south of the subject property; Northview

Intermediate is 395' to the south; Northview Park is 615' to the south; Wee Care Montessori is located 500' to the north; and Church of the Christ is located 340' to the south east.

The proximity of the two tattoo businesses creates a concentration of this business type near two of the City's secondary schools and at a major intersection in the community. There is additional concern related to the proximity from the proposed business and adjacent secondary school uses in the fact that the business is located on the same side of the street as the route many students utilize to walk to and from school.

Parking

Pursuant to Section 19.38.050 (off-street parking space requirements), shopping centers require one parking space per 250 square feet of gross square feet. A total of 116 parking spaces are required for all of the uses at the site; a total of 90 parking spaces are provided. A parking study was conducted in 2015, which indicated the property was under parked by 26 spaces. At the time the parking study was completed, there were seven (7) tenant space vacancies, in which staff determined that uses that require parking at a rate of one space for 250 square feet or less may still occupy space in the center. The proposed tattoo use, pursuant to the parking standards of the Duarte Development Code, require one (1) parking space to 250 square foot of floor area, therefore meeting the parking deviation provided for within the parking study.

Although parking requirements under the parking study may be met numerically, Staff has monitored the shopping center since the application was submitted to determine if other parking issues may still be of concern. During multiple site visits for the proposed project, staff observed approximately 85 percent of the parking being utilized by the other businesses in the center. This leaves approximately 10 available spaces in various locations throughout the parking lot. Furthermore, as observed on multiple occasions, there was only one available space located directly in front of the proposed business suite. These observations indicate that potential parking issues may surface, depending upon the popularity of the business and future occupancy of additional vacant leases within the shopping center.

Security and Public Safety Department Comments

The project plans have been discussed with the Public Safety Department. The Public Safety Department does not have concerns with the proposed use and provided a list of submittal requirements including: a detailed security plan that shall include requirements for an adequate surveillance system for the interior and exterior of the business, proper exterior and parking lot lighting, and an operating alarm system linked to a reputable call center.

Health Department Consideration

Tattoo studio operations are required to register with the Los Angeles County Health Department and are regulated by the California Safe Body Art Act, which was enacted July 1, 2012, to ensure safe operating procedures are practiced. The Safe Body Art Act regulates tattooing, branding, body piercing, and permanent makeup. Los Angeles County ordinances requires all body art practitioners to annually register with the County, obtain annual blood-borne pathogen training, provide documentation of Hepatitis "B" vaccination status, obtain specific health information from clients, and obtain "informed consent" from clients. The Safe Body Art Act also requires the owner of a body art facility to obtain a Health Permit, operate the facility in

a safe and clean manner, maintain written procedures for the operation of the facility, and maintain records of training and equipment sterilization. The Body Art Program's inspectors conduct annual inspections of body art facilities to determine compliance with the Safe Body Art Act and may suspend or revoke permits and registrations under specified conditions.

Conclusion

Land use compatibility and business operations are important issues to consider when a proposed business use locates within an existing commercial center. The proposed location may not enhance the level and quality of business activity within the neighborhood, given that the proposed use would be extremely proximate (within 350') of an existing tattoo business, is located close to both the intermediate and high schools, and is located in a inconspicuous location that is difficult to monitor from public streets. These factors may encourage additional issues related to the business, such as loitering. Furthermore, given the City's experience with other personal service uses, such as hair, nail and massage, these types of businesses typically do not provide services to their clients that last more than an hour or two. However, it's more common to see tattoo studio sessions that range anywhere from two and eight hours. These lengthy sessions, plus the additional friends or family that can often accompany the person receiving the tattoo, can foster an environment for loitering and other public nuisances. Staff's opinion is that, if approved, the proposed tattoo use would be a detrimental impact to the community and the adjacent businesses.

The applicant also lacks business experience as a tattoo artist or owning a tattoo or other personal services type business. These factors make it difficult for staff to investigate the history of business ownership, verify references acknowledging the experience of successfully operating or performing tattoos within the business, or validate the management credentials of the applicant. Without the ability to vet the applicant and/or gather experience or observations from previous personal service business ownership, Staff is simply presuming that the business will operate in a manner compatible with adjacent uses. Staff is concerned that the proposed use presents many opportunities for incompatibility with other businesses (such as loitering and associated activities - e.g. smoking, eating, drinking, littering); and therefore allowing this business at the proposed location is detrimental to the shopping center and surrounding neighborhood.

Finally, even though the parking study conducted in 2015 permits future uses that require parking at a rate of one space for 250 square feet or less, Staff feels that with the proposed tattoo use; depending on the success of the business, the number of future tenant occupants in currently vacant tenant spaces, and the potential for additional parking occupied by friends and/or family of tattoo patrons, may make it difficult to visit the center and find available parking.

RECOMMENDATION

Staff recommends that Planning Commission deny Conditional Use Permit 16-02, by adopting PC Resolution 16-09 (Exhibit D).

Respectfully Submitted,

Kristen Johnston
Associate Planner

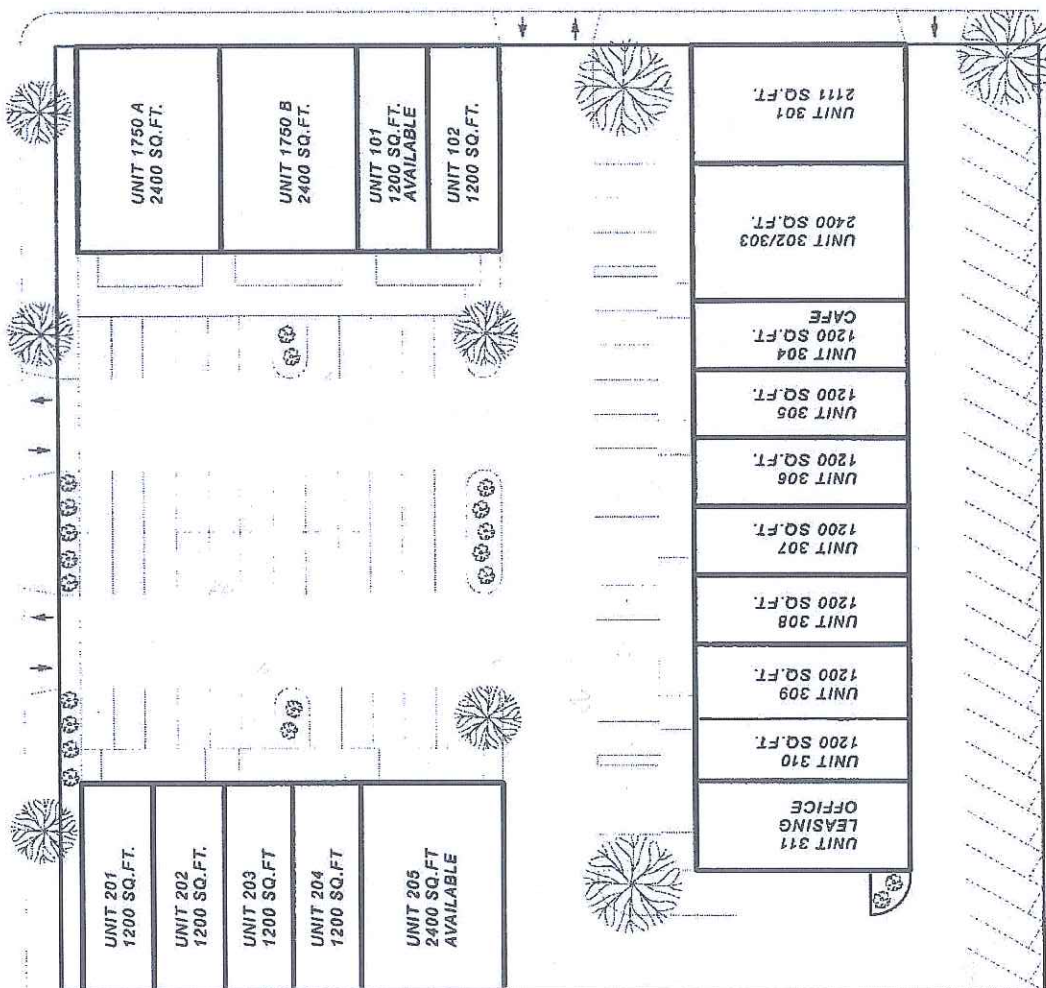
ATTACHMENTS

Exhibit A - Project Plans
Exhibit B - Project Photos
Exhibit C - Applicant's Statement of Operations
Exhibit D - PC Resolution 16-09
Exhibit E - Resident letters of opposition

Exhibit A



HUNTINGTON DRIVE



HIGHLAND AVENUE



HUNTINGTON PLAZA
1750 HUNTINGTON DR., DUARTE, CA
HUNTINGTON DRIVE AT HIGHLAND

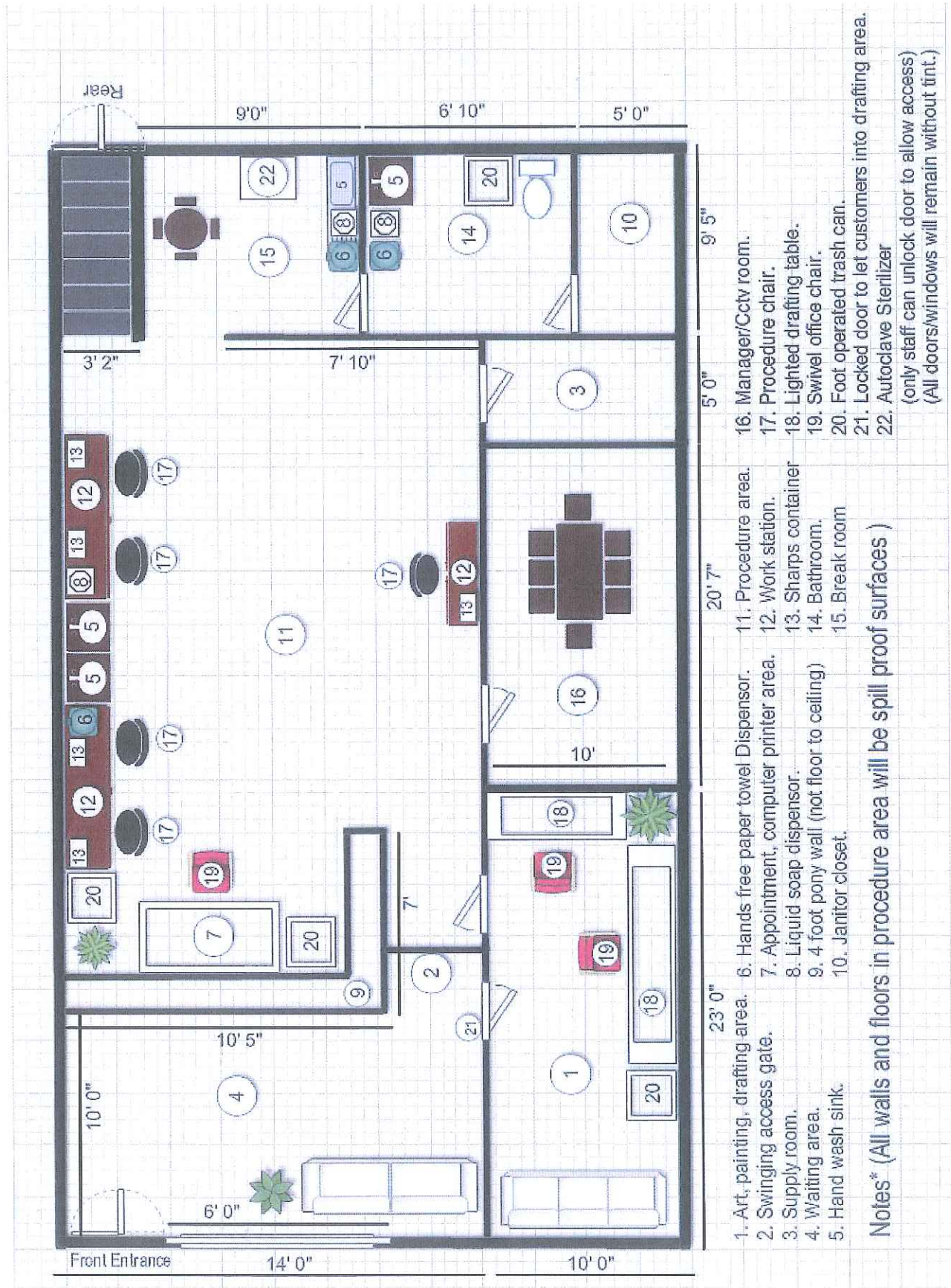


Exhibit B



Subject Suite #311



Looking to the East from subject Suite





Parking lot view to the North





Rear parking to the South



View to the East

Resurrection Tattoo



Exhibit C

BACKGROUND

The owner and operator, Steven Sharble, is a fine arts and tattoo enthusiast who was born and raised in the city of Duarte and has been collecting award winning tattoos for over fifteen years. Steven's passion for arts and tattoos was awakened when he began attending shows and conventions, and gradually grew the more he attended. He soon realized that his ultimate goal was not only to appreciate this art form from a distance, but that he would like nothing more than to impact the perception and stigma that this art of self-expression comes with. His dream is to open a tattoo shop that would stand out from all others because he envisioned it having a art gallery type setting that would be more welcoming to broader audiences. Steven remained focused on his plan to open his new era tattoo gallery in his native home city and founded Supreme Social Club Tattoo Gallery.

Steven has lived in Duarte all his life, where he attended Beardslee Elementary, Northview Middle School and graduated from Duarte High School. He grew up playing sports like DYAC baseball and basketball at the Beardslee Recreational Center after school program and received recognition awards for his athleticism as well as all-star player performances. Steven has greater plans for his community that go far beyond his entrepreneur dreams of being approved for a conditional use permit for his project. He aspires to put himself in a position where he is able to give back to his community and provide opportunities for the generations to come.

GOAL

Supreme Social Club, as envisioned by Steven, would take over a 1600 square foot retail space on 1740 Huntington Drive Unit #311. Here, he hopes to fulfill his dream of opening a new era tattoo gallery accepted and supported by his fellow residents in a town where he is deeply rooted in and has a good family name in. Steven is not looking to drum up business from Duarte or its residents, but rather would like to bring in a new dimension to the business community of Duarte.

HOURS OF OPERATION

Although the majority of our business is returning clientele and clients set by appointment date Steven plans to make Supreme Social Club's hours of

operation 11am to 9pm Monday through Saturday, giving any possible walk in customers the chance to book a appointment.

DAY TO DAY ACTIVITIES

As owner and operator Steven intends to be completely hands on with the day to day operations. His typical work day would begin with getting to the shop before operating hours to unlock for employees, then sanitize all work stations and mop the floor. Steven would be in charge of the appointment book and begin stocking all artist work stations scheduled to work that day with the proper supplies, he would need to set up the ink, prepare the artist tattoo machine, make sure the artist has a full box of gloves, wrap the work stations & procedure chair with plastic. He would also need to make sure the printing and drafting area are fully stocked with supplies in order for him to print out or draw tattoo designs After all stations are setup he would then help the customer with picking out a design on the computer or drawing something from scratch with the customers ideas till both customer and artist are satisfied with the results. This process would need to be repeated with each appointment scheduled along with proper breakdown and setup of stations. Steven's roll at the shop would require him to be at the shop from the beginning to end of each businss day. Steven will take on the rolls of a voulunteer apprentince, shop manager, employee and owner. Steven would need to stay on top of all supply orders and making sure the shop is fully stocked with all supplies needed. He also needs to stay on top of marketing, social media, advertising and booking booth time at all upcoming in town and nation wide tattoo conventions. This shop is steven's investment and he wouldnt feel comfortable leaving it in anyones hands other then his own to ensure the day to day operations adhere to his standards along with the standards set forth by the city of Duarte and the los angeles health department. If for any reason Steven can not make it to work, he will appoint a Head Artist/Asst Shop Manger to fill in. Although there is no specofic number of artists it takes to run a successful business in most cases a shop can have anywhere from 8 to 15 artists, Supreme Social Club is looking to only have a maximum of 5 stations. With a shop this small and only 2 out of the 5 potential artist committed, makes it possible for Steven to own and operate the shop hands on at a steady pace.

LOCATION DETAILS

Supreme social club would be in a destination store type setting due to its corner location which would have very low foot traffic, if any at all passing through the unit. The visibility from the street will be a reception desk that extends across the entry area of the shop, with an attached small access gate to stop patrons from entering the procedure area unattended. A door buzzer will be installed to alert the manager as well as all employees when a patron enters the waiting area of the shop. When employees are not busy completing a procedure, they will have the ability to take advantage of the drafting and art area. Here they will have the means to work drafts for new tattoos, sculptures or life like paintings for customers.

The premises will be monitored day in and day out by a closed circuit security system and would be made available to the city, health and police department upon request. To ensure that the business' "no loitering" policy is understood and adhered to, "No Loitering/CCTV signs will be displayed clearly in the areas surrounding the outside of the establishment. There will also be signs posted referencing the California Penal Code 653, stating that "every person who tattoos or offers to tattoo any person under the age of 18 will be penalized with a misdemeanor offence." In addition, there will be signage posted which state that everyone who gets a tattoo will be required to provide a valid Identification Card along with a signed consent of which copies will be kept on file for the records of the establishment.

TATTOO EXPERIENCE/CLIENTELE

A typical tattoo session usually can span from 2 to 8 hours depending on size and location. However, in most cases a customer becomes a returning customer and adds to his or her artwork while letting friends know about our work through word of mouth. Most of our new clients will be from word of mouth and from our shop attending tattoo conventions. Any walk in customers would be required to make an appointment. Supreme Social Club will be known for our realism portrait, religious and memorial tattoos focused on our more upscale clients. The majority of our initial clients will be personalities from professional, television, film and music industry backgrounds that Steven Sharble has introduced the concept of Supreme Social Club personally.

ARTIST/FUTURE ARTIST

Steven has very high standards that set his shop far above and beyond any other shop in business today. Steven will only hire well known award winning artists that have their own following and clientele. Supreme Social Club has two well known artists that have committed to work at the shop if the conditional use permit is approved. At this time Steven can not release the names of the two future Supreme Social Club artists due to the fact they are currently working at another up and running shop. I think if the committee could put themselves in the shoes of the artist they would understand the artist not wanting to let their current employer know about them planning to leave before Supreme Social Club gets approval from the city. It could possibly leave them without a job. With that being said, Steven is more than willing to submit each new artist up for hire to the city of Duarte so the city can run background checks or any other procedures to ensure Steven hires nothing but the best to represent Supreme Social Club and the city of Duarte.

RESOLUTION NO. PC 16-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE DENYING CONDITIONAL USE PERMIT 16-02 FOR THE OPERATION OF A TATTOO STUDIO LOCATED AT 1740 HUNTINGTON DRIVE, SUITE 311

WHEREAS, the applicant, Steven Sharble of Supreme Social Club is requesting approval of Conditional Use Permit 16-02 (CUP 16-02) to allow the operation of a 1,600 square foot tattoo studio on property located at 1740 Huntington Drive, Suite 311; and

WHEREAS, a public hearing on this application was held by the Planning Commission of the City of Duarte on June 20, 2016 after due notice was given as required by law, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Department of the City of Duarte; and

WHEREAS, Duarte Development Code (DDC) provides that the Planning Commission must make all of the findings listed Section 19.114.050(B)(1-5) before a conditional use permit can be approved; and

WHEREAS, the Planning Commission of the City of Duarte has considered the analysis and recommendation provided in the staff report and all of the information, evidence and public testimony received at the public hearing; and

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 DDC Section 19.114.050(B)(1-5), based upon substantial evidence presented to the Planning Commission during the public hearing conducted with regard to CUP 16-02, including written staff reports and verbal testimony, the Planning Commission hereby finds as follows:

1. The proposed use is not consistent with the General Plan;

Based on the information currently available to the Planning Commission, a tattoo studio use appears to be generally consistent with the site's General Commercial land use designation, which is "intended to provide for sites which will meet the shopping needs of the entire community." (Land Use Element, p. 15.) However, because the proposed tattoo studio is located within 350' of an existing tattoo studio, it is not consistent with Land Use Goals 1 and 2, which aim to "[m]aintain a balanced community consisting of various ... commercial activities" and "[d]evelop compatible and harmonious land uses by providing a mix of uses." (Land Use Element, pp. 2-3.) Tattoo studios meet the needs of a very narrow clientele (i.e., people who are 18 years of age or older who would like a tattoo). Allowing two such business approximately 350' from each other will not maintain a "balance" (or "mix") of various

Exhibit D

commercial uses such that the commercial area “meet[s] the shopping needs of the entire community.”

2. The proposed use appears to be allowed within the subject zone and appears to comply with all other provisions of this Development Code and the Municipal Code;

Tattoo studios (Personal Service, Restricted use) are permitted with a conditional use permit within the Commercial-General (C-G) zone. Based on the information currently available to the Planning Commission, [t]he use appears to be consistent with the C-G zoning as it appears to serve local and regional needs. (DDC § 19.12.010(C).)

3. The design, location, size and operating characteristics of the proposed use are not compatible with the allowed uses in the vicinity;

If approved, the proposed business would occupy a 1,600 square foot tenant space in the far southwesterly corner of the shopping center on the corner of Huntington Drive and Highland Avenue that will consist initially of a manager and two tattoo artists, operating on an appointment-only basis. The tenant space will include a lobby/waiting area, art/painting/drafting area, manager/CCTV area, procedure area (for up to five artists), break room, and a single-occupant unisex restroom. The requested hours of operation are between 11:00 a.m. to 9:00 p.m., Monday through Saturday. Because the applicant is a first-time business owner, he has not been able to provide additional information about the proposed business’ “operating characteristics.” This makes it difficult to discern whether the proposed business’ “operating characteristics” are “compatible” with allowed uses in the vicinity.

The proposed business is not compatible with allowed uses in the vicinity, which include office and retail uses, two schools, housing, and an existing tattoo studio. The existing tattoo studio is located across Highland Avenue approximately 350’ from the proposed tattoo business. As noted above, the proposed tattoo business would be situated at the far southwest corner of an existing commercial center, which is comprised of mostly office and retail uses. The proposed location lacks visibility from Highland Avenue and provides minimal visibility from Huntington Drive. This locale will make it more difficult to monitor the business and creates an environment that tends to support loitering behavior and other nuisances.

The close proximity of two tattoo businesses (again, approximately 350’ apart) also creates an overconcentration of this business type less than 395’ from the City’s intermediate school and less than 700’ from the City’s High School; and at a major intersection in the community. There are additional concerns related to the proximity from the proposed business and adjacent secondary school uses because this business would be located on the same side of the street as the route many students utilize to walk to and from school.

4. Operation of the use at the location proposed would 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;

Tattoo studio operators are required to comply with the California Safe Body Art Act, which was enacted July 1, 2012, to ensure safe operating procedures are practiced. Failure to comply with the Safe Body Art Act could create a number of public health and safety problems, such as the transmission of blood borne illnesses. To protect the public health, safety and general welfare of the City's residents and visitors, a typical condition of approval for a permit to operate a tattoo business would be that the operator and any tattoo artist that works for the operator will be licensed and capable of demonstrating ongoing compliance with the Safe Body Art Act (as well as any other law applicable to tattoo establishments).

Here, the applicant proposes to be both the owner and operator of the proposed business. The applicant is a fine arts and tattoo enthusiast who has been collecting award winning tattoos for over fifteen years, but he has no experience as a tattoo artist or owning a tattoo or other personal services type business. The applicant has indicated that his intentions are to hire award winning artists that have their own following and clientele; including two well-known artists that have committed to working at the shop if the use is approved, but staff has not been able to verify that the applicant or his proposed tattoo artists are licensed through the Los Angeles County Health Department.

Due to the applicant never owning or managing a tattoo business, the City is also unable to investigate the history of business ownership, verify references acknowledging the experience of successfully operating or performing tattoos within the business, or validate the management credentials of the applicant. Without the ability to vet the applicant and/or gather experience or observations from previous personal service business ownership, the City is simply presuming that the business will operate in a manner compatible with adjacent uses. There are concerns that the proposed operation of the use presents many opportunities for incompatibility with other businesses (such as loitering and associated activities - e.g. smoking, eating, drinking, littering) and therefore allowing this business at the proposed location is detrimental to the shopping center and surrounding neighborhood.

Furthermore, the proposed location of the business would not enhance the harmonious and orderly growth of the City, given that the proposed business would be the second tattoo studio within 350' of an existing tattoo business, and would be located very close to both the intermediate and high schools, and would be situated in an inconspicuous location that is difficult to monitor from public streets. These factors may encourage additional issues related to the business, such as loitering. Furthermore, given the City's experience with other personal service uses, such as hair, nail and massage, these types of businesses typically do not provide services to their clients that last more than an hour or two. However, it's more common to see tattoo studio sessions that range anywhere from two and eight hours. These lengthy sessions, plus the additional friends or family that can often accompany the person receiving the tattoo, can foster an environment for loitering, the need for

additional parking and other public nuisances. Permitting this applicant's tattoo use at the subject location would have a detrimental impact on the community and the adjacent businesses.

5. The subject site is not:
 - 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.

Based on the information currently available to the Planning Commission, the subject site appears to satisfy the second requirement (i.e., "b"), but not the first requirement (i.e., "a"). The site is approximately 1.75 acres in size and is developed with three commercial buildings totaling 29,045 square feet. The property is located in the Commercial-General (C-G) zone at the southwest corner of Huntington Drive and Highland Avenue, accessible from a drive aisle approach along each thoroughfare. The project site has demonstrated that it is physically suitable to support the existing development. Although the addition of a tattoo studio business within an existing commercial building will not alter the site's ability to provide public and emergency vehicle access and public services and utilities (i.e., requirement "b"), it does not appear to be "[p]hysically suitable in terms of ... location" (i.e., requirement "a") because, as noted above: (1) the proposed business is located in close proximity to incompatible uses (e.g., intermediate and high schools); (2) it is located in close proximity to an existing tattoo parlor; and (3) it would be difficult to monitor the business' operations from surrounding public streets. In addition, it is difficult to discern whether the site is "[p]hysically suitable in terms of ... operating characteristics" because the applicant is a first-time business owner and where the City is unable to investigate the history of business ownership, verify references acknowledging the experience of successfully operating or performing tattoos within the business, or validate the management credentials of the applicant.

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 denies CUP 16-02.

SECTION 4. The denial of Conditional Use Permit 16-02 by the Planning Commission is statutorily exempt under the California Environmental Quality Act (CEQA) pursuant to Section 15270 of Title 14 of the California Code of Regulations, as CEQA does not apply to projects which a public agency rejects or disapproves. No further environmental review is necessary.

SECTION 5. The chair shall sign this Resolution and the Secretary shall attest and certify to the passage and adoption of this Resolution, subject to a 15-day appeal, as further described in DDC Chapter 19.144 (Appeals).

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 20th day of June 2016

Shauna Pierce, 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 20, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Hensley, Community Development Director

Exhibit E

June 13, 2016

RECEIVED

JUN 15 2016

CITY OF DUARTE

Community Development Department
1600 Huntington Drive
Duarte, California 91010

Regarding: Tattoo Shop Public Hearing

Members of the Duarte Planning Commission:

I have been a resident of Duarte for the past 16 years and my family business has been established in Duarte for the past 14 years. My family and I shop in the shops, eat at the restaurants, play in the parks, and send our children to the schools here in Duarte. Duarte is our home and we love living and working here.

The City of Duarte has made great improvements to our city in recent years. The Metro station, the city pool renovation, and the plan to create a Duarte Town Center are just a few examples of the amazing work the city has done. The Duarte Unified School District's new Competitive Advantage Plan proposes a restructuring of our elementary schools into K-8 Magnet schools and the possibility of California School of the Arts joining the school district and moving into the current Northview Intermediate School site. The city's ongoing improvements combined with the school district's Competitive Advantage Plan are making Duarte an attractive option for families looking to raise their children in our area.

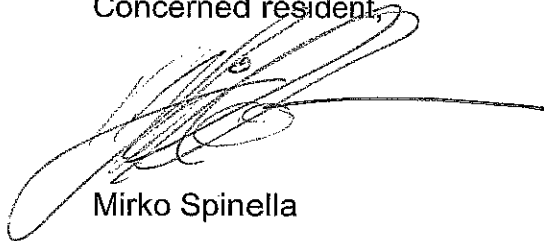
I am very concerned about the Conditional Use Permit 16-02 that has been filed for your consideration by Steven Sharble, Supreme Social Club to convert 1600 square feet of a retail space located at 1740 Huntington Drive, Suite 311 into a tattoo shop.

Tattoo shops are associated with an increase in crime and drug use in their immediate area, they bring down property values, and they tarnish the wholesome image of the neighborhoods in which they are located. The new tattoo shop being considered to open on the corner of Huntington and Highland is on the same block as Northview Intermediate School and Northview Park. It is located in a shopping center that is just 4

driveways away from the school entrance! It would also be sharing a parking lot with a pediatric clinic. The proposed location is so close to Andres Duarte Terrace Senior Housing that the residents would be able to talk to someone standing in front of the shop from their balconies. The apartment complex directly behind the proposed shop is occupied by many families with children and adolescents. Also, the proposed tattoo shop location is just steps away from the residences on Huntington Drive, Highland Avenue, Oak Avenue, and Pops Road.

As an entrepreneur, I believe in business. I love to welcome new business owners and patronize their shops here in Duarte, but the location this business owner has chosen for the type of business they want to open is not in the best interest of the community. Approving a permit for this tattoo shop at the requested location would be a setback in all the strides the city has made up to this point. As a resident of Duarte I am requesting that you deny the Conditional Use Permit for this tattoo shop at this time.

Concerned resident,

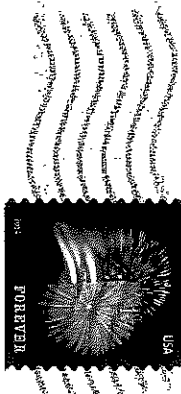
A handwritten signature in black ink, appearing to read 'Mirko Spinella', with a long horizontal line extending to the right.

Mirko Spinella

Mirko Spinella
1321 Pops Rd.
Duarte, CA 91010

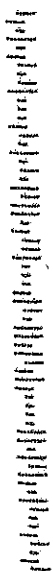
RECEIVED
JUN 15 2016
CITY OF DUARTE

SCOTT CLARK, CA 91010
JUN 15 2016 PM 11



Community Development Department
1600 Huntington Dr.
Duarte, CA 91010

91010-253400



Re: June 20th Public Hearing

RECEIVED

June 13, 2016

JUN 15 2016

CITY OF DUARTE

Community Development Department
1600 Huntington Drive
Duarte, California 91010

Regarding: Tattoo Shop Public Hearing

Members of the Duarte Planning Commission:

I have been a resident of Duarte for the past 16 years and my family business has been established in Duarte for the past 14 years. My family and I absolutely love living and working in our beautiful little city! We shop in the shops, eat at the restaurants, play in the parks, and send our children to the schools here in Duarte.

Over the past few years, the City of Duarte has worked hard at making wonderful improvements. Opening the Metro station, renovating the city pool, and currently working on creating a Duarte Town Center are just a few examples of the amazing work the city has done. The Duarte Unified School District has created a new Competitive Advantage Plan which proposes a restructuring of our elementary schools into K-8 Magnet schools and bringing an Orange County School of the Arts sister school to the current Northview Intermediate School site. The city's ongoing improvements combined with the school district's new Competitive Advantage Plan are making Duarte an attractive option for families looking to raise their families in our area.

I am writing to voice my concerns with the Conditional Use Permit 16-02 that has been filed for your consideration by Steven Sharble, Supreme Social Club to convert 1600 square feet of a retail space located at 1740 Huntington Drive, Suite 311 into a tattoo shop.

Whether it is true or not, some people associate the presence of tattoo shops with an increase in crime and drug use in their immediate area. It is a fact that tattoo shops bring down property values and tarnish the wholesome image of the neighborhoods in which they are located. The new tattoo shop that is being considered to open on the corner of Huntington and Highland is on the same block as Northview Intermediate School and Northview Park. It is located in a shopping center that is just 4 driveways away from the school entrance! The proposed location is right next to Andres Duarte Terrace Senior Housing, and it is just steps away from the residences on Huntington Drive, Highland Avenue, Oak Avenue, and Pops Road.

As a business owner, I am all for new business and entrepreneurs chasing their dreams and setting up shop here in Duarte, but the location this business owner has chosen for the type of business they want to open is not in the best interest of the community. Approving a permit for this tattoo shop at the requested location would put our children and elderly population at risk, be a setback in all the strides the city has made, and lower our property values. For the reasons listed, I am requesting that you deny the Conditional Use Permit for this tattoo shop at this time.

Concerned Citizen,

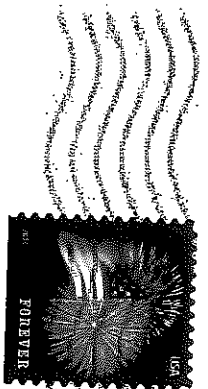
A handwritten signature in black ink, appearing to read "Genevieve Spinella". The signature is stylized with large, sweeping loops and a long horizontal stroke extending to the right.

Genevieve Spinella

Genevieve Spinella
1321 Pops Road
Duarte, CA 91010

STATIONER & PRINTERS, INC. 91010

24 JUN 2016 PM 4:1



Community Development Department
1600 Huntington Dr.
Duarte, CA 91010

RECEIVED

JUN 15 2016

CITY OF DUARTE

*Open before Public Hearing on ~~5/25/2016~~ 5/25/2016

