

MEMORANDUM

TO: City Council
FROM: Assistant City Manager
DATE: April 6, 2017
SUBJECT: Comments on Agenda Items, Meeting of April 11, 2017

City Council has a Closed Session Meeting @ 6:30 p.m. in order to discuss the status of Union Negotiations

ITEM 8A. The new Youth @ Work and Teen Nutrition Council Student Interns will be introduced to the City Council. These programs provide Duarte High School students with an opportunity to gain experience working in City departments and provide nutrition related outreach and education to student peers.

ITEM 8B. The Mayor's Youth Council will give an update and be presented with a proclamation for Autism Awareness Month.

ITEM 8C. City Council will be recognizing outgoing Captain Coronne Jacob and welcoming incoming Captain David Flores. Captain Flores has been a deputy with the Los Angeles County Sheriff's Department for over 30 years. He comes to us from recently serving as an Executive Aide to Sheriff Jim McDonnell. Captain Flores is very familiar with Temple Station as he spent 9 years serving there in the 90's.

ITEM 8D. In 2011 the City Council adopted an obesity prevention resolution that asked for an annual report to Council on the steps the City has taken to implement the resolution. The Parks and Recreation Department will present a report on the activities that took place in the Duarte Healthy Choice Nutrition Program and other Nutrition and Health-related programs this past year.

ITEM 8E. Phil Hawkey, Executive Director of the San Gabriel Valley COG, will make a presentation about the organization's activities, including among other things transportation, stormwater MS 4 advocacy, homeless initiatives, energy conservation, legislative monitoring, internal management, and financial control improvements.

ITEM 12D. (Consent Calendar) Staff is recommending that the City Council continue the local emergency declared on February 16, 2017, due to ongoing winter storm activity in the Fish Fire burn area.

ITEM 12E. (Consent Calendar) This is the second reading of an Ordinance amending Code Sections related to second dwelling units. The Ordinance includes a minimum lot size of 15,000 square feet, which would allow an accessory dwelling unit of up to 700 square feet.

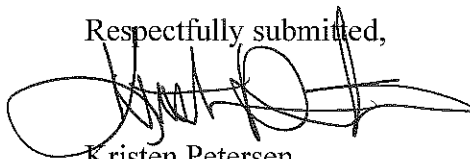
ITEM 12F. (Consent Calendar) Per JPIA recommendations, we continue to create formal documents that memorialize the policies and procedures of the City. The Lead and Asbestos Operating Plan lays out the process to be followed whenever construction work may expose employees to lead or asbestos. As noted in the plan, all asbestos and lead abatement operations will be performed by a

certified, licensed abatement contractor, not City employees, thus eliminating their exposure. It is also important to note that the only City facility that has tested positive for asbestos is the Third Street (Old City Hall) building and it is currently in escrow to be sold. The asbestos abatement and demolition of that building will be conducted by the new owner/developer after the close of escrow.

ITEM 12G. (Consent Calendar) City Council has been asked by the League of California Cities to consider submitting letters of support for SB 2, SB 3, SB 540. These three bills have been initiated by the League to help address the long-term statewide housing crisis. SB 2, the Building Jobs and Housing Act, aims to generate hundreds of millions of dollars each year for affordable housing, emergency shelters and other housing needs, via a \$75 recording fee on specified real estate documents. SB 3, the Affordable Housing Bond Act of 2018, places a \$3 billion general obligation bond on the November 2018 ballot to fund affordable housing and infill infrastructure projects. SB 540 creates Workforce Housing Opportunity Zones that work to incentivize cities to identify where housing will be built and adopt an up-front specific plan, including conducting all necessary environmental reviews and public engagement at the front-end, thus allowing housing development to proceed in a more expedited manner. This package, called the Blueprint for Housing by the League, aims to establish a permanent State source of funding for affordable housing.

ITEM 14. This Public Hearing is for City Council to consider the 99 Cents Only Store's appeal of the Planning Commission Decision to deny a Conditional Use Permit ("CUP") for off-site beer and wine sales. The Planning Commission denied the request for the CUP on December 19, 2016, in part due to an overconcentration of alcohol licenses within the shopping center and adjacent areas, and reoccurring police calls for service related to theft, loitering, transient activity and public drinking on the property. Other issues discussed during the meeting were the lack of property and building maintenance and, particularly, the removal of two exterior gates that were previously installed in 2011 to prevent loitering and deter illegal activities known to occur on the property in the walkway between the 99 Cents Only Store and Rite Aid.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kristen Petersen', written over a horizontal line.

Kristen Petersen
Assistant City Manager



MEMORANDUM

TO: CITY MANAGER, DARRELL GEORGE

FROM: CESAR MONSALVE, PARKS AND RECREATION DIRECTOR

SUBJECT: INTRODUCTION OF YOUTH@WORK AND TEEN NUTRITION COUNCIL STUDENT INTERNS

DATE: APRIL 11, 2017

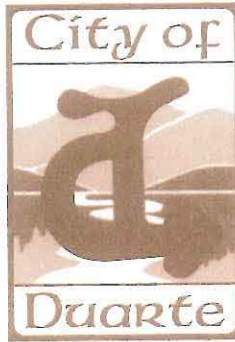
The Youth@Work and Teen Nutrition Council student intern programs, with teens selected through applications and interviews, provides Duarte High School students with a volunteer opportunity to work in City departments and provide nutrition related outreach and education to student peers. The program has served a number of objectives including increasing diversity in the City's workforce, providing great work experience, income for high school students and helping with City staff workload for special assignments. All volunteer interns will receive a stipend of \$100.00 per month and are assigned to several sites and at each location they work under the supervision of a City Department Director or his/her designate. The Teen Nutrition Council (TNC) have been trained by the City of Hope CCARE program through the SCALE Grant effort and will work in partnership with the Teen Center, City of Hope and DUSD to provide nutrition education and outreach to peers and younger students and health and nutrition outreach at many City special events. Additionally, the TNC helps to organize and facilitate the annual 2-week Summer Health Camps. We would like to introduce and congratulate the following Duarte students:

Youth@Work

Ceth Clark- Facilities Maintenance and the Teen Center
Yesenia Munoz- Public Safety Office
Alondra Villela- Parks and Recreation Office
Ashley Rosal- Teen Center
Kalina Jenkins- Parks and Recreation Office
Kyle Shea- City Manager's Office

Teen Nutrition Council

Elayssa Aquino
Emily Diaz
Cynthia Sierra
Alfredo Alvarado
Cassandra Gonzalez
Marisol Arias
Alexander Reed
Lindsay Lathrop



Proclamation

AUTISM AWARENESS MONTH

WHEREAS, autism is a pervasive developmental disorder affecting the social, communication, and behavioral skills of those affected by it; and

WHEREAS, as more health professionals have become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as one in 68 children nationally; and

WHEREAS, while there is no cure for autism, it is well-documented that if individuals receive early and intensive treatment throughout their lives, they lead significantly improved lives; and

WHEREAS, individuals with autism often require a lifetime of family and community support to ensure their health and safety, as they manage the psychological and financial burdens autism can present; and

WHEREAS, the students at the Duarte Teen Center are supporting an effort to encourage awareness about autism by wearing **ROYAL BLUE** on April 11, 2017, and are encouraging fellow students and others to do the same;

NOW, THEREFORE, BE IT RESOLVED that the City of Duarte hereby proclaims April 2017 as AUTISM AWARENESS MONTH in the City of Duarte, and supports all education efforts to raise public awareness of autism, and to promote action, awareness, acceptance, and inclusion.

Mayor Margaret Finlay

ATTEST:

City Clerk Marla Akana
Duarte, California

April 11, 2017





MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: CESAR MONSALVE, PARKS AND RECREATION DIRECTOR

SUBJECT: ANNUAL WELLNESS REPORT

DATE: APRIL 11, 2017

In 2011 the Duarte City Council adopted Resolution No. 11-01 setting forth the City's commitment to obesity prevention. It was resolved that affected agencies or departments should report back to the City Council annually regarding steps taken to implement the Resolution. Over the past year the City of Duarte has embraced the recommendations delineated within the resolution and has made a strong effort to follow the recommendations including the following programs and activities.

Duarte Healthy Choice Nutrition Program

The **Duarte Healthy Choice Nutrition Program** and the **Teen Nutrition Council** (TNC) outreach program is funded currently through Duarte general funds and special programs are cosponsored with the City of Hope. The Duarte Healthy Choice Nutrition Program promotes nutrition and exercise through community events, youth Nutrition Education classes, youth physical activity classes, health camps, school gardens, and parent nutrition education. The City of Duarte in partnership with City of Hope, DUSD, and NATHA Pasadena were awarded the SCALE grant with the general aim to improve healthy living and well-being in high school youth and Duarte continues to collaborate and partner to educate our residents in disease and obesity prevention and healthy eating and lifestyle choices.

Teen Nutrition Program

The 8 Teen Nutrition Council (TNC) members, under the coordination of Recreation Specialist Frank Valenzuela, are on two-year terms and besides the SCALE grant work, the TNC helped to organize and coordinate the exercise/activity areas for each Concert in the Park and they also assisted with the organization and coordination of the Annual City Picnic "Duarte Let's Move" health and nutrition area. Before beginning their nutrition outreach work at the schools,

the TNC members were trained in the “**MyPlate**” **USDA** program, physical activity presentation, and Harvest of the Month among other related programs. Throughout the year, the TNC assisted with conducting nutrition education after school, at community events, and during the summer with youth and actively presented nutrition and exercise activities at the Teen Center. The City’s TNC are also an active part of the Healthy Cities Collaborative in collaboration with the City of Hope CCARE. The TNC, under Frank’s leadership, will present Walking Club opportunities in a few weeks that will target seniors and moms to walk and exercise on the Duarte Recreation/Bike Trail. Participants will be issued t-shirts and there will be incentive prizes and gifts. The TNC meets regularly and will continue the work with the SCALE effort over the next 2 years.

City of Hope Partnership

The City of Duarte once again partnered with the **City of Hope** to hold a series of free **Parent Nutrition Education Classes and Workshops** for the community held at Andres Duarte Elementary and Northview Intermediate Schools. Nutrition class participants learned how eating healthy and being physically active could help prevent chronic diseases such as cholesterol, heart disease, and diabetes. Sous Chefs helped drive home the message of healthy eating by bringing healthy recipes. Classes included 30 minutes of physical activity including Zumba, aerobics, and the use of resistance bands. Participants also learned how to shop healthy at the supermarket and on the last class day were asked to bring a healthy potluck dish. The expanded **Eat Move Live** program in partnership with the City and City of Hope, collaborated on providing 60 Duarte Fitness Center memberships to low income families at a reduced cost. Participants were transported to the Fitness Center and some travelled on their own.

The partnership with the City of Hope is continuing as the Parks and Recreation Department works to meet our goals and the SCALE and CCARE goals.

This is the report from City of Hope CCARE:

SCALE Outcome Goals: 1) Increase *healthy eating* and *physical activity* in youth health promoters; 2) Increase *healthy eating* and *physical activity* in high school teens who learn from youth health promoters at Duarte High School and San Gabriel High School; and 3) Increase self-efficacy/confidence and leadership in youth health promoters. Healthy eating is defined as the consumption of at least 5 servings of fruits and vegetables a day, based on USDA standards. Physical activity/exercise equivalent consists of at least 60 minutes a day and 3 days a week, based on CDC standards for children and adolescents.

Community health promoter (CHP) programs, especially when youth driven can be a force for achieving health equity. Our CHP program, the Teen Nutrition Council's (TNC) mission is to increase students' awareness and responsible decision-making regarding health and wellness by incorporating leadership skills in research, advocacy, and social determinants of health. The TNC program employs a peer-to-peer model that engages youth as leaders in promoting healthy lifestyles with 4th-12th grade students and the broader community. They are trained on healthy lifestyle behaviors, disease prevention, media, research, advocacy and community engagement. Pre- and post-test evaluations measure knowledge, behavior and confidence level.

As a regional effort, we at City of Hope have expanded our SCALE efforts to San Gabriel High School and to fund 4 additional Duarte TNC members. The TNC youth from Duarte High School and San Gabriel High School participated in the Eat Move Live program during 2016-2017. After completing extensive training the youth presented on various health topics to an audience at City of Hope as a final exam on their abilities to communicate the SCALE goals.

The outcomes for youth participating in *Eat Move Live* program:

- 107 teens trained from Duarte Unified School District and San Gabriel High School
- 22% Males; 78% Females
- 52% Asian; 45% Latino; 3% Caucasian

Overall Outcomes:

Significant increase in Knowledge and Behavior:

- Increase in knowledge of My Plate ($Z=-2.828$); ($p<0.005$)
- Increase in knowledge of sugar content in drinks ($Z=-2.530$; $p<0.011$)
- Increase in fruit and vegetable consumption ($Z=-2.138$; $p<0.033$)

Significant increase in confidence (Overall Mean Pre: 4.14; Post: 5.40 $p<0.01$) in:

- Talking to peers & family about nutrition and healthy lifestyles ($p<0.001$)
- Explaining to others how to read and understand the Nutritional Labels ($p<0.000$)
- Improving community on healthy eating and physical activity ($p<0.003$)
- Engaging policy makers on nutrition and physical activity and healthy lifestyles initiatives ($p<0.001$)

Duarte TNC conducted a Rethink Your Drink Presentation at the Teen Center with DART Students:

- 33 students from DUSD attended the workshop; most were 11th and 10th grade.
- 76% Latino/Hispanic; 12% Black/African American

Duarte TNC conducted Healthy Eating Workshops:

Conducted 4 Workshops over the fall semester (stopped due to college application, AP testing season).

Photovoice Project:

- We presented our findings to the Healthy Cities Collaborative (HCC) meeting—a committee of local organizations and City policy makers interested in local health issues.
- Our presentation to the HCC and community organizations made us feel empowered and allowed us to play a big role in the improvement of our city.
- The City of Duarte Parks and Recreation Director stated that the department would remodel Aloysia Park, which is worn down and unwelcoming with little light which was depicted by various members during the project. The park now has a new playground replacing the old metal slide and swings and has an outdoor fitness area for the community to exercise free of charge.
- Our involvement with the project allowed for our city officials to acknowledge the problems in the city and fix the issues that are affecting the health of teens, children, families and individuals in our community (i.e. lack of grocery stores, sidewalks, well-lit parks, etc).

Training Comments:

- "We are creating healthy communities by making our voices heard in civic organizations and meetings."
- "I think the TNC has taught us many good things that we could use for the rest of our lives. The Photovoice project helped me and other people have a voice. I also felt we had a big role in our community when we got invited to go to the meeting and when they said they would remodel the park; it made me feel like I had a big part in that."
- "I was able to achieve my goals during this time. Especially drinking more water, no sugary drinks. I take a water bottle everywhere I go now."
- "I eat a lot more healthier food than what I used to."
- "I was able to teach the kids at the health camp about eating healthy."

Teen Nutrition Council SCALE Implementation:

- Teens presented to COH staff and community partners
- Eat Move Live Summer Health Camps (48 children)
- Nutrition and physical activity resource booth at Taste of Duarte, Summer Concert in the Park series
- Duarte's Family Amazing Race
- Our findings demonstrate a significant increase in knowledge, healthy behaviors and confidence among teens trained.
- Activities conducted by TNC provided input on the needs of the community and sparked public policy and systemic change.
- Youth are empowered and committed to pursue higher education and future career opportunities in public health and community engagement.

- Youth developed leadership skills and increased their self-confidence in public speaking.
- Community health promoter (CHP) programs, especially when youth driven can be a force for increasing individual-level healthy behaviors and creating healthy environments that promote healthy practices.

Future Direction:

- The program continues to grow and will expand to reach a wider audience.
- In the process of implementing a Walking Club and continuing the Healthy Food Workshops at the Teen Center.

In addition, we are working on these specific IHI SCALE projects:

- SCALE LiveStories Platform-Currently updating information and will provide link once final template has been approved. Met with SCALE communities where we shared our LiveStories draft with one another and provided each other feedback.
- SCALE Wellbeing Survey-Both students from San Gabriel High School and Duarte TNC have completed the well-being questionnaire. Waiting for a few students to complete it from SGHS, and will send responses to IHI-SCALE staff for follow up.

Summer Health Camps

The City of Duarte, in partnership with the City of Hope CCARE, presented the annual Summer Health Camps. This immensely successful program allows parents of children 6-11 years of age to enroll at the very low price of \$20 to participate in a weeklong health and nutrition-focused camp with programming from 9:00 a.m. to 2:00 p.m. Two separate camps were presented in 2016 and the camps included nutrition education, obesity prevention, healthy foods, and onsite chef prepared nutritious meals from the City of Hope. Field trips included visits to grocery stores and a working farm. The TNC worked for several weeks to prepare for the camps and they were present each day and provided great leadership and mentoring to the children.

City Picnic

The City of Duarte's **59th Anniversary Picnic Celebration** once again presented the **"Let's Move! Duarte!"** nutrition and health area dedicated to health and fitness. The area was coordinated by the Duarte Healthy Choice Program and TNC and featured a fruit stand with a vendor providing fresh fruits and vegetables for purchase. Also included were a healthy trail mix station, fitness games, and "MyPlate" coloring sheets, displays by several non-profit organizations as well as crafts.

Additional Nutrition/Health-Related Programs and Activities

Administrative Services Department

Healthy alternatives in food are provided at all employee meetings, employee recognition receptions and celebrations and for City Council closed session meals. Additionally, through the Human Resources division, an annual employee health fair is presented that includes various health, nutrition and well-being vendors and participants including dental offices, flu shots, holistic medicine, massage therapy, health care providers and more.

Community Development Department

The Community Development Department has taken a leadership role in providing or facilitating improvements that directly affect the health and wellness of Duarte's residents as stipulated in the 2011 Wellness Resolution:

- *Prioritizing capital improvement projects to increase the opportunities for physical activity in existing areas;*
- *Plan and construct a built environment that encourages walking, biking and other forms of physical activity;*
- *Addressing walking and biking connectivity between residential neighborhoods and schools, parks, recreational resources, and retail;*
- *Facilitating the siting of new grocery stores, community gardens and farmer's markets in underserved communities to increase access to healthy food, including fresh fruits and vegetables;*

The following efforts have been completed, are ongoing, or are due for completion:

- In 2016, both Smart & Final Extra and Grocery Outlet opened for business ending a short period where the City did not have a formal supermarket due to the departure of Mikes Food and Ralph's markets. Both locations have new, upgraded building facades and beautiful interiors and provide healthy and organic food choices.
- The City continues to utilize CDBG funds to upgrade several corner curb ramps throughout the City to improve accessibility and to meet ADA requirements. This is a multi-year project to improve all curb ramps throughout the city.
- The City continued its annual concrete repair program that removes damaged concrete sidewalks and replaces a safer sidewalk.
- Over the past few months several streets in the City have been improved with new bicycle lanes. Two types of bike lanes have been installed: Class II, which provides cyclist a delineated bike lane adjacent to the sidewalk;

and Class III, which includes signage along the sidewalk and bicycle markings in the vehicle lane. Both types support alternative methods of transportation and promote active, healthy lifestyles for many of Duarte's residents. The bike lane improvements can be seen on Duarte Road, Central Avenue, Highland Avenue, and Las Lomas Road.

- The City has completed the pedestrian improvements along the north side of Duarte Road from Hope Drive west to Mountain Avenue and the connection to the Emerald Necklace bike path. The improvements include sidewalk, bike lanes and landscaping. This project will provide new walking paths for residents to access the Gold Line Station and other areas of the City and will also provide safe exercise and walking opportunities. The project has been funded, in part, by an Active Transportation Program (ATP) grant. This project now completes Duarte Road pedestrian improvements that were started with the construction of the Duarte Gold Line Station.

Duarte Teen Center

The **Nutrition/Cooking** class at the Teen Center once again presented teens with an opportunity to learn how to make quick and easy healthy meals for only \$2 per class. The free **Work It Out** fitness program for teens presented the teens with the opportunity to work out, enjoy walking excursions and learn tips for healthy eating and a living a healthy lifestyle. The **Duarte Dance Team** engages teens in dance training, rehearsals and performances, and through their participation, they experience high levels of exercise and receive nutrition guidance.

Duarte Senior Center

The Senior Center offers a variety of health and wellness related classes, programs and activities throughout the year. Many classes promote exercise and cardio including Yoga, Western Line Dance, Tai Chi, Exercise with Shelly, Cardio Class, and more. Several mental health and nutrition events, programs and lectures have taken place over the last year including Memory and Aging, Brain Healthy Cooking, Eat Smart & Live Strong, and many more related activities. High intensity athletic activities and sports were offered last year and continue to be offered including the Duarte Senior Softball, Trail Trekkers outdoor hiking club, Ping Pong Tournament and open play, Aquatic exercise, and Pickle Ball free play, and leagues at the Futsal Courts provide an entirely new way to exercise.

Youth and Family Master Plan and Action Steps

The Duarte Youth and Family Master Plan originally included sixty-six Action Steps in 10 themes as recommendations for immediate and longer term implementation.

After a several months-long review process by the Youth and Family Committee, and using information and data gathered from the 2014 Duarte Senior Citizen Survey, a new Serving Senior Citizens theme was created that added senior themed Steps for a new total of 73 Action Steps. Among the Action Steps are a few that fall within the recommendations contained within the resolution: **Action Step #13** identified the need to formalize the Healthy Cities Collaborative and the collaborative is going strong, still meeting quarterly. **Action Step #15** encourages the development of additional fitness activities and programs that address childhood obesity. The Parks and Recreation Department's new Futsal Courts have introduced a new sport that is helping to keep Duarte's kids active and healthy and at Aloysia Moore Park the City's first outdoor fitness gym opened for free use. **Action Step #66** identified a need to add a Senior Citizen-level Fitness Center Membership and in 2016 the Duarte City Council approved a 60 years old and older membership. **Action Step #70** encourages the creation of outdoor exercise/walking hiking opportunities for seniors and very soon a new Walking Club will be presented with a focus on senior participation and the Senior Center's Trail Trekkers Hiking Club that visits local trails continues to thrive.

Healthy Cities Collaborative

The Healthy Cities Collaborative consists of representatives from public and private agencies, individuals and community based organizations, non-profit, service and community-based organizations. All these groups gather with the purpose of improving the quality of the physical, social, mental and economic health of our residents and the students who reside within the Duarte Unified School District boundaries. Some members of the collaborative include **DUSD Health Services, DUSD Food Services, City of Hope, Foothill Unity Center, Duarte Nutrition Program, Santa Anita YMCA, Duarte Community Service Council, Westminster Gardens, L.A. County Department of Health, Foothill Family Service, Foothill Unity Center, Methodist Hospital** and others. The Healthy Cities Collaborative meets quarterly and the next meeting is scheduled to take place in June 2017.

Aloysia Moore Park Renovation Project

Through grant donation funding provided by SCE, Aloysia Moore Park was recently renovated and the City's first outdoor fitness gym was installed to great acclaim and has been in constant use from opening day. Residents from the surrounding neighborhoods, some who are lower income, now have an economical way to work out on state-of-the-art equipment and combined with the new Duarte Road walking paths, a complete exercise routine can help our residents to become healthier.

Conclusion

The recommendations detailed within the Obesity Prevention Resolution will continue to be implemented and efforts will continue to be made to continue our successful partnership with City of Hope and to seek more partnerships and financial support.

Receive and File

MINUTES

JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY/COMMUNITY FACILITIES FINANCING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – MARCH 28, 2017

CALL TO ORDER	The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority/Community Facilities Financing Authority of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Pro Tem Fasana called the meeting to order at 6:05 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana, Kang, Paras-Caracci, Reilly, Finlay (arrived prior to Closed Session) ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Cosgrove
ADOPTION OF AGENDA	Reilly moved, Paras-Caracci seconded to adopt the Agenda, and carried with Finlay not present.
CLOSED SESSION Labor Negotiations	There was no public input. Fasana announced the Closed Session was a conference with labor negotiators pursuant to Government Code Section 54957.6; Negotiators: Darrell George, Kristen Petersen; Regarding SEIU Local 721 Management and Professional Employees and General Employee Units. The Closed Session concluded at 6:50 p.m. City Council reconvened at 7:10 p.m., with all members present.
PLEDGE TO THE FLAG	John Finlay led the Pledge of Allegiance to the flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Kang and Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION	Cosgrove reported that City Council met in Closed Session to discuss labor negotiations, and gave direction to the negotiators, with no reportable action taken.
SPECIAL ITEMS Honorary Street Name Sign Gaetano D'Aquino "Via D'Aquino"	Sheryl Lefmann and Tina Carey, on behalf of the Duarte Chamber of Commerce, expressed appreciation to Mr. D'Aquino for being a Chamber member for 27 years, and congratulated him. Mayor Finlay presented the honorary street name sign "Via D'Aquino" to Mr. Gaetano D'Aquino, thanked him for the many years his company has been in business in Duarte, and expressed appreciation for his many acts of kindness.
Public Safety update	Sgt. Kearney and Brian Villalobos presented the Public Safety update, including recent incidents in the area and investigations, and stated Eric Parra will become the new Chief, as Chief John-

son will be transferring. George stated David Flores will become the new Captain at Temple Station, and both he and Caronne Jacob will be attending the next City Council meeting.

City Councilmembers asked that a meeting with all Neighborhood Watch block captains be held sometime within the next month to six weeks.

Fasana asked if a link about the Takata airbag recall could be provided on the City's website.

ANNOUNCEMENTS

Sheryl Lefmann displayed the recent Chamber Newsletter, and announced upcoming events from March through June.

Karen Herrera announced upcoming community events, programs, activities, and performances in April, May, and June.

Jenny Gable, Duarte Library, announced programs, workshops, and story times in April.

Tina Carey and Cheryl Reynolds, Duarte Kiwanis, displayed the trophy the Duarte club received for being named the Kiwanis Club of the Year for Division 35.

ORAL COMMUNICATIONS

The following spoke on items not on the Agenda.

Sheryl Lefmann – Power outages.

Kevin Sexton – Mud debris, unlocked gate, tree trimming.

Mayor Finlay asked if Sal Ramirez from Edison could attend the next meeting to provide an update about outages.

Paras-Caracci stated she will be serving on a government advisory panel with SCE on April 11, and would like a history of recent power outages.

CONSENT CALENDAR

Paras-Caracci moved, Kang seconded to approve the Consent Calendar as follows, and carried with Fasana abstaining from Item A (Minutes).

Approve Items A, B, C, D, E, F. G.

Item F – ORDINANCE NO. 873
Oak Avenue/Third Street
Zone Change (2nd Reading)

Council Bill 17-O-05 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, APPROVING A ZONE CHANGE AND MODIFICATION OF THE CITY OF DUARTE ZONING MAP FROM PUBLIC FACILITY (PF) AND OPEN SPACE (O) ZONE TO MULTIPLE-FAMILY RESIDENTIAL, MEDIUM DENSITY (R-3) AND OPEN SPACE (O) FOR SIX PARCELS OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF OAK AVENUE AND THIRD STREET (1101 OAK AVENUE AND 1634 THIRD STREET) (Second Reading)

PUBLIC HEARING
Council Bill 17-O-04
Second Dwelling Units
(First Reading)

Mayor Finlay announced that this was the time and place set for a Public Hearing to consider this item, and stated this Public Hearing was continued from the meeting of March 14, 2017.

Continued from 3/14/17

Cosgrove read by title Council Bill 17-O-04:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING SECTIONS 19.10.020.A (Table 2-1 and Table 2-2) ALLOWED USES AND PERMIT REQUIREMENTS FOR SINGLE FAMILY AND MULTI-FAMILY ZONES; 19.38.050.A (Table 3-4) OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL USES; 19.60.160 SECOND DWELLING UNITS; AND MODIFICATIONS TO DEFINITIONS IN SECTIONS 19.160.020, 19.160.050 AND 19.160.200 OF THE DUARTE DEVELOPMENT CODE RELATING TO THE REGULATIONS AND APPROVAL OF ACCESSORY (SECOND) DWELLING UNITS WITHIN THE CITY OF DUARTE (First Reading)

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

Kristen Johnston, Associate Planner, presented the staff report about the proposed ordinance, and discussed changes that were previously requested by City Council.

There was discussion about the possibility of some accessory dwelling units being turned into rental units, size of parcel, size of house, lot coverage, parking requirements, utility hook-ups, and the suggestion to change the 10,000-square foot minimum lot size threshold for units up to 700 square feet to 15,000-square feet.

Mayor Finlay asked if anyone in the audience wished to speak on the item. There were none. Mayor Finlay closed the Public Hearing.

Fasana moved, Paras-Caracci seconded to introduce Council Bill 17-O-05 for first reading, with the modification that the 10,000-square foot minimum lot size threshold for accessory dwelling units up to 700 square feet be changed to 15,000-square feet, and carried by the following Roll Call vote:

AYES: Paras-Caracci, Reilly, Kang, Fasana, Finlay

NOES: None

ITEMS FROM CITY COUNCIL/
CITY MANAGER

GEORGE: Stated a meeting has been scheduled with Supervisor Barger's office regarding public safety matters.

KANG: Noted the swim team was using the pool, he is glad the blocks were added as they add value, inquired about the possibility of a stop sign with flashing lights on Royal Oaks Drive by the school (Hensley responded), and apologized for not being able to attend the State of the City.

FASANA: Attended the César Chávez event, open house for Assemblymember Blanco Rubio, and the League's "fix our roads campaign" event with Senator Newman, discussed climate change, stated the city of Los Angeles has adopted standards for

cool roofs, staff may want to look into that, complimented the Mayor and staff on the State of the City, stated Metro dedicated the Monrovia maintenance facility and station in honor of Bob Bartlett, and asked that the Council Meeting be adjourned in memory of Chuck Berry.

REILLY: Attended water education conference in San Diego, open house for Assemblymember Blanca Rubio, and Senator Portantino's Women of the Year event where Dr. Geraldine Perri was honored, asked that Dr. Perri be invited to a Council meeting for recognition, announced the winners of the César Chávez essay contest and asked that one of them be invited to a Council meeting to read it, stated she asked the Glendora amateur radio club to help with communications for the Route 66 parade, and regarding honorary street naming signs, she would like to know what colors fade quicker than others, what streets they can be on, and if the honorary sign is bigger than the regular street sign.

PARAS-CARACCI: Attended the Foothill Transit Governing Board meeting, stated all County libraries can sell and refill TAP cards, she has received comments about the severe parking situation at Tacos Ensenada at certain times, she is going to communicate with the shop owners, asked if we can contact those candidates who ran for office in the recent election whose signs are still on private property so they can be picked up, and stated the Mayor did a wonderful job at State of the City.

FINLAY: Stated she hopes some good information was imparted at the State of the City/School District, she appreciates the support she received, and stated she attended SCAG legislative Days in Sacramento, where she met with a number of legislators.

The meeting was adjourned at 9:03 p.m. in memory of Chuck Berry.

ADJOURNMENT

Mayor Margaret Finlay

City Clerk



City of Duarte

Council Warrant Register Over \$5000

By Payment Number

Payment Dates 03/29/2017 - 04/11/2017

Payment Number	Payment Date	Payable Number	Vendor #	Description	Vendor Name	Account Number	Project Account Key	Payment Amount Item Amount
207175	3/29/2017	32817	0568	FY16/17 Payment 2 of 2	DUARTE PUBLIC ACCESS INC	100-1020-7720		21,750.00
207182	4/5/2017		5698		LUDECKE PROPERTY MANAGEMENT INC			6,400.00
		1735-0317-0517		1735 Hunt Dr Lease 3/2017 (Chamber)		100-1020-7710		1,600.00
		1735-0317-0517		1735 Hunt Dr Lease Deposit (Chamber)		100-1020-7710		1,600.00
		1735-0317-0517		1735 Hunt Dr Lease 5/2017 (Chamber)		100-1020-7710		1,600.00
		1735-0317-0517		1735 Hunt Dr Lease 4/2017 (Chamber)		100-1020-7710		1,600.00
207193	4/11/2017		3655		ALL AMERICAN ASPHALT			91,866.90
		173801		Bradbourne St Improvements		220-2205-8070	201702-Street Improv-Gas Tax Bradbourne	31,852.00
		173801		Bradbourne St Improvements		260-2605-8070	201702-Street Imp-Bradbourne Ave Rehab (6017	60,014.90
207198	4/11/2017		3889		BRIGHTVIEW LANDSCAPE SERVICES INC			21,764.41
		5268875		Landscape Maintenance 3/2017		100-1020-7724		115.00
		5268875		Landscape Maintenance 3/2017		100-1415-7916		2,130.00
		5268875		Landscape Maintenance 3/2017		100-1825-7945	990002 - Oper of Acq Prop - Duarte Trailer Park	41.67
		5268875		Landscape Maintenance 3/2017		100-1825-7945	250016-Oper of Acq Prop-1229 Pops Road	41.67
		5268875		Landscape Maintenance 3/2017		240-2410-7915		7,500.00
		5268875		Landscape Maintenance 3/2017		240-2410-7917		4,630.00
		5268875		Landscape Maintenance 3/2017		240-2420-7914		345.16
		5268875		Landscape Maintenance 3/2017		240-2421-7914		1,300.00
		5268875		Landscape Maintenance 3/2017		240-2422-7914		480.58
		5268875		Landscape Maintenance 3/2017		240-2423-7914		900.00
		5268875		Landscape Maintenance 3/2017		240-2424-7914		550.00
		5268875		Landscape Maintenance 3/2017		240-2425-7914		400.00
		5268875		Landscape Maintenance 3/2017		240-2426-7914		180.00
		5268875		Landscape Maintenance 3/2017		240-2427-7914		630.33
		5268875		Landscape Maintenance 3/2017		240-2431-7914		800.00
		5268875		Landscape Maintenance 3/2017		240-2432-7914		835.00
		5268875		Landscape Maintenance 3/2017		240-2433-7914		530.00
		5268875		Landscape Maintenance 3/2017		240-2434-7914		355.00
207200	4/11/2017		4838		BURKE, WILLIAMS & SORENSEN LLP			10,082.50
		211555		Labor Legal 2/2017		100-1015-7682		10,082.50
207221	4/11/2017		0903		CITY OF MONROVIA			5,095.87
		1700386		Fuel-City Manager 2/2017		100-1010-7650		99.48
		1700387		Fuel-Field Services 2/2017		100-1410-7650		577.49
		1700388		Fuel-Parks & Rec 2/2017		100-1605-7650		224.35
		1700389		Fuel-Public Safety 2/2017		100-1205-7650		303.93
		1700390		Fuel-Community Development 2/2017		100-1405-7650		47.13
		1700391		Fuel-Sheriff's Dept 2/2017		100-1205-7781		1,321.89
		1700392		Fuel-Transit Dept 2/2017		440-4405-7619		2,521.60
207229	4/11/2017		0904		RKA CONSULTING GROUP			18,873.38
		25907		Engineering-2016/17 ATP 2/2017		440-4425-7965	201604-Prof Svcs 440 (ATP)-ATP Design Goldline	6,320.69
		25907		Engineering-2016/17 ATP 2/2017		620-6225-7965	201604-Prof Svcs 620 (ATP)-ATP Design Goldline	9,512.69
		25908		Winter Storm Engineering 2/2017		100-1410-7900	201632-Fish Fire K-Rail Maint (1410)	3,040.00
207230	4/11/2017		0196		RUTAN & TUCKER LLP			24,631.38
		772084		General City Attorney (Retainer) 2/2017		100-1015-7680		11,199.00
		772085		Code Enforcement Legal 2/2017		100-1015-7684		1,347.74
		772087		City of Hope EIR Legal 2/2017		100-1015-7686	201406-Legal Fees-City of Hope EIR Reimb	2,848.00
		772286		Environmental/Stormwater Litigation 2/2		100-1015-7686		9,236.64

Council Warrant Register Over \$5000

Payment Dates: 03/29/2017 - 04/11/2017

Payment Number	Payment Date	Vendor #	Description	Vendor Name	Account Number	Project Account Key	Payment Amount
	Payable Number						Item Amount
207238	4/11/2017	5675	SULLY-MILLER CONTRACTING CO				49,116.92
	886238		Winter Storm Mud Flow Clean-up 2/28/17	100-1410-7900	201632-Fish Fire K-Rail Maint (1410)		142.00
	886238		Winter Storm Mud Flow Clean-up 2/27/17	100-1410-7900	201632-Fish Fire K-Rail Maint (1410)		6,685.48
	886238		Winter Storm Mud Flow Clean-up 3/3/17	100-1410-7900	201632-Fish Fire K-Rail Maint (1410)		7,641.12
	886238		Winter Storm Mud Flow Clean-up 3/1/17	100-1410-7900	201632-Fish Fire K-Rail Maint (1410)		12,533.52
	886238		Winter Storm Mud Flow Clean-up 2/21/17	100-1410-7900	201632-Fish Fire K-Rail Maint (1410)		425.52
	886238		Winter Storm Mud Flow Clean-up 2/20/17	100-1410-7900	201632-Fish Fire K-Rail Maint (1410)		5,961.02
	886238		Winter Storm Mud Flow Clean-up 2/22/17	100-1410-7900	201632-Fish Fire K-Rail Maint (1410)		4,349.05
	886238		Winter Storm Mud Flow Clean-up 2/24/17	100-1410-7900	201632-Fish Fire K-Rail Maint (1410)		5,258.36
	886238		Winter Storm Mud Flow Clean-up 2/23/17	100-1410-7900	201632-Fish Fire K-Rail Maint (1410)		6,120.85
207239	4/11/2017	5675	SULLY-MILLER CONTRACTING CO				257,206.08
	877195		Gold Line Station ATP LADRT	440-4425-7965	201604-Prof Svcs 440 (ATP)-ATP Design Goldline		102,676.66
	877195		Gold Line Station ATP LADRT	620-6225-7965	201604-Prof Svcs 620 (ATP)-ATP Design Goldline		154,529.42
207242	4/11/2017	5339	TOWNSEND PUBLIC AFFAIRS INC				6,000.00
	12801		Consulting Services 3/2017	100-1010-7965			6,000.00
38	4/11/2017	4286	MAXTREME INC				9,164.40
	13264		USB Drives & Monitoring Software	100-1815-7980			199.62
	13265		IT Helpdesk 3/2017	100-1815-7965			8,700.00
	13265		Crash Plan Recovery 3/2017	100-1815-7980			200.00
	13268		Mouse & Charging Blocks	100-1815-7980			64.78
Payment Total:							521,951.84

Report Summary**Fund Summary**

Fund	Payment Amount
100 - GENERAL FUND	135,087.84
220 - GAS TAX FUN	31,852.00
240 - LIGHTING AND LANDSCAPE DISTRICT FUND	19,436.07
260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)	60,014.90
440 - PROPOSITION A TRANSIT FUND	111,518.95
620 - COMMUNITY IMPROVEMENT FUND	164,042.11
Grand Total:	521,951.84

Account Summary

Account Number	Account Name	Payment Amount
100-1010-7650	Vehicle Maintenance	99.48
100-1010-7965	Professional Services	6,000.00
100-1015-7680	City Attorney	11,199.00
100-1015-7682	Labor Counsel	10,082.50
100-1015-7684	Code Enforcement	1,347.74
100-1015-7686	Other Legal Services	12,084.64
100-1020-7710	Chamber Of Commerce	6,400.00
100-1020-7720	DCTV	21,750.00
100-1020-7724	Post Office Parking	115.00
100-1205-7650	Vehicle Maintenance	303.93
100-1205-7781	Contract Law Enforcement	1,321.89
100-1405-7650	Vehicle Maintenance	47.13
100-1410-7650	Vehicle Maintenance	577.49
100-1410-7900	K-Rail Maintenance	52,156.92
100-1415-7916	Landscape-Sport Park	2,130.00
100-1605-7650	Vehicle Maintenance	224.35
100-1815-7965	Professional Services	8,700.00
100-1815-7980	Other Expenses	464.40
100-1825-7945	Operation Of Acq Prop	83.34
220-2205-8070	Street Improvements (Capi	31,852.00
240-2410-7915	Landscape-Citywide	7,500.00
240-2410-7917	Landscape-Medians	4,630.00
240-2420-7914	Landscape Maintenance	345.16
240-2421-7914	Landscape Maintenance	1,300.00
240-2422-7914	Landscape Maintenance	480.58
240-2423-7914	Landscape Maintenance	900.00
240-2424-7914	Landscape Maintenance	550.00
240-2425-7914	Landscape Maintenance	400.00
240-2426-7914	Landscape Maintenance	180.00
240-2427-7914	Landscape Maintenance	630.33
240-2431-7914	Landscape Maintenance	800.00
240-2432-7914	Landscape Maintenance	835.00
240-2433-7914	Landscape Maintenance	530.00
240-2434-7914	Landscape Maintenance	355.00
260-2605-8070	Street Improvements (Capi	60,014.90
440-4405-7619	Fuel And Oil	2,521.60
440-4425-7965	Professional Services (ATP)	108,997.35
620-6225-7965	Professional Services (ATP)	164,042.11
Grand Total:		521,951.84

Project Account Summary

Project Account Key	Payment Amount
None	101,957.22
201406-Legal Fees-City of Hope EIR Reimb	2,848.00
201604-Prof Svcs 440 (ATP)-ATP Design Goldline	108,997.35

Project Account Summary

Project Account Key	Payment Amount
201604-Prof Svcs 620 (ATP)-ATP Design Goldline	164,042.11
201632-Fish Fire K-Rail Maint (1410)	52,156.92
201702-Street Imp-Bradbourne Ave Rehab (601779-16)	60,014.90
201702-Street Improv-Gas Tax Bradbourne	31,852.00
250016-Oper of Acq Prop-1229 Pops Road	41.67
990002 - Oper of Acq Prop - Duarte Trailer Park	41.67
Grand Total:	521,951.84



City of Duarte

Council Warrant Register by Account By Fund

Payment Dates 03/29/2017 - 04/11/2017

Account Number	Vendor Name	Description (Item)	Payment	Project Key	Amount
Fund: 100 - GENERAL FUND					
100-1005-7641	U.S. BANK	Fasana League Mtg 3/2/17	207188		45.00
100-1005-7647	LIZ REILLY	Conference/Meeting Expense Reimb	207228		120.77
100-1010-7610	U.S. BANK	Darrell George City Mgr Conf Hotel 2/8/17	207188		443.56
100-1010-7610	U.S. BANK	D George City Mgr Conf Meals 2/7/17 - 2/10/17	207188		262.51
100-1010-7610	U.S. BANK	Darrell George Mtg w/USC CMF Board Reps 1/26/17	207188		63.41
100-1010-7610	U.S. BANK	Darrell George City Mgr Conf Parking 2/10/17	207188		35.20
100-1010-7610	U.S. BANK	Karen Herrera League Mtg Parking 2/10/17	207188		8.80
100-1010-7610	U.S. BANK	Darrell George League Mtg Parking 2/10/17	207188		8.80
100-1010-7610	U.S. BANK	Karen Herrera City Mgr Conf United Baggage Fee	207188		50.00
100-1010-7610	U.S. BANK	Darrell George City Mgr Conf United Baggage Fee	207188		50.00
100-1010-7610	U.S. BANK	Darrell George Mtg w/Consultant (Starbucks)	207188		4.90
100-1010-7612	MMASC	Iliana Garcia 2017 Dues	207184		85.00
100-1010-7614	U.S. BANK	Marla Akana Notary Seminar/Fingerprint/Supplies	207188		748.90
100-1010-7650	ALEX ROMO AUTO & TRUCK REPAIR	Veh 37 PM/Tires (2)	207192		619.13
100-1010-7650	CITY OF MONROVIA	Fuel-City Manager 2/2017	207221		99.48
100-1010-7965	TOWNSEND PUBLIC AFFAIRS INC	Consulting Services 3/2017	207242		6,000.00
100-1010-7980	U.S. BANK	Snacks for Council (Target)	207188		26.77
100-1015-7680	RUTAN & TUCKER LLP	General City Attorney (Retainer) 2/2017	207230		11,199.00
100-1015-7682	BURKE, WILLIAMS & SORENSEN LLP	Labor Legal 2/2017	207200		10,082.50
100-1015-7684	SILVER & WRIGHT LLP	Code Enforcement Legal 2/2017	207234		917.42
100-1015-7684	RUTAN & TUCKER LLP	Code Enforcement Legal 2/2017	207230		1,347.74
100-1015-7686	RUTAN & TUCKER LLP	City of Hope EIR Legal 2/2017	207230	201406-Legal Fees-City of Hope EIR Rei	2,848.00
100-1015-7686	RUTAN & TUCKER LLP	Environmental/Stormwater Litigation 2/2017	207230		9,236.64
100-1020-7710	LUDECKE PROPERTY MANAGEMENT II	1735 Hunt Dr Lease Deposit (Chamber)	207182		1,600.00
100-1020-7710	LUDECKE PROPERTY MANAGEMENT II	1735 Hunt Dr Lease 4/2017 (Chamber)	207182		1,600.00
100-1020-7710	LUDECKE PROPERTY MANAGEMENT II	1735 Hunt Dr Lease 3/2017 (Chamber)	207182		1,600.00
100-1020-7710	LUDECKE PROPERTY MANAGEMENT II	1735 Hunt Dr Lease 5/2017 (Chamber)	207182		1,600.00
100-1020-7711	MICHELLE BROWN	Annual Party Gift Cards	207177		120.00
100-1020-7716	PAPA JOHN'S PIZZA	State of the City Duarte Dance Party	207185		43.73
100-1020-7716	U.S. BANK	Training Books (Amazon)	207188		66.06
100-1020-7720	DUARTE PUBLIC ACCESS INC	FY16/17 Payment 2 of 2	207175		21,750.00
100-1020-7724	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		115.00
100-1205-7614	STAPLES ADVANTAGE	Office Supplies	207237		112.95
100-1205-7614	STAPLES ADVANTAGE	Office Supplies	207237		9.86
100-1205-7614	STAPLES ADVANTAGE	Office Supplies	207237		48.23
100-1205-7614	STAPLES ADVANTAGE	Office Supplies	207237		8.58
100-1205-7614	STAPLES ADVANTAGE	Office Supplies	207237		47.35
100-1205-7615	ECHO COMMUNICATIONS	Emergency Radio Equipment	207209		1,640.77
100-1205-7615	U.S. BANK	Winter Storm EOC Dinner 2/17/17	207188	201632-Fish Fire-Emergency Supplies	60.28
100-1205-7615	U.S. BANK	Winter Storm Darrell George Hotel 2/17/17	207188	201632-Fish Fire-Emergency Supplies	97.90
100-1205-7650	CITY OF MONROVIA	Fuel-Public Safety 2/2017	207221		303.93
100-1205-7694	STAPLES ADVANTAGE	Public Safety Commission	207237		13.49
100-1205-7761	SUPERIOR CT OF CAL CO OF LOS ANGE	Citation Revenue Tax 2/2017	207241		3,851.50
100-1205-7761	DATA TICKET INC	Parking Citation Processing 2/2017	207206		1,167.70
100-1205-7779	DUARTE PIZZA COMPANY	DART Event Dinner	207208		34.82
100-1205-7780	COUNTY OF LOS ANGELES - ANIMAL C	Animal Shelter Svcs 2/2017	207204		3,652.51
100-1205-7780	NATIONAL BAND & TAG CO	2017/2018 Dog Licenses	207223		546.38
100-1205-7781	CITY OF MONROVIA	Fuel-Sheriff's Dept 2/2017	207221		1,321.89
100-1205-7781	LOS ANGELES COUNTY SHERIFF'S DEP	Winter Storm Sheriff Svcs 1/21/2017	207220	201632-Fish Fire - Contract Law	3,884.41
100-1211	MARGARET DIAMOND	Computer Loan	207207		2,294.51
100-1405-7614	STAPLES ADVANTAGE	Office Supplies	207237		56.75
100-1405-7614	STAPLES ADVANTAGE	Office Supplies	207237		4.98
100-1405-7614	STAPLES ADVANTAGE	Office Supplies	207237		60.42

Council Warrant Register by Account

Payment Dates: 03/29/2017 - 04/11/2017

Account Number	Vendor Name	Description (Item)	Payment	Project Key	Amount
100-1405-7650	CITY OF MONROVIA	Fuel-Community Development 2/2017	207221		47.13
100-1405-7801	COUNTY OF LOS ANGELES DEPARTME	Industrial Waste Inspections 2/2017	207205		1,105.38
100-1405-7965	TRAFFIC MANAGEMENT INC	D'Aquino Street Name Sign	207243		163.09
100-1405-7965	TRAFFIC MANAGEMENT INC	D'Aquino Street Name Sign	207243		315.01
100-1405-7965	LDM ASSOCIATES INC	2016/17 CDBG Grant Administration 2/2017	207219		892.50
100-1405-7965	PACIFIC ENVIRONMENTAL COMPANY	1303 Hunt Dr Asbestos Survey	207226	201723-Prof Svcs-1303 hunt Site Clearc	1,500.00
100-1405-7975	KELSOE & ASSOCIATES INC	ALTA Survey-Sparr Liquor	207216		1,200.00
100-1405-7975	QUALITY FLAME CUTTING & BEVELING	Rt 66 Stencil	207227		250.00
100-1405-7975	THE SAUCE CREATIVE SERVICES CORP	Earth Day Banner	207231		972.00
100-1405-7975	U.S. BANK	Hootsuite	207188		14.99
100-1405-7975	U.S. BANK	Facebook Ads	207188		12.43
100-1405-7980	COUNTY OF LOS ANGELES REGISTRAR	3rd/Oak Prjct Adoption of Zone Change	207174		75.00
100-1410-7650	ALEX ROMO AUTO & TRUCK REPAIR	Veh 10 Tires (2)	207192		465.57
100-1410-7650	CITY OF MONROVIA	Fuel-Field Services 2/2017	207221		577.49
100-1410-7656	SUNWEST ENGINEERING	Underground Fuel Tank Inspection 3/2017	207240		145.00
100-1410-7810	A1 MAINTENANCE SERVICES CA	Las Brisas Sweeping 3/2017	207191		58.00
100-1410-7810	A1 MAINTENANCE SERVICES CA	Las Posadas Sweeping 3/2017	207191		58.00
100-1410-7900	RKA CONSULTING GROUP	Winter Storm Engineering 2/2017	207229	201632-Fish Fire K-Rail Maint (1410)	3,040.00
100-1410-7900	SULLY-MILLER CONTRACTING CO	Winter Storm Mud Flow Clean-up 2/21/17	207238	201632-Fish Fire K-Rail Maint (1410)	425.52
100-1410-7900	SULLY-MILLER CONTRACTING CO	Winter Storm Mud Flow Clean-up 2/28/17	207238	201632-Fish Fire K-Rail Maint (1410)	142.00
100-1410-7900	SULLY-MILLER CONTRACTING CO	Winter Storm Mud Flow Clean-up 2/20/17	207238	201632-Fish Fire K-Rail Maint (1410)	5,961.02
100-1410-7900	SULLY-MILLER CONTRACTING CO	Winter Storm Mud Flow Clean-up 2/22/17	207238	201632-Fish Fire K-Rail Maint (1410)	4,349.05
100-1410-7900	SULLY-MILLER CONTRACTING CO	Winter Storm Mud Flow Clean-up 3/3/17	207238	201632-Fish Fire K-Rail Maint (1410)	7,641.12
100-1410-7900	SULLY-MILLER CONTRACTING CO	Winter Storm Mud Flow Clean-up 2/27/17	207238	201632-Fish Fire K-Rail Maint (1410)	6,685.48
100-1410-7900	SULLY-MILLER CONTRACTING CO	Winter Storm Mud Flow Clean-up 2/24/17	207238	201632-Fish Fire K-Rail Maint (1410)	5,258.36
100-1410-7900	SULLY-MILLER CONTRACTING CO	Winter Storm Mud Flow Clean-up 3/1/17	207238	201632-Fish Fire K-Rail Maint (1410)	12,533.52
100-1410-7900	SULLY-MILLER CONTRACTING CO	Winter Storm Mud Flow Clean-up 2/23/17	207238	201632-Fish Fire K-Rail Maint (1410)	6,120.85
100-1415-7916	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		2,130.00
100-1605-7612	CALIFORNIA PARK & RECREATION SOC	Peggy Diamond Dues 5/1/17 - 4/30/18	207201		150.00
100-1605-7614	STAPLES ADVANTAGE	Office Supplies	207237		77.26
100-1605-7614	STAPLES ADVANTAGE	Office Supplies	207237		16.18
100-1605-7614	STAPLES ADVANTAGE	Office Supplies	207237		86.49
100-1605-7614	STAPLES ADVANTAGE	Mounting Tape	207237		30.99
100-1605-7614	STAPLES ADVANTAGE	Wall Mount Holder	207237		90.69
100-1605-7650	ALEX ROMO AUTO & TRUCK REPAIR	Veh 21 Tire	207192		186.46
100-1605-7650	ALEX ROMO AUTO & TRUCK REPAIR	Veh 16 PM & Service	207192		125.90
100-1605-7650	CITY OF MONROVIA	Fuel-Parks & Rec 2/2017	207221		224.35
100-1605-7728	THE SAUCE CREATIVE SERVICES CORP	Cesar Chavez Event T-Shirts	207231	201709- Duarte's Promise - America's F	599.73
100-1605-7728	LUPE VALERIO	Cesar Chavez Community Cleanup Day	207189	201709- Duarte's Promise - America's F	65.25
100-1605-7728	STAPLES ADVANTAGE	Cesar Chavez Supplies	207237	201709- Duarte's Promise - America's F	10.23
100-1605-7733	THEODORE SIEGEL	SC "The Quiet Man" Presentation	207232		150.00
100-1605-7733	DR BRICE HARRIS JR	Great Decisions Lecture	207212		50.00
100-1605-7735	MARILYN MAYS	TC Art Workshop Supplies	207183	201716 Teen Ctr-CalGrip 2017-2018 (3	313.50
100-1605-7735	SMART & FINAL	TC Snack Bar Supplies	207235		110.14
100-1605-7737	SMART & FINAL	Water-Laughlin Trip 3/28/17 - 3/30/17	207235		16.80
100-1605-7737	SOULPLANTATION	Adult Excursion Flower Fields Lunch	207236		436.05
100-1605-7737	CB RANCH ENTERPRISES	(45) Flower Fields Tour w/Wagon Ride	207202		810.00
100-1605-7739	THE SAUCE CREATIVE SERVICES CORP	Spring 2017 Class Flyers	207231		499.09
100-1605-7739	THE SAUCE CREATIVE SERVICES CORP	Spring 2017 Flyers	207231		553.45
100-1605-7980	SMART & FINAL	CD Meeting Supplies	207235		37.56
100-1610-7617	FULLER ENGINEERING INC	Pool Chemicals	207180		665.50
100-1610-7617	FULLER ENGINEERING INC	Pool Chemicals	207180		199.83
100-1610-7652	BEE REMOVERS	Bee Removal-1600 Hunt Dr	207195		220.00
100-1610-7652	BURRTEC WASTE SERVICES LLC	Trash Svcs-3rd St Bldg 3/17	207178	210039- Bldg Maint Services - Montess	128.54
100-1610-7652	BURRTEC WASTE SERVICES LLC	Trash Svcs-3rd St Bldg 4/17	207178	210039- Bldg Maint Services - Montess	128.54
100-1805-7614	STAPLES ADVANTAGE	Office Supplies	207237		40.81
100-1805-7614	OFFICE SOLUTIONS INC	Pen Refills	207225		4.99
100-1805-7614	OFFICE SOLUTIONS INC	5 Drawer Vertical File Cabinets	207225		2,027.09
100-1805-7614	OFFICE SOLUTIONS INC	Wardrobe for Finance Dept	207225		433.56
100-1810-7610	MICHELLE BROWN	CalPERS Disability Retirement Seminar Parking	207177		32.47

Council Warrant Register by Account

Payment Dates: 03/29/2017 - 04/11/2017

Account Number	Vendor Name	Description (Item)	Payment	Project Key	Amount
100-1810-7610	SOUTHERN CALIFORNIA ASSOCIATION	Kristen Petersen SCAG Conf Registration	207176		250.00
100-1810-7611	STAPLES ADVANTAGE	Office Supplies	207237		6.45
100-1810-7614	STAPLES ADVANTAGE	Office Supplies	207237		18.97
100-1810-7660	CMC LIVESCAN & NOTARY SERVICES	Livescan Services 3/2017	207203		40.00
100-1810-7980	NAVIA BENEFIT SOLUTIONS	FSA Processing Fee 3/2017	207224		75.00
100-1810-7980	MICHELLE BROWN	Safety Gift Cards	207177		120.00
100-1815-7965	MAXTREME INC	IT Helpdesk 3/2017	38		8,700.00
100-1815-7980	MAXTREME INC	USB Drives & Monitoring Software	38		199.62
100-1815-7980	MAXTREME INC	Crash Plan Recovery 3/2017	38		200.00
100-1815-7980	MAXTREME INC	Mouse & Charging Blocks	38		64.78
100-1825-7613	OFFICE SOLUTIONS INC	Copier Paper	207225		101.14
100-1825-7614	STAPLES ADVANTAGE	Printer Toner	207237		82.62
100-1825-7674	JACQUELINE BURCKHARD	Health Insurance Reimbursement	207199		217.60
100-1825-7674	CATHERINE BRATTA	Health Insurance Reimbursement	207197		435.21
100-1825-7674	GINNY JOYCE BELBA	Health Insurance Reimbursement	207196		217.60
100-1825-7674	LINDA HENDERSON	Health Insurance Reimbursement	207213		435.21
100-1825-7674	STEVE ESBENSHADE	Health Insurance Reimbursement	207210		565.78
100-1825-7674	DOROTHY MONTGOMERY	Health Insurance Reimbursement	207222		217.60
100-1825-7674	JIM KIRCHNER	Health Insurance Reimbursement	207217		435.21
100-1825-7945	BRIGHTVIEW LANDSCAPE SERVICES INC	Landscape Maintenance 3/2017	207198	990002 - Oper of Acq Prop - Duarte Tra	41.67
100-1825-7945	BRIGHTVIEW LANDSCAPE SERVICES INC	Landscape Maintenance 3/2017	207198	250016-Oper of Acq Prop-1229 Pops R	41.67
100-1825-7980	SHRED-IT USA LLC	Document Shredding	207187		46.16
100-2120	ANTONIO HERNANDEZ	ROW Pmt # 5921 Cash Bond Refund	207215		1,000.00
100-2121	OFFICE SOLUTIONS INC	Coffee	207225		4.45
100-4801	ELIZABETH HUMMEL	Class Refund-Belly Dance	207181		35.00
100-4801	DOLORES PASHBY	Class Refund-Tai Chi Kung	207186		40.00
100-4801	MARLENE VERDEJO	Class Refund-Polynesian Dance	207190		35.00
Fund 100 - GENERAL FUND Total:					176,304.23

Council Warrant Register by Account

Payment Dates: 03/29/2017 - 04/11/2017

Account Number	Vendor Name	Description (Item)	Payment	Project Key	Amount
Fund: 220 - GAS TAX FUN					
220-2205-8070	ALL AMERICAN ASPHALT	Bradbourne St Improvements	207193	201702-Street Improv-Gas Tax Bradbou	31,852.00
220-2210-7813	TRAFFIC MANAGEMENT INC	No Parking/Not A Thru Street Signs	207243		917.63
Fund 220 - GAS TAX FUN Total:					32,769.63

Council Warrant Register by Account

Payment Dates: 03/29/2017 - 04/11/2017

Account Number	Vendor Name	Description (Item)	Payment	Project Key	Amount
Fund: 240 - LIGHTING AND LANDSCAPE DISTRICT FUND					
240-2405-7890	SIEMENS INDUSTRY INC	Traffic Signal Maintenance 2/2017	207233		773.19
240-2405-7890	SIEMENS INDUSTRY INC	Traffic Signal Call Outs 2/2017	207233		937.01
240-2405-7890	COUNTY OF LOS ANGELES DEPARTME	Traffic Signal Repairs 2/2017	207205		2,098.43
240-2405-7890	COUNTY OF LOS ANGELES DEPARTME	Traffic Signal Repairs 2/2017	207205		1,393.22
240-2410-7906	WEST COAST ARBORISTS INC	Citywide Tree Trimming	207244		2,900.00
240-2410-7915	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		7,500.00
240-2410-7917	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		4,630.00
240-2420-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		345.16
240-2421-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		1,300.00
240-2422-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		480.58
240-2423-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		900.00
240-2424-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		550.00
240-2425-7887	FERGUSON ENTERPRISES INC	Hearthstone Irrigation Mainline Repair	207211		115.76
240-2425-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		400.00
240-2426-7810	A1 MAINTENANCE SERVICES CA	Mikes Ctr Sweeping 3/2017	207191		747.00
240-2426-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		180.00
240-2427-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		630.33
240-2431-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		800.00
240-2432-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		835.00
240-2433-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		530.00
240-2434-7914	BRIGHTVIEW LANDSCAPE SERVICES IN	Landscape Maintenance 3/2017	207198		355.00
Fund 240 - LIGHTING AND LANDSCAPE DISTRICT FUND Total:					28,400.68

Council Warrant Register by Account

Payment Dates: 03/29/2017 - 04/11/2017

Account Number	Vendor Name	Description (Item)	Payment	Project Key	Amount
Fund: 260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)					
260-2605-8061	FS CONTRACTORS INC	ADA Curb Ramps Changer Order	207179	201701-Construct-ADA CURB RMP FY18	250.00
260-2605-8061	LDM ASSOCIATES INC	ADA Ramp Project-CDBG Admin 2/2017	207219	201701-Construct-ADA CURB RMP FY18	170.00
260-2605-8070	ALL AMERICAN ASPHALT	Bradbourne St Improvements	207193	201702-Street Imp-Bradbourne Ave Re	60,014.90
260-2605-8070	LDM ASSOCIATES INC	Bradbourne St Improvt Project Admin 2/2017	207219	201702-Street Imp-Bradbourne Ave Re	467.50
Fund 260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) Total:					60,902.40

Council Warrant Register by Account

Payment Dates: 03/29/2017 - 04/11/2017

Account Number	Vendor Name	Description (Item)	Payment	Project Key	Amount
Fund: 440 - PROPOSITION A TRANSIT FUND					
440-4405-7619	CITY OF MONROVIA	Fuel-Transit Dept 2/2017	207221		2,521.60
440-4405-7636	HENDERSON'S	F Zamora Transit Uniforms	207214		186.22
440-4405-7650	AUTOZONE	South Yard Supplies	207194		21.20
440-4405-7887	LA MOBO BUS SERVICE INC	Bus 104 PM Service	207218		378.71
440-4425-7965	RKA CONSULTING GROUP	Engineering-2016/17 ATP 2/2017	207229	201604-Prof Svcs 440 (ATP)-ATP Desigr	6,320.69
440-4425-7965	SULLY-MILLER CONTRACTING CO	Gold Line Station ATP LADRT	207239	201604-Prof Svcs 440 (ATP)-ATP Desigr	102,676.66
Fund 440 - PROPOSITION A TRANSIT FUND Total:					112,105.08

Council Warrant Register by Account

Payment Dates: 03/29/2017 - 04/11/2017

Account Number	Vendor Name	Description (Item)	Payment	Project Key	Amount
Fund: 620 - COMMUNITY IMPROVEMENT FUND					
620-6225-7965	RKA CONSULTING GROUP	Engineering-2016/17 ATP 2/2017	207229	201604-Prof Svcs 620 (ATP)-ATP Desigr	9,512.69
620-6225-7965	SULLY-MILLER CONTRACTING CO	Gold Line Station ATP LADRT	207239	201604-Prof Svcs 620 (ATP)-ATP Desigr	154,529.42
Fund 620 - COMMUNITY IMPROVEMENT FUND Total:					164,042.11
Grand Total:					640,217.13

Report Summary**Fund Summary**

Fund	Payment Amount
100 - GENERAL FUND	176,304.23
220 - GAS TAX FUN	32,769.63
240 - LIGHTING AND LANDSCAPE DISTRICT FUND	28,400.68
260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)	60,902.40
440 - PROPOSITION A TRANSIT FUND	112,105.08
620 - COMMUNITY IMPROVEMENT FUND	164,042.11
Grand Total:	574,524.13

Account Summary

Account Number	Account Name	Payment Amount
100-1005-7641	Travel & Exp - Fasana	45.00
100-1005-7647	Travel & Exp - Reilly	120.77
100-1010-7610	Travel, Mtgs & Conf	927.18
100-1010-7612	Publications and Dues	85.00
100-1010-7614	Office Supplies	748.90
100-1010-7650	Vehicle Maintenance	718.61
100-1010-7965	Professional Services	6,000.00
100-1010-7980	Other Expenses	26.77
100-1015-7680	City Attorney	11,199.00
100-1015-7682	Labor Counsel	10,082.50
100-1015-7684	Code Enforcement	2,265.16
100-1015-7686	Other Legal Services	12,084.64
100-1020-7710	Chamber Of Commerce	6,400.00
100-1020-7711	Employee Recognition Comr	120.00
100-1020-7716	Special Community Events	109.79
100-1020-7720	DCTV	21,750.00
100-1020-7724	Post Office Parking	115.00
100-1205-7614	Office Supplies	226.97
100-1205-7615	Emergency Supplies	1,798.95
100-1205-7650	Vehicle Maintenance	303.93
100-1205-7694	Public Safety Commission	13.49
100-1205-7761	Parking Ticket Collect	5,019.20
100-1205-7779	Youth Programs	34.82
100-1205-7780	Animal Control	4,198.89
100-1205-7781	Contract Law Enforcement	5,206.30
100-1211	Computer Loan Program	2,294.51
100-1405-7614	Office Supplies	122.15
100-1405-7650	Vehicle Maintenance	47.13
100-1405-7801	Industrial Waste Inspections	1,105.38
100-1405-7965	Professional Services	2,870.60
100-1405-7975	Economic Development Exp	2,449.42
100-1405-7980	Other Expenses	75.00
100-1410-7650	Vehicle Maintenance	1,043.06
100-1410-7656	Emergency Generator	145.00
100-1410-7810	Street Sweeping	116.00
100-1410-7900	K-Rail Maintenance	52,156.92
100-1415-7916	Landscape-Sport Park	2,130.00
100-1605-7612	Publications and Dues	150.00
100-1605-7614	Office Supplies	301.61
100-1605-7650	Vehicle Maintenance	536.71
100-1605-7728	Americorp's VIP Program	675.21
100-1605-7733	Senior Center	200.00
100-1605-7735	Teen Center	423.64
100-1605-7737	Adult Excursions	1,262.85
100-1605-7739	Publicity	1,052.54
100-1605-7980	Other Expenses	37.56
100-1610-7617	Pool Chemicals	865.33

Account Summary

Account Number	Account Name	Payment Amount
100-1610-7652	Building Maint Services	477.08
100-1805-7614	Office Supplies	2,506.45
100-1810-7610	Travel, Mtgs & Conf	282.47
100-1810-7611	Training	6.45
100-1810-7614	Office Supplies	18.97
100-1810-7660	Other Services	40.00
100-1810-7980	Other Expenses	195.00
100-1815-7965	Professional Services	8,700.00
100-1815-7980	Other Expenses	464.40
100-1825-7613	Duplications And Photos	101.14
100-1825-7614	Office Supplies	82.62
100-1825-7674	Retiree Health Insurance	2,524.21
100-1825-7945	Operation Of Acq Prop	83.34
100-1825-7980	Other Expenses	46.16
100-2120	Refundable Deposits	1,000.00
100-2121	Pass Through Deposits	4.45
100-4801	Recreation Class Fees	110.00
220-2205-8070	Street Improvements (Capit:	31,852.00
220-2210-7813	Regulatory Signs	917.63
240-2405-7890	Repairs-Traffic Signal	5,201.85
240-2410-7906	Tree Trim-Citywide	2,900.00
240-2410-7915	Landscape-Citywide	7,500.00
240-2410-7917	Landscape-Medians	4,630.00
240-2420-7914	Landscape Maintenance	345.16
240-2421-7914	Landscape Maintenance	1,300.00
240-2422-7914	Landscape Maintenance	480.58
240-2423-7914	Landscape Maintenance	900.00
240-2424-7914	Landscape Maintenance	550.00
240-2425-7887	Repairs & Replacements	115.76
240-2425-7914	Landscape Maintenance	400.00
240-2426-7810	Street Sweeping	747.00
240-2426-7914	Landscape Maintenance	180.00
240-2427-7914	Landscape Maintenance	630.33
240-2431-7914	Landscape Maintenance	800.00
240-2432-7914	Landscape Maintenance	835.00
240-2433-7914	Landscape Maintenance	530.00
240-2434-7914	Landscape Maintenance	355.00
260-2605-8061	ADA Curb Ramps (Capital)	420.00
260-2605-8070	Street Improvements (Capit:	60,482.40
440-4405-7619	Fuel And Oil	2,521.60
440-4405-7636	Uniforms	186.22
440-4405-7650	Vehicle Maintenance	21.20
440-4405-7887	Repairs & Replacements	378.71
440-4425-7965	Professional Services (ATP)	108,997.35
620-6225-7965	Professional Services (ATP)	164,042.11
Grand Total:		574,524.13

Project Account Summary

Project Account Key	Payment Amount
None	146,853.63
201406-Legal Fees-City of Hope EIR Reimb	2,848.00
201604-Prof Svcs 440 (ATP)-ATP Design Goldline	108,997.35
201604-Prof Svcs 620 (ATP)-ATP Design Goldline	164,042.11
201632-Fish Fire - Contract Law	3,884.41
201632-Fish Fire K-Rail Maint (1410)	52,156.92
201632-Fish Fire-Emergency Supplies	158.18
201701-Construct-ADA CURB RMP FY16/17 (601778-16)	420.00

Project Account Summary

Project Account Key	Payment Amount
201702-Street Imp-Bradbourne Ave Rehab (601779-16)	60,482.40
201702-Street Improv-Gas Tax Bradbourne	31,852.00
201709- Duarte's Promise - America's Promise Exp	675.21
201716 Teen Ctr-CalGrip 2017-2018 (3 of 3 MOU)	313.50
201723-Prof Svcs-1303 hunt Site Clearance	1,500.00
210039- Bldg Maint Services - Montessori School	257.08
250016-Oper of Acq Prop-1229 Pops Road	41.67
990002 - Oper of Acq Prop - Duarte Trailer Park	41.67
Grand Total:	574,524.13



MEMORANDUM

Date: April 11, 2017

To: Mayor and Duarte City Council

From: Kristen Johnston, Associate Planner

Subject: **Adoption of Ordinance 17-O-04 (second reading)** - Municipal Code Amendment 16-05; Amending Sections: (1) 19.10.020.A (Table 2-1 and Table 2-2) allowed uses and permit requirements for single family and multifamily zones; (2) 19.38.050.A (Table 3-4) off-street parking requirements for residential uses; (3) 19.60.160 second dwelling units; and (4) modifications to definitions in Sections 19.160.020, 19.160.050, and 19.160.200 of the Duarte Development Code related to the regulation and approval of accessory (second) dwelling units within the City of Duarte.

At its March 28, 2017 meeting, the City Council considered Municipal Code Amendment 16-05 with staff recommended revisions, at a duly notified public hearing and introduced Ordinance 17-O-04 to amend the following code Sections: (1) 19.10.020.A (Table 2-1 and Table 2-2) allowed uses and permit requirements for single family and multifamily zones; (2) 19.38.050.A (Table 3-4) off-street parking requirements for residential uses; (3) 19.60.160 second dwelling units; and (4) modifications to definitions in Sections 19.160.020, 19.160.050, and 19.160.200 of the Duarte Development Code related to the regulation and approval of accessory (second) dwelling units within the City of Duarte.

The Council amended the Ordinance by changing the minimum lot size, from 10,000 square feet to 15,000 square feet, which would allow an accessory dwelling unit up to 700 square feet. These changes have been completed in Section 19.60.160.9.a and 19.60.160.9.b. The Council voted unanimously to approve the first reading of Ordinance 17-O-04, with the requested changes.

Staff recommends adoption of the attached Ordinance for second reading. If adopted, Ordinance 17-O-04 will become effective 30 days from the date of adoption.

ORDINANCE NO. 17-O-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA AMENDING SECTIONS 19.10.020.A (Table 2-1 and Table 2-2) ALLOWED USES AND PERMIT REQUIREMENTS FOR SINGLE FAMILY AND MULTIFAMILY ZONES; 19.38.050.A (TABLE 3-4) OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL USES; 19.60.160 SECOND DWELLING UNITS; AND MODIFICATIONS TO DEFINITIONS IN SECTIONS 19.160.020, 19.160.050 AND 19.160.200 OF THE DUARTE DEVELOPMENT CODE RELATING TO THE REGULATIONS AND APPROVAL OF ACCESSORY (SECOND) DWELLING UNITS WITHIN THE CITY OF DUARTE

WHEREAS, the City of Duarte (“City”) seeks to ensure that the City’s zoning laws are consistent with the goals, policies and standards set forth in the City’s General Plan, federal law, and state law as it relates to the regulation and approval of second dwelling units within the City; and

WHEREAS, on September 27, 2016, Governor Brown approved California Assembly Bill 2299 (“AB 2299”) and California Senate Bill 1069 (“SB 1069”), which change the manner in which second dwelling units (now called “accessory dwelling units”) must be regulated and processed by local agencies;

WHEREAS, effective January 1, 2017, AB 2299 and SB 1069, codified at Gov. Code §§ 65852.2, 65582.1, 65583.1, 65589.4, 65852.150, and 66412.2, adopt new requirements for local agencies’ regulation of accessory dwelling units and approval of applications for accessory dwelling units; and

WHEREAS, AB 2299 and SB 1069 further provide that in the event a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of the new legislation, any conflicting provisions shall be null and void upon January 1, 2017, unless and until the agency adopts an ordinance that complies with AB 2299 and SB 1069; and

WHEREAS, the proposed amendments to the Duarte Development Code are intended to ensure the City’s procedural and substantive requirements for accessory dwelling units are consistent with the above-described recent changes to State law; and

WHEREAS, after the duly noticed public hearing, held on February 21, 2017, the Planning Commission adopted Resolution No. PC 17-08 recommending the City Council adopt and approve the proposed code amendments; and

WHEREAS, the proposed amendments to the Duarte Municipal Code are set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”)

THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Recitals. The foregoing recitals are true and correct and are incorporated herein as through set forth in full.

SECTION 2: Adoption. Sections 19.10.020.A (Table 2-1 and Tale 2-2) allowed uses and permit requirements for single family and multifamily zones; 19.38.050.A (Table 3-4) off-street parking requirements for residential uses; 19.60.160 second dwelling units; and modifications to definitions in Sections 19.160.020, 19.160.050, and 19.160.200 of the Duarte Development Code are hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 3: No Changes to Permitted Uses/Density. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code and General Plan.

SECTION 4: CEQA Determination. In adopting this Ordinance, the City Council finds that the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines) because the project is categorically exempt from CEQA pursuant to Title 14 California Code of Regulations Sections 15061(b)(3); 15303; 15332; and 15378, in that it can be seen with certainty that the adoption of the Development Code amendments propose no activity that may have a significant effect on the environment and will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment; pertain to new construction or conversion of small structures; and would qualify as infill development.

SECTION 5: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

SECTION 6: Effective Date. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 7: Within fifteen (15) days of the date of adoption of this Ordinance, the City Clerk shall post a copy of said Ordinance in places designated for such posting and shall certify to the same. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED AND APPROVED on this ____ day of _____, 2017.

Mayor Margaret Finlay

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the day of , 2017, by the following Roll Call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

EXHIBIT A

19.10.020 - Land use and permit requirements.

A. Allowed land uses.

1. Tables 2-1 and 2-2 indicate the uses allowed within each residential zone and any permits required to establish the use, pursuant to Article 7 (Permit Processing Procedures) and Article 8 (Development Code Administration).
2. Residential uses represent the primary allowed use, and only those additional uses that are complementary to, and can exist in harmony with, the residential character of each zone may be allowed as accessory, conditionally permitted, and/or temporary uses. Accessory uses deemed appropriate may only be permitted when provided as a secondary use on property for which a legally permitted/allowed residential unit exists or is proposed in conjunction with establishment of the accessory use, except as may be otherwise allowed in Article 6 (Nonconformities).
3. Land uses that are not listed in Tables 2-1 and 2-2 or are not shown in a particular zone are not allowed (see Uses Not Classified in Section 19.04.040), except as otherwise provided by Section 19.04.020 (Rules of Interpretation).
4. Where the last column in the Tables 2-1 and 2-2 includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Development Code may also apply as indicated in Section 19.10.090 (Other Applicable Regulations).
5. See Article 9 (Definitions) for land use definitions and explanations.

TABLE 2-1 ALLOWED USES AND PERMIT REQUIREMENTS	Single-Family and Two-Family Residential Zone Permit Requirements							
	P = Permitted By Right A = Permitted as Accessory Use MUP = Minor Use Permit CUP = Conditional Use Permit — = Not Allowed							
Land Use	R-1	R-1A	R-1B	R-1D	R-1E	R-1F	R-2	Specific Use Regulations
Residential Uses								

EXHIBIT A

Single-Family Dwellings	P	P	P	P	P	P	P	See Table 7-2 (Article 7) for Site Plan Review Requirements. See 19.10.050 for R-1D zone special requirements. See 19.10.080 (Manufactured Homes)
Multi-Family Dwellings	—	—	—	—	—	—	—	
Two-Family Dwellings (Duplex)	—	—	—	—	—	—	P	
Mobile Housing Unit	—	—	—	—	—	—	—	
Second Accessory Dwelling Unit	A	A	A	A	A	A	A	See 19.60.160 (Second Accessory Dwelling Units)
Care Uses								
Child Care Home - Large Family	A	A	A	A	A	A	A	See 19.60.100 (Large and Small Family Child Day Care Facilities)
Child Care Home - Small Family	A	A	A	A	A	A	A	
Day Care General - 15 or more children	—	—	—	—	—	—	—	
Agriculture and Animal-Related								
Animal Keeping	A	A	A	A	A	A	A	As regulated by Title 8 (Animals) of the Municipal Code

EXHIBIT A

Horse Keeping	—	—	—	MUP	A	A	—	See 19.60.080 (Horse Keeping)
Horticulture - Private	A	A	A	A	A	A	A	
Other Uses								
Accessory Structures and Uses	A	A	A	A	A	A	A	See 19.60.020 (Accessory Uses)
Educational Institution - Private	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Golf Course, Country Club	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Home Occupations	A	A	A	A	A	A	A	See 19.60.070 (Home Occupations)
Places of Religious Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	See 19.60.140 (Places of Religious Assembly)
Recreational Vehicle Parking (Open/outdoor parking)	A	A	A	A	A	A	A	See 19.38.160 (Recreational Vehicle Parking in Residential Zones)
Temporary Uses	See Chapter 19.124 (Temporary Use Permits)							
Utilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	

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TABLE 2-2 ALLOWED USES AND PERMIT REQUIREMENTS FOR MULTI- FAMILY RESIDENTIAL ZONES		P = Permitted by Right A = Permitted as Accessory Use MUP = Minor Use Permit CUP = Conditional Use Permit — = Not Allowed		
Land Use	R-3	R-4	R- MH	Specific Use Regulations
Residential Uses				
Single-Family Dwellings	P	P	—	See 19.10.080 for Manufactured Housing.
Multi-Family Dwellings	P	P	—	
Two-Family Dwellings (Duplex)	P	P	—	
Mobile Homes	—	—	P	Applies to establishment of a single mobile home in an existing mobile home park
Mobile Home Parks			CUP	Applies to establishment of a new mobile home park
Care Uses				
Child Care Home - Large Family	—	—	—	See 19.60.100 (Large and Small Family Child Day Care Facilities)
Child Care Home - Small Family	A	A	A	
Day Care Facility - 15 or more	CUP	CUP	—	
Residential Care	CUP	CUP	—	

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Facilities				
Agriculture and Animal-Related				
Animal Keeping	A	A	A	As regulated by Title 8 (Animals) of the Municipal Code.
Horticulture - Private	A	A	A	
Other Uses				
Accessory Structures and Uses	A	A	A	See 19.60.020 (Accessory Uses) See 19.60.160 (Accessory Dwelling Unit)
Educational Facilities - Private	CUP	CUP	CUP	
Golf Course, Country Club	CUP	CUP	CUP	
Home Occupations	A	A	A	See 19.60.070 (Home Occupations)
Places of Religious Assembly	CUP	CUP	CUP	See 19.60.140 (Places of Religious Assembly)
Recreational Vehicle Parking (open/outdoor parking)	—	—	A	See 19.38.160 (Recreational Vehicle Parking in Residential Zones)
Temporary Uses	See Chapter 19.124 (Temporary Use Permits)			
Utilities	CUP	CUP	CUP	

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19.38.050 - Off-street parking space requirements

TABLE 3-4 OFF-STREET PARKING REQUIREMENTS RESIDENTIAL USES	
Land Use	Parking Spaces Required
Single-Family Dwellings (Attached and Detached) and Two-Family Dwellings	2 per dwelling unit in a garage for units with up to 4 bedrooms; 3 per dwelling unit in a garage for units with 5 or more bedrooms. See also 19.38.050(I).
Second Accessory Dwelling Unit	1 per second accessory dwelling unit; a minimum of 2 enclosed per site a minimum of 2 – 3 enclosed parking spaces within a garage is required depending upon total number of bedrooms on the property (in association with primary unit).
Multi-Family Dwellings	2 per unit in a garage, plus overflow and guest parking as follows: 1 overflow parking space per each 4 units 1 guest parking space per each 4 units See also 19.38.050(F) and (I).
Mobile Home Parks	1 per mobile home space plus 1 for each mobile home space for guest parking; guest parking to be separate from mobile home spaces
Live/Work Units	2 spaces per unit in a garage plus customer parking as determined through the Conditional Use Permit.
Senior Housing (when restricted to age 62 and older)	1 space per 1-bedroom unit. 2 spaces for each 2-bedroom unit.
Conversions of Existing Covered Parking Spaces for Single-Unit Dwelling	2 per unit in garage
Large and Small Family Child Day Care Facilities	Spaces required for dwelling unit only, plus 1 per each permanent non-resident employee

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19.60.160 – Second **Accessory** dwelling units.

- A. Purpose. This Section provides locational, developmental, and operational standards for second **accessory** dwelling units.
- B. Applicability. The provisions in this Section shall apply to second **accessory** dwelling units as defined in Article 9 and where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards) and the following standards.
- C. City standards. A second **accessory** dwelling unit as authorized by Government Code Section 65852.2 shall comply with all of the following locational and developmental standards:
 - 1. The second **accessory** dwelling unit shall comply with all of the development standards applicable to the specific residential zone in which it is located.
 - 2. ***The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.***
 - 3. The parcel proposed for the second **accessory** dwelling unit shall contain a minimum of 6,000 square feet, ***unless the accessory dwelling unit is located entirely within an existing structure.***
 - 4. Either the primary unit or the second **accessory** dwelling unit shall be occupied as a primary residence by the property owner.
 - 5. There shall not be more than one second **accessory** dwelling unit on each parcel.
 - 6. The second **accessory** dwelling unit shall be physically attached to the primary residence and shall be designed so that it can revert back to being used as an integral portion of the attached single-family residence in the event that the unit is no longer used as a second dwelling unit ***or located within the living area of the primary residence or detached from the primary residence and located on the same lot as the primary residence.***
 - 7. Colors, materials, roof form, windows, and window trim shall match those of the primary structure.
 - 8. The ***attached*** second **accessory** dwelling unit shall be designed to maintain the appearance of a single-family dwelling.
 - 9. The maximum floor area of the second **accessory** dwelling unit shall comply with the following:
 - a. ~~The maximum floor area of the second dwelling unit shall not exceed 700 square feet.~~ ***Attached or detached accessory dwelling units shall not exceed fifty percent of the total floor area, excluding garages, of the existing dwelling unit up to a maximum of 400 square feet, for lot sizes up to 15,000 square feet.***

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- b. ~~The maximum floor area of the second dwelling unit may be allowed to increase up to 1,200 square feet, provided the unit is deed restricted to be affordable to low income households. **Attached or detached accessory dwelling units, shall not exceed fifty percent of the total floor area, excluding garages, of the existing dwelling unit up to a maximum of 700 square feet, for lot sizes greater than 15,000 square feet.**~~
- 10. **An accessory dwelling unit shall not contain more than one bedroom, which shall comply with the minimum bedroom size required by the Building Code.** ~~The maximum number of allowable bedrooms within the second dwelling unit shall comply with the following:~~

 - a. ~~The second dwelling unit shall not contain more than two bedrooms, which shall comply with the minimum bedroom size required by this Development Code.~~
 - b. ~~A maximum of three bedrooms shall be allowed for second dwelling units over 700 square feet in size, when deed restricted to be affordable to low income households.~~
- 11. In addition to all other required off-street parking, there shall be at least one additional off-street parking space for the second **accessory** dwelling unit. The parking space may be uncovered and may be in tandem with the existing off-street parking facilities. **However, these parking standards shall not be imposed on accessory units in any of the following instances:**

 - a. **The accessory dwelling unit is located within one-half mile of public transit. Public transit is hereafter defined as a "Major Transit Stop", pursuant to Public Resources Code 21094.5.5.**
 - b. **The accessory dwelling unit is located within an architecturally and historically significant historic district.**
 - c. **The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.**
 - d. **When on-street parking permits are required but not offered to the occupancy of the accessory dwelling unit.**
 - e. **When there is a car share vehicle located within one block of the accessory dwelling unit.**
- 12. At the time that the second **accessory** dwelling unit is assigned a street address, it may be given the primary residential numerical address with the alphabetical letter "A" following the numerical designation.
- 13. All gas, sewer, water, and other utility hook-ups shall be part of the primary dwelling unit.
- 14. **Approval by the local health officer where a private sewage disposal system is being used, if required.**

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15. The ~~second~~ **accessory** dwelling unit shall comply with all building, safety, fire and health codes, and all other applicable laws and regulations.
16. ~~A site plan~~ **Conceptual development plans** and elevations shall be subject to Site Plan and Design Review before the issuance of any Building Permits for the ~~second~~ **accessory** dwelling unit in compliance with Chapter 19.122 (Site Plan and Design Review).
17. A deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this Section, and a conformed copy submitted to the City before final building (occupancy) approval.
18. A yearly administrative hearing and/or inspection, if warranted, shall be held by the Director to ensure compliance with all applicable conditions, standards, and terms.

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19.160.020 - "A" definitions.

Accessory Dwelling Unit. See "Dwelling Unit."

Accessory Use. See "Use."

Accessory Building or Structure. A structure that is physically detached from, secondary and incidental to, and commonly associated with the primary structure, and as may be further defined by the Building Code as requiring a Building Permit.

Acupuncture. A form of medical treatment involving the use of pressure, needles, or similar applications.

Administrative Variance. See "Variance."

Adult-Oriented Businesses. See Chapter 19.62 (Adult Business Uses).

Agriculture. All methods of production and management of crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting and marketing. Horticulture is not included.

Alcohol Sales, Off-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption off the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, On-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption on the premises and which is applying for or has obtained any ABC Licenses for on-site consumption. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, On-Sale, Accessory Only. Any establishment that has all of the following characteristics:

- A. Alcoholic beverages are sold, served, or given away for consumption on site.
- B. The establishment will sell or sells alcoholic beverages only as an accessory use to a commercial recreation use. Examples include snack bars and concession stands at facilities sport venues (e.g., baseball, football, rugby, soccer, etc.). For the purposes of this definition, a snack bar or concession stand is an establishment that sells confections, snacks, or other light meals for consumption on-site and that provides no inside seating or drive-through service for customers.

Alley. A public thoroughfare or lane (not more than 30 feet wide) that affords only a secondary means of access to abutting property (see Figure 9-1).

Amateur Radio Antenna. An amateur radio antenna is an antenna at a height and dimension sufficient to accommodate amateur radio service communications in compliance with Part 97 of Title 47 of the Code of Federal Regulations (or successor regulations).

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Ambulance Fleet Services. A base facility where ambulances and similar vehicles are parked and from which they are dispatched, and/or where ambulance vehicles and crews are not based at a hospital or fire department stand by for emergency calls.

Amendment. A change in the wording, context, or substance of this Development Code, or a change in the zone boundaries upon the zoning map which is a part of this Title, in the manner prescribed by the Development Code.

Animal Hospital/Clinic. See "Veterinary Services."

Animal Keeping. The keeping of domestic animals cared for and owned by the occupants of the residential property in accordance with the provisions of Title 8 of the Duarte Municipal Code.

Animal Sales and Services:

- **Animal Boarding/Kennels.** The commercial provision of shelter and care for dogs, cats, other household animals, and horses (where allowed), including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).
- **Animal Grooming.** The commercial provision of bathing and trimming services for dogs, cats, and other household animals permitted by this Development Code. Overnight boarding is not allowed.
- **Animal Retail Sales.** The retail sales of household animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use, but specifically excludes boarding of animals other than those for sale.

Antenna Tower. See "Wireless Telecommunications Facilities."

Apiary. A facility where beehives of honey bees are housed (also known as a bee yard).

ARB. See "Architectural Review Board."

Arcade (Electronic Game Center). An establishment that provides more than four amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when so played or used involves skill and which is activated by coin, key, or token, or for which the player or user pays money for the privilege of playing or using. See also "Internet/Cyber Cafe."

Architectural Review Board. The Architectural Review Board (ARB) of the City of Duarte.

Area Median Income. The median household income for Los Angeles County as provided by Section 50093(c) of the California Health and Safety Code.

Artist Studios. See "Studio - Art, Dance, Martial Arts, Music."

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Assembly/Meeting Facilities, Public or Private. A facility for public or private assembly and meetings, exclusive of "Places of Religious Assembly," which is defined separately. Examples of these uses include:

- banquet rooms
- civic and private auditoriums
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations

ATM (Automated Teller Machine). An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed location. Also refers to machines located on properties separate from financial institutions.

Attic. The area located between the top plate and the roof or ridge of a building, as further defined in the Building Code (see Figure 9-2).

Auto Repair. See "Vehicle Repair and Service."

Auto Service or Servicing. See "Vehicle Repair and Service."

Auto Accessory Service. See "Vehicle Repair and Service."

Automatic Controller. A mechanical or solid-state irrigation system timer capable of operating irrigation valve stations to set the days and length of time of a water application.

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19.160.050 - "D" definitions.

Day Care, General. Establishments that provide nonmedical care for 15 or more persons on a less than a 24-hour basis, including nursery schools, preschools, and day care centers for children or adults. Such use must comply with all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a General Day Care facility. General Day Care establishments may be accessory to an industrial, commercial or institutional use, as may be allowed by Article 2 of this Development Code.

Day Care, Limited. Nonresidential, nonmedical care and supervision of 14 or fewer persons on a less than 24-hour basis.

- **Child Day Care:**
 - **Child Care Home, Small Family (8 or fewer children).** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a small family child care home.
 - **Child Care Home, Large Family (9 to 14 children).** Day care facilities located in single-family dwellings where an occupant of the dwelling provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility. Such use must comply all applicable State regulations, and specifically those set forth in the California Health and Safety Code commencing with Section 1596.70, to be considered a large family child care home.
 - **Fifteen or more children.** See "Day Care, General" for facilities serving 15 or more children.
- **Adult Day Care.** See "Day Care, General."

Developer. Any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks city permits or approvals for all or part of a development.

Development Agreement. Means an agreement entered into between the city and a developer pursuant to Section 65864 of the California Government Code.

Discretionary Approval.

1. Any entitlement or approval required by Title 18 or Title 19 of this code, including but not limited to, conditional use permit, variance, and subdivision map, or

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2. Architectural design review approval, if no other entitlement or approval is required by Title 18 or Title 19 of this code.

Donation Box. A bin, storage shed, or similar facility measuring no more than eight feet wide by eight feet long and eight feet high, and established as an accessory use to a primary use for the purpose of providing a collection location for donated clothes, shoes, and small household items. Such facilities generally are established by a charitable or non-profit organization.

Drive-Through or Drive-Up Facilities. An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services. Examples include fast food restaurants, banks, and pharmacies.

Drip Irrigation. A method of micro-irrigation wherein water is applied to the soil surface as drops or small streams through emitters.

Drought-tolerant Plants. Plants that require less water because they are adapted to regions with frequent drought or to soils with low water-holding capacity.

Dwelling. A structure or portion thereof designed exclusively for permanent residential purposes, but not including hotels, motels, emergency shelters, or extended stay locations.

- ***Accessory Dwelling Unit. An attached or detached dwelling unit which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing qualified primary dwelling unit is situated.***
- **Dwelling Unit.** Any structure or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.
- **Multi-Family Dwelling Unit.** A structure or portion thereof containing three or more dwelling units designed for the independent occupancy of three or more households.
- **Primary Dwelling Unit.** An existing single-unit residential structure on a single lot with provisions for living, sleeping, eating, a single kitchen for cooking, and sanitation facilities, and occupied by one household.
- **Single-Family Dwelling Unit.** A detached structure containing no more than one dwelling unit which, regardless of form of ownership, is designed and/or used to house not more than one household, including all domestic employees for such household.
- ~~**Second Dwelling Unit.** An attached or detached dwelling unit which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as an existing qualified primary dwelling unit is situated.~~

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- Two-Family Dwelling (Duplex) Unit. A building containing two complete dwelling units designed for the independent occupancy of two households.
- See also "Manufactured Housing" and "Mobile Housing Unit."

19.160.200 - "S" definitions.

Schools, Public and Private. A public or private academic educational institution, including boarding schools; colleges and universities; elementary, middle/junior, and high schools; military academies; and businesses providing instruction in arts and languages. This definition does not include trade schools or non-tuition part-time instruction at places of religious assembly. See "Education Facility."

~~Second Dwelling Unit. "See "Dwelling Unit."~~

Secondary Use. See "Use."

Secondhand Store. A business involved in the retail sale of used goods and merchandise, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops.

Self-service Display. The display or storage of products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

Senior Citizen. Generally, any person 62 years of age or older. However, for purposes of any State or federal housing programs, the age may be 55 years or older.

Sensitive Use. See "Use."

Setback. The distance from which a structure, parking area, or other development feature must be separated from a prescribed lot line, easement, or other structure or development feature (see Figure 9-7)

- Front Setback. The minimum distance required between a structure and the front property line.
- Primary Building Line. That portion of the front yard area defined by the space between the front property line and the entire building frontage of the primary structure, whether or not all facade portions of the primary structure coincide with the front setback line (see Figure 9-7).
- Side Setback. The minimum distance required between a structure and a side property line.

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- Rear Setback. The minimum distance required between a structure and the rear property line.

Shopping Center. Commercial sites that are primarily retail with two or more separate businesses managed as a total entity and sharing common access, circulation, signage and pedestrian and parking areas so that a public right-of-way does not need to be used to get from business to another. General guidelines follow, but the Director may make a determination on a case-by-case basis.

- Neighborhood. A shopping center that provides a limited number of frequent or recurrently needed personal items or services for residents in an immediate neighborhood that generally has up to 100,000 square feet of combined gross leasable area, without a significant anchor store, and draws its clientele from a five-minute driving radius from the center.
- Community. A shopping center that provides a variety of retail or personal services for patrons that contains approximately 100,000 to 250,000 square feet of combined gross leasable area, may have up to two anchor stores, has a site of 5 or more acres, and draws its clientele from about a 10-minute drive from the center.
- Regional. A shopping center that contains a wide range of retail and service establishments, including at least three anchor stores, having at least 250,000 square feet of combined gross leasable space, and draws its clientele from as much as a 45 minute drive from the center.

Sign. See Chapter 19.42 (Signs).

Single-family Dwelling. See "Dwelling, Single-family."

Site. A lot or group of contiguous lots not divided by any alley, street, other right-of-way or city limit that is proposed for development in accord with the provisions of this Development Code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Special Events and Temporary Uses. Any activity of limited duration that is permitted through the issuance of a Temporary Use Permit, see Chapter 19.124 (Temporary Use Permits). This definition includes carnivals, farmers' markets, seasonal sales, and promotional events.

Specific Plan. Under Article 8 of the Government Code (Section 65450 et seq.), a legal tool for detailed design and implementation of a defined portion of the area covered by a General Plan. A specific plan may include all detailed regulations, conditions, programs, and/or proposed legislation which may be necessary or convenient for the systematic implementation of any General Plan element(s).

Static water pressure. The pipeline or municipal water supply pressure when water is not flowing.

Storage:

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- Storage—Accessory. The indoor storage of materials accessory and incidental to the primary use is not considered a land use separate from the primary use.
- Storage—Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.
- Storage—Personal Storage Facility. See "Personal Storage."

Story. The portion of a building included between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. See also "Basement" and "Attic."

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground (see Figure 9-8), except for walls and fences.

- Accessory Structure. See "Accessory Structure."
- Attached Structure. Any structure that has a wall or roof in common with another structure.
- Primary Structure. A structure that is conducted as the primary or predominant use of the lot and/or building site.

Studio - Art, Dance, Martial Arts, Music. Small-scale instructional facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples include: individual and group instruction and training in the arts, production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction. Also includes production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. These uses may also include accessory retail sales of products related to the services provided.

Substantial Rehabilitation or Substantially Rehabilitated. The substantial rehabilitation of a dwelling unit(s) as defined in Section 33413(b)(2)(iv) of the California Health and Safety Code.

Supermarket. A self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service. May include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and a pharmacy,

Swap Meet. Any event at which two or more persons offer personal property, new and/or used, for sale or exchange and at which a fee is charged for the privilege of offering or displaying personal property for sale or exchange, and/or at which a fee is generally charged to prospective buyers for admission to the area where personal property is offered or displayed for sale or exchange.

(Ord. No. 852, § 5, 8-26-2014)

MEMORANDUM

TO: Darrell J. George, City Manager
FROM: Kristen Petersen, Assistant City Manager
DATE: April 5, 2017
SUBJECT: LEAD AND ASBESTOS OPERATING PLAN

Background

One of the roles of the Joint Powers Insurance Authority (“JPIA”) is to make recommendations to their member cities that aim to improve operations and reduce risk. For Duarte, many of these recommendations are focused on creating formal documents that memorialize the policies and procedures that we are already implementing appropriately, but for which we do not have formal written policy documents. Over the years, staff has been working to prepare written policies and has brought them forward to Council for consideration. While we have used JPIA recommended sample policies as the framework, in most cases the policies do not change anything that we currently do, they simply memorialize it in a more detailed document.

The attached Lead and Asbestos Operating Plan applies to all construction work where employees may be exposed to lead or asbestos materials. The Plan specifies that City of Duarte staff are not trained to perform any asbestos abatement operations and that all work will be performed by a certified, licensed abatement contractor. Thus, our employees should never be occupationally exposed. The only City facility that has tested positive for asbestos materials is the Third Street (Old City Hall) building, built in 1940. As you know this property is in escrow and is scheduled to be closed and transferred in August 2017. The asbestos in this building has been identified and tested and asbestos removal will be conducted by the new property owner/developer as part of the demolition process.

Recommendation

It is recommended that the City Council adopt the attached Lead and Asbestos Operating Plan.



LEAD AND ASBESTOS OPERATING PLAN

I. PURPOSE

The purpose of this operating plan is to prevent employee exposure, above the respective action levels, to lead and asbestos materials.

II. DEFINITIONS

The following terms are used in this document:

- A. Asbestos: a non-burning material that is used for fireproofing and insulation. It is composed of fibrous forms of various hydrated minerals including chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite-grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.
- B. Certified Supervisor: one who is capable of identifying existing and predictable asbestos material hazards in the surroundings or working conditions, and who has authorization to take prompt corrective measures to eliminate them.
- C. Competent Person: one who is capable of identifying existing and predictable lead or asbestos material hazards in the surroundings or working conditions and who has authorization to take prompt corrective measures to eliminate them. (Separate certifications are required for each.)
- D. Construction Work: construction, alteration, plumbing, and/or repair, including painting, decorating, and general maintenance. It includes but is not limited to the following:
 - 1. Demolition or salvage of structures where lead or asbestos materials are present;
 - 2. Operations that disturb lead or asbestos materials including removal or encapsulation of paint coatings;
 - 3. New construction, alteration, repair, or renovation of structures, substrates, or portions thereof, that contains lead or asbestos materials;
 - 4. Installation of products containing lead or asbestos materials;
 - 5. Lead or asbestos materials contamination/emergency clean up;

6. Transportation, disposal, storage, or containment of lead or asbestos materials, or materials containing lead or asbestos materials on the site or location at which construction activities are performed.

E. Lead: metallic lead, all inorganic lead compounds, and organic lead soaps.

F. Asbestos Containing Material (ACM): Any material containing more than 1% asbestos.

G. Presumed Asbestos Containing Material (PACM): Asbestos-containing thermal system insulation and surfacing materials found in a building constructed no later than 1980.

H. Regulated Area: an area established by the employer to mark areas where airborne concentrations of asbestos exceed, or there is a reasonable possibility they may exceed, the permissible exposure limits.

III. REQUIREMENTS

A. This operating plan applies to all construction work where an employee may be occupationally exposed to lead or asbestos materials.

B. City of Duarte custodial and maintenance staff are not trained to perform operations/maintenance or asbestos abatement operations and all work shall be performed by independent, licensed contractors. Routine custodial or maintenance activities should not significantly disturb asbestos containing building materials. Unlicensed employees will not cross over a barrier/containment area where asbestos projects are ongoing.

C. Where lead or asbestos abatement is required:

1. Chemical stripping wet removal, wet sanding, or wet scraping will be required.
2. Abatement area containment is required in all of the above methods.
3. No burning of lead material will be allowed.
4. Dry scraping; use of power tools without low emissions vacuum, or use of compressed air is prohibited.

D. A certified, licensed abatement contractor shall complete the lead or asbestos abatement.

- E. All asbestos abatement work at the City of Duarte facilities shall be performed in strict accordance with applicable state, federal and local regulations. It shall be the responsibility of the contractor to adhere to these regulations. At the discretion of the City, contractors found in non-compliance may be released from further contractual services.
- F. A State licensed inspector will inspect all areas that are known to contain lead or asbestos materials on a frequency to be determined by the condition of the material with a maximum of two years between inspections. Any apparent loosening of insulation potentially resulting in exposure shall be abated or repaired immediately by a certified, licensed abatement contractor.
- G. A Competent Person or Certified Supervisor shall inspect all worksites for lead or asbestos materials before employees and/or volunteers are assigned to perform construction work.
- H. Full protection for the employee is required at work sites where there is the possibility of employee exposure to lead or asbestos materials (assumed or tested).
- I. Employees assigned to worksites with lead or asbestos materials, to which they may be exposed, shall be provided with the following.
 - 1. Site-specific lead or asbestos materials training.
 - 2. Appropriate respiratory protection.
 - 3. Appropriate personal protective clothing and equipment, which includes, but is not limited to the following:
 - a. Gloves
 - b. Hardhat
 - c. Face shields or vented goggles
 - d. Coveralls or disposable full-body work clothing
 - e. Shoe coverlets
 - 4. Change area equipped with separate storage facilities for protective clothing, equipment, and street clothes to prevent cross contamination.
 - 5. Medical surveillance designed to facilitate early detection of health effects associated with exposure to lead or asbestos materials.

J. All employees shall report any accidental exposure to lead or asbestos to their Supervisor immediately.

K. Upon notification of exposure the Supervisor shall:

1. Investigate and file an Accident Report (Appendix A);
2. Send the employee to the clinic for medical surveillance;
3. Notify the Department Safety Coordinator and Safety Program Administrator.

IV. NOTIFICATION

A. Warning signs shall be provided and displayed at each regulated area. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

B. All employees, tenants, visitors, vendors and contractors will be notified in advance when work involving asbestos is to be carried out in any area of the City of Duarte buildings which they occupy.

V. LABELING

Labels or signs shall be affixed or posted so that employees will be notified of what materials contain ACM and/or PACM.

VI. TRAINING

A. All employees with duties that include working with or around lead shall be trained.

B. Lead or asbestos retraining shall be done at least annually.

C. No employee will be assigned to any task without the appropriate level or training.

Note: For training items A through D the Department Head or designee will determine who should receive appropriate training.

D. Copies of the lead and asbestos materials standards and appendices shall be readily available to all affected employees through their supervisor.

VII. RECORDKEEPING

Records must be kept on exposure monitoring for asbestos for at least 30 years, and worker medical surveillance records retained for the duration of employment

plus 30 years. Training records must be kept for at least one year beyond the last date of employment.

VIII. REFERENCES

General Industry Safety Order 3203 (a) (4)

29 C.F.R. 1910.1025

CCR Title 8, Section 1502

CCR Title 8, Section 1529

CCR Title 8, Section 1532.1

Appendix A Accident Report

Please give completed form to your department head.

Date of Accident: _____ Time of Accident: _____ AM / PM
Location of Accident: _____
Name of Injured Person: _____ M _____ F _____
Address: _____ City: _____
Home Phone: _____ Cell Phone: _____
Age: _____ If minor, was injured accompanied by a responsible person? Y _____ N _____
Name of Person Accompanying: _____ Relationship: _____
Address: _____ City: _____
Home Phone: _____ Cell Phone: _____
Exact location where accident occurred: _____

Describe what occurred: _____

Specific nature and extent of injuries: _____

Was blood or other potentially infectious materials (OPIM) present? Y _____ N _____
Did you witness the accident? Y _____ N _____ If not, why? _____

Was First Aid administered? Y _____ N _____ By whom? _____
Describe First Aid that was administered: _____
Was Personal Protective Equipment (PPE) worn? Y _____ N _____
If yes, by whom? _____ Describe PPE used: _____
If no, why not? _____

Did a blood borne pathogen exposure incident occur? Y _____ N _____

Which assistance was requested: Police _____ Fire _____ Ambulance _____ Other _____ None _____

How did the injured leave the area? _____

With whom did the injured leave the area? _____

Eyewitness: _____ Phone: _____

Employee Signature: _____ Date: _____

(Use reverse side for additional information)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

April 11, 2017

Senator Toni Atkins
State Capitol
Room 4072
Sacramento, CA 95814
FAX (916) 651-4939

Senator Jim Beall
State Capitol
Room 2082
Sacramento, CA 95814
FAX (916) 651-4915

Senator Roth
State Capitol
Room 4034
Sacramento, CA 95814
FAX (916) 651-4931

Mayor
Margaret E. Finlay
Mayor Pro Tem
John Fasana
Councilmembers
Samuel Kang
Tzeitel Paras-Caracci
Liz Reilly
City Manager
Darrell George

Re: NOTICE OF SUPPORT – SB 2 (Atkins) – Building Homes and Jobs Act
SB 3 (Beall) – Affordable Housing Bond Act of 2018
SB 540 (Roth) – Workforce Housing Opportunity Zones

Honorable Senators Atkins, Beall, and Roth:

On behalf of the Duarte City Council and our community, I am writing to express the City's support for the League of California City's three-bill "Blueprint for More Housing," SB 2 (Atkins) the Building Homes and Jobs Act, SB 3 (Beall) the Affordable Housing Bond Act of 2018, and SB 540 (Roth) the Workforce Housing Opportunity Zones.

The City of Duarte understands that the long-term, statewide housing crisis will not be solved by funding alone. With this reality in mind, Duarte supports the League's three bill approach consisting of SB 2 (Atkins), SB 3 (Beall) and SB 540 (Roth). SB 2 would generate millions of dollars yearly to support sustainable affordable housing, emergency shelters, supportive housing, and transitional housing. SB 3, on the other hand, would authorize a \$3 billion General Obligation Bond offering to fund affordable housing programs, and execute future infrastructure projects. To complete the picture, SB 540 would streamline the housing process by helping cities easily identify workforce housing opportunity zones that provide affordable housing in areas close to potential jobs and public transit, complementing California's greenhouse gas reduction laws.

It is time to establish a permanent State source of funding for affordable housing. For these reasons, the City of Duarte supports AB 2 (Atkins) SB 3 (Beall) and SB 540 (Roth), and we are hopeful that Sacramento leadership will work in concert with cities and pass this "Blueprint for More Housing."

Sincerely,

Margaret Finlay
Mayor

cc: League of California Cities

MEMORANDUM

TO: Mayor and Councilmembers
FROM: Darrell J. George, City Manager
DATE: April 6, 2017
SUBJECT: Conference Attendance – City Council Meeting of April 11, 2017

League of California Cities
Mayors & Councilmembers Executive Forum
June 28-29, 2017
Monterey Marriott – 350 Calle Principal, Monterey, CA 93940
Registration: \$375
Hotel: \$179 per night, plus tax/fees

National League of Cities
Small Cities Council Summer Meeting
July 19-21, 2017
Ocoee, Florida
Hotel: \$110 per night (tentative)

The Mayors & Council Members Executive Forum taking place on Wednesday, 06/28 – Thursday, 06/29 is completely separate from the Advanced Leadership Workshops taking place on Friday, 06/30. If you plan to attend both conferences, you must register for each conference separately.

Wednesday, June 28

REGISTRATION OPEN

» 10:00 a.m. – 5:30 p.m.

OPENING GENERAL SESSION

» 1:00 – 2:30 p.m.

Cities and the Big One: How Cities Can Change the Outcome of the Next Earthquake



World-renowned seismologist Dr. Lucy Jones has led efforts in Los Angeles and across California to help leaders plan to avoid the impact of earthquake hazards. The combination of her scientific expertise and communication abilities recently led to a partnership in 2014 with the city of Los Angeles to create solutions to four of the most significant seismic vulnerabilities in the city. She spent a year at City Hall, meeting

with city stakeholders, technical experts and elected officials. The result was the most comprehensive plan ever undertaken to reduce seismic vulnerabilities. The five legislative proposals in the plan were all passed unanimously by the City Council in 2015. Dr. Jones will present information on her recent effort with the city of Los Angeles and the creation of their Resilience By Design initiative, which addressed building retrofits, water reliability, and communication systems. She will share her insight and process to help city leaders work towards a more resilient future.

SPEAKER: Dr. Lucy Jones, Founder, Dr. Lucy Jones Center for Science and Society

For speaker information, go to www.cacities.org/MCMXFed

CONCURRENT SESSIONS

» 2:45 – 4:00 p.m.

Making Housing (More) Affordable: Strategies from Cities

In many cities, rental prices are rising rapidly, and workers are being priced out of the market. Cities are responding with a range of strategies, from rent control and rent rollbacks to speeding up housing development and eviction prevention. In this session, representatives from three cities that have struggled with housing affordability share their lessons. The session will look at both the policy discussions that led to different initiatives and the specific details of implementing the strategies.

Successfully Bringing Broadband Technology to your Community

Learn the specific steps, options and costs to bring broadband FTTP to your city. Understand why your ISP's data throughput will likely increase 1,600% in the next 5 years just to do what you do today, and why some of them will not be able to adapt. Bringing affordable gigabit service to your city can be done without waiting for State or Federal help. We will discuss the current FTTP program rolling out in Santa Cruz, and how Weed, Mount Shasta and Dunsmuir have banded together to bring gigabit FTTP to their communities.

CONCURRENT SESSIONS

» 4:15 – 5:30 p.m.

How to Set Goals for City Manager Performance Evaluations

Establishing a set of meaningful performance goals that are mutually agreed-upon by the city manager and city council is the best way to ensure everyone is on the same page when it comes to an evaluation. In this session, attendees will learn how to approach setting reasonable, specific performance goals for their city manager, as well as some high-level examples of performance goals.

Online Advocacy: How Social Media Influences Public Policy

During this session, panelists will discuss current trends in using social media for public policy. Of note, panelists will highlight best practices in using social media to support or oppose policy, build online and offline coalitions, and get people to take action. In addition, the panel will discuss legal constraints local elected officials must consider when using social media.

Networking Reception

» 5:30 – 7:00 p.m.

Take this opportunity to network with your peers from throughout the state after a full afternoon of educational sessions.

Thursday, June 29

REGISTRATION OPEN

» 7:00 a.m. – 4:00 p.m.

NETWORKING BREAKFAST

» 7:00 – 8:15 a.m.

GENERAL SESSION

Understanding the Angry Voter: What Happened in 2016 and What Does it Mean Going Forward?

» 8:30 – 10:00 a.m.



As a political strategist and professor at USC's Annenberg School for Communications, Dan Schnur knows a thing or two about angry voters. The 2016 election was one for the history books in many ways, and in some communities, left citizens feeling more divided than ever in their political views. In this session, Dan will discuss some of the lessons learned from the 2016 campaign, and how you, as local government and political leaders, can work to bring your communities together. We will discuss approaches to achieve consensus for your policy goals on this new landscape. Even while Washington is divided, you can lead your community forward.

SPEAKER: Dan Schnur, Professor, USC Annenberg School for Communication and Journalism

CONCURRENT SESSIONS

» 10:15 – 11:30 a.m.

Voter Outreach and California Voting Rights Act (CVRA) Reforms: What Elected Officials Need to Know

In recent years, cities across California have seen a surge of California Voting Rights Act (CVRA) lawsuits. In some instances, these lawsuits have cost local agencies millions of dollars. In 2016, the League was successful in leading a bi-partisan package of reforms to enable local governments to be proactive, and retain a level of local control while also capping legal costs to a minimal amount. Voter outreach 'best practices' is a key component to ensure local agencies are insulated from costly litigation. Participants will learn if their city is potentially at risk for a CVRA lawsuit, the various ways to comply with the reforms—including best practices to reach out to your communities—and learn tools to be proactive which could potentially save local tax payers millions in legal fees.

Student Success Provides the Building Blocks for Thriving Communities

A healthy, thriving community depends in part on the well-being of its youngest members. As the income gap widens, collaboration between cities, counties, schools, and other partners is imperative to effectively address critical needs of low-income children that influence community prosperity like healthy food access, literacy, affordable housing, and school attendance. City leaders are poised to provide out-of-school time supports that contribute to in-school success and a healthy, engaged community. Attendees will learn about key interconnected issues affecting low-income youth and their impact on the communities, opportunities to leverage existing resources to develop solutions, and cities' successes and struggles.

GENERAL LUNCHEON

» 12:00 – 1:30 p.m.

CONCURRENT SESSIONS

» 1:45 – 3:00 p.m.

Your TechCity: Using Technology for Good Governance and Economic Development

New technology is not solely for "selfies" and social networking. It is being used by city officials to connect residents to services and accelerate solutions to problems. This session provides a "big picture" view and real world examples of technologies that are assisting city officials in tackling community issues and encouraging economic development. These innovative instruments can improve business climate, quicken service response times, unclog traffic, and improve public engagement. Cities are taking the next step by utilizing the widely accessible technology that is at their fingertips, such as computers and smart phones, to spur economic development, streamline services, reduce paperwork, and connect citizens to various levels of government through innovative web platforms. You will hear from the practitioners who are bringing these platforms to life, and the practical steps they took toward bringing their cities into the 21st century.

City Manager & City Council Relations: Working With an "Outlier" City Council Member

Many city councils have one or more members that some may consider "outliers." In some cases these council members may simply have a different perspective or policy view from the rest of the council, and in more extreme cases they can be antagonistic and/or disruptive. Outliers can impact the effectiveness of the city council, city manager and the organization as a whole. The purpose of this session is to review the impacts of different types of outlier conduct, and to offer strategies for working with these individuals to achieve your city's goals.

Thursday, June 29, Continued

CONCURRENT SESSIONS

» 3:15 – 4:30 p.m.

Legislative Update

Learn about the top issues that are trending in the legislature this year from the League's experts.

Successful Strategic Planning for Councils

Setting priorities and goals for cities is often a difficult and complex process. From the perspective of elected officials, complicating factors can include part-time councils, term limits, political differences, the Brown Act, and public meetings that are jam packed with agenda items. But staff also face their own set of difficulties. While they are trying to implement best practices, they are often hampered by their own departmental needs, so often there is no larger integrated strategic city vision. Working together with an outside facilitator, the city of Culver City wanted to determine if council and city staff could reach an agreement on what the city should become over the next five years. Along the way, they also wanted to identify topical issues that warranted greater community input and involvement. The result was the development of six priorities that will guide council, staff and residents into the future. Hear about what lessons were learned through this process, and how your city might be able to benefit from this form of strategic planning.

Save the Date!

League of California Cities Annual Conference & Expo

September 13-15, 2017 | Sacramento Convention Center

General Information

All attendees must register for the conference prior to reserving a hotel room. Registration is not complete until full payment is received. The League is unable to accept purchase orders. Once registration is complete, you will be directed to the housing reservations page.

- For online registration, go to www.cacities.org/events and select "Mayors & Council Members Executive Forum".
- To request a mail-in registration form, contact mdunn@cacities.org.
- **Registration must be received by Tuesday, June 6. After this date, please register onsite if available.**

COSTS/FEES

Registration includes electronic access to all program materials, admission to Wednesday & Thursday sessions only, Wednesday evening's networking reception, breakfast and a general luncheon on Thursday.

Elected Officials and Staff	\$375
Company/Consultant/League Partner / All Others	\$575
Non-Member City Elected Officials and City Staff	\$1,375
Spouse Reception Only Registration (Wednesday)	\$35

The spouse fee is restricted to persons who are not city or public officials, are not related to any League Partner or sponsor, and would have no professional reason to attend the conference. It includes admission to Wednesday's reception only. There is no refund for the cancellation of a spouse registration. It is not advisable to use city funds to register a spouse.

CANCELLATIONS

Refunds of rate paid, minus \$75 processing charge, will be made for cancellations submitted in writing to mdunn@cacities.org and received by **Tuesday, June 6**. There are no refunds for cancellations after this date. Substitutions can be made onsite.



If you require special accommodations related to facility access, transportation, communication and/or diet, please contact our Conference Registrar by Tuesday, June 6, at mdunn@cacities.org.

HOTEL INFORMATION & RESERVATIONS

Hotel reservation changes, date modifications, early check-out, or cancellations made prior to **Tuesday, June 6**, must be done through the online reservation link you received when registering for the conference. Use your confirmation/ acknowledgement number to access your reservation to make changes. Once the June 6 deadline has passed, please contact the hotel directly with any changes or cancellations. Please note that hotel cancellations after the housing deadline has passed may incur a financial penalty of a minimum one-night room charge or attrition fees.

Monterey Marriott

350 Calle Principal, Monterey, CA 93940

Hotel Rate (per night): \$179 – Single/Double Occupancy (plus tax and fees)

Valet Parking (per day): \$25 (subject to availability)

Public Parking (per day): \$7 (subject to change)

**Please DO NOT book outside of the League hotel block. This will cause an increase in event costs, liabilities and higher registration rates.*

PLEASE NOTE: The information you provide to the League when registering for a League conference or meeting may be shared with the conference or meeting hotel(s). The hotel(s) will also share with the League the information you provide to the hotel(s) when you make your hotel reservation for the conference or meeting. The information shared between the League and the hotel(s) will be limited to your length of stay in the hotel.



SMALL CITIES COUNCIL SUMMER MEETING
JULY 19 – 21, 2017
OCOEE, FLORIDA

~ INFORMATION REQUEST FORM ~

Please complete this form and indicate below whether or not you will attend the Small Cities Council Steering Committee meeting. This information is very important and extremely helpful in order to organize a successful event.

☐ **I will attend the Small Cities Council Summer Meeting**

Name: _____

Title: _____ City, State: _____

Your Shirt Size: _____ Male _____ Female _____

Number (____) and Name(s) of Guests Attending: _____

Tentative Hotel: Fairfield Inn - approx. \$110/night

☐ **I will not attend the Small Cities Council Summer Meeting**

Name: _____

Title: _____ City, State: _____

Please return to Sarah Lindsay at lindsay@nlc.org by Wednesday, April 19.
Questions? Call Sarah at (202) 626-3067



services and
ment
202-626-3067
lindsay@nlc.org

Small Cities Council

The Small Cities Council is open to municipal officials from member cities with populations of 50,000 or less. Participants share ideas and creative solutions to challenges affecting small cities. Participation in the Council ensures that the interests of small communities are reflected in NLC's advocacy efforts.

Chair

Vice Chair

Vice Chair



Rusty Johnson
Mayor
Ocoee, Fla.



Marvin
Johnson
Mayor
Independence,
Minn.



Alfred Mae
Drakeford
Councilmember
Camden, S.C.

Council Objectives:

- To be recognized as the voice and advocate for small cities
- To serve as a resource for municipal officials from small cities
- To recruit more small cities to become NLC members
- To ensure that Council members are well-informed about the NLC and can be effective spokespersons about the role of small cities in NLC
- To connect small cities to key NLC advocacy and policy development efforts

**CITY COUNCIL
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to State Law, the City Council of the City of Duarte will hold a Public Hearing at 7:00 p.m., on Tuesday, April 11, 2017 in Council Chambers, 1600 Huntington Drive, Duarte, California, to consider the following:

Appeal of Planning Commission Decision to Deny Conditional Use Permit 16-03: The Duarte City Council will consider an appeal of the Planning Commission's decision to deny Conditional Use Permit (CUP 16-03), filed by Steve Rawlings, Alcoholic Beverage Consulting. On December 19, 2016, the Planning Commission held a public hearing and voted 3-1 with one abstention to adopt PC Resolution 16-15 to deny CUP 16-03 to allow beer and wine sales in conjunction with an existing consumer goods retailer, for property located at 1327 Huntington Drive (99 Cents Only Stores).

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

Any interested party may appear in person, or by agent, and be heard. If this matter is challenged in Court, there will be a limit to only those issues that were raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, at 1600 Huntington Drive, Duarte, CA 91010.

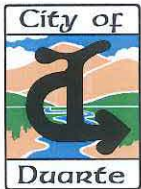
For further information regarding this application, please contact Kristen Johnston, Associate Planner in the Community Development Department, 1600 Huntington Drive, Duarte, CA., 91010, Monday through Thursday at (626) 357-7931, ext. 238, between the hours of 7:30 a.m. and 6:00 p.m.

Marla Akana
City Clerk

PUBLISH: Duartean – Saturday, April 1, 2017
POSTED: Duarte City Hall, Duarte Public Safety Office, Duarte Library, March 30, 2017

Para información en Español, favor de llamar a City Hall de Duarte, (626) 357-7931.

Published: Duartean Apr 1, 2017 Ad#925372



MEMORANDUM

Date: April 11, 2017

To: Mayor and Duarte City Council

From: Kristen Johnston, Associate Planner

Subject: **APPEAL OF THE PLANNING COMMISSION DECISION TO DENY
CONDITIONAL USE PERMIT (CUP 16-03) FOR OFF-SITE BEER
AND WINE SALES IN CONJUNCTION WITH AN EXISTING
CONSUMER GOODS STORE (99 CENTS ONLY STORES)**

On December 19, 2016, the Planning Commission considered 99 Cents Only Stores request for a Conditional Use Permit that would have allowed off-site beer and wine sales. The Commission approved PC Resolution 16-15 by the vote of 3-1-0-1 (Yes: Lefmann, Watson-Gardner, Vasquez; No: Pierce; Absent: None; Abstain: Farra), which denied the applicant's request for Conditional Use Permit (CUP 16-03).

The Planning Commission's decision to deny CUP 16-03 was due, in part, to the following factors: an overconcentration of alcohol licenses within the shopping center and adjacent area; and reoccurring police calls for service related to theft, loitering, transient activity, and public drinking on the property. Other factors discussed during the meeting, revolved around the lack of property and building maintenance, particularly the removal of two exterior gates previously installed as part of conditions of approval for an exterior façade remodel in 2011 (ARB 2011-04). The purpose of the gates was to prevent loitering and deter illegal activities known to occur on the property and in the walkway between the 99 Cents Only Store and Rite Aid.

It should be noted, that many of the aforementioned issues (i.e., reoccurring police calls for service related to theft, loitering, transient activity, and public drinking on the property) were attributed to the alcohol sales at Sparr Liquor (1303 Huntington Drive). Since the Planning Commission's decision to deny CUP 16-03, Sparr Liquor has since closed, the City has purchased the property, and plans for demolition of the site have been tentatively projected for mid-to-late May 2017.

Appeal

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

The applicant, Steve Rawlings (on behalf of 99 Cents Only Stores), filed an appeal of the Planning Commission's decision requesting the City Council further consider the applicant's Conditional Use Permit request. The applicant's grounds for the appeal include:

- a. Further consideration of the need for 99 Cents Only Stores to sell beer and wine to be competitive in the grocery business;
- b. Opportunity to further enumerate security measures to protect the community from negative impacts and improve the current situation at the shopping center;
- c. Provide more examples of added convenience to 99 Cents Only Stores customers.

After filing the above-mentioned appeal, the applicant requested a meeting with City staff to discuss and offer further preventative measures that would alleviate the City Council's concerns regarding illegal activity resulting from off-site beer and wine sales. Those measures include the following: limiting beer and malt products to be sold only in manufacturer's pre-packaged containers no smaller than 6-packs; limiting single wine bottle sales at a minimum of 750 ml in size, and limiting wine coolers sales to a 4-pack minimum. Additionally, the applicant has also agreed to modify security measures, as recommended by the Public Safety Department, by providing a security guard seven days a week between the hours of 4:00 p.m. to 10:00 p.m.

It should also be noted that City staff visited the site on Monday, April 03, 2017, and observed the property and deferred maintenance issues that were discussed during the Planning Commission hearing are still present and have not been corrected/abated. The list of maintenance items includes, but is not limited to: trash and debris strewn throughout the property (i.e., broken carts in the alley, an old couch adjacent to the 99 Cents Only Stores trash enclosure, broken beverage crates, and other miscellaneous items); the exterior gates noted above have not been reinstalled; and repainting of the dissimilar paint colors on the exterior of the building (including the cart corral at the entrance of the store) has not been completed.

Based on the Planning Commission action, Resolution 17-R-26 has been attached which denies the applicant's request for an appeal to approve Conditional Use Permit 16-03 and upholds the Planning Commission decision.

If the City Council feels that the appellant's request should be approved, staff will return with a resolution with conditions of approval to approve CUP 16-03 at the next regularly scheduled meeting.

Attachments

- Exhibit A: Appeal Letter
- Exhibit B: Statement of Operations
- Exhibit C: Planning Commission Staff Report – December 19, 2016
- Exhibit D: Photo Survey from April 3, 2017
- Exhibit E: Planning Commission Minutes
- Exhibit F: Resolution 17-R-26

EXHIBIT A

Alcoholic Beverage Consulting

December 28, 2016

Marla Akana
City Clerk
City of Duarte
1600 Huntington Drive
Duarte, CA 91010-2592

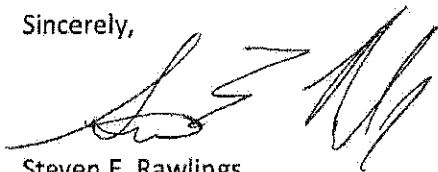
RE: Appeal of Denial of Conditional Use Permit 16-03 and Determination of Public Convenience or Necessity for 99 Cent Only Store #336 Located at 1327 Huntington Drive

Dear City Clerk:

Pursuant to the City of Duarte Municipal Code, this letter serves as an appeal to the Planning Commission of the above referenced case. Enclosed is a check in the amount of \$250 for the filing fee.

1. The specific action appealed: Denial of Conditional Use Permit and the Determination of Public Convenience or Necessity made by the Planning Commission on December 19, 2016.
2. Grounds for the appeal:
 - a. Further consideration of the need for 99 Cent Only Stores to sell beer and wine to be competitive in the grocery business;
 - b. Opportunity to further enumerate security measures to protect community from negative impacts and improve current situation at the shopping center;
 - c. Provide more examples of added convenience to 99 Cent Only current customers.
3. Request that the City Council overturn the Planning Commission's decision and allow for the incidental sale of beer and wine and determine that public need or convenience will be served.

Sincerely,



Steven E. Rawlings
(951) 667-5152

RECEIVED

DEC 29 2016

CITY OF DUARTE

RAWLINGS CONSULTING
P O BOX 96
MURRIETA, CA 92564-0096

1456

16-24/1220 2632
6148449769

DATE 12/28/16

PAY TO THE
ORDER OF

City of Duarte

\$ 250.00

Two hundred fifty and ⁰⁰/₁₀₀

DOLLARS



Wells Fargo Bank, N.A.
California
wellsfargo.com

FOR Appeal Fee for CUP 16-03

⑈0000001456⑈ ⑆122000247⑆ 6148449769⑈

EXHIBIT B

Statement of Operations
99 Cents Only Store #336
1327 E. Huntington Drive, Duarte, CA
3/22/17

Proposed Additional Use: Finding of public convenience or necessity and permit to sell beer and wine for offsite consumption (Type 20 ABC License) within an existing grocery and consumer goods store.

Hours of Operation: 8:00 am to 10:00 pm - 7 days per week.

Average number of employees per shift: 8 - 12

Beer and Wine Display Area: Display of beer and wine is proposed to be 30 lineal feet of shelf space near the rear of the store or in a location that local law enforcement desires. There will be no cold storage of beer or wine and no posters advertising beer or wine in store windows. Beer and malt products will be sold only in manufacturer's pre-packaged containers such as: 6-packs or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml in size. Wine coolers will be sold in minimum of 4-pack containers. All beer and wine will be displayed on shelves and there will be no cold storage of beer or wine.

Security Measures: Surveillance cameras are located throughout the store. Employees go through corporate training for alcohol sales to ensure strict compliance to CA Department of Alcoholic Beverage Control laws. Point of sale system prompts cashiers for date of birth entry for all alcohol transactions. There will also be 1 security guard on duty every day from 4pm to closing.

About 99 Cents Only Stores

99 Cents Only Stores is a unique retailer of primarily name-brand consumable general merchandise and groceries. They have always delivered great value to customers and provide an exciting primary shopping destination for price-sensitive consumers. The stores are attractively merchandised, clean, full service "destination" locations that offer customers significant value on their everyday household needs.

From the first store opening in 1982, 99 Cent Only Stores has expanded to nearly 400 extreme value retail stores with over 50% grocery items including a large area dedicated to fresh produce and bread.

99 Cents Only buys directly from almost every major name-brand grocery and consumer goods manufacturer in the nation including 3M, Cadbury Adams, Campbell's, Church & Dwight, Coca-Cola, Colgate-Palmolive, Con Agra, Del Monte, Dial, Dole, Energizer, Frito Lay, General Mills, Hasbro, Heinz, Hershey Foods, Johnson & Johnson, Kellogg's, Kraft, Masterfoods, Nestle, Procter & Gamble, Quaker, Revlon, Unilever and Wrigley.

EXHIBIT C



PLANNING COMMISSION STAFF REPORT

Date: December 19, 2016

Project: **Conditional Use Permit 16-03;** request to allow the off-site sales of beer and wine in conjunction with an existing consumer goods store (Retail Use)

Location: 1327 Huntington Drive

Applicant: Steve Rawlings, Alcoholic Beverage Consulting / Applicant; 99 Cents Only Stores / Business Owner

SUMMARY

The applicant, Steve Rawlings, is requesting approval of Conditional Use Permit (CUP) 16-03 to allow off-site beer and wine sales in conjunction with an existing consumer goods store, 99 Cents Only Stores, located at 1327 Huntington Drive. The Commercial General (C-G) zone permits retail sales; however, the off-site sale of beer and wine requires the approval of a conditional use permit by the Planning Commission.

Staff has concerns with the applicant's request for off-site sales off beer and wine, including but not limited to the increase of availability of low cost beer and wine at a high volume, which raises issues of compatibility and is considered to be an overconcentration of alcohol licenses within the shopping center. A memo was received from the Public Safety Department discouraging the proposed use, listing the continuing problems at the property with public drunkards known to frequent the subject property, loitering within the center, on-going calls for service regarding theft at Rite Aid and 99 Cents Only Store, use of narcotics, and urinating/defecating in public and in or around the shopping center.

The item was scheduled for the Planning Commission hearing on November 21, 2016. Prior to the meeting, the applicant requested a continuation of the item due to the Operations Manager for 99 Cents Only Stores being unable to attend and the applicant needing more time to prepare for the meeting. The Planning Commission granted the applicant's request and the item was continued to tonight's hearing.

BACKGROUND

The project site is located within the Big Lots shopping center, at the northeast corner of Huntington Drive and Buena Vista Avenue. The 99 Cents Only Store comprises approximately 12,650 square feet and is located directly east of Big Lots and north of Rite Aid. In 2011, the 99 Cents Only Store began operations after an extensive façade remodel.

The State Department of Alcoholic Beverage Control (ABC) allows off-site sales of beer and wine with various license types. The applicant is requesting approval for a Type-20 license (beer and wine only) for off-site sales in conjunction with a retail store.

Currently, there are 35 retail and/or restaurant establishments in the City of Duarte with active alcohol licenses, which include on-site and off-site licenses (Exhibit B). Twelve of the thirty-five

licenses are Type-20 (off-sale beer and wine) and seven businesses maintain Type-21 (off-sale general) licenses. Four businesses within the same shopping center as 99 Cents Only Store, maintain either an on-site or off-site license: Sparr Liquor located at 1303 Huntington Drive; El Salvadoreno located at 1313 Huntington Drive; Rite Aid located at 1335 Huntington Drive; and Slaw Dogs located at 1355 Huntington Drive. Additionally, there are four businesses within proximity of the property with an active on-site and off-site sale licenses which include: Grocery Outlet located at 1322 Huntington Drive; Young's Gourmet located at 1340 Huntington Drive; Tropicana International Market located at 1406 Huntington Drive; and Smart and Final located at 1193 Huntington Drive.

PROJECT DESCRIPTION

The 99 Cents Only Store, located at 1327 Huntington Drive, proposes off-site sales of beer and wine in conjunction with the consumer goods store. The 99 Cents Only Store is a discount store offering items such groceries, hardware, housewares, health and beauty aids, stationary, seasonal merchandise, and cleaning supplies. Approximately 30 percent of the store is dedicated to grocery sales.

The display of beer and wine is proposed along 34 lineal feet of shelf space (24" deep) located at the rear of the store, adjacent to the stock room and grocery section at the east end of the store (Exhibit C – Plans and Exhibit D - Photos). Beer and malt products will be sold in manufacturer's pre-packaged containers such as: 3-packs, 6-packs, and/or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml. Wine coolers will be sold in no less than 2-pack containers. All beer and wine will be displayed on shelves, with no proposed cold storage.

The business hours will remain between 8:00 a.m. and 10:00 p.m., seven days a week. The average number of employees ranges between 8 and 12 per shift. A detailed description of the stores business operations has been provided in the statement of operations, which is attached for your review (Exhibit E - Applicant's Statement of Operations). Furthermore, security cameras are proposed throughout the store, including two exterior cameras: one at the front and one at the rear door overlooking the loading dock and trash enclosure.

ANALYSIS

Section 19.60.030 of the Duarte Development Code (DDC) provides operational standards for establishments that may be granted a conditional use permit for an ABC license. Through the conditional use permit process, beer and wine sales for off-site consumption is permitted as an accessory use to supermarkets, drug stores, and other similar establishments. As defined in Section 19.160.200 of the DDC, a supermarket is a self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service and may include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and pharmacies. Although the 99 Cents Only store offers a variety of fresh, frozen and canned food products, the majority of the store is stocked with non-grocery items, seasonal goods, housewares, cleaning supplies and other general merchandise. Even though the subject business does not meet the typical definition of a supermarket, it is considered a similar establishment that may make an application for an off-site alcoholic beverage sales permit. DDC operational standards for an off-site alcohol retailer

license restricts the display, sale, and storage of alcoholic beverages to no more than 10 percent of the store floor area.

The display of beer and wine is proposed at the easterly back corner of the store, adjacent to chilled, freezer, and cooler stored grocery items. The proposed beer and wine display area is approximately 34 lineal feet of shelf space totaling 68 square feet. Additionally, the proposed stock room storage is approximately 20 lineal feet totaling 40 square feet. This equates to approximately 1% of the total floor area dedicated to the display, sales or storage of alcoholic beverages. The proposed merchandising of beer and wine is: 50 to 75 percent of 750 ml bottles of wine; 10 percent of 2 and 3 packs of beer; and 15 to 40 percent of 6 packs or greater. The display of beer and wine is not proposed to be located in coolers, end-caps, on pallets or any other location other than the designated area, shown on Exhibit C.

As proposed, the area for beer and wine display is located along the back wall of the store and provides limited visibility to cashiers and managers. If the Commission wishes to approve CUP16-03, staff recommends that the beer and wine display be re-located to the area just east of the check out stands along the front wall, so it is visible and can be easily monitored by store employees.

Alcoholic Beverage Control

The State, acting through the Department of Alcoholic Beverage Control, maintains exclusive authority to license and regulate the purchase and sale of alcoholic beverage. However, the State recognizes a city's authority to regulate the location of businesses engaged in the sale of alcohol, and its secondary effects including potential nuisance effects such as noise and compatibility with the surrounding neighborhood and businesses.

Pursuant to Section 23958 of the Department of Alcoholic Beverage Control Business and Professions Code, the Department has the authority to deny an application for a license if issuance of that license would create further law enforcement problems and/or add to an undue concentration of licenses. As described in Section 23958.4, an undue concentration of licenses would be determined by the ratio of off-sale retail licenses to population in the census tract or census division, in which the application premises are located. Section 23817.5 states that the number of premises for which off-sale beer and wine license is issued shall be limited to one for each 2,500, inhabitants of the city or 1,250 inhabitants in combination with the number of premises of off-sale general licenses issued in the city. As such, the Department of Alcoholic Beverage Control may approve the beer and wine license if the applicant shows that public convenience or necessity would be served by the issuance, subject to existing conditions listed in Section 23817.7. A vicinity map has been provided showing the locations of all ABC licenses within the City of Duarte (Exhibit B).

Location and Land Use Compatibility

The 99 Cent Only Store is situated at the northeast corner of an existing shopping center, comprised of retail and restaurant uses, which include: Rite Aid, Big Lots, The Slaw Dogs Cafe, El Salvadoreno, A & P Donuts, Roman Cleaners, La Paz Medical Clinic, Secret Beauty, Mother's Nutritional Center, and Sparr Liquor. Approving a conditional use permit allowing 99 Cent Only Stores to sell beer and wine will be the fifth ABC license within the shopping center.



This shopping center has regular issues with loitering, transient panhandling, and public drinking on the subject property and in the vicinity of Buena Vista and Huntington Drive. In addition to public nuisances, staff has documented the lack of building and property maintenance. In particular, staff noticed the removal of two exterior gates, which were previously installed as part of the conditions of approval for an exterior façade remodel in 2011 (ARB2011-04). The gates were to be installed and maintained in order to eliminate loitering, and the lack of visibility of illegal activities known to occur on the property and in the walkway between the 99 Cents Only Store and Rite Aid. Additionally, staff noticed the deterioration of the cart corals; maintenance activities that included repainting to dissimilar paint colors on the exterior of the building; and an excessive amount of trash outside of the store, throughout the parking lot, and at the back of the store, particularly at the loading dock and overflowing trash in and around the trash enclosure. The lack of adequate maintenance and property control generates additional concern regarding compatibility if alcohol sales are added.

Security and Public Safety Department Comments

The Public Safety Department has serious concerns with allowing an additional Type-20 ABC license within the subject shopping center. The Los Angeles Sheriff Department and the City of Duarte Public Safety Department have focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, the use of narcotics, and urinating/defecating in public, in and/or around the shopping centers located at Huntington Drive and Buena Vista Avenue. The sales of heavily discounted alcohol in a location of the city where there have traditionally been law enforcement issues create a legitimate concern for the community.

Public Safety has provided a memorandum to the Community Development Department describing their concerns and discouraging approval of the CUP 16-03 (Exhibit F). Based on calls for service provided by Public Safety for the past eighteen months, a total of 67 calls were reported, which were comprised of approximately 80 different incident types. Many of these calls involved alcohol or transient-related issues. A summary has been provided as part of Exhibit F. Calls for service include suspicious persons, drinking in public, on-going theft at 99 Cents Only Store and Rite-Aid, loitering, customers being harassed inside the liquor and retail stores, harassment of customers in the parking lot, excessive amount of public drunkards, trespassing and vandalism.

If the use permit is approved, a condition would be added requiring the applicant to submit a detailed security plan for review and approval by the Public Safety and Planning Departments. The applicant has provided a security plan showing the installation of sixteen security cameras throughout the store, including two exterior cameras: one at the front and one at the rear door overlooking the loading dock and trash enclosure. The security control center and storage hard-drive would be located in the manager's office at the front of the store. Other security measures the applicant has proposed is to include new hire staff training under the California Department of Alcoholic Beverage Control L.E.A.D (Licensee Education on Alcohol and Drugs) program. It should be noted; the applicant has indicated their willingness to provide a part-time or full-time security guard.



Conclusion

The Community Development Department's recommendation to deny the applicant's request is supported by the Public Safety Department's memorandum, which expresses significant concern about negative activities occurring on the property. These activities have resulted in multiple calls for service regarding transient activity, public drinking, theft, use of narcotics, trespassing, panhandling, and loitering. Permitting beer and wine sales does not assist the Sheriff's or Public Safety Department in their efforts to alleviate violations. Furthermore, Staff's concerns include the proposed display location of beer and wine; the packaging size and availability of beer and wine at a lower cost; the overconcentration of alcohol sales within the shopping center and areas surrounding the subject property; and would aggravate an existing policing problem.

If the Commission chooses to consider a permit for off-site sales of beer and wine, Staff would recommend conditions of approval which would include, but are not limited to: submittal of a detailed security plan to be reviewed and approved by the Public Safety and Planning Department, a condition limiting the minimum size of beer and wine sold (packaging size and/or volume), relocation of the beer and wine display area to an area more visible by employees, staff training to comply with the Alcoholic Beverage Control Board training requirements, and the requirement that the applicant provide a security guard at the front exterior of the store.

RECOMMENDATION

Based primarily on the concerns of the Public Safety Department regarding the use, Staff has prepared Resolution 16-15 (Exhibit A), recommending denial of CUP 16-03. If the Commission feels that approval with conditions is appropriate, Staff would recommend that the Commission provide Staff direction and continue the public hearing to the December meeting.

Respectfully Submitted,



Kristen Johnston
Associate Planner

ATTACHMENTS

- Exhibit A – PC Resolution 16-15
- Exhibit B – Vicinity Map and List of ABC Licenses
- Exhibit C – Project Plans
- Exhibit D – Project Photos
- Exhibit E – Applicant's Statement of Operations
- Exhibit F – Public Safety Memorandum and Calls for Service Log Summary

Exhibit A

RESOLUTION NO. PC 16-15

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE
DENYING CONDITIONAL USE PERMIT 16-03 FOR THE OFF-SITE SALES OF BEER
AND WINE LOCATED AT 1327 HUNTINGTON DRIVE**

WHEREAS, the applicant, Steve Rawlings of Alcoholic Beverage Consulting, and 99 Cents Only Stores is requesting approval of Conditional Use Permit 16-03 (CUP 16-03) to allow the off-site sales of beer and wine on property located at 1327 Huntington Drive; and

WHEREAS, a public hearing on this application was held by the Planning Commission of the City of Duarte on December 19, 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 16-03, 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, off-site sales of beer and wine sales appear 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 off-site sales will increase the availability of low cost beer and wine at a high volume, the use raises issues of compatibility and overconcentration of alcohol licenses within the shopping center. Therefore, the proposed use 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.) Allowing a fifth such business (approximately 45-feet, 150-

feet, 200-feet, and 350-feet) from businesses with on-site and off-site sales of beer and wine will not maintain a "balance" (or "mix") of various 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;

Off-site beer and wine sales 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;

Pursuant to Section As defined in Section 19.160.200 of the Duarte Development Code, a supermarket is a self-service grocery and associated consumer goods store divided into departments and also offering prepared foods and food service and may include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and pharmacies. Although the 99 Cents Only store offers a variety of fresh, frozen and canned food products, the majority of the store is stocked with non-grocery items, seasonal goods, housewares, cleaning supplies and other general merchandise. Even though the subject business does not meet the typical definition of a supermarket, it is considered a similar establishment that may make an application for an off-site alcoholic beverage sales permit.

However, the proposed off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. As noted, the applicant's request for off-site beer and wine sales will be the fifth ABC license issued for the property and will be located in close proximity (approximately 45-feet, 150-feet, 200-feet, and 350-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and is located in a shopping center with existing policing problems that includes numerous calls for service for public drunkards, loitering, use of narcotics, and theft. Therefore, based on the concerns of the Public Safety Department regarding the use, the site is not suitable for the off-site sales of beer and wine.

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;

The 99 Cents Only Store is situated at the northeast corner of an existing shopping center comprised of retail and restaurant uses. Approving a conditional use permit

allowing 99 Cents Only Stores to sell beer and wine will be the fifth ABC license within the shopping center.

The applicant's proposal includes the display of beer and wine at 34 lineal feet of shelf space located at the rear of the store, adjacent to the stock room and grocery section at the east end of the store. Discounted beer and malt products will be sold in manufacturer's pre-packaged containers such as: 3-packs, 6-packs, and/or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml. Wine coolers will be sold in no less than 2-pack containers.

The Public Safety Department has serious concerns with allowing an additional Type-20 ABC license within the subject shopping center. The Los Angeles Sheriff Department and the City of Duarte Public Safety Department has focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, the use of narcotics, and urinating/defecating in public, in and/or around the shopping centers located at Huntington Drive and Buena Vista Avenue. Permitting beer and wine sales does not assist with the Sheriff's or Public Safety Department in their efforts to alleviate violations.

Based on the concerns of the Public Safety Department, the proposed off-site sales of beer and wine would not enhance the harmonious and orderly growth of the City, given that the proposed use will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. The proposed use would be the fifth Type-20 ABC licenses on the property and within approximately 45-feet to an adjacent business that maintains a Type-20 license. As noted, the numerous calls for service for public drunkards, theft, loitering on the property, the use of narcotics, and reports of customers being harassed will constitute a hazard to the public convenience and general welfare of persons residing or working in the neighborhood of the proposed use

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 99 Cents Only Store is approximately 12,650 square feet in area located within an existing shopping center on a 5.84-acre parcel. The property is located in the Commercial-General (C-G) zone at the northeast corner of Buena Vista and Huntington Drive, accessible from at least one 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 off-site sales of beer and wine 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 off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses with the proposed use adding a fifth ABC license for the property and is located in close proximity (approximately 45-feet, 150-feet, 200-feet, and 350-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and (2) located in a shopping center with existing policing problems that including numerous calls for service for public drunkards, loitering, use of narcotics, and theft. Subsequently, based on the concerns of the Public Safety Department regarding the use, the site is not suitable for the off-site sales of beer and wine.

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 16-03.

SECTION 4. The denial of Conditional Use Permit 16-03 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 19th day of December 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 December 19, 2016, by the following vote:

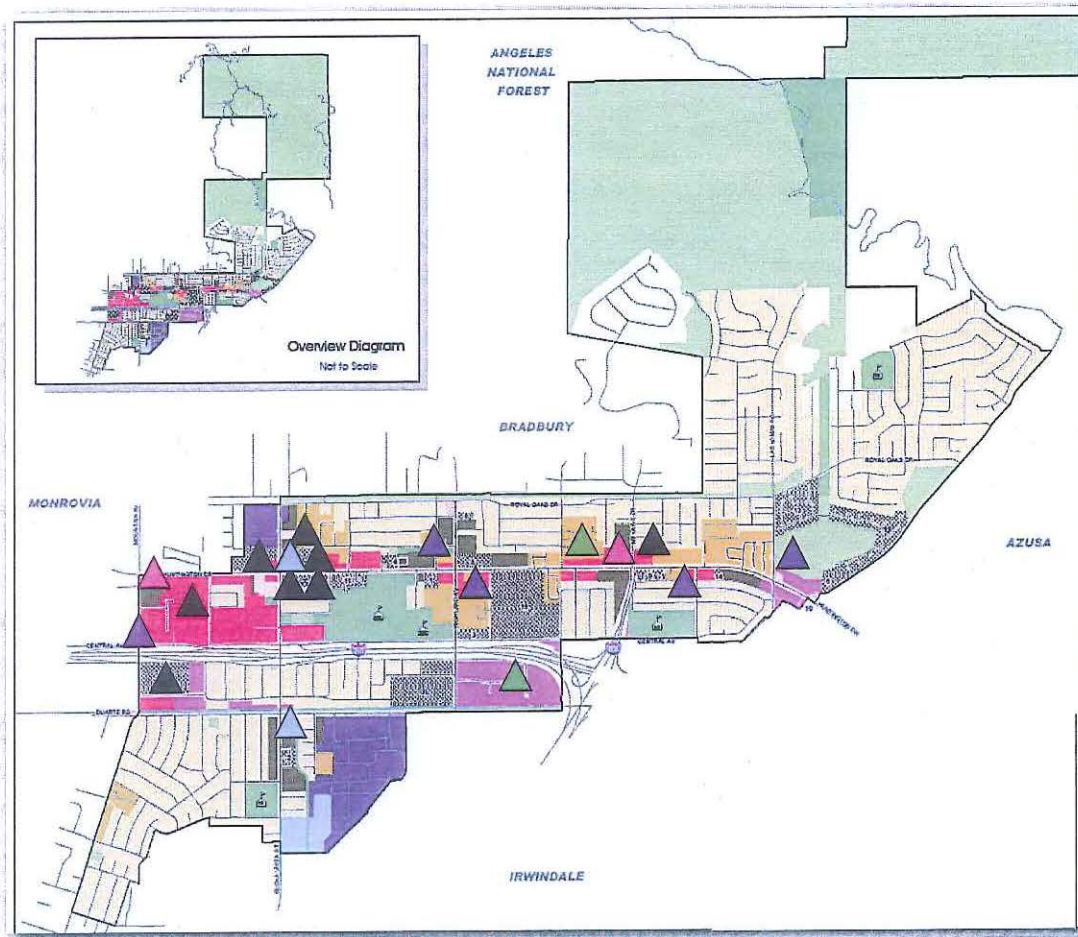
AYES:
NOES:
ABSTAIN:
ABSENT:

Exhibit B

EXHIBIT B

Active Alcohol License Allowing Off-Site Consumption City of Duarte

Rev.11-2016



A total of 19 businesses in the City of Duarte have been granted a Conditional Use Permit to sell alcohol for off-site consumption.
12 Type 20 licenses (beer & wine)
7 Type 21 (full liquor).

Map Symbol	Use	Business Name
▲	General Retail with Accessory Alcohol Sales	Type 20: Grocery Outlet Big Lots Tropicana Market Type 21: Target Rite-Aid Smart & Final Walmart CVS
▲	Gas Station with Convenience Store and Accessory Alcohol Sales	Type 20: AM/PM Mobil
▲	Existing Liquor Store	Type 21: Sparr's Liquor Duarte Liquors
▲	Mini-Mart	Type 20: 7-Eleven (3) Quick 'N Go Duarte Drive Thru
▲	Other	Type 20: Rancho Duarte Florist D'Aquino Italian Importing Co.



**California Department of Alcoholic
Beverage Control
Retail Licenses
For the Cities of
DUARTE**

EXHIBIT B
38 of 38 Licenses Displayed

*To create a downloadable CSV
File go back
and check the Create CSV
Download Option.*

Report as of 11/9/2016

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	268873	ACTIVE	47	03/22/1993	2/28/2017	OSF INTERNATIONAL INC 1431 BUENA VISTA ST DUARTE, CA 91010 Census Tract: 4301.01	OLD SPAGHETTI COMPANY THE	0715 SW BANCROFT ST PORTLAND, OR 97239-4273	1917
2)	235292	ACTIVE	20	09/05/1989	2/28/2017	DAQUINO ITALIAN IMPORTING CO INC 1850 BUSINESS CENTER DR DUARTE, CA 91010-2901 Census Tract: 4300.02	DAQUINO ITALIAN IMPORTING CO INC		1917
3)	375796	ACTIVE	21	05/24/2001	4/30/2017	RAMIREZ, AMALIA ZUNIGA 1302 DUARTE RD DUARTE, CA 91010-3010 Census Tract: 4301.02	DUARTE LIQUORS		1917
4)	415351	ACTIVE	41	11/24/2004	10/31/2016	RAMIREZ, MANUELA 1306-1308 E DUARTE RD DUARTE, CA 91010 Census Tract: 4301.02	DON REYES MEXICAN RESTAURANT		1917
5)	531818	SUREND	41	04/19/2013	4/30/2017	KAUR, SUKHRAJ 934 HAMILTON RD DUARTE, CA 91010-2700 Census Tract: 4301.01	SR INDIAN CUISINE		1917
6)	572779	ACTIVE	41	10/21/2016	9/30/2017	SK RESTAURANT, LLC 934 HAMILTON RD DUARTE, CA 91010-2700 Census Tract: 4301.01	SR INDIAN CUISINE		1917
7)	249556	ACTIVE	20	09/24/1990	6/30/2017	7 ELEVEN INC 1802 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4300.02	7 ELEVEN 2175 27055	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1917
8)	285920	ACTIVE	21	07/14/1993	6/30/2017	DIAB, SAMAN 1303 HUNTINGTON DR DUARTE, CA 91010-2527 Census Tract: 4301.01	SPARR LIQUOR	1303 HUNTINGTON DR DUARTE, CA 91010-2527	1917
9)	316539	ACTIVE	41	02/27/1996	1/31/2017	BORRIRUX, VATCHARA 2414 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4300.02	THAI CITY RESTAURANT		1917
10)	318758	SUREND	20	05/21/1996	4/30/2017	SONG, CHAN HOE 1322 HUNTINGTON DR DUARTE, CA 91010-2526 Census Tract: 4301.01	MIKES FOOD	552 MUIRWOOD DR BREA, CA 92821-6662	1917
11)	327803	ACTIVE	41	04/01/1997	3/31/2017	MEER FOODS INC 1060 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4301.01	DENNYS RESTAURANT 6986	12377 LEWIS ST, STE 201 GARDEN GROVE, CA 92840	1917
12)	370892	ACTIVE	41	01/30/2001	12/31/2016	DIPIAZZA, BERNARDO 1028 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4301.01	VILLA ITALIA RISTORANTE		1917
13)	38411	ACTIVE	21	01/01/1994	6/30/2017	THRIFTY PAYLESS INC 1335 HUNTINGTON DR DUARTE, CA 91010 Census Tract: 4301.01	RITE AID STORE 5528	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	1917

14)	388003	ACTIVE	48	06/17/2002	5/31/2017	ELBE INC 346 HUNTINGTON DR DUARTE, CA 91010-2672 Census Tract: 4300.02	ROUTE 66 ROADHOUSE TAVERN		1917
15)	395517	ACTIVE	51	12/01/2004	8/31/2017	BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNI 2436 HUNTINGTON DR DUARTE, CA 91010-2153 Census Tract: 4300.02	DUARTE ELKS LODGE #1427		1917
16)	407124	SUREND	21	01/09/2004	6/30/2017	RALPHS GROCERY COMPANY 1193 HUNTINGTON DR DUARTE, CA 91010-2400 Census Tract: 4301.01	RALPHS 5	PO BOX 54143 LOS ANGELES, CA 90054-0143	1917
17)	410671	ACTIVE	20	04/20/2004	6/30/2017	7 ELEVEN INC 2705 HUNTINGTON DR DUARTE, CA 91010-2302 Census Tract: 4300.02	7 ELEVEN STORE 2175 20248D	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1917
18)	466396	ACTIVE	20	07/18/2008	6/30/2017	DEVICI DEVELOPMENT INC 902 HUNTINGTON DR DUARTE, CA 91010-2444 Census Tract: 4301.01	ARCO AMPM 82016		1917
19)	479346	ACTIVE	21	09/01/2009	8/31/2017	GARFIELD BEACH CVS LLC 2315 HUNTINGTON DR DUARTE, CA 91010-2102 Census Tract: 4300.02	CVS PHARMACY 9788	1 CVS DR, MAIL DROP 23062A WOONSOCKET, RI 02895-6146	1917
20)	488568	ACTIVE	20	06/15/2010	5/31/2017	BADRINATH CORPORATION 2444 HUNTINGTON DR DUARTE, CA 91010-2153 Census Tract: 4300.02	DUARTE DRIVE THRU STORE		1917
21)	500152	ACTIVE	41	08/05/2010	9/30/2017	KATSE INC 1845 HUNTINGTON DR DUARTE, CA 91010-2635 Census Tract: 4300.02	CALIFORNIA SKEWERS		1917
22)	500511	ACTIVE	47	10/19/2010	9/30/2017	OTHMAN, SAEED MOHAMAD 1521-25 HUNTINGTON DR DUARTE, CA 91010-2532 Census Tract: 4301.01	VILLAGE RESTAURANT THE		1917
23)	521506	ACTIVE	41	07/25/2012	6/30/2017	TNT DOGS HUNTINGTON, INC. 1355 HUNTINGTON DR DUARTE, CA 91010-2527 Census Tract: 4301.01	SLAW DOGS THE		1917
24)	523920	ACTIVE	41	08/08/2012	4/30/2017	YOUNG'S GOURMET INC. 1340 HUNTINGTON DR DUARTE, CA 91010-2526 Census Tract: 4301.01	YOUNGS GOURMET		1917
25)	525612	ACTIVE	21	01/10/2014	12/31/2016	TARGET CORPORATION 1050 HUNTINGTON DR DUARTE, CA 91010-2475 Census Tract: 4301.01	TARGET T302	33 S 6TH ST, CC-1028 ATTN: ERIN COPA MINNEAPOLIS, MN 55402	1917
26)	527856	ACTIVE	41	02/13/2013	1/31/2017	FUENTES, ADILIO ERNESTO 1313 HUNTINGTON DR DUARTE, CA 91010-2527 Census Tract: 4301.01	EL SALVADORENO		1917
27)	529508	ACTIVE	47	04/18/2013	3/31/2017	CABRERAS MEXICAN CUISINE INC 1856 HUNTINGTON DR DUARTE, CA 91010-2672 Census Tract: 4300.02	CABRERAS MEXICAN CUISINE	625 E LIVE OAK AVE ARCADIA, CA 91006-5741	1917
28)	539601	ACTIVE	21	07/15/2014	4/30/2017	FRESH & EASY LLC 2215 HUNTINGTON DR DUARTE, CA 91010-2016 Census Tract: 4300.02	FRESH & EASY #1237	6080 CENTER DR, 6TH FLR, HOWARD HUGHES CENTER LOS ANGELES, CA 90045	1917
29)	543991	ACTIVE	41	05/22/2014	4/30/2017	CHER, SWEE KOK 1723 HUNTINGTON DR DUARTE, CA 91010-2537 Census Tract: 4301.01	SUSHI FIRE		1917

30)	548279	ACTIVE	20	04/22/2015	3/31/2017	DUARTE UNIVERSAL, INC. 249 HUNTINGTON DR DUARTE, CA 91010-2016 Census Tract:	DUARTE UNIVERSAL		1917
31)	551825	ACTIVE	41	10/01/2015	9/30/2017	MONGOLIAN HASHEN INTERNATIONAL, LLC 1164 HUNTINGTON DR DUARTE, CA 91010-2451 Census Tract: 4301.01	HASHEN MONGOLIAN BBQ		1917
32)	563761	ACTIVE	21	06/23/2016	6/30/2017	SMART & FINAL STORES LLC 1193 HUNTINGTON DR DUARTE, CA 91010-2400 Census Tract: 4301.01	SMART & FINAL STORE #746	500 CITADEL DR LOS ANGELES, CA 90040-1562	1917
33)	563784	ACTIVE	47	06/28/2016	5/31/2017	MORRALITO, INC. 1501 HUNTINGTON DR DUARTE, CA 91010-2532 Census Tract: 4301.01	MORRALITO MEXICAN GRILL		1917
34)	566013	ACTIVE	20	08/12/2016	6/30/2017	GROCERY OUTLET INC 1322 HUNTINGTON DR DUARTE, CA 91010-2526 Census Tract: 4301.01	GROCERY OUTLET	5650 HOLLIS ST EMERYVILLE, CA 94608-2597	1917
35)	568568	ACTIVE	20	07/21/2016	3/31/2017	TROPICANA INTERNATIONAL MARKET, INC. 1406 HUNTINGTON DR DUARTE, CA 91010-2528 Census Tract: 4301.01	TROPICANA MARKET		1917
36)	445504	ACTIVE	47	10/24/2006	9/30/2017	E N J ENTERTAINMENT INC 1000 LAS LOMAS RD DUARTE, CA 91010-2229 Census Tract: 4300.02	DUFFERS BAR & GRILL		1917
37)	503077	ACTIVE	21	12/08/2010	6/30/2017	WAL MART STORES INC 1600 MOUNTAIN AVE DUARTE, CA 91010 Census Tract: 4301.01	WALMART STORE #2401	702 SW 8TH ST, DEPT 8916 ATTN: TIM FARRAR BENTONVILLE, AR 72716-0500	1917
38)	515798	ACTIVE	20	12/20/2011	6/30/2017	7 ELEVEN INC 1430 MOUNTAIN AVE, STE 106 DUARTE, CA 91010 Census Tract: 4301.01	7 11 2175 35014A	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	1917

--- End of Report ---

For a definition of codes, view our [glossary](#).

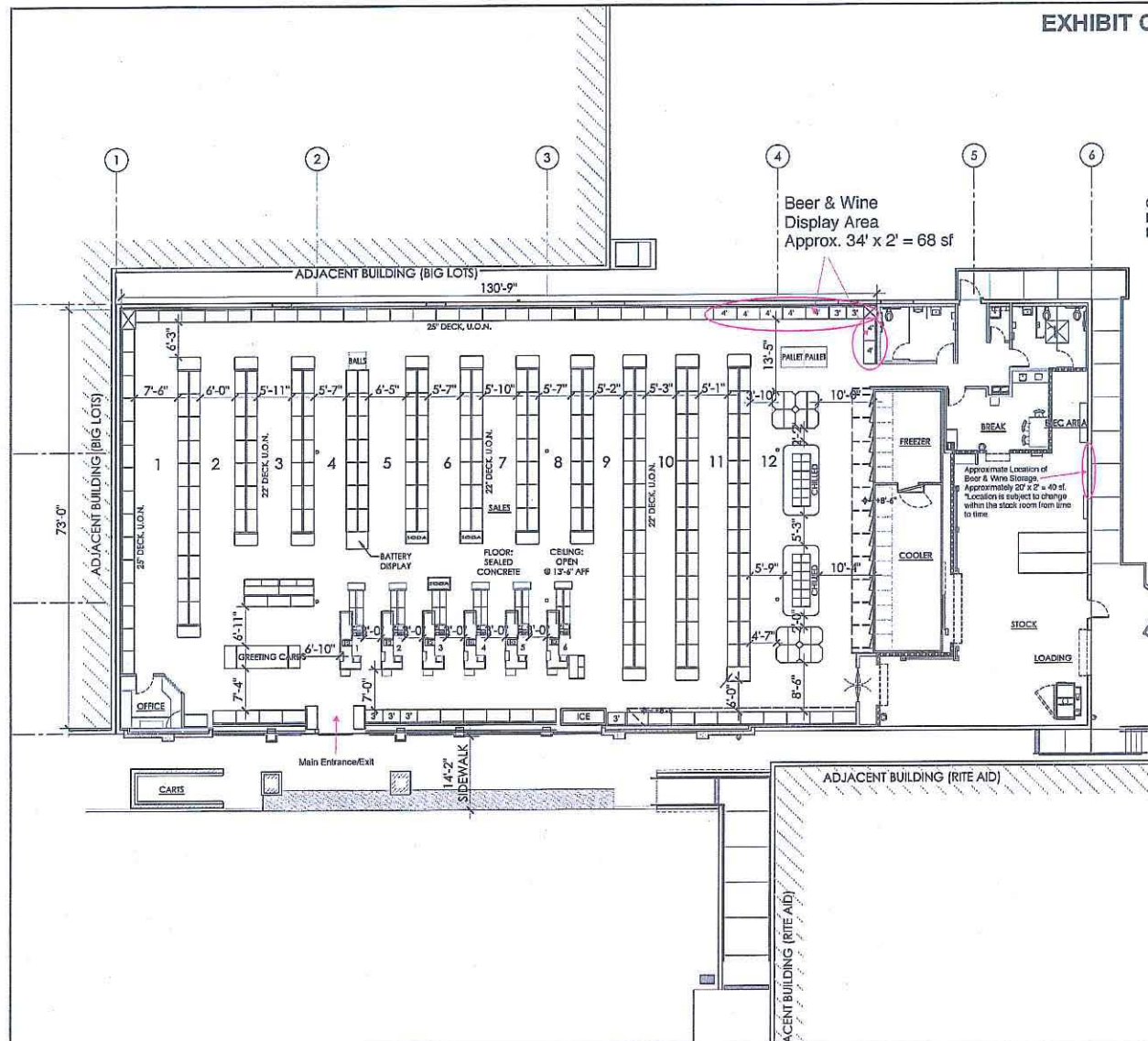
EXHIBIT B

Exhibit C

FIXTURE COUNT

TYPE	DESCRIPTION	FEATURE QTY.	LINE# / EST.
FEATURES	GORGOLAS	203	813
	B-D CAPS	17	48
	WALL INETS	61	241
	WINDOW DISPLAYS	13	49
	DRY GOODS	8	-
	-	-	-
	-	-	-
	TOTALS	332	1375

Overall Store Size: 12,214 square feet
Beer & Wine Display Area: 68 square feet
Percentage of Beer/Wine Display: Less than 1%



14209 SE 128th STREET,
SUITE 202
VANCOUVER, WA 98043
(360) 834-4534
lmcreechan@pmdginc.com
Kim@McreechanArchitect

[illegible]

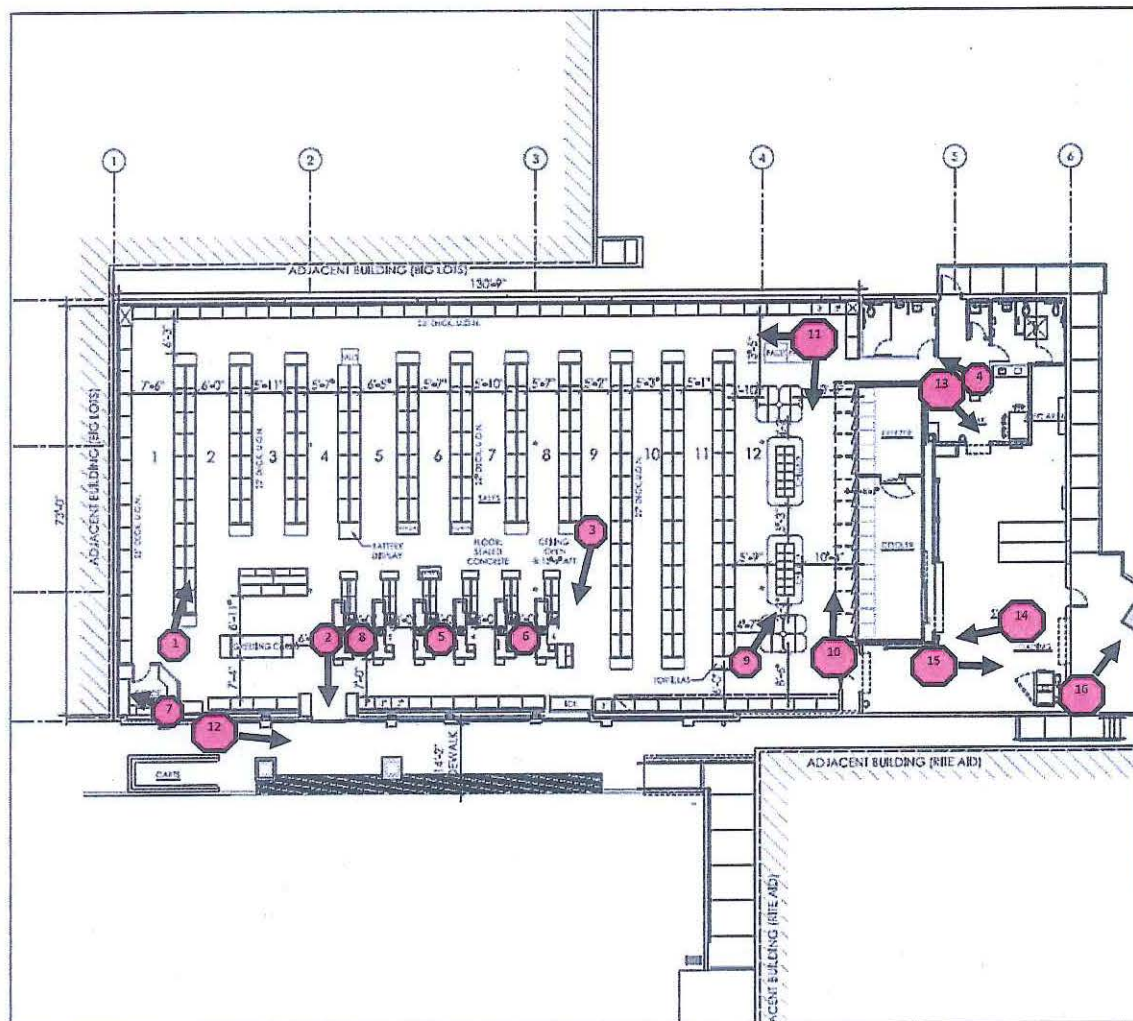
99[¢] only
Store # 0336
1327 E. HUNTINGTON DR
FRESNO, CA 93721

Subject Number
NN14012

AS-BUILT
FIXTURE
PLAN

A1

EXHIBIT C



Camera	Location
1	Aisle 1
2	PVM on Door
3	ICE X Shot
4	Back Hallway
5	Reg 3&4
6	Reg 5&6
7	Office
8	Reg 1&2
9	Deli
10	Produce 1
11	Produce 2/Beer/Wine
12	Outside
13	Break Room
14	Cooler/ WH Door
15	Dock/Bailer
16	Dock Ramp

PM Group Design
Architects
1400 E. 10th Street
Suite 100
Durham, NC 27701
(919) 486-1000
www.pmgdesign.com

Store # 0336
1327 E. HUNTINGTON DR
DURHAM, NC

Project Number
NN14012

Scale to Site
AS-BUILT
FIXTURE
PLAN

Sheet Number
A1

Exhibit D

Exhibit D
99 Cent Only Stores
1327 Huntington Drive

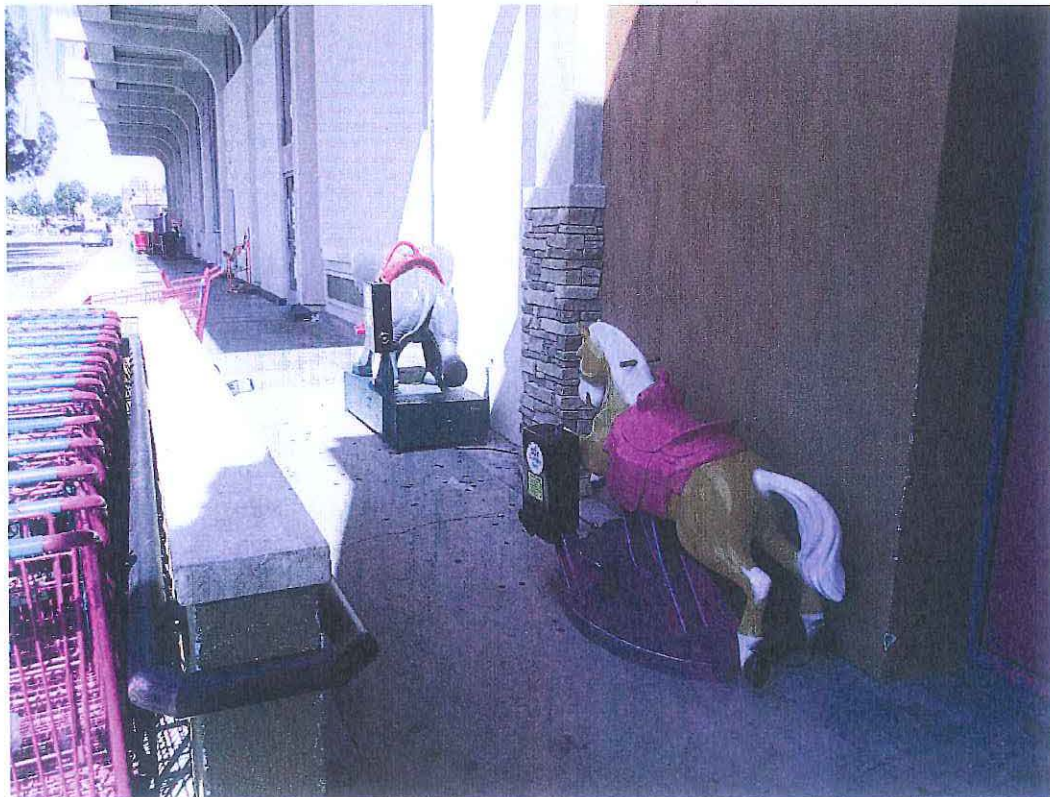


Exhibit D
99 Cent Only Stores
1327 Huntington Drive



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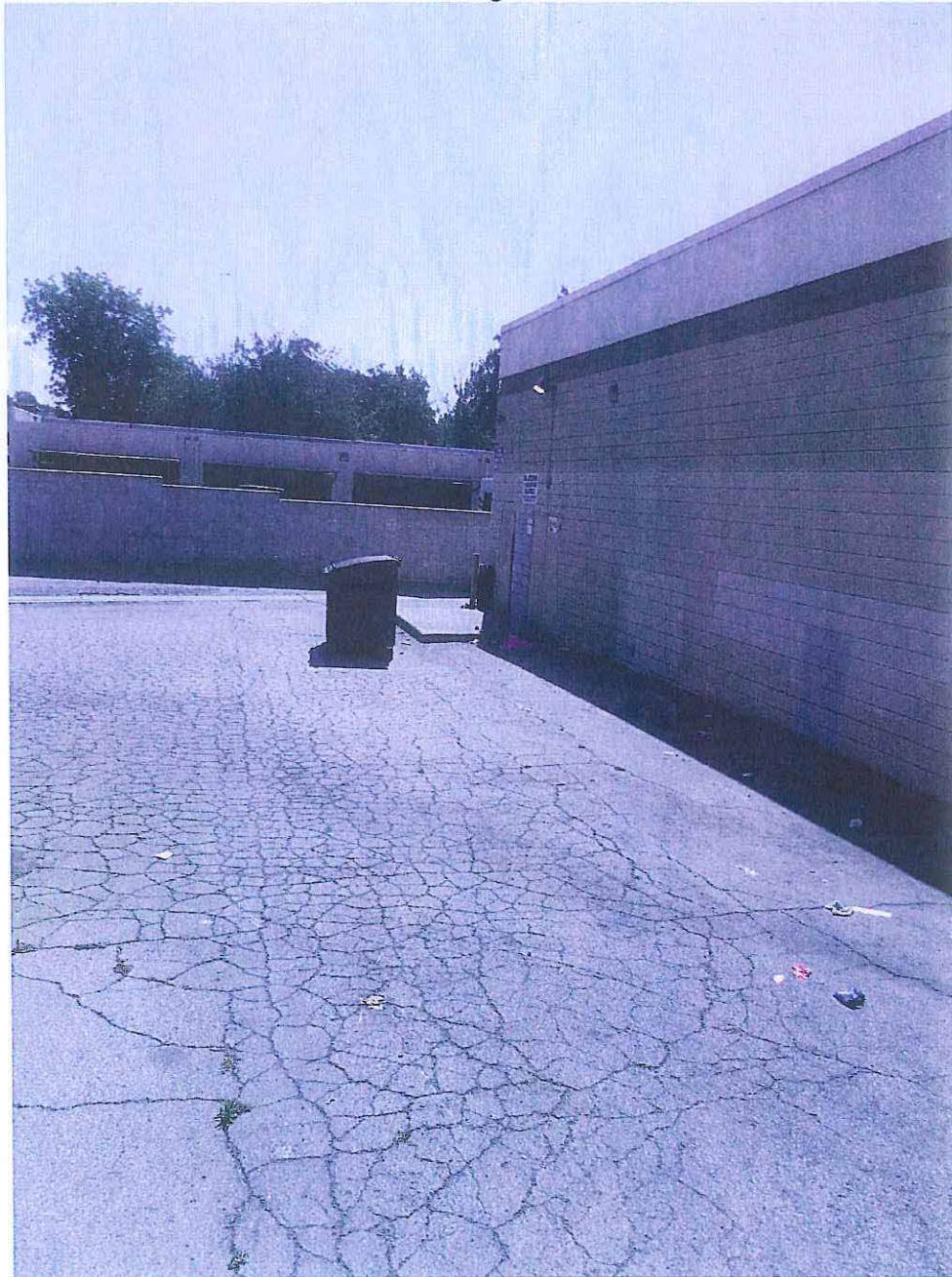


Exhibit D
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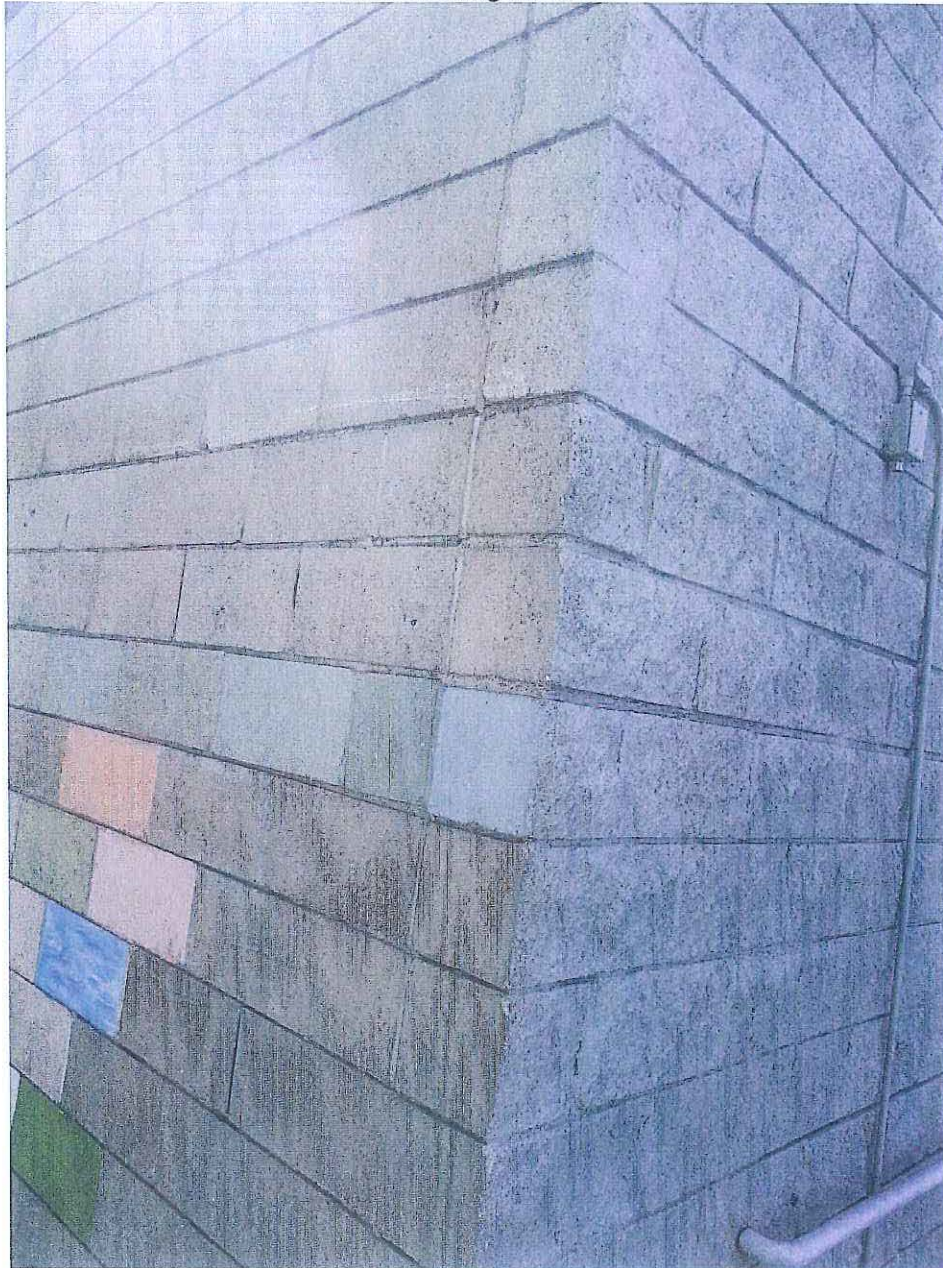


Exhibit E

Statement of Operations
99 Cents Only Store #336
1327 E. Huntington Drive, Duarte, CA
7/12/16

Proposed Additional Use: Finding of public convenience or necessity and permit to sell beer and wine for offsite consumption (Type 20 ABC License) within an existing grocery and consumer goods store.

Hours of Operation: 8:00 am to 10:00 pm - 7 days per week.

Average number of employees per shift: 8 - 12

Beer and Wine Display Area: Display of beer and wine is proposed to be 30 lineal feet of shelf space near the rear of the store. There will be no posters advertising beer or wine in store windows. Beer and malt products will be sold only in manufacturer's pre-packaged containers such as: 3-packs, 6-packs or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml in size. Wine coolers will be sold in minimum of 2-pack containers. All beer and wine will be displayed on shelves and there will be no cold storage of beer or wine.

Security Measures: Surveillance cameras are located throughout the store. Employees go through corporate training for alcohol sales to ensure strict compliance to CA Department of Alcoholic Beverage Control laws. Point of sale system prompts cashiers for date of birth entry for all alcohol transactions.

About 99 Cents Only Stores

99 Cents Only Stores is a unique retailer of primarily name-brand consumable general merchandise and groceries. They have always delivered great value to customers and provide an exciting primary shopping destination for price-sensitive consumers. The stores are attractively merchandised, clean, full service "destination" locations that offer customers significant value on their everyday household needs.

From the first store opening in 1982, 99 Cent Only Stores has expanded to nearly 400 extreme value retail stores with over 50% grocery items including a large area dedicated to fresh produce and bread.

99 Cents Only buys directly from almost every major name-brand grocery and consumer goods manufacturer in the nation including 3M, Cadbury Adams, Campbell's, Church & Dwight, Coca-Cola, Colgate-Palmolive, Con Agra, Del Monte, Dial, Dole, Energizer, Frito Lay, General Mills, Hasbro, Heinz, Hershey Foods, Johnson & Johnson, Kellogg's, Kraft, Masterfoods, Nestle, Procter & Gamble, Quaker, Revlon, Unilever and Wrigley.

Exhibit F



EXHIBIT F

City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

To: Kristen Johnston, Associate Planner

From: Brian Villalobos, Director of Public Safety

Subject: CUP Hearing to Sell Off-Site Beer and Wine at the 99 Cent Store Located at
1327 Huntington Drive

Date: May 11, 2016

Mayor
Liz Reilly
Mayor Pro Tem
Tzeitel Paras-Caracci
Councilmembers
John Fasana
Margaret E. Finlay
Samuel Kang
City Manager
Darrrell George

The Public Safety Department has serious concerns regarding the potential addition of another site allowed to sell off-site alcohol within the area of Huntington Drive and Buena Vista. The Los Angeles County Sheriff Department and the City of Duarte Code Enforcement Department has focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, using narcotics, and urinating/defecating in public, in or around the shopping centers located at Huntington Drive and Buena Vista. The addition of another establishment permitted to sell alcohol in that shopping center in no way helps the Public Safety Department in the effort to alleviate the above noted violations.

As proof of the problems noted above, attached to this memo is a letter issued by Code Enforcement to Sparr Liquor, dated March 9, 2015, addressing the sale of alcohol to a habitual drinker in violation of Duarte Municipal Code section 5.04.240. Additionally, attached are Los Angeles County Sheriff Department patrol logs for the past year regarding drinking in public and transient related calls for Sparr Liquor, Big Lots, Rite-Aid, and the 99 Cents store. The total number of calls for those four businesses in the past year was sixty seven calls related to either to drinking or transient related issues.

Named "Most Business Friendly City 2012" by LAEDC

Brand of the original Andres Duarte Rancho



City of Duarte

1042 Huntington Drive, Duarte, California 91010-2592
Tel. (626) 357-7938 | Fax (626) 303-0694

Notice of Violation

03/09/2016

GRAIR, GEORGE Y TR
1303 HUNTINGTON
DUARTE, CA 91010

Subject Location:

1303 HUNTINGTON DR
DUARTE, CA 91010
APN: 8530004072
Case #: CE16-649

Dear GRAIR, GEORGE Y TR,

An inspection of your property shows that the following violation(s) exist and requires the following corrective action:

Municipal Code	Description	Corrective Action
5.04.240	Any license or permit granted or issued under the provisions of this title may be revoked or suspended by the finance director if the finance director or his or her designee determines, after a hearing pursuant to Section 5.04.250 of this code, that: (1) The holder of the license or permit has obtained the license or permit by misrepresentation; (2) The holder of the license or permit has failed to comply with one or more of the specific provisions of this code or any other resolution or ordinance of this city; (3) The license or permit is being used in contravention of any state or federal law or regulation; (4) The holder of the license or permit has not obtained or does not currently hold each and every one of the additional governmental approvals or entitlements required in order to lawfully operate the business, or alternatively, that the holder of the license or permit did not identify, on the application, certain required government approvals or entitlements that the licensee does not have; (5) The premises wherein any business described in this title is conducted are not in good and sanitary condition, or have become dangerous to or adversely affect the public health, safety, welfare, morals or peace; <u>(6) The business of the person to whom such license or permit was issued has been conducted in a manner that is dangerous to or adversely affects the public health, safety, welfare, morals or peace;</u> or (7) The license or permit is being used for a purpose different from that for which it was issued.	Per sub-section (6), you must operate your business in manner which does not adversely affect public health, morals or peace. It has been brought to our attention that your business has been selling alcohol to a known alcoholic. His name is Edwin Nikolas Storlie. A picture of this person has been provided to you with this letter. This person is known to overly intoxicate himself, thusly becoming hazardous to the public and himself. Please refrain from selling any alcohol to him or your Business license may be subject to revocation and or fine. Please feel free to provide a copy of the included photo to your staff to avoid the sale of alcohol. Thank you for your help in saving lives.

Pursuant to the DMC, the Code Violations on your property constitute misdemeanors punishable by a \$ 1,000 fine and/or six months in the county jail (DMC §§ 1.04.090-1.04.100, 9.32.150, 19.154.070). Each day the violation continues constitutes a new and separate offense for which the full misdemeanor penalty may be imposed (DMC § 1.04.100). Alternatively, or in addition to criminal action, the City could seek compliance by pursuing an administrative action and or filing a civil action including but not limited to: Administrative Citations being issued with fines ranging from \$100 to \$1000 for each offense, the City executing an Abatement and Lien, and or the submitting of a Sub-Standard Lien against the property with the Los Angeles County Recorder (DMC §§ 1.08.040, 9.32.140, 19.154.070, 19.154.080). Finally you should be aware that if the City prevails in any legal action, the City could be awarded attorneys' fees (DMC §§ 9.32.160, 19.154.100).

Furthermore, we are providing you notice that "in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year" for any property that is deemed a violation of the DMC. (Cal. Health & Saf. Code § 17980(d)). Moreover, as required by law, we are hereby providing you notice that it is unlawful for a lessor to retaliate against a lessee pursuant to Section 1942.5 of the Civil Code for

**EXHIBIT F
CALLS FOR SERVICE SUMMARY
MAY 2016 to NOVEMBER 2016**

Drinking in Public / Public Intoxication	Loitering/ Trespass/Refusal to Leave Premises	Other (i.e. warrants, indecent exposure, graffiti)	Harassment	Panhandling	Controlled Substance	Burglary / Theft	Assault	Vehicle Code Violation	Public Disturbance
1	1	1	1	1	1	1	1	1	1
1	1	1	1	1	1	1	1	1	1
1	1	1	1	1	1	1	1	2	1
1	1	1	1	1	1	1	1		1
1	1	1	1	4	1	1	4		1
1	1	1	1		5	1			5
1	1	6	1			1			
1	1		1			1			
1	1		1			8			
1	1		1						
1	1		1						
1	1		1						
12	1		12						
	1								
	1								
	1								
	1								
	1								
	1								
	1								
	1								
	1								
	22								

67 Drinking or Transient Related Issues - PS
80 Incident Summarized from Call Logs - CDD

EXHIBIT D

Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive



Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive



Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive



Exhibit D
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99 Cents Only Stores
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Exhibit D
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99 Cents Only Stores
1327 Huntington Drive

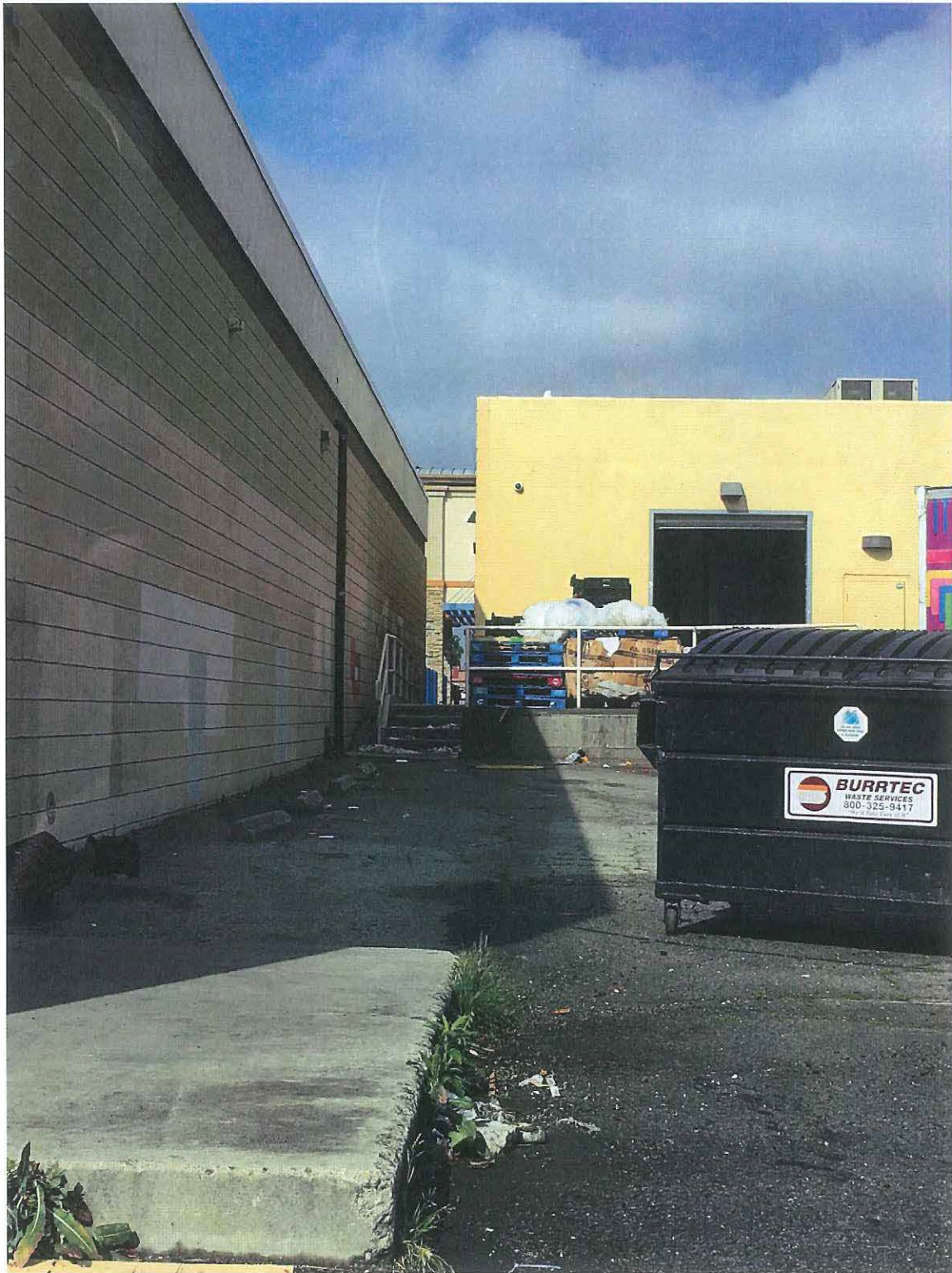


Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive

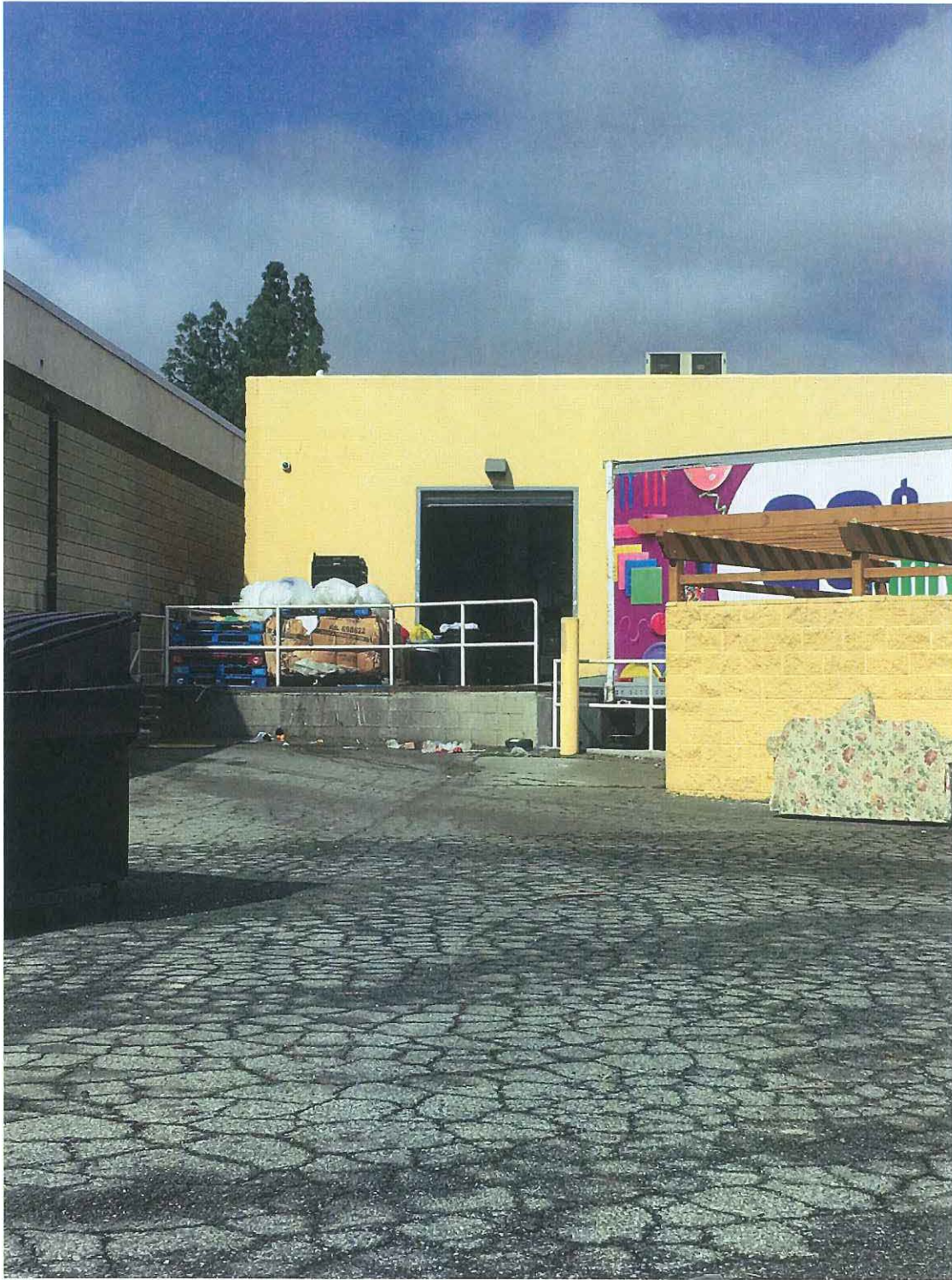


Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive



Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive

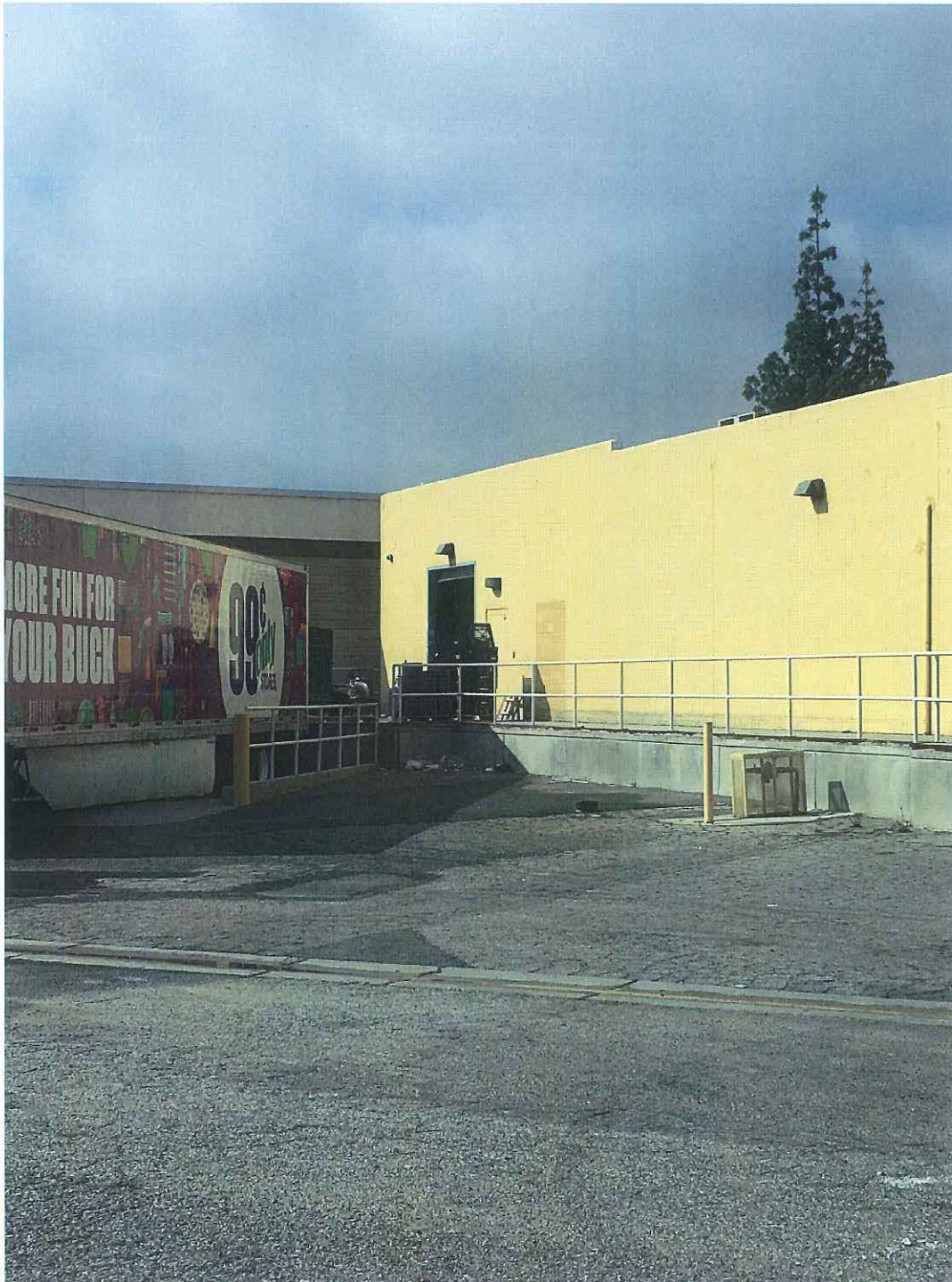


Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive



Exhibit D
Photo Survey
99 Cents Only Stores
1327 Huntington Drive



EXHIBIT E



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
December 19, 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, Watson-Gardner, Farra, Lefmann, Vasquez
ABSENT:	None
STAFF:	Hensley, Golding, Eoff IV, Johnston, Hernandez
DEPUTY CITY ATTORNEY:	Morgan Wazlaw

2. PLEDGE OF ALLEGIANCE

Community Development Director Hensley led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – November 21, 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 **Chairperson Pierce** closed Oral Communications.

5. PUBLIC HEARINGS – Conditional Use Permit 16-03 and PC Resolution 16-15 (Continued from November 21, 2016 meeting)

Associate Planner Kristen Johnston presented the staff report, discussing Conditional Use Permit (CUP) 16-03 that was continued from the November 21st meeting, and the applicant's request to allow off-site beer and wine sales in conjunction with an existing consumer goods store, 99 Cents Only Stores, located at 1327 Huntington Drive.

Johnston discussed the display of beer and wine, the location of alcoholic beverages at the rear of the store, the sale of beer and malt products in manufacture's pre-packaged containers, hours of operation and the use of security cameras through the store. Johnston outlined Staff's concerns relating to existing issues within the center, such as: loitering, transient panhandling, public drinking, theft, use of narcotics, trespassing and defecating. She stated that permitting the additional beer and wine license does not assist the Sheriff's or

Public Safety division and their efforts to alleviate the concerns and violations that currently exist.

Johnston concluded her presentation with Staff's recommendation for denial of Conditional Use 16-03 Permit. She indicated that the applicant, Steve Rawlings, would be providing a PowerPoint presentation, and that Public Safety Staff was present to answer any of their questions.

Steve Rawlings, representative of 99 Cents Only Store, provided a PowerPoint presentation, discussing the store's functions, history, customers' profile, and the trend towards the store offering additional grocery items, beer and wine. He also discussed the store setting, display areas for beer and wine, additional security cameras, the verification I.D. process for any alcohol sales and the staff training compliance with ABC licensing.

Rawlings also stated he spoke to Public Safety and Planning staff and discussed the negative activities within the shopping center, maintenance issues, and the City's concerns. Before he concluded his presentation he stated that 99 Cents Only Stores is willing to collaborate and work with staff to alleviate and address some of the existing concerns. He proposed to purchase two alcoholic beverage control licenses (even though the store would only need one license) to reduce the number of ABC licenses within the city, provide a security guard for Friday and Saturday evenings until the close of business, limit the size of the display area, and offer all alcohol at room temperature.

Chairperson Pierce opened Commissioners' questions.

Lefmann inquired about the purchase of multiple licenses and cancellation of one license. **Rawlings** explained the process and stated it has been done in other communities as part of a program he created.

Lefmann inquired about the Friday and Saturday time frame for a Security Guard. **Rawlings** stated it is based on the most traffic activity for the store and shopping center; however, they are open to any suggestions if changes need to be made.

Farra inquired about the maintenance issues that are identified in the staff report and also ownership of the property. **Rawlings** indicated that there are multiple owners within the center and that 99 Cents are currently leasing the property from one of several owners. He mentioned that 99 Cents Only Stores pays shopping center maintenance fees; however, they are disappointed on the up keep of the area.

There was continued discussion between Farra and Rawlings about the landlord and lessee's responsibility of maintenances issues, property maintenance, removal of City-required gates, lack of exterior painting and pavement repairs in the shopping center.

Farra asked if there have been any attempts to remedy the discussed issues with the landlord. **Rawlings** stated that on two different occasions he contacted the management to address the maintenance issues; however, no results have been seen yet.

Vasquez inquired about the neighboring 99 Cent Stores that sell beer and wine. **Johnston** responded that the nearest cities with an ABC license are Burbank, Glendale, West Covina, Pomona and Arcadia. **Vasquez** asked if there were any reports on how those stores selling beer and wine has impacted their communities. **Johnston** stated that there were no studies or reports available from neighboring cities.

Lefmann sought clarification on page 2 of the report, which states that 30% of the store is dedicated to the grocery sales vs. exhibit E, which states over 50%. **Johnston** indicated that staff considered 30% related to the floor area of the store dedicated to food related products, while Mr. Rawlings' 50% related to all grocery sales, which included household items such as cleaning products.

Lefmann inquired about the proposed setting of the security cameras shown in Exhibit C. **Rawlings** explained the settings and how 99 Cents works with other communities and law enforcement to install the cameras in the best locations. He added that the store currently has security cameras and that the applicant is willing to install additional cameras.

Vasquez inquired on the sale of the malt alcohol products. **Rawlings** agreed to conditions prohibiting the sale of malt liquor or malt-based products.

Public Safety Code Enforcement Manager, Larry Breceda addressed the commission about the shopping center's negative activities, such as drinking in public, transient issues, narcotics, urinating/defecating in public and the lack of maintenance in the shopping center. He stated that the addition of another establishment permitted to sell alcohol in that shopping center does not assist law enforcement in mitigating the situation. However, if approval is granted, Public Safety staff highly recommends the addition of a security guard be provided during Monday through Friday, from 4:00 p.m. to 10:00 p.m., based on the times that calls for service were occurring and considering the traffic activity at the center.

There was discussion about the frequent loitering at the back of store located in the alley, tents that were set up, lack of maintenance and the removal of the gate.

Hensley provided background information to the Commissioners about the ownership of the property, maintenance issues, landlord's responsibilities, and the challenges staff has encountered with the different owners of the establishments, with regard to consistent maintenance.

Chairperson Pierce closed Commissioners' inquiries and opened comments.

The Commission deliberated and discussed: the possibility of adding a security guard that was proposed and that was highly suggested by Public Safety, concerns on the high concentration of alcohol sales in the vicinity, property maintenance issues, property owner's responsibilities, current conditions and violations within the shopping center.

Farra motioned to approve the license with restrictions on the sale of a number of beer cans and prohibit the display of refrigerated alcoholic beverages; providing a security guard,

correcting all maintenance issues along with any other matter discussed earlier in the meeting. Motion died for lack of second.

Hensley provided an option to the commission that would direct staff to prepare and bring back to next months meeting a Resolution of approval with some of the items raised as conditions of approval, and action can be taken at that time.

Chairperson Pierce called the motion; **Farra** motioned the option provided by **Hensley**. Seconded by **Pierce**. Motion not approved 2-3-0-0. (Vote: Yes: Pierce, Farra; No: Lefmann, Vasquez, Watson-Gardner; Absent: None; Abstain: None). Motion failed.

Vasquez requested a roll call to clarify the voting of the motion. **Chairperson Pierce** roll called the commission as follow: **Yes:** Pierce and Farra motioned to approve with conditions, **Nays:** Lefmann, Watson-Gardner, Vasquez. Motion not approved 2-3-0-0.

Lefmann recommended the request PC Resolution 16-15, deny approval of CUP 16-03. Seconded by **Vasquez**. Motion was approved 3-1-0-1. (Vote: YES: Lefmann, Watson-Gardner, Vasquez; No: Pierce; Absent: None; Abstain: Farra)

Hensley announced that the item is appealable to the City Council.

6. PUBLIC HEARINGS – Municipal Code Amendment 16-05

Associate Planner Kristen Johnston presented the staff report, discussing a city-initiated request to amend sections of the Duarte Development Code in relation to the accessory (second) dwelling units to align the City's development standards with new State laws. She provided background information on approved Assembly Bill 2299 and Senate Bill 1069, which requires cities to modify their current zoning ordinances and regulations related to accessory dwelling units. Johnston concluded her presentation stating that staff is requesting the Planning Commission recommend approval of the ordinance to City Council, which will bring the current zoning ordinance in compliance with State law.

Hensley emphasized that new State laws are requiring cities to modify their development regulations or be required to adhere to permissive state regulations.

Farra inquired on the differences of the regulations that need to be amended. There was a discussion with staff regarding modifications needed such as the square footage of units, the size of lots, and parking requirements.

Lefmann referenced Page 1 of Exhibit A, Section 19.60.160; Item 9, and requested clarification on the difference of the square footage from 700 square feet to 400 square feet. **Hensley** explained how the City analyzed and proposed the floor area reduction, these factors, under the new State law, gives homeowners the ability to construct detached units, building reasonably sized units that maintain the character of existing neighborhoods along with providing affordable housing. There was continued discussion on the 400 square foot limitation and the factors that were considered.

Watson-Gardner referenced to Page 2 of Exhibit A, Section 19.38.050; item 11 (a), and asked for clarification on the definition of Major Public Transit stop. Staff explained that a major public transit stop is considered to be high quality transit, such as the City's Gold Line Station.

Chairperson Pierce closed Commissioners' inquiries and opened Public Comments.

Steve Hernandez commented on the reduction of the 700 square feet to the 400 square feet, and supported the ordinance changes to welcome more families into the city.

Chairperson Pierce closed public comments and opened Commissioner's comments.

Lefmann requested an increase of the square footage to be 425. **Hensley** indicated that the change is reasonable and can be amended.

Farra added that a bigger increase in the square footage for accessory units could risk units becoming two-family residences.

Lefmann motioned to recommend to the City Council PC Resolution 16-16 as written. Seconded by **Vasquez**. Motion was approved 5-0-0-0.

7. ITEMS FROM DIRECTOR

Hensley, provided an update on the following City development projects:

- Mudslides – The city installed K-Rails and other diversion devices in the mud slide area.
- ATP Project – Great progress on new sidewalks and stripped bike lanes at Duarte Road on Highland and way finding signs throughout the city.
- Third and Oak townhouse project - To be presented in the January or February meeting.
- City of Hope Master Plan and EIR - Near completion and ready for public review in February.

Golding informed the Commission on the Windstorm Tree Grant project, including tree removals on Huntington Drive and how the City prioritized which trees would be removed.

Hensley introduced Attorney, Morgan Wazlaw, that is substituting for Assistant City Attorney, Alisha Patterson.

8. ITEMS FROM COMMISSIONERS

Vasquez noticed the curtains down for the most part during the day at the tattoo business in the 7-11 (Highland Ave.) location. **Hensley** noted the concern and will have staff address the situation.

Vasquez asked if City can meet with all Landlords at the 99 Cent shopping center to discuss all the issues and concerns discussed earlier. **Hensley** indicated that multiple meetings have been done in the past to address the concerns however, it is time to meet again and begin a process to create a better situation for the establishments.

There was discussion on regulatory authority over business licenses and conditional use permits.

Watson-Gardner expressed her concerns over some removal of trees in a private property.

Lefmann notified Staff of the light stand that is down at Mount Olive and Huntington and left in the center median. And wished everyone Happy Holidays and a Merry Christmas.

Farra asked for an update on the opening progress for Janet's Cuisine establishment. **Staff** indicated they are close to finalizing their permits and should be opening their business soon.

Farra asked for an update on the ACTS Thrift Store application. **Hensley** indicated they withdrew their application.

9. **ADJOURNMENT**

The meeting was adjourned at 9:08 p.m.

Craig Hensley, Secretary

EXHIBIT F

RESOLUTION NO. 17-R-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE DENYING AN APPEAL FILED BY STEVE RAWLINGS OF ALCOHOLIC BEVERAGE CONSULTING, AND 99 CENTS ONLY STORES, UPHOLDING THE PLANNING COMMISSION DECISION TO DENY CONDITIONAL USE PERMIT 16-03 FOR THE OFF-SITE SALES OF BEER AND WINE LOCATED AT 1327 HUNTINGTON DRIVE.

WHEREAS, the applicant, Steve Rawlings of Alcoholic Beverage Consulting, who represents 99 Cents Only Stores, is requesting approval of Conditional Use Permit 16-03 (CUP 16-03) to allow the off-site sales of beer and wine on property located at 1327 Huntington Drive; 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, on December 19, 2016, the Planning Commission of the City of Duarte held a duly noticed public hearing in the City Council Chambers for CUP 16-03, considered the analysis and recommendation provided in the staff report, and all information, evidence and public testimony received, and adopted PC Resolution 16-15, denying Conditional Use Permit 16-03 for off-site beer and wine sale; and

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

WHEREAS, on December 29, 2016, the applicant, Steve Rawlings of Alcoholic Beverage Consulting filed an appeal of the Planning Commission decision to deny CUP 16-03 with the Duarte City Clerk in compliance with Chapter 19.144 of the Duarte Development Code; and

WHEREAS, on April 11, 2017 the City Council of the City of Duarte held a duly noticed public hearing to receive oral and written testimony related to the appeal CUP 16-03; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for the appeal of CUP 16-03 and all of the information, evidence and public testimony received at the public hearing held on April 11, 2017 at 7:00 p.m. in the City Council Chambers.

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

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. In accordance with DDC Section 19.114.050(B)(1-5), based upon substantial evidence presented to the City Council during the public hearing conducted with regard to the

appeal of CUP 16-03, including written staff reports and verbal testimony, the City Council hereby finds as follows:

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

Based on the information currently available to the City Council, off-site sales of beer and wine sales appear 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 off-site sales will increase the availability of low cost beer and wine at a high volume, the use raises issues of compatibility and overconcentration of alcohol licenses within the shopping center. Therefore, the proposed use 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.) Allowing a fourth such business (approximately 45-feet, 150-feet, and 200-feet) from businesses with on-site and off-site sales of beer and wine will not maintain a "balance" (or "mix") of various 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;

Off-site beer and wine sales are permitted with a conditional use permit within the Duarte Town Center Specific Plan (Mixed Use Town Center) zone. Based on the information currently available to the City Council, [t]he use appears to be consistent with the MUTC 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;

As defined in Section 19.160.200 of the Duarte Development Code, a supermarket is a self-service grocery and associated consumer goods store divided into departments, offering prepared foods and food service and may include secondary uses within the store for visitor convenience, such as banking services, retail sales of non-food items, and pharmacies. Although the 99 Cents Only store offers a variety of fresh, frozen and canned food products, the majority of the store is stocked with non-grocery items, seasonal goods, housewares, cleaning supplies and other general merchandise. Even though the subject business does not meet the typical definition of a supermarket, it is considered a similar establishment that may make an application for an off-site alcoholic beverage sales permit.

However, the proposed off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. As noted, the applicant's request for off-site beer and wine sales will be the fourth ABC license issued for the property and will be located in close proximity (approximately 45-feet, 150-feet, and 200-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and is located in a shopping center with existing policing problems that includes numerous calls for service for public drunkards,

loitering, use of narcotics, and theft. Therefore, based on the issues raised regarding the use, the site is not suitable for the off-site sales of beer and wine.

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;

The 99 Cents Only Store is situated at the northeast corner of an existing shopping center comprised of retail and restaurant uses. Approving a conditional use permit allowing 99 Cents Only Stores to sell beer and wine will be the fourth ABC license within the shopping center.

The applicant's proposal includes the display of beer and wine at 34 lineal feet of shelf space located at the rear of the store, adjacent to the stock room and grocery section at the east end of the store. Discounted beer and malt products will be sold in manufacturer's pre-packaged containers such as: 6-packs, and/or 12-packs or larger. Single wine bottles will be sold at a minimum of 750 ml. Wine coolers will be sold in no less than 4-pack containers.

The Public Safety Department has serious concerns with allowing an additional Type-20 ABC license within the subject shopping center. The Los Angeles Sheriff Department and the City of Duarte Public Safety Department has focused their efforts to address concerns and complaints from residents regarding drinking in public and transient issues such as aggressive panhandling, drinking alcohol, the use of narcotics, and urinating/defecating in public, in and/or around the shopping centers located at Huntington Drive and Buena Vista Avenue. Permitting beer and wine sales does not assist with the Sheriff's or Public Safety Department in their efforts to alleviate violations.

Based on the concerns raised regarding the use, the proposed off-site sales of beer and wine would not enhance the harmonious and orderly growth of the City, given that the proposed use will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses within the shopping center. The proposed use would be the fourth Type-20 ABC licenses on the property and within approximately 45-feet to an adjacent business that maintains a Type-20 license. As noted, the proposed off-site sale of beer and wine will constitute a hazard to the public convenience and general welfare of persons residing or working in the neighborhood of the proposed use

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 City Council, the subject site appears to satisfy the second requirement (i.e., "b"), but not the first requirement (i.e., "a"). The 99 Cents Only Store is approximately 12,650 square feet in area located within an existing shopping center on a 5.84-acre parcel. The property is located in the Duarte Town Center Specific Plan zone at the northeast corner of Buena Vista and Huntington Drive, accessible from at least one 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 off-site sales of beer and wine 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 off-site sales will increase the availability of low cost beer and wine at a high volume raising issues of compatibility and overconcentration of alcohol licenses with the proposed use adding a fourth ABC license for the property and is located in close proximity (approximately 45-feet, 150-feet, and 200-feet) to existing retail businesses that maintain Type-20 & Type-21 (on-site & off-site) licenses; and (2) located in a shopping center with existing policing problems that including numerous calls for service for public drunkards, loitering, use of narcotics, and theft. Subsequently, based on the issues raised regarding the use, the site is not suitable for the off-site sales of beer and wine.

SECTION 3. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the City Council hereby adopts this Resolution and denies the appeal by upholding the Planning Commission decision to deny CUP 16-03.

SECTION 4. The denial of Conditional Use Permit 16-03 by the Planning Commission, upheld by the City Council, is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to exemption in 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 City Clerk shall certify to the adoption of this Resolution and transmit a certified copy of this Resolution, by mail, to the owner of the Business at the address of record set forth in the application.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Duarte at a regular meeting held on the 11th day of April 2017.

Mayor Margaret Finlay

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 17-R-26 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 11th day of April 2017, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California