

MEMORANDUM

TO: City Council
FROM: Assistant City Manager
DATE: March 4, 2015
SUBJECT: Comments on Agenda Items, Meeting of March 10, 2015

The City Council will be opening the meeting at 6:00pm and going into a closed session to discuss existing litigation.

ITEM 8A. Members of the Youth & Family Committee will make a presentation to the City Council on the Duarte Youth and Family Master Plan's annual report. They will highlight the progress made towards implementation of the Plan and its 66 Action Steps.

ITEM 8B. Brian Barreto, External Affairs Manager for California American Water, will be presenting a check in the amount of \$8,000 to the City of Duarte to be used towards the cost of the new 3,000 sq. ft. landscaping project surrounding the new City Hall Electronic Sign. The design features a fruitless olive tree and over 15 species of drought tolerant plants.

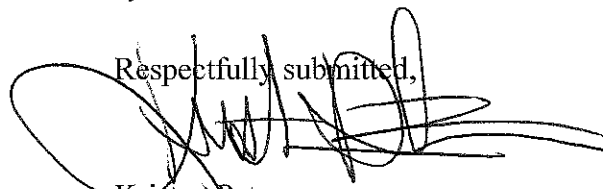
ITEM 8C. Jennifer Mendoza Arndt, Metro's Community Relations Manager for Transit Safety Programs, will make a presentation on Metro's Transit Safety Programs and in particular safety education outreach for the Duarte community. The purpose of the program is to increase public awareness and knowledge amongst the community on how to live and work safely around trains and train tracks.

ITEM 8D. Carlos Manrique, Duarte Rotary Club President, and Brian Villalobos, Rotary Club Treasurer, will be presenting a check in the amount of \$2,000 to the City of Duarte to be used for its "Ramp Up Duarte" project. The Duarte Rotary Club raised \$1,000 in funds and was awarded a matching grant by Rotary District 5300 to support the project.

ITEM 12D (Consent). Public bids were opened on March 3, 2015, for the removal of existing ramps and obstructions, grading, and installation of new curb ramps identified throughout the City to be compliant with the American's with Disabilities Act. Three bids were received. Staff is recommending that the City Council award the bid to Torres Construction Corporation, the lowest qualified bidder.

ITEM 14. This is the second reading of Council Bill 15-O-04, adopting Municipal Code Amendment 15-01, which aims to permit a wider range of service-based commercial businesses in both the Mountain Vista Plaza shopping center and retail developments citywide, while still preserving the primarily regionally-serving retail nature of properties zoned C-F. At the February 24th meeting, Melanie Traxler, a consultant for the owners of the Mountain Vista Plaza, requested the City Council consider several modifications to the proposal. Staff has included a detailed review of the applicant's testimony in an attached staff report. As noted, staff maintains its initial recommendation that Studios, Medial/Dental Clinics, and Veterinary Services be listed as conditional uses.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kristen Petersen', is written over the typed name.

Kristen Petersen
Assistant City Manager



Duarte Youth & Family Committee

MEMORANDUM

TO: City Council

FROM: Youth & Family Committee

SUBJECT: Annual Report Card

DATE: March 3, 2015

One of the duties of the Youth & Family Committee is to provide the City Council, School Board and the community with an annual report on the progress made towards implementation of the Duarte Youth and Family Master Plan and the 66 Action Steps that were designated to 20 different community Initiators. The implementation of the Action Steps identified in the Report Card is reliant on the cooperation of community stakeholders including the Duarte Unified School District, the Duarte Parks and Recreation Department, Duarte Public Safety Department and a variety of non-profit organizations, and service groups. The Report Card has once again been designed to be more expansive in its review of the previous year's accomplishments and is printed at a higher quality level and more copies will be made available to the general public. Copies will also be made available to the Initiators to distribute to their respective constituency. Members of the Youth & Family Committee will be at the March 10, 2015 City Council meeting to make a short presentation regarding the annual Report Card.



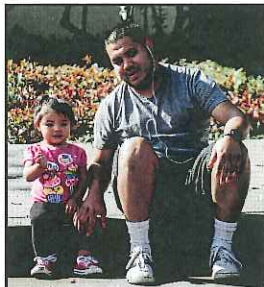
DUARTE YOUTH and FAMILY MASTER PLAN

Report Card

December 2014

The Duarte Youth and Family Master Plan, created in 2010, includes 66 Action Steps grouped into nine common themes: Safety, Health, Programs and Services, Connecting Youth, Teen Center, Diversity, Education, Coordination of Services, and Implementation of the YFMP. These are intended to move the community towards enhancing programs and services for youth and families. Each of the 66 Action Steps includes a recommended priority rating, with benchmarks for measuring progress. Designated initiators within the community are responsible for the implementation of Action Steps.

This report is being presented as a summary of progress to date regarding the implementation of the Duarte Youth and Family Master Plan.



Youth and Family Master Plan Mission

To develop a supportive environment, Duarte is committed to ensuring safe neighborhoods, fostering unity, and promoting dialogue among youth and families from diverse cultural, religious, social, economic, and educational backgrounds. This commitment promotes use and provision of necessary educational, recreational and positive activities, as well as support services in the community to meet the wide range of needs of young people and their families. Our goal is to provide nurturing opportunities for safe practices that support young people in becoming responsible members of the community through the attainment of environmental, physical and mental health.

Informacion En Espanol

El Plan Maestro de Familia y Juventud de Duarte (Duarte Youth and Family Master Plan), creado en 2010, incluye 66 pasos de acción agrupadas en nueve temas comunes: seguridad, salud, programas y servicios, la conexión de la Juventud, Centro Juvenil, Diversidad, Educación, Coordinación de Servicios, y la aplicación del Plan. Cada uno de los 66 Pasos de Acción incluye una clasificación de prioridad recomendada, con puntos de referencia para medir el progreso. Iniciadores designados dentro de la comunidad son responsables de la ejecución de los pasos de acción. Este reporte se presenta para medir los progresos del Plan para 2013.

Para mas informacion en Espanol por favor llame (626) 357-7931.

Youth & Family Committee Membership

Lupe Valerio - Chair
Lillian Cabral
Jacqueline Hasty
Nick Lopez
Elsa Moreno
Kirsten Nielsen
Bill Peters
Cesar Monsalve - Staff Liaison

To view the entire Youth and Family Master Plan go to:
www.accessduarte.com



Like us on Facebook!

Youth & Family Committee Duties and Functions

- Work with key community stake-holders to implement portions of the YFMP.
- Promote the YFMP at various community events.
- Prepare an annual YFMP Report Card to the City Council, School Board and community that measures the progress achieved with each Action Step in Duarte's YFMP.
- Such other duties as may be specified from time to time by majority vote of the City Council.

Youth & Family Committee Meetings

Every 4th Monday of the month at 6:30 p.m. in the Duarte Community Center. All meetings are open to the public.

Duarte Youth and Family Master Plan Implementation

Action Step 66: The City Council should create a "Youth & Family Committee" as a standing committee of the Parks and Recreation Commission, and charge it with monitoring, promoting, and evaluating the implementation of the Duarte Youth and Family Master Plan (YFMP).

2014 Revised Action Steps

ENSURING THAT YOUTH AND FAMILIES FEEL SAFE

Action Step 1: Conduct a series of community and neighborhood meetings to provide factual information about safety issues and gang activities within the community and to develop a stronger relationship between the community and law enforcement

Benchmark: Initiate the meetings within six months of adoption of the YFMP

Initiator: Public Safety Department

Benchmark Progress: The Duarte Public Safety Department conducted 18 neighborhood Watch meetings and participated in over 47 outreach events in 2014. Deputies and staff visited 18 neighborhoods and talked one on one with over 400 residents regarding specific issues to that area, informed them of crime trends, and provided them with crime prevention tips.

We have continued to enhance community participation through Nextdoor.com. At the time of our last report in 2013 there were a total of 594 residents. Year-to-date 1,031 residents are communicating, a nearly 74% increase in this service. Additionally, the department communicates with over 1,100 residents who receive email alerts through duartecrimetips@lasd.org. This free electronic information system educates residents on crime trends, home burglaries as they occur, and has improved the sense of community among residents. It averages of 4 emails/Nextdoor posts a month.

Special events help foster positive relationships between law enforcement and residents in our most at-risk neighborhoods. In the spring we hosted two community movie nights at Maxwell and Beardslee schools. Movies were shown on a 30ft. inflatable movie screen and a free BBQ dinner was provided. We also brought service providers out to meet neighbors. In the fall, in collaboration with the Duarte Teen Center, a Teen Movie Night was held. The combined participation for all of the events was over 1,000 residents.

In collaboration with Duarte Kiwanis and local faith community organizations we conducted two clean-ups in the Lena Valenzuela Park area and Goodall Avenue.

Jan to October 2014

Community Outreach	Total
New Block Captains	6
NW Meetings	18
New E-Mail Alert Sign ups	62
Web & E-mail Alerts	42
Special Events	47

Action Step 2: Establish an ongoing community task force that includes public safety representatives, School District representatives, City representatives, and community at large representatives to define the scope of gang activity, identify best practices, and put in place an action plan to address gang related activity in the community

Benchmark: A decrease in real and perceived gang activity in the community

Initiator: LA County Sheriff's Department

Benchmark Progress: The Community Mediation Team, (CMT) has continued to meet regularly at the Duarte Public Safety Office and has served as the advisory council to the Board of State Community Corrections CAL G.R.I.P. (Gang Reduction and Intervention Program) that has funded Duarte's Public Safety Crime Prevention/Intervention/Reintegration Programs for 3 grant periods 2010-2012/2013-2015/2013-2014.

The most recent program proposal will fund our efforts for three additional consecutive years of prevention, intervention and reintegration programming. It will start in 2015 and expand sustainable programs, which will serve areas including the cities of Duarte, Monrovia and adjacent unincorporated areas of Duarte and Monrovia.

The City of Duarte received national recognition for its work with the CMT in 2014. Duarte was awarded first place in the Diversity Award from the National League of Cities.

Programs have implemented best practices and engaged with regional partners as well as the faith community to create a sustainable program in the community. Gang crime has continued to decline.

Gang Crime

AGAINST PERSONS						
2008	2009	2010	2011	2012	2013	
13	17	39	25	22	11	
AGAINST PROPERTY						
2008	2009	2010	2011	2012	2013	
22	29	47	35	9	6	
TOTAL						
2008	2009	2010	2011	2012	2013	
35	46	86	60	31	17	

Includes city of Duarte and county areas-

Action Step 3: Explore allocating a percentage of law enforcement funding to be designated for youth development/prevention programs, sheriff's/youth relationships, and the development of a teen court program

Benchmark: Increase in youth development and prevention programs

Initiator: Public Safety Department

Benchmark Progress: The focus in this area continued to be sustaining and expanding current programming despite budget cuts. Best practices in and around California have been reflected in the modifications in our programming. We have stayed competitive in this expansion by working with early prevention and higher risk populations and requiring partner organizations to implement evidence-based programming with grant proposals to offset costs.

ENSURING THAT YOUTH AND FAMILIES FEEL SAFE (CONTINUED)

From 2009 to 2013 the City of Duarte Public Safety Department was one of three cities in Los Angeles County to be awarded the competitive California GRIP (Gang Reduction & Intervention) grant for the implementation of a Prevention and Intervention Programs, which emphasized on early prevention and intervention. In 2014 Duarte Public Safety applied to expand this grant into 2015-2017. The goal is to continue to employ a multi-dimensional approach to gang prevention and intervention in Duarte and the unincorporated areas by working with at-risk and high-risk youth between the ages of 5 and 18, and incorporating reintegration services for young adults 17-25 alongside their family and community. Out of 45 applicants, Duarte's evidence-based anti-gang project was one of 19 awarded.

Prior programs have positively impacted the City's prevention efforts with a 49% reduction in juvenile arrests (see chart below). L. A. County Probation also reported a significant reduction in gang recruitment with fewer of Duarte's minors being institutionalized in probation camps.

2005	2006	2007	2008	2009	2010	2011	2012	2013
53	77	78	158	109	54	49	63	31

Juvenile Arrests (Including the County Area)

Current funding will allow Duarte Schools to continue to have a School Resource Deputy. This deputy works to build positive relationships with students, parents, school officials and community members in order to maintain safety in schools and the community. Additionally, this special assignment deputy attends specific school and community events and is part of special anti-gang and drug programs.

It will also bring back another Probation Officer for a total of two, whose focus is on early prevention and intervention. We have been operating with one officer since 2006. These two officers will coordinate services with parents, schools, courts, law enforcement, and community partners. They act as role models, mentors, and advocates for students, and assist to equip families with the skills and services they need to be successful.

Four main partner organizations are included in the grant: the Flintridge Center, the Boys and Girls Club of the Foothills, the Santa Anita Family YMCA and Southland Sings. These non-profit organizations support families with after-school care, positive summer programming, and evidence-based programming proven to assist in prevention, intervention, and reintegration efforts by providing juveniles and young adults with positive alternatives. The grant funds will enable the Boys and Girls Club and YMCA to expand their services and provide additional positive pro-social activities to families in need. Southland Sings will deliver art-therapy based programs to help in early prevention, primary and secondary intervention. The Flintridge Center will expand reintegration services in the surrounding communities of Duarte, Monrovia, and unincorporated areas.

Other youth programs funded were Duarte Boxing, two Public Safety Youth Group Mentorship Programs, DART, (Duarte Area Resource Team) CHYLL (Caring Helping Youth Leading in Life), expansion of Duarte Dance and Art and adding an evidence based curriculum and evaluation plans to track the impact of these programs.

Action Step 5: Develop a more collaborative approach to providing substance abuse prevention and treatment programs for youth, and create new programs where needed.

Benchmark: There are expanded opportunities to access these programs

Initiator: Foothill Family Service

Benchmark Progress: Foothill Family Service began conducting 2 groups at Mt. Olive School focusing on substance abuse treatment, and helping teens make informed choices about substance use. For one of these groups, the evidenced based practice called "Seeking Safety" is used to enhance the group. In addition, a staff member of Foothill Family Service serves as a mentor to Mt. Olive students.

Action Step 6: Implement additional sheriff's patrol checks in neighborhoods, both in the City and in the unincorporated area

Benchmark: Patrol checks implemented

Initiator: Public Safety Department

Benchmark Progress: A dedicated Sergeant helps coordinate extra patrol as needed in addition to reaching out to Volunteers on Patrol who help alleviate the work of units who may be tied up with calls. We offer vacation checks as requested by community members.

ENHANCING ACCESS TO HEALTH AND MENTAL HEALTH SERVICES

Action Step 14: Implement and support programs that focus on good health practices such as a community garden, environmental stewardship, and a community farmers market

Benchmark: Additional programs are initiated

Initiator: Parks and Recreation Department

Benchmark Progress: The Parks and Recreation Department has collaborated with the City Manager's Office to finalize the lease of City of Hope land for the purpose of constructing a future Community Garden. The construction of a drought tolerant demonstration garden received funding and will be built soon and funding is now being sought for the Community Garden.

IMPROVING COORDINATION OF PROGRAMS AND SERVICES

Action Step 63: Actively encourage more involvement in community activities and events by City and School District officials, teachers, law enforcement personnel and City staff to demonstrate their connection to and support of the community

Benchmark: Increase in participation levels

Initiators: City of Duarte, Duarte Unified School District, Los Angeles County Sheriff's Department

Benchmark Progress: The Duarte Public Safety Office consists of both city staff and sworn LA County Sheriff personnel who work together in their commitment to ongoing and proactive communication with our neighborhoods, businesses and community based organizations and to strengthen our public safety practices. They spearhead over 15 community outreach programs and participate in over 30 additional events that take place every year. Additionally, volunteer youth from DART (Duarte Area Resource Team), CHYLL (Caring Helping Youth Leading in Life) and the DUSD Law Enforcement ROP class, work alongside Deputies at community events throughout the year. Deputies also participate in team building activities with youth including fun field trips or college visit trips. Grant funding allowed two part-time outreach consultants to join the Public Safety crime prevention efforts in 2014. They have worked with hundreds of high-risk individuals and conducted one-on-one training for over 40 youth. Their goal is to help their caseload reintegrate into our community from incarceration.

Three Resource Fairs were held this year in Pamela Park which developed into more intense Skills 4 Success Workshops. At these workshops students from the Community Day School and young adults in the community were served. This workshop has developed into an elective course which started this December 2014 at Mt. Olive School.

In the fall and spring of 2014, religious based organizations and community members were offered violence prevention, gang and drug awareness training w members in partnership with the Flintridge Center. Attendance was low so In 2015 this workshop will be offered at Duarte Unified School for school staff to increase awareness.

Grant funding will also allow our community outreach events expansion into the county and Monrovia areas and include more at-risk population. Staff is briefed weekly on the importance of community outreach and continuing to emphasize these goals and expectations.



Initiator Success Story: Duarte Public Safety Office Cal Grip Grant

The City of Duarte Public Safety Department has been awarded a \$325,171 competitive state grant under the California Gang Reduction, Intervention and Prevention (CalGRIP) Program to sustain its gang prevention, intervention, and expand reintegration programs for 2015. Out of 45 applicants for funding, Duarte was one of 19 awardees. A portion of the grant will provide the Duarte Prevention, Intervention, Reintegration Project with the funds necessary to continue the services of Los Angeles County Probation and the Sheriff's departments and the City of Duarte's School Resource Deputy. Funds will also support the Duarte Public Safety and Teen Center youth outreach programs, including the Duarte Boxing Gym, and the Duarte Dance and Arts programming which will now serve the Duarte Teen Center, Pamela Park, and Mt. Olive School. Four main partner organizations are included in the grant: the Flintridge Center, the Boys and Girls Club of Santa Anita, the Santa Anita Family YMCA, and Southland Sings. The grant funds will enable the Boys and Girls Club and YMCA to expand their services. Southland Sings will deliver art therapy-based programs to help in early prevention, and primary and secondary intervention. The Flintridge Center will expand reintegration services in the surrounding communities of Duarte, Monrovia, and unincorporated areas. The focus of the Duarte Prevention, Intervention and Reintegration Project is to reduce gang membership, gang related crime, and juvenile arrests by working closely with at-risk youth, parents, and teachers. The goal is to ultimately achieve a 25% overall reduction in the aforementioned areas during the life of the grant. The City of Duarte's School Resource Deputy acts as an ambassador for the LA County Sheriff Department within Duarte schools, works to build positive relationships with students, parents, school officials, and community members and attends specific school and community events and is part of special anti-gang and drug programs. Duarte's Probation Officers focus on early prevention and intervention and coordinate services with parents, schools, courts, law enforcement, and community partners.

ENHANCING PROGRAMS & SERVICES THAT BENEFIT YOUTH AND FAMILIES

Action Step 23: Explore conducting a strategic study of existing Duarte Public Library services to determine the potential of enhancing the hours of operation, technology, atmosphere, children's programming and physical plant at the library

Benchmark: Completion of study and implementation of enhancements to the library

Initiators: City Council, City Manager, LA County Public Library

Benchmark Progress: The Duarte Library has offered community programs that meet the educational, informational and recreational needs of families, such as: Toddler & Preschool Story Time, School Age Programming, Teen Programming, and Family Place Parent/Child Workshops that feature local resource specialists such as a child development expert.

Initiators

The development and the ongoing efforts to implement the Youth and Family Master Plan Action Steps involved a great number of dedicated individuals and organizations designated as "Initiators" who were entrusted with the implementation of the Action Steps.

- City of Duarte
- Duarte Chamber of Commerce
- Duarte City Council
- Duarte Community Coordinating Council
- Duarte Community Development Department
- Duarte Elks Lodge
- Duarte Healthy Cities Collaborative
- Duarte High School ROP
- Duarte Library
- Duarte Ministerial Association
- Duarte Parks and Recreation Department
- Duarte Public Safety Department *
- Duarte Unified School District*
- Duarte Youth & Family Committee
- Foothill Family Service*
- Los Angeles County Sheriff's Department
- Maryvale
- Santa Anita Family YMCA
- Website Coordinators
- Westminster Gardens

* Special Recognition Award

Initiator Highlight: Duarte Library

The Duarte Library has offered community programs that meet the educational, informational and recreational needs of families, such as: Toddler & Preschool Story Time, School Age Programming, Teen Programming, and Family Place Parent/Child Workshops that feature local resource specialists such as a child development expert. One example of these successful programs included 1-2-3 Play With Me that was presented every Monday in September, providing an opportunity for parents and caregivers to spend one-on-one time with their children up to age 3-1/2 years of age. Activities included art activity time together and an opportunity to meet other parents and children in an educational, creative and safe environment. Additionally community resource professionals were on hand to answer questions and discuss topics such as child development, health, nutrition, and early literacy. The After School Library Club also included activities in October, November and December including Lego play days, Halloween and Thanksgiving story days, and Literacy and Learning days with the mayor of Duarte all for children 5-12 years old.



Community Meetings Series

The Youth & Family Committee introduced an ambitious effort to conduct a series of Community Meetings as both a means of introducing the Master Plan to the community and as a conduit to provide an introduction to various organization and the family services that they provide. Meetings were held in the evenings at Royal Oaks, Andres Duarte and Maxwell Elementary Schools. Refreshments and information tables were provided and the Committee received full cooperation and assistance from each school's principal. Attendance to these meetings was low and though the few residents who did attend received very useful and valuable information and resources, the Committee has concluded that though the effort was worthy it would be more successful in the future to provide this information during already successful existing events and programs.

ENSURING THAT YOUTH AND FAMILIES FEEL SAFE

Action Step 9: The School District and City should adopt a zero tolerance policy against bullying and harassment and initiate additional education programs as well as provide training for staff in this area

Benchmark: Policies adopted and training conducted
Initiators: Duarte Unified School District, City of Duarte, Sheriff's Department

Benchmark Progress: Northview Intermediate has implemented the WEB program, where everyone belongs, in which each 7th grade student is matched to an 8th grade mentor student. This 8th grade mentor student serves as a point person and a positive supporter to our 7th grade students. Northview continues to be proactive against bullying utilizing the purple box, which is an anonymous reporting system for students to report bullying to a counselor, each teacher proactively addresses bullying of any type in their classrooms, and the Outreach Consultant and Counselor implement an internet education program throughout the year, that focuses on avoiding cyber-bullying and safe internet practices. All staff are trained to address any bullying observed or reported on campus.

ENHANCING ACCESS TO HEALTH AND MENTAL HEALTH SERVICES

Action Step 12: The City and the School District should adopt policies and programs that promote healthy nutrition and physical fitness

Benchmark: Adoption of new policies and the implementation of new programs
Initiators: City of Duarte, Duarte Unified School District

Benchmark Progress: This school year, Northview Intermediate has the distinct honor of being one of 3 schools in the state to be awarded a grant from the Governor's Council on Fitness. This generous grant (approximately \$100,000) was used to furnish a state-of-the-art fitness lab. Each year, Northview's PTSA also supports the campaign for fitness, and hosts a jog-a-thon to help students fundraise through fitness. All PE Teachers follow state standards to incorporate a diverse and comprehensive PE program.

ENHANCING PROGRAMS & SERVICES THAT BENEFIT YOUTH AND FAMILIES

Action Step 22: Increase after-school, youth sports, enrichment, and recreation programs for the older elementary school and intermediate school age group

Benchmark: Creation of additional programs for this age group
Initiators: Duarte Unified School District, Parks and Recreation Department

ENHANCING PROGRAMS & SERVICES THAT BENEFIT YOUTH AND FAMILIES CONTINUED

Benchmark Progress: Northview Intermediate School has several after-school activity options for students to include year round sports: Flag football, girl's volleyball, girl's softball, boy's and girls soccer, boy's volleyball, and girl's and boy's basketball. Northview also offers tutoring after school on Mondays, Tuesdays and Wednesdays. Think Together is active at all the sites K-8.

Action Step 24: Support the establishment of a location(s) where youth can participate in art expression (art studio, dance studio, photography, writing, graffiti art wall, etc.)

Benchmark: Number of activities established
Initiators: Parks and Recreation Department, Duarte Unified School District

Benchmark Progress: Northview has an Art lab in which students work on their art projects throughout the year.

CONNECTING YOUTH TO THE COMMUNITY AND TO SERVICES

Action Step 30: Utilize the annual California Department of Education's Healthy Kids Survey results for Duarte to measure the state of assets for Duarte youth

Benchmark: Incorporation of survey results in the YFMP annual report card
Initiators: Duarte Unified School District, Youth & Family Committee

Benchmark Progress: Much work was done in this area, and may be an action step needing revision.

Action Step 32: Develop a community-wide effort to promote and increase parent involvement in schools, sports, and recreational activities for their children

Benchmark: Parent involvement in activities increases
Initiators: Duarte Unified School District, City of Duarte, community agencies

Benchmark Progress: DUSD has a new and improved website and Facebook page that serves as an effective communication tool for district and school activities and events. Each school site utilizes School Wires and/or Edline (online student information updating system) in which they are able to access information about their child's progress and classes. Schools also utilize Blackboard to consistently update parents with telephone callout messages and announcements. Each site has a new and improved Facebook page in which they are able to communicate with and update stakeholders about school functions, events and activities. School sites utilize their PTSAs and various parent groups to inform and invite increased parent participation in school culture. The district makes use of Title 1 federal funds to support parent education programs.

DEVELOPING CULTURAL AND DIVERSITY APPRECIATION

Action Step 45: Implement additional school and community events that focus on cultural awareness and diversity appreciation (food events, dance events, art exhibits, etc.)

Benchmark: New events are implemented
Initiators: Duarte Unified School District, City of Duarte

Benchmark Progress: Each of the school sites implement school and community events that focus on cultural awareness and diversity appreciation. Examples of these activities include the Black History Month celebration at Maxwell, the Black History Month Community Celebration at Andres Duarte, art exhibits at the district office and the LA County Fair, Cinco De Mayo celebrations, You Matter Week at Northview, dances throughout the year at multiple sites, to name a few.

Action Step 47: Develop programs and events for youth within the schools and the community that focus on cultural and diversity appreciation by utilizing "best practice" examples available from resources such as the Los Angeles County Commission on Human Relations, the National Conference for Community & Justice (NCCJ) and the Los Angeles Gay & Lesbian Center

Benchmark: Additional programs and events implemented
Initiators: Duarte Unified School District, City of Duarte

Benchmark Progress: Northview is currently becoming a Positive Behavior Intervention System School (PBIS), which is a best practices behavior shaping program that is nationally recognized in positively addressing behavior modification in schools.



Lady Falcons Soar to CIF Volleyball Championships

Congratulations go out to the Duarte High School Girls Volleyball Team for an amazing season and for making the CIF Volleyball Championship finals for the first time in the school's long history. The Falcons (26-9) were coming off of two thrilling come-from-behind victories against Anaheim and Desert High, with both matches being played to five sets. Duarte's Lady Falcons battled to the very end, and even though they suffered a heartbreaking defeat to Cate High School in the final game, the Duarte community is very proud of them! This team made history for Duarte High School and brought school spirit to the highest level in years. The Duarte High School Lady Falcons athletes are examples of what determination looks like and feels like for all to follow.

Initiator Success Story Highlights: Duarte Unified School District

1. The mentor program called Shoulder-Tapped Empowered Protégé or S.T.E.P. is going strong and allows for DUSD students to be mentored in a safe and helpful way. The program is designed to be flexible for the mentor. More mentors are needed and Naelh Othman is the contact.
2. Several Measure E School Bond projects have been completed including Valley View School walkway decking replacement, Maxwell School & Northview School new building, cafeteria kitchen expansion and modernization, DHS new stadium, Science Lab, team and Weight Room.
3. DHS and City of Hope grant-funded effort for 14 students hired to do lab work this summer.

2014-15 Mid-Year Budget Report

The City of Duarte allocated \$2,000 total to the Youth & Family Committee for all efforts associated with promoting the Master Plan and a one time cost for the establishment of a non-profit foundation.

- * \$1,000 for application & legal fees for non-profit status.
- * \$800 Annual Report Card printing
- * \$200 Miscellaneous costs



Foothill Family Service

Building Brighter Futures for Children and Families

Initiator Highlight: Foothill Family Service

Foothill Family Service (FFS) Duarte Family Center is located at the old Bank West building at 1801 Huntington Drive and recently completed a massive expansion and renovation project after purchasing the entire building for their activities. FFS provides the following services to the Duarte community: Individual Therapy, Support Groups, Play Therapy, Social Skills Groups, Family Therapy, Intensive In-Home Services, Parenting Education And Support, Anger Management Groups, Case Management, Batterer's Treatment Groups, School-Based Counseling, Teacher Consultations, Medication Support, Substance Abuse Treatment Groups For Teens, Psychological Testing, Positive Role Models For Teens and more. The expansion to the building includes a new welcoming main entrance with an ADA accessible ramp, 12 individual therapy rooms, 3 family therapy and support group meeting rooms, 2 parent/child interaction therapy rooms and 2 intake rooms. Additionally, a 30-person occupancy community meeting room has been added as well as a children's activity corner, a small business center and technology wing. Lastly, the facility now has 46 workspaces available for staff to work. FFS has definitely taken the idea of providing services for families to a whole new level and is now firmly embedded in the Duarte community and is poised to provide services for many years to come.



Make A Difference By Volunteering!

Serving on the Youth and Family Committee is fulfilling and fun! Get involved in steering the Duarte community towards better Public Safety, Recreation and educational opportunities.

For More Information, please call 357-7931 ext. 203.

For additional volunteer opportunities, please call Duarte's Promise 357-7931 ext. 260.

2015 YOUTH AND FAMILY COMMITTEE GOALS

- Encourage Initiators to include a link on their websites to the Youth and Family Master Plan and Report Card for easy access by their patrons.
- Continue efforts to form a non-profit Foundation.
- Continue to recruit new Youth and Family Committee members with a focus on teen members.
- Do more outreach to clergy and faith-based groups to include them as active participants.
- Engage Maryvale to once again be an active member of the Youth and Family Committee and to fulfill their commitment to the master plan.
- Schedule presentations and increase Committee visibility and presence at established events, programs and community meetings.
- Promote the Every Child Is Our Child slogan.
- Generate metrics on Initiator success in implementing the Master Plan.



Every Child Is Our Child Logo



The "Every Child Is Our Child" logo is an adaptation to the youth-created Master Plan logo. Action Step 28 encourages the community to: Adopt "Every Child is Our Child" as a community slogan to promote community-wide commitment to asset development and community unity, and base all public and nonprofit youth programs on an asset development model.

With asset development as a model in our community, youth and adults learn to live life to the fullest through service, leadership, relationships, character and personal development. Through the use of this logo, the Youth and Family Committee envisions Duarte as being a successful example of the "it takes a village" principle.

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 – FEBRUARY 24, 2015

CALL TO ORDER	The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority/Community Facilities Financing Authority of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Paras-Caracci called the meeting to order at 5:40 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana (arrived at 8:07 p.m.), Finlay (left at 9:07 p.m.), Kang (arrived during Interviews), Reilly, Paras-Caracci ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Melching
ADOPTION OF AGENDA	Finlay moved, Reilly seconded to adopt the Agenda, as amended to add the names Tony Reid, Travis Warren, and Jan Brillhart to Item 17 (Adjournment), and carried with Fasana and Kang not present.
COMMISSION INTERVIEWS	The City Council interviewed applicants for one vacancy on the Economic Development Commission, and one vacancy on the Public Safety Commission. The interviews concluded at 7:00 p.m. City Council reconvened at 7:10 p.m., with four members present, and Fasana not present.
PLEDGE TO THE FLAG	Filippo Fanara led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Kang and Finlay provided the warm-up.
SPECIAL ITEMS Introduction – Student Interns	Cesar Monsalve provided information about the Youth @ Work and Teen Nutrition Council programs, and introduced new Student Interns who will be working at various locations in the City and at City Hall facilities.
resentation–U.S. Forest Service	Daniel Lovato and John Thornton, U. S. Forest Service, made a presentation about the San Gabriel Mountains National Monument designation, and stated they looked forward to working with the City of Duarte.
Presentation – MADIA Tech Launch, Inc.	Bruce Lathrop and Filippo Fanara, MADIA Tech Launch, Inc., presented an overview of the program, including mission, inspiration, accomplishments, budget, and grants from partner cities.
Redevelopment Dissolution Update	Jeff Melching presented an update about redevelopment dissolution, and reported on proposed legislation pertaining to further

ANNOUNCEMENTS

limitations on City loans, and possible changes by the Department of Finance pertaining to reimbursement of legal fees.

Joanna Gee, Duarte Library, announced upcoming workshops, programs, and story times in March.

Wendy Wright, Friends of the Duarte Library, announced membership drive, fundraisers, and writers' luncheon on March 21.

Sheryl Lefmann, Duarte Chamber of Commerce, announced upcoming events and State of the School District on March 5.

Karen Herrera presented community announcements about City events and activities in March and April.

CONSENT CALENDAR

Finlay moved, Kang seconded to approve the Consent Calendar, as follows, and carried with Fasana absent from the vote.

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

Remove Items E.

Item D – Resolution No. 15-05
Part-Time Trail Mtce Crew

Council Bill 15-R-05 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ESTABLISHING AN HOURLY RATE SCHEDULE FOR A PART-TIME TRAIL MAINTENANCE CREW CLASSIFIED EMPLOYEE

PUBLIC HEARING

Council Bill 15-O-02 – Massage Establishments – Location, Development Standards, Definitions (MCA 14-05)

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

Melching read by title Council Bills 15-O-02 and 15-O-03:

Council Bill 15-O-02 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA (1) ADDING SECTION 19.60.112 "MASSAGE ESTABLISHMENTS" TO CHAPTER 19.60 "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO ARTICLE 4 "STANDARDS FOR SPECIFIC LAND USES AND ACTIVITIES," TO TITLE 19 "PLANNING AND ZONING," OF THE DUARTE MUNICIPAL CODE TO ADD CERTAIN STANDARDS APPLICABLE TO MASSAGE ESTABLISHMENTS; AND (2) AMENDING SECTIONS 19.160.140 "'M' DEFINITIONS" AND 19.160.170 "'P' DEFINITIONS," BOTH TO CHAPTER 19.160 "DEFINITIONS," TO ARTICLE 9 "DEFINITIONS," TO TITLE 19 "PLANNING AND ZONING," OF THE DUARTE MUNICIPAL CODE TO AMEND CERTAIN DEFINITIONS THAT ARE APPLICABLE IN THE REGULATIONS OF MASSAGE ESTABLISHMENTS (MCA 14-05) (First Reading)

Council Bill 15-O-03 – Massage Establishments – Business Licenses and Regulations (MCA 14-06)

COUNCIL BILL 15-O-03 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING IN ITS ENTIRETY CHAPTER 5.56, "MASSAGE ESTABLISHMENTS," OF TITLE 5, "BUSINESS LICENSES AND REGULATIONS," OF THE DUARTE MUNI-

CIPAL CODE TO REVISE CERTAIN REGULATIONS APPLICABLE TO THE OPERATION OF MESSAGE ESTABLISHMENTS (MCA 14-06) (First Reading)

Notice of the hearing had been given, the affidavit is on file, and there were no written communications filed in the matter.

Jason Golding, Senior Planner, presented a detailed staff report about the proposed ordinances, including summary, background, analysis and staff recommendation, and answered questions from Councilmembers pertaining to separate gender rooms, blackout windows, square footage, violations, and record-keeping.

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

Roxanna Ponce de Leon stated she has been in business for 14 years, she has a massage license in Pasadena that has never been revoked, she has never seen human trafficking, the location at 1740 Huntington Drive is only 1200 square feet, discussed her credentials, she agrees with the view about prostitution, she is a massage therapist and helps with physical and emotional issues, she has a number of certifications, and she agrees with the hygienic requirements.

Fasana moved, Reilly seconded to close the Public Hearing, and carried unanimously.

There was discussion about limited space, perhaps service will not be utilized in our City if one cannot afford a larger space, 2,000-square footage requirement not questioned by the Planning Commission, if the service can be provided in 1200 square feet, it may be effective, the restriction could cause small businesses to not be here in Duarte, survey results, legitimate concerns, number of employees, number of beds, reception area, bathing area, and restrooms.

Reilly moved, Kang seconded to refer Council Bill 15-O-02 (MCA 14-05) back to the Planning Commission for further deliberations regarding square footage, and to continue Council Bill 15-O-03 (MCA 14-06), and carried unanimously.

Council Bill 15-O-04 – Commercial Zones, Service-Based Uses, Commercial-Freeway Zone (MCA 15-01)

Melching read by title Council Bill 15-O-04:

Council Bill 15-O-03 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA ADOPTING MUNICIPAL CODE AMENDMENT (MCA) 15-01 WHICH WOULD: (1) AMEND TABLE 2-5, "ALLOWED USES AND PERMIT REQUIREMENTS," OF SECTION 19.12.020, "LAND USES AND PERMIT REQUIREMENTS," OF CHAPTER 19.12, "COMMERCIAL ZONES (C-P, C-G, C-F)," OF ARTICLE 2, "ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS," TO TITLE 19, "DEVE-

LOPMENT CODE,” OF THE DUARTE MUNICIPAL CODE; (2) ADD SECTION 19.12.042, “LIMITATIONS ON SERVICE-BASED USES IN C-F ZONED PROPERTIES” OF CHAPTER 19.12, “COMMERCIAL ZONES (C-P, C-G, C-F),” OF ARTICLE 2, “ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS,” TO TITLE 19, “DEVELOPMENT CODE,” OF THE DUARTE MUNICIPAL CODE; (3) AMEND CHAPTER 19.160, “DEFINITIONS,” OF ARTICLE 9, “DEFINITIONS,” TO TITLE 19, “DEVELOPMENT CODE,” OF THE DUARTE MUNICIPAL CODE; TO MODIFY THE LAND USES ALLOWED IN THE COMMERCIAL-FREEWAY ZONE; PROVIDE LIMITATIONS ON SERVICE-BASED USES IN THE COMMERCIAL-FREEWAY ZONE; AND MODIFY CERTAIN DEFINITIONS RELATED TO SERVICE-BASED BUSINESSES (MCA 15-01) (First Reading)

Notice of the hearing had been given, the affidavit is on file, and there were no written communications filed in the matter.

Jason Golding, Senior Planner, presented a detailed staff report about the proposed ordinance, including summary, background, analysis, and Planning Commission recommendation, and noted the only change between the adopted Planning Commission resolution and the proposed ordinance is the clarification of the description in Table 2-5 in the “Specific Use Regulations” column pertaining to “Retail Store (up to 20,000 sf).” Golding answered questions from Councilmembers, and there was discussion about location of C-F zones, Target, other uses, goals of main tenants, and accessory uses.

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

Melanie Doran Traxler, consultant representing Mountain Vista Plaza, stated she is requesting minor changes, asked that Council consider adjusting Table 2-5 under the “Land Use” column for “Service Uses–General” pertaining to (1) Studio, (2) Veterinary Services, and (3) Medical, Dental Clinics/Offices to be permitted by right or with a minor use permit, stated a CUP is reviewed by the Planning Commission, can take three months, and has an application fee of \$3,000, a minor permit can be approved by the Director of Community Development, can take 30 days, and has an application fee of \$800, uses permitted by right require a zone clearance that can be approved over-the-counter, and are free, and stated these three adjustments are consistent with the definitions and expectations of a shopping center.

Fasana asked if Ms. Traxler could provide a written copy of her statement to City Council and staff. She stated yes.

Fasana moved, Reilly seconded to close the Public Hearing, and carried with Finlay not present.

	There was discussion about review of request, rationale, and personal services restricted. Golding indicated staff's intent for the three categories discussed by Ms. Traxler was to require a public notification process. Reilly moved, Kang seconded to introduce Council Bill 15-O-04 for first reading, and carried with Finlay not present.
BUSINESS ITEMS Bicycle/Safe Routes to Transit Fehr & Peers	Craig Hensley presented a staff report about the proposed contract, and introduced Nathan Schmidt, Fehr & Peers, who provided additional information and answered questions about bicycle boulevards and timeline. Fasana moved, Reilly seconded to authorize the City Manager to execute a contract in the amount of \$40,803 with Fehr & Peers to prepare a Citywide Bicycle and Safety Routes to Transit Plan, and carried with Finlay not present.
Duarte Gold Line Station Transit Analysis Report	Kristen Petersen presented a staff report on the item, and introduced Dennis Wahl, IBI Group, who provided a detailed overview of the study process, Duarte Transit performance, outreach efforts, surveys, goals, next steps, activities to date, and potential improvements. There was discussion about responses received, need for people to be able to get around the City, route times, frequency of stops, ability to time connection services, number of fixed route riders, peak hours, evening/entertainment hours, early morning work day trips, commuter options, adjustments to be made after we know the Gold Line schedule, and availability of apps, pamphlets, and a large display map for residents and visitors. Reilly moved, Kang seconded to receive and file the Duarte Gold Line Station Transit Analysis Report, and carried with Finlay not present.
Commission Appointments Traffic Safety, Public Safety, and Economic Development	Reilly moved, Kang seconded to appoint Harold Johnson to the Traffic Safety Commission, Niveen Elguindi to the Economic Development Commission, and Steve Hernandez to the Public Safety Commission, and carried with Finlay not present.
2014/15 Mid-Year Budget Report/Amendments	Kristen Petersen presented the 2014/15 mid-year budget report, including an overview of the general fund, revenues, expenditures, other City funds, general fund reserves, and proposed amendments. Reilly moved, Fasana seconded to receive and file the 2014/15 mid-year budget report, and to approve the budget amendments outlined in Attachment 2 of the staff report, and carried with Finlay not present.
Town Center Ad Hoc Committee Appointments	The following appointments were made to the Town Center Ad Hoc Committee:

Kang appointed Arun Mathur and Vince Phung.
Reilly appointed Michael Goldsmith and Mark Romejko.
Fasana appointed Steve Hernandez and Ron Phadnis.
Paras-Caracci appointed Rana Madain and Robert Herrera.

ORAL COMMUNICATIONS
(Continued)

The following spoke on items not on the Agenda.
Brian Lister – Graffiti removal, alley behind Maynard Drive.
Steve Hernandez – Commission appointment.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

REILLY: Attended Citrus College event for foster and adoption, Calvary Chapel open house, Contract Cities Board of Director's meeting regarding stormwater capture, Bethel Monrovia AME Church Unity Celebration, Battle of the Sexes at the Teen Center, and first committee meeting for the Special Olympics Host Town.

FASANA: Stated he headed up the trail at Fish Canyon Falls, and noted that many people use the trail.

PARAS-CARACCI: Attended a number of events mentioned by Councilmember Reilly, congratulated Troop 188 and Boy Scout Troop 185, and stated she presented certificates of recognition to the young men for achieving the Arrow of Light and Bridging Ceremony honors.

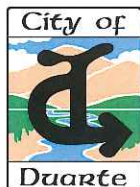
ADJOURNMENT

The meeting was adjourned at 11:08 p.m. in memory of Stan Chambers, Raul Rodriguez, Tony Reid, Travis Warren, and Jan Brillhart.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk



MEMORANDUM

To: City Council

From: Teresa Renteria, Assistant Civil Engineer

CC: Craig Hensley, Community Development Director
Marla Akana, City Clerk

Date: March 4, 2015

Subject: Bid Results and Award Of Contract for the Removal of Architectural Barriers for ADA Improvements

RECOMMENDED ACTION

Staff recommends that the City Council award the Removal of Architectural Barriers for ADA Improvements contract to Torres Construction Corp. at 7330 North Figueroa Street, Los Angeles CA 90041.

BACKGROUND

The Engineering Division conducted an assessment of curb ramps citywide within the public right of way to identify curb ramps that pose an architectural barrier to pedestrians along the path of travel. This project will remove barriers to allow for a more accessible and safe path of travel for all pedestrians including the elderly and/or severely disabled. The project consists of the removal of existing ramps and obstructions, grading, and installation of new curb ramps to be compliant with the Americans with Disabilities Act.

The funding source for this project consists of Community Development Block Grant (CDBG) funds from the City of Duarte.

On March 3rd, 2015, the City Clerk publicly opened bids for the above project. The results of the bid opening are as follow:

Torres Construction Corp.	\$56,778.00
Martinez Concrete, Inc.	\$78,382.00
Petersen-Chase General Engineering Construction, Inc.	\$111,826.00

ANALYSIS

Torres Construction Corp. has performed various acceptable concrete related projects with the Los Angeles County Department of Public Works.

CONCLUSION

Staff recommends that the City Council award the Removal of Architectural Barriers for ADA Improvements contract to Torres Construction Corp. at 7330 North Figueroa Street, Los Angeles CA 90041.



Memorandum

To: City Council

From: Traffic Safety Commission

CC: Rafael O. Casillas, P.E., Public Works Manager

Date: 3/4/15

Subject: Commission Reorganization

At the regular meeting of the Traffic Safety Commission held on Tuesday, March 3, 2015, the Commission organized as follows:

Chairperson – Dino Herrera

Vice-Chairperson – Jack Ochoa



MEMORANDUM

Date: March 10, 2015

To: Mayor and City Council

From: Jason Golding, Senior Planner 

Subject: **Municipal Code Amendment 15-01**; - Second Reading of Ordinance 15-O-04, amending: (1) Chapter 19.12 (C-F zone) of the Duarte Development Code; and (2) modify certain definitions appearing in Duarte Development Code Chapter 19.160 related to service-based businesses.

At the February 24, 2015 meeting, the City Council introduced Ordinance 15-O-04 (MCA 15-01) that proposed to amend: allowed, conditionally allowed and not allowed land uses within Table 2-5 of the Commercial-Freeway (C-F) zone (Duarte Development Code Chapter 19.12); add a new subsection, DDC 19.12.042, which aims to balance the distribution of both retail and service-based uses within C-F zoned properties and define anchor tenants within the context of the zone; and modify the Definitions chapter of the Duarte Development Code (Ch. 19.160) to address service-based businesses, which would apply to all Commercial zones within the City.

At that meeting, testimony was received from Melanie Doran Traxler, consultant for the owners of Mountain Vista Plaza. Ms. Traxler requested that the City Council consider several modifications to Table 2-5 for the C-F zone (Ch. 19.12). The testimony is attached as Exhibit A-A (black text are comments from the February 24 meeting, while grey and bracketed text is additional information the applicant has added to provide reference to the exhibits and contains research to support the comments made).

After a detailed review of the applicant's testimony, Staff maintains its initial recommendation: that Studios (e.g. art, dance, martial arts, music), Medical/Dental Clinic or Office and Veterinary Services be listed as conditional uses in the C-F zone. The C-F zone currently prohibits these uses.

A conditional use permit (CUP) allows the City a reasonable opportunity to review land uses that may be appropriate in the zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site. It also allows Staff to specifically consider a proposed use since certain types of land uses may require special conditions due to their physical location or because they possess unique characteristics or present special problems that make automatic inclusion as permitted uses either impractical or undesirable due to potential and unforeseeable impacts to the surrounding shopping center. Most complex CUP's involve a two to three month process. However, more routine and simplified CUP's, such as the Anytime Fitness CUP currently being considered in the Fresh & Easy Center, are being processed in a matter of four to six weeks. Staff anticipates that many of the CUP's proposed to be required as part of this amendment will be processed in these shorter timeframes. Furthermore, CUP's automatically require a public notice to both property owners (and a

courtesy notice to shopping center tenants) and a public hearing before the Planning Commission. Conversely, minor use permits (MUP) do not automatically require a public hearing, instead leaving the burden to owners/tenants to request a formal hearing. In many cases, owners or tenants are reluctant to make an official request to hold a public hearing and because of this additional step, Staff contends that a CUP provides additional public input and transparency in the decision making process.

Studios and Medical/Dental Clinics or Offices are business models that are generally parking intensive, involve drop-off and pick-up considerations that include short but concentrated demands on shopping center circulation, have operational characteristics (e.g. noise, vibration) that may negatively impact other businesses, and involve businesses that can easily expand into more intensive uses without proper review and consideration (e.g. clinic transforms into an urgent care).

Concerning Veterinary Services, the existing C-G (Commercial-General) zone currently requires CUP approval. Staff would not recommend that we reduce the administrative process to MUP for the C-F zone, while still requiring a CUP for C-G zones. In addition, concerns about noise, animals, excrement issues and related conditions, are best discussed using a CUP process.

A CUP will provide an automatic noticing and hearing process where all businesses within a shopping center, including the anchor tenants, have the ability to comment on how they see this type of business benefitting or detracting from the center. Furthermore, even though a new subsection (19.12.042) has been added to balance the retail and service-based businesses with a shopping center, there is nothing in this language to address the specific location of service-based businesses, the number of a particular type of service-based business located within the center, or the relationship between the location of the studio, medical/dental office or veterinary service with the location of anchor tenants. Even with this new language, several potential scenarios could materialize that would be detrimental to shopping centers in the event a CUP was not required. These include multiple medical/dental offices clustering together within the center, studios could be located adjacent to sensitive uses where noise or vibration could cause a negative impact, or any one of these contested land uses could be located adjacent to an anchor tenant where the anchor tenant may have concerns with the proposed use. One additional note related to Mountain Vista Plaza is the response time of Target Corporation. In our experience, corporate Target is a typical national retail chain that includes an increased level of bureaucracy. This bureaucracy results in delayed responses to official City notices. If an MUP was allowed, compared to a CUP, it is very likely that Target or any other large retailer would have challenges in responding within the required 10-day period to request an official public hearing.

Staff recommends that the City Council either adopt attached Ordinance 15-O-04 or take no action which would result in no change to the C-F zone.

ATTACHMENTS

Exhibit A-A – Comments from Mountain Vista Plaza Shopping Center

RE: COUNCIL BILL 15-O-04, AN ORDINANCE ADOPTING MUNICIPAL CODE AMENDMENT 15-01 AND AMENDING TABLE 2-5 AFFECTING ALLOWED USES IN THE COMMERCIAL ZONES

THE FOLLOWING IS A TRANSCRIPT OF COMMENTS PRESENTED BY REPRESENTATIVES OF MOUNTAIN VISTA PLAZA AT THE FEBRUARY 24, 2015 CITY COUNCIL HEARING IN DUARTE.

Good Evening, Mayor Paras-Caracii and Council Members.

My name is Melanie Doran Traxler. I am a consultant representing the property owners of Mountain Vista Plaza. I am before you tonight to request minor changes to the proposed Development Code amendment.

In December 2014, Mountain Vista initiated a request to amend the Development Code to reflect a broader range of commercial use within the Commercial Freeway (C-F) zone, allowing us to draw a wider range of prospective tenants. [[Note: Mountain Vista Plaza has experienced growing vacancies over the last few years. It is difficult to predict the reason behind this trend, except to say that prior to 2008 the tenant vacancy rate at the Plaza was very low. The center currently has more than 13,000 square feet in vacant tenant space. Please see *Attachment 1*, showing Mountain Vista Plaza Site Plan and current 2015 tenants.]]

Mountain Vista Plaza historically has hosted a broad range of commercial tenants, both service-related and traditional retail uses. For example, past service-based tenants have included financial institutions (such as Wells Fargo and Chase), personal service uses (such as nail salons, hair care shops and tanning salons) and medical service uses (such as dental offices and small medical clinics). [[Note: Mountain Vista Plaza has maintained a reasonable balance of commercial retail and services uses in the past with service uses representing a critical tenant placeholder. Please see *Attachment 2*, showing Mountain Vista Plaza tenant history 2008 – 2015.]]

When the City adopted its new Development Code in 2010, the Mountain Vista Plaza shopping center was assigned a new zone district, changing its zone from General Commercial to Commercial Freeway. With that change

came new restrictions. Most notable was a prohibition of most “commercial service” and “financial service” uses. The purpose of our application was to restore rights to these previously permitted uses, or at least a reasonable range of similar uses appropriate for our shopping center.

We appreciate the efforts of Planning Staff to address these concerns through the Development Code amendment before you tonight.

The amendment re-establishes a reasonable range of business and general service uses, as well as some health, fitness and medical-related uses that have a retail orientation. We believe these uses are compatible for the Mountain Vista Plaza, and consistent with uses found in other shopping centers throughout the city. But, there are several key distinctions compared to uses allowed at other commercial shopping centers along Huntington Drive.

However, the current amendment specifically limits Studios, Veterinary Services and Medical and Dental Clinics or Offices in the Commercial Freeway zone by requiring that a Conditional Use Permit (CUP) be obtained. By comparison, these same uses are allowed at nearby centers through a lesser review process; that is they are allowed either as “permitted-by-right” or with a Minor Use Permit (MUP). These uses are typically found in shopping centers due to the convenience and visibility of their location. [[Please refer to Exhibit D of the 2/24/15 Staff Report, which shows pending amendments to Table 2-5.]]

In our opinion, a CUP requirement for these particular uses places an unnecessary burden on prospective tenants seeking to lease space at the Mountain Vista Plaza shopping center. Instead, we believe that allowing these uses either as permitted-by-right or with an MUP is both appropriate and functional.

We respectfully request that the City Council consider the following adjustments to Table 2-5:

- Under Service Uses (General), rather than require a CUP, please allow that Studio uses be permitted by-right (as is the circumstance in the Commercial General zone), or only require an MUP.

- Under Service Uses (General), rather than require a CUP, please allow that Veterinary Services be permitted with an MUP.
- Under Medical-Related and Social Services, rather than require a CUP, please allow that Medical, Dental Clinics or Offices be permitted by-right (as is the circumstance for the Commercial General zone), or only require an MUP

As a point of reference:

- A CUP is reviewed by the Planning Commission and typically requires 3 months (or longer) to process and a \$3,000 (minimum) application fee. The CUP process also requires public notice and a public hearing.
- An MUP is reviewed and acted upon by the Director of Community Development and can typically be approved within 30 days, with an application fee of only \$800. Please note that the MUP process also requires public notice; a public hearing is not mandatory, but may be held upon request of an interested party.
- A use that is permitted-by-right requires only a Zoning Clearance, which can be obtained over the counter and is free (i.e., \$0).

The time and expense for a small-business entrepreneur (such as dance or yoga studio) to obtain a CUP would be prohibitive. Further, it causes an undue burden on the Plaza (or any shopping center) to hold the space while a prospective tenant seeks approval.

In response to questions about the recommendation (which would place these limitations on Studios, Veterinary Services and Medical/Dental Clinics or Offices), the Planning Staff has explained that for the Mountain Vista Plaza the City desires to:

- 1) balance retail versus service uses within the shopping center;
- 2) ensure adequate parking; and

3) demonstrate a preference for retail-based uses.

Further, Staff explains that the CUP requirement for these particular uses (studios, veterinary services and small medical services) provides an opportunity for the City to evaluate each potential new tenant at the Mountain View Plaza on a case-by-case basis and decide whether: 1) the use is suitable for the center; 2) adequate parking is available; or 3) special conditions are required. Similar uses and tenants at other nearby shopping centers (such as the Buena Vista Marketplace, aka Ralph's center) are not subject to this process. [[Please see *Attachment 3*, Site Plan and List of Tenants at Buena Vista Market Place.]]

It should be noted that by the Development Code definition, a community shopping center is already expected to provide a variety of retail or personal services for patrons. In other words, a range of commercial service uses...a range that is inclusive of studios, dental services, etc....is typically anticipated. In fact, it is inherent in the very definition of "shopping center."

We contend that:

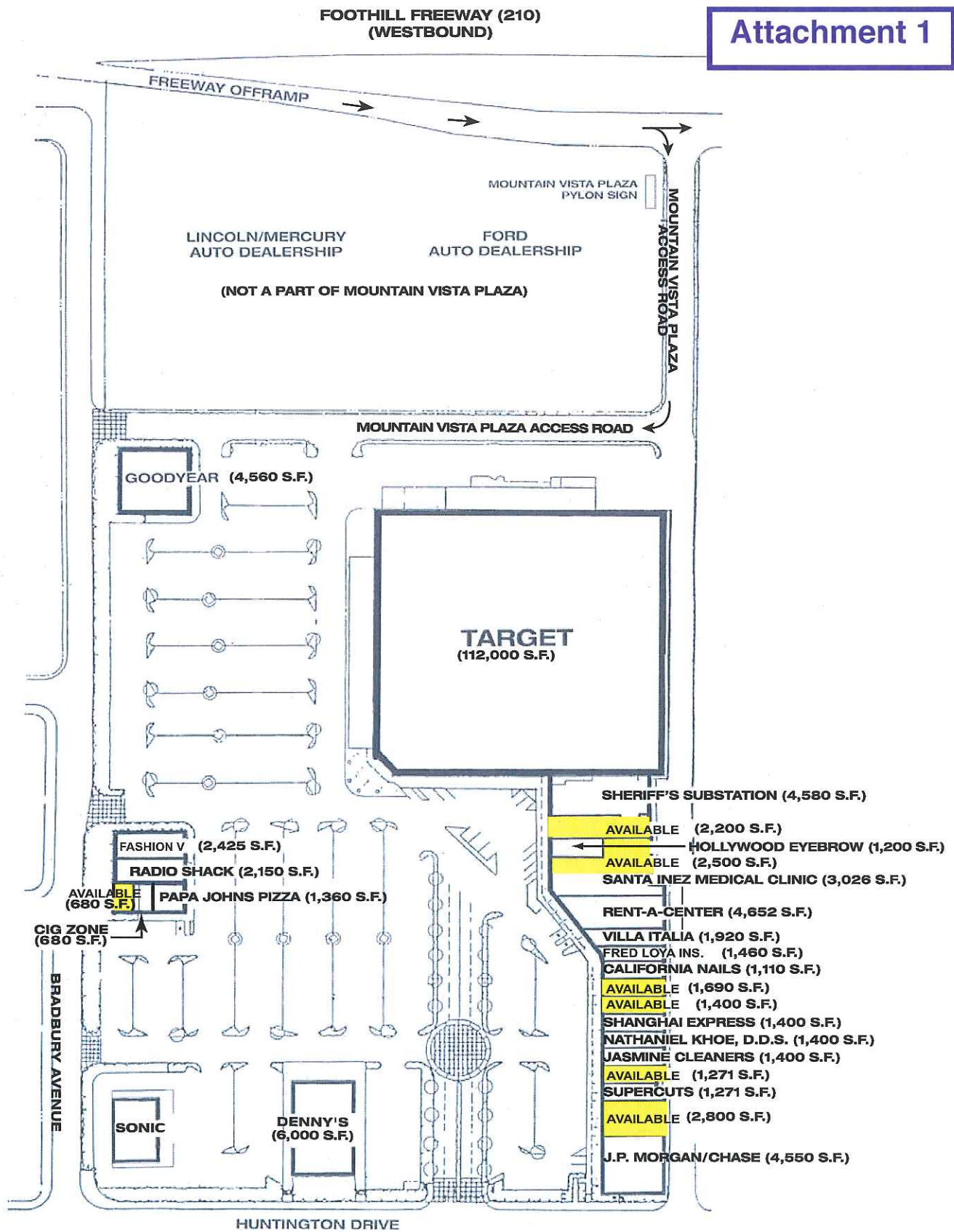
1. A reasonable range of commercial services (including studios and small medical clinics) are already consistent with the definition and expectations of a "shopping center". A requirement for added review via a CUP is unnecessary for normal and traditional uses.
2. Table 2-5 (Allowed Uses and Permit Requirements, in the Commercial Zones) already makes a distinction between the Freeway and General Commercial zones by prohibiting smaller retail uses in the C-F zone. Thereby, C-F properties are effectively preserved for other regional and large-scale, freeway-oriented commercial uses.
3. Inclusion of new code section 19.12.042 already establishes limitations on the ratio of commercial service uses...thus ensuring an emphasis on retail in the C-F zone. Additional discretionary review is redundant and unnecessary.

4. The Development Code already includes a parking requirement specific to shopping centers. The requirement (1 space per 250 square feet) is a composite that accounts for a mix of commercial uses having a shared parking area. Subsequent review on a tenant-by-tenant basis seems unnecessary because Mountain Vista Plaza already meets its parking requirement.
5. The Zone Clearance process is adequate for Planning Staff to confirm the balance of retail and service uses is maintained per the other code requirements.

We find the additional cost, time, constraint and uncertainty imposed by an added layer of discretionary review (represented by a CUP) to be objectionable because these type of uses are otherwise "consistent" in a shopping center environment.

For these reasons, we respectfully request that the City Council consider the previously mentioned adjustments to Table 2-5 to allow for Studio, Veterinary and small Medical services as either permitted-by-right uses or uses permitted with an MUP.

Thank you for your consideration.



MOUNTAIN VISTA PLAZA

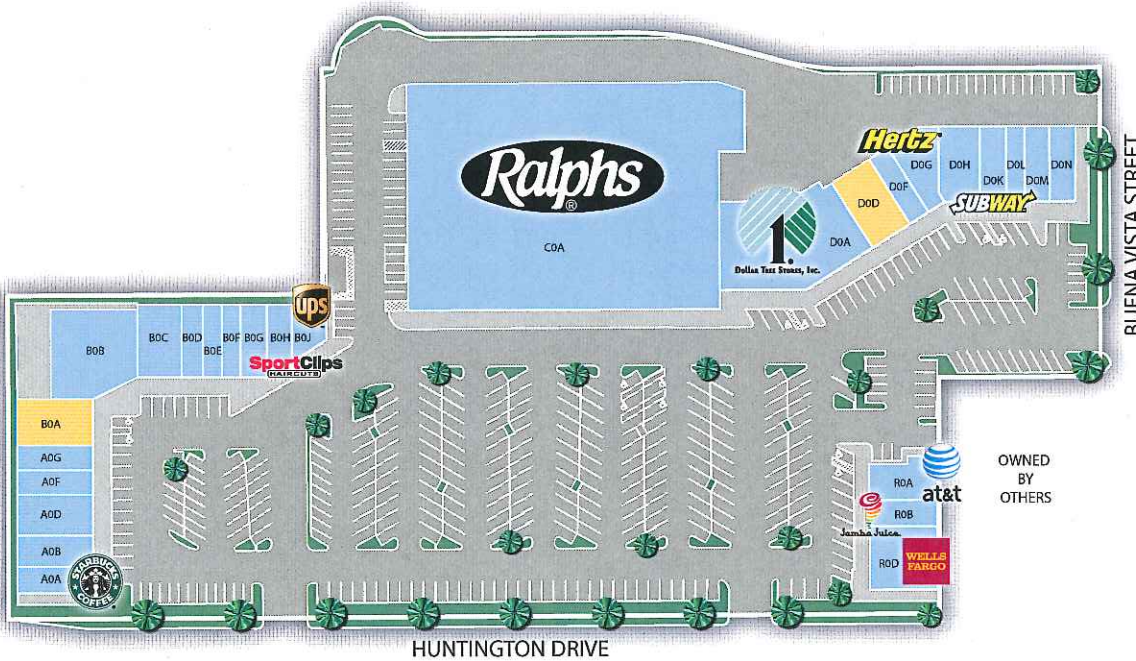
1000 - 1096 Huntington Drive, Duarte, California

All data are approximate and subject to independent verification

Attachment 2

MOUNTAIN VISTA PLAZA - SHOPPING CENTER TENANT OVERVIEW						
TENANT / BUSINESS TYPE						
REF#	Address/ Suite	Sq. Ft. (approx.)	2008	Use Category per old Municipal Code	2010 (year new Development Code Adopted)	2015
Use General Category [& use sub-category] per new Development Code						
1	1042	4,580	Sheriff Substation	Administrative	Sheriff Substation	Sheriff Substation
2	1040	2,200	Cash Advance America	Service	VACANT	VACANT
3	1038	1,200	American General	Service	EyeBrow Hollywood	Hollywood Eyebrow
4	1036	2,500	Methodist Maternity Clinic	Medical/Dental Clinic	VACANT	VACANT
5	1034	3,026	Santa Inez Medical Clinic	Medical/Dental Clinic	Santa Inez Medical Clinic	Santa Inez Medical Clinic
6	1032	4,682	Rent A Center	Furniture/Appliance Store	Rent A Center	Rent A Center
7	1028	1,920	Villa Italia Restaurant	Restaurant under 2,000	Villa Italia Restaurant	Villa Italia Restaurant
8	1026	1,460	La Mich Paletteria Ice Cream	Restaurant under 2,000	Fred Loya Insurance	Fred Loya Insurance
9	1024	1,110	California Nails	Service	California Nails	California Nails
10	1022	1,690	Wells Fargo Financial/Home Mortgage	Banks/Financial Institutions	VACANT	VACANT
11	1020	1,400	India Bazaar	Restaurant under 2,000	India Bazaar	India Bazaar
12	1018	1,400	Shanghi Express Restaurant	Restaurant under 2,000	Shanghi Express Restaurant	Shanghi Express Restaurant
13	1016	1,400	Nathaniel Khoe, DDS	Medical/Dental Clinic	Nathaniel Khoe, DDS	Nathaniel Khoe, DDS
14	1014	1,400	Jasmine Cleaners	Service	Jasmine Cleaners	Jasmine Cleaners
15	1012	1,271	Island Tanning	Beauty Shops/Personal Services	Island Tanning	VACANT
16	1010	1,271	Supercuts, Hair Salon	Beauty Shops/Personal Services	Supercuts, Hair Salon	Supercuts, Hair Salon
17	1008	2,800	Opportunities for Learning	Trade School/Business College	Opportunities for Learning	VACANT
18	1000	4,580	Washington Mutual Bank	Banks/Financial Institutions	JP Morgan/Chase Bank	JP Morgan/Chase Bank
19	1086	2,425	Fashion Time	Retail	Fashion Time	Fashion Time
20	1088	2,150	Radio Shack	Retail	Radio Shack	Radio Shack
21	1090	1,360	VACANT	Retail (Assumed retail)	Papa John's Pizza	Papa John's Pizza
22	1084	680	Smoke and Stuff	Retail	Smoke and Stuff	Smoke and Stuff
23	1086	680	Budget Car Rental	Service	Avis / Budget Group (Car Rental)	VACANT
24	1098	2,331	Goodyear	Auto Repair Retail Area	Goodyear	Goodyear
25	1098	2,331	Goodyear	Service Bay Area (6 bays)	Goodyear	Goodyear
26	1050	83,000	Target	Retail	Target	Target
27	1050	25,000	Target	Warehouse/Stockroom	Target	Target
28	1050	4,000	Unknown	Unknown	Target	Target
29	1060	1,748	Denny's	Dining Area	Denny's	Denny's
30	1060	1,126	Denny's	Lounge Bar (capacity 60)	Denny's	Denny's
31	1060	3,126	Denny's	Kitchen, Cashier, Prep Areas	Denny's	Denny's
32	1070	2,790	Sonic	Restaurant Bldg Area	Sonic	Sonic
33	1070	1,870	Sonic	Outdoor Patio Dining	Sonic	Sonic
34	1070	0	Sonic	Perk-in/Order Stalls (23)	Sonic	Sonic
		174,476	TOTAL SQUARE FOOTAGE			

Attachment 3



TENANT LIST

AOA	STARBUCKS	1,275 SF
AOB	CURVES	1,505 SF
AOD	REX MEDICAL CARE	1,950 SF
AOF	ASIAN SPA	1,160 SF
AOG	MAGIC WOK	1,200 SF
BOA	AVAILABLE (30'9" x 60')	1,843 SF
BOB	SCE FEDERAL CREDIT UNION	4,509 SF
BOC	INFOCUS VISION CENTER	1,980 SF
BOD	DENTAL CARE	996 SF
BOE	H & J JEWELERS	870 SF
BOF	AIO WIRELESS	870 SF
BOG	NAIL SALON	1,247 SF
BOH	SPORT CLIPS	1,013 SF
BOJ	THE UPS STORE	1,014 SF
COA	RALPHS	45,000 SF
DOA	DOLLAR TREE	7,694 SF
DOD	AVAILABLE (35'3" x 60')	2,116 SF
DOF	DR. TAM, D.D.S.	1,058 SF
DOD	HERTZ	1,540 SF
DOH	THE FLAME BROILER	2,000 SF
DOK	SUBWAY	1,260 SF
DOL	CLEANERS	900 SF
DOM	CHECK INTO CASH	1,200 SF
DON	PASTRY BAKERY	1,200 SF
ROA	AT&T	1,512 SF
ROB	JAMBA JUICE	1,145 SF
ROD	WELLS FARGO	2,743 SF

OWNED
BY
OTHERS



CITY COUNCIL STAFF REPORT

Date: February 24, 2015

To: Mayor and City Council

Location: Commercial-Freeway (C-F) zone and City-wide

Project: **Municipal Code Amendment 15-01**; a city-initiated request to amend: (1) Chapter 19.12 of the Duarte Development Code; and (2) modify certain definitions appearing in Duarte Development Code Chapter 19.160 related to service-based businesses.

SUMMARY

Mountain Vista Plaza (Target Center) has recently experienced difficulties in leasing space to certain types of businesses, some of which are not allowed under the current land use regulations for the C-F zone. Some of these land use changes reflect the zone change applied to the property during the comprehensive 2010 Development Code Amendment. While zoning in of itself is not the sole reason for the challenges in leasing space within the center, it is understandable that certain modifications to allowable land uses within the C-F zone may help reinvigorate the shopping center and allow for a better mix of uses for other C-F zoned properties should they become shopping centers in the future.

In collaboration with the owners of Mountain Vista Plaza, the City is proposing two amendments to the Duarte Development Code. The first amendment would alter Chapter 19.12 (Commercial zones) by modifying the allowable land uses, limitations and notations related to said uses for the C-F (Commercial Freeway) zone. The second part of the request involves an amendment to Chapter 19.160 of the Duarte Development Code Chapter to modify certain definitions related to service-based businesses that would apply City-wide. The proposed changes are aimed at permitting a wider range of service-based commercial businesses, while still preserving the primarily regionally-serving retail nature of properties zoned C-F.

BACKGROUND

Mountain Vista Plaza was originally developed in the mid-1980's and was the first regionally-oriented shopping center in the City. A mixture of retail, restaurant and service-based businesses has occupied space within the center over the years. This particular center is unique in that it is home to one of the largest retail spaces in the community and is visible from both I-210 and the City's primary arterial street - Huntington Drive.

In 2010, the City embarked upon a comprehensive overhaul of the Duarte Municipal Code. During this process, the City separated the Municipal Code from the Development Code, revised the zoning map and General Plan diagram and modified the land uses permitted in different zoning districts. In addition, the City created the C-F (Commercial Freeway) zoning district for properties along Interstate 210 that are large, auto-oriented, and regional-serving retail commercial developments that benefit from the increased exposure and regional traffic afforded by a freeway-adjacent location, and where development standards and land uses can

be tailored to attract and maintain such regionally oriented uses. The C-F zone also permits additional signage opportunities for these types of properties, including the use of freeway-oriented pylon signs and substantially larger wall signs. In total, approximately 51 properties were placed into the C-F zone during the comprehensive Development Code Update (Exhibit A - Zoning Map). The City's car dealerships, the Mountain Vista Plaza shopping center and Old Spaghetti Factory constitute half of the number of properties zoned C-F. The other half are comprised of industrial and residential areas immediately west of Mountain Vista Plaza that are more likely to have future commercial development potential. Wal-Mart and the Best Buy center would have likely been given the C-F zoning designation too; however, those properties were previously zoned under individual specific plans.

City Staff has been contacted over the last several years by the owners of Mountain Vista Plaza about difficulties they have been experiencing leasing vacant space within the shopping center (Exhibit B - Property owner site plan). Many of these potential businesses would not be allowed under the existing C-F zone, including several service-based businesses (e.g. barbershop, dry-cleaners, bank, medical office) that either currently occupy lease space or were historically a part of the center. The owners have asked for: modifications to the land use table to address current businesses that occupy the center but are now non-conforming since their particular use is not permitted under the existing C-F zone; and permitting additional service-based businesses, including massage.

Staff is currently preparing two companion code amendments, MCA 14-05, which will (1) amend certain definitions appearing in Duarte Development Code Chapter 19.160 to more clearly address the City's regulations of massage establishments, and (2) add Duarte Development Code sections 19.60.112, to provide locational and development standards for massage establishments; and MCA 14-06, which will bring our current massage ordinance (DMC 5.56) into compliance with new State massage laws that became effective January 1st.

On January 20, 2015, a public hearing for MCA 15-01 was conducted before the Duarte Planning Commission. The owner of Mountain Vista Plaza and their land use consultant attended the meeting but did not speak on the item. The Commission unanimously approved PC Resolution 15-01 (Exhibit C), recommending City Council approval of MCA 15-01.

PROPOSED CODE AMENDMENT

MCA 15-01 pertains primarily to the modification and clarification of allowed and conditionally allowed land uses within the Commercial Freeway (Ch. 19.12) zone. The definition chapter of the Duarte Development Code (Ch. 19.160) is also being revised to address service-based businesses, which would apply to all Commercial zones within the City.

Changes to Commercial Freeway (C-F) zone (Ch. 19.12)

Table 2-5, Allowed Uses and Permit Requirements, (Exhibit D, Section 1) describes land uses allowed or not allowed within all Commercial zones. Modifications shown in bold and underline

indicate an addition to the table, while double strikethrough denotes a deletion of the existing code language.

A second change to the Commercial zone involves the addition of a new subsection, 19.12.042 (Exhibit D, Section 2). This additional language is proposed to balance the distribution of both retail and service-based uses within C-F zoned properties and define anchor tenants within the context of the zone.

Changes to Definitions Chapter (Ch. 19.160)

This Code Amendment also proposes a few changes to the Personal Services Business definition. Personal Service Business is further defined by Personal Service-General, where establishments provide recurrently needed services of a personal nature and Personal Service-Restricted, which categorizes personal services uses with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts.

Specifically, the amendment moves "Tanning Salon" from Personal Services-Restricted to Personal Services-General; and removes "Pawn Shops" entirely from the definition. This amendment, in effect, removes Pawn Shops as a permitted or conditionally permitted use within the City and due to this, the definition of Pawn Shop is also being stricken (Exhibit D, Section 3).

ANALYSIS

MCA 15-01 intends on correcting the land use table (Table 2-5) and allowing additional service-based businesses in both the Mountain-Vista Plaza shopping center and retail developments, while also maintaining the original purpose of the C-F zone, which is to provide a zoning district for properties along Interstate 210 that are large, auto-oriented, and regional-serving retail commercial developments that benefit from the increased exposure and regional traffic afforded by a freeway-adjacent location, and where land uses can be tailored to attract and maintain such regionally oriented uses. A supplemental modification to the definition of certain service-based business is also being proposed to realign uses based upon their impact to the nature of our commercial zones.

Staff first considered changing the zoning for Mountain Vista Plaza back to its former Commercial General (C-G) zoning. Unfortunately several issues prevented Staff from making that recommendation. First, Mountain Vista Plaza, along with other C-F zoned properties; enjoy larger signage standards than C-G zoned properties. A change to the C-G zone would have complicated how signage regulations are applied to the different commercial zones and would have created a potential argument from other C-G zoned properties that Mountain Vista Plaza was being treated differently. Second, the C-F zone was specifically created in 2010 to serve retail-oriented and regionally serving properties along the 210 Freeway, such as Mountain Vista Plaza, CarMax, Ford, Nissan, and Fiat. Although Mountain Vista Plaza is the only property currently developed as a shopping center in this zone, there is a likelihood that other C-F properties will one day develop into shopping centers or other types of retail development. The

City feels this is the right opportunity to modify the land use table for the C-F zone to account for the ever-changing retail climate and to be better prepared for future projects, should one of our other C-F zoned properties choose to develop. Finally, several development standards for the C-F zone are dramatically different than C-G zoned properties. This includes major differences to the minimum lot area (10,000 vs. 40,000 s.f.) and lot width. One original intention of the C-F zone was to minimize the potential of smaller parcel sizes that would carve up large properties along the freeway. By keeping Mountain Vista Plaza in the C-F zone, we maintain another regionally oriented property that has minimum standards for the size of future parcels.

Changes to Commercial Freeway (C-F) zone Land Use Table (Exhibit D, Section 1)

Staff began the process of modifying the land uses in the C-F zone through discussion with the owner of Mountain Vista Plaza, along with analysis of the land uses allowed in other commercial zones in the City and both current and past tenants within Mountain Vista Plaza. Then each proposed land use modification was compared with the purpose of the C-F zone, in order to uphold the Planning Commission and Council's intent for the zoning district. This includes uses that are primarily retail-oriented, service-based businesses that serve a regional market and other uses that enhance and promote a healthy retail shopping center tenant mix. Finally, Staff considered how these uses would either compliment or detract from potential future developments in C-F zoned properties.

For the most part, land use modifications involving uses that currently or previously existed in the Mountain Vista Plaza shopping center were allowed to be included in the C-F zone. This includes many personal service businesses, such as: nail salons, financial institutions, dry cleaners and barbershops. One notable exception to this idea is private and medical related schools - Opportunities for Learning occupied space in the Plaza for about five years and vacated several years ago. Schools are generally parking intensive, occupy larger amounts of leasable space compared to other services uses and can have sporadic hours of operation that limit their compatibility with other service and retail uses in a shopping center. Furthermore, there are many ways schools can choose to operate; such as traffic school that primarily operates at night or weekends to a much larger private educational or medical school that occupies several lease spaces, has dozens of students and is open throughout the day. Due to the variety of school business models, Staff is choosing to restrict those types of uses in the C-F zone and allow that leasable space to instead be occupied by retail or other service-based uses.

The proposed amendment also allows new land uses that were not previously considered in the C-F zone, but that were permitted in the C-G zones by right. Staff looked at similar uses in C-G and C-P zoned properties and then compared those uses with the purpose and intent of the C-F zone. For instance, Vehicle Parts Sales, Take-Out Service, Postal Services and Medical Supplies are allowed in other commercial zones, but are currently prohibited in the C-F zone. These businesses are primarily retail in nature, generally low-impact in operational nature and, if regulated correctly, enhance the overall tenant distribution in a regionally-oriented shopping center.

A third category of land uses considered were those uses conditionally allowed in other commercial zones, but prohibited in the C-F zone. These types of uses include Veterinary Services, Health Facilities and Personal Services Restricted. All of these types of uses are considered to have operational characteristics that may cause impact to other businesses or surrounding properties. However, these businesses can also support and enhance a regionally-oriented shopping center. For instance, certain Petsmart locations offer Banfield Veterinary Services and many large shopping centers allow gyms and other fitness facilities. Many recognized shopping centers are also including national massage tenants, such as Massage Envy and Massage Green, to help provide a wide range of services offered to their patrons. Staff contends that opportunities to locate a Petsmart, major fitness facility or a property regulated personal service (restricted) business in one of our C-F zoned properties should be permissible, with the review of their specific business elements, locational characteristics and the Commission's approval of a conditional use permit. Concurrently, the City is also preparing two companion code amendments, MCA 14-05 and MCA 14-06, which will update our current massage regulations and create locational/developmental restrictions related to massage establishments.

The final category of land uses changes to Table 2-5 involve those businesses that were not previously allowed in the C-F zone, but are generally allowed by right in the other commercial zones. However, these businesses also have the propensity to cause negative impacts to a shopping center, if not specifically reviewed through a use permit. The types of businesses included in this category consist of Studios (art, dance, martial arts, music) and Medical/Dental Offices. These two business models are parking intensive, have parking characteristics that involve drop-off and pick-up considerations, have operational characteristics (e.g. noise, vibration) that may negatively impact other businesses, and involve businesses that can easily expand into more intensive uses without proper review and consideration (e.g. clinic transforms into an urgent care). Furthermore, Staff would like to see these types of potentially impactful businesses undergo a public notification process and be considered in an open forum before the Planning Commission. Therefore, Staff is recommending that these uses be allowed only after specific review and consideration of their business characteristics and potential impacts to the shopping center through the approval of a conditional use permit.

The owners of the Mountain Vista Plaza Shopping Center have requested several additional changes to Table 2-5 that Staff does not recommend. These changes relate to Secondhand Stores, Tobacco Smoking Establishments, Stereo/Alarm Vehicle Part Installation, Medical Schools, Game Arcades or similar businesses and Recycling Facilities. We recommend that the Commission not consider several of these businesses since they are not conducive to the purpose of the zone, such as Secondhand Stores, Game Arcades and Recycling Facilities. In the event a particular use seeks to locate in the C-F zone, such as a Dave and Busters or the like, we can consider amending the Development Code for that use if and when the time arises. The City has recently revised (and restricted) its Code on tobacco related businesses and therefore, permitting a Tobacco Smoking Establishment would run counterintuitive to these recent amendments. Finally, the owners of Mountain Vista Plaza would like to allow for Stereo/Alarm Vehicle Part Installation. When writing the original C-F zone language in 2010,

one concept we wanted to maintain was the allowance for vehicle service, but only as an accessory use to permitted vehicle sales businesses. Allowing vehicle repair or similar stereo/alarm installation runs contrary to the purpose of the C-F zone. Furthermore, those businesses generally produce noise and other negative impacts that can cause impacts to neighboring businesses/properties, as well as discourage retail-oriented businesses from locating in these regional shopping centers. In the specific case of Mountain Vista Plaza, the current Goodyear business would continue to operate as a non-conforming use.

Addition of Subsection 19.12.042 - Limitations on Service-Based Uses in the C-F Zone (Exhibit D, Section 2)

As mentioned previously, maintaining the purpose of the C-F zone as both retail oriented and regionally serving is a pivotal idea when considering what and how the City alters the uses allowed in the zone. The allowance of additional service, medical, recreation and professional land uses must be tempered so that an entire shopping center or other future commercial development maintains a balance of both retail and service-based uses in order to promote the purpose of the zone.

In order to achieve a balance of retail and service based uses, Staff analyzed the uses that were in the center circa 2007-08; before adoption of the 2010 Development Code and the "Great Recession". In this evaluation, it was determined that almost all of the lease spaces were occupied and in a variety of land use categories. The study also showed that approximately half of the businesses in the center, excluding the anchor tenant, were retail-oriented (including restaurants), while the other half were service-based uses.

A second component of this Subsection is the definition of anchor tenant, in the context of the C-F zone. By defining anchor tenants as retail businesses over 20,000 s.f., the City can ensure that future commercial developments have large enough tenants to constitute a shopping center; allow a healthy balance of retail and service based uses in a shopping center and restrict proposed developments that are heavily oriented towards service-based uses in the C-F zone.

Staff recommends that the Council consider adding the addition language in Exhibit D, which is designed to encourage a healthy mix of retail and service-based uses and define anchor tenants within C-F zoned shopping centers.

RECOMMENDATION

Evidenced by the Planning Commission's unanimous approval of PC Resolution 15-01 (Exhibit C), recommending City Council approval of Municipal Code Amendment 15-01, it is recommended that the City Council hold the public hearing and approve proposed Ordinance 15-O-04 (Exhibit D) amending the Duarte Development Code with the modification of Chapter 19.12.020, Allowed Land Uses (Table 2-5); addition of subsection 19.12.042, limiting service-based uses in the C-F zone; and modifying certain definitions appearing in Duarte Development Code Chapter 19.160 related to service-based businesses.

Respectfully Submitted,


Jason Golding
Senior Planner

ATTACHMENTS

Exhibit A – City Zoning Map
Exhibit B – Mt. Vista Plaza Site Plan
Exhibit C – PC Resolution 15-01
Exhibit D – Ordinance 15-O-04; MCA 15-01

City of Duarte Final Zoning Map

Zoning Designations

- R-1 Single-Family Residential
 - R-1A Single-Family Residential
 - R-1B Single-Family Residential
 - R-1D Single-Family Residential
 - R-1E Single-Family Residential
 - R-1F Single-Family Residential (Not Mapped)
 - R-2 Two-Family Residential
 - R-3 Multiple Family Residential Medium Density
 - R-4 Multiple Family Residential High Density
 - RMH Mobile Home Residential
 - C-G Commercial-General
 - C-P Commercial-Freeway
 - C-P Commercial-Professional
 - M Manufacturing
 - H Hospital
 - PF Public Facility
 - O Open Space
 - SP Specific Plan
- (See Chapter 19.22 of the Development Code for a listing of the Specific Plans by name and number.)

Note: Some properties have approved Planned Development Permits (PDP) which may be mapped as such. Appropriate files in the Planning Department should be consulted.

Adopted: November 23, 2010.
Sources: Parcel Data - Los Angeles County, 2007.
Zoning Data - City of Duarte, 2010.

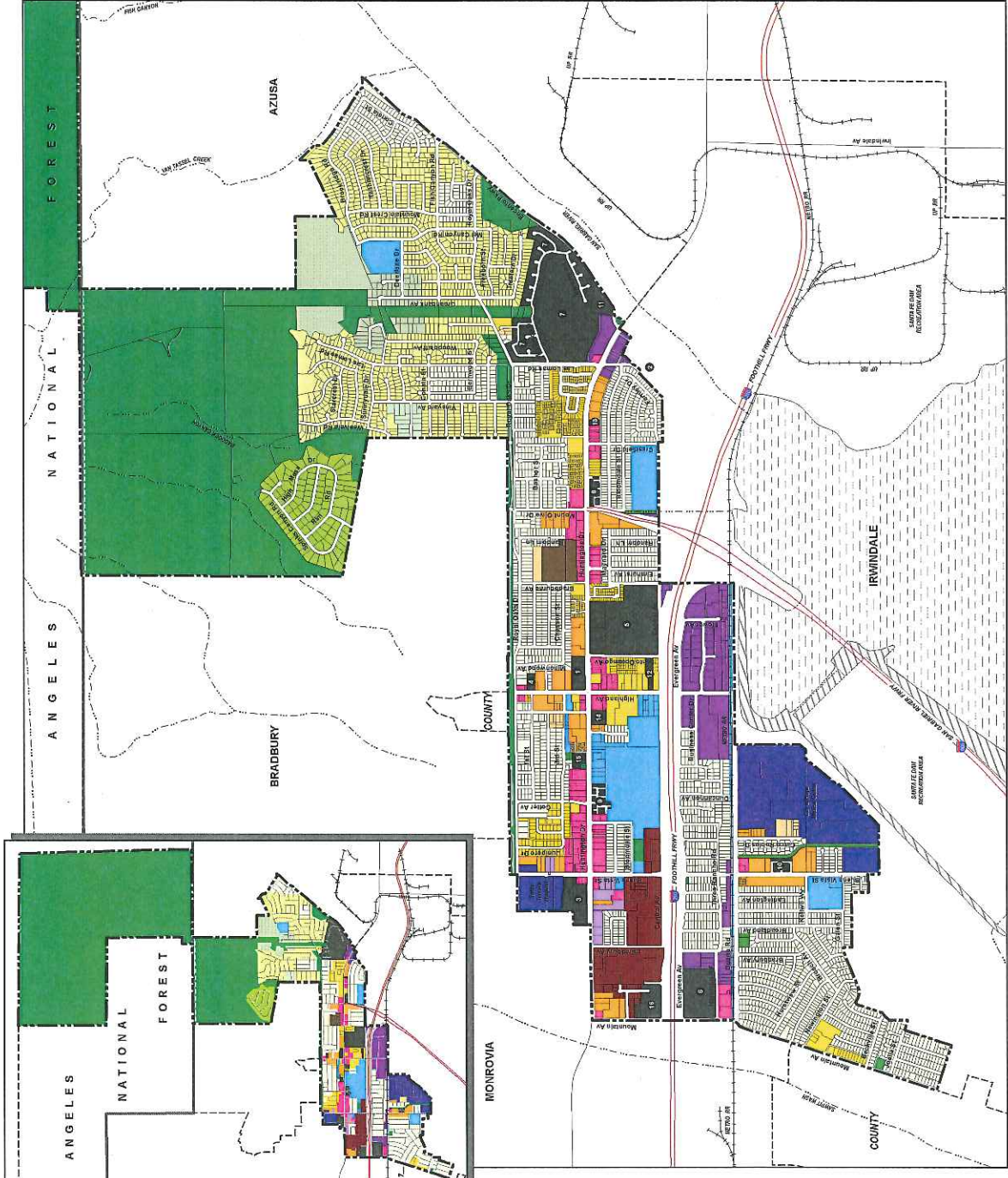
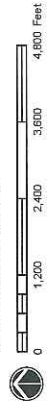
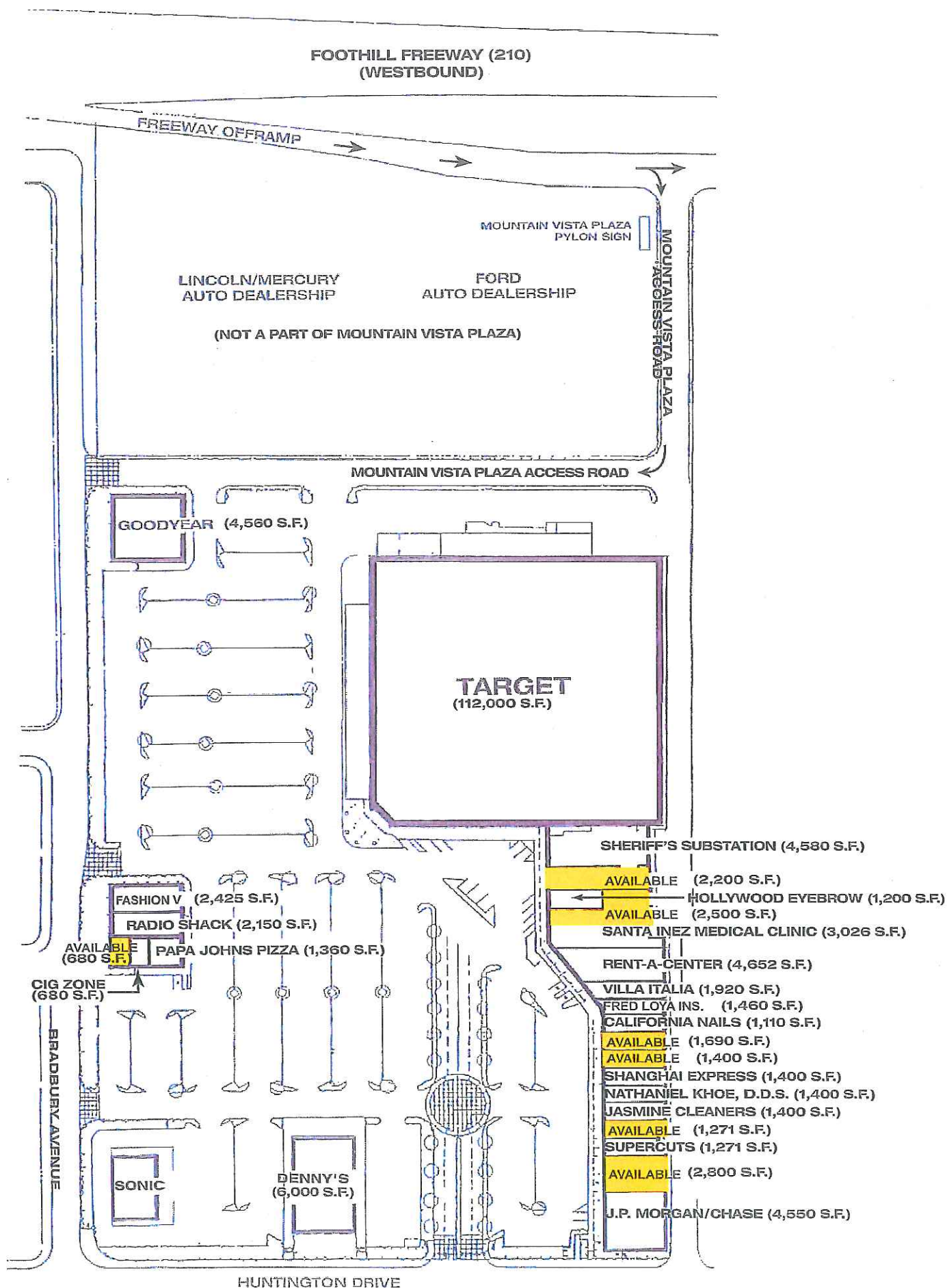


EXHIBIT A



MOUNTAIN VISTA PLAZA
1000 - 1096 Huntington Drive, Duarte, California

EXHIBIT B

RESOLUTION NO. PC 15-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUARTE, RECOMMENDING THE DUARTE CITY COUNCIL ADOPT MUNICIPAL CODE AMENDMENT (MCA) 15-01 WHICH WOULD:

(1) AMEND TABLE 2-5, "ALLOWED USES AND PERMIT REQUIREMENTS," OF SECTION 19.12.020, "LAND USES AND PERMIT REQUIREMENTS," OF CHAPTER 19.12, "COMMERCIAL ZONES (C-P, C-G, C-F)," OF ARTICLE 2, "ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE;

(2) ADD SECTION 19.12.042, "LIMITATIONS ON SERVICE-BASED USES IN C-F ZONED PROPERTIES" OF CHAPTER 19.12, "COMMERCIAL ZONES (C-P, C-G, C-F)," OF ARTICLE 2, "ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE;

(3) AMEND CHAPTER 19.160, "DEFINITIONS," OF ARTICLE 9, "DEFINITIONS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE;

TO MODIFY THE LAND USES ALLOWED IN THE COMMERCIAL-FREEWAY ZONE; PROVIDE LIMITATIONS ON SERVICE BASED USES IN THE COMMERCIAL-FREEWAY ZONE; AND MODIFY CERTAIN DEFINITIONS RELATED TO SERVICE-BASED BUSINESSES.

WHEREAS, the City Council of the City of Duarte is committed to protecting the public health, safety, and welfare of the community, and to meet these goals it is necessary for the City Council to adopt measures, from time to time, to meet threats to the public health, safety, and welfare; and

WHEREAS, in December 2010, the City of Duarte created the Commercial-Freeway Zone to provide locations along Interstate 210 that are large, auto-oriented, and regional-serving retail commercial developments that benefit from the increased exposure and regional traffic afforded by a freeway-adjacent location, and where development standards and land uses can be tailored to attract and maintain such regionally oriented use; and

WHEREAS, owners of Commercial-Freeway zoned properties have had difficulties in leasing space to retail-oriented land uses, which are the majority of uses allowable within the zone, and which has therefore caused an unhealthy balance in the distribution of land uses within shopping centers located within the Commercial-Freeway zone; and

WHEREAS, if adopted, Municipal Code Amendment (MCA) 15-01 would amend the Duarte Development Code to modify the allowable land uses (Table 2-5) and include additional limitations on service-based uses in the Chapter 19.12, Commercial-Freeway

zone; and would modify certain definitions in Chapter 19.160 of the Duarte Development Code pertaining to service-based businesses; and

WHEREAS, the Planning Commission of the City of Duarte conducted a duly-noticed public hearing on January 20, 2015, pursuant to Development Code Section 19.142.040 to consider MCA 15-01, a city initiated request to amend: (1) Chapter 19.12 of the Duarte Development Code; and (2) modify certain definitions appearing in Duarte Development Code Chapter 19.160 related to service-based businesses; and

WHEREAS, notice of a public hearing on the MCA 15-01 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the Planning Commission received and considered the analysis and recommendation provided in the staff report for the MCA 15-01, and all of the information, evidence, and testimony received at the public hearing held on January 20, 2015 at 7:00 p.m. in the City Council Chambers; and

WHEREAS, after careful study and the holding of a duly noticed public hearing, the Planning Commission recommends the City Council adopt and approve Municipal Code Amendment 15-01.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF DUARTE RESOLVES AS FOLLOWS:

SECTION 1. RECITALS

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

SECTION 2. FINDINGS FOR DEVELOPMENT CODE AMENDMENTS

The Planning Commission of the City of Duarte makes the following findings:

- (1) The proposed amendments to the Development Code are consistent with the General Plan and any applicable specific plan.
 - (A) Land Use Goal 1, Objective 1, to improve on Duarte's balance of commercial activities and improve the balance of land uses.
 - (B) Land Use Goal 1, Policy 1.1.7, to expand regional economic development along the I-210 corridor beyond current uses.
 - (C) Land Use Goal 2 to develop compatible and harmonious land uses

by providing a mix of uses consistent with projected future social, environmental, and economic conditions and Policy 2.1.2 to ensure that uses and activities along Huntington Drive should reflect economic market conditions and incompatible uses and activities be eliminated.

- (D) Land Use Goal 3, Objective 3.1, to improve the land mix in selected areas so that it generates synergy and convenience to patrons and residents.
- (2) The proposed amendments to the Development Code will not be detrimental to the public interest, health, safety, convenience, or welfare of the City for each of the following reasons:
- (A) The list of allowable land uses modified through MCA 15-01 are already land uses allowable in other existing commercial zones throughout the City.
 - (B) Land uses modified through this code amendment that pose the potential for significant impact to abutting properties or businesses can only be approved through a conditional use permit approved by the Planning Commission and which requires a duly noticed public hearing.
 - (C) Limitations to service-based uses in the Commercial-Freeway zone will provide a harmonious land use balance and restrict an over-concentration of service-based businesses within shopping centers located in the Commercial-Freeway zone.
 - (D) Definitions modified through MCA 15-01 will realign land use descriptions that are more aptly suited to Personal Services, General, while eliminating land use descriptions that create activities and/or provide commercial goods that are not necessary and/or desirable in the City's commercial zones.
- (3) The proposed amendments to the Development Code are internally consistent with other applicable provisions of this Development Code.
- (A) The proposed amendments to various sections in Chapter 19 will ensure continued internal consistency in the Development Code.
 - (B) The proposed modifications to specific land use regulations in Chapter 19.12, Table 2-5, and the addition of subsection Chapter 19.12.042 will ensure continued internal consistency in the

Development Code by ensuring that the purpose of the Commercial-Freeway zone will be maintained and upheld, as described in the Duarte Development Code, Chapter 19.12.010.C.

- (C) The proposed definitions added to Chapter 19.160 related to service-based uses will ensure continued clarity and consistency in the Development code.

SECTION 3. RECOMMENDATION

The Planning Commission approves this Resolution and recommends the City Council of the City of Duarte adopt MCA 15-01, which would amend the Duarte Development Code as follows:

- A. Table 2.5 (“Allowed Uses and Permit Requirements”) of Section 19.12.020 (“Land Uses and Permit Requirements”) of Chapter 19.12 {“Commercial Zones (C-P, C-G, C-F)”} of Article 2 (“Zones, Allowable Uses, and Development Standards”) to Title 19 (“Development Code”) of the City of Duarte Municipal Code is amended for the Commercial-Freeway zone as follows (deletion shown as ~~double strike through~~ and addition as **bold and underline**):

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
	--	--	--	--
	Not Allowed			
Land Use	C-P	C-G	C-F	Specific Use Regulations
Retail Trade Uses				
Alcohol Beverage Sales				
Alcohol Sales (off-sale)	--	CUP	CUP	See 19.60.030 (Alcohol Beverage Sales Business)
Alcohol Sales (on-sale), Accessory Only	A	A	A	
Convenience Store	CUP	CUP	A	
Pawn Shop	--	--	--	

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
	--			Not Allowed
Land Use	C-P	C-G	C-F	Specific Use Regulations
Retail Store (Up to 20,000 sf)	P	P	--*	*: Not within a recognized shopping center
Retail Store (Greater than 20,000 sf)	--	P	P	
Secondhand Store	--	CUP	--	
Shopping Center				
Neighborhood	--	CUP	--	See 19.12.040 (Limitations on Shopping Centers)
Community	--	CUP	CUP	
Regional	--	CUP	CUP	
Tobacco Product, Electronic Cigarette and Vaping Devices, Electronic Cigarette and Vaping Accessories, and Tobacco Paraphernalia Sales	--	A	A	See 19.60.167 (Accessory Retail Sales of Tobacco Products...)
Tobacco Shop	--	MUP	MUP	See 19.60.165 (Tobacco Shops)
Vehicle Rental	--	MUP	MUP	
Vehicle Sales - New	--	CUP	P	
Vehicle Sales - Used (sites < 1.5 acres)	--	--	CUP	
Vehicle Sales - Used (sites 1.5 acres or greater)	--	--	P	
Vehicle Parts Sales (including stereos/alarms, but no installation)	--	P	A P	
Vending Machines - Outside	MUP	MUP	MUP	See 19.60.170 (Vending Machines - Outdoor)
Business, Financial, and Professional				
ATMs	A	A	A	

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
	--	Not Allowed		
Land Use	C-P	C-G	C-F	Specific Use Regulations
Financial Institutions and Related Services	P	P	MUP P	
Offices – Business or Corporate	P	P	A	
Eating and Drinking Establishments				
Accessory Food Service (open to public)	A	A	A	
Bars, Lounges, Nightclubs, and Taverns	--	CUP	CUP	
Fast Food (no late-night hours)	CUP	P	P	See 19.60.050 (Drive-through and Drive-up Facilities). See also 19.60.190 (Late Night and/or Twenty- Four Hour Uses)
Fast Food (with late-night hours)	CUP	P	P	
Outdoor Cooking - Accessory	CUP	CUP	CUP	Only allowed in association with an approved restaurant use or through Temporary Use or Special Events Permit
Outdoor Dining				
Limited (up to 800 sf, inclusive)	A	A	A	See 19.60.110 (Outdoor Dining)
General (more than 800 sf)	CUP	CUP	CUP	See 19.60.110 (Outdoor Dining)

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
	--			Not Allowed
Land Use	C-P	C-G	C-F	Specific Use Regulations
Outdoor Seating	A	A	A	See 19.60.110 (Outdoor Dining)
Restaurant – Sit-down (no late hours)	P	P	P	
Restaurant – Sit-down (with late hours)	CUP	CUP	P	See Section 19.60.190 (Late Night and/or Twenty- Four Hour Uses)
Take-Out Service	A	P	A P	
Service Uses - General				
Animal Grooming	--	P	-- P	No overnight boarding of animals allowed.
Maintenance and Repair Services (other than vehicle)	P	P	-- P	
Personal Services, General	P	P	-- P	
Postal and Mailing Services	P	P	-- P	
Printing and Duplicating Services (Commercial)	P	P	-- P	
Studio – Art, Dance, Martial Arts, Music	P	P	-- CUP	
Vehicle Repair and Services				
Automobile Washing/Detailing	--	CUP	A	
Fueling Stations	--	CUP	CUP	See 19.60.060 (Fueling Stations)
Vehicle Repair – General (Major Repair/Body Work)	--	--	A	See 19.60.160 (Vehicle

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P Permitted By Right	A Permitted as Accessory Use	MUP Minor Use Permit	CUP Conditional Use Permit
	-- Not Allowed			
Land Use	C-P	C-G	C-F	Specific Use Regulations
Vehicle Repair – Limited (Minor Repair/Maintenance)	--	MUP	A	Repair Facilities – General and Limited)
Vehicle Repair – Limited (Accessory installation, such as stereos, alarms, and window film)	--	CUP	A	
Veterinary Services	MUP	CUP	-- <u>CUP</u>	Boarding allowed only in association with veterinary care.
Service Uses – Restricted				
Electronic Cigarette and Vaping Establishments	--	--	--	
Funeral Homes and Mortuaries, w/o crematorium	MUP	MUP	--	
Personal Services, Restricted	CUP	CUP	-- <u>CUP</u>	
Tobacco Smoking Establishments	--	CUP	--	
Visitor Accommodations				
Hotels/Motels	--	CUP	--	
Long-Term Hotel (Extended Stay)	CUP	--	--	
Care Uses				
Day Care Facility	--	CUP	--	See 19.60.100 (Large and Small Family Child Day Care Facilities)
Residential Care Facilities	CUP	CUP	--	
Medical-Related and Social Services				
Ambulance Services (Limited fleet)	MUP	MUP	--	
Emergency/Urgent Care Clinic	P	P	--	
Medical, Dental Clinics/Offices	P	P	-- <u>CUP</u>	
Medical Supplies	P	P	-- <u>P</u>	

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
	--	Not Allowed		
Land Use	C-P	C-G	C-F	Specific Use Regulations
Outpatient Surgery/Care Facilities	P	P	--	
Pharmacy	P	--	P	
Transportation, Communication, and Infrastructure Uses				
Public and Private Parking Lots and Structures (not associated with a primary use)	MUP	MUP	MUP	
Utilities	CUP	CUP	CUP	
Recreation and Education				
Commercial Recreation and Entertainment	--	CUP	CUP	
Game Arcade, Internet Café, or Similar Business	--	CUP	--	See 19.60.090 (Internet Cafe and Game Arcades)
Health/Fitness Facilities				
Small – Less than 2,000 sf	MUP	MUP	-- <u>MUP</u>	
Large – 2,001 sf or greater	CUP	CUP	-- <u>CUP</u>	
Schools, Private	CUP	CUP	--	
Schools, related to medical professions	CUP	CUP	--	
Other Uses				
Late Night and/or 24-Hour Use within 300 feet of any legal residential use or zone	CUP	CUP	CUP	See Section 19.60.190 (Late Night and/or Twenty-Four Hour Uses)
Accessory Structures	A	A	A	
Assembly/Meeting Facilities (Less than 5,000 sf)	MUP	MUP	--	

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
	—	—	—	—
	Not Allowed			
Land Use	C-P	C-G	C-F	Specific Use Regulations
Drive-Through or Drive-Up Facilities	--	CUP	CUP	See 19.60.050 (Drive-through and Drive-up Facilities)
Museums	CUP	CUP	--	
Outdoor Displays/Sales (Permanent)	CUP	CUP	CUP	
Outdoor Entertainment (when accessory to a primary use)	CUP	CUP	CUP	
Places of Religious Assembly	CUP	CUP	--	See 19.60.130 (Places of Religious Assembly)
Recycling Facilities				See 19.60.140 (Recycling Facilities)
Reverse Vending Machine	--	MUP	--	
Small Collection Facility	--	MUP	--	
Special Events	See Chapter 19.124 (Temporary Use Permits)			
Temporary Uses	See Chapter 19.124 (Temporary Use Permits)			

- B. A new Section 19.12.042 (“Limitations on Service-Based Uses in C-F Zoned Properties”) is added to Chapter 19.12 {“Commercial Zones (C-P, C-G, C-F)”} of Article 2 (“Zones, Allowable Uses and Development Standards”) to Title 19 (“Development Code”) of the Duarte Municipal Code to read, in its entirety, as follows:

19.12.042 - Limitations on Service-Based Uses in C-F Zoned Properties

- A. No more than 50% of the gross floor area of the shopping center, excluding anchor tenant(s), can be devoted to service-based uses, including but not limited to uses consisting of:
1. Financial Institutions and related services
 2. Offices

3. Service Uses-General category
4. Veterinary Services
5. Service Uses-Restricted category
6. Medical-Related and Social Services category
7. Health/Fitness Facilities.

B. For the purposes of this Section, an Anchor Tenant is defined as a retail business consisting of 20,000 square feet or more of gross floor area.

C. Chapter 19.160 ("Definitions") of Article 9 ("Definitions") to Title 19 ("Development Code") of the City of Duarte Municipal Code is amended to modify (deletion shown as ~~double strike through~~ and addition as **bold and underline**) the following definition (which shall be inserted alphabetically in the existing Chapter):

Personal Services Business. Any business or enterprise that provides individual care to persons involving their personal health, fitness, grooming, or appearance.

Personal Services, General. Establishments that provide recurrently needed services of a personal nature. Examples of these uses include:

- acupuncture
- barber and beauty shops (without massage services)
- clothing rental shops
- day spas
- dry cleaning pick up stores with limited on-site cleaning equipment
- laundromats (self service laundries)
- locksmiths
- nail salon
- shoe repair shops
- tailors and seamstresses
- **tanning salons**

Personal Services, Restricted. Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- checking cashing
- fortune-telling and psychic services
- game arcades
- internet cafes

- massage establishments, in compliance with Chapters 5.56 and 19.60.112 of the Duarte Municipal Code
- palm and card readers
- ~~pawn shops~~
- ~~tanning salons~~
- tattoo and body piercing services

SECTION 4. CEQA DETERMINATION.

In adopting this Resolution, the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of the municipal code amendments propose no activity that may have a significant effect on the environment, pursuant to Title 14 California Code of Regulations Section 15301, in that the municipal code amendments involve no expansion of use of existing facilities, and Title 14 California Code of Regulations Section 15378, in that the municipal code amendments are not a project under CEQA because they will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Therefore, no further environmental review is necessary. A notice of exemption will be prepared for this project.

APPROVED, AND ADOPTED by the Planning Commission of the City of Duarte at a regular meeting held on the 20th day of January 2015.

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 January 20, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Craig Hensley

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA ADOPTING MUNICIPAL CODE AMENDMENT (MCA) 15-01 WHICH WOULD:

(1) AMEND TABLE 2-5, "ALLOWED USES AND PERMIT REQUIREMENTS," OF SECTION 19.12.020, "LAND USES AND PERMIT REQUIREMENTS," OF CHAPTER 19.12, "COMMERCIAL ZONES (C-P, C-G, C-F)," OF ARTICLE 2, "ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE;

(2) ADD SECTION 19.12.042, "LIMITATIONS ON SERVICE-BASED USES IN C-F ZONED PROPERTIES" OF CHAPTER 19.12, "COMMERCIAL ZONES (C-P, C-G, C-F)," OF ARTICLE 2, "ZONES, ALLOWABLE USES, AND DEVELOPMENT STANDARDS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE;

(3) AMEND CHAPTER 19.160, "DEFINITIONS," OF ARTICLE 9, "DEFINITIONS," TO TITLE 19, "DEVELOPMENT CODE," OF THE DUARTE MUNICIPAL CODE;

TO MODIFY THE LAND USES ALLOWED IN THE COMMERCIAL-FREEWAY ZONE; PROVIDE LIMITATIONS ON SERVICE BASED USES IN THE COMMERCIAL-FREEWAY ZONE; AND MODIFY CERTAIN DEFINITIONS RELATED TO SERVICE-BASED BUSINESSES (MCA 15-01)

THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION 1. SECTION 19.12.020, TABLE 2-5 AMENDED

Table 2.5 ("Allowed Uses and Permit Requirements") of Section 19.12.020 ("Land Uses and Permit Requirements") of Chapter 19.12 {"Commercial Zones (C-P, C-G, C-F)}" of Article 2 ("Zones, Allowable Uses, and Development Standards") to Title 19 ("Development Code") of the City of Duarte Municipal Code is amended for the Commercial-Freeway zone as follows (deletion shown as ~~double strike through~~ and addition as **bold** and underline):

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements	
	P	Permitted By Right
	A	Permitted as Accessory Use
	MUP	Minor Use Permit
	CUP	Conditional Use Permit
	--	Not Allowed

Land Use	C-P	C-G	C-F	Specific Use Regulations
Retail Trade Uses				
Alcohol Beverage Sales				
Alcohol Sales (off-sale)	--	CUP	CUP	See 19.60.030 (Alcohol Beverage Sales Business)
Alcohol Sales (on-sale), Accessory Only	A	A	A	
Convenience Store	CUP	CUP	A	
Pawn Shop	--	--	--	
Retail Store (Up to 20,000 sf)	P	P	--*	<u>*: When not located within a recognized shopping center</u>
Retail Store (Greater than 20,000 sf)	--	P	P	
Secondhand Store	--	CUP	--	
Shopping Center				
Neighborhood	--	CUP	--	See 19.12.040 (Limitations on Shopping Centers)
Community	--	CUP	CUP	
Regional	--	CUP	CUP	
Tobacco Product, Electronic Cigarette and Vaping Devices, Electronic Cigarette and Vaping Accessories, and Tobacco Paraphernalia Sales	--	A	A	See 19.60.167 (Accessory Retail Sales of Tobacco Products...)
Tobacco Shop	--	MUP	MUP	See 19.60.165 (Tobacco Shops)
Vehicle Rental	--	MUP	MUP	
Vehicle Sales - New	--	CUP	P	
Vehicle Sales – Used (sites < 1.5 acres)	--	--	CUP	
Vehicle Sales – Used (sites 1.5 acres or greater)	--	--	P	
Vehicle Parts Sales (including stereos/alarms, but no installation)	--	P	A P	
Vending Machines - Outside	MUP	MUP	MUP	See 19.60.170 (Vending Machines - Outdoor)
Business, Financial, and Professional				
ATMs	A	A	A	

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
				-- Not Allowed
Land Use	C-P	C-G	C-F	Specific Use Regulations
Financial Institutions and Related Services	P	P	MUP P	
Offices – Business or Corporate	P	P	A	
Eating and Drinking Establishments				
Accessory Food Service (open to public)	A	A	A	
Bars, Lounges, Nightclubs, and Taverns	--	CUP	CUP	
Fast Food (no late-night hours)	CUP	P	P	See 19.60.050(Drive-through and Drive-up Facilities). See also 19.60.190 (Late Night and/or Twenty-Four Hour Uses)
Fast Food (with late-night hours)	CUP	P	P	
Outdoor Cooking - Accessory	CUP	CUP	CUP	Only allowed in association with an approved restaurant use or through Temporary Use or Special Events Permit
Outdoor Dining				
Limited (up to 800 sf, inclusive)	A	A	A	See 19.60.110 (Outdoor Dining)
General (more than 800 sf)	CUP	CUP	CUP	See 19.60.110 (Outdoor Dining)

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
	--	Not Allowed		
Land Use	C-P	C-G	C-F	Specific Use Regulations
Outdoor Seating	A	A	A	See 19.60.110 (Outdoor Dining)
Restaurant – Sit-down (no late hours)	P	P	P	
Restaurant – Sit-down (with late hours)	CUP	CUP	P	See Section 19.60.190 (Late Night and/or Twenty-Four Hour Uses)
Take-Out Service	A	P	A <u>P</u>	
Service Uses - General				
Animal Grooming	--	P	-- <u>P</u>	No overnight boarding of animals allowed.
Maintenance and Repair Services (other than vehicle)	P	P	-- <u>P</u>	
Personal Services, General	P	P	-- <u>P</u>	
Postal and Mailing Services	P	P	-- <u>P</u>	
Printing and Duplicating Services (Commercial)	P	P	-- <u>P</u>	
Studio – Art, Dance, Martial Arts, Music	P	P	-- <u>CUP</u>	
Vehicle Repair and Services				
Automobile Washing/Detailing	--	CUP	A	
Fueling Stations	--	CUP	CUP	See 19.60.060 (Fueling Stations)
Vehicle Repair – General (Major Repair/Body Work)	--	--	A	See 19.60.160 (Vehicle Repair Facilities – General and Limited)
Vehicle Repair – Limited (Minor Repair/Maintenance)	--	MUP	A	
Vehicle Repair – Limited (Accessory installation, such as stereos, alarms, and window film)	--	CUP	A	

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
	--	Not Allowed		
Land Use	C-P	C-G	C-F	Specific Use Regulations
Veterinary Services	MUP	CUP	-- <u>CUP</u>	Boarding allowed only in association with veterinary care.
Service Uses – Restricted				
Electronic Cigarette and Vaping Establishments	--	--	--	
Funeral Homes and Mortuaries, w/o crematorium	MUP	MUP	--	
Personal Services, Restricted	CUP	CUP	-- <u>CUP</u>	
Tobacco Smoking Establishments	--	CUP	--	
Visitor Accommodations				
Hotels/Motels	--	CUP	--	
Long-Term Hotel (Extended Stay)	CUP	--	--	
Care Uses				
Day Care Facility	--	CUP	--	See 19.60.100 (Large and Small Family Child Day Care Facilities)
Residential Care Facilities	CUP	CUP	--	
Medical-Related and Social Services				
Ambulance Services (Limited fleet)	MUP	MUP	--	
Emergency/Urgent Care Clinic	P	P	--	
Medical, Dental Clinics/Offices	P	P	-- <u>CUP</u>	
Medical Supplies	P	P	-- <u>P</u>	
Outpatient Surgery/Care Facilities	P	P	--	
Pharmacy	P	--	P	
Transportation, Communication, and Infrastructure Uses				

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P	A	MUP	CUP
	Permitted By Right	Permitted as Accessory Use	Minor Use Permit	Conditional Use Permit
				--
				Not Allowed
Land Use	C-P	C-G	C-F	Specific Use Regulations
Public and Private Parking Lots and Structures (not associated with a primary use)	MUP	MUP	MUP	
Utilities	CUP	CUP	CUP	
Recreation and Education				
Commercial Recreation and Entertainment	--	CUP	CUP	
Game Arcade, Internet Café, or Similar Business	--	CUP	--	See 19.60.090 (Internet Cafe and Game Arcades)
Health/Fitness Facilities				
Small – Less than 2,000 sf	MUP	MUP	-- <u>MUP</u>	
Large – 2,001 sf or greater	CUP	CUP	-- <u>CUP</u>	
Schools, Private	CUP	CUP	--	
Schools, related to medical professions	CUP	CUP	--	
Other Uses				
Late Night and/or 24-Hour Use within 300 feet of any legal residential use or zone	CUP	CUP	CUP	See Section 19.60.190 (Late Night and/or Twenty-Four Hour Uses)
Accessory Structures	A	A	A	
Assembly/Meeting Facilities (Less than 5,000 sf)	MUP	MUP	--	
Drive-Through or Drive-Up Facilities	--	CUP	CUP	See 19.60.050 (Drive-through and Drive-up Facilities)
Museums	CUP	CUP	--	
Outdoor Displays/Sales (Permanent)	CUP	CUP	CUP	
Outdoor Entertainment (when accessory to a primary use)	CUP	CUP	CUP	

TABLE 2-5 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zone Permit Requirements			
	P A MUP CUP --	Permitted By Right Permitted as Accessory Use Minor Use Permit Conditional Use Permit Not Allowed		
Land Use	C-P	C-G	C-F	Specific Use Regulations
Places of Religious Assembly	CUP	CUP	--	See 19.60.130 (Places of Religious Assembly)
Recycling Facilities				See 19.60.140 (Recycling Facilities)
Reverse Vending Machine	--	MUP	--	
Small Collection Facility	--	MUP	--	
Special Events	See Chapter 19.124 (Temporary Use Permits)			
Temporary Uses	See Chapter 19.124 (Temporary Use Permits)			

SECTION 2.**SECTION 19.12.042 ADDED**

Section 19.12.042 ("Limitations on Service-Based Uses in C-F Zoned Properties") to Chapter 19.12 {"Commercial Zones (C-P, C-G, C-F)"} to Article 2 ("Zones, Allowable Uses and Development Standards") to Title 19 ("Development Code") of the Duarte Municipal Code is added in its entirety to read as follows:

19.12.042 - Limitations on Service-Based Uses in C-F Zoned Properties

- A. No more than 50% of the gross floor area of the shopping center, excluding anchor tenant(s), can be devoted to service-based uses, including but not limited to uses consisting of:
1. Financial Institutions and related services
 2. Offices
 3. Service Uses-General category
 4. Veterinary Services
 5. Service Uses-Restricted category
 6. Medical-Related and Social Services category
 7. Health/Fitness Facilities.
- B. For the purposes of this Section, an Anchor Tenant is defined as a retail business consisting of 20,000 square feet or more of gross floor area.

SECTION 3.**SECTION 19.160.170 AMENDED**

Section 19.160.170 to Chapter 19.160 “Definitions,” to Article 9 “Definitions,” to Title 19 “Planning and Zoning,” of the Duarte Municipal Code is amended as follows (deletion shown as ~~double strike through~~ and addition as **bold** and underline):

19.160.170 - "P" definitions.

Parking, Joint Use. The use of a single parking facility by several related uses occupying the same or adjacent parcels. For example, the use of a single parking facility by tenants of a shopping center.

Parking, Shared. The use of a single parking facility by two distinctly different uses with distinctly different hours of operation such that the shared use of the facility can be accomplished without limiting the ability of one use to occupy the facility to the detriment of the other. For example, distinctly different uses could be a place of religious assembly which generally has weekend parking demands and an office development, which typically uses the parking facility during the week.

Parking Space. An unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one motor vehicle.

- *Garage Parking Space.* A parking space provided within an enclosed structure, with a closing and locking door, whose primary use is the storage of vehicles.
- *Off-Street Parking Space.* A permanent parking space for a vehicle which is designed to City standards and not located on a dedicated street right-of-way.
- *On-Street Parking Space.* A parking space for a vehicle which is designed to City standards and located on a dedicated street right-of-way.

Parking Structure. A structure that is designed specifically for automobile parking and where there are a number of floors or levels on which automobiles park.

Parks and Recreation Facilities. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including sports courts. May include passive outdoor recreation areas that also may be located in conservation areas and/or qualify as "open space." Does not include the same facilities that are privately owned or commercial facilities ("Commercial Recreation and Entertainment").

Parkway. That portion of the public right-of-way between the curb and sidewalk or, where no sidewalk is provided, between the curb and adjacent private property line. A parkway generally includes landscape improvements.

Patio. A paved unenclosed outdoor area that is used for lounging, dining, etc.

Patio Cover. A solid or open roof structure and covering a patio, platform, or deck area, and that is either detached from or attached to another structure.

~~*Pawn Shop.* A commercial establishment that sells secondhand personal property and in which the operator provides loans secured by such personal property.~~

Permeable Surfaces. A surface where the surfacing material itself is impermeable to the inflow of rainwater, but the surface has inlets or holes through it which water enters the soil or construction below.

Personal Services Business. Any business or enterprise that provides individual care to persons involving their personal health, fitness, grooming, or appearance.

Personal Services, General. Establishments that provide recurrently needed services of a personal nature. Examples of these uses include:

- acupuncture
- barber and beauty shops (without massage services)
- clothing rental shops
- day spas
- dry cleaning pick up stores with limited on-site cleaning equipment
- laundromats (self service laundries)
- locksmiths
- nail salon
- shoe repair shops
- tailors and seamstresses
- **tanning salons**

Personal Services, Restricted. Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- checking cashing
- fortune-telling and psychic services
- game arcades
- internet cafes
- massage establishments, in compliance with Chapters 5.56 and 19.60.112 of the Duarte Municipal Code
- palm and card readers
- ~~pawn shops~~
- ~~tanning salons~~
- tattoo and body piercing services

Personal Storage (Mini-Storage or Self-Storage, Indoor Only). A structure containing separate storage space that is designed to be leased or rented individually. Indoor storage shall mean that

access to all storage spaces shall be from common interior corridors, and the facility has only shared loading areas. This use does not include outdoor storage of any kind. Further, such storage does not involve any manufacturing, retail or wholesale selling, office or business services, or human habitation in any storage space or anywhere on site.

Pharmacy. A place where prescription drugs are dispensed.

Places of Religious Assembly. Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers, full-time or part-time schools, or emergency housing) may be allowed but required separate discretionary approvals pursuant to the requirements of this Development Code.

Planned Development. An area of land, controlled by a landowner, to be developed as a unified project and single entity for a group of townhouse dwellings and/or detached dwelling units, the plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage, setback or required open space to the regulations in this Development Code.

Planning Commission or Commission. The Planning Commission of the City of Duarte.

Plant Nursery. A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates.

Pool House. A detached structure used as bathhouse. Structure shall not be used for sleeping purposes.

Porte-Cochere. An accessory structure open on three sides and attached to the side or front of a building through which cars pass and is established for the convenient loading and unloading of passengers from an automobile. A porte-cochere is not a carport or garage nor may it be used to satisfy off-street parking requirements.

Postal Services. Establishments that provide commercial retail postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Primary Use. See "Use."

Printing and Duplicating Services. An establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

Public Assembly, Place of. See "Assembly/Meeting Facilities, Public or Private."

Public Facility. A site or structure owned and operated by the City of Duarte, or other public agencies, for the purpose of providing one or more services to residents of the City, and/or to support other City functions.

SECTION 4. CEQA DETERMINATION.

In adopting this Resolution, the Planning Commission finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of the municipal code amendments propose no activity that may have a significant effect on the environment, pursuant to Title 14 California Code of Regulations Section 15301, in that the municipal code amendments involve no expansion of use of existing facilities, and Title 14 California Code of Regulations Section 15378, in that the municipal code amendments are not a project under CEQA because they will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Therefore, no further environmental review is necessary. A notice of exemption will be prepared for this project.

SECTION 5. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

SECTION 6. POSTING OF ORDINANCE.

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

SECTION 7. EFFECTIVE DATE.

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

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

Mayor Tzeitel Paras-Caracci

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. ____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the ____ day of _____, 2015, by the following Roll Call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California