



MEMORANDUM

TO: CITY MANAGER, DARRELL GEORGE

FROM: CESAR MONSALVE, PARKS AND RECREATION DIRECTOR

SUBJECT: INTRODUCTION OF STUDENT INTERNS

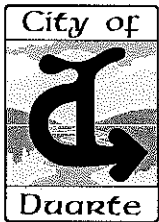
DATE: FEBRUARY 24, 2015

The Youth@Work and Teen Nutrition Council student intern programs provide Duarte High School students with a volunteer opportunity to work in city departments and local businesses and provide nutrition related outreach and education to student peers. When the process is completed, 13 students will be selected through applications and interviews. The Youth@Work interns will be assigned to several sites and at each location they'll gain valuable experience working in a professional environment and provide needed assistance. The Teen Nutrition Council (TNC) will be trained by the City of Hope CCARE program and will work in partnership with the Teen Center, City of Hope and DUSD to provide nutrition education and outreach to peers and younger students. The TNC positions are still being filled.

All interns will receive a stipend of \$100.00 per month with money provided by donations from Duarte Nissan and through budgeted Nutrition Program general funds. All selected students will work under the supervision of a city department director or his/her designate. The teens will perform administrative and staff support duties that may include filing, answering phones, maintenance and general support. We would like to introduce and congratulate the following Duarte students:

Nichollette Delfin	Parks and Recreation - Teen Center
Chavon Jackson	Parks and Recreation – City Hall
TBA	City Manager's Office – City Hall
Felipe Valdez	Public Safety Office – Target Center
Benjamin Helms	DLL Solutions – Duarte
Roberto Bejarano	TNC – Teen Center/City of Hope
Tamar Castro	TNC – Teen Center/City of Hope
Cassandra Gonzalez	TNC – Teen Center/City of Hope
Marisol Arias	TNC – Teen Center/City of Hope
Lindsay Lathrop	TNC – Teen Center/City of Hope
Alyson Sann	TNC – Teen Center/City of Hope

All student interns have been invited to attend the February 24 Duarte City Council meeting for introductions including TNC students whose names will not be available until the meeting.



MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: CESAR MONSALVE, DIRECTOR OF PARKS AND RECREATION

SUBJECT: PRESENTATION BY SHANE JEFFRIES, INTERIM SAN GABRIEL MOUNTAINS NATIONAL MONUMENT MANAGER

DATE: FEBRUARY 24, 2015

On October 10, 2014, President Barack Obama designated 346,177 acres of existing federal lands as the San Gabriel Mountains National Monument, the eighth national monument under Forest Service management. The nation's newest monument covers 342,177 acres of the **Angeles National Forest** and 4,002 acres of neighboring **San Bernardino National Forest** and the area is within 90 minutes of 15 million people in the Los Angeles Basin. The designation will help ensure these lands remain a benefit for all, including Duarte's residents, with thousands of miles of streams, hiking trails, and other outdoor recreation opportunities just steps away. Within the new Monument lies Duarte's own beautiful Fish Canyon Falls Trail and the possibilities for access to the trail are now greatly enhanced by this designation and cooperative efforts and partnerships being led by the City of Duarte. Recently, Vulcan Materials Inc. and the City of Azusa opened a new trailhead that leads to the Fish Canyon Falls Trail and those efforts are now being combined with a new partnership team established to ensure the safety and accessibility of the trail. The partnership team includes the City of Duarte, Angeles National Forest Service, L.A. County Fire Department, and Vulcan Materials Inc.

Recognizing that Fish Canyon Falls Trail is a perfect example of the National Monument's recognition of the positive aspects of a wilderness area that is readily accessible to urban areas, the Angeles National Forest Service has recently begun repairing areas of the trail through its volunteer branch of trail workers, the San Gabriel Mountains Trailbuilders. Additionally, the City of Duarte was awarded grant money that will be used to partner with the Trailbuilders to help rehabilitate the trail and if additional money requested by the Forest Service is granted to them, our crown jewel in the wilderness could potentially reach a level of accessibility and improvements that has never been seen before.

With this new level of positive activity emerging for the Fish Canyon Falls Trail, Mr. Shane Jeffries, Interim National Monument Manager, has been invited to speak to the Duarte City Council to talk about the San Gabriel Mountains National Monument and the potential impact it will have locally.



MADIA Tech Launch Inc.

MADIA Tech Launch Inc. is a career, company, and industry incubator, established as a 501(c)(3) non-profit corporation and providing educational services to the region's technical, scientific, and industrial workforce. The region is centered within and surrounding the cities of Monrovia, Arcadia, Duarte, Irwindale, and Azusa. Educational programs include, but are not limited to, entrepreneurship, business finance and operations, and technology development and commercialization.

Mission Statement

To ensure the region's technical, scientific, and industrial workforce is connected and has the tools they need to be successful, MADIA provides educational programs in entrepreneurship, business finance and operations, and technology development and commercialization in settings which encourage networking and collaboration among members.

Board of Directors

Hannah Dvorak-Carbone
Associate Director
Caltech Office of Technology Transfer

Peter Nortman
COO/CTO
CODA Energy Holdings, LLC

Monika Polewski
CIRM Pre-doctoral Fellow
City of Hope

Leonard Gonzalez
Technology Department Chair
Mt. Sierra College

Sam Kurutz
Network Engineer
Synopsis

Alan Herman
President, Creative Director
Alan Herman & Assoc. Inc.

Jim Schaefer
Partner
Mark Schaefer Associates

Todor Trenkov
Business Advisor
GroundUP Business

Bruce Lathrop
Of Counsel
Lubka & White LLP

Filippo Fanara
Broker/Principal
CIBA Commercial Real Estate



MADIA Tech Launch Inc.

Presentation to
City of Duarte
February 24, 2015

Presented by
Bruce Lathrop
President & Co-Founder
Filippo Fanara
Founding Board Member



Overview of MADIA

- 501(c)(3) Non-Profit Corporation
- “MADIA Tech Launch”
 - (Monrovia-Arcadia-Duarte-Irwindale-Azusa)
- **Mission Statement:**

To ensure the region's technical, scientific, and industrial workforce is connected and has the tools they need to be successful, MADIA provides educational programs in entrepreneurship, business finance and operations, and technology development and commercialization in settings which encourage networking and collaboration among members

Inspiration

- Co-Founder, Todor Trenkov – Small Business Development Center
- SGVCOG Housing, Community, and Economic Development Committee
- Pasadena Angels
- Silicon Beach
- Innovate Pasadena
- Todor's GroundUp Business
- Caltech Entrepreneurs Forum
 - VC Comments that SGV doesn't have workers with skills needed to build high value businesses



Solution

- Unite and Educate the region's technical, scientific, and industrial workforce.
- LinkedIn used to highlight local talent and create technology ecosystem network
- Monthly, Evening "Second Tuesday Meet-ups" to Network and Learn from Expert Speakers in Our Local Ecosystem
 - Yearly Calendar Includes Programs on Cleantech, High Tech, Engineering, and Biotech Businesses, as well as Finance and Technology Commercialization
- Monthly, Morning "Fourth Tuesday Coffees" to Network and Learn from Expert Speakers on the Nuts and Bolts of Running or Starting a Tech Business
- Virtual or Physical Incubator



Accomplishments

- Just Passed 2nd Anniversary as a LinkedIn Group
- 103 LinkedIn Group members
- Board members affiliated with
 - Caltech, Mt. Sierra College, City of Hope
 - Cleantech (CODA), High-Tech (Synopsis), and Biotech (City of Hope)
- **Two Duarte residents on Board of Directors**
- **Three Duarte Companies/Institutions Featured at Monthly Meetups**
- **Initiated Collaboration Between Start-up and Duarte Company**



Targeted Membership: Anyone in the Local Technology Ecosystem

- Current and potential entrepreneurs
 - High tech
 - Medical
 - Clean Tech
 - Other engineering companies
- Employees of established business
- Support Community
 - CPAs
 - Attorneys
 - Marketing/Advertising/PR
 - Insurance
 - Real Estate
 - Business Process Outsourcing
 - Chambers of Commerce



Budget and Government Grant Requests

REVENUE		2014-15 Budget
Contributed Support		
Individual Contributions		\$1,000.00
Corporate Contributions		\$500.00
Grants - Local Government		\$3,000.00
Total Contributed Support		\$4,500.00
Earned Revenues		
Advertising and Promotions Revenue		\$50.00
Total Earned Revenues		\$50.00
Special Events Revenues		
Special Events - Non-Gift Revenue		\$50.00
Special Events - Gift Revenues		\$350.00
Total Special Events Revenues		\$400.00
TOTAL REVENUE		\$4,950.00
EXPENSES		
Grant and Contract Expense		
Contract Related Expense		\$100.00
Total Grant and Contract Expense		\$100.00
Salaries and Related Expense		
Total Salaries and Related Expense		\$0.00
Operating Activity Expense		
Advertising and Promotion		\$1,500.00
Meals for Guests Speakers		\$300.00
Rent for Event Facilities		\$500.00
Permits/Fees		\$200.00
Equipment rental		\$150.00
Program Supplies		\$100.00
Event Insurance		\$400.00
Total Program Expense		\$3,150.00
Office Expense		
D&O Insurance		\$1,000.00
Liability Insurance		\$400.00
Office Supplies		\$25.00
Total Office Expense		\$1,425.00
TOTAL EXPENSES		\$4,675.00
Surplus/(Deficit)		\$275.00



We are currently seeking
\$600 Grant from our partner
cities. We have met with
Azusa, Monrovia, and Duarte
and are reaching out to
Irwindale and Arcadia

Thank You

Q&A

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 10, 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 6:03 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana (arrived prior to Closed Session), Finlay (arrived prior to Closed Session, left at 7:33 p.m.), Kang, Reilly, Paras-Caracci ABSENT: None ADMINISTRATIVE STAFF PRESENT: City Manager George, City Attorney Melching
ADOPTION OF AGENDA	Reilly moved, Kang seconded to adopt the Agenda, as amended to add Recognition of Antonio Zavala to Item 8 (Special Item), and carried unanimously.
CLOSED SESSION Conference with Legal Counsel Anticipated Litigation	There was no public input. Melching announced the Closed Session was pursuant to Government Code § 54956.9(d)(4); Anticipated Litigation; One case. The Closed Session concluded at 7:02 p.m. City Council reconvened at 7:07 p.m., with all members present.
PLEDGE TO THE FLAG	Antonio Zavala led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	A moment of reflection was observed.
FITNESS/MENTAL WARM-UP	Reilly and Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION ITEM	Melching reported that during the Closed Session, City Council received input about one potential case of initiation of litigation, with no reportable action taken.
SPECIAL ITEMS Recognition – Antonio Zavala	Mayor Paras-Caracci introduced Antonio Zavala and presented him with a certificate in recognition of his boxing achievements at the 2015 National Silver Glove Tournament. Steve Hernandez stated Lena Valenzuela left her children as a legacy, and complimented the boxing program.
Presentation – Duarte Women's Business Expo	Karen Herrera presented a report on the upcoming Women in Business Expo that is spearheaded by Mayor Paras-Caracci, to be held at the Duarte Community Center on Saturday, April 25. Reilly moved, Kang seconded to receive and file the report, and carried unanimously.

Presentation – Public Safety
2014 Year in Review

Brian Villalobos presented an overview of the Public Safety 2014 year in review, including crime, arrests, gang-related violence, grants, outreach, Neighborhood Watch, and City events.

ANNOUNCEMENTS

Lauren Worsley announced Relay for Life in May, and Bark for Life in June.

Sheryl Lefmann announced upcoming Chamber events in the month of February.

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

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

Nicole Delgado announced upcoming events hosted by Assemblymember Roger Hernandez.

Councilmember Reilly announced event at Citrus College about becoming a foster or adoptive parent.

CONSENT CALENDAR

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

Approve Items A, B, C, D, G, I.

Remove Items E, F, H.

Item D – Ordinance No. 855
Stormwater and Urban Runoff
Pollution Control (MCA 15-02)
(Second Reading)

Council Bill 15-O-01 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING CHAPTER 6.15 “STORMWATER AND URBAN RUNOFF POLLUTION CONTROL,” TO TITLE 6, “HEALTH AND SANITATION,” OF THE DUARTE MUNICIPAL CODE (MCA 15-02) (Second Reading)

ITEMS REMOVED

Item E – Relay/Bark for Life

Lauren Worsley answered questions from City Councilmembers about the events.

ITEM E – Approved

Kang moved, Reilly seconded to approve the request from Relay for Life and Bark for Life for City of Duarte co-sponsorship of relay event on May 16-17, 2015, at Duarte High School, and bark event on June 27, 2015, at Duarte Park, and carried with Finlay absent from the vote.

Item F – Hong Kong Symphony

George presented a staff report about the request. Fung Ho answered questions from City Councilmembers about the event.

ITEM F – Approved

Reilly moved, Kang seconded to approve the request from Hong Kong Children’s Symphony Orchestra for City of Duarte co-sponsorship of summer concert on July 18, 2015, at the Duarte Performing Arts Center, and carried with Finlay absent from the vote.

Item H – PEG Fees

Melching presented a staff report about the item. Kang requested copies of the change orders for the AV project.

ITEM H – Approved

Reilly moved, Fasana seconded to approve the First Amendment to Assignment of Rights to Public, Educational, and Government Fees, and carried with Finlay absent from the vote.

BUSINESS ITEMS

Internal Safety Programs/Policies

Kristen Petersen presented a staff report about the proposed programs and policies, including Bloodborne Pathogens Exposure Control Plan, First Aid, CPR and AED Program, Fire Prevention Policy, Hazard Communication Program, Hazardous Waste Control Policy, Hearing Conservation Program, and the Lockout/Tag Out Policy, and answered questions from Councilmembers pertaining to employee training.

Kang moved, Reilly seconded to approve/adopt the internal safety programs and policies, and carried with Finlay absent from the vote.

City audit services contract

Kristen Petersen presented a staff report about the request for City Council direction on the City's audit services contract, discussed options, and answered questions from Councilmembers pertaining to experience with the current auditor, process, and State law relating to auditing services.

Reilly moved to negotiate an agreement with Lance Soll and Lunghard and use a different lead partner not to exceed two years. The motion died for lack of a second.

Fasana moved, Paras-Caracci seconded to negotiate a two-year agreement with Lance Soll and Lunghard, with the option of using either the existing or a different lead partner, and carried with Finlay absent from the vote.

RESOLUTION

Council Bill 15-R-03

Town Center Ad Hoc Committee

Melching read by title Council Bill 15-R-03:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA ESTABLISHING A TOWN CENTER AD HOC COMMITTEE, SETTING COMMITTEE REQUIREMENTS, AND MAKING FINDINGS AND DETERMINATIONS CONCERNING THE COMPLIANCE OF THE COMMITTEE AND COMMITTEE MEMBERS WITH CERTAIN LAWS AND REGULATIONS

Craig Hensley presented a staff report about the proposed Ad Hoc Committee, and invited Councilmembers to submit names of their appointees.

RESOLUTION NO. 15-03

Reilly moved, Kang seconded to adopt Resolution No. 15-03, and carried with Finlay absent from the vote.

ITEMS FROM CITY COUNCIL/
CITY MANAGER

KANG: Participated in the homeless count, stated he has received positive feedback from City of Hope employees regarding the Gold Line, and thanked staff for replacing trees at Mt. Olive and Huntington.

REILLY: Stated Gold Line construction is to be completed by the end of Summer, the station should be open by Spring 2016, thanked those who participated in the homeless count, Ramp-Up Duarte has completed two projects, and requested an update on the joint use agreement with the School District. George stated a draft is being reviewed, and it is anticipated to be presented at a future Council Meeting.

FASANA: Inquired about the number of homeless counted (Herrera stated there were 23 potential homeless situations), he is pleased the trail will reopen tomorrow, he and the Mayor attended meeting held by Los Angeles Mayor Garcetti, and asked for a report back about our inventory of different types of buildings that are at risk in the event of an earthquake, as we do our emergency assessments, to include water storage, knowing our situation with the utilities, and issues with the sewage system, so we can then decide on the appropriate course of action.

PARAS-CARACCI: Stated at the meeting with Mayor Garcetti, Lucy Jones made a presentation, provided an assessment report to the City Manager, agreed that we need an inventory of our buildings, stated the meeting included a speaker from the immigration office and a discussion on affordable housing, attended Mayor's Youth Council meeting, stated there is a traffic and safety issue on Central and Duncannon as cars speed there and there is no crossing guard, suggested this could be considered by the Traffic Safety Commission and discussed with the School Board, congratulated participants in Groundhog Job Shadow Day, and thanked staff and volunteers for the homeless count event.

ADJOURNMENT

The meeting was adjourned at 9:18 p.m. in memory of Jack Heany.

Mayor Tzeitel Paras-Caracci

ATTEST:

City Clerk



MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: CESAR MONSALVE, DIRECTOR OF PARKS AND RECREATION

SUBJECT: ESTABLISH NEW PARKS AND RECREATION TRAIL MAINTENANCE CREW POSITION TO REHABILITATE THE TRAIL TO DUARTE FISH CANYON FALLS

DATE: FEBRUARY 24, 2015

Recommendation: Approve the creation of a new Duarte Parks and Recreation Department Trail Maintenance Crew position, salary schedule and classification by the adoption of Resolution 15-R-05. The grant-funded Trail Maintenance Crew workers will be used to rehabilitate Duarte Fish Canyon Falls Trail.

Background: The City of Duarte Parks and Recreation Department was recently awarded \$25,000 in competitive grant funds through Supervisor Michael D. Antonovich's Fifth Supervisorial District Excess Funds Grant Program that will be used to fund the repair and maintenance of the trail to Duarte Fish Canyon Falls. A 25% match amounting to \$8,375 is required and at the August 26, 2014 Duarte City Council meeting, the council approved the allocation of these funds. The total cost for the rehabilitation project will be \$33,375.

If approved, 8 Trail Maintenance Crew members will be hired through an application and interview process. The job openings will be announced through the normal methods the Duarte Human Resources Department uses as well as announcements through the Public Safety Department's Outreach Consultant program.

Attachments: Grant Scope/Cost Estimate. Proposed job description. Duarte City Resolution for the creation of a new Duarte Parks and Recreation Department Trail Maintenance Crew salary rate schedule classification.

**Los Angeles County Regional Park Open Space District
Prop A Grant Program**

Grant Scope/Cost Estimate Form

Project Name: Duarte Fish Canyon Falls Trail Rehabilitation **Grant #:** _____

Grant Scope

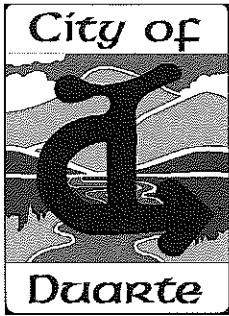
To rehabilitate approximately 1.6 miles of the Duarte Fish Canyon Falls Trail including: The use of 3 City of Duarte Maintenance Division employees and the hiring and training of 8 at-risk youth to all serve as the project's trail crew. To refurbish or replace trail signage and the repair and renovation of the trail for safe passage to Fish Canyon Falls.

Grant Scope Items - Administration (Pre-Construction) (Maximum: 25% of grant amount)	Prop A Grant	Other Sources	Total
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
Subtotal - Pre-Construction	\$ -	\$ -	\$ -
Grant Scope Items - Construction or Acquisition (Minimum: 75% of grant amount)	Prop A Grant	Other Sources	Total
8 Youth Trail Crew x 125 hrs Labor @ \$15 p/hr	\$ 15,000.00		\$ 15,000.00
Misc. Construction Supplies (Rebar, Rail Ties, Concrete etc.)	\$ 6,000.00		\$ 6,000.00
Tools	\$ 2,000.00		\$ 2,000.00
Interpretive Trail Signs Repairs & New Signs	\$ 2,000.00		\$ 2,000.00
			\$ -
Subtotal - Construction/Acquisition	\$ 25,000.00	\$ -	\$ 25,000.00
PROP A GRANT AMOUNT	\$ 25,000.00		
Total Project Cost			\$ 25,000

Other Funding Sources (list by name)	Total
City of Duarte 25% Match	
City of Duarte Maintenance Staff 3 x 125 hrs Labor @ \$21.00 p/hr	\$ 7,875.00
Misc. Staff Supplies (Hydration Packs, Uniforms, Back Packs)	\$ 500.00
Total of Other Funding Sources	\$ 8,375.00
Prop A Grant	\$ 25,000.00
Total Project Cost	\$ 33,375.00

Notes:

- This form will be used to establish the expected grant deliverables.
- All of the recreation features and major support amenities listed on this form must be completed and open to the public before final grant payment is approved.



TRAIL MAINTENANCE CREW

Part-Time Temporary

Definition:

Under the direction of the Facilities Maintenance Supervisor, is responsible for rehabilitating, repairing, and maintaining the Duarte Fish Canyon Falls recreation hiking trail.

Essential Job Duties:

The following tasks are essential for this position. Incumbents in this classification may not perform all of these tasks, or may perform similar related tasks not listed here.

1. Repair and renovate recreation-hiking trail.
2. Refurbish or replace trail signage.
3. Remove shrubs and plants.
4. Assist in trail leveling.
5. Performs other related duties as required.

Minimum Knowledge, Skill and Ability:

Knowledge of:

- Methods, equipment, tools and materials used to perform maintenance work.
- Operation of a variety of hand tools and equipment.
- Appropriate safety precautions and procedures.
- Basic maintenance trades.

Skill and Ability to:

- Hike in and out of mountainous terrain.
- Perform heavy labor and skilled trades work.
- Understand and follow direction, oral and written.
- Use and operate various tools, equipment and vehicles.
- Work well with others.
- Work independently, without direct supervision.

Training and Experience:

Any equivalent combination of training and experience that provides the required knowledge, skills, and abilities could be considered qualifying. A typical way to obtain the knowledge, skills, and abilities would be a high school diploma or equivalent.

Licenses and Certificates:

Possession of a valid California driver's license and current insurance is required. Must have a clean driving record.

Physical Requirements and Working Conditions:

- Requires vision (which may be corrected) to read small print.
- Requires the mobility to stand, stoop, reach and bend.
- Requires mobility of arms to reach and dexterity of hands to grasp and manipulate small objects.
- Requires the ability to stand for long periods.
- Requires the ability to walk long distances.
- Performs work which involves the frequent lifting, pushing and/or pulling of objects which may approximate 50 pounds.
- Subject to outside environmental conditions.
- May be required to work evenings, weekends, and holidays.

RESOLUTION NO.

**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**

BE IT RESOLVED by the City Council of the City of Duarte, County of Los Angeles, State of California, as follows:

Section 1. Part-Time Temporary Employees. A part-time temporary employee is defined as one who is hired on a seasonal, temporary, or as-needed basis, maintains at-will employment status, and is limited to working less than 1,000 hours in a fiscal year. The following wage ranges and steps are hereby established:

Classifications	HOURLY RANGES – SALARY STEPS						
	A	B	C	D	E	F	G
Trail Maintenance Crew	\$9.00	\$11.00	\$13.00	\$15.00	\$17.00	\$18.00	\$21.00

Section 2. Except when exempted by law, hourly employees shall be enrolled in the Public Agency Retirement Services – Alternative Retirement System (PARS-ARS) and shall be fully responsible for all contributions. When mandated by virtue of prior membership to be instead enrolled in the California Public Employees Retirement System (CalPERS), hourly employees shall be responsible for paying the full cost of the employee's contribution.

Section 3. All resolutions, or portions thereof, previously adopted by the City Council and found to be in conflict with the provisions of this resolution are hereby repealed.

Section 4. The effective date of this resolution shall be February 24, 2015. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED, AND ADOPTED this 24th day of February 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 Resolution No. 15-05 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 24th day of February, 2015, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

City Clerk Marla Akana
City of Duarte, California

MEMORANDUM

TO: City Council

FROM: Public Safety Commission

DATE: February 18, 2015

SUBJECT: Commission Organization



At the regular meeting of the Public Safety Commission held on Tuesday, February 17, 2015, the Commission organized as follows:

Chairperson – Jim Dinsmore
Vice Chairperson – Carol Haynes

CITY COUNCIL NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to State Law, the City Council of the City of Duarte will hold a Public Hearing at 7:00 p.m., on Tuesday, February 24, 2015 in Council Chambers, 1600 Huntington Drive, Duarte, California, to consider the following:

Municipal Code Amendment 14-05: The City Council will consider Municipal Code Amendment 14-05, a City-initiated request to (1) amend sections 19.160.140 "M' Definitions" and 16.160.170 "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, and (2) add 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. On January 20, 2015, the Planning Commission unanimously approved Planning Commission Resolution 14-04, recommending the City Council adopt proposed Municipal Code Amendment 14-05.

Municipal Code Amendment 14-06: The City Council will consider Municipal Code Amendment 14-06, a City-initiated request to amend, delete, and/or replace the following provisions of Chapter 5.56, "Massage Establishments," of Title 5, "Business Licenses and Regulations," of the Duarte Municipal Code: (1) amend Section 5.56.010 "Purpose and intent," (2) amend Section 5.56.020 "License required," (3) delete Section 5.56.030 "Business license required; inspection of premises; notification to city," (4) replace section 5.56.040 "Display of permit and certifications" with section 5.56.040 "Massage Establishment Business license required; inspection of premises; notification to city" (5) replace Section 5.56.050 "Attire and physical hygiene requirements," with "Section 5.56.050 "Out-call massage prohibited," (6) replace section 5.56.060 "Ventilation requirements" with Section 5.56.060 "Display of permit and certifications," (7) replace Section 5.56.070 "Reception area separate from customer waiting area; screening of openings," with Section 5.56.070 "Massage School Prohibited," (8) replace Section 5.56.080 "Lighting in parking lot," with Section 5.56.080 "Attire and physical hygiene requirements," (9) replace Section 5.56.100 "Unlocked exterior doors," with Section 5.56.100 "Reception area separate from customer waiting area; screening of openings," (10) replace Section 5.56.110 "Locked interior doors prohibited," with Section 5.56.110 "Lighting in parking lot," (11) replace Section 5.56.120 "Unobstructed Opening required," with Section 5.56.120 "Construction," (12) replace Section 5.56.130 "Cleanliness," with Section 5.56.130 "Unlocked exterior and interior doors; video security," (13) replace Section 5.56.150, "Bathing, dressing, and toilet facilities," with Section 5.56.150 "Cleanliness," (14) replace Section 5.56.160 "Washbasins," with Section 5.56.160 "Separate Rooms," (15) replace Section 5.56.170 "Service to minors," with Section 5.56.170 "Bathing, dressing, and toilet facilities," (16) replace Section 5.56.180 "Harmful displays," with Section 5.56.180 "Washbasins," (17) replace Section 5.56.190 "Permitted hours," with Section 5.56.190 "Service to Minors," (18) replace Section 5.56.200 "List of services displayed," with Section 5.56.200 "Harmful displays," (19) replace Section 5.56.210 "Records," with Section 5.56.210 "Permitted hours," (20) replace Section 5.56.220 "Prohibited procedures," with Section 5.56.220 "List of services displayed," (21) replace Section 5.56.230 "Restrictions on garments provided," with Section 5.56.230 "Records of services rendered," (22) replace Section 5.56.240 "Restrictions on grooming and hygiene products provided," with Section 5.56.240 "Records of employees and independent contractors," (23) replace Section 5.56.250 "Required footwear while showering," with Section 5.56.250 "Advertisement," (24) add Section 5.56.255 "Prohibited procedures," (25) replace Section 5.56.260 "Prohibited conduct," with Section 5.56.260 "Restrictions on garments provided," (26) replace Section 5.56.270 "Alcohol prohibited," with Section 5.56.270 "Restrictions on grooming and hygiene products provided," (27) replace Section 5.56.280 "Minors-Employment or services prohibited," with Section 5.56.280 "Required footwear while showering," (28) replace Section 5.56.290 "Violations of a public nuisance, penalties and nuisance abatement," with Section 5.56.290 "Prohibited conduct," (29) replace Section 5.56.300 "Exemptions from chapter," with Section 5.56.300 "Alcohol and non-prescription drugs prohibited," (30) add Section 5.56.310 "Minors-Employment or services prohibited," (31) add Section 5.56.320 "Violations of a public nuisance, penalties and nuisance abatement; license revocation for repeated violations; notifications to Landlord," (32) add Section 5.56.330 "Management; liability of management," (33) add Section 5.56.340 "Exemptions from chapter," (34) add Section 5.56.350 "Compliance with applicable laws," and (35) add Section 5.56.360 "Pre-existing massage establishments." Furthermore, The City Council of the City of Duarte hereby terminates the Moratorium enacted through the adoption of Ordinance No. 851.

Municipal Code Amendment 15-01: The City Council will consider Municipal Code Amendment 15-01, a City-initiated request to (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, and (3) amend Chapter 19.160 "Definitions," of Article 9 "Definitions," to Title 19 "Development Code," of the Duarte Municipal Code. The foregoing amendments would 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. On January 20, 2015, the Planning Commission unanimously approved Planning Commission Resolution 15-01, recommending the City Council adopt proposed Municipal Code Amendment 15-01.

The proposed municipal code amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions, each of which is independently sufficient to support the City's environmental determination. (1) 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, (2) Title 14 California Code of Regulations Section 15301, in that the municipal code amendments involve no expansion of use of existing facilities, and (3) 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. All of these exemptions apply to all of the proposed municipal code amendments because all of the proposed municipal code amendments are regulatory measures that do not involve a land use application.

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

For further information regarding this application, please contact Jason Golding, Senior Planner in the Community Development Department, 1600 Huntington Drive, Duarte, CA., 91010, Monday through Thursday at (626) 357-7931, ext. 231, between the hours of 7:30 a.m. and 6:00 p.m.

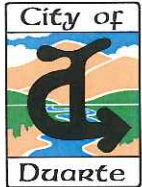
Marla Akana
City Clerk

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

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CITY COUNCIL STAFF REPORT

Date: February 24, 2015

To: Mayor and City Council

Location: City-wide

Project: **Municipal Code Amendment 14-05;** A city-initiated request to (1) add Duarte Development Code sections 19.60.112, to provide locational and development standards for massage establishments; and (2) modify certain definitions appearing in Duarte Development Code Chapter 19.160 to more clearly address the City's regulations of massage establishments.

Municipal Code Amendment 14-06; A City-initiated request to amend, delete, and/or replace Chapter 5.56, "Massage Establishments," of Title 5, "Business Licenses and Regulations," of the Duarte Municipal Code.

SUMMARY

Current massage laws, enacted in 2008 under SB 731, placed severe limitations to how and what cities can regulate related to the massage industry. After several years working under SB 731, the City has experienced a series of problems dealing with massage businesses, including frequent turnover of massage technician staff and management, unapproved floor plan modifications, recordkeeping issues and on one occasion, an arrest for prostitution. As a result of these issues and numerous requests for new massage businesses, the City Council adopted a moratorium this past summer on the issuance of massage business licenses in order to provide time for Staff to research and properly evaluate the City's massage regulations.

On January 1, AB 1147 came into effect, which revised State law to allow cities additional authority in adopting land uses regulations, operational requirements, amongst other regulations pertaining to massage businesses. MCA 14-05 proposes a set of new developmental and locational land use standards that are designed to accommodate massage businesses but with regulations to address the minimum size of the lease/building area these business can operate in; requiring increased transparency and visibility into the frontages of these lease areas; implementing lighting requirements; creating and expanding the definition of massage establishments; and categorizing massage businesses into a more restrictive land use category. MCA 14-06, pertains to modifying, adding and deleting multiple sections of the existing Chapter 5.56 of the Duarte Municipal Code, including but not limited to topics such as: regulation of massage technician licenses, operational standards, recordkeeping, violations and pre-existing/non-conforming massage businesses.

MCA 14-05 and 14-06 are being brought before the City Council to bring our current massage ordinance (DMC 5.56) into compliance with new State massage laws that became effective January 1st; and to provide clear locational, developmental and operational standards for new

massage businesses. These modifications are designed to promote legitimate massage businesses that will enhance and compliment the City's commercial centers, while addressing health and safety concerns and creating enforcement mechanisms for controlling illicit operators.

BACKGROUND

In 2008, the State passed SB 731, which changed the ability of local governments to regulate the massage industry. A second primary goal of SB 731 was to establish the California Massage Therapy Council ("CAMTC"). CAMTC is a private nonprofit public benefit corporation that is tasked with creating and implementing a voluntary certification program for the massage therapy profession; ensuring that certified massage professionals have completed sufficient training at approved schools; and approving massage schools. One of the unintended consequences of this law was that massage establishments had fewer regulations than most other businesses since SB 731 prohibited local governments from regulating or enacting ordinances for a business that employs certified massage therapists unless the requirements are "no different than the requirements that are uniformly applied to all other individuals and businesses providing professional services". From 2008 until recently, many cities including Duarte, have had law enforcement issues with many massage business acting in disguise as brothels or as fronts for human trafficking. Code enforcement and zoning professionals have also had difficulties in monitoring many business that have frequently had changes in ownership/management and floor plan changes that result in modifications from approved plans. At the same time, Community Development Department Staff experienced a large influx of massage business applicants. Due to these concerns, the City Council adopted a moratorium on establishing, locating or operating massage establishments (including issuing business licenses or zoning clearances) on July 8, 2014. On August 12, the Council adopted an extension to this moratorium, which is set to expire on July 7, 2015.

As a result of these concerns, amongst other issues related to massage technician licensing, many local jurisdictions and law enforcement professionals lobbied the State Legislature to revise massage laws and return local control back to municipalities. AB 1147 was signed into law by Governor Brown on September 18, 2014 and became effective the first of this year. The bill authorizes a complete revision of the law pertaining to massage therapy, including returning land use control back to the cities and modifications to how massage technicians are certified. This law intends on returning local authority in regards to regulating massage businesses and massage technicians and also reducing incidences of human trafficking and prostitution.

Since 2008, the City has seen a large increase in the number of massage business license requests and has permitted several massage establishments. Five (5) massage businesses are currently operating in the City:

1. 1163 Huntington Drive - East Meets West Spa
2. 1740 Huntington Drive, #310 - Rainbow Spa
3. 1802 Huntington Drive, #D - Foot & Body Spa

4. 2138 Huntington Drive - Lucky Star Massage
5. 2163 Huntington Drive - Duarte Foot & Body Massage

All of these businesses occupy smaller lease spaces, the largest being 1,480 s.f. and the average lease area being 1,188 s.f.. Furthermore, except for East meets West Spa, these establishments occupy space in smaller, older and/or less maintained shopping centers or buildings. This usually translates into less expensive lease rates.

In discussions with our Public Safety Department, there has been both criminal and/or municipal code violations related to massage establishments in the City. One arrest for prostitution has occurred at one of the five massage businesses listed above. Due to the sheer influx of massage businesses throughout the County since passage of SB 731, the Los Angeles County Sheriff's Department has had challenges in providing the necessary resources to investigate and prosecute illicit business activities at massage businesses in their contract communities. This circumstance has created additional pressure on cities, especially the Code Enforcement and Planning Divisions, in enforcing municipal codes and massage regulations. Many Public Safety resources have been used in enforcing provisions of our current Massage Ordinance. All of the above businesses have had Municipal Code violations, primarily being: change of floor plans, unlicensed massage technicians, locked doors, and insufficient records. Furthermore, many of the current massage establishments have frequent management and staffing (technicians) turnover, creating the need for City staff to reeducate, reinspect and schedule more frequent investigations to ensure local regulations are being met.

On January 20, 2015, a public hearing for MCA 14-05 was conducted before the Duarte Planning Commission. The Commission unanimously approved PC Resolution 14-04, recommending City Council approval of MCA 14-05. Since MCA 14-06 does not affect the Duarte Development Code, the Planning Commission was not required to provide a formal recommendation to the City Council on that amendment. Staff did, however, provide the Commission with an informational copy of the proposed changes to Chapter 5.56 of the Duarte Municipal Code - an early version of ordinance 15-O-03. The Commission presented some of their initial concerns and questions at the meeting. An email summarizing the Commission's comments on MCA 14-06 has been attached for the Council's reference (Exhibit A).

ANALYSIS

The current moratorium allowed staff time to analyze and discuss community, regional and State-wide concerns about deficiencies in current law and to create locational, developmental and operational standards that aims to allow true massage operations, while discouraging and provide enforcement mechanisms for illegitimate massage businesses and massage technicians. These proposed municipal code amendments give the City new regulations to require larger, more transparent and appropriately illuminated massage businesses; a requirement to obtain a conditional use permit for new massage businesses; updated tools to require proper massage technician licensing verification, health and hygiene standards, security procedures and other operational requirements; and strengthened enforcement mechanisms to

ensure both the business and technicians operate within the rules of the City. Each section below further summarizes each proposed municipal code amendments described in the attached Ordinances.

Municipal Code Amendment 14-05 - Duarte Development Code Chapters 19.60.112 & 19.160

MCA 14-05 (Exhibit B - Ordinance 15-O-02) is one of two code amendments intended to update and regulate massage businesses throughout the City. Unlike MCA 14-06, which primary deals with how massage businesses operate, MCA 14-05 provides new locational and developmental land use standards related to the establishment of a new massage business within the City, amends the definition of massage within the context of the Development Code and places massage establishments in a more restrictive land use category. The primary intentions of MCA 14-05 are to permit only larger massage establishments than can provide adequate space for a receptionist area; provide transparency and visibility into the front area of the business; illuminate portions of these properties to ensure public safety and discourage illicit activities, and requiring new massage establishments obtain a conditional use permit.

Addition of Section 19.60.112 - Massage Establishments

The proposed amendment would add Section 19.60.112 to provide City standards specifically for massage establishments (Exhibit B - Section 1).

The first standard applies to the 2,000 s.f. minimum size of the lease space or building required to locate a massage establishment. In the experience of the Code Enforcement and Planning Divisions, most interested massage businesses are looking for smaller spaces in older, less maintained and smaller centers. In our research of other cities and of massage businesses considered to be more reputable; such as national chains like Massage Envy, Massage Green or higher-end spas in local communities, their lease spaces are typically no less than 2,000 s.f., with most between 2,200 and 2,800 s.f.. These establishments usually occupy space in well-maintained shopping centers where they can compliment other services and shopping opportunities provided by adjoining businesses. This locational standard is designed to encourage these types of businesses to locate in larger and more prominent shopping centers, where they can co-exist, rather than isolate themselves, from the rest of the business activities on the property. Furthermore, the cost to lease a larger space discourages smaller massage businesses that aim to operate as a sole proprietor, which is being prohibited in MCA 14-06.

A second major part of MCA 14-05 relates to the creation and development of a required front desk/receptionist area and the regulation of minimum visibility into this area. Most current massage businesses have a small customer waiting area that is obscured form public view by building walls, dark tinting or opaque window coverings. In addition to providing privacy and intimacy for their customers, it also unfortunately lends to the reputation of massage businesses as a front for illegal activities. The proposed regulations intend on creating a minimum front desk/receptionist area that accomplishes two key objectives: requiring a massage business have a minimum of two employees (as required by MCA 14-06) which one may be a

receptionist, and to increase the size of the business to encourage occupancy in larger and better maintained properties. The other portions of this requirement focus on creating a transparent and open environment. A 75% window minimum along the business's storefront will prohibit massage businesses that seek leasable space that minimizes visibility into the business or look for locations that have very long building frontages along the street, such as Lucky Star Massage. The final component requires that massage establishments maintain as much visibility into their business as possible. Understanding that massage businesses are designed to provide a tranquil environment, this proposed developmental regulation allows Staff to review, on a case-by-case basis, the appropriate level of opacity for each establishment. For instance, locations that face west may need additional window coverings to block the glare of the afternoon sun. For clarification, this code section does not require visibility beyond the front desk/receptionist area. MCA 14-06 addresses client privacy and the minimum standards related to window opacity for the massage rooms themselves.

The last component of Section 19.60.112 requires adequate illumination of the exterior (parking lot, entries and exits) of the premises. This requirement did not previously exist in our code language and Staff has experienced issues in the lighting levels associated with massage businesses. The proposed language will provide Staff an opportunity to review the specific layout of the business and decide where best to install or improve parking lot or building mounted lighting. This section intends on creating a safe and pleasing massage environment that will also prevent off-site glare and maintain abutting property owners desire for privacy.

Changes to Definitions Chapter (Ch. 19.160)

This Code Amendment also proposes changes to the definition section (Chapter 19.160) of the Duarte Development Code.

"Massage Establishment" has been added to Chapter 19.160.140 ("M" definitions) to provide a more thorough and up-to-date description of what activities constitute massage and a list of common synonyms used to describe massage services (Exhibit B - Section 2 & 3). This includes placing acupressure services under the Massage Establishment definition.

Under SB 731, the regulation of massage was to be "no different than the requirements that are uniformly applied to all other individuals and businesses providing professional services". To meet State law, the City permitted massage businesses as an allowed use under the Personal Service Business-General land use category in all commercial zones, except Commercial-Freeway (C-F zone). The proposed modification to Chapter 19.160.170 ("P" definitions) achieves several things. First, "Massage Establishments" have been removed from the Personal Service-General definition and land use category and instead placed into the Personal Services-Restricted land use category and definition. Conditional use permit approval from the Planning Commission is required for all land uses within the Personal Services-Restricted category. Second, the definition of Massage Establishment under Personal Services-Restricted has been reinforced to require compliance with the two proposed amended code chapters (DDC Ch. 19.60.112 and DMC Ch. 5.56). Finally, acupressure has been stricken from Personal

Services-General to coincide with the addition of acupressure under the Massage Establishment definition.

Municipal Code Amendment 14-06 - Duarte Municipal Code Chapter 5.56

AB 1147, which came into effect January 1 of this year, allows municipalities the opportunity to create specific community standards to regulate lawful massage businesses. The City Attorney's office has reviewed the proposed modifications to Chapter 5.56 of the Duarte Municipal Code to meet the new State law and to provide the City with reasonable operational standards and enforcement tools to allow lawful massage businesses while abating illicit operators and establishments.

MCA 14-06 revises, adds and deletes language from the City's existing Massage Establishment Chapter, provided in Duarte Municipal Code Chapter 5.56 (Exhibit C - Draft Ordinance 15-O-03). The majority of the Chapter remains as approved by the City Council through Ordinance 821, adopted July 13, 2010 and as amended through previous massage ordinances dating from 1960, 1971, 1974, 2001 and 2006. However, the modifications proposed in MCA 14-06 take into account recent experiences gained from the establishment of several massage businesses since passage of SB 731 and the associated issues encountered permitting, inspecting and regulating these types of uses. The proposed modifications are best analyzed by grouping the major topic areas covered by this code amendment: licensing, inspection and recordkeeping; health and hygiene; permitted and prohibited conduct; safety and security; enforcement, and pre-existing massage establishments.

Licensing, Inspection and Recordkeeping

Subchapters 5.56.010-060 and 5.56.230-240 pertains primarily to City business licensing requirements, massage technician licensing and training verification, opportunities for City inspection, the display of certifications and permits, and recordkeeping for both services rendered and employees.

Major modifications from the current Chapter include a requirement to report change of massage technicians, management or business operations within five (5) business days; additional information required on the license applications; verification of proper legal identification for patrons and services rendered; new information required for employees and independent contractors; and minimum timeframes for the retention of employee or independent contractor information.

These changes are being requested due to several factors. Experience from both our city and other nearby municipalities have shown that massage businesses frequently change management, employees, floor plans and business operations. It is not uncommon to see a massage business begin with one set of owners and within a matter of months see the business transfer to another owner. In some cases, massage businesses in the City that have been established only for a few years, have changed ownership numerous times, some as frequent as twice per year. Furthermore, massage technicians have rotated through different

establishments, some as frequently as weekly, with many bypassing the City verification and licensing process. It is suspected that these frequent changes, and the lack of verification of employees, contribute to human trafficking activities. These changes to Chapter 5.56 are designed to allow the City the opportunity to ensure proper licensure, understand the changes to the business plan or number of employees associated with new ownership, confirm payment of business license fees and allow Staff to inspect premises for conformance with City laws and Building Codes. Verification of patron identification and services rendered is designed to legitimize the use of massage services and discourage use of the establishment for illicit behaviors. Proposed recordkeeping language is intended to provide law enforcement with information that may help in the: prosecution or arrest of patrons who make sexual advances to employees or for enforcement of illicit services occurring within the establishment; and in the prevention of potential disease transmission, whereas, notification can be produced for patrons or employees who may have come into contact with communicable diseases.

Health and Hygiene

Subchapters 5.56.080, 5.56.150-180 and 5.56.260-280 focus on health and hygiene issues that are specific to massage establishments. Much of the existing language in our current massage establishment law has been maintained, including requirements for attire and hygiene requirements, bathing, toilet and dressing facilities, washbasin requirements, the handling of linens, improvement construction, cleanliness and required footwear and clothing.

A few substantial changes to this category of regulations include modifications to attire requirements superseded by the new State law under AB 1147 and the requirement for interior laundry facilities. The concern about laundry facilities is fairly common as most current massage businesses have installed unpermitted and potentially unsafe laundry facilities either on the outside of their buildings or within interior areas originally approved for other purposes.

Permitted and Prohibited Conduct

MCA 14-06 proposes several alterations and additions to the Massage Establishment laws pertaining to allowed and prohibited business conduct. Massage schools are being prohibited under a new subchapter 5.56.070. Subchapter 5.56.190 defines what and how services can be provided to minors. Massage businesses would be required under subchapter 5.56.200 to display and provide only a list of services rendered at the location that met the definition of legitimate massage. Advertisements that suggests services other than those approved under the new Massage Establishment law would be prohibited under subchapter 5.56.250. The use of shower tables and shower rooms, where clients are provided a therapeutic bath and massage services, would be prohibited, along with other procedures and equipment, in subchapter 5.56.255. Subchapter 5.56.290 has been updated to met new State law and include additional restrictions on massage conduct, such as the touching of genitals or breast areas unless as directed by a physician. Language has been added to prohibit possession of non-prescription drugs and condoms or other prophylactics (subchapter 5.56.300).

These modifications have been added to address concerns faced by Public Safety professionals in both our City and the greater Los Angeles area. For instance, research conducted during the

consideration of the massage moratorium (Ordinance 851) showed that several massage establishment locations within the City were advertised under "erotic massage parlor reviews" on websites known to list reviews for illicit massage parlors. Discussion amongst public safety professionals have also shown that shower tables and shower rooms have been disproportionately associated with illicit massage rather than lawful massage establishments.

Safety and Security

Subchapters 5.56.100, 5.56.120-130, and 5.56.210 address safety and security issues. MCA 14-06 proposes a requirement for the installation of obscured doors to all massage rooms, which would allow use of the massage room to be visually confirmed, but the identity of the room occupants would be protected. Subchapter 5.56.120 would mandate that two employees be staffed at all times to address concerns for employee safety and to require that businesses keep unlocked doors during their hours of operation. This section also adds a requirement that a video security system be installed to monitor entries, exits, reception areas and hallways of massage establishments and that the video data be retained for a minimum of 30 days. Hours of operation remains unchanged from 8:00 a.m. to 8:00 p.m.

Enforcement

Enforcement of massage establishments can be conducted in multiple ways. Criminal arrests and prosecution can occur through the Sheriff's Department enforcement of prostitution, human trafficking, and other criminal violations. New massage businesses will also be regulated through a conditional use permit, where violations of their conditions of approval are cause for a revocation hearing before the Planning Commission. Although these are all viable options, the initial enforcement mechanism begins with strong language in our City's Massage Ordinance. MCA 14-06 is specifically designed to provide the necessary tools needed by our Public Safety Department to effectively deal with repeat violators and ensure that massage businesses operate in a lawful manner.

Subchapter 5.56.320 provides improved language to enforce the rules promulgated under the Massage Ordinance, creates a penalty system for repeat violators, and specifies property owner notification and potential penalties for owners who's tenants operate outside of the law. Penalties for violations will include a "three strikes" system, similar to that used in the Ordinance 848 related to the City's regulation of synthetic drugs. Violations could occur involving any of the operational standards and other laws described in the proposed Massage Ordinance. The first violation would cause a written warning to be issued advising both the business and property owner to cease the prohibited activity. A second violation, within a one-year period from the last violation, would yield a stronger written warning advising that further violations could result in revocation of the business license and a one-year prohibition on re-application for a business license. The third and final violation, within a one-year period from the last violation, would result in revocation of the business license and a prohibition on a reapplication/reissuance of a business license for a massage business at the violating location for one-year. Businesses who receive a third violation notice would be provided with appeal procedures pursuant to Chapter 5.04. A significant addition to the enforcement provisions involves notification and associated consequences for landowners. Each notice of violation,

citation, conviction or license revocation would be provided to the property owner. This section was included to make property owners more cognizant of their tenants business operations and to help stave off issuance of a third violation, which results in a prohibition on a reapplication/reissuance of a business license for a massage business at the violating location for one-year. Finally language has been included by which violations involving criminal activity could result in immediate revocation of the business license and a one-year prohibition on reissuance of another massage business license at the location.

Pre-existing Massage Establishments

The proposed code amendments will result in all five existing massage establishment locations becoming "non-conforming uses". MCA 14-06 has been written to bring these existing businesses into compliance with the revised Massage Ordinance (DMC Chapter 5.56) within reasonable timeframes. If passed by the Council, City Staff will shortly thereafter inform existing massage establishments and their corresponding property owners about the new Code requirements, afford an opportunity to meet and discuss regulations with City Staff, and provide a list of materials and submittals required to begin the compliance process. Regulations pertaining to: licensing; inspections; recordkeeping; attire and hygiene requirements; employment; management; services to minors; list of displayed services; prohibited conduct, procedures and equipment; and violation provisions will be required within 120 days of notice by the City. The proposed ordinance will provide a little more than three (3) years for compliance with more complicated and costly physical and operational modifications (5.56.100 - reception area/obscured massage room doors, 5.56.130 - video security, 5.56.150(c) - interior laundry facilities, and/or 5.56.170 - separation of rooms by gender). Massage establishments that do not meet the new Massage Ordinance will face enforcement actions to either comply with the new regulations or face revocation of their business license. These existing businesses will not be required to meet the locational and developmental standards required under Duarte Development Code 19.60.112 (MCA 14-05) or be obligated to obtain conditional use permit approval, unless they significantly modify their business operations, expand/enlarge, cease operations for more than 12 months or move to another location.

RECOMMENDATION

Staff believes that with the adoption of MCA 14-05 and its companion amendment, MCA 14-06, massage businesses can be properly regulated within the City's Commercial zones, reduce the instances of illegal business activities and provide opportunities for a personal service business that can compliment other services and retail businesses. In addition, approval of these code amendments would cease the moratorium on massage establishments, which was passed by the City Council as Ordinance 851 on August 12, 2014.

Staff recommends that City Council hold a public hearing, and review, consider and approve the proposed Ordinances in the following order:

1. **Municipal Code Amendment 14-05** (Exhibit B, Ordinance 15-O-02); to : (1) add Duarte Development Code sections 19.60.112, to provide locational and development standards

for massage establishments; and (2) modify certain definitions appearing in Duarte Development Code Chapter 19.160 to more clearly address the City's regulations of massage establishments; and

2. **Municipal Code Amendment 14-06** (Exhibit C, Ordinance 15-O-03); to amend, delete, and/or replace Chapter 5.56, "Massage Establishments," of Title 5, "Business Licenses and Regulations," of the Duarte Municipal Code.

Respectfully Submitted,


Jason Golding
Senior Planner

ATTACHMENTS

Exhibit A – Planning Commission comments on MCA 14-06 - DMC Chapter 5.56 Amendments
Exhibit B – Ordinance 15-O-02; MCA 14-05
Exhibit C – Ordinance 15-O-03; MCA 14-06

From: Sheryl Lefmann [REDACTED]
Subject: MCA 14-05 - Chapter 5.56 Input
Date: January 22, 2015 at 10:02 AM
To: Jason Golding goldingj@accessduarte.com
Cc: Craig Hensley chensley@accessduarte.com, Irma Hernandez hernandez@accessduarte.com, Nohemi Hernandez hernandezn@accessduarte.com

Good morning Jason, et al,

I cannot believe how much work you have put into this. I don't think many people would think about the amount of work and research that goes into these things. Thanks for being so thorough.

As you requested in our Planning Commission meeting last night, below is my input specifically on the draft of Chapter 5.56 – Massage Establishments. I know you may have already addressed some of the earlier ones, but I want to make sure I didn't miss anything and also address typographical errors.

- 5.56.040(c) - Is five days enough time to review new services.
- 5.56.050 – Needs period at end of sentence, not comma.
- 5.56.130 – Heading needs period to be consistent with other headings.
- 5.56.130(d) – Suggest 30 days, not 7 days. This is more in line with other businesses requiring video surveillance.
- 5.56.130 – At the end there is a bolded “(a)” area with nothing attached following it.
- 5.56.180 – Suggest adding air dryers. This is ecologically friendly and actually more sanitary than paper or cloth.
- 5.56.230 – As I spoke about, I really have an issue with recording the complete address of the patron. I have tried to see the value of having it recorded, but don't see it. Also think about current requirements of businesses that sell certain OTC medicines. They record the ID, but not the address. Should this carry any more weight than a health and safety and/or business and professional code?
- 5.56.240 – Why is there no requirement to keep a copy of the Massage Therapy Council certificate on file?
- 5.56.255(g) – “shower tables [ADD DEFINITION]”. Self-explanatory.
- 5.56.320(a) – This is very hard to understand. I know it's legalize, but a little convoluted.
- 5.56.320(c) – “We need to add the requirement that . . .” I assume this is clean up language.
- 5.56.360 “We need to address quite a bit more . . .” Again, I assume this is additional clean up.

As was voiced by several commissioners during the meeting, enforcement is a concern I have as well on several fronts.

1. If enforcement is to be handled by our existing code enforcement staff, this seems like a lot of items to be cognizant of when researching or checking on businesses. Although its only five establishments at this time, it seems like a lot of work for our limited staff. Public Safety is always spread so thin that often checks are neglected unless there have been complaints filed against them. Not the most proactive stance to take.
2. Would these be administrative violations, infractions or misdemeanor? Can our public safety (code enforcement) officers cite for misdemeanors? If not, then we have to pull resources from LASD.

If you have any questions regarding my comments, please let me know.

Respectfully,

Sheryl

EXHIBIT A

ORDINANCE NO.

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)

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

SECTION 1. SECTION 19.60.112 ADDED

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 9 "Planning and Zoning," of the Duarte Municipal Code is added in its entirety to read as follows:

19.60.112 - Massage Establishments.

- A. Purpose. This Section provides locational and developmental standards for massage establishments.
- B. Applicability. The provisions in this Section shall apply to Massage Establishments, including Accessory Massage uses, as defined in Article 9 and where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards), Chapter 5.56 of the Duarte Municipal Code.
- C. City standards. Massage Establishments shall comply with all of the following locational and developmental standards:
 - 1. Any Massage Establishment shall contain a minimum of 2,000 square feet of gross owned or leased floor area;
 - 2. There shall be a reception and front desk waiting area within the Massage Establishment, which shall be accessed directly through the front door of the premises and shall be used as a reception and waiting area for customers who are awaiting Massage services.
 - a. The reception/front desk area shall be no less than 200 square feet of the Massage Establishment floor area.

- b. The reception/front desk area shall be located at the front/side (corner) portions of the building and must be comprised of no less than 75% windows, as measured in area as a percentage of the total width and height of the front/side (corner) storefront elevations and as subject to the City's Site Plan and Design Review process.
 - c. The reception/front desk area shall be unobscured from view through the front and/or side (corner) windows through the use of curtains, drapes, louvers, shading devices, window tinting, furniture, displays or other methods that reduce visibility to where a reasonable person may not see into the establishment from the exterior of the premises.
3. Lighting at all Massage Establishments must be designed to illuminate both all off-street parking areas and all entries and exits serving any Massage business and/or establishment, subject to Planning Division approval of a Lighting and Illumination plan and subject to such additional requirements as may be imposed under Chapter 19.50.070 of the Duarte Municipal Code.

SECTION 2.**SECTION 19.160.140 AMENDED**

Section 19.160.140 to Chapter 19.160 "Definitions," to Article 9 "Definitions," to Title 19 "Planning and Zoning," of the Duarte Municipal Code is is amended as follows (deletion shown as ~~strike-out~~ and addition as underline):

19.160.140 - "M" definitions.

Market Rate Units. Dwelling units in a residential development that are not inclusionary units.

Manufactured Housing Unit. A dwelling unit which is either wholly or mainly manufactured at an off-site location and is assembled on site on a permanent foundation with permanent service connections. The definition does not include a mobile home, mobile accessory structure, or an automobile trailer or recreational vehicle.

Maintenance and Repair Services. Establishments that provide home appliance and/or electronic or office equipment repair and maintenance, or building maintenance services. Does not include maintenance and repair of vehicles (see "Vehicle Repair and Service").

Massage Establishment. An establishment where massage services are provided. Massages are defined as the application of a system of structured touch, pressure, movement, and holding to the soft tissues of the human body with the intent to enhance or restore the health and well-being of the client, which shall include but not be limited to services referred to as Reiki, applied oils, body sponge, reflexology, bodywork, and acupressure.

Medical Clinic. A facility that offers non-emergency medical care services on an out-patient basis.

Medical Use. Any use involving the care of persons' general health by licensed practitioners. Includes hospitals, urgent care clinics, out-patient facilities, doctor and dental offices, chiropractic and podiatric facilities, and similar practices of the medical arts and directly related laboratory services.

Ministerial. A government decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the action, including the issuance of a permit.

Mixed Use Development (Mixed Use Project). An approach to land use development that involves integrating two or more different but highly compatible types of uses on the same property as part of a unified development. Generally, Mixed Use Development consists of commercial and residential uses integrated either vertically in the same structure or group of structures, or horizontally on the same development site where parking, open spaces, and other development features are shared. However, light industrial and commercial development may also be considered as Mixed Use. In a Mixed Use Development, both uses are considered primary uses of the land.

Mobile Housing Unit (Mobile Home). A transportable structure that is built on a permanent chassis and designed to function as a dwelling when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems (pursuant California Health and Safety Code Sections 18007 and 18008) and placed on a pad intended for such housing unit. This definition does not include a trailer or recreational vehicle.

Mobile Home Park. A type of residential development, established either as a legal subdivision of land with individual mobile home pads and common areas or as a development where pads are leased or rented, for the purpose of accommodating mobile home units on individual pads as part of a coordinated development. A mobile home park may include common areas and facilities for the use of all park residents.

Moderate-income Households. Households whose gross income does not exceed the percentage of the median income for Los Angeles County, as published annually by the California Housing and Community Development Department and as set forth in Section 50093 of the California Health and Safety Code.

Modular Home. See "Manufactured Housing Unit."

Motel. A lodging establishment typically featuring a series of rooms whose entrances are immediately adjacent to a parking lot.

Motor Home. See "Recreational Vehicle."

Multi-family Dwelling. See "Dwelling, Multi-family."

Museum. See "Cultural Institution."

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 is amended as follows (deletion shown as ~~strike out~~ and addition as 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 and acupressure
 - 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
 - ~~massage establishments with licensed massage technicians~~
 - nail salon
 - shoe repair shops
 - tailors and seamstresses
- *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 Ordinance, the City Council finds and determines, based on all of the information in the record and on the basis of its independent judgment, that this Ordinance is exempt from the California Environmental Quality Act pursuant to the following exemptions, and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of this Ordinance proposes no activity that may have a significant effect on the environment, and pursuant to Title 14 California Code of Regulations Section 15301, in that this Ordinance involves no expansion of use of existing facilities.

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

ORDINANCE NO.

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 MUNICIPAL CODE TO REVISE CERTAIN REGULATIONS APPLICABLE TO THE OPERATION OF MASSAGE ESTABLISHMENTS (MCA 14-06)

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

SECTION 1. CHAPTER 5.56 AMENDED

Chapter 5.56, "Massage Establishments," of Title 5, "Business Licenses and Regulations," of the Duarte Municipal Code is amended in its entirety to read as follows:

5.56.010 - Purpose and intent.

The intent and purpose of this chapter is to comply with the provisions found in California Business and Professions Code section 4600 et seq. relating to the regulation of massage or massage services, which shall include but not be limited to services referred to as Reiki, applied oils, body sponge, reflexology, bodywork, and acupressure (collectively "Massage"), and to allow legitimate massage uses while restricting business fronts for illicit sexual activity and/or human trafficking. Any terms used in this chapter that are not defined in this chapter shall have the same meaning as that defined by California Business and Professions Code section 4600 et seq. Nothing in this chapter shall serve to limit the city's authority under California Business and Professions Code section 4600 et seq.

5.56.020 - License required.

- (a) It shall be unlawful and a violation of this code for any individual person, association, partnership, corporation, or other entity to engage or permit to engage in, conduct, or carry on, in or upon any premises within the city the business of massage in exchange for compensation without being currently certified as a massage practitioner or massage therapist by the operation of a Massage establishment unless: (1) all persons providing Massages at the establishment are certified massage practitioners and/or certified Massage therapists pursuant to the California Massage Therapy Organization Council's certification procedures in accordance with California Business and Professions Code section 4600 et seq.; and (2) the Massage establishment operator has obtained a business license and a conditional use permit from the city as well any other permits, licenses and other approvals required by law. Procedures for obtaining a business license are set forth in chapter 5.04 of this code and section 5.56.040 of this chapter.
- (b) All persons administering Massages in the city for compensation must be a certified Massage practitioner and/or a certified Massage therapist holding a valid certification from the Massage Therapy Council. No person may administer massage within the city without first providing, to the Director of Administrative Services, a copy of his or her massage certificate and a list of the names and addresses of all Massage establishments at

which he or she will provide Massage for compensation. Any change in the locations at which a person will provide Massage for compensation shall be reported to the city within five (5) business days of the change.

- (c) This section applies to all independent contractors, sole proprietors, and owners of a Massage business. Accordingly, pursuant to Government Code section 51034(c)(8), any Massage business owner, including a sole proprietor or independent contractor who is California Massage Therapy Council certified, must obtain a business license and any other entitlement required by this Code to carry on the business of Massage therapy.

5.56.030 — Business license required; inspection of premises; notification to city.

~~(a) Any person, association, partnership, corporation, or other entity engaged in the businesses of massage described in Section 5.56.010 of this chapter shall apply for and secure a city business license under Chapter 5.04 prior to commencing any operation in the city.~~

5.56.040 – Massage Establishment business license required; inspection of premises; notification to city.

- (a) In addition to the information required to be provided under chapter 5.04 of this Code, a person applying for a business license for a Massage establishment as described in sections 5.56.020 of this chapter shall provide the following information:
- (1) The prior business and permit history of the applicant, including but not limited to whether the applicant has ever had any permit or license issued by any agency, board, city, county, territory, or state; the date of issuance of such a permit or license; whether the permit or license was revoked or suspended; and whether a vocational or professional license or permit was issued, revoked, or suspended, and the reason for any revocation or suspension.
 - (2) A description of the proposed Massage establishment, including the type of treatments to be administered;
 - (3) Authorization for the city, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application.
 - (4) A complete current list of the names and residence addresses of all proposed Massage technicians, aides, trainees and other employees who are or will be employed in the Massage establishment, if known, together with the State-issued Massage Technician's License for each proposed Massage technician. If not known at the time of submission of the application, the applicant shall provide the required information no later than five (5) business days prior to opening for business.
 - (5) For each person that the Massage establishment does or will employ, retain or permit to perform Massage for compensation: a copy of that person's legal form of identification with photograph, a copy of that person's current certificate issued

by the Massage Therapy Council, and a copy of that person's identification card issued by the Massage Therapy Council.

- (6) The name and residence addresses of the proposed operator(s) and manager(s) who will be principally in charge of the operation of the Massage establishment.
- (7) The name and mailing address of the Landlord and the fee owner of the property at which the Massage establishment will be conducted.
- (8) Evidence satisfactory to the Director of Administrative Services demonstrating that the proposed Massage establishment is authorized under city zoning to conduct Massage activities at the proposed Massage establishment site.
- (9) A scaled floor plan of the Massage establishment, including, at minimum measurements and purposes labeled of all rooms and spaces within the building.
- (b) As a condition of issuance of a business license, the city shall have the right to inspect the premises to confirm compliance with this chapter and applicable state law.
- (c) Except as otherwise specifically provided in this subdivision, once a business license is issued to a Massage establishment, the applicant shall submit to the city any change to any of the information required above within five (5) business days of discovering that change. Such changes include, but are not limited to, changes in the types of services to be provided, changes in the persons employed or retained by the Massage establishment to perform Massage for compensation and changes to the floor plan or physical arrangement of space within the Massage establishment.
- (d) ~~(e) The owner or operator of a massage-Massage establishment-, including independent contractors and sole providers, shall notify the city in writing of any intention to rename, change management, or convey the business to another person or entity at least fifteen~~ five (5) business days prior to such renaming, change of management, or conveyance of the business.

5.56.040 5.56.060 - Display of permit and certifications.

- (a) ~~Each person employed or retained by a massage, including independent contractors, by a Massage establishment to perform massage-Massage services in or on the premises or through an outcall massage service shall display on~~ keep in his or her person possession a copy of a valid certification identification card issued to that employee by the California Massage Therapy Council and a legal form of identification with photograph. It should be the obligation of the massage business or establishment to display a copy of each such permit or certification in an open and conspicuous place visible from the entrance and/or reception and waiting area of the massage establishment and business. A passport size photograph of the employee shall be affixed to each permit, certification, or identification card on display pursuant to this section. The home address of any employee need not be displayed.
- (b) The Massage business or establishment must also display a copy of each such certificate for every certified Massage therapist and certified Massage practitioner employed by the Massage establishment, as an employee, independent contractor or otherwise, in an open

and conspicuous place visible from the entrance and/or reception and waiting area of the massage establishment and business. A passport-size photograph of the employee shall be affixed to each permit, certification, or identification card on display pursuant to this section. The home address of any employee need not be displayed.

5.56.070 – Massage School Prohibited

No Massage establishment shall operate as a school of Massage or use, or permit use of, any portion of its facilities as a school of Massage.

5.56.050 5.56.080 - Attire and physical hygiene requirements.

The following attire and physical hygiene requirements shall be applicable to all ~~massage~~ Massage businesses and establishments and to all ~~persons performing massage services in~~ owners, operators, managers, employees, and independent contractors of such Massage establishments located within the city.

- (a) All persons shall wear clean and sanitary outer garments at all times when present on the premises of the Massage establishment. All outer garments shall be of a fully opaque, nontransparent material and provide complete covering from at least the mid thigh to two inches below the collarbone. The midriff shall not be exposed.
- (b) All outer garments shall comply with the standards set forth in Business and Professions Code section 4609, and, accordingly shall be of a fully opaque, nontransparent material, and shall not expose any genitals, pubic areas, buttocks or breasts.
- (c) All persons shall thoroughly wash their hands with soap and water or any equally affective cleansing agent immediately before providing any ~~massage~~ Massage service to a patron. No ~~massage~~ Massage services shall be provided upon a surface of the skin or scalp of a patron where such skin is inflamed, broken (e.g., abraded, cut) or where a skin infection or eruption is present.
- (d) No person afflicted with an infection or parasitic infestation capable of being transmitted to a patron shall knowingly provide ~~massage~~ Massage services to a patron, or remain on the premises of a ~~massage~~ Massage business or establishment while so infected or infested. Infections or parasitic infestations capable of being transmitted to a patron include, but are not limited to:
 - (1) Cold, influenza or other respiratory illness accompanied by a fever, until twenty-four hours after resolution of the fever;
 - (2) Streptococcal pharyngitis ("strep throat"), until twenty-four hours after treatment has been initiated and twenty-four hours after resolution of fever, whichever is the later;
 - (3) Purulent conjunctivitis ("pink eye"), until examined by a physician and approved for return to work;
 - (4) Pertussis ("whooping cough"), until five days of antibiotic therapy has been completed;

- (5) Varicella ("chicken pox"), until the sixth day after onset of rash or sooner if all lesions have dried and crusted;
- (6) Mumps, until nine days after onset of parotid gland swelling;
- (7) Tuberculosis, until a physician or local health department authority states that the person is noninfectious;
- (8) Impetigo (bacterial skin infection), until twenty-four hours after treatment has begun and twenty-four hours after resolution of the infection, whichever is later;
- (9) Pediculosis (head lice), until the morning after first treatment; and
- (10) Scabies ("crabs"), until after treatment has been completed.

Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this paragraph (c).

~~5.56.060 - Ventilation requirements.~~

~~Minimum ventilation shall be provided in accordance with the applicable building code regulations.~~

~~5.56.070~~ 5.56.100 - Reception area separate from customer waiting area; screening of openings.

~~There shall be a reception or front desk area accessed through the front door of the premises and a separate location within the premises to be used as a waiting area for customers who are awaiting massage services. To ensure that the view of the interior of the premises is obscured from outside the premises, any building openings, entries, windows, and the like found in massage Massage businesses and establishments shall be located, covered, or screened in such a manner as to prevent a view into the interior from outside the building with the exception of the reception or front desk, and/or customer waiting area which shall be visible from the exterior through the front door, and/or store-front window. To ensure that the view of each of the Massage rooms of the premises is partially obscured, all interior openings, entries, windows, doorways, and the like into Massage rooms found in Massage businesses and establishments shall use obscured glass doors, such that use of a Massage room may be visually confirmed, but the identity of the room occupants is protected.~~

~~5.56.080 - Lighting in parking lot.~~

~~To ensure the personal safety and security of patrons and employees and to reduce the incident of vandalism and theft, lighting at all massage businesses and establishments must be designed to illuminate all off-street parking areas serving any massage business and establishments.~~

~~5.56.090~~ 5.56.110 - Construction.

The following construction standards are adopted to ensure the personal health and safety of patrons and employees by imposing reasonable hygiene requirements:

- (a) Construction of rooms used for toilets, tubs, steam baths, and showers at all massage businesses and establishments shall be made waterproof with approved waterproofed material and shall be installed in accordance with all applicable state and local laws and regulations. Plumbing fixtures shall be in accordance with all applicable state and local laws and regulations.
- (b) Steam rooms and shower compartments shall have waterproof floors, walls and ceilings approved by the city.
- (c) Floors of wet and dry heat rooms shall be adequately pitched to one or more drains properly connected to the sewer. However, dry heat rooms with wooden floors need not be provided with pitched floors and drains.
- (d) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

~~5.56.100—Unlocked exterior doors.~~

~~To protect the personal health and safety and security of patrons and employees, all exterior doors of a massage business and establishment shall remain unlocked during business hours.~~

~~5.56.110—Locked interior doors prohibited.~~

~~To protect the personal safety and security of patrons and employees, it shall be unlawful for any massage service to be carried on within any cubicle, room, booth, or any area within a massage business and establishment which is fitted with a door capable of being locked.~~

~~5.56.120—Unobstructed opening required.~~

- ~~(a) To protect the personal safety and security of patrons and employees, all doors or doorway coverings within all massage businesses and establishments shall have an unobstructed opening six inches by six inches in size capable of clear two-way viewing into and out of all cubicles, rooms, or booths. The opening shall not be less than four and one-half feet from the floor of the establishment nor more than five and one-half feet from the floor.~~

5.56.120 - Minimum number of employees and unlocked exterior and interior doors

- (a) All Massage businesses and/or establishments shall utilize a minimum of two (2) employees during all business hours.
- (b) All exterior doors of a Massage business and/or establishment shall remain unlocked during business hours.
- (c) It shall be unlawful for any Massage service to be carried on within any cubicle, room, booth, or any area within a Massage business and establishment which is fitted with a door capable of being locked.
- (d) ~~(b)~~ Toilets and cubicles used solely for the application of liquid and vapor baths shall have no such opening in the covering door or curtain, but shall be clearly marked as to such purpose on the exterior door or curtain of the cubicle, room or booth.

- (e) ~~(e)~~ Nothing contained in this section shall be construed to eliminate other requirements of statute, ordinance, or this code concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the police or health departments, or by the city to assure compliance with the provisions of this chapter and applicable fire, health, and safety requirements.

5.56.130 - Video security

- (a) The reception or front desk area, all hallways, and every entry and exit of every Massage business and/or establishment shall utilize a video security system that provides surveillance of such areas during all business hours. All video footage shall be retained in a digital format for a minimum of 30 calendar days. The Massage business establishment owner, operator, manager, and/or employee shall make the recorded surveillance immediately available for inspection upon reasonable demand of the City Manager, City Manager's designee, city law enforcement or any city code compliance officer. The owner of the Massage business establishment shall submit to the Director of Public Safety a Supplemental Security Plan, before the issuance of a city business license, prepared to the Director's satisfaction outlining implementation of the following measures, which shall be monitored by the Public Safety Department. Upon plan approval by the Director of Public Safety, the plan components shall be installed and made operational prior to the Massage establishment commencing operation. At a minimum, the security plan shall provide the following:
- (1) A Closed Circuit Television (CCTV) System capable of viewing and recording events inside and outside the premises. The quantity, type, and location of cameras shall be subject to Public Safety Director approval.
 - (2) Details on the location of the CCTV system recorder and storage of recorded content. The recorder shall be locked in a cabinet within an office; access to the cabinet shall be available to employees on duty at all times.
 - (3) Details on clearly distinguishable height markers on the interior side of the doorjamb, or on the interior edge of a pair of doors, for all doors used by the public to access the establishment. Horizontal marks, one-inch wide by three inches long, in different colors, and in a contrasting color to the background, shall be placed every six inches beginning at 5' and ending at 6'6".

5.56.150 - Cleanliness.

- (a) ~~(a)~~ Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of ~~massage~~ Massage shall be provided.
- (b) ~~(b)~~ Hot and cold running water shall be provided at all times.
- (c) A washer and dryer, for thoroughly cleaning soiled linens, shall be located within the interior of the massage establishment.
- (d) ~~(e)~~ Separate closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen" and "Soiled Linen."

~~5.56.140~~ **5.56.160 - Separate rooms.**

In any establishment in which ~~massage~~ Massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room if such persons are related by blood, marriage, registered domestic partnership, or adoption, or the operators of the ~~massage~~ Massage establishment may elect to place such persons of the same sex, who are eligible to be in the same room, in separate enclosed rooms or booths having adequate ventilation to an area outside said room or booth while ~~massage~~ Massage services are being performed.

~~5.56.150~~ **5.56.170 - Bathing, dressing, and toilet facilities.**

Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. A minimum of one separate locker for each patron served at any given time, which locker shall be capable of being locked. If male and female patrons are to be served ~~simultaneously~~ at the establishment, separate bathing, a separate ~~massage room or~~ Massage rooms, separate dressing, and separate toilet facilities shall be provided for male and for female patrons.

~~5.56.160~~ **5.56.180 - Washbasins.**

A minimum of one separate washbasin shall be provided in each ~~massage~~ Massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times and shall be located within or as close as practicable to the area devoted to the performing of ~~massage~~ Massage services. In addition, there shall be provided at each washbasin, sanitary towels placed in permanently installed dispensers.

~~5.56.170~~ **5.56.190 - Services to minors.**

To ensure safety and security, minors are not permitted to enter the premises of a ~~massage~~ Massage business or establishment without being accompanied at all times by a parent or legal guardian and the building entrance to any ~~massage~~ Massage business and establishment shall be clearly and legibly posted by a notice indicating that minors are precluded from entering the premises unless accompanied by a parent or legal guardian at all times. As used herein, the term "minor" means an individual under the age of eighteen years.

~~5.56.180~~ **5.56.200 - Harmful displays.**

To protect minors from viewing displays of harmful materials, no display or exhibit which emphasize or direct the viewer's attention to the subject's genitals or which depict or describe sexual activities or specified anatomical areas, shall be placed in, on, or at a ~~massage~~ Massage business and establishment in such a manner as to be visible from the exterior of the premises.

~~5.56.190~~ **5.56.210 - Permitted hours.**

To ensure the personal safety and security of patrons and employees and limit negative secondary impacts to surrounding uses, ~~massage~~ Massage businesses and establishments shall only operate between the hours of ~~eight~~ 8:00 a.m. and ~~eight~~ 8:00 p.m.-

~~5.56.200~~ **5.56.220 - List of services display.**

All ~~massage~~ Massage businesses and establishments shall post a list of services available, described in English, and at the option of the ~~massage~~ Massage business and establishment one

or more other language, and the cost of such services in a conspicuous place on the premises. No service shall be included on the list unless it is a service that falls within the professionally recognized scope of practice of a certified Massage therapist or certified Massage practitioner. No owner, manager or operator of a Massage establishment shall allow, and no person shall perform or offer to perform, any service other than those posted pursuant to this paragraph.

5.56.210 – 5.56.230 – Records of Services Rendered.

To ensure the personal safety and security of patrons and employees and to aid law enforcement officials in their investigation of illegal activities, all ~~massage~~ Massage businesses and establishments and independent ~~massage~~ Massage therapists and ~~massage~~ Massage practitioners shall maintain a record which includes at minimum, the date and time of each massage, the name and address of the patron, ~~the name of the person administering such massage,~~ and the type of massage given. In addition, ~~each massage business and establishment shall maintain a current list of all massage therapists and massage practitioners providing massage services at said location.~~ Such records service, the full name and complete address of the patron (which information shall be verified through the presentation of a proper form of legal identification), the full name of any certified Massage practitioner or certified Massage therapist who administered any portion of such service, and the type of Massage given. Such records shall be retained for a minimum of two (2) years from the date of service, and shall be made available, upon request, for inspection by the city manager or police chief City Manager or City Manager's designee, city law enforcement or any city code compliance officer. The information contained in such records shall be confidential unless otherwise required under applicable law.

5.56.240 – Records of Employees and Independent Contractors

The operator and/or manager of a Massage establishment shall maintain on the premises a register of all Massage therapists and Massage practitioners, including employees and independent contractors, providing Massage services at said establishment. Information concerning an employee or independent contract shall be maintained for a minimum of two years after the person ceases to work for the establishment. The operator and/or manager shall make the register immediately available for inspection upon reasonable demand of the City Manager, City Manager's designee, city law enforcement or any city code compliance officer. The register shall include, but not be limited to, the following information:

- (a) The name, nicknames and/or aliases used by an employee.
- (b) The employee's home address and relevant phone numbers (including but not limited to home, cellular and pager numbers.)
- (c) The employee's age, date of birth, gender, height, weight, color of hair and eyes.
- (d) The employee's Social Security number.
- (e) The date of employment and termination, if any.
- (f) The duties of each employee.
- (g) A legal form of identification with photograph

5.56.250 – Advertisement

No Massage establishment owner, operator, manager, employee or independent contractor shall place, publish or distribute, or cause or allow to be placed, published or

distributed, any advertising matter that would reasonably suggest to prospective patrons that any service is available unless such service is listed on the Massage establishment's list of available services required under section 5.56.220, above.

~~5.56.220~~ **5.56.255 - Prohibited procedures and equipment.**

No invasive procedures shall be performed on any patron. Invasive procedures include, but are not limited to:

- (a) (1)Application of electricity which contracts the muscle;
- (b) (2)Application of topical lotions, creams, or other substances which affect living tissue, such as chemical peel preparations or bleaches;
- (c) (3)Penetration of the skin by metal needles;
- (d) (4)Abrasion of the skin below the non-living, epidermal layers;
- (e) (5)Removal of skin by means of any razor-edged instrument or other device or tool; and
- (f) (6)Any needle-like instrument which is used for the purpose of extracting skin blemishes and other similar procedures.
- (g) Any table shower massage, Vichy massage or other procedure that involves a table or other flat surface that is intended for patrons to lay on while receiving bathing and/or massage services (in any location, including, without limitation, a shower or lavatory).
- (h) Any table shower device, or other device that is intended for patrons to lay on while receiving bathing and/or massage services (in any location, including, without limitation, a shower or lavatory).

~~5.56.230~~ **5.56.260 - Restrictions on garments provided.**

All bathrobes, bathing suits and/or other garments that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be laundered after each use.

~~5.56.240~~ **5.56.270 - Restrictions on grooming and hygiene products provided.**

All combs, brushes, and or other personal items of grooming or hygiene that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use.

~~5.56.250~~ **5.56.280 - Required footwear while showering.**

No patrons shall be allowed to use any shower facilities of the business or establishment unless such patrons are wearing slip-resistant sandals or flip-flops while in the shower compartment. All footwear such as sandals or flip-flops that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use.

~~5.56.260~~ **5.56.290 - Prohibited conduct.**

~~The~~ To protect the personal health and safety of patrons and employees, the following conduct is prohibited to deter criminal activity and to protect the personal health and safety of patrons and employees: from taking place within a Massage establishment:

- (a) ~~(a) It is unlawful for any massage therapist, massage practitioner, any patron, or any other person present where massage services are being offered or performed, to~~ No person present at a Massage establishment may expose or touch an anatomical area, whether his or her own, or those of another person.
- (b) ~~It is unlawful for any massage therapist, massage practitioner, any patron, or any other person present where massage services are being offered or performed, to be in a state of full nudity or semi-nudity. Full nudity or semi-nudity means any of the following: a) the appearance or display of an anus, male or female genital, pubic region, or a female breast below a point immediately above the top of the areola, and/or (b) a state of undress which less than completely covers an anus, male or female genital, pubic region or a female breast below a point immediately above the top of the areola.~~
- (b) A Massage of the genitals or anal region of a patron, or any other person located within the Massage establishment, as provided in Business and Professions Code section 4609(a)(1)(E).
- (c) No Massage services shall be rendered to a patron, unless the patron's genitals are fully covered. In the case of a female patron, the patron's breasts must also be covered to the point immediately above the top of the areola. In addition, no patron's genitals or breasts of a any female patron shall intentionally be touched while the patron is on the premises of the Massage establishment.
- (d) ~~(e) It is unlawful for any massage therapist, massage practitioner, any patron~~ It is unlawful for any massage establishment to allow any of its employees, independent contractors, patrons, or any other person present where massage ~~Massage~~ services are being offered or performed, to engage in any sexual activity.
- (e) ~~(d) It is unlawful for any person owning, operating or managing a massage~~ Massage ~~businesses and establishment knowingly to cause, allow or permit in or about such massage~~ Massage ~~businesses and establishment any agent, employee or any other person under his control or supervision to perform such acts prohibited in this section.~~
- (f) ~~(e) For purposes of this section, the phrase "anatomical area" means human genitals, pubic region, anus, or a female breast below a point immediately above the top of the areola.~~
- (g) ~~(f) For purpose of this section, the phrase "sexual activity" means any of the following: (a) the fondling or other touching of human genitals, pubic region, anus, or female breasts; (b) sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, masturbation, or sodomy; or (c) excretory functions as part of or in connection with the fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts, sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.~~

This section does not prohibit any certified massage practitioner or certified massage therapist from performing:

- (h) A Massage of the gluteal muscles for compensation.
- (i) A massage of female breasts with (1) the written consent of the person receiving the Massage and (2) a referral from a licenses California health care provider pursuant to Business and Professions Code section 4609(a)(1)(F).

(i) Specific techniques recognized by the California Massage Therapy Council as legitimate.
~~5.56.270—Alcohol prohibited.~~

~~To protect the personal health, safety and security of patrons and to deter criminal activity, no massage therapist, massage practitioner or massage business and establishment shall provide or offer any alcoholic beverage to a patron during the course of providing or offering to provide any massage service.~~

5.56.300 – Alcohol, prophylactic devices and non-prescription drugs prohibited.

No alcoholic beverage or drug, other than a prescription medication in the possession of the person for whom the prescription was written, and no condoms or other prophylactic devices, shall be stored or allowed on a Massage establishment's premises. Service of alcoholic beverages shall not be permitted.

~~5.56.280~~ **5.56.310 - Minors—Employment or services prohibited.**

~~No holder of a massage—~~Massage businesses and establishment ~~permit—~~license shall employ any person under eighteen years of age.

~~5.56.290—~~**5.56.320 - Violations of a public nuisance, penalties and nuisance abatement-; license revocation for repeated violations; notifications to Landlord**

- (a) Any ~~massage~~—Massage establishment operated, conducted, or maintained contrary to the provisions of this chapter or related chapters shall be, and the same is hereby declared to be unlawful and a public nuisance, and the ~~city attorney or city prosecutor~~—City Manager or City Manager's designee, City Attorney or City Prosecutor may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, against the Massage establishment owner and/or its agents and/or employees, and/or the landlord and/or fee owner of the property on which the Massage establishment is operated, for the abatement, removal and enjoinder thereof, in the manner provided by law. Such remedies shall be in addition to any other penalties or remedies available to the city under this code, or under state law.
- (b) In addition to any other penalty authorized by law or this code, the penalty for violating any of the terms, conditions, or requirements of this chapter shall be as follows:
 - (1) First Violation. When a person or business is found to violate any provision of this chapter, that person or business shall be issued a formal, written warning from a city code enforcement officer to cease the prohibited activity.
 - (2) Second Violation. When a person or business is found to violate any provision of this chapter after being issued a formal, written warning within the prior twelve (12) month period for a previous violation, that person or relevant agent for the business shall be given a second written notice of violation advising that any further violations will result in the revocation of the business license for such establishment, and a prohibition on a re-application for a business license for a period of one (1) year from the subsequent violation.

- (3) Third Violation. When a person or business is found to violate any provision of this chapter for a third time within a twelve (12) month period following receipt of a second violation, that person or business shall be given written notice by the Code Enforcement Officer that its business license for the premises in question is immediately and summarily revoked, and that continued operation of the business in question thereafter shall be deemed an additional violation of the city's Municipal Code. A copy of such notice shall be posted at a prominent location upon the property in question. An action to revoke a business license under this section may be appealed within ten (10) days of the date of the written notice of the summary revocation, pursuant to the procedure set forth in section 5.04.260 of this Code. Notwithstanding any provision of the Municipal Code to the contrary, and because the City Council has declared that a business operating in violation of this chapter poses an immediate threat to public health, safety and welfare, the filing of an appeal in connection with the immediate, summary revocation of a business license under this chapter shall not stay the effectiveness of the revocation during the pendency of an appeal. Upon revocation of a business license pursuant to this section, (1) the applicant and any affiliate thereof shall be prohibited from re-occupancy of a Massage Establishment during the twelve (12) month period following the revocation., and (2) all persons shall be prohibited from applying for a business license to operate a Massage Establishment at the subject location during the twelve (12) month period following the revocation.
- (c) The Landlord and the fee owner of the property at which the Massage establishment is conducted, as identified in the business license application, shall be notified of each citation, violation, conviction, and/or business license revocation action taken pursuant to this chapter.

5.26.330 – Management; liability of management.

One or more managers shall be designated to act as the person(s) in charge of managing day-to-day operations of the Massage establishment, including receiving all complaints. The names of such managers must be provided to the city. At least one manager shall be on premises of the massage establishment at all times during all business hours of operation. In addition to the holder of the Massage facility's business license, on-site managers shall be responsible for all violations taking place on the massage establishment premises during their respective shifts.

~~5.56.300~~ 5.56.340 - Exemptions from chapter.

This chapter shall not apply to:

- (a) ~~(a)~~Persons holding a valid certificate to practice the healing arts under the laws of the State of California and their employees, including, but not limited to, holders of medical degrees such as physicians, surgeons, chiropractors, osteopaths, naturopaths, podiatrists, acupuncturists, physical therapists, registered nurses, and licensed vocational nurses;
- (b) ~~(b)~~State-licensed hospitals, nursing homes, sanitariums, physiotherapy establishments, or other state-licensed physical or mental health facilities and their employees;
- (c) ~~(c)~~Barbers and cosmetologists who are licensed under the laws of the State of California while providing massage services within the scope of their licenses, provided that such

massage services are limited solely to the neck, face, scalp, feet and lower limbs up to the knees, and hands and arms, of their patrons;

- (d) ~~(d) Persons who provide massage-Massage services to amateur, semi-professional or professional athletes or athletic teams, facilities or events, so long as such persons do not practice massage-Massage services as their primary occupation within city limits;~~
- (e) ~~Massage businesses or establishments that are sole proprietorships as defined under paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code, except that such businesses or establishments shall not be exempt from this chapter to the extent Section 4612 expressly permits the regulation of such businesses or establishments by local ordinance, and such businesses or establishments shall comply with the provisions of this chapter to extent permitted by Section 4612 of the California Business and Professions Code.~~

5.56.350 – Compliance with applicable laws.

Massage establishments shall be operated in compliance with all applicable laws and regulations, including without limitation, the California Massage Therapy Act (Business and Professions Code section 4600 et seq.).

5.56.360 – Pre-Existing Massage Establishments.

- (a) Except as set forth in subsection 5.56.360(b), all requirements of this chapter shall be applicable effective within the timeframes described below.
 - (1) The city shall notify both the tenants and the property owners of all Massage Establishments that were legally operating with the city prior to May 1, 2015 of (1) the city's then-current Massage Establishment regulations, (2) an opportunity to meet and confer with city staff concerning the then-current Massage Establishment regulations, and (3) a list of materials that must be submitted to the city under this chapter.
 - (2) All existing Massage Establishments shall, within sixty (60) days after receiving the notifications required in subsection 5.56.360(a)(1), provide to the city any and all documentation required by this chapter, and shall authorize an inspection of the Massage Establishment by city staff. Following receipt of the documentation and completion of the inspection, city staff shall notify the tenants and the property owners of the Massage Establishment of all required corrections or changes as necessary to achieve compliance with this chapter.
 - (3) All existing Massage Establishments shall, within sixty (60) days after receiving the notifications required in subsection 5.56.360(a)(2), make any necessary changes to the physical structure or operations of said Massage Establishment as necessary to be in compliance with this chapter (except to the extent required compliance is deferred pursuant to section 5.56.360(b)).
- (b) Notwithstanding subsection 5.56.360(a), all Massage Establishments that were legally operating in the city prior to May 1, 2015 and determined by the Director of Community Development to be out of compliance with the requirements of sections 5.56.100,

5.56.130, 5.56.150(c) and/or 5.56.170 of this chapter, shall achieve full compliance with such sections on or prior to July 1, 2018.

SECTION 2. CEQA DETERMINATION.

In adopting this Ordinance, the City Council finds and determines, based on all of the information in the record and on the basis of its independent judgment, that this Ordinance is exempt from the California Environmental Quality Act pursuant to the following exemptions, and each of them independently: Title 14 California Code of Regulations Section 15061(b)(3), in that it can be seen with certainty that the adoption of this Ordinance proposes no activity that may have a significant effect on the environment, and pursuant to Title 14 California Code of Regulations Section 15301, in that this Ordinance involves no expansion of use of existing facilities.

SECTION 3. 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 4. 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 5. 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



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

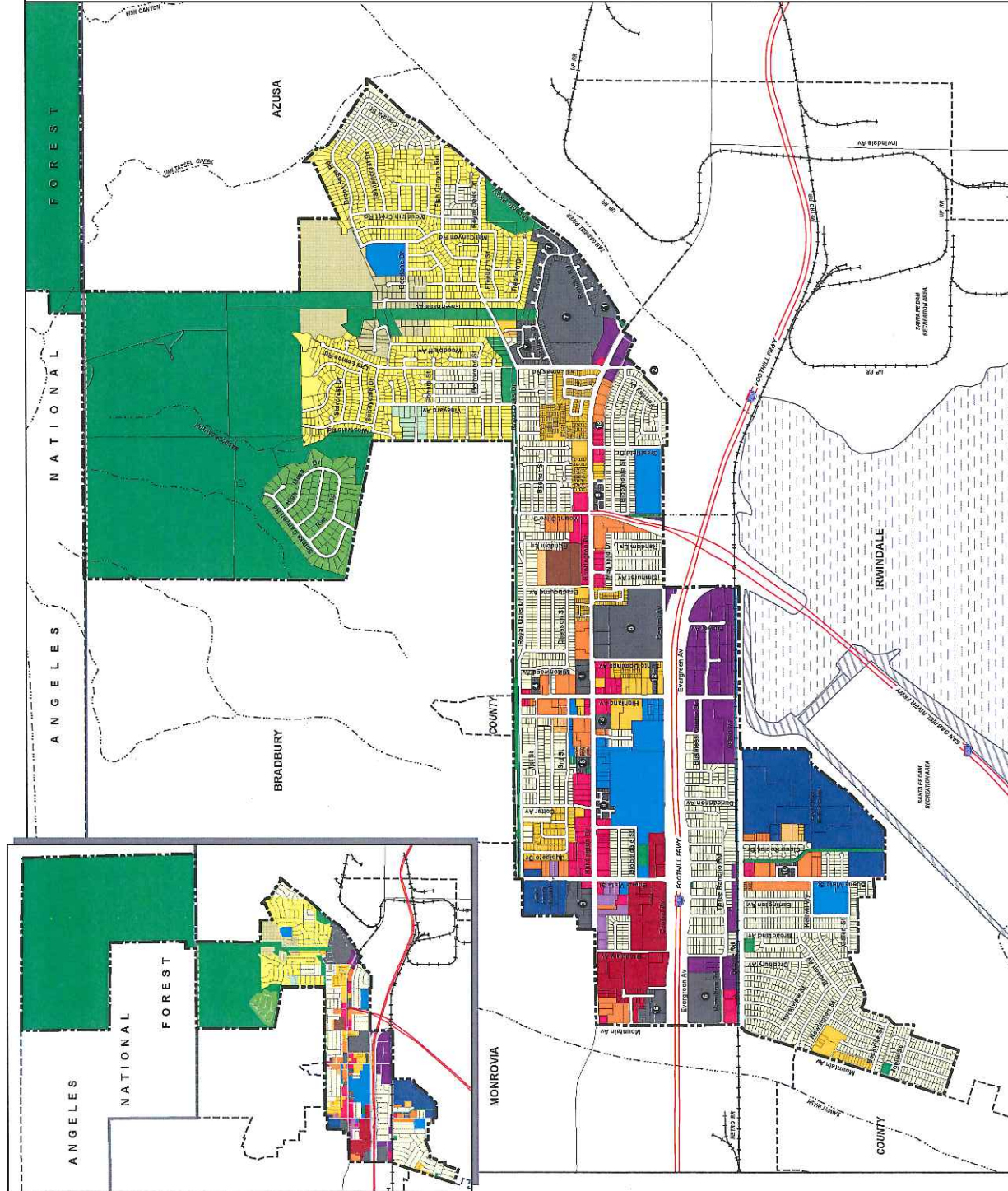
Zoning Designations

- 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
- R-MH Mobile Home Residential
- C-G Commercial-General
- C-F 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) that may not be shown on this map. 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



FOOTHILL FREEWAY (210)
(WESTBOUND)

FREEWAY OFFRAMP

MOUNTAIN VISTA PLAZA
PYLON SIGN

LINCOLN/MERCURY
AUTO DEALERSHIP

FORD
AUTO DEALERSHIP

(NOT A PART OF MOUNTAIN VISTA PLAZA)

MOUNTAIN VISTA PLAZA
ACCESS ROAD

MOUNTAIN VISTA PLAZA ACCESS ROAD

GOODYEAR (4,560 S.F.)

TARGET
(112,000 S.F.)

SHERIFF'S SUBSTATION (4,580 S.F.)

AVAILABLE (2,200 S.F.)

HOLLYWOOD EYEBROW (1,200 S.F.)

AVAILABLE (2,500 S.F.)

SANTA INEZ MEDICAL CLINIC (3,026 S.F.)

RENT-A-CENTER (4,652 S.F.)

VILLA ITALIA (1,920 S.F.)

FRED LOYA INS. (1,460 S.F.)

CALIFORNIA NAILS (1,110 S.F.)

AVAILABLE (1,690 S.F.)

AVAILABLE (1,400 S.F.)

SHANGHAI EXPRESS (1,400 S.F.)

NATHANIEL KHOE, D.D.S. (1,400 S.F.)

JASMINE CLEANERS (1,400 S.F.)

AVAILABLE (1,271 S.F.)

SUPERCUTS (1,271 S.F.)

AVAILABLE (2,800 S.F.)

J.P. MORGAN/CHASE (4,550 S.F.)

FASHION V (2,425 S.F.)

RADIO SHACK (2,150 S.F.)

AVAILABLE
(680 S.F.)

PAPA JOHN'S PIZZA (1,360 S.F.)

CIG ZONE
(680 S.F.)

BRADBURY AVENUE

SONIC

DENNY'S
(6,000 S.F.)

HUNTINGTON DRIVE

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 <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

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
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	-- MUP	
Large – 2,001 sf or greater	CUP	CUP	-- CUP	
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	—*	*: When not located 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 <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	-- MUP	
Large – 2,001 sf or greater	CUP	CUP	-- CUP	
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



MEMORANDUM

TO: Mayor and City Council
FROM: Craig Hensley, Community Development Director
DATE: February 24, 2015
SUBJECT: Award of Contract for Preparation of a Citywide Bicycle and Safe Routes to Transit Plan to Fehr & Peers

Staff recommends that the City Council authorize the City Manager to execute a standard professional services agreement with Fehr & Peers to prepare a Citywide Bicycle and Safe Routes to Transit Plan with a contract amount of \$40,803.00.

Several months ago, the City Council outlined its short term goals related to transportation and circulation in a strategic planning workshop. One of those goals was to develop a citywide bicycle master plan and a plan that follows the principles of Metro's First Mile – Last Mile plan for pedestrian access near the future Gold Line Station. For the past several months, Staff has been interviewing consultants and requesting proposals. Fehr & Peers was the only consultant that chose to submit a proposal but is highly qualified for the task.

The project will consist of two elements: a Citywide Bicycle Plan and a Safe Routes to Transit Plan. The Citywide Bicycle Plan will evaluate existing conditions and currently funded bike lane projects and will develop a future needs plan. Based on the final proposed plan, the project will also include preparation of cost estimates to implement portions of the plan that are proposed for the future. The Safe Routes to Transit Plan will focus on the Duarte Gold Line Station and areas within walking distance with a focus on pedestrian safety. The intent of the plan is to identify potential improvements needed to create a safe and desirable pedestrian environment in the area.

The intent is to fund this project with Proposition A funds.

Attachment: Fehr & Peers Proposal



December 12, 2014

Craig Hensley, Community Development Director
City of Duarte
1600 Huntington Drive
Duarte, CA 91010

Re: Proposal for Consultant Services to Develop a Citywide Bicycle and Safe Routes to Transit Plan

Dear Mr. Hensley:

Fehr & Peers is pleased to submit this proposal to assist the City of Duarte in the preparation of a Citywide Bicycle and Safe Routes to Transit Plan. We have prepared a proposal with a detailed cost estimate and scope of work required to complete this project.

Fehr & Peers is a national expert in active transportation with extensive experience working in southern California and brings unique qualifications to this study. Fehr & Peers has assisted similar cities who value excellence in their community facilities, such as Santa Monica, San Diego and San Francisco in planning, developing, and implementing recommendations to improve quality of life, safety, and mobility options.

The scope of work for this RFP is intended to provide realistic and feasible recommendations that can be rapidly implemented by city staff or explored further and funded through infrastructure improvement grants. Fehr & Peers prides itself on being a firm of engineers and planners who are passionate and committed to improving communities through transportation; however, we are not advocates and strive to use research and data to justify recommendations, particularly when presenting to elected officials and community members. In a setting like Duarte, a predominately family oriented residential community that is already a pleasant place to walk and bicycle, attention to innovation and local compatibility are essential to successful outcomes.

Our local experience is complemented by our accomplishments in the areas of pedestrian planning, bicycle planning, and traffic calming, with more experience in these areas than any other firm in the nation. We have worked with the California Office of Traffic Safety to develop a technical guide to conduct pedestrian safety assessments in California. We developed the Safety Technical Assistance Program initiative for the Metropolitan Transportation Commission in the Bay Area, a program that developed a master toolbox of bicycle and pedestrian safety initiatives, and produced an action plan for each municipality to implement the safety initiatives. We have completed Active Transportation Plans, Bicycle and Pedestrian Master Plans, and other feasibility and implementation studies for cities across the state. Fehr & Peers staff are certified as Pedestrian Safety Audit (PSA) and Bicycle Safety Audit (BSA) evaluators in both northern and southern California.

We believe strongly in leading the profession in developing new designs and establishing the state of the practice in our industry. An example of our commitment to the profession, numerous of Fehr & Peers staff have authored or co-authored papers and books on the topic of transportation. In the southern

California region, Mr. Steve Brown, our managing principal in Southern California, is a primary author of the U.S. Traffic Calming Manual.

Fehr & Peers appreciates the opportunity to submit this proposal. We look forward to working on the Duarte Bicycle and Pedestrian Master Plan. If you have any questions or require any additional information regarding our proposal, please contact us in the San Diego Fehr & Peers office at (619) 758-3010. Thank you for your consideration.

Sincerely,
FEHR & PEERS

A handwritten signature in blue ink, appearing to read "Dawn L. Wilson".

Dawn L. Wilson, PE, TE
Senior Associate



Scope of Work

Citywide Bicycle and Safe Routes to Transit Plan

This scope of services has been constructed so that the reader can easily understand the methodology, meetings, and deliverables proposed by Fehr & Peers Associates to prepare the Duarte citywide Bicycle and Safe Routes to Transit Plan. Fehr & Peers proposes to complete the following tasks in order to meet the objectives of this study effort.

Task 1.0 – Project Initiation

Deliverables: 1 meeting with City staff attended by up to 2 Fehr & Peers staff
Meeting materials and minutes for the project initiation meeting

An organization and scoping meeting will be held with City staff to collect available data and published materials, establish meeting and presentation schedules, and establish communication channels. A preliminary agenda for the meeting includes:

- Project logistics meeting discussion with City staff to finalize the scope, schedule for meetings, key deliverables, and budget
- Identification of overall goals for the Plan
- Discussion of existing conditions
- Identification of public outreach plan and key project stakeholders

While on site for the project initiation meeting, Fehr & Peers staff will conduct a preliminary site visit of anticipated areas for the Plan, including the Gold Line station area, and key bicycle corridors. City staff will be invited to join us on this field visit.

Task 2.0 – Existing Conditions Assessment & Research

Deliverables: Technical Memorandum #1 – Existing Conditions & Gaps Summary

Fehr & Peers will coordinate with City staff to obtain existing GIS files, relevant mobility reports, and improvement plans in order to develop an initial inventory of bicycle and pedestrian infrastructure and planned improvements. Information will be supplemented with a “windshield” field survey to identify existing sidewalks and bicycle lanes on major streets within the City. Local streets will not be inventoried as part of this work plan.

Using the document research, field inventory and supplemental information from City staff, Fehr & Peers will prepare a map that illustrates the perceived gaps in the pedestrian and



Scope of Work

Citywide Bicycle and Safe Routes to Transit Plan

bicycle network. Data collected will be assembled into one Geographic Information System (GIS) database for ease of use in the future.

As part of this research effort, the following materials will be collected:

- Previous bicycle, pedestrian studies within the City, Metro First Mile / Last Mile strategies, and San Gabriel River Trail studies
- Gold Line station plans
- Accident data – collision map and table of “hot spot” locations
- Land use and population density information
- Employment, visitor and shopping data

The data collection effort will also include relevant materials from adjoining communities to ensure good connectivity for the proposed bicycle and pedestrian improvements.

Task 3.0 – Safe Routes to Transit Plan

Deliverables: Safe Routes to Transit Plan Infographic (1 page, color, double sided)
Technical Memorandum #2: Safe Routes to Transit Approach and Recommendations, including planning level cost estimates

In this task, Fehr & Peers will conduct a network analysis between the Duarte Gold Line station and origins/destinations within a ½ mile walk shed surrounding the station. This analysis will determine walking routes to the station, identify weakest links for pedestrian access in the existing transportation network, and identify potential improvements. Potential improvements may include crosswalk treatments, traffic calming, ADA improvements, wayfinding signage, and streetscape enhancements.

Fehr & Peers will develop a Duarte Gold Line Station Safe Routes to Transit infographic. The double sided color brochure will include a summary of the existing conditions and the locations of recommended improvements. The graphic will provide a summary of the recommendations and planning level cost estimates. Improvements on the infographic will be ranked based on priority: high, medium and low. Prioritization methods and criteria will be developed with City staff and will be based on need, ease of implementation, feasibility and cost.

A technical memorandum will also be prepared that summarizes the approach taken in developing the recommendations for the Safe Routes to Transit map. The technical



Scope of Work

Citywide Bicycle and Safe Routes to Transit Plan

memorandum will include the justifications for recommendations, assumptions applied in the preliminary cost estimates and ranking criteria. The technical memorandum is intended to supplement the Safe Routes to Transit infographic.

Task 4.0 – Citywide Bicycle Plan

Deliverables: Citywide Bicycle Plan Infographic (1 page, color, double sided)
Technical Memorandum #3: Bicycle Plan Approach and Rec, including planning level cost estimates

Fehr & Peers will evaluate the existing bicycle conditions and identify key bicycle corridors within the City. The findings of this research effort will result in the gap map discussed in Task 2.0. The gaps map will be the foundation for developing the long term citywide bicycle facility master plan.

In developing recommendations for the master plan, the types of facilities that can be reasonably implemented within the city will need to be determined. Potential bicycle treatments will be consistent with the Caltrans design standards and National Association of City Transportation Officials (NACTO) Urban Bikeway Design guidelines. Creative bicycle solutions continue to emerge across the country, it is likely that the recommendations provided to the city will be traditional and have minimal impacts to right-of-way such as

- Class II bicycle lanes
- Class II buffered bicycle lanes
- Bicycle Boulevards
- Special intersection treatments and wayfinding signage

The Citywide Bicycle Plan will provide details regarding the design and implementation of each type of bicycle facility. Once defined, the bicycle facility types will be assigned to the existing conditions and gaps map developed in Task 2.0. Existing and planned facilities will be classified by facility type and a GIS map of the ultimate bicycle network will be presented to city staff for review and comment. Facility type designations will be based upon the existing facility types, existing right-of-way, level of existing bicycle activity observed or noted during community outreach, need and connectivity. Planning level cost estimates will be developed for each facility type and will be applied on a per lane mile basis.



Scope of Work

Citywide Bicycle and Safe Routes to Transit Plan

The key product of this task is the proposed system of bikeways. The proposed system will be developed based on an advocacy planning approach that allows City staff and the general public to identify the proposed bikeway routes. The proposed system map will be refined with City staff and will be presented to the community during Transportation Commission and City Council meetings. Once finalized, the system map will be integrated into a one-page infographic that will include the recommendations, description of facility types, description of recommendations and preliminary cost estimates.

In addition to the infographic, a technical memorandum containing the proposed system map will be presented to City staff for review and approval. The memorandum will describe the map's development and contain information about the design standards of each bikeway type. Images and references to support the recommendations will be provided in the technical memorandum.

Task 5.0 – Public Workshop

Deliverables: 1 coordination meeting with City staff in advance of workshop
 1 public workshop with up to 2 Fehr & Peers staff in attendance
 Workshop materials, presentation and summary report

Fehr & Peers, with assistance from City staff, will conduct one public workshop to allow the public to review and comment on both the Safe Routes to Transit and Citywide Bicycle Plan maps. The general format of the workshop will include a short presentation by Fehr & Peers Associates followed by an open discussion forum where members of the public can make comments directly on large maps of the proposed system, which will be provided at up to four stations. Each station will have a representative from Fehr & Peers Associates or the City. Public comment will be reviewed and incorporated into the plan in collaboration with City staff.



Scope of Work

Citywide Bicycle and Safe Routes to Transit Plan

Task 6.0 – Additional Public Workshop / Focus Group Meeting (Optional)

Deliverables: 1 coordination meeting with City staff in advance of workshop/focus group meeting
1 public workshop OR 2 focus group meetings with up to 2 Fehr & Peers staff in attendance
Materials, presentation and summary report (as appropriate)

If City staff determines it is necessary to collect additional information from the community through either a second public workshop or in small focus group meetings, Fehr & Peers will be available to attend. As an optional item in this scope of work, Fehr & Peers will require written authorization from City staff to amend our contract and budget prior to our firm attending said meetings.

Task 7.0 – Final Plan Revisions

Deliverables: Revisions to Safe Routes to Transit Infographic and Technical Memorandum
Revisions to Citywide Bicycle Plan Infographic and Technical Memorandum
Up to ten (10) copies of each final document and a PDF version of all final materials

Fehr & Peers will refine the Safe Routes to Transit and Citywide Bicycle Plan infographics based on review and comment received from City staff and during the City Council meeting.

All final technical memorandums will be compiled into a three ring binder along with copies of the infographics for the City prior to submitting for ease of reference and future use. A final version of the infographics and technical memorandums will be delivered in PDF format to allow for ease of duplication. Ten hard copies and a disk containing the final digital documents will be delivered under this task.



Scope of Work

Citywide Bicycle and Safe Routes to Transit Plan

Task 8.0 – City Council Meeting

Deliverables: Attendance at 1 City Council Meeting
 Preparation of materials, presentation and summary report

Fehr & Peers will present the final Safe Routes to Transit and Citywide Bicycle Plan to the City of Duarte City Council for adoption. Members of the team will deliver the presentation and be available for questions.



Fee Proposal

Citywide Bicycle and Safe Routes to Transit Plan

Fehr & Peers will complete the tasks outlined in the scope of work for a not to exceed fee of \$40,803:

Task 1.0: Project Initiation	\$5,340
Task 2.0: Existing Conditions Assessment	\$1,860
Task 3.0: Safe Routes to Transit Plan	\$9,760
Task 4.0: Citywide Bicycle Plan	\$9,760
Task 5.0: Public Workshop	\$6,600
Task 6.0: Additional Public Outreach (Optional)	*
Task 7.0: Final Plan Revisions	\$3,840
Task 8.0: City Council Meeting	\$1,380
Subtotal	\$38,540
Admin/Com/Travel;	\$2,263
TOTAL	\$40,803

*Task 6.0 is an optional task to provide additional community outreach support through either a second workshop or two community focus group meetings. The budget for these additional meetings will be determined at the time they are needed. However, the typical costs for a workshop are approximately \$6,600 per event and focus group meetings are \$2,800 per event.



Project Team

Citywide Bicycle and Safe Routes to Transit Plan

Fehr & Peers will staff this project collectively from the Los Angeles and San Diego offices. The team assigned to this project includes:

- Matt Benjamin – Senior Associate in Charge
- Nathan Schmidt – Project Manager
- Dawn Wilson – Senior Engineer
- Chelsea Richer- Transportation Planner
- Brynn Stonehouse – Administrative Support
- Tamara Zdvorak – Infographics & Graphic Support

Resumes for all key staff members are provided on the following pages.





Matt Benjamin, AICP

Senior Associate

About

Over the past 14 years, Matt has approached active transportation from a variety of perspectives, both as a user and through his work in the public, non-profit and private sectors. Matt has consistently been at the leading edge of his field, offering forward-thinking solutions to that are ahead of their time, but on the cusp of mainstream adoption. Over a decade ago, in developing Metro's first Bicycle Parking Plan, Matt spearheaded an effort at the agency to integrate the Universal Fare Card (now the TAP card) with the existing bike locker program and future bike-transit centers or "mobility hubs." Based on lessons learned through his work as a research assistant for Dr. Don Shoup at UCLA, he proposed a pricing structure for secure bicycle parking designed to incentivize the most efficient and socially-beneficial use of the system. Similar transit pass integration schemes and pricing structures are now common, having been adopted by transit agencies and bike share operators around the world. Matt later served as the first Planning and Policy Director of the LA County Bicycle Coalition and played a key role in growing and professionalizing the region's most visible active transportation advocacy organization. Since 2007, Matt has worked full-time in the private sector, first launching and managing the Los Angeles office of another firm, where he led some of the most complex and controversial active transportation planning projects in the greater Los Angeles area. Matt currently leads the bicycle and pedestrian planning practice for Fehr & Peers in Southern California. Matt has the expertise to lead policy, planning and design projects. He is a seasoned public speaker, having presented in both English and Spanish to diverse audiences including public agency staff, elected officials, graduate students, day laborers, factory workers, and the general public in a variety of settings such as public workshops, university lectures, training sessions, community events and international conferences.

Education

Master of Urban Planning, University of California, Los Angeles, 2003

B.A. in International Relations, Florida State University, 1998

Certifications/Registrations

American Institute of Certified Planners (0245952)

Awards

Advocacy Planning Award: Outreach to Low-Income Bicyclists in Los Angeles County, American Planning Association, Los Angeles Chapter (2005)

Outstanding Planning Award for a Grassroots Initiative: Coyote Creek Bikeway Master Plan, American Planning Association, Orange County (CA) Chapter (2009)

Achievement in Mobility: Metro Blue Line Bicycle and Pedestrian Access Plan, Southern California Association of Governments (SCAG) Compass Blueprint Awards (2011)

Presentations

Bikeway Planning and Design, UCLA, Department of Urban Planning, Transportation Planning Lecture Series (2010/2012)

Bikeway Planning and Design, Cal Poly Pomona, College of Environmental Design, Department of Landscape Architecture Lecture Series (2010)

Challenges in the Design and Implementation of Urban Bikeways, Ministry of Transport and Telecommunications, First International Seminar on Promoting Cycling as a Means of Transport, Santiago, Chile (2009)



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Matt Benjamin, AICP

Senior Associate

Project Experience

Gateway Cities Transportation Strategic Plan Phase II Active Transportation Element

As part of a team chosen by Metro, Fehr & Peers is completing the Active Transportation Element of the Gateway Cities Council of Governments' Strategic Transportation Plan to identify projects and programs to increase the use of active modes of transportation, while improving safety for those who are currently walking and bicycling. The analysis is considering the broader transportation and infrastructure context (freeways, surface streets, flood control, port facilities, etc.) and how modes are related. Specific recommendations will include *interagency projects of regional significance*, improving access to transit stations and key bicycle and pedestrian facilities, identifying local and state best practices, researching impacts to health and safety, and prioritizing improvement locations throughout the 26-city region. Key stakeholders are being engaged to both generate ideas and vet the best solutions.

SANDAG Safe Routes to Transit Regional Plan

Fehr & Peers is leading the Safe Routes to Transit Regional Plan for SANDAG. Key elements of the project include the classification of over 6,000 transit stops and stations according to their level of transit service and land use context; a series of prototypical Safe Routes to Transit infrastructure packages; and the development of a regional policy integrating catchment-area bicycle and pedestrian improvements as required elements in the planning, design and construction of all major transit projects. Matt is Project Manager.

Pomona Active Transportation Plan

Matt served as project manager, recommending over 60 miles of new bikeways, a variety of pedestrian and bicycle support programs, and a tiered implementation plan identifying funding sources and cycles for all near and mid-term projects. Matt also led a public outreach effort targeting stakeholders from a variety of local institutions including public and private educational institutions, advocacy groups, recreational cycling clubs, law enforcement officers, day labor centers, and transit operators.

Colorado Esplanade (Santa Monica)

Matt was brought in as a bikeway design specialist to assist a multi-disciplinary team of consultants on the design of the Colorado Avenue bikeway—a 2-way cycle track connecting the future Expo Light Rail Station to the Santa Monica Pier/Beach Bike Path. Matt's role was to help ensure that the design of the bikeway was sound from a both a safety and operational perspective.

North-Park Mid-City Bikeway Corridor

Matt is currently managing the planning and conceptual design of the North-Park Mid-City Bikeway Corridor in the City of San Diego for the San Diego Association of Governments. The project was identified by SANDAG as the region's high-priority urban bikeway corridors, connecting downtown San Diego with neighborhoods to the north and east. Matt is managing an interdisciplinary team of planners, urban designers, traffic and civil engineers, and environmental specialists to develop a preferred set of design interventions for this 10 mile corridor.

Union Pacific Trail Implementation Plan

Matt served as project manager for OCTA's plan. The plan evaluated project feasibility and design options for an approximately 8-mile bike path through four Orange County cities. The trail alignment runs along a corridor paralleling active and inactive rail, a state highway and two distinct flood control facilities. The implementation plan includes photo simulations of potential improvements, at-grade crossing recommendations, cost estimates and a phasing plan for nine unique segments.

Pedestrian Safety Evaluator

Matt also serves as a Pedestrian Safety Evaluator for the UC Berkeley Tech Transfer Program, conducting Pedestrian Safety Analyses (PSAs) throughout Southern California.

Other relevant experience (asterisk indicates PM):

Metro Bicycle Transportation Strategic Plan

Metro Eastside Light Rail Bike Interface Plan*

City of Los Angeles Bicycle Plan*

OCTA Commuter Bikeways Strategic Plan*

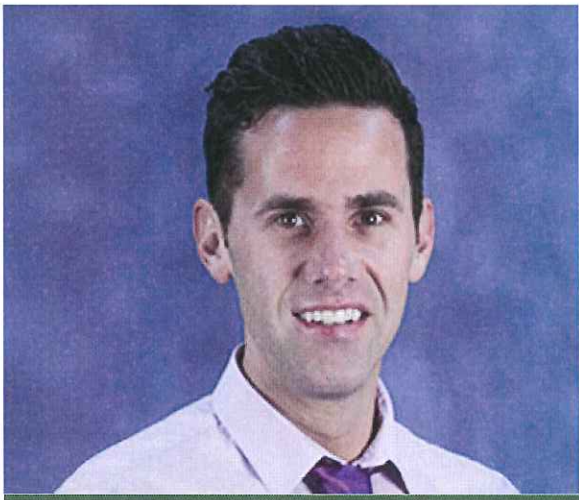
City of West Hollywood Pedestrian and Bicycle Mobility Plan*

I-15 Corridor Safe Routes to Transit and Shared-Use Mobility Plan*

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Nathan Schmidt, AICP

Senior Transportation Planner

About

Nathan Schmidt is a multi-disciplinary planner with nine years of experience in transportation planning, including transportation impact analysis, multimodal transportation modeling, and planning improved bicycle and pedestrian facilities. He has worked closely with State, County, City, and regional transportation agencies to develop solutions to transportation planning challenges that accommodate all modes of transportation in order to help agencies meet their mobility, economic development, and safety and quality of life goals. Mr. Schmidt specializes in improving conditions for non-motorized users without degrading motor vehicle capacity.

In collaboration with public agency staff, Mr. Schmidt has prepared and summarized technical findings during community meetings and public workshops. His experience interfacing with public agencies and private groups allows him to serve competently as a liaison on complex projects. Mr. Schmidt is also skilled in a number of transportation related software packages, including VISSIM, Synchro 8, SIDRA, and CompleteStreetsLOS analysis software for traffic operation studies, corridor analysis and area-wide transportation planning. He has built or managed various applications using GIS, Web-based technologies, and custom-built applications to analyze, communicate and market planning and development projects.

Education

M.S., 2004, Urban and Regional Planning,
Ball State University Indianapolis

B.A., 2003, Urban Planning and Design Development,
Ball State University

Affiliations

American Planning Association (APA)

Association of Pedestrian and Bicycle Professionals,
San Diego Chapter Leadership Team

American Public Works Association (APWA),
Monterey Bay Executive Board Vice President

Transportation Agency for Monterey County (TAMC),
Technical Advisory Committee

Project Experience

Mobility Planning

San Marcos Blvd Complete Street Planning (San Marcos, CA) - Prior to joining Fehr & Peers, Mr. Schmidt served as the Transportation Planner responsible for providing multimodal Level of Service analysis and VISSIM microsimulation to assess the impacts of the proposed San Marcos Boulevard Complete Streets project on the four primary modes of travel: auto, transit, pedestrian and bicycle. Existing and 2035 conditions were analyzed using the CompleteStreetsLOS software. This multimodal software analysis allowed RBF to quantify LOS for all primary modes of travel along a roadway, whereas traditional analysis has typically focused exclusively on the automobile mode. Nathan prepared VISSIM microsimulation of the design alternatives

Monterey BRT Facility Plan (Monterey, CA)

Prior to joining Fehr & Peers, Mr. Schmidt served as the Project Manager responsible for developing alternatives for the City of Monterey Bus Rapid Transit station. The goal was to develop a new downtown transit center plan while considering all travel modes, maintaining connectivity throughout the downtown, and responding to Monterey's need for a new Bus Rapid Transit (BRT) Station.



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The challenge was finding a solution to address all modes of travel in the area and maintain livability and connectivity. The study area provides direct access through Monterey to the Cities of Pacific Grove and Pebble Beach. There are high volume streets combined with the Monterey Coastal Trail and busy attractors of pedestrian traffic including the Fisherman's Wharf and City Beaches. The project includes a comprehensive bicycle and pedestrian access study to the proposed BRT station, public outreach, conceptual designs, evaluation of potential impacts to the existing transportation system, and preparation of grant applications. The grant will fund the Monterey Salinas Transit and the City of Monterey Interim Del Monte Avenue Bus Rapid Transit Project and the Multi-Modal Transit Center.

**Carlsbad Boulevard Complete Streets Study
(Carlsbad, CA)**

Prior to joining Fehr & Peers, Mr. Schmidt served as the Transportation Planner responsible for preparing corridor operations analysis and VISSIM microsimulations for the Carlsbad Boulevard Complete Streets Study. This study evaluated the feasibility of reducing Carlsbad Boulevard from four lanes to two lanes. The goal of this project was to "reimagine" Carlsbad Boulevard as a scenic coastal corridor that is inviting to all roadway users including pedestrians, cyclists, and vehicles. Mr. Schmidt utilized the VISSIM software to simulate and analyze what traffic conditions would be like with the proposed project improvements and to produce several 3-D movies, which were presented at City workshops and meetings during the public participation process.

Riverside Streetscape Plan (Santa Cruz, CA) -

Transportation Planner responsible for modeling and analysis of traffic flow operations along the Riverside Avenue corridor. The VISSIM traffic simulation software was used to evaluate traffic flow on three alternatives, including a traffic signal, mini-roundabout and hybrid roundabout design. The VISSIM software was used to produce several 3-D movies, which were presented at City workshops and meetings during the public participation process.

California Avenue Transit Hub Corridor Enhancement Project (Palo Alto, CA) – Served as Transportation Planner, prior to joining Fehr & Peers, responsible for development of a plan to accommodate automobile, transit, pedestrian and bicycle modes at the California Avenue Transit Hub in Palo Alto, CA. The proposed project will transform California Avenue between El Camino Real and the California Avenue Caltrain Station into a community corridor with transit, bicycle and pedestrian focused transportation treatments; renovate the California Avenue Caltrain Plaza into a vibrant hub for bicycle-commuters and visitors; and provide best-practice pedestrian-scaled improvements throughout the corridor to spur on-going economic development activity and growth.

East Market Street Road Diet and Multimodal Transportation Impact Analysis (City of Salinas, CA) -

Transportation Planner Managed review of the built condition of East Market Street to determine cross-section alternatives that would better address the needs of pedestrians, bicyclists, transit users and motorists. Mr. Schmidt analyzed existing multimodal level of service (LOS) using the methodologies provided in the 2010 Highway Capacity Manual (HCM). A road diet was recommended based on review of the multimodal transportation operations, collision history, field observations, surrounding land uses, transit operations, bicycle infrastructure and traffic volume. RBF worked with City staff to illustrate traffic volumes are low enough on East Market Street for a reduction of motorist lanes without affecting functional traffic operations. The reduction of the roadway cross-section from a four-lane section to a two-lane section will improve traffic operations by providing a dedicated turn lane, bike lanes and potentially an additional on-street parking. Alternatives were recommended and reviewed in detail with the city staff. In keeping with the Context Sensitive Solutions approach, RBF recommended that outreach and public engagement occur to prioritize goals and objectives to better determine how to utilize the already paved roadway cross-section.



Senior Associate

Dawn Wilson, PE, TE

about

Ms. Wilson has over 20 years of experience in preparing transportation planning studies and traffic engineering design plans. Over the past decade she has focused her career on preparing multimodal studies that focus on balancing transportation and land use within the built environment. Prior to joining Fehr & Peers, Ms. Wilson was responsible for managing the transportation planning and traffic engineering division for RBF's San Diego and Monterey Bay Regions. Ms. Wilson has strived to develop a balance within her teams –encouraging the creative and innovative solutions in mobility planning with the practical, feasible design required in traffic engineering. With a diverse background in transportation planning, Ms. Wilson brings to her clients a holistic understanding of the physical, environmental and mobility needs in a community. She has worked closely with numerous community groups, boards and commissions on projects to build consensus and ultimately obtain project approvals.

education

M.S., 1995, Civil Engineering, University of California, Irvine

B.S., 1993, Civil Engineering, University of California, Irvine

registrations

2001, Professional Engineer, CA, C62562

2010, Professional Engineer, AZ, 51600

2010, Traffic Engineer, CA, 2548

2010, Professional Traffic Operations Engineer

expertise

- Complete Streets/Multimodal Analysis
- Traffic Impact Analysis
- Traffic Engineering
- Travel Demand Forecasting
- Highway Operations Analysis
- Micro-Simulation
- Signal Coordination/ Synchronization
- Traffic Control Design
- Site Access/Circulation

professional affiliations

Past President, Institute of Transportation Engineers (ITE), San Diego Section

Member, Women's Transportation Seminar (WTS)

Member, Association of Pedestrian and Bicycle Professionals

project experience

Carlsbad Neighborhood Traffic Calming Program – Phase III, Sierra Morena Boulevard (Carlsbad, CA)

Project Manager responsible for preparing the traffic calming solutions for Sierra Morena Boulevard in the City of Carlsbad. Ms. Wilson worked closely with the community to identify potential traffic calming solutions along this residential street. A committee of residents along the corridor formed the Technical Advisory Committee who worked with the consultant team and the city in developing solutions that would be acceptable to their neighbors. Community outreach was a large part of this project. To ensure that all neighbors were aware of



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the project, a workshop was conducted at the local park that was adjacent to the corridor. Traffic calming devices were simulated using chalk and cones along the corridor. Residents were provided the opportunity to share their ideas and concerns about the recommendations.

City of Oceanside Traffic Calming Program (Oceanside, CA) 2011

Project Manager responsible for coordinating the development of a new traffic calming program for the City of Oceanside. The program development included the selection of and conceptual design of traffic calming devices for the City toolbox and facilitation of a Project Stakeholder group. Ms. Wilson conducted a series of workshops and neighborhood meetings to "test run" the traffic calming program. As part of this process, Ms. Wilson was responsible for recommending neighborhood survey approval thresholds, removal threshold levels and the overall traffic calming program guidelines. The traffic calming program was adopted by City Council in February 2011.

City-Wide Traffic Calming Study and Master Plan (Temple City, CA) 2012 - Project Manager supporting the City in their efforts to develop a comprehensive vision and plan to establish a toolbox of traffic calming devices, evaluation and prioritization criteria, as well as a Master Plan for implementation. The plan analyzed primary problem areas and intersections, and identified traffic calming measures for each to reduce congestion, high speeds and cut-through traffic. The plan was developed in consideration of these mobility issues, as well as the Bicycle Master Plan and pedestrian mobility issues, to provide a complete look at the city's overall mobility improvement needs. RBF's scope of work included data collection and analysis, establishment of thresholds and corridor evaluations, development of traffic calming criteria, community workshops, report of recommendations, development of the final Master Plan and presentation of the Plan to City Council.

Los Altos Traffic Calming Master Plan (Los Altos, CA) 2011

Task Manager responsible for the development of traffic calming solutions that improve pedestrian access and walkability along collector streets throughout the City of Los Altos. Responsibilities included evaluation of roundabouts, identification of appropriate tools, preliminary design of traffic calming concepts and presentations to City Council and Transportation Commission.

Solana Highlands Neighborhood Traffic Calming Master Plan (Solana Beach, CA) 2011

Project Manager responsible for developing traffic calming improvements in the Solana Highlands neighborhood. Tasks included conducting community meetings, field observations and opportunities/constraints mapping, coordination with local elementary school and development of conceptual design plan. The neighborhood surrounded the only K-3 elementary school in the City. Therefore, many of the traffic concerns focused around student safety and walkability in the neighborhood. Traffic calming features included curb extensions, raised crosswalks, street narrowings, and medians.

Carlsbad Boulevard Complete Streets Study (Carlsbad, CA) 2013

Traffic Engineer responsible for evaluating the feasibility of reducing Carlsbad Boulevard from four lanes to two lanes. Analysis of the alternatives included SIDRA analysis of roundabouts, Multimodal LOS analysis using Synchro 8 software and pedestrian/bicycle benefits assessment. RBF developed multiple alternatives that included unique treatments for bicycles, pedestrian paths, integration of on-street parking and roundabouts.

San Marcos Boulevard Complete Street Study (San Marcos, CA) 2014 - Ms. Wilson served as project manager for this project prior to joining Fehr & Peers. As a Senior Associate with our firm, she continues to provide a senior traffic engineering role responsible for oversight of community outreach, technical review of multimodal analysis and project management. This project focuses on developing roadway alternatives to improve pedestrian



access, bicycle connectivity and increased public open space. Project team tasks include conducting a multimodal level of service analysis, VISSIM modeling and conceptual engineering.

University Avenue Mobility Plan (San Diego, CA) 2004

Project Manager with overall responsibility for preliminary engineering, traffic impact analysis report, transit operational study, and community workshops. She coordinated efforts with City staff, local community groups, project Steering Committee and locally elected committees. This fast-track project involved the evaluation of proposed traffic calming measures and alternative parking strategies for 1.9 miles of University Avenue. She also prepared documentation summarizing results of technical studies and recommended Refined Concept Plan for the Corridor.

Hillcrest Corridor Mobility Strategy (San Diego, CA) 2008

Project Manager for this plan to improve mobility that balances and improves pedestrian safety, traffic calming measures, transit, bicycle, and pedestrian improvements. Responsibilities include collecting information and compiling data on existing conditions, conducting feasibility and alternatives analysis to develop a refined concept plan and final report, developing cost estimates and an implementation Plan. Ms. Wilson coordinated efforts with City staff, conducted extensive community outreach workshops, and local community groups.

Rosecrans Corridor Mobility Study (San Diego, CA) 2010

Project Manager assisting the City of San Diego in achieving community consensus on the design of traffic flow and circulation projects; traffic calming measures; transit, bicycle, and pedestrian improvements; and additional parking along Rosecrans Street from Kellogg Street to Pacific Highway and Camino Del Rio West to the I-5/I-8 connector ramps as well as the Old Town Transit Center. The project will also coordinate efforts with the Midway Community Plan Update currently underway.

Pedestrian Master Plan (San Diego County, CA) 2010

Task Manager responsible for providing traffic engineering support to the development of the master plan. Working closely with the County of San Diego Department of Land Use and Department of Public Works, Ms. Wilson served as a Traffic Engineering liaison during the development of the master plan. Ms. Wilson helped develop a framework for the master plan that was consistent with the current street design standards. As part of this project, Ms. Wilson and her team of transportation planners met with five rural communities in San Diego County to identify pedestrian opportunities/constraints. From the field investigation and meetings with the planning group for each community, Ms. Wilson and her team developed conceptual plans that identify specific pedestrian improvements for each community. The recommended master plans were presented to the communities and adopted as part of the overall Countywide plan.

Phase 4 Pedestrian Master Plan (City of San Diego, CA) 2012

Project Manager responsible for project management and oversight in the development of eight community based pedestrian master plans using the City's established master plan framework. Ms. Wilson is currently overseeing the pedestrian route priority assessment and will be responsible for the development of specific pedestrian projects and conceptual design. Up to 80 pedestrian projects will be included in the master plan when the project is complete.

SANDAG Regional Bicycle Master Plan (San Diego, CA)

Project Engineer for development of probable costs for Class I, Class II and Class III bike facilities and breakdowns of intersection treatments for Class II and Class III facilities, intersection treatments for a bicycle boulevard on Howard Avenue and Orange Avenue, widening for Commercial Street and a cycle track on Pacific Highway.



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Chelsea Richer

Transportation Planner

About

Ms. Richer has four years of experience in transportation planning with expertise in active transportation, Safe Routes to School, and transportation adaptation to climate change. Chelsea was an intern for Fehr & Peers before starting full-time in 2014. She is proficient in spatial analysis and design software including ArcGIS, Adobe InDesign and Adobe Illustrator.

Education

Master of Urban & Regional Planning, University of California at Los Angeles, 2014

Bachelor of Arts, Environmental Studies and Public Policy, University of Chicago, 2008

Affiliations

American Planning Association (APA)

Project Experience

Since joining Fehr & Peers, Ms. Richer has worked on the following projects.

Gateway Cities Transportation Strategic Plan Phase II

As part of a team chosen by Metro, Fehr & Peers is completing the Active Transportation Element of the Gateway Cities Council of Governments' Strategic Transportation Plan to identify projects and programs to increase the use of active modes of transportation, while improving safety for those who are currently walking and bicycling. The analysis is considering the broader

transportation and infrastructure context (freeways, surface streets, flood control, port facilities, etc.) and how modes are related. Recommendations are informed by local and national experience, and will provide both quantitative and qualitative benefit assessments. Specific recommendations will include interagency projects of regional significance, improving access to transit stations and key bicycle and pedestrian facilities, identifying local and state best practices, researching impacts to health and safety, and prioritizing improvement locations throughout the 26-city region. Key stakeholders are being engaged to both generate ideas and vet the best solutions.

Downey Citywide Bicycle Master Plan

Fehr & Peers is leading the preparation of the Downey Citywide Bicycle Master Plan, following our effort on the regional Gateway Cities Council of Governments (GCCOG) Active Transportation Plan (ATP). Fehr & Peers is coordinating with city staff to develop a network of proposed bicycle facilities that identify bicycle parking locations and the bicycle facility classification and appropriateness for a given street, based on facility type, street characteristics, and nearby bicycle generators. Analysis of proposed facilities will focus on consolidating prior efforts and providing implementation and prioritization strategies based on local conditions and preferences, consistent with BTA requirements and anticipated ATP grant requirements. We will synthesize input gathered from the public through social media channels, the project website, community workshops, a Bicycle Circulation Assessment Needs Survey, and discussions with city staff to define the overarching goals and specific supporting objectives of the Bicycle Master Plan. Specific aspects of this project include a bicycle collision analysis, development of bicycle shed maps accounting for freeways and high-stress facilities, bicycle parking and amenity policies, the development of the Bicycle Master Plan document, and preparation of two grant applications.



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Santa Barbara City College Transportation Demand Management Plan Update

Fehr & Peers is providing assistance to Santa Barbara City College (SBCC) in the update to their Transportation Demand Management Plan (TDMP). We are compiling existing conditions data on campus users, their residential locations, and their mode of access to campus, as well as parking, vehicle, transit, bicyclist and pedestrian count data to prepare an existing conditions report detailing current transportation trends on campus. Based on the data collection efforts and the overall findings from the current transportation trends report, we are evaluating the effectiveness of the current TDMP strategies. Fehr & Peers is preparing a matrix of TDM strategies based on a literature review of what is working well to reduce SOV trips and parking demand at universities across the country as well as our experience working with leading California universities. We are providing recommendations to SBCC on improving student access to campus and updating the TDMP. The recommendations include modifications to existing strategies as well as the identification of new short- and long-term strategies for reducing SOV travel to campus and alleviating the demand for constrained parking resources.

Los Angeles Union Station & 1st/Central Station Linkages

Fehr & Peers is leveraging our multi-modal planning and design expertise in collaboration with the rest of the design team and our agency partners at Metro and the City of Los Angeles to develop transformative projects that address mobility barriers and linkage needs identified by the community. During the mobility evaluation phase, we conducted walking and biking audits with the design team around each station to identify key linkage constraints and opportunities for enhancements. Working with the design team, we prepared a detailed set of mobility maps identifying areas of high collision frequency, locations with high transit boardings, as well as detailed multi-modal networks as planned by the City of Los Angeles in the ongoing Mobility Element update that we are leading. As a member of both the Union Station Master Plan team and the Linkages design team, Fehr & Peers is ensuring seamless coordination between the circulation and access concepts at Union Station, and the linkages necessary to connect with the adjacent neighborhoods.

Marina del Rey Mobility Element

The County of LA has undertaken a process to update the Marina del Rey Local Coastal Program (LCP). As part of that effort, the County is developing a new vision that will guide development in Marina del Rey for the next 15 to 20 years. A key component of this effort is the development of a multi-modal mobility plan for the Marina, one that will serve the residents, visitors, boaters, and employees of the Marina safely and efficiently through a variety of transportation modes. Achieving this multi-modal mobility vision for the Marina requires a creative and experienced team, and Fehr & Peers is leading the team to support the County during this process. Our team's work plan incorporates innovative approaches to measuring mobility performance, detailed evaluation of barriers to pedestrian and bicycle mobility within the Marina, and through our experience on the Westside Mobility Plan, and a deep understanding of how the transit, bicycle, pedestrian, and automobile facilities of Marina del Rey interact with the mobility system of the Westside. We are conducting a review of mobility best practices from relevant coastal communities to document the types of mobility strategies best suited to the unique needs of Marina del Rey and evaluating the existing circulation and transportation system to identify existing strengths, as well as opportunities for mobility improvements. Individual modes, such as auto, transit, pedestrian, bicycle, and water taxi are being evaluated to document their performance, to document the overall performance of Marina del Rey's mobility network.

Westside Mobility Plan, City of Los Angeles

Fehr & Peers is leading a multi-disciplinary team to develop a long-term comprehensive Mobility Plan for the Westside. The study includes six major components: a state-of-the-art travel demand model; a mobility and rail connectivity study including the potential for north/south transit connections from the LAX area through the Westside, including evaluations of light rail and Bus Rapid Transit, the integration of transit, highway, bicycle and pedestrian modes; a comprehensive Westside parking study; updates to the Coastal Transportation Corridor and the LA Transportation Specific Plans (including trip fee nexus studies for each); and a livable boulevards study addressing the integration of urban design/streetscape and transportation planning. The Westside Mobility Plan blueprint is intended to serve as a catalyst for action to improve transportation on the Westside. Our Westside Dashboard won the Award of Excellence for Innovative Use of Technology for the 2013 APA LA Awards.



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Tamara Zdvorak

Graphic Design Specialist

about

Tamara Zdvorak has more than eight years of experience serving as a graphic designer for the Corporate Communications team at Fehr & Peers. Her responsibilities include communicating key messages through visual design in companywide graphics, branding, proposals, printed documents, logos, direct mail pieces, etc. Along with print work, she is experienced in creating presentations, videos, and other multimedia products.

She is a leader in the Visual Communications discipline group, an internal group of companywide graphics staff that focuses on best practices, consistency, and cohesiveness. Within the Visual Communications discipline group, she is the Southern California regional lead, and focuses on providing Southern California with design support and training. She received a Bachelor of Science in Design with an emphasis in Visual Communication, and a minor in Communications from the University of California, Davis.

education

Bachelor of Science in Design, Emphasis in Visual Communication - University of California, Davis
Minor in Communications - University of California, Davis

honors & awards

ITE Western District 2010 Annual Meeting,
San Francisco - Logo Design Contest

associations

National Association of Photoshop Professionals (NAPP)

leadership

- Leader in the Visual Communications group – forum to help technical illustrators, graphic designers, and GIS specialists create consensus on best visual communication practices and cohesive companywide branding.
- Southern California Visual Communications regional lead – supports graphic design needs of Southern California offices by investing in designers on staff.
- Co-Facilitator of Corporate Office staff meeting – leading, educating, and informing the Corporate staff on current issues.

technology proficiencies

- Adobe Creative Suite – Photoshop, InDesign, Illustrator
- Presentation Tools – Keynote, PowerPoint, Captivate
- Video & Multimedia – Video capture strategies, Premiere Pro, Final Cut, Edge Animate, QuickTime, Flash, YouTube
- Web Design – WordPress



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Sample Infographics

Citywide Bicycle and Safe Routes to Transit Plan

The following pages illustrate sample infographics prepared by Fehr & Peers for bicycle, pedestrian and transportation projects in California. As part of this project, our team will generate unique infographics that will clearly convey the recommendations of the Transit Area and Bicycle Plan for the city of Duarte.

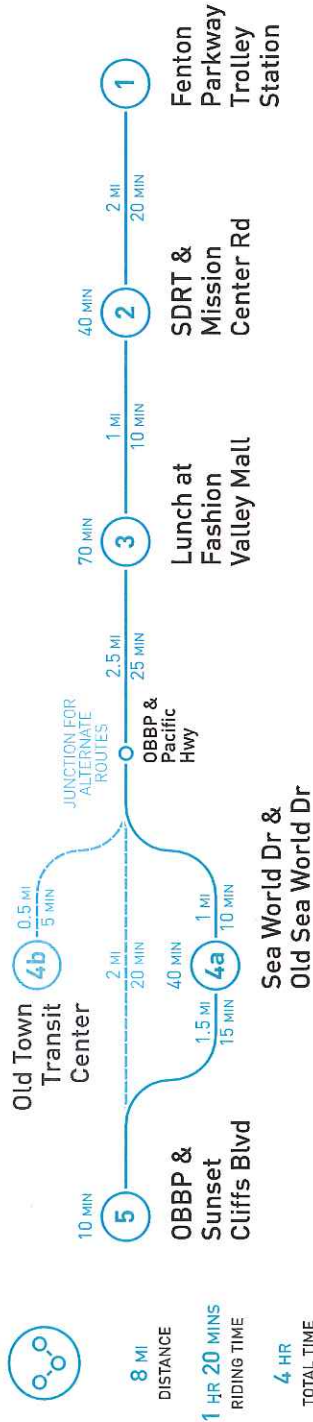




I-8 Corridor Bike Tour Guide



WESTERN TERMINUS OLD TOWN FASHION VALLEY TEXAS/QUALCOMM



2:15 PM 1:50 PM 1:00 PM 12:35 PM 11:15 AM 10:15 AM



DISCUSSION PROJECTS

AT STOP 5	AT STOP 4A	DISCUSSION WHILE RIDING	AT STOP 2	AT STOP 1
1.13 OBBP & Sunset Cliffs Blvd. Reconfigure intersection	1.1. OBBP North Side. Designate path as bike-only between Sunset Cliffs Blvd and I-5	5.16/5.17 Fashion Valley Rd. Bike path or cycletrack, possibly with easement into golf course	5.12 SDRT/ Hazard Center Dr. SDRT trail extension under SR-163	13.1 Qualcomm Stadium. Connection along southern edge of stadium parking lot
	1.6 Friars Rd. One-way cycletracks on both sides of Friars Rd. between Sea World Dr. and Napa St.	5.6 Hotel Circle North. New cycletracks (option for one-way or two-way)	5.22 Hazard Center Station. Enhanced bike/ped connection between station and SDRT	13.2 Milly Way. New bike/ped connection over SD River between Fenton Pkwy and Mission City Pkwy





DESTINATION 2035

EXECUTIVE SUMMARY

Moving Toward a Greener Tomorrow

This 2010

Long Range

Transportation

Plan (LRTP)

outlines a vision

for multi-modal

transportation

improvements

throughout

Orange County.

Improved Safety & Traffic Operations

Improving safety and traffic operations by constructing **10** new rail crossing grade separations



Expanded Rideshare & Vanpool Services

Expanding access to rideshare and vanpool services by more than **doubling** Year 2010 vanpool service levels by 2035



Expanded Bicycle Facilities

Planning to increase bicycle facility miles to over **75%** above 2008 levels



Improved Traffic Flow

Coordinating traffic signals along **750** miles of roadways and at over **2,000** intersections to improve regional traffic flow



Increased Freeway & Toll Capacity

Fixing bottlenecks and increasing capacity on freeways and toll facilities by adding over **250** lane miles to the system



Increased Vehicle Flow

Converting nearly **90%** of the high occupancy vehicle lane network to continuous access



Expanded Metrolink Service

Expanding Metrolink commuter rail service within Orange County up to **76** trains per day, and to neighboring counties



Expanded Metrolink Access

Expanding access to Metrolink stations for a greater number of Orange County residents and commuters



Increased Bus Service

Increasing OCTA fixed route bus service levels with the objective of adding about **400,000** annual service hours by 2035 to restore service hours to 2008 levels



IN 2035,

the Preferred Plan would...

REDUCE BY **24%**

Daily Vehicle Hours Traveled down from 3.4 million

REDUCE BY **56%**

Daily Hours from Congestion Delay down from 1.5 million

INCREASE BY **22%**

AM Peak Period Freeway Speed up from 29 MPH

INCREASE BY **24%**

AM Peak Period HOV Speed up from 35 MPH

INCREASE BY **82%**

AM Peak Period Roadway Speed up from 13 MPH

INCREASE BY **11%**

Daily Transit Trips up from 144,000 trips

Created By
FEHR & PEERS

MEMORANDUM

TO: Darrell J. George, City Manager

FROM: Kristen Petersen, Assistant City Manager

DATE: February 19, 2015

SUBJECT: DUARTE GOLD LINE STATION TRANSIT ANALYSIS - STATUS REPORT

Background

The Metro Gold Line Foothill Extension is scheduled to begin operation in late 2015 with a new station in Duarte near Highland Avenue & Duarte Road. This new high capacity transit service will enhance transit service for Duarte residents and visitors to the City. To help take advantage of this opportunity, the City contracted with IBI Group to conduct an analysis of the existing Duarte Transit service and develop cost-effective improvement proposals to serve the new station.

Recommendation

Staff is recommending that City Council receive and file the attached report. Staff is recommending that City Council give feedback and share comments with the Consultant that will assist in refining the improvement list and focus their efforts to finalize the details of these improvement options, leading to the development of cost estimates and an implementation plan.

Memorandum

To: City Council

From: Dennis J. Wahl, IBI Group

Date: February 24, 2015

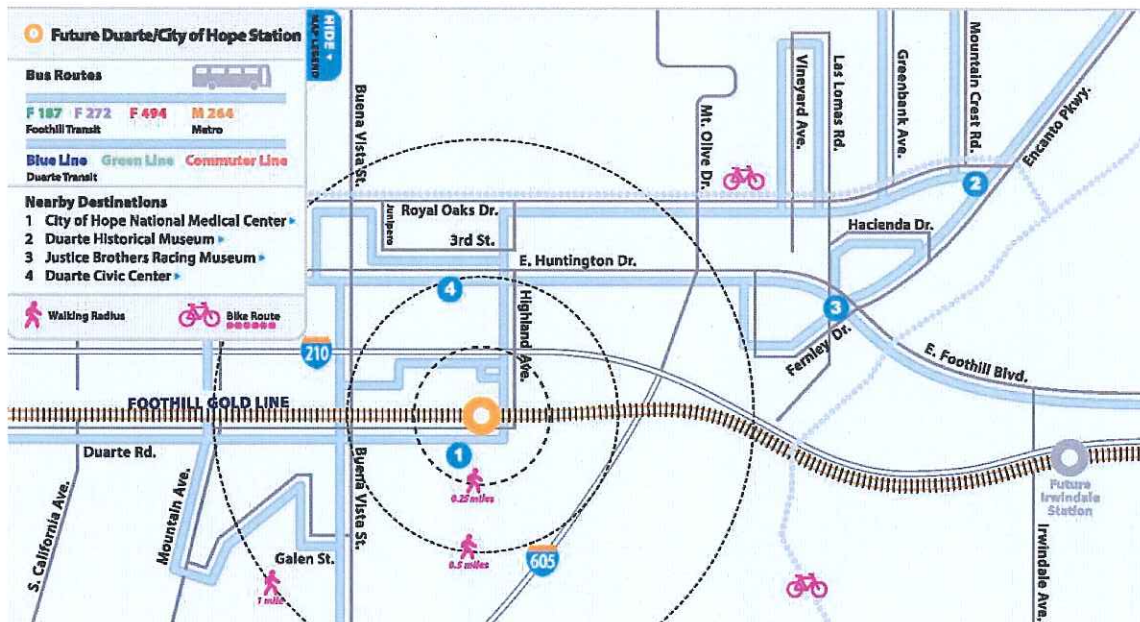
Subject: Duarte Gold Line Station Transit Analysis Status Report

Recommendation

This report describes the study process, activities to date, and potential improvements. City staff and the consultant will present it for information and discussion at the Council meeting.

Background

The Metro Gold Line Foothill Extension is scheduled to begin operation in late 2015 with a new station in Duarte near Highland Avenue & Duarte Road (see figure below).



This new high capacity transit service will enhance transit service for Duarte residents and visitors to the City. To help take advantage of this opportunity, the City contracted with IBI Group to conduct an analysis of the existing Duarte Transit service and develop cost-effective improvement proposals to serve the new station.

This report includes an overview of the study process, the findings of the outreach effort to date, potential improvement options, and next steps.

Study Process

As depicted in the flowchart below, the study began with gathering information on the existing service. Operating data for several years was provided to the consultant and they met with Duarte Transit management staff. A review of peer operators in California was also conducted to provide insights and ideas for this analysis. At the same time, a multifaceted outreach effort was undertaken to gather information on both the existing service and ideas for future connections to the Gold Line. These data were used to develop improvement proposals that are being analyzed and costed to develop an improvement program for the opening of the Gold Line and future operation of Duarte Transit. The study effort includes a report documenting the effort and recommendations, and presentations to the City Council.



Duarte Transit Performance

Highlights of the performance of the existing service include:

- There are approximately 236,000 annual trips
- The annual budget is \$708,000
- The approximate cost per rider is \$3.00
- The free fare policy is funded by Proposition A Transit Funds

Since 2011:

- Ridership is up 1%
- Operating cost is up 11.6% (vehicle maintenance costs increased 98%)
- Cost per trip is up 9.3%

Outreach Effort – Stakeholder Input, Survey Findings and Open House

Stakeholder contacts have included:

- A presentation to the Duarte Chamber of Commerce on the study goals and process.
- A one-on-one meeting with Doug Edwards, who provided valuable insight on trip making by youth and seniors in Duarte. (Mr. Edwards works at Westminster Gardens and has worked on senior transportation issues on behalf of Supervisor Antonovich in the mid San Gabriel Valley area for many years. He is also a member of the Duarte Unified School Board.)
- A meeting with City of Hope staff to discuss the transportation needs of their staff and clients.
- A workshop with City commissioners to discuss the study and improvement options.

Two surveys have been completed.

Community Survey – This survey attempted to reach a wide range of Duarte residents. It was provided in hard copy at the Route 66 City Picnic in September, at various City and Community facility locations, and was available on-line through January 2015. A total of 86 responses were received. There was a high level of satisfaction with the existing service, with 90% of respondents saying the service is convenient, and fares are reasonable. In addition, 88% feel safe on the bus and find the travel times to be reasonable. Other key findings include:

- Nearly half (46%) of respondents have two licensed drivers in the household.
- Nearly all respondents (98%) have at least one vehicle in the household.
- Almost all respondents drive (88%); 62% walk and 29% bike for their travel.
- Duarte Transit is used by 42% of respondents, followed by Gold Line 35%, Foothill 32%, Metro 25%, and Metrolink 14%.
- Reasons people don't use Duarte Transit include it takes too long (52%), it doesn't go close enough to their origin or destination (37%), or they don't know what bus to take (35%).
- Improvement ideas include better information (63%), shuttle service to Gold Line (46%), more frequent service (33%), later night service (32%), and phone in advance for pick up (26%).

On Board Survey – A comprehensive survey of Duarte Transit riders was completed in early December 2014. It covered all three routes and generated 436 responses. Key findings include:

- 96% walk to get to the bus stop
- 80% did not have a personal vehicle available
- 79% ride at least one day per week
- 43% make shopping trips
- 30% make work or school trips
- 83% find the buses run on schedule
- 98% strongly or somewhat agree the drivers are friendly
- 44% strongly or somewhat prefer flexible bus service
- 55% disagree strongly or somewhat that they would be willing to pay a higher fare to pick up/drop off service
- 92% agree strongly or somewhat that no changes should be made

Community Open House – The Open House was held on January 15 at the Duarte Senior Center. It included information stations for Duarte Transit, Gold Line Foothill Extension, Metro and Foothill Bus, Survey Results, and Improvement Concepts. Attendees were encouraged to fill in comment cards, and numerous comments were received, as summarized below.

Service Suggestions

- Would like to see later night service to connect to Gold Line and 187 (5 comments)
- Would like to have dial-a-ride service
- Improvements needed to make transit easier to use for shopping trips.
- Would like cab service or other for travel between home and bus stop (2 comments)
- Would like to have more frequent Duarte Transit service
- Reduce the number of stops to increase frequency
- Shuttle services, e.g., between station and City of Hope
- Would like to have Blue Line service to station
- Would like to have dial-a-ride or similar service in evenings to connect to Gold Line
- Would like to connect to YMCA on Mountain in Monrovia and Old Town Monrovia Street Fair
- Extend Route 187 to the station
- Service is needed between Encanto Park and the station via Huntington

Bicycle/Pedestrian

- Should have bicycle racks on buses to encourage ridership
- Need more bike paths
- Need greater focus on walking – wider sidewalks, better lighting
- Pedestrian improvements such as street lights and signals/signed crosswalks

Fares

- Duarte should provide a subsidy to residents for transit
- Need discounts for college students
- Add a minimum fare for users

General

- Uses the Gold Line now; will use it more when Duarte Station opens.
- Happy the Gold Line is coming to Duarte (2 comments)
- Duarte Transit buses need cleaning
- Enjoyed the Open House (2 comments)

Duarte Transit Goals

The consultant has proposed the following goals for transit in Duarte to help guide the development and evaluation of improvement options.

- Provide a range of mobility options to facilitate local access for residents to enable travel without having to drive.
- Provide a range of options for effective, time competitive connections for residents to access the station without driving.
- Provide a range of options for connections between the station and key activity centers for visitors to Duarte.

With Council concurrence, these goals will be used in developing and evaluating improvement proposals.

Improvement Concepts

Based on the outreach effort, results of the surveys, comments from the Open House, and discussions with city staff, a wide range of improvement options have been identified. They are multimodal in nature, addressing changes to existing transit services, ways to expand services to

meet the future Gold Line, and consideration of other modes such as bicycle and pedestrian. They are summarized in the following table.

IMPROVEMENT TYPE/PROPOSAL
TRANSIT SERVICE
Service Modifications • More frequent service (i.e., reduced headways) – peak and/or all day • Realign Blue Line to serve station • Expand Red Line to serve am and pm peaks • Restructure Red Line to connect key activity centers and reduce maximum travel times • Purchase additional vehicles as needed • Consider route deviation, flex route, SMART feeder, and/or demand response services to reflect range of markets, travel demand, etc.
Weekend Service • Expand service coverage, frequency, and/or hours on Saturday • Add Sunday/holiday service
Late Night Service • Extend Blue and Green Line hours to operate later in the evening to better match Gold Line schedule • Provide demand responsive service or taxis to provide late night connections with the Gold Line
Local Circulator Service • Coordinate with City of Hope regarding their shuttle service to the station • New shuttle to connect Gold Line Station with downtown Duarte (Huntington & Buena Vista), Huntington, and key activity centers with unique branding (long range option) • Consider other options to connect station to downtown such as electric shuttle vehicles/carts, pedicabs, other
Operational Enhancements • Consider providing security cameras on new buses • Coordinate with Foothill, Metro and Gold Line regarding schedules and operations to make transfers more convenient
Service to Monrovia • Develop an agreement to extend service to Old Town in exchange for Monrovia Transit dial-a-ride service into Duarte
CAPITAL IMPROVEMENTS
Transit Priority Treatments • Signal priority to reduce travel time on congested arterials such as Huntington Drive. Coordinate with current Metro and Foothill efforts. • Develop a formal response plan for congestion incidents that affect Huntington Drive
Stop Improvements • Review bus stop amenities and enhance as appropriate to add shelters, trash cans, information, next bus arrival, etc.
Pedestrian Facilities • Review pedestrian walkways and travel paths around station (to parking lot, City of Hope, etc.). Improve as needed. • Review pedestrian walkways between the station, and Huntington and Buena Vista • Support and coordinate future pedestrian planning efforts

IMPROVEMENT TYPE/PROPOSAL
Bicycle Facilities - Facilitate bicycle access to station - Provide connections and routes between the station, and City and regional bicycle facilities - Review bicycle connections between the station, and Huntington and Buena Vista - Support and coordinate future bicycle planning efforts - Promote use of bike racks to be provided on new buses. Retrofit existing buses with bike racks as appropriate. - Develop or facilitate a bikeshare program
OTHER
Public Information/Marketing - Develop information for brochures and website regarding non-vehicular access to the station. Coordinate with Metro and Foothill marketing staffs. - Develop automatic vehicle location/computer aided dispatch (CAD/AVL) system to enable development of real time next bus information app and signs at bus stops, and facilitate incident response plan - Install information kiosks at the station and key stops in the City - Reach out to senior residential and recreational centers - Promote the senior ride training program - Participate in Goggle Transit information system - Develop an information effort aimed at young people, especially for late night services
Fare Policy - Consider fares on Duarte Transit for selected time of day, specific routes, and/or on-demand services (e.g., fares for late night or premium services) - Integrate fare payment for Foothill Transit, Metro Bus, and Gold Line
Demand Management - Consider fees for parking at station, consistent with Metro policy, to encourage use of multimodal access options - Facilitate development of a carshare program for travel between station, activity centers, and residences

Next Steps

The consultant team has begun to detail these improvement options, leading to the development of cost estimates and an implementation plan. Comments received from the Council will help the team refine the improvement list and focus their efforts. Improvement details and the draft implementation plan will be presented to Council at one of the April meetings. The improvements and the study process will be documented in the study report. All work is expected to be completed by the end of May 2015.

MEMORANDUM

TO: Darrell J. George, City Manager
FROM: Kristen Petersen, Assistant City Manager
DATE: February 19, 2015
SUBJECT: MID-YEAR BUDGET REPORT – FISCAL YEAR 2014/15

Background

In keeping with the schedule set forth in the City's budget calendar, staff has completed the mid year budget projections for the 2014-15 fiscal year. The results of this process are presented in Attachment 1 to this report. The information in the attachment is organized by fund, and compares amounts budgeted to projected year-end revenues, expenditures and fund balances. This report also discusses any budget amendments, which are summarized in Attachment 2.

General Fund

For 2014-15, the City adopted a General Fund budget that included a surplus of \$25,800. At mid year, staff is estimating that the General Fund will reflect a deficit of \$74,200. In addition, Council recently approved the purchase of \$700,000 in Proposition A funds with \$490,000 in General funds. A deficit of \$74,000 and a \$490,000 Prop A exchange will leave the General Fund reserves at \$7.4 million, which represents 54% of the General Fund expenditures. When not taking into account the Prop A exchange, the change from a \$25,800 budgeted surplus to a \$74,200 estimated actual deficit represents a change of \$100,000 or less than 1% of the budget. However, there were several notable changes in revenue and expenditures that offset one another to result in this nominal net change. Many of the factors contributing to the projected increase in revenues and the changes provided for in expenses are described in further detail in the narrative below.

Revenues:

At year-end, total General Fund revenues are projected to be \$13.57 million. This amount represents an increase of \$340,000 as compared to the adopted budget. This increase was the result of several notable changes in revenue both positive and negative. Some of the more substantial ones are discussed below.

Grant Program Revenue – The City was awarded several new grants that increased revenues, such as a new CalGrip grant for \$132,000, a Metro Planning grant of which \$100,000 will be reimbursed this fiscal year and an ATP grant of which \$147,000 is projected to be reimbursed for the current budget year.

Reimbursements from Successor Agency – Unfortunately the City had a \$150,000 reduction in projected revenue in Reimbursements from the Successor Agency (“SA”), because the Department of Finance has opined that the Successor Agencies that opted to take on the Affordable Housing responsibilities of their former redevelopment agency do not qualify for the Housing Administration allowance.

Expenditures:

At year-end, total General Fund expenditures are projected to be \$13.65 million. This amount represents an increase of \$440,000, as compared to the adopted budget. A discussion of General Fund expenditure highlights is provided below.

Cal Grip Grant – The City of Duarte was awarded a new Cal Grip Grant in the amount of approximately \$350,000 per year for three years. The grant begins in January 2015, so we are able to spend approximately \$132,000 in the last 6 months of the fiscal year on City costs and another \$40,000 will be spent towards the DUSD School Resource Officer. City costs that have been added to the 2014/15 budget include, \$24,000 for a second probation officer, \$14,000 for Public Safety Youth Programs, \$5,000 for the Boxing Program, \$10,000 for the continuation of the outreach consultants through the Flintridge Center and another \$36,000 for our community partnership programs, including the Boys and Girls Club, Southland Opera and the Santa Anita YMCA.

City of Hope EIR – You will recall that the City received \$400,000 in revenue from the City of Hope to offset the costs of an Environmental Impact Report. This project has been delayed and as a result, the Community Development Department anticipates that only \$75,000 of this amount will be expended by the end of the current fiscal year, thus resulting in a \$325,000 savings in this year’s budgeted expenses. The remainder of the project will be completed in fiscal year 2015/16 and budgeted accordingly.

Metro Planning Grant – As mentioned above, the City was awarded a Metro Planning grant for the creation of a Downtown Specific Plan. We anticipate that approximately \$100,000 will be used in the current fiscal year for the recently approved contract with MIG to work with the Downtown Ad Hoc Committee and begin the plan development.

ATP Grant - The ATP grant is for the 1st Mile Last Mile project that will be taking place along Duarte Road and Highland in relation to the Gold Line Station. The total grant award of \$1.3 million is a reimbursement grant, meaning that the General

Fund will need to advance the funds and then will be reimbursed afterwards. We project that \$147,000 of the grant award will be advanced and then reimbursed in the current fiscal year and the remaining balance will be reimbursed in fiscal year 2015/16. In addition, you will note that the City will be utilizing Proposition A funds for the required \$341,000 match for this grant.

Civic Center Electronic Sign Message Board – The City Council authorized the demolition of the clock tower and the installation of an electronic sign in front of City Hall in fiscal year 2013/14. However, the project was delayed and as a result, the total expenses of \$118,000 were charged in fiscal year 2014/15. As a result, we have increased the budgeted expenses by this amount.

Community Development staffing – As you know, the Field Services Supervisor position in the City's Community Development Department has been vacant since October 2014. The one-time savings realized from this vacancy is approximately \$88,000 over the last 5 months. After reviewing the list of needs and assignments submitted by the Community Development Director and conducting a classification and compensation survey of the comparable public agencies, staff has affirmed that the adoption of two types positions would best meet the City's needs, by filling service gaps and supporting the existing staff structure in the Department. The Union Board was notified in January of our findings and concurred with the recommendation for these two positions. The first position, Maintenance Technician, is a newly created entry-level classification below the Senior Maintenance Technician classification and will work in the Field Services Division. The salary will start at \$40,000. The second position, Community Development Technician, is an existing classification that has remained vacant for many years and would handle administrative tasks in all divisions in the Community Development Department. The current salary listed in the MOU for this position starts at \$54,000. However, after conducting a classification and compensation survey of public agencies, staff found that salaries for comparable technician positions start in the mid \$40,000's. As a result, we are proposing that the salary for this classification start at \$46,600.

The starting salary for the Field Services Supervisor was \$61,200. The combined starting salary of these two proposed positions is \$86,000, so the net impact to the Department's budget, in terms of salary, will be an increase of approximately \$25,000, plus another 30% or so for retiree, health and other benefits. However, staff believes that the above described approach adds increased value to our workforce by placing additional staff resources where there are particular needs.

Facility Improvements – Several capital projects took place over the last six months of the fiscal year that were not anticipated when the budget was first adopted. For example, there was a plumbing break that caused flooding in the Senior Center, which resulted in over \$9,000 in damages. The City's insurance covered the

expenses after paying the \$5,000 deductible. In September 2014, the City Council authorized staff to move forward with the replacement of the Senior Center Accordion wall, which cost approximately \$22,000. As part of the Audio Visual equipment installation in the Community Center, staff replaced the carpet and dance floor at a cost of \$9,000 of which \$4,000 was charged to the Park Grant Fund and \$5,000 was charged to the General Fund. The City will also be replacing the stage curtains at a cost of \$4,000. Please note that the City received a notification from LA County fire that the existing curtains do not comply with the fire resistant materials called for in the code.

Retiree Healthcare Contributions – One of the largest increases to the Mid Year budget is the result of the findings from the most recent GASB 45 actuarial study. As mentioned during staff's year end presentation in December, many assumptions used by CalPERS and independent actuarial professionals have changed based on recently released data on life expectancy, health care cost trends and anticipated interest earnings. Based on this and many other assumption changes, the total Annual Required Contribution (ARC) for fiscal year 2014/15 increased to \$523,000. This is \$200,000 higher than the ARC projected for 2014/15 in the last GASB 45 report, which was prepared in 2011.

Other City Funds

In addition to the General Fund, the City maintains 16 other capital, debt service, and special revenue funds. For the most part, it is projected at mid-year that these Other City Funds will reflect conditions at year-end that are not significantly different than those planned for when the budget was adopted. There are, however, some noteworthy exceptions. These exceptions are highlighted below.

Gas Tax Fund – The most recent projection of the anticipated State Gas Tax Funds actually reflects that the City will receive \$143,000 more than originally projected for 2014/15. However, the bad news is that this same projection indicates that we can expect \$160,000 lower than this year's amount in 2015/16. Many reasons were cited for this reduction including the true up of the legislature's 2011 fuel tax swap and the now declining gas tax proceeds with fuel efficiency and increasing use of alternative fuels.

Prop A Fund – As mentioned above, the ATP grant is for the 1st Mile Last Mile project that will be taking place along Duarte Road and Highland in relation to the Gold Line Station. The total grant award of \$1.3 million is a reimbursement grant and it requires a total match of \$341,000. This match will be made from Proposition A funds that were reserved specifically for improvements in and around the Gold Line Station. We estimate that \$39,000 will be spent in fiscal year 2014/15 and that the remaining \$302,000 will be spent in 2015/16.

Community Improvement Fund - Several amendments are being made in the Community Improvement Fund in order to provide for the ATP grant funds. Given that this is a reimbursement grant, we will be transferring an advance of General Funds into the Community Improvement Fund, expending these amounts, then submitting for the grant reimbursement. Once the grant reimbursement is received by the Community Improvement Fund, it will be transferred back to reimburse the General Fund advance.

Housing Authority Fund - As mentioned earlier, the Department of Finance opined that Successor Agencies who opted to take on the Affordable Housing responsibilities of the former Redevelopment Agency do not qualify for the annual Affordable Housing Administrative Allowance. As a result, we have reduced the budgeted expenses to year to date expenses and will not charge any expenses for Affordable Housing until revenues are received in the future.

Recommendation

It is recommended that the City Council receive and file the mid-year budget report, and approve the corresponding budget amendments as delineated in Attachment 2.

ATTACHMENT 1
MID YEAR BUDGET 2014 - 2015

	FY 2014-15 Budget	Proposed Amendments	FY 2014-15 Amended Budget	FY 2014-15 Est Actual
GENERAL FUND				
Revenues:				
Property tax	1,128,000		1,128,000	1,128,000
Sales tax	5,134,000		5,134,000	5,134,000
Franchise tax	840,000		840,000	875,000
Business license tax	340,000		340,000	340,000
Other taxes	165,000		165,000	165,000
Building permits	400,000		400,000	400,000
Other licenses & permits	261,000		261,000	261,000
Interest	25,000		25,000	15,000
Other uses of money & property	267,000		267,000	250,000
Motor vehicle in lieu fees	1,833,000		1,833,000	1,833,000
Other intergovernmental	397,100	232,000	629,100	609,300
Recreation fees	424,000		424,000	409,100
Other service charges	244,500		244,500	247,400
Fines & forfeitures	165,000	24,000	189,000	194,000
Miscellaneous revenues	596,500	30,000	626,500	645,700
Reimbursements from other funds	1,014,400	(94,000)	920,400	920,700
Transfers in from other funds	0	147,000	147,000	147,400
Total Revenues	13,234,500	339,000	13,573,500	13,574,600
Expenditures:				
City council	112,200		112,200	106,900
City manager	781,200	50,000	831,200	831,500
Legal services	175,000	(20,000)	155,000	155,000
Com. Promotions & memberships	193,200		193,200	191,000
Public safety	4,069,500	192,000	4,261,500	4,267,400
Community development	2,152,200	(88,000)	2,064,200	2,064,600
Field services	797,100	(84,000)	713,100	712,200
Sports Park	94,600		94,600	94,600
Parks and recreation	1,797,600	(30,000)	1,767,600	1,767,900
Facilities maintenance	717,500	63,000	780,500	781,700
Administrative services	2,018,400	209,000	2,227,400	2,228,400
Transfers out to other funds	300,200	147,000	447,200	447,600
Total Expenditures	13,208,700	439,000	13,647,700	13,648,800
Revenues Over (Under) Expenditures	25,800		(74,200)	(74,200)
Subtotal Surplus/(deficit)	25,800		(74,200)	(74,200)
Prop A Exchange for \$700k			(490,000)	(490,000)
Final Surplus/(deficit)			(564,200)	(564,200)
Beginning Fund Balance	7,240,200		7,988,000	7,988,000
Revenues Over (Under) Expenditures	25,800		(564,200)	(564,200)
Ending Fund Balance	7,266,000		7,423,800	7,423,800

ATTACHMENT 1
MID YEAR BUDGET 2014 - 2015

OTHER FUNDS

STATE GASOLINE TAX

	FY 2014-15 Budget	Proposed Amendments	FY 2014-15 Amended Budget	FY 2014-15 Est Actual
Revenues:				
Interest	1,300	0	1,300	1,000
Gasoline tax	585,600	143,000	728,600	729,200
Total Revenues	586,900	143,000	729,900	730,200
Expenditures:				
Miscellaneous projects	449,100	0	449,100	449,100
Reimbursement to General Fund	136,500	56,000	192,500	192,800
Total Expenditures	585,600	56,000	641,600	641,900
Revenues Over (Under) Expenditures	1,300		88,300	88,300
Beginning Fund Balance	358,300		392,388	392,388
Ending Fund Balance	359,600		480,688	480,688

LIGHTING AND LANDSCAPE

Revenues:				
Transfers in - general fund	300,200	0	300,200	300,200
Assessments & other	1,196,000	0	1,196,000	1,196,000
Total Revenues	1,496,200	0	1,496,200	1,496,200
Expenditures:				
City-wide lighting	311,900	0	311,900	311,900
City-wide landscape	899,800	0	899,800	899,800
Landscape zones	284,500	0	284,500	284,500
Total Expenditures	1,496,200	0	1,496,200	1,496,200
Revenues Over (Under) Expenditures	0		0	0
Beginning Fund Balance	54,300		65,645	65,645
Ending Fund Balance	54,300		65,645	65,645

COMMUNITY DEVELOPMENT BLOCK GRANT

Revenues:				
Entitlement	144,000	0	144,000	144,000
Total Revenues	144,000	0	144,000	144,000
Expenditures:				
Home rebate	0	0	0	0
Storm Drain Study/Improvements	0	0	0	0
ADA Improvements	144,000	0	144,000	144,000
Other	0	0	0	0
Total Expenditures	144,000	0	144,000	144,000
Revenues Over (Under) Expenditures	0		0	0
Beginning Fund Balance	0		0	0
Ending Fund Balance	0		0	0

PAEG FEES

Revenues:

Interest Earnings	100	0	100	0
Fees	24,000	0	24,000	24,000
Total Revenues	24,100	0	24,100	24,000
Expenditures:				
Other Expenses	0	220,000	220,000	220,000
Total Expenditures	0	220,000	220,000	220,000
Revenues Over (Under) Expenditures	24,100		(195,900)	(196,000)
Beginning Fund Balance	138,300		135,852	135,852
Ending Fund Balance	162,400		(60,048)	(60,148)

SUPPLEMENTAL LAW ENFORCEMENT

Revenues:				
Interest	100	0	100	0
Entitlement	150,000	(20,000)	130,000	130,000
Total Revenues	150,100	(20,000)	130,100	130,000
Expenditures:				
Special events patrol	10,000	0	10,000	10,000
Contract law enforcement	141,000	(21,000)	120,000	120,000
Total Expenditures	151,000	(21,000)	130,000	130,000
Revenues Over (Under) Expenditures	(900)		100	0
Beginning Fund Balance	14,600		12,539	12,539
Ending Fund Balance	13,700		12,639	12,539

BICYCLE & PEDESTRIAN SAFETY

Revenues:				
Interest	0	0	0	0
Entitlement	17,500	0	17,500	17,500
Total Revenues	17,500	0	17,500	17,500
Expenditures:				
Sidewalk improvements	17,500	0	17,500	17,500
Total Expenditures	17,500	0	17,500	17,500
Revenues Over (Under) Expenditures	0		0	0
Beginning Fund Balance	0		0	0
Ending Fund Balance	0		0	0

AIR QUALITY MANAGEMENT

Revenues:				
Interest	100	0	100	100
Entitlement	25,700	0	25,700	25,700
Total Revenues	25,800	0	25,800	25,800
Expenditures:				
Vehicles	0	0	0	0
Street Improvements	0	0	0	0
Other	7,500	0	7,500	7,500
Total Expenditures	7,500	0	7,500	7,500
Revenues Over (Under) Expenditures	18,300		18,300	18,300
Beginning Fund Balance	35,600		40,617	40,617

Ending Fund Balance	53,900	58,917	58,917
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PARK DEVELOPMENT GRANT

Revenues:

Grant Programs	0	0	0	0
Interest	0	0	0	0
Safe neighborhood parks act	16,000	0	16,000	16,000
Total Revenues	16,000	0	16,000	16,000

Expenditures:

Park improvements	0	0	0	0
Other capital improvements	16,000	0	16,000	16,000
Total Expenditures	16,000	0	16,000	16,000

Revenues Over (Under) Expenditures

0	0	0
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Beginning Fund Balance

0	0	0
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Ending Fund Balance

0	0	0
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QUIMBY ACT

Revenues:

Interest	0	0	0	0
Assessments	0	0	0	0
Total Revenues	0	0	0	0

Expenditures:

Park improvements	0	0	0	0
Transfers out - cash flow	0	0	0	0
Total Expenditures	0	0	0	0

Revenues Over (Under) Expenditures

0	0	0
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Beginning Fund Balance

53,600	53,565	53,565
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Ending Fund Balance

53,600	53,565	53,565
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TRANSPORTATION - PROPOSITION A

Revenues:

Interest	6,000	0	6,000	5,000
Entitlement	365,000	0	365,000	377,400
NTD Entitlement	37,000	0	37,000	39,300
Reimbursements	347,600	0	347,600	347,600
Total Revenues	755,600	0	755,600	769,300

Expenditures:

Reimbursement - General Fund	104,000	0	104,000	104,000
Bus acquisition	0	0	0	0
Transit services	651,600	49,000	700,600	701,817
Total Expenditures	755,600	49,000	804,600	805,817

Revenues Over (Under) Expenditures

0	(49,000)	(36,517)
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Beginning Fund Balance

2,365,000	2,358,105	2,358,105
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Ending Fund Balance

2,365,000	2,309,105	2,321,588
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TRANSPORTATION - PROPOSITION C

Revenues:

Interest	500	0	500	800
Entitlement	300,000	0	300,000	313,100

Total Revenues	300,500	0	300,500	313,900
Expenditures:				
Reimbursements	357,600	0	357,600	357,600
Other	0	0	0	0
Total Expenditures	357,600	0	357,600	357,600
Revenues Over (Under) Expenditures	(57,100)		(57,100)	(43,700)
Beginning Fund Balance	229,800		293,414	293,414
Ending Fund Balance	172,700		236,314	249,714

MEASURE R LOCAL RETURN

Revenues:				
Interest	900	0	900	1,000
Other	225,000	0	225,000	234,800
Total Revenues	225,900	0	225,900	235,800
Expenditures:				
Other	225,000	0	225,000	225,000
Total Expenditures	225,000	0	225,000	225,000
Revenues Over (Under) Expenditures	900		900	10,800
Beginning Fund Balance	277,000		460,727	460,727
Ending Fund Balance	277,900		461,627	471,527

TOWN CENTER DEBT SERVICE

Revenues:				
Interest	1,200	0	1,200	1,000
Transfers in	225,000	0	225,000	225,000
Total Revenues	226,200	0	226,200	226,000
Expenditures:				
Interest expense	23,000	0	23,000	23,000
Principal payment	128,100	0	128,100	128,100
Other	2,000	0	2,000	3,600
Total Expenditures	153,100	0	153,100	154,700
Revenues Over (Under) Expenditures	73,100		73,100	71,300
Beginning Fund Balance	563,600		556,768	556,768
Ending Fund Balance	636,700		629,868	628,068

COMMUNITY IMPROVEMENT

Revenues:				
Interest	0	0	0	0
Grant funding	0	147,000	147,000	147,400
Transfers in - General Fund	0	147,000	147,000	147,400
Total Revenues	0	294,000	294,000	294,800
Expenditures:				
Professional Services (ATP grant)	0	147,000	147,000	147,400
Other Capital Improvements	0	0	0	0
Transfers Out - General Fund	0	147,000	147,000	147,400
Total Expenditures	0	294,000	294,000	294,800
Revenues Over (Under) Expenditures	0		0	0
Beginning Fund Balance	0		0	0

Ending Fund Balance	0	0	0
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INCLUSIONARY HOUSING

Revenues:				
Interest	1,300	0	1,300	1,000
Assesments	0	0	0	0
Total Revenues	1,300	0	1,300	1,000

Expenditures:				
Other expenses	0	0	0	0
Total Expenditures	0	0	0	0

Revenues Over (Under) Expenditures	1,300		1,300	1,000
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Beginning Fund Balance	500,600		499,886	499,886
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Ending Fund Balance	501,900		501,186	500,886
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HOUSING AUTHORITY

Revenues:				
Interest	0	0	0	0
Other Revenue	150,000	(150,000)	0	0
Total Revenues	150,000	(150,000)	0	0

Expenditures:				
Meeting Stipends	3,900	0	3,900	3,900
Administrative Services	85,000	(85,000)	0	0
Legal Counsel	50,000	(50,000)	0	0
Payment fo LA County	12,000	(10,000)	2,000	200
Total Expenditures	150,900	(145,000)	5,900	4,100

Revenues Over (Under) Expenditures	(900)		(5,900)	(4,100)
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Beginning Fund Balance	(1,816,700)		(1,767,391)	(1,767,391)
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Ending Fund Balance	(1,817,600)		(1,773,291)	(1,771,491)
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Attachment 2
PROPOSED MID-YEAR BUDGET AMENDMENTS
FISCAL YEAR 2014 - 2015

GENERAL FUND	Account Number	Change in Revenues	Change in Expenditures
Other Fines			
Increase due to a one-time admin citation payment	100-4303	24,000	
Grant Program Revenues			
Increase for new CalGrip & Metro Planning Grants	100-4611	232,000	
Other Revenue			
Increase for net impact of Prop Tax Admin Fee Settlement	100-5004	30,000	
Reimbursements - Successor Agency			
Decrease for impact of DOG decision to deny Housing Admin	100-5101	-150,000	
Reimbursements - Gas Tax			
Increase in new projection of Gas Tax 2107	100-5010	56,000	
Transfer In - Other			
Increase for GF Reimbursement from Cap Imp Fund (ATP grant)	100-6911	147,000	
City Manager			
Increase for new Townsend Grant Writing/Lobby Contract	1010-7965		50,000
Legal Services			
Decrease for less NPDES litigation costs that projected	1015-7686		-20,000
Public Safety			
Increase for Floating Holiday and Vacation Cashout	1205-7002		13,000
Increase for Vehicle Maintenance	1205-7650		5,000
Increase for CalGrip funding in Youth Programs	1205-7779		14,000
Increase for CalGrip funding for SRO	1205-7781		43,000
Increase for City's funding of 2 months for SRO	1205-7781		27,000
Increase to City's costs due to reduced COPS from Bradbury	1205-7781		20,000
Increase for CalGrip funding in Probation Programs	1205-7783		24,000
Increase for CalGrip funding for Flintridge Outreach consultants	1205-7980		10,000
Increase for CalGrip funding for CBOs (Southland, YMCA, B&G club)	1205-7980		36,000
Community Development			
Decrease Pro Svc due to net impact of delayed start for COH EIR	1405-7965		-88,000
Field Services			
Decrease in Regular Salaries due to vacancy of FS Supervisor	1410-7002		-27,000
Decrease in Health Insurance due to vacancy of FS Supervisor	1410-7071		-34,000
Decrease in Retirement costs due to vacancy of FS Supervisor	1410-7072		-16,000
Decrease in Dental costs due to vacancy of FS Supervisor	1410-7078		-2,000
Decrease in Vehicle Maintenance costs	1410-7650		-5,000
Parks & Recreation			
Decrease in Duarte's Promise expenses due to reprogramming	1505-7728		-30,000
Facilities Maintenance			
Increase in Par time Salaries for new Fish Cyn Trail grant	1610-7003		8,000
Increase in Bldg Maintenance for Sr Ctr Flood/Roof, Comm Ctr curtains	1610-7652		14,000
Increase in phone budget due to delay in Sr Ctr phone number move	1610-7830		14,000
Increase for Sr Ctr Wall & Comm Ctr carpet/dance floor	1610-8100		27,000
Administrative Services			
Increase due to 1st year of retro pay on JPIA Worker's Comp	1820-7773		9,000
Increase due to new GASB 45 actuarial rpt on retiree healthcare costs	1825-7674		200,000

Increase in Transfers Out to Cap Imp Fund to Advance ATP Grant	1905-9056		147,000
Subtotal General Fund Midyear Budget Change		339,000	439,000
Administrative Services			
Increase due to purchase of Prop A Funds	1825-7980		490,000
Total General Fund Midyear Budget Change		339,000	929,000
GENERAL FUND NET CHANGE	-590,000		
GAS TAX FUND			
Increase in 2105 gas tax projection	220-4606	19,000	
Increased cost of water for median islands	220-4608	56,000	
Increased cost of water citywide	220-4614	68,000	
Increased cost of water citywide	2215-8610		56,000
		143,000	56,000
GAS TAX NET CHANGE	87,000		
PAEG FEE FUND			
Increased mechanical repair and replacement costs	2705-8100		220,000
		0	220,000
PAEG FEE FUND NET CHANGE	-220,000		
SUPPLEMENTAL LAW ENFORCEMENT (COPS) FUND			
Decrease to Entitlement from Bradbury	290-4605	-20,000	
Decrease expenses paid by COPS due to less funds	2905-7781		-20,000
		-20,000	-20,000
SUPPLEMENTAL LAW ENF FUND NET CHANGE	0		
PROPOSITION A FUND			
Increased Retiree Healthcare cost	4405-7674		10,000
Increased to pay for the ATP grant match	4405-7965		39,000
		0	49,000
PROP A FUND NET CHANGE	-49,000		
COMMUNITY IMPROVEMENT FUND			
Increase in order to receive ATP grant reimbursement	620-4611	147,000	
Increase in order to receive General Funds advance for ATP grant	620-6901	147,000	
Increase to pay professional services for ATP grant	6205-7965		147,000
Increase to transfer out to Gen Fund for ATP advance reimbursement	6205-9040		147,000
		294,000	294,000
COMMUNITY IMPROVEMENT FUND NET CHANGE	0		
HOUSING AUTHORITY FUND			
Decrease in Revenue due to DOF denial of Housing Admin	680-6904	-150,000	
Decrease in Expenses due to reduction in revenues	6805-7311		-85,000
Decrease in Expenses due to reduction in revenues	6805-7312		-50,000
Decrease in Expenses due to reduction in revenues	6805-7315		-5,000
Decrease in Expenses due to reduction in revenues	6805-7965		-5,000
		-150,000	-145,000
COMMUNITY IMPROVEMENT FUND NET CHANGE	-5,000		