



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
February 18, 2020**

**Planning Commission
Commissioners**
Paula Watson-Gardner, Chair
Sara Vasquez, Vice-Chair
George K. Farra
Tina Heany
Wally Wolff

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Chairperson Watson-Gardner called the meeting to order at 7:01 p.m. The following were in attendance:

PRESENT: Watson-Gardner, Vasquez, Heany, Farra and Wolff
ABSENT: None
STAFF: Hensley, Golding, Galeazzi, Baldwin, Hernandez
CITY ATTORNEY: Thai Phan

2. PLEDGE OF ALLEGIANCE:

Wolff led the Pledge of Allegiance.

3. APPROVAL OF MINUTES: [January 21, 2020](#)

Heany moved to approve the minutes of January 21, 2020. Seconded by Farra. The motion was approved 5-0-0-0.

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

Chairperson Watson-Gardner opened Oral Communications for items not on the Agenda. Seeing none the item was closed.

5. PUBLIC HEARINGS:

A. [Conditional Use Permit No. 2019-05: \(Continued from January 21, 2020\). A request for the review and approval to operate a new massage establishment within an existing tenant suite located at 2241 Huntington Drive.](#)

Attachments: [Staff Report CUP 2019-05](#) and [PC Resolution 2020-02](#)

Ivan Galeazzi, Associate Planner presented a staff report on the continued item from January's meeting, addressing previous concerns from the Commission and modification to the conditions of approval.

Chairperson Watson-Gardner opened the Public Hearing.

The applicant Mr. Yongfeng Du, brought his friend Ms. Jing Gu for representation. Ms. Gu was present to assist the applicant in translating from English to Chinese (Mandarin) and to aid in understanding the Commissions questions. Ms. Gu spoke about the proposed massage business location, that she and the applicant had conducted research for the proposed business, research on the demand for massage services in the area, and for commercial leasing.

Chairperson Watson-Gardner closed the Public Hearing.

Hensley reiterated the added conditions that were discussed at the January's Planning Commission meeting and that were included in the resolution by Staff.

Heany commented in favor for the required posting of City and State inspections at the establishment.

Vasquez reiterated her concern on the proximity of similar establishments.

Heany asked if the City of Duarte Development Code currently contains an ordinance for a distance requirement between existing and proposed massage establishments.

Vasquez commented on other cities' issues related to massage establishments.

Farra reiterated his concern from previous meeting regarding the location of the propose business.

Chairperson Watson-Gardner called for a motion on the approval of item. Heany moved to approve, seconded by Watson-Gardner. Chairperson Watson-Gardner roll call the motion. The motion did not pass 2-3-0-0. (Yes: Watson-Gardner, Heany; No: Vasquez, Farra, Wolff; Abstain: None; Absent: None).

Thai Phan, Deputy City Attorney stated the facts of the continuation of the Conditional Use Permit denial for the next month meeting.

Chairperson Watson-Gardner reopened the item to continue to the next month's meeting, and direct staff to bring back a resolution of denial listing the findings discussed by the Planning Commission.

B. Conditional Use Permit 2019-07: (Continued from January 21, 2020). A request to operate a retail secondhand use within an existing tenant suite located at 2215 Huntington Drive.

Attachments: [Staff Report CUP 2019-07](#) and [PC Resolution 2020-01](#)

Nick Baldwin, Associate Planner presented a staff report addressing concerns from the January's continued meeting. He indicated that letters of support and the applicant's presentation were placed on the dais for their review and answered Commissioners' questions.

Vasquez asked Baldwin if there were any letters received against the project and commented on the received letters of support. Baldwin responded that no letters were received opposing the project and discussed letters of support.

[Chairperson Watson-Gardner opened the Public Hearing.](#)

The following people spoke in support of the project:

[Steve Hernandez, Duarte Resident; Alejandra Reyes, Habitat Homeowner from San Gabriel Valley and Pasadena; Gilberto Reyes, Pasadena Resident and Stacy Bowman, Azusa Resident and Store Volunteer.](#)

David McKechnie, Director of Operations Habitat for Humanity in the San Gabriel Valley, provided a Power-Point presentation, discussed background history of the store, model vision for Duarte store, items selling at the store, intake donations, and addressed Commissioners' comments and concerns from previous meeting.

Farra asked for clarification about the Conditional Use Permit versus the Permit as a matter of right. Baldwin responded explaining the criteria for the CUP and nature of the propose business.

Farra asked McKechnie for clarification on the rebuttal of his presentation, based upon Staff's determination for a secondhand store. McKechnie explained his initial application request to be a by-rights retail store, however due do to the percentage of donated items that are not new and stipulations in the municipal code, the store had to be categorized as a secondhand store.

Vasquez asked McKechnie for confirmation on the percentage of items being used. McKechnie confirmed that a small percentage of items donated may not be new.

Farra asked if consideration was given for no secondhand used materials to be accepted and to accept cash donations instead to avoid the Conditional Use Permit. McKechnie explained the process for being selective when accepting used donated items and how that helps them provide more net profit to the affiliate. He also explained the receipt of cash and product donations from corporations and the high quality of materials that are sold in the store.

Chairperson Watson-Gardner and Vasquez asked for clarification on the interpretation of used items. McKechnie defined what is considered a used item by law and provided categories of the intake donations from organizations and households.

Heany commented on her niece's donation of new appliances when she bought a house because she wanted updated appliances. She also asked for confirmation of sales taxes would be paid to the city. McKechnie confirmed that sales tax would be paid to the city.

Chairperson Watson-Gardner closed the Public Comments.

Hensley addressed a concern brought out from the previous meeting and asked for confirmation on the condition of the shopping center parking lot. Baldwin confirmed that the Shopping Center Property Owners completed the restriping of parking stalls.

Chairperson Watson-Gardner opened Commissioners discussion.

Farra indicated he has not heard anything that has changed his mind. He acknowledged that Habitat for Humanity offers a lot of good things to people and that is a regional asset; however, the ReStore may not be the best fit for the Duarte residents and fit in as part of Duarte's commercial developments along Huntington Drive. He stated that the materials sold at the store are not common to be purchased by the residents on a weekly/monthly basis and therefore may not be beneficial to the residents. He also indicated that with small minor adjustments, perhaps this permit could be by-right versus having to be presented to the commission.

Heany congratulated McKechnie on the Four-Star Charity Navigator rating that is not that common these days. She commented on Duarte residents that shop at the Azusa ReStore store; that antique stores don't sell new things, that new things are not what people are always looking for; and the attention needed for that shopping center, which has had a vacancy for many years.

Chairperson Watson-Gardner stated she loves Habitat for Humanity and ReStore, she commented that the business is there for people that need help and have hardships on buying a house and furnishing it. She stated there will be positive impact related to homeless issues that are associated with the vacant tenant suite. She noted the proposed upgrade of new model store and the proposed good neighbor practices that ReStore has agreed to. She also noted the sales tax benefits.

Vasquez stated she has not heard anything that has changed her mind from the last meeting. She commented on Habitat for Humanity being a wonderful organization, but also how the city is a small town and needs to develop accordingly. Remodel upgrades are needed for the shopping center and there may be another suitable location for the type of business within the City.

Wolff stated he volunteered for Habitat for Humanity has helped build homes and that it is a noble cause. He commented on the prominence of the location which demands a higher quality of use. He encourages a different and more suitable location within the City for the business.

Chairperson Watson-Gardner roll called to approve or deny the CUP 2019-07. Heany moved to approve and seconded by Chairperson Watson-Gardner. The motion did not pass. 2-3-0-0 (Vote: Yes: Watson-Gardner, Heany; No: Farra, Vasquez, Wolff; Abstain: None; Absent: None)

Henley presented a denial resolution and read the findings for the record. Thai Phan, City Attorney clarified what is necessary to approve the denial resolution. Copies of the denial resolutions were given to the commissioners for review.

Farra called for a short break to review the findings of the denial resolution. Hensley stated a short break is appropriate.

Vasquez asked if the pre-draft resolution included comments from the previous meeting. Hensley stated if needed, comments can be added, and that there was no new information necessary to add from previous meeting. Phan reiterated the early preparedness of the draft was done to reflect the previous hearing and if needed new comments, findings, and additional evidence can be made to add to the final denial resolution.

Chairperson Watson-Gardner called for a short break at 8:13 p.m. and reconvened the meeting at 8:22 p.m.

Hensley read the comments on the proposed resolution for denial with Commissioner comments as follows: 1) Page 2; finding #4, at the end of paragraph insert "Although the proposed use may met regional needs it does not meet the needs of the community of Duarte" 2) Page 3; section 3 and 4 CUP 2019-05 should be corrected to 2019-07.

Chairperson Watson-Gardner called for a motion to adopt the changes submitted to Director Hensley.

Phan and Chairperson Watson-Gardner reinstated the resolution, which denies CUP 2019-07 for the use and operation of a secondhand store located at 2215

Huntington Drive including the changes submitted orally. Chairperson Watson-Gardner called for a motion to approve the denial. Farra moved to approve the denial with the changes and seconded by Wolff. The denial motion passed with changes 3-2-0-0. (Vote: Yes: Farra, Vasquez, Wolff; No: Watson-Gardner, Heany; Abstain: None; Absent: None)

Hensley explained the City Council appeal process to the Applicant and interested parties.

Phan clarified the denial resolutions for the Commission. Vasquez asked why the denial resolution for ReStore was presented tonight and the denial resolution will be presented at the next meeting for the massage item. Hensley responded that it was a specific request from the applicant.

6. ITEMS FROM DIRECTOR:

There were no items from the Director Hensley.

7. ITEMS FROM COMMISSIONERS:

There were no items form the Commissioners.

8. ADJOURNMENT: Monday, March 16, 2020

Chairperson Watson-Gardner adjourned the meeting at 8:28 p.m. The next meeting is scheduled for March 16, 2020

Craig Hensley, Secretary