



**CITY OF DUARTE
PLANNING COMMISSION
MINUTES
January 20, 2015**

*Planning Commission
Commissioners
Chair, Sheryl Lefmann
Vice-Chair, Anna Lisa Hernandez
Allen E. Kelinsky
William Lawrence
Shauna Pierce*

1. CALL TO ORDER AND NOTATION OF ABSENCES

Chairperson Pierce called the meeting to order at 7:02 p.m.

The following were in attendance:

PRESENT:	Pierce, Lawrence, Kelinsky, Lefmann, Hernandez
ABSENT:	None
STAFF:	Hensley, Golding, N. Hernandez
DEPUTY CITY ATTORNEY:	None

2. PLEDGE OF ALLEGIANCE

Commissioner Hernandez led the Pledge of Allegiance.

3. COMMISSION REORGANIZATION

Director Hensley opened up nominations for Chairperson. Commissioner Hernandez nominated Commissioner Lefmann. Commissioner Lawrence seconded the nomination. Director Hensley called for a roll call vote on Commissioner Lefmann:

Ayes: Hernandez, Kelinsky, Lawrence, Lefmann, Pierce

The vote carried unanimously for Commissioner Lefmann to be Chairperson, 5-0-0-0.

Chairperson Lefmann opened nominations for Vice-chair. Chairperson Lefmann nominated Commissioner Hernandez for Vice-Chair. Commissioner Pierce seconded the nomination. Chairperson Lefmann called for the roll call vote on Commissioner Hernandez:

Ayes: Hernandez, Kelinsky, Lawrence, Lefmann, Pierce

The vote carried unanimously for Commissioner Hernandez to be Vice-Chair, 5-0-0-0.

4. APPROVAL OF MINUTES – October 20, 2014

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

5. **ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA**

None

6. **PLANNING ITEMS:**

Senior Planner Golding presented the staff report discussing **Municipal Code Amendment 14-05** (MCA 14-05), a city-initiated request to add Duarte Development Code Section 19.60.112 and to amend certain definitions in Duarte Development Code Chapter 19.160 to clarify City regulations of massage establishments.

Golding discussed how under previous state law, there were mandates as to what cities can regulate related to massage establishments. He added that because there was an increase of massage business requests, frequent turnover of massage technician staff, and code enforcement staff time limitations, the City Council adopted a moratorium on the issuance of massage business licenses. He noted that the moratorium expires in July 2015.

Golding continued by saying that AB 1147 became effective January 2015, which allows cities additional authority in adopting land use regulations pertaining to massage businesses. Golding stated that MCA 14-05 would allow the City to address minimum lease/building area, increase transparency and visibility into frontages, implement lighting requirements, and categorize massage businesses into a more restrictive land use category. He added that MCA 14-06 will amend the municipal code to bring the City's current massage laws into compliance with new State laws and also regulate massage technician licenses, operational standards, recordkeeping, violations, and amortization of non-conforming massage businesses.

Golding concluded his staff report by recommending that the Planning Commission review and adopt Resolution 14-04 amending the DMC to:

1. **Add DMC section 19.60.112 – Massage Establishments to provide City standards specifically for massage establishments.**
2. **Changes to definitions on chapter 19.160 of the Duarte Development Code.**

Commissioner Kelinsky inquired about existing massage establishments and how they are going to be affected with the new ordinance. **Golding** stated nothing in this Ordinance will apply to existing businesses, however the companion code amendment MCA 14-06 will require existing businesses to meet standards within a reasonable time. **Golding** stated that MCA 14-06 is being worked on by the City Attorney and applies only to the Municipal Code, therefore this item will be heard only by the City Council and not considered at this meeting. **Commissioner Kelinsky** expressed his concern that MCA 14-06 was not going to be voted on by the Commission as part of the adoption to regulate massage establishments within the Development Code. **Golding** added that the Commission is tasked with reviewing the Duarte Development Code, which in this instance is considering locational and developmental standards. Golding informed the Commission that any comments they made would be forwarded to the City Council for their consideration.

Commissioner Lawrence inquired about the compliance date and timeframe for massage establishments, and if there would be CUPs issued when needed. **Golding** stated that CUPs will only be issued for new businesses; that the five existing establishments would become

non-conforming uses; and that the City Attorney's office is currently working on determining the compliance date and/or timeframes for existing establishments.

Commissioner Lawrence inquired about the massage establishments in regard to the window coverings, lighting to exterior of the building, and security cameras within the establishments. **Golding** stated that the massage parlors will be required to be as transparent as practical and a window covering plan will be reviewed as a part of the CUP process, window signage will be regulated like other businesses, a lighting plan will be required for proper illumination to ensure public safety and discourage illicit activities, and a security plan will be required for both new and existing businesses.

Vice-Chair Hernandez expressed her concerns over code enforcement and staff limitations. She also inquired at what point the Sheriff's Department will provide assistance. **Golding** noted that the city has a contract with the County Sheriff's to provide vice units for human trafficking, drug activities, and prostitution.

Chairperson Lefmann inquired about the Public Safety Department's review time for new services. **Golding** stated that according to the Code Enforcement Manager, five days are sufficient.

Chairperson Lefmann stated that she will provide various corrections and comments on MCA 14-06 to Golding via email.

Chairperson Lefmann asked for clarification on MCA 15-01 and MCA 14-05 exhibits. **Golding** provided more specific information on the process of changing the categorical uses for these establishments.

Chairperson Lefmann asked if anyone in the audience wished to speak on the item. There was none. **Chairperson Lefmann** closed the Public Hearing.

Motion made by Commissioner Kelinsky to defer Municipal Code Amendment 14-05 until the second item is heard, seconded by Vice-Chair Hernandez, and carried unanimously.

Senior Planner Golding presented the staff report discussing **Municipal Code Amendment 15-01** a city-initiated request to amend Duarte Development Code Section 19.12 and to modify certain definitions in Duarte Development Code Chapter 19.160 related to service-based businesses.

Golding provided background of the Mountain Vista Plaza (Target Center) and that, the City is proposing two amendments to Duarte Development Code (Chapter 19.12 and Chapter 19.160) in collaboration with the owners of Mountain Vista Plaza. He discussed the locations of the C-F zones within the City. **Golding** expressed the owner's concerns for long-periods of vacancy and businesses that are non-conforming according to the Development Code.

Golding added that MCA 15-01 would create changes to commercial freeway zone related to the land use matrix, shown as Table 2-5 in exhibit C; to add a new subsection, shown on exhibit D, creating additional language for commercial freeway zones to balance the distribution of service and retail business; and changes to the Personal Services definitions.

Golding concluded his staff report by recommending that the Planning Commission review and adopt Resolution 15-01 (Exhibit F) amending the DMC with 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.

Chairperson Lefmann opened comments to the Commissioners.

Commissioner Kelinsky requested clarification on table 2-5, exhibit C, where it states “not within a recognized shopping center”. **Golding** explained that a retail store over 20,000 square feet is allowed by right on its own parcel within a commercial freeway zone. Retail stores are allowed within a shopping center as described in Table 2-5. Director Hensley suggested a clarification to this wording, "When not located within a recognized shopping center."

Vice-Chair Hernandez inquired about staff report page 3 of 7, MCA 15-01 deletion of the pawn shops not being allowed as a use anymore. **Golding** answered that future pawn shops would no longer be allowed and the existing business is currently a non-conforming use.

Chairperson Lefmann asked if anyone in the audience wished to speak on the item. There was none. **Chairperson Lefmann** closed the Public Hearing.

Commissioner Lawrence motioned to approve PC Resolution 14-04 (MCA 14-05) , seconded by Chair Lefmann. Motion was approved 5-0-0-0.

Commissioner Kelinsky motioned to approve PC Resolution 15-01 (MCA 15-01), seconded by Vice-Chair Hernandez. Motion was approved 5-0-0-0.

7. ITEMS FROM THE DIRECTOR

Director Hensley provided updates on various City projects in addition to providing information on the installation of the new AV system in the council chambers; City Council approval of an exclusive negotiating agreement with two developers to develop city-owned properties in various locations of the City; future enhancements to the Mike’s Food Shopping Center; and Metro grants that will both begin public improvements adjacent to Goldline and provide planning funding for the completion of a Downtown Duarte Specific Plan.

8. ITEMS FROM COMMISSIONERS

Vice-Chair Hernandez inquired about the Transportation workshop being mandatory for all Commissioners.

Director Hensley stated it was a general invitation for anyone that would want to attend; workshops will be regarding a transit study. However, it is not mandatory for Commissioners to attend.

Commissioner Pierce complimented staff for the thorough report presented, and stated every question she had was covered on the report.

9. ADJOURNMENT

Chairperson Lefmann adjourned the meeting at 8:28 p.m. noting that due to the Presidents' Day holiday the next meeting will be on Tuesday, February 17th.

Craig Hensley, Secretary