CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
December 19, 2016

Planning Commission
Commissioners
Shauna Pierce, Chair
Paula Watson-Gardner, Vice-Chair
George K. Farra
Sheryl Lefmann
Sara Vasquez

1. CALL TO ORDER AND NOTATION OF ABSENCES

Chairperson Pierce called the meeting to order at 7:00 p.m.

The following were in attendance:

PRESENT:	Pierce, Watson-Gardner, Farra, Lefmann, Vasquez
ABSENT:	None
STAFF:	Hensley, Golding, Eoff IV, Johnston, Hernandez
DEPUTY CITY ATTORNEY:	Morgan Wazlaw

2. PLEDGE OF ALLEGIANCE

Community Development Director Hensley led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – November 21, 2016

Commissioner **Lefmann** moved to approve the minutes, seconded by Commissioner **Farra**. Motion approved 5-0-0-0.

4. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

Chairperson Pierce opened Oral Communications for Items not on the Agenda. Seeing none Chairperson Pierce closed Oral Communications.

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

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

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

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

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

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

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

Chairperson Pierce opened Commissioners' questions.

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

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

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

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

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

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

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

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

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

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

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

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

Chairperson Pierce closed Commissioners' inquiries and opened comments.

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

Farra motioned to approve the license with restrictions on the sale of a number of beer cans and prohibit the display of refrigerated alcoholic beverages; providing a security guard, correcting all maintenance issues along with any other matter discussed earlier in the meeting. Motion died for lack of second.

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

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

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

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

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

6. <u>PUBLIC HEARINGS</u> – Municipal Code Amendment 16-05

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

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

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

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

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

Chairperson Pierce closed Commissioners' inquiries and opened Public Comments.
Steve Hernandez commented on the reduction of the 700 square feet to the 400 square feet, and supported the ordinance changes to welcome more families into the city.

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

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

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

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

7. ITEMS FROM DIRECTOR

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

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

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

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

8. ITEMS FROM COMMISSIONERS

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

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

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

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

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

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

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

9. ADJOURNMENT

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

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Craig Hensley, Secretary