



**CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
November 16, 2020**

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

NOTICE: Due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19), Governor Newsom has issued Executive Order N-29-20 in which Section 3 supersedes Paragraph 11 of Executive Order N-25-20 (issued on March 12, 2020) addressing Brown Act regulations. This new order states that the City does not need to make a physical location available for members of the public to observe a public meeting and offer public comment. The Order allows the City to hold City Council meetings via teleconferencing and allows for members of the public to observe and address the meeting electronically.

1. CALL TO ORDER AND NOTATION OF ANY ABSENCES:

Chairperson Watson-Gardner called the meeting to order at 7:02 p.m. The following were in attendance:

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

2. PLEDGE OF ALLEGIANCE:

Heany lead the Pledge of Allegiance.

3. APPROVAL OF MINUTES:

Heany motioned to approve the minutes of August 17, 2020. The motion was seconded by Farra and carried 5-0-0-0.

4. ORAL COMMUNICATIONS ITEMS NOT ON THE AGENDA:

None.

5. STUDY SESSION:

- A.** Planning Commission Study Session - Housing Element Update - 6th Cycle (2021-2029). City Staff and consultants will provide the Commission and public an overview of the upcoming Housing Element Update. This will also include: an update to the Safety Element of the General Plan, Environmental Justice policies; Inclusionary Housing Study; and environmental review.

Hensley introduced the topic of the Study Session and indicated that a PowerPoint presentation will be given by the Housing team of Consultants and himself.

Karen Warner, Lead Consultant from Karen Warner Associates, provided an informational presentation that included an overview of the Housing Element Process, RHNA/Site requirements, five major components, benefits of Housing Community Development (HCD) compliance, and consequences of noncompliance.

Hensley provided information on the City's decision in 2016 to suspend the Inclusionary Housing Ordinance and related in-lieu fee due to concerns with market feasibility.

Hitta Mosesman, Senior Director - Harris & Associates discussed the preparation she led in 2016 of the Inclusionary Housing Ordinance and Inclusionary Housing Feasibility Study - Findings.

Ms. Warner discussed the in-depth key housing needs that included: housing affordability, preservation & conditions, and the RHNA Process.

Lexi Journey, Senior Environmental Planner from Rincon Consultants stated she is assisting the consulting team with other general plan updates as part of the Housing Element and Environmental Review required by CEQA. Ms. Journey discussed an overview of the Safety and Environmental Justice Element Updates.

Ms. Warner discussed the project schedule for the Housing Element and the other General Plan element updates, mentioning that they must be adopted by October 15, 2021, which includes public outreach and process of the HCD review of the Housing Element. She concluded her presentation and answered questions from the Commission.

There were inquiries from Farra regarding SCAG allocations for each city, a trade-off of smaller units /margins for affordable housing /market-rate rent, and utility impact with the increased population. Warner, Mosesman, and Hensley provided information to Farra's inquiries.

6. PUBLIC HEARINGS:

- A.** [Municipal Code Amendment 2020-02; A City-initiated request to replace in its entirety Duarte Development Code Chapter 19.60.160, to provide new development standards for accessory dwelling units that comply with State law; and to modify Chapter 19.160.050 related to definitions for accessory dwelling units.](#)

Planning Manager Jason Golding presented additional correspondence to the Commission that was received at 6:55 p.m. from the Californians for Homeownership and Attorney Matthew Gelfand.

Golding discussed the modifications of the draft ordinance, deliberations with the City Attorney, correspondence received from the Californians for Homeownership, recommended language regarding alley setbacks, ADU setback related to corner and reverse corner lots, encouraging but not requiring separate access to ADU's, options related to parking permits, wet utility and public safety studies.

There were inquiries and comments from Vasquez and Farra regarding the Californians Homeownership focus on the City ADUs regulations and the timing of the received correspondence. Golding responded.

Thai Phan, City Attorney explained the functions of advocacy groups, the process, reviews by HCD, and development factors of the draft ordinance.

There were inquiries from Farra regarding recommendations needed to comply with the new State requirements. Golding provided information.

Golding concluded his presentation, presented the recommendation of the item, and answered questions from the Commission.

Heany inquired about the Housing and Community Development (HCD) review of the draft ordinance and the consequences. Golding and City Attorney Phan responded.

Farra provided clerical comments on the Staff Report of Exhibits B and D.

Farra inquired of what changes were made from the continued Planning Commission meeting in August based on the letter received from the Californians for Homeownership at that meeting. Golding responded.

Farra inquired about the cost-benefit of the Fire Access, Public Safety, and Wet Utilities Studies. Golding responded.

Watson-Gardner opened the Public Hearing. There were no Public Comments. However, Farra requested to acknowledge the letter received from the law firm into the Public Comments. City Attorney Phan explained the acknowledgment process of any comments once the Agenda gets posted and noted for the record the letter received from Californians for Homeownership as part of the Public Hearing.

Watson-Gardner opened the Commissioners discussion.

Farra restated to give Staff a lead way to add anything that the new State law requires to the Resolution. He recommended approval of the Resolution as presented, also to add the three changes that Golding stated on the letter received, the corner lot setbacks, and in addition, revised section 5 to reflect a lack of substantial evidence.

Watson-Gardner made recommendation for the studies to take place for the parking, utilities and fire.

There was discussion among Commissioner Farra and Watson-Gardner regarding the recommended studies to the Council and motion of the Resolution without amendments.

Vasquez inquired on the City's allowance, limits, and concerns of ADUs in some neighborhoods. Golding responded.

Watson-Gardner closed the Commissioners discussion and made a motion to recommend studies on parking, utilities, and fire to the MCA 2020-02. The motion was Seconded by Vasquez. Farra expressed concern regarding the studies. Therefore, Hensley and City Attorney Phan provided clarification on the purpose and process of the recommended studies.

Hensley reinstated clarification for the Commission on the motion to adopt Resolution 2020-06 with the changes that were discussed by staff and also recommend to the City Council that in the future they consider a study for fire, water, and other utility impacts created by the increase of future growth in accessory dwelling units.

There was continued discussion among the Commissioners regarding the recommended motion for the Ordinance.

Watson-Gardner reinstated the motions to adopt MCA 2020-02 and Resolution 2020-06 with the changes that were recommended by staff and consideration of a studies as needed in the future. Seconded by Heany. Farra requested an amendment to the motion, to keep everything the same but to exclude the water study however, his motion died in lack of second. Watson-Gardner motion was carried unanimously by the following Roll Call vote: Yes: Watson-Gardner, Farra, Heany, Vasquez, Wolff; No: None; Absent: None; Abstained: None.

City Attorney Phan provided clarification to Farras's concerns on the studies.

7. **ITEMS FROM DIRECTOR:**

Hensley provided local development updates and answered Commissioners' inquiries.

8. **ITEMS FROM COMMISSIONERS:**

Vasquez inquired on the development status for the Senators Lounge Restaurant. Hensley provided information on the construction progress of the restaurant.

9. **ADJOURNMENT:**

Watson-Gardner adjourned the meeting at 9:06 p.m. to Monday, December 21, 2020.

Craig Hensley, Secretary