CITY OF DUARTE
PLANNING COMMISSION
M I N U T E S
March 16, 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 Lefmann called the meeting to order at 7:02 p.m.

The following were in attendance:

PRESENT:	Lefmann, Hernandez, Kelinsky, Lawrence, Pierce
ABSENT:	None
STAFF:	Hensley, Eoff IV, N. Hernandez

2. PLEDGE OF ALLEGIANCE

Commissioner Kelinsky led the Pledge of Allegiance.

3. APPROVAL OF MINUTES – January 20, 2014

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

4. ORAL COMMUNICATIONS – ITEMS NOT ON THE AGENDA

None

5. PLANNING ITEMS:

A. Municipal Code Amendment 14-05: A city-initiated request to (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.

Hensley provided a review of the Municipal Code Amendment 14-05 along with the advisory item that was presented to the Council in the February 24th meeting. He stated that this items was presented to the Commission in the January's meeting adding that City Council took no action on the items, however one particular topic was referred back to the Commission for input on additional analysis of the 2,000 square foot minimum size requirement for massage establishments.

Hensley stated that the MCA 14-05 addresses the zoning requirements to be 2,000 square foot minimum space size, reception area of a minimum of 200 square feet, 75% window area, windows that may not be obscured and parking lot lighting requirement. He also stated that in the Municipal Code Section there were additional requirements that dealt with licensing, hygiene and minimum number of employees. He added that the City Council had no significant comments on any item other than the discussion of the 2,000 square foot appropriate size limitation.

Hensley provided information on the analysis that was done on the five massage establishments. He added that massage establishments still required a Conditional Use Permit and a regulatory process for massage establishments.

Hensley made reference to page two, Table 2 on the Staff Report and stated that all five-massage establishments have had some type of enforcement issue. **Hensley** stated that the Commission may discuss this issue and any decision made will be presented to the City Council in a new Public Hearing next month.

Chairperson Lefmann stated that under normal circumstances there is no Public Comment, however, this is an issue that concerns a lot of people and opened Public Comments.

Roxanna Ponce De Leon stated her business establishment is located at 1740 Huntington Drive that she applied for a Massage Therapy business license, but her business is for wellness services such as yoga, nutrition and provides massage for lymphatic drainage, different techniques and feels that this is an important treatment to provide to her customers that have cancer. She also stated that her business is 1,000 square feet and feels is adequate and does not need more space at the moment. She stated her clients are exclusive and the majority are seniors. She asked the Commission to consider her location size to be appropriate for her business.

Sofia Haynes stated she has been a client of Roxanna for many years. She complemented Roxanna's business and procedures on treating her clients. She stated her husband is an attorney who is also very pleased with her professionalism and service.

Chairperson Lefmann closed Public Comments and opened Comments to Commissioners.

Vice-Chair Hernandez asked Ms. Ponce De Leon how many rooms are in her establishment. **Ms. Ponce De Leon** stated that an acupuncture doctor owned the business before and city approved the room regulation set up. She also indicated measurements of the rooms as: One room to be 8' x 10', three rooms to be 6' x 8', separated reception area; sitting area, bathroom, laundry. **Vice-Chair Hernandez** asked if each room had a massage table in it. **Ms. Ponce De Leon** stated that each room is empty but ready to be use when permission is given. **Mark Haynes** spoke on behalf of Ms. Ponce De Leon and corrected the measurements of the rooms as 8 separate rooms, that are 8' x 10' square feet.

Commissioner Lawrence asked Hensley about the three-year requirement for massage businesses to conform to the new ordinance. **Hensley** stated they have three years to meet all requirements with the Use Permit by an establishment regardless the size of the business.

There was a discussion between Commissioners and Hensley in regards to the Table of Violations, locations, licensing requirements and size of massage establishments.

Vice-Chair Hernandez motioned for Commissioners to reach a consensus on the size requirement for the massage parlor establishment to be 1,200 square foot minimum. **Commissioner Kelinsky**. Motion was approved 5-0-0-0.

6. PUBLIC HEARINGS:

A. Conditional Use Permit 15-1: A request to operate a twenty-four hour health and fitness facility known as Anytime Fitness located at 2217 Huntington Drive. The CUP also includes a request for a shared parking arrangement between Anytime Fitness facility and the other existing uses within the shopping center.

Associate Planner Eoff IV presented details of the Staff Report addressing the three Conditional Use components that required Planning Commission approval. The operation of a new Health & Fitness Facility, the operation of a Twenty-Four Hour land use and shared parking agreement. **Eoff IV** added that the approval of the Twenty-Four Hour fitness use is contingent upon approval of the shared parking agreement.

Eoff IV stated that the applicants Mr. and Mrs. Collins is requesting approval to operate a new 24-hour health & fitness facility known as Anytime Fitness located at a vacant tenant space in the Fresh & Easy shopping center. He added that Anytime Fitness is a membership-only facility modeled like a studio or boutique style fitness gym that will be open 24-hours a day, seven days a week.

Eoff IV provided a description of the services that will be provided in the fitness center, stating that services such as massage, tanning, sauna or spa-like activities will not be provided, nor childcare or large group fitness classes.

Eoff IV indicated that memberships are available to minors age 12 to adults for a monthly fee. Eoff provided information on the business staff hours and equipment required such as closed circuit television, security system, access system, alarm monitoring, response and emergency center.

Eoff IV concluded his presentation and stated that based on the information provided in the Staff Report, Staff recommends the Planning Commission to adopt Resolution 15-02, approving Conditional Use Permit 15-1.

Chairperson Lefmann asked if anyone in the audience whished to speak on the item. There were none.

Chairperson Lefmann closed the Public Comment.

Commissioner Kelinsky inquired about the business franchise sizes and if they all have the same business model in reference to staffing. **Commissioner Kelinsky** stated his concern about the tailgating issue and that it can be safety concern. **Eoff IV** clarified the process of the alarm monitoring and security system. **Commissioner Kelinsky** asked if consideration to a revolving door was introduced. **Eoff IV** explained the double door entrance and exit proposed and stated a revolving door was not entertained.

Commissioner Pierce stated that she is concerned about safety pertaining to the use of the alarm system and how knowledgeable a patron would be with the alarm system given an emergency would arise without staff being present. **Eoff IV** gave an explanation about how the owner would have the ability to wirelessly oversee the facility.

Vice-Chair Hernandez inquired about research on crime statistics at other Anytime Fitness locations. **Eoff IV** explained his research on how other Anytime Fitness Facilities target the neighborhood retail centers and depending on the quality of the shopping center some criminal activity may occur but nothing drastic related to the Anytime Fitness Facility.

Vice-Chair Hernandez asked out the panic device necklaces worn by patrons and the quantity to be available. **Eoff IV** clarified that the panic device necklaces are to be worn by the patrons during non-staffed hours or during staff hours if chosen to do so. He added that minimums of 6 devices are required to be available in the facility.

There was a discussion among commissioners regarding the size of facility and having exercising rooms with no supervision specifically for minors.

Chairperson Lefmann asked if anyone in the audience wished to speak on the item.

Jeoffrey Collins, Business Owner responded to **Chairperson Lefmann's** concerns and explained that tailgating with minors is possible however, the owner will be able to view the patrons through the closed circuit television.

There was a discussion among commissioners regarding concerns of unstaffed monitoring hours, crime activity, and tailgating issues.

Chairperson Lefmann motion to approve Conditional Use Permit 15-1, for the new Twenty-Four Hours Health & Fitness Facility (Anytime Fitness). Seconded by **Commissioner Pierce**. Motion was approved 4-1-0-0. (Vote: Yes: Hernandez, Kelinsky, Lawrence Pierce; No: Lefmann; Absent: None; Abstain: None)

7. ITEMS FROM THE DIRECTOR

None

8. ITEMS FROM COMMISSIONERS

Kelinsky announced that he is moving to The City of Whittier in May and will be unable to attend upcoming meetings. He thanked the Commissioners and staff for the opportunity given to serve on the Planning Commission.

Vice-Chair Hernandez expressed her excitement to see the train testing on Duarte Road and Buena Vista Street for the first time.

Lawrence inquired about the Traffic Transportation meeting mentioned in the previous Planning Commission minutes. **Pierce** stated she attended the meeting and shared comments with the commission.

9. ADJOURNMENT

The meeting was adjourned at 8:42 p.m.

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Craig Hensley, Secretary